UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS
SECOND SESSION

VOLUME 118—PART 19

JULY 17, 1972 TO JULY 25, 1972
(PAGES 23915 TO 25346)

JUN 1 9 1974

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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

SENATE—*Monday, July 17, 1972*

The Senate met at 12 noon and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God our Father, who of old even until now has watched over Thy people in their going out and their coming in and has brought us to this new day with fresh opportunities and new challenges, be to us now the strength of our days and the light of all our endeavors. Bless this Nation with a stronger and steadier faith in Thee that the vision of a world of justice and peace may become a reality in our time for all men. Direct by Thy spirit the labors of Thy servants here that the legislation proposed and the laws enacted may set forward Thy kingdom on earth. Grant Thy higher wisdom to the President and all who bear the burdens of leadership in the Government of this land.

And to Thee shall be all glory and praise. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 17, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under authority of the order of the Senate of June 30, 1972, the Secretary of the Senate, on July 1, 1972, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H.R. 4494. An act for the relief of Mrs. Latife Hassan Mahmoud;

H.R. 4679. An act for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena;

H.R. 9410. An act to amend title V of the Social Security Act to extend for 1 year (until June 30, 1973) the period within which certain special project grants may be made thereunder;

H.R. 11774. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes;

H.R. 15390. An act to provide for a 4-month extension of the present temporary level in the public debt limitation, and for other purposes;

S.J. Res. 245. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; and

S.J. Res. 250. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development.

Under authority of the order of the Senate of June 30, 1972, the Acting President pro tempore (Mr. METCALF) signed the enrolled bills and joint resolutions.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 29, 1972, the following reports of committees were submitted on July 14, 1972:

By Mr. STENNIS, from the Committee on Armed Services, with an amendment:

H.R. 15495. An act to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces; and for other purposes (Rept. No. 92–962).

By Mr. INOUYE, from the Committee on Commerce, with amendments:

S. 1798. A bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes (Rept. No. 92–963).

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolutions:

S. 513. An act for the relief of Maria Badalamenti;

S. 3104. An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports;

S. 3338. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes;

S. 3715. An act to amend and extend the Defense Production Act of 1950;

On June 30, 1972:

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; and

S.J. Res. 211. Joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

On July 1, 1972:

S.J. Res. 250. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development.

On July 10, 1972:

S. 3343. An act to amend title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

On July 11, 1972:

S. 1893. An act to amend the Land and Water Conservation Fund Act to restore the golden eagle passport program, and for other purposes.

On July 13, 1972:

S.J. Res. 245. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month."

S. 979. An act to amend the Act of September 30, 1965, relating to high-speed ground transportation, to enlarge the authority of the Secretary to undertake research and development, to remove the termination date thereof, and for other purposes; and

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 208) authorizing the President to proclaim the first Sunday in June of each year as "National Shut-In Day," with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed without amendment the following bills:

S. 764. An act to authorize the disposal of lead from the national stockpile and the supplemental stockpile;

S. 1139. An act to amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under 21 years of age to obtain insurance coverage under such act;

S. 1545. An act to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain; and

S. 3086. An act to authorize the disposal of nickel from the national stockpile.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mr. Pucinski, Mr. Hawkins, Mr. William D. Ford, Mrs. Mink, Mr. Meeds, Mr. Quie, Mr. Erlenborn, Mr. Steiger of Wisconsin, and Mr. Ruth were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a joint resolution (H.J. Res. 1232) designating, and authorizing the President to proclaim, February 11, 1973, as "National Inventors' Day," in which it requested the concurrence of the Senate.

The message further anounced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 553. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs;

H. Con. Res. 559. Concurrent resolution providing for the printing of the report entitled "Papers Submitted to Subcommittee on Housing Panels on Housing Production, Housing Demand, and Developing a Suitable Living Environment.";

H. Con Res. 560. Concurrent resolution providing for the printing of the report entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing."; and

H. Con. Res. 605. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag", and to provide for additional copies.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1232) designating, and authorizing the President to proclaim, February 11, 1973, as "National Inventors' Day," was read twice by its title and referred to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were severally referred to the Committee on Rules and Administration:

H. Con. Res. 553. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs;

H. Con. Res. 559. Concurrent resolution providing for the printing of the report entitled "Papers Submitted to Subcommittee on Housing Panels on Housing Production, Housing Demand, and Developing a Suitable Living Environment.";

H. Con. Res. 560. Concurrent resolution providing for the printing of the report entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing."; and

H. Con. Res. 605. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag," and to provide for additional copies.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 30, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

(The remarks that Mr. Scott made at this point when he introduced S. 3795 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR SENATE TO PROCEED TO THE CONSIDERATION OF S. 1861, THE MINIMUM WAGE BILL, TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order, at a period not later than 3 p.m. today, to call up, on the second track, the minimum wage bill, S. 1861.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there morning business to be transacted at this time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR SENATE TO CONVENE ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF THIS WEEK AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate convenes on Tuesday, Wednesday, Thursday, and Friday of this week, it convene at 10 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, in view of the fact that we have such a short period of time between the two conventions, I think we should raise the very strong possibility that there may be Saturday sessions between now and the time we adjourn in late August for the Republican National Convention.

Mr. SCOTT. I agree with the distinguished majority leader. I think that the Senate should be aware of the situation. We know that some Senators will have engagements made from time to time. We hope that they will trim their schedules as much as posible so that we may be able to transact our business.

If we can dispose of the appropriations bills and certain other legislation of major importance which we will discuss, it would be desirable not to come back at all at the end of the Republican Convention. Whether that can be accomplished remains to be seen, but I believe it is an objective to which we should point with pride.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE 50TH ANNIVERSARY OF THE ORDER OF AHEPA

Mr. HARRY F. BYRD, JR. Mr. President, the Order of AHEPA is celebrating its 50th anniversary this year.

This fraternal organization has made a significant contribution to community and national life in the United States. Its generous contributions to causes running from disaster relief to scholarships, libraries, and research institutions are well known.

In addition, the Order of AHEPA conducts active programs in citizenship and encourages full participation in the political process.

In my own State of Virginia, as throughout the Nation, all citizens owe a debt of gratitude to this fine organization for its broad and generous programs.

THE DEFICIT

Mr. HARRY F. BYRD, JR. Mr. President, the July issue of Nation's Business contains an editorial captioned "Who Will Pay?"

The editorial reads as follows:

> ### WHO WILL PAY?
>
> First the "good" news: The federal deficit for the year ended June 30 was about $13 million less than expected—only $26 billion. (That amounts to about $125 for every man, woman and child in the United States.)
>
> Now the bad news: The new fiscal year deficit could well be another $10 billion higher than that.
>
> Some day, the whole thing will have to be paid off.

INFLATION

Mr. HARRY F. BYRD, JR. Mr. President, in an interview published in Nation's Business, Gilbert W. Fitzhugh, chairman and chief executive officer of the Metropolitan Life Insurance Co., answered some questions with regard to inflation. Mr. Fitzhugh is one of the outstanding businessmen of our Nation. He is in an industry which, as he himself says, presumably should benefit from inflation.

In his remarks he said:

> From a purely selfish point of view, a life insurance company, I guess, should say "hurrah" to inflation.

He then goes on to point out why he does not say "hurrah" for inflation.

I ask unanimous consent that excerpts from the comments of Mr. Fitzhugh be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> ### LESSONS OF LEADERSHIP
>
> (By Gilbert W. Fitzhugh)
>
> You have long been among leading businessmen sounding public warnings on the consequences of inflation. What is the answer to the inflation problem?
>
> The obvious cause of inflation is fiscal irresponsibility—terrific federal deficits, over a long period of years, and undue monetary expansion. You can't have inflation without too much money.
>
> But too many people talk about a trade-off between inflation and unemployment—they say you have to have a little inflation or you have to have unemployment. That is for the birds.
>
> Those multibillion-dollar deficits, in themselves, don't produce one more loaf of bread, one more automobile, one more square mile of clean air, one more unpolluted river. And the Federal Reserve issuing another billion dollars doesn't, by itself, produce one more of any one of those things, either. All it does is raise the price of the available goods.
>
> The only way you can produce those things is to produce them. The real answer is productivity. People's wants will never be satisfied. They always want more—and that is good, that is what makes the country grow. But you have to provide for those wants by work and investment.
>
> You always come back to hard work and thrift. I am an old-fashioned duck and I don't think there is anything wrong with that.
>
> How does inflation affect a company that deals with its customers in fixed dollars?
>
> From a purely selfish point of view, a life insurance company, I guess, could say hurray for inflation. Our interest rates go up, our assets earn more money and it's easier to pay off our policies. We sell more insurance because people realize that it will take more insurance to buy a loaf of bread than it did.
>
> Our business has been going up every year through inflation. So why should we worry?
>
> I don't want to sound noble, but I think we worry because we know inflation is nothing more than stealing from the pockets of those who have saved their money. It is damned bad for our policyholders and the country. We have some responsibility in this area. If an insurance company isn't looking to the future, who is?

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR UNFINISHED BUSINESS (S. 3390) TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business today the Chair lay before the Senate the unfinished business, S. 3390.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY STATISTICS NEEDED

Mr. PROXMIRE. Mr. President, at a time when the air is filled with claims by mineral producers regarding the existence of an "energy crisis," it becomes more important than ever to analyze energy policy questions in an objective, dispassionate way. Good statistics relating to the minerals industries are essential in any analysis of this sort.

For this reason, the Treasury Department altered its regulations in 1967 to require the filing of revised forms O—relating to oil and gas—and revised forms M—relating to other minerals—with respect to years in which a census of minerals industries is conducted. The data furnished by these forms complements that collected by the Bureau of the Census and permits a more thorough analysis of questions relating to tax policies that affect the minerals industries.

The last census of minerals industries was conducted in 1967 the next is scheduled for this year. Some time ago, I wrote the Treasury Department to inquire whether form O and form M data would be required when tax returns are filed for 1972. In his response, the Deputy Assistant Secretary for Tax Policy stated:

> The Treasury Department believes it is important to develop data series relating to tax provisions having special application in the minerals industries. These data series are necessary to evaluate the many controversial tax questions which continue to arise. The Treasury Department intends to require form O and form M for the next year when the census of mineral industries is planned by the Bureau of the Census. It is our understanding that the census of mineral industries is scheduled for 1972. A timely announcement of the requirement to file form O and form M will be made.

Mr. President, I am glad that the Treasury intends to push forward with the work of developing data series relating to the taxation of the minerals industries. Rational analysis of the energy policy questions confronting us is much more difficult when adequate data is lacking. The Treasury's 1972 form O and form M filing requirement will help to ease these difficulties.

However, I think that the Treasury should give more attention to the publication of form O and form M data so that it can be studied and analyzed by tax scholars, Members of Congress, and the affected industries themselves. The Treasury has made available a limited amount of 1967 form O data, but it should give serious consideration to a more extensive data publication program.

Mr. President, I suggest the absence of a quorum——

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. PROXMIRE. I am delighted to withhold it.

Mr. MANSFIELD. Mr. President, I seek recognition.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

THE PRESIDENT'S LEGISLATIVE PROPOSALS AND THE LEGISLATIVE RECORD OF THE SENATE

Mr. MANSFIELD. Mr. President, for the purpose of giving expeditious consideration to the President's legislative program in the Senate, a letter, dated April 14, 1972, signed by me was sent to George P. Shultz, Director, Office of Management and Budget, requesting a list of bills which the President recommended as part of his legislative program. This letter never received a reply. After I brought the matter up with the White House liaison for congressional relations—may I say this has been an excellent conduit—on May 19, 1972, a list of approximately 60 items plus 14 appropriations bills was supplied on June 5, 1972.

On July 6, 1972, as reported in the Washington Post of July 7, 1972, in an article by Carroll Kilpatrick, the President "served notice on the Democratic Congress that he regards its record to date as 'miserable' and that its continued failure to approve his program could become a major campaign issue." The article further relates that when asked for a list of measures the President regarded as essential, the President's adviser, Mr. Timmons, declined to give a full list.

The only proposals specifically mentioned were: moratorium on school busing, arms limitation, revenue sharing, welfare reform, and governmental reorganization.

First. Moratorium on school busing: This issue has already been given an up-or-down vote by Congress in the education bill which is now Public Law 92–236. Even the President's adviser, Mr. Timmons, is reported as saying in the Post article that—

> We feel Congress owes the American people an up or down vote on the President's proposals.

But that—

> The President doesn't insist on Congress crossing every T and dotting every I . . .

Second. Arms limitation: The SALT Treaty was sent to Congress on June 13, 1972, a month ago, and already the Foreign Relations Committee has held hearings on it.

Third. Revenue sharing: The Finance Committee has completed testimony from administration witnesses on revenue sharing and will resume hearings with testimony from public witnesses on July 20 through July 27.

Fourth. Welfare reform: The Finance Committee has completed executive sessions on the bill and hopes to have it to the floor by August 1.

Fifth. Governmental reorganization: No real effort has been made by the administration to push any of the several measures relating to governmental reorganization, except perhaps the Department of Community Development Act, which the House has reported and on which the Senate has held hearings. The measures in this group listed in the White House report are measures for the creation of a Department of Human Resources, Department of Natural Resources, and Department of Economic Affairs. None of these have been reported out of committee.

The list of the President's major legislative proposals supplied by the White House contains approximately 60 measures plus 14 appropriation bills.

Appropriations: The Senate has passed 10 of the 14 bills, leaving only foreign aid, defense, agriculture, and military construction. In other words, as of June 30, the Senate has passed 71 percent of the appropriations measures.

Other 60 items: Of the remaining 60 bills proposed by the administration and as yet unenacted by the Congress as of May 10, 1972, over 20 percent have now been passed by the Senate. Others will be acted on soon by the Senate and, undoubtedly, still others will not be acted upon this session.

However, in looking over the list, it is evident that many of these bills—such as an additional Deputy Secretary of Defense, and the creation of several new executive agencies—are of no greater importance than the over 250 measures which the Senate has seen to be of major importance and has already passed this session. Of these 250 items, 117 have been cleared for the President.

As I mentioned on the floor when last the Senate met and at which time I inserted a summary of Senate accomplishments this session, the Senate has achieved a very commendable record this session—having met 102 days, passed a total of 347 measures, and taken 251 rollcall votes. But most commendable of all is our achievement with regard to appropriations measures. All but four of the appropriations bills have passed the Senate as of June 30—a feat unequaled since the late 1950's.

In my opinion, we have many days of hard work ahead of us, but we have much to be proud of in the work of the Senate to date.

Mr. President, I ask unanimous consent to have the newspaper article, a chronology regarding obtaining a list of the President's major proposals, and the list supplied by the executive branch inserted at this point in the RECORD. I also ask that the list of over 250 measures which have already passed the Senate as of June 30 be inserted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 7, 1972]

DEMOCRATS ATTACKED ON U.S. SPENDING: NIXON TO VETO EXCESS FUNDS

(By Carroll Kilpatrick)

SAN CLEMENTE, CALIF., July 16.—President Nixon served notice on the Democratic Congress today that he regards its record to date as "miserable" and that its continued failure to approve his program could become a major campaign issue.

Following a meeting with the President, William E. Timmons, new head of the White House congressional staff, said the President will veto bills that "substantially break" the spending levels he has recommended.

Already Congress has voted $6 billion more than the President requested for the fiscal year that started July 1, Timmons told a press conference. Remaining to be acted on are the $76 billion Defense Department request and the $5.2 billion sought for foreign aid, among others.

Timmons also accused "some Democratic leaders" of following a "cynical strategy" of sending the President bills "with good objectives that exceed his budget request."

"The President made it clear this morning that that won't work," Timmons reported.

Emphasizing the veto threat, Timmons said that while Mr. Nixon "is leading a fight against higher taxes," Congress "has acted irresponsibly in a number of cases."

"We anticipate a tendency after the Democratic Convention for Congress to continue to act irresponsibly, particularly on budget-related issues," he said.

Timmons met with the President for more than an hour, in a conference also attended by Clark MacGregor, former head of the White House congressional staff and new director of the Committee to Reelect the President, and John D. Ehrlichman, Assistant for Domestic Affairs.

Timmons maintained that election plans were not discussed, but he seemed to be laying the basis for a campaign against the Democratic Congress. He said Mr. Nixon sent major reform proposals to Capitol Hill last year and hoped for action this year.

"Unfortunately at midpoint we must confess that the record of Congress is miserable," Timmons declared.

"We feel Congress owes the American people an up or down vote on the President's proposals," Timmons said, "The President doesn't insist on Congress crossing every T and dotting every I, but we urge Congress on July 17 to quickly bring the President's proposals up for a vote."

Congress reconvenes on July 17, following the Democratic Convention, and recesses again in mid-August for the Republican convention.

The first proposal Timmons mentioned was the moratorium on school busing, saying Congress should act on busing between the conventions.

In the same period, Congress also should complete work on arms limitations, revenue-sharing, welfare reform, governmental reorganization, and some other pending business, Timmons said.

He declined to give a full list or to say which measures the President regarded as essential. He said it would be possible to work out compromises on some administration bills.

Timmons seemed to hint at a veto of the pending labor-health, education, and welfare appropriation, which he said is "over $2 billion over the President's budget request."

Asked if the record of Congress would be a major campaign theme of the President's, Timmons replied: "I hope it won't be. But it could be if Congress continues to ignore" the President's recommendations.

When a reporter suggested that it sounded like the start of a Truman-type attack on a do-nothing Congress, the presidential aide said he thought there was "an opportunity for a record of accomplishment. Certainly the President would praise Congress if it acted responsibly. We are now asking for an up or down vote."

CHRONOLOGY OF REQUEST FOR PRESIDENT'S LEGISLATIVE PROGRAM

April 14, 1972—Letter sent to George P. Shultz, Director, Office of Management and Budget, requesting a list of bills which the President recommends to date as his legislative program.

May 19, 1972—Spoke directly with White House Liaison for Congressional Affairs and asked that the matter raised in the letter to Mr. Shultz be inquired into since a reply had not been received.

May 30, 1972—White House Liaison called by Senate Majority Policy Committee since reply still not received from Mr. Shultz.

June 1, 1972—White House Liaison called Policy Committee and said effort would be made to get list.

June 5, 1972—White House Liaison came up with a list of "73 items plus 14 appropriation bills," which comprise the President's program.*

June 7, 1972—Representative of Senate Majority Policy Committee called White House to report that the list had been received and that the Majority Leader appreciated it and would like to have the list kept current. Since June 7, no addenda have been provided by the Executive Branch.

LEGISLATIVE STATUS REPORT—MAY 10, 1972

(Second Session, 92d Congress)

There are 73 major bills proposed by the Administration plus 14 appropriations unenacted by the 92nd Congress. They are listed by subject below.

AGRICULTURE

Rural Community Development Revenue Sharing (S. 1612, H.R. 7993) now in conference.

COMMERCE

Consumer Product Test Methods (S. 1692, H.R. 6891) Referred to Commerce Committees

Assistant Secretary of Commerce for Minority Enterprise (S. 2893) referred to Senate Commerce Committee

CONSUMER AFFAIRS

Federal Trade Commission Act Amendments (S. 1219, H.R. 6313) Passed Senate, hearings completed in the House, no Executive Session scheduled

Fair Warranty Disclosure Act (S. 1221, H.R. 6313) Passed Senate, hearings concluded in the House, no Executive Session scheduled

Consumer Protection Act (H.R. 10835) Passed House. Not Administration bill but supported by us. Likelihood of enactment in late summer.

Consumer Fraud Prevention Act (S. 1222, H.R. 6313) Further hearings scheduled in the Senate, no hearings scheduled in the House.

Consumer Product Safety Act (S. 1797, H.R. 8110) To be reported in the Senate on May 25, hearings to continue in the House.

Consumer Product Test Methods Act (S. 1692, H.R. 6891) Referred to Committees in both Chambers.

DEFENSE

Military Procurement Authorization (S. 3108, H.R. 12604)

Markup in progress in both Chambers.

Military Construction Authorization (S. 3448, H.R. 14530)

Hearings continuing in both Chambers.

Additional Deputy Secretary of Defense (S. 3237)

Referred to Senate Armed Services Committee

Armed Forces Health Professions Scholarship Program (S. 1317, H.R. 2)

Passed the House to be reported by the Senate Armed Services Committee in late May.

Armed Forces Drug Dependency Treatment and Rehabilitation Act (S. 2139, H.R. 9503)

Clean bill reported in the House, hearings continuing in Senate Armed Services Committee.

HEW

Higher Education Act (S. 659, H.R. 7248)

In conference together with the Emergency School Aid bill, the Equal Opportunities Act, and the Student Transportation Moratorium Act.

Education Revenue Sharing (S. 1669, H.R. 7796)

Hearings have been held in both chambers.

Welfare Reform (H.R. 1)

House passed 6/2/71. Executive Session continues in the Senate Finance Committee

Older Americans Act (S. 3391, H.R. 13925)

Hearings continuing in the Senate, recessed subject to call in the House

Health Maintenance Organization (S. 1182, H.R. 5615)

Hearings to continue in both Chambers.

National Health Insurance Partnership Act (S. 1623, H.R. 7741)

Senate Finance Committee has recessed hearings subject to call;

House Ways and Means Committee will consider upon completion of action on general revenue sharing.

ENVIRONMENT

Ocean Dumping (S. 1238, H.R. 4247) Conferees last met December 8, 1971.

Pesticides (S. 745, H.R. 4152) House passed, Senate hearings recessed subject to call.

Toxic Substances (S. 1478, H.R. 5276) Ordered reported in the Senate.

Noise Pollution (S. 1016, H.R. 5275) House passed. Senate hearings recessed and subject to call.

Water Quality Standards Act (S. 1014, H.R. 5966) Conference on a Senate passed unacceptable bill and a House passed bill (H.R. 11896) is now in progres.

INTERIOR

National Resource Land Management Act (S. 2401, H.R. 10049) Hearings concluded in the House. Hearings recessed subject to call in the Senate.

Mined Area Protection Act (S. 993, H.R. 5689) Markup in progress in the House and Senate.

National Land Use Policy (S. 992, H.R. 4332, H.R. 5504) Senate hearings completed. House approved H.R. 7211 (Aspinall, et al).

Several Indian Bills as listed below remain unreported from Committees:

Indian Financing Act (S. 2036, H.R. 8063).

Indian Trust Council Authority (S. 2035, H.R. 8797).

Johnson/O'Malley Act Amendments (S. 2238, H.R. 2376).

Wilderness Bills (32) Hearings continuing.

FOREIGN AFFAIRS

Foreign Assistance Act Amendments (S. 3390, H.R. 13759). Markup scheduled in the House. Senate hearings recess subject to call.

State/USIA Authorization Bill (S. 3526).

Under debate on the Senate Floor. Reported in the House.

GENERAL GOVERNMENT

Department of Community Development (S. 1340, H.R. 6962). House committee has reported bill. Senate hearings recessed in mid-April. All other Executive reorganization bills (Department of Human Resources, Department of Natural Resources, Department of Economic Affairs) remain unreported and stalled in Committee.

President's Authority to Designate the Chairman of the Federal Power Commission. (S. 982, H.R. 6312). Referred to Committees.

Power Plant Siting (S. 1684, H.R. 5389). Clean bill introduced in the House, hearings to continue in the Senate.

HOUSING AND URBAN DEVELOPMENT

Urban Community Special Revenue Sharing (S. 1618, H.R. 8853). Passed Senate amended. Executive Sessions continue in the House.

The Housing Consolidation and Simplification Bill (S. 2049, H.R. 9331). Senate passed amended omnibus housing bill (S. 3248). House continues in Executive Session.

LABOR

Manpower Revenue Sharing (S. 1243, H.R. 6181). Hearings have been held in both committees.

Crippling Strikes Prevention Act (S. 560, H.R. 3596). Senate hearings have recessed subject to call. A motion to report the bill in the House to the full committee was defeated on March 1, 1972.

Fair Labor Standards Act (Minimum Wage) (S. 2259, H.R. 9584). On the House Floor Wednesday, May 10, Senate Committee will continue consideration.

LAW ENFORCEMENT

Law Enforcement to Revenue Sharing (S. 1087, H.R. 5408). Referred to Judiciary Committees.

Bail Reform (S. 1868, H.R. 8419). Referred to Judiciary Committees.

Narcotic Addict Rehabilitation Bill (S. 2140, H.R. 9323). House passed. Senate bill remains pending in Judiciary Committee.

Wagering Tax Bill (S. 431, H.R. 1010). Reported in the House and Senate.

Obscene Mail to Minors (H.R. 8805). Passed House.

MONETARY, BANKING AND FISCAL

General Revenue Sharing (S. 680, H.R. 4187). Reported in the House, Floor Action should take place the week of May 15. Senate Action should follow H.R. 1 in the Finance Committee.

DC Development Bank (S. 2196, H.R. 11313). Amended version passed House. Senate recessed hearings subject to call.

Environmental Financing Authority (S. 1015, H.R. 5970). Included in the House passed version of the Water Quality Bill. Senate Banking Committee hearings must still take place.

Environmental Protection Act (H.R. 14669). Referred to House Ways and Means Committee.

TRANSPORTATION

Transportation Revenue Sharing (S. 1693, H.R. 13021). Referred to Senate Commerce and House Ways and Means Committees.

Highway User Tax (H.R. 12429). Referred to House Ways and Means Committee.

Ports and Waterways Safety Act (S. 698, H.R. 3635) Senate and House Conferees will meet during mid May.

Highway Safety Act (H.R. 14760) Referred to House Public Works Committee.

Transportation Assistance Act (S. 2841, H.R. 11824) Senate hearings recessed subject to call. House hearings will continue.

Transportation Regulatory Modernization Act (S. 2842, H.R. 11826) Hearings to continue in both Chambers.

MISCELLANEOUS

OEO Extension—Legal Services Corporation House passed amended version (H.R. 12350); Senate Labor and Public Works Committee ordered reported amended version (S. 3010) on April 13.

Minority Enterprise Small Business Bill (S. 3337, H.R. 13805) Referred to Banking Committees.

Pension Reform—Hearings have begun in House Ways and Means.

None of the necessary appropriation bills have been passed by either chamber. As well, the major authorization bills (Military Procurement, Military Construction) have not passed either Chamber.

STATUS OF APPROPRIATIONS BILLS AS OF MAY 10, 1972

FOREIGN OPERATIONS

Subcommittee hearings May 15, 17, 19, 22, June 2, 10 a.m., Room 1224.

INTERIOR

Hearings on FY '73 bill completed. No date set for markup.

DEFENSE

Hearings continue May 8 through May 12, 10 a.m., S. 126.

LEGISLATIVE

Conferees met again on May 1 but did not reach final agreement. No date set for further conference.

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*The list, however, actually contained only 58 items.

STATE-JUSTICE-COMMERCE

Hearings on FY '73 bill completed. No date set for markup.

AGRICULTURE-ENVIRONMENTAL & CONSUMER PROTECTION

Hearings on FY '73 bill completed. No date set for markup.

LABOR-HEW

Subcommittee hearings continue on May 8 through May 12, 2:00 p.m., Room 1223. Hearings expect to run to end of May.

HUD-SPACE-SCIENCE

Hearings on FY '73 bill completed. No date set for markup.

TRANSPORTATION

Subcommittee hearings recessed subject to call.

DISTRICT OF COLUMBIA

On May 3 subcommittee approved for full committee consideration FY '73 appropriations for D.C.

MILITARY CONSTRUCTION

No hearings scheduled in Senate.

TREASURY-POST OFFICE

Subcommittee hearings continue on May 8, through May 11, 10 a.m., Room 1224, on Thursday, May 11, 2 p.m., Room 1224.

PUBLIC WORKS

Subcommittee hearings continue on May 9 through May 11, 10 a.m. and 2 p.m., Room 1114.

SECOND SUPPLEMENTAL

Conference scheduled for May 11, 10 a.m., Room S. 228.

SENATE LEGISLATIVE ACTIVITY—92D CONGRESS, SECOND SESSION

(By Senate Democratic Policy Committee)

Days in Session, 102.
Hours in Session, 602:04.
Total Measures Passed, 347.
Public Laws, 96.
Treaties, 58.
Confirmations, 35,014.
Record Votes, 251.

Symbols: P/H—Passed House; P/S—Passed Senate.

Following is a brief summary of major Senate activity.

AGRICULTURE

Agricultural Adjustment Act amendment

Amended the Agricultural Adjustment Act of 1938, as amended, so as to exempt flue-cured tobacco acreage-poundage quotas from the requirement that leases be filed with the county committee by a fixed date no later than planting time established by the Secretary of Agriculture. H.R. 13361. Public Law 92–311.

Cooperative forest programs

Amended the Cooperative Forest Management Act to (1) extend it to cover assistance (i) in the protection, improvement and establishment of trees and shrubs in urban areas, communities and open spaces, and (ii) to all wood processors, and (2) increase the appropriation authorization to $20 million (from $5 million); and increase the appropriation authorization to $40 million (from $20 million) for sections 1, 2, and 3 of the Clarke-McNary Act of June 7, 1924, which provides for cooperation with States in forest fire prevention and suppression. H.R. 8817. Public Law 92–288.

Cotton statistical reports

Changed the times at which the Secretary of Agriculture is to issue cotton crop, acreage, and ginning reports so that they can be issued simultaneously with general crop reports after the markets have closed. S. 3104. Public Law 92–331.

Farmfest—U.S.A.

Authorizes the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. in September, 1972, in Blue Earth County, Minnesota. S.J. Res. 182. P/S 4/28/72.

Forestry incentives

Provides a forestry incentives program for small non-industrial private lands and non-Federal public forest lands by providing for Federal payment of up to 50 percent of the cost of development and management practices on non-Federal public lands, up to 80 percent of the cost of such practices on small non-industrial private lands and up to 80 percent of the cost of equipment to be provided to carry out such practices. S. 3105. P/S 6/15/72.

Grapefruit marketing orders

Permits marketing orders for Florida Indian River grapefruit to provide for crediting a handler's direct market promotion expenditures against his assessment under the order for that purpose. S. 1058. P/S 3/7/72.

Pest control research

Directs the Secretary of Agriculture to carry out pilot field research programs in integrated methods of controlling agricultural and forest pests; authorizes him to reimburse farmers for losses sustained as a result of such research being conducted on their lands, crops, or livestock; and authorizes expanded research on integrated control by the National Science Foundation. S. 1794. P/S 1/31/72.

Rabbit meat inspection

Makes rabbit meat inspection mandatory, at Federal cost, by extending the provisions of the Poultry Products Inspection Act to rabbits and rabbit products. S. 1934. P/S 4/11/72.

Reforestation

Establishes a supplemental national reforestation fund and authorizes an annual appropriation of $65 million to be transferred to that fund for the purpose of planting more trees on those areas of the national forests that are in most need of reforestation, such moneys to be available until expended, and calls for the Secretary of Agriculture to submit to Congress within 1 year of the date of enactment and annually thereafter a report setting forth the scope of the total national forest reforestation needs and a planned program for reforesting such lands, including a description of the extent to which funds authorized by this act are to be applied to the program. H.R. 13089. P/H 5/3/72. P/S amended 6/15/72.

Rural Development Act of 1972

Expands and establishes programs dealing with financial investment, credit, education, technology, and research in rural areas; enlarges the loan and grant authority of the Consolidated Farmers' Home Administration; authorizes an appropriation of $500 million annually for revenue sharing to be apportioned among the States on the following basis: 50 percent on the State's rural population, 25 percent on the rural per capita income, and 25 percent on the outmigration from rural areas; amends the Watershed and Flood Prevention Act to authorize the Secretary of Agriculture to cost-share and enter into long-term contracts with landowners and operators for watershed projects dealing with problems relating to rural development and the total environment; amends the Bankhead-Jones Farm Tenant Act to authorize the Secretary of Agriculture to pay up to 50 percent of the cost of storage of water in any reservoir constructed or modified under the act for present needs for rural community water supply and to share in the cost of installing measures for water quality management, the control and abatement of agriculture-related pollution, the disposal of solid wastes, and the storage and withdrawal of water for rural fire protection; authorizes $7 million in Federal-state matching grants per year for the next 3 years to help local forces in rural areas and communities, of 5,500 population or less, to prevent and control wildfires; authorizes appropriations of $75, $110, and $160 million, for fiscal years 1974, 1975, and 1976 and subsequent years, respectively, through State Land-grant universities and private educational institutions, for small farm and rural development extension programs, research, and training; and contains other provisions. H.R. 12931 (S. 3462). P/H 2/23/72. P/S amended 4/20/72. Conference report filed in House 6/14/72.

Rural Telephone Bank

Permitted the Rural Telephone Bank to issue its obligations to the Secretary of the Treasury and authorized the Secretary of the Treasury to purchase these obligations. H.R. 14423. Public Law 92–324.

Vegetable gardens

Urges each American family, where practicable, to plant a vegetable garden for the purpose of fighting inflation, saving money, getting exercise, and having the fun and pleasure of family vegetable growing. S. Con. Res. 75. Senate adopted 4/19/72. House adopted 5/1/72.

APPROPRIATIONS, 1972

Foreign assistance and related programs

Appropriated $3,189,437,000 for foreign assistance and related programs. H.R. 12067. Public Law 92–242.

Second supplemental appropriations

Appropriated $4,347,698,270 in supplemental funds. H.R. 14582. Public Law 92–306.

Supplemental-dollar devaluation

Appropriated necessary amounts not to exceed $1,600,000,000 for payments by the Secretary of the Treasury to maintain the value in terms of gold of the holdings of the United States in international financial institutions for fiscal year 1972. H.J. Res. 1174. Public Law 92–301.

Urgent supplemental appropriations

Appropriated $957,476,059 for certain urgent supplemental appropriations. H.J. Res. 1097. Public Law 92–256.

APPROPRIATIONS, 1973

Continuing appropriations

Made continuing appropriations for fiscal year 1973, and for other purposes. H.J. Res. 1234. Public Law 92–334.

District of Columbia

Appropriated $834,756,800 in District of Columbia funds and $316,393,000 in Federal funds. H.R. 15259. Public Law 92–344.

Housing and Urban Development—Independent offices

Appropriates $20,583,370,000 for the Department of Housing and Urban Development, for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices. H.R. 15093. P/H 5/23/72. P/S amended 6/14/72. In conference

Interior and related agencies

Appropriates $2,773,482,800 for the Department of the Interior and related agencies. H.R. 15418. P/H 6/13/72. P/S amended 6/28/72.

Labor, and Health, Education, and Welfare, and related agencies

Appropriates $31,354,930,500 for the Department of Labor, the Department of Health, Education, and Welfare, and related agencies. H.R. 15417. P/H 6/15/72. P/S amended 6/27/72.

Legislative branch

Appropriated $513,787,980 for the legislative branch. H.R. 13955. Public Law 92–342.

Public Works appropriations

Appropriates for fiscal year 1973. $5,571,696,000 for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions. H.R. 15586. P/H 6/26/72. P/S amended 6/30/72.

Supplemental appropriations for disaster relief

Appropriated $200 million in supplemental funds for disaster relief. H.J. Res. 1238. Public Law 92–337.

State-Justice-Commerce-Judiciary

Appropriates $4,820,717, 769 for the Departments of State, Justice, and Commerce, the Judiciary and related agencies. H.R. 14989. P/H 5/18/72. P/S amended 6/15/72. In conference.

Transportation

Appropriates a total of $3,038,175,095 in new budget (obligational) authority for the Department of Transportation and related agencies, of which $2,906,994,095 is for fiscal year 1973 and $131,181,000 is an advance appropriation for fiscal year 1974. H.R. 15097. P/H 5/24/72. P/S amended 6/16/72. In conference.

Treasury Department, Postal Service, and Executive Office of the President

Appropriated $5,057,827,000 for the Treasury Department, Postal Service, and the Executive Office of the President, and certain independent agencies. H.R. 15585. Public Law 92–351.

ATOMIC ENERGY

AEC temporary licensing for nuclear power reactors

Added a new section "Temporary Operating License" to the Atomic Energy Act, and authorized the Atomic Energy Commission (for an interim period which will end on October 30, 1973) to issue a temporary operating license for a nuclear power reactor whose electrical energy is needed to meet energy needs in its service area, provided the Commission determines that the plant can be operated on a temporary basis safely and with adequate protection of the environment. H.R. 14655. Public Law 92–307.

Atomic Energy Commission authorization

Authorized $2,110,480,000 for operating expenses and $492,995,000 for plant and capital equipment, making a total authorization of $2,603,475,000 for AEC for fiscal year 1973. S. 3607. Public Law 92–314.

CONGRESS

Cornelia Fasset painting

Authorizes the Architect of the Capitol, on behalf of the Congress, to loan to the Smithsonian Institution a painting, "The Electoral Commission of 1877," by Cornelia Fasset, for an exhibit by the National Portrait Gallery. S. Con. Res. 59. Senate adopted 3/24/72. House adopted 5/1/72.

Congressional Representation for Guam and the Virgin Islands

Provided that the organized, unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a non-voting Delegate to the House of Representatives. H.R. 8787. Public Law 92–271.

Equal time requirement and political broadcasting

Repeals the equal opportunities requirement of section 315 of the Communications Act of 1934 insofar as it applies to legally qualified candidates for the office of President and Vice President in the general election campaign. S. 3178. P/S 3/23/72.

Federal Election Campaign Act

Required broadcasters to charge all candidates (Federal and State) no more than the lowest unit rate in the same period for 45 days before primaries and 60 days before general elections; provided that a person selling space in any newspaper or magazine to candidates for Federal office may not make a charge in excess of the charges made for a comparable use of such space for other purposes; imposed a limitation on expenditures for the use of communications media by candidates for Federal office of the greater of (1) 10 cents times voting age population, or (2) $50,000, but not more than 60 percent of the overall limitation can be spent for the use of broadcasting stations; provided that no candidate for Presidential nomination can spend for the use in a State of communications media, or for the use in a State of broadcast stations, on behalf of his candidacy, a total amount in excess of either the overall communications media limitation, or the broadcast limitation, which would have been available to him had he been a candidate for the office of Senator from that State; provided that the communications media expenditure limitations shall be increased in proportion to increases in the Consumer Price Index, with the base period being calendar year 1970; provided that the States may make the broadcasting spending limit applicable to State-wide elections, and made the limitation applicable to any money spent by a candidate or on his behalf; required broadcasters selling time on behalf of a candidate to obtain a written certification that the amount to be spent will not put the candidate over the limitation, and applied the same requirement to spending for non-broadcast media; made the provisions of the act respecting disclosure of Federal campaign funds applicable to every elective process, every candidate, and every political committee (national, state or local) which accepts contributions in a calendar year in excess of $1,000 provided that responsibility for receiving, compiling, and publishing financial statements of contributions and expenditures for candidates and political committees shall be vested in the Secretary of the Senate with respect to candidates for Senator, the Clerk of the House of Representatives with respect to candidates for Representative, and the Comptroller General in other cases and contained other provisions. S. 382. Public Law 92–225.

Joint Committee on Inaugural Ceremonies of 1973

Established a Joint Committee on Inaugural Ceremonies of 1973. S. Con. Res. 63. Senate adopted 3/24/72. House adopted 3/27/72.

Senate intervention in Supreme Court proceedings

Authorized Senate intervention in the Supreme Court proceedings involving Senator Gravel on the issue of the scope of article 1, section 6, the so-called speech and debate clause of the Constitution. S. Res. 280. Senate adopted 3/23/72.

CRIME-JUDICIARY:

Administrative Assistant to the Chief Justice

Added a new section 677 to title 38, United States Code, creating the Office of administrative assistant to the Chief Justice of the United States. H.R. 8699. Public Law 92–238.

Bankruptcy receivers and trustees

Amends the Bankruptcy Act to increase the maximum compensation allowable to receivers and trustees. S. 1395. P/S 2/18/72.

Bankruptcy referees' salaries and expenses

Amends the Bankruptcy Act to abolish the criteria for fixing the salaries of full-time referees and thus permit the Judicial Conference of the United States to fix the salaries of all full-time referees at the same level and to abolish the referees' salary and expense fund. S. 1394. P/S 2/18/72.

Bankruptcy referees

Amends the Bankruptcy Act to permit a full-time referee in bankruptcy to perform the duties of a U.S. magistrate. S. 1396. P/S 2/18/72.

Care for narcotic addicts

Authorized the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released; and clarified the intent of Congress that release under a program of supervisory aftercare is an appropriate mode of treatment for both parolees and mandatory releasees who may have been narcotic addicts or drug dependent persons. S. 2713. Public Law 92–293.

Commission on bankruptcy laws extension

Extended the Commission on the Bankruptcy Laws from July 24, 1972, to June 30, 1973, and increased the limit on appropriations to the Commission from $600,000 to $826,000. S.J. Res. 190. Public Law 92–251.

Commission on revision of Appellate court system

Creates a 12-member Commission on Revision of the Federal Court Appellate System to study the system under which decisions of the district courts and of administrative agencies are reviewed by the courts of appeals and the U.S. Supreme Court to find solutions to the problems caused by large caseload increases in recent years. H.R. 7378. P/H 5/15/72. P/S amended 6/30/72.

Copyrights

Extends the duration of copyright protection in certain cases. S.J. Res. 247. P/S 6/30/72.

Federal Court jurors

Amended the Jury Selection and Service Act of 1968 to change from 21 years to 18 years the minimum age qualification for service on grand juries in the district courts of the United States. S. 1975. Public Law 92–269.

Juvenile delinquency control

Extends the Juvenile Delinquency Prevention and Control Act of 1968, which expires on June 30, 1972; strengthens its operation by clearly delineating the scope of activities to be undertaken by the Department of Health, Education, and Welfare in the juvenile delinquency field; provides for grants to State, county, municipal or other public or nonprofit private agencies to plan, develop, and operate coordinated youth services systems; and contains other provisions. S. 3443. P/S 6/19/72.

Supreme Court Justices survivors' benefits

Amends the Judicial Survivors Annuity Act by giving Justices of the Supreme Court the option to make contributions to the Judicial Survivors Annuity Plan under which benefits are payable to their surviving widows and dependent children, and contains other provisions. S. 2854. P/S 6/30/72.

U.S. Magistrates temporary assignment

Added a new subsection to section 636 of title 28, United States Code, to permit the temporary assignment of U.S. magistrates from one judicial district to another in emergency situations and only upon the concurrence of the chief judges of the districts involved. H.R. 9180. Public Law 92–239.

DEFENSE

Armed Forces mailing privileges

Extends free mailing privileges for letters, cards, and sound-recorded personal communications to all members of the U.S. Armed Forces outside the 50 States, and to all members hospitalized as a result of disease or injury incurred while on active duty; and contains other provisions. H.R. 3808. P/H 10/4/71. P/S amended 6/16/72.

Boy Scouts loans

Provided permanent authority for the Secretary of Defense to lend Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy

Scouts of America in support of their national jamborees and world jamborees. H.R. 11738. Public Law 92–249.

Civil Defense

Extends for four years the expiration date of financial assistance programs currently authorized by the Federal Civil Defense Act of 1950, and increases the per annum authorization for financial assistance for personnel and administrative expenses from $25 million to $25 million. S. 3772. P/S 6/30/72.

Defense Production Act amendments

Extended the the Defense Production Act of 1950 for 2 years, from the present expiration date of June 30, 1972, to June 30, 1974, and amended the Act by extending from June 30, 1975, to June 30, 1985, the time in which purchase and sales contracts may be entered into concerning materials in the Defense Production Act inventory. S. 3715. Public Law 92– .

Disposals from national and supplemental stockpiles

Authorizes disposal from the national and supplemental stockpiles of various materials, as follows:

Chromite, metallurgical grade: 1,313,600 short dry tons.

Lead: 498,000 short tons. S. 764. P/S 3/21/72.

Nickel: 38,876 short tons. S. 3086. P/S 3/21/72.

Zinc: 515,200 short tons. S. 766. Public Law 92–283.

Naval vessel loans

Authorized the loan of a total of 16 vessels of the destroyer and submarine category of the Reserve fleet to certain foreign countries for a period of 5 years. H.R. 9526. Public Law 92–270.

Servicemen's group life insurance for cadets and midshipmen

Amended 38 U.S.C. 765 so as to extend eligibility for Servicemen's Group Life Insurance (SGLI) to cadets and midshipmen at the United States Military Academy, United States Naval Academy, United States Air Force Academy, and United States Coast Guard Academy. H.R. 9096. Public Law 92–315.

DISTRICT OF COLUMBIA

Dump truck fees

Authorized the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain dump trucks, within the three jurisdictions, and the enforcement of traffic laws. H.R. 9580. Public Law 92– .

Educational Personnel Act

Authorizes the Commissioner to enter into on behalf of the District of Columbia the Interstate Agreement on Qualification of Educational Personnel; authorizes the advancing of emergency leave to temporary teachers and attendance officers; allows temporary teachers in the District public school system to elect coverage under the Federal life insurance and health benefits insurance programs after completion of one school year of service; amends existing law to transfer coverage of temporary teachers in the District public school system from the Civil Service Retirement System to the system established under the District of Columbia Public School Teachers Retirement Act; and amends the existing law to allow the employment of District school teachers in congressional offices during the summer months. S. 1998. P/S 4/13/72.

Healing Arts Practice Act amendments

Revises the makeup of the Commission on Licensure; provides for temporary licensure of certain physicians and osteopaths; and broadens the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia. H.R. 8589. P/H 6/14/71. P/S 8/6/71. House requested conference 3/9/72.

Insurance Act

Increases the levels of paid-up and surplus requirements for stock life, mutual companies, and casualty insurance companies to further safeguard and protect innocent policyholders from possible losses resulting from bankrupt insurance companies; make available greater levels of group life insurance for District residents and expressly permits the assignment of an interest in a group life insurance policy consistent with the prevailing practice in 37 states; increases the number of contractors who may do business with the District without a bond by increasing from $2,000 to $10,000 the value of a contract for which a bond is required; and contains other provisions. S. 2208. P/S 4/27/72.

Interstate compact on mental health

Authorized the District of Columbia to enter into the Interstate Compact on Mental Health which: guaranteed that any person found to be mentally ill or mentally deficient within a party State will receive care and treatment in that State regardless of legal residence or domicile; permitted the transfer of a mentally ill patient to an institution in another State when such transfer is found to be in the best interests of the patient; provided for interstate cooperation with regard to after-care, and supervision of patients on convalescent status or conditional release; and encouraged supplementary agreements between two or more party States for the furnishing of care and treatment of patients on a cooperative basis. H.R. 10344. Public Law 92–280.

Law Enforcement and Criminal Justice Act

Defines certain credit card abuses as an offense and establishes a penalty for violations; authorizes the District government to regulate certain stores, which receive secondhand property, usually as trade-ins and which presently are not required to report the receipt of these items to the police; makes it an offense to throw missiles in the direction of any group of five or more persons if the thrower knows, or has cause to believe that an officer of the police or fire departments is present in the group; makes it a crime to possess flash paper or water soluble paper which are both used to record illegal bets by organized gambling operations; authorizes the seizure of motor vehicles used in a narcotics violations; and contains other provisions. S. 2209. P/S 4/12/72.

Licensing procedures

Provides for the modernization and streamlining of the laws governing the various occupations, professions, businesses, and trades in the District of Columbia, in order to better meet the needs of the general public and the regulated occupations and professions alike. S. 1363. P/S 4/12/72.

Municipal fees

Vests authority in the District of Columbia Council, after public hearing, to set a variety of municipal fees, including fees for certain licenses and permits. S. 1338. P/S 4/12/72.

National Capital Transit Act

Amended the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority; authorized an increased contribution by the District of Columbia; and contained other provisions. H.R. 15507. Public Law 92– .

Personnel Act

Authorizes designated District employees to administer oaths of office; authorizes the set-offs of annuity payments, or refunds, payable from the civil service retirement fund in order to liquidate debts owed to the District or Federal Government; authorizes the waiver by the District of claims for overpayment of pay; authorizes the District government to provide transportation for District employees working in municipal facilities outside the District of Columbia; and amends the Hatch Act to remove the exemption for the District of Columbia Recorder of Deeds. S. 1346. P/S 4/13/72.

Potomac River Reservoirs

Gave broad authorization to the D.C. Commissioner to enter into contracts to provide for payment to the United States of the District's equitable share of the non-Federal costs of any reservoir which may be authorized by Congress for construction on the Potomac River or any of its tributaries which would benefit the D.C. water supply. S. 1362. Public Law 92–263.

Tax sheltered annuities for teachers

Authorized the reduction of salaries of teachers and school officials employed in the service of the public schools of the District of Columbia, by an amount which would be paid into a tax-sheltered annuity program pursuant to the provisions of section 403(b) of the Internal Revenue Code of 1954, relating to the taxability of beneficiaries of annuity plans. H.R. 9395. Public Law 92–281.

ECONOMY-FINANCE

Automobile information disclosure

Clarifies the Congressional intent that the Automobile Information Disclosure Act of 1958, should apply to all new automobiles distributed in commerce within the United States, its territories, its possessions, and wherever else the United States exercises jurisdiction. S. 473. P/S 6/14/72.

Economic opportunity amendments of 1972

Extends the Economic Opportunity Act for three years, through fiscal year 1974; expands the Neighborhood Youth Corps manpower program and provides a special additional authorization of $500 million to create 100,000 additional work and training opportunities in the program; establishes a new program for community design and planning assistance; provides for the expansion and permanent establishment of an annual Youth Recreation and Sports Program; authorizes additional funding to increase aid for the elderly poor; establishes two new special emphasis programs providing for work on environmental projects and improvement of low-income housing; establishes a National Legal Services Corporation as a private, nonprofit corporation, chartered under the laws of the District of Columbia to carry out the functions of the present Legal Services Program now administered by the Office of Economic Opportunity; and contains other provisions. H.R. 12350 (S. 3010). P/H 2/17/72. P/S amended 6/29/72.

Export Administration Act

Provided a temporary extension of the Export Administration Act to August 1, 1972. S.J. Res. 218. Public Law 92–284.

Federal financing bank

Provides for a Federal Financing Bank through which the marketing of Federal and federally assisted borrowing activities can be centralized; provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of issues or sales of obligations by Federal agencies; and provides for submission to the President of Federal agency budget programs for loan guarantees and for limitation by the President of such programs if overall fiscal requirements and credit demands so warrant. S. 3001. P/S 2/22/72.

Federal Reserve bank branch buildings

Increases the $60 million limitation in section 10 of the Federal Reserve Act on construction of buildings for branches of the Federal Reserve banks to $120 million. S. 3197. P/S 2/22/72.

Mortgage interest rates

Extended the authority of the Secretary of Housing and Urban Development to establish maximum interest rates on insured mortgages at levels necessary to meet the mortgage market and extended certain other laws relating to housing and urban development. S.J. Res. 250. Public Law 92–335.

Par Value Modification Act

Authorized and directed the Secretary of the Treasury (1) to take the steps necessary to establish a new par value of the dollar of one dollar equals one thirty-eight of a fine troy ounce of gold, and (2) to maintain the value in terms of gold of the holdings of the United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association and the Asian Development Bank to the extent provided for and required by the Articles of Agreement of these institutions; authorized the appropriation, to remain available until expended, of such amounts as may be necessary to satisfy these maintenance of value obligations; and directed that the increase in the value of the gold held by the United States resulting from the change in the par value of the dollar be covered into the Treasury as a miscellaneous receipt. S. 3160. Public Law 92–268.

Public debt limit

Increased from $430 billion to $450 billion the public debt limit through June 30, 1972. H.R. 12910. Public Law 92–250.

Provided for a four-month extension of the present temporary level in the public debt limitation, and provided for a 20 percent across-the-board increase in Social Security benefits, effective in September, 1972. H.R. 15390. Public Law 92–336.

Small Business Act amendments

Amended the Small Business Act to increase the total amount of the ceiling on loans, guarantees, and other obligations or commitments outstanding by the Small Business Administration from $3.1 billion to $4.3 billion; increased from $450 million to $500 million the SBA's lending authority to the Small Business Investment Company under title II of the Small Business Investment Act of 1958; increased from $300 million to $350 million the SBA's lending authority under title IV of the Economic Opportunity Act of 1964 for loans to low-income individuals and for businesses located in areas of high unemployment or low income; and increased the ceiling on each individual loan from $25,000 to $50,000. S. 3166. Public Law 92–320.

Truth in Lending Act amendments of 1972

Amends the disclosure and other provisions of the Truth in Lending Act and adds a new Credit Billing chapter under Title I (Fair Credit Billing Act) to the Truth in Lending Act, dealing with: correction of billing errors, regulation of credit reports, length of the billing period, prompt crediting of payments, crediting of excess payments, use of cash discounts, prohibition of offsetting a disputed bill from funds on deposit, relationship to State laws, and payment for undelivered goods and services; makes 10 amendments, under Title II, to the disclosure provisions of the Truth in Lending Act (unrelated to billing practices) dealing with a creditor's liability in individual and class action cases, credit card fraud, and with other items. S. 652. P/S 4/27/72.

EDUCATION:

Education amendments

Revised the Higher Education Act of 1965 to constitute a single law including all continuing higher education financial assistance programs for both students and institutions of higher education and, in general, extended the authorizations for funds for programs thereunder through fiscal year 1975; established a major new program of grand assistance to which students desiring to attend postsecondary educational institutions are entitled as a matter of right, and increased assistance to institutions of higher education; amended the Vocational Education Act of 1963, and extended authorization for funds for vocational educational programs thereunder through fiscal year 1975; restructured the Federal education bureaucracy by establishing, within the Department of Health, Education, and Welfare, an Education Division headed by an Assistant Secretary of HEW, composed of the Office of Education and the National Institute of Education, and by establishing within the Office of Education a Bureau of Occupational and Adult Education, a bureau-level Office of Indian Education, and a unit for coordinating community college programs; barred discrimination by sex in higher education; contained various provisions relating to the assignment or busing of students or teachers to overcome racial imbalance, including a prohibition of use of funds for this purpose except when requested by local school officials and certain conditions regarding health and educational opportunities are met, and a section, to expire January 1, 1974, postponing the effectiveness of Federal district court orders requiring busing until the appeals process has been exhausted; authorized $2 billion for fiscal year 1973 and 1974 for an emergency school aid program to assist desegregating school districts and local educational agencies which wish to meet desegregation problems; made special provision for Indian education and authorized investigations of youth camp safety; and contained other provisions. S. 659. Public Law 92–318.

Uniformed Services Health Professions Revitalization Act

Establishes an Armed Forces Health Professions Scholarship Program, and directs the Secretary of Defense to conduct a study of the feasibility of establishing a Uniformed Services University of the Health Services to be completed within one year from the date of enactment of the bill. H.R. 2. P/H 11/3/71. P/S amended 6/6/72. In conference.

GENERAL GOVERNMENT

American Revolution Bicentennial Commission

Authorized $4.3 million for the Commission for fiscal year 1972; enlarged the Commission representation from 37 to 50 members; and contained other provisions. S. 1857. Public Law 92–236.

Bureau of Land Management

Authorizes an appropriation of $3 million to provide the initial capital to establish a working capital fund for the Bureau of Land Management of the Department of the Interior. S. 2743. P/S 5/2/72.

Bureau of Mines Research Center, Utah

Authorized the establishment and maintenance of a new Bureau of Mines research center as a replacement facility for that now located and established on the campus of the University of Utah, and provided for the sale of the fixed improvements and the conveyance of certain lands to the University. S. 978. Public Law 92–287.

Comprehensive Headstart, Child Development, and Family Services Act of 1972

Provides a variety of quality child development and family services in order to assist parents who request such services in providing their children with an opportunity for a healthful and stimulating development, with priority to those preschool children and families with the greatest economic or social needs, in a manner designed to strengthen family life and to insure decision-making at the community level through a partnership of parents, State and local governments and the Federal Government, building upon the experience and success of Headstart and other existing programs and authorizes $150 million for fiscal year 1973 to prepare for implementation of the act, and $1.2 billion and $1.6 billion respectively for fiscal years 1974 and 1975 for programs under the act. S. 3617. P/S 6/20/72.

Equal rights for men and women

Submitted to the State legislatures an amendment to the Constitution of the United States which, if ratified, would insure equal rights under the law for men and women. H.J. Res. 208. Public Law 92– .

Fire research

Authorized not to exceed $5 million for fiscal year 1973, not to exceed $9 million for fiscal year 1974, and not to exceed $10.5 million for fiscal year 1975 for the Department of Commerce to carry out the purposes of the Fire Research and Safety Act of 1968; authorized not to exceed $3 million for fiscal year 1973, not to exceed $4.5 million for fiscal year 1974, and not to exceed $5.5 million for fiscal year 1975 for the Department of Commerce to carry out the purposes of the Standard Reference Data Act; and amended the act which established the National Bureau of Standards to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the Bureau. H.R. 13034. Public Law 92–317.

History of public works

Authorizes the Library of Congress to assist the American Public Works Association in the preparation and publication of a history of public works in the United States from 1776 through 1976, (the undertaking to be the Association's official bicentennial project), and contains other provisions. S.J. Res. 204. P/S 6/23/72.

Motor carrier reports

Permitted motor carriers and others required to file annual reports with the Interstate Commerce Commission, to file such reports on the basis of a 13-period accounting year, rather than on a calendar year basis, if their bookkeeping is done on a 13-period basis, subject to rules and regulations prescribed by the ICC. H.R. 1074. Public Law 92– .

National Commission on Consumer Finance

Extended for six additional months the life of the National Commission on Consumer Finance (authorized and established pursuant to title IV of the Consumer Credit Protection Act of 1968) until December 31, 1972, and authorized an additional appropriation of $500,000 to carry out the activities of the Commission for the extended period. S.J. Res. 211. Public Law 92– .

National Environmental Data System

Creates the National Environmental Data System to serve as the central national facility for the selection, storage, analysis, retrieval, and dissemination of information, knowledge, and data specifically relating to the environment. H.R. 56. P/H 5/17/71. P/S amended 6/29/72.

National Science Foundation Authorization Act of 1972

Authorizes appropriations to the National Science Foundation for fiscal year 1973 of $720 million from the Treasury and $7 million in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States. H.R. 14109 (S. 3511). P/H 4/25/72. P/S amended 6/23/72. House requested conference 6/27/72.

New Mexico land

Disclaims U.S. interest in the title to about seven acres of the Antoine Leroux Spanish

Land Grant along the Rio Hondo near Taos, New Mexico. S. 2674. P/S 3/17/72.

Passenger vessels sale abroad

Removed the restrictions of section 503 of the Merchant Marine Act so as to authorize the sale abroad of five laid-up U.S.-flag passenger vessels and to require that the net proceeds be used to construct new U.S.-flag vessels. H.R. 11589. Public Law 92–296.

Public buildings amendments

Authorized a purchase-contract procedure of 3-years duration in an attempt to eliminate the 8-year backlog on construction of 63 Federal buildings which have been authorized but unfunded; established a public buildings fund into which will be deposited "rents" collected from all Federal agencies using space in government-owned buildings and from which will be drawn capital to finance construction of Congressionally-authorized buildings; and provided for the transfer of the non-performing arts functions (including maintenance, security, information, interpretation, janitorial, and other services) of the John F. Kennedy Center for the Performing Acts to the National Park Service and authorized $1.5 million for fiscal year 1972 for the public costs of maintaining and operating the non-performing arts functions at the Center. S. 1736. Public Law 92–313.

Secret Service protection for major presidential and vice-presidential candidates

Authorizes the United States Secret Service to furnish protection to persons determined by the advisory committee as being major presidential or vice-presidential candidates (unless the candidate has declined such protection). S.J. Res. 222. P/S 4/19/72.

Social Security special project grant extension

Amended title V of the Social Security Act to extend for 5 years—until June 30, 1977—the period within which certain special project grants (under maternal and child health services program) may be made. H.R. 9410. Public Law 92– .

Star route mail contracts

Amended the Postal Reorganization Act of 1970 to authorize the Postal Service to renew star route contracts for the transportation of mail with subcontractors who are supplying services satisfactory to the Postal Service. S. 1989. Public Law 92–286.

Trust Territory of the Pacific Islands

Authorized approximately $3.1 million in additional Federal funds to the trust territory economic development loan fund, thus bringing the total in the fund to $5 million, and contained other provisions. S. 860. Public Law 92–257.

Uniform Relocation Assistance and Real Property Acquisition Policies Act amendments

Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to continue after July 1, 1972, full Federal funding for the first $25,000 in relocation payments made by State and local agencies under the act to persons displaced from their homes, businesses, or farms by federally assisted programs and projects; postpones the effective date of the act to allow States extra time to pass enabling legislation authorizing State and local agencies to comply with all the act's requirements; authorizes the head of a Federal agency to take all steps necessary to insure that all relocation payments and assistance prescribed by the act be provided to all persons displaced by a federally assisted program after the present July 1, 1972 effective date; and contains other provisions. S. 1819. P/S 4/12/72.

Uniform Time Act amendment

Permitted any State which is divided by a time zone boundary to exempt all of the State lying within one time zone from the observance of advanced or "daylight saving time." S. 904 (H.R. 4174). Public Law 92–267.

Virgin Islands—Amendment of Revised Organic Act

Permits the legislature of the Virgin Islands to reduce the age limitations for membership in the legislature. H.R. 9545. P/H 3/6/72. P/S amended 5/3/72.

War Powers Act

Defines the emergency conditions, in the absence of a declaration of war by Congress, in which the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is indicated by circumstances; sets forth criteria for such emergency use and provides that use under other than the three specified emergency conditions must be pursuant to specific statutory authorization and is not to be inferred from any provision of law, including appropriations, unless such authority is explicitly provided; provides that no treaty, existing or future, may be construed as authorizing use of the armed forces without implementing legislation; provides that the use of the armed forces under any of the emergency conditions spelled out in the bill shall not be sustained beyond 30 days unless: (1) the President determines and certifies to the Congress in writing the need for their continued use under the first two emergency conditions (attack on the United States, its territories or possessions or on U.S. Armed Forces outside thereof); (2) the Congress is physically unable to meet; or (3) the Congress specifically authorizes such action; provides that this act shall take effect on the date of enactment but shall not apply to hostilities in which U.S. Armed Forces are already involved, thus exempting the current involvement in Indochina; and contains other provisions. S. 2956. P/S 4/13/72.

GOVERNMENT EMPLOYEES

Air traffic controllers

Amended title 5, United States Code, so as to improve the conditions of employment for individuals employed as air traffic controllers in the Department of Transportation by offering preferential retirement benefits, job training and improved appeal procedures for controllers removed from control work. H.R. 8083. Public Law 92–297.

Civil Service retirement

Permits certain employees of the Government of the United States to voluntarily retire when the Executive agency in which they are employed is involved in a major reduction of personnel. S. 3380. P/S 5/3/72.

Civil Service survivor annuities

Defined "child" for the purpose of a survivor annuity to include children living with an adoptive parent and made them eligible for a survivor benefit if the child is in the process of being adopted at the time of death of the employee or annuitant and the adoption process is later completed by the surviving spouse. S. 2896. Public Law 92–243.

Federal employees health insurance

Increases the Government's contribution toward paying the cost of health insurance plans authorized by the Federal Employees Health Benefits Act; includes Federal employees retired prior to January 1, 1960, within the scope of the program; and raises the maximum age of children of Federal employees for coverage under the program. H.R. 12202. P/H 4/27/72. P/S amended 6/23/72.

Federal executive service

Establishes a Federal Executive Service, under the direction of the Civil Service Commission, to authorize supergrade positions and appoint and direct top level Federal managers, thus relaxing some of the rigid constraints that now interfere with achieving effective personnel management at the supergrade level; provides for Congressional surveillance of the Commission's activities; and contains other provisions. S. 1682. P/S 6/23/72.

Federal firefighters retirement

Permits Federal employees who are firefighters to retire at age 50 after 20 years of service or after 25 years of service regardless of age, and to receive 2 percent of average salary for each year of service. S. 916. P/S 6/16/72.

Foreign Service grievance procedures

Requires the Secretary of State to promulgate regulations providing for the consideration and resolution of grievances which do not "in any manner alter or amend the provisions for due process"; provides that informal procedures for the resolution of grievances shall be established by agreement between the Secretary of State and the organization recognized as the exclusive representative of the officers and employees of the Foreign Service; establishes a Grievance Board to be composed of independent, distinguished citizens; and contains other provisions. S. 3722. P/S 6/22/72.

Government personnel surety bonds

Provided that the Federal Government shall assume the risk of fidelity loss, thus, establishing the policy that no agency of any branch of the Federal Government shall obtain surety bonds for its civilian or military personnel who have the responsibility for substantial sums of money in connection with their official duties; repealed or amended existing law requiring Federal agencies to obtain surety bonds for these civilian and military personnel; and provided that the amount of any loss due to the fault or negligence of a Federal employee shall be charged to the agency's appropriations or other available appropriate fund. H.R. 13150. Public Law 92–310.

Internal Revenue Code amendment

Amended section 112 of the Internal Revenue Code of 1954 to provide an exclusion from gross income for compensation received (beginning on February 28, 1961, and ending at the time of the termination as designated by the President of combatant activities in Vietnam) for active service as a member of the armed forces, or for active service as a civilian governmental employee, during the period the individual is in a "missing status" (which includes a prisoner-of-war status) as a result of the Vietnam conflict. H.R. 9900. Public Law 92–279.

National Guard technicians' credit

Grants 100 percent retirement credit to all former technicians serving in any Federal position covered by the Civil Service Retirement Act on or after January 1, 1969; allows eligible technicians to pay the full amount of the optioned deposit due for the pre-1969 technician service; allows former technicians in the Federal service on and after January 1, 1969, to receive service credit for their pre-1969 technician service in determining length of service for leave, Federal employees' death and disability compensation, group life and health insurance, severance pay, tenure, and status; and provides that an annuitant with pre-January 1, 1969, technician service may have his annuity recomputed to reflect 100 percent credit for his pre-January 1, 1969, service. S. 855. P/S 5/3/72.

Prevailing rate employees

Establishes a system for adjusting rates for prevailing rate employees of the Federal Government, and to include prevailing rate employees of nonappropriated fund activities of the Armed Forces within the prevailing rate pay system. H.R. 9092. P/H 7/28/71. P/S amended 6/15/72.

Retirement of Congressional employees

Permits an employee or Member of Congress eligible for an immediate retirement annuity after a cost-of-living increase is effective, but before the next cost-of-living increase effective date, to retire and receive an annuity not less than it would have been had he been eligible and retired before the effective date; provides that the survivor annuity of an employee or Member who dies after the cost-of-living increase date would not be less than it would have been had it commenced on or before the effective date. S. 1681. P/S 5/14/71. P/H amended 5/17/71. Senate requested conference 4/4/72.

Retroactive pay increases for blue-collar Federal employees

Authorized retroactive wage adjustments for 214,000 wage board employees whose pay increases were delayed, either by the 90-day wage-price freeze or by the administration's postponement of wage surveys, and contained other provisions. H.R. 13753. Public Law 92–298.

HEALTH

Black Lung Benefits Act of 1972

Amended the Federal Coal Mine Health and Safety Act of 1969 so as to extend and broaden benefits under title IV of the Act for disabled miners and depedents of miners who die of penumoconiosis; extended to June 30, 1973, federal responsibility for payments under the program; and contained other provisions. H.R. 9212. Public Law 92–303.

Communicable disease control

Authorizes $90 million annually for a 5-year program to project grants to State and local governments for assistance in programs for the prevention and control of communicable diseases and creating a new section to the Public Health Service Act to provide for a special venereal disease prevention and controls program for which is authorized annually for the next three fiscal years: $15 million in project grants for research, training, and public health projects relating to prevention and control; $30 million in formula grants to states for establishing and maintaining programs for diagnosis and treatment; and $30 million in propect grants to States for prevention and control programs. S. 3442. P/S 6/7/72.

Consumer Safety Act of 1972

Creates a new, independent Food, Drug, and Consumer Product Agency within the Federal structure which has undiluted responsibility for preventing consumers from being exposed to unsafe foods, drugs, and other consumer products; consolidates within the new Agency various consumer products; consolidates within the new Agency various consumer product safety activities now being handled by a number of present food, drug, and product safety activities of the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the Federal Trade Commission; and repeals various consumer safety laws directed at particular products or specific hazards and replaces them with a single, comprehensive consumer product safety law capable of reaching any consumer product in the marketplace presenting an unreasonable risk of injury. S. 3419. P/S 6/21/72.

Drug Abuse Office and Treatment Act of 1972

Strengthened and improved the administrative structure within the Department of Health, Education, and Welfare (HEW) through which the Secretary of HEW is responsibile for delivering a broad range of coordinated drug abuse prevention, treatment, and rehabilitation services; established a Special Action Office for Drug Abuse Prevention in the Executive Office of the President; established a National Institute on Drug Abuse within the National Institute of Mental Health to be created on December 31, 1974; established a National Advisory Council for Drug Abuse Prevention; and provided for extensive new Federal assistance to promote and improve the development of State and local drug abuse prevention, treatment, and rehabilitation programs. S. 2097. Public Law 92–255.

Drug Listing Act of 1972

Provides the Secretary of Health, Education, and Welfare with a current list of each drug manufactured, prepared, propagated, compounded, or processed by a drug establishment registered under the Act, which would be revised semi-annually. H.R. 9936. P/H/9/16/71. P/S amended 6/30/72.

Flammable fabrics

Authorizes $4 million for fiscal year 1973 to carry out the Flammable Fabrics Act of 1953 and extend flammability standards to include children's sleepwear for sizes 7–14. H.R. 5066. P/H 4/28/71. P/S amended 6/16 72. Reconsidered and P/S amended 6/19/72.

Lead based paint poisoning amendments

Extends the provisions of the Lead Based Paint Poisoning Prevention Act; authorizes $100 million annually for lead poisoning programs; authorizes the Secretary of Health, Education, and Welfare to implement procedures to prohibit the use of lead-based paint in construction of Federal or Federally-assisted housing and in the manufacture of certain toys, furniture, and utensils; revises standards for the lead content in paint; and contains other provisions. S. 3080. P/S 6/14/72.

National Heart, Blood Vessel, Lung, and Blood Act of 1972

Enlarges the authorities of the National Heart and Lung Institute of the National Institutes of Health in order to advance the national attack upon diseases of the heart and blood vessels, the lungs and blood; requires the Director of the Institute, with the advice of the National Heart and Lung Advisory Council, to develop a plan for a ten-point National Heart, Blood Vessel, Lung and Blood Disease Program and authorizes the Director to acquire and maintain cardiovascular and pulmonary diseases centers, laboratories and other facilities necessary for the conduct of the program; authorize the establishment of 15 research centers for cardiovascular diseases and 15 research centers for pulmonary diseases; establishes an Office of Heart and Lung Health Education within the Department of Health, Education, and Welfare; and contains other provisions. S. 3323. P/S 4/7/72.

National Institute of Arthritis, Metabolism, and Digestive Diseases

Redesignated the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases; established within that Institute's presently existing advisory council a committee to advise the Director of the Institute on activities relating to digestive diseases; and provided a statutory authorization for the Director of the Institute to carry out intramural research, extramural research, and training in the diagnosis, treatment, and prevention of digestive diseases. H.R. 13591. Public Law 92–305.

National Sickle Cell Anemia Act

Established a national program to control, to conduct research, and to improve procedures in the treatment of persons suffering from, sickle cell trait or sickle cell anemia; authorized grants and contracts to public and nonprofit private agencies, organizations, or institutions to assist in establishing and operating voluntary sickle cell anemia screening and counseling programs; and contained other provisions. S. 2676. Public Law 92– .

Nutrition program for the elderly

Amended the Older Americans Act of 1965 to authorize $100 million for 1973 and $150 million for fiscal year 1974 in grants to the States for establishing and operating nutrition projects to provide low cost, nutritionally sound meals to individuals 60 years of age or older and their spouses, provided such individuals fall within certain categories. S. 1163. Public Law 92–258.

Sudden infant death syndrome

Designates the search for a cause and cure for sudden infant death as one of the highest priorities of research activities in the National Institute of Child Health and Human Development; directs the Department of Health, Education, and Welfare to develop, publish, and distribute literature to educate the families stricken by this disease and the professionals who come in contact with it; and further directs the Secretary of HEW to work toward reliable statistical reporting of the disease throughout the nation and its inclusion in the International Classification of Disease. S.J. Res. 206. P/S 6/7/72.

HOUSING

Housing and urban development

Overhauls legislation involving the Federal Housing Administration mortgage insurance program and the low-rent public housing program; contains a new block grant program to provide Federal assistance to localities for community development; establishes a new program of Federal grants to communities to help meet operating expenses of the Nation's mass transit systems; and contains other provisions. S. 3248. P/S 3/2/72.

INDIANS

Assiniboine Indians of Montana judgment funds

Authorizes the division and disposition of judgment funds awarded to the Assiniboine Tribes residing on the Fort Peck and Fort Belknap Reservations in Montana, which have been appropriated, but cannot be used by the recipients of the ward until authorized by Congress. S. 3230. P/S 5/25/72. P/H amended 6/5/72. Senate requested conference 6/20/72.

Blackfeet and Gros Ventre Tribes, Montana

Authorized division and disposition of judgment funds awarded to the Blackfeet Tribes of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671.

Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana

Authorized disposition of judgment funds awarded to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana. S. 602. Public Law 92–253.

Confederated Tribes of the Colville Reservation

Authorizes disposition of judgment funds awarded to the Confederated Tribes of the Colville Reservation, and contained other provisions. H.R. 6291. Public Law 92–244.

Indian Claims Commission Act of 1946—Extension

Extended the life of the Indian Claims Commission for 5 years, from April 10, 1972, to April 10, 1977, and contained other provisions. H.R. 10390 (S. 2408). Public Law 92–265.

Jicarilla Apache Tribe, New Mexico

Authorized the use of a judgment of $9,232,709 to the Jicarilla Apache Tribe in New Mexico to be used, after payment of attorney fees and litigation expenses, for any purpose requested by the tribe and approved by the Secretary of the Interior. H.R. 9019. Public Law 92–295.

Kickapoo Indians of Kansas and Oklahoma

Authorizes the division of five claims judgments between the Kickapo Tribe of Kansas and the Kickapoo Tribe of Oklahoma, and authorizes the disposition of the funds after they are divided, and also the disposition of a sixth judgment recovered by the Kickapo Tribe of Oklahoma alone. H.R. 6797. P/H 5/3/71. P/S amended 4/19/72.

Miami Tribes of Oklahoma and Indiana

Authorized disposition of judgment funds awarded to the Miami Tribes of Oklahoma and Indiana. H.R. 5199. Public Law 92-309.

Pueblo of Cochiti Indians

Provides that all right, title, and interest of the United States in approximately 3.308 acres of federally owned land, acquired for school purposes, together with improvements thereon, will be held in trust by the United States for the Pueblo of Cochiti, subject to existing rights-of-way. S. 538. P/S 5/4/72.

Southern Ute Tribe

Authorized the Southern Ute Tribe, subject to the provisions of the tribal constitution, ordinances and resolutions adopted thereunder, to sell any land that is held by the United States in trust for the tribe or land subject to a restriction against alienation or taxation imposed by the United States, and that is not needed for Indian use. S. 1140. Public Law 92-312.

Stockbridge-Munsee Indian Community

Transfers 13,077 acres of federally owned submarginal land to the Stockbridge-Munsee Indian Community with the title to be held in trust by the United States; provides protection to any person who may have a vested interest in the land; directs the Indian Claims Commission to determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States determined by the Commission; and reserves all mineral interests in the land to the United States. S. 722. P/S 6/8/72.

Walker River Indian Reservation, Nevada

Amends the act of August 9, 1955, as amended, by authorizing leases on the Walker River Reservation for a period up to 99 years for public, religious, educational, recreational, residential, or business purposes and for farming purposes which require the making of substantial investment in the improvement of the land for the growing of specialized crops. S. 953. P/S 5/11/72.

Yankton Sioux Tribe

Provides for the disposition of funds to pay a judgment of $1,250,000 against the United States that was recovered by the Yankton Sioux Tribe in the Indian Claims Commission; states that such money has been appropriated but may not be used until authorizing legislation has been enacted; and contains other provisions. H.R. 7742. P/H 11/15/71. P/S amended 4/19/72.

INTERNATIONAL

Agreements with Portugal and Bahrain

Stated the sense of the Senate that any agreement with Portugal and Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent. S. Res. 214. Senate adopted 3/3/72.

Arctic winter games authorization

Authorizes the appropriation of $250,000 to the Secretary of Commerce to assist in financing the Arctic Winter Games which are scheduled to be held in Alaska in 1974 and which are hosted for the first time by the United States, and provides for the disbursement of these funds under such conditions as the Secretary deems appropriate. S. 2988. P/S 5/15/72.

Asian Development Bank— U.S. contributions

Authorized the Secretary of the Treasury, in his capacity as U.S. Governor of the Bank, to agree to a U.S. contribution of $100 million in two installments to the Bank's consolidated Special Funds; authorized appropriations therefor of $60 million and $40 million for fiscal years 1972 and 1973, respectively; required the President to instruct the U.S. Executive Director of the Bank to vote against any loan to any country which expropriates property; and contained other provisions. S. 749. Public Law 92-245.

Diplomatic privileges and immunities to the mission of the European communities

Authorizes the President to extend or enter into an agreement extending to the mission of the Commission of the European Communities and its members the same privileges and immunities now enjoyed by diplomatic missions in Washington, D.C. S. 2700 P/S 3/17/72.

Fishermen's Protective Act

Amends the Fishermen's Protective Act of 1967 in order to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries; to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed: and contains other provisions. H.R. 7117. P/H 8/2/71. P/S amended 5/25/72. In conference.

Foreign aid authorization

Authorized for fiscal year 1972 $1,518,000,000 for military assistance and for fiscal year 1973 $984 million for economic and humanitarian assistance; imposed a ceiling of $341 million on funds which may be obligated in or for Cambodia in fiscal year 1972 and put a ceiling of 200 on the number of American civilian and military government personnel in Cambodia; and contained other provisions. S. 2819. Public Law 92-226.

Inter-American Development Bank (IDB)— U.S. contributions

Authorized the Secretary of the Treasury in his capacity as U.S. Governor of the IDB to pay to the Fund for Special Operations the second and third installments of $450 million each for U.S. contributions; authorized appropriations therefor; required the President to instruct the U.S. Executive Director of the Bank to vote against any loan to any country which expropriates property; and contained other provisions. S. 748. Public Law 92-246.

International agreements other than treaties

Requires that international agreements, other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof, except where the immediate public disclosure of an agreement would, in the opinion of the President, be prejudicial to national security, the agreement shall not be so transmitted to the Congress but to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House under an appropriate injunction of secrecy to be removed only upon due notice from the President. S. 596. P/S 2/16/72.

International Coffee Agreement, 1968— Extension

Extended the authority of the President to October 1, 1973, to carry out and enforce certain provisions of the International Coffee Agreement Act of 1968. H.R. 8293. Public Law 92-262.

International Development Association (IDA)—U.S. contributions

Authorized the Secretary of the Treasury, in his capacity as the U.S. Governor of the Association, to contribute to the IDA three annual installments of $320 million each; authorized appropriations therefor; required the President to instruct the U.S. Executive Directors of the International Bank for Reconstruction and Development and the IDA to vote against a loan for any country which expropriates property; and contained other provisions. S. 2010. Public Law 92-247.

Interpol dues

Substitutes $100,000 for the present statutory ceiling of $28,500 on the total annual dues authorized to be paid for membership of the United States in the International Criminal Police Organization (Interpol) and authorizes payment of $55,000 to meet the unpaid balance of dues for calendar years 1970 and 1971, which have not been paid because of the existing $28,500 ceiling. H.R. 11350. P/H 11/15/71. P/S amended 4/28/72. In conference.

Olympic Games

Extended the good wshes of the Senate to the citizens of Japan and the participants of the Eleventh Winter Olympic Games and affirmed the Senate's support for the designation of Denver as host city for the Twelfth Winter Games in 1976. S. Res. 246. Senate adopted 1/31/72.

Radio Free Europe and Radio Liberty

Authorized $36 million for fiscal year 1972 to the Department of State for grants to Radio Free Europe and Radio Liberty. S. 18. Public Law 92-264.

Authorizes $38,520,000 for fiscal year 1973 to the Department of State for grants to Radio Free Europe and Radio Liberty. S. 3645. P/S 6/16/72.

Recognition of Bangladesh

Expressed the sense of the Congress that the President should recognize Bangladesh as an independent foreign country and recognize its Government. S. Con. Res. 55. Senate adopted 3/21/72.

State-USIA authorizations

Authorized a total of $1,001,130,000 ($648,354,000 for the Department of State—of which $85 million is specified for use by Israel to assist in the migration of Soviet refugees; $200,249,000 for the U.S. Information Agency; $22 million for the Arms Control and Disarmament Agency; $88,027,000 for the Peace Corps; and $42.5 million for use by the President for international narcotics control); created a commission to make a long-range, in-depth study of the governmental mechanism and programs for the making and conduct of foreign policy; prohibited distribution of U.S. Information materials to the U.S. public except for the publication "Problems in Communism"; established the position of Under Secretary of State; required Senate approval of persons given the personal rank of Ambassador or Minister; encouraged more candid testimony to Congressional committees by witnesses from the foreign affairs agencies; and contained other provisions. H.R. 14734. Public Law 92- .

TREATIES

Amendment to statute of International Atomic Energy Agency

Increases the membership of the Board of Governors of the International Atomic Energy Agency from 25 to 35 or 35 members, for the purpose of achieving more equitable representation on the Board for the countries of the lesser developed regions as well as to increase the representation of countries most advanced in the technology of atomic energy. Ex. C, 92d-1st. Resolution of ratification agreed to 3/17/72.

Convention on taking of evidence abroad in civil or commercial matters

Makes the employment of letters of request a principal means of obtaining evidence abroad; improves the means for securing evidence abroad by increasing the powers of consuls and by introducing in the civil law world, on a limited basis, the concept of the commissioners; provides means for securing evidence in the form needed by the court where the action is pending; and reserves all more favorable and less restrictive practices arising from internal law, internal rules of procedure and bilateral or multilateral conventions. Ex. A, 92d-2d. Resolution of ratification agreed to 6/13/72.

Convention to prevent and punish acts of terrorism

Condemns crimes of violence against officials of foreign states and international organizations as common crimes regardless of the motive for which they were committed; and thus excludes such crimes, for purposes of extradition and asylum, from being treated as political offenses for which diplomatic or territorial asylum is often extended. Ex. D, 92d–1st. Resolution of ratification agreed to 6/12/72.

Extradition treaty with Argentina

Lists 30 extraditable offenses, including those relating to narcotics and aircraft hijacking; permits extradition in the case of conspiracy to commit any of the offenses mentioned; provides that if one of the parties refuses to extradite a national of the other party, then that party is obliged to undertake to try the individual requested when the offense is punishable under its own laws and it has appropriate jurisdiction; provides for judicial cooperation in criminal matters by the execution of letters rogatory; and contains other provisions. Ex. F. 92d–2d. Resolution of ratification agreed to 6/13/72.

International plant protection convention

Promotes international cooperation in controlling pests and diseases of plants and plant products and in preventing their introduction and spread across international boundaries. Ex. D, 84th–2d. Resolution of ratification agreed to 6/12/72.

Partial revision of the radio regulations relating to space telecommunications

Revises the Radio Regulations in regard to the use of space telecommunication techniques, radio frequency allocations, technical criteria, and administrative procedures. Ex. E, 92d–2d. Resolution of ratification agreed to 6/13/72.

Seabed arms control treaty

Provides that the parties undertake not to emplant or emplace nuclear weapons or other weapons of mass destruction on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a "seabed zone" as defined therein. Ex. H, 92d–1st. Resolution of ratification agreed to 2/15/72.

Treaty with Honduras on the Swan Islands

Settles longstanding differences between the United States and Honduras resulting from their conflicting claims to the Swan Islands. Ex. H, 92d–2d. Resolution of ratification agreed to 6/12/72.

U.N. Fund for Environment

Expresses the sense of the Congress that the United States delegation to the United Nations Conference on the Human Environment (June 5–16, 1972) should urge the establishment of a $100 million U.N. Voluntary Fund for the Environment. S. Con. Res 82. P/S 6/12/72.

LABOR

Emergency Unemployment Compensation Act of 1971

Extended for six months the time periods during which unemployed individuals may receive the emergency unemployment compensation payable under the Emergency Unemployment Compensation Act of 1971 and provided for the financing of the payments to be made during the extended time periods through an increase in the Federal unemployment tax. H.R. 15587. Public Law 92–329.

Equal Employment Opportunities Enforcement Act

Provided the Equal Employment Opportunity Commission with a court enforcement method for enforcing the rights of workers who have been subjected to unlawful employment practices; expanded the coverage of title VII of the Civil Rights Act of 1964 from those employers and labor organizations having 25 or more employees or members to those having 15 or more one year after the date of enactment and expanded the coverage to include employees of educational institutions and most employees of State and local governments; and contained other provisions H.R. 1746 (S. 2515). Public Law 92–261.

Interstate Environment Compact Act of 1972

Permits the States involved to establish regional waste management organizations with the necessary authority, including capability to incur debt and sell bonds, to implement existing and future water pollution requirements without the lengthy delay often associated with usual compact approval, and contains other provisions S. 907. P/S 3/1/72.

Manpower Development and Training Act Amendment of 1972

Extended the Manpower Development and Training Act for 1 year and deleted the existing provision in the Act of 1962 which prohibits the further disbursement of funds under that act after December 30, 1972 (6 months after the act's expiration date of June 30, 1972), in order to enable MDTA contracts to continue to make commitments extending over the period of a full year in accordance with past practices. S. 3054. Public Law 92–277.

West coast dock strike

Provided a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees, by providing for the appointment of a board of arbitration to make a determination of all issues in the dispute, which will be final and binding on the parties, subject only to judicial review in the Court of Appeals for the Ninth District; and contained other provisions. S.J. Res. 197. Public Law 92–235.

MEMORIALS, TRIBUTES, AND MEDALS

American Revolution Bicentennial Commemorative Medals

Authorized the American Revolution Bicentennial Commission to utilize the facilities of the Bureau of the Mint on a fully reimbursable basis to strike a series of commemorative nation medals, including a medal commemorating the year 1776 and its significance to American independence and a maximum of 13 separate medals commemorating historical events of great importance recognized nationally as milestones in the continuing progress of the United States. H.R. 7987. Public Law 92–228.

Arlington House

Restored to the Custis-Lee Mansion in Arlington National Cemetery its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial. H.R. 10595. Public Law 92–333.

Attempted Assassination of George C. Wallace

Deplores and condemns the attempted assassination of Governor Wallace and extends the sympathy and best wishes of all Members of Congress, the Vice President and the President to the Wallace family. S.J. Res. 234. Public Law 92–299.

Benjamin Franklin National Memorial

Provides that the Benjamin Franklin Institute, Philadelphia, Pennsylvania, be designated as the National Memorial in Honor of Benjamin Franklin effective upon the conclusion of an agreement between the governing body of the Franklin Institute and the Secretary of the Interior. S.J. Res. 221. P/S 6/23/72.

Chapel of the Astronauts

Authorized the Administrator of the National Aeronautics and Space Administration to convey for fair market value to the Chapel of the Astronauts, Inc., a nonprofit Florida corporation, not to exceed 7 acres of unimproved land at the John F. Kennedy Space Center, NASA, in Florida, for the purpose of constructing, operating, and maintaining a public facility for worship or meditation and a memorial to our Astronauts. H.R. 11487. Public Law 92–227.

Congress of the Interallied Confederation of Reserve Officers

Extends to the Interallied Confederation of Reserve Officers a cordial welcome to the United States on the occasion of the 25th meeting of that organization, which is to be held in Washington, D.C., from August 7 through August 13, 1972. S. Con. Res. 73. Senate adopted 6/30/72.

Eisenhower Memorial

Provides that 10 percent of the proceeds of the sale of minted proof dollar coins bearing the likeness of former President Dwight D. Eisenhower be granted to Eisenhower College to provide additional endowment and additional facilities and equipment for the college. S. 2987. P/S 6/8/72.

Franklin D. Roosevelt Memorial

Authorized the Secretary of the Interior, upon the request of the Franklin Delano Roosevelt Memorial Commission, to participate in the planning and design of an appropriate memorial to the late President, and authorized such sums as may be necessary

George William Andrews Lock and Dam

Named the Columbia lock and dam, Chattahoochee River, Alabama, in honor of the late Honorable George William Andrews. H.R. 12488. Public Law 92–229.

Girl Scouts of America

Commended the Girl Scouts of the United States, during the week of March 12 through 18, on the occasion of their 60th birthday for a progressive spirit and lasting contribution to the social welfare of this Nation. S. Res. 259. Senate adopted 2/21/72.

Harry S. Truman

Extends the greetings and warm wishes of the Congress on the occasion of former President Harry S. Truman's eighty-eighth birthday, and expresses the gratitude and appreciation of the Congress to President Truman for his many years of distinguished service to the people of the United States and of the world. S. Con. Res. 78. Senate adopted 4/19/72. House adopted 4/20/72.

J. Edgar Hoover

Express the sense of the Congress that the body of J. Edgar Hoover should lie in state in the Rotunda of the United States Capitol. H. Con. Res. 600. House adopted 5/2/72. Senate adopted 5/2/72.

J. Edgar Hoover Building

Designates the Federal Bureau of Investigation Building now under construction in Washington, D.C., the "J. Edgar Hoover Building." S. 3568. P/S 5/25/72.

John D. Rockefeller, Jr., Memorial Parkway, Wyoming

Authorizes the establishment and designation of the John D. Rockefeller, Jr., Memorial Parkway, to extend from West Thumb in Yellowstone National Park to the south entrance of Grand Teton National Park in Wyoming. S. 3159. P/S 3/24/72.

Law enforcement officers

Requested that on Law Day, May 1, 1972, special emphasis be given in tribute to law enforcement officers. S. J. Res. 169. Public Law 92–282.

Seabees Memorial

Authorizes the Seabee Memorial Association, Inc., to erect a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy and contains other provisions. H.J. Res. 55. P/H 5/9/72. P/S amended 6/23/72.

U.S. Frigate "Constellation" Medal

Authorizes the Secretary of the Treasury to strike and to furnish to the Constellation Committee of the Star-Spangled Banner Flag House Association, Inc., not more than

100,000 medals in honor of the 175th anniversary of the launching of the U.S. frigate *Constellation*, the first ship in the U.S. Navy S. 2499. P/S 6/30/72.

NATURAL RESOURCES

Amistad National Recreational Area, Texas

Authorizes the establishment of a 65,000-acre national recreation area in southwest Texas, comprising that portion of the Amistad Reservior and adjacent lands on the Rio Grande, Devils, and Pecos Rivers in the United States. S. 1295. P/S 5/25/72.

Arkansas land conveyance

Authorized and directed the Secretary of Agriculture to release a condition in a conveyance of certain lands in the State of Arkansas to the Arkansas State Game and Fish Commission which requires the land to be used for public purposes. H.R. 5404. Public Law 92–319.

Brantley project, Pecos River Basin, New Mexico

Authorizes construction, operation and maintenance of the Brantley reclamation project in southeastern New Mexico to provide substantial flood protection for the Carlsbad area, irrigation, water supplies, recreation, and fish and wildlife conservation. S. 50. P/S 3/30/72.

Buffalo National River, Ark.

Established the Buffalo National River in the State of Arkansas, said area to include not more than 95,730 acres. S. 7. Public Law 92–237.

Fossil Butte National Monument, Wyo.

Establishes the Fossil Butte National Monument in the State of Wyoming to consist of 8,200 acres. S. 141. P/S 3/24/72.

Golden Eagle Passport Program

Continued the "golden eagle passport" annual permit for entrance to designated units of the national park system and to certain other national recreational areas, and contained other provisions. S. 1893. Public Law 92–347.

Gulf Island National Seashore, Florida & Mississippi

Amended the existing law which created the Gulf Islands National Seashore by increasing the land acquisition acreage on the Mississippi mainland from 135 to 400 acres and by increasing the amount authorized for land acquisition by $342,000; and increased the development ceiling for the seashore by $2,995,000. S. 3153. Public Law 92–275.

Honokohau National Historical Landmark

Authorized and directed the Secretary of the Interior to study the area of the Honokohau National Historic Landmark for the purpose of determining the feasibility and desirability of establishing a unit of the national park system in the area, and contained other provisions. H.R. 11774. Public Law 92–346.

Indian Peaks Area

Authorizes the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area of approximately 75,000 acres commonly known as the Indian Peaks Area in the State of Colorado west of Denver. S. 1198. P/S 6/7/72.

Interstate compact to conserve oil and gas

Consents to an extension and renewal of the interstate compact to conserve oil and gas. S.J. Res. 72. Public Law 92–322.

Kansas-Nebraska Big Blue River Compact

Gave congressional consent to a compact between Kansas and Nebraska which will divide the waters of the Big and Little Blue Rivers, promote the orderly development of these waters, and reduce pollution. H.R. 8116. Public Law 92–308.

Kosciuszko National Historic Site

Establishes the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania to include the Philadelphia Home of General Kosciuszko, a Polish patriot and soldier whose genius as a military engineer contributed materially to the success of the American Revolution. S. 1973. P/S 3/28/72.

Longfellow National Historic Site

Establishes the Longfellow National Historic Site in Cambridge, Mass., and authorizes the Secretary of the Interior to acquire by donation the former home, together with furnishings and other property of the popular American poet of the 19th century, Henry Wadsworth Longfellow. S. 3129. P/S 3/22/72.

Magnuson Coastal Zone Management Act of 1972

Establishes a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones; authorizes a total of $20 million for fiscal year 1973 (the estimated cost of the program for fiscal 1974 and fiscal 1975–1977 being $71.5 and $81.5 million respectively); authorizes Federal grants-in-aid to coastal states for up to 66⅔rds percent of the cost of establishing and administering coastal zone management programs; authorizes for 1973 $6 million in Federal grants to States for up to 50 percent of the cost of acquisition, development, and operation of estuarine sanctuaries; authorizes $1.5 million annually from 1973–1977 for administrative expenses incurred by the Secretary of Commerce; authorizes $500,000 for 1973 for a study to be made of the possible environmental hazards of offshore oil drilling on the Atlantic Outer Continental Shelf; and creates a National Coastal Resources Board (the Vice-President to be its chairman) to coordinate the programs of the various Federal agencies, to mediate differences between any Federal agency and a coastal state, and to provide a forum for appeals by any area-wide planning entity or unit of local government. S. 3507. P/S 4/25/72.

Mining and minerals research centers

Amends the Mining and Mineral Policy Act to support research and training centers through the authorization of matching grants to each State of $100,000 in fiscal year 1973, $200,000 in fiscal year 1974, and $250,000 in fiscal year 1975 and succeeding fiscal years; authorizes additional funds for special mineral resources research projects; and contains other provisions. S. 635. P/S 7/19/71. P/H amended 5/22/72. In conference.

Missouri River basin

Authorizes $114,000,000 in appropriations to complete the program of the Bureau of Reclamation for the completion of construction of the Pick-Sloan Missouri Basin program, formerly called the Missouri River Basin project. S. 3284. P/S 4/4/72. P/H amended 4/17/72. In conference.

National forests volunteers

Authorized the employment of volunteers to work without compensation in areas administered by the Forest Service; authorized the Secretary of Agriculture to provide for their incidental expense; authorized an annual appropriation of $100,000; and contained other provisions. S. 1379. Public Law 92–300.

National park system

Increased ceilings in appropriations for land acquisition at nine areas in the national park system; increased ceilings on appropriations for development at three areas; and authorized boundary revisions at eleven areas. S. 2601. Public Law 92–272.

Oregon Dunes National Recreation Area

Established the Oregon Dunes National Recreation Area of 32,237 acres within and adjacent to the Siuslaw National Forest in Oregon. S. 1977. Public Law 92–260.

Ports and Waterways Safety Act of 1972

Promotes the safety and protects the environmental quality of ports, waterfront areas, and the navigable waters of the United States. H.R. 8140. Public Law 92–340.

Puukohola Heiau National Historic Site

Establishes the Puukohola National Historic Site in the State of Hawaii which would provide for the stabilization and preservation of three important Hawaiian temples and the home of John Young, a prominent Englishman closely associated with the early history of the Hawaiian Kingdom. H.R. 1462. P/H 4/17/72. P/S amended 6/30/72.

Saline water conversion program authorization

Authorized an appropriation of $26,871,000 for fiscal year 1973 for the Federal saline water conversion program. H.R. 12749. Public Law 92–273.

San Francisco Bay National Wildlife Refuge

Authorized the Secretary of the Interior to establish a wildlife refuge in the southern part of San Francisco Bay to comprise approximately 21,662 acres of land and waters; and authorized for the 5-year life of the program from July 1, 1972, to June 30, 1977, not to exceed $20.3 million, of which $9 million would be for acquisition purposes and $11.3 million for carrying out the other provisions of the legislation. H.R. 12143. Public Law 92–330.

Sawtooth National Recreation Area, Idaho

Establishes as the Sawtooth National Recreation Area some 750,000 acres of the Sawtooth, White Clouds, and Boulder Ranges and adjacent forest and high mountain valley lands located in south central Idaho, including the 201,000-acre Sawtooth Primitive Area, which would be designated as wilderness; requires the Secretary of the Interior to develop a specific proposal for the creation of a national park in this area and to submit his recommendations to the Congress no later than December 31, 1974; and contains other provisions. H.R. 6957. P/H 1/26/72. P/S amended 5/23/72. House requested conference 6/19/72.

Sitka National Monument, Alaska

Authorizes the Secretary of the Interior to acquire certain lands, including the Russian Mission, for addition to the Sitka National Monument, and redesignates the monument as Sitka National Historical Park. S. 1497. P/S 6/30/72.

Sycamore Canyon Wilderness, Arizona

Designated approximately 48,500 acres as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, Arizona. S. 960. Public Law 92–241.

Tinicum National Environmental Center

Authorized 2,250,000 for the Secretary of Interior to acquire such lands in Tinicum Marsh, Pennsylvania, as may be necessary, not to exceed 1,200 acres, for the purpose of establishing the Tinicum National Environmental Center, and, thus, preserving the last true tidal marshland in the Commonwealth of Pennsylvania. H.R. 7088. Public Law 92–326.

Toxic Substances Control Act of 1972

Requires that new chemical substances be tested by their manufacturer for their environmental and public health effects and that the results of those tests and the intended uses of the chemical substance be furnished the Environmental Protection Agency (E.P.A.) for review 90 days in advance of commercial production with a possible second 90-day extension if necessary; requires testing of existing chemical substances which E.P.A. finds reason to believe pose unreasonable threats to human health or the environment; provides a variety of tools to regulate toxic substances including the authority to restrict use and distribution, to seize chemical substances creating imminent hazards, and to order such other action as is necessary to protect man or the environment; requires manufacturers and processors of chemical substances to maintain certain records and reports to enable the Administrator of E.P.A. to properly determine hazards; affords citizens the opportunity to bring suits to enjoin certain violations of the act and to require the Administrator to perform mandatory duties; authorizes the Coast Guard to establish regulations governing the transport of chemical substances on the navigable waters at its own initiative or upon notice of E.P.A.; and contains other provisions. S. 1478. P/S 5/30/72.

Upper Colorado River Basin

Increases the authorization for appropriation by $610 million to complete work on storage units and projects in the Upper Colorado River Basin originally authorized by the Colorado River Storage Project Act of 1956. H.R. 13435. P/H 4/17/72. P/S amended 5/9/72. In conference.

Van Buren National Historic Site

Establishes the Van Buren National Historic Site, which includes the former residence, called Lindenwald, of Martin Van Buren, eighth President of the United States, at Kinderhook, N.Y. S. 1426. P/S 3/22/72.

Vermejo Ranch acquisition

Authorizes the Secretary of Agriculture to acquire such lands, waters, and interests as he deems desirable for national forest purposes within the proposed Vermejo Ranch purchase area as shown on a map on file in the Office of the Chief of the Forest Service, such acquisitions to become a part of the Carson National Forest. S. 2699. P/S 6/15/72.

Washakie Wilderness and the Shoshone National Forest, Wyoming

Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, Wyoming. S. 166. P/S 5/3/71. P/H amended 2/7/72. In conference.

Water Pollution Control Act amendments

Establishes a policy that the discharge of pollutants should be eliminated by 1985 that the national chemical, physical, and biological integrity of the Nation's waters be restored and maintained, and that an interim goal of water quality providing for the protection of fish, shellfish, and wildlife and for recreation in and on the water be achieved by 1981; changes the enforcement mechanism of the Federal water pollution control program from water quality standards to effluent limits; balances the Federal-State effort in the pollutant discharge permit system; authorizes $14 billion during fiscal years 1972 through 1975 for Federal grants to communities for construction of sewage treatment facilites; and contains other provisions. S. 2770. P/S 11/2/71. P/H amended 3/29/72. In conference.

WATER POLLUTION CONTROL ACT—EXTENSIONS

Extended authorizations for salaries and related expenses under Section 5(n) of the Federal Water Pollution Control Act in an amount of $9 million for the period November 1, 1971, to June 30, 1972 and for grants for State water pollution control programs under Section 7 in an amount of $15 million for fiscal year 1972. S. 3122. Public Law 92-240.

Extends authorizations for research, investigations, training, and information under Section 5 of the Federal Water Pollution Control Act for an additional $11 million (from $30 million for the period ending April 30, 1972 to $41 million for the period ending June 30, 1972) and for construction grants under Section 8 at the appropriated level of $2 billion for the full fiscal year 1972, (an additional $350 million to the previously authorized sum). S. 3572. P/S 5/4/72.

Water resources planning authorization

Increases by $3.5 million the fiscal year 1973 appropriations for the Water Resources Council to carry out certain functions assigned to it under the provisions of the Water Resources Planning Act of 1965. S. 3384. P/S 6/5/72. H.R. 14106. P/H 6/5/72. P/S amended (by language of S. 3384) 6/19/72.

Westlands Water District

Provides for deferment of construction charges against Westlands Water District for facilities to serve irrigation water to cerain lands within the district which are presently in Federal ownership. H.R. 1682. P/H 11/1/71. P/S amended 3/1/72.

Youth Conservation Corps

Amends the Youth Conservation Corps Act of 1970 to expand and make permanent the Youth Conservation Corps pilot program and to provide additional employment for young people while furthering the proper development, protection and maintenance of our natural resources, and authorizes $150 million annually for carrying out the Act. S. 2454. P/S 5/23/72.

NOMINATIONS (ACTION BY ROLL CALL VOTE):

Nomination of Richard G. Kleindienst, of Arizona, to be Attorney General

Nomination confirmed June 8, 1972. (64–19)

Nomination of George P. Shultz, of Illinois, to be Secretary of the Treasury

Nomination confirmed June 8, 1972. (80–0)

PROCLAMATIONS:

Clean Waters for America Week

Authorizes the President to issue a proclamation designating the last full calendar week in May of 1972 as "Clean Waters for America Week." S.J. Res. 210. P/S 4/11/72.

Father's Day

Authorized the President to designate the third Sunday in June of each year as Father's Day. H.J. Res. 687. Public Law 92-278.

Honor America Day

Declare July 4, 1972, as a day to honor America. S. Con. Res. 87. Senate adopted 6/28/72. House adopted 6/30/72.

National Arbor Day

Authorized the President to issue a proclamation designating the last Friday of April 1972 "National Arbor Day" and to call upon the people of the United States to observe such day with appropriate ceremonies and activities. H.J. Res. 563. Public Law 92-276.

National Arthritis Month

Authorized the President to issue a proclamation designating the month of May 1972, as "National Arthritis Month." H.J. Res. 1029. Public Law 92-289.

National Beta Club Week

Authorized and requested the President to proclaim the week which begins on the first Sunday in March, 1972, as "National Beta Club Week." S.J. Res. 153. Public Law 92-234.

National Check Your Vehicle Emissions Month

Authorized the President to issue a proclamation designating the month of April, 1972, as "National Check Your Vehicle Emissions Week." H.J. Res. 1095. Public Law 92-274.

National Coaches Day

Authorizes and requests the President to issue a proclamation designating October 6, 1972, as "National Coaches Day." S.J. Res. 213. P/S 4/28/72.

National Day of Prayer for World Peace

Declared it to be the sense of the Congress that the President designate Sunday, February 20, 1972, as a National Day of Prayer for the cause of world peace. H. Con. Res. 524. House adopted 2/16/72. Senate adopted 2/16/72.

National Hunting and Fishing Day

Requested the President to declare the fourth Saturday of September 1972, as "National Hunting and Fishing Day." S.J. Res. 117. Public Law 92-285.

National Shut-In Day

Authorizes the President to issue a proclamation designating the first Sunday in June of each year as "National Shut-In Day." S.J. Res. 208. P/S 4/11/72. P/H amended 6/30/72.

National Voter Registration Month

Authorized the President to designate the calendar month of September, 1972, as "National Voter Registration Month" and to call upon the people of the United States to observe such month with appropriate ceremonies and activities. S.J. Res. 245. Public Law 92-350.

National Week of Concern for Prisoners of War/Missing in Action

Authorized the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action" and to designate March 26, 1972, as a national day of prayer for these Americans. S.J. Res. 189. Public Law 92-248.

SPACE

NASA Authorization Act, 1973

Authorized appropriations totaling $3,444,150,000 to the National Aeronautics and Space Administration for fiscal year 1973 for research and development, construction of facilities, research and program management, and for other purposes. H.R. 14070. Public Law 92-304.

TRANSPORTATION AND COMMUNICATIONS

Coast Guard authorizations

Authorized a total of $145,880,000 in appropriations for fiscal year 1973 for use by the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, and authorized the average annual active duty personnel strength for the Coast Guard. H.R. 13188. Public Law 92-343.

High-Speed Ground Transportation Act extension

Authorized $97 million for fiscal year 1973, $126 million for fiscal year 1974, and $92.9 million for fiscal year 1975 to carry out the provisions of the act; authorized research and development in door-to-door ground transportation as well as high-speed ground transportation; extended from 15 to 25 years the maximum period for repayment of loans to railroads guaranteed under part V of the Interstate Commerce Act; and contained other provisions. S. 979. Public Law 92-348.

International Aeronautical Exposition of 1972

Increased from $3 million to $5 million the funds authorized for appropriation under the fiscal year 1970 Military Construction Authorization Act for the conduct of an international aeronautical exposition to be held at Dulles International Airport from May 27, 1972, through June 4, 1972. S. 3244. Public Law 92-252.

Merchant Marine Act

Amended Section 613 of the Merchant Marine Act of 1936, the cruise legislation section, to authorize the cruising of passenger vessels for the entire year if the Secretary of Commerce finds that the operation of the vessel on its trade route is not required, and to permit U.S.-flag passenger vessels to carry mail and cargo between ports not on their regular service under certain conditions. H.R. 9552. Public Law 92-323.

Motor Vehicle Information and Cost Savings Act

Requires the Secretary of Transportation to set property loss reduction standards for passenger motor vehicles; establishes an Automobile Consumer Information study to determine how to provide consumers with meaningful information about the operating costs and safety characteristics of particular vehicles; establishes demonstration projects to test the design and feasibility of diagnostic test inspection facilities; and establishes a national policy against odometer tampering. S. 976. P/S 11/3/71. P/H amended 5/22/72.

Natural Gas Pipeline Safety Act amendments

Amends the Natural Gas Pipeline Safety Act of 1968 so as to extend the deadline by which a State must have in force legislation authorizing the State enforcement agency to impose monetary and injunctive sanctions from August 12, 1970 to August 12, 1973; authorizes the Secretary of Transportation to make grants-in-aid up to 50 percent of the cost of personnel, equipment, and activities of States that act as agent of the Secretary in enforcing Federal safety standards for interstate pipelines; authorizes not to exceed $3 million for fiscal year 1972, $3.8 million for fiscal year 1973, and $5 million for fiscal year 1974 for the purpose of carrying out the provisions of the Act; and contains other provisions. H.R. 5065. P/H 6/21/71. P/S amended 6/6/72. In conference.

Public broadcasting

Provides improved financing for the Corporation for Public Broadcasting with a two-year authorization under a formula matching non-federal fund coming into all of public broadcasting, but in no event greater than $65 million in fiscal year 1973 and $90 million in fiscal year 1974; authorizes an increase of $10 million in fiscal year 1973, bringing the total authorization to $25 million, for the Educational Broadcasting Facilities Program; and contains other provisions. H.R. 13918. President Nixon vetoed June 30, 1972.

Rail Passenger Service Act of 1970 amendments

Authorized an additional $225 million for grant to Amtrak, plus $2 million annually for service between the U.S. and the following cities: Vancouver, Canada; Montreal, Canada; and Nuevo Laredo, Mexico; authorized an increase in loan guarantees from $100 million to $150 million through June 30, 1973, and $200 million thereafter, and limits the loan guarantee authority after enactment to expenditures for capital improvements; provided the General Accounting Office with the authority to review records of participating railroads; limited salaries of Amtrak officers, to that of Cabinet officials, except for present Amtrak officers, provided that the excess thereof must be paid only from net profits of Amtrak; restored within stated guidelines, passenger train pass privileges (held prior to or in April 30, 1971) to railroad employees, retirees, and dependents; and contained other provisions. H.R. 11417. Public Law 92–316.

Rates in foreign air transportation

Gave the Civil Aeronautics Board discretionary authority, subject to disapproval by the President, to suspend or reject tariffs in international air transportation to and from the United States; imposed on U.S. and foreign air carriers engaged in foreign air transportation a duty to establish just and reasonable individual and joint rates and practices; maintained the present mechanism for establishing international air transportation rates through the International Air Transport Association, gave the Board the statutory tools needed to perform its responsibility to protect the traveler, the shipper and air carriers by suspending and rejecting rates which are too high and rates which are destructively low; in essence, gave the Board the same degree of control over rates and practices of foreign air carriers operating into U.S. territory as foreign countries now have over operations of their own carriers and over operations of carriers foreign to those nations. H.R. 11416 (S. 2423). Public Law 92–259.

Ship mortgage insurance

Amends section 509 of the Merchant Marine Act, 1936, to increase the amount of Federal ship mortgage insurance available for high-powered vessels capable of sustained speed of more than 40 knots. S. 2684. P/S 3/30/72.

Towing vessel licensing

Promoted safe navigation by requiring that, while underway, certain towing vessels shall be under the direction and control of persons licensed under regulations prescribed by the Secretary of the Department in which the Coast Guard is operating, and required the Secretary of Transportation to conduct a study and to submit to the Congress a report thereon, together with any legislative recommendations, concerning the need for engineers in such vessels. H.R. 6479. Public Law 92–339.

Travel agents registration

Adds a new title II to the International Travel Act of 1961 to require persons operating a travel agency to secure registration certificates from the Secretary of Transportation and prohibits, after January 1. 1973, transportation carriers from entering into a contract or other arrangement with any person who is not a registered travel agent. S. 2577. P/S 6/29/72.

VETERANS

Disabled veterans

Provided for a 10-percent increase in compensation rates for service-connected disabilities and a 10-percent increase in monthly dependents' allowance payable for dependents of veterans rated at least 50 percent or more disabled; authorized the granting of equitable relief by the Administrator of the Veterans' Administration in cases of loss incurred due to administrative error; and contained other provisions: S. 3338. Public Law 92–328.

Specially adapted housing for disabled veterans

Amended chapter 21 of title 38, United States Code, to increase the maximum amount of a grant payable by the Administrator of the Veterans' Administration to $17,500 to provide specially adapted housing for disabled veterans. S. 3343. Public Law 92–341.

Veterans' Administration Health Manpower Training Act of 1972

Expands the primary function of the VA Department of Medicine and Surgery to include assisting in providing an adequate supply of health care manpower for national needs in addition to providing a complete medical and hospital service for veterans; authorizes a program for continuing medical education for health care staff of VA medical facilities and staff of other Federal medical facilities and members of the surrounding medical community on a reimbursable basis utilizing certain VA hospitals as "Regional Medical Education Centers;" directs that, to the extent feasible, any new VA hospital be constructed in close proximity to a medical school; authorizes for each of seven fiscal years beginning in fiscal year 1973 an appropriation of $125 million for three major new programs; and contains other provisions. H.J. Res. 748. P/H 7/19/71. P/S amended 4/27/72.

Veterans' Health Care Expansion Act of 1972

Improves the ability of the Veterans Administration to deliver quality medical care to its beneficiaries by removing certain legislative restrictions in the scope of treatment (particularly for ambulatory and nursing care); by expanding coverage to certain dependents of beneficiaries or former beneficiaries; by providing for a comprehensive sickle cell anemia screening and counselling program for requesting veterans and their spouses; by improving the personnel system of the Department of Medicine and Surgery (DM&S) to provide for major emphasis on the recruitment, training and employment by the VA of recent veterans with medical skills and to make DM&S more attractive to skilled health care personnel and thus more able to compete for scarce health care manpower; by improving the staff-to-patient ratio in VA medical facilities; by ensuring that VA facilities are structurally safe; and by other means. H.R. 10880. P/H 10/4/71. P/S amended 5/4/72.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. HOLLINGS). The period of transaction of routine morning business has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for transaction of routine morning business be extended for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

LEGISLATIVE ACCOMPLISHMENTS OF CONGRESS A "MIXED BAG"

Mr. SCOTT. Mr. President, the summation of what the Congress has done is, of course, a mixed bag. It always is in every session. But what the administration is saying is, "Give us the legislation to enable the country to be well and better governed. Give us the legislation we recommend, or give us your version of it."

In some cases this has been done, but in major matters, such as revenue sharing and welfare reform, the legislation is not yet enacted. All that is happening is that we want to see it enacted. The same is true as to vital matters such as the portability of pensions, matters that pertain to general welfare, and matters that relate to better ordered relationships between management and labor, wherever they need to be worked out.

I have no doubt that we can complete action on the appropriation bills. I think we should get action on the major legislation that the President sent up here. We ought to do something in the health field before we go home, and I hope we can.

The Democratic Party has completed its convention and has adopted a platform. The Republican Party was in a similar position in 1948. I was serving in the House then, and President Truman called Congress back for 2 weeks and said to it:

> You have passed a platform. Now enact it.

This was regarded at the time as an impossibility, but it certainly helped Mr. Truman's cause. The Republican Party, of course, certainly could not enact the whole program, but I regretted that it did not enact a part of it. As national chairman at that time, I urged that they were wrong in only picking up two matters, including the International Wheat Agreement, and enacting them into law, saying this was all we could do in 2 weeks.

I think it would be cruel and unusual punishment to ask the Democratic Party to do the same thing. We would like you to show that you mean what you say in your platform. We doubt very much that you would do it, platforms being used to get "in on" rather than to "ride on" thereafter.

They are more like the observation platform on an old-fashioned train, from which you stood and waved as you receded into the distance toward the setting sun.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I yield my 3 minutes to the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. I thank the Senator.

There are, however, some things in that platform which can be elucidated. Much of it is so vague as to be indeterminative, but insofar as we can find out what the platform says, we will be glad to have you enact it, or try to. The Democrats are the majority party. We can submit our versions of it, as Congress submits its versions to the President on all legislation. I think, as an evidence of good faith, they should try to enact some of it. It would help show the country that when parties pass platforms, they have some meaning. So I issue an open invitation to the majority party to take its own platform seriously, study it over, see if it can make sense out of it, and then enact it.

I am glad they did not do anything about acid or abortion, and did not do very much about amnesty in the platform. The amnesty issue will solve itself at the end of the war anyway, in one way or another.

But as to the nondangerous elements in the platform, maybe some of them are beneficial to the American people. We will never know unless you wash them off, clean them up, dry them out, and hang them on the congressional laundry line so we can all see whether they are worth pressing and sending on to the President for his imprimatur.

As far as the President is concerned, he has done what he can in the executive department, and the economy has benefited from it. It has expanded, under his administration, by 8 percent after the deductions for inflation. Eighty-two million people are working this June, more than 5 million more than when he became President. The average factory worker gets 23 percent more pay per hour now. Store sales are up 26 percent; housing starts up 4 percent; and company profits up 12 percent after taxes. Unemployment is not yet satisfactory, but it is down from 6 percent to 5.5 percent.

The President's record in foreign policy is virtually unimpeachable. No one else could do as well. No one else has ever done as well. No one has opened up so many avenues toward peace. On the domestic scene, the country is returning to a prosperous and generally affluent state.

All we need the platforms for is to find out if they mean what they say. If the convention just closed meant anything at all—and there was even more dissent on that point—surely its platform ought to be given some opportunity for exploration, evaluation, and, if necessary, action.

Mr. MANSFIELD. Mr. President, the distinguished minority leader has taken into consideration the future, but avoided the present as far as the legislative schedule is concerned.

What we have to keep in mind is that we have a very difficult schedule of legislation confronting the Senate: the Foreign Assistance Act, which is the unfinished business; the Minimum Wage Act, which will go on the second track; the welfare bill; the no-fault insurance bill; the maritime bill; the bill dealing with marine mammals; the military construction appropriation bill; the agriculture appropriation bill; the supplemental appropriation bill; the foreign aid appropriation bill; the defense appropriation bill; revenue sharing; the SALT Treaty and the interim agreement on defensive weapons; plus a number of other items which are with us now and should be considered now or as soon as possible.

As far as the conventions are concerned, the platforms which will be agreed to by both parties look to the future. What we in the Senate have to consider is the present, and I would hope that on both sides of the aisle there would be a reasonable attitude toward a time limitation on all legislation, so that we could, if possible, get through with as much of it as we can, and do it in a fashion that lies outside the field of partisan politics. This Chamber is not the place to wage a party campaign, but it is a place to do things which the committees have reported out and which are or will be on the calendar shortly.

I think the record ought to be kept straight. May I say to my distinguished friend the minority leader that what I have said about the Senate's accomplishments is just as much to the credit of the Republican Members of this body as it is to the credit of the Democratic Members, because after all this is an institution. It has a certain responsibility, and that responsibility is aside and apart from party contentions, be they Democratic or Republican.

The record ought to be made straight. The record of the Senate, I think, has been exceedingly good, all things considered, so far; and I would hope that in the next 5 weeks we could work together, Democrats and Republicans alike, to pass this legislation or not to pass it, depending upon the mood of the majority and its will. But we do have a situation confronting us which I think will call out the best in us, and I would hope that for the next 5 weeks we can do what has to be done with a minimum of politics involved, and with an understanding on both sides as far as time limitations are concerned.

If we have to come back after the Republican Convention—and as of now I am afraid we will—then I dread what will happen during that period. But let us not cross that chasm until we come to it. Let us try to work together and get as much of the President's program through as possible, making modifications and alterations which we as responsible Senators think should be made, and in that way take care of the business of the people for the time being, and let the campaigns take care of themselves at an appropriate period.

Mr. SCOTT. Mr. President, I agree. Both parties should and must cooperate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Report on Final Determination In Indian Claim Case

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination with respect to Docket No. 233, the Swinomish Tribe of Indians, Plaintiff, v. The United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

List of Reports of General Accounting Office

A letter from the Comptroller General of the United States, reporting, pursuant to law, on the reports made by that Office during the month of June, 1972 (with an accompanying report); to the Committee on Government Operations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunities to Increase Effectiveness of Long-Term, Full-Time Training Program for Civilian Employees", Department of Defense, dated June 30, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improved Foreign-Market Analyses Can Increase United States Exports," Department of State, Department of Commerce, dated July 6, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improvements Needed in Policy For Establishing Regulatory Fees," District of Columbia Government, dated July 12, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Assessment of the Teacher Corps Program," Office of Education, Department of Health, Education, and Welfare, dated July 14, 1972 (with an accompanying report); to the Committee on Government Operations.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Adjustment of Status of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, copies of orders relating to the adjustment of status of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning third preference and sixth preference classification to certain aliens (with accompanying papers); to the Commitee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Commerce:

"HOUSE CONCURRENT RESOLUTION No. 264 BY MESSRS. TRICHE, GUIDRY, ANGELLE, HAINKEL AND WALL

"A concurrent resolution to urge the Congress of the United States to take whatever congressional action as may be necessary to clarify the Natural Gas Act, June 21, 1938, c. 556, § 24, 52 stat. 833 (USCA 15 § 717) as amended, so as to make it clear that the Federal Power Commission has no jurisdiction over natural gas which is both produced and consumed within a state without its ever having crossed the boundary of the state irrespective of the fact that the pipeline through which such gas is transported in intrastate commerce may also be used simultaneously or otherwise to transport gas in interstate commerce

"Whereas, the 'insterstate commerce clause' of the Federal constitution was never intended to authorize or allow the Federal Government to regulate a product wholly produced, marketed and consumed within the borders of a single state, and

"Whereas, the Natural Gas Act, in clear terms, (provides that '(b) the provisions of this chapter shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption, for domestic, commercial, industrial, or any other use, and to natural gas companies engaged in such transportation or sale, but shall not apply to any other transportation or sale of natural gas or other local distribution of natural gas or other facilities used for such distribution or to the production or gathering of natural gas'; and

"Whereas, the Federal Power Commission has erroneously interpreted the provisions of this act so as to extend its jurisdiction to the regulation of natural gas wholly produced, transmitted and consumed within a state, such gas having never crossed the borders of the state, on the 'theory' that any pipeline located within a state which is used at any time to transport gas into or out of said state, thereby becomes an 'interstate pipeline' and subject to their regulation thereafter regardless of the fact that the natural gas thereafter transported through such lines is wholly produced, transported and consumed within the state; and

"Whereas, this interpretation, if allowed to stand, will result in the highly undesirable, uneconomical and impractical necessity of constructing dual pipeline systems, one for interstate and one for intrastate gas shipment in order to avoid Federal Power Commission regulation of all intrastate gas consumption; and

"Whereas, such interpretation and application of its jurisdiction by the Federal Power Commission is not only a deviation from the clear intent of Congress as expressed in the Natural Gas Act, but is also a clear violation of the state's right and responsibility to regulate its intrastate commerce.

"Now therefore be it resolved by the House of Representatives of the Louisiana Legislature, the Senate thereof concurring, that the Louisiana delegation in the Congress and the Representatives from all the other states are memorialized, requested and urged to take whatever congressional action as may be necessary to specifically clarify the Natural Gas Act so as to make it unequivocally clear that the Federal Power Commission has jurisdiction only with respect to such natural gas as is actually transported in interstate commerce and that said Commission has no jurisdiction whatsoever to regulate natural gas which is both produced and consumed within the borders of a single state without having crossed the borders of said state irrespective of the fact that said gas may be transmitted simultaneously or otherwise through a pipeline which may be transporting other gas in interstate commerce.

"Be it further resolved that copies of this Concurrent Resolution shall be transmitted to the presiding officers of the two houses of Congress and to each member of the Louisiana Delegation in Congress."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 114

"A concurrent resolution to memorialize the Congress of the United States to amend the federal laws to allow recipients of Old Age Assistance to keep the first Fifty ($50.00) Dollars per month of Social Security benefits without affecting their Old Age Assistance grants

"Whereas, the elderly people of the state of Louisiana and the nation should be of prime concern to those persons in a position of authority; and

"Whereas, merely because these people are no longer able to work at regular jobs because of forced retirement or disabilities is no reason to reduce any benefits that they worked for over their productive years; and

"Whereas, without the wisdom of our elders, we in this state and nation could never have achieved the progress that we have made over the years; and

"Whereas, let us not turn our backs on them at a time when we can repay them for what they have done for us; and

"Whereas, everything possible should be done to see that they live out the remainder of their lives in as much comfort as is possible,

"Therefore be it resolved by the House of Representatives of the Louisiana Legislature, the Senate thereof concurring, that the Congress of the United States is hereby memorialized to amend the federal laws to allow recipients of Old Age Assistance to keep the first Fifty ($50.00) Dollars per month of Social Security benefits without affecting their Old Age Assistance grants.

"Be it further resolved that copies of the Resolution shall be transmitted forthwith to each of the members of the Louisiana delegation in the Congress of the United States."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Labor and Public Welfare:

'HOUSE CONCURRENT RESOLUTION No. 170

"A concurrent resolution to memorialize the Congress of the United Staes to appropriate funds for Title XI, § 1136 of the 1965 Higher Education Act as amended October 1968 for Clinical Legal Education

"Whereas, the system of legal education presently used to educate students in the field of law is lacking in the practical aspects of judicial administration; and

"Whereas, the need to remedy this lack of instruction has been recognized by the Congress in the 1968 amendment to the Higher Education Act of 1965 by authorizing through Title XI funding for Clinical Legal Education Programs at approved law schools; and

"Whereas, law schools presently restrict the numbers of students in Clinical Legal Education Programs due to the high cost of funding; and

"Whereas, Clinical Legal Education is directed to educating students in the practical aspects of judicial administration.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate concurring therein, that the Congress of the United States is hereby memorialized to appropriate funds for Title XI § 1136 of the Higher Education Act of 1965 as amended in 1968 for Clinical Legal Education Program in approved law schools.

"Be it further resolved that a copy hereof be sent to the Congress of the United States and copies to the members of the Louisiana Congressional Delegation."

Two concurrent resolutions of the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION No. 16

"A concurrent resolution to memorialize Congress with respect to legislation changing the method of selection of judges of the federal judiciary

"Whereas, under the present method of appointment of judges of the United States Court system for life terms the people have no voice therein, and judges are answerable to no one for entire lifetimes; and

"Whereas, a judicial system which is answerable to the people breeds competence in and trust of the members of its judiciary; and

"Whereas, such a system fits well within our democratic form of government; and

"Whereas, certain merit systems for the selection of the judiciary have been introduced into various states which give the executive branch the power of initial appointment but offers the electorate a periodic right to judge the performance of the appointees, one of which systems is popularly known as the 'Missouri Plan'; and

"Whereas, under such plan an incumbent member of the judiciary is allowed to run for re-election based on his previous record, and not on popularity, political affiliation or television or radio 'personality'; and

"Whereas, this system protects the judiciary from political influences and tends to insure an independent judiciary while still requiring it to answer to the people; and

"Whereas, the system generally retains the few advantages of the present system of selection while incorporating the many advantages of election of judges.

"Now therefore be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate therefore concurring, that the members of the United States Congress are hereby strongly urged and requested to consider legislation which would change the present method of selection of the federal judiciary by adopting in whole or similar form that merit system for selection of the judiciary commonly referred to as the 'Missouri Plan'.

"Be it further resolved that the Clerk of the Louisiana House of Representatives shall transmit copies of this Resolution without delay to the members of the Louisiana Delegation in both houses of the United States Congress and to the presiding officer of each of the houses of the Congress."

"HOUSE CONCURRENT RESOLUTION No. 147

"A concurrent resolution to memorialize the Congress of the United States to immediately take the necessary steps to give to the citizens of this nation an opportunity by constitutional amendment to determine whether or not prayer shall be permitted in the public schools and to urge the legislatures of all the states to join in this recommendation to the Congress

"Whereas, no civilization, government or nation has ever existed, nor could they be possible, without a fundamental and profound recognition of and reverence for some authority, some ideal, some being, superior to the individual which in our national heritage we have expressed as a belief in and dependence upon Almighty God; and

"Whereas, our national tradition and heritage of public and civic prayer give purpose and meaning to our union as a nation, without which we could only suffer the anarchy or tyranny of the oppressed peoples in less enlightened parts of the world; and

"Whereas, education is a worthless, if not evil and dangerous thing, if limited to merely the dissemination of factual information without the expression and understanding of ideas, ideals, theories, customs and beliefs of other men, whether designated as being of a religious nature or by some other appellation; and

"Whereas, none of the constitutional safeguards of individual rights and civil liberties of the citizens of these United States were designed or intended to prohibit prayer in the schools or any public place, so long as no citizen is coerced into a participation therein inconsistent with his own beliefs; and

"Whereas, the Supreme Court of the United States has had occasion to so construe our constitution as to prohibit public prayer in public schools.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the Congress of the United States be and it is memorialized to immediately take the necessary steps to provide the citizens of this great Nation an opportunity by way of a proposition to amend the United States Constitution to determine whether or not public prayer shall be permitted in the public schools of the several states.

"Be it further resolved that the legislatures of every state of the nation are hereby urged to join in this recommendation to Congress.

"Be it further resolved that copies of this Resolution shall be forwarded to the Secretary of State of the United States, the clerk of the House of Representatives of the United States, the members of Louisiana's congressional delegation, and the secretary of state of each of the several states for transmittal by him to the legislature of his respective state."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Commerce:

"SENATE CONCURRENT RESOLUTION No. 67

"A concurrent resolution to urge and request the Federal Power Commission to amend its rules and the United States Congress to amend the Natural Gas Act so as to exempt from the definition of 'interstate natural gas' natural gas transported through interstate pipelines from one point within a state to another point therein

"Whereas, the state of Louisiana is an important source of natural gas in the United States; and

"Whereas, large volumes of natural gas produced in Louisiana are shipped in interstate commerce through interstate pipelines; and

"Whereas, there are in existence extensive networks of interstate pipelines for the transportation of natural gas in the state of Louisiana; and

"Whereas, there is available natural gas in the state of Louisiana which has not been committed to interstate transmission companies; and

"Whereas, there exists an acute shortage of natural gas in the state of Louisiana available for industrial use, due, in large part, to the fact that there are not sufficient intrastate pipelines to transport this gas from its source of supply in Louisiana to the point of use in Louisiana; and

"Whereas, there has arisen a serious question as to whether natural gas can be transported from one point to another within Louisiana when commingled with interstate natural gas without the total natural gas becoming interstate and therefore subject to the regulations of the Federal Power Commission; and

"Whereas, the Federal Power Commission has no authority over the sale of natural gas except for resale but does have authority over interstate natural gas pipelines; and

"Whereas, it is extremely important to the state of Louisiana that the Federal Power Commission amend its rules so as to exempt from its definition of 'interstate natural gas' natural gas transported through interstate pipelines from one point within a state to another therein.

"Therefore, be it resolved by the Senate of the state of Louisiana, The House of Representatives thereof concurring herein, that the Federal Power Commission is hereby urged and requested to amend its rules so as to exempt from its definition of 'interstate natural gas' natural gas transported through interstate pipelines from one point within a state to another point therein, whether said gas is commingled with interstate gas or not.

"Be it further resolved that the Congress of the United States is hereby urged and requested to amend the Natural Gas Act so as to permit natural gas to be transported through interstate pipelines from one point within a state to another point therein, without said gas becoming 'interstate natural gas' within the meaning of said Act.

"Be it further resolved that copies of this resolution be transmitted without delay to the Louisiana delegation in Congress and to the Federal Power Commission."

A resolution of the Senate of the State of Louisiana; to the Committee on Commerce:

"SENATE RESOLUTION No. 30

"A resolution to memorialize the Congress of the United States to enact the Surface Transportation Act of 1971

"Whereas, the present and future needs of the citizens of this state as well as the needs of the citizens of the remaining states of the United States for a stable and expanding economy require the smooth functioning of a balanced surface transportation system making the best possible use of all modes of transportation, including rail, highway and waterway; and

"Whereas, it is reported that the demand for freight transportation is growing three times as fast as the population and may double by the year 1985; and

"Whereas, much of the surface transportation system is today in a precarious financial position which impedes its ability to modernize and to meet increasing needs of both shippers and consumers alike; and

"Whereas, the existing federal policies with respect to the regulation and financing have lagged far behind and have resulted in impeding the progress and health of the transportation industry; and

"Whereas, truckers, railroads and regulated water carriers feel it is in the best interest of all citizens that pending legislation in the Congress of the United States be enacted so as to correct these inequities in regulation and financing.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana that the Congress of the United States is hereby urged to give every favorable consideration for the enactment of the Surface Transportation Act of 1971, being S. 2362 and H.R. 11207.

"Be it further resolved that a copy of this Resolution shall be transmitted to the President of the United States, and to each member of the Louisiana delegation in Congress."

A joint resolution of the Legislature of the State of California; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION No. 4—RELATIVE TO REQUIRING NORTH VIETNAM TO ACCOUNT FOR EACH AMERICAN MISSING IN ACTION OR LISTED AS A PRISONER OF WAR AS A RESULT OF THE CONFLICT IN VIETNAM

"LEGISLATIVE COUNSEL'S DIGEST

"AJR 4, Burke. Prisoners of war.

"Memorializes President, Vice President, and Congress to demand full accounting from North Vietnam of all prisoners of war taken in Vietnam conflict before completion of American troop withdrawals.

"Whereas, Countless American servicemen are listed as prisoners of war or missing in action, a nebulous status which has been a continuous source of uncertainty, grief, and despair for the friends, relatives, and loved ones they have left behind in the United States; and

"Whereas, To this date, over 18 years after the conclusion of the Korean conflict, our government has been unable to secure any information as to the well-being or existence of over 389 men who were similarly listed as prisoners or missing in action in that conflict; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the members respectfully memorialize the President, the Vice President and Congress of the United States to demand a full accounting from the government of North Vietnam for every American prisoner of war taken in the Vietnam conflict before the completion of American troop withdrawals from the war; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Two joint resolutions of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION No. 10—RELATIVE TO CREATING A NATIONAL PARK IN LOS ANGELES COUNTY

"Whereas, Congressman Alphonzo Bell has introduced a bill in the Congress of the United States to create a national park in the Santa Monica area of Los Angeles County; and

"Whereas, The inclusion in this park of a system of parkways would enhance its value and utility; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests Congressman Bell to amend his bill to include in it provisions for parkways; and be it further

"Resolved, That the Legislature of the State of California respectfully memoralizes the President and the Congress of the United States to enact Congressman Bell's park bill; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"SENATE JOINT RESOLUTION No. 19—RELATIVE TO THE SAN FELIPE DIVISION OF THE CENTRAL VALLEY PROJECT

"Whereas, The federal budget for fiscal 1972–1973 contains no funds for completion of preconstruction activity for the San Felipe Division of the Central Valley Project; and

"Whereas, It appears that the ground for the deletion of such funds is that by reason of the recent decision of the State Water Resources Control Board setting quality criteria for specified reaches of the Delta of the Sacramento-San Joaquin Rivers, the Bureau of

Reclamation is unable to guarantee a water supply for such division; and

"Whereas, It appears the Santa Clara sub-area, as the principal prospective contractor for San Felipe Division supplies, and other public contractors in the proposed service area in San Benito, Santa Cruz and Monterey Counties, are fully prepared to accept a form of contract which provides for temporary discontinuance of deliveries in years of shortage, hold-over underground storage being available; and

"Whereas, The years in which a rationing might, upon such decision, be imposed will occur only under a combination of conditions remote in probability; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to augment the federal budget for fiscal 1972–1973 by the sum of three hundred thousand dollars ($300,000) which represents the capability of the Bureau of Reclamation to complete San Felipe Division preconstruction activity; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"Assembly Joint Resolution No. 33—Relative to Federal Lands Adjacent to Point Mugu State Park

"Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to declare surplus and transfer to the Department of Parks and Recreation for inclusion in the state park system, under the federal government's legacy of parks program, those federal lands adjacent to, and northwesterly of, Point Mugu State Park which are not needed for military and defense purposes; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Legislature of the State of Florida; to the Committee on Labor and Public Welfare:

"Resolution

"Whereas, in 1950 the Congress created a program of financial assistance to those agencies providing education for children residing on federal property or for children whose parents are employed on federal property; and

"Whereas, every year since, the Congress has seen fit to support this program with what has become commonly known as 'impact funds;' and

"Whereas, the Brevard County School District educates 1,952 pupils whose parents live on federal property and 20,532 pupils whose parents live off, but work, on federal property; and

"Whereas, in the instance of Brevard County, a great deal of what would otherwise be 'industrial or commercial property,' is federally owned and, therefore, wholly exempt from taxation; and

"Whereas, the tax exempt federal property in Brevard County amounts to 159,133 acres or 65 percent of the total property in the county and is valued at $1.8 billion; and

"Whereas, based upon a ten mill maximum which the Brevard County School District has levied against all privately owned properties, this tax exempt federal property would produce $17.1 million in operating revenues for school purposes; and

"Whereas, the present Administration has proposed eliminating from impact fund consideration the 'B Category' pupils, those pupils whose parents live off, but work, on federal property; and

"Whereas, such action on the part of Congress would result in a loss of $3.684 million, or over three-fourths of the Brevard County School District's entitlement of $4.642 million; and

"Whereas, the Brevard County School District cannot operate and offer the same educational program for our children if this loss in revenue is sustained; and

"Whereas, there are 21 other counties in the State of Florida similarly affected.

"Now, therefore, be it resolved that the Governor and Cabinet of the State of Florida strongly urges Congress to support adequate funding of all educational legislation, therefore eliminating the continued need for supplemental appropriations; and

"Be it further resolved that if such funding is not forthcoming, that the Governor and Cabinet do hereby urge Congress to honor its 22 year old commitment to those agencies which have faithfully educated the children of federal government employees, during that time, to wit: fund at full entitlement both A and B category pupils; and

"Be it further resolved that copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the appropriate members of the Senate and House Appropriations Committees.

A joint resolution of the Legislature of the State of Kentucky; to the Committee on the Judiciary:

"House Resolution No. 2

"A joint resolution ratifying a proposed amendment to the Constitution of the United States

"Whereas, House Joint Resolution 208 of the Ninety-Second Congress (Second Session) proposes an amendment to the Constitution of the United States; and

"Whereas, the amendment so proposed shall be valid to all intent and purposes as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress; and

"Whereas, the purpose of the proposed amendment is in keeping with the desires of the people of this Commonwealth to insure that equality of rights under law shall not be denied or abridged by the United States or any State on account of sex;

"Now, therefore, *Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

"Section 1. The amendment to the Constitution of the United States proposed by House Joint Resolution 208 of the Ninety-Second Congress (Second Session), proposing an amendment to the Constitution of the United States relative to equal rights for men and women and reading as follows, hereby is ratified:

"Article

"Section 1. Equality of rights under law shall not be denied or abridged by the United States or any State on account of sex.

"Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

"Section 3. This Amendment shall take effect two years after the date of ratification.

"Section 4. The Governor of the Commonwealth shall cause certified copies of this resolution to be sent to the Administrator of General Services of the United States, to the Secretary of State of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States. The Secretary of State of this Commonwealth shall cause certified copies of the resolution to be sent to the Governor of each of the United States.

A resolution adopted by the North Carolina Bar Association, Raleigh, N.C.; expressing opposition to any legislation that would impose unwarranted Federal control and preempt State action in the auto reparations system; to the Committee on Commerce.

A resolution adopted by the Adjutants General Association of the United States, Washington, D.C., in support of action taken by the President in the conflict in Southeast Asia; to the Committee on Foreign Relations.

A petition adopted by the Presbyterian Church of the United States, Atlanta, Ga., praying for an end to the economic boycott of Cuba; to the Committee on Foreign Relations.

The petition of Benjamin Holland, Raiford, Fla., praying for a redress of grievances; to the Committee on the Judiciary.

A resolution adopted by the Student Government Association, Lafayette, La., opposing any unjust discrimination against working students; to the Committee on Labor and Public Welfare.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on July 1, 1972, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 979. An act to amend the act of September 30, 1965, relating to high-speed transportation, to enlarge the authority of the Secretary to undertake research and development, to remove the termination date thereof, and for other purposes;

S. 3343. An act to amend title 38, United States Code, to increase the maximum of the grant payable for specially adapted housing for disabled veterans;

S. J. Res. 245. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; and

S.J. Res. 250. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, with amendments:

S. 1076. A bill to provide for the striking of medals in commemoration of Jim Thorpe (Rept. No. 92–965).

AMENDMENT OF THE NATIONAL SECURITY ACT—REPORT NO. 92–964

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Arkansas (Mr. Fulbright), chairman of the Committee on Foreign Relations, I make the following statement:

Mr. President, on July 7, 1971, by unanimous consent, S. 2224, to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency, was referred to the Committees on Armed Services and Foreign Relations jointly.

I now ask unanimous consent that the bill with amendments, as reported from the Committee on Foreign Relations be referred, with the amendments, to the Committee on Armed Services.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT (for himself, Mr. BEALL, Mr. HARRY F. BYRD, JR., Mr. BUCKLEY, Mr. CHILES, Mr. GURNEY, Mr. JAVITS, Mr. MATHIAS, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SPARKMAN, and Mr. SPONG):

S. 3795. A bill to provide additional relief to victims of hurricane and tropical storm Agnes, and for other purposes. Referred, by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs and to the Committee on Agriculture and Forestry.

S. 3796. A bill to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters. Referred to the Committee on Public Works.

By Mr. McINTYRE:

S. 3797. A bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TAFT:

S. 3798. A bill for the relief of Mrs. Maxime-Lawrence Billion Ames. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT (for himself, Mr. BEALL, Mr. HARRY F. BYRD, Mr. BUCKLEY, Mr. CHILES, Mr. GURNEY, Mr. JAVITS, Mr. MATHIAS, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SPARKMAN, and Mr. SPONG):

S. 3795. A bill to provide additional relief to victims of hurricane and tropical storm Agnes, and for other purposes. Referred, by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs and to the Committee on Agriculture and Forestry.

S. 3796. A bill to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters. Referred to the Committee on Public Works.

Mr. SCOTT. Mr. President, today I am introducing legislation on behalf of myself and Senators BEALL, HARRY F. BYRD, JR., BUCKLEY, CHILES, GUERNEY, JAVITS, MATHIAS, RANDOLPH, SCHWEIKER, SPARKMAN, and SPONG to assist those States which were so terribly affected by the late June floods.

This legislation is a $1.8 billion program known as the Agnes Recovery Act and proposed last week by President Nixon.

It liberalizes loans and cash grants to property owners, residents, businessmen, farmers, and all individuals who suffered from the natural disaster.

The President has proposed a broad and comprehensive plan to help millions of persons fight back and rebuild their communities, their businesses, and their homes.

The Agnes Recovery Act will make available $5,000 cash grants while the present law provides a maximum of $2,500.

Interest rates are to be dropped to 1 percent instead of the current 5⅛ percent on Small Business Administration and Farmers Home Administration loans. The legislation will require supplemental appropriations for the following: $1.300 billion for the Small Business Administration; $200 million for the President's Disaster Relief Fund; $200 million for the Federal Highway Administration; $16 million for the Appalachian Regional Commission; $55 million for the Economic Development Administration; $12 million for the Corps of Engineers; $30 million for the Department of Labor; and $1.85 million for the Farmers Home Administration.

These are the two keys to helping people get a new start, to let them get back on their feet.

These are the keys to keeping a business in the community, to provide the economic base.

These are the keys to the future of a region.

If we do not come to the support of those beleaguered residents and businesses in their time of dire need, we can expect increases in unemployment.

Without help from the Congress we will watch areas lose their equity.

President Nixon summed it up best when he said liberalized assistance can mean the difference between recovery and bankruptcy and ruin.

Our commitment to the less fortunate must be massive because this was a massive disaster.

Our commitment must be of short term and long term for recovery.

The Agnes Recovery Act should give hope to those who have waited patiently while working so diligently in their battle for economic survival.

Mr. President, I ask unanimous consent that the bill "to provide additional relief to victims of hurricane and tropical storm Agnes, and for other purposes," be jointly referred to the Commitee on Banking, Housing and Urban Affairs, and the Committee on Agriculture and Forestry.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask unanimous consent that the two bills be printed in full in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 3795

A bill to provide additional relief to victims of Hurricane and Tropical Storm Agnes, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agnes Recovery Act of 1972."

PURPOSE

SEC. 2. The Congress hereby finds and declares that the untold suffering and the interruption of life and commerce resulting principally from flooding, high waters, and wind-driven waters associated with Hurricane and Tropical Storm Agnes compels enactment of special measures designed to aid the victims of this catastrophe in their efforts to restore and rehabilitate devastated homes, farms, and businesses.

SMALL BUSINESS ADMINISTRATION DISASTER LOANS

SEC. 3. Notwithstanding any other provision of law, in the administration of the disaster loan program under section 7(b)(1), (2), and (4) of the Small Business Act, as amended (15 U.S.C. 636(b)(1), (2), and (4)), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator which occurred as a result of Hurricane and Tropical Storm Agnes, the Small Business Administration—

(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall cancel the principal of the loan, except that the total amount so canceled shall not exceed $5,000, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate of 1 per centum per annum.

(2) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

FARMERS HOME ADMINISTRATION EMERGENCY LOANS

SEC. 4. Notwithstanding any other provision of law, in the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–67), and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a natural disaster as determined by the Secretary of Agriculture which occurred as a result of Hurricane and Tropical Storm Agnes, the Secretary—

(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall cancel the principal of the loan, except that the total amount so canceled shall not exceed $5,000, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate of 1 per centum per annum.

(2) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

DISASTER LOAN INTEREST RATES

Sec. 5. Any loan made under sections 3 and 4 of this Act shall not exceed the current cost of repairing or replacing the disaster loss or damage or injury in conformity with current codes and specifications. Any loan made under sections 3 and 4 of this Act shall bear interest at the rate of 1 per centum per annum.

AGE OF APPLICANT FOR LOANS

Sec. 6. In the administration of any Federal disaster loan program under the authority of sections 3 and 4 of this Act, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

APPLICABILITY OF BENEFITS

Sec. 7. The benefits provided under this Act shall be applicable to all loans qualifying hereunder, whether approved before or after the date of enactment of this Act.

EFFECTIVE DATE

Sec. 8. The provisions of this Act shall apply to loss or damage or injury occurring on or after June 17, 1972, as a result of Hurricane and Tropical Storm Agnes for major disasters determined by the President or a disaster as determined by the Administrator of the Small Business Administration or a natural disaster as determined by the Secretary of Agriculture.

S. 3796

A bill to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 125 of title 23, United States Code, is amended by adding a new subsection at the end thereof as follows:

"(d) In addition to the sums authorized to carry out subsection (a) of this section, there is hereby authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973. Sixty per centum of the expenditures under this section are authorized to be appropriated from the Highway Trust Fund and the remaining 40 per centum of such expenditures are authorized to be appropriated only from any moneys in the Treasury not otherwise appropriated. Such sum shall be available for expenditure during the next three succeeding fiscal years in addition to amounts otherwise available to carry out this section in such years. Funds authorized to be appropriated under this subsection shall be available for obligation immediately upon enactment in the same manner and to the same extent as if such funds were apportioned under this chapter.

By Mr. McINTYRE:

S. 3797. A bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. McINTYRE. Mr. President, today I am introducing a bill designed to lower interest rates and provide financial relief for those victims unfortunate enough to be involved in a natural disaster.

As we know, President Nixon has recently announced his desire to aid victims of Hurricane Agnes in the States of Florida, Pennsylvania, New York, Maryland, Virginia, West Virginia, and the District of Columbia by providing disaster relief loans at 1 percent interest with a $5,000 forgiveness provision. The House of Representatives on June 29 passed H.R. 15692 amending the Small Business Administration's disaster relief program and providing for either a $2,500 forgiveness at 3 percent or a straight 1-percent loan without forgiveness at the option of the disaster victim.

The bill I am introducing today is identical to the bill passed by the House except with regard to the amount of forgiveness and the interest rates on loans.

I applaud President Nixon's initiative in attempting to provide needed relief for those citizens injured as a result of Hurricane Agnes and the resultant flooding. The damage accompanying Agnes along the east coast ranks as one of the worse natural disasters of recent times. Certainly, we in Congress join with the President in providing desperately needed financial relief to the victims of this disaster.

With regard to the SBA disaster relief program, my bill is very similar to the proposed administration bill. Press reports indicate that the President's proposed bill would increase forgiveness to Hurricane Agnes victims to $5,000 and the total loan will be at an interest rate of 1 percent.

The bill I am introducing today also provides for a total forgiveness of $5,000, but I have modified the interest rate. My bill calls for an interest rate of 1 percent on the first $10,000; 3 percent on the amount between $10,000 and $20,000; and the cost of money to the U.S. Treasury on the amount of a loan over $20,000. The reason why I have increased interest rates as the amount of the loan increases is that most lower income individuals who are economically injured by natural disasters have substantially smaller losses than more affluent individuals who are capable of paying higher interest rates. I feel that this approach is much more equitable and at the same time calls on those who can afford it to shoulder a larger interest rate than those less able to do so.

But my bill also goes further than the proposed administration bill by offering aid to victims of other recent disasters.

The House-passed bill has a retroactive date taking effect on the first day of fiscal year 1972, July 1, 1971, whereas, the administration bill only applies to victims of Hurricane Agnes. Certainly, the destruction caused by Agnes is staggering and relief for those victims must be given immediately. However, to any disaster victim who suffers serious loss or who is completely wiped out, the size of the disaster is only a contingency to his individual loss.

Only a few days before Hurricane Agnes hit, the State of South Dakota suffered disastrous flooding but under the President's proposal those victims would not be treated equitably with the victims suffering damages as a result of Hurricane Agnes. The bill I introduce today is designed to provide equity with other disaster victims equal to the relief to be given Hurricane Agnes victims by the President's bill.

The President's bill is limited only to Hurricane Agnes and does not operate either retroactively or prospectively; whereas, my bill would take effect retroactively on July 1, 1971 and would amend the SBA's permanent disaster relief program to apply to future disasters.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1015

At the request of Mr. Cooper, the Senator from Delaware (Mr. Roth) was added as a cosponsor of S. 1015, a bill to establish an Environmental Financing Authority.

S. 3449

At the request of Mr. Robert C. Byrd, for Mr. Jackson, the Senator from North Dakota (Mr. Young), the Senator from Rhode Island (Mr. Pastore), the Senator from Alaska (Mr. Stevens), the Senator from Utah (Mr. Moss), the Senator from Montana (Mr. Mansfield), and the Senator from West Virginia (Mr. Robert C. Byrd) were added as cosponsors of S. 3449, a bill to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation thereof.

SENATE RESOLUTION 329—SUBMISSION OF A RESOLUTION TO REFER THE BILL FOR THE RELIEF OF JOHN J. YARNELL TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. SCOTT submitted the following resolution:

S. RES. 329

Resolved, That the bill (S. 1594) entitled "A bill for the relief of John J. Yarnell," now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1317

(Ordered to be printed and to lie on the table.)

Mr. MANSFIELD submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

FAIR LABOR STANDARDS AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1318

(Ordered to be printed and to lie on the table.

Mr. STAFFORD. Mr. President, today I send to the desk an amendment and I ask that it be printed. The Senator from West Virginia (Mr. RANDOLPH) and I intend to offer the amendment to S. 1861, the Fair Labor Standards Amendments of 1972.

While I agree fully with most of the work done by the Committee on Labor and Public Welfare on the bill, I did reserve the right with the chairman to offer an exemption that I consider to be needed by the small businessmen of the Nation.

The amendment that Senator RANDOLPH and I intended to offer to S. 1861 would restore the enterprise test to the $250,000 level that exists in the present law. The committee, after extensive discussion, voted to lower the test to $150,000 in four stages and to eliminate the chainstore exemption.

The amendment we are offering would restore only the $250,000 gross sales test for individual small businesses. It would not, in any way, alter the committee's action regarding coverage of chain stores.

Senator RANDOLPH and I feel this is a genuine small business exemption that is needed at this time. We intend to call up this amendment as soon as consideration of S. 1861 begins.

Mr. President, I ask unanimous consent that the text of the amendment be printed at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1318

On page 18, strike out all after line 16, over to and including line 9 on page 19 and renumber subsection accordingly.

AMENDMENT NO. 1319

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN (for Mr. PEARSON) submitted an amendment intended to be proposed to the bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

STATUS OF COMPETITION AND ROLE OF SMALL BUSINESS IN GOVERNMENT PROCUREMENT OF DRUGS

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will resume its hearings on competitive problems, role of small business, the efficiency and economy of Federal agencies and departments in the procurement and use of drugs.

The hearing which was originally scheduled for June 20 will now be held on July 19, 1972, in room 318—Caucus Room—of the Old Senate Office Building starting at 10 a.m.

NOTICE OF HEARINGS ON THE COMMUNITY SUPERVISION AND SERVICES ACT

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 3309, the Community Supervision and Services Act, beginning at 10 a.m. on July 19 and 20, 1972, in room 2228 of the New Senate Office Building.

This legislation is designed to provide clear legislative authorization for a program of pretrial diversion in the system of Federal district courts. Pretrial diversion has been experimented with in a number of cities and it is clear from the evidence which has been presented today, that such an approach provides a meaningful way of dealing with alleged offenders, to provide opportunities for rehabilitation at a savings in the time of our busy courts and at a savings in dollars and cents to taxpayers and potential victims of crime.

These hearings will include representatives of all facets of criminal justice, including those who have sponsored working projects.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

ADDITIONAL STATEMENTS

WATERSHEDS—A PROGRAM THAT WORKS

Mr. ALLEN. Mr. President, Hurricane Agnes—one of the most ravaging storms in the history of our country—has come and gone, leaving behind a trail of death and destruction.

What "Agnes" did not destroy were the hundreds of dams in the small watershed flood control projects located in the hurricane's path.

These dams, designed and built with the help of the Soil Conservation Service, U.S. Department of Agriculture, were severely tested by heavy rainstorms in the Middle Atlantic States.

Not one of these SCS-designed dams failed under even the most severe conditions. Not one came close to failure. All of them functioned as planned and, in the process, prevented millions of dollars in damages, and may very well have saved human lives.

A nearby example can be found in the Upper Rock Creek small watershed project in Montgomery County, Md. Lake Needwood, a part of this project, protects thousands of people downstream. At no time during the 100-year-frequency storm that was "Agnes" did floodwaters reach the level of Lake Needwood's emergency spillway, designed to handle overflows safely. At no time did the lake itself come closer than 14 feet to the top of the dam.

The Soil Conservation Service estimates that the depth of floodwaters in many areas below Lake Needwood was reduced one-third to one-half because of the lake's flood control features. This may have saved lives as well as property. In 1956, for example, before Needwood was built, Viers Mill Road, about 3 miles downstream from the lake, was inundated with floodwaters, and a fireman lost his life in a rescut attempt. Last month, during "Agnes," floodwaters in that same area were 4 to 5 feet below the roadway.

There was, of course, serious flooding farther down Rock Creek, where small watershed-type protection is not now possible because the area is intensively urbanized and potential dam sites were preempted years ago for homes or other buildings.

Hurricane Agnes also slammed into Pennsylvania with great intensity. The dozens of dams in the 21 small watershed projects complete or under construction performed very well. Mayor William Hall of Wellsboro, Pa., for example, credits the Marsh Creek watershed project dams with preventing millions of dollars in damages.

In Delaware, Jack Webb, a corn and soybean farmer near the Upper Choptank River watershed project, told a reporter:

> I have both improved and unimproved land in the watershed area. In the improved area, my drainage saved me $4,500 on one farm alone. Where I didn't have drainage improvements because outlets were not provided, I lost 90 acres of crops.

And Merritt Camper, a farmer in the marshy Hope Creek watershed project said:

> These ditches are saving the agricultural industry in this State.

Southern New York State was also pounded by Hurricane Agnes rainstorms. The SCS district conservationist in Cattaraugus County estimates that the five completed or partially completed dams in the Conewango Creek watershed project held back more than 446 million gallons of water, and probably saved some lives. The conservationist said that, during a smaller 1967 rainstorm, patients in a Randolph, N.Y., nursing home were evacuated, while, during the more severe "Agnes" rainstorm, the nursing home and its patients were never threatened. The difference was a new small watershed dam.

Virginia was also hard hit by floods, but all dams held. Dams in the Mountain Run watershed project, Culpeper County, for example, held back an estimated 1.8 billion gallons of water.

But flood control is not the whole story of these projects.

Some areas, such as the city of Culpeper, suffer from both drought and flood. Their Mountain Run project stores an additional 700 million gallons of water to augment the city's water supply. This steady source of water has brought new economic growth to the area, and new jobs for hundreds of local people.

Further, there is fishing in one of the dam-created lakes, and it is the center of the county's first public park.

I know from personal experience in my own State of Alabama, which has 8 completed watershed projects and 21 approved for construction, that these flood-control projects are strongly supported by local people. As "Agnes" illustrated, these SCS-assisted projects are also soundly planned and built.

The small watershed concept of flood control is an idea that works. Hurricane Agnes demonstrates this. Congress can be very proud of its steady support of the program.

Newspapers in the small communities affected by Agnes have quickly credited the dams and other flood control structures with protecting their areas. But—where are the news stories in the metropolitan press? Absent—unfortunately. Here in Washington—within easy community distance of the upper Rock Creek area—I did not see anything in the major metropolitan press on this point—although the Montgomery County Sentinel carried an excellent article and editorial.

The Montgomery County newspaper made a cogent point—and I would like to quote briefly from their editorial:

> One of the many lessons we should have learned from the flood is that destruction along Rock Creek below the dams would have been twice as bad if the dams had not been there. The Rock Creek dams were started late in the county's development—too late to do the job adequately because land costs had already soared.

My purpose in bringing this to the attention of my colleagues in the Congress is this. We need to focus attention on the thousands of watersheds, and their communities, where flooding could have been prevented had the small watershed program been in operation.

Let this tragedy mark the point in time for a new swing of the pendulum so that we can move onward and upward with the flood prevention job that can be achieved through the small watershed program. It has proven itself a hundred times over—in Pennsylvania, in New York, in Culpeper, Va., and elsewhere.

Watershed installations have been planned or constructed for only one out of 10 communities where they are needed and feasible. Let the experience of "Agnes" help us to better prepare for the next disaster. And let us do it now—in advance—while there is time.

GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

Mr. SCOTT. Mr. President, congratulations to the members of the Order of Ahepa on the celebration of a golden anniversary on July 26. Ahepa stands for the American Hellenic Educational Progressive Association and I believe this organization is based upon some very sound principles. Following are four objectives of the Order of Ahepa:

First. To promote and encourage loyalty to the United States.

Second. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

Third. To encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor.

Four. To champion the cause of education and to maintain new channels for facilitating the dissemination of culture and learning.

The activities of the Order of Ahepa over the past half century have ranged from aiding disaster victims to funding Greek student programs. Men such as John Anagnostakos of Philadelphia, Steve C. Nicholas of Harrisburg, Dinos W. Katsafanas of Pittsburgh, and many others have greatly contributed to the success of the Order of Ahepa in the Commonwealth. Mr. President, I extend my wholehearted personal congratulations and those from the citizens of Pennsylvania on this special occasion and I ask my colleagues to join me in this salute.

URGENT APPEAL TO HELP RURAL AMERICA

Mr. TALMADGE. Mr. President, I have taken the floor of the Senate a number of times to oppose the administration's efforts to destroy the U.S. Department of Agriculture.

We are now told that USDA will be saved. But upon close examination of what will remain after a new Department of Community Development is created, it is certain that only a bare skeleton will remain of what is clearly the best agency to help country people—not only in agriculture, but also in rural community development.

It has been estimated that if the President's full reorganization plan is put into effect, the number of USDA employees will drop from 83,000 to 27,304 and the budget would drop from $12 billion to $7.1 billion. Obviously, such a move would weaken USDA sufficiently so that it could not retain Cabinet status for very long.

The inclusion of programs now designated as rural programs into an agency that is essentially the Department of Housing and Urban Development—in other words, a department that is dominated by urbanists—will do serious harm to efforts by my committee to provide a new thrust toward rural development and balanced national growth.

I am not alone in this contention. I ask unanimous consent to have printed in the Record a letter to one of our committee staff members from the chancellor of the University of Maryland, to be followed by a wire which the chancellor received from a long list of prominent organizations concerned with the welfare of rural people.

There being no objection, the letter and wire were ordered to be printed in the Record, as follows:

University of Maryland,
College Park, Md., May 3, 1972.

Dr. John Baker,
U.S. Senate,
Washington, D.C.

Dear Dr. Baker: Enclosed is a copy of a telegram that I have received from a group of concerned rural leaders relative to the proposed reorganization of the U.S. Department of Agriculture. I was not mindful that the Rural Bill being considered would call for a transfer of the Electrification Administration and the Farmers Home Administration from the USDA.

In my opinion, such a dismemberment of USDA would be a gross mistake and would lead to more of the funds allocated to these programs being used in metropolitan areas. Previous experience clearly dictates that if funds are to be used to support programs in rural areas they must be earmarked for this purpose.

I hope that strong and forthright measures will be taken to enhance rural development, but I would hate to see some of our most effective programs destroyed in the process.

Sincerely yours,
C. E. Bishop, *Chancellor.*

Washington, D.C., April 25, 1972.

Dr. Charles E. Bishop,
Coalition for Rural America,
University of Maryland,
College Park, Md.

This is an urgent appeal from farm and rural organizations representing millions of farmers and rural people; we ask your support and the support of your Coalition for Rural America to flatly oppose the dismemberment of the Department of Agriculture and specifically to oppose the transfer of the Rural Electrification Administration and the Farmers Home Administration from USDA.

The proposal, as you know, is now under consideration by the Congress.

The immediate step is to take REA and FMHA out of USDA and to put them into a new department of Community development. Even if nothing further were done now or next year, this move, in our opinion, will simply weaken the USDA and downgrade the attention that REA, FMHA and all of Rural America can expect to receive in the years ahead. Our members understand this and have taken official positions on this side of the question. We are convinced they will be alienated by any such action as is proposed.

This is not a matter entirely of organization charts. This is a matter of advocacy in Washington—an advocacy in finding solution for difficult and little understood problems. Whether you agree with him or not, Secretary Butz in just a few weeks has demonstrated the effectiveness of a strong spokesman in government. Under the proposed dismemberment now under consideration, rural people can expect nothing of this kind once the change is made.

We are alarmed at word we hear that the coalition for Rural America is supporting the Administration's plan for reorganization. We urgently request your denial of this position and ask that you inform Rep. Chet Holifield of your interest in maintaining a strong department of Agriculture including all FMHA and REA and rural development functions.

LIST OF SIGNATURES

Tony Dechant, president, National Farmers Union.

F. V. Heinkel, president, Midcontinent Farmers Association.

Charles L. Frazier, Director, Washington staff, National Farmers Organization.

Stephen E. Bossi, Washington representative, National Catholic Rural. Life conference.

John W. Scott, master, the National Grange.

Robert D. Partridge, general manager, National Rural Electric Cooperative Assn.

Gene Moos, president, National Association of Wheat Growers.

Ray Wax, president, National Association of Farmer Elected Committeemen.

Alvah Troyer, president, Soybean Growers of America.

Albert Harp, president, Grain Sorghum Producers Association.

Walter Goeppinger, president, National Corn Growers Association.

Harry B. Caldwell, executive vice president, Farmers Cooperative Council of North Carolina.

B. J. Malusky, general manager, Farmers Union Grain Terminal Assn.

David C. Fullarton, executive vice president, National Telephone Cooperative Association.

Stanley Dreyer, president, the Cooperative of the USA.

Kenneth D. Naden, executive vice president, National Council of Farmer Cooperatives.

Mr. TALMADGE. The people who run the Department of Housing and Urban Development are simply not interested in the problems of the 35 percent of our people who live outside of metropolitan areas. They proved this when, despite the advice of a consultant which HUD had hired, they did not strengthen, but instead they abolished the department which was responsible for small community affairs.

The Department of Agriculture, on the other hand is equipping itself through my rural development legislation and other means to provide significant services to both farmers and those who live in small towns.

Mr. President, the President of the United States controls the executive departments. He does not need to come to us with reorganization legislation. He could accomplish this so-called reorganization with the stroke of a pen.

I agree that the bureaucracy has become too large and that some reform would be worthwhile. But why must it be at the expense of rural people. They are already getting the short end of the stick as far as receiving their share of the Federal dollar is concerned.

When Federal outlays are divided by the number of persons living in metropolitan and nonmetropolitan counties, the nonmetropolitan counties in 1970 received 17 percent less per capita than those people living in the metropolitan counties.

A Department of Community Development will only compound this felony.

I ask my colleagues in the Senate to listen to such groups as the National Farmers Union, the Mid-Continent Farmers Association, the National Farmers Organization, the National Grange, the rural electric cooperatives, and all the rest.

These people know that the proposed diminution of the Department of Agriculture is merely a first step. After the Farmers Home Administration and the Economic Research Service are rendered in two, and the Rural Electrification Administration is excised altogether, it will be a very simple matter for the opponents of farmers and other rural people to cause the early demise of the rest of the Department of Agriculture.

There are those in this Congress who have built their entire political careers by making USDA and farmers their whipping boys. But the big metropolitan areas from which these Members come would have been so economically rich and powerful had it not been for the cheap food provided by the diminishing numbers of American farmers.

The farmers do not like to hear people like me talk about cheap food. Many of them make as little as 3 percent return on their investment—not as much as they could make if they sold out and put their money in the savings and loan. But the cheap food provided by these farmers over the years has permitted our people to spend their money on the consumer comforts that have given this Nation a trillion-dollar gross national product.

All Americans have a significant debt to repay to these fine people. It would be a cruel form of hypocrisy for the Congress to help in the destruction of one Department of this Government that provides service to the people of the countryside.

THE GENOCIDE CONVENTION AND THE CONSTITUTION

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention maintain that if ratified this treaty will supersede the Constitution and will thus jeopardize the rights guaranteed U.S. citizens. They claim that it will become the supreme law of the land, citing as authority article VI of the Constitution which states:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all treaties made or which shall be made, under the Authority of the United States, shall be the supreme law of the Land.

Even a superficial reading of this passage negates that argument. Rather than placing treaties above the Consti- along with Federal laws, and are in turn supreme over State constitution and laws.

The U.S. Supreme Court set a precedent in this area in the case of *Reid* v. *Covert*, 353 U.S. 1, when it declared that it "has regularly and uniformly recognized the supremacy of constitution over a treaty." All acts of Congress and all treaties must conform to the Constitution; when they do not they are null and void. Therefore, none of the rights accorded U.S. citizens under the Bill of Rights will be endangered by the ratification of the Genocide Convention.

Furthermore, the Court ruled in the same case that whenever a treaty and an act of Congress conflict, the last enacted is controlling. This means that Congress could at anytime, through legislation, supersede any part of the Genocide Convention.

The argument that ratification of the Genocide Treaty would create havoc in our courts is clearly without foundation. The Convention, like any other treaty, would be subordinate to the Constitution, and Congress could at any time supersede any part of the Convention through legislation. Mr. President, I urge the speedy ratification of the Genocide Convention.

CONSUMER PROTECTION AGENCY INTERVENTION AUTHORITY

Mr. ALLEN. Mr. President, the Government Operations Committee, on which I serve, is expected soon to report the proposed Consumer Protection Organization Act of 1972, a necessarily complex bill that would create an independent Consumer Protection Agency to advocate the interests of consumers in Federal, State, and local administrative agencies and courts.

Because floor action on this critical bill is imminent, and because considerable confusion has arisen concerning the subject, I should like to share with the Senate some illuminating information about this CPA proposal.

I might add, as an aside, that the confusion surrounding the bill is so great that a respected syndicated columnist recently reported that the bill had passed both Chambers of Congress, and he feared that the President might veto it. There even is considerable debate over what the Democratic platform position on this proposed legislation is.

The last time I saw the liberal Democratic platform, as I think it was ratified by the delegates, was in Miami at the convention. It endorsed the creation of a Consumer Protection Agency to act as an amicus curiae before Federal agencies, and took no position on CPA intervention in court cases or on CPA appeals of Federal actions to the courts. Of course, this is different from the bill we have been working on, leading some to conclude that the Democratic plank surely must have been a mistake.

THE 1970 BILL

It could very well have been a mistake. Many mistakes have been associated with this bill, a proposal that few understand. Take, for example, the original bill that came before the Government Operations Subcommittee. It was identical to a bill that passed the Senate by an overwhelming margin in 1970, but failed to go to conference because of House inaction during the last Congress.

After hearings by our Executive Reorganization Subcommittee on its identical counterpart for this Congress, the subcommittee determined that the bill was totally inadequate and, legally defective and that its major provisions would have to be completely rewritten, word for word—a process that still is not finished.

FEDERAL AGENCY SURVEY

One of the difficulties with this bill is that it is intended to allow for consumer advocacy in the formal and informal deliberations of any instrumentality charged with the administration of any Federal statute. This is everything from the Daughters of the American Revolution* to the Defense Department.

Thus, we are faced with literally millions of possible proceedings and activities which would come within the scope of the new CPA's rights to forcefully advocate the important special interests of consumers.

It was agreed late last year that a survey would be taken of Federal agencies to attempt to assess, for the subcommittee's benefit, the responsibilities of existing agencies that would be affected by the proposed strong advocacy powers for the new CPA.

The constant and time-consuming revisions that took place on the bill, however, prevented the subcommittee from issuing a survey prior to the target date for reporting the bill to the full committee.

I agreed to take on the responsibility of surveying selected Federal agencies to determine for the first time which, if any, of their proceedings or activities would be subject to intervention, participation and court appeal by the CPA under the bill as reported by the subcommittee. I did this to prevent the repetition of our 1970 experience when we were, quite apparently, a bit too hasty in approving a good concept without a complete review of all of its particulars.

AGENCY RESPONSES

As of late last week, I had received responses from 24 Federal agencies, listing 554 different types of proceedings or activities under their responsibility which would be subject to CPA advocacy under the bill as reported by subcommittee. I have checked these responses against the present slightly revised version of the bill, and found that they are still appropriate for the present version.

Not included in this total of 554 are such general responses as those from the Federal Power Commission and Federal Communications Commission to the effect that all of their proceedings or activities would be subject to the proposed CPA powers under the subcommittee bill.

Also not included are subcategories of various types of proceedings. For example, Department of Agriculture marketing order proceedings are considered one type of proceeding, although there are various categories of marketing orders—milk marketing orders and fruit and vegetable marketing orders for specific commodities.

The 24 agencies that have responded to date are the Agriculture Department, Agency for International Development, Atomic Energy Commission, Civil Aeronautics Board, Defense Supply Agency, Equal Employment Opportunity Commission, Federal Communications Commission, Federal Home Loan Bank Board—and Federal Savings and Loan Insurance Corporation—Federal Mediation and Conciliation Service, Federal Power Commission, Federal Reserve Board.

Interstate Commerce Commission, National Labor Relations Board, National Science Foundation, Office of Economic Opportunity, Office of Emergency Preparedness, Pay Board, Price Commission, Social Rehabilitation Service, Tariff Commission, Tennessee Valley Authority, Trade Negotiations, Office of Special Representative, Urban Mass Transportation Administration.

Considerably more responses are expected, and these will be filed with the Government Operations Committee, as are the present 24 responses.

THE TWO MAJOR QUESTIONS

Most of us on the committee favor the creation of a Consumer Protection Agency, but we feel a responsibility to answer two major questions first:

First. What Federal activities should be subject to CPA advocacy? and

Second. What advocacy powers should a Federal agency have within particular proceedings of its sister agencies and in the Federal courts?

Obviously, the questions are interrelated.

The present bill covers virtually all proceedings and activities of all organizations that, for whatever reason, administer a Federal law. We have yet to determine how many such organizations exist, or what proceedings and activities they may conduct.

The bill also provides for complete CPA intervention or full participation in these proceedings and activities that we have yet to identify. In addition the CPA would have a right to appeal the results of these proceedings and activities to the courts.

THE TASK IS GREAT

As you can see, the task is great and the time is limited for us to create another major Federal agency this year.

Of course, the members of the Government Operations Committee are not experts in the proceedings and activities of all the organizations covered by this bill.

The responses from the various Federal agencies will help us in this regard, however, and aid this entire body when the bill comes up for debate.

The actual responses now on file are too voluminous to print in the RECORD. But I can share with the Senate an outline chart of these responses, omitting statute citations and detailed descriptions of agency responsibilities.

I, therefore, ask unanimous consent to have printed in the RECORD the outline table of the 24 responses received to date, and ask the Senate committees having oversight responsibilities concerning these agencies, or with particular interests in them, to file any comments they might have on this matter with the Government Operations Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARTIAL LISTING OF FEDERAL PROCEEDINGS AND ACTIVITIES SUBJECT TO INTERVENTION OR PARTICIPATION AND COURT APPEAL BY CONSUMER PROTECTION AGENCY UNDER PROPOSED CONSUMER PROTECTION ORGANIZATION ACT OF 1972

U.S. DEPARTMENT OF AGRICULTURE

Selected formalized proceedings

(In which CPA could (a) intervene as a full party or full participant and (b) appeal results to the courts where judicial review would be allowed for anyone) Sec. 203(a), 204 of bill.

1. Marketing Agreements—issuance after notice and hearing.

2. Marketing Orders—issuance after notice and hearing.

3. Cotton Research and Promotion Act Rulemaking.

4. Potato Research and Promotion Act Rulemaking.

5. Milk Research and Promotion Act Rulemaking.

6. Anti-Hog-Cholera Serum and Hog Cholera Virus Marketing Agreement Act Rulemaking.

Packers and Stockyards Act Rulemaking

7. Ratemaking under Act.

8. Charges under Act.

9. Regulations under Act.

10. Practices under Act.

Commodity Exchange Act Adjudications

11. Commodity Exchange Commission (CEC) suspension or revocation of board of trade [e.g., Chicago Board of Trade] as a contract market.

12. Denial of trading privileges on contract markets.

13. Revocations or suspensions of futures commission merchants or floor brokers.

14. Issuance of cease and desist orders against persons other than contract markets.

15. CEC reviews of Secretary of Agriculture's refusal to designate a board of trade as a contract market.

16. CEC exclusion of cooperative associations from membership and trading on contract market.

17. Proceedings to refuse to register applicants because of failure to meet financial requirements of Act.

18. Proceedings to refuse to register applicants because of unfitness.

19. Proceedings to suspend or revoke registrations of futures commission merchants for failure to meet financial requirements.

20. Proceedings to suspend or revoke registrations of futures commission merchants and floor brokers for unfitness.

Packers and Stockyards Act Adjudications

21. Issuance of cease and desist orders against packers for violaton of Title II of Act.

22. Proceedings to suspend registrations of market agencies and dealers for insolvency or violations of Act.

23. Proceedings to revoke registrations of State weighing agencies.

24. Issuance of cease and desist orders against licensees under Title VI, stockyard owners and market agencies with respect to rates, charges, regulations or practices.

25. Proceedings to revoke a brand inspection authorization.

26. Proceedings to issue cease and desist orders against licencees under Title V, stockyard owners, market agencies and dealers who engage in unfair, unjustly discriminatory or deceptive practices or devices.

27. Proceedings to refuse, suspend or revoke licenses and publish the facts under Title V.

28. Proceedings for reparations.

29. Proceedings to determine adequacy of accounts, records and memoranda of packers, live poultry dealers and handlers, stockyard owners, market agencies and dealers, and to prescribe manner and form thereof.

30. Proceedings to determine whether ap-

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*The DAR administers Chapter 1A of title 36, United States Code.

plicants for registration under Title III are unfit for registration.

31. Proceedings to determine which of two or more applicants should receive brand inspection authorization.

Agricultural Marketing Act Adjudications

32. Adjudications subject to Administrative Procedure Act.

33. Proceedings to consider refusal or withdrawal of voluntary inspection or grading service for meat, poultry products, and other agricultural products under procedures prescribed by rules of practice (e.g., 7 CFR Part 50).

34. Proceedings to consider suspension or revocation of inspector's or grader's license under various regulations (e.g., 7 CFR 68.41).

35. Perishable Agricultural Commodities Act Adjudications.

36. Federal Seed Act proceedings to determine whether to issue a cease and desist order.

Animal Welfare Act Adjudications

37. Proceedings to issue cease and desist orders.

38. Proceedings to suspend or revoke licenses issued to dealers, exhibitors or operators of an auction sale.

39. Issuance of cease and desist orders to research facilities.

Plant Variety Protection Act Adjudications

40. Proceedings to suspend or exclude a person from practicing before the Plant Variety Protection Office.

41. Proceedings to decide questions of improper seed labeling with regard to protected varieties or varieties for which application is pending.

42. Issuance of cease and desist orders in relation to improper seed labeling.

43. Hearings on appeals regarding refusals of applications for plant variety protection.

44. Proceedings to decide questions raised in protest proceedings in reexamination of previously issued certificates.

45. Proceedings to decide questions raised in Priority Contests where two applications have been received on the same variety.

46. Hearings on appeals regarding release of information in abandoned applications, allowed by rules and regulations under Act.

Federal Meat Inspection Act

47. Hearings on orders to withhold labeling or containers from use.

48. Proceedings to refuse or withdraw mandatory inspection service because of unfitness to engage in business requiring inspection.

49. Proceedings in connection with withdrawal of mandatory inspection service for failure to destroy condemned articles or to meet sanitary and other requirements, or refusal of such inspection for failure to meet such requirements.

50. Proceedings in connection with refusal, withdrawal, or modification of exemption of operations in unorganized territory.

51. Refusal or withdrawal of inspection under Federal Water Pollution Control Act.

Poultry Products Inspection Act

52. Hearings to withhold labeling or containers from use.

53. Proceedings to refuse or withdraw mandatory inspection service because of unfitness to engage in business requiring inspection.

54. Hearings following withdrawal of mandatory inspection service for failure to destroy condemned articles or meet sanitary or other requirements, or refusal of such inspection for failure to meet such requirements.

55. Virus-Serum-Toxin provision proceeding to suspend or revoke license or import permit.

56. Proceedings in connection with suspension or termination of certain exemptions from inspection.

57. Proceedings in connection with refusal, withdrawal or modification of exemption of operations in unorganized territory.

58. Refusal or withdrawal of inspection under Federal Water Pollution Control Act.

U.S. Grain Standards Act Adjudications

59. Suspension, revocation or refusal to renew license of official grain inspection personnel when formal procedure requested.

60. Refusal of official grain inspection service when formal procedure requested or inspection required.

61. Refusal to renew, or suspension or revocation, of licenses of official grain inspection personnel when formal procedure is not requested.

62. Refusal of voluntary grain inspection service when formal procedure is not requested.

U.S. Warehouse Act Adjudications

63. Suspension or revocation of federal warehouse license or license of inspector, sampler, classifier, or weigher.

64. Publication of findings of non-compliance by licensed warehouseman.

65. Agricultural Adjustment Act adjudications for review of producers' complaints about their farm marketing quotas.

66. Sugar Act proceedings to establish marketing area quotas or to determine whether any specific lot of sugar is direct-consumption sugar or raw sugar.

67. Soil Conservation Service hearings on demand for refund of payments made under conservation contract in Great Plains conservation program, based on alleged violation of the contract.

68. Forest Service proceedings under regulations (36 CFR 211.20 et seq.) from administrative decisions involving such matters as timber sales contracts, grazing permits and homesite permits.

Egg Products Inspection Act Adjudications

69. Proceedings to disapprove labeling.

70. Proceedings to withdraw inspection from official plants.

71. Export Apple and Pear Act proceedings to refuse export certificates.

72. Export Grape and Plum Act proceedings to refuse export certificates.

73. Cotton Standards Act adjudications for suspension or revocation of licenses.

74. Agriculture Stabilization and Conservation Service—proceedings to consider requests by producers for review or reconsideration of determinations made by country ASCS Committees, State ASCS Committees or the Deputy Administrator, ASCS.

75. Animal Quarantine Law proceedings for suspension or revocation of accreditation of veterinarians under various Animal Quarantine laws and regulations and rules of practice.

Selected "informal" activities

(In which CPA would (a) have no opportunity equal to that of any person outside the federal unit to participate; and/or (b) in CPA's discretion, present oral or written arguments; and (c) appeal results to courts where judicial review would be allowed for anyone) Sec. 203(b), 204 of bill.

All Informal Rulemaking Under Following Acts

1. Commodity Exchange Act.
2. Packers and Stockyards Act and related laws.
3. Federal Seed Act.
4. Naval Stores Act.
5. Plant Variety Protection Act.
6. Animal Welfare Act.
7. Federal Meat Inspection Act.
8. Poultry Products Inspection Act.
9. Agricultural Marketing Act.
10. Cotton Futures Provisions.
11. Cotton Statistics and Estimates Act.
12. Cotton Standards Act.
13. Egg Products Inspection Act.
14. Export Apple and Pear Act.
15. Export Grape and Plum Act.
16. Honeybee Act.
17. Produce Agency Act.
18. Renovated Butter Act.
19. Tobacco Seed and Plant Exportation Act.
20. Tobacco Statistics Law.
21. Peanut Statistics Act.
22. Virus-Serum-Toxin Act.
23. Agricultural Adjustment Act—Section 22 proceedings and Presidential Proclamations issued thereunder (re licenses for implementation of quantitative limits on imports).
24. Processor wheat marketing certifications under 7 USC 1379d(b) et seq.
25. Set-aside programs for upland cotton wheat, and feed grain.
26. Rural environmental assistance activities and naval stores conservation programs.

Special Commodity Credit Corporation (CCC) activities:

27. CCC activities under support price program through loans, purchases, payments, etc.

28. Export sales program.

29. Overseas disposition of agricultural commodities and products under barter contracts.

30. Export Credit Sales program activities of CCC to finance credit sales by U.S. exporters.

31. Export payment activities concerning commodities exported by commercial exporters.

32. Purchasing of storage bins and equipment for care and storage of CCC owned or controlled commodities.

33. CCC loans to producers for the purchase, building, or expansion of storage and care facilities on farms.

34. CCC sales to producers and others of bins needed for storage of agricultural commodities.

35. CCC activities for procurement from domestic and foreign sources of food, agricultural commodities and products and related materials.

36. CCC program for cotton research and promotion.

37. CCC donations of food commodities for domestic use (child nutrition, needy persons, charitable institutions, minors in penal and correctional institutions).

38. CCC furnishing of commodities and products for overseas "P.L. 480" distribution to meet famine or urgent relief requirements combat malnutrition, school lunch, etc.

39. National emergency use of CCC facilities, services, authorities and funds.

40. Surplus commodity and product removal programs, including the following types:

(a) direct purchases of food for donations to schools, summer camps, child care centers, needy persons, charitable institutions and disaster victims.

(b) special feeding program for needy children, certain adults, food packages for infants and expectant and new mothers.

(c) diversion payments to processors who divert surplus commodities to byproducts and new uses.

(d) export payments to commercial exporters and surplus commodities .

(e) production payments to help reestablish farmers' purchasing power.

SCHOOL LUNCH ACT ACTIVITIES, INCLUDING—

41. State and school cash and food assistance for serving lunches to school children.

42. Special food service program for children in service institutions where children are not maintained in residence.

CHILD NUTRITION ACT ACTIVITIES, INCLUDING—

43. State and school cash assistance for serving breakfasts to needy children and to supply certain schools with food, storage, preparation and service equipment.

44. Special milk program to increase fluid milk consumption by children.

45. Food Stamp Program activities under Food Stamp Act.

46. U.S. Grain Standards Act informal rulemaking.

47. U.S. Warehouse Act informal rulemaking.

48. Animal Quarantine Law informal rulemaking.

49. Plant Quarantine Law informal rulemaking.

50. House Protection Act informal rulemaking.

51. 28-Hour Law informal rulemaking (policy statements).

52. Export Animal Accommodation Act informal rulemaking.

53. Defense Production Act of 1950 regulations and implementations concerning assignment of priority and allocations.

Commodity Exchange Act Activities Worthy of Note

54. Designating form and manner of keeping books and records by registrants.

55. Setting trading and position quantities at which traders are in reporting status and specifying the reports which they must file and the records which they must keep

56. Registering applicants for registration as floor brokers and futures commission merchants.

57. Requiring such information from applicants for registration and from registrants as to their business as the Secretary deems necessary.

58. Designating boards of trade or contract markets.

59. Prescribing the reports that warehousemen must make and the records they must keep.

60. Vacating contract market designations at the request of the contract markets.

61. Investigating contract market operations and personnel subject to Act, and publishing the results and such statistical information gathered therefrom as Secretary deems of interest to public.

62. Investigating marketing conditions for commodities and commodity products and distributing information with respect thereto.

63. Establishing trading and position limits and fixing delivery periods and time for notices of delivery.

64. Communicating to contract markets and publishing the facts concerning certain transactions or market operations.

65. Disapproving violative bylaws, rules, regulations or resolutions made or proposed by a contract market that relate to terms and conditions in sales contracts.

Packers and Stockyards Act Activities Worthy of Note

66. Posting and depositing of stockyards.

67. Registering and approving bonds of market agencies and dealers.

68. Prescribing the form and manner in which rate schedules and charges of licensees, market agencies and stockyard owners shall be prepared, arranged and posted.

69. Authorizing the charging and collection of fees for brand inspection services and registering as market agencies the parties so authorized; and suspending such authorizations.

70. Designating areas in which certain persons must be licensed by Secretary to provide services or facilities in connection with live poultry, and licensing such operations.

Naval Stores Act Activities of Note

71. Establishing or modifying standards for naval stores.

72. Analyzing and certifying class or grade of naval stores.

73. Publishing results of analyses.

74. Agricultural Marketing Act determinations of class, quality, quantity or conditions of agricultural products.

Federal Seed Act Activities of Note

75. Approving code designations for purchasers of seed for resale.

76. Approving seed treatment descriptions.

77. Requesting information from advertising media and other persons concerning seed advertisements.

78. Procedures for determining eligibility of seed and other screenings for admittance into the United States.

79. Determination whether foreign alfalfa or red clover is not adapted for general agricultural use in U.S.

80. Publication of notices of judgment.

Plant Variety Protection Act Activities of Note

81. Issuing certificates of plant variety protection.

82. Provisionally accepting defective applications for certification.

83. Proceeding to declare protected variety open to public use.

84. Issuance of notice of refusal of application for certification, or objection or requirement made by the examiner; and reconsideration of action.

Federal Meat Inspection Act Activities of Note

85. Issuance of standards for carcasses, parts thereof, meat and meat food products.

86. Approval of products or condemnation of adulterated products.

87. Refusal or approval of entry of imported meat products.

88. Designation of States and specific establishments for application of federal requirements to intrastate activities.

89. Detention of apparently violative articles.

90. Issuance of export certificates.

91. Grants of inspection.

Poultry Products Inspection Act Activities of Note

92. Issuance of standards for carcasses, parts thereof.

93. Approval of products or condemnation of adulterated products.

94. Refusal or approval of entry of imported products.

95. Designation of States and specific establishments for application of federal requirements to intrastate activities.

96. Detention of apparently violative articles.

97. Issuance of export certificates.

98. Grants of inspection.

99. Cotton Statistics and Estimates Act activities for compiling statistics from reports from industry.

Egg Products Inspection Act Activities of Note

100. Detention and condemnation of adulterated eggs and egg products.

101. Approval of entry of imported eggs and egg products.

102. Honeybee Act activities relating to control of importation of honeybees.

103. Tobacco Statistic Act activities requiring handlers to report to quantities of tobacco on hand.

104. Tobacco Seed and Plant Exportation Act actions on applications for authorization to export.

105. Virus-Serum-Toxin provision for licensing establishments.

106. Cotton Standards Act activities for licensing inspectors.

107. Section 22, Agricultural Adjustment Act activities relating to advising the President with a view toward import controls.

Forest Service Activities Worthy of Note

108. Mangement and sale of forest products.

109. Use of forest land for grazing, commercial recreation facilities and other commercial enterprises.

110. Providing recreation services or other land uses to the public (e.g., timber sales, grazing permits, etc.).

Certain Loan Program Activities Worthy of Note

111. Community development and farm loans under Consolidated Farmers Home Administration Act.

112. Individual and group housing loans under Housing Act of 1949.

113. Watershed and flood prevention and water supply storage loans.

114. Land conservation and utilization loans.

115. Emergency loans under Disaster Relief Act.

116. Loans under delegated authority under Economic Act.

117. Land acquisition loans to Indians.

118. Loans and related activities pursuant to Rural Electrification Act.

119. Cooperative Extension Service activities including instructions and demonstrations in home economics, agriculture, and related subjects.

120. Hatch Act activities concerning research and experiments bearing on maintenance of effective agricultural industry in U.S.

121. Research and Marketing Act activities relating to research and marketing.

122. Federal Crop Insurance Act proceedings relating to crop insurance programs.

123. Proclamation of national marketing quotas.

124. Acreage allotment and farm marketing quota determinations.

125. Water bank program activities.

126. Commercial sale financing relating to agricultural commodities.

127. Wheat and flour export program activities relating to terms and conditions.

128. Sugar Act activities, including actions relating to—

(a) determination of U.S. consumer requirements and proration of such requirements among domestic and foreign areas

(b) determination of farm acreage allotments

(c) determination of fair and reasonable rates for payment for sugar purchased by producer-processors from other producers

(d) determination of fair and reasonable rates of pay for workers in sugar beet industry

Soil Conservation Service Activities Worthy of Note

129. Resource Conservation and other conservation programs.

130. Flood prevention programs.

131. Watershed protection programs.

132. Tobacco Inspection Act hearings for granting additional inspection services to designated markets.

U.S. Grain Standards Act Activities Worthy of Note

133. Designation of official inspection agencies.

134. Waiving inspection requirements.

135. Inspection of grain in Canadian ports, reinspection and appeal inspection of grain in U.S.; supervising inspection by licensees; cancellation of superseded inspection certificates.

136. Licensing of official inspection personnel.

137. Temporary (summary) suspension of such licenses.

U.S. Warehouse Act Activities Worthy of Note

138. Investigation of warehousing and classifying of agricultural products.

139. Inspection of licensed warehouses and warehouses of applicants for licenses.

140. Determination of suitability of applicants' warehouses for proper storage.

141. Licensing warehouses, inspectors, samplers, classifiers and weighers.

142. Temporary (summary) suspension of

warehouse licenses and licenses of inspectors, samples, classifiers and weighers.

143. Determining adequacy of bonds and requiring additional bond coverage.

"Animal Quarantine Laws" Activities Worthy of Note

144. Determining eligibility of animals, animal products and other regulated articles for interstate or export movement or for importation into U.S. (e.g., inspections, tests, etc.).

145. Issuance of orders to dispose of animals affected with or exposed to communicable or dangerous diseases.

146. Seizure and disposal of animals, carcasses, products and articles of disposal orders are not obeyed.

147. Seizure and disposal of hay, straw, forage, meats, hides, etc., coming from infected foreign country or in U.S. interstate transit.

148. Conduct of programs for control or eradication of livestock or poultry diseases and pests, including payment of certain claims.

149. Issuing notices to carriers and newspapers regarding diseases and establishment of quarantines and regulations to prevent spreading.

150. Accreditation of veterinarians.

"Plant Quarantine Laws" Activities Worthy of Note

151. Determination of eligibility of plants, plant products and other articles by inspections and certifications.

152. Ordering the disposal of products, articles and means of conveyance under Federal Plant Pest Act or those reasonably believed to be infested with pests.

153. Disposal of plants, products, articles and means of conveyance if orders are not obeyed or if moved in violation of plant Quarantine Act.

154. Certification as to freedom from insect pests and plant diseases of plant and plant products for export.

155. Programs for control or eradication of insect pests and plant diseases, including payment of claims for certain destroyed property.

156. Issuing notices to carriers and newspapers regarding quarantines and regulations to prevent spread of dangerous plant diseases or insect infestations.

AGENCY FOR INTERNATIONAL DEVELOPMENT—STATE DEPARTMENT[1]

Formalized proceedings

Regulations governing AID's activities, including—

Regulations governing procurement of goods and services.

Informal activities

1. *Drafting of specifications* for commodities relating to such matters as nutrition and population programs.

2. *Meetings of advisory* committees.

ATOMIC ENERGY COMMISSION

Formalized proceedings

Licensing and permits

1. Proceedings for the issuance of construction permits or operating licenses for—

a) nuclear power reactors
b) testing reactors
c) research reactors, and
d) fuel reprocessing plants

2. Proceedings for the issuance of licenses for possession and use of—

a) special nuclear material
b) source material, and
c) by-product material

3. Proceedings for the issuance of licenses for—

a) disposal of waste radioactive material
b) operation of radioactive waste burial grounds
c) manufacture of certain products containing radioactive material
d) shipment of certain radioactive material

4. Proceedings for the amendment of regulations pertaining to the issuance of licenses or the conduct of licensed activities

Informal activities

1. Contract selection actions

2. Contract awards

3. Assignment of research and development activities to a particular organization

4. Establishment of AEC prices for special nuclear materials; toll enrichment, etc.

5. Responding to public inquiries and inquiries from Congress

6. Inspections of licensed facilities

7. Preparation for Congressional hearings and drafting and submission of proposed legislation

8. Deliberations with respect to contract negotiations and positions to be taken therewith

9. Telephone conversations between AEC staff and outsiders concerning any particular subject which might be under AEC consideration

CIVIL AERONAUTICS BOARD

[The CAB letter incorporated by reference the rulemaking proceedings set forth in 14 CFR Part 200, which are listed here.]

Economic Rulemaking Proceedings Concerning—

1. Applications for certificates of public convenience and necessity.

2. Terms, conditions and limitations of certificates of public convenience and necessity; interstate and overseas route air transportation.

3. Terms, conditions and limitations of certificates of public convenience and necessity; foreign air transportation.

4. Inauguration and temporary suspension of scheduled route service authorized by service authorized by certificates of public convenience and necessity.

5. Certificates of public convenience and necessity: special authorizations.

6. Charter trips and special services.

7. Terms, conditions and limitations of certificates to engage in supplemental air transportation.

8. Applications for permits to foreign air carriers.

9. Charter trips by foreign air carriers.

10. Terms, conditions and limitations of foreign air carrier permits.

11. Terms, conditions and limitations of foreign air carrier permits authorizing charter transportation only.

12. Names of air carriers and foreign air carriers.

13. Commingling of blind sector traffic by foreign air carriers.

14. Reporting data pertaining to civil aircraft charters performed by foreign air carriers.

15. Construction, publication, filing and posting of tariffs of air carriers and foreign air carriers.

16. Air cargo pickup and delivery zones; filing of tariffs; application for authority to file

17. Tariffs of air carriers: free and reduced-rate transportation

18. Access to aircraft for safety purposes; free transportation for security guards and for certain Federal Aviation Administration, National Transportation Safety Board, and National Weather Service employees

19. Tariffs of certain certificated airlines; trade agreements

20. Tariffs of air carriers and foreign air carriers: reduced rate for furloughed military personnel and immediate families of military personnel

21. Embargoes on property

22. Transportation of mail; mail schedules

23. Transportation of mail; review of orders of Postmaster General

24. Transportation of mail; free travel for postal employees

25. Flight schedules of certificated air carriers; realistic scheduling required

26. Reinvestment of gains derived from the sale or other disposition of flight equipment

27. Inspection of accounts and property

28. Uniform system of accounts and reports for certificated air carriers

29. Reporting results of scheduled all-cargo services

30. Report of charter services performed for the military airlift command

31. Filing of reports by air freight forwarders, international air freight forwarders, and cooperative shippers association

32. Reports of ownership of stock and other interests

33. Reports of stock ownership of affiliates of air carriers.

34. Direct airport-to-airport mileage records.

35. Submission of audit and reconciliation reports.

36. Preservation of air carrier accounts, records and memoranda.

37. Priority rules, denied boarding compensation tariffs and reports of unaccommodated passengers.

38. Prohibited interests; interlocking relationships.

39. Filing of agreements.

40. Agreements between air carriers and foreign countries.

41. Participation of air carrier associations in Board proceedings.

42. Exemption and approval of certain interlocking relationships.

43. Exemption of air carriers for military transportation.

44. Exemption of air carriers from agreement filing requirements of section 412 of the Federal Aviation Act of 1958.

45. Transfer of airlift among air carriers in certain emergencies.

46. Classification and exemption of Alaskan air carriers.

47. Classification and exemption of indirect air carriers.

48. Classification and exemption of international air freight forwarders.

49. Classification and exemption of air taxi operators.

50. Exemption of air carriers from certain requirements of section 408 of the Federal Aviation Act.

Procedural Rulemaking concerning—

51. Rules of conduct in Board proceedings.

52. Rules of practice in economic proceedings

53. Rules of practice in informal nonpublic investigations by the Bureau of Enforcement

54. Inspection and copying of board opinions, orders, and records

Special Rulemaking Proceedings concerning—

55. Employee responsibilities and conduct

56. Study group charters, by direct air carriers and study group charter

57. Implementation of the Consumer Credit Protection Act (otherwise known as the Truth in Lending Act and the Fair Credit Reporting Act) with respect to air carriers and foreign air carriers

58. Navigation of foreign civil aircraft within the United States

59. Amendment of flight patterns of helicopter operators

60. Continuance of expired authorizations by operation of law pending final determination of applications for renewal thereof

61. Inclusive tours by supplemental air carriers, certain foreign air carriers, and tour operators

62. Bulk inclusive tours by tour operators

63. Nondiscrimination in Federally assisted

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[1] Due to the nature of our statutory authority, this agency engages solely in overseas developmental activities which are not considered directly to affect consumers in the United States.

programs of the Board—effectuation of Title VI of the Civil Rights Act of 1964

Adjudications concerning—

64. Issuance of certificate of public convenience and necessity

65. Amendment, modification, suspension or revocation of certifiate

66. Abandonment of any route or part thereof

67. Issuance of foreign air carrier permit

68. Alteration, modification, amendment, suspension, cancellation, or revocation of foreign air carrier permit.

69. Approval or disapproval of mergers or acquisitions of control between air carriers, between air carriers and surface carriers, and between air carriers and persons engaged in any other "phase of aeronautics."

70. Fixing compensatory and/or subsidy mail rates.

71. Prescription of reasonable and/or nondiscriminatory commercial rates and practices for air carriers engaged in interstate and overseas air transportation.

72. Removal of discriminatory rates and practices in foreign air transportation.

73. Prescription of divisions of rates between air carriers.

74. Establishment of through rates and services

75. Rejection or cancellation of new rates in foreign air transportation which are unjust or discriminatory

76. Cancellation of existing rates in foreign air transportation which are unjust or discriminatory

77. Establishment by joint board (ICC and CAB) of joint rates

78. Revocation, modification or suspension of certificates of supplemental air carriers

79. Determination of violations of provisions governing certain interrelationship between air carriers, between air carriers and surface carriers, and between air carriers and persons engaged in any other phase of aeronautics

80. Determination and prohibition of unfair methods of competition

81. Orders requiring compliance with the Federal Aviation Act

"In addition to the foregoing proceedings which are required by the Federal Aviation Act to be determined on the record after opportunity for hearing, the Board often orders hearings, even though not required by the Act, where the issues are substantial and essential evidence is sharply controverted. These would be considered as formal proceedings for the purposes of the bill.

Such hearings have been held, for example, with respect to the approval or disapproval of various types of intercarrier agreements, applications for exemption from the provisions of the Act, and applications for approval or disapproval of interlocking relationships."

Informal activities

CAB Actions concerning

1. Exemption of indirect air carriers (e.g., air freight forwarders) from the economic regulatory provisions of the Act (49 U.S.C. 1301). In the exercise of this power the Board authorizes indirect air transportation services

2. Authorization of temporary suspension of service by an air carrier

3. Temporary suspension of certifications of public convenience and necessity of supplemental air carriers

4. Grant of permission to make tariff changes on less than 30 days notice

5. Review of Postmaster General's orders fixing mail schedules and loads

6. Exercise of right to inspect records and facilities of air carriers

7. Special exemptions involving acquisitions of control of a noncertificated air carrier pursuant to the Federal Aviation Act

8. Approval of transactions involving acquisitions of control of persons other than direct air carriers

9. Approval or disapproval of interlocking relationships

10. Approval or disapproval of Government loans and financial aid to air carriers

11. Approval or disapproval of various types of intercarrier agreements

12. Exemption of direct air carriers from economic regulatory provisions of the Act; as in the case of exemptions for indirect air carriers, this function may involve authorization of new or improved air transportation services

13. Grant of special operating authorizations to supplemental air carriers to engage in individually-ticketed services to meet temporary service needs not being met by scheduled airlines

14. Compromise of civil penalties for violations of the Act

15. Determinations whether to institute investigations or enforcement proceedings either upon the Board's own initiative or upon formal complaint of a third party

16. Determination whether to investigate rates, fares, practices, etc., included in new tariffs for interstate or overseas air transportation and whether to suspend such tariffs pending investigation

17. Determinations whether to investigate rates, fares, practices, etc., included in new tariffs for foreign air transportation and whether to suspend such tariffs pending investigation

18. Determinations whether to investigate rates, fares, practices, etc., included in existing tariffs for foreign air transportation and whether to suspend such tariffs pending investigation

19. Determinations whether to suspend an existing tariff of a foreign air carrier providing service between the United States and a foreign country where the Board finds that the Government of the foreign country has refused to permit the charging of rates contained in a tariff filed by an air carrier for foreign air transportation to such foreign country

20. Determinations whether to grant objections to public disclosure of information contained in documents filed with the Board or otherwise obtained by it

21. Grant, modification, suspension or revocation of permits authorizing navigation (but not common carriage) by foreign aircraft in the United States

22. Authorization of air carriers to change airports through which service to a point has theretofore been provided

23. Authorization of changes in service patterns of air carriers

24. Authorization to delay inauguration of newly certificated service

25. Authorization to provide special services

26. Waiver of regulations establishing terms, conditions, and limitations of supplemental air carrier certificates

27. Authorization of off-route charters by foreign air carriers

28. Waiver of regulations establishing terms, conditions, and limitations of foreign air carrier permits authorizing charter transportation only

29. Grant or denial of permission to file tariffs establishing air cargo pickup and delivery zones

30. Waiver of special regulations governing inclusive tour charters

DEFENSE SUPPLY AGENCY

Formalized proceedings

1. *Appeals to Armed Services Board of Contract Appeals* involving disputes under contracts

2. *Sanction proceeding* proposals against contractors for failure to comply with Equal Employment Opportunity requirements

3. *Proposals to debar* a contractor for action reflecting adversely on his integrity relating to the performance of defense contracts

Informal activities

1. *Pre-award surveys* to determine if a contractor has ability to perform a contract successfully

2. *Inspection* of products to determine if they meet specifications

3. *Suspension of contractors* suspected of criminal conduct

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Formalized proceedings

[Under the Equal Employment Opportunity Act of 1972, EEOC enforcement proceedings are in court, and therefore the CPA could intervene as a party in such court proceedings under section 204 of the CPA bill, not section 203.]

Informal activities

1. Proceedings to issue a subpoena and appeals to the EEOC by respondents wishing to oppose same

2. Public forums on nature and scope of discrimination in particular industries or geographic areas

FEDERAL COMMUNICATIONS COMMISSION

("If the provisions of section 203 [of the CPA bill], which empowers the Administrator [of CPA] to intervene as of right in [Federal Communications] Commission 'proceedings' and 'activities' which 'substantially affect the interests of consumers,' as defined in section 401, are broadly interpreted [as bill section 3(5) would require], then it could be contended that potentially everything the Commission does could affect the 'interests of consumers.' The decision to intervene or participate would rest with the [CPA]. . . ")

Formalized proceedings

"Although not exhaustive of matters that could fall under section 203 [of the CPA bill], the [following] list is indicative of the very broad scope of the bill as it relates potentially to Commission matters."

1. Ratemaking Proceedings for telephone and telegraph.

Broadcast Bureau proceeding concerning

2. Investigation of Network TV Program Distribution Practices.

3. Restrictions on exclusivity in the distribution of non-network TV programming.

4. "One-to-a-Market" Proceeding

5. Educational FM Allocation.

6. New AM Allocation Rules.

7. Long Range Future Needs for UHF-TV Including Technology of Future TV Broadcasting.

8. TV Programming for Children.

9. Inquiry into the Handling of Public Issues under the Fairness Doctrine and the Public Interest Standard.

10. Rules and Policies relating to the renewal of broadcast licenses.

11. Formulation of Policies Relating to the Broadcast Renewal Applicant, Stemming from the Comparative Hearing Process.

Cable television proceedings concerning

12. Cross-ownership with Other Media.

13. Multiple Ownership.

14. Technical Standards for Cable Television.

15. Cable Programming Policy.

16. Role of Cable Television in Metropolitan and Rural Areas.

17. Carriage of Distant Signals.

18. Federal-state local responsibilities.

Proceeding of Office of Chief Engineer concerning

19. Implementation of Regional Spectrum Management.

Common Carrier Bureau proceedings concerning

20. Investigation of Manufacturing Affiliates.

21. Satellite vs. Submarine Cable.

22. Tariff Rate Cases.

23. Prior approval of New or Revised Classifications of Service.

24. Comsat Rates.
25. Private Line Rates.
26. Domestic Satellite Program.
27. Outstanding Interconnection Problem.
28. Quality of Telephone Service
29. Entry of Specialized Carriers
30. Equal Employment Opportunities of Carriers

Safety & Special Radio Services Bureau

31. Frequency shortage in the Land Mobile Radio Services
32. Police Radio Communication
33. Vehicle locator systems
34. Violations in the Citizens Radio Service
35. Automatic Transmitter Identification System
36. Reallocation of frequencies to the Citizens Radio Service

Informal activities

"[P]otentially everything [else] that the Commission does . . . ."

FEDERAL HOME LOAN BANK BOARD AND FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Formalized proceedings

1. All rulemaking proceedings
2. Cease and desist order hearings against savings and loan associations by Board
3. Cease and desist order hearings against insured institutions by corporation
4. Hearings on removal of directors or officers of savings and loan associations or institutions by Board or corporations
5. Hearings on removal of a member of a Federal Home Loan Bank from membership
6. Hearings on deprivation of nonmember borrower from obtaining further advances
7. Hearings on involuntary termination of insured status of an institution
8. Hearings on a person's controlling influence over insured institution or holding company
9. Hearings on special petitions or proposed regulations if set by Board (rarely done)

Informal activities

Application determinations concerning

1. Permission to organize a federal savings and loan association
2. Branch, mobile facility, or change of office location of Federal association
3. Insurance of accounts of a newly chartered State savings and loan association
4. Branch office of a District of Columbia association
5. Mergers involving federal savings and loan associations
6. Agency of a federal association
7. Conversion from federal to state charter
8. Increases of insurable accounts
9. Change of state chartered mutual insured institution to a guaranty or permanent stock institution
10. Acquisitions by a savings and loan holding company
11. Investigative and examination activities as authorized

FEDERAL MEDIATION AND CONCILIATION SERVICE [1]

Formalized proceedings

None.

Informal activities

1. Informal mediation efforts
2. Arbitration matters concerning the establishment of procedures for the administration of the National Roster of Arbitration and related activities.

FEDERAL POWER COMMISSION

Formalized proceedings

["The authority which this bill would confer upon the Consumer Protection Agency, if improvidently exercised, could substantially hamper effective regulation by the Commission under both the Federal Power and National Gas Acts by postponing finality of decision in matters of pressing public concern.

"The power to seek judicial review even in the absence of such intervention or participation could impose another layer of regulation upon this Commission and impair its effectiveness to the detriment of the public."]

All Commission Proceedings are conducted pursuant to the Administrative Procedure Act [Federal Power and Natural Gas Act proceedings], and are therefore subject to CPA intervention or full participation.

FEDERAL RESERVE BOARD

Formalized proceedings

Rulemaking concerning

1. Advances and Discounts by Federal Reserve Banks
2. Open Market Purchase of Bills of Exchange Trade Acceptances, Bankers' Acceptances
3. Acceptance by Member Banks of Drafts or Bills of Exchange (12 C.F.R. 203, promulgated pursuant to the Federal Reserve Act)
4. Reserves of Member Banks
5. Purchase of Warrants
6. Securities of Member State Banks
7. Securities Credit Transactions (governing borrowers who obtain securities credit; securities credit by persons other than banks, brokers, or dealers; credit by brokers and dealers; and credit by banks for the purpose of purchasing or carrying margin stocks)
8. Membership of State Banking Institutions in the Federal Reserve System
9. Issue and Cancellation of Capital Stock of Federal Reserve Banks
10. Collection of checks and other items by Federal Reserve Banks
11. Corporations engaged in Foreign Banking and Financing under the Federal Reserve Act
12. Interlocking Bank Relationships under the Clayton Act
13. Foreign Activities of National Banks
14. Relations with Foreign Banks and Bankers
15. Loans to Executive Officers of Member Banks
16. Minimum Security Devices and Procedures for Federal Reserve Banks and State Member Banks
17. Interest on Deposits
18. Relationships with Dealers in Securities
19. Bank Service Arrangements
20. Loan Guarantees for Defense Production
21. Bank Holding Companies
22. Truth In Lending
23. Regulations Relating to Branches of Federal Reserve Banks

Adjudications concerning

24. Suspension of a member bank from the use of credit facilities of the Federal Reserve System
25. Termination of a bank's membership in the System
26. Issuance of a cease-and-desist order under section 11 of the Clayton Act
27. Issuance of a cease-and-desist order or a removal or suspension order under section 8 of the Federal Deposit Insurance Act
28. Applications as to which a hearing is required, or for other reason is ordered by the Board.
29. Proceedings may be ordered by the Board with respect to bank merger applications.
30. Adjudications in individual cases under the Bank Holding Company Act of 1956 (e.g., applications to form a holding company, for a holding company to acquire a bank or a non-bank corporation, or applications by a holding company for a "hardship exemption").

Informal activities

1. Decisions in individual applications.
2. Preparation of competitive factor reports pursuant to the Bank Merger Act.
3. Decisions in individual applications by member banks to open branches.
4. Decisions in individual applications regarding the establishment of foreign branches and the investment in foreign banks by member banks.
5. Decisions in individual applications concerning the establishment and activities of Edge Corporations.
6. Enforcing compliance with the Fair Credit Reporting Act.
7. Assessment of penalties for violation of Section 20 of the Banking Act of 1933.

INTERNAL REVENUE SERVICE

Formalized proceedings

Rulemaking concerning

(The great majority of the regulations issued by the Service in connection with the Internal Revenue Code of 1954 are . . . under [the Administrative Procedure Act, and therefore subject to CPA participation under the bill]." Among these proceedings are the following:)

1. Issuance of Interpretations and Rulings.
2. Exception or Exemption request processing, granting or denying.
3. Pay Challenge processing.
4. Complaint investigations.
5. Notice of Violations issuances.
6. Appeals considerations and reconsiderations.
7. Adjudications, concerning—
8. Disciplinary proceedings to revoke, annul or suspend such FAAA permits.
9. Applications for licenses and permits relating to explosives and firearms.
10. Disciplinary proceedings to revoke licenses and permits relating to explosives and firearms.

Informal activities

Access to tax returns

(("[Y]ou may wish to note 26 U.S.C. 7213 which, briefly, prohibits officers or employees of the United States from disclosing [' in any matter . . . not provided by law'] to any person information revealed on an income tax return. See also 18 U.S.C. 1905." [But these *would not prohibit* the CPA's access to such information under section 207 of the CPA bill, because this would "provide by law" for such access and the CPA is not a "person" as defined by law.]

1. Private ruling letters to taxpayers
2. Published Revenue Rulings applicable to specific factual situations ("It is arguable that under section 203 of the bill that the CPA could request that published rulings be revoked or modified or even that new rulings be published.")
3. Approval of labeling of distilled spirits, wine, and malt beverages
4. Advertising control activities relating to liquor industry

INTERSTATE COMMERCE COMMISSION

Formalized proceedings

(("Virtually all of our proceedings fall within the first category [Formalized Proceedings]. They include—"))

1. Complaints and investigations concerning violations of law
2. Issuance of operating certificates, permits and licenses
3. Investigation and suspension of rate proposals
4. All mergers and consolidations
5. Purchasing or leasing of operating rights
6. Abandonment or construction of railroad lines
7. Carrier securities issuance or modification
8. Rail passenger service discontinuance
9. Relief applications from long- and short-haul provisions
10. Bankruptcy Act obligations
11. Pooling agreement approvals

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[1] In light of the possible future implications of this proposed legislation, it is respectfully requested that the Service be excluded from the provisions of S. 1177 [the CPA bill].

12. Ratemaking bureaus' approval of agreements

13. All Ex Parte proceedings (e.g., general freight rate increases)

14. Issuance of car service orders

15. Informal complaints on rate matters

16. Rate proposals and their possible suspension

17. Valuation proceedings

18. Requests for special permission for relief from rate filing time requirements

19. Released Rate Applications

Informal activities

Uncertainty over definition

(("The definition of 'agency activity' in section 401(4) of the bill is nebulous and raises some doubt as to its exact applicability.

"Therefore, we are uncertain as to what [ICC] 'activity' would be covered by the bill.

"For instance, an informal forum recently held by us on a study proposal by the Water Transport Association on the transport of feed grains into New England could possibly be construed as an activity falling within that connotation."))

NATIONAL LABOR RELATIONS BOARD

Formalized proceedings

1. Unfair labor practice proceedings

2. Representation election proceedings

3. All rulemaking under section 6 of the National Labor Relations Act

4. Determination of Jurisdictional disputes

5. [Injunction proceedings come under section 204 of the CPA bill since they are court proceedings in which the CPA may intervene.]

Informal activities

Decision on Petitions for Advisory Opinions and Declaratory Orders

NATIONAL SCIENCE FOUNDATION

Formalized proceedings

None.

Informal activities

1. National Science Board meetings

2. Advisory Committee processes for giving the Board advice and assistance

OFFICE OF ECONOMIC OPPORTUNITY

Formalized proceedings

1. Special Impact program financial assistance termination

2. Community Action program financial assistance termination proceedings

3. Migrant and seasonally employed farm worker program financial assistance termination proceedings

Informal activities

1. Appeals to OEO Director by agencies or organizations whose application to a community action agency has been wholly or substantially rejected or has not been acted upon within a reasonable period of time

2. Procedures to assure that financial assistance will not be suspended for failure to comply with terms and conditions (Community Action and Seasonally employed farm worker programs)

3. Procedures to assure that applications for refunding are not denied without reasonable notice and opportunity to show cause why such action should not be taken (Local Incentive programs, Special Emphasis programs, Seasonally employed farm workers)

OFFICE OF EMERGENCY PREPAREDNESS

Formalized proceedings

["A very large number of activities, even of this single agency, might be affected—and adversely so—by the sweeping sphere of activity of the Consumer Protection Agency under the bill as presently written."]

None Listed

Informal activities

1. Trade Expansion Act determinations concerning importation of articles the quantity or conditions of which may threaten to impair national security

2. Recommendations and rulings concerning rejections of bids or offers to other federal agencies to furnish materials of foreign origin on national security grounds

3. Policy decisionmaking involving the designation of materials which are strategic or critical to national preparedness

4. Advisory, Planning or coordinative activities of Office

PAY BOARD

Formalized proceedings

1. All rulemaking under the Administrative Procedure Act concerning the petition or comment of any interested person on the issuance, amendment, or repeal of any ruling or regulation promulgated by the Board.

2. All formal hearings held at the Board's discretion such as, by way of past examples—

Longshore Cases (the East Coast, West Coast and Gulf of Mexico disputes)

Aerospace cases

State of Ohio case

New York City case

Informal activities

1. Denials and reconsideration of denials of Freedom of Information Act information requests.

2. Executive Compensation plans—approvals of modified and new plans

3. Informal Pay Adjustment adjudications

[The Board was of the opinion that the following activities should not be construed to be subject to CPA intrusion because they "are matters of agency prerogative (i.e., not generally subject to judicial review.)" A reading of the bill, however, would indicate that these are so subject.]

4. Criminal and Civil prosecution recommendations to Attorney General

5. Policy recommendation by staff to Board

6. Investigation directions to Internal Revenue Service

7. Issuance of subpenas

[The Board also was of the opinion that CPA participation in informal activities should be construed as limited to the role of a "third party (i.e., other than the agency and party or parties directly affected)" and that such third party participation should be at the discretion of the Board. The bill, however, would allow CPA participation as of right in such activities to the same extent and party or parties directly affected)" and affected person.]

PRICE COMMISSION

Formalized proceedings

Record hearings concerning

1. Determinations of violations of regulations under Economic Stabilization Act of 1970

2. Determinations of sanctions to be imposed

Informal activities

1. Price increase application activities

2. Rent increase application activities

3. Exception petition activities

4. Reconsideration petition activities

SOCIAL REHABILITATION SERVICE (H.E.W.)

Fomalized proceedings

Conformity hearings to determine whether a state plan, or its administration, complies with federal requirements.

Informal activities

1. *Rulemaking* under the various grant programs.

2. *Service meetings* with individuals and groups interested in its programs.

TARIFF COMMISSION

Formalized proceedings and informal activities

[The Tariff Commission was of the opinion that CPA participation in its activities "would apparently take the form of an amicus curiae approach."

The Commission did not offer a list of its proceedings and activities, mentioning only one activity, antidumping procedures, as an example.

The Commission did express concern over possible "problems" that might be presented for the Commission relating to proposed CPA powers to—

1. Compel discovery of materials in a Commission proceeding.

2. CPA's seeking judicial review of Commission actions, and

3. Whether the Commission could preserve its statutorily-required independence in the face of CPA participation in its activities.]

TENNESSEE VALLEY AUTHORITY

Formalized proceedings

None.

Informal activities

("As to informal activities, it is difficult for us to envisage how far the Consumer Protection Agency might go under such legislation in trying to shape the policies of agencies such as TVA in the sales of consumer products or services to the public. . . .

"The activities about which we are most concerned in this regard are our sales of electric power and fertilizer materials.

"It would seem to us most undesirable for the proposed Consumer Protection Agency whose interests would extend only to those of consumers, to become involved in the TVA Board's actions [concerning power activities].

"Here again, the pricing of [fertilizer] requires a careful weighing of production costs and the objectives of the program which is, and we believe should remain the responsibility of the TVA Board."))

TRADE NEGOTIATIONS SPECIAL REPRESENTATIVE (EXECUTIVE OFFICE OF THE PRESIDENT)

Formalized proceedings

None.

Informal activities

1. *Regular Meetings of the Trade Staff* Committee to formulate advice to the Special Representative concerning various aspects of the trade agreements program and reports by the Tariff Commission

2. *Periodic Hearings of the Trade Information Committee* concerning matters germane to the trade agreements program

3. [The Office comments that the "Special Representative for Trade Negotiations administers the reciprocal trade agreements program and directs U.S. participation in trade negotiations with other countries."

It is not clear from the Office's response whether it considers these activities subject to CPA participation under section 203 (b) of the bill.

However, a fair reading of the bill indicates that the CPA could, in its discretion, enter such activities and participate.

URBAN MASS TRANSPORTATION ADMINISTRATION (DEPARTMENT OF TRANSPORTATION)

Formalized proceedings

(None listed, but comprehensive report promised).

Informal activities

Urban Mass Transportation Act Activities, concerning State and local public bodies, relating to—

1. Capital improvement grants and loans.

2. Loans for advance acquisition of land expected to be needed for urban mass transportation systems.

3. Research, development and demonstration projects in all phases of urban mass transportation.

4. Grants for planning of urban mass transportation systems and improvements thereto (technical studies).

5. Grants for university level research and training in urban transportation.

6. Grants to finance university fellowships for personnel in the urban mass transportation field.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time for the transaction of morning business having expired, morning business is closed.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. Hollings). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the committee amendment in the nature of a substitute as amended.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 8, between lines 16 and 17, insert the following new subsection:

(c) Chapter 4 of part II of the Foreign Assistance Act of 1961, as amended by subsection (b) of this section, is further amended by adding at the end thereof the following new section:

"Sec. 535. Assistance to South Vietnamese Children.—(a) It is the sense of the Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding programs, health and welfare programs and training related to these programs which are designed for the benefit of South Vietnamese children, disadvantaged by hostilities in Vietnam or conditions related to those hostilities, and (2) for the adoption by United States citizens of South Vietnamese children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights.

"(b) The President is therefore authorized to provide assistance, on terms and conditions he considers appropriate, for the purposes described in clauses (1) and (2) of subsection (a) of this section. Of the funds appropriated pursuant to section 532 for fiscal year 1973, $5,000,000 shall be available until expended solely to carry out this section. Not more than ten per centum of the funds made available to carry out this section may be expended for the purposes referred to in subsection (a)(2) of this section. Assistance provided under this section shall be furnished, to the maximum extent practicable, under the auspices of and by international agencies or United States voluntary agencies."

Mr. WILLIAMS. Mr. President, I have introduced the amendment on behalf of myself and Senators Hughes, McGovern, Humphrey, and Javits.

Mr. President, much has been said and will continue to be said about our tragic military involvement in Vietnam.

We know where each of us stands and we know what each of us must do to fulfill our personal and public commitments in respect to this issue.

But the time is long past due when we must turn our attention to other aspects of the war.

The time has come when we must make a commitment to the children of Vietnam.

Although figures indicating the impact of the latest escalation on the civilian population are not available, we know that prior to the escalation, 700,000 Vietnamese children were orphans and nearly half of South Vietnam's population of 18,000,000 is under 15 years of age.

These youngsters have been trapped in the middle of the devastating crossfire of the war and have been a major part of the enormous forced migrations from homes in the country to urban centers.

They have compounded the problems of rapid growth in the cities of Vietnam, together with serious inflation and, more recently, unemployment caused by the loss of jobs in support of American military forces.

And it has been these children, the marginal members of the society, who have suffered most as a result of these social and economic upheavals.

The Agency for International Development has been charged with assisting in the development of social welfare programs in Vietnam aimed at combating these problems.

Its efforts directed toward children have been negligible, because AID's small group of specialists understandably have been compelled to work on the overall refugee problem.

Furthermore since there has been no specific mandate to work on child care problems, these AID professionals have only worked on a part-time basis on children's problems.

But what is worse is that the United States is pursuing a policy of destruction in Vietnam almost to the exclusion of aiding the young and helpless victims of that policy.

I recently read the AID program and project data presentation for fiscal year 1973.

This document shows that a total of only $983,000 is to be spent for refugees and social welfare.

In response to written questions I posed to Mr. Robert Nooter, Deputy Coordinator for the Bureau of Supporting Assistance for AID, he said that for AID in Vietnam in fiscal year 1973 the current staff includes five American social workers, none of whom devote their full time to child welfare services.

Two of these positions will be phased out by the end of fiscal year 1973 and the personnel level for fiscal year 1974 is now under review by the U.S. Mission.

I understand that the Vietnamese have a serious manpower shortage and lack of capability for working on social welfare problems.

However, I am certain that the social problems could be eased somewhat if the United States stood ready to assist in their solution.

We can no longer pretend that Vietnam and its problems will improve as we withdraw our military troops.

A commitment is needed and deserved so that when the fighting does end a basis for social development and improvement exists.

We have reached the point where we must work with the Vietnamese in resolving the social problems which have resulted from this war.

We have reached the point where we must begin to replace military efforts with significant social welfare and health efforts.

Last September, Senators Hughes, Hatfield, and I introduced S. 2497 to create a Vietnam Child Care Agency, directed to provide expert assistance to the Vietnamese Ministry of Social Welfare and grant money to private and public nonprofit organizations which are working on child-care programs.

We have been joined by 14 other Senators and over 40 Congressmen have supported nearly identical legislation in the House.

The Foreign Relations Committee held a day of hearing on this bill last April 5.

It was evident from the various statements that day that, if the United States is in fact concerned about the future and welfare of Vietnam, a commitment must be made to insure that the human problems of the Vietnamese are met and resolved.

Our legislation caused some concern, because it would create a new agency and add to what is already a cumbersome bureaucracy.

I can appreciate these concerns and to avoid them, as well as insure that the United States plays an active role in Vietnam's social problems. The pending amendment to S. 3390, the Foreign Assistance Act, is similar in intention to S. 2497, but would operate through AID rather than create a new agency.

I want to clarify that I understand that the social welfare problems in Vietnam must be solved by the Vietnamese; however, their efforts can be augmented by the U.S. Government.

I am sure that our Government can greatly assist in serving the homeless children of that nation.

The amendment I am proposing would earmark $5 million in the security supporting assistance sections for Vietnam to provide such assistance.

It is envisioned that the first major function of AID under this expanded mandate would be to work through public or private nonprofit organizations and the Vietnamese Ministry of Social Welfare to improve the care and protection of children orphaned, abandoned, or left in poverty as a result of the war.

The highest priority would be improving and expanding day-care facilities.

These centers provide an environment conducive to healthier family development.

Hopefully, they will help avoid the growing incidence of abandonment which has accompanied the withdrawal of American troops.

The advantages of day care are particularly relevant in Vietnam because of the burden of raising children in that difficult environment.

Well-run day care centers would provide these young people with pre-school education and two meals a day.

It would also give the mother the opportunity to work so that she can support her children.

The few day care programs in effect have met with considerable success.

Since the major purpose of this legislation is to improve the home atmosphere so that fewer children are left to institutions, it is expected that a major emphasis will be to improve existing orphanages instead of building new ones.

Along similar lines, the existing but inadequate hostel program which provides housing for children who support themselves must be expanded and improved so that the thousands of independent children can have a roof over their heads at night.

This amendment also contemplates training Vietnamese to work in day care centers, orphanages, and in the area of child health care—especially prenatal and postnatal care.

In the early stages, when considerable expansion will occur, training of Vietnamese to staff and sustain these programs will be essential.

Furthermore grants can and must be extended to private organizations to establish medical facilities for furnishing medical assistance to such children and to provide educational assistance.

A second approach contemplated by this amendment is directed toward the children who have no family or guardians.

These youngsters are eligible for adoption and for many of them acceptable homes can be found in the United States.

In carrying out this aspect of my amendment the emphasis must necessarily be on facilitating adoption of orphaned or abandoned children who have American fathers.

However, by no means should it exclude efforts to ease adoption procedures for other Vietnamese children who are homeless.

AID's function in this area would be to negotiate with Vietnamese and U.S. Government officials in order to standardize the forms and procedures used in intercountry adoption.

Since the agency is charged with aiding the Vietnamese with their child care problems, it might be in the best position to encourage the Vietnamese Government to ease its requirements for the issuance of exit permits.

Should this occur, adoption would be simplified but they would continue to be handled on a strict case-by-case basis.

It is my hope that eventually the United Nations or another multilateral organization will be able to assume the child care and protection role of the Agency outlined in this legislation.

To date, UNICEF has spent more than $2.3 million on training programs and maternal and child health care centers.

Although their limited budget has prevented larger expenditures, UNICEF has taken the vital step of commiting itself to the solution of these problems.

With U.S. funding, UNICEF could probably direct the programs to be established and run by AID.

I intend to seek full funding of this $5 million authorization to establish this program as quickly as possible.

It appears that this modest amount—a fraction of what is spent each day to continue our military efforts in Vietnam—will be initially sufficient.

I understand that the Vietnamese Ministry of Social Welfare has developed a program which could be substantially assisted by the effective implementation of this amendment.

I am reassured that the Vietnamese are looking closely at these problems and developing sound means of resolving them.

However, as has always been the case a shortage of money and trained personnel is blocking progress.

For several years, the ministry has received less than 1 percent of the national budget and most of this money has been directed toward refugees.

Since the children have not had a spokesman, their plight has been neglected for years and top priority has been given to the massive refugee problem.

Now that the Ministry is prepared to direct its limited staff to confront these problems, it is absolutely essential that the United States make a clear commitment to assist them.

Mr. President, my purpose in introducing S. 2497 and now this amendment to S. 3390 has been to enable the Government to correct a most serious shortcoming in Vietnam, that of child care, and to increase the amount of aid committed to solve the human problems of Vietnam.

Mr. President, this amendment and its change of method, but not purpose, has been fully discussed informally, during the debate on this bill, with the chairman of the Foreign Relations Committee, with the very distinguished leader of the debate on this bill, and with the ranking minority member of the committee. It is my impression, from all of these discussions, that this approach is supported by our colleagues of the Foreign Relations Committee and that the purpose of reaching, through this assistance act, the needs of the children of Vietnam is embraced by the members of the committee.

Mr. SPARKMAN. Mr. President, there has been considerable discussion relating to this amendment. I want to commend the distinguished Senator from New Jersey for his efforts to draw attention to the increasing need for assistance to the children of South Vietnam who are the tragic victims of this war.

The pending amendment is evidence of these efforts; it is a modification of his earlier amendment which, in turn, was drawn from S. 2497, a bill "to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children." The provisions of this bill were the subject of hearings held before Foreign Relations Committee on April 5 of this year.

Mr. President, I am frank to say that several members of the Committee were troubled by some of the provisions in the bill, many of which were subsequently incorporated in the Senator's earlier amendment. To some of us that amendment appeared to place the United States in the position of assuming primary responsibility for the care of all South Vietnamese children disadvantaged by the war or conditions related to it. Such responsibility properly belongs to the Vietnamese and we would only be compounding the errors of the past if we were to step in at this late date to assume such a role.

The pending amendment eliminates this kind of concern, but recognizes that we all want the United States to give proper assistance to help care for the children of South Vietnam who are the unfortunate victims of this war. In other words, the amendment provides a balanced, moderate response by the United States to this problem. It simply calls upon us to do our fair share and to do it, "to the maximum extent possible, under the auspices of and by international agencies or United States voluntary agencies." This is as it should be.

I may say that I am quite certain that had this amendment not been offered as a part of this bill, the Foreign Relations Committee would have reported out some bill based upon the original legislation introduced by the Senator from New Jersey, but with the kind of modifications which have been made in the present amendment offered by the Senator from New Jersey.

I discussed this matter with the chairman of the committee (Mr. FULBRIGHT), and at that time we were of the same mind that the amendment as offered originally was entirely too broad and required some changes. The Senator from New Jersey has worked, through his staff, with the staff of the Foreign Relations Committee, and the present amendment is the result.

Unfortunately, our colleague from Arkansas (Mr. FULBRIGHT) is not here today, but I have been given to understand by the staff members of the committee, who have talked with him about it at different times, that even though the Senator from Arkansas has not seen this amendment, it is the feeling of the staff, who have worked very closely with him on this matter, that the amendment, as it has been modified, would be acceptable to him. I have also discussed the matter with the senior Senator from Vermont, and the senior minority member of the Foreign Relations Committee, and the amendment is acceptable to him.

Therefore, Mr. President, acting for the committee, I say that I am willing to accept the amendment, and I move its adoption.

Mr. HUGHES. Mr. President, I am proud to join the distinguished Senator from New Jersey (Mr. WILLIAMS) in cosponsoring this amendment to provide aid to the children of Vietnam. This legislation is urgent and necessary if the United States is to uphold its true responsibility to the people of Vietnam.

A few weeks ago the world was shocked by the photograph of screaming Vietnamese children, running in agony from a misdirected attack by South Vietnamese planes as napalm seared their clothes and skin. I regret that the Record cannot reproduce that photograph, for it speaks more forcefully than any words of the horror and suffering of this war.

Children were the chief victims of this attack, just as they have become the forgotten victims of much of this war. The State Department admits that about 90 percent of the patients receiving plastic and reconstructive surgery are children.

Because of their suffering, because of their helplessness, I believe that we have a special responsibility to the children of Vietnam.

The American military presence inside Vietnam is being drastically reduced, though not totally and not as quickly as most of us would prefer. As U.S. forces are being withdrawn, they leave behind many reminders of their involvement—bombed villages and rebuilt villages, devastated farmlands and a few agricultural programs, and perhaps as many as 200,000 children of American fathers. The few small programs we already have in being for reconstruction and rehabilitation bear witness to our determination to alleviate some of the tragic consequences of this long and deadly war.

Too often, I fear, we pay attention only to the weekly death tolls, and then usually only to American deaths, while ignoring the other suffering which the war has brought to Vietnam and which the continued air war still brings. We tend to forget that three times as many people as die are seriously wounded and require hospital care, and that many of these people are permanently maimed or crippled.

We tend also to forget about the women who have lost their homes and husbands and the children who are orphans, or rejected by their relatives because of their mixed racial parentage, and thus must live out a hand-to-mouth existence in the streets. We have no exact figures, but there can be no doubt that thousands of Vietnamese women and children have been physically wounded or emotionally scarred by this war.

To neglect these people now in their time of need would be cruel and inhumane. It would also be contrary to the best instincts and the past history of the American people. Until, and after, the fighting ends, the United States must work to alleviate the consequences of our involvement in that small, war-torn country. We must see to it that peace is not merely the continuation of suffering by other means.

Children deserve our special care and attention not simply because thousands of them have been abandoned by their American fathers, but more basically because they are helpless. Without our aid now, they may never reach adulthood. That this is a major problem in Vietnam is clear from the fact that over 40 percent of the population is under the age of 14.

The news in the months since this legislation was first introduced in a slightly different form points up the continuing problem. We have seen stories in the newspapers and on television about the street urchins in Saigon, about the orphanages which have been closed by the Vietnamese government, and about the difficulties facing Americans who want to adopt some of these children. A story in the New York Times a few months ago discussed some of these problems and cited the case of an American couple who wanted to adopt a young girl named Lanh. The story says:

> The couple saw her in the An Lac orphanage in Saigon, but, due to the complicated adoption procedures, they could not take her with them when they left. Lanh died September 16 from malnutrition and inadequate care. Not even the American doctors in an Army hospital in Saigon could save her.

Since the time that Lanh died, the United States has continued to phase out its programs of health care and refugee relief. No funds for civilian health programs are requested for the new fiscal year, and assistance to refugees will have to come entirely from counterpart funds. Despite the continued high rate of civilian casualties, particularly during the current offensive, the United States has been drastically cutting its medical programs and slashing the number of hospital beds allocated to civilian war casualties. Thus, we can do even less to help the people who continue to suffer.

The little girl who was photographed running naked in terror from napalm has suffered from these diminished health services. According to a report by a CBS news reporter, she was first taken to the Saigon children's hospital, which is called a desperate place where there are more patients than beds and not enough doctors and nurses to provide anything but the most primitive care. Only through the intervention of newsmen was she transferred to a center for plastic and reconstructive surgery, where she now is improving.

Even in that center, the number of medical personnel from the West has dropped from 35 to 3. The only surgeon said that there are not enough funds to operate the unit. As the CBS reporter commented:

> But the people who run this hospital will not even estimate how many children die every week because they cannot get to this place or because there is no room for them.

This amendment, by specifically authorizing $5 million for assistance to South Vietnamese children, should force our Government to give this problem the attention it deserves. Otherwise, we may find the programs for children sacrificed in order to finance police training or luxury imports or the other much larger segments of our aid to Vietnam.

The program we propose is quite modest. A 1-day moratorium in our current high-intensity air war would save enough money to fund these life-saving works for over 4 years. Surely this is a small price to pay to save a generation of children from the scourge of this terrible war.

I ask unanimous consent to include a transcript of the CBS news report on the girl and the hospital which I mentioned earlier.

There being no objection, the news report was ordered to be printed in the Record, as follows:

[From the CBS Evening News, June 27, 1972]

Cronkite. Three weeks ago, we showed you a pathetic photograph. It was taken after SVNese planes missed their targets and mistakenly dropped flaming napalm on civilians and their own soldiers.

The little girl in the center was one of those caught in the raid forty miles from Saigon.

She ripped off her burning clothes and with others from her village fled down the road in terror.

Bob Simon has a report tonight telling what has happened to that girl since that awful day.

Bob Simon. Ten years old Samkin Toc (?) will never forget the day it rained fire on her village.

The day SVNese bombers mistakenly dropped napalm on a road where she was playing.

Toc will never forget the flames which would not go out even after her clothing was burned away.

The amazing thing is that she may live to remember it.

Some soldiers took Toc to the Saigon's children's hospital. A desperate place where there are more patients than beds and not enough doctors and nurses to provide anything but the most primitive care.

And Samkin Toc had critical third degree burns with serious complications.

Some newsmen found her there, saw that she was going to die, and discretely lobbyed for her transfer to the center for plastic and reconstructive surgery.

Which is a very unique place in Saigon and where Toc is now convalescing.

The center is also called the Barskey (2) Unit because it was founded in 1967 by Dr. Arthur Barskey, one of America's most distinguished plastic surgeons.

It was built with AID funds and private donations. The center gives a priority to children and a special priority to war victims.

Before the offensive began, about twenty percent of the patients were direct war casualties.

This three year old girl was asleep when a communist rocket crashed through the roof of her house.

She still calls out for her mother who is dead.

This ten year old boy was tending water buffalo when something exploded. He doesn't know what it was but it killed his brother and his cousin.

He will stay in the Barskey unit many months. When he leaves he will have a new face.

Many of the children were burned in domestic fires and are not considered war casualties.

But in VN, it is difficult to find anything that is not in some way related to the war.

In VN, high octane jet fuel is sold on the black market and used for cooking which is one reason why there are so many domestic fires.

Toc's father stands by her bedside all day He cries a good deal of the time, because he knows about VNese hospitals and is afraid his daughter will be forced to leave before she is completely well.

But that's not how it works at this place. Toc has already undergone one operation and faces several more.

Over the years, doctors from seventeen countries have volunteered their services here.

At one point, thirty-five members of the staff, doctors, nurses and technicians, were from the west.

But from the very start, the idea was to teach VNese to do the job. The training program has been successful but there are problems.

After the offensive began, two of the hospital's resident surgeons were recalled to the army.

There are only three western physicians left on the staff. The only surgeon is Dr. Arna Wintal (?) of Finland.

Do you think it will be possible to maintain these medical standards which are so incredibly above VNese medical standards?

Dr. WINTAL. I think it should be possible. But if we are leaving now, then I am afraid that it will gradually go down the hill.

It is even a question of economics. They don't have enough funds to operate this unit here.

The cases we get here are very badly neglected. If they were treated originally here, the result would be much better in a much shorter time.

This unit is just a drop in the sea, but it could do a great work training surgeons to go some other places in VN to teach.

SIMON. Less than ten days after her admission to the hospital, TOC sat up for the first time.

It was painful, it was promising.

Watching TOC and her agony, it is difficult to speak the words, she is one of the lucky ones.

But the people who run this hospital will not even estimate how many children die every week because they cannot get to this place or because there is no room for them.

The motto Dr. Barskey chose for his hospital comes from the old testament.

Better to light a candle than curse the darkness.

The PRESIDING OFFICER. The question is on agreeing to the amendment (putting the question).

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, has the amendment been accepted?

The PRESIDING OFFICER. The amendment has been agreed to without objection.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGNES RECOVERY ACT OF 1972—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

Tropical Storm Agnes has caused unparalleled destruction in many areas of the eastern United States. More than 128,000 homes and businesses have been damaged or destroyed, and whole communities have been dealt a heavy blow. The losses to so many individuals cannot be measured only in terms of destruction of property and belongings; they must also be counted in terms of loss of jobs, disruption of families, personal privation, and anxiety about the future. In the whole history of our Nation, we have not before encountered such massive destruction over so wide-spread an area as a result of natural disaster.

Individuals, private groups and governments have responded magnificently to this calamity in the finest tradition of neighbor helping neighbors. The stamina, the courage and the spirit to fight back and recover are already evident throughout the devastated areas. My statement of July 12, 1972 summarized these impressive efforts. I also pointed out at that time, however, that an unparalleled disaster requires extraordinary measures to help in recovery. I announced my intention to recommend to the Congress supplementary and massive measures aimed at short and long-term recovery. I herewith transmit those recommendations, and the proposed legislation to carry them out.

My proposals are in three parts.

First, I propose the Agnes Recovery Act of 1972. This measure deals with disaster loans for homeowners, farmers and businessmen. Because of the unprecedented scope of the destruction, unprecedented measures to deal with it are required. Under the provisions of this proposal, disaster loans for Agnes victims would be changed from present law in the following ways:

—The maximum amount of principal which can be cancelled or forgiven would be increased from $2,500 to $5,000 on loans made by the Small Business Administration or the Farmers Home Administration.

—The forgiveness feature would be applicable to the first dollar of a loan rather than after the repayment of the first $500 of principal as is now the case.

—The interest rate on the loans would be dropped to 1 percent instead of its current rate of 5⅛ percent.

This liberalized assistance to individual homeowners and small businessmen can mean the difference between recovery and bankruptcy or ruin. The situation is urgent. Individual people are now making decisions on whether to rebuild or not. While my proposal would apply retroactively to all victims of Agnes, it is important to them to know now the terms of assistance which will be available to them.

Therefore, I call on the Congress to respond to this emergency by acting on the Agnes Recovery Act so that it can become law within one week.

Second, I recommend supplemental appropriations totaling $1,569,800,000 for this emergency, the largest single request of its kind in our history. The vast majority of these funds would be used for disaster loans, with $1.3 billion for the Small Business Administration and $1.8 million for the Farmers Home Administration. The SBA funds would be used to provide loans for homeowners and small businessmen in disaster areas whose property has been damaged or destroyed. The FHA funds would provide sufficient personnel to process expeditiously loan requests in rural areas, for which adequate loan funds now exist. Also included in my supplemental request are:

—An additional $200 million for the President's Disaster Relief Fund, to speed repair and reconstruction of public facilities and to provide temporary housing, food and unemployment compensation.

—$40 million for the Economic Development Administration, $16 million for the Appalachian Regional Commission and $12 million for the Corps of Engineers, all to assist in the recovery of damaged communities. The funds for the Corps of Engineers would go toward flood control projects in the Susquehanna River Basin.

Third, I recommend that the existing authorization for appropriations for highway emergency relief be increased by $200 million. Current authority limits amounts to $50 million per year, which is clearly not adequate to cope with a disaster of this magnitude.

I urge that the Congress also act promptly on these second and third proposals.

The Federal Government must act quickly and decisively to do its part in providing relief and aiding recovery in a cooperative effort with the States and communities struck by Agnes. We can do no less. I am confident that the Congress will share this view.

RICHARD NIXON.

THE WHITE HOUSE, *July 17, 1972.*

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message received today from the President of the United States on disaster relief resulting from the tropical storm Agnes be referred jointly to the Committee on Public Works, the Committee on Banking, Housing and Urban Affairs, and the Committee on Agriculture and Forestry.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the unfinished business, S. 3390, is laid aside today and the Chair lays before the Senate the so-called minimum wage bill, the unfinished business remain in a temporarily laid-aside status until the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator from Alabama will yield, I would like to get an understanding of the full cost of our foreign aid program.

Mr. SPARKMAN. Let me be clear. The Senator is asking for the cost of all of our foreign aid programs and not just the cost of this particular measure now under consideration.

Mr. HARRY F. BYRD, JR. The request for information does go beyond the text of this bill.

Mr. SPARKMAN. That is what I meant.

Mr. HARRY F. BYRD, JR. As best I can determine, the total figures are incorporated in the committee report. I am frank to say I do not have the full understanding of these figures and I want to try to more fully understand the total cost of our foreign assistance program.

To begin with, I note in the committee report that foreign assistance will be extended to 22 Latin American nations, to 16 Near East and South Asian nations, to 13 Coast Asian and Pacific nations to seven European nations, and to 38 African nations. If my understanding in that regard is accurate, it means that in the current fiscal year, fiscal year 1973, the United States will be extending military and/or economic aid to 96 different countries.

Mr. SPARKMAN. The Senator is correct.

Mr. HARRY F. BYRD, JR. I think there are 133 nations now that are members of the United Nations. I do not know why we have left out the others. We are taking care of the military and/or economic assistance to 96 nations. I do not propound that to the able and distinguished Senator from Alabama as a question. I wish to make an observation. I know that the Senator from Alabama in many respects agrees with my view on this matter: this is a lot of countries with which to be involved in connetion with military and/or economic aid.

Now, to get to my question.

Mr. SPARKMAN. If the Senator will allow me to interject at this point, it must be remembered that these tables include countries which receive Public Law 480 assistance.

Mr. HARRY F. BYRD, JR. Yes.

Mr. SPARKMAN. In fact, I daresay that more countries receive this type of aid than any other.

Mr. HARRY F. BYRD, JR. The Public Law 480 total is, in round figures, $1 billion.

Now, to get to the total cost of our foreign assistance program. Here again I am looking at table 4 of the committee report, and as I understand these figures, the total military and economic aid for fiscal year 1973 will be $8.4 billion, and that figure compare with the fiscal year 1972 figure of $7.4 billion. I deduce from that, and I assume accurately, that the foreign assistance program for this fiscal year will be $1 billion greater than it was for the past fiscal year.

Mr. SPARKMAN. I think that takes a little explanation, too. The larger figure that the Senator read of $8.4 billion is the amount that has been requested by the President. The 1972 figure of $7.4 billion does not reflect what the President requested. Rather it reflects what Congress apppropriated.

While I do not have available now what the President requested last year, I am certain Congress appropriated less than the President requested, and I am quite sure that the same thing will be true this year. So actually it is not a true comparison to use one figure against the other because one is a request figure and the other is an appropriation figure, or what was done with the previous request.

Mr. HARRY F. BYRD, JR. The more accurate way to express it would be to say the amount requested for foreign military and/or economic assistance for fiscal year 1973 is $1 billion more than was appropriated.

Mr. SPARKMAN. It is $1 billion more than Congress appropriated last year. But we do not know what Congress is going to appropriate this year. But chances are we will have somewhat the same situation—that Congress will not appropriate as much as the President requested.

By the way, I may add that this is true—and it is something most people do not understand or accept—with reference to practically all appropriations. Congress very frequently appropriates less money than the President requests.

Mr. HARRY F. BYRD, JR. I think that the presidents'—I use that word in the plural—requests have been too great, and I think that while Congress has reduced, in some cases, the requested appropriation of funds, Congress itself has gone too far in appropriating tax dollars. I think it has gone too far in regard to military and economic assistance to foreign nations. I seriously question whether, with the condition of the Federal Treasury today, with accumulated deficits, with smashing deficits, we should be appropriating somewhere around $8 billion of tax funds to be sent to foreign nations.

I hope the Congress, as the able Senator from Alabama indicated a moment ago, will reduce the figures submitted by the administration. I think the figures are too high.

I personally am going to vote against the entire bill, but I think somewhere along the line we have got to start putting a brake on these great expenditures of public funds. This is one bill where the opportunity is before us to supply that brake. I hope substantial reductions will be made in these appropriations.

A moment ago there was mention of deficits. For the fiscal year ending 1970 the Federal funds deficit was $30 billion. For the fiscal year that just ended, it ran over $30 billion. I predict that for the current fiscal year the Federal funds deficit will exceed $40 billion.

So the Government is running tremendous deficits. That is why I strongly question whether we should appropriate the vast sums of money we are appropriating, and have been appropriating, for foreign assistance programs.

Consider the extent of these programs. Ninety-six different countries are the recipients of U.S. aid, when that aid can only come from taxes from the pockets of the hardworking wage earners of this country, and also at a time when the Government is running unbelievably high deficits.

My main interest in discussing this matter today and in getting an analysis of the figures from the distinguished Senator from Alabama is to emphasize that the bill we are considering does not take into consideration all the foreign assistance programs the Federal Government has. Just as the able Senator from Alabama pointed out, the bill before us is of a smaller nature and a less inclusive nature than the total figures represent, but the total amount of funds appropriated last year was $7.4 billion. The request this year is $8.4 billion.

Even if the Congress cuts that amount by $1 billion—and I think it should be cut by more than $1 billion—it will still be more than $7 billion in foreign aid for 1 year.

Of course, since World War II this country has given, in foreign aid, some $120 billion to $130 billion, plus about $60 billion that has been paid in interest on that money, because all of that money has been borrowed. The Government has been running deficits almost every year, with very few exceptions, since World War II.

I thank the Senator from Alabama.

Mr. SPARKMAN. Mr. President, if the Senator will yield to me for just a moment, I would like to point out one other thing. Of course, the Senator realizes that the pending measure is only a part of the regular aid program over which this committee has jurisdiction. The economic aid program was authorized for 2 years last year, and does not come up this year. Of course, the tables the Senator has been reading from show all forms of aid.

Mr. HARRY F. BYRD, JR. Yes.

Mr. SPARKMAN. The President has requested $8.4 billion in all forms of aid, as against what Congress allowed last year, after cutting the President's request by, I would guess offhand, about $1 billion. But let me call attention to the fact that the bill before us, the one the Foreign Relations Committee reported, carried an original request of $2.3 billion. The committee reported that bill out with a cut of $550 million. In other words, the committee cut it 25 percent.

Mr. HARRY F. BYRD, JR. Good.

Mr. SPARKMAN. I believe if other committees would follow the example of the Foreign Relations Committee, we would come closer to getting what both the Senator from Virginia and I want, and that is a balanced budget.

Talking about unbalanced budgets, of course we have had a good many unbalanced budgets, but the Senator knows that during the last 2 fiscal years, and for the present fiscal year, the President purposely planned large deficits under the concept of a full employment budget, the idea being that spending that money would put people to work, cut down unemployment, step up production, and help reduce inflation. We know that all of these problems have not been solved. Nevertheless, it was a planned budget deficit—with which I have never been able to agree, and I think it is only right that we should point out, in the case of this particular program the President has requested, that the committee cut it by 25 percent.

Mr. HARRY F. BYRD, JR. As one Senator, I am pleased that the committee did cut the request by 25 percent. I must say I do not agree with planned deficits, either. I think the huge deficits of the Federal Government are the major cause of the inflation we are having today. Until we are able to put the Government's financial house in order, I doubt very seriously if we will be able to get inflation under control. As a matter of fact, I am convinced it will be impossible until we do that.

In regard to the actual amounts appropriated for titles I and II—and I believe that is what the bill before us today deals with, titles I and II—in this particular bill, we are dealing with only two categories of the total program.

Mr. SPARKMAN. The Senator understands, of course, that the pending bill is devoted almost exclusively to military assistance and related programs.

Mr. HARRY F. BYRD, JR. Yes.

Mr. SPARKMAN. That is all this bill deals with.

Mr. HARRY F. BYRD, JR. Yes.

Mr. SPARKMAN. And as I said a few minutes ago, the regular economic aid part is operating on a 2-year authorization which was enacted into law last year. The Appropriations Committee alone deals this year with that portion of the Foreign Assistance Act.

Mr. HARRY F. BYRD, JR. Yes. The point I was going to suggest is that it is difficult to compare titles I and II of the authorization bill with titles I and II of the appropriation bill. The two do not cover, in each case, the same precise programs. That is why I was focusing attention, because it is so difficult to single out titles I and II in the authorization bill and compare that with titles I and II in the appropriation bill.

Mr. SPARKMAN. They are not the same.

Mr. HARRY F. BYRD, JR. That is correct. That is why I was focusing attention on the total amount rather than on the figures that appear in this particular bill. But in any case, the total amount for this past fiscal year, for all of the foreign military and/or economic assistance, totalled $7.4 billion, and the request for fiscal 1973, our current fiscal year, is $8.4 billion.

I shall certainly support the Appropriations Committee and the Committee on Foreign Relations in any endeavors that either committee might make to reduce this tremendous amount of foreign assistance. I think it is important that we do that at this particular time because of the very bad financial condition of our Government.

I thank the able and distinguished Senator from Alabama.

Mr. SPARKMAN. May I make just one additional point? Of course, the Senator realizes, as I mentioned earlier, that other committees are involved. As a matter of fact, the Senator serves on the Armed Services Committee.

Mr. HARRY F. BYRD, JR. I have voted to reduce that, too.

Mr. SPARKMAN. The Armed Services Committee handles a good part of this. Military assistance to Vietnam and Laos, for example is handled by the Armed Services Committee, not by Foreign Relations.

Mr. HARRY F. BYRD, JR. That is correct. There are at least three committees involved. There are more than that, I guess, when you consider the Atomic Energy Committee.

Mr. SPARKMAN. Yes. Public Law 480 is handled by Agriculture.

Mr. HARRY F. BYRD, JR. There are a number of committees involved.

Mr. SPARKMAN. Of course, the Public Law 480 program, as the Senator knows, is one of the most popular programs we have ever had. It is not now handled by the committee but if I remember correctly, it originated a good many years ago as part of the regular foreign aid program. The Agriculture Committee has since assumed jurisdiction over it and has handled it for a good many years.

Although I am not absolutely clear on the details of the origin of Public Law 480 and the committee's role in it, I do know that this program enjoys immense popularity.

Mr. HARRY F. BYRD, JR. The Public Law 480 program is about 15 percent of the total that has been requested.

But regardless, before I forget it, I want to commend the committee for putting together this table 4 of the committee report, because it shows very graphically—and the Senator can correct me here, but this is the first time I recall that all of the countries have been put down side by side, one report indicating exactly where these vast sums of money are going, to which countries they are going.

As I mentioned earlier, there are 96 different countries involved, and I think it is certainly helpful, at least to this Senator and I would think to most Senators, to have this table which accompanies the committee report.

Mr. SPARKMAN. May I say that we prepared a similar table last year. That was the first year we pulled all of this information together. And of course the Senator knows that for a time the names of the countries, for some programs, at least, were not available for publication.

Mr. HARRY F. BYRD, JR. Yes.

Mr. SPARKMAN. But in the last two years we have been able to list practically all of them. Our committee thought it would be helpful, even though a casual glance at this table, if a person does not read it carefully, might have the impression that we are reporting out a bill here for $7 billion or $8 billion. Of course, that is not the case at all. What we are doing with the table is putting together all of the various aid programs, whether they come to our committee or not, in order to give as complete a picture as possible.

Mr. HARRY F. BYRD, JR. I think the committee is rendering a service in that regard, in putting together the total program, because I think it is important that we keep in mind the total amounts of money that we are appropriating, and as I say, the total requested this year for foreign assistance will be $8.4 billion, not the figure carried in the bill under consideration by the Senate today. That figure is much less, but the total figure being sought for foreign assistance is $8.4 billion, as compared with the appropriation last year of $7.4 billion.

Mr. SPARKMAN. And that includes all military assistance, as we mentioned a while ago.

Mr. HARRY F. BYRD, JR. Oh, yes, it includes that.

Mr. SPARKMAN. In addition, it includes Public Law 480, economic aid, Peace Corps, and all the others. They are all included in these tables.

I thank the Senator very much.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of S. 1861, so that it may become temporarily the pending business before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour work day, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this act may be cited as the "Fair Labor Standards Amendments of 1972".

DEFINITIONS AND APPLICABILITY TO PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 2. (a) Section 3(d) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee, including the United States and any State or political subdivision of a State, but shall not include any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization."

(b) Section 3(e) of such Act is amended to read as follows:

"(e) 'Employee' means any individual employed by an employer, including any individual employed in domestic service (other than a babysitter), and in the case of any individual employed by the United States means any individual employed (1) as a civilian in the military departments as defined in section 102 of title 5, United States Code, (2) in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees who are paid from nonappropriated funds), (3) in the United States Postal Service and the Postal Rate Commission, (4) in those units of the government of the District of Columbia having positions in the competitive service, (5) in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and (6) in the Library of Congress, and in the case of any individual employed by any State or a political subdivision of any State means any employee holding a position comparable to one of the positions enumerated for individuals employed by the United States, except that such term shall not, for the purposes of section 3(u) include any individual employed by an employer engaged in agriculture if such individual is the parent, spouse, child, or other member of the employer's immediate family.".

(c) Section 3(h) of such Act is amended to read as follows:

"(h) 'Industry' means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed.".

(d) The last sentence of section 3(m) is amended to read as follows: "In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 40 per centum of the applicable minimum wage rate, except that the amount of the increase on account of tips determined by the employer may not exceed the value of tips actually received by the employee. The previous sentence shall not apply unless (1) the employer has informed each of his tipped employees of the provisions of this section, and (2) all tips received by any such employees have been retained by such tipped employees."

(e) (1) The first sentence of section 3(r) of such Act is amended by inserting after the word "whether", the words "public or private or conducted for profit or not for profit, or whether".

(2) The second sentence of such subsection is amended to read as follows: "For purposes of this subsection, the activities performed by any person or persons in connection with the activities of the Government of the United States or any State or political subdivision shall be deemed to be activities performed for a business purpose.".

(f) (1) The first sentence of section 3(s) of such Act is amended (A) by inserting after the words "means an enterprise", the parenthetical clause "(whether public or private or operated for profit or not for profit and including activities of the Government of the United States or of any State or political subdivision of any State"), (B) by striking the word "employees" the first two times it appears in such sentence, and inserting in lieu thereof the words "any employee".

(2) Clause (1) of the first sentence of section 3(s) of such Act is amended to read as follows:

"(1) is an enterprise whose annual gross volume of sales made or business done is—

"(A) not less than $225,000 (exclusive of excise taxes at the retail level which are separately stated) during the first year from the effective date of the Fair Labor Standards Amendments of 1972;

"(B) not less than $200,000 (exclusive of excise taxes at the retail level which are separately stated) during the second year from such date;

"(C) not less than $175,000 (exclusive of excise taxes at the retail level which are separately stated) during the third year from such date;

"(D) not less than $150,000 (exclusive of excise taxes at the retail level which are separately stated) thereafter;".

(3) The last sentence of section 3(s) of such Act is amended to read as follows: "Any establishment which has as its only regular employee the owner thereof or the parent, spouse, child, or other member of the immediate family of such owner shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce or a part of such an enterprise.".

(g) Section 5 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section and section 8 shall not apply with respect to the minimum wage rate of any employee in Puerto Rico or the Virgin Islands employed (1) by an establishment which is a hotel, motel, or restaurant, (2) by any other detail or service establishment if such employee is employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs, or (3) by any employer which is a State or a political subdivision of any State. The minimum wage rate of such an employee shall be determined in accordance with sections 6, 13, and 14 of this Act."

EMPLOYMENT OF ILLEGAL ALIENS

SEC. 3. Section 4 of the Fair Labor Standards Act of 1938 is amended by adding the following new subsections after subsection (e):

"(f) Any employer subject to this Act, including any person acting as an agent of such employer, who knowingly employs any alien who is in the United States in violation of law or in an immigration status in which such employment is not authorized, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, for each alien with respect to whom any violation of this subsection occurs.

"(g) Any contract subject to the Act of March 3, 1931 (40 U.S.C. 276a–276a–5, known as the Davis-Bacon Act), the Act of June 30, 1936 (41 U.S.C. 35–45, known as the Walsh-Healey Act), or the Service Contract Act of 1965 (41 U.S.C. 351–357) shall contain, in addition to the provisions required by such Act, a provision by which the contractor agrees not to knowingly employ in the performance of such contract any alien who is in the United States in violation of law or in an immigration status in which such employment is not authorized. Any violation of such contract provision will be subject to the penalties provided in such Act, as well as in this Act.

"(h) Neither the Secretary nor the Attorney General shall, by rule or regulation, grant any general exemption to, or waiver of, this program, with respect to any class of employers or employees."

MINIMUM WAGES

SEC. 4. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(1)(A) not less than $2.00 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972, and

"(B) not less than $2.20 an hour thereafter."

(b) Section 6(a)(5) of such Act is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than $1.60 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972, not less than $1.80 an hour during the second year from such date, not less than $2.00 an hour during the third year from such date, and not less than $2.20 an hour thereafter."

(c) Section 6(b) of such Act is amended—

(1) by inserting after the words "Fair Labor Standards Amendments of 1966,", the words "or the Fair Labor Standards Amendments of 1972,";

(2) by striking out paragraphs (1) through (5) thereof and inserting in lieu thereof the following:

"(1) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972;

"(2) not less than $2.00 an hour during the second year from such date; and

"(3) not less than $2.20 an hour thereafter;".

(d)(1) Section 6(c) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) In the case of any such employee who is covered by such a wage order to whom the rate or rates prescribed by subsection (a) or (b) would otherwise apply the following rates shall apply:

"(A) During the first year from the effective date of the Fair Labor Standards Amendments of 1972, for any employee whose highest rate is less than $0.80 an hour, such rate shall not be less than $1.00 an hour.

"(B) During the first year from the effective date of the Fair Labor Standards Amendments of 1972, for any employee whose highest rate is $0.80 an hour or more, such rate shall be the highest rate or rates in effect on or before such date under any wage order covering such employee, increased by $0.20.

"(C) During the second year from the effective date of the Fair Labor Standards Amendments of 1972, and in each year thereafter, the highest rate or rates (including any increase prescribed by this paragraph) in effect on or before such date, under any wage order covering such employee, increased by $0.20 in each such year.

"(D) Whenever the rates prescribed by subparagraph (C) would otherwise equal or exceed the rates prescribed in section 6(a), the provisions of such section shall apply thereafter.

"(3)(A) In the case of any such employee to whom this subsection was made applicable by the Fair Labor Standards Amendments of 1972, the Secretary shall, as soon as practicable after the date of enactment of such amendments, appoint a special industry committee in accordance with section 5. Such industry committee shall recommend a minimum wage rate of $1.60, unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years, in the record which establishes that the industry, or a predominant portion thereof, is unable to pay that wage. In no event shall any industry committee recommend a minimum wage rate less than the rate prescribed in paragraph 2(A) of this subsection. Any rate recommended by the special industry committee within 60 days after the effective date of the Fair Labor Standards Amendments of 1972 shall be effective with respect to such employee upon the effective date of the wage order issued pursuant to such recommendation, but not before sixty days after the effective date of the Fair Labor Standards Amendments of 1972.

"(B) Upon the issuance of the wage order required by subparagraph (A) of this paragraph, the provisions of paragraph (2) shall apply.

"(4) In the case of any employee employed in agriculture who is covered by a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5 and whose hourly wage is increased above the wage rate prescribed by such wage order by a subsidy (or income supplement) paid, in whole or in part, by the government of Puerto Rico, the following rates shall apply:

"(A) The rate or rates applicable under the most recent such wage order issued by the Secretary, increased by (i) the amount by which such employee's hourly wage is increased above such rate or rates by the subsidy (or other income supplement), and (ii) $0.20.

"(B) Beginning one year after the effective date of the Fair Labor Standards Amendments of 1972, the provisions of subparagraphs 2(C) and 2(D) of this subsection shall apply.".

(2) Section 5 of such Act is amended by adding at the end thereof the following new subsection (f).

"(f) The provisions of this section and section 8 shall not operate to permit a wage order rate lower than that which would result under the provisions of section 6(c).".

(e) Section 6(e) is amended to read as follows:

"(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351-357) or to whom subsection (a) of this section is not applicable, wages at rates not less than the rates provided for in such subsection.".

(f) Section 6 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Every employer who in any workweek employs any employee in domestic service in a household shall pay such employee wages at a rate not less than the wage rate in effect under subsection (b) of this section, unless such employee's compensation for such service would not, as determined by the Secretary, constitute 'wages' under section 209 of the Social Security Act.".

MAXIMUM HOURS

SEC. 5. (a) Section 7 of the Fair Labor Standards Act of 1938, as amended, is amended by striking out subsections (a), (c), and (d) and inserting in lieu thereof the following new subsection (a):

"(a) No employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.".

(b)(1) Subsections (e), (f), (g), (h), (i), and (j) of section 7 of such Act, are redesignated as subsections (c), (d), (e), (f), (g), and (h), respectively.

(2) Subsection (e) (as redesignated by paragraph (1)) of section 7 of such Act is amended by striking out "(e)" in the text of such subsection (e) and inserting in lieu thereof "(c)".

(3) Subsection (f) (as redesignated by paragraph (1)) of section 7 of such Act is amended by striking out "(e)" in the text of such subsection (f) and inserting in lieu thereof "(c)".

(c) Section 7 of such Act is amended by adding at the end thereof the following new subsections:

"(i) No State or political subdivision of a State shall be deemed to have violated subsection (a) with regard to any employee engaged in fire protection or law enforcement activities (including security personnel in correctional institutions) if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of twenty-eight consecutive days is accepted in lieu of the workweek of seven consecutive days for purposes of overtime computation and if the employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed for his employment in excess of—

"(1) one hundred and ninety-two hours in each such twenty-eight day period during the first from the effective date of the Fair Labor Standards Amendments of 1972;

"(2) one hundred and eighty-four hours in each such twenty-eight day period during the second year from such date;

"(3) one hundred and seventy-six hours in each such twenty-eight day period during the third year from such date;

"(4) one hundred and sixty-eight hours in each such twenty-eight day period during the fourth year from such date;

"(5) one hundred and sixty hours in each such twenty-eight day period thereafter.

"(j) In the case of an employee of an employer engaged in the business of operating a street, suburban or interurban electric railway, or local trolley or motorbus carrier (regardless of whether or not such railway or carrier is public or private or operated for profit or not for profit) in determining the hours of employment of such an employee to which the rate prescribed by subsection (a) applies there shall be excluded the hours such employee was employed in charter activities by such employer if (1) the employee's employment in such activities was pursuant to an agreement or understanding with his employer arrived at before engaging in such employment, and (2) if employment in such activities is not part of such employee's regular employment.

PROOF OF AGE REQUIREMENT

SEC. 6. Section 12 of the Fair Labor Standards Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"(d) In order to carry out the objectives of this section, the Secretary may by regulation require employers to obtain from any employee proof of age."

EXEMPTIONS

SEC. 7. (a)(1) Section 13(a) of the Fair Labor Standards Act of 1938, as amended, is amended by striking out "sections 6 and 7" and inserting in lieu thereof the following: "section 6 (other than section 6(d) in the case of paragraph (1) of this subsection) and section 7".

(2) Section 13(a)(1) of such Act is amended by striking out everything after the words "Administrative Procedure Act" and before "; or".

(3) Section 13(a)(2) of such Act is amended to read as follows:

"(2) any employee employed by any retail or service establishment (except an establishment or employee engaged in laundering, cleaning, or repairing clothing or fabrics or an establishment engaged in the operation of a hospital, institution, or school described in section 3(s)(4)), if more than 50 per centum of such establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located, and such establishment is not in an enterprise described in section 3(s). A retail or service establishment means an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or".

(4) Sections 13(a)(4), and 13(a)(11) of such Act, relating to employees employed by retail and service establishments, are hereby repealed.

(5 Section 13(a)(6) of such Act, relating to employees employed in agriculture, is amended (A) by striking out clause (C) thereof, (B) by striking out in clause (D) thereof "(other than an employee described in clause (C) of this subsection)", and (C) by redesignating clauses (D) and (E) thereof as clauses (C) and (D), respectively.

(6) Section 13(a)(9)) of such Act, relating to employees employed by motion picture theater establishments, is hereby repealed.

(7) Section 13(a)(13) of such Act, relating to employees of logging and sawmill operations, is hereby repealed.

(8) Section 13(a)(14) of such Act, relating to agricultural employees, engaged in the harvesting and processing of shade-grown tobacco, is hereby repealed.

(9) Sections 13(a)(5), 13(a)(6), 13(a)(7), 13(a)(8), 13(a)(10), and 13(a)(12), are redesignated as sections 13(a)(4), 13(a)(5), 13(a)(6), 13(a)(7), 13(a)(8), and 13(a)(9), respectively.

(10) Section 13(a)(9) (as redesignated by the preceding paragraph) is amended by striking out the semicolon and the word "or" and inserting in lieu thereof a period.

(b)(1) Section 13(b)(2) of such Act, relating to railroad and pipeline employees, is amended by inserting the words "engaged in the operation of a common carrier by rail and" following the word "employer".

(2) Section 13(b)(4) of such Act, relating to fish and seafood processing employees, is hereby repealed.

(3)(A) Effective sixty days after the date of enactment of the Fair Labor Standards Amendments of 1972, section 13(b)(7) of such Act, relating to employees of street, suburban or interurban electric railways, or local trolley or motorbus carriers, is amended by striking out ", if the rates and services of such railway or carrier are subject to regulation by a State or local agency" and inserting in lieu thereof the following: "(regardless of whether or not such railway or carrier is public or private or operated for profit or not for profit), and if such employee receives compensation for employment in excess of forty-eight hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed".

(B) Effective one year after such date, such paragraph is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(C) Effective two years after such date, such paragraph is repealed.

(4) Section 13(b)(8) of such Act, relating to employees employed by hotels, motels, restaurants, or nursing homes, is amended to read as follows:

"(8)(A) any employee who is employed by an establishment which is a hotel, motel, or restaurant and receives compensation at a rate not less than one and one-half times the regular rate at which he is employed for his employment in excess of (i) forty-eight hours in any workweek during the first year from the effective date of the Fair Labor Standards Amendments of 1972, (ii) forty-six hours in any workweek thereafter; or (B) any employee who is employed by an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises, and receives compensation at a rate not less than one and one-half times the regular rate at which he is employed for his employment in excess of (i) forty-eight hours in any workweek during the first year from the effective date of the Fair Labor Standards Amendments of 1972, (ii) forty-six hours in any workweek during the second year from the effective date of the Fair Labor Standards Amendments of 1972, and (iii) forty-four hours in any workweek thereafter."

(5) Section 13(b)(10) of such Act, relating to employees employed as salesmen, partsmen, or mechanics by automobile, trailer, truck, farm implement, or aircraft dealers, is amended to read as follows:

"(10) any salesman, partsman, or mechanic primarily engaged in selling or servicing farm implements or any salesman primarily engaged in selling automobiles, trailers, or trucks if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers;".

(6) Section 13(b)(15) of such Act is amended to read as follows:

"(15) any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup; or".

(7)(A) Effective sixty days after the date of enactment of the Fair Labor Standard Amendments of 1972, section 13(b)(18) of such Act, relating to employees of catering establishments, is amended by inserting immediately before the semicolon the following: "and if such employee receives compensation for employment in excess of forty-eight hours" and inserting in lieu thereof less than one and one-half times the regular rate at which he is employed".

(B) Effective one year after such date such paragraph is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(C) Effective two years after such date such paragraph is repealed.

(8)(A) Effective one year after the effective date of the Fair Labor Standards Amendments of 1972, section 13(b)(19) of such Act, relating to employees of bowling establishments, is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(B) Effective one year after such date such paragraph is repealed.

(9) Sections 13(b)(5), 13(b)(6), 13(b)(7), 13(b)(8), 13(b)(9), 13(b)(10), 13(b)(11), 13(b)(12), 13(b)(13), 13(b)(14), 13(b)(15), 13(b)(16), 13(b)(17), 13(b)(18), and 13(b)(19), are redesignated as sections 13(b)(4), 13(b)(5), 13(b)(6), 13(b)(7), 13(b)(8), 13(b)(9), 13(b)(10), 13(b)(11), 13(b)(12, 13(b)(13), 13(b)(14), 13(b)(15), 13(b)(16), 13(b)(17), and 13(b)(18), respectively.

(10) Section 13(b)(18) (as redesignated by the preceding paragraph) is amended by striking out the period and inserting in lieu thereof a semicolon and the word "or".

(11) Section 13(b) of such Act is amended by adding at the end thereof the following new paragraphs:

"(19) any employee who in any workweek is employed in domestic service in a household; or

"(20) any employee employed in planting or tending trees, cruising, surveying, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other transportation terminal, if the number of employees employed by his employer in such forestry or lumbering operation does not exceed eight; or

"(21) any employee employed by an owner of an apartment building or by a management agent on behalf of the owner: *Provided*, That (A) such employee resides in that apartment building and (B) the gross annual rentals of such building are less than the annual gross volume of sales for an enterprise specified in section 3(s) of this Act; or

"(22) any employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of children—

"(A) who are orphans or one of those natural parents is deceased, and

"(B) who are enrolled in such institution and reside in residential facilities of the institution,

While such children are in residence at such institution, if such employee and his spouse resides in such facilities, receive, without cost, board and lodging from such institution, and are together compensated, on a cash basis, at an annual rate of not less than $10,000; or

"(23) any employee of an employer primarily engaged in the wholesale business of drycleaning clothing or fabrics who customarily works irregular hours in performing pickup or delivery services directly for establishments offering drycleaning services to the public, and if more than one-half of his or her annual compensation represents commissions based on the performance of such services."

(c) Section 13(c)(1) of such Act is amended to read as follows:

"(c)(1)) Except as provided in paragraph (2) the provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

"(A) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or

"(B) is fourteen years of age or older, or

"(C) is twelve years of age or older, and (i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent or person standing in place of his parent is employed on the same farm."

(d) Section 13(d) is amended to read as follows:

"(d)(1)(A) The provisions of sections 6, 7, and 12 shall not apply with respect to any employe engaged in the delivery of newspapers to the consumers, and (B) the provisions of section 12 shall not apply with respect to any such employee when engaged in the delivery to households or consumers of shopping news (including shopping guides, handbills, or other type of advertising material) published by any weekly, semiweekly, or daily newspaper.

"(2) The provisions of sections 6, 7, and 12 shall not apply with respect to any homeworker engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens or other forest products used in making such wreaths)".

LEARNERS, APPRENTICES, STUDENTS, AND HANDICAPPED WORKERS

SEC. 8. Section 14(b) of the Fair Labor Standards Act of 1938, as amended, is amended (1) by inserting following the word "establishments" each time it appears, the words "or educational institutions" and by inserting following the word "establishment" each time it appears, the words "or an educational institution", (2) by inserting following the words "Fair Labor Standards Amendments of 1966,", the words "and the Fair Labor Standards Amendments of 1972", and (3) by inserting, following the words "prior to such", the word "applicable".

PENALTIES

SEC. 9. The first two sentences of section 16(c) of the Fair Labor Standards Act of 1938, as amended, are amended to read as follows:

"The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 6 or 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages."

CIVIL PENALTY FOR CERTAIN CHILD LABOR VIOLATIONS

SEC. 10. Section 16 of the Fair Labor Standards Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"(e) Any person who violates the provisions of section 12, relating to child labor, or any regulation issued under that section, shall be subject to a civil penalty of not to exceed $1,000 for each such violation. Any such civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged."

RELATION TO OTHER LAWS

SEC. 11. Section 18(b) of the Fair Labor Standards Act of 1938, as amended, is amended (1) by striking out "6(a)(1)" and inserting in lieu thereof "6(a)", and (2) by striking out "7(a)(1)" and inserting in lieu thereof "7(a)."

CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 12. Section 12(a)(2) of the Emergency Employment Act of 1971 (42 U.S.C. (4871) is amended by striking out "section 6(a)(1)" and inserting in lieu thereof "section 6".

NONDISCRIMINATION ON ACCOUNT OF AGE IN GOVERNMENT EMPLOYMENT

SEC. 13. (a)(1) The second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 is amended to read as follows: "The term also means (1) any agent of such a person, and (2) a State or political subdivision of a State and any agency or instrumentality of a State or a political subdivision of a State, but such term does not include the United States, or a corporation wholly owned by the Government of the United States."

(2) Section 11(c) of such Act is amended by striking out "or any agency of a State or political subdivision of a State, except that such terms shall include the United States Employment Service and the systems of State and local employment services receiving Federal assistance."

(b)(1) The Age Discrimination in Employment Act of 1967 is amended by redesignating sections 15 and 16, and all references thereto, as section 16 and section 17, respectively.

(2) The Age Discrimination in Employment Act of 1967 is further amended by adding immediately after section 14 the following new section:

"NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 15. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, of the Government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without backpay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the review and evaluation of the operation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(2) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employemnt on account of age.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken or any complaint of discrimination filed by him thereunder. Reasonable exemptions to the provisions of this section may be established by the Commission but only when the Commission has established a maximum age requirement on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Any persons aggrieved may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act.

"(d) When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving a notice of intent to sue, the Commission shall promptly notify all persons named therein as prospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

"(e) Nothing contained in this section shall relieve any Government agency or official of the responsibility to assure nondiscrimination on account of age in employment as required under any provision of Federal law.".

EFFECTIVE DATE

SEC. 14. This Act shall become effective upon the expiration of sixty days after the date of its enactment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the distinguished chairman of the committee, the manager of the bill, yield briefly?

Mr. WILLIAMS. I yield.

ORDER FOR THE SENATE TO MEET AT 10 A.M. ON SATURDAY, JULY 22, 1972

Mr. MANSFIELD. Mr. President, in view of the extremely heavy schedule which confronts the Senate for the next 5 weeks, I ask unanimous consent that, in addition to meeting at 10 a.m. on Tuesday, Wednesday, Thursday, and Friday, the Senate meet at 10 a.m. on Saturday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. WILLIAMS. Mr. President, I ask unanimous consent that during the consideration of S. 1861, the following staff members of the Committee on Labor and Public Welfare be entitled to the privilege of the floor: Gerald Feder, Laurence Beck, Eugene Mittleman, Martin Klein, and Charles Woodruff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, today the Senate begins consideration of S. 1861, a bill to raise the minimum wage and extend the coverage of the Fair Labor Standards Act of 1938 to an additional 8.4 million employees.

The focus for our legislative concern during these deliberations is the working poor of America.

For the most part, this legislation does not affect those workers to whom organization and skills have brought a fair share of the fruits of our society.

Rather, it is designed to benefit that segment of our working population that is, for the most part, unorganized, less skilled, and toiling in poverty.

The purpose of this bill, as amended by the committee, is to incorporate into the Fair Labor Standards Act a sufficient breadth of coverage and a minimum wage level which will bring the act closer than at any time in its 33-year history to meeting its basic, stated objective—the elimination of "labor conditions detrimental to the maintenance of the minimum standard of living necessary for the health, efficiency and general well-being of workers."

The bill seeks to achieve this purpose by extending the law beyond the 45.4 million currently covered employees to 8.4 million additional workers employed in retail and service industries, Federal, State, and local government activities, on farms and as domestics in private homes; and, by increasing the minimum wage in steps to $2.20 an hour.

The present minimum wage of $1.60 an hour for nonfarm employment and $1.30 for farmworkers was set by the Congress in 1966.

At that time it was heralded as a wage rate which would move the working poor above the poverty threshold.

However, economic developments in the last several years have drastically curtailed the purchasing power of the minimum wage.

Between 1966, when Congress increased the Federal minimum wage from $1.25 to $1.60 an hour, and April 1972, the consumer price index rose 27 percent.

Between February 1, 1968, the date the $1.60 rate actually became effective for most workers, and last month, the consumer price index rose 21.4 percent.

It is clear that a substantial increase in the minimum wage is necessary merely to restore the purchasing power of low-wage workers to the levels established by Congress in 1966.

We are dealing, in this legislation, with working men and women who have seen the cost of living rise dramatically at a time when their wages are settled by law.

That law has not been reviewed in almost 6 years.

During those years millions of workers mired at the minimum rate have been without even the cost of living relief frequently found in negotiated contracts and in the salary increases voted by Congress for Federal workers.

It is now time for Congress once again to fulfill its responsibility as the bargaining agent for the Nation's low-wage workers and to ensure that these hard-working Americans rise out of the depths of poverty.

Who are these workers?

They are millions of men and women, many of whom support their families on $64 a week.

Even at $2.20 an hour, it comes to less than $400 a month and $4,400 a year.

The present bill is an attempt to ensure that millions of low-wage workers throughout the Nation—workers whom this act is specifically designed to protect—will regain the ground they have lost because of the inflation which we have experienced in recent years.

Congress has previously recognized in the Economic Stablization Act Amendments of 1971 that these low-wage workers should not be subject to the wage controls currently applicable to other workers:

The Cost of Living Council, in an attempt to codify this policy, decontrolled all wages below $1.90.

I might add that the 5.5 percent raise allowed under wage guidelines for other workers would permit a minimum rate immediately of a little over $2 an hour.

Mr. President, for the record I note the recent court decision holding that the $1.90 level set by the Cost of Living Council is not consistent with congressional intent in excluding the working poor from economic controls. While I agree with this judgment, I am merely noting that even using the Council's figures would not lead to a conflict with the provisions of the committee bill.

I believe that the Congress in passing the Economic Stabilization Amendments of 1971 and the Cost of Living Council in implementing these amendments have recognized that a successful anti-inflation program does not depend on keeping the income of millions of American workers below officially established poverty levels.

To the contrary, by raising the minimum wage rate, extending minimum wage protection to millions of low-wage workers who do not currently enjoy such protection, and by eliminating overtime exemptions where they have been shown to be unwarranted, the economy will be stimulated through the injection of additional consumer spending and the creation of a substantial number of additional jobs.

To those who foresee dire economic consequences resulting from an increased minimum wage and expanded coverage, I commend to you the lessons of history.

Each time Congress has considered minimum-wage increases and expansions of coverage under the law, opponents of such action have raised the specter of economic doom.

Congress was warned on each of those occasions that the legislation would cause spiralling inflation and increased unemployment.

Yet, a close examination of the economic data shatters this illusion of doom.

The simple fact is that the prophecies have proven false.

Every "economic effects" study by the Department of Labor, under both Democratic and Republican administrations, demonstrates this fact.

In the words of the most recent report by Secretary Hodgson:

> On balance, the wage increases granted to 1.6 million workers to meet the $1.60 minimum wage standard had no discernible adverse effect on overall employment levels, and relatively little impact on overall wage or price trends.

Minimum wage increases simply do not result in increased unemployment.

On the contrary, as shown on the chart at page 8 of the committee report, subsequent to the 1949, 1961, and 1967–68 minimum-wage increases, unemployment actually decreased, and in the case of the 1956 minimum-wage increase, unemployment remained stable.

I have every reason to believe that our economy will adjust with similar ease to the provisions of S. 1861.

Perhaps in a few weeks, the Senate will be considering welfare reform.

Without analyzing the merits of specific proposals, it is elementary to me that reduction of welfare costs can only come about when all who are working and all who seek work receive a living wage, a wage that realistically reflects the cost of living and the value of a person's labor.

The present minimum wage of $1.60 yields to a full-time working head of a family of four only $3,200 per year, almost $800 less than the poverty level and levels that working-poor family eligible for welfare.

In addition, millions of workers are outside the scope of the act and many are earning even less than $3,200 per year.

Thus, the standards incorporated in the present law both in terms of scope of coverage and the level of the minimum wage now fall far short of insuring that every person in this country who works full time, year-round will be able to provide his or her family with the basic necessities of life without reliance upon welfare.

I ask all of my colleagues to consider whether a job paying less than poverty wages is much of an incentive to work. It seems to me that obviously it is not.

I am persuaded that only a reasonable minimum wage, in keeping with the continued rise in the cost of living, can end the welfare cycle.

I believe that an individual, working fulltime ought not to be forced to rely on welfare to provide an above-poverty level existence for his or her family.

Under the provisions of H.R. 1, as passed by the other body and urged upon us by the administration, a minimum wage of $2.08 is necessary for a full-time working head of a family of four to earn enough to escape eligibility for public assistance, and the indignity that accompanies such eligibility.

In approving an ultimate-stage increase of $2.20, the committee acted to make the sight of a full-time worker on welfare a thing of the past.

Of equal importance, the practice of governmental subsidization of wages through welfare payments to the working poor will be at an end, at a tremendous saving to the taxpayers and with a significant boost to the morale and the dignity of the working poor of this country.

In my view, it is unwise to talk of welfare reform until we have adopted a measure which will ensure a living wage for a broad spectrum of low-wage workers.

For the worker, it is unnecessarily demeaning to be on the public dole while working full time.

For the taxpayers of this country, it is unnecessarily costly to subsidize the wages of working people in this way.

Let those who benefit from productive labor pay a fair price for it.

S. 1861 takes a major step in this direction.

Anything less is insufficient to meet the need.

For the man or woman who works, let there be a decent minimum wage.

For those who cannot, let us develop a meaningful public assistance program.

But let us not establish a below-poverty minimum wage and then accuse the working poor of being welfare cheaters.

Two further factors support the approach taken in S. 1861.

American workers have traditionally shared, through increased wages and fringe benefits, in rising productivity.

Between 1966 and 1972, productivity rose 10 percent and experts from the Government and the business community have projected an average yearly increase of about 3 percent for the decade that lies ahead.

The committee believes that low-wage workers should share in the benefits of increased productivity, just as other workers do, and has therefore taken this into account in establishing the $2.20 ultimate rate in the bill.

Moreover, the minimum wage rate enacted by Congress has traditionally reflected not only increases in the cost of living and increases in productivity, but has also reflected increases in the standard of living enjoyed by most Americans.

In 1968 the ratio of the minimum wage rate to the average manufacturing rate was 55 percent.

Based on the present average manufacturing wage of $3.77 an hour, maintenance of that ratio would justify an immediate increase in the present minimum wage rate to $2.07.

I might also note that average hourly earnings have increased for all American workers by 34 percent since the last minimum wage increase, again, arguing for an increase of the size called for by S. 1861.

Beyond the statistical and practical aspects of S. 1861, there are the equally important moral factors that cannot be overlooked by the Senate.

In this country of plenty, there are still people living in poverty.

On January 20, 1937, President Roosevelt, in his second inaugural address, said:

> I see one-third of a Nation ill-housed, ill-clad, ill-nourished * * * the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

Since that time we have made substantial progress in eliminating poverty in America.

But we have not done nearly enough.

Today 26 million Americans—13 percent of our population—are living in poverty.

Indeed, the number of people living in poverty increased between 1969 and 1970, the first such increase since these kinds of records have been kept.

And, Mr. President, just last week the Census Bureau reported another slight increase for 1971.

These are totally unacceptable figures for a country with the wealth and bounty of ours.

S. 1861 is an attempt to address this problem through the dignity of the work ethic upon which Americans have traditionally placed a high value.

This bill embodies that tradition.

Passage will represent a congressional determination that all who are willing and able to work should be governed by certain minimum standards, the very least of which ought to be a living wage.

If S. 1861 fails, Congress will have turned its back on the millions of working Americans living in poverty.

We will be saying that their poverty is their problem, rather than the problem of the Nation as a whole.

We will be saying that there is no appropriate minimum value that can be placed on a man's labor.

If we do this, we are, in effect, saying that our traditional work ethic has little or no value.

If this is so, our working poor are left with a hand-to-mouth existence supported primarily by public assistance.

I, for one, cannot accept this grim reality for our future.

S. 1861 was introduced over a year ago and has undergone extensive hearings and careful consideration by the Labor Subcommittee and the full Labor and Public Welfare Committee.

The reporting of S. 1861 was endorsed by a 14 to 3 vote, receiving bipartisan support.

It is a chance for America to redeem a measure of its vision.

I commend it to the Senate in the fervent hope that we can restore a measure of dignity to the working poor of this Nation.

Mr. President, I think it would be helpful for Members of the Senate to have a more complete description of the pending bill.

S. 1861 provides for a wide range of amendments to the Fair Labor Standards Act of 1938. Included are a raise in the minimum rate, expansion of coverage to an additional 8.4 million workers, and various child labor provisions.

The bill provides for a statutory minimum wage of $2.20 an hour for all covered workers but establishes different time schedules for achieving this standard for various categories of employment, to insure ease of adjustment. Fundamental to the committee's deliberations was the notion of parity—that all workers should be treated alike for purposes of minimum wage. However, mindful of the historical development of the Fair Labor Standards Act and in line with the need to mitigate the initial impact of expanded coverage, the committee provided for staged increases in the minimum wage depending upon when specific workers were first brought under the act. All mainland nonfarm workers covered prior to 1966 will attain a $2.20 minimum wage 1 year after enactment. An additional step is provided for nonfarm workers newly covered under the 1966 and 1972 amendments. They will reach parity with other workers at the $2.20 rate 2 years after enactment. Farmworkers will achieve parity at the $2.20 rate 4 years following enactment. In addition, special provision is made for achieving minimum wage parity for workers in Puerto Rico and the Virgin Islands.

On the effective date—60 days after enactment—the bill requires that—a. employees in activities covered prior to the 1966 amendments—and Federal Government employees covered by the 1966 amendments, other than employees of the Canal Zone—will be paid at least $2 an hour, b. nonfarm employees in activities covered by the 1966 and the 1972 amendments will be paid $1.80 an hour—including Federal Government employees in the Canal Zone—and c. farmworkers will be paid at least $1.60 an hour.

The implementation of the first stage of the proposed 1972 amendments will mean that 6.1 million workers, or less than 12 percent of the almost 54 million covered workers—including workers covered for the first time by the 1972 amendments—are to receive wage increases on the effective date. The annual wage bill will be increased by only 0.8 of 1 percent—or $2.8 billion—in order to comply with the statute.

One year from the effective date, the bill requires that a. employees in pre-1966 coverage activities and employees of the Federal Government—other than Canal Zone employees—will be paid at least $2.20 an hour, b. employees covered by the 1966 and 1972 amendments—except farmworkers—will be paid at least $2 an hour, and c. farmworkers will be paid at least $1.80 an hour.

The second stage of the proposed 1972 amendments will mean wage increases for about 8.4 million workers and will require an increase in the annual wage bill of only .7 of 1 percent—or $2.4 billion—1 year after the effective date.

Two years from the effective date, the bill requires that the statutory minimum wage of $2.20 an hour apply to all employees—except farmworkers — covered by the act including employees in 1966 and 1972 coverage activities. Farmworkers are required to be paid at least $2 an hour.

This stage of the proposed 1972 amendments will require wage increases for more than 5.6 million workers and an increase in the annual wage bill of .5 of 1 percent—or $1.8 billion.

Three years from the effective date the bill requires that a minimum wage of $2.20 apply to farmworkers.

This stage will require increases for approximately 400,000 workers and an annual wage bill increase of .04 of 1 percent.

With regard to overtime, S. 1861 makes no change in the basic overtime provisions of the act. The FLSA requires time-and-a-half the regular rate of pay for all hours worked over 40 in any workweek.

A major feature of S. 1861 is the expansion of coverage of the FLSA to an additional 8.4 million workers. The law currently covers 45.4 million employees. The bill would expand this by covering domestics for the first time and further covering government employees, and employees of retail and service establishments. In order to ensure ease of adjustments to new coverage, S. 1861 contains provisions designed to meet genuine problems that such expanded coverage could entail. For example, coverage of police and firemen for overtime purposes is stretched out over a 5-year period and domestics are entirely exempt from the overtime provisions of the act.

The present law contains a series of exemptions from the minimum wage and overtime provisions. S. 1861 repeals two of these exemptions—for movie theater employees and shade grown tobacco employees — and changes the logging exemption to only an overtime exemption.

The present law also contains a series of overtime exemptions. S. 1861 repeals some outright—for agricultural processing, seafood processing, oil pipeline employees, cotton ginning employees, employees in sugar cane or sugar beet processing, partsmen and mechanics in auto, truck, and trailer dealerships, and all employees in aircraft dealerships. In addition, catering, bowling and local transit employee exemptions are repealed in stages, and new overtime limits are set for employees of hotels, motels, restaurants, and nursing homes.

S. 1861 provides overtime exemptions for domestics, resident employees in small apartment buildings, houseparents of orphans in certain private nonprofit educational institutions, and driver-salesmen in dry cleaning establishments who earn more than half their salary in commissions.

The present law covers approximately half of the agricultural employees in this country for the minimum wage, but all of these workers are on only 3 percent of the Nation's farms, those employing more than 500 man-days of labor during the peak quarter.

The committee bill retains the basic provisions of the act with respect to agriculture, including the 500 man-day test for purposes of determining which farms are covered under the minimum wage provisions of the act. It also retains the overtime exemption for agricultural workers in section 13(b)(12). However, the bill redefines a man-day of hired labor to include local seasonal hand harvest labor and extends minimum wage protection to such labor. These provisions will increase coverage by about 75,000 to 150,000 farmworkers or about 7 to 10 percent. Over 90 percent of the Nation's farms will remain uncovered. The small family farm remains exempt.

I think that should be underscored. There was some uncertainty on the part of many Members in this body. While there are numerous small farms, they are not covered at all. There is a total exemption for both minimum wage and overtime work.

One element of the committee bill that bears special attention is the strengthening of the FLSA's child labor provisions. The bill prohibits labor in agriculture by children under 12, except on farms owned or operated by their parents. Children 12 and 13 may only work on farms with their parents' consent. In addition, S. 1861 provides for a civil penalty for any violation of the child labor provisions of the FLSA and authorizes the Secretary of Labor to issue regulations requiring employers to obtain proof of age from any employee possibly working in violation of the child labor laws.

These are the major provisions of the committee bill. However, a variety of other aspects of the bill bear noting.

S. 1861 provides for ultimate minimum wage parity for the workers of Puerto Rico and the Virgin Islands through a phasing process taking up to 7 years. Canal Zone employees, already covered, were staged in at $1.80 the first year, $2 the second year and $2.20 thereafter. Provision is made to apply the equal pay provisions of the FLSA to executive, administrative or professional employees, and outside salesmen. The tip credit for employers of tipped employees was retained by the committee, but lowered to 40 percent. A child labor exemption was provided for newsboys delivering advertising material published by the newspaper, by which they are employed, in order to equalize treatment among various types of newspapers. Also, the students certificate program was expanded to make students employed by educational institutions eligible for the same types of certificates currently available to retail and service establishments.

In the area of enforcement, S. 1861 allows the Secretary of Labor to bring suit to recover unpaid minimum wage or overtime compensation and an equal amount of liquidated damages without the current requirements of a written request by the employee and that the suit involve only issues finally settled by the courts.

Finally, S. 1861 seeks to deal with two special problems—employment of illegal aliens and age discrimination in government. With regard to illegals, the committee bill provides for a criminal penalty for employers who knowingly hire aliens in violation of immigration laws. S. 1861 also contains an amendment to extend coverage of the Age Discrimination in Employment Act of 1967 to Federal, State, and local government employees.

The provisions of S. 1861, as reported, are the product of over a year's work by the committee. Long and careful study has gone into this piece of legislation.

The Subcommittee on Labor began public hearings on bills to amend the Fair Labor Standards Act of 1938 on May 26, 1971. Hearings continued throughout last summer for 17 days, concluding on September 30, 1971. Testimony was received from over 100 witnesses, including Secretary of Labor James D. Hodgson and other witnesses from Government, labor, industry, and other interested groups. In addition, several hundred statements, letters, and additional pieces of written information were submitted and included in the official hearing record. The committee also had before it the hearings on the bill reported out by the House Committee on Education and Labor together with that committee's report dated November 17, 1971. In the later stages of the committee's deliberations, the committee was able to consider S. 1861 in light of the House debates and with knowledge of the provisions in the House minimum wage bill, H.R. 7130, which was passed by the House on May 11, 1972.

On April 11, 1972, the subcommittee concluded 5 days of consideration of S. 1861 in executive session and reported the bill to the full committee. After 90 days of executive sessions, the Committee on Labor and Public Welfare ordered the bill reported to the Senate floor on May 24, 1972.

It is now time for the Senate to act favorably on S. 1861. The low wage workers of this country have watched and waited as the legislative process worked its will upon their financial future. We must now affirm their faith in that process by proceeding to approve the provisions of S. 1861, hopefully as reported, in order to insure that working Americans are accorded the dignity of a living wage.

Mr. President, there is another provision of the bill that affects retail and service employees that should be further explained at this point. Under the present law there is no coverage if the annual gross volume of sales is below $250,000, except for specifically listed establishments—enterprises in the group of laundering, cleaning, repairing clothes and fabrics.

The new bill would extend the Fair Labor Standards Act to employees of retail and service enterprises with annual receipts of $150,000 to $250,000 in four steps. In addition, employees of all stores of chains with $150,000 or more in annual receipts would be covered in the same four step process. On the effective date, the act would apply to employees of retail and service enterprises with $225,000 in annual receipts. At the end of a year the receipts test would be $200,000; at the end of 2 years, $175,000; and $150,000 at the end of the third year, and thereafter.

This was fully heard in committee and fully discussed in the subcommittee and in the full committee. I know that for many reasons there was a feeling that the small independent retail establishment would be hard pressed to meet this test for coverage.

I know the Senator from Vermont (Mr. Stafford), a most valued member of our committee, was eloquent in his expression of concern for the establishments that would be newly reached with this test.

I see the Senator from Vermont in the Chamber and I would like to ask him a question so that we could clarify this point for the Senate as he clarified his concern at both the subcommittee and the full committee level. I wonder if the Senator could state in answer to my question his position at that time in committee.

Mr. STAFFORD. Mr. President, if the distinguished chairman of the committee will yield, I wish to state that I felt right along that we should retain the $250,000 minimum exemption for small business.

I will say to my distinguished chairman that it is my intention to call up an amendment to that effect, which I have at the desk, at the appropriate time, when I am recognized by the Presiding Officer.

Mr. WILLIAMS. Mr. President, I yield the floor.

Mr. TAFT and Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Jersey yield for the purpose of allowing the Senator from Vermont to offer an amendment?

Mr. WILLIAMS. I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Flood, Mr. Natcher, Mr. Smith of Iowa, Mr. Hull, Mr. Casey of Texas, Mr. Patten, Mr. Mahon, Mr. Michel, Mr. Shriver, Mr. Conte, Mr. Robinson of Virginia, and Mr. Bow were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 15869) to extend for 90 days the time for commencing actions on behalf of an Indian tribe, band or group, in which it requested the concurrence of the Senate.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, on behalf of myself and Senator Dominick I call up amendment No. 1204, and ask that it be stated and considered immediately.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment (No. 1204), in the nature of a substitute, as follows:

INCREASE IN MINIMUM WAGE

Nonagricultural Employees

Sec. 2. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(1) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972, and not less than $2.00 an hour thereafter, except as otherwise provided in this section;".

(b) Section 6(b) of such Act is amended by striking out paragraphs (1) through (5) thereof and inserting in lieu thereof the following:

"(1) not less than $1.70 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972;

"(2) not less than $1.80 an hour during the second year from such effective date; and

"(3) not less than $2.00 an hour thereafter."

AGRICULTURAL EMPLOYEES

Sec. 3. Paragraph (5) of section 6(a) is amended to read as follows:

"(5) If such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972 and not less than $1.70 an hour thereafter."

EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

Sec. 4. Section 6(c) of such Act is amended by substituting the following new paragraphs 2(A) and 2(B):

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

EMPLOYEES IN THE CANAL ZONE

Sec. 5. Section 6(a) of such Act is amended by adding the following new paragraph:

"(6) if such employee is employed in the Canal Zone not less than $1.60 an hour."

EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTHS

Special Minimum Wages for Employees Under 18 and Students

Sec. 6. Section 14(b) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(b)(1) Notwithstanding the minimum wage rates required by section 6(a)(1) or 6(b), any employer may, in compliance with applicable child labor laws, employ any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21, at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.60 per hour, whichever is higher.

"(2) Notwithstanding the minimum wage rates required by section 6(a)(5), any employer may, in compliance with applicable child labor laws, employ in agriculture any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21, at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.30 per hour, whichever is higher.

"(3) The special minimum wage for such employees in Puerto Rico, the Virgin Islands, and American Samoa shall be 80 per centum of the industry wage order rate otherwise applicable to them: *Provided*, That in no case shall such special minimum wage be less than that provided for under a wage order issued prior to the effective date of the Fair Labor Standards Amendments of 1972.

"(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable."

MISCELLANEOUS

Equal Pay for Executive, Administrative or Professional Employees

Sec. 7. Section 13(a) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting after "section 6" the following: "(other than section 6(d) in the case of paragraph (1) of this subsection)."

Child Labor In Agriculture

Sec. 8. Section 13(c)(1) of such Act is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) the provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

"(A) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person; or

"(B) is employed on the same farm at which his parent or person standing in place of his parent is employed; or

"(C) is twelve years of age or older, and such employment is with the written consent of his parent or person standing in place of his parent; or

"(D) is fourteen years of age or older."

Resident Employees at Apartment Buildings

Sec. 9. Section 3(s) of such Act is amended by adding at the end thereof the following new paragraph:

"In determining whether an apartment building, the gross annual rentals of which are less than $250,000, is part of an 'enterprise engaged in commerce or in the production of goods for commerce' within the meaning of this subsection, the fact that the owner of such building has retained a management agent to perform management services in connection with the operation of such building shall be disregarded."

INJUNCTIVE AND OTHER EQUITABLE RELIEF

Sec. 10. Section 17 of such Act is amended to read as follows:

"INJUNCTIVE AND OTHER EQUITABLE RELIEF

"Sec. 17. The district courts, together with the United States Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a)(2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947). In any claim under this section arising out of willful violation of the Act, the district courts may, in addition to restraining the withholding of payments as authorized above, award as further equitable relief an amount not to exceed the minimum wages or overtime compensation found to be due."

TECHNICAL AMENDMENTS

Sec. 11. (a) Section 6(c)(2)(C) of such Act is amended by substituting "1972" for "1966".

(b) Section 6(c)(3) of such Act is repealed and section 6(c)(4) is renumbered 6(c)(3).

(c) Section 7(a)(2) of such Act is repealed and section 7(a)(1) is renumbered 7(a).

(d) Section 14(c) of such Act is repealed and section 14(d) is renumbered 14(c).

(e) Section 18(b) is amended by striking out "section 6(b)", and inserting in lieu thereof "section 6(a)(6)", and by striking out "section 7(a)(1)" and inserting in lieu thereof "section 7(a)."

EFFECTIVE DATE

Sec. 12. Except as otherwise provided in this Act, the amendments made by this Act shall take effect sixty days after enactment. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act.

Mr. TAFT. Mr. President, I bring this amendment up at this time not in any way in derogation of the amendment proposed to be offered by the distinguished junior Senator from the State of Vermont, because I find myself very much in agreement with his position in regard to the attempted change in the retail business exemption. I favor his apparent position of retaining the $250,000 retail exemption, and I gather there may be some willingness on the part of the chairman of the committee to accept the amendment. I call up, however, an amendment offered by myself and Senators DOMINICK, BEALL, PACKWOOD, and BUCKLEY at this time because it is an amendment in the nature of a substitute and takes a different approach to implementing changes in the Fair Labor Standards Act.

I want to take occasion, in offering substitute amendment No. 1204, to talk generally not only upon the contents of this amendment but also upon the entire background and philosophy of this bill as it was debated in the Committee on Labor and Public Welfare over the past 2 months.

Mr. President, we all desire to see the elimination of substandard and exploitive wage practices. But at a time when millions of American workers are out of work, unemployment must remain a primary concern. At a time when low income families are hard pressed by inflation, this too must remain a deep concern. Unfortunately, the committee bill, as before us has developed an approach which seems likely to make job opportunities more difficult for the poor, for the young, and for those who have found it difficult to enter the mainstream of the American economy.

An excessive increase in the minimum wage can help create inflationary pressures on our economy at the very time when we are attempting to curb the inflationary spiral. While an increase in wage levels for those in the lowest paid categories might not of itself have a major inflationary effect, an increase in the minimum wage seems bound to have a ripple effect throughout the economy which will have a substantial economic impact.

Moreover, to broaden coverage at this time would have a like effect and also increase costs through red tape, reporting and increased Federal interference into State, local, and household affairs.

Unfortunately, the consideration of the bill has not been careful. The committee's efforts have been so far-reaching and misguided that VISTA workers, clerics, prisoners working in prison industries, and similar cases, were blanketed into coverage until moments before the bill was ordered reported. The committee has taken such a broad brush approach that it seems likely to frustrate the hope for any moderate increase in the minimum wage for those now covered.

The committee bill increases nonagricultural employees currently subject to the $1.60 an hour minimum to $1.80 an hour 60 days after enactment and to $2.20 an hour 1 year thereafter. Nonagricultural employees added to coverage in 1966, and those added to coverage in the current committee bill, would be raised to $1.80 an hour 60 days after enactment, $2 an hour 1 year after, and $2.20 an hour the following year. These increases amount to a 37.5-percent increase in 26 months. The minimum wage for agricultural employees under the committee bill is raised from the current $1.30 an hour level to $1.60 an hour 60 days after enactment, $1.80 an hour 1 year later, $2 an hour 2 years later, and $2.20 an hour the following year. This is a 69.2-percent increase in 38 months.

The committee bill also extends coverage of the FLSA to 8.4 million workers and to 344,000 new business establishments. The total additional wage costs would be in excess of $7.2 billion not including increments in fringe benefits and the added upward push of labor costs generally due to the ripple effect. In light of the relatively high unemployment and inflationary pressures on the economy, the committee's action in this area is economically irresponsible, inflationary, and in direct opposition to the goals of the economic stabilization program.

I believe a far more realistic and far more equitable approach is contained in the substitute proposal that has been offered by myself and Senators DOMINICK, BEALL, PACKWOOD, and BUCKLEY.

The substitute increases the minimum wage for nonagricultural employees covered prior to 1966 to $1.80 an hour 60 days after enactment, and to $2 an hour a year later. The minimum wage for nonagricultural workers covered by the 1966 amendments to $1.70 an hour on enactment, $1.80 an hour a year thereafter, and $2 an hour the following year. The minimum wage for agricultural employees under the substitute would be increased to $1.50 an hour 60 days after enactment, and to $1.70 an hour a year thereafter.

Proponents of the committee bill cite the added cost of living as the primary necessity for a $2.20 minimum wage, but an increase in the minimum wage helps the low-wage worker only to the extent that it is not dissipated in higher prices and does not result in unemployment. Additionally, inflationary impacts of increases in the minimum wage are minimized only to the extent that minimum wage increases are absorbed by profits. However, corporate profits, after taxes, were only 4.2 percent of the GNP in 1970. Profits have also been declining, being lower absolutely in 1970 than in any year since 1964, and lower as a share on GNP than in any year since 1938.

Proponents of the committee approach argue that inflation can be avoided and profits maintained if productivity is increased. This euphoric view, that is, that minimum wage increases accelerate productivity gains, is at variance with past trends in low-wage industries. The gain in productivity, output per man-hour in the private nonfarm economy, was only 3.8 percent between 1967 and 1970, far below the long-term trend. Low productivity has been particularly true of low-wage trade and services, whose productivity gains lag substantially behind those of the economy as a whole, although these are the industries most directly affected and therefore the most stimulated by wage increases. The same industries have borne the brunt of adjustment to higher minimum wages repeatedly, and it seems improbable that they would be able continually to compensate through increases in productivity. Low-wage industries generally are characterized by low-profit rates, small size of firm, little investment in research and development, and small likelihood of rapid advance in productivity.

Mr. President, there is nearly universal agreement that an excessive increase in the minimum wage can result in large scale unemployment of labor and a high rate of business failure. This is especially true for small retail business. Numerous before-and-after studies of low-wage manufacturing industries, of low-wage firms within industries, and of industries in low-wage regions, have provided evidence that raising the minimum wage has reduced employment. The most convincing evidence is the comparison of high impact—low-wage—and low-impact—relatively high wage—establishments in the same industry. The most thorough attempt to evaluate the impact of increases instituted by minimum wage legislation was conducted by the New York State Department of Labor. The New York survey found that the employers affected by the increased wage rates took a variety of actions to adjust to the higher costs. Weekly payroll savings were achieved by reduced hours, layoffs, and nonreplacement of voluntary workers.

It is interesting to note a recent article appearing in the Southern Economic Journal entitled, "State Minimum Wage Laws as a Cause of Unemployment." The authors found unemployment rates higher in States with minimum wage laws than in States without them, and found an increase in the differential whenever States raised their minimum wages.

In light of the impressive economic arguments against increasing the minimum wage, proponents still argue, however, that a large increase in the minimum wage is necessary to reduce poverty. Family income, however, depends on the number of wage earners in the family and on the number of hours they work per year, more than on the hourly wage rate. A large proportion of the poor would receive no possible benefits from a higher minimum wage and extended coverage because they have no family member employed. Most of the other poor families do not have a full time year-round earner; that is the major reason they are poor. Only 21.6 percent of the heads of households of poor families worked full time for the full year, 47.8 percent of this category did not work at all, and only 37.5 percent of the income of families with a total money income of less than $4,000 consisted of wages and salaries. Thus, many of the beneficiaries of a higher minimum wage are not the truly poor; they are individuals without dependents or members of families with other wage earners; many are secondary wage earners. Further, a higher minimum wage hurts those workers it is intended to help by pricing marginal workers out of the labor market by reducing the rate of new jobs created for low-skill, low-productivity workers whose contribution to output may be lower than the rate of pay a higher minimum would be required to justify.

Congress should seriously consider the advice of Prof. James Tobin, a former member of the Council of Economic Advisers under President Kennedy, who wrote:

> People who lack the capacity to earn a decent living should be helped, but they will not be helped by minimum wage laws, trade union pressures or other devices which seek to compel employers to pay more than their work is worth. The likely outcome of such regulations is that the intended beneficiaries are not employed at all.

In addition to all the previously mentioned problems, the committee bill places an added burden in the form of higher prices on the Nation's consumer. Congressman JOHN ANDERSON of Illinois brought this point of concern to the attention of the House of Representatives on May 11 during the floor debate of minimum wage legislation. Congressman ANDERSON stated:

> I am somewhat amazed at the very people who rail about high prices, who talk about the ineffectiveness of phase II. Now, they want to slice the very heart out of an attempt to restrain the cost-push that has been ravaging the economy of this country.
>
> Let me remind you that this is not only the new age of so-called populism. This is the new age of consumerism. The consumers are unhappy about the high price of food, about the threatened increase in the price of shoes and clothing and all of the other market basket items.

The committee bill additionally would have disastrous effects on our Nation's small businesses, place increased financial burdens on mass transit systems in this country, and create greater obstacles for youth to obtain employment opportunities.

The committee bill in sum certainly provides a bleak outlook for many of the Nation's working poor as they will face: higher prices for food, products, and services, possible curtailment or abandonment of services, including the closing of the neighborhood grocery and the loss of their only way to work—the bus. But most important, they even face the potential loss of their jobs. I suppose, however, that the ex-workers could say that if they had jobs they would have received a $2.20 minimum.

We have advocated in our substitute certain changes in the bill that I think would correct many of the problems that I have mentioned in the last few minutes. The amendment we propose as a substitute would eliminate a number of categories and areas that we feel have an inflationary impact or are not properly covered. Let me discuss a few of these areas.

One of the requirements of the bill is the coverage of domestic employees. I think this is a very questionable provision. Granted some of the domestic employees in this country are underpaid and do need additional assistance. I believe however, the way to go about that is to examine the income of the families involved, and act positively on such proposals as the welfare reform bill. It seems unfair to unload upon the American housewife the burden of red tape and bookkeeping of complying with the Fair Labor Standards Act. All of us know, I think, as a matter of judicial or at least of congressional notice, there is a great deal of tax avoidance regarding the employment of domestics.

There is also a real question in my mind regarding the inclusion of every housewife in America who happens to hire a domestic employee under the committee bill, and the exclusion of small businesses with revenues or sales under $150,000 or $250,000 a year, as the law presently stands. This seems to me to make no sense at all.

Also, as I pointed out in the minority views on page 98, there is a very serious question as to whether this is a constitutional approach to the problem. I should like to quote in part from the minority views in this regard. The minority views state:

> Quite apart from this practical consideration, we believe that an extension of coverage to domestic help is beyond the power

> of Congress under the commerce clause. If domestic employees who make beds, dust, and wash windows in a private residence are engaged in interstate commerce, there is nothing left of intrastate activities. If someone who vacuums your carpet is engaged in interstate commerce or is considered to have a substantial impact on interstate commerce, then the commerce clause has been magnified to include every aspect of American life. We do not believe that this was the intent of the drafters of our Constitution, nor do we believe that it is a workable proposition supported by case law.
>
> The basic argument of those who favor this expansive interpretation of the commerce clause seems to be that the number of domestic employees is so large that they collectively have a very significant impact on the national economy. It is argued that domestic help have an impact of more than $1 billion per year on our national economy, and that they use cleaning fluids purchased through the channels of interstate commerce.
>
> A legal precedent here is the fact that the medical profession, which has a far greater impact on our nation's economy, has been held to be beyond the constitutional power of Congress under the commerce clause. If the practice of medicine, which involves more than $14 billion per year, is beyond the sweep of the commerce clause, certainly domestic helpers and housekeepers, having a much lesser impact, should be similarly excluded.

The case involved is United States v. Oregon State Medical Society, 95 F. Supp. 103, which was affirmed by the U.S. Supreme Court in 343 U.S. 326, in 1952.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield to the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, I want to start off by saying that I am glad that the Senator from Ohio has called up our joint amendment. I think it is going to be helpful in order to focus on the issues with which we are dealing. It is much more than just the rate structure itself, although that, obviously, is part of it.

In the process about which the Senator is talking now, which is the committee bill, which would cover domestics, it struck me that when we were discussing this matter in committee—and I want to ask the Senator's feeling on this—that one of the great problems is that if a housewife has a cleaning woman or a laundress or wants her windows washed, or whatever it may be, she is going to have to keep the records and be able to report to the Labor Department on that and what they have done. Is that correct?

Mr. TAFT. The Senator is correct.

Mr. DOMINICK. So that housewives then would be faced with keeping even more records than they now are called upon to keep, to be able to satisfy what someone has conceived to be a good idea, without consulting any of the housewives, so far as I can see. Is that correct?

Mr. TAFT. That is true. I do not recall any testimony by housewives before us, asking that they be awarded this privilege.

Mr. DOMINICK. I certainly did not hear any while I was participating in the discussion.

I am looking forward to listening to the remainder of the Senator's speech. I have a fairly extensive discussion, with which I may proceed when he has finished, depending upon what the time interval is at that point, or I may save it until tomorrow, whichever is more convenient.

Mr. TAFT. I thank the Senator for his comments.

Before moving from the discussion of the domestic employment, I would like a question of the effect of the committee bill on the employment of domestics.

What concerns me most is the employment of many who might not otherwise be employed. Domestic service, as a realistic matter, is marginal employment for many who might not otherwise be able to secure employment at all. Imposition of additional burdens of recordkeeping and imposition of requirements making every housewife keep up to date on the regulations, rulings, and instructions with regard to employment of domestic employees is going to force unemployment of many domestics.

I have a hard time seeing that the minimal effect given by imposing a minimum wage under these circumstances would compensate for the disadvantages I have mentioned.

I also believe serious consideration should be given to the extension of coverage for State, county, and local government employees. Here, again, I think there is a very serious constitutional question. I question the propriety of the Federal Government telling local and State governments how much they have to pay and what practices they have to engage in with respect to overtime pay and the like. Many discussions were held in committee regarding safety employees, and a compromise was adopted permitting gradual inclusion of this class of employees in the Fair Labor Standards Act.

But there are many other officials, under certain circumstances who must work extra hours and provide the additional services.

For example, if there is an emergency crisis in a particular area because of a greater disaster do you require overtime for all hours worked?

To me, this is a very questionable provision. It is particularly questionable because of the nature of our revenue system in this country. State and local governments face a growing shortage of funds and resources. To place additional financial burdens on State and local governments certainly is not the way to improve their plight.

A revenue-sharing bill has been sent to Congress by the President to give State and local government the additional resources they need. Hopefully the Senate will affirmatively act on this measure and reject the committee's proposal which is in effect revenue sharing in reverse.

I invite attention to the minority views on page 99 in the committee report which state:

> In addition, this bill overlooks the differential between metropolitan and non-metropolitan areas. In March of 1970, only 7.9 percent of local government non-supervisory employees . . . were paid less than $2 per hour.

We are not talking about a great number of employees. With the rapid unionization of municipal employees in certain areas the 7.9 percent figure will undoubtly be reduced. But when we talk about the nonmetropolitan areas, where the requirements, standards and needs are different, we are talking not of a percentage of 7.9 percent but of 22.6 percent.

So the governments that are going to take it in the neck under these requirements are the smallest, the ones least able to afford the additional financial pressures that will be placed upon them under the committee bill.

The minority views in the committee report on pages 100 to 102, show the regional affects of the committee bill.

The next exemption I would like to talk about is the transit exemption. In our substitute the transit exemption is retained. Under the committee bill it is repealed. If there is any industry in this country that has been hurt by the tremendous increase in costs, by changes in population patterns, and the like, it is the transit industry. Yet the committee seeks to impose additional burdens on an industry that has been in real trouble and is almost bankrupt. There are several pages in the committee report on transit companies throughout the country that have gone out of business, or been transferred to public ownership. Tremendous cutbacks of public service are likely to occur by the transit industry if we pass this provision of the committee bill.

The minority views in the committee report state as follows:

> The Committee completely ignores the economic realities of our nation's mass transit system. Since 1954, 268 transit systems in this country have failed financially. The operating deficit for the American transit industry was $332 million in 1970, $427 million in 1971, and is projected to exceed one-half billion dollars this year. This estimate does not include the $30 million in additional costs imposed on the transit industry by the provisions of S. 1861.

One of the purposes, suggested for increasing the minimum wage is in the reduction of poverty. I believe this is a commendable purpose but who are we talking about in the transit industry? What kind of situation are we talking about basically? The fact is, in many instances we are talking about collective bargaining agreements that have been satisfactorily arrived at between employers and employees often imposing requirements far stricter than would be required by the provisions of this bill. We are not talking about poverty as the average annual wage of transit employees in the United States in 1971 was $10,014. This is not a poverty family.

The committee bill also will have a severe effect on the transit industry's charter business. The committee bill states that there would be an exemption where work was voluntary. It is easy to see that this work is not likely to be voluntary if this provision is put in the bill. Drivers need not volunteer and then the overtime provisions would apply.

Mr. WILLIAMS. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. WILLIAMS. I am sure the Senator knows that this voluntary provision was put in at the request of the transit companies, does he not?

Mr. TAFT. I am sure that they would prefer to have it in rather than a complete removal of their exemption as was the original committee position.

Mr. WILLIAMS. They came to my office from all over the country and pleaded for that.

Mr. TAFT. We have had recent discussions with the companies involved. My information apparently is not in agreement with the information of the distinguished chairman. We find that in the opinion of many of the representatives of the companies to whom we have talked and the American Transit Association that they feel the effect will be exactly as I have just indicated, that is, that there will be no volunteers involved, and the overtime provision will be applicable.

Mr. WILLIAMS. Their former president, Carmack Cochran, came to me and said that it was vitally needed, and he persuaded me, and I recommended that it be put in the committee bill.

Mr. TAFT. We were authorized, as late as yesterday——

Mr. WILLIAMS. Could the Senator be specific? Was it Carmack Cochran?

Mr. TAFT. It was not Carmack Cochran, but it was a representative of the American Transit Association——

Mr. WILLIAMS. Who?

Mr. TAFT. That they strongly support this provision of the Taft-Dominick substitute——

Mr. WILLIAMS. Just tell me who it is. I should like to do a little homework tonight and——

Mr. TAFT. I would prefer not to name the individuals. It would be preferable to provide a letter to the chairman tomorrow, and in later debate on this measure——

Mr. WILLIAMS. It would be easy to tell me now who it was from the American Transit Association, who gave the Senator this information.

Mr. TAFT. We will be glad to provide that to the chairman and provide it in a letter, which would be far more appropriate.

Mr. WILLIAMS. When will that be? I should like to do some homework tonight. If I am in error and the transit people do not want this in, then I would be the first to make a big fight for the original provision.

Mr. TAFT. The Senator does not understand my point. The transit companies would prefer the current form of S. 1861 as compared to the original draft. But as to whether it will practically work, they share the opinion that I have just expressed.

Mr. WILLIAMS. But, who was it? I should like to know, so that I can check it out.

Mr. TAFT. I will be glad to provide the chairman with——

Mr. WILLIAMS. We want to get some action on this bill and get these things decided without having to wait for a letter that might arrive the day after tomorrow.

Mr. TAFT. I will see that it is provided as quickly as possible.

Mr. WILLIAMS. I will back up the statement that I made about Carmack Cochran's views as he expressed them to me. I will have a letter placed in the RECORD of this debate.

Mr. TAFT. Is the chairman saying he will provide a letter from a representative of the American Transit Association saying they would prefer S. 1861 as reported over our substitute proposal?

Mr. WILLIAMS. If Mr. Cochran will repeat in a letter what he said to me, that it was essential they have this provision in the operation of the charter service——

Mr. TAFT. I do not disagree with the chairman in what he has just stated. It is absolutely essential that they have it. However, I still believe it will seriously handicap——

Mr. WILLIAMS. They have it exactly that way.

Mr. TAFT. They have it on a voluntary basis only.

Mr. WILLIAMS. That is what they said they want.

Mr. TAFT. As I suggested previously I doubt about the availability of volunteers——

Mr. WILLIAMS. That is where we differ. They explained to me that they had no problem getting volunteers.

Mr. TAFT. I cannot say that I share the information or the views of the Senator in this regard.

Mr. President, perhaps the most vital and most important of all of the provisions of the substitute is the "Youth Differential." We have many serious problems in America today that are deeply related to youth unemployment.

I would like briefly to go over the "Youth Differential" provisions contained in the substitute.

Current law establishes wage rates for youths at no less than 85 percent of the statutory minimum. This applies to full-time students working part-time in retail or service establishments and agriculture and student-learners in vocational training programs.

The committee bill is similar to existing law except that educational institutions would be able to employ full-time students on a part-time basis at 85 percent of the minimum wage. Our substitute would replace the existing complicated certificate system with a new system designed to reduce youth unemployment. The new system would be applicable to all youths under 18 and full-time students under 21. Youths employed in nonagricultural work would receive $1.60 or 80 percent of a $2 applicable minimum rate. Youths employed in agricultural work would receive $1.30 or 80 percent of the applicable minimum rate. In each instance, the higher figure of the two alternatives would prevail. Additionally, the Secretary of Labor would be required to adopt regulations to insure that adults would not be displaced from employment opportunities by the lower rates.

I think we all know that at the present time the burden of an increased minimum wage falls heaviest on those least able to justify their employment, and particularly the young. The ratio of teenage to adult unemployment rates has tended to rise—especially in metropolitan areas—while the proportion of the total labor force in the 16-to-19 age group has also been rising. The ratio of teenage unemployment to total unemployment has also risen every time the minimum has been increased. Statistics also indicate that young blacks suffer the most from minimum wage increases. Prior to 1956 nonwhite and white male teenage unemployment rates were approximately the same. In 1956 the $1 minimum wage went into effect and the nonwhite teenage rate became almost 50 percent greater than that for white male teenagers. In 1965 the minimum wage was raised to $1.25, and the unemployment rate in the nonwhite group soared in 1966 to a level 100 percent greater. In February 1967, the $1.40 minimum wage was set and the nonwhite unemployment figure became 120 percent greater.

As for the first quarter of 1971 nonwhite teenage unemployment was 31.8 percent compared to 15.7 percent for white youth.

I think that we have all become aware that every time this has occurred, we have harmed and harmed very seriously a situation that is currently at almost a crisis level.

Many training programs and assistance programs have been undertaken. The committee bill now proposes to go in almost exactly the opposite direction and likely will close up many youth employment opportunities that would otherwise exist.

Mr. President, in this regard I would like to read from a letter from William L. Warner, vocational director of the Stillwater School District.

The letter reads:

> I wish to express my support of the substitute minimum wage bill allowing a wage differential for working youths. The differential would have great advantages for students who are seeking vocational training, who do not have work experience in their background, a chance for job opportunities . . . The wage differential would give the students an 'edge' in obtaining jobs for attaining their vocational objective. At the present time the teacher-coordinators of each of the programs have some difficulty in placing all the students who want employment.

Mr. President, these are some of the areas which the substitute attempts to correct. As we discuss the bill further, I will elaborate at greater length. At this time I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I want to take this opportunity to congratulate the Senator from Ohio on pointing out what I think are some of the extremely pertinent issues that must be considered by the Senate as a whole. While there are not many of us present on the floor at this time, it is my hope that during the time between the closing of debate tonight and the opening of debate on tomorrow, many of the Senators will have a chance not only to read the statement of the Senator from Ohio, but also to review the differences it emphasizes between our proposed substitute and the committee bill. This is a very important issue which demands our careful attention.

Subject to the will of the chairman of the committee, it is my thought that I will enlarge a little on what the Senator from Ohio has said and we can then perhaps go over until tomorrow. I know that the Senator from New Jersey is checking this with the leadership at this time.

Mr. President, I must confess that although I participated in the discussion of the pending bill, and although the committee as a whole and the chairman of the committee did take a number of amendments which were offered by me and by the Senator from Ohio, and which are now part of the committee bill, we simply did not take enough time to make this bill acceptable as far as I am concerned. So it seems to me that it would be helpful as far as the record is concerned if I were to go further and explain the major provisions of the amendment which the Senator from Ohio and I have introduced, with the sponsorship of Mr. PACKWOOD and Mr. BEALL.

Mr. President, I am opposed to S. 1861 as reported. I would like to summarize my reasons for opposing it, and then take a moment to explain the major provisions of the amendment in the nature of a substitute which Senator Taft and I have introduced.

I agree that an increase in minimum wage rates at this time can be justified on the ground that inflation has eroded the levels established in 1966, when the Fair Labor Standards Act was last amended. But in establishing new rates, I think we should recognize that excessive increases would have substantial inflationary and unemployment effects, and that the very people we are trying to help would suffer the most. The same is true with regard to extensions of coverage.

The importance of carefully weighing these potential adverse effects cannot be over-emphasized at a time when we are struggling to control inflation and to reduce unemployment. Extraordinary measures have been taken, and the economy is showing encouraging progress. I do not think any member of Congress wants to share responsibility for legislation which would jeopardize continued recovery.

This is not a partisan issue. During hearings of the Joint Economic Committee earlier this year, Henry Wallich, a member of the Council of Economic Advisors during the Eisenhower administration, said:

> I would think this is the last moment at which one would stress a measure raising the minimum wage.

Arthur Okun, CEA chairman under President Johnson, flatly stated:

> I think this would be a good year not to take up the minimum wage.

The 1969 annual report of President Johnson's Council of Economic Advisors warned about the unemployment effects of excessive minimum wage increases:

> Although increases in the minimum wage are likely to be reflected in higher prices, society should be willing to pay the cost if this is the best way to help low-wage workers. Yet excessively rapid and general increases in the minimum can hurt these workers by curtailing their employment opportunities.
>
> Since 1956, the federal minimum has gone up about in line with average hourly compensation, while coverage has progressively expanded to cover low-wage industries. In considering the future rate of increase for minimum wages, careful scrutiny should be made of the possibility of adverse employment effects. The benefits of higher minimums should be weighed against alternative ways of helping low-wage workers.

In short, current economic conditions demand that restraint be exercised in making changes in the minimum wage law.

EXCESSIVE WAGE INCREASES

I am convinced that S. 1861, as reported, does not exercise proper restraint, and if enacted would retard the economy's recovery. It provides for excessive wage increases and extensions of coverage which would exert strong inflationary and unemployment pressures on the economy. The impact of large increases in labor costs would fall heaviest on small businessmen and farmers. The unemployment effects would be felt most by marginal workers holding jobs which would be eliminated first by employers looking for ways to absorb increased labor costs. Consumers would be forced to pay higher prices for virtually all products.

Under the committee bill, the minimum wage for workers covered by the Fair Labor Standards Act prior to 1966 would go from $1.60 an hour to $2, 60 days after enactment, and to $2.20 a year later. This amounts to a 25 percent increase within 60 days, and a 37.5 percent increase within 14 months. Workers first covered by the committee bill would receive the same increase within a little over 2 years. The minimum rate for farm employees would go from $1.30 to $2.20 within a little over 3 years—a 69.2-percent increase.

These wage increases, combined with the extended coverage to 8.4 million additional employees would result in an increase of $7.2 billion in the Nation's annual wage bill. This estimate includes only the direct cost of raising wages to the higher minimum rates. It does not include increased overtime costs resulting from the higher minimum rates. Nor does it include the ripple effect costs of raising wages which are above the minimum rates in order to maintain existing wage differentials after the higher rates go into effect.

These precipitous increases in wage costs over such a short time will be difficult for many employers—particularly small businesses—to absorb. The 1966 amendments extended minimum wage and overtime coverage to 649,000 smaller firms. The minimum rate for employees of these firms went from $1 an hour in 1966 to $1.60 on February 1, 1971—a 60 percent increase. The committee bill would further raise the minimum rate for these employees to $2.20 in a little over 2 years—an increase of 37.5 percent, affecting about 3,5 million employees at a cost of $2.7 billion. The total increase since 1966 for these small firms would amount to 120 percent.

Mr. President, that is a fairly substantial jump. In fact, it is about as inflationary or, alternatively, as quick a way to create bankruptcy as anything I can think of for small firms.

The retail and service industries, which encompass most small businesses, would be particularly acutely affected, since they are highly labor intensive. Labor costs average more than 60 percent of operating costs in the retail industry. These industries hire a large proportion of the labor force's unskilled and marginal workers. About 50 percent of employees of retail firms earn less than $2 an hour; 65 percent earn less than $2.20. About 40 percent of employees of service firms earn less than $2; 51.7 percent earn less than $2.20. Since profit margins are too low in these industries—retail firms average 2 percent—to absorb the radical wage increases mandated by the committee bill, employers would be forced to raise prices, reduce employment, or a combination of both. Many marginal jobs could be expected to be eliminated. Some may have no alternative but to go out of business. There were 10,321 small business failures last year, 4,428—or 43 percent—of which were retail firms. Moreover, under economic stabilization guidelines, retail firms cannot raise prices to pass through increased operating costs—including labor costs.

The farm economy would also be seriously affected. A 69.2-percent increase in minimum wage rates over 3 years could only accelerate the already too rapid decline of farm employment in this country. At a time when per capita farm income is 25 percent lower than nonfarm income, and virtually everyone is lamenting the fact that small independent farms are being supplanted with big corporate farms, I do not think it would make sense to require them to absorb an additional $174 million in annual wage costs.

Mr. President, I was in Colorado during the recess and I had occasion to visit several farm areas of the State. I do not know how many people came up to me, without regard to political affiliation, and said, "Senator, what are you going to do about our farm situation? We cannot get labor. At any price we cannot get labor. We do not know when an occupational safety inspector will come out and fine us because they say we are running our machinery in an unsatisfactory manner. How are we going to take care of the problems of producing the food if we cannot get labor? Every time we turn around not only do we get penalized by the Government but also we have to fill out so many forms every time we want to do anything that we have to be Philadelphia lawyers or accountants to take care of them all."

Mr. President, it is time that we start to think about the producers of this country as well as the consumers, because if we do not have production we will not have consumers. One of the assets we have in our free enterprise system is our great agricultural industry which up to this time has been able to feed not only the American people but also a great proportion of the rest of the world.

If we are going to put them out of work so their incomes cannot possibly meet the situation we are going to seriously jeopardize one of the great strengths of America.

The wage increases recommended in the committee bill would seriously threaten the success of the economic stabilization program. The combined effect of the direct costs of raising minimum rates and the indirect "ripple effect" costs would exert enormous inflationary pressures on the entire economy, making the 5.5-percent wage guideline and the 2.5-percent price guideline difficult, if not impossible, to enforce.

These guidelines are based on long-term productivity growth rates of about 3 percent annually. It is worth noting that while the average annual increase in output per man-hour for the postwar period 1947–65 was 3.5 percent, it dropped to 2 percent for the 5-year period 1966–70, the slowest growth in productivity for any 5-year period since the war. Certainly, no one can argue that the wage increases in the committee bill are related to productivity, or that they would in any way enhance productivity. Wage increases, which are not related to increases in productivity, are, of course, reflected in higher prices, and ultimately in trade deficits due to the inability of American-produced goods to compete in the world market. The excessive increases recommended in the committee bill, with resultant "ripple effect" increases in wages above minimum levels, would worsen our trade situation. I do not think it is mere coincidence that our recent trade and related monetary problems followed substantial minimum wage increases and extensions of coverage in 1966. While average hourly earnings have increased 34 percent since 1966, overall productivity has increased only 10 percent. The Consumer Price Index has risen almost 28 percent over the same period.

This concern was articulated recently by Mr. Harvey M. Meyerhoff, who argues persuasively against excessive increases in minimum wage rates at this time. I ask unanimous consent, Mr. President, that his letter to me, and a copy of a Sun editorial, entitled, "A Poor Time To Inflate Wages," be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BALTIMORE, MD.,
May 16, 1972.

HON. PETER H. DOMINICK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMINICK: The enclosed editorial which appeared in the Baltimore Sun clearly spells out the danger in enactment of new minimum wage legislation. However, it does not go far enough, in my judgment, in presenting the basic objections to legislating wage levels of any kind at this time and place in our country's history.

1. Apparently those who are considering this legislation fail to recognize that an increase at the lowest rung of the employment ladder always increases wage costs at every other rung in "the ladder." This may not be apparent, or even understood, by those considering this legislation but this does, in fact, occur. When an increase is given at the lowest level of employment for no reason other than one of a requirement by law, all others in the employment progression have not accepted in the past (and will not accept) the explanation that, "We are required by law to increase pay at the lowest level but at your level increases will continue to be based only upon productivity, seniority, etc." It simply doesn't happen that way.

2. As a result of the wage increase progression described above, a wage-price push occurs because the wage increase was not related to productivity, technology, or any other market factor. Consequently, our posture, both in the domestic and foreign markets, has worsened. On the domestic side imports obtain an immediate price edge which can only be offset by restrictive tariffs, restriction on imports or devaluation of the dollar. On the export side, our products become immediately overpriced in the foreign market and this disparity can be changed again only by devaluation or favored legislation of one kind or another.

3. The basic causes (the Great Depression among them) which made initial minimum wage legislation desirable years ago, have long since disappeared. A far better solution in this area today lies in various income tax proposals, changes in welfare legislation and other reforms which do not strike at the heart of the free and open economic system which is extant in this country today.

The Bill passed by the House will soon come to the Senate for conference. Your conferees should take this opportunity to shelve this legislation during this session of the Congress. Should this not occur they should be alternatively instructed to accept the House Bill in terms of coverage, dates for increases, and other substantive issues.

Sincerely yours,
HARVEY M. MEYERHOFF.

[From the Baltimore Sun, May 12, 1972]

A POOR TIME TO INFLATE WAGES

It says something about the temper and wisdom of majority forces in the Congress that they pick a time of stubborn and painfully high unemployment-cum-inflation to push a 25 per cent boost in mandated minimum wage. Neither on the liberal nor the conservative side of the permanent economic debate can they find much doctrinal comfort. Lord Keynes warned that employers wouldn't employ unless they saw a fair chance of getting value back—as they figured value—from the wage money they put out. And he assumed, without thinking it necessary to explicate, the primordial fact of economic life never more persuasively put than by Calvin Coolidge: "For a man to have a job, some one has to hire him."

Now let us consider the effect of a 40-cent-an-hour jump in mandated minimum wage—upward from the present $1.60—on a man unemployed whenever in future such an act went into effect. The Congress would be making it 25 per cent less likely than before that such a man would find a job: this it would do by commanding the employer to pay 40 cents more than he had already concluded he could not pay. The impact on that part of the labor force where unemployment is, and may remain, highest, would be particularly marked. Right now 17 per cent of teen-agers in the labor market are out of work. The figure for black teen-agers is nearer 30 per cent.

On the broad economic advisability of raising wages by law across the whole economy, other questions arise. Right now Phase II policy holds increases to 5.5 per cent, which the Congress is asked to exceed by several times. No doubt adjustments to emergency policy could be worked into new permanent legislation. Perhaps there could be special rules and rates for teen-agers, if not to promote, at least not to discourage their employment. But short of a parallel guarantee of matching productivity boosts, statutory wage increases pump inflation into price levels at any time, and more so when inflation is already rife. Wiser legislators realize it is rife now.

QUORUM CALL

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum for a few minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR COMMENCING ACTIONS ON BEHALF OF CERTAIN INDIANS

Mr. JACKSON. I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 15869.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate H.R. 15869, a bill to extend for 90 days the time for commencing actions on behalf of an Indian tribe, band, or group, which was read twice by its title.

Mr. JACKSON. I ask unanimous consent that the Senate proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. JACKSON. Mr. President, the purpose of this measure is to extend for a period of 90 days the Federal statute of limitations on actions for money damages and actions relating to allotted trust or restricted Indian lands brought by the United States on its own behalf and in carrying out its trust responsibilities to American Indians. The purpose of the extension is to grant an additional 90 days to allow the United States as trustee for the Indian tribes an opportunity to bring suit in cases which would otherwise be barred by the statute of limitations which expires at 12 p.m., July 18, 1972.

Earlier this afternoon the House of Representatives acted favorably on this measure. I am informed by the White House that preparations have been made to transmit the official papers to California for the President's signature before midnight tomorrow night.

The administration's legislative report on this measure was transmitted to the Congress on June 26, 1972. Because the Congress was in recess there was no opportunity for legislative action by the Interior and Insular Affairs Subcommittee on Indian Affairs. I ask unanimous consent that the Department of Interior's report together with the text of the bill they propose be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JACKSON. I further ask unanimous consent that the text of the House-passed bill and an article from the July 14, 1972, Wall Street Journal be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 2 and 3.)

Mr. JACKSON. Mr. President, may I just add that, this bill being of an emergency nature, we have not had time to take it up in either the subcommittee or the full committee, but it has been cleared by the other side of the aisle.

Exhibit 1

Department of the Interior,
Washington, D.C., June 25, 1972.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is in response to your request for the views of this Department on S. 3377, a bill "To extend the time for commencing actions on behalf of an Indian tribe, band, or group."

We recommend enactment of the attached substitute bill in lieu of S. 3377, and we urge your immediate action thereon for the reasons described below.

The Act of July 18, 1966, 28 U.S.C. 2415, imposed a statute of limitations on tort or contract suits brought by the United States on its own behalf and in carrying out its trust responsibility to Indians. The statute generally allows six years from the date the action first accrues, with certain exceptions and provisions for tolling the time. Subsection g of section 2415 provides that any right of action subject to the provisions of section 2415 which accrued prior to the date of enactment of section 2415 will be deemed to accrue on the date of enactment. All Indian claims subject to section 2415 which accrued prior to the date of its enactment, and these include some very complicated and substantial claims for damages, will therefore be barred from litigation after July 18, 1972, unless the statute is extended by legislation.

S. 3377 would amend 28 U.S.C. 2415 to provide an additional period of time within which action may be instituted by the United States for or on behalf of a recognized tribe, band, or group of Indians for money damages founded upon any contract express or implied in law or fact, and for tort or trespass.

Indians are quite concerned that the present statutory limitation might bar them from recovering damages for many wrongs they have suffered. The Bureau of Indian Affairs and the Solicitor's Office of this Department have not been able to perform the necessary work to identify all of these wrongs and then develop the factual information necessary to get litigation filed. Even with the help of attorneys employed by the various tribes, there are, no doubt, many causes of action which have not been identified. This inability to prosecute the present claims of Indians will work a hardship on tribes all over the country and may result in a considerable loss to Indians through no fault of their own, losses which Indians can ill afford because of their low position on the economic scale.

We believe it is particularly important not to let these unidentified claims lapse because we are on the verge of making substantial progress in discharging our trust responsibilities with regard to Indian resources. Recently, the Bureau of Indian Affairs established a new unit, the Indian Water Rights Office, which will have as its principal duties the assertion and protection of water rights of Indians. Efforts have also been made to obtain additional funds and personnel for investigation and determination of boundary conflicts. In addition, the Administration has proposed the creation of an independent Trust Counsel Authority to represent the resource rights of Indians free of any governmental conflicts of interest. It would be most unfortunate for many Indian claims to be barred by the statute of limitations at a time when the means for discovering and prosecuting such claims are in the process for being markedly improved.

However, S. 3377 would do more than merely "save" those claims that would be barred on July 18, 1972. It would establish an eleven-year statute of limitations for all Indian claims arising under 28 U.S.C. 2415. We do not believe such special treatment of Indians is warranted across the board and would suggest narowing the effect of the extension of the statute to those claims which would otherwise be barred on July 18, 1972. We submit herewith a substitute draft bill to accomplish this more limited purpose. In addition, we note that the statute which S. 3377 would amend does not differentiate between the claims of Indian tribes or groups and those of individual Indians. Yet both of the amendments contained in S. 3377 would be limited in applicability to "a recognized tribe, band, or group of American Indians." We see no reason not to extend the statute of limitations as well on behalf of individual Indians whose land is held in trust or restricted status. Therefore we have added the phrase "or on behalf of an individual Indian whose land is held in trust or restricted status" to both amending sections of the substitute draft bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

Harrison Loesch,
Assistant Secretary of the Interior.

S. 3377

A bill to extend the time for commencing actions on behalf of an Indian tribe, band, or group

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That title 28 of the United States Code, section 2415, is amended as follows:

(a) The period at the end of subsection (a) shall be changed to a colon, and the following provision shall be added thereto: "*Provided further,* That an action for money damages [which accrued on the date of enactment of this Act in accordance with subsection g] brought by the United States for or on behalf of a recognized tribe, band, or group of American Indians, [or on behalf of an individual Indian whose land is held in trust or restricted status,] shall not be barred unless the complaint is filed more than [eleven] years after the right of action accrued [or more than two years after a final decision has been rendered in applicable administrative proceedings required by contract or by law, whichever is later.".]

(b) The words ", including trust or restricted Indian lands" appearing after "lands of the United States" shall be deleted from the proviso in subsection (b), the period at the end of the subsection shall be changed to a comma, and the following words shall be added thereto: "except that such actions for or on behalf of a recognized tribe, band, or group of American Indians, including actions relating to alloted trust or restricted Indian lands, [or on behalf of an individual Indian whose land is held in trust or restricted status which accrued on the date of enactment of this Act in accordance with subsection g] may be brought within eleven years after the right of action accrues.".

Exhibit 2

H.R. 15869

A bill to extend for ninety days the time for commencing actions on behalf of an Indian tribe, band or group

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28 of the United States Code, section 2415 is amended as follows:

(a) The period at the end of subsection (a) shall be changed to a colon, and the following provision shall be added thereto:

"*Provided further,* That an action for money damages brought by the United States for or on behalf of a recognized tribe, band or group of American Indians shall not be barred unless the complaint is filed more than six years and ninety days after the right of action accrued."

(b) The words, "including trust or restricted Indian lands" appearing after "lands of the United States" shall be deleted from the proviso in subsection (b), the period at the end of the subsection shall be changed to a comma, and the following words shall be added thereto: "except that such actions for or on behalf of a recognized tribe, band or group of American Indians, including actions relating to allotted trust or restricted Indian lands, may be brought within six years and ninety days after the right of action accrues."

Exhibit 3

[From the Wall Street Journal, July 14, 1972]

Impending Deadline May Cost U.S. Indians Claims Settlements—Law Lets Federal Government Handle Lawsuits for Tribes; Limitation Expires Monday

(By David Gumpert)

Many American Indian tribes, apparently caught off guard by the expiration Monday of an obscure statute of limitations, could lose thousands and possibly millions of dollars in potential financial claims.

The tribes will lose out because after Monday they will be unable to pursue certain such claims. The situation could be reversed, but only if Congress acts by midnight Monday night to extend the statute of limitations.

Indian representatives themselves have been taken by surprise. "We weren't aware the thing was on the books," says Franklin Ducheneaux, legislative consultant for the National Congress of American Indians in Washington. "This was a sleeper to me," laments Dick LaCourse, director of news operations for the American Indian Press Association, who says he only learned of the law a few days ago.

Passed in 1966, the law has permitted the federal government to file claims for financial damages on behalf of Indian tribes against third parties, such as states and private companies.

The expiration next week wouldn't affect Indian claims against the federal government to establish land title or water rights, nor would it prohibit the federal government from suing third parties over such things as Indians' land title. It also wouldn't prevent the government from seeking to recover financial damages for up to six years past.

SOMETIMES, SIZABLE INTEREST

But the expiration would prevent the government from seeking payment for damages more than six years old. Interest accrued in such cases can be substantial, since Indian cases sometimes go back 100 years or more. Whether Indians could file their own suits for financial damages going back more than six years is unclear, says a legal official in the Department of the Interior. The issue will probably have to be settled in the courts.

The advantage in having the federal government file the suits is to save the Indians the often considerable legal expenses involved and often considerable legal expenses involved and to allow suits against states. Such suits aren't permitted by private parties in some states.

Just how many potential claims would be barred with the expiration of the statute of limitations isn't known, but it's probably substantial, say observers of Indian affairs. "I would say there are probably 100 (cases) or maybe more" that will be lost because of the expiration of the statute, says Art Gajaras, a Washington lawyer who has handled Indian cases.

Over the past few weeks, Indian tribes that have become aware of the statute have scrambled to submit last-minute claims to the Interior Department for consideration as suits. The department estimates it has received about 35 claims in the last three or four weeks, of which it's recommended that about 25 be taken to court by the Justice Department. In the past, the department has received only about one such claim a week, says an Interior Department spokesman.

The claims aren't for peanuts, either. Two Maine Indian tribes have sought in recent weeks to get the federal government to seek $150 million in damages each from the state of Maine. They want the money mostly to pay for vast chunks of land they contend Maine illegally took from them in the 18th and 19th centuries.

CLASS ACTION CONSIDERED

Lawyers who handle Indian cases contend the federal government has been unreasonably reluctant to take on some Indian cases. They note, for instance, that in the Maine cases one tribe had to go to federal court to force the government to bring suit, since the Interior Department had initially refused to approve filing the case.

Mr. Gajarsa says he's considering bringing a class-action suit against the government if the statute expires, claiming that the government has been lax in bringing cases to court and in telling Indians about the statute. He contends the Interior Department "sat on its proverbial rear end."

An Interior Department spokesman says the department "has always considered every case." He adds that he would "find it hard to believe that the tribes' lawyers didn't know" about the statute.

The issue could become moot if Congress acts Monday to approve bills in the Senate and House that would extend the deadline for five more years or else approves a temporary extension until the bills can be considered more carefully. Neither house of Congress has held hearings on the extension, however.

Although the Nixon administration has given its support to an extension of the statute, observers say, the chances of getting Congress to act quickly enough are remote.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 15869) was ordered to a third reading, read the third time, and passed.

QUORUM CALL

The PRESIDING OFFICER. What is the will of the Senate?

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STEVENS TOMMOROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the distinguished Senator from Alaska (Mr. STEVENS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Alaska (Mr. STEVENS) tomorrow, there be a period for transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 15635 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon its receipt by the Senate, the message from the House of Representatives on H.R. 15635, the juvenile delinquency bill, be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Alaska (Mr. STEVENS) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Chair will lay before the Senate the unfinished business, S. 3390, a bill to amend the Foreign Assistance Act, and amendments are expected to be called up. It is my understanding that the distinguished Senator from California may call up an amendment, and the distinguished Senator from Massachusetts (Mr. KENNEDY) may call up one or two amendments. The distinguished Senator from Nevada (Mr. CANNON), as I understand it, is also prepared to call up his amendment in the early afternoon. So it is quite possible that rollcall votes will occur on the Foreign Assistance Act on tomorrow.

At some point during the afternoon of tomorrow, the leadership will call up the second-track measure, the so-called minimum wage bill, and debate will resume thereon, with amendments thereto in order.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment, under the order, until 10 a.m. tomorrow.

The motion was agreed to; and at 4:54 p.m. the Senate adjourned until tomorrow, Tuesday, July 18, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 1972:

DEPARTMENT OF THE TREASURY

Frederic W. Hickman, of Illinois, to be an Assistant Secretary of the Treasury, vice Edwin S. Cohen.

DEPARTMENT OF JUSTICE

Roger C. Cramton, of Michigan, to be an Assistant Attorney General, vice Ralph E. Erickson, elevated.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

H. Carl Moultrie, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of years prescribed by Public Law 91-358, approved July 29, 1970, and vice John J. Malloy, retired.

ATOMIC ENERGY COMMISSION

Dixy Lee Ray, of Washington, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1977, vice Wilfrid E. Johnson, term expired.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Colston A. Lewis, of Virginia, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1977 (reappointment).

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The following-named persons to be members of the National Commission on Libraries and Information Science for terms expiring July 19, 1977 (reappointments):

Harold C. Crotty, of Michigan.
Martin Goland, of Texas.
Louis A. Lerner, of Illinois.

U.S. ADVISORY COMMISSION ON INFORMATION

George H. Gallup, of New Jersey, to be a member of the U.S. Advisory Commission on Information for the term expiring January 27, 1975, vice William Buckley, resigned.

U.S. NAVY

Vice Adm. Maurice F. Weisner, U.S. Navy, for appointment as Vice Chief of Naval Operations in the Department of the Navy pursuant to title 10, United States Code, section 5085.

Vice Adm. Maurice F. Weisner, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Rear Adm. William D. Houser, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

George G. Halvorson
John D. H. Kane, Jr.
Edward L. Feightner
John M. Thomas
Brian McCauley
Thomas E. Bass III
Billy D. Holder
Richard E. Henning
William H. Shawcross
Robert P. Coogan
Ralph S. Wentworth, Jr.
Daniel J. Murphy
John S. Christiansen
Richard E. Fowler, Jr.
William M. A. Greene
Julian S. Lake
Joe Williams, Jr.
Joe P. Moorer
Walter N. Dietzen, Jr.
Harvey E. Lyon
Emmett H. Tidd
Robert O. Welander
Robert Y. Kaufman
Stansfield Turner
William R. St. George
Thomas B. Hayward
John J. Shanahan, Jr.
John G. Finneran

CIVIL ENGINEER CORPS

Albert R. Marschall

U.S. MARINE CORPS

Lt. Gen. William K. Jones, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

In accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Louis H. Wilson, Jr., U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE AIR FORCE

The following-named Air National Guard of the United States officers for promotion in the Reserve of the Air Force, under the appropriate provisions of section 593(a), title 10, United States Code, as amended.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Carroll N. Anderson, [redacted].
James A. Bishop, [redacted].
Paul J. Bittorf, [redacted].
Philip E. Brickson, [redacted].
Richard H. Clothier, [redacted].
Donald J. David, [redacted].
Jaime Escanellas, [redacted].
Ronald W. Exley, [redacted].
Leroy E. Fechtelkotter, [redacted].
Louis A. Fritsche, [redacted].
Philip W. Gallion, [redacted].
Thomas G. Haggard, [redacted].
Kenneth J. Leland, [redacted].
Sidney R. Mann, [redacted].
Harry A. Martin, [redacted].
John D. Montzingo, [redacted].
Charles T. Moore, [redacted].
Juan Moya, [redacted].
Milton C. Poirier, [redacted].
Chester J. Preisser, Jr., [redacted].
Charles R. Ray, [redacted].
Ray C. Sahlstrom, [redacted].
George B. Schwahn, [redacted].
Wilbert T. Stewart, [redacted].
Eugene L. Stringer, [redacted].
Nels Thomsen, Jr., [redacted].
Gaines M. Timberlake, [redacted].
Donald G. Troyer, [redacted].
Howard R. Vaughan, [redacted].
James J. White, [redacted].
Donald J. Kerr, [redacted].

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be colonel, Regular Army, and colonel, Army of the United States

Livingstone, Bruce L., [redacted].

To be major

Randles, Jack C., [redacted].

To be captain

Boggess, Samuel D., [redacted].
Bunte, Ralph M., [redacted].
Burton, Robert L., [redacted].
Calkin, Ellery E., Jr., [redacted].
Cannon, Kathleen M., [redacted].
Chaney, Kenneth P., [redacted].
Clark, Jon R., [redacted].
Coleman, Obe D., [redacted].
Collman, Richard H., [redacted].
Cook, Sanford D., [redacted].
Daniel, Clyde J., [redacted].
Deaven, Marie R., [redacted].
Dower, James P., [redacted].
Fay, James R., [redacted].
Galle, Joseph E., [redacted].
Gruschkus, Gerhard F., [redacted].
Hollis, Anthony W. L., [redacted].
Jones, Bernard F., [redacted].
Jones, Donald A., [redacted].
Keller, Wendell A., [redacted].
Kelly, Lawrence R., Jr., [redacted].
Kozel, Eugene W., [redacted].
Kyser, Kay A., [redacted].
Lacey, Floyd E., Sr., [redacted].
Lancaster, Lynn A., [redacted].
Linn, Jeffrey B., [redacted].
Lucidi, Richard N., [redacted].
Mason, Gary R., [redacted].
McCartney, John W., [redacted].
McSwain, Donald W., [redacted].
Monagan, Charles F., [redacted].
Morrissey, Robert L., [redacted].
Nixon, George A., [redacted].
O'Brien, Maurice J., [redacted].
Pavlicek, John H., [redacted].
Phillips, Angeles, [redacted].
Pollard, James C., [redacted].
Powers, Jimmy E., [redacted].
Pruitt, Charlie D., [redacted].
Reumann, Albert D., [redacted].
Romans, Michael H., [redacted].
Swift, Ivan C., [redacted].
Walckner, Edward, [redacted].

To be first lieutenant

Adams, Robert S., [redacted].
Alexander, Leslie L., [redacted].
Alton, Ronnie D., [redacted].
Arnold, James R., [redacted].
Barrett, William J., [redacted].
Baskin, Robert W., Jr., [redacted].
Beers, Richard P., [redacted].
Bewley, William M., [redacted].
Birdseye, Helen B., [redacted].
Biskey, Valerie E., [redacted].
Bradley, Jerry W., [redacted].
Bregard, Richard W., [redacted].
Bristow, William D., Jr., [redacted].
Brown, Frederic C., Jr., [redacted].
Brown, James B., [redacted].
Brown, Kenneth L., [redacted].
Buckley, Geoffrey J., [redacted].
Bushway, Geoffrey C., [redacted].
Canfield, William J., [redacted].
Cardell, Larry E., [redacted].
Carrales, Carlos C., [redacted].
Chancellor, Darrell M., [redacted].
Clements, Willis L., [redacted].
Cody, Jerry B., [redacted].
Collins, John P., [redacted].
Crabbe, James D., [redacted].
Davis, Louis R., [redacted].
Davis, Michael S., [redacted].
Deason, Emory N., [redacted].
Deisering, Leon F., [redacted].
Divita, Carl L., [redacted].
Ecuyer, Lawrence J., [redacted].
Edwards, Thomas E., [redacted].
Ernst, Carl F., [redacted].
Evans, Rosalie K., [redacted].
Evans, William C., [redacted].
Ewart, Loel A., [redacted].
Fagan, James F., [redacted].
Faircloth, Harry L., [redacted].
Feighny, Michael L., [redacted].
Felleter, Vincent J., [redacted].
Ferguson, James S., [redacted].
Ferguson, Luke B., [redacted].
Flowers, Vicki L., [redacted].
Forbes, Robert G., [redacted].
Fontenot, Russell J., [redacted].
Fox, Charlotte A., [redacted].
Freeman, Robert L., [redacted].
Furrow Larry D., [redacted].
Gallego, Karen F., [redacted].
Ganong, Stephen L., [redacted].
Gearhart, Sharon K., [redacted].
Geiger, George J., [redacted].
Gillette, John E., [redacted].
Grazier, Edward H., [redacted].
Green, Ronald D., [redacted].
Greer, Earl D., [redacted].
Guerra, William M., [redacted].
Gunnell, Kenneth M., Jr. [redacted].
Hall, John T., [redacted].
Hanes, Hal D., [redacted].
Harms, George E., III, [redacted].
Hart, John J. D., [redacted].
Hartley, Charles R., [redacted].
Harvard, Albert F., [redacted].
Hatcher, Phil L., [redacted].
Hawkins, Mary F., [redacted].
Hey, George D., [redacted].
Hicks, David H., [redacted].
Hodgin, Jimmy R., [redacted].
Holzwarth, Donald R., [redacted].
Hopkins, John S., [redacted].
Horne, Richard C., IV, [redacted].
Johnson, Gregory T., [redacted].
Keenan, John J., Jr. [redacted].
Kelleher, Daniel M., [redacted].
Kennedy, Terris E., [redacted].
King, James C., [redacted].
Koons, James S., [redacted].
Lancaster, Randall J., [redacted].
Laudenslager, Charles W., Sr., [redacted].
Maddox, William L., Jr. [redacted].
Martens, James R., [redacted].
Marx, Lowell E., [redacted].
McCants, Omer L., [redacted].
McLaughlin, Gary D., [redacted].
McLaughlin, John C., [redacted].
Moody, James L., [redacted].
Morlock, Frank J., [redacted].
Nevilles, Willie C., [redacted].
O'Brien, James D., [redacted].
O'Malley, William D., Jr., [redacted].
Orde, Claudia B., [redacted].
Page, Edward C., [redacted].
Pavletich, Douglas P., [redacted].
Payne, Lawrence W., [redacted].
Pennington, Ellis L., [redacted].
Petrosky, Daniel J., [redacted].
Plyler, Glenn B., [redacted].
Pulliam, James M., [redacted].
Pullman, Clarence L., [redacted].
Raether, James G., [redacted].
Reed, Ronald E., [redacted].
Rexrode, Janet S., [redacted].
Rice, Bennie Jr., [redacted].
Rikli, Patricia A., [redacted].
Robinson, Robert L., [redacted].
Robison, Kenneth M., [redacted].
Rogers, Thomas C., [redacted].
Rollings, Jo Ann, [redacted].
Roney, Robert J., [redacted].
Roper, Everette L., Jr., [redacted].
Rose, Steven, [redacted].
Russell, Gladys H., [redacted].
Rybicki, David N., [redacted].
Salter, Ned W., [redacted].
Schmidt, Kendall A., [redacted].
Scott, James G., [redacted].
Seibel, Ralph E., [redacted].
Shryock, Robert W., [redacted].
Simpkins, Jimmie C., [redacted].

Simpson, John R., [redacted].
Slaton, James L., [redacted].
Smith, George E., [redacted].
Smith, Gordon R., [redacted].
Smith, Mary E., [redacted].
Stenzel, Leroy G., Jr., [redacted].
Strieper, Sarah S., [redacted].
Sullivan, Walter R., [redacted].
Sweeney, Robert T., [redacted].
Sylvester, Marilyn J., [redacted].
Taylor, Samuel A., Jr., [redacted].
Taylor, Warren B., [redacted].
Taylor, Warren P., [redacted].
Thompson, Charles F., [redacted].
Toliver, Donald D., [redacted].
Trotter, William A., [redacted].
Valentine, Frank J., Jr. [redacted].
Vinten, Dean J., [redacted].
Walz, Daniel J., [redacted].
Wampole, Harry S., [redacted].
Ward, Mack C., Jr., [redacted].
Waterbury, Warren T., [redacted].
Webb, Hershel B., [redacted].
Wheeless, Douglas C., [redacted].
Whitehead, Erwin E., [redacted].
Wilson, Charles A. II, [redacted].
Wooten, Ralph G., [redacted].
Yon, Terry A., [redacted].
Young, Lewis W., [redacted].

To be second lieutenant

Alberg, Walter S., [redacted].
Arndt, Richard J., [redacted].
Ballard, Bryant L., [redacted].
Bassett, Sally A., [redacted].
Beard, Robert D., [redacted].
Beck, Ronald G., [redacted].
Billot, Joseph P., [redacted].
Bowen, David R., [redacted].
Brown, William M., [redacted].
Byrne, Catherine B., [redacted].
Cannella, Susan L., [redacted].
Caputo, Robert S., [redacted].
Carter, John P. II [redacted].
Casarande, Thomas S., [redacted].
Cervenak, Edward S., [redacted].
Colson, Stephen L., [redacted].
Cook, William J. III, [redacted].
Corker, Harold T., [redacted].
Cummings, Daniel N., [redacted].
Dagley, Randall B., [redacted].
Danish, Clement, Jr., [redacted].
Davis, Lawrence R., [redacted].
Dewhurst, Roland W., [redacted].
Doberenz, Raymond O., [redacted].
Donnellon, John S., [redacted].
Evans, Stanley L., [redacted].
Farris, Marcia O., [redacted].
Fox, Robert D., [redacted].
Gafford, William R., [redacted].
Gaylord, Thomas A., [redacted].
Hall, Wayne M., [redacted].
Henderson, Robert J., [redacted].
James, Dennis E. D., [redacted].
Jarrett, Burton T., Jr. [redacted].
Johnson, Anne T., [redacted].
Jones, George A., [redacted].
Jones, Glennie M., [redacted].
Kaupp, Carl R. III, [redacted].
Kleve, Frederic W., Jr., [redacted].
Knight, Michael C., [redacted].
Kornacki, Robert J., [redacted].
Kwist, Dana F., [redacted].
Lamb, Donald W., [redacted].
Lamond, Gregory S., [redacted].
Langmesser, James E., [redacted].
Larson, Jon F., [redacted].
Lemieux, Rene E., [redacted].
Letcher, Keith W., [redacted].
Majkowski, Jesse W., [redacted].
McCollum, Fred L., [redacted].
McMullen, Patricia L., [redacted].
Oakley, Virginia E., [redacted].
Owen, Orlando K. III, [redacted].
Palmer, Allen C., [redacted].
Paluska, Aloys J., Jr., [redacted].
Perotti, James D., Jr., [redacted].
Peyton, Dale E., [redacted].
Philippon, Raymond W., [redacted].
Polk, Elmer J., [redacted].
Ramsay, William T., Jr., [redacted].
Reidinger, Philip A., [redacted].
Richardson, Robert L., [redacted].
Ridout, Robert A., [redacted].
Ritter, Paul D., [redacted].
Rudd, James W., [redacted].
Russell, Richard D., [redacted].
Schraeder, Raymond E., [redacted].
Scott, James E., [redacted].
Shaffner, Barry L., [redacted].
Shank, Joyce G., [redacted].
Sisson, Philip W., [redacted].
Smallman, William R., [redacted].
Smith, Michael C., [redacted].
Smith, Stephen F., [redacted].
Smith, Vernon E., [redacted].
Sparks, William L., [redacted].
Springer, Dwight S., [redacted].
Stearns, Bryan F., [redacted].
Strazzini, Edward M., [redacted].
Texer, John A., [redacted].
Timmerberg, James R., [redacted].
Tucker, Calvin M., Jr., [redacted].
Vaira, Karen P., [redacted].
Wagner, Jeannine M., [redacted].
Wagstaff, Larry J., [redacted].
Wathen, James A., [redacted].
Wessel, Jerry W., [redacted].
Willard, Robert T., [redacted].
Winn, Dennis, H., [redacted].
Zuelke, Lorene E., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Flanery, Colbert L., Jr., [redacted].
Leib, Jack R., [redacted].
Titus, Keith R., [redacted].

HOUSE OF REPRESENTATIVES—*Monday, July 17, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong and of good courage, for it is the Lord your God who goes with you.—Deuteronomy 31: 6.

Eternal God, our Father, whose love will not let go and whose light follows us all our days, help us to begin this week conscious of Thy presence and ready to work diligently for the welfare of our Nation.

Give to our people a determination to strive for unity, a desire to live with good will and a dedication to seek the highest good of our country.

Deliver us from differences which divide us, from meanness which leads to misery, from criticisms which corrode our relationships, and from a pettiness which reveals a poverty of spirit.

Guide us in the way we should go with the royalty of an inward happiness, the realization of a radiant faith, and the readiness to labor to keep our Nation great and strong and good.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 30, 1972:

H.R. 632. An act for the relief of the village of River Forest, Ill.;

H.R. 1974. An act for the relief of Mrs. Gloria Vazquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2076. An act for the relief of Vladimir Rodriguez LaHera;

H.R. 3227. An act for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6201. An act for the relief of Lesley Earle Byran;

H.R. 6666. An act for the relief of Maj. Michael M. Mills, U.S. Air Force.

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 7641. An act for the relief of Chung Chi Lee;

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936;

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial;

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the rural telephone bank to obtain funds for the supplementary financing program on favorable terms and conditions;

H.R. 15587. An act to provide for a 6-month extension of the emergency unemployment compensation program; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

On July 1, 1972:

H.R. 15390. An act to provide for a 4-month extension of the present temporary level in the public debt limitation, and for other purposes;

H.J. Res. 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes; and

H.J. Res. 1238. Joint resolution making a supplemental appropriation for disaster relief.

On July 7, 1972:

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year;

H.R. 4494. An act for the relief of Mrs. Latife Hassan Mahmoud.

H.R. 4679. An act for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena; and

H.R. 6479. An act to provide for the licensing of personnel on certain vessels.

On July 10, 1972:

H.R. 5318. An act for the relief of Mrs. Fernande M. Allen;

H.R. 8140. An act to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States;

H.R. 9410. An act to amend title V of the Social Security Act to extend for 1 year (until June 30, 1973) the period within which certain special project grants may be made thereunder;

H.R. 11774. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes;

H.R. 13188. An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard;

H.R. 13955. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15259. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

On July 13, 1972:

H.R. 14734. An act to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes;

H.R. 15507. An act to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; and

H.R. 15585. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1462. An act to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes;

H.R. 7378. An act to establish a Commission on Revision of the Judicial Circuits of the United States; and

H.R. 9936. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15586) entitled "An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. BIBLE, Mr. ANDERSON, Mr. RANDOLPH, Mr. HATFIELD, Mr. YOUNG, Mr. HRUSKA, and Mrs. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7117) entitled "An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HOLLINGS, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1497. An act to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes;

S. 2469. An act for the relief of Kenneth J. Wolff;

S. 2499. An act to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation;*

S. 2854. An act to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices; and

S. Con. Res. 73. Concurrent resolution relating to the XXVth Congress of the Interallied Confederation of Reserve Officers to be held in Washington, D.C., the week of August 7, 1972.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Friday, June 30, 1972, he did on July 1, 1972, sign enrolled bills of the House and enrolled joint resolutions of the Senate as follows:

H.R. 4679. An act for the relief of Amparo Coronada Vieuda de Pena and her three children: Yolanda Pena, Marisela Pena, and Lorenzo Pena;

H.R. 9410. An act to amend title V of the Social Security Act to extend for 1 year (until June 30, 1973) the period within which certain special project grants may be made thereunder;

H.R. 11774. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes;

H.R. 15390. An act to provide for a 4-month extension of the present temporary level in the public debt limitation, and for other purposes;

S.J. Res. 245. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; and

S.J. Res. 250. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development.

APPOINTMENT AS MEMBERS OF COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

The SPEAKER. Pursuant to the provisions of section 225(b), Public Law 90–206, the Chair appoints as members of the Commission on Executive, Legislative, and Judicial Salaries the following members from private life: Edward H. Foley, of the District of Columbia; William S. Spoelhof, of Michigan.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

SHIPMENT TO AND FROM ALASKA AT GOVERNMENT EXPENSE MOTOR VEHICLES OWNED BY MEMBERS OF THE ARMED FORCES

The Clerk called the bill (H.R. 5621) to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the Armed Forces.

There being no objection, the Clerk read the bill as follows:

H.R. 5621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2634 of title 10, United States Code, is amended by—

(1) striking out the word "or" at the end of clause (1);

(2) striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and the word "or" and

(3) adding at the end thereof a new clause as follows:

"(3) in the case of movements to and from Alaska, by commercial motor carrier via highways and the Alaska ferry system or other surface transportation between customary ports of embarkation and debarkation, if such means of transport does not exceed the cost to the United States of other authorized means."

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That section 2634(a) of title 10, United States Code, is amended by—

"(1) striking out the word 'or' at the end of clause (2);

"(2) sriking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word 'or'; and

"(3) adding at the end thereof a new clause as follows:

"'(4) in the case of movement to or from Alaska, by commercial motor carrier via highways and the Alaska ferry system or other surface transportation between customary ports of embarkation and debarkation, if such means of transport does not exceed the cost to the United States of other authorized means.'"

The committee amendment was agreed to.

Mr. BYRNE of Pennsylvania. Mr. Speaker, H.R. 5621, as amended and unanimously recommended by our Committee on Armed Services, provides to the Department of Defense the option of utilizing overland transportation and the Alaskan highway and ferry system for the purpose of moving privately owned vehicles of members of the uniformed services.

At the present time the Department is authorized to utilize for this purpose only the shipping services of American firms; ships which are owned, leased or chartered by the U.S. Government; or, when these two are not reasonably available, ships of foreign flags. The basis for these limitations has been the fact that, until recently, overland transportation costs were not competitive with sea-surface shipment costs.

Testimony revealed that overland transportation has now become competitive with shipping services currently authorized, both in terms of cost and timely service, between the customary port of embarkation and debarkation—Seattle, Wash.—and the various ports in Alaska. This bill provides the option to the Department of Defense to take advantage of this means of transportation and thus realize either a possible cost savings or, in some cases, more timely service.

Inasmuch as this bill provides that overland transportation may not be utilized if it were to cost more than the presently authorized shipping services, there will be no increase in the budgetary requirements of the Department of Defense.

Mr. Speaker, this bill neither increases nor decreases benefits to the members of the Armed Forces. But it does provide an opportunity for the Department of Defense to take advantage of cost reductions which may be available. On these grounds, I am certain the Members of the House will unanimously support its enactment.

Mr. BEGICH. Mr. Speaker, on March 4, 1971, I introduced a bill H.R. 5621 which would permit the use of overland—surface—transportation for the shipment, at the Government's expense, of motor vehicles owned by members of the Armed Forces to and from the State of Alaska. I would like to take this opportunity to thank the Honorable F. EDWARD HÉBERT, chairman, Committee on Armed Services, and the Honorable JAMES A. BYRNE, chairman of Subcommittee No. 4, for the work and effort that they and their committees have given my bill. It is before us today, and I believe it is worthy of your support.

Let me explain some of the history of this bill. Presently the law permits for the transportation of such privately owned vehicles to and from Alaska by water carriers only. This means that the water carriers serving Alaska carry on all of the military privately owned vehicle business. This excludes the possibility of shipping such vehicles on other forms of transportation which have become competitive with the water carriers and perhaps, in some cases, even more economical.

Ten or 12 years ago the transportation price differences were great. At that time the cost of surface transportation was far below that of water transportation. The taxpayers' money would have been greatly saved. Today the prices are more competitive. While no one form of transporting vehicles has a constant advantage on the market, at present, prices and services fluctuate from season to season and a full range of transportation alternatives should be available. The Department of Defense should be allowed the freedom of choice to benefit from these changes. This broadening of possibilities will give the Defense Department more flexibility in its logistical planning and possibly result in further reduction of costs because of the additional competition.

Today Alaska is readily accessible by land. The Alaska ferry system is in operation between Seattle, Wash., and various points within Alaska. Alaska also has a highway system which is better than ever before. Such services have put the motor carriers in a competitive market with the water carriers.

By passing H.R. 5621, four major objectives can be reached with regard to the transportation of these vehicles to Alaska:

First. A more open bidding process for the shipment of such vehicles can be undertaken. This will reduce the initial cost and improve the service for the transportation of privately owned vehicles by members of the armed services. With the increased competition between the various types of carriers, the cost of transporting vehicles to and from Alaska may be reduced significantly.

Second. The military departments will have greatly increased flexibility in their contracting authority for such shipment. This can only lead to faster, more efficient service. The benefits of such improvements will be felt by the servicemen receiving their vehicles and the taxpayers whose money is being saved.

Third. The taxpayer will benefit from the resultant savings. The long-run savings seem to be great. The prices with the added competition can only decrease and the taxpayers will continue, years from now, to save their dollars.

Fourth. Greater speed and convenience will result for the servicemen whose vehicles will be shipped.

The benefits that this bill will provide may seem small but they are considerable to the servicemen involved, to the Department of Defense, and to the people of Alaska. Better transportation of motor vehicles between Alaska and the "lower 48" means a great deal to those individuals whose vehicles are being shipped. The House should not hesitate to approve this bill. I urge your support.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL 30-DAY LEAVE FOR MEMBERS OF UNIFORMED SERVICES WHO VOLUNTARILY EXTEND TOUR OF DUTY IN HOSTILE FIRE AREAS

The Clerk called the bill (H.R. 14537) to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

There being no objection, the Clerk read the bill as follows:

H.R. 14537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703(b) of title 10, United States Code, is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

Mr. PRICE of Illinois. Mr. Speaker, H.R. 14537 is a bill to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

The current law was first enacted on November 2, 1966, and expired on June 30, 1968. It has twice been extended. As the law stood, individuals committing their services for at least 6 additional months in a hostile fire area were granted a net period of 30 days special leave at selected locations with transportation at Government expense. The law expired on June 30, 1972.

Were it not for this law, any leave, including traveltime granted under such a program, would be chargeable to the individual's leave account, and transportation could be furnished only on a space-available basis.

As you know, the normal tour of duty in Vietnam for military personnel has been 12 months. From the standpoint of stability and continuity, a 12-month tour is less than ideal. Nevertheless, the Department of Defense has concluded that any involuntary increase in the tour length would be inequitable and would affect morale adversely. It is the belief of the Department of Defense that a number of dedicated individuals would continue to volunteer to serve longer than the required period of service in Vietnam if the period could be broken into reasonable segments.

Although force levels in Vietnam have been reduced considerably, this program would continue to provide extensions of such personnel in lieu of replacements. The commander, Military Assistance Command, Vietnam, has indicated that he desires continuation of this program as long as the U.S. forces remain in Vietnam. In this regard, even with levels reduced to 49,000 on July 1, 1972, approximately 4,000 replacements per month will be required to maintain this force level.

The cumulative effect of the longer in-country service of those who extend their tours of duty has some impact on the requirement for replacements and, hence, results in some savings to offset the transportation costs. The relative value of continuing the authority, however, is not in monetary savings that might be achieved, but, rather, in effectiveness attained through the continuity of service in Vietnam of area-oriented, trained, experienced, motivated personnel.

Mr. Speaker, the members of the committee were unanimous in their approval of this bill.

I urge the support of each and every Member.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCENTIVE PAY TO MEMBERS OF UNIFORMED SERVICES FOR HOSPITALIZATION AND REHABILITATION AFTER TERMINATION OF MISSING STATUS

The Clerk called the bill (H.R. 14909) to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status.

There being no objection, the Clerk read the bill as follows:

H.R. 14909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552(a) of title 37, United States Code, is amended to read as follows:

"(a) A member of a uniformed service who is on active duty or performing inactive-duty training, and who is in a missing status, is—

"(1) for the period he is in that status, entitled to receive or have credited to his account the same pay and allowances, as defined in this chapter, to which he was entitled at the beginning of that period or may thereafter become entitled; and

"(2) for the period required for his hospitalization and rehabilitation after termination of that status, under regulations prescribed by the Secretaries concerned, with respect to incentive pay, considered to have satisfied the requirements of section 301 of this title so as to entitle him to a continuance of that pay.

However, a member who is performing full-time training duty or other full-time duty without pay, or inactive-duty training with or without pay, is entitled to the pay and allowances to which he would have been entitled if he had been on active duty with pay."

Mr. BYRNE of Pennsylvania. Mr. Speaker, this is a very simple bill which is designed to assure that the income of POW families is not reduced after the POW returns if he requires hospitalization or rehabilitation.

The bill continues the payment of incentive pay for hazardous duty to servicemen who have been in a missing status for a period of hospitalization or rehabilitation following return from missing status.

Present law continues incentive pay while a man is in a missing status. But the entitlement ceases when the missing status is terminated.

Now what we are thinking of in this bill, of course, are the American POW's held for such tragically long periods in Southeast Asia. Our POW's have averaged more than 5 years in missing or imprisoned status, and some have been prisoners as long as 8 and 9 years.

Obviously, many will require extended hospitalization and rehabilitation on return.

Many of these men receive incentive pay—most for flight duty. If that pay is terminated when they return, family income would be reduced during the difficult period of adjustment while the men are undergoing hospitalization or rehabilitation. This bill will prevent that.

The bill will result in no increase in budgetary requirement.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOVEMENTS AT GOVERNMENT EXPENSE FOR DEPENDENTS OF MEMBERS OF ARMED FORCES IN A MISSING STATUS

The Clerk called the bill (H.R. 14915) to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than 1 year.

There being no objection, the Clerk read the bill as follows:

H.R. 14915

Be it enacted by the Senate and House of Representatives or the United States of America in Congress assembled, That, chapter 10 of title 37, United States Code, is amended as follows:

(1) The catchline of section 554 and the corresponding item in the analysis for that section are each amended by inserting "trailers; additional movements;" after "household and personal effects".

(2) Section 554(a) is amended by adding the following at the end: "Under regulations prescribed by the Secretaries concerned, and in place of the transportation of household and personal effects, a dependent, who would otherwise be entitled to transportation of household and personal effects under this section, may transport a house trailer or mobile dwelling within and between the areas specified in section 409 of this title for use as a residence by one of the following means—

"(1) transport it and be reimbursed by the United States;

"(2) deliver it to an agent of the United States for transportation by the United States or by commercial means; or

"(3) have it transported by commercial means and be reimbursed by the United States.

If a trailer or dwelling is transported under clause (2) or (3) of this subsection, that transportation may include one privately owned motor vehicle which may be shipped at United States expense. Transportation, and incidental costs, authorized by this section shall be at United States expense without any cost limitation, and any payment authorized may be made in advance of the transportation concerned."

(3) Section 554(b) is amended by adding the following at the end: "In addition, he may authorize additional movements of, and prescribe transportation for, the dependents and household and personal effects, or the dependents and house trailer or mobile dwelling, of a member who is officially reported as absent for a period of more than one year in a missing status."

With the following committee amendment:

On page 2, line 2, strike the period immediately following the word "effects" and insert a semicolon in lieu thereof.

The committee amendment was agreed to.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the bill, H.R. 14915, provides for additional movement at Government expense of the dependents, household goods and personal effects of members of the armed services who are in a missing status. Included in the definition of "missing" are both prisoners of war and men who are missing in action.

Under existing law one movement at Government expense of the dependents and household goods of such members is authorized. Testimony from both Department of Defense officials and representatives of some of the families of prisoners and missing in Southeast Asia revealed that in some cases the initial decisions of such families, made during the understandably traumatic period immediately following notification of the missing status of ther husbands, have proven to be less than desirable. In addition, recognizing the unfortunate fact that some men have been in a missing or captured status for over 8 years, family circumstances may have changed considerably and an additional movement may well have become necessary. This bill would authorize such additional movements at the discretion of the Secretary concerned after consideration of individual requests on a case-by-case basis.

In addition, this bill provides for the movement at Government expense of trailers or mobile homes of servicemen carried in a missing status. There is currently no statutory authority for this purpose. The bill places the burden for the costs associated with such movements entirely upon the Government. This differs from present law pertaining to the movements of trailers or mobile homes of service members under permanent change of station orders in which cases Government liability for costs is somewhat limited. Testimony indicated that, on the average, military families who move mobile homes pay approximately $243 out of their own pockets due to this limited liability. In the case of families of missing servicemen, the bill provides for Government reimbursement for all costs associated with the movement of mobile homes.

Mr. Speaker, as of July 1, 1972, there were a total of 1,757 members of the armed services who were being carried on the rolls in a missing status. These members have a total of 1,120 families who will be eligible for the benefits afforded by this bill. However, according to Defense estimates, only about one-tenth of that number are expected to take advantage of these benefits—not counting those who might desire to take advantage of the mobile home provisions.

There are no estimates as to how many there might be in this category, but they are believed to be few in number. The Department of Defense has indicated that this bill would require no increase to its budgetary requirements.

The Department supports this bill and the Office of Management and Budget has interposed no objection to its consideration. Your Committee on Armed Services unanimously endorsed enactment of this bill and I urge my colleagues to do likewise.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF ADDITIONAL PERSONS TO THE SERVICE ACADEMIES

The Clerk called the bill (S. 2945) to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies.

There being no objection, the Clerk read the bill as follows:

S. 2945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10 of the United States Code is amended as follows:

(1) Section 4342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, and sons of members who are in a 'missing status' as defined in section 551(2) of title 37."

(2) Section 6954(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, and sons of members who are in a 'missing status' as defined in section 551(2) of title 37."

(3) Section 9342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, and sons of members who are in a 'missing status' as defined in section 551(2) of title 37."

With the following committee amendment:

Strike everything after the enacting clause and substitute the following:

That title 10 of the United States Code is amended as follows:

(1) Section 4342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

(2) Section 6954(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

(3) Section 9342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL CROP INSURANCE FOR FARMERS UNDER AGE 21

The Clerk called the bill (S. 1139) to amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under 21 years of age to obtain insurance coverage under such act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to inquire whether or not the Federal crop insurance program is now universally applicable throughout the continental United States, including Hawaii and Alaska; or, whether it is still a "pilot project" limited to selected counties throughout the United States?

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Texas.

Mr. POAGE. It is neither. It is a permanent program, but it is not available in every county in the United States. Certain types of insurance are available in some areas. Certain other types are available in other areas. In a good many counties no insurance at all is available.

It is available only in those areas where there is enough business and experience to determine the rates, to make the Federal agency feel that it can maintain a program in those areas.

Mr. HALL. Then, Mr. Speaker, I would presume that where in the crops of 18- to 21-year-olds are determined by the agency to be adequate and sufficient to bring a good return, this will be made equally applicable so far as Federal crop insurance in those areas is concerned. I know it had been permanentized. Actually, I favor the program. It has been very successful in southwest Missouri and is not duplicative.

Mr. POAGE. That is right; and that is all this bill does.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

S. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congresss assembled, That the Federal Crop Insurance Act, as amended (7 U.S.C. 1501–1519), is amended by adding at the end thereof a new section as follows:

"PERSONS UNDER TWENTY-ONE YEARS OF AGE

"SEC. 520. Notwithstanding any other provision of law, no person shall be denied insurance under this Act solely on the ground that he is under twenty-one years of age if such person is (1) over eighteen years of age, and (2) has a bona fide insurable interest in a crop as an owner-operator, landlord, tenant or sharecropper: *Provided,* That any such person who enters into a Federal Crop Insurance contract shall be subject to the same legal liability and have the same legal rights with respect to such contract as any person over the age of twenty-one years."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMINENT DOMAIN POOL ALLOTMENTS

The Clerk called the bill (S. 1545) to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain.

There being no objection, the Clerk read the bill as follows:

S. 1545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 378(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the material preceding the proviso and inserting in lieu thereof the following: "Upon application to the county committee, within three years after the date of such displacement, any owner so displaced shall be entitled to have allotments established for other farms owned by him, taking into consideration the land, labor, and equipment available on such other farms for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity:".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADDITIONAL PAY FOR PERMANENT PROFESSORS AT SERVICE ACADEMIES

The Clerk called the bill (H.R. 15679) to amend section 203 of title 37, United States Code, to provide additional pay for permanent professors at the U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, and U.S. Coast Guard Academy.

There being no objection, the Clerk read the bill as follows:

H.R. 15679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section

203(b) of title 37, United States Code, is amended to read as follows:

"(b) While serving as a permanent professor at the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, or as a member of the permanent commissioned teaching staff at the United States Coast Guard Academy, an officer is, in addition to the pay and allowance to which he is otherwise entitled under this title, entitled to—

"(1) in the case of an officer who has over 31, but less than 36, years of service computed under section 205 of this title, additional pay in the amount of $250 a month; or

"(2) in the case of an officer who has over 36 years of service computed under section 205 of this title, additional pay in the amount of $500 a month.

This additional pay may not be used in the computation of retired pay.".

Mr. BENNETT. Mr. Speaker, this legislation was referred to the committee originally for the purpose of providing additional longevity increases for permanent professors of the U.S. Military Academy and for the Air Force Academy, who are regular military members in uniform. Since the Coast Guard Academy has a permanent military teaching staff, and is currently included in the provisions of title 37, uniformity requires including that service in this measure. Finally, although the Navy's permanent teaching staff is composed of civilians, the Naval Academy was added during the markup, should the Navy have occasion to utilize permanent military professors in the future.

The professors involved in this bill are those with 31 years of military service who would receive $250 extra pay per month, and those with 36 years of military service would receive $500 additional pay per month. Such pay would not be included for retirement purposes.

By statute, uniformed professors now receive the pay and allowances of the officers of their rank but are taken off the regular promotion list. They are appointed by the President, by and with the advice and consent of the Senate, and are subject to special promotion process not to exceed the grade of colonel/captain except for the academic dean at West Point and at the Air Force Academy, who may reach the rank of brigadier general. Because of restrictions on promotion, and to place them in favorable comparative pay scales with their civilian contemporaries, we have unanimously reported this bill to the committee for its approval.

Under present pay scales, a colonel reaches his maximum pay at 26 years of service, which is:

Base pay	$23,198
Quarters	3,096
Subsistence	574
Total	26,868

This is the total figure for 10 years until he reaches his 36th year, at which point he would receive an added $250 per month by special statutory provision. Under this bill, the uniformed professor would receive an added $250 per month or $3,000 a year at the 31st year of service, for a total of about $30,000 per annum and at his 36th year, another $3,000 per year, for a total of about $33,000. These figures are at, or sometimes below, what the senior faculty members at comparable civilian institutions are receiving. The costs will be absorbed and are generally on the order of about $28,000 to $56,000 a year, affecting seven to 10 professors per year over the next few years.

As you can see, these costs are minimal and will do much to assist in maintaining the top faculty billets at the Academies.

Mr. Speaker, we strongly recommend passage of this bill.

Mr. BOB WILSON. Mr. Speaker, during the course of the hearings on this bill, it was established that the contemporaries of military professors at civilian institutions receive considerably higher per annum income for comparative rank in the academic community. For example, one study indicated that the annual income of a military professor who is head of an academic department is at least 11 percent, and more reasonably 26 percent, less than that of his civilian counterpart.

The permanent professors at the U.S. Military Academy and the U.S. Air Force Academy, as well as members of the permanent military teaching staff of the U.S. Coast Guard Academy, are covered by special statutory provisions in titles 10, 14, and 37 of the United States Code. Specifically, these officers are subject to separate appointment provisions by virtue of their permanent status at the academies, and are taken off the regular promotion lists; thus, at West Point and the Air Force Academy, they may not advance beyond the grade of colonel except for one appointment at each service academy to the office of dean, which carries with it the rank of brigadier general. At the Coast Guard Academy, by law a member of the permanent military teaching staff may not advance beyond the grade of captain. The mandatory retirement age is set at 64 years at all three institutions, which means that the permanent professors may pass well beyond 30 years of service prior to retirement. Under present pay legislation, the professor who reaches 36 years of military service receives $250 extra pay per month, and such pay is not included for retirement purposes.

Since this measure addressed itself to the senior military professors—that is, those who have reached 31 years of military service and those who have reached 36 years of military service—the professors affected fall within the top 5 percent of the professors at the service academies. By adding $3,000 a year to the annual pay of the professor who reaches 31 years of military service, his income would be increased to approximately $30,000 yearly. By adding $500 to the senior professor who has reached his 36th year of service, his annual income would amount to approximately $33,000. This result would approximate more closely the income of the more senior professors in civilian institutions. As will be noted from the fiscal data contained in this report, this bill would affect some eight to 10 professors per year over the next few years and should offer encouragement for ranking military professors to remain at the academies throughout their teaching careers.

Mr. Speaker, during the course of our hearings on this measure, I became convinced of the validity of its purpose and I urge its passage today.

Mr. KING. Mr. Speaker, by existing law, there is authority for 22 permanent professors at the U.S. Military Academy and 22 professors at the U.S. Air Force Academy, including the deans of the faculty at each institution. At the U.S. Coast Guard Academy, the permanent commissioned teaching staff consists of professors "in such numbers as the needs of the service require." As you have heard, the permanent teaching staff at the U.S. Naval Academy is composed of civilians, but the Naval Academy was included in this legislation to provide for entitlement of any permanent military professors who may be appointed in the future.

At the present time, the pay and allowances for senior professors at the service academies are well below comparable salaries in the private sector. Under current pay scales, a colonel/captain reaches his maximum pay at 26 years of services.

The provisions of this bill would increase the annual income of professors reaching 31 years of military service by $3,000 per annum and increase the annual income of professors reaching 36 years of military service by $6,000 per annum. Accordingly, the academies would hope to retain their senior military professors to the maximum possible extent in all continuing competition for high-quality professionals in the academic community.

No additional funds are required by the Department of Defense or the Department of Transportation for the Coast Guard for this year or ensuing years. The financing would be absorbed within existing available resources. Taking into account the number of professors of all academies who would be eligible year by year, and those who would be retiring, the additional costs over the next 5 years would be as follows:

	Fiscal year—				
	1973	1974	1975	1976	1977
U.S. Military Academy	$21,250	$24,250	$25,250	$33,250	$33,250
U.S. Air Force Academy	3,750	9,000	9,000	12,250	19,750
U.S. Coast Guard Academy	3,000	3,000	3,000	3,000	3,000
Total	28,000	36,250	37,250	48,750	56,000

Mr. Speaker, my experience on the Board of Visitors at West Point has convinced me that this legislation is necessary to maintain a high caliber, permanent staff and I urge its passage today.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF NICKEL FROM THE NATIONAL STOCKPILE

The Clerk called the bill (S. 3086) to authorize the disposal of nickel from the national stockpile.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. **HALL.** Mr. Speaker, reserving the right to object, I understand this bill and I have read the report in detail.

The only point I should like to raise, Mr. Speaker, is whether or not, in fact, the determination by the Office of Emergency Preparedness is worthwhile—and by "worthwhile," Mr. Speaker, I mean carefully determined, with proper judgment and complete possession of all factors—when they say that our objective in this particular stockpile of nickel is "zero" and at the present time, therefore, any is in excess?

Certainly nickel is one of the components of critical alloys of steel, and we have frittered away, given away or through a technical process gotten into the Department of State position, Mr. Speaker, where we are importing many of our alloys of steel for use in the United States.

In line with the fear of some of us that we are becoming a nonproductive nation and think we can live on service alone and procure everything from abroad, where there is more favorable production cost; I wonder if in fact we do have a nickel objective of zero?

I am glad to yield to my friend from Florida, the chairman of the subcommittee, for the purpose of an answer.

Mr. **BENNETT.** Mr. Speaker, projected safe supplies of nickel in an emergency period now exceed requirements by a wide margin. In Canada, all three major suppliers, International Nickel, Falconbridge, and Sherritt-Gordon, have greatly expanded production in the last few years and have considerable potential for further expansion. Increasing amounts of nickel are being imported from New Caledonia and Australia. Future U.S. import sources of nickel also include countries in Latin America, Indonesia, and Africa.

As you know, the stockpile is not based entirely on the amount of nickel or any other product that is available in the United States per se. Reliance is had on these nations which are expected to be and hoped to be friendly from the standpoint of commerce in the future. This is the same criterion that we laid down for everyone. If we changed it, we would have to do it for all bills. It is the judgment of the authorities in the administration, including the military, that this is a wise and safe margin which we have. That is the evidence we have, and we have no evidence to the contrary. Nobody spoke in opposition to the bill.

Mr. Speaker, as of May 31, 1972, the total inventory of nickel held by General Services Administration was approximately 38,876 short tons, all of which is excess.

On February 9, 1971, the Office of Emergency Preparedness revised the nickel objective to zero, thus determining that this quantity is excess to stockpile needs.

The average acquisition cost of stockpile nickel was $1,181.34 per short ton. The current estimated market price for standard, commercial type nickel is $2,660 per short ton.

The nickel authorized for disposal under this proposed legislation will be transferred to the U.S. Mint for their use in the production of coinage.

This material has been in the stockpile for a period of 9 to 15 years.

The annual storage cost is $44,000.

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 38,876 short tons of nickel from the national stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW—NATIONAL STOCKPILE

Under section 2 of the Strategic and Critical Materials Stock Piling Act—50 U.S.C. 98a—the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

SUPPLEMENTAL STOCKPILE

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954—68 Stat. 456—provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

DISPOSALS FROM THE NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of nickel is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act—50 U.S.C. 98b—with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of nickel upon enactment of S. 3086.

NICKEL

Nickel is a hard, silver-white, ductile metal having high resistance to corrosion and abrasion. It is used as an alloy to strengthen and harden steel and other metals. Its major use is as an alloy in steel, especially in the production of stainless steel, high-temperature alloys and monel metal. The material is essential in the production of jet engines, aircraft frames, armor plate, magnets, and electroplating.

The principal import sources for nickel are Canada and Norway.

METHOD OF DISPOSAL

The method of disposal is set forth in section 2 of the bill and provides that, unless otherwise authorized by law, disposals may be made only after publicly advertising for bids, except when: First, the material is transferred to a Federal agency, second, the Administrator of General Services determines that other methods of disposition are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets, or third, sales are made pursuant to requests received from other Federal agencies in furtherance of authorized program objectives of such agencies.

In this instance, the General Services Administration has advised that the entire amount of nickel will be transferred to the U.S. Mint for their use in the production of coinage.

The disposal of nickel to the Bureau of the Mint, Department of the Treasury, will result in increasing budget receipts of General Services Administration in the amount of the value of such transferred nickel. The coinage metal fund, through which the Bureau of the Mint obtains coinage meal, includes as an asset of the fund the monetary value of such metals. Consequently, the acquisition of coinage metal is treated as an exchange of cash for an asset of equivalent value with no effect on the balance of the fund or on budget expenditures of the Treasury Department.

PERIODIC REVIEW OF PROGRAM

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

PRODUCTION AND CONSUMPTION

U.S. mine production of nickel in 1971 amounted to 17,036 short tons. U.S. consumption of nickel was 128,806 tons in 1971. U.S. imports of nickel (metal content) were 142,083 short tons in 1971. Principal import sources for metal are Canada, 82 percent; Norway, 8 percent; and other, 10 percent.

U.S. exports—including scrap-gross weight—for 1971 were 26,143 short tons.

FISCAL DATA

The enactment of this legislation will result in no additional cost to the Federal Government. The disposal of nickel to the Bureau of the Mint, Department of the Treasury, will result in increasing budget receipts of General Services Administration in the amount of the value of such transferred nickel.

Mr. HALL. Mr. Speaker, the gentleman argues persuasively, as always, and obviously he has done his homework. I only asked the question because I used to serve on the committee that the gentleman now chairs. I believe that the first 6 years I was in the Congress I served on that subcommittee.

During that time the same Office of Emergency Preparedness determined that the objective on the stockpile of lead was also zero. We raised considerable question at that time, and it involved an exchange between Mexico and Canada and led to these prearrangements. Since, a stockpile quota a short-tons has been reestablished.

I full well understand the gentlemen's remarks that we do have obligations to our sister nations of the world and we must trade and exchange with them. Actually, what he is saying, though, is insofar as the critical alloys of steels are concerned we are by this determination going on complete dependence of other nations across our borders and overseas.

Mr. BENNETT. That is certainly true as to some products in the stockpile.

Mr. HALL. I would hope the distinguished gentleman from Florida and his subcommittee will maintain active jurisdiction and surveillance in this area, not only with regard to the Office of Emergency Preparedness but with the General Services Administration, which disposes of these items. They do a good job of disposing without upsetting prices on the market, and so forth—in order to allow our consumers and manufacturers the necessities. In this case the United States mints will receive the "surplus" nickel nickles in order to have and to mint nickel-clad money with which to operate. I hope they maintain active surveillance and supervision over the three stockpiles, to see that we keep some of the critical alloys of steel available at all times in our stockpiles regardless of the determination made either by computers or so-called stockpile experts, some of whom by appointment have become overnight experts in their field, although not in truth over and above that of the gentleman and his subcommittee.

Mr. BENNETT. We will dedicate ourselves to the purpose of careful surveillance.

Mr. ASPINALL. Will the gentleman from Missouri yield to me?

Mr. HALL. I am delighted to yield to the gentleman from Colorado, the chairman of the Committee on Interior and Insular Affairs and the chairman of the objectors on the majority side.

Mr. ASPINALL. Mr. Speaker, I want to thank my friend from Missouri for taking the time he has taken, and I wish to associate myself with the remarks he has made in this particular matter.

I will state here today we have two instances, one where it is felt the requirements are nil and we produce nothing in this country as far as adding to the nickel requirements are concerned. In the other we are dealing with the question of lead where requirements are not nil. However, the question of what this will do to the market and to the domestic industry of lead is particularly at stake here.

I wish to commend my friend from Missouri.

Mr. HALL. Mr. Speaker, I want to thank my distinguished friend, the gentleman from Colorado, for his comments on this matter, and to say that I know that the gentleman from Colorado is well aware of this situation.

Mr. Speaker, at the present time there has been testimony received by the subcommittee of the Committee on Appropriations dealing with critical supplies and defense materiels, and I have had the advantage of reading some of that testimony as well as the report put out by the subcommittee, and it "shivers my timbers" to think that we have an agency of our Government that says that we have a stockpile objective of "zero" for nickel, and then to hear the statement that we can always obtain it from our friendly neighbors with whom we engage in favored-nations trade when we are at the same time importing all of our critical steel alloys which are the result of our technical breakthroughs, magnanimously given away, and which are needed so badly if we are to maintain supremacy in technical development, engineering development, and actual production of phototypes that we will certainly need in the future.

Mr. Speaker, I shall not object to this particular bill on the basis of the answer given to me by the gentleman from Florida (Mr. BENNETT) and I, therefore, withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

S. 3086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately thirty-eight thousand eight hundred and seventy-six short tons of nickel now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to any agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSAL OF LEAD FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

The Clerk called the bill (S. 764) to authorize the disposal of lead from the national stockpile and the supplemental stockpile.

There being no objection, the Clerk read the bill as follows:

S. 764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four hundred ninety eight thousand short tons of lead now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, as of May 30, 1972, the total inventory of lead held by General Services Administration was approximately 1,118,876 short tons. The present stockpile objective, established December 3, 1969, is 530,000 short tons.

General Services Administration has currently available for sale approximately 81,000 short tons. About 15,000 short tons of this is for direct use by the Government and was authorized by Public Law 89–9. Approximately 66,000 short tons are available for commercial sale under Public Law 91–46. The additional excess of approximately 498,000 short tons, is covered by S. 764.

The average acquisition cost of the lead in the national and supplemental stockpiles was $289 per short ton. The current published market price for standard, commercial type lead rances between $310 and $320 per short ton. This material has been in the stockpile for a period of 8 to 24 years. The annual storage cost is $54,780.

PURPOSE OF THE BILL

The legislation would provide Congressional approval of the disposition of approximately 498,000 short tons of lead from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

NATIONAL STOCKPILE

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

SUPPLEMENTAL STOCKPILE

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

DISPOSALS FROM THE NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of lead is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of lead upon enactment of S. 764.

LEAD

Lead is the heaviest and the softest of the common metals. Its surface oxidizes easily, but is then resistant to corrosion. Many of its uses depend on its noncorrosion properties. It is also a poor conductor of electricity, X-rays, and gamma rays. It becomes hard and brittle on repeated melting due to the formation of oxides. The tensile strength of lead is low, but it is very malleable. Lead and its components are highly poisonous. The principal grades of pig lead marketed are: Corroding lead, 99.99 percent pure, is used in producing white lead and battery oxides; chemical lead, 99.92 percent pure with some silver and copper, is used for storage batteries, cable coverings, pipes, and sheet; desilvered lead, 99.85 percent pure, is used in cables, solder and shot; common lead 99.73 percent pure; and work lead from the blast furnaces before the silver is extracted.

Lead is used in storage batteries, cable coverings, ammunition, gasoline additives, pigments, and solder.

Sources: Canada, Australia, Peru, Honduras, Mexico, and the Republic of South Africa.

METHOD OF DISPOSAL

The General Services Administration proposes to make the lead available: For sale; for transfer to agencies of the U.S. Government; or to the extent authorized by law, as payments for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

RATE OF DISPOSAL

GSA proposes to make the 498,000 short tons of excess lead available for commercial sale over a period of years. The quantities and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of this material required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

PERIODIC REVIEW OF PROGRAM

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

PRODUCTION AND CONSUMPTION

World mine production of lead (metal content) totaled 3,673,377 short tons in 1971, of which the U.S. accounted for 573,377 short tons. U.S. refinery output of primary lead was 669,731 short tons in 1971.

Domestic consumption of metal was 1,392,400 short tons in 1971, compared with 1,360,552 short tons in 1970. In 1971 imports for consumption of lead ores totaled 88,288 short tons and pigs and bars, 192,571 short tons. Import sources for ores in 1971 were Canada 41 percent; Australia 13 percent; Peru 23 percent; Honduras 21 percent; and other countries 2 percent; for pigs and bars, Australia 22 percent; Mexico 15 percent; Peru 19 percent; Canada 30 percent; and other countries 14 percent.

Exports (including scraps), for 1971 was 15,498 short tons.

FISCAL DATA

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the lead now held in the national stockpile and the supplemental stockpile.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the armed services bills just passed.

The SPEAKER. Is there objection to

the request of the gentleman from Florida?

There was no objection.

THE AGNES RECOVERY ACT OF 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–324)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

Tropical Storm Agnes has caused unparalleled destruction in many areas of the eastern United States. More than 128,000 homes and businesses have been damaged or destroyed, and whole communities have been dealt a heavy blow. The losses to so many individuals cannot be measured only in terms of destruction of property and belongings; they must also be counted in terms of loss of jobs, disruption of families, personal privation, and anxiety about the future. In the whole history of our Nation, we have not before encountered such massive destruction over so widespread an area as a result of natural disaster.

Individuals, private groups and governments have responded magnificently to this calamity in the finest tradition of neighbor helping neighbors. The stamina, the courage and the spirit to fight back and recover are already evident throughout the devastated areas. My statement of July 12, 1972 summarized these impressive efforts. I also pointed out at that time, however, that an unparalleled disaster requires extraordinary measures to help in recovery. I announced my intention to recommend to the Congress supplementary and massive measures aimed at short- and long-term recovery. I herewith transmit those recommendations, and the proposed legislation to carry them out.

My proposals are in three parts.

First, I proposed the Agnes Recovery Act of 1972. This measure deals with disaster loans for homeowners, farmers, and businessmen. Because of the unprecedented scope of the destruction, unprecedented measures to deal with it are required. Under the provisions of this proposal, disaster loans for Agnes victims would be changed from present law in the following ways:

—The maximum amount of principal which can be cancelled or forgiven would be increased from $2,500 to $5,000 on loans made by the Small Business Administration or the Farmers Home Administration.

—The forgiveness feature would be applicable to the first dollar of a loan rather than after the repayment of the first $500 of principal as is now the case.

—The interest rate on the loans would be dropped to 1 percent instead of its current rate of 5⅛ percent.

This liberalized assistance to individual homeowners and small businessmen can mean the difference between recovery and bankruptcy or ruin. The situation is urgent. Individual people are now making decisions on whether to rebuild or not. While my proposal would apply retroactively to all victims of Agnes, it is important to them to know now the terms of assistance which will be available to them.

Therefore, I call on the Congress to respond to this emergency by acting on the Agnes Recovery Act so that it can become law within one week.

Second, I recommend supplemental appropriations totaling $1,569,800,000 for this emergency, the largest single request of its kind in our history. The vast majority of these funds would be used for disaster loans, with $1.3 billion for the Small Business Administration and $1.8 million for the Farmers Home Administration. The SBA funds would be used to provide loans for homeowners and small businessmen in disaster areas whose property has been damaged or destroyed. The FHA funds would provide sufficient personnel to process expeditiously loan requests in rural areas, for which adequate loan funds now exist. Also included in my supplemental request are:

—An additional $200 million for the President's Disaster Relief Fund, to speed repair and reconstruction of public facilities and to provide temporary housing, food and unemployment compensation.

—$40 million for the Economic Development Administration, $16 million for the Appalachian Regional Commission and $12 million for the Corps of Engineers, all to assist in the recovery of damaged communities. The funds for the Corps of Engineers would go toward flood control projects in the Susquehanna River Basin.

Third, I recommend that the existing authorization for appropriations for highway emergency relief be increased by $200 million. Current authority limits amounts to $50 million per year, which is clearly not adequate to cope with a disaster of this magnitude.

I urge that the Congress also act promptly on these second and third proposals.

The Federal Government must act quickly and decisively to do its part in providing relief and aiding recovery in a cooperative effort with the States and communities struck by Agnes. We can do no less. I am confident that the Congress will share this view.

RICHARD NIXON.

THE WHITE HOUSE, *July 17, 1972.*

APPOINTMENT OF CONFEREES ON H.R. 12350, ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964 and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, PUCINSKI, HAWKINS, WILLIAM D. FORD, Mrs. MINK, and Messrs. MEEDS, QUIE, ERLENBORN, STEIGER of Wisconsin, and RUTH.

EXTENDING FOR 90 DAYS TIME FOR COMMENCING ACTIONS ON BEHALF OF AN INDIAN TRIBE, BAND, OR GROUP

Mr. UDALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15869) to extend for 90 days the time for commencing actions on behalf of an Indian tribe, band, or group.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. HALL. Mr. Speaker, reserving the right to object, I do not have a copy of the bill available, and, from the reading of the title and the preamble, it is difficult to know whether this has been available under the Reorganization Act of 1970, the requisite 3 days or not.

I wonder, if I would yield, if the gentleman proposing the legislation would explain the document room situation and/or whether the waiver involves the Reorganization Act or not, and if so the necessity for this urgent procedure.

I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

Let me say, the presentation of this bill violates every rule of orderly procedure. The bill has not been available for more than 25 minutes, when it was introduced at the time the House convened.

This is an emergency and the situation very briefly is this.

Six years ago a bill was passed permitting the Federal Government to bring claims against State governments and against private individuals on behalf of Indians.

This bill, or this act rather, had a statute of limitations of 6 years and that 6-year statute of limitations will expire tonight at midnight unless some kind of extension is arranged.

This bill was in the Judiciary Committee because of a delayed report downtown. It was overlooked. No one noted it until we were getting ready to leave for this little friendly vacation that some of us had in Miami last week, and I arrived back this morning to be told that unless action were taken today in the House and in the Seante, and signed by the President, that American Indians would lose some very, very valuable rights.

So what the bill does is simply to extend the statute by 90 days. This will give us until October for the Judiciary Committee to consider this matter and to come out with some longer extension, if that is indicated after their deliberations. It is a stopgap, hold the line for 90 days, to preserve the very valuable rights of American Indians which will be lost if we do not act today.

Mr. HALL. Mr. Speaker, I certainly appreciate the gentleman from Arizona's forthrightness and candor in his opening statement, and I must say that I observed him performing as in an Indian rain dance on the question that he, himself, brings up re a recent convention, doubtless seeking largess from heaven, or something else that is completely nonunderstandable to most of the viewing public.

But be that as it may——

Mr. UDALL. We tried to put it off until the gentleman was in bed.

Mr. HALL. Is it his responsibility to see that this is brought up before the legislation and the existing statute lapse. Ordinarily I believe this would be in the Committee on the Judiciary; is that not correct?

Mr. UDALL. It is a Judiciary Committee bill. Because I was one of the original sponsors of the legislation, I was asked to see if I could not put together an effort here today to get this 90-day extension passed; but the bill will be referred to the Judiciary Committee, I understand.

Mr. HALL. Mr. Speaker, if the gentleman from Arizona would answer further, I know that committee has been negligent and tardy, but is he certain of his facts that there are many unsettled claims still resulting with our Indian tribes? It would seem to me that with the general legislation we have passed, plus the innumerable bills that come up for adjustment, for settling claims, or for the paying out of claims that have been found under the courts and others—and in fact we have been informed by the chairman of the subcommittee of the Committee on Interior and Insular Affairs—that most of these Indian adjustments and claims bills have been settled or will be during the year. Is this legislation therefore necessary?

Mr. UDALL. Let me correct the gentleman on a misapprehension the gentleman from Missouri may have. There are different kinds of Indian claims bills. The ones that the Congress has been concerned with are claims of Indian tribes against the United States. This has nothing to do with that kind of claim. This bill has to do with claims which American Indians have against private individuals or against State governments, and the old legislation authorizes the Federal Government on behalf of the Indians to prosecute these claims, and it is these kinds of claims which will expire tonight.

Mr. HALL. Mr. Speaker, I do not want to prolong this. As I understand it, the gentleman from Arizona says that this is being brought up in this manner requiring unanimous consent as to emergency action because it does expire tonight, but that it will extend the statute for only 90 days, during which time someone will see whether or not this is needed, in spite of the fact that the Department of the Interior has been slow in processing these claims?

Mr. UDALL. That is right.

Mr. HALL. Is it entirely possible that we will either have new substantive legislation within the 90-day period or will decide to drop the whole "can of worms" by that time?

Mr. UDALL. I personally will not be back for any extension. If the Judiciary Committee and the House do not find some merit in some substantive, long-term, permanent legislation, as far as I am concerned, this matter will be ended.

Mr. HALL. Mr. Speaker, I will be glad to yield to my friend from Iowa.

Mr. GROSS. The gentleman is extending to October 1 the provisions of the old act; is that correct?

Mar. UDALL. Yes; the extension is for 90 days, which would be October 17, I assume.

Mr. GROSS. Does the gentleman from Arizona think that the House will be in session on October 1 or October 17?

Mr. UDALL. Based upon my long experience and the counsel I have received from the gentleman from Iowa over these years, I feel quite confident that we will be here October 17.

Mr. GROSS. Based upon what happened last week in Miami, I should think the Democrats would need a lot of time to campaign rather than to go through legislative motions in Washington.

Mr. UDALL. We know the gentleman wishes us well, but Members of the House anticipate very little difficulty this year.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There being no objection, the Clerk read the bill as follows:

H.R. 15869

A bill to extend for ninety days the time for commencing actions on behalf of an Indian tribe, band, or group

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title 28 of the United States Code, section 2415, is amended as follows:

(a) The period at the end of subsection (a) shall be changed to a colon, and the following provision shall be added thereto;

"*Provided further,* That an action for money damages brought by the United States for or on behalf of a recognized tribe, band or group of American Indians shall not be barred unless the complaint is filed more than six years and ninety days after the right of action accorded."

(b) The words, "including trust or restricted Indian lands" appearing after "lands of the United States" shall be deleted from the proviso in subsection (b), the period at the end of the subsection shall be changed to a comma, and the following words shall be added thereto: "Except that such actions for or on behalf of a recognized tribe, band or group of American Indians, including actions relating to allotted trust or restricted Indian lands, may be brought within six years and ninety days after the right of action accrues."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE CAPITAL CITY'S DIRTY STREETS

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Nation's Capital City should look like one. The city is adequately financed. It has more money to spend each year than ever before, much of it from the taxpayers of the public at large. Yet there are streets, including New Jersey Avenue on which the Capitol is located, which have filth and trash, just as those in any mismanaged city in the Nation. This is hardly to be expected in the District of Columbia, yet a drive along these streets will show trash which has not been removed for months. This can indicate nothing more than sloppy management or actual mismanagement of the city sanitary department. This is not a pretty sight for the thousands of visitors who pour through the Nation's Capital City each day. At the least, the taxpayers are entitled to see clean streets and the people who live here are entitled to enjoy clean streets. If this is not important, the city government should think of sanitary considerations.

IMPOSITION OF EXPORT CONTROLS ON CATTLE HIDES SHOULD BE RECONSIDERED

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, the present administration is now engaged in repeating a serious mistake of the previous administration on a matter of grave concern to cattlemen and farmers all over the United States. The newly announced imposition of export controls on cattle hides is for the announced reason of bringing down the price on shoes.

Experience under the last administration demonstrated that the only prices that came down were on cattle hides, and that price reduction came out of the hides of the American cattlemen and farmers. There was no appreciable reduction in the price of shoes as a result of the previous administration's effort and they wisely discarded it as unsuccessful.

Today I wired the President of the United States a request that he learn from the experience of the previous administration and set aside without delay this very ill-considered order of the Secretary of Commerce in order that our cattlemen and farmers can continue to get a fair price on cattle hides.

CALL OF THE HOUSE

Mr. CHARLES H. WILSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PUCINSKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 261]

Abourezk
Alexander
Anderson, Tenn.
Andrews, Ala.
Badillo
Baring
Bergland
Bingham
Blanton
Blatnik
Bolling
Broomfield
Broyhill, N.C.
Burlison, Mo.
Caffery
Chappell
Chisholm
Clark
Clay
Colmer
Conyers
Curlin
Davis, Ga.
Delaney
Diggs
Donohue
Dow
Dowdy
Dulski
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Esch
Evins, Tenn.
Findley
Flowers
Flynt
Fountain
Fulton
Fuqua
Galifianakis
Gallagher
Goldwater
Gray
Green, Oreg.
Hagan
Halpern
Hansen, Wash.
Hébert
Henderson
Holifield
Howard
Hutchinson
Ichord
Jarman
Jonas
Jones, Ala.
Jones, Tenn.
Keith
Landrum
Link
Long, La.
McClure
McCulloch
McDonald, Mich.
McKevitt
McMillan
Macdonald, Mass.
Mayne
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minshall
Mosher
O'Konski
Passman
Patman
Pelly
Pepper
Pettis
Pirnie
Podell
Pryor, Ark.
Purcell
Rarick
Rees
Robison, N.Y.
Rousselot
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Spence
Steiger, Wis.
Stokes
Stuckey
Sullivan
Teague, Calif.
Vander Jagt
Whalley

The SPEAKER. On this rollcall 327 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 15417, DEPARTMENTS OF LABOR, HEW, AND RELATED AGENCIES APPROPRIATIONS—1973

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill—H.R. 15417—making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies for the fiscal year ending June 30, 1973, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. Flood, Natcher, Smith of Iowa, Hull, Casey of Texas, Patten, Mahon, Michel, Shriver, Conte, Robinson of Virginia, and Bow.

JUVENILE DELINQUENCY PREVENTION ACT

Mr. PUCINSKI. Mr. Speaker, I move to suspend the rules and pass the bill—H.R. 15635—to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes, as amended.

The Clerk read as follows:

H.R. 15635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled, "An Act to assist the courts, correctional systems, community agencies and primary and secondary public school systems to prevent, treat, and control juvenile delinquency; to support research and training efforts in the prevention, treatment, and control of juvenile delinquency; and for other purposes", approved July 31, 1968, is amended to read as follows: "That this Act may be cited as the 'Juvenile Delinquency Prevention Act'.

"FINDINGS AND PURPOSE

"Sec. 2. The Congress finds that delinquency among youths constitutes a national problem which can best be met by providing assistance to and encouraging the coordination of efforts by public and nonprofit private agencies engaged in preventing juvenile delinquency. It is, therefore, the purpose of this Act to help States and local communities in providing community based preventive services, including diagnosis and treatment, to youths who are in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in occupations involving the provision of such services, and to provide technical assistance in such field.

"TITLE I—PREVENTIVE SERVICES

"STATEMENT OF PURPOSE

"Sec. 101. The purpose of this title is to assist States, local educational agencies, and other public and nonprofit private agencies to establish and carry out community-based programs, including programs in schools, for the prevention of delinquency in youths.

"GRANTS

"Sec. 102. (a) The Secretary is authorized to make grants to, or contracts with, public or nonprofit private agencies to meet all or part of the cost of establishing or operating, including the cost of planning, programs designed to carry out the purposes of this title.

"(b) (1) Grants and contracts under this title may be made only upon application to the Secretary by a public or nonprofit private agency, which contains or is accompanied by satisfactory assurances that—

"(A) steps have been or will be taken toward the provision, within a reasonable period of time, of a program of coordinated youth services in the area served which will make a substantial contribution toward the prevention of delinquency of youths, including the diagnosis and treatment of youths in danger of becoming delinquent;

"(B) such applicant agency will make special efforts to assure that the services provided by the program will be available for youths with the most serious behavioral problems;

"(C) (i) such applicant agency (if it is not a local educational agency) has consulted on its application with the local educational agencies and nonprofit private schools in the area to be served and has adopted procedures to coordinate its program with related efforts being made by these agencies and schools;

"(ii) such applicant agency will provide, to the extent feasible, for coordinating, on a continuing basis, its operations with the operations of other agencies and nonprofit private organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, correction, and other basic services in the community for youths;

"(D) such applicant agency will make reasonable efforts to secure or provide any services which are necessary for diagnosing and treating youths in danger of becoming delinquent and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

"(E) maximum use will be made under the program of other Federal, State, or local resources available for the provision of such services;

"(F) local educational agencies and other public and private agencies and organizations providing youth services in the geographic area to be served by the applicant will be consulted in the formulation by the applicant of the program, taking into account the services and expertise of such agencies and organizations, and with a view to adopting such services to the better fulfillment of the purposes of this title;

"(G) in developing coordinated youth services, youth and public or private agencies, and organizations providing youth services within the geographic area to be served by the applicant will be given the opportunity to present their views to the applicant with respect to such development; and

"(H) the applicant agency will be responsible for organizing, maintaining, and facilitating accessibility to all available youth services.

"(2) Such application shall contain such information as may be necessary to carry out the purposes of this title, including—

"(A) a description of the services for youths who are in danger of becoming delinquent and which are available in the State or community;

"(B) a statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services, including local educational agencies and nonprofit private schools;

"(C) the functions and services to be included;

"(D) the procedures which will be established for protecting the rights, under Federal, State, and local law, of the recipients of youth services, and for insuring appropriate privacy with respect to records relating to such services, provided to any individual under coordinated youth services developed by the applicant;

"(E) the procedures which will be established for evaluation; and

"(F) the strategy for phasing out support under this Act and the continuance of a proven program through other means.

"USE OF FUNDS

"Sec. 103. (a) Funds paid to any agency (whether directly or through a State agency) under this title may be used for—

"(1) meeting the cost of securing or providing services designed to carry out the purposes of this title, but only to the extent and for the period reasonably necessary for the community to provide such services; and

"(2) meeting not to exceed 50 per centum of the cost of construction of community-based special purpose or innovative types of facilities which, in the judgment of the Secretary, are necessary for carrying out the purposes of this title, including community-based special purpose or innovative (A) halfway houses for youths who because of special behavioral problems have a high risk of becoming delinquent; and (B) small, residential facilities for the diagnosis and treatment of youths who are in danger of becoming delinquent. In developing plans for such facilities, due consideration shall be given to excellence of architecture and design.

"(b) No grant or contract may be made under this title with respect to any coordinated youth service system for a period of time exceeding three years, except that the Secretary may, in any case in which he determines that it would not be feasible for the coordinated youth service system to continue to function unassisted under this title, extend assistance for such additional years as he determines to be necessary..

"CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

"Sec. 104. (a) In determining whether or not to approve applications for grants or contracts under this title, the Secretary shall consider, in the State or community of the applicant—

"(1) the relative costs and effectiveness of the program in effectuating the purposes of such title;

"(2) the incidence of and rate of increase in youth offenses and juvenile delinquency;

"(3) school dropout rates;

"(4) the adequacy of existing facilities and services for carrying out the purposes of such title;

"(5) the extent of comprehensive planning in the community for carrying out the purposes of such title;

"(6) youth unemployment rates;

"(7) the extent to which proposed programs incorporate new or innovative techniques within the State or community to carry out the purposes of such title;

"(8) the extent to which the proposed programs will make effective use of the facilities and services of the appropriate local educational agencies;

"(9) the extent to which the proposed programs incorporate participation of the parents of youths who are in danger of becoming delinquent, as well as the participation of other adults who offer guidance or supervision to such youths; and

"(10) the extent to which the proposed programs will be coordinated with similar programs assisted under other Federal laws related to the purposes of this title.

"(b) The Secretary, in making grants or contracts under this title, shall give priority to applicants serving communities which exhibit to the highest degrees the factors listed in paragraphs (2), (3), and (6) of subsection (a).

"TITLE II—TRAINING

"AUTHORIZATION

"SEC. 201. The Secretary is authorized, with the concurrence of the Secretary of Labor, to make grants to, or contracts with, public or nonprofit private agencies for projects for the training of personnel employed in or preparing for employment in fields related to the diagnosis and treatment of youths who are in danger of becoming delinquent, and for the counseling or instruction of parents in the improving of parental instruction and supervision of youths who are in danger of becoming delinquent. Such projects shall include special programs which provide youths and adults with training for career opportunities, including new types of careers, in such fields. Such projects may include, among other things, development of courses of study and of interrelated curricula in schools, colleges, and universities, establishment of short-term institutes for training at such schools, colleges, and universities, inservice training and traineeships with such stipends, including allowances for travel and subsistence expenses, as the Secretary may determine to be necessary.

"RECEIPTS AND CONDITIONS OF GRANTS AND CONTRACTS

"SEC. 202. Such grants may be made to and such contracts may be made with any Federal, State, or local public agency or any nonprofit private agency; and to the extent he deems it appropriate, the Secretary shall require the recipient of any such grant or contract to contribute money, facilities, or services for carrying out the projects for which the grant or contract is made.

"TITLE III—TECHNICAL ASSISTANCE AND INFORMATION SERVICES

"TECHNICAL ASSISTANCE

"SEC. 301. The Secretary is authorized to cooperate with and, either directly or through grants to or contracts with any public agency or nonprofit private agency, render technical assistance to State, local, or other public or private agencies or organizations in matters relating to prevention of delinquency, and to provide short-term training and instruction of a technical nature with respect to such matters. Particular emphasis should be placed on providing technical assistance in the development of juvenile delinquency components or plans under title I.

"STATE ASSISTANCE TO LOCAL UNITS

"SEC. 302. The Secretary is authorized to make grants to any State agency which is able and willing to provide technical assistance to local public agencies and nonprofit private agencies engaged in or preparing to engage in activities for which aid may be provided under this Act. No such grant may exceed 90 per centum of the cost of the activities of the State agency with respect to which such grant is made.

"INFORMATION SERVICES

"SEC. 303. The Secretary shall collect, evaluate, publish, and disseminate information and materials relating to research and programs and projects conducted under this Act, and any other matters relating to prevention or treatment of delinquency, such information and materials to be for the general public and for agencies, organizations, and personnel engaged in programs concerning youths who are delinquent or in danger of becoming delinquent.

"TITLE IV—ADMINISTRATION

"PAYMENT PROCEDURE

"SEC. 401. Payments of any grant or any contract under this Act may be made (after necessary adjustment on account of previously made overpayments or underpayments) in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes for which the grant or contract is made.

"APPROPRIATIONS

"SEC. 402. There are authorized to be appropriated for grants and contracts under this Act, to the Department of Health, Education, and Welfare, $75,000,000 a year for the fiscal year 1973 and for the succeeding fiscal year. At least 80 per centum of the amount appropriated for each such fiscal year shall be used for funding programs under title I, of which no more than 10 per centum may be used to meet costs of construction.

"SEC. 403. (a) Payments pursuant to grants or contracts made under title I of this Act for any fiscal year with respect to activities in any one State may not exceed 12 per centum of the total of the funds available for such grants or contracts under such title for such fiscal year.

"(b) Of the funds available for grants or contracts under title I for any fiscal year—

"(1) $25,000 each shall be reserved for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

"(2) $100,000 shall be reserved for each other State;

except that, if the Secretary determines, on the basis of the information available to him on the last day of the ninth month of any fiscal year, that any portion of such $25,000 or $100,000 for any State will not be required for such grants or contracts under title I of this Act for such year, such portion shall be available for grants or contracts under such title for such year with respect to activities in any other State (in the case of which such determination has not been made).

"LABOR STANDARDS

"SEC. 404. It shall be a condition of any grant under this Act which is wholly or partially for construction that all laborers and mechanics employed by contractors or subcontractors on such construction shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to these labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 36; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"EVALUATION

"SEC. 405. (a) The Secretary shall provide for the continuing evaluation of the programs, projects, and other activities under this Act, including their effectiveness in achieving stated goals and their relationship to and impact on related Federal, State, and local activities. This evaluation shall include comparisons with proper control groups composed of persons who have not participated in programs under this Act. The results of such evaluations shall be included in the report required by section 409.

"(b) In addition to funds otherwise available for evaluation, such portion of any appropriation under section 402 as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available for evaluation by the Secretary (directly or by grants or contracts) of the activities for which such appropriation is made.

"JUDICIAL REVIEW

"SEC. 406. In the case of action taken by the Secretary terminating or refusing to continue financial assistance pursuant to a grant or contract under this Act to a grantee, such grantee may obtain judicial review of such action in accordance with chapter 7 of title 5 of the United States Code.

"JOINT FUNDING

"SEC. 407. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"COORDINATION

"SEC. 408. (a) In the administration of this Act, the Secretary shall limit assistance under this Act to programs and activities which are carried on outside of the juvenile justice system (which encompasses agencies such as the police, the courts, correctional institutions, detention homes, and probation and parole authorities).

"(b)(1) There shall be established an Interdepadtmental Council on Juvenile Delinquency (hereinafter referred to as the 'Council') whose function shall be to coordinate all Federal juvenile delinquency programs.

"(2) The Council shall be composed of the Attorney General, the Secretary, or their respective designees, and representatives of such other agencies as the President shall designate.

"(3) The Chairman of the Council shall be appointed by the President.

"(4) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report as required by section 409 of this title.

"ANNUAL REPORT

"SEC. 409. Not later than one hundred and twenty days after the close of each fiscal year, the Interdepartmental Council, with the appropriate assistance and concurrence of other Federal agencies who are consulted and whose activities are coordinated under section 408 shall prepare and submit to the President for transmittal to the Congress a full and complete report on all Federal activities in the field of juvenile delinquency, youth development, and related fields. Such report shall include, but not be limited to—

"(1) planning, program, and project activities conducted under this Act;

"(2) the nature and results of technical assistance conducted under title III of this Act;

"(3) the number and types of training projects, number of persons trained and in training, and job placement and other follow-up information on trainees and former trainees assisted under title II of this Act; and

"(4) steps taken and mechanisms and methods used to coordinate and avoid duplication of Federal activities in the fields of juvenile delinquency, youth development, and related fields and the effectiveness of such steps, mechanisms, and methods.

"GENERAL PROVISIONS

"SEC. 410. (a) Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

"(b) The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

"DEFINITIONS

"SEC. 411. For purposes of this Act—

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(2) The term 'public agency' means a duly elected political body or a subdivision thereof and shall not be construed to include the Office of Economic Opportunity. Such term includes an Indian tribe.

"(3) The term 'nonprofit private agency' means any accredited institution of higher education, and any other agency, organization, or institution no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or which is owned and operated by one or more such agencies, but only if such agency, organization, or institution was in existence at least two years before the date of an application under this Act. Such term shall not be construed to include the Office of Economic Opportunity. Participation by the Office of Economic Opportunity is expressly prohibited in administering this Act.

"(5) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(6) The term 'construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including arcitects' fees but not the cost of acquisition of land for new buildings). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them.

"(7) The term 'youth service' means services which assist in the prevention of juvenile delinquency, including, but not limited to: individual and group counseling, family counseling, diagnostic services, remedial education, tutoring, alternate schools (institutions which provide education to youths outside the regular or traditional school system), vocational testing and training, job development and placement, emergency shelters, halfway houses, health services, drug abuse programs, social, cultural, and recreational activities, the development of paraprofessional or volunteer programs, community awareness programs, foster care and shelter care homes, and community-based treatment facilities or services.

"(8) The term 'coordinated youth services' means a comprehensive service delivery system, separate from the system of juvenile justice (which encompasses agencies such as the juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is in danger of becoming delinquent and to his family in a manner designed to—

"(a) facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency or organization, which desires to provide such services through such system;

"(b) identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

"(c) make the most effective use of youth services in meeting the needs of young people who are in danger of becoming delinquent, and their families;

"(d) use available resources efficiently and with a minimum of duplication in order to achieve the purposes of this Act; and

"(e) identify the types and profiles of individual youths who are to be served by such a comprehensive system.

"(9) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools."

SEC. 2. The title of such Act is amended to read as follows: "An Act to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes."

SEC. 3. The amendments made by sections 1 and 2 of this Act shall be effective July 1, 1972.

The SPEAKER. Is a second demanded?

Mr. BELL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PUCINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to suspend the rules and pass H.R. 15635, the Juvenile Delinquency Prevention Act.

Juvenile crime has reached terrifying proportions in this country within the last decade. Arrests of juveniles for violent crimes have increased by 18 percent. Almost two-thirds of all arrests for serious crimes today are of young people under the age of 21. And surprisingly the rate of increase in arrests of girls with the past few years has been twice the rate for boys.

What are we to make of all this? I believe that one of the basic causes of these statistics is that we are spending far too much money far too late in the lives of these youngsters. This is clear from the fact that we are spending massive sums on prisons and on rehabilitation but we still have a recidivism rate for institutional juvenile delinquents of between 74 to 85 percent.

I believe that we must start much earlier than we have been in working with youths who are in danger of becoming delinquent. The bill now before us today would do that.

The basic purpose of H.R. 15635 is to provide funds for community-based preventive programs, especially those operated through or with the cooperation of the schools.

This is no longer a research program—we have repealed the authority to conduct research. And it is no longer a program dealing with delinquents—youngsters who have been arrested and convicted. The Safe Streets Act has that responsibility. Rather it is a bill providing that at least 80 percent, and hopefully more, of its funds must be used for local programs to prevent delinquency. It is our hope that this program will at last get down to the local level where the problem exists.

The only authorized activities under this new bill will be for these local preventive programs, training of personnel to assist these local programs, technical assistance for them, and some information services. It is definitely our intent to have as much of this money as possible used locally.

These local grants will be for the purpose of funding coordinated youth service systems. This means that a local grantee will have the responsibility for finding out which are the services available within its community which can help in preventing delinquency, trying to coordinate them so that a youth who is in danger of becoming delinquent will have easy access to them, and in those circumstances where vital services are absent or deficient actually operating these services. In other words, coordination of accessibility to other services and "filling in" of absent services will be the job of the local grantees.

I do not think that I have to describe the proliferation of services available in local communities. YMCA's, YWCA's, Boys Clubs, CAP agencies, model city programs, neighborhood community health clinics, drug abuse centers, neighborhood Legal Services offices. These and many more are strewn throughout our communities. Very infrequently is there one point where a boy or girl in trouble with himself or his home can go for help. It is the purpose of this new bill to create that focal point for children who are in danger of becoming delinquent so that they can be helped to utilize existing facilities before they destroy themselves and cause harm to society.

The emphasis is definitely to help the child before he or she becomes delinquent. But in isolated instances it may be impractical to limit this assistance to those who are in danger of becoming delinquent. In some neighborhoods it would be almost impossible to separate the predelinquents from the already delinquents. And we do not want to add to the bureaucratic mess by requiring that children be turned away just because they have been arrested. But we do want to emphasize that the focus of this program is on the child who has not as yet become a delinquent.

In conclusion let me say that I believe that we lost a tremendous opportunity when we did not fund the Juvenile Delinquency Prevention and Control Act of 1968 to the full amount authorized—$75 million. I truly believe that if we had given that program our full support, we would not be faced today with the sorry statistics on juvenile crime.

But I urge you to look upon that as an opportunity lost and to realize that the same thing can happen with this new act. Regardless of how finely we try to write the authorizing legislation unless the administration asks for sufficient appropriations and the Congress provides them it is all for naught. I hope that in 2 years we can look back upon this new act as an opportunity regained. I urge passage of this legislation.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I am glad to yield to the gentleman.

Mr. LONG of Maryland. I read the report, and I could not find out how much had been spent since 1968 and what had been accomplished, if anything. I do gather that delinquency has almost doubled during the last 10 years. I wonder if the gentleman could tell me whether the past programs have been more or less of a flop and if he feels this is a new departure.

Mr. PUCINSKI. It is a new departure only to the extent that it tries to recognize what our community leaders have been telling us all over America in testimony before our committee; namely, that most of our money is now spent on trying to rehabilitate youngsters who for various reasons have become delinquents and are part of the juvenile justice system. We have the Safe Streets Act to deal with that problem, and we recently had a bill passed here in this body, sponsored by my colleague from Illinois, Mr. RAILSBACK, which has yet to be acted on by the Senate, dealing with the juvenile justice system. That is where the failures have been. We have concentrated on rehabilitation but have paid too little attention to juvenile delinquency prevention.

This bill is in response to pleas from all over America that we provide a program to help the youngster before he or she becomes a delinquent.

Mr. LONG of Maryland. I understand that. I wonder if I could present a concrete case. I have had the case of a boy who had been failing in his school and had dropped out. The parents suspect that he has probably been taking marihuana. Now, just exactly what can be done under this program to help this boy before he gets in any more serious trouble?

Mr. PUCINSKI. In the first place, this program is designed to help the local community. It is a program directly from the Department to the local community. The local community makes the application for a grant and designs a program to prevent juvenile delinquency that will best suit the needs of that community.

Mr. LONG of Maryland. I understand.

Mr. PUCINSKI. The local community with that grant would then set up a focal point where this youngster, regardless of what the nature of his problems were, this youngster can go to that focal point and that focal point will then show him what facilities are available in the community to help him or her, as the case may be, with that particular problem. This bill makes possible creation of a "cleaning house" in a local community to coordinate existing facilities and create new ones in a concentrated drive to prevent delinquency.

Mr. LONG of Maryland. In other words, you will give the boy psychiatric treatment among other things.

Mr. PUCINSKI. There are existing facilities in these communities already that are not being used for various reasons, and one of the most prominent reasons being that young people, that young boy the gentleman was talking about who is having a problem with narcotics, or the mother who senses that her child is experimenting with drugs, today that mother has no place to go. Although there are already existing facilities she does not know where they are. We do not intend to duplicate those facilities. We know that there are such existing facilities in that community in all probability, but unfortunately the people do not know where those facilities are located, how to get to them, and so forth. Too often the left hand does not know what the right hand is doing to prevent crime.

This bill is designed to help the local communities coordinate their existing programs and their existing facilities so that they can help that mother or that child.

Also there could be the example of a schoolteacher who has a disruptive child, and she sees that that child is headed for trouble, yet she knows of no place to go for help. What this bill would do would be to help the local comunity coordinate their facilities, so that that disturbed child or that worried mother, or the schoolteacher with the disruptive child in her class will be able to find these facilities in the community so as to help out these youngsters with whatever problems they may have.

Mr. LONG of Maryland. Why $75 million? Can the gentleman tell me that?

I would think that the problem of juvenile delinquency or of potential delinquency is so vast that they probably can not be solved with billions of dollars. Yet this bill proposes to solve it with $75 million.

I wonder whether there is any real likelihood that this legislation is going to accomplish anything?

Mr. PUCINSKI. The gentleman from Maryland raises a very good question. It has been our experience since 1961, and that is how long this committee has been involved with these matters—and may I remind the gentleman from Maryland that it was President Kennedy who first proposed this program in 1961, and we have had jurisdiction over this matter since then—and our experience has been that even though we might authorize substantially larger sums of money, there is just no sense in kidding America or kidding the people, because we are not going to get past the appropriating process for that amount of money. So what we have done, after very careful consideration and after extensive studies of the existing legislation, we have patterned the program with a $75 million authorization which, if fully funded, will make an appreciable dent in helping local communities develop effective prevention programs.

We leave to the Safe Streets Act, and we leave to the Juvenile Justice and Research Institute, the handling of those areas that deal with youngsters who are already in trouble—and that is a very serious problem as we all know. What we are trying to do with this program, with the $75 million, is concentrate on prevention. I agree with the gentleman from Maryland that this is not enough, and I would give my left arm if we could persuade the Committee on Appropriations to fully fund this program for the next 2 years, and then I believe that we could make an honest-to-goodness contribution toward preventing the rapid rise in the increase of juvenile crimes.

Mr. LONG of Maryland. The gentleman from Illinois then feels that the figure of $75 million was set simply because the committee did not feel they could go to the Committee on Appropriations and fund a larger sum?

Mr. PUCINSKI. That is right. We stopped at $75 million in order to give the Congress an opportunity to see how this program works for the next 2 years—and hopefully the program will work, and we believe that it will, as it is now structured—and that then Congress will probably want to appropriate substantially more money at some future time—but I think that it is good and wise in ascertaining before we jump overboard that we make sure that it is working. Therefore, I think the Congress would be showing great wisdom in fully funding this program.

Mr. LONG of Maryland. I was just wondering whether the $75 million spread over the whole country would not be spread too thinly.

Mr. PUCINSKI. I do not believe it will.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the distinguished chairman of the full committee, the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, first let me compliment the distinguished chairman of the general subcommittee, the gentleman from Illinois (Mr. PUCINSKI). He has worked untiringly for many years on this difficult subject. The bill under consideration represents still another of his great efforts to control and prevent the incidence of juvenile crime.

In previous years $75 million has been authorized for the act. However, when we look back, appropriations have been at only the $10 million level.

Mr. Speaker, it is my hope that in the future we will be able to do more and help put into effect the good features in this bill by appropriating the full $75 million.

The gentleman from Illinois (Mr. PUCINSKI) and his subcommittee have done a wonderful job in this area over a period of years and they deserve the compliments of the whole House. More adequate funding and enactment of this legislation, which will greatly strengthen and enhance the program, will in my judgment be of tremendous benefit throughout the country.

Mr. Speaker, juvenile delinquency reached epic proportions in this country in the last decade. The number of juvenile arrests for violent crimes increased almost threefold. The arrest of juveniles for crimes against property increased almost 100 percent. At the present time, almost two-thirds of all arrests for serious crimes are of young people under the age of 21.

In 1968 the Congress responded to the alarming increase in juvenile crime by passing the Juvenile Delinquency Prevention and Control Act. That act, Public Law 90–445, provided a broad program of support for State and local government projects to rehabilitate the juvenile delinquents and to prevent development of additional juvenile delinquents. That act expired in June 1971, and last year we extended the act with some relatively minor amendments.

The bill we are considering today, H.R. 15635, would extend the Juvenile Delinquency Act for an additional 2 years. In addition, H.R. 15635 redirects the program emphasis from the rehabilitative toward the preventative aspects of the program, requires involvement in the schools, and directs the greatest effort toward those areas of greatest need.

It is commonsense that the costs of operating preventative programs designed to insure a reduction in the number of young delinquents would be much less than the costs of rehabilitating youths who have become delinquent after arrest and conviction. For some time the Department of Health, Education, and Welfare has acknowledged this fact; to some extent they have redirected their efforts and put greater emphasis on prevention. Their efforts in this respect, however, have not been satisfactory. The committee bill, therefore, redirects the focus of the Juvenile Delinquency Act toward the prevention of delinquency and away from rehabilitation efforts.

It is expected that the preventive effort will be directed toward attempts to identify and to help those youngsters most likely to become delinquents before they become police statistics. That will not be an easy task but an effort must be made.

If children who are potentially delinquent are to be identified and to be helped, it is clear that the effort must involve the school systems of the Nation. It is, therefore, the purpose of this legislation to insure that programs will either be centered in the schools or operated in close cooperation with them.

The committee bill emphasizes that school districts may receive grants to mount preventative programs. If they do not actually receive the grant in their local area then they must be intimately involved in the planning and operation of the local program.

The funds made available by the act must be concentrated in those areas having the greatest number of school dropouts and the highest rates of youth crime and unemployment. This has not heretofore been the case, unfortunately.

While the committee bill permits a continuation of authority to use some of the funds for training, technical assistance and information, it would require that at least 80 percent of the funds be used to support programs actually assisting youths in local areas. The committee expects there to be a substantial reduction in the use of funds for national conferences and the publication of literature.

The problem of juvenile delinquency is a local one. The fight must be conducted at the local level, using local people and local resources supported and supplemented by the funds made available under this act. To the degree that funds are used for nonprogram purposes, it is expected that they will be tied insofar as possible with such local efforts.

We also expect substantial emphasis on the coordination of juvenile delinquency programs at the local level with substantial effort being made to pull together local, State, and other resources to render the collective efforts more effective.

Grants shall be made for longer periods of time. Grants and contracts for the programs shall be mare sizable than has heretofore been the case. There has been a tendency to make large numbers of small grants which have relatively minor impact.

In this connection it might also be pointed out that the committee has decreased the percentage of total appropriations which can be spent in any State from 15 to 20 percent. Too many of the grants under the old program were being awarded to a small number of States.

I would be remiss if I did not comment again at this point on the fact that the first 3 years of the operation of the Juvenile Delinquency Prevention and Control Act were seriously hampered by the very limited appropriations that were made available and by the sometimes confused administration of this program. It is also to be hoped that both the Administration and the Congress will improve their efforts to prevent further increases in juvenile delinquency as part of the national effort to reduce crime.

Finally, let me say that the committee bill contains an amendment which states that nothing in the act shall impinge upon the moral and legal rights or responsibilities of parents for their children with respect to their moral, mental, emotional, or physical development. It is the committee's intention that all rights and privileges both of children and parents of children involved in the program be fully recognized and protected.

Mr. Speaker, I urge support and passage of H.R. 15635, the Juvenile Delinquency Prevention Act.

Mr. PUCINSKI. Mr. Speaker, I thank the distinguished gentleman from Kentucky.

Mr. Speaker, I will be pleased to yield as I promised to yield to my colleague, the gentleman from Iowa (Mr. GROSS) as the first one to whom I will yield.

I now reserve the balance of my time so the gentleman from California (Mr. BELL) may be recognized.

Mr. BELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 15635, the Juvenile Delinquency Prevention Act.

The cost of juvenile delinquency and youth crime is great in both human and economic terms.

In 1970, 40 percent of all armed robberies, assaults, and burglaries were committed by individuals under the age of 18, and two-thirds of the arrests for serious crime were of persons under 21.

Juvenile arrests for violent crimes have increased in the last decade by 167 percent.

Narcotic drug arrests for those under 18 are up 2,453 percent.

And in 1 year, suburban prostitution in the same age group increased 43.5 percent.

I believe we have a moral responsibility to attack this problem.

One of the tools we use in the fight against juvenile delinquency has been the Juvenile Delinquency Prevention and Control Act which we passed in 1968.

The program is an on-going one.

Its authorization expired on June 30 of this year, and it is presently operating under a continuing resolution.

Together with our distinguished subcommittee chairman, Mr. PUCINSKI, I introduced legislation designed to reshape the existing law so that an emphasis would be placed on prevention.

By identifying a young person in danger of becoming delinquent—by helping him before he has a chance to come into contact with the police—we can reduce the chances that he will permanently sever all bonds with society.

Prevention benefits not only the individual, however; the cost to society of crime prevention is significantly less than the cost of rehabilitation.

As my colleagues are well aware, many programs now exist supporting mental health, education, job training, family counseling, and child protective services that clearly relate to delinquency prevention.

The major need at this time is to coordinate the planning and implementation of those programs.

I also believe that the HEW juvenile delinquency effort should focus on the prevention of delinquency, and leave the correctional and rehabilitation efforts to the Justice Department and other appropriate institutions.

The bill before us today does just that.

It is intended to eliminate duplication with law enforcement agencies through a prevention orientation.

By emphasizing the role of schools in prevention projects, the bill recognizes that area where youth is most easily reached and influenced—where operative measures can be implemented to recognize and aid those who are in danger of becoming delinquent.

Finally, one important point should be noted.

The committee worked very closely with the administration in developing this bill.

The bill incorporates almost all of the administration's proposals in the area of juvenile delinquency, and it has the full support of the administration.

I hope all of my colleagues will join me in voting for this legislation.

We must prevent delinquency to protect our youth—and our society.

Mr. BELL. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I rise in opposition to the further extenuation of this act, especially at the cost of $75 million, $65 million of which is unrequested for fiscal year 1973, and $75 million additionally drawn out of thin air and not requested by anybody for 1974. The best that can be said about this legislation, Mr. Speaker, is that it is the least of all evils suggested up to now by the process of perfection in committee. These are the basic reasons I decided against granting unanimous consent for earlier consideration.

I thought that the questions asked by the gentleman from Maryland were very apropos, and perhaps not adequately answered.

Mr. Speaker, this bill is fraught with phrases such as "those in danger of becoming delinquent." There are vague promises made that there has been a technical breakthrough so that we can ascertain those impinging upon near delinquency. In fact, the report states in one place it has been asserted that as early as the age of 12 the "indicia" can be discerned that a particular child is on his way to becoming a delinquent. As a professional, I just do not believe it. I severely question this statement and its assumptions.

But more basic than that, Mr. Speaker, I question whether it is the function of the Federal Government to intercede between parents, school, church, local community, or the State, if necessary, by throwing more money and more personnel into an admittedly bad problem. I think perhaps if we adjusted other contacts so that there was a little more hide warming and "wood shedding" on the part of parents as these children evolved, and a better example set for them, we would not be faced with these so-called delinquents or troublemakers. So I think the basic issue is that this, indeed, is not a Federal problem; this is very basic, and it is such a nervous Nellie and bleeding heart social proposal as far as those who would pose a political ploy in a mandated Congress against the executive branch of another party, that it becomes rather obvious.

I repeat that there was a real question of whether this bill is not the least of many evils. This is a poor excuse for legislation, Mr. Speaker. To wit: What does the Institute of Juvenile Delinquency that failed a passage in this body back on December 6, 1971, and then was brought up under a rule rather than under suspension on April 18, 1972, have to say about the problem of juvenile delinquency in the United States of America? If they have not, indeed, yet had the time to get organized; why pass blind legislation with open-ended commitments, when we already have an Interdepartmental Council on Juvenile Delinquency, to say nothing of the Juvenile Research Council of the Department of Justice?

Now we are having a government by crony, and we are having a government by commission, and we are adding one more heap to the pile of inadequate legislation in the vain hope and the emotional hurrah of the social bleeding hearts and the " 'Harbinger of Doom,' " to do something about a problem that you cannot solve by legislation. You cannot legislate morals; you cannot legislate the need to raise people properly, you cannot legislate enforceable niceties, and this is the wrong kind of a bill.

Mr. BELL. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, the question I wanted to address to the gentleman from Illinois is this: What have we obtained for money already spent? How many millions have already been spent on this proposition?

Mr. PUCINSKI. As the gentleman from Iowa knows, this is a problem that society has indeed had for 2,000 years. I remember an ancient Egyptian hieroglyphic on the cavern wall relating some of the problems that they had in those days with wayward children and children disrespectful of parents. Mr. Speaker, this is not a new problem.

And nobody here suggests to the gentleman that we have the panacea in this bill. The programs we have been funding since 1961 have had considerable success, and they have had considerable failure.

Mr. GROSS. The fact of the matter is the gentleman from Illinois in his previous remarks said juvenile delinquency had practically doubled rather than decreased despite the millions expended.

Mr. PUCINSKI. That is correct.

Mr. GROSS. The gentleman from Maryland (Mr. LONG) asked the question, What have we obtained from the millions already spent on this problem? The answer seems to be very little.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield further, we have obtained since 1961 with this and subsequent legislation an enormous amount of knowledge, and we have many programs that are working. One of the great problems we have had with this legislation since 1961, and particularly this legislation, has been that it has never been fully funded. We never have given this program a chance. We in our subcommittee conduct extensive hearings and come up with figures we think will target in on the problem, but the Appropriations Committee says they will not give us that much money. So the gentleman, if he would do nothing, would not only see the problem doubling, but he would also see it tripling and quadrupling. We cannot quit with this problem.

Mr. GROSS. I must agree with the gentleman from Missouri (Mr. HALL) that morality, and discipline cannot be bought. We cannot solve this problem of juvenile delinquency by throwing more and more money at it. It will not be cured in that way.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield further, this country is spending $85 billion on various forms of public assistance programs. Much of that money is being spent by the taxpayers of the country, because we have failed to deal adequately and effectively with the problems of juvenile crime. I am not saying this is a complete answer, but I am saying this country cannot quit trying to find an answer to juvenile crime, since this is America's No. 1 social problem.

Mr. BELL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I will be the first to admit that the committee on which I serve, and the subcommittee on which I have served in the past, have tried very hard to come up with an answer to a most difficult problem. I believe they have in many ways made changes in this legislation to meet objections. Yet there is too much experimentation. Some experimentation may be needed, but I think we should at least note in this debate that we are considering embarking on a very dangerous concept.

There is no question in my mind that, when a youth runs afoul of the law, the courts and the government have something to say about how the young man or young woman will conduct himself or herself, and how the person will be supervised in the months and years following that time; but, in a free society, there is a very grave question as to how much the government should be involved before the so-called criminal or illegal actions or the indication of delinquency manifests itself to an extent where the law is actually called into cooperation with the parents in rectifying these supposed delinquent tendencies.

On page 3, I would call to the attention of the Members something which I think is a very questionable procedure. It is that of directing actions under this legislation toward including diagnosis and treatment of youths in danger of becoming delinquent. The more we think about that, the more we realize that delinquency is a most difficult thing to detect and it can open up a Pandora's box. How do we diagnose and treat a youngster in danger of becoming delinquent? I think anybody with commonsense knows that every youth is in danger of becoming delinquent. Simply by having a matter of choice he is in danger of becoming delinquent. Where do we draw the line?

As I stated earlier, I believe this committee has tried to circumscribe this danger. I am one of those who do not believe this questionable language should be in the bill at all.

The committee did agree, on page 17, under the general provisions, to place in the bill a provision that would at least require the permission of a parent before the so-called diagnosis and treatment of a youth in danger of becoming delinquent was carried into effect. This is my amendment Even with it I am concerned about this legislation and think it is dangerous experimentation.

I should like to ask the gentleman from Illinois, just for the purpose of legislative history, to indicate what the intention of the bill is in regard to predelinquency diagnosis and testing?

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BELL. Mr. Speaker, I yield the gentleman from Ohio 1 additional minute.

Mr. ASHBROOK. I believe the gentleman from Illinois knows and has been aware of the fact that there are a great number of parents, many people, concerned about this particular aspect. I know he was willing to go as far as he could in making this provision in the law some protection against abuse. For the purpose of legislative history, could we have some statement from the chairman as to how he views this very, very sensitive problem of diagnosis and treatment of youths in danger of becoming delinquent.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I congratulate my colleague on the committee for including the amendment that he did in this bill. I believe it addresses itself to the very valid questions raised by the gentleman from Missouri as to Federal control over children.

This language clearly establishes the doctrine, and for the purpose of legislative history I want to make the intent very clear. This provides that for any type of testing, psychological testing or psychiatric testing, beyond the normal educational testing we now use in our school systems, as presently being used, any special testing of a youngster will first have to undergo approval of the parents.

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. PUCINSKI. Mr. Speaker, I yield the gentleman 1 additional minute.

This will protect the rights of the parent to first be consulted and advised and apprised of what is going to happen.

In other words, the gentleman has quite properly put into this bill the safeguard that there is not going to be extensive psychological and psychiatric testing of youngsters without the permission of their parents. The intent of the gentleman's language is very clear. It states:

> Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

I congratulate the gentleman for including this amendment in the bill. I believe it strengthens the bill in regard to the points raised by our colleague from Missouri.

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. PUCINSKI. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding, and I thank him for that statement.

I do believe my amendment improves the bill, but I would have to admit candidly that it still will not give protection against prying bureaucrats. Since I have been a Member of this body for more than a decade now, I can think of instance after instance where we have Clearly stated our purpose on the floor, where we have clearly incorporated into legislation the intent of the Congress, only to watch in subsequent years the bureaucracy go its own way. I am reasonably certain this will happen in the area of predelinquency detection. Their part statements read like a roadmap and this legislation will start them on their way.

I certainly hope in this case the gentleman and the committee will exercise some oversight because I happen to believe there is in the bureaucracy, and particularly in HEW, an inclination and a tendency to want to engage in this type of diagnosis and testing. I do believe it is something we should watch very closely on our committee.

Mr. GROSS. Mr. Speaker, will the gentleman from California yield for a question?

Mr. BELL. I yield to the gentleman from Iowa.

Mr. GROSS. What is the upper age limit for a juvenile?

Mr. BELL. I understand it is 18.

Mr. GROSS. It would be 18 in all States; is that correct?

Mr. BELL. There may be some differences in some States, but I would think it would be 18 generally for most of the States.

Mr. GROSS. I thank the gentleman.

Mr. BELL. Mr. Speaker, I have no further requests for time and I yield back the remainder of my time.

Mr. PUCINSKI. Mr. Speaker, I yield myself such time as I may consume.

I merely wish to point out that this legislation has been requested by the administration.

We worked very closely with the administration on this bill. I do believe it meets the requirements and the tacit recommendation of the administration. I have already discussed the bill with my colleague from Illinois, Mr. RAILSBACK and I assured him this bill is not intended to conflict with the legislation he has been supporting. This bill simply addresses itself to preventive programs. It is my hope that we will be able to persuade our colleagues the bill as now proposed is going to make a very substantial impact on local communities.

One thing that I want to underscore—and this point was raised by my colleague from Missouri, who raised very pertinent and very proper and pointed questions—this bill will be controlled by the local communities. They must come before the agency and ask for a grant. The local community will draw up the program that they believe can most effectively help prevent young people from entering the world of juvenile crime. For those of you who may be concerned, you will find solace in the fact that nothing can happen under this bill unless the local community specifically requests it. This is a strong point of the bill. I urge enactment of this bill and consider it a great privilege to be its principal sponsor in the House. I wish to thank the members of my committee for cosponsoring this important measure.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of H.R. 15635, a bill to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency—and want to commend my colleagues on the Education and Labor Committee for their fine work in reporting out this legislation.

As a cosponsor last year of a bill to establish an independent Institute for the Continuing Studies of Juvenile Justice, I am particularly interested in legislative efforts in the field of juvenile justice. H.R. 15635 would extend the Juvenile Delinquency Prevention and Control Act for an additional 2 years and refocus its program toward the task of preventing juvenile delinquency—especially through local efforts involving the schools—in local communities which show the greatest need for assistance. Putting the emphasis of assistance on preventive programs on the local level is, I believe, the most workable solution to the ever-growing problem of juvenile crime, for what better place to reach youngsters in danger of becoming delinquent than through their schools?

I urge my colleagues to join with me in support of this bill.

Mr. FRENZEL. Mr. Speaker, I rise today in support of the local control concept advocated in the bill H.R. 15635, the Juvenile Delinquency Prevention Act of 1972.

This bill is another step in the efforts which we have been making to return localized programs to local control. In providing for 80 percent of the funding to be used in assisting local youth services we are giving each community the opportunity to provide programs to service its own particular problems.

Mr. HARRINGTON. Mr. Speaker, I rise in support of H.R. 15635, the Juvenile Delinquency Prevention Act of 1972.

I support the bill reluctantly, because I fear it is merely another one of those self-deluding congressional packages which does not authorize enough money, which barely coordinates new projects between agencies, and which employs make-do Federal plaster in a crumbling wall.

"Juvenile delinquency" is a nice, antiseptic term which clothes human suffering with statistics. We have heard those statistics over and over again.

We have read that arrests of children under 15 years old have increased 165 percent from 1960. We know that almost 18,000 crimes were committed by children under 15. In one city of my district alone—Haverhill—crimes by juveniles more than doubled from 1969 to 1970.

The bill before us will authorize $150 million for the next 2 years to be used for juvenile delinquency prevention programs. It is an improvement over the existing Juvenile Delinquency Control and Prevention Act of 1968, for it specifies that at least 80 percent of the money must be used for local youth service programs, rather than for Federal projects like conferences and research projects. It also requires that the money be used in areas of high youth crime and unemployment; in other words, where the money is needed the most.

The bill also attempts to sort out the typical administrative mess of such programs by limiting the use of the funds to projects outside the traditional juvenile court system, leaving that area to the Justice Department, which administers the Omnibus Crime Control and Safe Streets Act.

The bill is a good bill, but before we congratulate ourselves and go home to our children, let us think about the appropriations that may result.

Each year, the Nixon administration has requested less money than the Congress has authorized for the Juvenile Delinquency Act of 1968. The Congress, in turn, has appropriated even less. As a result, the total authorization for the act from 1969–71 has been $150 million, while the total appropriation for those years has been a mere $30 million.

In addition, most grants under the new bill will have but a 3-year life. After that time, the projects will be required to find their own funding.

I will vote for the bill, Mr. Speaker, because, as I have said, it is a good bill. My complaint with it is that it is hardly enough.

Mr. MIKVA. Mr. Speaker, I rise in support of H.R. 15635, extending for 2 years the Juvenile Delinquency Prevention and Control Act. Like the author of the bill, Mr. PUCINSKI, I hope these amendments will encourage HEW and the Justice Department to bury the hatchet in their longstanding jurisdictional war over juvenile delinquency programs.

Federal programs to prevent and control juvenile delinquency have proliferated over the years, but there has been little coordination and little attempt to make available to juvenile court judges and probation workers the results of federally funded programs.

A few months ago the House passed H.R. 45, a bill I sponsored along with Congressman RAILSBACK of Illinois, to establish an independent Institute for Continuing Studies of Juvenile Justice. Modeled after the highly successful FBI training institute, the Institute is designed to train personnel working in the field of juvenile justice, and to serve as a clearinghouse for information about new programs and ideas developed under legislation such as the Juvenile Delinquency Prevention and Control Act.

The most important function of the Institute will be to provide training. Fully one-fifth of the juvenile court judges in the country have no legal training. The President's Crime Commission in 1966 recommended that juvenile specialists should be present to aid in the disposition of juvenile first offenders, yet they also found that barely 5 percent of all the personnel employed in State juvenile facilities were professionally trained treatment personnel.

The Institute proposed in H.R. 45 will not compete with the programs funded by HEW under the bill before us today, or with those funded by the Justice Department. Rather it will complement them, and insure that what is learned in those programs will be put to use in the courtrooms and probation offices and juvenile homes around the Nation.

Mr. Speaker, we could make no better social investment than attempting to prevent and control juvenile crime fully two-thirds of all major crime arrests involve people under 21 years old. The recidivism rate among juvenile offenders is the highest of any group—nearly 75 percent. We ought to be able to reach first offenders and move them away from a life of crime, making productive citizens out of the individuals involved and making the streets safer for all of us in the process.

The bill before the House today can help move us toward that goal. I commend the gentleman from Illinois for his leadership in bringing H.R. 15635 before the House, and urge the bill be passed.

Mr. BINGHAM. Mr. Speaker, the programs carried out under the Juvenile Delinquency Prevention and Control Act are most important to our communities, and I certainly support this bill extending that act for an additional 2 years. I support and commend the committee for including provisions in this legislation especially encouraging programs that go beyond the traditional juvenile justice system. In particular, I note that the bill urges that the schools be included in the task of preventing juvenile delinquency.

As many Members of this House and the Committee on Education and Labor are aware, I have been particularly concerned about the rising incidence and impact of acts of crime and violence in the schools, and last year I originated the Safe Schools Act which would provide Federal financial assistance to the schools for the purpose of better assuring the safety and security of school students, staff, and property.

The fact that the legislation currently before the House specifically recognizes the needs and potential role of the schools in juvenile delinquency prevention is a step in the right direction toward ending the terror and fear that reigns in many of our schools as a result of high incidences of violence. Prevention is an essential element in our total effort to restore an atmosphere in our schools that is free of fear and conducive to creativity and learning, and I wholeheartedly support programs like those made possible by this legislation which focus on the preventive aspects of juvenile crime.

But we have done too little too late as far as preventing juvenile crime is concerned, and as a result many of our schools are now faced with rampant crime and disorder. Such schools have a need not just for preventive programs, but for programs of security to protect innocent students and school personnel against crimes that are being committed now, every day, in the schools—crimes which our programs of prevention have failed to deter.

With that in mind, I hope and trust that the distinguished Committee on Education and Labor will not stop with this legislation as far as helping the schools and our school people. I hope that the committee will see the need to provide schools with funds to deal with the immediate fact of crime in the schools as well as with preventing it for the future. The Safe Schools Act which I originated and introduced with the cosponsorship of the distinguished chairman and a number of members of the Education and Labor Committee, would provide Federal aid for this purpose, and I take this opportunity not only to commend the committee for the recognition of the problems of the schools contained in the legislation now before us, but to urge the committee to follow up this legislation by bringing the Safe Schools Act or similar legislation to improve immediate security in the schools to the floor of the House for action in the near future.

Mr. BIAGGI. Mr. Speaker, I rise in support of this bill H.R. 15635, the Juvenile Delinquency Prevention Act. This bill would assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies in the prevention of juvenile delinquency.

Having actively participated in the development of this bill in the Education and Labor Committee and as a cosponsor of the measure, I am delighted that the main thrust of the bill is directed at preventing juvenile delinquency rather than merely taking action after a youngster is already involved in a crime. The advantages to the young person and society in general from this course of action are patently obvious.

First, it is an established fact that institutionalized youthful offenders have a higher rate of recidivism than any other age group. This is partially because once a juvenile is labeled as a "delinquent" or a "troublemaker" he has already severed the bonds between himself and society. Once that occurs the juvenile is much more prone to repeat his delinquent acts.

Second, from the standpoint of society as a whole the costs of operating preventive programs are actually much less than the costs of rehabilitating a youth who has become delinquent in the sense of having been arrested and convicted. We must, therefore, act to prevent a youngster from becoming delinquent rather than react to him after he is already in trouble.

Mr. Speaker, the incidence of juvenile crime in this country has reached epidemic proportions. In the last decade, for example, the arrests of juveniles for violent crimes have increased by 167 percent. Moreover, the arrests of juveniles for property crimes, such as burglary and auto theft, have jumped 89 percent. Finally, almost two-thirds of all arrests for serious crimes are of young people under the age of 21. Surely, the time for preventive action by the Congress is here and I believe that this legislation is a giant step in the right direction.

This bill authorizes a yearly appropriation of $75 million with at least 80 percent of the funds being spent assisting local youth services programs, in coordination with local schools, in an effort to prevent delinquency. In addition, up to 20 percent of the funds could be used for training, technical assistance and information services.

Mr. Speaker, I urge my colleagues to vote for this measure in order that we may get on with the fight against juvenile delinquency and deter the youth of America from a life of crime.

Mr. BENNETT. Mr. Speaker, I rise in support of H.R. 15635 because of the obvious merit of the proposal and also because I think it makes possible the type of grant that I have sought over a long period of time to assist elementary and secondary schools to carry on programs to teach moral and ethical principles. I think legislation of this sort is very much needed and I sincerely hope that this new legislation will make possible that type of grant and I assume that this is the case and, therefore, enthusiastically support this legislation. The legislation which I have previously introduced reads as follows and in fact is the wording of H.R. 527, which I introduced on January 22, 1971:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"SEC. 810. (a) The Commissioner shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such State agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971, and each of the two succeeding fiscal years."

SEC. 2. Section 804 of such Act is amended by inserting after "this Act" the following: "(other than section 810)".

GENERAL LEAVE

Mr. PUCINSKI. Mr. Speaker, I have no further requests for time, but I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. PUCINSKI) that the House suspend the rules and pass the bill H.R. 15635 as amended.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 338, nays 12, not voting 82, as follows:

[Roll No. 262]

YEAS—338

Abbitt
Abernethy
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Drinan
Duncan
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lennon
Lent
Lloyd
Lujan
McClory
McCloskey
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stephens
Stratton
Stubblefield
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—12

Ashbrook
Camp
Crane
Giaimo
Green, Oreg.
Gross
Hall
Landgrebe
Long, Md.
McCollister
Schmitz
Steiger, Ariz.

NOT VOTING—82

Abourezk
Anderson, Tenn.
Andrews, Ala.
Baring
Bergland
Blanton
Blatnik
Boggs
Bolling
Broomfield
Broyhill, N.C.
Burlison, Mo.
Celler
Chappell
Chisholm
Clay
Colmer
Curlin
Davis, Ga.
Delaney
Diggs
Donohue
Dow
Dowdy
Dulski
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Evins, Tenn.
Findley
Flowers
Flynt
Fulton
Fuqua
Gallagher
Goldwater
Hagan
Halpern
Hansen, Wash.
Hébert
Howard
Hutchinson
Ichord
Jonas
Jones, Ala.
Jones, Tenn.
Landrum
Link
Long, La.
McClure
McDonald, Mich.
McKevitt
McMillan
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Mitchell
Mosher
O'Konski
Passman
Pelly
Pepper
Pettis
Podell
Pryor, Ark.
Purcell
Rarick
Robison, N.Y.
Rousselot
Ryan
St Germain
Sarbanes
Seiberling
Shipley
Spence
Steiger, Wis.
Stokes
Stuckey
Sullivan
Whalley

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Robison of New York.
Mrs. Andrews of Alabama with Mr. O'Konski.
Mr. Boggs with Mr. McKevitt.
Mr. Blatnik with Mr. Broomfield.
Mr. Shipley with Mr. McClure.
Mr. Celler with Mr. McDonald of Michigan.
Mr. Jones of Alabama with Mr. Edwards of Alabama.
Mrs. Hansen of Washington with Mr. Minshall.
Mr. Chappell with Mr. Broyhill of Virginia.
Mr. Dulski with Mr. Halpern.
Mr. Evins of Tennessee with Mr. Mosher.
Mr. Fulton with Mr. Pelly.
Mr. Fuqua with Mr. Goldwater.
Mr. Landrum with Mr. Rousselot.
Mrs. Sullivan with Mr. du Pont.
Mr. Howard with Mrs. Dwyer.
Mr. Burlison of Missouri with Mr. Spence.
Mr. Baring with Mr. Hutchinson.
Mr. Anderson of Tennessee with Mr. Pettis.
Mr. Link with Mr. Findley.
Mr. Pepper with Mr. Jonas.
Mr. St Germain with Mr. Steiger of Wisconsin.
Mr. Flowers with Mr. Whalley.
Mr. Flynt with Mr. Passman.
Mr. Donohue with Mr. Rarick.
Mr. Delaney with Mr. Sarbanes.
Mr. Davis of Georgia with Mr. Pryor of Arkansas.
Mrs. Chisholm with Mr. Gallagher.
Mr. Ryan with Mr. Diggs.
Mr. Clay with Mr Curlin.
Mr. Miller of California with Mr. McMillan.
Mr. Mitchell with Mr. Dowdy.
Mr. Metcalfe with Mr. Eckhardt.
Mr. Jones of Tennessee with Mr. Abourezk.
Mr. Blanton with Mr. Colmer.
Mr. Stokes with Mr. Seiberling.

Mr. Dow with Mr. Bergland.
Mr. Ichord with Mr. Long of Louisiana.
Mr. Purcell with Mr. Podell.
Mr. Hagan with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMPREHENSIVE OLDER AMERICANS SERVICES AMENDMENTS OF 1972

Mr. BRADEMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15657) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

The Clerk read as follows:

H.R. 15657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Older Americans Services Amendments of 1972".

TITLE I—DECLARATION OF OBJECTIVES

FINDINGS AND PURPOSES

SEC. 101. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, parents, community, and community, State and local goverments, with appropriate assistance from the Federal Government.

SEC. 102. Section 101(8) of the Older Americans Act of 1965 is amended by inserting after "services" the following: ", including access to low-cost transportation,".

TITLE II—ADMINISTRATION ON AGING

RESPONSIBILITIES OF COMMISSIONER ON AGING

SEC. 201. (a) Section 201(b) of the Older Americans Act of 1965 is amended by adding at the end thereof the following: "The Commissioner on Aging shall be the principal officer of the Department of Health, Education, and Welfare for carrying out this Act. In the performance of his functions, he shall be directly responsible to the Secretary and not to or through any other officer of that Department. The Commissioner shall not delegate any of his functions to any other officer who is not directly responsible to him unless he first submits a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it, unless, between the day of transmittal and the end of the thirty-day period either House passes a resolution stating in substance that that House does not favor such delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. Under provisions contained in a reorganization plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective;

(b)(1) Section 202(3) of the Older Americans Act of 1965 is amended by inserting before the semicolon at the end thereof ", except for title VI thereof". Section 202 of such Act is further amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities related to the purpose of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local) and nonprofit private agencies of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons,

"(12) call conferences of such authorities and officials of public (including Federal, State, and local) and nonprofit private agencies or organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities related to the purposes of this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

"(15) provide information and assistance to private nonprofit agencies and institutions for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(2) Section 202(4) of the Act is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;"

(3) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "SEC. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school and college levels, to participate and be involved individually and through representative groups in such programs and activities to the maximum extent feasible, through employment, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections:

"FEDERAL AGENCY COOPERATION

"SEC. 293. Federal agencies proposing to establish programs related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such programs, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying them out.

"INFORMATION AND RESOURCE CENTER FOR THE AGING

"SEC. 204. (a) There is hereby established, within the Administration on Aging, a National Information and Resource Center for the Aging (hereinafter referred to as the 'Center'). The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions.

"(b)(1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops, or technical consultation) information and data related to the patricular problems caused by aging, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting older individuals, and organizations and persons interested in the welfare of older persons. in meeting problems which are peculiar to or are made more difficult for, older individuals.

"(2) The Center shall also (A) act as a clearinghouse for referrals to and from the information and referral sources required by section 305(a)(8), (B) provide information on a case-by-case basis either directly to individuals or to individuals through such sources, and (C) coordinate the activities of such centers to assure their maximum effectiveness.

"(3) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

"(A) medical and rehabilitation facilities and services, including medicare, medicaid, and other programs operating under the Social Security Act;

"(B) education;

"(C) vocational training;

"(D) employment;

"(E) transportation;

"(F) architecture and housing (including household appliances and equipment);

"(G) recreation;

"(H) public or private programs established for, or which may be used in, solving problems of older persons; and

"(I) methods of involving older persons in the planning and administration of programs designed to meet their needs.

"(c)(1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

"(2) Each other department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Commissioner may request for such use.

"(3) The Commissioner shall, to the maximum extent feasible, enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

"(d) There is authorized to be appropriated $750,000 for carrying out this section for the fiscal year ending June 30, 1973, and for each succeeding fiscal year ending before July 1, 1975, such sums as may be necessary.

"NATIONAL ADVISORY COUNCIL ON THE AGING

"SEC. 205. (a) There is established a National Advisory Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

"(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at rates not to exceed the rate specified at the times of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

"(d) The Council shall—

"(1) advise and assist the President as he may direct on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate programs and activities conducted or assisted by departments and agencies of the Federal Government with particular emphasis upon identifying unsolved special problems of older Americans; and

"(4) make recommendations to the President, to the Secretary, the Commissioner, and to the Congress for the establishment of new programs and activities for older Americans in view of the evaluation conducted by the Council.

"(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(f) Beginning with the year 1974, the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, the President shall submit to Congress no later than eighteen months after the enactment of this Act recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

"(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

"ADMINISTRATION OF THE ACT

"SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner is authorized to provide consultative services and technical assistance to public or nonprofit private agencies, organizations, and institutions; to provide short-term training and technical instruction; to conduct research and demonstrations; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act and to provide staff and other technical assistance to the President's Council on Aging.

"(b) In administering his functions under this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit private agency or institution, in accordance with agreements between the Commissioner and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) Before funds are released for the programs and projects covered by this Act, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. Reports submitted pursuant to section 208 shall describe the actions taken as a result of these evaluations.

"(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Secretary shall publish the results of evaluative research and evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

"(g) The Secretary is authorized to use such sums as required, but not to exceed 1 per centum of the funds appropriated under this Act, or $1,000,000 whichever is greater, to be available to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"REPORTS

"SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 209. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency, organization, institution, or person assisted under this Act, any one Federal agency may be desigated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"ADVANCE FUNDING

"SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise of) two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

TITLE III—GRANTS FOR STATE AND AREA PROGAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

"TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

"PURPOSE

"SEC. 301. It is the purpose of this title to encourage and assist State or local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services deisgned to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing; or

"(E) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (a) There are authorized to be appropriaed $100,000,000 for the fiscal year ending June 30, 1973, $200,000,000 for the fiscal year ending June 30, 1974, and $300,000,000 for the fiscal year ending June 30, 1975 to enable the Commissioner to make grants to each State with a State plan approved under section 305 for paying part of the cost (pursuant to subsection (e) of this section) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

"(2) the development of comprehensive and coordinated systems for the delivery of social services.

"(b)(1) From the sums appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that, for the fiscal year for which the determination is made, (A) the amount allotted to each State shall not be less than $250,000, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount of not less than $50,000. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(e) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of of administration of area plans; and

"(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"STATE ORGANIZATION

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) The State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into district areas (hereinafter in this title referred to as 'planning and service areas'), after considering the geographical distribution of individuals sixty and over in the State, the incidence of the need for social services, the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has an existing office on aging and includes 25 per centum of the State's population age sixty and older shall be designated as a planning and service area; and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organiaztion as the area agency on aging for such area; and

"(B) provide assurances satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) In order to be eligible for designation under subsection (a), an area agency on aging—

"(1) must be—

"(A) an agency of a unit of general purpose local government,

"(B) an agency designated to act on behalf of a combination of such units, or

"(C) a public or nonprofit private agency or organization which can engage in the planning or provision of a broad range of social services within a planning and service area, and

"(2) must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area.

In designating an area agency on aging, the State agency shall give preference to an agency of a unit of general purpose local government, unless the State agency finds that no such agency within the planning and service area will have the capacity to carry out the area plan.

"Area plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area, evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria, established by the Commissioner by regulation, relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan; and

"(3) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan; and

"(C) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan.

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, idenifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that preference shall be given, in establishing objectives under the State plan, to areas with large concentrations of older persons;

"(7) provides that each area agency on aging designated pursuant to section 304(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c); and

"(8) provides for establishing and maintaining information and referral sources in sufficient numbers to assure that all older persons in the State will have reasonably convenient access to such sources. For purposes of this section, an information and referral source is a location where the State or a political subdivision (1) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (2) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services."

"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not finally disapprove any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is no longer eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner may, in accordance with regulations he may prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

"(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"SEC. 306. (a) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentage as each State agency determines, but not more than 75 per centum of the cost of the administration of its State plan, including the preparation of the State plan the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of technical assistance to public or nonprofit private agencies and organizations engaged in activities related to the problems of older persons, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social services.

"(b)(1) From the sums appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $200,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000 whichever is greater. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

"PAYMENTS

"SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may advance to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan.

"(b) Beginning with the fiscal year ending June 30, 1974, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to or contracts with any public or nonprofit private agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons.

"(b) For the purposes of carrying out this section, there are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975."

TITLE I—TRAINING AND RESEARCH

SEC. 401. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"PART A—TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of the aging.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Office of Education, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner is authorized to make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he is authorized to enter into contracts with any agency, institution, or organization for the purpose of—

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or

"(4) the preparation and dissemination of materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner is authorized to make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act.

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he may determine which shall be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to the institution of higher education in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner is authorized to make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of——

"(1) studying currrent patterns and conditions of living of older persons and identify factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

"(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

"(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

"(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful living and to continue to contribute to the strength and welfare of our Nation;

"(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

"(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

"PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner is authorized to make grants for the purpose of establishing multidisciplinary centers of gerontology or supporting such existing centers. A grant may be made under this section only if the application therefor is approved by the Commissioner upon his determination that the application—

"(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of geronotology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels,

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas.

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at such institution of higher education.

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at such institution of higher education, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title $15,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

"(b) For the purpose of making grants under part B and part C of this title, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, $40,000,000 for the fiscal year ending June 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

"CONSTRUCTION PROJECTS

"SEC. 501. In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of leasing, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities), and, where utilizing existing facilities is not feasible, not to exceed 75 per centum of the cost of constructing new public or nonprofit private multipurpose senior centers. Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible, except that the total payments made pursuant to such grants or contracts in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant of contract for construction under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center, and that there are no existing facilities in the community which could be altered or renovated to serve such a purpose;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the construction of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract; the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (a) There is authorized to be appropriated for the purpose of making grants or contracts under section 501, $35,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose of the next fiscal year.

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate off return. As an aid to the regulation or erstriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation oustanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(5) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h) (1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior

Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"ANNUAL INTEREST GRANTS

"Sec. 507. (a) To assist States and public and nonprofit private agencies to reduce the cost of borrowing from other sources for the construction of facilities, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed $1,000,000, which amount shall be increased by $3,000,000 on July 1, 1974, and by $5,000,000 on July 1, 1975.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"Part B—Initial Staffing of Multipurpose Senior Centers

"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"Sec. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

"(d) For the purposes of this part, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"DEFINITIONS

"Sec. 512. For purposes of this title—

"(1) the term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"(2) the term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements."

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEERS PROGRAM

Sec. 601. Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

Sec. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "and $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30. 1975".

Sec. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows: "Foster Grandparent Program and Other Senior Volunteer Programs".

(b) Section 611 of such Act is amended to read as follows:

"Sec. 611. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of the development and operation of community projects designed to provide opportunities for low-income persons aged sixty or over to render supportive services to people having exceptional needs.

"(b) For the purposes of subsection (a), grants or contracts shall be made principally for projects providing services as 'foster grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(c) The total amount of Federal financial assistance for projects described in subsection (b) shall not be less than the total amount expended for such projects for the fiscal year ending June 30, 1972.

"(d) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine."

(c) The first sentence of section 613 of such Act is amended to read as follows:

"Sec. 613. In administering this part, the Director shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

Sec. 604. Section 614 of the Older Americans Act is amended by inserting immediately before the period at the end thereof the following: ", and 535,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, and $55,000,000 for the fiscal year ending June 30, 1975".

Sec. 605. (a) Title VI of such Act is amended by striking out the word "Secretary" wherever it appears, and inserting in lieu thereof "Director".

(b) Such title is further amended by adding at the end thereof the following new section:

"MEANING OF DIRECTOR

"Sec. 615. For purposes of this title, the term 'Director' means the 'Director of Action' ".

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

Sec. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"Sec. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) may be used to meet the requirments of programs providing nutritional services in accordance with the provisions of this title."

Sec. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, whenever possible, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

STATE PLANNING

Sec. 703. Section 705(a) (2) (B) of the Older Americans Act of 1965 is amended by striking out "not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in any fiscal year is approved by the Secretary", and inserting in lieu thereof "funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the Administration of the State plan submitted pursuant to this section, except that, whenever the Governor of a State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Secretary shall determine that portion of a State's allotment under section 306 which shall be available to the Agency designated under section 705(a)(1) for planning and administration".

CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof "305".

(b) Section 705(a)(1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and insert in lieu thereof "Commissioner".

TITLE VIII—IMPACT PROGRAMS

SEC. 801. Title VIII of the Older Americans Act of 1965 is amended to read as follows:

"TITLE VIII—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 801. The purpose of this title is to establish special demonstration and model programs which (1) are directed to the solution of critical problems confronting older persons in the areas of preretirement, housing, transportation, employment, and continuing education, (2) are of sufficient size and scope to have an appreciable impact in meeting the needs of older persons in their communities and neighborhoods, (3) show promise of providing a solution to problems in the field of aging which are common to a number of communities, and (4) will improve the quality and comprehensiveness of the comprehensive and coordinated systems established under title III of this Act.

"ESTABLISHMENT OF PROGRAM

"SEC. 802. (a) The Commissioner, after consultation with the State agencies designated under title III of this Act, is authorized to make grants to public or nonprofit private agencies or organizations or contracts with any agency or organization for payment of part of the cost of programs to improve the quality and comprehensiveness of any program established under title III of this Act and are designed to—

"(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

"(2) improve the transportation services available to older persons by (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis, with special emphasis on transportation necessary to enable older persons to obtain health services, (D) payments directly to older persons to enable them to obtain reasonable and necessary transportation services, (E) programs to study the economic and service aspects of transportation for older persons living in urban or rural areas, (F) programs to study transportation and social service delivery interface;

"(3) meet the needs of unemployed low-income older persons who are unable, because of physical condition, obsolete or inadequate skills, declining economic conditions, or other causes of a lack of employment opportunity to secure appropriate employment, which will enable such persons to participate in projects for public service in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement;

"(4) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons; or

"(5) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operattion of such programs) to persons planning retirement.

"(b) The Commissioner shall not award any financial assistance under this section for the cost of a program in any State unless the appropriate State agency (referred to in subsection (a)) has had not less than thirty days in which to review the program and make comment thereon.

"FEDERAL SHARE OF PROGRAM COSTS

"SEC. 803. Federal grants to any program carried out pursuant to this title shall not exceed 90 per centum of the cost of such programs, including costs of administration, unless the Commissioner determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that assistance in excess of such percentage is required in furtherance of the purposes of this title. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

"EVALUATION

"SEC. 804. Each program for which payments are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving the goals of this title. This evaluation shall be conducted by such public or private organizations as the Commissioner may designate, and up to 100 per centum of the costs of evaluation may be paid from funds appropriated to carry out this title. The results of such evaluations or a summary of them, together with the Commissioner's findings and recommendations concerning the program, shall be included in the report required by section 208.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 805. There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, for providing assistance under this title.

"INTERAGENCY COOPERATION

"SEC. 806. In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, ACTION, the Department of Labor, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination of the program under this part with such other programs and shall promote the coordination of programs under this part with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Commissioner in disseminating information about the availability of assistance under this part and in promoting the identification and interest of older persons whose services may be utilized in programs under this part."

TITLE IX—AMENDMENTS TO OTHER ACTS

SEC. 901. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"SEC. 402. (a) Funds appopriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 302, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated $11,700,000 for the fiscal year ending June 30, 1973, $12,300,000 for the fiscal year ending June 30, 1974, $12,900,000 for the fiscal year ending June 30, 1975, and $13,700,000 for the fiscal year ending June 30, 1976."

(c)(1) Section 5(a)(1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a)(2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a)(3) of such Act is amended by striking out the word "and" at the end of such paragraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

(4) The last sentence of section 5(a)(3) of such Act is amended by striking out "or (3)" and inerting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d)(1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b)(1) of such Act is amended by inserting "and title IV" after "title III".

(d) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1972.

Sec. 902. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504(a)(2)) is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons,".

(b) The second sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

Sec. 903. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110 and 111 (and cross references thereto) as 111 and 112, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"Sec. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

Sec. 904. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and 313, respectively, and by inserting after section 309 the following new section:

"SPECIAL PROJECTS FOR THE ELDERLY

"Sec. 310. (a) The Commissioner' is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there is authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(c) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

Sec. 905. (a) Section 5(g)(2)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(2)(B) is amended by inserting after "of this section" the following: ", with a preference in the case of productions referred to in subsection (c)(2) of this section with respect to which a special effort has been made to bring the production to older persons".

(b) Section 5(g)(4) of such Act is amended by inserting before the period at the end thereof the following: ", and up to 100 per centum of the total cost of a production referred to in subsection (c)(2) of this section where such production is presented primarily to older persons".

The SPEAKER. Is a second demanded?

Mr. HANSEN of Idaho. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 15657, the Comprehensive Older Americans Services Amendments of 1972.

Mr. Speaker, this bill represents the culmination of 14 days of hearings before the Select Subcommittee on Education of the Committee on Education and Labor on various proposals to extend and improve the Older Americans Act of 1965 and to amend other legislation in order to provide services to older persons.

The bill was reported unanimously both by the subcommittee and the full Committee on Education and Labor. This bipartisan support indicates, I believe, the widespread concern in the House of Representatives and throughout the country about the problems of the aged.

Members on both sides of the aisle on our subcommittee and committee contributed long hours to hearings and to the formulation of the bill that we bring to you today.

Mr. Speaker, at this point I feel it appropriate to pay particular tribute to several Members of the House who have made substantial contributions to this legislation—Mr. PERKINS, the distinguished chairman of the full Education and Labor Committee offered many innovative features to the legislation, as did the distinguished ranking minority member of the committee, the gentleman from Minnesota (Mr. QUIE), along with my other distinguished colleagues, the gentlelady from Connecticut (Mrs. GRASSO), the gentleman from New York (Mr. SCHEUER), the gentleman from New York (Mr. REID), the gentleman from Minnesota (Mr. FRASER), the gentleman from New York (Mr. BINGHAM), the gentleman from Illinois (Mr. PUCINSKI), the gentleman from Idaho (Mr. HANSEN), the gentleman from California (Mr. VEYSEY), and the gentleman from New York (Mr. PEYSER).

Mr. Speaker, in considering the legislation now before you, the subcommittee heard from witnesses from various departments of the executive branch, organizations representing the aged, as well as private individuals, Governors, other State officials, and Members of Congress. In addition, the subcommittee took note of the many recommendations made by the recent White House Conference on Aging.

Mr. Speaker this bill seeks to provide much needed opportunities and supportive services to our older population. Since the older American Act was passed in 1965, community programs have been developed across the Nation to serve the aging. These programs have included services designed to promote independent living, nutritional services, transportation services, senior centers, and health and health-related services. In addition, the highly successful foster grandparents program has made it possible for thousands of low-income older persons to provide valuable services to children in institutions.

The amendments contained in H.R. 15657 would continue the Older American Act programs already underway as well as providing for expansion in areas where the need is great.

ADMINISTRATION ON AGING

First of all, the bill would strengthen the role of the Administration on Aging as a focal point of Federal concern for older persons. The Older Americans Act of 1965 established the Administration on Aging within the Department of Health, Education, and Welfare and provided for a Commissioner on Aging appointed by the President with the advice and consent of the Senate. H.R. 15657 provides that the Commissioner would be directly responsible to the Secretary of Health, Education, and Welfare and could delegate his functions only to an officer who is directly responsible to him.

When Congress passed the Older Americans Act in 1965, Congress clearly intended to create an entity highly visible in the Department of Health, Education, and Welfare to serve as a focal point for dealing with the problems of the aged. Yet, in 1967, the Administration on Aging was placed within the Social and Rehabilitation Service with the Commissioner on Aging reporting to the Administrator of the Social and Rehabilitation Service rather than to the Secretary. Since that time, the responsibilities of the Commissioner have been progressively lessened. For instance, the title IV research and demonstration programs have been placed under an Associate Administrator of the Social and Rehabilitation Service and the title VI retired senior volunteer and foster grandparent programs have been moved to the new Action agency.

If the Commissioner on Aging is to be effective, he must have grant authority to launch programs in areas where there is demonstrated need. For example, the title IV research and demonstration program was designed to move into areas where gaps in knowledge exist and to test approaches to services ignored by other agencies. To delegate these activities to another unit within the social and rehabilitation service only creates more division of responsibility and a need for more coordination, while at the same time weakening the role of the Commissioner on Aging and diminishing his ability to focus research efforts on meeting the unique needs of the elderly.

In addition, to achieve effective coordination with other agencies, the Commissioner should have the financial resources to share in the costs of the development and operation of programs. An advocacy role is difficult to carry out if there is no capability provided in the form of grant money to be used in cooperation with other programs or to innovate and lead the way in areas where gaps exist. Yet as a result of these various reorganizations, the Commissioner on Aging has been left with control of very little in the way of discretionary grant authority.

The provisions in H.R. 15657 are intended to alleviate these problems by reasserting the congressional mandate to the Commissioner on Aging and giving him the powers and responsibilities he needs to carry out effective programs for older people and to work on a more equal basis with other agencies which have programs of benefit to the aged.

NATIONAL INFORMATION AND RESOURCE CENTER

Next, Mr. Speaker, the bill provides for the establishment of an Information and Resource Center. The White House Conference on Aging identified a number of problems in obtaining coordinated information on problems and programs in the field of aging. Therefore, H.R. 15657 would establish a National Information and Resource Center as an integral organizational mechanism within the Administration on Aging. The major function of the Center would be to collect, review, organize, publish and disseminate information and data related to the particular problems caused by aging.

The Center would provide information to older persons directly or through State information and referral sources, thereby creating a vital information link between Federal, State, and local aging agencies or service providers, and directly to older persons themselves.

NATIONAL ADVISORY COUNCIL ON AGING

Mr. Speaker, in recognition of the fact that the problems, issues, and recommendations developed by the White House Conference on Aging go far beyond the scope of activities conducted by the Department of Health, Education, and Welfare, H.R. 15657 creates a Presidential Advisory Committee. This National Advisory Council on the Aging would advise and assist the President on matters relating to the special needs of older Americans. It would review and evaluate programs and activities conducted or assisted by departments and agencies of the Federal Government, and it would make recommendations to the President, to the Secretary, to the Commissioner, and to Congress for the establishment of new programs and activities for older Americans. Beginning with the year 1974, the Council would make an annual report of its findings and recommendations to the President, who would transmit the report to the Congress together with his comments and recommendations.

In addition to its regular responsibilities, the Council would be charged with the responsibility for undertaking two important studies. First of all, the Council is to conduct a study of the interrelationships of benefit programs for the elderly operated by Federal, State and local government agencies. At least nine major programs, operated by five Federal departments and agencies, impinge directly on each other. These include social security, veterans benefits, old age assistance, medicare, medicaid, low-rent public housing, federally assisted private housing—section 202, 236—food stamps, and manpower training.

At present, problems occur when older people are eligible for assistance from more than one of these programs. For instance, when there is an increase in social security benefits, an individual who receives both social security and old age assistance may, unless corrective legislative action is taken each time there is an increase, receive no increase in total income since his old age assistance benefit is reduced to take account of his increase in social security. The study called for in these amendments should provide the information necessary to come up with a comprehensive solution to this and to similar problems that occur in other areas.

Second, the Council would be responsible for undertaking a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, and social security taxes.

Upon completion of each of these studies, but no later than 18 months after enactment of this act, the President would submit the results and recommendations to Congress and, in the case of the tax study, to the Governors and legislatures of the States.

GRANTS FOR STATE AND AREA PROGRAMS

Mr. Speaker, another significant change this bill makes in the Older Americans Act deals with the grants for State and community programs.

Since 1965, when the Older Americans Act was first passed, some 1,700 community projects have received funding under its community grant program. Approximately 1,000 projects are still receiving Federal support. These projects have had significant impact on the lives of many older persons. During 1971 alone, over 800,000 older Americans were served. However, the lack of a specific goal orientation has sometimes resulted in these funds being spread too thinly over too wide a variety of activities with consequently lessened impact.

H.R. 15657 would substantially revise the present program in order to encourage and assist State or local agencies to concentrate resources in order to serve older persons. Under the revised program, State and local agencies on aging would enter into new cooperative arrangements with each other and with providers of social services. The final objective would be to secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services and to remove individual and social barriers to economic and personal independence for older persons.

The Committee on Education and Labor was also concerned that the State agencies on aging established under the present title III program had not developed into strong and effective advocates for older people at the State level. H.R. 15657 therefore strengthens these agencies by first reasserting the requirement for a sole State agency; second, increasing the funding available for the administration of the State plan required under title III; third, providing that the State agency could designate area agencies on aging when this would serve to strengthen the State's program for its older citizens; and fourth, providing for the establishment of State information and referral sources.

The committee believes that in order to set responsibility and to provide the power necessary to take effective action in behalf of older Americans, a strong and easily identifiable single State agency on aging is necessary. There should be coordination between this and other agencies but this agency should maintain its own identity in order to serve as a strong advocate for the needs of the older population.

H.R. 15657 would authorize appropriations of $100,000,000 for fiscal year 1973, $200,000,000 for fiscal year 1974, and $300,000,000 for fiscal year 1975 for the Commissioner to make grants to States for the title III programs.

Mr. Speaker, in some cases, States are too large and diverse to be covered by a single comprehensive, coordinated area plan for the elderly. Consequently, H.R. 15657 provides that whenever appropriate and feasible such States may be divided into planning and service areas. However, small States and rural States can often best be served by a single State agency rather than several area agencies and should not be divided. In such cases, it should be made clear that it is the intent of the committee that one area plan would be permitted to cover an entire State.

H.R. 15657 also authorizes appropriations of $12,000,000 for fiscal year 1973, $15,000,000 for fiscal year 1974, and

$15,000,000 for fiscal year 1975, to make grants to States for paying the cost of the administration of its State plan.

H.R. 15657 also authorizes appropriations of $20,000,000 for fiscal year 1973, $30,000,000 for fiscal year 1974, and $40,000,000 for fiscal year 1975 for the Commissioner, after consultation with the State agency to make grants to or contracts with any public or nonprofit private agency or organization for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. This direct funding provision will, hopefully, strengthen the position of the Commissioner on Aging.

Mr. Speaker, this revised title III program builds on the experience obtained from almost 7 years of operation under the Older Americans Act of 1965. The Committee on Education and Labor feels that the States and communities are now ready to accept the challenge of this restructured program which would greatly expand the resources available to meet the needs of older people at the community level.

TRAINING AND RESEARCH

Another important feature of H.R. 15657 is that it would extend the research and training programs of the Older Americans Act. However, H.R. 15657 changes the language of the present act to make it clear that Congress intends that the Commissioner on Aging carry out this program through grants to or contracts with public or private agencies, organizations, institutions, or individuals.

H.R. 15657 also adds a new provision to the Older Americans Act which would authorize the Commissioner to make grants for the purpose of establishing multidisciplinary centers of gerontology or supporting existing centers.

The 1967 amendments to the Older Americans Act provided for a study of the need for trained personnel in the field of aging. The report that resulted from this study pointed out that multidisciplinary institutes of gerontology increase the visibility of the field of aging; often afford the only opportunity students and faculty may have for exposure to the broad interdisciplinary aspects of the field of gerontology; constitute a focal point for research and training; and can provide many significant services to State and other agencies serving older people. The report went on to declare that a major hindrance to the development of such centers has been the lack of general purpose financial support from the Federal Government, which limits its aid to funding specific research and training projects.

The recent White House Conference on Aging also recommended that:

> Multidisciplinary research and training centers of excellence in gerontology with a relationship to service-delivery systems should be developed, and research and training should be fostered in a wide range of colleges, universities and other institutions.

The multidisciplinary centers authorized by the bill would primarily focus and concentrate on recruiting and training personnel. The centers could also, however, conduct research into a variety of matters which affect the elderly, ranging from education to living arrangements; provide consultation and technical assistance regarding the planning of services for older persons; act as a repository of information related to its areas of basic and applied research, encourage the incorporation of aging information into the teaching of biological, behavioral, and social sciences in institutions of higher education; develop and operate short course training sequences for staffs of State, area, and local aging agencies; develop training programs on aging in schools of social work, public health, health care administration, and education; and create opportunities for multidisciplinary efforts in teaching, research, and demonstration projects related to aging.

The visibility of such multidisciplinary centers on gerontology would help attract students to the field, and build core faculties of distinction. Individual courses offered by these centers would be of value in improving the sensitivity and competence of students specializing in related fields in dealing with the special problems of the aged.

The results of the multidisciplinary research conducted by the centers could provide a foundation for administrative and program policy decisions, and generate program models for State, local, and national action in the field of aging, as well as stimulating increased or improved community effort on behalf of the elderly.

The research and training offered by these multidisciplinary centers is not intended to duplicate or supplant similar research and training programs already in existance. Rather, such centers would coordinate their activities with others, and serve as a link between related federally supported research and training programs.

MULTIPURPOSE SENIOR CENTERS

Mr. Speaker, H.R. 15657 also adds a new feature to the act by providing for multipurpose senior centers.

The committee believes that very often the elderly need a single place, a focal point, where they can gather, receive a variety of services, and be referred to other services they need. The location of services in a single place is one effective way of making the range of services and personal needs accessible to him or her. However, the committee is firmly of the belief that whenever possible existing facilities should be utilized for such multipurpose senior centers. Schools, libraries, and other neighborhood facilities can be ideal locations for such centers.

Under the bill, the Commissioner on Aging would be authorized to make grants to public and nonprofit private agencies and contracts with any agencies to pay up to 75 percent of the costs of leasing, repairing or altering existing facilities so that they could be used as multipurpose senior centers. Grants and contracts could also be made for construction of facilities, but only where it is not feasible to utilize existing facilities for such purposes—through leasing, repair or alteration.

Since one of the primary purposes of this bill is to focus resources on the development of comprehensive and coordinated services for the elderly, the Commissioner would be required to give priority to applications for assistance for centers that would be a part of a comprehensive program being developed under the title II State grant program. The Commissioner would also be required to consult with and utilize the assistance of the Secretary of the Department of Housing and Urban Development on the technical aspects of any proposed construction.

NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

Mr. Speaker, two of the most popular and successful programs developed under the Older Americans Act are the foster grandparent program and the RSVP or the retired senior volunteer program.

The foster grandparent program provides part-time volunteer opportunities for low-income persons age 60 and over to serve needy children in institutions on a person-to-person basis. The program seeks to establish a useful way for older adults to contribute to their community in their retirement years and to enjoy the self-respect and satisfaction that come from being needed and serving others. The retired senior volunteer program establishes a recognized role in the community and a meaningful life in retirement for older adults through significant volunteer service.

On July 1, 1971, through the Executive Reorganization Plan No. 1, of 1971, the foster grandparent program and the retired senior volunteer program were transferred to ACTION. Although the Committee on Education and Labor did not, in H.R. 15657, seek to change this decision, the committee expects ACTION to work closely with the Administration on Aging and the State agencies on aging in administering these programs.

H.R. 15657 expands the foster grandparent program to provide new opportunities for low-income older Americans to render meaningful community service. Low-income persons, 60 years and over, would be enabled to serve both children and adults with special needs in community settings.

A major component of the program would be services to assist needy elderly in their own homes, in nursing homes, and in institutions. One of the key efforts will be to provide services to older persons in their own homes in an effort to delay or possibly avoid the necessity for placement in nursing care. Volunteers serving in this program will also expand the foster grandparent program concept by serving children in their own homes as tutors or teachers' aides in schools or day care settings.

NUTRITION PROGRAM

Mr. Speaker, earlier this year, Congress initiated and passed legislation to establish a nutrition program for the elderly under the Older Americans Act. H.R. 15657 would only make minor amendments to this program.

First, as I indicated at the outset of my remarks, it is the intention of H.R. 15657 that comprehensive services be planned and delivered for older Americans. In this connection, wherever possible, nutrition projects funded under title VII shall be part of comprehensive and coordinated systems funded under title III. The research and demonstration projects which provided nutrition for the elderly indicated that nutrition projects were more effective where they were part of a comprehensive service program.

Second, the amendments seek to assure that commodities purchased by the Secretary of Agriculture, including dairy products, could be donated to title VII grantees and used for providing nutrition services. The same is true of food commodities under the control of the Commodity Credit Corporation under section 416 of the Agricultural Act of 1949.

Third, wherever title VII programs operate as a part of a title III comprehensive system, funds for planning and administration for title VII programs may come from the title III appropriations. By having, wherever possible, only one planning authority, more funds will be available for providing additional nutrition services.

SPECIAL IMPACT PROGRAMS

Finally, Mr. Speaker, H.R. 15657 adds a new title VII to the Older Americans Act establishing special programs which are directed to the solution of critical problems confronting older persons in the areas of preretirement, housing, transportation, employment, and continuing education. These programs would be designed to be of sufficient size and scope to have an appreciable impact in meeting the needs of older persons in their communities and neighborhoods and to show promise of providing a solution to problems in the field of aging which are common to a number of communities. The program would also be designed to improve the quality and comprehensiveness of the comprehensive and coordinated systems established under the title III program.

The Commissioner, after consultation with the title III State agencies, would be authorized to make grants to public or nonprofit private agencies or organizations or contracts with other private agencies or organizations for not more than 90 percent of the costs—unless the Commissioner determines that assistance in excess of such percentage is required—of programs to improve the quality and comprehensiveness of any program established under title III and designed to—

Assist in meeting the special housing needs of older persons by: providing financial assistance to such persons to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards; studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities; and demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes.

Improve the transportation services available to older persons by: Establishing special transportation subsystems for older persons or groups with similar mobility restrictions; providing portal-to-portal service and demand actuated services; payment of subsidies of transportation systems to enable them to provide transportation services to older persons on a reduced rate basis, with special emphasis on transportation necessary to enable older persons to obtain health services; payments directly to older persons to enable them to obtain reasonable and necessary transportation services; service aspects of transportation for older persons living in urban or rural areas; programs to study transportation and social service delivery interface.

Meet the needs of unemployed low-income persons who are unable, because of physical condition, obsolete or inadequate skills, declining economic conditions, or other causes of a lack of employment opportunity to secure appropriate employment, which will enable such persons to participate in projects for public service in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

Provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons.

Provide preretirement education, information, and relevant services—including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs—to persons planning retirement.

Authorizations of appropriations of $50,000,000 for fiscal year 1973, $75,000,000 for fiscal year 1974, and $100,000,000 for fiscal year 1975 are provided for these special impact programs.

LIBRARY SERVICES AND CONSTRUCTION ACT

Mr. Speaker, the bill before the House today also amends various acts in ways which can have beneficial effects on the lives of many Americans.

For instance, H.R. 15657 would add a new title IV to the Library Services and Construction Act authorizing the Commissioner of Education to carry out a program of grants to the States for older readers services. In making these grants, the Commissioner of Education would consult with the Commissioner of Aging. Grants could be used for the training of librarians to work with the elderly; the conduct of special library programs for the elderly; the purchase of special library materials for use by the elderly; the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; the provision of in-home visits by librarians and other library personnel to the elderly; the establishment of outreach programs to notify the elderly of library services available to them; and the furnishing of transportation to enable the elderly to have access to library services.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

H.R. 15657 also would amend the National Commission on Libraries and Information Science Act to provide that the Commission should conduct studies, surveys, and analyses of the library and informational needs of elderly persons.

HIGHER EDUCATION ACT OF 1965

H.R. 15657 would amend title I of the Higher Education Act of 1965 to authorize the Commissioner of Education to make grants to institutions of higher education—and combinations therefore—to assist such institutions in planning, developing, and carrying out programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas. In making such grants, the Commissioner of Education would consult with the Commissioner on Aging.

ADULT EDUCATION ACT

The bill would also amend the Adult Education Act to authorize the Commissioner of Education to make grants to State and local educational agencies or other public or private nonprofit agencies for educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. In making grants, the Commissioner of Education would consult with the Commissioner on Aging. Programs should be designed to equip these elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT OF 1965

H.R. 15657 would amend the National Foundation on the Arts and Humanities Act of 1965 to provide a preference for projects and productions where a special effort has been made to bring the production to older persons. Where a production is presented primarily to older persons, a State's allotment for projects and productions could be used to pay up to 100 percent of the total cost.

CONCLUSION

Mr. Speaker, as I conclude these remarks in explaining H.R. 15657, I should like to recall the words of Franklin Delano Roosevelt, who once said:

> The test of our progress is not whether we add much to the abundance of those who have much; it is whether we provide enough for those who have too little.

The Comprehensive Older American Services Amendment of 1972 will mean much to older people throughout our country. It will indicate to older Americans that we have not forgotten the great debt we owe them for their past contributions and that we are concerned that they continue to have the opportunity to contribute to society and live independently in their home communities with needed services readily available.

Mr. Speaker, the 92d Congress has the opportunity to help bring 20 million elderly Americans back into the mainstream of American life. The time for action is now.

I urge all Members of the House to support H.R. 15657.

At this point I want to yield to the distinguished chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I thank the distinguished chairman of the subcommittee, the gentleman from Indiana (Mr. BRADEMAS) for yielding.

First, let me state that the gentleman from Indiana (Mr. BRADEMAS) as chairman of the subcommittee has worked for several years in trying to strengthen the Older Americans Act, an act which has been of tremendous benefit to our senior citizens.

The gentleman from Indiana is to be complimented for his untiring efforts. Due to his leadership in conducting oversite hearings on the act there have already occurred many important improvements in programs and services for the elderly. The excellent bill before us represents still another effort to expand and improve these programs. Mr. Speaker, the other members of the subcommittee have also worked very diligently and I wish to praise them also.

Mr. Speaker, I rise to strongly urge the adoption of H.R. 15657.

The Older Americans Act has been of great benefit to our senior citizens. It has, until now, consisted of State and community programs, training programs, the foster grandparents program, and the retired senior volunteer program. These programs have proven their value to older persons, and the best evidence of that is the fact that we bring this bill before the House today under suspension of the rules.

In 1971, this fine act provided the funding for 1,721 projects administered by our communities and States which served a total of 800,313 older persons. These projects included a wide variety of services to the elderly. Programs designed to maintain independent living arrangements for older persons, including shut-ins, were offered. Senior citizens were encouraged and organized as volunteers who visited, telephoned, transported, taught adult education courses, and prepared and delivered meals—all for other older persons. In fact, almost 25,000 meals were provided to older persons, and those who could not afford to pay for this service received it without cost.

Transportation is a critical need of older persons, and a number of projects included such services as a part of their program. You and I take our mobility for granted, but the older persons without transportation cannot get to a doctor's appointment, or to health clinics, or the food stamp office, or to visit with other people and overcome the great problem of loneliness among the elderly, or to pursue civic interests and activities. The Older Americans Act makes it possible to provide transportation.

Problems of failing health often plague our senior citizens and here again the Older Americans Act attempts to meet that need. Projects provide visiting nurses and in-house health aides for the home-bound elderly. In addition, health education, geriatric screening and referral, immunization programs, and homemaker services are provided. A number of programs have attempted to deal with particular emotional and physiological problems associated with old age, such as blindness, deafness, or loneliness.

This act has established a solid record of service to people which, to my way of thinking, is what good government is all about.

Two programs that have been especially well received have been the foster grandparents program and the retired senior volunteer program. Foster grandparents, which was developed by the Office of Economic Opportunity, currently has 67 projects serving over 200 different child care programs in 40 States and Puerto Rico. They utilize over 4,400 foster grandparents per day. However, there has been a major expansion of this program so that we can now look forward to 11,000 foster grandparents serving 22,000 children each day. This program has been of inestimable value not simply to the children who have benefited from the warmth and patience and interest of a foster grandparent, but to those foster grandparents themselves who derive enormous satisfaction in knowing that they are still capable of and are in fact making valuable contributions to their communities.

While the retired senior volunteer program is newer—it was first authorized in 1969—it too has built an impressive record of service and acceptance. RSVP, as it is known, offers opportunities for community services to persons aged sixty or over without regard to their income or station in life. RSVP permits senior volunteers to participate in a variety of service organizations, agencies, and institutions.

So the 1972 Older Americans Amendments will rest on a solid foundation of tested success. The bill seeks to improve the Administration on Aging, to upgrade its functions, to broaden its duties, and to insure that all Federal programs and information affecting the older persons are more effectively coordinated and developed in the hope that we can improve the level and quality of services to the most deserving of all our citizens—the older American.

This is a bill that all Members can unite on and support. We cannot do enough to reward those whose sweat and labor and perseverance have built this great country of ours.

Mr. BRADEMAS. Mr. Speaker, I thank the distinguished chairman for his gracious remarks. Few persons are so dedicated to the cause of lifting the level or the quality of life of the older people of our country than the gentleman from Kentucky, CARL PERKINS.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Speaker, first let me compliment the gentleman on this legislation to help older people.

All of us feel very strongly that we need to help provide a better life for our older people.

The gentleman from Indiana has made a great contribution.

I am troubled by two aspects of the bill, however.

The first is regards the provision for a 15-member National Advisory Council on the Aging. These people will be GS-18's and will make $39,693 a year—a little less than Congressmen earn. That seems to be an excessive number of people and possibly an excessive salary—but especially an excessive number of people.

The Federal Reserve Board has seven members.

The Atomic Energy Commission has five members.

The Civil Aeronautics Board has five members.

The Civil Service Commission has three members.

I could go on down the list—there are about 10 or 11 of the major agencies that have far smaller numbers. Why 15 members and why such tremendous salaries?

Mr. BRADEMAS. I will say to my friend, the gentleman from Maryland, that the number of members as proposed for the National Advisory Council on the Aging is identical with the number of members who are presently on the Advisory Committee on Older Americans, which is to be replaced by a new National Advisory Council on the Aging.

So we did not seek to make any changes in the number.

Mr. LONG of Maryland. Should we not have cut this down in the interest of economy and efficiency?

Mr. BRADEMAS. That might have been done, but in all candor, the gentleman from Maryland is the first Member of this body to express this concern to the gentleman from Indiana. I know of no evidence that the present Council is too large and unwieldy.

Mr. REID. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman.

Mr. REID. Mr. Speaker, I thank the distinguished chairman for yielding.

Mr. Speaker, I would like to compliment the gentleman for his initiative and the Members on both sides of the aisle for this legislation, the Comprehensive Older Americans Services amendments, which I think will open a new chapter and a new day for the senior citizens of America

If the gentleman will yield, might I ask just a few brief questions to pinpoint one or two of the areas in this legislation that can be particularly significant and are clearly needed by our senior citizens?

As I understand the legislation, in the first instance, the National Information and Resources Center is being set up basically because senior citizens do not have all the information that they need and this will collect and review and organize information so that senior citizens can know what services are available to them.

Mr. BRADEMAS. The gentleman is correct.

Mr. REID. Second, it is my understanding that the National Advisory Council on the Aging will meet at least four times a year and, moreover, the importance of this, we think, is there should be a review at the top—the White House—and not just at a departmental level.

Mr. BRADEMAS. The gentleman is again correct. This purpose will be achieved with the newly shaped National Advisory Council, which will report to the President, as distinguished from the present Council, which reports to the Secretary.

In this connection, the committee wishes to make clear its intent that the problems of older Americans will receive the attention of the highest official of the Federal Government, namely, the President of the United States.

Mr. REID. It is my understanding further that title III represents a very major increase from $44 to $100 million. In the case of New York it will mean funds of between $1.6 million as of last year to at least $9.6 million this fiscal year. Fundamentally title III represents not only an increase but a new concept in the title which is to secure and maintain maximum independence of our senior citizens, both in terms of home environment and in terms of their personal dignity, as well as in terms of their economic and personal independence.

Lastly, of course, it seems to me the major step forward is to strengthen State agencies while building in requirements of coordination with all groups, profit or nonprofit, that can help in this area.

Mr. BRADEMAS. The gentleman from New York, Mr. Speaker, who has made most valuable contributions to the shaping of this legislation, is correct on all of those points.

Mr. REID. There are just one or two brief other points, Mr. Speaker. Title IV, I think, represents the first time that there has been a total recognition that in the field of gerontology there must be a multi-disciplinary approach. I also think the multi-purpose senior centers and the $35 million authorization for these centers will provide a focal point for a variety of services. And the understanding is that where those services are inadequate, the State will have the responsibility of referring persons to available services located elsewhere. I might add that H.R. 15657 provides insurance on construction mortgages up to about $250,000, which I think is a step forward.

Finally, the foster grandparent and RSVP programs are getting major impetus, and the RSVP could truly be the Peace Corps for senior citizens, involving perhaps 2 million Americans in good works in their local communities.

Lastly, title VIII, it seems to me, will provide needed emphasis to solve particular problems and to provide fine solutions for preretirement, housing, transportation, and employment problems, all of which are critically needed. I think for our 25- to 30-million senior citizens, their most useful years in many cases lie ahead, and this bill would offer a new vista with specific help that I think is a major step forward by this Congress.

Mr. BRADEMAS. The gentleman from New York is correct on all of those points as well, and I thank him for his observations, Mr. Speaker.

I yield to the distinguished gentleman from New York (Mr. BIAGGI) who has also helped in the shaping of this legislation.

Mr. BIAGGI. I thank the gentleman for yielding and congratulate him on his leadership on this legislation.

It has been my privilege to participate with the chairman and serve with him on the committee during the drafting of this important measure. I rise in support of the bill and hope it will pass. It offers great hope and promise for the older Americans who are so deserving and so in need.

The Comprehensive Older Americans Services amendments would strengthen and improve the programs under the Older Americans Act of 1965.

The elderly have been a sorely neglected segment of our population for a long time. While they have provided their services for the development of this country and given this Nation the highest standard of living anywhere in the world, they now find that the country has turned its back on them in their time of need.

This legislation will expand and strengthen the various programs to help these Americans enjoy their later years.

The bill provides improved social services to the elderly on both the Federal and State levels, new services to senior citizen centers and strong improvements in the areas of nutrition, transportation, housing, employment, preretirement counseling and continuing education programs.

In particular, the bill would add a new title to the Older Americans Act to provide for and help staff multipurpose senior citizen centers. At last there will be a single place—or focal point—where older Americans can gather together to discuss mutual problems, share a common fellowship, be advised of services available and receive various services.

I had advocated just such a program for New York City and am pleased that this proposal was included in the final version of these amendments. An elderly person cannot travel to all points of the city to obtain the assistance and advice he or she may need. A central location is a must if they are going to be able to avail themselves of the many programs authorized by this bill.

One of the programs in particular offers great promise to these older Americans. All too frequently, our senior citizens caught in the inflationary bind of too little money and too many bills, forego a proper diet. Or, in many cases, they are unable to prepare their own meals. The nutrition program section of this bill will offer a free or reduced price meal to all older Americans who need it—a service that will be very important to the elderly poor of New York and other metropolitan areas.

Another important section of the bill calls for special impact programs to meet the transportation needs of the elderly. This is in keeping with my amendment to the Urban Mass Transportation Act which set out for the first time that it was national policy that elderly and handicapped people have an equal right to mass transportation facilities.

This section will expand the focus of that act to include both the urban and rural poor and will help provide the supplemental services needed by those who, even with special accommodations, will not be able to use mass transit systems.

Mr. Speaker, this bill marks the conclusion of a great effort by the Committee on Education and Labor. I am proud to have been a part of it. But our obligation to older Americans does not stop here. We must work to provide the funds necessary to translate the promise into action. Empty are the words in this bill, if we do not back them up with dollars. The older Americans we are talking about built this Nation into what it is today. Their hard work and energy, their dedication in the time of war, in peace, in national turmoil, helped build the character of the United States in the 1970s. Let us reward their efforts by fulfilling the promises enunciated in the bill before us today. The reward is little compensation for a lifetime of service to their country.

Mr. BRADEMAS. I thank the gentleman from New York, and I yield to the distinguished gentleman from Illinois (Mr. PUCINSKI) who helped greatly on this bill.

Mr. PUCINSKI. Thank you, Mr. Chairman. I wish to join in urging support in the enactment of this legislation. I want to congratulate the gentleman from Indiana for bringing this very important bill to the floor.

There is no question that half of the households with heads aged 65 and older in the United States have incomes of only $5,053 a year, and in fact a fourth of these households have incomes of less than $3,000 a year. Of the older people living alone, half had incomes of less than $1,951 a year. While this bill does not address itself to that problem, it does provide services for older Americans to make retirement somewhat more meaningful than the nightmare which it has now become for a very, very large segment of our senior citizen population.

We have good reason to be embarrassed when we consider the lot facing the 20 million older citizens in this country.

Think of that—half of the older people who live alone in this country have incomes of less than $37.50 a week. Yet the medical costs of an older person are three and a half times as great as those of a person under 65 years of age. And all our publicly assisted health programs only pay two-thirds of the medical costs for our older citizens. They are forced to pay from their meager savings for the other one-third.

But the important fact is that we have it within our power to change those sorry statistics. I believe that the most fundamental change will come about when we provide our older citizens with decent incomes. I have voted for social security increases three times since 1969 and each time we were faced by hostile opposition by this administration. Twice the President threatened until the last minute to veto the bills, but fortunately sounder reason finally prevailed.

Even with the most recent increase we still have left our older people in a sorry situation. The maximum payment under social security with the three recent increases is still only $162 a month for a retired person, $271 a month for a retired couple, and $138 a month for a widow. For that reason I have pledged myself to working for further increases in social security benefits and for a guaranteed minimum income for our senior citizens.

But we must also strive to provide basic services for our senior citizens. For that reason I have been working since 1965 on the Older Americans Act. I am proud to have been the chairman of the subcommittee which had responsibility for the implementation of that act in 1966, and I have maintained my interest in its progress since JOHN BRADEMAS assumed the subcommittee's chairmanship. I would like to take this opportunity to congratulate JOHN BRADEMAS for his leadership on behalf of these most recent amendments to that act. He has made a great contribution to the welfare of our older citizens.

These amendments build upon our experience over the years since 1965 to fashion a better program for our older Americans. First of all the administrative structure for the delivery of these programs is strengthened at both the national and State levels. By giving the Administration on Aging a semi-autonomous status within Health, Education, and Welfare, its role as the chief Federal agency for the aging is clarified. The State agencies on the aging are also strengthened.

Other aspects of the bill are—

The State grant program under title III is expanded so that we can reach far more than the 800,000 older Americans who are now being served.

Establishment of gerontology centers for the conduct of research on the work, leisure, and education of older people, the economics of aging, and other areas.

Establishment of multipurpose senior centers to provide focal points within local communities for the provision of comprehensive social services for older people.

Strengthening of the retired senior volunteer program by exempting all compensation from being considered as income for whatever purpose.

Expansion of the foster grandparent program by authorizing low-income older people to work with children with exceptional needs in their own homes and with children and adults with exceptional needs in community settings. These programs will be in addition to the present services being provided to children in institutions by older people. Currently 4,400 foster grandparents are working each day in those institutions. Next year the program will be expanded to include 11,000 older people helping 22,000 children each day.

Improved coordination of the nutrition program for the elderly with other feeding programs under this act.

Establishment of special programs to provide transportation for the elderly directly or through subsidies to public transportation companies, financial assistance to the elderly to help them make repairs and renovations to their homes in order to bring them up to minimum standards, and public service jobs for unemployed low-income older persons.

I urge my colleagues to support this bill. It is a worthy continuation and expansion of our efforts for our older citizens and deserves the full support of this House.

Mr. SCHEUER. Mr. Speaker, I would like to express my admiration for the leadership shown by the chairman of the subcommittee, the gentleman from Indiana (Mr. BRADEMAS) and congratulate the gentleman on the enormous advances in the perception of the needs of the elderly as well as in the funding that is included for additional services.

Mr. BRADEMAS. Will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I would like to compliment the gentleman from New York (Mr. SCHEUER) on his constant effort to improve the plight of our Nation's elderly. During consideration of this legislation, as with so many other bills which have come before my subcommittee, he has persuasively and effectively worked for more imaginative and generous programing to solve the problems confronting the elderly and the poor. He is one of this Congress' outstanding leaders in the fight to create a better life for senior citizens throughout the land.

Mr. SCHEUER. Thank you. I rise in support of the Comprehensive Older Americans Services Amendments of 1972.

After several years of neglect by the current administration, the Congress is finally forced to take decisive action and legislate some solutions to the problems which threaten to strangle older Americans. We can no longer wait for reluctant executives and hesitant bureaucrats to provide the answers. The Comprehensive Older Americans Services Amendments, which we are now considering, provide for the investment and utilization of the talent and resources necessary to fulfill the desperate needs of our older citizens.

By upgrading the status of the Administration on Aging, H.R. 15657 insures that the Federal bureaucracy will no longer be able to ignore the fact that the elderly are more poor, more hungry, more lonely and more frustrated than any other citizen group in this country. The Commissioner on Aging will now have the authority to focus Federal attention on eradicating the misery which confronts our older citizens. Furthermore the bill creates a National Advisory Council which will allow our older citizens themselves to become involved in the selection and design of Federal programs for the elderly. This is an essential improvement because no one is more qualified to solve the problems of the elderly than the elderly themselves.

Aside from neglect and lack of recognition, one of the major problems which beset the elderly is the complexity and disorganization of information about available services. In order to help communities thread their way through this disjointed maze, H.R. 15657 establishes the National Information and Resource Center to collect, organize, and disperse valuable information on the problems and programs affecting the elderly.

In New York City, there are more than 1 million senior citizens. More than half of these live in poverty, and are in desperate need of social services. The House recognized that need when it supported my amendment to the poverty bill to provide $50 million in additional funding to the elderly poor. But this is clearly not sufficient. The elderly need reduced fares on transportation. They need rent subsidies and nutrition programs. They need gainful part-time and full-time employment and volunteer programs so their skills and energies are not just wasted. They need household aides and senior centers. These are desperate needs which must be met before most of our older citizens can live in even minimal comfort.

H.R. 15657 is a comprehensive effort which provides increased funding, better organization, and new and innovative programs. Every Member who votes for this bill can report to his constituency that has supported firm and effective action to provide solutions to the problems which face all of our older citizens. We shall begin to replace neglect with concern, loneliness with companionship, hunger with nutrition, stagnation with contribution, and isolation with involvement.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from New York for his remarks.

I yield to the gentleman from Minnesota (Mr. FRASER), who also cooperated in preparation of this bill and who supported this bill, such time as he may consume.

Mr. FRASER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I express my appreciation for the impressive leadership of the subcommittee chairman in bringing this legislation to fruition.

I am grateful for the inclusion of section 205(g), my proposal for a study of the interaction of Federal aid programs for the elderly. Under this provision, the President is required, upon completion of this study, to submit recommendations to eliminate the negative impact that one program's standards may have one another.

A growing number of older people in Minnesota have found that when benefits are increased for one program—social security, for example—they lose their eligibility for the nutritional, health or housing aid that they have been receiving from other Government agencies. At least nine major programs for the elderly operated by five different Federal departments directly impinge on each other.

Section 205(g) should eliminate a great source of frustration and hardship for millions of older Americans.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN of Idaho. Mr. Speaker, I am happy to rise in support of this bill, of which I am a cosponsor, the Comprehensive Older Americans Services Amendments of 1972. I am happy to have joined with others who have spoken on this measure in helping to shape the legislation in the Select Subcommittee on Education under the able chairmanship of the gentleman from Indiana (Mr. BRADEMAS).

I think it might be useful at this point to touch on a point raised by the gentleman from Maryland (Mr. LONG) with reference to the rate of compensation payable to the members of the National Advisory Council. The bill actually provides that the payment is not on a per annum basis, but it is on a per diem basis. That is, the maximum rate of pay shall be for the period when members are actually serving on business of the Council, so on those days and those days only when the members are serving on business of the Council, they would be paid at a rate not to exceed the level of a GS–18, and they may be paid at a lower level.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I am very glad to be reassured on that point.

I would like to ask the gentleman, why are there 15 on this Council, a number which would seem to be excessive. I would think it would be difficult to get anything done.

Mr. HANSEN of Idaho. It is my understanding this is a fairly standard per diem payment.

Mr. LONG of Maryland. No, I am talking about the number of people, not the payment. It seems 15 is a very large body.

Mr. HANSEN of Idaho. The purpose of the number on the Advisory Council is to get broad representation.

Mr. LONG of Maryland. It has a political rather than a substantive purpose?

Mr. HANSEN of Idaho. It is not intended to be.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I would like to make an observation on that particular point. As my friend, the gentleman from Maryland knows, there are many advisory councils on many programs. Fifteen is not an unusual number. As the gentleman knows, people of considerable ability and experience are assigned to these councils and they are therefore, very busy people, and it would be unusual for all 15 members to turn up for any given meeting. I am, however, grateful for the concern of my economy-minded friend, the gentleman from Maryland.

Mr. HANSEN of Idaho. Mr. Speaker, as the Chairman of the subcommittee noted, this bill was unanimously reported, not only by the subcommittee, but also by the full Committee on Education and Labor, and it truly represents a bipartisan effort.

The bill has the support of the administration. It embodies the main features of the administration's recommendations for improving the operation of programs authorized under the Older Americans Act of 1965, and at the same time it incorporates important recommendations of the recent White House Conference on Aging.

Also it includes provisions formulated by the subcommittee, and growing out of extensive hearings held in Washington and other parts of the country. We listened to the testimony of older Americans concerning their needs and the responsibility of the Government to help meet those needs. In a true sense they helped to shape this legislation. This bill is responsive to their needs.

The thrust of this bill is twofold: To vastly strengthen the position of the Administration on Aging within the Federal Government, thus providing greater visibility and a stronger voice for our senior citizens; and, second, to begin to provide more effective delivery systems for services at State and local levels to insure better coordination of such services. Our goal is to reach more people in a much more meaningful way. In order to achieve that objective, the bill strongly emphasizes research in the nonbiomedical aspects of aging, and in the improvement of information services at all levels.

We need to know a great deal more about how to design various programs, whether for nutrition, housing, transportation or other fields, to best meet the needs of the older population, and we must make certain that the people who need services can easily get information concerning them.

Both these goals are emphasized in this legislation.

As recently as March 22 of this year the President signed into law S. 1163, which amended the Older Americans Act to add a new program of nutrition for the elderly. That is now title VII of the act. The President moved swiftly to amend his budget for fiscal 1973 to request the entire $100 million authorized for title VII. For technical reasons the House Committee on Appropriations did not include an amount for title VII in its HEW-Labor appropriations bill, but the Senate committee included the entire $100 million and I hope this body will approve that amount. Adequate nutrition is a critical need for older people, some 40 percent of whom have incomes at or below the poverty level, and programs for adequate nutrition can form the nucleus for the provision of a whole range of other services.

The President's recommended amendments to the Older Americans Act proposed weaving the new nutritional services into a fabric of comprehensive State and area planning and programing to meet the needs of older people in a coordinated way. H.R. 15657 effectively implements the President's proposal, except that it retains title VII as a separate title with appropriate cross-referencing to the new delivery system provided under the new title III of the act. The same result is achieved—more comprehensive, better coordinated, community-based services for the elderly.

Another effect of the President's proposal is to vastly strengthen the State Agencies on Aging, and that is retained by this bill. Virtually all of the service programs authorized by the act will be channelled through the State agencies, and through local area agencies on aging approved by the State agency in accordance with an overall State plan. The new emphasis upon coordinated State and local planning and programing will replace the scattered project grant approach which largely characterized the old act despite the provisions in it for State agencies and State plans. The existing act requires that Federal support for any project be provided on a sliding scale, beginning with 75 percent maximum in the first year, 60 percent for the second, and 50 percent for the third and any succeeding fiscal year.

As a result, projects have tended to terminate after 3 years. This bill provides for a maximum of 90 percent Federal support for any project which is part of a comprehensive area plan approved by the State, without time limitation. Our aim is continuity of services. Under this bill the authorizations for State grants are considerably increased aside from the $100 million authorized for the nutrition program, and the emphasis is shifted to greater State responsibility for comprehensive services within local areas. The 1972 authorization for State activities under title III was $30 million. The new authorization under title III for 1973 is $132 million. Moreover, other portions of the bill, such as the establishment of multipurpose senior centers under title V and the special impact programs in title VIII—in such fields as housing, transportation, education, and employment—all are keyed into State activities under title III. This is an exceptionally well-designed bill, calculated to achieve the goals outlined by the President.

The bill contains a separate authorization for the national older Americans volunteer program—consisting principally of the Foster Grandparents and retired Senior Volunteer progam—RSVP—but places operating authority in the Director of Action as requested by the President. It increases the authorization for these programs at a steady and, I feel, reasonable rate over the next 3 years, so that the increase will be from $15 million for fiscal 1972 to $40 million for fiscal 1975. These have been some of our most successful and rewarding programs for senior citizens, permitting the participants to make enormous contributions to the well-being of the larger community. Probably the Foster Grandparents program is the most popular of these. The bill places a floor under the support for this program at the level of the amount available for it in fiscal 1972.

Mr. Speaker, I have not attempted to describe the entire bill, as that has been done by the chairman of the subcommittee (Mr. BRADEMAS). I concur with his analysis of the merits of this legislation, including a much strengthened research and training authorization. The special impact programs will permit the Administration on Aging to experiment with projects in fields normally dealt with by other government agencies that are of special interest to older citizens. This will help other agencies to take into account the needs of the older person in shaping programs such as housing, transportation and employment. There is also adequate provision for the coordination of the activities of the Administration on Aging with those of other Federal agencies.

The new and elevated status of the Administration on Aging within the Department of Health, Education, and Welfare is highly desirable. Beginning in President Johnson's administration, the agency had been buried within that Department. Currently it falls under the new Social and Rehabilitation Service, even though the Commissioner on Aging—but not the head of SRS—is a Presidential appointee. This bill by law places the agency directly under the Secretary, with the Commissioner on Aging reporting directly to him. Our 20 million citizens 65 years of age or older are important enough, and their problems are sufficiently urgent to merit this change. The action of our committee is also consistent with that of President Nixon in establishing a Special Cabinet Committee on Aging in the Domestic Council, headed up by Secretary Richardson, and with many other actions of the President to give effect to recommendations of the White House Conference.

In short, this bill launches a new era for the Administration on Aging, one in which it will not only be the focal point for expressing the concerns of our older citizens within the Federal Government, but for galvanizing the potential of State and local government to better meet the needs of older Americans. This is extremely important and needed legislation. I urge your approval of H.R. 15657.

Mr. HANSEN of Idaho. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I rise in support of the legislation.

I want to commend my friend and colleague from Idaho for the work he did, and I also wish to commend the gentleman from Indiana (Mr. BRADEMAS) and Members on both sides of the aisle.

Mr. Speaker, senior citizens face some very real problems today as we all know. One-fourth of all persons 65 years of age and older have incomes below the poverty line. The spiraling cost of living places an especially heavy burden on those relying on a fixed income. Health costs have soared 170 percent within the past 10 years, making it difficult for many senior citizens to afford proper medical care. Many cannot drive, and public transportation is often expensive and inconvenient. Housing for the elderly is difficult to obtain and maintain. At least 30 percent of their homes are classified as substandard. And, finally, it is especially depressing for senior citizens to face the possibility of being institutionalized because they are no longer able to care for themselves.

Of some encouragement to senior citizens was the recent White House Conference on Aging at which several suggestions and proposals were made to improve services for the elderly in the areas of health, housing, income, employment, and retirement. However, recommendations have been put forth year after year. Now is the time for action.

The legislation before us today, the Comprehensive Older Americans Services Amendments of 1972, is a necessary step toward providing better and more comprehensive social services for the elderly.

After talking to several groups of senior citizens, such as the Rock Island County Chapter of the Association of Retired Persons, in my own congressional district, I am convinced of the need to provide multipurpose senior centers. I am encouraged that H.R. 15657 would grant authority to local agencies to lease, renovate and construct such multipurpose centers through grants, contracts, or mortgage insurance. I know enactment of this bill is extremely important to all senior citizens, and I hope we will pass it without delay.

Mr. HANSEN of Idaho. Mr. Speaker, I yield such time as he may consume to the distinguished ranking minority member of the subcommittee, the gentleman from Pennsylvania (Mr. ESHLEMAN).

Mr. ESHLEMAN. Mr. Speaker, I rise in support of H.R. 15657, of which I am a cosponsor. As the new ranking Republican member on the Select Subcommittee on Education, I am pleased that this bill includes the major administration proposals for making the Older Americans Act a more effective piece of legislation.

The heart of this bill is increased State and local responsibility to put together comprehensive, coordinated programs to help older citizens lead happier and more productive lives. Every other part of the bill—such as the increased authorization for older Americans volunteer programs under the new Action volunteer agency—dovetails with this concept. We have barely begun taking advantage of the great contributions older citizens can make to building better communities.

For example, the foster grandparents program not only has been a good experience for the older people taking part in it, but it has been found to be one of the most effective methods we have to help preschool children from disadvantaged families. I am glad to say that this bill further strengthens the foster grandparents program and sets a floor—the fiscal 1972 level of $25 million—under its funding.

I fully endorse another major purpose of this bill, which is to place the Administration on Aging directly under the Secretary of Health, Education, and Welfare, and to limit the authority to delegate its functions to other agencies. I think our 20 million citizens who are 65 years old or older deserve at least that status for their principle spokesman in the Federal Government, the Commissioner on Aging, who will now report directly to the Secretary. Some have suggested that he report directly to the President, but I accept the view that there are enough people reporting directly to the President, and that the Secretary of Health, Education, and Welfare can represent the views of older persons. Besides, President Nixon has already moved to make Mr. John Martin, the Commissioner on Aging, his special assistant in matters affecting the aging. So we do not need to take additional action in this legislation.

The bill will vastly strengthen the ability of the Commissioner on Aging to launch special experimental projects for the aging in such vital areas as transportation, housing, and education. It will give him far more authority to make the Administration on Aging a central source of information for programs for older Americans, and in the years ahead university-based gerontological institutes should produce a lot more useful knowledge about the social and economic aspects of aging. Other legislation, not before our committee, authorizes gerontological institutes to study the biological and medical aspects of aging. We need to know far more than we do about how to meet the needs of the elderly. Also, we need to do a better job in getting to the elderly information about existing programs for their benefit. This bill will help do that, also, at both the Federal and the State and local levels.

The Administration on Aging, prior to fiscal 1972, was limping along on appropriations of less than $40 million for all its programs. In fiscal 1972 this was increased to more than $100 million. President Nixon has asked for about $259 million for fiscal 1973. I think the President has shown that despite the need for fiscal prudence in this time of budget deficits we must begin to make up for our neglect of America's older citizens. This bill is consistent with the President's direction and leadership, and I urge its approval.

Mr. HANSEN of Idaho. Mr. Speaker, I yield such time as he may consume to the distinguished ranking minority member of the full Committee on Education and Labor, the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, this bill is completely bipartisan, and while it may contain features not proposed or favored by the administration it does embody the major new direction charted by President Nixon for the programs administered by the Administration on Aging. That new direction is to encourage and adequately fund comprehensive and coordinated services for our older citizens which are planned and placed into operation by the States. Title III of this bill—complemented by all of the other programs authorized by other titles—establishes a State and areawide delivery system of programs for the elderly. That is the heart of this bill.

I think great credit is due to the chairman of the Select Subcommittee on Education, JOHN BRADEMAS, for bringing together all points of views to the end that we have a bill which we can all enthusiastically support. In this he was supported by the ranking Republican member of the subcommittee, ED ESHLEMAN, who is a cosponsor of the bill. And I want to particularly commend the tireless efforts of ORVAL HANSEN to conform this legislation to the administration's forward-looking proposals, while adding ideas of his own gleaned from his close contacts with senior citizens in his district. Likewise, PETER PEYSER and others on our side of the aisle made constructive contributions to this bill.

I need not dwell on the details of the bill, which have been discussed thoroughly. It pleases me that this legislation will place the Congress squarely behind President Nixon in his commendable actions to follow up on the recommendations of the White House Conference on Aging, held in December of 1971. The President has acted with customary swiftness and decisiveness.

First, he established a Cabinet Committee on Aging as a part of the Domestic Council, headed by Secretary Richardson. He also made the Commissioner on Aging, Mr. John Martin, a Special Assistant to the President, and persuaded Arthur Flemming, the Chairman of the White House Conference, to stay on as his consultant in following up on the Conference.

Then, in March of this year, the President sent to the Congress a special message on aging in which he outlined a comprehensive strategy for meeting the complex problems of older Americans. The five major elements were:

First. Improving the income position of older Americans;

Second. Upgrading the quality of nursing homes;

Third. Helping older Americans lead dignified, independent lives in their own homes;

Fourth. Expanding opportunities for the involvement of older persons in community life; and

Fifth. Organizing the Government to set the changing needs of older Americans.

There is not time to discuss in any detail the proposals of the President. But I would say that the legislation before us touches on most of these elements in his program and is a major step toward achieving the objectives he outlined. The President has already shown his faith in the Administration on Aging—and his commitment to the programs authorized by the Older Americans Act—by increasing his budget request for it to $259 million for fiscal 1973, or more than five times the 1971 appropriations.

In a time of budgetary crisis particularly, that is a remarkable act of matching money to rhetoric—or in more indelicate terms, of putting your money where your mouth is.

President Nixon surely deserves credit for these actions. He has asked for the full funding of the $100 million authorization for the nutrition for the elderly program; he has asked that funds for the senior volunteer program of Action be tripled and that funds for the foster grandparent program be doubled. As all of us know, the President has asked for a number of steps to be taken to improve the income position of older Americans, including a more favorable treatment of outside income under social security, additional tax relief, and a guarantee of a decent basic income under welfare reform proposals for the indigent elderly. The bill before us does not directly deal with income. It deals with other parts of the President's broader program, but they are important parts. Many aspects of this bill certainly will contribute to income maintenance for many elderly people—such as the nutrition program and the foster grandparents, as well as the provision of services which otherwise might have to be purchased.

This bill at many points—including its strengthened research provisions—is designed to encourage older Americans to live dignified, independent lives, hopefully in their own homes where possible, and to contribute more fully to the quality of life in America. I very deeply believe that one of the greatest untapped human resources of 20th-century America is the knowledge, insight, and experience of our older citizens.

It is a bitter irony that as the percentage of older people in our society has increased astronomically, their influence in our daily life has diminished. At the turn of the century only one in 25 Americans was over 60 years of age, yet the 1970 census found their numbers to be one in 10. However, thanks to the custom of mandatory retirement at age 65, the disincentives to add to retirement income, today only 20 percent of our citizens aged 65 or older are in the civilian work force, as compared with 70 percent in 1900. I do not think we should force people to work past retirement age, but I do not think we should prohibit it, either. One thing I favor is the complete removal of income restrictions on social security benefits, which I regard as being inconsistent with the very nature of social security as something the worker and his employer have paid for. I am happy that the President has proposed a considerable liberalization of these restrictions.

If we have learned anything in the past few years, it should be that legislation such as that we have before us will not bring a millennium of progress in treating the problems of older Americans. We should neither expect not imply that it will. Yet, I believe it is sound legislation which, effectively utilized, will help on a number of crucial fronts. It moves in the right direction. In this age of the so-called atomic family we are suffering from our neglect of the older generations. We may never be able to return as a society to the multigenerational family life which characterized our agricultural past. But we can assure that there is a productive and respected place for people of all ages in this society.

A century ago the poet Walt Whitman movingly expressed the sentiment of that age in these words:

> Youth, large, lusty, loving—Youth full of grace, force, fascination—Do you know that Old Age may come after you, with equal grace, force, and fascination.

It is that "equal grace, force, and fascination" which we must strive so hard to achieve in this society, and to which this legislation is addressed. I urge the speedy enactment of H.R. 15657.

Mr. HANSEN of Idaho. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. PEYSER) who has contributed immeasurably to the shaping of this legislation.

Mr. PEYSER. I thank the gentleman.

Mr. Speaker, I rise in support of this bill.

As a new Member of Congress serving on this committee, I have been deeply impressed by the depth of the study which has taken place on this piece of legislation, not only by the gentleman from Indiana (Mr. BRADEMAS) but also by all members of the committee.

I should like to call attention to one section of this bill which I believe is innovative and of the greatest importance, and which costs no money.

I refer to page 6, the section dealing with the Commissioner on Aging, where we have instructed the Commissioner to take all steps possible to bring in voluntary organizations, particularly the youth groups, high school students and college students, to take an active role in working with our senior citizens.

I believe that this part of the program can lend a great deal of human understanding to this legislation aimed at helping our senior citizens.

I believe the 92d Congress can truly take pride in this act knowing that they are taking an action that will provide real help for many millions of deserving Americans.

Mr. HANSEN of Idaho. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Speaker, I rise in support of H.R. 15657, the Comprehensive Older Americans Services Amendments of 1972. I am a sponsor of this measure because I am convinced it moves forcefully to deal with a series of problems facing our senior citizens today.

The isolation that oppresses so many seniors will be alleviated by provisions for expanded low cost transportation. This expanded new service will help older persons to keep doctor appointments, to go to health clinics and food stamps offices, to make trips at a distance and visits to senior centers for other significant activities.

New authority is provided to lease, renovate and construct multipurpose senior centers through grants and contracts. Funds to staff the centers are also included. Two of the most popular and worthwhile senior programs, "meals on wheels" and the foster grandparent program, are continued and expanded.

In keeping with the recommendation of President Nixon's White House Conference on Aging, a new visibility and emphasis on senior citizen programs will be implemented by this bill. No longer will the Administration on Aging be tucked away in the dim recesses of the HEW Social and Rehabilitation Service. H.R. 15657 provides that the Commissioner on Aging will be directly responsible to the Secretary of Health, Education, and Welfare and will not delegate its programs to lower level bureaus.

The bill establishes a Presidential Advisory Commission on the problems of aging whose responsibility will include reviewing and evaluating senior citizen programs, studying the impact of existing programs and laws, and recommending the establishment of new activities for older persons.

These are just a few of the expanded services provided by this bill. But just as important is that the bill also includes, for the first time, a specific requirement that comprehensive evaluations of these activities be conducted to allow us to channel our extremely scarce resources into those programs which prove themselves most effective in aiding senior citizens.

The committee has included my evaluation amendment which will guarantee for the first time: First, a specific requirement for evaluation of these programs; second, a requirement that the evaluations be conducted by independent persons not involved in execution of the programs; third, a requirement that the results of the evaluation be published regularly; fourth, a requirement that these results be used in deciding which programs are to be expanded; and fifth, a specific sum of money set aside to pay for the evaluation.

Mr. Speaker, this bill, with these guarantees, represents a huge step forward in dealing with the problems of the aging in America. I urge my colleagues to recognize the merit of this measure and vote for it.

Mr. HANSEN of Idaho. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I do not rise to discuss the merits of this bill, which, so far as I am advised, may indeed be a very good and most meritorious piece of legislation, as meritorious as all of its sponsors have suggested; but I take this occasion to register my protest with regard to the procedure by which a bill of this magnitude is being handled. These remarks would apply not merely to this bill but to any bill of similar importance.

Here is a bill, obviously on an important subject, very long and complicated, and providing for substantial sums of money, and I presume that it might have been reported by this committee at any time in the past 6 months and have been taken up under a rule in the normal procedure, which would have granted time for adequate debate, so that I and other Members of the House would be fully cognizant of its merits, as we should be before voting on a matter of this importance.

Yet here we come in with an 89-page report and a 74-page bill the day before the recess and bring it back without any hearings by the Committee on Rules, under suspension of the rules, on the day after the recess and with no opportunity for the average Member even to read the report, let alone the bill.

The bill, indeed, may be a most meritorious one. Again I say I make no criticism of the measure, but I do deprecate the method used, and I would be interested in learning just what the justification is for this particular type of procedure with respect to a measure of this importance, which certainly deserves to have debate.

Mr. BRADEMAS. Will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman.

Mr. BRADEMAS. I will respond briefly to the gentleman from Indiana, my colleague (Mr. DENNIS).

I suppose the answer to the gentleman's question is that on a measure which so clearly has commanded the overwhelming support of the members of the authorizing committee, indeed, the unanimous support, I would say to my colleague from Indiana, it seems not unreasonable to assume that there will be a wide degree of support in the House.

The report on the bill has been available for some time. In an effort to expedite consideration of the bill, as there are many other bills before us, it seemed most reasonable—and I think it is reasonable—that measures of this kind with such wide bipartisan support in the committee be, save exceptional circumstances, brought to the floor of the House under suspension, and I see no exceptional circumstances in respect to this measure.

Moreover, I must say to my friend from Indiana, the bill was placed in suspension with the concurrence of the ranking minority member of the committee as well as of the Chairman.

Mr. DENNIS. Will the gentleman yield further?

Mr. HANSEN of Idaho. I am happy to yield to the gentleman.

Mr. DENNIS. I will say to my good colleague and friend from Indiana that we have a great many bills here which are unanimously supported in the committee, as the gentleman knows. Yet we have usually a rule providing for adequate debate. All I am asking or suggesting is that with bills of this importance—and I think it is an important bill—the normal procedure be followed instead of an extraordinary procedure.

Mr. BRADEMAS. Will the gentleman yield further?

Mr. HANSEN of Idaho. I yield to the gentleman.

Mr. BRADEMAS. Consideration of legislation under suspension of the rules is not an extraordinary procedure. It is a part of the normal procedures and rules of the House of Representatives.

Mr. HANSEN of Idaho. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I thank the gentleman from Idaho for yielding this time.

I rise in enthusiastic support of H.R. 15657, which is entitled "The Comprehensive Older Americans Services Amendments of 1972." I think it could properly be said that the entire objective of this bill and these amendments is to strengthen and improve the Older Americans Act of 1965.

Mr. Speaker, the opening paragraph of the report employs some words which precede the listing of nine separate objectives of H.R. 15657. As I read that paragraph, the purpose of this bill is not simply to make a few modifications in some of the grant programs. The main thrust is to extend the provisions of the old law and strengthen and improve the programs under the old law.

It is a privilege to be accorded this time to join in the support of legislation of this kind. It has been my honor to chair a subcommittee of the House Committee on Government Operations known as the Special Studies Subcommittee. When it became apparent that there would be no available space or facilities to accommodate a Select Committee on the Problems of the Aging, the House leadership and the chairman of the Rules Committee in the summer of 1971, 1 year ago, asked my chairman, the gentleman from California (Mr. HOLIFIELD) if my subcommittee would conduct hearings of inquiry into the problems of the aging. The subcommittee started in the early fall and proceeded to hold hearings throughout the winter and this spring in all of the major cities in the East and the South. We held hearings in the Middle West, and in all portions of the country except the west coast.

Again and again, in city after city where our hearings were held, there was a parade of witnesses who discussed the very needs that are provided for in this legislation. We heard repeatedly that there should be improvements in the Administration on Aging. As H.R. 15647 provides, the Commissioner of the Administration on Aging, while heretofore appointed by the President, will in the future be responsible directly to the Secretary of Health, Education, and Welfare. At present the Commissioner in the Administration on Aging reports to the Administrator of the Social and Rehabilitation Service, who is not a Presidential appointee. Within the last few years, the responsibilities of the Commissioner seem to have been lessened to a point where his effectiveness as an administrator may be in jeopardy.

Mr. Speaker, before I proceed a moment further, I want to commend the subcommittee headed by the distinguished gentleman from Indiana (Mr. BRADEMAS) for its good work in bringing up for the consideration of the House these very important amendments. They have worked long and hard on this measure, and they deserve our commendation for writing into the law many of the things that my subcommittee found from our hearings were needed.

Our hearings concluded that there are four major facets to the problem of aging: first, income maintenance, which means social security, and thus the jurisdiction of the Ways and Means Committee; second, health, which is once again a problem we cannot address ourselves to in this legislation because medicare and related matters are handled by the Committee on Ways and Means. The third category of problems we found to be housing; and the fourth major category, that of transportation, covered by this legislation today.

In this bill under title I, for the first time, we clearly indicate that we are going to do something about the problem of transportation of the aging in our rural areas. For far too long there has been too much said about the problems of the aging in the urban areas, but this legislation provides directly for a very sensitive need; that of transportation for our elderly in the rural areas.

Mr. Speaker, there are so many good things contained in this legislation that I shall not take the time of the Members to enumerate all of them.

However, we should take a moment to point out that the very heart of this legislation is to be found in title III. There has long been a concern that the State agencies on the aging have not developed into strong and effective advocates on the State level. This bill would establish the requirement that there be a sole State agency and increase the funding for the administration of a State plan. It would also provide what would seem to be a very worthwhile provision, that is, to designate area agencies on the aging within each State. Finally there would be established a State information and referral service.

H.R. 15657 establishes at the State level new policy goals by fixing responsibility and giving adequate power and authority to take effective action in one easily identifiable single State agency on the aging in each State.

Mr. Speaker, I think I should not yield back the balance of my time without directing attention to title V which provides for multipurpose senior centers. If there is one thing that the hearings of my subcommittee have brought out within the past year it is the need for some single place in each community, or a kind of gathering place where our senior citizens can know that they may there receive a variety of services, and, even if the particular service is not available at these so-called senior centers, they will know that at that place they can be referred to other services elsewhere which they need.

The concept of the location at a single place has been testified to all over the country as the most effective way of making available the range of services to our older citizens. I am pleased to note that even though this bill provides for some new multiservice senior centers, the report recommends that existing facilities should be utilized. This means schools, libraries, and other neighborhood places as an ideal location for such centers. On the other hand, the report clearly provides that the Commissioner on the Aging may make grants to nonprofit private agencies up to 75 percent of the cost for leasing, repairing, or altering existing facilities to be used as multipurpose senior centers. Moreover, the Commissioner could arrange under title V to insure construction mortgages of up to $250,000, not to exceed 90 percent of the cost of the construction projects.

Oh, there are so many other good things contained in this bill. The national older Americans volunteer program is strengthened. The older foster grandparents program and the retired senior volunteer program authorized by the 1969 amendments to the Older Americans Act have been expanded by this bill even though these programs were transferred by the reorganization policy adopted in 1971 to Action.

Title VII makes some amendments to the nutrition program. The most important is the assurance that commodities purchased by the Secretary of Agriculture, including dairy products, could be donated to grantees and utilized for providing nutrition services to the elderly. And, of course, the same assurances are spelled out in the food commodities under the control of the Commodity Credit Corporation.

Finally, I cannot join with those critics who say that this is the wrong way to consider such an important bill. Some say it should not have been considered under suspension of the rules, that a rule should have been granted giving more time for debate. That kind of argument does not seem quite valid. This is not a controversial measure. Every Member of this House should cheerfully support this bill. By considering it today under suspension of the rules, we can send it to the other body in the hopes that action will be completed and it will be signed into law in the very near future.

Once again let me express my appreciation for the excellent work of the gentleman from Indiana, the gentleman from Idaho, and all the members of the subcommittee who worked so long and hard to bring this very important bill to the floor today.

Mr. HANSEN of Idaho. Mr. Speaker, I reserve the balance of my time.

Mr. BRADEMAS. Mr. Speaker, I should like, at the outset, to thank my friend, the gentleman from Missouri (Mr. RANDALL) for his kind remarks, and to observe that, in his capacity as the chairman of the Special Studies Subcommittee of the Committee on Government Operations, the gentleman has given great leadership in alerting the Members of this House to the problems of the elderly.

In conclusion, Mr. Speaker, I would like to observe that the 92d Congress has been a Congress that has been most responsive to meeting the needs of the elderly people of our country. Last year the President signed into law a bill initiated from within the Congress, sponsored by the distinguished Senator from Massachusetts, Senator KENNEDY, and our distinguished colleague, the gentleman from Florida (Mr. PEPPER) to provide nutritional services for the elderly.

Only a few days ago Congress voted an increase in social security benefits of 20 percent. Although President Nixon strongly opposed this increase, I was very glad, as I am sure were most Members on both sides of the aisle, to see the President yield to congressional leadership and sign that bill into law within hours after the House and Senate had sent the legislation to him.

Third, Mr. Speaker, we are here today about to pass another major bill to assist older persons, a bill which provides a variety of comprehensive services for the elderly. Mr. Speaker, I am glad to be able to report the Comprehensive Services for Older Americans bill was also initiated from within Congress, and is supported by both Democrats and Republicans in the House of Representatives.

So, Mr. Speaker, I think it has been an outstanding Congress for America's older citizens, and I want here to commend my colleagues on both sides of the aisle. I want to say a particular word of thanks to the gentleman from Idaho (Mr. HANSEN) as well as to the gentleman from Minnesota (Mr. QUIE) for their help in working out some of the major problems connected with this bill.

Mr. Speaker, I reiterate that I hope that this bill will have the support of all of the Members of the House of Representatives.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of H.R. 15657, the Comprehensive Older Americans Services Amendments of 1972. This bill amends the Older Americans Act of 1965 to provide better and more comprehensive social services for the elderly. This measure is especially designed to implement the major recommendations of last winter's White House Conference on Aging.

Specifically, H.R. 15675 modifies the grant programs of the Older Americans Act to encourage and assist State and local agencies in developing social services programs for the elderly, and provides for the strengthening of State agencies on aging. The bill also strengthens the role of the Administration on Aging in HEW, creates a National Advisory Council on Aging to assist the President, establishes a National Information and Resource Center for the Aging, and provides authority to lease, renovate, and construct multipurpose senior centers through grants, contracts or mortgage insurance. In addition, the bill expands the research, demonstration and training programs of the Older Americans Act, expands the National Older Americans Volunteer program, coordinates the nutrition program for the elderly, and provides for special impact demonstrations in the areas of transportation, housing, employment, preretirement and continuing education as part of a comprehensive, coordinated service system for the elderly.

Mr. Speaker, the population of Americans 65 and older is growing at a faster rate than our population as a whole, and it is estimated that by the end of the century they will comprise 11 to 16 percent of our population or 28 million Americans. The problems and special needs of the elderly are also increasing as our society becomes more complex and as services increase in cost. The bill before us today is especially designed with those problems and needs in mind by attempting to provide a more comprehensive approach to services for the elderly. My questionnaire results and the mail I have received from Illinois indicate just how pressing and urgent these needs are, and I am hopeful with the passage of this legislation we can begin to address these needs in a more comprehensive and effective fashion.

Under this bill, $100 million is authorized in fiscal 1973, $200 million in 1974, and $300 million in 1975 for the Commissioner to make grants to States for the administration of State and area plans by their agencies on the aging, and for the development of comprehensive and coordinated systems for the delivery of social services. Of the $100 million authorized for these grants in fiscal 1973, Illinois would be entitled to approximately $5.4 million under the bill's allocation formula, which is based on the number of citizens in the State aged 60 and over, compared with the national population for that age group.

Mr. Speaker, this bill, especially the title III grant program, has the backing of the administration, and I strongly urge its passage today.

Mr. HILLIS. Mr. Speaker, I would like to add a word of strong support for the Comprehensive Older Americans Services Amendments of 1972, which we are considering today under a suspension of the rules.

I became a cosponsor of an earlier version of this legislation when it was introduced shortly after the White House Conference on Aging last November. I became a cosponsor because I feel obligated to assure that something more than rhetoric comes out of the White House Conference.

Preparations for the conference encompassed more than a year's active work on the local, State, and national level. The Government went to the older citizens of this country and said, "We want to know what are your problems, where do you think the Government needs to act, what kind of assistance do you really need, what can we do better?"

We asked these questions assuring the answers would receive serious consideration by the Administration and Congress, and that the recommendations submitted by the conferees in Washington would be given immediate attention.

These people took us at our word and submitted long lists of well-discussed findings and recommendations, on a wide variety of topics. The bill we have before us today is a first attempt at trying to put some of these recommendations into action.

Of course, this bill does not attempt to encompass all the areas of study covered by the White House conferees. It does, however, try to hit some target areas where specific recommendations can be enacted immediately.

These requests are not farfetched—they are sensible and reflect much thought and ordering of priorities on the part of the very people who will be affected by them. The bill will assist State and local agencies in developing social service programs for the elderly; it will help construct multipurpose senior citizen centers; establish gerontology study centers, expand senior citizen volunteer programs, and establish special impact demonstrations in several vital areas, among other things.

I think this bill makes a lot of sense and has the full backing of senior citizen leaders, the administration, the Education and Labor Committee, and as many of Indiana's Fifth District senior citizens as have seen the bill.

It is time we fulfill our promises and act. The senior citizens of this country have done the legwork on this legislation for us. We now have the opportunity to transform their recommendations into reality. I urge that you join me today in giving full support to this important measure.

Mr. BURKE of Massachusetts. Mr. Speaker, I come before you today to express my firm support for H.R. 15657. This bill represents a comprehensive effort to alleviate a broad range of problems facing the elderly of this country today. H.R. 15657 seeks to reinforce and elaborate upon the programs of the Older Americans Act of 1965; programs which have an established record of success and effectiveness. I do not think that there is a Member present in this Chamber today who can find fault with the accomplishments of such worthy programs as the Retired Senior Volunteer program, the Foster Grandparent program, and others. Last year, under title 3 of the Older Americans Act of 1965, 1,721 projects provided assistance for 800,313 elderly citizens of this country. These projects serve to comfort and ease the loneliness of much neglected shut-ins. They provide essential transportation that enables the elderly to visit their physicians and attend religious services. These projects help provide nutritional meals, decent housing, training and guidance, plus a host of other services which are urgently needed by our senior citizens.

When the Older Americans Act of 1965 was passed and signed into law, all of us here in Congress had high hopes for it. Some of these hopes were realized, as I have indicated, but it has become increasingly more difficult for many of the goals of this bill to be accomplished. The 1965 Older Americans Act established the Administration on Aging within the Department of Health, Education, and Welfare. This Administration was to be a highly visible body within HEW and was to be headed by a Commissioner appointed by the President. This organization was function as a national clearinghouse for dealing with the problems of the elderly. Instead, in 1967 the AOA was placed within the Social and Rehabilitation Service and the programs initiated by AOA became diffuse. Since that time the responsibilities of the Commissioner have continued to decline, and so has his effectiveness.

This bill seeks to restore the Commissioner of AOA to an effective and respected position. H.R. 15657 provides the Commissioner with the authority to issue grants in order to initiate programs in gap areas where demonstrable need is evident. Financial resources to share in the costs of development and operations of programs are essential if the Commissioner is to achieve effective coordination with other agencies. H.R. 15657 aims at achieving maximum effectiveness in all programs for the aging by requiring that all Federal agencies desiring to create programs related to the purposes of the Older Americans Act shall consult with the AOA in executing these policies. Such reforms represent significant qualification and innovation in the present law and in my opinion will go a long way toward increasing the effectiveness with which the AOA can deal with the problems facing our senior citizens.

This bill also establishes a National Advisory Council on the Aging to keep the President informed on matters relating to the special needs of the elderly. This Council is required under H.R. 15657 to undertake two major studies. The first study is to be for the purpose of examining the interrelationships of Federal, State, and local agencies operating to benefit the elderly. Many of these agencies overlap one another under existing structures. The resultant inequity becomes manifest when older people receiving benefits under the jurisdiction of more than one agency are appropriated an increase in benefits from one program, in the former program reductions in benefits often occur proportionately. In effect there is no increase at all for the individual. The tragedy here is that the reason for the initial increase is often a very pressing one, and yet the net result is self-defeating. I feel very strongly, as I am sure you are well aware, that every effort should be made to help free our senior citizens from the unreasonable burdens brought on by a fixed income.

The second study that the Council will undertake is a review of the combined impact of all taxes on the elderly. Taxes on income, property, sales, and social security among others will be examined. Hopefully this study will find a solution to the tax burden under which our elderly suffer. Consider the implications of an elderly homeowner who is retired and living on a fixed income. How is he to cope with a sudden rise in property taxes? Is he to be expected to abandon the home which in many cases he has worked for all his life? Certainly there exists a better solution.

Fellow colleagues, the bill which is before you today represents a realistic approach toward solving the problems of the elderly. It will establish a single, clearly identifiable Federal agency to handle all matters related to our senior citizens. It also establishes a single State agency on aging in each of our States so that the elderly citizens will have better access to much needed assistance. This bill provides funds for the study of all problems encountered by the elderly. It will fund organizations to assist the elderly in education, transportation, medical needs and most importantly, it does so with the aim in mind to enable our senior citizens to live independent lives in the dignity of their own homes.

I am proud to support this bill. It is a bill that encompasses not just a single interest group, but all Americans. Most every person in the United States will some day reach the twilight of his or her years, and will have to confront the problems of being a senior citizen. When that time comes, they will appreciate the efforts which I hope all of you will make today in passing this bill.

Mr. SMITH of Iowa. Mr. Speaker, although I recognize that this bill will not solve many of the problems of our senior citizens, at least it is an attempt to do something to make life easier and more meaningful for this wonderful group of people from whom we have heard so little in the way of protest and for whom we have done on a relative basis so little. It seems that in too many cases, Government responds to protests or the volume of the voice of groups; but senior citizens are a law-abiding, reserved, relatively quiet, group who simply would not indulge in loud protest. Inflation has been especially severe on the group of senior citizens who primarily depend upon fixed incomes. They are the ones who have most of the problems with regard to transportation. Senior citizens are the ones who must make major social and economic adjustments and deal with more health problems than the average citizen. The young can walk or, if necessary, hitchhike, but the senior citizens in many cases find both too difficult. The young do not have as many sick days and senior citizens are less able to sustain the physical drain caused by epidemics and the more common chronic and contagious diseases.

This bill will provide for action to make available a wide range of services, including transportation, pre-retirement training, health services and senior citizen community centers. This bill expands the services of the Older Americans Act and provides a program for low cost transportation. This bill provides expanded work service opportunities, including strengthening the retired senior volunteer program and the foster grandparents program. This bill provides for the coordination of Federal aging programs and senior citizen community centers as well as other health, education and social services.

Mr. Speaker, I strongly support this bill and take this opportunity to again say to the House that I think Congress has not given enough attention to the problems of the senior citizens of this country in comparison to the amount of time we have given to some other problems and that instead of being given less attention because they do not protest loudly, we should reward this group for making such a tremendous contribution to the permanent well-being for our country by bringing us through the serious economic conditions of past generations and developing this country to the place where resources per person are far beyond what anyone could have imagined a few years ago.

Mr. HARRINGTON. Mr. Speaker, I rise in support of the Older Americans Act of 1965 amendments before the House today. I believe that his bill is important to achieve the full commitment to the Nation's elderly.

The elderly face serious problems and inequities in our society. They have suffered from neglect far too long. Of the 19 million elderly in the United States, over 25 percent live below the poverty line. Many suffer from inadequate housing, poor nutrition, limited health care, and perhaps most importantly from a feeling of personal isolation and uselessness. They have worked hard all their lives and awaited retirement with high hopes only to find that the reality of old age is far different than the golden years image we have all been led to believe exists. The elderly have waited too long for the decent and dignified retirement they have earned.

The bill before us today gives us the opportunity to help rectify somewhat the situation confronting our older Americans. The Older Americans Act of 1965 was an important Federal vehicle for the development and coordination of social services for older Americans. Now we must continue to show our concern for the elderly by correcting the inadequacies that have been found to exist in the 1965 bill.

This bill will provide a comprehensive range of services readily available to older Americans. Special programs will be established, directed to the solution of critical problems confronting older persons in the areas of health, nutrition, housing, transportation, employment, and continuing education.

This act as well provides for the expansion of volunteer work service opportunities for the elderly, such as the foster grandparent program. The elderly are willing and able to contribute to society and have unique talents to offer if they only have the opportunity to use them. As things stand now many elderly are without this opportunity and as a result both they and society suffer.

One of the major problems in the field of aging seems to be the lack of coordination among the various programs offered. One purpose of the amendments offered today is to strengthen the role of the Administration on Aging as a focal point of Federal concern for older Americans. In the past the Administration on Aging has been characterized by uncoordinated programs, scattered concerns and few clear-cut goals. This situation has created chaos as well as a lack of direction in Federal and State programs. I made this identical point last February when introducing my bill calling for a strengthened Administration on Aging and the situation since then has only deteriorated. The second-class treatment given to the Administration on Aging reflects the second-class treatment we have been giving our elderly. The bill before us now would help alleviate this situation by giving the Commissioner on Aging the powers and responsibilities he needs to carry out effective programs for older people.

It is time that the Congress stop paying simple lipservice to the plight of the elderly and instead enact significant legislation to help the elderly lead the kind of useful, productive life to which all of us look forward in old age. I urge you to support this amendment.

Mr. BURKE of Florida. I rise in support of H.R. 15657, the Comprehensive Older Americans Services Admendments of 1972. I am the cosponsor of a similar bill. H.R. 12719 which I sponsored would also strengthen and improve the Older Americans Act of 1965. The Older Americans Act of 1965 has been an important development and coordination of social services for our older Americans.

The State and community programs established under the Older Americans Act of 1965 served 800,313 older persons during 1971. Services in 235 community programs were designed to maintain independent living arrangements for the elderly and assisted in reaching a large portion of elderly shut-ins. These in-home and out-of-home services made it possible for the elderly to maintain a sense of dignity and independence in their own familiar community environment.

Training programs under this law were held at 17 universities across the country to provide well-trained personnel capable of providing a variety of professional services to the older population.

Since 1969, the foster grandparents program has also been funded and administered under this law. Currently there are 67 foster grandparent projects serving over 200 different care programs in 40 States and Puerto Rico which utilize the servicing of over 4,400 foster grandparents per day.

The retired senior volunteer program was also authorized by the Older Americans Act Amendments of 1969. As of June 30, 1972 Action has funded 51 developmental grants and 300 project grants for RSVP. Action's projections indicate that these grants will support over 60,000 volunteers.

Mr. Speaker, the past and continuing successes of the Old Americans Services will be heightened by the addition of the amendments contained in H.R. 15657, the purpose of which is to extend, strengthen and modify the grant programs authorized under the Older Americans Act of 1965 through Fiscal Year 1975. In addition H.R. 15657 seeks to:

First, strengthen the role of the Administration on Aging as a focal point of Federal concern for older persons and upgrading its organizational status;

Second, create a National Advisory Council;

Third, strengthen State agencies on aging as the focal points in planning and developing service systems and area agencies for providing comprehensive coordinated, community-based services for the elderly;

Fourth, establish a national information and resource center for the aging and develop a network of information and referral sources in the States and communities;

Fifth, provide authority to lease, renovate and construct multipurpose senior centers through grants, contracts or mortgage insurance and support staffing grants for the initial operation of such centers and the delivery of social services;

Sixth, expand the research, demonstration, and training programs of the act and authorize the establishment and support of multidisciplinary centers of gerontology;

Seventh, expand the National Older Americans Volunteer program;

Eighth, assure that the nutrition program for the elderly is operated, wherever possible, in conjunction with comprehensive, coordinated service systems; and

Ninth, provide for special impact demonstrations in the area of transportation, housing, employment, preretirement and continuing education as a part of comprehensive, coordinated service systems for the elderly.

I feel that passage of this legislation is necessary if we are to make the waning years of many, many Americans more comfortable, and useful. There are presently almost 20 million senior citizens in our country, and the number is expected to increase to 28 million by the end of the century, it is important therefore that the services provided to them are in keeping with the level of those provided to other citizens. I am happy therefore to be able to support the bill before the House and I ask my colleagues to vote for the passage of H.R. 1657.

Mr. FRENZEL. Mr. Speaker, I strongly urge the passage of H.R. 15657, the Older Americans Services Amendments of 1972. This bill, which is a product of the White House Conference on Aging, will provide many urgently needed services for senior citizens, as well as providing a sense of usefulness for them.

This bill provides for the strengthening of the State agencies on aging, and centralizes Federal concerns in the Administration on Aging. It creates a National Advisory Council on Aging and a National Information and Resource Center. It expands research, demonstration and training programs, and coordinates nutrition programs with service systems of State and local agencies.

I strongly support this bill as a necessary beginning to make good the hopes of the White House Conference on Aging.

Mr. DRINAN. Mr. Speaker, I rise in support of H.R. 15657, the Comprehensive Older Americans Services Amendments of 1972.

More than 7 years ago, on March 31, 1965, the House of Representatives passed and sent to the Senate a bill which its principal sponsor, Representative John Fogarty of Rhode Island, called "practical, modest, and without frills." It created an Administration on Aging within the Department of Health, Education, and Welfare, and authorized $6.5 million in grants for fiscal year 1966. The bill, later passed by the Senate and signed into law by President Johnson, was known as the Older Americans Act of 1965.

In 1971, more than 1,700 individual projects received funds under the provisions of this act, providing services for almost 1 million senior citizens in the United States. Among these projects were 400 community volunteer programs, 250 transportation programs, 160 health programs, career training programs at 17 universities, the highly successful foster grandparent program, and the new retired senior volunteer program. The Older Americans Act has become the most imoprtant Federal effort in the development and coordination of social services for the elderly.

But in the 7 years since passage of the act, the Administration on Aging—AOA—has slowly been swallowed by the administrative morass that is the Department of Health, Education, and Welfare. In 1967, the AOA, supposedly headed by a Commissioner appointed by the President, was transferred to HEW's Social and Rehabilitative Service. Since that time, according to the report of the House Committee on Education and Labor:

> The responsibilities of the Commissioner have been progressively lessened to the point where the Committee fears that his effectiveness is in jeopardy.

H.R. 15657, which was unanimously approved by the Select Subcommittee on Education and the full Education and Labor Committee, revitalizes the Administration on Aging by reestablishing its independence, transferring new and existing social services programs to its jurisdiction, creating a new National Advisory Council on the Aging and a National Information and Resource Center for the Aging, and increasing the authorization for programs under the Older Americans Act to $335.5 million.

REVITALIZATION

H.R. 15657 forbids the Commissioner on Aging from delegating any of his authority to other officers or agencies, and increases the Commissioner's authority over the policy, development, and coordination of social service programs for the elderly. In effect, title II establishes AOA as the focal point of Federal efforts in this area, as the sponsors of the original Older Americans Act intended it to be.

INCREASED JURISDICTION

H.R. 15657 expands the training and research programs of the Older Americans Act, adds a new title V for the creation and staffing of multipurpose senior citizens centers, expands the foster grandparent program and the retired senior volunteer program, and creates a new and very promising category of grants for special impact programs for senior citizens in such areas as housing, health, education, and transportation.

In addition, this bill makes important administrative changes in the recently enacted senior citizens nutrition program, providing low-cost meals to the elderly. The hot meal program would be amended to bring it under the direct control of the Commissioner on Aging.

CREATION OF ADDITIONAL ADVISORY BODIES

H.R. 15657 would amend title II of the Older Americans Act to create a National Advisory Council on the Aging as a Presidential advisory committee of 15 members. The bill would also create a National Information and Resource Center for the Aging to serve as a Federal clearinghouse for information and data on problems associated with aging.

AUTHORIZATION OF FUNDS

H.R. 15657 rewrites title III of the act, authorizing $132 million for State agency administration and changing the antiquated distribution formula. The bill also authorizes $35 million for training and research, $46 million for new multipurpose senior citizens center programs, $55 million for expansion of the foster grandparent and retired senior volunteer programs, $50 million for special impact programs, and $17.5 million for other purposes.

These provisions are only a small fraction of the many highly laudable improvements in the Older Americans Act that H.R. 15657 would effect. I congratulate the members of the Select Subcommittee on Education, and particularly the chairman of that subcommittee, my friend and colleague Representative JOHN BRADEMAS, for the excellent work they have done in preparing this bill.

I am very pleased to note that H.R. 15657 will bring $3,050,757 to Massachusetts in the fiscal year of 1973. Substantially more will come to Massachusetts in 1974 when this act will distribute $200 million nationwide, and even more will come to my State in 1975 when $300 million will be authorized.

To provide older Americans with the basics of health, income, and a sense of purpose, yet to do so without diminishing their dignity, in their eyes or in our own—these are the purposes of the Older Americans Act, and of H.R. 15657, the bill we are considering today. I urge my colleagues to vote for its passage.

Mr. BOLAND. Mr. Speaker, I rise in support of the Comprehensive Older Americans Services Amendments.

The legislation before us today will provide specific steps to strengthen, improve, and extend many of the programs authorized under the Older Americans Act. The Commissioner of the Administration on the Aging has been charged with the coordination and development of programs to help our senior citizens. In order to carry out the mandate of the Congress and to implement the recommendations of the delegates to the Conference on the Aging, the Commissioner must have the power and financial resources to launch new programs and to coordinate with other Federal agencies. This legislation will do much to achieve these goals.

In some communities, there are senior centers to offer information, counseling and referral services, recreational and educational programs, and volunteer opportunities for the elderly. H.R. 15657 would add a new title V to the Older Americans Act, relating to the provision and staffing of multipurpose centers for the elderly. These centers would be the focal point for the coordination and development of services to the elderly.

In Springfield, Mass., we have such centers. The Hobby Club does a great job for the elderly of the community. Unfortunately, it simply is not large enough to extend its services to all of our senior citizens. The opportunity to be useful, needed, and counted should be available to all older people, and this bill would be a great step in this direction.

H.R. 15657 will broaden the functions of the Administration on the Aging to include the carrying out of programs designed to meet the needs of older persons for social services. It will provide for such services as nutrition, hospitalization, preretirement training, and continuing education.

I urge my colleagues to support this legislation.

Mrs. GRASSO. Mr. Speaker, older Americans in communities across the Nation need our help. Senior citizens have given their energies to the growth and success of our country. They deserve not only respect, but also a retirement of security, honor, and dignity, as well as every opportunity to maintain a full life and good health.

The bill before us today, H.R. 15657, is important legislation. For example, my State of Connecticut would receive $1.4 million toward its plan to develop a comprehensive and coordinated system of social services for older citizens. This legislation would extend, strengthen, and improve the grant programs authorized under the Older Americans Act of 1965. The objectives of the original legislation remain the same, but the means have been reevaluated and updated to meet more effectively the needs of the elderly. In fact, H.R. 15657 is designed to tear down the barriers which tend to confine older Americans—barriers which long have restricted older Americans who could and should lead constructive lives. Most important, this legislation would make it possible to build comprehensive programs that encourage older citizens to participate actively in the mainstream of community life.

During 1971 alone, 800,313 older Americans were served by a wide range of community programs. However, funds were used in a haphazard approach to problem solving. Consequently, the impact of Federal support was not as great as it should have been. The amendments contained in H.R. 15657 authorize appropriations of $100 million for fiscal year 1973. This funding would substantially revise the State and community grant program in a way that fosters the development of comprehensive and coordinated service systems. This change is effected, first of all, by strengthening the State agencies. H.R. 15657 calls for the establishment of a single easily identifiable State agency on aging. In addition, title III provides that the State agency designate area agencies which would assure effective attention to the particular local needs of older persons. Finally, there is a significant increase in funds to States, but the funding is accompanied by a more rigorous accountability process.

A primary agent of the concentrated social services is the development of multipurpose senior centers. Such facilities provide a focal point in the communities for the delivery and dispensation of social services and nutritional services designed primarily for older persons. These centers would be accessible neighborhood gathering places. They would provide a sense of community, dependability, and security which are essential to our senior citizens. Such centers can bring about a constructive change in the lives of the elderly by providing a headquarters for action in the solution of transportation, social, recreational, civic, attitudinal, and financial problems. A multipurpose center can provide the impetus necessary to make the elderly citizen an integral part of his community and create the atmosphere in which he will make further contributions to society.

H.R. 15657 contains a new title VIII, establishing special demonstration and model projects which are directed at the solution of critical problems confronting older persons in the areas of preretirement, housing, transportation, employment, and continuing education.

This legislation also alters the Administration on Aging. First, it provides that the Commissioner on Aging be directly responsible to the Secretary of HEW. The function of this amendment is to better coordinate the programs, activities, and personnel on a national level. A National Information and Resource Center is also established within the Administration on Aging. The Center would collect, review, organize, publish, and disseminate information and data relating to the particular problems caused by aging. Such a service would work in conjunction with similar centers to be established by the States. Finally, this bill replaces an Advisory Committee on Older Americans in HEW with a National Advisory Council with an expanded scope of activities.

Mr. Speaker, let us give our older citizens the reverence that is their due. Let us not turn our backs on those who have made us the great Nation that we are. Instead, let us pass H.R. 15657, a bill to increase benefits and expand services to the elderly—a program that will give brightness and meaning to the lives of so many older Americans.

Mr. BELL. Mr. Speaker, I rise in strong support of H.R. 15657, the Comprehensive Older Americans Services Amendments of 1972.

The recent White House Conference on Aging highlighted the need for the strengthening and improvement of the existing Older Americans Act of 1965. After numerous hearings and careful deliberation, the Committee on Education and Labor reported a comprehensive bill to meet the challenge of improving programs and introducing new facilities and services to help older citizens. This bill, H.R. 15657, is an important step in the progress of understanding and combating the unique and often forgotten problems of older Americans.

Our older population has increased more than six times since 1900. Today, one in every 10 Americans has reached age 65. This is an overwhelming figure and one that can no longer be overlooked.

The Comprehensive Older Americans Services Amendments of 1972 strengthens the role of the Administration on Aging as a focal point of Federal concern for older persons. This bill creates a National Advisory Council on the Aging and establishes a National Information and Resource Center for the Aging. It strengthens State agencies on the aging by encouraging them to develop and foster comprehensive service systems with each other and related agencies.

The bill expands the foster grandparent program and the retired senior volunteer program under ACTION. It creates multipurpose senior centers for the elderly where they can gather, receive a variety of services, and be referred to other services that they might need. It also strengthens the presently inadequate nutrition program for older persons and provides additional nutritional services. Special impact demonstrations for service systems for the elderly in the areas of housing, employment, preretirement, and continuing education are also provided.

I feel that two new provisions in this bill are particularly important. First, H.R. 15657 provides for the improvement of transportation services available to older persons by establishing special transportation subsystems for older persons or groups with similar mobility restrictions. It also provides payment of subsidies for transportation services to enable older persons to travel on a reduced rate basis. Programs are also established to study the economic and service aspects of transportation for older persons living in urban and rural areas.

Second, under H.R. 15657 the Commissioner on Aging is authorized to make grants for the purpose of establishing and supporting multidisciplinary centers of gerontology. These centers would recruit and train personnel, conduct research into a variety of matters affecting the elderly, and provide consultation and technical assistance regarding the planning of services for older persons. The centers would also act as a repository of information and encourage the incorporation of aging information into the teaching of biological, behavioral, and social sciences in institutions of higher education. These centers will help to attract new students to this field and become the coordinating units for related federally supported research and training programs.

H.R. 15657 represents a small part of our debt to our older Americans and I urge my colleagues to join me in full support of this very worthwhile legislation.

Mr. PRICE of Illinois. Mr. Speaker, H.R. 15657 provides the Congress an opportunity to further the goals of our older Americans. I advocate the passage of H.R. 15657 because it is the most comprehensive answer to the needs of older Americans at the present time. Failure to enact this legislation would not only impede expansion of benefits that older Americans rightly deserve, but would also deprive them of satisfaction of needs previously provided under the Older Americans Act of 1965. For this reason alone, the amendments merit passage, but there are also many important new provisions which make their passage essential.

I have long supported and introduced many resolutions on a variety of concerns of older Americans. I am, therefore, happy to see that the legislation under consideration incorporates many of these concerns into a cohesive program.

If enacted, H.R. 15657 would declare access to low-cost transportation one of the main priorities of the Older Americans Act. During the White House Conference on Aging, one of the most persistent requests of older Americans was for some sort of low-cost transportation. Earlier this year, I introduced H.R. 14432 designed to guarantee low-cost transportation for the elderly. The pending bill is a step in that direction.

The replacement of the present advisory committee within the Department of Health, Education, and Welfare by a National Advisory Council on Aging reflects my request to establish a Department of Elder Affairs which was presented as H.R. 14434. As I had recommended at the time I submitted that bill, this new agency will not only provide older Americans with a direct input to the President; it will also provide for the consolidation of existing programs for the elderly under a single agency; serve as a clearinghouse for pertinent information; conduct research; and coordinate all older American affairs more efficiently than in the past.

One of the main tasks of this new advisory council would be to investigate the impact of taxes on the elderly and make recommendations based on their findings. Again, although this is only a first step, it is an important one in order to relieve the heavy and inequitable tax burdens placed on fixed incomes. I have in the past in both H.R. 13170 and H.R. 14437 advocated the lessening of the tax burden on older Americans with fixed incomes and I believe that the advisory council will recommend such measures.

H.R. 15657 would also supply funds needed to overcome the problems of older Americans in employment and housing. H.R. 14431 and H.R. 14433 which I submitted earlier this year provided for housing and employment opportunities for older Americans. Although the actions provided in H.R. 15657 are not as immediate as the measures I have presented, they still constitute important progress in the satisfaction of older Americans needs.

Because the Older Americans Service Amendments provide such an astute recognition of the needs of the elderly and comprehensive plan of action to satisfy those acute needs, I support H.R. 15657 and urge my colleagues in the House to enact this legislation.

Mr. MIKVA. Mr. Speaker, I am pleased to support H.R. 15657, amending the Older Americans Act to provide much needed assistance to social service programs serving senior citizens.

The United States is an increasingly younger country, and in our worship of youth we have been careless about caring for the no-longer-young who worked so hard to produce the prosperity which the youth have inherited.

The bill before us today will help to restore dignity and comfort to many older Americans by providing funding for numerous programs specially designed to meet their needs.

In 1971, I introduced H.R. 12136, a proposal to amend the Older Americans Act. Subsequently the White House Conference on Aging issued its report and H.R. 12136 was broadened in many respects, eventually taking the form of the bill we are now considering.

I am especially pleased to see that this bill highlights the need for reduced cost transportation for the elderly. The elderly must rely on public transportation and sometimes on special private transportation in order to maintain mobility and some measure of self-sufficiency in spite of declining physical condition.

H.R. 15657 will permit Federal assistance to go to transportation systems in order to make low-cost transportation available to the elderly. For many, this can mean the difference between being a shut-in and living an active life.

A similar provision ought to be included in the Omnibus Housing Act now pending in the Banking and Currency Committee, as I have proposed in H.R. 11282 and H.R. 14432, so that urban public transportation systems are also able to offer reduced or free transportation to the elderly.

The Chicago City Council recently passed a resolution calling on Congress to enact such legislation, and a copy of that resolution follows:

RESOLUTION—CITY OF CHICAGO

Whereas, the number of persons 65 years or older in the United States today is approximately 20 million—ten percent of the total population; and

Whereas, between 1960 and 1970, older Americans increased in number throughout the Nation by 21 percent, as compared with an 18 percent growth in the under 65 population; and

Whereas, nearly 6.5 million older Americans are now classified as poor or near poor, and one of every four individuals 65 and older—in contrast to one in nine for younger persons—lives in poverty; and

Whereas, the ability to travel is vital to the elderly in order to acquire basic living necessities and to participate in spiritual, cultural and recreational activities; and

Whereas, the White House Conference on Aging, on December 2, 1971, adopted recommendations which call for "travel at half fares or less on a space available basis on all modes of public transportation", for the elderly, and "operating and capital subsidies" by the Federal government to make this and other recommendations possible; and

Whereas, in February, 1972, Mayor Richard J. Daley and Michael Cafferty, Chairman of the Board, Chicago Transit Authority, testified before Congressional Committees, urging that the Urban Mass Transportation Act of 1964 be amended to provide operating subsidies for urban mass transportation systems; and

Whereas, on March 8, 1972, Robert J. Ahrens, Director, Mayor's Office for Senior Citizens, in testimony before the U.S. House Select Subcommittee on Education recommended operating subsidies for mass transit systems for any proven loss which results from a program of reduced fares for the elderly; and

Whereas, numerous mass transit systems, including the Chicago Transit Authority, have instituted reduced fare programs for senior citizens and continue to experience fiscal difficulty in attempting to provide an adequate level of services; and

Whereas, Congress is currently considering legislation (as part of the "Omnibus Housing Act of 1972") that carries the important provision of subsidy for urban mass transportation: Now, therefore, be it

Resolved, That the Mayor and members of the City Council of the City of Chicago in meeting assembled this 14th day of June, A.D., 1972, urge the inclusion within the "Omnibus Housing Act of 1972" of provisions calling for the reimbursement to urban mass transit systems for proven losses attributed to the reduction of fares for senior citizens; and be it further

Resolved, That a copy of this Resolution be forwarded to the House Banking and Currency Committee of the United States Congress.

Mr. BINGHAM. Mr. Speaker, the legislation currently before the House, the Older Americans Act Amendments of 1972 (H.R. 15657), makes a number of helpful additions and modifications to major laws affecting senior citizens. In particular, it contains new authority and funds for the development of "multipurpose" senior citizen centers, which are so badly needed throughout this country, through renovation or other modification of existing facilities. It expands the volunteer programs such as foster grandparents and the retired senior volunteer programs—RSVP—under which older Americans find opportunities to remain involved, to apply their experience and skill, and to continue to contribute significantly to the betterment of their communities. This legislation also contains new authority and funds for special impact projects to help senior citizens with their many transportation, housing, employment, and educational problems.

The total funds authorized by this legislation for these and various other programs for senior citizens is over $335,450,000 for 1973, $510,300,000 for 1974, and $682,900,000 for 1975. Of those amounts, $132 million in 1973, $245 million in 1974, and $345 million in 1975 are allocated to the States for support of State and community senior citizen projects. These figures represent considerable increases over the past years, and I note that the formula for the allocation of funds among the States is altered by this legislation in such a manner that the State of New York, where the problems of senior citizens are particularly severe, due to uncommonly high prices, congestion, and other factors, will receive substantially greater proportion of these funds for State and local projects than in the past. On the basis of that and the many other positive elements of this legislation I plan to vote for it and I want to commend the committee for bringing it to the floor of the House.

My one disappointment with this legislation, Mr. Speaker, is that it fails to provide for programs and funds so that senior citizens in community service jobs may receive some compensation. While I support the voluntary programs expanded by this legislation, I have long believed that senior citizens should also have the option and opportunity to put their energy and skills to use in the community and to be compensated for that service. I submitted testimony to the committee in the course of its deliberations on this legislation urging that it provide for such programs in this bill. As I pointed out in that testimony, poverty affects one in four persons over 65 years of age. Yet only 1 percent of the persons employed under our existing government employment programs are 65 or older. We simply must provide salaried community service jobs specifically and exclusively for older Americans.

A few such programs—such as "Senior Aides" which I was instrumental in getting started—do exist under the jurisdiction of the Labor Department. But these programs have no statutory basis or congressionally earmarked funds, and are therefore subject to termination of funding cutbacks at any time. I feel very strongly, Mr. Speaker, that such community service programs which permit hard-pressed senior citizens to earn some income to supplement whatever meager retirement benefits they may have in return for their contributions to the community should not only be continued and expanded, but should be specifically provided for by the Congress. This might be done through additional separate legislation or, should the Senate see fit to include such a provision in their version of this legislation, as I will be urging that body to do, then through House acceptance of the Senate position in conference. I take this opportunity again to urge the Committee on Education and Labor one way or the other to fill this important gap in the otherwise very comprehensive and constructive legislation now before the House.

Mr. MATSUNAGA. Mr. Speaker, in most societies of the world, the elderly members are revered. They are looked to for advice and counsel, and their judgments on important issues are usually held conclusive. In sharp contrast, we in America have made our preoccupation with youth into almost a religion. The older members of our society are increasingly neglected and find themselves in poverty, isolated from their family and former friends, often in desperate need of material and emotional support.

I believe, Mr. Speaker, that we of the Congress can take a long stride toward remedying this sad situation by passing the bill now before us, H.R. 15657, the proposed Comprehensive Older Americans Services Amendments of 1972.

The basic thrust of H.R. 15657 is to extend and strengthen the existing programs established under the Older Americans Act of 1965, whose grant authorizations expired several weeks ago. Appropriations of more than $1.2 billion are authorized over the 3 fiscal years beginning with 1973.

Central to the new legislation is the authorization of $600 million over the 3 years for funding programs which result in the direct provision of social services for the elderly, so-called title III programs. According to the formula included in the bill, my own State of Hawaii would receive $250,000 each year for such programs. Some 1,700 community projects of various types have received aid under this part of the law. Nutrition projects, transportation, older volunteer programs and local out-reach efforts were among the kinds of activities to receive title III funds. Along with greatly increasing the funding levels for title III, H.R. 15657 provides a much-needed focus, so that available funds are not diffused to such a degree that their impact is imperceptible.

In addition, the pending bill would substantially upgrade the money available for two highly successful senior programs, the foster grandparents program, and the retired senior volunteer program—RSVP. A program for more than 60,000 volunteers could be funded under the new authorization levels.

Mr. Speaker, the funds authorized in this legislation are vital to the effort to bring a reasonable level of living to the great mass of older Americans who find themselves on the edge of poverty if not over the brink. But, perhaps more importantly, the enactment of this landmark legislation will signify to older Americans that they have not been forgotten by their country, and that America is concerned over their well-being. A measure of dignity and respect is as important to the elderly as is economic sufficiency.

I commend the distinguished gentleman from Indiana (Mr. BRADEMAS), chairman of the subcommittee from which this measure has come, along with the distinguished gentleman from Kentucky (Mr. PERKINS), chairman of the full committee, for providing the House with this opportunity to extend a helping hand toward America's elderly citizens. I urge the House to seize that opportunity and approve H.R. 15657 overwhelmingly.

Mr. STEIGER of Wisconsin. Mr. Speaker, I support the purpose and provisions of the Comprehensive Older Americans Services Amendments of 1972.

H.R. 15657 builds upon the programs of the Older Americans Act of 1965. Our 20 million citizens who are 65 years old or older are rightfully entitled to the services and efficient administration which this bill provides.

Specifically, the bill:

First. Strengthens the Administration on Aging by placing the Commissioner on Aging directly under the Secretary of Health, Education, and Welfare and limiting the authority of the Secretary to delegate functions to other agencies. Presently the Administration on Aging is but one of several programs under the Social and Rehabilitation Services Administration. Programs serving older Americans are splintered among several agencies and are often uncoordinated. By placing the Commissioner in an independent position, he can better serve as a focal point within HEW, and thereby better reflect the concerns of the elderly. Strengthening the position and the authority of the Administration on Aging was one of the recommendations of the White House Conference on Aging.

Second. Establishes a National Information and Resources Center. This Center would collect, catalog, publish, and disseminate information on the problems and programs on aging. A wide range of information will be available in such areas as education, employment, transportation, housing, and recreation. We need to do a better job of getting information to the elderly, and to programs serving the elderly at the local and State levels. This legislation is directed toward this purpose.

Third. Creates a Presidential advisory committee. An advisory committee would be appointed by the President and would have authority to evaluate the effectiveness of existing programs and call attention to unmet special needs of older Americans. The committee would prepare a report to the President on its findings and this report would be transmitted to Congress with the President's comments and recommendations.

Fourth. Strengthens State and area commissions on aging. Under provisions of the bill, the State and area commissions will serve as a focal point for the planning and delivery of services to the elderly. One State agency would be responsible for programs in such areas as transportation, nutrition, health care, and housing. Area agencies would be designated by the State agency to oversee and coordinate services in a local area and to insure that maximum services are provided to the elderly with a minimum of duplication.

The bill would provide State programs with $100 million in fiscal year 1973; $200 million in fiscal year 1974; and $300 million in fiscal year 1975. Each State would be allotted an amount related to its population, age 65 and over. Wisconsin, for example would receive $2,275,646.

Fifth. Authorizes increased funding for training and research in the area of aging. Multidisciplinary centers of gerontology would be established to aid us in increasing our knowledge about the needs and how to meet the needs of our elderly. Such centers would broaden the training of the specialists serving the elderly in the related fields of public health and social work. The centers will develop models for the planning and delivery of comprehensive services to older persons as well as short-term training institutes.

Sixth. Provides assistance for renovating, leasing, and renting facilities for senior citizen centers. Centers will be located within convenient reach of our elderly population and will provide a full array of services. Such centers have already proved their value in several hundred areas throughout the Nation. In the Sixth District of Wisconsin, centers to meet the needs of older people are available in Fond du Lac, Ripon, Plymouth, and Campbellsport.

Seventh. Expands volunteer opportunities, including the popular Foster Grandparent program and the Retired Senior Volunteer program. The Foster Grandparent program provides part-time volunteer opportunities for low-income persons age 60 and over to serve needy children in institutions on a person-to-person basis. The amendments will allow senior citizens to serve both children and adults with special needs.

For example, the elderly could be served in their own homes, in nursing homes, and in institutions. The RSVP program has also been meeting a need by enabling older citizens to play a role in a variety of needed community activities; $20 million will be provided for these two programs.

Eighth. Strengthens the Administration on Aging by authorizing experimental projects for the elderly in such vital areas as transportation, housing, and education. During fiscal year 1973,

$50 million will be provided to show how these important needs can be met.

The United States has been slow in recognizing the needs of the elderly. Prior to fiscal year 1972, the Administration on Aging received less than $40 million for all its programs. In fiscal 1972, this was increased to $100 million. For fiscal 1973, President Nixon has asked for almost $259 million. I fully support the provisions of this legislation and an appropriation that will adequately fund its provisions.

Mr. CLEVELAND. Mr. Speaker, the problems of the elderly have at long last begun to receive some of the attention they have so long deserved. For too long, these problems have been swept under the rug; for too long, the elderly themselves have been largely ignored. We heard so much about the War on Poverty, and were called upon to spend billions to fight it; yet somehow, those crusaders often neglected to notice that a quarter of our poor are over 65, although only 10 percent of our population is over 65.

It is true that medicare is now an accepted fact, and senior citizens across this land at last have assurance that most of their health needs will be met. But continuing review and improvement are needed, and the extension of medicare to cover nursing care is long overdue.

Last month Congress raised social security payments by 20 percent across the board. I not only voted for the increase, I voted against an amendment which sought to reduce it to 10 percent. Last year, there was a 10-percent increase in benefits. In 1970 there was a 15-percent increase, and in 1968 there was a 13-percent increase. I voted for all of these. It is true that benefits were low to begin with, and that inflation though slowed, has been great during this period. However, the figures do support as fact the point that Congress has begun responding to the serious needs of our senior citizens.

SOCIAL SECURITY IMPROVEMENTS NEEDED

I hasten to add, however, that we have much work to do to modernize our social security system. The earnings limitation needs to be raised and eventually eliminated, so as to encourage our senior citizens to help themselves, as so many of them are willing and able to do. Full benefits should be made available to men at age 62. The minimum level of benefits should receive a thorough overhaul, so that those who have worked under social security for many years will be able to live out their time in reasonable comfort. Many of these reforms have already been passed by the House but are stuck in the Senate, held hostage to unpopular welfare proposals.

Indeed, what is necessary is for us to at last recognize that the time has come to convert social security to a basic pension program covering our working men and women, with benefit levels high enough to insure that all retired people are above the poverty level. As a Nation, we must make a commitment to assure that after working a lifetime, people will not have to retire into poverty.

While making these improvements, it is time for us to have a thorough review of the method of financing the social security program. It may well be that the present financing system, established during the 1930's, is outdated and should be changed.

SERVICES FOR OLDER AMERICANS

Mr. Speaker, with this as background, it was particularly pleasing for me to be able to vote this week for the Comprehensive Older Americans Services Amendments of 1972. This bill, which extends for 3 years the historic Older Americans Act of 1965, came to the floor with impressive bipartisan support.

Briefly summarized, it is the purpose of this bill, H.R. 15657, to extend, strengthen, and modify the grant programs authorized under the Older Americans Act of 1965 through fiscal year 1975. In addition, it seeks to:

First. Strengthen the role of the Administration on Aging as a focal point of Federal concern for older persons and upgrading its organizational status;

Second. Create a National Advisory Council;

Third. Strengthen State agencies on aging as the focal points in planning and developing service systems and area agencies for providing comprehensive coordinated, community based services for the elderly;

Fourth. Establish a national information and resource center for the aging, and develop a network of information and referral sources in the States and communities;

Fifth. Provide authority to lease, renovate and construct multipurpose senior centers through grants, contracts or mortgage insurance and support staffing grants for the initial operation of such centers and the delivery of social services;

Sixth. Expand the research, demonstration, and training programs of the act and authorize the establishment and support of multidisciplinary centers of gerontology;

Seventh. Expand the National Older Americans Volunteer program—including Foster Grandparents and the retired senior volunteer programs;

Eighth. Assuring that the nutrition program for the elderly is operated, wherever possible, in conjunction with comprehensive, coordinated service systems developed under title III; and

Ninth. Provide for special impact demonstrations in the areas of transportation, housing, employment, preretirement, and continuing education as a part of comprehensive, coordinated service systems for the elderly.

Mr. Speaker, I would also like to point out that earlier this year, Congress passed legislation extending and expanding low cost nutritional programs for the aged. I supported this needed legislation.

WHITE HOUSE CONFERENCE ON AGING

During the White House Conference on Aging, held in December 1971, it was my pleasure to invite the New Hampshire delegates to my office. They provided both information on and added emphasis to the problems of our older citizens. I remember that there was some question whether tangible results would flow from the conference. Mr. Speaker, the passage of this legislation yesterday, following as it does so closely the 20-percent hike in social security benefits, should provide a clear affirmative answer. What has come about is that there is a new visibility and emphasis on the needs of senior citizens. Hopefully, this will give momentum to meeting other problems, such as reforming social security, providing decent housing at a cost the elderly can afford, meeting the serious transportation needs of the aged, and finding ways to better utilize the often neglected but very valuable experience and abilities of our senior citizens.

Mr. FASCELL. Mr. Speaker, as a cosponsor of similar legislation, I rise in support of the Comprehensive Older Americans Services Amendments of 1972, and commend our colleagues Congressman JOHN BRADEMAS and Chairman CARL PERKINS for their leadership and initiative in developing the proposal under consideration today. The provisions included in this bill clearly indicate a careful analysis of the needs of our senior citizens, and of the effectiveness of existing programs in meeting those needs.

The problems of our nearly 20 million senior citizens are serious ones, deserving special attention and demanding special solutions. They are problems involving inadequate housing, poor nutrition, insufficient health care, and loneliness. Each of these problems contributes to the isolation of our senior citizens from the mainstream of today's activities.

Our senior citizens deserve a retirement of security, honor, and dignity. The bill before us extends, strengthens, and improves existing law, making it possible to develop comprehensive programs that will encourage older Americans to participate fully in community life, and help provide them with the resources to do so.

Key provisions of the bill are designed to correct organizational deficiencies which have constrained the potential effectiveness of existing programs. First, H.R. 15657 strengthens the Administration on Aging in the Department of Health, Education, and Welfare by reasserting the Congressional mandate to the Commissioner on Aging and giving him the powers and responsibilities he needs to carry out effective programs for older people and to work on a more equal basis with other agencies which have programs of benefit to the aged.

Further, the bill strengthens the State agencies authorized by the Older Americans Act of 1965, title III, by reasserting the requirement for a sole State agency, by increasing the funding available for the administration of the State plan required under title III, by giving large diverse States certain latitude with respect to determining planning areas within the States, and by establishing State information and referral services

In efforts to focus greater attention and resources on problems unique to older Americans, the bill creates a National Advisory Council on the Aging, a committee to advise and assist the President on matters relating to the special needs of older Americans. Aside from making annual recommendations to the President and the Congress for new programs and activities for older Americans, the Council is charged with making two very important studies: first, a study of the inter-relationships of benefit programs for the elderly operated by Federal, State, and local government; and second, a study of the combined impact of all taxes on the elderly.

As a further step to highlight the needs of senior citizens, H.R. 15657 provides for the establishment of an Information and Resource Center within the Administration on Aging. The major objective of the Center would be to collect, review, organize, publish, and disseminate information and data related to the particular problems caused by aging.

The bill also extends research and training programs, authorizing grants for the establishment of multidisciplinary centers of gerontology and the support of existing centers. Establishment of such centers, with primary focus on recruiting and training personnel, should help attract students to the field and build the necessary expertise for handling the special problems experienced by the elderly.

The most important obligation we have to our senior citizens, in my judgment, is to allow them to live a full life, with the opportunity to make contributions of their own and participate in life in a meaningful way. The establishment of multipurpose senior centers, to provide focal points within local communities for the provision of comprehensive social services for older people, will help meet that obligation. Strengthening of the Retired Senior Volunteer Program—RSVP—and expansion of the foster grandparent program will also help provide an opportunity for older Americans to contribute their talents and abilities to their community.

And finally, the bill provides for the establishment of special programs designed to meet the needs of older persons in the areas of housing, transportation, employment, continuing education, and preretirement education.

Mr. Speaker, H.R. 15657, the Comprehensive Older Americans Services Amendments of 1972, will, I believe, achieve its goal of providing more comprehensive services, more effectively, to more senior citizens. I urge the support of all our colleagues.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the bill H.R. 15657.

The question was taken.

Mr. QUIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 351, nays 3, not voting 78, as follows:

[Roll No. 263]

YEAS—351

Abbitt
Abernethy
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bell
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Drinan
Dulski
Duncan
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Latta
Leggett
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—3

Hall
Landgrebe
Schmitz

NOT VOTING—78

Abourezk
Anderson, Tenn.
Andrews, Ala.
Baring
Belcher
Bergland
Blanton
Blatnik
Bolling
Broomfield
Broyhill, N.C.
Burlison, Mo.
Carney
Chappell
Chisholm
Clay
Colmer
Curlin
Davis, Ga.
Delaney
Diggs
Donohue
Dow
Dowdy
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Evins, Tenn.
Findley
Flowers
Flynt
Fulton
Gallagher
Goldwater
Hagan
Halpern
Hansen, Wash.
Hébert
Hungate
Hutchinson
Ichord
Jonas
Jones, Ala.
Jones, Tenn.
Kuykendall
Landrum
Link
Long, La.
McClure
McDonald, Mich.
McMillan
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Mitchell
Mosher
O'Konski
Passman
Pelly
Pettis
Podell
Pryor, Ark.
Rarick
Robison, N.Y.
Rogers
Rousselot
Ryan
St Germain
Sarbanes
Seiberling
Shipley
Spence
Steiger, Wis.
Stokes
Stuckey
Whalley

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rousselot.
Mr. Blatnik with Mr. McDonald.
Mr. Blanton with Mr. du Pont.
Mrs. Andrews of Alabama with Mr. Belcher.
Mr. Shipley with Mr. Broomfield.
Mr. Burlison of Missouri with Mr. O'Konski.
Mr. Chappell with Mr. Broyhill of North Carolina.
Mr. Chisholm with Mr. Dowdy.
Mr. Diggs with Mr. Ryan.
Mr. Stokes with Mr. Eckhardt.
Mr. Evins of Tennessee with Mr. McClure.
Mr. Flowers with Mr. Edwards of Alabama.
Mr. Fulton with Mr. Finley.
Mr. Delaney with Mr. Robison of New York.
Mr. Clay with Mr. Gallagher.
Mr. Rogers with Mr. Jonas.
Mr. Flynt with Mr. Spence.
Mr. Donohue with Mr. Minshall.
Mr. Metcalfe with Mr. Miller of California.
Mr. Link with Mr. Goldwater.
Mr. Jones of Tennessee with Mr. Pelly.
Mr. Baring with Mr. Whalley.
Mr. Stuckey with Mr. Long of Louisiana.
Mr. Ichord with Mr. Hutchinson.
Mr. Davis of Georgia with Mr. McMillan.
Mr. Dow with Mr. Halpern.
Mr. Podell with Mr. Mosher.
Mr. Landrum with Mr. Mills of Arkansas.
Mrs. Hansen of Washington with Mrs. Dwyer.
Mr. Anderson of Tennessee with Mr. Pettis.
Mr. Bergland with Mr. Steiger of Wisconsin.
Mr. Curlin with Mr. Pryor of Arkansas.
Mr. Passman with Mr. Sarbanes.
Mr. Hagan with Mr. Rarick.
Mr. Mitchell with Mr. Seiberling.
Mr. Jones of Alabama with Mr. Kuykendall.
Mr. Abourezk with Mr. St Germain.
Mr. Carney with Mr. Hungate.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ROGERS FAVORS OLDER AMERICANS AMENDMENTS

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS. Mr. Speaker, as a member of the President's National Commission on Marihuana and Drug Abuse, I was attending open hearings on the Senate side of the Capitol when the vote on the Comprehensive Older Americans Services Amendments of 1972 was taken.

Unfortunately, I arrived just after the final vote was tallied and although the 351 to 3 vote was overwhelmingly in favor, I would like to go on record as supporting the provisions of the legislation.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONVEYANCE OF SURPLUS PROPERTY FOR USE AS HISTORIC MONUMENTS

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1152) to facilitate the preservation of historic monuments, and for other purposes, as amended.

(The Clerk read as follows:)

S. 1152

Be it enacted by the Senate and House of Pepresentatives of the United States of America in Congress assembled, That section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(3) as section 203(k)(4) and by adding a new section 203(k)(3) as follows:

"(k)(3) Without monetary consideration to the United States, the Administrator may convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of the United States in and to any surplus real and related personal property which the Secretary of the Interior has determined is suitable and desirable for use as a historic mounment, for the benefit of the public. No property shall be determined to be suitable or desirable for use as a historic monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 3 of the Act entitled 'An Act for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (49 Stat. 666), and only so much of any such property shall be so determined to be suitable or desirable for such use as is necessary for the preservation and proper observation of its historic features.

"(A) The Administrator may authorize use of any property conveyed under this subsection or the Surplus Property Act of 1944, as amended, for revenue-producing activities if the Secretary of the Interior (i) determines that such activities are compatible with use of the property for historic monument purposes, (ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property, and (iii) approves the grantee's plan for financing repair, rehabilitation, restoration, and maintenance of the property. The Secretary shall not approve a financial plan unless it provides that incomes in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the grantee only for public historic preservation, park, or recreational purposes. The Administrator may not authorize any uses under this subsection until the Secretary has examined and approved the accounting and financial procedures used by the grantee. The Secretary may periodically audit the records of the grantee, directly related to the property conveyed.

"(B) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(i) shall provide that all such property shall be used and maintained for historic monument purposes in perpetuity, and that in the event that the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

"(C) 'States' as used in this subsection, includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States."

SEC. 2. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is repealed.

The SPEAKER. Is a second demanded?

Mr. BUCHANAN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BROOKS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, S. 1152 was unanimously approved on June 14, 1972, by the Committee on Government Operations. The objective of S. 1152 is to assist State and local governments in obtaining and preserving surplus Federal properties having historic or architectural significance. Without this legislation, many former Federal buildings having historic or architectural significance will probably face destruction. Our Nation has already lost too many of its historical and architectural treasures. As we are approaching our Nation's bicentennial era, it would be especially fitting for Congress to pass legislation that would help preserve these former Federal buildings and other properties that constitute a valuable part of our Nation's heritage.

S. 1152 provides that the Administrator of the General Services Administration—GSA—may convey Federal surplus real and related personal property for historic monument purposes to State and local governments and other public bodies, without monetary consideration, provided that the Secretary of the Interior first determines that the property is suitable and desirable for use as an historic monument for the benefit of the public. S. 1152 further provides that the Administrator of GSA, in his discretion, may authorize revenue-producing use of these properties, if the Secretary of the Interior has first determined that such activities are compatible with the use of the property for historic monument purposes and has approved the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property, as well as the grantee's plan for financing this work and future preservation activities.

This feature of S. 1152 is a departure from present law. Currently, State and local governments may receive, without cost, Federal surplus properties for historic monument use. However, the term historic monument has been defined to mean using a donated property only as a passive memorial. Active utilization was precluded. State and local governments, therefore, find it economically difficult to accept and maintain surplus Federal buildings of historic and architectural significance. This bill provides a mechanism, with appropriate controls, to allow the recipients of these properties to use them in order to help defray the costs of repair, rehabilitation, preservation and maintenance.

S. 1152 relies upon the experience and expertise of the Secretary of the Interior to determine the suitability and desirability of using a particular property for historic monument purposes. He is given the authority to determine whether any plan that a grantee may have for revenue-producing activities is compatible with the property's use as an historic monument.

S. 1152 also recognizes the unique expertise of the Administrator of GSA in utilizing and disposing of surplus Federal property. Accordingly, the administration is given authority to make the actual conveyance; authority to permit revenue-producing activities with the approval of the Secretary of Interior; and the right to set conditions and restrictions on the conveyance of the property which the Administrator may determine necessary to safeguard the interests of the United States.

The House Committee on Government Operations has recommended adoption of two amendments to S. 1152:

First. On page 2, line 17, after "subsection," insert "or the Surplus Property Act of 1944, as amended,".

The purpose of this amendment is to give retroactive effect to the provisions of this legislation so that properties previously conveyed for historic monument use under the Surplus Property Act of 1944 can be used for revenue-producing activities, provided that the pertinent provisions of S. 1152 are met.

Second. On page 3, line 3, strike out "public park or recreational purposes" and insert in lieu thereof "public historic preservation, park, or recreational purposes."

The purpose of this amendment is to insure that any income from these properties in excess of the costs of repair, rehabilitation, restoration and maintenance will be used for public historic preservation purposes.

S. 1152 will benefit many citizens of the United States while costing the Government only some minor administrative expenses. Although the Government might lose some revenues by donating these properties rather than selling them, this anticipated revenue loss is insignificant compared to the immense contribution that preservation of these buildings will make to our Nation's heritage.

Mr. Speaker, I urge favorable consideration of S. 1152 by the House.

Mr. KYL. Mr. Speaker, will the gentleman from Texas yield?

Mr. BROOKS. Yes, I would be pleased to yield.

Mr. KYL. I thank the gentleman for yielding. Under the present surplus property law, after the other Federal agencies determine they do not need the building, and the building is not to be used for education or health purposes, the municipality or county government can acquire at less than appraised value certain Federal surplus properties for local use. I am not arguing with the gentleman. I just want to make sure.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BROOKS. I yield myself 1 additional minute to handle this query.

Mr. KYL. Can the gentleman tell us whether it could be possible after this date for any community or any government entity wanting to take over a surplus Federal building to say it is of historical significance; therefore, we should get it free, and we will be able to use it as our seat of city government, county government, et cetera?

Mr. BROOKS. Not necessarily. They have to meet the provisions of this legislation. The Secretary of the Interior has to first determine that the property is suitable and desirable for use as a historic monument. The Secretary of the Interior must then determine that the proposed use is compatible with the property's historical and/or architectural features. If a potential recipient wants to use a surplus building as a city hall, and he meets the requirements, then he will be able to. If he wants to make it into a honky-tonk, I do not believe that would qualify.

Mr. KYL. But there are hard requirements regarding the stipulation of a historic site or monument?

Mr. BROOKS. That is correct.

Mr. KYL. To allay another suspicion that might be harbored by some individuals, in the report it says S. 1152 will primarily encompass a group of surplus buildings, or buildings soon to become surplus, that have been used either as post offices, custom houses, or other Federal office space. Did either the committee of the Senate or the House have in mind certain specific buildings when it wrote this act?

Mr. BROOKS. Not particularly. This bill was originally introduced in the House by the Honorable GERALD R. FORD and by the Honorable BELLA ABZUG.

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. BROOKS. Mr. Speaker, I yield myself 1 additional minute.

The SPEAKER. The gentleman is recognized for 1 additional minute.

Mr. BROOKS. At that time I believe that they might have had specific buildings in mind. But the legislation itself would potentially apply to buildings throughout the United States. Several Members have indicated to me their own personal interest because of a building or site in their districts. But generally, S. 1152 is legislation that would make this opportunity available to every portion of the United States.

Mr. BUCHANAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1152 which provides an added incentive for the preservation of America's historic properties.

This bill is a bipartisan effort, recommended by the President, and reported unanimously by the Government Operations Committee.

Over the years, the public has become increasingly aware of our country's traditions and heritage. In support of this awareness, Congress has provided an expanded package of legislation designed to enlarge our parklands, recreation areas, wildlife refuges, wilderness reserves, and historic monuments and places. As we approach the bicentennial of our founding, it is to be hoped that the people's feeling and awareness of the greatness of our Nation and society will grow. The bill before us is comparatively modest in nature, but I believe it will contribute to this cause.

For many years now the Federal Government through the Interior Department and the General Services Administration has been charged with the responsibility for preserving our historic heritage. The Interior Department has performed exemplary service in identifying historic properties. Where funds exist and national significance is determined, they establish, manage and preserve such properties on a national basis. The General Services Administration, for its part, has exercised authority conferred upon it by Congress in 1944 to make surplus Federal property available to State and local governments for historic monument purposes where such properties are deemed to have more of a regional or local, rather than national significance. This authority has been put to good use by GSA over the years so that many places of historic significance have been preserved which would otherwise have been destroyed.

Up to the present, however, the law has been interpreted to prohibit the generation of revenue from such surplus properties with the exception of any limited admission fees that could be exacted for visits to museums that might be set up in connection with the historic places. The practical effect of this prohibition has been to limit the amount of property that could be accepted by State or local governments since, in the absence of a property's revenue-producing capacity, such governments lack sufficient resources to maintain or preserve such properties. The purpose of S. 1152 is to overcome this impediment.

This bill authorizes GSA, when conveying surplus property to State and local governments for historic monument purposes, to authorize the use of such property for revenue-producing purposes. Recognizing full well, however, the potential for misuse that this new grant of authority possesses, the committee has been exceedingly careful to surround it with safeguards.

First, only those properties will be determined suitable for historic monument purposes which conform to the recommendations of the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

Second, any conveyed property may only be used for revenue-producing purposes if the Secretary of the Interior determines that such use will be compatible with the historic nature of the property. This compatibility requirement is one of the most essential safeguards in the bill because it seeks to assure the preservation of the historic character of the conveyed property in the face of any threat to prostitute such character to revenue-producing purposes. As we on the committee see it, a historic property—such as a post office or custom house—could be remodeled to include offices or even shops But, such would have to be incorporated into the structure in a way that preserved its historic character. Gaudy, bizarre or honky-tonk facilities are not to be permitted. In providing for revenue-producing facilities, moreover, every effort must be made to provide for the admission of the public to at least part of a building in order to permit its examination.

Third, Interior is required to approve all arrangements for the repair, rehabilitation, restoration, and maintenance of the property as well as the grantee's plans for financing such arrangements.

Fourth, while it is not anticipated that significant revenues will be generated on a property in excess of that needed to finance restoration, repair, and related arrangements, any excess that is generated must be used by the grantee only for historic preservation, park, or recreational purposes, as approved by the Secretary of the Interior.

Fifth, the Secretary of the Interior is charged with the responsibility for examining and approving the accounting and financial procedures used by the grantee, as well as being authorized to periodically audit the grantee's records.

Sixth, the General Services Administrator is authorized to withhold the conveyance of any property under this act unless he is satisfied that all the above conditions are met.

Seventh, every deed of conveyance shall contain provisions providing for the reversion of the property to the Government if any of the above safeguards are violated or if the property ceases to be used for historic purposes.

Mr. Speaker, I look upon this legislation as a meaningful contribution to the preservation and improvement of the historic tradition of our country. Its passage can be looked upon as a worthy assist to our bicentennial celebration that is fast approaching. I urge its adoption.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I rise in support of this legislation. I think it is an excellent act. I thank the gentleman for yielding.

The Historic Monument Conveyance Act stands as a beacon of light on the horizon to those of us with a deep and abiding interest in historic preservation. It remedies a long-standing problem that has plagued State and local governmental units seeking to acquire Federal excess property with local historical or architectural significance. While the Surplus Property Act of 1944 provided for the conveyance of excess Federal property to State and local bodies for the purpose of historic preservation, subsequent interpretation of the act prohibited the property from being used as a revenue-producing unit to offset the often significant costs of rehabilitation, restoration, repair and maintenance. Thus, many local jurisdictions which sought to acquire and preserve their historic sites lacked the financial resources to restore and maintain the property. The Historic Monument Conveyance Act seeks to overcome this financial obstacle to historic preservation.

This legislation enables the General Services Administration to convey to a State or local body, without monetary consideration, surplus Federal property that is determined by the Secretary of the Interior to have local or regional historic or architectural significance. The act also provides that the property so conveyed may be used for revenue producing activities if the Secretary of the Interior has determined that such activities are compatible with the use of the property for historic monument purposes.

With the 200th Anniversary of the birth of our Nation approaching, every American has a keen awareness of our rich national history. A history laden with significance for each of us. A history the Historic Monument Conveyance Act will make easier to preserve.

One local landmark which has historical significance for residents of my district, indeed for many people throughout our Nation, are the buildings located at the Walter Reed Army Medical Center Annex in Forest Glen, Md. Numbered among these buildings are some that appeared at the Chicago Worlds Exposition of 1898. Historic and architectural styles of different lands and periods are represented among these buildings. These structures represent a significant period of American architecture—an eclectic style of architecture which was widely used in the latter part of the nineteenth century. This legislation could well provide one solution to the problems presented in the possible preservation of these buildings on their site at Forest Glen, Md.

Mr. BUCHANAN. Mr. Speaker, I thank the gentleman for his contribution. I concur in his remarks.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I thank the gentleman for yielding.

Under the provisions of this legislation, I am going to ask the gentleman a direct question: Would this permit our Government to turn over to the city of New York the post office, the Morgan Station Post Office we had debated here some time ago? Is this post office again in this picture?

Mr. BUCHANAN. No. It has not been recommended as a monument by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments and it has not been approved by either the Secretary of the Interior or the Administrator of the General Services Administration. Ths bill covers only those properties which will be determined to have historic purposes and which conform to the recommendations of the Advisory Board.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, is it not true, in response to the query just made, that the present law with respect to qualifying a piece of property or a historic monument remains unchanged? So this bill does not affect that process one way or the other. Under the present law, a building can qualify if it is determined by the Secretary of the Interior and the National Park Advisory Board, whatever the exact title of it is. If it qualifies under the present law, it can continue to do so under this bill. All this bill does, once the Department of Interior has approved the site, is permit submission of a plan for revenue-producing operations on the historic site subject to approval of the Secretary of the Interior and GSA, so the present law on designation remains unchanged.

Mr. BUCHANAN. The gentleman from Florida has answered with clarity and eloquence as well as accuracy.

Mrs. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Speaker, to answer the specific question raised by the gentleman, this does not involve in any way the post office in New York. If any building would come under this, it would be the Customs House. This has nothing to do with the Morgan Post Office, which is not a historic site under this bill in my judgment.

Mr. HUNT. Mr. Speaker, will the gentleman yield further?

Mr. BUCHANAN. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I am glad to have that clarification, because funny things happen. We get these buildings classified in one respect, and the next thing I know, they are being used for something else. I was curious about it, because it does permit renting out of facilities and buildings. We beat that Morgan Station bill, and I am interested to know if we have to beat it again.

Mr. BUCHANAN. If it is found that a building is being used for other than that for which it was approved, it can be taken back by the Federal Government under this legislation. Also, it is not anticipated there will be significant revenues generally raised on the properties so conveyed in excess of that needed to finance restoration and repairs and related arrangements, but any excess generated must be used by the grantees only for park, recreational, and historic presentation purposes as approved by the Secretary of the Interior.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, do I understand this designates the Secretary of the Interior as the authorizing authority and he alone?

Mr. BUCHANAN. There has to be approval at the outset by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, the Secretary of the Interior and the General Services Administration.

Mr. GROSS. All three?

Mr. BUCHANAN. They all have authority in this matter.

Mr. GROSS. Who appoints the Advisory Board?

Mr. BUCHANAN. That is set up under law already, and this simply continues that arrangement, as provided under current law. This does not change anything in that respect.

Mr. GROSS. Does the Secretary of the Interior pick any of the members of the Advisory Board?

Mr. BUCHANAN. It is by statute, I will say to the gentleman. He does not name the advisory board.

Mr. GROSS. He does not name the advisory board?

Mr. BUCHANAN. No, sir, although the Secretary of the Interior is one of the twenty members of the council. We do not change anything about that setup in this legislation. All requirements stand which are present requirements.

Mr. GROSS. But once the Secretary of the Interior designates an historic monument there is no provision for coming back to the Congress for further authorization or confirmation?

Mr. BUCHANAN. Nothing changes about that, either. The only thing which changes is to let them generate revenue. The whole thing remains the same except that a State or local government can generate revenue, with restrictions and as approved by the Secretary of the Interior. They can generate certain revenues on that property, which revenues must be used for historic restoration or preservation or other such purposes, and which purposes have to be approved in advance.

Nothing is changed otherwise by the law. It is just letting property that could already be conveyed also produce a limited amount of revenue to help the State and local governments restore and maintain such property.

Mr. GROSS. I am curious as to how the bill got into the hands of the committee. I do not question the broad jurisdiction or the Committee on Government Operations, but is this not more importantly a matter for the Committee on Public Works rather than the Committee on Government Operations?

Mr. BUCHANAN. It is surplus property legislation, which is normally handled by the Government Activities Subcommittee chaired by the gentleman from Texas, of the Government Operations Committee.

Mr. Speaker, I urge the passage of this legislation.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PATMAN).

(By unanimous consent, Mr. PATMAN was allowed to speak out of order.)

CHAIRMAN PATMAN ANNOUNCES HEARINGS ON PRESIDENT'S DISASTER LEGISLATION

Mr. PATMAN. Mr. Speaker, today the President transmitted a message to Congress calling for legislation which would relieve the victims of tropical Hurricane Agnes.

In his message the President called upon the Congress "to respond to this emergency by acting on the Agnes Recovery Act so that it can become law within 1 week."

Mr. Speaker, as I indicated during the debate on H.R. 15692, to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, which passed the House by a vote of 325 ayes to 9 noes, disaster legislation should not be considered in any partisan way whatsoever, nor should such needed legislation be held up for any reason. For this reason, Mr. Speaker, I am announcing hearings beginning this Thursday, July 20. It is my intention to sit continuously for as long as necessary to finish the hearings on this legislation. Immediately after the hearings, it is my intention to have your House Committee on Banking and Currency meet in executive session to mark up this legislation.

Mr. Speaker, assuming the House Committee on Banking and Currency can move expeditiously, it is my hope in carrying out the wishes of the President to aid the victims of this and other disasters which have occurred in recent times, that it may be possible for the leadership to schedule this legislation for immediate House floor action.

Mr. FASCELL. Mr. Speaker, I rise in support of S. 1152 which would assist State and local governments in obtaining and preserving surplus Federal properties which have historic or architectural significance.

Under existing law, the Secretary of Interior must first determine that a given building is suitable and desirable for use as an historic monument. Buildings qualify as historic monuments if they are associated with some historic event or person, or if they exhibit an architectural style or type of construction that is representative of the technology, tastes or values of specific periods in our country's history.

While State and local governments can receive surplus property free of cost for use as historic monuments under current law, they cannot use the properties to produce revenue. Consequently, many State and local governments have found it economically impossible to operate such properties as historic monuments because funds would have to be provided from local taxes.

The legislation which we are considering would permit a recipient governmental unit to work out plans for revenue-producing operations, thereby generating the necessary funds for repair, rehabilitation, and maintenance, thus making it possible to preserve many fine buildings that might otherwise have to be demolished.

Mr. Speaker, I urge favorable action on this important legislation.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, I am pleased to rise in support of this bill, of which H.R. 6769, introduced by Mr. GERALD R. FORD, and H.R. 11206, introduced by me, are the House counterparts. S. 1152 would permit State and local governments to accept and maintain historic properties without undue burden on their limited financial resources.

Under existing law, surplus Federal properties of historic value may be conveyed to State and local governments for preservation as historic sites, but no revenue-producing uses are permitted. Because expenses of rehabilitation and maintenance in old structures are especially high, preservation is often not feasible unless some revenue-producing use of the property can be made. This bill would provide that when a surplus property of historic significance is conveyed to a State or local government, the grantee may permit revenue-producing use of the property if it is compatible with the preservation of the property for historic monument purposes. By permitting such uses in limited, carefully controlled circumstances, it will be possible to develop and maintain certain historic monument sites which would otherwise be left to deteriorate or be demolished to make way for new construction.

Many historically significant structures across the Nation will be eligible for conveyance under this bill. One structure which we expect to be conveyed under this new provision is the New York Customs House, located at the southern tip of Manhattan Island. Designed by Cass Gilbert and constructed in the early part of the 20th century, this seven-story French-style building may be lost to posterity if this bill is not enacted. The General Services Administration may soon declare it as surplus property, and I am informed that the city of New York cannot afford to maintain it unless it produces some revenue. The use of a portion of the building for appropriate and compatible revenue-producing purposes would enable the use of the remainder for such cultural and educational activities as a museum, study programs, lectures, and research.

The professional judgment of the Secretary of the Interior and the Advisory Board on National Parks, both of which will review plans for the operation and maintenance of properties conveyed under this act, will prevent any frivolous or improper use of them.

Far too often, monuments worth preserving for their architectural or historic value are lost because there is no money available to maintain them. In other instances, such structures are turned into unbearable tourist traps. This bill will prevent either fate from befalling properties conveyed under its provisions, and I urge its passage by the House.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Speaker, I rise to ask a question of the distinguished chairman of the subcommittee.

It is my understanding from our discussions during our committee's consideration of this measure that, assuming a building or a structure qualifies under historical criteria, it need not be limited to purely museum purposes and, therefore, if a proposed usage comes within the guidelines established by the Department of the Interior the structure could be used, for example, for routine municipal purposes, so long as such usage is consistent with historical preservation.

I have in mind a historical Federal building in my State that would qualify under historical criteria. It is my understanding that this building could be used as a courthouse by a State or local unit of government, assuming of course that the Interior Department guidelines are met. I ask the chairman of the subcommittee if that is correct?

Mr. BROOKS. The answer is a qualified yes. Under current law, that type of usage is not allowed but would be allowed under this legislation, so long as it was compatible with the historical and/or architectural features of the property. In other words, the proposed usage of the property will not be permitted to destroy the historical or architectural character of the property.

Mr. MOORHEAD. If I have time, I would like to yield to my colleague from Pennsylvania.

Mr. BYRNE of Pennsylvania. Thank you, Mr. MOORHEAD.

Would this exclude the old part of the courthouse now at 9th and Market in Philadelphia, at Independence Hall? After the new courthouse is opened around the first of the year, could this building be used by the city for a court to take care of about 20 judges?

Mr. BROOKS. It might well meet the qualifications of the legislation. I am not familiar with the building. My tenure in Philadelphia was cut short by orders from Broad Street to report to New Caledonia about 30 years ago, so I am not familiar with it.

Mr. BYRNE of Pennsylvania. It is now a courthouse for the Third District of Pennsylvania. It includes the probation court, the clerk of the court, and the circuit court. They are going to move to the new courthouse.

Mr. BROOKS. I am certain the Department of the Interior would be willing to look objectively at such a request. It may well meet the historical preservation requirements.

Mr. BYRNE of Pennsylvania. Thank you, Mr. Chairman.

Mr. BROWN of Michigan. Will the gentleman yield?

Mr. BROOKS. I yield to the gentleman.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

As I understand this legislation, there is an attempt to provide a consideration of both the contemplated use of the building as well as its historic significance. To the extent that it eliminates the age requirements, that is a liberalization of the test. Is that not correct?

Mr. BROOKS. That is correct.

Mr. BROWN of Michigan. Am I not correct that it is not essential for a building of this nature to qualify for transfer under this legislation to be specifically determined to be a site on the National Register? Is that not correct?

Mr. BROOKS. I believe it is correct.

Mr. BROWN of Michigan. In other words, the advisory board can make recommendations in favor of a transfer without requiring that the site actually be determined to be registered on the National Register. Is that correct?

Mr. BROOKS. Was that the same question you asked me before?

Mr. BROWN of Michigan. There seems to be some question about this. The legislation says that it shall be in conformance with the recommendations of the advisory board. I do not think it necessitates an actual determination and placement on the National Register. I am hoping that is the response of the gentleman from Texas.

Mr. BROOKS. The accurate response would be that the Department of the Interior can determine that a property is suitable and desirable as an historic monument, whether it is listed on the National Register or not.

Mr. BROWN of Michigan. Thank you very much. That is basically my understanding of the legislation and I am glad to have it confirmed by the gentleman from Texas.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS) that the House suspend the rules and pass the bill S. 1152, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members be given 5 days within which to place their remarks in the RECORD on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL ANIMAL DAMAGE CONTROL ACT OF 1972

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13152) to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes, as amended.

The Clerk read as follows:

H.R. 13152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Animal Damage Control Act of 1972".

SEC. 2. For the purpose of this Act—

(a) the term "person" means any individual, organization or association, including any department, agency, or instrumentality of the Federal Government, a State government, or a political subdivision thereof;

(b) the term "State" means the several States of the Union, Puerto Rico, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the District of Columbia, but shall not include any political subdivision of the foregoing entities;

(c) the term "chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to, or injected into the body, in relatively small amounts, by its chemical action may cause significant injury, illness, or death to animals or man;

(d) the term "predatory animal" means any mammal or reptile which habitually preys upon other animals;

(e) the term "depredating animal" means any nonpredatory mammal or reptile causing damage to agricultural crops or natural resources; and

(f) the term "secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed by or into, or when applied to or injected into a mammal, bird, or reptile, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter ingested by man or another mammal, bird, or reptile, produces the effects set forth in subsection (c) hereof.

(g) the term "field use" means any use on lands not in or immediately adjacent to occupied buildings.

SEC. 3. (a) In order to assist the States in controlling damage caused by predatory and depredating animals, and in order to encourage the use by States of animal damage control methods which are consistent with accepted principles of wildlife management and the maintenance of environmental quality, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to conduct directly or by agreement with qualified agencies or institutions, public and private, a program of research which shall concern the control and conservation of predatory and depredating animals and the abatement of damage caused by such animals. Research objectives, and the program of research authorized by this subsection, shall be developed by the Secretary in cooperation with each of the affected States.

(b) The program of research authorized by subsection (a) hereof shall include, but need not be limited to (1) the testing of methods used for the control of predator and depredating animals and the abatement of damage caused by such animals; (2) the development of effective methods for predator control and the abatement of damage caused by predatory and depredating animals which contribute to the maintenance of environmental quality and which conserve, to the greatest degree possible, the Nation's wildlife resources, including predatory animals; (3) a continuing inventory, in cooperation with the States, of the Nation's predatory animals, including the identification of those species which are or may become threatened with extinction; and (4) the development of means by which to disseminate to States the findings of studies conducted pursuant to this section.

(c) The Secretary is authorized to conduct such demonstrations of methods developed pursuant to subsection (b) and to provide such other extension services as may be reasonably requested by the duly authorized wildlife agency of any State.

(d) There are hereby authorized to be appropriated for the purposes of this section not to exceed $1,500,000 for each fiscal year occurring after fiscal year 1972.

SEC. 4. (a) In furtherance of the purposes of this Act, the Secretary is authorized to provide financial assistance to any State, through the agency designated by the State for wildlife management, which may annually propose to administer a program for the control of predatory and depredating animals. To qualify for assistance under this section, any such State program must be approved by the agency designated for wildlife management and found by the Secretary to meet such standards as he may, by regulation, establish: *Provided, however,* That the Secretary shall not approve any such State program which entails the field use of chemical toxicants for the purpose of killing predatory animals or the field use of any chemical toxicant which causes any secondary poisoning effect for the purposes of killing other mammals, birds, or reptiles: *Provided further, however,* That he may approve a State program which entails such emergency use of chemical toxicants as he may authorize, in each specific case, for the protection of human health or safety; the preservation of one or more wildlife species threatened with extinction or likely within the foreseeable future to become so threatened, or for the prevention of substantial irretrievable damage to nationally significant natural resources, or for the prevention of major damage to domestic livestock in an area where he determines that other means of predator control will not prevent such major damage.

(b) An annual payment under subsection (a) hereof may be made to any State in such amount as the Secretary may determine: *Provided, however,* That no such annual payment shall exceed an amount equal to 75 percent in each of the first two years, or 50 percent in each of the succeeding fiscal years of the cost of the program approved under subsection (a) hereof: *And provided further,* That no such annual payment to any State shall exceed $300,000 in each of the first two fiscal years following enactment, or $200,000 in each of the succeeding fiscal years following enactment. No payment otherwise authorized by this section shall be made to a State whose share, in whole or part, of the cost of the program approved under subsection (a) hereof is to be paid from funds not appropriated or otherwise authorized by its legislature: *Provided, however,* That not more than 10 percent of the State share may be from funds derived from sale of hunting, fishing, and trapping licenses or permits.

(c) The Secretary shall conduct such operational programs for the control of predatory and depredating animals as he may deem necessary or desirable and is authorized to assist the States in their implementation of programs proposed under section 4 hereof.

(d) The head of a Federal department, agency, or establishment may authorize on lands subject to his jurisdiction, subject to such terms and conditions as he may impose, the conduct by a State of an operational program for the control of predatory and depredating animals.

(e) (1) There are hereby authorized to be appropriated for purposes of subsections (a) and (b) of this section $3,000,000 for each of fiscal years 1973 and 1974, and $2,000,000 for each succeeding fiscal year thereafter.

(2) There are hereby authorized to be appropriated for the purposes of subsection (c) of this section not to exceed $5,000,000 for each fiscal year occurring after fiscal year 1972.

SEC. 5. (a) No person shall (1) make field use of any chemical toxicant on any Federal lands for the purpose of killing predatory animals; or (2) make field use on such lands of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles: *Provided, however,* That nothing in this section shall be deemed to affect the administration of lands held in trust for Indians.

(b) Notwithstanding subsection (a) hereof, the head of a Federal department, agency, or establishment may authorize on lands subject to his administrative jurisdiction the emergency field use of a chemical toxicant for the purpose of killing predatory animals or of a chemical toxicant which cause a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential—

(1) to the protection of human health or safety;

(2) to the preservation of one or more wildlife species threatened with extinction or likely within the foreseeable future to become so threatened;

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources; or

(4) to the prevention in specific areas of major damage to domestic livestock.

(c) Any person convicted of any violation of this section, or of any regulation promulgated under this Act, shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

SEC. 6. Heads of Federal departments, agencies, or establishments are hereby authorized to issue such regulations as may be necessary to carry out the purposes of this Act.

SEC. 7. There is hereby repealed in its entirety the Act of March 2, 1931 (7 U.S.C. 426–426(b)), pertaining to the eradication and control of predatory and other wild animals.

SEC. 8. Prior to five years from the date of enactment, the Secretary shall submit to the President and the Congress a report which evaluates the status of the programs authorized by this Act and makes such recommendations concerning these programs as he deems appropriate.

SEC. 9. Nothing in this Act shall be construed as superseding or limiting the authorities and responsibilities of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act other than sections 3 and 4 hereof.

The SPEAKER. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the need for this legislation arises from the fact that in February of this year, the President issued an executive order which prohibited, except in emergency situations, the use of chemical toxicants in the control of predatory mammals on Federal lands. In supplementing the President's order, in March of this year, the Administrator of EPA, Mr. Ruckelshaus, took an unprecedented action and issued an order suspending and canceling the use of all products containing thallium sulfate, sodium fluoracetate—better known as 1080—sodium cyanide, or strychnine for use in predator control. Mr. Speaker, these chemicals are among the most toxic chemicals known to man. They are not only toxic to target species but also to other animals and wildlife as well. This order, in general, had the effect of banning the use of chemical toxicants for predator control on Federal, State, and private lands.

Mr. Speaker, subsequent to the issuance of these orders, the Department of the Interior immediately modified its predator control program and began to retrieve all of the poison baits that were put out to control predators. Naturally, these actions have given the livestock industry of this Nation considerable concern since chemical toxicants have accounted for approximately 80 percent of all predatory animals killed annually by the Department of the Interior in the administration of a predatory control program.

Mr. Speaker, the Committee on Merchant Marine and Fisheries was well aware of the concern expressed on behalf of the livestock industry, and we think the bill—which incidentally was unanimously reported by the Committee on Merchant Marine and Fisheries—will satisfy this concern. In fact, we are confident that with the passage of this legislation, the Department of the Interior and the States, with the full cooperation of the livestock industry, will be able to hold depredations at a reasonable level without the use of chemical toxicants. In general, this goal would be accomplished by authorizing the Secretary of the Interior to carry out an expanded research program; by authorizing the Secretary of the Interior to provide financial assistance to the States on a matching fund basis; and by authorizing the Secretary of the Interior to conduct such operational programs as he may deem necessary to assist the State in the control of predatory animals.

Mr. Speaker, H.R. 13152 was introduced by the distinguished chairman of the Committee on Merchant Marine and Fisheries Committee, Mr. GARMATZ, and 24 other members of the committee, as a result of an executive communication from the Department of the Interior. It is a part of the President's environmental program. The bill has the support of environmental and conservation organizations, humane groups, State fish and wildlife agencies, all agencies of the Federal Government reporting on the bill, and it satisfies the concerns expressed on behalf of the National Wool Growers Association.

Mr. Speaker, briefly explained, Section 1 of the bill would cite this act as the Federal Animal Damage Control Act of 1972.

Section 2 of the bill would define certain terms used throughout the bill such as, person, State, chemical toxicant, predatory animal, depredating animal, secondary poisoning effect, and field use.

Section 3 of the bill would authorize the Secretary of the Interior to assist the States in the control of predatory and depredating animals by conducting directly or by agreement with qualified public or private concerns a program of research in cooperation with the affected States concerning the control and conservation of such animals and the abatement of damage caused by such animals.

In carrying out the research program authorized by this section, the Secretary would be required to include such things as the testing and development of effective methods for the control of predatory and depredating animals; the abatement of damage caused by such animals; a continuing inventory of the Nation's predatory animals, including the identification of those species which are or may become threatened with extinction; and an appropriate means of disseminating to the States the results of such research.

Also, the Secretary would be authorized to conduct demonstrations of methods developed pursuant to such research and to provide such other extension services to State wildlife agencies as may be reasonably requested to assist such States in carrying out animal damage control programs.

There would be authorized to be appropriated to carry out this section of the bill not to exceed $1.5 million per year beginning with fiscal year 1973.

Section 4 of the bill would authorize the Secretary to provide financial assistance to any State, through the agency designated by the State for wildlife management, which agrees to annually administer a program for the control of predatory and depredating animals, subject to such standards as the Secretary may by regulation establish.

To qualify for the financial assistance, the State program could not entail the field use of chemical toxicants for the purpose of killing predatory animals or the field use of chemical toxicants which would cause any secondary poisoning affect on other mammals, birds, or reptiles, except in certain emergency situations. Chemical toxicants could be used to control predatory animals but only after the Secretary, in each particular case, has made a determination that an emergency exists and such toxicants are needed for the protection of human health or safety; for the preservation of endangered species of fish or wildlife; for the prevention of substantial irretrievable damage to nationally significant natural resources, or for the prevention of major damage to domestic livestock in an area where he determines that other means of predator control will not prevent such major damage.

There would be authorized to be appropriated for the purpose of providing financial assistance to the States under this section not to exceed $3 million per year for fiscal years 1973 and 1974, and $2 million for each succeeding fiscal year thereafter. Of this amount, not more than $300,000 could be paid to any State during the first 2 years of the program and $200,000 in any of the succeeding fiscal years, provided, however, that any payment to a State could not exceed 75 percent of the total cost of carrying out a State approved program in each of the first 2 years of the program and 50 percent in any of the succeeding fiscal years thereafter.

The State share of matching funds

under this section would have to come from appropriated funds or from funds otherwise authorized by its legislature, provided, however, that not more than 10 percent of such funds could come from funds derived from the sale of hunting, fishing, and trapping licenses or permits.

In addition, this section of the bill would authorize to be appropriated up to $5 million per year, beginning with fiscal year 1973, for the Secretary to use in carrying out operational programs for the control of predatory depredating animals as he may deem necessary or desirable and in assisting the States in their implementation of proposed programs.

Also, with the approval of the head of any Federal agency, and subject to such terms and conditions as he may impose, a State could under this section carry out programs to control predatory and depredating animals on lands subject to the jurisdiction of such agency.

Section 5 of the bill would make it unlawful for any person, except in emergency situations, to make field use of chemical toxicants on any Federal lands for the purpose of killing predatory mammals or make field use of any chemical toxicants which would cause any secondary poisoning effect on other mammals, birds, or reptiles on such lands. In such emergency situations, the head of a Federal agency could authorize chemical toxicants to be used for the control of predatory animals but only after the head of such agency has made a written finding in each particular case, following consultation with the Secretaries of the Interior, Agriculture, HEW, and the Administrator of EPA, that an emergency exists that cannot be dealt with by means which do not involve the use of chemical toxicants, and such toxicants are needed for the protection of human health or safety; for the preservation of endangered species of fish or wildlife; for the prevention of substantial irretrievable damage to nationally significant natural resources; or for the prevention in specific areas of major damage to domestic livestock.

Any person convicted of any violation of this section, or any regulation promulgated under this act, would be subject to a fine of $10,000 or an imprisonment of 1 year, or both.

Section 6 of the bill would authorize the heads of such Federal agencies or establishments to issue such regulations as may be necessary to carry out the purposes of this act.

Section 7 of the bill would repeal in its entirety the act of March 2, 1931, which pertains to the eradication and control of predatory and other wild animals.

Section 8 of the bill would require the Secretary to make a thorough review of programs and policies instituted pursuant to this legislation and, prior to 5 years from date of enactment of the legislation, submit a report to the President and the Congress evaluating the status of the programs authorized to be carried out. Included in the report would be such recommendations concerning these programs as he may deem appropriate.

Section 9 of the bill would provide that nothing in this legislation shall be construed as superseding or limiting the authorities and responsibilities of the Administrator of EPA under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended—FIFRA.

Section 10 of the bill would authorize to be appropriated such sums as may be necessary to carry out the purposes of this legislation other than sections 3 and 4 of the bill which are estimated to be minimal only.

Mr. Speaker, I urge the prompt passage of this legislation.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 13152, a bill proposed and strongly supported by the administration, which is based on the principle that management of resident species of wildlife, as are most predators, is and should be primarily a State responsibility, that additional research is needed to develop alternate and more selective means of predator control, safeguard important wildlife species, and protect the quality of the environment, and that poisons are too hazardous and potentially damaging to use in controlling predators.

As reported out by your committee, the bill would:

First, assist the States in damage control programs by a Federal research program on predator/prey relationships and development of selective, humane, and safe methods for controlling such animals;

Second, demonstrate to the States methods of control developed under this research program by implementation of a Federal extension program;

Third, ban the field use of chemical toxicants for killing of predators;

Fourth, terminate the existing program as conducted by Bureau of Sport Fisheries, Department of the Interior, by repealing the existing Damage Control Act, the act of March 1931, and transferring authority and responsibility for animal damage control directly to the States;

Fifth, authorize the conduct, by the Department of Interior, of animal damage control operational programs in order to assist the States in implementation of a State program;

Sixth, authorize the field use of chemical toxicants by other Federal agencies after consultation with the Environmental Protection Agency; Health, Education, and Welfare; and Interior; and upon a finding that use of such chemicals is essential to: Protection of human health or safety, preservation of endangered wildlife, prevention of damage to nationally significant natural resources, and prevention of major damage to domestic livestock;

Seventh, require the Secretary of the Interior to report to Congress as to effective implementation of the legislation;

Eighth, authorize appropriations for the section 3 research program of $1.5 million for the first year and $1.5 million for each year thereafter; $3 million for 1973 and 1974, and $2 million for each year thereafter for Federal financial assistance to the States; $5 million for 1973, and $5 million for each year thereafter for conduct of Federal operational programs pending the phase-in and establishment of a State implementation program of animal control.

Mr. Speaker, the Federal Government has been involved in predatory animal control for the past 57 years, during which time increased use of toxic chemicals, on a nondiscriminate basis, has come under a great deal of public, congressional, and administrative agency scrutiny. Objections to the continued use of chemical toxicants for predator control on a widespread basis is objectionable for the following reasons:

First. Implementation of this program has caused the decline of wildlife populations;

Second, Research data fails to substantiate the degree of livestock losses claimed by stockmen just as predation-caused losses in game populations could be substantiated;

Third. Use of poisons as a control practice is inhumane and hazardous to nontarget animals due to secondary poisoning effects; and

Fourth. Efforts to control coyote depredation of livestock by use of widespread poisoning of total predator populations has not eliminated losses and is a biologically unsound vehicle to minimize losses.

These conclusions have been substantiated by several investigations conducted over the years, culminating in the recommendations of the Advisory Committee on Predator Control—better known as the Cain Committee—which were recently published and which formed the basis for many of the legislative concepts embodied in this bill.

As this country's environmental awareness has increased over the years, it has become even more apparent that no longer can we use control methods that are nonselective and place in jeopardy nonoffending animals, predators, and nonpredators alike. All wildlife species have value, even those which are predators, for nature's delicate balance requires an appropriate level or presence of each. Thus this legislation approaches the delicate complex and controversial problem of attempting to provide some degree of protection to livestock from predators by prohibiting the use of those control methods which are extremely hazardous, given widespread use to other animals and humans alike and by permitting the utilization of other control methods, such as trapping and hunting, which are selective and concentrate on the offending animal in its individual capacity. Thus the bill moves away from the complete eradication of entire wildlife species concept embodied in the old predator control Federal law, the act of March 1931, and adopts the more rational, logical, and scientifically supported basis of individual control and management of offending species given the applicable factual situation involved. However recognizing that there may be situations where chemical toxicants should be employed to provide appropriate protection for livestock, your committee authorized such use where major livestock damage has or will occur as long as certain criteria are met which tend to clearly show the overriding need for chemical use and application.

Enactment of this legislation will provide the proper legislative basis for an orderly and fast transition on the part of the States and livestock owners from previously used methods of chemical control which now have been found to be unacceptable in regard to the social, humane, and economic values involved, toward a predator control program conducted on the local and State level so that local and State needs may be more adequately met. Authorization for the continued conduct of a Federal operational program of predator control is provided to handle the period of time between the effective date of this act and the time that States and ranchers involved can implement their own programs.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Speaker, I would like to ask the chairman of the committee some questions.

We have a great interest in this bill in my area regarding prairie dogs, coyotes, and small species of bobcats and so forth that attack our animals and have caused large losses to the producers.

I notice here in the report that the Federal Government has the responsibility to act to protect livestock when complaints of predator damage are received.

My first question is this: In other States such as Utah, Montana, and many of these States, they have lost over 300,000 or 400,000 head of lamb and sheep and in south Texas the same way.

What would this bill do with regard to losses to the producers of these animals in reindemnifying them for their loss?

Mr. DINGELL. There was such legislation relating to indemnification that came before the House very recently, as the gentleman will recall, from the Committee on Agriculture.

This legislation very carefully avoids going into that question because of the question of jurisdiction. I believe it has been established, with regard to the Committee on Agriculture.

So this legislation does nothing on that particular matter.

Mr. PRICE of Texas. The second question I would like to ask is this.

It speaks here of restricting the use of toxic chemicals as a method of predator control. Now, what are you speaking of there? What chemicals are you going to take away from the producer?

Mr. DINGELL. I would like to answer that first, if the gentleman will yield.

Mr. PRICE of Texas. I yield to the gentleman.

Mr. DINGELL. I would point out that this bill does not deal with specific toxicants.

I do not recall the toxicants that are treated by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, but this legislation does not affect the order issued under that act. It does, however, state that except in emergency instances—and the emergencies are defined, as the gentleman will note, on pages 13 and 14 of the bill—there may be no use of these toxicants on Federal lands.

Mr. PRICE of Texas. On Federal lands? What about private lands?

Mr. DINGELL. That is left up to the States under the State programs which will be financed under the bill that is before us.

Mr. PRICE of Texas. I see one of my fellow colleagues from Texas shaking his head, "No, that this is not the case." I wish to clarify this.

Mr. DINGELL. The gentleman from Texas is perfectly free to get better clarification elsewhere, but I am not sure that the gentleman from Texas to whom he alludes can give any better answer than I have given.

Mr. PRICE of Texas. I should like to yield to the gentleman from Texas.

Mr. KAZEN. My understanding of the bill—and I stand to be corrected—is that no poison can be used on any land anywhere. It is just prohibitive to use poison to kill predators. Am I correct or wrong?

Mr. DINGELL. The gentleman is entirely incorrect. The question of whether or not poisons can be used for predators is a matter of control under the Federal Insecticide, Fungicide, and Rodenticide Act. This bill states that private citizens may not use predator-killing poisons on Federal land, but it does say that it may be done by the Federal and State governments, under an agreement, where an emergency is found. It does also say in essence that on State and private lands, the Federal Insecticide, Fungicide, and Rodenticide Act controls. I would commend to the gentleman from Texas a reading of that particular statute.

Mr. PRICE of Texas. I just would like to clarify what is the intention of the committee, for the record——

Mr. DINGELL. I would hope the gentleman from Texas will let the record stand as it is. I think if we say much more, the gentleman may find that he is liable to restrict still further the statute than it is in the debate so far.

Mr. PRICE of Texas. I am not a member of the committee, and I am not trying to butt in.

Mr. DINGELL. No. The gentleman's comments are welcome, and I want to be helpful to him.

Mr. PRICE of Texas. I am interested, for instance, in prairie dogs in our area which are a tremendous menace, and which use up a lot of the grass for grazing, and bobcats that kill a lot of calves. I am beginning to find that, like the EPA that they have taken away a lot of the chemicals—the only method that the farmer has of killing the insects—but they have not come up with a substitute chemical with which to deal with the problem. The same situation exists here. They tell us we cannot use 2-4D, and we cannot use DES in cattle, and we cannot use 10-80 that we used to inject in animal carcasses to kill the coyotes, and they have left us no other chemical with which to fight predators.

Mr. DINGELL. If the gentleman will yield, we are not going into those questions. We do not wish to impinge upon the jurisdiction of the EPA. We do not impinge upon the jurisdiction of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. We very carefully avoided that particular situation. If the gentleman from Texas does have a conflict of interest—and it appears that he does—I should suggest that his communications on this matter should be made to the Agriculture Committee who has fundamental jurisdiction over the statutes to which I referred, and not the committee that now handles the bill on the floor.

Mr. PRICE of Texas. I just wanted a clarification of it.

Mr. DINGELL. If the gentleman will yield further, I notice Chairman POAGE is on the floor, and he might choose to query Chairman POAGE on this matter to which he has been addressing himself on matters within the jurisdiction of the Committee on Agriculture and not the Committee on Merchant Marine and Fisheries.

Mr. GOODLING. Will the gentleman yield?

Mr. PRICE of Texas. I would be happy to yield to the gentleman from Pennsylvania.

Mr. GOODLING. I should like to say I think the question is made very clear on page 11 in the bill. It states that he may—meaning the Secretary of the Interior—approve a State program which entails such emergency use of chemical toxicants as he may authorize for the prevention of major damage to domestic livestock in an area where he determines that other means of predator control will not prevent such major damage.

SEC. 5. (a) No person shall (1) make field use of any chemical toxicant on any Federal lands for the purpose of killing predatory animals; or (2) make field use on such lands of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles: *Provided, however*, That nothing in this section shall be deemed to affect the administration of lands held in trust for Indians.

Mr. PRICE of Texas. Of course, I cannot see here anything which refers to the private landowners. I do not want to prolong this thing, but if the chairman of the Committee on Agriculture would have something to shed a little further light on this, I would appreciate it. I am simply trying to protect our private landowners in this matter.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, the language referred to says essentially—and I am interpreting it in the light of other sections—that private citizens may not engage in predator control on public lands. This has to be done by the Federal Government or perhaps through the States under and by agreement with the Federal Government. That is what the section says. It does not indicate what private citizens may do on their own lands or what States may do within the State boundaries.

Mr. GOODLING. Mr. Speaker, I do not believe I can yield any additional time at this point. I suggest the gentleman get his time from the other side.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to my friend the gentleman from California.

Mr. LEGGETT. Mr. Speaker, I thank the gentleman for yielding.

I would like to take this time to point out that in the committee we did make two concessions to the livestock industry in that we did provided—and this is on page 11—in the event of major damage to domestic livestock under a State program, that on approval of the Secretary poisons could be used, and additionally on page 14, we provided, on lines 9 and 10, that in the administration of the Federal program on Federal lands, we could use poisons in the prevention of specific areas of major damage to domestic livestock.

I would like to pose a question to the chairman of the subcommittee, who has done an excellent job on the management of this legislation. Certainly under the bill poisons are outlawed for predators or for any animals that have a secondary killing effect with the exceptions that have been noted. In addition poisons are outlawed with respect to any State which chooses to participate in this program subject to the limitations that are specified. As I understand it, of course, we have got $3 million for the first year of the State programs, with a limitation of $300,000 per State. So if we have a big State like California or Texas that raises sheep, the maximum extent to which they could participate under what we called the State grant program, would be $300,000, but they would have to comply with the no-poison limitation that we have on the Federal land. Is that not correct?

Mr. DINGELL. Yes, subject, of course, to the emergency exceptions which we have set forth very clearly, to which the gentleman has alluded.

Mr. LEGGETT. Would it be possible under this legislation for a State to develop a State program for a part of the State lands and qualify for the payment, but in other areas, perhaps, that are very heavily subject to predation, they could chose to exclude those lands from the State program?

Mr. DINGELL. I can tell the gentleman I think the answer to that question is, "No."

Mr. LEGGETT. So generally if the State would want money under this program, it is going to have to generally comply with what we call the Federal standards under the Executive order as interpreted by this bill.

Mr. DINGELL. They will come forward with one program meeting generally the requirements of the emergency situation set out in the bill.

Mr. LEGGETT. I should like to ask one further question.

Has the committee determined or has the Department of the Interior determined the effects of this legislation on the domestic livestock industry either by the implementation of the Executive order or by the enactment of this legislation, with respect to damage to livestock owned State by State, or on a county-by-county basis, or does the committee have any figures whatsoever?

Mr. DINGELL. In response to the gentleman, I would advise that the Department of the Interior was before the committee and was queried in considerable detail and anticipated no adverse effect on the livestock industry from the passage of this bill.

Mr. LEGGETT. I believe we further asked the Secretary of the Interior at the time he was before the committee, in the event that unanticipated damage did occur, certainly it was the intention of the Department to see that either the regulations were modified to obviate the excessive damage or that indemnities were provided to those who were unnecessarily damaged.

Mr. DINGELL. If the gentleman will yield, we took the amendment which the gentleman offered, on page 14 of the bill, which authorized the utilization of poisons on public lands in instances where there were specific areas of major damage to domestic livestock, to protect the livestock growers where there was major damage to domestic livestock.

I would also advise I anticipate under the criteria generally set out in the bill the Secretary of the Interior would impose a somewhat similar criterion with regard to State and Federal cooperative programs under other sections of the bill. Essentially, if there was a determination there were major areas of damage, he would allow appropriate Federal participation to exist with regard to the major damage to domestic livestock.

Mr. LEGGETT. Considering that a lot of this depredation occurs on Federal land, and considering that the ban on poisons will probably have the effect of increasing the depredations, is it not conceivable to the gentleman, since this Federal land is rented from the Federal Government, that increased costs to ranchers or wool growers in the raising of livestock could be reflected in modifications of rentals charged for the Federal land?

Mr. DINGELL. I would have to inform my good friend from California that is a matter under the jurisdiction of other committees, and it is not the intention of this committee to intrude upon the jurisdiction of other committees.

Mr. LEGGETT. I understand.

Mr. DINGELL. I could only speak for this particular Member, and not another committee.

Mr. LEGGETT. I understand that.

Under the bill we allow for the use of poisons under certain conditions of extremism.

Mr. DINGELL. The gentleman is correct.

Mr. LEGGETT. As I understand it, under the Executive order we have banned as of early February all manufacture, interstate shipment, et cetera, of poisons. In the event that the Secretary is called upon under this legislation to use poisons to control large depredations, et cetera, or for the protection of human health, where will he get the poisons to do the job?

Mr. DINGELL. The gentleman refers, I believe, to the Executive order of March of this year.

Mr. LEGGETT. Yes.

Mr. DINGELL. I would have to advise that we do not alter the Federal Insecticide, Fungicide, and Rodenticide Act, or the Executive order. Those would remain intact and remain under the jurisdiction of other committees, and I am quite content they would take care of it.

Mr. LEGGETT. I did not understand the gentleman's answer. Where do they get the poison?

Mr. DINGELL. The authorization as to the use of poisons must be procured from the Environmental Protection Agency, which already has issued orders with relations to those matters, and other than those chemicals on the suspension lists, he would be able to use them, subject to their availability.

This bill does not affect the standards under which the Environmental Protection Agency acts, nor do we affect the orders of the Environmental Protection Agency.

That is not within the jurisdiction of this committee and, as I indicated to the gentleman from California, we are quite content to leave it so.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. DINGELL. If the time of the gentleman from California has expired, I will be happy to yield to my good friend from Iowa for a question, but the timekeeper and the Speaker will have to advise.

The SPEAKER. The gentleman has consumed 8 minutes. The gentleman from Michigan has 6 minutes remaining.

Mr. DINGELL. I yield to my good friend from Iowa for a question.

Mr. GROSS. I note on page 14 of the bill, in section 6 it states:

> Heads of Federal departments, agencies, or establishments are hereby authorized to issue such regulations as may be necessary to carry out the purposes of this Act.

It seems to be very broad to me as to the authority of the various departments, agencies, and establishments to issue regulations.

Mr. DINGELL. That, I will say to my good friend, refers only to the carrying out of activities on Federal lands particularly authorized by this legislation. It is intended to cover Federal agencies that happen to have lands which might fall under the jurisdiction of a particular department.

Mr. GROSS. It is limited to the extent that the gentleman specified?

Mr. DINGELL. That is correct.

Mr. ROBERTS. Will the gentleman yield for a question?

Mr. DINGELL. I yield to the gentleman.

Mr. ROBERTS. I am sure the gentleman has no intention of causing any problems to the military, but I think the way the bill is written it would probably cause irreparable harm to the military, particularly in the southern States, where the fire ant is a great problem. You probably could not operate a military base without fire ant control. Just a few months ago we authorized fire ant control specifically. On page 11, the way your chemical toxicant is described, fire ant control would be covered under that. I hope the gentleman will knock that out.

Mr. DINGELL. I would have to inform my good friend from Texas that first of all, in my view, the fire ant is not a predatory animal and is not within the purview of this statute also, it falls under the jurisdiction of other statutes not covered by this legislation.

Mr. ROBERTS. There was another bill that was passed which was not under your jurisdiction, but it was passed and we have to live with it. This says specifically any poison which causes any secondary poisoning effect. Therefore the fire ant program would be covered, and I hope that the gentleman's bill is not referring to that.

Mr. DINGELL. I would refer my friend from Texas to the definition of "secondary poisoning effect" contained on page 8, and I advise that the Department of Defense has reported very favorably with regard to the bill.

I now yield to the distinguished chairman of the Committee on Merchant Marine and Fisheries 2 minutes.

Mr. ROBERTS. You are convinced that it does not cover the fire ant?

Mr. DINGELL. I am satisfied it does not. It is not a predatory animal.

I yield to the gentleman from Maryland 2 minutes.

Mr. GARMATZ. Mr. Speaker, I rise in strong support of H.R. 13152, because I think it represents a reasonable approach to the problem of predator control. For more than half a century, the Federal Government has struggled with this difficult problem, but a true solution has yet to be found.

Although poison has been used over the years to assist in the control of predators, this practice has met increased objections and resistance from the general public—not only because it is inhumane, but because its effectiveness is questionable and because it is killing many innocent animals that are not the target of the poisoning.

In addition to the fact that innocent, nonpredatory animals are being killed through residual poisoning, this method is also objectionable because it tends to decimate entire populations of certain predators which are not either endangered or threatened with extinction.

Mr. Speaker, all animals, even predators, have a place in nature's delicately balanced system, and they should be preserved—for both practical, and esthetic reasons.

It was with that purpose in mind, as well as a desire to find other more acceptable methods of preventing predators from preying upon the livestock of farmers and ranchers, that I scheduled hearings on H.R. 13152. Those hearings were held by the Subcommittee on Fisheries and Wildlife Conservation, under the able chairmanship of my distinguished colleague, Representative JOHN DINGELL.

I think that Congressman DINGELL will agree with me that, while this legislation is far from a perfect solution to a complex problem, it is at least a step in the right direction. In addition to prohibiting the use of toxic chemicals to control predators—with the exception of emergency situations—it is also designed to help the farmers and ranchers cope with these predators in other ways; it would authorize research programs on other possible methods of control and it would provide financial assistance to the States for predator control programs.

Mr. Speaker, I introduced this bill at the request of the administration. I think the hearings held by our subcommittee documented the need for this legislation, and I urge its rapid approval.

Mr. DINGELL. Mr. Speaker, I have promised some time to the distinguished chairman of the Committee on Agriculture, the gentleman from Texas (Mr. POAGE). However, I do not have very much time remaining, and I therefore will yield 1½ minutes to he gentleman.

Mr. POAGE. Mr. Speaker, the real problem involved here is who is going to pay the bill, and it is the same problem which is involved in a great many of these environmental and ecological programs.

The other night this House voted overwhelmingly not to pay the bill for any kind of ecology improvement. Of the 25 Members who signed this present bill, only three voted to pay the losses occasioned by the restrictions imposed by the Federal Government. I think it is fair to say that these three were the gentleman from North Carolina (Mr. LENNON), the gentleman from North Carolina (Mr. JONES), and the gentleman from Kentucky (Mr. STUBBLEFIELD).

Presumably, the rest of them felt that society should not pay the bill.

That gives me little comfort. There is doubtless some good in this bill but most of its sponsors have shown a great deal more compassion for predators than they have shown for producers. They have indicated that they feel that individual livestock producers—not society—should pay the bill. That is what is involved here, and if we keep on adding to the producer's bill, the consumer's bill must go up.

I would not object to the bill as presented, although I feel that it is poorly drawn, had this committee left out the repeal of our existing predatory laws, but they repealed the authority for the Government the help on private land in its entirety, and the report says so. It says they repealed every bit of the existing authority for the Secretary to carry out the programs of predator control and eradication. In its place they establish a program only on the public lands, and that means in only 17 States of this Nation. That means that the greater part of the Nation is denied any opportunity whatever to share in any program of control of predators.

They suggest that the States should provide any assistance which may be justified for the producers.

I think this is wrong. Were the Federal Government leaving the States and the producers free to control these predators, this might be logical. But when the Federal Government is controlling the means which the farmer must use to control these predators, that same Federal Government ought to accept some responsibility in connection therewith. Turn us loose and we will control our own predators—and we will take our own losses. But you have tied our hands. We know not why. We cannot believe that it is better to grow and protect coyotes and bobcats than it is to grow lambs, deer, turkeys, or pheasants.

But or Government has answered the demands of those citizens who seems to want predators on every hill. It has denied producers the right to control these pests or to pay for the damage they do. That is neither honest nor right.

I regret to have to oppose the bill, but I do so because under the rules we cannot amend the bill. I know the committee has done some hard work on this bill, and I know that there is much to be commended about it, but with a complete repeal of our entire existing authority for a Federal predator control program I simple cannot support it. The whole thing ought to be voted down, and the committee ought to bring this in under a rule so we can amend their bill.

In addition to the fundamental injustice of taking property without compensation, I wonder if the sponsors of the measure really know just what species they really do want to protect. The bill gives protection only to predators. What about man's domestic animals? For them the bill provides neither protection nor compensation.

Surely we do not want to go back to the ecology which existed on this continent before the landing of Columbus. Man's domestic animals, most of which were imported from Europe, are just as much a part of our ecology as the human beings who came from Europe and Africa. On the other hand, we ofttimes, see our importations destroying native animals. For instance starlings and English sparrows have, all too often, displaced native birds like woodpeckers, bluebird, and scissortails. Some times it works the other way. I am told that in South Dakota alone, the pheasant population has dropped from 50 million down to 1 million as the very predators which this bill will encourage have increased. Of course, we have seen the same thing happen in varying degrees all over the country with our dear population.

Clearly, there is no generally accepted set of priorities as to just what animal or plant life we want to encourage, but I can see little good for society in substituting coyotes for calves unless we are seriously anxious to force the price of beef still higher.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I share the concern of the gentleman from Texas (Mr. POAGE) the chairman of the full Committee on Agriculture, about the elimination of one program before we have the solution to the action. I think that the gentleman from Texas has hit the nail right on the head. And I submit that what we are doing in this bill is saying that we are eliminating the process that has no substitute. The House has already eliminated the indemnity payments to the people who are going to suffer as a result of that program. Therefore we are clearly premature in the passage of that portion of the bill which eliminates the predator control as it now exists.

However, more than that, I call your attention to page 6 of the report, and I urge the House to seriously consider what we are doing when we endorse the language of the Assistant Secretary of the Department of the Interior in which he says—and I would like to have the attention of the gentleman from Michigan (Mr. Dingell) because I am going to address a question to him, and I wonder if the gentleman would be prepared to respond to my question.

I call the attention of the gentleman from Michigan, the chairman of the subcommittee (Mr. Dingell) to page 6 of the report in which Mr. Reed of the Office of the Secretary, I believe, is quoted as saying:

> No longer can we ignore the fact that predators have social, esthetic, recreational and economic value.

I wonder if the gentleman would respond and tell me what social esthetic recreational and economic value the coyote has—I would be interested.

Mr. DINGELL. It is a major game species in many States, I would tell my good friend. Also, it is an animal which is much admired by the Indians and it is one of the sacred animals of a number of western tribes. It is also an animal which is found to be most pleasing to a number of visitors in the West, and there are organizations such as the Audubon Society, the Sierra Club, and Friends of the Earth and others who regard it as a very precious and important part of our natural history and of wildlife heritage.

Mr. STEIGER of Arizona. Mr. Speaker, I thank my friend for responding, but I would also point out I personally have no knowledge of any Indian tribe that reveres this particular animal. But I will not ask my friend what tribes do.

I will ask my friend, however, if it is not true that the people who feel a possible benefit from a coyote are able to enjoy that benefit now even after some 50 years of poisoning.

Would the gentleman say that the coyote is about to become extinct as a result of poison practices heretofore observed?

Mr. DINGELL. I will point out that there have been instances where the coyote population has been poisoned down to practically nothing with the clear result that there have been great outbursts of population increases on the part of rodents and mice and things of that kind.

I would also point out that this legislation does not outlaw poisoning, but simply controls it.

Mr. PRICE of Texas. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Texas.

Mr. PRICE of Texas. I would like to point out to the gentleman from Arizona that he is certainly correct. But what is more important—to have a bunch of prairie dogs, coyotes, and bobcats to live—or to produce beef and something that people can eat in this country, as a means of support?

Page 11 of the report very distinctly answers the gentleman's question that was asked a while ago:

> The Secretary could not approve of a State program which entails the field use of chemical toxicants for the purpose of killing predatory animals or the field of use of any chemical toxicant which would cause any secondary poisoning effect for the purpose of killing other mammals, birds or reptiles.

This is the point we are trying to make. What about Federal laws where a man pays for a large lease which the Government required him to pay—$1.50 or $2 for the Federal lease, and then he has prairie doges all over it and there is no grass there for them to graze their cattle on? What are you going to do about that?

Mr. STEIGER of Arizona. I think the gentleman's point is well taken. In this situation, we are abandoning one program which, however ineffective it may have been in the eyes of the department—is the only program that has been effective at all. We are saying we need time to develop a new program—let us abandon this one before we have a new one developed.

Gentlemen, you are doing a disservice and I think we have our priorities confused here. Let us not put the coyotes ahead of folks. I would have to believe for all those who love the coyote, I am sure that they can still return to the West anytime they should so desire and find more coyotes than the West would like for them to enjoy.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Montana (Mr. Melcher).

Mr. MELCHER. Mr. Speaker, I would like to take this opportunity to direct some questions to the committee concerning the bill, if the spokesman for the committee, the gentleman from Michigan, would yield.

Mr. DINGELL. I would be glad to respond to the questions the gentleman from Montana asks.

Mr. MELCHER. I am interested in the intent of the bill concerning control of contagious diseases in predators and particularly rabies, and what the legislation intends in relation to State and Federal responsibility.

As I read the report, the bill seeks to return to the States the primary responsibility, in fact, the leadership as it were, in the control of predators.

Where does this leave us in the control of infectious diseases among predators?

Mr. DINGELL. I would respond to the gentleman by pointing out that in several instances in the bill we find language which deals with the question. First of all, the handling of predator control programs is reposed in the States, and the Federal Government will participate on either 75–25 for the first 2 years and on a 50–50 basis thereafter. In instances where the control must be done on public lands where an emergency condition exists, and it becomes necessary to act, the gentleman will find the sections under which the Federal Government may act, which appear at page 14, and I would refer him to line 3, beginning with item (1),

> "to the protection of human health or safety;"

That would very clearly cover the situation on public lands with regard to the handling of rabies, and that sort of thing. In other instances, on State and private lands, the State would take over under its agreement with the Federal Government, and that portion of the State activities would be financed by Federal assistance.

Mr. MELCHER. I thank the gentleman for his answer. I believe the bill is weak and ineffective in establishing responsibility for controlling outbreaks of contagious diseases such as rabies in predators. The bill weakens the Federal responsibility to control the threats of predators and would lead to ineffective handling of emergency conditions. The various States are urged, under the bill, to develop their own programs for predator control with very small amounts of money which will likely jeopardize the rapid and effective control of not only the economic losses suffered from predators but also threatens to weaken dangerously control of contagious diseases in predators.

The SPEAKER. The time of the gentleman from Montana has expired.

Mr. GOODLING. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Speaker, since 1967 I have introduced legislation to eliminate the use of toxic chemicals in the control of predatory animals. I, therefore, rise in support of the Federal Animal Damage Control Act of 1972.

The war that has been waged on predatory mammals by the Federal Government for almost 60 years has been exposed as cruel, dangerous, and self-defeating. Non-selective control measures in the past have jeopardized innocent animals and offended human sensibilities. Fortunately, this bill will go far in outlawing the abominable practice of counteracting the relatively limited dangers posed by predators with the indiscriminate use of poisons.

My enthusiasm for this legislation, however, is tempered somewhat by an uneasiness over an exception in the bill which would permit the use of poison in emergency situations when essential to the prevention in specific areas of major damage to domestic livestock. This provision was not requested by the administration and to my mind opens up a glaring loophole in the bill. What constitutes major damage to livestock is not spelled out at all. Nor is the term "emergency" specified with sufficient clarity and precision.

I am also troubled by the fact that the bill authorizes annual appropriations of $5 million for Federal predatory control activities, which is more than the $3.4 million that is estimated will have been expended for fiscal 1972.

It has been demonstrated in the past that the Interior Department program has been excessive and wasteful. This bill commendably establishes Federal assistance to the States for predatory control programs and thereby envisions a shift away from the Federal Government in this activity. Increasing the authorization for Federal control programs only invites a duplication of effort and a reversion to the past philosophy of indiscriminate killing which this legislation is designed to reject.

It is my hope that these objectionable features will be eliminated before final congressional enactment of this legislation.

Mr. PRICE of Texas. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I will be glad to yield to my colleague from Texas.

Mr. PRICE of Texas. In section 4 of the committee report here it says:

> Subsection (a), of the bill would authorize the Secretary to provide financial assistance to any State, through the agency designated by the State for wildlife management, which agrees to annually administer a program—

It says "annually administer a program for the control of predatory and depredating animals."

Mr. CONTE. Could the gentleman give me that page again? I am sorry.

Mr. PRICE of Texas. Page 11 of the report.

Mr. CONTE. I have it.

Mr. PRICE of Texas. Section 4:

> To qualify for this assistance, the State program would have to be approved by the appropriate State agency and found by the Secretary to meet such standards as he may by regulation establish.—

And so forth, on down the way.

This is questionable in my mind as far as the effectiveness of this bill. As the distinguished chairman of the Agriculture Committee said, this completely wipes out and repeals every existing authority of the Secretary of Agriculture.

Mr. REID. Mr. Speaker, I rise in support of H.R. 13152, the Federal Animal Damage Control Act of 1972. As one of the cosponsors of the original version of the bill, I favor the intent and purpose of this important environmental legislation designed to halt the wholesale and indiscriminate slaughter of predatory animals in the interests of protecting the Nation's livestock.

However, I wish to bring to the attention of the committee one section of the bill which, I fear, if enacted might seriously vitiate its purpose. I refer to section 4, lines 18 through 20, which would authorize the Secretary of the Interior to approve a State program authorizing the emergency use of chemical toxicants for preventing major damage to domestic livestock, when he determines that other methods would not suffice to prevent such major damage.

As stated in the committee print, this language was not in the original bill but was included at the request of the National Wool Growers Association to deal with genuine emergency situations. I feel that the language major damage could be sufficiently vague to allow ranchers to blame, as they have in the past, weather, disease, and other large range losses on predators. I do not believe that it was the intention of the committee to include such a potential loophole in this bill. I hope legislative history will indicate this provision should only be used in extremis and be construed very narrowly. As an author I would expect such a construction.

I would have considered deleting this language from the bill if it had not come up under suspension. However, it is my sincere hope that the other body will clarify or delete this language when it considers the bill, and that the conference committee will sustain this action.

Mr. ANDERSON of California. Mr. Speaker, I rise in strong support of H.R. 13152, a bill which would prohibit the field use of chemical toxicants on Federal lands for the purpose of killing predatory animals.

In 1970, the Federal Government killed no less than 73,093 coyotes, 8,403 bobcats, 121 mountain lions, and 403 black bears.

But these figures represent only the tip of the iceberg. Many animals, which were not discovered, autopsied, and credited to the Department of Interior, died in the wilds and were not discovered.

In fact, the Department of Interior, with only one of their favorite poisons—Compound 1080—distributes enough poisoned bait to kill 36.7 million coyotes, and that figure assumes that each coyote ate twice as much poisoned meat as is required to kill it.

In its policy of saturation and overkill, the Department of Interior in 1970 distributed enough 1080 bait to eliminate every coyote in an area covering 388,800 square miles—an area larger than the combined States of California, Colorado, and Idaho.

But 1080 is not the only deadly poison used to kill predators. In 1970, the Department of Interior also placed 822,043 strychnine baits.

These poisons are not selective. According to research conducted by the Denver Wildlife Research Center, 13 dead endangered birds—out of 19 examined—contained lethal doses of 1080. These included one California condor, one bald eagle, and 11 golden eagles.

This legislation would prohibit the placing of poisons on public lands—lands owned by all the people of the United States, not the private reserve of the ranchers.

Mr. Speaker, we must reverse the schizophrenic attitude that, on the one hand spends millions of dollars annually to kill animals, while the other acts to protect wildlife.

I support this bill which is patterned after my bill, H.R. 9669, introduced July 1971, and I urge my colleagues to join with me in this step toward preserving our national environment.

Mr. FISHER. Mr. Speaker, I rise in opposition to the pending bill. It is most regrettable that a measure of this importance is brought up on a procedure which limits debate and allows no amendments to be offered.

This is a bad bill. It should be entitled "A bill to protect predators and further prevent livestock owners from protecting their flocks and herds."

Predator attacks on sheep, goats, and poultry have increased substantially in recent years. That fact is a matter of record. The battle against predators has been going on for decades. It has always been an uphill battle.

In the past the Government has been fairly helpful in aiding farmers and ranchmen in this struggle. The Department of the Interior earlier this year stated:

> It has been estimated that poisons account for about 80 percent of all predatory animals that are killed annually by the Department's current program.

In addition, the Federal Government has helped fund the cost of trappers to supplement the use of poisons. But during the past year or two, by Executive orders and by legislation, concerted efforts have been made to hamstring the livestock owners in their fight against predators. This move has been aided and abetted by some uniformed people who seem to be determined to protect predators in every possible way.

To begin with, on March 9, 1972, the Administrator of the Environmental Protection Agency took an unprecedented action by issuing an order suspending and canceling the use of the following chemicals for use in predator control: All products containing thallium sulfate, sodium fluoroacetate (1080), sodium cyanide, or strychnine. This order was later extended to include 19 types of poison. And on top of all that we are today faced with this bill which would make the restrictions against use of poisons against predatory animals even more binding. It would make the executive orders the law of the land, not subject to any change by the agency which issued them.

In addition, the bill would repeal in its entirety the act of March 2, 1931, pertaining to the eradication and control of predatory and other wild animals.

Mr. Speaker, as evidence of the indifference and lack of knowledge exhibited by sponsors of this legislation, I call attention to words of a department witness during hearings, as set forth on page 6 of the committee report, as follows:

> No longer can we ignore the fact that predators have social, esthetic, recreational, and economic value.

This is the kind of thinking that has been infused into this legislation. It totally ignores the problem of controlling predators and, in effect, supports a concept of protecting and preserving them.

There is clearly a movement afoot to increase the number of predators whose numbers are increasing at an alarming rate. These results of Government actions are already being felt, and this trend will undoubtedly be accelerated in the immediate future.

Mr. Speaker, under present Government policies, aided by the pending bill, livestock producers really have their backs to the wall in their ability to protect their property. Let us hope the Senate, when it considers this measure, will recognize that fact and apply the brakes. I repeat, this is bad legislation and it should not be enacted.

Mr. DINGELL. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 13152, as amended.

The question was taken.

Mr. PURCELL. Mr. Speaker, I object

to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 279, nays 73, not voting 80, as follows:

[Roll No. 264]

YEAS—279

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Begich
Bell
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Wis.
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Downing
Drinan
Dulski
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Fish
Flood
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Giaimo
Gibbons
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hunt
Jacobs
Jarman
Johnson, Pa.
Jones, N.C.
Karth
Kastenmeier
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Leggett
Lennon
Lent
Long, Md.
Lujan
McClory
McCloskey
McCulloch
McDade
McEwen
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Mizell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ruth
Sandman
Scheuer
Schneebeli
Schwengel
Sebelius
Shriver
Sikes
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steele
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Zablocki
Zion
Zwach

NAYS—73

Abbitt
Andrews, N. Dak.
Ashbrook
Aspinall
Baker
Barrett
Belcher
Bennett
Burleson, Tex.
Byron
Cabell
Caffery
Camp
Crane
Daniel, Va.
Davis, S.C.
de la Garza
Dellenback
Denholm
Dorn
Duncan
Evans, Colo.
Fisher
Foley
Gaydos
Gettys
Gonzalez
Gross
Gude
Haley
Hall
Hammerschmidt
Hull
Johnson, Calif.
Kazen
Kee
Latta
Lloyd
McCollister
McCormack
McFall
McKay
Mahon
Martin
Matsunaga
Melcher
Montgomery
Natcher
Patman
Poage
Price, Tex.
Purcell
Quillen
Roberts
Robinson, Va.
Roy
Runnels
Satterfield
Saylor
Scherle
Schmitz
Scott
Shoup
Sisk
Skubitz
Steed
Steiger, Ariz.
Veysey
Waggonner
White
Whitten
Yatron
Young, Tex.

NOT VOTING—80

Abernethy
Abourezk
Anderson, Tenn.
Andrews, Ala.
Baring
Bergland
Blanton
Blatnik
Bolling
Brooks
Broomfield
Burlison, Mo.
Byrnes, Wis.
Carney
Chisholm
Clay
Colmer
Curlin
Davis, Ga.
Delaney
Donohue
Dow
Dowdy
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Evins, Tenn.
Findley
Flowers
Flynt
Fulton
Gallagher
Goldwater
Hagan
Halpern
Hansen, Wash.
Hébert
Holifield
Hungate
Hutchinson
Ichord
Jonas
Jones. Ala.
Jones, Tenn.
Landrum
Link
Long, La.
McClure
McDonald, Mich.
McMillan
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Mitchell
Mosher
O'Konski
Passman
Pelly
Pettis
Podell
Poff
Pryor, Ark.
Rarick
Rhodes
Robison, N.Y.
Rousselot
Ryan
St Germain
Sarbanes
Seiberling
Shipley
Spence
Steiger, Wis.
Stokes
Stuckey
Thone
Whalley

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rousselot.
Mr. Blatnik with Mr. McDonald of Michigan.
Mr. Blanton with Mr. du Pont.
Mrs. Andrews of Alabama with Mr. Poff.
Mr. Shipley with Mr. Broomfield.
Mr. Burlison of Missouri with Mr. O'Konski.
Mr. St Germain with Mr. Rhodes.
Mrs. Chisholm with Mr. Dowdy.
Mr. Brooks with Mr. Ryan.
Mr. Stokes with Mr. Eckhardt.
Mr. Evins of Tennessee with Mr. McClure.
Mr. Flowers with Mr. Edwards of Alabama.
Mr. Fulton with Mr. Findley.
Mr. Delaney with Mr. Robison of New York.
Mr. Clay with Mr. Gallagher.
Mr. Carney with Mr. Jonas.
Mr. Flynt with Mr. Spence.
Mr. Donohue with Mr. Minshall.
Mr. Metcalfe with Mr. Miller of California.
Mr. Link with Mr. Goldwater.
Mr. Jones of Tennessee with Mr. Pelly.
Mr. Baring with Mr. Whalley.
Mr. Stuckey with Mr. Long of Louisiana.
Mr. Ichord with Mr. Hutchinson.
Mr. Davis of Georgia with Mr. McMillan.
Mr. Dow with Mr. Halpern.
Mr. Podell with Mr. Mosher.
Mr. Landrum with Mr. Mills of Arkansas.
Mrs. Hansen of Washington with Mrs. Dwyer.
Mr. Holifield with Mr. Pettis.
Mr. Bergland with Mr. Steiger of Wisconsin.
Mr. Curlin with Mr. Pryor of Arkansas.
Mr. Passman with Mr. Sarbanes.
Mr. Hogan with Mr. Rarick.
Mr. Mitchell with Mr. Seiberling.
Mr. Jones of Alabama with Mr. Byrnes of Wisconsin.
Mr. Hungate with Mr. Thone.
Mr. Abourezk with Mr. Abernethy.

Mr. FOLEY and Mr. LLOYD, changed their votes from "yea" to "nay."

Mr. COTTER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 13152) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRIVATE SECTOR AIDS FLOOD VICTIMS

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I rise today a very proud man. Proud of my Nation, proud of my State, and particularly proud of my community and its people. I believe this pride is well founded, and I have asked for this time today to report to you a source of that pride, a generous and historic flood relief program undertaken in New York by the private sector.

Last Thursday, I met with representatives of the Savings and Loan League of New York State, and at this meeting this group of civic minded men established a flood relief fund which will total about $2.7 million. The most amazing thing about this total, though, is not the figure itself, but how that money is to be spent. It is not low-interest loan money, it is money that will be given as outright grants to needy flood victims. Every savings and loan association in the league will be assessed $200 for every million in capital they possess. This money will be made available on a priority basis to the people of New York, the people of their communities, the people with whom they live and do business.

To my knowledge, this is the first time in the history of our Nation where the business community came forward in such a courageous manner to lead the way to recovery from a natural disaster. And the time was right, because according to the Vice President, Agnes ravaged this Nation like no other natural disaster ever has. The damage has been astronomical, and the Federal Government simply cannot handle the recovery costs alone.

Governor Shapp, of Pennsylvania, for example, has estimated the costs of recovery in his State alone at $2.5 to $3 billion. The "Agnes Recovery Act," a commendable program indeed, calls for only $1.7 billion for all of the recovery. This is certainly not out of miserliness.

The program is generous when compared to the Federal deficit and the money available. The simple truth is that the damages outstrip the Federal Government's resources. The private sector must help out, and I am happy to report that in New York they are.

I am hoping to motivate others to encourage the establishment of similar programs in New York and other flood damaged States.

Business seems to be the current whipping boy for the ills of the Nation. This trend could be blunted by vigorous and determined action coming from the business community. I know business people are not the selfish, narrow people they are often painted to be, and the action of the men of the Savings and Loan League of New York, led by Mr. Robert F. Oliver, has underlined that knowledge. Their action was warming to me, and I am sure it will fill more than the hearts of those it benefits. Other businesses and industries can and must join in this humanitarianism. It will help spike the myth that business is bad, and by doing so will help this Nation bind its wound of division.

Today I have communicated with the President, advising him of the action of the New York Savings and Loan League, and urging him to use his good offices to provide motivation to the businesses of the Nation to follow the lead of this notable group.

I would also urge my colleagues to contact those in their own constituencies in this regard.

In all times of crisis and mutual suffering, man is reminded that there is more in this world to bring us together than to tear us apart, and there is more value in human life than there is in any of our material possessions. It is a basic affirmation in the values that underlie our society and the society of man. It is at once religious and humanitarian.

The action of the savings and loan people of New York honestly touched my heart and bolstered my hope and faith in this Nation. By working together in this disaster recovery period, we can do much to rescue America from the yawning pit of cynicism we seem to be heading for. I commend the league and ask others to join them. It is not only good business for you, but good business for your country and mankind.

SAFETY AWARD TO GENERAL MOTORS

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MOSS. Mr. Speaker, I rise to protest the shocking action of the National Motor Vehicle Safety Advisory Council in giving an award to Edward N. Cole, the president of General Motors Corp., for his allegedly "outstanding contributions to automotive safety."

Mr. Speaker, the amazing thing about this award by the council is that with Mr. Cole as one of its leading policymakers, General Motors has compiled anything but an outstanding record in automotive safety. Since the enactment of the National Traffic and Motor Vehicle Safety Act in 1966, General Motors has been forced to recall 17,794,164 of its cars, fully 54 percent of its production, because of safety defects. This is hardly a record upon which to base an award for contributions to automotive safety.

Over a similar period of time the Ford Motor Co. has recalled some 7.5 million cars—40 percent of its production—and the Chrysler Corp has recalled 1.2 million cars—16 percent of its production.

A complete list of recalls since September 1966, is as follows:

Manufacturer	Recall campaigns	Number of vehicles recalled	Approximate production	Percentage recalled
General Motors	129	17, 794, 164	32, 377, 401	54.7
Ford	81	7, 576, 523	18, 604, 105	40.6
Chrysler	151	1, 260, 835	7, 912, 635	16.0

Nor has General Motors adopted a progressive attitude on new auto safety legislation. During this session of Congress General Motors, together with other automobile manufacturers, did its best to defeat the Motor Vehicle Information and Cost Savings Act (H.R. 11627), which will authorize a new Federal program designed to reduce the damageability and the repair costs of new automobiles. These actions by the motor vehicle manufacturers and General Motors are hardly the basis for an award for contributions to automotive safety.

The action of the National Motor Vehicle Safety Advisory Council in presenting this shocking award establishes two things:

First, the Executive has packed the council with industry representatives to the virtual exclusion of effective consumer representation. Out of 22 members of the council at least 10 work for auto manufacturers, equipment manufacturers, or related concerns. Only one or two represent consumer organizations. Of these, Walker Sandbach, executive director of Consumers Union, has now resigned in protect over the council's action.

Second, the National Traffic and Motor Vehicle Safety Act is too vague on the composition of the advisory council. An amendment to the act is necessary to spell out a requirement that the council have a truly balanced representation from members of the public, consumer organizations, industry, and government. In addition, such an amendment should define the appropriate duties of the council and prevent a waste of public time and money on frivolous awards for dubious accomplishments. I intend to offer such legislation shortly.

Mr. Speaker, I request that an article by Morton Mintz which appeared in the Washington Post on July 16, 1972, describing the action of the council be reprinted. The article follows:

CONSUMERS AIDE QUITS IN GM TIFF

(By Morton Mintz)

The top executive of Consumers Union resigned from a federal advisory committee yesterday to protest an award made to Edward N. Cole, president of General Motors, for outstanding contributions to automotive safety.

Walker Sandbach, executive director of CU, said in a telegram to Judson B. Branch, chairman of the National Motor Vehicle Safety Council, that the choice of Cole as the first winner of the council's award "makes a mockery of the council's efforts to stimulate the development of safer cars."

A separate protest came from Ralph Nader, who denounced the award as "outrageous." He said it had been instigated by Trevor O. Jones, a GM official who is the council's vice chairman.

Cole is "known in the automotive industry as the 'father of the Corvair,' one of the most dangerous cars produced in recent years," Sandbach told Branch, who is chairman of the executive committee of the Allstate Insurance Co.

PRESENTATION MONDAY

The award is scheduled to be presented to Cole on Monday in San Francisco at the First International Council on Automobile Safety.

Because of the importance attached to the award by the council, which Congress created in 1966 to advise the Secretary of Transportation on vehicle safety, "it seems particularly important to me that the first recipient be someone who has been truly outstanding in the effort to develop safer cars," Sandbach told Branch. "By no stretch of my imagination could that person be Edward Cole."

The council, which deals principally with the National Highway Traffic Safety Administration, has 22 members drawn from industry, public and consumer organizations. Vice Chairman Jones, director of advance product engineering for GM, could not be reached for comment.

Of the 22 members, 12 voted to present the award to Cole, a source said. Seven were said to have voted for the late Edward Speno, a New York state senator, a former council chairman, the initiator of the experimental safety vehicle program and a pioneer in state-level auto safety legislation. One vote went to Col. John Stapp, an early leading researcher in auto safety. Two members abstained.

The Center for Auto Safety, which has ties to Nader as well as to CU, the non-profit organization that publishes Consumer Reports, said it plans to picket the award ceremony and will try to present Cole "with a statue comprised of remnants of defective GM parts."

NEWS STORIES CITED

Sandbach, a member of the council for four years, cited news stories that said Cole knew of "the roll-over potential of the Corvair when he made the decision to remove the car's front-roll stabilizer on a safety-be-damned cost basis." Cole was manager of the Chevrolet Division when that GM unit began to produce the Corvair in 1959.

Less than a year ago, Cole contended that there was no safety problem associated with the failure or engine mounts that led to the recall of 6.7 million Chevrolets, Sandbach pointed out.

In a letter to Cole, the Center for Auto Safety requested an "immediate recall of 1971 and 1972 full-sized GM cars other than Cadillacs for repair of a steering lock-up defect."

The letter cited 14 cases in which a steering lockup occurred after a foreign object lodged between the car frame and the steering coupling joint.

In six of the 14 cases crashes resulted, with five injuries reported, the letter said. The center said that the Insurance Institute for Highway Safety told the Safety Administration of the problem last March, that GM has been aware of the problem for months, that it has issued a dealer technical bulletin describing the defect in May, and that it should solve the problem on all affected cars with an inexpensive, quick-to-install plastic shield.

GOLDEN ANNIVERSARY OF AHEPA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 15 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, this month a very fine American organization celebrates its golden anniversary.

I would, therefore, like to pay personal tribute to the American Hellenic Educational Progressive Association, the Order of Ahepa, and to urge my colleagues to recognize this organization's half century of contributions to this country.

I am including a brief recitation of AHEPA's activities to demonstrate the scope of its work and the great good it has accomplished.

In my own State of Massachusetts there are 23 local chapters of AHEPA, all of them living up to the ideals and goals of the great parent organization.

The Fall River Chapter is headed by John N. Parandelis, as president; Christos Liaos, vice president; Andrew G. Dangelas, secretary; and John N. Jamoulis, treasurer.

I congratulate AHEPA on its 50 years and wish it 10 times 50 more years of success and service.

The material follows:

Fifty Years of Service and Accomplishment: 1922–72

The Order of Ahepa was founded July 26, 1922, in Atlanta, Ga., and its jurisdiction extends to 49 states, Canada, and Australia, with 430 local chapters. The Order of Ahepa is a secret fraternal organization, which is non-political and non-sectarian. The word "AHEPA" is an acrostic, and is derived from the first letters of the following: American Hellenic Educational Progressive Association.

Membership in the Order of Ahepa is open to men of good moral character who are citizens of the United States of America, or Canada, or who have declared their intention to become citizens.

The "AHEPA Family" is composed of four separate organizations, all of which work in harmony on a local, district and national level. They are: The Order of Ahepa—The Daughters of Penelope (senior women's auxiliary)—The Sons of Pericles (junior young men's auxiliary)—Maids of Athena (junior young women's auxiliary).

OBJECTS OF AHEPA

1. To promote and encourage loyalty to the United States of America.

2. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

3. To instill in its membership a due appreciation of the privileges of citizenship.

4. To encourage its members to always be profoundly interested and actively participating in the political, civic, social and commercial fields of human endeavor.

5. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor and integrity of every nation.

6. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture.

7. To promote good fellowship, and endow its members with the perfection of the moral sense.

8. To endow its members with a spirit of altruism, common understanding, mutual benevolence and helpfulness.

9. To champion the cause of Education, and to maintain new channels for facilitating the dissemination of culture and learning.

AHEPA'S CONTRIBUTIONS TO WORTHY CAUSES

The Order of Ahepa has contributed financially to many worthy causes during its 50 years of existence, on a national and international level. These contributions do not take into account the many local activities of our chapters within the realm of their communities. Local Ahepa chapters have always given generously and vigorously supported local community undertakings in the fields of education, charity and civic improvement. The national and international contributions include:

Relief of Florida hurricane victims.

Relief of Mississippi flood victims.

Relief of Corinth Earthquake victims.

For the War Orphans of Greece.

Relief of Dodecanese Earthquake victims.

For the fatherless children of refugees, through the Near East Relief.

For the Hellenic Museum.

National Scholarships to worthy students.

For the Theological Seminaries at Brookline and Pomfret.

Ahepa Franklin D. Roosevelt Memorial at Hyde Park.

Ypsilanti and Dilboy Memorials.

Sons of Pericles Memorial to the American Philhellenes of 1821, at Missolonghi, Greece.

Relief of Turkish Earthquake victims.

For the Patriarchate of Jerusalem.

For the Patriarchate of Constantinople.

Ecuadorean Relief.

Kansas City Flood Relief.

Greek War Relief.

Ahepa Hospitals in Athens and Thessaloniki, and 7 Health Centers in Greece.

Ahepa Agricultural College in Greece.

Ionian Islands earthquake relief.

Ahepa Preventorium in Volos.

Penelopian Shelter Home in Athens.

Ahepa Hall for Boys at St. Basil's Academy.

The Ahepa School at St. Basil's Academy, Garrison, N.Y.

Sale of 500 million dollars in U.S. War Bonds during World War II as an official issuing agency of the U.S. Treasury.

Truman Library.

Dr. George Papanicolaou Cancer Research Institute at Miami.

The Ahepa Truman Memorial, Athens, Greece.

The New Smyrna Beach, Fla. monument commemorating the First Landing of Hellenes in the New World in the year 1768.

The Ahepa Educational Journey to Greece Student Program.

These are some of Ahepa's contributions to worthy causes during its 50 years of existence.

Members of the Ahepa take justifiable pride in Ahepa's record of accomplishment. Ahepa has championed the cause of education—it has successfully fought for the freedom and self-respect of the minorities in its Justice for Greece and Justice for Cyprus programs, and Ahepa has always displayed its benevolence and generosity to the stricken victims of disaster both here and abroad.

WHAT DOES THE ORDER OF AHEPA OFFER?

The Order of Ahepa offers its members the opportunity of membership in an organization with an unexcelled reputation for good fellowship and family participation in an active social program.

District Conventions are held annually in each of the 24 Districts, and a Supreme Convention is held during August of each year. Ahepa Conventions are always "family conventions" wherein full programs of social events, combining fun and relaxation, are provided for all in attendance. At the local chapter level, many social and educational affairs are held during the year so that Ahepa Families may join together in fellowship and relaxation.

Citizenship

Ahepa's requirements stipulate that members must be citizens, or have indicated their intention to become citizens. Ahepa chapters assist non-citizens in attaining their full citizenship, and also inculcate their members with the obligations that go hand-in-hand with citizenship.

Education

Ahepa has been participating in the awarding of Scholarships to worthy students in the past 41 years on local, district and national levels. The Ahepa Hall for Boys and the Ahepa School, both at St. Basil's Academy, Garrison, N.Y., have been donated to the Academy by the Order of Ahepa. In Greece, an Ahepa Agricultural School was established. More than 40,000 American books have been donated to schools and libraries in Greece by Ahepa. The Ahepa Medal for Scholastic Excellence in the Greek Language is presented annually to their local Greek Schools by Ahepa Chapters. The Seven-Volume set of the "Greek Classics" are donated to high school and college libraries by Ahepa Chapters, and also donated as scholastic awards to outstanding high school graduates. Annual scholarships are awarded through the American Farm School, and Anatoia College, in Thessaloniki, Greece. Surveys are conducted of courses offered in colleges and universities in Modern and Ancient Greek, and in the Classics. Students are offered summer studies in Greece that cover the Greek language, history and culture, through the Ahepa Educational Journey to Greece Programs.

Civic participation

The local chapters of the Ahepa are active in their own civic affairs and projects, all of which conforms to Ahepa's program of urging its members to be model citizens through planned civic activity. Ahepa chapters are foremost in aiding and contributing to worthy fund drives.

Sports programs

The Ahepa sponsors annual national tournaments in basketball, bowling, golf and track events. Local chapters maintain active sports programs, and District tourneys are offered.

International relations

Ahepa's aid to the people of Greece in various respects such as Greek War Relief; Ahepa Hospitals in Athens and Thessaloniki; seven Ahepa Health Centers in Greece at Chrysoupolis, Kalavryta, Melighala, Thebes, Ierapetra (Crete), Farsala, and Filiatra; Ahepa Preventorium in Volos; American Books for Greece; CARE Tool Kits for Greece; annual Ahepa Excursion to Greece; various Relief Drives for Greek disaster victims; Ahepa Refugee Relief Committee enabling Greek citizens to emigrate to the United States; Daughters of Penelopian Shelter Home in Athens; annual donations to the Queen's Fund; annual donations to the Blind in Greece; these are all some of the outstanding examples of Ahepa's own "People-to-Peole" program. Ahepa has been a forerunner in this major American program of aid to less fortunate people of the world.

The Ahepan magazine

The fraternity's national magazine is mailed to all good standing members without additional charge.

Ahepa group insurance

An Ahepa Group Life Insurance Plan is available for new members within certain age limitations, and in varying benefit amounts; an Ahepa Hospitalization Plan is also available to the membership.

WHO ARE THE MEMBERS OF AHEPA?

The members of the Ahepa are men in all walks of life. They may be businessmen, professional men, educators, laboring men—but all are men of good moral character with a common goal of good fellowship and common understanding.

Many of our outstanding government leaders are or have been members of the Ahepa. The late President Franklin D. Roosevelt became a member while still Governor of New York, and maintained his membership faithfully. Former President Harry S. Truman is a member of the Ahepa, U.S. Vice President Spiro T. Agnew is also a member. Cabinet members, U.S. Senators and Representatives, state and local officials are members of the Ahepa.

Your average Ahepan is an individual who believes wholeheartedly in the principles of the fraternity. This average Ahepan has benefitted in many ways from his membership, through self-application to the Objects of the organization.

Ahepans are recognized in their own communities as men devoted to civic responsibility, as good neighbors, and as model family men.

The Order of Ahepa has only one axe to grind—and that is the improvement and betterment of our social, moral and family life. All programs of the Ahepa are designed towards this end.

SCHOOL MAY HAVE CHEATED VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I am calling today for a full-scale investigation by the Wisconsin Educational Approval Board of a defunct veterans' approved computer school in Janesville, Wis., which is in my congressional district. I believe that this school may have cheated veterans and other students. After being approached by 11 former students and teachers of the school, I have written to the Educational Approval Board seeking an inquiry.

Since the problem of veterans' approved schools is important to all Members of the House, I am placing my letter in the RECORD for my colleagues' study.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 17, 1972.

Mr. WILLIAM BECHTEL,
Chairman, Education Approval Board,
Madison, Wis.

DEAR MR. BECHTEL: I am writing to you today in order to request a full scale investigation of a defunct veterans' approved computer school in Janesville which may have cheated veterans and others.

I have received complaints from eleven former Beloit and Janesville students and teachers of the now bankrupt Abacus Computer Learning Center in Janesville. According to these individuals, when the Abacus School ceased its operations in May 1972, it still owed course work and lessons to students who paid their tuition in full and in advance. It also owed job counselling to students who had completed their courses and still owed salaries to at least one of its two teachers. The Abacus School also has not paid in full its rent to the landlord.

I believe the reports by these eleven individuals raise serious questions about the operation of the Abacus School in particular and VA approved schools in general.

When both veterans and non-veterans see that a school is VA approved, they often assume that the school is reputable and honest. Unfortunately, that did not appear to be the case here. I hope that the Board will investigate the whole system of certifying schools as VA approved as well as looking into the specifics of the Abacus case.

There is a possibility of criminal fraud here. The whole Abacus operation must be thoroughly investigated.

I also believe it is important to review the whole system of certifying VA approved schools because if the school is not sound and cannot provide a full course of instruction then the veteran has been cheated and so has the American taxpayer since it is his tax dollar paying for the veterans' tuition. Equally hurt is the person who digs into his savings to enter the school feeling secure that the school is sound because it is VA approved.

I want to know, and I think every citizen has a right to know, how the Abacus School was allowed to keep its doors open when it couldn't provide the services contracted for. And I want to know what is being done to prevent veterans and other citizens from being cheated by other schools.

I look forward to hearing from you about this investigation.

Sincerely,

LES ASPIN,
Member of Congress.

REPORT OF THE BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. LENNON) is recognized for 10 minutes.

Mr. LENNON. Mr. Speaker, as Chairman of the Board of Visitors to the U.S. Coast Guard Academy this year, I wish to place the Board's report in the RECORD for the attention of our colleagues.

The report follows:

REPORT OF THE BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY, NEW LONDON, CONN.

The President of the Senate.

The Speaker of the House of Representatives.

Gentlemen: Pursuant to Section 194 of Title 14 of the United States Code, the following Senators and Members of the House of Representatives were designated to constitute the 1972 Board of Visitors to the United States Coast Guard Academy.

By the President of the Senate: Senator David H. Gambrell, Democrat of Georgia.

By the Senate Committee on Commerce: Senator Warren G. Magnuson, Democrat of Washington (ex-officio); Senator Ernest F. Hollings, Democrat of South Carolina; and Senator Lowell P. Weicker, Jr., Republican of Connecticut.

By the Speaker of the House: Representative John S. Monagan, Democrat of Connecticut; and Representative Robert H. Steele, Republican of Connecticut.

By the House Merchant Marine and Fisheries Committee: Representative Edward A. Garmatz, Democrat of Maryland (ex-officio); Representative Frank M. Clark, Democrat of Pennsylvania; Representative Alton Lennon, Democrat of North Carolina; and Representative James R. Grover, Republican of New York.

A meeting of the 1972 Congressional Board of Visitors was held at the United States Coast Guard Academy on 28 April 1972. Present:

CONGRESSIONAL VISITORS

Representative Alton Lennon of North Carolina, Chairman.

Senator Lowell P. Weicker, Jr. of Connecticut.

Representative John S. Monagan of Connecticut.

Representative James R. Grover of New York.

Representative Robert H. Steele of Connecticut.

Mr. Ernest Corrado, Counsel, House Merchant Marine and Fisheries Committee.

REPRESENTATIVES OF COAST GUARD HEADQUARTERS, WASHINGTON, D.C.

Rear Admiral Joseph R. Steele, Chief, Office of Personnel.

Captain Leslie D. High, Chief, Training and Procurement Division.

Captain John H. Bruce, Congressional Liaison Officer.

Captain Raymond H. Wood, Congressional Liaison Officer (Designated).

ADMINISTRATIVE STAFF, COAST GUARD ACADEMY

Rear Admiral John F. Thompson, Superintendent.

Captain Hugh F. Lusk, Assistant Superintendent.

Captain Paul F. Foye, Dean of Academics.

Captain Malcolm J. Williams, Director of Admissions.

Captain Otto Graham, Director of Athletics.

Captain John B. Hayes, Commandant of Cadets.

Captain Malcolm E. Clark, Head, Dept. of Applied Science & Engineering.

Captain Edward D. Cassidy, Head, Department of Professional Studies.

Captain Carl W. Selin, Head, Department of Physical Education.

Captain Richard L. Brent, Senior Medical Officer.

Commander Roderick M. White, Associate Dean.

Commander John D. Costello, Comptroller.

Commander John R. Kirkland, Chief, Physical Plant Division.

Commander Jimmie D. Woods, Head, Department of Mathematics.

Commander Ronald A. Wells, Head, Department of Humanities.

Commander Louis K. Bragaw, Head, Department of Economics & Management.

Lieutenant Commander Wayne P. Stevens, Assistant to the Dean.

Lieutenant Edward H. Bonekemper III, Assistant Legal Officer.

Lieutenant John H. Hanna III, Director, Computing Center (Acting).

Mr. Paul H. Johnson, Librarian.

Mr. G. Philip Boeding, Registrar.

RECORDER

YN1 F. E. Dick.

The first meeting scheduled for the visiting members was a formal session with the Superintendent, representatives from Coast Guard Headquarters, and Academy staff officers. The following topics were presented by the Academy staff and discussed with the Board of Visitors:

(1) Present Day Curriculum
(2) Continuing Report on Research
(3) Progress Report on Attrition Study
(4) Report on Proposed Summer Program
(5) Report from Physical Plant Division on Construction

As an integral portion of the first session, a slide presentation was made concerning the Academy and cadet life. Later, at the close of the afternoon session, in answer to Mr. Lennon's suggestion, a slide presentation was shown, entitled "Bigger Than Its Name". This presentation, in contrast to the earlier one, was devoted to the Coast Guard as a service.

At the Executive Session in the afternoon, the Members of the Congressional Board of Visitors decided that the following recommendations should be incorporated into the report on the Board of Visitors annual visit to the Academy:

(1) The Congressional Board of Visitors has long been concerned with what it considers to be an inadequate library plant and facilities at the Coast Guard Academy. To this end, the Board of Visitors in past years was instrumental in getting sufficient funds authorized and appropriated for the construction of a new library plant. These funds were held up for some time by the Bureau of the budgetary freezes on construction. However, the funds were released last year and construction was commenced on the new library. The members of the Board of Visitors were pleased and surprised to find that construction on the library building had proceeded to a state of completion beyond its expectations. It is expected that the library will be completed sometime this year.

In examining the Academy's affairs, the Board of Visitors was extremely concerned over the question of adequate staffing, books for the library, and maintenance. We have a new building on the way, but that is only half the job. It is apparent to the Board of Visitors that the library at the Coast Guard Academy always has been staffed well below the average of college level libraries. The new building should provide the necessary better service if it is properly staffed. Presently, the library is far short of the necessary volumes and certain other library systems and devices which are necessary for a successful library program. The Board of Visitors is aware that the library deficiencies, in staffing, volumes and systems, in due to inadequate funding. Unfortunately, the library in past years operated with extremely inadequate budgets or no budget at all. It is noted that the average price increase since 1967 computes to approximately 144%. The Academy's library budget in 1968 was $38,200, and the 1972 budget is $38,000. The Board of Visitors notes that these figures are not computed on a per student basis but are flat figures. The library budget is actually less than four year ago in the face of staggering price increases. However, it is noted that the budgetary figures relate to a cadet corps enrollment of 825 in 1968 and 925 in 1972. The Board of Visitors was chagrined to learn that library expenditures per student at the Coast Guard Academy are considerably lower than library expenditures per student at the other military academies and other colleges. For example, the library expenditure per student at the Coast Guard Academy is $94, at the US Naval Academy $211, at the US Military Academy $146, at the US Air Force Academy $174, and at Wesleyan University $335. (Lib. Stat. of Col. & Un. Fall 1969, p. 68)

In light of these facts and figures, which reflect a serious lack in library resources to assure adequate staffing, volumes and systems, the Board of Visitors recommends in the strongest possible terms that the ranking officials of the Coast Guard take steps to assure that the new library will be adequately staffed and have the necessary volumes and library facilities. The Board of Visitors does not feel this can be accomplished if the library funds come out of a general funding for the Academy or for the Coast Guard, and that in this event the funding may be minimal or nothing. The Board of Visitors recommends that a sufficient amount of money for these goals be earmarked separately and appropriated. Obviously, the Coast Guard's present budgetary system is ineffective for this goal. This must be so when funds were drawn away for keeping the Kodiak base open. The base in Kodiak, Alaska, was operated jointly by the Navy and Coast Guard. This year the Navy closed out its operations at the Kodiak base and the Coast Guard was faced with either pulling out, too, or operating the base itself. The latter alternative raised budgetary problems for the Coast Guard. The Board of Visitors realizes the necessity of keeping this base operative, but it does not think funds should be drawn away from the Academy for this or any other purpose. Unless practices such as this can be remedied, the Board of Visitors also would recommend that the GAO look into the general Coast Guard budgetary process with a view toward eliminating such inimical budgetary practices.

Although the Board of Visitors deplores this shifting of funds to the detriment of such worthwhile academic institutions as the library, it is aware that the other Service Academies are budgeted in the same manner, but it has reason to believe that the operational budget at the other service academies has not been adversely affected by the withdrawal of allocated funds or budgetary shrinkage. The funding for the other Academies for operation and maintenance is set out under a heading designated "Training Funds" and not as a line item. The funding for West Point for example, is included in this general category and if a crunch should develop, money could be pulled out of funding for West Point for other purposes.

The Board of Visitors regards this library situation as a good example of budgetary shrinkage and shortages which occur in many other areas of the Coast Guard Academy operations.

(2) The Board of Visitors was impressed with certain audio-visual aspects of the presentation of the Academy program and situation at its visit to the Academy. With this in mind, the Board of Visitors recommends that the Academy make a presentation to the full Merchant Marine and Fisheries Committee and the Transportation Sub-committee of the Appropriations Committee. The Members also felt that all Members with Coast Guard facilities in their district should be invited to this presentation. The presentation would consist of the showing of slides and movies with appropriate commentary which shows the operation of aspects of the Academy and its relation to the entire Coast Guard program. This was felt to be necessary by the Board of Visitors in order to give Congressmen, especially new Members to the Coast Guard Sub-committee, a full understanding of how Coast Guard authorizations and appropriations they are voting on related to the Coast Guard, its Academy, and its operations.

The Board of Visitors is aware that the Subcommittee on Coast Guard held an oversight hearing on December 1971 on Coast Guard operations pursuant to the Reorganization Act of 1970. The Board of Visitors recommends that this audio-visual presentation might properly precede the next oversight hearing, which wil be either later this session of the 92nd Congress or early in the next Congress.

(3) The Congressional Board of Visitors discussed somewhat in depth the fact that the Board of Visitors, appointed by the Chairman and the Speaker, goes up to the Academy for one day, sometime in late April or early May, and then does nothing after that. The Board of Visitors recommends that the Board of Visitors be more expeditiously appointed and that it should be more active in the future, and that it should continue this activity throughout the year it is appointed by having at least several meetings a year, both in Washington and at least a follow-up trip to the Academy in New London.

(4) The Board of Visitors was told that the statutory monthly pay of a cadet is $265.35, from which federal income and social security taxes are deducted monthly. The cadet also receives a daily ration allowance of $1.63. This works out to $11.41 a week and $45.64 per month for food. These figures are just for the purchase of food and do not take into account service costs and other costs related to the purchase, preparation and serving of meals to the cadets. The Board of Visitors considers that this meal ration is somewhat low and recommends that consideration be given to raising the meal ration so that the quality of the food may be improved. There were some complaints that the food is not as good as it used to be. The Board of Visitors was assured by the Coast Guard that it would make available to the cadets an opportunity to be heard and to make suggestions, with respect to the quality of the meals.

(5) The Board of Visitors received some complaints from the cadets both this year and last year to the effect that they would like a litle more time home with their families, especially during the summer break. The Coast Guard Academy now allows two weeks at home at Christmas, ten days in the spring, and three weeks at the end of the summer. While the Board of Visitors recognizes the desires of the cadets for increased time at home at the end of the summer, the Board feels that it should be kept in context of home leave at the other service academies. In this connection, the Board of Visitors noted the following leave at the other service academies:

First class

	Days
Coast Guard	59
Annapolis	59
West Point	55
Air Force	53

Second and third class

	Days
Coast Guard	52
Annapolis:	
Second	55
Third	60
West Point	51
Air Force	46

Fourth class

	Days
Coast Guard	31
Annapolis	25
West Point	16
Air Force	25

(6) The Board of Visitors expressed concern over the teaching of the humanities at the Academy and its position in the curriculum. The Board of Visitors last year decided that a report should be made by a reliable contract agency concerning the entire curriculum of the Academy and how it relates to the present and future operations of the Coast Guard. With this in mind, the Board of Visitors wrote Secretary Volpe immediately after its visit asking that such a study be contracted out. The present Board of Visitors was shocked to learn that the contract has just been let, and this is one year later. The report is now due next March, but the Congressional Board of Visitors recommends that in the interim period the Academy do all possible to assure a viable humanities program.

Following the Executive Session, the Congressional Board of Visitors were honored by a parade review by the Corps of Cadets, and later were guests of the Superintendent for dinner in the Officers' Mess before departing the Academy.

ALTON LENNON,
Chairman, Representative from North Carolina.
LOWELL P. WEICKER, JR.,
Senator from Connecticut.
JOHN S. MONAGAN,
Representative from Connecticut.
JAMES R. GROVER,
Representative from New York.
ROBERT H. STEELE,
Representative from Connecticut.

STERLING SNYDER: A CREDIT TO HIS COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 10 minutes.

Mr. DANIELSON. Mr. Speaker, Sterling Snyder is a man who cares about his country and his community, Echo Park in Los Angeles, Calif. It is a pleasure to have as a constituent such a man who has demonstrated his talents and contributed in many ways—through his work at the Bank of America, through membership in the Kiwanis Club and the chamber of commerce, through his writings, and through a variety of other activities for community betterment.

Today I rise to congratulate Sterling Snyder on his retirement this week from the post of manager of the Bank of America, Sunset-Echo Park Branch of Los Angeles. He started his banking career in 1925 with the Northwestern National Bank in Minneapolis, Minn. In November of 1928 he joined the Bank of Italy, later the Bank of America. His other activities in the banking community include membership in the Bankamerica Club, and membership in the American Institute of Banking, from which he holds a graduate certificate. Mr. Synder also serves as chairman of the Sunset-Silverlake savings bonds committee.

Sterling Elwin Snyder was born in Minnesota. He and his wife Mary have three children—Sterling Eugene, Jan Steven, and Judith Paulette Snyder. Since coming to California, Mr. Snyder has become a most valued citizen of Echo Park, and in December of 1971 he was honored for his long service in the community by being named "Mr. Echo Park." He served in that capacity as grand marshal of the Echo Park community "Winter Wonderlane Parade."

Mr. Snyder is an elder in the Church of Jesus Christ of the Latter-day Saints, South Pasadena Ward, and formerly a member of his Church Bishopric. He has been a member of the Echo Park Coordinating Council for many years. He holds a certificate in real estate. He studied creative writing and journalism and is a graduate of Los Angeles City College. He has written numerous short stories and articles, many of which have been published in local newspapers; one of these received worldwide distribution, and many were read on radio. He received a George Washington Honor Award Medal for his patriotic writings from the Freedom Foundation at Valley Forge.

Mr. Snyder has been very active in the Echo Park Chamber of Commerce, as a charter member and as director. He is currently serving as Secretary. He is the recipient of their outstanding community service award.

His activities and responsibilities in the Kiwanis Club have been extensive. He is a charter member and past president, and has also served as secretary, of the Kiwanis Club of Sunset-Echo Park. He has also been public relations chairman for the Sunset-Echo Park Kiwanis Club for the past several years, and is currently public relations chairman for Division 3 of the California-Nevada-Hawaii District for Kiwanis International, a position he has held in the past. He is also the past lieutenant governor of Kiwanis International for the three-State District. In 1966 he received the Citation of Service Gold Award from Kiwanis International for outstanding community service rendered, and he was honored again in 1972 with the Kiwanis District Award for oustanding work in recruiting new members. He has also been chairman of the California Nevada-Hawaii District Club Bulletin, Committee fro Kiwanis International.

In other community activities, Mr. Snyder has worked as a member of the finance committee for the Boy Scouts of America, Los Angeles Area Council, Pueblo District. He has been very active in support in local elementary school projects. Mr. Snyder is currently the president of Rampart Booster Association, Inc., a community sponsored youth activity. He served as the community advisory chairman for Westlake-Elysian area for the Citizen's Committee for School Bonds. In May of 1967 he received an award from the Affiliated Teacher Organizations of Los Angeles for his contribution to the welfare of children and youth, recommended by eight local schools.

Mr. Snyder is also the past secretary of the Echo Park Committee for Senior Citizens Affairs. He was one of the pioneers for off-street parking, tree planting, and better lighting in the Echo Park area. Earlier this year he served as a judge in the NWLA Lions Club speech contest. He is a member of the Queen of Angels Clinic and Research Foundation, and for several years in the past has been a member of the advisory committee of "Over Thirty-five" projects of the Queen of Angels School of Nursing.

At my recommendation as a member of the California State Senate in 1967, that body passed a resolution honoring Sterling Snyder for outstanding community service. He also received an honorary award in the form of a resolution for services to his fellow men, community service activities in the Echo Park area, and interest in school projects. In 1966 he received an honorary award by resolution of the county of Los Angeles Board of Supervisors, signed by Supervisor Ernest Debs, for outstanding service in the Echo Park area. He has also received a meritorious award from the American Red Cross in fundraising for Red Cross work.

It is my pleasure today to pay tribute to Sterling Snyder, an active and dedicated citizen who is a credit to his community.

A TRIBUTE TO DR. EDWARD ZIGLER, FORMER DIRECTOR OF THE OFFICE OF CHILD DEVELOPMENT

Mr. BRADEMAS. Mr. Speaker, the resignation of Dr. Edward Zigler as Director of the Office of Child Development and Chief of the Children's Bureau is a great blow to all who care about children in the United States.

Dr. Zigler has not only a deep understanding of children but a genuine commitment to enriching their lives.

As House sponsor of the comprehensive child development bill which Congress passed last year but which President Nixon vetoed, I know personally of Dr. Zigler's invaluable contribution to the shaping of this legislation.

Indeed, Mr. Speaker, I noted with great interest that, in his letter of resignation, dated June 30, 1972, to Secretary of Health, Education, and Welfare, Elliot Richardson, Dr. Zigler set forth what he described as the "several principles" which he believes, "should form the basis for children's programs."

It is, I think, most significant that all these principles were contained in the comprehensive child development bill which President Nixon last year vetoed.

Among these principles are: First, that healthy social, emotional, and physical development are as important as intellectual achievement; second, that different children have different needs and, therefore, require individual services; third, that children of all socioeconomic groups should have the opportunity to share in the same programs; fourth, that parents are the most important single factor in the development of the children, and that every effort, therefore, should be made to help parents improve the development of their children; and that fifth, because human development is a continuous process, programs for children should begin at conception and continue to the early years of school.

I might also, Mr. Speaker, draw attention to Dr. Zigler's expression of concern that—

> Thousands of children today receive the kind of day care which does not enhance a child's development and which in many instances may be seriously harmful.

What those of us in both the House and Senate who have been working on comprehensive child development legislation have been endeavoring to do is to write precisely the kind of legislation that embodies the principles and concerns of which Dr. Zigler has been speaking and of which he has been so great a champion.

I am confident that the time will soon come when Congress will again pass a child development bill and that a President will sign it into law. On that day, we shall recall with gratitude Dr. Zigler's tenacious and dedicated efforts on behalf of America's children.

Mr. Speaker, I include at this point in the RECORD the text of the letter of resignation of Dr. Zigler to which I have referred:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., June 30, 1972.

HON. ELLIOT RICHARDSON,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As you know, today I submitted to the President my resignation as Director of the Office of Child Development and Chief of the Children's Bureau. At the time of my appointment I made a commitment to serve as the first director of the Office of Child Development for a period of two years. Having fulfilled that commitment, I now wish to return to my research and teaching at Yale University.

When this Office was created, there was uncertainty among many of those concerned about children as to how significant this new organization would be in influencing Federal Government activities affecting the lives of children and their families. I believe that it is now recognized that OCD is an agency committed to high quality programs and is an effective advocate for children.

A number of factors have contributed to the success of the Office. Because of the special interest which you have displayed, as well as OCD's organizational position as part of the Office of the Secretary, children's needs have not been subordinated to those of more vocal and organized groups.

The functions assigned to this Office—advocacy, coordination, and the administration of Head Start—have been mutually reinforcing. Involvement with Head Start families has provided information about the needs of children; in turn, Head Start has been a vehicle for the demonstration of new approaches to services, advocacy, and coordination both at the Federal level and in communities.

Those who staff the Office of Child Development in Washington and in the Regional Offices have performed with remarkable skill and dedication. They are knowledgeable, effective, and deeply committed to improving the quality of life for all children and families.

Because of these factors, the past two years have been marked by several major achievements. The quality of Head Start has been improved, and new services such as Health Start, Home Start, and Parent and Child Advocacy Centers have reasserted Head Start as the nation's most innovative program for disadvantaged preschool children and their families. The Office of Child Development has conducted major social action research and demonstration programs in the areas of emergency services for families in crisis, foster care and adoption, and day care, to mention but a few. Through the Federal Interagency Panel on Early Childhood Research, OCD has led the first successful effort to coordinate all Federally funded research on the first eight years of life.

The Office has addressed the national need for personnel trained to care for children by creating a new profession, the Child Development Associate, in which certification will be based upon measured competence in caring for children rather than solely upon traditional academic degrees.

An OCD achievement with great potential significance has been the preparation of the 1972 Federal Day Care Requirements as well as the planning or quality day care services which would be made available under pending legislation. The Federal Day Care Requirements of 1972, which I have been deeply involved in designing, would help ensure that all children in Federally subsidized day care would be provided with educational and social experiences, health, nutrition, and other services essential for healthy development.

All of these efforts by the Office of Child Development are intended to reflect several principles which I believe should form the basis for children's programs: (1) healthy social, emotional, and physical development are as important as intellectual achievement; (2) individual children have different needs which require individualized services; (3) children of all socioeconomic groups should be able to participate together in programs; (4) parents are the most significant single determinant in the child's development, and every effort should be made to aid parents in enhancing their children's development; (5) human development is a continuous process, and programs for children at developmental risk should begin at conception and continue through the early school years.

While our current and planned efforts have moved us towards the kind of child care system that I envisioned, much remains to be done in the future.

I am concerned about the absence of continuity between programs directed at children of different ages. The lack of coordination of Federal child development programs with each other and with state and local efforts is a serious problem for which answers have proved elusive.

Very little has been done in our programs to bring about a mixture of children from various socioeconomic strata. So long as there are poor children who remain unserved, it is appropriate to direct our efforts to them. However, the idea that children of all social groups should share early experiences has become widely accepted, and I look forward to the achievement of this goal as funds and manpower become available.

I am also very much concerned about the fact that thousands of children today receive the kind of day care which does not enhance a child's development and which in many instances may be seriously harmful. Much of this care is subsidized by the Federal Government. Implementing and enforcing the 1972 Federal Day Care Requirements is a matter of highest priority.

On balance, I am pleased with what OCD has been able to accomplish in two years and am glad to have had this opportunity to play a role in shaping OCD and its approach to programs for children. I will watch legislative activity in this area with great interest in the months to come. It has been a privilege to work with you, and I shall always be available to be of assistance to you and to OCD in the future.

Sincerely,

Edward Zigler,
Director, Office of Child Development.

WOMEN WANT GREATER ROLE IN CREDIT UNION WORK

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in this age of women's lib it is gratifying to see that women are pushing for more representation in the business world.

To seek greater involvement in the credit union movement, a group headed by June Majors, treasurer of Western Electric Federal Credit Union in Syracuse, have formed the Association of Credit Union Women as a part of the Credit Union National Association.

The organization was formed because as June Majors puts it:

> I don't see any women at the top of any credit union organizations, on any of the national boards. We don't want to see just women behind the desks and counters. We want to see them out front and up top.

June Majors noted that at a recent advisory meeting of the National Credit Union Administration in Washington she was the only woman among 72 speakers. She hopes that the growth of ACUW will reverse this trend.

The July issue of the Credit Union magazine carries an extremely interesting article about the need for more representation by women in the credit union movement and discusses in detail the formation of ACUW. I am including the article in my remarks since it shows that the credit union movement is indeed a viable, forward-looking commitment to the future and a movement that provides publicity for worthwhile causes such as those of the ACUW rather than ignoring such important work.

The article follows:

Women Seek Greater Voice Through ACUW—Stepped up Recruitment Is Underway

(By Patricia J. Estevez)

There are women who want some doors opened, doors that lead to full career participation in the credit union movement. And they're not standing around waiting for a gentleman to come along. They've organized to get those doors opened.

They are the charter members of the Association of Credit Union Women.

Informally organized at the 1971 session of CUNA School, the association elected officers and adopted bylaws at its first national meeting held in conjunction with the CUNA meetings in May in Madison.

June Majors, treasurer of Western Electric Federal Credit Union in Syracuse, and a director of the New York League, was elected chairman. The association is her brainchild, conceived "after years of observing the lack of upward mobility by women in every level of credit union work."

Working with Ms. Majors to reverse this trend are the following regional representatives: Frances Sugarman, president, Boston Chapter, Malden, Mass., northeast region; Virginia Harris, manager, Madison Telco Credit Union, Madison, Wis., midwest region; Alma Neel, manager, Houston Telephone Federal Credit Union, Houston, Texas, southwest region; and Rosie Schultz, assistant manager, Washington State Employees Credit Union, Seattle, far west region.

All other regions of the country will be served by two directors-at-large, Louise Herring, manager of Post and Times-Star Credit Union and the Concora Credit Union, Cincinnati, Ohio, and Mrs. Elizabeth Wells, manager, Central Area Federal Credit Union, Seattle.

During an informational session for prospective members at the annual meeting, Ms. Majors talked about necessity for the organization. "I don't see any women at the top of any credit union organizations, on any of the national boards. We don't want to see just women behind the desks and counters. We want to see them out front and up top."

She stressed that in order for the organization to succeed, women would have to join and support it wholeheartedly.

Ms. Herring, who was one of the original signers of CUNA's charter at Estes Park, Colorado in 1934, was quick to agree with Ms. Majors on the need for the association. She said, "I think this is a great idea! Why, right now there are no women department heads in any of the organizations in the movement. We need them, and not just because they are women but because they are competent and capable."

She reminded the group that she had written in *The Credit Union Magazine's* August 1971 "Page of Opinion" that the movement is in the hands of "elderly, affluent, white males."

Ms. Herring emphasized the danger of older people failing to make way for younger people to move up into positions of responsibility. She told the group "We have to fight 'lip service' given to minority groups. Those in charge do not really want women, blacks, youth and other minorities involved because the boards do not wish to give up their positions of power."

Ms. Majors concurred, adding "there will be no future in the movement for women and other minorities unless we make it ourselves."

Right now the association is attempting to make itself known to women through regional representatives and distribution of the quarterly newsletter "The Broadview."

The leaders see it assuming a lead in the credit union education of women by making them aware of how they can advance, what workshops and seminars are available in their areas. They would like those women who are happy and satisfied with clerical work to be encouraged to stay in the credit union field. They would like to see women who want to assume other types of responsibility to have the chance to move up as far as their potential will take them.

Even though right now it is more or less in the conscious-raising stage, eventually the association would like to have the resources to offer its own educational programs, with chapters operating on a local and state level.

Until that is possible it will continue to have meetings in conjunction with the other credit union organizations having women members. For example, women in the Credit Union Executives Society were invited to a breakfast meeting of the association held during the Society's conference last month in Las Vegas.

Membership is open to any women involved in any type of credit union activity—volunteer or paid, clerical or professional. Dues are $10 annually, with an additional $25 for charter membership.

Three special honorary memberships have been awarded. Mrs. Roy Bergengren, widow of the credit union pioneer, was given this honor at the May meeting. The other honorary members are Herb Wegner, CUNA's managing director; and Richard H. Grant, chairman of the National Credit Union Board and treasurer-manager of Pease Air Force Base Federal Credit Union, New Hampshire.

Ms. Majors is optimistic about the association's future growth. "I think," she stated, "we should sign up 10 per cent of the women managers in the coming year."

She noted that at the March advisory meeting of the National Credit Union Administration in Washington, D.C., she was the lone woman among 72 speakers. She hopes to have greater feminine representation the next time around.

NATIONAL CREDIT UNION ADMINISTRATION HELPS CREDIT UNIONS HIT BY RECENT FLOODS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the recent floods in South Dakota and those resulting from Hurricane Agnes caused not only extensive damage to homes and businesses but also damaged a number of credit unions.

The impact of a credit union being flooded out could have had a serious economic impact on the credit union members, but it appears that due to the work of the National Credit Union Administration, the flooded credit unions will suffer only short interruptions in service to their members.

Fortunately, only one Federal credit union suffered extensive damage as a result of flooding in South Dakota, but unfortunately Agnes was not as charitable. Some 40 federally chartered or federally insured credit unions in the Boston and Harrisburg Federal credit union regions were damaged by the flood waters of Hurricane Agnes.

In order to assist these credit unions, the National Credit Union Administration set up emergency offices in Wilkes-Barre and in addition sent supplies to affected credit unions on an emergency basis. Because of the work of the National Credit Union Administration and the dedication of credit union workers in the various damaged credit unions, most of the credit unions were able to reopen a few days after the storm hit.

The following letter from National Credit Union Administrator Herman Nickerson shows the type of assistance that was provided by NCUA as a result of the hurricane.

Although such emergency assistance is fortunately only needed on rare occasions, it is gratifying to know that when such emergencies do arise that NCUA is prepared to act quickly.

The letter follows:

NATIONAL CREDIT UNION ADMINISTRATION,
Washington, D.C., July 7, 1972.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, Washington, D.C.

DEAR MR. PATMAN: As you know, Tropical Storm Agnes created disaster and tragedy over a wide area of the northeast and especially hard hit by the torrential rains and resultant flooding were sections of the States of Virginia, New York and Pennsylvania.

I am outlining below a "condition report" and a "remedial action" report for your information.

No damage to Federal credit unions in Regions III (Atlanta, Georgia), IV (Toledo, Ohio) and VI (San Francisco, California).

Region V (Austin, Texas):

One Federal credit union lost a building through flood damage. This was the structure used by the Black Hills Employees Federal Credit Union in Rapid City, South Dakota. The credit union loss of the building and office equipment approximates $25,000.

Region I (Boston, Massachusetts):

Five Federal credit unions in the Corning, New York, area sustained varying amounts of damage.

Three of these credit unions are now back in operation.

Two suffered severe damage to records and equipment. These two credit unions have relocated their offices. Records are being dried and one of these Federal credit unions is back in operation.

Heaviest damage was sustained in the Wilkes-Barre, Pennsylvania, area with lesser damage in Richmond, Virginia.

A total of 29 Federal credit unions suffered damage to equipment and records with 6 federally insured state-chartered credit unions also sustaining water damage. Records are being dried and these state-chartered credit unions are now partially operational.

I have established an emergency office in the Mackin Elementary School in Wilkes-Barre in an effort to render all possible assistance to credit unions and credit union members. This office was in operation on June 28, staffed by the National Credit Union Administration Regional Director, in addition to several examiners. Congressman Dan Flood visited this office and appeared pleased to see us "in the field."

As you know, many of the Federal credit union records were under water. Contact between the National Credit Union Administration personnel and credit union officials had been next to impossible. On June 29, I sent a letter to the affected credit unions, advising them of our emergency office. A copy of this letter is attached. The Regional Director had already made many spot announcements on 14 radio stations and 2 TV stations in the Wilkes-Barre area.

My examiners in Wilkes-Barre have been successful in retrieving records from a number of credit union treasurers' homes and from the flooded rooms which had been occupied by credit unions when the storm hit. Record retrieval has been exceedingly difficult, what with several inches of slime, mud, human waste, decayed food and other matter occupying many flooded offices.

In more than one instance, credit union members' currency has been located intact inside a water tight safe in a credit union treasurer's home.

Our examiners, in collecting the various water-damaged records, have taken these documents to their own homes to dry. Office supplies were nonexistent in the flood zone, so I took steps to send a truck load of necessary supplies and equipment from the NCUA warehouse, located in Alexandria, Virginia, direct to the emergency offices. The supplies were hand delivered by our examiners to the credit union offices requiring them so that the credit unions might remain in operation for the benefit of their members. A supply depot was established in our emergency office and area credit union officials were notified of this so they could make arrangements to drop by and pick up the supplies they required.

I am offering NCUA funds to all Federal credit unions and to federally insured state credit unions, at a favorable rate of interest, so that credit union members may obtain short-term cash loans through their credit unions to meet current emergency bills, such as food, clothing and other necessary items, and to allow share withdrawals.

As of this date, all but 12 Federal credit unions are operational and are providing varying degrees of day-to-day service to their membership. Eight of these twelve credit unions will be operational in a few days. Three of them are located in flood areas where industrial plants have either been severely damaged or totally destroyed. One of these credit unions field of membership is city school employees, but the school was completely destroyed by the flood.

I can assure you I will continue to assist these credit unions until all their problems have been solved.

Sincerely,

HERMAN NICKERSON, Jr.,
Administrator.

THE OUTSTANDING CAREER OF MAJ. GEN. LEO C. LEWIS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am very proud that an outstanding military officer from my congressional district has recently been honored with the Distinguished Service Medal. This is but one of many important milestones in the fine career of a very able officer.

He is Maj. Gen. Leo C. Lewis, son of my long-time friend Frank E. Lewis. Both are from Pensacola in Florida's first and finest district. General Lewis distinguished himself as vice commander of the Eighth Air Force at Guam. In this role, he flew many missions for SAC over Southeast Asia. Instrumental in bringing about important equipment modifications through Air Force Headquarters, General Lewis, through the use of the equipment, was able to achieve a 99.8-percent primary target reliability for the aircraft under his command. Under his leadership, three Eighth Air Force maintenance squadrons out of a possible four were named most outstanding squadrons of their type in SAC.

General Lewis was born in Pensacola and graduated from Pensacola High School. Entering the Air Force in February 1942, General Lewis went on to fly 25 combat missions over Europe in the B–17 and later he flew 27 combat missions in the B–29 against Japan. In 1948, he joined SAC and since that time, through force of personality and outstanding qualities of leadership, has given that important arm of our national defense and patriotic and dedicated service.

Currently, General Lewis is vice commander of the 15th Air Force headquartered at March Air Force Base, Calif. There he is continuing to fill an important mission for our Nation and the entire free world.

The award of the Distinguished Service Medal for his work in Southeast Asia is but the latest of a significant series of medals and decorations to his credit. In addition, he wears the Legion of Merit with two Oak Leaf Clusters, the Distinguished Flying Cross with two Oak Leaf Clusters, the Air Medal with eight Oak Leaf Clusters, the Presidential Unit Citation Emblem with two Oak Leaf Clusters, and the Air Force Outstanding Unit Award Ribbon with two Oak Leaf Clusters.

He is a rated navigator and command pilot with more than 8,500 hours flying time including over 4,000 hours in jets.

The distinguished career of General Lewis is a credit to the Air Force and to his Nation. It is a source of pride and pleasure to his family, to the people of his hometown of Pensacola who have followed his career with close interest, and to those for whom he has provided an example of courageous and able leadership throughout the military services.

COOPERATIVE APARTMENT ELIGIBILITY UNDER SECTION 216 OF THE INTERNAL REVENUE CODE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on June 30, before the House adjourned, I introduced H.R. 15837 to amend the Internal Revenue Service Act of 1954 to include corporations and other associations in the definition of the term "tenant stockholder" for the purposes of determining eligibility under section 216. This section allows "tenant stockholders" to deduct their pro rata share of interest and taxes paid by the cooperative housing corporation; before these deductions are allowed, however, the cooperative must demonstrate that 80 percent or more of its gross income is from "tenant stockholders."

Presently, a "tenant stockholder" is defined in section 216(b)(2) as "an individual who is a stockholder in a cooperative housing corporation, and whose stock—is attributable to the house or apartment which such individual is entitled to occupy." H.R. 15837 would simply change the word "individual" to "person" in the two places it appears in section 216(b). "Person" is defined in section 7701(a)(1) of the code as including individuals, corporations, trusts, et cetera.

The need for the change I am proposing became evident in the decision handed down by the U.S. Court of Appeals on December 10, 1971, in Eckstein against United States. The case involved a newly formed coop in my congressional district which was trying to qualify as a "cooperative housing corporation." The "sponsor" of the project had provided that if any of the apartments were not sold by a certain time, it would procure nominees to accept the liabilities of "tenant stockholders." Eighty of the 101 units were sold and 21 were assigned to the president of the "sponsor" corporation who took them as nominee for the "sponsor." Commercial rents were scheduled to be less than 20 percent.

The court held that the income from the nominee was not income from a "tenant stockholder" since the nominee represented the "sponsor" who was the actual holder of the stock; the "sponsor" was a corporation and thus was not an "individual" within the meaning of the statute.

The court's decision disallowed a deduction by the 66 tenant stockholders in that cooperative for the taxable year in question—not because of an unacceptable percentage of commercial rents, but rather because some of the apartments had not been sold and even though the liabilities for these apartments had been accepted by the nominee of the "sponsor."

The amendment I am proposing to the code would make a difference for most cases only in the first few years of a coop's existence since the remaining apartments are eventually sold. It would simply remove the present penalty for the initial tenant stockholders in a new coop. Furthermore, there will always be instances in which apartments in cooperatives may be bought by corporations to be used by visiting or relocating employees. It is reasonable that income from these corporate held apartments qualify as income from "tenant stockholders."

At this time, I insert for printing in the RECORD, the text of H.R. 15837:

H.R. 15837

A bill to amend section 216 of the Internal Revenue Service of 1954 to include corporations and others within the definition of the term "tenant-stockholder" for purposes of the provisions relating to cooperative housing corporations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 216(b) of the Internal Revenue Code of 1954 (defining the term "tenant-stockholder" in the case of cooperative housing corporations) is amended by striking out "an individual" and inserting in lieu thereof "a person", and by striking out "such individual" and inserting in lieu thereof "such person".

TO EXTEND OUR COMMITMENT TO THE ELDERLY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, one of the gravest failures of our country has been its neglect of the needs and rights of our senior citizens. In New York City 12 percent of the population, 947,878 persons, are over 65. Our older citizens are experiencing a difficult time meeting their everyday minimum financial needs, and they are especially hard hit by inflationary food prices, escalating medical costs, and rising rents.

I am happy to see that today the House is considering H.R. 15657, Amendments to the Older Americans Act of 1965, which would extend, strengthen, and modify present grant programs. The accomplishments of this program thus far have been significant. Group meals and home delivered meals were provided to thousands of older persons to help solve the nutritional problems of the elderly. In many cases these meals were prepared and delivered by older persons. Transportation services enabled the elderly to keep doctor's appointments, to go to health clinics and food stamp offices, to make trips at a distance and visits to senior citizen centers. Visiting nurses and in-home health aides were provided for the home-bound elderly and for the handicapped. Senior citizen centers were created offering recreation, volunteer services, adult education, and job training opportunities. Such successful programs as the foster grandparent program and the retired senior volunteer program originated as part of this act.

These amendments now before us would strengthen the administrative apparatus of the Administration on Aging and the State agencies on aging. In addition, it will establish a National Information and Resource Center and will provide for the construction of additional multipurpose senior centers. Present programs will be extended in order to reach a much greater number of needy senior citizens. The Older Americans Act of 1965 began this country's serious commitment to assist the elderly, and I know my colleagues here in Congress will follow through on this commitment and enact these most important amendments.

In connection with this legislation, I would like to discuss three other bills which I have introduced to help relieve the income restrictions now imposed on older Americans now pending before congressional committees:

H.R. 844

One of the first bills I introduced in this Congress was H.R. 844 to eliminate the income limitation for those receiving social security benefits. Because of the low-income eligibility levels written in our present law, we are, in fact, committing our senior citizens to a standard of living no better than the poverty levels established by both the Office of Economic Opportunity and the

Bureau of the Census. The present law now sets a maximum income from wages of $1,680 per year for those eligible for social security benefits up to age 72. Income earned in excess of $1,680 up to $2,880 is reduced $1 for every $2 earned. If a person's income exceeds $2,880, he or she receives no social security benefits. This limitation applies regardless of how many dependents the individual has. H.R. 844 is designed to correct this unfair situation. It is unfair for two primary reasons:

First, money which is included within this income restriction under social security is limited only to wages. It does not include income received from other sources such as bonds, and other investments. This hits at those who must work, and who do not have savings, investments, or other forms of supplementary income.

Second, the incentive to work is reduced because an elderly person is penalized if he or she works in order to supplement a meager earning.

H.R. 13190

A number of my senior citizen constituents who are widows or widowers have complained that the present provision in the social security law terminating or reducing widow's or widower's benefits upon remarriage has the effect of chilling, for financial reasons, the desire to remarry. Let me explain what they mean. Under the present law, a widow receives 71.5 percent of her husband's benefits upon reaching the age of 60 and receives 82.5 percent of these benefits at age 62, and the widower receives 82.5 percent of his wife's benefits at age 62. Once the widow or widower remarries, however, these benefits are reduced to 50 percent, provided he or she is over 60. If the widow or widower is under 60 upon remarriage, the benefit eligibility is terminated entirely. Thus, in effect, these laws compel senior citizens to live lives of loneliness or to have relationships without the benefit of marriage.

What my bill would do would be to eliminate those provisions in the social security laws whose effect is to terminate or reduce the widow's or widower's benefits upon remarriage.

H.R. 13839

Most of us know from personal family experience how elderly persons are often frustrated in their desire to work. They want to work not only to supplement their minimum social security benefits but also to continue to be active and productive citizens. Unfortunately, senior citizens are too often shunted aside and find it difficult to find employment.

I have introduced the Senior Citizens Job Corps Act of 1972, H.R. 13839, to provide 50,000 jobs for persons of low income who are 62 years and older. It authorizes the Secretary of Labor to enter into contracts, with public and nonprofit agencies, to hire on a part time basis elderly citizens to be paid at a rate not less than the Federal minimum wage. Members of this Senior Citizens Job Corps could work as many hours as they want, as long as the total amount does not exceed the level at which social security benefits are reduced.

The great historian Arnold Toynbee once said:

> Society can be measured by the respect and care given to its elderly citizens.

I ask whether the discrimination, forgetfulness, and lack of care now afforded our senior citizens gives our country a very good "measure"? I think not. The situation must be changed, and I intend to do whatever I can to truly make the "Golden Years" golden—instead of filled with despair.

THE COURT AND CONGRESS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I indicated in remarks in the CONGRESSIONAL RECORD of June 30, 1972, at page 23881, that the Joint Committee on Congressional Operations, of which I have the honor to serve as chairman, was preparing a special report containing the full text of the decisions of the Supreme Court on June 29, 1972, in the Brewster and Gravel cases. (*United States* v. *Brewster*, 40 U.S.L.W. 4996 (U.S. June 29, 1972); *Gravel* v. *United States*, 40 U.S.L.W. 5053 (U.S. June 29, 1972).)

This report, as part of the joint committee's continuing series of reports on "Court Proceedings and Actions of Vital Interest to the Congress," was distributed to the office of every Member on Saturday, July 8, 1972.

It is my hope that, with the text of these decisions now available, every Member will give his or her serious attention to this latest interpretation by the Supreme Court of the speech or debate clause of the Constitution—article I, section 6, clause 1—which provides that—

> For any Speech or Debate in either House, they (the Senators and Representatives) shall not be questioned in any other place.

This past weekend, in a two-part editorial devoted to "The Court and Congress," the Washington Post commented on these decisions. I believe this editorial rightly alerts the public to the potential impact of these decisions on their relationships with their elected representatives. It urges every Member of Congress, as well, to consider how these decisions may seriously affect the operations of the Congress.

The editorial, which appeared in the Washington Post on July 15 and 16, 1972, follows:

[From the Washington Post, July 15, 1972]

THE COURT AND CONGRESS (I)

In its decisions in the Gravel and Brewster cases, the Supreme Court has drawn a picture of Congress which many congressmen and many of their constituents will find neither accurate nor appealing. At issue in both cases was the scope of the constitutional guarantee of legislative freedom from executive harassment, set forth in the clause providing that "for any speech or debate in either house, they [senators and representatives] shall not be questioned in any other place." While this clause is not a grant of blanket immunity from criminal prosecution—it does not shield congressmen from prosecution for such things as tax evasion and perjury—the protection has historically covered things which members of Congress generally say and do in the process of enacting legislation. Now, however, the court has defined that process in ways which not only show little grasp of the real workings of the modern congress but may also expose important aspects of the legislative business, as it is practiced day to day, to considerable partisan mischief and incursions by federal investigators, prosecutors and grand juries.

In the case involving Senator Mike Gravel, the central issue was whether the speech and debate clause prohibits a grand jury from questioning the Senator or his staff about the "Gravel edition" of the Pentagon Papers, which the Senator read into the record of a subcommittee hearing and which was later privately printed. The court first ruled sensibly that staff aides to congressmen "must be treated as the latter's alter ego," with all the immunity which members themselves enjoy. But the court here then proceeded to limit that immunity to matters which "must be an integral part of the deliberative and communicative processes by which members participate in committee and House proceedings" on legislation. Since the publication of the Pentagon Papers by Beacon Press "was in no way essential to the deliberations of the House [of Congress]," the court's majority said, the grand jury may inquire into that and into every other facet of the matter except the subcommittee meeting itself—including the source of the papers and any "third-party crimes" that might be involved.

This decision is extremely troubling because it declares, in effect, that the only communications essential to the legislative process are those *among congressmen*. This relegates to a lesser realm the constant, churning traffic in ideas and opinions between congressmen and citizens. Yet this communication is central to the idea and functioning of representative government, not peripheral as the court seems to think.

We have previously expressed concern about the low value which the present court appears to assign to the free flow of information to and from citizens. The Gravel decision may seriously retard that flow, just as may the decision denying newsmen a privilege to hold certain information in confidence. If senators and congressmen may publish controversial material with impunity only in the small print of committee hearings and the Congressional Record, many segments of the public simply will never learn important facts, dissenting views, and the countless small bits of legislative work which travel unreported by the media. To the extent that it may squelch congressional minorities and mavericks, the Gravel decision buttresses the already alarming command of public opinion enjoyed by the executive branch and the dominant factions in Congress.

The decision may also severely crimp the flow of information from citizens to their representatives. If congressmen may no longer shield their sources from the scrutiny of grand juries, those sources are far less likely to bring in the elusive, enlightening snatches of sensitive material on which valuable Capitol Hill investigations and actions often hinge. A civil servant or an "ordinary citizen" of modest means and no particular influence is far less likely to raise impertinent questions about public policy if his communications with his congressman can no longer be kept confidential. The newsmen's privilege cases will be costly to the country in terms of the stories that will never be written; the Gravel decision will be equally expensive in terms of the legislative probes never launched, bills never enacted, and citizens never aroused to cope with abuse of executive authority, misuses of federal funds, unprosecuted felonies, and other ills which an effective Congress ought to remedy.

The real, intricate, unorderly process of legislating does not begin or end when congressmen convene in a chamber or hearing room to deliberate among themselves. By drawing the boundaries of the speech and debate clause at the doors of those chambers and hearing rooms, a majority of the court has grossly demeaned the essential role of public opinion and—as we will discuss further in connection with the Brewster case—has placed in jeopardy even the most honest types of accords between representatives and those they represent. The concept of Congress displayed in these decisions is a simplistic, perhaps wishful one which bears little resemblance to the ways a legislature either does function or should serve.

[From the Washington Post, July 16, 1972]

THE COURT AND CONGRESS (II)

In the Gravel case, as we have noted, the Supreme Court drew the boundaries of the speech and debate clause at the doorways of congressional chambers and hearing rooms, suggesting that business transacted inside those doorways is protected from executive or judicial scrutiny and business outside is not. In the case involving former Senator Daniel B. Brewster, the Court had an opportunity to decide how sweeping an immunity Members of Congress enjoy within the legislative sphere—in this instance, whether the Justice Department could prosecute Mr. Brewster for allegedly accepting a bribe to influence certain votes and actions on postal rate legislation. Instead of dealing with that general question, however, the Court embarked on a skewed line of reasoning which leads to a vast realm of new problems for congressmen and their constituents.

When the matter of congressional immunity from criminal prosecution was posed in the case involving Rep. Thomas F. Johnson in 1966, the Court held that the speech and debate clause "generally forecloses" executive or judicial inquiries into a congressman's legislative actions, including floor speeches and votes, or the motivations behind such conduct. At that time, however, the Court expressly "left open for consideration" the constitutionality of a prosecution which, although it might involve legislative acts, was "founded upon a narrowly drawn statute" enacted by Congress to regulate its members' conduct.

We—and almost everyone else—had thought the Brewster case raised that question squarely, but the Present Court avoided it in a dazzling display of something which passes for logic. The Court managed to decide in favor of prosecution not by extending the legal arm into the legislative arena, but by plucking the bribery out. "The illegal conduct," Chief Justice Burger wrote for the majority of the Court, "is taking or agreeing to take money for a promise to act in a certain way. . . . It does not matter whether the promise . . . was for the performance of a legislative act," because the act itself became irrelevant.

This overly clever distinction between promise and performance raises enormous, unnecessary difficulties. As Justice White wrote in a strong dissent, the decision will not promote the goal of legislative freedom from intimidation: "It will be small comfort for a congressman to know that he cannot be prosecuted for his vote, whatever it may be, but he can be prosecuted for an alleged agreement even if he votes contrary to the asserted bargain."

More broadly, the zeroing in on "promises" offers politically energized prosecutors lush new fields in which to fling about aspersions on the conduct of congressmen. Has a representative promised to vote for certain tax preferences? Has a senator pledged to follow a union's (or a business group's) line? Find a related campaign contribution (readily located, if it exists, under the new disclosure law) and seek an indictment. By the time the evidence or lack of it has been explored, the damage to the legislator's reputation will have been achieved—regardless of what he actually did.

The possibility of such slanderous sport is not likely to promote honesty on Capitol Hill, but instead to drive venality further underground. As Justice White suggested in a dissent excerpted For the Record elsewhere on this page, it *is* likely to inhibit the legitimate, if often mysterious, interplay of pressures and promises which fuels and drives the real workings of Congress. It is also likely to generate new public mistrust of a political system which is already ethically gray and suspect enough.

Through these decisions, then, the Court has created a setting in which congressmen are insulated from prosecutions only when they are isolated from the people—a Congress which is only protected when it talks to itself. By this peculiar reading of the speech and debate clause, the Court has inhibited candid speech and vigorous public debate, precisely those qualities that clause was designed to protect because those are the most vital attributes of a truly representative legislature. It should not take Members of Congress very long, regardless of their personal feelings about Senator Gravel or Mr. Brewster, to recognize the far-reaching institutional challenges which the Court has flung across the street.

[From the dissenting opinion of Justice White in U.S. *v.* Brewster]

FOR THE RECORD: JUSTICE BYRON WHITE ON CONGRESSIONAL CONDUCT

Ours is a representative government . . . Campaigns are run on platforms which include statements of intention and undertakings to promote certain policies. These promises are geared, at least in part, to the interest of the congressman's constituency . . . It has never been thought unethical for a Member of Congress . . . not only to listen to the petitions of interest groups in his state or district, which may come from every conceivable group of people, but also to support or oppose legislation serving or threatening those interests . . .

(A legislator) must also keep in mind the potential effect of his conduct upon those from who he has received financial support in the past and those whose help he expects or hopes to have in the next campaign . . . Constituent contributions to a congressman and his support of constitutent interests will repeatedly coincide in time or closely follow one another. It will be the rare congressman who never accepts campaign contributions from persons or interests whose view he has supported, or will support, by speech making, voting or bargaining with fellow legislators.

All of this, or most of it, may be wholly within the law and consistent with contemporary standards of political ethics. Nevertheless, the opportunities for an executive, in whose sole discretion the decision to prosecute rests . . . to claim that legislative conduct has been sold are obvious and undeniable. These opportunities, inherent in the political process as it now exists, create an enormous potential for executive control of legislative behavior by threats or suggestions of criminal prosecution—precisely the evil which the speech or debate clause was designed to prevent.

U.S. POSTAL SERVICE IMPROVING

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, Chris Brady, our congressional liaison representative from the U.S. Postal Service, informed me today of some of the progress being made by the new system in recent months. When the change was made from Government supervision to private ownership I received a great number of complaints from my congressional district as to the delay in synchronizing the new operation and changes in the supervision which resulted in inefficient mail operation throughout the Nation.

I am glad to report that the long-delayed completion of construction of new post offices, including my district, has been terminated and action on the part of the Postmaster General will begin the building of new post offices throughout the nation.

Mr. Speaker, I wish to incorporate with my remarks a report submitted to me by Mr. Brady:

POSTAL REPORT

The U.S. Postal Service has just observed its first anniversary as an independent corporation. During this period, it has registered some significant improvements in mail service and operational procedures, and these offer real encouragement that even greater advances are on the way. A list of some of the more important improvements achieved in the 1972 Fiscal Year follows:

I. Rural Free Delivery was extended to 100,000 more families, bringing the grand total to nearly 13 million.

II. City delivery was extended to about one million families, increasing the total to about 54 million families.

III. Ninety-five percent of all local-area mail is now being delivered the day after it is deposited in the post office. This is a major improvement indeed.

IV. More than 95 percent of all airmail originating within the continental United States is being delivered within 48 hours. The same percentage of airmail destined for cities within a 600-mile radius is being delivered overnight.

V. A nationwide economy program designed to hold the line on costs and avoid the necessity for a $450 million postage rate increase scheduled for January 1973 has been instituted by Postmaster General Ted Klassen.

VI. Construction was started on two additional bulk mail facilities—at Chicago and Washington—that will be part of a nationwide network designed to expedite the damage-free, timely delivery of parcels. The network is expected to be completed by 1975.

VII. Plans were announced to install high-speed electronic mail-processing systems in 40 additional post offices, raising the total to 190; 44 air taxi routes were added—there are now 151, a record number, and 42 surface routes were inaugurated to supplement the 32 that already were in operation. The objectives here, of course, are to effect still greater improvements in delivery schedules.

VIII. Downtown-to-downtown express mail service between 33 major cities was introduced. It provides a money-back guarantee on overnight service between selected post offices in these cities.

IX. The Postal Service signed with its employee unions a historic agreement—the first labor contract in the history of the Federal Government to be achieved through collective bargaining.

X. Environmental improvements were started in 895 post offices from coast-to-coast to give employees and customers more effective facilities in which to work and transact business.

Mr. Speaker, I commend Ted Klassen and his staff for a job well done. I am sure that there will be no let down in the efforts of the Postal Service to provide the American people with the finest mail service that is humanly possible.

TRIBUTE TO MRS. CAROLINE COOPER

(Mr. SISK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SISK. Mr. Speaker, I am fortunate to have in my constituency a most unusual woman, one who is perhaps unique. Yet, in a way she is part of a trend—a trend toward broader interests and more active participation by our senior citizens in the affairs of society. All of us benefit from the interest and valuable experience of the men and women who have had full careers and who, after retirement, enter upon new careers, new lives perhaps nearer to their hearts' desires. Such a woman is Mrs. Caroline Cooper.

Mrs. Cooper was graduated from California State University at Fresno this past June. So were a lot of young people. But Mrs. Cooper began her college education at the age of 76. This remarkable woman had spent most of her adult life as a cook in other people's homes. Many of her friends and neighbors asked why she, a Negro woman well into her seventies, would choose to seek a college degree. Her answer was that she wanted to enter the world of ideas and knowledge that only education could open to her.

She chose the oft-neglected field of classical studies—and undaunted by a heart attack, operations for eye cataracts, and leg problems that finally made it necessary for her to use a wheelchair—she went on to graduate last month at the age of 82, receiving her bachelor's degree to the resounding applause of the commencement audience. But that is not the end of the story. Mrs. Cooper is looking forward to continuing her studies for a master's degree. She believes that education is its own reward, and is eager to go on to new levels of understanding.

I think there is an example and a lesson for us all in this fine woman's courage and achievement. There is no cutoff point for enlargement of the spirit. Elder Americans such as Mrs. Cooper are blazing new trails, entering upon new lives—refusing to recognize any boundaries of service and satisfaction in living.

In recognition of Mrs. Cooper's achievement, the Fresno Bee on June 10, 1972, published the following editorial which admirably sums the matter up:

The Education of Caroline Cooper

When Mrs. Caroline Cooper was graduated from Fresno State University this week everyone talked about what a remarkable thing she had done in spite of her age. That is accurate enough. How many people start their college education at 76 and complete it at 82—and then make plans to study for a master's degree?

However, it is just a little patronizing to dwell solely on age, Mrs. Cooper has long since transcended the limitations of her years—a heart attack which put her on the sidelines briefly, operating for eye cataracts, leg problems which finally consigned her to a wheelchair. She has demonstrated in the academic field what has been demonstrated in other fields—that old age need not be a shriveling, lonely time when nothing can be accomplished.

Just as important as her age is Mrs. Cooper's extraordinary drive to learn for learning's sake.

"All the years I was cooking in someone else's house I longed so to read, to get an education," she says. Not necessarily as a ticket to something better but as a way of expanding her world, of making sense out of where we have been and where we are.

So she finally took classical studies at FSU, a field which so many would contemptuously dismiss—in the jargon of our times—as "irrelevant."

Mrs. Cooper knows better. More than a geriatric success story, her graduation is a symbol for those who still believe an education need not be vocationally centered to be worthwhile.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Mitchell (at the request of Mr. O'Neill), from 2 p.m. until close of business today, on account of emergency at the Maryland Penitentiary in Baltimore.

Mr. Podell (at the request of Mr. O'Neill), for week of July 17, on account of illness.

Mr. Pryor of Arkansas (at the request of Mr. O'Neill), for today and Tuesday, July 18, on account of official business.

Mr. Ryan (at the request of Mr. O'Neill), for today through Friday, July 28, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Ware) to revise and extend their remarks and include extraneous matter:)

Mr. Wyman, for 15 minutes, today.

Mr. Anderson of Illinois, for 30 minutes, today.

Mrs. Heckler of Massachusetts, for 15 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous matter:)

Mr. Aspin, for 5 minutes, today.

Mr. Wolff, for 30 minutes, today.

Mr. Lennon, for 10 minutes, today.

Mr. Danielson, for 10 minutes.

Mr. Brademas, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Price of Illinois, his remarks on the bill, H.R. 14537, during the Consent Calendar today.

Mr. Sikes and to include extraneous matter in five instances.

Mr. Edmondson and to include extraneous matter in two instances.

Mr. Begich to extend his remarks on H.R. 5621, Consent Calendar, today.

Mr Rogers to extend his remarks after the vote on the Older Americans Services Amendments of 1972.

Mr. Schmitz and to include extraneous matter notwithstanding an estimated cost of $437.50.

(The following Members (at the request of Mr. Ware) and to include extraneous matter:)

Mr. Schwengel.

Mr. Scherle in 10 instances.

Mr. Young of Florida in five instances.

Mr. King in five instances.

Mr. Buchanan in two instances.

Mr. Zwach.

Mr. Baker.

Mr. Widnall in two instances.

Mr. Hosmer in two instances.

Mr. Wyman in two instances.

Mr. Davis of Wisconsin.

Mr. Schmitz in 10 instances.

Mr. Steiger of Wisconsin in two instances.

Mr. McCloskey.

Mr. Ashbrook in three instances.

Mr. Railsback in two instances.

Mr. Bob Wilson.

Mr. Bell.

Mrs. Heckler of Massachusetts in three instances.

Mr. Steele.

Mr. Heinz.

Mrs. Dwyer in four instances.

Mr. Shriver in two instances.

Mr. Peyser in five instances.

Mr. McDade.

Mr. Duncan.

Mr. Landgrebe.

Mr. Dickinson.

Mr. Rhodes in five instances.

Mr. Gerald R. Ford.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Rostenkowski.

Mr. Montgomery.

Mr. Fraser in five instances.

Mr. Eilberg in 10 instances.

Mr. Brinkley.

Mr. William D. Ford in two instances.

Mr. Rodino.

Mr. Conyers in 10 instances.

Mr. Waldie in two instances.

Mr. Jacobs.

Mr. Harrington in two instances.

Mr. Bevill.

Mr. Hanna.

Mr. Downing.

Mr. Van Deerlin.

Mr. Begich in two instances.

Mr. Mahon.

Mr. Anderson of California in two instances.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Dow.

Mr. Zablocki in two instances.

Mr Kastenmeier.

Mr. Daniels of New Jersey.

Mr. Boland.

Mr. Johnson of California

Mr. Edwards of California in two instances.

Mr. Madden.

SENATE BILLS, JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1497. An act to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2469. An act for the relief of Kenneth J. Wolff; to the Committee on the Judiciary.

S. 2499. An act to provide for the striking of medals commemorating the one hundred and seventy-fifth anniversary of the launching of the United States frigate Constellation; to the Committee Banking and Currency.

S. 3772. An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes; to the Committee on Armed Services.

S.J. Res. 247. Joint resolution extending the duration of copyright protection in certain cases; to the Committee on the Judiciary.

S. Con. Res. 73. Concurernt resolution relating to the XXVth Congress of the Interallied Confederation of Reserve Officers to be held in Washington, D.C., the week of August 7, 1972; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4679. An act for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena;

H.R. 9410. An act to amend title V of the Social Security Act to extend for 1 year (until June 30, 1973) the period within which certain special project grants may be made thereunder;

H.R. 11774. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system is order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes; and

H.R. 15390. An act to provide for a 4-month extension of the present temporary level in the public debt limitation, and for other purposes.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The Speaker announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 245. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; and

S.J. Res. 250. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on July 1, 1972 present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 4494. An act for the relief of Mrs. Latife Hassan Mahmoud;

H.R. 4679. An act for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena;

H.R. 9410. An act to amend title V of the Social Security Act to extend for 1 year (until June 30, 1973) the period within which certain special project grants may be made thereunder;

H.R. 11774. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes;

H.R. 14734. An act to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes;

H.R. 15259. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes;

H.R. 15390. An act to provide for a 4-month extension of the present temporary level in the public debt limitation, and for other purposes;

H.R. 15507. An act to amend the National Captial Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes;

H.R. 15585. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes;

H.J. Res. 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes; and

H.J. Res. 1238. Joint resolution making a supplemental appropriation for disaster relief.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 18, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(*Pursuant to the Order of the House on June 30, 1972, the following report was filed on July 1, 1972*)

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 13152. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; with an amendment (Rept. No. 92-1218). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2133. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1973 to aid the victims of Tropical Storm Agnes (H. Doc. 92-325); to the Committee on Appropriations and ordered to be printed.

2134. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to remove the 4-year limitation of additional active duty that a non-Regular officer of the Army or Air Force may be required to perform on completion of training at an educational institution; to the Committee on Armed Services.

2135. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report on property acquisitions of emergency supplies and equipment during the quarter ended June 30, 1972, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2136. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1971, through April 1972, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2137. A letter from the Equal Employment Opportunity Coordinating Council, transmitting the annual report of the Council, pursuant to section 715 of Public Law 92-261; to the Committee on Education and Labor.

2138. A letter from the Secretary of the Treasury, transmitting a report on foreign credits by the U.S. Government as of June 30, 1971, pursuant to section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2139. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting a copy of Secretarial Determination 72-3, pursuant to section 620(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2140. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting a quarterly report for the period ended December 31, 1971, on the programing and obligation of contingency funds, pursuant to section 451(b) of the Foreign Assistance Act of 1961; as amended; to the Committee on Foreign Affairs.

2141. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in dockets Nos. 18-E and 58. Bay Mills Indian Community, Sault Ste. Marie, Arthur Lawrence Lablanc, Daniel Edwards and John L. Boucher, and Ottawa and Chippewa Indians of Michigan, et al., Plaintiffs, v. The United States of America, Defendant, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2142. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 233, *The Swinomish Tribe of Indians, Plaintiff* v. *The United States of America*, Defendant, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2143. A letter from the Secretary of Health, Education, and Welfare, transmitting the complete report of a comprehensive 10-State nutrition survey conducted from 1968 through 1970, pursuant to the Partnership for Health Amendments of 1967; to the Committee on Interstate and Foreign Commerce.

2144. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual reports for fiscal year 1971 from the components of the Public Health Service; to the Committee on Interstate and Foreign Commerce.

2145. A letter from the Secretary of Health, Education, and Welfare, transmitting the first annual report of the National Institute on Alcohol Abuse and Alcoholism, pursuant to section 102(1) of Public Law 91-616; to the Committee on Interstate and Foreign Commerce.

2146. A letter from the Director, National Institute on Alcohol Abuse and Alcoholism, Department of Health, Education, and Welfare, transmitting the first special report on alcohol and health, pursuant to section 102(1) of Public Law 91-616; to the Committee on Interstate and Foreign Commerce.

2147. A letter from the Chairman, Civil Aeronautics Board, transmitting the annual report of the Board for fiscal year 1970; to the Committee on Interstate and Foreign Commerce.

2148. A letter from the Chairman, Federal Power Commission, transmitting a copy of a map entitled "Major Natural Gas Pipelines, December 31, 1971"; to the Committee on Interstate and Foreign Commerce.

2149. A letter from the Chairman, Securities and Exchange Commission, transmitting the first annual report of the Securities Investor Protection Corporation, pursuant to section 7(c)(2) of the Securities Investor Protection Act of 1970; to the Committee on Interstate and Foreign Commerce.

2150. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of May 31, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

2151. A letter from the Executive Officer, National Academy of Sciences, transmitting the semiannual report of the Academy's Committee on Motor Vehicle Emissions, pursuant to section 6 of Public Law 91-604; to the Committee on Interstate and Foreign Commerce.

2152. A letter from the Chief Justice of the United States, transmitting a copy of the proceedings of the meeting of the Judicial Conference held in Washington, D.C., on April 6-7, 1972, pursuant to 28 U.S.C. 331 (H. Doc. No. 92-326); to the Committee on the Judiciary and ordered to be printed.

2153. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2154. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

2155. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2156. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2157. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

2158. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Fish and Wildlife Act of 1956, and for other purposes; to the Committee on Merchant Marine and Fisheries.

2159. A letter from the Chairman, Federal Maritime Commission, transmitting the annual report of the Commission for fiscal year 1971; to the Committee on Merchant Marine and Fisheries.

2160. A letter from the Acting Secretary of Transportation, transmitting a report of guidelines relating to the economic, social, and environmental effects of highway projects, pursuant to 23 U.S.C. 109(h); to the Committee on Public Works.

2161. A letter from the Deputy Under Secretary of the Army, transmitting proposed guidelines for effect assessment of civil works projects, pursuant to section 122 of the River and Harbor and Flood Control Act of 1970; to the Committee on Public Works.

2162. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the construction of a courthouse and Federal office building and parking facility in Anchorage, Alaska, pursuant to Public Law 92-313; to the Committee on Public Works.

2163. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to provide for the automatic guarantee of mobile home loans; to the Committee on Veterans' Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2164. A letter from the Comptroller General of the United States, transmitting a list of the reports issued or released by the General Accounting Office in June 1972, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

2165. A letter from the Comptroller General of the United States, transmitting a report on the opportunities to increase the effectiveness of the long-term, full-time training programs for civilian employees in the Department of Defense; to the Committee on Government Operations.

2166. A letter from the Comptroller General of the United States, transmitting a report on how improved foreign market analyses by the Department of State and the Department of Commerce can increase U.S. exports; to the Committee on Government Operations.

2167. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the District of Columbia's policy for establishing regulatory fees; to the Committee on Government Operations.

2168. A letter from the Comptroller General of the United States, transmitting an assessment of the Teacher Corps program, as administered by the Office of Education of the Department of Health, Education, and Welfare; to the Committee on Government Operations.

2169. A letter from the Comptroller General of the United States, transmitting a report on the functioning of the Florida system for reviewing the use of medical services financed under medicaid program administered by the Social and Rehabilitation Service of the Department of Health, Education and Welfare; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UDALL (for himself and Mr. RHODES):

H.R. 15869. A bill to extend for 90 days the time for commencing actions on behalf of an Indian tribe, band, or group; to the Committee on the Judiciary.

By Mr. BEGICH:

H.R. 15870. A bill to provide compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or a citizen of a foreign government; to the Committee on Merchant Marine and Fisheries.

H.R. 15871. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for adoption fees and related costs incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. BOGGS (for himself and Mr. GERALD R. FORD):

H.R. 15872. A bill to provide additional relief to victims of Hurricane and Tropical Storm Agnes, and for other purposes; to the Committee on Banking and Currency.

H.R. 15873. A bill to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters; to the Committee on Public Works.

By Mr. DELLUMS:

H.R. 15874. A bill to amend the Food Stamp Act of 1964, to allow food stamps to be used to obtain meat and meat products which are imported into the United States; to the Committee on Agriculture.

H.R. 15875. A bill to prevent lawless and irresponsible use of firearms, by requiring national registration of firearms, by establishing minimum standards for licensing possession of firearms, and to prohibit the importation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 15876. A bill to permit collective negotiation by professional retail pharmacists with third-party prepared prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 15877. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement of employee responsibilities; to the Committee on Education and Labor.

H.R. 15878. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H.R. 15879. A bill to provide financial assistance to the States for improved educational services for handicapped children; to the Committee on Education and Labor.

By Mr. HUNT (for himself, Mr. FORSYTHE, Mr. DANIELS of New Jersey, Mrs. DWYER, Mr. FRELINGHUYSEN, Mr. HELSTOSKI, Mr. HOWARD, Mr. RODINO, Mr. ROE, and Mr. WIDNALL):

H.R. 15880. A bill to limit the authority of States and their subdivisions to impose taxes with respect to income on residents of other States; to the Committee on the Judiciary.

By Mr. KING:

H.R. 15881. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products produced or sold under contract, and for other purposes; to the Committee on Agriculture.

By Mr. PATMAN:

H.R. 15882. A bill to provide additional relief to victims of Hurricane and Tropical Storm Agnes, and for other purposes; to the Committee on Banking and Currency.

By Mr. POFF (for himself, Mr. McClory, Mr. Smith of New York, Mr. Railsback, Mr. Mayne, Mr. Keating, Mr. McKevitt, and Mr. Hogan):

H.R. 15883. A bill to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 15884. A bill to delay the effective date of the provisions of the Education Amendments of 1972 relating to eligibility of guaranteed student loans for interest subsidies; to the Committee on Education and Labor.

By Mr. RHODES:

H.R. 15885. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees; to the Committee on Education and Labor.

H.R. 15886. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 15887. A bill to amend the Social Security Act to assure that whenever there is a general increase in social security benefits there will be a corresponding increase in the standard of need used to determine eligibility for aid or assistance under State plans approved under title I, X, XIV, or XVI of such act; to the Committee on Ways and Means.

By Mr. SNYDER:

H.R. 15888. A bill to permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 15889. A bill to provide that no interest shall be payable on a refund of corporate income tax where such refund is attributable to a retroactive election made by the taxpayer; to the Committee on Ways and Means.

By Mr. WIDNALL (for himself, Mrs. Dwyer, Mr. Johnson of Pennsylvania, Mr. J. William Stanton, Mr. Williams, Mr. McKinney, Mr. Lent, Mr. Frenzel, Mr. Whalley, Mr. McDade, Mr. Hastings, Mr. Conable, and Mr. Schneebeli):

H.R. 15890. A bill to provide additional relief to victims of Hurricane and Tropical Storm Agnes, and for other purposes; to the Committee on Banking and Currency.

By Mrs. ABZUG:

H.R. 15891. A bill to provide confidential sources of news media; to the Committee on the Judiciary.

H.R. 15892. A bill to protect the public interest in fair and impartial execution of the antitrust laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.R. 15893. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FISH:

H.R. 15894. A bill to amend the Railroad Retirement Act of 1937 to provide a 20 percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 15895. A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H.R. 15896. A bill to extend and improve the Federal highway safety program, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA:

H.R. 15897. A bill to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters; to the Committee on Public Works.

By Mr. LUJAN:

H.R. 15898. A bill relating to the public lands of the United States; to the Committee on Interior and Insular Affairs.

H.R. 15899. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROY:

H.R. 15900. A bill to appropriate funds for advanced relocation of a road and bridge in connection with the Onaga Reservoir project, Kansas; to the Committee on Appropriations.

By Mr. SAYLOR:

H.R. 15901. A bill to grant a Federal charter to the American Golf Hall of Fame Association; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 15902. A bill to authorize the enrollment of qualified Klamath minors in Bureau of Indian Affairs residential schools, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON:

H.R. 15903. A bill to authorize the Secretary of Commerce to engage in certain export expansion activities, and for related purposes; to the Committee on Ways and Means.

By Mrs. ABZUG:

H.J. Res. 1255. Joint resolution to make all citizens of the United States eligible for the Office of President; to the Committee on the Judiciary.

By Mr. DAVIS of South Carolina:

H.J. Res. 1256. Joint resolution authorizing the President to proclaim the week of September 24 through 30, 1972, as "National Multiple Births Week"; to the Committee on the Judiciary.

By Mr. FRASER:

H.J. Res. 1257. Joint resolution to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself and Mr. Dellenback):

H.J. Res. 1258. Joint resolution: Authorization of the President of the United States to approve an interim agreement between the United States of America and the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself and Mr. Burton):

H.J. Res. 1259: Joint resolution: Authorization of the President of the United States to approve an interim agreement between the United States of America and the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

406. By the SPEAKER: Memorial of the Legislature of the State of California, relative to a Federal Jobs Corps center for the rural counties of northern California; to the Committee on Education and Labor.

407. Also, memorial of the Legislature of the State of California, relative to an accounting of all prisoners of war; to the Committee on Foreign Affairs.

408. Also, memorial of the Legislature of the State of Louisiana, relative to jurisdiction over natural gas produced and consumed within one State; to the Committee on Interstate and Foreign Commerce.

409. Also, memorial of the Legislature of the State of Louisiana, requesting the Congress to propose an amendment to the Constitution of the United States relative to prayer in public schools; to the Committee on the Judiciary.

410. Also, memorial of the Legislature of the State of Louisiana relative to changing the method of selection of Federal judges; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRAY:

H.R. 15904. A bill for the relief of Edwin G. Griffith; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 15905. A bill for the relief of Barry Gray; to the Committee on Armed Services.

By Mr. BAKER:

H. Res. 1040. Resolution to refer the bill (H.R. 11939) entitled "A bill for the relief of Farmers Chemical Association, Incorporated" to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

253. By the SPEAKER: Petition of the Governor of Florida and his cabinet, relative to funding of the educational programs for the children of Federal Government employees; to the Committee on Education and Labor.

254. Also, petition of Dennis J. King, Tracy, Calif., relative to redress of grievances; to the Committee on House Administration.

255. Also, petition of Orville L. Cain, Nevade City, Calif., relative to redress of grievances; to the Committee on the Judiciary.

256. Also, petition of Alexander Kamenca, Huntingdon, Pa., relative to redress of grievances; to the Committee on the Judiciary.

257. Also, petition of Richard Richeson, et al., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

258. Also, petition of the 23d Saipan Legislature, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to extending Federal-aid highway programs to the trust territory; to the Committee on Public Works.

259. Also, petition of Mrs. Esther Angelini, New Haven, Conn., relative to redress of grievances; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

HOW GOES THE ECONOMY?

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, July 17, 1972

Mr. GRIFFIN. Mr. President, former Secretary of the Treasury John B. Connally wrote an article for the June 30, 1972, issue of Life magazine in which he corrected many misconceptions which have surfaced in recent attacks on our economic system.

I ask unanimous consent that this important article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW GOES THE ECONOMY?

(By John B. Connally)

The current partisan outcry about the state of the U.S. economy prompts me to paraphrase a time-honored observation in order to say: These gentlemen cannot see the forest because they have their heads buried in the weeds. After 18 months at the Treasury Department, I say this with a deep concern about the stark contrast between the enormous contribution of a growing U.S. economy to the lives of all Americans and the dismally negative picture painted by the doom criers.

For the sake of perspective, let us consider a few very basic elements which make the American economy the wonder of the world.

Nowhere else is the average man so well fed, so well clothed, so well housed.

Nowhere else have the luxuries of life come to be so commonplace. In fact, many things thought to be luxuries in other lands are considered necessities in the United States—from frozen orange juice to air-conditioning, toasters to TV.

Our economic progress has vastly increased the range and variety of jobs, products, services and leisure activities—as well as leisure time.

These—and other—massively shared benefits of the American economic system are entirely disregarded in the attacks made on the very fundamentals of that system.

DISSIDENTS ATTACK BUSINESS FOR MAKING MONEY

One of the most fashionable exercises of those attacking our system today is to flail at the profits of business. Well, let's look at the ledgers. Profits of manufacturing firms in the United States take only about 4c of each sales dollar after taxes. In the most basic industry—food—profit margins are even lower, amounting to about 1c on a dollar of sales. As a percentage of the total economy, corporate profits in 1970 and 1971 were at their lowest levels since the 1930s. By another measurement, it is estimated that profits for 1972 will be 0.4% higher than they were in 1966. There is no justification here for the demagogic charge that profits are damming up the flow of money into the pockets of the public.

Such a charge completely distorts the effects of profits. It is a canard that they benefit only the rich. A profitable economy provides more jobs and more rewards for all Americans. Profits lead to better paychecks, pensions and working conditions.

There is another glaring fallacy in the ogre concept of business. This is the implication that only a few people own the whole thing. More than 32 million Americans own publicly listed shares of stock in business enterprises—and millions more participate in ownership in other ways. General Motors Corporation, to cite the big example, is owned by more than three million people. Whether or not you call them fat, that's quite a few cats.

A good many misconceptions about business are transferred into the argument that there should be no more growth in the U.S. economy. Growth, say the negativists, benefits only the rich and produces only pollution to plague the rest of the people. This is pure poppycock. The benefits of growth have always been widely distributed throughout the U.S. economy. The cliché that "the rich get richer and the poor get poorer" needs to be corrected for the American experience, for it is a fact that as the economy grows, both rich and poor alike make gains. We need real economic growth to distribute more of the fruits of our system more widely to more people. Recognizing that need, the Nixon administration at the same time has demonstrated a firm will to make certain that growth is not contaminated by pollution.

DISSIDENTS ATTACK 1969 TAX REFORMS

No issue can get further out of focus when challengers begin their campaign oratory than the matter of taxes. Some of the most strident voices now filling the air would leave the impression (1) that the Nixon administration has lowered taxes for corporations and increased taxes for individuals, (2) that it has lowered taxes for the rich and increased taxes for the poor, and (3) that the rich pay little or no taxes at all. False on all counts.

In this administraton's first four years, corporate income taxes will have increased by nearly $5 billion, while individual income taxes have declined by nearly $19 billion. For a family of four earning $7,500 a year, there is a saving of $270; if their income is $15,000 the saving is $448. In addition, excise taxes on automobiles and telephones have been cut by $3.5 billion—reductions which have their greatest effect on individuals.

Taxes paid by the poor have been reduced by as much as 82%. Taxes for those in the "middle income" brackets have been cut by 10% to 13%. Taxes for those who earn more than $100,000 a year have been increased.

Some 15,300 persons earned more than $200,000 in 1970. About 15,200 of them paid federal taxes averaging $117,000, which amounts to an effective tax rate of almost 60% of their taxable income. Try telling those rich that they escaped taxes. There were only 106 individuals in that income level who assert they owe no federal income taxes. This happened because they had legally supportable exemptions and deductions, mostly of the kind that a large number of taxpayers use: high income tax payments to state and local governments, medical expenses, charitable contributions, casualty losses, mortgage interest payment and other deductions we feel are fair when making out our own returns.

In the loose generalizations about closing "loopholes" and tax reform, some of the sharpest attacks have been made on two changes in the tax structure which were part of the Revenue Act of 1971. These are the job development tax credit and the acceleration of corporate depreciation allowances.

The purpose of these two tax changes was threefold. First, they were designed to create new jobs by stimulating the demand for capital equipment. This they are doing and doing very well: capital spending is up 10% this year over last and employment in the machinery industry is rising rapidly. Second, the job development tax credit and the accelerated depreciation allowances were designed to keep the United States competitive in the world markets and thus save jobs. Third—and this is particularly important—the only way for the real wages of working people to rise in the long run is for productivity to rise. One important source of productivity growth is investment by businessmen in new plants and equipment—the very purpose of these tax changes. The program is working: new jobs are being created at twice the normal pace.

FAR-REACHING INITIATIVES

To take this positive view of the economic timber in the 1970s is not to suggest that there are no weeds. We are all aware of the faults and shortcomings of the American economy. This is an imperfect world inhabited by imperfect people; perfection is a worthy goal which is not readily attainable. The unemployment percentage is too high and inflation has been at an unacceptable level. There is industrial pollution. We have suffered a competitive loss in world trade.

Facing up to these problems, the Nixon administration has taken sweeping initiatives to work toward their solution. To list just some of these, the administration has:

Adopted a federal budget policy designed to spur economic recovery and generate new jobs.

Imposed price and wage controls to assure that the business expansion is not dissipated in more inflation but, instead, will create growth in both real output and real employment.

Reduced the international cost of the dollar to restore the competitive position of American trade and increase employment through higher levels of U.S. exports.

Increased spending on manpower programs to more than $5 billion for fiscal year 1973 and expanded the number of people in those programs to record levels.

Established computerized job banks to help match job-seekers and job vacancies.

Created special job programs for veterans and for unemployed scientists and engineers.

Instituted a public service employment program to provide jobs for those who find it especially difficult to obtain work.

Asked the Congress to pass legislation overhauling our antiquated welfare system in order to boost the incentive to employment.

Proposed special revenue-sharing with the states and local governments which will increase the effectiveness of our manpower programs.

Asked the Congress for a revision of the minimum wage laws, which will remove the employment obstacles for young and inexperienced workers.

REAL INCOME UP FOR FIRST TIME IN 7 YEARS

Along with its other far-reaching effects, President Nixon's program adds up to the most comprehensive attack ever undertaken against unemployment by any government anywhere. Through the manpower programs and rapid economic expansion this year and next, it has set the forces in motion for a return to full employment in 1973. By the end of this year, we should be closing in on the interim objective of a 5% unemployment rate, including liberated women seeking their first job and many others who would not be in the labor market if there were not a flourishing economy.

Meanwhile, what's happening to the working man and his family? From 1965 through August 1971 the real take-home pay of the average American worker, after adjustment for inflation and taxes, showed no appreciable increase in spite of the ever-larger gains in pay which were negotiated during that nearly seven-year period of time. Inflation and taxes chewed up all of the increase in pay on the way home.

President Nixon's economic program recognized the strain that had been put on the standard of living of the average American family. He came to grips with the fact that the only way the American worker would be able to beat inflation would be to have the federal government slow it down, which is what the price and wage control program is doing. While many prices will continue to rise, the average family is now realizing a substantial gain in its standard of living. Real spendable income is rising sharply—at a 5% annual rate since last August—marking the first gains since 1964. As inflation continues to slow in the months ahead, the American standard of living will continue to improve.

WHERE WE ARE GOING

For years the U.S. economy was in the grip of a synthetic, inflationary prosperity fueled by war. With defense making heavy calls on manpower (President Nixon inherited more than half a million men in Vietnam), the unemployment rate was artificially low. The country was seized by an inflationary psychology—the expectation that wages and prices would automatically continue to spiral upward. The competitive position of the U.S. in international trade was weakening ominously.

There was no quick and easy solution for this complex set of problems. To deal with them took months of detailed research and planning. Then there had to be close, courageous decisions. Intuitive solutions do not work to solve intricately complicated problems.

President Nixon had the vision to see that the troubles of the economic system called for a systematic set of actions designed to lessen price inflation, spur domestic economic growth and repair our international trade shortcomings. His decision to control prices and wages punctured the inflationary psychology—and to the astonishment of some vocal doubters, the American people showed that they supported the freeze. While no one claims that all the problems have been solved, there is notable progress. The rate of inflation has been cut in half. Real take-home pay is advancing for the first time in seven years. Real production is increasing. The competitiveness of the American dollar and the American worker in foreign markets is being restored. The federal tax burden on the poor and the middle class has been eased. With half a million men brought home from Vietnam and three times that many moved out of defense production, the unemployment rate is still too high to warrant any complacency. However, the U.S. economy is providing more jobs than at any time in history—more than 80 million, and new jobs are being created at an unprecedented rate.

What is even more important than these highly positive signs along the road is the direction we are going. Four years ago the U.S. economy was heading further into the war-fueled flames of inflation. Our trade position was turning toward disastrous weakness. Our employment picture was shadowed by the influences of war. Now—in all instances—the direction is changed. Oliver Wendell Holmes once said: "I find the great thing in this world is not so much where we stand, as in what direction we are moving." In 1972, the U.S. economy is moving toward prosperity without serious inflation and without war.

JOURNET KAHN SKETCHES A NEW APPROACH TO EDUCATION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. REUSS. Mr. Speaker, Milwaukeean Journet Kahn outlined his ideas of an innovative educational system, blending disparate approaches now in use, in an article in the Milwaukee Journal of June 26. Mr. Kahn, who is on a leave of absence from his post as professor of psychology at St. Xavier College, Chicago, has conducted experimental programs there and at Marquette University. His article follows:

Traditional Concepts, Practical Education Can and Must Be Synthesized

(By Journet Kahn)

As strong, perhaps stronger, than opposition to the war in Vietnam is the contemporary college student's decade long rebellion against "traditional" education—the lockstep, general requirements, departmentalized survey course program with its rigid sequences, packaged information and credential awarding grades and degrees.

We are now witnessing the pendulum swing—credit for life experiences (political campaigning, wine tasting, managing a cooperative), elimination of all requirements, self-designed curricula and choose-your-subject-as - you-learn - and-do-your-own-thing.

These extremes are aberrations of two presently existing authentic approaches to liberal learning: the conservative-classical tradition of great books programs (Hutchins, Adler, Barzun), oriented to the Western intellectual tradition of the past, and the progressivist-liberal approach, involving the blending of preprofessional training and formal studies (Antioch and Old Westbury), the acquiring of basic reading and writing skills (Miles College) and numerous "interdisciplinary" programs such as ecological studies, Latin American problems, women's studies and futuristics.

It would be perhaps an oversimplification to characterize the one as elitist, the other as mass-democratic, but there is in our society the tendency to regard the liberal arts as proper for the leisure class and to look upon practical education as appropriate for the masses.

These authentic approaches are not wrong, but each by itself is incomplete. What is needed is a genuine synthesis to overcome the present chaotic condition of higher education in America.

One favorite method of resolving the tension is to hide behind the mask of educational pluralism. The multiversity attempts to harmonize the opposition of almost every diverse educational approach imaginable by enclosing them within a single campus wall and placing them under a common administration authority. The smallest colleges often follow suit.

Reform takes the shape of tinkering with structure or creating another small institute in some empty academic corner. This is nonreform in the highest sense. And if a modest foundation grant can be secured for support it is futile, perhaps even dangerous, to begin to ask questions.

No concrete model has been extensively developed which would provide an authentic integration of the highest intellectual attainments of the last 4,000 years with the knowledge, methods, problems and technology of contemporary life. Such a synthesis of the best features of the conservative and liberal positions would produce a person whose understanding of and skills in dealing with contemporary life are thoroughly rooted in sensibilities both historical and humane.

Integration could take many forms. Numerous "subject matters" may be placed under common theme. A course on revolution would study this phenomenon in science, industry and technology as well as in political and social life.

A theme such as violence would bring together the "Iliad" and the Kerner Report, the numerous filmed documentaries on race riots, an amplified telephone conference with Daniel Walker, author of "Rights in Conflict," audi tapes of psychoanalytical lectures on aggression.

Live, in-person teachers would participate in the totality of the course, now leader now learner, to remove departmentalist blinders and to assure the multi-integration of content and method wherever teaching leadership occurs.

Idealistic, certainly, but this is true of any blueprint that has not yet been brought into existence. Impractical, perhaps, but consult with Charles Silberman and Frank Newman on the practicality of our current educational achievements.

A single attempt that is creative, radical and new may bring together a dozen people in an integrative venture with a longevity of a year or two. Its success is not whether it will have reformed the American academy but how the lives of the participants will be, from that time on, irreversibly changed.

CONSERVATION OF BASE ACREAGE REQUIREMENTS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, July 17, 1972

Mr. METCALF. Mr. President, when we established conserving base acreage requirements, Montana's base was excessively high compared to other States in the Nation.

Though in the last 2 years Senator MANSFIELD, Representative MELCHER, and I have managed to obtain some redress for Montana, the conserving base is still too high.

Montana has a special problem that in time will plague other Northern Plains States. Saline seep, growing at the rate of 10 percent annually, is destroying our farmland. The seep occurs where there is an accumulation of groundwater when summer fallow has been practiced. Conquering the problem requires a change in cropping practices, but a further reduction in the conserving base is essential to such a change.

In response to our request, the Agricultural Stabilization and Conservation Service has now informed Senator MANSFIELD, Representative MELCHER, and me that local county committees have been empowered to allow changes in the conserving base requirements to meet the saline seep problem.

Since other States may soon be similarly affected, and because Montana's experience may be helpful, I ask unanimous consent to place in the RECORD copies of our correspondence and the ASCS response.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 7, 1972.

Hon. LEE METCALF,
U.S. Senate,

DEAR SENATOR METCALF: This is in response to your letter of June 14 relative to adjusting conserving bases on Montana farms and the statement by Mr. Norris E. Hanford regarding the extent of saline seep affecting some Montana farms.

In reply to your comment that conserving bases are too high for Montana farms when compared to other States, we wish to explain that farm conserving bases were established on the bases of the 1959 and 1960 history for every wheat and feed grain farm in the United States. The farm history method was used to reflect the various farming practices carried out in the different areas.

Because of the common practice in Montana half the cropland and keeping the other half in summer fallow, conserving bases in Montana are higher than the national average. The established conserving base on Montana farms normally represent acreage which would be summer fallow in the absence of the set-aside program. In many cases, the adjustment in the conserving base for these farms would merely accommodate the required set-aside. However, where a producer has a legitimate situation of "saline seep" and as a result will change his summer fallow rotation to a ⅓–⅔ rotation or continuous cropping, we have authorized local county committees to reduce the farm conserving base to accommodate the change provided a determination is made that soil conditions and moisture in the area will support increased cropping, and he establishes to the satisfaction of the county committee that he will increase the crops on the farm.

Sincerely,

ELVIN J. PERSON,
Deputy Administrator, State and County Operations.

U.S. SENATE,
Washington, D.C., June 14, 1972.

Mr. CLAUDE FREEMAN,
Acting Director, Grain Division, Agricultural Stabilization and Conservation Service, Department of Agriculture, Washington, D.C.

DEAR MR. FREEMAN: Some adjustment in conserving base acreage has been made in Montana in the past two years. More is needed to make Montana's conserving base acreage equitable in relation to other states to prevent the necessity for double fallowing, to adjust uneconomic farming operations, and to accommodate changes in farm management.

More is also going to be necessary to encourage Montana producers to alter farming practices and to stop saline seep destruction of fine farming land, caused by an accumulation of groundwater when summer fallow has been practiced.

We have appealed for special consideration of this saline seep problem during the past year and hope that conserving base regulations this year in Montana, and other Upper Plains areas where saline seep can develop, will be drafted to encourage adjustment of cropping practices to stop the water accumulation and destruction of cropland.

Soil scientists indicate a need to shift out of summer fallow to annual crops that will use water before it can accumulate on top of an impervious shale layer. Obstacles to this shift should not only be removed but incentives should be provided.

Enclosed is a copy of a presentation made to House and Senate Agriculture Appropriations Subcommittee in regard to this problem. If further information is needed, please call on us.

Very truly yours,

MIKE MANSFIELD,
LEE METCALF,
JOHN MELCHER,
Members of Congress.

NEWSPAPER EDITORS JOIN FIGHT TO WIN RELEASE OF PEERS REPORT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. ASPIN. Mr. Speaker, Mr. Robert Fichenberg, chairman of the Freedom of Information Committee of the American Society of Newspaper Editors, has written Defense Secretary Melvin Laird requesting the release of the Peers Commission report which describes the cover-up of the MyLai massacre.

As many of my colleagues may know, I have filed suit in Federal district court pursuant to the Freedom of Information Act seeking the release of this document.

The Daily Oklahoman and the Oklahoma City Times have also been attempting for 2½ years to win release of the Peers Commission report and other documents relevant to the MyLai massacre. Jack Taylor, assistant State editor of the Daily Oklahoman has written a series of excellent articles concerning the MyLai massacre and the Government's attempt to cover up the facts.

Mr. Speaker, the American people have a right to know the full story of the MyLai massacre. The Department of Defense and the Department of the Army should release the Peers Commission report which I have requested and the other documents requested by the Daily Oklahoman so that the real story behind the MyLai massacre may be known.

Mr. Fichenberg's letter to Secretary Laird and a recent article by Jack Taylor follow:

AMERICAN SOCIETY OF NEWSPAPER EDITORS,
Albany, N.Y., June 26, 1972.

Hon. MELVIN S. LAIRD,
Secretary of Defense, The Pentagon, Washington, D.C.

DEAR SECRETARY LAIRD: As chairman of the Freedom of Information Committee of the American Society of Newspaper Editors, I call upon you to release the complete "Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident", submitted by the investigative panel headed by Lieutenant General W. R. Peers and known as the Peers report.

Suppression of this report has continued long past any reasonable period. There no longer is any valid reason, justifiable by any policy, law or regulation to deprive the public of information to which it is properly entitled. Continued suppression of the Peers Report not only is contrary to the Freedom of Information Act and Army regulations, but is contrary to the best interests of the American people, the Army and the United States Government.

No doubt you are aware of the 2½-year effort by the Daily Oklahoman and Oklahoma City Times to obtain from the Department of the Army copies of official records on the My Lai incident. Although the struggle of the Daily Oklahoman and Oklahoma City Times ultimately was partially successful, the records that were released were heavily consored. However, despite the Army's heavy censorship of the records that it did release, examination of even these records revealed major errors and discrepancies between official Army records and prior investigations, leading inescapably to a number of fundamental questions about the Peers Report. I since learn that additional records have been released, but not the full report.

I enclose a copy of the latest letter to Secretary of the Army Froehlke from Charles L. Bennett, managing editor of the Daily Oklahoman and Oklahoma City Times, requesting release of the full Peers Report and citing authority in the laws and Army regulations for such release.

As you know, requests for release of the Peers Report have come not only from the news media, but from members of Congress, including members of the Armed Service Committees of both houses of Congress.

On the basis of the citations in Mr. Bennett's latest letter, plus an examination of the 2½-year exchange of correspondence between Mr. Bennett's newspapers and the Department of the Army, it is clear that no question of security, no question of the possibility of hindering any other possible investigation, no question of the possibility of prejudicing any possible trial now exists. But it does appear that the Department of the Army has made a monumental effort to deprive the public of access to the facts.

Since no existing regulation prohibits such disclosure and the Freedom of Information Law virtually requires such disclosure, I can think of no reason for continued suppression of the Peers Report except one: a cover-up by the Defense Department to protect its own.

If you wonder why there exists a deepening lack of public understanding of the defense establishment and a widening credibility gap between the American public and the Army, I think you need look no further than the Army's policy with respect to release of the Peers Report.

Everything points to a cover-up, with implications of the hope that this all will blow over and the public eventually will forget about it. This may be an unfair inference, but certainly the lack of any valid reason for continued suppression of the report doesn't lend much credence to any other conclusion.

Thus I think you can perform no higher service to the department that you head, and to our country, than by ordering the release of the Peers Report immediately, so that the American public can judge the facts for itself. This would go a long way toward restoring the public trust that the government in a democracy must have to thrive and, indeed, for democracy to survive.

I look forward to your reply.

Sincerely,

ROBERT G. FICHENBERG.

[From the Daily Oklahoman, June 30, 1972]

EDITOR WANTS LAIRD TO BARE PEERS REPORT—STRONGLY WORDED LETTER CRITICIZES MY LAI SECRECY

(By Jack Taylor)

Accusing the Army of an apparent "monumental effort" to hide the facts in the My Lai massacre, an official of the American Society of Newspaper Editors has asked the secretary of defense to order the controversial Peers Report released to the public.

In a strongly worded letter urging release of the full report of the Army's investigation into the 1968 incident, Robert Fichenberg, chairman of the ASNE's Freedom of Information Committee, also said continued suppression of the report appears to be "a cover-up by the defense department to protect its own."

LONG FIGHT CITED

He cited the Army's decision to keep the report secret as an example of the kind of policy that has fostered public disaffection with the military in recent years.

The letter to Secretary of Defense Melvin Laird, dated Monday and released Thursday night, was prompted by The Daily Oklahoman's 2½-year struggle to obtain official Army records—including the Peers Report—about the incident.

PART OF IT PUBLISHED

It is the first time the secretary of defense has been asked to intervene in the up-to-now strictly Army policy decision.

Some heavily censored records were released to The Daily Oklahoman in April and the censorship was overturned in June after an appeal to the secretary of the Army. But the Army has continued to deny access to the Peers Report, the subject of a second appeal by The Daily Oklahoman and a law-suit brought by a Wisconsin congressman.

The report was written in 1970 after a four-month secret inquiry by a commission headed by Lt. Gen. William R. Peers. It led to accusations against 14 officers on grounds they had covered up initial reports of the massacre within the now deactivated Americal Division. Only one was brought to trial and he was acquitted.

Extracts of the report were published May 21 by The Daily Oklahoman, which found part of the otherwise secret report attached to the massive public record of the trial of Lt. William L. Calley, central figure in the massacre, and June 4 by The New York Times, which obtained classified documents surreptitiously.

The Army has repeatedly refused to release the full Peers Report, however, claiming various exemptions including the assertion this month that issues of national security are involved.

"Suppression of this report has continued long past any reasonable period," Fichenberg, executive editor of the Knickerbocker News-Union-Star in Albany, N.Y., said in his letter to Laird.

"There no longer is any valid reason justifiable by any policy, law or regulation to deprive the public of information to which it is properly entitled.

"Continued suppression of the Peers Report not only is contrary to the Freedom of Information Act and Army Regulations, but is contrary to the best interests of the American people, the Army and the United States government."

Citing The Daily Oklahoman's efforts to obtain records and the initial disclosures based on a study of the records that were released, Fichenberg added:

". . . despite the Army's heavy censorship of the records that it did release, examination of even these records revealed major errors and discrepencies between official Army records and prior investigations, leading inescapably to a number of fundamental questions about the Peers Report."

The newspaper executive said, ". . . it is clear that no question of security, no question of the possibility of hindering any other possible investigation, no question of the possibility of prejudicing any possible trial now exists.

"But it does appear that the Department of the Army has made a monumental effort to deprive the public of access to the facts.

"Since no existing regulation prohibits such disclosure and the Freedom of Information law virtually requires such disclosure, I can think of no reason for continued suppression of the Peers Report except one: a cover-up by the Defense Department to protect its own."

Referring to current public disaffection with the military, Fichenberg added:

"If you wonder why there exists a deepening lack of public understanding of the defense establishment and a widening credibility gap between the American public and the Army, I think you need look no further than the Army's policy with respect to release of the Peers Report.

"Everything points to a cover-up with implications of the hope that this all will blow over and the public eventually will forget about it.

"This may be an unfair inference, but certainly the lack of any valid reason for continued suppression of the report doesn't lend much credence to any other conclusion," Fichenberg said.

PENSION PROTECTION LEGISLATION

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, July 17, 1972

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the text of testimony I presented recently on pension protection legislation be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Pension Protection Legislation

(By Robert P. Griffin)

Mr. Chairman, I appreciate the opportunity to testify before the Subcommittee on one of the most important legislative issues to come before this Congress. After numerous studies, including a thorough and extensive study conducted by your Subcommittee, the time has come for Congress to take action and to respond affirmatively to the demonstrated need for workers for more effective protection of their pension rights.

It is a sad fact of life that nearly one out of every four retired persons is living on an income below the poverty line. Liberalized social security benefits can do much to correct this situation, but the social security system cannot shoulder the entire burden.

As the 1971 White House Conference on Aging concluded in its final report: "Social Security benefits provide a basic protection which should continue to be improved but which can be augmented through private pension plans."

Unfortunately, according to a report of the Social Security Administration last year, only one out of every five security recipients receives private pension benefits. This situation exists despite the fact that over 30 million American workers are covered by private pension plans and over $130 billion has accumulated in private pension fund assets.

Clearly we have a case where there is not enough bang from the pension buck.

Mr. Chairman, I believe most Americans believe in the work ethic and would rather be working than on welfare. But if all that remains at retirement are empty promises and an economic prison, the work ethic will soon disintegrate.

In recent months, I have received many letters from disillusioned workers who are handed an empty platter after years of faithful service. Whatever the reason for not receiving a pension, the unfulfilled expectation justifiably leaves a bitter taste and very often a permanent economic scar.

The plight of these workers reminds me of the Biblical story of Jacob who toiled for seven years for a girl he did not love. It took him another seven years to reap his reward.

I suspect that many American workingmen would be happy if they could be assured a full pension after 14 years of labor.

A couple of months ago, a story appeared in the Detroit FREE PRESS describing the anguish and anger of a Clare, Michigan, worker who saw 20 years of service under a pension plan go down the drain when his employer shut down operations. In the words of this man, "it just doesn't seem right. That was my money that went into the pension fund. If I hadn't put it there, I would have had it in wages." I would appreciate having the entire text of this article from the April 24, 1972, edition of the Detroit FREE PRESS inserted in the hearing record following my statement.

It is certainly true that some, if not all, of an employer's contribution to a pension plan would go to increase wages in absence of the plan. Since workers do give up current wages for income security at retirement, is it too much to ask that they be given a reasonable assurance of receiving a pension when their working days are over? I think not.

Mr. Chairman, as you may know, I have introduced two bills affecting private pension plans. S. 2485, which was referred to the Finance Committee, would establish minimum vesting standards and a reinsurance program for pension plan terminations. S. 2486 is pending before this Committee and would establish fiduciary standards for pension plan administrators, require much better disclosure of the terms of pension plans to workers, and provide workers with the opportunity to enforce their rights in court.

Although S. 2485 is not before your Committee, there are several significant features of this legislation which I believe are worthy of inclusion in any bill reported by this Committee.

First, the bill would establish a 10-year minimum vesting standard. A substantial number of plans already meet this standard and would incur no additional cost. The Federal standard should not be less than what many plans currently provide.

Furthermore, a plan which has been in existence for less than 10 years on the effective date of the act would have to meet the 10-year vesting standard either five years after the effective date or after the plan had been in existence for more than 10 years, whichever is later.

All plans established after the effective date of the act would not have to meet the 10-year standard until after the plan had been in operation for more than 10 years. But in any event such a plan, as well as plans described in the preceding paragraph, would have to provide at least 15-year vesting.

Existing plans more than 10 years old would have five years after the effective date of the act to meet the 10-year rule, but during those five years the plan would have to conform to the 15-year requirement.

These phase-in provisions should assure that no plan is faced with a high initial cost impact. If severe problems still exist, the Secretary of the Treasury would be authorized to grant a temporary variation from the vesting requirements with respect to certain plans or categories of plans where the new rules might impose severe cost burdens on the employer.

Second, the proposed vesting standards would apply to service before as well as after the effective date. Older employees should not be penalized by discounting past service. These individuals are currently in the greatest danger of losing pension benefits.

Third, my bill would eliminate any "continuous" service requirement. Thus, a worker who participates in a plan for 10 years has a vested right despite the fact that there may have been breaks in employment during his tenure with the employer. Such breaks in employment, whether for disciplinary or other reasons, should not lead to the forfeiture of a worker's right to his pension.

Fourth, my bill would provide complete insurance protection for all types of pension plan terminations. It would apply even to certain partial terminations in order to assure full protection for all workers and to protect the integrity of the insurance fund.

Fifth, the insurance program in S. 2485 would cover not only all terminations but also all losses of vested benefits. If Congress decides to provide insurance protection for workers' pensions, it must go all the way and provide total protection. There is no evidence that an insurance fund, financed through reasonable premiums paid by each plan, cannot cover all losses. In fact, some have argued that the incidence of pension plan terminations and pension losses is so small as not to justify the creation for insurance program.

While I cannot accept that conclusion, I do believe the initial premium rate of 0.2 per cent of the unfunded vested liabilities of a plan, as provided for in S. 2485 and other pension proposals, will be adequate for the foreseeable future. Furthermore, this rate as applied to the current total vested liabilities of all plans will require annual premiums averaging only one-half of one per cent of current annual contributions to pension plans.

Sixth, Title II of my bill establishes the principle of employer responsibility for any deficiency in the pension fund on termination. This responsibility would be met by the purchase of insurance from a proposed Pension Benefit Insurance Corporation (PBIC) in the Treasury Department and by payment of any deficiency in the event of a voluntary termination or in the event of an involuntary termination where the unfunded vested liabilities are uninsured.

Where the plan termination is due to a business failure or financial difficulty, the insurance alone would cover all losses of vested benefits.

In the event of a voluntary termination, the employer would be liable for the full amount of any unfunded vested liabilities. Thus, in the case of an employer who would prefer to transfer operations of a domestic plant overseas, it hardly seems unreasonable to require him to foot the bill for benefits to retired workers as well as to protect those with vested rights who have not yet reached retirement age.

The PBIC would pay any claims arising from a voluntary termination, but then would have recourse against the employer for recovery of such payments. In this way, the rights of workers would be protected in the event of a planned termination, whether voluntary or involuntary.

By making the employer liable to pay for losses due to a voluntary termination, the bill contains a powerful incentive to encourage adequate funding. In this way, the bill would operate to provide more worker protection with less government regulation than in the case with respect to other bills pending before Congress.

Seventh, recognizing the fact that the risk of termination could be significantly different as among various categories of pension plans, my bill would authorize the PBIC to establish risk categories for various types of plans. Accordingly, variations from the standard premium rate would be established where justified.

This provision offers another means for encouraging better funding by poor risk plans.

Finally, title III of S. 2485 establishes the wholly owned government corporation within the Department of the Treasury. The corporation would have sole responsibility for administering the insurance program and would be managed by a Board of Directors consisting of the Secretaries of Treasury and Labor and three Directors appointed by the President with the consent of the Senate. One of the three appointed Directors would have to be a representative of labor and one a representative of management.

A considerable amount of pension plan expertise already exists in the Treasury Department where the International Revenue Service has long been required to determine whether a pension qualifies for favorable tax treatment. While it is true that the Labor Department has had responsibility for administration of the Welfare and Pension Plans Disclosure Act, I believe that combined tax and insurance provisions should be administered under one department so as to provide more coherent, less burdensome regulation.

In regard to the provisions of S. 2485, Mr. Chairman, I read with interest the testimony of the President of the United Auto Workers, Mr. Leonard Woodcock, before your Subcommittee on Tuesday, June 27, 1972. Mr. Woodcock emphasized the need for Federal vesting and insurance requirements and urged several specific proposals.

For instance, the UAW leader recommended:

(1) that pension insurance be effective no later than January 1, 1974;

(2) that insurance cover loss of vested benefits earned before the enactment of pension reform legislation; and

(3) that a worker's service and benefits accrued before enactment of legislation be covered by the Federal vesting standard.

All of these proposals are incorporated in my legislation, and they represent essential ingredients for an effective pension reform bill.

Mr. Chairman, the other bill before your Committee, S. 2486, would protect against the improper use of pension funds by administrators and trustees of pension plans. The track record of the UMW illustrates very forcefully the need for such legislation.

In addition, the bill would require meaningful disclosure of the terms and conditions of a pension plan. One of the biggest problems to date is that workers either do not have access to all the information regarding their pensions or the information they do receive is a nightmare of fine print and other incomprehensible details.

The bill would permit not only Federal regulators but also workers to bring suit in Federal court to enforce the provisions of the bill. The record of the Federal Government in enforcing laws protecting American workingmen leaves much to be desired.

Finally, both S. 2485 and S. 2486 would apply to plans covering 15 or more employees. Present pension disclosure laws apply only to plans with 25 or more employees.

Pension protection is needed by all employees. In fact, it is likely that more problems may exist among small plans and new plans than among the larger, well established pension plans. For instance, a 1965 Labor Department study of pension plan terminations indicated the median number of workers covered by terminated pension plans was 13.

If it is administratively feasible, I would be in favor of minimum Federal vesting standards and insurance for all private pension plans regardless of the number of employees.

Since there is not much disagreement over the need for legislation to establish fiduciary standards and beef up reporting and disclosure requirements, it makes good sense for Congress to act as quickly as possible in this area. Of course, I would hope and strongly urge that final action be taken this year on comprehensive legislation to protect private pensions.

Mr. Chairman, the time for action has come. Through your efforts and those of the senior Republican on this Committee (Mr. Javits), action is being taken. Considering the inertia in bringing about voluntary reforms in this area, it is important to maintain the momentum that has already been achieved and to get Congress to take decisive action.

EDWARD CAPE—GBRA LEADER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. PICKLE. Mr. Speaker, the architect and driving force for the creation of the GBRA in Texas passed away last week. He was Edward M. Cape, outstanding attorney and civil leader from San Marcos, Tex.

He has long been recognized as one of the influential leaders in the State of Texas not only in legal matters but in matters which pertain to business and economics. His counsel was sought by many.

One of the closest friends Mr. Cape had was former President Lyndon Johnson. He was one of those rare men who advised the President over and over and whose advice the President sought. Many times President Johnson has visited in the home of these pioneer leaders, Mr. and Mrs. Cape, and unfailingly followed his leadership and his advice.

His death last week was noted by an article in the Austin American and it follows:

WEDNESDAY FUNERAL SLATED FOR ATTORNEY EDWARD CAPE

SAN MARCOS.—Funeral for prominent San Marcos attorney Edward M. Cape, who died Sunday, will be Wednesday at 1 a.m. at Pennington Funeral Home. Rev. Jim Folts officiating. Burial will be in San Marcos City Cemetery.

Cape, 82, died in the Rebecca Baines Johnson Center following an extended illness.

Cape, was a local civic leader who numbered three Presidents, senators and a number of Texas governors among his close personal friends.

Vitally interested in water conservation, Cape was primarily responsible for the formation of the Guadalupe-Blanco River Authority (GBRA).

At the time of his death, he was chairman emeritus of the State Bank and Trust Co. of San Marcos.

Born in San Marcos Dec. 9, 1890, Cape graduated from San Marcos High School. He earned a degree in civil engineering from Texas A&M College in 1910 and an LLB degree from Valparaiso University in Indiana in 1912.

Cape returned to San Marcos and entered private law practice in 1912. He earned a reputation as an outstanding trial lawyer in both civil and criminal practice and was appointed a special judge to serve in numerous Comal and Guadalupe county trials.

In 1935, Cape was appointed to the GBRA board of directors, remaining on the board until 1947 when he became general manager and general counsel of GBRA. He served in the dual position until 1960.

As a director of GBRA, Cape negotiated a contract with the city of San Antonio and Lower Colorado River Authority under which the Comal Plant Properties became a part of the LCRA system.

He wrote the state act authorizing and legislating GBRA.

R. H. Vahrenkamp, general manager of GBRA, called Cape "a very brilliant man who never served in elective office but was of great importance in regional and state affairs."

Ruby McRell, private secretary to Cape for two years, said the GBRA "was his dream."

"He worked and fought for GBRA through 17 law suits with the city of San Antonio. He personally financed the authority out of his own pocket in the beginning and worked for 20 years through many disappointments to see it finally become a reality," she said.

A plaque at Canyon Dam and Reservoir, a water conservation project of GBRA says "Canyon Dam, April, 1966, dedicated to the wisdom and foresight of Edward M. Cape."

The special dedication ceremonies in his honor were attended by dozens of high ranking state and federal officials.

As an attorney, Cape tried hundreds of cases but never lost a civil suit.

In January, 1935, Cape was named chairman of the board of State Bank and Trust Co. In November, 1935, on the death of bank president Will G. Barber, Cape assumed the presidential bank duties too.

As bank president, Cape made numerous changes and hired a number of employes who later became well known in state banking circles. Longtime Texas banking commissioner J. M. Falkner was an early employe of Cape.

State bank assets in 1935 were $600,000. Today they stand at more than $20 million.

Cape served as board chairman until January, 1962, when he was succeeded by J. R. Thornton.

Attorney Ernest Morgan said, "I never knew a man with so many close friendships—not only high personages but everyday people. He sometimes had to walk out the back door of the bank for lunch because there were so many people waiting out front for his advice or for favors."

Congressman Jack Pickle said, "Mr. Cape was a dear friend and a strong leader. His counsel was sought by people from all walks of life—from the JP to the President. He will be sorely missed."

Although he never sought public office, his influence was felt in state political circles.

Numbered as his personal friends were Presidents Franklin D. Roosevelt, Harry S. Truman and Lyndon B. Johnson. He was a confidant to U.S. senators and Texas governors.

He was instrumental in bringing the San Marcos Army Air Corps to Camp Gary, later responsible for the opening of the San Marcos Army Air Field and still later the opening of the helicopter base at the present Gary site.

Cape was a charter member and past president of the San Marcos Rotary Club.

He was a member of the American Bar Association and the Texas Bar Association and was certified to practice before the Supreme Court of Texas.

During World War II, Cape served as a draft board special appeals agent.

Survivors include one daughter, Mrs. Mary Louise Thornton of San Marcos; three sisters, Mrs. Walter Tiner of San Marcos, Mrs. Hugh Echols of Baytown and Mrs. Hubert Wyatt of Houston; one brother, Enos Bill Cape of Houston; two grandsons, Captain Robert E. Thornton and Russell Cape Thornton of San Marcos and three great-grandchildren, Stacy Ann, Kendall Louise and Sarah Audry Thornton of San Marcos.

Officers and directors of the State Bank will serve as pallbearers.

QUESTIONNAIRE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, earlier this year, I sent questionnaires to each of the more than 140,000 homes in my congressional district, seeking my constituents' opinions on some of the major issues and problems facing our Nation.

I have conducted such an opinion poll each year since my election to Congress in 1964, and the results have been exceedingly valuable in helping convey grassroots sentiment in my district to you and Congress on major issues as we face them.

Although the returns are still coming in, we recently set a cutoff date and with the help of volunteer workers, began the task of tabulating the answers received to that date. Accordingly, the results reported here represent approximately the first 11,000 responses, although the total will probably reach nearly 15,090.

The questions, and tabulations of the answers, with my accompanying comments on each, are listed below, in an order starting with those responses with the largest clear-cut majority opinion.

1. Do you favor busing of school children across district lines to achieve racial balance?

Yes, 611 (5%); No, 10,209 (95%).

2. Do you favor busing of school children within a school district to achieve racial balance?

Yes, 2,295 (20%); No, 8,863 (80%).

Mr. Speaker, never in the 8 years that I have sent out questionnaires have I received such an overwhelming and strong endorsement of my position on an issue as in the case of my actions on the Education and Labor Committee and here on the floor of the House, in opposition to busing for the purpose of overcoming racial imbalance. You will remember that Congressman O'HARA and I worked to place in the Elementary and Secondary Education Act of 1965 a prohibition against the use of Federal funds for school busing to achieve racial balance. The first time that this House, and finally the Congress, enacted legislation affecting the power of a Federal court to put a busing plan into operation came as a result of the bill introduced by me and six other suburban Detroit Congressmen from both political parties, in October of 1971, which finally became law when we attached it to the Higher Education Act, as the so-called Broomfield amendment. You will recall that we also at that time passed several other amendments to the act prohibiting busing of school children, which go beyond the Broomfield amendment, and are consistent with it. I read this overwhelming statement of position by my constituents which the Congress has gone in supporting our efforts, and urge you to consider as an endorsement of the direction in it as a reason for continuing to support our efforts to restrict and prohibit busing of children to achieve racial balance.

3. Do you favor the Nixon proposal for a "value-added" tax, i.e., a national sales tax?

Yes, 1,782 (16%); No, 9,137 (84%).

I wholeheartedly concur in my district's five-to-one opposition to President Nixon's proposed "value-added" tax, which is nothing more than a national sales tax. One thing this Nation does not need is another tax. The present tax system is so riddled with loopholes that the average middle-income taxpayer is already carrying far more than his share of the burden. The money needed by the Federal Government for existing and new programs can be raised by closing these loopholes, by reducing our swollen military budget, and by ending the war in Southeast Asia, into which we have poured over $150 billion in the last decade.

4. Do you believe the present wage-price controls have been successful in halting inflation?

Yes, 2,279, (21%); no, 8,384, (79%).

The large majority of my constituents indicate that the President has not applied wage-price controls effectively, and they have not succeeded in the fight against inflation. Wages have been held down, it is true, but the Nation's giant corporations are enjoying a spiral of record high profits, while interest rates remain at an all-time high, and soaring food prices continue to cut into the housewives' market basket. In short, as I stated to this House when I voted against continuing the power of the President to impose his wage-price freeze orders, they have done nothing to check inflationary pressures on the low- and middle-income wage earner, who continues to bear the brunt of mismanagement of the economy.

5. Do you favor a general amnesty for young men who left the country or went to prison rather than serve in Vietnam?

Yes, 2,950, (27%); no, 8,371, (73%).

While I do not presently feel that the question of amnesty should be considered by this Congress under any circumstances until the war in Vietnam is totally ended, our prisoners are all returned safely, and the President, who has the principal responsibility in such matters, makes his recommendations, I call attention to the fact that the majority of the people responding to my questionnaire are in agreement with what I believe to be the present sentiment of this house.

6. Do you think the Federal Government should substantially increase its contribution to the cost of education?

Yes, 6,600, (65 %); no, 2,739, (35%).

I was pleased to see the overwhelming support for the concept of more Federal aid toward the cost of education. I have sponsored legislation to increase the Federal Government's contribution to local school districts from the present 7 percent to a total of 35 percent over the next 5 years. I think this step is vital if we are to guarantee American children both quality and equality in education.

7. Do you favor a National Health Insurance plan modeled on the Social Security System?

Yes, 6,489, (63%); no, 3,856, (37%).

As a cosponsor of the Kennedy-Griffiths national health insurance plan, I want the House to note that the vast majority of my constituents believe that such a plan is necessary if we are to guarantee the American people adequate health care when and where they need it, and I hope that the Members of this House will agree, and pass this needed legislation before the end of this session.

8. Do you approve of the overall record of the Nixon Administration?

Yes, 4,542 (41%); no, 6,472 (59%).

In regard to the overall record of the Nixon administration, I agree with the majority of my constituents that it is a poor and disappointing record. The President's "secret plan" to end the war is still a secret; unemployment and inflation remain unchecked; we still have no answers for the problems of health care, education, crime, pollution and unfair taxes.

9. Do you approve of the present United States policy in Vietnam?

Yes, 4,403 (42%); no, 6,023 (58%).

If not, what course of action do you suggest? (The following were the most common suggestions:)

a. Immediate withdrawal	2,683
b. Win the war or get out	699
c. Secure release of prisoners, then get out	639
d. Declare total war	181
e. Increase the bombing	165

This question regarding U.S. policy in Vietnam was asked this year in exactly the same form as I asked it on my questionnaire early in 1968. Those who indicated that they did not favor the then apparent U.S. policy in Vietnam were 72 percent in 1968.

10. What do you think are the three most important problems facing our nation today?

The response to this question establishes clearly that my constituents regard the war in Vietnam, the question of forced busing, and the state of the economy as the most important problems. I wholeheartedly agree with this analysis.

Mr. Speaker, this annual questionnaire survey is most valuable to me in getting the "grassroots" opinion of my constituents, and I am most pleased to share the results with my colleagues here in Congress.

A. E. ALBERTONI, LONGTIME CALIFORNIAN AND INTERNATIONAL FIREFIGHTER UNION OFFICIAL, ANNOUNCES RETIREMENT

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. MILLER of California. Mr. Speaker, the imminent retirement of one of my constituents, an outstanding labor union official, Albert E. Albertoni, secretary-treasurer of the International Association of Fire Fighters, caps a distinguished career in unionism which began in my district some 42 years ago. Mr. Albertoni has served for the past 8 years here in Washington, D.C., as secretary-treasurer of the IAFF, a post to which he was elected four times by the rank and file of the 53-year-old Fire Fighters Union, which has local affiliates in all the States of the Union and in all the Provinces of Canada.

I have known Al Albertoni for the past 25 years, and I am proud of his achievements as an individual, as a firefighter, as a veteran of the U.S. Navy, and as an official of one of the great unions of the AFL–CIO, CLC.

I include herewith a biographical statement which details the career of this distinguished and patriotic citizen:

ALBERT E. ALBERTONI

Albert E. Albertoni, Secretary-Treasurer of the International Association of Fire Fighters, AFL–CIO, CLC, since 1964, has announced his retirement and his intention to resume residence in the Oakland, California, area.

Elected for four terms as IAFF Secretary-Treasurer, his eight-year tenure spanned a period when the International grew some fifty per cent in membership and became increasingly prominent in the American and Canadian trade union movements. During Albertoni's stewardship, the International headquarters greatly increased its assistance and services to their local, state and regional affiliates.

Albertoni has been active in Fire Fighter Union affairs since his appointment to the Oakland, California, Fire Department on July, 1939. While rising to the rank of Captain in the Fire Department, he was elected an officer of the Oakland IAFF Local 55, of which he is now a life member, and became prominent in California-wide union affairs.

For 12 years, he was an officer of the Federated Fire Fighters of California, serving as Vice President, President, Chairman of the Executive Board, and, for nearly eight years, as the organization's Legislative Representative. His services on behalf of California Fire Fighters were commemorated by a surprise testimonial dinner sponsored for him by the State Association last year, at which time the California State Legislature adopted a Resolution commending him for his outstanding contributions. Several other states and provinces have officially recognized Albertoni's leadership and achievements in the fields of fire fighting and unionism by bestowing upon him honorary citizenships.

Before his election as IAFF Secretary-Treasurer, Albertoni served for four years as an International Vice President of the 10th District, which includes the states of California, Arizona, Hawaii and New Mexico.

Albertoni's union career actually spanned 42 years, including nine years as a member of the Structural Iron Workers Union in Oakland before he became a Fire Fighter. During four years in the Navy in World War II, Albertoni rose to the post of Officer in Charge of Navy Fire Fighting Schools. He also saw duty as Fire Marshal at the Guam Naval Operating Base, where he received four commendations. He presently holds the rank of Commander, USNR–R, and is an active, life member of the VFW.

For many years, he represented the IAFF on the Board of the AFL–CIO Maritime Trades Department. He also is a member of the National Fire Council and the AFL–CIO Secretary-Treasurers' Council. In March, 1972, President Nixon appointed him a member of the Board of Vocational Education, the governing body of the Washington, D.C., Technical Institute.

Al Albertoni now lives with his wife, Kaye, in Chevy Chase, Maryland. After his retirement, they plan to do extensive traveling and then return to their native Oakland, California, for mostly rest and relaxation; however, continuing to serve his Brother Fire Fighters in any way that he can.

NORTH VIETNAM'S OFFENSIVE WAS NOT WORTH THE PRICE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. CRANE. Mr. Speaker, while many publications in the United States lament the fact that the South Vietnamese have allegedly shown little willingness to defend themselves, the real fact is that the military offensive of the North Vietnamese has thus far failed to make any significant advances. The South Vietnamese have fought bravely and have shown a courageous commitment to protect their country from aggression.

Although many in our own country seem unaware of the failure of the North Vietnamese to succeed in defeating our allies in the field, observers abroad have been more perceptive.

The German newspaper, Der Tagesspiegel, in its issue of June 10, 1972, states that:

> Assuming North Vietnam thinks in similar military terms to other, less aggressive, countries General Giap ought by rights rather to regret having launched the offensive two months ago that was intended to make life more difficult for President Nixon.

Der Tagesspiegel makes a point which, for reasons of their own, antiwar critics within the United States have refused to make. That is the fact that:

> Following tough and chequered fighting the resistance of the South Vietnamese army, which has had to fight without U.S. ground support for the first time ever, has not been broken after all. At some points Saigon has even regained the initiative.

Beyond this, many Americans fail to understand that what has occurred in recent months in South Vietnam is a renewed aggressive offensive by the North Vietnamese. Here, again, Der Tagesspiegel has little difficulty in understanding that "Hanoi's first strike attack" was "not occasioned by prior moves by the other side." The German paper declares clearly that "Hanoi has been the aggressor."

I wish to share with my colleagues this important and thoughtful analysis of recent events in South Vietnam and place this article from Der Tagesspiegel of June 10, 1972, in the RECORD at this time:

NORTH VIETNAM'S OFFENSIVE WAS NOT WORTH THE PRICE

Assuming North Vietnam thinks in similar military terms to other, less aggressive countries General Giap ought by rights rather to regret having launched the offensive two months ago that was intended to make life more difficult for President Nixon in talking with Moscow and Peking and to shoot South Vietnam into a state in which it was ready to be taken by storm.

Following tough and chequered fighting

the resistance of the South Vietnamese army, which has had to fight without US ground support for the first time ever, has not been broken after all. At some points Saigon has even regained the initiative.

What is more, the non-stop deployment of US air and marine support against Hanoi's conventionally massed ground troops has taken a terrible toll in terms of blood shed.

The targets of the North Vietnamese offensive were undoubtedly further-reaching yet so far the contested towns of Hué, Kontum and An Loc have not fallen and the approaching rainy season will put an end to further plans for major military operations. Thus far Hanoi has failed to score a crucial success and local successes have been offset by an unexpected worsening in the prevailing international climate as far as North Vietnam is concerned.

Hanoi's first strike attack, not occasioned by prior moves by the other side, was countered by President Nixon with an intensification of aerial bombardment to a degree none of his predecessors would have dared to consider, a degree that took Hanoi too by surprise in a US Presidential election year.

This aerial bombardment is bringing home to the North Vietnamese the horrors of war, is destroying the country's economy and infra-structure and ought to bring home the message that it is likely to prove impossible to stage a military take-over of South Vietnam once the Americans are out of the picture.

Hanoi officials have presumably been expecting a wave of protest to sweep the United States and make life difficult for the President. This has not been the case.

It was too apparent that Hanoi has been the aggressor and that President Nixon would have been only too happy to come to terms. This time at least there could be little doubt as to who had unleased the fury of warfare again and who was merely fighting back.

Haiphong harbour is still mined and even the protests by Peking and Moscow have declined in volume, which must come as a particular disappointment to Hanoi.

One can but imagine that President Nixon has outlined his plans for a neutral South Vietnam in Peking and Moscow in such a way that Hanoi's military campaign has assumed the proportions of a thorn in the flesh.

ENVIRONMENTAL LITIGATION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. HARRINGTON. Mr. Speaker, last month I had the opportunity to testify before the House Fisheries and Wildlife Conservation Subcommittee in support of H.R. 8331 and H.R. 49. This legislation introduced by Congressmen Dingell of Michigan and Karth of Minnesota in the form of an amendment to the National Environmental Policy Act would for the first time grant every citizen a federally guaranteed right to a pollution-free environment and access to the Federal courts to protect that right.

Legislation similar to H.R. 8331 has been passed on the State level by Michigan, Connecticut, Minnesota, and Indiana among others, and bills are now pending in over 20 other States.

During the committee hearings on H.R. 8331 there was much interest in how the act has been made use of in Michigan, the first State to pass such a law. Thus, I would like to call attention to an article that appeared in the Washington Post on July 7, 1972, which describes a recent air pollution suit against the Ford Motor Co. filed under the Michigan Environmental Protection Act of 1970. This suit represents the most far-reaching environmental protection action ever filed in Michigan.

The article follows:

FORD IS CHARGED IN POLLUTION SUIT

DETROIT, July 6.—Ford Motor Co. has been charged with "obnoxious, offensive, damaging and harmful" air pollution of heavily populated metropolitan Detroit in the most far-reaching environmental protection suit ever filed in Michigan, it was announced today.

The suit, disclosed by the Wayne County Air Pollution Control Division, charged Ford's giant River Rouge complex with "at least 143" violations of the county's pollution control regulations.

The River Rouge plant—one of the largest in the world—sprawls over 1,200 acres and is the heart of heavily populated, heavily industrialized downriver Detroit.

The suit, filed in Wayne County Circuit Court under Michigan's Environmental Protection Act of 1970, is an unprecedented action by local officials against Ford, the founder of the Motor City's homegrown industry.

Herbert L. Misch, Ford vice president for environmental and safety matters, said the company was "surprised and shocked" by the suit. He accused Wayne County of disregarding Ford's efforts to lick pollution.

Misch said Ford has spent $25 million on pollution controls at Rouge since 1963 and built a new foundry at Flat Rock, Mich., to remove the air-fouling operation by the end of the year.

Morton Sterling, director of the air pollution agency, said the court action was taken against Ford because "we've been seeing a tightening in resistance" in the company's willingness to solve pollution problems.

"We hope that Ford will start to listen better now," Sterling said, paraphrasing the company's advertising slogan.

The air pollutants from the Rouge, the suit charges, are "obnoxious, offensive, damaging and harmful . . . and the source of dirt and filth."

The suit alleges that Ford's control systems are "either inadequate, unreliable, or operated or maintained by the company in such a manner to be inadequate to protect the public health, safety and welfare."

The suit charges that the fallout from Ford's complex exceeds the maximum federal emission standards by 3.3 times on a daily basis, and 2.5 times on yearly standards.

Some tests show that dust and dirt and corrosive gas levels are as high as 5.7 times the permissible level.

CHANGES PROPOSED IN OCCUPATIONAL SAFETY AND HEALTH STANDARDS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, a disproportionate number of comments I have received on the Williams-Steiger Occupational Safety and Health Act of 1970 have revolved around the standards relating to the ice in drinking water, eating areas, change rooms, and toilet facilities. In the March 9, 1972 Congressional Record, I shared with my colleagues the announcement by the Department of Labor outlining up-coming revisions in the standards. Again I am pleased to share a summary of the changes proposed by Assistant Secretary George C. Guenther in the Federal Register for Saturday, July 15, 1972:

The changes proposed are summarized as follows:

(1) Clarifying definitions for several terms would be provided.

(2) False floors, platforms, mats, or other dry standing places or appropriate waterproof footgear would be required where wet processes are used.

(3) Where vermin are detected an extermination program would be required.

(4) Drinking water would be required within 200 feet of regular workplaces.

(5) A requirement of the sewage disposal method would be that it not endanger the health of employees.

(6) Toilet facilities would be required wthin 200 feet of a place where employees regularly work.

(7) Cleansing agents would be required to be supplied with lavatories.

(8) Warm air blower would be recognized as acceptable drying means in washrooms.

(9) The ratio of showers per affected employees would be set. The actual requirement to have showers would be contained in specific standards with respect to employees who are exposed to toxic substances and physical stresses. These standards will be established at a future time.

(10) If employees are permitted to bring lunches into the premises, and vermin are a problem, then a sanitary repository for lunches would be required.

(11) Specific limitations to the scope of the section would be eliminated. However, in accordance with § 1910.267 the application of the section would continue to be confined to nonagricultural operations.

(12) Clean ice would be permitted in drinking water. The present ANSI (American National Standards Institute) standard Z4.1 had justification for prohibiting ice in drinking water when the original standard was established, since much ice was then cut from rivers and lakes. Today most ice is machine made, and sanitation in its manufacture is practicable.

(13) Nonpotable water would be permitted for cleaning the premises, bathing or laundering provided that it has been treated so that chemicals or organisms harmful to employees are eliminated. The present standard is too restrictive in the uses of nonpotable water. In many places the availability of potable water is limited and the use of treated nonpotable water for cleaning premises or washing any portion of person or clothing presents no health problem.

(14) The requirement for adequate washing facilities in or adjacent to each toilet room would be changed to require one lavatory for each toilet facility. The present requirement for adequate washing facilities is too vague.

(15) All provisions relating to separate facilities based on sex are eliminated. Separate facilities for each sex have no basis in sanitation standards.

(16) The requirement for split toilet seats would be changed to apply only to seats in-

stalled or replaced after the effective date of this change.

(17) The number of lavatories in office occupancies would be reduced to the number of toilet facilities. Not all office workers need or do wash at the end of the working day. The number of lavatories required in the present standard and ANSI Z4.1 is based more on industrial occupancies, where the load on washing facilities is likely to be heavier, and concentrated at specific periods of the working day.

(18) The present language regarding change rooms would be replaced by a requirement to have change rooms only when employees are required to wear protective clothing pursuant to standards issued under this Part relating to exposure to toxic materials. Separate storage facilities (both for each employee and for street and work clothing) would be required. The present standard is vague, speaking of "practice" and "necessity" for reasons of "excessive dirt, heat, vapors, moisture."

(19) The specific area requirement for lunchrooms required on account of toxic materials exposures or potential exposures in work areas would be deleted. It appears that the specification of a precise number of square feet is not relevant.

Written data, views, and arguments concerning the proposal may be mailed to the Office of Standards, Room 305, 400 First Street NW., Washington, DC 20210, within 30 days after the publication of this notice in the Federal Register. The data, views, and arguments will be available for public inspection and copying at the Office of Standards at the above address.

HONORARY DEGREE AWARDED BY ST. MARY'S COLLEGE, NOTRE DAME, IND., TO HON. JULIA BUTLER HANSEN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. BRADEMAS. Mr. Speaker, I was most pleased to be present on May 20, 1972, at the 125th annual commencement of St. Mary's College, Notre Dame, Ind., at which time our distinguished colleague, the Honorable Julia Butler Hansen, was awarded by St. Mary's College the degree of doctor of laws, honoris causa.

Mr. Speaker, her colleagues in the House of Representatives are aware of the outstanding achievements of Mrs. Hansen.

I believe, however, that the citation that accompanied the honorary degree to which I have just referred sets forth in greater detail the record of public service of Mrs. Hansen, and I, therefore, insert that citation at this point in the Record:

JULIA BUTLER HANSEN

Pioneering is the legacy of Julia Butler Hansen, United States Congresswoman for the Third Congressional District of the State of Washington. Born in Portland, Oregon, of parents who had settled in the Washington Territory in 1877, Julia Butler Hansen has literally paved the way for women's rights through the scores of elective positions she has held in the thirty-five years that she has dedicated to public service. Countless public tributes and awards have been bestowed on her for the high standards and effective results she has accomplished through the courage, perseverance, knowledge and leadership she has brought to high policy-making positions.

As early as 1937, Mrs. Hansen was the first woman to be elected to the Cathlamet City Council, Cathlamet, Washington, an office which she held for eight years. In 1939, she was elected to the Washington State House of Representatives, serving continuously until November 9, 1960. She was the first woman to be elected Speaker Pro Tem of the Washington State House of Representatives, serving in that capacity from 1955 to 1960. During this period she also chaired the important State Education Committee. From 1949 to 1960, she served as the Chairman of the Roads and Bridges Committee of the Washington State House of Representatives, the first woman in the history of the United States to serve in such a position. While in the state legislature, she also chaired for ten years the Western Interstate Committee on Highway Policy Problems for eleven western states.

In 1960, Mrs. Hansen was elected to the 86th Congress of the United States and has been re-elected each succeeding Congress. As Chairman of the House Appropriations Sub-committee on Interior and Related Agencies, she is the first woman to act in this capacity in the House or in the Senate and is also the first woman Democratic member in the history of the House Appropriations Committee.

Mrs. Hansen's work has been notable particularly for her dedication to environmental protection. She has pioneered in ecological planning and resource and energy management. She has received public acknowledgment for her work in historic preservation, for expanding and improving Indian health and education programs, and for advancing the Arts and Humanities.

In recognition of her exemplification of the challenging new role of women in today's society, through her outstanding and varied achievements as a wife and mother, as a legislator, and as an author who has written many articles and periodicals as well as a prize-winning historical juvenile novel, Saint Mary's College takes pride in bestowing upon Julia Butler Hansen, this gentlewoman and graduate of the University of Washington, the Degree of Doctor of Laws, *honoris causa.*

HARRY J. KELLER

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. GAYDOS. Mr. Speaker, the city of Pittsburgh and the county of Allegheny in Pennsylvania recently lost a man who exemplified the highest standards and traditions of a profession which demands courage and character above and beyond the normal call of duty.

The death of Harry J. Keller on June 11 will be felt not only by his family and many friends but by his contemporaries and comrades across the Nation, for "Chief" Keller was a firemen's fireman. He was a man who ranked at the top of his chosen field and whose career dated back to boyhood days. Most of us, I suppose, wanted to be firemen at one time in our young lives but it is a desire that fades and disappears with time. Not so with "Chief" Keller.

He used to say proudly:

> I always wanted to be a fireman . . . never wanted to do anything else. Although I couldn't join a fire company until I was 21, I've been chasing fires from the time I learned to walk. I can remember riding on a horse to a fire when I was young. That's when the engines were horse drawn. My father was a fireman at that time. He was assistant engineer on the fire engine. It was his job to stoke the boiler on the way to the fire.

Harry Keller never strayed far from that early desire. He launched a 35-year career with the Pittsburgh Bureau of Fire on January 2, 1936, a career interrupted only by military service during World War II and by his retirement in late 1970. During his tour of duty with the Navy, Chief Keller served as a crash firefighter at the Brooklyn Naval Shipyard and later as an instructor at Bainbridge, Md. He returned to the fire department in 1946 and was promoted to captain later in the year. In 1950, he was named battalion chief and in 1966 he became fire chief, a position he held until his retirement.

A few months after leaving the Pittsburgh Fire Bureau, Chief Keller was picked by the Allegheny County Commissioners to head a new multimillion-dollar county fire academy which would serve as a model to the Nation. Their choice was an excellent one and Chief Keller, who had conducted fire schools for thousands of volunteer firemen over a score of years, termed his new job the fulfillment "of a 26-year dream for me to have a permanent fire school for the teaching of modern firefighting techniques under actual fire conditions."

Mr. Speaker, I insert in the Record the formal resolution adopted by the Allegheny County Commissioners honoring Harry Keller for his many accomplishments over the past years and joining with the citizens of the county in mourning his passing:

RESOLUTION

Whereas, the untimely passing of Allegheny County Fire Training Academy Director Harry J. Keller has left our community bereft of a citizen with a long and distinguished career; and

Whereas, during his more than 36 years as a firefighter in Pittsburgh and in Allegheny County he exemplified the highest traditions of a dedicated and selfless profession; and

Whereas, he joined the Pittsburgh Bureau of Fire on January 2, 1936 and rose to become City Fire Chief, a post from which he came to become the first director of the county's new Fire Training Academy; and

Whereas, Director Keller was one of the founders and served as an instructor for annual fire training schools in North and South Parks where thousands of firemen throughout the County received life-saving training; and

Whereas, "Chief Keller" as he was affectionately known to thousands of persons, was summoned to address firemen's seminars throughout the United States because of his vast knowledge of firefighting; and

Whereas, he always concerned himself with the cause of fire prevention, working tirelessly with all firemen's organizations in the county; and

Whereas, his dedication to his profession serves as an example of public service to which all could aspire,

Now, therefore, be it resolved, that this Board of Commissioners of Allegheny County does hereby join with the citizens of the county and the many friends of Harry J. Keller in mourning his passing and expressing condolences to the surviving members of his family.

DRUG DEPENDENCE TREATMENT CENTER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. EILBERG. Mr. Speaker, recently I visited the Drug Dependence Treatment Center of the Veterans' Administration Hospital, at University and Woodland Avenues in my city, Philadelphia.

This clinic, under the direction of Dr. Charles P. O'Brien, is the type of facility which must be available to every addict if we are going to solve the problem of drug addiction in our country. It offers the addict treatment on an individual basis. No man is forced into one type of treatment just because that is what is available at the clinic. This center offers the addict the program which is most likely to help cure him of his addiction.

Unfortunately, this center cannot come close to meeting the demands of the veterans in Philadelphia. At least one more clinic and possibly more are needed in the city.

These veterans are addicts today because they were sent by their country into a situation where drugs were cheap and readily available and the social climate put great pressures on each man to experiment with drugs.

This clinic in Philadelphia should be used as a model for similar facilities all over the Nation. It is an excellent example of what must be done to help men who become incapacitated while serving their country.

At this time I enter into the RECORD a description of the drug treatment program at the VA hospital in Philadelphia:

PHILADELPHIA VA DRUG DEPENDENCE TREATMENT CENTER

This program was begun in July 1971 and transferred to its present quarters in November 1971. The currently active treatment options are 1—inpatient detoxification using methadone, 2—outpatient detoxification using methadone, 3—long-term therapeutic community at the nearby Coatesville VAH, 4—day-hospitalization with intensive group therapy, family therapy, psychodrama and vocational counseling and either no medication or only tranquilizers or anti-depressant medication, 5—short-term methadone maintenance in combination with partial day-hospitalization and intensive counseling support, 6—long-term high-dose methadone maintenance obtained through the Phila. General Hospital Methadone Maintenance Program located across the street from the D.D.T.C., and 7—a graduate program consisting of group therapy and counseling on evenings and Saturdays for individuals who have already obtained jobs. Treatment options planned but not in actual operation at this time include an experimental therapy program consisting of formal behavior therapy and the use of non-narcotic blocking agents such as cyclozazine.

Patients are evaluated at the time of admission and a treatment option is selected. Patients are generally admitted for detoxification. Ten beds are set aside for detoxification at the Phila. VAH. Patients may also be transferred to the detoxification unit at Coatesville VAH. Only rarely are patients put directly on long-term methadone maintenance without first a trial on another treatment method. During the inpatient detoxification, evaluation is continued by means of interviews with counselors, psychiatrists and group therapy sessions. With occasional patients, psychological testing is used. The patients considered appropriate for long-term inpatient therapeutic community are discussed with the staff at the Coatesville Rehab. Unit and then sent to Coatesville for evaluation by the patient-staff committee there. Patients admitted to either the Coatesville Detoxification Unit or the Coatesville Rehab. Unit are given follow-up outpatient care at the Phila. VA Drug Center.

Following discharge from an inpatient detoxification patients are seen in the day treatment center usually daily at first. Efforts are made to place the patients in a vocational training program or in a suitable job. Currently a teacher conducts courses and GED testing in the center. A pre-vocational training course is also being started in the day-hospital. Progress after hospitalization is monitored by urine testing as well as by frequent interviews. Family therapy is heavily emphasized. As can be expected there is a high relapse rate and repeated detoxifications are permitted. Selected patients are given repeated detoxifications on an outpatient basis using methadone and monitored by urine testing. Occasionally patients who come in initially and are already engaged in a job will be detoxified on an outpatient basis so that they do not have to stop work.

If repeated attempts at "clean" treatment fail the patient is then considered for methadone maintenance. Short-term relatively low dose methadone maintenance (approximately 6 months and approximately 40 to 80 mg) is conducted as part of the day treatment center. Patients selected for long-term high dose methadone maintenance are treated on a contract basis at Phila. General Hospital and are seen less frequently at the VA Hospital.

Research activity is given a high priority in this treatment program. Currently work is underway on a follow-up program of the first 500 patients who presented themselves for treatment at this center. Efforts will be made to follow up not only those patients who remain for some form of treatment but also those who dropped out after the initial contacts. Double blind controlled studies of methadone maintenance are also under way. Attempts to demonstrate the conditioned abstinence syndrome in post-detox patients are also in progress and it is anticipated that behavior therapy and work with non-narcotic agents will also begin shortly. Basic research is being conducted by members of the VA staff who hold joint appointments at the University of Pennsylvania. These studies include the phenomenon of tolerance as manifiested in the isolated rat brain preparation and the effects of methadone and morphine on hypothalamic function in rats and monkeys.

NECESSITY FOR NATIONAL PRESIDENTIAL PRIMARY

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. BRINKLEY. Mr. Speaker, every convention reinforces my belief concerning the desirability, and now the necessity, for a national Presidential primary. As a first-time delegate to the Democratic National Convention in Miami last week, I saw the enormous complexities of housing, security, and communications—and the process as it has come to be is something less than democratic. I know personally that many delegates who attended the convention were not representative of the area from which they came.

In April of 1971, Mr. William H. Gerlach, an associate professor of political science at Columbus College, Columbus, Ga., developed a constitutional amendment which suggests a national primary for the election of the President and Vice President of the United States. His thoughtful proposal includes a provision for a national Presidential primary and commends itself to our careful study in moving toward an improved method for filling the highest offices in the land.

Professor Gerlach's proposal reads:

OBJECTIVES OF THIS SUGGESTED CONSTITUTIONAL AMENDMENT

1. To compromise between the proponents and opponents of election of the President by popular vote.

2. To compromise between the proponents and opponents of unrestricted grants in aid to the States.

3. To abolish the possibilities of fraud and the effect on voting behavior from news releases and projections by the mass media as presidential elections move westward.

4. To return the office of Vice-President to the status the constitutional convention intended it should have.

5. To increase the probabilities of electing Presidents by a majority.

6. To decrease the probabilities of all candidates failing to win a majority of electoral votes.

1. For the purposes of this amendment only, the word "State" includes the District of Columbia. "Party" means political party. "Party members" are those qualified voters of State who are identified with a party on the voter registry of a State.

This avoids repetition of the phase "a State or the District of Columbia." It provides for closed primaries to prevent "party raiding," which can deny the electorate of its right to choose from among the best candidates that all parties can offer.

2. In each year immediately preceding a year in which a President's term expires, on days to be determined by the Congress, presidential primary elections and presidential general elections will be held. The Congress shall determine the voting hours by local time in all time zones, providing for all polls in the United States to open and close simultaneously. The Congress shall determine the maximum compensations and rentals to be paid to conduct presidential primary elections, presidential general elections, and all other primary and general elections for the nomination and election of members of the House of Representatives and the Senate, including special elections when vacancies occur; and the United States shall reimburse each State for all expenditures incident to conducting any such election, exclusive of the cost of capital investments, although candidates for other offices may be nominated and elected at any such election.

If States schedule all elections concurrently with those named, they will be relieved of all election expenses now borne by them. Each State will know how much money will be freed for general unrestricted use. The need for grants in aid will be less crucial. The uncertainties of new Congresses reducing appropriations for grants and questions as to whether States are using grants for other purposes than the national general welfare will be eliminated. Equality in aid will exist because election expenses are in ratio to population. There will be no justification for high filing fees which limit candidacies to the affluent. The fact that expenses may now be paid by counties and municipalities is irrelevant. They are agencies of the States and it is mostly for their needs that the States seek grants. The State problem of making equitable allocations to its subdivisions would also be solved.

Capital investments are excluded to prevent States from periodically purchasing new voting machines or expensive computor systems at national expense. Control of voting hours will decrease the possibility of fraud and influence on voting behavior from the news releases and projections of the mass media as presidential elections move westward.

3. Any person constitutionally qualified to be elected President may become a candidate for a party's nomination for President by filing, in each of any combination of States which together have a majority of the total electoral vote of the United States, a petition signed by himself and by a number, to be determined by the Congress, of that party's members in the State. The names of persons so qualifying shall appear on the ballots of the presidential primary election in all States as candidates for the nominations of such parties for President.

The signature of candidates is required to prevent groups from qualifying candidates without their consent. Petitions are to be filed in the States because the States will have the voter registry lists to validate signatures. Validation expenses would be reimbursable as expenses incident to the election. The requirement for voters' signatures is minimal and will be no problem for recognized candidates. It will hamper publicity seekers who attempt to use elections as a vehicle. Serious candidates can concentrate in areas of strength. If urban-oriented, they can file petitions in a relatively small number of largely populated States. If rural-oriented, they can file petitions in more States with smaller populations.

4. In presidential primary elections, every citizen of the United States, qualified to vote in any State election, shall be qualified to vote in that State for two candidates for his party's nomination for president. The candidate in each party receiving the plurality of the total vote cast for each party's nomination shall be that party's nominee for president. The candidate in each party receiving the second highest number of votes shall be that party's nominee for vice-president, and shall become the party's nominee for president if the presidential nominee dies or withdraws before the date of the presidential general election. The candidate in each party receiving the third highest number of votes shall become that party's nominee for vice-president if the vice-presidential nominee dies, withdraws, or succeeds to the presidential nomination before the date of the presidential general election. Additional substitutions for party nominations made necessary by other deaths or withdrawals shall be made by parties as Congress shall provide.

The nomination of candidates by popular vote is more likely to be accepted by States than the forfeiture of the electoral power they now hold with electoral votes. It certainly gives the people a louder voice than they now have. Voting for two candidates is a return to the original Constitution which provided in Article II that ". . . The electors shall . . . vote by ballot for two persons (for President) . . ." This amendment makes every voter an elector in the primary. The nominees for both offices will be persons who party members believe are qualified for the Presidency. It embodies Alexander Hamilton's thought when he wrote in Federalist Essay No. 68: ". . . as the Vice-President may occasionly become a substitute for the President, in the supreme executive magistracy, all the reasons which recommend the mode of election prescribed for the one apply with equal force to the other." Such substitutions have been more than "occasional" and the 25th amendment increases the possibility of their frequency. Vice-Presidents have completed terms of 8 of the 31 men who have been elected President. That is more than 25%. Since 1900, in 18 presidential elections, 29 men have had major party vice-presidential nominations. Only five of them, and some of those may be doubted, were serious contenders for the presidential nomination at the convention that nominated them. They were Garner, Bricker, Warren, Kefauver, and Johnson. The constitutional convention rejected the proposal that the Congress elect the President because the concept of separation of powers demanded that he not be subservient to the Congress. The same concept demands that the presiding officer of the Senate not be subservient to the President. It will be argued that parties will have two candidates with different political philosophies. It is more likely that each voter will vote for two candidates with similar philosophies. How many Republicans entitled to two votes in a primary in 1964 would have voted for Rockefeller and Goldwater? How many Democrates entitled to two votes in a 1960 primary would have voted for both Kennedy and Johnson for President?

5. In presidential general elections, every citizen of the United States, qualified to vote in any election in a State shall be qualified to vote in that State for one candidate for President and for one candidate for Vice-President, from among the nominees of all political parties whose candidates for nomination received no less than ten percent of the total vote cast for all candidates for nominations in the presidential primary election in each of any combination of States which together have a majority of the total electoral vote of the United States. Nominees for the office of President and Vice-President respectively who receive a plurality of the total vote in any State shall receive the total electoral vote of that State.

It will be easy for any party with a national appeal to qualify its candidates for the ballots of the Presidential General Election. It will be more difficult for ideological and regional parties. Such parties will not be discriminated against. All parties have equal opportunity, with the very small requirement of polling approximately 5% of the popular vote distributed in a way that indicates some national appeal, to qualify their candidates for the ballots in the Presidential General Election. The people are given the opportunity to reject the ideological and regional parties by denying the vote distribution that would indicate a national appeal. The possibility of electing a President by a majority is increased. The danger of crises from elections by the House of Representatives is decreased. Voting by electors is abolished but electoral votes are retained.

6. Each State shall have the number electoral votes equal to the whole number of Senators and Representatives to which the State may be entitled in Congress. The District of Columbia shall have the same number of electoral votes as the State with the least number.

This makes no change in the status quo in the foreseeable future.

7. Nominees for the Office of President and Vice-President respectively who receive a majority of the total of electoral votes shall be the President and Vice-President. If no nominee for President have such majority, the House of Representatives, immediately following its organization in the January next following the Presidential general election, by ballot will choose the President from among the nominees, not exceeding three, having the highest number of electoral votes. But in choosing the President, the votes shall be taken by State, the Representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States and a majority of all States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon it, before the 20th day of that month, then the Vice-President shall be the President. If no nominee for Vice-President have such majority, the Senate, immediately following its organization in the January next following the Presidential general election, by ballot will choose the Vice-President from among the nominees, not exceeding two, having the highest number of electoral votes. A quorum for this purpose shall consist of two-thirds of the whole number of Senators and a majority of the whole number shall be necessary to a choice.

The only change made here is the imposition of a time limit on the power of the House of Representatives to elect a President. It is possible under the 12th amendment, as amended by the 20th amendment, for the House to elect a President at anytime in a four year period to replace a Vice-President who is "acting" as President and whenever the House was in session he would never know how long he would so act.

8. The Congress shall have power to put this article in effect by appropriate legislation.

AMERICAN REVOLUTION BICENTENNIAL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. SCHWENGEL. Mr. Speaker, plans for the 1976 American Revolution Bicentennial observance are proceeding in all parts of the Nation. The following article, written by Donald V. Lowe of Davenport, Iowa, describes the goals and purposes of the observance.

Mr. Lowe is a member of the Scott County Bicentennial Commission in conjunction with the national commission. He is also the research and heritage chairman-designate for the bicentennial's Black Hawk region which will include counties in Iowa and Illinois when it is organized.

The article follows:

[From the Times-Democrat, July 1, 1972]

REVOLUTION BICENTENNIAL

(EDITOR'S NOTE.—The following on the American Revolution Bicentennial observance scheduled for 1976 is by Donald V. Lowe, Davenport. A retired teacher, he is a member of the Scott County Bicentennial Commission in conjunction with the national commission and is the research and heritage chairman-designate for the bicentennial's Black Hawk region which will include counties in Iowa and Illinois when it is organized. Lowe taught 25 years in the Davenport school system and six years at Palmer Junior College, Davenport. His special subject is American history and one of his special interests is Abraham Lincoln. He received a bachelor's degree at Northern Illinois University, DeKalb. He has received two master of arts degrees from the University of Iowa—in American history and secondary education. Lowe stresses that all data relative to the bicentennial or correlated events will be appreciated and may be directed to him or to Dr. R. W. Slack, chairman, in care of the Scott County Bicentennial Commission, Post Office Box 1976, Davenport, Iowa 52805.)

The American Revolution Bicentennial

Commission was established by act of Congress July 4, 1966. Its mandate is to prepare an over all nationwide program commemorating the bicentennial of the American Revolution and of the nation's birth.

Congress specifically instructed the commission to plan, encourage, develop and coordinate activities commemorating the historic events that preceded and are associated with the revolution. This national commission is to give due consideration to related plans and programs developed by state, local and private groups. State commissions have been established and county organizations are evolving.

GOAL

The goal of the American bicentennial is to forge a new national commitment, a new "Spirit of '76" which would vitalize the ideals for which the revolution was fought; a spirit which will unite the nation in purpose and dedication to the advancement of human welfare as it moves into its third century.

GUIDELINES

Some aspects of the bicentennial should be solemn and others festive. The 200th birthday of the country should evoke both a solemn rededication and a joyous celebration. To promote the realization of these objectives three guidelines were adopted.

First, the bicentennial should be national in scope. It should appeal in such a way as to make every American and all friends of America eager to participate.

Second, the bicentennial is a period for commemorating events which led to and through the revolution and to the formal founding of the nation in 1787. The focal year is 1976 and the focal date is July 4.

Third, the bicentennial will be a time for Americans to review and reaffirm the basic principles on which the nation was founded. The principles of "life, liberty and the pursuit of happiness" and the concept of man's equality are (or should be) as valid today, and will be for tomorrow, as they were when the nation was founded.

THEMES

The commission envisions that observances and other activities related to the bicentennial will embrace three themes. They are:

Heritage '76.—To recall our heritage and place it in its historical perspective so that all groups within our society can reexamine our origins and values and the meaning of America and take pride in our accomplishments and dramatize our development.

Open House USA.—To develop nationwide activities and events which stimulate travel and thus encourage our citizens to expand their knowledge of our country and to extend a particular welcome to visitors.

Horizons '76.—To challenge every American, individually or with others, to undertake at least one principal project which manifests the pride, priorities and hopes of the community. Groups are encouraged to pool their resources and talents in a constructive effort to demonstrate concern for human welfare, happiness and freedom.

ACTIVITIES

The over-all program of the bicentennial is to be implemented through many activities. Some may be feasible in one community but not in another, and the suggestions are not limited to those named. The recommendations are:

The production, publication and distribution of books, pamphlets, films and other educational materials focusing on the history, culture and political thought of the revolutionary period.

The development of bibliographical and documentary projects and publications.

The presentation of programs, conferences, convocations, lectures and seminars.

The development of libraries, museums, historic sites and exhibits.

The observance of ceremonies and celebrations commemorating specific events.

The presentation of programs and other activities focusing on the national and international significance of the American Revolution and its implications for present and future generations.

The issuance of commemorative coins, medals, certificates of recognition and stamps.

PROJECTIONS

The heritage of America is the substance of our collective memory, and our heritage is rich. It has led to improvement in our way of life so that we have and do things that our forebears never dreamed of. Open House USA will bring these things into focus.

In the area of Horizons, although violence seems to be all around us, there are hopeful signs as well. Little publicized and yet truly significant is the fact that the men of the Apollo 11 mission were the first explorers in history who carried no weapons.

REDEDICATION

On the threshhold of our nation's 200th birthday it is an appropriate time to assess the condition of the republic. Although Greece and Rome ruled the civilized world successively for nearly 1,400 years, the average life span of an empire or major nation, according to historian Alfred Toynbee, is about 200 years. Americans are asked to reflect upon, review and rededicate themselves to the principles on which the nation was founded.

"We must not forget our hard beginnings," Carl Sandburg asserted, "or we deserve no better future."

Apathy should be countered by commitment and decadence by revitalization. Accomplishment requires action, and action requires involvement.

The men who gained independence for the 13 colonies did not restrain themselves from involvement, although involvement meant great risk. The signers of the Declaration of Independence knew they were virtually signing their own "death warrants" if the revolution did not succeed. To support their commitment they risked their lives, their fortunes and their sacred honor.

OLDER AMERICANS ACT

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. PEYSER. Mr. Speaker, the passage of the Comprehensive Older Americans Services Amendments of 1972 by the House of Representatives today was of particular personal satisfaction to me. I coauthored this legislation which contains all of the major provisions I have worked since my arrival in Congress to see included.

One of the major themes of the 1971 White House Conference on Aging was the need for comprehensive legislation in the areas of nutrition, transportation, education, and health services for America's older citizens. This bill, in conjunction with the recently enacted Public Law 92-258, which amended the Older Americans Act to provide comprehensive nutrition services, meets those needs and in addition contains provisions which: First, strengthen the role of the Administration on Aging within the Department of Health, Education, and Welfare; second, expand services under the Older Americans Act; third, establish a National Advisory Council on the Aging; fourth, expand work service opportunities, including strengthening the retired senior volunteer program and the foster grandparents programs; fifth, provide more effective coordination of Federal aging programs; sixth, improve delivery services to older citizens; seventh, provide meaningful employment opportunities; and eighth, provide for the creation of Gerontological centers to study the aging process and senior citizen community centers to deliver centralized services to elderly citizens.

I am extremely pleased with the transportation section of the bill which incorporates provisions for meeting the transportation needs of our older citizens which I have long advocated. Included are grants for: First, establishment of special transportation subsystems for older persons; second, portal to portal transportation services; third, subsidies to transportation systems to provide for reduced rates for older persons; and fourth, direct payments to older persons for necessary transportation services. In addition, I was successful in having three amendments included in this bill which provides for the participation of older persons and voluntary groups, particularly youth groups, in the planning and operation of programs provided for by the act.

Passage of this legislation reaffirms our commitment to older Americans to provide at their point of need the comprehensive services to which they are entitled.

DEBORAH KAYE WEST, WINNER OF MARSHALL SCHOLARSHIP

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. RHODES. Mr. Speaker, I would like to call attention to a singular honor which has been awarded to the daughter of one of our trusted and well-known employees of the House. I refer to the recent award given to Deborah Kaye West, daughter of Ben West, Superintendent of the House Press Gallery, by the British Ambassador, the Earl of Cromer.

Deborah is the first graduate of the University of Maryland to win a coveted Marshall Scholarship. The Marshall Scholarship was established in 1953 by the British Government as a thank-you for American aid sent them right after the war. It was named for Gen. George C. Marshall who instituted the European Recovery program when he was Secretary of State in 1946. This prestigious British Government award will entitle Deborah to 2 years of study at the university of her choice, and includes transportation, books, tuition, and the living allowance.

Mr. and Mrs. Ben West have further reason to be proud of their beautiful and talented daughter. She had some impressive choices to make in planning her next

2 years of study. She was accepted at both Harvard and Yale law schools and plans to study law after her 2 years of study at the University of Edinburgh.

Deborah was chosen as one of 24 Americans this year from a list of 860 screened applicants. Selections for the Marshall Scholarship are made on the basis of "distinction in intellect and character." Candidates must be graduates of U.S. colleges and universities with high academic ability and with a capacity to play an active part in the life of the United Kingdom university to which they go. Deborah, in choosing Edinburgh University wishes to pursue political thought from its earliest beginnings. She plans to study the 18th century British theorist, John Locke. Her interest in politics is deep—she is concerned with the philosophy of politics. Deborah's honors thesis was on Plato and at a speech association meeting in Boston, she also presented a paper on "John Adams as a Rhetorician."

The strength of character of this highly successful student and her involvement with the political discipline can possibly be traced to her father, Ben. Ben West came to the Press Gallery in November of 1942. He has been on the Hill 30 years and has moved up through each position of the Gallery staff, starting as a messenger, to become Superintendent in 1969—the only man to have served on each of the positions on the staff.

We congratulate Deborah and her parents on her brilliant accomplishments.

GENERAL WESTMORELAND

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. SPENCE. Mr. Speaker, Gen. William C. Westmoreland, the Army's 26th Chief of Staff, retired from active military service on June 30, 1972.

"Westy" prepared to meet the challenges of later life during his early years among the hard working, honest, patriotic, and God-loving people of South Carolina.

His distinguished career spanning over 36 years saw many changes in Army technology from horse-drawn artillery to the age of helicopters. In recognition of his outstanding combat record, he has received 17 American decorations, 17 campaign stars, and 23 foreign decorations; indeed an appropriate tribute to a real fighting man.

During his tenure as Chief of Staff, the Army started its transition from a Vietnam orientation to a more global and complete outlook.

General Westmoreland initiated many innovative programs to enhance and upgrade the leadership and professionalism in the Army. Accompanying actions included: An advanced noncommissioned officer corps educational program; a return to soldiering through the elimination of nonproductive practices; an emphasis on dynamic and challenging training; an emphasis on self-discipline, pride and motivation for every soldier; and an expanded and improved use of the Women's Army Corps with the appointment of a brigadier general as its chief.

Under his aegis—to list just a few of the accomplishments—the modernization of equipment continued forward; improved procedures were developed to streamline weapons acquisition and program management procedures; a new divisional concept was formulated—combining capabilities of an armored brigade, an airmobile brigade and an air cavalry combat brigade, tri-capability—and management improvements were made in post operations.

Our South Carolina son, General Westmoreland, is now returning to civilian life after a brilliant military career in which he displayed the epitome of leadership and selfless dedication to duty.

So that my colleagues may have the opportunity to consider the general's record more fully, I insert certain excerpts from his biography, along with the text of his Distinguished Service Medal, third Oak Leaf Cluster, in the Congressional Record at this point:

GEN. WILLIAM C. WESTMORELAND

The President of the United States of America, authorized by Act of Congress, July 9, 1918, has awarded the Distinguished Service Medal (Third Oak Leaf Cluster) to General William C. Westmoreland, United States Army, for exceptionally meritorious service in a position of great responsibility:

General William C. Westmoreland distinguished himself by exceptionally meritorious service as Chief of Staff, United States Army, from July 1968 to July 1972. During a period marked by significant changes in national strategy and priorities, General Westmoreland's outstanding professional ability, personal integrity, and untiring leadership efforts were an inspiration to all the Army. Under his guidance, the Army began the complex transition from a force of one and a half million men, shouldering the major burden of our prolonged national commitment in Southeast Asia, to a smaller, highly professional force, qualitatively structured to support the national strategy requirements of the Seventies. General Westmoreland initiated programs to provide for the restructuring, realignment and modernization of Army forces in order to improve force capabilities and best meet our global national commitments. He instituted measures to revitalize leadership and professionalism throughout the ranks, to include the design of a new Officer Personnel Management System, a Noncommissioned Officer Education System, and an Enlisted Qualitative Management Program. General Westmoreland was particularly concerned with the men and women of the Army, and devoted himself unsparingly to improving service life and providing the soldier with an unprecedented sense of personal choice, dignity, and self-discipline. He insisted on meaningful and challenging training for every person in the Army and the effective utilization of skills in tasks directly related to unit missions. He directed that the responsibilities for designing unit training programs be returned to the unit commanders, and urged leaders at all levels to make use of mission type orders and permit their subordinates maximum initiative in accomplishing assigned tasks. In adjusting the priorities for future military spending, General Westmoreland resolutely defended programs aimed at improving the working environment and living standards of American soldiers worldwide. His imaginative and unrelenting efforts to improve service attractiveness job satisfaction, and public understanding have been instrumental in moving the Army toward the President's goal of an all-volunteer force. His exceptional leadership and selfless dedication to duty throughout this period are the hallmarks of his brilliant career. A grateful Nation recognizes that General Westmoreland's long and distinguished service, covering three wars and more than thirty-six years of devoted duty, has been in the finest traditions of the military profession. His loyal and illustrious service to the United States, in successive positions of the greatest responsibility, reflects the highest credit upon himself, the Army, and the Nation.

GEN. WILLIAM CHILDS WESTMORELAND

William Childs Westmoreland was born in Spartanburg County, South Carolina, March 26, 1914, and graduated from Spartanburg High School in 1931. He attended the Citadel Military College of South Carolina for one year, and was then appointed to the United States Military Academy, West Point, New York. At the United States Military Academy he was first captain and regimental commander and was commissioned as a Second Lieutenant in the Field Artillery upon graduation on June 12, 1936.

His initial assignment was with a regiment of horse-drawn 75mm guns, the 18th Field Artillery, at Fort Sill, Oklahoma. In March 1939, he joined the Eighth Field Artillery of the Hawaiian Division at Schofield Barracks, Hawaii. Here he served as a battery officer, battalion staff officer, and battery commander. In May 1941, as a captain, he was assigned to the just organized Ninth Infantry Division at Fort Bragg, North Carolina, as operations officer of the 34th Field Artillery Battalion (155mm Howitzer).

In April 1942 he assumed command of the 34th Field Artillery Battalion and moved with it later that year to Morocco, North Africa. He commanded the battalion in combat in Tunisia and Sicily. During combat in Tunisia, his battalion was awarded the Presidential Unit Citation.

During the campaign in Sicily, General Westmoreland's battalion was successively attached to the 82d Airborne Division, and the 1st Infantry Division before returning to its parent division. In March 1944 he was named executive of the Ninth Infantry Division Artillery while the division was staging in Southern England preparatory to the invasion of the Continent. Following D-Day, he fought with the Ninth Infantry Division through France, Belgium and into Germany. In October 1944 he was named chief of staff of the division, serving in that capacity in continuous combat from the German border to the Elbe River.

In June 1945 General Westmoreland assumed command of the 60th Infantry Regiment in Germany and in January 1946 was transferred to the 71st Infantry Division and as commander of that division returned it to the United States for inactivation.

Following training at Fort Benning, Georgia, he earned the Parachute and Glider Badges and assumed command of the 504th Parachute Infantry of the 82d Airborne Division at Fort Bragg, North Carolina in July 1946. In August 1947 he was named chief of staff of the 82d Airborne Division.

He was appointed an instructor at the Command and General Staff College at Fort Leavenworth, Kansas, in August 1950. Later that year he was designated an instructor at the newly organized Army War College, also at Fort Leavenworth, and in June 1951 moved to the Carlisle Barracks, Pennsylvania, with the Army War College, serving as a member of the faculty until July 1952.

On August 1, 1952, he assumed command of the 187th Airborne Regiment Combat Team in Korea. While under his command, the unit was twice committed to combat and during the interim was deployed to Japan as theater reserve. The Republic of Korea awarded his unit the Distinguished Unit

Citation. During this period he was promoted to brigadier general at the age of 38. In August 1953 he was awarded the Master Parachute Badge.

In November 1953 he reported for duty as Deputy Assistant Chief of Staff, G1, for Manpower Control. In 1954 he attended the Advanced Management Program of the Harvard Business School in Boston, Massachusetts. He was named to the Secretary of the Army General Staff in July 1955.

On December 1, 1957, the Chief of Staff of the Army, General Maxwell D. Taylor, pinned a second star on General Westmoreland, making him at that time, the youngest Major General in the Army.

General Westmoreland assumed command of the 101st Airborne Division "Screaming Eagles" at Fort Campbell, Kentucky, on April 2, 1958.

In July 1960, General Westmoreland was appointed Superintendent of the US Military Academy at West Point. He was transferred to Fort Bragg, North Carolina in July 1963 at which time he became Commanding General, STAC and XVIII Airborne Corps.

In January 1964, he reported to duty at the US Military Assistance Command, Vietnam. He was assigned first as Deputy Commander, then Acting Commander and finally, in August 1964, was made Commander, US Military Assistance Command, Vietnam and Commanding General, US Army, Vietnam.

On 3 July 1968, General Westmoreland became the Chief of Staff, United States Army. From this assignment, he leaves the active ranks.

BUDGET SCOREKEEPING REPORT NO. 4

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. MAHON. Mr. Speaker, I am inserting, for the information of Members, their staff, and others who may be interested a few excerpts from the most recent "budget scorekeeping" report for the session, prepared by the staff of the Joint Committee on Reduction of Federal Expenditures. The report reflects the impact of congressional actions on the President's budget requests through June 30, and presents us with a picture of our position as we return from the July recess. The report has been sent to all Members, and it contains considerable information for those who have need for details.

This is the 5th year these scorekeeping reports have been issued. They are the most comprehensive .current source of information on what is happening legislatively to the President's budgetary recommendations. They are authoritative, being carefully prepared by an experienced staff dedicated to complete objectivity, reporting the facts as best they can ascertain them. Some estimating is necessary, especially in respect to legislative actions affecting outlays—expenditures.

FISCAL 1973

The report shows that, as of June 30, the impact of completed congressional actions on legislation affecting fiscal 1973 has the estimated effect of increasing the deficit by some $4.8 billion. This reflects estimated outlay increases of about $3.2 billion above amounts requested by the President, including nearly $1 billion for black lung benefits and $2.1 billion for social security benefits. Also reflected is recent action which has the effect of reducing proposed social security revenue by about $1.6 billion under budgeted requests.

Action is incomplete on seven of the 10 regular 1973 appropriation bills pending as of June 30, but House and Senate action on these bills so far indicates probable significant net increase primarily due to additions made to the Labor-HEW bill by both Houses. Three regular 1973 appropriation bills remain to be reported, and there will be a large supplemental required before the end of the session.

In addition, there is incomplete action on a number of legislative bills which could have significant scorekeeping impact, including the multibillion-dollar Water Pollution Control Act now in conference and the pending general revenue sharing legislation.

Projecting the possible effect on fiscal 1973 of all reasonably potential congressional action indicated at this time, together with administration amendments to the budget increasing outlays for Vietnam war costs and disaster relief, it would appear that the fiscal 1973 unified budget deficit could be about $35 billion. Further, this does not reflect other possible program increases and continuing uncertainty regarding revenue collections and refunds resulting from overwithholding of individual income taxes.

FISCAL 1972

For fiscal 1972 which ended June 30 last, the report shows that the impact of congressional action and inaction—that is, actions during the current session affecting the last half of fiscal 1972—has had the effect of lowering the unified budget deficit by about $2.7 billion under the revised estimates transmitted last January. Congressional actions during the previous session—affecting fiscal 1972—were reported on in scorekeeping reports last year.

The current unofficial administration estimate of the unified budget deficit for fiscal 1972, just ended, is about $23 billion—down $3 billion from the June revisions shown in the report and nearly $16 billion below the January projection. After many months of fluctuating projections and uncertainties regarding revenue collections, we are now awaiting announcement of the final figures for the year.

HIGHLIGHTS OF LATEST SCOREKEEPING REPORT

The following highlights are from Scorekeeping Report No. 4, as of June 30, 1972:

HIGHLIGHTS—FISCAL YEAR 1973

The President's Revised Budget Estimates

The Mid-Session Budget Review for fiscal 1973, transmitted on June 5, 1972, estimated budget authority at $276 billion, budget outlays at $250 billion and budget receipts at $223 billion, and projected the unified budget deficit at $27 billion (reflecting a $37.8 billion deficit in federal funds partially offset by a $10.8 billion trust fund surplus).

The Review incorporated a number of major revisions in outlay and revenue estimates, but it did not represent significant change in the President's program as set forth in his January Budget Message. However, certain budget amendments and requests transmitted subsequent to the June 5 revisions have had the effect of further revising the budget estimates by increasing budget authority by $2.3 billion, and outlays by $1.3 billion. (These include amendments for increased Vietnam war costs and disaster relief.)

The revised estimates included the impact of certain major congressional actions and delay amounting to approximately $3.4 billion in budget authority and $3.1 billion in outlays. Deducting these amounts for the scorekeeping purposes of this report, and adjusting to incorporate recent budget amendments, the revised 1973 budget reflects estimates for budget authority at $274.9 billion, budget outlays at $248.2 billion, budget receipts at $223 billion, and the projected deficit at $25.2 billion, exclusive of congressional action.

Scorekeeping to date—Fiscal 1973

Scorekeeping for the session to date, June 30, 1972, reflects the estimated outlay impact of *completed* congressional actions totaling a net increase of $3,213 million over Administration requests. Action on appropriation bills to date reflects a net outlay increase of approximately $21 million, and action on six legislative bills reflects an estimated net outlay increase of $3,192 million (including $969 million for black lung benefits and $2.1 billion for social security benefits).

Ten regular 1973 appropriation bills have been considered. House action on these bills indicates a net outlay increase of $368 million, Senate action on nine of the bills indicates a net outlay increase of $1,260 million, and for the three bills on which congressional consideration is complete a net outlay decrease of $69 million is indicated.

Also pending are several legislative bills containing "backdoor" or mandatory spending authorizations. One major bill, the multi-billion dollar Water Pollution Control Act, is still in conference. House action on general revenue sharing legislation reflects the shift of retroactive fiscal 1972 costs into fiscal 1973 due to delay. Other significant pending legislative measures relate to federal employee health insurance, veterans benefits and water and sewer grants. These and other actions are shown in scorekeeping table No. 1.

Completed congressional action to date has the effect of reducing anticipated budget receipts by about $1.6 billion, due mainly to a 1-year delay in the effective date of the proposed wage base increase. This is reflected in scorekeeping table No. 2.

HIGHLIGHTS—FISCAL YEAR 1972

The revised fiscal 1972 budget estimates reflect budget authority at $247 billion, outlays at $233 billion, receipts at $207 billion, and the deficit at $26 billion (reflecting a $32.2 billion federal funds deficit and a $6.2 billion trust fund surplus).

The June 5 Review revised the budget estimates most substantially for receipts, reflecting an increase of about $8 billion in individual income tax collections (due largely to unanticipated over-withholding) and about $1.5 billion in corporate income taxes. Considerable uncertainty was indicated with respect to receipts.

With the fiscal year practically over, the 1972 outlay revisions are assumed to represent best tentative estimates of the outcome for the year. The Review specifically identifies one item of congressional inaction ($2.2 billion for general revenue sharing), and it is also assumed that it reflects adjustment for all other unenacted proposals, together with updated outlay estimated for other program purposes.

This scorekeeping report shows that congressional action and inaction to date, with respect to the fiscal 1972 estimates in the January budget, has the effect of decreasing budget authority by $3.8 billion ($2.7 billion by inaction), decreasing outlays by $2.9 billion ($2.5 billion by inaction), decreasing receipts by inaction of about $200 million, and decreasing the deficit by $2.7 from the January revised estimates.

SCOREKEEPING TABLES

TABLE NO. 1.—ESTIMATED EFFECT OF CONGRESSIONAL ACTIONS DURING THE 2D SESSION OF THE 92D CONGRESS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF JUNE 30, 1972)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget) House (1)	Senate (2)	Enacted (3)	Congressional actions on budget outlays (changes from the budget) House (4)	Senate (5)	Enacted (6)
Fiscal year 1973:						
Appropriation bills (changes from the 1973 budget):						
1972 Foreign assistance and related agencies (Public Law 92-242)				[1] −105,000	[1] −105,000	−105,000
Legislative Branch (H.R. 13955)	−6,022	−4,625	††−5,560	−5,500	−4,300	††−5,200
Second Supplemental, 1972 (Public Law 92-306)				−100,000	+550,000	+95,000
State, Justice, Commerce, the Judiciary and related agencies (H.R. 14989)	−100,884	+116,391	(‡)	−74,000	+42,000	(‡)
Housing and Urban Development, Space, Science and related agencies (H.R. 15093)	−454,695	+325,187	(‡)	−30,500	+39,000	(‡)
Transportation and related agencies (H.R. 15097)	−117,567	−2,187	(‡)	−75,000	−39,000	(‡)
District of Columbia (H.R. 15259)	−11,000	−29,600	††−26,913	−11,000	−29,600	††−26,913
Labor, Health, Education, and Welfare and related agencies (H.R. 15417)	+1,275,856	+2,578,297	(‡)	+550,000	+1,225,000	(‡)
Interior and related agencies (H.R. 15418)	+9,218	+23,769	(‡)	−7,100	+14,800	(‡)
Treasury, Postal Service and General Government (H.R. 15585)	−9,458	−9,417	††−8,776	−37,000	−37,000	††−36,500
Public Works and Atomic Energy (H.R. 15586)	−51,331	+82,638	(‡)	−20,000	+49,000	(‡)
Agriculture and Environmental and Consumer Protection (H.R. 15690)	−55,167			+78,000		
Supplemental, 1972, disaster relief (H. J. Res. 1238)				+100,000	+100,000	††+100,000
Subtotal, appropriation bills	+478,950	+3,080,453	−41,249	+262,900	+1,804,900	+21,387
Legislative bills with "backdoor" spending authorizations (changes from the 1973 budget):						
Higher education—student loans (borrowing authority) (Public Law 92-318)	Indefinite	Indefinite	Indefinite	N.A.	N.A.	N.A.
Housing Act of 1972 (contract authority) (S. 3248)		+300,000			N.A.	
Water and sewer grants (contract authority) (H.R. 13853)	†+5,000,000			†+3,333,000		
General revenue sharing (H.R. 14370)	[2] +2,800,000			[2] +2,550,000		
State bond subsidy (permanent) (S. 3215)		†+29,000			†+29,000	
Water pollution control (contract authority) (S. 2770, H.R. 11896)	[3] +11,000,000	+3,000,000	(‡)	+550,000	+150,000	(‡)
Subtotal, "backdoor"	+18,800,000	+3,329,000		+6,433,000	+179,000	
Legislative bills with mandatory spending authorizations (changes from the 1973 budget):						
Wage board pay (H.R. 9092)	(+76,800)	.N.A.	(‡)	(+76,800)	N.A.	(‡)
Full District of Columbia Congressional representation (H.J. Res. 253)	†+960			†+960		
Federal employee health insurance (H.R. 12202)	+267,900	+39,600	(‡)	+267,900	+39,600	(‡)
Grain reserves and price support (H.R. 1163)				(+2,276,000)		
School lunch (H.R. 14896)				+90,000		
National Guard retirement (S. 855)		+7,900			+7,900	
Additional military travel allowance (H.R. 3542)	†+2,414			†+2,414		
POW and MIA leave (H.R. 14911)	†+13,400			†+13,400		
National Foundation for Higher Education (Public Law 92-318)	[1] −90,000		−90,000	[1] −27,000		−27,000
Black lung benefits (Public Law 92-303)	[1] +968,712	+968,712	+968,712	[1] +968,712	+968,712	+968,712
Social security tax and benefit amendments (H.R. 15390)		[4] −1,600,000	††[4] −1,600,000		+2,100,000	††+2,100,000
Revenue sharing, HUD (S. 3248)		−490,000			−490,000	
Air traffic controller retirement (Public Law 92-297)	[1] +31,500	+31,500	+31,500	[1] +31,500	+31,500	+31,500
Early retirement—customs inspectors (H.R. 440)	†+3,200			†+3,200		
Veterans advance educational allowance (H.R. 12828)	+128,700			+124,700		
Veterans medical care (H.R. 10880)	(+29,658)	+150,850	(‡)	(+29,658)	+150,850	(‡)
Veterans nursing home care (H.R. 460)	(+6,900)			(+6,900)		
Veterans paraplegic housing (S. 3343)	+3,500	+5,000	††+3,500	+3,500	+5,000	††+3,500
Veterans national cemeteries (H.R. 12674)	+39,600			+39,600		
Veterans compensation increase (S. 3338)	+114,900	+169,000	††+114,900	+114,900	+169,000	††+114,900
Civil Service retirement—firemen (H.R. 7060)	†+6,700	+6,330		†+6,700	+6,330	
Subtotal, "mandatory"	+1,491,486	−711,108	−571,388	+1,640,486	+2,988,892	+3,191,612
Subtotal, legislative bills[5]	+20,291,486	+2,617,892	−571,388	+8,073,486	+3,167,892	+3,191,612
Total, fiscal year 1973	+20,770,436	+5,698,345	−612,637	+8,336,386	+4,972,792	+3,212,999
Fiscal year 1972:						
Appropriation bills (changes from the revised 1972 budget):						
Foreign assistance and related agencies, 1972 (Public Law 92-242)	[1] −353,230	[1] −353,230	−353,230	[1] −50,000	[1] −50,000	−50,000
Second Supplemental, 1972 (Public Law 92-306)	−820,808	+197,574	−518,245	−365,000	−230,000	−265,000
Supplemental, 1972, disaster relief (H.J. Res. 1238)	+100,000	+100,000	††+100,000			
Legislative bills (changes from the revised 1972 budget):						
Black lung benefits (Public Law 92-303)	[1] +5,000	[1] +5,000	+5,000	[1] +5,000	[1] +5,000	+5,000
Emergency school assistance (Public Law 92-318)			−500,000			−80,665
National Foundation for Higher Education (Public Law 92-318)	−3,000		−3,000	−1,000		−1,000
National Institute of Education (Public Law 92-318)			−3,000			−2,500
Housing Act of 1972 (contract authority) (S. 3248)		+15,000			N.A.	
AMTRAK (borrowing authority) (Public Law 92-316)	+100,000	+250,000	+150,000	N.A.	N.A.	N.A.
Legislative inaction on proposals included in the 1972 budget (see tables 4 and 5 for details):						
General revenue sharing	−2,500,000	−2,500,000	−2,500,000	−2,250,000	−2,250,000	−2,250,000
Other	−117,011	−371,111	−208,017	−52,483	−210,583	−210,583
Total, fiscal year 1972	−3,589,049	−2,656,767	−3,830,492	−2,713,483	−2,735,583	−2,854,748

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[1] Enacted figure used for comparability.

[2] Due to delayed action, includes effect of shift into fiscal 1973 of $2.5 billion in authority and $2.2 billion in outlays, together with increases of $150 million in authority and outlays for both fiscal years 1972 and 1973.

[3] Consists of $5 billion provided for fiscal 1973 and advance availability of $6 billion provided for fiscal 1974. Action on Administration request of $2 billion in direct appropriations for similar programs may result in some offset.

[4] Decrease in budget authority for social security reflects less than anticipated tax revenues for trust fund.

[5] Excludes actions taken in 1st Session of 92d Congress, shown in parentheses above.

‡Subject to or in conference.

N.A.—Not available.

†Committee action.

††Pending signature.

NEW LOCKHEED BAILOUT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. ASPIN. Mr. Speaker, the Nixon administration may be using its special $2.2 billion budget request to pay for the Vietnam war as a coverup for a new $120 million bailout for the Lockheed Corp. of Marietta, Ga.

As my colleagues know, on June 30, President Nixon submitted to the Congress a $2.2 billion supplemental defense budget which the Congress has not yet considered. Included in that budget is $120 million for 30 cargo planes built by Lockheed. Lockheed hopes to build the 30 C–130 jet cargo aircraft at its Marietta, Ga., facility which produced the C–5A that suffered more than $2 billion in cost overruns.

For some unexplained reason the administration hopes to award the Lockheed Corp. with a new contract for unneeded planes despite its past failures. The administration's claim that the 30 new cargo jets are needed to replace planes lost during the current North Vietnamese offensive is simply wrong. I have been told by officials of the Department of Defense that only seven C–130 jet cargo craft have actually been lost during the offensive.

Why is it necessary to build 30 planes in order to replace seven?

Why are these planes, which will not be available until 1973 or 1974, included in a budget linked to the present offensive in Vietnam?

For some reason the administration is hiding new funds for Lockheed in this budget. When officials of the Department of Defense appear before the House Armed Services Committee to justify this new Lockheed bailout, I plan to question them about the real reason the Defense Department wants to give Lockheed an additional $120 million in airplane contracts. Although the C–130 is a good plane the Nixon administration has offered no justification for this new deal with Lockheed.

Possibly the $250 million bailout loan may not be enough to put Lockheed back on its feet.

I have also learned from the Pentagon that the Government is providing more money to Lockheed this year than last year. During the first 11 months of the last fiscal year which ended June 30, Lockheed received $43 million more than the year before. Despite Lockheed's failure on the C–5A and other programs, the Government is still pouring more than a billion and a half dollars into this giant corporation this year.

Mr. Speaker, the House Armed Services Committee and the House must give serious consideration to whether these planes are actually needed. Furthermore, we should find out why this $120 million potential bailout was placed into a special Vietnam budget when the money can do little, if anything, to fight the war for at least a year.

THE NEW "CHILD DEVELOPMENT" BILL

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. SCHMITZ. Mr. Speaker, on June 20, the U.S. Senate passed by a vote of 73 to 12 the 1972 version of the "child development" bill passed by Congress last year—see my newsletters 71–28, 71–41 and 71–50—but vetoed by the President in a remarkable concession to a thoroughly aroused public opinion. The differences between the 1971 and 1972 bills are minimal, involving no more than incidental details of administration and financing and the deletion of some of the more provocative language. The essential purpose and nature of the legislation remain the same.

This year's bill number is S. 3617. The time to begin the all-out fight against it—through letters to Members of the House of Representatives where it will now go, and to the President—is now. Such a fight succeeded last year. It can be won again. The American people are no more ready now than they were 6 months ago to accept massive government invasion of the home, and government assumption of responsibility for children of preschool age. Once they are convinced that the new bill would bring this about just as much as the old one, they will reject it just as firmly.

The essential fact about this legislation, which needs to be stressed over and over again, is that it goes far beyond simple custodial day care for children whose mothers by absolute economic necessity must work. Many people still have the erroneous impression that this is just a "day care" bill—and by "day care" they mean custodial care, supervising small children at play without trying to change or "develop" them. But the Senate committee report on S. 3617 specifically says:

> The central requirement is that child development programs must, in fact, be developmental . . . and not custodial in nature.

To understand what the idea of developing preschool children really means in the current condition of our country, we may refer to the report of the Joint Commission on Mental Health of Children presented to Congress in 1969, which states:

> Schools originally were intent on the development of the mind as a primary mission. The body and spirit were the responsibility of the home and the church. As the home and the church decline in influence, the schools are required to assume more responsibility for the education of the whole child. Schools must begin to provide adequately for the emotional and moral development of children as well as for their development in thinking. The school as the major socializing agency in the community must assume a direct responsibility for the attitudes and values of child development. The child advocate, psychologist, social technician and medical technician should all reach aggressively into the community, send workers out to children's homes, recreational facilities and schools. They should assume full responsibility for all education, including pre-primary education.

As sociologist Prof. Ernest van den Haag of New York University said in testifying against this bill before the Senate Labor and Public Welfare Committee:

> It would lead to the progressive bureaucratization and depersonalization of child raising . . . on the assumption that the government knows how to provide "healthful and stimulating development" of children. If the government has such knowledge it is a well kept secret.

The committee report points out that today one out of every three mothers of preschool children works, as compared to one out of eight in 1948. While everyone knows of cases of such mothers who actually have no choice but to work, it is very difficult to believe that this really is the plight of one-third of all the mothers of preschool children in America. Even as a vountary program, Federal "child development" is a homewrecker precisely because it encourages even more mothers of very young children to surrender responsibility for their care to a government agency in order to increase their income—which is to sell their child's birthright for a mess of pottage.

ECONOMY GETS BOOST FROM GRAIN DEAL

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. SHRIVER. Mr. Speaker, President Nixon's recently announced agreement to sell surplus American grain to the Soviet Union is good news for the people of Kansas. This transaction will provide a needed economic boost for those involved in the production of wheat, and it is indicative of a new era of cooperation between the United States and Russia.

The following editorials express very well my feelings concerning this agreement. The first, from the Wichita Eagle, and the second, from the Newton Kansan, outline some very good reasons for supporting the sale of grain to the Soviet Union.

The editorials follow:

[From the Wichita (Kans.) Eagle, July 12, 1972)

WELCOME NEWS FOR KANSAS FARMERS

Kansans should find encouraging news in the historical grain deal between Russia and the U.S. announced the other day by President Nixon.

The Soviet Union has agreed to purchase $750 million in American-grown grain during the next three years. An average of $250 million in wheat, corn, barley, sorghum, rye, and oats would be sold each year, with Agriculture Secretary Earl L. Butz anticipating an even higher total before the deal is completed. It is the biggest grain transaction in history between two countries.

The impact of the deal can be seen in an anticipated 17 per cent increase in exports during the three years. Under the agreement, the Soviet Union will purchase grain on the commercial market from private grain dealers in the U.S.

For Kansas, it should bring higher prices for wheat as the nation's surplus of grain is diminished by the Russians' purchases. Most of the agricultural economists in this area agree that the sale can only help Kansas' situation.

In addition to the improved market here, the transaction also will provide jobs for Americans involved in shipping the grain, including longshoremen, seamen, exporters, and railroad and barge line workers.

And Nixon's presidential adviser, Henry Kissinger, said it would advance relations between the U.S. and Russia throughout the commercial field.

Although the agreement will not completely solve the Kansas farmer's price problems, it certainly can be welcomed. It demonstrates for Midwesterners, on an economic basis, the implications of lessened tensions on the political level throughout the world.

[From the Newton (Kans.) Kansan, July 11, 1972]

ECONOMY GETS BOOOST FROM GRAIN DEAL

That deal through which the United States will sell some $750 million in grain to the Soviet Union during the next three years is a welcome one in the farm belt.

For it will mean that some of the surpluses that have been piling up in this country over the years will be cut.

Whether or not this will hike grain prices can only be told when the grain starts moving. But the deal is a step toward opening foreign markets for the American farmer. And as these markets are opened, surpluses will disappear, and if enough such deals can be consumated, the surplus problem could become of minor importance.

But it won't be only the farmers who prosper by such a program.

It will mean more money in the pockets of many American working men including rail workers, dock hands, and others who will be charged with getting the grain to the new customer.

These in turn will have more money to spend with the butcher, the baker, the automobile dealer, the tailor and the dressmaker.

Certainly the sum of $750 million in grain over a 3-year period won't solve all of our farm and economic problems.

But it can help ease some of them, and if the sales can increase in time it will make an even bigger dent in these problems.

ALL-ALASKA SOAP BOX DERBY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. BEGICH. Mr. Speaker, in recognition of the efforts of Alaskan schoolchildren I would like to call attention to the following proclamation by Gov. William A. Egan declaring Soap Box Derby Day:

PROCLAMTAION

SOAP BOX DERBY DAY

The All-Alaska Soap Box Derby will be run July 15, 1972, under the auspices of our outstanding newspaper and broadcast media, civic and fraternal groups, and public-spirited businesses.

School boys of Alaska for many months now have devoted their time and energies to the design and construction of coasting racers in preparation for a competition to be run according to good sportsmanship, fair play, and other stipulations set by a national ruling body.

This program prompts the adult citizenry to join together in a united effort for the sole purpose of establishing and perpetuating a civic program with the benefit of youth its salient goal.

The inherent result of such program is to bring about a lasting appreciation for ingenuity and enterprise by the young people of this community and the Nation.

Therefore, I, William A. Egan, Governor of Alaska, proclaim July 15, 1972, as

ALL-ALASKA SOAP BOX DERBY DAY

and encourage all citizens to attend this event and join me in extending best wishes and congratulations to all participating boys.

JUNE IN LITHUANIA

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. BELL. Mr. Speaker, we in the United States too often take our precious right of freedom of religion for granted. The obstacles confronted by peoples less fortunate than ourselves in this respect were made very clear to me when I traveled to the Soviet Union earlier this year with the Select Subcommittee on Education.

While I did not visit the Soviet Socialist Republic of Lithuania during my trip, I feel very strongly about the recent tragic events there that have received appropriately deserved attention in the American press.

Another poignant and informative account of the Lithuanians' struggle for religious and national freedom appeared on June 16 in a newspaper with a more limited circulation—the Tidings. The article not only recounts all the trials and adversities that the people of Lithuania have experienced, but also presents a slightly different viewpoint from that of the national media.

I, therefore, urge thoughtful consideration of its contents, as follows:

LITHUANIA

The month of June has special significance for the Lithuanian people. Thirty-two years ago this month, in June of 1940, the Soviet Union invaded the States of Lithuania, Latvia and Estonia and seized them by force of arms. This was the beginning of many sorrows.

One year later, in June of 1941, the Communist invaders started mass deportations of the Baltic people; and over 150,000 of these people were immediately swallowed up in Siberian slave and labor camps. In the period between 1941 and 1952, it is estimated that over 150,000 others have followed the same pathway to exile and death.

In addition: About 75,000 others were able to escape to the West, and about 30,000 Lithuanian freedom-fighters were killed in guerrilla warfare resisting the Soviet occupation. Thereafter, the history of Lithuania follows a familiar pattern of repression and tyranny.

Lithuania in 1940 was 85 per cent Catholic, with Jewish, Protestant and Orthodox minorities. There were twelve Bishops, 1640 priests. Today there are only two active Bishops left; and less than 850 priests, most of them old and infirm. In 1940, Catholic organizations counted 800,000 members. There were 32 religious publications; with a combined circulation of seven million copies. Convents and monasteries, engaged in education and hospital work, numbered 118. Today, there are no Catholic organizations, religious publications, monasteries or convents.

The Cathedral Church of the city of Vilna has been converted into an art gallery. St. Casimir's Church in the same city is now used as a museum of atheism. Resurrection Church in Kaunas has been made into a radio factory. Students are punished for attending church services. The few priests are forbidden to teach religion; any lay person presuming to instruct children in Christian doctrine is liable to a sentence in Siberia for 10 to 25 years.

Yet Communist pressure has not succeeded in destroying Lithuania's faith and love of freedom. And this proud, brave nation, one of the oldest in Europe, is still fighting largely on its own. True, the United States Congress in its 89th session in 1967 unanimously passed Concurent Resolution 416, calling for freedom from Soviet domination of Lithuania, Latvia and Estonia. But that is as far as diplomatic pressure has been applied.

A few months ago, 17,000 Lithuanians signed a petition of protest against repression of religion and sent it to the United Nations. It was to be forwarded to Soviet Communist Party secretary Brezhnev in Moscow. Earlier protests sent directly to Soviet leadership has resulted only in intensified repression of the Lithuanian church. No result has yet been reported from this latest attempt.

But the Lithuanian quest for independence will not die. Last month, in the city of Kuanas, rioting broke out, dramatized by the self-immolation of a 20-year-old student. This week it is reported that another student has used the same method of protest. These events are evidence of a smouldering flame of resistance which will not be squelched, and have fastened international attention on the plight of the Lithuanian people.

There are two million Lithuanian-Americans in our nation. This Sunday they are asking us all to join them in a day of prayer for the land of their ancestors. This is a real and practical way in which we can proclaim our fellowship with them in devotion to freedom, allegiance to the faith and a dependence on God's grace. And it may remind us of the continued need of those qualities of the spirit in our own time and place.

SECRETARY ROGERS CELEBRATES DICTATORSHIP ON FOURTH OF JULY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. EDWARDS of California. Mr. Speaker, I would like to commend to the attention of my colleagues an editorial which appeared in the New York Times on July 6 which some may have missed because of the recess. The article points out that Secretary of State William Rogers spent the Fourth of July in Greece, whose present government represents the antipathy of the hopes and freedoms which give meaning to the Fourth of July.

I think that it is unfortunate, indeed, that Secretary Rogers chose this day, which means so much to freedom-loving people everywhere, to visit this oppressive military government in Greece. This is just one more gesture of support for this repressive and antidemocratic government. And, while this gesture is not as significant as our continued military support of the regime, symbolically it must certainly have been a source of distress and dismay for those true Greek patriots who hope to again establish democracy and liberty in Greece just as we established our own freedom on July 4, 1776.

IDEAL—LYNWOOD CHAMBER OF COMMERCE PROGRAM TO ATTRACT MORE BUSINESS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. ANDERSON of California. Mr. Speaker, most business communities provide a wealth of goods and services to the citizens in their areas. However, often those who seek a particular product or service do not know where it can be found and at what price.

In many instances, the company that has the perfect item in stock—and at a competitive price—is overlooked simply because the buyer was not aware of the company's existence.

In order to correct this problem and serve both the business community and the general public, the Lynwood, Calif., Chamber of Commerce has instituted a program known as IDEAL—Industrial Development and Economic Action for Lynwood.

The program consists of contact and weekly liaison with prime contractors in the Los Angeles area for the purpose of having the local Lynwood businessmen placed on their "request for quota" lists and, thus, enable Lynwood entrepreneurs to participate in subcontract work.

Through personal contacts and efforts, a steady communication with prime contractors is maintained and reported at the weekly IDEAL committee meetings.

I have firsthand knowledge of their efforts to contact prime contractors in other cities in the area. Through these meetings, the prime contractors are made aware of the attributes and skills of Lynwood business with the hope of creating additional jobs and enlarging the tax base of the community.

The IDEAL Committee, a collective effort coordinated by the Lynwood Chamber of Commerce, consists of members of the chamber, the city of Lynwood realtors, the Lynwood Unified School District, Compton Junior College, various community agencies, and local citizens.

The program, which has established both short- and long-range realistic goals, has four primary objectives:

First, they are to achieve desired results through a united community-city chamber of commerce effort.

Second, the IDEAL program, through location and growth, aims to secure additional business within the city of Lynwood by capitalizing on the present and future capabilities of Lynwood industries and services. Close working arrangements have been made with the National Small Business Administration and the Defense Contract Administration Services.

Third, they seek to obtain additional business for the community through subcontract work from major sources and suppliers.

Fourth, the IDEAL program is striving to assist in pinpointing community and business weaknesses while capitalizing on the strengths and correcting the weaknesses. Constant contact with business and its evaluation has been of great assistance in meeting this objective.

In addition, for the particular benefit of local small businessmen, IDEAL will conduct educational seminars dealing with administrative and financial aspects of small business.

Though this program is quite new and unique, results—in terms of new dollars being spent in Lynwood—are beginning to show.

Mr. Speaker, their motto "To do it the IDEAL way is to do it the profitable way," I am sure will prove accurate, especially as the program continues to grow and as its success becomes more apparent.

I would like to take this opportunity to commend the city of Lynwood, the Lynwood Chamber of Commerce, the Lynwood Realtors, the Unified School District, Compton Junior College, and the other various groups and citizens who are working to make the IDEAL program succeed. I would like to especially commend Mr. Norman Wasserman, the executive manager of the Lynwood Chamber, for his contribution to this community project.

I feel that this type of program can be used in other cities, and I am confident that they will find it equally successful in attracting new business to their respective areas.

STANDARDIZATION OF FIRE HOSE COUPLINGS BILL SIGNED

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. BOB WILSON. Mr. Speaker, San Diego Assistant Fire Chief Robert Ely, the chairman of the International Association of Fire Chiefs Committee on Standardization of Fire Hose Screw Threads, has worked tirelessly for many years to alert citizens and legislators alike to the urgent need for the standardization of fire hose screw threads. I ask that my House colleagues carefully read the following letter by Chief Ely to the President and request their strong support for the passage of this long-overdue legislation:

INTERNATIONAL ASSOCIATION OF
FIRE CHIEFS, INC.,
Washington, D.C., June 26, 1972.

Hon. RICHARD M. NIXON,
President of the United States,
Washington, D.C.

MY DEAR MR. PRESIDENT: Your signing of H.R. 13034—*Fire Research & Safety Act*, followed by the appointment of your Commission on Fire Prevention and Control to vitalize this measure, is the first comprehensive Government financed program and plan to reduce the shocking loss of life and property by fire this Nation has known. It comes at a propitious time, in an election year when the citizens of our country are weighing all humanities and economies and their political proponents.

A high point of your fire control program unquestionably is the research into cause and affect of fire as related to those who must pay for the losses to life and property, and for the fire fighting and prevention forces trying desperately to contain those losses within a regrettably growing minimum, *now costing the nation well over four billion dollars per year!* Statisticians could make some interesting comparisons between this material cost and the fact that fire is presently taking the lives of some 12,000 and more persons annually in this country!

For a century the lack of uniformity in fire hose threads has been recognized as an unnecessary evil, contributing to the spread of many of our most disastrous fires. The World Wars taught other bitter lessons. The Germans and the British waited until they were bombed before standardizing their fire hose couplings. The palatial home of the Crown Prince of Norway caught fire and was almost a total loss because fire equipment from the next town could not be used, due to nonconformity of fire hose couplings. Result? Norway soon instituted national standardization.

The International Association of Fire Chiefs has besought the highest authorities of this nation to help convert non-conforming fire hose couplings and fittings to the universally recognized national standard screw threads agreed upon by all National Fire Associations. These requests and appeals are well documented in Federal archives (see the Congressional Record, October 21, 1965, page 26889; October 14, 1971, page 36267 and April 25, 1972, 14217).

Certain areas of the National Government have evinced interest in the evils of non-standard fire hose couplings and fittings, but action died aborning. Few citizens know how, when or where the non-uniformity of fire hose couplings and threads fit into the nation's fire loss and fire suppression pictures.

With the fire chiefs' assistance and the help of some of our progressive legislatures, some states have passed laws that require National Standard Fire Hose Screw Threads. Much progress has been made but there is still a long way to go. The Fire Chiefs in this country have been trying to get all of our fire hose screw threads standardized since 1873. After 99 years we must all admit that it is taking too long, and the Fire Chiefs can no longer be held responsible for the loss of life, property and the added expense caused by the use of so many non-standard Fire Hose Threads.

We are not going to give up nor quit working until all fire hose screw threads are standardized, but with this letter here and now we are shifting the responsibility of getting the job done nationally to government where it rightly belongs. We need your help.

We have facts, figures and a slide program showing the need for standardizing fire hose screw threads and how it can be accomplished. We would like to show the program on how we helped to accomplish the job in California, Washington and Alaska to you, your Commission and the Congress.

Mr. President, we sincerely hope that you and your Commission on Fire Prevention and Control will recommend that the necessary funds be provided and legislation adopted to require all non-standard fire hose couplings, fittings and fire hydrants in the United States be converted to the National Standard Fire Hose Screw Threads.

Respectfully yours,

ROBERT ELY,
Chairman, International Association of Fire Chiefs, Committee on Standardization of Fire Hose Screw Threads.

IN SUPPORT OF THE 3-YEAR GRAIN AGREEMENT BETWEEN THE SOVIET UNION AND THE UNITED STATES

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. RAILSBACK. Mr. Speaker, as a Member of Congress from the State of Illinois—the State which leads the Nation in agricultural exports—I congratulate the administration for concluding the recent 3-year grain agreement with the Soviet Union.

In recent years, Illinois has exported nearly 50 percent of all soybeans and wheat in the United States, approximately 12 percent of all corn, and about 20 percent of the sorghum grains. Last year alone, Illinois exported $655 million in agricultural products. Also, the State of Illinois has had to idle over 40 million acres of cropland each year to avoid producing more grains than could be disposed through existing market channels.

The record $750 million grain deal with Russia is indeed good news to Illinois farmers, and in fact good news to all U.S. farmers. Last year, over 5.5 billion bushels of corn were produced. Even though exports equaled previous records, production exceeded domestic use and exports by nearly 600 bushels.

Further, in spite of the widespread participation in the feed-grain, set-aside program, it is probable that this year's corn production will again be excessive in relation to available market outlets if favorable weather continues for the balance of this growing season.

Against this background, the new agreement with the Soviet Union provides additional export outlets for perhaps 100 million bushels of corn. Illinois farmers alone export 100 to 200 million bushels of corn each year, so the new agreement will increase their exports by 15 to 20 percent. The agreement surely improves the longer run market position of U.S. grain producers. It brings total market outlets into a better balance with our production capacity and will reduce the amount of cropland which will need to be idled under the feed-grain, set-aside program.

It is clear that the Soviet Union is embarking on a program to increase livestock production. As Secretary of Agriculture Butz explained:

> The Russian people want more animal protein in the'r diets. To get it, they must increase their livestock production beyond the capacity of their farms and climate to provide feed grain.

Particularly in light of the winterkill. Soviet harvests will not fill the quotas set in their current 5-year plan. Therefore, in order to meet their goal, it is necessary for the Soviet Government to import feed grain. This 3-year agreement with the United States to purchase $250 million of feed grains annually, is certainly the first step in a long-term expansion of trade relations between the two countries. Their import needs for wheat, feed grains, and soybeans are likely to increase for a number of years, and U.S. farmers will definitely benefit. U.S. farmers will be able to sell more products, plant more acreage, and receive more income from the market.

I am confident this 3-year grain agreement with the Soviet Union lays the groundwork for a new era for East-West trade, and I commend the administration for its bold initiative. It is certainly conceivable that if Soviet diners take a liking to cornfed beef, the United States will be able to further expand its agricultural trade with considerable satisfaction to both our country and Russia.

ECHO OF THE KOREAN WAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. SCHMITZ. Mr. Speaker, just a few weeks ago, I had the distinct pleasure of meeting Mr. Edward Hunter, author of numerous books on brainwashing. It is of this man that Dr. Fred Schwarz, executive director of the Christian Anti-Communism Crusade stated:

> One of the best informed anti-communists in the Free World.

In 1938 that same Edward Hunter predicted the Russo-German alliance. Before that, in 1934, he was freezing in the wilds of Manchuria feeding news to the United States that we could read at our breakfast or dinner table. Mr. Hunter has a distinguished record of writing on the evil of totalitarianism from whatever source and I think one of the more accurate and brief tributes to him was by George Sokolsky in the New York Herald Tribune on October 2, 1958:

> My old colleague in China, Edward Hunter. He writes with passion and zest and assurance of knowledge. He also has the advantage of using original source material which seems to be a dying act.

Edward Hunter has rendered invaluable service to the Office of Strategic Services—OSS, the U.S. Air Force, the CIA, and the Senate Internal Security Subcommittee, and is now editor and publisher of Tactics the only professional "psywar" journal. The distinguished Senator from Arkansas, JOHN L. MCCLELLAN told him:

> I am sure your books and your writing and your experience will be very valuable if we can get all that before the American people.

In that connection, Mr. Hunter has written extensively on what he calls "the most contemptible character in the Korean war," namely Wilfred Burchett. In view of the extensive attempt to lend respectability to this Red agent propagandist of some 20 years, and the fact that at the insistence of Dr. Henry Kissinger, Red Agent Burchett was actually invited to the White House to meet the President, his history should come under examination by the American people. Edward Hunter has done extensive research on the subject of Burchett. The first article that Mr. Hunter presented on "the most contemptible character in the Korean war," from the May 20, 1964 issue of Tactics follows:

[From Tactics, May 20, 1964]

ECHO OF THE KOREAN WAR

If one were asked to pick the most contemptible character in the Korean War, one would be hard put to find anyone lower or more despicable than Wilfred Burchett, except perhaps Alan Winnington. Burchett was more effective in tricking Americans and Britons into treasonable acts in the prisoner-of-war camps in North Korea. As an Australian red agent posing as a newspaper correspondent, he was a bit slicker than his slimy English compatriot in red deceit. He was more successful in seducing the honor of the bewildered and frequently very sick captives.

Burchett has authored many a red book that sought to give credence to every communist lie and smear against either the United States or Great Britain. He used every lure to help in the subtle brainwashing of the American prisoners, to induce them to confess to engaging in germ warfare, and to engage in treason against their own country. Nothing was too vile for him. In "Plain Perfidy", published in the red capital at Peking, he gave this description of Chinese p.o.w.'s being returned to the reds:

"Haggard, with faces dank and moist like corpses, bearing the hideous mutilations of experimental surgery, some vacant-eyed, girls driven mad by attempted rapes, the stumbling parade of prisoners passed before the stony eyes of Americans in natty "pinks" who checked off their victims and even managed to grin."

One might think up vague generalities to make communists respectable as part of a co-existence effort, although this is a dangerously blind effort. But nobody could think up an excuse to make Burchett respectable in an American magazine of national circulation. One would expect that his name would never be presented to an American readership as merely "a 52-year-old Australian newsman who has been working for the Communists since 1951." Just to state this is tantamount to a despicable lie imposed on the American people, and a brazen cover-up for a vicious red agent.

But Newsweeek has done just this in its issue of May 4, 1964, in its "South Vietnam" section. The Worker and Pravda could do no more on behalf of their side. Although Newsweek was a liberal publication before its purchase by the Washington Post, it never descended to this.

This is part of a larger picture. The National Guardian, a red rag put out in New York City, has been running a series of red propaganda dispatches from Viet Nam by Burchett. The New Republic collaborated in this deceit by running an advertisement in its May 9 issue that identified Burchett as only a "correspondent". This is fronting for the reds. There can be no excuse for such a hoax. The red network has as its aim the distribution of Burchett's writings in pamphlet and book form in the U.S. In order to put this across, the help of non-communist organs is required.

Indeed, a concerted softening-up campaign is taking place in the United States to condition Americans into acceptance of defeat in Viet Nam through the same device of a coalition government as was put across in Laos and earlier on the Chinese mainland. The Kennedy Administration, after describing Laos as a most vital strategic point accepted the communist demands and laid it open to creeping communist domination. But we would never abandon Viet Nam, President Kennedy then said. Almost at once, the campaign began to find a means to circumvent this clear-cut pledge. First, Diem had to be liquidated, for he insisted on opposing the red aggressors. Now, the tactic is to present the area as one that doesn't deserve our further help. "We tried, didn't we?" the fake liberals will be writing, and Secretary of Defense McNamara's frequent trips there will be pointed to as proof.

The American Congress and public must be on particular guard against this new betrayal.

[From Tactics, Dec. 20, 1968]

Law Broken To Let in Burchett: Treason in U.S. Government

The State Department in early December put over a reprehensible, quickie operation to let Wilfred Burchett, a semi-official, roving propaganda ambassador for international communism, come into the United States on behalf of North Viet Nam. The State Department collaborated in recognizing Burchett's cover as an United Nations correspondent. In addition, it violated the law to help slip him into the country.

Burchett ceased being a legitimate, working newspaperman before the Korean War, when he became a Moscow agent. He is an Australian traitor who is traveling on a Red Cuban passport because his native country will not give him a passport, and if he enters Australia, he is likely to face charges because of his efforts to seduce British p.o.w.'s into treason during the Korean War. He operated similarly against American captives of the reds, particularly in obtaining fake confessions of a germ warfare by the United States, that never happened.

He is now engaged in propaganda warfare for North Viet Nam, in connection with the Paris negotiations for an end to the warfare. Use of a base on U.S. soil is a big aid to propaganda for America's acceptance of what, in effect, would be a betrayal and surrender terms.

BURCHETT'S ENEMY ACTIVITIES WELL DOCUMENTED

The State Department had no excuse for not knowing how exhaustively documented is his sorry record. Its connivance in giving him an even more helpful platform, inside the United States, indicates that communist infiltration still exists inside the State Department, and will constitute one of the major problems of the incoming, Nixon Administration.

Burchett's role as a red operative in North Korea was described in Congressional testimony, the text of which appears in the U.S. Government Printing Office publication, "Communist Interrogation, Indoctrination and Exploitation of American Military and Civilian Prisoners," hearings of June 19, 20, 26 and 27 of 1956, before the Permanent Investigations Subcommittee of the Government Operations Committee, Senate. This 210-page document, only a comparatively few of which were published, was accompanied by a 24-page "Report," under the same title, fewer copies of which were distributed.

This was a period when the State Department was trying to hush up all references to brainwashing, and endeavored to prevent the hearings from going deeply into this subject. In a surprise move, Robert F. Kennedy was assigned to the subcommittee as chief counsel, and the persevering official who had prepared the hearings was precipitously shoved aside. Even so, the details that came out were harrowing. Unfortunately, they were simply ignored by the so-called prestige or fake "liberal" press.

Capt. Bert Cumby, then an Army man for 14 years, one of the American interrogators at the prisoner exchange at Panmunjom, identified Burchett along with Allen Winnington, of England, as part of the red apparatus in the p.o.w. camps that reported to a special military propaganda and indoctrination—brainwashing—office, with Soviet Russian liaison. Cumby declared (page 40):

"Burchett had a very important hand in slanting, in writing, in drafting, in making the propaganda appealing to the western prisoners, the Americans and all other United States prisoners. That is where Burchett came in. He served more or less as a consultant."

PART OF THE ENEMY'S "COMMAND STRUCTURE"

Burchett was connected, Cumby went on to say, with what generally was "the command structure. The implementation of the program flowed from that point."

The so-called "peace" movement, exactly as we find it fighting for the foe in the United States, operated in the p.o.w. camps, with a Russian officer "running the show." Cumby said:

"If we had an organizational chart you would find a line from the commanding general out to a central committee. This central committee was designed as the Central Committee for World Peace. It was the organization through which indoctrination, interrogation, and propaganda were implemented."

Orders came from headquarters in Pyongyang, the North Korean capital, "the communist government." Cumby described the creation of the committee as a front with two sections, one for indoctrination and the other for propaganda. An American prisoner was put nominally in charge of each. They received their instructions from a Chinese, who received his from a Russian. Robert Kennedy asked:

"Then the advice as to how the propaganda so it would be more interesting to the West was given by the Australian newspaperman and the English newspaperman, is that correct?"

"Yes, sir," the captain replied. He gave a significant description of the propaganda structure, showing the closely knit channels by which orders would go from the top, communist headquarters, to "the front, the Central Committee for World Peace," composed of prisoners and headed by Americans. Cumby said:

"It directed the activities, and it was more effective because they knew the minds and the attitudes and the mores and the culture. The stuff would come from the GHQ to the central committee. The central committee would work it over, would give it the Western slant with the assistance of Burchett. From the central committee it would go down to the camp committee, which is another level. That camp committee would further modify that stuff to make it appealing to those in the camp. Leaving the camp committee it would go down to the company committee, which would further modify it to appeal to the people in the company. In the case of the early days of it, all prisoners were segregated, so they tailored their material to appeal to that particular national group, racial group, or what have you.

"When it left the company committee it was further broken down. It was broken down and forwarded to the squad committee. So what you had, Sen. McClellan [John L. D-Ark., chairman of the parent committee and subcommittee], was one committee superimposed on another right on up to the top. It even went further than that."

Capt. Cumby made the role of the two Britons as red agents using newspaperwork as a cover, incontrovertible. Later on, for instance, this exchange took place:

"THEY CONDUCTED INTERROGATIONS"

Mr. Kennedy. Captain, during the period of time when these two newspapermen, one from Great Britain and the other from Australia, were present were they seen frequently around the prison camps lecturing to the prisoners?

Capt. Cumby. They were part of the command, Mr. Kennedy. They had free run of the camp. They even interrogated Americans.

Mr. Kennedy. They did some of the interrogation themselves?

Capt. Cumby. They did some of the interrogation.

Mr. Kennedy. They were there as newspapermen from other countries, is that correct?

Capt. Cumby. They were there as newpapermen allegedly, but I don't think there is any question as to what ideology either one of them embraced. They were part of the command. They were part and parcel of it. They conducted interrogations. In many instances they talked to Americans, and westerners could talk much better than the Chinese. They assumed that responsibility. They were VIPs, as one prisoner told me. They were VIPs. They were treated as such. They had houses near the headquarters. One was married to a Chinese and he had his family living right there within the area of the GHQ.

Mr. Kennedy. You reached the conclusion that this was a system which was directed from Russia; implemented by the Chinese, but directed from Russia?

Capt. Cumby. Yes, sir.

NONE OF THIS TOLD TO AMERICAN PEOPLE

Such newspapers as the Washington Post and the N.Y. Times had no space available for any of this enlightening material; All available space on such matters evidently was being reserved for ridicule and harassment of Congressional committees that exposed tactics of this sort, such as the House Committee on Un-American Activities and the Senate Internal Security Subcommittee. So far as radio-television is concerned, never a whisper appears regarding this psychological warfare format. The same channel of organization is used in the United States for communist control of the so-called "peace" groups here.

Burchet was the subject of a personality study in the U.S. News & World Report of Feb. 27, 1967, which said:

"Mr. Burchett is described as personable, charming, skilled—and a highly dedicated communist propagandist. He has been working at it for more than 20 years. His goals are consistent: to make America and its allies look evil, and to make the communists look good. He has a knack for getting his views widely distributed in the non-communist world."

American law does not permit entree to be given in such cavalier fashion to a red agent with undoubted KGB links. The law specifies that the Justice Department must act on such a case. Of course, with Ramsey Clark at its helm, this is no obstacle to a Burchett. A time period is routinely required, too, for protests or a hearing against the granting of a visa. This customary procedure was characteristically evaded.

A highly complex maneuver had to be undertaken to permit into the United States this dangerous enemy operative, who was using his early journalistic career as a screen. Advantage was taken of the corrosion of Congressional powers, and the attrition of our Constitutional system of checks and balances. The admission added a subtle precedent, too, to the premise that United Nations sovereignty supersedes that of the United States. American law had to be ignored and evaded for this maneuver to succeed, as it did. Before we can undo the damage inflicted, and prevent its recurrence, we have to understand precisely what transpired. Then it is up to the incoming Administration to act accordingly.

A number of points must be realized. Firstly, that we have the Immigration and Nationality Act of June 27, 1952, Public Law 414 (82d Congress), Sec. 212 (27) (28) (29), which was violated, at least evaded. Burchett is patently excluded under it. Nothing could be more specific. The act forbids, in plain language, the entry of communists, or anyone whose presence imperils the security of the nation. Burchett, through his links to powerful, international networks at war with the United States, unquestioningly fits into this framework. The law was devised to keep out people of his kind.

The attorney general is required to determine such cases, in accordance with the law. The State Department is required to pass all such cases to the Justice Department for decision. The attorney general has the right to waive restrictions, when for good reason, and to let the applicant enter for a specified period. The President has this power, too. Customarily, a time element is allowed to elapse, to allow for protests and for a hearing. This is law. It simply was brushed aside, as if non-existent.

STATE DEPARTMENT RECOGNIZES THE U.N. OVER THE CONGRESS

The State Department took the position that it had no alternative but to grant Burchett a visa once the United Nations had accredited him as a foreign correspondent. Whether he was friend or foe, a bona fide correspondent or a hoax, or not newspaperman at all, had nothing to do with the case. Once the U.N. accredited him as a correspondent, we were obliged to admit him under the terms of the Headquarters Agreement between the U.N. and the U.S. This was the State Department's contention. It is a fake premise.

Under it, though, the U.N. agreement is observed by the State Department ahead of American law on the case, as if we were dealing with a treaty. The State Department, in the Burchett case, recognized the U.N. version of law as superseding that of the United States. The State Department was violating American law by doing so, and insofar as it has been able to get away with this crass maneuver, has created a precedent that U.N. jurisdiction on American soil exceeds that of the United States.

This attitude is so brazen and subversive that Americans generally have been unable to believe that it really existed. The almost invariable reaction has been to consider anyone raising such an alarm as just a crackpot. But the State Department's procedure in the Burchett case shows that so far as they can get away with it, we have elements in important areas of our government who are working toward this end.

Actually, there is no U.N. headquarters agreement, and there never has been. There are two drafts of a United Nations headquarters agreement with the U.S., one approved by the U.N., and the other approved by the U.S. There has been no agreement which of these two should prevail. Hence, by accepting the U.N. version, the State Department is subtly recognizing United Nations law as superseding that of the United States. Insofar as the Justice Department accedes to this, it is collaborating in this breach of law, but this is nothing new for our present attorney general, or our last couple of attorneys general.

"NO VALID ACCEPTANCE ON EITHER SIDE"

A hearing was held on March 15, 1967 on this subject by the subcommittee to investigate the administration of the internal security act and other internal security laws, of the Senate Committee on the Judiciary. The hearing was secret, but its text was released on Nov. 29, 1967 in a 126-page document, including appendices, and with a two-page index, entitled, "U.N. Headquarters Site Status of Agreement Resolutions." Julien G. Sourwine, chief counsel, who had been instructed to investigate this whole question, gave his report. He declared:

"The so-called United Nations Headquarters Agreement which was purportedly brought into effect in November of 1947, and which is ostensibly operative as an executive agreement, to amend or suspend U.S. immigration laws, and grant various rights of an extraterritorial nature to the United Nations and its personnel, is not, in fact, an agreement at all because there was no meeting of the minds. Amendments and reservations to the agreement made by the U.S. Congress were not adequately reported to the General Assembly by the U.N. secretariat. Interpretations or conditions set out by the sixth committee of the U.N. General Assembly were not officially reported back to the U.S. Congress. The agreement authorized by the U.S. Congress was not the same agreement authorized by the U.N. General Assembly. In legal contemplation, this is a clear case of offer, counteroffer, and counter-counteroffer with no valid acceptance on either side. There was, therefor, no valid agreement."

The disagreement between the U.S. and U.N. on the legal agreement under which the international organization operates inside the United States simply was being ignored, as if not to talk about it would resolve it. Indeed, this is the intent of both the U.N. and the State Department, but with the reservation by the U.N. that the agreement is the one recognized by the U.N. secretariat, and not the one recognized by the American Congress. The State Department officially recognizes the agreement including the provisions of Public Law 357 of the 80th Congress, embodying the agreement. But, Sourwine pointed out:

"References to the U.N. Headquarters Agreement in published State Department material, in published U.N. material, in published material of the Senate Committee on Foreign Relations, and in the Congressional Record are misleading upon cursory examination. I am not attempting to say there are direct misstatements, but omissions and failures to make clear have led to a very mushy understanding of this, even by some of the people who deal with it."

GENERAL ASSEMBLY, IN EFFECT, IS MISLED

Further on, Sourwine testified:

"The Congress had authorized the President, through the secretary of state, to cause to be brought into effect the agreement the Congress had approved, necessarily subject to the reservations Congress had added by way of amendment. The fact that these two agreements were divergent and not identical was not brought squarely to the attention of the General Assembly of the United Nations. As a matter of fact, the language of its committee normally would have led, I think, to the conclusion that they were the same agreement: that there was only one agreement and that it was the same as the agreement the General Assembly had authorized to be brought into effect."

The impression given that the so-called agreement actually is a treaty is an erroneous one, as was clarified in Sourwine's findings, as follows:

"The U.N. Headquarters agreement was never negotiated, or submitted for ratification as a treaty. There is some confusion here, because there has been some evidence of what appears to be a tendency in the Department of State to regard it, or at least to treat it, as though it were a treaty. But it was never negotiated as a treaty; it was never submitted for ratification as a treaty, and if, therefore, the agreement is to be regarded as valid for the purpose of amending or suspending the immigration laws of the U.S., or of preventing or impeding any steps necessary for the protection of our national security, it must be shown that it was a valid executive agreement, having the force of a treaty. But an executive agreement, like any other contract, to be valid, must constitute a meeting of the minds.

"Here, there was no meeting of the minds, but only an offer—that is, the draft agreement of June 29, 1947—a counteroffer, Public Law 357, the agreement to which the U.S. Congress assented, and perhaps a counter-counteroffer: that is, the draft agreement of June 26, 1947, as conditioned by the report of the Sixth Committee of the U.N. General Assembly . . . it is impossible to point to one single document constituting a U.N. Headquarters Agreement which has been legally assented to by vote of the U.N. General Assembly and the Congress of the U.S., or by any other effective and fully authorized action of representatives of both parties. The only possible conclusion is that there is no U.N. Headquarters Agreement."

BURCHETT AS SORT OF COVERT HANOI ENVOY

Actually, the virtual smuggling of Burchett into the nation with the help of the fake "liberal" press that referred to him falsely as merely "an Australian newsman who often has reported Hanoi's views" (Robert H. Estabrook, Washington Post Foreign Service, Dec. 4), was part of a sly, long-enduring effort to provide Ho Chi-minh with a secret emissary in the U.S. Sen. Thurmond helped pull the rug out of one such effort on Dec. 11, 1967, simultaneous with his disclosure on the Senate floor, "The Headquarters Site Agreement does not exist."

Thurmond pointed out that "the Administration has seen fit to encourage the Vietcong desire (to come to the U.N. in New York to plead its case), and has all but invited the Vietcong to come on American soil."

He refuted "the State Department position . . . that we are obliged by law to allow the Vietcong to come."

PRICE COMMISSION LOOKS DIRECTLY AT FARMERS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. ZWACH. Mr. Speaker, I was genuinely distressed when the administration announced the lifting of meat quotas in an effort to hold down prices to consumers. I am distressed because it is not the price of the raw materials that results in high over-the-counter prices, but rather it is the add-on between the producer and the consumer and this same add-on will prevail on imported meats.

I have an editorial on this matter written by Gordon E. Duenow, editor of the St. Cloud Daily Times in our Minnesota Sixth Congressional District, which with your permission, I insert into the RECORD.

Mr. Speaker, I hope each one of my colleagues reads this editorial. It contains a great deal of commonsense and grassroots agricultural economy reality:

PRICE COMMISSION LOOKS DIRECTLY AT FARMERS

It seems almost unbelievable to those of us residing in the rural section of America to realize that the first place the Price Commission looked when seeking to control prices of food is raw agricultural products. After a meeting of the Council, a spokesman was quoted as saying that he felt the problem (high cost of food) exists because of lack of control of raw agricultural products.

Raw agricultural products, which by government definition includes both live animals and vegetables, have been exempt from controls since the start of the price control program last Aug. 15. The spokesman listed removal of exemptions as one of the main options. He also said the commission is not currently recommending a freeze on food prices, another principal option.

While the Cost of Living Council is not bound by the Price Commission's action, it will weigh heavily on any decision. It was indicated that a quick action by the council on the recommendation could be expected. There was general agreement that firm and immediate action was necessary, a news report stated.

The commission also discussed allowing only a limited pass-through of costs at the wholesale level, using government persuasion to try to talk down the rise in prices, and increasing meat imports.

No mention was made of "firm and immediate action" when the wholesale trade was mentioned. Only "persuasion and talk."

Those of us who live in rural America, especially the farmers, are fully aware of a situation which finds many farm prices at a comparable level with those of 20 years or more ago. In fact, some prices the farmer receives are less than 20 years ago.

This cannot be said of prices the consumer pays for food, yet the first place the commission looks is directly at the farmer. How can he be expected to produce food cheaper than he could 20 years ago. A Price Commission spokesman mentioned that profit margins in the food industry appear to be lower than normal. If profit margins in the food industry are lower than normal at 1972 prices, think what the profit margin of farmers must be when selling at World War II and Korean War price levels.

A cut of a dollar or more in meat prices at the farm level will have little effect on the price the consumer pays. Somewhere along the line the price keeps vaulting higher and higher. Even if all the farmers went broke producing food at give-away prices, we'd find the price to the consumer still would be high. In fact, if the farmer gave away his raw agricultural products, we suspect we'd still find only a small difference in the price of food.

CAPTIVE NATIONS WEEK

HON. EARL L. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. LANDGREBE. Mr. Speaker, freedom and justice are two words heard and spoken frequently by Americans. They are much more than just words, however. They represent two of the most precious elements of our American society. Often these basic components of our country's founding are taken for granted. Our forefathers fought and many of them died to win for us the freedoms and opportunities we are privileged to enjoy. We should continually be aware of and grateful for their sacrifices.

Other countries, however, are less fortunate. They remain in the hands of foreign powers, ruled and restricted against their will. During Captive Nations Week, attention is focused on these nations and their imprisoned inhabitants.

My personal experiences in the U.S.S.R. heightened dramatically my appreciation for my homeland. I have always dedicated myself to preserving our freedom and liberty and helping our neighbors to achieve and enjoy the same.

Even though our country has attempted to negotiate with Communist countries in many areas of common concern, Americans and all freedom-loving people should be on guard and cautious when dealing with these powers. To my knowledge Moscow has yet to rescind its commitment to "complete world conquest." To my knowledge the statement "we will bury you" still stands.

Let all Americans join in a renewed and lasting effort to thwart communism and free all captive nations from oppression and slavery.

AGRICULTURE COLLEGES AND THE PUBLIC INTEREST

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. UDALL. Mr. Speaker, as is the case with many of our institutions today, the land grant colleges of the United States are coming in for some penetrating scrutiny.

Though critical studies may be painful for the subjects of observation, the process gives us all a chance to think about the workings of our institutions, building on their strong points, correcting whatever weaknesses may be revealed.

Reporter James Kiser of the Arizona Daily Star, Tucson, recently did a two-part series on land grant colleges, including the local University of Arizona. Mr. Kiser has provided us with some needed dialog and I commend his articles to my colleagues:

[From the Arizona Daily Star, June 24, 1972]

UA Agriculture Research Stirring Controversy

(By James Kiser)

(First of a two-part series)

A battle is ricocheting throughout the halls of the University of Arizona's College of Agriculture as critics charge it with ignoring social responsibilities while pursuing research that makes big farmers bigger.

Frank Appleton, president of the Research Ranch, a non-profit ranch near Elgin, and former head of the Peace Corps in Costa Rica, asserts the college is disregarding many of today's problems in Arizona. The college needs a "100 per cent commitment to join the world," says Appleton.

On the other hand, Dr. Harold E. Myers, dean of the agricultural college, believes it has never left the world. "We are getting out and working with the people," he says. Land grant colleges, including the UA, have been so successful that other countries are copying them, says Myers.

Underlying this debate is the fact that farms in Arizona (including ranches) dropped in number from the 1935 peak of 18,824 to 5,800 in 1970. At the same time, the remaining farms grew bigger and bigger. In fact, in 1970, on the average, Arizona's farms were the largest, the most valuable and the most profitable in the nation, according to U.S. Department of Agriculture statistics.

The agriculture college is not solely responsible for the rise of the corporate farm, or agri-business as it is often called, but it has certainly contributed.

Though land grant colleges were created by the Morrill Act of 1862, they were directed by the Hatch Act of March 2, 1887, to undertake research that would create an agricultural industry and improve rural life.

A Star study of spending within the agriculture college reveals that the emphasis at the UA has been on the first goal—creating and developing the agricultural industry—and that relatively little monetary attention has been paid to the second goal of developing the quality of rural life.

During the fiscal year ending June 30, 1971, the agricultural college spent $4.3 million of budgeted state funds for research, according to the UA Comptroller.

Of that, most went to departments where the aim is to make the growing, harvesting and marketing of major crops more efficient.

The six largest spenders of budgeted research money were, in order: the university farms; agronomy (crop production); animal science; plant pathology (plant diseases); agricultural chemistry and soils; and horticulture (the growing of fruits, flowers and vegetables.)

The two departments which could be most expected to deal with problems of rural life, agricultural economics and home economics, were eighth and sixteenth, respectively, within the 20 sections in the college.

A partial survey of projects revealed that researchers within the departments emphasized efficiency in producing crops, many of which are grown mainly by large, agri-business, corporations.

In agronomy during 1971, for instance, there were 34 research projects, according to records compiled by Dr. Richard Frevert, head of the agriculture experiment station. At least eight of those were concerned with cotton, the state's largest crop, which is primarily produced by big growers and no small farmers. Other research concentrated on alfalfa and other forage crops.

An analysis of research projects in seven departments—entomology (study of insects), home economics, agricultural economics, agricultural chemistry and soils, and agronomy and plants genetics—showed them to be heavily weighted in favor of more efficient crop production.

The seven departments, except for home economics, were chosen because they are heavily funded by the state. Fourteen projects in the seven departments dealt primarily with cotton. Other studies included:

Seven on mechanizing the production of lettuce, cotton and cantaloupes and the application of insecticides.

Five on irrigation.

The search for a pollution-free chemical production of copper.

A pollen substitute for honeybees.

The economic structure of the horse-racing industry.

An analysis of consumer attitudes toward filled milk, which is made by adding vegetable oils to skim milk. (The results were used by the American Dairy Assn. in developing advertisements.)

Cooled environments to get better production from beef and dairy cattle.

On the other hand, only fifteen projects clearly related to "rural homes and rural life." They included:

Five studies on nutrition.

Two on permanent press fabrics, with one research studying the durability of men's white dress shirts and the other studying color retention of fabrics.

One on middle-income and lower-income mothers' attitude toward clothing.

One on color preferances of people over 60.

A study of regional needs of a community expected to stop outmigration.

Industrial development in rural communities.

Collecting of groundwater data in the Santa Cruz Basin.

Which pesticides affected mosquitoes in sewage oxidation ponds.

Eight of the fifteen studies were in the home economics department, which spent only $84,000 for research. The seven departments spent $1.6 million out of a total $4.3 million of state funds earmarked for research by the agriculture college. That is roughly an average of $1,000 of research for each commercial farm in Arizona.

There were no studies on the problems of migrant workers. or of farm laborers even though more have become unemployed as farms have grown larger and more mechanized.

Accompanying the college's emphasis on producing crops more and more efficiently has been a decrease in the number of farms with the remaining farms getting bigger and more valuable.

In 1940, 18,468 farms throughout the state averaged 1,388.9 acres in size and had land and buildings valued at an average of $8,321. By 1969, there were only 5,890 farms (only 4,252 were commercial farms). They averaged 6,486 acres in size and had land and buildings worth an average of $452,241. No profit figures were available for either year, but in 1970, the 5,800 farms remaining in Arizona had an average profit of $26,803, which made them the most profitable in the nation. Hawaii was second with $18,604 profit per farm.

Though critics praise this enormous success at creating an agricultural industry that has made food the cheapest it has even been, they now are insisting that colleges need also help the people who are hurt by this success. In addition, they claim the once-revolutionary agricultural colleges are now often used to protect and preserve the interests of a few.

[From the Arizona Daily Star, June 25, 1972]

Agricultural Colleges Under Sharp Criticism

(By James Kiser)

(Second of a two-part series)

Agricultural colleges throughout the nation are faced with a chafing paradox: farms are more productive and food is cheaper than ever before, yet the colleges are coming under increasing fire from critics and reformers.

The criticism itself is paradoxical: agricultural experiment stations were set up at land grant colleges to help create an agricultural industry, but now that the industry exists, critics accuse the colleges of helping big agricultural business, which they say doesn't need help.

There is another paradox: the American ideal of the farmer has been of a man close to nature, of a man with the earth, yet some modern critics accuse farmers and agricultural colleges of disregarding crucial ecological principles.

May 31 a private Washington, D.C., research group called the Agribusiness Accountability Project leveled the most recent criticism at land grant colleges and their colleges of agriculture.

Titled "Hard Tomatoes, Hard Times" in reference to the University of Florida's development of a thick-walled, hard tomato that could be mechanically harvested, the group's report criticized the colleges for "diverting millions of tax dollars annually to the service of large, agricultural corporations while ignoring the pressing concerns of consumers, environmentalists, American farmers, farm workers, small town businessmen and other rural residents."

Though the land grant colleges cannot be blamed entirely for driving workers off the farm and creating the urban crisis, no single institution—private or public—has played a more crucial role than the colleges, the report concluded.

At the University of Arizona College of Agriculture, Dean Harold E. Myers says the charges are not true, not for other land grant colleges and definitely not for the UA. Dr. George E. Hull, director of the agricultural extension service, and Dr. Richard Frevert, director of the agricultural experiment station, agree with Myers.

However, other highly reliable sources in the college, while criticizing aspects of the report assert it is generally true for the UA. In addition, a brief study by the Star showed research spending and research projects were aimed at efficiently growing, harvesting and marketing crops grown largely by large farmers. Relatively little research was aimed at helping consumers or farm workers.

Other charges in the report were:

—Land grant colleges "serve an elite of private, corporate interests in rural America, while ignoring those who have the most urgent needs and the most legitimate claims for assistance."

—Land grant colleges have wandered far from their origins, abandoning their historic mission to serve rural people and American consumers.

State agricultural experiment stations allocate less than five per cent of their total research to "people-oriented" research.

Colleges have created machines for farmers, but have done little or nothing to help those displaced by the machines.

Small farms are hurt by the mechanization research carried on by the colleges.

Much of the people-oriented research is frivolous or aimed at "selling" the consumer on inferior products.

Critics of the UA Agricultural College as well as of other land grant colleges argue for research that is more socially relevant. In addition, they raise questions about the economics and ecology of reclaiming desert lands for agricultural use.

Frank Appleton, president of the Research Ranch near Elgin and a former Peace Corps director in Costa Rica, advocates the "non-use" of Arizona's land, which he says is often used for marginal farming and ranching.

Speaking to the UA Agricultural Faculty Club on May 11, 1971, Appleton chastised the college for continuing its range cattle program in spite of the fact that "the semi-arid Southwest can no longer compete with the Southeast's greater rainfall . . . and the Southwest may be virtually out of the range cow-and-calf business in 25 years."

The need is for land grant colleges and public officials to "recognize the new Western resident who immigrates westward to open space, cleaner air and milder climate, and is therefore more concerned with the non-disruptive, non-consumptive land uses, and favors water used for people rather than surplus or marginal products of agriculture," Appleton wrote recently. Agriculture uses 90 per cent of Arizona's water.

He has not been alone in those criticisms.

On a national level, Lauren Soth, two-time Pulitzer Prize winner from the Des Moines Register and Tribune, has criticized the reclaiming of desert land.

In the American Journal of Agricultural Economics for December 1970, Soth argued that the public pays twice for putting desert land into farm production: once for irrigation subsidies, and secondly for the added cost of land diversion and farm programs in nonirrigated areas made necessary by the extra output on the irrigated lands. In addition, Soth claimed, the development of desert land reduced income of farmers who grow crops not under the commodity support programs in nonirrigated areas.

The criticisms go on.

James T. Bonnen of Michigan State University charges "many colleges of agriculture are living on past organizational capital, the memory of old glories and former successes, while they continue to play out increasingly obsolete roles."

Earl O. Heady of Iowa State University, on Nov. 11, 1968, said, "Those who reap the tremendous gains of our efforts (in agriculture) are not those who bear the costs and sacrifices." He argued agricultural colleges need to expand their programs to meet the needs of the groups who suffer by agriculture's rapid progress.

Throughout much of the criticism runs a central theme expressed by Frank Appleton when he spoke to the agricultural faculty at the UA.

"I believe that what I've been suggesting for your college is, quite simply, a 100 per cent commitment to join the world."

EMERGENCY MEDICAL SERVICES ACT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. GONZALEZ. Mr. Speaker, oftentimes the difference between the life and death of a person is determined on whether or not htere is available prompt and professional ambulance care, or in the availability of good services in the hospital emergency room. It is therefore imperative that emergency medical care be of the highest quality, in every single community across this country. Any less can have a devastating effect.

Unfortunately, the fact is that emergency medical services are very uneven and the assistance you receive varies from one community to another, like the difference between night and day. In some, skilled ambulance corps are available with well-equipped ambulances—but, in other communities, you are lucky if prompt taxi service is provided to the hospital.

Quick, good emergency treatment can be critical; but the cutting down of services too often becomes part of the normal operation when communities or small businesses delegated to operate the services, try to cut back on expenses. The burden is heavy—and I believe that the Federal Government should step in to assist and insure that top-quality emergency medical services are available across-the-board.

Presently, there are 25 different Federal agencies and departments which provide some assistance. But these scattered programs do not have a uniform system of requirements, or of assistance; and it is easy to see how they can work at cross purposes when one arm of the Federal Government does not know what the other is doing.

The bill which I am introducing today would centralize responsibility for Federal Government support of local ambulance corps and emergency receiving facilities under HEW in an Emergency Medical Services Administration. The act would provide for minimum national standards, and provide for Federal assistance. Licensing would be required of drivers, attendants, as well as of the service itself. Ambulance vehicles and equipment would have to meet standards and inspections, and adequate liability insurance would be required to cover ambulance operations. In short, emergency medical care would be regulated and assistance provided to provide for top-quality emergency services.

Financial assistance would be made available to the local and regional communities through the States which qualify according to need. To qualify the States would have to establish a fully comprehensive ambulance program for a year, to assist local communities. Federal assistance would be available for the development and operation of existing ambulance services, and, in addition, grants would be available on a matching basis—50–50—for the initial purchase of ambulance equipment, vehicles, and communications system.

Any public or private agency or organization engaged in furnishing ambulance services will have to comply with standards in order to qualify for any form of Federal assistance.

A number of my colleageus have already realized the significance of this legislation.

The full House Interstate and Foreign Commerce Committee I understand is to meet in executive session on this legislation in the near future. I watch with anticipation and hope that it will be reported out favorably and passed by this House with speed.

I urge your consideration and full support of this measure.

GADSDEN FAMILY REPRESENTED IN FOUR BRANCHES OF MILITARY

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. BEVILL. Mr. Speaker, I am honored to have residing in my congressional district one of the most patriotic families in the Nation.

Mr. and Mrs. Harry K. Whorton, who reside in Gadsden, Ala., have four sons in the military service. Each son chose to serve in a different branch of the service.

We are all very proud of these young men, and at this point, Mr. Speaker, I insert in the RECORD a recent article telling of this unusual occurrence:

GADSDEN FAMILY REPRESENTED IN FOUR BRANCHES OF MILITARY

(By George Butler)

A Gadsden family, one of the most patriotic in the nation, is represented in four branches of military service—Navy, Air Force, Marines and Army.

Mr. and Mrs. Henry K. Whorton, who reside at 1015 Seventh Ave., have four sons in service and each chose a different branch. This record might be unequalled anywhere in the nation.

Last October, The Times ran an article about three of the sons representing the Navy, Air Force and Marines. Since then, 17-year-old David Whorton joined the Army. He is currently taking basic training at Fort Knox, Ky.

The oldest son is 24-year-old Airman 1–C Cam Whorton, who is stationed at Maxwell Air Force Base in Montgomery. He entered service in February, 1971, and was previously assigned to Biloxi, Miss. He worked with educational television for the county school system before entering service and attended Gadsden State Junior College.

Next oldest is 23-year-old Donald L. Whorton, radioman 3–C with the Navy. He is currently stationed at Jacksonville, Fla. He was formerly aboard the aircraft crarier, USS America, in the Mediterranean.

Lance Corporal Joe Whorton, 22, is with the Marines and stationed at Pearl Harbor, Hawaii with a Military Police unit. He has been in Hawaii nearly two years.

The four brothers all attended Gadsden High School.

Cam is the only one of the brothers who is married. His wife is the former Mary Wells of Glencoe.

They have two married sisters—Mrs. Johnny (Sandra) Duncan of Hokes Bluff and Mrs. James (Betty Kay) Beddingfield of Shelbyville, Tenn. Two of the eight Whorton children are still at home. They are Lurae, 19, and Harry Jr., 11.

COL. ROBERT H. CHENEY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. McDADE. Mr. Speaker, there are times when one rises on the floor of this distinguished House of Representatives to speak words of praise about a fellow human being, and when it is difficult to find the words with which to say adequately the thoughts which race through one's mind.

This is such a moment, and the man of whom I am thinking today is Col. Robert A. Cheney, commanding officer of the Tobyhanna Army Depot in Pennsylvania.

In the disaster which was visited upon the people of Pennsylvania by Hurricane Agnes, this man served the people of that stricken area with a devotion far beyond the call of duty. That he is a great soldier we all knew through the magnificent work he did at Tobyhanna Depot, and through his recent nomination to the rank of brigadier general. I wish to tell you today that he is also a great human being.

When the possible magnitude of the flood first became apparent on the morning of Thursday, June 22, Colonel Cheney began the preparations to meet the approaching crisis. Within 2 hours the depot communications center brought a helicopter from New Cumberland to evacuate 30 people from Catawissa. Shortly after that the depot's military affiliate radio station brought a National Guard helicopter to evacuate 19 people trapped by the flood waters south of Catawissa. As the Susquehanna River continued to rise, the depot called for and obtained 100,000 sandbags in a desperate effort to control the flood at Wilkes-Barre. And on Friday, as the first 2,000 refugees from the flood were evacuated, Tobyhanna established facilities to house them, and provided the trucks to transport them.

By Saturday, the destruction had become horrendous. Not only was there loss of life and property, but there was an almost total elimination of communications throughout much of the stricken area. Colonel Cheney, who is an expert in the field of communications, spent hours with me, touring the disaster areas in my congressional district, and offering his own expertise and advice in reestablishing the telephone network throughout the area. And in the meantime he set up a radio communications network that operated out of my congressional office that handled many requirements in the stricken area.

In a letter to me which, with your permission, Mr. Speaker, I will append to these remarks, Colonel Cheney sums up the work which was done by his command at Tobyhanna. It is precise, correct, and brief, because the Colonel does not waste words in official communications. But it does not sum up the tremendous human devotion he put into this work, nor the devotion of the men under his charge at Tobyhanna. You would have to have been there, as I was, to see a brilliant man putting all his talents to use, to relieve the pain caused by the awful ravages of this flood, and to see him do it willingly and enthusiastically with no counting of hours, nor sparing of effort.

Col. Bob Cheney is leaving Tobyhanna for a new assignment in the U.S. Army. In due course, he will receive the star of a brigadier general. He has served with distinction, and Tobyhanna has continued to be an outstanding military installation under his command. We will certainly remember him for this; but I think we will remember Bob most for what he did in those last days of his assignment to Tobyhanna, when he rose to the challenge of the worst natural disaster in the history of this Nation, and did so with magnificent distinction. Every citizen of the 10th Congressional District wishes him well in his new assignment. He certainly served all of us well in his former one.

The letter follows:

JUNE 30, 1972.

HON. JOSEPH M. MCDADE,
House of Representatives,
Washington, D.C.

DEAR MR. MCDADE: The following will provide you with some information as to when and how Tobyhanna Army Depot became involved with the flood disaster and what we have provided for support. Please be assured that we continue to provide priority assistance to the areas in need, and we will continue to do so as long as the Civil Defense, National Guard, and various state and federal agencies need our help.

We activated our Emergency Operations Center here at the depot on Thursday morning, 22 June, and have manned the center on a 24-hour basis since that time. We have rendered assistance to Wilkes Barre, Pittston, Kingston, Bloomsburg, Danville, Harrisburg, Catawissa, Athens, Sayre, and many other communities that have been stricken by flood waters. We have loaned out more than $2,000,000 of equipment, such as radio and telephone communication equipment, power generators, searchlights, water tankers, pumps, water purification equipment, medical supplies and fuel. We have arranged helicopter evacuation of flood victims and airlift delivery of needed equipment. Our depot communications center has continued to serve vital needs in the relay of messages, requests for sandbags, where the depot could not meet the needs from our own inventory. As you know, too, we have offered the use of our facilities for avacuees. We have not, however, been asked to house any flood victims to date.

In addition to the Emergency Operations Center here at the depot which has involved approximately 170 military and civilian depot personnel, we continue to man similar posts at the Naval Reserve Center in Avoca, the Wilkes Barre Reserve Center and another in the Scranton area. We want to provide all possible assistance to the Civil Defense, Red Cross, National Guard and the officials who carry the burden of assisting the inundated communities.

I am inclosing two fact sheets listing some highlights and examples of the support rendered by Tobyhanna. Inclosure 2 shows the magnitude of equipment we now have loaned to the flood stricken areas.

Please be assured our assistance will continue as long as valid needs exist throughout the region. If you know of any support we might provide, please continue to call on us.

Sincerely yours,

Col. ROBERT A. CHENEY.

A NEW WORLD POSTURE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. HANNA. Mr. Speaker, I recently had the distinct honor of hosting in part the visit to our Nation's Capital of a distinguished representative of the Government of the Republic of Korea—the Honorable Youngsun Kim, Minister of the National Unification Board.

One of our endeavors during the Minister's visit was to develop a reliable and meaningful dialogue on the future relationship between the United States and the Republic of Korea. In the context of these meetings, a paper prepared by Minister Kim was made available to me and others giving his analysis and projections on this relationship.

It should now be abundantly clear to all concerned that it is past the time when we should restructure our international policies toward economic and social relationships with a decreasing reliance on mere military might. We must, to progress constructively in the coming world configuration, shift our emphasis from confrontations involving violence and military arm, and toward meeting effectively and responsibly the human needs and demonstrably serving the advancement of all our peoples.

I therefore take this opportunity to present to my colleagues the thoughts of my friend, Minister Kim, and commend the perspective he provides us.

KOREA AND THE UNITED STATES: A PROPOSAL FOR ECONOMIC PARTNERSHIP

Conceptually, the United States seems to be determined to define the world order in multipolar rather than bipolar terms. Although the international system remains militarily bipolar, that it is politically multipolar cannot be denied. The only problem is how to define the American national interest in accordance with the reality of political multipolarity without sacrificing the structure of deterrence which is after all the most concrete guarantee for stability of the world order.

In this sense, the United States can be seen as engaged in two parallel efforts; one to restructure the political order of the world in multipolar terms and the other to maintain the essential foundations of defense commitments and alliance systems. The former has led to recent efforts to bring Communist China into the international system, while the latter meant that Washington had to reiterate its continuing commitments to the security of East Asian countries.

Undeniably, there is bound to be some conflict between these two efforts. It is conceivable that the tension might have been lessened, had the rise of Japan led to fulfill the earlier expectation regarding the role of Japan as simply sharing some of the burdens for the defense of non-Communist East Asia. But as has been pointed out, the emergence of Japan as a major factor in the international politics of the region has more profound and complex implications than the simplistic predictions had assumed in the 1960's.

For one thing, it is not at all certain that the assumption by Japan of a military role would contribute toward stability in East Asia, even if Japan could be expected to orient her policy simply with the existing framework of obligations. Inevitably, perceptions would differ as to the meaning of Japan's military power as producing additional tensions among the powers in East Asia. Communist China is not alone in having a deep concern about the implications of Japan as a military power. It is a concern shared by most countries in the East Asian Pacific region.

It is, therefore, imperative that the tension between two parallel efforts which we have noted on the part of the United States must be resolved without the comfortable but unrealistic assumption that Japan is going to provide the answer. A key to the problem of how to maintain stability while making necessary readjustments in an increasingly multipolar world must be found in the conception of the American role as implied by the Nixon doctrine.

With American presence gradually reduced, the structure of peace in East Asia can be still maintained through the increasing capability of individual non-Communist countries to defend themselves against limited military challenges.

It is clear that after Vietnam most Asian nations would have to deal with internal strife without direct American involvement. It is also clear that limited Communist offensives which do not involve direct intervention by either Communist China or the Soviet Union must be met by the nations involved themselves. The growth of free nations in Asia, a fact noted above, is a factor which makes it increasingly possible for us to meet this requirement.

But it is equally clear that the self-defense posture of small Asian nations makes sense only within the over-all context of the U.S. deterrence against the expansionism of the Communist powers. In the absence of such deterrence, it is idle and dangerous to pretend that the Communists could be persuaded to restrain their revolutionary orientations either through a rational dialogue alone or with the strength of small free nations.

This is most acutely true of Korea. While the political stability and economic progress of the Republic of Korea assure us of Korea's increasing capability to defend itself against a possible Communist attack, it is totally unrealistic to think that stability on the Korean peninsula could be maintained without the American deterrence. What the growth of the Republic of Korea means is that the American deterrence could be readjusted in its form, but it certainly cannot mean that the U.S. deterrence can be dispensed with.

The major problem, then, in future Korean-American relations is how to adapt the deterrent posture of the United States in Korea to the changing international environment without lessening the deterrent effect of that posture. If it is inconsistent with the conception of the American national interest to maintain the American posture in Korea without making necessary adjustments, to change it without regard to its effect on the deterrent effect can only be counterproductive in the sense that it will defeat the major goal of the U.S. policy, i.e. maintenance of stability in the international order.

The withdrawal from Korea in 1971 of one U.S. combat division must be seen in this light. On the one hand, it was obviously an effort to readjust the U.S. presence in Korea in accordance with the Nixon doctrine, although in fact it was undeniably motivated by budgetary considerations, and on the other hand, the timing and the manner in which the withdrawal took place left many of us in doubt as to the possible effect of the withdrawal on deterrence. The removal of the division came in the heat of North Korean pressure as evidenced by the increased number of armed guerrillas infiltrating south, while the ROK government publicly took the position that the withdrawal of one division significantly weakened our defense posture. It would have been far wiser, had the removal been made dependent on a less belligerent behavior on the part of North Korean Communists, while the U.S. government persuaded the ROK government that the partial withdrawal did not weaken the deterrence. It is important for the Korean government to take a positive stance, if the removal is not to weaken the deterrence, because the North Korean Communists are certain to take into consideration the ROK interpretation of the U.S. attitude in predicting a possible U.S. response in the event of Communist attack. Deterrence, after all, is essentially psychological as well as physical.

The problem confronting us now is how to persuade Seoul as well as Pyongyang that the reduction of the American military presence on Korea does not mean weakening of the U.S. commitment. On a successful answer to this question hinges the viability of the emergent multipolar international order, as far as the Far East is concerned. To sacrifice stability on the Korean peninsula in order to redefine the international system in multipolar terms is to court the risk of a Communist hegemony in the region or risk a revival of Sino-Japanese rivalry on the peninsula which is no less fatal to the objectives the United States seeks in the world.

To maintain deterrence while applying the Nixon doctrine, it is proposed here that the economic and cultural ties be strengthened and deepened to offset the effect of reduced military presence. Increased military assistance in connection with the ROK's modernization program is certainly helpful in this regard. But what is proposed here is a far more profound and extensive relationship between the two countries.

In the past, the U.S.-Korean economic relations were one of total dependence. What is proposed for the future is a relationship of interdependence in which both sides can derive economic benefit, not only political and strategic advantages. Although the proposal is made primarily with the maintenance of security in view, it is based on the assumption which is supported by an entirely economic analysis in the appendix, that both the United States and Korea have much to gain from an interdependent economic partnership.

In essence, the proposal is simple. It envisages the joining together of American capital and technology with Korean labour force to produce products that can compete in the international economy both in terms of price and quality. It means a large-scale American direct investment in Korea and a willingness on the part of ROK government to help with the maximum utilization of the joint economic ventures. Psychologically, investment of American capital in Korea would go a long way to convince both South and North Koreans alike of the U.S. commitment, thereby compensating for the reduction in American military presence.

Economically, Korea has shown a remarkable progress in the 1960's, which has made it possible for the United States to move from direct grants and short term assistance programs of 1950's to long term loans and limited investments in the 1960's. For the 1970's, it is necessary to move on to a new era of economic partnership based on direct equity investment, going beyond the stage of direct assistance.

From the Korean side, the advantages of an economic partnership with the United States are rather obvious. While the growth in the 60's was impressive, Korea still suffers from shortage of capital investment. With political stability now firmly achieved and the bureaucracy greatly modernized, the Korean economy is ready to move forward at an ever rising pace, provided that the vast need for investment can be met in time. The role of American capital, therefore, is crucial for the continuing growth of Korean economy.

From the American perspective, the following points can be suggested as relevant in demonstrating the feasibility of the proposal.

First of all, the political culture of South Korea offers us one of the most favourable environments for American investment anywhere in the world today. The commitment for the cause of freedom is deep and firm, while the Korean people are uniquely free from any historical memories of Western imperialism. Futhermore, it is a well known fact that Korea is the most faithful ally of the United States which has closely and consistantly identified with the U.S. global strategy. Political stability is now quite genuine, and even if there is short-run instabilities, there remains the wider national consensus which can be only conducive to healthy Korean-American relations. Secondly, Korea has the well educated and skilled labour at one of the lowest wage levels in the world today. As many sociologists noted, economic progress is to a very large extent a function of motivation, and the latter is related to education. In this regard, Korea has one of the highest literacy rates in the world, and its skilled manpower is most impressive both qualitatively and quantitatively. Furthermore, it is a labour that is highly motivated and also disciplined. It can compare favourably with its counterpart in Japan.

Thirdly, it is plain that there is a huge and growing market for us, if the U.S.-Korean partnership becomes a reality. Japan with a GNP of about 240 billion dollars (1971), and Communist China with a population of 800 million, and the rest of Asia as well offer us a vast and expanding market. Futhermore, culturally the Asian countries are certain to be more receptive to Korean-American products than products from any other competing economy. While Korea ensures the absence of danger in terms of aggressive economic penetration, the U.S. guarantees quality of technology which even Japan cannot seriously rival.

Finally, a combination of American capital investment and Korean manpower can produce at a price level that could favourably compete with the Japanese economy even within Japan. As the Peterson Report made clear, one of the most serious problems facing the United States is the continued worsening of its balance of payments situation, and one of the most critical factors responsible for the situation is the widening imbalance in the Japanese-American trade. The U.S. runs about 1.5 billion dollars in deficit at its annual trade balance with Japan alone. An economic partnership with Korea can go a long way to overcoming this imbalance and solving the balance of payments problem for the United States.

Incidentally, it is not unreasonable to suggest that alternatives the United States can choose in stead of the proposed Korean-American economic partnership are fraught with ramifications that are politically undesirable and economically unsound. Conceivably, Washington could strengthen measures to protect domestic industries against foreign, particularly Japanese competition. But such a protectionist posture cannot fail to provoke counter-measures from other countries, leading eventually to a trade war among the nations of the free world and thereby creating new tensions in the international relations. On the other hand, should the United States demand a voluntary restraint on the part of the Japanese, it is doubtful if the Japanese, given the dynamism inherent in their economic system, can actually exercise selfrestraint even if they wanted to. Finding it impossible to satisfy the American demand, the Japanese are likely to resent such U.S. attitude as a form of undue pressure.

Our suggestions, therefore, is that a solution to the balance of payments problem for the United States should be an economic one, not a political device. Fundamentally, it should have an economic rationality within the framework of free economic system. And the proposed Korean-American partnership is precisely such an answer to the problem of trade imbalance facing the United States today.

For the reasons suggested, the proposed Korean-American economic partnership is not only necessary for the purpose of maintaining the stability in East Asia as the U.S. adjusts its diplomatic posture, but also condusive to solving one of the most serious economic problems facing the United States today. And precisely because it is consistent with the American national interest, it is a more realistic concept than the simplistic cold war notions that dominated the past relations between the United States and Korea.

* * * * *

It has been suggested that the proposed economic partnership is consistent with the American national interest. This is true not only in the economic sense but perhaps more importantly in the strategic sense as well.

The American interest in East Asia can be defined in terms of maintaining stability while preventing hegemony. Korea is critically important on both accounts.

On the one hand, Korea could become a significant and perhaps crucial factor in possible emergence of a hegemonic power in the area. Should the Korean peninsula be permitted to fall into an exclusive sphere of influence under a single power, it is obvious that control of Korea could serve as a bridge to hegemonic influence in the entire Far East and possibly the East Asian-Pacific region.

On the other hand, Korea could also become a cause of uncontrollable instability in the Far East. In the absence of U.S. deterrence Korea could not avoid creating a power vacuum, which would inevitably tempt the powers surrounding the peninsula to take advantage of the situation to gain a bridge to hegemonic influence. As a result, a wild scramble for influence and control is likely to ensue, eventually leading to a violent confrontation.

To ask which of the two possibilities suggested above is preferable from the American point of view is of course to make clear how utterly important it is for the U.S. not to underestimate the strategic significance of the Korean peninsula. If hegemony means a direct threat to the American security itself, instability implies heightened probability of a war in which the U.S. may have no choice but to take part. For the failure of the U.S. to affect the outcome of such conflict could mean emergence of hegemonic dominance by a single power in East Asia.

These are of course no mere theoretical speculations. At the turn of the century, the willingness on the part of the United States to let Korean peninsula fall under the Japanese eventually led to the emergence of Japanese hegemony in East Asia and the inevitable conflict to deal with the problem of hegemony in the region. Had Korea been kept from becoming an element of a hegemonic system, the history of international relations in East Asia might very well have taken a different turn than it did.

That is why it is so important for us not to repeat the mistakes of the past and ensure stability in the Far East by guaranteeing security of the Korean peninsula.

In the future, should a power vacuum be permitted to develop in Korea either by default or design, the whole concept of the Nixon doctrine, namely the idea that a world order could be ensured within a politically multipolar framework, is likely to prove counterproductive in that instability on the Korean peninsula is bound to provoke a hegemonic drive.

In fact, as the international system becomes multipolar, the strategic importance of Korea increases, for control of the peninsula cannot but give a margin of influence that could prove decisive in a multipolar system.

To be sure, from a strictly military point of view, it is understandable if some have doubts about the strategic importance of the Korean peninsula. After all, that is how Washington seemed to have viewed Korea in the period immediately following the Second World War.

The trouble with a strictly military point of view is that it is strictly military while reality is always more complex and varied. Particularly in a multipolar world, strategic considerations cannot be confined to narrowly military factors in a technical sense alone. A strategic conception must embrace both political and military dimensions.

It is in this larger strategic sense that the importance of the Korean peninsula becomes apparent. For what happens in Korea can have decisive implications for balance of power in the entire Far East and East Asia.

That is also the reason for our suggestion that the security of Korea is very much in the interest of the United States.

If Washington wishes to maintain balance of power in East Asia, the United States cannot afford to let Korea become a pawn in the struggle for hegemony in the area.

The only real problem for the United States is how to ensure security in the Korean peninsula without exceeding the limits beyond which it is unreasonable to carry a greater burden. With budgetary pressure and increasing shortage of man power, Washington must inevitably seek to reduce its direct responsibilities for Korea's security as the withdrawal of one combat division demonstrated a year ago. How to meet this need for reduction of America's burden without endangering stability of the Korean situation is indeed the crux of the problem facing us today.

As has been already made clear, it is our conviction that the most realistic solution to the above problem is an economic partnership between Korea and the United States, which will hopefully compensate for the effect of reduction in direct responsibilities on the effectiveness of U.S. deterrence. A large scale capital investment in Korea will demonstrate the continuity of U.S. resolve and the strength of American commitment. That is why we propose Korean-U.S. economic partnership for the ultimate purpose of maintaining balance of power in the East Asian-Pacific region.

* * * * *

Concretely, to carry out the proposal, it will be necessary to take the following steps.

For the United States, those in a position to invest in Korea should become, first of all, convinced that investment in Korea is economically sound. To that end joint economic conference between the United States and Korea would be helpful to exchange information and map out a strategy of investment. Both private business representatives and public officials must take part in such a conference. If successful, the conference can develop into regular consultative meeting on an annual basis.

Secondly, American business representatives have to be assured that investment in Korea is not only economically sound but also politically safe as well. There are a number of ways to help persuade American business representatives that Korea is politically stable and completely reliable. But also it is important that the U.S. government should make clear its own attitude on this. It can do so most effectively through broadening the scope of its risk-guarantee system. There is already in existence U.S. equity investment in Korea based on risk-guarantee system. What is needed is a willingness on the part of U.S. government to extend such successful application of risk-guarantee system to a much greater range of investment areas.

Thirdly, it will be necessary for the Korean government to show maximum feasible flexibility in responding to American investment in Korea. Bureaucracy must be made more responsive to policy considerations, while a legal and administrative infrastructure must be carefully built to utilize American investment to the fullest possible extent. Neither should cultural and social dimensions be neglected. For a social and cultural environment conducive to healthy Korean-America relations is essential to the success of an economic partnership.

Fortunately, all of these requirements are clearly within the realm of possibility. The Korean government is already prepared to carry out its responsibilities, while the Korean people cannot be any more positively oriented toward Korea-American partnership. The United States government too has already shown a willingness to apply risk-guarantee system in Korea and has actually done so in the past, while American business has also shown an increasing interest in possibilities of investment in Korea. It is no exaggeration to suggest that conditions are now ripe for an economic partnership between Korea and the United States.

All that is required now is a clear conception of what the partnership means economically and politically. For without such a conception, only piecemeal and hesitant efforts can be made, while with the necessary vision we will be able to push ahead with vigor and determination.

Ultimately, the proposed partnership should be conceived as an instrument for peace as well as prosperity. For the latter goal, it should contribute to overcoming the balance of payments problem for the United States and stimulating the growth of Korean economy. For the former, it is indispensible in maintaining the credibility of American commitment abroad and securing stability in East Asia by preventing emergence of a hegemonic power.

It will be, therefore, an historic decision to accept the challenge to create a partnership between the United States and Korea. To fail to do so, of course, will be no less an historical decision, for it will surely lead to instability in the future international relations. To move ahead in the direction proposed is the only realistic way to ensure peace while realizing prosperity.

CAPTIVE NATIONS WEEK

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. SHRIVER. Mr. Speaker, it has now been 13 years since the 86th Congress of the United States first authorized the observance of Captive Nations Week. It is my hope that, with the passage of time, we have not allowed ourselves to become less fervent in our desire to see the people of Eastern Europe released from their bondage.

The basic freedoms that we as Americans hold so dear are virtually unknown to those who are enslaved by communism. I believe that unless we continue our moral support, the people of Eastern Europe will never have the opportunity to live in a democratic society.

Through cooperation and understanding, the nations of the world have taken many great steps forward in the past quarter century. Technological and social changes have become the order of the day, with the betterment of mankind as the stated goal. Changes that encourage harmony and brotherly love between nations are always welcome, and progress has been made, but until every man, woman and child is free to determine his or her own destiny, we cannot afford to relax our efforts.

Recently President Nixon has journied to Mainland China and to the Soviet Union in an attempt to better our relations with these two powerful nations. The President's efforts have opened new avenues of diplomacy which can only further the cause of world-wide peace. Perhaps as we cultivate these new relationships we will be able to show the rest of the world that good government does not necessitate the oppression of those who are governed.

It is disturbing to realize that we who are blessed with the greatest amount of personal freedom often seem to appreciate it least. The result is that while we are in the best position to lend a helping hand to those less fortunate, we sometimes accomplish the least.

I sincerely hope that during this week which has been set aside to express concern for those in captivity, free-thinking men and women everywhere will take time to contemplate the plight of their brothers and sisters who are laboring under the yoke of communism.

CAPTIVE NATIONS WEEK

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. HALPERN. Mr. Speaker, this week marks the 13th annual observance of Captive Nations Week. It is a time set aside for Americans to remember those mutions of people in the captive nations of Eastern Europe and Asia. In a world that is increasingly becoming imbued with the spirit of freedom and indepedence, it is indeed tragic that so many people should be cut off from the human right of freedom by the restrictive ideology of communism.

A penetrating look by all Americans at the plight of these captive people can only lead to a saddening but hopeful reaction.

We are sad that these people do not enjoy the individual liberties that are taken for granted in the United States and much of the rest of the free world. We are sad that these people are frustrated in their search for lives which are free from state control by the Communist Party. We are sad that these people are cut off from any extensive contact with the West by the physical and spiritual barriers that have been erected by the Communists, the reasons for which are obvious.

However, one can also be hopeful, even though the enslavement of these captive nations may seem permanent to some. There is an increasing amount of evidence that these nations are rebelling against the stranglehold which the Communists are trying to keep on them. Intellectuals especially are refusing to succumb to the Communist ideology. Some of these nations are bravely demonstrating that they are not mere submissive satellites, but nations seeking to express their identity. Some are showing that they are definitely interested in establishing meaningful ties to the West.

We must not let these overtures go unnoticed. Instead, let us look forward to the day when these nations will no longer be captive.

FHA 231 PROJECTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. WALDIE. Mr. Speaker, at this time I include in the RECORD a letter written to me by Mr. Josh L. Wilson, president of Eskaton, a nonprofit Oakland, Calif., corporation. Mr. Wilson has very ably expressed his concern over a recent FHA administrative ruling which adversely affects the opportunities of nonprofit corporations to invest in projects under the section 231 program for elderly housing.

The letter follows:

JUNE 26, 1972.

Hon. JEROME R. WALDIE,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WALDIE: Eskaton is a non-profit Oakland, California corporation concerned with today's crisis in healthcare, housing and education, and is actively involved in creative programs in these areas. A non-profit firm, as you know, reinvests its "profits" in the performance of the corporation's services, as opposed to paying these benefits to stockholders for their personal financial gain. In return for this, the law, under certain conditions, frequently allows a non-profit enterprise to be excused from the payment of taxes.

In the conviction that the above principle can be put to work as a valid and vital force in solving America's social ills, Eskaton, and many other like-minded corporations, have invested heavily in socially beneficial projects which depend completely on tax abatement for their economic survival. Specifically, we are concerned about an administrative ruling from FHA which is having the effect of virtually eliminating non-profit corporations from participating in housing programs such as the Section 231 program of elderly housing. In projects where exemption from real estate taxes is received, FHA requires the sponsor to sign FHA Form No. 1708, copy enclosed. This document is blatantly discriminatory against non-profit corporations. Inasmuch as no non-profit corporation would have the reserve funds to be able to comply with the requirements of Section 2, it would mean total financial disaster if it were ever necessary to enforce it. We view this as an administrative ruse to completely nullify the intent of the housing legislation and eliminate non-profit corporations from participation in the programs.

Eskaton presently has in the development stage several FHA 231 projects which, if built with tax abatement can serve an urgent social need. Under the present conditions, however, we must, of necessity, pass up these opportunities. We therefore most urgently request that you bring pressure to bear upon the officials at FHA to administer their programs with relation to non-profit corporations in accordance with the intent of the housing legislation.

Very truly yours,
JOSH L. WILSON, JR.,
President.

CATHOLIC SCHOOLS: THE BEST AND THE WORST OF TIMES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, we have all been hearing a great deal recently about the financial difficulties being encountered by nonpublic schools. I am sure my colleagues will profit from an article on this subject which appeared in the November-December 1971 issue of the School Foodservice Journal entitled, "Catholic Schools: The Best and the Worst of Times." The article was written by Dr. Edward R. D'Alessio, director of the Elementary and Secondary Education Division, U.S. Catholic Conference, and Mr. Russell B. Shaw, director of the USCC's Office for Information. I insert it in the RECORD at this point:

CATHOLIC SCHOOLS: THE BEST AND THE WORST OF TIMES

Charles Dickens said it well, "It was the best of times, it was the worst of times."

Dickens was not talking about Catholic schools. But in that Dickensian paradox—"the best of times, the worst of times"—lies the story of the present and future of the U.S. Catholic school system.

It is a commonplace to say that this country's Catholic schools are facing a crisis. Less often acknowledged is that the "crisis" is a highly complex phenomenon that cannot be reduced to one simple cause. And even more frequently ignored is the fact that, the crisis notwithstanding, Catholic schools today are in many important respects stronger than they have ever been before.

The roots of the "crisis" go deep. In part the problems of the schools reflect the problems of the Catholic Church—and indeed of just about all organized religious bodies—in America today. These problems are expressed in declining contributions and church attendance figures and in the polarization of liberal and conservative church members. This situation is, furthermore, not confined to the church-related sphere. The anti-"establishment" attitude applies to virtually all institutions in our society today.

The problems of the Catholic schools also reflect the problems of all American schools. Schools have become focal points for social change and social controversy—battlegrounds on which such issues as minority rights and community control, the generation gap and changing manners and mores are fought out. This lends excitement to the educator's life but it also places burdens on him—and his school—that did not exist in quieter, more stable times.

The "crisis" syndrome in Catholic education also has some special aspects all its own. Enrollments are down, costs are up, schools are closing, religious vocations (for years, the main source of a low-cost teaching force) are off.

Anyone who cares to concentrate exclusively on the problems of Catholic schools can easily paint a picture of unrelieved gloom and doom. In fact, some people are busy doing just that. But a different observer (not necessarily more optimistic, but possibly more farsighted) can also find persuasive evidence for the conclusion that Catholic schools *do* have a future—and a bright one at that.

There are more teachers in Catholic schools than ever before, and they are better qualified than in the past. Teacher-pupil ratios have declined dramatically. In a number of places imaginative new approaches—in instructional methods or organization or policy-making, or all three—are either underway or on the drawing boards. Catholic schools are moving more and more into the mainstream of American education, stressing their civil responsibilities and opportunities. Catholic educators are taking a fresh look at their role and the role of the schools, and evolving ways to maximize their service to the Church and the community.

A closer look at the Catholic schools bears out the contention that these are indeed the best and worst of times. Let's start with the bad news first and see the "worst".

Although there are many elements in the current Catholic school crisis, one stands out—money. A December, 1970, meeting of some 40 Roman Catholic bishops—metropolitans (heads of ecclesiastical provinces) and members of the Education Committee of the U.S. Catholic Conference—concluded that Catholic schools "now are in fact in a severe financial crisis." This was only official confirmation of what had been apparent for some time.

Reasons for the crisis are many. American education costs generally have leaped in recent years, because of inflation, parental demand for quality education, increased teacher salaries and other factors. All of these influences have been at work in the Catholic schools.

But Catholic schools also face special problems. Chief among these is the fact that the proportion of religious teachers has fallen off in recent years, while the proportion of relatively high-salaried lay teachers has risen steeply. In 1958 there were 112,201 religious teachers and 35,129 lay teachers in Catholic elementary and secondary schools. In 1970 there were 101,467 religious teachers and 98,001 lay teachers. Thus between 1958 and 1970, lay teachers almost tripled while religious teachers annually declined by 11,000. It should be noted, too, that salaries of both lay and religious teachers in Catholic schools have risen dramatically in recent years.

Almost all of the cost of operating the Catholic school system in the United States is borne by Catholics themselves. Some limited funds do reach Catholic education under various federal and state programs. But without dismissing the significance of this aid, one must conclude that it represents only a minimal contribution. And of course, while supporting their own increasingly expensive school system, Catholics as citizens also pay their fair share to support the also increasingly expensive public school system.

The tensions in this situation are obvious. Their most dramatic expression is the drop-off in Catholic school enrollment that has occurred since the peak years of the mid-1960's, together with an accompanying decline in number of schools.

In the 1967–68 school year there were 12,814 Catholic elementary and secondary schools in the United States; in 1970–71 there were 11,351. In 1967–68 there were 5,215,598 students enrolled in Catholic elementary and secondary schools; in 1970–71 there were 4,367,323. Thus from 1967–68 to 1970–71, schools declined by 1463 and students by 848,275.

It is not this article's purpose to make a case for state and federal aid to Catholic schools (although the authors happen to believe such aid is needed and justified). Even in this context, however, it is fair to note that these figures have implications—serious ones—for public schools.

Some people argue that the 4367 million students enrolled in Catholic schools in 1970–71 could, if the crunch came, be accommodated without too much strain in public schools. This might be true if the Catholic school population were spread evenly across the country. But Catholic school enrollment is heavily concentrated in large urban areas, and extensive Catholic school closings would have a major impact on public schools in these places. In Philadelphia, for example, 34 percent of the total school population is in Catholic schools; in Chicago-Gary, 32 percent; in Pittsburgh, 29 percent; in St. Louis, 29 percent, and in New York-Newark-Jersey City, 28 percent.

Many public school officials have recognized the implications of these facts for their school systems and, as a result, supported public aid for nonpublic schools. In a brief filed with the U.S. Supreme Court defending Pennsylvania's purchase-of-services program of assistance to nonpublic education, the Philadelphia public school district said it "does not have unused excess capacity with which to absorb these potential transferees" from the church-sponsored schools. It added that the legislation in question was "preserving definite educational advantages for all Philadelphia school children and preventing catastrophe for all by promoting excellence in secular education in the private and parochial schools."

President Nixon made much the same point in his March 3, 1970 Educational Reform Message. "Up to now," he said, "we have failed to consider the consequences of declining enrollments in *private* elementary and secondary schools, most of them church supported . . . In the past two years, close to a 1000 non-public elementary and secondary schools closed and most of their displaced students enrolled in local public schools. If most or all private schools were to close or turn public, the added burden on public funds by the end of the 1970's would exceed $4 billion per year in operations, with an estimated $5 billion more needed for facilities."

So much—in hasty overview—for the "worst of times". That Catholic schools have grave, even critical, problems, no one can doubt. But in other respects these are the "best of times" for them. How so?

One curious aspect of the current situation is that many problems are, viewed from a different perspective, indicators of progress. Take the decline in number of schools. While many have been forced to close because of lower enrollments and higher costs, other closings in fact represent the successful consolidation of smaller, less adequate schools into larger and more effective units.

Much the same is true of the increase in number and percentage of lay teachers in Catholic schools. While more lay teachers certainly mean higher costs, the enhanced role of lay people—growing out of the theology of the Second Vatican Council in the 1960's—makes it both proper and desirable that laymen assume a larger role in church-sponsored education. It is worth noting, too, that there are not simply more lay *teachers* in Catholic education today. There are also far more lay principals and administrators, including several lay diocesan school superintendents.

Again, changes in Catholic schools over the last decade have laid permanently to rest one of the old stereotypes about them—the complaint that their classrooms were habitually overcrowded, that the pupil-teacher ratio was excessively high, and that thus the quality of education suffered. Number of teachers has risen steadily in recent years (despite the drop-off in religious teachers) and in 1970–71 stood at 111,908 on the elementary level and 54,580 on the secondary level. At the same time the number of students has dropped—partly, at least, because of school and diocesan policies designed to reduce class sizes. Thus in the past school year the ratio of staff to students in Catholic elementary schools was one to 28, while at the secondary level, it was one to 19.

Today's Catholic school teachers are also better qualified than their predecessors. In 1970–71, 63.5 percent of elementary school religious teachers and 52.2 percent of lay teachers were certified, and another 23.8 percent were certifiable. At the secondary level, 65.4 percent of religious teachers and 62.1 percent of lay teachers were certified and another 26 percent certifiable.

As the National Catholic Educational Association, which compiled these statistics, remarked: "In the matter of the professionalization of Catholic school teachers, these figures have reflected the current pattern in Catholic schools which can be described as constant progress toward improved quality, at least in reference to those measures which the educationists have traditionally cited as the marks of a 'quality school'."

The same NCEA statistics give some interesting insights into the way Catholic schools—like their public counterparts—are responding to the educational needs of minority group and disadvantaged pupils (the two terms are of course not necessarily synonymous, but do often overlap in fact). While enrollment of students of non-Caucasian ethnic background in Catholic elementary and secondary schools is not particularly high, neither is it as low as has sometimes been asserted; and it is also significant that the percentage of black students in Catholic schools is far higher than the percentage of blacks in the total Catholic population:

In the 1969–70 school year, black students made up 5.1 percent of the total enrollment in Catholic elementary schools, Spanish students, 5.7 percent, and Indian students, .3 percent (a cumulative total of 11.1 percent). On the secondary level, the figures were: black, 3.7 percent, Spanish, 3.8 percent and Indian .3 percent (cumulatively 7.8 percent). Furthermore, 38 percent of the black students in Catholic schools are non-Catholics. And, without meaning to enter into public-nonpublic comparisons (because, in this area, all American educators admittedly have much unfinished business to do), it is at least worth bearing in mind, that, while public schools have 44.6 percent of their minority group students in predominantly minority group schools, the Catholic schools have 40 percent.

Moving beyond the tale told by statistics, it is apparent that Catholic schools are making progress in other ways, too. Catholic educators have, for example, become increasingly aware of the value of research as a source of data for improving their performance. Since 1967 alone, 57 diocesan studies of Catholic education have been carried out (and a number of religious orders have also conducted studies of their educational efforts). The impact of this research is being felt in better organization, better planning and better education.

Catholic educators are laying increasing emphasis on what they refer to as the "total teaching mission" of the Church. The rather rigid compartmentalization that marked Catholic education in the past—the separation of Catholic schools from out-of-school religious education programs, and of both from adult education—is giving way to a new approach in which the educational task is seen as an integrated *whole*, resources are measured against this total picture, and planning and implementation are carried out in a comprehensive, rather than piecemeal, fashion.

The policy-making structure of Catholic education has also been radically revised in recent years. Once the exclusive preserve of the clergy and religious, educational policy has now become a responsibility—and a right—of the entire community as a result of a fast-growing movement to develop parish and diocesan boards of education, responsible for setting policy for schools and other educational programs.

Catholic schools have never been noted for a propensity to rush into educational innovations (or into educational fads, for that matter). But more and more Catholic educators are taking advantage of their relative freedom to explore new teaching approaches. Approximately 20 dioceses presently have extensive instructional television programs. Nine of these have their own low cost television channels. The archdiocese of Chicago has a new plan for "Individually Guided Education" that will get underway in 1972 and is developing a program for "Education by Appointment" to be launched later in the 70's. Other school systems and individual schools are experimenting with novel approaches to individualized and value-oriented teaching.

What it adds up to is that, for all the problems, this is indeed the "best of times" for U.S. Catholic schools.

And, in the area of ideas, perhaps most striking of all about the current scene is the new understanding that Catholic educators have about themselves and their schools in relation to the total American educational enterprise.

American education today is a whole—an integrated entity—and this can only become more apparent as time goes by. In the past there may have been some justification for thinking of American education in terms of isolated, relatively unrelated segments. But this is no longer true today.

The realities of American life no longer support a rigidly compartmentalized view of our society or of our educational system. Separateness and compartmentalization—geographic, ethnic, socioeconomic—are becoming less and less meaningful in our nation with every passing day. The educational process must respect uniqueness—of individuals and of groups—without at the same time enforcing separatism. The objective should be to cherish diversity within an integrated society.

This is not to suggest that our society or our educational system either is or will become a totally homogeneous, undifferentiated—and somewhat bland and colorless—mass. Differences of life-style, of vision, of commitment do and should exist. There are and will remain many different ways of being a citizen of this nation.

American education should reflect and accommodate these different ways, provided they are not inimical to society's fundamental purposes. And as America becomes less compartmentalized, more integrated racially, of course, but in other ways as well, American education also must reflect this fact. American Catholic educators intend to bear this in mind as they define their role in the future of American education.

ABOUT THE AUTHORS

Dr. Edward R. D'Alessio is Director, Division of Elementary and Secondary Education, United States Catholic Conference, Washington, D.C. Dr. D'Alessio received his B.A. degree in 1954 from Seton Hall University, South Orange, New Jersey. In 1955 he received his M.S. degree in Education and in 1967 his Ph. D. in the Historical and Philosophical Foundations of Education and Educational Psychology, both from Fordham University (1956–58) and as a teacher, Orange Public Schools, Orange, New Jersey (1957–58), Dr. D'Alessio joined Seton Hall University. At Seton Hall he was Assistant Professor of Education (1958–67), Assistant to the Dean of Graduate Studies (1962–63), Assistant Dean, School of Education (1963–67), Interim Director, Upward Bound (1966) and Associate Professor of Education (1967). From July, 1967 until September, 1970, he was Coordinator of Governmental Programs, Division of Elementary and Secondary Education, United States Catholic Conference, and in October, 1970 became Director of the Division of Elementary and Secondary Education.

Author and numerous articles, Dr. D'Alessio has lectured widely, served on many committees and as a consultant, and appeared on radio and television.

Mr. Russell B. Shaw is Director, National Catholic Office for Information, United States Catholic Conference, Washington, D.C. He received his B.A. (summa cum laude, 1956) and M.A. (English literature, 1960) from Georgetown University, Washington, D.C. His work experience includes staff writer for The Catholic Standard, Washington, D.C. (1957) and for the National Catholic News Service, Washington, D.C. (1957–66). From 1966–69 he was Director of Publications and Public Information, National Catholic Educational Association, Washington, D.C. Since 1969 he has been with the National Catholic Office for Information.

Mr. Shaw is the author of the Dark Disciple, Abortion and Public Policy, Abortion on Trial and S.O.S. for Catholic Schools. He is also an editor of books on Catholic education, a contributor to various encyclopedias, magazines and journals, and the writer of several monthly columns.

WILLIAM F. PYPER

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. GERALD R. FORD. Mr. Speaker, last Thursday night death took a very good friend of mine, William F. Pyper, recently retired chief of the Washington bureau of the Booth newspapers of Michigan.

I was very much saddened by Bill's death. I was always fond of Bill because he was a fine human being. When my wife, Betty, and I first came to Washington after I was newly elected to the Congress in 1948, it was Bill Pyper who welcomed us to the Capital City and took us to dinner. He shepherded us around and helped us learn the ropes. A man could not have had a better friend. In later years I was Bill's guest at many of the Gridiron Club dinners.

Bill Pyper was one of the finest individuals ever to serve in the Washington press corps. He was a newspaperman for more than 40 years and a Washington correspondent for 27 years, including 15 years as chief of Booth newspapers' Washington bureau. Bill worked hard at getting a good story. He was objective. He never sought to advance his own point of view. And he was never interested in hurting anyone. He loved newspaper work and was devoted to it. It was his whole life.

Those of us who knew Bill Pyper held him in highest esteem. My wife and I extend our deepest condolences to Mrs. Pyper and to the Pyper children.

RESULTS OF THIRD DISTRICT OPINION POLL QUESTIONNAIRE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. BAKER. Mr. Speaker, earlier this year, I mailed out approximately 140,000 opinion questionnaires to all households in the Third Congressional District of Tennessee. Response has been gratifying. My staff and I have tabulated some 20,000 replies expressing constituent views on issues of national and local importance.

Replies indicate strong support for a constitutional amendment to halt forced busing of schoolchildren. They also reflect a vote of confidence for President Nixon's initiatives to achieve "a generation of peace."

A total of 86 percent of those responding to my poll favor an amendment to prohibit assignment of any child to a particular school because of race, color, or creed. Of those returning questionnaires, over two-thirds—67 percent—approve of the manner in which President Nixon is ending U.S. involvement in Southeast Asia. And 72 percent favor the President's plan to relieve world tensions through visits to Red China and Russia.

At home, Third District residents favor maintaining a strong national Defense Establishment: 62 percent are willing to pay higher taxes, if necessary, to insure protection of the United States. A strong 81 percent majority opposes amnesty for young men "who chose to leave this country in order to avoid fulfilling their military obligation." Respondents oppose deficit spending, "even if deemed necessary to reduce unemployment," by a better than 2-to-1 margin. They are strongly against "closed shop" practices in hiring—87 percent disapprove of a system "which requires a person to join a labor union in order to hold a job."

I am pleased to share these poll results with my colleagues. I believe they reflect the basic sound thinking of most Americans on important issues facing our Nation today. Complete tabulations follow:

RESULTS OF OPINION POLL QUESTIONNAIRE

1. Do you approve of my anti-busing amendment to the U.S. Constitution which would prohibit the assignment of any child to a particular school because of race, creed or color? Yes 86 percent, no 10 percent, undecided 4 percent.

2. Do you feel the present system of wage and price controls is working to end inflation? Yes 30 percent, no 47 percent, undecided 23 percent.

3. Do you favor a stronger military defense establishment for the protection of the United States even if it requires increased taxes? Yes 62 percent, no 25 percent, undecided 13 percent.

4. Do you feel any form of amnesty should be granted those young men who chose to leave this country in order to avoid fulfilling their military obligation? Yes 11 percent, no 81 percent, undecided 8 percent.

5. Do you favor continued deficit spending if it is necessary to reduce unemployment? Yes 25 percent, no 59 percent, undecided 16 percent.

6. Do you favor a system which requires a person to join a labor union in order to hold a job? Yes 9 percent, no 87 percent, undecided 4 percent.

7. Do you approve of the manner in which President Nixon is ending our involvement in Southeast Asia? Yes 67 percent, no 19 percent, undecided 14 percent.

8. Do you approve of President Nixon's plan to relieve world tensions through visits to Red China and Russia? Yes 72 percent, no 15 percent, undecided 13 percent.

9. Would you favor a "value added tax" (national sales tax) if it would serve to reduce your property taxes? Yes 39 percent, no 44 percent, undecided 17 percent.

10. Do you favor present plans to complete construction of Tellico Dam on the little Tennessee River? Yes, 43 percent, no 36 percent, undecided 21 percent.

HERE COMES PETER PETERSON

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, in February of this year, Peter George Peterson of Illinois was appointed Secretary of Commerce. Since his appointment, Secretary Peterson has begun to restore his office to its former role of centrality in domestic and international economic issues.

I have long advocated an international economic policy representing the national viewpoint rather than the interests of exclusive groups. Under Secretary Peterson, the Commerce Department has shown indications that it may return to this extended role and become more than simply the traditional voice of American business. Only in this way can we hope to achieve sane and stable economic policy.

I commend Secretary Peterson for his efforts in this direction and urge him to continue in evaluating and restructuring his Department.

The July 1972 issue of Dun's magazine contained the following article about Secretary Peterson which I insert in the RECORD at this point for the edification of my colleagues:

HERE COMES PETER PETERSON

With his two aides in tow, the professorial-looking man in the blue, pin-striped suit strode through the fading elegance of Chicago's Sheraton-Blackstone Hotel onto the steaming sidewalks of Michigan Avenue. There he was met by a bevy of newsmen and the grinding of the television cameras. The interview over, the nation's twentieth Secretary of Commerce walked over to a policeman who was obviously pondering the identity of the celebrity. "I think," said Peter George Peterson, "that you had the beat a few blocks north of here when I was with McCann-Erickson."

That, it turned out, was fourteen years earlier. But nobody who knows the onetime adman who became Bell & Howell President at 34 and Richard Nixon's Commerce Secretary six months ago would have been surprised at his total recall. For Peter Peterson not only has a photographic memory for faces, but for facts and figures as well. Beyond that, his real forte is ideas. His bane is routine administration. "When Pete took over as Secretary," says James Lynn, the savvy Cleveland lawyer who serves as Under Secretary, "we decided that he would concentrate on policy, while I handled the everyday administration."

Peterson's penchant for ideas—and his adtising man's ability to sell them where it counts—was demonstrated during his eleven months in the White House in the newly created post of Assistant to the President for International Economic Affairs. His performance, which was enhanced by an elaborate briefing book with some seventy charts on everything from productivity growth to world auto output, gave him such clout with Richard Nixon that he was dubbed "the economic Kissinger." Says Democratic Senator Warren Magnuson, the Chairman of the Commerce Committee: "Unlike some other Presidential assistants who spend most of their time trying to get their ideas through to the top, Peterson's advice was actively sought by the President. And when the President sent him to Commerce," continues Magnuson, "his orders were to make it a stronger department."

That could be quite a challenge. For Commerce, which encompasses a raft of agencies including the Maritime Administration, the Patent Office and the Bureau of the Census, has become something of a bureaucratic backwater in recent years. Much to their consternation, Secretary after Secretary has discovered that powerful members of the White House staff tend to have far more muscle than the man who presides over the sprawling Commerce Department complex just three blocks away. But not with Peterson in the slot. Comments John T. Connor, the chairman of Allied Chemical Corp., who served as Commerce Secretary during the Johnson Administration: "As a veteran of the White House staff who has had considerable access to the President, Peterson is in a far different position than I was. I think he can break through any obstacles that might be put in his way by the palace guard."

Indeed, after only six months in office, 46-year old Pete Peterson, a droll, erudite man whose interests range from Aristotle to abstract art, has become the most powerful Commerce Secretary in a generation. And at the rate he is going, he could possibly restore that tarnished office to its status of the 1920s when Herbert Hoover used it as a launching pad for the Presidency. "I have a portrait of Hoover staring down at me in my office," quips Peterson with his ready humor, "to remind me of the hazards of undue ambition."

IN THE SPOTLIGHT

In sharp contrast to all the years Commerce has been in the shadows, this month the world spotlight will be on Peterson as he arrives in Moscow for delicate trade negotiations with the Soviet Union. An indication of how important President Nixon considers these negotiations was his telephone call to Peterson from Moscow in May to apprise him of the preliminary progress that had been achieved at the Summit. "Could you imagine Nixon taking time out from the Summit," asks a long-time Commerce Department aide, "to call [former Secretary Maurice] Stans, or Johnson taking the time to call [former Secretaries] Connor or [Alexander] Trowbridge?"

Before Peterson arrived on the scene, there is little doubt that such a delicate negotiation would have been run by the State Department. Yet State, the most powerful department in Washington in the days of John Foster Dulles and Dean Acheson, is today fast approaching the low level of bureaucratic esteem once reserved for Commerce. After losing control of the international monetary negotiations to John Connally's Treasury, State has now lost its sway over foreign economic policy to Commerce. Says Peterson, who clearly has little regard for State's negotiating ability: "The State Department is still thinking in terms of the days when the United States dominated the world. It doesn't understand that we now have to do some very hard bargaining in our own self-interest."

Political Washington has a keen eye for a rising power center. And it is always quick to respond accordingly. Thus it is not surprising that with Peterson at the head of the table, current breakfast guests in the Secretary of Commerce's private dining room read like a *Who's Who* of the Nixon Administration's power structure. They have included Federal Reserve Board Chairman Arthur Burns, Presidential Assistant Peter Flanigan and Henry Kissinger.

Peter Peterson has come a long way from his depression-scarred boyhood in the prairie town of Kearny, Nebraska. The son of a Greek immigrant who kept his restaurant open seven days a week to make ends meet. Peterson spent every weekend helping out his father from the age of eight until he went off on a scholarship to Northwestern University. "In Kearny," laughs Peterson who today is a collector of surrealist art as well as a trustee of both the Art Institute of Chicago and the University of Chicago, "our idea of a cultural experience was an annual trip to Omaha."

After graduating from Northwestern, Peterson went on to a master's degree in Business Administration at the University of Chicago. His professors considered him so brilliant that he was offered an assistant professorship upon graduation.

But Peterson opted for the business world. After four years with Market Facts, a market research firm, he joined McCann-Erickson, where he ultimately became manager of the Chicago office. As the account executive for Bell & Howell, Peterson became friendly with the company's boy-wonder chairman Charles Percy. Thus, he eventually found himself being consulted on all kinds of company problems that were far afield from advertising. "He became interested in Bell & Howell out of all proportion to the size of the account," recalls Percy, now a Republican Senator from Illinois.

A TOUGH CHOICE

Eventually, Percy asked the 32-year-old Peterson to join Bell & Howell as executive vice president. "When Pete told [McCann-Erickson chairman] Marion Harper about the offer," recalls Percy, "he not only got a counter offer but received a far more lucrative bid from a very aggressive businessman, [J. Peter Grace of W.R. Grace & Co.]. It was a tough decision for him to make," Percy continues. "We both lived in [Chicago suburb] Kenilworth in those days, and I distinctly remember one sunny Saturday morning when we walked around town for hours discussing the situation. I told Pete that I wasn't going to be at Bell & Howell forever and that there would eventually be room at the top."

Sharing Percy's deep interest in public affairs, Peterson felt that at Bell & Howell he would be able to pursue such causes as the emerging civil rights battle, garnering business support for free trade and mobilizing private efforts to assist education. My offer from J. Peter Grace was considerably higher than Chuck's," admits Peterson. "In fact, I could have become rich very quickly if I went with Peter, because W. R. Grace has a unique system of rewarding executives: They are given stock in a subsidiary company that is eventually sold off at a very handsome profit to the stockholders. But," continues Peterson, "I decided to go with Bell & Howell because, while it may sound corny, I really wanted to get involved in the public issues Chuck and I were so interested in. That would have been impossible at Grace."

Peterson's interest in public affairs came to the fore almost immediately at Bell & Howell. Convinced that medium-sized Bell & Howell needed a unique advertising approach to compete with behemoths Eastman Kodak and Polaroid, Peterson persuaded Percy that the company should sponsor the highly controversial "CBS Reports." "[CBS President] Frank Stanton and I closed the deal in a corridor at the Business Council," recalls Percy.

One of the first programs in the series was on the then almost taboo subject of birth control. And Peterson was immediately beset with pressures to cancel out. But he stood his ground, and Percy backed him to the hilt. Says Peterson: "Our public relations consultant Philip Lesly said that we would be committing suicide to get involved in such a controversial subject, and our co-sponsor, B.F. Goodrich, simply pulled out. But the public was far more sophisticated about this subject than they had figured. I got 500 letters on that program, most of them favorable. When we sponsored Wyatt Earp the previous year, I never got one."

When Percy left Bell & Howell to go into politics, Peterson was his chosen successor. But there were those who felt that Percy's shoes were too big for the 37-year old former advertising man. Indeed, when Percy's decision prevailed, the company's investment banker, the prestigious firm of Lazard Freres, severed all connection with Bell & Howell. But Peterson proved his detractors wrong. In his eight years at the helm, Bell & Howell's sales doubled while its earnings quadrupled.

(Peterson, however, is not a man to hold a grudge. When he entered the Nixon Administration last year, he selected none other than Lazard Freres to manage the "blind trust" in which he placed his financial holdings.)

Peterson had long felt that he would someday want a job in public service. But when the President, at the urging of Peterson's old Chicago friend George Shultz, offered him the job as Assistant for International Economic Policy, he was not really ready. Says Peterson: "I had sort of decided that I would get out of business at the age of 50. Beyond that, 1970 had not been a particularly good year for Bell & Howell, but I knew that we would have a sharp earnings turnaround in 1971. With five kids to educate, I was obviously not anxious to sell my stock when the White House call came in early 1971." (Bell & Howell stock has doubled in the year and a half since Peterson sold out. To add to his financial sacrifice, Peterson had to take a $40,000 loss on his palatial $150,000 home in Chicago's posh suburb of Winnetka.)

"When the President called me in," continues Peterson, "he mentioned the fact that many years before [John Foster] Dulles had told him that economics would eventually become the central ingredient in the nation's foreign policy. I told him that I agreed, but I was still not anxious to leave Bell & Howell at that point. He then asked me who the chairman of my executive committee was, and I told him that it was Charlie Mortimer [retired chairman of General Foods]. The President told me to get Charlie on the phone. After that, it became difficult to resist the inevitable."

THE WIDER SCOPE

Peterson's Commerce Department is fast becoming a very different place than it has been under recent predecessors. For, unlike most recent Secretaries, Peterson does not subscribe to the notion that Commerce is simply the "voice of business" in the Administration. "If we want to enlarge our influence," observes Peterson, "we must look at a problem as it is perceived from the White House rather than by a particular constituency. If we are only looked upon as the voice of business, we will not end up playing much of an overall role at all."

Peterson's position in this regard is not really surprising. For in his capacity as a White House Special Assistant, he had to perceive international economic policy from the point of view of the entire nation, not from the standpoint of any particular interest group.

Beyond that, the White House has submitted a plan to Congress to create a Department of Economic Affairs that would essentially combine most of the functions of Commerce, Labor and the Department of Transportation. If the new Secretary came from one of these Departments, he would most likely be a man who tended to look at things from a White House perspective rather than from the more parochial departmental view. If the Administration is returned to power, nobody would be surprised if that man were Peterson.

But given the slow workings of the Congressional machinery, the Department of Economic Affairs is at least a year away. In the meantime, Peterson's principal concern is this month's thorny trade negotiation in Moscow. While he concedes that the Soviets are tough bargainers, Peterson is convinced that they want an agreement.

This was brought home to him in May during his some thirty hours of negotiation in Washington with Soviet Trade Minister Nicolai Patolichev. Says Peterson: "I had invited Patolichev to my home for dinner and it turned out to be the evening that President Nixon announced the mining of Haiphong harbor. I was worried about the impact of the speech on the negotiations because Henry [Kissinger] had briefed me beforehand on what the President was going to say. I figured that the best thing to do was not to pussyfoot. So I suggested to the Minister that we turn on the television. It was a bit tense as we sat there with the dessert melting. But Patolichev was very polite and returned the next morning all set to negotiate. At that point, I knew that the Russians wanted a deal."

Peterson takes great pride in his negotiating ability, which he has been heard to describe as a middle course between the soft-hearted State Department stance and the hard-as-nails John Connally school. He is, of course, new to negotiating at the international level.

But he spent years in various negotiating sessions in industry. Peterson recalls one go-round he had with fast-talking former Senator William Benton, the chairman of Encyclopedia Britannica. Says Peterson: "Benton was trying to sell Bell & Howell an educational-film company for $25 million, which was probably twice what it was worth. When our reaction was negative, he pulled out what he thought was his trump card: the political personalities, such as Adlai Stevenson and Hubert Humphrey, whom he had on the payroll as consultants. I asked him whether he was telling me that the company was worth $25 million because these names went with it. Or whether he was telling me that it was worth that because I could reduce the payroll by $400,000."

While Bill Benton likes to mix with political personalities, most of Peterson's friends, with the exception of Chuck Permy, are either academic types or journalists. His two closest friends in the Administration are its two most celebrated eggheads: ex-professors Henry Kissinger and George Shultz. And although journalists are not exactly held in high favor in Richard Nixon's Washington, Peterson is constantly seen in the company of such close friends as Max Frankel, *New York Times* Washington bureau chief, and syndicated columnist Tom Braden.

Even if he serves throughout another Nixon Administration, Peterson would still be only fifty, the age at which he had originally planned to enter public service, when that is over. What will he do then? Says his good friend Tom Braden: "Pete once said that he might like to stay on in Washington and sit on the boards of, say, ten corporations. He fancies himself as a good balance-sheet man who can spot trouble, and he thinks that he could earn a pretty good living this way."

Don't bet on it. For Pete Peterson is clearly enjoying his current walk in the corridors of power. And many of his closest associates feel that he is only half kidding when he teases "Administration sex symbol" Henry Kissinger for saying that "power is the ultimate aphrodisiac."

OUR NATION'S POSITION IN WORLD AFFAIRS

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. DOWNING. Mr. Speaker, a timely view on our Nation's position in world affairs was presented during our recess by a past National Commander of the American Legion, L. Eldon James, in a speech at Clarksburg, W. Va.

Mr. James is a constituent of mine and a friend of long standing. I appreciate having had the opportunity to benefit from his thoughts and I am anxious to share them with the Members.

Mr. James says "our dreams will go up in smoke unless we are willing to do something about them." He is certainly right.

The speech follows:

ADDRESS OF L. ELDON JAMES

Three days ago we commemorated Independence Day—July 4, 1972. How did you celebrate your Independence Day? Or did you?

What did you celebrate?

Did you eat hamburgers with the family and gripe about world conditions?

Did you go to the mountains or the lake and get too much sun?

Did you just take it easy cause you'd been working hard?

Did you fly your flag?

Did you sit a bit and think about July 4, 1776 or about 1789 or 1865 or 1918—or the hot summers of the late 60's and the street riots?

Did you think about the fact that this is an election year? Did you think about where we're headed in 1976?

Did you dream a little?

If you did—Good.

If you didn't—don't you think you ought to dream a little?

Did you ever stop to think about the dream that courageous men and women who through blood, sweat and hard-headed back-breaking work converted this into a great country—our America, yours and mine? Did you?

Well, it's *time* to slow down a bit and think about just such things. Many people since 1607 have. What have you done lately?

Katherine Lee Bates and Samuel A. Ward dreamed about our country. They felt deeply when they wrote about it. They put some pretty stirring thoughts and words to music when they wrote "America The Beautiful". Listen to the word picture they painted about the building of a dream they wrote about:

"A thoroughfare of freedom beat across the wilderness"

They foresaw the importance, in our dream, of orderliness and discipline when they admonished that this nation—

"Confirm thy soul in self control—*thy liberty in law.*"

Did you ever stop to dream—and think a little about the *image* of our country, the image that was conceived by your early leaders?

What was the prayer and hope for this nation in the heart of the first President?

Listen to the words of George Washington in his prayer when he was inaugurated in 1789:

". . . that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another and for their fellow citizens . . ."

That was a part of George Washington's prayer in 1789.

The courageous early builders of America dreamed of freedom—"A thoroughfare of freedom—beat across the wilderness"—but they knew that the dream of freedom unbridled would mean freedom destroyed—so their dream was tempered with petitions to God for self control—for liberty in law—and as Washington put it, "a spirit of subordination and obedience to government." This was their dream—of a land of freedom loving people bound together by a will to be governed in the best interests of all citizens—a citizenry with a will and determination to protect itself—these citizens won their freedom and bridled it with a constitution, because they understood the importance of strength.

Even before we became a nation, courageous dreamers about our liberty spoke of the importance of strength of Arms. On March 20, 1775 at the second Virginia Convention in Old St. John's Church in Richmond, Virginia, a raging debate took place on a resolution to raise and train a militia—Patrick Henry fighting hard for the adoption of the resolution he had proposed rose to his greatest hour. Listen to his words:

"I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years, to justify those hopes which have been pleased to solace themselves and the House? . . . "

The dreams of Patrick Henry and George Washington became realities because of strong men and women—men and women—not only with dreams and visions, but with hard-headed determination and the willingness to work and fight if necessary.

Please don't misunderstand what I'm trying to say. Work alone without dreams is not enough—you've got to have a dream—before Orville and Wilbur Wright flew at Kitty Hawk, North Carolina, somebody had to have a dream.

Before Allen Shepherd first went into space, somebody had to have a dream.

Before Neil Armstrong first stepped on the moon, somebody had to have a dream.

You've got to have a dream.

James Mischner dreamed—and wrote those wonderful Tales of the South Pacific and Oscar Hammerstein wrote the thoughtful lyrics set to Richard Roger's beautiful music in "South Pacific". In the catchy little song "Happy Talk" the basic philosophy comes through:

"You've got to have a dream
For if you don't have a dream
How you going to have a dream come true?"

To the extent that freedom and liberty under representative government in this country exists today it is so because dreamers had a dream—and those dreamers were more than dreamers—and they did something about their dreams—and they built a strong America—an America second to no land—in economic development, in the military strength, to protect itself and in—as George Washington put it, ". . . brotherly affection—for (our) fellow citizens . . ."

But my real message to you today—and I trust you will think seriously about it in this convention—is that our dreams will go up in smoke unless we are willing to do something about them—simply put, we might add to Oscar Hammerstein's words by saying:

How you going to have a dream come true
Unless somebody does something about it.
And that somebody better be you.

At this point, it would be real easy to talk about how our country is going to hell—anybody can tear something down—anybody can criticize and rant about what's wrong—but the productive man is the one that finds what's right and seeks to do something constructive.

Please pardon a personal reference—in September, 1965, I spoke of the growing disregard for law and order—and disrespect for the orderly processes of government. I suggested that "nothing is long maintained when respect for it is gone." Only a little while ago—just a few years—disrespect for our institutions of government was so rampant that we stood on the brink of chaos—I believe today we are turning the corner back to respectability.

At the same time, I also spoke of the importance of a strong America on whom freedom loving people could rely in the face of the communist onslaught in Southeast Asia. In the years that followed, evil forces have nearly won on the battlefield of molding public opinion in this country, what was being deprived to them on the fighting battlefields. And that battle seemed nearly lost until our courageous president stood up to the dreamers without determination who would sell our honor and our future down the river. When President Nixon—after untiring and ceaseless efforts at showing good faith by reducing our ground forces in Vietnam, simply said, "Allright, we go so far—but no further" and he told the world in language the Communists understand best—'Stop your aggression in Southeast Asia, or we will stop it for you.' And he has done just that.

I cannot speak for him—as you know so well—I opposed him vigorously in 1968—but I remember well his words to our Washington Convention in September, 1966. He made five points with respect to Vietnam. His third—if diplomatic actions are not effective "then. . . then the United States will have to consider what is necessary beyond that . . ." Mind you, he was not then President, he was a former Vice President and running for the presidency. He spoke of "mining" or possibly even the hitting of dock areas." He summarized this way, "It is to our advantage to fight it, as much as possible, in the air and on the sea and that is why I say that at the present time, as far as military targets in North Vietnam are concerned, no military target should be off limits to the air power of the United States of America. I rule our civilian targets. . ."

President Nixon was a wise man then. He was a wise President when he spoke and acted with great strength and determination a few weeks ago. I am convinced that if he persists in this course of action, he provides to the world the best opportunity for peace in the world in our times.

Public opinion polls clearly show that President Nixon has the support of the vast majority in this country in his firm position with respect to our National security. In fact, a recent Trendex Poll indicated that 80 per cent of the American people want the United States to be number one in military preparedness. That support must continue if the American dream for peace with freedom is to be established and preserved throughout the world, for there are those who attack him from every quarter.

His handling of the China and Russian visits has been outstanding. It is too early to knowledgeably judge the wisdom of the commitments made and sought.

There are those who hail the treaty he is asking the Congress to ratify as the millennium and the opportunity to cut our defense spending in half—on the theory that we can trust Russia so forget defense—there are those who say he has sold us down the river—and there are shades of opinion in between.

If we are to give our President and our country the best chance of gaining the most from his handling of this matter, we must listen to all of what the President has to say—I hope he will back up Secretary Laird and I hope you will back up Mr. Laird when he says to the Congress, give us the necessary funds to build the replacement of the

B-52 and to fully fund the Trident Submarine program—this is the only safe way we can proceed with the treaties—

The SALT Treaty—signed by President Nixon—if ratified by Congress—it is difficult for the American people to fully understand this—if we ratify the treaty, we freeze the United States into a position of strategic nuclear inferiority compared to the USSR and we reduce the long-term chances of peace by affecting the strategic balance—unless we follow the President's recommendation to strengthen our military posture in other areas not now under treaty limitations. Let me oversimplify with a few specifics:

I think these things deserve attention. We have spent One Trillion, Two Hundred Billion Dollars on defense since World War II. A Trillion Dollar subject deserves a little attention. As Frank Barrett of the National Strategy Information Center has said, "It's too important to leave to Jane Fonda and Dr. Spock."

I don't think you want to be a second class country by 1976 because of the Soviet's vast military superiority, but Russia has a problem—by then Japan will be a nuclear power. China will before then. Russia has grown from a continental power threat to Europe to an international power threat to the world. Her ships call at a hundred ports. Her fishing fleets clean our waters of fish three miles off our Atlantic Shores. She outspends us on submarine warfare development. She has opened a Research and Development gap of over three billion dollars per year in the field of strategic development. She will have a surprise assault compatability in the Caribbean by the end of 1973. By December, 1973, she will equal us in the polaris submarine field.

We counter this threat by moving our SAC planes inland away from coastal attack. Fourteen Million Russian high school boys train each year in war games with the Russian Army and are taught to revere Russian military heros. Why?

Use your own mind on these specifics. And listen to these—in 1962, at the time of the Cuban Missile Crisis, we had a five to one ICBM advantage. In 1967, we still had a 2½ to one ICBM advantage. We had 1054, Russia had 460.

The theory was let Russia catch up—she wouldn't have to worry then and would level off. Today we still have 1054. Russia has 1580. They caught up in late 1969. They didn't level off then, they increased the tempo.

In the face of this, let me tell you what the agreements will do:

White House officials have explained that President Nixon was terribly concerned about the great momentum of the Soviet military build-up. But, Senate leaders warned him that the anti-defense lobby was so powerful that the U.S. Senate simply would not vote enough money for the United States to keep up with the Soviets.

So, the President felt that the only alternative was to work out an agreement with the Russians to get them to stop their all-out military build-up.

The Russians were aware of this and insisted upon agreements which:

Freeze the United States at 1054 ICBMs but permit the Russians to complete 1618 ICBMs.

Limit the United States to 710 sub-launched ballistic missiles but permit the Russians to build 950 sub-launched ballistic missiles.

Permit the Russians to convert their 5-to-1 superiority in missile megatonnage to an equal superiority in numbers of warheads. (The numbers of warheads is the only category in which we are ahead today).

Waive on-site inspection, making it possible for the Russians to secretly violate the pacts. (The Russians have violated 24 of the 25 previous summit agreements).

Only yesterday Secretary Laird revealed that since Russia signed the agreements she has conducted SEVEN tests of new ICBMs and EIGHT of submarine launched missiles. These are offensive weapons and the tests are not within the range of the agreements. But they prove that the Soviet momentum and tempo goes on . . . and on . . . with a test every three or four days.

If you think this calls for action, let me suggest this:

Tell your U.S. Senators that you are for U.S. military superiority and that they should judge the SALT pacts against this standard and at least vote for a reservation permitting U.S. withdrawal from the SALT agreements if the Russians are found to be militarily superior. (The pacts already have a provision for withdrawal on the basis of "extraordinary events." This reservation would simply define the Russians' gaining superiority as an "extraordinary event.")

I could go on, but I think that's enough. Southeast Asia is not the only spot where the pressure is on. Lonely Greece is the only Baltic country not behind the iron curtain. Their strong and determined struggle against the communist onslaught deserves our full support. It is in our best national interest. The story with Israel in the Middle East is the same with different characters playing the roles, but always the communists threat of subjugation of freedom by force—all counter to the American Dream of peace with freedom and liberty.

Let me go back to Patrick Henry—who seeking strength for his nation implored his fellow countrymen—"Why stand we here idle?" Let the President and Congress know that we must remain strong. May I humbly suggest that we can trust those with whom we make treaties only so long as they respect our ability to see that the treaties are respected. And we will acquire and maintain peace only while the image this nation projects is an image that we match our dreams with strength—ability and actions to make those dreams come true.

MRS. MARY B. GEORGE, UNION CITY POSTMASTER, RETIRES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. EDWARDS of California. Mr. Speaker, I rise to speak in appreciation of Mrs. Mary B. George who has been postmaster for Union City, in my congressional district, for over 36 years. Appointed by President Roosevelt, Mrs. George has seen Union City grow from a small rural town called Decoto to the growing progressive city called Union City which it is today. She has seen postal service change from a friendly, one-woman, neighborly service to the modern and efficient operation it is today. When she was appointed, Mrs. George was the postal service in the area performing all the duties from hanging out the mail along the railroad tracks for pickup, to running the small post office in a corner of a grocery store. Today, the Union City Post Office is a modern 6,400 square-foot building with 40 employees and 18 mail delivery routes. Somehow, Mrs. George has managed to see that the post office retains the smalltown friendliness and good service of 36 years ago.

Mrs. George, after all these years of dedicated service to the community, retired on June 30. She will be sorely missed. She retires with the knowledge, however, that her service has been noted and appreciated by her friends and neighbors throughout Union City.

TVA'S GOOD RECORD HOLDS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. DUNCAN. Mr. Speaker, the Tennessee Valley Authority came into existence in 1933 with a cloud of skepticism hanging over its head. Today, almost four decades later, TVA is recognized the world over as the administrative and technological model for transforming natural resources into sources of power and economic growth.

TVA's success is due in great part to the sound fiscal and managerial policies it has developed since its inception. These policies combine the best operational theories which government and private enterprise have to offer. The wisdom of these policies have been complimented by the selection of a well trained and highly motivated staff to implement their objectives.

I am enclosing an article from the Knoxville News-Sentinel which documents how TVA continues to pay its own way in this era of governmental misspending and administrative inefficiency.

The article follows:

TVA's Good Record Holds

The Tennessee Valley Authority is paying $47,905,195 to the Federal Treasury, making more than $1 billion TVA has paid back to the Government since the agency was established in the 1930s.

The payment is part of nearly $76 million TVA is paying the Treasury this year from power revenues.

TVA is not longer getting appropriated funds for construction and operation of power facilities. These are financed independently through bond issues. Thus, the money TVA is repaying now out of power revenues represents a net reduction of TVA's indebtedness to the Federal Government. In fact, TVA this fiscal year is paying back almost $9 million more than it is receiving in Federal appropriations for its other programs.

In addition to its payment this year on past appropriations, TVA is also paying a $55.8 million dividend to the Government on the remaining appropriation investment. By law, TVA pays an annual dividend on the remaining unrepaid appropriations invested in power programs.

To date TVA has paid nearly $1 billion to the Treasury from owner proceeds. The total includes $569 million in dividends and $350 million in repayments on appropriations.

This is a pretty good repayment record for a Government agency that is always being attacked by its enemies as a drain on the taxpayers.

It's hard to think of any other agency that furnished such a valuable service to the taxpayers as TVA does, while it is expected to pay all of its own expenses, repay the appropriations with which it was established and show enough profit to pay the Government a return on its investment.

Most revenue-producing Government agencies don't even make expenses, to say nothing of returning any part of their appropriation or paying a dividend.

TVA has been able to do this because it has retained its independence and has not had to operate like a political spoils system—to become a dumping ground for appointees being rewarded for poltical service. It is hoped the agency can keep on in this vein and remain the taxpayers' best investment.

MY EYES ARE OPENING

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. JOHNSON of California. Mr. Speaker, a recent newsletter prepared by the Nevada County Resource Conservation District of Grass Valley, Calif., printed an article on its front page entitled, "My Eyes Are Opening." I was extremely impressed by this article and when I inquired as to the author I learned it was written by David Pompei, a senior class student at Nevada Union High School in Grass Valley.

I had the opportunity of meeting David Pompei when he came to Washington earlier this year as one of the district's delegates to the National Association of Conservation Districts. This is a very fine young man and I was very happy to meet and talk with him.

His article is centered around the problem of pollution and our environment, and he points out how the young people of our Nation, as well as the old, can contribute to correcting the problems related thereto.

Mr. Speaker, I think this article, "My Eyes Are Opening," written by David Pompei, is of such value that it should be included in the CONGRESSIONAL RECORD so that others may have the opportunity to read it. The article follows:

MY EYES ARE OPENING

I grew up in a world full of pollution, full of land abuse, and full of "I don't cares." As I grew up I found that this little world wasn't what it seemed to be. I am a responsible young person at the threshold of adulthood . . . Recently, I have been having inner conflicts. Not knowing where the world is headed is a hard thing for a young person to think about. I looked around and saw disregard and disrespect and I felt disgust. Trash, washed away mountainsides, and the worst thing I saw were people—people of my own age—just throwing stuff on the roads and lawns and not caring. I looked at all this and got very sick. Then I looked and saw industries making the air bad, in some places it's so bad it's not even fit for animals to live, let alone humans. Still another place that got my attention was the water. I've never seen it done, but I've read about industries and households dumping their refuse out in the river, lakes, and streams. I have had the misfortune of seeing the results of these terrible acts.

Perhaps the worst shock I got from all this was that I realized that I was as much to blame as anyone else. I found myself throwing cans out and dropping paper on the ground. When I saw this I was very disappointed and tried to stop.

I found that I was asking myself questions such as: What can I do about this and how do I go about doing it? I started by not throwing things on the ground but in a trash can. Then I started talking to kids my own age about pollution and ecology. I found that I *could* do something about it. I also found that there were plenty of people who were doing something about the pollution problems in the United States. I was privileged to be present in Washington, D.C., during the recent annual convention of the National Association of Conservation Districts. I never realized that so many people could get together voluntarily and actually work together in cleaning up the land. I was never so inspired in all my life, to know that all these people (over 2,500) had volunteered their services to their counties. I met and talked with young people from all over the country. I found that they too were interested in the future of the world.

I understand now that youth plays a vital role in our nation's welfare. The young people are to inherit the nation. We have to understand about our pollution problems. We have to know what we can do.

The main problem about young people and ecology is getting them involved. I have talked to several young people about pollution and our environment. Most of them are interested in helping. We want to help and we know that we can. Our nation has too much pride to die of pollution. There are many adults who backs us all the way and we are most thankful for them.

I have decided to be seriously involved in my community—to *do* all I can to improve conditions, not just say something about it. If you would like to share this experience, join me at our next Resource Conservation District meeting.

POLLUTION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. JACOBS. Mr. Speaker, the following editorial was broadcast by WLWI–TV in Indianapolis.

They say much, and it deserves careful consideration by every Member of Congress.

The editorial follows:

AVCO BROADCASTING CORP.,
Indianapolis, Ind.

Editorial: "Pollution"
Date: Friday, June 23, 1972, 6:00 p.m.
Delivered by: William E. Wuerch, Vice President & General Manager, WLWI–TV.

The cry of the ecologist has been softer lately. The placard-waving protester condemning big business for the ruination of the world seems to have disappeared.

Is the ecology fad all over? Maybe everyone decided that their voice had been heard and the job was done. Maybe everyone decided to move on to other causes—drugs, Vietnam, poverty, etc. Whatever the reason for the seeming lack of interest, pollution is still with us. Our environment is still vitally important to each and every one of us. We must continue to be concerned.

TV–13's documentary, "Pollution Solution," reveals that some of the "first steps" in the right direction have been taken. Our air, water and land pollution are not as bad as even a couple of years ago. But the facts show that we continue to pollute our world. Autos pollute, utilities pollute and you and I and other ordinary people defile our environment. Unfortunately, we have not yet found the pollution solution.

Ecology is still important. After all, *it is our world*, and our lives depend on it!

CAREER IN LAW GOAL OF FORMER FIREFIGHTER

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, instances of true courage and spirit come to us in small quiet ways.

I refer in this case to Ray E. Cahill of Taunton, Mass., in my congressional district. Retired from the Taunton Fire Department with a serious back injury, Mr. Cahill is nevertheless well on his way to completing his education and looking forward to a whole new career.

He sums up the personal philosophy that led him down this path in his own words:

> I don't want to stagnate, I'm still too young to lie down and die.

This is an attitude we can all applaud, Mr. Speaker, and take inspiration from.

I submit an article from the Taunton Daily Gazette of June 9, 1972, so that all those who read it can take sustenance from it:

CAREER IN LAW GOAL OF FORMER FIREFIGHTER

(By Larry Laughlin)

Roy E. Cahill, a 51-year-old retired firefighter and a father of five, believes that a man in his fifties still has plenty of time to start a second career.

And that is exactly what he has been doing, beginning his college education shortly after an injury forced him to leave the fire department two years ago.

Attending classes through the summer, Cahill finished his courses at Bristol Community College at mid-year and was graduated with honors this month. He is now majoring in political science at Southeastern Mass. University and, after graduation next year, plans to go on to law school.

Cahill was appointed to the department in 1943 while still in the Marine Corps. On his return from the service in 1946, he began work as a fireman, continuing until he crushed two discs in the lower lumbar region of his back while battling an Adams St. mill fire in 1970.

As he thought about what lay before him Cahill concluded he was not cut out for pensioned retirement but knew job hunting would also present obstacles.

"Who would want to hire a 50-year-old with only a fire department background?" he asked.

Cahill also realized that what is now a comfortable pension would be eaten into by the rising cost of living over the years.

"I figured if I went to college I could get a degree and do something on my own while my pension is still adequate."

Aside from financial considerations, Cahill had personal reasons for choosing to go on with his education and pursue a second career.

"I don't want to stagnate. I'm still too young to lie down and die."

Looking ahead, Cahill noted that he will be 55 when he finishes law school and "that's young enough to start again."

The student who served as president of the firemen's union until last year, admitted that he has always been interested in politics but thinks he will wait until he gets into law school before making any decisions about entering the political forum.

Cahill lives with his wife Marjorie and three of their children; Roy Jr., 11, Rolanne, 17, and Donna, 19, at 666 Bay St. On their own are the two oldest, Kathy, 23, and Sandy, now Mrs. Paul Beaulieu.

JAMES J. McMAHON

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, it is with deep regret that I inform the House of the passing of a great newspaperman, James J. McMahon, chairman of the board of the Hudson Dispatch.

Mr. McMahon was in the great tradition of journalism in America. He made the Hudson Dispatch a servant of the people in Hudson County, N.J., which I have the privilege of representing.

The Hudson Dispatch has never been a "big" newspaper by the circulation standards of some of the major papers in the world. But the Dispatch has always been a "home newspaper" as Mr. McMahon viewed it. It has stressed the political and social events of the community and served as a matrix of Hudson County, bringing its citizens together. Every community needs a newspaper that pays special attention to local problems; these are the problems that affect each citizen most directly and Mr. McMahon understood this.

Mr. Speaker, James McMahon was a good friend, a good citizen in public, private and religious life, and we shall all miss him very much. I attach a copy of the editorial which appeared in the Hudson Dispatch memoralizing James J. McMahon and with which I concur:

A Man Who Was Genuine

In the death of James J. McMahon, chairman of the board of Hudson Dispatch and for 13 years its publisher, this newspaper and the entire North Jersey community has lost a leader who gave completely and unstintingly of himself for his fellow man.

For Mr. McMahon, service was a watchword that he continually espoused. For 45 years, his was one of the firm hands at the helm of this newspaper. Through his efforts, the Dispatch of today is a publication of which all of us on the paper may well be proud.

But, while Mr. McMahon gave untold hours to the Dispatch, he was equally concerned with the welfare of his church and his political party. It could not be otherwise for a man of Mr. McMahon's deep interest in the things in which he firmly believed.

It was no mere outward show of religion on the part of Mr. McMahon. It was a genuine belief and adherence to the highest principles and tenets of the Roman Catholic church. He served his church well over his entire life and for this he held the rank of knight in the Order of St. Gregory the Great.

As for the Democratic Party, Mr. McMahon was certainly one who, there, to, followed the highest precepts. He was a concerned Democrat, he showed it in his service as a county chairman, as a commissioner in his home community of Montclair. It was no surface thing, it was real.

Few men have ever had the grasp that he did of things politic. A conversation with Mr. McMahon would bring out a wealth of information about the Democratic Party in New Jersey over the years that was fantastic. His keen insight and intellect went right to the heart of questions and issues.

But, while Mr. McMahon appeared to some as gruff and rather impersonal as a politician, this was really not the actual man. This was, to those who knew him better, a veneer—a necessary one for a person who had to deal with the public in so many ways. It's not easy.

The real person was a man who was concerned with others, with their families, with their well-being. It was shown over his lifetime in so many ways, in so many things he did, many unheralded, for that was the way he wanted it.

At Christmas, Mr. McMahon years ago oftentimes played Santa Claus for the poor and needy children of Montclair. And, one of his deep concerns while he was active as a Knights of Columbus leader, was the betterment of youngsters and how to keep them out of trouble.

But, let no one make a mistake. Mr. McMahon, when the time and circumstances called for it, could be extremely firm. He was a strong proponent of the democratic processes in government; he was a firm believer in the idea of law and order; he was an unswering supporter of these United States.

He intensely disliked hypocrisy. He derided those in politics whom he felt were of the "holier than thou" cast. He had no use for "phonies" and he could swiftly see through someone who was trying to "fake it out." To those people he could be tough.

Mr. McMahon came from humble beginnings; his was part of the Irish-American tradition of the early 1900s as he was growing up. Those days the Irish had to go out and fight for what they got, and Mr. McMahon had plenty of determination to make good.

Through his association early in the 1920s with John F. Boyle Sr., who in 1927 acquired ownership of the Dispatch, Mr. McMahon began the path upward to a distinguished career in the newspaper field, the church and politics. They were all "natural" to him.

An excellent mixer and one who was a forceful and articulate speaker, Mr. McMahon, from the beginning, was one who could succeed in whatever field he chose. At one time he was mentioned for state Democratic chairman and he was the type who could have run for governor.

However, Mr. McMahon concerned himself primarily with the Dispatch, for in the depression and for some time thereafter, this newspaper's financial picture was not encouraging. Strong hands were needed and they were there in Mr. McMahon and William Rubel, his predecessor as publisher.

Mr. McMahon always felt that the primary purpose of a newspaper was to inform and to guide the people. He was concerned with fairness, with objectivity and a sensitivity to an area's needs. As long as these were maintained, he was satisfied with the running of the newspaper by its editors.

Over the years, Mr. McMahon was a dominant figure in Hudson County circles as well as in his home Essex. In Union City, in particular, he served 18 years as chairman of the parking authority and was always keenly concerned with the betterment of the community for its people.

He was not afraid to speak out and did so numerous times over the years before service clubs and other organizations when he felt things were not going well. He was scrupulously honest and had a deep antipathy for anything that went on "under the table" in business or in politics.

This all was the stuff of which Mr. McMahon was made. He was a man who believed in fair play, in honesty, his country and his God. He would say, often, that "God has been good to me." He had an unswerving faith in things that are good, that are right.

To those who were lucky just to have met him, and even more fortunate to have really known him, Mr. McMahon was a man whom you were proud to call friend or associate. He led the way for so many, for so long. In doing so, he showed those who were to follow the right path. May we all stay on it, in the spirit of him who has gone before.

HAROLD P. EASTWOOD, AN ACT OF HEROISM

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. STEELE. Mr. Speaker, I would like to take this opportunity to commend one of my constituents, Mr. Harold P. Eastwood, Somers, Conn., for his act of heroism on March 17, 1972.

On that date, Mr. Eastwood, who has been trained in Red Cross first aid, was driving with his family when he noticed a small boy, who was crying, on the side of the road. Mr. Eastwood stopped his car and upon questioning the child, learned that the boy's 7-year-old sister had fallen into an open culvert and disappeared. Instructing his family to remain with the boy and to call the police, Mr. Eastwood proceeded to search for the missing girl.

In a pond not far away, he saw a pair of red boots sticking up out of the water. The young girl had been washed 25 feet through an 18-inch culvert to the other side of the road, then another 55 feet out into the pond. Mr. Eastwood brought the child to the shore unconscious and not breathing. immediately, he began administering mouth-to-mouth resuscitation until the victim began breathing again. She was then taken to a nearby hospital and was later released, pronounced as fully recovered. The attending physician stated that had it not been for Mr. Eastwood's immediate and correct actions, the child would not have lived.

For this courageous deed, Mr. Eastwood was awarded the Red Cross Certificate of Merit. This represents the highest award given by the American Red Cross to a person who saves a life using skills learned in a Red Cross first aid, small craft or water safety course.

In view of this example of man's humanity toward man, of one human being's concern for another who is in distress, I know that my colleagues will be happy to join me in recognizing Mr. Eastwood's praiseworthy actions and in extending to him our sincere congratulations.

A letter to me from the American Red Cross follows:

THE AMERICAN NATIONAL RED CROSS,
Washington, D.C., July 6, 1972.

Hon. ROBERT H. STEELE,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. STEELE: I wish to bring to your attention a noteworthy act of mercy undertaken by one of your constituents, Mr. Harold P. Eastwood, Four Bridge Road, Somers, Connecticut 06071, who has been named to receive the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The

Certificate bears the signatures of the President of the United States, Honorary Chairman, and E. Roland Harriman, Chairman of the American National Red Cross. Presentation will be made by the Greater Hartford Chapter, Hartford.

On March 17, 1972, Mr. Eastwood who has been trained in Red Cross first aid, was driving with his family when he noticed a small boy on the side of the road who was crying. Mr. Eastwood stopped and learned that the child's seven-year-old sister had fallen into a culvert and disappeared. Mr. Eastwood directed his mother to call the police, his wife to stay with the little boy, and he went in search of the missing girl. He saw a pair of red boots sticking up out of the water. The child had been washed twenty-five feet through an eighteen inch culvert to the other side of the road, then another fifty-five feet out into the pond. He brought her to shore, unconscious and not breathing, and immediately administered mouth-to-mouth resuscitation until the victim began breathing again. She was taken to a hospital and was later released as fully recovered. The attending physician stated that had it not been for Mr. Eastwood's immediate and correct actions the child would not have lived.

This action exemplifies the highest ideal of the concern of one human being for another who is in distress.

Sincerely,

George M. Elsey.

NO PRESIDENT SHOULD DO LESS

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. DAVIS of Wisconsin. Mr. Speaker, the following editorial I commend to all the Members of Congress. It was recently published in the Daily Jefferson County Union and it articulately points out that as much as anybody, the President desires peace in Southeast Asia. Mr. Robert L. Angus is the editor of this fine newspaper published in Fort Atkinson, Wis.

The editorial follows:

No President Should Do Less

A candidate can promise miracles and propose programs that may or may not be in the best interests of the country . . . but which sound good to voters.

In this election year, for instance, there are almost as many views on the best policies to adopt toward the Vietnamese war as there are candidates. That word "peace" has a strong ring to it.

Yet, would the people of the United States really tolerate anything less than a stern decision to achieve that peace with honor and, if not the friendship, at least the respect of other nations? How could any President follow a lesser course?

President Richard M. Nixon is in precisely that position. There are those who have been critical about his decision to use American air and naval power against targets in North Vietnam as well as in South Vietnam, but he has carefully spelled out his reasons for doing so . . . the last time at last week's press conference.

Primarily, he said, the air assaults were aimed at protecting the American service personnel still on duty in South Vietnam, few as they might be. Also important, he said, was to prevent a North Vietnamese takeover in South Vietnam that might well lead to a Communist bloodbath there to rival that of 1954 when an estimated 500,000 people who opposed the Communist movement were either murdered or starved to death in slave-labor camps. "It would be a bloodbath that would stain the hands of the U.S. for time immemorial," Nixon has said.

The President also has stressed that, from experience, he had learned that the only way to gain concessions from the Communists was to have something they wanted. What they want is the bombing to stop . . . and that could be a point of trade at the peace talks.

In explaining his policies, the President also said:

"I know there are some who say we have done enough; they say what happens to the South Vietnamese at this particular time is something that should not be our concern. So let's put it in terms of the U.S. alone, and then we really see why the only decision that any man in the position of President of the U.S. can make is to authorize the necessary air and naval strikes that will prevent a Communist takeover.

"In the event that one country like North Vietnam, massively assisted with the most modern technical weapons by two Communist superpowers—in the event that that country is able to invade another country and conquer it, you can see how that pattern would be repeated in other countries throughout the world, in the Mideast, in Europe, and in others as well. If, on the other hand, that kind of aggression is stopped in Vietnam, and fails there, then it will be discouraged in other parts of the world.

"I want and all America wants to end the war in Vietnam. I want and all Americans want to bring our men home from Vietnam. But I want and I believe all Americans want to bring our men home and to end this war in a way that the younger brothers and the sons of the men who have fought and died in Vietnam won't be fighting in another Vietnam five or 10 years from now. That is what this is all about.

"I believe that the heart of America is still strong. I believe that the character of America is still strong. But I think now is the time when we must stand up against the trend toward permissiveness, the trend toward weakness, the trend toward something for nothing, and, if we do that, this country is going to regain its self-confidence. I believe that is what is going to happen."

The first requisite of any U.S. President is that he have faith in his fellow citizens. Mr. Nixon has that faith, and he is putting it to the acid test. No President could do more—nor should he do less.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

OUR CHERISHED EDUCATIONAL FREEDOM AT STAKE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, it is my privilege today to participate in the special order on the plight of our private schools and their needs for immediate fiscal relief.

Mr. Speaker, for generations one of this Nation's proudest boasts has been that it was a land of religious freedom. Fundamental to our Constitution and enshrined in the Bill of Rights is the principle of religious freedom. Over the years, succeeding courts have made it a principle close to dogma that nothing, but nothing, is constitutional that in any way could impinge upon this sacred freedom.

That was not to say that there was no room for religion in American society. Our Founding Fathers' own life styles were proof of this. Simply put, the American Government did not take any steps which would encourage or discourage institutional religion in this country.

Over the years, this Nation has enjoyed the fruits of a genuinely pluralistic society with maximum choice available to its citizens. Nowhere was this more clearly exemplified than in our educational system where parents had the choice of public or private schools. In a real sense, this Nation has gained an additional degree of freedom insofar as there was genuine freedom of choice in education. In fact, this choice can be viewed as a genuine bulwark against the always present danger of a monolithic bureaucratic, statist system of education where American children could conceivably be in danger of growing up parroting whatever philosophies are currently in vogue in a national or State-level educational department.

In other words, we have seen developed in this country something which our Founding Fathers probably never conceived, an educational system which has at its root the choice between public or private education. It seems to me that we should not lose sight of this additional measure of freedom of education by an unreasonably strict interpretation to freedom of religion. It would be a pity if the American people were asked to choose between two such basic freedoms. I, for one, must confess I would not want to be in a position of choosing between these two freedoms. Fortunately, the fact is I do not think we are being requested today to choose between two freedoms which are mutually contradictory. It seems to me there is plenty of room to take immediate measures to preserve and continue the existence of our plural education without involving the Government in supporting religious institutions or religious education.

The fact of the matter is that we are not dealing any longer in this country with an academic discussion of the merits or demerits of public or private education. On the contrary, this Nation is at the crossroads where it is clear that unless something is done and done immediately, private education will be a thing of the past. Fiscal pressures on local communities and institutions supporting private education has grown to the extent that we are in a genuine crisis situation as far as the future of education as we know it in this country is concerned.

Private schools are being closed at an alarming rate. Hardly a month goes by that additional schools have not been forced to close. All of this at a time when the local property taxpayers and local communities are themselves confronted with staggering financial burdens. The last thing these communities need is to be faced with the prospect of providing more education to more children. Yet, a moment's reflection would indicate that this is just what is happening. Children formerly attending private schools that are forced to close are now the direct responsibility of the local communities to educate.

At this point, it would probably be wise to examine what we are talking about when we are talking about private schools. The term private schools probably immediately conjures up visions of very exclusive, expensive, eastern preparatory schools which the average person in this country could not possibly begin to afford. Of unquestionably greater impact, however, is the fact that included in the term private schools are church-affiliated or parochial schools. It is the threat of millions of parochial schools students around this Nation being forced onto the public school rolls across the Nation that has generated shock waves of concern at every level of local and State government.

Over the years, numerous plans have been discussed, mostly in a rather refined academic environment—something akin to a high school debate topic atmosphere. Many of these plans have been struck down as unworkable and/or involving the Federal Government too directly in the support of these private schools.

In the past few months, however, there has been a growing body of support for the concept of a tax credit plan as the manner in which the Government can best and least directly assist private school education, without violating the spirit or the letter of the first amendment.

The tax credit plan would provide relief to American citizens directly, those who are currently supporting private schools, as opposed to providing direct relief to the institutions themselves. The tax credit plan addresses itself too, to the longstanding resentment among parents whose children attend private schools, who for years have felt they have been victims of double taxation. Nor would the tax credit plan in any manner jeopardize revenues now earmarked for educational costs of the public school system.

What it would do is have a braking effect on the rise of such costs. Make no mistake about it, at the rate the private schools in this country have been closing down the costs of public education have nowhere to go but up and up sharply, on both the national and local level. In other words, another way of looking at the tax credit plan is that it represents a substantial savings on both the national and local level in the cost of educating our children. None of the tax credit plans would results in as much lost revenue as would the cost to the taxpayer in duplicating this education.

The tax credit plan has received the endorsement of the President. The fundamental framework of this plan has the support of the Office of Management and Budget. A number of variations on the basic format are now before committee as individual bills. Congress can best serve the interests of the Nation and enhance the healthy atmosphere of diversity that is part of our cultural tradition by making all haste in taking action on this plan. My own bill, H.R. 13495, cosponsored by Mr. MILLS, provides the necessary amendments to the Internal Revenue Code to make this plan available to low- and middle-income families hard pressed to meet tuition payments and with no recourse to tax loopholes.

In closing, I am attaching a copy of a recent article in the Washington Sunday Star by nationally syndicated columnist James J. Kilpatrick, discussing the importance and merits of my proposal.

[From the Sunday Star, May 7, 1972]

SOMETHING MUST BE DONE TO SAVE PRIVATE SCHOOLS

(By James J. Kilpatrick)

More than 5 million children now are attending private elementary and secondary schools across the nation. With relatively few exceptions, these schools are in grave financial trouble. The question must be faced: Is there any way, under the Constitution, to preserve so valuable a part of our total educational system?

The problem arises, of course, because the great bulk of the private schools are church-related. An estimated 83 percent of the private enrollment is in Catholic parochial schools; other denominations also maintain elementary and secondary institutions. Thus far, every effort toward public relief of their plight has foundered on the rock-like principle which demands separation of the church and state.

This was the objection raised a month ago by a three-judge Federal court in nullifying Pennsylvania's latest effort to get around the church-state barrier. In earlier litigation, upheld by the Supreme Court last year in the case of Lemon v. Kurtzman, the courts voided a Pennsylvania plan by which the state contracted directly with the private schools to provide certain non-religious educational services. The courts said no to that.

Pennsylvania tried again, with an approach that appeared to hold great promise. The state undertook to provide financial grants not to the schools, but to the parents. In this fashion, it was hoped, the state could avoid the "entanglement" with religion that had drawn the courts' fire before. But on April 6, speaking through Chief Judge Joseph S. Lord III, a District Court again said no.

It was immaterial, in the court's view, that the state funds were intended to aid the parents. The effect, nonetheless, is "to aid the schools." And even if this were not so, Judge Lord continued, "it would still be found that the Act supports religion because it aids parents in providing a religious education for their children."

From every standpoint, in my own view, the court's decision was highly regrettable. Pennsylvania was attempting, after all, to apply roughly the same system long approved by the Congress for veterans. Under the G.I. Bill of Rights, a veteran receives direct grants toward his college education, and if he takes that education at Fordham or Notre Dame, so what?

If the states are to be prevented from providing relief, a rescue operation might be attempted at the federal level. On April 12, Congressman James A. Burke of Massachusetts introduced a bill proposing income tax credits for the parents of children attending private schools. Significantly, Burke's cosponsor is Wilbur Mills of Arkansas, chairman of the Ways and Means Committee.

Under the Burke-Mills plan, an eligible parent would continue to pay his child's tuition fees directly to the school. These might amount to, say, $300 for the year. In computing his federal income tax, he then would be permitted to deduct half the sum, or $150, from his tax payment. The Burke-Mills bill would limit the tax credit to $400 per year per child. Taxpayers with adjusted gross incomes in excess of $25,000 would receive smaller benefits on a declining scale.

As Burke concedes, the revenue loss to the U.S. Treasury would be substantial—some $500 million a year—but he makes this point: If the private schools collapse altogether, their 5 million children will be transferred to public schools at an average national per pupil cost of $858.

Burke also argues, with much soundness, that the private schools "contribute the indispensable element of diversity to our educational culture." They provide some competition, however modest, to the monopoly the state maintains upon shaping the minds of children. They help to preserve "fundamental parental rights in education." Finally, he contends, government itself has contributed to the crisis in private education through the mounting tax burden imposed at every level.

The Burke-Mills approach may not provide the best possible answer, but at first glance it offers great appeal. In any event, some workable solution must be found—and swiftly—or private education is done for. Burke describes that prospect as a "catastrophe." The word is not too strong.

CAPTIVE NATIONS WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. RODINO. Mr. Speaker, the 13th observance of Captive Nations Week once again brings us together to extol the virtues of independence and to protest the enslavement of untold millions. It is with the hope that the future will allow each individual to be truly free to choose his life's course that I join my colleagues in commemorating this event.

We in America are constantly being reminded of our fellow human beings who do not share with us the fundamental rights that serve as the foundation of our country. Millions of people are deprived of human dignity and individual liberty. Freedom of speech, freedom of press, and freedom of religion is the exception rather than the rule. One year ago we read of the Polish food riots and the struggle of the people of Czechoslovakia. Today we read of the Jewish peoples' attempts to emigrate from the Soviet Union, and of cultural repressions in Ukraine. People all over the world must learn of such injustices and unite in a public outcry for the restoration of freedom.

The people of the captive nations must not be forgotten. Today is the time to renew our commitment and pledge to work for liberty and freedom for all human beings.

PARISH OBSERVES 75TH ANNIVERSARY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mrs. HECKLER of Massachusetts. Recently, Mr. Speaker, St. Joseph's parish in Taunton, Mass., in my congressional district, celebrated its 75th anniversary.

Distinguished members of the clergy, State, and city officials, parishioners and friends gathered to commemorate the occasion. The Reverend John J. Murphy, pastor of St. Joseph's climaxed the affair by cutting the diamond jubilee cake.

I would like to add my congratulations to St. Joseph's, to Father Murphy and to all the parishioners on three-quarters of a century of service and solace.

For a recounting of the parish history and celebration, I submit an article that appeared in the Taunton Daily Gazette on June 5, 1972:

PARISH OBSERVES 75TH ANNIVERSARY

The 75th anniversary of St. Joseph's Parish was celebrated by more than 350 guests Friday night at the Stone Bridge Inn, Tiverton, R.I. Guests included Mayor Rudolph H. DeSilva, Superior Court Justice Frank E. Smith, former pastor at St. Joseph's Rev. Ambrose Bowen, and Rev. James J. Gerrard, auxiliary bishop.

Associate pastor Rev. Bento Fraga delivered the invocation and a toast was offered by F. Hamilton Lane, chairman of the parish council.

For several years after the establishment of the parish in November of 1896 services were held in St. Charles' Hall and then in an old nail factory on Myrtle St. The first St. Joseph's Church was built at the corner of Sheridan and Lowell Sts. but it soon became too small for the needs of the parish.

The present church was constructed in 1910. Rev. John W. Quirk celebrated the first mass in the church on Christmas morning of that year.

Rev. John J. Murphy came to St. Joseph's in October, 1969, after the retirement of Father Bowen. Father Murphy delivered the welcoming address to the guests at the celebration.

Former associate pastors attending the anniversary were Msgr. Hugh Gallagher, Msgr. James E. Gleason, Msgr. Arthur G. Considine, Rev. Joseph L. Powers, Rev. Leo M. Curry, Rev. Leo Sullivan, Rev. Howard Waldron, Rev. Norman J. Ferris, Rev. Cornelius J. O'Neill, Rev. William H. O'Reilly, Rev. Arthur K. Wingate, Rev. John F. Moore, Rev. James F. Greene, Rev. Robert Laughlin, Rev. George E. Harrison, Rev. Thomas L. Rita.

Members of the anniversary committee were Father Murphy, honorary chairman; Mr. and Mrs. Alfred A. Cormier, chairmen; Mr. and Mrs. F. Hamilton Lane, co-chairmen; Mrs. Estella R. Margarido, treasurer; and Mr. and Mrs. Joseph Oliveira, ticket chairmen.

Mrs. Joephine Phillippino, Mrs. Angelina Annunziato, Mrs. Harriet Martin, Mrs. Mabel Trucchi, and Mrs. Margaret Mucahey served as hostesses for the dinner.

THE ULTIMATE HIGHRISE: SAN FRANCISCO'S MAD RUSH TOWARD THE SKY

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. McCLOSKEY. Mr. Speaker, I respectfully commend to my colleagues the accompanying review of "The Ultimate Highrise: San Francisco's Mad Rush Toward the Sky," by Bruce Brugmann and others.

The review appeared in the spring issue of City, published by the National Urban Coalition, and details an account of one city's problems with the economic, environmental, and esthetic consequences of highrise development. Bruce Brugmann has been a challenging, disputative seeker of truth in urban problems for many years, and his controversial views will hopefully provoke vigorous and enlightened debate on an issue which is beginning to face many of our most scenic cities. The article follows:

Would you believe a Ralph Nader—and a team of Raiders—who can write? His name is Bruce Brugmann, and the writers he has gathered together in "The Ultimate Highrise" have been contributors to the San Francisco Bay Guardian, considered one of the finest newspapers of its kind in America. What kind is that? A hard-hitting, honest, professionally researched and written paper with a motto: "We print the news and raise hell."

And raise hell they have in the best tradition of Ralph Nader and in the finest traditions of adversary journalism—the kind we might associate with Nicholas Von Hoffman, James Ridgeway, and Kenneth Rexroth, to name only three people who have sung the praises of the Bay Guardian or have contributed to it.

About five years ago, in the first issue of the Bay Guardian, there was a cartoon of a young boy listening to a man surrounded by highways and high-rises saying: "It used to be that we could see the Bay from here." And the boy's response: "How quaint." At the time the cartoon appeared it seemed to many a little stringent and overly pessimistic. Its prophetic quality is obvious to any visitors to San Francisco today, and whether the whole dangerous growth process can be stopped is doubtful. The first major test against high-rises at the polls led by Alvin Duskin, who wrote the foreword to this collection, was defeated in the past November elections in San Francisco.

It may not be too late, however, if enough concerned citizens familiarize themselves with a book like this, which is actually a continuing case study against the high-rise. It can be read by people in *all* cities as a guide to and a handbook on all the development groups and political subgroups that would prey on the land for a fast deal and a quick buck.

In an opening chapter, Greggar Sletteland quotes well-known columnist Herb Caen: "The old city grew beautiful by accident, the new one is growing ugly by design," and goes on to give "38 Manhattanization Clues," based on a persistent theme throughout the book that San Francisco is in danger of becoming another New York City. He also challenges the conventional wisdom of the economic benefits of skyscrapers widely circulated by those who benefit most from them: businessmen, architects, politicians, etc. He disputes the notion that the more you build the more revenues the city will receive—and that there will be lower taxes for residents, more jobs and ergo less crime in the streets, less welfare, and so on.

As part of a Bay Guardian team of experienced investigative reporters and urban affairs experts headed by Tom Lehner of Berkeley's School of Public Policy and 30 volunteer researchers. Sletteland spent six months examining city, state, and federal records. Their findings are so enlightening they need to be stated in full:

1. Far from "subsidizing" the municipal budget, as claimed by real estate interests, the downtown high-rise district in 1970 actually contributed $5 million *less* than it cost.

2. Property tax payments from the downtown, instead of providing relief for homeowners through assessments on expensive new high-rises, actually *declined* by 16 percent as a proportion of the city total over the decade of the skyscraper boom.

3. Head-spinning growth in downtown land values "rippled out" to all San Francisco neighborhoods, causing assessment increases as high as 380 percent and leading, in many cases, to destruction of a neighborhood's original character.

4. Changing patterns of land use and other high-rise-related phenomena drove 100,000 middle-income San Franciscans to the outlying suburbs and mauled the city's delicate demographic balance.

5. High-rises not only failed to provide new white-collar jobs for San Franciscans, but caused the loss of 14,000 blue-collar jobs.

6. High-rises were the prime villians in tripling the city's welfare costs over the decade.

7. Transportation facilities to service skyscrapers cost taxpayers a staggering $5 *billion* over a 10-year period.

8. Police costs for protecting the downtown high-rise district averaged at least 10 times the cost for protecting the rest of the city.

9. High-rises caused vast amounts of air and water pollution which will cost the city close to $1 billion to clean up.

He furthermore charts how per capita crime rates and municipal costs increase with city density, how blue-collar industries are driven out of town, and how redevelopment schemes ultimately consume the taxpayer's dollar. His facts are legion, and his presentation is strikingly clear.

Bruce Brugmann, who has been cited nationally for his journalistic skills, is equally clear and hard-hitting in his expose of "The Politics of High-rise." Brugmann's journalistic courage is legendary and his interest here is in an area he knows best of all, the relationship between backroom and boardroom politics. He knows firsthand of the intimacy between city hall, development commissioners, assessors, campaign contributors, and the Chamber of Commerce with its "operating principle for years in San Francisco. When the Chamber of Commerce spits, City Hall swims." Using charts prepared by his investigators, Brugmann shows who approves high-rise buildings and who invests (in a political sense) in high-rise supervisors, assessors, and mayors by listing the 244 top contributors to recent winning San Francisco campaigns. The results are not surprising: The highway sweepstakes are on, and the huge private utilities and their corporate friends know how to play the profit-political game. As Brugmann describes it, the gold rush is still on in the West and everything is up for grabs. The loser, as always, is the private citizen.

The famous waterfront of San Francisco is examined in detail by Richard Reinhart. For people unfamiliar with the city, the detail here may be a bit much and, generally speaking, it is the only chapter in the book that requires a knowledge of the Bay Area. The general reader will find a section titled "Highrise Miscellany" more interesting. Subjects covered include what will happen when the earthquake hits, the fire hazard potential of high-rises (e.g., inaccessible to firefighters, the highly combustible plastic furnishings, etc.) and, among other essays, a stinging, devastating architectural critique of high-rise building by John Kenyon.

In conclusion, the book covers ways to "sniff out, then snuff out high-rises" by giving practical pointers that could serve as guidelines in any large U.S. city. A citizen's guide to land power structure research tells you how to find out who owns what in a city, and where to get information on the sale of property, loans, corporations, and other useful details. It is the kind of grand finale that makes you want to join the Bay Guardian team and take up the slingshot against the Goliaths of industry.

I don't know who is getting the Pulitzer Prizes in journalism these days, but if Bruce Brugmann and his team of writers who put together "The Ultimate Highrise" do not get one, it will be the ultimate insult. For "The Ultimate Highrise" may be the last word in an attempt to save a great city. The last word.

CAPTIVE NATIONS WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. BIAGGI. Mr. Speaker, this week marks the 14th annual observance of Captive Nations Week, not only in America, but throughout the world. During this week the attention of all free nations will be directed to the plight of those peoples who have been held under the domination of ruthless powers, particularly the U.S.S.R.

It is time for all Americans—including those who have seen fit to condemn "the system"—to reflect upon the struggle of the captive peoples of Europe and Asia, who have lived for a generation or more under Communist oppression, yet continue to look to the United States for courage and support. As we approach our bicentennial year, it is important that we who enjoy the freedoms of speech and assembly speak out in support of the cause of freedom and independence on behalf of those who have had their voices stilled and their hopes frustrated by Communist rulers.

During Captive Nations Week it would be well to recall the gallantry of those Hungarians who fought for their freedom in 1956 and the fearless spirit of resistance shown by Czechoslovak citizens during the 1968 invasion of their country. We should also recognize the continuing struggle on the part of Soviet Jews for their religious freedom and self-determination, and by the people of South Vietnam for their independence and solidarity with other free peoples of Asia.

In an age when the threat of Communist expansion remains, it is imperative that America's channels of free speech and free thought remain open to all nations of the world. The Voice of America, Radio Free Europe, and Radio Liberty must be allowed to continue their missions of hope for those whose own media are not free. I know the efforts of freedom-loving people throughout the world are helping build the courage needed to resist the yoke of oppression.

Perhaps it would be wise to recall the words of the late Sir Winston Churchill:

> Democracy is the worst system of government, except for all the others.

AFL–CIO TESTIFIES ON JOB SAFETY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. ASPIN. Mr. Speaker, on June 28, Mr. Jacob Clayman, administrative director of the Industrial Union Department of the AFL–CIO testified before the Joint Committee on Small Business concerning the enforcement and implementation of the Occupational Health and Safety Act of 1970.

As my colleagues know, recently this House passed an amendment to the Labor Department's appropriation for the fiscal year 1973 exempting some businesses from coverage under the Occupational Health and Safety Act. Mr. Clayman, believes this is a serious error.

The AFL–CIO has made a series of proposals to assist small businesses in complying with the Occupational Health and Safety Act. They have suggested rules that would make it easier for small businesses to obtain loans to comply with the act and special programs of technical information and assistance for small businesses.

Rather than weakening the act by eliminating the coverage of 30 percent of the nonfarm workers in this country, labor and small business should work together so that each and every American worker is employed in a decent environment that does not endanger his health.

Mr. Clayman's testimony follows:

STATEMENT OF JACOB CLAYMAN

Mr. Chairman, my name is Jacob Clayman and I speak on behalf of the more than six million men and women in the Industrial Union Department of the AFL–CIO.

I am accompanied this morning by Mr. Philip Daugherty, Legislative Representative, and Mr. Sheldon Samuels, Director of our department of Occupational Health, Safety and Environmental Affairs.

We were pleased with the suggestion of Mr. Conte that we appear before you. He is well aware of our deep distress with the mismanaged implementation of the Occupational Safety and Health Act of 1970. Our presence this morning is an opportunity to augment the record on some critical issues.

Much of the apprehension and anger being expressed on the manner in which small business is being treated under the Act is justified. Much is based on misinformation. Some relates to willful scofflaws, for whom we have little sympathy. None of the legitimate complaints would be remedied by a change in the Act. The ire of the Congress is misplaced.

The reaction of the House, the Findley amendment, solves no problems. It punishes the employees of small business by regarding their lives and health as less sacred and important than those who work in larger establishments. It does nothing to assist small businessmen reduce death and suffering in their shops. It forces no real changes in administration policies that must be changed if the Act is to work.

The amendment eliminates from coverage about 30 percent of the nonfarm workers in this country. As a point of fact, it eliminates all of the employees of the approximately 250 manufacturing establishments in Mr. Findley's congressional district who employ less than 25 workers.

It has been observed that most of the complaints about the Act and its administration seem to be concentrated in the Far and Midwest. Perhaps this is because both small business and hazardous industries (who have higher proportions of small businesses) tend to be concentrated in those states.

An occupational health survey of the Chicago metropolitan area completed by the Department of Health, Education and Welfare in 1970 demonstrates what can be found in small plants: the highest concentration of health hazards, the fewest safeguards, and the least awareness, on the part of management, of the threat to life that exists in these workplaces.

The problem of physical hazards are equally horrifying. Greater than 96 percent of the more than 16,000 logging camps in this country have 20 or fewer employees. Their disabling injury rate in 1970 was about three times the rate among all manufacturing employees: nine injured employees for each 100. In Wyoming, according to the Bureau of Labor Statistics, it was 24 injured workers per hundred in this industry.

What has been the response of the Secretary of Labor to this situation?

The Act empowers him to set standards. To educate. To consult. To enforce.

The budget proposal generated by the Secretary of Labor not only specifies how much money the Congress is asked to appropriate, but how it is to be spent. It is a plan of action, or inaction. The Labor Department proposed a continuation of their prior, unsatisfactory program pattern. There were no adjustments to the needs of workers or the managers of small businesses.

Doesn't it seem strange to you that the workers, by means of the Industrial Union Department, not the government, have sought—

Easier rules for loans to small businesses who need funds to comply with the Act?

Special programs of technical information and assistance for small business?

Standards that can be read without reference to the so-called consensus standard-setting organizations?

We recognized the problems of small business, in which millions of our members work, very early. We pleaded for action on the part of the Labor Department and got none. We have brought the problems to the attention of the Congress, sometimes with success.

For example, on April 19 of this year, Mr. Daniels of New Jersey pointed to the incomprehensibility and unavailability of standards promulgated by the Secretary of Labor. Mr. Aspin of Wisconsin has placed a summary of our in-depth analysis of the OSHA budget in the Record. Mr. Flood listened with understanding to our plea before his committee. Let me quote from the first page of our statement to the House Appropriations Committee on May 3:

"Some of the small employers whose businesses are affected know little or nothing about the Act or standards that apply to them. While OSHA clearly collaborates with the National Association of Manufacturers, Chamber of Commerce and other large associations of businessmen, there is no special effort to coach the small employer. Nor is there any serious effort to inform unorganized workers—who make up the majority of the workers covered—of their rights under the Act.

At least one million dollars ought to be appropriated for an educational effort among small businessmen and an equal amount for unorganized workers. It is clear that the budget of OSHA does not contemplate expenditures in these critical areas."

Small businessmen indeed have something to complain about.

The standards that are creating the greatest problems for small business were developed by the representatives of the major industries who dominate the consensus standard-setting organizations. They did a great job in requiring ice for drinking water. They do little to reduce the exposure of workers—and management—to carcinogenic agents.

Only one original standard, for asbestos, has been promulgated by the Labor Department. This was initiated at the request of the Industrial Union Department. But they followed few of our recommendations.

We pressed for a new asbestos standard that would not be difficult to understand, that would be self-enforcing, that would provide for the major share of recordkeeping to be borne by the government, not by the employer.

The standard issued requires access to an industrial hygienist; it is not textually complete (it refers to standards issued by ANSI); it requires medical recordkeeping that pleases neither labor (because of problems of confidentiality and continuity) nor small businessmen (because of the problems of record maintenance and storage).

The standard was written by big business for big business.

In part because of our perceptions of the problem of employers who cannot afford a staff of safety specialists, we pressed for $5 million to be added to the training program of the National Institute for Occupational Safety and Health in HEW, with emphasis on expenditures in the audio-visual field. HEW has the authority, the will and the ability to provide training and technical assistance programs for management and labor.

HEW needs money to do the job. We asked for this money. The request was—in effect—turned down by the House. This is partially because of erroneous information being disseminated by the Labor Department.

Didn't you think it strange that the Labor Department, in its testimony last week, obscured these responsibilities of HEW? These responsibilities can be carried out under the Act by government personnel in the workplace who are not required to issue a citation on finding a violation. In fact they are prohibited by law from doing so. Thus, in seeking their assistance, the employer does not trigger a citation. If by chance (and this is very unlikely) he is inspected by the Department of Labor, his efforts are taken into account.

What you heard in this regard from the Department of Labor was a blatant attempt at empire building on one hand, and, on the other hand, an attempt to evade enforcement responsibilities. Rather than point to the flexibility and wisdom of the existing legislation, they asked for changes in the Act that will permit them to pick and choose their targets.

Don't you think it it strange that the Labor Department spends government time and money on closed-circuit television for the NAM, but won't provide in its budget the means of breaking out technical information on the basis of which a farm equipment dealer could comply with the law? Anyone familiar with information systems knows that this kind of need is met every day by other government programs. Yet at your hearing last week the response of the Secretary of Labor was that this is too expensive. To be charitable, this may be a result of the fact that the question referred to pamphlets. But these are not the preferred media. We asked for funds for an information system that can do the job.

The Department of Labor is not wrong all the time. But it could make a better case for its own employees. Green though they may be, the field force in the Department of Labor has been doing a good job. They have made themselves unwelcome in many places of business. But we forget that they are policemen. They are doing a difficult task that has never been done before. They are few in number, without even adequate equipment.

In a single week in April, OSHA compliance officers made 819 inspections. Two hundred and twenty-one were in workplaces with 25 or fewer employees. (This is twice the usual number of small employers investigated.) Of these 221, 33 were in response to complaints, 20 were investigations of fatalities (11) or catastrophes (9), 85 were of target industries, and 83 were scheduled by random selection.

As good as this record appears to be, it should be noted that the rate of inspection is roughly one-third that of the Labor Department's effort under the Walsh-Healey Act. Currently the compliance officers are making one inspection every four days or 78 per year per inspector. The rate under Walsh-Healey was 200 per year per inspector. This is hardly the record of an "eager beaver" effort as characterized by some members of Congress.

Is the Congress saying that complaints should not be answered? Very few complaints are ever made. They are usually the last hope for the correction of extremely serious situations. For example, in the whole State of Virginia, in the last six months of 1971, OSHA received only 17 complaints.

Should the Labor Department be prohibited from investigating and acting upon deaths and catastrophes?

Should the Labor Department ignore the most hazardous workplaces, in the most hazardous industries?

This is what the Findley amendment really says.

Let me summarize. The assistance and information services required by small business are authorized and mandated under the Act. Standards can be written which are textually complete, understandable and met without continuous engineering and medical services. Recordkeeping is not burdensome if it is understood and if the government provides adequate services.

Then why the uproar? The Congress is being overwhelmed by a campaign that aims not at the relief of small employers but at denying us work without fear. Organized business simply does not want to spend the monies and make the efforts necessary to a safe workplace. They are aided by administrative ineptness. They are cheered by the assault from state programs that wish to weaken the federal program, against which they will be measured.

LETTER-WRITING TO GENEVA CONVENTION SIGNATORY NATIONS ON BEHALF OF AMERICAN POW/MIA'S

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. ZABLOCKI. Mr. Speaker, within the last few weeks many Members of Congress have received correspondence from the families of American POW/MIA's in Southeast Asia requesting them to write to the leaders of each nation that signed the Geneva Convention Relative to the Treatment of Prisoners of War.

The objective of the program, sponsored by the National League of POW/MIA Families, is that of urging the signatory nation to take action by encouraging all participants in the Vietnam conflict to adhere to the humanitarian concepts of that convention.

With the assistance of the State Department, the league has prepared a list of the heads of state of each national involved with appropriate salutations.

As a service to the families and loved ones, and as a means of assisting my colleagues who are complying with this reqeust, I am pleased to place the list in the Record at this point.

The list follows:

Signatories to the Geneva Convention With Appropriation Salutations

Afghanistan: His Majesty Mohammed Zaher Shah, King of Afghanistan, Kabul, Afghanistan; Your Majesty.

Albania: H. E. Haxhi Lleshi, Chairman of the Presidium of the Albanian Peoples Republic, Tirana, Albania; Dear Mr. Chairman.

Algeria: H. E. Colonel Houari Boumediene, President of the National Council of the Revolution and President of the Council of Ministers of the Democratic Republic of Algeria, Alger, Algeria; Dear Mr. President.

Argentina: H. E. Alejandro A. Lanusse, President of the Argentine Nation, Buenos Aires, Argentina; Dear Mr. President.

Australia: The Right Honorable William McMahon, P.C., M.P., Prime Minister of Australia, Canberra, Australia; Dear Mr. Prime Minister.

Austria: H. E. Franz Jonas, President of the Republic of Austria, Vienna, Austria; Dear Mr. President.

Barbados: The Right Honorable Errol Walton Barrow, P.C., Prime Minister of Barbados, St. Michael, Barbados; Dear Mr. Prime Minister.

Belgium: H. E. Gaston Eyskens, Prime Minister of Belgium, Brussels, Belgium; Dear Mr. Prime Minister.

Bolivia: H. E. Colonel Hugo Banger Suarez, President of the Republic of Bolivia, La Paz, Bolivia; Dear Mr. President.

Botswana: H. E. Sir Seretse Khama, K.B.E., President of the Republic of Botswana, Gaberones, Botswana; Dear Mr. President.

Brazil: H. E. Emilio Garrastrazu Medici, President of the Federative of Brazil, Brasilia, Brazil; Dear Mr. President.

Bulgaria: H. E. Todor Zhivkov, Chairman of the Council of State of the Peoples Republic of Bulgaria, Sofia, Bulgaria; Dear Mr. Chairman.

Burma: H. E. U Ne Win, Prime Minister of the Union of Burma, Rangoon, Burma; Dear Mr. Prime Minister.

Burundi: H. E. Colonel Michel Micombero, President of the Republic of Burundi, Bujumbura, Burundi; Dear Mr. President.

Byelorussian: No separate listing—now a member state of U.S.S.R.

Cambodia: See Khmer Republic.

Cameroon: H. E. El Hadj Ahmadou Ahidjo, President of the Federal Republic of Cameroon, Yaounde, Cameroon; Dear Mr. President.

Canada: The Right Honorable Pierre Elliot Trudeau, P.C., Prime Minister of Canada, Ottowa, Canada; Dear Mr. Prime Minister.

Central African Republic: H. E. General of the Army Jean Bedel Bokassa, President of the Central African Republic, Bangui, Central African Republic; Dear General Bokassa.

Ceylon: See Ski Lanka.

Chad: H.E. Francois Tombalbaye, President of the Republic of Chad, Port Lamy, Chad; Dear Mr. President.

Chile: H.E. Dr. Salvador Allende Gossens, President of the Republic of Chile, Santiago, Chile; Dear Mr. President.

China (Peoples' Republic of), H.E. Chou En-Lai, Premier of the State Council of the Peoples' Republic of China, Peking, China; Dear Mr. Premier.

Colombia: H.E. Dr. Misael Pastrana-Borrero, President of the Republic of Colombia, Bogota, Colombia; Dear Mr. President.

Congo (Brazzaville), H.E. Major Marien N'Gouabi, President of the Peoples' Republic of the Congo, Brazzaville, Congo; Dear Mr. President.

Congo (Kinshasa), See Zaire.

Costa Rica: H.E. Jose Figueres Ferrer, President of the Republic of Costa Rica, San Jose, Costa Rica; Dear Mr. President.

Cuba: H.E. Dr. Osvaldo Porticos Torrado, President of the Republic of Cuba, Havana, Cuba; Dear Mr. President.

H.E. Dr. Fidel Castro Ruz, Prime Minister of Cuba, Havana, Cuba; Dear Mr. Prime Minister.

Cyprus: His Beatitude, Archbishop Makarios III, President of the Republic of Cyprus, Nicosia, Cyprus; Your Beatitude.

Czechoslovakia: H.E. Ludvik Svoboda, President of the Czechoslovakian Socialist Republic, Prague, Czechoslovakia; Dear Mr. President.

Dahomey: H.E. Justin Ahomadegbe, President of the Presidential Council, Cotonou, Dahomey; Dear Mr. President.

Denmark: H.E. Jens Otto Krag, Prime Minister of Denmark, Copenhagen, Denmark; Dear Mr. Prime Minister.

Dominican Republic: H.E. Dr. Joaquin Balaguer, President of the Dominican Republic, Santo Domingo, Dominican Republic; Dear Mr. President.

Ecuador: H.E. General Guillermo Rodrigeuz Lara, President of the Republic of Ecuador, Quito, Ecuador; Dear Mr. President.

El Salvador: H.E. Colonel Arturo Armando Molina, President of the Republic of El Salvador, San Salvador, El Salvador; Dear Mr. President.

Estonia: No separate listing—now a member state of USSR.

Ethiopia: His Imperial Majesty Haile Selassie I, Emperor of Ethiopia, Addis Ababa, Ethiopia; Your Imperial Majesty.

Finland: H.E. Urho Kekkonen, President of Finland, Helsinki, Finland; Dear Mr. President.

France: H.E. Georges Pompidou, President of the French Republic, Paris, France; Dear Mr. President.

Gabon: H.E. Albert Bernard Bongo, President of the Gabon Republic, Libreville, Gabon; Dear Mr. President.

Gambia: H.E. Sir Dawda Kairaba Jawara, President of the Republic of Gambia, Bathurst, Gambia; Dear Mr. President.

Germany: H.E. Dr. Gustav Heinemann, President of the Federal Republic of Germany, Bonn, Germany; Dear Mr. President.

German Democratic Republic: H.E. Walter Ulbricht, Chairman of the Council of State of the German Democratic Republic, Berlin-Mitte, German Democratic Republic; Dear Mr. Chairman.

Ghana: H.E. Colonel Ignatius Kuto Acheampong, Chairman, National Redemption Council of Ghana, Accra, Ghana; Dear Mr. Chairman.

Greece: H.E. George Papadopoulos, Prime Minister of Greece, Athens, Greece; Dear Mr. Prime Minister.

Guatemala: H.E. Brigadier General Carlos Arana Osorio, President of the Republic of Guatemala, Guatemala City, Guatemala; Dear Mr. President.

Guyana: H.E. Arthur Robert Chung, President of Guyana, Georgetown, Guyana; Dear Mr. President.

Haiti: H.E. Jean-Claude Duvalier, President of the Republic of Haiti, Port-au-Prince, Haiti; Dear Mr. President.

Holy See: His Holiness Pope Paul VI, The Vatican, Rome, Italy; Your Holiness.

Honduras: H.E. Dr. Ramon E. Cruz, President of the Republic of Honduras, Tegucigalpa, Honduras; Dear Mr. President.

Hungary: H.E. Pal Losonczi, President of the Presidential Council of Hungarian Peoples' Republic, Budapest, Hungary; Dear Mr. President.

Iceland: H. E. Dr. Kristjan Eldjarn, President of the Republic of Iceland, Reykjavik, Iceland; Dear Mr. President.

India: H. E. Indira Ghandi, Prime Minister of India, New Delhi, India; Dear Madam Prime Minister.

Indonesia: H. E. General Seoharto, President of the Republic of Indonesia, Djakarta, Indonesia, Dear Mr. President.

Iran: His Imperial Majesty Mohammed Reza Shah Pahlavi Shananshah of Iran, Tehran, Iran, Your Imperial Majesty.

Iraq: H. E. Major General Ahmed Hasan Al-Bakr, President of the Republic of Iraq, Baghdad, Iraq, Dear Mr. President.

Ireland: H. E. Eamon de Valera, President of the Irish Republic, Dublin, Ireland; Dear Mr. President.

Israel: H. E. Golda Meir, Prime Minister of Israel, Tel-Aviv, Israel; Dear Madam Prime Minister.

Italy: H. E. Giovanni Leon, President of the Italian Republic, Rome, Italy; Dear Mr. President.

Ivory Coast: H. E. Felix Houphouet-Boigny, President of the Republic of the Ivory Coast, Abidjan, Ivory Coast; Dear Mr. President.

Jamaica: The Honorable Michael Norman Manley, M.P., Prime Minister of Jamaica, Kingston, Jamaica; Dear Mr. Prime Minister.

Japan: H. E. Kakuei Tanaka, Prime Minister of Japan, Tokyo, Japan; Dear Mr. Prime Minister.

Jordan: His Majesty Hussein I, King of the Hashemite Kingdom of Jordan, Amman, Jordan; Your Majesty.

Kenya: H. E. Jomo Kenyatta, President of the Republic of Kenya, Nairobi, Kenya; Dear Mr. President.

Khmer (formerly Cambodia): H. E. Marshal of the Khmer Armies Lon Nol, President of the Khmer Republic, Phnom-Phenh, Khmer Republic; Dear Mr. President.

Korea: H. E. Chung Hee Park, President of the Republic of Korea, Seoul, South Korea; Dear Mr. President.

North Korea: H. E. Kim Il-Sung, Premier and General Secretary of the Democratic Peoples' Republic of Korea, Pyongyang, North Korea; Dear Mr. Prime Minister.

Kuwait: His Highness Sheikh Sabah al-Salim al-Sabah, Emir of the State of Kuwait, Kuwait; Your Highness.

Laos: His Highness Prince Souvanna Phouma, Prime Minister of Laos, Vientiane, Laos; Your Highness.

Latvia: No separate listing—now a member state of USSR.

Lebanon: H. E. Sleiman Frangie, President of the Republic of Lebanon, Beirut, Lebanon; Dear Mr. President.

Lesotho: H. E. Chief Leabua Jonathan, Prime Minister of the Kingdom of Lesotho, Maseru, Lesotho; Dear Mr. Prime Minister.

Liberia: H. E. William R. Tolbert Jr., President of the Republic of Liberia, Monrovia, Liberia; Dear Mr. President.

Libya: H. E. Colonel Maummar Muhammad Qadhaafi, President of the Revolutionary Command Council, Tripoli, Libyan Arab Republic; Dear Mr. President.

Liechtenstein: His Serene Highness, Franz Josef II, Prince of Liechtenstein, Vaduz, Liechtenstein; Your Serene Highness.

Lithuania: No separate listing—now a member state of USSR.

Luxembourg: His Royal Highness Jean Grand Duke of Luxembourg, The Grand Duchy of Luxembourg; Your Royal Highness.

Madagascar: H. E. Philibert Tsiranana, President of Malagasy Republic, Tananarive, Madagascar; Dear Mr. President.

Malawi: H. E. Dr. H. Kamuzu Banda, P. C., President of the Republic of Malawi, Blantyre, Malawi; Dear Mr. President.

Malta: The Honorable Dom Mintoff, Prime Minister of Malta, Valletta, Malta; Dear Mr. Prime Minister.

Malasia: H. E. Sultan Abdul Halim Mu'Adzam Shah ibi Al-Marhum, Sultan Badlishah Duk, DK, SPMK, DMN, Yang di-Pertuan Agong of Malasia, Kuala Lumpur, Malasia; Your Majesty.

Mali: H. E. Moussa Traore, President of the Military Command of National Liberation, Bamako, Mali; Dear Mr. President.

Mauritania: M. E. Moktar ould Daddah, President of the Islamic Republic of Mauritania, Nouakchott, Mauritania; Dear Mr. President.

Mauritius: The Honorable Sir Seewoosagur Ramgoolam, Prime Minister of Mauritius, Port Louis, Mauritius; Dear Mr. Prime Minister.

Mexico: H. E. Luis Echeverria Alvarez, President of the United Mexican States, Mexico DF, Mexico; Dear Mr. President.

Monaco: His Serene Highness Ranier III, Sovereign Prince of Monaco, Monte Carlo, Monaco; Your Serene Highness.

Mongolian Peoples' Republic: H. E. Yumjaagiin Tsedenbal, Chairman of the Council of Ministers of the Mongolian Peoples' Republic, Ulan Bator, Mongolian Peoples' Republic; Dear Mr. Chairman.

Morocco: His Majesty Hassan II, King of Morocco, Rabat, Morocco; Your Majesty.

Nepal: His Majesty Birendra Bir Bikram Shah Deva, King of Nepal, Kathmandu, Nepal; Your Majesty.

Netherlands: H. E. Barend W. Biesheuvel, Prime Minister of the Netherlands, The Hague, Netherlands; Dear Mr. Prime Minister.

New Zealand: The Right Honorable John Ross Marshall, M.P., Prime Minister of New Zealand, Wellington, New Zealand; Dear Mr. Prime Minister.

Nicaragua: The National Governing Council of the Republic of Nicaragua, Managua, Nicaragua; Excellencies.

Niger: H. E. Hamani Diori, President of the Republic of Niger, Niamey, Niger; Dear Mr. President.

Nigeria: H. E. Major General Yakubu Gowon, Head of the Federal Military Government and Commander in Chief of the Armed Forces, Lagos, Nigeria; Dear General Gowon.

Norway: His Majesty Olav IV, King of Norway, Oslo, Norway; Your Majesty.

Pakistan: H. E. Zulfikar Ali Bhutto, President of the Ismalic Republic of Pakistan, Islamabad, Pakistan; Dear Mr. President.

Panama: H. E. Demetrio B. Lakas, President of the Provisional Junta of Government of the Republic of Panama, Republic of Panama; Dear Mr. President.

Paraguay: H. E. General of the Army Alfredo Stroessner, President of the Republic of Paraguay, Asuncion, Paraguay; Dear Mr. President.

Peru: H. E. General Juan Velasco Alvarado, President of the Republic of Peru, Lima, Peru; Dear Mr. President.

Philippines: H. E. Ferdinand E. Marcos, President of the Philippines, Manila, Philippines; Dear Mr. President.

Poland: H.E. Henryk Jablonski, President of the Council of State of the Polish Peoples' Republic, Warsaw, Poland; Dear Mr. President.

Portugal: H.E. Admiral Americo Deus Rodrigues Thomaz, President of the Republic of Portugal, Lisbon, Portugal; Dear Mr. President.

Romania: H.E. Nicolae Ceausescu, President of the State Council of the Socialist Republic of Romania, Bucharest, Romania; Dear Mr. President.

Rwanda: H.E. Gregoire Kayibanda, President of the Republic of Rwanda, Kigali, Rwanda; Dear Mr. President.

San Marino: Their Excellencies, Regents of the Republic of San Marino, Republic of San Marino; Excellencies.

Saudi Arabia: H.E. Faisal ibn Abdal-Aziz Al-Sa'ud, King of Saudi Arabia, Jidda, Saudi Arabia; Your Majesty.

Senegal: H.E. Leopold Seder Senghor, President of the Republic of Senegal, Dakar, Senegal; Dear Mr. President.

Sierra Leone: H.E. Dr. Siaka Stevens, President of the Republic of Sierra Leone, Freetown, Sierra Leone; Dear Mr. President.

Singapore: The President, Istana Negara, Republic of Singapore; Dear Mr. President.

Somali: H.E. Major General Mohamed Siad Barre, President of the Supreme Revolutionary Council of the Somali Democratic Republic, Mogadishu, Somali Democratic Republic; Dear Mr. President.

South Africa: H.E. Jacobus Johannes Fouche, State President of the Republic of South Africa, Pretoria, South Africa; Dear Mr. President.

South Yemen: H.E. Salim Ali Rubayya, Chairman of the Presidential Council of the Peoples' Democratic Republic of Yemen, Aden, South Yemen; Dear Mr. Chairman.

Spain: H.E. General Francisco Franco Bahamonde, Chief of the Spanish State, Madrid, Spain; Dear General Franco.

Eri Lanka (formerly Ceylon), H.E. Sirimavo Bandaranaike, Prime Minister of the Republic of Sri Lanka, Colombo, Sri Lanka; Dear Madam Prime Minister.

Sudan: H.E. Jafir Muhammad Nineri, President of the Republic of the Sudan, Khartoum, Sudan; Dear Mr. President.

Swaziland: His Majesty Sobhuza II, KBE, The King of Swaziland, Mbabane, The Kingdom of Swaziland; Your Majesty.

Sweden: His Majesty Gustaf VI Adolf, King of Sweden, Stockholm, Sweden; Your Majesty.

Switzerland: H.E. Nello Celio, President of the Swiss Confederation, Berne, Switzerland; Dear Mr. President.

Syrian Arab Republic: H.E. Lieutenant General Hafiz Al-Asad, President of the Syrian Arab Republic, Damascus, Syria; Dear Mr. President.

Tanzania: H.E. Julius K. Nyerere Mwalimu, President of the United Republic of Tanzania, Dar-es-Salam, Tanzania; Dear Mr. President.

Thailand: His Majesty Bhumibol Adul Yadej, King of Thailand, Bangkok, Thailand; Your Majesty.

Togo: H.E. Major General Etienne Eyadema, President of the Republic of Togo, Lome, Togo; Dear Mr. President.

Trinidad and Tobago: H.E. Dr The Right Honorable Eric E. Williams P.C., Prime Minister of Trinidad and Tobago, Port of Spain, Trinidad; Dear Mr. Prime Minister.

Tunisia: H.E. Habib Bourguiba, President of the Republic of Tunisia, Tunis, Republic of Tunisia; Dear Mr. President.

Turkey: H.E. Cevedet Sunay, President of the Republic of Turkey, Ankara, Turkey; Dear Mr. President.

Uganda: H.E. General Idi Amin Dada, President of the Republic of Uganda, Kampala, Uganda; Dear Mr. President.

Ukrain: No separate listing—now a member state of USSR.

United Socialist Soviet Republics: H.E. Nikolai V. Podgorny, Chairman of the Presidium of the Supreme Soviet of the USSR, Moscow, USSR Dear Mr. Chairman.

United Arab Republic of Egypt: H.E. Anwar Al-Sadat, President of the Arab Republic of Egypt, Cairo, United Arab Republic of Egypt; Dear Mr. President.

United Kingdom: The Right Honorable Edward Heath, MBE, MP, Prime Minister, London, England; Dear Prime Minister.

Upper Volta: H.E. Sangoule Lamizana, President of the Republic of Upper Volta, Ouagadougou, Upper Volta; Dear Mr. President.

Uruguay: H.E. Juan M. Bordaberry Arocena, President of the Oriental Republic of Uruguay, Montevideo, Uruguay; Dear Mr. President.

Venezuela: H.E. Dr. Rafael Caldera, President of the Republic of Venezuela, Caracas, Venezuela; Dear Mr. President.

Vietnam (South): H.E. Nguyen van Thieu, President of the Republic of Vietnam, Saigon, Republic of Vietnam; Dear Mr. President.

Viet Nam (North): H.E. Ton Doc Thang, President of the Democratic Republic of Viet Nam, Hanoi, Viet Nam; Dear Mr. President.

Yemen: H.E. Abd Al-Rahman Iryani, Chairman of the Republican Council of the Yemen Arab Republic, Sana'a, Yemen; Dear Mr. Chairman.

Yugoslavia: H.E. Marshal Josip Broz-Tito, President of the Socialist Federal Republic of Yugoslavia, Belgrade, Yugoslavia; Dear Mr. President.

Zaire (formerly Conga (Kinshasa)): H.E. Lieutenant General Joseph Mobutu Sese Seko, President of the Republic of Zaire, Kinshasa, Zaire; Dear Mr. President.

Zambia: H.E. Dr. Kenneth D. Kaunda, President of the Republic of Zambia, Kasaka, Zambia; Dear Mr. President.

HUBERT HUMPHREY—AN APPRAISAL

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. VAN DEERLIN. Mr. Speaker, in the heat of the recently concluded campaign for the Democratic presidential nomination, the more enduring virtues of some of the candidates may have become blurred.

The splendid record, over many years, of Senator Hubert Humphrey has been given fresh perspective in an article by Ernest B. Furgurson published yesterday in the Los Angeles Times.

Regardless of their personal preference for President, all of our colleagues should be able to find much to admire in the long and distinguished career of Senator Humphrey.

Mr. Furgurson's timely and well-balanced account follows:

Fighting the Good Fight—For the Last Time

(By Ernest B. Furgurson)

How many times, before Tuesday noon, must Muriel Humphrey have seen her husband stand in front of a microphone with tears welling in his eyes and heard him concede defeat but vow to keep up the good fight anyway, and said to herself as she tried to smile, "Thank God, it's the last time."

This time, at long last, it is, and a great many Americans besides Mrs. Humphrey are grateful for that fact. Many of those, of course, are the senator's opponents, who jeered him when he was too young and radical and sneered at him when he was too old and "conservative" by bombthrowers' standards.

But even more of them are his friends, who through all these years have felt tears well up themselves every time Humphrey bore up under defeat again.

He was, it is true, the easiest politician in recent time to deride and make fun of. He was also the easiest to love, for the simple reason that he himself was so full of love. You might say he based his whole political career on it.

That is why it was so hard for his friends that night in May 1960, in Charleston, when he acknowledged that John Kennedy had won not only the West Virginia primary but was on his way to the nomination.

That was the night the hillbilly singer kept doing "I'm Gonna Vote for Hubert Humphrey" over and over to the tune of "That Old Time Religion," and, of course, the whole thing could not have had the poignancy anywhere else that it did in a seedy hotel room at the end of a poverty-stricken campaign in those poor and rainy hills.

That is why it hurt them again to see him on the stage in the Leamington Hotel in Minneapolis the morning after election day in 1968, when he had to wait overnight to be sure that his courageous campaign against Richard Nixon, starting from disaster, had fallen just 500,000 votes short. That time, many of us wrote, surely was the end of his quest, the burial of the dream he had chased for a quarter-century even then.

But that was before he was reinspired by reelection to the Senate by such an overwhelming vote. In the short intermission when he was teaching at Macalester College, he already was anticipating 1972.

That also was before Chappaquiddick. It was before he devised his strategy of staying out of this year's primaries unless the front-runner faltered, and then scrapped it. It was before the new Humphrey with the double-knit wide lapels and mod hairdo came back into presidential politics.

Many of his old admirers wished he had not. Then he and they picked up hope when he ran strongly in early tests. But as it turned out, many of them came to be sorry he had done so well, because when he smelled the prospect of nomination again, it overcame his better judgment.

He wavered on busing. He said anybody who challenged the unit rule in California after it was over would be a spoilsport, and then he did just that. These past weeks have been the only time I ever knew his friends to feel it necessary to apologize for him.

Yet, now that it is done for the last time, those moments of tawdriness are hardly subfootnotes in a long and rich biography. After he faced his staff and then the public and cameras, when he put his right arm about his wife's shoulders, pulled her to him and almost literally leaned on her, what he had said and done finally got through even to the young McGovernites in their hair and acid-rock outfits, and they applauded him without an ugly word.

The obvious thing, seeing that, was to reflect on what their own hero had been threatening to do to the party if he were the one who lost.

Hubert Humphrey never walked away from a fight, but when he had fought, he never turned away from the Democratic Party—nor even, I am certain, had a fleeting thought of doing so.

He defended his party against Communist infiltration after the war and labored to purge it of the shrugging attitude to racism that had traditionally assured it of the solid South. He led it to leadership on civil rights, the test-ban treaty, voting rights, Medicare. He was totally loyal under the most painful circumstances.

This sounds like an obituary, although if the country is lucky, he will be in the Senate another 20 years. Whether he is living or dead, when his party convenes again, it will honor itself if it puts his giant portrait on the wall along with Jackson, Roosevelt, Stevenson and the rest.

In fact, it would honor itself even more if it put up a picture of them both, Hubert and Muriel, with his arm tight about her shoulders.

THE CHANNELS OF TRUTH

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. HORTON. Mr. Speaker, the American tradition of a free press, virtually unequaled anywhere else in the world has proven many times the virtues that it is an indispensable companion to a truly democratic government. Because the press is unhindered by Government censorship at all levels, journallists have probed both Government and society for the soft spots of which self-destruction are borne. Investigative reporting brought our attention to unfair labor practices and impure food products at the turn of the century. Seventy years later, the tragedy of Mylai made us fully cognizant of the power of the press.

The 1972 Pulitzer Prize for local spot reporting was awarded to reporters Richard Cooper and John Machacek of the daily afternoon paper in my district, the Rochester Times-Union. It was their story which set the record straight as to how the hostages held by Attica inmates actually died during the prison uprising last September.

Their story revealed for the first time that the hostages' necks had not been cut but that they had died from gunfire wounds, contrary to earlier reports.

It is unfortunate that the country did not know the truth from the beginning. But all of us should be deeply grateful that these reporters did not allow the false story to become more firmly planted in the minds of our citizens. First impressions, as we all know are difficult to allay particularly when they are compounded by a stream of "confirming stories." The correct story came just in time to avoid irreparable damage to all concerned.

Unfortunately, society seems to have become immune to tragedy. We hear the word so often that it seldom brings to mind the full scope of human misery which it describes. But we cannot close ourselves off from the burden which Attica places on all of us, particularly lawmakers on both the Federal and State level. Prison reform, a necessity which we have recognized for a long time but we have shamefully left untouched, which we could make the Attica agony a little less bitter.

Two reporters did their job. When are we going to get on with ours?

I have joined with many members of the House in sponsoring the Omnibus Correctional Reform Act which, to my mind, would go a long way in stopping the revolving doors of our prisons. At this point I am inserting a summary of the act's provisions for your careful consideration. It is my judgment that we can no longer put aside the problems of our prisons until another Attica prompts us to pay more attention to the demands of our citizens for meaningful change.

The summary follows:

SUMMARY OF OMNIBUS CORRECTIONAL REFORM ACT OF 1972

This bill provides a new comprehensive approach to prison reform on the state and local level. It provides substantial federal support for a program of creating a new, modern correctional system built around smaller institutions, located in or near the urban communities they serve. At the same time, it takes account of the major effort needed to redirect the nation's penal effort by requiring the development of certain short range programs which will make present penitentiaries more effective.

TITLE I—COMMUNITY-BASED CORRECTIONAL FACILITIES

Title I outlines the basic long range program which will result in a new penal strategy. It consists of several amendments to the Law Enforcement Assistance Administration provisions of the Omnibus Crime Control and Safe Streets Act of 1968:

(1) Require that after two years from passage no state plan for LEAA assistance will be approved as comprehensive (a necessary prerequisite to receiving Federal funds) unless it allocates at least 40% of the requested funds to the improvement of correctional practices and programs. (Part E of the LEAA Act presently requires a 20% allocation.) The actual allocation of LEAA funds is also changed accordingly. In terms of present Congressional authorization this would authorize $700 million for this new program in fiscal year ending June 30, 1973.

(2) Require that any such correctional plan contain a 20 year program developed in detail by five year segments for the gradual phasing out of large country prisons located a substantial distance from major urban areas whose community they serve (regardless of whether they be classified as low, medium, or high security) and their replacement with small, community-based corrections facilities designed to apply modern corrections theory.

TITLE II—REHABILITATION AND RELATED PROGRAMS

Title II is the first of several programs designed to provide immediate improvement while the states develop their long range programs. It authorizes the expenditure of $400 million over the next four years to develop and fund projects providing programs for rehabilitation, job placement, on-the-job counseling and correctional education for criminal offenders, youth offenders, and juvenile delinquents. Heavy emphasis is placed on the rehabilitation of those who have committed no more than one serious offense on the theory that these are the most easily helped.

To be eligible to receive a grant under this title a state must appoint a planning and administration council which would develop a plan and submit it to the Secretary of Health, Education and Welfare. The plan would be required to allocate at least 40 percent of all Federal funds granted to local government bodies and nonprofit organizations and 15 percent of all Federal funds to private, profit making individuals, businesses and organizations. This would result in the involvement of many segments of the community in the corrections process.

Grants to the states will be determined by the number of persons detained in correctional institutions and by the total population of the state. However, in no case will such grants amount to more than 75 percent of the total cost of such programs in any given year. The title also provides means for the Secretary to determine that funds are actually expended in accordance with the provisions of this title, and for a method of judicial review should a state not be satisfied with the Secretary's ruling.

TITLE III—EDUCATION AND TRAINING PROGRAMS

This title is intended to provide special funding for the development of specialized school curricula, for the training of educational personnel and, for research and demonstration projects. These programs and projects would be especially tailored to the needs of persons detained in state and local correctional institutions with the intention of improving their vocational and academic education so as to enhance the possibility of rehabilitation of such persons.

Section 301 of title III would amend section 511(b) of the Higher Education Act of 1965. Presently the authorized funding is $80 million per year, but in unrestricted form. Under the proposed amendment the authorized funding would be increased to $100 million for each of the next five years. Additionally the amended bill would require that $110 million be spent on projects under Section 1103(a)(6) of title 20 of the United States Code which authorizes the development of special educational programs for criminal offenders.

Section 302 of title III would authorize the Commissioner of Education to make grants to state and local governments, educational agencies, public and nonprofit private institutions of higher learning, and other public and nonprofit private education or research agencies. Such grants would fund research and demonstration projects to the academic and vocational education of antisocial, aggressive, or delinquent persons including juvenile delinquents, youth offenders, and adult criminal offenders.

To advise on the creation of general policy with regard to the education of persons covered by this title, the Commissioner is authorized to appoint special technical advisory committees. Members of such committees who are not already full time employees of the United States are entitled to receive compensation as shall be determined by the Secretary of Health, Education and Welfare but not in excess of $75 a day, $13 million is authorized to be spent on this title over the next three fiscal years.

TITLE IV—SPECIAL PROBATION PROGRAMS

Title IV authorizes the expenditure of $40 million during each of the next five fiscal years for the creation of special probation supervision programs. These programs will be designed to accommodate juvenile delinquents and young offenders under 25 who have not yet become repeated offenders and who have not been found guilty of capital crimes. Such programs must be structured so as to reduce the need for the commitment of such offenders to state correctional institutions.

Any state desiring assistance must submit a state plan to the Law Enforcement Assistance Administration. The plan must establish suitable controls to insure that the appropriate state agency exercises proper supervision, qualified probations personnel are employed, and incentives for local participation in programs designed to reduce the need for commitment to correctional institutions are provided.

Funds will be provided for the states on the basis of a formula which takes into account the number of persons under the age of 25 within the states and the number of youthful offenders who have not been committed to state correctional institutions. Provision is also made to insure that the federal share of such programs will not exceed 75% and that the funds provided under this program will not be in lieu of funds coming from other sources and already being spent on such programs. Additionally, each state involved shall develop programs to monitor the effectiveness of the special probations programs developed. Provision will be made for the collection and utilization of such information by the Federal Corrections Institute.

TITLE V—FEDERAL CORRECTIONS INSTITUTE

Title V amends title 18 of the United States Code by adding at the end thereof a new chapter creating a Federal Corrections Institute. The Institute would serve several functions related to the short range improvement of present corrections systems and the long range development of a new corrections system as foreseen in title I. It would collect and disseminate useful data relating to efforts to improve the present corrections system and develop a new, community based system as provided in title I. It would also provide training for Federal, State and local personnel involved in the judicial system and corrections field so as to facilitate the acceptance and development of a new corrections systems.

The Institute's overall policy and operations would be under the supervision of an Advisory Commission including personnel from the judicial, probations and corrections fields and including private, concerned citizens and persons who have actually served in prisons. Also included on the Advisory Commission will be the Director of the Institute, the Attorney General (or his designee), and the Director of the National Institute of Mental Health (or his designee).

The Director of the Institute with the approval of the Advisory Commission shall acquire property and shall make the necessary arrangements for the Institute's construction and equipment. The advisory Commission shall supervise the design of a training curriculum for enrollees from the judicial and corrections fields. Candidates for admission to the Institute shall be selected by the State planning agencies created under LEAA, subject to final selection by the Director of the Institute. While studying with the Institute each enrollee shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons intermittently employed in government service under section 5703(b) of title 5, United States Code. Such funds as may be necessary to carry out the provisions of this title are authorized.

IN SUPPORT OF THE JUVENILE DELINQUENCY PREVENTION ACT

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. RAILSBACK. Mr. Speaker, of paramount concern to every citizen today is the spiraling crime rate in our country. The most distressing aspect of this problem is the involvement of America's youth. In the last decade, violent crime by persons under 18 jumped 167 percent. Over the same period, property crimes such as burglary, larceny, and auto thefts by youths under 18 increased by 89 percent. Although young people between the ages of 10 and 17 comprise only 16 percent of the Nation's population, they account for nearly 50 percent of all arrests. In short, juveniles are responsible for a substantial and disproportionate share of our country's crime problem.

Clearly, we cannot hope to reduce the overall rate of crime in this country without first reducing juvenile delinquency and youth crime. Yet, as our ever-increasing crime rates indicate, we have made very little headway in accomplishing this goal. By and large, our preventive and rehabilitative efforts have met with failure. We have failed to divert potentially delinquent youths from commencing a life of crime. As the latest FBI statistics reveal, recidivism rates are higher for youths under 20 than for any other age group. Seventy-four percent of juvenile offenders who have once been institutionalized wind up back in youth or adult correctional facilities.

In the wake of our failure to control America's critical youth crime problem, there has been a good deal of congressional deliberation as to how juvenile delinquency can be combatted at the Federal level. For my part, I drafted a bill to create an Institute for the Continuing Studies of Juvenile Justice. Congressmen Pete Biester, Abner Mikva, and over 100 other House Members joined me in sponsoring the legislation. The institute will have as its prime functions: One, collection and dissemination of information on youth crime; two, research and analysis of model laws in this area; and three, training of persons involved with young people who have run afoul of the law. The bill, which overwhelmingly passed the House of Representatives on April 18, is now pending before the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee. Twenty-four Senators have sponsored companion legislation and I am hopeful affirmative action soon will be forthcoming.

Today, I am pleased that we have before us a bill that will place primary emphasis on the prevention of delinquency at the local level. H.R. 15365, the Juvenile Delinquency Prevention Act, will replace the Juvenile Delinquency Prevention and Control Act of 1968, which expired June 30 of this year.

Briefly stated, the purpose of the legislation is to assist States and local communities, including elementary and secondary schools, in providing community-based preventive services to youths who are in danger of becoming delinquent.

Over 5 years ago the President's Crime Commission pointed out:

> Once a juvenile is apprehended by the police and referred to the Juvenile Court, the community has already failed; subsequent rehabilitation services, no matter how skilled, have far less potential for success than if they had been applied before the youth's overt defiance of the law.

Therefore, as its prime emphasis, the bill stresses preventive youth services, including diagnostic treatment, counseling, education, vocational training, job placement, health services, and cultural and recreational activities. These are all located inside the community and outside the traditional juvenile justice system.

H.R. 15365 emphasizes the school as a primary preventive agent. Of all the public institutions, the school plays the most important role in a child's life—in shaping his attitudes and developing his potential to become a contributing, worthwhile member of society. The Juvenile Delinquency Prevention Act will provide funds to schools in order to develop a wide range of delinquency prevention programs, such as remedial education, tutoring, and alternative educational programs for youths conducted outside the traditional school system.

A second—and very important—feature of this legislation is its strong emphasis on coordination. For too long delinquency prevention has been marked by fragmentation of effort and a lack of coordination. This failure has contributed to our inability to make any measurable progress in solving our juvenile delinquency problem. H.R. 15365 provides that each applicant agency must coordinate its operations on a continuing basis with the operations of other agencies furnishing welfare, education, health, recreation, job training, or job placement services in the community for youths. In particular, each applicant must consult the schools in its area to make sure the proposed programs are coordinated with on-going educational efforts.

A third key ingredient of the Juvenile Delinquency Prevention Act is the provision of funds for the training of personnel employed or preparing for employment in fields related to the diagnosis and treatment of potentially delinquent youth. In addition, emphasis is placed on the counseling or instruction of parents so that they can more effectively deal with troubled youths. To achieve success with our antidelinquency efforts, we must have competent and dedicated individuals—parents, teachers, and other professionals—who are willing to devote their time and energies toward helping young people.

Mr. Speaker, we have failed too long to respond in any meaningful way to the crisis of delinquency. The Juvenile Delinquency Prevention Act will arm us with some of the vital tools to enable us to reduce delinquency, and thus the overall crime rate. We must act immediately to conserve America's most important natural resource: Her youth.

ASSONET PROJECT AIDS RETARDED

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, hope has been incorporated in Assonet, Mass., in my 10th Congressional District.

It is called Vanward, Inc., and it has been formed by a group of people interested in easing the path of retarded children from the Crystal Springs Nursery in Assonet to life in foster homes and to jobs.

The group includes Frederick Pansera, Jr., Lawrence Murphy, Hilda Hoxie, Ilene Fairhurst, Betsy Eldridge, and Nancy Shutt. They have help from Mr. and Mrs. Dana Brayton and Richard Eldridge. All are dedicated to the proposition that retarded children require more than the programs at the nursery.

Their plan is to fill the gap between the time a child is ready to be taught work habits and the time he is old enough to go into vocational training, a sheltered workshop or the community itself.

I salute these people for the work they are doing and I pay them tribute for their unselfish interest and concern.

For the full story of Vanward, Inc., I submit an article in the Taunton Daily Gazette of June 17, 1972:

Assonet Project Aids Retarded

(By Sandy Buttermore)

Freetown.—Vanward, Inc., held its "grand opening' 'today on Narrows Rd. in Assonet.

This isn't your usual type of business because the purpose of Vanward is to offer further training to the retarded children now living at Crystal Springs Nursery in Assonet.

A unique program has been developed by a group of employees from Crystal Springs as a step beyond the rehabilitative programs provided at that facility. Work habits training, intermediary community residences and training for foster parents in the care of the retarded, are the aims of Vanward.

Frederick Pansera Jr., president of Vanward, explained that the project came into being because of the need to fill the gap between the age when a child is ready to be taught work habits and the age when he is allowed to enter either a vocational training program or to be employed in existing sheltered workshops or the community.

The program will also prepare a child for future life in the community through foster home placement.

"The Vanward program would not have been possible," Pansera said, "without the cooperation of Mr. and Mrs. Dana Brayton, administrator and director of Crystal Springs, which is a nationally-known multi-disciplined residential center for some 100 mentally retarded children."

Vanward's board of directors are Pansera, president; Lawrence Murphy, treasurer and clerk; Hilda Hoxie, assistant treasurer; and Ilene Fairhurst, Betsy Eldridge, and Nancy Shutt—have planned a sophisticated arts and crafts program to simulate work routines commonly found in employment.

A barn, which the group leases, has been remodeled to provide a workshop for the children and a gift shop has been set up in a separate area of the building. The sale of commercial merchandise in the gift shop will supplement the operating budget of Vanward.

It has been hoped that the articles made by the children could be displayed in the gift shop for sale by donation, but a decision to allow this must be made by the state labor board.

If the board rules that the articles cannot be sold, Pansera said, it will not affect the program because the training provided by the craft projects is vital to the growth of the children.

Intermediary community residences have been planned to help the children make an adjustment from an institutional environment to future foster homes. It is hoped that eventually many children will be able to move on to the community in foster homes.

A farmhouse, adjacent to the workshop and a gift shop, is being enlarged to provide adequate space for eight children and will become the first community residence, hopefully in September.

Larry Murphy, a member of the board of directors and academic co-ordinator at Crystal Springs, and his wife, Betty, an LPN, are to be the foster parents for this first "family."

The first Vanward residence is to be called Eldridge House, in honor of Richard Eldridge of River Bend, Taunton. A long time friend of the retarded child, Eldridge has been directly responsible for the designing and construction of many projects at both Crystal Springs and Vanward.

Training for foster parents is also an aim of Vanward, so that as the children are ready to leave the intermediary home and enter a foster home in the community, parents trained in the care of the retarded will be available. The Vanward staff will provide help with the particular problems of each child and will be available for guidance in the event of future problems.

Vanward has an impressive list of members on his advisory board, with Dr. Alan Crocker, director of the Developmental Evaluation Clinic at Children's Hospital Medical Center in Boston, serving as chairman. Dr. Crocker's entire staff serves on the board, along with other notables such as Dr. Gunnar Dubward, dean of the Florence Hellar Institute of Social Science at Brandeis University, who is an authority on mental retardation.

Pansera sums up the hopes for Vanward by saying, "We envision this pilot project to be a beacon in salvaging many exceptional students from otherwise unfulfilled, barren lives."

A visitor to Vanward's bright, new workshop would feel that these hopes will be realized as he watches the children work to master new skills. A smile, usually accompanied by a delighted cry of "I did it!" shows the progress made with each new accomplishment in their lives.

Since Vanward is a non-profit organization, it will be funded mainly through voluntary contributions, and Mrs. Hilda Hoxie, program director, has accepted the task of fund-raising chairman. It is her hope that area churches and charitable organizations will sponsor a supper or similar money raising event to aid the Vanward treasury.

Volunteers prepared game booths, refreshments, grabs, pony rides and a flea market, all a part of the grand opening celebration which will end at 6 p.m. at the Vanward site.

ALASKAN COMMAND SILVER ANNIVERSARY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. BEGICH. Mr. Speaker, this year is the 25th anniversary of the Alaskan Command, a group dedicated to protection of the North American Continent. In recognition of this milestone, I am including the proclamation issued by Gov. William Egan in appreciation of the superb job done by the Alaskan Command:

PROCLAMATION

ALASKAN COMMAND SILVER ANNIVERSARY

The year of 1972 is the 25th Anniversary of the Alaskan Command. A quarter of a century ago, the Joint Chiefs of Staff established the Alaskan Command to maintain constant vigil over the land, sea, and air approaches to the strategic Arctic region of the North American continent. This difficult yet paramount mission has the devotion and dedication of the component commands of the Army, Navy, and Air Force, patrolling and monitoring the strategic Arctic regions to insure the North American continent against potential aggressors.

The State of Alaska is highly proud of the Alaskan Command and of its many achievements in behalf of all Americans over the past 25 years. In the interest of Alaskans themselves, it is difficult to adequately express gratitude for the tremendous support all members of the Command, and their families too, have rendered to the civilian sector of Alaska's population.

On numerous occasions of natural disaster, such as the 1964 earthquake and seismic sea waves, the 1967 Fairbanks flood, and river floods in far-flung village areas, the commanders, officers, enlisted personnel, and military families at all stations have come through with effective, all-out efforts, allowing Alaskans to enjoy a close relationship and warm admiration of the fine people who wear our military uniforms.

Countless unsung and heroic search-and-rescue activities are accomplished each year in behalf of civilians throughout Alaska, oftentimes performed at great personal risk by members of the Alaskan Command. Many Alaskans are alive and in good health today only because of selfless humanitarian efforts of past and present personnel of the Alaskan Command. Our fellow citizens in uniform here in Alaska have performed these frequently hazardous search-and-rescue missions in foul and dangerous weather. Such sacrifices have been performed as a matter of routine duty by the highly capable personnel of ALASCOM.

Members of the Alaskan Command and their families have also made a great contribution in the arena of community civic endeavor. We are grateful for their vital role in Alaskan life and for their good citizenship.

Therefore, as Governor of Alaska, I, William A. Egan, proclaim the week of June 27–30, 1972, to be Alaskan Command Silver Anniversary Week in Alaska and urge all Alaskans to give deserving thanks and recognition to the Alaskan Command for their outstanding quarter century of service to our Nation and our State, and to extend commendation for a job well done to protect the interests of all Americans.

Dated this 22nd of June, 1972.

WILLIAM A. EAGAN,
Governor.

SOVIETS SHOW RESPECT FOR SALT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. HARRINGTON. Mr. Speaker, the results of the President's historic trip to the Soviet Union deserve great praise. I have on many occasions expressed my belief that the SALT agreements mark a critical breakthrough in this country's foreign relations. A major step was taken at the summit meeting in Moscow and it would be a very sad thing indeed if something were in any way to retard the progress made at the talks. It is my feeling that appropriating the $110 million requested by Secretary of Defense Laird to build up strategic arms not limited by the agreement would have just that injurious effect.

I therefore on June 27 proposed to amend the military procurement authorization in order to delete those funds. Despite the amendment's defeat, I still feel very strongly that it would be a mistake for America to follow Secretary Laird's plan, thereby showing an onlooking world that we have no faith in the agreements reached with the Soviet Union. We must demonstrate our trust and confidence in the arms limitation accords, as they have done by suspending tests of the SS–9.

I include in the RECORD an article by George C. Wilson which appeared in the Washington Post on July 6, 1972 dealing with the Soviets' halting of the tests. I hope, by inserting the article, to keep my distinguished colleagues in Congress aware of the good faith demonstrated by the Soviet Union and would also hope that they can exercise that same good faith by deleting the additional $110 million to the Defense Department.

SOVIETS HALT BIG-MISSILE TESTS, APPARENTLY BECAUSE OF SALT

(By George C. Wilson)

The Soviet Union, in an apparent attempt to display restraint to the United States, has suspended space maneuvers with its fearsome SS–9 Scarp rocket.

Washington specialists link the suspension with the strategic arms limitation talks (SALT). Some of the SS–9 exercises in space last year and earlier appeared to be tests of a system for blinding American observation satellites that look down on the Soviet Union.

Under the SALT agreement recently negotiated, neither side is to interfere with methods of verifying how much weaponry the other is deploying. Spy satellites like the American Samos (Satellite and missile observation systems), are such a method.

Also, under an earlier agreement made through the United Nations, the United States and the Soviet Union announce the general characteristics of the vehicles they shoot up into space. Both sides also watch this space traffic with radars on the ground.

The international space log shows that the Soviet Union has desisted from SS–9 maneuvers in space so far this year, in contrast to earlier years.

Last year, for example, the SS–9 went into space maneuvers on six different occasions. Three of those shots appeared to be tests of a system to inspect and, on command, destroy foreign observation satellites.

Specifically, on Feb. 25, April 4 and Dec. 3 Soviet rocket troops sent SS–9s whooshing out of the space port at Tyuratam on satellite inspection drills. The launches were logged as Cosmos 397, 404 and 462. The Soviets did not detail the missions but Western space specialists interpreted them as satellite intercepts.

The SS–9 was flown a fourth time in 1971 in what appeared to be another test of its space bomb system—the so-called FOBS, for fractional orbital bombardment system.

Some Western space experts believe that launch was merely a drill for Red rocket troops, not a further refinement of FOBS. The SS-9 was launched Aug. 8 and labeled Cosmos 433 by the Soviets.

The FOBS would fly out low from the Soviet Union launch pad and go nearly around the world to hit the United States from the south, eluding the radars guarding our northern approaches.

Since the United States has not flight-tested any space systems comparable to the Soviets' satellite intercept or FOBS vehicles, the Russians might have reasoned it would have been impolitics of them to stage maneuvers this year when the SALT agreement appeared in reach.

While Pentagon civilians, including former Air Force Secretary Harold Brown have argued that the FOBS space bomb technique does not make enough sense technically for the United States to pursue, there is still considerable uneasiness in the Air Force about the lack of a system for inspecting satellites.

Within the last few weeks, several U.S. aerospace firms at the Air Force's request prepared new proposals for satellite inspection vehicles which could maneuver close enough to another nation's observation satellite to knock it out of commission with a non-nuclear explosive.

If the SALT treaty holds, no such systems would be deployed by either side. Article XII states that "each party undertakes not to interfere with the nations technical means of verification of the other party. . ."

However, research and development—including flight tests—seem to be allowed by the treaty as long as the vehicle does not have the ability to knock down missiles.

OPPOSITION TO ATLANTIC UNION

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. PEYSER. Mr. Speaker, I am delighted to see that the Yonkers City Council recently passed a resolution joining Congressman Biaggi and myself in our opposition to the Atlantic Union. I think that this resolution will be of interest to the Members of the House and for this reason I am entering it in the Record at this point:

Resolution No. 216—1972

(By Miscellaneous Affairs Committee: Councilman Coppola, Chairman, Councilmen Cola and Iannacone and Councilman O'Rourke)

Whereas, H.R. 900 and S.R. 217, also known as the "Atlantic Union" Resolutions, are presently before the Congress of the United States, and

Whereas, the intent and implementation of said Resolutions will adversely effect the present status of citizenship in the United States and the State of New York, and

Whereas, there has never been a referendum in the State of New York to determine whether there is any real support of these Resolutions, and

Whereas, our elected representatives in the House of Representatives, Congressman Mario Biaggi and Congressman Peter Peyser have both effectively voiced their opposition to these Resolutions, now, therefore,

Be it resolved, that this Council, representing the people of the City of Yonkers, does now declare itself in opposition to H.R. 900 and S.R. 217, and be it

Further resolved, that this Council supports Congressman Mario Biaggi and Congressman Peter Peyser in their opposition to these Resolutions and commends them for their stand.

PROBLEMS OF SMALL TOWN MAYORS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. MONTGOMERY. Mr. Speaker, recently one of the most conscientious mayors in my district, the Honorable Ed Ogletree of Union, had an opportunity to speak before a rural gathering which included Under Secretary of Agriculture William Erwin. He pointed out the many problems which face a city administration in a rural community. I think one of the most important points he made was the fact that there is such a proliferation of Federal programs that it is difficult to determine how to apply for Federal assistance programs. I join with Mayor Ogletree in calling for a consolidation of Federal assistance and commend his remarks to my colleagues:

Remarks of the Honorable Ed Ogletree

I am Ed Ogletree, Mayor, Union, Mississippi (Population—1,856).

I have been assigned the impossible task of speaking for five minutes on "Problems in Rural Towns", but we'll give it a try.

Our most pressing problem is job opportunities for our young people. We educate them, and then they have to leave our town, and frequently our area and State, to find employment in urban areas. We have two industries in our town—one textile and one woodworking. We're very thankful for them; however, they pay near the minimum wage scale, and it is impossible for a young couple to buy a house and raise a family with this sort of income. Our per capita income is around $1,700 per year which is less than half the national average.

Our next most pressing problem is adequate housing. In the poverty areas, 92% of our housing is classified as dilapidated. In nonpoverty areas, 22% is dilapidated. We have at present practically a zero availability of rental housing.

Our next major problem is inadequate recreation facilities for all age groups. We have a lighted Little League baseball field. At present, we have around 45 young adults playing softball two nights a week at our Little League field. Home runs are quite frequent. Our theater closed a year ago, and there is no recreation in our town for our children.

Our next problem is in the area of community facilities. We need a new library as our present library is in one room of the City Hall and does not adequately serve our needs. We need recreational parks in our poverty areas. We need day care facilities for working mothers' children.

Jobs and housing would enable us to partially solve many of our problems as our tax base would improve, and we could use the increased revenue to better our community. It's sort of like the old question of which came first—the chicken or the egg. How can we attract industry unless we fix up our community? How can we improve our community unless we have people with jobs to build our revenue? There is no answer except aid from outside sources such as our State and Federal Governments to prime the pump and get us started.

I wish that I had thirty minutes to tell you why I had rather live in Union, Newton County, Mississippi, than any other place on earth. We have clean air and water, it's safe for our wives and children to walk our streets after dark, and people care about you when you're sick and attend funerals and offer their sympathy when someone dies.

We started three years ago to try to improve our town and comunity. We identified our problems with a 701 Comprehensive Plan financed by an 80% HUD grant. We passed a $400,000 bond issue last year which will provide sewer service to every use of town and a treatment plant which will keep our streams clean. This is being done with an EPA grant, an FHA loan, and possibly an ECA grant (if we can get a commitment from an industry). We are entering the Neighborhood Development Program with HUD.

PORTUGAL SETS THE RECORD STRAIGHT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. SCHMITZ. Mr. Speaker, it has become very apparent over the years that the United Nations often serves as a mouthpiece of the international Communist conspiracy. U.N. members which voted to expel Free China and seat the murderous regime of Mao Tse-tung have received U.S. aid to the tune of $79 billion. The latest insult from the ignominious body that is draining American tax dollars relates to the small and valiant nation of Portugal. It was Portugal and her overseas provinces which were accepted for membership in the U.N. Now the United Nations has taken it upon itself to sanction, without the sovereign consent to Portugal, an inspection of Portuguese Guinea by a U.N. team including representatives from Ecuador, Sweden, and Tunisia.

This "team" never set foot in Portuguese territory. Their alleged inspection took place while they were escorted through the neighboring and hostile nation of Guinea by representatives of its Maoist dictator, Sekou Toure, who on December 11, 1971, was a recipient of

$4,700,000 from the seemingly bottomless money bags of the U.S. State Department.

Portugal has seen fit to set the record straight on the U.N. "inspection" of its Guinean province in two articles, one from the April issue of Portugal, the other by Bruce Loudon in the London Daily Telegraph of May 2, 1972. The articles follow:

[From the London Daily Telegraph, May 2, 1972]

U.N. MISSION WITHOUT A PRECEDENT

(By Bruce Loudon)

By their own admission, they wore camouflage uniforms supplied by their Communist-backed guerrilla hosts. For seven days and seven nights, they say, they tramped through the mosquito-ridden and snake-infested areas of Portuguese Guinea under the firm "control" of the rebels—making "contact" with the local people, seeing the "programmes of reconstruction" being promoted by PAIGC—Party for the Independence of Guinea and Cape Verde—and the educational facilities it is developing.

This was a United Nations team of "special investigators" at work. In the camouflage knapsacks provided by PAIGC, team members carried insignia of the world body—presumably in case they should come across any Portuguese in those areas of "free" Guinea.

The three investigators were diplomats from Ecuador, Sweden and Tunisia. One, the leader, was of ambassadorial rank. They represent their countries in the United Nations Special Committee on Decolonisation. Their specific assignment was to go into Portuguese Guinea under the aegis of the guerrillas to see for themselves the degree of "control" which PAIGC says it has over three-quarters of the tiny territory—and to see for themselves the area which, they report, will soon be Africa's newest, independent State.

It was a strange mission, without precedent in the annals of the United Nations, for it was the result of a one-sided decision. The Portuguese were not consulted. And now comes news that similar investigating teams will be sent into "liberated" parts of Angola and Mozambique.

Portugal says that the mission was a violation of the United Nations charter and "illegal." After all, when Portugal was admitted to the United Nations, the constitution formally recognised by the world body included metropolitan Portugal and her overseas possessions. By sending the investigators to "free" Guinea without so much as a reference to Portugal, the United Nations was violating the recognised sovereignty of a member-State.

Be that as it may, the mission went ahead. And it is worth considering the result, for the report of the three uninvited diplomats will doubtless become something of a *cause celebre* for propagandists anxious to prove the Portuguese are on their knees in the tiniest and most exposed of their African territories. Much has already been said by PAIGC about what it "controls" and the initial report of the special investigators backs all this—on the surface.

However, the account of the investigators' seven days and seven nights in "free" Portuguese Guinea is vague. There may be more later. But one glaring omission right at the start is that the investigators fail to say that where they went after they crossed the frontier "clandestinely" from the neighbouring Republic of Guinea.

It may be argued that the investigators do not want to name villages they visited in "liberated" areas for fear of Portuguese bombing reprisals. However, fear of reprisals has never shown itself in the PAIGC before.

The very vagueness of the initial account of the investigators' adventures lead to other doubts. They speak of going everywhere secretly and on foot—a "secrecy" which is surprising in view of the "control" they say is exercised by their rebel hosts. And always on foot?? If PAIGC "controls" three quarters of Portuguese Guinea, surely it could have produced a bicycle or a horse, or something, to carry their VIP guests? What about details of the educational and reconstruction work they saw?

Perhaps there is a clue to all this in the seven-day beards the investigators say they had when they re-emerged in the safety of Sekou Toure's Guinea. It is surely reasonable to suppose that if such strides were being made in "free" Portuguese Guinea that PAIGC would have been able to provide the simple facilities needed for the diplomats to wash and shave.

There must, therefore, be grave suspicion about the accuracy of the conclusions reached by the three, although they will doubtless be accepted by the United Nations. This is not to say that there has been malfeasance on the part of the three hardworking diplomats, for the oldest of Africa hands know only too well how difficult it is to define frontiers. As the Lisbon Diario de Noticias has pointed out, "straw huts look the same on either side of the frontier."

The Portuguese Government has said it believes the three spent most of their seven days and seven nights "heroically" foot-slogging around the frontier areas within the neighbouring Republic of Guinea—blissfully believing they had been taken by the PAIGC into "free" Portuguese Guinea. Certainly, there was no sign of them having crossed the frontier, although much of Portugal's 30,000-man army in Guinea was deployed in the area during the reported visit, the Portuguese air force flew constant reconnaissances over the area, and Gen. Antonio Spinola, Governor and Commander-in-Chief, himself bivouacked in the frontier area to take immediate decisions in the event of the three being found.

Yet the conclusions of this mission will doubtless become United Nations lore and a major factor in the belief that Africa's "newest, independent State" is about to be born and the Portuguese hightailing it for home. The Scandinavian and Communist countries will distribute more of their largesse to the soon-to-be-victorious PAIGC.

"The world cannot possibly believe such lies," one high-ranking Portugese official said when he read, the first account of the mission's activities. Sad to say, the world probably will.

[From the Portugal magazine, April 1972]

UN's "ALICE IN WONDERLAND" COMMITTEE WAS NEVER INSIDE PORTUGUESE GUINEA WITH PAIGC

The Portuguese Government has challenged a United Nations team of investigators to say precisely where it went in liberated areas of Portuguese Guinea.

This was announced in Lisbon after the three-man team, consisting of representatives from Ecuador, Sweden and Tunisia, reported it had been into liberated Portuguese Guinea in the company of terrorists of the Communist-backed African Party for the Independence of Guinea and Cape Verde (PAIGC).

A Government Note issued in Lisbon and distributed at the UN said Portugal was sure the three never entered Portuguese Guinea and that they were misled by their terrorist hosts into believing they were in Portuguese territory while, in fact, they were in the territory of the neighbouring Republic of Guinea (Conakry).

BACKING

Powerful backing for this assertion was contained in a UN press release issued after the three, all diplomats and named as Ambassador Horacio Sevilha-Borja, of Ecuador, Folke Loftren, of Sweden, and Kamel Belkhiria, of Tunisia, emerged from what they claimed were seven days and seven nights spent inside Portuguese Guinea making contact with the people, inspecting reconstruction work being undertaken by the PAIGC, and observing educational and administrative services within the liberated areas.

Two points, in particular, were taken up by commentators in Lisbon:

(1). The failure of the UN team to say precisely where it went in Portuguese Guinea—the failure to name names. This is a glaring omission, for though the investigators may say they wish to protect villages they visited against identification, this does not appear to be a valid answer.

In the past the PAIGC has frequently claimed it escorted foreigners, including journalists, into areas they say they control. They have never before placed any restriction on naming names. Usually, correspondents have emerged with reports date-lined some or other village in liberated Portuguese Guinea, though these have generally been false. Fear of reaction from the Portuguese has never before shown itself in the PAIGC's slick drive for propaganda advantage. It must be assumed, too, that the UN team was not anxious to name names and then find Lisbon taking independent witnesses there to put their assertions to the test.

(2). A giveaway line in the team's initial report was about the seven-day beards its members say they had when they emerged back to the safety of Sekou Touré's Guinea: it is surely legitimate to suppose that with so much administration going on in liberated Portuguese Guinea, the PAIGC would have been able to provide the simplest facilities needed for the VIP visitors to wish and shave?

VAGUE

Moreover, the very vagueness of the initial account of their adventures leads to other doubts about its authenticity: the three speak of going everywhere secretly and on foot—a secrecy which is surprising in view of the control they say is exercised by their terrorist hosts. And always on foot? If, as it says it does, the PAIGC controls three-quarters of Portuguese Guinea, surely they could have produced a bicycle or a horse or something to carry their eminent guests from New York.

PATROLS

Coinciding with the Lisbon Note, Gen. António Spínola, Governor and Commander-in-Chief of Portuguese Guinea, told correspondents in Bissau that he saw no way in which the much-publicised team could have crossed into Portuguese territory.

He personally bivouacked on the frontier during the duration of the alleged visit and had his men on permanent patrol duty while he overflew the area constantly in a helicopter. He says he sincerely believes that had there been any penetration across the frontier it would have been spotted.

UNIQUE

The investigation was, of course, unique in UN history. It was undertaken in contravention of the UN Charter, and in flagrant violation of Portugal's legitimate sovereignty recognized by the world body when Lisbon was admitted to membership. The whole mission was, in the words of one Lisbon commentator, eminently illegal.

More than that, it was a new form of debasement of the UN which could have far greater long-term effects on the world body than it does on Portuguese Guinea: these were three prominent members of the notorious Committee of 24 (the Decolonization Committee) toadying to a terrorist movement well-known for its indiscriminate murder of innocent civilians.

Moreover, these were UN officials dressed in the camouflage uniforms provided for them by the PAIGC—operating under the protection of a terrorist body in defiance of the integrity of a UN member. Where will this stop? a UN mission with the IRA terrorists, perhaps?

FARCE

All in all, the mission was a farce which did more harm to the reputation of the UN than anything else. After all, as the Lisbon *Diário de Notícias* pointed out, straw huts look the same on either side of the frontier. Even the least experienced of Africa hands knows that.

The final idiocy was, however, yet to come: when the three got back to Conakry from their wanderings, there awaited them a special meeting of the full Decolonization Committee.

After deliberating the report of what the three say they found during what they say was a visit to Portuguese Guinea covering seven days and seven nights, the committee decided to recognize the PAIGC as the sole representative of the people of Portuguese Guinea.

In fact, of course, the committee has no power to recognize anything. It is no more than an advisory body to the UN General Assembly. With so many Alice-in-Wonderland aspects to the wanderings of the three in darkest Africa, however, such a move was hardly surprising.

News that the 22-member Committee, with a supporting staff of 54, would spend some £70,000 on their tour, a sum far exceeding their entire annual budget voted by the General Assembly, was, according to the Sunday Telegraph, greeted with shock and indignation by Western diplomats in New York.

What remains now is a response to the Portuguese Government's request for precise information about the trip.

PLIGHT OF THE AMERICAN FARMER

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. DICKINSON. Mr. Speaker, during the just-completed recess of the Congress for the Democrat Convention, a touching, thoughtful letter arrived in my office. It was from Mr. Edward E. White, Route 2, Newville, Ala., which is located in Henry County. The heart of the wiregrass area of Alabama.

Mr. White made some very cogent observations about the plight of the American farmer, Mr. Speaker, and he puts into print some of the frustrations of those who, by the sweat of their brows, labor long hours for low pay to produce food for the rest of us. I would like to share this correspondence with other Members of the House particularly our colleagues who represent strictly urban districts who are so quick to criticize the American farmer for the high price of products on our grocery store shelves:

NEWVILLE, ALA.,
June 27, 1972.

HON. WILLIAM L. DICKINSON,
House Office Building,
Washington, D.C.

DEAR MR. DICKINSON: I have just finished a very hard day's work and washed the sweat and dirt from my body; my muscles ache from throwing hay all day. I am sitting here too tired to move and wondering why I do this type of working and toil from before sunrise to after sunset. The pay is very unsure; when there is money, it is a meager amount when compared to the pay received by others who work much less both in time and quantity of work accomplished. For the first time in my lifetime I am able to realize a little profit from my cattle operation, but this will not last too long. President Nixon has lifted the import quota on meat in order to drive meat prices down. I hope he gets a few votes for doing this.

I would say that President Nixon's actions are in keeping with the attitude of most of urban America. Urban Americans want the highest wages and the most goods and services that they can have at a very cheap price. When urban people are buying cheap food, they should keep in mind that "cheap labor" is producing this cheap food. If it is a foreign product, especially meat, then some very cheap labor produced it. I guess it is human nature for people to want to live off the sweat and toil of others. It surely appears that way. What if all my farmer friends and I started buying foreign products exclusively? By doing this, we could put all those urban people who work in agricultural related jobs out of work. If we did this, they could not even afford cheap foreign meat. I don't guess this would work, because then they could start receiving food stamps; that would mean that I would have to help support them. It really tears me up for government and industry employees to always holler "gimme more" and then expect their food prices not to increase. Don't they realize that every time they get a raise that someone must provide this raise? When workers in a tractor factory get a raise, that means that I must pay more for my tractor. The only way that I am going to be able to pay more for that tractor is to become more efficient or get more for my goods. I can't work longer hours; there are not that many hours in a day.

Even if I am able to make a little money on my cattle and crops, taxes get the most of it one way or another. If I try to put my profit back into the land in the form of conservation practices or invest in new equipment to avoid excessive income tax and social security, the local property tax people will come out and reassess my property at a higher value. This is something that "bugs" me.

Why should other people profit from my long hours of sweat and toil? Government employees want more salary, nicer buildings, and more time for recreation. Those on welfare and social security want more and better of everything. I would like to have an air-conditioned cab on my tractor to ease the torture of the heat in the fields, but I can't because I have to pay taxes so that government employees can have air-conditioned offices and air-conditioned cars. I would like to have some machines to help me with my haywork, but I can't afford them. I must pay a high tax rate so that those in 235-houses can have electric dishwashers and other labor saving devices.

I can't quit this life, though. I can't leave the smell of a fresh dew on the grass, or the smell of fresh dug peanuts as they go over the shaker bars on a digger shaker. I can't leave the sound of quail whistling in the meadows and cows cropping grass in the pasture. I can't leave a love that only those who are close to the land can feel. I just hope that the greed of the people who want to get everything for nothing will not starve me to such a degree that I will be forced to stop providing the "cheap meat" and foods for the masses of Americans who take it all so very for granted.

Sincerely,

EDWARD E. WHITE.

SOCIALISM—ROYAL ROAD TO POWER FOR THE SUPER-RICH

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. SCHMITZ. Mr. Speaker, the following is the second chapter in Gary Allen's important book, "None Dare Call It Conspiracy," which I am presenting in serial fashion in the RECORD with a strong recommendation that—whatever your preconceived ideas about the conspiracy theory of history—you give its facts and arguments the most serious consideration.

Chapter 2 of "None Dare Call It Conspiracy," entitled, "Socialism—Royal Road to Power for the Super-Rich," follows:

CHAPTER 2—SOCIALISM—ROYAL ROAD TO POWER FOR THE SUPER-RICH

Everyone knows that Adolph Hitler existed. No one disputes that. The terror and destruction that this madman inflicted upon the world are universally recognized. Hitler came from a poor family which had absolutely no social position. He was a high school drop-out and nobody ever accused him of being cultured. Yet this man tried to conquer the world. During his early career he sat in a cold garret and poured onto paper his ambitions to rule the world. We know that.

Similarly, we know that a man named Vladimir Ilich Lenin also existed. Like Hitler, Lenin did not spring from a family of social lions. The son of a petty bureaucrat, Lenin, who spent most of his adult life in poverty, has been responsible for the deaths of tens of millions of your fellow human beings and the enslavement of nearly a billion more. Like Hitler, Lenin sat up nights in a dank garret scheming how he could conquer the world. We know that too.

Is it not theoretically possible that a billionaire could be sitting, not in a garret, but in a penthouse, in Manhattan, London or Paris and dream the same dream as Lenin and Hitler? You will have to admit it is theoretically possible. Julius Caesar, a wealthy aristocrat, did. And such a man might form an alliance of association with other like-minded men, might he not? Caesar did. These men would be superbly educated, command immense social prestige and be able to pool astonishing amounts of money to carry out their purposes. These are advantages that Hitler and Lenin did not have.

It is difficult for the average individual to fathom such perverted lust for power. The typical person, of whatever nationality, wants only to enjoy success in his job, to be able to afford a reasonably high standard of living complete with leisure and travel. He wants to provide for his family in sickness and in health and to give his children a sound education. His ambition stops there. He has no desire to exercise power over others, to conquer other lands or peoples, to be a king. He wants to mind his own business and enjoy life. Since he has no lust for power, it is difficult for him to imagine that there are others who have . . . others who march to a far different drum. But we must realize that there *have* been Hitlers and Lenins and Stalins and Caesars and Alexander the Greats throughout history. Why should we assume there are no such men today with perverted lusts for power? And if these men happen to be billionaires is it not possible that they would use men like Hitler and Lenin as pawns to seize power for themselves?

Indeed, difficult as this is to believe, such is the case. Like Columbus, we are faced with the task of convincing you that the world is not flat, as you have been led to believe all your life, but, instead, is round. We are going to present evidence that what you call "Communism" is not run from Moscow or Peking, but is an arm of a bigger conspiracy run from New York, London and Paris. The men at the apex of this movement are not Communists in the traditional sense of that term. They feel no loyalty to Moscow or Peking. They are loyal only to themselves and their undertaking. And these men certainly do not believe in the clap-trap pseudo-philosophy of Communism. They have no intention of dividing their wealth. Socialism is a philosophy which conspirators exploit, but in which only the naive believe. Just how finance capitalism is used as the anvil and Communism as the hammer to conquer the world will be explained in this book.

The concept that Communism is but an arm of a larger conspiracy has become increasingly apparent throughout the author's journalistic investigations. He has had the opportunity to interview privately four retired officers who spent their careers high in military intelligence. Much of what the author knows he learned from them. And the story is known to several thousand others. High military intelligence circles are well aware of this network. In addition, the author has interviewed six men who have spent considerable time as investigators for Congressional committees. In 1953, one of these men, Norman Dodd, headed the Reece Committee's investigation of tax-free foundations. When Mr. Dodd began delving into the role of international high finance in the world revolutionary movement, the investigation was killed on orders from the Eisenhower-occupied White House. According to Mr. Dodd, it is permissable to investigate the radical bomb throwers in the streets, but when you begin to trace their activities back to their origins in the "legitimate world," the political iron curtain slams down.

You can believe anything you want about Communism except that it is a conspiracy run by men from the respectable world. People will often say to an active anti-Communist: "I can understand your concern with Communism, but the idea that a Communist conspiracy is making great inroads in the United States is absurd. The American people are anti-Communist. They're not about to buy Communism. It's understandable to be concerned about Communism in Africa or Asia or South America with their tremendous poverty, ignorance and disease. But to be concerned about Communism in the United States where the vast majority of people have no sympathy with it whatsoever is a misspent concern."

On the face of it, that is a very logical and plausible argument. The American people are indeed anti-Communist. Suppose you were to lay this book down right now, pick up a clip board and head for the nearest shopping center to conduct a survey on Americans' attitudes about Communism. "Sir," you say to the first prospect you encounter, "we would like to know if you are for or against Communism?"

Most people would probably think you were putting them on. If we stick to our survey we would find that ninety-nine percent of the people are anti-Communist. We probably would be hard put to find anybody who would take an affirmative stand for Communism.

So, on the surface it appears that the charges made against anti-Communists concerned with the internal threat of Communism are valid. The American people are not pro-Communist. But before our imaginary interviewee walks away in disgust with what he believes is a hokey survey, you add: "Sir, before you leave there are a couple of other questions I would like to ask. You won't find these quite so insulting or ludicrous." Your next question is: "What is Communism? Will you define it, please?"

Immediately a whole new situation has developed. Rather than the near unanimity previously found, we now have an incredible diversity of ideas. There are a multitude of opinions on what Communism is. Some will say: "Oh, yes, Communism. Well that's a tyrannical brand of socialism." Others will maintain: "Communism as it was originally intended by Karl Marx was a good idea. But it has never been practiced and the Russians have loused it up." A more erudite type might proclaim: "Communism is simply a rebirth of Russian imperialism."

If perchance one of the men you ask to define Communism happened to be a political science professor from the local college, he might well reply: "'You can't ask 'what is Communism?' That is a a totally simplistic question about an extremely complex situation. Communism today, quite unlike the view held by the right wing extremists in America, is not an international monolithic movement. Rather, it is a polycentric, fragmented, nationalistic movement deriving its character through the charismas of its various national leaders. While, of course, there is the welding of Hegelian dialects with Feuerbachian materialism held in common by the Communist parties generally, it is a monumental oversimplification to ask 'what is Communism.' Instead you should ask: What is the Communism of Mao Tse-tung? What is the Communism of the late Ho Chi Minh, or Fidel Castro or Marshal Tito?"

If you think we are being facetious here, you haven't talked to a political science professor lately. For the above is the prevailing view on our campuses, not to mention in our State Department.

Whether you agree or disagree with any of these definitions, or, as may well be the case, you have one of your own, one thing is undeniable. No appreciable segment of the anti-Communist American public can agree on just what it is that they are against. Isn't that frightening? Here we have something that almost everybody agrees is bad, but we cannot agree on just what it is we are against.

How would this work in a football game, for example? Can you imagine how effective the defense of a football team would be if the front four could not agree with the linebackers who could not agree with the corner backs who could not agree with the safety men who could not agree with the assistant coaches who could not agree with the head coach as to what kind of defense they should put up against the offense being presented? The obvious result would be chaos. You could take a sand lot team and successfully pit them against the Green Bay Packers if the Packers couldn't agree on what it is they are opposing. That is academic. The first principle in any encounter, whether it be football or war (hot or cold), is: Know your enemy. The American people do not know their enemy. Consequently, it is not strange at all that for three decades we have been watching one country of the world after another fall behind the Communist curtain.

In keeping with the fact that almost everybody seems to have his own definition of Communism, we are going to give you ours, and then we will attempt to prove to you that it is the only valid one. Communism: An international, conspiratorial drive for power on the part of men in high places willing to use any means to bring about their desired aim—global conquest.

You will notice that we did not mention Marx, Engels, Lenin, Trotsky, bourgeois, proletariat or dialectical materialism. We said nothing of the pseudo-economics or political philosophy of the Communists. These are the techniques of Communism and should not be confused with the Communist conspiracy itself. We did call it an international conspiratorial drive for power. Unless we understand the conspiratorial nature of Communism, we don't understand it at all. We will be eternally fixated at the Gus Hall level of Communism. And that's not where it's at, baby!

The way to bring down the wrath of the Liberal press Establishment or the professional Liberals is simply to use the word *conspiracy* in relation to Communism. We are not supposed to believe that Communism is a political conspiracy. We can believe anything else we wish to about it. We can believe that is a brutal, tyranical, evil or even that it intends to bury us, and we will win the plaudits of the vast majority of American people. But don't ever, ever use the word *conspiracy* if you expect applause, for that is when the wrath of Liberaldom will be unleashed against you. We are not disallowed from believing in *all* types of conspiracy, just modern political conspiracy.

We know that down through the annals of history small groups of men have existed who have conspired to bring the reins of power into their hands. History books are full of their schemes. Even *Life* magazine believes in conspiracies like the Cosa Nostra where men conspire to make money through crime. You may recall that *Life* did a series of articles on the testimony of Joseph Valachi before the McClellan Committee several years ago. There are some aspects of those relevations which are worth noting.

Most of us did not know the organization was called Cosa Nostra. Until Valachi "sang" we all thought it named the Mafia. That is how little we knew about this group, despite the fact that it was a century old and had been operating in many countries with a self-perpetuating clique of leaders. We didn't even know it by its proper name. Is it not possible a political conspiracy might exist, waiting for a Joseph Valachi to testify? Is Dr. Carroll Quigley the Joseph Valachi of political conspiracies?

We see that everybody, even *Life* magazine, believes in some sort of conspiracy. The question is: Which is the more lethal form of conspiracy—criminal or political? And what is the difference between a member of the Cosa Nostra and a Communist, or more properly, an *Insider* conspirator? Men like Lucky Luciano who have scratched and clawed to the top of the heap in organized crime must, of necessity, be diabolically brilliant, cunning and absolutely ruthless. But, almost without exception, the men in the hierarchy of organized crime have had no formal education. They were born into poverty and learned their trade in the back alleys of Naples, New York or Chicago.

Now suppose someone with this same amoral grasping personality were born into a patrician family of great wealth and was educated at the best prep schools, then Harvard, Yale or Princeton, followed by graduate work possibly at Oxford. In these institutions he would become totally familiar with history, economics, psychology, sociology and political science. After having graduated from such illustrious establishments of higher learning, are we likely to find him out on the streets peddling fifty cent tickets to a numbers game? Would you find him pushing marijuana to high schoolers or running a string of houses of prostitution? Would he be getting involved in gangland killings? Not at all. For with that sort of education, this person would realize that if one wants power, real power, the lessons of history say, "Get into the government business." Become a politician and work for political power or, better yet, get some politicians to front for you. That is where the real power—and the real money—is.

Conspiracy to seize the power of government is as old as government itself. We can study the conspiracies surrounding Alcibiades in Greece or Julius Caesar in ancient Rome, but we are not supposed to think that men today scheme to achieve political power.

Every conspirator has two things in common with every other conspirator. He must be an accomplished liar and a far-seeing planner. Whether you are studying Hitler, Alcibiades, Julius Caesar or some of our contemporary conspirators, you will find that their patient planning is almost overwhelming. We repeat FDR's statement: "In politics, nothing happens by accident. If it happens, you can bet it was planned that way.

In reality, Communism is a tyranny planned by power seekers whose most effective weapon is the big lie. And if one takes all the lies of Communism and boils them down, you will find they distill into two major lies out of which all others spring. They are: (1) Communism is inevitable, and (2) Communism is a movement of the downtrodden masses rising up against exploiting bosses.

Let us go back to our imaginary survey and analyze our first big lie of Communism—that it is inevitable. You will recall that we asked our interviewee if he was for or against Communism and then we asked him to define it. Now we are going to ask him: "Sir, do you think Communism is inevitable in America?" And in almost every case the response will be something like this: "Oh, well, no. I don't think so. You know how Americans are. We are a little slow sometimes in reacting to danger. You remember Pearl Harbor. But the American people would never sit still for Communism."

Next we ask: "Well then, do you think socialism is inevitable in America?" The answer, in almost every case will be similar to this: "I'm no socialist, you understand, but I see what is going on in this country. Yeah, I'd have to say that socialism is inevitable."

Then we ask our interviewee: "Since you say you are not a socialist but you feel the country is being socialized, why don't you do something about it?" His response will run: "I'm only one person. Besides it's inevitable. You can't fight city hall, heh, heh, heh."

Don't you know that the boys down at city hall are doing everything they can to convince you of that? How effectively can you oppose anything if you feel your opposition is futile? Giving your opponent the idea that defending himself is futile is as old as warfare itself. In about 500 B. C. the Chinese war lord-philosopher Sun Tsu stated, "Supreme excellence in warfare lies in the destruction of your enemy's will to resist in advance of perceptible hostilities." We call it "psy war" or psychological warfare today. In poker, it is called "running a good bluff." The principle is the same.

Thus we have the American people: anti-Communist, but unable to define it and anti-socialist, but thinking it is inevitable. How did Marx view Communism? How important is "the inevitability of Communism" to the Communists? What do the Communists want you to believe is inevitable—Communism or socialism? If you study Marx' *Communist Manifesto* you will find that in essence Marx said the proletarian revolution would establish the Socialist dictatorship of the proletariat. To achieve the Socialist dictatorship of the proletariat, three things would have to be accomplished: (1) The elimination of all right to private property; (2) This dissolution of the family unit; and (3) Destruction of what Marx referred to as the "opiate of the people," religion.

Marx went on to state that when the dictatorship of the proletariat had accomplished these three things throughout the world, and after some undetermined length of time (as you can imagine, he was very vague on this point), the all powerful state would miraculously wither away and state socialism would give way to Communism. You wouldn't need any government at all. Everything would be peace, sweetness and light and everybody would live happily ever after. But first, all Communists must work to establish Socialism.

Can't you just see Karl Marx really believing that an omnipotent state would wither away? Or can you imagine that a Josef Stalin (or any other man with the cunning and ruthlessness necessary to rise to the top of the heap in an all-powerful dictatorship) would voluntarily dismantle the power he had built by fear and terror?*

Socialism would be the bait . . . the excuse to establish the dictatorship. Since dictatorship is hard to sell in idealistic terms, the idea had to be added that the dictatorship was just a temporary necessity and would soon dissolve of its own accord. You really have to be naive to swallow that, but millions do!

The drive to establish Socialism, not Communism, is at the core of everything the Communists and the *Insiders* do. Marx and all of his successors in the Communist movement have ordered their followers to work on building Socialism. If you go to hear an official Communist speaker, he never mentions Communism. He will speak only of the struggle to complete the socialization of America. If you go to a Communist bookstore you will find that all of their literature pushes this theme. It does *not* call for the establishment of Communism, but Socialism.

And many members of the Establishment push this same theme. The September 1970 issue of *New York* magazine contains an article by Harvard Professor John Kenneth Galbraith, himself a professed socialist, entitled "Richard Nixon and the Great Socialist Revival." In describing what he calls the "Nixon Game Plan," Galbraith states:

"Mr. Nixon is probably not a great reader of Marx, but [his advisors] Drs. Burns, Shultz and McCracken are excellent scholars who know him well and could have brought the President abreast and it is beyond denying that the crisis that aided the rush into socialism was engineered by the Administration. . . ."

Dr. Galbraith began his article by stating:

"Certainly the least predicted development under the Nixon Administration was this great new thrust to socialism. One encounters people who still aren't aware of it. Others must be rubbing their eyes, for certainly the portents seemed all to the contrary. As an opponent of socialism, Mr. Nixon seemed steadfast. . . ."

Galbraith then proceeds to list the giant steps toward socialism taken by the Nixon Administration. The conclusion one draws from the article is that socialism, whether it be from the Democrat or Republican Parties, is inevitable. Fellow Harvard socialist Dr. Arthur Schlesinger has said much the same thing:

"The chief liberal gains in the past generally remain on the statute books when the conservatives recover power . . . liberalism grows constantly more liberal, and by the same token, conservatism grows constantly less conservative. . . ."

Many extremely patriotic individuals have innocently fallen for the conspiracy's line. Walter Trohan, columnist emeritus for the *Chicago Tribune* and one of America's outstanding political commentators, has accurately noted:

"It is a known fact that the policies of the government today, whether Republican or Democratic, are closer to the 1932 platform of the Communist Party than they are to either of their own party platforms in that critical year. More than 100 years ago, in 1848 to be exact, Karl Marx promulgated his program for the socialized state in the Communist Manifesto. . . ."

And Mr. Trohan has also been led to believe that the trend is inevitable:

"Conservatives should be realistic enough to recognize that this country is going deeper into socialism and will see expansion of federal power, whether Republicans or Democrats are in power. The only comfort they may have is that the pace will be slower under Richard M. Nixon than it might have been under Hubert H. Humphrey . . .

Conservatives are going to have to recognize that the Nixon Administration will embrace most of the socialism of the Democratic administrations, while professing to improve it. . . ."

The Establishment promotes the idea of the inevitability of Communism through its perversion of terms used in describing the political spectrum. (See Chart 1) We are told that on the far Left of the political spectrum we find Communism, which is admittedly dictatorial. But, we are also told that equally to be feared is the opposite of the far Left, i.e., the far Right, which is labeled Fascism. We are constantly told that we should all try to stay in the middle of the road, which is termed democracy, but by which the Establishment means Fabian (or creeping) socialism. (The fact that the middle of the road has been moving inexorably leftward for forty years is ignored.) Here is an excellent example of the use of false alternatives. We are given the choice between Communism (*international* socialism) on one end of the spectrum, Naziism (*national* socialism) on the other end, or Fabian socialism in the middle. The whole spectrum is socialist.

This is absurd. Where would you put an anarchist on this spectrum? Where do you put a person who believes in a Constitutional Republic and the free enterprise system? He is not represented here, yet this spectrum is used for political definitions by a probable ninety percent of the people of the nation.

There is an accurate political spectrum. Communism is, by definition, total government. If you have total government it makes little difference whether you call it Communism, Fascism, Socialism, Caesarism or Pharaohism. It's all pretty much the same from the standpoint of the people who must live and suffer under it. If total government (by any of its pseudonyms) stands on the far Left, then by logic the far Right should represent anarchy, or no government.

Our Founding Fathers revolted against the near-total government of the English monarchy. But they knew that having no government at all would lead to chaos. So they set up a Constitutional Republic with a very limited government. They knew that men prospered in freedom. Although the free enterprise system is not mentioned specifically in the Constitution, it is the only one which can exist under a Constitutional Republic. All collectivist systems require power in government which the Constitution did not grant. Our Founding Fathers had no intention of allowing the government to become an instrument to steal the fruit of one man's labor and give it to another who

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(*Karl Marx was hired by a mysterious group who called themselves the League of Just Men to write the *Communist Manifesto* as demogogic boob-bait to appeal to the mob. In actual fact that *Communist Manifesto* was in circulation for many years before Marx' name was widely enough recognized to establish his authorship for this revolutionary handbook. All Karl Marx really did was to update and codify the very same revolutionary plans and principles set down seventy years earlier by Adam Weishaupt, the founder of the Order of Illuminati in Bavaria. And, it is widely acknowledged by serious scholars of this subject that the League of Just Men was simply an extension of the Illuminati which was forced to go deep underground after it was exposed by a raid in 1786 conducted by the Bavarian authorities.)

had not earned it. Our government was to be one of severely limited powers. Thomas Jefferson said: "In questions of power then let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution." Jefferson knew that if the government were not enslaved, people soon would be.

It was Jefferson's view that government governs best which governs least. Our forefathers established this country with the very least possible amount of government. Although they lived in an age before automobiles, electric lights and television, they understood human nature and its relation to political systems far better than do most Americans today. Times change, technology changes, but principles are eternal. Primarily, government was to provide for national defense and to establish a court system. But we have burst the chains that Jefferson spoke of and for many years now we have been moving leftward across the political spectrum toward collectivist total government. Every proposal by our political leaders (including some which are supposed to have the very opposite effect, such as Nixon's revenue sharing proposal) carries us further leftward to centralized government. This is not because socialism is inevitable. It is no more inevitable than Pharaohism. It is largely the result of clever planning and patient gradualism.

Since all Communists and their *Insider* bosses are waging a constant struggle for Socialism, let us define that term. Socialism is usually defined as government ownership and/or control over the basic means of production and distribution of goods and services. When analyzed this means government control over everything, including you. All controls are "people" controls. If the government controls these areas it can eventually do just exactly as Marx set out to do—destroy the right to private property, eliminate the family and wipe out religion.

We are being socialized in America and everybody knows it. If we had a chance to sit down and have a cup of coffee with the man in the street that we have been interviewing, he might say: "You know, the one thing I can never figure out is why all these very, very wealthy people like the Kennedys, and Fords, the Rockefellers and others are for socialism. Why are the super-rich for socialism? Don't they have the most to lose? I take a look at my bank account and compare it with Nelson Rockefeller's and it seems funny that I'm against socialism and he's out promoting it." Or is it funny? In reality, there is a vast difference between what the promoters define as socialism and what it is in actual practice. The idea that socialism is a share-the-wealth program is strictly a confidence game to get the people to surrender their freedom to an all-powerful collectivist government. While the *Insiders* tell us we are building a paradise on earth, we are actually constructing a jail for ourselves.

Doesn't it strike you as strange that some of the individuals pushing hardest for socialism have their own personal wealth protected in family trusts and tax-free foundations? Men like Rockefeller, Ford and Kennedy are for every socialist program known to man which will increase your taxes. Yet they pay little, if anything, in taxes themselves. An article published by the North American Newspaper Alliance in August of 1967 tells how the Rockefellers pay practically no income taxes despite their vast wealth. The article reveals that one of the Rockefellers paid the grand total of $685 personal income tax during a recent year. The Kennedys have their Chicago Merchandise Mart, their mansions, yachts, planes, etc., all owned by their myriads of family foundations and trusts. Taxes are for peons! Yet hypocrites like Rockefeller, Ford and Kennedy pose as great champions of the "downtrodden." If they were really concerned about the poor, rather than using socialism as a means of achieving personal political power, they would divest themselves of their own fortunes. There is no law which prevents them from giving away their own fortunes to the poverty stricken. Shouldn't these men set an example? And practice what they preach? If they advocate sharing the wealth, shouldn't they start with their own instead of that of the middle class which pays almost all the taxes? Why don't Nelson Rockefeller and Henry Ford II give away all their wealth, retaining only enough to place themselves at the national average? Can't you imagine Teddy Kennedy giving up his mansion, airplane and yacht and moving into a $25,000 home with a $20,000 mortgage like the rest of us?

We are usually told that this clique of super-rich are socialists because they have a guilt complex over wealth they inherited and did not earn. Again, they could relieve these supposed guilt complexes simply by divesting themselves of their unearned wealth. There are doubtless many wealthy do-gooders who have been given a guilt complex by their college professors, but that doesn't expain the actions of *Insiders* like the Rockefellers, Fords or Kennedys. All their actions betray them as power seekers.

But the Kennedys, Rockefellers and their super-rich confederates are not being hypocrites in advocating socialism. It appears to be a contradiction for the super-rich to work for socialism and the destruction of free enterprise. In reality it is not.

Our problem is that most of us believe socialism is what the socialists want us to believe it is—a share-the-wealth program. That is the theory. But is that how it works? Let us examine the only Socialist countries—according to the Socialist definition of the word—extant in the world today. These are the Communist countries. The Communists themselves refer to these as Socialist countries, as in the Union of Soviet Socialist Republics. Here in the reality of socialism you have a tiny oligarchial clique at the top, usually numbering no more than three percent of the total population, controlling the total wealth, total production and the very lives of the other ninety-seven percent. Certainly even the most naive observe that Mr. Brezhnev doesn't live like one of the poor peasants out on the great Russian steppes. But, according to socialist theory, he is supposed to do just that!

If one understands that socialism is not a share-the-wealth program, but is in reality a method to *consolidate* and *control* the wealth, then the seeming paradox of super-rich men promoting socialism becomes no paradox at all. Instead it becomes the logical, even the perfect tool of power-seeking megalomaniacs. Communism, or more accurately socialism, is not a movement of the downtrodden masses, but of the economic elite. The plan of the conspirator *Insiders* then is to socialize the United States, not to Communize it.

How is this to be accomplished? Chart 3 shows the structure of our government as established by our Founding Fathers. The Constitution fractionalized and subdivided governmental power in every way possible. The Founding Fathers believed that each branch of the government, whether at the federal, state or local level, would be jealous of its powers and would never surrender them to centralized control. Also, many phases of our lives (such as charity and education) were put totally, or almost totally, out of the grasp of politicans. *Under this system you could not have a dictatorship.* No segment of government could possibly amass enough power to form a dictatorship. In order to have a dictatorship one must have a single branch holding most of the reins of power. Once you have this, a dictatorship is inevitable.

TELEPHONE PRIVACY—XXIV

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the telephone privacy bill with 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 22d sampling of these letters into the Record, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

VILLA PARK, ILL.,
July 14, 1972.

Re bill H.R. 14884.

U.S. Representative LES ASPIN,
House Office Building,
Washington, D.C.

DEAR MR. ASPIN: Regarding the above Bill, I would like you to know that I am very much in agreement with it and what it would do for us people that hate to answer the phone and interrupt an otherwise peaceful dinner.

Since my husband and I work all day, dinnertime is an especially important one to us for we talk of all the things that happened during the day and about our work. We like to enjoy this time by ourselves and not be bothered by all the "phone peddlers" that constantly call and irritate us. Not only do we receive phone calls for land, but also for subscriptions, charities and the most obnoxious caller was that of a florist nearby. When my picture and name was in the paper for the announcement of my marriage, this florist and many more called and hounded me day after day and night after night in regard to using their services for my wedding. One in particular even lied saying one of my friends had given my name and therefore, I won some flowers for my wedding. Needless to say, it was a very annoying and tactless way of getting business and these calls from this florist went on and on and on until I finally lost my patience.

I read about this bill in the Chicago Tribune Action Line column. They mentioned that a possible solution to this problem is that if the bill is adopted, a person could contact Ill. Bell and tell them you don't want to be bothered by solicitors and that then there might be a list your name would go on or they would put an asterisk beside your name in the phone book. I think both ideas are good ones and I am sure that a lot of other people feel this way as all my friends have the same feelings on this matter as I do.

I am hopeful that I will know if such a bill is adopted. If there is any information as to when the bill is put forth for adoption, or any information on the outcome of it, I would greatly like to have it.

Thank you for taking the time to read this and I sincerely hope that the public is kept aware of what will happen with this Bill.

Sincerely,

——— ———.

WADSWORTH, OHIO,
July 13, 1972.

Re telephone privacy bill, Les Aspin, Member of Congress

Representative HARLEY O. STAGGERS,
Chairman, House Commerce Committee, Rayburn Building, Washington, D.C.

DEAR MR. STAGGERS: I am writing to you in regard to a matter of deep concern to myself and other Americans. It is simply this—in a society becoming more complex each passing day, I find myself increasingly the prey of others through the device of the telephone. I resent being treated without courtesy and dignity, and merely considered to be a "consumer" without any cognizance of the individual I really am.

You are aware that a concern of this country is the fostering of a healthy commercial climate. In the words of Calvin Coolidge, "The business of this country is business." HOWEVER, I will not be treated with contempt, nor can I stand by and allow my friends and neighbors to be so treated also. Something must be done to protect the sanctity of the home from the obnoxious, frequent and repetitive phone calls to the homes of our citizens from "business persons" too lazy to employ other more acceptable means of selling their wares and products.

It is a real shame of this country that our state lawmakers are not more responsive to their real constituents, the people. I had attempted to have a bill similar to that of Mr. Aspin's introduced into the Ohio legislature, but was treated disgracefully. It is deplorable that Congress must fill the vaccum our lobby-ridden statehouses create.

I strongly urge you to hold hearings on this Bill as soon as possible, and your efforts to ensure its passage.

Respectfully,

——— ———.

CHICAGO, ILL., *July 15, 1972.*

U.S. Representative LES ASPIN,
House Office Building, Washington, D.C.:

Strongly support and urge passage of bill H.R. 14884.

——— ———.

BROOKFIELD, ILL.

HOLLYWOOD, FLA., *July 14, 1972.*

DEAR SIR: Enclosed is your article on which I'm commenting on. I certainly wish you luck in passing this bill. I want to tell you, my telephone is, "unlisted" and they manage to get through regardless!

This invasion is as bad as the TV commercials. I hope you win your fight.

Good luck!

Sincerely,

——— ———.

OAK PARK, ILL., *July 14, 1972.*

U.S. Representative LES ASPIN,
House Office Building, Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I am writing to show my support of bill H.R. 14884 regarding businesses calling unsolicited on the phone.

I hope very much that this bill is adopted as I feel a person has a telephone for his own use and that of his friends, and should not be disturbed at home by advertisers.

Sincerely,

——— ———.

LITHUANIAN INDEPENDENCE

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1972

Mr. MADDEN. Mr. Speaker, the citizens of the Calumet region of Indiana of Lithuanian descent, along with Lithuanians throughout the Nation, are to be commended for constantly keeping up the fight to have an independent and free government of Lithuania restored. The Soviet Communist Government has continued to inflict its tyranny, not only on Lithuania but other captive nations through central Europe.

As chairman of the special congressional committee to investigate the Katyn Forest Massacre in the 82d Congress, and also a member of the special committee to investigate Communist aggression in the 83d Congress, I am familiar with the barbaric Soviet tyranny inflicted on these captive nations. Both these congressional committees held hearings in this country and in Europe during the investigation made almost 20 years ago.

I wish to incorporate with my remarks a resolution adopted by the members of World Lithuanian Community, East Chicago, Ind., which was enacted in a mass meeting held July 11, 1972:

RESOLUTION

The members of World Lithuanian Community, East Chicago, Indiana chapter gathered at a mass meeting at 3903 Fir Street East Chicago, Indiana on June 11, 1972, during the commemeration of the brutal deportations by the Soviet secret police to slave labor camps in Siberia, adopted following resolution:

Whereas the sovereign and independent state of Lithuania was forcibly and illegaly seized in 1940 by the Soviet Union,

Whereas the Soviet Union secret police in June 1941 arrested and deported many thousands of Lithuanians from their native country to the slave labor camps in Siberia.

Whereas several thousand youths just recently battled police and Soviet soldiers after a young Roman Catholic, Romas Kalanta, publically burned himself to death "for political reasons" in the Lithuanian city of Kaunas,

Whereas last March over 17,000 Lithuanian-Catholics signed a bitterly-worded Petition to Communist Party leaders demanding an end to religious suppression and it went unheard until said petitions were sent to the U.N. Secretary-General, Kurt Waldheim,

Therefore, be it resolved to appeal to and request the President of the United States, Secretary-General of U.N. and Human Rights Commission in United Nations to insist on the restoration of sovereign rights, religious freedom and self-government to Lithuania and other Baltic States as a prerequisite for a lasting peace based on international justice.

Be it still further resolved to forward copies of this resolution to the Honorable Richard M. Nixon, President of the United States of America, to Honorable Kurt Waldheim, Secretary-General of the U.N., Human Rights Commission of United Nations, the Honorable Congressman Mr. Ray J. Madden from local district in Indiana and to the press.

VIKTORAS T. MAKIEJUS,
Chairman of the Meeting.

HOUSE OF REPRESENTATIVES—*Tuesday, July 18, 1972*

The House met at 12 o'clock noon.

Dr. Ernest Andrews, Zion's Reformed United Church of Christ, Allentown, Pa., offered the following prayer:

Eternal God, our Father, in whose service lies perfect freedom, we thank Thee for this "sweet land of liberty," our priceless heritage and habitation. In this veritable workshop of democracy, we ask Thy inspiration, guidance, and power for those privileged to labor here as representatives of a free people.

Enshrined in our hearts, as in our history, is the sublime, but partially fulfilled ideal symbolized by the Liberty Bell, "Proclaim liberty throughout all the land unto all the inhabitants thereof." May this day hold many opportunities to further that sacred mission. May no task seem trivial or routine, but rather a precious means of serving Thee and Thy people—and of helping to fashion a future closer to the perfection of Thy holy will.

In Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1997. An act for the relief of Joseph F. Sullivan;

H.R. 3751. An act for the relief of Albert W. Reiser, Jr.;

H.R. 5237. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967;

H.R. 6739. An act for the relief of Cpl. Michael T. Kent, U.S. Marine Corps Reserve;

H.R. 7829. An act for the relief of Stephen H. Clarkson; and

H.R. 15869. An act to extend for 90 days the time for commencing actions on behalf of an Indian tribe, band, or group.

DR. ERNEST F. ANDREWS, DISTINGUISHED ALLENTONIAN

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, today I am very proud to have one of my distinguished constituents, Dr. Ernest F. Andrews, pastor of Zion's Reformed Church in Allentown, Pa., as visiting chaplain. Dr. Andrews, a native of Allentown, has received numerous degrees, including his B.A. from Moravian College, his D.D. from Lancaster Theological Seminary, his M.A. from Bucknell University, and his S.T.D. from Temple University.

In addition to his educational achievements, Dr. Andrews is particularly well known for the impetus that he and the members of his congregation provided in establishing a Liberty Bell Shrine in Allentown in 1962, the year of the congregation's 200th anniversary.

The purpose of the project, which was undertaken by the Liberty Bell Shrine Committee under the chairmanship of Dr. Morgan D. Person, was to bring a replica of the Liberty Bell back to Zion's Church where the original Liberty Bell had been given sanctuary during the perilous year of 1777 when the British occupied Philadelphia.

It has been a great honor to have with us today such distinguished Allentonians as Dr. Andrews and his lovely wife who have done so much to commemorate a period of our history.

LESSONS IN WELFARE, CASE NO. 5

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, Johnny No Doe's mother received a very interesting letter in June from her sister Emma. You remember Emma, Mr. Speaker. She married Harold and moved to Madison, Wis. They have two children. The letter follows:

MADISON, WIS.,
June 15, 1972.

LOU ELLA NO DOE,
New York, N.Y.

DEAR SIS: Yes, we are going to join you in New York. We had intended to move to Milwaukee. Harold thought he could get some work there, but you know the Supreme Court in April agreed with the welfare director that the Reitz's had to move back to Vanden Broek to continue getting their checks. I don't know why Vanden Broek was still paying their welfare. They had lived in Milwaukee three years. HEW's chief report on state general assistance plans doesn't even show how many other states have laws like this. So, we're coming to New York. If you move out of state, the Court won't let them send you back, but if you just move from one county to another in a state, they can force you back—so we'll be seeing you in New York.

I hope Mr. Lindsay puts us up at the Waldorf. It seems to me the Constitution must entitle us to stay with our own kind. We are Republicans now, you know, since the Democrats nominated that Mr. McGovern and his $1,000 per person plan. Why, that is less money than our dear President Nixon is paying now. Four thousand dollars for 4, as opposed to the $3756 we would get in New York, and you can lose 3 checks a year. Plus, the way we figure it, the 4 main programs in New York city brings the total to an equivalent of $5912 glorious untaxed dollars. Why should we take $4000?

Don't you wonder sometimes if the Supreme Court ever bothers to read the cases they decided before? I guess they are too busy.

See you next month. Do take care of Johnny. You know how much he means to you.

Love,

EMMA.

P.S.—You heard that Grandpa died in Detroit, didn't you? Medicaid took complete care of him. It is so much better than medicare.

ATTORNEY GENERAL URGED TO PRESS TREASON CHARGES AGAINST JANE FONDA

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, according to the radio reports of yesterday's date, Jane Fonda is in Hanoi calling upon the American service personnel to disobey the orders of the U.S. Government and, indeed, to desert and to turn themselves in to the North Vietnamese.

Mr. Speaker, declared war, undeclared war, police action, whatever it may be—if the report is true, this is treason, and it is time that this Government took some action against people such as Jane Fonda who have given aid and comfort to our enemy and, indeed, going to the capital city of our enemy and going on the radio and urging American forces to disobey their Government and to desert their country that has given to Miss Fonda and others so much.

Mr. Speaker, I am addressing a letter to the Attorney General of the United States this afternoon urging him to investigate fully this matter, and if true to bring charges of treason against Jane Fonda.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection, to the request of the gentleman from Iowa?

There was no objection.

MARIA LUGIA DiGIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia DiGiorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is their objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341), for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DAVID CAPPS

The Clerk called the bill (H.R. 1860) for relief of David Capps, formerly a corporal in the U.S. Marine Corps.

There being no objection, the Clerk read the bill as follows:

H.R. 1860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That David Capps, of Newport News, Virginia, formerly a corporal in the United States Marine Corps, is relieved of liability to the United States in the amount of $133.75, representing the overpayments of military pay for the period beginning with July 1968, and ending November 1968, and including the amount received on payroll numbered 524, as a result of an administrative error and through no fault of his own. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said David Capps, an amount equal to the aggregate of the amount paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 13, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN S. ATTINELLO

The Clerk called the bill (H.R. 6204) for the relief of John S. Attinello.

There being no objection, the Clerk read the bill as follows:

H.R. 6204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John S. Attinello of Alexandria, Virginia, the sum of $100,000, in full satisfaction of all claims of the said John S. Attinello against the United States for loss of patent rights in Great Britain and Canada on a highlift supercirculation system for aircraft which was developed and patented in the United States by him (United States Patent Numbered 2,868,480), but which was not patented in such countries as a result of the failure of the Department of Defense to forward to the appropriate American embassies applications filed with such Department by the said John S. Attinello.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 7, after "States" insert "as recommended by the Chief Commissioner of the U.S. Court of Claims on March 13, 1972, in Congressional Reference Case No. 1–71, John S. Attinello v. the United States."

Page 1, line 8, strike "and Canada".

Page 2, line 1, strike "such countries" and insert "that country".

Page 2, lines 2, 3, and 4, strike "appropriate American embassies applications filed with such Department by the said John S. Attinello." and insert "Commissioner of Patents a request for permission for the said

John S. Attinello to file a patent application in such country.".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID J. FOSTER

The Clerk called the bill (H.R. 10012) for the relief of David J. Foster.

There being no objection, the Clerk read the bill as follows:

H.R. 10012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to David J. Foster (a former member of the United States Air Force), of Rossville, Kansas, the sum of $571.60. The payment of such sum shall be in full settlement of all claims of the said David J. Foster against the United States for failure to receive health insurance reimbursement of expenses he incurred in connection with the pregnancy of his spouse in 1970. Health insurance coverage was not made available to the said David J. Foster at the time of his separation from the United States Air Force due to an administrative error on the part of the United States Air Force and without fault on his part.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "$571.60" and insert $481.60".

Page 2, line 7, strike "in excess of 10 per centum thereof."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM E. BAKER

The Clerk called the bill (H.R. 10635) for the relief of William E. Baker.

There being no objection, the Clerk read the bill, as follows:

H.R. 10635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William E. Baker of Coleman, Michigan, is relieved of liability to the United States in the amount of $670.92, representing the amount claimed to be due to the United States as a result of certain overpayments paid to him while he was a member of the United States Marine Corps. Such overpayments were the result of administrative errors which occurred without fault on the part of the said William E. Baker. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said William E. Baker an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States referred to in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or reecived by any agent or attorney on account of services rendered in connection with this claim. Any person violating the provisions of this subsection shall be fined not more than $1,000.

With the following committee amendments:

Page 1, line 4, strike "$670.92" and insert "$630.92".

Page 2, line 11, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SGT. GARY L. RIVERS

The Clerk called the bill (H.R. 12638) for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

SEAVIEW ELECTRIC CO.

The Clerk called the resolution (H. Res. 943) to refer the bill (H.R. 3462) entitled "A bill for the relief of Seaview Electric Co." to the Chief Commissioner of the Court of Claims.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

HERBERT IMPROTE

The Clerk called the bill (H.R. 10363) for the relief of Herbert Improte.

There being no objection, the Clerk read the bill, as follows:

H.R. 10363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Herbert Improte of Centereach, New York, postmaster, is hereby relieved of all liability for payment to the United States of the sum of $27,150, representing the value of postal funds and accountable papers in his custody as postmaster of the Centereach Post Office, Centereach, New York, which were taken from such post office in a burglary occurring on August 3, 1969, and for which he is being held liable. In the audit and settlement of the accounts relative to such sum, credit shall be given for the amounts for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Herbert Improte the sum of any amounts received or withheld from him on account of the loss referred to in the first section of this Act.

(b) No part of any amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert: "That, on such terms as it deems just, the U.S. Postal Service is authorized to compromise, release, or discharge in whole or in part the liability of Herbert Improte, postmaster of the Centereach Post Office, Centereach, N.Y., for the loss of $27,150, resulting from a burglary at that post office on or about August 3, 1969."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELMER ERICKSON

The Clerk called the bill (S. 889) to restore the postal service seniority of Elmer Erickson.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

WILLARD O. BROWN

The Clerk called the bill (S. 2359) for the relief of Willard O. Brown.

There being no objection, the Clerk read the bill as follows:

S. 2359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Willard O. Brown, of Abilene, Texas, shall be held and considered—

(1) to have been appointed as a Foreign Service officer of class 1 under sections 511 and 621 of the Foreign Service Act of 1946, on May 13, 1966;

(2) to have served, during the period from May 13, 1966, through April 30, 1970, as a Foreign Service officer of class 1;

(3) to have retired on April 30, 1970, as a Foreign Service officer of class 1; and

(4) to have had in effect for the period from May 13, 1966, through April 30, 1970, that amount of group life insurance, and an equal amount of group accidental death and dismemberment insurance (purchased by the Civil Service Commission) to which he would have been entitled as a Foreign Service officer of class 1 during such period.

(b) The Secretary of State shall determine—

(1) the amount of salary (including increases in salary under section 625 of the Foreign Service Act of 1946) to which said Willard O. Brown would have been entitled during the period from May 13, 1966, through

April 30, 1970, as a Foreign Service officer of class 1, less an amount equal to the difference between the amount actually paid by the said Willard O. Brown in group life and accidental death and dismemberment insurance premiums and the amount of such premiums he would have paid for the coverage of such insurance during that period had he been a Foreign Service officer of class 1;

(2) the amount of any lump-sum payment to which the said Willard O. Brown would have been entitled under section 5551 of title 5, United States Code (relating to accumulated and accrued leave), upon his retirement on April 30, 1970, as a Foreign Service officer of class 1; and

(3) the amount of annuity to which the said Willard O. Brown would have been entitled under section 821 of the Foreign Service Act of 1946 from May 13, 1970, through the day prior to the date of enactment of this Act had such annuity been computed on the basis of the amount of salary referred to in clause (1) of this subsection and the service referred to in subsection (a) of this section.

(c) Each amount determined by the Secretary under subsection (b) of this section shall be (1) reduced by any amount paid to the said Willard O. Brown as salary during the period referred to in clause (1) of such subsection, as a lump-sum payment upon such retirement, or as an annuity, as the case may be, and (2) as so reduced, paid by the Secretary out of funds available for the payment of salaries of foreign service officers, lump-sum payments, or annuities to such officers, as appropriate.

(d) In the administration of section 821 of the Foreign Service Act of 1946, as amended, the said Willard O. Brown shall be entitled to be paid an annuity as recomputed on the basis of the provisions of subsection (a) of this section.

SEC. 2. No part of any payment authorized in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

PROVIDING FOR CONSIDERATION OF H.R. 14455, COMMUNICABLE DISEASE CONTROL PROGRAMS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1026 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1026

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14455) to amend the Public Health Service Act to extend and revise the program of assistance under that Act for the control and prevention of communicable diseases. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 14455, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 3442, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 14455 as passed by the House.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1026 provides for consideration of H.R. 14455, which, as reported by our Committee on Interstate and Foreign Commerce, would amend and extend for 3 years the present program of assistance for the prevention and control of communicable diseases. The resolution calls for an open rule, with 1 hour of general debate. For purposes of amendment, it shall be in order to consider the committee substitute as an original bill. After passage of H.R. 14455 the Commerce Committee shall be discharged from further consideration of S. 3442, the Senate companion bill, and a motion shall be in order to strike all after the enacting clause of S. 3442 and amend it with the House-passed language.

Mr. Speaker, H.R. 14455 is directed toward the upturns in recent years in the incidence of a number of communicable diseases, including measles, rubella or German measles, whooping cough and, particularly, venereal disease. To deal with these problems, H.R. 14455 would authorize $90 million for each of the fiscal years 1973, 1974, and 1975, to be allocated in the following way:

Five million dollars is authorized for each fiscal year, for grants to States for the development of plans to meet epidemics and other health emergencies.

Fifty million dollars is authorized for each of the 3 years, for program grants to control venereal diseases. Approximately 650,000 cases of venereal diseases were reported in 1971, and that represents only a fraction of the actual cases, which may number as many as 2½ million.

Ten million dollars per fiscal year is authorized for tuberculosis control programs. Although 35,000 active new cases were reported last year, a great many of them in my own State of Hawaii, there is no direct Federal program in this area.

Five million dollars is authorized annually for program grants relating to measles. Rubella, or German measles, has been of particular concern because, if contracted by women during pregnancy, it can cause deformities or retardation in the infant. A 5-year program is now underway to eradicate rubella completely by inoculating all schoolchildren in the country.

$20 million dollars is authorized each year to fund control programs directed to communicable diseases not otherwise specified.

Mr. Speaker, H.R. 14455 is a direct and commendable response to demonstrated needs in our immunization programs. That funding levels have been inadequate in past years can be easily verified by examining the rising incidence of the various diseases mentioned in the bill.

Mr. Speaker, I urge the adoption of House Resolution 1026 in order that H.R. 14455 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 1026 does provide for the consideration of H.R. 14455, the communicable disease control programs. It is to be considered under a 1-hour open rule.

The resolution makes the committee bill in order as a substitute, and permits the substitution of S. 3442 upon passage of H.R. 14455.

The purpose of H.R. 14455 is to extend for 3 years the existing program authorizing grants to States and local communities for communicable disease programs.

The bill authorizes $90,000,000 for each of the fiscal years 1973, 1974, and 1975. Of this amount, in each fiscal year, $50,000,000 is for venereal disease programs, $10,000,000 is for tuberculosis control, $5,000,000 is for measles programs, $20,000,000 is for other communicable disease programs and the remaining $5,000,000 is to develop plans to meet epidemics or other health emergencies.

The Secretary of Health, Education, and Welfare is authorized to transfer up to 50 percent of the amount in any of the above programs to another one of the programs.

There are no minority views in the committee report.

The Committee on Interstate and Foreign Commerce reported the bill by a voice vote.

Mr. Speaker, I urge adoption of the rule.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 15081, NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1027 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1027

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15081) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against heart, blood vessel, lung, and blood diseases, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 15081, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 3323, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 15081 as passed the House.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, House Resolution 1027 provides an open rule with 1 hour of general debate for consideration of H.R. 15081, the National Heart, Blood Vessel, Lung, and Blood Act of 1972. After passage of H.R. 15081, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 3323 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 15081 is to enlarge the authority of the National Heart and Lung Institute with the aim of preventing or curing diseases of the heart and blood vessels, the lung, and the blood.

The Director of the Institute, with the advice of the Advisory Council, will develop a plan for research into the prevention of the diseases, for the evaluation of methods of therapy, education of the public and health professions, training, evaluation of emergency service. The bill calls for interagency coordination with the activities of the Institute.

A 21-member Advisory Council is established to oversee development and implementation of the program and to approve grant requests for more than $35,000.

A total of $1.29 billion is authorized for the 3-year program, to be appropriated on a specified basis over fiscal years 1973–75.

Mr. Speaker, I urge the adoption of House Resolution 1027 in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, House Resolution 1027 provides for the consideration of H.R. 15081, the National Heart, Blood Vessel, Lung and Blood Act of 1972. It calls for a 1-hour open rule which provides for the substitution of S. 3323 upon the passage of H.R. 15081.

The purpose of H.R. 15081 is to expand the National Heart and Lung Institute in order to provide additional resources in the fight against heart, blood vessel, lung, and blood diseases.

More specifically, the Director of the National Heart and Lung Institute is required to develop an expanded program which includes research, field studies, evaluation of treatment methods, and training of scientific personnel. In addition, there is to be a program to provide the public with health information regarding diet, exercises, hypertension, cigarette smoking, weight control, and other factors in the prevention of these diseases.

An Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases, and Blood Resources is to be established to coordinate efforts in different agencies.

In addition, the National Advisory Heart Council is to be replaced with the National Heart and Lung Advisory Council, which is to consist of 21 members.

The cost of this bill is $370 million for fiscal year 1973, $430 million for fiscal year 1973, and $490 million for fiscal year 1975. The total cost of the bill for 3 years is $1,290 million.

In a letter printed in the committee report, the Office of Management and Budget indicates that it prefers enactment of another bill, H.R. 13715, rather than this bill. The Office of Management and Budget indicates that it is reflecting the views of the Department of Health, Education, and Welfare in taking this position.

There are no minority views in the report of the Committee on Interstate and Foreign Commerce.

The committee reported the bill by a voice vote.

Mr. Speaker, I urge adoption of the rule.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 14424, NATIONAL INSTITUTE OF AGING

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1012 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1012

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 7 of rule XIII to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14424) to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California (Mr. Sisk) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1012 provides an open rule with 1 hour of general debate for consideration of H.R. 14424 to establish a National Institute of Aging. Because there are no cost estimates included in the report, points of order are waived for failure to comply with the provisions of clause 7, rule XIII.

The purpose of H.R. 14424 is to establish within the National Institutes of Health a National Institute of Aging. The Institute would conduct research on the aging process, preventive measures with respect to special health problems of the aged, and treatment and cures for those problems.

An Advisory Council similar to others within NIH would be established with the additional duty of reporting to the Secretary of HEW on related programs administered by him. The Council, of course, would also make reports to the President for transmittal to the Congress.

No cost estimate can be made for the establishment of the new Institute since no new authority is granted to the NIH.

The Community Mental Health Centers Act is amended to provide a 1-year program of matching grants for construction and staffing of facilities for the mental health of the aged. For this program $20 million is authorized for fiscal year 1973.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution, House Resolution 1012, provides for the consideration of H.R. 14424, the National Institute of Aging, under a 1-hour rule, with points of order being waived insofar as clause 7 of rule 13 is concerned, because the report gives an estimate in a roundabout way of the cost which does not comply with the rule; evidently they were not able to ascertain this as of the present time.

Mr. Speaker, the primary purpose of H.R. 14424 is to establish a new National Institute of Aging within the National Institute of Health. This Institute would conduct and support research on the health problems of the aged and the process of aging. In addition, a National Advisory Council on Aging is to be established to advise the Secretary of Health, Education, and Welfare on problems related to the aged.

A second major purpose of the bill is to amend the Community Mental Health Centers Act to authorize funds for the construction of facilities and to provide mental health services for the aged.

The committee report states that the cost of the new Institute of Aging cannot be ascertained, because this bill does not grant any new authority to NIH, but merely consolidates existing programs relating to aging. Twenty million dollars is authorized for programs under the Community Mental Health Centers relating to mental health of the aged.

The committee report contains no departmental letters on H.R. 14424, since this is a clean bill introduced after the close of hearings. However, there is one letter from the Office of Management and Budget opposing earlier bills with similar provisions. This letter notes that HEW opposed legislation to establish a new Institute for research on health problems of the aged because such legislation would only create more administrative costs without increasing research. The letter notes that disease-oriented research which is presently conducted by the individual institutes within NIH is more appropriately concerned with diseases as they affect persons at all age levels. It would be duplicative to consider diseases only as they affect the aged. The letter from OMB also opposes the mental health provisions on the ground that these services are already conducted under the community mental health center program.

There are no minority views in the report of the Committee on Interstate and Foreign Commerce.

The committee reported the bill by a voice vote.

Mr. Speaker, I urge adoption of the rule.

Mr. SISK. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 374, nays 4, not voting 54, as follows:

[Roll No. 265]

YEAS—374

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Crane
Hall
Martin
Schmitz

NOT VOTING—54

Anderson, Tenn.
Baring
Blanton
Blatnik
Broomfield
Chappell
Chisholm
Clay
Coughlin
Davis, Ga.
Denholm
Dowdy
Downing
Dwyer
Edmondson
Edwards, Ala.
Evins, Tenn.
Flynt
Fulton
Gallagher
Hagan
Hansen, Wash.
Hastings
Hébert
Horton
Jones, Ala.
Jones, Tenn.
Long, La.
McClure
McDonald, Mich.
McMillan
Macdonald, Mass.
Mollohan
Mosher
O'Hara
O'Konski
Passman
Pelly
Podell
Pryor, Ark.
Rarick
Riegle
Robison, N.Y.
Ryan
Sarbanes
Scheuer
Seiberling
Shipley
Spence
Steiger, Wis.
Stuckey
Whalley
Widnall
Wright

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Widnall.

Mr. Blatnik with Mr. Broomfield.

Mr. Blanton with Mr. Robison of New York.

Mr. Jones of Alabama with Mr. Edwards of Alabama.

Mr. Chappell with Mr. McClure.

Mr. Fulton with Mr. Coughlin.

Mr. Mollohan with Mr. Mosher.

Mr. O'Hara with Mr. McDonald of Michigan.

Mr. Macdonald of Massachusetts with Mr. Hastings.

Mr. Shipley with Mr. Horton.

Mr. Anderson of Tennessee with Mr. Steiger of Wisconsin.

Mr. Barring with Mr. O'Konski.

Mr. Davis with Mr. Pelly.

Mr. Denholm with Mr. Riegle.

Mr. Downing with Mr. Spence.

Mr. Passman with Mr. Whalley.

Mr. Wright with Mr. Scheuer.

Mr. Jones of Tennessee with Mr. Long of Louisiana.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mrs. Chisholm with Mr. Gallagher.

Mr. Clay with Mr. Ryan.

Mr. Podell with Mr. McMillan.

Mr. Stuckey with Mr. Sarbanes.

Mr. Pryor of Arkansas with Mr. Rarick.

Mr. Sieberling with Mr. Hagan.
Mr. Flynt with Mr. Edmondson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER OF THE SELECT COMMITTEE ON THE HOUSE RESTAURANT

The SPEAKER. Pursuant to the provisions of House Resolution 317, 92d Congress, the Chair appoints as a member of the Select Committee on the House Restaurant the gentleman from Pennsylvania Mr. JOHNSON, to fill an existing vacancy thereon.

PERSONAL EXPLANATION

Mr. WILLIAM D. FORD. Mr. Speaker, on June 30, I was unable to be present on the House floor during consideration of amendments to the public debt limitation bill.

For the record, had I been present, I would have enthusiastically voted in support of the Senate-added provision granting a 20-percent increase in social security benefits.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, due to pressing obligations in my district, I missed rollcalls Nos. 255 through 262. Had I been present and voting, I would have voted "yea" on rollcalls Nos. 256, 257, 260, and 262. On rollcall No. 259 I would have voted "nay."

SALUTE TO AHEPA

(Mr. SAYLOR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I salute and offer my personal congratulations to the Order of AHEPA—American Hellenic Educational Progressive Association—which is celebrating its golden anniversary.

The Order of AHEPA faithfully instructs its members in the principles of government and has diligently promoted and encouraged loyalty to the United States. In doing this AHEPA has provided its membership with a deep and abiding appreciation of the privileges of citizenship.

The American Hellenic Educational Progressive Association has also championed the cause of education by maintaining new channels for facilitating the dissemination of culture and learning. This can be easily recognized through their extensive efforts in scholarship and other educational programs.

AHEPA's worldwide assistance to flood, hurricane, and earthquake victims will never be truly measured but their compassion for mankind has guided them to contribute to those people stricken by disaster.

I wish AHEPA continued success and applaud them for offering countless services to the betterment of American life.

NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15081) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against heart, blood vessel, lung, and blood diseases, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15081, with Mr. UDALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman and Members of the Congress, this is a very important bill and I am going to take just a few moments to tell of its importance to all Americans.

This bill came out of the subcommittee on a voice vote. It came out of the full committee on a voice vote.

I would like to compliment the subcommittee again, as I have many times, for the great job they have been doing for this land and for every American citizen, for the health legislation that has come out of that subcommittee. I also want to compliment its chairman, the gentleman from Florida (Mr. ROGERS), the two doctors on the subcommittee, as well as the other members of the subcommittee. They are great and noble Americans—the gentleman from Kentucky (Mr. CARTER) and the gentleman from Kansas (Mr. ROY) and the ranking minority member of the subcommittee, the gentleman from Minnesota (Mr. NELSEN) and all members of that subcommittee.

Also, I would like to compliment the professional staff member who will be leaving us this year—Jim Menger—for the great job he has done not only for the committee but for all Americans

He knows more about the medical laws of this land than any other man in America—and I do not make any exception as to anyone—and he can quote most of those laws to you at any time.

We have put on a man as a substitute to take his place and I will make a remark or two about that in a moment or so.

Mr. Chairman, turning to the bill before us now, I would like to say that hanging over this bill is a sense of deep urgency—it is the urgency of death. We take it for granted that we who are born must die—but the question is—when and how? When we read that more than 50,000 young Americans have died in a mistaken war in Southeast Asia, we are overcome with horror. But what shall we say when we read that more than 8 million die in a single year because of the diseases associated with the circulatory system. Those stricken down in battle have at least the excuse that they have been serving their country. But those falling because of heart diseases are victims of total disaster.

They have not carried out their obligations to society, to their children, and to those who depend upon them. This is not to say that it is their fault that they die untimely deaths. It is to say, however, that it is the fault of all of us, and I think, especially the Members of this Congress of the United States, that something has not been done before this time; that we can take the fact that 55,000 die on the highways each year, and take that for granted, and 50,000 die in war, yet a million people die, many of whose lives we could probably save.

We have not yet done what we feel sure can be done to preserve them for their useful lives.

For too long we have taken the position that it is the will of Heaven that they perish prematurely, and yet within the last century medical science has conquered the great killers, one after another: yellow fever, typhoid fever, smallpox, diphtheria, polio, and a long list of others that have wiped out hundreds of thousands of people at a time. These have yielded to the skill of modern medicine. Many of these diseases did come as epidemics and attacked millions of people at a time.

This bill is given an hour's time for consideration. Before that hour is up, some 120 Americans will have died of one of these ills, and in the next hour another 120, and the next hour another 120, and every hour. I think that we can do something about it here in the Congress now, if we care to do it. We say that there are things that we cannot do, but with the help of Almighty God, we can do almost everything. If we can go to the moon and if we can conquer these other great killers of mankind, I think we can conquer the three greatest of all: heart and stroke and cancer.

Last year we passed a crash program on cancer, and I am hopeful that within the next year or 10 years we will have made substantial progress in this area. There are 26 million of Americans today who are afflicted in some way with heart disease. There are 20 million that are disabled with lung disease in this country, and the deaths each year from heart disease are over a million. Yet we complacently just take it and say, "Well, that is the will of God, and we cannot do anything about it." We have not done that with other diseases. We have attacked them, and it is time now we do it with this.

There are 30,000 who die from lung disease each year, and 60,000 others who die from afflictions which affect the lungs, or who die of other causes related to lung diseases. This has been going on for a long time, not only in our lifetime, but on down through the years and the centuries.

Familiarity has bred, not contempt, but indifference. We are still fatalistic enough to charge it to the will of Heaven.

It is proposed here that we drop that indifference. Let us make a direct attack on something that we can no longer afford to consider impossible to prevent. Let us act as we would in any other great national disaster. It is proposed here that we focus all of our medical facilities, our intelligence and skill on these diseases so terrible in their total effects, and so elusive as to escape a concerted attack.

We have the trained minds of dedicated physicians and scientists, and we have an armament of medical tools and techniques. We can put these to work with an appropriation that would seem small in comparison with what we consider reasonable for any other great calamity—say, for instance, the recent floods associated with the tropical storm Agnes.

Our committee has enlisted an able and energetic man, as I said before, to help us—and I will mention his name a little bit later.

But again I say that this is a national disaster and disaster methods must be applied. The pressure of deep urgency must be applied. A million deaths a year, plus all the economic and social losses incident thereto, are far more than a nation such as ours can afford. Some day medicine will find the answers to the challenge, and the sooner the better. Today we do not know where the answer may be found. In some hoped-for tomorrow we may wonder why the answer was not found long ago. If that tomorrow were really tomorrow, a million Americans would be alive next July 18 who otherwise certainly would be dead.

I mentioned the fact that we had appointed a new person to take the place of James M. Menger on our committee. He is a young medical doctor named Dr. Hyde. I do not like to refer to it in a frivolous way, but once a month I expect him to be a Dr. Jekyll. I expect him to get hold of the institutes who have anything to do with cancer and heart and stroke diseases and see what progress they have been making and find out where their money is being spent and what they are doing. Then I expect him to report to me and to the Congress and to the people of America as to what progress has been made from month to month and as to what is happening. I think that is the least we can do.

I think we can conquer all three diseases, and we will if we have the will to do it and to see that it is done.

Mr. Chairman, I will devote the remainder of my remarks to an explanation of the bill.

Mr. Chairman, this bill is designed to provide authority to the National Heart and Lung Institute similar to that provided for in the National Cancer Institute legislation approved last year.

The Subcommittee on Public Health and Environment held hearings on this legislation on April 25 and 26, and all testimony received was favorable to the objectives of the bill. Following the hearings a clean bill was introduced, which was then ordered reported to the House by the full committee by a voice vote.

The bill provides that the Director of the National Heart and Lung Institute shall within 180 days, develop a plan, and thereafter carry out this plan to expand, intensify, and coordinate the activities of the Institute in respect to heart, blood vessel, lung, and blood diseases. The bill sets out specific items which must be covered in the program to be designed by the Director, and provides for its coordination with other activities relating to the subjects covered by the program.

The bill provides for development of up to 15 new basic clinical research and training centers for heart, blood vessel, and blood diseases, and for 15 new centers for chronic lung diseases.

One billion 200 million dollars in appropriations are authorized over a 3-year period for this program.

In addition, the bill authorizes the establishment of heart, blood vessel, lung, and blood disease prevention and control programs through the cooperation of other Federal health agencies, State, local, and regional public health agencies and nonprofit private health agencies. For this program, $90 million is authorized over the 3-year life of the bill.

Mr. Chairman, cardiovascular disease is the Nation's leading health problem. It afflicts more than 26 million Americans, and kills more than 1 million persons annually. An additional 20 million persons are disabled with diseases of the lung, and chronic pulmonary disorders directly cause more than 30,000 deaths each year and contribute to at least 60,000 more.

In a sense, the increasing mortality from cardiovascular disease is a reflection of advances we have made in other areas. We have attained a state of control of infectious diseases through immunization programs, and through the use of antibiotic therapy so that many diseases formerly rated high as causes of death are today almost insignificant statistically. This has meant that chronic disorders have become more prevalent as causes of disability and death.

Nevertheless, there is much that can be done to decrease the total of heart disease and of lung disorders, and this bill is designed to strengthen our national attack on these diseases.

Similar legislation has passed the Senate (S. 3323) and we hope it will be possible to get this legislation to the President's desk for his signature at the earliest practicable date.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

POINT OF ORDER

Mr. HALL. Mr. Chairman, will the gentleman yield for a point of order?

Mr. SPRINGER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I make the point of order that there is an excessive number of committee counsel and clerks on the floor of the Committee of the Whole.

Mr. SPRINGER. All I can reply to the gentleman is that on my side I have one.

Mr. HALL. I did not ask that question.

The CHAIRMAN. The Committee of the Whole will suspend. The gentleman from Missouri has made the point of order that there are an excessive number of clerks and staff on the floor of the House.

The Speaker of the House has ruled that the committee is entitled to have four professionals and the staff director on the floor. If there are staff members in excess of that number on the floor, will they please retire from the Chamber?

The gentleman from Illinois may proceed.

Mr. SPRINGER. Mr. Chairman, I realize that when we begin to talk about a National Heart, Blood Vessel, Lung, and Blood Act we are talking about the combination of the most serious killers in this country in any year. There are more than 2 million deaths a year in this country, and more than half of the 2 million, substantially more, 54.1 percent, of all the deaths in this country in a 12-month period are due to the heart, blood vessel, lung, and blood diseases.

A more startling fact to me in the testimony before the committee was this: that in 1900 we had only 137 deaths per thousand per year. In 1968, the last year for which we have really good figures, that number had reached 373 persons per thousand who died from these diseases.

In other words, in a period of 68 years the number of people dying from heart, blood, and lung diseases had almost trebled. This naturally puts the Subcommittee on Health and our committee, which handles that, on an alert. Should we or should we not do anything about it?

When we have almost a trebling of the deaths per thousand from these diseases, the committee felt there was an obligation to meet the problem in this bill.

There may be some differences of opinion as to how much money ought to be spent on such a program, and there was in the committee a great variation of thought as to how much money was needed to carry out the job we felt had to be done.

First, I believe it would be well for me to explain in a few sentences, what this bill does do and what its purposes are.

We already have a National Heart and Lung Institute. One of the purposes of this act is to enlarge the authority of this Institute.

Second, there is imposed upon the Director of the Institute the obligation to develop a plan to expand and intensify the activities of the Institute regarding heart, blood vessel, and blood diseases. We give him a direction as to exactly what course of action he is to take. That is the second thing we do. We expect him to do that, because we are going to give him some additional funds, which he says he needs to carry out that purpose.

Third, the bill does authorize and also directs the Director to construct laboratories and facilities for further research in these four associated diseases.

In the fourth place, the Director is directed to establish control programs for heart, blood vessel, lung, and blood diseases.

Fifth and very important, in my opinion—probably the most important one single feature of this bill—the Director is authorized to establish 15 new centers for basic and clinical research of these four diseases and 15 new centers for lung diseases alone. So this would be a total, may I say, of 30 research centers, 15 in lung and 15 in the other three related diseases.

Some Members always find fault, I suppose, whenever we establish an advisory council or a commission. We somehow or other had the feeling that if we were to undertake this project, which involves a substantial sum of money, we ought to have some kind of a council which would oversee the activities as to what is being done by the Director of this Institute to carry out the purposes of this act. So, sixth, we do establish a 21-member National Heart and Lung Advisory Council.

There was a great deal of discussion in the committee about what this Council ought to do. But I believe we have spelled out in this legislation exactly what it will do, how often it will meet, how often it will advise and counsel with the Director with reference to this matter.

In a way, I suppose this resembles what we put in the last Cancer Act, when the President wanted it at the White House. We sort of halfway gave him that, because he wanted some overall supervision to be sure that the Director did exactly what we authorize and direct him to do in this legislation. So that was the reason for the creation of the 21-member Council. We do expect to get on that council the very best talent available.

There was a great deal of discussion as to whether they were going to meet once a month or twice a year or what. My recollection is we put in there that they were to meet once a month to be sure something was done with reference to this.

Now item 7: The director is authorized to approve grants for research in this field up to $35,000 without any further authority. We felt that that was feasible. Anything beyond $35,000 he has to have the approval of his Advisory Council.

Now let me come to the last point, the eighth, which is the authorization.

May I say to my colleagues this is a sizable amount of money when you are talking about $350 million for 1973, $400 million for 1974, $450 million for 1975. I do not now whether the subcommittee of the Committee on Appropriations handling this matter is going to grant all of this money, but I am sure they will have very thorough hearings as to whether or not there is a need for all of the money contained in this, which does come to, as I say, a sizable amount of money—$1.29 billion. That is a lot of money.

There was a great deal of argument as to whether we needed that much. There were some who thought maybe it ought to be more. I suppose in all of these things we compromise, and I assume when we go to conference there will be another compromise, but I have enough faith in the appropriation process to know they will have very thorough hearings in this period of 3 years as to how much will be authorized and how much would be justified in view of the need.

I do believe we are now acting on those related diseases which account for more than half of the deaths in this country. This is a serious matter. I believe if this is done right, we have a great chance of success and of doing something about it.

We do realize many of us today have eating habits, playing habits, and working habits that our grandfathers did not have. My grandfather worked on a farm. He owned a farm and was outdoors most of the day. He had a lot of fresh air. He probably ate and slept regularly, and I think our life patterns have certainly changed a great deal in those 68 years. That is the reason why we are having three times as many deaths 68 years later from these associated diseases.

Looking into the future, a great deal of it will have to be educational, I believe. I do not believe merely having research and pointing out what the causes are and how it happens and how you happen to die of something will cure it all. We will have to have an education process. The eating, sleeping, and drinking habits of people are going to have to be changed if we are going to reach this goal!

Mr. LONG of Maryland. Will the gentleman yield?

Mr. SPRINGER. I am glad to yield to the gentleman.

Mr. LONG of Maryland. I am intrigued by what the gentleman said in comparing the life habits of his grandfather with those of the people of the same age living today. It must be kept in mind, however, that people of 50 or 100 years ago who lived such healthy outdoor lives nevertheless died a lot younger than persons living today. I am wondering whether the increase in these heart and lung diseases do not really come about because of the increase in the longevity of the population. Are there not a lot of people who are living longer and therefore reaching ages when these diseases catch up with them?

Mr. SPRINGER. I think it could be recognized as probably true. But on the other hand if you want to go back to 1900, we find a number of people dying from pneumonia which would have been one of the greatest causes of death, and today you have very few people dying from pneumonia. I am talking about the diseases that are contained in this bill. However, the gentleman, I believe, is right. The longer people live—Wigglesworth tables show this, and if you are a lawyer—and I believe you are—you will recognize it—if you are younger, the chances of living longer are lesser, and if you are older, these chances increase.

Yesterday I was talking to an expert on cancer, and he said that, strange as it may seem, a lot of people think cancer is a woman's disease, but it is really a disease of men between the ages of 57 and 63. I have been working on cancer for 10 years and that is the first time I knew that. The man said the statistics show that. He said the remarkable thing about it is most of these people who get cancer—a great majority of them—have outlived the younger ones.

They have escaped measles and rubella, and diptheria, smallpox, all these other ones, and then they finally get to the day where eventually cancer catches them. So the gentleman does have an important point.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, may I first take this opportunity to commend the gentleman from Illinois (Mr. SPRINGER) my neighbor and colleague, who in all these health bills over the course of the years has done such an outstanding job in bringing them to the floor. His very clear and concise explanations have been excellent. We are certainly going to miss the gentleman in this House who, because of his own decision, is retiring from this body.

Mr. Chairman, I would like to pose several questions.

The gentleman well knows that we funded in the HEW appropriation bill this year some $300 million for the Heart and Lung Institute of NIH for continued work on heart and lung diseases. Over in the other body there were other increases made, and we will be going to conference with the Senate on Thursday, probably, to reconcile these differences. I should say here and now that there are so many additional increases in other items that in all probability the bill will be vetoed. It is beyond the realm of suitable compromise.

The gentleman has made the point that there are sizable amounts authorized here.

Mr. SPRINGER. If the gentleman from Illinois will permit me to interrupt him at this point, may I say that I am not in accord with that because, insofar as I know, the administration has not ruled itself as being opposed to this bill. On the other two bills there is a question, but not as to this bill. So I know of no veto in the offing, but perhaps the gentleman has more knowledge on that than I have.

Mr. MICHEL. I was referring to a veto of the regular labor HEW appropriation bills, but the gentleman has anticipated my question, and that is what kind of testimony you had heard from the administration and, second, and more specifically, what is so magic about those particular figures which in the course of 3 years involves nearly one and a third of a billion dollars.

Mr. SPRINGER. May I say to the gentleman that where I think most of these funds will be going will be in two portions of these eight matters that I mentioned. The fifth one says that the Director is authorized to establish 15 new centers for performing clinical research services for heart, blood vessel, and blood diseases, and 15 new centers for research into lung diseases. Those will be costly. They involve substantial amounts of money there.

Mr. MICHEL. Will those involve construction?

Mr. SPRINGER. Yes, they will; they involve construction, maintenance, and then we will have to man them. So there will be a substantial amount of money in that.

Then the other one that I mentioned, which was the seventh point I made, that the Director may approve research grants up to $35,000. All those approved up to that will be insignificant, the ones he is going to approve will be those above $35,000, with the approval of the National Advisory Council, and some of those will run into rather sizable sums of money around the country where there are specialists in these diseases.

For instance, one of the outstanding ones is the Johns Hopkins Hospital over in Baltimore, and I would expect they probably would get a rather substantial amount for research in this field.

Mr. MICHEL. If the gentleman will yield further, where is it anticipated that these 30 new centers will be located? Would they be located by geographical despersion around the country, or would they gravitate toward existing medical centers? What criteria will be used in this respect?

Mr. SPRINGER. There was a great deal of discussion, as I recall, in the committee, but it was anticipated that these would be spread around over the country. I think for one reason we would expect a research center to be located where there were a substantial number of people who have, we will say, an incidence of these diseases in a large number. We certainly would not concentrate them all in the Washington or New York-Baltimore area, and along this coast. We would expect them to be spread out over the country.

We did this, as you know, in one other piece of legislation with reference to cancer. We finally did not pass it in the order that the Johnson administration wanted it, as you know. They had several cancer institutes and those were to be located, as you will recall, in New York, Boston, Chicago, New Orleans, Houston, San Francisco, Los Angeles, and Miami. Those were spread around. However, we did not pass that bill in that form.

But, I would anticipate that this would be of the same nature.

Mr. MICHEL. Is it anticipated that any university-oriented or medical research-oriented institution could conceivably then file an application under the act to be considered, as one of these 30 centers?

Mr. SPRINGER. If they have the qualifications and if they have the expertise that is needed, I do not think it would make any difference whether it was a university or some other institution.

Mr. MICHEL. Would that determination be made by this 21-member National Heart and Lung Advisory Council? Or would this be——

Mr. SPRINGER. If it is in excess of $35,000, it would have to have that Council's approval. It would then have to appear before the Council and have the approval of the Council.

Mr. MICHEL. We are already into the fiscal year 1973. Was that taken into account in determining the funding level or authorization for the fiscal year 1973?

I do not think they are going to build any 30 centers in 1973. I doubt if you are going to have a completion of any 30 centers, or half that many, in 1974.

I would anticipate you probably would get the great amount of them in the third year—and that is only a guess. The gentleman is on that subcommittee and he probably knows better than I do, but I am trying to give the thrust of the program and where I think the money would go.

I think it is important that we have this particular kind of dialog because the gentleman indicated that a great deal could very well be involved in construction. This takes considerable time and a number of steps before actual obligation of funds is necessary. For example, until you have an application received, review and approval, then design and architectural drawings, advance engineering, and so forth.

So with all the problems we have been having from these lobbying groups pressing for full funding the amounts authorized in this bill for fiscal year 1973 cannot be spent. I think this ought to be pointed out right here. The goals intended are indeed laudable and noble. I think, however, we are probably several years away from achieving the goals funding wise that we see here enumerated.

Mr. SPRINGER. I think the gentleman has made an important point here.

I think he well remembers, whether he was on the subcommittee or not, our distinguished colleague, God bless him—he is dead—our colleague from Rhode Island—did get the subcommittee to give the National Institute on Cancer $300 million for 1 year and even though the Institute explained that they could not spend it, he and the subcommittee insisted on giving it anyway.

To my recollection, they came back at the end of the year with only about one-fifth of it spent. So I think it would be incumbent upon your subcommittee to go very thoroughly into what could be done in year 1 and year 2 and year 3 and also I would anticipate when they come before you that they will have the details on this and a designed program and give it to you in a little better form than we can here.

But I know the gentleman's subcommittee will give this matter the proper attention.

Mr. MICHEL. I thank the gentleman for his direct responses to my questions and again applaud his diligence and attention to the host of bills that have been reported from his committee, particularly in the last two Congresses.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the chairman of the subcommittee, the gentleman from Florida.

Mr. ROGERS. Mr. Chairman, I would just like to comment, if I may, on the colloquy that has just been going on.

So far as the necessity for funding is concerned, I would agree that in building clinics, it will take some time—undoubtedly. But, I think if the gentleman will go into it. I am sure, he with his committee, will find that the requests for needed research are for beyond what is being funded and greatly exceed that.

Furthermore, we are trying to give some impetus to the long fight against lung diseases, which has been negligible in this institute.

There is a needed demand for action there which I am sure the committee will bring out when they hear it. Their staff is practically nothing. I think it is one or two or three people in an institute, and that is all they have to work on lung diseases which affect 20 million people.

So there is much to be done and it should go far beyond what has been done.

But if the gentleman will, as I know, look at it reasonably, I think you will find that the committee has been reasonable on the ceiling.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate our distinguished colleague, the gentleman from Illinois, yielding.

I certainly want to compliment him on the clear and succinct way in which he has made his statement in the well, as to the basic eight points covered by the legislation in the bill (H.R. 15081). As usual, it is directly to the point, it is keenly analytical; and I agree with our colleague from Illinois that we are certainly going to miss him.

Mr. Chairman, I should like to ask the gentleman from Illinois a question predicated on a background of long experience in at least the surgical aspect of cardiovascular and pneumonic diseases, and also on the administrative aspect of having established and supplied personnel service for some of the first general hospitals, at least of the Army, that were dedicated to blood vascular research and surgery. Further, in view of the proposed expenditure of $1.3 billion over the next 3 years, what is the justification and the rationale for this additional impetus at this time, in view of the in-being "stroke, cancer, heart, and kidney programs," in view of the in-being of the National Institute of Health, Heart, and Lung Sub-institute, so to speak; and in view of the rather generous authorization for black lung and other pneumonic diseases, all of which are the sacred cows of good health, many of which are in the vain hope that we can continue to extend life further and further?

Perhaps that part is not in vain, but we will never contradict the divine principle that man is created to be born and to eventually die, if not deteriorate.

I should like to hear a little more rationale and justification of the duplicative aspects of this bill over what is in being.

Mr. SPRINGER. May I say to my colleague this: I think the serious question was whether or not you want to create these research centers. That is the big issue. That is the biggest issue, in my opinion. This is the judgment of this body. We only come to you with this offer of what we thought that these centers could do. That remains to be seen, but this is the great expansion, as I see it, so far as this program with reference to these four related diseases is concerned. If you do not want to accept it, why, vote against the bill. I say that this is, in my opinion, the thrust of it, and this is where you are going to get probably the greatest amount of immediate benefit.

I am talking about two things, research and location in those areas where doctors can go—we will say this research center—to get information.

Secondly, is whether or not you want to give this director the money the chairman mentioned a moment ago with reference to killer research, which is going to be a sizable amount of money.

In the third place, the director is directed to establish control programs, control programs for heart, blood vessel, lung, and blood diseases, and that amount is a total of $90 million alone. I think it is in those three areas that you are going to get the thrust of the program.

I do not know that I could make it any clearer to the gentleman than to put it just as simple as I can. That is the thrust of the program, and I do believe that those three things are in addition to what you are presently doing.

Mr. Chairman, I am sorry I cannot yield for a question; I will in a couple of minutes.

Mr. HUNGATE. I just want to commend the gentleman from Illinois on his service to the Congress in the contribution that I think he has made.

I have had an opportunity to deal with him and his staff, and I think he is efficient, effective, and meritorious. The gentleman cannot be intimidated when he thinks he is correct, and I would hope the rest of us would do as well as we can to follow his example.

Mr. SPRINGER. I thank the gentleman for his kind remarks.

I would like to say that we do have a staff member who has been with us almost as long as I have been on the committee—Jim Menger. He has been eminently fair. I doubt if the Chair knows what his politics are; I do not.

As I say, I do not, and I have talked with him and have had breakfast with him day after day. I think our staff has been without politics. Jim Menger is the best example of that. He is a real expert in this field. He will be missed not only by myself and the chairman but also by every member of the committee.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota (Mr. NELSEN), the ranking minority member of our subcommittee.

Mr. NELSEN. Mr. Chairman, first I wish to join with my colleagues in expressing my appreciation for the fine work that our colleague, the gentleman in the well, has done over a period of years. I know we are going to miss him on the committee. I want him to understand we have appreciated the fine work he has done.

I also wish to join with the gentleman in the well in commending our staff member Dr. Menger, who has done such a tremendous job for us on our committee.

Mr. Chairman, on two separate occasions, President Nixon has recommended to Congress a program of action on heart and related diseases. On January 2, 1972, in his state of the Union message, the President said:

> In addition, we will be giving increased attention to the fight against diseases of the heart, blood vessels and lungs, which presently account for more than half of all the deaths in this country. It is deeply disturbing to realize that, largely because of heart diseases, the mortality rate for men under the age of 55 is about twice as great in the United States as it is, for example, in some of the Scandanavian countries.

On March 2, 1972, in his health message, the President also pointed out that if current rates of incidence continue, some 12 million Americans will suffer heart attacks in the next 10 years. Through budget requests, he has recognized the need for development of new medical devices to assist blood circulation and improved instruments for early detection of heart diseases and has called for a program to explore the relationship of high-risk factors such as smoking, high blood pressure and high blood fats to the onset and progression of heart diseases.

Our committee bill requires the development and implementation of a nine-point program. One of the requirements is that the Director of the National Heart and Lung Institute shall conduct a program of education for the public and health professions with regard to heart, blood vessel, lung and blood diseases. Special emphasis is to be placed on informing the public of the effect of reduction of known risk factors in preventing these disorders.

I believe my colleagues on the subcommittee would agree that this provision alone, calling for public education in the area of early detection and recognition of symptoms and then impressing on the public the need for immediate action, makes the bill worthwhile, for this will be the difference between life and death for a vast number of people in the years that lie ahead.

I commend this bill to your favorable consideration.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I thank the gentleman from West Virginia for yielding. First of all I want to commend the chairman of the full committee for his great interest in health and the leadership he has exerted and his sponsorship of this bill as well as many others. He has been a driving force and has stood behind this subcommittee in all its work.

I think each member of this subcommittee has been diligent and has devoted hours and hours to the subject of health. In great measure it has been due to the fine support we have received from the chairman as well as from the ranking minority member, who has just spoken.

I am not going to take the time now to say what it will mean to all of us to lose the gentleman from Illinois, BILL SPRINGER. I am sure the opportunity will come later for us to express ourselves on that, but I already feel the loss that will occur, and we will miss his contributions which he has made over the years. We will greatly miss him.

As for the staff, Jim Menger has done a magnificent job throughout the years. He does know more about public health legislation than anybody else in America, and the Subcommittee on Public Health and Environment will greatly miss him particularly.

Mr. Chairman, I rise in support of a bill in which every American has a stake: The National Heart, Blood Vessel, Lung, and Blood Act of 1972. While the name of the bill is cumbersome, its purpose is simple: To foster research and control programs aimed at effective and direct attack on cardiovascular and pulmonary diseases.

Mr. Chairman, the legislation which the subcommittee asked the association to comment on deals with the problems of diseases of the heart, lungs, blood, and blood vessels. The association is concerned about these diseases and the epidemic proportions they have assumed.

Heart and blood vessel diseases are among the major causes of death in the United States, killing more than 1 million people each year. Cardiovascular disease is responsible for 54.1 percent of all deaths in the United States, killing old and young alike. Heart attacks kill 600,000 people annually. More than 12 million Americans will suffer some kind of heart attack in the next 10 years.

Lung diseases are deadly killers and debilitators; approximately 20 million Americans are disabled with diseases of the lungs. In addition, death from emphysema is rising at a rate unparalleled by any other disease.

Enormous numbers of people are being killed and disabled by thrombosis. This disease, the formation of blood clots in the vessels, is responsible for most of the suffering and death caused by the 200,000 strokes occurring annually in the United States.

These grim facts exemplify the need for action concerning these diseases. It is clearly in the national interest to act on these problems. These diseases strike down people in the prime, most productive years. Even when not fatal, these diseases seriously disable people so that they no longer can work. In addition to creating a life of nonproductive existence and suffering, these diseases also have a serious economic impact on the country.

Mr. Chairman, as you know, primary responsibility for Federal support of research into these diseases lies within the National Heart and Lung Institute, one of the 10 institutes within the National Institutes of Health. Established as the National Heart Institute in 1948, it has become the world's leading center of excellence for the study of heart and lung disease. In November 1969, the Institute was renamed the National Heart and Lung Institute in order to reflect its expanded functions with regard to pulmonary disease. Headed by one of this country's finest public servants, Dr. Theodore Cooper, the Institute has sponsored and participated in innumerable research programs which have contributed to the accumulation of valuable knowledge regarding heart, lung, blood vessel and blood diseases. This bill is designed to give direction and impetus to these efforts through several innovative provisions designed to streamline research supported by the Institute and make the fruits of that research more accessible to the medical community.

Mr. Chairman, the bill is substantially similar to the cancer legislation enacted in December of 1971 after months of critical and fruitful debate. I know you will recall that the debate centered on the desirability of maintaining the responsibility for Federal cancer research within the National Institutes of Health. You will recall that the Congress decided that maintaining the research effort within NIH was the proper approach; this bill is geared to that principle.

Mr. Chairman, the bill contains several important features. It requires—for the first time—the establishment of a national program to expand, coordinate, and intensify the activities of the Institute. It affords broader administrative authority for the Director of the Institute. It requires the dissemination of health information respecting heart and lung disease. It authorizes the establishment of prevention and control programs which will aid in the prevention, diagnosis and treatment of these diseases. It authorizes the development of 15 new basic and clinical research and demonstration centers for heart, blood vessel, and blood diseases as well as 15 new basic and clinical research and demonstration centers for lung diseases. It requires stepped up and formal coordination of all Federal programs relating to these diseases. It replaces the existing National Advisory Council with a National Heart and Lung Advisory Council with public members appointed by the Secretary, and with representatives from Federal departments and agencies who have responsibility for some aspect of health.

Mr. Chairman, one point of clarification. The proposed section 414 would authorize control programs for heart, blood vessel, lung, and blood diseases in cooperation with other Federal agencies, State, local, and regional public health agencies. It is our belief that the Department in developing regulations should consult with representatives of State and local health departments since they will, in many cases, be responsible for the administration of the control programs.

Mr. Chairman, this bill has broad support. It is designed to make substantial inroads against the leading health problems in the Nation today. I urge the bill's adoption.

Mr. Chairman, this is a good bill. It will attack the problem of heart and blood and lung diseases in a more adequate manner than they have ever been approached before.

Of course the bill does carry a great deal of money, about $1,290 million, but at the time we are considering the cost over the next 3 years, we also ought to consider what it is costing every American taxpayer not to do an adequate job in research and control of heart and lung diseases. The American Heart Association has estimated that cardiovascular diseases alone cost this Nation $17.3 billion—not million—per year. There are some 52 million lost man-days of production per year. These figures do not involve lung disease, and emphysema is the most rapidly rising disease we now have. They do not include losses associated with other diseases of the lung which we really have not properly attacked on the research scene.

So I think it should be put in proper perspective what we are talking about when we speak of the cost to the American people of doing an insufficient job on these diseases. This bill goes to that problem and I think the committee has tried to pull together a reasonable bill that will get us going, that calls for a stepped-up national research program, and that calls for the fruits of these programs to be disseminated so doctors all over this Nation will know what the latest methods of treatment are and can apply them.

I would urge the House to support this bill, as I believe it will overwhelmingly, because the American people are ready to halt the slaughter from heart and lung diseases in this country.

Mr. VEYSEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I am happy to yield to the gentleman from California.

Mr. VEYSEY. I should like to use just a moment to ask a question of the distinguished chairman of the subcommittee, the gentleman from Florida.

I strongly support the provisions in H.R. 15081, because I see the need, along with the gentleman, for additional research in these important areas, but I also see some further needs which are not met within this particular legislation.

The bill would provide funding for research in blood diseases, such as serum hepatitis, which we recognize is a very important killer in our society today.

Would the distinguished subcommittee chairman be able to comment to me on the likelihood of some separate action being taken on other aspects of this problem, such as regulation of the blood banks through which this disease is being spread, and the encouragement of volunteer donors?

Mr. ROGERS. I will be glad to comment.

I am sure the chairman of the full committee shares the gentleman's concern, as I do. We know of the gentleman's interest and leadership in trying to bring this problem to national attention.

As I am sure the gentleman realizes, there is currently a study being done, which HEW has authorized, into this problem of blood banking nationally. It is being done by Booze, Allen. This firm's report is due about September. I believe we should wait until that report comes in, and reviews its recommendations, before we attack the problems associated with blood banking.

The committee is concerned about the problem posed by the gentleman. We do want to do something. We plan to do something. But we believe we should wait for the completion of the study.

We do recognize the interest of the gentleman, and would expect to continue to keep in close touch with him on this problem.

Mr. VEYSEY. I thank the gentleman for that assurance. I also should like to see the report, which is due in the near future. I am very hopeful that immediately upon receipt of that information we may be able to move into an examination of the possibility of regulation of blood banks, and encouragement of volunteer donors.

As the gentleman well knows, I have introduced a bill, with nearly 100 cosponsors in this House, H.R. 11828; and there is in the other body legislation sponsored by Senators PERCY and HARTKE, S. 2909; which would move forcibly, in the direction of immediate remedial action against this important killer, tainted blood. I hope we can have very early hearings.

Mr. ROGERS. I thank the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

I want not only to applaud what has been said about our colleague, Mr. SPRINGER, but also to add that without his help, many bills which affect every American would not have passed the Congress. He has always been fair. He has always been very astute in everything he has done for the committee in the study of the bills. His knowledge and his work have been outstanding, and his contributions to help strengthen legislation coming from the committee have been of enormous aid.

Our committee has an informal rule, and every member of the committee follows the rule, that when we disagree, we do not need to be disagreeable. I believe that has been pretty well adopted by the committee.

Without the leadership of the gentleman from Illinois (Mr. SPRINGER) on the other side of the aisle, I expect we would have been torn apart many times.

He has not only been able in his work, but he has been a mediator in all ways. Publicly I want to say to him thanks a million for his help. I know his time in Congress is coming to a close, but we have many more important bills, and I am sure that BILL SPRINGER will be there trying to help for what he thinks is in the best interest of the Nation as a whole, as always.

Mr. ROY. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. ROY. Mr. Chairman, cardiovascular disease is one of the Nation's leading health problems, affecting more than 27 million, and killing more than 1 million persons annually. The incidence of cardiovascular disease has increased over the past several decades to epidemic proportions as the control of infectious diseases has extended the lifespan of the average American and left him vulnerable to chronic diseases. Reflecting this situation, between 1900 and 1968 the death rate from heart disease rose from 137 to 373 per 100,000 population, making it the Nation's No. 1 killer. Today, almost half of all deaths among persons between the ages of 35 and 64 are caused by diseases of the heart and blood vessels. In 1968, mortality from circulatory disease was over 1 million people, with a quarter of these under the age of 65. Atherosclerosis, hypertension, rheumatic heart disease, and congenital heart defects—the impact of these major forms of cardiovascular disease is staggering.

A disease which is this prevalent is a serious drain on the Nation's resources. The American Heart Association estimates that cardiovascular disease alone may cost the Nation an annual $17.3 billion and account for 52 million lost man-days of production each year. In addition, it has been estimated that approximately 11 years could be added to the life expectancy of the average American with the elimination of cardiovascular disease as a major form of morbidity and mortality. As grim as these statistics may be, they do not take into account the human suffering which may be brought about by physical disability and the inability to lead a comfortable and productive life. For many of those affected, chronic cardiovascular disease may mean irretrievable loss of health and a distressing reduction in the quality of life.

It is encouraging to note, however, that medical research has made a number of striking advances in the past 20 years in the diagnosis and treatment of cardiovascular problems. Cardiac catheterization, angiocardiography, and ultrasound have all increased our ability to understand the precise problems of the individual patient. Computers and other electronic devices have also contributed to more skillful diagnostic procedures.

There is at the present time no cure for most major cardiac diseases, but present therapeutic regimens, aided when necessary by surgical intervention, can often impede or delay the insidious progress of these disorders. Anticoagulants, diuretics, digitalis, nitroglycerin, and antibiotics all have increased our ability to combat heart disease. Spectacular advances in cardiac surgery have increased the life expectancy of those with congenital defects and several other types of abnormalities.

In addition to the very major problems that heart disease poses for our population, diseases of lung and blood also pose major problems. Chronic pulmonary disorders, such as asthma, bronchitis, and emphysema directly cause more than 30,000 deaths each year and contribute to at least 60,000 more. An additional 20 million persons are disabled with diseases of the lung. Disorders of the blood, such as sickle cell anemia and hemophilia, produce lifelong disability for those afflicted. Sickle cell anemia affects approximately 40,000 to 50,000 Americans of African descent. Severe hemophilia affects an additional 10,000 to 15,000 Americans.

There is an evident need to increase our Nation's effort to understand and alleviate the suffering and death caused by all these diseases. For this reason, I am pleased to support the National Heart, Blood Vessel, Lung, and Blood Act of 1972 which is presented to this House here this afternoon. This bill augments the Federal research effort in these areas by building upon strengths of existing programs and expanding them. The bill requires the Director of the National Heart and Lung Institute to develop and carry out a nine-point plan. This plan covers a wide range of activities, including research into the epidemiology, etiology, and prevention of all forms of heart, blood vessel, lung, and blood diseases. The plan is to provide for evaluation of methods of therapy, research into the effective use of the Nation's blood resources, education of the public and health professions, training of scientists and clinicians, and establishment of programs for the evaluation and study of emergency medical services, It is directed to set out recommendations for staffing and appropriations commensurate with the scope of the program. The bill specifically provides for coordination of the proposed program with activities of other institutes to the extent that they may be conducting research in these areas.

In addition to establishing a broad, well-organized national effort, the bill authorizes sizable new funds, $1.29 billion over 3 years, for this purpose.

Because of the magnitude of the problem, and because of the comprehensiveness of the new program proposed, I am pleased at this time to urge the enactment of the National Heart, Blood Vessel, Lung, and Blood Act of 1972.

Mr. SPRINGER. Mr. Chairman, I do want to acknowledge the kind words of my chairman. He has been very thoughtful and very helpful in everything that I attempted to do in the committee. I am thankful for his good words.

I yield the remainder of the time allotted to me to a member of the subcommittee, the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. I thank the distinguished gentleman for yielding to me.

I, too, want to echo the comments made by our distinguished chairman. The distingushed gentleman from Illinois (Mr. SPRINGER) has been a wonderful leader on our side of the aisle. I know of no ranking member on any committee who knows his work and does his homework as well as this distinguished gentleman.

I would point to the fact that on the selection of ranking members in our group he was one of the few who received a complete vote of every member of the committee, which I think is certainly highly complimentary and shows a great deal of faith is reposed in the distinguished gentleman from Illinois.

Mr. Chairman, I want to say that I do support this legislation. I think it is badly needed. We have and we have had over the years too many deaths, too many, from heart, stroke, and pulmonary diseases. We need to do more about it. It is my feeling the establishment of well-equipped heart and lung centers throughout our country with adequately trained personnel to demonstrate new methods of diagnosis and treatment of heart and lung diseases will be extremely helpful. This bill will do just that.

I strongly support the legislation and ask for the support of the Members.

Mr. KEATING. Mr. Chairman, today in America we are faced with a killer which takes more lives than any other single force. That killer is heart disease. Its cost in terms of economic burden is massive, and its overall effect is devastating. Heart disease, while striking primarily at people who are in their most productive years—between th ages of 40 and 60, kills more than 1,000,000 people annually, afflicting another 27,000,000. Lung diseases disable 20,000,000 people annually, while chronic pulmonary disorders such as asthma, bronchitis, and emphysema directly cause more than 30,000 deaths each year and contribute to at least 60,000 more.

Lifelong disability is produced for those affected with disorders of the blood—sickle cell anemia and hemophilia.

Thus, almost 50,000,000 Americans, one-quarter of this country's population, are afflicted by diseases of the heart, blood vessels, lungs, and blood.

Approximately three-fourths of this Nation's people are affected by such diseases directly or indirectly through a member of their family. Figures such as these merit great concern.

Many of the recent developments in heart disease control are dramatic. Passage of H.R. 15081 would insure the continuation of the great strides that have been made in the past, and pave the way for even greater success in the future.

The establishment of a national heart, blood vessel, lung and blood disease program would provide the opportunity for more extensive research, field studies, testing and evaluation of these diseases, education and training, and evaluation of emergency medical services.

Research and training grants would be increased to insure the benefits of free competitive research.

As many as 15 new basic and clinical research and demonstration centers for heart, blood vessel, and blood diseases and up to 15 centers for chronic lung diseases may be established by the Director.

And, the coordination of Federal health programs would be increased.

I urge my colleagues to share in the concern for this cause.

Mr. KYROS. Mr. Chairman, I rise in support of H.R. 15081, a bill to enlarge the authority of the National Heart and Lung Institute to focus more intensive attention on the causes and cures of cardiovascular and lung diseases.

As we all know, cardiovascular disorders lead the list of fatal diseases. Each year, more than a million and a quarter Americans suffer heart attacks, and more than half of those die. Last year, over 6,000 heart fatalities were in my State of Maine. It is a medical fact that, in all instances, more men than women are dying of cardiovascular disease; 27 percent more men than women succumb to heart attacks. Moreover, these men are in the 45-to-55-age bracket, at a time when they are settled with homes and families and are productive members of society. It has been estimated that cardiovascular disease may cost the Nation as much as $17 billion yearly, a very serious economic toll.

It is vital that we begin work to preserve an important resource of this country: The American male. H.R. 15081 will build upon the existing strengths of the programs within the National Heart and Lung Institute, and will include research into the causes and prevention of all forms of heart, blood vessel, and blood diseases.

A second notable facet of this legislation is its increased attention to lung diseases, so closely related to cardiovascular disorders. Asthma and emphysema have become major health problems, and some 36,000 people die yearly from all chronic respiratory conditions. The National Heart, Blood Vessel, Lung, and Blood Act of 1972 will double present funding for heart and lung disease research, and will provide 30 new research clinics, 15 each for heart and lung, throughout the country. The bill will also aid in the recruitment of additional manpower, a serious problem in this area of health care.

Mr. Chairman, it is, indeed, a pleasure to give my full support to this important legislation.

Mr. HARRINGTON. Mr. Chairman, I rise today in support of of House Resolution 15081, the National Heart, Blood Vessel, Lung, and Blood Act of 1972.

The health situation in this country is deplorable. Responsible steps must be taken to give adequate health care to all Americans. One of the first steps is embodied in this bill—to advance the national attack against diseases of the heart and blood vessels, the lungs, and the blood. To fight any disease knowledge and research is necessary.

Heart and blood vessel diseases are the major causes of death today in the United States. Over 15 million Americans have been stricken with heart disease, with another 13 million suspected sufferers. Approximately 1.2 million Americans suffer heart attacks each year, with a half million of those dying. The incredible element is that half of those who die from heart attacks do so before medical attention arrives. It is estimated that over 12 million Americans will die from heart attacks in the next 10 years.

The incidence of chronic respiratory diseases, particularly emphysema, has been recognized by health authorities as a growing menace because of the increasing contamination of our environment. In the last 5 years, emphysema cases have risen over 109 percent. People affected by bronchitis and/or emphysema number over 4½ million. The number of deaths per 100,000 causes by emphysema has increased from 5.4 in 1960 to 11.1 in 1970, more than a twofold increase in just one decade.

The funding provided by this bill will definitely help combat these crippling diseases. I hope that my colleagues join with me and vote for this measure.

Mr. PRICE of Illinois. Mr. Chairman, the health of citizens of the United States should be of prime concern to the Members of Congress. For this reason I support H.R. 15081, the National Heart, Blood Vessel, Lung, and Blood Act.

Although much research has been done and much progress has been accomplished, millions of Americans still suffer from disorders of the heart, blood, and lungs. An attack against these disorders has never been coordinated on a scale large enough to be truly effective. Now is the time to mount such an attack. The best way to advance the attack is on an expanded national scale under the guidance of the Director of the National Heart and Lung Institute. This is the plan which will be established if H.R. 15081 is enacted. The funds allotted to this program are vitally needed to help end the misery of many Americans who know the pain and suffering caused by circulatory and respiratory disorders. I urge the support of my colleagues for this worthy cause.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope that this pending bill, H.R. 15081, to enlarge the authority of the National Health and Lung Institute to accelerate our national attack against diseases of the heart and blood vessels, the lungs, and blood, is overwhelmingly accepted by the House this afternoon.

In substance, this measure is intended to cover a wide range of activities including research into the epidemiology, etiology, and prevention of all forms of heart, blood vessel, lung, and blood diseases. In addition, the nine-point plan set up by this legislation provides for the evaluation of methods of therapy, research into the effective use of the Nation's blood resources, education of the public and health professions, training of scientists and clinicians, and establishment of programs for the study and evaluation of emergency medical services.

Mr. Chairman, the diseases covered by the provisions of this bill are among the leading health problems in the country today. They prematurely reduce both the length and quality of the lives of millions of Americans and they constitute a serious drain on the Nation's economic and social resources. Research in these disease areas, up to now, has provided a certain number of methods of treatment but, obviously, a tremendous amount of research still remains to be undertaken in order to accomplish the fundamental objective of this measure which is, very simply, to hasten the day when diseases of the heart, lungs, blood vessels, and blood can no longer be counted among this country's leading causes of death and disability.

Mr. Chairman, by all standards of reasonable measurement, this bill is in the national interest and I urge its adoption without any extended delay.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 15081, the National Heart, Blood Vessel, Lung, and Blood Act of 1972.

As a cosponsor of this vital legislation, I commend the Committee on Interstate and Foreign Commerce for its action in reporting legislation which will significantly improve the Federal Government's effort to combat heart and lung disease.

Last year, I was proud to have been a prime sponsor of the "conquest of cancer" legislation which eventually led to the Cancer Attack Act signed into law in December of 1971. The legislation before us today represents an attempt to do the same thing for heart disease that we were able to accomplish for cancer last year, that is, provide the impetus for a greatly expanded research effort to find the causes and cures for these dread diseases.

The National Heart, Blood Vessel, Lung, and Blood Act authorizes appropriations of $1.2 billion over a 3-year period to substantially augment the Federal research effort in cardiovascular, pulmonary, and blood diseases. The bill would require the drafting of a comprehensive plan for attacking these disorders by the Director of the National Heart and Lung Institute, with the support of a new 21 member National Heart and Lung Advisory Council.

The plan is intended to cover a wide range of activities including research into the epidemiology, etiology, and prevention of all forms of heart, blood, and lung disease. In addition, the plan is to provide for evaluation of methods of therapy, research into the effective use of the Nation's blood resources, training of scientists and clinicians, establishment of programs for the study and evaluation of emergency medical services, and recommendation for staffing and appropriations commensurate with the scope of the program. The bill also specifically provides for coordination of the proposed program with the activities of other components of the National Institutes of Health that may be conducting related research.

Moreover, as part of his expanded authority, the Director of the National Heart and Lung Institute shall conduct a program of education for the public and health professions with respect to heart and lung diseases. Special emphasis is to be placed on informing the public of the effect of reduction of known risk factors in preventing these diseases.

As another means of insuring the rapid translation of research results to the community, the bill also provides for the creation of heart, blood vessel, lung, and blood disease control programs. These programs are to be established in cooperation with Federal, State, and other agencies. Under the bill, a separate 3-year authorization of $90 million is provided for control program activities.

Mr. Chairman, heart disease is the number one killer in America today. More than 1 million Americans die annually of various forms of heart disease. Moreover, the incidence of heart trouble has been increasing at an alarming rate. Between 1900 and 1968, the death rate from heart disease has risen from 137 to 373 per hundred thousand. Nearly half of all deaths today among those between the ages of 35 and 64 are caused by diseases of the heart and blood vessels. It has been estimated that we could add up to 11 years of life expectancy to the average American if cardiovascular disease could be eliminated as a major cause of morbidity.

Diseases of the lungs are fast becoming major causes of disability and death in the United States. Chronic respiratory conditions, in fact, were the underlying cause of 36,000 deaths in 1970 and contributed to 60,000 more. Asthma afflicts more than 5 million Americans; chronic bronchitis, 4 million; and emphysema, 1 million.

As grim as these statistics surely are,

they can in no way measure the severe amount of suffering visited upon millions of victims of these terrible diseases and upon their families. The increasing prevalence of heart and lung diseases warrants a major national effort to eradicate them. I urge approval of H.R. 15081.

Mr. PEPPER. Mr. Chairman, I want to commend the able chairman and the distinguished members of his committee on Interstate and Foreign Commerce in bringing to legislative fruition this program to provide for the expansion and intensification of our national research program into the causes and prevention of heart and lung diseases. This is a good bill and I believe its passage paramount to our mounting a national effort against these dread afflictions which stand out as two of the most serious facing our Nation today. This is the first major effort to provide a research and treatment program against heart and lung diseases since the enactment in June 1948 of S. 2215, setting up the National Heart Institute, of which I was a cosponsor.

For many years I have worked in both the House and the Senate to promote the health and prolong the prime of life for Americans. While I served in the U.S. Senate I introduced in February 1947 S. 720, a bill to authorize a heart research program through the appropriate agencies. A little later I cosponsored S. 2215 with my colleagues Senators Henry Styles Bridges, Irving McNeil Ives, and James Edward Murray. This Senate bill, to amend the Public Health Service Act to support research and training in diseases of the heart and circulation, and to aid the States in the Development of community programs for the control of these diseases, was enacted in June 1948. In January 1949, I introduced Senate Joint Resolution 35 to establish National Heart Week in order to help provide for the continuous education of all Americans and help create a national awareness of the causes, treatment and prevention of this pernicious disease. As a Member of the House of Representatives, I was a joint sponsor of the Health Professions Educational Assistance Act and the Heart Disease, Cancer and Stroke Amendments of 1965. On January 18, 1972, I introduced H.R. 12460 to amend the Public Health Service Act to strengthen the National Heart and Lung Institute and the National Institutes of Health.

The National Heart, Blood Vessel, Lung and Blood Act of 1972 will enlarge the authority of the National Heart and Lung Institute in order to advance and accelerate our Federal effort to attack these diseases. This measure requires the Director of the National Heart and Lung Institute, with the advice of the National Heart and Lung Advisory Council, to develop and carry out a 9-point plan for a national heart, blood vessel, lung, and blood disease program. The bill authorizes $1.2 billion for fiscal years 1973–75 for the national heart, blood vessel, lung and blood disease program and $90 million for the same period for the initiation of heart, blood vessel, lung and blood disease control programs.

Mr. Chairman, 20 million Americans are suffering from heart and blood vessel diseases, and an additional 5 million are afflicted with chronic lung diseases. This means that approximately one in six Americans is handicapped by these diseases. In addition, each year over 1 million die of heart and blood vessel diseases, accounting for 54 percent of our deaths. We are reminded too of the economic impact these diseases inflict on so many Americans and their families. The American Heart Association estimates that cardiovascular disease alone may cost the Nation an annual $17.3 billion and account for 52 million lost man-days of production each year.

The passage of this bill will manifest our commitment to utilize our vast medical and scientific resources, knowledge, and skills in a comprehensive effort to resolve some of our major domestic problems and health certainly stands out as one of the most crucial. Let us hope that this measure will save the lives and promote the health and happiness of so many of our fellow Americans and indeed indirectly of people all over the world.

Mr. STAGGERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the rule, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Heart, Blood Vessel, Lung, and Blood Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Congress finds and declares that—

(1) diseases of the heart and blood vessels collectively cause more than half of all the deaths each year in the United States and the combined effect of the disabilities and deaths from such diseases is having a major social and economic impact on the Nation;

(2) elimination of heart and blood vessel diseases as significant causes of disability and death could increase the average American's life expectancy by about eleven years and could provide for annual savings to the economy in lost wages, productivity, and costs of medical care of more than $30,000,000,000 per year;

(3) chronic lung diseases have been gaining steadily in recent years as important causes of disability and death, with emphysema alone being the fastest rising cause of death in the United States;

(4) chronic respiratory diseases affect an estimated ten million Americans, emphysema an estimated one million, chronic bronchitis an estimated four million, and asthma an estimated five million;

(5) thrombosis (the formation of blood clots in the vessels) may cause, directly or in combination with other problems, many deaths and disabilities from heart disease and stroke which can now be prevented;

(6) blood and blood products are essential human resources whose value in saving life and promoting health cannot be assessed in terms of dollars; and

(7) the greatest potential for advancement against heart, blood vessel, lung, and blood diseases lies in the National Heart and Lung Institute, but advancement against such diseases depends not only on the research programs of that Institute but also on the research programs of other research institutes of the National Institutes of Health.

(b) It is the purpose of this Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack upon heart, blood vessel, lung, and blood diseases.

HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAMS

SEC. 3. Part B of title IV of the Public Health Service Act is amended (1) by redesignating section 413 as section 419A, (2) by redesignating section 414 as section 418, and (3) by adding after section 412 the following new sections:

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAM

"SEC. 413. (a) The Director of the Institute, with the advice of the Council, shall within one hundred and eighty days after the effective date of this section, develop a plan for a National Heart, Blood Vessel, Lung, and Blood Disease Program (hereafter in this part referred to as the 'Program') to expand, intensify, and coordinate the activities of the Institute respecting heart, blood vessel, lung, and blood diseases (including its activities under section 412) and shall carry out the Program in accordance with such plan. The Program shall be coordinated with the other research institutes of the National Institutes of Health to the extent that they have responsibilities respecting such diseases and shall provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment, and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to such diseases;

"(5) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionalization, and distribution of it and its products;

"(6) the education and training of scientists and clinicians in fields and specialties (including computer sciences) requisite to the conduct of programs respecting heart, blood vessel, lung, and blood diseases;

"(7) public and professional education relating to all aspects of such diseases and the use of blood and blood products and the management of blood resources;

"(8) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases; and

"(9) the establishment of programs for study, research, and evaluation of emergency medical services for people in critical condition in connection with heart, blood vessel, lung, or blood diseases.

The Program shall give special emphasis to the continued development in the Institute of programs relating to atherosclerosis, hypertension, thrombosis, and congenital abnormalities of the blood vessels as causes of stroke, and to effective coordination of such programs with related stroke programs in the National Institute of Neurological Diseases and Stroke.

"(b)(1) The plan required by subsection (a) of this section shall be transmitted to the Congress and shall set out the Institute's staff requirements to carry out the Program and recommendations for appropriations for the Program.

"(2) The Director of the Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the Council and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the Program during the preceding calendar year and a plan for the Program during the next five years.

"(c) In carrying out the Program, the Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council and without regard to any other provision of this Act, may—

"(1) if authorized by the Council, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than fifty experts or consultants who have scientific or professional qualifications;

"(2) acquire, construct, improve, repair, operate, and maintain heart, blood vessel, lung, and blood disease laboratories and research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; and acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years; and

"(3) enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution.

"(d) The Director of the Institute shall conduct a program to provide the public and the health professions with health information with regard to cardiovascular and pulmonary diseases. In the conduct of such program, special emphasis shall be placed upon dissemination of information regarding diet, exercise, stress, hypertension, cigarette smoking, weight control, and other factors in the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary diseases.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE CONTROL PROGRAMS

"SEC. 414. (a) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"(b) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975.

"NATIONAL RESEARCH AND DEMONSTRATION CENTER FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES

"SEC. 415. (a) The Director of the Institute may provide for the development of—

"(1) fifteen new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for heart, blood vessel, and blood diseases; and

"(2) fifteen new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for chronic lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children).

Centers developed under this subsection may be supported under subsection (b) or under any other applicable provision of law. The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraphs (1) and (2) of this subsection.

"(b) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for, existing or new centers (including centers established under subsection (a)) for basic or clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction, notwithstanding section 405,

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

The aggregate of payments (other than payments for construction) made to any center under such an agreement may not exceed $5,000,000 in any year. Support of a center under this subsection may be for a period of not to exceed five years and may be extended by the Director of the Institute for additional periods of not more than five years each, after review of the operations of such center by an appropriate scientific review group established by the Director. As used in this section, the term 'construction' does not include the acquisition of land.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 416. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as Chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities as determined by the Secretary.

"NATIONAL HEART AND LUNG ADVISORY COUNCIL

"SEC. 417. (a) There is established in the Institute a National Heart and Lung Advisory Council to be composed of twenty-one members as follows:

"(1) The Secretary and the chief medical officer of the Veterans' Administration (or their designees) and a medical officer designated by the Secretary of Defense shall be ex officio members of the Council.

"(2) Eighteen members appointed by the Secretary.

Nine of the appointed members shall be selected from among the leading medical or scientific authorities who are skilled in the sciences relating to diseases of the heart, blood vessels, lungs, and blood; two of the appointed members shall be selected from persons enrolled in residency programs providing training in heart, blood vessel, lung, or blood diseases; and seven of the appointed members shall be selected from members of the general public who are leaders in the fields of fundamental or medical sciences or in public affairs.

"(b)(1) Each appointed member of the Council shall be appointed for a term of four years, except that—

"(A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(B) of the members first appointed after the effective date of this section, five shall be appointed for a term of four years, five shall be appointed for a term of three years, five shall be appointed for a term of two years, and three shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(2) A vacancy in the Council shall not affect its activities, and eleven members of the Council shall constitute a quorum.

"(3) The Council shall supersede the existing National Advisory Heart Council appointed under section 217, and the appointed members of the National Advisory Heart Council serving on the effective date of this section shall serve as additional members of the National Heart and Lung Advisory Council for the duration of their terms then existing, or for such shorter time as the Secretary may prescribe.

"(4) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The Secretary (or his designee) shall be the Chairman of the Council.

"(d) The Director of the Institute shall (1) designate a member of the staff of the Institute to act as Executive Secretary of the Council, and (2) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.

"(e) The Council shall meet at the call of the Chairman, but not less often than four times a year."

AUTHORIZATION OF APPROPRIATIONS FOR PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 4. Part B of title IV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 419B. For the purpose of carrying out this part (other than section 414), there are authorized to be appropriated $350,000,000 for the fiscal year ending June 30, 1973, $400,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975."

AUTHORITY OF THE DIRECTOR OF THE NATIONAL HEART AND LUNG INSTITUTE TO APPROVE GRANTS

Sec. 5. Section 419A of the Public Health Service Act (as so redesignated by section 3 of this Act) is amended—

(1) by striking out "grants-in-aid" in subsection (a) and inserting in lieu therof "except as provided in subsection (c), grants-in-aid"; and

(2) by adding after subsection (b) the following new subsection:

"(c) Under procedures approved by the Director of the National Institutes of Health, the Director of the National Heart and Lung Institute may approve grants under this Act for research and training in heart, blood vessel, lung, and blood diseases—

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit but without review and recommendation by the Council, and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by the Council."

CONFORMING AMENDMENTS TO PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

Sec. 6. (a) Section 411 of the Public Health Service Act is amended by striking out "National Heart Institute" and inserting in lieu thereof "National Heart and Lung Institute".

(b) Section 412 of such Act is amended—

(1) by striking out "heart" each place it occurs (except in the heading) and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(2) by striking out "Surgeon General" and inserting in lieu thereof "Secretary";

(3) by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council";

(4) by redesignating paragraphs (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(5) by amending the section heading to read as follows:

"RESEARCH AND TRAINING IN DISEASES OF THE HEART, BLOOD VESSELS, LUNG, AND BLOOD"

(c) Section 418 of such Act (as so redesignated by section 3 of this Act) is amended—

(1) by inserting "(a)" immediately after "Sec. 418." and by adding at the end thereof the following new subsection:

"(b)(1) The Council shall advise and assist the Director of the Institute with respect to the Program established under section 413. The Council may hold such hearings, take such testimony, and sit and act at such times and places, as the Council deems advisable to investigate programs and activities of the Program.

"(2) The Council shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Program toward the accomplishment of its objectives."

(2) by striking out "Surgeon General" each place it occurs (except paragraph (f)) and inserting in lieu thereof "Secretary";

(3) by striking out "heart" each place it occurs and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(4) by striking out "Surgeon General" in paragraph (f) and inserting in lieu thereof "Secretary, the Director of the National Institutes of Health, and the Director of the National Heart and Lung Institute"; and

(5) by redesignating paragraphs (a), (b), (c), (d), (e), and (f) as paragraphs (1), (2), (3), (4), (5), and (6), respectively.

(d) Section 419A of such Act (as so redesignated by section 3 of this Act) is amended—

(1) in subsection (a), by (A) striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood"; and

(2) in subsection (b), by (A) striking out "The Surgeon General shall recommend to the Secretary acceptance of conditional gifts, pursuant to section 501," and inserting in lieu thereof "The Secretary may, in accordance with section 501, accept conditional gifts", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood".

(e) The heading for part B of such Act is amended to read as follows:

"PART B—NATIONAL HEART AND LUNG INSTITUTE"

CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT

Sec. 7. (a) Section 217 of such Act is amended—

(1) by striking out "the National Advisory Heart Council," each place it occurs in subsection (a);

(2) by striking out "heart diseases," in subsection (a) and by striking out "heart," in subsection (b).

(b) Sections 301(d) and 301(i) of such Act are each amended by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council".

REPORT TO CONGRESS

Sec. 8. The Secretary of Health, Education, and Welfare shall carry out a review of all administrative processes under which the National Heart, Blood Vessel, Lung, and Blood Disease Program, established under part B of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer group reviews, in order to assure the most expeditious accomplishment of the objectives of the Program. Within one year of the date of enactment of this Act, the Secretary shall submit a report to the Congress of the findings of such review and the actions taken to facilitate the conduct of the Program, together with recommendations for any needed legislative changes.

EFFECTIVE DATE

Sec. 9. This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments:

Page 3, beginning in line 20, strike out "within one hundred and eighty days after the effective date of this section,".

Page 6, line 11, strike out "shall be transmitted to the Congress and shall" and insert in lieu thereof "shall (A) be developed within one hundred and eighty days after the effective date of this section, (B) be transmitted to the Congress, and (C)".

Page 8, line 9, strike out "in" and insert in lieu thereof "affecting".

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Udall, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15081) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against heart, blood vessel, lung, and blood diseases, and for other purposes pursuant to House Resolution 1027, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHMITZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 10, not voting 42, as follows:

[Roll No. 266]

YEAS—380

Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover

Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—10

Abbitt
Ashbrook
Bow
Burleson, Tex.
Camp
Gross
Hall
Landgrebe
Schmitz
Sebelius

NOT VOTING—42

Anderson, Tenn.
Blanton
Blatnik
Broomfield
Coughlin
Davis, Ga.
Dowdy
Downing
Dwyer
Edmondson
Edwards, Ala.
Evins, Tenn.
Flynt
Fulton
Gallagher
Hagan
Hanna
Hansen, Wash.
Hébert
Jones, Ala.
Jones, Tenn.
Long, La.
McClure
McDonald, Mich.
Mollohan
Mosher
O'Konski
Passman
Podell
Pryor, Ark.
Rarick
Ryan
Sarbanes
Seiberling
Shipley
Spence
Steiger, Wis.
Stuckey
Whalley
Widnall
Wright
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Broomfield.

Mr. Blatnik with Mr. Widnall.

Mr. Blanton with Mr. McClure.

Mr. Jones of Alabama with Mr. Edwards of Alabama.

Mr. Evins of Tennessee with Mr. Mosher.

Mr. Mollohan with Mr. Steiger of Wisconsin.

Mr. Young of Texas with Mr. O'Konski.

Mr. Shipley with Mr. Coughlin.

Mr. Anderson of Texas with Mr. Dowdy.

Mr. Davis of Georgia with Mr. Whalley.

Mr. Passman with Mr. Edmondson.

Mr. Jones of Tennessee with Mr. Gallagher.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Podell with Mr. McDonald of Michigan.

Mr. Stuckey with Mr. Spence.

Mr. Pryor of Arkansas with Mr. Rarick.

Mr. Seiberling with Mr. Long of Louisiana.

Mr. Flynt with Mr. Ryan.

Mr. Fulton with Mr. Sarbanes.

Mr. Downing with Mr. Hagan.

Mr. Hanna with Mr. Wright.

Mr. ASHBROOK changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of H. Res. 1027, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 3323 and to insert in lieu thereof the provisions of H.R. 15081, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Heart, Blood Vessel, Lung, and Blood Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Congress finds and declares that——

(1) diseases of the heart and blood vessel collectively cause more than half of all the deaths each year in the United States and the combined effect of the disabilities and deaths from such diseases is having a major social and economic impact on the Nation;

(2) elimination of heart and blood vessel diseases as significant causes of disability and death could increase the average American's life expectancy by about eleven years and could provide for annual savings to the economy in lost wages, productivity, and costs of medical care of more than $30,000,000,000 per year;

(3) chronic lung diseases have been gaining steadily in recent years as important causes of disability and death, with emphysema alone being the fastest rising cause of death in the United States;

(4) chronic respiratory diseases affect an estimated ten million Americans, emphysema an estimated one million, chronic bronchitis an estimated four million, and asthma an estimated five million;

(5) thrombosis (the formation of blood clots in the vessels) may cause, directly or in combination with other problems, many deaths and disabilities from heart disease and stroke which can now be prevented;

(6) blood and blood products are essential human resources whose value in saving life and promoting health cannot be assessed in terms of dollars; and

(7) the greatest potential for advancement against heart, blood vessel, lung, and blood diseases lies in the National Heart and Lung Institute, but advancement against such diseases depends not only on the research programs of that Institute but also on the research programs of other research institutes of the National Institutes of Health.

(b) It is the purpose of this Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack upon heart, blood vessel, lung, and blood diseases.

HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAMS

SEC. 3. Part B of title IV of the Public Health Service Act is amended (1) by redesignating section 413 as section 419A, (2) by redesignating section 414 as section 418, and (3) by adding after section 412 the following new sections:

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAM

"SEC. 413. (a) The Director of the Institute, with the advice of the Council, shall develop a plan for a National Heart, Blood Vessel, Lung, and Blood Disease Program (hereafter in this part referred to as the 'Program') to expand, intensify, and coordinate the activities of the Institute respecting heart, blood vessel, lung, and blood diseases (including its activities under section 412) and shall carry out the Program in accordance with such plan. The Program shall be coordinated with the other research institutes of the National Institutes of Health to the extent that they have responsibilities respecting such diseases and shall provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment, and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive diagnostic, therapeutic, and rehabilitative approaches to such diseases;

"(5) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionalization, and distribution of it and its products;

"(6) the education and training of scientists and clinicians in fields and specialties (including computer sciences) requisite to the conduct of programs respecting heart, blood vessel, lung, and blood diseases;

"(7) public and professional education relating to all aspects of such diseases and the use of blood and blood products and the management of blood resources;

"(8) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases; and

"(9) the establishment of programs for study, research, and evaluation of emergency medical services for people in critical condition in connection with heart, blood vessel, lung, or blood diseases.

The Program shall give special emphasis to the continued development in the Institute of programs relating to atherosclerosis, hypertension, thrombosis, and congenital abnormalities of the blood vessels as causes of stroke, and to effective coordination of such programs with related stroke programs in the National Institute or Neurological Diseases and Stroke.

"(b)(1) The plan required by subsection (a) of this section shall (A) be developed within one hundred and eighty days after the effective date of this section, (B) be transmitted to the Congress, and (C) set out the Institute's staff requirements to carry out the Program and recommendations for appropriations for the Program.

"(2) The Director of the Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the Council and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the program during the preceding calendar year and a plan for the Program during the next five years.

"(c) In carrying out the Program, the Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council and without regard to any other provision of this Act, may—

"(1) if authorized by the Council, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than fifty experts or consultants who have scientific or professional qualifications;

"(2) acquire, construct, improve, repair, operate, and maintain heart, blood vessel, lung, and blood disease laboratories and research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; and acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed 10 years; and

"(3) enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution.

"(d) The Director of the Institute shall conduct a program to provide the public and the health professions with health information with regard to cardiovascular and pulmonary diseases. In the conduct of such program, special emphasis shall be placed upon dissemination of information regarding diet, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary diseases.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE CONTROL PROGRAMS

"SEC. 414. (a) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"(b) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES

"SEC. 415. (a) The Director of the Institute may provide for the development of—

"(1) fifteen new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for heart, blood vessel, and blood diseases; and

"(2) fifteen new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for chronic lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children).

Centers developed under this subsection may be supported under subsection (b) or under any other applicable provision of law. The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraphs (1) and (2) of this subsection.

"(b) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for, existing or new centers (including centers established under subsection (a)) for basic or clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction, notwithstanding section 405,

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

The aggregate of payments (other than payments for construction) made to any center under such an agreement may not exceed $5,000,000 in any year. Support of a center under this subsection may be for a period of not to exceed five years and may be extended by the Director of the Institute for additional periods of not more than five years each, after review of the operations of such center by an appropriate scientific review group established by the Director. As used in this section, the term 'construction' does not include the acquisition of land.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 416. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as Chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities as determined by the Secretary.

"NATIONAL HEART AND LUNG ADVISORY COUNCIL

"SEC. 417. (a) There is established in the Institute a National Heart and Lung Advisory Council to be composed of twenty-one members as follows:

"(1) The Secretary and the chief medical officer of the Veterans' Administration (or their designees) and a medical officer designated by the Secretary of Defense shall be ex officio members of the Council.

"(2) Eighteen members appointed by the Secretary.

Nine of the appointed members shall be selected from among the leading medical or scientific authorities who are skilled in the sciences relating to diseases of the heart, blood vessels, lungs, and blood; two of the appointed members shall be selected from persons enrolled in residency programs providing training in heart, blood vessel, lung, or blood diseases; and seven of the appointed members shall be selected from members of the general public who are leaders in the fields of fundamental or medical sciences or in public affairs.

"(b)(1) Each appointed member of the Council shall be appointed for a term of four years, except that—

"(A) any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(B) of the members first appointed after the effective date of this section, five shall be appointed for a term of four years, five shall be appointed for a term of three years, five shall be appointed for a term of two years, and three shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(2) A vacancy in the Council shall not affect its activities, and eleven members of the Council shall constitute a quorum.

"(3) The Council shall supersede the existing National Advisory Heart Council appointed under section 217, and the appointed members of the National Advisory Heart Council serving on the effective date of this section shall serve as additional members of the National Heart and Lung Advisory Council for the duration of their terms then existing, or for such shorter time as the Secretary may prescribe.

"(4) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the function of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The Secretary (or his designee) shall be the Chairman of the Council.

"(d) The Director of the Institute shall (1) designate a member of the staff of the Institute to act as Executive Secretary of the Council, and (2) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.

"(e) The Council shall meet at the call of the Chairman, but not less often than four times a year."

AUTHORIZATIONS OF APPROPRIATIONS FOR PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 4. Part B of title IV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 419B. For the purpose of carrying out this part (other than section 414), there are authorized to be appropriated $350,000,000 for the fiscal year ending June 30, 1973, $400,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975."

AUTHORITY OF THE DIRECTOR OF THE NATIONAL HEART AND LUNG INSTITUTE TO APPROVE GRANTS

SEC. 5. Section 419A of the Public Health Service Act (as so designated by section 3 of this Act) is amended—

(1) by striking out "grants-in-aid" in subsection (a) and inserting in lieu thereof "except as provided in subsection (c), grants-in-aid"; and

(2) by adding after subsection (b) the following new subsection:

"(c) Under procedures approved by the Director of the National Institutes of Health, the Director of the National Heart and Lung Institute may approve grants under this Act for research and training in heart, blood vessel, lung, and blood diseases—

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit but without review and recommendation by the Council, and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by the Council."

CONFORMING AMENDMENTS TO PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 411 of the Public Health Service Act is amended by striking out "National Health Institute" and inserting in lieu thereof "National Heart and Lung Institute".

(b) Section 412 of such Act is amended—

(1) by striking out "heart" each place it occurs (except in the heading) and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(2) by striking out "Surgeon General" and inserting in lieu thereof "Secretary";

(3) by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council";

(4) by redesignating paragraphs (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(5) by amending the section heading to read as follows:

"RESEARCH AND TRAINING IN DISEASES OF THE HEART, BLOOD VESSELS, LUNG, AND BLOOD".

(c) Section 418 of such Act (as so redesignated by section 3 of this Act) is amended—

(1) by inserting "(a)" immediately after "SEC. 418." and by adding at the end thereof the following new subsection:

"(b) (1) The Council shall advise and assist the Director of the Institute with respect to the Program established under section 413. The Council may hold such hearings, take such testimony, and sit and act at such times and places, as the Council deems advisable to investigate programs and activities of the Program.

"(2) The Council shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Program toward the accomplishment of its objectives."

(2) by striking out "Surgeon General" each place it occurs (except paragraph (f)) and inserting in lieu thereof "Secretary";

(3) by striking out "heart" each place it occurs and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(4) by striking out "Surgeon General" in paragraph (f) and inserting in lieu thereof "Secretary, the Director of the National Institutes of Health, and the Director of the National Heart and Lung Institute"; and

(5) by redesignating paragraphs (a), (b), (c), (d), (e), and (f) as paragraphs (1), (2), (3), (4), (5), and (6), respectively.

(d) Section 419A of such Act (as so redesignated by section 3 of this Act) is amended—

(1) in subsection (a), by (A) striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood"; and

(2) in subsection (b), by (A) striking out "The Surgeon General shall recommend to the Secretary acceptance of conditional gifts, pursuant to section 501," and inserting in lieu thereof "The Secretary may, in accordance with section 501, accept conditional gifts", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood".

(e) The heading for part B of such Act is amended to read as follows:

"PART B—NATIONAL HEART AND LUNG INSTITUTE"

CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT

SEC. 7. (a) Section 217 of such Act is amended—

(1) by striking out "the National Advisory Heart Council," each place it occurs in subsection (a);

(2) by striking out "heart diseases," in subsection (a) and by striking out "heart," in subsection (b).

(b) Sections 301(d) and 301(i) of such Act are each amended by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council".

REPORT TO CONGRESS

SEC. 8. The Secretary of Health, Education, and Welfare shall carry out a review of all administrative processes under which the National Heart, Blood Vessel, Lung, and Blood Disease Program, established under part B of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer group reviews, in order to assure the most expeditious accomplishment of the objectives of the Program. Within one year of the date of enactment of this Act, the Secretary shall submit a report to the Congress of the findings of such review and the actions taken to facilitate the conduct of the Program, together with recommendations for any needed legislative changes.

EFFECTIVE DATE

SEC. 9. This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15081) was laid on the table.

COMMUNICABLE DISEASE CONTROL PROGRAM

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14455) to amend the Public Health Service Act to extend and revise the program of assistance under that act for the control and prevention of communicable diseases.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14455, with Mr. UDALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in support of H.R. 14455, a bill to extend and revise the program of assistance under the Public Health Service Act for the control and prevention of communicable diseases.

Mr. Chairman, this bill is a 3-year extension of the existing program under section 317 of the Public Health Services Act authorizing grants to States and local communities for communicable disease programs.

The bill in general follows the pattern of existing law, except that it authorizes specifically earmarked amounts for five categories of programs.

The bill authorizes $5 million a year to deal with epidemics and other health emergencies; $50 million a year for venereal disease programs; $10 million a year for tuberculosis control programs; $5 million a year for measles control programs; and $20 million a year for communicable disease programs other than programs for tuberculosis, venereal disease, and measles.

The legislation authorizes the Secretary of Health, Education, and Welfare to transfer up to 50 percent of the amount appropriated for any other foregoing programs for use under any other program. This transfer authority should provide the Secretary with needed flexibility in administering the programs.

Mr. Chairman, this legislation is a result of congressional initiative in 1970 and was enacted in that year over administration opposition. The position of the administration on this legislation this year is essentially the same as it was in 1970, which is to the effect that section 314(e) of the Public Health Service Act contains sufficient authority for these programs.

The committee did not agree with that view in 1970, and does not agree with it today. The committee feels that section 314(e) projects should be directed primarily toward State and local needs, as determined by the State or locality, and that specialized target national programs should be earmarked in legislation. The extension of section 314(e) authority was used by OMB for some time to argue against the continuation of programs of grants for domestic agricultural migratory workers, and that authority has been stretched by the administration so far as to provide initial funding for health maintenance organizations, although there has never been any justification presented to this committee for the use of those funds in that regard.

We feel that if there is to be congressional control and direction of programs, it should be provided through legislation such as that contained in the bill before us today, and we feel that this should be the authority relied on by the administration for immunization programs.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very important bill. It is of course to extend the Public Health Service Act for 3 years and to authorize grants for specific communicable disease prevention programs.

This act was first passed in 1955 and it provided for grants to fund immunization programs against polio. It has been since supplemented and expanded by the Vaccination Assistance Act of 1962, and by legislation in 1965, and again in 1967. The administration of President Kennedy, I understand, and also the administration of President Johnson opposed passage of this legislation, but the Congress in its wisdom thought these programs were necessary, and this legislation was passed, and both Presidents signed the legislation. Certainly I think it is good, and any time we think legislation is wise and good for the people of our country we should pass it, regardless of what any particular group of people might think or any particular division of the Federal Government.

Of course, as the distinguished chairman, the gentleman from West Virginia, has stated, the Secretary of HEW is authorized to make grants to States and political subdivisions to meet the cost of communicable disease control. We do have a great many problems today. Venereal disease is one of them. Gonorrhea last year occurred or was found in 624,000 cases, almost trebled since 1962. We had 23,000 cases of syphilis, which had increased 5,000 cases since 1969. We had 24,000 deformed youngsters born in the year 1964 as a result of German measles.

If Members had ever been in attendance when these youngsters were born, they would realize that one does not feel well at seeing a youngster born without a brain, which is called an anencephalic monster. One also is certainly terribly affected when one sees a youngster born with congenital heart defects or with congenital deafness or with hernias or with many of the other things that German measles cause. If youngsters are immunized against German measles, this does not occur when they reach childbearing age.

It is very important for us to provide funds to prevent the occurrence of these very gruesome and terrible birth deformities.

Furthermore, it is very important for us today to institute programs and to improve programs we have for control of venereal diseases. As we stated, there has been a widespread increase in gonorrhea. There are newer methods of detection of this disease in women which can be applied. Almost every county health officer throughout our country is empowered to examine people who come to his office for detection of these diseases. Those officers do great work and I think we should do everything in our power to assist them.

Again, lues or syphilis is on the increase. This is a disease which can be transmitted to new-born youngsters in cases of inadequate treatment of the mothers.

Of course, we should make every effort in this area to find those who have this disease and to eradicate the disease.

At one time it was very difficult to treat the disease, as some of my friends realize. It was treated with arsenicals, arsphenamine, and mercurials, which were very dangerous to the patient, although in many cases they resulted in cures.

Now it is relatively easy to effect a cure in lues or syphilis, and also in gonorrhea. I believe it behooves us to make the funds available, so that these cures can be effected and so that we can prevent the disease which adversely affect the youngsters of our country.

I strongly support the passage of this bill.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from Maryland.

Mr. LONG of Maryland. The gentleman just said there are cures for venereal diseases. I have heard statements that new strains of gonorrhea and syphilis are emerging which are immune to these miracle drugs, and that this is the reason why there has been a resurgence of these two venereal diseases. What are the facts?

Mr. CARTER. I know of no resistant strain of the Spirochaeta Treponema pallidum, the cause of syphilis. I believe all of them yield to penicillin. However, there are the gram-negatives, Neisserian bacillus, which is not affected by penicillin. It does develop a tolerance to it. It is rather difficult to eradicate it by the use of penicillin in some cases.

Mr. LONG of Maryland. Would the gentleman say the big increases in gonorrhea and syphilis are due to this factor, or to other factors?

Mr. CARTER. To other factors. Perhaps to an increase in promiscuity, which might account for some of it.

Mr. LONG of Maryland. I thank the gentleman.

Mr. CARTER. I strongly urge the passage of this bill.

At this time I want to take just a minute to say that I regret very much the loss of Dr. Jim Menger, who has been a wonderful adviser and helper. I notice he is lowering his head beneath his paper there, but he has been a superior legal technician—positively supracalifragilistic.

We have a new name for him. It is no longer Jim Menger, since has has gone out for hirsutism. We call him Fu Manchu.

Mr. Chairman, I strongly urge the passage of the bill.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding.

I want to urge the House to give favorable consideration to this legislation.

As the last speaker, Mr. CARTER, has just mentioned, it is a vitally needed piece of legislation. These are programs that need urgent handling.

This has been brought out already. In fact, a letter dated May 22, 1972 from the President which reports on communicable disease programs has stated that many of these diseases are now having an increase of incidence. It is estimated by most experts, as Mr. CARTER has pointed out, there has been a tremendous increase in these diseases.

Stating its purpose and potential in the most simple terms, this bill, entitled, "The Communicable Disease Control Act, can prevent millions of Americans from contracting a wide variety of communicable diseases whose causes can range from simple discomfort to expensive hospitalization to retardation and even death. We have the power to do these things, to prevent and cure disease, if we will just use the knowledge which our scientists and medical men have given us.

We can prevent measles, German measles, polio, mumps, diphtheria, tetanus, and can cure, when detected, venereal disease, TB, and whooping cough.

When the original communicable disease program was enacted, we moved against these diseases and were on the verge of eliminating them. But funds were cutback year after year and in 1968 we saw this authority eliminated by the Office of Management and Budget. Since then, we have seen the statistics climb once again.

Now we see venereal disease at pandemic proportions. An estimated 10 percent of the Nation's population, or around 2.5 million, have actual incidence of gonorrhea. More than 100,000 Americans had syphilis in the latest reporting period.

This legislation will earmark more than 50 percent—or $150 million of the total funding of $270 million—for venereal disease over the 3-year span of the bill to help remedy this national epidemic.

Tuberculosis, a leading cause of death not too long ago, is again a serious health hazard. More than 14 million Americans have been infected by TB and more than 35,000 new active cases have been reported. The legislation will devote $30 million for treatment and screening of TB over the next 3 years.

Measles, the most common of these communicable diseases, is already up over last year in 15 States, including my State of Florida. Although regarded as a childhood disease, this illness can, and does, result in retardation and even death. Yet we can prevent it.

This Nation fully realized the impact of German measles in 1964 when an epidemic affecting expectant mothers resulted in the birth of some 20,000 severely handicapped children. This epidemic, which was preventable, is expected to cost the Nation $1.6 billion over the lifetime of these children in addition to the suffering and heartbreak. We are working now on a program which we hope can bring this killer to its knees through an intense immunization plan. Our task here is made clear by a recent report of an epidemic in Minnesota in the April-June reporting period.

We have incorporated provisions in this bill which gives the Secretary of HEW flexibility to move against outbreaks and epidemics. We have set aside $5 million for each fiscal year for emergency situations.

During the past year we have seen outbreaks of various communicable diseases which have gone unreported until they reached the epidemic stage. In St. Petersburg, Fla., this was the case. I think it vital that HEW move quickly to implement requirements to have State and local health agencies immediately report any trend in incidents of communicable disease which could lead to an epidemic so that it can be stemmed with minimal cost to the community.

When the concensus among medical experts is that we as a Nation must move to preventive medicine, it is imperative that we do use those tools available which can prevent disease. Basically, that is what this bill is geared for, preventing disease.

Dr. CARTER has already pointed out the horrible things that happen to people as a result of diseases that can be prevented. That is the point. If we could not do anything about these diseases, there would not be any point in passing this legislation. But this legislation goes to prevention of known preventable diseases. Not to pass this legislation and not to take advantage of the research we have spent money on to find out the ways to prevent diseases is almost criminal.

In our own State we had a recent example of what can happen without support of these programs. My distinguished colleague from St. Petersburg is very much aware of the measles epidemic they had there. There was no reason for it had we had a proper program of immunization.

There are similar examples all over this Nation. We ought to do something about it. This legislation allows us to do something about it, and it ought to be passed unanimously by this House.

I thank the gentleman for yielding.

Mr. CARTER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman and members of the committee, as I look at this proposal before us now, the largest amount of money to be authorized here is for venereal disease control. It is in the amount of $50 million for each of the next 3 fiscal years.

I am reminded in the mark up of our Subcommittee on Appropriations on the Department of Health, Education, and Welfare, 6 years ago I offered an amendment to increase the amount for this particular item half a million dollars, because at that time we could foresee a growing incidence of venereal disease. We were fighting at that time, as I recall it, for only half a million dollars. Now we are up to $13 million or $14 million in total of this item.

In the testimony that we had before our subcommittee, witnesses emphasized the need for more research for new avenues to remedy the problem.

I would like to inquire either of the subcommittee chairman or the full committee chairman under the venereal disease item here does it preclude any amount of money being spent for research in this area? When you say this is a control program, is this $50 million for controlling what we have not been able to control with $13 million or $14 million?

I ask that because doctors and specialists in the field tell us there is no use in putting good money after bad for the same old kind of program that is not working. They tell us what we have to do, really, is to get some new approaches and research.

I would like to pose the question here as to whether or not any of this $50 million authorized in this coming fiscal year could conceivably go for research in this area, or is it all simply for a control program that some of the specialists in the field tell us is obsolete.

Mr. STAGGERS. I would be glad to answer the gentleman if he will yield to me.

Mr. MICHEL. I am happy to yield to the distinguished chairman.

Mr. STAGGERS. It is completely a control program with no research, because we think we know the answers that the medical profession has and we need the controls to put them to work and see that something is done about it.

Mr. MICHEL. I would reiterate again the testimony we get before our subcommittee is that just putting three times as much money in the next year into a control program that we have had going currently this year is not going to get the job done.

We have got to take a new approach. And if we simply foreclose any of this money going into the research areas, I do not think we can stand here today and, as laudible as it may sound, pat ourselves on the back and say that by throwing $50 million out of here we are going to put a dent into this venereal disease problem in this country.

I want to see us really get to the heart of the matter, and do it the right way rather than simply throwing additional amounts of money at the problem.

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield further, I might say to the gentleman that these are grants which are made with the local communities and States.

Mr. MICHEL. I understand that.

Mr. STAGGERS. They are used in different ways, but they are for control programs in those communities, and they can use them in various additional ways to handle the problem.

Mr. MICHEL. I would certainly hope, if nothing else, that we might send word out to the hustings and to these local communities that they do some serious thinking about how they use these outright grants.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Iowa.

Mr. GROSS. This bill authorizes $150 million over a 3-year period.

Mr. MICHEL. That is right.

Mr. GROSS. If this money is being thrown away on obsolete or ineffective programs, then this is a further waste of the taxpayers' money.

Mr. MICHEL. That is what I do not want to see happen.

It is easy to get up here on the floor during authorizing legislation and mention these programs that touch the heartstrings of everybody, because who can be against cancer research? Who can be against more money for a heart and lung institute? Who can be against helping crippled children? And, in this case, who can be opposed to remedying the venereal disease problem that is getting out of control? But are we really getting at the problem in the right way, or are we simply appropriating or authorizing the appropriation of vast sums of money that are not going to get the job done? That is what I have to be concerned about. Then when the appropriation bill comes up here and the testimony of the experts says they cannot use that amount, but only a third of it, it would seem that we may be overzealous in the amounts we are authorizing here today.

We have to talk about this at the authorizing time rather than only at the time when we appropriate the money.

After all, this money has to come out of the pockets of the taxpayers.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MICHEL. Mr. Chairman, would the gentleman from Kentucky yield me 5 additional minutes?

Mr. CARTER. Mr. Chairman, I yield 5 additional minutes to the distinguished gentleman from Illinois (Mr. MICHEL) with the provision that I might make a remark.

Mr. MICHEL. I appreciate the gentleman yielding me this additional time.

Mr. CARTER. Mr. Chairman, I would like to ask the gentleman from Illinois as to what areas of research he is referring.

Mr. MICHEL. All I am saying—and as I indicated before, I have been one of the advocates for increasing the amount of money to remedy the problem—but what I am saying is that by appropriating more money can we get at this problem, because it would seem that we are not altogether sure as to how we can best do it. I think we need more research. I do not have the hearing record before me right at this minute, but I can dig it out within a matter of possibly 30 minutes, and could refer the gentleman to them.

Mr. CARTER. If the distinguished gentleman from Illinois will yield further to me, I would say that I do not believe that research is the problem in this case. As we have stated before, we know the treatment of gonorrhea, we know the treatment for syphilis, we know the way to prevent rubella, or german measles, and we know how to prevent regular measles. We also know how to treat tuberculosis, which is included in this.

Mr. MICHEL. I have no question on that.

Mr. CARTER. In the field of tuberculosis, perhaps further research is needed.

Now, I must admit that during the past several years there has been some laxity in the efforts of the health officials throughout our country at the county level. They can use the money if they will get on the ball field and do something about it.

I have made this point many times in the subcommittee and in the full committee that if they will really work and try to find these cases and try to treat them that they can use this money which we are authorizing, and much more, I am sure. Further, I think that it is needed.

Mr. MICHEL. The other question that I would like to inquire about here is particularly with respect to the item of tuberculosis control.

I know that in the other body there was an increase in our appropriation bill that passed this House of some $8 million. I know that while the incidence or the rate is declining with respect to tuberculosis, nevertheless, it is a communicable disease—it is a problem—wherever there is one case found, there is always the danger that it is going to spread. We certainly do not want to be lax in our funding here, for wherever a problem surfaces we have to get at it immediately.

You know, we have many contributions locally and statewide for the eradication of these particular diseases. Are we in any way by authorizing this higher level of expenditure in these areas inhibiting the States and local communities in pulling their fair share? Will they tend to look solely to the Federal Government for funds in this area? That is what I am somewhat concerned about.

There will be those who say—this is a national problem and there is no need whatsoever for local and State funds being used for this purpose. But we do it currently, and I think we ought to continue it because wherever money is raised locally and spent locally, I think we are going to get a better dollar return for that expenditure at that level.

So I am simply asking that general question of any member of the subcommittee on all these communicable disease problem areas.

Mr. ROGERS. I will be glad to answer and to explain what my feeling about it would be.

Certainly, I do not think it will cut down local effort, or voluntary effort. This has not been the case as to other diseases that we have attacked. We are still working and we have so much to do that we need everybody, including the Government.

Well, to say that we need research, well—this committee has heard—Research—research—research. We have funded research and we need to fund research. But, it is time to put something to work and to do something for people. I know the gentleman believes that. To say that we are going to do nothing for research does not make sense, when, as the gentleman from Kentucky, Dr. Carter said, we already have the answer and we know what can be done.

Now this bill says, "Let us do it." And not go through this bureaucratic answer of saying, "Oh, well, we need a little more research so let us not do anything."

It is time to change that. The committee and the Congress made that decision and this bill carries out that judgment. I think the gentleman from Kentucky (Mr. CARTER) is perfectly right. All of the evidence substantiates that—we know what to do—we can prevent these diseases and treat the people and we ought to do it.

I am sure the gentleman agrees with that.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CARTER. Mr. Chairman, I yield 2 more minutes to the distinguished gentleman from Illinois for the purpose of asking a question and to make a short statement.

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. CARTER. I want to state that I am certainly sympathetic to what the gentleman is saying. He wants to see that the money is wisely spent. The gentleman is on the Committee on Appropriations, and I am all for his seeing that that is done. We do not want any money wasted. We want every cent that is appropriated used, and used wisely. I would hope that in the future we can do something to activate our health offices throughout our country who have not been as active as they should have been.

I want to compliment the distinguished gentleman for his efforts and I want to say that he is a very fine member of the Committee on Appropriations.

Mr. MICHEL. I thank the gentleman for his comments and for his observations.

I would just say to the gentleman, as a doctor in his own right and much better qualified professionally than I am subjected to these responsibilities involuntarily, I have to take the word of those professional witnesses who have come before us and, if it is simply a problem of bringing pressure to bear upon our local communities, now that the money is available, to get off their haunches, as he indicates here, then I am certainly satisfied to rest my case with that observation.

Far be it for this Member to say that we ought to research the problem to death without actually delivering the remedy.

I have been very critical of many of the research requests that have been made before our subcommittee. I am just saying on the strength of the last testimony that came before us there were conceivably some new strains we were not getting at and that had to be looked into. If that is all debunked by subsequent testimony before the other gentleman's committee, then I am certainly willing to abide by that most recent testimony. I just simply want to see the work done, the most work done for the dollars spent. I thank the gentleman very much for yielding.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, I think in view of the colloquy that just occurred on the floor that perhaps one other point should be made, that is, that money alone and passage of this bill alone cannot solve the problems in controlling communicable diseases through natural immunization programs. There is no way at the present time in this country to have a fully effective national mass immunization program, and there will not be after this bill is passed. The bill may contribute to it, but the gentleman from Kentucky alluded to the basic problem. We depend upon county health organizations. Each one has a veto. After 3 years we still have not completed a national immunization against rubella. We made grants to States. They put up money which was sometimes by way of services "in kind" which in some instances is merely an allocation of the time of individuals who were already partially paid for by the Federal Government. The State health departments are putting up little in many cases. They in turn depend upon the county health organizations and some of them do not cooperate.

In the case of rubella, right over here across the river in Virginia one county vetoed the program, and a neighboring county OK'd it. Since 20 percent per year move from one county to the other, at the end of 2 or 3 years they need a new screening program and it will be difficult to determine who was immunized and who was not.

We simply do not have an effective national immunization program. We will not have one until we have a reform in the health delivery system in this country. Somehow we must provide that doctors can delegate authority to nurses, so that health nurses can where appropriate conduct the immunization. We really should not compare the great success of the polio vaccine program because that was an oral vaccine. That is easy. In the case of rubella and in many immunization programs, we are talking now about a vaccine which must be injected. Some people should not have the vaccine due to pregnancy or other conditions. Some children might react adversely to the vaccine. It is a completely different thing, and so I just want to point out that in spite of all that we have heard here today, that after we pass this bill, and even if we appropriate all of the money permitted, we still will not have a way in this country to effectively execute a national mass immunization program.

Mr. KYROS. Mr. Chairman, it is a pleasure for me to endorse today H.R. 14455, a bill for the control and prevention of communicable disease. This very worthy legislation extends by 3 years the present program of vaccination assistance grants, and includes control programs for tuberculosis, venereal disease, RH disease, rubella, and regular measles.

In recent years, this country has had

a tremendous increase in the incidence of communicable diseases, particularly venereal disease, now of epidemic proportions. H.R. 14455, which authorizes a total of $90 million for each of 3 fiscal years, will go far to provide adequate diagnostic techniques and public health control programs for syphilis and gonorrhea.

Similarly, although a few childhood diseases have declined, measles continues to constitute a major health problem among some 6 or 8 million school and preschool children each year. The Communicable Disease Control Act of 1970 granted $73,000 to my own small State of Maine, and the increased funds authorized in H.R. 14455 will permit even more intensive efforts to control this irritating and often dangerous contageous disease.

Control of communicable disease is particularly important to States such as Maine, which have a predominance of rural poor in the population. The State-administered and federally funded vaccination programs are often the only way that Maine's small children receive medical protection, and I am heartily pleased to express my full support of the Communicable Disease Control Programs Act today, as a cosponsor of the bill and member of the Public Health Subcommittee.

Mr. ROY. Mr. Chairman, the bill currently under consideration by this body represents a 3-year extension of the communicable disease programs. Its purpose, as you know, is to authorize grants to States and local communities for such programs, with specific authorizations for various categories of diseases. Its predecessor was originally enacted in 1955 and provided for a program of grants to carry out immunization programs against poliomyelitis. Not long afterward the legislation was extended and expanded by the Vaccination Assistance Act of 1962, which provided assistance to States and communities to administer extensive vaccination programs designed to protect our citizenry against poliomyelitis, diphtheria, whooping cough, and tetanus. Following further expansion of the program in 1965, programs combating measles and other infectious diseases representing a public health problem were included.

In 1966 a new law, the Comprehensive Health Planning and Public Health Services Amendments, was enacted providing formula grants to the States for public health programs, with the States themselves setting their own priorities for expenditures of funds. Contained in that act was a program of project grants for targeted projects in the public health field. At the time of its passage, many felt that the enactment of this law, as well as its amendment and expansion by the Partnership for Health Amendments for 1967, would make categorical grant programs such as the immunization program unnecessary, and the authority for immunization programs contained in the original section of the Public Health Service Act was permitted to expire on June 30, 1968.

However, experience has shown that the measures I have just mentioned did not adequately provide for immunization programs. Hearings before the Subcommittee on Public Health and Welfare in 1970 clearly demonstrated that funds for immunization programs had not been adequate to the need, and as a consequence, the Nation had suffered an upturn in the incidence of a number of communicable diseases such as measles, rubella, whooping cough, and particularly venereal disease. And while more recent hearings this year before that same subcommittee showed that progress under the immunization programs has been better over the past 2 years, there still remains a great deal to be done.

Venereal disease has reached epidemic proportions in the United States today. Reported gonorrhea has continued to increase in all but one of the past 17 years. From 1962 the level of reported cases has climbed from 260,468 to 624,371 cases in 1971. This increase is all the more alarming in view of studies showing the disease to be greatly underreported, and that the actual incidence may be about 2½ million cases annually. Similarly, increases in syphilis have been recorded, particularly in the number of primary and secondary levels of the disease. In 1962 the reported cases were 20,084; in 1969, 18,679; but in 1971 the number was 23,336.

Rubella likewise constiutes a major health problem in the United States. While the disease is usually mild, and primarily affects school age and preschool age children, when contracted by pregnant females the disease is extremely serious. Should the mother develop the disease during the first 3 months of pregnancy there is a strong likelihood that the child will be born deformed, bear congenital heart defects, or other abnormalities, or be mentally retarded, or a combination of all three. An epidemic of rubella in 1964 has been estimated to have led to the birth of at least 20,000 severely handicapped children in the United States.

Other diseases are of equal concern. Hearings before the Congress have shown that approximately 4½ million children in the 1 to 4 age groups have not been immunized against, or had, regular measles. With approximately 3½ million who become 1 year of age each year this means about 8 million susceptible children who have not been innoculated against measles. Although usually considered as a relatively mild disease, measles can lead to severe brain damage, mental retardation, or death. Also, tuberculosis, at one time one of the Nation's leading causes of death, remains a serious health problem. Considered estimates note that there are approximately 14 million people in the United States who have been infected with tuberculosis at one point of time or another in their lives. Last year witnessed 35,000 new active cases of reported tuberculosis undergoing treatment. Still, there presently exists no Federal program to discover or give preventive treatment to the estimated 14 million Americans who have been infected with tuberculosis, and since some 300,000 of these people will come down with active tuberculosis at some time in their lives—assuming the average rate of active tuberculosis is 2½ percent of those infected—I am of the opinion that more needs to be done in this area.

Similarly, I believe that the information before us today demonstrates the needs for sound and effective programs for the purpose of immunizing and treating our people for all these communicable diseases. The incidence of active cases in all the diseases I have just noted is on the rise, in part due to the expiration of the predecessor of this measure before us today. The proposed legislation authorizes up to $90 million for the purpose of assisting States and local communities to set up immunization programs to combat these communicable diseases.

Mr. Chairman, I therefore urge the Congress to give this measure full and speedy approval so that effective programs can be continued and resumed anew. We can afford to do no less in an area which affects the health and lives of our people so much.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope and urge that this measure now before us, H.R. 14455, designed to extend and expand the existing program of the Public Health Service in helping States and local communities to control and eliminate communicable diseases, will be resoundingly approved by this House.

Authoritative testimony and the facts developed from experience clearly show that existing programs do not adequately provide for immunization treatment of the public against major infectious diseases. As an unfortunate consequence, our country has suffered an upturn in the incidence of a number of very serious communicable diseases such as rubella, measles, whooping cough, and particularly venereal disease. Most regrettably, venereal disease. has become practically an epidemic in the United States today.

Mr. Chairman, beyond the human suffering that accompanies the disabilities imposed by these communicable diseases, they also represent a tremendous drain upon the Nation's economic resources amounting to billions of dollars. It is obvious, therefore, that control and prevention of these very grave communicable diseases should be of a priority concern to our Government and to our people and I believe this bill should be given the overwhelming support of the membership of this House, in the national interest.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. CARTER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 317 of the Public Health Service Act (42 U.S.C. 347b) is amended to read as follows:

"GRANTS FOR VACCINATION PROGRAMS AND OTHER COMMUNICABLE DISEASE CONTROL PROGRAMS

"SEC. 317. (a) The Secretary may make grants to States and, with the approval of the State health authority, to political subdivisions of States to assist in meeting the costs of communicable disease control programs. In making a grant under this section the Secretary shall give consideration to the relative extent, in the area served by the applicant, of the problems which relate to one or more of the communicable diseases referred to in subsection (h) (1) and to the level of performance of the applicant in preventing and controlling such disease.

"(b) (1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Except as provided in paragraph (2), such application shall be in such form, submitted in such manner, and containing such information, as the Secretary shall by regulation prescribe.

"(2) An application for a grant for a fiscal year beginning after June 30, 1973, shall—

"(A) set forth with particularity the objectives (and their priorities, as determined in accordance with such regulations as the Secretary may prescribe) of the applicant for each of the programs he proposes to conduct with assistance from a grant under this section;

"(B) contain assurances satisfactory to the Secretary that, in the fiscal year for which a grant under this section is applied for, the applicant will—

"(i) conduct such programs as may be necessary to develop an awareness in those persons in the area served by the applicant who are most susceptible to the diseases referred to in subsection (h) (1) of the importance of immunization against such diseases, to encourage such persons to seek appropriate immunization, and to facilitate access by such persons to immunization services; and

"(ii) where appropriate, conduct such programs as may be necessary for the detection and treatment of venereal diseases in persons in the area served by the applicant, including persons who have venereal diseases but who do not have the symptoms of such diseases; and

"(C) provide for the reporting to the Secretary of such information as he may require concerning (i) the problems, in the area served by the applicant, which relate to any communicable disease referred to in subsection (h) (1), and (ii) the communicable disease control programs of the applicant.

"(3) Nothing in this section shall be construed to require any State or any political subdivision of a State to have a communicable disease control program which would require any person, who objects to any treatment provided under such a program, to be treated or to have any child or ward of his treated under such a program.

"(c) (1) Payments under grants under this section may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this section.

"(2) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents) or equipment furnished to such recipient and by the amount of the pay, allowances, travel expenses, and any other costs in connection with the detail of an officer or employee of the Government to the recipient when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment, or in detailing the personnel, on which the reduction of such grant is based.

"(d) The Secretary shall develop a plan under which personnel, equipment, medical supplies, and other resources of the Service and other agencies under his jurisdiction may be affectively utilized to meet epidemics of, or other health emergencies involving, any disease referred to in subsection (h) (1). There are authorized to be appropriated to the Secretary $5,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $5,000,000 for the fiscal year ending June 30, 1975, for costs incurred in utilizing such resources in accordance with such plan.

"(e) (1) There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs relating to venereal diseases.

"(2) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs relating to tuberculosis.

"(3) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $5,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs for measles.

"(4) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs other than communicable disease control programs for which appropriations are authorized by paragraph (1), (2), or (3).

"(5) Not to exceed 50 per centum of the amount appropriated for any fiscal year under any of the preceding paragraphs of this subsection may be used by the Secretary for grants for such fiscal year under programs for which appropriations are authorized under any one or more of the other paragraphs of this subsection if the Secretary determines that such use will better carry out the purposes of this section.

"(f) Nothing in this section shall limit or otherwise restrict the use of funds which are granted to a State or to a political subdivision of a State under other provisions of this Act or other Federal law and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this section.

"(g) The Secretary shall submit to the President for submission to the Congress on January 1 of each year a report (1) on the extent of the problems presented by the diseases referred to in subsection (h) (1), (2) on the effectiveness of the activities, assisted under grants under this section, in preventing and controlling such diseases, and (3) setting forth a plan for the coming year for the prevention and control of such diseases.

"(h) For the purposes of this section:

"(1) The term 'communicable disease control program' means a program which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough, or other communicable diseases which are transmitted from State to State, are amendable to reduction, and are determined by the Secretary to be of national significance. Such term includes vaccination programs, laboratory services, and studies to determine the communicable disease control needs of States and political subdivisions of States and the means of best meeting such needs.

"(2) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia."

SEC. 2. The amendment made by the first section of this Act shall apply to grants made under section 317 of the Public Health Service Act after June 30, 1972, except that subsection (d) of such section as amended by the first section of this Act shall take effect on the date of enactment of this Act.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the substitute committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am planning to vote in favor of this measure (H.R. 14455) to extend the Public Health Service Act for 3 years and to authorize grants for specific communicable disease prevention programs. I take this position, notwithstanding the apparent opposition of the Department of Health, Education, and Welfare to the extension of such categorical disease programs as are included in this measure. I believe that the Department of Health, Education, and Welfare has sounded a warning. The measure itself suggests the inadvisability of directing health and health prevention programs toward specifically individually identifiable ailments.

Mr. Chairman, it is my hope that under existing or this amendatory legislation the Department of Health, Education, and Welfare and the Public Health Service can establish some truly health-oriented programs. The American people are entitled to better information and greater support in behalf of "health." I say this—and emphasize the word "health"—because I have the strong feeling that too much of our emphasis is placed on "disease." In other words, we are supporting "disease-oriented" programs instead of health-oriented programs. The amendments which we are considering today require applicants to locate, detect, identify, and treat specific diseases. Clearly, this should be done as a part of a heath control program. However, it would seem even more important to identify, publicize and promote programs of nutrition, sound physical and mental habits, as well as moral and spiritual attitudes all of which can contribute to promoting individual and group health.

Mr. Chairman, a comprehensive health program deserves early funding. There are many specialists in this area who are entitled to recognition and support by the Department of Health, Education, and Welfare. If there is any lack of information as to where these specialists can be found, I would be pleased to cooperate in providing the names and addresses and particular disciplines of those who specialize in promoting human health.

Mr. Chairman, we are far from being the healthiest Nation in the world—and many recent trends indicate that our health habits and our social mores are deteriorating with the result that human health itself is suffering and new and different diseases are emerging. The path we are traveling may be endless if we continue to rely on disease as the sole basis for achieving health. It is time for us to look to the original underlying intent of this and earlier legislation—and to fulfill the objective of comprehensive health planning—and disease prevention. That is the reason I have asked for this time and have undertaken to present this statement.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14455) to amend the Public Health Service Act to extend and revise the program of assistance under that act for the control and prevention of communicable diseases, pursuant to House Resolution 1026, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 388, nays 2, not voting 42, as follows:

[Roll No. 267]

YEAS—388

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Mallary
Martin

NOT VOTING—42

Anderson, Tenn.
Blanton
Blatnik
Broomfield
Coughlin
Davis, Ga.
Dowdy
Downing
Dwyer
Edmondson
Edwards, Ala.
Evins, Tenn.
Flynt
Fulton
Gallagher
Giaimo
Hagan
Hansen, Wash.
Hébert
Jones, Ala.
Jones, Tenn.
Long, La.
McClure
McDonald, Mich.
Mollohan
Mosher
O'Konski
Passman
Podell
Pryor, Ark.
Quie
Rarick
Ryan
Sarbanes
Seiberling
Shipley
Spence
Steiger, Wis.
Stuckey
Whalley
Widnall
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Broomfield.
Mr. Blatnik with Mr. Quie.
Mr. Blanton with Mr. O'Konski.
Mr. Davis of Georgia with Mr. Coughlin.
Mr. Mollohan with Mr. Spence.
Mr. Fulton with Mr. Mosher.
Mr. Anderson of Tennessee with Mr. McClure.
Mrs. Hansen of Washington with Mr. Steiger of Wisconsin.
Mr. Shipley with Mr. Whalley.
Mr. Seiberling with Mr. Widnall.
Mr. Passman with Mr. Edwards of Alabama.
Mr. Podell with Mr. McDonald of Michigan.
Mr. Evins of Tennessee with Mr. Wright.
Mr. Downing with Mr. Gallagher.
Mr. Giaimo with Mr. Rarick.
Mr. Pryor of Arkansas with Mr. Hagan.
Mr. Edmondson with Mr. Ryan.
Mr. Sarbanes with Mr. Long of Louisiana.
Mr. Jones of Alabama with Mr. Flynt.
Mr. Stuckey with Mr. Jones of Tennessee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1026, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 3442 and to insert in lieu thereof the provisions of H.R. 14455 as passed, as follows:

That section 317 of the Public Health Service Act (42 U.S.C. 347b) is amended to read as follows:

"GRANTS FOR VACCINATION PROGRAMS AND OTHER COMMUNICABLE DISEASE CONTROL PROGRAMS

"SEC. 317. (a) The Secretary may make grants to States and, with the approval of the State health authority, to political subdivisions of States to assist in meeting the costs of communicable disease control programs. In making a grant under this section the Secretary shall give consideration to the relative extent, in the area served by the applicant, of the problems which relate to one or more of the communicable diseases referred to in subsection (h)(1) and to the level of performance of the applicant in preventing and controlling such diseases.

"(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Except as provided in paragraph (2), such application shall be in such form, submitted in such manner, and containing such information, as the Secretary shall by regulation prescribe.

"(2) An application for a grant for a fiscal year beginning after June 30, 1973, shall—

"(A) set forth with particularity the objectives (and their priorities, as determined in accordance with such regulations as the Secretary may prescribe) of the applicant for each of the programs he proposes to conduct with assistance from a grant under this section;

"(B) contain assurances satisfactory to the Secretary that, in the fiscal year for which a grant under this section is applied for, the applicant will—

"(i) conduct such programs as may be necessary to develop an awareness in those persons in the area served by the applicant who are most susceptible to the diseases referred to in subsection (h)(1) of the importance of immunization against such diseases, to encourage such persons to seek appropriate immunization, and to facilitate access by such persons to immunization services; and

"(ii) where appropriate, conduct such programs as may be necessary for the detection and treatment of venereal diseases in persons in the area served by the applicant, including persons who have venereal diseases but who do not have the symptoms of such diseases; and

"(C) provide for the reporting to the Secretary of such information as he may require concerning (i) the problems, in the area served by the applicant, which relate to any communicable disease referred to in subsection (h)(1), and (ii) the communicable disease control programs of the applicant.

"(3) Nothing in this section shall be construed to require any State or any political subdivision of a State to have a communicable disease control program which would require any person, who objects to any treatment provided under such a program, to be treated or to have any child or ward of his treated under such a program.

"(c)(1) Payments under grants under this section may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this section.

"(2) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents) or equipment furnished to such recipient and by the amount of the pay, allowances, travel expenses, and any other costs in connection with the detail of an officer or employee of the Government to the recipient when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment, or in detailing the personnel, on which the reduction of such grant is based.

"(d) The Secretary shall develop a plan under which personnel, equipment, medical supplies, and other resources of the Service and other agencies under this jurisdiction may be effectively utilized to meet epidemics of, or other health emergencies involving, any disease referred to in subsection (h)(1). There are authorized to be appropriated to the Secretary $5,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $5,000,000 for the fiscal year ending June 30, 1975, for costs incurred in utilizing such resources in accordance with such plan.

"(e)(1) There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs relating to venereal diseases.

"(2) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs relating to tuberculosis.

"(3) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $5,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs for measles.

"(4) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs other than communicable disease control programs for which appropriations are authorized by paragraph (1), (2), or (3).

"(5) Not to exceed 50 per centum of the amount appropriated for any fiscal year under any of the preceding paragraphs of this subsections may be used by the Secretary for grants for such fiscal year under programs for which appropriations are authorized under any one or more of the other paragraphs of this subsection if the Secretary determines that such use will better carry out the purposes of this section.

"(f) Nothing in this section shall limit or otherwise restrict the use of funds which are granted to a State or to a political subdivision of a State under other provisions of this Act or other Federal law and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this section.

"(g) The Secretary shall submit to the President for submission to the Congress on January 1 of each year a report (1) on the extent of the problems presented by the diseases referred to in subsection (h)(1), (2) on the effectiveness of the activities, assisted under grants under this section, in preventing and controlling such diseases, and (3) setting forth a plan for the coming year for the prevention and control of such diseases.

"(h) for the purposes of this section:

"(1) The term 'communicable disease control program' means a program which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, tetanus, whooping cough, or other communicable diseases which are transmitted from State to State, are amenable to reduction, and are determined by the Secretary to be of national significance. Such term includes vaccination programs, laboratory services, and studies to determine the communicable disease control needs of States and political subdivisions of States and the means of best meeting such needs.

"(2) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Island, the Virgin Islands, and the District of Columbia."

SEC. 2. The amendment made by the first section of this Act shall apply to grants made under section 317 of the Public Health Service Act after June 30, 1972, except that subsection (d) of such section as amended by the first section of this Act shall take effect on the date of enactment of this Act.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend the Public Health Service Act to extend and revise the program of assistance under that act for the control and prevention of communicable diseases."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 14455) was laid on the table.

NATIONAL INSTITUTE OF AGING

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14424) to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14424, with Mr. UDALL in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very happy to have a part in presenting this bill to the House, for a particular reason, which is that it carries the name of the minority leader on our committee, Mr. SPRINGER.

As I understand it, the gentleman first introduced this bill in 1960, and he has been introducing it in every subsequent Congress.

According to the recommendations of the committee which went into the problems of the aged at the White House, in the 1971 recommendations they have recommended to the Congress exactly what the gentleman from Illinois (Mr. SPRINGER) has been recommending for the past 12 years.

Mr. Chairman, I rise in support of H.R. 14424, a bill to provide for the establishment of a National Institute of Aging, and for other purposes.

Mr. Chairman, this bill provides for the establishment in the National Institutes of Health of a new Institute to be known as the National Institute of Aging. It provides for the establishment of an Advisory Council similar to the other Advisory Councils in NIH, but with the additional duties of advising the Secretary of HEW on programs relating to the aged which are administered by him, and reporting to the President for transmittal to the Congress an evaluation of those programs.

The bill also amends the Community Mental Health Centers Act to provide a 1-year program of matching grants for construction and staffing facilities for the mental health of the aged. We expect to take up legislation extending the Community Mental Health Centers Act early next year, and will consider this program at that time along with other amendments to the Community Mental Health Centers Act.

The bill authorizes $20 million in appropriations for programs under the Community Mental Health Centers Act. The bill does not create any additional authority for the National Institutes of Health since today the Institute of Child Health and Human Development has authority to conduct research into the aging process and problems of the aged, subject to an indefinite authorization of appropriations.

In 1971 the White House Conference on Aging made a number of recommendations including recommendations for the establishment of a National Institute of Aging and for the establishment of adequately staffed comprehensive mental health diagnostic and treatment centers. This bill carries out those recommendations.

The principal reason for the establishment by legislation of a new institute is that in the opinion of the committee there has not been sufficient emphasis given by NIH to research of the aging process and the problems of the aged. About 11 percent of the budget of the National Institute of Child Health and Human Development has been devoted to aging since 1964. We do not feel that this is adequate, and believe that the establishment of a new institute will lead to more research and training programs in this field.

The number of older people in the United States is growing faster than the population is growing as a whole. At present rates of growth the population of the United States over the age of 64 will number about 28 million persons by the end of this century. During our hearings it was repeatedly pointed out that we understand very little about the aging process and means to slow it or arrest it. It is time to seriously consider to try and slow the aging process.

The committee feels that the importance of this goal is such that an institute should be created with the function of concentrating its efforts in this area, and we urge the passage of the bill.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us today relates to a subject which is of great personal interest to me and to millions of other American citizens. That subject is the aged in our Nation. The social, psychological, economic, medical, and physiological problems of the aging are indeed complex but present a challenge which we cannot ignore.

We hear a lot these days about the problems of our young people, of our urban poor, of our minorities. But not so much attention is paid to the problems of another large group of citizens. In fact, there seems to be a conspiracy of silence about the problems of our old people.

The contributions of our senior citizens cannot always be measured in the gross national product. Yet life goes on after 65 for an increasing number of people. There are an estimated 20 million of them now, and their number will grow with further development of life-saving medical technology. We must do a better job in meeting the needs of these older people and in giving them a greater opportunity to contribute to society.

It is unfortunate for the Nation that we have not been supporting research into the causes of human aging and into the problems that accompany the aging process at a level equal to the importance of the problem. This feeling was shared by the 1971 White House Conference on Aging as evidenced by its recommendations. One important recommendation of the Conference was that a National Institute of Gerontology be established immediately to support and conduct research and training in the biomedical and social-behavioral aspects of aging.

The bill before us does exactly that. It provides for the establishment of the National Institute of Aging to conduct and support research on the aging process, research on preventative measures with respect to special health problems and requirements of the aged and research on treatment and cures for the other special health problems and requirements of the aged.

The bill also establishes a National Advisory Council on Aging which is given the duty of advising, consulting with, and making recommendations to the Secretary of Health, Education, and Welfare on all programs relating to aged which are administered by him. The Council also shall monitor such programs and the programs conducted by the Institute and submit to the President annually for transmittal to the Congress an evaluation of the efficacy of such programs, together with recommendations for improvements.

The 1971 White House Conference on Aging noted that among the aged "mental impairment and a wide variety of functional disorders are common," and also noted the widespread "depressive reaction to the changes in role, status, appearance and to decrements of function or ill health" characteristic of this age group.

In order to deal with this problem the bill authorizes grants for the costs of construction of facilities to provide mental health services for the aged and a portion of the costs of compensation of professional and technical personnel for the operation of a facility for mental health of the aged.

Under this section of the bill grants may be made only with respect to facilities which are part of or affiliated with community mental health, or where there is no such center, satisfactory provision must be made for appropriate authorization of existing community resources needed for an adequate program of prevention and treatment of mental health problems of the aged. This feature of the bill will provide safeguards against duplication and waste.

In order to carry out these provisions of the bill there is authorized for the fiscal year 1973 $5 million for grants for construction and $15 million for grants for compensation of professional and technical personnel and for training and evaluation grants.

Finally, the bill authorizes grants for specialized training programs relating to the mental health of the aged, and surveys and field trials to evaluate the adequacy of programs for the mental health of the aged within the United States.

I know that all of my colleagues in the House share my concern that we have too long ignored the problems of the aged. This bill is certainly a step in the right direction toward alleviating many of these problems and I strongly urge prompt and unanimous passage of this extremely important legislation.

I do not think even my distinguished colleague from Iowa is going to object to this bill when I get through talking to him about it and about the cost.

Mr. GROSS. Will the gentleman yield to me later?

Mr. SPRINGER. I will yield to the gentleman later since I mentioned his name.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield to me on that point?

Mr. SPRINGER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, yesterday in the Older Americans Act we created a National Council on The Aging. In the bill we are now debating we would create a National Advisory Council on Aging. I know that there is some difference, but it does seem to me that there may be overlapping there. I wonder if the gentleman could assure me that there is no overlapping?

Mr. ROGERS. Mr. Chairman, will the gentleman yield to me on that question?

Mr. SPRINGER. I yield to my distinguished colleague, the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. I am delighted to have this opportunity to respond to the inquiry of the gentleman from Maryland.

There is no overlapping.

Mr. LONG of Maryland. None at all?

Mr. ROGERS. None at all, because this Council is a technical, scientific council.

This bill establishes a National Advisory Council on Aging, which is to have functions identical to those which each other research institute advisory councils have—advising the Director of the Institute on research matters, reviewing requests for funding of contracts and research grants, and monitoring programs conducted by the Institute. It is a technical advisory committee. Yesterday's bill established a National Advisory Council on Aging which would advise the President on matters relating to the special needs of older people. It also is to study the Federal Government's benefits programs and the effect of tax programs on the elderly.

Mr. LONG of Maryland. Would it be possible to find another name for this Council? I think there may be some confusion.

Mr. ROGERS. I do not think there will be because of this Council advising an institute within the NIH, and the other Council advising the President.

Mr. Chairman, I thank the gentleman for yielding.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my colleague, the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, did the gentleman say—and I thank the gentleman for yielding—did the gentleman say that he did not know what makes the spots and speckles in the epidemis of the skin?

Mr. SPRINGER. I said that is only evidence of the fact that you are aging. That is one of the things you can see.

Mr. GROSS. But there are other evidences of aging, is that right?

Mr. SPRINGER. Oh, yes; there are other evidences, may I say.

I think I understand my distinguished colleague, my I say. I would guess that he can see his much plainer than I can.

Mr. GROSS. I will say to the gentleman that we do not need to spend millions of dollars, so far as I am concerned, to tell me that I am getting older as the days go by. There are other things that tell me that, and some of them I regret very much. I just do not know—I am still unconvinced that this bill is necessary.

Mr. SPRINGER. I respect my colleague from Iowa who usually has some rather succinct remarks and I think he has made his point here today, that he does not need any advice as to the fact that he is aging, and that he knows it.

I know also exactly what the gentleman from Iowa knows, but I am hoping in the years to come someone will be able to recognize what the aging process is and how we can do something about it and how we can reverse some of these things that maybe the gentleman from Iowa is doing and that I am doing that will help us maybe to live a few years longer.

Mr. GROSS. If the gentleman is referring to a gentleman from Iowa by the name of GROSS and not a gentleman by the name of SCHWENGEL.

Mr. SPRINGER. I understand that the gentleman from Iowa by the name of SCHWENGEL has not said one word as yet.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. ROGERS), the chairman of the subcommittee.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding. I will not use all of the 5 minutes.

Mr. Chairman, I want to commend the members of the subcommittee for going into this matter thoroughly and for the long interest of the gentleman from Illinois (Mr. SPRINGER) in this matter. I think it is a great tribute to him in view of his interest. It has taken 12 years to bring this legislation into being. But I think it is a bill that is going to pay off great dividends to the American people.

This bill is not necessarily intended so much to extend life as it is to make one's life healthier. For example, it will promote research which would prevent people from losing their faculties and their abilities during the middle years. Think of the savings that will bring about. Think of not having to put so many people into nursing homes and so that people can take care of themselves. This is what we are talking about—trying to benefit humanity.

Also, I think it is pretty interesting to note, if you will look at the figures, the population of women over 65 has grown very rapidly whereas the category of men over 65 has not grown correspondingly. Now why is that? Why are there so many more women living over 65 than there are men?

That trend has changed. Where it used to be about 110 or 112 women over 65 as compared to 100 men, it is now up to 121 women to 100 men. These are questions that ought to be researched and answered. Why is the breadwinner dying earlier than his spouse?

There are so many things that we simply do not know that we need to know. Answers to these questions hopefully will be achieved, by the research in nutrition and of the mental health of the elderly, both elements of the program that we are trying to advance.

Mr. Chairman, the provisions of this bill have received thorough scrutiny by the Subcommittee on Public Health and Environment and by expert and lay personnel. The bill was the subject of 3 days of hearings by the subcommittee in March. Moreover, the problems of the aged have received maximum attention during two White House Conferences. The 1961 Conference unanimously called for the establishment of a National Institute of Gerontology. The Congress ignored this recommendation and, instead, in 1964 created the National Institute on Child Health and Human Development which is concerned with the study of the entire lifespan processes: the Institute today covers the process of development of the young, the adult population, and the elderly.

Last year, the White House Conference on Aging evaluated the efficacy of this decision. The Conference was held from November 28 through December 2, 1971, and attended by delegates from every State in the Union.

Mr. Chairman, the very first recommendation of the conference's section on aging research and demonstration was as follows:

> That a National Institute on Gerontology be established immediately to support and conduct research and training in the biomedical and social-behavioral aspects of aging.

The training committee recommended:

> We urge the creation of an adequately funded National Institute of Gerontology for training and research. A substantial portion of the funds allocated to it should be earmarked for training.

The physical and mental health section recommended:

> Specific attention should be given to increasing the funds available for basic research and for operational research with a strong suggestion that a gerontological institute be established within the National Institutes of Health to provide the essential coordination of training and research activities.

The report of the special concerns section of aging and aged blacks:

> It is recommended that the establishment of a National Institute of Gerontology be supported. . . .

Mr. Chairman, there is ample evidence to support the need for the establishment of a separate institute. Aging research has received only approximately 11 percent of the funds allocated to the NICHD since it was created. The remainder of the funds have been allocated to child health—approximately 58 percent—and to population research—approximately 31 percent. Clearly, there is a lack of a strong advocacy for aging research at the policymaking level within the existing Institute.

Research on aging—which has been all but buried as an active research area—must receive a renewed thrust from the Congress. There are convincing reasons to believe that creation of a separate institute—and its concomitant increase in Federal research on the aging process—will add years, perhaps decades, of additional health in the middle years.

Mr. Chairman, the second major provision of the bill deals with the mental health of the aged. The bill adds a new part G to the Community Mental Health Centers Act authorizing a program of grants to public or nonprofit private agencies and organizations for construction of facilities for the mental health of the aged, the cost of professional and technical personnel in new facilities for the mental health of the aged or in new services in existing facilities, and for training and program evaluation. The section in essence parallels the provisions for specialized programs for alcoholics, drug abusers, and children already authorized by the Centers Act.

Mr. Chairman, this section also implements a principal recommendation of the White House Conference. The Conference's section of mental health care, strategies and aging recommended that:

> Adequately staffed and programmed comprehensive mental health diagnostic and treatment centers be developed in . . . community mental health centers.

While all centers funded under the Community Mental Health Centers Act are authorized to provide services for the aged, few have provided comprehensive specialized programs targeted to meet the needs of this group. This legislation will provide the incentives necessary to develop comprehensive programs and will stimulate services responsive to the needs of this new target population which, under existing authorities, has been sadly neglected. This population group currently constitutes the largest age group in our mental hospitals; and the incidence of psychiatric disturbances is highest among the elderly.

Mr. Chairman, aging is a major biological process. It is this process that now nullifies our efforts to increase meaningful years of healthy human life. The proposed Institute of Aging should significantly increase our knowledge of aging which in turn quite likely would result in practical means of increasing our years of healthy life and aid in making the declining years of life happier and more worthwhile.

Mr. Chairman, today the House has taken up three extremely important bills in the health field. I would like to express my sincere thanks to the Members of the House for their compassionate consideration of these bills. Also, Mr. Chairman, I wish to thank the members of the Subcommittee on Public Health and Environment for their tireless efforts in developing this legislation. These members—Mr. SATTERFIELD; Mr. KYROS; Mr. PREYER; Mr. SYMINGTON; Mr. ROY; Mr. NELSEN, the ranking minority member; Mr. CARTER; Mr. HASTINGS; and Mr. SCHMITZ have my thanks for their energies and their sensitivity to the health needs of the American people. The hours of work they have devoted—in hearings, in executive session and in personal research—accrue to the benefit of each American.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman.

Mr. CARTER. I certainly think we need research in this area. It is true that women do live longer. Perhaps because of the increased amount of estrogen that their bodies secrete—I do not know. But it is something that should be looked into thoroughly.

Further, we should do more research on the aging process in men. I have never been quite satisfied that men do not live as long as they should. It has always been strange to me that a good man is soon called to his reward, but it seems a rascal will live forever, and I want to find the reason.

Mr. ROGERS. I thank the gentleman. I share the gentleman's concern in that regard. May I say too, in this whole problem, this committee has gone into this question with witnesses and with great concern.

I particularly want to mention one person who has been a constant promoter of research on aging and who has urged that Congress take this action—Mrs. Florence Mahoney who has done a magnificent job on bringing the need for this Institute to the attention of this committee and to the attention of the Congress.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman.

Mr. WHITE. I would like to have a clarification of what the bill contemplates in grants. It looks like a very fine bill.

Does this bill contemplate that if a hospital is to be constructed, a general hospital, that if a portion of that hospital is to be devoted to the treatment of persons who are aging, that they would be eligible for a grant?

Mr. ROGERS. Actually, this would carry out more traditional programs of the National Institutes of Health. We are not basically putting a lot of new authority here. We are simply in this bill setting up a focus for research to be done on aging, so all of these normally authorized programs presently carried out with respect to aging within the Institute on Child and Human Development of the National Institutes of Health will continue.

Mr. WHITE. Do you know whether or not they can now receive a grant?

Mr. ROGERS. Pardon?

Mr. WHITE. Do you know now whether a hospital can receive a grant if a portion of that hospital is devoted to the treatment of those who are aging?

Mr. ROGERS. Well, there may be some program that they could under Hill-Burton, but not specifically for aging. They would have to go through a regular program, but the authorization would not be tied to a program specifically for the aged, so the answer is, "No."

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman 2 additional minutes.

Mr. ROGERS. The answer to the gentleman's question is "No."

Mr. WHITE. Can an institution receive a grant solely to construct a building for research and aging under this particular bill?

Mr. ROGERS. No, there is no provision for that in this bill.

Mr. WHITE. No construction cost whatever for that?

Mr. ROGERS. No, not in this bill.

Mr. WHITE. I see. Thank you.

Mr. ROGERS. I would urge the passage of the bill, and I yield back the balance of my time.

(Mr. NELSEN (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. NELSEN. Mr. Chairman, the aging process involves many of the body's structural systems. It affects the psychological composition and the mental well-being of our older citizens. It creates in individuals problems which must be met, and only now are we beginning to realize the need for immediate upgrading of research in the area of aging.

The role of older people in American life has changed dramatically in recent decades. President Nixon, in his message to the Congress on Aging, points out that the number of Americans 65 years old and over is more than six times as great as it was in 1900—compared to less than a threefold increase in the population under 65. In 1900, one out of every 25 Americans was 65 or over; today, one in 10 has reached his 65th birthday.

While the number of older Americans has been growing so rapidly, their traditional patterns of living has been severely disrupted. The family, as we once knew it, with grandparents living nearby, rarely exists today. Ties have changed and more and more older people live apart from their families, and often alone.

There is a great deal we do not know about the aging process. We do know, however, that older people are vulnerable to many problems including mental illness and environmental factors. The White House Conference on Aging, recognizing these problems, has stated we must guarantee to these older citizens health care as a basic right and a quality of life consistent with that which our Nation should assure those who have made invaluable contributions to its development.

Mr. Chairman, this is a worthy bill and I urge its passage. I feel there is a need to establish in the National Institutes of Health, a new Institute to be known as the National Institute of Aging to study the aging process and the diseases which affect the aged.

Mr. HARRINGTON. Mr. Chairman, I rise in support of H.R. 14424, which would establish a National Institute of Aging within the National Institutes of Health, as well as authorize grants for mental health facilities and services for the aged.

The special problems of the elderly citizen are often conveniently swept aside in this rapidly changing, youth-oriented society. Yet even if our conscience could allow us to turn a deaf ear toward the plight of the aged, continued neglect can lead only to more serious problems that will soon become impossible to ignore.

Eight out of 10 elderly persons have at least one chronic health problem. The elderly person is twice as likely to be disabled and require hospitalization as a younger one. At the same time, the number of older Americans is growing faster than the population as a whole. By the year 2000 people 65 and older will number 28 million.

Our knowledge about the health impairment of age is embarrassingly small. We know little about the aging process itself, or its arrestment. We are behind in the development of treatment techniques of medical ailments especially prevalent among the aged. The result has been tragic: a life for many elderly Americans that is, to be crude, simply not worth living.

Our efforts to confront the health aspects of this crisis have been piecemeal and haphazard. The problems of the aged have had to compete for funds and attention with the whole spectrum of other concerns in various agencies and departments. Consequently, the concerted and coordinated effort necessary to deal with the special dilemma of the elderly in this society has been lacking.

Congress has before it today an opportunity to partially solve this lapse, specifically in the area of health care. By the creation of the National Institute of Aging, we will bring under one roof the resources and personnel to concentrate specifically on the maintenance of physical and mental capabilities of the aged, so that they may continue to enjoy rewarding and fulfilling lives.

At the same time, we will be authorizing grants for the construction and staffing of mental health facilities for the elderly. These are badly needed. For not only does this population constitute the largest age group in our mental hospitals, but it faces characteristic feelings of uselessness, loneliness, and worthlessness, often accompanied by physical deterioration. Hopefully, we will be able to develop better ways of responding to the particular needs of the aged.

We should not delude ourselves into thinking, however, that a mere reorganization or single appropriation will be adequate to confront the spectrum of problems facing the elderly, which are many and varied. A comprehensive, multifaceted program is still needed.

In the area of health care we must move beyond study into direct action to guarantee every elderly person adequate care in the face of chronic or crippling health impairments. I will soon be introducing legislation that would provide complete coverage to all Americans for custodial or home care in the event of chronic illness. Over 22 million Americans presently suffer from disabling chronic illnesses. A great many of them are elderly. They face a life of hardship, of pain, and economic insecurity.

This Congress has before it, in addition, pending legislation covering other areas of concern to the aged: housing, employment, transportation, and more. It is time for Congress to move with all possible dispatch to actively consider these bills, finally discharging our responsibility to the elderly American.

Yet despite the long road that lay ahead of us in this area, the legislation before us today is a beginning. I urge my colleagues to support it.

Mr. BURKE of Florida. Mr. Chairman, I support H.R. 14424, which will provide for the establishment, within the National Institutes of Health, of a new institute to be known as the National Institute of Aging. This new institute will then serve as a focal point for activities which relate to the health of the elderly, including work on the aging process and diseases of the aged. Two other provisions will add further focus on the problems of the elderly: First, an advisory council with a mandate to advise the Secretary of Health, Education, and Welfare on programs relating to the aged which he administers, and to report to the President its evaluation of HEW programs; and, second, a 1-year program of matching grants for construction and staffing of facilities for the mental health of the aged under the present Community Mental Health Centers Act.

Some argue that this new institute duplicates existing services and will cost more money for administrative overhead without providing commensurably better services. However, I feel our Federal Government has become so large and so complex that ascertaining available programs within the structure takes research skills beyond the reach of most elderly Americans. It is my opinion that by consolidating the authorities of a variety of institutions in one easily identifiable institute which will, first, conduct and support research on the aging process; second, handle research on preventive measures with respect to the special health problems and requirements of the aged, and, third, engage in research on treatment and cures for other special health problems and requirements of the aged, we will properly recognize the importance of the health of our elderly.

Mr. Chairman, the number of older people in the United States is growing faster than the population is growing as a whole. If the present rate of growth continues, the population of the United States—age 65 and over—will number about 28 million by the end of this century thus our older citizens will compose between 11 and 16 percent of the projected population. We have ignored the needs of this growing segment of our population for too long. In the past the focus has been on the needs of youth and middle age but time has come when we must balance our programs to serve all Americans.

At the present time, the expected number of remaining years of life for men who reach age 65 is 15 years, for women who reach age 65 it is 17 years. The greater increase in life expectancy of women in this century increases the ratio of older women to older men. It is already 139 to 100 and it will soon be higher. Perhaps this gap could be avoided if more emphasis is given to the research on the aging process.

Changes in mortality rates could have significant effects upon the composition of the population. For example, a 50 percent reduction in major cardiovascular-renal disease would have the potential of increasing life expectancy by over 3 years for persons 65 years of age. Increases in life expectancy of up to 25 years would be possible if major advances in the control of intrinsic aging influences were achieved.

Presently, poor health is a major reason for retirement. Eight of every 10 persons age 65 or over has at least one chronic health problem, and four have some limitation on activity. Persons 65 and over are twice as likely as younger ones to be physically disabled and to require hospitalization. Once in the hospital, they usually stay twice as long as younger persons. The cost of health care to older persons is over twice the costs to younger persons.

Mr. Chairman, regrettably the present program for the aging in the National Institutes of Health is inadequate. In 1962, the National Institute of Child Health and Human Development was established. Today, this Institute covers the process of development of the young, the adult population and the elderly. However, since 1964, only 11 percent of the budget of this Institute has been devoted to the aged. This is too little.

We understand very little about the aging process and we know nothing about how to slow it down or even arrest it. For the past 70 years the average lifespan has remained essentially constant at 70 years. Now the time has come to try and slow down the aging process. Research in laboratories indicates that antioxidants added to the daily diet of animals increase lifespans by as much as 25 to 45 percent. Since the major problem of the aged is the maintenance of functional capabilities, both mental and physical, a new institute within NIH would aid in making life worth living as long as possible.

Mr. Chairman, my State of Florida has many senior citizens who have come to Florida to live out their golden years. I am aware from my contacts of their many needs and hopes. Health is by far the most important thing to them and the passage of this legislation, which would establish a National Institute of Aging, should provide new hope of a better life for millions of Americans. I hope both Houses of Congress will pass this legislation.

Mr. ROY. Mr. Chairman, today we are considering three bills which are of particular interest to me, for they were originally considered by the Subcommittee on Public Health and Environment, of which I am a member. I would like to address my remarks to one of these bills, H.R. 14424. This bill is twofold in nature. First, it establishes a National Institute of Aging within the larger National Institutes of Health. The new Institute would conduct research on the aging process, focusing on the special problems of our older and retired citizens. This increased research into the aging process will most assuredly produce medical information that will ultimately allow our senior citizens to lead more productive, meaningful lives.

The second part of this legislation provides for the creation of community mental health centers for the aged. It is common knowledge that a great number of the aged are treated in inappropriate, custodial facilities. We tend to institutionalize the aged all too readily. We must encourage alternatievs to this, emphasizing outpatient—rather than inpatient—treatment. H.R. 14424 does exactly this.

Mr. Chairman, this piece of legislation is very important in terms of what it does, but it is perhaps more important in terms of what it means. At long last, we are recognizing that the process of aging is an ongoing one, with many dimensions and many stages.

The latter stage, from the age of 60 and over, is the one most feared and least understood. This bill means that we are finally giving more than lipservice to the special needs of the aged. It means that we are acknowledging the fact that 20 million Americans face problems that are not known by any other segment of our society.

Presently, research on aging is conducted by the National Institute of Child Health and Human Development. If one looks at the statistics, one can readily see that only 11 percent of the budget of this Institute is devoted to research for the aging, as opposed to 58 percent for research in the area of child health. Certainly the area of child health is one of utmost importance, and merits this kind of budget. However, the area of aging is of great importance too, and is deserving of more specialized attention, as outlined in this bill.

This bill's concern is not to increase the number of facilities. It is not to increase the size of the ever-increasing bureaucracy. Rather, it is the intention of this bill to meet the total needs of the aged.

These needs are unique in nature and many in number. They are real. They are in need of understanding. I rise in support of H.R. 14424.

Mr. KYROS. Mr. Chairman, as a member of the Subcommittee on Public Health and Environment, I rise in strong support of H.R. 14424.

Last autumn, at the mandate of the 90th Congress, the White House Conference on Aging was held in Washington. It was attended by over 3,400 delegates from every State in the Union. Among others, two of its major recommendations were: first, the establishment within NIH of a National Institute on Aging to coordinate the activities of the Federal Government relating to the health and special problems of the elderly, and second, the establishment of adequate diagnosis and treatment centers to deal specifically with the extensive mental health problems of aging citizens. H.R. 14424 would carry out these recommendations.

Mr. Chairman, the number of older people in the United States is growing faster than the population as a whole, and their problems are growing also. In my State of Maine, over 118,000 residents are over age 65, half of whom live in poverty, often alone in small rural communities. Among their most fundamental problems is the maintenance of simple good health—mental and physical—so as to make life worth living, in an age when modern medicine is consistently increasing life expectancy. At the present time, 8 out of every 10 citizens over age 65 have at least one chronic health problem.

Our subcommittee hearings convincingly demonstrated that the existing programs of the National Institutes of Health do not give enough emphasis to the problems of aging and the aged. Indeed, we know very little about the aging process itself. A National Institute on Aging is necessary at this time to concentrate and expand Federal efforts in this vital area.

In addition to the establishment of a new Institute on Aging, Mr. Chairman, H.R. 14424 would amend the Community Mental Health Centers Act to provide a program of matching grants for the construction and staffing of facilities for the mental health of the aged. While any center funded under this act may provide services for the aged, few now have comprehensive or specialized programs to meet the specific needs of this age group, among whom psychiatric disturbance is highest in the Nation. Feelings of worthlessness, isolation, and loneliness—combined with physical deterioration—are serious problems that must be dealt with. Institutionalization is not the answer; rather, the emphasis must be on outpatient therapy and reliance on community resources. This is the goal of the Community Mental Health Centers Act, and of the bill we are discussing today.

Mr. Chairman, this is the type of legislation which can begin to meet the needs of our senior citizens. It offers not lip-service to their problems, of which there has been too much, but a realistic program for responsible action. I urge passage of H.R. 14424.

Mr. DRINAN. Mr. Chairman, I enthusiastically support the bill before us, H.R. 14424, to create a National Institute on Aging.

In March, 1972, the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce held a series of hearings on the problems associated with the aging process. The issues explored during the course of the hearings are of the greatest importance to the 20.5 million senior citizens in our country and, in fact, to every citizen.

The average life expectancy in the United States has changed very little in the past 20 years. Have we reached an absolute limit? Can we prolong life expectancy further by concentrating research efforts on the treatment and prevention of diseases which commonly afflict the elderly?

Can we obtain a better return on Federal research dollars by trying another approach—slowing the aging process? Experiments with certain species of animals have shown that a class of common chemical agents known as "antioxidants," when used as a dietary supplement, can increase the life span by as much as 45 percent. Could similar results be achieved with human beings? Could we, in effect, increase life expectancy from 70 to 100 years by slowing the aging process through the use of such chemicals?

To conduct research on questions such as these, the Federal Government 10 years ago created the National Institute of Child Health and Human Development in the National Institutes of Health. During its existence, however, this Institute has devoted only 11 percent of its budget to problems associated with aging, and the remaining 89 percent to child health and population research.

Moreover, research on diseases common to the aged is divided among the many different biomedical institutes which comprise NIH, making it difficult for State health and planning agencies and other interested parties to keep informed of developments in all fields of interest to the elderly.

In short, the Federal Government lacks the coordinated approach essential to successful research on the aging process and the prevention and treatment of diseases which commonly afflict the elderly. The measure we are considering today, H.R. 14424, would coordinate Federal efforts in these areas by creating a National Institute on Aging at NIH and transferring to it the research on aging now being done by the National Institute of Child Health and Human Development, and the research on specific diseases now being conducted by several other Institutes at NIH.

H.R. 14424 also amends the Community Mental Health Centers Act to provide funds for the construction and staffing of community mental health centers for the aged. Here, the emphasis is not so much on research as on treatment. Experts agree that institutionalization frequently reinforces psychiatric disturbances in elderly patients—disturbances which are rooted in feelings of isolation and loneliness. The community mental health center approach, emphasizing outpatient treatment and community involvement, is highly desirable.

H.R. 14424 authorizes $20 million for construction and staffing of centers for the elderly. This authorization parallels similar programs under the Community Mental Health Centers Act for drug addicts, alcoholics, retarded children, and other groups with special mental health care needs.

It is serious business to create an entirely new Institute of the Federal Government, as this bill proposes. Yet the figures are so compelling—more than 20 million Americans aged 65 or over, 1,000 people celebrating their 65th birthday every day, eight out of 10 elderly Americans with chronic health problems, more elderly Americans in mental institutions than any other age group—and the achievements to date so minimal that this is a proposal which must be implemented immediately.

I urge my colleagues to support H.R. 14424, to coordinate Federal research on the aging process and to provide funds for community mental health centers for the elderly.

Mr. PRICE of Illinois. Mr. Chairman, I rise in support of H.R. 14424, for I believe it will be of great value in providing necessary benefits to the aged.

H.R. 14424 would establish a new institute within the National Institutes of Health. This Institute, the National Institute of Aging, was strongly recommended by the White House Conference on Aging. Presently, problems of the aged must compete for priority within the National Institute of Child Care and Human Development, an organization which devotes only 11 percent of its budget to the problems of the aged. The legislation we are discussing today would consolidate the authorities of a variety of institutes into one new Institute which would devote all its resources to the problems of aging.

The legislation also amends the Community Mental Health Centers Act to provide a 1-year program of matching grants for construction and staffing of facilities for the mental health of the aged.

Mr. Chairman, with the number of older people growing faster than the population as a whole, the problems of the elderly become more numerous. The purpose of the legislation is to provide our senior citizens with better service. In my opinion, and I trust in the opinion of my colleagues in the House, this is a necessary and desirable piece of legislation which will benefit not only today's senior citizens, but all of us sooner or later. Care of the aged is one of the Nation's most noble ideals. I urge my colleagues to help make this ideal a reality.

Mr. RANDALL. Mr. Chairman, the legislative week that began yesterday may well be reported in the future as the week that the U.S. House of Representatives took the time to write into law some of the things that have so very long been needed to benefit our senior citizens.

It will be recalled that yesterday the House passed some important amendments to the Older Americans Act. H.R. 15657, was approved by a vote of 351 to 3. This bill was not simply a slight modification of the old law. Instead, it extended, strengthened, and improved the Older Americans Act of 1965 as once before amended in 1969.

Now today, Mr. Chairman, on the second day of this legislative week we are about to make yet another advance for our older citizens as we vote to establish a National Institute of the Aging. It should be recalled the White House Conference on the Aging held the last few days in November and first few days of December in 1971 was attended by about 3,500 delegates from every State in the Union. While that conference made a substantial amount of recommendations, one of its foremost proposals was to establish a National Institute of the Aging. The legislation we consider today would carry out those recommendations.

I enthusiastically support H.R. 14424 which amends the Public Health Services Act to provide for this National Institute of the Aging within the National Institutes of Health. This new institute would serve as a focal point for all of the activity by the National Institutes of Health which relate to the elderly including the aging process and those diseases which primarily affect the aged.

Not only does this legislation provide for the physical ailments of our elderly, but it amends the Community Mental Health Science Act to provide a 1-year program of matching grants for the construction of facilities and their staffing to improve the mental health of the aged.

That the bill we consider today enjoys the support of just about all of the membership should be proved by the fact that it was reported to the House by a voice vote and not a single amendment was offered to the bill during committee consideration. I have heard some rumors or some slight rumblings that the administration is not in full support of this legislation because some way or other it is a wrong course to set up a specialized institute for aging within the National Institutes of Health. While I am not as sure of the exact basis for the objection it would seem that if in fact the objection was based upon the further specialization of functions within the overall National Institutes of Health, then the complaint is not very well founded. The very reason for the entire concept of NIH has been that of specialization. Certainly the diseases of the aging should yield to the work of the specialists as well as any other subject matter that has been so well handled by NIH.

Mr. Chairman, research has revealed that poor health is a major reason for retirement. This legislation will respond to the needs to more clearly understand the aging process and find the means to slow it or arrest it. This bill will have been well worth the effort if it serves only to keep a few more of our elderly out of nursing homes or extended care facilities for just a short period longer than might otherwise be the case.

There are all manner of special studies that should be conducted. One which would be most interesting and undoubtedly productive is to analyze the reason for the fact which seems to exist that more men die shortly after the age 65 than women. Generally speaking, our elderly women enjoy greater longevity.

Oh, there are so many interesting areas of specialization that can now come sharply into focus when this new National Institute of the Aging begins to function. Mr. Chairman, this has truly been a week in which the House of Representatives has taken the time to consider on the floor legislation passed out by the Education and Labor, Interstate and Foreign Commerce, as well as the recommendations of the Special Studies Subcommittee on the Problems of the Aging which it has been my honor to Chair for nearly 2 years. This is the week the House has translated talk into action.

Mr. ANNUNZIO. Mr. Chairman, I rise to express my enthusiastic support for H.R. 14424, a bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging.

This legislation would give recognition to the fact that an increasing proportion of our population is aged 65 or over and that among these individuals health and health related needs are a major problem. Currently over 20 million Americans are 65 years of age or older and this number is increasing every day. One hundred years ago only 2.9 percent of the population was age 65 or over. Today 9.9 percent of the population is in this age range.

Too often in the past, aging has been regarded as an inevitable process resulting in a gradual decline in capacities about which nothing could be done. Yet with our increased knowledge of biology, biochemistry, and physiology, these assumptions are not necessarily valid. If we understood the aging process better, it might be possible to slow it down and avoid many of the ills and infirmities that afflict older persons. Solving the mysteries of old age could prevent the deterioration that leads to chronic diseases and could prolong the period of vigorous and productive life without lengthening senility.

H.R. 14424 would help us respond to this challenge. First of all, a new National Institute of Aging would be established to conduct and support: first, research on the aging process; second, research on preventive measures with respect to the special health problems and requirements of the aged; and third, research on treatment and cures for the other special health problems and requirements of the aged. This new Institute would serve as a focal point for the activities of the National Institutes of Health which relate to the elderly, including the aging process and diseases which affect primarily the aged.

The functions of other Institutes of the National Institutes of Health which relate to the functions of the new National Institute of Aging would be transferred to it.

H.R. 14424 also establishes a National Advisory Council on Aging which would advise, consult with, and make recommendations to the Secretary of Health, Education, and Welfare on all programs relating to the aged which are administered by him. The Council would also monitor these programs and the programs conducted by the Institute, and submit to the President annually for transmittal to the Congress an evaluation of the efficacy of such programs, together with recommendations for improvements.

In addition, the bill would add a new part to the Community Mental Health Centers Act relating to mental health of the aged. Grants would be authorized for the cost of construction of facilities to provide mental health services for the aged and for a portion of the costs of compensation of professional and technical personnel for the operation of facilities for mental health of the aged. Grants could be made only with respect to facilities which are part of or affiliated with a community mental health center, or where there is no such center, where satisfactory provision has been made for appropriate utilization of existing community resources needed for an adequate program of prevention and treatment of mental health problems of the aged. No grant would be made unless the applicant provided satisfactory assurances that the facility would make available a full range of treatment, liaison, and follow-up services for the aged in the service area of the facility who need such services, and would, when requested, provide consultation and education for personnel of other community agencies serving the aged in the area.

In addition, the Secretary of Health, Education, and Welfare would be authorized to make grants to public or nonprofit private agencies or organizations for: first, developing specialized training programs or materials relating to the provision of services for the mental health of the aged, or developing inservice training or short-term or refresher courses; second, training personnel to operate, supervise, and administer services; and third, conducting surveys and field trials to evaluate the adequacy of the programs for the mental health of the aged within the United States with a view to determining ways and means of improving, extending, and expanding such programs.

The bill would authorize appropriations of $5 million for fiscal year 1973 for construction and $15 million for initial grants for compensation of professional and technical personnel and for training and evaluation grants.

Mr. Chairman, I would also like to mention briefly H.R. 15657, the Comprehensive Older Americans Services Amendments of 1972. This bill, together with H.R. 14424, will bring to many older Americans the services which the recent White House Conference on Aging pointed out were so badly needed. H.R. 15657, which it supported and which passed the House on Monday, would strengthen and extend the Older Americans Act of 1965.

In addition to extending the present program, this legislation upgrades the status of the Administration on Aging within the Department of Health, Education, and Welfare; creates a National Advisory Council on the Aging; provides for the establishment of area agencies on aging; authorizes the construction of senior centers; and authorizes special impact programs in such areas as housing, transportation, employment, continuing education for older persons, and preretirement education.

In conclusion, Mr. Chairman, I urge us to respond to the challenge laid down by the delegates to the White House Conference on Aging by passing H.R. 14424, just as the House passed H.R. 15657 yesterday. The provisions of these two bills will be of major assistance in bringing a better life to our older citizens.

Mr. DONOHUE. Mr. Chairman, I urge and hope that this bill, H.R. 14424, providing for the establishment of a National Institute of Aging will be given the overwhelming endorsement of this House this afternoon.

Obviously this measure is a timely and important response to the growing awareness of the distressing problems daily facing our elderly citizens.

In essence, this measure would establish, within the National Institutes of Health, a National Institute of Aging to conduct research on the aging process and on the treatment, cures, and prevention of special health problems affecting the aged. This bill would also expand the Community Health Centers Act to authorize grants for special research projects that are relevant to the study and treatment of the mental health difficulties of our older citizens.

Mr. Chairman, the number of older people in this country is growing faster than the population is growing as a whole. Authoritative testimony and evidence demonstrates that the major problem of the aged is the maintenance of functional capabilities, both physical and mental, to the maximum extent so as to make life worth living for as long as is possible. A basic function of the new Institute, created by this bill, will be to actively expand current and future research leading to the accomplishment of this goal.

Mr. Chairman, there is no question but that the problems and the needs of our constantly increasing number of older citizens have been too much and too long neglected by our National Government.

This bill provides us all with an opportunity to significantly correct that negligence and to return, to those who have given so much to the progress of this country, a real measure of material help and moral encouragement. It also provides us with a timely opportunity to demonstrate that we are as concerned about our own American citizens as we are about the people of other countries all over the world.

In summary, I believe that the appropriations involved in this bill are prudent and reasonable and the objectives are entirely in the national interest. I hope, therefore, that the bill is resoundingly adopted.

Mrs. ABZUG. Mr. Chairman, I rise in support of H.R. 14424, which would establish a National Institute of Aging to serve as a focal point for the activities of the National Institutes of Health which relate to the elderly, including the aging process and diseases which affect primarily the aged. While this bill does not go as far as my bill, H.R. 13370, providing for the establishment of a Cabinet Department of Elder Affairs, the principle is the same, and I am pleased to see it supported here in the House.

"Youth must be served," to be sure, but equally important and deserving of service are those at the other end of the chronological spectrum, those who have faithfully served their society and who are now our senior citizens. Many members of our older population are slowly sinking into the depths and despair of poverty. Seventy percent of all single women and 32 percent of all single men over the age of 65 have incomes of less than $2,670 per year. Eight out of every ten of their precious dollars is allocated for housing, food, transportation, and medical care.

Not only are our elderly poor, but they also live daily with chronic and debilitating illness. More than three-quarters of our aged suffer from at least one chronic disease; one-half suffer from two or more. The incidence of illness increases as income decreases, and the recent trend of "medical starvation" continues to take its toll. The average out-of-pocket health cost for the elderly was $248 in 1969. Costs such as these cannot be borne by persons living in abject poverty. Medicare does not provide enough financial relief to pay the cost of the medical needs of the elderly.

In New York City, for example, almost all persons over 65 are enrolled in one or both parts of medicare, and about 210,000 are covered by medicaid. It might seem at first glance that older people have to pay very little of their medical expenses, but this is just not so. In 1969, with medicare in full force and effect, older people were still paying an average of 30 percent of their medical costs out of their own pockets. Many people simply cannot afford the costs of prescription drugs, eye and dental examinations and care, or even the $48 annual premium for medicare.

In the last 2 years, medical costs have risen 10 percent, hospital charges have increased 65 percent, doctors' fees have risen 12 percent, and drugs have gone up 5 percent. The overall increase for medical expenses is significantly above what it was in 1959.

The Institute of Aging will serve the purpose of centralizing in one location all of the medical issues respecting older Americans, thus enabling us to see the entire picture and to act accordingly. I urge the passage of this bill.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 14424, a bill to establish a National Institute of Aging.

Mr. Chairman, as the principal sponsor in this body of the legislation which called for the 1971 White House Conference on Aging, I have a special concern about the problems of older Americans. Thus, I am very happy to see one of the recommendations of that conference being debated on the floor of this House.

The 1971 Conference called for the establishment of a National Institute on Aging and also for the establishment of mental health diagnostic and treatment centers with special staff and programs designed to deal with geriatric problems. H.R. 14424 would enact this recommendation into law.

The National Institute of Child Health and Human Development was established in 1962. This agency covers the process of development of the young, adult and the elderly. Only 11 percent of their budget is devoted to problems of the aged. The remainder of their funds is used for child health and population research. I think this points out the lack of attention which has been paid to health problems of older Americans.

Mr. Chairman, persons over 65 are twice as likely to be in need of medical care, and when they are hospitalized their stay is apt to be twice as long as that of younger persons required to seek hospital care.

Mr. Chairman, we have a long way to go to save present health problems of older Americans. It is my contention that we can go farther than this and that we can perform miracles if only we understand a little better the problems of aging itself, the mysterious process by which a human body degenerates. Scientists have gone far toward increasing the life span of lower animals. It is not inconceivable to me that the whole aging process can be slowed and that the human species may enjoy a longer and healthier and more useful life. I see this bill as a necessary first step toward that goal.

Mr. Chairman, I urge all Members to join with me in support of this bill.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act (42 U.S.C. ch. 6 A, subch. III) is amended by adding at the end thereof the following new part:

"PART H—NATIONAL INSTITUTE OF AGING

"ESTABLISHMENT OF NATIONAL INSTITUTE OF AGING

"SEC. 461. For the purpose of conducting and supporting (1) research on the aging process, (2) research on preventive measures with respect to the special health problems and requirements of the aged, and (3) research on treatment and cures for the other special health problems and requirements of the aged, the Secretary shall establish in the Public Health Service an institute to be known as the National Institute of Aging (hereinafter in this part referred to as the 'Institute').

"NATIONAL ADVISORY COUNCIL ON AGING

"SEC. 462. (a) The Secretary shall establish a National Advisory Council on Aging to advise, consult with, and make recommendations to him on programs relating to the aged which are administered by him and on those matters which relate to the Institute. The Advisory Council shall monitor such programs and the programs conducted by the Institute and shall submit to the President annually for transmittal to the

Congress on evaluation of the efficacy of such programs of the Institute and the Secretary and suggestions and recommendations for improvements.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the Advisory Council established under this section, except that the Secretary may include on such Advisory Council such additional ex officio members as he deems necessary.

"(c) Upon appointment of such Advisory Council, it shall assume all, or such part as the Secretary may specify of the duties, functions, and powers of the National Advisory Health Council relating to programs for the aged with which the Advisory Council established under this part is concerned and such portion as the Secretary may specify of the duties, functions, and powers of any other advisory council established under this Act relating to programs for the aged.

"FUNCTIONS

"Sec. 463. The Secretary shall, through the Institute, carry out the purposes of section 301 with respect to research, investigations, experiments, demonstrations, and studies related to the diseases and the special health problems and requirements of the aged, except that the Secretary shall determine the areas in which and the extent to which he will carry out such purposes of section 301 through the Institute or another institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter. The Secretary may also provide training and instruction and establish traineeships and fellowships, in the Institute and elsewhere, in matters relating to the study and investigation of the diseases and the special health problems and requirements of the aged. The Secretary may provide trainees and fellows participating in such training and instruction or in such traineeships and fellowships with such stipends and allowances (including travel and subsistence expenses and dependency allowances) as he deems necessary and, in addition, provide for such training, instruction, traineeships, and fellowships through grants to public or other nonprofit institutions."

Sec. 2. The Community Mental Health Centers Act is amended by adding at the end thereof the following new part:

"PART G—MENTAL HEALTH OF THE AGED

"GRANTS FOR FACILITIES AND STAFFING

"Sec. 281. (a) Grants may be made to public or nonprofit private agencies and organizations (1) to assist them in meeting the costs of construction of facilities to provide mental health services for the aged within the States, and (2) to assist them in meeting a portion of the costs (determined pursuant to regulations of the Secretary) of compensation of professional and technical personnel for the operation of a facility for mental health of the aged constructed with a grant made under part A of this section or for the operation of new services for mental health of the aged in an existing facility.

"(b)(1) Grants may be made under this section only with respect to (A) facilities which are part of or affiliated with a community mental health center providing at least those essential services which are prescribed by the Secretary, or (B) where there is no such center serving the community in which such facilities are to be situated, facilities with respect to which satisfactory provision (as determined by the Secretary) has been made for appropriate utilization of existing community resources needed for an adequate program of prevention and treatment of mental health problems of the aged.

"(2) No grant shall be made under this section with respect to any facility unless the applicant for such grant provides assurances satisfactory to the Secretary that such facility will make available a full range of treatment, liaison, and followup services (as prescribed by the Secretary) for the aged in the service area of such facility who need such services, and will, when so requested, provide consultation and education for personnel of other community agencies serving the aged in such area.

"(3) The grant program for construction of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A, except that the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum (or 90 per centum in the case of a facility providing services in an area designated by the Secretary as an urban or rural poverty area), as the Secretary may determine.

"(c) Grants made under this section for costs of compensation of professional and technical personnel may not exceed the percentages of such costs, and may be made only for the periods, prescribed for grants for such costs under section 242.

"(d)(1) There are authorized to be appropriated for the fiscal year ending June 30, 1973, (A) $5,000,000 for grants under this section for construction, and (B) $15,000,000 for initial grants under this section for compensation of professional and technical personnel and for training and evaluation grants under section 282.

"(2) There are authorized to be appropriated for the fiscal year ending June 30, 1974, and for each of the next six fiscal years such sums as may be necessary to continue to make grants with respect to any project under this section for which an initial staffing grant was made from appropriations under paragraph (1)(B) for the fiscal year ending June 30, 1973.

"TRAINING AND EVALUATION

"Sec. 282. The Secretary is authorized, during the period beginning July 1, 1972, and ending with the close of June 30, 1973, to make grants to public or nonprofit private agencies or organizations to cover part or all of the cost of (1) developing specialized training programs or materials relating to the provision of services for the mental health of the aged, or developing inservice training or short-term or refresher courses with respect to the provision of such services; (2) training personnel to operate, supervise, and administer such services; and (3) conducting surveys and field trials to evaluate the adequacy of the programs for the mental health of the aged within the United States with a view to determining ways and means of improving, extending, and expanding such programs."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14424) to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes, pursuant to House Resolution 1012, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 10, not voting 42, as follows:

[Roll No. 268]

YEAS—380

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link

Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—10

Ashbrook
Camp
Crane
Findley
Gross
Hall
Landgrebe
McKay
Martin
Schmitz

NOT VOTING—42

Abernethy
Anderson, Tenn.
Blanton
Blatnik
Broomfield
Coughlin
Davis, Ga.
Dowdy
Downing
Dwyer
Edmondson
Edwards, Ala.
Evins, Tenn.
Flynt
Fulton
Gallagher
Hagan
Hansen, Wash.
Hébert
Jones, Ala.
Jones, Tenn.
Long, La.
McClure
McDonald, Mich.
Miller, Calif.
Mollohan
Mosher
O'Konski
Passman
Podell
Pryor, Ark.
Rarick
Ryan
Sarbanes
Seiberling
Shipley
Spence
Steiger, Wis.
Stuckey
Whalley
Widnall
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Broomfield.

Mr. Blatnik with Mr. Coughlin.

Mr. Blanton with Mr. Spence.

Mr. Davis of Georgia with Mr. McClure.

Mr. Mollohan with Mr. Steiger of Wisconsin.

Mr. Fulton with Mr. Long of Louisiana.

Mr. Anderson of Tennessee with Mr. Miller of California.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Shipley with Mr. Abernethy.

Mr. Seiberling with Mr. McDonald of Michigan.

Mr. Passman with Mr. Dowdy.

Mr. Podell with Mr. Mosher.

Mr. Evins of Tennessee with Mr. Rarick.

Mr. Downing with Mr. Ryan.

Mr. Pryor of Arkansas with Mr. Whalley.

Mr. Edmondson with Mr. Widnall.

Mr. Sarbanes with Mr. Gallagher.

Mr. Jones of Alabama with Mr. Edwards of Alabama.

Mr. Stuckey with Mr. O'Konski.

Mr. Jones of Tennessee with Mr. Hagan.

Mr. Wright with Mr. Flynt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the three bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERSONAL EXPLANATION

Mr. LINK. Mr. Speaker, yesterday, July 17, I was absent from the House. Had I been present I would have voted "yea" on H.R. 15635, Juvenile Delinquency Prevention Act, and on H.R. 15657, Comprehensive Older American Services Amendments of 1972.

AN EXAMPLE OF HEAVY-HANDEDNESS BY CABINET AGENCIES

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, during the past several months I have on several occasions joined with the officials of my hometown of McKinney, Tex., in negotiating with the Department of Housing and Urban Development concerning a proposed 236 housing project scheduled to be built in McKinney. Unfortunately for the residents of McKinney, the negotiations have been fruitless in that they have provided no relief. I think it is in the interest of the Members of the House to be reminded of the heavy-handedness of Cabinet agencies in dealing with the various local governments with which they come in contact.

In this particular instance, HUD has refused to revoke its approval of a 236 project which was "sold" to the planning and zoning commission and the city council of McKinney under false pretenses. As the city manager of McKinney, Mr. Lee S. Vickers, stated in a letter to Mr. Manuel Sanchez, Area Administrator, HUD, on January 7, 1972:

> The Developer at no time during his application indicated his plan to build federally subsidized apartments at the White Avenue location. If so informed, neither the Planning and Zoning Commission nor the City Council would have approved the preliminary site plan for the Willow Creek Apartments.

In an area where home values range from $20,000 to $35,000, this is completely understandable.

When the city council of McKinney approved the zoning change to allow for multifamily dwellings, they understood that this project was to be a high-cost luxury-apartment complex, commensurate with the surrounding area. They were deliberately misled by the developers, out-of-State people who have no interest in the city of McKinney or its residents.

In view of this deception and the lack of demand for better housing, as detailed by the city of McKinney in a catalog of vacancies of lower-income subsidized housing, I joined with the McKinney city officials in recommending that approval of this project be withheld. We contacted Mr. Sanchez in Dallas and his superiors in Washington, but to no avail.

I, personally, find no justification for this refusal to put an end to this absurd situation before construction starts and it is too late. The people of McKinney do not want and do not need it. In December of last year the McKinney city officials made a study of the three federally assisted housing programs in the city. They found:

First. The housing authority of McKinney operating under the low rent housing program with a 90 percent occupancy, resulting in 20 vacant apartments.

Second. McKinney East Development, a 235 program of aproximately 100 houses of which 34, formerly occupied, were vacant.

Third. McKinney East Apartments, a 221 program of approximately 10 units, had, as of the filing of the report, six tenants and 50 additional applications. Assuming all 50 applicants were approved and accepted, 44 vacancies would still exist.

I submit that these figures clearly illustrate that there is not sufficient demand for low-cost housing in McKinney to justify the existence of another federally subsidized—taxpayer subsidized—housing program. The response that the existing programs do not cover all aspects of low-cost housing, a response offered by HUD to earlier inquiries, is not responsive. Arbitrary distinctions are not the issue. The issue is whether we should use Federal tax money to force unwanted housing on any community, housing for which there is no demand, as evidenced by the fact that many low-cost units are presently available and unused.

On February 22, 1972, Secretary Romney testified that present policies were inadequate and that the Congress might wish to join with HUD in a thorough evaluation of the present approaches.

The Senate, on March 2, 1972, passed an omnibus bill (S. 3248) which undertook some of this reevaluation. Specifically, section 502 of this bill is designed to replace 236 housing. Given this action by the Senate and the extremely dubious circumstances surrounding the approval of this project, reasonableness demands that HUD withhold action on this project until it is demonstrably in the interest of the city of McKinney and its residents.

GIANT AMONG MEN

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, it has been well and wisely said that "Among individuals as among nations, respect for the rights of others is peace."

The words were used by Benito Juarez, a great Mexican patriot and statesman, to express the essence of his political thought when, under his leadership, peace was reestablished in Mexico in 1867 after many years of strife and civil war.

The Congress of the United Mexican States has proclaimed 1972 as the year of Juarez. One hundred years ago today, this great Mexican patriot died after years of dedicated service to his country.

As a Member of our own Congress from a district that has a common border with Mexico, I am proud to pay tribute to a man who has been compared, in his love of his country and of freedom, to our own immortal Abraham Lincoln.

Benito Juarez, a Zapotec Indian by birth, rose from humble beginnings to the Presidency of the Republic of Mexico in a time of deep internal problems and international crisis. His struggle against personal adversity was matched by his struggle to liberate Mexico from foreign invasion.

Selected for the church when he was a youngster, he instead studied law and became deeply involved in the politics of his country. Rising to the position of Justice in the Comonfort regime, Juarez launched the measures which curbed the privileges of the clergy and the military, in those days the two most powerful institutions of Mexico.

These measures led to the drafting of the Constitution of 1857. Its liberal and progressive provisions aroused the opposition of the Conservative Party and precipitated the revolution known as the War of Reform.

Juarez led the fight against the rebellion and was successful in reestablishing the legitimate order. In 1859 he was elected constitutional President of Mexico.

A few years later his conservative opponents sought the help of Napoleon III, who established a monarchy in Mexico under the rule of Maximilian of Austria. Juarez again leaped to the defense of the Republic and its constitutional government, and again he triumphed when the last foreign soldier was driven from Mexican territory in 1867.

Mr. Speaker, Benito Juarez, with his sense of justice and profound respect for the rights of other people, brought a new way of life to his country. His memory is deserving of honor and respect by all freedom-loving people everywhere in the world. He stands as one of the towering figures in the history of the Americas.

Truly, if nations, as well as individuals today were to follow the wisdom of his words, "Entre los hombres, como entre las naciones, el respeto al derecho ajeno es la pas," this indeed would be a better world and all of us would be better as individuals. We respectfully join our sister republic of Mexico and its people in solemn commemoration of this date.

EDUCATION AMENDMENTS OF 1972

(Mr. WILLIAM D. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WILLIAM D. FORD. Mr. Speaker, a great deal of confusion has arisen over the amendment which I cosponsored to stay all court-ordered cross-district busing until all appeals have been exhausted or until the time for such appeals has expired. This amendment, which became law on June 23, is now section 803 of the Education Amendments of 1972.

This law, which is the first and only provision passed by Congress to stop forced cross-district busing, was at first strongly criticized by President Nixon. Perhaps he had personal political reasons for doing so. However, he has since evidently changed his way of thinking and has now ordered the Justice Department to make full use of it.

Only yesterday, in a brief submitted by the Justice Department to the U.S. Court of Appeals for the Sixth Circuit, the Justice Department stated that there can be little doubt that this law will require a stay once Judge Roth orders a specific desegregation plan in the suit now pending before the U.S. district court in Detroit which involves over 50 suburban school districts.

In a memorandum in support of their emergency motion to stay Judge Roth's original order for the development of a plan of desegregation, the attorneys for the suburban school districts have set forth an excellent review of the background of section 803, along with sound and logical arguments for upholding its constitutional validity and a comprehensive summary of its legislative history.

Mr. Speaker, because of the confusion which has existed with respect to the effectiveness of this law, and because of the widespread interest in the current controversy at this point I am inserting into the RECORD that portion of the memorandum brief submitted by the attorneys for the Michigan suburban school districts which deals with section 803:

A STAY OF PROCEEDINGS SHOULD BE ORDERED ON THE BASIS OF SECTION 803 OF THE "EDUCATION AMENDMENTS OF 1972"

I. INTRODUCTION

On June 23, 1972, the President of the United States signed into law the "Education Amendments of 1972". This comprehensive legislation became effective on July 1, 1972. One provision, Section 803, was added during debates in the House of Representatives as a non-germane Amendment, and relates to the question of a stay or suspension of proceedings by this Court at this time. Section 803 provides as follows:

"Sec. 803. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974."

As a result of this legislation, it is submitted that the Ruling on Desegregation Area and Order for Development of Plan of Desegregation, entered by this Court on June 14, 1972, and particularly those provisions relating to the transfer and transportation of students within the desegregation area, is ineffective until all appeals from that ruling have been exhausted.

Section I B, of the Court's Order of June 14, 1972 provides, in part, as follows:

". . . the panel is to develop a plan for the assignment of pupils . . . and shall develop as well a plan for the transportation of pupils, for implementation for all grades, schools and clusters in the desegregation area . . . The panel may recommend immediate implementation of an interim desegregation plan for grades K–6, K–8, or K–9 in all or in as many clusters as practicable, with complete and final desegregation to proceed no later than the fall 1973 term."

Section II A. of the Court's Order of June 14, 1972, in part, provides:

"Pupil reassignment to accomplish desegregation of the Detroit public schools is required within the geographical area . . . referred to as the 'desegregation area'."

Section II B. of the Court's Order of June 14, 1972, in part, provides:

". . . pupil reassignments shall be effected within the clusters described in Exhibit P.M. 12 so as to achieve the greatest degree of actual desegregation to the end that, upon implementation, no school grade or classroom be substantially disproportionate to the overall pupil racial composition."

Section II E. of said Order provides, in part, as follows:

"Transportation and pupil assignment shall . . . be a two-way process with both black and white pupils sharing the responsibility for transportation requirements at all grade levels."

Finally, Section II I. of the Court's Order provides, in part:

"The State Board of Education and the State Superintendent of Education shall with respect to all school construction and expansion, '*consider the factor of racial balance* along with other educational considerations in making decision about new school sites, expansion of present facilities * * *'."

The particular students to be transferred and transported from one attendance area, prescribed by their local school district, to another attendance area, prescribed by this Court, have not been identified and the exact date when such transfer and transportation shall occur has likewise not been determined by the June 14 Order of this Court. It is perfectly clear, however, as indicated by the above referred to provisions of said Order, that:

1. Transfer of students has been ordered (Section I B., II A. and II E.).

2. The transfers have been ordered for the purpose of achieving a balance with respect to race. (Section II B. and II I.).

That the Order of the Court dated June 14, 1972 constitutes an order "which require[s] the transfer or transportation" of students within the meaning of Section 803 is unquestionable in view of the above quoted provisions and the clear language and legislative history of Section 803. The Order of this Court from the bench on July 10, 1972, directing the purchase of 295 buses, makes this all the more clear. Congress has mandated postponement of the effectiveness of this type of order during the pendency of appeals and it is submitted that this Court should therefore suspend the effectiveness of its Order until appeals are resolved in this cause.

In the event it should be determined that the Order of June 14, 1972 does not, by its *own* terms, actually require the transfer or transportation of students and is therefore not at this moment subject to the provisions of Section 803 declaring such an Order to be ineffective, it is submitted that the *practical effect* of Section 803 is to make it incumbent upon this Court to grant an equitable stay of proceedings at this time. If it is ruled that as a prerequisite to the application of Section 803, the Court enter a further Order in pursuance of the Desegregation Panel's recommendations particularizing the students and schools involved in the pupil assignments and pupil transportation, they will themselves be ineffective thus rendering, for all intents and purposes, the Orders of June 14 and July 10 ineffective. Accordingly, this Court should enter an Order staying proceedings now, at least insofar as the Court's prior Orders may contemplate the entry of further Orders assigning and transporting students prior to the exhaustion of appeals in order to carry out the manifest intent of Congress that massive expense and hardship not occur until the legal rights of the parties have been finally determined.

Both prior and subsequent to the signing of the "Education Amendments of 1972" by the President of the United States, there was and continues to be considerable speculation as to the effectiveness of Section 803 and the applicability thereof to the instant case. Such speculation, often politically motivated, should have no effect on the construction to be afforded Section 803; such question being subject only to judicial determination. Accordingly, the following is a discussion of several of the principal issues which might be raised with respect to this unique action by the Congress of the United States. Intervening School Districts contend that the significant pre-enactment material, and cases, discussed below, compel the conclusion that Section 803 must ultimately suspend the effectiveness of any order transferring students issued by this Court, and therefore dictates that a Stay of Proceedings be instituted *now*, so that all appeals may be exhausted before the implementation of relief in this cause is further continued.

II. CONSTITUTIONAL VALIDITY OF SECTION 803

The Intervening School Districts anticipate that argument will be made that Section 803 is an unconstitutional attempt by the United States Congress to limit the jurisdiction of the United States district courts to implement their orders while appellate procedures are being exhausted. The simple answer to this anticipated argument is found in Section 1 of Article III of the United States Constitution, which sets forth the power of Congress to govern the jurisdiction of the lower federal courts. This Section provides as follows:

"Sec. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

The breadth of authority of Congress over the jurisdiction of the federal courts of the United States was dramatically illustrated in the 1868 case of *Ex parte McCardle,* 7 Wall. 506, 19 L Ed 264 (1868). There, a civilian held for trial by a military commission was denied a Writ of Habeas Corpus by the circuit court. While an appeal from this denial was pending before the Supreme Court of the United States, Congress passed a statute taking away the *appellate* jurisdiction of the Supreme Court in habeas corpus cases. The Supreme Court held that this was a legitimate exercise of congressional power and that the legislation deprived the United States Supreme Court of jurisdiction even though the Act was passed after the Supreme Court had already taken jurisdiction of the case. This was so even though the cause before the Court involved an alleged violation of the plaintiff's constitutional rights.

Although the invoking of the appellate procedures from the decision of a lower federal court does not, as a general rule, operate to effect an automatic stay of proceedings this has not always been the case. As discussed in the case of *Brockett* v *Brockett,* 2 How 238, 11 L Ed 251 (1844) and the *Slaughterhouse cases,* 10 Wall 273, 19 L Ed 915 (1869), the Judiciary Act of 1789 provided that the filing of a Writ of Error within ten days from the date of entry of the order of the court below operated as an automatic supersedeas and stay of execution under Section 23 of the Judiciary Act. No case could be found challenging the validity of this automatic stay provision of the Judiciary Act of 1789.

In more recent times, the question of congressionally imposed limitations on the jurisdiction of the lower federal courts has been discussed in a number of cases arising in several different contexts:

A. Labor

Although the Congress of the United States may not circumscribe the original jurisdiction of the Supreme Court, it may limit or even remove the general jurisdiction of the lower federal courts. This power is illustrated in the case of *Lauf* v *E.G. Shinner & Co.,* 303 US 323, 82 L Ed 872 (1938), involving the construction of certain provisions of the Norris-La Guardia Act. That Act provided that "no court of the United States shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute" unless certain very specific findings were made by the court, involving substantial and irreparable injury in balancing the interests of the parties. In the *Lauf* case, the United States Supreme Court in upholding this provision, stated simply at page 330,

"There can be no question of the power of Congress thus to define and limit the jurisdiction of the inferior courts of the United States."

B. Voting rights

The question of Congress' power over the lower federal courts arose in another context, involving the elimination of the jurisdiction of the district court to entertain certain matters arising under the Voting Rights Act of 1965. In referring to that provision of the Act which requires states to seek certain relief only in one district court in the United States, the Supreme Court of the United States in *South Carolina* v *Katzenbach,* 383 US 301, 15 L Ed 2d 769 (1966) stated, at page 331:

"Despite South Carolina's argument to the contrary, Congress might appropriately limit litigation under this provision to a single court in the District of Columbia, pursuant to its constitutional power under Art. III, § 1, to 'ordain and establish' inferior federal tribunals."

C. Selective service

The limited nature of the jurisdiction of the inferior federal courts, as determined by the Congress, is further illustrated in the selective service cases. In *Falbo* v *United States,* 320 US 549, 88 L Ed 305 (1944), the Supreme Court held that a selective service registrant could not defend a prosecution on the ground that he was wrongfully classified, where the offense was a failure to report for induction. The court held that until the registrant had exhausted all administrative appeals, the courts of the United States had no jurisdiction to entertain his claim that he had been improperly inducted. Following the *Falbo* case, the United States Supreme Court ruled in *Estep* v *United States,* 327 US 114, 90 L Ed 567 (1946), that in a case where the registrant had exhausted all administrative appeals before refusing to submit to induction, Congress had propertly limited the scope of the court's review to determining whether or not the local draft board had acted beyond its jurisdiction. In speaking for three of the justices, Justice Douglas stated at pages 122 and 123:

"The provision making the decisions of the local boards 'final' means to us that Congress chose not to give administrative action under this Act the customary scope of judicial review which obtains under other statutes. It means that the courts are not to weigh the evidence to determine whether the classification made by the local boards was justified. The decisions of the local boards made in conformity with the regulations are final even though they may be erroneous. The question of jurisdiction of the local board is reached only if there is no basis in fact for the classification which it gave the registrant."

In a concurring opinion, Mr. Justice Rutledge stated at page 132:

"I have no doubt that Congress could make administrative or executive actions final in such matters as these in the sense of excluding all judicial review, excepting only what may be required by the Constitution in the absence of suspension of the writ of habeas corpus."

In the case of *Edwards* v *Selective Service Local Board,* Ill. 432 F 2d 287 (5th Cir. 1970), the subject of judicial review of local draft board classifications again came up for review. In that case, involving a registrant who sought to enjoin his induction into the armed forces, the court held that judicial review of registrant's classification was barred by Congressional mandate. In its opinion, the 5th Circuit Court of Appeals stated at page 290:

"This Court and the court whose order we review are each and both inferior courts of limited jurisdiction. The route of our reasoning properly starts with the presumption that we lack subject matter jurisdiction until it has been demonstrated to exist. This has long been the basic tenet of federal jurisprudence (citations omitted). The power to ordain and establish these courts is vested in the Congress; and, with exceptions not pertinent here, *Congress has the power to give, withhold and restrict our jurisdiction*" (emphasis added).

See also *Carlson* v. *United States,* 364 F 2d 914 (10th Cir 1966).

D. Price control

The Emergency Price Control Act of 1942 gave rise to several cases discussing the power of the Congress to limit judicial review in the area of wartime price controls. The Emergency Price Control Act of 1942 provide that a person subject to an order or regulation of the Administrator under the Act could first file a protest of the Administrator's action and could thereafter appeal such action *only* to the Emergency Court of Appeals created under the Act and thereafter to the United States Supreme Court. The Emergency Price Control Act also provided that the Emergency Court of Appeals and the Supreme Court had exclusive jurisdiction over the subject matter involved and no other court, federal, state or territorial, could have jurisdiction or power to consider the validity of any regulation or order of the Administrator. Finally, the Emergency Price Control Act provided that the Emergency Court of Appeals and the United States Supreme Court were denied the jurisdiction to issue a temporary stay or injunction to prohibit the enforcement of the Administrator's regulations or orders during the pendency of an appeal from the denial of a protest, taken to the Emergency Court of Appeals or the United States Supreme Court.[3]

In *Lockerty* v. *Phillips,* 319 U.S. 182, 87 L. Ed. 1339 (1943), the United States Supreme Court upheld the validity of that portion of the statute removing jurisdiction of the subject matter from all other courts. In its opinion, the court stated at page 187:

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[3] Of interest also is the Economic Stabilization Act of 1970, as amended Dec. 22, 1971, which provides in Sec. 211, as follows:

"(e)(1) . . . [N]o interlocutory or permanent injunction restraining the enforcement, operation, or execution of this title, or any regulation or order issued thereunder, shall be granted by any district court of the United States or judge thereof.

"(f) The effectiveness of a final judgment of the Temporary Emergency Court of Appeals enjoining or setting aside in whole or in part any provision of this title, or any regulation or order issued thereunder, shall be postponed until the expiration of thirty days from the entry thereof, except that if a petition for a writ of certiorari is filed with the Supreme Court under subsection (g) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the action by the Supreme Court."

"There is nothing in the Constitution which requires Congress to confer equity jurisdiction on any particular inferior federal court. All federal courts, other than the Supreme Court, derive their jurisdiction wholly from the exercise of the authority to "ordain and establish" inferior courts, conferred on Congress by Article 3, § 1, of the Constitution. . . . The congressional power to ordain and establish inferior courts includes the power "of investing them with jurisdiction either limited, concurrent, or exclusive, *and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good.*" (emphasis added)

And at page 188, the Court stated:

"In light of the explicit language of the Constitution and our decisions, it is plain that Congress has the power to provide that the equity jurisdiction to restrain enforcement of the Act, or of regulations promulgated under it, be restricted to the Emergency Court, and, upon review of its decisions, to this Court."

In a subsequent opinion, *Yakus* v. *United States,* 321 US 414, 88 L Ed 834 (1944), the Court considered the question not raised in *Lockerty,* as to whether Congress could withhold from the courts actually vested with subject matter jurisdiction of price control appeals, (the Emergency Court of Apeals and the United States Supreme Court) the power to stay an order or regulation of the Price Control Administrator or the power to issue an injunction prohibiting the enforcement of such order or regulation. In upholding this provision of the Emergency Price Control Act, the Supreme Court stated, at page 437:

"In the circumstances of this case we find no denial of due process in the statutory prohibition of a temporary stay or injunction."

And at page 441:

"Here, in the exercise of the power to protect the national economy from the disruptive influences of inflation in time of war Congress has seen fit to postpone injunctions restraining the operations of price regulations until their lawfulness could be ascertained by an appropriate and expeditious procedure. *In so doing it has done only what a court of equity could have done, in the exercise of its discretion to protect the public interest. What the courts could do Congress can do as in the guardian of the public interest.* What the courts could do Congress can do as the guardian of the public interest of the nation in time of war." (emphasis added)

Finally, at page 444, the court stated:

"There is no constitutional requirement that test be made in one tribunal rather than in another, as long as there is an opportunity to be heard and for judicial review which satisfies the demands of due process, as is the case here."

E. Due process and general application

1. *Section 803 meets all requirements of one process.*

The applicability of the above precedents, and particularly the *Yakus* line of reasoning, to Section 803 is clear. In the exercise of its constitutional grant of power and control over the federal judiciary, Congress has seen fit to speak to the *procedures* by which the courts, at all levels, shall determine the *ultimate* substantive rights and remedies of *all* the parties in a particular category of litigation.

The *Yakus* case is especially relevant because it dealt with a congressional mandate of a stay of proceedings. The Emergency Price Control Act provisions allowed the Price Control Administrator to impose substantial controls over individuals and then required that such controls, which were administratively ordered changes from the status quo, be maintained during the process of appeals. So long as adequate appellate procedures were available, there was no denial of due process by limiting the interlocutory jurisdiction of the courts during the pendency of such appeals even though, as was admitted by the court in discussing the *Lockerty* and *Yakus* cases, irreparable harm could occur. In the instant case, a similar restriction on the jurisdiction of the courts during the pendency of appeals has been imposed by the Congress with one significant difference: The stay mandated by Section 803 maintains the status quo, while the Emergency Price Control Act mandates the continuance of a questionable order or regulation.

As stated in *Yakus,* page 444, supra, the demands of due process must be met in cases where congressional restraints on the general jurisdiction of the federal courts are imposed, once such general jurisdiction is granted. This was discussed in the case of *Battaglia* v. *General Motors Corp.,* 169 F. 2d 254 (2d Cir 1948) a case involving the Portal-to-Portal Act. The United States Supreme Court, in several cases preceding the Portal-to-Portal Act, had interpreted the Fair Labor Standards Act of 1938 as granting certain claims for time spent by employees before and after the performance of their main activities. Congress responded by enacting the Portal-to-Portal Act, which deprived both state and federal courts of jurisdiction to entertain the claims under the Fair Labor Standards Act and outlawed the substantive liability for the claims themselves. The Second Circuit held that while Congress might not have the power to simply remove the jurisdiction of all courts to entertain actions to enforce such claims, the denial of jurisdiction was proper where the effect of the withholding of jurisdiction itself was not the cause of extinguishing the substantive liabilities involved. At page 257, the Court stated:

"We think, however, that the exercise by Congress of its control over jurisdiction is subject to compliance with at least the requirements of the Fifth Amendment. That is to say, while Congress has the undoubted power to give, withhold, and restrict the jurisdiction of courts other than the Supreme Court, it must not so exercise that power as to deprive any person of life, liberty, or property without due process of law or to take private property without just compensation."

In the instant cause it is clear that Section 803 does not deny due process since it simply requires the maintenance of the status quo during the pendency of appeals. The issue is resolved by the language and holdings of *Yakus,* at page 442, *supra*:

". . . legislative formulation of what would otherwise be a rule of judicial discretion is not a denial of due process or a usurpation of judicial functions".

The case at bar indeed involves allegations and findings regarding substantive constitutional rights under the 14th Amendment of the Constitution of the United States and these rights may not be extinguished by action of Congress. The manner in which these substantive constitutional rights are to be safeguarded and the establishment of procedures to remedy denials of these rights by the courts of the United States is reserved, however, by Article III, Section 1 of the United States Constitution, to the Congress. Within the teachings of *Yakus* and *Battaglia,* so long as minimum due process requirements of the Fifth Amendment are met, Congress may exercise its wide discretion in mandating the procedural jurisdiction of the lower federal courts in this area which is of such national concern today.

2. *Section 803 does not violate any constitutional requirement of immediate relief.*

Intervening School Districts are aware that the argument has been made that Section 803 is unconstitutional for the reason that it abrogates a constitutional interest in immediate relief. This argument has been based upon the teachings of the United States Supreme Court in *Alexander* v *Holmes County Board of Education,* 396 US 19, 24 L Ed 19 (1969) and *Carter* v *West Feliciana Parish School Board,* 396 US 290, 24 L Ed 2d 477 (1970). These cases are further amplifications of the principle stated in *Green* v *County School Board of New Kent County,* 391 US 430, 20 L Ed 2d 716 (1968). In that case the United States Supreme Court reiterated that the "deliberate speed" standard established in the second *Brown* decision in 1955, 349 US 294, was no longer applicable, c.f. *Griffin* v *County School Board,* 377 US 218, 12 L Ed 2d 256 (1964), and that the burden on a school board today is to come forward with a plan that promises to work and "promises realistically to work *now*". 391 US 439, 20 L Ed 2d 724. Reasoning from the conclusions of these cases, opponents of the validity of Section 803 have made the argument that there is now a constitutional interest in immediate implementation of a plan upon a *prima facie* showing of continued segregation.

It is submitted that the principle of the above cases does not extend to the facts of the case at bar, which are totally distinguishable. In each of the above cited cases, the existence of a dual school system, constituting *de jure* segregation, was at issue. Each one of the school systems in the above cited cases had operated dual systems prior to 1954, and thereafter, by operation of state law. This simple fact was either admitted or previously adjudicated in all of those cases. Thus the issue of "liability" had been completely resolved and the only question before the United States Supreme Court and the lower appellate courts was that of the timing and efficacy of implementing a plan of desegregation. The comment of Justices Harlan and White in a concurring opinion in *Carter* v *West Feliciana Parish School Board, supra,* to the effect that the burden, in actions similar to the *Alexander* case, should be shifted from Plaintiffs, seeking redress for a denial of constiutional rights, to Defendant school boards, and to the further effect that:

"What this means is that upon a prima facie showing of non compliance with this Court's holding in *Green* v *County School Board of New Kent County,* 391 US 430, 20 L Ed 2d 716, 88 S. Ct 1689 (1968), sufficient to demonstrate a likelihood of success at trial, plaintiffs may apply for immediate relief that will at once extirpate any lingering vestiges of a constitutionally prohibited dual school system."

must be read as applicable only to a case where the issue of the existence of a "constitutionally prohibited dual school system" has been resolved unfavorably to the defendant school board. Intervening School Districts contend that the teachings of the United States Supreme Court in the above cited line of cases accordingly apply only after full resolution of the issue of *de jure* segregation. In the case at bar, this issue has not been fully resolved through appellate process. As outlined in this Brief, and as this Court knows, there are serious questions of law, both as to the issue of the existence of *de jure* segregation with the school district of the City of Detroit and as to the appropriateness of metropolitan relief in this cause. There has been no allegation or adjudication of the existence of a dual school system within the Defendant Intervenors' school districts. Accordingly, it should be readily apparent that the United States Supreme Court has not ruled that the right to implementation of a plan of desegregation under the Constitution is immediate, except in instances where the existence of a dual school system in violation of the Constitution has been finally adjudicated or admitted.

Thus, it is clear that Section 803 cannot be held unconstitutional in the context of the case at bar where there has been no exhaustion of appellate remedies on the issues of liability in the first instance.

Even in a case involving the application of Section 803 to an order transferring students, where there has been full adjudication and exhaustion of appeals on the issue of liability, there is no reason why the Section cannot be reasonably accommodated to the teachings of the United States Supreme Court in the above cited line of cases. Indeed, the Supreme Court has clearly indicated an immediacy requirement, once the existence of a dual system has been finally adjudicated (and Defendants contend that such finality must include the complete exhaustion of appeals on such issue). If at that point, a separate order transferring students or further implementing a plan of desegregation previously adopted is entered, it is clear that Section 803 would compel the postponement of effectiveness of that order until any appeals from that order have been exhausted. However, under the teachings of *Green, Alexander*, and *Carter, supra*, any appellant would have extreme difficulty defending a motion to dismiss an appeal, in view of the immediacy requirements. Accordingly, any delay extended by Section 803 would, under those circumstances, be of an extremely brief nature and would undoubtedly still meet the requirements of those cases, notwithstanding the application of Section 803.

In summary, the question simply resolves itself into one of whether or not Section 803 is an attempt by the Congress to circumscribe the constitutional rights of the Plaintiffs guaranteed to them by the Fourteenth Amendment, or a direction by the Congress as to the procedures by which these substantive rights will be enforsed by the courts of the United States. It is respectfully submitted that Section 803 could not be more clearly procedural in nature. The ultimate declaration of the substantive rights of the parties to this case will not be affected by the application of Section 803 any more than the ultimate determination of the substantive rights of the parties was affected in those desegregation cases where the courts, in the exercise of their discretion, granted a stay of procedings to maintain the interests of *all* of the parties in *status quo*. Considering the serious and substantial questions relative to the issues of "liability" and "remedy" and their potential affect on parties Plaintiff *and* Defendant it cannot be said that the delay during appeal will *per se* constitute a denial of substantive constitutional rights. As stated so well in *Yakus*, Congress "has done only what a court of equity could have done, in the exercise of its discretion to protect the public interest."

III. QUESTIONS AS TO THE INTENDED APPLICATION OF SECTION 803 ARE CONTROLLED BY ITS LEGISLATIVE HISTORY

The legislative history of an Act of Congress is composed of the debates, amendments, committee reports, and explanations by its sponsors and managers attending a bill which subsequently becomes law. The legislative history of a law may be resorted to as an aid in determining the proper construction of a statute which is ambiguous or of doubtful meaning. Annot. 70 A.L.R. 5, 6, (1931); *Blake* v *National City Bank*, 23 Wall. 307, 23 L Ed 119 (1875); *Railroad Commission* v *Chicago B. & Q. R. Co*, 257 US 563, 66 L Ed 371 (1922); *Duplex Printing Press Co* v *Deering*, 254 US 443, 65 L Ed 349 (1921); *United States* v *Great Northern R. Co*, 287 US 144, 77 L Ed 223 (1932); *Wright* v *Mountain Trust Bank*, 300 US 440, 81 L Ed 736, (1937); *Mitchell* v *Kentucky Finance Co*, 359 US 290, 3 L Ed 2d 815 (1959); *Swann* v *Charlotte-Mecklenberg*, 402 US 1, 16, 17, 28 L Ed 2d 554, 567 (1971) and numerous other cases cited in 70 A.L.R. 5, 6, 7, 8.

It is anticipated by the Intervening School Districts that issue will be taken as to the meaning and application of several aspects of Section 803. Because it is certainly possible that Section 803 is capable of several interpretations as to its affect on Orders antedating the effective date of the statute, its affect on suits pending as of the effective date, and whether it applies to *all* Orders requiring the transfer and transportation of students, even if in pursuance of a finding of unlawful segregation, the correct interpretation must be determined by examination of the legislative history.

The rule as to the applicability of legislative history in construing the intent of a statute has been summarized as follows:

In construing legislative intent by reference to the legislative history, the Court must differentiate between statements made by individual legislators and those made by the sponsors of the Bill, the chairmen of the committees which consider the Bill, and the conference committee reports. Annot., 70 A.L.R. 5, 26–39.

In considering the legislative history of a statute, Mr. Justice Frankfurter, joined by Black and Burton, JJ., dissenting, in agreement with the majority on this point stated the following:

"It has never been questioned in this Court that committee reports as well as statements by those in charge of a bill or of a report, are authoritative elucidations of the scope of a measure. *Schwegmann Bros* v *Calvert Distillers Corp*, 341 US 384, 399, 400, 95 L Ed 1035, 1050, 1051 (1951)." See also *Duplex Printing* v *Deering*, 254 US 443, 474, 65 L Ed 349 (1921); and *Railroad Commission* v *Chicago, B. & Q. R. Co.*, 257 US 563, 66 L Ed 371 (1922).

In considering weight to be given to statements made by the sponsors of a bill the Supreme Court has stated:

"We have often cautioned against the danger, when interpreting a statute, of reliance upon the views of its legislative opponents. In their zeal to defeat a bill, they understandably tend to overstate its reach. 'The fears and doubts of the opposition are no authoritative guide to the construction of legislation. It is the sponsors that we look to when the meaning of the statutory words is in doubt.' *Schwegmann Bros* v *Calvert Distillers Corp*, 341 US 384, 394–395, 95 L Ed 1035, 1048 (1951); see also *Mastro Plastics Corp* v *Labor Bd*, 350 US 270, 288, 100 L Ed 309, 323 (1956); *NLRB* v *Fruit & Vegetable Packers*, 377 US 58, 66, 12 L Ed 2d 129, 135 (1964); *Woodwork Mfg Assoc* v *NLRB*, 386 US 612, 639, 640, 18 L Ed 2d 357, 375 (1967)."

In *United States* v *United Mine Workers*, 330 US 258, 91 L Ed 884 (1947), statements were made regarding the proper construction of a statute by the sponsor of the bill in the House of Representatives and by the ranking minority member of the committee which reported the bill. These statements were not challenged by any representative voting for the bill and because the Senate did not express a contrary understanding, the Court felt that such legislative history was "determinative guidance" in establishing the proper statutory construction. The massive number of cases which have been decided on the basis of legislative history is illustrated by Appendix A to Mr. Justice Frankfurter's dissenting opinion in *Commissioner of Internal Revenue* v *Church*, using three pages to list "Decisions During the Past Decade in which Legislative History was Decisive of Construction of a Particular Statutory Provision". 335 US 632, 687, 688, 689, 93 L Ed 288, 321, 322, 323 (1949).

One of the most recent examples of the use by the United States Supreme Court of legislative history of Congressional Legislation is *Swann* v. *Charlotte-Mecklenberg*, 402 US 1, 16, 17, 28 L Ed 2d 554, 567 (1971).

IV. THE LEGISLATIVE HISTORY OF SECTION 803

As indicated in the foregoing portion of this Brief, it is proper and necessary for the courts to look to the legislative history of laws when their interpretation is subject to question. In such cases, the intent of Congress as expressed in its debates and committee reports will be determinative of the interpretation to be placed on the law in question.

With respect to Section 803, there is ample legislative history to support the position urged by the Newly Intervening School Districts.

The first phase in the history of Section 803 was when it was introduced by Congressman Broomfield in the U.S. House of Representatives on November 4, 1971 as a non-germane amendment to the "Education Amendments of 1972". On that evening, Mr. Broomfield stated:

"Mr. Chairman, my amendment would postpone the effectiveness of any U.S. district court order requiring the forced busing of children to achieve racial balance until all appeals to that order have been exhausted.

* * * * *

". . . [S]ome U.S. federal courts have ordered busing in recent months. In many instances, I feel that these orders are breaking new constitutional ground—that these orders have created a new and unprecedented extension of existing law.

* * * * *

"We can expect that many of these decisions ordering busing will be appealed and that on appeal they may be overturned. However, the appeals process is a long and difficult one. It may take two or three years. Thus, before the courts can completely decide this question, before the law is crystallized once and for all, busing will have become an accomplished fact.

"Mr. Chairman, forced busing may prove to be an expensive, time consuming and disruptive mistake.

"My amendment would only delay a lower court's busing order until all those parties have had a chance to plead their case at their court of last resort."—Congressional Record, November 4, 1971, vol. 117, pt. 30, p. 39302.

Although too extensive to be repeated herein at length, the discussion by one of the Co-Sponsors, Congressman Nedzi, as reported in the Congressional Record, constitutes description of the entire history of the instant case and events leading to the submission of Section 803, and demonstrates beyond doubt that it was the specific intention of the Co-Sponsors that Section 803 be applicable to *Bradley* v. *Milliken*.—Congressional Record—House H10416, H10417, November 4, 1971.

Following passage of the "Education Amendments of 1972" in the House, with Section 803 as an amendment, and passage of the "Education Amendments of 1972" in the Senate, but containing different "anti busing" amendments, the Act again came up for debate in the House on a motion to send it to Conference Committee. In addressing Section 803, the following debate in the House was had on March 8, 1972:

"Mr. BROOMFIELD. Mr. Speaker, I rise to stress the importance of retaining the House language of the amendment to stay busing orders until all appeals have been exhausted.

* * * * *

"Mr. Speaker, the other body would have us discriminate against some busing orders. Some orders would be stayed pending appeal and others would not. We should write the law so that it applies uniformly to all cases which involve busing, otherwise, this law will be by definition, unfair.

* * * * *

"Mr. GERALD R. FORD. I would first like to ask the gentleman several questions. First, is the Broomfield amendment retroactive?

"Mr. BROOMFIELD. Yes; it is.

"Mr. GERALD R. FORD. It is retroactive in its entirety?

"Mr. BROOMFIELD. In its entirety.

"Mr. GERALD R. FORD. The second question is this: Your amendment states that the effectiveness of 'any order' to achieve a racial balance of students 'shall be postponed.'

"Now, does that mean that it would affect orders which have already been put into effect or put into partial effect? In other words, all would be suspended pending final appeal?

"Mr. Broomfield. That is correct.

* * * * *

"Mr. Gerald R. Ford. Mr. Speaker, if the gentleman will yield further, is it the intent of the author of the amendment that this stay during an appeal of any order shall be equally applicable not only to orders involving forced busing but to desegregation cases generally?

"Mr. Broomfield. Yes; it would be, in both cases."—Congressional Record of March 8, 1972, p. 7555.

The Conference Committee Report was ordered to be printed on May 23, 1972, and stated, in part, as follows:

"The conference agreement contains the precise language of the House amendment and provides that this section shall expire midnight, January 1, 1974. *This section does not authorize the reopening of final orders, however, appealable orders are considered to be within the scope of this amendment.* The conferees are hopeful that the judiciary will take such action as may be necessary to expedite the resolution of the issues subject to this section." (Emphasis supplied).—U.S. House of Representatives, 92d Congress, 2d Session, Report No. 92–1085, Education Amendments of 1972, May 23, 1972, p. 220.

The Conference Committee Report was brought before the Senate in May of 1972. Senator Pell was the manager in the Senate for the Conference Committee Report containing Section 803. During the ensuing debates on the Senate floor on May 23, 1972, the following occurred:

Senator Pell. . . . The conferees struggled long and hard over the so-called busing amendments. The Conference Report adopts verbatim the Broomfield Amendment, except that the duration of the Amendment is limited to January 1, 1974. During conference discussion, there was disagreement as to the meaning of the Broomfield language. Here I would say that a literal reading of the language by a non-lawyer would indicate that if a local educational agency is under an appealable order to transport students to achieve racial balance, that local educational agency can receive a stay of that order whether it has been implemented or not. I expect that today's debate will bring disagreement from those who have more of a legal background on the subject than I. However, I would say that the Senate is not in the habit of enacting frivolous language, and those who interpret our work as a sham and a fraud do injustice to both the Senate and the House." Page 18438.

* * * * *

Senator Javits, speaking against the Broomfield Amendment, stated:

"Then, Mr. President, we come to the Broomfield Amendment, which was finally compromised as between the two bodies, and here again we have an absolutely flat, automatic stay of any order until appeals have been exhausted. At least, if you take the language for what the House sponsors say it means—and I will discuss that in a moment—you have an automatic stay for 19 (sic) months of any lower court order which would seek either to transfer or to transport students in respect of what again I say the Amendments House sponsors claim is an effort to desegregate in order to comply with the Constitution." Page 18443.

Senator Dominick, who is the ranking minority member of the Education Subcommittee of the Senate and a member of the Conference Committee which reported on Section 803, stated as follows:

"Mr. Dominick. Mr. President, as the ranking minority member of the Education Subcommittee, I rise in support of the Conference Report of the Education Amendments of 1972.

* * * * *

"To those colleagues who oppose the Conference Report because effect of the Broomfield language is ambiguous or not strong enough I point out that this was the best we could get. May I quote to you some legislative history from the House side describing exactly what is intended by the language. On March 8, 1972, the distinguished minority leader (Mr. Gerald R. Ford) asked the author of the Amendment several highly pertinent questions. The colloquy went like this:

" 'Mr. Gerald R. Ford. I would like to ask the gentleman several questions. First, is the Broomfield amendment retroactive?

" 'Mr. Broomfield. Yes; it is.

" 'Mr. Gerald R. Ford. Is it retroactive in its entirety?

" 'Mr. Broomfield. In its entirety.

" 'Mr. Gerald R. Ford. The second question is this: Your amendment states that the effectiveness of "any order" to achieve a racial balance of students "shall be postponed."

" 'Now, does that mean that it would affect orders which have already been put into effect or put into partial effect? In other words, all would be suspended pending final appeal?

" 'Mr. Broomfield. That is correct.'

"The only limitations that the conference placed on the express and clearly intended language of the Broomfield Amendment are the termination date of January 1, 1974, and the statement of the conference's qualification that it affects only appealable orders. I understand this qualification to add nothing other than to substantiate the finality of the order language already contained in the Amendment. In view of the language and the legislative intent, I believe that the effect of Broomfield is clear, and my colleagues should vote accordingly with full knowledge of the consequences."—Congressional Record—Senate, S8396, S8397, May 24, 1972.

The Conference Committee Report was brought before the House in June of 1972, and Congressman Quie, the ranking minority member of the House Committee on Education and Labor and a member of the Conference Committee, co-managed the Report with Congressman Perkins. On June 8, 1972, Congressman Quie stated:

". . . [t]he Broomfield amendment, . . . was aimed solely at staying Federal court desegregation orders involving the transfer or transportation of students until all appeals are exhausted or until the time for taking such appeals has expired without one being taken. This is an extremely important and necessary action designed to obtain equity and uniformity in these cases, and perhaps to give the Federal judiciary some time to assess the mood of Congress and the country with respect to wholesale busing of schoolchildren.

* * * * *

"Accordingly, the conference report contains without substantive change the most significant and effective of the amendments covered by the instructions of the House. For the first time in the field of school desegregation the Congress will be exercising its authority, which is limited under the Constitution, to regulate the actions of Federal courts."—Congressional Record—House, H5404, June 8, 1972.

Further on in the debate on accepting the Conference Committee Report the following colloquy occurred between Congressman Broomfield and Congressman O'Hara, cosponsors of Section 803, and Congressman Perkins, the Chairman of the Conference Committee and the Chairman of the House Committee on Education and Labor:

"Mr. O'Hara. Mr. Speaker, I am particularly interested in the provisions of section 803 of the conference report.

"First, I would like to ask Mr. Broomfield about his meaning when his amendment spoke of an order of a district court requiring the transfer or transportation of students 'for the purpose of achieving a balance among students with respect to race, sex, religion, or socioeconomic status.' In all of the court orders with which I am familiar, the court has stated that its purpose is to prevent unconstitutional segregation of students. May I inquire of the gentleman from Michigan if it was his intention that section 803 apply to orders that have the practical effect of achieving some sort of racial balance, although the court may have stated that its order was entered for the purpose of correcting unconstitutional segregation?

"Mr. Broomfield. Yes; it was my intention to cover such cases and specifically, it was my intention to cover cases like those now being litigated in Richmond and Detroit.

"Mr. O'Hara. May I ask the chairman of the conference committee, the gentleman from Kentucky, if his understanding is the same as that of the gentleman from Michigan (Mr. Broomfield)?

"Mr. Perkins. Yes, it is. It is my understanding that section 803 covers district court orders which require the transfer or transportation of students for racial purposes whether the court order is framed in terms of correcting unconstitutional segregation or whether it is framed in terms of 'achieving a balance among students with respect to race.'

"Mr. O'Hara. If I could continue to have the attention of the gentleman from Kentucky, the effective date of section 803 is July 1 of this year.

"The joint explanatory statement of the committee of conference says:

" 'This section does not authorize the reopening of final orders, however, appealable orders are considered to be within the scope of this amendment.'

"Does this mean that if an order requiring the transfer or transportation of students has been entered prior to July 1, 1972, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted, or, in the event that no appeals are taken, until the time for such appeal has expired?

"Mr. Perkins. The gentleman from Michigan is correct. Section 803 will apply to such orders whether entered before or after July 1, 1972, as long as appeals of such orders have not been exhausted or, in the event no appeal of such order was taken, until the time for such appeal has expired.

"Mr. O'Hara. I thank the gentleman from Michigan and the gentleman from Kentucky for their explanations and I urge adoption of the conference report with the very important provisions contained in section 803."—Congressional Record—House, H5416, June 8, 1972.

Later in the same debate, Congressman Broomfield made the following statement:

"Mr. Speaker, I would like to address one final point. There has been some confusion, some misunderstanding about the operation of my antibusing amendment. I have read with a great deal of surprise that my amendment only applies to busing for purposes of arriving at a racial balance.

"I have seen my amendment quoted out of context so as to imply that it will not be effective in preventing the vast majority of busing which is or will be ordered.

"I suggest that a complete reading of the language reads, 'for the purpose of achieving a balance among students with respect to race, sex, religion or socioeconomic status.'

"I repeat it halts busing ordered on the basis of socioeconomic status. That phrase was purposely added to my bill and retained only after a great deal of thought. Our feeling is that the phrase is wide enough and open enough to include any rationale or basis which a court might conceive of in order to justify busing.

"I realized that by limiting the language only to cases involving racial balance, there would be those who would try to skirt and evade the obvious and clear intent of my bill. My bill delays all busing orders pending appeal and socioeconomic covers enough ground to make sure that happens."—Congressional Record—House, H5419, June 8, 1972.

Another aspect of Section 803 which should be emphasized, is that its legislative history clearly indicates that it cannot be construed in *pari materia* with the other provisions of the Education Amendments as contained in S659. The Education Amendments of 1972 are very comprehensive and were carefully developed over a period of time by committees of Congress dealing with problems of higher education. Section 803 (sometimes called the "Broomfield Amendment") was attached originally as a rider to S659 on November 4, 1971. The amendment had never been referred to a committee of Congress for consideration and the Congressional Record clearly indicates that the amendment was considered by members of Congress to be not germane to the original legislation before the House of Representatives. Congressional Record—House, H10407–10409 contains the original offering of the Broomfield Amendment and the attempts by members of Congress to prevent consideration of the amendment because of its lack of germaneness.

Counsel for the Intervening School Districts are informed that it is a custom and precedent of the House of Representatives that when an amendment to a bill is offered, and *read* by the clerk of the House of Representatives, objection must immediately be made as to the "germaneness" of the amendment to the original legislation, or such objection is lost. On November 4, 1971 while the House of Representatives was sitting as a committee of the whole, question as to germaneness was raised and ruled "too late" by the Chairman.

The entire legislative history of Section 803 indicates that it was intended to operate as a separate piece of legislation, having no direct bearing on other provisions of the Higher Education Amendments, and accordingly, it should not be considered to be conditioned by, or modified by, any other provisions of the Higher Education Act.

Although the foregoing quotations from the Congressional Record and the Conference Committee Report may appear rather lengthy, they represent only a portion of the very extensive record on Section 803 above. The intended thrust of Section 803, as indicated by the above quoted portions, is amply apparent and is virtually uncontradicted by reported debates engaged in on statements made by the author of the Section, the cosponsors of the section, the floor managers of the section nor the chairman and members of the Conference Committee. Opposition debate as to the application of the section brought out clear explanation of the intended effect so as to make the legislative intent crystal clear. This legislative intent may be summarized as follows:

1. That it apply "retroactively"—that is to all suits in progress where the Court's Order transferring students has not been entered, or if entered, is still subject to appeal.

2. That its purpose is to give the appellate federal courts opportunity to review before implementation the Orders affected by the section.

3. That the Orders affected by the section are all orders requiring the transfer or transportation of students in a desegregation case, whether or not the intent of the order is to correct illegal segregation. If the effect of the Order is to achieve a balance with respect to race, the effectiveness of the Order is postponed during appeals.

4. That the section was specifically intended to be applicable to the instant case.

V. SECTION 803 HAS RETROSPECTIVE APPLICATION

As indicated by the foregoing discussion of the legislative history of Section 803, it is clear that Congress intended that its automatic stay provision apply not only to suits already pending as of its effective date, but also to orders which may previously have been entered but subject to appellate procedures as of the effective date of the Act. Because it is anticipated that some question may be raised as to the validity of this retrospective application, this subject is discussed below.

Because of the vast number of cases which could be cited for the general proposition that a procedural statute is presumed to have retrospective application a detailed analysis of the cases in this area is unnecessary. Perhaps the best summary of this general rule is expressed in the legal encyclopedias as follows:

"Unless an intent to the contrary is expressed, a statute providing, or merely affecting, the remedy may apply to, and operate on, causes of action which had accrued and were existing at the time of the enactment of the statute, as well as causes of action thereafter to accrue, and to all actions whether commenced before or after its enactment, and also, unless an intent to the contrary is expressed, such enactments as do not affect the nature of the remedy, but relate solely to incidents of procedure, are applicable to all proceedings taken in pending actions from the time they take effect."—82 C.J.S. Sec. 422 Statutes.

"A retrospective law, in a legal sense, is one which takes away or impairs vested rights acquired under existing laws, or creates a new obligation and imposes a new duty, or attaches a new disability, in respect of transactions or considerations already past. Hence, remedial statutes, or statutes relating to remedies or modes of procedure, which do not create new or take away vested rights, but only operate in furtherance of the remedy or confirmation of rights already existing, do not come within the legal conception of a retrospective law, or the general rule against the retrospective operation of statutes. To the contrary, statutes or amendments pertaining to procedure are generally held to operate retrospectively, where the statute or amendment does not contain language clearly showing a contrary intention."—50 Am. Jur. Sec. 482, Statutes.

One recent decision of the United States Court of Appeals for the Second Circuit appears to be particularly apposite to the instant case, *Banco Nacional de Cuba* v. *Farr*, 383 F. 2d 166 (2d Cir. 1967), *cert denied*, 390 US 956, *ren denied*, 390 US 1037 (1968) and well illustrates application of the rule of retrospective application. This case involved the expropriation of property by the Cuban Government and the application of the Hickenlooper Amendment on the power of federal courts to deal with such expropriations.

The District Court had held that it had jurisdiction over the subject matter of the case and granted summary judgment for the defendants, holding that the expropriation of sugar by the Cuban Government violated international law. This decision was affirmed by the Court of Appeals but reversed by the Supreme Court of the United States, which held that the "act of state doctrine" prevented the United States courts from examining the validity of the acts of the Cuban Government under international law. The case was remanded to the District Court and while proceedings relative to the entry of an order were pending, the Hickenlooper Amendment was enacted, and provided, with respect to expropriation cases:

". . . no court of the United States shall decline (jurisdiction) on the ground of the Federal act of state doctrine. . . ."

In holding that the Hickenlooper Amendment was fully applicable to the case already pending, the Second Circuit Court of Appeals stated at page 173:

"Moreover, it is well established that when a statute specifically applies to past transactions . . . it applies to pending cases too because a case must be decided according to the law as it exists at the time of final judgment."

The Court further stated, at page 173, "legislative history of a statute is useful when the meaning of the statute is not apparent from the language." The Court then concluded that because of the language of the statute itself, as well as the legislative history of the Amendment and significant statements by the proponent of the Amendment, the statute had retrospective application and the Court had jurisdiction over the subject matter of the case, notwithstanding the prior mandate of the United States Supreme Court disclaiming jurisdiction.

Section 803 is itself clearly procedural in nature. The ultimate substantive constitutional rights of the parties will not be determined in any respect by the application of Section 803, for such rights will be determined only upon consideration thereof by the appellate courts. No substantive rights are created or taken away by Section 803, which merely provides for the manner in which the rights of *all* of the parties are to be enforced and protected during the continuing process of litigation.

There is nothing in Section 803 which indicates an intention that it should have prospective application only. To the contrary, Section 803 applies to *"any order"* by *"any* United States District Court", until *"all* appeals in connection with such order have been exhausted.", and it is clear from its own terms that its application is not limited only to certain orders entered after a certain date. In addition, the legislative history of Section 803 which has been described above, can leave no doubt whatsoever as to the intention of Congress as to its intended retrospective application, not only to cases in general but specifically with respect to the case at bar.

VI. SUMMARY RE SECTION 803

To be sure, Section 803 is a unique and almost unprecedented exercise by the Congress of its powers under Section 1 of Article III of the United States Constitution. The mere fact that Congress has taken such action is indicative of the enormous public concern surrounding the student transfer and transportation cases, such as the one at bar. Although such concern of Congress and the people of the United States may not, under our system of laws, be cause for a denial or suppression of the Constitutional rights of people, it *is* within the power and discretion of Congress to determine the status of competing rights during the process of appeals. It is submitted that on the basis of the above analysis, it is abundantly clear that this legislation is a Constitutionally valid exercise of Congressional power, intended to postpone the effectiveness of the student transfer orders entered by this Court.

MANIPULATION OF WHEAT FUTURES CONTRACTS

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, on January 19 of this year, I introduced H.R. 12494 to authorize the Secretary of Agriculture to designate alternate delivery points for settlement of futures contracts traded at commodity exchanges.

The Commodity Exchange Authority now favors the bill and will make suggestions to strengthen it. The need for its passage is becoming increasingly apparent.

I am putting in the RECORD at the end of this statement a story from the July 12 Wall Street Journal in regard to manipulation of May 1971 wheat futures contract which underlines the need for every futures contract to provide for delivery to some point where the actual commodity is available in adequate supply.

There is not enough wheat available in Chicago in any month to assure delivery of more than a very small fraction of the quantities involved in futures contract requirements. A typical example of the misuse of this situation to manipulate futures contract values is reflected in the Journal's story. It is also reflected in a survey recently made in Chicago by the Commodity Exchange Authority showing only 14,000 bushels of deliverable wheat available there compared to 5 million bushels of July wheat contracts outstanding which must be liquidated by Thursday, July 20.

I have requested the Agriculture Committee to hold hearings and move on this bill this summer.

The bill was originally inspired by manipulation of frozen pork belly contracts late last year. Wheat is only the basis of the most recent complaint. They are much too frequent. The two recent cases of manipulators and others in the past, make it apparent that alternate delivery points should be designated where there is a substantial cash market and commodity supplies and that my bill should be passed.

The Wall Street Journal article and the text of the bill follow:

[From the Wall Street Journal, July 12, 1972]

FARM AGENCY CHARGES BROKERS MANIPULATED WHEAT FUTURES, SEEK REVISED CONTRACTS

WASHINGTON.—The Agriculture Department accused two floor brokers on the Chicago Board of Trade of having manipulated the price of May 1971 wheat futures. Neither the traders nor officials of the Board of Trade could be reached for comment.

The charges named only the brokers, Edward A. Cox Jr. and George F. Frey Jr., as respondents. But Alex C. Caldwell, head of the Agriculture Department's Commodity Exchange Authority, said separately that the way the wheat contracts were drawn under Board of Trade rules made the alleged manipulation easier. Mr. Caldwell disclosed he has been negotiating with the Chicago exchange for more than a year to change the contract, but action hasn't been taken so far.

"The present contract makes it very easy for a person to manipulate the market," the official commented. He said the agency has the power to lift the board's authority to trade wheat futures if the contract isn't improved. However, he added, the agency doesn't plan such action at this time.

According to the department's complaint, Mr. Cox and Mr. Frey, at the start of trading May 19, 1971, owned or controlled positions in the May 1971 wheat future totaling 2.2 million bushels, or 46% of the total open interest. By 11:31 a.m. of the same day, the Cox-Frey positions represented 97% of the positions still open, the complaint said.

From May 7 through May 18, the complaint stated, Mr. Cox took delivery of 550,000 bushels of wheat and was committed to acquire another 30,000 bushels May 19. The deliveries "constituted all of the wheat delivered on the May 1971 wheat future up until May 19," and with the additional commitment, gave Mr. Cox ownership or control of about "75% of the total stocks of wheat available in Chicago for delivery" on the May 1971 contract, the complaint added.

As a result, on May 19, 1971, "there was an insufficient supply of deliverable wheat . . . not owned or controlled by the respondents," as well as of long May wheat futures "held by persons other than the respondents," the complaint continued. (A long position is an obligation to accept delivery.) As a result, short holders (who had an obligation to deliver wheat) couldn't satisfy their May contract requirements without purchasing May wheat futures or deliverable wheat from Mr. Cox and Mr. Frey, the department charged.

The complaint further noted that the May 1971 future price ranged from $1.615 to $1.70 a bushel on May 19, and the contract expired that day at $1.70—"within three-fourths of one cent of the highest price permitted" under Board of Trade rules. Between 11:31 a.m. and the May future's expiration at noon. Mr. Cox sold slightly under 1.5 million bushels and Mr. Frey 525,000 bushels, in both cases at the high price of $1.70, the department said.

A hearing on the complaint has been scheduled for Aug. 9.

As the complaint reflects, commodity short buyers may cover their positions at a contract's expiration by delivering the required amount of the commodity purchased for cash or by purchasing a long position in the same amount. The Commodity Exchange Authority objects to the Chicago Board of Trade wheat contract because it requires that such delivery can take place only in Chicago. The agency believes delivery at other locations should be allowed as well.

In the past, Chicago had abundant wheat supplies on hand to supply traders' needs, but the city "no longer is a market for cash wheat and it's fairly easy for manipulators to get control of the limited supply and use it for their own advantage," Mr. Caldwell said. "In a manipulative situation, the shorts can buy the future from the person who controls the futures market, or the cash wheat from the person who controls the cash market, and it may be the same person," he said.

Mr. Caldwell added that open positions in the Board of Trade's July wheat contract which closes July 20, currently total about five million bushels, yet the commodity agency counted only 14,000 bushels of deliverable wheat earlier this week. He didn't provide figures for corn, but said the agency is concerned that Chicago-only delivery also creates a climate for manipulation of corn positions.

H.R. 12494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5a of the Commodity Exchange Act, as amended (7 U.S.C. 7a), is amended—

(a) by striking out "and" at the end of subsection (6) thereof;

(b) by striking out "delivery purposes." at the end of subsection (7) thereof and inserting in lieu thereof "delivery purposes; and"; and

(c) by adding at the end of subsection (7) thereof the following new subsection:

"(8) permit the delivery of any commodity, on contracts of sale thereof for future delivery, at such point or points and at such locational price differentials as the Secretary of Agriculture, after notice and opportunity for hearing, finds will tend to prevent or diminish price manipulation, market congestion, or the abnormal movement of such commodity in interstate commerce: *Provided, however,* That any order issued hereunder shall not apply to then existing contracts."

LETTUCE BOYCOTT

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, I was amazed by several "boycott lettuce" statements and posters which appeared at the Democratic National Convention recently.

Apparently the perpetrators of these remarks know little about agriculture, the growing of lettuce, or the status of farm-labor management relations.

A person who advocates the boycotting of lettuce actually harms the lettuce worker as well as the lettuce farmer and processor. If lettuce does not sell, the lettuce worker will be out of a job—and there is little else he can do to support himself and his family. When you boycott lettuce you hurt the lettuce picker most.

A person who advocates the boycotting of "nonunion lettuce" does not know what he is talking about. Almost all lettuce grown in the Salinas Valley is union lettuce. The Teamsters Union represented lettuce workers long before Ceasar Chavez was known or the UFW was organized. If lettuce does not sell, "union lettuce pickers" will be out of work. When you boycott lettuce from California you hurt the union lettuce picker most.

Mr. Chavez and UFW propaganda claims that lettuce pickers earn only $1,600 per year. Completely false.

The average member of a lettuce harvesting crew earned $1,594.13 in the first 6 weeks of the Salinas Valley season. The average worker on one farm of moderate size, which is representative of the Salinas Valley, earned $3.07 per hour during the 12 months between June 1, 1971, and May 31, 1972.

Farmworkers earn more in the Salinas Valley than they can earn doing anything else anywhere else in the world.

Cesar Chavez and UFW have not helped to increase or improve the hours, wages, or working and living conditions of farmworkers in the Salinas Valley of California. The farmworkers know this. The Mexican American farmworkers know this. The citizens of the Salinas Valley know this.

Nonunion farmworkers and members of the Teamsters union earn higher wages and enjoy better working conditions than UFW farmworkers. The Teamsters union seems to care for the farmworker and ably, energetically and ethically assists the farmworkers in improving his working and living conditions.

The UFW objectives are "la Rasa" and "la causa" only.

So neither Cesar Chavez nor UFW have been successful in the Salinas Valley. The employer has always done better by his employees than Mr. Chavez.

Of the five farmers in the Salinas Valley who signed labor contracts with UFWOC, now UFW and Mr. Chavez, two have gone broke, one is teetering on insolvency, and one is going out of the lettuce business.

The situation is shameful.

National farm legislation is desperately needed. Farmworkers are entitled to collective bargaining by representatives who are selected by secret ballot.

Boycotting lettuce is a shameful way of obtaining Federal legislation. Boycotting lettuce hurts the people who need the most help and compassion—the farmworker and his family.

I urge all Members of Congress to do something constructive to help the farmworker—enact Federal farm labor legislation, so that the farmworker can enjoy the same benefits as an industrial or construction worker.

Boycotting hurts the farmworker; Federal legislation would help.

TRUTHFUL AND ACCURATE DISSEMINATION OF NEWS

The SPEAKER pro tempore (Mr. MELCHER). Under a previous order of the House, the gentleman from Virginia (Mr. ABBITT) is recognized for 60 minutes.

GENERAL LEAVE

Mr. ABBITT. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and that all other Members may have 5 legislative days in which to extend their remarks in connection with this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia

There was no objection.

Mr. ABBITT. Mr. Speaker, I take this time to point out some of the things which I believe need to be corrected so far as the dissemination of news is concerned. It is vitally important, in my opinion, that we get the news back home, and vitally important that the people of America know what is going on. But it is also vitally important, in my opinion, that they get correct news, and it is important that they know the connections of Members, and these connections should be made known truthfully.

We have a number of organizations which are very active in the field of disseminating news to our folks, and also, in particular, in pointing out the connections of Members of Congress with various organizations and businesses.

Of course, this is important. Our people are entitled to know this, and they should know it. However, it is just as important, equally so, if not more so, that the information be accurate and on an unbiased basis.

Some organizations have taken unto themselves the role of watchdog over the Congress, and apparently feel that they must be sensational in their reporting, that they cannot survive unless they have some scandal to report or some information that will cast a shadow upon Members of Congress or people in official positions.

And many are not so careful as to disseminating the news. They grasp at any little thing, at any straw, and report half-truths and sometimes whole untruths, failing on many occasions to look into the situation to see if the information they report is true and factual, without any real diligence in this respect.

Common Cause, headed by a Mr. Gardner, is one of the organizations which purports to keep the citizens of America informed as to acts and affiliations of the Members of the Congress. I believe this is well. It is a needed service. However, on a number of occasions this organization has not been factual in the information it disseminates. It has sent out incorrect information, information that is not true, on occasion, and particularly has this been so since the so-called Federal Elections Campaign Act of 1971 was enacted.

They have gone all out in trying to more or less disseminate news back home as to what the Congressmen or sitting Members have failed to do, how they have failed to make proper reports, and so forth.

I do not believe it is necessary to smear public officials for an organization to stay in business, to collect dues, and to build up its membership.

I think in the long run it pays to be factual and true.

There is particular reference to untruth and misinformation information as to one particular subject, that is, whether or not a Member of Congress practicing law is doing something unethical.

Common Cause sent out a news item some time ago and invited a lot of newspapers to use this freely. In that item they say as follows, and I want to quote what they say:

> Fifty-seven Members of the Congress of the United States are actually associated with law firms.

In parentheses it says:

> See complete list of names of Members.

Then a little later on in the same memo or the same news release they say:

> Any Member of Congress who continues law practice violates the American Bar Association's code of professional responsibility.

That statement is just not true and is not factual. It is anything but true.

Then at the end of that same particular news release they have an appendix. Mind you, they first state 57 Members of Congress were affiliated with law partnership in law firms. Then in the appendix they said in the Senate at least six Members maintained at least some relationship with a law firm, and they list them. Then right in the next line they say 51 Members of the House of Representatives continue to be involved in law practice in some form. That is factual and that is right. So it is bound to be that they knew the difference. Somebody knew the difference, because in the first statement they said 57 Members of the U.S. Congress, House and Senate, are actually associated with law firms, and then they go on in the appendix and they say six Senators are affiliated with law firms and 51 Members of the House of Representatives are involved in law practices.

At our hearing recently before our Committee on House Administration Mr. Gardner was invited to attend that hearing. As you will recall and know, Mr. HAYS and myself on June 14, 1972, introduced H.R. 15511, a bill to amend the Federal Election Campaign Act of 1971 as we found a number of Members and a number of candidates find it a hardship under the act as passed recently to report as frequently as required under the new act.

Mr. HAYS held this hearing at the request of a number of people. Mr. Gardner of Common Cause was a witness. When I questioned Mr. Gardner I asked him about this statement:

> Mr. Gardner, I hold in my hand what is reported to be a news release from Common Cause on May 3, 1972. On page 4 you say 57 Members of the United States Congress are actually associated with law firms. Is that statement true?

He said yes.

Then I asked him where he got that information. It is just so easy to get that information. All one has to do is go down to the Ethics Committee where all of the Members of Congress file a report, and it shows the name and all the connections with any professions. Had they looked there and tried to see it, there would be no question of who was affiliated with a firm and who was practicing individually.

Then I asked a specific question if it was true that he had stated it was unethical for a Member of Congress to participate in the practice of law. He said it was, and he said that he would get it for the record. I asked him if he would not show me the specific canon passed by the American Bar Association dealing with this specific subject. He said he would. So far I checked with the Clerk and the officials of the House Administration Committee as of today, and no information has been forthcoming.

Following his release of that item I noticed in the Virginia Norfolk Pilot on May 5, 1972, a quote of Mr. Gardner. What the news item said actually is not bad except that it gives the implication that any Member of Congress who is practicing law violates the code of professional ethics, of the American Bar Association and in quoting what Common Cause had said it noted also any Member of Congress who continues a law practice violates the American Bar Association's code of professional responsibility. It said "in an appendix Common Cause cites Representative ABBITT is retiring in this coming January, and that he is one of 51 Members who continue to be involved in law practice."

That is true. I am not fussing about that. But when Gardner said it violates the code of ethics of the American Bar Association that is untrue. So I took the trouble to write and to contact the proper officials of the American Bar Association.

I have a letter here that I would like to read that is dated June 22, 1972:

> AMERICAN BAR ASSOCIATION,
> *Washington, D.C., June 22, 1972.*
>
> Hon. WATKINS M. ABBITT,
> *Washington, D.C.*
>
> DEAR CONGRESSMAN ABBITT: This will respond to your request for the current position of the American Bar Association regarding the practice of law by United States congressmen and senators.
>
> The Code of Professional Responsibility adopted by the Association, effective for members on January 1, 1970, in no way prohibits or discourages a congressman from engaging in the practice of law. You will note that Disciplinary Rule 2–102(B) requires that a lawyer who assumes a legislative post

"shall not permit his name to remain in the name of a law firm or to be used in professional notices of the firm during any significant period in which he is not actively and regularly practicing law as a member of the firm".

I would also call your attention to Ethical Consideration 2–12 of the Code which states, "a lawyer occupying a . . . legislative . . . position who has the right to practice law concurrently may allow his name to remain in the name of the firm if he actively continues to practice law as a member thereof".

You may be interested in the enclosed copy of Informal Opinion No. 1205, issued by the Association's Standing Committee on Ethics and Professional Responsibility on February 9, 1972, which interprets the applicability of pertinent provisions of the Code to a factual situation presented by a member of the United States Senate.

I am also enclosing a copy of the Code of Professional Responsibility for your information. Please do not hesitate to call upon us if we can assist you further.

Sincerely,

JOHN P. TRACEY.

Enclosures.

So you will see from that letter that the news release is clearly false. The practice of law by a Member is not unethical. However, that is just one of the many instances in which Common Cause has sent out untrue information. Information which could have been verified, or they could have found out whether it was the truth easily.

Mr. HAYS. Mr. Speaker, would the gentleman yield?

Mr. ABBITT. I yield to my colleague, the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I thank the gentleman for yielding. I believe that the gentleman in the well is making a very timely and useful statement.

As the gentleman will recall in the hearings, Mr. Gardner very reluctantly admitted—I guess you can say that he admitted, although he hedged all over the place—that they accused six Members of the Congress and Senator PERCY of Illinois of not filing expense accounts when in fact they had filed them, and had filed them timely. And when we pointed that out to them, Mr. Gardner and his associates then began to blame the Clerk of the House for giving them the wrong information. As I understand it, they went over and got the information themselves. You know, we have installed a very modern system over there of microfilming of records, and with scanners for them to look at them.

The point is that this outfit is a sensation, headline-hunting organization that lives on contributions. They go out and point the finger at somebody, and if they cannot find anybody to point the finger at legitimately, then they do so illegitimately.

I think it would be nice if Mr. Gardner would tell us what he has done with all the $20 contributions he has received, with an overall total of $3 million. If he is no better at administering Common Cause than he was at administering HEW I would say that anybody who sends him $20 ought to see a psychiatrist. They would find out that their $20 would be better spent, because we have had some pretty bad administrators of HEW, you could cite, for example, Alvita Culp Hobby, but Mr. Gardner was the worst of the lot. And after two and a half years he admitted that he could not run that organization.

You know, under his tenure there, HEW stood for almost no health, very little education, and practically all welfare.

I just think that it takes an inordinate amount of gall for a man who has been a total, colossal failure in one attempt as an administrator to do what he has tried to do.

You know that he was head of a foundation at one time, and I was stupid enough to protect him when they accused him of being a Communist, and I did so because I did not think that he was a Communist, I did not think so then and I do not think so now. But that has been his only administrative office.

You know, you do not have to be very bright to give away money, and that is all he did as the head of that foundation, and that is what he did at HEW, but he did not do it well.

I think that the people who are spending money for Common Cause could spend it some place else better if they really knew, as the gentleman from Virginia has so clearly pointed out, the kind of bad information they are getting from it.

Mr. ABBITT. I thank the gentleman for his contribution.

As I said when I started, this incident that I point out is of small significance, but it could be an incident which could do irreparable harm to some Government officials.

I just want to point this out to the Members and to the press in the hope that in the future these do-goodie organizations that are trying to point out public officials when they are in the wrong should be careful because once the untrue information is out, there is no way to adequately correct it.

Mr. CRANE. Mr. Speaker, I rise to commend my colleague the gentleman from Virginia (Mr. ABBITT) for his foresight and leadership in calling this special order on a subject of very great concern to me.

I would be less than candid with my colleagues if I did not say that Common Cause and I do not share many political views in common. Even admitting this difference of viewpoint, I believe it is incumbent upon those individuals associated with Common Cause to be scrupulously accurate in their reporting of events.

Therefore, I take this opportunity to recount an incident involving myself and a number of my colleagues from Illinois with Illinois Common Cause.

On June 15, the president of Illinois Common Cause, Mr. Jack Conway, charged that Senator CHARLES PERCY and six incumbent Illinois Congressmen—including myself—failed to file the reports required under the Federal Election Campaign Act of 1971. The fact is—as reported in the Chicago Sun-Times—that Common Cause, upon rechecking the records in Washington, admitted that Conway's initial report was incorrect. Consequently, the Washington office of Common Cause issued a retraction to Senator PERCY, myself, and the other incumbent Members.

On Saturday, June 17, the Sun-Times—hardly a conservative newspaper—underscored the seriousness of Common Cause's error in an editorial: "damage was done because retraction and apologies seldom completely catch up with error."

This entire question was one I discussed with Mr. Gardner and his colleague, Mr. Guido, when they appeared before the Committee on House Administration on Tuesday, June 20. At that time I asked two questions: First, Is the national Common Cause organization responsible for Mr. Conway's admitted error?

The exchange with Mr. Gardner was not very fruitful, as the following portion of the transcript I would now like to insert indicates because: First, Mr. Gardner refused to admit any error on the part of Common Cause; and, second, Mr. Gardner never really addressed himself to the question of the national Common Cause's responsibility for the activities of its State chapters.

The material follows:

Chairman HAYS. Mr. Crane?

Mr. CRANE. Thank you, Mr. Chairman.

Mr. Gardner, earlier in your testimony my recollection is that you indicated there were only two inaccurate cases of reporting on the part of your organization for over 1100 monitored candidates, and for the record I would like to straighen that out. In our State of Illinois there were seven. Your representative there, President of Illinois Common Cause, Jack Conway, in a press conference June 15 charged that Senator Percy and six congressional candidates, including myself and my colleague, Mr. Annunzio, had failed to file required reports under Public Law 92–225 with the Secretary of State.

The truth of the matter was that I already had in hand my certified mail receipt for the one I had filed, and it was subsequently admitted by your representative out there that he was in error, that the allegation was untrue.

However, as the Chicago Sun Times, which can hardly be classified as a conservative newspaper states, "The damage was done because retraction and apologies seldom completely catch up with error."

This brings me to two questions. First, is the national Common Cause organization responsible for Mr. Conway's admitted error?

Mr. GARDNER. In the two cases I mentioned, Iowa and Illinois——

Mr. CRANE. I say there were seven cases.

Mr. GARDNER. Seven is correct. Twelve Congressmen in all or Senators were involved. The material available to us through the Clerk of the House did not include those names. The material available to us through the Secretary of the Senate did not include Senator Percy's name. We acted upon the material available to us.

Mr. CRANE. The point is, nevertheless, you were in error and your organization acknowledged the error. The question I ask is whether you here at the national level assume responsibility for that error.

Mr. GARDNER. We did not acknowledge error. We acknowleged the Clerk's error.

Mr. CRANE. Mr. Conway, at least, apologized and conceded that he was inaccurate in what he said in that press conference out in Illinois on June 15.

Mr. GARDNER. He was quite right in retracting the statement as quickly as possible and with whatever words seemed appropriate at the time. The sooner the mistake was corrected the better.

We cannot get behind the material supplied to us.

Mr. CRANE. The fact is that there was an error. The question I ask specifically is this: Do you assume responsibility here at the national level of Common Cause for that error by your representative?

Mr. Gardner. We cannot assume responsibility for errors in the material which is handed to us. We can assume responsibility for errors in the transmission of that if we had found one thing in the record and reported something else. That would have been a very grave error on our part.

Mr. Crane. There was no qualification when Mr. Conway made his press comments out there in Illinois. Mr. Conway erroneously charged at a press conference that Senator Charles H. Percy and six congressional Illinois candidates had failed to file their financial reports in Washington in violation of the new federal law.

There was not the qualification that "to the best of our knowledge, based upon the limited information we have, this is the case." This was stated as a fact, that we were in violation of the law.

I get back to the question—do you at the national level assume responsibility for that error in the reporting by Mr. Conway?

Mr. Gardner. We do not regard it as an error on the part of Mr. Conway. No doubt it was sensible for him to retract immediately, and in the simplest possible terms. We had to check the record. The record was clearly a matter of error in the Clerk of the House. We published a retraction. We sent it out to a great many newspapers in which we explained where the error lies.

We take responsibility for errors in the distortion of material which is handed to us or supplied to us. We cannot take responsibility for errors in the processing by the three supervisory officers.

Mr. Crane. It would seem to me under the circumstances, Mr. Gardner, it would be incumbent upon you to be clean as a hound's tooth in this kind of activity you are engaged in. That means, I would say, on the basis of these experiences, that you make sure you have your facts correct before you make the allegations publicly. I could not agree more wholeheartedly with the Sun-Times comment about the damage not being undone as a result of your retraction.

There is another comment I would like to touch upon here which came about as a result of a couple exchanges, one with our Chairman and the other with Mr. Cleveland.

In the exchange you had with our Chairman, in response to his question, you said something to the effect you are not saying all Members of Congress are crooks. Then when Mr. Cleveland pursued this point further you stated we are not calling any members of Congress crooks.

I think it is this kind of loose language, if the members of the media picked up your first comment, it seems there is a clear implication you believe some Members of Congress are crooks.

Mr. Gardner. The word "crooks" was not introduced into the conversation by me. I think it is not a good word to use. I was simply responding as clearly as I could.

I have to say that if you can think of a way—on your earlier point—that we can go behind the data supplied to us by the Clerk of the House, I would like to hear about it.

Mr. Crane. Then indicate that. How did you find out you were in error?

Mr. Gardner. We went back to the Clerk of the House.

Mr. Crane. You went back to the Clerk of the House?

Mr. Gardner. Yes.

Mr. Crane. He provided you with the information. Is that correct?

Mr. Gardner. And we actually looked at the filings and found the filings were there.

Mr. Guido. I supervised the research done in the office of the Clerk of the House. The Clerk of the House has a computer print-out, as the Chairman pointed out. That is the official index of the Clerk of the House. We are not allowed to go beyond that record. We are not allowed to see any records.

That computer print-out on the day we examined the records three or four days after the deadline did not include your report in that.

Mr. Annunzio. Specifically what date? The reports are due June 10. Give us a date. In your enthusiasm to be a zealot you were there, for God's sake, without even waiting.

Mr. Gardner. That is not true.

Mr. Annunzio. They must have been there. It appeared in the paper.

Mr. Guido. June 13 or 14.

Chairman Hays. You say, Mr. Gardner, you did not retract. The Sun-Times says you did. I am quoting from what I just read. It said you "regretted" the fact that you had given out wrong information.

Mr. Annunzio. You should have an opponent like I have and then find out how damn serious this is.

Will the gentleman yield?

Mr. Crane. I would be be happy to.

Mr. Annunzio. Here is a newspaper that supports Common Cause. This is a liberal newspaper. It is owned by Marshal Field. They have been friendly to me. I want you to understand that.

They write in their editorial, which is official policy:

"We were disappointed in its performance Thursday in Springfield. Its President, Jack Conway, erroneously charged at a press conference that Senator Charles H. Percy and six Illinois Congressional candidates"—and I am one, and I followed this law to the letter. I don't believe in this law but I followed it because I am a good American. I don't go around calling people names, because I fought, as Jack Conway knows, the name-callers, because he comes from the Labor movement as I do.

"Six Illinois Congressional candidates had failed to file. . . . but a watchdog group such as this valuable organization"—and I have always considered your organization valuable—"must depend on complete credibility"—because you do have an enormous responsibility.

"If one is attacking such purveyors of half truths and exaggerations as are rampant in the battalions of Common Cause's detractors, one must be forever on one's guard to see to it one's own facts are straight. Thursday's statement by Conway was a serious but not an irredeemable error. We trust Common Cause has profited by its mistake."

This is what the Sun Times had to say editorially. That is exactly what we are trying to do here today.

Chairman Hays. It doesn't seem they profited. They are saying it was not their mistake but that of the Clerk of the House. Maybe we ought to get rid of this computer and then you can look at the records one by one. Then if you make a mistake it will be your fault.

Mr. Annunzio. I will have more to say, Mr. Chairman. I appreciate my colleague from Illinois yielding to me some of his time. I am waiting for my time.

Mr. Crane. I am more than happy to yield to my esteemed colleague from Illinois.

I have one more question, perhaps in the form of a rhetorical question, before I yield back, Mr. Chairman.

It would seem to me that since your organization assigns this kind of responsibility to Congressional candidates for errors of their campaign committees that a similar responsibility would apply to your organization. If we assume this was an honest mistake on the part of your people in Illinois, and on the basis of your testimony we can only assume that, is it not also reasonable to assume that on occasion a Congressional campaign committee and Congressional candidate might also be guilty of an honest mistake?

Mr. Gardner. Absolutely, but I would like you to hear the words of Ken Guido as to what actually happened.

Mr. Guido. On the 14th we went into the Clerk of the House's office. We examined the records in his office. The official index of that date did not include your name or that of Mr. Annunzio.

At that time we prepared our press release and it was delivered over the telephone, the information was delivered to a person who was with Mr. Conway in Illinois and Ohio at that time. He was traveling at that time.

Mr. Conway issued that press statement. We recevied a call from Senator Percy's office in the afternoon that there was some erroneous listing——

Mr. Annunzio. What time? It is important. The report does not come out until four o'clock.

Mr. Guido. Hold one second. Let me find out.

Mr. Annunzio. Give us the time.

Mr. Guido. I am sorry. I don't know the time.

Chairman Hays. Just a minute. I will not let you do anything until we straighten out one thing. You couldn't find Senator Percy's office in the Clerk of the House's office if you looked the rest of your life.

Mr. Guido. I am sorry, the office of the Clerk of the Senate and Clerk of the House.

Chairman Hays. Did you ever practice law?

Mr. Guido. I taught law four years.

Chairman Hays. Did you ever practice law?

Mr. Guido. No, sir.

Chairman Hays. I didn't think so.

Mr. Guido. I would like to finish, please.

Chairman Hays. I am not a lawyer but I can recognize one when I see one.

Mr. Crane. May I inject one thing in this line of testimony. My administrative assistant was in the Clerk's Office on Tuesday, June 13, and my report and my committee's report were indicated in the Clerk's Office as having been filed.

Mr. Guido. We will have to check.

Mr. Crane. I would only suggest your investigating procedures leave something to be desired.

Chairman Hays. In other words, you didn't look. You didn't find it. Now you are trying to blame it on the Clerk of the House.

That is enough.

Mr. Gettys?

I don't want to hear any more.

Mr. Gardner. You are not willing to listen to the story of what happened?

Chairman Hays. But he is sitting there telling barefaced lies. It was there the 13th.

Mr. Gardner. Blustering will not help. If you want the answer you should listen to it.

Chairman Hays. We would like to have a straight answer, Mr. Gardner. You seem with your literature to put out innuendos that nobody gives straight answers to. I have never seen as many evasions in all my career in Congress as we have had from your people today. Nothing is ever their fault. Why don't you say "We made a mistake" and let it go at that?

I will listen to him a little while longer. He has not said much except evasion up to now.

Why didn't you find it on the 13th if it was there? Did you go yourself?

Mr. Guido. I did not.

Chairman Hays. Then you don't know any more about it than I do, do you? You are talking about hearsay. You weren't there. Is that right?

Mr. Guido. I did not go myself.

Chairman Hays. You don't know whether it was on file or not, then, do you?

Mr. Guido. Our people said——

Chairman Hays. Your people. Where are those people? If you want them to testify I would be glad to hear them.

Mr. Guido. We would be happy to submit an affidavit for the record.

Mr. Brademas. If Mr. Guido can give us a brief response and then we can hear from Mr. Gettys.

Mr. Guido. Upon learning of the information from Mr. Percy's office, Mr. Chairman, I proceeded to prepare a statement to be issued to the press. That statement is as follows—do you want me to read it?

Chairman Hays. No.

Mr. Guido. We will be very happy to submit it for the record.

Chairman Hays. You can submit it for the record if you like. We have had plenty of reading around here.

Can you tell us what was in it briefly?

Mr. Guido. Yes. Briefly it was a statement of what occurred. We went into the office. The next day we were informed, on the 15th, that the information we received must have been in error or we were in error.

We then returned to the office immediately and checked the records the next day, the 15th.

On that day Mr. Crane and Mr. Annunzio's records did appear in the computer printout.

At that time the people returned to my office, and I prepared the press statement explaining what happened and explaining that the records of Mr. Annunzio and Mr. Crane had appeared in the Clerk's Office.

This paragraph appears in that statement: "Our original information was based on the official record made available to the public by the Clerk of the House and the Secretary of the Senate. We regret that the public documents turned out to be in error. Section 308 of the Federal Election Campaign Act requires the Secretary of the Senate and Clerk of the House to develop a filing index and make the records available for public inspection within two days of the filing date."

We entered that office after the second day.

Chairman Hays. Mr. Crane says it was there on the 13th and it was in the index on the 13th. How do you explain that?

Mr. Guido. The information I have does not support that. It was not in the index on the 13th.

Mr. Nedzi. Did the original statement issued by Common Cause state that the records failed to disclose or was there a charge the Members of Congress failed to report?

Chairman Hays. Do you have a copy of the press release. Mr. Crane?

Mr. Crane. No.

Chairman Hays. Or what appeared in the paper?

Mr. Crane. What appeared in the paper is not a direct quote. Can you find a line in there? That is the distinction, and it is a very vital one, in my judgment, which should be made.

Mr. Brademas. The point being made is that you ought to be very careful about charging that a Member has failed to file if indeed you are not sure he has. It may well be he has filed but through some error or other circumstance in the Office of the Clerk or Senate they do not have their records straight.

Therefore, it would be more accurate, I speak of further cases, to say records failed to disclose. I don't know the facts here. That distinction is an important one.

Chairman Hays. Since there has been a lot of reading going on here, there are three short paragraphs from the Sun-Times. I will take their word as quick as I would Mr. Guido's.

It states, "The head of Common Cause Citizens Lobby charged Thursday"—this is Friday's paper—"that 27 Illinois Congressional candidates violated the new Federal Campaign Disclosure Law. Jack Conway, president of Common Cause, had told a press conference that Senator Charles H. Percy and six other Congressional candidates had failed to file financial reports in Washington, but after receiving calls from these seven candidates Common Cause rechecked the records in Washington and found that Conway's report was in error."

Are you willing to stand on that?

Mr. Guido. I stand on what was just said.

Mr. Gardner. It was in error because of the error in the Office of the Clerk of the House and the Secretary of the Senate.

Chairman Hays. If there are any errors in your organization somebody else makes them and not your organization.

The exchange before the full committee became more intense as my distinguished colleague from Illinois (Mr. Annunzio) and I pointed out that we had fully complied with the law and that the Clerk's records corroborate that fact.

Mr. Gardner stated:

> The record was clearly a matter of error in the Clerk of the House.

Yet, as the following exchange of correspondence clearly illustrates, and, as I stated before Mr. Gardner in public hearing on June 20, my report as a candidate was delivered to the Office of Records and Registration of the Clerk of the House on the morning of Friday, June 9, 1972. The computer printout for Monday, June 12, indicated that my personal report was available.

The "Crane for Congress Committee" report was delivered to the Office of Records and Registration late in the afternoon on Thursday, June 8, and was also available on the computer printout on June 12. Yet, Mr. Guido—Mr. Gardner's associate—had the audacity to state that on June 14 his researchers were unable to find this information in the Clerk's files.

As the case developed, it became clear that a case of sloppy research on the part of the Common Cause advocates resulted in their embarrassment—and also their continued unwillingness to admit error. I include my exchange of correspondence in the Record at this time:

House of Representatives,
Washington, D.C., June 20, 1972.

Hon. W. Pat Jennings,
Clerk of the House,
The Capitol,
Washington, D.C.

Dear Pat: In the House Administration hearings this morning, one of Mr. Gardner's associates made the claim that my personal statement and the Crane for Congress statement were not available on the computer printout of the Records and Registration Office until the morning of June 15.

I responded by saying that my Administrative Assistant had personally inspected both filings on June 13 and I have the certified mail receipts postmarked Washington June 9 and June 8 respectively.

Would you please advise me when these statements first appeared in the computer printout record?

Of course, I would appreciate an immediate reply to this.

Kind personal regards.

Cordially,

Philip M. Crane,
Member of Congress.

Office of the Clerk,
U.S. House of Representatives,
Washington, D.C., June 21, 1972.

Hon. Philip M. Crane,
Longworth House Office Building,
Washington, D.C.

Dear Phil: Your Report of Receipts and Expenditures for a Candidate was delivered (certified mail) to the Office of Records and Registration on the morning of Friday, June 9. The computer printout for Monday, June 12, indicates that Philip M. Crane, 12th district of Illinois, submitted a June 10 report on June 9, 1972. It also indicates the report is available on microfilm cartridge number 9, frame 170.

The Report of Receipts and Expenditures for the Crane for Congress Committee was delivered (certified mail) to the Office of Records and Registration late in the afternoon, Thursday, June 8, 1972, and was also available in the computer printout of June 12. The Crane for Congress Committee (I.D. #004839) is shown in that printout as having submitted a June 10 report on June 8, 1972. It also indicates the report is available on microfilm cartridge number 8, frame 1899.

While the Office of Records and Registration was open to the public on Saturday, June 10, 1972, the House Information Systems does not provide my office with an updated computer printout on Saturdays or Sundays. Therefore, reports submitted late in the week appear in the following Monday's printout.

Both your personal report and the Crane for Congress Committee report were available in the computer printout in the Office of Records and Registration on Monday, June 12. All subsequent printouts indicate that both reports are available.

With kindest regards, I am

Sincerely yours,

W. Pat Jennings, *Clerk,*
U.S. House of Representatives.

In conclusion, I believe the distinguished chairman of the full committee very clearly summarized the situation when he said:

> In other words, you [Common Cause] didn't look. You didn't find it [the candidate's report]. Now you are trying to blame it on the Clerk of the House.

Mr. Speaker, a sloppy research job such as this can only bring discredit on this organization, as my colleague from Virginia has so ably demonstrated. Mr. Speaker, I thank the distinguished gentleman from Virginia for yielding.

Mr. ANNUNZIO. Mr. Speaker, several years ago when John W. Gardner announced that he was forming a people's organization to investigate governmental policies and practices, I welcomed the announcement. After all, a democracy needs citizens' organizations such as this. It takes sympathetic vigilance and understanding to keep a democratic system vital and responsive.

I was, therefore, deeply disappointed a few weeks ago by the sloppy research and shoddy press releases of Mr. Gardner's organization, Common Cause. And most disturbing of all was the arrogance shown by Mr. Gardner himself when confronted by the facts.

The situation is this:

On June 15, Mr. Jack Conway, who is president of Illinois Common Cause, held a press conference and issued a press release charging that I and five of my congressional colleagues, together with Senator Percy, had failed to file the required reports under Public Law 92–225 with the secretary of state and also with the Clerk of the House of Representatives.

Of course, it did not seem to matter to anyone at Common Cause that at the very moment Mr. Conway was voicing this charge, and press releases were being distributed far and wide, I had on my desk in the Longworth House Office Building a certified mail receipt for the report I had filed with the Clerk of the House of Representatives as well as a receipt for the copy of the report I had filed with the Illinois Secretary of State. Incidentally, Senator PERCY and my five congressional colleagues from Illinois had all filed on time and likewise held receipts to that effect.

The Chicago Sun-Times, which is owned by Marshall Field, and which has a proud tradition as a liberal newspaper and which has been a supporter of Common Cause had this to say in an editorial in the June 17, 1972, issue:

> COMMON CAUSE GOOFS
>
> As supporters of many of the goals set by the national citizen's lobby, Common Cause, we were disappointed in the performance Thursday in Springfield of its president. Jack Conway erroneously charged at a press conference that Sen. Charles H. Percy (R.-Ill.) and six Illinois congressional candidates had failed to file financial reports in Washington in violation of the new Federal law governing campaign spending.
>
> To its credit, Common Cause moved swiftly to retract its error, admitting and apologizing for the fact that a further list showed the seven candidates had indeed filed reports (although other Illinois candidates had not) that the damage was done, because retraction and apology seldom completely catch up with error.
>
> In its brief history, Common Cause has relied strongly on good research for its major battles against special interests and institutions. It has used facts and figures wisely and well fighting against the supersonic transport and the seniority system in Congress, as well as for the 18-year-old vote and the women's equal rights amendment.
>
> But a watchdog group such as this valuable organization must depend on complete credibility. If one is attacking such purveyors of half-truths and exaggerations as are rampant in the battalions of Common Cause's detractors, one must be forever on one's guard to see to it one's own facts are straight. Thursday's statement by Conway was a serious, but not an irredeemable error. We trust Common Cause has profited by its mistake.

On June 20, the Committee on House Administration, of which I am a member, held a hearing on possible amendments to the Federal Election Campaign Act of 1971. Mr. Gardner was the witness for that day. I think all Members will be interested in knowing that when members of the committee questioned Mr. Gardner about inaccuracies and exaggerations in the newsletters and press releases issued by Common Cause, we were stunned by Mr. Gardner's continued denial of any error of fact on the part of his organization.

This man, a man held in high esteem by so many Americans, had the gall to insist before the committee that any error of fact issued by his organization was the fault of someone else. He would not admit to error, much less apologize.

But, I guess it does not matter now whether John Gardner admits to an error or not. As the Sun-Times editorial states:

> The damage was done, because retraction and apology seldom completely catch up with error.

Mr. Gardner rightly demands high moral and ethical standards from others. But what are the standards he applies to himself? He asks that every person running for a national political office file a detailed report on expenditures, but the reports which Common Cause files with the Clerk of the House of Representatives are vague and ambiguous. In addition, there is no report that lists any salary paid to Mr. Gardner by his organization.

And when pressed to disclose what his salary is or what his source or sources of income are, Mr. Gardner refuses to release any information to the public. It seems strange that a man would denounce financial secrecy by lobbying groups or those running for office and then keep his own financial affairs a secret.

Mr. Speaker, it may be that there are some Members of Congress who should be defeated in their attempts to be reelected. I ask not only Mr. Gardner, but the leaders of all similar organizations, to clarify and accurately report the record of all the candidates so that the people of this country can make their own decisions based on unbiased and correct information. The cheap exposé approach being used by many of these groups on incumbents alone and not on their opponents can only work to the detriment rather than the benefit of this country.

I, for one, have no objection to scrutiny of my activities here in Congress. I have done my best to serve the interests of all of the people of my district. If these organizations, which claim to be nopolitical, investigate the record and activities of my opponent as they have mine, then maybe they can perform a true service for the voters. To show bias in an election for political office is playing politics—despite Mr. Gardner's claims that his organization is not political.

I simply say to Mr. Gardner and other leaders of these quasi-political organizations that if they are not careful, they are going to see some incumbents, whom they may not like or agree with, replaced by new people who are more morally self-righteous than even Mr. Gardner himself, and they may be self-righteous about causes which Common Cause may not be able to support.

A rethinking of our governmental institutions and those who administer those institutions is always in order. That is what makes a democracy thrive and remain vigorous. Sanctimonious rigidity, however, is no substitute for calm and judicious inquiry.

I ask only for fairness, accuracy, and reason.

NORTH MAN PLANS "FANTASTIC VOYAGE"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 15 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, apparently the pioneering spirit of adventure that leads man to explore the unknown has not entirely disappeared.

And apparently tales of such derring-do are not confined to television.

For there is a man in North Attleboro, Mass., who is preparing to take such a fantastic voyage. He is Doug Paton, a 21-year-old senior at the University of Massachusetts. He believes he can travel to another time.

His vehicle is 30 square miles of the Atlantic Ocean off the coast of North Carolina. There is an oval-shaped body of swirling water, which since the 14th century, has claimed scores of ships.

Paton believes that, rather than a natural phenomenon, the so-called Bermuda triangle is a time continuum, a break in the atmosphere, which allows the traveler to pass into another time zone.

Paton and his cousin, Craig, and friends, Fred Fish and Bob Ross, are planning to test out his theory in about 6 months.

I wish them a safe journey, Mr. Speaker, and hope they can return to tell us what it is like in another time. Even if the theory is unfounded, I applaud Mr. Paton and his friends for their willingness to test it.

For the full story of that rare adventure, I submit an article from the Attleboro Sun Chronicle of June 29, 1972:

> [From the Sun Chronicle (Mass.), June 29, 1972]
>
> NORTH MAN PLANS "FANTASTIC VOYAGE"
>
> (By Don Cawley)
>
> NORTH ATTLEBORO.—If Doug Paton's theory about a mysterious body of water off the coast of North Carolina is wrong, he and his friends may soon be flirting with an eerie death.
>
> If his theory has merit, he could embark on an excursion so profound that word of it might send story-teller Rod Serling reeling into a state of shock.
>
> The 21-year-old local man, a biology major in his senior year at UMass, said he refuses to believe that a swirling oval of water in the Atlantic Ocean which has claimed a number of lives and ships is a natural phenomenon.
>
> He said he believes the oval, located in the so-called Bermuda Triangle, is a rare "time continium," a place where there is a break in the atmosphere allowing entrance to another time zone.
>
> PUT TO THE TEST
>
> In six months, he and North Attleboro residents Fred Fish and Bob Ross and his cousin Craig Paton of Attleboro will head south to explore the oval. They plan to study the area for two or three years if necessary.
>
> The party plans to go to North Carolina where they hope to purchase and outfit a boat for the expedition. When they're ready to go, they'll sail about 150 miles off the coast of North Carolina, sit in that portion of the oval and wait for something to happen.
>
> In addition to Paton's training, the other members of the party have biology and physics backgrounds.
>
> He said the oval is about the size of Bristol County in area. There is documented proof that scores of men and ships have disappeared in the oval since the 14th century, he stated.
>
> "A number of ships have disappeared in the oval in modern times," said Doug. "They just suddenly lost radio contact with other ships and vanished."
>
> Doug said he bases his daring guess on the "constant drift theory" and a theory recorded by Einstein. According to Einstein's theory, he said, space is curved, and there are breaks in the curve at certain points in space. The result is a passageway through time.
>
> He said according to the constant drift theory, a theory which suggests both Americas were once joined with Europe and Asia, hot liquid from the center of the earth is still rising on the east coast of this country and settling on the west coast. He said this being the case, "there's just no reason for a body of water on the east coast to be swirling downward when discharges from the center of the earth are pushing upward."
>
> SHAKE OFF SKEPTICS
>
> Exploring the mysterious region, he said, will be the culmination of a lifelong desire.

The fact that some people consider he and his friends to be "out of our minds," means little, he said.

"You've got to be radically different if you're going to discover some of nature's secrets," said Doug. As far as I'm concerned, those who say we are crazy are just ignorant."

Does he really believe he could enter another period in time.

"Yes I do," he stated firmly. If I'm right, I could end up in a place that hasn't even been built yet or find myself back in the 18th century. If I went back in time, I'd write of my experience for the future or present generation."

Doug asserted that his planned adventure is no gimmick and that he's not trying to "grab phony publicity." He said the mysteries of the earth and the universe are "endless" and cautioned those who refuse to consider them not to make premature judgments.

He said he and his friends hope to secure grants from various universities to finance their studies. Previous testing in the area by universities and individuals were inconclusive, he stated.

And what if his party should discover that the oval is a natural phenomenon?

"We'll get the hell out of there, of course," he said. "After all, we're not crazy."

ARREST RECORD BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Wiggins) is recognized for 5 minutes.

Mr. WIGGINS. Mr. Speaker, in company with several of my colleagues on the Committee on the Judiciary and others, I have today introduced, at the request of the Department of Justice, a bill to provide for the dissemination and use of criminal record information in the possession of the Identification Division of the Federal Bureau of Investigation.

Since 1924, the FBI's Identification Division has acquired and preserved records of arrests and dispositions submitted to it by Federal and State law-enforcement agencies throughout the country and has likewise disseminated to them, upon request, such information which has already been compiled. These records are based upon fingerprints, of which the FBI's criminal files now contain approximately 60 million entries representing some 20 million individuals.

In June of 1971, the U.S. District Court for the District of Columbia, in the case of Menard against Mitchell, held that the division's established practice of disseminating data from its fingerprint files to local law-enforcement agencies for purposes of employment or licensing checks was not authorized by the provisions of 28 United States Code, section 534, the statutory basis for the division's compilation, filing, and exchange of criminal record information.

The bill which I have introduced today is designed to clarify the statutory authority of the FBI to disseminate criminal record information for nonlaw enforcement purposes. Its provisions substantially parallel those of the temporary authorization for continuation of the "non-Federal applicant" service which was enacted as part of Public Law 92–184, approved December 16, 1971, as a stopgap congressional response to the Menard decision.

In essence, the bill would allow dissemination for nonlaw enforcement purposes only to: First, Federal agencies; second, foreign governments, under certain circumstances; third, federally insured financial institutions; and fourth, local law enforcement agencies, but in the latter case only when State statutes require a fingerprint check for employment or licensing purposes, and only in accordance with regulations promulgated by the Attorney General as provided in the bill.

The bill would authorize the Attorney General to cancel the dissemination of arrest data to any agency which uses or discloses that information in violation of the statute, or for failure to comply with the requirement that information supplied to the FBI shall be accurate, complete, and up to date. Individuals whose arrest records are disseminated to State or local law enforcement agencies for nonlaw enforcement purposes would be entitled to review the information disseminated and, if necessary, have any erroneous information corrected. Civil and criminal sanctions are provided for willful violations of the statute.

Mr. Speaker, I hope that hearings will be held on this bill, most logically as an extension of the hearings held earlier this year on dissemination and use of arrest records generally by Subcommittee No. 4 of the Committee on the Judiciary, which is chaired by my good friend and colleague from California, Representative Don Edwards. The appropriate legislative response to the Menard ruling should come in the form of permanent, rather than temporary, legislation accomplished after thorough and serious study of the many ramifications of the issue.

This bill may admit of some modification. Some of its provisions might be improved. But it is a step in the right direction, and it is important that we take such a step through action by one of the legislative committees.

Mr. Speaker, I include at this point in the Record the letter of transmission from the Department of Justice, together with the text of the bill and the Department's sectional analysis thereof:

Washington, D.C.,
July 18, 1972.

The Speaker
House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Enclosed for your consideration and appropriate reference is a legislative proposal to provide for the dissemination and use of criminal record information, and for other purposes. The proposal is in response to the decision in *Menard* v. *Mitchell*, 328 F. Supp. 718, which greatly circumscribed the dissemination of FBI fingerprint and arrest information and records under 28 U.S.C. § 534.

The *Menard* decision limited the dissemination to agencies within the Federal Government and to state and local law enforcement agencies for law enforcement purposes. It held that section 534 did not authorize dissemination of this type of information to law enforcement agencies for non-law enforcement purposes, or to other state or local agencies or institutions for purposes of employment security and licensing.

Public Law 92–184, approved December 16, 1971 provided a temporary continuation of this "non-federal applicant" service, by authorizing the expenditure of Fiscal Year 1972 funds to exchange identification information with officials of certain Federally-connected banking institutions, and, if authorized by state statute and approved by the Attorney General, with officials of state and local governments for purposes of employment and licensing. Permanent authorization, as well as legislation dealing with certain individual privacy issues raised by the decision, are nevertheless required.

The attached legislative proposal is intended to meet the issues outlined in the *Menard* case by incorporating the necessary sanctions and safeguards, while at the same time providing specific authorization for the dissemination and use of criminal record information for legitimate purposes.

The important provisions of the proposal in this respect are as follows:

First of all, the bill would place the burden upon the agencies submitting criminal record information to the Attorney General to insure that the information is accurate, complete and current. Non-compliance could result in the termination of the dissemination of this information to the delinquent agency.

Dissemination of criminal record information would be permitted outside of the Federal Government for non-law enforcement purposes, but only for such purposes as necessitated by a state statute and approved by the Attorney General in regulations. Moreover, all the information would be channeled through the state and local law enforcement agencies. Again, this dissemination could be cancelled if the information is used or disclosed in violation of the provisions of the proposal.

When such information is intended to be used for other than law enforcement purposes, the subject individual would be permitted to review the information and insure that it is corrected or revised, if necessary.

The proposal also would authorize both civil and criminal actions against persons who disseminate or use criminal record information in violation of the bill's provisions.

Finally, the proposal would establish guidelines to be followed by the Attorney General in establishing regulations to govern dissemination for non-law enforcement purposes. A determination would have to be made that the information was necessary to promote or maintain security within an agency, or within certain areas of the private sector filling a vital public need, or to protect other vital public interests.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal.

Sincerely,

—— ——,
Attorney General.

H.R. 15929

A bill to provide for the dissemination and use of criminal record information, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28, United States Code, is amended as follows:

§ 534. Acquisition, preservation, exchange and use of identification information and records; appointment of officials; regulations.

(a) The Attorney General shall acquire, collect, classify and preserve identification information, criminal record information, and other information and records. Except as otherwise limited by this section, the Attorney General is authorized to disseminate such information and records in accordance with regulations issued under this section. For the purposes of this section, "identification information" means information including fingerprint classifications and other personal descriptive data which may be used for identification purposes; "criminal record information" means information of arrests and subsequent dispositions, including convictions, submitted by law enforcement and other governmental agencies; and "other information and records" means statistical data relating to crime and compiled for research and informational purposes which do not identify an individual.

(b) Agencies submitting criminal record information to the Attorney General or his designee shall assure that the information is accurate and complete, and regularly and accurately revised to include subsequent information. The Attorney General is authorized to terminate the dissemination of criminal record information authorized by this section for failure to comply with this subsection.

(c) The Attorney General is authorized to disseminate criminal record information to (1) authorized officials of the Federal Government for official use; (2) authorized officials of foreign governments for visa, security, law enforcement and employment purposes; (3) officials of financial institutions the accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or other Federal agency to promote or maintain the security of such institutions; and (4) state and local law enforcement agencies for (A) law enforcement purposes or (B) such additional purposes as necessitated by state statute which the Attorney General may approve by regulations issued under this section. For the purpose of this section, "law enforcement" means any activity pertaining to the reduction, control or prevention of crime or the enforcement of criminal laws. A "law enforcement agency" is a public agency whose primary function is law enforcement and includes but it not limited to police or any other agency authorized to make arrests, courts with criminal jurisdiction, prosecutors' offices, and penal and other correctional or criminal rehabilitation institutions. For the purposes of this section, "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) The dissemination of criminal record information authorized by this section is subject to cancellation by the Attorney General if it is used or disclosed in violation of this section.

(e) Whenever criminal record information is disseminated to a state or local law enforcement agency for other than law enforcement purposes, the individual about whom the information pertains shall be permitted to review the information upon satisfactory verification of his identity, and in accordance with regulations stating the time, place, fees and procedure to be followed. If, after the review of the information, the individual disputes its accuracy or completeness, he shall apply to the agency or agencies responsible for the information for correction or revision, and the agency or agencies shall make any necessary correction or revision, and shall notify the Attorney General of the correction or revision.

(f) (1) A person with respect to whom criminal record information willfully has been disseminated or used in violation of this section shall have a civil cause of action against the person responsible for the violation and shall be entitled to recover from such person actual damages and reasonable attorney's fees and other litigation costs reasonably incurred.

(2) Whoever willfully disseminates or uses criminal record information knowing such dissemination or use to be in violation of this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(3) A good faith reliance upon the provisions of this section or of applicable law governing dissemination or use of criminal record information, or upon rules, regulations or procedures prescribed thereunder, shall constitute a complete defense to a civil or criminal action brought under this Act.

(g) The Attorney General may appoint officials to perform the functions authorized by this section and may prescribe regulations to effectuate its provisions. Such regulations issued with respect to subsection (c) (4) (B) may authorize dissemination of criminal record information thereunder only upon a determination that a need exists for the use of such information for (1) maintaining or promoting security within that agency or within a business, industry, profession or labor organization fulfilling a vital public need, or (2) protecting other vital public interests.

SECTIONAL ANALYSIS

The title of section 534 would be expanded to include identification "information" in addition to identification "records". The section itself is primarily concerned with certain types of identification information, and the identification records are relevant only insofar as they contain that information.

The title would also include "regulations". As will be noted below, the Attorney General would be authorized to issue regulations to effectuate the provisions of the legislation.

Subsection (a) has been reworded to emphasize the Attorney General's responsibility to acquire, collect, classify and preserve certain types of information. The second sentence of the subsection is intended to permit the Attorney General to disseminate any information or records where the dissemination is not otherwise limited by section 534. (The limitations are enumerated in subsection (c) dealing with the dissemination of criminal record information.) As an example, this would allow the dissemination of identification information, as opposed to criminal record information, for assistance in emergencies or missing person cases, and would also permit the release of crime statistics and reports. This type of information would not infringe upon the rights of individuals, and, therefore, its dissemination would be controlled only by regulations.

Subsection (a) also includes definitions of "identification information", "criminal record information" and "other information and records".

Subsection (b) deals with criminal record information, and is designed to place the burden upon agencies submitting that information to the Attorney General to assure that it is correct and current. At present, there is no such assurance and, in fact, a great deal of relevant information is not forwarded to the Attorney General. This problem is particularly acute concerning ultimate dispositions of cases handled at the state and local level, with the result that the information is often incomplete or inaccurate when subsequently disseminated. Agencies that are delinquent in this respect would face the possibility that dissemination of this information would be terminated.

Subsection (c) would authorize the Attorney General to disseminate criminal record information to authorized officials of the Federal Government for official use and to state and local law enforcement agencies for law enforcement purposes. Disseminations of this type are presently permitted by the *Menard* decision. The Attorney General further would be authorized to disseminate the information to officials of foreign governments for visa, security, law enforcement and employment purposes, and to officials of financial institutions the accounts of which are insured by the FDIC or the FSLIC or other federal agency in order to promote or maintain security within such institutions.

Moreover, dissemination would be authorized to law enforcement agencies for non-law enforcement purposes, but only when necessitated by state statute and approved by the Attorney General in regulations. This provision would permit the ultimate use of criminal record information for such purposes as employment security or licensing at the state or local level, but only in well defined circumstances.

Subsection (c) also includes definitions of "law enforcement," "law enforcement agency," and "state."

Subsection (d) would permit the Attorney General to cancel the dissemination of criminal record information if it is used or disclosed in violation of the section.

Subsection (e) would allow an individual to review and correct any criminal record information which pertains to him which is disseminated to a state or local law enforcement agency for non-law enforcement purposes. Thus, an individual need not be jeopardized by inaccurate or incomplete criminal record information when applying for employment or a license. The Attorney General would outline the procedures by regulations for the review of the information. The regulations would contain provisions relating to notice of the subject individual, and the waiver of fees in appropriate cases.

If the individual believes that the information is inaccurate or incomplete and wishes to have it corrected, he will be required to apply to the agency responsible for the information, and that agency will be required to make any necessary changes and notify the Attorney General of such changes. The intent of this provision is to place the burden upon the local agency responsible for any for any misinformation to make the correction, rather than upon the FBI, unless the FBI itself is responsible.

The provisions of subsection (e) would not apply to records which are disseminated within the Federal Government or to law enforcement agencies for law enforcement purposes.

Subsection (f) (1) would provide for a civil cause of action for willful dissemination or use of criminal record information in violation of the section.

Subsection (f) (2) would provide criminal penalties of one year in jail or $1,000 fine, or both, for willful and knowing violations of the section.

Subsection (f) (3) provides a complete defense against any civil or criminal action for anyone acting pursuant to the section or applicable laws or to regulations issued thereunder.

Subsection (g) allows the Attorney General to appoint officials to carry out the provisions of the legislation and to promulgate regulations to effectuate the proposal. The legislation would provide guidelines to the Attorney General in issuing regulations concerning the dissemination of criminal record information to state and local law enforcement agencies for purposes other than law enforcement. This is the area where the greatest potential for abuse exists and the area where a well defined policy is required by the *Menard* decision. The regulations, therefore, would specify under what circumstances the use of the information is authorized. Use would be authorized only to maintain or promote security within the requesting law enforcement agency or within defined areas of the private sector which fulfill a vital public need, or where other vital public interests require. As required by subsection (c) (4) (B), any of these uses would have to be necessitated initially by state statute.

It is also contemplated that the regulations would require state or local law enforcement agencies that desire criminal record information to submit their requests through a centralized state agency where such a centralized agency exists. Furthermore, such regulations probably would require that the local, state or Federal agency or official be responsible for taking and providing fingerprints and supplying other necessary material to the FBI before dissemination of criminal record information. The states also would be required to share responsibility in processing non-federal fingerprints by first checking them through the state identification bureau or local files. Additional regulations would be issued as required.

GI DRUG TESTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, one of the many problems facing our country today is the heroin epidemic which has infected so many of our GIs serving in Vietnam. Sunday's edition of the Washington Post contained a thought-provoking article by Paul Starr on the treatment or mistreatment our returning GI drug user receives. The article points out the pitfalls of compulsory treatment and raises serious questions about the efficacy of the VA's drug treatment program.

I urge my colleagues to read the article which follows:

Drug (Mis)treatment for GI's

(By Paul Starr)

(Note.—The author is studying the problems of Vietnam veterans at the Center for the Study of Responsive Law.)

The soldier was standing in front of the VA psychiatrist.

"When do I get out of here?" he demanded. "Just tell me when I get out of here."

He must have asked that question a dozen times in a single day. Nothing else seemed to be on his mind. Only a week before the Army had shipped him back from Vietnam after a urine test singled him out as a heroin user. Following a brief stay at a military base stateside, he had been transferred to a Veterans' Administration hospital for mandatory treatment before discharge. But he wasn't interested in getting treatment, only in getting discharged. Almost to a man, the soldiers sent to the VA claim they have no problem with drugs. "My problem's been the Army," they insist, and many of them may well be right.

In the uproar over heroin use in Vietnam and the need for treatment programs, scarcely anyone has considered the viewpoints or situations of the soldiers themselves. As a result, a great deal of money and effort is being expended, most of it with little impact on the problem. And with failure becoming more apparent, public policy has edged toward compulsory forms of treatment that may only aggravate the situation.

Under current procedures, soldiers identified as drug users are assigned to VA hospitals while still on active duty if their term of service is about to end. If it is not, they receive treatment within the services.

The mandatory referrals to the VA were instituted late last year by the administration to ensure that no soldiers would be released without 30 days of drug-free experience and to take the burden of providing that experience off the military.

An earlier policy had left the decision on whether to undergo VA treatment up to the individual GI. But in mid-September, Dr. Jerome Jaffe, President Nixon's top adviser on drug abuse, reported that voluntary treatment "was not working as we had hoped." Since the previous July, when urine tests were first used, only 23 identified drug users had decided on their own to go to the VA. Dissatisfied, the administration decided that soldiers would be assigned against their wishes to veterans' hospitals for up to one month before discharge. The administration also asked Congress for authority to involuntarily extend a drug user's service 30 days. This measure, still pending, would permit the government to channel every outgoing serviceman thought to be using drugs through the VA, including those apprehended in the last days of their tour. Some congressmen want to go further. Rep. John Murphy (D-N.Y.) has proposed a bill that would provide for compulsory treatment in any federal institution for as long as 42 months.

JUST A FORMALITY

Few people at VA hospitals, either staff or patients, seriously believe the treatment is anything more than a formality. Even the goal of 30 drug-free days is not always achieved, since drugs are widely available on VA wards. And because the hospital staffs find many of the Vietnam veterans angry and uncooperative, the soldiers are often quickly released on an outpatient basis and told to come back in a few weeks to pick up their military discharge papers. In the meantime, the men are able to go home—or back to the streets.

A recent case exemplifies typical practices under the referral system. Twenty-one years old, identified as a drug user by urinalysis in Vietnam, this soldier insisted to VA physicians that he only smoked heroin now and then, never mainlined it and had never become addicted.

Day 1 (initial evaluation): "He is showing at present a very negative attitude toward being on a drug program, as he feels no problem."

Day 7 (progress report): ". . . very negative attitude—all he wants is out—claims he has no drug problem."

Day 8: Discharged.

While the VA has in the past year and a half established 36 drug treatment centers in its extensive hospital system, soldiers "med-evac'd" from Southeast Asia generally will have little to do with them. "They never want to come in," says Ruth Stoffer, director of a tough residential treatment unit in Bedford, Mass. "The hospital is responsible for them, but not our program. They go on a psychiatric ward."

Placing drug-using soldiers in wards with psychiatric patients is bitterly resented by the young GIs who see themselves as perfectly healthy. "It's hard to get along with them," says one veteran who spent time on a unit with mental patients. "Some of them were slobbering all over their food. You just don't put yourself in that category."

RESULT IS ALIENATION

Once they receive their military discharge papers, the soldiers leave VA hospitals—few with fond memories. Although one of the purposes of the referral system is ostensibly to impress upon them the availability of VA drug programs, the effect more likely is permanent alienation from the VA and from therapy. The retention rate beyond the required stay runs close to zero.

"Most of them don't want to stay," admits Dr. William Winick, director of the Brockton, Mass., VA hospital. "We're somewhat disappointed because we went to some lengths to provide a program." The story is the same elsewhere.

"The reality is that most men who are about to be discharged and who have been caught on drugs don't want treatment" says June Schwartz, a veterans' assistance counselor in the Baltimore drug program. "The first reason is that many who are caught in urinalysis are not addicted. The urinalysis showed heroin, but maybe they were smoking it. Another reason is that even if they were addicted, a lot of them have no intention of stopping. It's only after they've reached the streets again and experienced the hassle of earning money to get drugs that they want to stop.

"And a third factor is the forced treatment in the Army. We've seen this a number of times. A lot of them are forced to detoxify in Vietnam under not very pleasant circumstances. Then they're forced to go through an Army treatment program and then the VA. By that time, they've had it."

Those addicts who do voluntarily enter VA drug programs come in off the streets after having spent months or years facing the brutal conditions of addiction in the United States—constant hustling, legal entanglements, imprisonment, family problems, adulterated drugs, hepatitis, community hostility. But even then they are reluctant to go to the VA, fearing that their medical records will not be kept confidential or that they may lose other veterans benefits. "I thought twice about coming here because of government identification," stated one patient. And Dr. Winick of Brockton concedes, "They identify us as a quasimilitary oragnization," an impression which is only strengthened by the mandatory referral system.

Because of government control, complicated intake procedures, eligibility limitations, and the general orientation of the VA toward older veterans, many VA drug programs now have a "bad name" on the streets—or no name at all. While the agency has touted its efforts nationally, they generally offer little community outreach. Consequently, some programs run well below capacity. The Bedford unit has beds and staff for 40 drug users thus having had only 18 patients, virtually all of whom entered the hospital to escape heavy criminal charges. The VA's outpatient clinic in Boston, primarily a methadone maintenance program, is running at half capacity while every other methadone program in Boston has a waiting list of 6 to 12 months. In New York the waiting list for municipal methadone programs runs well into the thousands, but at the three New York VA hospitals there has been no overflow. They treat a little more than 500 addicts, in a city where the official estimates place addicted veterans at about 10,000.

Sen. Alan Cranston (D-Calif.) cites the VA's heavy reliance on methadone maintenance as one reason for the small numbers. In many areas, no other long-term VA treatment is available. In Washington, for example, the VA offers methadone but not intensive, drug-free program. Patients seeking such therapy are referred elsewhere. "There's not a whole lot we can do," says Dr. N. R. Tamarkin, chief of the Washington unit, adding that he hopes to secure space for a therapeutic community in the near future. But whatever the type of therapy, Cranston points to the lack of demand for VA programs as evidence "that tens of thousands of veteran addicts on the streets today simply have no faith in the VA drug treatment programs."

NO JUNKIE IDENTITY

The resistance to treatment goes beyond mere distrust of the VA, however. The GIs resist the entire notion that they are sick and need rehabilitation. "They don't want to identify with junkies," says one older addicted veteran. "They feel when they left Vietnam, they left their habit."

At least initially, the veterans do appear to differ sharply from street addicts here. They are generally in better physical condition, showing few of the secondary signs of addiction—such as hepatitis—since they have been smoking or snorting heroin rather than injecting it (the source of nearly all the medical complications). Their motivation has often been situational: They may have begun drug use not as an expression of emotional disturbance but as an act of self-medication in an oppressive setting. And perhaps most important, for the returning soldiers heroin addiction has not represented a total identity as it has for the street addict. They have not submerged all other aspects of their lives in the pursuit of heroin and the means to buy it. Since they bought drugs cheaply in Vietnam and the Army supplied their other needs, the soldiers have not yet had to organize their lives around their habits.

And many may not be willing to do so. Dr. Norman Zinberg—a Harvard psychiatrist who traveled to Vietnam last year and has been interviewing veterans since then—has found a strong inhibition against both the needle and the junkie life. Twenty-four of the 26 men he has been seeing have stopped on their own. Unfortunately, when a veteran comes home and gives up his habit because of what it would mean to his family, there is no social agency, no class of professionals, no treatment program that can claim him as their success. As a result, such cases never get counted in the making of public policy. The possibility that going home is more effective therapy than any treatment program now available is scarcely considered.

The probability of natural remission is hard to evaluate. Veterans who stop using heroin, Dr. Zinberg cautions, have not repudiated or even regretted their past use; on the contrary, many of them "speak well" of the drug. They simply find the social barriers to continuing drug use too steep. It is an open question whether their abstinence represents genuine remission or merely a hiatus in drug use. In the face of harsh pressures at home, they may revert to heroin for the same escape it provided in Southeast Asia. Older addicted veterans are skeptical about the younger men. "They might not do it now," says one addict, "but it's a crutch and they know it's there."

BREACH OF RIGHTS

The tendency of some Vietnam veteran heroin users toward remission or at least dormancy should rule out a policy of enforced treatment. Not only is commitment to institutionalized care an unwarranted breach of the men's individual rights, but also it almost guarantees aggravation of their problems. On a long-term basis it would serve only to confirm an identity that in many cases may turn out to be ephemeral. By labeling them with the stigma of addiction, cutting them off from families, friends and jobs, institutionalized treatment would leave the men with a minimum of social support on reentry to civilian life. Moreover, the past record of involuntary treatment has been abysmal.

On the other hand, if treatment is to be voluntary, then the implications must be faced squarely. Those veterans who continue to use heroin will enter therapeutic programs only after they have run into serious trouble at home. "You don't submit yourself to treatment until you've hit rock bottom," says one veteran addict, and on their way to "rock bottom," the men are going to hurt many persons, not just themselves.

The hope that mandatory referrals to the VA might present that kind of deterioration seems to have little basis. Even if returning soldiers were placed in an ideal therapeutic setting—and the VA is far from that—they would probably still refuse treatment because they won't accept society's definition of them as sick. This is the critical impasse, not just the treatment of veterans, but in the treatment of other addicts as well. While the United States has been moving from a penal to a medical approach toward heroin addiction, the people most directly affected find the medical conception no more palatable. The users and the addicted not only refuse to take part in drug programs; they refuse to accept the ideology behind them. It is only when they encounter the extreme social and physical problems of addiction—created not so much by their dependence on heroin as by their dependence on a vicious black market—that they begin to adjust to the dominant values of the society and accept the premise that they are sick and in need of therapy.

NO EASY SOLUTION

There is no easy way out of this situation. Compulsory institutionalization reinforces as many problems as it relieves while voluntary treatment ensures that hard-core addicts will create misery for themselves and their communities before accepting treatment. A third alternative is a radical restructuring of our entire approach to the problem along the lines the British have followed. But at this point, few Americans are willing to support heroin maintenance as a last option in a multi-modality program.

The history of drug addiction in America suggests a troublesome pattern: First drug abuse takes its victims, then public hysteria and moralistic legislation take many more. The case of heroin use in Vietnam seems to be no exception. Out of a genuinely serious problem we seem fully capable of creating a much larger one. By indiscriminately categorizing all users of opium and heroin in Vietnam as addicts and by suggesting that their involvement is more serious than street addiction here because of the purity of drugs available in Vietnam, the press has encouraged a new wave of scapegoating and regressive legislation. The irony is that this climate has been fanned by both political persuasions—by the left to heighten antiwar sentiment and by the right in concern for the morale and strength of the armed forces.

The victims of this antagonistic cooperation will most likely be the men everyone presumed to help. They will bear the stigma of addiction and, if Rep. Murphy and others have their way, the onus of forced treatment. Whereas a year ago the problem centered on the military's reluctance to acknowledge the extent of drug abuse, today the dangers are institutional overreaction and overtreatment. Just like the addicts themselves, the public seems incapable of handling the problem of drugs with moderation.

ADVOCATE FOR EQUALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, on August 1, Maj. Gen. W. H. Reddell, commander of the San Antonio air materiel area at Kelly Air Force Base, will retire from active duty.

It has been my pleasure to become a close friend of General Reddell's since he assumed the San Antonio post on August 1, 1969.

However, more important than friendship is the deep admiration I have developed for this man and his record of service in my community.

Mr. Speaker, I feel that the achievements of this commander and outstanding leader are such that it behooves me to bring them to your attention and that of my colleagues so that we may look to his record as a source of hope and inspiration for our country.

Therefore, I would like to share with you the following data relative to General Reddell's work in behalf of equal employment and equal opportunity:

During the past few years domestic upheaval has dramatized the need for the establishment of a better understanding of the problems of Black and Spanish speaking minorities. The common issue and perhaps the very core of the problem itself is that these minorities in the past have not attained an economic status nearer par with other Americans. Without this equity and the corresponding economic resources, future prospects in terms of health, education of the young, and job opportunity improvements can remain only distant and remote promises. While there has been much publicity within Government Service about equality of opportunity, in actual point of fact little effort had been made in the area of affirmative action prior to 1968. Employment statistics substantiate the fact that most minority employees in Federal Service are in the lower grade levels and that as a group they earn average annual salaries hundreds of dollars less than nonminority employees.

President Nixon, recognizing the need for national improvement in this area, responded to the situation on 28 Mar 1969 by reaffirming the Federal Government policy of assuring equality of opportunity to all citizens. At his direction, the U.S. Civil Service Commission conducted a review of employment and promotion practices within Federal Service, concluding in part that despite some gains, "too many minority employees are concentrated at the lower grade levels, victims of inadequate education and past discrimination."

The purpose of the following is to document the outstanding achievements of a Federal Administrator in the area of Equal Employment Opportunity. Major General William H. Reddell, Commander of the San Antonio Air Materiel Area for the past three years has demonstrated outstanding leadership and initiative in carrying out the objectives of Executive Order 11478. Since he assumed command of the giant Kelly AFB industrial complex with its 30,000 employees of varied ethnic, racial, and social heritage, he has been cited twice for his EEO efforts. The City of San Antonio on 18 March 1971 presented a citation to General Reddell in grateful acknowledgement of outstanding leadership in providing equal employment opportuntiy. Some months later Major General Reddell was awarded The Secretary of the Air Force Distinguished Equal Employment Opportunity Award for 1971. The distinguished accomplishments of General Reddell in terms of improved employee relations and community acceptance should serve as the standard of performance for all U.S. military installation Commanders and are worthy of National recognition.

PAST EMPLOYMENT PRACTICES—KELLY AFB

It is difficult to discuss a complex and emotionally charged subject like Equal Employment Opportunity without some basic understanding of the underlying conditions and environment. This is particularly true in the case of a military installation such as Kelly Air Force Base located in San Antonio, Texas, and which provides a good portion of the area payroll. More importantly, as the largest industrial complex in the Southwest, it is subjected to continual assessment of its personnel policies by interested observers.

San Antonio, once a small outpost on the Northern Mexico frontier was settled in 1718 gaining official status as a City in 1731. The early pioneer families that founded the Town were mostly of Spanish or Mexican origin. Later some of the native Indian Stock was absorbed into the dominant ethnic group. The population of the City in 1836, approximating 3,500 inhabitants, was represented primarily by descendants from that group complimented by arrivals of similar ethnic makeup from surrounding towns. This group was not assimilated into the rapidly growing Anglo population and by 1900 it is estimated that only 15–20% of the total population was of Mexican American extraction. With the Mexican revolution of 1910, waves of war refugees soared the Mexican American population upward and they now represent 45% of the total population of the City.

The anti-Mexican feelings generated by the Texas war for independence increased in intensity following the U.S. War with Mexico in 1846. Other factors which contributed to the decline of the Spanish surnamed included the adverse effect of new laws on native (Mexican) owned lands and the imposition of new language and cultural barriers. These events were to bear bitter fruit for the Spanish surnamed in Texas for over 100 years. It is most tragic that these people with the deepest roots in Texas and the Southwest should emerge as second class citizens at the beginning of the twentieth century. For whatever reasons one might choose to dispute this point, the facts are too conclusive for serious debate. *Politically,* a Mexican American has never been elected to a State Wide Office. It was not until the 1950's that a Mexican American was selected as a member of the Council of the City of San Antonio. *Socially,* discrimination against Mexican Americans was widely practiced and accepted in Texas until World War II. Rudiments of this practice exist today under sophisticated systems which result in nonrepresentation of Mexican Americans within specific groups or organizations. *Economically,* the Mexican American is at the lower end of the financial structure of San Antonio, Texas, and the Southwest.

It was under this socio-economic environment that Kelly Air Force Base was originally established (1917). It is therefore not surprising that the employment policies of the Installation paralleling those of the community resulted in the exclusion of Mexican Americans from leadership or policy positions. (NOTE: Discriminatory employment practices existed also against Blacks and women, however, this discussion is intentionally limited to the Mexican American). Twenty-five years were to pass before a Mexican American was selected for a supervisory position at Kelly AFB (Mr. Demetrio Gomez—1942). Things did not automatically improve from this point on. Pauline Kibe in her book, "Latin American in Texas" (1946) documents the following: "At the beginning of the War, when the largest airplane repair shops in the world were opened at Kelly Field in San Antonio and 35,000 civilian workers were employed, mechanics and mechanic's helpers were in great demand. Training schools were established under government supervision and those who attended were both Anglo and Latin American. After identical instruction, the graduates of the schools were employed at Kelly Field, on an equal basis, as mechanic's helpers. Within a reasonable length of time, the Anglo Americans were advanced, some of them repeatedly, but the Latin Americans, despite the fact that they were in many instances more proficient in their trade than the Anglos were retained at the lowest level of mechanic's helpers.

When the matter was called to the attention of the Commanding Officer relief was immediately forthcoming, and it was made clear that advancement would be strictly on the basis of merit." Most unfortunately, positive corrective actions were not effected and twenty years later the Mexican Americans at Kelly were still concentrated at the lowest grade levels. Statistics compiled as of 30 Nov. 1967 indicate that while Mexican Americans represented 44.7% of the Base population, they accounted for only 9.6% of the higher grades. Analysis of pay differential for this same period indicated the following average salaries at Kelly: Blacks, $6,188; Mexican American, $6,403; Anglo, $8,109. Of greater significance only 7 of the 252 positions at Branch level and above were held by Mexican Americans. For all practical purposes Mexican Americans did not participate to any degree in Base management decisions and employment practices at Kelly in 1967 and prior to that time. In the face of this overwhelming evidence now accompanied by growing demands for improvement from Mexican American leaders, management officials of the Installation concluded that no problem existed and resolutely retreated from the reality at hand. In 1968, the Commander and other Base officials were subpoenaed for hearings directed by the U.S. Commission for Civil Rights concerning allegations of discriminatory employment practices at Kelly Air Force Base. In due course, there were major changes in the Command of the Installation and in the top management level of the Civilian Personnel Office.

EEO ACCOMPLISHMENTS 1969–1972

Major General William H. Reddell assumed Command of the San Antonio Air Materiel Area, Kelly Air Force Base on 1 April 1969. With his enlightened philosophy and supported with new leadership in the Civilian Personnel Office he began the difficult task of refining employment practices at the Installation. Now, three years later it is evident that he was eminently successful in the fulfillment of that goal. Kelly AFB today is widely recognized for its progressive policies with respect to the treatment of employees. It is important to note that in sharing the successes at Kelly AFB with other Installations and Federal Agencies it has been possible to inculcate a competitive spirit for EEO improvements. Thus, directly and indirectly Kelly AFB under the leadership of General Reddell has established achievement records which stimulate greater program accomplishment by other Federal activities. Some of the most significant EEO related actions undertaken by Kelly AFB during the past three years are briefly outlined in the following:

Integrity in the Merit Promotion System

As a result of a complete revision of policies and subsequent improvements, Kelly AFB has a Merit System without equal in the Federal Service. Policies which may or even appear to promote inequities for specific individuals or groups of individuals have been eliminated.

Responsive EEO Complaint Channels

With eleven full-time EEO Specialists in the program and 60 part-time Counselors, Kelly AFB maintains a highly responsive employee complaint program. Employees are allowed access to any management level for presentation of their grievances without fear of reprisal. General Reddell maintains a completely open door policy for any employee and through his staff energizes responsive actions to employee problems.

EEO Advisory Committee

For this committee, only the most vocal advocates for the improvement of minority conditions were chosen. This resulted in the development of decisive recommendations which for the most part were quickly implemented by General Reddell.

Improvement in the Treatment of Employees

While this is an intangible area the keynote of the program is fair and equal treatment for all employees. Actions initiated during the past three years were calculated to create a more contented and efficient work force. Under the direction of General Reddell, Union negotiations have been encouraged and expedited and Union activities have been accorded a respectable position in relation to management needs.

EEO Plan of Action

The Kelly AFB Plan of Action was conceived and developed by representative members of the work force as opposed to EEO or Personnel Staff members. It is directed to the elimination of every vestige of prejudice and discrimination and the attainment of a work force distribution mix in all organization by grade and occupation in proportion to the ethnic and men and women representation in the work force. Mexican Americans represent approximately 50% of the community and the Kelly AFB work force.

Advancement of Mexican Americans

A Statistical record of the increases in the number of high grade positions occupied by Mexican Americans is enclosed as Tab F. Of the 1,096 Wage grade supervisory positions, 446, or 41%, are filled by Mexican Americans. At the GS–12 and above category 105 additional Mexican Americans have been added since 1966. The most important changes have been effected at the GS–14 and above level which now includes 8 Mexican Americans in key policy/leadership positions.

Support of Sixteen-Point Plan

In line with this plan to assist Spanish surnamed Americans, a full-time Special Assistant for EEO position was created by General Reddell in 1969, charged with giving special impetus to the program. Since that time, the EEO Staff has been increased to eleven full-time positions and many of the program objectives have been met. (Kelly has a Mexican American population of 11,099, representing 49% of the total Base population (22,816). One out of every seven of the 70,000 Spanish speaking employees in total Federal Service are located at Kelly AFB).

Summary Evaluation

During the past three years, General Reddell has implemented many other improvements in the area of human relations. It is impossible to cover each in detail, but one action in particular deserves special mention. As noted earlier, Mexican Americans represent 50% of the Base population. However, they are not equitably represented in the executive level positions. Recognizing that despite progress much remains to be done, General Reddell has initiated one more action, characteristic of his initiative in the search for equality. To assist in future advancements in the program, General Reddell recently directed the establishment of *Deputy Civilian Personnel Officer*. This position is scheduled to be filled by an individual that is highly sensitive to the needs of the Mexican Americans at Kelly.

RECORD OF ADVANCEMENT OF MEXICAN AMERICANS, SAN ANTONIO AIR MATERIEL AREA KELLY AFB

CLASS ACT

	1966	1969	1972	Net increase
GS grade:				
12	38	78	121	+83
13	9	17	23	+14
14	2	5	8	+6
15	0	0	1	+1
16	0	1	1	+1
Total	49	101	154	+105

WAGE GRADE

	1969	1972	Net increase
WS grade:			
10	35	58	+23
11	26	30	+4
12	17	19	+2
13	9	8	−1
14	3	4	+1
15	1	3	+2
16	2	2	
Total	93	124	+31

Note: Total WS, 446 (41 percent of total).

[From the San Antonio Express/News, Apr. 1, 1972]

GENERAL REDDELL OF KELLY WILL RETIRE

Maj. Gen. W. H. Reddell, commander of the San Antonio Air Materiel Area at Kelly AFB, will retire from active duty Aug. 1, Gen. Jack G. Merrell, commander of the Air Force Logistics Command, announced Friday at Wright-Patterson AFB, Ohio.

The retirement will culminate 31 years of service for the 53-year-old general and ends with an assignment he says has been "one of the most interesting and rewarding of my career."

Gen. Reddell assumed command of the giant logistics center at Kelly on April 1, 1969 and for the past three years has managed an Air Force business and industrial complex with worldwide impact and a budget in excess of two billion dollars a year.

Under his leadership, Kelly AFB has started an industrial plant modernization program which was highlighted last year when construction was begun on a $17 million jet engine overhaul facility. When completed, the building will be one of the most modern in the nation and the only facility in the USAF designed specifically for jet engine overhaul.

Gen. Reddell says, however, the most interesting and enjoyable part of his tenure as SAAMA commander has been his association with the Kelly work force . . . which he calls the "finest in the country."

He has placed major emphasis on solving "people problems" and has been recognized throughout the Air Force for his work in equal employment opportunity. Even though General Reddell emphasizes that "much remains to be done," in 1971 he was given a national award for "managing the best EEO program in the USAF."

A great deal of Gen. Reddell's management effort at Kelly has been directed toward system support responsibilities for the more than 4,500 aircraft—of 19 different types—he manages for the U.S. Air Force on a worldwide basis.

He has been active in the San Antonio community, serving on the board of directors of the Greater San Antonio Chamber of Commerce and in 1971 led the area Combined Federal Campaign to its most successful year in history, with almost $1.6 million collected for local and national charities.

Both Gen. Reddell and his wife, the former Harriett Jarrett, are native Texans and plan to make San Antonio their home after his retirement.

KEEP A WINNING TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. Wyman) is recognized for 10 minutes.

Mr. WYMAN. Mr. Speaker, it is unfortunate that the Senator from New York (Mr. Javits) is apparently attempting to create a dump-Agnew movement within the Republican party. It has always been my belief that our party's presidential nominee, especially when he is the incumbent President by historical precedent and prerogative is responsible for the choice of his running mate. Until today, I was not aware that the President had delegated this responsibility to Members of Congress.

Speaking for myself and the vast majority of my colleagues here in Congress, I was quite content that the President should make his own decision. But since the Senator from New York has determined to make this attack on Vice President Agnew, I would be remiss if I did not comment in support of a strong Vice President who has repeatedly defended our President and our party against unfair attacks.

The President himself has made the best possible rebuttal to any dump-Agnew movement. In his June 29 press conference he repeated confidence in the Vice President he had expressed in a January interview. He said and I quote:

> Mr. Agnew has conducted himself . . . with great dignity, with great courage, some controversy—which is inevitable when you have courage—and that under the circumstances, since he was a member of a winning team, I did not believe breaking up a winning team was a good idea. That was my view then and that is my view now.

Spiro Agnew has had a more substantiative policy role than any other Vice President in this country's history. He has contributed significantly to a revitalization of our federal system by his interest in State and local governments, and his concern to better the relationships between those authorities and the National Government. He has had a major impact on our space program and on our programs to help the needy and the disadvantaged. At a time when officials at all levels are being attacked for unresponsiveness, he has continually demonstrated his willingness to meet and exchange views with individuals and groups all across the political spectrum. He has not been afraid to examine critically some of the most powerful vested interests in our Nation—the press and the electronic media, as well as our universities. Throughout, he has demonstrated that he is a man of high principle and great moral stature.

The President knows well the pressures that can be brought to bear on a forthright and outspoken Vice President. He knows of the efforts some men will make to try to create disharmony between an incumbent President and his Vice President. He knows what it is like to be the subject of a political ambush. He also knows that Senator Javits himself would not be willing to assume the role of the Harold Stassen of 1972.

Perhaps one of the reasons for the Senator from New York's action is his belief that the Vice President will hurt the President's chances for reelection this November. I believe this view to be totally incorrect, and I think the Senator must realize he has no reliable information to support it. He would do well to examine the results of this year's New Hampshire Presidential Primary in which the Vice President received over 47,000 write-in votes, more than either Edmund Muskie or George McGovern received for President in their party's primary. His write-in total was higher than any other candidate for President or Vice President has ever received in the history of our State.

For these and other reasons, I am confident that the President will make a fair and honest choice before the August convention. And I daresay that the Senator from New York will be shown to be out of touch with the sentiments of a great majority of the members of his party who like and respect our distinguished and capable Vice President and earnestly want him to continue in that high office.

EDITORIAL ENDORSEMENTS FOR CASEY GUN CONTROL LEGISLATION

(Mr. ROBERTS asked and was given permision to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, as the clamor for gun control arises with each tragic event resulting from the misuse of firearms, we in the Congress must listen to these demands and take reasonable and positive action.

I have carefully considered the terrible events which have led to this public demand for gun control and balanced it with the very careful and intelligent use of guns by sportsmen. I feel that I have found a responsible, intelligent, and workable answer to this problem which I wish to share with you today.

Our distinguished colleague (Bob Casey) is an old friend—one whom I have admired and respected as a fellow Member and as a personal friend throughout the many years we have served together in this House.

He is an avid sportsman and a compassionate human being who is shocked and saddened by violence. He loves the hunt, but finds intolerable the use of firearms for any other purpose.

I have recently read in the Houston media some very enthusiastic endorsements of a gun control measure proposed by Mr. Casey—H.R. 1252. Our distinguished colleague, as you know, represents the Houston area.

I would like to share with you three of these endorsements, two written by radio stations with vast audiences on the gulf coast and one written by the Houston Chronicle, one of the most distinguished and widely read newspapers in Texas and the Nation.

The first from radio station KXYZ, It speaks for itself:

Eliminate the Saturday Night Special—Wallace Shooting Spurs Gun Control Debate in Texas

The recent attempt to assassinate Alabama Governor George Wallace has renewed the great American debate on gun control. And as usual, both sides are shouting at each other. And nobody seems to be listening.

It seems to us that there are a couple of things that could be done to eliminate the widespread availability of handguns in America. And that these two steps would have no effect at all on the legitimate firearms owner.

First we'd like to see Congress pass a bill proposed by Congressman Bob Casey of Houston. Under the Casey bill, anyone convicted of using a firearm while committing a crime would face a stiff, mandatory prison term. We have little sympathy for criminals . . . and none at all for someone who would commit a crime with a firearm.

Second, we want to get rid of the Saturday Night Special. The Saturday Night Special is a cheap handgun which the 1968 Gun Control Act was supposed to eliminate. But it didn't. And the loophole needs to be closed.

The Saturday Night Special is involved in far too many crimes. And Houston has more than its share . . . 301 homicides alone during 1971. We think mandatory jail terms and the elimination of the cheap handgun will do a lot to reduce that total.

The second editorial is from radio station KAUM, and I feel that it expresses the feelings of concerned Americans toward this problem:

Editorial No. 2

Get Rid of Saturday Night Specials—Mandatory Sentence Needed To Stop Use of Firearms in Crimes

There was an all-time record of 301 homicides in Houston during 1971. Of that number, 168 involved handguns. But that statistic is not very surprising. Handguns are involved in roughly half the murders in the United States as well as in countless other crimes . . . including the recent assassination attempt on the life of Alabama Governor George Wallace.

We think a lot can be done to put a halt to these handgun crimes at a minimum of inconvenience to the legitimate firearms owner.

First, we'd like to see Congress pass a bill proposed by U.S. Representative Bob Casey of Houston. Under Casey's proposal, a person convicted of using a firearm while committing a crime would face a stiff, *mandatory* prison term.

Second, we'd like to close the loophole in the 1968 Gun Control Act, which permits the continued production and sale of cheap handguns commonly known as Saturday Night Specials. We can see no reason why a serious gun owner would have any use for one of these pistols.

Finally, we think the Texas Legislature should seriously consider licensing handguns . . . although the chances for the passage of such a law probably are slim.

Gun control is an emotional issue in Texas. And as a result, serious proposals for curtailing the easy access to handguns are met with a torrent of slogans and doomsday predictions.

Somehow the State of Texas manages to license automobile drivers . . . weeding out many who are unqualified . . . and making the highways of the State safer for all of us. We see no reason why the same can't be done with handguns.

This last editorial is from the Houston Chronicle and provides a very good summary of the measure proposed by my distinguished colleague from Texas:

Gun Law Changes Are Needed

The attempted assassination of Gov. George Wallace by a man wielding a .38 caliber handgun has brought renewed calls from the public and Members of Congress for much stronger gun laws.

While some of the comments reflect overreaction to such violence, many good suggestions are being made, among them that of Mayor Richard J. Daley of Chicago, who said there should be control or abolition of handguns.

The Chronicle believes that while Mayor Daley's suggestion has many good points, a bill that Democratic Rep. Bob Casey of Houston has had in the U.S. House of Representatives several years offers a realistic approach to the problem.

Rep. Casey's bill, now pending before the House Judiciary Committee, would provide stiff, mandatory sentences for persons convicted of using firearms in the commission of murder, rape, robbery, burglary, assault or kidnaping. On first offense, the sentence would be at least 10 years and on subsequent offenses at least 25 years. This could not be probated and would be in addition to punishment for the crime itself.

The bill places emphasis on controlling the use of handguns and could be a strong deterrent to those contemplating the purchase of a gun with which to commit a crme.

The Gun Control Act of 1968 obviously did not go far enough in restricting the availability of cheap handguns or discouraging their use in acts of violence in the United States. Congress should remedy that situation speedily.

The Casey measure is now pending before the House Judiciary Committee, where some hearings have been held. It provides for stiff, mandatory sentences for those convicted of using firearms in the commission of murder, rape, robbery, burglary, assault, or kidnapping. The first offense would draw a mandatory 10-year sentence for use of the firearm—and that is in addition to the sentence given out for the crime itself. After the first offense, the mandatory sentence is 25 years. These sentences could not be probated, nor could they run concurrently with any other sentence.

I, for one, feel that this measure is the most reasonable, workable and desirable gun control tool I have read of, and I would hope that the House Judiciary Committee will give it the attention it deserves.

I commend Bob Casey for the intelligence and understanding of the problem as evidenced by this measure.

CATCH THE FALLING FLAG

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, recently, in my home community, the congregation of the DeWitt Community Church was rewarded with a truly stimulating, provocative sermon, "Catch the Falling Flag," which was delivered by the pastor, Rev. Dr. Alexander Carmichel, on the occasion of the recent Fourth of July holiday.

Although I was not present for its delivery, I was able to enjoy reading part of it in the Syracuse Post Standard. An article authored by its religious writer, Ramona B. Bowden. I commend Mrs. Bowden's article to my colleagues as I believe all will greatly enjoy Dr. Carmichel's message:

Pastor Notes Holiday, Stresses Public, Private Courage

(By Ramona B. Bowden)

Summer services began yesterday in the DeWitt Community Church in which informal simplicity, reverence and brevity were emphasized. The pastor, the Rev. Dr. Alexander Carmichel, titled his sermon, "Catch the Falling Flag," relating it to our national holiday.

"I admit I think patriotism is not only exciting, but important, and is neither old-fashioned nor old hat. People are hanging so many crepes on the ideal of democracy that we who live in it must rethink our ideals and refresh our souls in its potentials," said Dr. Carmichel.

"What does it take to do this? First, courage, both private and public. We need public courage these days. In this era of rapid change, we have to stand up for beliefs, opportunities and for the reshuffling of national priorities that in years gone by we would have considered socialistic," said the minister.

"We must have the courage to answer the disease of war, for we are never going to solve problems with bombs. War is a disease and a disgrace on the face of God's earth, and we must overcome it," he said.

"We are tied too closely together any longer to live by war. There was a time when we thought we could eliminate the communists by shooting them. That was a juvenile idea. Today we must promote the brotherhood of man, and unless we can strengthen the priority of courage to do this, we have no hope," declared Dr. Carmichel.

"We must work out the matter of taxes—not so much on their amount, but on their allotment, and with renewed courage we must face this.

"We need a renewed sense of private courage—i.e., character. Freedom is built on the steel girders of mutual trust and personal integrity. A nation is only as strong as the integrity of its individuals. 'Catch a Falling Flag' with your courage," stressed Dr. Carmichel.

"Secondly, we must grasp again the depth of the word 'sacrifice.' They key to freedom is personal involvement. The democracy that is all promises but makes no demands is headed for destruction. No democracy is weak as long as each man does all he can," he said as he noted that Jesus taught this ideal when He said, "Ye are the salt of the earth, but if the salt hath lost its savor . . ." a dictator moves in.

"If you would 'Catch the Falling Flag,' get over the tendency of placing techniques above inspiration. It may be that our cleverness in discovering new techniques, and our lack of interest in inspiration, have caught up with us. Techniques alone will never save us. Our heritage is rooted in the spiritual well-being of mankind. Our technical skills have tended to make us self-sufficient, forcing us to center our beliefs in superhuman ability. We have become so polarized in our thinking that those who disagree are pushed away from us," he said.

"Said one of the astronauts, 'Nothing is needed more than a mighty spiritual offensive which will restore to the spiritual its original primacy.' God is the absolute spirit, reason, love and good. These things must come first; everything else is secondary. 'I will lift up mine eyes unto the hills. Whence cometh my strength?' It cometh from the Lord . . ." said the minister.

"It is inspiration we need today for the ideal democracy, not just techniques. 'No by might, nor by power, but by My Spirit,' and herein we find the depth of life," Dr. Carmichel stated, adding, "God still speaks and spurs us in our might, that we may set forth for justice, truth and right . . .

"Help us keep the flag from falling by your courage, by the depth of your responsibility, by the vibrancy of your faith.

"This is our national hour, and our nation is alive as long as our souls are rooted in His faith," he said.

Dr. Carmichel not only celebrated the national day, but noted his new role—he has just become a grandfather.

THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

(Mr. SCOTT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SCOTT. Mr. Speaker, 50 years ago this July 26, the Order of Ahepa, the American Hellenic Educational Progressive Association, was founded in Atlanta and dedicated to the improvement of our social, moral, and family life.

During its fruitful existence, this nonpartisan, nonsectarian, group has established chapters in 49 States. It has promoted loyalty to the United States, fostered appreciation of the privileges of citizenship, and urged its members to champion the cause of education. Its members are encouraged to participate in the political, civic, social, and commercial fields of endeavor, and they are pledged to do their utmost to stamp out all political corruption.

AHEPA's contributions to worthy causes is a long and diverse one. It includes relief for victims of floods, earthquakes, and other natural disasters. Funds have been supplied for school scholarships, museums, and monuments. Still other grants have aided medical research.

We were pleased to note, Mr. Speaker, that the Order of Ahepa has nine chapters in Virginia—Newport News, Fredericksburg, Alexandria, Williamsburg, Arlington, Richmond, Norfolk, Roanoke, and Hopewell—and several national officers reside in our State.

I would like to add my congratulations to the Order of Ahepa on its 50th anniversary, and commend them for their continuing contribution to help make America a better place for all.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WIDNALL (at the request of Mr. GERALD R. FORD), for today, on account of oral surgery.

Mr. COUGHLIN (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. SEIBERLING (at the request of Mr. O'NEILL), for Monday, July 17 and Tuesday, July 18, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. VANIK, for 1 hour, on July 19 and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. CARLSON) and to revise and extend their remarks and include extraneous matter:)

Mrs. HECKLER of Massachusetts, for 15 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. WIGGINS, for 5 minutes, today.

Mr. WYMAN, for 10 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 5 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. WAGGONNER, for 60 minutes, on July 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HOLIFIELD, and to include extraneous material.

Mr. DINGELL, and to include extraneous material, notwithstanding an estimated cost of $1,530.

Mr. WILLIAM D. FORD to revise and extend his remarks and include extraneous matter notwithstanding an estimated cost of $935 in his 1-minute speech today.

(The following Members (at the request of Mr. CARLSON) and to include extraneous matter:)

Mr. SCHWENGEL.

Mr. DUNCAN.

Mrs. HECKLER of Massachusetts in three instances.

Mr. STEELE in three instances.

Mr. DERWINSKI in two instances.

Mr. SMITH of California.

Mr. GERALD R. FORD.

Mr. WHITEHURST.

Mr. HILLIS.

Mr NELSEN in two instances.

Mr. WYMAN in two instances.

Mr. SMITH of New York.

Mr. SCHMITZ in 10 instances.

Mr. DEL CLAWSON.

Mr. MINSHALL in two instances.

Mr. FISH in two instances.

Mr. WHALEN.

Mr. ESCH

Mr. BROTZMAN.

Mr. WINN.

Mr. KEATING

Mr. SPRINGER.

Mr. BROYHILL of Virginia.

Mr. HORTON.

Mr. COLLINS of Texas in three instances.

Mr. CHAMBERLAIN.

Mr. HEINZ.

Mr. RUPPE.

Mr. BROYHILL of North Carolina.

Mr. STEIGER of Wisconsin.

(The following Members (at the request of Mr. MAZZOLI) and to revise and extend their remarks:)

Mr. STOKES.

Mr. DINGELL.

Mr. ASPIN in 10 instances.

Mr. LONG of Maryland in two instances.

Mrs. GRASSO in 10 instances.

Mr. HAMILTON in 10 instances.

Mr. OBEY in four instances.

Mrs. SULLIVAN in two instances.

Mr. HENDERSON in two instances.

Mr. GRIFFIN in two instances.

Mr. EDWARDS of California.

Mr. DULSKI in five instances.

Mr. ASHLEY.

Mr. BRINKLEY.

Mr. COLMER.

Mr. ROY in three instances.

Mr. ROONEY of New York in two instances.

Mr. BYRON in 10 instances.

Mr. RARICK in six instances.

Mr. GONZALEZ in three instances.

Mr. ROGERS in five instances.

Mr. PUCINSKI in 10 instances.

Mr. CELLER.

Mrs. HICKS of Massachusetts.

Mr. GAYDOS in six instances.

Mr. DONOHUE.

Mr. HUNGATE in two instances.

Mr. ANNUNZIO in three instances.

Mr. DANIEL of Virginia in two instances.

Mr. TIERNAN.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4494. An act for the relief of Mrs. Latife Hassan Mahmoud; and

H.R. 15869. An act to extend for 90 days the time for commencing actions on behalf of an Indian tribe, band, or group.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 764. An act to authorize the disposal of lead from the national stockpile and the supplemental stockpile;

S. 1139. An act to amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under 21 years of age to obtain insurance coverage under such act;

S. 1545. An act to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain; and

S. 3086. An act to authorize the disposal of nickel from the national stockpile.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 19, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2170. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 72-17 concerning the extension of foreign military sales credit to Malaysia; to the Committee on Foreign Affairs.

2171. A letter from the Assistant Secretary of the Interior, transmitting 56 projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms under section 200(a) of the Water Resources Research Act of 1964, pursuant to section 200(b) of the act; to the Committee on Interior and Insular Affairs.

2172. A letter from the Attorney General, transmitting a draft of proposed legislation to provide for the dissemination and use of criminal record information, and for other purposes; to the Committee on the Judiciary.

2173. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend certain provisions of chapters 51 and 69 of the Internal Revenue Code of 1954 by modifying the forms of stamps required on containers of distilled spirits as evidence of taxpayment and the requirement that such stamps be prepared and distributed by the Secretary of the Treasury or his delegate; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2174. A letter from the Comptroller General of the United States, transmitting a report on the acquisition of major weapon systems by the Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 1553. A bill to establish the Fossil Butte National Monument in the State of Wyoming, and for other purpose; with amendments (Rept. No. 92-1219). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and

Insular Affairs. H.R. 6618. A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes; with an amendment (Rept. No. 92-1220). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11128. A bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes; with amendments (Rept. No. 92-1221). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 9594. A bill to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes; with amendments (Rept. No. 92-1222). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 1041. A resolution providing for the consideration of H.R. 15580. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes (Rept. No. 92-1223). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 1042. A resolution providing for the consideration of H.R. 15641. A bill to authorize certain construction at military installations, and for other purposes (Rept. No. 92-1224). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 15906. A bill to amend the National School Lunch Act to provide for a universal school lunch pilot program, and for other purposes; to the Committee on Education and Labor.

H.R. 15907. A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical services systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 15908. A bill to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONABLE:

H.R. 15909. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 15910. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendments of 1970; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 15911. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HALEY:

H.R. 15912. A bill to amend the Communications Act of 1934 to provide that renewal licenses for the operation of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWKINS:

H.R. 15913. A bill to amend the Education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 15914. A bill to amend the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. HUTCHINSON:

H.R. 15915. A bill to amend title 38 of the United States Code to provide that certain social security benefit increases provided for by Public Law 92-336 be disregarded for the purposes of determining eligibility for pension or compensation under such title; to the Committee on Veterans Affairs.

By Mr. KARTH:

H.R. 15916. A bill to amend title 18 to penalize the use of firearms in all crimes and to forbid plea bargaining in connection with such crimes; to the Committee on the Judiciary.

H.R. 15917. A bill to amend the Internal Revenue Code of 1954, and for other purposes; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 15918. A bill to provide additional relief to the victims of hurricane and tropical storm Agnes, and to the victims of the South Dakota flood disaster, and for other purposes; to the Committee on Banking and Currency.

By Mr. QUILLEN:

H.R. 15919. A bill to amend the Railroad Retirement Act of 1937 to provide a 20-percent increase in all annuities and pensions thereunder; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE:

H.R. 15920. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research; to the Committee on Agriculture.

By Mr. SLACK:

H.R. 15921. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 15922. A bill to amend the Railroad Retirement Act of 1937 to simplify administration of the act; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT:

H.R. 15923. A bill to provide for payments to compensate county governments for the tax immunity of Federal lands within their boundaries; to the Committee on Interior and Insular Affairs.

H.R. 15924. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN (for himself and Mr. Andrews of North Dakota):

H.R. 15925. A bill to amend the Internal Revenue Code of 1954 to allow Federal income tax returns to be inspected by a common tax auditing agent utilized by the States; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 15926. A bill to amend title 38 of the United States Code to exclude, in the case of persons needing regular aid and attendance or permanently housebound, all payments under public or private retirement, annuity, endowment, or similar plans from computation of annual income for pension purposes; to the Committee on Veterans' Affairs.

By Mr. STAGGERS:

H.R. 15927. A bill to amend the Railroad Retirement Act of 1937 to provide a temporary 20 percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15928. A bill to amend the Automobile Information Disclosure Act to extend and clarify the applicability of its terms; to the Committee on Interstate and Foreign Commerce.

By Mr. WIGGINS (for himself, Mr. Poff, Mr. McClory, Mr. McKevitt, and Mr. Hunt):

H.R. 15929. A bil to provide for the dissemination and use of criminal record information, and for other purposes; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 15930. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. SCHMITZ:

H.J. Res. 1260. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty in certain cases; to the Committee on the Judiciary.

By Mr. PELLY:

H. Con. Res. 645. Concurrent resolution to terminate the authority granted the head of any department or agency by the act of December 27, 1950 (64 Stat. 1120) to waive any provision of section 27 of the Merchant Marine Act of 1920, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. WINN:

H. Res. 1043. Resolution relative to a transnational lunar expedition; to the Committee on Science and Astronautics.

MEMORIALS

Under clause 4 of rule XXII,

411. The SPEAKER presented a memorial of the Legislature of the State of Illinois, withdrawing its memorial of 1967 which requested the Congress to call a convention for the purpose of considering an amendment to the Constitution of the United States concerning the apportionment of State legislatures, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER:

H.R. 15931. A bill for the relief of Romano Danilo Zahar; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 15932. A bill for the relief of Jessie

Marie Francoise Bonaney; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 15933. A bill for the relief of K. Heinz Moehring and his wife, Ilse Maria; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 15934. A bill to authorize the Secretary of the Army, or his designee, to convey a parcel of land at the Fort Bliss Military Reservation in exchange for another parcel of land; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII,

260. The SPEAKER presented a petition of Howard A. Logan and Warren W. Barnes, Wallkill, N.Y., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, July 18, 1972*

The Senate met at 10 a.m. and was called to order by Hon. HERMAN E. TALMADGE, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, once more we pause to acknowledge that every good and every perfect gift comes from Thee. We are grateful for this Nation, its rich heritage, its enduring institutions, its government, its public servants, its freedom of worship, assembly, and speech. As our fathers put their trust in Thee and were not confounded, so we commit our lives and our destiny to Thy keeping. Shed Thy clear light upon our daily toil that we may grasp the truth that sets us free to know and to do Thy will.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 18, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HERMAN E. TALMADGE, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. TALMADGE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 17, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar beginning with No. 907 and proceeding through Calendar No. 915, and then to consider Calendar No. 919.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GREAT DISMAL SWAMP AND DISMAL SWAMP CANAL

The Senate proceeded to consider the bill (S. 2441) to authorize the Secretary of the Interior to conduct a study, to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and Dismal Swamp Canal, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 4, after the word "the", strike out "best and most feasible means" and insert "feasibility and desirability"; in line 7, after the word "Virginia.", insert "The Secretary shall consult with other interested Federal agencies, and the State and local bodies and officials involved, and shall coordinate the study with applicable outdoor recreation plans, highway plans, and other planning activities relating to the region."; on page 2, line 4, after the word "the", where it appears the second time, strike out "best and most feasible means" and insert "desirability and feasibility"; in line 10, after the word "purposes", strike out "and (2) the highest and best use of the resources involved." and insert "(2) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and (3) the type of Federal, State, or local program, if any, that is feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values set forth in (1) including alternative means of achieving these values, together with a comparison of the costs and effectiveness of these alternative means."; on page 2, line 23, after the word "than", strike out "one year" and insert "two years"; and, on page 3, line 3, after the word "appropriated", strike out "such sum as may be necessary to carry out the provisions of this Act" and insert "not to exceed $50,000 to carry out the provisions of this Act"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to conduct an investigation and study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal, in the States of North Carolina and Virginia. The Secretary shall consult with other interested Federal agencies, and the State and local bodies and officials involved, and shall coordinate the study with applicable outdoor recreation plans, highway plans, and other planning activities relating to the region. Such investigation and study shall be carried out for the purposes of determining (1) the desirability and feasibility of protecting and preserving the ecological, scenic, recreational, historical, and other resource values of the Great Dismal Swamp and the Dismal Swamp Canal, with particular emphasis on the development of the Dismal Swamp Canal for recreational boating purposes, (2) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and (3) the type of Federal, State, or local program, if any, that is feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values set forth in (1) including alternative means of achieving these values, together with a comparison of the costs and effectiveness of these alternative means.

SEC. 2. Upon the completion of the investigation and study authorized by this Act, but in no event later than two years following the date of the enactment of this Act, the Secretary of the Interior shall report to the Congress the results of such investigation and study, together with his recommendations with respect thereto.

SEC. 3. There is authorized to be appropriated not to exceed $50,000 to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–948), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 2441 would authorize the Secretary of the Interior to conduct a study of the Great Dismal Swamp and the Dismal Swamp Canal in the States of Virginia and North Carolina to determine the feasibility and desirability of protecting and preserving this area.

HISTORY

The names involved in the history of Dismal Swamp read like a roster of the great names from Colonial times: William Byrd, George Washington, Patrick Henry, Thomas Nelson and Col. Fielding Lewis; all played a part in the development of its resources. Harriet Beecher Stowe, Henry Wadsworth Longfellow and Sir Thomas Moore were moved, in their time, to write of this unusual area.

In 1728 William Byrd, while surveying the boundary between North Carolina and Virginia, wrote of the swamp in his diary, of its vastness and luxuriance of its vegetation. He saw it as a source of farmland and unlimited timber resources. He suggested the construction of a canal through the swamp connecting the Elizabeth River at Norfolk with North Carolina's Albemarle Sound. Thirty-seven years later, George Washington organized the first company to build a canal and exploit the rich timber resources. The canal that bears his name is still in existence, extending from the western edge of the swamp to Lake Drummond.

Not until 1794 with Gov. Patrick Henry as one of its promoters was an effort made to build a waterway as suggested by William Byrd. After many difficulties the 22-mile canal was completed and opened to traffic. It was another 36 years before the canal was widened, deepened and finally ready for regular river traffic.

Between 1830 and 1859 the canal enjoyed its period of greatest activity with thousands of vessels plying its waters. Shingles, timber, barrels of corn, tar, pitch, oil, fish, flaxseed, lard and beeswax made up much of the commercial cargo, while passenger boats brought tourists to view the strange, unusual wilderness.

The construction of the Albermarle-Chesapeake Canal in 1859 from Great Bridge to Currituck Sound created a shorter route to North Carolina and caused a decline to traffic through the original canal.

Eventually both canals were purchased by the Federal Government for operation by the U.S. Corps of Engineers. Now they constitute valuable elements of the Intracoastal Waterway, affording convenience, safety and countless hours of pleasure to yachtsmen and small craft owners from all over the Nation.

The harvesting of timber has, since Washington's time, been the greatest commercial use of the swamp. In the early 1900's many miles of narrow gage railroad were built throughout the area. Until recent times a very substantial industry existed on the edge of the swamp producing lumber and cedar shingles in great quantity.

COMMITTEE AMENDMENTS

The committee adopted the amendments recommended by the Interior Department in its report on S. 2441. By the substitution of the words "feasibility and desirability" on pages 1 and 2, and in the title of the bill, the committee wishes to make clear the intent that an objective evaluation of the area will be made in the study before any decision is reached as to whether or not the area should be preserved. The purpose of the study is to determine if indeed such a decision to preserve the area is in the public interest.

The committee also limited the appropriation authorized to carry out this study to $50,000

COMMITTEE RECOMMENDATIONS

The Subcommittee on Parks and Recreation held open hearings on S. 2441 on May 9, 1972, and the Committee on Interior and Insular Affairs in executive session on June 28 unanimously recommended enactment of the bill.

ALBERT W. REISER, JR.

The bill (H.R. 3751) for the relief of Albert W. Reiser, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–951), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Albert W. Reiser, Jr., of Lima, Ohio, the sum of $1,458.80 in full settlement of all his claims against the United States for reimbursement of expenses arising in connection with the sale of his Oakwood, Ohio, residence and purchase of a residence in Lima, Ohio, pursuant to his 1968 transfer of official station as an employee of the Department of Labor.

STATEMENT

The Department of Labor in its report to the House Judiciary Committee states its supports the legislation.

Mr. Albert W. Reiser was transferred by the Labor Department from Defiance, Ohio, to Lima, Ohio. Mr. Reiser reported for duty at his new official duty station on June 21, 1968. He sold the residence which he had maintained while on duty from the Department at Defiance, Ohio, with final settlement date of July 3, 1969, and the settlement on purchase of his new residence was July 11, 1969. Prior to June 21, 1969, Mr. Reiser inquired of appropriate Department of Labor officials as to whether he could defer final settlement beyond 1 year and still remain eligible for reimbursement of certain costs incurred in the move. He was informed by two Labor Department officials that he could take up to 2 years to close the transaction while remaining eligible for reimbursement of closing costs and realtor expenses.

Included in documents submitted to the House Judiciary Committee is a memorandum from a Labor Department official which confirms the fact that at the time of the move, the Chicago regional office had advised him that Mr. Reiser had 2 years to move without any mention of a 1-year period applicable to the sale of real estate as a prerequisite to reimbursement for expenses. The official further stated that he relayed this information to Mr. Reiser, including the fact that allowable expenses would be reimbursed if a move was completed in 2 years. In an affidavit filed with the House committee, Mr. Reiser stated that he had been given erroneous information and that this information was restated by the Chicago regional office as the result of a second inquiry.

In its report to the House committee, the Department advised that committee that it favored relief and stated:

"Mr. Reiser's failure to meet the 1-year limit for settlement on the sale and purchase of real estate—which made him ineligible for reimbursement—was caused by his agreement to postpone the closing date approximately 1 month for the convenience of the buyer, relying on erroneous information Mr. Reiser could have met the deadline for settlement if he had known that applicable regulations required him to do so. Accordingly, we support the proposed legislation."

The committee agrees with the conclusions of the House Judiciary Committee that this is an appropriate case for legislative relief and recommends that the bill be considered favorable.

CPL. MICHAEL T. KENT, U.S. MARINE CORPS RESERVE

The bill (H.R. 6739) for the relief of Cpl. Michael T. Kent, U.S. Marine Corps Reserve, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–952), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Cpl. Michael T. Kent, U.S. Marine Corps Reserve, of liability to the United States in the amount of $351.15 representing overpayment of active duty pay and allowance for the period beginning on April 4, 1969, and ending April 3, 1970, which was paid to him as a result of an administrative error.

STATEMENT

The facts of this case, as contained in House Report 92–547, are as follows:

Corporal Kent was released from active duty on April 3, 1970. As is normal when a member is released from active duty, a post-separation audit of his pay and related personnel records was conducted. The initial audit disclosed numerous errors of commission and omission in Corporal Kent's pay account, thereby making it necessary to analyze the account for his entire period of active duty. That analysis revealed that the Marine Corps had paid to or on behalf of Corporal Kent $351.15 more than he earned during his period of active service. The principal factors giving rise to the overpayment were: Payments for periods while Corporal Kent was in an excess leave status; failure to charge to his account a Blue Cross/Blue Shield payment made in his behalf; and a mathematical computation error. The analysis of Corporal Kent's account indicated that his earnings were composed of nine different elements and that these elements were subject to frequent change. For example, Corporal Kent's rate of basic pay, one of the principal elements, changed 14 times during his period of active duty. The "payments made to or on Corporal Kent's behalf" took three forms: (1) cash or check payments direct to him; (2) allotment payments to third parties; and (3) pay record deductions. The complicated nature of the pay-related transactions involving Corporal Kent can best be illustrated by a summary of his earnings and the distribution of those earnings. The Navy report set out the following comptuation:

Earnings:	
Basic pay	$8,199.80
Basic allowance for quarters	2,376.12
Clothing maintenance allowance	227.60
Sea and foreign pay	41.30
Commuted value of rations	915.81
Leave rations	173.48
Advance pay	276.00
Dependents travel allowance	27.42
Unused accrued leave	10.89
Total	12,248.49

Distribution of earnings:	
Cash and check payments	6,050.83
Allotments	4,233.70
Deduction for post exchange items issued during recruit training	35.90
Deductions for Servicemen's Group Life Insurance	98.00
Deductions for excess travel advance	12.94
Deductions from commuted rations during periods of leave, temporary additional duty, and confinement	51.71
Deductions for rent for family quarters	493.85
Deductions for advance pay	276.00
Deductions for Blue Cross/Blue Shield medical plan	90.00
Deductions for pay and allowances not earned because of excess leave	174.16
Federal income tax withheld	714.90
Social security tax withheld	367.65
Total	12,599.64
Payments made to or on Corporal Kent's behalf	12,599.64
Corporal Kent's earnings	12,248.49
Excess of payments over earnings	351.15

As noted by the Navy, it is apparent from the analysis that a relatively inexperienced enlisted member such as Corporal Kent (or even an experienced member, for that matter) could easily have been over paid $351.15 over the course of 4 years of active duty without being aware of the fact of overpayment.

In indicating it had no objection to the bill, the Navy stated:

"The circumstances of his case in no way indicate a lack of good faith on Corporal Kent's part. Therefore, the Department of the Navy considers that collection of the debt arising from the overpayment would be against equity and good conscience."

In view of the position of the Navy Department and the circumstances of this case, the committee recommends that the bill be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends that the bill be favorably considered.

FISHERMEN'S PROTECTIVE ACT OF 1967

The bill (S. 3545) to amend section 7 of the Fishermen's Protective Act of 1967, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)), is amended to read as follows:

"(e) The provisions of this section shall be effective until July 1, 1977.".

SEC. 2. Clause (1) of subsection (f) of section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977 (f) (1)), is amended to read as follows:

"(1) the term 'Secretary' means the Secretary of Commerce.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-950), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would amend section 7 of the Fishermen's Protective Act of 1967 to extend the effective date of the provisions of this section until July 1, 1977, and to transfer the administration of the program authorized by the act from the Secretary of the Interior to the Secretary of Commerce pursuant to the provisions of Reorganization Plan No. 4 of 1970. It was introduced at the request of the Department of Commerce (see Executive Communication No. 237 accompanying this report).

BACKGROUND AND NEED

Section 7 was added to the Fishermen's Protective Act on August 12, 1968 (Public Law 90-482). Its purpose was to empower the Secretary of the Interior (now, by virtue of Reorganization Plan No. 4 of 1970, the Secretary of Commerce) to enter into agreements with fishing vessel owners to guarantee payment to such owners of certain actual costs which resulted from the seizure and detention of a fishing vessel, including such things as damage, destruction, loss, or confiscation of the vessel, fishing gear or other equipment, dockage and utility fees, payment to the owners and crew of the market value of fish confiscated or spoiled during the detention of the vessel, and payment to owners and crew of up to 50 percent of the estimated gross income as the result of the seizure or detention. Certain administrative procedures were also included to allow the Secretary to carry out the program. It established a Fishermen's Protective Fund, as a separate account in the Treasury, until February 8, 1973, to provide for reimbursement of losses and costs.

Section 3545 would amend clause (1) of subsection (f) section 7 to change the designation of the "Secretary" from the Secretary of the Interior to the Secretary of Commerce. As indicated above, this change reflects the change of responsibility brought about by Reorganization Plan No. 4 of 1970.

The bill would also extend the effective date of this provision for a period which will expire July 1, 1977.

GENERAL STATEMENT

As indicated above, section 7 authorizes a program for the reimbursement of certain losses (other than fines, license fees, registration fees, and other direct costs which are reimbursable through the Secretary of State under section 3 of the act) incurred as a result of the seizure of a U.S. commercial fishing vessel by a foreign country on the basis of rights or claims in territorial waters or on the high seas which are not recognized by the United States. Section 7 provided that any owner of a U.S. commercial fishing vessel, upon application, may enter into an agreement for such coverage with the Secretary of the Interior (now, by virtue of Reorganization Plan No. 4 of 1970 (84 Stat. 2090), the Secretary of Commerce).

Since its inception on February 9, 1969, the program has met with considerable enthusiasm and interest by the U.S. commercial fishing industry. Guarantee agreements numbering 45 were effected for fiscal year 1969, 66 for fiscal year 1970, 214 for fiscal year 1971, and 213 as of June 15, 1972, for fiscal year 1972. Of the 213 agreements for fiscal year 1972, 103 are for tuna vessels and 110 are for shrimp vessels.

Seventy vessel seizures have been reported since the program began. Of these, three have not yet been confirmed, and three were not covered by guarantee agreements. Claims with respect to all seizures since the program began are estimated at about $640,000.

The 4-year program under section 7 of the act was designed to provide assistance to U.S. fishermen while negotiations were continuing with foreign countries to resolve the problem of fisheries jurisdiction. Viewed as a temporary measure, it does not undermine the principle that denies public compensation for private claims against foreign governments. Moreover, it provides a substantial measure of relief to the American fishing industry without incentive for abuse and serves to support the position of the Government in developing our fishing industry.

When the original bill was under consideration, it was hoped that the United States would be able to enter into negotiations which would obviate the need for an extension of the program. Unfortunately, this has not been the case, but the United States is still striving toward this goal. In the meantime, additional countries have asserted claims to a territorial water limit of 200 miles, and the rate of seizures has accelerated greatly. Under these circumstances, the committee recommends that the provisions of section 7 of the act be extended until July 1, 1977. The committee further recommends that the designation of the "Secretary" in subsection (f) of section 7 be changed from the Secretary of the Interior to the Secretary of Commerce to reflect the change of responsibility brought about by Reorganization Plan No. 4 of 1970.

COST ESTIMATE

Pursuant to section 252 of the legislative Reorganiation Act of 1970, the committee estimates that the cost of this act will be approximately $105,000 per fiscal year. This estimate is based, on the total amount of claims made during the first years of the program. The committee knows of no cost estimates by any Federal agency which are at variance with its estimate.

PRIORITY FOR INVENTORS' CERTIFICATES

The bill (H.R. 5237) to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-954), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This measure implements an international agreement to which the United States is a party. Under it, an application for an inventor's certificate filed in a foreign country in which applicants have the option to apply, at their discretion, either for a patent or for an inventor's certificate, will be treated for priority purposes in this country in the same manner as an application for a patent, if the applicant is entitled to the benefit of the Stockholm revision.

BACKGROUND

The International Convention for the Protection of Industrial Property (the Paris Convention of 1883), to which the United States has been a party since 1887, was revised in Stockholm on July 14, 1967. The Paris Convention had previously been revised at diplomatic conferences at Brussels in 1900, at Washington in 1911, at The Hague in 1925, at London in 1934, and at Lisbon in 1958. The United States has been a party to each of these revisions and on August 25, 1970 became a party to articles 13-30 of the Stockholm Revision. However, articles 1-12 of the Lisbon Articles of 1958 are still currently in force in the United States. Ratification of articles 1-12 of the Stockholm Revision cannot be made until the necessary implementing legislation is passed.

Some 79 States are presently members of various revisions of the Paris Convention, which is open to all States. The two major provisions of the Convention concern "national treatment" and the right of priority. The national treatment provisions require each member country of the Union to accord foreigners the same protection and rights accorded its own nationals in regard to industrial property. A right of priority is explained later.

The revision at Stockholm was made principally for the purpose of effecting a number of reforms in the organization of the Paris Convention. Senate Document, Executive A, 91st Congress, 1st Session, March 12, 1969, explains these reforms. The Stockholm Revision of the Convention was signed in 1967 on behalf of 46 States, including the United States.

Articles 1–12 of the Stockholm Revision deal with substantive patent and trademark matters. The only change effected by the Stockholm Revision in articles 1–12 is a substantive modification providing a right of priority wth respect to inventors' certificates. The right of priority change made by the Stockholm Revision occurs in article 4 and provides for a right of priority for inventors' certificates—the same as has been provided in earlier revisions of the Convention for patents. The proposed amendments to sections 102(d) and 119 of title 35, United States Code, relate only to article 4 of the Convention. The proposed bill is identical to S. 3975 and H.R. 18177, 91st Congress, 2d Session.

Articles 13–17 of the Stockholm Revision deal with the administrative matters, discussed above, for effecting the overall reorganization of the Paris Union. The remaining Articles of the Stockholm Revision, articles 18–30, relate to matters of amendments of the Convention, ratification and so-called "final clauses."

The Paris Conventon, at present, does not require the granting of a right of priority on the basis of an earlier filed application for an inventor's certificate. The Stockholm Revision would provide for such a right on the basis of inventors' certificates filed in member countries, but only if an inventor has the option of applying for and receiving either an inventor's certificate or a patent in such countries. This change is effected through the addition of a new subsection I to article 4 of the Paris Convention, reading:

I. (1) Applications for inventors' certificates filed in a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate shall give rise to the right of priority provided for by this article, under the same conditions and with the same effects as applications for patents.

(2) In a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate, an applicant for an inventor's certificate shall, in accordance with the provisions of this article relating to patent applications, enjoy a right of priority based on an application for a patent, a utility model. or an inventor's certificate.

Articles 1–12 of the Stockholm Revision of the Paris Convention are not self-executing and the proposed legislation is necessary to implement this provision. Article 25 of the Stockholm Revision of the convention assumes as a condition for ratification or accession to articles 1–12 that the state doing so be in a position under its domestice law to give effect to the provisions in these articles.

THE RIGHT OF PRIORITY

Recognition of the need for a right of priority was an instrumental consideration in the establishment of the Paris Convention in 1883, and is one of the most important patent provisions of the Paris Convention. The right of priority is often necessary in order for an inventor to obtain patents in countries other than his home country.

The right of priority enables a party first filing an application for a patent in any of the convention countries to file applications within 1 year in other convention countries and have the later applications treated as if they were filed on the same date as the first application. This right becomes essential when a public disclosure of an invention has been made between the date of the first filing in one country and the dates of subsequent filings in other countries, which might otherwise result in loss of the right to a patent in most convention countries. In addition, a right of priority is important when an application of another inventor is filed in the period between the first and subsequent foreign filings of an inventor entitled to a right of priority.

An inventor taking advantage of the right of priority may have his application antedate in filing date any application filed in this period or any other intervening event. This right for United States patent applications is now granted under the Paris Convention only on the basis of applications for patent, not on the basis of applications for inventors' certificates.

INVENTORS' CERTIFICATES

Industrial property laws in the Soviet Union, Bulgaria and Rumania, and some other Eastern European countries that are Member States of the Paris Convention provide for the granting of either patents or inventors' certificates for new inventions, at the option of the inventor. The laws of these countries generally provide that an inventor or owner of an invention receiving a patent receives a right of the same nature as conferred by patents in other countries, namely the right to exclude others from dealing with the invention.

Inventors' certificates confer entirely different rights than patents, in that they do not convey or recognize any exclusive right to deal with an invention. An application for an inventor's certificate constitutes an offer of the invention to the State and permission for any State establishment or organ to use it. Inventions which are the subject of inventors' certificates belong to the State.

Issuance of an inventor's certificate entitles an inventor both to compensation or a reward and to certain privileges and status. Compensation usually takes the form of a money payment calculated on the basis of the savings or earnings realized by use of the invention on the part of the State. Domestic applicants in the Eastern European countries ordinarily apply for inventors' certificates rather than for patents, since they have no means to exploit patents. Foreign inventors tend to seek patents in these countries, rather than inventors' certificates.

Inventors' certificates are issued in the same technological fields in which patents are issued, with a few exceptions. The requirements for obtaining either a patent or an inventor's certificate are substantially the same. The same papers are filed in either case, the only difference being in their designation. The legal requirements for issuance are the same, with some minor variations. Both patents and inventors' certificates may be obtained by foreigners. The laws of these countries also provide for national treatment for foreigners in obtaining either.

LEGAL CONDITIONS FOR GRANTING A RIGHT OF PRIORITY

In the United States, the right of priority is governed by section 119 of title 35, United States Code. This section of the patent laws provides that an application for patent filed in this country by a person who has previously filed an application for patent for the same invention in a foreign country, which similarly affords a right of priority for United States applications, shall have the same effect as if it were filed in the United States on the date the foreign application was filed.

The present state of the law under section 119 of title 35, United States Code, is commonly understood as precluding inventors' certificates from being considered as the equivalent of patent applications for the purpose of receiving a right of priority. Decisions relating to the nature of a patent hold that the granting of a substantive right to exclude others from dealing in the invention constitutes a patent grant, whether or not such a grant is formally called a patent. Inventors' certificates do not confer a substantive right of this nature and, therefore, do not provide a basis for an award of priority under present law, by the rationale of these decisions.

In light of these decisions, it has been the consistent position of the U.S. delegates and representatives at international conferences and discussions concerning patent matters that our patent laws, as now worded, preclude the obtaining of a right of priority on the basis of inventors' certificates.

NEED FOR THE PROPOSED AMENDMENT

The member states of the Paris Union have felt that there is no reason to treat inventors' certificates in any different manner than patents, for priority purposes. The U.S. Government has supported the inclusion of such a provision in the Paris Convention at various international meetings, including the Stockholm Revision Conference. The recognition of inventors' certificates for the purpose of according priority under article (4) I of the Paris Convention would also be a significant contribution in furthering industrial property relations between the United States and the Eastern European nations.

It should also be noted, in any case, that the present requirements of the U.S. law on the right of priority could easily be met today by any of the countries having a dual system of inventors' certificates and patents. These countries would need only enact a simple change in their industrial property laws, providing for the conversion of a patent application to an application for an inventor's certificate. The Lisbon Revision of the Paris Convention, to which the United States is a party, provides that the filing of a patent application in any convention country establishes a right of priority in all other convention countries, whatever may be the outcome of the original application. This has been the rule in the United States by decisions of the Patent Office and the courts. Thus, if these countries were to change their laws as indicated, their nationals could establish a right of priority for a patent application in the United States by filing an application for a patent in one of their countries and subsequently converting it to an application for an inventor's certificate.

WHAT THE BILL DOES

The bill amends sections 102(d) and 119 of title 35, United States Code. Section 119 presently provides for the award of a right of priority for applications filed in the United States on the basis of foreign applications for patents. A U.S. application, under the provisions of section 119, must be filed within 1 year of the date of filing of the foreign application in order to receive a right of priority, and the foreign application on which priority is based must have been filed in a country which itself accords a right of priority on the basis of earlier filed U.S. applications for patent.

The bill would provide for a right of priority on the basis of applications for inventors' certificates as well as patents, subject to the same requirements for such a right as now apply in the case of priority based on a foreign patent application. The recognition of priority rights on inventors' certificates in the foreign countries concerned is conditioned on the availability to applicants of the option of obtaining either patents or inventors' certificates in these foreign countries and on adherence to the Stockholm Revision of the Paris Convention.

By its amendment of section 102(d), the bill would preclude the granting of U.S. patents on the basis of earlier inventors' certificates under the same conditions as foreign patents bar the obtaining of a patent in the United States.

The bill would come into effect, as to the granting of priority, on the date that the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm, July 14, 1967, comes into force with respect to the United States and would apply only to applications filed in the United States thereafter. The amendments at section 2 of the bill, concerned with the effect of an inventor's certificate in barring a U.S. patent, would come into effect 6 months after the date of taking effect in the United States of the Stockholm Revision of the Paris Convention.

SECTIONAL ANALYSIS

Section 1 of the bill amends section 119 of title 35, United States Code. The amendment establishes the availability of a right of priority based on inventors' certificates, subject to the same conditions as now apply to foreign patent applications. This right would be limited by the bill to nations maintaining a dual system of inventors' certificates and patents, available on the same terms to their nationals and to foreigners. The right of priority would be available on the basis of an application for an inventor's certificate made in any country which adheres to the Stockholm Revision of the Paris Convention.

Section 2 of the bill amends section 102 (d) of title 35, United States Code. This section of present law states certain conditions which preclude the granting of a U.S. patent to an applicant who has already received a foreign patent. Under the bill, an inventor's certificate would bar the granting of a U.S. patent under the same conditions as a foreign patent does under present law.

Section 3 of the bill would cause the provisions of section 1 to take effect on the coming into force in the United States of the Stockholm Revision of the Paris Convention. Section 2 would take effect 6 months after the Stockholm revision comes into force in the United States, that is, 6 months after section 1 takes effect. In addition, section 3 provides that sections 1 and 2 would apply to applications filed after the coming into force of the respective sections.

IMPACT AND COST

The proposed bill would have no significant effect on the operations of the Patent Office, nor would it require the expenditure of additional funds by the Patent Office.

The present practice of the U.S. Patent Office, and also that of many other countries, is to require the filing of a certified copy of the application on which a claim for priority is based. This certified copy is merely received and filed by the Patent Office, and an acknowledgment made that it purports to comply with the requirements of section 119 of title 35, United States Code. The certified copy is examined only if a foreign applicant requires the right of priority to antedate an intervening act and receive a patent. Examination actually occurs in the Patent Office for only about 5 percent of the foreign applications filed in the United States. The examination of the certified copy, when it does occur, does not require an extensive effort. The copy is checked to see if it discloses subject matter which supports the claim for priority.

Moreover, a relatively small number of applications are filed in the United States by nationals of countries having a dual system of patents and inventors' certificates. In 1969, some 801 applications for patents were filed in the United States by applicants residing in Eastern European countries with a dual system of inventors' certificates and patents. Of these, 438 came from the Soviet Union, 59 from Rumania and 27 from Bulgaria. This procedure for filing papers concerned with the right of priority, and their occasional examination, would involve the same considerations and effort for inventors' certificates as for patents.

The additional workload which would be imposed is considered negligible. Section 2 would have no effect on Patent Office operations, nor would it require any expenditures.

ROBERT J. EBBERT AND DESIGN PRODUCTS CORP., TROY, MICH.

The bill (S. 2475) for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 151, title 35, United States Code, or any other provision of law, the Commissioner of Patents is authorized and directed to accept delayed payment of the final fee (prescribed in section 41(a), title 35, United States Code) in the application for United States Letters Patent of Robert J. Ebbert of Rochester, Michigan, serial number 308,411, filed September 12, 1963, and allowed April 12, 1966, for mounting frame for electronic components, assigned to Design Products Corporation, Troy, Michigan, as though no abandonment or lapse had ever occurred, if such final fee is paid within three months after the date of enactment of this Act. Upon payment of such fee, the Commissioner is authorized to issue to the said Design Products Corporation the patent for which application was so made. No patent granted on said application shall be held invalid on the ground that the final fee was not paid within the period specified in title 35, United States Code.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–955), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Commissioner of Patents to accept late payment of the issue fee in the application for U.S. letters patent of Robert J. Ebbert, serial No. 308,411, filed September 12, 1963, and allowed April 12, 1966, for a mounting frame for electronic components, assigned to Design Products Corp., Troy, Mich., as though no abandonment or lapse had ever occurred, and to authorize the Commissioner to issue the patent to the assignee if such fee is paid within 3 months of the date this legislation is enacted.

STATEMENT

This legislation is identical to S. 1008 of the 91st Congress, which was passed by the Senate on December 19, 1970. No further action on that bill was taken by the House of Representatives.

Information contained in the files of this committee's Subcommittee on Patents, Trademarks, and Copyrights indicate that Mr. Robert J. Ebbert, of Rochester, Mich., retained the law firm of Harness, Dickey & Pierce, 700 Fisher Building, Detroit, Mich., to represent him in efforts to secure a patent on his invention entitled "Mounting Frame for Electronic Components." The law firm prepared the necessary papers and on September 12, 1963, filed an application for a patent with the U.S. Patent Office. On October 7, 1963, Mr. Ebbert assigned all of his rights in the invention to Design Products Corp., Troy, Mich.

On April 21, 1966, the Patent Office, which stated: "With the allowance of the application, the * * *. Issue fee becomes due and payment must be made within 3 months of the date of this Notice or the patent will become abandoned." The Patent Office did not send the Notice of Allowance to Mr. Ebbert because its rules require that all communications intended for the applicant must be sent to the attorney of record rather than to the applicant. The law firm did not respond to the Notice of Allowance within the time required and the application lapsed for nonpayment of the issue fee.

On February 14, 1967, 10 months after the Notice of Allowance was issued and 10 days after Harness, Dickey & Pierce discovered that the application had lapsed, they filed a petition to revive the application and tendered the issue fee. In the petition, the law firm stated that the issue fee was not paid because of a clerical error made by several of its employees. The firm also set forth in the petition the sequence of events which led to the delay in tendering the issue fee.

During the time the subject application was pending, Mr. Ebbert filed a section application with the Patent Office to secure a patent on one of his other inventions. The second application, which was prepared and prosecuted by the Harness, Dickey & Pierce law firm, was filed on December 11, 1964, and allowed on May 2, 1966. And as in the current case, Mr. Ebbert assigned all of his rights in the invention to a corporation.

Under the firm's filing system, applications are placed in separate folders and filed alphabetically according to the inventor's last name. The folders are labeled with the name of the inventor and the client's case number. The case numbers in the office are assigned in increasing numerical order for each client, so that the first case handled for each client is marked "Number 1." This procedure was followed in the present case and it resulted in each of Mr. Ebbert's folders being labeled "Ebbert Case Number 1," because each folder contained the first application filed by the two assignee corporations.

Upon receipt of the "Notice of Allowance," the attorney handling the case instructed a file clerk to secure the folder containing the subject application from the central filing room and deliver it to his office. In carrying out these instructions, the file clerk inadvertently extracted the other "Ebbert Case No. 1" folder which contained the second application filed by Mr. Ebbert. After examining the folder, the attorney returned it to his secretary and instructed her to prepare the necessary papers for payment of the issue fee. The secretary prepared the "Issue Fee Transmittal Notice" for his signature. The attorney signed this notice and it resulted in the payment of the issue fee in the second application and its issuance on October 4, 1966. During these transactions, neither the file clerk, the attorney, or his secretary noticed the discrepancy in the serial number or the "Notice of Allowance."

The Patent Office considered the petition in view of 35 U.S.C. 151, which provides that an issue fee be paid within 3 months after a "Notice of Allowance" is sent, and further provides that—

> If any payment required by this section is not timely made but is submitted with fee for delayed payment within three months after the due date and sufficient cause is shown for the late payment, it may be accepted by the Commissioner as though no abandonment or lapse had ever occurred.

In interpreting section 151, the Patent Office held that it authorized the Commissioner of Patents to accept payment of the final issue fee only if it is tendered within 6 months from the date when the "Notice of

Allowance" is sent. Since Mr. Ebbert had not tendered the final issue fee within the time required by section 151, the Patent Office denied the petition on the ground that it lacked statutory authority to grant it.

After the Patent Office denied Mr. Ebbert's petition, he filed a civil action against the Commissioner of Patents in the U.S. District Court for the District of Columbia on March 15, 1967. In his suit, Mr. Ebbert sought to compel the Commissioner of Patents to accept payment of the issue fee and to issue a patent. During the trial of the case, Mr. Ebbert argued that 35 U.S.C. 151 is not exclusive and that 35 U.S.C. 133 also applies to the situation where an applicant fails to make timely payment of a final fee after receiving a "Notice of Allowance." Section 133 provides that:

> Upon failure of the applicant to prosecute the application within six months after any action therein * * * the application shall be regarded as abandoned * * * unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

The district court agreed with Mr. Ebbert's argument, and it granted his motion for summary judgment on February 18, 1967. In holding that section 133 was applicable the court said, "The prosecution of an application is not completed until the fee is paid and the patent issued."

The Patent Office held the view that the district court misinterpreted section 133 and that the section was not applicable. Therefore, on February 26, 1967, the Commissioner of Patents filed an appeal to the U.S. Court of Appeals for the District of Columbia Circuit from the judgment entered on February 18, 1967. In rendering its decision on May 23, 1968, the court of appeals reversed the judgment of the district court and held that acceptance of the issue fee was governed exclusively by section 151. In rejecting the argument that section 133 encompassed all action taken by an applicant up to and including securing issuance of a patent, the court said:

> A stated purpose of the 1965 amendments to section 151 was to expedite the prosecution of patent applicants and thus make new technology available to the public at an earlier date. If section 133 were constructed as allowing an abandonment to be revived at any time, the purpose of hastening the beginning—and hence the expiration—of the 17-year monopoly period would be frustrated.
>
> Sections 133 and 151 are contained in separate chapters of title 35. Chapter 12, entitled "Examination of Application," contains section 133, while chapter 14, entitled "Issue of Patent," contains section 151. This dichotomy is strong evidence that the phrase "prosecute the application" in section 133 comprehends only action taken by an applicant through gaining allowance of his application, because examination of the application is completed at that point. Congress established a separate statutory framework for what remains—issuance of the patent. It is a relatively ministerial act; if the issue fee is timely tendered, the patent must issue.

Mr. Ebbert sought to pursue his legal remedies before the U.S. Supreme Court, but it denied his petition for a writ of certiorari on October 28, 1968.

Mr. Ebbert has also advised the committee that his invention has been in public use for more than 1 year. As a result, the issuance of a patent on a new application filed by him is prohibited by section 102(b) of title 35, United States Code, which provides in part that an application for a patent must be filed within 1 year from the date the invention was first used by the public.

The bill provides that the Commissioner of Patents shall issue the patent to the Design Products Corp., the assignee, if the fee is paid within 3 months from the date of the enactment of this legislation. Design Products Corp., was founded in 1961 and is located in Troy, Mich. Its president and majority stockholder is Robert J. Ebbert of Rochester, Mich., a highly respected inventor and designer and who is the inventor in the subject application. The company currently employs about 12 people and its sales in 1967 amounted to about $211,000. Design Products Corp. is, to its knowledge, the only company in Michigan producing standard industrial solid state logic modules, the products covered by the subject application. It has been selling these units since 1963. As such, the company competes with such large companies as General Electric Corp., Square D and Cutler Hammer, which have competitive items.

At present, the product covered by the patent application (for which the company uses the trademark "Versaframe") accounts for almost 100 percent of the company's sales. The product is used to mount solid state components such as transistors, capacitors, and so forth, in various ways so as to be used in electronic circuits, permitting an extremely compact assembly of these components and also permitting them to be easily checked and tested. Important companies, such as Ford Motor Co., Parke Davis and General Motors, are buying this product from Design Products Corp. in increasing quantities. The product is also used in educational institutions as parts of training aids. In 1965, the product received "The Product of the Year" award in a Troy industrial show.

As a general rule, the committee is opposed to special legislation providing for private relief from the general patent laws. In this particular case, however, the committee feels that the circumstances justify creating an exception to the time limit established by 35 U.S.C. 151. Mr. Ebbert's invention survived the ordeal of examination and it was deemed worthy of a patent. But because Mr. Ebbert fell victim to an extremely rare combination of circumstances—a clerical error made by his law firm and the failure of the Patent Office to send its customary "Notice of Default"—he was denied a patent. The Patent Office practice has been, and is now, to send applicants a notice of forfeited application when the issue fee was not paid within the initial 3-month period after issuance of the "Notice of Allowance." However, the practice was suspended from August 4, 1966, until March 1, 1967, as a result of an unusually heavy work load and no such notice was sent to Mr. Ebbert's law firm.

If relief is not granted in this case, Mr. Ebbert and the Design Products Corp. will lose all rights in the invention because of conditions completely beyond their control, a situation that the committee feels would be most inequitable. Passage of this legislation would provide Mr. Ebbert the public recognition he deserves and would prevent an unnecessary and unjust denial to Design Products Corp. of a patent covering its most important single product. The committee has been advised that no other party contests the claim of the Design Products Corp. to the patent covered by the subject application.

Therefore, for the foregoing reasons, the committee recommends that this legislation be enacted without amendment. The enactment of the bill will entail no cost to the U.S. Government.

In its report to the committee on S. 1008 of the 91st Congress, the Department of Commerce stated that it was opposed to the passage of the bill.

BILLS PASSED OVER

The bills, S. 2750, Calendar No. 913, for the relief of the estate of Albert W. Small; and S. 387, Calendar No. 914, for the relief of Uhel D. Polly, were announced as next in order.

Mr. MANSFIELD. Mr. President, I ask that these bills go over.

The ACTING PRESIDENT pro tempore. The two bills will be passed over.

JOSEPH F. SULLIVAN

The bill (H.R. 1997) for the relief of Joseph F. Sullivan was considered, ordered to a third reading, read the third time, and passed.

JIM THORPE MEDALS

The Senate proceeded to consider the bill (S. 1076) to provide for the striking of medals in commemoration of Jim Thorpe which had been reported from the Committee on Banking, Housing and Urban Affairs with amendments on page 2, line 2, after the word "than", strike out "four and insert "fifty"; and, after line 13, insert a new section, as follows:

> Sec. 3. No medals shall be made under the authority of this Act after December 31, 1973.

So as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of Ameirca in Congress assembled,* That, in recognition of the outstanding achievements of Jim Thorpe as an athlete and as a great American, the Secretary of the Treasury is authorized and directed to strike and furnish to the Jim Thorpe Athletic Award Committee, Yale, Oklahoma, (1) not more than six gold medals, to be awarded at the discretion of such committee, with suitable emblems, devices, and inscriptions to be determined by such committee subject to the approval of the Secretary of the Tresury, which gold medals shall be made and delivered at such times as may be required by the committee, and (2) not more than fifty thousand duplicate medals in bronze, to be made and delivered at such times as may be required by such committee in quantities of not less than two thousand. The medals are national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).
>
> Sec. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfatcory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.
>
> Sec. 3. No medals shall be made under the authority of this Act after December 31, 1973.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, that concludes the call of the Calendar.

LAST WEEK'S DEMOCRATIC NATIONAL CONVENTION

Mr. SCOTT. Mr. President, as I watched the proceedings of last week, it occurred to me that the quotation from Macbeth, act II, scene 3, line 71, is apposite:

> Confusion now hath made his masterpiece.

In view of the marihuana following of a number of people who are also politics-minded, I wonder whether the candidate of the opposition will be able to give new meaning to an old phrase; namely, will he then appeal to the fragrant grassroots of his new constituency? This is a new kind of grassroots. In the past, it used to be said that the grassroots were afire. Now it looks as if the grassroots are asmoking.

I imagine that political oratory will be affected by inhalations from the grassroots. I hope that behind all that we can detect sensible approaches to campaign issues.

Mr. President, the new median income of Americans has passed $10,000 for the first time. That represents a 33-percent increase in family income betterment over the past decade.

It is interesting to note that the proposal of Candidate McGovern as originally presented, to give everyone $1,000, would also take away from the new average American family income a substantial sum.

I will furnish the figures later, as soon as we can accurately define them, but according to the statements of Senator Humphrey at an earlier date, it would cost a single person earning $8,000 about $467 a year in taxes. I would think that the taxes on $10,000 would be higher than taxes on $8,000. So it is not merely a soak-the-rich proposal, it is also a plan to hit the average American family.

We will examine each new tax proposal on the basis of the new median family income and then we will tell the people just how much it will cost them, and ask them whether they can afford the candidate.

It will be an interesting process, because we have to wait for the candidate to reveal his new tax program, and he has to wait for his economist to test it out. Once revealed, it will not last very long because there will be a new one, probably as soon as the fallacy of that one has been exposed. But each tax program after tax program, as revealed, will be examined and exposed, and then we will wait for the next one. But the sum total of all will be the same; that is, it will hurt the average guy and his wife—the average American family. It will hurt a lot.

Mr. MANSFIELD. Mr. President, it is true that the average income, according to the latest statistics, is slightly in excess of $10,000 a year, but I would note that, so far as certain other groups are concerned, it is considerably less than $10,000 a year.

I would point out that the Democratic National Convention, which has just recently been held, marks a new turn in the American political scene. For the first time, Americans who had never before been represented, were represented at Miami. There were young people there. The Senate took the lead in passing legislation to give the vote to those between the ages of 18 and 21. They participated seriously. They conducted themselves with great dignity. There were, of course, a few bomb throwers outside the convention. But inside the convention, according to all the reports I have received, the attitude was one of attention to the business of the people and attention to the details.

As the distinguished minority leader knows, the sessions were not short, but were rather long. As he also knows, the average attendance, even during the long nighttime sessions, was 90 percent, which is very high and very much in contrast with the old days when people used to wander here, there, and everywhere and do everything except to attend to the business of the convention. Incidentally, may I say that at that convention if there was a star outside of the nominees, it was the chairman of the Democratic National Committee, Larry O'Brien, who conducted himself with fairness and who, as usual, proceeded to the consideration of all matters with integrity, with honesty, and with attention to the rights of all.

We will hear a good deal about what Mr. McGovern, the Democratic nominee, has said before and we, of course, will have what his opponents in the primaries said thrown back at us. However, we will wait and see what the final details of his plans are.

I am delighted that the distinguished minority leader has indicated that they intend to go over in detail all the proposals which he will make and those theories which he will expound. We will do the same thing as far as the Republican candidate is concerned. In that way, I think we will be just laying the cards on the table to acquaint the American public with them and to make it possible for them to make up their own minds in their own ways on the merits involved.

Mr. GRIFFIN. Mr. President, I yield to the distinguished minority leader.

Mr. MANSFIELD. Mr. President, I have to object at this time. However, I will yield to the distinguished Republican leader whatever time I have.

The ACTING PRESIDENT pro tempore. The time of the majority leader has expired. The Senator may request some time if he desires.

Mr. SCOTT. Mr. President, will the Senator from Alaska yield me 2 minutes?

Mr. STEVENS. Mr. President, I am happy to yield 2 minutes to the distinguished minority leader.

The ACTING PRESIDENT pro tempore. The Chair will state that under the previous order, the Senator from Alaska (Mr. Stevens) is recognized for not to exceed 15 minutes.

Does the Senator from Alaska yield time to the Senator from Pennsylvania and, if so, how much?

Mr. STEVENS. Mr. President, I yield 2 minutes to the distinguished minority leader.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes under the time of the Senator from Alaska.

Mr. SCOTT. Mr. President, I have only praise for the distinguished former chairman of the Democratic National Committee, Mr. O'Brien, who conducted himself very well indeed. Of course, the distinguished majority leader and I never have any conflicts. We speak as leaders of our parties on the Senate floor and we present our points of view with great respect for each other, I am sure.

I simply want to make the further point that while the media generally seem to have been impressed by the discipline and the good behavior of the delegates, it is a fair observation on the other hand to wonder what all of these delegates would have done if things had gone against them. The majority of the convention had things going their way.

We know that young people are happy when things are going their way. However, suppose they had not gone their way but had gone the other way. We will still have to wonder whether the eminently pleasant behavior of the delegates would have continued under those circumstances. We have no way of knowing. However, I think it reflects the fact that they were happy because they were getting their own way and that, therefore, there was no reason to disrupt the convention.

Mr. MANSFIELD. Mr. President, would the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, the Senator raised a very valid point, but one on which we cannot make a judgment because that did not happen. However, under the basis of what did happen, we know that it was a well-conducted convention. Delegates—young, old, and those inbetween—conducted themselves with a good deal of impeccability and integrity. May I take this occasion to express the hope that the few firebrands who were evident at the Democratic National Convention will not be evident at the Republican National Convention because I think that that convention has the right to conduct itself with decorum and dignity and to express itself as to the party's wishes and create its own platform and do so without threats from the outside.

Mr. SCOTT. Mr. President, I appreciate, as always, the generosity of the distinguished majority leader. I hope that we will be allowed to have our convention in decency and good order. I am afraid that it will not be as interesting in some ways, because most people have a pretty good idea how it will turn out.

Mr. President, I do wish to point out that whenever we overrepresent any groups of people in a convention, we are necessarily underrepresenting other groups of people.

The ACTING PRESIDENT pro tempore. The 2 minutes the Senator from Alaska yielded to the Senator from Pennsylvania have expired.

Mr. STEVENS. Mr. President, I yield an additional one-half minute to the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for an additional one-half minute.

Mr. SCOTT. Mr. President, there were no quotas. And, incidentally, quotas themselves are hardly the democratic way of doing things because the underrepresentation which necessarily results is hardly fair to the others. There was no quota representation for the senior citizens, the veterans, the Italian-Americans, the German-Americans, the Nordic-Americans, or the Slavic-Americans.

Mr. President, as one commentator said, there was no quota even for left-handed Lithuanians. I have Lithuanians in my district, and I want to be sure they get representation. However, the underrepresentation at the convention was the issue, and not the quota system, because the same people who contended for a quota system at that convention have long contended against a quota system in the numerous civil rights debates we have had on the floor of the Senate.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alaska is recognized for 15 minutes. He has yielded 2½ minutes to the Senator from Pennsylvania and he has 12½ minutes remaining.

TREATY VIOLATIONS BY JAPANESE GILLNETTERS

Mr. STEVENS. Mr. President, on July 12, 6 days ago, the U.S. Coast Guard took four Japanese gillnetters into custody for violation of the provisions of the International North Pacific Fisheries Convention treaty which prohibits Japanese from taking salmon east of the 175th parallel.

This is the most flagrant violation of this treaty to date. These gillnetters were taking salmon 800 miles east of the abstention line.

But, far more serious than the treaty violation was the total disregard for the safety of other vessels that will pass through this area and the wanton disrespect of the most basic principles of conservation. When contact was made by the Coast Guard, the Japanese cut their nets and ran.

Mr. President, these nets, if they are similar to other nets which have been shown me by Alaskans who found them on our shores, are probably constructed of monofilament, and, if so, represent not only a serious hazard to navigation, but since they will not decompose in the sea, they will continue to fish and to kill salmon indefinitely. The average net used by this fleet is 15 kilometers or 9.3 miles long and 5 meters deep.

The chase by the Japanese fishermen, which began at 154° west longitude and 59° north latitude, was joined by the *Clover*, a buoy tender stationed in Sitka, and the *Wachusett*, a cutter from Seattle. I would point out that that is like sending a cutter from Florida and another cutter from Savannah to intercept a fishing violation that occurred off Rhode Island.

The *Burton Island*, an icebreaker, was directed to intercept the Japanese from the southwest. Thursday, the following day, the *Wachusett* boarded the vessels and confirmed violations of the treaty by finding salmon aboard.

I have written to commend the officers and men of the Coast Guard for their continued vigilance.

When apprehended, the poachers were escorted by the Coast Guard back to the area where the nets were cut adrift.

Mr. President, I am pleased to inform this body that those nets have been recovered and the Coast Guard informs me this morning that they are marked and separated for future identification.

Throughout this whole episode, the Coast Guard has acquitted itself with extreme efficiency and finesse.

The captive vessels are today in custody in Kodiak Harbor, awaiting the arrival of the Japanese enforcement vessel which is due on Wednesday.

Under the terms of the treaty, the Japanese have the responsibilty to prosecute these four vessels for this violation, according to information given me by the U.S. Department of State. However, I am unwilling to accept this interpretation of the facts of this violation. Prior to last Wednesday, all reported entries by the Japanese into the salmon fishery east of the 175th parallel—since the enactment of the treaty—have been in the area of 50 or 75 miles east of the line. This violation occurred more than 800 miles east of the Line of Abstention—they were at 154 degrees west longitude, 59 degrees north latitude. I have been reporting to the Senate, on a regular basis, the details of alien fishing fleets off our shores. Earlier this month there were nearly 250 of these Japanese salmon fishermen including three factory ships in the Bering Sea west of the 175th parallel. How many undetected violations of the treaty by this fleet are unknown.

Mr. President, I would point out that prior to June there was but one cutter in the whole area, which is roughly equal to one-half of the coastline of the entire United States. Due to this action in June, there are now two.

But it is probable that this incredible, efficient operation is responsible for the disappointing catches that are reported to me by the Kodiak and Bristol Bay fishermen.

Alaskan fishermen will not be content to see these gill-netters taken in custody to Japan, their holds filled with our salmon, never to be heard of again. Fishermen from Maine to Washington, all who have suffered from the depredations of foreign fishing fleets, will be waiting to see if these poachers will make off with their booty or if they will be compelled to pay for them. These fishermen will renew their demands that we put a stop to these alien encroachments on a resource that belongs to our Nation.

Our per-capita consumption of fish is increasing in the United States, yet our production is decreasing. Once we ranked second, now we rank fifth in fishery production in the family of nations. The world demand for food is greater, and yet we neglect our greatest potential source of protein, the sea.

I have asked before that our enforcement patrols be increased. Today, I present this latest episode as evidence that we must have another high endurance cutter patrolling the North Pacific. If the United States does not conserve this last great source of protein, it will be lost to the world.

And we must find a way to bring foreigners fishing off our shores at least to the same conservation practices we enforce on our own fishermen. We must find a way to prosecute in our court all violators of good conservation practices who take fish which are spawned and live within our jurisdiction.

The U.S. policy on coastal or anadromous species more than 12 miles offshore must be changed. The management of these resources can only be performed by adjacent coastal States. Ambassador Donald McKernan has set forth a new policy for the United States. We must not yield on this in the Law of the Sea Conference.

Under this new "species" concept, anadromous fish, such as the salmon which spawn in a coastal stream and then goes to sea will remain under the jurisdiction of the nation in which it originates. The jurisdiction of the nation will extend over the fish which are native to its shores, wherever they may be.

If this new policy regarding the resources adjacent to our coasts is not adopted by the Law of the Sea Conference, then we must consider and pass legislation which I have proposed to extend the jurisdiction of our Nation beyond the 12-mile limit to 200 miles or 550 fathoms.

Mr. President, this is not a problem localized off the shores of Alaska, this problem affects every State in the Union. And it is not the problem of four Japanese fishermen who have invaded our waters.

In the report released recently, the National Marine Fisheries Service revealed that foreign fishing vessels sighted off the U.S. coasts in May 1972 increased to almost 730 vessels—80 more than were seen in April.

The largest concentration was off Alaska, where the Japanese salmon fleet—almost 140 vessels—began fishing just south of the Aleutian Islands. The northwest Atlantic off New England's coast, saw the second largest concentration of alien fishermen—about 20 percent less than in April. A substantial decrease in Polish and East German vessels and the seasonal withdrawal of Japanese and Spanish fishermen accounted for this decline. The most numerous in the northwest Atlantic were the Soviets, with concentrations of up to 150 vessels sighted weekly.

A total of 267 individual foreign fishing and support vessels from the Soviet Union, Poland, East Germany, Bulgaria, Romania, Spain, Greece, and Denmark were sighted off the New England and mid-Atlantic coasts in May.

During this time a large Greek side trawler was boarded at New Bedford, where she put in for repairs.

On May 15, three East German vessels were sighted well inside a closed area in clear violation of international convention of North Atlantic fisheries regulations. When they were advised that the area was closed, the East German fleet commander replied that East Germany was not a member of ICNAF and that his vessels will fish wherever and whatever species they like.

Cubans were the principal fishermen off our waters in the Gulf of Mexico where 12 out of 21 foreign vessels were Cuban.

The coastal States of our Nation have a common problem: the inexorable competition of alien fishing fleets taking incredible amounts of our fish, many with total disregard of the basic conservation practices imposed on our own fishermen.

The inevitable result of this competition will be the further decline of our Nation's fisheries resources.

Alaska has a great deal at stake—the largest salmon fisheries in the world, the largest halibut fisheries in the world, the Bering Sea bottomfish, crab, shrimp, clams and even snails—all of which are being fished by alien vessels today.

In the North Atlantic Grand Banks, Georges Banks, Brown Banks and the Gulf of Maine continental shelf fisheries, haddock and yellow-fin flounder are being decimated by an incredible array of efficient, foreign, fishing fleets.

Mr. President, it seems clear that, if we are to protect the Nation's fishery resources, we must be able to present a unified front at the Law of the Sea Conference in 1973. In the meantime, increased surveillance and enforcement are necessary. Our policies on the control of coastal resources must be changed. If the Law of the Sea Conference fails to approve the "species concept" announced by Ambassador McKernan, my bill extending jurisdiction over our coastal fisheries to 200 miles or 550 fathoms must be enacted.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 3 minutes.

What is the pleasure of the Senate?

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 913, 914, and 916.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ESTATE OF ALBERT W. SMALL

The bill (S. 2750) for the relief of the estate of Albert W. Small, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to the estate of Albert W. Small, out of any money in the Treasury not otherwise appropriated, the sum of $150,000, in full settlement for all rights in respect to the cryptologic inventions of Albert W. Small which are now or at any time have beeen placed in secrecy status by the War Department, the Department of Defense, or the Commissioner of Patents, including but not limited to all rights with respect to his inventions covered by patents numbered 2,964,856, and 2,984,700, and by patent application serial number 421,459: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–956), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

S. 2750 would authorize and direct the Secretary of the Treasury to pay to the estate of Albert W. Small, out of any money in the Treasury not otherwise appropriated, the sum of $150,000, in full payment for all rights in respect to the cryptologic inventions of Albert W. Small which are now or at any time have been placed in security status by the War Department, the Department of Defense, or the Commissioner of Patents, including, but not limited to, all rights with respect to his inventions covered by patents 2,964,856 and 2,984,700 and by patent application serial No. 421,459.

STATEMENT

Patent Office proceedings

Patent No. 2,964,856 was issued to Albert W. Small on December 20, 1960, on application serial No. 382,651, filed March 10, 1941. The application was placed under the provisions of section 4894, Revised Statutes, as amended (35 U.S.C. 37) on November 17, 1941, and assigned to the U.S. Government under Commissioner's order 3250 (Sept. 5, 1933) pursuant to a request by the Secretary of War. On May 16, 1947, the application was placed under a secrecy order (Public Law 700, 35 U.S.C. 42). On January 16, 1953, the applicant was given a "Notice of Allowability." However, the case was withheld from issue until the secrecy order was rescinded on July 29, 1960. A "Notice of Allowance" was mailed on September 22, 1960.

Patent No. 2,984,700 was issued to Albert W. Small on May 16, 1961, on application serial No. 555,402 filed September 22, 1944. The application was placed under the provisions of section 4894, Revised Statutes, as amended, (35 U.S.C. 37) on January 18, 1945, and assigned to the U.S. Government under Commissioner's order 3250 (Sept. 5, 1933) pursuant to a request by the Secretary of War. On May 16, 1947, the application was placed under a secrecy order (Public Law 700, U.S.C. 42). On July 29, 1960, the secrecy order was rescinded. A "Notice of Allowance" was mailed on February 21, 1961.

Application serial No. 421,459 was filed on April 6, 1954, by Albert W. Small. On September 8, 1959, the application was placed under secrecy order. A "Notice of Allowability" was mailed on September 14, 1959. At this writing this case remains under a secrecy order and action has been suspended.

Personal history

Albert W. Small was born on December 22, 1910, in Washington, D.C. From November 3, 1939, until his death August 9, 1966, he was employed by the U.S. Government in a civilian capacity as a cryptanalyst. Beginning as a junior cryptanalyst in the War Department, Signal Service, Washington, D.C., he rose rapidly to become the highest ranking civilian in the Army Security Agency, Arlington Hall Station, Arlington, Va., upon the establishment of that office in November 1949. He held that position until March 1966, and in May 1966 he was awarded the Department of the Army Decoration for Meritorious Civilian Service for his outstanding accomplishments in connection with the first Department of Defense management review of the National Security Agency.

On May 16, 1966, he became head of the Equipment Technology Department of the newly organized National Cryptological School at the National Security Agency, Fort Meade, Md., and held that position until his death at Fort Meade on August 9, 1966.

During his entire governmental career, Mr. Small received the highest employee performance appraisals and was awarded the following decorations: The War Department Military Intelligence Division Citation, the War Department Commendation for Exceptional Civilian Service Medal, the National Civil Service League Merit Citation and the Department of the Army Meritorious Civilian Service Medal in 1956 and 1966.

Use of inventions by Government

While in Government service, Mr. Small applied his technological creativity to the analysis of cryptological problems and invented three cryptographic devices. The first device, serial No. 382,561, which was filed with the Patent Office on March 10, 1941, was encumbered with a secrecy order on May 16, 1947, pursuant to title 18, United States Code, section 181–188 (1964), which prohibited the disclosure of his invention because of its importance to national security. A second device, which was a perfection of the first, was filed on September 22, 1944, serial No. 555,402, and was similarly encumbered by a secrecy order, dated May 16, 1947. The secrecy orders on these devices were finally rescinded on July 29, 1960, and patents were issued, for the first device, patent No. 2,964,856 on December 20, 1960, and for the second, patent No. 2,984,700 on May 16, 1961.

The third device, serial No. 421,459, which was filed with the Patent Office on April 6, 1954, was encumbered by a secrecy order on September 8, 1959, and is still so encumbered.

In 1960, Boris Hagelin, a Swiss inventor, conceded that a cryptographic device invented by Hagelin, and for which a patent was issued by the U.S. Patent Office (No. 2,802,047, filed October 16, 1953, and issued August 7, 1956), interfered in principle with the devices invented by Small which were then under secrecy orders and thus unable to be patented.

Thus, for a period of 20 years, Mr. Small, despite his reservation of license rights in the three devices, was precluded by the secrecy orders issued by the U.S. Government from commercially exploiting his inventions domestically or by sale to foreign governments, while at the same time the U.S. Government had issued a patent for a similar device which allowed its inventor to benefit economically from its exploitation. It is because of this unique situation and because Mr. Small's great contributions to cryptological research and development attested to by his Government superiors, that recognition in the form of a financial award to his estate is sought through a private bill.

The files of the committee contain an affidavit of Frank B. Rowlett who was employed by the U.S. Government for some 35 years in various positions in the field of cryptology. For several years he was the supervisor of Mr. Albert W. Small. Mr. Rowlett's affidavit stated in part:

"In fact, had Mr. Small's inventions been available for commercial exploitation, it is my opinion that Mr. Small could have received royalties far in excess of the $150,000 sought by his family as compensation for the loss of that commercial exploitation because of the secrecy orders placed upon his patent application by the U.S. Government."

Congressional precedents

There have been at least five instances in the past in which Congress has made monetary awards to persons who have invented devices in the field of communications that were given security classification which prevented their commercial development:

1. Frank B. Rowlett, 1964, 88th Congress, second session, H.R. 7348 (Private Law No. 88–358), in the amount of $100,000, in full settlement of all rights against the United States with respect to cryptologic inventions which had been placed in secrecy status by the War Department or the Department of Defense.

Mr. Rowlett was Mr. Small's supervisor from November 1939, until October 1944.

2. Laurance F. Safford, 1958, 85th Congress, second session, S. 1524 (Private Law No. 85–494), in the amount of $100,000 in full satisfaction of all claims against the United States in connection with cryptographic systems and apparatus invented and developed by him while serving on active duty in the U.S.

Navy, which have been held in secrecy by the U.S. Government.

3. William F. Friedman, 1956, 84th Congress, second session, H.R. 2068 (Private Law No. 84–625), in the amount of $100,000 in full settlement for all rights with respect to his invention in connection with military, naval, and air communications facilities, which were at the time placed in secrecy status by the Department of the Army or the Department of Defense.

4. Capt. Russell Willson, 1935, 74th Congress, first session, H.R. 5564 (Private Law No. 74–79), $15,000 in full settlement for a certain invention of his used in connection with secret communications facilities of the U.S. Navy.

5. Maude P. Gresham and Agnes M. Driscoll, 1937, 75th Congress (Private Law No. 75–267), $15,000 in full and complete settlement of all claims by said parties against the United States arising from the invention of the late Comdr. William F. Gresham, which was used by the U.S. Navy Department in connection with naval communications facilities.

CONCLUSION

The committee believes that Mr. Albert W. Small made a significant contribution to the national security by his cryptology inventions and that his contribution should be recognized in a manner similar to the earlier awards for cryptology inventions. The committee recommends the sum of $150,000 which is larger than the principal prior awards. The committee believes that a sum of $50,000 larger than the earlier cases is warranted because:

1. A substantial period of inflation has occurred since the earlier awards, and,

2. The past awards were given tax free, except for a capital gains treatment imposed upon Mr. Rowlett's award.

UHEL D. POLLY

The Senate proceeded to consider the bill (S. 387) for the relief of Uhel D. Polly, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 2, after the word "patent.", strike out "This bill for the relief of Uhel D. Polly shall not bar any person from having intervening rights if this relief is granted." and insert "Nothing contained in this Act shall bar any person from exercising any rights which vested prior to the effective date of this Act."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the patent laws of the United States, with respect to United States patent numbered 3,459,614 (Uhel D. Polly, of Fort Lauderdale, Florida, patentee) that the period in regard to public use or sale in this country as stated in section 102(b), title 35 of the United States Code be enlarged to two years prior to the date of the application of aforesaid patent. Nothing contained in this Act shall bar any person from exercising any rights which vested prior to the effective date of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–957), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF AMENDMENT

The amendment is a perfecting amendment relating to the preservation of any intervening rights which vested prior to the enactment of this legislation.

PURPOSE

Section 102 of title 35 provides that a patent application on an invention must be filed within 1 year after public use or sale in the United States. S. 387 would enlarge the period during which public use may occur from 1 to 2 years with respect to the subject patent. The remedy is required due to the fact that the patent agent of the applicant was derelict in his duties and as a result the patent resulting from the application apparently is invalid.

STATEMENT

The patentee Uhel D. Polly, of the subject patent, retained Ernest C. Edge at a time well within the limitation of 1 year imposed by title 35, United States Code, section 102 (b). Ernest C. Edge prepared a patent application and prepared it for Uhel D. Polly's execution on March 2, 1964, at which date it was duly executed. All this occurred well within the 1-year limitation on public use and sale. An averment on the part of Ernest C. Edge that the patent application had been submitted to the Patent Office by March 28, 1964, is stated in an affidavit of Mr. Lewis M. Evans. Throughout the dealings with Ernest C. Edge, there was no reason not to rely on the fact that Ernest C. Edge was carrying out his responsibilities in accordance with the authorization given by the applicant and/or his assignee. It is the practice of the Patent Office, within a period of a few weeks, after filing of a new patent application, to forward a filing receipt as acknowledgement of receipt of a complete new patent application. The filing receipt and subsequent documents from the Patent Office were sent to Ernest C. Edge because the rules of the Patent Office require that all communications intended for the applicant be sent to the attorney or agent of record not to the individual applicant or assignee. Therefore, the false serial number provided for the stated March 28, 1964, filing would not have been questioned by either the applicant or assignee.

In fact, Ernest C. Edge defaulted on his responsibilities in spite of the fact that he had been duly registered to practice before the Patent Office. The application of Uhel D. Polly was, in fact, not filed until March 15, 1965, 1 year and 13 days after execution. This additional period of time exceeded the limitation on public use and sale imposed by title 35, United States Code, section 102 (b). It is the usual practice to require a reexecution of a patent application if the execution date is more than 6 weeks prior to the filing of a patent application. It may be assumed that Ernest C. Edge knew about this requirements as a review of the file of the subject patent reveals that the date of execution had been modified so that the digit "4" of 1964 had been changed to "5", and that the vestiges of the "4" are still discernible. By this change, the Patent Office was not alerted to the true facts that the application had in fact been executed more than 6 weeks prior to filing of the patent application. As a result, Ernest C. Edge did not have to go back to Uhel D. Polly for reexecution, which would have given an indication to Uhel D. Polly that the application papers had not actually been filed as purported by Ernest C. Edge. While a reexecution would not have corrected the untimeliness of the application, the facts are clear that Ernest C. Edge was aware that he was in error in not filing the application for a period of 1 years and 13 days. As additional evidence of a pattern, it is further understood that Ernest C. Edge neglected to file a patent application for one Frederick Weseman, even after the payment therefor had been made and even after averments were given to the said Frederick Weseman that a patent application had been filed. As the condition precedent of title 35, United States Code, section 102 (b) had not occurred, Frederick Weseman's patent application was timely filed at a later date. During the latter part of 1968, Ernest C. Edge reportedly suddenly absconded with files belonging to an attorney with whom he was sharing office space. Ernest C. Edge was officially removed from practice before the Patent Office on April 3, 1969. At the present time, his whereabouts are unknown and he cannot be found even after diligent search.

CONCLUSION

The committee recognizes that the United States cannot guarantee the competence or integrity of patents attorneys or agents. However, the committee recommends relief in this instance where there has been an obvious and deliberate breach of the responsibilities of the patent agent and the patent applicant had no reasonable way of protecting himself from the failures of the agent. The committee's favorable action in this extraordinary case should not be regarded as a change in the committee's general opposition to private patent relief bills, particularly those providing for exceptions to the general requirements of title 35.

STEPHEN H. CLARKSON

The bill (H.R. 7829) for the relief of Stephen H. Clarkson, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–960), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Stephen H. Clarkson $20,768, in full settlement of his claims against the United States for the losses he suffered due to his loss of his entry right to a tract of desert land and the loss of his right to acquire title to that land due to the refusal of the Secretary of the Interior to extend the time necessary to make the improvements, prove up the entry, and obtain title to the land. The amount stated in the bill is the amount recommended in a congressional reference case opinion filed on April 13, 1971.

STATEMENT

The facts of the case as contained in the House report (No. 92–447) are as follows:

The matter, which is the subject of H.R. 7829, was initially considered by this committee during the 90th Congress. At that time a bill was introduced which would have granted relief to Stephen H. Clarkson for the loss of his desert land entry rights. After a hearing on June 12, 1968, the committee concluded that the bill should be referred to the Chief Commissioner of the Court of Claims under the congressional reference case procedures of title 28 of the United States Code, so that the Congress would have the benefit of a full examination of the matter under those procedures (H. Rept. No. 1691, 90th Cong., second sess.).

Accordingly, the committee reported House Resolution 1216 of the 90th Congress which provided for such a reference, and that resolution passed the House on September 17, 1968. The congressional reference case was assigned No. 5–68 and the opinion and findings of fact in that case were filed on April 13, 1971. The opinion and findings of fact are made a part of this report.

The claim of Stephen H. Clarkson deals

with the frustration of his efforts to prove up and secure a land patent for a desert land entry in the Imperial Valley of California. Under applicable law, a citizen of the United States can file a declaration with the Department of the Interior of his intention to reclaim a tract of public domain desert land. The purpose of this legislation is to encourage citizens to develop for agricultural purposes arid lands which are otherwise productive. An application, properly filed, gives the applicant possessory rights to a tract of land, called a desert land entry. To prove up the entry and thus get title to the land, the applicant must do three things within 4 years:

(*a*) develop a supply of water sufficient to irrigate all the land;

(*b*) construct an irrigation delivery system from the supply of water for the land; and

(*c*) cultivate at least one-eighth of the land by leveling and planting it to crops.

Pertinent statutes and regulations, administered by the Bureau of Land Management, Department of the Interior, provide for granting extensions of time to applicants to make proofs, upon a showing of unavoidable delay in constructing the irrigation works due to no fault on the applicant's part. After Mr. Clarkson had acquired the entry rights to the land by assignment in 1961, he sought to make arrangements for the necessary construction to irrigate and cultivate the entry land. At the time, the Navy had leased 80 acres of the land for use as part of a parachute test facility and had ingress and egress rights over the 80 acres of the 160-acre tract. The opinion of the Chief Commissioner details the facts of the continuing efforts by Mr. Clarkson to come to an agreement with the Navy over the use of the land and the construction of the improvements necessary for him to perfect the entry and obtain title. The ultimate result was he was unable to resolve the opposition of the Navy to agricultural improvement and use of the land in time to make the necessary improvements to prove up the entry within the time limit fixed by the Department of the Interior. On the other hand, after agreement had been reached with the Navy, the Department of the Interior refused to grant any extension of time to make those improvements. On the basis of the facts of the case, the opinion concluded that Mr. Clarkson was entitled to equitable relief. The basis for this recommendation was summarized as follows:

> The record here leaves no doubt but that plaintiff's loss of his entry right and, in turn, his right to acquire title to the entry land, resulted from unjustified acts or omissions on the part of both the Navy Department and the Department of the Interior. While the final decision of the Department of the Interior in 1965 not to extend time to make proofs was no doubt a proper one (based on *Arizona v. California*, supra), this record shows no justifiable reasons (*a*) why the Navy delayed until about 1 month before the entry right expires (May 9, 1964) to agree to a new lease, compatible with plaintiff's needs, and (*b*) why in the first instance, the Department of the Interior, in its decision of March 20, 1964, totally ignored the realities of the situation as it then existed. The original Navy lease expired on June 30, 1963, yet the Navy continued to occupy and use the land, at best as a tenant at sufferance and at worst as a trespasser. In either event, the Navy was obliged to expedite negotiations with plaintiff to resolve their conflicts. This it did not do and as a direct result, plaintiff was unable to proceed with necessary construction work to make proofs to the Department of the Interior. As for the Department of the Interior's decision of March 20, 1964, it stated that a time extension was not appropriate because the "past, present, and future use of the land * * * by the U.S. Navy are *not pertinent to the issue at hand.*" [Emphasis supplied.] This decision showed gross insensitivity to plaintiff's real dilemma, a dilemma not of plaintiff's making and one which he did everything in his power to prevent. Had the time extension been granted in early 1964, there is no reason to believe that plaintiff would have been precluded from making necessary proofs because irrigation water was then available to plaintiff's land. The effect of the *Arizona* v. *California* decision would not have become pertinent unless further requests for time extension had been made; and this was highly unlikely in view of the terms of the new Navy lease. Under the circumstances, therefore, plaintiff is entitled to equitable relief.

The opinion of the Chief Commissioner recommended a payment of $20,768 and details the basis for that amount. It is recommended that the bill be considered favorably.

SPERRY RAND MAKES HUGE DEFENSE PROFIT ON SMALL INVESTMENT

Mr. PROXMIRE. Mr. President, last Friday I released a General Accounting Office report, made at my personal request, which shows that the Army has allowed the Sperry Rand Corp. to make 340 times its token $50,000 investment while producing 155-millimeter M107 shell casings in the 1951–71 period. The shell casings were produced at Sperry Rand's Louisiana Army Ammunition Plant in Shreveport, La.

I have been especially interested in Defense procurement in my capacity as chairman of the Congressional Joint Economic Committee.

Any taxpayer would be overjoyed to make $17 million on a $50,000 investment which is 340 times the investment, or a 34,000 percent return. Even on an annual basis it is a 17 fold or 1,700 percent return on investment. That is for a period of 20 years, which is the period over which they made the money. But since the taxpayer is paying for this instead of getting it, he is being played strictly for a sucker.

The GAO also found that when the Defense Department shifted from a cost-plus contract to a competitively bid fixed-price contract for the production of the 155-millimeter M–107 shell casing Sperry Rand bid 22.1 percent or $6.49 below what it had previously certified and actually charged the Government at its cost.

Under the old cost-plus-a-fixed-fee contract Sperry claimed a cost of $29.36 for each 155-millimeter M107 shell casing. When it had to compete for a fixed-price contract to produce the very same shell casing, it bid $22.87. Costs did not drop like that in this period of inflation. Rather, it shows that the Defense Department has allowed Sperry Rand to make exorbitant profits.

PLANT WAS GOVERNMENT FURNISHED

In addition the plant was virtually Government furnished. Sperry's only investment was a token $50,000. Phenomenal profits are easy to come by when the American taxpayers give a company a $71 million plant.

Even under the new contract, the GAO pointed out this practice will continue because:

> The Army and Sperry . . . negotiated a facilities contract, effective April 1, 1971, authorizing Sperry rent free use of Government facilities and equipment to produce casings under the fixed-price production contract.

But that is not the only gift that Sperry gets. The GAO found that:

> Sperry had the cost-free use of work-in-process materials valued at $534,396 for almost a year because the Army did not secure prompt reimbursement for the casings-in-process inventory which was sold to Sperry for use under the fixed-price supply contracts that began in April 1971.

In addition, Sperry still has the use of other cost-free material valued at $621,000, all the courtesy of the Army.

ARMY SHOULD DO EVEN MORE

Although the Army has made some attempts to clean up this mess, it has not gone far enough. In the past, Sperry made exorbitant profits by misrepresenting its costs. Now it can continue to make large profits by using free Government facilities, materials, and operating capital.

It is time that Pentagon procurement practices showed more concern for saving the taxpayers' money and less for insuring corporate profits. What we need is some competition and free enterprise in defense procurement.

I have forwarded the GAO report to the Pentagon and have asked for an explanation. Perhaps instances like this will force the administration to correct military waste. Such action is long overdue.

PROFITS AS A PERCENT OF COST OR SALES MISLEADING

Sperry Rand replied that they made something less than a 3-percent profit on costs. That is true. But the fact is that the Government provided the plant, the work-in-process materials, and other cost free materials. Sperry Rand did not bear the total burden of the costs on which they have calculated their "alleged" small profit on costs.

The true picture is that they invested a token $50,000 and made $17 million.

More than any other case I have seen, this example indicates why defense profits must be calculated on the basis of return on investment rather than as a return on costs or sales.

Mr. President, I ask that the entire GAO report be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., JUNE *29, 1972.*

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: In response to your request of June 10, 1971, we inquired into contentions by an anonymous source that the Government was adversely affected by the change from cost contracts to fixed-price contracts for 155 mm casings production at the Louisiana Army Ammunition Plant, Shreveport, La. This plant is operated by Sperry Rand Corporation under the jurisdiction of the U.S. Army Ammunition Procurement and Supply Agency (APSA), Joliet, Ill.

The specific contentions and our findings follow:

CONTENTION

The $150 million Army-owned Louisiana Army Ammunition Plant has been operated for the past 20 years by the Sperry Rand Corporation. Sperry has no money invested in the plant because operating capital is provided free by the Army.

The plant has been operated by Sperry on cost-plus contracts for award fees and a bonus every 6 months. This has put some $20 million, cost-free, into Sperry's hands.

FINDING

As of March 1971 the Government's investment in the ammunition plant was about $71 million. Sperry's investment was $50,000.

Sperry operated the plant from February 1951 through February 1965 under a cost-plus-a-fixed-fee contract. During that period the Army reimbursed Sperry for costs incurred and paid it varying fixed fees. In March 1965 the payment of a semi-annual award fee, in addition to the fixed fees, was authorized.

From February 1951 through March 1971, Sperry was reimbursed for costs of about $654 million and was paid fees of about $17 million. The fees represented less than 3 percent of costs.

CONTENTION

The Army is now switching to fixed-price contracts. This sounds good but it is even worse for the taxpayer. Prior to the changeover, the 155 mm shell produced by Sperry cost 1½ times to twice the market price. Within 24 hours the fixed price dropped to the market price, and the only changes made were in the accounting procedures and a huge writeoff of in-process inventory and tooling, resulting from mismanagement by Sperry. General and administrative expenses are reimbursed by the Army.

FINDING

Switch to fixed-price contracts and reimbursement of general and administrative expenses

On April 1, 1971, the Army switched from cost contracts to fixed-price contracts for the production of 155 mm casings by Sperry. The loading, assembling, and packing operations were continued on a cost basis. The Army and Sperry also negotiated a facilities contract, effective April 1, 1971, authorizing Sperry rent-free use of Government facilities and equipment to produce casings under the fixed-price production contracts. Officials of APSA advised us that the change to fixed-price production contracts had been made to enable the Army to buy the casings competitively. When the contract with Sperry was changed from cost to fixed price, Sperry was placed in an equal competitive position with other companies that were producing 155 mm casings under fixed-price contracts.

The change to fixed-price contracts shifted certain risks to cost overruns to Sperry. Sperry assumed the risk for increases in the costs of production line overhead, including tooling, utilities, and normal maintenance of facilities and equipment. It did not assume the risk of abnormal maintenance and repair of Government-furnished facilities and equipment, plantwide overhead, and general and administrative expenses.

Sperry also assumed the risk for increases in the costs for direct labor and materials, but it did not assume the risk for increases covered by the escalation provisions of the contract. Escalation on direct labor was limited to an increase of 0.6 percent of the end-item unit price of $22.8869. Although this limitation was not applicable to any decrease in rates of pay for labor, the escalation provisions for material provided for changes in material prices in the event of either increases or decreases in cost.

The unit prices under the cost contract included the cost of Government-furnished material, abnormal maintenance and repair of Government-owned production equipment and facilities, and plant overhead and general and administrative expenses. Sperry's unit prices under the cost contract for M107 and M485 casings for the 155 mm shell were $29.36 and $32.14, respectively. To assess the change in prices for casings under the fixed-price contracts, we adjusted the unit prices to cover those costs included in the cost contract. For fiscal year 1971 purchases under the fixed-price contract, the adjusted unit prices were $27.47 for M107 casings and $33.89 for M485 casings. A comparison of these prices follows.

	Unit prices		Increase or decrease (—)
	Fixed price	Cost reimbursement	
M107	$27.47	$29.36	—$1.89
M485	33.89	32.14	1.75

While the unit prices of M485s increased, those of the M107s decreased. The Army purchased about four times as many M107s as M485s.

APSA and Sperry officials advised us that Sperry's higher prices for M107s under the cost contract had been caused, in part, by the high production levels at which APSA had required Sperry to operate. They stated that these levels were maximum production. This, in turn, precluded adequate maintenance of equipment, which resulted in equipment downtime and also precluded implementation of approved programs for modernization of plant equipment.

Competition was obtained in the purchase of 155 mm casings for fiscal year 1972 requirements. Norris Industries, Los Angeles, Calif., received the contract award for M485 casings at a unit price of $26.41. Sperry received an award for M107 casings at a unit price of $21.60. The latter unit price does not include Government-furnished material and abnormal maintenance and repair of equipment, which averaged about $1.27 a unit under the prior fixed-price contract.

Writeoffs

We found no writeoff of tooling and the writeoff of inprocess inventory was about $55,000. The inventory writeoff spread over fiscal year 1971 production of about 537,000 casings represented a unit cost of only about $0.10.

Sperry purchased the March 1971 in-process inventory from the Government at a price of $534,396, or about $55,000 below the book value of the inventory. APSA and Sperry arrived at the $534,396 price for the inventory on the basis of what it would have cost Sperry to produce the parts using the cost factors included in the negotiated fixed-price contract rather than the recorded value of the in-process inventory. APSA negotiators advised us that the fixed-price contracts were negotiated in February 1971 on the basis that Sperry would have an in-process inventory to start production on April 1, 1971, and that the pricing of the inventory on that basis had been intended to preclude any pricing advantage to either Sperry or the Government.

Sperry's prices compared with market prices

The informant's comparison of Sperry's prior prices with market prices relates solely to the M107, because Sperry was the only producer of M485 casings prior to December 1971. The unit price of M107 casings varied among other suppliers and generally appeared to be lower than Sperry's prior prices, as shown below.

Sperry's historical unit price for M107 casings, July 1970 through February 1971—$29.36.

Price range for M107 casings under fixed-price contracts of other suppliers awarded in fiscal year 1970—$21.33 to $22.63.

Sperry's historical price of $29.36 under the cost contract was substantially above the fixed prices of other suppliers operating Government-owned plants, but Sperry's price included items not included in the prices of other suppliers. It included the cost of Government-furnished material and of abnormal maintenance and repair of equipment, which is estimated to be approximately $2.36 a unit.

CONTENTION

Government money is misused. For example, support-services work done on fixed-price job orders payable by Sperry are charged to work orders reimbursed to Sperry.

FINDING

We found that the manner in which the Army implemented the conversion to fixed-price contracting resulted in Sperry's having the use of Government funds for varying periods of time. We also found several errors in accounting for, and distributing cost among, the contracts that had resulted in overcharges to the Government of about $52,000. These errors were made because support services were being charged to the cost contract rather than to the applicable fixed-price contract. When we called this to the attention of Sperry's controller, Sperry reimbursed the Government for these overcharges and took steps to avoid these types of errors in the future. We estimate that the corrective action taken avoided additional overcharges to the Government of about $38,000.

Sperry had the cost-free use of work-in-process materials valued at $534,396 for almost a year because the Army did not secure prompt reimbursement for the casings-in-process inventory which was sold to Sperry for use under the fixed-price supply contracts that began in April 1971. Negotiations of the inventory value were delayed until September 1971 because of Sperry's delay in submitting a proposal and because of the time required by APSA and the Defense Contract Audit Agency to evaluate Sperry's inventory valuation. During the period September 1 to 3, 1971, APSA and Sperry agreed to an inventory value of $534,396. In March 1972 the Army issued a contract modification and secured reimbursement from Sperry. The APSA negotiator attributed the delay in preparing the contract modification to a heavy workload and to his desire to prepare one modification to offset the sale revenue of the inventory against the additional funds needed for cost overruns on production orders for casings manufactured under the cost contract.

Also Sperry had had the use of Government-owned indirect material having a book value of $621,000. This amount was comprised at about $422,000 for tooling for production-line equipment and about $199,000 for other indirect materials not included in the facilities contract. These materials, which had been issued to the casings-manufacturing line for use under the cost-type contract but which had not been used, were available for use by Sperry under its fixed-price contract. The Army was aware of this matter, and settlement was still under negotiation in April 1972 because Sperry and the Army could not agree on the tranfser value of the material.

In addition, about $192,000 worth of other indirect material acquired under the cost-type contract was available for use by Sperry under the fixed-price contract. Under the billing arrangements between the Government and Sperry, payment for Government-owned materials issued for the fixed-price contract is made by Sperry about 2 weeks after the end of the month in which the materials are issued. Through October 31, 1971, about $144,000 worth of these materials had been issued for the fixed-price contract and paid for by Sperry. Army representatives at the plant advised us that they would take action to insure that Sperry reimbursed the Government for the cost of the remaining materials.

CONTENTION

The Army is handing over the Indiana Army Ammunition Plant to Sperry's management.

Finding

In May 1971 the Army solicited proposals for the operation of the Indiana plant from about 20 firms, including Sperry. On March 24, 1972, a contract to operate the Indiana plant, effective May 1, 1972, was awarded to I.C.I. America, Incorporated, Wilmington, Del.

We made our review at the Louisiana plant and at APSA. We reviewed the circumstances surrounding the change to fixed-price contracts at the plant and the procedures and practices followed by the Army and Sperry in implementing and administering the change.

We discussed the matters contained in the report with agency and Sperry officials, but we did not submit the report for their formal examination and comments. We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

As you requested we are returning the enclosure to your letter. If we can be of further assistance in this matter, please let us know.

Sincerely yours,

Robert F. Keller,
Comptroller General of the United States.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Talmadge) laid before the Senate the following letters, which were referred as indicated:

Report on Approval of Loan to Cooperative Power Association, Minneapolis, Minn.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Cooperative Power Association, Minneapolis, Minn., in the amount of $2,528,000 (with accompanying papers); to the Committee on Appropriations.

Reports on Final Determination With Respect to Claims of Certain Indians

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on final determination of docket No. 110, the Lummi Tribe of Indians, plaintiffs, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on final determination of docket No. 234, the Chinook Tribe and Bands of Indians, plaintiffs against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on final determination of docket No. 284, the Native village of Gambell, in its own right and as representative or successor to the St. Lawrence Island Eskimos; Ben Booshu and John Apangalook as representative of the St. Lawrence Island Eskimos, plaintiffs, against the United States of America (with accompanying papers); to the Committee on Appropriations.

Report on Property Acquisitions of Emergency Supplies and Equipment

A letter from the Director, Defense Civil Preparedness Agency, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended June 30, 1972; to the Committee on Armed Services.

Proposed Amendment of Title 10, United States Code

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase below zone selection authorization of commissioned officers of the Regular Navy and Marine Corps and to authorize below zone selection of certain other commissioned officers of the Navy and Marine Corps, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Proposed Legislation To Amend Title 10, United States Code

A letter from the Assistant Secretary of the Air Force, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a non-Regular officer of the Army or Air Force may be required to perform on completion of training at an education institution (with an accompanying paper); to the Committee on Armed Services.

Report on Department of Defense Procurement From Small and Other Business Firms

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense Procurement from Small and Other Business Firms, for July 1971–April 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report of Securities Investor Protection Corporation

A letter from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report of the Securities Investor Protection Corporation (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Map Entitled "Major Natural Gas Pipelines"

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a map entitled "Major Natural Gas Pipelines, December 31, 1971" (with an accompanying document); to the Committee on Commerce.

Proposed Amendment of Fish and Wildlife Act of 1956

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Fish and Wildlife Act of 1956, and for other purposes (with an accompanying paper); to the Committee on Commerce.

Report of Civil Aeronautics Board

A letter from the Chairman, Civil Aeronautics Board, transmitting, pursuant to law, a report of that Board, for the fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

Proposed Amendment of the Internal Revenue Code

A letter from the Secretary of the Treasury submitting proposed legislation to permit the authorization of means other than stamps to evidence tax payment of containers of distilled spirits (with accompanying papers); to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Acquisition of Major Weapon Systems" (with accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Suggestions for Changes in U.S. Funding and Management of Pacification and Development Programs in Vietnam," Department of Defense, Department of State, Agency for International Development, dated July 18, 1972 (with an accompanying report); to the Committee on Government Operations.

Transfer of Equipment by Atomic Energy Commission

A letter from the General Manager of the Atomic Energy Commission submitting, pursuant to law, a list of the nonprofit educational institutions and other nonprofit organizations in which title to equipment was vested by the Atomic Energy Commission for 1971 (with accompanying papers); to the Committee on Government Operations.

Report on Projects Selected for Funding of Certain Foundations and Institutions

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on projects selected for funding, through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of Aviation Hall of Fame, Inc.

A letter from the President, Aviation Hall of Fame, Inc., transmitting, pursuant to law, a report of that organization, for calendar year 1971 (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation To Provide for the Dissemination and Use of Criminal Record Information

A letter from the Attorney General, transmitting a draft of proposed legislation to provide for the dissemination and use of criminal record information, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

Reports From the Public Health Service

A letter from the Secretary of Health, Education, and Welfare transmitting certain reports for fiscal year 1971 from the components of the Public Health Service (with accompanying reports); to the Committee on Labor and Public Welfare.

Report of the National Institute On Alcohol Abuse and Alcoholism

A letter from the Secretary of Health, Education, and Welfare submitting, pursuant to law, the annual report of the National Institute on Alcohol Abuse and Alcoholism (with accompanying report); to the Committee on Labor and Public Welfare.

Report of the Equal Employment Opportunity Coordinating Council

A letter from the Equal Employment Opportunity Coordinating Council in the nature of a report of its activities since March 24, 1972; to the Committee on Labor and Public Welfare.

Report of a Comprehensive 10-State Nutrition Survey

A letter from the Secretary of Health, Education, and Welfare submitting, pursuant to law, a report of a comprhensive 10-State nutrition survey which the Department conducted from 1968 through 1970 (with accompanying report); to the Committee on Labor and Public Welfare.

Proposed Amendment of the Age Discrimination in Employment Act of 1967

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Age Discrimination in Employment Act of 1967 to extend the act to State and local governments (with accompanying papers); to the Committee on Labor and Public Welfare.

Report of the Secretary of Transportation

A letter from the Assistant Secretary of Transportation submitting, pursuant to law, a report relating to the economic, social, and environmental effects of highway projects (with accompanying report); to the Committee on Public Works.

Prospectus Relating to Construction of a Federal Office Building in Anchorage, Alaska

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus relating to the construction of a courthouse and Federal office building and parking facility in Anchorage, Alaska (with accompanying papers); to the Committee on Public Works.

Proposed Legislation Relating to Automatic Guarantee of Mobile Home Loans

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to provide for the automatic guarantee of mobile home loans (with an accompanying paper); to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Talmadge):

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"Assembly Joint Resolution No. 31

"Relative to construction and operation of a Federal Job Corps center for the rural counties of northern California

"Whereas, In the opinion of the Members of the Legislature of the State of California there is a need and a desire of establishing a community Job Corps center in the San Joaquin Valley; and

"Whereas, Job Corps, one of several major manpower programs of the Labor Department, is designed to give intensive orientation, counseling, education, vocational training, work experience, and job placement in a residential atmosphere to disadvantaged individuals between the ages of 16 through 22; and

"Whereas, All programs and support services would be linked to existing manpower services and community resources, and, in this way, such a center can best identify the needs of the area's youth, redirect and restructure their lives by selecting the appropriate combination of education and vocational training while instilling the motivation and know-how in securing full-time employment; and

"Whereas, The proposed community Job Corps center would be a local program operating to recruit, train, support and place youth from the rural counties of central and northern California and would provide 24-hour supportive services which would be coupled with other local manpower and socially oriented programs; and

"Whereas, Through its advisory board and the subcontractors, the center would have ties with local employers, employer organizations, and unions, as a means of creating training programs which will meet specific employer or union needs, as well as job and apprenticeship commitments for youth who complete their training programs; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States, the Congress, Secretary of Labor, and Director of the Federal Job Corps Program to undertake a study of the feasibility of constructing and operating a Job Corps center for the rural areas of northern California; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Labor, and to the Director of the Federal Job Corps Program."

A resolution of the Governor and Cabinet of the State of Florida; to the Committee on Labor and Public Welfare:

"State of Florida

"Whereas, in 1950 the Congress created a program of financial assistance to those agencies providing education for children residing on federal property or for children whose parents are employed on federal property; and

"Whereas, every year since, the Congress has seen fit to support this program with what has become commonly known as "impact funds;" and

"Whereas, the Brevard County School District educates 1,952 pupils whose parents live on federal property and 20,532 pupils whose parents live off, but work, on federal property; and

"Whereas, in the instance of Brevard County, a great deal of what would otherwise be "industrial or commercial property," is federally owned and, therefore, wholly exempt from taxation; and

"Whereas, the tax exempt federal property in Brevard County amounts to 159,133 acres or 65 percent of the total property in the county and is valued at $1.8 billion; and

"Whereas, based upon a ten mill maximum which the Brevard County School District has levied against all privately owned properties, this tax exempt federal property would produce $17.1 million in operating revenues for school purposes; and

"Whereas, the present Administration has proposed eliminating from impact fund consideration the "B Category" pupils, those pupils whose parents live off, but work, on federal property; and

"Whereas, such action on the part of Congress would result in a loss of $3.684 million, or over three-fourths of the Brevard County School District's entitlement of $4.642 million; and

"'Whereas, the Brevard County School District cannot operate and offer the same educational program for our children if this loss in revenue is sustained; and

"Whereas, there are 21 other counties in the State of Florida similarly affected.

"Now, therefore, be it resolved that the Governor and Cabinet of the State of Florida strongly urges Congress to support adequate funding of all educational legislation, therefore eliminating the continued need for supplemental appropriations; and

"Be it further resolved that if such funding is not forthcoming, that the Governor and Cabinet do hereby urge Congress to honor its 22 year old commitment to those agencies which have faithfully educated the children of federal government employees, during that time, to wit: fund at full entitlement both A and B category pupils; and

"Be it further resolved that copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the appropriate members of the Senate and House Appropriations Committees."

A joint resolution of the State of Illinois; to the Committee on the Judiciary.

"House Joint Resolution 11

"Resolved, By the House of Representatives of the Seventy-seventh General Assembly of the State of Illinois, the Senate concurring herein, that this Legislature respectfully withdraws the petition made by the Seventy-fifth General Assembly of the State of Illinois to the Congress of the United States to call a Constitutional Convention; and, be it further

"Resolved, That a duly attested copy of this Resolution be immediately transmitted by the Office of the Secretary of State to the Secretary of the Senate of the United States and to the Clerk of the House of Representatives of the United States.

"Adopted by the House, June 24, 1971."

A resolution adopted by the Convention of National Utility Contractors Association, expressing opposition to the administration's failure or refusal to expend all funds appropriated by the Congress; to the Committee on Appropriations.

A resolution adopted by the Convention of National Utility Contractors Association, praying for action by the Cost of Living Council relating to the control of inflation; to the Committee on Banking, Housing, and Urban Affairs.

A resolution adopted by the Convention of National Utility Contractors Association, relating to discrimination in regarding to the plumbing code; to the Committee on Government Operations.

A resolution adopted by the Convention of National Utility Contractors Association, praying for the enactment of legislation to exempt the construction industry from the Occupational Safety and Health Standards; to the Committee on Labor and Public Welfare.

A resolution adopted by the Convention of National Utility Contractors Association, expressing opposition to certain testimony relating to the water pollution bill; to the Committee on Public Works.

A resolution adopted by the American Federation of Musicians, Newark, N.J., praying for the enactment of legislation relating to health care; to the Committee on Finance.

A resolution adopted by the Italian American War Veterans, Hartford, Conn., protesting proposed amnesty for military deserters; to the Committee on Armed Services.

A resolution adopted by the Italian American War Veterans, Hartford, Conn., praying for repeal of the existing law relating to observance of Memorial Day; to the Committee on the Judiciary.

A resolution adopted by the Annual Convention of the Department of Michigan, Jewish War Veterans of the United States of America, praying for the enactment of legislation relating to gun control; to the Committee on the Judiciary.

Two resolutions adopted by the Annual Convention of the Department of Michigan, Jewish War Veterans of the United States of America, praying for the enactment of legislation relating to increasing the living and educational allowances for Vietnam veterans, and the granting of bonuses to Vietnam veterans; to the Committee on Veterans' Affairs.

A resolution adopted by the Annual Convention of the Department of Michigan, Jewish War Veterans of the United States of America, praying for ratification of the Genocide Treaty; ordered to lie on the table.

A petition for redress of grievances and supporting papers from certain citizens of the State of New York; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1217. A bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes (Rept. No. 92-967).

ANNUAL REPORT OF SUBCOMMITTEE ON SEPARATION OF POWERS—REPORT OF A COMMITTEE (S. REPT. NO. 92-966)

Mr. ERVIN, from the Committee on the Judiciary, pursuant to section 17 of Senate Resolution 32, 92d Congress, first session, submitted a report entitled "Separation of Powers," which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TAFT:

S. 3799. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for emergency loan disaster relief. Referred to the Committee on Agriculture and Forestry;

S. 3800. A bill to amend title V of the Housing Act of 1949 to provide for rural housing disaster relief; and

S. 3801. A bill to amend the Small Business Act, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HOLLINGS (for himself and Mr. MAGNUSON):

S. 3802. A bill to promote commerce and establish a Council on Energy Policy in the Executive Office of the President, and for other purposes. Referred to the Committee on Commerce.

By Mr. EASTLAND:

S. 3803. A bill for the relief of Oscar H. Barnett. Referred to the Committee on Interior and Insular Affairs.

By Mr. SCHWEIKER:

S. 3804. A bill to amend the Higher Education Act of 1965. Referred to the Committee on Labor and Public Welfare.

S. 3805. A bill to provide additional relief to victims of major disasters, to provide for early designation of major disaster areas, and for other purposes. Referred to the Committee on Public Works.

By Mr. HOLLINGS:

S. 3806. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE:

S. 3807. A bill for the relief of Lloyd Cordner; and

S. 3808. A bill for the relief of Emilien Victor Houlmiere and his wife, Daniele Fernande Houlmiere. Referred to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 3809. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oreg., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. DOMINICK:

S. 3810. A bill to amend the Tariff Schedules of the United States with respect to the classification of certain ceramic articles. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT:

S. 3799. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for emergency loan disaster relief. Referred to the Committee on Agriculture and Forestry.

S. 3800. A bill to amend title V of the Housing Act of 1949 to provide for rural housing disaster relief; and

S. 3801. A bill to amend the Small Business Act, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

DISASTER RELIEF ASSISTANCE

Mr. TAFT. Mr. President, Hurricane Agnes has left over $1.9 billion in destroyed property and more than 150,000 of our citizens homeless. In Pennsylvania, property damage exceeded $1 billion. Even my own State of Ohio, which was on the periphery of the storm, has suffered over $3.3 million in damage.

The overwhelming destruction and hardship wreaked in June by this hurricane and the Rapid City flood have highlighted the need for an effective disaster assistance program. Under these circumstances, it is tragic that the present program of disaster assistance to individuals is inadequate, inequitable, and administratively cumbersome.

The assistance now available, which consists of 5⅛ percent loans with $2,500 of the first $3,000 forgiven when the damage is in a Presidentially declared disaster area, may be sufficient for well-to-do owners whose vacation houses have suffered a few thousand dollars' worth of damage to their exteriors. For a retired person who sees his home of 25 years carried downstream piece by piece or devastated by a hurricane, however, this assistance is just not enough. The assumption of a large loan at 5⅛ percent interest is too much of a burden.

In addition, the benefits which are available have not been distributed on an equitable basis. Everyone is eligible to receive the same $2,500 grant and 5⅛-percent loan, regardless of whether he is rich or poor and irrespective of the amount of damage suffered. The Government pays the $2,500 just as readily to a millionaire for repairing his tennis court as it does to low-income laborers who need it to put their silt-covered homes back into livable condition.

To make matters worse, the generous grant provisions have sometimes encouraged homeowners to inflate their estimates of property damage. It is no accident that 14 percent of the applicants for assistance in the first 9 months after last year's California earthquake asked for exactly $3,000. About half of all applicants asked for $3,000 or less, thereby having to repay only the minimum $500 loan. Far too many of these people used Government money to remodel their homes, buy a new boat, or take a vacation in Mexico.

Some of the fraud resulted from sloppy administration of the program by the SBA. In all fairness, however, that agency was deluged with applications for help; 50,000 loan applications were received in the first 10 months after the California disaster. The SBA was also under extreme political pressure to cut redtape and process applications quickly. Moreover, for earthquakes and some other types of disasters it is difficult to distinguish between disaster-related damage and damage caused by other factors, such as age or normal use.

These same considerations will make some abuse inevitable in any disaster as long as the forgiveness clause is retained.

As the residents of my hometown of Cincinnati discovered after a 1969 tornado that devastated many of their properties, one of the most serious inequities of the present law is its failure to offer the same assistance to victims of all disasters. The $2,500 forgiveness is available to victims in areas which have been designated as disasters by the President, but not in areas which have been so designated by the SBA or the Department of Agriculture. A person whose home is destroyed can get substantial aid if he happens to live in a Presidentially designated area, but otherwise he is out of luck. In practice this has sometimes resulted in limiting large-scale assistance to people on only one bank of a flooded river. The people on the other bank could not help feeling left out, and I do not blame them.

In the last 5 fiscal years, there were only two Presidentially declared disasters in Ohio, in which people were eligible for the $2,500 grant. There were seven SBA-declared disasters, in which no such help was given.

In response to the inadequate level of disaster assistance, the House has now passed a bill to lower the interest rate on SBA-administered disaster loans to 3 percent. The legislation also gives assistance applicants in Presidentially declared disaster areas their choice of utilizing the $2,500 forgiveness provision, with no $500 front-end loan required, or receiving the entire loan at an interest rate of 1 percent.

This legislation is a step in the right direction. The reduced interest rates will be particularly helpful to those who have suffered a substantial amount of damage since their loan principals will be high. In addition, the SBA considers the front-end loan requirement an excessive administrative burden in view of the fact that many borrowers request the loan only to avail themselves of the forgiveness. The agency will be happy to see it eliminated. It is unfortunate, however, that the bill's effective date of July 1, 1971, would place an intolerable administrative burden on the SBA by forcing it to reprocess tens of thousands of loans from the 32 Presidentially declared disasters which occurred in 1972. Furthermore, the reduction of the interest rates to victims of SBA-declared disasters introduces an additional inequity because such interest rates are not reduced for victims of Department of Agriculture-declared disasters. A homeowner hit by Hurricane Agnes could thus obtain a 1-percent loan, a 3-percent loan, a 5⅛-percent loan, or no low-interest loan at all, depending on where he happened to live.

The administration bill to provide 1-percent loans with the first $5,000 forgiven would provide much more extensive relief to victims of Hurricane Agnes. This proposal, however, is not a permanent solution since it applies to Agnes victims only. That is obviously an inequitable arrangement, and the administration must feel that the terms of its bill are too generous for permanent legislation. Otherwise, one would have expected them to propose permanent legislation.

In addition to these shortcomings, neither of the proposed bills would solve many of the problems which I have discussed. Both of them would perpetuate the denial of aid to many victims of SBA-declared or Department of Agriculture-declared disasters who are in need of it. Even if either bill were enacted, the Government would continue its generous distribution of funds to people who do not desperately need assistance. The encouragement of fraud would also continue. Despite our haste to bring relief to the victims of Hurricane Agnes, we cannot afford to ramrod legislation through the Congress which is deficient in these ways.

It is time that Congress provide relief for the losses to the Government and unreasonable hardships which the people are allowed to suffer as a result of our disaster assistance laws, as well as the losses caused by the disasters themselves.

To do this, I propose that homeowners, small businessmen, and farmers affected by any disaster, whether it is Presidentially declared, SBA-declared, or Department of Agriculture-declared, be offered 2-percent loans with one-fourth of the loan principal forgiven up to a maximum amount of $3,250. Anyone who has suffered damages greater than 30 percent of his last year's income would be given full forgiveness up to a maximum of $3,250, and a 2-percent loan.

My approach would make people who really need disaster assistance better off than the House proposal or present law. Those who have suffered more than $2,500 damage would receive a larger grant. As a result, they would also save money on the interest cost of any loan since the principal would be lower. More importantly, the provision of this assistance will no longer depend on the whim of the President or his designee, the Director of the Office of Emergency Preparedness. A man will be able to attain assistance for repairing his house regardless of whether the Director feels that a sufficient number of the homes or businesses in the area have been destroyed for it to merit large-scale Federal assistance.

My legislation would also discourage the misuse of Government funds that was so prevalent in California. This would be accomplished by denying the full utilization of the forgiveness clause for those whose inconvenience and suffering as a result of the disaster has been minor. I have also included the House-passed provision making the misuse of disaster relief funds a violation of civil law.

The requirements to qualify for greater benefits under this legislation are not stringent. If a man made $10,000 last year, he would be able to receive the entire forgiveness unless he has suffered damages of less than $3,000. Even if this is the case, he would still be eligible for a 2-percent loan and a small grant.

The provision of slightly less favorable terms to those not desperately in need of assistance and to borrowers of extremely large amounts should save the Government enough money to make my proposal comparable in expense to the House proposal, even though many more people will receive benefits equal to or exceeding those which the House bill makes available.

I have accepted the House provision allowing a 5-year deferral of payments, and extended that provision to cover victims of Department of Agriculture-declared disasters. My legislation would also allow 5-year extensions in the maturity of loans to homeowners and small businesses in some cases.

The effective date of the bill would be June 1, 1972. Thus the victims of Agnes and the Rapid City flood would be covered, but the SBA would not be forced to renegotiate thousands of loans from previous disasters. I have also included a provision to insure that those few victims of the Agnes and Rapid City floods who would be better off under present law than under my bill would claim the benefits now available.

It has taken two of the worst catastrophies in our history to prod the Government into considering the kind of relief measures that disaster victims really need. Let us hope that out of these tragedies may come the kind of legislation that will provide disaster relief on a fair, rational, and efficient basis.

I ask unanimous consent that a copy of the three bills which I am introducing be printed in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 3799

A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for emergency loan disaster relief

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subtitle C of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 328. (a) Notwithstanding the provisions of any other law, in the administration of this subtitle, in the case of loss or damage resulting from a major disaster as determined by the President, or a natural disaster as determined by the Secretary, the Secretary, to the extent such loss or damage is not compensated for by insurance or otherwise—

"(1) shall cancel 25 per centum of the principal of the loan, except that the total amount so canceled shall not exceed $3,250, and make the balance of such loan at an interest rate of 2 per centum per annum;

"(2) may consent to a suspension in the payment of principal and interest charges on the Federal share of any loan made under this section for a period not to exceed five years, except that any such deferred payments shall bear interest at 2 per centum per annum;

"(3) may make any loan for repair, rehabilitation, or replacement or property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources; and

"(4) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structure and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of this section.

"(b)(1) Notwithstanding the 25 per centum limitation contained in clause (1) of subsection (a), the Secretary shall cancel the principal of any loan to which such clause applies except that the total amount so cancelled shall not exceed $3,250, and make the balance of the loan at an interest rate of 2 per centum per annum, where the amount of loss or damage exceeds 30 per centum of (A) the income of the borrower for the taxable year preceding the year in which the loss or damage is sustained, or (B) in the case of a borrower who has retired or become disabled in the taxable year in which the loss or damage is sustained, the income of the borrower, as estimated by the Secretary, for the taxable year after the taxable year in which the loss or damage is sustained.

"(2) For purposes of paragraph (1), 'income' means—

"(A) except in the case of a corporation, adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, and

"(B) in the case of a corporation, taxable income as defined in section 63 of the Internal Revenue Code of 1954.

"(c) Whoever wrongfully misapplies the proceeds of a loan obtained under this section shall be civilly liable to the Secretary in an amount equal to one-and-one-half times the original principal amount of the loan."

SEC. 2. The amendment made by the first section of this Act shall apply with respect to any major disaster or other disaster occurring on or after June 1, 1972, except that subsection (c) of such section shall apply only with respect to loans made on or after the date of enactment of this Act, and any person who suffers any loss or damage as a result of any such disaster on or after June 1, 1972, but prior to the date of enactment of this Act, and who is eligible under existing law at the time of such disaster for benefits greater than those provided under the amendment made by the first section of this Act, may elect to receive such greater benefits.

S. 3800

A bill to amend title V of the Housing Act of 1949 to provide for rural housing disaster relief

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title V of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

"RURAL HOUSING DISASTER RELIEF LOANS

"SEC. 525. (a) Notwithstanding the provisions of any other law, in the administration of section 502, in the case of loss or damage resulting from a major disaster as determined by the President, or a natural disaster as determined by the Secretary, the Secretary, to the extent such loss or damage is not compensated for by insurance or otherwise—

"(1) shall cancel 25 per centum of the principal of the loan, except that the total amount so canceled shall not exceed $3,250, and make the balance of such loan at an interest rate of 2 per centum per annum;

"(2) may consent to a suspension in the payment of principal and interest charges on and to an extension in the maturity of the Federal share of any loan made under this section for a period not to exceed five years, except that any such deferred payments shall bear interest at 2 per centum per annum;

"(3) may make any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources; and

"(4) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structure and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of this section.

"(b) (1) Notwithstanding the 25 per centum limitation contained in clause (1) of subsection (a), the Secretary shall cancel the principal of any loan to which such clause applies, except that the total amount so cancelled shall not exceed 3,250, and make the balance of the loan at an interest rate of 2 per centum per annum, where the amount of loss or damage exceeds 30 per centum of (A) the income of the borrower for the taxable year preceding the year in which the loss or damage is sustained, or (B) in the case of a borrower who has retired or become disabled in the taxable year in which the loss or damage is sustained, the income of the borrower, as estimated by the Secretary, for the taxable year after the taxable year in which the loss or damage is sustained.

"(2) For purposes of paragraph (1), 'income' means—

"(A) except in the case of a corporation, adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, and

"(B) in the case of a corporation, taxable income as defined in section 63 of the Internal Revenue Code of 1954.

"(c) Whoever wrongfully misapplies the proceeds of a loan obtained under this section shall be civilly liable to the Secretary in an amount equal to one-and-one-half times the original principal amount of the loan.

Sec. 2. The amendment made by the first section of this Act shall apply with respect to any major disaster or other disaster occurring on or after June 1, 1972, except that subsection (c) of such section shall apply only with respect to loans made on or after the date of enactment of this Act, and any person who suffers any loss or damage as a result of any such disaster on or after June 1, 1972, but prior to the date of enactment of this Act, and who is eligible under existing law at the time of such disaster for benefits greater than those provided under the amendment made by the first section of this Act, may elect to receive such greater benefits.

S. 3801

A bill to amend the Small Business Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 7 of the Small Business Act (15 U.S.C. 636(b)) is amended by striking out the matter following paragraph (6) and inserting in lieu thereof the following:

"No loan under this subsection, including renewals and extensions thereof, may be made for a period or periods exceeding thirty years: *Provided*, That the Administrator may consent to a suspension in the payment of principal and interest charges on, and to an extension in the maturity of, the Federal share of any loan under this subsection for a period not to exceed five years, if (A) the borrower under such loan is a homeowner or a small business concern, (B) the loan was made to enable (i) such homeowner to repair or replace his home, or (ii) such concern to repair or replace plant or equipment which was damaged or destroyed as the result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection, and (C) the Administrator determines such action is necesary to avoid severe financial hardship: *Provided further*, That the provisions of paragraph (1) of subsection (c) of this section shall not be applicable to any such loan having a maturity in excess of twenty years. In the case of a loan made pursuant to paragraphs (3), (5), or (6) or this subsection, the rate of interest on the Administration's share of such loan shall not be more than the higher of (A) 2¾ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum plus one-quarter of 1 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

"In the administration of the disaster loan program under paragraphs (1), (2), and (4) of this subsection, in the case of property loss or damage or injury resulting from a major disaster as determined by the President, a disaster as determined by the Administrator, or a natural disaster as determined by the Secretary of Agriculture in the case of a small business concern which the Administration determines has suffered a substantial economic injury as a result of such natural disaster, the Administration, to the extent such loss or damage or injury is not compensated for by insurance or otherwise—

"(A) may make any loan for repair, rehabilitation, or replacement of property damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

"(B) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of this paragraph.

"(C) shall, notwithstanding the provisions of any other law, upon presentation by the applicant of proof of property loss or damage or injury and a bona fide estimate of cost of repair, rehabilitation or replacement, either—

"(i) cancel 25 per centum of the principal of the loan, except that the total amount so canceled shall not exceed $3250, and make the balance of such loan at an interest rate of 2 per centum per annum, or (ii) cancel the principal of the loan, except that the total amount so canceled shall not exceed $3250, and make the balance of such loan at 2 per centum per annum, when the amount of the loss or damage or injury sustained to the borrower's damaged or destroyed real or personal property, or both, exceeds 30 per centum of (aa) the income of the borrower for the taxable year preceding the year in which the loss or damage is sustained, or (bb) in the case of a borrower who has retired or become disabled in the taxable year in which the loss or damage is sustained, the income of the borrower, as estimated by the Administrator, for the taxable year after the taxable year in which the loss or damage is sustained.

For purposes of this clause (ii), 'income' means except in the case of a corporation, (aa) gross income as defined in section 62 of the Internal Revenue Code of 1954 reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, and (bb) in the case of a corporation, taxable income as defined in section 63 of the Internal Revenue Code of 1954.

"Whoever wrongfully misapplies the proceeds of a loan obtained under this subsection shall be civilly liable to the Administrator in an amount equal to one-and-one-half times the original principal amount of the loan."

Sec. 2. The amendment made by the first section of this Act shall apply with respect to any major disaster or other disaster occurring on or after June 1, 1972, except that the last paragraph of the amendment made by the first section shall apply only with respect to loans made on or after the date of enactment of this Act, and any person who suffers any loss or damage as a result of any such disaster on or after June 1, 1972, but prior to the date of enactment of this Act, and who is eligible under existing law at the time of such disaster for benefits greater than those provided under the amendment made by the first section of this Act, may elect to receive such greater benefits.

By Mr. HOLLINGS (for himself and Mr. Magnuson):

S. 3802. A bill to promote commerce and establish a Council on Energy Policy in the Executive Office of the President, and for other purposes. Referred to the Committee on Commerce.

ENERGY POLICY ACT OF 1972

Mr. HOLLINGS. Mr. President, I introduce for appropriate reference on behalf of myself and the distinguished Senator from Washington (Mr. Magnuson), a bill to promote commerce and establish a Council on Energy Policy in the Executive Office of the President and for other purposes.

The Nation is increasingly faced with shortages of energy and an abundance of pollution. For the fourth summer in succession, whole regions of the country are facing the prospect of power brownouts and blackouts. Last night the power failed for 200,000 customers in the Bay Ridge, Brooklyn area of New York. Natural gas availability is increasingly coming into question as new customers discover that they are unable to acquire needed supplies. Coal and oil prices have soared and low-sulfur fossil fuels are in increasingly tight supply. The Nation is becoming ever more dependent upon foreign petroleum supplies.

The environmental impact of energy production is enormous. Air pollution from electric powerplants caused over $8 billion in health and property damage last year—over $40 for every man, woman and child in the United States. Nuclear powerplants, while not a source of air pollution present problems of their own. Normal operation results in release of radioactive wastes into the environment. Many scientists have warned of the danger of such low-level radioactive discharges and of the inadequacy of procedures for dealing with nuclear plant emergencies. The most serious problem, however, is the disposal of radioactive waste products which must be isolated from the environment for thousands of years. Strip mining for coal is devastating large areas of the Nation. Oil shipments over water last year resulted in more than 10,000 oil spills and the situation promises to become worse as we import more oil and commence shipments from Alaska.

The existing structure, particularly in regulated industries, operates to discourage efficiency and innovation and instead encourages political manipulation, economic concentration, secrecy and heavy investment in the status quo.

The Nation is totally unprepared to systematically deal with these urgent problems. There is no comprehensive energy policy. Instead numerous State, Federal, and even some local agencies are directly involved in formulating energy policy. On the Federal level alone several agencies regulate oil leasing, petroleum production, petroleum imports, coal production, mine safety, and uranium milling and processing. Other agencies control discharges and emissions. At least 19 agencies are involved in regulating the electric utility industry. Nearly all States have conservation laws that limit spacing and rate of production of oil and gas wells. States generate hydroelectric power or regulate such generation and they administer pollution control and land use laws. All of these agencies were established at different times and for different purposes often to handle specialized problems. Energy policy is formulated on an ad hoc basis in response to one crisis after another. As a result the Nation faces mismanagement of energy resources, unacceptable environmental impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply and soaring energy prices.

If the Congress and the President are to rationally and effectively solve these problems, while at the same time protecting the consumer and the environment, a high level advisory body with the capacity to collect and analyze all energy statistics, coordinate the energy activities of the Federal Government, and prepare a long-range comprehensive plan for energy utilization is needed. It is only by establishing such an organization that Congress and the President can have a clear picture of the Nation's overall energy policy, and can coordinate the more than 60 Federal agencies now formulating energy policy in conflicting and sometimes senseless ways. It is time that tax policy, import controls, competitive incentives, regulatory activities, and new policy initiatives are coordinated to serve the public interest.

Many of the Nation's energy policies and regulatory structures were formulated beginning in the 1870's. These structures were created at a time when our problems were very different. The purpose then was to raise the capital to develop that frontier. This system, which was originally designed to protect the public from concentrations of wealth, now is often thought to protect the monopolies from the public. And today national attention is turned to conservation of resources, improving the quality of life and supplying the energy we need without harming the delicate balance of nature upon which all life and progress depend.

To achieve these goals will require a restructuring of energy regulation and policies. Chairman James R. Schlesinger of the Atomic Energy Commission, Secretary Rogers C. B. Morton of Interior and other administration officials have called for sweeping changes. Many committees of the Senate and the House have held hearings on various aspects of the energy problem. The Senate Commerce Committee has closely examined energy research and development, natural gas supplies and powerplant siting. The Interior Committee is conducting an extensive fuels and energy study. The Joint Economic Committee as well as numerous House committees have studied the problem. These reports, while illuminating, have not yet enabled the Congress or the country to develop energy policies or programs to cope with the conditions of our times. However, there is universal agreement that a coherent energy policy is needed. A Council on Energy Policy, as an independent, prestigious agency, can provide sophisticated analysis of policy alternatives so that we can maximize the achievement of new national goals.

I propose a three-man Council which would formulate recommendations for national energy policy. It would be responsive to both the President and the Congress. Its members would be appointed by the President with the advice and consent of the Senate to serve for 5-year terms. The Council would collect and analyze energy data, coordinate the energy activities of the Federal agencies and monitor the energy impact statements that would be required under this act. The Council would not assume the duties of existing agencies but it would be a policy adviser such as the Council of Economic Advisors or the Council on Environmental Quality. It would formulate guidelines under which existing agencies would be better able to carry out their assigned tasks.

The Council would also publish an annual energy report. This report would include statistical data, energy supply and demand trends, recommended legislation and a long-range comprehensive plan designed to foster improvement in the efficiency of energy production and utilization, reduction of its adverse environmental impact, conservation of energy resources for future generations, and development of technological capabilities to produce alternative clean energy sources.

This bill was developed following Commerce Committee hearings on powerplant siting, incorporating some ideas on energy policy suggested by AEC Commissioner James T. Ramey and EPA General Counsel John R. Quarles. It is an improved version of a bill introduced in the House as H.R. 15758 with bipartisan cosponsorship from 43 Members. I urge both Houses of Congress to act promptly to create a Council on Energy Policy.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Policy Act of 1972".

STATEMENT OF FINDINGS

SEC. 1. The Congress finds that—

(a) There are large numbers of Federal agencies, which were created at different times and for different purposes often to handle specialized problems, all directly involved in the establishment of energy policy;

(b) There is no comprehensive national energy policy but instead it consists of a myriad of laws, regulations and inactions resulting in narrow and often conflicting decisionmaking by individual agencies without adequate consideration of its impact on the overall energy policy; and

(c) Consequently the Nation faces mismanagement of energy resources, unacceptably high adverse environmental impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply, and soaring energy prices.

DECLARATION OF PURPOSE

SEC. 2. Congress declares that—

(a) It is the purpose of this Act to protect and promote the interest of the people of the United States as energy users by establishing a Council on Energy Policy;

(b) It is the purpose of the Council on Energy Policy to—

(1) establish a central point for the collection, analysis and interpretation of energy statistics and data to assist in securing policies for wise energy management and anticipate social, environmental and economic problems associated with existing and emerging energy technologies;

(2) to coordinate all energy activities of the Federal Government and

(3) prepare, in consultation with other interested organization and bodies, a long-range comprehensive plan for energy utilization to foster improvement of the efficiency of energy production and utilization, reduction of its adverse environmental impact, conservation of energy resources for future generations by reducing energy demands, and development of technological capabilities to produce alternative clean energy sources.

(c) Congress authorizes and directs that, to the fullest extent possible—

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act; and

(2) all agencies of the Federal Government shall—

(A) utilize a systematic interdisciplinary approach which will insure the integrated use of both physical and social sciences in producing and utilizing the Nation's energy resources;

(B) submit to the Council on Energy Policy established by this Act for clearance and approval all legislative recommendations and reports, to the extent that such recommendations and reports deal with energy matters;

(C) gather data and information and develop analytical techniques for use in the management, conservation, use and development of energy resources and make such data available to the Council on Energy Policy for inclusion in the Energy Report required by this Act;

(D) recognize the worldwide and long-range character of energy concerns and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to foster international cooperation in anticipating and solving such problems;

(E) include in every recommendation or report to Congress on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official on whether such a proposal or action is consistent with the long-range plan formulated by the Council on Energy Policy pursuant to this Act. If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action.

(F) include, at the direction and in the discretion of the Council on Energy Policy, an energy impact statement by the responsible official, as well as any other Federal agency designated by the Council, on (i) the relationship of the proposed action to the national policies declared by this Act; (ii) the relationship of the proposed action to other essential national policies which are not directly related to the policies declared by this Act;

(iii) short- and long-term economic, technological and social benefits and costs to the Nation which are anticipated to accrue from such action; and (iv) the economic and technological impacts as well as the benefits and costs related to the alternative actions discussed in the impact statement.

ESTABLISHMENT OF A COUNCIL

SEC. 3. There shall be created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President by and with the advice and consent of the Senate. The members of the Council shall serve for five-year terms except that of the three such members first appointed one shall be appointed for a two-year term and one for four-year term, as designated by the President at the time of appointment. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who as a result of this training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of energy needs of the Nation; to be conscious of and responsive to the environmental, social, cultural, economic, scientific and esthetic needs and interests of the Nation; and to formulate a national energy plan and recommend national policies with respect to wise energy management. No more than two members of the Council shall be appointed from the same political party.

DUTIES

SEC. 4. (a) To carry out the purpose stated in section 2 of this Act the Council shall serve as the principal adviser to the President and the Congress on energy policy exercising leadership in formulating government policy concerning domestic and international energy issues.

(b) The Council shall make recommendations to the President and the Congress for resolving conflicting energy policies of Federal agencies.

(c) The Council shall develop and annually update a long-range comprehensive plan for energy utilization in the United States to carry out the purposes as stated in section 2 of this Act which shall provide guidance to Federal, State and local agencies and non-governmental entities concerned with energy in the United States.

(d) The Council shall promptly review all legislative recommendations and reports to Congress of Federal agencies, to the extent that such recommendations and reports deal with energy matters. The Council, if it disapproves such an agency report or recommendation, shall state in writing to Congress and the involved Federal agency its reasons therefor.

(e) The Council shall keep Congress fully and currently informed of all of its activities and neither the Council not its employees may refuse to testify before or submit information to either House of Congress or any duly authorized committee thereof.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In exercising its powers, functions, and duties under this Act the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) employ a competent, independent staff which shall utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, to avoid duplication of effort and expense thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by other agencies.

(b) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(c) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts, consultants or contractors to conduct detailed studies as may be necessary for the carrying out of its functions under this Act in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

ENERGY REPORT

SEC. 6. The President shall cause to be prepared and submitted to the Congress on or before July 1, 1973, and anually thereafter, an energy report. This report shall include—

(a) an estimate of national energy needs for the ensuing ten-year period to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation;

(b) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economical manner with due regard for the protection of the environment, the conservation of natural resources and implementation of foreign policy objectives.

(c) current and foreseeable trends in the price, quality, management and utilization of energy resources and the effects of those trends on the social, environmental, economic and other requirements of the Nation;

(d) a catalog of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling and to encourage conservation practices; and recommendations for developing technology capable of improving the quality of the environment, increasing efficiency and protecting employee health and safety in energy industries;

(e) recommendations for improving the energy data and information available to the Federal agencies by improving monitoring systems, standardizing data, and securing additional needed information;

(f) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices), employed by Federal, State, and local governments and nongovernmental entities to achieve the foregoing objectives; and

(g) recommendations for the level of funding for the development and application of new technologies, as well as procedures, and practices which he may determine to be required to achieve such objectives and improve energy management and conservation together with recommendations for legislation.

PUBLIC ACCESS TO INFORMATION

SEC. 7. (a) Copies of any communications, documents, reports or information received or sent by any member of the Council shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of subsection (b) of this section.

(b) The Council or any officer or employee of the Council shall not disclose information obtained by him under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(1) To other Federal Government departments, agencies, and officials for official use upon request;

(2) To committees of Congress having jurisdiction over the subject matter to which the information relates;

(3) In any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings;

(4) To the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within 15 days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons be made public without their expressed written consent. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

AUTHORIZATION

SEC. 8. (a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $1,000,000 for fiscal year 1973, $2,000,000 for fiscal year 1974, and $4,000,000 for each fiscal year thereafter.

(b) All sums appropriated under this Act shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

By Mr. HOLLINGS:

S. 3806. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes. Referred to the Committee on Labor and Public Welfare.

AUTISTIC CHILDREN RESEARCH ACT

Mr. HOLLINGS. Mr. President, autistic children are those with severe disorders of communication and behavior such as infantile absorption in fantasy as an escape from reality, childhood schizophrenia, and other childhood psychoses.

In my own State of South Carolina, there are more than 25,000 emotionally disturbed children. In fact this is a conservative estimate. Of the total, South Carolina has 1,200 children needing residential spaces and we have 44 beds. Only 10 of these beds are available for the severely disturbed child. There is no long term comprehensive program for the autistic child in my State and many others.

With no treatment these children will end up in the State mental hospital receiving nothing but custodial care, and costing the taxpayer more than $250,000 for each child during their lifetime.

However it has been shown that with treatment programs, many of these children can recover completely, many can be taught enough self-help skills to allow them to live and work in half-way houses and sheltered workshops. Many can learn to manage their behaviors so that they will not be management problems when they do not need residential care. In the last 10 years there has been abundant evidence that these children benefit, often dramatically, from special education suited to their needs.

My bill provides for a comprehensive research program. At this point there is no known cause or cure for autism. There has not even been a count of how many autistic children there are in the country. It has been estimated by the National Society for Autistic Children that the number is somewhere between 200,000 and 800,000. It is disturbing to think that we know more about the number of cabbages grown in this country, than the number of autistic children.

My bill also provides for grants and loans to any public or nonprofit entity operating or proposing to operate a residential center with educational programs for autistic children. This will rectify the problem that we have in South Carolina where parents must seek help elsewhere to get the needed facilities for their child. This does not happen just in South Carolina, but in many other States as well.

This bill also includes additional tax exemption for the parents of an autistic child, that should help alleviate the burden of many additional expenses incurred.

This is vitally needed legislation that has been overlooked for so many years in the finely drawn definitions covering the mentally ill and mentally retarded. These autistic children have been denied services which could have proven so beneficial to their specific needs. I hope that this bill will receive prompt attention.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Austistic Children Research Act."

AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT

SEC. 2. Part E of the Public Health Service Act is amended by adding at the end thereof the following:

"RESEARCH PROGRAM ON AUTISM

"SEC. 446. (a) The Director of the National Institute of Child Health and Human Development shall—

"(1) plan and develop a coordinated autism research program encompassing the programs of the National Institutes of Health and related programs of other research institutes, and other Federal and non-Federal programs;

"(2) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of autism; and

"(3) establish comprehensive, coordinated diagnostic and evaluation procedures that provide for early detection and effective guidance for autistic child and his parents;

"(b) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.

"RESIDENTIAL CARE CENTERS

"SEC. 447. (a) The Secretary may make grants, loans, and loan guarantees, to any public or private non-profit entity operating or proposing to operate a residential center with education programs for autistic children.

"(b) A grant, loan, or loan guarantee under this section may be made only after the Secretary approves a plan submitted by such entity submitted in such form and containing such information as the Secretary may require.

"(c) There are authorized to be appropriated to carry out the provisions of this section such sums as may be necessary."

SEC. 3. (a) Section 151 of the Internal Revenue Code of 1954 (relating to deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

"(f) ADDITIONAL EXEMPTION FOR AUTISTIC CHILD.—

"(1) IN GENERAL.—An additional exemption of $750 for each child of the taxpayer who is an autistic child.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) Child.—The term 'child' means a child as defined in subsection (e) (3) of this section.

"(B) Autistic.—The term 'autistic' means severe disorders of communication and behavior such as infantile absorption in fantasy as escape from reality, childhood schizophrenia, and other child psychoses.

(b) The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1972.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 3809. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HATFIELD. Mr. President, for over a century, a group of Paiute Indians has resided in the Burns, Oreg. area. A block of land was purchased for their use under the Industrial Recovery Act of 1934, and since that time the Indians have lived on that land, but with the perennial uncertainty that this status has produced. Trust status would be much more preferable, for it would allow administration and management of these lands under the laws and regulations that govern Indian tribal property. Such a status would permit the Burns Indian group to lease the land for grazing and other purposes, allow them to make necessary improvements in the land, greatly normalize the group's relationship to the community of Burns, and enable them to participate in federally sponsored development programs.

My distinguished colleague from Oregon (Mr. PACKWOOD) and I today introduce legislation to accomplish the necessary change in the status of these lands—to create a reservation for the use and benefit of the Burns Paiute Indians. Three major problems of the Burns Paiutes will be solved by this legislation. First, the Indian homesites are presently occupied under a form of temporary assignment, managed by a four-man board of community trustees working with the Superintendent of the Warm Springs Agency. The Burns Indian people recognize that their occupancy may only be temporary, and most of them are, therefore, reluctant to make extensive improvements in their homes. Second, the current status of these lands is not conducive to the development of the Burns Paiute Indians as a whole. They have demonstrated a strong desire to improve their social, educational, and economic standards. However, the current status of the land has deterred the group's leadership from undertaking the kinds of long-range projects—such as modernization of existing utilities; construction of community centers, playgrounds, and parks; and related social and educational improvements—that are needed.

The Burns Paiute Indians, moreover, should be an integral part of the development of the general area of Burns, Hines, and Harney; this view is supported by State, county, city, and other local officials, as well as civic groups, who all have supported the Paiutes' efforts to get this land held in trust.

The third major problem approached by this legislation is the current inhibition of economic advancement of the Burns Indians. They cannot now attract light industry to their lands to create needed job opportunities, nor can they properly lease their land for other purposes, such as grazing. Also, with enactment of this bill, incorporating long-term leasing provisions, the Indian leadership would be in a position to apply for such programs as creation of a local housing authority and for construction of public housing under the Department of Housing and Urban Development.

The primary intent of the Government action 38 years ago was to benefit the Burns Paiute Indians. I think it is apparent that their benefit from the lands as presently held is limited and that change to a more permanent type of ownership would greatly enhance the Indians' opportunities.

Mr. PACKWOOD. Mr. President, I am pleased to join with my colleague from Oregon, Senator HATFIELD, in introducing a bill to place certain lands in trust for the Burns Oregon Indian Colony. This bill would declare that 760 acres of land, now administered by the Secretary of the Interior for the benefit of the Burns Paiute Indian Colony, Oregon, are held in trust for that colony. The property would be administered as other Indian property. Membership in and government of the colony would be subject to regulations of the Secretary.

This land is in three tracts: First, 156.26 acres of subsistence homestead land, purchased under the authority of section 208, title II, of the National Industrial Recovery Act, June 16, 1933 (48 Stat. 200); second, 605.67 acres of submarginal land, also purchased under the authority of the above-mentioned act, pursuant to a program designed to improve land utilization and to benefit various disadvantaged groups during the aftermath of the depression; and, third, 10 acres donated to the United States for the use of the Burns Indian people in 1925. All three tracts are contiguous to the cities of Burns and Hines, Oreg.

There are about 250 Colony members with a resident population of 150, and most of the members have very limited resources. Family income is well below average. Five resident families have a yearly income of $5,000 to $9,900, and five have an annual income of $3,000 to $4,999. Five resident families have an income of $2,000 to $2,900, three have an income of $1,000 to $1,999, and nine have an income of under $1,000. Of single residents only two have an income over

$3,000. Eighteen have an income of under $3,000, and the income of 25 is unknown. Six resident families are receiving welfare, 13 single persons are receiving welfare, and seven children are receiving foster care. Only 37 percent of the resident families earn more than $3,000 per year. Using a figure of $5,000 as the median for comparable non-Indian families, only five families, or 18.5 percent of the Burns Colony members, reach that level.

I would emphasize that Indian homesites have been occupied under a form of temporary assignment, managed by a four-man board of community trustees working with the superintendent of the Warm Springs agency. Because the Burns Indian Colony members recognized the temporary nature of these homesites, they have been reluctant to make extensive improvement in their homes. And yet, most of the members have an acute sense of pride in their homes, maintaining them in a commendable manner. If this legislation is enacted, the colony leadership will convey existing homes that are improved to their occupants. It also intends to enter into 25-year homesite leases, with options to renew for another 25-year period with Indians desiring to build homes.

I think Senator HATFIELD and I, along with Congressman ULLMAN, who has introduced similar legislation on the House side, recognize the great encouragement a sense of stability would give Indian homeowners.

The Burns Colony has also wanted to improve its social, educational, and economic standards; but the current status of the land has deterred the colony leadership from undertaking such long-range plans as modernization of existing homes and utilities, construction of community centers, playgrounds and parks, and related social and educational improvements.

Those Oregonians at the State, county, city, and local level who have supported the Burns Colony in these worthwhile desires, feel that the people and lands of the Burns Colony should be an integral part of the development of the general area of Burns, Hines, and Harney, Oreg.

It is time we end this temporary and incomplete nature of the Indians' interest in these lands, and give them the real assistance they need to develop their potential.

Mr. President, it is my hope that this Congress can move on this worthwhile legislation during this session of Congress.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from New Hampshire (Mr. COTTON) and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act.

S. 3173

At the request of Mr. CRANSTON, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3173, the Earthquake Prediction Act of 1972.

S. 3449

At the request of Mr. HANSEN (for Mr. JACKSON) the Senator from North Carolina (Mr. ERVIN), the Senator from Montana (Mr. METCALF), the Senator from Maryland (Mr. BEALL), the Senator from Nevada (Mr. BIBLE), the Senator from Illinois (Mr. STEVENSON), the Senator from Alaska (Mr. GRAVEL), and the Senator from Colorado (Mr. ALLOTT) were added as cosponsors of S. 3449, to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation thereof.

S. 3671

At the request of Mr. KENNEDY, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3671, a bill to amend the Administrative Conference Act.

S. 3716

At the request of Mr. KENNEDY, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 3716, the Health Facilities, Manpower, and Community Mental Health Centers Act of 1972.

S. 3755

At the request of Mr. CANNON, the Senator from Kansas (Mr. PEARSON) and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 3755, a bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air transportation, and for other purposes.

S. 3777

At the request of Mr. TUNNEY, the Senator from Montana (Mr. MANSFIELD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 3777, a bill to direct the Secretary of Transportation to make an investigation and study of the feasibility of a high-speed ground transportation system between the cities of Sacramento, San Francisco, Los Angeles, and San Diego, in the State of California.

S. 3797

At the request of Mr. MCINTYRE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 3797, the Small Business Administration's disaster relief program.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from Minnesota (Mr. MONDALE) and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 315 AND SENATE RESOLUTION 316

At the request of Mr. TUNNEY, the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Resolution 315, requesting an investigation by the High Commissioner for Refugees of the civil strife in Burundi, and Senate Resolution 316, requesting an investigation by the Organization of African Unity of the civil strife in Burundi.

SENATE RESOLUTION 317

At the request of Mr. TUNNEY, the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Resolution 317, requesting an investigation by the Secretary General of the United Nations of the civil strife in Burundi.

FAIR LABOR STANDARDS ACT AMENDMENTS OF 1972—AMENDMENTS

AMENDMENT NO. 1320

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted an amendment intended to be proposed by him to the bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

AMENDMENT NO. 1321

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted an amendment intended to be proposed by him to amendment No. 1204 intended to be proposed by him to the bill (S. 1861), supra.

AMENDMENT NO. 1322

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY. submitted an amendment intended to be proposed by him to the bill (S. 1861), supra.

AMENDMENT NO. 1323

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted an amendment intended to be proposed to amendment No. 1204 intended to be proposed by Mr. DOMINICK to the bill (S. 1861), supra.

AMENDMENT NO. 1324

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted an amendment intended to be proposed by him to the bill (S. 1861), supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1204

At the request of Mr. DOMINICK, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of amendment No. 1204 proposed to the bill (S. 1861), the "Fair Labor Standards Amendments of 1972."

NOTICE OF HEARINGS ON PAROLE BILLS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of parole, including the pending parole legislation, S. 2383, S. 2462, S. 2955, S. 3185, and S. 3674, at 10 a.m. on July 25, 26, and 27, in room 2228 of the New Senate Office Building.

There is a growing interest in parole legislation dealing with every facet of the paroling process, and I believe it vital that we consider the importance that the decision to parole or not to parole an offender has to the general public, and to the way in which parole functions in the Federal system, its relationship with the institutions of the Bureau of Prisons and the supervising U.S. probation officers.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

ANNOUNCEMENT OF HEARINGS ON THE REDTAPE BURDEN

Mr. McINTYRE. Mr. President, I wish to announce that on July 25, 1972, at 10 a.m., in room 212 of the Old Senate Office Building, the Subcommittee on Government Regulation of the Senate Select Committee on Small Business will continue its hearings into the Federal paperwork burden.

The witness at this session will be Mr. Paul F. Krueger, Deputy Chief, Statistical Policy Division, Office of Management and Budget. Mr. Krueger's testimony will be a continuation of his appearance before the subcommittee on June 27.

Further information may be obtained by calling the subcommittee staff on 225–5175.

ADDITIONAL STATEMENTS

OVERREGULATION OF AMERICAN BUSINESS

Mr. TAFT. Mr. President, we who are concerned with the productivity and efficiency of American industry, view with continuing alarm the way in which the regulatory process is piling mountains of redtape on American business. Instead of protecting consumers, these regulatory agencies often impede measures designed to help consumers. Studies show that America's freight rates, for example, are billions of dollars higher each year than they would be if the ICC were divested of its ratemaking authority. The July 10 issue of Industry Week contains an excellent article entitled "Regulation to Oblivion." The points raised by the article will surely come as a great shock to almost everyone except the businessmen who are confronted with these regulatory constraints.

While we all recognize that sensible regulation is necessary to protect the American public, overregulation or regulation for its own sake is counterproductive and wasteful.

I strongly commend this article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REGULATION TO OBLIVION

(Prepared by Executive Editor Floyd G. Lawrence with Washington Resident Editors John S. McClenahen and William H. Miller)

Why not rules for government no less stringent than those it imposes on others? Under a Truth in Government Act we would see legislative labels like these:

"Caution: This legislative package contains unknown costs and may have unforeseen consequences."

"Contents: This program includes 78% administrative burden, 19% overhead, and 3% benefits."

"Warning: This regulatory action may be hazardous to economic efficiency."

"Warranty: This law, if unsatisfactory within 12 months, will be cheerfully repealed and taxes reduced accordingly."

Or is it illogical to ask—if a deteriorating environment and rising pollution require government agencies to prepare a detailed environmental impact statement for each action—why a deteriorating economy and rising regulation ought not require a detailed economic impact statement?

For if we stand ready to turn over free markets and private enterprise to regulation, should we not then at least regulate the regulators?

REGULATION ESCALATION

The problem comes down to this: Rising foreign competition demands that our wealth, our resources, and our managerial skills be applied more efficiently and more effectively than ever before to increase economic growth.

Government itself agrees. Yet specious regulations which dissipate that wealth, constrain resources, and inhibit effective management action are escalating out of control.

During the 91st Congress, 20,000 bills were introduced in the House and 4,600 in the Senate. Some 3,000 bills were introduced during 1971 on pollution alone, truly a legislative avalanche.

Yet consider that just one regulatory agency—the Occupational Safety & Health Administration—during that same first year of its existence laid down 15,000 commandments and is readying 15,000 more.

We could find no one in government, including the Office of Management & Budget, who even knows *how many agencies exist* with such regulatory authority—let alone *how many regulations* were promulgated during 1971. But there are dozens of regulatory agencies which directly affect industry, and the *Federal Register* in which their regulations are promulgated bulged to 25,497 pages last year.

The *Encyclopedia Britannica* contains only 28,715 pages.

But were it not bad enough that we have cacophony and chaos when we need unity and purpose, the regulatory approach has demonstrated time and time again that it does not solve problems—but creates them.

DECISIONS BEYOND COMPUTATION

It seems obvious why this should be so. The function of the free market, as President John F. Kennedy observed a decade ago, is that of a decentralized regulator of our economic system. "The free market is not only a more efficient decisionmaker than even the wisest planning body," he continued, "but even more important, the free market keeps economic power widely dispersed. It is thus a vital underpinning of our democratic system."

Yet bureaucrats have been wantonly scribbling their footnote on the law of supply and demand since before the turn of the century.

It is perhaps more than coincidence that the railroads, the first industry to be regulated, may now stand on the threshold of nationalization with the nation's largest railroad, the Penn Central, in bankruptcy. The first independent regulatory agency, the Interstate Commerce Commission, has superimposed its wisdom over the decentralized regulatory action of a free market in transportation for some 85 years. In the process, it has accumulated a file of some 43 trillion rates—without an index.

While we can only conjecture what course unregulated railroads might have followed, numerous studies have indicated that regulatory restrictions—especially on lowering rates—have prevented the railroads from innovating as readily as competition required.

Let's step quickly through a couple of cases. One involves the Southern Railroad which invested $13 million in 500 special hopper cars designed to carry 90 tons of grain each. Southern figured these new cars would make it competitive with truck and water carriers in hauling grain to the South.

Southern was right. But it had failed to figure that it would take four years of litigation, finally reaching the Supreme Court, to gain it the authority to offer the 60% rate reduction to its customers that the new cars made possible.

More recently, the commission canceled a proposed railroad rate that would have been some 70% below the existing rate.

Based on a minimum guarantee of 850,000 tons per year, Northwestern Railroad offered to haul coal between Peabody Coal Co.'s Elm Mine and a planned Wisconsin Power & Light Co. plant at Sheboygan, Wis., in a unit train at $1.56 per ton.

The minimum works out to more than $1.3 million, some of which might well have been profit. But in canceling the rate, the commission not only failed to consider whether or not the rate covered the costs of operation—let alone the effect on the well-being of the people at Peabody's Elm Mine—but also the effect on the cost of electricity to people in Wisconsin.

Similar commission expertise also is brought to bear upon the trucking industry, to the frustration of many manufacturers in smaller communities who have trouble getting service and *despite government studies that have since 1944 recommended the abolition or liberalization of route restrictions and commodity restrictions in certificates of convenience and necessity.*

IF THE PUBLIC WON'T BENEFIT, O.K.

In one case, authorization to use an alternative route which would save 240 miles on a 585-mile trip was at first denied a trucker by the commissioners but then approved by two to one vote because "we are not convinced that any new, faster service is contemplated . . ." So long as the public was not to benefit, in other words, the change was all right.

Careful study of the effect of such Interstate Commerce Commission regulatory actions leads Michigan State University economics professor Thomas G. Moore to conclude that we pay $4 billion to $7 billion more each year in transportation costs, and for poorer service, than we would in a free transportation market.

Yet the federal budget lists the Interstate Commerce Commission as merely a $25.1 million expense in 1971, perhaps less than 2.5% of its real economic cost. No one can know with certainty, yet today we must know our economic costs.

In testifying recently on an Administration bill to permit competitive forces to regulate rates within a discretionary margin, Prof. Moore observed that the step would aid in the fight against inflation.

"But probably of greater importance is

the impact on the competitive position of U.S. industry in the world market," he added, "for high freight rates get built into the cost of all of our goods."

Sen. Robert Taft Jr., (R, Ohio), reporting on the findings of a staff study, observes that "when road graders made in Indianapolis can be shipped to New York City for less money than to Toledo there is a need to re-examine policy."

His conclusion is direct and to the point: Sen. Taft has introduced legislation to abolish the Interstate Commerce Commission.

POLITICS OVER ECONOMICS

But the bill will never come up. Institutions do not become issues. It's as simple as that—and as serious.

The regulatory agencies have become the fourth—and in some ways the most powerful—branch of government. For each agency combines the legislative, executive, and judicial functions within its satrapy in a perpetual triumph of politics over economics.

Since the time of President Franklin D. Roosevelt when the growth of federal government began in earnest, businessmen, lawyers, political scientists, and even Presidents have agreed that regulation of business is in dire need of reform. But nothing happens.

The latest in this long series of pleas for fundamental changes in regulation was submitted to the White House on Jan. 30, 1971, by the President's Advisory Council on Executive Organization. Known as the Ash Council for its chairman, Roy L. Ash, president of Litton Industries Inc., the group studied the independent regulatory agencies of the federal government and recommended organizational improvements.

A principal conclusion of the Ash Council report is that the independent regulatory agencies have proved insufficiently flexible and adaptable in dealing with continuing changes not only in the industries they regulate but also in the U.S. economy generally.

In building an institution largely independent of the President, the Congress, according to the council, has made regulation independent of Congressional influence as well. By insulating the regulatory agencies from the political system, the Congress has constructed a major impediment to adaptability, for the political system has no means of translating society's demands for change into regulatory policy.

Worse still, the council points out, because the agencies are independent of each other, their policies are uncoordinated, despite the obvious interrelationships among many of the regulated industries.

COULD WE STAND EFFICIENCY?

The observations of the Ash Council certainly seem reasonable and workmanlike. But they appear to overlook a premise that causes us grave concern.

For it the regulatory functions of the agencies are largely contrary to sound economics, then increasing the efficiency of the agencies would in fact make matters worse.

Roger G. Noll, an economist with the Brookings Institution, Washington, reports that most professional students of regulation believe that *a principal failure of regulation is that it preserves or creates economic inefficiency.*

"To a regulatory authority," says Mr. Noll, "one success indicator is a negative one—the failure of the courts or the Congress to override a decision by the regulators. A second success indicator is continued operation of the regulated sector. Widespread service failure is likely to be blamed on the regulatory agency, and is therefore to be avoided, even if the economic cost exceeds the costs of the service future."

Presumably the theory of the regulatory commission is based on a faith in expertise and good judgment, observes Mr. Noll. But the problems facing the commissions involve complex technical, economic, and engineering issues that few regulators can comprehend.

Although the demands upon decision-makers have increased, appointments have remained largely political payoffs, primarily to lawyers with little or no experience with the industry or activity being regulated. To come to grips with the issues facing him, a regulator must not only learn the facts about the regulated area, but must educate himself in several highly technical disciplines as well.

Do they even try? Federal Trade Commission statistics disclose that the agency's 12 hearing examiners all earn more than $30,000 a year. Last year they averaged only two cases each, and held an average of 37 days of hearings during the entire year.

In acknowledging the "reduced productivity of some of its hearing examiners" the agency proposes to solve the problem by asking for four more!

MAYBE WE'RE BETTER OFF

Perhaps it's just as well the Federal Trade Commission hearing examiners are not noted for their productivity. C. Howard Hardesty, Jr., senior vice president, Continental Oil Co., New York, describes a recent inquiry from the agency.

The regulators wished to review Continental's acquisition of Consolidation Coal Co., Pittsburgh, although "prior to the association of these two companies in 1966, the entire transaction was reviewed in depth by the Justice Dept.," says Mr. Hardesty.

"However the fact that at this late date the Federal Trade Commission chose to revaluate 1966 determinations by the Justice Dept. did not concern Continental nearly as much as certain public statements voiced by several members of the commission's staff," says Mr. Hardesty.

More than two months before Continental was able to gather and submit the required documents to the Federal Trade Commission, "in the course of appearing before the House Special Subcommittee on Small Business Problems (in Nashville), Lawrence G. Meyer, director of policy planning for the commission, stated to the press assembled," says Mr. Hardesty, "and I quote:

"'The Federal Trade Commission will file the first of three or four antitrust actions against oil companies invading the coal industry within six months.'

"It's shocking," comments Mr. Hardesty, "to learn that months in advance of voluntary filing relating to a review of a previously approved transaction, a high official representing the prospective prosecutor, judge and jury would pronounce judgment."

"Shocking," most men in industry would agree, is charitable understatement.

FULL EMPLOYMENT FOR LAWYERS

One participant at a Brookings Institution conference reviewing the Ash Council report estimated that regulated firms may spend as much as a billion dollars a year dealing with government regulator agencies. Another remarked that regulation has become, more than anything else, a full employment program for lawyers.

But one conferee summarized the situation succinctly: "If the agencies had, with some uniformity over the years, established sensible, workable, progressive policies, we would not much care how they arrived at those policies.

"The clearest proof that the agencies are not working is that their policies are not clear, progressive, efficient, or workable. The present machinery, quite apart from the elements of due process, simply has not produced satisfactory results."

His statement deserves a brief elaboration. For our investigation of the literature on the subject suggests that the economic results of the regulatory agencies *most often are unknown. But where they are known, results either are deleterious or are simply no results at all.*

For example, "Regulation of rates for electricity is an area in which modern experimentation began in 1907 and for which two-thirds of the states created special public service commissions as long ago as 1915," says Prof. George J. Stigler, Graduate School of Business, University of Chicago. "Yet when we began a study of the impact of these regulatory commissions on the level and structure of rates, we were the first investigators ever to do so even on a moderately comprehensive scale."

Because of the electric companies' monopoly position in each community, "the bounteous literature asserted that the influence of the commissions in holding prices down was obvious," says Prof. Stigler. "But our study of the effects of regulation on rates came to the conclusion that they are apparently too small to be detected."

TAKING STOCK OF SEC

The Securities & Exchange Commission was created during the 1930s to protect investors from the flamboyant falsehoods that on occasion preceded new stock issues. But has it?

Again, Prof. Stigler broke new ground as he hypothetically bought every substantial new industrial stock issued from 1923 to 1928, a period before the regulation, and from 1948 to 1955 under regulation. The value of the stock in each of the five years following its issue was then ascertained.

"The differential effect of the commission is measured by comparing values of these new investments with the outcome of buying established securities, over which the commission has no significant control," explains Prof. Stigler.

His finding: "There was no important difference between the 1920s and the 1950s."

Another University of Chicago economist, Prof. Milton Friedman, in his well-known *A Monetary History of the U. S.*, 1867–1960, found that with the coming of the Federal Reserve System to *stabilize* the economy the stock of money showed *larger* fluctuations than before.

"While economists and bankers challenge Prof. Friedman's conclusions—some before they learn what he has written—no one," contends Prof. Stigler, "can in good conscience say that Prof. Friedman's study was anticipated or has been contradicted by any other study of comparable scope and thoroughness."

Prof. Friedman finds a "natural history of governmental intervention into economic affairs."

He explains that a real or fancied evil leads to demands that something be done and a coalition forms; a law is passed granting power to government officials to "do something"; the coalition turns its attention to new causes while the effects gradually become precisely the opposite of those intended; yet the activity is so firmly established and so many vested interests are connected with it, that repeal of the initial legislation is inconceivable.

Instead, new legislation is called for to cope with the problems caused by the old—and a new cycle begins. The Federal Communications Act, for example, has been amended *by each Congress without exception* since it was passed in 1934.

And herein surely lies our greatest danger.

For when economic regulation fails, as it inevitably must, the regulators know of no other solution than to seize greater regulatory power.

PHYSIOLOGY OF REGULATORY REFLEX

The regulatory reflex, an automatic call for more regulation as a response to regulatory failure, could be illustrated with hundreds of examples.

But the field of water pollution control—

including an astonishing regulatory contention that warm water is a hazard to navigation—has to rank near the top in travesty.

As we begin, let us underscore a very important point which runs contrary to the popular wisdom: *Industry would have ceased to be a water pollution problem long before this if the regulators had been able to agree on what they wished industry to do.*

The first piece of legislation was the Federal Water Pollution Control Act of 1948. Its function, under the Public Health Service, was to facilitate research and guidance to the public health services of the various states in their efforts to define and deal with water pollution.

Staffed by professionals, most of whom have long since resigned as pollution turned from science into politics, the group worked to build knowledge and cooperated to achieve improved state and municipal waste treatment programs. Those few veteran state administrators remaining still recall the men and the program as highly valuable.

But some states and municipalities were moving faster than others. So in 1965, the Federal Water Quality Act was passed. It did two things. It provided increased funding to assist municipalities with waste treatment facilities, on the one hand. On the other, it directed the states to hold public hearings to define the uses of the various waters within the state and then to develop the standards appropriate to those uses. State standards were to be submitted to the Dept. of Health, Education & Welfare (HEW) solely to confirm that the requirements of the law had been met before it passed out any funds. And on the basis of those standards, industry could proceed.

The law made sense and still does. *Standards related to use* defines pollution control. And who better than the people should decide those uses?

YOU GUESSED IT

But an administrative law was twisted into a regulatory law as HEW undertook not only to determine if the law had been complied with procedurally, as it had been authorized, but also to judge the adequacy of each state plan. Where it felt the standards were "not adequate" it simply withheld funds and justified its actions to the people of the state in press releases designed to force changes. Orderly state-industry plans soon were in shambles.

States complained bitterly that HEW was literally breaking the law. But rather than the transgression being halted, it was legalized after the fact by the Federal Water Quality Act amendments of 1967.

Responsibility was shifted from HEW to the Dept. of Interior, but only because water was now considered a resource rather than a matter of health. And new public hearings were specified, not to determine *how waters should be used,* which is a valid question for the public, but to determine *how waters should be protected,* which is a complex question for scientists.

The struggle of the states to move ahead and to reach a reasonable consensus in a climate of extreme demands was promptly cited by the Federal Water Quality Administration (FWQA) as evidence of faulty leadership.

Displaying what might be characterized as eager reluctance, the FWQA went over the heads of the states to hold its own hearings. Inevitably, those hearings would conclude that the state was being unduly influenced by industry, also present at the hearings in a futile plea for reason.

To demonstrate that it was not intimidated by industry, the FWQA would impose a 180-day notice on selected plants calling for a "plan"—despite the fact that plans once underway were now largely being destroyed by the FWQA itself.

Meanwhile, the Justice Dept., acting on citizen complaints, began citing companies under an 1899 law for discharging—an act of pure political harassment contributing nothing to cleaner water.

In this situation, a company could have an agreement with the state, the state with the FWQA, and even the company itself with the FWQA and still get hit with an injunction by the Justice Dept.

To at least consolidate the chaos, the Nixon Administration created the Environmental Protection Agency. But administrative reorganization took time. Pressed for action some months later, and perhaps in part to legitimatize the actions of its Justice Dept., the Administration suddenly discovered the Refuse Act of 1899.

One and all were assured that the law had been intended not merely to prevent hazards to navigation, but also quite clearly to prevent pollution by requiring an Army Corps of Engineers permit for any discharge into a navigable waterway.

A startled corps did not deny its responsibility but had to admit that in 73 years it had not given any consideration to the basis upon which such permits should be issued other than navigation. And the corps seemed to be of little help to the Justice Dept. which at that time was busily suing the Florida Power & Light Co., contending that warm water being discharged into Biscayne Bay was "a hazard to navigation."

Industry after five lost years was now torn among mushrooming municipal, county, area, regional, state, and federal water authority edicts, as well as assorted environmentalists suits and Justice Dept. threats. Agreements with one were challenged by another. Yet now industry was required to drop everything and prepare a full description of every effluent from every sewer outfall of every plant to be submitted to the Corps of Engineers.

Some 40,000 descriptions were written at a cost to industry in excess of $100 million, the National Assn. of Manufacturers (NAM) estimates. That was 18 months ago and to date less than a dozen permits have been issued. But then, the Corps of Engineers agreed only to open the mail.

Charitably, the permit program has been effectively killed by two court decisions if, indeed, it could ever have been said to be alive.

ENTER OVERKILL

But as this is written we stand on the threshold of creating for this incredible regulatory ineptitude an appropriately incredible solution.

The Senate has unanimously approved a bill which would eliminate once and for all the tiresome need for knowledge or even human intelligence on the part of regulators. It simply proposes banning all discharges—even the discharge of distilled water—by 1985.

This legislation is not required by our water pollution problems but by our regulatory problems. And its economic cost, the NAM has testified, could reach $7 trillion.

But that testimony was given *after* the Senate had already passed the bill by a vote of 86 to 0, and then only after extreme pressure by states and by industry on members of the House which at first proposed to rubber stamp the bill and refuse to open hearings.

As a result of hearings, the House bill provides that the National Academy of Sciences study the consequences before a zero discharge provision be mandated. And even this modestly rational suggestion is challenged as being "soft on polluters."

The implications of this bill are vitally important to our economy. But the implications of how this bill was arrived at are even more important:

Worse than not knowing then or now how much the legislation will cost, the entire Senate does not care and the House is criticized for seeking to find out.

The net effect of this bill on our standard of living—what it will cost in wealth, employment, and products measured against what we will gain in return—may well take years to determine. Perhaps at that time many of the same senators who sought re-election by voting for the legislation will similarly seek re-election by voting to repeal it.

Until we know, this bill seems a high water mark, not only in its commitment of our national wealth, but also in its potential effect on the further creation of that wealth. And in the latter it may well prove most serious.

For as we destroy the ability to create wealth, we destroy the ability to solve problems.

This implication seems obvious. Yet imposing regulation of this kind on industry is no more inhibited than any other, whether on the part of Congress or of the agencies to which it has delegated its authority. Nor, unfortunately, are most such regulations as blatantly obvious in their potential effect as the water bill.

Instead, like the strings with which the Lilliputians tied down the "giant" Gulliver, such regulations by their sheer proliferation are increasingly destructive of industry adaptability.

Among the more serious are decisions of the National Labor Relations Board (NLRB) which despite increasing foreign competition limit management rights to:

Talk to employees during labor negotiations.

Automate and receive the full benefit of the investment in new and more efficient machinery.

Contract out any work formerly done in the plant.

Move the business or any part of it to another locality.

And at a time when increased productivity is sorely needed, a recent decision even establishes the right of the union to fine an employee who produces more than the union contract provides.

TRY AND TRY AGAIN

The NLRB has accumulated a bookshelf of precedents and continues to add to that skein by simply clinging to its determinations until somebody takes it to court and proves it wrong. Yet even then the NLRB will not give up.

In 1967 the agency was told by the courts that it could not force an employer to bargain over the prices of food in concessionaires' vending machines in company plants. In 1970 another suit on the same question produced the same result. Early this year, for the third time, the court told the NLRB "no" once again.

This is the acumen of the agency responsible for collective bargaining in the U.S. at a time when wage settlements widely outstrip the productivity gains required to pay them and when our wage rates are up to four times those of our foreign competitors. The NLRB has regulated collective bargaining with such zeal that many believe it cannot be saved.

But if not, it will be replaced with more government regulation—in the dictation of contracts.

DISCRIMINATING REGULATORS

Management's imperative right to hire and to promote properly qualified people is cheerfully challenged by another rising star in the regulatory galaxy, the Equal Employment Opportunities Commission (EEOC). Recently it was elevated to higher adversary status with the power to seek cease and desist orders. Earlier it had been a client of the Justice Dept.

But it had not been lax in using the facilities of other agencies. For example, once it asked the Federal Communications Commission to deny a rate increase requested by American Telephone & Telegraph Co. (AT&T)

on the ground that its operating companies engaged in "pervasive, systemwide and unlawful" discrimination in the employment of women, blacks, and Spanish-surnamed Americans.

Just how the one, even if true, related to the other has never been quite clear.

On another occasion, Edwin H. Gott, chairman, U.S. Steel Corp., revealed that the Justice Dept. acting in behalf of the EEOC made "grossly outrageous demands" as the price U.S. Steel was asked to pay to forestall an antidiscrimination suit.

Specifically, Mr. Gott charged that the Justice Dept. demanded that over a five-year period, 50% of all personnel hired for office and clerical positions at the company's Fairfield (Ala.) Works be black and that 40% of all employees promoted to management at the facility during the five-year period also be black.

Just how much indiscriminate hiring and promotion may have affected industrial efficiency will never be known. Nor will the cost of extra training to make it possible. But a more recent action by EEOC has a clearer cost effect.

STRONG VOICE FOR MOTHERHOOD

On Apr. 5, 1972, the EEOC published a guideline in the *Federal Register* in which it announced that pregnancy is a disability. An agency spokesman admits that EEOC held no hearings on the guideline, did not conduct any studies on the matter, and did not seek industry's viewpoint.

Industry's views, however, were not long in coming. Two test cases are already in the courts, one of them by General Electric Co. and the other by AT&T.

General Electric employs about 80,000 women, of whom 5,000 become pregnantly disabled in an average year. Were the company to pay the requested 60% of normal straight time pay for 26 weeks for each such occurrence, the payroll costs would be increased about $13 million a year—barring, of course, a population explosion touched off by the new benefit.

But the recurring charge against the EEOC is that of stirring up a little action when things get dull, by simply chatting with employees—employees satisfied before the inspectors arrive and livid that they are being discriminated against after they leave.

But when it comes to stirring up a little action, the youngest regulator may well turn out to be among the liveliest. Created in 1970, the Occupational Safety & Health Administration (OSHA) is already busy asking industry if its electric coffeemakers have grounded plugs, if its fire extinguishers are no more than 3½ ft above the floor, and any of some 14,998 other questions.

While OSHA promises 15,000 more rules shortly, even its openers produced 63,573 violations from 22,868 inspections during the first nine months of the current fiscal year. And state agencies which already thought they were doing a pretty respectable job in this field have gotten the competitive spirit and are increasing their regulatory productivity as well.

If nothing else, it does seem likely that OSHA will give rise to humor much needed in these trying times—the OSHA inspector joke. Consider the following:

The OSHA inspector calls on a man whose wife is his only employee. He orders the man to install separate men's and women's restrooms, reports Rep. Teno Roncalio (D, Wyo.), even though the couple used the same bathroom at home.

The OSHA inspector stands for several minutes watching a hammer forge. Then he turns to the forge shop superintendent. "Have you ever considered using hard rubber dies to cut down the noise?" he asks.

But our favorite involves the startled employer who was told he must provide ear protection for an equally startled deaf employee because, "even though he can't hear the noise, it might cause some other kind of damage we don't know about."

TOWARD IMPROVED SAFETY?

"As it now stands, if the employer seeks help and advice from the Dept. of Labor (OSHA), he is faced instead with a prompt walk-around inspection of his premises, and a mandatory citation is issued on the spot, carrying a penalty of up to $1,000 for each violation alleged.

"The practical effect of the present law as it is being administered is to give the inspector the power to act on the spot as policeman, judge, and jury. Although there are review procedures, so far as the small employer is concerned, the expense of relief through the appeals procedure is prohibitive.

"Most important, the objectives of the act to protect the employees' health and safety will not be realized in the hostile environment that now exists by the enforcement approach taken under the act."

The speaker is not a small businessman but Sen. William E. Brock (R, Tenn.), introducing an amendment to the law. He is not alone. Dozens of amending bills have been introduced by congressmen swamped with mail from businessmen and farmers complaining about the regulations and their crude enforcement.

One change for the better already taken, subject to approval by the Senate, is to exempt those employing under 25 persons by the simple expedient of refusing to pay inspectors for checking them.

But despite this childhood setback, it seems likely that OSHA will follow the usual regulatory agency pattern of increasingly stringent requirements and expanding authority in the future. And at the age of one year, OSHA already is having a significant cost impact on industry.

An NAM survey of some 1,100 companies shows that larger firms are already spending several million dollars each to comply with existing standards while companies with up to 500 employees report compliance costs averaging about $33,000.

SAFER THAN SAFE

But occupational safety pales before the prospect of the greatest regulatory triumph of all, the Consumer Product Safety Commission.

Legislative proposals now in committee could establish this five-man panel as investigator, prosecutor, judge, and jury in the administration of all consumer product safety matters.

It could have safety authority over millions upon millions of products manufactured by thousands and thousands of companies.

Without hearing or right of cross-examination the commission could promulgate industrywide mandatory "safety standards or other regulations" including:

"Any requirement as to performance, composition, contents, design, construction, finish, packaging, or otherwise relating to any consumer product or component," as well as "any requirement that a product or part be marked with clear and accurate warnings or instructions."

The only ground rule for this encompassing authority of the commission could be that any such requirement "be reasonably necessary" to prevent or reduce risk of death or personal injury.

To put this in perspective, consider that Ford Motor Co. says it will spend $150 million this year alone just to meet the 1973 bumper standards.

But there may be yet more to the Consumer Product Safety Commission:

It could impose notification, repair, and replacement provisions of the act in the absence of mandatory standards by simply issuing its own regulation proscribing types of product defect.

It could have the authority to ban products itself without recourse to the courts.

It could issue interim safety standards for products deemed to present an imminent risk of public health and safety and make them effective immediately.

It could require not only that the manufacturer certify his compliance with standards, but obtain certification of such compliance from third parties which the commission alone would license for that purpose.

It could have the power to require whatever test methods and manufacturing controls it deemed necessary for such certification.

It could have the power to enter and inspect plants and require manufacturers to prepare and keep available for five years whatever records the commission deemed necessary.

It could require manufacturers to submit under oath such special reports as to its safety practices as it deemed necessary and the right to requisition without cost to the government product samples for testing.

It also may have, for the first time, criminal and civil penalties for violations under which a manufacturer potentially may be subject to a civil penalty of up to $500,000 if he inadvertently manufactures or assembles a product which violates a standard or regulation *even though the offending product never left his plant or warehouse.*

And finally, it could provide that the activities of the new commission are to be watched over by "an independent safety advocate," charged to represent the interests of the consumer as a witness in all commission proceedings and to appeal unsatisfactory commission action to the courts, appropriately criticizing and publicizing any shortcomings including lack of zeal in generating standards or deficiencies in enforcement activities.

It could be a regulator regulating a regulator regulating all.

A DOOR AJAR

It is correct to observe that there is little supportable information on the causes of death and injury through consumer products. It is fair to question the proportion of home injuries caused not by hazards in the products, themselves, but rather by carelessness of the user.

It is valid to point out that among the categories of the some 20 million such injuries annually, 4 million injuries were "connected with" such objects as "books, pencils, and pens," some 3 million from "games involving balls," and 2 million or more with "stairs, nonglass doors, tubs, and showers." And it is reasonable to question how such a law can possible be responsive to them.

Some managers will ask if industry will be expected to design such "safe to use" products as knives that won't cut, ladders nobody can climb, or pencils without points. Nearly all will ask if the potential cost burden and constraints upon freedom of choice will in the long run be a benefit or a curse to the consumer the law is intended to protect.

Every one of these questions will be valid and legitimate and expected. But for management concerned about regulation they may completely miss the point.

Let's lay it on the line. That this agency should even be seriously considered—whether or not it comes into being—means just one thing: *somebody in industry left the door ajar.*

In *The Age of Discontinuity,* Peter F. Drucker makes a point that managers dare not continue to overlook. He says that whenever industry fails to anticipate and prevent an undesirable impact on the public, that impact "inevitably boomerangs. It leads to regulation, a punitive laws, and to outside interference.

"In the end," says Prop. Drucker, "the

annoying or damaging impact on the public leads to a 'scandal' and laws that result from a 'scandal' are invariably bad laws," he says. "They penalize good practices yet rarely prevent malpractice. They express emotion rather than reason."

THE CAUSE IS NOT THE CAUSE

Yet industries slipping under such laws are less guilty of the apparent cause, says Prof. Drucker, than of "a failure to live up to the demands of leadership. It is the task of the leader to anticipate. It is not sufficient for him to claim that the crowd went the wrong way. It is his job to find the right way and lead the crowd."

He goes on to observe that the company that anticipates the problem has, therefore, "the duty of doing the unpopular: to think the problem through, to formulate a solution, and lobby for the right policy despite disapproval by the other 'members of the Club.'

"No one who has taken this responsibility has ever failed," believes Prof. Drucker, "or even suffered. The public will forgive blindness. It will not forgive failure to act on one's own best knowledge."

"SAFETY WON'T SELL"

We recall an axiom from our years in Detroit: "*Safety won't sell.*" It referred to the experience of Ford with the seat belts, deep dish steering wheels, and padded dash and visor of the mid-fifties. And it discouraged the auto industry, including Ford, from pushing these products.

Yet Ford had sold us. Viewing the presentations to newsmen convinced us from that day forth of the value of seat belts. We have never failed to wear them since.

But endlessly chanting, "Buckle up for safety," wasn't what did the job. It was the simple, straightforward direct evidence of how people get killed in automobiles—with none of the blood wiped off.

The auto industry's failure to sell what it knew its customers should have led to the regulatory requirement for seat belts and shoulder harnesses because the public didn't voluntarily buy them. Now the public's failure to use them has led to a call for passive restraints.

But is a public that doesn't use restraints, restraints it has paid for, bent on suicide? Or has something been lacking in the presentations and their effectiveness in bringing about seat belt use ever been evaluated to develop a presentation that would be effective?

And if this has been tried and found wanting, what about the ability of private enterprise to assist? If every insurance policy contained a clause that voided the personal injury coverage in an accident where seat belts were not being worn, might that not have a significant effect?

Can we really say that we have directed our full ingenuity to solving the failure to use existing restraints?

The price of convincing the public may be high. But the price of shortsighted regulation is higher and, worse still, an unnecessary waste.

WILL LEADERSHIP SELL?

We have seen what results when officials in government promise leadership but practice response. But as surely as responsiveness is the strength of our system, it can be a dangerous weakness.

For regulation results from government that *is responsive* without plan or purpose or reason. Regulation creates control without direction, constraint without compensation, and authority without leadership.

And since confidence in all our institutions today is lower than ever before—in government, in industry, and even in the church—there is an unprecedented opportunity for leadership.

We think it should be industry leadership.

We're not talking about "the social responsibility of business" or some new assignment for the public relations department. We're talking about *the self-interest of business as it relates to society* and *the self-interest of society as it relates to business.*

REGULATION TO OBLIVION

We believe management had better sit down one day soon and examine whether regulation is *taking* rights from management, or if management is *giving* them away. For what management has been doing stands indicted: it simply has not worked.

We keep telling youngsters to "work within the system." But has industry fully tried to understand and work within the system to bring about change?

Are eloquent speeches at management gatherings more often directed to describing how bad things are than at proposing action to bring about change?

To even begin to control regulation we must have:

Economic assessment of every government legislative and regulatory action.

Regular review of the effects of every regulatory action on the economy.

Thorough consideration of the private enterprise alternatives to achieve a result for which regulatory or legislative action is proposed.

Full and open evaluation of every proposed regulatory or legislative action by all parties that will be affected.

Closer Congressional and Executive Branch control of existing regulatory agencies and the abolition of nearly all of them.

But such changes will be difficult enough to bring about if the public understands and demands those changes. And it will understand and demand those changes only as industry builds that understanding.

That the industry which is the source of wealth, employment, military security, and a world-envied standard of living should be regarded by nearly half our people as a "threat to our existence" suggests that industry has failed to an incredible degree.

If industry has been waiting for a crisis, that crisis is at hand. Competition rising abroad and regulation rising at home leave no doubt that the survival of industry is on the line.

That survival is in your hands. For no one will save private enterprise by regulation.

REGULATORY TEMPEST IN A TEAPOT

Just how difficult is it to eliminate a regulatory activity once it has been set in motion?

The Nixon Administration learned by literally stirring up a tempest in a teapot.

Once upon a time—in 1897 to be exact—the Tea Importation Act set up the Federal Board of Tea Tasters. Congress soberly charged this panel with certifying every lot of tea entering the U.S. And, so far as is known, every lot of tea since has been certified—at a cost of about $100,000 annually to the taxpayers plus stipends from the tea merchants.

But, perhaps resulting from a discussion during a coffee break, the Nixon Administration proposed repealing the Tea Importation Act of 1897 as part of the budget for fiscal year 1971.

Cups no doubt quivered and may even have shattered as the Administration revealed its doubts that it was any longer necessary to have a special panel to certify the quality of each lot of imported tea. But the tea industry wanted the panel retained, and Congress has never gotten around to acting on the request to eliminate the Federal Board of Tea Tasters.

At last report, the members are still there sipping away, teasing, so to speak, regulatory reformers.

MSGR. ANDREW J. McDONALD, OF SAVANNAH, GA., APPOINTED BISHOP OF LITTLE ROCK, ARK.

Mr. TALMADGE. Mr. President, the Mayor pro tempore of Savannah, Hon. Frank Rossiter, said recently that Little Rock must have a lucky stone in its back pocket.

He referred to the appointment of Msgr. Andrew Joseph McDonald as bishop of Little Rock, a diocese that embraces 55,000 Roman Catholics in the State of Arkansas.

Monsignor McDonald is the first native of Savannah, and only the second native Georgian to be elevated to the episcopacy by the church.

Truly, the diocese of Little Rock is fortunate to get a new spiritual leader with the youthful vigor, the character, zeal, and ability of Monsignor McDonald. He is one of Savannah's finest sons and will take with him to Little Rock the prayerful wishes of Georgians of all faiths, creeds, and color for happiness and success in his work in this newly assigned corner of the Lord's vineyard. At the same time, they will let him know he will be missed, and that they hope he will become a modern Arkansas Traveler and return often to the Georgia soil he loves so dearly.

Monsignor McDonald has all the attributes and training needed to make an outstanding prelate, and some of us outside of the church wondered why the call did not come sooner. He has been trained in every aspect of Catholic Church operation, including studying for his doctor of canon law degree in Rome, work as chancellor and vicar general at the diocesan chancery in Savannah, and finally the finest training of all—9 successful years as pastor of the Church of the Most Blessed Sacrament in Savannah, one of the largest parishes in the diocese of Savannah.

Monsignor McDonald, son of the late James B. McDonald and Theresa A. McGreal McDonald, is one of 12 children—eight girls, four boys. Four of his sisters entered the religious life as nuns.

I join all of Monsignor McDonald's friends and loved ones in the diocese in wishing him every future success and happiness.

Also, I ask unanimous consent to have printed in the RECORD a statement by Monsignor McDonald and a newspaper article concerning his appointment.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF MONSIGNOR McDONALD ON THE OCCASION OF THE ANNOUNCEMENT OF HIS APPOINTMENT AS BISHOP OF LITTLE ROCK

Official word has come from the Apostolic Delegate, Archbishop Luigi Raimondi, in Washington, D.C. that His Holiness Pope Paul VI has named me Bishop of the Diocese of Little Rock, Arkansas.

Upon receiving this word, with humility and wonderment, I have accepted the wish of the Holy Father as the will of God Himself. My heart overflows with joy at the prospect of sharing in the fullness of the powers Christ gave to the original apostles. I am grateful to God as He continues to confound the strong of the world by the choice of the weak. To our Holy Father, Pope Paul

VI, I re-affirm my loyalty, my love, and my devotion.

On this day in my life, I return thanks to God for my good Mother and Father of happy memory, my good brothers and sisters. My parents were shining examples of faith and courage; my brothers and sisters by prayer and example have sustained me in my work as a priest.

On this day, my mind goes back over twenty-four years of work in this Diocese—to the wonderful association with bishops, priests, sisters and laity. Without hesitation, I single out the people of the Blessed Sacrament Parish. For nine years, I have been their pastor and they have been my people. Their spirit of prayer, their quick response to the needs of others have been a source of inspiration to me. They have made these happy and fruitful years in my life.

To Bishop Frey who has had confidence in me as his Vicar General, to all my fellow priests, to the religious sisters and brothers, to the laity of the Diocese, I am grateful for the opportunity to grow together in Christ.

Thus far, Georgia has produced only one native Bishop—James Augustine Healy, born near Jonesboro, Georgia, who became the Bishop of Portland, Maine, in 1875. Bishop Emmet M. Walsh, while born in South Carolina, was a priest in the Diocese of Savannah when he became the Bishop of Charleston in 1927. He was my ordaining prelate in 1948.

As I look to the future, I am reminded of the words of St. Paul, "One plants; another waters; but it is God Who gives the growth". While I do not know Bishop Fletcher personally, I stand in awe of his achievements. He was ordained a priest in 1920, three years before I was born. A native of Arkansas, he has given 52 years of generous, selfless service to God, to the Church, and to the fine people of Arkansas. Since 1946, two years before I became a priest, he has labored tirelessly as Bishop of the Diocese.

As I look to the future, I offer myself, all my talent, my energy, my life to the honor and glory of God and to the service of the good citizens of Arkansas.

The ceremony in which a priest is elevated to the episcopacy is now called "The Ordination of a Bishop". The ceremony will take place in our Cathedral of St. John the Baptist. Shortly after that, the ceremony of Installation will take place in the Cathedral of St. Andrew in Little Rock. I will be the fifth Bishop of Little Rock. As yet, no dates have been set for these ceremonies.

[From the Savannah (Ga.) Morning News, July 5, 1972]

McDonald Takes Arkansas Post

The Right Rev. Msgr. Andrew J. McDonald, pastor of Blessed Sacrament Catholic Church of Savannah, has been named Bishop of the Diocese of Little Rock, Ark.

Msgr. McDonald, a native of Savannah who has been at Blessed Sacrament Church for nine years, said the ordination will be held in the Cathedral of St. John the Baptist here this summer.

No date has been set.

The appointment was made by Pope Paul VI, and the official announcement was made through Archbishop Luigi Raimondi, apostolic delegate in Washington, D.C.

BEGAN IN 1948

Msgr. McDonald began his ministerial work as an assistant at the Cathedral of St. John the Baptist in 1948.

He attended elementary school in Savannah and graduated from St. Charles Junior College in Catonsville, Md. He received a bachelor's degree from St. Mary's Seminary in Baltimore, Md.

He received his theological degree from St. Mary's Seminary. He also was awarded a Bachelor of Canon Law Degree from Catholic University of America and a Doctor of Canon Law Degree from Lateron University in Rome, Italy.

From 1952 to 1957 Msgr. McDonald was the assistant priest of Our Lady of Lourdes Church in Port Wentworth.

He is a diocesan consultor and vicar general of the Diocese of Savannah and has served on the diocesan tribunal and the diocesan ecumenical commission. He has held numerous other offices in the diocese.

He is a board member of the Savannah Chapter of the American Red Cross, and he is a member of the Bi-racial Committee.

Following the announcement Msgr. McDonald said, "On this day my mind goes back over twenty-four years of work in this diocese to the wonderful association with bishops, priests, sisters and laity.

"Without hesitation, I single out the people of the Blessed Sacrament Parish. For nine years I have been their pastor, and they have been my people. Their spirit of prayer, their quick response to the needs of others have been a source of inspiration to me. They have made these happy and fruitful years in my life," he said.

He also extended his thanks to Bishop Gerard L. Frey. Bishop of Savannah, and to his fellow priests in the diocese for their support.

Msgr. McDonald will be only the fifth bishop of Little Rock. The Diocese of Little Rock encompasses the State of Arkansas and is in the Province of New Orleans. The Roman Catholic population of the diocese is 55,000.

THE DISCOURAGED WORKER—HOW THEY AFFECT THE UNEMPLOYMENT FIGURES

Mr. PROXMIRE. Mr. President, we who deal with statistics know that they are not perfect, whether they involve unemployment, the cost of living, or the gross national product.

One factor which has affected the unemployment figures has to do with discouraged workers. They are those who are so discouraged about employment prospects that they have given up looking for a job. Consequently they are not counted in the unemployment statistics.

In June it was the decline in joblessness among young persons which was primarily responsible for the drop from 5.9 to 5.5 percent from May to June in the numbers unemployed. But this may have been the result of young people being so discouraged that they did not enter the labor force rather than a real decline in joblessness.

INCREASE IN EMPLOYMENT SIGNIFICANT

On the other hand, the increase in total employment over the last year is better than it really appears. In other periods, this increase by 3 million would have been enough to absorb the increase in population and the returning soldiers and still reduce unemployment significantly. But that did not happen.

In Sunday's Washington Post Prof. Alfred Tella, the country's greatest expert on the discouraged worker, has addressed these problems.

He correctly points out what I put forward at the hearings of the Joint Economic Committee on July 7; namely, that unemployment had not really dropped as much as the BLS figures for that month indicated.

But he also, correctly, gives more credit to the rise in the number of employed over the last year than partisans generally do.

CONSTRUCTIVE ACTION PROPOSED

Professor Tella believes that we should take three constructive actions.

First, he believes that the BLS should acknowledge that employment behavior can reflect ups and downs in hidden unemployment.

Second, he believes we should publish a statistic that relates employment to population.

Finally, he believes that the estimates for discouraged workers should be included in the BLS releases, quarterly if not monthly, and that time lost to involuntary part-time unemployment should also enter the figures.

I think these are constructive suggestions. They should be included in the BLS statements. Perhaps next January would be a good time to make the change, so that the public would have confidence in the figures no matter which party won the election.

After all, as Dr. Tella properly points out, politically the significance of the figures cuts both ways.

I commend his suggestions to the Bureau of Labor Statistics.

I ask unanimous consent that Dr. Tella's article, published on the business page of the Washington Post of Sunday, July 17, 1972, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Was Employment Rise in June Real or Imaginary?

(By Alfred Tella)

At 9:30 a.m. on July 7, the Department of Labor released its usual monthly news statement on the employment and unemployment situation. The opening sentences read; "The nation's unemployment rate dropped to 5.5 per cent in June, the U.S. Department of Labor's Bureau of Labor Statistics reported today. The decline, from 5.9 per cent in May, brought the jobless rate to its lowest level in more than a year and a half."

The cold factual prose belied the message. The stubborn statistic had finally given way. Fingers uncrossed on a hundred hands around Pennsylvania Avenue, sighs of relief from the White House all but dispersed the pigeons in Lafayette Park, and the gnomes in the back room of Democratic National Committee headquarters overheated their calculators trying to estimate the vote loss of a 0.4 percentage point drop in the unemployment rate. Much of the news media faithfully and unquestioningly spread the good news across the land.

At 11 a.m. on the same Friday morning, Sen. William Proxmire, chairman of the Joint Economic Committee, convened a hearing on the June unemployment statistics. These hearings are intended to be a substitute for the traditional BLS press conference which had been cancelled by the White House in 1971. The verbal give-and-take between members of the Joint Committee and the commissioner of Labor Statistics has often brought to light different interpretations of the unemployment situation that have not been given in the official press release. Competing interpretations of the June data did emerge on this occasion, although, unfortunately, only a few members of the press were present.

Sen. Proxmire presented an analysis of the June unemployment data (with which this writer concurs) which suggested that the unemployment situation may not have improved in June. A close look at the June data reveals that while the overall jobless rate declined, there was no improvement in the seasonally adjusted unemployment rates of adult men and women age 25 and over, although employment among adults did rise.

The decline in joblessness that did occur was mostly among young persons of school age, 16–24 years, who traditionally enter the labor market in large numbers at the end of the school year. Since it was the decline in youth unemployment that mainly pulled down the total unemployment rate, the important question is: did unemployment among youths decline (1) because of an increase in their employment or (2) because there were not enough jobs for them so that many became discouraged, did not enter the active labor force, and so were not counted as unemployed in the official statistics?

Evidence as to whether the decline in unemployment in June was more imaginary than real can be found by looking at what happened to the seasonally adjusted number of youths employed and in the labor force. The data show that employment of young persons did not increase in June, and that their numbers in the active labor force actually declined. This suggests an increase in job discouragement and hidden unemployment, and raises a serious question as to whether there was really much improvement in the unemployment situation in June.

An alternate method can be used to check on this conclusion. It involves estimating how many additional persons would have been in the active labor force had sufficient jobs been available. My own estimate, based on economic techniques, is that the labor force would have been more than a half million higher than it actually was in June had job opportunities been better, i.e., if full employment had prevailed. This means that there were more than 500,000 hidden unemployed who were not officially counted as unemployed, who wanted a job and were available for work, and who would in fact have been employed had sufficient jobs been available. My calculations further indicate that hidden unemployment increased between May and June by about 250,000. This occurred presumably because many young workers did not enter the active job market due to poor job prospects, but instead joined the ranks of the hidden unemployed.

Since officially measured unemployment declined by 360,000 in June and hidden unemployment rose by about 250,000, the net effect was a small overall decline of about 100,000. This is equivalent to a 0.1 percentage point decline in the rate of unemployment, not a statistically significant change. The conclusion remains that the unemployment situation was essentially unchanged in June.

If the unemployment situation last month was less rosy than the official rate implied, just the opposite has been true over the past year. Since last summer, total employment has increased rapidly, by 3 million. By past standards, this increase should have been more than enough to absorb expansion in the labor force due to population growth and armed forces reduction and still make inroads into unemployment. However, neither the official jobless rate nor the Labor Department's own (quarterly) estimates of discouraged workers has responded to the rapid rise in jobs. This lack of improvement makes little economic sense. In contrast, hidden unemployment, measured as the difference between the current labor force and what the labor force would be at full employment, declined sharply since last summer in response to the employment increase.

Economists outside the government and members of Congress have noted the strange behavior of the official unemployment data in recent years, and have recommended that the President appoint a committee of nongovernment experts to re-evaluate the official concept and measurement of unemployment, as was last done a decade ago. Meanwhile, a number of improvements can be made in the official unemployment release and in the analysis of unemployment trends:

(1) The BLS should acknowledge that below—or above-normal fluctuations in the labor force which follow the behavior of employment could well be a reflection of an increase or decrease in hidden unemployment.

(2) Since changes in employment have less and less been translated into changes in the official unemployment rate, it would be useful to publish an analytical statistic that shows the progress of employment relative to growth in the working-age population, i.e., an employment-population rate. Such a rate would be independent of the unemployment measurement problem, and would frequently tell a different story of conditions in the labor market. It would reveal more accurately than the unemployment rate the job-creating success of government policies, and serve as an additional measure of the proximity of the economy to its full employment potential.

(3) Estimates of discouraged workers should be included in the official press release, even if only quarterly. In addition, the time lost due to involuntary part-time unemployment could also be added to the official unemployment and discouraged worker count to arrive at a comprehensive measure of unemployed manpower.

MARYLAND CRABS AND FIN FISH NOT CONTAMINATED

Mr. BEALL. Mr. President, 2 weeks ago, the eastern coast was ravaged by the effects of its tropical storm Agnes. Particularly hard hit was the Chesapeake Bay region, where massive flooding led to the entrance of abnormal levels of bacteria and other organisms into the bay and its tributaries. This condition forced the Secretary of Health and Mental Hygiene of the State of Maryland, Dr. Neil Solomon, to temporarily caution the citizens of Maryland with respect to the recreational uses of the bay and the harvesting of various shellfish, such as clams and oysters.

However, contrary to some erroneous reports, Maryland crabs and fin fish were not contaminated. In an effort to correct these false reports, I received a telegram from Dr. Neil Solomon, Secretary of Health and Mental Hygiene of the State of Maryland, which states:

> Maryland crabs and fin fish have been determined to be completely safe for human consumption, and in no way affected by recent severe flooding brought on by tropical storm Agnes. State health officials indicated that there are no biological emissions initiated by the storm that could have adversely affected these types of Maryland seafood.

I am sure that there are very few, if any, Senators who have not had the distinct pleasure of eating Maryland crabs. Thus, I am sure that all join in my relief on hearing this good news. I also ask that Senators do all they can to dispel any reports that they might hear to the contrary.

Maryland crabs and fin fish form a key cornerstone of the Maryland economy, providing jobs to thousands of my State citizens. They also provide, both to the citizens of Maryland and many other States, a delicious delicacy that any person or restaurant can serve with pride. It is a relief, indeed, to know that the quality of this food was not affected in the least by tropical storm Agnes.

NLRB CHAIRMAN MILLER CALLS FOR REFORM

Mr. ERVIN. Mr. President, it always is refreshing when a Federal official takes stock of his own agency and makes constructive recommendations as to how it can be approved to better perform its statutory function.

The Honorable Edward B. Miller, Chairman of the National Labor Relations Board, has recently made such recommendations regarding the NLRB, and I would like to call them to the attention of the Congress.

While I do not agree necessarily with all of Chairman Miller's ideas, his remarks to the Pacific Coast Labor Law Conference in Seattle, Wash., on May 12, 1972, and to the symposium of the Allegheny County Bar Association in Pittsburgh, Pa., on May 26, 1972, are worthy of our consideration.

The essentials of these two talks have been reduced to writing in a text released by Chairman Miller on May 26.

In his remarks, Chairman Miller states that the NLRB, as a "judicial machine" to administer the labor statutes, is "in need not just of minor repairs, but of a thoroughgoing overhaul and redesign."

He cites the Board's staggering caseload—a total annual intake of 30,000 to 40,000 unfair labor practice cases and 8,000 representation elections, of which 1,200 cases reach the Board for decision—as a major reason for needed reform.

As a result of this caseload, Chairman Miller asserts, there is an "absolute minimum" of a year and a half before an aggrieved party can get effective relief. be it an employee, union, or employer. He says:

> I think no one would suggest that it affords any kind of an orderly or efficient judiciary for the regular administration and implementation of what is now a clearly permanent kind of major Federal statute.

Chairman Miller suggests that:

> A corps of Federal district court judges, or their equivalent, should be appointed to hear matters limited to those involving the several facets of Federal labor law.

Mr. President, several bills have been introduced during the past several years proposing reform in the administration of the labor statutes. Some have provided for the creation of a labor court to handle labor cases in a judicial manner.

One bill, S. 1320, introduced by Senator TOWER, provides for the transfer of jurisdiction over unfair labor practice cases from the NLRB to the Federal district courts. S. 1320 has been reported favorably by the Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, to the Commitee on the Judiciary, where it now is pending.

During the past 4 years, the subcommittee has conducted an extensive study of the NLRB, including hearings on the Board itself in 1968, and on S. 3671, a bill identical to S. 1320, in 1970. The subcommittee also published a report in February 1970 which was critical of the Board's administration of the labor laws.

The subcommittee's studies have convinced me that meaningful reform is needed at a very early date, and Chairman Miller's remarks provide several worthwhile recommendations on how we might accomplish this task.

Mr. President, I ask unanimous consent that the text of the remarks made by the Honorable Edward B. Miller be printed in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

TOWARD AN IMPROVED LABOR JUDICIARY

(Remarks of Edward B. Miller)

It was in late May of 1970 that I assumed the office of Chairman of the National Labor Relations Board. Some twenty plus years of practicing law, specializing in the labor law field, had given me at least a reasonably adequate basis for predicting the nature and scope of decision-making problems I would encounter in my new position. But while I had some glimmerings of the administrative problems which a Chairman of this Board faces, I doubt that even the long-time practitioners in the field have a true understanding of the seriousness of what is so mundanely called "the Board's caseload problem."

As a practitioner myself, I had for some years heard various members of the Board voice complaints about this ever-growing caseload. Like many of you, however, I tended to brush those complaints off, ether on the theory that bureaucrats are generally underworked and overpaid and shouldn't fuss if at last they had to get off their you-know-whats,—or on the theory that these complaints were just noise-making in support of requests for a larger budget from Congress in order to build a still bigger bureaucratic empire.

It did not take very long in the Chairman's seat, however, for me to learn that these complaints cannot so lightly be dismissed. Indeed it is not only difficult effectively to administer the decision-making functions of this Agency in an effective manner—it is well-nigh impossible.

Thus for many months now in almost every public address I have made, I have emphasized the seriousness of the inadequacies of the structure of the decision-making side of this Agency, in terms of coping realistically with interpreting, administering and enforcing the National Labor Relations Act.

In an article which appeared in a national publication early this year, I referred to our Board as a Rube Goldberg judiciary. In satirical vein, I suggested that if one deliberately set out to construct a hopelessly awkward, cumbersome and inadequate piece of machinery to handle today's Labor Board caseload, one would be hard put to come up with a funnier looking judicial machine than the one we now have. Perhaps the most astounding feature of this jerry-rigged equipment is that those of us assigned to operate it, like the old haywire mechanics, somehow make it work.

As I pointed out, however, the times have passed us by. The judicial machine which was designed as a tentative instrument for testing out a new set of principles in a context quite different from today's, and designed for days when the annual caseload of the Board was running at about 30, 40, or 50 cases a year, is obsolete and archaic now that the statute which we administer has become an integral part of our national legal framework and now that our volume of cases has increased nearly fifty-fold. Today that judicial machine is in need, not just of minor repairs, but of a thoroughgoing overhaul and redesign.

I shall not take a great deal of your time today in describing the deficiencies of the present structure. I can summarize them in a very few minutes. First, a five-man Labor Board simply cannot cope with an annual caseload of over 1200 cases a year. That seems so obvious I do not think I need to dwell on it. Just figure out the number of working days and the number of working hours that are available to any human being who serves on this Board, divide 1200 into it and you have to know that no Board Member can possibly give each case anywhere nearly adequate personal review time. That situation of course worsens steadily, since our caseload consistently rises by somewhere between 5 and 12 percent each year. As I said earlier, "difficult" does not properly describe that situation; "impossible" is a more nearly accurate word.

The second major defeat is inherent in the tentative nature of our three-step decision-making process. As you doubtless know, neither the decisions of our first-line decision-makers or the appellate decisions of our Board itself, have any legal effect whatsoever. This means that if due process considerations are observed in the hearing of cases, and if normal appellate procedures are followed, both on appeals to the Board and from the Board to the Court of Appeals, there can be no final or legally effective decision in less than about a year-and-a-half, even if all dockets were clear at the trial, Board appellate and court appellate steps, which of course they are not. Put very simply, this means that either an employee or a union or employer who is harmed by a flagrant violation of the Act must wait for an absolute minimum of a year-and a-half before he can get effective relief, assuming that the matter is fully litigated. That may have been all right when Congress was first, in tentative style, testing out the statute to see if it would work. But I think no one would suggest that it affords any kind of an orderly or efficient judiciary for the regular administration and implementation of what is now a clearly permanent kind of major federal statute.

Rather than elaborating in further detail upon the severity of these problems, I would prefer to talk with you, constructively I hope, about how we might go about curing them. I would suppose that one of your questions might be, in this regard, whether there is anything about the present structure of the agency which is worth preserving. I would answer that with a resounding "Yes!"

You have perhaps noted that in the course of my remarks thus far I have talked about the need to restructure only the decision-making side of the Agency. Those of you who are familiar with our operations know that the decision-making side is clearly the smallest part of this Agency. By the decision-making side I include the Board Members, their staffs, the Trial Examiners, and the administrative support for the Board and its Examiners.

As many of you know, however, the great bulk of the Agency's personnel is encompassed within our field organization, which includes 31 regional offices and several sub-regional offices, located all around the country. The administration of these regional offices lies primarily with the General Counsel rather than with the Board itself. Even though the Regional Directors report directly to the Board with respect to their representation case functions, most of the day-to-day work even in that area has been delegated for administrative purposes to the General Counsel.

That field organization, together with its administrative support in Washington, really bears the brunt of the Agency's workload, and does so very well. I have mentioned the 1200-case workload of the Board, but that is a mere drop in the total bucket. Our total intake of unfair labor practice charges runs in the neighborhood of between 30,000 and 40,000 cases a year, in addition to which we conduct over 8,000 representation case elections. The only way the Agency has been able to function as well as it has is through the settlement and other informal efforts of this field organization, which disposes, purely locally and informally, of the phenomenally high figure of 94 percent of our total unfair labor practice case intake. Furthermore it conducts most of those 8000 elections with a minimum of litigation and a maximum of voluntary cooperation.

It is, therefore, in my opinion, absolutely essential that we retain this skilled and experienced staff and preserve that orderly and efficient means of dealing with the day-to-day administration of this Act. I have been pleased in traveling around the country making speeches to groups such as this, to find that the comment from representatives of both management and labor has been almost universally favorable with respect to the operation of our field offices. I do not suggest that each of our Regional Directors or every member of their respective staffs is a saint or is infallible. But I think it is fair to say that, overall, we have achieved an efficient administration and that all parties have a good deal of faith and confidence in both the ability and the impartiality of the persons with whom they come in contact from day to day in the investigation and settlement of charges, and in the conduct of our elections. That means that our field staff, largely now administered by the General Counsel, is an asset of great value, not only to the government, but to the entire industrial relations community. I would therefore not favor any change in structure which would either eliminate or interfere substantially with the maintenance of this essential organization of skilled personnel, or which would change significantly the allocation of duties to that staff.

It was largely with this in mind that I submitted testimony, shortly after becoming Chairman of the Board, in opposition to a bill sponsored by Senator Tower which, as I understand it, would have referred to either private parties or to the Justice Department and its United States attorneys the function of investigating and processing charges of violation of the Act. I do not think that either private parties or an already overworked staff of U.S. attorneys, generally unfamiliar with the specifics of our Act, could take on these 30 to 40 thousand cases and achieve the kind of effective settlement ratio which we have come to expect as routine from our own staff. If any significant number of that 90 percent of the cases which are now settled in a median time of around 45 days should fail to be settled, and should instead have to go the route of full litigation, any system, new or old, designed to administer this Act, would bog down hopelessly in short order.

Nor do I think there should be any significant impairment of the manner in which representation questions are resolved and elections conducted. While there have sometimes been complaints that the statutory scheme does not offer readily available court review of representation case issues, it is my conviction that it is more important for those election processes to operate promptly than it is for any party to have whatever benefits might come from a greater opportunity to litigate election issues. I realize that there will be those who disagree with me, but in the overall view I am persuaded that the prompt resolution of representation disputes must have enormously high priority. It is so important to defuse the emotional potential of these disputes in the interest of protecting industrial relations stability and avoiding interruptions in the flow of commerce, that we simply cannot afford the luxury, and attendant inevitable delay, of having full-scale judicial determination of every possible legal question which may arise in this area.

As to these representation matters, in short, a quick administrative process of some kind offers as much protection as I believe is practicable. Several years ago the Board acted, pursuant to Congressional authority, to delegate the lion's share of the decision-making in the representation case area to our Regional Directors. While there were many doubts and fears expressed as to the wisdom of that course at the time it was adopted, it has proved so successful that I think few, if any, would today suggest reverting to the older scheme whereby all of such matters had to be decided in Washington by the Board. Indeed, for the future I think we must look to a continuation and perhaps even an enlargement of that delegation, perhaps continuing some form of limited discretionary administrative review.

As an aside, it has also occurred to me that it might be possible to minimize the necessity of case-by-case decision-making in this representation case field by administrative rulemaking. I have never been an enthusiast of rulemaking with respect to alleged violations of the unfair labor practice sections of the Act. In that area, where substantive rights are involved and factual variations are vital and often controlling, I think our case-by-case common law method offers the best approach. But in regulating conduct so as to insure, so far as possible, the integrity of our election process, there may well be some fruitful and as yet some largely unexplored opportunities for the use of administrative rulemaking.

Now let me turn to decision-making involving unfair labor practices. As I have suggested, this is the area in which I think we desperately need structural reform.

In testifying before the Thompson Subcommittee of the House of Representatives last year, I outlined what I thought the basic criteria ought to be for any restructuring of our labor judiciary. In general those criteria are much the same as they would be for any judiciary. First of all, the first-line decision-makers must have the authority to make an effective legal decision. No lawyer engaged in representing a client before any judiciary would, I think, want to have to present his case with the hope of getting a decision which had mere persuasive effect. Yet that is what we have in the present structure of the decision-making side of this Agency. It is not very sensible. It is frustrating, slow, cumbersome, and awkward.

The second objective—again, applicable to any judiciary—is an appellate system adequate to the task. This requires that appellate judges be appointed in such a way as to minimize political considerations, and it means a sufficient number of appellate judges, in whom the public can have confidence, so that they can give thorough, personal attention to every case appealed to them. This we do not have under the present structure. We have short-term appointees, thus inviting continual political controversy, and we have an inadequate number of appellate appointees to any longer give really personal attention to each case.

My third and last criteria was that our labor judiciary ought to be constructed in such manner as to avoid multiplicity of litigation which can and does result in confusion as to the applicable law, and which encourages forum shopping, with its all attendant evils. It is my opinion that our present proliferation of administrative labor judiciaries points up the fact that the structure for decision-making as to matters involving federal labor policy has been allowed to grow like Topsy, rather than having been planned with an eye to building a sensible unified judiciary. Thus, today a single factual situation may give rise to issues which, for example, are litigable before arbitrators, before the National Labor Relations Board, before the courts, and before a variety of local, state and federal agencies charged with the administration of our laws prohibiting discrimination in employment. There is no single forum for determining all of these issues growing out of a single set of facts. Instead they may be, and increasingly are, the subject of litigation in many different forums at the same time. There is here a real potential for abuse, and that potential grows larger with each new expression of federal policy affecting labor relations.

With the rapid development of organization and collective bargaining in such additional areas as agriculture, public employment and the like, we now hear demands for the creation of still more agencies to regulate and deal with each of these new phenomena. This suggests that there may be an even more widespread proliferation of little labor judiciaries, and thus more opportunity for conflicting policies to develop more opportunity for harassment by multiple litigation, and more opportunity for forum shopping.

Thus, I am very much impressed with the need for a coordinated judiciary to deal with the effective administration, decision-making and enforcement of a coordinated federal labor policy.

What then does all of this suggest in terms of some specific proposal? It was my hope when I began talking to this subject many months ago that leaders of the various groups concerned with federal labor policy might put aside partisan consideration and work together jointly to develop some new proposals which would be acceptable to all concerned. Unfortunately, in the past, proposals in this area have tended to have partisan origins and thus to bog down in partisan considerations. Thus, for example, the old Reorganization Plan Five tended to be supported by the Democratic party and by certain labor groups and, generally speaking, tended to have Republican and management opposition. Proposals in the Congress such as the Tower bill, the Griffin bill, the relatively recent Thompson bill, (which is a sort of revival of the basic Plan Five concept) all seem to have had party labels put on them and, perhaps as a result, have not had bi-partisan support and have invited a divisive approach as among the component factions of the industrial relations community.

I had therefore cherished the idea that if the severe problems of the present structure could be laid before persons knowledgeable in this field, the parties and their representatives might see the necessity for joint co-operative action and begin serious work on a proposal which would not bear either a party or a partisan label. Unfortunately this does not seem to be happening.

Perhaps I was naive in thinking that it might happen. All interest groups seem inevitably to cling to the system they know, no matter how imperfect that system may be. Inertia is a powerful factor, and it surely seems to operate with respect to the subject matter at hand. Privately, representatives of various partisan interests have talked with me and told me that they recognized the need for change and reform, and a few have even discussed with me some specific suggestions. But publicly no one seems to want to take the lead, or even commit himself to the view that structural change is a real and present need. Perhaps as often happens, immediate day-to-day problems appear to be of much greater significance than these seemingly remote problems of judicial administration. I think it has traditionally been true that judicial reform has lagged as legislators and their constituencies alike have concerned themselves more earnestly with what seemed to be their own more urgent provincial crises. Generally speaking, only a few brave professorial types have come up with suggestions. And their suggestions have gone largely unnoticed.

In view of my ineffectiveness in having thus far stimulated any affirmative proposals, I feel compelled now to venture a few suggestions of my own. I do not intend these suggestions to be the only or ultimate plan, but rather that they may be a stimulus for discussion and soon for action by leaders and spokesmen such as yourselves.

I have already indicated there is a need for authoritative initial decisions, and thus a need for first-line decision-makers who are vested with the authority of genuine judges, not tentative administrative examiners. Since our statute is now clearly a part of long-term federal law it would seem logical that our new first-line decision-makers ought to be integrated into our federal judiciary. It is, however, generally conceded that there are rather special features and concepts involved in the laws relating to employment and labor relations. There seems, therefore, much to be said for a degree of specialization within that judiciary. Would it not be best to have a group of first-line decision-makers who could deal expeditiously and knowledgeably with these rather special concepts and traditions peculiar to the employment field? We have been somewhat reluctant in this country to depart from the generalist approach to legal decision-making. We have tended to cling to the idea that any judge can decide any case. This has been our theory, although in practice many state courts, at least, have developed specialized judges to hear criminal matters, probate matters, and cases arising in other specialized areas of the law. With the ever increasing complexity of our civilization and our national economic institutions I think we may need to recognize the advantages of having some specialization within our federal judiciary as well.

All of that leads me to believe that a corps of federal district court judges, or their equivalent, should be appointed to hear matters limited to those involving the several facets of federal labor law. This would include alleged violations of our Act, of the laws relating to the discrimination in employment, of laws dealing with wages and hours, to hear suits for breach of collective bargaining agreements, including suits for the enforcement or review of arbitration awards, and, indeed to hear all cases falling within the total scope of litigation arising under statutes or the common law governing the employment relationship. The investigation and prosecution of this variety of cases should, I believe, be left where it is today. Except for Section 301 suits, which private parties prosecute, each specialized agency, including our own General Counsel, should continue to be charged with these investigating and prosecuting duties.

I have not pursued the matter far enough to have any specific suggestions as to precisely how this new corps of specialized labor judges should be integrated into the federal district judiciary as a whole. This is a matter worthy of detailed attention, with due regard for problems and policies of the administration of the total federal judiciary.

There is no doubt in my mind, however, that this group of judges ought to be selected on the same basis as federal district court judges, and have the same basic authority. Senator Griffin's most recent bill provides for a large group of commissioners, rather than judges, but in my view this perpetuates the idea of a tentative two-step process which I think we have by now outgrown. To paraphrase Gertrude Stein, my view is that a judge is a judge is a judge! I would also point out that there exists at least a nuclear corps of eminently qualified candidates for these judicial positions. Our own agency has a corps of able Trial Examiners and other agencies have also developed persons skilled in hearing and deciding disputes over labor policy of one kind or another.

I would certainly insist that this skilled corps of labor decision-makers not be overlooked in the initial selection process. In developing suitable legislation, it might be quite appropriate to include provisions which would insure that they would not be overlooked, while still preserving the customary discretion of both the executive and legislative branch in making judicial selections.

It is somewhat more difficult to work out an appropriate structure for the appellate process. The present statutory scheme vests that appellate process under our act in the five-man Board of which I am currently Chairman. One of the premises underlying that arrangement was that the act ought to be uniformly interpreted on a national level.

Ogden Fields, our own retiring Executive Secretary, among others, has suggested, however, that since our five-man Board is having difficulty in coping with an ever-increasing caseload, we might have to change that concept and establish regional boards. That suggestion, and others like it, have been vulnerable to the criticism that uniform interpretation of the Act would be seriously and adversely affected. To this criticism the proponents of a regional board structure have replied that a national board could still be retained for review of regional board decisions. But, at least in our present context, this would have meant interjecting still a third step of nonbinding decision-making which would precede court enforcement or review, and thus further delay the totality of the decision-making process.

Yet at least one student of our work has pointed out that even under the present scheme of things, the uniformity of interpretation of the Act which was supposed to have been fostered by having a single Board is proving to be more fiction than fact. Board decisions, as you know, are now subject to review in the various courts of appeal and those courts of appeals do not always see eye to eye. While the Supreme Court always stands as the final arbiter of differences among the circuits, that Court also has a considerable caseload problem and is being relatively chary in the number of cases in which it will grant certiorari. Thus on at least some issues which are not of overriding national importance, there is in fact something less than total uniformity of interpretation of our statute under the current scheme.

There is another fact which seems relevant here. We have now had several decades of administrative and judicial interpretation of the Act. It would seem fair to assume that a great many of the truly significant interpretive questions about our Act have already been answered. There are surely less open issues than there were when the statute was first enacted. It is at least arguable, then, that there are somewhat less compelling reasons today for insisting upon a structure which provides, for every case, insurance for a uniformity concept.

As I see it, there are at least three choices available in fitting a suitable appellate procedure for labor cases into the federal judiciary. One would be to deemphasize the uniformity concept and to allow all labor cases to progress through the federal court system in the same manner as any other type of case—that is, to the existing courts of appeal, leaving the Supreme Court with its certiorari power to resolve only significant questions of national importance.

A second and more radical possibility would be to establish a specialized court of appeals, to which all appeals from district court decisions in labor cases could go. This would go the full way in the development of a specialized labor judiciary. It would, however, pose the same practical problems as the one now facing the Board and, as a matter of fact, probably would accentuate the difficulty of the problem. If our Board cannot now cope with the current case load, then how could a single appellate court handle a case load which would include not only N.L.R.A. cases but also cases arising under a variety of other statutes? A possible solution would be to create a large appellate court, and to permit full panelization with a petition for rehearing en banc as a method of reconciling possible policy differences as among the various panels. But if this is to be done, we are well on our way back to several courts of appeal, and we may have gained little over utilizing the present appellate court structure.

Utilizing that structure in the usual way might not create serious problems. Antitrust cases, for example, go through the normal courts of appeal, even though a single federal policy is involved. While there may be occasional differences as among the circuits, I am not aware that this has created truly critical problems.

Having specialized judges at the first level of decision-making should mean that their decisions would be well informed, and thus ought to provide a careful and specialized look at the dispute. The combination of specialized jurisdiction in the first instance plus a by now sophisticated labor bar ought to result in the presentation of cases to the general courts of appeal in sufficiently understandable and clear-cut manner so as to enable the courts of appeal to perform their review function without a crying need for specialization at that level.

If, however, it is thought that the need for uniformity and for a specialized appellate labor tribunal may to some degree continue to exist, there is still a third possible alternative. A special labor court of appeals might be created to hear only such cases as would be certified to it by the Trial judge, it being understood that such certifications would occur only in cases involving new or novel issues or in cases in which a conflict among the circuits existed as to some key principle of law. The several courts of appeals might also be given the discretion to transfer to this special national labor court of appeals any case which it found presented new or novel issues, or an issue as to which a dispute among the circuits was in need of centralized resolution.

This rather innovative approach might well be a sound one and could offer a useful supplement to present structures. It could provide a means of achieving uniformity in the administration of the statute without regularly burdening the Supreme Court with a flood of labor cases, and yet bring to such problems the expertise of a carefully selected group of appellate court judges.

Well, there are my suggestions. These beginnings should not be mistaken for a final, polished product. Doubtless they can be refined and improved upon by others, or perhaps others will find a better or more workable arrangement.

But they are not dreamy visions of something that we might think about 20 or 30 years from now. The need for these or some other type of changes is now. Critical problems in the field of federal labor justice are not merely on their way. They are here. They are real. They are critical.

The outmoded machinery which we are trying to make operate at the Board is creaking and groaning, and many of you have already encountered its inadequacies. Serious wrongs are going unremedied until far too late for the remedies to be effective. This not only adversely affects those who have been injured, but also leads to increasing demands that if our remedies are going to come so late, they ought to be doubly or triply severe. Such demands may be understandable, but in my view they contain the seeds of polarization, which is dangerously inappropriate in our field of industrial relations. We ought to seek in this field not vicious retaliatory punishment to the offender but rather prompt and effective corrective action, which can leave the parties prepared to live together, and not be poised at each other's throats.

But if we perpetuate the inadequacies of today's structures, there is always the danger that hastily devised quick cures will be invented and gain support. Furthermore, if we fail to adopt some sensible reforms, we must know that we will see a continued proliferation of overalpping jurisdictions created, which is bound to intensify the problems which are already here. Our ever growing case load will soon make the exercise of our reviewing functions so difficult that it will be little more than perfunctory. These are the very real and present dangers of a course marked by inertia.

So I urge you to consider these remarks not as philosophical meanderings, but as a genuine cry for help by the Chairman of a Board which finds itself charged with responsibilities which exceed the true capacity of the machinery which has been provided to carry them out. I ask you, then, not only to give these suggestions your thoughtful consideration, but that you utilize them as a basis for action. There will be little justice left in this vital field if we are left much longer without a judiciary capable of providing it.

Let us therefore move and move now toward an improved labor judiciary.

CAPTIVE NATIONS WEEK

Mr. ALLOTT. Mr. President, each year the third week in July is observed as Captive Nations Week. This year it is especially important that we take note of several aspects of the changing world scene that affect the captive nations of Eastern Europe.

Today we hear much about detente—about the "mellowing" of the Soviet Union and the easing of her grip on Eastern European nations that must follow. Let us not mistake rhetoric for reality. As yet the evidence of detente is scimpy—consisting mostly of the Soviet Union's willingness to sign arms accords with the United States—and there is no evidence whatever of an easing of Soviet tyranny in Eastern Europe.

Now there is a move afoot to hold a "European security conference." If such a conference is held—and unless conferences of this sort are quite necessary, it is necessary to avoid them—it should be turned into an occasion to legitimize the oppression in Eastern Europe, or to reduce the strength of the West that serves as a counterweight to all the Soviet might in Eastern Europe.

With these thoughts in mind, I join with all Americans in pledging renewed dedication to the cause of freedom for the great peoples of Eastern Europe.

SENATOR KENNEDY'S APPEAL FOR A RESUMPTION OF THE CEASE-FIRE IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, the sudden plunge of Northern Ireland into the brutal new round of killing and violence since the cease-fire ended last week is the cause of profound alarm to all of us who desire a permanent and lasting peace in Ulster.

The violent confrontation in the Suffolk Estate and Lenadoon Avenue area of Belfast that ended the cease-fire last week provoked the massive and continuing bloodshed we have witnessed over the past 9 days in Ulster—perhaps the worst rampage of shooting, bombing, and killing in the entire bloody history of Northern Ireland over the centuries.

Today, fortunately, it now appears that peace is being restored to the Lenadoon Avenue area, and men of good will everywhere have new cause for hope that the darkness descending over Ulster is once again being lifted through the patient efforts of those who are desperately continuing the search for peace.

Therefore, I take this opportunity to appeal to leaders of all sides—to Prime Minister Heath and Prime Minister Lynch, to Mr. Whitelaw and the British political and military leaders, to the leaders of the Provisional IRA, and to the Protestant leaders of Northern Ireland—to make a new effort to restore a cease-fire throughout Ulster, and thereby to restore the only condition that can lead to a permanent peace—a halt in the violence while every possible avenue toward a negotiated settlement is pursued.

Surely, if the killing of the past 10 days has taught any lesson at all, it is the lesson that no one wins when the gunmen take to the rooftops, or the troops advance to the battle. In the wake of the violence and incredible destruction of the past 10 days, more than 30 people lie dead, many of them innocent victims of the bloodshed, including Father Noel Fitzpatrick, a priest shot down as he administered the last rites of the church to an earlier victim of the gunfire in Belfast.

No one can read the current headlines from Ulster or see the pictures of the violence, or see the names of children and infants slaughtered on both sides in the terror, without a feeling of utter despair over the direction Ulster will take if the descent into violence is unchecked.

Those of us who know the story of America's involvement in Vietnam know the folly of the senseless pursuit of the phantom of military victory. Just as peace can come to Vietnam only through negotiations at the conference table, so peace can come to Ulster only through negotiations, and not through violence in the streets by the IRA or the UDA, or military thrusts by the soldiers.

Time and again, America has learned that lesson in Vietnam. Time and again, Britain and the people of Northern Ireland have learned that lesson in Ulster.

The events of recent weeks only prove the point. The IRA knows that force cannot place Catholic families in their homes on Lenadoon Avenue, and that no amount of armed attacks can force the release of the internees. The British Army knows that the Catholic barricades and the no-go areas held by the IRA cannot be cleared by force. And among the Protestants of Ulster, all but the most extreme advocates of the UDA must know by now that the Protestants are the ones who have the most to lose if the violence goes on, and that war between the UDA and the British Army will mark the end of the Ulster they know.

And so I appeal to Protestants and Catholics alike in Northern Ireland to give the cease-fire another chance, to dispel the gloom, to let the world see that faith in peace is still alive in Ulster, and that the hopeful new initiative of Prime Minister Heath and Mr. Whitelaw will not be consumed in some new and terrible Götterdämmerung in Ulster.

SENATOR HUMPHREY'S COMMITMENT TO DECENCY IN PUBLIC AFFAIRS

Mr. BENTSEN. Mr. President, as with any political contest, the recent Democratic Convention in Miami produced a number of losing contenders for the nomination as well as the eventual nominee. For some of the contenders it was their first attempt for the Presidency, and we will, no doubt, be hearing more from them in future election years. For other candidates, however, the campaign of 1972 might well be their last attempt for the office and I think it would be well to comment on one such figure who has served the country and the Democratic Party so splendidly in the past.

HUBERT HUMPHREY has made a commitment to decency in public affairs and compassion in public policy that spans a career of more than 20 years. As early as 1948 he was struggling to help the Democratic Party find its conscience on the issue of civil rights and in 1964 those early struggles culminated in the passage of a sweeping Civil Rights Act under his leadership. In effect, he has had the vision to foresee the many problems that trouble our Nation and the political skill and acumen to bring to bear their solutions.

Senator HUMPHREY will be leaving the campaign trail now and returning to the Senate to carry on his work

Mr. President, I ask unanimous consent that an article written by Mr. Roger Wilkins, and published in the Washington Post of May 15, 1972, be printed in the RECORD. Mr. Wilkins poignantly reflects on the contributions that Senator HUMPHREY has made in the past to the cause of civil rights in America and gives an incisive view of what Senator HUMPHREY's efforts have meant to millions of Americans.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HHH: A BLACK PERSPECTIVE—JUDGING A PUBLIC MAN THROUGH TIME AND PASSIONS

(By Roger Wilkins)

Before the new black political thrust, before the rebellions of the late '60s, before the Voting Rights Act of 1965 and the Civil Rights Act of 1964, before the sit-ins and the freedom rides, before the Montgomery bus boycott and before the school decision of 1954, there was Hubert. Those were simpler days, at least for those of us who were fairly young. In a sense, for young blacks, they were days of greater belief, though there was less to believe in. Things were so bad that in lieu of the analyses of the breadth and complexities of American racism available today, at least some young blacks of my generation believed (were brainwashed, some would say) that the words of the Constitution and the Declaration of Independence meant what they said, and that, some day, they would extend to us.

And, there was the simplistic belief in good people and bad people and a great mass of people in between who just needed decent leadership. Franklin Roosevelt's years in the White House were fresh in memory as was Branch Rickey's act in changing the face of baseball by putting Jackie Robinson on the Dodger team. These were some of the good white men in whom the spirit and the promise of the Constitution and the Declaration seemed to live and we were sure that the likes of them would prevail over the likes of Senator Bilbo, whose career was also fresh in memory.

Then came Hubert (which was what we always called him because he was always so warm and ebullient that he seemed more like a friend than a public official) at the Democratic National Convention in 1948. He was the 37-year-old mayor of Minneapolis at a convention where civil rights forces were fighting for a plank that was very mild by today's standards, but where some of the Southerners were threatening to walk out if the plank were adopted. The civil rights leaders took an ad in the Philadelphia Bulletin headed, "Let 'em Walk." Humphrey worked all night for the plank, argued from the podium, and won. Thurmond walked with four states, Truman won and Hubert H. Humphrey became embedded in grateful black memory.

When he got to the Senate in 1949, he was firmly regarded as a friend and an ally. And by the time the great civil rights issues came to the Congress in the late '50s and the '60s, he had the seniority which, coupled with his commitment, made him the biggest gun in the arsenal. As one of his old allies in the movement put it, "it wasn't just the votes on the big issues, he was always there, shaping the bill in the committees and in the cloakrooms and protecting it clause by clause, phrase by phrase and word by word. He was close . . . no, that's not it—he was really part of the civil rights movement." Those years produced the Civil Rights Acts of 1957, 1959 and 1964. Later, as Vice President, he helped with the Voting Rights Act of 1965 and they changed the face of America . . . not completely, but clearly for the better.

Of course, civil rights wasn't all he was doing. There was the Peace Corps, the Arms Control Agency, Medicare, Food for Peace, the Test Ban Treaty and a good deal more. But for us, the important thing was not that he was a prolific liberal senator, but that he was there down in the trenches day after day when we needed him.

But later there was the crushing weight of the years of the Johnson Presidency when the image began to blur and the contortions became clear to all. Still, in meetings both inside the government and out, despite what might be happening to the ego and to the spirit, the old warmth was always there—and the will to get something done. But the shadows of Johnson, Vietnam and Chicago finally grew so long that the man became obscured and memory found it hard to penetrate past the latest painful scene.

Then came the campaign of '72. "I was there when you needed me," Humphrey told us, which was true. But appeals to the past were not enough when his party was moving into a still formless but hopeful future. Later, there was his comment after the busing moratorium proposals noting gleefully that the President had followed the Humphrey lead. One close and old friend shook his head in weary disbelief and said, "I'll never forget it. I just don't understand it."

After the final loss on Monday night, there was the withdrawal pledge to "continue the fight I have waged all my public life on behalf of those who have no voice." And later, the soft philosophical talk with Walter Cronkite expressing the determination to come on back to the Senate and to wage the fight for love, for compassion and for decency. Somehow, the ghosts of the vice presidency, Vietnam and campaigns lost seemed exorcised. There were hints of the happy warrior and through the philosophical air and the deep attachment to gleaming values, the old memories came back, sharp and clear as ever. A man should be judged through passions and over time and at that moment you knew he'd be back.

So, though it is far too early to say farewell, it is just about the right time to say "thank you" to a very good old friend.

UNAUTHORIZED BOMBING IN NORTH VIETNAM

Mr. HUGHES. Mr. President, I know that Senators are deeply concerned about the evidence of widespread disregard of civilian command in the conduct of bombing operations against North Vietnam as disclosed by recent testimony of Gen. John D. Lavelle, former commander of the 7th Air Force in Vietnam.

I deeply appreciate the determination of the Senator from Mississippi (Mr. STENNIS), Chairman of the Armed Services Committee, to bring all of the facts to light concerning this unauthorized warfare in Southeast Asia. Senator STENNIS has announced that the Armed Services Committee will hold open hearings on these serious violations of our command and control system prior to action on the pending nomination of General Abrams to be Army Chief of Staff and General Lavelle to be retired with the rank of lieutenant general.

I have been queried by several Senators with regard to developments in bringing these facts to light. I feel an obligation to share with the Senate any new and pertinent information that can be disclosed without impairing the course of the investigation.

The most recent development is the receipt of a letter from the Air Force noncommissioned officer whose original letter to me, several months ago, triggered the entire inquiry into the unauthorized and officially concealed offensive strikes by our Air Force against North Vietnam.

This courageous airman has requested the opportunity to testify at the forthcoming hearings in the belief that his "unique position in the Air Force has afforded me a great deal of information, and that this information has been suppressed and distorted."

I have, therefore, requested of Senator STENNIS that this sergeant be permitted to testify at the hearings, pointing out "that if we are to get to the bottom of this matter to the satisfaction of the Congress, the Department of Defense, and the general public, I believe it is imperative that our committee hear directly from this young man who had the courage and the firsthand information to bring these unauthorized practices to light."

Without disclosing the identification of the airman for obvious reasons, I want to share with the Senate the contents of his letter, which set forth his reasons for believing that his testimony would be helpful in bringing the facts concerning this breakdown of civilian command into full view.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> I would like to testify at the upcoming Senate hearings on the circumstances surrounding the dismissal of General Lavelle. I understand that this is an extremely unusual request, but I believe my unique position in the Air Force has afforded me a great deal of information, and that this information has been suppressed and distorted.
>
> I am extremely concerned about the apparent misrepresentations that have resulted from the military investigation. To me it is very important that the type of allegedly illegal action taken by General Lavelle is never allowed to occur again. However, the actions taken by the military have shown that the military is ineffective in regulating itself and establishing the necessary safeguards.
>
> The actions taken by the military against General Lavelle and the other people involved have shown that a military member can exceed the limitations placed on him by civilian authorities with relative safety. Further, the apparent lack of any action against General Lavelle's subordinates has shown that it is safer and in many ways even preferable to obey illegal and immoral orders than to question them.
>
> The events of these past few weeks have made it obvious to me that definite civilian control must be placed over the military. In my own case, I had very few alternatives of whom I could go to in order to reveal my information. It seemed impossible for me to contact either my Wing Commander or the base Inspector General, since both were involved in the air strikes. It would also have been difficult for me to contact anyone at higher headquarters.
>
> At the time I wrote the letter, the Paris peace talks had deteriorated to the point that the U.S. refused to continue negotiations, alleging that the North Vietnamese were using the talks as a forum to disseminate untruthful propaganda concerning our indiscriminate bombing of North Vietnam. It was for this reason that I was compelled to write to you, you in turn having no other course but to release my letter to military authorities for them to investigate. The military investigating itself negates any check or balance civilian authorities might exercise over the military. It is apparent that Congress should establish a civilian inspection system at base level, similar to the present military inspector general, but not under military or DoD control.

WHAT IS RIGHT WITH AMERICA?

Mr. PACKWOOD. Mr. President, we in Government are concerned so much of the time in discussing ways to right the wrongs in our country that I wonder if sometimes we do not overlook all the good things that already exist.

In a "What Is Right With America" essay contest sponsored by the Press publication of Portland, Oreg., many meaningful commentaries on the subject were received. One of them, by Nancy Johnson, of Beaverton, Oreg., who is 12 years old, concludes with the thought that—

> America is a long way from being perfect but at least we're beginning to recognize our problems and are trying to solve them instead of ignoring the facts!

I think this is a point we all ought to keep in mind.

Mr. President, I ask unanimous consent to have printed in the RECORD the complete text of Nancy Johnson's essay, as well as thumbnail sketches of several individual Oregonians, also cited in the Press, who show by their own life styles what is right with America, and how we can work to make it better.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMERICA HAS THE RIGHT TO SPEAK OUT

(By Nancy Johnson)

America has freedom, We have the right to speak out, to disagree with the government. We can complain and protest (peacefully) if we feel something is wrong. We can say what we feel aloud.

Everyone is supposed to have equal rights no matter what their religion, race or sex is. This is promised by the Constitution, but sometimes people are treated badly because of their religion, race or sex and their rights are not respected.

We have the right to vote and are represented in the government whether we are rich or poor. We can vote for the man or woman of our choice who we think will do the best job. We elect the President and Congress. We have the choices.

America is a long way from being perfect but at least we're beginning to recognize our problems and are trying to solve them instead of ignoring the facts!

DOUG CAPPS

Doug Capps is a young future attorney who is working to extend the limits of traditional court processes into new forms. A graduate of Portland State and a student at Northwestern School of Law at Lewis and Clark College, he is currently working to establish an ombudsman plan for city and county government. "An ombudsman is a part of the legal process, an extension of the courts," he believes. "It's a way to establish citizens' advocacy in dealings with government." Doug is one of many young practicing or prospective attorneys concentrating in public law . . . extending the boundaries of traditional systems to speed the constitutional rights of due process and make constitutionally guaranteed freedoms an accessible—and possible—right for every citizen.

JUDGE GEORGE HOWEILER

Judge George Howeiler became partially blind when he was a teen-age boy, due to an accident with dynamite; he has been totally blind for about 25 years. Despite this, he has pursued law as a career and been a judge of Clackamas County's District 1 Justice Court for 15 years. In addition he continues an avid interest in the outdoors and natural history. Much of his free time is spent as coordinator of the Oral Hull Foundation, established only a few years ago to develop a park for the blind. "It is always a delight and wonderful contrast to work in the courtroom, working with the Oral Hull Foundation in creating something that will really have a therapeutic effect for those who need rest and relaxation," Judge Howeiler comments.

DR. S. SPENCE MEIGHAN

Dr. S. Spence Meighan is an extraordinary individual whose ideas extend beyond the walls of a hospital. Working out of Good Samaritan Hospital where he is the director of medical education, Dr. Meighan makes repeated ventures into community activities. His accomplishments include heading the recent conference on "Adolescence and Its Problems." Dr. Meighan is also organizing a comprehensive health program for alcoholics by coordinating efforts of already existing agencies. "I'd like to see a much better relationship between this hospital and the people around it. . . I want to improve the reality of our position in the community," states Dr. Meighan.

DR. LENDON SMITH

Dr. Lendon Smith is a physician who knows that a doctor's office is not the only place to deal with community health problems. A pediatrician, television personality and author of two books on child care, Dr.

Smith concerns himself with social issues and community education and service projects. His concerns include child abuse, inner city clinic volunteer work, foster children, fluoridation of water supplies, and other social dilemmas that transcend traditional office hours and clinical schedules. Smith is a member of a growing medical fraternity which devotes already overscheduled off hours to helping the community. "We're already spread too thin," he concedes. "But there are priorities. There are people and young children with problems who need someone to take care of them. Sometimes it's only a little time, a touch, a pat on the back, but it's important."

FRANS BROME

Frans Brome is a key leader in the action-packed Beaverton Jaycee chapter. Membership in the club grew from 24 to 102 in the nine months of his presidency. Now board chairman, Brome helps guide the chapter in executing some 75 to 100 projects each year. With a $32,000 annual operating budget, the chapter sponsors among its projects a Christmas shopping tour for needy children, a Little League baseball team, a hunter safety program, auto safety checks, Punt, Pass and Kick contests and food baskets for the underprivileged. The chapter has received the state award for community service twice and the district award eight times. Besides working with the Jaycees, Frans organized the Garden Home street lighting project and was a deacon for a year at Oak Hills Community Church.

OWEN SABIN

Owen Sabin of the Milwaukie Kiwanis Club, is a stand-out when it comes to thinking of his fellow man. He retired last year as superintendant of the Milwaukie High School District, and has long been active in Kiwanis. He is the creator of the Order of the Bullfrog, an honorary organization in North Clackamas County, through which the Milwaukie Kiwanis annually seeks out area residents who are contributing to the betterment of the community. An amateur pumpkin grower, Sabin also began a Peter Pumpkin contest in which Kiwanians with area Future Farmers of America distribute free pumpkin seeds to area gardeners, judge the results of their labors and award winners with a trophy and a banquet.

BOB OLSON

Bob Olson, currently working coordinator and head baseball coach at Jackson High School, shares a variety of experiences in baseball by working with youngsters across the state of Oregon. He helps young people develop their fundamentals and self-confidence at two major clinics—Sports Acres Youth Camp and Metro Summer Baseball Camp. His experiences include five years as a pro player with the Baltimore Orioles, and his travels took him from Florida to Hawaii. Arm trouble forced an early retirement, but Bob Olson became assistant coach at Portland State, and his team won the Pacific Coast Championship. He loves to work with kids, stresses hustle and dedication, and communicates a common love for the game of baseball.

DON BIRD

Don Bird has a wide range of duties which keep him in constant contact with people. He has taught grade schoolers for 12 years, devoting his extra time coaching area teams and instructing youngsters in the fine arts of athletics, sportsmanship and dedication. A complete sports fan, Mr. Bird supervises and helps train radio station KBPS' sportscasters, Portland High School students who weekly broadcast PIL football and basketball games. In past summers, he has organized and driven bus loads of berrypickers to Forest Grove fields. He produced a special gymnastics film that was shown on Portland television. He is a Sergeant Major in the Marine Corps Reserve, and vice commandant of the Marine Corps League.

CALVIN KRAHMER

Calvin Krahmer is a third generation farmer, and still works the 170 acres his grandfather homesteaded in 1875 near the town of Cornelius. During the winter, when chores are less demanding of his time, he devotes his energies to helping the youth of the area. He is a member of the Vocational Advisors Committee for Hillsboro High School and an advisor for the local Future Farmers of America chapter. In addition, he is a member of the Farm Bureau, sits on the County Extension Advisors Committee and works with legislators drawing up agriculture bills. He relies heavily on the youth of the area to harvest the 900 tons of strawberries, cucumbers, broccoli and sweet corn which are the bulk of his annual yield. He estimates that $40,000 is paid annually to his hired help and he is proud to be able to offer work to the youth in the area.

BEVERLY STEMMERMAN

Beverly Stemmerman finds that helping the poor is a way of life. Recently her office, the Multnomah County Action Agency, Target Area C, set up the goal of beginning a cooperative gardening effort for the benefit of many families living on food stamp budgets. She organized the effort to obtain necessary people and equipment to prepare 10 acres of ground for planting. Centennial High Schools Future Farmers of America chapter, through their Building Our American Communities program, prepared the ground and planted the seeds. Mrs. Stemmerman's job occupies 40 hours a week, but there are many hours of volunteer work, freely given, as was the case in this land preparation project. When the time comes, more than 50 families will participate in the harvest of beans, corn, tomatoes and other edibles; Mrs. Stemmerman will see that none of it is wasted.

SARAH NEWHALL

Sarah Newhall cares about kids. Assistant director of the Metropolitan Youth Commission in Portland, she believes in young people and treats them with respect and admiration. At 23, she's close to the youth scene herself, and has worked in a variety of volunteer youth activities and lived and worked in an Israeli kibbutz since her graduation from Wilson High School and Occidental College in Los Angeles. Her "action-oriented" approach leaves little time for desk sitting. She wants to develop more community "grassroots" programs for youth. She helped organize an all-school youth food collection drive, works with young people on advice for juvenile code revisions and a tutoring program.

EVELYN PARKER

Evelyn Parker is 14; she likes children so well that she takes care of them nearly every day at a YMCA Latch-Key day care center. Evelyn doesn't get paid for the hours she supervises, tutors and plays with the children. Yet she has helped every morning and afternoon since the center opened in October, 1971. When Evelyn isn't with her young charges, she attends Monroe high school, where she is a freshman. She is active with the Civil Air Patrol, is a member of the YMCA, and she takes classes in trampoline. But her love of children takes up most of her time, and in the future she hopes to study pediatrics.

JORDAN AND WIRE MOORE

Jordan and Wire Moore, aged 8 and 10 respectively, help develop Couch Park into a more diverse playground area for Northwest Portland. Together with other Couch School and Metropolitan Learning Center students, they began their earthy endeavor with plans that included developing climbing platforms and closing off parts of streets. Wire says he'll be the student foreman and each week something different will be worked on, in developing the park. Early in life they're already learning to be better citizens, lending a helping hand. And as brothers, they're developing understanding. "He's my brother and my friend," Jordan says of Wire.

BOB KOCH

Bob Koch is a police officer who believes in communicating with Portland's citizens on a person-to-person level. In the district where he works the average income is low. One-parent households are dominant. The crime rate is high. But as a policeman, Bob has become accepted in the community, and residents often seek him for advice and help. He shows them that policemen care about people's problems. Sometimes he takes several youths on picnics with his wife and two children. He spends time encouraging teenagers who want to better themselves, and he works with parents who want to organize a community center. As a representative of a neighborhood poverty agency, Bob sits on the Metropolitan Steering Committee board which attempts to deal with citizens' problems. On duty or off, Bob Koch cares about people.

CAPT. JEFF D. MORRIS

Captain Jeff D. Morris doesn't stop with his job with the Portland Fire Bureau when the siren ceases to sound. A 27-year veteran with the bureau, Morris is administrative assistant to the Fire Commissioner. He also is executive director of the Toy and Joymakers program which played Santa to 9,088 needy children last year, its 57th year of existence. Jeff Morris is a Red Cross instructor, press liaison and public relations speaker for the bureau, father of three children, member of the Masonic lodge, Mt. Tabor Presbyterian Church, and American Legion. He was a Marine staff sergeant in World War II and in Korea.

COMMENT ON SALT I

Mr. HART. Mr. President, for the benefit of Senators and others interested in the SALT agreement, on which we will shortly be asked to vote, I ask unanimous consent that there be printed in the RECORD the very informative testimony of George W. Rathjens, of MIT before the Foreign Relations Committee on June 29, 1972.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY GEORGE W. RATHJENS BEFORE THE FOREIGN RELATIONS COMMITTEE OF THE U.S. SENATE

I welcome the opportunity to comment on the strategic arms limitation talks and agreements as a director of the Council for a Livable World.

Considering the conduct of the negotiations, the agreements reached, and subsequent comments by Administration spokesmen, a mixed verdict is in order. The ABM treaty, although not the best that could have been negotiated, is a notable agreement of perhaps lasting importance which should be supported without reservation. The executive agreement relating to offensive systems is decidedly less important; and the proposals for new strategic programs which Secretary Laird has sought to link inextricably with the SALT agreements, and which the President links, but less strongly, are clearly undesirable.

The ABM treaty can be faulted in that it has been more delayed than it need have been and because it permits too much. Almost certainly we could have had a simple ABM freeze over a year ago had we not insisted on something like parity in ABM deployment and on linking the ABM agreement with limitations on offensive systems. We would have saved substantial sums. Valuing the agreement on offensive weapons lightly, as I do, and heavily discounting the military utility of the ABM deployments permitted by the treaty, I believe we would have been better off.

But the delay and the wasted dollars pale into insignificance when measured against the importance of the treaty. It should allay concerns that either the Soviet Union or the United States may in the foreseeable future find it advantageous to attack the other; it codifies the legitimacy of verification by national means; and it can, and should, be interpreted as weakening the case that is being made for developing and expanding strategic offensive forces.

It should, for example, greatly diminish incentives for continuing with MIRV deployment, an issue not addressed in the offensive forces agreement, but one of far greater moment that the issues with which that agreement deals.

In fact, the executive agreement will accomplish little.

If some draw comfort from the fact that five years hence Soviet force levels might be lower with the agreement than without it, that must be counted a plus but a small one considering that the military balance would not be shifted decisively even if the Administration's speculation about Soviet build-ups in the absence of agreement were to be correct. Those speculations may of course be wrong. It would not be surprising if those in the Kremlin defend the agreement on grounds almost identical to those used here, i.e. that it will not prevent their doing anything that would be done in its absence.

Should the interim agreement prove to be the basis for a lasting treaty the effect could well be simply a continuation of the strategic arms race with greater emphasis on qualitative improvements—not necessarily a desirable direction in terms of either permitting the diversion of resources to constructive purposes nor in reducing the risks of war.

Finally, it must be recognized that there are those who are disturbed by the fact that the agreement permits the Soviet Union numerical superiority in ICBMs and SLBMs; others who are concerned not about the immediate effect but about the possible precedent in the figures; and still others, myself included, who are unconcerned about the military significance of the disparity but who cannot discount completely the political significance of others' concerns. One must, then, in evaluating the agreement, count the numerical disparity as something of a negative factor.

On balance whether the agreement limiting offensive arms is worth having is marginal.

Let me turn now to the issues surrounding the agreements, particularly the requests for monies for continuing and additional strategic weapons programs, and the question of our approach to further efforts at strategic arms limitation.

I want to emphasize strongly that the SALT agreements, and particularly the ABM treaty, should be construed not as an excuse to accelerate the arms race but as an opportunity to turn it down with less concern than would otherwise have been possible.

With ABM deployment limited to militarily meaningless levels and the primary rationale for MIRV deployment thereby eliminated, we should bring the Minuteman III program to an immediate halt and limit further work on Poseidon to modification to those submarines on which conversion is already well underway.

The Congress should reject the Administration's request for an ABM defense of Washington. At the levels permitted by the treaty such a defense could buy at most a few minutes time for decision-making by the President; it would not make much difference in the likelihood that he or anyone else in the area would survive attack; and most significantly, it is almost unimaginable that the deployment would make an attack less likely. If ever there was a case for unilateral restraint this is it. With the negotiation of the ABM treaty behind us and with the Washington defense serving no meaningful purpose, not even the most committed proponent of the "bargaining chip" argument can claim it is needed to strengthen our land in future negotiations.

Probably the two strategic arms questions before the Congress that are most serious, in terms of cost if not otherwise, are the B–1 bomber and the Trident submarine, each of which program is likely to cost in the range of $15 billion. There are strong arguments against moving ahead rapidly with either.

With significant ABM defense proscribed there can be little doubt that the number of weapons that could be delivered by a very small number, indeed a single one, of our presently deployed submarines would constitute an effective deterrent; and there is nothing on the horizon to suggest that the Soviet Union could somehow destroy the whole force simultaneously. To do so would require dramatic breakthroughs in anti-submarine warfare technology; and while one cannot completely discount such possibilities, there is no reason to believe that if such breakthroughs should occur Trident will prove to have been an effective response. Exploitation of any breakthroughs by the Soviet Union would require the deployment of new systems based on them on a worldwide scale, and with vigilance and a reasonable research program, we would have adequate warning time to react. Thus, commitment to production of Trident at this time is grossly premature.

Somewhat similiar arguments apply in the case of the B–1. It will provide a marginal improvement over existing capabilities at a time when marginal improvements are unnecessary in the absence of breakthroughs, and likely to be inadequate in the event they occur.

I would remark parenthetically that I am both appalled and depressed whenever I hear claims that we must make decisions now to buy strategic weapons systems that will see their major services in the late 80's, the 90's and even into the next century. Surely we must be optimistic enough to apply very high discount rates to such decisions, putting them off as long as we prudently can in the hope that they will never be needed.

Probably the most dubious of the new proposals is the submarine-launched cruise missile program, an approach we rejected years ago, which combines greater vulnerability than has the SLBM force to antisubmarine warfare with the vulnerability that bombers have to defenses, the latter vulnerability being greater than that of ballistic missiles, particularly since Soviet air defenses will not soon be restricted by treaty and are already large compared to ABM defenses. More than any other, a strategic SLBM program epitomizes the worst possible contraction to put on the SALT outcome, i.e., a determination to go ahead with work in strategic areas not specifically proscribed even if the weapons are neither required nor likely to be as effective as existing weapons. Imagine our reaction should the Soviet Union now initiate a similar program, particularly if it were not obvious whether the new submarines would carry cruise missiles as permitted by the executive agreement; or ballistic missiles in which case they would be proscribed; or whether they might be ostensibly designed to carry the former but convertible to carry the latter.

The pressure to go ahead with all of these programs in the light of SALT is profoundly disturbing. There is the enormous waste of resources; there is the likelihood that such moves will strengthen the hands of those in the U.S.S.R. who are disposed to use SALT as a basis for greater weapons programs; there is the disillusioning effect on our own people; and, finally, in such pressures there is evidence of a lack of balance if not of something approaching morbidity in our view of the role of strategic nuclear arms in world affairs. Since this view so conditions our unilateral decisions regarding these weapons and what we will do with respect to SALT II, I should like to elaborate briefly, using Dr. Kissinger's recent White House presentation to you and other members of Congress as a vehicle.

Early in his remarks he referred to the strategic weapons systems as those "which guarantee each side's security." The phrase was a parenthetical one to which I doubt he gave much thought. I single it out, however, because I see in it a manifestation of the belief that the major thing we have to fear is a deliberate attack based on rational calculation by the Soviet leadership; and because I am personally persuaded that initiation of nuclear war by accident, miscalculation or irrational behavior in a crisis is a more realistic possibility. Events of recent weeks suggest that failure of command and control is another possibility that should not be lightly discounted. I suggest that one would come closer to the mark if one observed that strategic weapons guarantee not our security but rather our insecurity for, if they are retained in large numbers, in time one or more of them is likely to be launched. To me this means that the national interest would be better served by less concern about bargaining and about relative advantage, with more attention being given to diminishing those risks of war that have their basis in numbers of weapons, their design, nuclear proliferation, and communications and command and control arrangements.

In this same vein I find some of the other points made by Dr. Kissinger troublesome. He observed that "Devising an equitable agreement on ABM's proved extremely difficult." Perhaps so, but might not the emphasis on equity have been misplaced? I have suggested earlier that a non-equitable agreement would have saved us billions and could have been achieved earlier, with little difficulty, and with our having to be no more concerned than with the treaty we negotiated. Later, in discussing possible deferral of construction of a second ABM site by the U.S., Dr. Kissinger decried the possibility that the Soviet Union might have had two sites to our one—as if it would make a difference. He made the point that "if the agreement were being circumvented, obviously we would have to take compensatory steps in the strategic field." It is by no means "obvious" to me, although we *might* want to take compensatory steps or we *might* want to denounce the agreement, depending on the nature of the violations.

What I am getting at is the need really to view strategic weapons differently than conventional arms and to weigh each decision we make with regard to them against a multiplicity of objectives—not just in terms of the two concerns which seem to have dominated our approach in recent years—the nightmare of a deliberate Soviet "first strike" and the possibility that the numerical or qualitative balance might be shifted in some way that can be exploited politically. There is here a difficult task in education and reorientation of policy to which this committee can make an important contribution. With the ABM treaty serving to help exercise the apparition of a "first strike," the time is right.

Let me close by suggesting it is not too soon to look ahead to SALT II. We will be in for a difficult time of it if, as I fear, the negotiations are carried out largely within the philosophical framework that has characterized SALT I. To a large extent the agenda will be dominated by issues already surfaced in Vienna and Helsinki but which have proved intractable: restraints on qualitative improvements, reductions, and the problem of forward based systems. Thus, unless there is a change in approach, progress is likely to be slow.

I raise this particularly because of the Administration's addiction to the bargaining chip argument. There would be nothing particularly pernicious about such an approach if the negotiations could move rapidly, but if they are protracted, the adverse effects of buying bargaining chips during the negotiating process could well outweigh the advantages inherent in any final agreement.

In summary, I argue that the ABM treaty should be supported enthusiastically; that the executive agreement relating to offensive systems hardly matters one way or the other; that there are strong reasons for not going ahead with the major weapons programs Secretary Laird demands; and that if those programs are the price for SALT II negotiations, the negotiations probably are not worth entering into.

EIGHTIETH BIRTHDAY OF EMIL RIEVE

Mr. HUMPHREY. Mr. President, a few days ago a great American celebrated his 80th birthday. Many Washingtonians celebrated it with him at the International Club by gathering under the leadership of former U.S. Supreme Court Justice Arthur Goldberg to pay tribute to a lifetime of dedication to strengthening and extending the benefits of our democracy.

Emil Rieve, retired president of the Textile Workers of America, is a man whom I admire and respect. He and I have been friends for approximately 25 years. During that time, he epitomized the best of our country's spirit. His pioneering efforts as a president of the American Federation of Hosiery Workers, as head of the Textile Workers Union, as a member and founder of the CIO, as an officer of the AFL–CIO—all these have been characterized by a commitment to social and economic democracy as essential prerequisites to the fulfillment of our dream of political democracy.

I join his many friends in wishing Emil Rieve contentment and excitement, good health and good spirit. I do so by asking unanimous consent to have printed in the Record a story entitled "A Love of Labor," written by Myra MacPherson, and published in the Washington Post of June 14, 1972.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Love of Labor

(By Myra MacPherson)

It was a time for tales of the past when 50 old-time labor skates got together at the International Club Monday night to honor an 80-year-old man who scrounged free saloon lunches when he was 15 and worked 60 hours a week for $2.50—$2.50 a week.

But it took the "old man," as they called him—Emil Rieve, first president of the Textile Workers Union of America—to say something about the future.

He was, he said, concerned about Vietnam, the economy and George Wallace.

Rieve, with twinkly eyes the color of blue watered silk and a gentle face of creases that belied one old nickname, "Evil Emil," growled softly when asked what he did these days. "Nothing—and I do it very well."

Then Rieve said, "I'm not retired mentally. The past is useful to remember only to the extent you learn by it. There is no organized sector in our society, or in our labor movement, to give the proper direction in which this country of ours can move. Our country must face facts. The fact remains the rich are still getting richer and the poor are still getting poorer.

"Let's not minimize what's happening now in our country. I'm talking not just of Vietnam but the economy. And I'm referring to the Wallace movement. It may not be a passing incident unless we do something about it." A long-time friend of Hubert Humphrey, when Humphrey himself was termed a radical, Rieve hedged on whom he was for. "One thing I am not, is for Nixon. Period."

Rieve was a man from the shop and a man of foresight. He spoke against segregation before there was even a dream of a civil rights act; he spoke of welfare to industry barons.

He was among the first to bring the educated and intellectuals into the labor movement and some of these were there to honor him at his 80th birthday party, singing "Solidarity Forever" off key to the strains of an accordian and violin, yet. (Willard Wirtz, former Secretary of Labor, listened to the music and joked, "Obviously not union musicians.")

Arthur Goldberg, former U.S. Supreme Court Justice; lawyer and Humphrey supporter Max Kampelman; Esther Peterson; and Dr. George Taylor, former professor at the University of Pennsylvania and known as the "dean of arbitrators," swapped stories. They told how Rieve, who quit school at 13 and to whom English was a foreign tongue, was never intimidated by the educated.

Wirtz first met him in 1943 on the War Labor Board. I was scared of all labor leaders, Rieve said to me, "Young man, you've a lot to learn," paused for emphasis and said "and I'm not sure there's going to be time." Esther Peterson recalls meeting him on an elevator in the '30s when he joked derisively, "Ohhhh, you intellectuals."

The International Club room was full of people who remember when socialism was revolutionary and radical, when it wasn't chic to picket, when being fired for union activities, and being beaten (some were killed) and earning starvation wages were not only realities but the way of life.

Especially so to the downtrodden, poverty-stricken textile union. Goldberg, who called Rieve "a cantankerous, belligerent stubborn character" as well as one of the "brightest, most perceptive" leaders of the trade unions, said "Emil performed the most important tasks in the labor movement, watching out for the disadvantaged. It's easy to represent the steel workers," that powerful union's former chief lawyer said.

Rieve was straight out of the mold that formed the earliest era of American labor unions.

His French family wandered through Germany to the Russian-Poland lands. Like David Dubinsky of the International Ladies Garment Workers Union, Rieve came to this country as a child, and started to work, like John L. Lewis, as a child.

He worked as a hosiery mill hand and was soon being fired for union activities. He moved across the country, hired and fired, hired and fired until he wound up in Milwaukee. He remembers a depression, but it was the depresison of 1907. He was never young. At 15, he bought a derby to make himself look older, took the 5 cents or so he had a day to buy a schooner of beer and then ate all the free lunches in the tavern.

He became a Socialist before the world ever heard of a Communist. Later, during the 1930s, he was to join battle against the attempted Communsit takeover of American trade unions.

In the '20s he became the first president of the American Federation of Hosiery Workers and in 1935, was one of the founders of the CIO; became a vice president and a vigorous chairman of the CIO's Economic Policy Committee. He also helped bring about the AFL–CIO merger.

With his rolling r's and accent. Rieve can string out malapropisms to rival Samual Goldwyn's "include me out." One of them is "We are like two pods in a pea." Another is "that's a horse of another garage."

But he was also capable of eloquent, tough, fighting words. He attacked President Eisenhower's "reassurances" that unemployment in 1955 were "nothing more than camouflage, persiflage and double montage." He also called Eisenhower "That nice man in the White House who gets none of the blame because he makes none of the decisions." Another time he said "We do not deal with industry as it ought to be, we deal with industry as it is. That is why we need a welfare state."

When the National Labor Relations Board was dragging its heels on cases where men were fired for union activities, Rieve said, because they came in so late after the fact. "The NLRB does not conduct hearings, it holds autopsies."

Rieve was not being honored Monday because he merely lived a long time, but for what he did.

Reba Conzano, his secretary from the '30s until his retirement in the '50s, said "He's outstanding for his sincerity, forthrightness, honesty and, no bull. If he said 'We have to have 5 cents,' management knew they had to have 5 cents.'

Ken Kramer, who struggled in the South with the Textile Union in the '50s, rattled off plusses. "He was the only trade leader who instituted percentage dues, based on your earning. His hosiery workers put up the money for the first cooperative housing project in America, in Philadelphia, named after a man killed in the hosiery strike.

"His was one of the first unions to break down segregated locals, even though it was suicidal at times."

(It was a policy that the white mountaineers, driven into the textile factories and off their lands by the boll weevils, did not take to kindly.)

Not all his achievements were somber. As James B. Carey, secretary of the old CIO before its merger, said, "I owe Rieve a debt. He taught me how to drink. The waiter asked what he wanted and he said he wanted a martini—emphasizing it must be Noilly Pratt vermouth and Beefeater gin. The waiter stood there and I said, 'He's waiting to find out from what grove you want the olive picked.' Rieve said, "If I wanted vegetables, I'd order vegetables."

Max Kampelman said Rieve was one of the first to hire educators to teach shop stewards way of parliamentary procedure, speaking, etc. "He did a helluva job. I was teaching at the University of Minnesota and I was hired as one of those consultants in 1946. We'd have two-week sessions and they'd all end with union songs."

Taylor, the neutral arbitrator, now 71, crossed paths with Rieve early. "It was Emil's idea to have an impartial chairman of grievances and it later became common wisdom. Foundation stones like that were built by Emil."

Rieve was tough, expected his staff to be "on call," fought with John L. Lewis when Lewis said he could not support Roosevelt's last term, had a bitter long-standing feud with a man who opposed him for the presidency of the union (the man lost).

But he was as tough on himself. Goldberg said, "If it were not for Emil, Walter Reuther would not have been president of the CIO. Now Emil didn't like Reuther, but he thought he was the best man for the job and he worked for him."

Today Rieve lives in Florida—shaking his head that it is Wallace country—with his second wife Wanda. He pops nitroglycerine pills for his heart condition, daily reads The Wall Street Journal and The New York Times and occasionally still drinks a martini. He never lives in the past.

A POINT TO PONDER: WHAT DIRECTION ARE WE GOING NOW?

Mr. COTTON. Mr. President, this past June, shortly before the recess, the Senate passed the bill (S. 3419) to establish an independent Food, Drug, and Consumer Product Agency.

I voted against the establishment of such an independent agency.

I also was the author of an amendment which would have structured this consumer product safety function within the Department of Health, Education, and Welfare, but the amendment, unfortunately, was rejected.

On July 7, an editorial entitled "Consolidation and Fragmentation" appeared in the Journal of Commerce And Commercial. I now ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

Mr. President, in view of the fact that the Senate shortly will be called upon to consider the establishment of still another independent agency, the Consumer Protection Agency, I believe that the editorial is most timely. At the very least, this apparent trend to fragmentation of governmental functions certainly should give Senators cause to ponder the point: What direction are we going in now?

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Consolidation and Fragmentation

The Senate, which has already compiled a record this year that makes no sense at all, voted 69–10 on June 21 to create an independent Food, Drug and Consumer Product Agency—the acronym of which may be FDCPA or just about anything else the public winds up calling this particular venture into what we can only describe as political futility.

Perhaps it should have been expected. Apparently terrified by Ralph Nader and his raiders, the Senate felt that a brave blow for the consumer was necessary to save its own face. So it voted to create an agency charged with protecting consumers against misbranding, adulteration or illegal distribution of drugs, food and cosmetics and against injury resulting from the use of hazardous consumer products when those hazards could be reasonably eliminated or minimized.

Well, why not, some might ask? Why not indeed, except for the consideration that most of the functions required by the Senate bill (S 3419) are already performed by the Food & Drug Administration, the Biologics Division of the National Institutes of Health and by various agencies under the Federal Hazardous Substances Act, the cosmetics provisions of the Food, Drug and Cosmetics Act, the Clinical Laboratories Improvement Act, the Radiation Control for Health and Safety Act, the Flammable Fabrics Act and heaven knows what else including—believe it or not—the Refrigerator Door Act.

Now we have nothing new to say against legislative efforts to protect the American consumer from the consequences of what Congress and Mr. Nader are obviously convinced is his (and her) inbred idiocy. What we do question, and very seriously, is the justification for the creation of still another federal agency to provide that doubtful protection.

It is true that back in 1967 Congress created a National Commission on Product Safety to look into the possibility of greater consumer protection. That commission, about two years ago, called for enactment of a comprehensive law covering all consumer products. It also wanted an independent agency charged with devising and enforcing safety standards for consumer products.

Last year, President Nixon picked up the ball himself. But he had other ideas of what to do with it. He proposed that within the Department of Health, Education and Welfare a new division be created to look after such matters and to set standards for consumer products not otherwise already covered by specific safety laws. The Senate, it turns out, does not want this responsibility vested in HEW. In the name of clarity and simplicity it wants something else altogether.

But if, as Emerson said, a foolish consistency is the refuge of little minds it is certainly not the refuge of the United States Senate. For it was not really so many years ago that that chamber looked around—together with the House and the then administration—at what it decided was the unsupportable fragmentation of authority in the field of transport. It looked hard at the maritime agencies, the Interstate Commerce Commission, the Civil Aeronautics Board and the Federal Aviation Agency and decided that this kind of disarray simply would not do.

The catchword then was consolidation. All the transport agencies should be put under one roof and under one command. There should be a federal Department of Transportation and it should be represented in the cabinet. No more of this fractionalization of authority. From then on there was to be a clear line of authority extending right from DOT down through all railroads, truckers and water carriers and up through the airlines.

Well, it didn't happen that way. It didn't because—as we and others pointed out before the legislation setting up DOT was enacted—it couldn't. In a legal sense alone, it would have required a complete rewriting of the Interstate Commerce, Civil Aeronautics and Merchant Marine acts even to make a beginning on what the DOT sponsors had in mind. But Congress went ahead and did it anyway, apparently bemused by the thought that the new department could make something of what little was left to it and by the additional thought that the legislators were somehow striking a blow for a better world in the process.

Well, perhaps they weren't altogether Interstate Commerce, Civil Aeronautics and they weren't. Perhaps a bigger cabinet is more efficient than a smaller one (something we also doubt). And Congress could rightly argue that the cabinet did not gain in size because the addition of a secretary of transportation was offset by the disappearance of a postmaster general.

Nevertheless, it is fair to ask just what direction the Senate thinks it is going in now. If the proliferation of transport agencies was to blame for the many conflicts in U.S. transportation policies, and, therefore, justified consolidation under an agency with a cabinet seat, how is creation of a new and independent consumer agency supposed to accomplish that at which the transport agencies were adjudged to have failed? If consolidation was determined to be the proper answer in one case, how is creation of still another independent agency to be considered a cure in this one?

And another question is this: Did the 69 senators who voted for S 3419 really think they were making things better? Or did they just want to give the appearance of looking as though they were doing something?

THE GENOCIDE CONVENTION AND THE INTERNATIONAL COURT

Mr. PROXMIRE. Mr. President, a major criticism of the Genocide Convention concerns article IX, which states that—

> Disputes between the Contracting Parties related to the interpretation, application, or fulfillment of the present Convention . . . shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Some critics object to our accepting the jurisdiction of the International Court, but there are several reasons why this is an acceptable course of action.

In the first place, it must be noted that a number of countries, including the Communist bloc, have ratified the treaty subject to the reservation that they do not consider themselves bound by article IX. Of course, the United States could take exception to the reservation as other countries have done.

Second, it must be remembered that no disputes arising from the Genocide Convention have been brought before the Court to date, and that even if the United States were to be charged under this article the Court has no enforcement powers.

Finally, it is noteworthy that the Senate has set a clear precedent in this area by its 1967 ratification of the Supplementary Convention on the Abolition of Slavery, which also calls for the submission of disputes to the International Court of Justice.

It is evident that article IX of the Genocide Convention would create no problems for our country. Mr. President, I urge the Senate to join 75 of the world's nations in ratifying this treaty.

PRESIDENT EISENHOWER FAVORED A STRONG NATIONAL DEFENSE FORCE

Mr. SCOTT. Mr. President, on July 2, the Washington Post published a guest article by John Eisenhower, son of the late President and our former Ambassador to Belgium. The article should once and for all put to rest those who claim that President Eisenhower advocated unilateral cuts in our national defense force. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Taking Exception—McGovern an Eisenhower "Disciple"?

(By John Eisenhower)

If Senator George McGovern is indeed a disciple of my father in his military opinions, then the Boss must be rotating in his grave at the failure of his pupil to learn his lessons.

No matter how much Senator McGovern may claim to have learned from President Eisenhower's defense policies, he seems to have grasped everything except the fundamentals. For a basic premise that the Eisenhower Administration worked on, was that strong military defense—a posture consistent with moral and economic sources of national strength—was of paramount importance.

That single leg of national strength—military strength—could never afford to become the weak leg of the stool. I well remember that statement that the then General Eisenhower made in New York City in June of 1945: "Weakness cannot cooperate with anybody; it can only surrender." This was a fundamental precept with him, much as it pained him to see billions of dollars spent on troops and weaponry that could, under happier conditions, be used for the betterment of mankind.

I would be foolish, moreover, to try to adapt the exact policies that worked for the Eisenhower Administration 12 years ago with the conditions of today. The 34th President was the eptiome of flexibility in military thinking. As a young officer, only 5 years out of West Point, he and his friend, George S. Patton, Jr., both came to loggerheads with the Chiefs of their respective branches—Infantry and Cavalry—on the principle of massing of tanks. From those early days, his military thinking evolved with comparative ease to include vast armadas of land, sea and air—and eventually to hitherto-unknown weapons of mass destruction. President Eisenhower would be the last one to say that the policies he followed during the 1950s should be taken line-by-line and followed in the 1970s.

And yet, even considering the vast superiority that the United States held over the Communist world in his time, the figures regarding his force structure for Fiscal Year 1960 were dramatically higher than those in the McGovern proposals for Fiscal Year 1975:

Total outlays	Eisenhower budget, fiscal year 1960	McGovern proposals, fiscal year 1975
Billions	75 (approx. 1975 dollars).	54.8 (1975 dollars).
Total active forces	2.5 millions	1.7 millions.
Army divisions	14	10.
Marine divisions	3	2.
Troops in Europe	379,000	130,000.
AF fighter/attk. squadrons	61	54 (approx.).
Navy fighter/attk. squadrons.	80	20 (approx.).
Aircraft carriers	23 (14 attack carriers).	6 (1).
Conus air defense:		
SAMS	4,400	8 batteries.
AF fighter/interceptor Sqdns.	65	5.
Economic and military aid.	4.0 (approx. 1975 dollars).	1.4 (1975 dollars).

President Eisenhower was, to be sure, leery of committing ground forces on a large scale in SE Asia. What he would have done if faced with the situation that confronted President Kennedy in 1963 can be only a matter of conjecture for anyone. But the point is that he retained the flexibility to apply American military strength whenever and wherever he felt it to his advantage. Witness the swiftness with which he moved 13,000 troops—both Army and Marine—to Lebanon on July 16, 1958. Could Senator McGovern's proposed force structure support such an operation?

It is true, as Senator McGovern says, that my father as President always yearned for the day in which U.S. Forces in Europe could be reduced to the strength of one division—with supporting troops. He had held to that objective ever since he had accepted the position of Supreme Commander, Allied Forces Europe, in 1951. But he was also pragmatist enough to realize that his dream, in fact, was not materializing. It was predicated on a good deal more willingness on the part of the Europeans to carry their own share of the load than has actually turned out to be the case. At the time he left office 390,000 U.S. troops were still deployed in Europe, in contrast to the 130,000 advocated by Senator McGovern.

Today the U.S. is faced with a balance of payments situation that would doubtless be somewhat alleviated by reduction of our present strength of 300,000 troops in Europe. But I could never visualize President Eisenhower attempting to approach such a task by such a sudden, arbitrary and major cut to 130,000 which would, in my opinion, cause such despair on the European continent that nobody could predict the outcome. (The Europeans are already sufficiently skeptical regarding our willingness to risk our major cities to protect the 300,000 men we have there today.)

The basic difference in philosophy between the two men, as I understand them, is a corollary of what I have said above. President Eisenhower never subscribed to the belief that a unilateral force cut on the part of the United States would elicit similar moves on the part of the Communist world. Senator McGovern, from what I read, feels differently. He cites the unilateral suspension of nuclear testing during 1958–1959; but I can assure the reader that this action was taken with great discomfiture—and in the realization of the gigantic lead the United States then enjoyed in the quality of its nuclear weaponry. The actual philosophy Eisenhower expressed succinctly:

"Since an acceptable treaty for controlled disarmament was not realized, we continued to build an overpowering military establishment as the only feasible defense against the menace and probings of international Communism and as the indispensable platform from which to continue negotiations for a peaceful world."

Waging Peace, p. 483.

This line of thinking has been followed faithfully by the Nixon Administration and has begun to bear fruit.

Perhaps the most dramatic difference in viewpoint between President Eisenhower and Senator McGovern lies in the matter of our worldwide alliances, many of which are maintained by a program of Mutual Security (Foreign Aid). In Fiscal 1960, the administration asked Congress for funds in the amount of approximately $4 billion (1975 value). Senator McGovern would cut this back to $1.4 billion. Even while the President was fighting to obtain this sum—which he himself considered inadequate—one of his big opponents was the then Congressman George McGovern. By what stretch of the imagination, in examining this set of facts, can one consider McGovern as a "disciple" of Eisenhower?

These then are the differences. The only similarity in the military philosophy of McGovern and Eisenhower lay in the desire, shared by all, to keep military expenditures to the lowest level possible so that those funds can be used along more constructive channels. But the order of priorities places the two men poles apart.

Senator McGovern has courageously put forward his own views. He is entitled to do so and we should all be grateful that he has. But in listening to these views, let none of us be fooled by any self-serving association between George McGovern and Dwight D. Eisenhower.

CALIFORNIA CORRIDOR FEASIBILITY ACT

Mr. TUNNEY. Mr. President, on June 29, 1972, shortly before the last recess, I introduced the California Corridor Feasibility Act, which called for a feasibility study of the desirability of a high-speed ground transportation system to connect the cities of San Diego, Los Angeles, San Francisco, and Sacramento. I am delighted to add the distinguished majority leader (Mr. MANSFIELD) and the Senator from Massachusetts (Mr. KENNEDY) as cosponsors of this proposed legislation.

I would like to add several comments to my remarks on that system.

First, as I mentioned in my initial statement on the subject, I believe that the study would be undertaken in three parts: The route connecting the cities of San Diego and Los Angeles; the route connecting the cities of Los Angeles and San Francisco; and the route connecting the cities of San Francisco and Sacramento. It is imperative that such a separation be effected, because it is quite likely that the factors which prevail in one section of the California corridor will be very different from those which prevail in other sectors.

Second, it should be evident that the need for such a study is urgent. The dramatic increase in population which is projected for that corridor, combined with the staggering projected increases in demand for transport and travel between those cities provides persuasive evidence of the desperate need for some new system linking the cities in that corridor. It is uncertain what that system should be, but it is evident that some new system is imperative. A proper evaluation of those needs—undertaken now—will enable us to make an efficient and economical determination of the system that should be selected.

Finally, it must be clear that I am by no means wedded to any particular system. I believe that the TACV system is one possible alternative. I believe that other systems must be considered and evaluated as carefully and as comprehensively. The technologies are not yet operative. The possibilities are not yet clear. Only the need is apparent. Accordingly I believe that it must be emphasized that all of the alternatives must be evaluated, so that the eventual decision is balanced and wise.

Accordingly, Mr. President, I hope that the study can begin as soon as possible, and that all of the alternative possibilities can be explored. The transportation needs of the citizens of California and the Nation deserve that prompt and careful consideration.

INTERNATIONAL ASPECTS OF ILLICIT DRUG TRADE

Mr. SPONG. Mr. President, during the recent congressional adjournment, I undertook, under the auspices of the Committee on Foreign Relations, a tour to study international aspects of the illicit drug trade—a trade which sustains an estimated half million addicts in the United States, ruining their lives, bringing sadness and misery to their families, and contributing to the increases in crime in our cities.

During my travels, I visited Heidelberg, Germany, to review the drug problems among U.S. troops in Europe and efforts to overcome such problems; Marseilles, France, where much of the morphine base is converted into heroin; Ankara and Afyon, Turkey, where poppies are grown and much of the morphine base originates; Tehran, Iran, where there is a limited maintenance program coupled with strict laws and law enforcement procedures; and London, which also utilizes a maintenance program. I was accompanied by John Ritch of the Senate Foreign Relations Committee staff and Lt. Lewis Hurst, head of the narcotics squad of the Norfolk Police Force.

I am currently preparing a report for

submission to the Foreign Relations Committee and to the Senate. In the meantime, I am today submitting to the Virginia State Crime Commission, meeting in Richmond, a preliminary report summarizing some general findings. I had hoped personally to present my statement to the Crime Commission, which has reported that "trafficking in narcotics and dangerous drugs in the State is the most serious problem facing law enforcement," but business here in the Senate prevents my doing so.

My statement to the commission, based on an examination of drug trade in one area of the world, suggests that we must make a multipronged attack on the illegal drug problem: Our customs efforts must be maintained at the highest level possible; we must continue to build our defenses through improved local law enforcement; serious study and consideration must be given to the successes and failures of maintenance programs; we must continue to expand educational and rehabilitational efforts; and we must focus our criminal sanctions upon the dealer and pusher to such a degree that the risk will not warrant the huge profit.

Mr. President, I ask unanimous consent that the testimony which I am today submitting to the Virginia Crime Commission be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator William B. Spong, Jr., to State Crime Commission at Virginia State Capitol, July 18, 1972

Initially, I should like to thank the members and staff of the Virginia State Crime Commission for inviting me to have this statement submitted at their organizational meeting. I regret that business in the Senate today prevents my appearing before you.

On June 30 I began a ten-day study of illicit drug traffic coming into the United States from abroad. There are three geographic areas that may be identified in the illegal flow of drugs. The first is a familiar route over which the flow has built up considerably since the end of the Second World War. The gum from opium poppies grown in Turkey is processed to morphine base, and sent overland through Germany or Italy or by sea to Marseilles where the morphine base is converted into heroin and shipped into the United States.

The second area is in Southeast Asia, encompassing parts of Burma, Thailand and Laos, known as the Golden Triangle. This area has facilities for the complete conversion from the gum of the opium poppy to heroin. More than half of the world's illicit production of opium is produced there. By several routes going east and west, the traffic moves to destinations on both the east and west coasts of the United States.

The third area is Latin America. Both hard and soft drugs are being illegally shipped into the United States from the Caribbean and Mexico. Some of this traffic originates in the other areas mentioned. Much of it, however, has its inception in this hemisphere.

Our trip had as its purpose to examine the old route that for years has involved Sicilian and Corsican brotherhoods and is reputed to be the source for the purest heroin available. The reasons for choosing this area as the initial phase of our study for the Senate Foreign Relations Committee are understandable. First, the United States, through negotiations with Turkey and initiatives with the government of France, is seeking to eliminate or, at least, restrict this source of illegal narcotics. Millions of dollars, authorized by the Senate Foreign Relations Committee, are being expended through Customs Services, the Bureau of Narcotics and Dangerous Drugs and international agencies to reduce the flow of illegal drugs. This great effort of the past few years has, in large measure, been concentrated along the Middle East-Munich-Marseilles route. Moreever, a protocol amending the Single Convention on Narcotic Drugs of 1961, now pending before the Senate Foreign Relations Committee, will be of great concern to the European nations along the route. I have chaired the hearings on the protocol and will probably manage the debate concerning it on the floor of the Senate.

A study of the Middle East-European route provided an opportunity to examine how effectively our money is being used abroad to combat illicit drug traffic; also, to consult with officials in other nations on the proposed treaty amendment. A report in greater detail will be filed in the near future as a Senate document. This statement will attempt no more than to relate general impressions which, hopefully, will aid in your important work on drug abuse in Virginia.

I was accompanied by John Ritch, of the staff of the Senate Foreign Relations Committee, and Lieutenant Lewis Hurst, head of the narcotics squad of the Norfolk Police Force. Lt. Hurst's vast experience in drug abuse was invaluable to our mission. Our conversations with police officials were aided immeasurably by his presence. I hope your Commission will be hearing from him.

On June 10, 1971, President Nixon and Premier Nihat Erim of Turkey announced that after the 1972 harvest of opium poppies in Turkey, production would cease. They also stated that the 1971–72 crop would be rigidly controlled by the Turkish government. In consideration of this, the United States would provide money for technical assistance to Turkish farmers in cultivating other crops and to subsidize for loss of revenues. Earlier this year, I met with then-Premier Erim in Washington who advised me that after studying the effects of drug abuse in the United States, his government had agreed to the ban on the growth of opium poppies as a humanitarian gesture. He was confident that Turkey would stand by its agreement. Shortly after his return, Premier Erim was deposed and there has been speculation that the Turkish Parliament would overturn the decree. I found no evidence of this.

While the system of controls imposed by the government of Turkey is not perfect, I was impressed at the lengths to which the Turkish government is going to reduce leakage. Undoubtedly, there are some stores of opium gum which will trickle into illicit trade, but despite the protests in Parliament, the prevailing opinion, both among Turkish and American officials, is that the decree will not be reversed and that there will be no sizable opium crop grown in Turkey next year.

Our visits to Germany and France convinced me that the police authorities in those nations are increasing enforcement procedures against both smugglers and pushers. The German authorities are becoming more sensitive to growing domestic drug abuse. Germany has become more than a point of exchange for morphine base to be smuggled into France. Hard and soft drugs are readily available in the cities and we can expect greater and more coordinated initiatives on the part of German officials.

In France, it is obvious that the Pompidou government has directed major police and customs efforts to restrict the flow of drugs and to discover and close down the heroin laboratories.

Two such laboratories have been uncovered recently. We visited both of them in remote areas some miles out of Marseilles—relatively modest houses not easily seen from main thoroughfares. The equipment and supplies necessary to process the heroin are not expensive or sophisticated. The chemical skills required are a different matter.

In Marseilles we also saw the boat on which $90 million worth of heroin supposedly bound for Florida was seized by the French authorities. This is the largest seizure in history.

Both American and French authorities believe that increased vigilance will bring more success in discovering laboratories and large shipments in transit. Their feelings about the prospects of ultimately curtailing most of the illicit traffic flowing through France might be described as reasonably sanguine.

I talked with agents of the U.S. Bureau of Narcotics and Dangerous Drugs in Frankfurt, Marseilles, London, Ankara and Tehran, and am impressed by their activities in working with local and national officials of the countries in which they are stationed. These men came to their posts with the benefit of experience in the major cities of the United States. In their present posts, however, they are dealing with criminal elements that have operated across international borders for many years. Also, modern air travel, international trucking agreement, elements such as the large Turkish work force presently in Germany and the difficulties of customs inspection—particularly on ships and trains—make the task increasingly difficult.

It is my impression that the full force of our government is working at the diplomatic and law enforcement levels to restrict the flow of illegal drugs through Europe into this country. I would characterize the attitude of those on the scene as mildly optimistic.

I must, however, note this *caveat*. Even should the Turkish source be contained, acres of opium poppies are being grown in Afghanistan, Pakistan and India. Moreover, those who have exported drugs into Saigon from the Golden Triangle will be looking for new outlets as American troops continue to be withdrawn from South Vietnam. I do not believe optimism about our prospects for continued success in Marseilles or probable success of the Turkish experiment should make us believe that drug abuse problems here at home are any nearer solution.

Just before I left on this mission, John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, told the Foreign Relations Committee that there are presently in the United States well over a half million persons addicted to hard drugs. This is double the statistics of two years ago. The new figures remind us that the hour is late here before the problem reaches epidemic proportions. We must continue our efforts at the international level. As long as ten kilos of opium can be purchased for a few hundred dollars, and the kilo of heroin produced from this can be sold on the streets of New York City in dosage units to produce hundreds of thousands of dollars, then smugglers and processors will find new routes, new methods, new locations for processing and will become increasingly flexible in their operations.

One can predict with reasonable certainty that the closing of laboratories in Marseilles will result in new operations in Germany, Italy or Spain. One can also predict that the harvest of Turkey will be replaced by the harvests of other nations.

We must leave no stone unturned in customs efforts at the borders of this country and enforcement measures with the harshest of penalties for those who smuggle and sell. It is also apparent that we must give serious study and consideration to the success and failures of maintenance programs at home and abroad, that we must continue to expand educational and rehabilitational efforts throughout the United States and that we must focus our criminal sanctions upon the dealer and pusher to such a degree that the risk will not warrant the huge profit.

Strengthened efforts to curtail the movement of narcotics into this country from abroad are essential but that alone is not enough. We also must continue to build our defenses at home through improved law enforcement, public education and expanded drug treatment and rehabilitation facilities.

Tragically, at a time when drug abuse is recognized to be our priority domestic problem, many states and communities face reductions in their programs as a result of recent changes in the Federal Safe Streets Act. Under new requirements which became effective on July 1, already financially strained states are asked to take on greater cost burdens in order to continue their participation. The hard, cold fact is many of the states are unable to do so. According to one survey, some 17 or 18 states, including our own Commonwealth of Virginia, and numerous local jurisdictions have no choice but to cut back on drug treatment and prevention programs which are among the major activities funded by Safe Streets grants.

It is estimated that even after appropriating additional funds above the budget recommendation, Virginia stands to lose about $1.5 million over the next two years in Federal action grants which otherwise would be available to it. This at a time when this Commission reports that "trafficking in narcotics and dangerous drugs in the State is the most serious problem facing law enforcement." This at a time when many community groups throughout the State are organizing efforts on a volunteer basis to do something about drugs.

How can we explain to these parents and community leaders and young people that while they are moving ahead the Federal government is moving backwards in terms of funding the necessary facilities and materials to support their efforts? How can we explain the gap between the rhetoric on this subject and the commitment to do something about it?

Early this year, I introduced a bill (S. 3137) which would provide partial relief for hard-pressed states and communities. Specifically, the bill would delay for one year the hard-match funding requirement which requires states to put up cash rather than being able to credit equivalent value goods and services towards their share of the program. My bill is a partial solution but vitally important in terms of the serious drug and crime problem the program is meant to relieve.

Although the deadline of July 1 for the new hard-match requirement has come and gone, I believe the measure can be made retroactive and I know the relief offered by the bill would be welcomed by states and localities even if it is not enacted until this fall.

I have asked the Senate Subcommittee on Criminal Laws and Procedures, which has jurisdiction over the matter, to consider S. 3137 as an amendment to any appropriate measure before it which has some chance of enactment this session.

Specifically, I have requested that the bill 8389 which passed the House on November 1, 1971, by a vote of 350 to 2. That measure would amend the Safe Streets Act to authorize use of LEAA funds for prison narcotics treatment programs and would be an ideal vehicle for my amendment to the Act. The Subcommittee is scheduled to meet in executive session this week. I am hopeful that action will be taken.

I have no wish to be an alarmist, but your Commission has recognized drug abuse as the number one crime-related problem in the Commonwealth of Virginia today. We are making commendable progress in our efforts abroad to fight illicit drug traffic at the source, but our progress to date, when weighed within the context of the enormous and complex problem posed by the lucrative drug traffic, might be compared to having run a good 100 yards in a mile-long race.

Allow me to commend you for the work thus far of this fine Commission. I know you will not relax your efforts because of our progress at the international level and I urge that no stone be left unturned to combat drug abuse throughout Virginia.

THE 50TH ANNIVERSARY FOR THE ORDER OF AHEPA

Mr. HUMPHREY. Mr. President, this year the Order of Ahepa, the American Hellenic Educational Progressive Association, will be celebrating its golden anniversary. This association is a nonpolitical, nonsectarian organization whose goal has been to promote civic leadership by its membership and provide an understanding and appreciation for the ideals of Hellenic culture which are the roots of our Western civilization.

Many prominent Americans have been members of Ahepa including Presidents Roosevelt, and Truman, several cabinet members, U.S. Senators and Representatives. In my own State of Minnesota, the local chapter of Ahepa has members who are friends of mine and respected individuals in the Greek American communities of Rochester, Duluth, St. Paul, and Minneapolis.

AHEPA chapters throughout the country have carved out an important role in their communities, contributing greatly to the advancement of Greek-American causes and cultural ties.

In due recognition for the work that the Order of Ahepa has done and will continue to do, I take this occasion, Mr. President, to extend my congratulations and best wishes on its golden anniversary.

BUSING OTHER PEOPLE'S CHILDREN

Mr. ALLOTT. Mr. President, the summer issue of the Public Interest contains two items which should be studied by every Senator—and every citizen—before we proceed any further in the direction of forced busing.

The first item is a letter from Prof. James Coleman, the author of the "Coleman Report," which has been used—or, it would seem, misused—by busing advocates to justify busing.

Professor Coleman wrote this letter to the New York Times. The Times would not print it, presumably because the letter might inconvenience the Times in its advocacy of one of its principle passions—the busing of other peoples' children.

I ask unanimous consent that Professor Coleman's letter be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

COLEMAN ON "THE COLEMAN REPORT"

The following letter, by Professor James Coleman, was sent to the New York Times on April 13th. The Times having failed to find space for it, we are here inserting it into the public record of the debate on busing and school integration:

Dear Sirs: Although I make it a practice to stay away from reporters, some statements of mine were printed in Sunday's (April 9) Times, I want to clarify several things concerning the findings of the so-called "Coleman Report," and the use of those findings by governmental institutions, including the courts:

1. The Report found, as I have testified in various court cases, and as has been confirmed by numerous further analyses of those same data, that the academic achievement of children from lower socio-economic backgrounds (black or white) was benefitted by being in schools with children from higher socio-economic backgrounds (black or white).

2. This achievement increment is not nearly sufficient to overcome the educational disadvantage of children from lower socio-economic backgrounds.

3. This effect, however, was greater than those of other school resources of the kind ordinarily added by compensatory programs. The effects of these resources on achievement can hardly be found at all.

My opinion, with which others who have more experience in constitutional law than I may disagree, is that the results stated in 1 and 3 above have been used inappropriately by the courts to support the premise that equal protection for black children is not provided unless racial balance is achieved in schools. I believe it is necessary to recognize that equal protection, in the sense of equal educational opportunity, cannot be provided by the State. Most of the inequality of opportunity originates in the home, through loving care and attention by parents—but differential care and attention, since parents differ—and the State can hope only to add opportunity in such a way that these inequalities are not increased but reduced. This does mean, of course, that actions of the State that have increased racial or socio-economic segregation should be corrected by the courts, but not on the mistaken assumption that they are thereby creating equal educational opportunity.

While the issue of racial integration in schools does not, I believe, involve constitutional questions of equal protection for black children conditional upon increased achievement in integrated schools, it is a matter on which school boards and governmental authorities have a responsibility to take affirmative action—action with a less punitive and blunt quality than some court decisions, but affirmative action nevertheless. In the past 20 years, there has been an increasing self-segregation into homogenous communities by those families that have greatest freedom to move. The result is an increasing social and economic segregation in the schools, which makes a mockery of the classic American conception of the common school attended by children of all social groups.

Probably the most cogent recent statement on this issue is that made by the New York Board of Regents on March 24, in reaffirming its stand on school integration. The Board of Regents did not mention constitutional equal protection of black students because of greater achievement in integrated schools, but said rather, "This Board cannot foresee any but the most sullen and corrosive scenarios of the future if the multicolored and multicultured children of this state and nation are not permitted to get to know one another as individuals."

Mr. ALLOTT. Mr. President, the second important item in the summer issue of the Public Interest is an article by Prof. David J. Armor. Professor Armor is on the faculty of the department of sociology at Harvard University. His article is titled "The Evidence on Busing."

The editors of the Public Interest published the following remarks by way of an introduction to Professor Armor's article:

Rarely can an unpublished academic article have attracted as much attention and publicity as has this analysis of busing. Professor Armor, a sociologist who specializes in research methods and social statistics, played a leading role in research on the Boston METCO study, which was one of the earliest evaluations of the effects of busing on black students. In this article he reports the detailed findings of that study plus those of several other comparable studies. While his manuscript was being copy-edited in our office, its findings were being "reported" in the national press (e.g., New York Times, Washington Post, Boston Globe), and they have even been denounced publicly by critics who have never seen the results of the studies themselves.

We are publishing the full text of this academic article—all the graphs, footnotes, and references are included at the end—because we think that, in so controversial a matter as busing, it is important to be as precise as possible, even at the risk of pedantry. Inevitably, findings such as those of Professor Armor give rise not only to public but also to scholarly controversy. In our next issue we shall print comments on Professor Armor's article by other scholars.

Mr. President, although the RECORD can not reproduce the charts and graphs that accompany Professor Armor's article, I ask unanimous consent that his article and footnotes and bibliography be printed in the RECORD at the conclusion of my remarks.

These two items, Professor Coleman's letter and Professor Armor's article, taken together, indicate that at least part of the original rationale for busing was mistaken, and the evidence derived from busing does not encourage reliance on this practice.

In addition, it would appear that both the letter and the article demonstrate, indirectly, the unwillingness of the Times to operate as a serious, candid newspaper of integrity. But that is another matter, and, anyway, it is not news.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EVIDENCE ON BUSING

(By David J. Armor)

The legal basis of the national policy of integration—and of the school busing issue today—is the declaration of the Supreme Court in 1954 that to separate [black children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

Few decisions of the Court have provoked so much controversy for so long, or have had so much impact on the way of life of so many persons, as the case of *Brown v. Board of Education of Topeka*, where this doctrine is stated. Policy makers have used it to restructure political, economic, and social institutions. Groups have rioted and states have divided over actions, direct and indirect, that have flowed from this ruling. And social scientists have proudly let it stand as a premier axiom of their field—one of the few examples of a social theory that found its way into formal law.

Few persons, perhaps, know of the role played by the social sciences in helping to sustain the forces behind desegregation. It would be an exaggeration to say they are responsible for the busing dilemmas facing so many communities today, yet without the legitimacy provided by the hundreds of sociological and psychological studies it would be hard to imagine how the changes we are witnessing could have happened so quickly. At every step—from the 1954 Supreme Court ruling, to the Civil Rights Act of 1964, to the federal busing orders of 1970—social science research findings have been inextricably interwoven with policy decisions.

And yet, the relation between social science and public policy contains a paradox in that the conditions for adequate research are often *not* met until a policy is in effect, while the policy itself often cannot be justified until supported by the findings of science. In consequence, the desire of scientists to affect society and the desire of policy makers to be supported by science often lead to a relation between the two that may be more political than scientific. Further, this can mean that the later evaluation research of a social action program may undo the very premises on which the action is based—as is the case somewhat in the Coleman Report on the effect of schools on achievement. There are obvious dangers for both social science and public policy in this paradox. There is the danger that important and significant programs—which may be desirable on moral grounds—may be halted when scientific support is lacking or reveals unexpected consequences; conversely, there is the danger that important research may be stopped when the desired results are not forthcoming. The current controversy over the busing of schoolchildren to promote integration affords a prime example of this situation.

The policy model behind the Supreme Court's 1954 reasoning—and behind the beliefs of the liberal public today—was based in part on social science research. But that research did not derive from the conditions of induced racial integration as it is being carried out today. These earlier research designs were "ex post facto"—i.e., comparisons were made between persons already integrated and individuals in segregated environments. Since the integration experience occurred *before* the studies, any inferences about the effects of *induced* integration, based on such evidence, have been speculative at best. With the development of a variety of school integration programs across the country there arose the opportunity to conduct realistic tests of the integration policy model that did not suffer this limitation. While it may have other shortcomings, this research suffers neither the artificial constraints of the laboratory nor the causal ambiguity of the cross-sectional survey. The intent of this essay is to explore some of this new research and to interpret the findings. What we will do, first, is to sketch the evolution of the social science model which became the basis of public policy, and then review a number of tests of this model as revealed in recent social science studies of induced school integration and busing.

THE INTEGRATION POLICY MODEL: STAGE I

The integration model which is behind current public policy is rooted in social science results dating back to before World War II. The connections between segregation and inequality were portrayed by John Dollard (1937) and Gunnar Myrdal (1944) in the first prestigious social science studies to show how prejudice, discrimination, segregation, and inequality operated to keep the black man in a subordinate status. Myrdal summarized this process in his famous "vicious circle" postulate: White prejudice, in the form of beliefs about the inferior status of the black race, leads to discrimination and segregation in work, housing, and social relationships; discrimination reinforces social and economic inequality; the resulting inferiority circles back to solidify the white prejudice that started it all. The vicious circle theory was the integration policy model in embryonic form.

Along with these broad sociological studies there also appeared a number of psychological experiments which were to play a crucial role in the policy decisions. The most notable were the doll studies of Kenneth and Mamie Clark (1947). They found that preschool black children were much less likely than white children to prefer dolls of their own race. Though this tendency tapered off among older children, the Clarks concluded that racial awareness and identification occurred at an early age and that the doll choices suggested harmful and lasting effects on black self-esteem and performance. Other studies confirmed these early findings (Proshansky and Newton, 1968; Porter, 1971). These studies added a psychological dynamic to explain the operation of the vicious circle: Prejudice and segregation lead to feelings of inferiority and an inability to succeed among the blacks; these sustain inequality and further reinforce the initial white prejudice. In other words, segregation leads to serious sychological damage to the black child; that damage is sufficient to inhibit the kind of adult behavior which might enable the black man to break the circle.

How could the circle be broken? This question plagued a generation of social scientists in quest of a solution to America's race problems. Of a number of studies appearing after the war, two which focussed upon the effects of segregation and integration upon white racial attitudes had especial impact. The first was a section of Samuel Stouffer's massive research on the American soldier during World War II (1949). Stouffer found that white soldiers in combat companies with a black platoon were far more likely to accept the idea of fighting side by side with black soldiers than were white soldiers in nonintegrated companies. The second was the study by Morton Deutsch and Mary Evans Collins (1951) of interracial housing. Comparing residents of similar backgrounds in segregated and integrated public housing projects, they found that whites in integrated housing were more likely to be friendly with blacks, to endorse interracial living, and to have positive attitudes towards blacks in general than were whites living in the segregated projects. Though neither of these studies could ascertain the beliefs of these individuls *prior* to integration, neither author had reason to believe that the integrated whites differed from the segregated whites before the former's experience with blacks. They concluded, therefore, that the positive results were due to the effect of interracial *contact* and not to prior positive belief.

The culmination of this research was Gordon Allport's influential work, *The Nature of Prejudice* (1953). Using the work of Stouffer, Deutsch and Collins, and others, he formulated what has come to be known as the "contact theory":

> Contacts that bring knowledge and acquaintances are likely to engender sounder beliefs about minority groups. . . . Prejudice . . . may be reduced by equal status contact between majority and minority groups in the pursuit of common goals. The effect is greatly enhanced if this contact is sanctioned by institutional supports (i.e., by law, custom, or local atmosphere), and if it is of a sort that leads to the perception of common interests and common humanity between members of the two groups.

The clear key to breaking the vicious circle, then, was contact. By establishing integrated environments for black and white, white prejudice would be reduced, discrimination would decline, and damaging effects upon the black child's feelings and behavior would be reduced.

While the Supreme Court based its 1954 decision upon the narrower relationship between legally sanctioned segregation and psychological harm, it is clear that the *modus operandi* by which the damage would stop is implied by the contact theory. With the 1954 decision, then, contact theory became an officially sanctioned policy model, and the Southern public school systems became prime targets for its implementation.

THE INTEGRATION POLICY MODEL: STAGE II

In the eyes of the Northerner, segregation had always been a Southern problem. The Supreme Court's action at first reinforced this belief, since state-sanctioned school segregation was rare outside the South. But events in the 1960's changed this for good. While the modern civil rights movement began in the South, its zenith was reached in the March on Washington in the late summer of 1963. Organized to dramatize the failure of court action to end segregation in the South, the March brought together 250,000 persons in the most impressive organized protest meeting in the history of the United States, and showed President Kennedy and the Congress the deep and massive support for anti-discrimination legislation.

The Congress answered this appeal by passing the Civil Rights Act of 1964, the strongest such act since the Reconstruction period. The Act included strong sanctions against discrimination in education, employment, housing, and voting (the last supplemented by the Voting Rights Act of 1965), and while its thrust was still aimed at the South, it also set standards that could be used against de facto segregation in the North (for example, the Title VI provisions directed the withholding of federal funds from localities which intentionally maintain segregated schools—and this has recently been applied to the city of Boston). Equally important, it set in motion a social science study that was to have an immense impact upon public policy in the North as well as the South. As part of the Act, the Congress commissioned the United States Office of Education to conduct a survey "concerning the lack of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States. . . ." Sociologist James Coleman was selected to head a team to design and conduct the survey.

The Coleman Report (1966), as it has come to be known, contained striking evidence of the extent of school segregation not only in the South but in all parts of the country. While the South was more segregated than the North, fully 72 per cent of black first graders in the urban North attended predominantly black schools. The report also confirmed one of the basic assumptions of the Stage I model: that black students performed poorly compared to white students. Using results from a variety of achievement tests, Coleman reported that throughout all regions and all grade levels, black students ranged from two to six years behind white students in reading, verbal, and mathematics performance. Equally, black students were shown to have lower aspirations, lower self-esteem about academic ability, and a more fatalistic attitude about their ability to change their situation.

The Coleman study, however, also reported some findings that surprisingly were not in accord with the early model. For one thing, black children were already nearly as far behind white children in academic performance in the *first* grade as they were in later grades. This raised some question about whether school policies alone could eliminate black/white inequalities. Adding to the significance of this finding were the facts that black and white schools could not be shown to differ markedly in facilities or services, and that whatever differences there were could not be used to explain the disparities in black and white student achievement. This led Coleman to conclude that—

"Schools bring little influence to bear on a child's achievement that is independent of his background and general social context; and this very lack of an independent effect means that the inequalities imposed on children by their home, neighborhood, and peer environment are carried along to become the inequities [of their adult life]."

While the findings about segregation and black/white differences have been widely publicized and largely accepted, this concluding aspect of Coleman's findings has been ignored by educational policy makers. Part of the reason may derive from the methodological controversies which surrounded these findings (e.g., Bowles and Levin, 1968), but the more likely and important reason is that the implications were devastating to the rationale of the educational establishment in its heavy investment in school rehabilitative programs for the culturally deprived; the connection between public policy and social science does have its limitations.

We must return to the policy makers one more time for an important input into the final policy model. In 1965, President Johnson requested the United States Commission on Civil Rights to conduct an investigation into the effects of de facto segregation in the nation and to make recommendations about how it might be remedied. He expressed hope that the findings "may provide a basis for action not only by the federal government but also by the states and local school boards which bear the direct responsibility for assuring quality education." The Commission recommendations, in its 1967 volume entitled *Racial Isolation in the Public Schools,* constitute the most comprehensive policy statement to date on the subject of school integration; it is the policy which is, indeed, being followed by many states and local school boards throughout the country.

Using data from the Coleman study and several other original studies prepared for the Commission, the report concluded that—

"Negro children suffer serious harm when their education takes place in public schools which are racially segregated, whatever the source of such segregation may be. Negro children who attend predominantly Negro schools do not achieve as well as other children, Negro and white. Their aspirations are more restricted than those of other children and they do not have as much confidence that they can influence their own futures. When they become adults, they are less likely to participate in the mainstream of American society, and more likely to fear, dislike, and avoid white Americans. The conclusions drawn by the U.S. Supreme Court about the impact upon children of segregation compelled by law—that it 'affects their hearts and minds in ways unlikely ever to be undone'—applies to segregation not compelled by law."

To remedy this situation, the Commission recommended that the federal government establish a uniform standard for racial balance and provide financial assistance to states that develop programs to meet the standard. The Commission did not recommend a precise standard, but it did suggest that the standard be no higher than 50 per cent black in any single school. Likewise, the Commission did not specifically recommend that busing be the method whereby integration is accomplished. But the realities of residential segregation in many cities throughout the nation offered little alternative to the use of busing if these integration standards were to be attained.

This, then, became the basis for the integration policy model as applied to public schools. While the implementation of racial balance programs has differed from one locality to the next, the underlying rationale of all these programs is similar to that first formulated by the Supreme Court and extended by the Civil Rights Commission. The full policy model may be summarized as follows: The starting point is white prejudice consisting of stereotyped beliefs about black people. These beliefs lead to discriminatory behavior in employment, housing, schooling, and social relationships in general. Discrimination in turn leads to social and economic inequality on the one hand, and segregation on the other hand. Inequality and segregation are mutually reinforcing conditions, reflecting not only the judicial doctrine that separation is inherently unequal, but also the social reality that segregation of a deprived group can cut off channels and networks that might be used to gain equality. Segregation and inequality combine to cause psychological damage in children resulting in lower achievement, lower aspirations, and less self-esteem. As the child grows older, this damage leads, on the one hand, to further social and economic inequalities in the form of inadequate education and inferior jobs and, on the other hand, to black alienation, prejudice, and hostility towards whites. This in turn leads to increased white prejudice (the vicious circle) and a general polarization of race relations. Given these cause and effect relations, the elimination of segregation in schooling should act as a countervailing force for black students by increasing achievement, raising aspirations, enhancing self-esteem, reducing black/white prejudices and hostility, and enabling black students to find better educational and occupational opportunities. It then follows that social and economic inequalities would be lessened and the vicious circle would be bent if not broken.

It must be stressed that this model is construed from public policy. While many of the causal relationships assumed in the model are, indeed, based on many years of scientific research in psychology and sociology, it is doubtful that any two specialists in the field of race relations would agree on all of the components of the model. Be that as it may, it is more to the point to stress that we are not setting out to test the *full* model. *We are specifically interested in those aspects of the model that postulate positive effects of school integration for black students; namely, that school integration enhances black achievement, aspirations, self-esteem, race relations, and opportunities for higher education.* We do not have data on the effects of integration on adults, nor on the effects of other types of integration, such as neighborhood housing, employment, and other forms. More important, the school integration programs we review here have two important characteristics in common that may limit generalizability. First, they are examples of "induced" integration as opposed to "natural" integration. Induced integration is brought about by the decision of a state or local agency to initiate a school integration program (sometimes voluntary, sometimes mandatory), rather than by the "natural" process whereby a black family makes an individual decision to relocate in a predominantly white community. Second, all of these programs have had to use varying amounts of busing to accomplish integration. This makes it difficult to separate out the potential effects of busing, if any, from the integration experience *per se.* In other words, *we will be assessing the effects of induced school integration via busing,* and not necessarily the effects of integration brought about by the voluntary actions of individual families that move to integrated neighborhoods. This is a more limited focus, yet induced integration, usually necessitating some amount of busing, is precisely the policy model that has been followed (or is being considered) in many communities throughout the country.

THE DATA

Many of the cities which desegregated their schools to achieve a racial balance have conducted research programs to evaluate the outcomes of desegregation. It is from these studies that we can derive data to test the school and busing hypotheses stemming from the integration policy model. Since the evaluations were conducted independently, the variables studied and the research designs differ from one study to the next, and the quality of the research and the reports varies considerably. Accordingly, we have been selective in choosing studies to include in our analysis. Our choices have been guided by two considerations: 1) A study must employ a longitudinal time-span design, with the same tests administered at different times during the integration experience so that *actual* changes can be assessed; and 2) a study must have a control group for comparison with integrated black students. The ideal control group, of course, would consist of black students who are identical to the integrated students in every way except for the integration experience. Since such studies are rare, an "adequate" control group for our present purposes is either a group of non-bused black students who are reasonably comparable to the bused black students, or a group of white students in the same school as the bused black students. In the latter case, the effects of integration are revealed in the changes in the black/white differential for the measure in question.[1]

The data we will use can be classified into two parts. The first part consists of findings from a study of Boston's METCO program, for whose research design, execution, and analysis we are partly responsible (Walberg, 1969; Armor and Genova, 1970).[2] The data are more complete and offer a more thoroughgoing test of the policy model than many other studies we have seen. The METCO program buses black students of all age levels from Boston to predominantly white middle-class schools in the suburbs. Approximately 1500 black students and 28 suburban communities have participated since the program began in 1966; the study from which our data will be taken covers the period from October 1968 to May 1970. The study used a longitudinal design that called for achievement testing for all students and a questionnaire for the junior and senior high students in three waves: the first at the beginning of the school year in October 1968; a second in May 1969; and a third in May 1970. (For a variety of reasons, the achievement testing was not done for the third wave.) The questionnaire covered several areas, including academic performance, aspirations and self-concept, relations with and attitudes toward white students, and attitudes toward the program.

The METCO study also included a small control group consisting of siblings of the students matched by sex and grade level.[3] The fact that the siblings were from the same families as the bused students means that there is an automatic control for social class and other tangible and intangible family factors. Since the high application rate usually prevented the busing program from taking more than one applicant per family, we had reason to believe that the control students would not differ substantially from the bused students along the important dimensions of ability, aspirations, and so forth. This belief is confirmed by the findings presented in the next section.

In addition to the data for black students, there are also data from a single cross-sectional study done in the spring of 1969 to assess the impact of the program on white sophomores in eight of the suburban schools (Useem, 1971 and 1972). We will cite some of the findings from the Useem study whenever such comparisons seem relevant.

The second part of the data comes largely from reports on integration programs in four other Northern cities throughout the country.[4] In 1964, White Plains, New York, closed down one racially imbalanced inner-city elementary school and began busing the children to predominantly white inner-city schools; the study we cite covers a two-year period from 1964 to 1966 (White Plains Public Schools, 1967). In Ann Arbor, Michigan, there was a similar pattern: A racially imbalanced elementary school was closed in 1965 and the students were bused to predominantly white schools; the study covers a one-year period with a three-year follow-up (Carrigan, 1969). A program in Riverside, California, followed a graduated program of closing its racially imbalanced elementary schools and integrating its predominantly white schools; the program began in 1965 and the study covers a five-year period (Purl and Dawson, 1970; Gerard and Miller, 1971). The fourth program, Project Concern, is similar to METCO. Elementary school children from two inner cities (Hartford and New Haven, Connecticut) are bused to suburban schools in surrounding towns; this program began in 1966—the studies selected cover two years for Hartford (Mahan, 1968) and one year for New Haven (Clinton, 1969). In addition to these five major studies, we will also refer at certain points to studies of other integration programs that seem relevant. One such study is an evaluation of A Better Chance (ABC), a program which places high-ability black students in white preparatory schools in the Northeast (Perry, 1972). This evaluation research used techniques and instruments similar to those used in the METCO study; therefore comparisons with ABC may be more valid than comparisons with some of the other studies.

To test the integration policy model we can group our findings under five major headings—the effects of busing and integration on: (1) academic achievement; (2) aspirations; (3) self-concept; (4) race relations; and (5) educational opportunities. In addition, we will examine a sixth area, program support. In each case, we shall compare bused students with the control groups to assess those changes that might be uniquely associated with the effects of induced integration.

THE FINDINGS: ACHIEVEMENT

None of the studies were able to demonstrate conclusively that integration has had an effect on academic achievement as measured by standardized tests. Given the results of the Coleman study and other evaluations of remedial programs (e.g., Head Start), many experts may not be surprised at this finding. To date there is no published report of *any* strictly educational reform which has been proven substantially to affect academic achievement, school integration programs are no exception.

The changes in reading achievement for elementary and secondary students in the METCO program are shown in Figures 1 and 2.[5] For the elementary students, the grade-equivalent gains for bused third and fourth graders after one year are somewhat greater than those for the control group (.4 to .3), but this is not a statistically significant difference. For grades 5 and 6 the situation is reversed; the control group outgained the bused group (.7 and .5), but again the difference is not significant. We can see that the control group is somewhat higher initially for both grade levels, but this difference, too, is not significant.[6]

In the case of high school students, the bused group scores somewhat higher than the control groups initially (but not significantly so).[7] Nonetheless, the gain scores present no particular pattern. While the bused junior high students increased their grade-equivalent score from 7.5 to 7.7, the control group improved from 7.4 to 7.5; the bused gain is not significantly different from that for the control group. For senior high students the effect is reversed; the control students gain more than the bused students (9 percentile points compared to 4 points), but again the gains are not statistically significant for either group.

The results for reading achievement are substantially repeated in a test of arithmetic skills; the bused students showed no significant gains in arithmetic skills compared to the control group, and there were no particular patterns in evidence.

The White Plains, Ann Arbor, and Riverside studies also found no significant changes in achievement level for bused students in the elementary grades when comparisons were made with control groups. Although the White Plains report did show some achievement gains among the bused students, these were not significantly different, statistically, from gain scores of inner-city black students in 1960. Moreover, when comparisons were made with white students in the integrated schools, the black/white achievement gap did not diminish during the period of the study. The Ann Arbor study compared bused black students gains to white gains and to black student gains in a half-black school.[8] The bused students did not gain significantly more than the black control group, nor did their gains diminish the black/white gap in the integrated schools. On the contrary, a follow-up done three years later showed that the integrated black students were even further behind the white students than before the integration project began.[9] The Riverside study compared minority students (black and Mexican-American) who had been integrated for differing numbers of years with the city-wide mean (which consisted of about 85 per cent white students). The minority/white gap had not diminished for fourth graders who had been integrated since kindergarten; the gap in 1970 was as great as it was in 1965 when the program began (Purl and Dawson, 1971). Similar results occurred for minority pupils at other grade levels with differing numbers of years in the integration program.

Studies in the fifth program, Project Concern, showed mixed results. A study of the Hartford students compared bused black students who received special supportive assistance with non-bused inner-city black students (Mahan, 1968). (Although two separate one-year periods were covered, problems with missing data allow valid comparisons for only one full academic year, fall 1967 to spring 1968). The bused students showed significant IQ gains only in grades two and three; the gains in kindergarten and grades one, four, and five were either insignificant or, in two cases, favored the control group. In a study of New Haven students, second and third grade students were randomly assigned to bused and non-bused conditions and were given reading, language, and arithmetic tests in October 1967 (when the busing began) and again in April 1968 (Clinton, 1969). Of the six comparisons possible (three tests and two grades), only two showed significant differences favoring the bused students.[10]

While none of these studies are flawless, their consistency is striking. Moreover, their results are not so different from the results of the massive cross-sectional studies. An extensive reanalysis of the Coleman data showed that even without controlling for social class factors, "naturally" integrated (i.e., non-bused) black sixth-grade groups were still one and one-half standard deviations behind white groups in the same schools, compared to a national gap of two standard deviations (Armor, 1972). This means that, assuming the Coleman data to be correct, the *best* that integration could do would be to move the average black group from the 2nd percentile to the 7th percentile (on the *white* scale, where the average white group is at the 50th percentile). But the social class differences of integrated black students in the Coleman study could easily explain a good deal of even this small gain. Other investigators, after examining a number of studies, have come to similar conclusions (St. John, 1970).

While there are no important gains for the METCO group in standardized test scores, there were some important differences in school grades (See Fig. 3). Even though the bused secondary school students have somewhat higher test scores than the control group, the bused group was about half a grade-point *behind* the control group in 1969, and the bused students dropped even further behind by 1970.[11] The average control student is able to maintain a grade average at above a B− level in the central city, while the average bused student in the suburbs is just above a C average. Although it is not shown in the Figure, from the Useem study we can estimate the average white student *academic* grade average (i.e., excluding nonacademic courses—an exclusion not made for the black students) at about 2.45, or between a B− and C+ average.

Again, if we take into account the Coleman findings, we should not be too surprised. Since black students of the same age are, on average, behind white students in all parts of the country with respect to academic

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achievement, we should expect their grades to fall when they are taken from the competition in an all-black school to the competition in a predominantly white school. In addition, the bused students may not be adequately prepared for this competition, at least in terms of the higher standards that may be applied in the suburban schools.

ASPIRATION AND SELF-CONCEPT

In the METCO study we found that there were no increases in educational or occupational aspiration levels for bused students (see Figs. 4 and 5); on the contrary, there was a significant decline for the bused students, from 74 per cent wanting a college degree in 1968 to 60 per cent by May 1970. The control panel actually increased its college aspirations over the same period, but this is probably not a meaningful finding. (The cross-sectional data show a slight decline for the control group in 1970; this cautions us about our interpretation).

At the very least, we can conclude that the bused students do not improve their aspirations for college. The same is true for occupational aspirations, and in this case both the bused students and the controls show a similar pattern. We should point out, however, that the initial aspiration levels are already very high; Coleman found that only 54 per cent of white twelfth graders in the urban North aspired to college, and 53 per cent expected a professional or technical occupation. Therefore, even the slight decline we have found still leaves the bused students with relatively high aspirations compared to a regional norm. Moreover, when achievement is taken into account, black students actually have higher aspirations than white students at similar levels of achievement (Armor, 1967; Wilson, 1967). In this respect, some educators have hypothesized that integration has a *positive* effect in lowering aspirations to more realistic levels; of course, others would argue that any lowering of aspirations is undesirable. However, we shall see in a later section that the METCO students were more likely to start college than the control group.

Since the other cities in our review included only elementary students, they do not provide data on regular educational or occupational aspirations.[12] But two of the studies did examine a concept closely related to aspirations—"motivation for achievement." The findings of the Ann Arbor and Riverside studies corroborate the pattern of high aspirations for black children in both the pre- and post-integration periods. In addition, the Ann Arbor researchers concluded that the overly high aspirations of black boys may have been lowered by the integration experience. The Riverside study, on the other hand, concluded that there were no significant changes in achievement motivation.

In the METCO study we also found some important differences with respect to academic self-concept (Fig. 6). The students were asked to rate how bright they were in comparison to their classmates. While there were some changes in both the bused and control groups, the important differences are the gaps between the bused students and controls at each time period. The smallest difference is 15 percentage points in 1970 (11 points for the full cross-section), with the control students having the higher academic self-concept. Again, this finding makes sense if we recall that the academic performance of the bused students falls considerably when they move from the black community to the white suburbs. In rating their intellectual ability, the bused students may simply be reflecting the harder competition in suburban schools.

But the Ann Arbor and Riverside studies made much more extensive inquiry into the realm of self-esteem of black children, although there were no directly comparable data for our academic self-concept measure. The Riverside study did report that, in a special test, minority children (black and Mexican-American) tended to choose white students more often than black students as "the [ones] with good grades." While we will not go into detail on the many other measures used in these studies, we can summarize their findings briefly as follows: 1) Minority children do trend to have lower self-esteem before integration, particularly in the later elementary grades; and 2) integration does not seem to affect the self-esteem measures in any clearly consistent or significant way.

RACE RELATIONS

One of the central sociological hypotheses is the integration policy model is that integration should reduce racial stereotypes, increase tolerance, and generally improve race relations. Needless to say, we were quite surprised when our data failed to verify this axiom. Our surprise was increased substantially when we discovered that, in fact, the converse appears to be true. The data suggest that, under the circumstances obtaining in these studies, integration heightens racial identity and consciousness, enhances ideologies that promote racial segregation, and reduces opportunities for actual contact between the races.

There are several indicators from the METCO study that point to these conclusions. The question which speaks most directly to the 50 per cent racial balance standard suggested by the Civil Rights Commission asked: "If you could be in any school you wanted, how many students would be white?" Figure 7 reports the percentage which responded in favor of 50 per cent or fewer white students. While both the control and the bused students started out fairly close together in 1968 (47 per cent and 51 per cent, respectively), two school years later the bused students were 15 percentage points more in favor of attending *non-white* schools than the controls (81 per cent compared to 66 per cent), although the differential change is not statistically significant. The changes for the controls (both the panel and the full cross-sections) indicate that the black community as a whole may be changing its attitudes toward school integration, but the bused students appear to be changing at a more rapid rate. Ironically, just as white America has finally accepted the idea of school integration (Greeley and Sheatsley, 1971), blacks who begin experiencing it may want to reject it.

That these changes reflect ideological shifts is supported by Figures 8 and 9. The bused students are much more likely to support the idea of black power than the control students, going from a difference of 11 points in 1969 to 36 points in 1970. We were also able to construct a Separatist Ideological Index from responses to a series of statements about black/white relations (e.g., 1. "Most black people should live and work in black areas, and most whites should live and work in white areas." 2. "Black and white persons should not intermarry.") The scores range from 0 (anti-separatist) to 4 (pro-separatist). From 1968 to 1970 the control group barely changes, increasing from 1.4 to 1.5. The bused groups, however, changed from 1.4 to 1.8—a statistically significant change of about one half a standard deviation. This is the clearest indication in our data that integration heightens black racial consciousness and solidarity.

The changes do not appear to be in ideology alone. From 1969 to 1970 the bused students reported less friendliness from whites, more free time spent with members of their own race, more incidents of prejudice, and less frequent dating with white students (Fig. 10). In other words, the longer the contact with whites, the fewer the kinds of interracial experiences that might lead to a general improvement in racial tolerance.

To what extent might these changes be a result of negative experiences with white students in the schools? We do not doubt that there has been considerable hostility shown by certain groups of white students. Nonetheless, although the evidence is not complete, what we have indicates that the white students themselves were negatively affected by the contact. Support for the busing program was generally high among white sophomores in the eight high schools studied, especially among middle-class students in the college preparatory tracks (Useem, 1972). For example, 46 per cent of all students were "very favorable" to METCO (only 11 per cent were "not favorable"); 73 per cent felt METCO should be continued; and 52 per cent agreed that there should be more METCO students (20 per cent disagreed and 27 per cent were not sure). But those students who had direct classroom contact with bused black students showed *less* support for the busing program than those without direct contact. In fact, the kind of students who were generally the most supportive—the middle-class, high-achieving students—showed the largest decline in support as a result of contact with bused black students. This finding is based on cross-sectional data and does not indicate a change over time, but it is suggestive of the possibility that a general polarization has occurred for both racial groups.

The data from the Ann Arbor and Riverside studies give some support to these findings, although again there were no directly comparable measures. Moreover, it is unlikely that the concept of ideology is relevant to elementary students. The Ann Arbor study included a sociometric test, whereby children could indicate how much they liked each classmate. Black students at all grade levels suffered a loss of peer status when they switched from segregated to an integrated school, although the results were statistically significant only for second and third grade girls and fourth and fifth grade boys. That is, these black children were liked less by their new white peers than by their previously all-black peers. Also, the level of acceptance was considerably lower for black students than for white students. On the other hand, the black students tended to be more positive about their white peers after integration than they were about their black peers before integration, although the changes are not statistically significant.

The Riverside data more clearly support the conclusion that integration heightens racial identity and solidarity. Data from a test in which children rate pictures of faces portraying various ethnic and racial groups showed that fewer cross-racial choices were made after integration than before integration. For example, one rating task required that the children choose the face that they would "most like for a friend." Both black and white children tended to choose their own race to a greater extent after one year of integration than before integration (Gerard and Miller, 1971). The Riverside study also concluded that these effects were stronger with increasing age; that is, the cross-racial choices declined more in the later grades than in the earlier grades.

To avoid any misinterpretation of these findings, we should caution that the measures discussed here do not necessarily indicate increased *overt* racial hostility or conflict. This may occur to some extent in many busing programs, but our impression based on the METCO program is that overt racial incidents initiated by black or white students are infrequent. The polarization that we are describing, and that our instruments assess, is characterized by ideological solidarity and behavioral withdrawal. Our inferences pertain to a lack of racial togetherness rather than to explicit racial confrontations or violence. While it is conceivable that a connection may exist between these ideological shifts and open racial conflicts, such a con-

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nection is not established by the studies reviewed.

There are two other qualifications we must place on the interpretation of these data. First, as of 1970 the majority of the bused METCO students still supported general integration ideology. Only 40 per cent of the METCO students would ideally prefer schools with a majority of black students (compared to 28 per cent of the controls); 60 per cent of METCO students believe that "once you really get to know a white person, they can be a good a friend as anyone else" (compared to 78 per cent of the controls); and 58 per cent of METCO students do not agree that "most black people should live and work in black areas, and most whites should live and work in white areas" (compared to 71 per cent of the control students).

The main point we are making is that the integration policy model predicts that integration should cause these sentiments to increase, while the evidence shows they actually decrease, leaving the bused students more opposed to integration than the nonbused students. Only further research can determine whether this trend will continue until the majority of bused students shifts to a general anti-integration ideology.

Second, group averages tend to obscure important differences between individual students. While we do not deny the existence of racial tension and conflict for some students, other students and families (both black and white) have had very meaningful relationships with one another, relationships made possible only through the busing program. It is very difficult, indeed, to weigh objectively the balance of benefit and harm for the group as a whole. The main point to be made is that a change in a group average does not necessarily reflect a change in every individual group member.

LONG-TERM EDUCATIONAL EFFECTS

In view of the fact that most of the short-term measures do not conclusively demonstrate positive effects of busing in the area of achievement, aspirations, self-concept, and race relations, it becomes even more important to consider possible longer-term changes that may relate to eventual socio-economic parity between blacks and whites. Since no busing program has been in operation for more than seven years or so, this area, obviously, has not been studied extensively. There are, however, some preliminary findings on long-term educational effects. Specifically, two studies have investigated the effects of integration on college attendance, and some tentative conclusions have emerged.

Seniors from the 1970 graduating class in the METCO program, as well as the seniors in the 1970 control group, formed samples for a follow-up telephone interview in the spring of 1972. Approximately two thirds of both groups were contacted, resulting in college data for 32 bused students and 16 control group students. The results of the follow-up are striking and they are summarized in Figure 11. The bused students were very much more likely to start college than the control group (84 per cent compared to 56 per cent), but by the end of the second year the bused students resembled the control group (59 per cent compared to 56 per cent). In other words, the METCO program seems to have had a dramatic effect upon the impetus for college, and many more of the bused students actually started some form of higher education. But the bused drop-out rate was also substantially higher, so that towards the end of the sophomore year the bused students were not much more likely to be enrolled full-time in college than the control group.

In spite of this higher drop-out rate, the bused students were still enrolled in what are generally considered higher-quality institutions. That is, 56 per cent of the bused students were in regular four-year colleges, compared to 38 per cent for the control group. An even greater difference was found for those enrolled in full universities (which include a graduate school). The figures are 47 per cent and 12 per cent for bused and control students, respectively.

Similar findings emerged from a special college follow-up study of the ABC program (Perry, 1972). A group of ABC students were matched with a control group of high-ability black students not in the ABC program. Since ABC is a highly selective program, the matching was carried out so that the ABC and control groups had very similar family backgrounds, socio-economic status, and achievement levels. Approximately 40 matched pairs were followed until their first year of college (academic year 1971–1972). All of the ABC students entered college, whereas only half of the control group did so. While it is too early to assess differential drop-out rates, it is very clear from the data that even if half of the ABC students drop out of college, the quality of colleges attended by the ABC students is considerably higher than those attended by the control group. Of the matched pairs attending college, two thirds of the ABC students attended higher-quality institutions.

Neither of these studies is large enough, of course, to draw any definite conclusions. But there does seem to be some strong evidence that middle-class suburban or prep schools have an important "channeling" effect not found in black schools. The effect is probably due to better counseling and better contacts with college recruiting officers. Whatever the reason, black students attending such schools may have doors opened for them that are closed to students attending predominantly black schools. Given the lack of positive effects in other areas, these findings may have great significance for future busing programs, and further research is urgently needed.

PROGRAM SUPPORT

Although it is not explicitly part of the integration policy model we are testing, it seems appropriate to consider the extent of the support for the busing program among the students and communities involved. As might be expected from the changes already described, there was a general decline in the enthusiasm for the METCO program over time, with the bused students showing greater changes than the controls: 80 per cent of the bused group said they were "very favorable" to the program in 1968, compared to 50 per cent by 1970. Yet we cannot infer from this alone that there is a decline in support for the program. The drop-out rate in the METCO program is almost non-existent in spite of some of the changes we have reported. The families involved in the program appear to feel that their children will get a better education in the suburbs in spite of the inconvenience and the problems. Our data indicated that the most important reason cited by the bused students for being in the busing program was to receive "a better education." Moreover, this did not change as much as many of our other indicators from 1969 to 1970; 88 per cent said this was a "very important" reason in 1969, and 81 per cent indicated the same in 1970. Very few reported that "getting out of the city" or "more contact with whites" were important reasons for being in the program.

In other words, the justification of the program in the black community has little to do with the contact-prejudice components of the policy model; instead, busing is seen in the context of enlarging educational opportunities for the black students.

We do not have much systematic data from the white receiving schools other than those cited earlier (i.e., a sample of white sophomore students was generally supportive of the program in 1969). It is our impression, however, that most of the 28 communities that receive METCO students are enthusiastic about the program, and only a few communities have turned down the opportunity to participate. The other programs reviewed receive moderate to strong support from the community and participants. In Project Concern the drop-out rate was only 10 per cent, half of which was due to the program directors' initiative in withdrawing students. After two years of urban-to-suburban busing, nine additional suburban towns chose to participate and over 1,000 additional elementary school children were bused to suburban schools. In White Plains both black and white parents expressed more positive than negative attitudes about integration, although black parents were more favorable to the program than white parents after two years of desegregation. In Ann Arbor the black parents felt more positive toward the program after one year of desegregated schooling, but the children were slightly less positive than they were prior to the integration experience. In both groups, however, support was high; only 20 per cent of each group expressed negative attitudes toward the program.

We must conclude that the busing programs we have reviewed seem to have considerable support from both the black and white communities. In most cases, black parents were highly supportive of the various busing programs. Like the students in our own study, black parents stressed quality education as the most important benefit of such programs, whereas white parents in receiving schools tended to stress the experience of coming into contact with other races. We must point out, however, that *none* of the programs reviewed involved *mandatory* busing of white students into black communities; cities facing this situation might present a very different picture of white support. Moreover, it is unlikely that many in the black community have seen the data on achievement reported here; much black support may be based upon premises regarding academic gain which our findings call into question. Whether or not black support will be affected by such findings remains to be seen.

SOCIAL CLASS AND OTHER BACKGROUND FACTORS

Most of the data we have presented so far summarize the effects of busing on all students considered as a single group. A question might be raised about whether these effects (or lack of same) are consistent for all students regardless of their background. In particular, it might by hypothesized that social class differences between black and white students can explain the changes (or lack of changes) we have reported. We shall briefly indicate the major trends for students of differing social class and other characteristics, such as sex and age level.

It is difficult to separate race and social class, since black families as a group tend to be lower than white families on most socio-economic measures. To the extent that the distinction can be made, however, no uniquely social class factors have been reported that would contradict the findings presented so far. The Riverside study selected a group of white students whose social class scores were less than or equal to the minority students; achievement test scores of the black students were still significantly lower than the low-SES white students (although the original difference was diminished somewhat; Gerard and Miller, 1971). For the METCO data, special analyses were made of the race relations changes among bused students who were children of blue-collar as compared to white-collar workers; no significant differences emerged. What small changes there were usually revealed that the black students from white-collar families changed more (in a negative direction) than those from blue-collar families.

There is also the possibility that, contrary to the assumptions behind many school integration programs, some of the predominantly white schools to which black students are sent are in fact worse than the inner-city black schools. In the METCO study there were no data to examine this issue in detail, but it is our impression that perhaps only one or two suburbs would approximate the inner-city socio-economic level. In any event, while there were some differences from one town to another in the absolute levels of the various measures, there were no important variations in the *changes* over time that appeared to be related to any socio-economic differences in the communities.

With the exception of achievement test scores, there was some sex and age differential on various measures both before and after integration; but there were no important differences in the relative *changes* in these groups due to integration. That is, in METCO we found that girls generally had a more difficult time adjusting to the program (reflected in lower program support, stronger separatist ideology, and less contact with white students). There seemed to be some important differences in cross-sex, cross-race relationships, which were better between black boys and white girls than between white boys and black girls. This situation seems to have left some black girls with resentful feelings over white girls "stealing their men." But the amount of interracial contact was small for both groups, and, more important, the *changes* in our race relations measures for bused students were about the same for both boys and girls. A similar finding emerged for age levels. Younger students were somewhat more supportive of the program and were more positive on the various race relations measures than older students, but the degree and direction of *change* were similar for all ages. This was true for the METCO secondary school data as well as the Riverside elementary school data.

In sum, while there were some over-all differences according to the sex and age levels of students in busing programs, the effects of busing on *Changes* (if any) in achievement and attitudes tended to be uniform for all groups.

It seems clear from the studies of integration programs we have reviewed that four of the five major premises of the integration policy model are not supported by the data, at least over the one- to five-year periods covered by various reports. While this does not deny the possibility of longer-term effects or effects on student characteristics other than those measured, it does mean that the model is open to serious question.

The integration policy model predicted that achievement should improve as black students are moved from segregated schools to integrated schools. This prediction was based in part upon the classical works of Kenneth Clark and others which argue that, because of segregation, black students have lower regard for themselves. It was also based in part upon reanalyses of the Coleman data which showed that black students achieve less than white students, but that black students in integrated schools achieve more than black students in segregated schools. But four of the five studies we reviewed (as well as the Berkeley and Evanston data discussed in footnote 4) showed no significant gains in achievement scores; the other study had mixed results. Our own analyses of the Coleman data were consistent with these findings (see Armor, 1972).

Although there were no gains in general standardized achievement scores that we might attribute to integration, neither were there any losses for black or white students. Unfortunately, we cannot say the same about academic grades of black students. The grades of the METCO secondary students in suburban schools dropped considerably. We did not measure the bused students' grades before they entered the program, but the fact that their test scores are somewhat *higher* than the control group's offers substantial evidence that this difference does represent a change. Along with this change we observed a difference in academic self-concept that seems to indicate that the bused students are aware that they are experiencing more difficult competition in the suburbs. While we might expect this result if we believe the Coleman finding of black/white achievement differencies, it does not mean there is no problem. It is possible that there are psychological consequences of this increased competition that may be harmful to black children. Being moved from an environment where they are above average to one in which they are average or below may be frustrating and discouraging. It might be one of the reasons why the bused black students have become less supportive of the program and more supportive of black separatism.

We tested this latter possibility by examining the relationship between support for the Black Panthers and academic grades in our 1970 sample from METCO (see Fig. 12). Consistent with our findings, the bused students are more favorable to the Panthers than the control group. But among the bused students we find that the METCO group which has college aspirations but which has a C average or below stands out clearly as more pro-Panther than the other groups. In other words, the increased militancy and anti-integration sentiments among the bused students may arise partly from the fact that their aspirations remain at a very high level even though their performance declines to the point where they may question their ability to compete with whites at the college level. The fact that this group is proportionally a large one (about 25 per cent of the total bused group compared to 13 per cent for the analogous control group) may be an indication of a potentially serious problem.

The integration policy model predicted that integration should raise black aspirations. Again, our studies reveal no evidence for such an effect. Unlike poor achievement, however, low aspirations do not appear to be much of a problem. The black students in our busing program seem to have aspirations as high as or higher than white students. If anything, given their academic records in high school, these aspirations may be unrealistic for some students. The emphasis on equality of educational opportunity may be pushing into college many black students whose interests and abilities do not warrant it. The fact that only half of the 1970 METCO seniors are still enrolled in four-year colleges (after over 80 per cent had started) may attest to this possibility.

The integration policy model predicted that race relations should improve as the result of interracial contact provided by integration programs. In this regard the effect of integration programs seems the opposite of that predicted. It appears that integration increases racial identity and solidarity over the short run and, at least in the case of black students, leads to increasing desires for separatism. These effects are observed for a variety of indicators: attitudes about integration and black power; attitudes towards whites; and contact with whites. The trends are clearest for older students (particularly the METCO high school students), but similar indications are present in the elementary school studies as well. This pattern holds true for whites also, insofar as their support for the integration program decreases and their own-race preferences increase as contact increases.

It is this set of findings that surprised us most. Although many recent studies have questioned the meaning of black/white differences in achievement and aspirations, to our knowledge there have been no research findings which challenged the contact theory. The idea that familiarity lessens contempt has been a major feature of liberal thought in the western world, and its applicability to racial prejudice has been supported for at least two decades of social science research. It may be true that, under conditions, greater contact will lead to a reduction of prejudicial feeling among racial or ethnic groups. But the induced integration of black and white students as it is being carried out in schools today does not fulfill the conditions.

In all fairness to the Allport contact theory, it must be said that he placed many qualifications upon it. One major qualification was that the contact must be made under equal-status conditions. Many behavioral scientists might assume that an integration program presumes equality of status, at least in the formal sense that all races are treated equally and have equal access to educational resources. But there is another way to look at status. Integrating black and white students does very little, in the short term, to eliminate the *socio-economic* and *academic* status differentials between black and white students that exist before integration. Therefore, we have to question whether integration programs for black and white children fulfill the equal-status conditions as long as socio-economic and academic inequalities are not eliminated. Allport warned that contact under the wrong conditions can reinforce stereotyped beliefs rather than reduce them; this may be occurring in our current integration programs. In other words, the social class differences between blacks and whites—the differences that integration programs are supposed to eliminate eventually—may heighten the sense of black identity and solidarity, leading to an increasing opposition to integration.

What Allport did not say, but what his emphasis on equal-status conditions may imply, is that contact between two groups with strong initial prejudices may increase prejudice to the extent that stereotypes are reflected by actual group differences. For black students, initial stereotypes about white students as snobbish, intellectual, and "straight" may be partially confirmed by actual experience; the same may be true for white stereotypes of black students as non-intellectual, hostile, and having different values We might make the same observations about some of the other ethnic and religious conflicts we see in the world today, particularly the Protestant-Catholic conflict in Northern Ireland and the Israeli-Arab battles in the Middle East It is certainly true in these cases that the amount of contact has not lessened the hostilities; it seems to have heightened them to dangerous levels in the first place

Why has the integration policy model failed to be supported by the evidence on four out of five counts? How can a set of almost axiomatic relationships, supported by years of social science research, be so far off the mark? Part of the reason may be that the policy model has failed to take into account some of the conditions that must be placed upon contact theory; but we believe that there may be other reasons as well having to do with (1) inadequate research designs, (2) induced versus "natural" factors, and (3) changing conditions in the black cultural climate.

Most of the methodological procedures which have been used to develop various components of the integration policy model are not adequate. The single most important limitation is that they have been cross-sectional designs. That is, the studies have measured aspects of achievement or race relations at a single point in time, with causal inferences being drawn from comparisons of integrated groups with segregated groups. Such inferences are risky at best, since the cross-sectional design cannot control for self-selection factors. For example, the Coleman study showed that integrated black students had slightly higher achievement than segregated students, but it is more than likely that families of higher-achieving students move to integrated neighborhoods in the first place (for reasons of social class or other issues involving opportunity). Thus the cause-and-effect relationship may be the opposite to that suggested by the U.S. Civil

Rights Commission report. In the Deutsch and Collins housing study, which found that integrated whites were more tolerant of blacks than segregated whites, it is possible that self-satisfaction factors were operating which led the more tolerant white persons to choose the integrated housing project in the first place. It is fair to say that none of the studies before the ones we have reviewed had an opportunity to study the effects of large-scale induced intergration over a reasonable period of time. Yet this is the only way the effects of integration can be sorted out from differences which may originally exist between any two groups of persons.

The second reason for our findings in the race relations realm may have to do with the relatively contrived nature of current school integration programs. In all of the programs reviewed, the integration has been induced by the actions of state or local agencies; it has not occurred in a more natural way through individual voluntary actions. The use of busing, the relatively instantaneous transition from an all-black to an all-white environment, the fact of being part of a readily identifiable group in a new and strange setting, may all combine to enhance racial solidarity and increase separatist tendencies for black students. (We might find a very different picture for black families that move into predominantly white neighborhoods and allow their children some time to adjust to the new environment.) On the other hand, this set of mechanisms would not explain why white student attitudes in the receiving schools also tended to become less favorable to black students, as shown in the Ann Arbor, Riverside, and METCO studies. Moreover, these mechanisms—if they are, in fact, operating—do not invalidate our evaluation of those current policies that focus precisely on induced school integration.

The final major reason why the integration policy model may fail is that the racial climate has changed drastically in the years since the Allport work and the Supreme Court decision. The most noteworthy change, of course, has been in the attitudes of black people. Although the majority of blacks may still endorse the concept of integration, many younger black leaders deemphasize integration as a major goal. Black identity, black control, and black equality are seen as the real issues, and integration is regarded as important only insofar as it advances these primary goals. Some black leaders, albeit the more militant ones, feel that integration might actually defeat attainment of these goals by dispersing the more talented blacks throughout the white community and thereby diluting their power potential. Integration is also seen as having white paternalistic overtones and as the means whereby the white man allays his guilty conscience while ignoring reform on the really important issues. Given these sentiments, school integration programs are seen by blacks not as a fulfillment of the goal of joining white society, but only as a means of obtaining better educational opportunities, which would ultimately lead to a more competitive position in the occupational and economic market.

Integrated schools *per se* are not the real issue; if schools in the black community provided education of the same quality as those in white communities, blacks would not be so interested in busing programs. In fact, when we asked students in the METCO program this question, almost 75 per cent said they would prefer to attend their own community school if it were as good as the suburban schools. Of course, it is by no means clear that the suburban schools actually offer better education. Any improvement in facilities or teacher quality (the ultimate importance of which is called into question by the Coleman report) may be counteracted, as our data show, by stiffer competition and a more hostile and unfriendly student atmosphere. Black leaders who view school integration only as a means to better opportunity must take these other factors into account.

In the context of these new black attitudes, the Allport model may not be applicable, and contact with white students provided by induced school integration may enhance ideological tendencies towards separatism. The reality of contact seems to sensitized black students to the heightened racial identity and separatism that has been growing in the black community since the late 1960's. The explanation may be, in part, that the large socio-economic differences between black and white students are fully recognized only when contact enables them to witness these differences. The difficulty of bridging this gap, coupled with the knowledge that they are viewed by whites as having lower status, leads black students to reject white standards and relationships. They turn inward, as it were, stressing the uniqueness and value of their own race, shutting off contact with whites, and embracing a point of view which endorses separatism as a means toward preserving and elevating their own position. Those black students not in contact with whites may exhibit some of these tendencies due to the over-all contact with white society, but the lack of direct contact postpones the problems or avoids it altogether. This type of "contact-conflict" model may be used to explain the conflicts which occur between two different cultural groups which come into direct contact (e.g., Catholics and Protestants in Northern Ireland; Israelis and Arabs in the Middle East). Whether or not it is applicable on a larger scale, it would fit the data better and would provide a more realistic model for the school integration case.

It would be a mistake, of course, to view the increased racial solidarity of black students as a completely negative finding. The differences between black and white cultures make a certain amount of culture conflict inevitable and even necessary if an integrated society is to be realized. In fact, it would be reasonable *not* to expect conflict—which always accompanies the contact of two cultures—only if we did not believe that a distinct black culture exists in America. Although this belief was held at one time by a large number of social scientists, it is not so popular today. There is now growing recognition that a black culture does exist, at least in the eyes of many blacks, and that this culture stresses values, goals, and behavorial patterns that differ considerably from those of the predominant white culture (Jones, 1972; Metzger, 1971).

Up to this point, we have said little about the one positive finding of our research, the "channeling" effect whereby black students who attend white middle-class schools tend to get into higher quality colleges (even though they may not finish college at a higher rate than segregated black students). This finding should be heartening to those who have believed that integration does provide educational opportunities not found in inner-city black schools, although the finding must be considered a tentative one since it has been shown in only two fairly small studies. Also, the positive effects are limited to the college-bound, so that there still may be a question about the benefits of integration for the non-college-bound black students. And it may be that the "channeling" effect works only when the number is relatively small. Nonetheless, this kind of longer-term effect—and perhaps others as yet undiscovered—may turn out to provide a basis for certain types of integration plans.

POLICY IMPLICATIONS

It is obvious that the findings of integration research programs have serious implications for policy. Given the momentum which has built up over the last few years for the school integration movement, however, it is likely that in some quarters that data we have presented will be attacked on moral or methodological grounds and then summarily ignored. In other quarters the data may be met with rejoicing over the discovery of a club which can be used to beat back the pro-integration forces. But we hope these extreme reactions will be avoided and that a more balanced interpretation of our findings will prevail.

The most serious question is raised for mandatory busing (or induced integration) programs. If the justification for mandatory busing is based upon an integration policy model like the one we have tested here, then that justification has to be called into question. The data do not support the model on most counts. There may be justifications for school integration other than those in the integration policy model, but then the burden must fall upon those who support a given school integration program to demonstrate that it has the intended effects (with no unintended, negative side-effects). It also must be demonstrated that any such program is at least supported by the black community.

We want to stress this last point. Decisions must be based upon feelings of the black community as well as the white community. Many liberal educators have been so intent on selling integration to reluctant white communities that they risk the danger of ignoring the opinion of the black community. While many black leaders favor school integration, there are also many black persons who would much prefer an upgrading of schools in their own community. The recent (March 1972) National Black Political Convention in Gary, Indiana, condemned mandatory busing and school integration, arguing that such plans are racist and preserve a black minority structure. These views may not represent the entire black community, but they are indicative of the complexity and heterogeneity of black political opinion.[13] Whether or not a white community wants integration (and there are obviously many that do not), we must take into account the feelings of the group on whose behalf integration is advocated.

Although the data may fail to support mandatory busing as it is currently justified, these findings should not be used to halt voluntary busing programs. For one thing, we have stressed that the studies of integration so far have been over fairly short periods (one to five years), and there are possibilities of longer-term effects which are not visible until adulthood (not to speak of effects on characteristics not measured by the present research). More important, however, we have tentatively demonstrated one very significant longer-term benefit of integration for college-bound blacks. The "channeling" effect, if substantiated by further research, could form a substantial basis for voluntary programs whose focus is upon the college-bound black student. Even for this subgroup, of course, we have documented the trend toward separatist ideology. But the gain in educational opportunity may well outweigh this consequence in the eyes of the black community, as indeed it does now for programs like METCO. In fact, some persons will view these ideological changes, as well as any conflict that may accompany them, as an inevitable consequence of contact between two different cultures. If blacks and whites are ever to live in an integrated culture, they must begin learning and accepting their differences; and this cannot happen without contact. If contact engenders a certain amount of racial friction, many persons will feel the gains from school integration—both long-term and symbolic—more than make up for it.

To these questions of the symbolic and long-run benefits of induced school integration, the existing studies provide no answer. What they do show is that, over the period of two or three years, busing does *not* lead to significant measurable gains in student

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Footnotes at end of article.

achievement or interracial harmony (although it does lead to the channeling of black students to better colleges). The available evidence thus indicates that busing is *not* an effective policy instrument for raising the achievement of black students or for increasing interracial harmony. On the other hand, the existing studies do not rule out the possibility that in the longer run, or in other respects, busing may indeed prove to have substantial positive consequences.

The available evidence on busing, then, seems to lead to two clear policy conclusions. One is that massive mandatory busing for purposes of improving student achievement and interracial harmony is not effective and should not be adopted at this time. The other is that *voluntary* integration programs such as METCO, ABC, or Project Concern should be continued and positively encouraged by substantial federal and state grants. Such voluntary programs should be encouraged so that those parents and communities who believe in the symbolic and potential (but so far unconfirmed) long-run benefits of induced integration will have ample opportunity to send their children to integrated schools. Equally important, these voluntary programs will permit social scientists and others to improve and broaden our understanding of the longer-run and other consequences of induced school integration. With a more complete knowledge than we now possess of this complicated matter, we shall hopefully be in a better position to design effective public education policies that are known in advance to work to the benefit of all Americans, both black and white.

Even in voluntary school integration programs, however, our data indicate that certain steps should be taken which might help alleviate the problems of achievement and race relations. Wholesale integration without regard to achievement levels of white and black students can lead to potentially frustrating experiences. Some selectivity might be desirable so that both groups reflect a similar achievement capacity. Although a certain amount of racial problems may be inevitable, full education of both groups about the possibilities and causes of differences might ameliorate the kind of polarization that would endanger the program.

One must also consider the possibility that other types of integration programs may be more successful. We have said since the outset that our data do not necessarily apply to neighborhood integration brought about by the individual choice of black families. It is possible that such programs would be more successful over the long run, at least in terms of race relations. Being a member of the community might tend to ameliorate black feelings of separateness that are fostered in the relatively contrived busing situation. Whether or not this kind of program could also change standarized achievement levels remains to be seen. Since the differences between black and white achievement are so large and consistent across so many different settings and studies, we must entertain the possibility that no plan of school integration will lessen this gap. Research will have to be continued in this area before the full causal mechanisms are understood and a firm basis is established on which social action can accordingly be planned.

Although we have been critical of some aspects of the connection between social science and public policy in the integration movement, we do not want to imply that their connection should be lessened. On the contrary, the real goals of social science and public policy are not in opposition; the danger is rather that the connection may not be close enough to enable us to make sound decisions. Society can only benefit by those ties which combine the advantage of scientific knowledge with a clear awareness of its limitations.

FOOTNOTES

[1] In spite of these precautions, we must still warn that it is difficult to make comparisons and generalizations when data are derived from different studies. Also, all of the studies we review were done in Northern cities, so that our findings may not be generalizable to the South. Nonetheless, the studies do reveal sufficiently clear and consistent findings in certain areas to enable at least a preliminary assessment of the effects of induced integration in de facto segregated cities of the North.

[2] The data summarized in the reports cited were subjected to extensive reanalysis for the present study.

[3] The number of junior and senior high students participating in the METCO study are as follows: wave one, 357 bused (80 per cent of the total population) and 112 controls (54 per cent of the eligible population); wave two, 229 bused (51 per cent) and 67 controls (32 per cent); wave three, 492 bused (87 per cent) and 232 controls (65 per cent). Because of clerical errors in relating achievement tests to questionnaires, the questionnaire data for waves one and two are based on about 10 per cent fewer respondents in each group. Given the low turnout rates for wave two and other factors (drop-outs, graduates, transfers from control to bused status), our panel of secondary school students with achievement data for both testing periods consists of 195 bused students and 41 control students; for the questionnaire data the panel consists of 135 bused students with data from all 3 waves and 36 control students with data from wave one and wave three. (Only 16 students in the control group had questionnaire data from all three waves. Of the initial sample of control students, over a third had either graduated or transferred into the busing program by the third wave.) In addition, achievement data for elementary grades is available for panels of 147 bused students (66 per cent of the wave one sample) and 41 controls (44 per cent). Given the relatively small proportion of both bused and control students in the panels, there is the chance that the panels are not representative of the full population of bused students and their matched siblings. In the comparisons we make in the next section, therefore, we shall also present data from the complete cross-sections for all waves. The bused panel does not differ significantly from the full cross-section of bused students, and the control panel differs in no way that would affect our main conclusions. In other words, the cross-sectional data can be used as a check on the panel data; the absence of any divergence between the two sets of findings indicates that the attrition of the panels does not invalidate the panel findings. (Analysis was carried out on the 240 bused students who were in both waves one and three, representing 74 per cent of the wave one sample, and there were no important differences between these results and the results from the smaller three-wave panel.)

[4] Research reports for a number of widely-discussed busing programs were not included for various reasons. For example, the Berkeley, California, busing program has not been systematically studied; a report is available, however, which shows that black student achievement is as far behind (or *further* behind) white achievement after two years of integration as before integration (Dambacher, 1971). A study of the Rochester busing program also lacked a proper pre-test design (Rochester City School District, 1970). The study had pre-test and post-test achievement scores from *different tests,* and control groups with generally lower pre-test scores; and it used analysis of covariance to make adjustments for post-test scores. Such statistical adjustments do not necessarily eliminate initial differences between the bused and control groups. A third study—of the Evanston integration program—was received too late for inclusion (Hsia, 1971). This report did show, however, that after two or three years of integration, integrated black students were still as far—or farther—behind white students as before integration. This research also confirmed the reduction in black academic self-concept after integration and the tendency for black student grades to decline. We know of no other studies of induced school integration in the North which have the research design necessary for establishing cause and effect relationship—to wit, a longitudinal design with a control group.

[5] About half of the elementary students and two thirds of the secondary students were new to the program in 1968. However, there were no differences in gain scores for the newly-bused compared to the previously-bused students.

[6] Initial differences between the newly-bused and the previously-bused revealed no particular pattern; for third and fourth graders the previously-bused were higher by .15 points, but for fifth and sixth graders the newly-bused were higher by .5 points; in any event there were no statistically significant differences in gain scores.

[7] The newly-bused students were somewhat higher than the previously-bused initially for both junior and senior high students (.3 and 2.5, respectively), but the differences were not significant.

[8] The control school was a "naturally" integrated school with an increasing proportion of black students; it was scheduled to be closed down the following year.

[9] The pattern of black achievement falling further behind white achievement at later grade levels has been extensively documented (Coleman, 1966; Rosenfeld and Hilton, 1971).

[10] Even these two significant results might not have occurred if the data had been analyzed differently. The author controlled for pre-busing scores using analysis of covariance rather than analyzing gain scores (see footnote 4). Since the author did not present pre-test means, we cannot know if the bused and control groups differed initially.

[11] The grade-point system used here has an A as 4 points, B as 3 points, and so on.

[12] The Ann Arbor study did include a measure of occupational aspiration, but the variation was so great (not to speak of the coding problems presented by such choices as "superman" and "fairy princess") that interpretation was difficult.

[13] A recent Gallup Poll reported that 46 per cent of a national non-white sample are opposed to busing for racial balance; 43 per cent were in favor, and 11 per cent were undecided (August 1971).

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TESTIMONY OF SENATOR HUMPHREY ON REVENUE SHARING

Mr. HUMPHREY. Mr. President, on June 29, 1972, I testified before the Committee on Finance on a subject I consider vital and critical to the continued financial well-being of our local governments—revenue sharing.

I have been a consistent advocate of revenue sharing. This year, it was my privilege to introduce the House-passed State and Local Government Fiscal Assistance Act in the Senate. The Senator from Tennessee (Mr. BAKER) and I joined in a spirit of bipartisanship—in the hope that our joint action would remove this legislation from the battles of partisan politics and out into the open—where it could be considered on its merits.

It was in this same spirit that Senator BAKER and I testified together before the Committee on Finance.

Mr. President, I ask unanimous consent that my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

HUMPHREY CALLS FOR SWIFT PASSAGE OF REVENUE SHARING

Mr. Chairman, I am pleased to be here today to testify on behalf of S. 3651, the State and Local Fiscal Assistance Act of 1972, which Senator Baker and I, and a bipartisan group of Senators, introduced as a companion measure to H.R. 14370, which the House now has passed.

I want to express my personal gratitude to Chairman Long for promptly holding this hearing on revenue sharing.

I know how extremely busy the Committee has been with the Social Security and Welfare Reform legislation for the last few months.

That is why I think the Senate ought to take note that the members of this Committee are not resting—they are moving ahead, holding the necessary revenue sharing hearings and beginning the process that I believe will result in a first step towards fiscally rehabilitating our local governments.

I also wish to take a moment to praise the action of the House of Representatives.

Last week, the House passed this very bill now before this Committee. Chairman Mills is to be commended for his outstanding leadership.

Mr. Chairman, it has always been my belief that revenue sharing is not a partisan issue. It is not a political football to be kicked back and forth between Democrats and Republicans.

Revenue sharing is a people's issue.

It is an issue to be debated on its merits—free from the slings and arrows of both partisan bickering and presidential politics.

In this spirit, Senator Howard Baker and I joined together to introduce the House Committee bill in the Senate. And it is in this spirit that we have sought support from members of both parties.

Mr. Chairman, I have been a consistent and continuous supporter of revenue sharing since the idea was first broached. I thought it made sense then. I think it makes even more sense now.

As Vice President, I proposed revenue sharing in 1965. As the Democratic nominee for President I advocated enactment of such legislation in 1968, and I testified last June 8, 1971, before the Intergovernmental Relations Subcommittee for what was then the Humphrey-Reuss Revenue Sharing bill, the first bill I introduced on my return to the Senate.

Revenue sharing has gone from a concept to legislation, now passed by the House of Representatives.

Now I want to see the Senate make revenue sharing the reality of hard dollars for the states and local governments.

I have spent the last six months on an intensive "tour" of this nation. In the last 10 days I have met with the Conference of Mayors—League of Cities at their convention in Texas and with the National Association of County Officials at their convention in Washington, D.C.

I have listened to and talked with many thousands of people and hundreds of our elected officials, and if there is one unmistakable message, it is this: never before in the history of this nation has the diversity of our people, our cities, our counties, our communities and our states placed such importance on how governmental programs are constructed, how policies are implemented, and how revenue transfers are made.

We can no longer pass legislation that through bureaucratic red tape and underfunding stifles the ability of local officials to deal with indigenous problems.

We can no longer assume that solutions developed in Washington will automatically work in Louisiana, Montana, Utah, Connecticut, Iowa, or California.

We can no longer make minute, detailed choices as to how funds will be spent in every city and community of this nation.

We simply must recognize that cities, states, and local governments are different because people are different. There are different needs, different levels of expected services, and different capacities as to how well local governments can meet those needs.

These differences call for new departures—if the needs of people are ever to be met.

Revenue sharing is a new departure—it is a departure from the way we normally do things here in Congress and in the Executive Branch.

But I submit to you that the local governments of this nation cannot afford a "business as usual" attitude on part of the Executive Branch or Congress.

The simple truth is that local governments are in a state of financial paralysis—and it is not just the "government" that is suffering—it is the people.

For, when a citizen speaks of "the government," he is talking about the government close to him—the government that no longer collects garbage twice a week—or does not or cannot provide adequate police protection—or allows dirty and unsafe streets—or is unable to modernize sewage treatment and solid waste disposal facilities.

This is the government. And its manifestation is in how that citizen is treated where he lives—in his home, his neighborhood, and on his street.

And if the government fails to meet the needs of that citizen, then we have failed.

Look at our local governments today. The scene is increasingly intolerable.

The budgets of cities are invariably written in red ink—the future fiscal vitality mortgaged by bond indebtedness that stretches twenty to eighty years into tomorrow.

State governments have been compelled to increase taxes—and that tax burden usually becomes more regressive—in the form of higher excise taxes, sales taxes, income taxes, service fees, and property taxes.

Decisions to cut back services are made every month by every mayor of a large city, by every county executive, and by every councilman.

Tax bases decline, propert taxes on existing assessments skyrocket, creating the kind of tax environment that produces a chorus of citizens saying "no more."

Local officials come in increasing numbers to Washington hat in hand begging for some help, but too often finding a stone wall of indifference.

Schools class, jobs ar lost, and opportunity gone forever.

The backlog of unmet needs continues to increase—the United States Conference of Mayors, for example, estimates that unmet needs are $3 billion for urban renewal; $5 billion for water pollution; $8 billion for mass transit; $2 billion for law enforcement.

Make no mistake about it—this indeed is the financial conditions of government in our states and localities.

It is not pleasant. It is bleak. And it is a condition that should not be.

Mr. Chairman, that is one reason we need revenue sharing. But there are others also.

In a recent address before the United States Conference of Mayors and the National Association of County Officials, I suggested four goals for local governments:

1. To bring government close to the people and be responsive to their needs.

2. To maintain the integrity of neighborhoods—to refocus on street level government, where people live.

3. To establish certain minimums of basic services for all of our cities and communities.

4. To plan the use of our resources.

The Fiscal Assistance Act now before this committee will help us meet those goals.

This legislation provides $29 billion in relatively unrestricted aid to local governments over a five-year period. Each year $3.5 billion is allocated to localities and $1.8 billion is allocated to state governments.

A five-year program gives state and local governments the ability to plan the use of these funds efficiently.

Localities may spend the revenue for high priority purposes designed to assist in the maintenance and operation of services in public safety, environmental protection, public transportation and capital expenditures for sewage collection.

A governmental reform element contained within the legislation provides for the federal collection of state imposed individual income taxes, if the state requests it. And there is an incentive for states to adopt progressive systems of taxation.

Mr. Chairman, some may quarrel with the exact form of the bill.

I would be the first to suggest that, if it were possible, some improvements ought to be made in the legislation.

I believe, for example, that the listing of high priority categories might well be expanded to include health care and youth recreation.

I would also urge this committee to examine the various formulae suggested by the legislation and to settle on that formula that provides a substantial return to those areas of the greatest need while at the same time maintains essential equity, protecting towns and rural communities.

I would think this committee should consider the principle that communities and states ought to maintain their revenue efforts consistent with the amount of federal aid and the number of services these communities are now providing.

Finally, Mr. Chairman, I want to make one last comment—a caveat that, I believe, it is essential to tie to the passage of the legislation.

I want to give fair warning now that this Congress and the Executive Branch of our federal government must not—indeed cannot—fall into the trap of thinking that problems of the cities, suburbs, and townships disappear with the passage of revenue sharing. We must not lull ourselves into thinking that the battle for the fiscal vitality of our communities is over when revenue sharing is established.

We must not think that now that we have revenue sharing we can all go home, that we have done our job, that the mayors and local officials have been satisfied and now we can all relax.

This, I believe, would be a dangerous attitude to take and fatal to accept.

I want to serve notice now that the battle for the cities, for strong local government capable of financing its services, has just begun.

When revenue sharing passes, we will have just begun to provide for our neighborhoods.

We will have just begun to make a realistic payment towards effective street level government.

Rebuilding our cities, modernizing our communities, and providing alife of quality to our citizens will mean the financial investment oft he century—by both public and private sectors—and the social commitment of a people determined to eradicate those vestiges of obsolescence, backwardness and decay.

But, I ask you, when you are investing in people, in their lives, their children, how families live and where they live, what better investment, what better commitment, can this nation make?

AGNES RECOVERY ACT, S. 3795, S. 3796

Mr. JAVITS. Mr. President, the recent crippling and devastating storm which struck my own State of New York as well as Pennsylvania and other States, demonstrates clearly the need for massive emergency Federal assistance. The immediate response of the Office of Emergency Preparedness, the Federal agencies, the volunteer organizations, and private individuals was heartening. Long-term recovery will obviously require more—more commitment from the Federal Government; more from private sources, and some offer of more hope for the unfortunate victims. In order to restore the life, the homes, the businesses, and the very economic and social base of the people which has been destroyed by Agnes, we must bring all the resources of the Federal Government into play. We must provide the help which these victims need to assist them in becoming productive members of our country again.

I am pleased to be a cosponsor of the legislative proposals of the President designed to deal with this crisis in a most humane and productive manner. I hope that Congress will respond sympathetically and immediately to this disaster by rapidly enacting this legislation.

PRIVATE PENSION PROTECTION

Mr. HARTKE. Mr. President, I have long sought effective legislation to provide Federal reinsurance for private pension plans. Thousands upon thousands of American workers have gone without the pensions for which they paid because of company failures.

We have moved to protect bank deposits and savings deposits, and Wall Street investors, but we have left the workingman of America to fend for himself. In December of 1970, I spoke on the Senate floor and offered an amendment to attach my Federal reinsurance plan to a bill providing Federal protection to Wall Street investors. The investors won—the workers lost. Protection was guaranteed to the Wall Street investor, but pension insurance was denied to the worker.

A recent article by the United Auto Workers details the desperate need for reinsurance of private pensions and the unfair treatment workers have thus far received from the Congress.

Mr. President, the recent hearings on pension reform before the Committee on Labor and Public Welfare have made this article particularly timely. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE BROKERS AND INVESTORS BETTER THAN WORKING MEN AND WOMEN? THE ANSWER IS "NO"—BUT CONGRESS THINKS THEY ARE

One of the basic foundations of UAW collective bargaining is the principle of a pension when the worker retires. The right to an income after retirement was a major goal of our union from its very beginning. The objective, though, was not easy to achieve. And after UAW struggled for and won recognition in some oppressive industries, the very first step toward the dream of pensions was yet another decade from its first breath of life. Breathe life it did, though, for it was a need too great to get cast aside forever. And UAW ticked off another impressive "first" in its growing list of major accomplishments.

It soon became apparent, however, that the company-paid and funded private pension was a victory which could be only partly celebrated. For we have learned from bitter disappointment that the language in the contract providing a full pension upon retirement has not always been a guarantee. Lack of adequate funding, lack of safeguards against mismanagement, and even failures and bankruptcies of the company have all contributed to some disappointing days at the end of a work life for many employes.

A decade ago, after a preceding decade of drawbacks, dangers, and doubts about the certainty of every pension to pay every retiree, UAW began a push for the only socially-equitable solution to the problem: federal reinsurance of private pension plans.

For ten long years—and all too frequently armed with the tragic case histories of yet another major pension and fund failure—UAW has trecked to Capitol Hill in search of the elusive federal protection of all private pension plans. Year after year Senators and Congressmen have seen fit to turn their backs on the needs of the nation's working men and women.

But Congress acts out of double standards.

Wall Street trembled once, in 1969, with the threat of financial loss to investors through slip-shod practices of some investment firms. Immediately, everyone in the securities industry, the Securities and Exchange Commission and Congress recognized the need for a formal system to protect customers of all brokerage firms and to an extent that might be beyond the capabilities of any single group. In 1970, before the last cocktail hour chit-chat about the danger had died away, Congress had rushed into law a bill to protect investors if brokers mishandle their money or go broke. The law provides up to $1 billion in public funds to protect the money of investors. The Senate shamelessly voted 77 to zero for such a law.

That hastily-enacted 1970 law established the Securities Investor Protection Corporation (SIPC).

In case an investment house becomes insolvent, SIPC will seek court approval of a trustee. All customers will be reimbursed—up to $50,000—from the broker's funds on hand and SIPC funds, as much as $1 billion of which can be from the public treasury.

The law clearly establishes the principle of using public funds to guarantee protection of citizen's private financial interests. These interests just happen to be the accounts of people with excess money that they use to try to make more money, rather than the pension "accounts" of former workers who have made their contributions to the economy and generally have no significant source of income other than pensions.

But using public funds to protect financial speculators now is the law of the land.

Except for providing the cash to remedy the situation, the public has very little to say about preventing practices which can lead to broker bankruptcies. The original House version created an SIPC board controlled by members of the industry! Board members from .the general public would be increased to become a majority only when the Treasury provided public money—in other words, in time to pay for the mistakes but after it is too late to correct any problem.

Of this protection for the few and for the wealthy, the New York Stock Exchange boasts, "All in all, this protection for securities investors is a major step forward. Everyone benefits . . . The securities industry which will be stronger; the nation whose economy will be insulated from the disruption which can follow the failure of major financial institutions."

Yet, when Senator Vance Hartke attempted to attach to this bill some meaningful protection for a sizable segments of the nation—federal insurance for private pensions of retirees—his Senate colleagues were quick to again turn this down. Then they hastily proceeded to unanimously provide for investors the same protection UAW has sought for pensioners for more than 10 years.

PRODUCTIVITY SOLUTION TO U.S. TRADE PROBLEMS

Mr. PERCY. Mr. President, in an interview published in the Chicago Tribune of June 25, Mr. Donald Graham, a distinguished financial and civic leader from my community, expressed his belief that increasing U.S. productivity is the central solution to the current weakness in the U.S. trade balance. Mr. Graham, chairman of the Continental Illinois National Bank & Trust Co. of Chicago, said that increased productivity, combined with a liberalization of U.S. restrictions against trade with Communist countries, a more aggressive U.S. export effort, and greater efforts to remove barriers against U.S. goods, is necessary to correct our present trade problem. He very wisely, in my judgment, rejects new trade and payments restrictions, such as those proposed in the Hartke-Burke bill, as a proper course for the United States. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Graham Cites Productivity as Key to U.S. Trade Role

(By Leonard Wiener)

The key problem behind the increasing difficulty of United States competition in world trade is the dismal trend of American productivity, according to the head of Chicago's largest bank.

Donald M. Graham, chairman of Continental Illinois National Brank & Trust Company of Chicago, added, however, that he sees a growing awareness of the problem among many labor leaders and is optimistic of a more cooperative attitude from unions on helping to meet the problem.

He pointed to International Monetary Fund figures which show that between 1965 and 1971 U.S. hourly wage rates rose 3.3 times as fast as output per man-hour. That compares with a 2.6 edge in Canada, a 2.5 edge in Great Britain, a 1.8 edge in West Germany and—perhaps most significantly—almost no difference in Japan.

Looking at the individual percentage figures, however, shows that the hourly wage rate itself has risen more slowly in the United States than elsewhere. The percentage gains are: U.S., 36.7 per cent; Canada, 53.6 per cent; Britain, 54.2 per cent; Germany, 58.1 per cent; Japan, 108.9 per cent.

The crunch comes when productivity gains [output per man-hour] are examined. That shows gains of 11.1 per cent in the U.S., 20.2 per cent in Canada, 21.5 per cent in Britain, 31.6 per cent in Germany, and 106.5 per cent in Japan.

ABSOLUTE LEVEL HIGH

Graham contended that of course even with the greater wage gains in other countries, the absolute level of U.S. wage rates is still extraordinarily high.

"But," he added, "in even recent earlier years the United States was able to offset these higher wages because of its greater productivity. That productivity edge has been greatly narrowed, however."

Moreover, Graham said, some reports that zero in on large wage increases being won in other countries are guilty of "looking at only one side of the problem" since "the lag in U.S. productivity gains has more than offset any benefits from a narrowing of the wage differential between the United States and its foreign competitors."

Another set of statistics that Graham said exemplifies the problems besetting U.S. exporters is the difference between price increases on exports and price increases on general domestic goods.

Between 1965 and 1971, for example, IMF figures show that consumer prices in the United States rose 28.3 per cent and export prices were up 20.1 per cent. In Japan, however, consumer prices rose a heftier 38.6 per cent but export prices rose only 12.9 per cent. In Germany consumer prices were 19.6 per cent but export prices were up only 3.9 per cent.

REASON FOR DISPARITY

Graham said a major reason for the disparity is that many foreign manufacturers get various tax incentives, rebates, and subsidies as part of government plans to encourage exports. He suggests that until the time when other countries can be persuaded to reduce those incentives, the U.S. government should grant similar benefits to American firms.

The bank executive said he thinks the recent currency realignments will help, but won't solve the trade problem, and he also expressed concern about slippage in the United States' technological superiority.

Along with greater cooperation from labor, Graham said the government can play a bigger role in helping to stimulate U.S. productivity, plant modernization, and export aggressiveness.

The government help would most likely take the form of continued and expanded financial and tax incentives, as well as a possible moderation of such restraints as antitrust laws where export expansion is the goal, he said.

Increased trade with Communist countries, especially the Soviet Union, is given high priority by Graham as a lucrative and receptive area for U.S. products.

In that regard, Graham said "another hard look" should be taken at the "so-called" strategic materials list of prohibited export items. He said it doesn't make much sense to ban sale of goods that Communist countries are able to buy elsewhere.

He said he thus supports a tendency to "divorce trade questions from ideological and political considerations."

Despite all the U.S. trade woes, however, there is one solution that Graham is adamantly against. That is a protectionist approach—as exemplified in the proposed Burke-Hartke bill.

A more aggressive U.S. export stance, continued bargaining to remove barriers to U.S. goods, and a greater cooperative spirit in the United States to increase productivity and keep export prices down are the methods Graham supports.

He also disputes the argument that U.S.-based corporations with plants abroad "are stealing jobs from U.S. workers," and he notes that dividends and other moneys are returned to the United States because of investment abroad.

Incidentally, Graham prefers to phrase his remarks in terms of the deterioration of the United States "trade position"—not "international economic position"—since he feels the later phrase indicates too broad a weakness.

ADDRESS BY SENATOR HUMPHREY TO NATIONAL PRESS CLUB

Mr. HUMPHREY. Mr. President, on June 29, 1972, I had the privilege to address the National Press Club. I attempted to give one man's perspective as to which direction I thought the Democratic Party ought to move with respect to further reform. It was my belief then, and it is my conviction now, that the Democratic Party must increase its scope of awareness—to the invisible youth—the young worker, the elderly, and a refocus on the working families of this Nation.

I suggested then, and I continue to suggest now, that any hint of political dominance by an economic, or social elite is counter to popular democracy and a distinct disadvantage to the Democratic Party.

I ask unanimous consent that my address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Senator Hubert H. Humphrey

A respected national survey recently reported that in the past few years there has been a sharp rise in the feeling of alienation among the American people and in their belief that the people running the country don't really care what happens to them.

A decided majority also stated that we are living in a political, social, and economic system in which, inevitably, the rich get richer and the poor get poorer."

It is no exaggeration to suggest that decisions being made in June and July this year may well determine the direction and course of American politics and public policy for decades to come.

Those decisions will determine whether we move ahead in the development of a progressive and humane social and political system, or slide back into a prolonged period of stagnation, strife and repression.

The pattern of Republican performance during the past three and a half years indicates that the essential differences between the two national political parties remain.

For it is a simple fact—not merely a partisan claim—that in the realities of our system and its operation, the Democratic Party has been—and is—the one party whose roots go deeply into the structure of this society.

In these times—and in times before—the Democratic Party has been and is the party which gives voice, gives participation, gives political meaning to all that vast and intricate complex of groups and interests which form the American electorate.

But are we moving, in the Democratic Party, to broaden our own coalition? Are we truly reaching out—with the reforms of the Democratic Party which we have undertaken—to those who should be with us?

Have these party reforms brought into our inner counsels those who have been underrepresented?

I say the answer is "no."

And that is not to condemn what we have done, but to point up what remains to be done to make our party more responsive and responsible.

Providing fair representation to women, blacks and youth was an important and needed advance.

It was a badly needed first step. But it is not enough. We neglected to bring in other groups.

No provisions were made by our party reformers to assure adequate representation to blue collar working families.

Neither was there any explicit effort to assure adequate representation for persons over 65. Surely no other age group in our society has such a clear commonality of needs and interests.

As for youth, some reformers fell into the trap of believing that college youth represented all American young people. To a great extent, the "invisible youth" in our factories, shops and on our farms (often overlooked by the media as well) were ignored.

The time has come now to consider proportional representation for working and noncollege youth within the party's youth quota.

Frankly, I do not believe in quota systems. But since the Party has adopted them, let's not stop with a selected few groups and exclude others with at least equal rights to representation.

Beyond the question of guaranteed representation in our party, the new procedures at caucuses and conventions have raised more fundamental questions of democratic access.

Do these new rules take into account the fact that not all people have the time, the money, the energy and health to participate effectively in caucus activities?

The fact is they do not. This year's experience demonstrated that many persons could not take time off from their jobs and attend the caucuses. Many young working families could not afford baby sitters. Many elderly and infirm Democrats lacked transportation to attend meetings.

Consequently, participation in caucuses was not as broad or representative as it must be in years to come.

In Minnesota the turnout in our caucus was only 12.7%. In Georgia, it was 3.2% of all registered Democrats. In Iowa the caucus turnout was less than 10%.

And as the press reported, these caucuses and conventions were frequently dominated by affluent middle-class and college-educated persons.

The participation within the party of these more advantaged groups is welcome.

But we are fooling ourselves and dangerously slighting the cause of true popular democracy if we fail to recognize who were left out.

I want our party to develop ways to insure participation in our conventions and caucus nominating procedure of ordinary working families as well as poor and other dispossessed groups. This is simply recognition that they are the fundamental and essential source of the Democratic Party's general election strength.

We should consider making available funds for transportation, food and lodging to Democrats of modest means chosen as delegates—not only to national party conventions—but also to nominating and policy conventions at the state level. Costs of attending state conventions—particularly in larger states where persons must travel considerable distances—can now amount to several hundred dollars. This makes participation at statewide conventions prohibitively expensive for many.

And state parties should move now to establish special funds to cover the delegate costs of transportation, food, and lodging at the national convention.

Every delegate this year will have to pay hundreds of dollars to attend the Miami convention. If he can't afford this expense, he must search for a well-heeled candidate or a source within his state party. That's not right.

The caucuses and conventions this year also demonstrated that we need to simplify convention procedures, so that persons of limited political experience and education are not crucially handicapped in participating fully and effectively.

Political dominance by a highly educated elite runs as counter to popular democracy as does dominance by an economic or social elite.

In several primary states, unnecessarily complicated ballot forms discouraged popular participation.

Finally, efforts to make the Democratic Party more responsive to the will of the people are gravely threatened when attempts are made to eliminate the participation of elected officials from our party structure.

There is a clear and unmistakable movement to do this, and I oppose it. We only have to look to Europe to see the pattern by which a party can become elitist in its membership and irrelevant in its policies. Time and time again, European political parties downgraded the role of their democratically elected public officials, and destroyed their own effectiveness.

Public officials and parties have much to learn from each other. Activists need not be antagonists in the political process. Just as elected officials must respond to their party activists, so do the activists have to understand the problems and needs—and the insights—of elected officials.

In every primary state I have been dismayed at the tactics of zealots of the new politics who loudly proclaimed that all popularly elected government officials were "hacks" to be read out of the party.

If the new politics means we must cut out those elected by the people, the people and the Party are being cheated.

To the contrary, I strongly urge the inclusion of elected officials in party structures as one of the essential means to prevent the Party from losing touch with those it is supposed to serve.

Whatever some may say, people who hold elective office in a democracy are compelled to stand before the public at regular intervals—in the certain and demanding testing ground of politics.

It is surely a perversion of democracy to assert that a self-annointed elite better represents "the people" than do the thousands of democratically elected public officials throughout this land who have been chosen for office by the votes of hundreds, thousands, or in some cases millions of voters.

We downgrade their participation only at serious risk to the viabiilty of our party and the cause of popular democracy.

But the elected officials are perfectly capable of making themselves heard loud and clear.

Other less articulate groups—such as the working families and the elderly cannot easily press their demands in a dramatic fashion suitable for the TV screen.

But those who are not heard should not be forgotten. And I do not intend that they be.

That, after all, is the very essence of our Party—to represent, to speak for, to work for the unrepresented, the inarticulate, the unskilled, the under-educated.

And that is why we spend so much time and energy on the adoption of policy—in the quadrennial creation of the Democratic platform.

The platform drafting process which we saw last week followed more than 2 years of efforts by the Democratic Policy Committee in hearings held around the nation.

The platform of our party is not being formed in a vacuum, but in the fires of political competition, public hearings, and open debate.

The platform of the Democratic Party will be a responsible platform because responsible and mature men and women are not going to fashion a platform that caters to the prejudices of one group of "true believers" or another.

The issue in 1972 is not a difference of opinion between George McGovern and Hubert Humphrey—although there are surely differences.

The issue is the record of Richard Nixon and his stewardship of our nation. And the Democratic platform must point up that record and the Democratic alternatives.

The election will be won or lost on our abiilty to demonstrate that Mr. Nixon has utterly failed to meet the needs of our people. His vetoes, his cutbacks, his impounded funds, his neglect of the elderly, poor, and needy, his wretched efforts to abate unemployment and inflation must be our targets.

And we are—no matter who the nominee is—duty bound to present clear alternatives. It is not enough to attack—though attack we must and will.

But we must be vigorous in presenting a Democratic alternative that centers on:

Jobs for those who need work;

Adequate health care for all Americans;

Quality education for our children;

Opportunity for young workers;

Full participation and rights for women;

A sense of decency for older Americans;

Equal opportunities and justice for all minorities in this nation;

Protection from conglomerates and the monopolies for the businessman, consumer and worker;

Property tax relief for the homeowner;

Tax reform for all Americans;

And a commitment of resources to rebuilding our metropolitan areas and revitalizing rural America.

Above all, we must not forget that we Democrats must speak for America's working families.

My political life has been committed to the fight against the forces of reaction, racism, and privilege in our nation. I have spoken for those who could not speak and for many who could not vote—for those who worked and those who cried for the opportunity to work.

And I regard the present struggle for true democratic representation within our party to be as significant as the battle which I waged for over a decade to insure the right to vote of millions of black Americans who had been systematically denied their democratic franchise.

Whether I serve as the next President, or as a United States Senator, I am committed to furthering the goals of true democratic reform in our party as well as in our nation.

But in our concentration on reform of our party, let us not forget that the task before us is not a simple, partisan task—but a citizen's task.

And as we approach the deliberations at Miami, we must act not merely as partisans, but as Americans.

We must not propose national policies isolating America from the mainstream of the world in which we live.

That is a concept of national policy and purpose with which I cannot live.

Not as a partisan, but as an American, I do not embrace the folly that our necessary works at home either require or permit us to retreat from the necessary works of the world.

Not as a partisan, but as an American, I cannot accept the proposition that this country can or should embark upon a course of unilateral disarmament.

Not as a partisan, but as an American, I cannot agree to the notion that we can get from our economic system the productivity and creativity we must have by taking from that system the incentives for private initiative and effort.

Not as a partisan, but as an American, I cannot consent to setting this system against itself by attempting to redistribute its wealth with no regard for the tax burden of the middle-income families.

Believing these things as I do, feeling them strongly as I always have, I go to Miami Beach to participate in a decision not of consequence only to a candidate or even to a party, but in a very real sense, of great consequence to this Republic itself.

The strength of America's commitment to the political principles which have served us long and well is a strength already being felt within the Democratic Party's affairs. That strength, that commitment, has been felt as an influence upon the drafting of the party platform.

Those forces will be felt no less strongly in the selection of the party ticket.

ADDRESS BY ROBERT S. McNAMARA TO UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. PERCY. Mr. President, on June 8, 1972, Robert McNamara addressed the U.N. Conference on the Human Environment in Stockholm on the subject of the relationship between the necessity for economic development and the preservation of the environment.

He rightly considers the development of the developing world clearly unacceptable. Hundreds of millions of people are living at levels of deprivation—hungry, illiterate, unemployed, diseased. Over a billion human beings in the world are hungry or malnourished.

McNamara attributes this condition to two main factors: First, developing countries are not moving decisively enough to reduce social and economic inequities among their own peoples; second, developed countries are not helping enough.

This creates the dilemma—more economic growth is needed, but growth which also protects the environment—not economic growth on the pattern of the past which threatens the environment.

World Bank experience, according to its president, shows that environmental protection can be successfully built into development projects. As a matter of fact, developing countries have one advantage in environmental matters—by planning now they can avoid the mistakes developed countries have made in the past.

Mr. McNamara ends with the positive thought that economic development can be accomplished without ravaging the environment, but that on the negative side, this economic development cannot take place unless the developed countries help developing countries more to wipe out the most dangerous pollutant of all—human degradation.

Mr. President, I ask unanimous consent that this most interesting address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS TO THE U.N. CONFERENCE ON THE HUMAN ENVIRONMENT

(By Robert S. McNamara)

I. INTRODUCTION

I am pleased to have the opportunity to participate in these deliberations. This conference, and the concern that has brought it into being, are of immense moment. But while the issues before us are serious, they are not beyond solution. Intensified research, precise analysis, and decisive day-to-day action are what they most require.

What they least require are anxious speculation and alarmist accusation.

In my view, what clearly needs to be done is to examine the relationship between two fundamental requirements: the necessity for economic development, and the preservation of the environment.

I would like to comment briefly on that relationship this morning. When I have done so, I would like to outline the steps we are taking in the World Bank to deal with the ramifications of that relationship, and illustrate practical measures which are proving to be both feasible and effective. Finally, I would hope to suggest the general direction all of us in the international development community might most usefully pursue in integrating our mandate to assist in the economic advance of the developing countries with our responsibility to preserve and enhance the environment.

II. THE STATE OF DEVELOPMENT

One must begin with a candid appraisal of the state of development throughout most of the developing world.

It is—as I have noted recently in another United Nations forum—unacceptable.

It is unacceptable because hundreds of millions of people are living at levels of deprivation that simply cannot be reconciled with any rational definition of human decency.

Throughout the developing nations:

Hunger and malnutrition are sapping energy, stunting bodies, and slowing minds.

Illiteracy is locking out learning, and paralyzing opportunity.

Unemployment is not only robbing men of the minimal means to make their way, but leaving their pride broken and their ambition atrophied.

Wholly preventable diseases are injuring infants, killing children, and aging adults long before their time.

In sum, hundreds of millions of individual human lives—with all their inherent potential—are being threatened, narrowed, eroded, shortened, and finally terminated by a pervasive poverty that degrades and destroys all that it touches.

The picture is not exaggerated. Throughout the developing world the estimates are that well over a billion human beings are hungry or malnourished. There are a 100 million more adult illiterates than there were two decades ago. Underemployment and unemployment entrap roughly one out of every five in the labor force. Infant and child mortality is four times greater than it is in the affluent world, and life expectancy is 40% shorter. To alleviate pain and arrest disease, there are in some developing countries fewer than one doctor for every 50,000 people—compared to one per 700 in the United States.

These facts are neither pleasant nor comfortable. But they are facts. They symbolize the lives of three-quarters of the human race.

III. THE DILEMMA OF DEVELOPMENT VERSUS GROWTH

Current development programs are seriously inadequate because they are not significantly reducing the poverty which shapes and limits these lives. And though the matter is complex, basically we know why.

There are two overriding reasons: the developing countries are not moving decisively enough to reduce the severe social and economic inequities among their own peoples; and the developed countries are not moving decisively enough to reduce the gross imbalance between their own opulence and the penury of the less-privileged nations.

As I pointed out at the United Nations Conference on Trade and Development in Santiago, the broad statistical evidence is clear that there is dangerously skewed distribution of income both within developing nations, and between the collectively affluent and the collectively indigent nations.

I will not recount that evidence here, but I would reemphasize the conclusion: development simply cannot succeed unless that massively distorted distribution of income—both at the national and international levels—is brought into a more just and reasonable balance.

If it is not, the penalties of prolonged injustice are likely to be unavoidable. Restlessness will edge toward rebellion, and reason will give way to violence. Not only would that fail to assure development, it would prove to be catastrophically costly to rich and poor alike.

If development is to succeed, action is required by rich nations and poor nations alike—and that action can only proceed in a climate of growth.

It is here that the complexity of the problem becomes apparent.

For a poor country to operate an economy which distributes income among the people more justly, there manifestly must be economic growth. Without economic growth a poor country can only remain poor. There is little point in trying to redistribute indigence.

But economic growth means manipulating the traditional environment.

As we now know well enough, it is at this point that injury to the environment can take place. If nature is abused beyond limits, its revenge is inevitable.

If poor nations are faced with the problem of growth within acceptable environmental limits, the rich nations are clearly caught up in it even more seriously. We are meeting in this worldwide conference largely because the evidence is now overwhelming that roughly a century of rapid economic expansion has gradually contributed to a cumulatively monstrous assault on the quality of life in the developed countries.

There is no need to chronicle that evidence to this gathering.

But there is a need to ponder the dilemma it poses.

And that dilemma is this: the achievement of a level of life in accord with fundamental human dignity for the world's two and three-quarter billion poor is simply not possible without the continued economic growth of the developing nations, and the developed nations as well.

But economic growth on the pattern of the past—and most particularly that in the already highly industrialized wealthy nations—poses an undeniable threat to the environment and to the health of man.

There is nothing artificial or contrived about the dilemma. It is very real.

Both elements of the dilemma demand the most deliberate attention.

The question is not whether there should be continued economic growth. There must be. Nor is the question whether the impact on the environment must be respected. It has to be. Nor—least of all—is it a question of whether these two considerations are interlocked. They are.

The solution of the dilemma revolves clearly not about whether, but about how.

At its macro level, this dilemma demands a great deal more research than it has yet received. The preparations for this conference have made an impressive beginning. And the conference's great value will be the impetus to expand and broaden that research.

Such research is necessary, not merely to provide us with a better understanding of the overall resolution of the dilemma, but to amend in a more scholarly manner the alarmist views of some who are deeply persuaded of the problem, but unaware of the full complexity of its elements. Mathematical modeling is useful. But it is only as useful as the validity of its assumptions and the comprehensiveness of its inputs.

What is needed in this issue—and what has not yet been achieved—is the close cooperation of economists and ecologists, of social and physical scientists, of experienced political leaders and development project specialists. The manifest danger in the solution of this dilemma at the macro level is to oversimplify.

When that oversimplification suggests the imminent risk of overloading the planet's life-support systems, or exhausting its essential resources, the developing peoples of the world are suddenly faced with a fearsome prospect. On top of all their present disadvantages, are they now going to be asked to forego their efforts at development in the name of preserving the already disproportionate (and still rising) patterns of consumption of the rich?

The poor are right to be indignant over such a prospect.

But in my view that issue need never arise.

It need never arise because there is no evidence that the economic growth—which the developing countries so desperately require—will necessarily involve an unacceptable burden either on their own or on anybody else's environment.

IV. THE WORLD BANK AND ENVIRONMENTAL CONCERN

Let me illustrate this view by a brief account of what we in the World Bank are doing to deal with the environmental issue in our day-to-day operations.

In 1970, we established the post of Environmental Advisor with a strong mandate to review and evaluate every investment project from the standpoint of its potential effects on the environment.

Our subsequent experience has been that the most careful review of environmental issues need not handicap our fundamental task to get on with the progress of development. On the contrary, it can enhance and accelerate that progress.

In cooperation with other development agencies, we have designed a careful set of guidelines, and have built into our whole economic assistance strategy a feasible method for correlating ecological protection with effective and cost-conscious development.

What we have discovered is significant.

By careful analysis, we have found, in every instance to date, that we can reduce the danger of environmental hazards either at no cost to the project, or at a cost so moderate that the borrower has been fully agreeable to accepting the necessary safeguards.

Central to the success of this approach is the principle that in the issue of environmental damage, prevention is infinitely to be preferred to cure. Not only is it more effective, but it is clearly less expensive.

Responsible officials in the developing countries are aware of this. We in the Bank have found no evidence that they are unresponsive to what can be demonstrated to be a serious ecological hazard or a threat to health and social well-being. It is unfair to suggest that the poor countries are indifferent to the environmental issue, and simply dismiss it out of hand as a rich nation's problem. They do not.

What they are concerned about, and justly so, is that some of the rich—under the influence of doomsday alarmism—may be tempted to impose unilateral and unreasonable roadblocks on the poor countries' desperate need to develop.

The poor nations, after all, have no desire to see their own environment contaminated or wantonly abused. But they also have no desire to remain caught in the permanent contamination of poverty.

Our experience is that environmental protection can be built into development projects as competently and successfully as any other requisite element. Our project officers are thoroughly briefed in our environmental criteria, and in their early discussions with potential borrowers draw these considerations to their attention. Far from being resented, the considerations are welcomed.

Each project processed in the Bank is now reviewed by the Environmental Office, and a careful in-house study is made of the ecological components. If the project warrants it, an on-site "ecological reconnaissance" study is commissioned by the Bank with the use of qualified consultants. If more serious problems are uncovered, a still more intensive on-site evaluation is undertaken in order to determine what specialized solutions should be incorporated into the project's specifications.

While in principle the Bank could refuse a loan on environmental grounds—in a situation, for example, in which the problems are of such severity that adequate safeguards cannot be applied, or in which the borrower is wholly unwilling to take reasonable measures in his own interest—the fact is that no such case has yet arisen. Since initiating our environmental review, we have found that in every instance the recommended safeguards can and have been successfully negotiated and implemented.

We have been careful to include in our environmental guidelines not merely physical and health-related factors, but cultural considerations as well. We are concerned in the Bank that a development project does not adversely affect the indigenous culture that the country wishes to preserve.

When a project may require the relocation of people, we assure that plans are adequate for their successful resettlement, and that injurious disruptions of their socio-economic opportunities are avoided.

Health factors are, of course, often involved in environmental considerations. In those instances where a development project may threaten to create a new or intensify an existing disease problem, the Bank incorporates in the loan agreement appropriate arrangements for the requisite preventative health-care measures.

Nor does the Bank limit its operations simply to the environmental side effects of development projects. It finances many projects that are directed specifically at environmental goals—urban water supply and sewage treatment, for example, as well as soil erosion control, and water resources management.

The fact is that the environmental criteria we have established in the Bank encompass the entire spectrum of development. They consist of a comprehensive checklist of questions designed to insure that foreseeable and injurious environmental consequences are carefully considered from the initial concept of a project, through its design stage, its actual construction, and into its ongoing operations.

The range of the checklist includes sectors as diverse as textiles and tourism, power stations and paper plants, steelmaking and irrigation systems, fertilizer factories and harbor facilities—and many, many more.

Sample questions in some of these sectors illustrate their scope:

Irrigation Systems: Will the changes in water patterns introduce disease-bearing organisms into previously unaffected areas? Will runoff water contain residues—such as pesticides and fertilizers—that contaminate downstream waters? Will there be sedimentation and erosion problems? What will be the ecological consequences of changes in land patterns and population distribution?

Ports and Harbor Development: Will topographical changes adversely affect marine life? How will wave and current action be modified? Will ships create unhealthy air pollution from stacks in view of prevailing winds? Will the development create waterfront slum areas?

Fertilizer Plants: What types and quantities of gaseous, liquid, and solid effluents will be discharged into the air, soil and water? Will nitrogen and phosphorous entering surface water bodies stimulate the growth of algae and aquatic weeds? How will raw materials be handled and stored?

Petrochemical Complexes: Have hydrologic, geologic, seismologic, and meteorologic studies of the site been made to anticipate and minimize damage to human populations and the environment if accidents occur? Will effluents contain toxic materials? How will they be controlled? What are the dangers of oil or chemical spills? What clean-up contingency plans are available?

Highway Construction: Do plans include provisions for preventing unnecessary despoilment of the landscape and vegetation during construction? Will top soil be stored for respreading? Can temporary drainage systems, barriers, and sedimentation basins be used to prevent eroding materials from reaching waterways? Have provisions been made for adequate living conditions for people displaced by construction activities or for those attracted to newly-opened areas?

These are merely examples of the kinds of issues raised. The full checklist is far more comprehensive, and it provides borrowers with precisely the questions they themselves should analyze in their planning for pragmatic environmental protection.

The projects which pass for review through our Environmental Office include every major region of the developing world.

In its funding of the expansion of a steel plant in Turkey, on the Black Sea, the Bank cooperated with the borrower in building into the specifications—as a result of thorough on-site study—provisions to control within acceptable levels the flow of liquid wastes into the sea, and gaseous effluents into the air. Originally no such controls had been contemplated. The study convinced the borrower that this would result in unacceptable damage to both off-shore waters and the surrounding terrain, and the recommended pollution-control technology was adopted. The cost for providing this important protection for the environment, as well as for the health of the local population, was only 2% of the overall project costs.

In the Yagoua district of Cameroon, the rice farmers are poor. The Bank's estimate was that their cash income could increase five-fold in a decade if only irrigation facilities could be improved. But a serious environmental hazard had to be reckoned with: bilharzia. This waterborne disease is carried by the Bulinas snail, and is endemic to the area. Though the proposed irrigation network would serve 3000 hectares of land and 2800 farm families, it was feared that the project might significantly increase the incidence of illness. To assess the problem, the Bank sent a highly qualified expert in the control of the snail vector to Cameroon. After on-site research, his report recommended changes in the engineering design of the canals, provisions for periodic surveys of the snail population, and appropriate molluscicide application as required. The borrower welcomed these recommendations, adopted them, and during the loan negotiations further agreed that public health officials could carefully monitor the region. Thus, an urgent development project was protected from potential ecological risk by inexpensive and practical preventative measures.

In its financing of a marine terminal at Sepetiba Bay in Brazil—as part of an iron ore mining project near Belo Horizonte, and its attendant rail transportation to the sea—the Bank commissioned an ecological team to study in depth what was required to keep this unspoiled estuary free from pollution. The bay supported an important fishing industry, and possessed tourist and recreational potential. The Bank's team included a marine biologist, a shellfish expert, and an oceanographer. Their recommendations have been built into the loan agreement, and provide for protection against ore and oil carriers flushing their huge holds in the bay, contingency equipment for accidental oil spills, solid waste handling and terminal sewage treatment facilities, and landscaping to preserve the aesthetic values of the area. All of these measures—which will insure that the fishing industry can survive and the bay remain a tourist and recreational attraction—represent less than 3% of the total project cost.

These case histories could be multiplied. But what is common to them all is that they illustrate a critical truth: valid environmental considerations need not deny the advance in economic development the less-privileged countries so gravely require.

V. WHAT MUST BE DONE

How then can the international community—rich and poor nations alike—best proceed?

It is clear that in environmental matters the developing countries enjoy one of the very few advantages of being late-comers in the development process: they are in a position to avoid some of the more costly and needless mistakes the developed countries made in the past.

Now what does that imply?

To begin with, what it does not imply is that late-comers to the development process must forego industrialization and technological advance.

That would simply mean stagnation. It is easy enough for the wealthy to romanticize about the supposed charm of pre-technological society. But the plain fact is that there was nothing pretty at all about the squalid poverty which the common man—in what are now the affluent nations—had to endure in the pre-technological period. For the vast majority it was a life of destitution and disease. No one wants to go back to that.

Anyone in doubt has only to examine poverty in the developing countries today. The deprivation is appalling by any acceptable standards of human decency.

It is not surprising, then, that those who call for a slowing down or a complete halt to economic growth tend to be those who are already amply provided with the advantages which that very growth has made possible.

What I mean by the environmental advantage of the late-comers to the development process is that they can far more easily and inexpensively build into their industrial infrastructures the practical preventative measures necessary to avoid the ecological damage the developed world has already suffered.

Our experience in the Bank confirms this. There is an increasingly broad variety of antipollution technologies available to the poorer countries—technologies the affluent countries have had to develop at a far later and more difficult stage of their industrial expansion.

Those technologies can work, and work well.

The air over London, for example, is substantially cleaner today than it was 15 years ago. There has been an 80% reduction in smoke emission, a 40% reduction in sulphur dioxide, and a consequent near doubling in the average hours of winter sunshine. It is estimated that this dramatic improvement—largely the result of the enlightened Clean Air Act of 1956—has cost Londoners only about 35 cents per annum. What it has saved them in discomfort and illness is beyond calculation, but one need only recall the disastrous and fatal smog of 1952—a smog that killed an estimated 4000 people—to reflect on the importance of the improvement.

There has been a corresponding improvement in the environmental conditions of many of the rivers in Britain through intensified sewage management. Ten years ago there were no fish at all in the Thames in a 30-mile stretch above and below the city of London. Three years ago more than 40 species were observed.

As the affluent nations continue to take their environmental problems more seriously, they are going to discover a whole new range of technology to abate and avoid ecological dangers. The less-privileged countries can adapt these technical advances to their own local conditions.

The danger that we will fail to achieve our twin objectives of advancing the development of the less-privileged nations while preserving the environment stems not from technological weaknesses but from potential failures of political will and social responsibility.

Ecological considerations have made us all more aware of the interdependencies of our world. We have come to see our planet as "spaceship earth." But what we must not forget is that one-quarter of the passengers on that ship have luxurious first-class accommodations and the remaining three-quarters are traveling in steerage. That does not make for a happy ship—in space or anywhere else. All the less so when the steerage passengers realize that there are at hand the means to make the accommodations more reasonable for everyone.

Have we the political and social awareness to give more attention to the present living conditions of the overwhelming majority of the travelers? It means, in practice, making available more development assistance, and removing inequitable trade, tariff, and other discriminatory barriers. Those barriers are blocking the mutual benefits that can flow from application of the principle of comparative advantage. Justice and intelligent self-interest both suggest that it is wiser to open a vital bulkhead on increased opportunity than to keep it senselessly sealed in the name of some narrow and parochial protectionism.

There should be no question about whether the wealthy countries can afford to combine rising domestic environmental protection costs with increased development assistance for the developing countries.

It is clear that they can.

The continued growth of their gross national product will provide them by the end of the decade with an additional one thousand billion dollars per annum.

The suggestion that the rich countries cannot spare for the poor countries the miniscule percentage of that incremental income necessary to raise concessionary aid from its present level of .35% of GNP to the United Nations target of .7% is simply beyond credence.

The wealthy nations may not in fact meet that target. And they may delay dismantling the discriminatory barriers to a more just and mutually advantageous flow of trade. But if the rich do refuse greater trade and aid to the poor, it will have nothing to do with a disinterested and universal reverence for the environment. It will be because of a provincial response to the pressures of special interests.

What, then, must be done to reconcile our mandate to assist in the economic advance of the developing countries with our responsibility to preserve and enhance the environment?

In my view there are five essential requirements. We must:

Recognize that economic growth in the developing countries is essential if they are to deal with their human problems.

Act on the evidence that such growth, if properly planned, need not cause unacceptable ecological penalties.

Assist the developing countries in their choice of a pattern of growth which will yield a combination of high economic gain with low environmental risk.

Provide the external support required for that economic advance by moving more rapidly toward meeting the United Nations concessionary aid target of .7% of GNP, and by dismantling and discarding inequitable trade barriers which restrict exports from poorer countries.

And, above all, realize that human degradation is the most dangerous pollutant there is.

In the end, it is respect for man—and his home—that has brought us to this conference.

When we leave, let us go with the conviction that that respect can and must be translated into practical action. The leading edge of that action must be to protect man from the one hazard which can injure not only his habitat and his health—but his spirit as well. Poverty. Cruel, senseless, curable poverty.

Our task is not to create an idyllic environment peopled by the poor.

Our task is to create a decent environment peopled by the proud.

COST OF POLLUTION CLEANUP

Mr. HART Mr. President, the controversy continues to broil over the economic effects of pollution cleanup. Reports of wide-spread plant closings have made headlines. On the other hand, those who fight pollution call these reports exaggerated, and state that those industries that have shut down have done so for economic factors beyond pollution control.

On June 4, an article entitled "Cost of Cleanup" was published in the New York Times. The article appears to give a balanced assessment of the effects of pollution control regulation on American industry.

In addition, an article published in Business Week for May 20 describes the efforts of the Dow Chemical Co. to control the pollution of the Tittabawassee River at Dow's Midland, Mich., plant. The article states that Dow has actually made money by controlling pollution.

Both articles are worth reading and place in perspective the fear that pollution control efforts will have a crippling affect on American industry. I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

COST OF CLEANUP

(By Gladwin Hill)

LOS ANGELES.—A prominent *industrialist* told a large Western college audience a few weeks ago: "U.S. Department of Commerce figures show that 210 plants last year were forced to shut down primarily because of environmental pressures."

His words, which were untrue, were part of a rising clamor that one Federal official remarked had been taking on the proportions of "a national myth": the idea that current pollution-abatement regulations are crippling substantial segments of American industry.

Another industrialist said recently that environmental controls "need to be placed back in perspective before the country is faced with economic ruin."

Headlines such as "Pollution Laws Closing Plants by the Hundreds" and "A Drive to Find Jobs for Victims of the Pollution War" have appeared in both business and lay periodicals. A Department of Commerce publication said recently, "More plant closings are being reported daily from countless small communities throughout the nation."

However, a nationwide check by The New York Times, corroborated by Government reports, provides little substantiation for such assertions and apprehensions.

To the contrary, the survey yielded indications—supported by a number of officials, economists and other observers—that the costs of pollution control, while they may be causing dislocations in a few specialized situations, could also be a constructive element in terms of plant modernization and increased efficiency.

Highlights of the findings were the following:

Among the more than 10,000 business enterprises in the United States that fail every year, in only a few cases have pollution-control requirements been a major factor.

Plant closings in which pollution-control costs did figure almost invariably involved marginal facilities, some of them a century or more old.

Repeatedly pollution regulations have been blamed for industrial shutdowns when the basic reasons were otherwise.

Unemployment caused by such shutdowns, according to the latest Federal data, has aggregated fewer than 1,500 jobs.

Recent studies made by independent consulting organizations for Federal agencies indicate that the cost impact of present pollution-control standards in the years immediately ahead will be small on both industry and the economy as a whole.

Nearly all the states now have water-quality regulations approved by the Federal Government. The Federal Environmental Protection Agency has promulgated general air-quality standards relating to the major air pollutants. In addition, the states have just submitted to the Federal Government "implementation plans" for regulating their particular pollution sources.

The Council on Environmental Quality in its last annual report projected the total national outlay to meet existing air, water and solid-waste pollution-control standards at $105-billion for the period 1970–75. Of this total, industry's share, as distinct from governmental and private expenditures, was placed at $28-billion, an annual average of less than $4.7-billion.

Annual sales of all American industrial concerns total about $750-billion, and 127 companies have sales of more than $1-billion each.

Industry's outlay in 1970 of $2.5-billion for new pollution-control facilities, the council said, was only 3.1 per cent of its over-all expenditures for new plants and equipment.

"The cumulative expenditures over the six-year period," the council's chairman, Russell E. Train, has said, "are expected to be less than 1 per cent of gross national product (the nation's total output of goods and services in one year). Industry air and water pollution-control expenditures will generally be less than 1 per cent of the value of shipments."

Nevertheless, the thrust of many expressions from industrial and financial quarters has been that existing regulations impose inordinate economic burdens.

The Chamber of Commerce of the United States, a business group, last September said of pollution-control costs: "All existing firms will be adversely affected, but in some cases the economic impact will be severe."

C. Howard Hardesty, vice president of the Continental Oil Company, said the nation's pollution-control bills were going to be "staggering."

Maurice H. Stans, recently Secretary of Commerce and industry's foremost exponent of the "go slow" attitude on pollution control, said abatement costs might "throw thousands of people out of work" and cause "whole communities to be run through the economic wringer."

Lewis F. Foy, president of the Bethlehem Steel Corporation, said 18 months ago: "We have just about reached the end of the line as far as spending large sums for pollution control is concerned."

And the National Industrial Pollution Control Council said early in 1971: "Increasing public concern with the pollution consequences of our society has inspired responses at some levels of government which are incompatible wtih the economic health of our society."

Contradictory views have been equally emphatic.

"The environment pretext," said Ralph Nader, the consumer advocate, "promises to become a convenient scapegoat for some of the 10,000 businesses that go under each year at the hands of the marketplace or predatory corporate practices."

And I. W. Abel, president of the United Steelworkers of America, said last August:

"We are increasingly being confronted by claims from industry that the demands made on it by citizens and government will not control pollution but rather will bring complete stoppage of plant operations.

"This is a throwback to the antiquated escape route of 'smoke means jobs.' It is environmental blackmail of the worst sort. Many obsolete plants use environment control as a convenient public-relations tool to justify a production decision to terminate operation and rationalize past failures to modernize facilities."

Leonard Woodcock, president of the United Auto Workers called it "corporate irresponsibility" before a Senate hearing.

The latest Federal survey on the pollution-control impact came out in March under a newly established "early warning" system. In this the Environmental Protection Agency advises the Department of Labor every three months of situations where pollution requirements may have adverse economic effects. The survey deals only with operations with more than 25 workers.

This initial report, which went back to 1970, said that throughout the country only eight plant closings had been observed "where environmental regulations were a factor."

(A spokesman for the Department of Commerce said it had never issued any such figures as the "219 forced shutdowns" cited by the anonymous industrialist. A departmental inquiry indicated the speaker had gotten the number from a Washington business-news syndicate that had misconstrued figures from a Federal study that did not relate to actual plant closings.)

The eight closed establishments listed in the Federal survey were a woolen mill in South Grafton, Mass.; a chemical plant at Saltville, Va.; a vegetable oil concern in Durant, Okla.; smelters in Superior, Ariz.; and at Selby Calif.; a copper mine at Tucson, Ariz.; a pulp mill at Coos Bay, Ore., and a lumber mill at Philomath, Ore.

Thirty-eight more "threatened" closings or production curtailments were reported, but in only 18 cases did Federal investigators assess these eventualities as "highly probable."

Of the 38 plants, 13 were in the pulp and paper industry, seven were in the metals industry, six were sugar mills and the rest were scattered among various fields. The plants were in 16 states.

A canvass by the New York Times of 20 states, from Maine to Hawaii, produced a scattering of additional cases of actual or threatened plant closings. But generally there was no evidence of any great impact.

In each state, officials and industrial associations were asked to specify any plant shutdowns in which pollution-control costs were a major factor. Few such instances could be cited and, in most of these, pollution abatement proved on inquiry to be a second factor.

The New York Department of Environmental Conservation, for instance, noted four plants that had closed with pollution-control costs cited but said that in each case other economic factors appeared to be the real determinant.

In New Jersey, the State Department of Environmental Protection reported that three small chemical plants had shut down in 1970 after receiving orders to stop polluting the Raritan River, but officials said the abatement cost was not a clear-cut determinant.

In Montana, where there has been much controversy over smelter fume-emission standards, the chairman of the State Board of Health, Mrs. John C. Sheehy, said, "Pollution controls have not cost a single job."

These and many similar reports conformed with the findings of a detailed study of the prospective impact of pollution controls on 14 major industries between 1972 and 1976 recently made for the Council on Environmental Quality, the Environmental Protection Agency and the Department of Commerce by 11 independent consulting firms.

Of 12,000 plants in the 14 industries, the study report said, about 800 would close "in the normal course of business" between 1972 and 1976 anyway. Pollution abatement requirements, it was estimated, might cause an additional 200 to 300 to close, but many of these would be economically weak units that would probably close anyway in a few more years.

These possible environmental closings, it was said, might involve a theoretical loss of 50,000 to 125,000 jobs—1 to 4 per cent of the employment in the industries involved.

Mr. Train and others have also noted that national pollution-abatement cost projections are seldom balanced against the existing costs of pollution itself—at least $16-billion a year for air pollution, by Federal estimate, and $13-billion a year for water pollution.

Other factors that tend to make industrial pollution-control cost figures larger are:

Such outlays are not an all-at-once expense, but can be spread over 20 years or more—the lifetime of the facilities—even though their depreciation can be compressed for income-tax advantages to as little as five years..

In many cases pollution-control-equipment expenditures are accorded other Federal and state tax advantages. Facilities can often be financed through tax-exempt bond issues sponsored by public agencies, affording industries lower financing rates than on ordinary construction.

Joseph Kivel, an officer of the E.P.A.'s planning and evaluation division, said: "I think almost all the plants affected by pollution-control regulations so far are marginal. They're not making much money or they aren't making any. I don't think any industry that is healthy will be closed down as a result of pollution legislation."

The idea that pollution control is unduly costly to industry was challenged recently by two economists—Joseph H. Bragdon Jr. of H.C. Wainwright & Co. and John A. Marlin of the City University of New York—who studied the financial records from 1965 to 1970 of 17 pulp and paper companies covered in a recent pollution analysis by the Council on Economic Priorities.

"The evidence," they said, "suggests not only that this hypothesis [of undue expense] is entirely untenable but also that the reverse—pollution is unprofitable—is the case in the long run. The earnings performers during the 1965–70 period seem to include a disproportionate number of companies with strong records in the areas of pollution control." They suggested these concerns had good management that was conducive to both low pollution and high profits.

"In some cases," William D. Ruckelshaus, head of the Environmental Protection Agency, said recently, "it happens that by prodding industry to clean up we're encouraging modernization and development of more efficient plant facilities, which is a net benefit to our general economy."

WHERE POLLUTION CONTROL PAYS OFF

To hear most businessmen tell it, purging pollution is a costly task that will eat up capital investment funds and erode profits. Out in Midland, Mich., this attitude is greeted with polite smiles. For Dow Chemical Co., *mirabile dictu,* is managing to offset completely the costs of its ambitious pollution-control program.

In Dow's view, pollution is a wasted resource—valuable material dumped into the air and water or fed into costly treatment plants. The company is out to eliminate pollution at the source, by changing production processes and by recycling waste streams for further processing. So far, Dow has recovered enough valuable chemicals and boosted its process efficiencies so much that its abatement program is more than paying its own way.

Last year Dow invested $20-million in pollution control equipment; at a 9% depreciation rate the annualized capital cost came to $1.8-million. In addition, Dow spent $10.5-million to run abatement equipment, thus raising its environmental cleanup tab to $12.3-million. "We recovered at least that much," says Chet Otis, director of Dow's two and a half-year-old ecology council.

RETRIEVING CHEMICALS

Two examples underscore Dow's approach. At Midland, Dow is erecting 28 cooling towers, which will reduce by half the heat load added to the Tittabawassee, a small river that snakes through Dow's huge chemical complex. Though the towers cost $7.2-million, they will more than pay for themselves by enabling Dow to reduce corrosion and cut its water intake from the river by 100-million gal. daily. Technicians also surveyed all 4,552 air vents at Midland, then equipped each with additional filters, condensers, and charcoal absorption devices that stem pollution and recover chemicals.

In all, Dow's Midland division has saved chemicals worth more than $6-million in the last three years. And since 1969 it has trimmed the amount of waste flowing to its treatment plants by 35%—a further saving. Perhaps more important, Dow is one of the first chemical companies to have built "zero discharge" plants that completely recycle waste.

"Dow has shown great sensitivity to environmental needs," says Spenser Havlick, conservationist at the University of Michigan. Adds Howard Brown, of the Manufacturing Chemists' Assn., "In water treatment, Dow is outstanding in the industry."

Dow's approach stems from the company's unusual circumstances in Midland. Started there in 1897, the sprawling complex now produces one of the industry's most diverse arrays of chemicals: some 500 product families ranging from consumer goods, such as Saran Wrap, to tongue-twisting industrial chemicals like Isopropylidenediphenol. Yet unlike the large complexes on the Houston Ship Channel or the Gulf Coast, Midland has only the tiny Tittabawassee to assimilate pollutants. By the 1960s, Dow had devoted 400 acres to pollution control, and Dow men joked that "the outhouse was getting bigger than the house." They soon realized that the problems of a big plant on a small river would never be solved by treatment plants alone—not without putting Midland at a competitive disadvantage vis-a-vis Texas-based producers.

COMPETITION'S SPUR

In short, Dow simply had to find ways to offset abatement costs, and that meant critical examination of every process. Since Dow was already one of the most efficient chemical companies, the task was a little like using the squeal of the pig. Dow set up its high-level ecology council, with 24 sub-councils to cover every product line. Ground rules were simple. Decentralize pollution responsibility to achieve building-to-building accountability, and delay capital spending until pollution problems were identified and solutions designed. In addition, Dow set up a special laboratory to study waste prevention, established a panel to test new industrial products for environmental hazards, and required all researchers to assess the environmental impact of their projects.

For all its efforts, Dow is not yet out of the ranks of corporate polluters. The company will not eliminate serious air pollution from its powerplants in Midland until a nuclear plant is completed in the mid-1970s. And Dow has been indicted for discharging mercury from a chlorine plant in Canada. Dow has since cut the discharge sharply, and is phasing out the mercury process entirely.

For now, Dow is clearly on the right track, and its experience offers encouraging evidence that well-managed companies can abate pollution at minimum cost—or perhaps even earn a buck in the process. Says Dow Chairman Carl A. Gerstacker, "There's a profit opportunity in pollution prevention that we have only just begun to realize."

ORGANIC FOODS

Mr. PERCY. Mr. President, the past few years have witnessed a tremendous increase in the public's demand for organic foods. Unfortunately this new-found popularity has meant that the marketing of organic foods has become one of the Nation's newest get-rich-quick schemes.

Approximately $60 million will be spent this year on foods sold as naturally processed or organically grown. According to some nationally recognized experts, fraud is so rampant in this field that half the time consumers will be cheated on the products they buy. This is true in part because organic farming, labelling, or advertising are free of government regulation or oversight and, more importantly, no legal definitions exist for the terms "organic" or "natural."

To help rectify this situation, I joined the Senator from California (Mr. CRANSTON) on June 28 in sponsoring Senate bill 3768 to provide the FDA with authority to regulate the advertising and distribution of organically grown and processed foods. A similar bill, H.R. 14941, was introduced in the House of Representatives by Representative EDWARD I. KOCH.

This bill, for the first time, defines the terms "organically processed" and "organically grown." Organically processed foods are products which in their processing have not been treated with preservatives, hormones, antibiotics, or synthetic additives of any kind. Organically grown items are foods which have not been subjected to pesticides or artificial fertilizers and which have been grown in soil whose humus content is increased by the addition of organic matter.

To insure strict adherance to these definitions, our bill requires Federal reggistration of all processing plants and farms that produce organic foods, as well as a minimum of two inspections a year of such operations.

The Rodale Press, of Emmaus, Pa., publisher of two influential organic farming magazines, Prevention and Organic Gardening and Farming, is currently issuing its own certification to "organic" farmers and processors. It estimates that there are nearly 3,000 farms in the country that would immediately qualify for licensing under the requirements of the bill.

In addition, the bill directs the Food and Drug Administration to initiate standards by which products can be sold or advertised under the label "organic."

Finally, the bill prohibits non-registered organizations from using the terms "organically processed," "organically grown," or "organic" for advertising, labelling, or any similar purpose.

Strong and effective legislation is needed in this area not only to protect the consumer of organic food products, but the legitimate producer and processor as well. Only in this fashion can we eliminate the fraud and deception which now appear widespread in this field.

I am pleased to join with the senior Senator from California (Mr. CRANSTON) in sponsoring this legislation.

TRIBUTE TO "RED" COX

Mr. SPARKMAN. Mr. President, it is a great pleasure for me to invite the attention of Senators to an article published in the Birmingham News of October 29, 1967, about a man many of us have known as Mr. "Red" Cox. I met Red when he joined the staff of Representative Albert Rains in 1945. Red is now retiring after 39 years of Government service and plans to enter the public relations business. I would like to honor Mr. Cox and mark this occasion by allowing his friends in Congress to read this article. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ETOWAH MAN RODE $20 TO U.S. CAREER

(By James Free)

WASHINGTON.—Just before the Alabama bank was forced to close in the "bank holiday" declared in the depths of the economic depression in 1933, the First National Bank of Attalla cleared a final loan—for $20.

With this modest but hard-to-get stake, Elmas E. (Red) Cox bought a one-way ticket to Washington, D.C., and arrived here, flat broke, on a blustery March day.

He considered himself lucky and relatively rich, for he had the promise of something that millions of able-bodied adults badly needed at the time—a job.

Cox began his career in the federal government at $100 a month. He is best known to Alabamians for his 20 years as top aide to former Rep. Albert Rains, D-Ala., from 1945 to 1956.

For these past two years, he has been special assistant to the Comptroller of the Currency—an office that functions under the Treasury Department. And, appropriately for Cox, it is the one in which he started at the bottom of the Civil Service ladder and progressed to the highest, so-called "supergrade" (18) at $26,000 a year (now $36,000).

Fortunately for Red Cox, his two decades on Capitol Hill, to a considerable extent, were related to his earlier and later work in the executive branch.

His legislative boss, Rep. Rains, was an active and most effective member of the House Banking and Currency Committee, which deals with many fiscal and banking problems.

Red, a husky, gregarious six-footer, is known as a man with friends in many places—particularly in Congress—as a fellow who can get things done.

His friendliness and talent for getting along with people in difficult situations helped him get going in the first place.

He had hoped to go to Howard College (now Samford University) after his graduation from Etowah County High School. In fact, he went to Birmingham to enroll, but had to withdraw. The economic stagnation had engulfed the Cox family, too, and his mother was ill.

So back in Attalla, Red attended classes of the Alabama School of Trade. "I thought I might become an electrician," he said. "But it didn't take. My wife says I can't even fix an electric plug in our house, and I guess she's right."

Before long young Cox got into something less technical. He became a room clerk at a local hotel, which no longer exists. One of the residents, when Congress was in recess, happened to be then Rep. Miles Allgood.

He liked Red, and promised to help him land a job in Washington. He kept the promise.

After a few weeks with a temporary agency, Cox—thanks to Rep. Allgood—latched on to a position as file clerk in the Office of the Comptroller of the Currency. He remained with this sub-agency of the Treasury Department until Dec. 16, 1937.

It aided in setting up the Federal Deposit Insurance Corporation in September 1933. His next job was with the Federal Housing Administration, until he went to Capitol Hill in January, 1945, to join newly elected congressman, Albert Rains, in a post now classified as administrative assistant.

In addition to the friends met through his work with Rep. Rains, Cox's acquaintanceships were widened through his marriage to the former Miss Josephine Frick of Houston, Tex., who had served as secretary to Reps. Albert Thomas and Olin Teague of Texas.

When Rep. Rains retired to private law practice in 1965, Cox had a number of job offers. One of the best came from Aerojet General, one of the giants in the "space" program.

He chose to go back to the agency where he started—the Office of the Comptroller of the Currency. "I figured it would be easier to work with banks than to get a man on the moon," said Red.

The present comptroller, William R. Camp, is a career man that Cox knew in the same shop when both were new to Washington.

The Coxes live at Lake Barcroft in suburban Virginia. They have two sons, Barry, a senior in civil engineering at the University of Alabama; and Lee, 13.

Red likes to fish, when he gets the chance. And he can do it on short notice, since he lives on a lake. His main recreation is politics. "I'm a damn good Democrat," he says.

ALCOHOL AND HIGHWAY SAFETY

Mr. PERCY. Mr. President, more than 50,000 Americans are killed on our highways each year. This is an alarming death toll particularly when we consider that a majority of these accidents could be prevented.

Alcohol has a significant influence on highway accidents. Approximately one-half of all deaths on the road are a result of the drinking driver. He causes an estimated economic loss in highway mishaps of $8 billion annually.

The National Safety Council reported last month that the first 4 months of 1972—

> Have been among the worst for traffic safety in the history of the United States. A total of 16,320 persons have died nationwide since January 1. There were 4,440 in April alone, making it the deadliest April for traffic ever.

Also in its report, the NSC urges that some portion of the Federal alcohol beverage tax receipts be utilized to help finance better highway safety programs. Several States have approved new legislation to allow 18-year-olds to purchase and consume alcoholic beverages, therefore, the revenues collected from the Federal tax could exceed $5 billion in the years to come.

Since alcohol is so directly related to highway accidents and deaths, it would seem reasonable to suggest that some portion of these receipts be allocated to highway safety. I have proposed such a plan. In the bill (S. 2719) which I introduced last year, I recommend that as much as 10 percent of the Federal alcohol tax be utilized to improve highway safety and get the drunk driver off the streets. Based on the 1970 revenues, 10 percent would have amounted to $475 million. This figure is more than five times what is currently being spent.

In May of this year I was privileged to testify before the Subcommittee on Public Roads of the Senate Public Works Committee on my proposal. I urged the committee to make highway safety spending a higher national priority and to assure adequate funding through the use of the Federal alcohol tax. Other witnesses, including the National Safety Council, also testified to the inadequacies of current programs and funding levels.

The problem of the drinking driver is so serious and the deaths that result so senseless that I believe the longer we hesitate the more irresponsible our indifference becomes. If we had moved earlier to implement stronger programs in the States and assure Federal funding for them, perhaps many of the 16,000 persons who died in the first part of this year would have been saved.

WINDOWS ON DAY CARE

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from "Windows on Day Care: A Report Based on Findings of the National Council of Jewish Women." This excellent and perceptive report was released by the council last week.

I invite the attention of Senators to the study because it relates directly to legislation now under consideration by the Senate—the bipartisan child development bill agreed to last week by the Subcommittee on Employment, Manpower, and Poverty, and the day care provisions in H.R. 1 now before the Committee on Finance.

The report of the council documents the disgraceful inadequacy of existing day care services in this country. By now most of us have heard the statistics: that there are almost 6 million children under the age of 6 whose mothers are working, but only 700,000 licensed day-care slots available to serve them.

What this report adds to the picture is the firsthand experience of parents who have desperately tried to find quality day care and have been frustrated in this effort in one way or another.

Here is a description of one of the centers visited for the study:

> This is an abominable center. It was very crowded. In charge were several untrained high school girls. No adults present. No decent toys. Rat holes clearly visible. To keep discipline, the children weren't allowed to talk. This mass custodial center couldn't have been worse.

This description summarizes well the problems highlighted in the study: lack of standards for physical condition of many centers; lack of enforcement of standards concerning the ratio between children and staff; lack of stimulating educational experiences in many programs; lack of trained staff; and lack of adequate funding.

But the study also includes a most encouraging set of findings on the quality of Headstart—the most creative federally supported preschool program. "The Headstart centers evoked warmer praise on the part of the survey participants than any other group of centers observed," according to the report.

Of the Headstart centers studied, the council found that:

Ninety-three percent had parents on their boards.

Eighty-three percent employed parents as aides in the center.

Ninety-five percent had medical or nursing services available.

In addition, Headstart directors were found to have greater training than most directors or other programs.

A Headstart center in the Pacific Northwest was singled out by the researchers as an example of a program of superior quality. Compare this description with that of the center I referred to earlier:

> The center was open from seven in the morning until six at night. The director, professionally trained in the field of early childhood education and with a college degree, received a salary of $10,000. Four full time non-professionals . . . a part time aid and four volunteers also assisted. There were thus fewer than five children to each adult. The service of a nutritionist, cook, nurse and social worker were shared with a public school . . . Parents were actively involved as board members . . . There was a good playground as well as good indoor and outdoor space and equipment. The observer was impressed by what she regarded as an excellent program.

The importance of this finding with respect to the quality of the Headstart programs cannot be overemphasized. In what this study shows to be an otherwise disappointing nonsystem of day care, Headstart is a promising example of what good can be done. That is why the legislation I introduced last year—which was vetoed by the President—and the new bill I have introduced in this session build upon the best elements of the Headstart approach—the provision of a quality program including educational, medical and social services, with parental involvement, adequate training and decent standards, and those elements which have been retained in the bill reported last week by the Subcommittee on Employment, Manpower and Poverty.

That bill speaks in many ways to the recommendations of the Council report. The Council calls for free services for poor families and partially subsidized services for families with higher incomes. The Council stresses that "child care programs must provide the educational, nutritional, health, psychological and social and other services necessary if children are to realize their potentials."

Other council recommendations include the expansion of Headstart and the upgrading of standards to assure that centers provide quality programs.

Mr. President, I wish to place in the RECORD chapters I and IX, which describe the methodology of the study and the recommendations emanating from it. I sincerely commend it to the attention of Senators and to members of the public who share our concerns about children and child development.

There being no objection, the chapters were ordered to be printed in the RECORD, as follows:

CHAPTER I. THE PLAN OF THE REPORT AND HIGHLIGHTS OF FINDINGS AND RECOMMENDATIONS

This Windows on Day Care Report tells the story of what members of the National Council of Jewish Women in 77 of their local Sections saw when they examined existing day care needs and services in their communities.

To put Council findings in the perspective of the national scene, Chapter II summarizes highlights of what is now known about the arrangements made by mothers who obtain day care services for their children. It also indicates the extent to which present child care facilities throughout the country fail to meet existing and anticipated needs.

What did the need for day care in their own localities look like to Council members participating in the Windows on Day Care Project? Their findings are presented in Chapter III. Chapters IV, V, and VI summarize what survey participants saw when they visited proprietary and non-profit day care centers and day care homes.

Chapter VII reports what Council members learned when they talked with mothers about their own day care needs and problems.

Chapter VIII offers illustrations of what Council Sections are doing in their communities to help expand and improve day care services.

Chapter IX presents recommendations for action at the national, state and local levels. They are offered for the consideration of all who share the Council's conviction that a country as well endowed as ours can no longer ignore the fact that millions of our youngsters are today denied the developmental opportunities which should be the birthright of every American child.

A FEW HIGHLIGHTS OF FINDINGS

With respect to the national scene, many groups of children are urgently in need of developmental day care services:

CHILDREN OF WORKING MOTHERS

Six million children under the age of six have working mothers. Most of them work for compelling economic reasons. About a million of the children whose mothers are employed are in poverty; another million are in families living close to the poverty line. Most of the families of these two million children would be on welfare if their mothers weren't earners.

Only a very small percentage of the children whose mothers are employed now benefit from developmental day care services. The large majority are cared for in their own homes or the homes of others and most of them receive only custodial care. Well under ten percent are enrolled in licensed day care centers. Of the centers visited by Council members only about a quarter provided developmental care including educational, nutritional and health services, the essential components of quality care. Survey participants found that far too many children of working mothers were grossly neglected latch-key children on their own, children who went with their mothers to their places of work because no other arrangements could be made for them, children in day care centers and homes of such poor quality they may suffer lasting injury. The first five years of a child's life are the period of the most rapid mental, personality and physical growth. Deprivation in the early years can have disastrous effects.

The number of children of working mothers in need of care has been rising considerably more rapidly than the supply of services available.

Children of mothers who do not work and are in poverty

A second group of children no less in need of good day care are the two and one-half million children under the age of six whose families are in poverty and whose mothers are not employed. Most of these children are economically, educationally, and physically seriously disadvantaged. Part-day care could give these children the head start they so greatly need. The many people Council members interviewed in their communities, closest to day care needs, agreed that we are doing far, far less than what we should be doing for these children.

Other children who need care

There are many others whose need for good day care is urgent: infants, for whom little quality care is available; handicapped children whose special health and other needs could be met by competent day care specialists but who now receive little assistance; children whose mothers are ill or handicapped; children whose mothers are studying or in work training, or whose voluntary services in the community make a vital contribution. In need of day care are all the additional children whose parents desire it for them at a price they can afford.

The acute shortage of quality day care facilities today is depriving millions of children of the opportunity to get a good start up the ladder of life. For many it will forever deprive them of the chance to realize their potentials.

Acute local shortages reported

In their local communities participants found mounting concern with what can only be called a day care crisis in most of the areas in which the survey was undertaken. In community after community the people most knowledgeable about day care needs and existing services told Council interviewers that an eight or ten fold or even greater expansion of quality day care would not suffice.

The growing day care shortage hit all income groups hard. That the poor suffered especially was obvious. Federal funds for day care now help provide services for fewer than 5 percent of the children of economically disadvantaged families most in need.

Most parents who want quality care for children are not eligible for care that is subsidized and they cannot find affordable, unsubsidized quality care. Developmental day care services are expensive. They cost as much as $2,000 to $3,000 a year a child. Few families can afford that. Thus millions of parents make do with inferior and often harmful arrangements.

Council findings about day care centers

All licensed proprietary and non-profit centers in the United States had an enrollment capacity in 1970 for about 625,000 children, many of whom were cared for only part day. This number included children of preschool age, and those of school age who received care only after school. Council members visited 431 centers throughout the country caring for about 24,000 children.

It was found that the great majority of the children cared for in the centers observed had working mothers. Proprietary centers primarily served middle- and higher-income families. The non-profit centers largely enrolled children from low-income families although some of them did accept children from middle income families which were charged fees scaled to income.

Children from one-parent homes headed by working mothers were a small minority in most proprietary centers. Most of the proprietary centers visited were too expensive for most mothers without husbands. Most non-profit centers gave these children top priority. In two-thirds of such centers visited by Council members, children from one-parent homes were a sizeable majority.

About three-fourths of the day care centers observed were largely segregated institutions, serving only white or predominantly white families, or only black or predominantly black families.

Findings about proprietary centers

Here are a few additional findings about the proprietary centers seen:

The average fee charged was about $18.50 a week per child. Council members felt that this was all that the great majority of families served could afford to pay, yet they recognized that fees at this average level do not and cannot possibly buy developmental care.

Because the average fee charged was less than half what quality care actually costs, parents got what they paid for. In more than half the proprietary centers the size of classes exceeded generally accepted standards and the adult-child ratios were far too low.

Salaries paid center directors and other professional staff were, on the whole, very much lower than those paid elementary school personnel. The great majority received less than $4,000 a year with many paid subminimum wage rates. With salaries so low, as was to be expected, the majority of the staff were people with little or no training in early childhood education or development.

On the basis of the wide range of information collected, the proprietary centers visited were rated as to whether they seemed to be providing care which might be called "superior," "good," "fair," or "poor." Only one percent of the proprietary centers visited were considered "superior." 15 percent were regarded as "good." An additional thirty-five percent were essentially custodial, providing "fair" care in the sense of meeting basic physical needs with very little, if any, by way of developmental services. Half were considered to be rendering poor care and in some cases this was found to be very bad indeed. Many illustrations in the Report demonstrate this to the hilt.

Findings about nonprofit centers

The non-profit centers presented, on the whole, a more encouraging picture. About 15 percent of the non-profit centers visited were Head Start projects; about the same percentage were other programs wholly financed by public funds. About one quarter of all non-profit centers observed were jointly financed by public and private funds and another one quarter were centers run by philanthropic agencies. A few were hospital based. Many of the remainder were church operated, usually run on a fee for service basis.

On the whole, of all centers seen, the best of the Head Start Centers elicited the most praise on the part of Council members.

While Head Start and most of the other publicly financed programs provided service without cost or at a nominal fee, a large majority of the other non-profit programs scaled their fees from nominal amounts upward, according to the income of the parent (fees averaging about $11 a week), or charged a flat fee (averaging about $14 a week).

While non-profit centers catered primarily to working mothers, the majority of whom headed their own families, their hours were not as well adjusted to the needs of employed mothers as might have been expected. None of those visited were open around the clock and very few were open long enough to meet the needs for women who got to work very early or who worked late or on week-ends.

Qualifications of directors of non-profit centers were far higher than those who headed centers under proprietary auspices, although there was relatively little difference as to the degree of training of other staff members.

Salaries paid were far better in non-profit than proprietary centers for both professional personnel and aides. In a far higher proportion of non-profit centers than proprietary ones, adult-child ratios met generally accepted standards; and non-profit centers were considerably more likely to provide the full range of services considered necessary for developmental care. For these, among other reasons, the services of the non-profit centers were, on the whole, rated much higher than those of the proprietary centers visited. This is understandable. Costs of services ran far higher in the former than the latter. Services in many publicly financed centers were reported to cost well over $2,000 a year per child; in some the cost exceeded $3,000.

Of all non-profit centers seen, nearly a tenth were regarded as "superior," providing care as good as any found. Somewhat more than one quarter were considered "good," and about half were rated "fair," meaning that while they provided for basic physical needs they were essentially custodial. Somewhat more than a tenth were considered "poor." Council members felt that some of the poor centers shouldn't have been permitted to go on functioning.

Family day care homes observed

Turning to a few observations about family day care homes, it is estimated that, in the nation as a whole, as many as 2 million children may be receiving care in homes other than their own while their mothers are away at work. Fewer than five percent of these homes, it is estimated, are licensed or supervised.

Council members, seeing family day care homes at their best felt they sometimes offered development opportunities fully equal to that available in superior centers. While nine percent of the homes observed were thought to be providing "superior" care, 28 percent were regarded as "good." Half were custodial in nature providing no educational or other services beyond the mere meeting of physical needs. An additional 11 percent were regarded as "poor" or very poor. Some of the latter provided the worst horror stories encountered.

What mothers had to say

The interviews with mothers reported by Survey participants were particularly interesting. A large proportion of the mothers receiving welfare assistance with whom Council members talked said they had searched to no avail for free or low cost care for their children in order to be able to look for work. Mothers in work training programs often said the free or low cost care being provided their children wouldn't be available once they found employment. They didn't see how they could take jobs since the cost of child care would bring their earnings below welfare levels.

Working mothers comprised a large majority of the women interviewed. Most of them shared day care related problems including finding good enough care at a low enough price, arranging for transportation, and finding facilities open early and late enough to accommodate job schedules. While a few mothers received free care, fees for others ranged from $2 to $100 a week, with their weekly outlays averaging $15.

Of all child care arrangements used by the mothers interviewed, center care evoked the warmest response particularly because it was more apt than other types of service to include educational components.

Among the mothers not at work who were interviewed some said that were it not for day care difficulties they would be at work, or in study or work training programs. Others said they did not wish to join the labor force believing their young children needed their full time attention.

What council members are doing

Section reports included accounts of what members were doing to expand and improve day care in their communities. At present, 131 of the Council's 176 Sections are active in day care, many in more than one way. A number of other Sections are considering various day care projects. At least 32 Sections are now sponsoring or co-sponsoring day care centers. An additional 58 Sections are trying to set up centers, some of which are on the verge of opening; others are looking into the possibility of doing so. Twelve Sections which had initiated day care centers have turned them over to others to run. Thirty Sections contribute volunteers on a regular basis to day care centers sponsored by others. At least 23 Sections contribute services to day care centers other than providing regular volunteers. In the areas of coordinating and/or stimulating day care in their communities or states, 26 Sections are or have been specifically concerned with the 4-C Program (Community Coordinated Child Care). Some 38 Sections have been taking a leading part in helping to coordinate and stimulate day care in their areas through programs other than the 4-C Program. Five Sections are or have been active in efforts to expand and improve family day care and three in the training of day care center workers.

A significant contribution to the Sections' work in the day care field emerged from the work undertaken to make this Report possible. Many Council members reported that this had enlarged their understanding of day care needs in their localities and had stimulated them to seek additional means to help meet them. For many it opened up new, constructive roles in various day care activities. For all it deepened the conviction that ours, the richest of all nations, can and must rise to the day care challenge that confronts us.

HIGHLIGHTS OF RECOMMENDATIONS

1. Comprehensive developmental child day care services should be available to all families who wish their children to benefit from them.

2. Federal appropriations of at least $2 billion are recommended for fiscal year 1973, rising by $2 billion annually well into the 1970's, to expand and improve quality day care services. Program funds should be allocated only to public and private non-profit programs and to the upgrading of family day care homes.

3. Day care should be provided without charge for children in low income families, with fees scaled to income for others. Economically disadvantaged children should have priority.

4. Head Start programs should be continued and expanded.

5. Day care should not be regarded as a "welfare" service. It is needed by families at all income levels. All publicly assisted day care programs should be integrated racially, ethnically, and with respect to socio-economic groupings.

6. State and local matching funding requirements should be reduced to 10 percent and waived as necessary.

7. Existing appropriations under Title IV of the Social Security Act and other existing programs should continue uncurtailed.

8. All Federal day care programs should be coordinated. Consideration should be given to the extent to which funds under these programs might flow to the States and localities through a single channel.

9. A clearinghouse should be established in the Office of Child Development of the Department of Health, Education and Welfare to provide state and local groups information as to the sources of all Federal funds available for day care services and procedures to be followed in applying for them.

10. Neither work training nor employment should be a mandatory requirement for public assistance eligibility of mothers. The right to choose whether to work or to take care of their own children is one to which all mothers are entitled.

11. With respect to the delivery of expanded day care services, we recommend the establishment at the local governmental level of an Office of Child Development, or its equivalent, where such an agency does not now exist, to coordinate the full range of publicly assisted child care and related family service programs. We also recommend the establishment of representative, local child and family service policy councils, with a high degree of parental participation. It is recommended that Federal funds be allocated to help support these functions. This mechanism would provide a useful means for utilizing those local 4–C (Community Coordinated Child Care) Committees which meet accepted criteria.

A similar mechanism is recommended at the State governmental level.

12. Concerted effort is needed in all communities to:

Survey needs for comprehensive child care services.

Prepare local plans for meeting needs.

Eliminate overlapping efforts.

Expand care for infants and toddlers, for bilingual children, for handicapped children, and for other children with special needs.

Provide early morning, late day and night care for children of mothers whose working hours require such services.

Expand day care services in the neighborhoods where children live.

Expand transportation services relating to day care.

Cluster day care centers to effect improved common services.

Satellite day care homes around day care centers.

Provide day care jobs for parents and others with provision for career ladders.

Expand training opportunities for day care workers, both professional and non-professional.

Encourage volunteer participation in day care programs and training opportunities.

Eliminate substandard wage scales and excessively long hours of day care personnel and make professional salaries commensurate with those in elementary education.

Improve state and local licensing statutes and procedures and improve the quality of enforcement and its effectiveness.

Assure better continuity between day care and elementary education.

Expand all types of quality care in the community, public and private.

Develop educational programs for parents relating to day care needs and available services.

Include in the high school curriculum courses in family life and child development that provide opportunities for volunteer service in day care centers.

Educate the public as to the magnitude of day care needs and the soundness of a large scale public investment in comprehensive child care and related family services.

CHAPTER IX. RECOMMENDATIONS

THE GOAL

Our ultimate goal as a nation should be to make available comprehensive, developmental child care services to all families that wish to use them. These services should be provided without charge to low income families (defined as families of four with incomes of less than $4,320 a year), and to families with incomes above that level for fees on a sliding scale based on family income.

The diversity of need for child care services should be recognized. Full-day developmental child care services should be greatly augmented for the preschool children of mothers who are employed and mothers in work training and study programs. Priority should be given to children of mothers who head their families, and to other children in economically disadvantaged families. Part-day services of a developmental quality need to be greatly expanded for other children whose mothers are not employed and whose parents wish them to benefit. Here, too, economically disadvantaged children should have priority.

This report focuses on the need for day care services for children of preschool age. Our recommendations, are, therefore, addressed largely to the needs of those children, although we recognize fully that an even larger number of school age children whose mothers are employed are in no less urgent need of care before and after school.

FEDERAL LEGISLATION CALLED FOR

1. We recommend that sufficient Federal funds be authorized for fiscal year 1973 to provide developmental day care services on a full day basis for an additional 200,000 children, one half of them to be fully subsidized, and one half to be partially subsidized, with fees scaled to income; and, on a part-day basis, for an additional 200,000 children, one-half to be fully and one-half to be partially subsidized.

It must be recognized that comprehensive child care services cost money; they cannot be skimped if they are to provide adequately the range of services essentially to the mental, emotional, and physical development of children. Child care programs must provide the educational, nutritional, health, psychological, social, and other services necessary if children are to realize their potentials.

In hearings in January 1971 before the Senate Committee on Labor and Public Welfare on S. 1512, the Comprehensive Child Development Act (subsequently passed by both Houses of Congress but later vetoed by President Nixon), Dr. Edward Zigler, Director of the Office of Child Development, Department of Health, Education and Welfare, submitted estimates of the costs of group care. The cost of full-day group care of "acceptable quality" was placed at $1,862 per child, per year and of "desirable quality" at $2,320 per child, per year, based on 1967 cost data. By the end of 1971, those cost estimates, adjusted for subsequent price rises, would have been $2,292 and $2,856, respectively.

A study funded by the Office of Economic Opportunity examined the costs of 20 quality child care centers and day care homes sponsored by Head Start affiliates, other publicly financed agencies, and by private proprietary and private non-profit groups. It placed costs, as of November 1970, at an average of about $2,350 per child per year for a program for 25 children, at $2,250 for 50 children, and at $2,200 for 75 children. These figures would have been $2,442, $2,340, and $2,285 respectively at December, 1971 prices.

Assuming approximate costs of $2,300 per child, per year for full-day, fully subsidized child care and $1,200 for part-day fully subsidized care, and then adjusting those figures for the fees scaled to income that some parents might be expected to pay, a Federal outlay of at least $700 million would be required to provide direct services for 400,000 children of preschool age, on the basis recommended.

We recommend, in addition, that outlays for Head Start programs, which are estimated to total about $350 million in fiscal 1972, be expanded to at least $500 million in fiscal year 1973.

We recognize that the suggested expansion of services—which in our judgment is a modest target—would require outlays for administrative costs, training, technical assistance, planning and coordination, family participation and involvement services to families, construction and renovation of facilities, establishment of a mortgage insurance system, and research, among other essential purposes. We believe that an appropriation of $1.5 billion for fiscal year 1973 to expand developmental child care services for preschool children only would be insufficient to attain the suggested goals. Even a $2 billion Federal appropriation for fiscal 1973 for developmental child care services for children of preschool and school age, before- and after-school, would hardly suffice. Such an amount is the least that should be appropriated.

Program funding should be limited to public and private non-profit programs and to activities directed toward the upgrading of family day care homes.

We recommend that Federal legislation for the expansion and improvement of child care services drop the prevailing requirement for state and local matching at 70/30 or 75/25 levels, and instead place matching on a 90/10 basis, with procedures to waive the 10 percent state and local matching requirement as necessary.

If programs are to be increased to reach those most urgently in need of developmental child care, Federal outlays should rise by a least $2 billion more every year, to $4 billion in fiscal 1974, and $6 billion in fiscal 1975, and so on well into the 1970s.

Given the clearly demonstrated magnitude of need, as we have seen it in our communities, we cannot afford to do less. The suggested $2 billion authorization for fiscal 1973 would represent less than one fifth of one percent of the value of our total output of goods and services. It would be equivalent to less than a fifth of what is spent each year for tobacco, and less than one eighth of what is spent for alcoholic beverages. We can afford this modest $2 billion investment in our children. We cannot afford the continued neglect of children—neglect we can document throughout the United States—the cost of which is huge in both human and economic terms.

PRESENT FEDERAL APPROPRIATIONS SHOULD BE SUSTAINED

2. It is our recommendation that the appropriation suggested above be a supplement to present outlays for other Federally supported day care programs. We strongly recommend that funding under Title IV–A remain open-ended, as at present.

INTEGRATION IS VITAL

3. Day care should not be regarded as a "welfare" service, any more than public education. Day care is a service needed and wanted by families at every income level. We strongly recommend efforts to assure that all publicly assisted child care programs be integrated racially, ethnically, and in terms of socio-economic groupings.

FEDERAL ADMINISTRATION AND COORDINATION

4. We recommend that the Office of Child Development of the Department of Health, Education and Welfare be designated as the agency to be responsible at the Federal level for the administration of the suggested new programs. We also recommend the establishment of a National Policy Council composed of representatives of parents, members of public and private agencies involved in the provision of day care services, and other acknowledged leaders in the fields of early childhood education, health and development.

It is vital that existing Federal programs which provide funds for a multiplicity of uncoordinated child care programs be effectively coordinated. The present lack of coordination stimulates grantmanship at the local level. A good grantsman may tap Federal funds from many agencies, each unaware of the allocations of others, while some communities, no less urgently in need, may receive little or no funding.

There is need for more than a clearinghouse to apprise each agency of the actions of others. Federal funds for child care services should flow to states and localities in accordance with sound state and local plans for action. There is need, too, for consideration of the extent to which Federal funds for child care services might be provided to the states and localities through a single channel.

NEEDED—A CLEARINGHOUSE OF INFORMATION ON FUNDING

5. Pending the development of a more effective coordination mechanism at the Federal level, the Office of Child Development should provide a clearinghouse in the Federal Government to serve as a single, central point for information on the sources of funds and the procedures that local groups and agencies might follow in applying for them.

REVIEW OF PRESENT ALLOCATIONS NEEDED

6. We recommend that an intensive review be made of the present use of Title IV–A funds. The review should be made by a committee appointed by the Secretary of Health, Education and Welfare, with a representative membership. As discussed in Chapter IV of this report, releases of the Department indicate that of the $300 million in Federal funds allocated in fiscal 1971 to the states and localities for day care under Title IV of the Social Security Act, nearly 60 percent of the total provided child care services in homes of welfare-assisted mothers; about 30

percent, provided care in family day care or group care homes; and only about 10 percent, provided care in centers.

NEEDED—IMPROVED REPORTING SYSTEMS

7. Another change needed at the Federal level is the improvement of the reporting system relating to day care and preschool educational facilities. Data are collected by the Office of Child Development on current enrollment in licensed day care homes and centers; statistics on enrollment in kindergartens and nursery schools are reported by the Office of Education. The two series overlap and there are serious deficiencies in both. There should be a single reporting system, providing information on the availability of day care and educational services for preschool children, both public and private, showing full-day and part-day enrollment capacities.

MANDATORY WORK REQUIREMENTS OPPOSED

8. An additional recommendation set forth, relating to Federal responsibilities, is that neither work training nor employment be required to make mothers eligible for public assistance. We believe all mothers should be free to decide whether to work or to take care of their own children. We regard this choice as a fundamental right in our society, a right which must be preserved.

We would emphasize that our investigations and those of others convince us that if quality day care services were to become increasingly available, a large proportion of AFDC mothers would elect to use them and to enter training programs or accept employment. We are strongly opposed not only to mandatory work requirements, but also to the development of a second rate care system for the children of welfare-assisted mothers. Disadvantaged children, even more than others, need developmental opportunities of high quality if they are to have an equal chance with the more fortunate; they must not be segregated as they are today in many publicly subsidized programs.

STATE AND LOCAL COORDINATION IS NEEDED

9. Not only should day care program activities at the Federal level be better coordinated; the Federal government has a major responsibility to encourage and assist more effective coordination of child care services at the State and local levels. The 4–C program (the establishment of state and local Community Coordinated Child Care Committees) was initiated toward this end. While the program is potentially a very useful one, it has failed to achieve its declared objectives, with some notable exceptions, because of inadequate staffing and support, and lack of directional clarity and of interagency coordination at the Federal government through the regional offices to the state and local committees. Very little Federal funding has been available except for a limited number of pilot projects.

An original impetus to the establishment of 4–C committees in some areas had been the hope that these committees might be the recognized channels through which child care funds would flow from Washington. When this failed to materialize, some 4–C committees broke apart as local groups competed to become grant recipients.

Because 4–C committees have lacked common guidelines and have been largely dependent on very limited sums of local money, there has been great variation from locality to locality in 4–C organization and function. Some committees have promoted training opportunities or served as informational centers. Others have regarded themselves as child service advocates. A few have been involved in actual planning and coordination activities; a few have assumed roles with respect to fund administration, having obtained contracts to do so; and a few have been directly involved in program operation.

Local coordination is, we believe, essential to the accomplishment of many vital tasks. It is highly desirable in most communities that comprehensive surveys be conducted of local child care service needs, and of the availability and location of existing centers and homes in relation to those needs. There should be coordinated planning for facility and service expansion. Especially needed, if larger amounts of child care service funds were to become available, would be coordinated determination of where and how and for whom these funds could best be used. There are many other common purposes at the local level which can best be advanced through the coordinated efforts of all agencies involved, public and private.

Because effective coordination of all child care programs is vital, it should be encouraged and supported. It is not enough to provide, as has been proposed in some recent child care bills, that local governmental organizations (prime sponsors) and Child Development Councils coordinate and monitor only such new programs as the legislative proposals would authorize.

It is recommended that a small proportion of *all* Federal funds for child care and preschool educational services be earmarked for allocation to those communities which establish in their governmental structures an Office of Child Development, or its equivalent, as an intragovernmental mechanism for the coordination of the full range of child care and development, early education services, and related family service programs. Also as a requirement for such allotments, we recommend the establishment of local child and family service policy councils made up of representatives of parents who should constitute one third to one half of the members; of members of public and private agencies and organizations concerned; and of qualified community leaders. Neither the governmental unit nor the policy council should be identified as "welfare" oriented.

The establishment of such an agency and policy council could provide a much needed coordination mechanism with respect to the full range of public funds, Federal, state and local. This would offer an opportunity to use existing 4–C organizations to the extent they meet the eligibility requirements agreed upon, or they could be modified to do so. In other localities where 4–C committees or their equivalents do not exist or cannot be built upon, the suggested Federal allotments for coordination would serve as an incentive for establishment of coordinating policy councils. It is suggested that these councils should be policy making and not operational bodies with respect to the actual delivery of services.

State prime sponsors and policy councils are similarly desirable. There are essential coordination, planning and policy functions to be exercised at the state level.

EXPANDING AND IMPROVING SERVICES

10. We recommend the development or expansion of free or low cost training programs. Staff members of private and public centers and day care home operators can be encouraged to participate through a point accreditation system or similar mechanism. The courses should also be open to parents, especially those who are Child Development Council or project board members.

Concerted efforts are needed to assure the availability of day care services for the children of employed mothers who work at night or at early morning or late day hours, for infants and toddlers, for bilingual children, for handicapped children, and for other children with special needs.

It is important that comprehensive day care services be available in the neighborhood. Mothers strongly prefer not to transport small children long distances. Pending availability of sufficient care in neighborhood, steps must be taken to provide more adequately transportation as an essential component of child care service.

Role of the day care center in the community

We need to enlarge concepts of the role of the day care center in the community. This was well put by a committee appointed at a conference called by the Office of Child Development, in cooperation with the Office of Economic Opportunity, in the summer of 1970. This committee was chaired by Dr. Urie Bronfenbrenner, distinguished professor of psychology and child development at Cornell University. The committee's "Statement of Principles—Day Care USA," published by the Office of Child Development, said:

"The day care center should become the focus of social and service programs involving families, neighbors, local businesses, civic organizations, and any other agencies in the community. This enables the entire community to become aware of and actively concerned with the children in its midst. The day care program has the responsibility of serving as a bridge to the larger community in which the child lives."

We share these concepts and hope they will be more generally accepted.

There is need for intensive exploration of the possibilities for clustering day care centers, or grouping them into area systems. Economies and improved services could emerge in many instances from shared professional direction, staff interchange, common or cooperative purchasing, and other central services.

Day Care Homes

Another challenge relates to the difficult problem of how standards of family day care homes might best be improved. As has been discussed in Chapter VI, perhaps fewer than five percent of the immense number of day care homes are licensed or supervised. They are too numerous and too small in scale to be brought universally into compliance, even if more of them could be brought within the licensing system. Too vast an army of inspectors would be required. While we recommend that efforts be continued to license a larger proportion of family day care homes, there are many steps communities might take in the meantime to help upgrade the quality of these facilities. They include establishment of free or low cost courses in early childhood education and development in local community colleges and other educational institutions which day care home operators might be encouraged to take. Special child care centers should be established which might work in conjunction with satellite family day care homes in the neighborhood, at the option of the operators. The centers could provide workshops and film presentations and serve as lending libraries and lenders of educational materials, toys and equipment. Children in the homes might come to the centers for a number of hours a week to participate in group activities under skilled direction. Operators might visit classes. Center staff might visit family day care homes, at their operators' request, to consult and advise.

Day Care jobs for parents and others

The quality of child care services could be further enhanced through the large scale expansion of training opportunities for parents and others who desire them, both through on-the-job experience and/or through academic courses, to enable them to become day care aides, with ample provision for career ladders to further their advance.

Wage scales and hours

Another essential element in the upgrading of day care services is the elimination of substandard wage scales and excessively long working hours. No Federal funds should be allocated for programs in which day care personnel are paid less than the Federal minimum wage. Far higher salary scales for nonprofessionals should be encouraged. Professional salaries should conform with accepted standards for elementary school teachers and administrative personnel.

Linking pre-school and elementary education

Both day care and elementary schooling will benefit to the extent that there can be a closer interrelationship of and continuity between these educational services.

Others can help

A responsibility that all of us concerned with day care, its expansion, and its improvement should accept is to encourage, to the fullest extent feasible, the expansion of every possible type of quality day care in our communities, in addition to what is now being assisted or may be in the future, by public funds. Employers need to appreciate that the provision of child care services is a wise business move. It can greatly help curtail excessive rates of turnover of personnel and absenteeism, and promote the efficiency of mothers on the job. This includes employers in private industry as well as Federal, state and local agencies. Colleges and universities, hospitals, and other institutions could and should, on a far wider basis, provide child care services for students, trainees, and employees. Only one major trade union in the country has succeeded in including the provision of day care services on a sizable scale in its collective bargaining agreements. Why should not many other unions seek to do so? There is much that can be done to give greater impetus to these and other potential sources of day care service expansion.

IMPROVING STANDARDS AND THEIR ENFORCEMENT

11. Another key challenge to action is the improvement of the regulation and enforcement of child care program standards. We recommend that any legislation to expand funding for child care services provide for the development of Federal child care standards which local programs would have to meet to be eligible for funding, no less comprehensive than the 1968 Federal Interagency Day Care Requirements approved by the Department of Health, Education and Welfare, the Office of Economic Opportunity and the Department of Labor.

Recent joint efforts on the part of the Office of Child Development and the Office of Economic Opportunity to involve child care leaders in the development of a suggested Model State Licensing Statute are commendable. It is recommended that such a code, if it is to be a "model," be consistent with the high standards already set by several states, and not be geared to the lowest or middle common denominator of practice.

It is recommended that NCJW members work with representatives of other organizations in their states to urge their Governors to establish licensing review panels where they have not recently done so, to update and improve state licensing standards and administrative procedures, and to make them consistent with a recommended Model Statute. Steps are needed to bring local regulations and procedures into conformity as well, to eliminate overlapping jurisdictions and conflicting requirements, to find means to reduce the number of steps applicants for licenses must take, and to eliminate unnecessary delays and obstacles in the licensing process.

Standards are no better than their enforcement. In this area we are failing miserably due to inadequate appropriations as well as to unwieldy regulations. A vital role for Council members and others concerned is to press for adequate appropriations for enforcement and for the development of guidelines or manuals which outline clearly procedures to be followed.

We need a more humanized and service oriented concept of licensing enforcement. Inspectors must be more than police officers. They should be service oriented, and service trained, able not so much to crack down as to take a constructive part in the task of helping facilities to come into compliance. We recommend that Federal legislation for the expansion of child care services include allocations for the states and localities to help in the upgrading of licensing and enforcement.

EDUCATING THE COMMUNITY

12. Needed far more universally are educational programs at the local level to inform parents more fully about desirable standards for day care centers and family day care homes, to assist them in playing a more effective role through their own greater involvement and participation. Parents need especially to have sufficient information as to the kinds of services available from which they may choose, as best suited to their own needs and their children's.

Another educational activity recommended is the inclusion in the high school curriculum of courses relating to family life and child development, with opportunities afforded young people to participate as volunteers in high quality day care programs.

Community education programs are also needed to help the public appreciate more fully the magnitude of day care service needs, the stake of the community in the large scale expansion of quality services, and the soundness of an investment in comprehensive, developmental child care and related family services.

TRIBUTE TO ALABAMA'S ROY D. HICKMAN, PRESIDENT OF ROTARY INTERNATIONAL

Mr. ALLEN. Mr. President, one of life's great pleasures is to see recognition come to a man or a woman who daily gives generously in time and effort, as well as money, to help his fellow man.

For many years I have watched my fellow Alabamian, Roy D. Hickman of Birmingham, go about the daily tasks related to his business, Alabama Engraving Co., in Birmingham, and in a vast number of civic activities to which he not only gave use of his name, but which benefited from his active participation. The entire State of Alabama has served as a field in which he sowed the seeds of generosity. Roy Hickman's integrity as a businessman is matched by his reputation for doing for others with no thought of gain for himself.

Among the many activities to which he has given so freely has been the Birmingham Rotary Club and Rotary International. Since becoming a Rotarian in 1935 at the age of 33, he has served as president of his home club, as district governor, as aide to past Rotary International President Frank E. Spain—also of Alabama—and in many other capacities.

While conducting a successful business and taking a leadership role in his civic club, Roy Hickman also made time to work in an impressive array of community tasks, including serving in the presidency of the Birmingham Chamber of Commerce, the Sales Executive Club, the American Ordnance Post, the Executives Club and the Downtown Club. He has served local community chest and united fund organization, as an adviser to the Salvation Army, president of the Alabama Tuberculosis Association and director of the American TB Association, in addition to many other worthy causes.

He has amassed a vast array of honors, including the William Booth Award for distinguished service in civic and philanthropic activities bestowed by the Salvation Army.

And now, Mr. President, Roy Hickman has attained the highest honor that his fellow Rotarians can bestow—that of the presidency of Rotary International for the years 1972–73.

I think that my feeling of pride and pleasure at this new and great honor for Roy Hickman reflects the feelings of all of my fellow Alabamians. We are proud of and for him.

Mr. President, the July 1972 edition of the Rotarian includes an article on Roy D. Hickman, the 62nd President of Rotary International. This story of a modern day Horatio Alger hero is recommended reading. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEET ROY HICKMAN: WORK MADE THE MAN

(The 62d President of RI is a commonsense Rotarian who strongly values vocational dignity and Rotary's Object)

It has been said, "When you want to find out how high a man has climbed, you have first to learn where he started from." For the measure of how far Roy D. Hickman has travelled to become the 1972–73 President of Rotary International, one must look back to 1935, when he first became a Rotarian and beyond to his boyhood days in Chattanooga, Tennessee, where he learned the virtues of self-reliance, hard work, and the determination to succeed against adversity. Today he is the board chairman of Alabama Engraving Company and its affiliate Platemakers, Incorporated, both located in Birmingham.

A tribute to the 62nd President of Rotary International was read into the United States *Congressional Record* last November from the U.S. Senate floor by Alabama Senator James B. Allen, who stated: "Roy Hickman came up the hard way. He learned the meaning and value of work at an early age and worked to help put himself through college. His refreshing attitude toward work is expressed in these words: 'Working was the best thing in the world that could have happened to me. It teaches you to appreciate things more if you work for them than if they are handed to you on a silver platter.'"

Certainly the invitation to become a Rotarian was not presented on a silver platter, but hard earned. He first became interested in Rotary in 1926, when he arrived in Birmingham, Alabama, as a salesman for Alabama Engraving Company. In his field of selling photo engraving, especially for high school and college yearbooks, he called on every printer in town. He came to know the late John C. Henley, Jr., president of the Birmingham Publishing Company, charter member of the Rotary Club of Birmingham, and a Past District Governor of Rotary International. Rotarian Henley took an interest in young Roy and told him that in due time—when he had matured and was ready—he wanted him to become a Rotarian.

Nine years passed before John Henley, with some trepidation and confessed misgivings, proposed for membership in that staunchly conservative Club the name of Roy D. Hickman. As a customer of Roy's company, John had been impressed over the years by the integrity and intelligence of Roy Hickman, who was then far below the average age of the Club members. He was only 33—a mere stripling in the eyes of the Club grey-heads.

The Birmingham Rotary Club takes pride

in one of the oldest and richest histories in the U.S. Southland. Its low charter number—Rotary Club No. 56 chartered in 1913—indicates how early it came into being in Rotary. The Club's strength and vitality are evidenced by the eagerness of Birmingham Rotarians to spread the fellowship and service ideals to other Southern cities. Their missionary zeal, which earned the Birmingham Club recognition as "the evangel of Rotary," was instrumental in organizing new Rotary Clubs in Atlanta, Savannah, Macon, and Augusta, Georgia; in Tampa, Florida; in Montgomery and Mobile, Alabama; and Memphis and Nashville, Tennesee.

"There were giants in those days," as the Club history was to put it years later. And Birmingham Rotarians intended to keep that stature by carefully measuring proposed new members against the strictest of standards. So Roy Hickman's first handicap to be overcome was his age; in effect, he had to live it down. His classification was Printing and Publishing—Photo Engraving.

President Hickman recently recalled the words with which John Henley introduced him as a new member in 1935: "If Roy Hickman ever amounts to anything in Rotary, it will be because of what I taught him, and if he doesn't remember I told you so!" And although Past District Governor Henley told Roy he was on his own, he saw to it that the younger man had proper orientation and thorough indoctrination. Again Roy remembers his words: "'Now that you are in Rotary, you've got to take an active part if you're going to be worth anything to Rotary.' So he took me to the next District Conference, much to the disgust of my boss, who thought it was a waste of time.

"This gave me the desire then to look at Rotary worldwide by attending the International Conventions," says Roy, who was a delegate to his first RI Convention at Nice, France, in 1937, only two years after becoming a Rotarian. "Here I saw in practice the great opportunities afforded one to meet people from all over the world and learned again that service in your community through Rotary is very rewarding."

But in those early years Roy was a slender, modest young man with but little evidence of the "Marshal's baton in his knapsack" of which Napoleon once spoke as a desirable attribute of a private in the French armies. In brief, there was small indication then of the growth to greatness that was later to be earned by hard, intelligent labor in Rotary and in the military and commercial fields for which he was destined.

Author-lecturer Elbert Hubbard said, "Progress comes from the intelligent use of experience." The chronology of Roy Hickman's progress in his varied areas of excellence was distinguished by his steady acceptance of responsibilities and his elevation to fresh new ones which he earned by growth and achievement. And in his accomplishments there was already a harbinger of future greatness, illuminated by the sense of humor and the sense of proportion of which true humor is made. Roy never mistook the trivial for the essential.

His philosophy? Perhaps it can best be summed up by returning to the *Congressional Record* of the U.S. Senate carrying a tribute published by the Birmingham *News:* "I don't know of any other secret of success," said Roy, "than to find a job in a field that interests you and to work with people and learn from them. You can't help but gain from the experience of others, from their advice and their willingness to share their knowledge. In order to accomplish anything you have to learn to work with people." Not a bad credo for any Rotarian . . .

The 62nd presiding officer of RI was born in Chattanooga, Tennessee, on January 27, 1902, three years before the birth of Rotary. Roy Hickman's father, a railroad conductor, died when Roy was 2 years old, the youngest of a brood of six raised by a stout-hearted mother. As a youth, Roy sold electric light bulbs door-to-door and store-to-store to earn pocket money. He was so energetic and persuasive that he won several sales awards, and General Electric Company promised him a position when he graduated from college. Thus, after high school graduation, he entered the University of New Mexico at Albuquerque with intentions of becoming an electrical engineer. Soon, however, he switched to a business administration course of study with a major in economics.

Roy went to New Mexico through the influence of a favorite uncle and aunt who had moved from Alabama to Clovis, New Mexico, to homestead land before the New Mexico Territory became a State in 1912. For three Summers during high school days, he worked on his uncle's wheat ranch, driving a tractor and pulling a combine-thresher which harvested the golden grain.

Early at the university, Roy showed his genius and capacity for organization and efficiency, and student honors and responsibilities began to fall on him. As a freshman, he became student manager of athletics. His college fraternity, Pi Kappa Alpha, elected him president and in later years (1942–46) he was to serve as its national (U.S.) president. He was president of the University of New Mexico's student body in 1924 after having been editor of the student yearbook and state intercollegiate oratorical champion the previous year. To help earn his way financially, he waited on tables in the school dining hall, sold yearbooks, and served as a student instructor in economics. (In 1971, the University of Mexico honored alumnus Roy with its prestigious Zimmerman Award; it is presented to persons who have performed noteworthy service in their chosen fields of endeavor.)

Upon graduation in 1925, Roy joined a Texas firm as a salesman for college and high school yearbooks—a continuation of the work that helped to finance his education. And not long after, he moved on to Birmingham as a sales representative for Alabama Engraving—a company with which he has been associated for 46 years. He advanced to manager of the college annual, or yearbook, division, then to sales manager, was chosen president in 1955, and named chairman of the board in 1965. The company and its affiliate Platemakers, Inc. grew under the joint guidance of Roy and his two business partners—Robert B. Faerber and Robert K. Monroe, both Rotarians—into prominence in its field, and Roy Hickman retains his active connection with the firm as a young man of 70.

His steady rise through the ranks of Rotary is a success story all its own. Three years after he became a member of the Birmingham Clubs, he was elected a Director and in 1942–43 he was—at age 39—elected one of the Club's youngest Presidents. In 1948–49, Rotarians of what is now District 686 selected him to serve as District Governor.

In 1951–52, he was to serve as Rotary aide to RI President Frank E. Spain; the two had become close friends in the Birmingham Rotary Club in the mid-1930s and had gone on to distinguish themselves by service to city, state, nation, and international Rotarydom. Thus as Birmingham is celebrating its 100th anniversary year, the industrial titan of the U.S. South becomes the fifth city in the world to give Rotary two international Presidents, not to mention presidents of several other U.S. and international service clubs.

Recalling his opportunity to serve as aide to President Spain, Roy Hickman remarks. "Frank chose me as his aide for his Presidential year, little realizing he was giving me valuable experience for the same high office 21 years later."

Moving further into international responsibilities for Rotary, he was chairman of the RI Magazine Committee in 1952–53, Director of RI in 1954–55, member of the RI Finance Committee in 1954–56, and Third Vice-President of Rotary International in 1955–56. But his growth had by no means stopped, for by 1958 we find him chairman of the Dallas International Convention Committee and also chairman of The Rotary Foundation Development Committee. In 1967–69 he served with distinction on the Rotary International Planning Committee. As President-Elect during the past year, he has been a member of the RI Board of Directors and its Executive Committee.

A record of solid growth as a man and as a Rotarian, and Roy D. Hickman is now Rotary International's President. But the record is far from complete. The military and civic chapters are yet to come.

With the outbreak of World War II, Roy Hickman was inducted into the armed forces and joined the United States Army Ordnance Corps as a captain, at the Aberdeen, Maryland, Proving Ground. Following induction and service there, he returned to Alabama with an assignment to the Birmingham Ordnance District. After four and one-half years, he fulfilled his military obligation and had attained the rank of lieutenant colonel. Later, in 1964, Roy was named a civilian aide in Alabama for the Secretary of the U.S. Army. For this service he received an "Outstanding Civilian Service Medal" from the Secretary of the Army.

Yet this is not the profile of a superman but of a personality so well organized that Roy D. Hickman managed to weave in among his Rotary responsibilities and military obligations an impressive array of civic tasks. In 1958–59 he served as president of the Birmingham Chamber of Commerce, promoting the growth of a city with nearly one million population in its metropolitan area. Other presidencies followed: the Sales Executive Club, the American Ordnance Post, the Executive Club, and the Downtown Club.

He has served as a publicity director of the local Community Chest, board member of the United Fund, advisory board member and chairman of the Salvation Army, president of the Alabama Tuberculosis Association, a director of the American TB Association, and as stated earlier, national (U.S.) president of his Pi Kappa Alpha social fraternity.

In April of this year, Roy Hickman received the William Booth Award for distinguished service in civic and philanthropic activities. The international award is the highest bestowed by the Salvation Army.

Even so, these are but the highlights, the more outstanding milestones along his road of service to many causes and organizations. One wonders where he found time for all he did—and without visible signs of overwork or confusion. Roy Hickman's secret, of course, lay in a well-ordered executive brain which kept him to the essential and discarded the unimportant as he went along. By this time it surely becomes evident that the new President of Rotary International has the maturity, the experience, and the good common sense that the demanding post requires. "Common sense," said U.S. essayist and poet Ralph Waldo Emerson, "is genius dressed in its working clothes."

But the best has been saved until the last. While at the University of New Mexico, Roy met a fellow student named Dorothy Dunkerley, who now becomes the new First Lady of Rotary International. Roy recalls hearing of the arrival on campus of the banker's daughter from Ennis, Texas: "It was a small campus in those days and word quickly got around about this new girl with 11 pairs of shoes. Well, I had one pair of shoes—with holes in them—and I thought she must be somebody worth getting to know." They were to be married in 1927, two years after graduation day.

Dorothy Dunkerley Hickman, lovely and ever-youthful Dorothy: A creative homemaker, an avid gardener, and an energetic club woman, she too has grown through the years into a gracious personage who both capably and modestly fills the requirements of her office in the far-flung world of Rotary International. Like Roy, she is an experienced traveller who is always eager to see new places and make new friends. Utterly without guile or self-consciousness, she displays just the correct mixture of grace, pride, humility, and common sense so admirable and so necessary in a Rotary First Lady.

A daughter, Mary Lynn, completes the Hickman family. A charming young lady of 23 who has her own apartment and is a computer programmer at Birmingham's First National Bank, she is quite unspoiled by all the honors that have been earned by—and heaped upon—her civic-minded parents. It might be mentioned that two pampered cats share the comforts of the Hickman establishment, and they are the envy of less lucky felines up and down the block in which the Hickman home is situated (on Hermitage Road in the Mountain Brook suburb of Birmingham).

The question may arise of what new aims and directions this newest President of Rotary International will bring to his newest office. Roy shook his head quizzically when asked about this at a recent 50th anniversary dinner given by seven Rotary Clubs on the Mississippi Gulf Coast, a festive get-together honoring him and the golden anniversaries of the Gulfport, Biloxi, and Pascagoula Clubs. The man is so innately self-effacing and modest that it is difficult to draw him out along these lines. He probably was thinking back over the long line of his distinguished predecessors in his new office, many of them world figures in many lands and fields of endeavor.

He has emphasized time and again the importance of Rotary's time-tested Object. Clearly in his thoughts, too, is the possibility of more Presidential attention to the smaller Rotary Clubs—their problems of growth, their difficulties of limited access to worthwhile program material and stimulating speakers. And he speaks of the rising average age of Rotarians, with the accompanying necessity for recruiting younger men of equal zeal to pick up the torches from the increasingly swelling ranks of elder members.

Rotary, says Roy, pinpointing another concern, is growing more in number of new Clubs than in new members in existing Clubs. Even as he speaks it grows clear that the new President will have ideas and ideals to spare during his administration. (For more on President Hickman's theme and plans for 1972–73, see his message on page 19.)

And seeing this man of forge-tempered character from the leading iron and steel city of the U.S. South, one recalls the words of Kipling's If and knows that this year Roy Hickman will "walk with Kings . . . nor lose the common touch."

DAIRY MARKETING REVIEW NEEDED

Mr. MONDALE. Mr. President, last month Dave Henry, president of Land O'Lakes, Inc., Minneapolis, Minn., addressed the California Livestock Symposium in regard to the need for new dairy marketing policies.

Mr. Henry called for a complete study to determine what can be done to stop and reverse the downward trend in consumption of all dairy products. He also mentioned a need to determine ways to keep dairying a profitable farming enterprise as well as a good profitable business for processors and distributors of milk and milk products.

I have written to Secretary of Agriculture Butz urging that the U.S. Department of Agriculture undertake such a study. Dairying is an industry involving more farm families than most other farm enterprises. Milk and dairy products are among the best of foods. But the industry is plagued with problems, as Mr. Henry mentions. In my judgment, we urgently need to closely reexamine our national dairy policy and legislation very soon.

Mr. President, I think all Senators would benefit from reading Mr. Henry's address. I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

THE NEED FOR NEW DAIRY MARKETING POLICIES

When Mr. Sawyer asked me to participate in this program, he stated: "It will be the first time after three outstanding symposiums that any segment has addressed itself to marketing and bargaining." I believe this remark typifies many of our agricultural problems today. In the past we have devoted a disproportionate amount of our time, energy and money to the production of raw agricultural products at the expense of processing and marketing, particularly the latter. This same point was brought out recently at a meeting called by Dr. Eric Thor, administrator of the Farmer Cooperative Service.

We all know what breeding and management have done for average herd milk production or, as another example, what has happened to corn production as a result of hybrid seed, fertilizer and chemicals. Our efforts in the area of production have been great, and they have produced great results, but what about marketing? What are the state institutions and others that have contributed so much to production techniques, doing to improve the marketing of agricultural products, particularly milk and the products of milk. We suggest very little, and this was the point that Dr. Thor was making.

The symposium directors' decision to add marketing and bargaining to the dairy program demonstrates a genuine concern by dairy farmers of California about the state of milk marketing.

I, as an outsider, believe you should be concerned not only about the situation in California, which to say the least is unique, but also about the national policy and Federal legislation that has a direct bearing on the marketing of milk produced in California. I refer to the situation in your state as being unique—that requires some explanation but, before I do, let me assure you that I am not a student of California milk marketing. I am just a casual outside observer, but an observer that has more than a passing interest in milk production on the west coast, and particularly California. Why? Because California used to be one of the upper midwest's best export markets. By upper midwest, I am referring to Minnesota, North Dakota, Wisconsin, Iowa and South Dakota. For example, in 1952 there was shipped to California from these states about 1,000 cars of butter and 800 cars of cheese. In 1958, the last year the Government produced this report, the volume was down to under 500 cars of butter and just over 500 cars of cheese.

Looking at some other figures for subsequent years, during the period of 1960 to 1966 the Pacific states produced an average of 4.8% of the Nation's butter. They sold to the Government ½ of 1% of the C.C.C. purchases, which represented 1.9% of the butter produced in these states. Now, five years later, in the marketing year of 1971–1972, these same Pacific states produced 11.8% of the Nation's butter, up from 4.8%. From this production they sold to C.C.C. 24.8% of all butter purchased by the Government, up from ½ of 1%, and that quantity sold the Government represented 43.8% of all butter produced in the three Pacific states.

I was just reading some purchase reports recently showing where in one week, out of Phoenix, Arizona, 188,000 pounds of butter where sold to the Commodity Credit Corporation. This has to be more butter than was produced in the entire state of Arizona in 1960. In fact, according to Government reports, no butter was produced in Arizona until 1969.

Now, back to the Pacific States, it was during this same period of 1966 to 1971 that milk production in these States increased 12.2%, the largest increase of any area in the United States. So, as a casual observer of the California dairy industry, you bet your life we are interested in what is happening out here, especially when managing the largest producer and marketer of butter and milk powder in the United States. Then, to add insult to the injury of losing this fine market, we had to import to the Midwest, California and Washington produced butter last September.

Getting back to the uniqueness of this market, years ago, probably 25 years, a friend of mine out here used to send me some dairy trade journals, and to this day I have never forgotten the farm sale ads. In relatively small print the description of the ranch, the number of acres, etc., but in large, bold face print, the butterfat base that went with that ranch. I didn't know of any other place in this country where a producer had to buy a piece of the market to have a home for his production. Today I understand, under the pooling plan that has been in operation three years, some producers are selling their bases at a fancy price and are now producing milk for manufactured products. With all this juggling of markets and pricing, I understand you still have one of the lower price class I markets in this country. If I am not mistaken, your fine State was the birthplace of the captive dairy. For many years, and it was well know throughout the butter industry, California was the one State to which you could not ship packaged branded butter. It all had to move into California in bulk packages. It seems there was something about labor unions and State grading that brought about this situation. Yes, I would have to say that the California dairy industry is unique, but I would also add that in certain respects not too much different than the dairy industry across this country.

Every area, or for that matter every market, has its problems. These problems used to be local in nature, particularly those involving fluid milk but, with the many changes that have taken place, actions in one market generate reactions in another market hundreds of miles away. It is these changes in the dairy industry, both in fluid milk and manufactured products, that tell me we need to reexamine our national dairy policy and legislation, not only to update to the needs of today but to give us something to help the industry grow and prosper during the balance of this century.

Picture, if you will, most of the butter being made from farm separated cream and the per capita consumption at about 17 pounds; fluid milk, only whole milk, in one quart glass containers and over 50% of it home delivered. This milk, with but rare exceptions, was produced in a close, tight circle around a metropolitan area and was only distributed in that metro area. Many individuals markets and States had barriers, really economic barriers but camouflaged as health and sanitation, to keep milk out in order to protect local producers and handlers.

Most of the milk powder was roller processed, of which a large part was used for animal feed. Most of the cheddar cheese sold in stores was cut off a cheddar, flat, daisy or longhorn, and the processed cheese was packed in 2 and 5 pound wooden boxes and wholesaled by the strap. There weren't such products as dips and yogurt, and the only place you could buy sour cream was in a New York delicatessen.

Gentlemen, this was the situation in the 1930's when the federal government started moving into your milk marketing business, with passage of the Agricultural Marketing Act of 1937. The next important legislation was the Agricultural Adjustment Act of 1949, when the dairy industry got their support program. Now both of these acts have been amended several times, such as the class I base plan and removal of supports on butterfat, and the federal order hearing processes have changed some basic concepts for fluid milk marketing, such as the introduction of the Minnesota-Wisconsin series. In other words, they have been patched up quite a bit.

Both of these basic pieces of legislation were established for two purposes. Federal milk orders for orderly marketing and to assure an adequate supply of fresh Grade A milk—and a support program to put a floor under the price of manufacturing grade milk. In addition to federal legislation, many states have passed various types of milk control laws and fair trade practice acts to make for more orderly marketing of fluid milk in particular. However, some of these laws encompass much more than just soft goods.

Besides the federal and state legislation, dairy producer groups have taken certain voluntary actions in an attempt to improve their economic position. To name some—a base plan, standby pool, super-pools or over-order pricing. These programs, designed and fostered by bargaining groups, have produced two notable results, more surplus milk and lawsuits.

Now, where are we today? Consumption of fluid milk and cream on a whole milk equivalent basis has gone from 381 pounds in 1944 to 253 pounds per capita in 1971, down 33.6%, and still losing. Butter is down from 17.4 pounds to about 5 pounds per capita, a loss of 70.7% since pre-World War II. Per capita consumption of evaporated milk is down 61.8% since 1939. What am I saying? Simply that, in spite of all the programs—federal, state and voluntary producer programs, we are losing sales of dairy products day by day and, with a couple exceptions, it is pretty general across the board. In 1972 we are projecting total milk at 120.5 billion pounds and for 1973 about 122 billion pounds, going up to probably 125 billion pounds by 1975. Actually, we needed in 1971 a total of 110 billion pounds of production. Economist Margaret Burke and others estimate a total demand of about 109 billion pounds in 1980 despite the projected increase in population. So, any way you measure it, our production is and will continue to far outweigh our domestic needs.

Besides the loss of markets, what other changes have taken place that have and are affecting our industry? Both raw and packaged milk have become much more mobile. Milk moves easily from Wisconsin and Minnesota to Florida, Texas and other states, and it can, where barriers don't exist, move just as easily in packaged purepaks as in bulk tankers. As our interstate highway networks progress, these miles become shorter and shorter.

The quality of raw milk continues to improve. Production facilities, such as pipeline systems and bulk tanks, have helped immeasurably and, with the production units continually increasing in size and with more farm specialization, we can expect continued improvement. There has been a rapid shift from manufacturing grade to grade A milk. This rate will be accelerated with the recently published minimum standards for manufacturing grade milk. Soon there will be only one grade and all milk will be participating in some pooling arrangement. Processing plants are becoming larger to serve more geography and operate more efficiently. Like many receiving plants, they often serve several different Federal order markets. The lines between these markets have been obliterated. Long shelf life products are being centrally processed and distributed even over wider areas.

Packaging of liquid products has and continues to go through an evolution ever since the single service container was introduced in the 30's. This has been an aid to milk mobility. The supermarkets have pretty much taken over retail milk sales. The barriers—inspection, economic or whatever you want to call them—continue to disappear, and I didn't think the time is far off when they will all be gone. Certainly, they cannot be justified. The only barrier then will be those markets that are so located geographically that they cannot be economically served from some adjoining production area.

Low fat, fortified skimmilk, sour cream, yogurt and dips are becoming more important products, with 2% and fortified skimmilk replacing more and more of the whole milk sales. Filled substitutes continue to erode our many dairy markets: first it was margarine, and we know what happened there. Now it is half & half, whipping cream, sour cream, dips, etc. That are being replaced with these substitutes. The USDA estimates that filled and synthetic milks will achieve as much as 10% of the fluid milk market by 1980.

These are the changes that have and are taking place, but we are still operating under some patched up laws of the 30's and 40's, and we are losing sales. The producers say they need more money. Currently they are talking bargaining legislation and supply management, neither of which is going to help sales. On the other side of the coin, handlers generally are not making the profit they should. This is indicated by the number of independents that are for sale and also the large national dairy companies that are moving away from the fluid milk business to invest their stockholder dollars in more profitable enterprises.

This, gentlemen, is unfortunate. These companies in the past contributed substantially to the dairy industry in research, quality improvement, advertising and promoting milk and milk products. We need them but we can't expect them to do the job that is required if the return on the investment isn't there. I would like to suggest that this is one reason for our declining sales. Who is going to spend research and development money and advertising and promotion dollars on products that don't generate profits?

So, we are still sitting with two outdated basic pieces of legislation—the Marketing Act for Grade A fluid milk, which has as part of its price criteria "to provide an adequate supply of fresh fluid milk"—currently over 50% of manufactured dairy products are made from surplus Grade A, and this will increase.

There is certainly no problem about an adequate supply of Grade A. The other legislation—the support program—which was originally passed to put a floor under the price of manufactured grade milk, as you can readily see, now supports more Grade A than manufactured grade milk and is not the solution but probably more the cause of our problem of declining sales. After all, nothing makes milk like money. With increased costs to both the consumer and the Government, how much longer will our urban consumer-oriented Congress pay producers for overproduction? Our time could be running out. What we have just isn't working.

So, let's get with it and do something! Let's get all of the elements of the dairy industry together, with the Office of the Secretary of Agriculture heading up a study to determine what can be done to stop and reverse the downward trend in consumption of all dairy products and at the same time make dairying a profitable farming enterprise as well as a good, profitable business for the processor and distributor of milk and milk products. When I say "all elements," I am referring to the National Milk Producers Federation, which represents a major portion of the producer groups, the dairy industry committee, which is composed of the individual trade groups, general farm organizations and the Government agencies. Some of these groups, as well as some other organizations, have already made representation to Secretary Butz requesting such a study.

Certainly compromises will be made. But, if from such a group, an industry unified position can be arrived at, the administration and the Congress, if legislation is needed, should be sympathetic to the cause of our great dairy industry. I solicit your aid!

RETIREMENT OF MRS. MARGARET KMETZ, GARFIELD, N.J. EDUCATOR

Mr. CASE. Mr. President, it has come to my attention that Mrs. Margaret Kmetz, a native of Garfield, N.J., has retired after 31 years in the service of her community in the field of education. Working, not only in the positions of teacher, principal, and board of education president, Mrs. Kmetz also manifested her devotion to others through her active involvement in many community groups and organizations. All of New Jersey has benefitted from her model both as educator and concerned citizen.

I commend Mrs. Kmetz to Congress in recognition of New Jersey's sincere appreciation for her work and I ask unanimous consent that the article published in the Herald-News, Passaic County newspaper, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Herald-News, June 9, 1972]

Retiring Educator Offers Opinion

Garfield.—Mrs. Margaret Kmetz, principal of School 3, told members of the Home and School Association of the school, recently, that although there is a need for change and flexibility in education and society, often today there is a complete discarding of former philosophies which have given the nation and people so much.

Mrs. Kmetz will retire at the end of the current semester and was honored by the parents and teachers of the school.

She observed, "The complexion of education has changed so tremendously that the old philosophies which served as guidelines for educators in the past are no longer recognized as valid . . . sometimes completely discarded.

"Yet, it was the old philosophies that deserve the credit for our collosal industrial development, our high standard of living and our position of world leadership.

DIRECTION IS IMPORTANT

"We know what the schools have produced, where they've been, but many are concerned where they are headed," she asserted.

"Although exhorbitant sums of money are poured into new buildings, with wall-to-wall carpeting, the latest in mechanical devices, every conceivable audio-visual aide, highly paid personnel, psychological services, guidance directors, social workers, remedial programs . . . what results?

"Complete turbulence and upheaval everywhere—our schools, churches, federal institutions—formerly pillars of strength, are crumbling before our very eyes.

"Satisfying children's appetites for material things has taken priority in our homes; laws without teeth and liberal attitudes toward all aspects of life are part and parcel of the chaos, confusion, vandalism, riots, protests, drug abuse, disrespect, disobedience, disinterest in morality, etc.," Mrs. Kmetz emphasized.

"These not only are rampant, but are glorified on the TV screen along with crime and horror movies of the worst calibre—and we say a picture is worth a thousand words!"

The veteran educator acknowledged, "Education, like our society, must change and be flexible, but we still must separate the wheat from the chaff, or are we throwing away destroying the complete sheaves?"

BACKGROUND

Mrs. Kmetz, who is a native of this city, completed elementary and secondary study in local schools and then teacher training at Montclair Normal School.

She later earned her bachelor of science and master of arts degrees at Paterson State College, which is now William Paterson College.

She taught kindergarten and primary grades for 18 years and served as principal of Schools 9 and 3 for the last 13 years.

Mrs. Kmetz also has directed the Child Care Center of East Paterson, which operates under the Lanham Act, and was a Girl Scout leader for eight years.

She directed the Passaic YMHA day camp; various summer and after school recreation programs; is a member of the board of management of the Garfield YMCA and chairman of its women's division; served as secretary of the Friends of the Library and was president of the Board of Education.

COMMUNITY ORIENTED

She also has been chairman of various groups and programs of the Garfield Woman's Club; a member of the local assistance board of the city; and she has served as organist, Sunday school teacher, superintendent of the primary department, leader of the Young People's Society and member of the Parish Renewal Program board at the Holy Trinity Evangelical Lutheran Church.

The retiring principal is wife of George Kmetz, a retired postal employe. They have three children: Mrs. Carl (Marjorie) Krupacs who is a kindergarten teacher in Frankport Township, Sussex; George E., an instrumental music teacher, and Mrs. Jack (Nowl Gay) Boling, who operates a school of dance in Carmel, N.Y.

Mr. and Mrs. Kmetz plan to spend the summer at Lake Wallkill in Sussex, at which they have been residents for 24 years and then they will travel throughout the nation.

ST. CROIX

Mr. MONDALE. Mr. President, as a boy raised in the northwestern Wisconsin town of Clear Lake, GAYLORD NELSON early came to appreciate the values of a decent environment both for the human spirit and for the ecological balance of nature. Only a few miles from his home, the St. Croix River flowed unpolluted, little developed, a wilderness gem in the midst of a developing region.

Soon after he came to Congress, the Wisconsin Senator started legislative action to protect the St. Croix for future generations, introducing a bill in 1965, which I cosponsored, to establish a St. Croix National Scenic Riverway.

As a result of these efforts, the upper St. Croix and the Namekagon Rivers were included for just such portection in the National Wild and Scenic Rivers Act passed in 1968. The lower St. Croix was designated for final study, although it was understood at the time that the lower stretch was well qualified for inclusion in the National Wild and Scenic Rivers System.

Now, legislation introduced by Senator NELSON and myself would give national protection under the Wild and Scenic Rivers Act to the 52 miles lower St. Croix River. Senate Interior and Insular Affairs Committee hearings have been held on this measure (S. 1928), and the broad local, State, and regional support the proposal has received is almost unprecedented.

Senator NELSON's statement on behalf of this measure, the lower St. Croix River Act, outlines the history of the efforts to protect the St. Croix River and presents the compelling arguments for congressional action now to add the lower St. Croix to the national system.

I ask unanimous consent that Senator NELSON's excellent statement be printed in the RECORD.

There being no objection ,the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GAYLORD NELSON

Mr. Chairman, thank you for this opportunity to testify today in support of committee approval of the Lower St. Croix River Act, S. 1928.

This bill would add the 52 mile lower St. Croix River of Wisconsin and Minnesota to the National Wild and Scenic Rivers System.

As a little developed, scenic and recreational river near a major metropolitan area, Minneapolis and St. Paul, the lower St. Croix is almost unique in the nation.

Because of its immediate access to a large urban area, the riverway would seem especially well qualified under the President's emphasis on providing parks where the people are. The lower St. Croix is within the day-use zone of well over two million people, and within the weekend use zone of nearly 10 million people.

Just this year, in his environmental message to Congress, the President said, "The need to provide breathing space and recreational opportunities in our major urban centers is a major concern of this Administration."

Extending comprehensive protection to the lower St. Croix, as this bill would do, has broader support than almost any other similar natural area protection project I have ever seen.

Hearings have clearly demonstrated the wide public agreement that the action such as proposed in this bill is necessary to protect the lower St. Croix.

And the list of this measure's backers includes:

The governors of Wisconsin and Minnesota, the two states involved;

By formal action, the Wisconsin Legislature, and the Minnesota Resources Commission of the Minnesota Legislature;

The Minnesota-Wisconsin Boundary Area Commission, established by the legislatures of the two states, and representing local government as well;

The St. Croix Integovernmental Planning Conference, made up of the local governments of the lower St. Croix Valley;

A river study task force made up of regional Federal officials from the Department of the Interior and other agencies, representatives of the Governors, and of the local governments;

The Metropolitan Council of the Minneapolis-St. Paul area;

Local, state and national environmental organizations;

Major newspapers of the region, including the Milwaukee Journal, the Madison Capitol Times, the Minneapolis Tribune, the St. Paul Dispatch, and the Red Wing Republican Eagle.

In a second key aspect, this proposal has already had careful Congressional consideration extending back over the past seven years.

In 1965, I introduced the St. Croix National Scenic Riverway bill, which Senator Mondale co-authored with me. This measure would have extended national protection to the entire St. Croix River.

After Senate Committee hearings and favorable action, this measure passed the Senate in September of 1965. The proposal had the support of the Interior Department.

We introduced the St. Croix bill again in January 1967.

At about the same time, legislation was introduced to establish a National Wild and Scenic Rivers System and Senate and House hearings were held on all the riverway protection measures.

In the Wild and Scenic River bill, finally enacted in 1968, Congress actually included in the national system the upper St. Croix, the Namekagon and the Wolf Rivers in Wisconsin.

Because the House had not had an opportunity to become thoroughly familiar with the lower St. Croix,. the Senate-House conference committee on the national system bill agreed to provide for a detailed study of the suitability of the lower St. Croix for addition to the system. It was recognized from the beginning though that the lower river was well qualified to be in the national system.

The study of the lower St. Croix directed by the 1968 Act was completed by the Federal-state-local task force last October and sent to Washington.

In the study, the task force strongly and without qualification recommended designation of the lower St. Croix in the National Wild and Scenic River System and recommended Federal management of the project with state and local cooperation.

Last summer, before completion of its study, the task force held a well-attended public information meeting in Stillwater, Minnesota, at which its recommendations were well received.

Last May, Senator Mondale and I introduced the pending bill. To obtain local views on the measure, the Senate Interior Committee held a hearing chaired by Senator Jackson at St. Croix Falls, Wisconsin, last October. Several hundred people attended, and the legislation received wide and enthusiastic support.

In the House, a similar bill has been introduced, and just recently, the House Interior Subcommittee on National Parks and Recreation visited the area and discussed the proposal with local people.

In sum, the lower St. Croix bill has had thorough Congressional review, wide, enthusiastic backing by the public and environmentalists, and the nearly unanimous support of state and local government. In addition, it has been characterized by intergovernmental cooperation and public involvement to an unusual degree.

In my opinion, the unusually broad consensus in favor of this measure stems from the general awareness that without public action now, the lower St. Croix will eventually become one more city river, its waters poisoned with pollution, its shorelines gutted with indiscriminate development.

The dangers are recognized by all. Today, $134 million worth of private development is posed in the lower St. Croix River Valley.

Seven private projects involving both states are now planned. Altogether, they would involve more than 3000 acres, affect almost six miles of river frontage, and establish more than 4000 homes for more than 11,000 people.

But we still have a choice for the future of this river. We can establish plans and controls to assure that future growth is in harmony with the river's scenic and recreational values. Or we can, simply by doing nothing or walking away from it, let the river be swallowed up by the growing urban pressures and dollar-sign decisions.

Under the lower St. Croix Act, the lower river would simply be designated as part of the National Wild and Scenic Rivers System. This would involve the stretch from the dam near St. Croix Falls, Wisconsin, to the river's confluence with the Mississippi at Prescott.

The legislation provides that before implementing the river's national scenic and recreation status that would be established by Congressional passage, the Secretary of the Interior would have to prepare a plan with proposed boundaries and land easement, acquisition and zoning details.

This plan would have to be published in the Federal Register and submitted to Congress for a 90-day review within a year after enactment of the bill. If Congress had objections to the plan, it could not go into effect. If there were not Congressional objections, the Secretary could then proceed to implement the plan.

In addition, I recommend that the Committee make clear in language in the committee report that the Department of the Interior must hold a public hearing on the master plan before it is finalized and submitted to Congress.

Finally, I would like to stress the fact that in its report, the regional Federal-state-local task force recommended Federal management of the river, a concept which I strongly support.

From the point of the need for speedy action, the ease of administration, adequate funding, and comprehensive planning, Federal management of the river is the course that clearly should be followed.

Because they are already administering the upper St. Croix, which extends from St. Croix Falls northward, the National Park Service is in an excellent position to also manage the lower St. Croix.

In order to preserve the unique character of the St. Croix river corridor, it has long been recommended that a comprehensive public policy of management to protect its scenic and recreation resources is essential.

Federal management and administration would provide the necessary umbrella to guarantee a uniform approach to planning and management on both sides of the river. It should be noted again that the St. Croix is an interstate river, actually forming a major portion of the boundary between Wisconsin and Minnesota, another important justification from a Federal presence to achieve effective coordination of effort.

Furthermore, while there is strong local interest and commitment on the part of local government officials in protecting the river, there are thirty-six separate units of local government involved. These governments themselves, while organized in a river planning council to work together, recognize the difficulty in achieving a coordinated approach alone and subscribe to the need for broad authority to do the job.

To conclude, the lower St. Croix is a project with excellent credentials, careful Congressional review, and strong public and local and state support at all levels. Time is not on our side, however. Major developments in the valley are posed, and action to protect this unique, national significant waterway is well justified and urgently needed now.

Mr. Chairman, I ask unanimous consent that several editorials supporting the Lower St. Croix River Act be included at this point in the hearing record, along with two excellent articles describing the features of the lower river, one by Mr. Alonzo W. Pond, and the second by Mr. Howard Mead.

ANNIVERSARY OF THE SOVIET INVASION OF THE BALTIC STATES

Mr. CASE. Mr. President, the Baltic peoples celebrated two historic anniversaries last month. Thirty two years ago in June 1940, Lithuania, Latvia, and Estonia were invaded by the Soviet Union. Then, 1 year later, a free government was reestablished in Lithuania for a brief 6 weeks before the Nazis overran that nation. These states have experienced a history of repeated invasions brought about by their valuable strategic location. Despite many years of oppression and deprivation of basic rights, the Baltic peoples' sense of patriotism, and their determination to reestablish their own government has never faltered. We all appreciate the deep feelings occasioned by the current commemoration for those Americans whose ties to these lands remain strong.

During the 89th Congress, the House and Senate unanimously passed House Congressional Resolution 416. I ask unanimous consent that the resolution be printed in the Record, to reaffirm our concern for these subjugated nations.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

Concurrent Resolution

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

FIFTIETH ANNIVERSARY OF THE ORDER OF AHEPA

Mr. CASE. Mr. President, 50 years ago this month, the order of the American Hellenic Educational Progressive Association was founded in Atlanta, Ga. Today the organization's jurisdiction extends through 49 States, Canada, and Alaska, with 430 local chapters.

Over the past 50 years members of this worthy fraternal order have banded together to come to the aid of natural disaster victims and war refugees throughout our Nation and the world. In accordance with their objective of promoting a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture, they have sponsored scholarships and prizes for worthy students. To further world understanding, students are offered summer study in Greece through the AHEPA educational journey to Greece program.

The Hellenic heritage has served as a great model for our democratic traditions in this country. AHEPA's primary goal of improving social, moral, and family life is truly admirable and merits our recognition during this 50th anniversary month.

ORDER TO LAY ASIDE UNFINISHED BUSINESS EACH DAY UNTIL DISPOSITION OF MINIMUM WAGE BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at no later than 4 o'clock p.m. today, and each day until the so-called minimum wage bill is disposed of, it be in order to lay aside S. 3390, the unfinished business, and proceed to the consideration of the minimum wage bill, and that the unfinished business remain in a temporarily set-aside status until the close of business each day or until the disposition of the minimum wage bill, whichever is the earlier.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, S. 3390, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW, TO BE FOLLOWED BY CONSIDERATION OF THE UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 11:30 A.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that Senators who have amendments and are expected to call up those amendments are inadvertently delayed for the present, I move that the Senate stand in recess until 11:30 a.m. today.

The motion was agreed to; and at 10:55 a.m. the Senate took a recess until 11:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. TUNNEY).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. KENNEDY. Mr. President, I am submitting today two amendments to S. 3390, the pending foreign assistance authorization bill. Both amendments concern our Nation's continuing humanitarian responsibilities in Indochina.

The first amendment earmarks $70,000,000 of supporting assistance funds for humanitarian purposes in South Vietnam.

Relief assistance to the people of South Vietnam is less today than ever before—even though the human tragedy in that battered country is greater than at any time since the war began. This is particularly true today. Since April 1—following the outbreak of heavy fighting in South Vietnam—over a million people have become refugees. Up to 80,000 have become civilian casualties. Another 25,000 have lost their lives. Hundreds of homes and schools and hospitals and clinics have been damaged or destroyed by enemy rockets and American bombs. Food and medical supplies are dwindling.

The Agency for International Development informs me that the cost of meeting the new refugee emergency, including war victim damage and casualty claims, is some 25 billion piasters, or more than $60,000,000. Emergency health needs, including supplies and the repair of needed facilities, is more than $10,000,000. This estimate covers immediate needs at provincial hospitals in An Loc, Quang Tri, Kontum, Bon Son, and some 137 other dispensaries and clinics in districts hard hit in recent months by the escalated conflict.

The need of the South Vietnamese people are clear. And as long as we are willing to provide funds for bombs and military activities in South Vietnam, it is essential that we specifically provide funds to help the millions of South Vietnamese civilians affected by this endless war. My first amendment seeks to do this.

Mr. President, the current tide of new refugees in Vietnam—the latest toll in civilian war casualties—is just that: the "latest" and the most recent. They only serve to remind us that each day the bloodbath continues in Indochina—each day of new warfare, from both sides—escalates the already massive human needs caused by this tragic war. As urgent as are the needs of the latest refugees and the newest war victims, so too are the cumulative needs of the millions of old refugees who have languished these many years in camps, torn from their homes and lands and source of livelihood. Many still live in urban squalor with little hope and no future. And then there are the thousands of innocent villagers who still today are moved as pawns in relocation schemes to suit the whims of government administrators. And there are the 900,000 orphans and those crippled thousands who still wait for simple prosthetic devices. These human needs, and others, simply cannot be "Vietnamized" nor can they be solved when the last American soldier leaves the shores of Vietnam.

For these reasons, I am convinced that America bears a heavy responsibility now, as well as in the future, to help restore the lives of all the people of Indochina affected by this war. That is the purpose of my second amendment—to provide longer term postwar assistance to the civilians in need of relief and rehabilitation throughout all of Indochina, and to seek the internationalization of this postwar effort.

Over the years, a measure of international participation has occurred in the relief efforts in Indochina, and many U.N. specialized agencies have expressed a willingness to participate further if they simply have funds made available to them. So we must now begin thinking ahead to the time when the guns and bombs are finally stilled in Indochina, and a full-fledged postwar humanitarian effort can begin. To begin this process—to begin involving the international community in this humanitarian effort—we need not think in grandiose terms. Let us begin now, in a simple way, by marshaling readily available international resources, such as prosthetic devices for the lame, and care for the orphans and the children disadvantaged by the ravages of war. I believe the United States must take some strong leadership in helping to get this program underway.

The purpose of my second amendment is to get this longer term, postwar program underway now. My amendment states that "The Congress arms the belief that the United States bears a heavy responsibility for the immediate and the postwar relief and rehabilitation of the nations and the people of Indochina, including South Vietnam, North Vietnam, Laos, and Cambodia." It then authorizes the President to prepare plans and proposals outlining programs and institutional channels through which our Government may support and participate in the postwar relief and rehabilitation of Indochina.

To involve the United Nations in this process, my amendment urges the President to request the Secretary General of the United Nations to convene, as soon as possible, an international conference on Indochina relief. It is now obvious that the current, much less the long-term needs, of the people of Indochina can never be met through existing relief program mechanisms. Such a U.N. conference would lend fresh perspective on the possibilities of expanding emergency relief operations now, as well as on the approaches to the larger task of postwar rehabilitation and reconstruction.

Finally, my amendment urges the President to pursue the creation of a fund of the United Nations for Indochina, to which the United States pledges its continued and substantial support. Such a fund has many precedents in the history of the United Nations and has proven to be an effective way to internationalize funding for special projects. Because the United States bears a special responsibility to the people of Indochina, we bear a special burden in supporting such a fund.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. SPARKMAN. The Senator has stated that he has two amendments to offer. I wonder whether he would agree to reverse the order and offer his second amendment at this time.

Mr. KENNEDY. Yes. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask

unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 6, between lines 13 and 14, insert the following new section:

ASSISTANCE TO WAR VICTIMS IN INDOCHINA

SEC. 4. Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"Chapter 10—ASSISTANCE FOR WAR VICTIMS IN INDOCHINA

"SEC. 495. ASSISTANCE TO WAR VICTIMS IN INDOCHINA.—(a) The Congress affirms the belief that the United States bears a heavy responsibility for the immediate and post-war relief and rehabilitation of the people and nations of Indochina, including South Vietnam, North Vietnam, Laos, and Cambodia.

"(b) The Congress urges the President to begin immediately the preparation of plans and proposals outlining programs and institutional channels through which the United States Government may support and participate in the post-war relief and rehabilitation of the people and nations of Indochina.

"(c) The Congress further urges the President to solicit the cooperation of other governments in submitting to the United Nations Secretary General a proposal for convening, as soon as practical, an international conference to help determine humanitarian needs among the people and nations of Indochina and to explore approaches to the task of post-war relief and rehabilitation, including the kinds of international arrangements to carry out this task.

"(d) The Congress further urges the President to solicit the cooperation of other governments in submittting to the United Nations Secretary General a proposal to establish as soon as practical an autonomous Fund of the United Nations for Indochina (FUNI) to receive contributions for humanitarian purposes in Indochina and to support the task of post-war relief and rehabilitation under international auspices.

On page 6, line 15, strike out "Sec. 4" and insert in lieu thereof "Sec. 5".

On page 8, line 12, strike out "Sec. 5" and insert in lieu thereof "Sec. 6".

On page 8, line 18, strike out "Sec. 6" and insert in lieu thereof "Sec. 7".

On page 9, line 4, strike out "Sec. 7" and insert in lieu thereof "Sec. 8".

On page 9, line 16, strike out "Sec. 8" and insert in lieu thereof "Sec. 9".

On page 9, line 20, strike out "Sec. 9" and insert in lieu thereof "Sec. 10".

On page 10, line 4, strike out "Sec. 10" and insert in lieu thereof "Sec. 11".

On page 10, line 12, strike out "Sec. 11" and insert in lieu thereof "Sec. 12".

On page 10, line 18, strike out "Sec. 12" and insert in lieu thereof "Sec. 13".

On page 11, line 20, strike out "Sec. 13" and insert in lieu thereof "Sec. 14".

On page 12, line 6, strike out "Sec. 14" and insert in lieu thereof "Sec. 15".

On page 12, after line 20, strike out "SECTIONS 13 AND 14", "SEC. 15", and "sections 13 and 14", and insert in lieu thereof "SECTIONS 14 AND 15", "SEC. 16", and "sections 14 and 15", respectively.

Mr. KENNEDY. Mr. President, this amendment, which I hope would be accepted by the distinguished floor manager of the bill, is to put the Congress on record, first of all, to indicate that we as a Nation recognize that in the postwar period in Indochina we are going to have a continuing responsibility to help meet the humanitarian needs of the people of that area.

Second, it urges the administration to work within the United Nations, calling on the various specialized agencies of the United Nations, such as UNICEF, the World Health Organization, and UNESCO, among others, to work more closely in humanitarian programs, and to indicate to the specialized agencies that the United States is prepared to support them and all other U.N. agencies to try to develop a program for the postwar humanitarian needs of the people of Indochina.

The third provision urges the President to solicit the cooperation of other governments in submitting to the Secretary General of the United Nations a proposal to establish, as soon as practicable, an autonomous Fund of the United Nations for Indochina, to receive contributions for humanitarian purposes in Indochina, and to support the task of postwar relief and rehabilitation under international auspices.

This amendment comes, first, out of my own conclusion, based upon my visits to the specialized agencies several years ago when the war was in a much more intensive phase, that U.N. specialized agencies, most of which already had programs of a limited nature in Indochina, were and are willing to undertake even further humanitarian responsibilities if they have the financial wherewithal and support.

I believe that the specialized agencies of the United Nations—the World Health Organization; UNESCO; the U.N. High Commissioner for Refugees; UNICEF, which works with children; the FAO; and many of the other specialized agencies—are in many respects the most successful part of the United Nations. There is a strong willingness within the specialized agencies to be of further assistance in the humanitarian field; and there is a great willingness among many of the nations of the world to begin to recognize some international responsibility for humanitarian relief in the postwar period.

I think that now is the time when the United States should be providing leadership in this area, so that when the guns are finally silent, when our prisoners of war are returned, and there is stability in Vietnam, we will not then have to begin to start planning and programing, but that we will already have a program and a plan to move in immediately to help alleviate the suffering and distress of the people of Indochina, who have suffered so much.

It is my impression, having talked with a number of the representatives at the United Nations, that a number of countries throughout the world would like to participate in humanitarian relief efforts in Vietnam. There is very little opportunity for them to do so now. They would welcome leadership by the United States in this field at the present time, not later.

During the hearings the Subcommittee on Refugees had on May 8, in asking the administration spokesmen what planning and programing they had undertaken, there was a general lack of information or awareness with respect to postwar planning. This amendment is really a sense-of-the-Congress resolution to urge our country to take some leadership to broaden the humanitarian responsibility for the postwar effort in Indochina, and to contribute our share.

I hope this amendment will be accepted. I think there is every reason to anticipate that countries throughout the world, that pride themselves on taking part in humanitarian undertakings, would want to assist many of the Indochina countries that need help. And I am sure there is going to be a great need for it.

Although the United States has a heavy responsibility, certainly the concern for human beings is a universal concern, and we ought to provide a vehicle by which this concern is reflected by other countries throughout the world. That is what the amendment would accomplish and what it is meant to achieve, and I hope the floor manager of the Foreign Assistance Act would consider it favorably.

The PRESIDING OFFICER. Does the Senator from Massachusetts want the amendments considered en bloc?

Mr. KENNEDY. Just the amendment to which I am addressing myself. I would rather have the two amendments considered individually.

Mr. SPARKMAN. Mr. President, may I ask the Senator from Massachusetts this question: When the Senator sent his amendment to the desk, did he delete that section that we discussed?

Mr. KENNEDY. Yes.

Mr. SPARKMAN. That is not in the amendment?

Mr. KENNEDY. That is correct.

Mr. SPARKMAN. In other words, this becomes a purely planning proposal without any authorization of funds?

Mr. KENNEDY. That is correct. I would hope, as the intent and the health of the planning function, that we could recommend some funding for it at the earliest possible time, but at the present time, I think the——

Mr. SPARKMAN. That would be a part of the planning?

Mr. Kennedy

Mr. SPARKMAN. The distinguished Senator from Vermont (Mr. AIKEN) has just seen the amendment and he has expressed the wish that it might be printed before acting on it. I would be very pleased if we could work out some arrangement whereby we could discuss it today and allow sufficient time for the Senator from Vermont, after he has read the printed amendment, to present his views and agree to a definite hour later for a vote on the amendment.

Mr. AIKEN. Mr. President, I have only just seen this amendment, about 10 minutes ago. Inherently, I do not like to vote on amendments until I know what they contain or which have not been printed. However, I can say to the Senator from Massachusetts that I am certainly in sympathy with the purposes of his amendment. I believe that we do have a responsibility in South Vietnam, just as we had in North Vietnam in the 1950's when, to meet that responsibility we helped transport 900,000 refugees to the south, which literally saved their lives. We did that after the Bishop of Danang had estimated that 500,000 people had been killed. Personally, I think that was an overestimate but, nevertheless, a large number of people were killed or were tortured in other ways. So that I believe we do have a responsibility. There is no question about it. I know that plans are already being made and President Nixon on February 9, 1972, set forth a proposal to share in the rebuilding of Indochina, including North Vietnam. I realize that under the Johnson administration plans were being made not only for assistance to the refugees of South Vietnam but also of North Vietnam at that time. Probably we now have a responsibility to the northern part of that country which we will have to meet.

I merely say right now, not having seen the amendment before this morning, that I do not like to act hurriedly. I would have no objection at all to setting a date certain for a vote on the amendment tomorrow, and have the amendment printed tonight so that we can read it. There are only six Senators on the floor at the present time and one is occupying the chair; but I will say that I agree with the Senator from Massachusetts that we have a responsibility in that part of the world and I hope that we will meet it. I hope we will not be forced to accept the terms which North Vietnam insists upon, including the throwing out of the Government of Vietnam and the disarming of the South Vietnamese, because, in that case, there will be at least 2 million people placed in grave danger of mortal injury, to say the least. The responsibility would be different. That is all I have to say.

So, I would rather this amendment be printed first. I am in sympathy with the objective. I am sure of that. I would like to have the Members of the Senate be able to read the amendment first.

Mr. KENNEDY. That would be perfectly satisfactory to me. I would be very glad to withdraw the amendment, which will give the Senator an opportunity to examine it. Its purpose is to assist the victims of the war in Indochina. It is purely a humanitarian program. I would be more than glad to withdraw the amendment and present it again tomorrow when the Senator from Vermont has had an opportunity to examine it.

Mr. AIKEN. I want all Members of the Senate to have an opportunity to see it, too. I think our first objective should be to end the war there and get out——

Mr. KENNEDY. That is right—yes.

Mr. AIKEN. If it is possible to do that. There must be some way to do it. Then, of course, we will face many great problems—postwar problems—which are bound to arise.

I was interested to read of the withdrawal of the carrier *Enterprise*. I think the next largest carrier was brought to the Pacific coast last week. We are making progress in disengaging ourselves, but we have to have some cooperation from what we call the enemy, too. We do have a responsibility to help repair the damage, for which we are partly responsible, although I do not think we are responsible for all of it. The other side must take some responsibility for it.

In all fairness, though, I think that any amendment should be printed first. Apparently, we are not going to get final action on this bill tomorrow or the next day. Heaven knows when we will. I hope we can at least do so at an early date. But anytime tomorrow would be satisfactory to me.

Mr. KENNEDY. I thank the distinguished Senator from Vermont. As I mentioned earlier, there are a number of other countries throughout the world that could become involved in helping and in assisting in humanitarian relief in Indochina, even at the present time, if the U.S. Government exercised some leadership in this area.

The sense of the amendment is to urge the administration to begin working with other countries which recognize that we all have a responsibility for humanitarian relief—to work and encourage other nations to begin making plans and programs so that we will not—as the Senator from Vermont so rightfully suggests—undertake a full, complete, and unilateral restoration of Indochina, but that we begin to move in that direction and take advantage of the deep sense of humanitarian concern which exists in the other nations of the world. Yet, at the same time, we must express our willingness to contribute a substantial share of the costs of such humanitarian programs.

Mr. AIKEN. The appraisal of the situation by the Senator from Massachusetts is a correct one. Other countries do bear a responsibility. Whether such a responsibility will be met through the United Nations, or a group of nations which associate themselves for that purpose, remains to be seen. I have to admit that the United Nations has not met the expectations and the hopes I had for it. Perhaps this would be a good opportunity for the United Nations to show that it can be instrumental and beneficial in maintaining peace and general good will throughout the world. The Senator from Massachusetts has a definite point there. I simply say that Members of the Senate should be aware of his amendment. I would anticipate that, if its wording is not just right and satisfactory to the majority, the Senator from Massachusetts will be willing to see that it does clearly set forth the purposes which I know he intends.

Mr. KENNEDY. I thank the Senator from Vermont very much.

Mr. SPARKMAN. Mr. President, before the Senator from Massachusetts withdraws his amendment, may I ask this question? The Senator from Vermont referred to some of the political problems over there. Do I understand correctly that the proposed amendment has nothing to do with political problems?

Mr. KENNEDY. That is correct.

Mr. SPARKMAN. It has nothing to do with a political settlement, so far as the existing government is concerned or any other kind of government. It relates only to humanitarian matters.

Mr. KENNEDY. The Senator has stated it accurately and correctly. It is solely directed toward humanitarian affairs in Indochina.

Mr. SPARKMAN. Mr. President, the Senator is trying to get a broader area of action on the part of the other nations of the world.

Mr. KENNEDY. The Senator is quite correct. I can assure the Senator—and I know that he needs no assurance—that there is great willingness and desire to do so. Hopefully we will be able to develop the machinery and plans to permit them to do so now rather than waiting until the end of the war, which I hope will be very soon.

Mr. AIKEN. Mr. President, I assume that when the Senator from Alabama refers to political proposals and problems, he is referring to both domestic and international proposals and problems.

Mr. SPARKMAN. In this particular instance we are talking about Indochina.

Mr. AIKEN. The Senator is correct.

Mr. SPARKMAN. I thought the Senator referred to domestic political problems.

Mr. AIKEN. I wanted to be sure that the Senator from Alabama was not referring to domestic political problems, of which I assume there are two or three impending over the next few weeks.

Mr. SPARKMAN. Mr. President, the Senator is correct. There is one difficulty with reference to calling the amendment up tomorrow. I take it that the Senator from Massachusetts has pretty well finished his discussion of the amendment. I had hoped that we might have a discussion and might save time if the Senator from Vermont were to state his views and then have a vote.

There is one problem. I remind the Senator from Vermont that we have a meeting of the Foreign Relations Committee at 10 o'clock in the morning.

Mr. AIKEN. We also have a meeting of the Committee on Agriculture and Forestry then.

Mr. SPARKMAN. Mr. President, the chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT) is not here. I had promised to preside over tomorrow's committee meeting. The hearing has to do with the Committee on Banking, Housing and Urban Affairs. That measure was then referred to the Foreign Relations Committee because there is a provision contained in the bill that is within the jurisdiction of the Foreign Relations Committee. The hearing on this matter is scheduled for tomorrow morning. I wanted to be present. I think that I should be present since the measure came out of my committee.

I had promised that I would preside over the meeting. I do not see how we can consider the Kennedy amendment in the morning. I do not see the majority leader or the assistant majority leader in the Chamber. I suppose that we can contact them and get their views. However, I wonder if I might ask the Senator from Vermont if he has anything to say with respect to the other amendment the Senator from Massachusetts proposes to offer, as well as the accompanying memorandum.

Mr. AIKEN. Mr. President, I have not read the other amendment. However, I would make the same suggestion, that that amendment be printed so as to give

Senators a chance to read it. Offhand, I would not anticipate too much objection to the first amendment offered by the Senator from Massachusetts, although I cannot guarantee anything in that respect.

Our meeting tomorrow morning would be in the nature of a hearing. I understand that the Foreign Relations Committee will have an executive meeting on Friday probably.

Mr. SPARKMAN. I do not know.

Mr. AIKEN. There is a probability that it may have.

Mr. SPARKMAN. I would hope we could get final disposition of this matter by tomorrow at the latest.

Mr. AIKEN. Mr. President, we could simply call Senators off the floor in the afternoon. The sooner we can get our work done, the better off we will be.

I think that the second amendment which I understand the Senator from Massachusetts will offer should also be printed so as to give Senators a chance to read it.

QUORUM CALL

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:15 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1:15 p.m. today.

The motion was agreed to; and at 12:21 p.m. the Senate took a recess until 1:15 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENSON).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2945) to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1152) to facilitate the preservation of historic monuments, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 5621. An act to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the Armed Forces;

H.R. 13152. An act to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes;

H.R. 14537. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas;

H.R. 14909. An act to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status;

H.R. 14915. An act to amend chapter 10 of title 37, United States Code to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than 1 year;

H.R. 15635. An act to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes;

H.R. 15657. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes; and

H.R. 15679. An act to amend section 203 of title 37, United States Code, to provide additional pay for permanent professors at the U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, and U.S. Coast Guard Academy.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 764. An act to authorize the disposal of lead from the national stockpile and the supplemental stockpile;

S. 1139. An act to amend the Federal Group Insurance Act, as amended, so as to permit certain persons under twenty-one years of age to obtain insurance coverage under such act;

S. 1545. An act to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain; and

S. 3086. An act to authorize the disposal of nickel from the national stockpile.

The ACTING PRESIDENT pro tempore (Mr. TALMADGE) subsequently signed the enrolled bills.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 5621. An act to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the Armed Forces;

H.R. 14537. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas;

H.R. 14909. An act to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status;

H.R. 14915. An act to amend chapter 10 of title 37, United States Code, to authorize at Government expense, the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movement of dependents and effects, or trailers, of those members in such a status for more than one year; and

H.R. 15679. An act to amend section 203 of title 37, United States Code, to provide additional pay for permanent professors at the U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, and U.S. Coast Guard Academy; to the Committee on Armed Services.

H.R. 13152. An act to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Commerce.

H.R. 15657. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Public Welfare.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIETNAM

Mr. CRANSTON. Mr. President, I want to express as emphatically as I can the point of view that Congress—we in the Senate and the Members of the House—hold America's only hope for getting us out of the Vietnam war this year.

The Senator from South Dakota (Mr. McGOVERN) cannot get us out of that war until 1973. And President Nixon apparently will not get us out in 1972. The Senator from South Dakota (Mr. McGOVERN) promised to end the bombing on Inauguration Day if he is elected President. That is the soonest he can legally act. However, January 20, 1973, is 186 days away. And 186 more days of pouring death and destruction on the Vietnamese people and having more Americans shot out of the skies and either killed or taken prisoner, are 186 days too many.

The Senator from South Dakota (Mr. McGOVERN) promises to get us totally out of combat in Indochina and to get our POW's out of their cells 90 days after he takes office.

But that carries American involvement in the war to April 19, 1973—276 days from now. And that is 276 days too many. On the other hand, we face the danger that the bombing will go on 4 more years if President Nixon is reelected.

Secretary of Defense Melvin Laird on June 6 gave the House subcommittee a pessimistic summary of the long-range prospects in Vietnam, describing a war without end in sight, and testifying:

> This war has gone on for 30 years. It may go on for many more years.

The President may or may not get all American ground troops out of South Vietnam by election day. But that will not end our involvement in the war. President Nixon has made it clear that the bombing will continue until the North Vietnamese release our prisoners and accept his peace terms.

Unfortunately, the President has traditionally insisted on perpetuating the power of the corrupt and repressive Thieu military regime in South Vietnam. And the North Vietnamese have made it clear that as long as the President supports Thieu with American air power, they will not agree to any Nixon peace proposal.

So the bombing will go on—indefinitely. The killing of Americans and Asians will go on—indefinitely. Increasing numbers of American prisoners will remain in captivity—indefinitely. Divisions in our own country will go on—indefinitely. Waste of our human and natural resources, and diversion of national attention from our deep and neglected domestic needs will go on—indefinitely.

The only chance of ending U.S. military combat in Vietnam this year is for Congress to shut off funds for the war. We have that opportunity now. We have that opportunity by passing the Mansfield amendment calling for complete withdrawal of all U.S. ground forces from Vietnam by September 30, with all U.S. air, sea, and ground combat operations throughout all of Indochina ending as soon as North Vietnam and the United States agree to a cease-fire and the return of our POW's.

There is every reason to believe that once we agree to end all U.S. military action against the North Vietnamese, our prisoners will be returned. That is Senator MCGOVERN's conviction and it is mine too. It is a conviction based on history as well as on commonsense.

Francois Bujon de l'Estang, First Secretary of the French Embassy in Washington, reported on June 23, 1972, that—

> The last French prisoners (were) returned by the North Vietnamese less than three months after the conclusion of the Geneva Agreements in 1954.

Once the French stopped fighting the Vietnamese, they got their prisoners back. So will we.

Let us cut off the funds for the war; let us use the power of Congress over the purse strings, and over the Establishment, and in that way end our involvement in the long and tragic Vietnam war.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

[No. 274 Leg.]

Aiken
Allen
Allott
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is present.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The question is on agreeing to the amendment of the Senator from Massachusetts.

Mr. SPARKMAN. Mr. President, there are two amendments.

Mr. KENNEDY. Mr. President, as I understand, the amendment before the Senate is the one with respect to assistance to the war victims in Indochina. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I ask unanimous consent that the pending amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. SPARKMAN. Mr. President, let us get a little explanation. Is there a modification of that amendment? Was that agreed to?

Mr. AIKEN. Mr. President, when I came into the Chamber this morning, just after the session had started, the amendment was being discussed. It was not printed. I had no chance to read it. In fact, there were two amendments to be proposed by the Senator from Massachusetts on the floor, and I had not read either of them. I requested that these amendments be printed and be taken up tomorrow, at whatever time might be decided upon. I expressed my approval of the purpose of the two amendments; but inasmuch as only a half dozen Senators were on the floor, I felt that they ought to have an opportunity to know what they were voting on.

Since that time, which was some 3 hours ago, the amendments have been distributed generally—certainly among the Senators on this side of the aisle, and I believe on the other side of the aisle, also.

Some suggestions have been made with respect to minor changes—at least one minor change in the amendment, although it could be considered major to some people.

I believe that the purpose of the amendment is now well understood, so I will withdraw my request to have the amendment printed and go over until tomorrow before being acted upon.

Mr. KENNEDY. If the Senator will yield, I am aware of the suggestion that has been made.

Mr. AIKEN. The matter was taken up at the Republican conference, and one or two modifications were suggested. They do not seem to be harmful to the purpose, and perhaps will be helpful to the wording and the spirit of the intent of the Senator from Massachusetts.

So I have no objection to taking up these amendments at any time. I am glad to support them. I will be glad to be a cosponsor of the amendments if the Senator from Massachusetts desires to have my name added as a cosponsor, so that it will be strictly nonpartisan.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the name of the Senator from Vermont (Mr. AIKEN) be added as a cosponsor of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand, a few language changes were suggested; and if I could review them with the Senator from Vermont and get them precisely, I would be willing to modify my amendment to include such changes.

If I understand correctly, one change would be on line 2 of section 495, to strike "belief that" and insert the words "willingness of"; strike "bears a heavy responsibility" and insert "to share the burden."

As I understand it, those are the word changes suggested by the Senator from Vermont, and they are perfectly acceptable. If I understand correctly the word changes, and if those are the word changes, then I would ask that my amendment be modified in that respect, and if the clerk does not have those word changes I can review them with the clerk.

The PRESIDING OFFICER (Mr. BEALL). The amendment will be so modified.

The text of the amendment as modified is as follows:

> On page 6, between lines 13 and 14, insert the following new section:
>
> ASSISTANCE TO WAR VICTIMS IN INDOCHINA
>
> SEC. 4. Part I of the Foreign Assistance Act

of 1961 is amended by adding at the end thereof the following new chapter:

"Chapter 10—ASSISTANCE FOR WAR VICTIMS IN INDOCHINA

"SEC. 495. ASSISTANCE TO WAR VICTIMS IN INDOCHINA.—(a) The Congress affirms the willingness of the United States to share the burden for the immediate and post-war relief and rehabilitation of the people and nations of Indochina, including South Vietnam, North Vietnam, Laos, and Cambodia.

"(b) The Congress urges the President to begin immediately the preparation of plans and proposals outlining programs and institutional channels through which the United States Government may support and participate in the post-war relief and rehabilitation of the people and nations of Indochina.

"(c) The Congress further urges the President to solicit the cooperation of other governments in submitting to the United Nations Secretary General a proposal for convening, as soon as practical, an international conference to help determine humanitarian needs among the people and nations of Indochina and to explore approaches to the task of post-war relief and rehabilitation, including the kinds of international arrangements to carry out this task.

"(d) The Congress further urges the President to solicit the cooperation of other governments in submitting to the United Nations Secretary General a proposal to establish as soon as practical an autonomous Fund of the United Nations for Indochina (FUNI) to receive contributions for humanitarian purposes in Indochina and to support the task of post-war relief and rehabilitation under international auspices.

On page 6, line 15, strike out "Sec. 4" and insert in lieu thereof "Sec. 5".

On page 8, line 12, strike out "Sec. 5" and insert in lieu thereof "Sec. 6".

On page 8, line 18, strike out "Sec. 6" and insert in lieu thereof "Sec. 7".

On page 9, line 4, strike out "Sec. 7" and insert in lieu thereof "Sec. 8".

On page 9, line 16, strike out "Sec. 8" and insert in lieu thereof "Sec. 9".

On page 9, line 20, strike out "Sec. 9" and insert in lieu thereof "Sec. 10".

On page 10, line 4, strike out "Sec. 10" and insert in lieu thereof "Sec. 11".

On page 10, line 12, strike out "Sec. 11" and insert in lieu thereof "Sec. 12".

On page 10, line 18, strike out "Sec. 12" and insert in lieu thereof "Sec. 13".

On page 11, line 20, strike out "Sec. 13" and insert in lieu thereof "Sec. 14".

On page 12, line 6, strike out "Sec. 14" and insert in lieu thereof "Sec. 15".

On page 12, after line 20, strike out "SECTIONS 13 AND 14", "SEC. 15", and "sections 13 and 14", and insert in lieu thereof "SECTIONS 14 AND 15","SEC. 16", and "sections 14 and 15", respectively.

Mr. AIKEN. I thank the Senator from Massachusetts for his willingness to modify his amendment. Actually the United States is not alone responsible for what went on over there. Certainly North Vietnam, Hanoi, and if we want to go back far enough, we might find that the French were responsible for some of the atrocities which took place.

I am thankful that the Senator from Massachusetts is willing to make this slight alteration in the wording.

I should like to ask the Senator, on page 2, where it reads:

> As an expression of the United States support for the establishing and maintenance of such a fund, there are authorized to be appropriated such sums as are necessary to provide an initial contribution to such fund by the United States Government.

I understand that the administration would be glad to have those lines remain in, although they were taken out this morning. Has the Senator from Massachusetts any opinion or decision on that now?

Mr. KENNEDY. I would prefer to have them in. I had the opportunity to talk with the Senator from Alabama (Mr. SPARKMAN). I think that, as initially drafted, it was preferable to have those included although I indicated to the Senator from Alabama that if we were to get the planning and the programs ready, then I would at a later opportunity offer an amendment to an appropriate piece of legislation that would specify the funds that would be necessary. I would like to have it maintained and would prefer it that way, if it is acceptable to the Senator from Alabama, but if not, then I would indicate that even though they would be excluded from this amendment, at the next opportunity, when we did have the studies and the recommendations and the figures, I would propose an amendment which would include such figures. So I am willing to be guided by the manager of the bill.

Mr. SPARKMAN. I suggested to the Senator from Massachusetts originally that that be deleted, principally for the reason that over the past several years we have rather shied away from open-end authorizations. I think it is a good policy to stick to.

So far as putting in a definite figure, let me express my view in the following way—and I would like to have the Senator from Massachusetts listen to this: Although I have stated this view to him, I look upon this as a planning provision to be taken up with the other nations of the world. I believe it would be much better to leave out any authorization or any reference to actual funding until the plans are made. I would envisage part of the planning to include how much money will be needed and what the distribution will be among the different nations.

Mr. SCOTT. Mr. President, if the Senator from Alabama will yield, it would not have the effect of subtracting any money from the present funds in the bill, would it?

Mr. SPARKMAN. That is right.

Mr. SCOTT. That is all I wanted to know.

Mr. SPARKMAN. Not only that, but it could be construed by the other nations that we are making that commitment as of this time. We should wait and see what kind of plans can be worked out and what kind of participation we will be getting from the other nations before we commit ourselves.

Mr. SCOTT. That clarifies it for me, and I thank the Senator.

Mr. AIKEN. I do not believe it is of vital importance whether the four lines remain in or are taken out. If the Senator from Alabama feels that he would be happier with the lines taken out and the country would be in a little better bargaining position, it is agreeable to me to have them taken out, with the changes on lines 2 and 3 on page 1.

Mr. SPARKMAN. I think the suggested changes are good ones. For my part, I would be pleased to accept the amendment offered by the Senator from Massachusetts and the Senator from Vermont.

Mr. KENNEDY. I would hope that when we do have the information and the studies and the proposals and the recommendations on this funding, the distinguished Senator from Alabama, the Senator from Vermont and I can then talk among ourselves, and try to make specific recommendations.

What the Senator from Alabama now points to is, perhaps, well taken, that since no program has been drafted and we are not able to recommend figures which would be defensible, I would therefore, indicate that at an early time I would hope to be able to offer an amendment which would reflect specific figures and I would also hope that the Senator from Alabama would accept them at a later time. I appreciate his support for it, as well as the cosponsorship of the amendment by the Senator from Vermont.

Mr. SPARKMAN. Let me ask the Senator from Massachusetts this question: The Senator has two amendments, this one and one other. I had heard that the Senator might want a rollcall vote on one of them. Is that correct, and if so, which one?

Mr. KENNEDY. I would like to get a rollcall vote on the second amendment which is for the earmarking of funds for humanitarian purposes.

Mr. SPARKMAN. We are ready now to vote on the first amendment.

Mr. KENNEDY. Mr. President, I am ready to vote.

The PRESIDING OFFICER (Mr. BEALL). The question is on agreeing to the amendment, as modified, of the Senator from Massachusetts.

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move that the vote by which the amendment, as modified, was agreed to be reconsidered.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 8, between lines 16 and 17, insert the following new subsection:

(d) Chapter 4 of part II of the Foreign Assistance Act of 1961, is further amended by inserting after section 535 of such Act, as added by subsection (c) of this section, the following new section:

HUMANITARIAN ASSISTANCE IN SOUTH VIETNAM

"SEC. 536. The President is authorized to provide humanitarian assistance, on such terms and conditions as he considers appropriate, to refugees, civilian war casualties, war orphans, abandoned children, and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam. Of the funds appropriated pursuant to section 532 for the fiscal year 1973, not less than $70,000,000 shall be available, until expended, solely to carry out this section. Of the funds appropriated under section 532 of this Act, including any such funds made available to carry out this section, not less than $18,000,000 shall be allocated for project assistance in South Vietnam for public health services and war victims."

Mr. SPARKMAN. Mr. President, will the Senator yield long enough to ask for the yeas and nays on his second amendment?

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I should like to ask my colleague from Vermont whether he would like to be a cosponsor of this amendment, since he is aware of its features and I would welcome his cosponsorship, if he would like to.

Mr. AIKEN. I would be delighted to join as a cosponsor.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the name of the Senator from Vermont (Mr. AIKEN) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. I want to tell the Senator from Massachusetts that I am delighted to see such bipartisan, nonpartisan, cooperation in matters of this kind which affect us all. I hope that this spirit will continue at least for the next 4 months.

Mr. SPARKMAN. May I add, Mr. President, that this is very good, but it seems to be a little overbalanced toward New England. [Laughter.]

Mr. KENNEDY. Mr. President, this is a very simple amendment. What we are doing here is not increasing the total funding of the supporting assistance program but simply earmarking $70 million to be used for humanitarian concerns and humanitarian relief. Probably, if we did not earmark the funds, approximately one-half that amount under the present plan would be used for humanitarian relief in Vietnam; but since the incursion from the north, the escalation of military activities in the south, and the increasing number of refugees, civilian war casualties, and war orphans, this amendment reflects the increasing concern by the American people that we make sure that war victims receive needed humanitarian relief. The figure itself is close to the figures under consideration by AID. They are defensible figures, in that, by earmarking the funds, we are indicating as a Congress and as a people our very deep concern and compassion for those that have been caught in the crossfires of the war on the Indochina peninsula.

I hope that the amendment will be accepted. I think it is most important. Too often in the past it has been the people of Indochina who have really been the forgotten individuals. The amendment really indicates our very deep compassion for those victims.

I believe that the subject matter is familiar to the committee, and certainly to the manager of the bill and the ranking minority member of the committee, who is also a cosponsor.

Mr. SPARKMAN. Mr. President, I have gone over the amendment with the Senator from Massachusetts and with the Senator from Vermont (Mr. AIKEN). As was pointed out in the earlier discussion this morning, the amendment, as originally drawn, earmarked $75 million. That amount has been reduced to $70 million because there is some overlapping between this amendment and the one offered by the Senator from New Jersey (Mr. WILLIAMS) on yesterday, which amendment was agreed to. That amendment was for $5 million. Therefore this amount was reduced to $70 million.

I might say that this matter was taken up with AID. We have received a message from AID. The message from AID reads:

> From what I can find out, the $75 million they are earmarking, which covers I think all of the assistance in Vietnam, is about what we have proposed to the Congress and what we would have put in in any event. I do not like the concept of earmarking but cannot argue since the amount of money is basically consistent with our purpose.

I think that would be an endorsement or clearance from AID, even though it does not follow exactly the lines they would follow.

Mr. President, as far as I am concerned, I am willing to accept the amendment.

Mr. AIKEN. Mr. President, as a cosponsor of the amendment, I am prepared to accept it.

Mr. KENNEDY. Mr. President, I am prepared to vote on the amendment. I have in my statement already included a breakdown on the figures and the various needs with regard to refugees and hospitals, clinics, civilian casualties, and so forth. That is included as further documentation in the RECORD.

The PRESIDING OFFICER (Mr. BEALL). The question occurs on the amendment offered by the Senator for Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Washington (Mr. MAGNUSON), the Senator from Alaska (Mr. GRAVEL), the Senator from Georgia (Mr. GAMBRELL), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Hawaii (Mr. FONG) would vote "yea."

The result was announced—yeas 75, nays 7, as follows:

[No. 275 Leg.]

YEAS—75

Aiken
Allott
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Fannin
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—7

Allen
Buckley
Dominick
Eastland
Ervin
Long
Stennis

NOT VOTING—18

Anderson
Baker
Bellmon
Chiles
Ellender
Fong
Fulbright
Gambrell
Gravel
Hruska
Jordan, N.C.
Magnuson
McGee
McGovern
Mundt
Muskie
Pell
Thurmond

So Mr. KENNEDY's amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader what the present or future order of business is.

Mr. MANSFIELD. Mr. President, yesterday the Senate, after an absence of some 2 weeks or so, spun its wheels and did not get anywhere, despite the fact that we are all aware that a momentous 5 weeks, in toto, lie before us, prior to the Republican Convention, despite the fact that we are all aware that, if we are going to do anything, these are the 5 weeks in which we are going to have to do it, and, despite the fact that, if we come back after the Republican Convention—as we will—before Labor Day, from then on it is going to be most difficult.

We have not made much progress. It has not been because of a lack of a quorum, because a very sizable majority has been in attendance, but I think it has been because of a lack of understanding and cooperation between both sides.

Today I sent a letter to the distinguished Republican leader, which I asked him to read to his colleagues at their weekly luncheon, explaining the situa-

tion and indicating what I thought should be done. May I say that I have found the Republican leader most cooperative, most accommodating, and most understanding at all times, but we just cannot go on in this fashion, because we do nothing but bring discredit upon ourselves and the Senate as an institution.

What the joint leadership has been trying to do is expedite the President's program, and the President has seen fit to find fault with the Congress, even though, in my opinion, the record on the whole has been exemplary in the matter of appropriation bills passed and in the matter of legislation considered.

I put in the RECORD yesterday a chronology leading up to attempts by the majority leader to find out what the administration considered as "must" legislation, and finally—thanks to the untiring efforts of Mr. Tom Korologos, the White House liaison man—an excellent liaison man, by the way—we were able to obtain a list of what the President had in mind.

The number came to about 58, but in that list were some rather inconspicuous pieces of legislation, as I tried to indicate in the RECORD yesterday, such as the creation of another Deputy Secretary for Defense, and the like, and others of similar character which could go over to next year or to a later time.

I would hope that the Senate, now that it has broken the ice and has had a vote, would continue to apply itself to the schedule which lies ahead.

As the Senate knows, we have permission to convene at 10 o'clock every day this week, including Saturday. It is not the joint leadership's intention to come in Saturday unless there are votes to be had. We do not want to come in just for the purpose of making an appearance which would very likely be only an appearance of sorts.

Furthermore, to expedite the business, I would say that, beginning next week, there will be objections to committees holding hearings, unless the reasons are overriding. The joint leadership has been very lenient in that respect during all of this year. May I say also that it will be the intention of the leadership to try to get as many votes as possible on the legislation which confronts us, and hopefully it will be on a time-limit basis.

As the Senate knows, the present pending business is the Foreign Assistance Act. There will be an amendment offered to that bill shortly by the distinguished Senator from Nevada (Mr. CANNON), which will entail some debate. I would hope we could come to a time limitation on that amendment. The Senator from Nevada is very willing to so agree, and perhaps there is a possibility of getting that done.

On the second track, if we get to it, is the so-called minimum wage bill. That evidently will take a day or so, at least, yet.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield at that point?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I think there are some votes pending which can take place tomorrow at the latest, and perhaps some today of which I am not aware, but I know there are some tomorrow, on which I have spoken of the possibility of time limitations. I am pretty sure we can get those before the Senate, including the Dominick amendment. They should speak for themselves, but——

Mr. MANSFIELD. I have found the Senator from Colorado most accommodating and understanding, and this, I think, is a good omen.

Mr. DOMINICK. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DOMINICK. If we could get some arrangement on the order in which amendments will come up, I think we could agree to a time on which the Dominick amendment might be voted on, but I am not sure we can reach an agreement on the order in which those amendments will come up. Speaking frankly, I would like to get an up or down vote on our amendment, subject to one or two amendments that would come up, but I would hate to see us put in a position where perfecting amendments were brought up and voted on before a vote on our amendment.

Mr. MANSFIELD. Could the Senator give us an indication of what amendments he may be referring to, because, so far as I know, the only amendment pending is the Dominick amendment, which is in the nature of a substitute?

Mr. DOMINICK. The distinguished majority leader is correct. However, as I understand the parliamentary procedure, a Senator could offer an amendment to the committee bill, which would take precedence on the ground that it was some kind of perfecting amendment, and it is that problem which concerns me. As I say, if we could reach agreement on that matter, I do not think we would have too much trouble in arriving at a time certain to vote on the substantive amendment.

Mr. MANSFIELD. Would the Senator consider the possibility of meeting with the distinguished chairman of the committee to see what, if anything, could be worked out along the lines he has suggested?

Mr. DOMINICK. I shall be delighted to do that in the hall.

Mr. MANSFIELD. Now if the distinguished Republican leader would allow me to continue, I think we have to reach a stage where we must consider the possibility of cutting off further legislation from the standpoint of floor consideration. I gave the distinguished Republican leader a copy of the whip's notice, which indicated that, in addition to the Foreign Assistance Act and the minimum wage bill, both of which are now pending or are unfinished, this, with exceptions, will be the business which the Senate will take up. As I noted, there will be exceptions which in meritorious cases the leadership will consider, but, by and large, this list with some additions that will be cited later, represents the program that remains.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I would like to see a pension portability bill considered, if we can, by any means possible, bring that up, because there are millions of people in America who are concerned about having their pensions cut off when there are bankruptcies or receiverships.

If we could work out something whereby a pension could be carried from one job to another, I think Congress would have performed a very needed service and there would be reassurance to a great many worried people in this country.

Mr. MANSFIELD. The Senator can be assured of my complete cooperation on that. I believe, under the Legislative Reorganization Act, the joint leadership does have authority to do that.

As I said, there will be exceptions, but, by and large, this is the list:

The welfare bill, which has been before us for 4 years, in some form.

No-fault insurance.

Maritime bill.

Marine mammals.

The military construction appropriation bill.

The agriculture appropriation bill.

The supplemental appropriation bill.

The foreign aid appropriation bill.

The defense appropriation bill.

Revenue sharing.

The SALT Treaty and the interim agreement on offensive weapons.

The school lunch bill, which is now in the Agriculture Committee and on which I think the distinguished Senator from Alabama (Mr. ALLEN) is going to hold hearings, because it lies within the purview of his subcommittee.

Also the military authorization bill, which does not appear on this list.

So that is a total of 13 measures readily apparent which the joint leadership considers of primary importance, plus other measures, like the private pension plan legislation, which is very important and other such important items. Such measures will be the exceptions, however, not the rule.

To reiterate, beginning next week it is the intention of the majority leader except in exceptional circumstances to oppose the holding of committee hearings, which has been the usual course of events over the past several years.

Would the distinguished Republican leader care to add something to what has been said?

Mr. SCOTT. Yes. I yield first to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, I simply wanted to ask the leadership whether it considers it appropriate to assume that we will return here sometime during the fall to consider the further extension of the debt ceiling, to which amendments might be added.

Mr. MANSFIELD. The distinguished Senator from Vermont—and this is not the first time—has caught me short. That is a bill, of course, that we will have to consider, because it has an expiration date, which I think is October 31. So that is definitely an item that will be added to the must list. I would hope we can get to that before the deadline, and I would hope it would be possible to consider it on its own merits at that time. There will be other items, as well.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Arizona.

Mr. GOLDWATER. I would just like to remind the distinguished majority leader that the military authorization bill has occupied us at least 1 month for each of the last 3 years. With the great opposition stirring in certain quarters against the military appropriation, I would judge that this year's debate could take longer than that. I hope the majority leader and the minority leader will take into consideration the history of this bill, which never used to be disputed, but recently has become annually the most disputed bill on this floor, in trying to compute the time when we might end our labors here this summer, or sometime this fall.

Mr. MANSFIELD. May I say it is true that until a few years ago that was the most undisputed bill on the floor, but may I say further I think it is a good sign that it is disputed to the extent that it now is, and I would hope it would be disputed more.

However, the Senator from Montana will do nothing to encourage a filibuster or delaying tactics on that measure or any other measure, because, as I have indicated to the distinguished Republican leader, it would be my hope that we could achieve a time limitation on all these proposals and amendments thereto, so that we could finish the business of the Senate and return to our respective homes in a reasonable period of time.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I was wondering, on the Rural Development Act, which is presently in conference, would that be included with the agenda of business which the leadership considers essential?

Mr. MANSFIELD. Oh, yes. This list excludes conference reports. Not only the Senator from Minnesota, but also the Senator from Vermont (Mr AIKEN) has been trying to get action which I think is necessary, because it has to go to the Rules Committee of the House.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Indiana.

Mr. HARTKE. I would like to ask the majority leader, since our committee has sent to the floor a GI educational bill which increases benefits by 43 percent, since, of course, if that is going to be available to veterans at the beginning of this fall term for their college fees, it would have to be passed before that time, and since that measure was not included in the list, I was wondering whether there is any intention to act on that bill.

Mr. MANSFIELD. May I say to the Senator from Indiana, I said that in exceptional cases the joint leadership would not be bound by the list read, and this is, of course, an exceptional case.

Mr. HARTKE. I thank the majority leader. There is also the veterans' drug bill, which has also been sent to the floor. Both these bills are wider in scope and will affect more individuals than practically any other legislation of that kind before the Senate.

Mr. MANSFIELD. May I say that in my opinion legislation of that kind would be noncontroversial and, being a very important matter, would therefore be given the attention and consideration which is its due.

Mr. HARTKE. I thank the majority leader.

Mr. SCOTT. Mr. President, in commenting on the statement of the distinguished majority leader, let me say first that we in the minority recognize it is the responsibility and the right of the majority to calendar legislation, and it is in turn our responsibility to meet our obligations in responding to legislative proposals.

I have read the distinguished majority leader's letter and whip notice to the Senators on this side of the aisle at our policy meeting today, and I am in a position to state that we are fully prepared to meet all of our responsibilities as pertain to legislation and such views as we may wish to register on specific bills. We are desirous of seeing the Senate complete its business, preferably prior to the oncoming convention, to avoid additional sessions, the history of which has generally been rather unfortunate in the past.

We broadly and generally, without specifically committing any individual Senator, are in favor of enacting the President's programs as he lists them, because the importance of them has been made manifest in his messages and in debate and consideration on the floor. We will continue to provide our share of the quorums in committees as they meet, and I agree that committees should not meet during the session of the Senate except where the purpose of the meeting is to expedite legislation which comes in line with the unusual or emergency situation I think the distinguished majority leader has in mind.

But we are prepared to go ahead with the multiple track system, to meet at the call of the majority leadership as to the time of convening and adjourning, and we recognize the need for lengthy and daily sessions, and for Saturday sessions if the Saturday sessions can accomplish something.

Mr. MANSFIELD. And can produce votes.

Mr. SCOTT. And can produce votes. What we are up against, of course, is the right of every Senator to see that the Senate does not get its work done because his views are different from those of other Senators. Whether we want to establish a new record as the greatest deliberative body in the world I do not know. We do hold the Olympic distance record in that regard already; and I see no need for breaking new ground in that respect, or especially for breaking new ground and then throwing the ground at each other. So I hope we can expedite our affairs.

I hope we can get these measures disposed of as the majority leader has indicated. I repeat again, we will meet our responsibilities, we will be here, and, recognizing that all Senators have some engagements which necessarily they cannot break, we will meet our share of the responsibility for having a quorum here whenever votes are expected.

Mr. MANSFIELD. Mr. President, I am much encouraged by what the distinguished Republican leader has said.

To recapitulate, beginning next week, except for extraordinary reasons, it is the intention of the Senator from Montana, now speaking as majority leader, to object to any committee sessions for purposes of hearings.

Second, if we meet on Saturday, it will be for the purpose of voting on amendments about which notice will be given ahead of time, and not for the purpose of making an appearance and making it appear as though we were doing something when we were not.

Furthermore, I am delighted that now we have a schedule to which we can look forward with some expectations.

Finally, may I say that, while the distinguished Republican leader is correct when he says it is the responsibility of the majority to call up legislation, I would point out that that responsibility is shared, that almost always we work together jointly in taking up proposals for the Senate to consider.

There have been few delays in the consideration of legislation, and what few delays have occurred have been taken care of within an appropriate time.

May I say that it is my intention, the Senate concurring, to do all I possibly can to bring about a conclusion to the debate and a final disposition of the pending business, the foreign aid bill, this week; that it is my hope that we can bring about a conclusion and a final disposition to the minimum wage bill, which is now the unfinished business.

It would be my hope that, if we would finish these two proposals this week, we would not meet on Saturday. It would be my further hope that, pending the disposal of these two measures, especially the foreign aid bill, we could then turn either to the SALT treaty or to the military authorization bill, with the other proposals to come along as listed in the whip's notice which has been brought to the attention of the Senate.

It is a heavy schedule. There is some tough legislation here. It will take some hours. But I think that if we work together, we can get most of it out of the way by the time the Convention starts and then perhaps make another attempt, under more difficult circumstances, once we return, after the Republican Convention is over.

Mr. SCOTT. I would say, finally, that the minority leader is exploring ways by which we may be able to come to some time limitation agreement, if it is satisfactory to all Senators, on the Mansfield amendment. I am not yet in a position to say how much time or how long it will take. We are now exploring the different ways by which we might get a consensus so that all Senators will feel that they have been heard. Of course, the sooner we can work that out, the better, also. I have not said that previously, but we have discussed it, and we will be anxious to bring it to a vote as soon as we are sure that all Senators have had a chance to be heard.

Mr. MANSFIELD. I am delighted. May I say that, so far as the Senator from Montana is concerned, he is prepared to agree to a time limitation of a half hour, an hour, an hour and a half, 2 hours, at any time, any day, to bring this matter to a head.

This proposal really is not an amendment, because it is in the bill. But I think section 12 is the factor which has been holding up the final disposition of the foreign aid bill.

Mr. SCOTT. I thank the distinguished majority leader.

UNAUTHORIZED AIR STRIKES OVER NORTH VIETNAM

Mr. SYMINGTON. Mr. President, an Associated Press item from Saigon on the wire service today reads as follows:

> A U.S. Senate investigator said tonight there is no evidence that General Creighton W. Abrams was aware of unauthorized air strikes being carried out over North Vietnam between November and March.
>
> The statement by Labre Garcia, minority counsel for the Senate Armed Services Committee, appeared to clear the way for quick Senate confirmation of Abrams as Army Chief of Staff.
>
> Garcia said he did not know when Abrams, nominated last month by President Nixon to be Chief of Staff, would appear before the committee for questioning.
>
> Garcia said he and R. James Woolsey, General Counsel of the Armed Services Committee, had wound up a 5-day official inquiry for——

At this point the report is garbled. It continues:

> would report directly to the committee. He did say, however: "There is no information whatsoever that General Abrams was aware of any such activities."

Mr. President, an Air Force general, General Lavelle, testified before the House committee, and it is reported to some of us that in his testimony he stated his superior officer, General Abrams, did know of at least some of these raids, raids which were not "protective reaction." I would hope this matter will be examined carefully by the Senate Armed Services Committee, and would say at this time that if this AP report is true, one can only question the wisdom of a staff member making a report to the press prior to making his report to the committee he represents.

Mr. HUGHES. Mr. President, I should like to comment briefly on the statement made by the distinguished Senator from Missouri (Mr. Symington) with regard to a minority staff report to the press, out of Vietnam, in relation to investigators for the Armed Services Committee.

I requested the chairman of the Committee on Armed Services to send investigators to Southeast Asia prior to the recess of the Senate, so that during the time of our recess for the Democratic National Convention a thorough investigation could be made into the total matter of General Lavelle's strikes against targets in North Vietnam.

A closed hearing was held in the House on this matter. The chairman of the Armed Services Committee in the Senate has indicated to me that he intends to hold such hearings.

Today I placed in the Record another letter from the sergeant at Udorn Air Force Base in Thailand who had written me saying that certain information he had given the Inspector General had been suppressed and distorted and requesting permission to testify before the Senate Armed Services Committee.

In addition, never before have I heard of a case of investigators of a Senate committee, on a confidential investigation which has not been completed, on which all the evidence is not in, making a statement and drawing conclusions for public information when we, ourselves, do not have the information and when, in fact, we have information indicating quite the contrary—at least, to this point.

So I want to state, Mr. President, that I join the distinguished Senator from Missouri (Mr. Symington) in being alarmed at the statement made to the press, which I consider an unauthorized statement, indicating facts purporting to say something that I do not believe to be fact at all, and interfering in a process that has not been completed by the chairman of the Armed Services Committee or the members of that committee before they make a final report to the Senate.

So I merely want to express my concern and say also, in fairness to the staff member, that there is a remote possibility he did not say what was reported in the press. If that is the case, then any criticism that may be implied by my statement today in his behalf certainly is not intended. But if the statement, in fact, is true, then I think it is a violation of confidence, so far as I am concerned, of a supposedly confidential investigation being conducted with the full cooperation of the chairman of the Armed Service Committee who has cooperated at every step of the way in what I consider to be one of the important matters before this country at this time.

I thank the distinguished Senator from Nevada for yielding me this time.

Mr. SYMINGTON. Will the Senator from Nevada yield me 1 minute?

Mr. CANNON. I yield.

Mr. SYMINGTON. I would associate myself with the remarks of my able colleague from Iowa, the Senator who originally brought this matter to the attention of the Senate. Under no circumstances would I want to unfairly criticize anyone. I share with him, however, the view that this is one of the most important matters to come before the Senate, because the very foundation of our Government is civilian control of the military.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 225(b), Public Law 90–206, the Speaker had appointed Edward H. Foley, of the District of Columbia, and William S. Spoelhof, of Michigan, members from private life, as members of the Commission on Executive, Legislative, and Judicial Salaries.

The message announced that the House had passed, without amendment, the bill (S. 2359) for the relief of Willard O. Brown.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 15869) to extend for 90 days the time for commencing actions on behalf of an Indian tribe, band or group.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) subsequently signed the enrolled bill.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 18, 1972, he presented to the President of the United States the following enrolled bills:

S. 764. An act to authorize the disposal of lead from the national stockpile and the supplemental stockpile;

S. 1139. An act to amend the Federal Crop Insurance Act as amended, so as to permit certain persons under twenty-one years of age to obtain insurance coverage under such act;

S. 1545. An act to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain; and

S. 3086. An act to authorize the disposal of nickel from the national stockpile.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1232

Mr. CANNON. Mr. President, I call up my amendment No. 1232 and ask that it be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, as I intend to modify it very shortly.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

> On page 10, line 25, insert the following new sentence: "The provisions of this subsection shall not be effective unless there is an internationally supervised cease-fire in Vietnam and an agreement for the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.".

PRIVILEGE OF THE FLOOR

Mr. CANNON. Mr. President, I ask unanimous consent that two of my staff members, Mr. Sarvis and Mr. Krebs, be permitted to remain on the floor during the course of debate on my amendment.

The PRESIDING OFFICER (Mr. Beall). Without objection, it is so ordered.

Mr. CANNON. Mr. President, I now offer a modification to my printed amendment No. 1232, as sent to the desk, and ask that it be stated as modified.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the clerk will report the amendment as modified.

The assistant legislative clerk read as follows:

> On page 10, line 22, strike out "August 31, 1972" and insert in lieu thereof "ninety days after the date of enactment of this Act."
>
> On page 10, line 25, strike out "August 31, 1972" and insert in lieu thereof "ninety days after the date of enactment of the Act."
>
> On page 10, line 25, insert the following new sentence: "The provisions of this subsection shall not be effective unless there shall have been entered into an agreement providing for the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces."

Mr. CANNON. Mr. President, Members of the Senate will note that I have made the following changes: The language pertaining to an internationally supervised cease-fire in Vietnam has been omitted, and I am changing the August 31, 1972, cutoff date to read "ninety days after the date of enactment of this act."

Mr. President, I am offering this amendment because I want to see our involvement in the war in Indochina ended as well as the rapid withdrawal of our military forces. I offer this amendment because I also feel very strongly that the Senate should enact a responsive proposal that will aid in the safe return of all U.S. prisoners of war as well as the recoverable missing in action.

In talking with some of my colleagues in the Senate, I found that several expressed strong reservations in supporting my original amendment providing for an internationally supervised cease-fire. I was told that such language could possibly provide a tool that the leaders of South Vietnam could use in keeping U.S. forces there indefinitely. I do not agree with that analysis, but since my primary concern is getting out of Vietnam and insuring that our prisoners of war are released and the missing accounted for, I am not insisting upon the "internationally supervised cease-fire" language.

I am remaining firm on the POW language; I cannot support legislation to bring the war to an end that does not provide effective protection for our prisoners of war and those missing in action. Once before this country made the mistake of not demanding a full accounting of our men prior to the cessation of hostilities in North Korea. This failure resulted in the nonaccountability of 389 men. Eighteen years later North Korea still refuses to discuss the fate of these men, although evidence exists that they were prisoners from that conflict. We must not become so impatient and propose withdrawal legislation that offers no measure of protection for the release of prisoners and the accountability of those missing.

This very simple proposal does no more than require a minimal expression of good faith upon the enemy. It is not designed to provide this administration with any blank check for continuing this war.

The amendment that I offer here today makes our withdrawal from South Vietnam contingent upon an agreement for the release of our prisoners and accounting of our missing. I am proposing that the withdrawal date be 90 days after the enactment of this Foreign Assistance Act. I think that most reasonable observers will agree that the date now in the bill, August 31, 1972, is unrealistic and could not possibly be carried out. If Congress gets on with its business and incorporates my amendment into the Foreign Assistance Act and adopts this bill before the end of the month, we are talking about a cutoff date of December 1, 1972.

I urge the supporters of the earlier Church-Case amendment to consider my proposal closely and to vote for it here today. Supporters of the Church-Case proposal will recall that the language in their proposal provided for a cutoff of funds contingent upon a release of POW's, as well as an accounting for the missing. The date in that proposal was December 31, 1972. If my amendment is accepted and the bill enacted, we are talking about a date of December 1, 1972, 30 days earlier than that envisioned by supporters of the Church-Case amendment.

Mr. MANSFIELD. Mr. President, it had been my intention, and still is my intention, circumstances permitting, to change the date from August 31, 1972, as it appears in the amendment to October 1, 1972. I realize that time is drawing short and perhaps that is one of the reasons why there has been such a delay in final consideration of the bill now before the Senate. But whether that date will be offered will depend upon the appropriate circumstance. So far as the Senator from Montana is concerned, he intends to try and try and try again, even if he stands by himself, to do what he can to bring an end to our involvement in this civil war, basically, between and among the Vietnamese—this tragic war, this war which has cost us so much in casualties and has cost us so much in treasure.

Mr. President, as I have indicated, this is basically a civil war. What the distinguished Senator from Nevada seeks to do is to tie us more closely to the government in Saigon than the section contained in the bill itself—section 12, hostilities in Indochina. The first part of that section calls for a complete withdrawal from South Vietnam by a date certain with no ifs, ands, or buts attached, which means that the umbilical cord which has tied us to the Saigon Government—which has told us on too many occasions what to do—will be cut and it will no longer have that kind of control over this Republic.

Section (b) of section 12 takes care of the POW's. That is the part which I think is most important in relation to the amendment offered by the distinguished Senator from Nevada.

Furthermore, Mr. President, may I say that, if this war is going to be ended, it is not going to be because Saigon pulls the strings. It will be because of some kind of agreement between this country and North Vietnam. That is what the proposal contained in the bill means. It means there will be no tieup, after a certain period, with South Vietnam. It means that the final disposition of the war and the release of our prisoners of war and the recoverable MIA's will be a matter of negotiation or agreement between Washington and Hanoi.

And may I point out that, when Dr. Henry Kissinger returned from his latest trip to China, he made the following statement, which I think fits in with what I am proposing:

> We expect that when the war is finally settled, it will be through direct negotiations between the North Vietnamese and American negotiators.

He does not say between Saigon and Hanoi, but between Washington and Hanoi.

If it comes to a choice between Saigon and this Government, between Saigon and our POW's and our MIA's, there is no question in my mind as to where I stand. I stand with the American people, I stand with the prisoners of war, and I stand with the recoverable missing in action.

This terrible war is one in which the country has been engaged for 11 years, going on 12, since January 1, 1961.

What has happened in that time? Well, the latest casualty figures through July 1, 1972, accumulative from the first of January 1961, are as follows:

303,190 Americans wounded.

45,806 Americans killed in combat.

10,229 Americans killed in other than combat.

56,035 Americans dead.

359,225 Americans dead and wounded.

This is a war which has bled our country in many ways. It is a war in which with regard to a place called Ben Tre "We had to destroy it to save it."

This is an 11-year war, going on 12 years. This is a war in which we used such slogans as, "Death Is Our Business, and Business Is Good." This is a war which was created "26 million craters according to professors of the University of Montana and Windham College in Vermont. And I think I have the information which is put forth to sustain that approximate figure.

This is a war in which cattle prods are being used against South Vietnamese citizens and probably against those, I suppose, who try to grab a helicopter to escape from places like An Loc.

This is a war in which tear gas is available to be used on people, although the information is that it has not been used. In any event, it is available.

This is a war in which three times the number of bombs dropped in all the theaters of World War II and Korea have already been dropped in Indochina, and they are still dropping them.

This is a war in which four-fifths of Laos and two-thirds of Cambodia are occupied, by the Pathet Lao or North Vietnamese in the former and the Cambodians opposed to the Lon Nol regime, and the North Vietnamese in the latter.

This is a war in which there are at least hundreds of thousands of refugees in Laos and in Cambodia and millions in South Vietnam.

This is a war in which experiments in rainmaking is playing a part.

This is a war in which dikes are being weakened and the lives and livelihood of millions of people are being threatened.

This is a war in which there has been a tremendous drawdown of U.S. personnel in South Vietnam, from approximately 550,000 to something on the order of 45,000 today, with a further drawdown to 39,000 by the first of September. But there has been a buildup to somewhere between 45,000 and 50,000 in Thailand. And if that figure has not exceeded the total in South Vietnam as yet, it will shortly.

Furthermore, there has been a buildup in the 7th Fleet in the South China Sea, so that we have the greatest naval armada since the Second World War located in the Gulf of Tonkin and the adjacent waters thereto—six carriers, I believe, a number of destroyers, some cruisers, a total of 39,000 men in the Tonkin Gulf area, according to the figures contained in the press on yesterday although this marks a decrease of 3,000 men from the number previously there.

We have over the past 3 months seen a buildup of B-52's to three times the number before the President's May 8 speech.

We have seen total casualties increase and costs rise. We have seen drug addiction become prevalent among sizable numbers of GI's in that part of the world. New diseases have reared their heads. Defoliation for a while—perhaps it still is, I do not know—was quite commonplace. And all the horrors that happened in Vietnam are becoming routinely accepted in this country.

There has been an increase in the number of our prisoners of war and missing in action. There has been an increase in anti-Americanism.

We should ask ourselves this question: Are we getting out of Vietnam only to place ourselves in concrete in Thailand? It is a good question, and I hope we ponder it because Thailand goes beyond Indochina and the buildup is already on there.

All the while, what do we face at home? Divisiveness and unrest. It is a catastrophe that a war such as this—in which we had no business, which was not and is not tied to this nation's security—has cost us so much in the way of lives, in the way of expenditures, and in the way of divisiveness at home.

Who knows? This may well turn out to be the longest war in our history. The costs for it are already destined to go on well into the 21st century.

Getting back to the amendment, let me point out that as far as the amendment, section 12 in the bill, is concerned, it places no conditions on the continued removal of U.S. ground forces from South Vietnam.

In fact, it will require the total extrication of all U.S. forces on the ground by a date certain. It will separately, in subsection (b), require an agreement for the return of all POW's and recoverable MIA's—that is, missing in action—and cease-fire only, and I repeat the word "only," between U.S. forces and those arrayed against our forces—that is, Hanoi and those allied with it—as a condition for the complete withdrawal of U.S. forces from the hostilities in and over Indochina.

Section 12 in the present bill contains these provisions:

The amendment offered by the distinguished Senator from Nevada changes subsection (a) of section 12. He sets preconditions and I would set no preconditions. There are no if's, and's, or but's but every last serviceman on the ground in South Vietnam would be out by a date certain, whether he plays a combat role or a supporting role.

The second section of section 12 is a separate and distinct proposition. When and if enacted it would require the termination of all American participation in the hostilities in, over, and around Indochina, subject only to the following conditions, which follow in sequence and are a part of the whole: First, that a cease-fire be agreed upon between the United States and the National Liberation Front and those allied with them; second, that the release of American POW's will have been provided for by agreement; and third, that there be an accounting for all American MIA's.

What is envisioned in the second subsection is the complete cessation of American participation and involvement in hostilities in the air and on the sea, as well as on the land, and not only in South Vietnam but also in all countries of Indochina.

It is most important that these conditions upon which rest the total termination of our involvement be understood in the order in which they are set forth: A cease-fire, a release of American POW's, and an accounting for the MIA's. These are the elements. They appear in this sequence for a definite purpose.

The cease-fire between the United States alone and the NLF or Hanoi, and those allied with them, must first be agreed upon as the umbrella under which the POW and MIA issues will be resolved. This, I think, faces up squarely to the issue. There are no ifs, ands, or buts. There is no continuing control by South Vietnam. There is no telling us what we should or should not do and under what conditions we should or should not do them.

The amendment of the distinguished Senator from Nevada negates, in other words guts, subsection (a) of section 12 because what it says, in effect, is that we shall hang on to South Vietnam until the release of all U.S. prisoners of war held by the Government of North Vietnam and forces allied with such government, and an accounting for all Americans missing in action who have been held by or known to such government or such forces. The proposed changes in subsection (a) will continue to tie us to the apron strings of Saigon and to keep us allied to them through thick and thin, at whatever cost.

Mr. President, I hope this amendment is defeated because it does nothing, in my opinion, to bring about the release of American POW's. It does nothing to bring about the release of recoverable MIA's. It does nothing, in my opinion, to shorten the war. On the contrary, it will keep us in concrete as far as our relations with South Vietnam are concerned.

I wish to say in conclusion, just as a reminder, what Dr. Henry Kissinger said on his latest return from China. I quote this most significant statement:

> We expect that when the war is finally settled it will be through direct negotiations between the North Vietnamese and American negotiators.

There is no word about leaving the settlement of the war as it involves us to the Vietnamese themselves, but there is definite word that any solution arrived at will be through negotiations between Washington and Hanoi.

I yield to the Senator from Kansas.

Mr. DOLE. With respect to the amendment of the Senator from Montana, section 12, subsection (a), that section does not preclude moving ground forces, for example, from South Vietnam to Thailand. Is that correct?

Mr. MANSFIELD. It does not, because it is being done now. What we are doing is building up in Thailand and taking credit for a drawdown in South Vietnam. Technically it is true, but as far as the forces in Indochina, they number more today than 3 months ago.

Mr. DOLE. But there is nothing in subsection (a) to preclude that, and nothing to preclude the plan of the junior Senator from South Dakota (Mr. McGovern), who indicated he would have residual forces in Thailand and other areas in Southeast Asia.

Mr. MANSFIELD. Will the Senator yield?

Mr. DOLE. I yield.

Mr. MANSFIELD. This is an amendment I have been offering time and time again. I am even against the stationing of U.S. troops in Thailand.

Mr. DOLE. I thought the Senator from Montana was opposed to stationing troops in Thailand and, therefore, he is opposed to the amendment of the Senator from Nevada even though it does, in my judgment, make some improvement, because at least we have some agreement with reference to POW's. But in the event troops should be moved from South Vietnam to Thailand or to other bases around or out of Indochina, then, of course, subsection (a) of section 12 would have no impact or effect.

Mr. MANSFIELD. Oh, yes, it would, because it would cut the umbilical cord which ties us to the government of Saigon and would allow them all the freedom they desire to determine their own future and carry on their own activities, without any support or assistance from us on that basis.

Mr. DOLE. But subsection (a) of section 12 does not preclude or prohibit indirect support to South Vietnam, does it, insofar as appropriations are concerned for their——

Mr. MANSFIELD. Yes, it does. There are no ifs, ands, or buts. It is a complete severance.

Mr. DOLE. It is a complete severance?

Mr. MANSFIELD. Yes. As far as the forces there are concerned, it would be absolute and complete. The question of military and economic assistance is something else, but we have to take these things one step at a time.

Mr. DOLE. As I understand it—and I am not quarreling with the Senator——

Mr. MANSFIELD. I understand.

Mr DOLE. The Senator's amendment would completely eliminate any American military support in South Vietnam?

Mr. MANSFIELD. Combat or noncombat support.

Mr. DOLE, But it does not go to the question of so-called economic or other aid to that country?

Mr. MANSFIELD. No; just to the question of getting U.S. forces out of Vietnam.

Mr. DOLE. Then subsection (b), as the Senator from Montana has explained, is an even broader section which would be in effect when there has been an agreement for a cease-fire when there has been a release of prisoners of war and an accounting for Americans missing in action. In the event that should happen, our role in Indochina would be terminated, whether it is on the ground, on the sea, or in the air. Is that a correct interpretation of that subsection?

Mr. MANSFIELD. That is absolutely correct.

Mr. DOLE. I thank the Senator from Montana

Mr. MANSFIELD. The purpose of subsection (b) is to bring about a cease-fire and a release of the POW's and an accounting for MIA's.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, I yield.

Mr. CANNON. I would like to take issue with the Senator on one point I can agree with him on his entire objective, and I can agree with him on substantially all he says except the legal conclusion, and that is that my amendment would tie us tighter to South Vietnam. That is not the intent and that is not what it would do from a legal standpoint. It simply says to the North Vietnamese that "If you will agree with us—not with the South Vietnamese, if you will agree with us—for the release of the prisoners and an accounting of the missing in action, then we will have our military forces out of South Vietnam and we will not have any funds appropriated for our military forces in South Vietnam beyond a period of 90 days after the enactment of this act."

Mr. MANSFIELD. Exactly.

Mr. CANNON. So that what I am concerned about, Mr. President—and I think that the distinguished Senator from Montana must have the same concern—is getting our prisoners of war back, some agreement for getting our prisoners of war back and the missing in action accounted for——

Mr. MANSFIELD. That is in subsection (b).

Mr. CANNON. And the Senator from Montana has specified that in subsection (b).

Mr. MANSFIELD. That is right.

Mr. CANNON. That takes effect only if we have an internationally supervised cease-fire throughout all of Indochina. That is not what we want. We want to get our men out of there and we want to get our prisoners of war and an agreement for getting them back. My amendment simply says we are going to get our men out and we are not going tc appropriate money for them beyond a period of 90 days after the enactment of this act if "you will agree you will release our prisoners of war and make an accounting for Americans missing in action."

So I submit, from a legal standpoint the Senator's amendment provides that we are going to get our prisoners out under subsection (b), but we are not going to get our prisoners out if we have to move our troops out and stop supplying money for them, and then we will worry about an agreement.

Mr. MANSFIELD. May I say that the Senator from Montana does not happen to be a lawyer, for which he has been grateful ever since he became a Member of Congress 30 years ago, but this is a practical solution, as I see it. What the Senator from Montana is endeavoring to do in subsection (b), as the Senator from Nevada has pointed out, is to accomplish the very same thing he is trying to accomplish by gutting subsection (a), because his amendment maintains our dependence on South Vietnam. They will have the say on seeking to withdraw our air support, and materiel, and whatnot, to carry on the support of the Saigon forces, even though Vietnamization has been pronounced a success for lo these many years.

Legalisms apart, I want to do something about getting out of Vietnam and getting the release of the POW's and the recoverable MIA's. I want the accumulation of the dead—50,000 dead already—to cease; I want the continued expenditure of the taxpayer's money—$130 billion to date—in carrying out a war which has been nothing but a tragedy for this country, a war without meaning, an unnecessary tragedy if ever there was one—I want to see it brought to a conclusion.

As far as I am concerned, ending the war is foremost in my thinking. It is the one factor which overrides everything else. I want something done about it. I have tried it every year. I will continue as long as necessary. Something will be done because something has to be done. We just cannot continue to pay the price which it has cost this country to carry on a war in an area 10,000 miles away and of no vital interest to this Republic.

So I hope this amendment will be defeated, because I think it subverts subsection (a). It will tie us more closely and for a longer period than I desire to South Vietnam. It will make certain that for a longer period at least there will be a residual force maintained in South Vietnam for the purpose of propping up the Saigon government.

Now, as far as the Government of South Vietnam is concerned, it has had a number of elections, beginning with Ngo Dinh Diem. Incidentally, the great tragedy, in my opinion, in relation to South Vietnam was the assassination of President Ngo Dinh Diem, who, despite his faults, was a man of integrity, honesty, and courage. I am afraid that even there this country—my country—was in large part responsible for the assassination, and we have reaped nothing but trouble ever since.

Some day we will wake up. Some day we will refuse to continue to accept, as routine, defoliation, drug addiction, rainmaking, cratering, refugee camps here and there, and all the other things I enumerated earlier, and many that I could have but did not.

I would hope that the American people would learn the lessons urged by MacArthur and Eisenhower about American involvement on the Asian mainland. I would hope that on the basis of those lessons we would bring about an end to this war in Southeast Asia, a withdrawal of our forces, and a reorientation of our policy, based, may I add, on the Nixon doctrine, which looks to less penetration, less to the use of U.S. Armed Forces, and more to encouraging independence on the part of those with whom we are friendly or in some instances allied.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, I compliment the Senator from Montana, our distinguished majority leader, on the fine statement he has made in opposition to the war. In substance, what he has done is reiterate a longtime deep commitment of conscience on behalf of the Senate and the American people.

I intend to oppose the amendment offered by the Senator from Nevada, because I think really it is nothing more than a prolong-the-war amendment, and I say, with due respect and deference to the statement made by the Senator from Nevada that although it is not his intention to do so, that that would be the result of his amendment.

I think it is time for us to develop some type of action here in the Senate which will be definitive and decisive, and cause some turn of events before the election occurs in November. Most of us here are well aware of the fact that, unfortunately, the commitment made 4 years ago to end this war has still not been kept. I know that most of us also understand that President Nixon is very capable of face saving. He is an expert at it. I think that he would like to take the Vietnam war issue away from us, and to some extent feels that possibly he has. I think President Nixon may do something which might surprise some of us even before the convention, or before the election. I anticipate it is possible that President Nixon may be able to work out some kind of accommodation. Hopefully he can. If he announces it on August 18——

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HARTKE. I will be glad to yield to the distinguished chairman of the Republican National Committee if he wishes to issue a political statement when I have finished, but I do not yield to the distinguished chairman of the Republican National Committee until I finish my statement. Meanwhile, if he wants to rest, he can sit down.

I intend to say what I want to about this war. I bear the scars of this war. I have been publicly castigated by Democrats and Republicans alike. I intend to say my piece today on how to bring about peace. I am firmly committed to the proposition that we must bring this war to an end, and I think the Senate has to be firmly committed to that end.

I agree with the distinguished majority leader that action is required by the Senate now. We can no longer excuse ourselves. As a matter of fact, we have not been able to excuse ourselves for a long time. The people are tired of the war. The Senate is tired of it. The House of Representatives is tired of it. The President is tired of it. Everybody is tired of it. The people do not want to see it on TV anymore. I do not blame them; I do not either. I would like to get that blood, that tragedy, that death, those arms and those veterans I deal with every day behind me, and no longer have to listen to them talk about being unable to take care of their physical needs because they have no arms, no legs, no control of their bodies, or have lost their minds from drug addiction during their military service. We will have an additional million veterans come back this year, with at least 50,000 or 75,000 addicted to heroin. All of that is a result of this war—a war which is still costing us at least a million dollars an hour.

Patience has run out in this country. But I do not think we need to fear about the country. What we need to question is whether the Senate has the courage to act. This, I repeat, is a prolong-the-war amendment, and I oppose it as such.

I am not very happy with what is in the bill itself. I would like to see it clarified, and when the time comes I intend to ask some questions on that score. But there is no question that if this amendment is agreed to, we will not have an end to the war unless it becomes politically convenient for the President to keep his 1968 promise. I will even say to our own Democratic nominee that I hope to goodness he clarifies his recent statements. I want the war over; I do not care whether it is ended by Democrats or Republicans. We are tired of campaign promises. And the best way to accomplish that is to act in the Senate to get this war out of the way.

I am tired of having the POW's used, as they have been used, as an excuse to prolong the war. The prowar forces have used them long enough. They have played on the emotions and the hopes of their families, and on their anticipation that somehow something will be done.

In March of 1971 I introduced a resolution in this body. If it had been adopted, this war would have been over. I said it had 40 words, but it could be summarized in two: Out now. It had only one condition—the safe return of our prisoners of war. Following that, in April, I went to Paris and was the first Senator who talked to all the negotiating parties. I repeat what I said on coming back then: I went to Ambassador Bruce, our representative; to Ambassador Lam, who was the representative of the Government of South Vietnam; and to the North Vietnamese. I talked a long time, 4½ or 5 hours, with them. I talked with Madam Binh, and came back at that time with a report of how this war could be ended.

The war could have been ended then, if we had fixed a time certain, which is what Senator MANSFIELD is attempting to do by his resolution. If we had fixed a time certain at which we would have come out of Vietnam, we would have had the safe return of the prisoners of war. That was a promise, and that commitment has been on the table, not since April 1971 when I was there, but since September of 1970. That is all we need to do, is accept that proposition.

The reason that proposition has not been accepted is the fact that those people who have been seeking to prolong this war dc not intend to remove our military presence from Vietnam at this time, and have refused to do so. I am tired of their excuses, tired of their arguments, and tired of everything about it. So are the American people. Their patience has worn extremely thin. We see it on every score, and soon we are going to see everyone wanting to agonize his way out of this dilemma. The 55,000 American dead who have come back in caskets to the United States, which Senator MANSFIELD talks about, cannot be restored to life, but we ought to be able to say that their deaths were able to bring back life to the Nation.

That is our problem. Our problem is not what Hanoi or Russia or China will think about it. Our problem today is to worry about what the American people think about our Government. Our Government is under challenge, and it is our country that is under a cloud of tragedy. There is a crisis in Vietnam, but it is the American crisis, not the crisis of Asia; it is the problem causing so much difficulty here in America at this time.

After I went to Paris in April, former Secretary of Defense Clifford went. He brought back the same story. Following that, Senator MCGOVERN went. Following that, a number of other people have gone and come back with identically the same story. And I will go with anyone who wants to go tomorrow, and we will go back there and find that proposition is still open. Peace is available upon the terms on which the President has said he is willing to settle, if only he will settle on those terms. To do so is certainly not pro-Communist. That is the old, old story; in other words, if we say anything about bringing peace to the country and ending the war, somehow we are traitors to this country. I say the real traitors to this country are the people who are prolonging this war, knowing full well in their own minds that they had no interest whatsoever in ending the war, even if they could get the prisoners home; that they intended to continue, that saving the Government of South Vietnam was more precious to them than saving our own blood, our own conscience, and our own spirit.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HARTKE. I do not yield. Mr. President, I insist that the Chair recognize my right not to be interrupted while I have the floor.

The PRESIDING OFFICER (Mr. BEALL). The Senator from Indiana has the floor.

Mr. DOLE. A point of order, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for a point of order?

Mr. HARTKE. I do not yield for any purpose.

The PRESIDING OFFICER. The Senator refuses to yield.

Mr. HARTKE. Mr. President, this war and everything about it can in no way do any justice to our children, and it is to our children that we are going to be held accountable. I personally choose not to wait.

I hope that the amendment of the Senator from Nevada is defeated. I hope we can say in plain English that we want this war over and that the Senate, at least, has the ability to go on and do what we have done before, to make our position clearly known, to say that we are going to continue the search for peace in Vietnam, the search for peace in the United States, and, most of all, the search for peace in the heart of every U.S. Senator.

This is a moral issue. It is not a military issue; it is not a political issue; it is not an economic issue. I think the morality of this Nation would be lifted materially if we could challenge the House of Representatives and the President of the United States to be the first to say that we can lead by ideas and ideals instead of by bombs and bullets.

For those who want to protect the Government of South Vietnam, let me remind them that 4 years ago I sat with the son and daughter of Mr. Dzu, who are still in the United States—that is, two of their six children. He was arrested, and he is now in jail for the sole reason that he said that if he had been elected President of South Vietnam, he, too, would have searched for a way to peace. So when you ask for the return of the prisoners of war of the United States, let us remember those who are in jail as a result of the military dictatorship in South Vietnam, that they, too, are part of mankind.

As I said before, if President Nixon ends this war for political purposes before the convention, before the election, I am for it; and I say that I will never say another word about it, because that would be the purpose I want to see accomplished.

I say that this country need not fear taking such action for its future, if we simply have the courage to admit that our foreign policy, at least in Southeast Asia, for the past 25 years, has been a terrible mistake, and it has been based on sheer power rather than on the love of mankind.

Mr. COOK. Mr. President——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. MANSFIELD. Mr. President, am I correct that an order has been entered into to go on the second track at 4 p.m.?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended 15 minutes beyond the hour of 4 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I will yield later to the Senator from Kansas.

I have listened to this discussion with a great deal of interest, because the language that the Senator from Nevada proposes is the same language that was presented to the Senate by Senator STEVENS, Senator EAGLETON, and myself along with the Senator from Indiana (Mr. HARTKE), back on June 22, 1971, in the form of amendment No. 165, to a bill extending the Selective Service System. We received a great deal of support, and we had a lengthy debate on that occasion. We received the overwhelming support not only of the majority leader but also of the distinguished Senator from Indiana.

There is one very interesting point in the amendment of the distinguished Senator from Nevada, which is less restrictive than the language of the amendment of the majority leader. The language as proposed by the Senator from Nevada says "an agreement providing for the release of all United States prisoners of war"; and the amendment of the distinguished majority leader says—reading from page 11—"the release of all United States prisoners of war."

So this is not a continuation of the war as both the Senator from Indiana and the Senator from Montana have said. But, in fact, it is an easier way to accomplish the same thing, total withdrawal from Vietnam, but it is a less restrictive way to accomplish the same thing.

The Senator from Montana said he is not a lawyer. Well, I am a lawyer. But to be a lawyer is insignificant in this debate, because this is the debate we had in June of 1971. This is debate in which we lost by only one vote. One of our colleagues changed his vote, and we went long into the night, and the Mansfield amendment was adopted that evening.

So I can only say that it comes as a shock to the Senator from Kentucky to find out that the language for which he fought so hard in June of 1971 is now a continuation of the war amendment, is now a prolongation of the war amendment; that it is an amendment that makes it tougher to get out, when in fact it makes it easier to get out, in relation to the language of the distinguished majority leader. The Cannon amendment calls for an "agreement" and not for the "release."

I am delighted that the Senator from Nevada has offered this amendment, because he did not vote for that amendment in June of 1971, when we lost by only one vote. We should have put it on the statutes at that time. Instead, we voted for a sense-of-the-Senate resolution, which, very frankly, is a "chicken" way out for a legislative body. We are here to legislate, not to impose sense-of-the-Senate resolutions to be considered or not to be considered, as the administration so desires.

So I congratulate the Senator from Nevada for resurrecting the language of my amendment of June 22, 1971, which we debated for hours on end and on which we had the complete and absolute cooperation and encouragement of the Senator from Indiana.

So I say—and I am afraid the Senator from Indiana is going to get the same answer he gave me.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. COOK. So I say that we sit here now, in the same place we sat on June 22, 1971, when it was important to strike this language down and when we thought it was extremely important to pass it.

I believe that the amendment proposed by the Senator from Nevada can get us out of Southeast Asia much, much faster than the language proposed by the majority leader.

I yield to the Senator from Kansas.

Mr. MANSFIELD. Mr. President, will the Senator from Kansas yield briefly?

Mr. DOLE. I yield.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Kentucky talks of 13 months ago, thousands of casualties ago, and millions of dollars ago.

Mr. COOK. That is correct.

Mr. MANSFIELD. Conditions have changed in the past year. The costs have increased; the casualties have increased.

Mr. COOK. What the Senator has said is correct. But one thing has not changed: The language of the two amendments. The language of the amendment of the Senator from Nevada says "an agreement providing for the release," and the language of the amendment of the Senator from Montana says "the release." That means that, regardless of what has taken place in the past 13 months, he is still demanding that the absolute release take place, and the Senator from Nevada is suggesting that an agreement be entered into whereby the release is provided.

Mr. MANSFIELD. The big difference is that this also involves getting our forces completely out of South Vietnam—lock, stock, and barrel.

Mr. COOK. I could not agree more with the Senator.

Mr. MANSFIELD. I am not at all disappointed in the language I used. I think it is emphatic. I think it is to the point. There are no ifs, ands, or buts about the language in the bill.

Mr. DOLE. Mr. President, I wanted to ask some questions of the Senator from Indiana. He kept referring to the Senator from Kansas as chairman of the Republican Party; and I suppose that is to indicate that my questions have some political overtones. I assume I could address the Senator from Indiana as a former, unsuccessful candidate for President.

Mr. HARTKE. That is fair.

Mr. DOLE. But, as the Senator from Kansas understands procedure in this body we address one another as Senators—although I am proud to be chairman of the Republican Party.

I have noted throughout the remarks of the Senator from Indiana that he has made several caustic references to President Nixon, about his political purposes, about what President Nixon has not done and about what President Nixon could have done.

The Senator from Indiana alluded to traitors, without naming any traitors—traitors somewhere, wherever they may be—who have prolonged the war.

But it appears to the Senator from Kansas that if the Senator from Indiana wants to make that kind of statement, he should identify those whom he has in mind. I will yield to the Senator from Indiana at this time to name the traitors. Name the traitors. Would the Senator do so? Name the traitors?

Mr. HARTKE. I would be glad to answer.

Mr. DOLE. I want a list. Give me a list.

Mr. HARTKE. What I said was that those people who had opposed the war had been accused of being traitors when, rather, the traitors have been those who have prolonged the war.

Mr. DOLE. Who are those people?

Mr. HARTKE. You just make your own decision, sir. If you feel you want to identify them by name, you can. That is what I say. That is what I believe. That is what I feel.

Mr. DOLE. That is about the answer I expected from the Senator from Indiana—nothing.

Mr. HARTKE. If that is what you are expecting, then you got what you expected. [Laughter.]

Mr. DOLE. Let me say to the Senator, that President Nixon has made a record in Southeast Asia. I am not going to recite the litany again. It has been recited before. I support President Nixon, not because I am on the Republican side, but because he has made some progress toward a solution in Southeast Asia. The distinguished majority leader alluded to it earlier.

We all want the war to end. I do not know of anyone in this body who does not want the war to end. And, of course, President Nixon wants it to end. But rather than just talk about it, President Nixon has done something about it. There were 549,000 American troops in Vietnam in January of 1969. Now, there are fewer than 50,000. Instead of casualties running at the rate of 300, 400, and 500 a week, there are now four, five, or six a week—which is still too many. But, there is a new direction. There is progress. The war is winding down. We are getting near to peace because of the efforts of President Nixon.

I recognize the agony of those in the Senate who want to do something. Perhaps we should do something constructive. Perhaps we should not have passed the Gulf of Tonkin resolution in 1964. The Senator from Indiana voted for it, and the Senator from Kansas, who was then in the House, voted for it also. So maybe we should look at the whole picture before we condemn President Nixon or suggest that he is seeking a settlement of the war just for political purposes.

I would like to remind all those who want the war to end that these seem to be rather delicate times.

Everyone knows that President Nixon has made a broad and generous peace proposal to Hanoi. Everyone knows, or should know—that after a long delay—Hanoi has come back to the Paris peace talks. Everyone knows that there is great speculation about the role the Soviet Union and Communist China are playing in the attempt to get Hanoi to accept a reasonable and fair settlement of the war, which would please us all, whether it be President Nixon, some other President, or some previous President.

Every Member of this body should be aware of a significant article that recently appeared in the Washington Post, and that does not happen too often. In that article, Victor Zorza, an internationally recognized expert on Communist affairs, discussed the role that Moscow and Peking are now playing.

I would like to read one or two excerpts from the article:

> The reasons why the resumed Paris talks will lead to the ending of the war before the presidential election in November are to be found between the lines of the Hanoi press.
>
> Moscow and Peking have made it clear to Hanoi that, unless it accepts something like the terms they recommend, it is going to be left on its own—and the North Vietnamese leaders have finally taken the point. The Hanoi press used to describe the resumption of the bombing and the mining of the harbors as an "arrogant challenge to the socialist countries." It used to stress its "firm confidence" that the Communist allies "will strengthen their support" of North Vietnam.
>
> But they did not, and gradually the calls for their support became less and less emphatic, reflecting Hanoi's embarrassment at the lack of any real response. They have now ceased altogether, which means that Hanoi knows that it can expect nothing from that quarter.
>
> At the same time, on the internal front, the Hanoi press which has so often claimed that the Saigon forces were disintegrating now frankly poses this question: "Why have the U.S. puppets not collapsed rapidly, since they had been weakened and had encountered so many difficulties?" The answer is that "They still possess many temporary strong points."
>
> Broadcasts which condemn the "gross errors" committed by Communist forces in the field when they show fear of the enemy, and of their "grave offenses against the revolution" when they fail to attack as ordered, are the other side of the same coin.

Then it goes on:

> Both Moscow and Peking support President Nixon's offer of an internationally supervised cease-fire, to judge from their failure to condemn it as Hanoi has.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAR HALT SEEN BEFORE ELECTION

(By Victor Zorza)

The reasons why the resumed Paris talks will lead to the ending of the war before the presidential election in November are to be found between the lines of the Hanoi press.

Moscow and Peking have made it clear to Hanoi that, unless it accepts something like the terms they recommended, it is going to be left on its own—and the North Vietnamese leaders have finally taken the point. The Hanoi press used to describe the resumption of the bombing and the mining of the harbors as an "arrogant challenge to the socialist countries." It used to stress its "firm confidence" that the Communist allies "will strengthen their support" of North Vietnam.

But they did not, and gradually the calls for their support became less and less emphatic, reflecting Hanoi's embarrassment at the lack of any real response. They have now ceased altogether, which means that Hanoi knows that it can expect nothing from that quarter.

At the same time, on the internal front, the Hanoi press which has so often claimed that the Saigon forces were disintegrating now frankly poses this question: "Why have the U.S. puppets not collapsed rapidly, since they had been weakened and had encountered so many difficulties?" The answer is that "They still possess many temporary strong points."

Broadcasts which condemn the "gross errors" committed by Communist forces in the field when they show fear of the enemy, and of their "grave offenses against the revolution" when they fail to attack as ordered, are the other side of the same coin.

Hanoi is thus under pressure on three fronts—on the diplomatic front from its allies, and on the battlefield in the South, to say nothing of the bombing and the mining in the North. It is true that some of these pressures have operated in the past. But the reason why they will now lead to the end of the war is that all three factors have never operated at the same time and with such intensity as they do at present.

Both the coordination and the intensity of these pressures are not the result of a sudden flash of inspiration in the White House, but of the long-term Nixon plan to end the war before the election. Its outlines were evident in the preparations for the Peking and Moscow summits.

Its promise of success was reflected in the fears, also evinced between the lines of the Hanoi press in those early days, that the White House "schemes" were finding a ready response in Moscow and Peking.

This evidence was sufficient already at that time to suggest that a deal was in the making. Now the evidence is more than sufficient, although this does not mean that an agreement can be reached without a great deal of hard bargaining and without further military flare-ups, which both sides may use to reinforce their bargaining positions.

Moscow and Peking have not, of course, completely abandoned Hanoi. They still support it, to use Lenin's memorable phrase, in the way a hanged man supports the rope. Thus Peking has signed a new agreement granting aid to Hanoi. But, when Peking announced a similar agreement last year, it said that its purpose was "to defeat completely the U.S. aggressors." The omission of any such statement of purpose this year, combined with Peking's uncritical treatment of the Nixon peace offers, makes it clear that China is pressing Hanoi to give serious consideration to the terms proposed by the United States.

Both Moscow and Peking support President Nixon's offer of an internationally supervised cease-fire, to judge from their failure to condemn it as Hanoi has. Indeed, it looks as if they might have well worked closely with the United States to draw up the precise terms for such a cease fire, which they appear to be pressing on Hanoi as the first step to a peace settlement.

Mr. DOLE. In short, there is little question that the effect of this debate—not its purpose, but its effect—is to hold out to Hanoi the hope of better terms than they are being pressed to accept by their own Communist allies. The effect of this debate is to undercut the President's negotiating position, and I should add that the President's position is a generous one. The effect of this debate is to prolong Hanoi's hopes that if they only hold out a little longer, that they will have handed to them on a negotiating platter the complete victory which they have been unable to win on the battlefield.

We are making progress. We are going back to the Paris peace talks. There has been some hint by Secretary of State Rogers that their nuances suggest at least some progress may be made.

Mr. President, I am not certain what effect this debate will have. The Senator from Kansas does not know. But it seems that, as the Senator from Montana said a few moments ago, 13 months have passed, 6 months have passed, and it seems that we may be a little closer, a little nearer, perhaps on the threshold of real negotiations, a final end to the tragic war in Southeast Asia.

But I would say in closing to the Senator from Indiana that he is entitled to his judgments; he is entitled to make statements on this floor about President Nixon—despite the fact that we have been exhorted against getting partisan here between the conventions and the rest of the year. Although, I would assume that, from time to time, there will be partisan remarks made on the Senate floor—perhaps even by the Senator from Kansas, or others on this side. I can understand that.

But I would say that President Nixon's record in Southeast Asia deserves our commendation and not our condemnation, because he has brought about a turnabout. One-half million American troops have been withdrawn. The cost of the war has been reduced. The casualties have gone down. President Nixon has made every effort to end the war and bring a just peace. He undertook a mission to Moscow and a mission to Peking. He said he would go anywhere in the world in the quest for peace, and I believe that he has kept his word to the American people.

Certainly he would like the war to end. Who would not? But I am not certain that criticizing the President will end it any sooner. Perhaps the Senator from Indiana has some inside information. I do not know.

I place my faith in President Nixon because of what he has done and not because of what he has said.

The American people will make their judgment. If the war ends tomorrow, or the next day, or next week, that could not be soon enough. I think there is enough blame—as I have heard the distinguished majority leader say before—to go all around this Chamber, on both sides, Republicans and Democrats, Republican President or Democratic President, Republican administration or Democratic administration.

I do not know of anyone who has any greater desire to see the war end, a greater claim to patriotism. I do not make that charge. But I do suggest that Richard Nixon has a record. Look at that record. Look at the situation when he became President of the United States, what the situation was then and—yes—in South Vietnam and all of Indochina and the Mideast and other spots throughout the world. Look at the record after 3½ years. Then let the people judge for themselves. But I would hope that if anyone on this floor stands up and indicates that someone has been a traitor, he will have the responsibility to withdraw such a remark, or name the persons he would accuse.

I thank the Senator for yielding.

Mr. COOK. Mr. President, I am merely going to close with a synopsis of what I said before, that the language of the Senator from Nevada is exactly, almost identical to the language of the Cook-Stevens-Eagleton-Hartke amendment of June 1971.

It is a matter of fact, and I repeat it again, that the language of the Senator from Nevada is more conducive to an immediate withdrawal in the language of the amendment of the distinguished majority leader, because the language of the Senator from Nevada says, "enter into an agreement providing for the release" and the language of the amendment that this proposes to amend says "the release." And the phrase "the release" means absolutely nothing but the absolute, unqualified release of all prisoners, and not an agreement entered into for that release.

So, therefore, it is amazing to this Senator that we are debating an amendment today that is supposed to prolong the war, as the Senator from Indiana just said, when we debated it so strenuously for its enactment on the 22d of June 1971.

Mr. President, I yield the floor.

Mr. HARTKE. Mr. President, I just want to repeat what the majority leader has said. June 1971 is not today. Times have changed. I oppose the amendment very strongly for the reason that I think it prolongs the war.

I intend to do everything I can to support the majority leader and make sure that the U.S. Senate does not duck its responsibility to bring this tragic war to an end.

I pledge my support to the majority leader in any way I can to get that job done.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

Mr. MANSFIELD. Mr. President, in accordance with the previous order, I ask that the Chair lay before the Senate the minimum wage bill.

The PRESIDING OFFICER. In accordance with the previous order, the Chair lays before the Senate S. 1861, the bill to amend the Fair Labor Standards Act of 1938, as amended, which the clerk will report.

The assistant legislative clerk read as follows:

> Calendar No. 805, S. 1861, a bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

Mr. JAVITS. Mr. President, I ask unanimous consent to suggest the absence of a quorum and assume the floor thereafter in order to make an opening statement on the minimum wage bill. I assure the Senate that I shall not speak for over an hour.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York was to be recognized under the previous unanimous-consent agreement.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be recognized following the quorum call to be suggested by the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON "WAR POWERS LEGISLATION"

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 54.

The PRESIDING OFFICER (Mr. BEALL) laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 54) to print additional copies of hearings on "War Powers Legislation" which was after line 5, insert:

> SEC. 2. There shall be printed for the use of the House of Representatives three thousand additional copies of the hearings authorized by section 1 of this concurrent resolution, five copies to be set aside for each Member of the House of Representatives.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, without prejudice to the distinguished Senator from New York (Mr. JAVITS), that the Senator from Indiana may be recognized at this time for not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, it recently came to my attention that the Department of Defense has transferred the assembly of a part of the Safeguard missile system to Hong Kong. The upshot of this move has been to throw hundreds of Americans out of work, and another straw to the burden on our balance of payments, and endanger the security of a defense system.

All this seemed rampant nonsense to me, and I wrote to the Secretary of Defense asking for an explanation. What I received was a pablum of assurances and assertions that all was well. This typifies the attitude of an administration whose profits over prudence desires to serve the short-sighted aims of big business throws American jobs and the national interest to the trade winds.

The Secretary of Defense stated in part:

> . . . the value of the work for accomplishment in Hong Kong is approximately $600,000.

Mr. President, I point out that this is done at a time when we have unemployment in the United States, and this Government has loaned that company money at this time to continue that operation.

Mr. President, I ask unanimous consent that the article that first alerted me to this Defense debacle, my letter to Secretary Laird, and the Department's response be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOCKHEED GETS PENTAGON OK TO EXPORT ANTI-MISSILE WORK

Parts for the nation's frontline missile defense system have been approved for production just a few miles from Red China.

Jim Quillin, president of IAM District 727, Burbank, Calif., reports that the Defense Department recently approved a request by Lockheed Electronics Corp., Commerce, Calif., to build hardware for the Safeguard antimissile system in Hong Kong.

Quillin explains that Lockheed is a subcontractor for Western Electric to build memory core racks for the Safeguard system. IAM members at Lockheed Electronics plants in the USA build all the components. But the assembly of the components, specifically wiring cores into frames, is being done in Hong Kong.

The company contends that it has to ship the work overseas to keep its costs competitive. Quillin points out that wage rates at Lockheed's electronic plant in Hong Kong are slightly more than $2 a day.

The IAM district president calls the Lockheed request and the subsequent Government approval "a slap in the face for every jobless American." He pointed out that:

"The action ignores completely the urgent needs of hundreds of thousands of unemployed aerospace and electronics workers in this country. In these times, it is unthinking and disgraceful for any agency of our government to approve the manufacture of defense items by workers other than their own."

The problem is not a new one for District 727, although the union plans a different course of action this time. Quillin explains that the IAM will take the case to Congress. In 1969, when Lockheed announced a similar move, the district protested to the Department of the Army the export of American jobs and technologies.

At that time, members of IAM Local 1626 at the Lockheed Electronics plant in Commerce flooded the Pentagon with letters of protest. They maintained that the exporting of work violated the "Buy American" act in the Armed Forces Procurement Regulation. The regulation requires that at least 50 per cent of the components used in the final product must have been made in the USA.

The Army Generals responded with a blanket reply pointing out that no components, at that time, were being built in Hong Kong. While the Act specifies component production, assembly goes untouched.

The Army informed IAM members that if it wished, Lockheed could fabricate many more parts for a variety of its products at the Hong Kong plant.

As a result, Lockheed's electronic workforce in Hong Kong has increased to 700 workers—100 more than are now employed at Commerce. Layoffs during the last two years have slashed the Commerce workforce in half.

Quillin explains that U.S. Senators Alan Cranston and John Tunney of California wil be asked to aid in this year's drive. He points out that:

"These legislators, along with some Administration officials, have lately shown increased concern over the mounting aerospace jobless rate.

"They'll be given another chance to prove that their concern is genuine," Quillin added.

APRIL 20, 1972.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense,
Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: It has recently come to my attention that the Defense Department last year decided to permit Lockheed to assemble components for the Safeguard missile system in Hong Kong. Enclosed is an article from *The Machinist* presenting the details of the arrangement.

This decision hardly seems sound from the point of view of military security. It is equally at variance with the supposed desire of the current administration to improve our trade balance and reduce unemployment.

I would very much appreciate a quick response explaining the actions of your department.

Sincerely,

VANCE HARTKE,
U.S. Senator.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF STAFF,
Arlington, Va., May 3, 1972.

Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: The Secretary of the Army has asked me to reply to your inquiry addressed to the Secretary of Defense concerning the assembly of SAFEGUARD System components in Hong Kong.

Lockheed Electronics Company is under subcontract to provide core memories for the SAFEGUARD System data processors. The components of the core memories are all manufactured by Lockheed in the United States; assembly of the components is accomplished in Hong Kong. The current contract value of the Lockheed effort is approximately $16 million; of that amount, the value of the work for accomplishment in Hong Kong is approximately $600,000. It is estimated that it would cost approximately six times the Hong Kong cost to have this same work done in the United States.

Prior to permitting the contractor to have this assembly work performed outside the United States, the Army reviewed applicable laws and regulations. It was determined that the assembly effort in Hong Kong is not in contravention of either the Buy American Act or the Balance of Payments Program. In consequence, the Army reached its determination to permit this limited amount of assembly work to be accomplished outside the United States on the basis of the substantial budgetary savings that would accrue to the US Government. None of the effort which is accomplished in Hong Kong is classified.

I trust that this information will be of assistance to you.

Sincerely,

Maj. Gen. GEORGE MAYO, Jr.,
Deputy Safeguard System Manager.

ORDER FOR RECOGNITION OF SENATOR COOPER TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, just prior to the period for the transaction of routine morning business, the distinguished senior Senator from Kentucky (Mr. COOPER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

The Senate resumed the consideration of the bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I make herewith my opening statement on the minimum wage bill as the ranking minority member of the Committee on Labor and Public Welfare.

The bill, as is well known, is the product of long and arduous work by the committee, and one need but look at the range of the volumes of testimony and background information to know how critical it is. Forty-five million workers now come under the minimum wage provisions and they are going to be directly affected, and that is out of a total work force of about 80 million workers. We are going to add, if the committee bill is agreed to, an additional 7 or 8 million workers, so this bill is critically important to the economy of the Nation.

At the moment we are faced with an amendment in the nature of a complete substitute for the bill and the Senate in one way or another, whether or not other matters intervene by way of amendment, will be voting on that question up or down.

In my judgment this substitute falls far short of what is necessary and desirable for us to do at this time to help low-income workers to achieve and maintain a decent standard of living. I hasten to add immediately that the concept that this is inflationary is, in my judgment, very misapplied. Inflation means overpayment based on what is earned, produced, and created, and where there is a recognition that people are being underpaid for what is being produced and created an increase in the wage to do economic justice is only an adjustment which is noninflationary. This bill does meet that test; to wit, $2 an hour represents now what is earned and produced in terms of today's economy by the individual who does an hour's work.

The substitute would propose to maintain the $1.80 rate at least for a year. It seems to me that for most workers that will not permit them to escape from partial poverty and to make up for erosion of real income caused by inflation we have otherwise experienced through no fault of theirs since the last minimum wage increase in 1966.

In addition to that basic shortcoming in the substitute, it also fails to eliminate the unconscionable differential which now exists between the rate for agricultural workers and the rate for most other workers. Also the substitute, in our judgment, errs seriously in establishing a youth differential, with no effective provision to guard against wholesale replacement of adult workers by youth paid subminimum wages.

We have adopted many of the programs—the poverty program, the manpower training, Neighborhood Youth Corps, and other programs—to deal with the problems of youth. There is no reason why, under the cover of the minimum wage bill, the total structure of employment in this country should be badly disrupted by a youth differential cranked into this bill.

Finally, the substitute does not bring any new workers within the protection of the minimum wage. This is urgently required and represents, in my judgment, an enormous consensus of the country. Nor does it eliminate or narrow any of the exemptions with which the present law is riddled—not that they were not justified to begin with, but many which may have been in the beginning are not now justified.

In short, the substitute does not add up to what economic and social justice requires. If the new politics means anything, it means the high priority placed upon economic and social justice to the people. Hence, I hope the Senate will reject the substitute.

Mr. President, I wish to point out to my colleagues that if they do reject the amendment, they will reject an all-or-nothing proposition. The substitute would preempt any other amendment. On the other hand, rejection of the substitute enables the Senate to proceed to any and all finite provisions of the bill with a scalpel instead of a cutlass in order to work its will on individual provisions of the bill.

I have no doubt, based on experience with amendments previously offered by the Senator from Colorado and the Senator from Ohio, many will carry, and indeed may be accepted by the committee, under the debate which always characterizes such matters, but to cut off the ability of the Senate to consider provisions selectively would be a mistake on the part of the Senate. The acceptance of the substitute would cut off any amendments dealing with individual provisions.

That argument alone should be enough to defeat the amendment when we are considering such delicate issues as overtime, minimum wage, and other conditions of work, including child labor, agricultural rates, youth differential, with which the Senate must deal in this situation.

So I hope the Senate will operate with its usual discernment in not accepting an all-or-nothing proposition, which is unnecessary to accept in order to work its will on individual provisions of the bill, but can consider individual amendments with discernment, which the Senate should do on each of the controverted items.

There is no question of principle involved. The only question of principle, if there be one, is whether the minimum wage should go to $2 or not. That can be decided here. Other than that, there is no principle at stake that cannot be dealt with on a finite basis in each particular instance provided for under the bill.

I hope that Members of the Senate who pride themselves on their practicality would also have their feet very solidly planted on the earth in thinking in pragmatic terms about what this minimum wage means. At $1.80, an individual earning the minimum wage now gets $72 a week.

Let us remember that the worker does not even get that $72. From that comes out a deduction for social security and an income tax withholding in some cases.

What we are talking about is getting up to $80 a week, also not a big deal, but some improvement over what he gets now under present conditions.

So let us understand what we are talking about here in the life of the individual—a very pertinent consideration because we are dealing with an economic group in our community, those who receive the minimum wage, who, it seems to me, need the greatest solicitude or understanding, in these very practical terms, on our part.

The present minimum wage of $1.60 an hour became effective on February 1, 1968. Since that time the consumer price index has risen well over 20 percent and, for the first time in recent memory, the number of families living below the poverty level in America has increased rather than decreased—not a very happy commentary on the society we have today.

Under the present minimum wage, a full-time worker makes $3,200 a year. By all accepted standards, he is simply not able to provide the basic necessities of life for a family of four with that kind of income.

Right now the full-time head of a family must make about $2.07 an hour for his income to meet the officially defined poverty level and to escape eligibility for welfare under the administration's own welfare proposal.

So the question posed by this legislation is whether we have reached the point where we are no longer willing to tolerate full-time workers earning less than necessary to provide the minimum essentials of life. I am convinced that we have reached that point; moreover, that this bill will help our economic recovery and will also serve to help materially to reduce the heavy weight of our present welfare program.

We talk about workfare, a bill now in the Finance Committee. That is for people who are not working now, and it is a program to put them to work. This bill concerns people who are working now, and still there is opposition to fixing a minimum wage rate which is a rate above rather than below the poverty level.

I wish to emphasize one point to my colleagues from many of the industrial States of the Nation, especially those in the North, and the importance to them in the economy of their States of a decent minimum wage. The committee action fixing the $2 figure will serve to temper the mass exodus of industrial employment opportunities to other areas and other countries. We, for example, in my State of New York have for some time had a minimum wage greater than the Federal minimum. At the same time we have been plagued with industrial migration to areas with lower minimums.

Our State—and I think it is not untypical of industrial States generally—has a great interest in establishing national standards of decency which will avoid this kind of competition.

Mr. President, unless we are willing to accept the fact that every American who works for a living should be entitled to at least $80 a week for a 40-hour week, we will perpetuate conditions of poverty and the conditions it breeds, and I do not feel we discharge our public responsibility if we condemn a large group of American workers to below subsistence and below poverty level wages, and we dim the hope and the spirit of families which see the breadwinner toiling full time and yet remaining dependent upon public assistance.

The present minimum wage simply does not keep body and soul together for the Nation's working poor. That is one of the big reasons for the present welfare dilemma which we are in, and it is clear, in my opinion, that we will not succeed in reducing our welfare rolls materially unless and until we insure, in addition to other provision which we may make, that work is rewarded by a minimum wage that is at least above the poverty level as found by our own statistics.

Also, Mr. President, we must do something about the approximately 25 percent of all wage and salaried workers who remain uncovered by the act. For the most part, Mr. President, these workers are bearing the brunt of inflation. For them it is a real hardship. The rest of us who do much better than that find it disagreeable, and it reduces our real income, but it is a question of reducing it at a rate which still enables us to live very well. But when you are at this level we are talking about now, below the poverty line, then you really feel the bite of inflation in the worst way, and it is those very same people, for the most part, who lack any effective way to redress their grievances. For them, the Fair Labor Standards Act remains the last hope.

It is well to recall, Mr. President, the words of Franklin D. Roosevelt in his second inaugural address in 1937, when he said:

> I see one third of a Nation ill-housed, ill-clad, ill nourished . . . the test of our prosperity is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little.

And one might say that it is not only the test of our prosperity, Mr. President, it is also the test of our morality.

Although 35 years have passed, there are still 26 million Americans, 13 percent of our population, living in poverty, and 14 million wage earners not guaranteed even a minimum wage for their labor.

The committee bill, Mr. President, seeks to guarantee 8,400,000 additional workers employed by local and State governments and employed in smaller retail and service establishments—though we still have important limits—and as domestics, many of whom are at the lowest end of the wage scale, an adequate minimum wage for their efforts. These workers have been denied the basic right to earn a living wage granted by Congress to most workers over 30 years ago.

Some very respectable economists believe that an increase in the minimum wage may produce adverse employment consequences, especially for the poor, unskilled workers whom this act was designed to benefit. Mr. President, these are doomsday prophecies which we have heard before exactly in respect of the minimum wage; but they are contradicted by our historic experience in connection with previous increases in the minimum wage. The overwhelming weight of the evidence is to the effect that increases in the minimum wage have been a positive rather than a negative factor on our economy, particularly when they have occurred in times of rising economic activity such as we are now experiencing.

Here are some Department of Labor statistics showing that minimum wage increases have not resulted in increased unemployment, but, on the contrary, that subsequent to the 1949, 1961, and 1967 minimum wage increases, unemployment actually decreased, and in the case of the 1956 minimum wage increase, where the least desirable record was made, unemployment did not change.

Here are the facts: In 1949, following an increase in the minimum wage from 40 cents to 75 cents an hour, unemployment decreased from approximately 8 percent to approximately 6 percent in the first months of 1950. In 1961, we increased the minimum wage from $1 to $1.15. Unemployment in the period immediately thereafter declined from 7 percent to 6 percent of the work force.

In 1967, we increased the minimum wage from $1.40 to $1.60 an hour, and again the immediate result was a decline in unemployment from 4 percent to about 3.5 percent.

Moreover, the figures attest that the actual numbers of unemployed workers subsequent to the 1950 increase in the minimum wage declined from 5 million to 4 million. After the 1961 increase, the number of unemployed workers declined from 5.5 million to 4 million. These figures, which the committee sets forth in its report on pages 7 and 8, demonstrate clearly, it seems to me, that those who have raised the specter of economic doom every time a minimum wage increase has been considered have been in error, and that the facts and history have not borne out their fears.

It is true, of course, that an increase in the minimum wage such as we propose in the bill will inevitably result in some localized instances of adverse employment effects. But what our historic experience shows is that these localized effects are more than compensated for by the general stimulus provided to the economy by an increase in the minimum wage.

It is argued also that the increase in this bill will be inflationary, and undermine the administration's wage-price stabilization programs.

There are a number of answers to this

contention, and I have already given the moral answer, which is that these are the people who feel the main brunt of inflation, which they did not bring on, and therefore they are entitled to our assistance. But whatever may be the result, it is not inevitable, as some would claim.

In the first place, let us note that the wage-price stabilization program in phase II itself now exempts wage increases up to $1.90 an hour. That, Mr. President, is certainly within immediate reach of the $2 figure. Secondly, the existence of the stabilization program will serve severely to restrain the so-called "ripple" effect which it is claimed might be produced by raising the minimum wage rate, because the wages and prices which result are under control, under stabilization. So the stabilization program should be viewed, not as a deterrent, but rather as an added reason why we can safely raise the minimum wage. And we should take advantage of the fact that we have a stabilization program to raise the minimum wage now, while we can control any possible inflationary effect that might be produced, because we have this control mechanism.

Another reason why the committee bill will not have the adverse economic consequences predicted by its opponents is that the committee, as it has done before, has written in provisions making the transition to the new higher minimum wage gradual in most cases, and otherwise taking into account special circumstances which exist in particular types of employment. Thus the bill extends coverage to additional retail and service workers in the larger establishments by lowering the gross annual sales test which determines coverage in four annual steps, from its present level of $250,000 to $150,000 gross volume, and even if this provision stays in the bill—and there is considerable discussion about that going on right now—it would take 3 years after the effective date of the act for all retail and service employees of establishments grossing more than $150,000 annually to be covered by the act. And even under the committee bill, the complete exemption of the small store, the so-called "mom and pop store," will remain, and at least 1 million such establishments will remain completely exempt.

Moreover, having myself a deep concern for small business, as I am the ranking minority member of the Senate Small Business Committee, I have, after consultation with the distinguished chairman of that committee, the Senator from Utah (Mr. BIBLE), with whom I hope to talk about this matter, and the manager of the bill, given the utmost consideration to the possible support of an amendment to be offered to the bill by Senator STAFFORD, which will retain the $250,000 gross volume test.

The bill extends coverage to domestic service workers who, by all accounts, are among the lowest paid workers in the country. Approximately 2 million domestic workers, excluding babysitters, will be brought under the minimum wage provisions of the act. But, Mr. President, the bill retains an overtime exemption for such domestic workers.

Arguments were made and will be advanced by some who contend that the coverage of household domestics is beyond the reach of Congress under the commerce clause. I think it is not. I think it comes within the holding of Katzenbach against McClung, decided in 1964, which construes the commerce power to enable the Federal Government to afford protection to persons severely in need thereof and that in the case of domestic workers the connection with the flow of interstate commerce is both tangible and direct in the activities they facilitate and the equipment they use.

But the important thing about domestic workers is how badly they need the minimum wage coverage. The average annual earnings of a full-time domestic worker amount to approximately $1,900 a year in our country. Low wages paid to domestics as a group have a substantial effect upon the economy and upon Federal and State fiscal policies. A domestic, like any other worker, black or white, young or old, male or female, also needs a decent wage on which to live and needs the same protection in the law afforded to 45 million other workers. I am sure Senators know that we have made provision for computing into the minimum wage the services in kind which the domestic worker receives, so that there cannot be any complications about living in or full-time work of that character.

Many of the same arguments which apply to the categories I have mentioned—workers in retail establishments and domestic workers—apply also to governmental employees who earn less than the minimum. Under the committee bill, an estimated 5 million Federal, State, and local employees will be afforded protection under the Fair Labor Standards Act. We know that the overwhelming majority of these workers earn more than $2 an hour. We understand that. But does not that only emphasize the urgent equity of bringing the others up to at least the minimum? We know the special problems which are involved particularly for policemen, firemen, and security personnel, such as those in prisons; and we have made provision for these employees to aggregate their hours of work over a 4-week period and for the overtime requirements not to apply unless the hours worked exceeded 192 in the 4-week period in the first year and 160 after the first 4 years. So we are giving full accommodation to the special responsibilities of this type of personnel.

Again, the question has been raised as to the constitutionality of covering State and local employees. In our judgment, these come fully within the findings of the courts which sustained the 1966 amendments to the Fair Labor Standards Act, in which coverage was extended to employees in hospitals, schools, and certain other institutions run by State and local governments.

In Maryland against Wirtz, Judge Harlan, writing for the majority of the Court, noted that Congress original exemption in 1938 of all State enterprises was irrelevant, Congress being free to regulate State activities at any time, provided the State is engaging in economic activities that are validly regulated by the Federal Government when engaged in by private persons.

I proceed to another category, Mr. President—coverage of agricultural employment and the use of child labor on the farm. These constitute a most serious and vexing problem. Fundamental to the committee's deliberation concerning agricultural labor is the notion of the concept of parity. There seems hardly any longer to be any justification of a 30-cent differential in the rate paid to covered farmworkers. Thus, the committee bill provides for eventual parity with other workers for those farmworkers who are covered by the act. However, the committee understands the special problems of the farmers, so that it phases in the increased minimum wage over a longer period—that is, 3 years—in order to mitigate any of its adverse effects as farmers become adjusted to it.

Also, the act covers the largest of our Nation's farmers, which by no stretch of the imagination can be deemed the small family farm. Only 3 percent of the country's farms are covered by the minimum wage today. If we pass the committee bill, it will increase the 3 percent to no more than 10 percent, and more than 90 percent of our farms still will remain uncovered, under the committee bill, and more than 40 percent of the farmworkers will remain uncovered. Furthermore, there is complete exemption from overtime provisions so far as agriculture is concerned.

It seems to me that we are only doing elementary justice and at the same time tailoring that to the actual agricultural worker provisions which we find.

Let us again remember that complete exemption for the family farm remains. The act applies only to those farms which use more than 500 man-days of agricultural labor in a calendar quarter. The committee bill retains the existing agricultural provisions of the act with respect to coverage, with one exception—that is, it now includes the so-called local seasonal hand-harvest laborers, people who commute daily to the farm and who are employed less than 13 weeks per year. We include them in the man-day test—that is, the 500 man-days per quarter. Thus, all farmworkers will be put on a parity for the purpose of determining whether a farm is covered.

Estimates furnished to us by the Department of Labor indicate that this means 75,000 to 150,000 farmworkers will be affected by this provision. These workers work alongside other farmworkers—that is, the so-called local seasonal hand-harvest laborers—and there is no reason why they should be discriminated against therefore if the minimum wage otherwise would be applicable.

Finally, I speak of a subject which is very deeply in my heart, as I have been concerned with it ever since I have been a member of this committee, which is a considerable number of years, and have fought this battle up and down the floor of the Senate for a long time. It is child labor in agriculture.

Mr. President, it seems to me that the changes we have made in this bill are so long overdue. Child labor in agriculture is a moral outrage. More than two decades ago, Congress acted to stop a widespread abuse of industrial child labor or of child labor in industry. Yet, nothing was done to curb child labor in agriculture. The present committee bill would stop, at long last, the shameful exploitation of the very young children in agriculture. Very young children should remain in school or in the home, where they belong, and they should be protected from the hazards of field employment, often in 100 degrees, and what for them are subhuman conditions.

Let us remember that agriculture is classified on the facts as one of the most hazardous occupations in which anyone can engage. Yet, it is precisely in this area that we have left wide open the question of child labor.

The committee provision now included in the bill, which I had the honor to author, is similar to that advanced by Senator WILLIAMS, our chairman, and myself in 1966 and which previously passed the Senate in 1961 and 1963. How tragic. 1961 is 11 years ago. For 11 years we have allowed this situation to continue, with God knows what difficulty, hardship, and twisting of outlook for children who are so engaged.

Under the provision, children under age 12 would be barred from employment in agriculture except on their parents' farm. Children, age 12–13, could work outside school hours on any farm with parental consent. Children 14 and over could work during nonschool hours.

I need not cite to my colleagues examples of the horrible abuses of child labor. Present law permits child labor in agriculture during nonschool hours in the district where the child lives while employed. Thus, in Oregon's Willamette Valley in 1970 it was possible for 75 percent of the strawberry field force to be composed of children under age 14. The committee discovered to its shock and consternation that a 6-year-old child of one migrant family worked in the fields for 15 hours per day, 7 days per week, in 100 degree heat, for 23 cents an hour. All Members of this body are also familiar with the countless examples of injury to young children employed in agriculture. Again, I repeat, classified as one of our more dangerous occupations. Thus, the reasons which persuaded the Senate to adopt a similar provision in 1961 are no less compelling today.

I urge my colleagues to put an end once and for all to the abuses of child labor; to put an end to the mass employment of children under further subhuman conditions in violation of our basic standards of decency. The Senate just recently passed landmark legislation—the Comprehensive Headstart and Family Services Act—embodying its humane and passionate concern for the well-being of children and families. We must assure that this concern applies as well to the young child toiling in the fields under the most severe conditions and receiving minimum or no compensation for his labor. I emphasize again that the restriction in the committee bill applies only to those very young children—under age 12—and does not apply to any child of whatever age, who works on his parents' farm. This provision is designed only to provide a modicum of safety to those very young children employed and exploited through agricultural labor and to whom the basic child labor provisions of the act have been unavailable for over 20 years.

Almost two generations ago, this Nation finally outlawed a practice which had become a national scandal—industrial child labor. If anyone in this body has forgotten the practices which, at the turn of the century, built whole industries upon the endless toil of children not yet even in their teens, let him examine the following transcript of the testimony of 8-year-old Helen Susscak answering Pennsylvania Judge Gray's questions about her job in a textile mill in 1911:

JUDGE. Helen, what time do you go to work?

HELEN. Half after 6 evenin's.

JUDGE. When do you come home from the mill?

HELEN. Half after 6 mornin's.

JUDGE. How far do you live from the mill?

HELEN. I don't know. I guess it mostly takes an hour to git there.

JUDGE. And the inspector tells me it's across lonely fields exposed to storms that sweep down the valley. What's your pay, Helen?

HELEN. I gits 3 cents an hour, sir.

JUDGE. If my arithmetic is good that is almost 26 cents for a night's work. Well, now, we do indeed find the flesh and blood of little children coined into money.

But what we condemned with indignation over a generation ago in the textile mills and industrial plants of this Nation we continue to accept in an often equally oppressive form—agricultural child labor. There are the same long hours, the same negligible pay, the same backbreaking work, the same exposure to the elements, the lack of educational opportunity despite the nominal restrictions on working during school hours—all the same practices which deprive the child of a real childhood.

We ought not to look away now from the exploitation of children in agriculture—with all its destructive effects—at the very time when we propose to extend Federal minimum wage protection to other deprived groups in our society.

Can it really be said that these children need protection less than garage mechanics, busdrivers, or retail salesmen?

Can it really be said that 10-year-old children working for hours in the fields harvesting the food we eat are any the less exploited than children were 50 years ago manufacturing the clothes we wore?

In agriculture, as in industry, long ago, it is the same old practice—perhaps less noticed, but just as harmful—and it ought to be stopped.

The problem of child labor is not limited to agriculture. Violations of existing child labor laws applying to nonagricultural work are also widespread. For that reason I offered, and the committee accepted, additional amendments providing for a civil penalty of up to $1,000 to be imposed on employers who violate the child labor provisions of the FLSA and authority for the Secretary of Labor to require employees to obtain proof of age. These new provisions should give the Department of Labor considerably enhanced power to curtail abusive child labor in all its shameful fashions.

Mr. President, I should like to close as I began by saying that I understand perfectly—I have worked with the authors of this substitute long enough in the committee to be the first to attest to their humanity, their decency, and their kindness to all of human kind, just as much as I or any other member of the committee. I wish to lay any such question immediately at rest. They give us what they consider to be their best judgment as to the distance we should go with respect to the increase in the minimum wage. But, Mr. President, those of us who feel deeply on this subject also have a right to lay our case very strongly before the Senate, which we are doing now, and not to be inhibited any more than I would want my friends, the Senators who propose the substitute, to be inhibited by any misapprehension as to our feelings of practicality, our understanding of the problems, of business, of production, of inflation, and of employment.

Let us consider this case strictly on its merits. We have presented ours. They have presented theirs. I respectfully submit that even on that pragmatic presentation, the substitute should be rejected, because the substitute cuts off the opportunity for the Senate to deal in a specialized way with specialized questions, to take it or leave it, all in one package. I just do not think that is the way, in decency and propriety, we can operate on so sensitive a subject of such concern to so many millions of people.

I am sure that the most ardent advocates of the minimum wage—and the Senator from New Jersey (Mr. WILLIAMS) and myself are among them—would, nonetheless, not accept any bill just because it raised the minimum wage, whatever it might raise it, 1 cent, 5 cents, or 10 cents, unless we do the decent thing in respect of the minimum wage in a particularized sense which affects so many millions of people—45 million people already covered, 8,400,000 to be covered under the committee bill, and an overwhelming majority of all the workers of America.

It seems to me the least we can do for them, in deference and consideration for them and their particular specialized problems, is to deal with the subject on a case-by-case basis. That is really all we have to argue about on this proposition in respect of the substitute. Every Senator, including the authors of the substitute, will have every opportunity to amend every section in the bill, from stem to stern, in the greatest of detail and completeness. They can put in 100 amendments which at least the Senate will be able to act on, on a case-by-case basis, instead of a trade-off on a global basis, whether liberal or conservative, whether for or against the raising of the minimum wage.

If a Senator wants to be against it, he can vote against the whole bill and every amendment. But in fairness to those who are for it, I cannot see how they can be for it and at the same time take the overall "take it or leave it—all or nothing" substitute.

For those reasons I hope very much that the substitute will be rejected and that the Senate may then go on to deal with the subject as it should be dealt with, on a case-by-case basis.

One other point. It may be argued that one can amend the substitute, but then we go down through the same gyrations we have been through here time and again.

Mr. President, another argument that is going to be made is that we take the substitute and save a lot of time and get a minimum wage bill. That is an excellent argument for rejecting the substitute, because then we get into the main case and if we reject it, then we will have done double work. But if we amend the bill, the vote will be up or down and that is the end of it as far as the Senate is concerned.

I cannot possibly see any basis except that we would get something and wrap it up in one package and that they cannot amend it then after it has been wrapped up in one package. That is the only argument for a substitute.

I feel, apart from the merits, that we would be moving upon an issue which is so sensitive and so difficult for millions of Americans in a way which is not designed to give them the best we are capable of producing if we proceed with it on the level of the overall substitute. I hope very much for those reasons that the Senate will reject the amendment.

Mr. DOMINICK. Mr. President, will the Senator yield for a brief observation?

Mr. JAVITS. Mr. President, I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I want to say to the Senator that our amendment was, of course, prepared and submitted before final action was taken on the bill, after the agricultural section was put in the bill toward the end of the proceeding, and also the newsboy exemption and other things that the Senator from Oregon (Mr. PACKWOOD) talked about later on.

I sent to the desk today a conforming amendment to our own substitute in order to take care of the agricultural child labor problem and also to take care of the newsboy problem.

Mr. JAVITS. Mr. President, I had no opportunity to study these amendments, obviously. I will get to them at the earliest possible moment I can.

I made it very clear in my statement and I wish to repeat that no one—and I will stake my life and reputation and sense of deep feelings and loving kindness to mankind—has a better intention that the offeror of the substitute.

We have a very different view as to what would be the best policy. I hope that my colleagues understand that clearly.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TAFT. Mr. President. I think by way of explanation and also to clarify the RECORD that it should be understood that the substitute contains a provision whereby the Secretary of Labor shall prescribe by regulations to insure no unemployment of adults because of the youth differential.

I believe these additional safeguards will be more effective than the present certification program in the Fair Labor Standards Act.

I am sure the Senator would not like to create the impression that the Secretary of Labor does not have any authority in the operation of the proposed youth differential.

Mr. JAVITS. Mr. President, I am aware of that authority. I have very grave doubts about whether that changes the opportunities for able-bodied workers to be preempted from jobs on the basis of the youth differential.

This is a very honest difference of opinion between us. I am very well aware of the Secretary's authority.

Mr. TAFT. Mr. President, I wonder if the distinguished Senator from New York realizes the approach we have taken in offering the substitute. The problems we have with respect to the proposal in the committee bill relates primarily to unemployment and inflation. The Senator commented upon at great length, although he did not comment upon the effect of a youth differential and the necessity for creating employment opportunities for our Nation's youth.

The substitute proposal offered by myself and Senators DOMINICK, BEALL, PACKWOOD, and BUCKLEY is concerned about unemployment and the overall effect on the wage stabilization program. We believe the package approach to the problem is justified with regard to the problems of employment and inflation.

Mr. JAVITS. Mr. President, I might say in the same spirit that I have already dealt with why we are traveling the road twice, even if we assume that the substitute can be amended. However, then in the final analysis it could still be rejected, no matter how those amendments came out. We would still have to go back to the original bill. If the amendments were accepted, that would be the end of it.

Aside from that and dealing with the merits, it seems to me that the very argument made by the Senator from Ohio that we would have the stabilization program and price and wage control is a very strong argument for, rather than against the bill, because it is not inflationary in the sense that certainly the productive output deserves a higher minimum wage than the top level the Senator has in his proposal, $1.80.

Secondly, the very existence of the price and wage mechanism would not permit it to have an effect because it would reflect itself in the economy.

With respect to the history, which I explained in detail in my introduction in chief, this has not been productive. This is borne out by the figures of the Bureau of Labor Statistics itself. And I am sure the Senator knows that we are satisfied that the history of the modest increases of the kind made in the minimum wage have not resulted in the diminution of employment.

This is always talked about and argued. However, it simply has not been the case.

Mr. TAFT. Mr. President, I do not think the argument is necessarily whether there is an overall increase in unemployment. Rather the question is the effect on marginal employees and those in the lower wage scale jobs. I believe a decrease of jobs will occur in these areas.

Mr. JAVITS. Mr. President, I have some evidence on that point that I would like to lay before the Senate.

I have been on the committee, I think, for a decade now. And I was on the Committee on Banking, Housing, and Urban Affairs before that, where we dealt with similar problems, and I was also on the Joint Economic Committee.

Every time we come to a hearing on an increase in the minimum wage, we have general assertions made, but no proof. No one comes in and shows us where people with anything less than the minimum wage lost the opportunity for work, although they say that that is true.

It reminds me very much of the arguments made about antidiscriminatory laws, in which the Senator from Ohio was one of the heroes. I am speaking of a subject very sympathetic to the Senator.

We had the argument that this was one of the worst proposals, that we would be overwhelmed by bureaucrats and the foundations of their businesses would be shaken every time a black came in and asked for a job. It was nonsense. It did not work out that way at all.

Yet every time we had a civil rights bill in all the years I have been in the Senate and the House of Representatives and in the State of New York also, we were told that it would harm the opportunity of those who need work the most. However, where is the proof? The fact is that employment increased. The only standard we know is that employment has not been affected.

There is nothing else one can say. Where is the Senator's proof that the people who need the jobs and who earn less than the minimum wage will be deprived of work or job opportunities because of an increase in the minimum wage?

Mr. TAFT. Let me help the Senator on that point. I wish to ask the Senator if he is aware of my statement in the committee report with respect to a survey that was conducted by the New York State Department of Labor in an attempt to evaluate the impact of increases instituted by minimum wage legislation. As I stated in the committee report:

> The New York survey found that employers affected by the increased wage rates took a variety of actions to adjust to the higher costs. Weekly payroll savings were achieved by reduced hours, layoffs, and nonreplacement of voluntary workers. Five percent of the stores in the study also reported reduction in hiring extras. Altogether, 1,000 employees reportedly lost their jobs as a result of the increase in minimum wage, and another 500 who quit were not replaced.

Mr. JAVITS. May I know where the Senator is reading?

Mr. TAFT. I am reading from page 130 of the committee report in which I stated my views, and the views of Senators PACKWOOD and DOMINICK.

Mr. JAVITS. I am a Senator from New York so I can deal with that effectively.

As I stated earlier, there may be a localized effect, but overall there would not be that effect. A national case could not be made to show we should not raise the minimum wage because overall there was this deleterious effect on these individuals. The Senator is talking about thousands of workers and we are talking about millions of workers. I have given the reason for the New York situation. The Senator might find that localized effect but we are dealing with the total national effect and we have had this argument presented every time we have tried to raise the minimum wage.

Mr. TAFT. I cited in my speech yesterday other instances where unemployment may occur as a result of the passage of the committee bill. It is difficult to say without a long and comprehensive study exactly what the national unemployment effect might be, but to those who lose jobs in the areas involved I believe it is not important whatever the national figures might be.

I am deeply concerned about the effect of the committee bill in my State of Ohio. I have received adverse reaction to S. 1861 from administrators of vocational employment programs in Ohio as to the effect of this legislation.

I do not wish to prolong the colloquy with the Senator but I believe many employment positions in this country will be eliminated if S. 1861 is adopted, and it will be increasingly difficult for many groups and individuals to secure employment.

I thank the Senator.

Mr. JAVITS. I am grateful to the Senator for engaging in colloquy. The Senator and I know that in any piece of legislation that is passed that is as broad as this legislation we have to balance the benefit to the millions who are earning below the poverty level against—and I do not want to be invidious about this—the thousands who might be harmed in the way the Senator suggested. He has opted for the latter and I have opted for the former.

I believe history bears out the fact that every time we have raised the minimum wage we have been faced with these arguments. They have not come true.

Mr. President, I would like to pursue this matter further, but for the moment I ask unanimous consent that I may suggest the absence of a quorum and then resume my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from Wyoming (Mr. HANSEN) may be recognized to speak for 15 minutes, and that I may resume the floor thereafter.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BUCKLEY. If my senior colleague should not be back by then, would it be all right if I proceeded for 15 minutes under the same understanding?

Mr. JAVITS. Certainly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I would like to address myself at this time to the several proposals in this Congress for raising the statutory minimum wage under the Federal Fair Labor Standards Act from its present levels of $1.60 an hour for nonfarm workers and $1.30 for agricultural employees. The bill passed by the House on May 11 of this year, H.R. 7130, would raise the minimum wage for nonfarm workers in stages to $2 an hour, while the Senate bill, S. 1861, provides for an initial $2 hourly minimum for nonagricultural work, to be increased after 1 year to $2.20. My concern about these proposed FLSA amendments stems from my belief that they will increase unemployment, aggravate the inflation spiral, and impede the reform of our welfare system.

The minimum wage guarantees in the workfare proposal are pegged as a proportion of the Federal statutory minimum wage. The higher the latter, the higher would be the minimum workfare wage guarantee and the heavier would be its financial burden on the American taxpayer. Even worse, if raising the minimum wage under the Fair Labor Standards Act should lead to unemployment for some of the workers now earning less than the new minimum, as I believe it will, this would work a destructive impact on the welfare program by swelling the numbers on the welfare rolls.

No one can be absolutely certain that raising the Federal minimum wage would cause layoffs or curtail job opportunities. But evidence from the past leads to that conclusion, and I am inclined to agree with past experiences.

When an employer is forced by law to increase wages to those of his employees earning less than the new minimum, his costs are directly increased by the legally required amounts. They are further increased to the extent that employers raise the wages of those already earning at the new minimum wage level or higher, in order to maintain some or all of the occupational differentials existing in the wage structure of his establishment. A higher minimum wage would increase costs for overtime pay as well as regular pay, since overtime must be recompensed by law at the premium rate of 1½ times the base rate. The Senate bill, S. 1861, would further increase labor costs by covering under the FLSA for the first time sizeable numbers of employees not now subject to law.

What does an employer do when faced with higher labor costs? In some cases, he can absorb them from his profits. Such a response is not likely in the highly competitive, low-profit industries where the minimum wage hits hardest. But to the extent that increased costs are absorbed from profits, this would subtract from the capital funds available to employers for the expansion, the growth, the new product lines which are the source of additional jobs in our economy.

The employer faced with an increased payroll because of a higher statutory minimum wage may simply go out of business, or discontinue less profitable product lines. He may lay off his least productive employees, or switch them from full-time to part-time work. He may try to make do with one worker where two were employed before. He may heighten his efforts to improve worker performance and productivity, to enhance the efficiency of his operation. He may introduce machinery as a substitute for some of his workers. All of these adjustments create unemployment.

Of course, he may also raise prices to absorb his higher labor costs. No doubt this would be the favored reaction by an employer to the extent that he could do so in the face of competition from other firms in his line of business and from alternative products. Where an increase in prices results in a loss of sales, this too may create unemployment. Most firms paying wages below $2 an hour nowadays are labor-intensive employers. They do not operate heavily mechanized establishments; gains in sales and losses in sales therefore are rather directly translated into gains and losses in employment.

It is often claimed that an increase in the minimum wage will create jobs because of the greater purchasing power achieved by the low-wage workers whose earnings go up. These workers will spend more, sales will grow, new jobs will be the result.

Such an argument overlooks the fact that this added purchasing power in the hands of workers formerly earning below the new minimum is not really an aggregate increase in buying power at all, but only a transfer. The money to pay for the higher minimum wage comes from other people's pockets, possibly from profits, but more probably from consumers in the form of higher prices. There is no creation of total buying power in a minimum wage increase—only a redistribution, and no increase in aggregate sales, or in total number of jobs.

The conclusion that increases in Federal minimum wage levels are bound to cause some loss in the number of jobs and job opportunities is inescapable.

The New York State Department of Labor evaluated the impact of State minimum wage legislation after the statutory hourly minimums in New York were raised in the retail trades to $1 in larger cities and to 90 cents in smaller communities, from previous minimums ranging from 65 to 75 cents an hour. The evaluation found that employers affected by the increased wage rates took a variety of actions to adjust to the higher costs. Weekly payroll savings of $79,000, nearly one-fourth of the total increases in wage costs, were achieved by reduced hours, layoffs, and quits not replaced. Five percent of the stores affected by the wage increase also reported reduction in the hiring of extras. Altogether, 1,000 employees reportedly lost their jobs as a result of the minimum wage boost, and another 500 who quit were not replaced.

Such legislation is primarily intended to help the low-wage worker—the unorganized, the rural, those in low-productivity work, the least skilled, the uneducated, the young, minority groups, and others. Yet it is precisely among these categories that the job-displacement impact of higher minimum rates falls most viciously.

"Unquestionably, the most important effect of the minimum wage rate is unemployment." So says Prof. Milton Friedman, one of this country's leading economists. Professor Friedman continues:

> Of all the laws on the statute books of this country, I believe that the minimum wage law probably does the Negroes the most harm. It is not intended to be an anti-Negro law but, in fact, it is.

Lest the opinions of Professor Friedman be discounted by some as coming from a very conservative economist, I wish to stress here that a growing and politically diverse number of economists are convinced that, by eliminating marginal job opportunities, the minimum wage is hurting people it is supposed to help, striking hardest at blacks and teenagers.

"What good does it do a black youth to know that an employer must pay him $1.60 an hour if the fact that he must be paid that amount is what keeps him from getting a job?" This question comes from Paul Samuelson, a Nobel Prize winner for his contributions in economics and generally considered to be in the liberal camp. Legislators who really wish to help the poor may benefit from the following judgment of another liberal economist, James Tobin, a member of the Council of Economic Advisers under President Kennedy:

> People who lack the capacity to earn a decent living should be helped, but they will not be helped by minimum wage legislation, trade-union pressures or other devices which seek to compel employers to pay more than their work is worth. The likely outcome of such regulations is that the intended beneficiaries are not employed at all.

The destructive impact of minimum wage legislation on employment among youth is stressed by a recent, well-regarded study by two Ohio University researchers, Douglas Adie and Gene L. Chapin. Their conclusion is as follows:

> We feel that the results of our study are unambiguous. Increases in the Federal minimum wage cause unemployment among teenagers; the effects tend to persist for considerable periods of time and seem to be strengthening as coverage is increased and as enforcement becomes more rigorous.

Mr. President, the two most pressing problems in the American economy are unemployment and inflation. We all desperately seek solutions for these two problems. Raising the Federal minimum wage at this time is not part of the solutions we need; on the contrary, such a step will only aggravate the problem.

Furthermore, Mr. President, with the free movement of capital and the rapid growth of multinational corporations, an increase in the minimum wage will create a further incentive for American corporations to shift their production facilities to lower wage areas overseas. We have seen the human costs in the New England area when the textile and shoe factories, which were once the backbone of the New England economy, began transferring their production, first to the South and more recently abroad. They moved to the South to seek cheaper labor. When it became obvious that this migration would not preserve the competitiveness of these labor intensive industries vis-a-vis foreign imports from Japan, Hong Kong, Taiwan, Spain, and Italy, they began moving abroad.

We have also seen the development of a large, border industry in Mexico to take advantage of cheaper Mexican labor. American companies can ship the parts to Mexico, assemble them and send back the finished product and pay a duty based only on the value added in Mexico.

The effect of the increase in minimum wages on the decisions of hundreds of multinational corporations to invest more in the United States, could be crucial. These decisions affect millions of jobs in this country. This is recognized by the labor movement.

I want to make it clear, Mr. President, that I am not a champion of "free trade" but "fair trade," as I strongly believe that the rules of international competition are stacked against the United States. But I think that it is a delusion for us to believe that we are helping the little man by increasing the minimum wage when we, in effect, might be legislating him out of a job.

There are 5 million people unemployed in this country. The unemployment rate among blacks and other minority groups is 10.5 percent, almost twice the national average. How are we going to help these people find jobs if we make it impossible for American business to hire them? We cannot force anybody to hire a disadvantaged worker if the output of that worker yields less than his cost. That is simple economics.

Mr. President, my experience with the minimum wage law goes back to my years as Governor of Wyoming. I recommended during the time I was Governor of the "Equality State" that we increase the minimum wage in Wyoming. Following my recommendations, that action was taken by the legislature. I began later to have misgivings as to the wisdom of my conclusions at that time.

I have since had the opportunity to speak, a few years ago, to Daniel Patrick Moynihan when he was an adviser to President Nixon, when Mr. Moynihan told me and other members of the Senate Finance Committee that increasing the minimum wage was the greatest disservice that could be done to the people of this country with the least amount of labor skill, with the least to offer by way of productivity.

He pointed out that the textile industry had been one of the surest sources of employment for some of our minorities in this country, particularly blacks. I wish the distinguished senior Senator from New York (Mr. JAVITS) were here, because not long ago he asked the rhetorical question. "Can it be demonstrated that increasing the minimum wage has actually cost anyone a job in this country?" I think the answer is clear and inescapable that it has, indeed, caused the migration of the textile industry from America. As wages have gone up, as the imbalance has become greater in the amount of money paid to the American working men and women, as contrasted with their world counterparts—people in Japan, people in Hong Kong, people in Taiwan, and people in other parts of the world, we have seen a steady migration of jobs from America reflected by the increasing imports of textiles into the United States. There is only one reason why these multinational corporations, many of which are operating in foreign countries, representing the kind of free trade that the distinguished senior Senator from New York (Mr. JAVITS) so stoutly champions, have begun an increasing movement to take our technology, our know-how abroad, and that is in order to take advantage of the lower wage scales paid in any other part of the world.

That has been of great concern to the members of the Finance Committee, and of great concern to me, because while I fully support and embrace the concept of fair trade, it can be demonstrated that that is not the situation that exists today. As long as it does not exist, as long as there is the great differential between the cost of labor in America, which would be raised as we raise the minimum wage, and that which is paid to workers in any other country in the world today, we can be quite certain that the exportation of jobs will continue.

The PRESIDING OFFICER (Mr. MONDALE). The 15 minutes of the Senator from Wyoming have expired.

Mr. HANSEN. Mr. President, I ask unanimous consent that I may proceed for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, because of this concern, because what I am talking about does reflect what goes on in the real world today, I think we in this body should be particularly careful in seeing that what we do, following our well-intentioned efforts does not, indeed, militate against those with the fewest merchantable skills.

I want to see welfare reform work. I want to see job opportunities expanded in this country. I want to see inflation kept in check. I want to see, if you please, Mr. President, and I wish again that the distinguished senior Senator from New York (Mr. JAVITS) were here as he seemed to be so concerned about child labor in agriculture, to note that I receive quite a number of letters every year from parents of children who live in the cities, wanting to know if there are not some jobs on farms and ranches in Wyoming where their youngsters can go to work in the summertime because, in the opinion, at least, of those from whom I hear, they seem to think that all the hazards, all the disadvantages of working on agricultural jobs in the summer compare not at all with the risks and the disadvantages of young people having nothing to do in the summertime and being left on the streets of America's cities.

I think it is typical that on practically any farm or ranch in America today, we find young people, oftentimes members of the family which own and operate the ranch or the farm, and others as well, coming from the cities and working out there.

I would respectfully suggest that the experience these young people get, recognizing full well that they do not receive what would be required under the minimum wage proposal before us, still go home, go back to school in the fall, having accomplished something, and having had a far better summer experience than would result had they remained in the city, remaining unemployed and being subjected to all the evils and distractions which all too often consume the time of too many of our young people today.

Because of my conviction, because of my concern for these people, because of my concern for America, because of my sincere interest in seeing that we expand rather than contract job opportunities in America, because I want to see that we keep inflation at a minimum, I would hope that the Dominick amendment would be accepted.

I support it because in my judgment it represents a far more reasonable course of action than is proposed by the majority report of the committe.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the junior Senator from New York.

Mr. BUCKLEY. Mr. President, I just want to associate myself with the remarks made by my distinguished colleague, the Senator from Wyoming (Mr. HANSEN). I thought it was particularly appropriate that he should mention that he once favored an abrupt increase in the minimum wage in his State and later came to realize that it had done rather more harm than good.

Mr. President, I am pleased to be a cosponsor of the amendment offered by my distinguished colleagues, the Senator from Colorado (Mr. DOMINICK) and the Senator from Ohio (Mr. TAFT). This amendment proposes a sensible and reasonable substitute to the minimum wage legislation (S. 1861) which has been reported by the Senate Committee on Labor and Public Welfare. While the Williams bill represents an improvement over earlier committee drafts, it still constitutes an ill-advised legislative package.

From a social point of view, the most serious of its defects is the adverse impact which it will have on the employability of those groups of Americans whom it is most important to bring into the ranks of the employed. I speak of the groups with the lowest marketable skills—the young, the untrained, the disadvantaged. These are the groups who have the most to gain from the current upsurge of the economy, but they will be left behind if the Williams bill is adopted in its present form.

This, of course, is not the intent of the good and humane men who voted out S. 1861. Yet recent well-documented studies of the effects of earlier minimum wage increases on the most marginal workers prove that, unless amended to accommodate their specific needs, this legislation in its impact will be antiyoung, antipoor, and antiblack.

There is a second reason why the committee bill is unacceptable. I speak of the overall economic impact which so large an increase would have at a time when we are emerging from a recession, bringing inflation under control and working to reduce the incidence of unemployment.

The Williams bill has a number of features which simply do not meet the essential tests of sound economic analysis. These defects are well documented in the minority views of the Senator from Colorado (Mr. DOMINICK) and his colleagues. They include increases in the minimum wage rates aggregating 37½ percent over the course of just the next 14 months. These increases, however, are only part of the story. They will give rise to the so-called ripple effect which is reflected in rising wage costs above the minimum rates as wage scales up the line are adjusted in order to maintain existing wage differentials. Also, the broad extensions of coverage to new categories of employees will have the effect of diminishing the number of jobs available to the least skilled, thus increasing the rate of unemployment among them. In addition, the Williams bill will completely or partially eliminate numerous prudent exemptions which protect marginal workers who would otherwise be priced out of work.

The excessive increases which are proposed will also adversely affect our balance of payments, as some of the firms involved in exporting, which are not able to compensate for higher wages through labor saving devices and other measures, would have to increase prices. As their competitive posture continues to be compromised, these firms may well find themselves in the position of having to curtail production as a result of a declining demand for their products, and to lay off workers in the process.

Unemployment among marginal workers which results from the minimum wage legislation has historically resulted in considerable hidden costs. Those who have lost jobs or cannot find jobs at the legislated minimum rates will increase the welfare burden and the drain on unemployment insurance. In addition, in declining or marginally productive industries, there are firms, often small in size, which are immediately or eventually forced not only to curtail employment, but to close their doors.

I have closely followed the progress of the current round of minimum wage legislation and was pleased to see that the House of Representatives passed a substitute bill which would minimize the adverse impact which past rises in minimum wage rates have had on certain sectors of our existing and potential work force. It is precisely because of my concern for those groups of workers most adversely affected by such legislation, especially the young and nonwhite, that I support the Dominick amendment to the Senate minimum wage bill.

I am most particularly concerned with the special problems faced by teenagers who wish to enter the labor market, not as students seeking part-time or summer jobs, but as full-time workers. These young people, particularly those from disadvantaged backgrounds, have the greatest difficulty in finding jobs and are among the first to be let off when an employer finds he must trim his payroll.

There is nothing especially surprising about this. Teenagers who have received no vocational training in school and who are entering the job market for the first time have the least to offer a potential employer.

Young people generally lack the specific skills which an experienced worker has developed over a period of time. However, more importantly, many teenagers are not attuned to the disciplines that holding a steady job requires. These disciplines include the motivation and ability to simply get to work on time every day, to take and follow instructions, and to adjust to the other workers and to the routines of the business. To those who have been working for many years, these disciplines tend to be taken for granted as natural habits. However, for a young person who has never worked, they are part of a work ethic which must often be acquired with experience.

It is not only important for individuals to gain the disciplines required to maintian a steady job, but it is also desirable for them to acquire these work habits at an early age. First of all, younger people can more easily adopt good habits and discard troublesome ones. Second, when a person is young he can best afford to work for relatively lower wages while his skill, productivity, and earning power are increasing.

The exemption provided for young people by the Dominick amendment will hardly condemn them to a subhuman standard of existence. The average 16 to 19-year-old is single, and many are living with their families. When such a person earns $1.60 an hour, working 40 hours a week, 50 weeks a year, his yearly salary is $3,200. This is considerably more than the Government-defined poverty level of $2,000 for a single person living in a city, and $1,700 for one living in the country. In fact, precisely because a person trying to support a family of four on $1.60 or even $2 or $2.20 an hour would have a very difficult time, no barriers should be placed before a younger person trying to find his first job where he can gain the experience that will enable him to command a much higher wage later in life when he has assumed family responsibilities.

Yet the well-documented fact is that rising minimum wage rates have had the effect of denying ever-large numbers of teenagers, especially nonwhites, from being able to cross the threshold into the labor force. At a time of their lives when they are under the greatest pressure, at a time when their values are being formed and when they are most in need of the self-confidence which comes with self-support, teenage Americans are being frozen out of jobs by the inflexibility of minimum wage laws. The chronic high rates of unemployment which our youth has experienced increasingly over the last 20 years has denied hundreds of thousands the opportunity to participate in the labor market. This failure of so many young people to develop the "work ethic" is one of the most unfortunate and serious problems of our times.

The young have always experienced higher rates of unemployment than older people. However, at the present time, the young are particularly hard hit. In 1971 general unemployment was at 5.9 percent while the rate among teenagers was 16.9 percent. This does not tell the entire story, for unemployment rates for minority teenagers are much higher than for their white contemporaries. In 1971 nonwhites 16 to 19 years of age had a 31.7-percent unemployment rate, while that of their white contemporaries was 15.5 percent.

Even these statistics understate the real extent of minority youth unemployment. Government employment statistics include only those who are actively seeking jobs. There are, however, large numbers of minority youths who are so discouraged over the prospect for a job that they do not even bother to look for employment. Indeed, one study estimates that, in addition to those listed as officially unemployed, at least another 20 percent of the minority teenagers in large urban areas desire work but are not actively seeking it. The social implications of these figures are cause for the gravest concern.

The employment predicament of our young people suggests that the Senate cannot risk taking steps which would make an already bad situation even worse. Yet the predictable effect of the enactment of the Williams bill in its present form will be to make it still more difficult for young men and women, especially members of minorities, to find work.

All other things being equal, the effect of a minimum wage is to prevent those whose productivity is below that minimum from obtaining or holding a job. If a worker's contribution to a product or service is worth no more than $1.60 an hour, then an employer will not hire him at $2 an hour. If the worker is already on the payroll, the employer will tend to drop him from the payroll by curtailing production of marginal lines or turning to labor-saving devices.

The impact which the Williams bill would have on the employment of young Americans is reflected in many letters which I have received. Consider the following excerpts from correspondence on file in my office:

Mr. Charles F. Grigg, the proprietor of a department store, writes:

> My company employes over 165 people. Many of them are just starting retail careers. During the summer months we employ over 35 students above our normal staff. A drastic jump in the minimum wage rate would result in our programming a drop in employment of 18 per cent. Also the number of part-time workers would be drastically cut. The increased cost of training students would mean discontinuing the student training programs in our store. We would also have to drop any programs in training handicapped or retarded people. For the sake of people who seek employment as secondary family income producers, I urge you to vote against increasing the minimum wage.

Mr. E. J. Beckert, Jr., who owns a small machinery shop, writes as follows:

> I am nearing 70 years old and I have been in this business since 1950. We employ seven or eight people. I still work every day in the week to keep things going. We can't employ the under-par individual or train young boys because of the minimum. During the summer we sometimes employ school boys but frequently it's a waste of money.

A very interesting letter that I received from Mr. David Moxley, board chairman of the Indianapolis Goodwill Industries, likened the social disadvantages of young minority people who are seeking work to the physical disadvantages of those which the Fair Labor Standards Act recognizes as handicapped. Mr. Moxley wrote:

> Although this Bill (S. 1861) would present exemptions for "physically and mentally disabled" persons who meet the regulation's definition of "client," it would discontinue to exempt disadvantaged or socially handicapped persons. I cannot see the logic for this because the so-called "disadvantaged" are often as incapable of meeting industrial standards of productivity, and we could no longer afford to hire them. The typical socially or otherwise disadvantaged person is a sixteen-year-old dropout of average intelligence, from a disadvantaged home, with no good work habits, who must be taught to be productive so that we can move him out of our shop and into private employment. This Bill would push him back onto welfare, and I was under the impression that our national goals include trimming the ranks of the unemployed and putting welfare people into gainful employment.

It will be said that these and other correspondents are merely crying wolf, that a rise in the minimum wage will not, in fact, adversely affect young people seeking entrance into the labor market. Such a claim simply cannot stand up against statistics which document the adverse impact of a rise in minimum wage levels on the employment of the young.

Every increase of the minimum wage since World War II has been accompanied by a larger increase in the unemployment of youth relative to the rest of the working population; and this despite this group's rising average level of education and declining rate of participation in the labor market. Also, the gap between the unemployment rates of white and nonwhite teenagers has widened after every such increase in the minimum wage. Prior to 1955, there was not too great a difference between the employment rates of white and nonwhite teenagers. In 1956, however, the minimum wage was increased 33 percent from $0.75 to $1; and by 1957, the unemployment rate of nonwhite teenagers was almost double that of white teenagers. Since then their comparative position has deteriorated still further. Minimum wage laws affect nonwhite teenagers more profoundly than their white counterparts for the same reason that youths are more affected than adults—their productivity is lower. Minority teenagers tend to have a lower educational level than whites, and often do not have as well-developed work habits. This is a disparity which we must work to correct, but it is one which until now will affect the relative employability of the two groups.

Mr. President, I ask unanimous consent to have two tables printed at this point in my remarks which illustrate the points I have been making. The tables are taken from an article by Prof. Yale Brozen, "The Effect of Statutory Minimum Wage Increases on Teenage Employment," which appeared in the April 1969 issue of the Journal of Law and Economics.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—RATIO OF TEENAGE UNEMPLOYMENT INCIDENCE TO GENERAL UNEMPLOYMENT INCIDENCE [AVERAGES OF MONTHLY SEASONALLY ADJUSTED DATA; 1949-68]

12 months	Unemployment rates		Ratio	Minimum wage
	Ages 16–19	General		
February 1949–January 1950	13.9	6.2	2.2	$0.40
February 1950–January 1951	11.6	5.0	2.3	.75
March 1955–February 1956	11.0	4.2	2.6	.75
March 1956–February 1957	11.0	4.1	2.7	1.00
September 1960–August 1961	16.4	6.6	2.5	1.00
September 1961–August 1962	15.4	5.8	2.7	1.15[1] ($1.00)
September 1962–August 1963	16.4	5.6	2.9	1.15 (1.00)
September 1963–August 1964	16.6	5.4	3.1	$1.25 ($1.00)
September 1964–August 1965	15.6	4.8	3.3	(1.15)
September 1965–August 1966	13.2	3.8	3.5	(1.25)
February 1966–January 1967	12.6	3.8	3.3	1.25
February 1967–January 1968[2]	12.9	3.8	3.4	1.40 (1.00)
February 1968–December 1968	12.7	3.6	3.6	1.60 (1.15)

[1] Minimum wage figure in parentheses is for jobs not covered prior to September 1961 and February 1967.

[2] Not comparable with earlier data because of the exclusion from the unemployment count of those seeking future jobs and not currently available for work.

Source: U.S. Bureau of Labor Statistics, Department of Labor, Employment and Earnings and Monthly Report on the Labor Force 14, at 25 (March 1968); id., 13, at 21 (March 1967); id., 15, at 53 (January 1969); A. Howard Myers, Labor Law and Legislation 774, 805.

TABLE II.—TEENAGE UNEMPLOYMENT RATIOS: NONWHITE/WHITE, BOTH SEXES 16-19, 1949-68

	Unemployment rate (Percent)		
	Nonwhite	White	Ratio
February 1949–January 1950	17.4	13.4	1.3
February 1950–January 1951	14.8	11.2	1.3
March 1955–February 1956	15.8	10.2	1.5
March 1956–February 1957	18.1	10.0	1.8
September 1960–August 1961	27.4	15.0	1.8
September 1961–August 1962	25.3	13.9	1.8
September 1962–August 1963	29.2	14.9	2.0
September 1963–August 1964	28.4	15.0	1.9
September 1964–August 1965	26.1	14.2	1.8
September 1965–August 1966	26.5	11.6	2.3
Feburuary 1966–January 1967	25.1	11.1	2.3
February 1967–January 1968 [1]	26.3	11.0	2.4
February 1968–December 1968	25.4	11.0	2.3

[1] Not comparable with earlier data because of the exclusion from the unemployment count of seeking future jobs and not currently available for work.

Source: U.S. Bureau of Labor Statistics, Department of Labor, Employment and Earnings and Monthly Report on the Labor Force 13, at 14-16 (March 1967); id. 15, at 51 (January 1969); Manpower Report of the President 225, 237 (April 1968).

Mr. BUCKLEY. Mr. President, the evidence which has been developed over the last few years on the effect of the minimum wage on teenage employment simply cannot be ignored. These studies have been refined to a point where it is even possible to predict the probable effect of a given increase in the minimum wage on employment rates within this group. Based on a study conducted by economists Douglas K. Adie and Gene L. Chapin of the University of Ohio, and assuming other factors remain the same, we can project that a 25 percent increase in the minimum wage, that is, from $1.60 to $2 an hour, would bring about an increase in the rate of unemployment—based on the 1971 rates—from 15.1 percent to a new rate of 16.5 percent for whites between the ages of 16 and 19, and from 31.7 to 39.6 percent for nonwhites in the same age group.

The projected rates of employment for the two categories are based on the elasticity coefficient established by the Adie-Chapin study. It is noteworthy that this study establishes an elasticity coefficient of .37 for white teenagers and about 1.0 for nonwhite teenagers. This means that the adverse effect on nonwhite teenagers of an increase in the minimum wage is almost three times the effect on white teenagers.

Mr. President, I suppose that if we were enjoying a full-employment economy at the present time, we might be able to take the gamble that these analyses and projections are in total error. I submit, however, that we dare not do so at a time when hundreds and thousands of young men and women are already out of work. We simply cannot ignore the special factors which distinguish the young seeking steady employment for the first time in their lives from the other more seasoned workers who have already had the chance to learn basic work habits and skills.

The Congress can and must take steps to minimize the negative effect of this legislation on youth, especially nonwhite youth. The Congress must insure that these young people are not priced out of threshold jobs which will open the doors of future opportunity. The Senate should, therefore, enact a wage differential for young workers at least as favorable as that included in the Dominick amendment.

A wage differential is necessary if sufficient numbers of young people are to escape unemployment. This is just one of the reasons—but one of the most important reasons—why the Dominick amendment should be adopted.

Mr. JAVITS. Mr. President, I believe that under the unanimous-consent agreement I was to be recognized at this time.

The PRESIDING OFFICER (Mr. Hansen). The Senator from New York has the floor.

Mr. JAVITS. Mr. President, I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I wish to congratulate the Senator from New York (Mr. Buckley) and the Senator from Wyoming (Mr. Hansen) for the support they have given to this amendment.

I listened with care to the presentation by the junior Senator from New York. I was out of the Chamber, trying to reach an agreement with respect to a time limitation when the Senator from Wyoming was talking but I did have an opportunity to see preliminary copies of his speech.

I think the points the Senators are bringing up are of enormous importance in trying to deal with job opportunities for those who are not in more productive stages of employment, as well as trying to reduce the impact of inflation.

We cannot accomplish that, in my opinion, with the committee bill; I think we can accomplish it with the substitute.

Mr. JAVITS. Mr. President, I am very pleased to state to the Senate that I believe we have arrived at a way in which to bring this major piece of legislation to a conclusion, and in order to give the deputy majority leader an opportunity to lay that before the Senate, I am ready to suggest the absence of a quorum.

I withhold that request and yield to the Senator from New Jersey.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

Mr. WILLIAMS. Mr. President, awaiting the agreement that will be offered the Senate by the acting majority leader, on a privileged matter, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12350.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WILLIAMS. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Nelson, Mr. Kennedy, Mr. Mondale, Mr. Cranston, Mr. Hughes, Mr. Stevenson, Mr. Randolph, Mr. Taft, Mr. Javits, Mr. Schweiker, Mr. Dominick, and Mr. Beall conferees on the part of the Senate.

NATIONAL SCIENCE FOUNDATION AUTHORIZATIONS

Mr. WILLIAMS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 14108.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WILLIAMS. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing voters of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Kennedy, Mr. Pell, Mr. Eagleton, Mr. Cranston, Mr. Dominick, Mr. Packwood, and Mr. Stafford conferees on the part of the Senate.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

Mr. FANNIN. Mr. President, minimum wage legislation began in the Depression era. If there ever was a sound basis for such legislation, the principles certainly would not apply in today's inflation economy. I know that some will argue that unemployment is high today at 5½ percent, but it is evident that unemployment would be much lower if it were not for the minimum wage law which has eliminated many jobs able-bodied persons would be willing to take.

The bill as it came out of the Labor Committee is a classic in political and economic deception.

It is advantageous big business, big labor, and big agriculture because it will drive out competition.

It is detrimental to the poor, to the average consumer, to the small farmer, and to the small businessman.

The extension of coverage to some 5 million State and local government employees is particularly offensive to me. This is a massive intrusion of the Federal Government into State and local governmental affairs. State and local officials can better appreciate the differences in the cost of living which vary widely between States.

It is a further extension of the tentacles of big brother government into the affairs of States and municipalities.

This proposal is another of those ploys which raise the hopes of the poor, but which will only hurt the very people we are told it will help.

This bill will increase unemployment, it will accelerate inflation, it will further damage our efforts to compete in world trade, and it will do damage to our system of government.

In short, the results will be that the poor will become poorer, and the Nation certainly will be no richer.

Mr. President, the proposal to increase the minimum wage may be attractive politically, but it is economic nonsense.

The Arizona Republic on March 24, 1972, carried an editorial, "Wrong Way to Help Economy."

Mr. President, this editorial appeared during the week the Senate Labor Committee approved its version of the minimum wage bill. The Republic summed up the effect of this bill very well. I ask unanimous consent that this editorial be reprinted in the RECORD at this point:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WRONG WAY TO HELP ECONOMY

We hope that Congress rejects legislation to increase the national minimum wage, approved this week by the Senate Labor Committee.

At a time when the economy needs as much encouragement as possible from the public sector to reduce unemployment and increase productivity, an increase of 60 cents to the current $1.60-per-hour minimum wage law between now and 1974 is clearly the wrong direction for Congress to go.

Timing is one of the most important factors in deciding economic policy. And business recovery will be greatly facilitated in the long run by administration steps to encourage investment both with tax credits and budgetary commitments for future government spending.

The greatest short-term economic benefit can be achieved now by reducing, not increasing, the cost of labor to encourage employment. An increase in the minimum wage level, regardless of how much or when it takes effect, will only discourage employers from taking on workers they will have to pay more in the future.

The law may actually force some businesses to tighten their belts and lay off workers to avoid an increase in labor costs. Any such negative effect on the employment picture will obviously fall hardest on marginal workers in all trades—minority teenagers and unskilled workers, whose level of productivity may not warrant the increased salary. They are the ones who can least afford layoffs that an increased minimum wage law would bring about.

Proposals to increase the minimum wage and Social Security benefits (which must be accompanied by increased Social Security taxes) are obviously prompted by political considerations. But Congress should eschew demagogic appeals by opportunists in both parties to adopt legislation that will have an obviously deleterious effect on the slowly recovering economy.

Economists in and out of government, who know that increased labor costs will seriously impede national economic recovery, have an obligation to oppose political attempts to delude people into believing these measures will automatically help poor and retired workers.

In the long run, they will only compound economic problems from earlier years that Nixon administration programs have been geared to overcome.

Mr. WILLIAMS. Mr. President, yesterday in a colloquy with the Senator from Ohio there was a discussion of the position of the American Transit Association in regard to the exemption from overtime for charter trips by transit workers that they voluntarily agree to. I made the statement that the American Transit Association advised me that it was indispensable to them that this exemption be part of the bill. I would like to include the statement in the RECORD. I know the Senator from Ohio has a statement from Mr. Carmack Cochran, president of the American Transit Association.

I ask unanimous consent to include this letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN TRANSIT ASSOCIATION,
Washington, D.C., July 18, 1972.
Hon. HARRISON A. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am writing in response to your request of July 17, 1972, for clarification of the American Transit Association's position on that provision of S. 1861, the Fair Labor Standards Amendments of 1972, which would exclude from the overtime provision of the Act hours worked in charter activities by operating employees of local transit systems if—(1) the employee's employment in such activities was pursuant to an agreement or understanding with his employer arrived at before engaging in such employment, and (2) if employment in such activities is not part of such employee's regular employment. See Section 5(c) of S. 1861, page 28, lines 9–21.

It is our understanding of this exclusion language that if a collective bargaining agreement, or understanding, makes provision for charter activities and the rates of pay and/or conditions under which such work is performed that this fulfills the first proviso that "the employee's employment in such (charter) activities was pursuant to an agreement or understanding with his employer arrived at before engaging in such employment . . ."

The transit industry in interpreting the applicability of the charter exclusion in S. 1861 is relying upon the employees' continued performance under existing labor contracts or understandings which require the bus operators and motormen to make themselves available for the performance of charter work as required; such work being not part of their regular work week.

The American Transit Association in its testimony on this legislation, urged retention of the present overtime exemption for operating employees of local transit systems (Section 13(b)(7) of the Act.) In my conversation with you I again urged that Section 13(b)(7) not be repealed, but that if the Committee decided to repeal this exemption that an overtime exclusion be provided for charter activities. S. 1861 as reported out of your Committee phases out the local transit overtime exemption over a two year period, but it does exclude charter activities for purposes of computing overtime under certain circumstances as noted above.

The American Transit Association reiterates its position that this language to exclude charter activities from the overtime provision of the Act is essential to the local transit industry. We urge that this exclusion language be retained if the Senate decides to repeal the local transit overtime exemption. It, of course, continues to be our firm position that the present overtime exemption for local transit be retained in toto. I trust that this letter clarifies our position.

Sincerely yours,
CARMACK COCHRAN.

Mr. WILLIAMS. Mr. Cochran comments:

> The American Transit Association reiterates its position that this language to exclude charter activities from the overtime provision of the Act is essential to the local transit industry.

I will say the letter also indicates that they want total exemption.

Mr. TAFT. Mr. President, if the Senator will yield, I also have received a letter, to which the chairman of the committee referred, from Mr. Carmack Cochran, president of the American Transit Association indicating, as I stated yesterday, support of the American Transit Association for the exemption as provided by the substitute.

I ask unanimous consent that the letter, of which the chairman has a copy, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN TRANSIT ASSOCIATION,
Washington, D.C., July 18, 1972.
Hon. ROBERT TAFT, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TAFT: This letter is written in reply to your request as to the position of the American Transit Association (ATA) on the language contained in S. 1861, the Fair Labor Standards Amendments of 1972, which would (a) phase out over a two year period the present overtime exemption of operating employees of local transit systems and (b) exclude charter activities of such employees for purposes of computing overtime if—(1) the employee's employment in such activities was pursuant to an agreement or understanding with his employer arrived at before engaging in such employment, and (2) if employment in such activities is not part of such employee's regular employment.

The ATA both in its formal testimony before the Senate Committee on Labor and Public Welfare, and in its conversations with individual Senators and staff members, has urged that the present overtime exemption for local transit be retained (sec. 13(b)(7) of the present Act). That continues to be our firm position. As you know, the ATA supported your Amendment to preserve local transit's overtime exemption which was offered in the committee mark up.

Our testimony pointed out that labor agreements have been negotiated between the unions and the transit systems for over 100 years. Therefore, the employees in each city receive maximum benefits as result of the collective bargaining. S. 1861 would legislate overtime for many fringes which have been granted as a part of collective bargaining and which are paid for at a straight time rate. These fringes are generally described as non-platform work and include report time, lunch time, travel time, accident report time, turn-in time, etc. Transit systems in various parts of the country will not have the money to pay for the legislated overtime called for by S. 1861, and the cities will either lose their public transit or be called upon to take over the systems themselves. If, however, the Senate in its deliberations on this bill decides to repeal the local transit overtime exemption, the ATA urges that the charter activities exclusion provision of S. 1861 be retained (sec. 5(c) of S. 1861; page 28, lines 9–21).

The transit industry in interpreting the applicability of the charter exclusion in S.

1861 is relying upon the employees' continued performance under existing labor contracts or understandings which require the bus operators and motormen to make themselves available for the performance of charter work as required; such work being no part of their regular work week.

On behalf of the local transit systems, public and private, from throughout the United States, may I take this opportunity to express our thanks and appreciation to you for your long time interest and support of local transit and your awareness of the important role it plays in providing transportation to tens of millions of Americans every day.

Sincerely,

CARMACK COCHRAN,
President.

Mr. WILLIAMS. Mr. President, I believe I shall have more to say on this particular subject later in the debate, but I did want to say, at the conclusion of the debate led by the Senator from New York, that we are now discussing legislation that deals with the poorest workers in the land. Certainly for those who are covered by the minimum wage at $1.60 for general coverage, and at a lower level for farmworkers, the inflation of the times has eroded their income to the point that they, fully employed, are still earning less than what is generally considered a poverty level wage.

This bill addresses itself to that issue, but, more broadly, it reaches out with statutory protection for those who are even poorer than those who are covered and working today at the minimum wage—to domestic workers who are earning wages, fully employed, at less than $2,000 a year, and to so many State and local government employees, who, above all others, should be at a decent standard of living. There are two broad areas of new coverage.

I know we would not be here as we are today with a bill that reaches out to the poor of this land if it had not been for the tireless work of the Senator from New York. His heart, strength, and wisdom are all in this bill. I wanted to say this earlier. I want to say it now. I will probably even conclude with it on Thursday, when we deal with the substitute, and hope and trust we will vote it down. Then there will be further time for discussion of the bill.

Mr. JAVITS. Mr. President, I thank my colleague very much.

I understand the Senator from Colorado desires to address the Senate. I might ask him, before I yield the floor, whether he would be agreeable, as some of us have problems of time, to yield to the majority deputy leader when he arrives in the Chamber?

Mr. DOMINICK. I shall be happy to do so, and I thank the Senator from New York.

Mr. JAVITS. Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, yesterday I gave a portion of a prepared statement in support of our substitute and in opposition to the committee bill. Tonight I do not intend to read it all, because I know we are all ready to go home, but I think some of it is worth emphasizing now. And some comments made by others with regard to this legislation are worthwhile quoting. Then I shall ask later that the full statement be put in the RECORD.

We have had the general statement made by the distinguished senior Senator from New York and the distinguished Senator from New Jersey, during today's debate, that what they are trying to do is raise the minimum wage in order to get people above the poverty level. Frankly, if you look at this in a reasonable way, you would say, "Gee, wouldn't that be great?" What they are really saying is that if one member of a family is working, he should be working above the poverty rate, and if we are going to do that at the present time, with the kind of inflation we have been having, we would have to raise the minimum wage to $2.60 an hour for a worker in a family of four.

This is a very clumsy way of dealing with the poverty problem we have in this country.

In this respect, I think the argument that minimum wage increases are effective in reducing poverty is analogous to Senator MCGOVERN's proposal that $1,000 of the taxpayers' money should go to everyone in this country. That was before he saw the economic infeasibility of it, and that it would not accomplish the purpose, anyway, that taxes would have to go sky high in order to accomplish that result.

The same situation exists here. The minimum wage increases recommended by the committee, would have serious adverse effects on those people who we should be trying to help—marginal employees. Almost every analysis I have seen indicates this is true.

It will, without any doubt whatsoever, destroy the cost-of-living council guidelines, and will in my opinion increase prices to consumers beyond belief, because it amounts to a 37.5 percent increase in the minimum wage. Labor costs will go up at an aggregate direct cost alone of $7.2 billion, and this is going to be reflected, as far as business is concerned, in increased costs to the consumer. There is just no other way of looking at it.

Let me quote the comments made on May 23 by Donald Rumsfeld, the Director of the Cost of Living Council. He said then:

> All who are serious about wanting to reduce inflation and achieve true peacetime prosperity, must carefully assess the potential impact on unemployment and inflation of the minimum wage legislation now pending in the U.S. Senate. Any proposal which fails to take into account the upward pressure on prices, generated by an abruptly higher minimum wage, poses a threat to the national effort to stabilize costs and prices.
>
> While the direct impact on the total wage bill and on prices of so large an increase in the minimum wage is great, its indirect effects will likely be even more substantial. Adjustment of the Pay Board standards might be necessary to maintain customary wage differentials for workers with higher skill levels, which would result in a significant escalation in labor costs. Those most in need of jobs for the income and work experience they provide will find it more difficult to compete for jobs when employers are prohibited from hiring them at wage levels commensurate with their skills.
>
> Such a large and abrupt change in the minimum wage will lead to additional wage increases for some, which will be paid for by the low-income wage earner in the form of lost employment opportunities, and by the American consumer in the form of higher prices. At a time when the nation is embarked on an effort to reduce inflation, reduce unemployment, and expand job opportunities the Senate should weigh carefully any proposal which requires large increases in wages and costs.

Mr. President, in connection with that, it is interesting that the Cost of Living Council recently suspended a District of Columbia wage order which would have violated the Pay Board guidelines by increasing the minimum rate for hotel and restaurant employees from $1.60 to $2.25 an hour. We are going from $1.60 to $2.20, which is almost identical, and yet making this a law as to which the Cost of Living Council would have to adjust all wage scales in comparison.

Mr. President, I yield to the Senator from Ohio.

Mr. TAFT. I thank the Senator for yielding.

Mr. President, I rise at this time to present for the record, in connection with the prior discussion I had with the distinguished senior Senator from New York (Mr. JAVITS), a letter from Charles W. Walton, chairman of the Manpower Planning and Development Commission of the county of Cuyahoga, Ohio, in which he states that the effect of the youth differential would be positive. He states that without a youth differential in minimum wage legislation there would be an incentive to reduce the number of jobs for youth, especially in the training and vocational area.

I also have received an editorial published in the Sarasota, Fla., Herald-Tribune of May 26, 1972, making comments to a similar effect. I ask unanimous consent to have both documents printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 26, 1972.

Hon. ROBERT TAFT, Jr.,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR TAFT: The Manpower Planning and Development Commission of the Cleveland Federation for Community Planning is writing to you to register our objections to S. 1861. The Commission opposes Senator Williams' proposal to raise the minimum wage to $2.20 per hour, extend the present coverage and allow overtime pay after eight hours. The effect of this kind of legislation, we believe, would be inflationary and an incentive to reduce the number of jobs at lower wage levels.

The Manpower Planning Commission, therefore, strongly endorses your Amendment No. 1204 which would increase the minimum wage of industrial workers to $2.00, would not extend coverage or repeal overtime exemptions of the present law, and would provide a youth differential minimum wage. We are heartily in favor of this youth differential wage in order that our young people may have the opportunity to earn on a job as they learn in school. Work-study, we are convinced, is essential, particularly for inner city youth if they are to move successfully into mainstream employment.

Cleveland's Manpower Planning Commission urges you to continue your efforts toward successful passage of the Taft-Dominick minimum wage proposal.

Sincerely,

CHARLES W. WALTON,
Chairman, Manpower Planning and Development Commission.

[From the Sarasota (Fla.) Herald-Tribune, May 26, 1972]

MINIMUM WAGE AGAIN

It may be risky in an election year to predict that a measure to boost the minimum wage won't make it through Congress, but that is the belief of some Washington-watchers.

HR-7130, as amended, now resides in the bosom of the Senate and is not given much hope—but for what many must consider the wrong reasons.

The House measure would increase the present $1.60 an hour minimum for non-farm employment (excepting, this time, domestic and government workers) to $1.80 an hour this year and $2 an hour in 1973.

It also includes a provision for letting youngsters get a crack at some paying work at less than standard wages. This is one reason so many of them recently have found it hard to find summer jobs: legal minimums have shut them out.

But it ignores the national effort to curb inflation, which is a new argument for opponents this year, and its general effect would still be to throw people out of work who are employed only because their employers can just barely afford them as things stand now.

As the Wall Street Journal said recently, "We wish someone could explain what is either progressive or humane about marginal workers unemployed at $2 an hour, rather than employed at something less."

So it is tempting to think that the Senate may not accept the House bill on jacking up the minimum wage because the upper house is cognizant of these factors militating against another boost and wants no part of it, election year or not.

But the fact is that the Senate Labor Committee has voted a bill of its own which would go a lot farther than the House measure. It would hike the minimum for one category of workers (covered before 1966) to $2 in 60 days and to $2.20 a year later; for those brought under the Fair Labor Standards Act in 1966, a minimum of $1.80 in 60 days, $2 in a year, and $2.20 the year after that. Additionally, the Senate committee bill would add 8 million more workers to the coverage now enjoyed by 45 million.

The humanitarian instincts of the gentlemen may be intact, but if they think they are doing folks at the lower end of the scale any favors by making it still more difficult for employers to hire them, they just can't be thinking straight.

The House, at least, has tried to face this realistically by permitting youths under 18 and students under 21 to accept $1.60 an hour under the new dispensation, and $1.30 on farm jobs. The Senate, evidently, wants to divide the country into high pay and no pay. Innocent bystanders can only hope that in the confusion nothing evolves at all.

Just for one example—unemployment right this minute among black teen-agers who want jobs stands at more than 30 percent. That is tragic. Why make it worse?

But in an election year, predictions are risky. It could happen.

Mr. DOMINICK. Mr. President, I assure my colleagues that I will not take much longer, but there are some points which I think are worthwhile covering.

It is interesting, for example, to note a little-discussed change which the committee bill would make in the enterprise test. Present law exempts "mom and pop" stores from minimum wage and overtime coverage by excluding from the enterprise definition small firms whose only employees are the owner and immediate family. The committee bill nullifies this by restricting the exemption to one-man establishments. So if a man owns a grocery store and his wife or his son or his brother or his sister, or whoever it may be, is helping him run it, the exemption is lost.

Frankly, I do not understand the rationale for that change. I might point out that the committee report does not explain it, either. But this is one example of the problems we get into when we start expanding this coverage at the rate which the committee bill has recommended.

There is one other point that I think I should get into, and that is with respect to the poverty references that have been made. The arguments that have been made on the floor in support of the committee bill—and, in fact, in the committee report itself—state that large increases in minimum wage rates and broad extensions of coverage will reduce poverty. But the fact is that while we all share the goal of improving the lot of the working poor, using the minimum wage increase is a pretty ineffective way to deal with poverty, because it overlooks two very important facts. One is that the poverty level is tied to the Consumer Price Index. As inflation forces the cost of living up, the poverty level goes up with it.

Moreover, excessive minimum wage increases and extensions of coverage in effect create poverty by contributing to inflation and unemployment.

Mr. President, I will not delay the Senate any longer. My complete statement will be in the RECORD tomorrow, and I hope it will be reviewed by my colleagues who intend to participate in the debate tomorrow and Thursday.

Mr. DOMINICK. Mr. President, I just want to say one more thing before I yield the floor. It is always a pleasure to be working with the distinguished Senator from New Jersey (Mr. WILLIAMS), even though we disagree on many items, as well as with the senior Senator from New York (Mr. JAVITS). I think they have worked out, in conjunction with Senator TAFT and myself, a reasonable agreement on voting; but I must confess that I am concerned, in a bill as important as this, that we have been unable to stimulate enough Senators to come into the Chamber to listen to the debate. It is very difficult, I find, these days—and I say it with deep regret—to be able to express an opinion before a full Senate.

I would trust that during the debate, at least prior to the vote on the substitute, we will have full attendance.

We will be dealing with issues of enormous importance to everyone in this country—consumers, marginal employees, small businessmen, farmers, and those who are concerned about getting our economy back on the right track.

Mr. President, I am opposed to S. 1861 as reported. I would like to summarize my reasons for opposing it, and then take a moment to explain the major provisions of the amendment in the nature of a substitute which Senator TAFT and I have introduced.

I agree that an increase in minimum wage rates at this time can be justified on the ground that inflation has eroded the levels established in 1966, when the Fair Labor Standards Act was last amended. But in establishing new rates, I think we should recognize that excessive increases would have substantial inflationary and unemployment effects, and that the very people we are trying to help would suffer the most. The same is true with regard to extensions of coverage.

The importance of carefully weighing these potential adverse effects cannot be overemphasized at a time when we are struggling to control inflation and to reduce unemployment. Extraordinary measures have been taken, and the economy is showing encouraging progress. I do not think any Member of Congress wants to share responsibility for legislation which would jeopardize continued recovery.

This is not a partisan issue. During hearings of the Joint Economic Committee earlier this year, Henry Wallich, a member of the Council of Economic Advisers during the Eisenhower administration, said:

> I would think this is the last moment at which one would stress a measure raising the minimum wage.

Arthur Okun, CEA Chairman under President Johnson, flatly stated:

> I think this would be a good year *not* to take up the minimum wage.

The 1969 annual report of President Johnson's Council of Economic Advisers warned about the unemployment effects of excessive minimum wage increases:

> Although increases in the minimum wage are likely to be reflected in higher prices, society should be willing to pay the cost if this is the best way to help low-wage workers. Yet excessively rapid and general increases in the minimum can hurt these workers by curtailing their employment opportunities.
>
> Since 1956, the federal minimum has gone up about in line with average hourly compensation, while coverage has progressively expanded to cover low-wage industries. In considering the future rate of increase for minimum wages, careful scrutiny should be made of the possibility of adverse employment effects. The benefits of higher minimums should be weighed against alternative ways of helping low-wage workers.

In short, current economic conditions demand that restraint be exercised in making changes in the minimum wage law.

EXCESSIVE WAGE INCREASES

I am convinced that S. 1861, as reported, does not exercise proper restraint, and if enacted would retard the economy's recovery. It provides for excessive wage increases and extensions of coverage which would exert strong inflationary and unemployment pressures on the economy. The impact of large increases in labor costs would fall heaviest on small business men and farmers. The unemployment effects would be felt most by marginal workers holding jobs which would be eliminated first by employers looking for ways to absorb increased labor costs. Consumers would be forced to pay higher prices for virtually all products.

Under the committee bill, the minimum wage for workers covered by the Fair Labor Standards Act prior to 1966 would go from $1.60 an hour to $2 60 days after enactment, and to $2.20 a year later. This amounts to a 25-percent increase within 60 days, and a 37.5-percent increase within 14 months. Workers first covered by the committee bill would receive the same increase within a little over 2 years. The minimum rate for farm employees would go from $1.30 to $2.20 within a little over 3 years—a 69.2-percent increase.

These wage increases, combined with the extended coverage to 8.4 million additional employees, would result in an increase of $7.2 billion in the Nation's annual wage bill. This estimate includes only the direct cost of raising wages to the higher minimum rates. It does not include increased overtime costs resulting from the higher minimum rates. Nor does it include the "ripple effect" costs of raising wages which are above the minimum rates in order to maintain existing wage differentials after the higher rates go into effect.

These precipitous increases in wage costs over such a short time will be difficult for many employers—particularly small businesses—to absorb. The 1966 amendments extended minimum wage and overtime coverage to 649,000 smaller firms. The minimum rate for employees of these firms went from $1 an hour in 1966 to $1.60 on February 1, 1971—a 60-percent increase. The committee bill would further raise the minimum rate for these employees to $2.20 in a little over 2 years—an increase of 37.5 percent, affecting about 3.5 million employees at a cost of $2.7 billion. The total increase since 1966 for these small firms would amount to 120 percent.

The retail and service industries, which encompass most small businesses, would be particularly acutely affected, since they are highly labor intensive. Labor costs average more than 60 percent of operating costs in the retail industry. These industries hire a large proportion of the labor force's unskilled and marginal workers. About 50 percent of the employees of retail firms earn less than $2 an hour; 65 percent earn less than $2.20. About 40 percent of employees of service firms earn less than $2; 51.7 percent earn less than $2.20. Since profit margins are too low in these industries—retail firms average 2 percent—to absorb the radical wage increases mandated by the committee bill, employers would be forced to raise prices, reduce employment, or a combination of both. Many marginal jobs could be expected to be eliminated. Some may have no alternative but to go out of business. There were 10,321 small business failures last year, 4,428—or 43 percent—of which were retail firms. Moreover, under economic stabilization guidelines, retail firms cannot raise prices to pass through increased operating costs—including labor costs.

The farm economy would also be seriously affected. A 69.2-percent increase in minimum wage rates over 3 years could only accelerate the already too rapid decline of farm employment in this country. At a time when per capita farm income is 25 percent lower than nonfarm income, and virtually everyone is lamenting the fact that small independent farms are being supplanted with big corporate farms, I do not think it would make sense to require them to absorb an additional $174 million in annual wage costs.

The wage increases recommended in the committee bill would seriously threaten the success of the economic stabilization program. The combined effect of the direct costs of raising minimum rates and the indirect "ripple effect" costs would exert enormous inflationary pressures on the entire economy, making the 5.5-percent wage guideline and the 2.5-percent price guideline difficult, if not impossible, to enforce.

These guidelines are based on long-term productivity growth rates of about 3 percent annually. It is worth noting that while the average annual increase in output per man-hour for the postwar period 1947–65 was 3.5 percent, it dropped to 2 percent for the 5-year period 1966–70, the slowest growth in productivity for any 5-year period since the war. Certainly, no one can argue that the wage increases in the committee bill are related to productivity, or that they would in any way enhance productivity. Wage increases, which are not related to increases in productivity, are, of course, reflected in higher prices, and ultimately in trade deficits due to the inability of American-produced goods to compete in the world market. The excessive increases recommended in the committee bill, with resultant "ripple effect" increases in wages above minimum levels, would worsen our trade situation. I do not think it is mere coincidence that our recent trade and related monetary problems followed substantial minimum wage increases and extensions of coverage in 1966. While average hourly earnings have increased 34 percent since 1966, overall productivity has increased only 10 percent. The Consumer Price Index has risen almost 28 percent over the same period.

This concern was articulated recently by Mr. Harvey M. Meyerhoff, who argues persuasively against excessive increases in minimum wage rates at this time. I ask unanimous consent, Mr. President, that his letter to me, and a copy of a Sun editorial, entitled "A Poor Time To Inflate Wages," be inserted in the RECORD at this point.

The unemployment effects of S. 1861 as reported would be equally serious. Marginal workers who have the greatest disadvantages in competing for jobs—the unskilled, teenagers, the handicapped, and the elderly—would be the most severely affected.

To the extent that employers could not absorb the enormous wage costs mandated by the committee bill through increased prices and reduced profits, they would be forced to eliminate jobs. Jobs held by low-skilled, inexperienced, and less productive workers would be the first to go. Ironically, these low-wage earners are the very ones minimum wage legislation is intended to help. An editorial in the May 12 issue of the New York Times emphasized this point in commenting on the House's rejection of a proposal which, like S. 1861, would immediately increase the minimum rate for most workers to $2 per hour:

> Some will feel that the high cost of living justifies an immediate boost in the federal pay floor to $2.00, as strongly urged by organized labor. However, the House decision to raise the minimum twenty cents now and another twenty cents next year reflects a sober recognition that it is no service to workers at the bottom of the income ladder to push up the minimum at a rate that feeds inflation and closes out job opportunities for those already hardest hit by unemployment and underemployment.

Admittedly, due to the complexity of our economy and the lack of adequate data, it is difficult to accurately measure the impact of minimum wage adjustments on unemployment. But there are several highly regarded studies demonstrating that minimum wage increases result in corresponding increases in unemployment rates for marginal workers. One of the most thorough is by John M. Peterson and Charles T. Stewart, Jr., "Employment Effects of Minimum Wage Rates." They conclude:

> Both theory and fact suggest that minimum wage rates produce gains for some groups of workers at the expense of those that are the least favorably situated in terms of marketable skills or location.
>
> Within low-wage industries, higher-wage plants gain at the expense of the lowest-wage plants. Small firms tend to experience serious profit losses and a greater share of plant closures than large firms. Teenagers, non-whites, and women (who suffer greater unemployment rates than workers in general) tend to lose their jobs, to be crowded into less remunerative noncovered industries, and to experience more adverse changes in employment than other workers. Depressed rural areas, and the South especially, tend to be blocked from opportunities for employment growth that might relieve their distress. Given these findings, the unqualified claim that statutory minimums aid the poor must be denied. The evidence provides more basis for the claim that while they help some workers they harm those who are least well of.

There is a shortage of jobs for low skilled workers now. The number of low skilled workers has increased more rapidly over the last 10 years than the number of low-skill jobs. During the 10-year period 1959–69, low-skill jobs increased at less than 10 percent of the rate at which other jobs increased in the manufacturing, retail and service industries. Excessive minimum wage increases would further retard the growth of these low-skill jobs, with the result, again, of hurting the people minimum wage legislation is supposed to help.

In short, Mr. President, I think the predictable inflationary and unemployment effects make it clear that enactment of the excessive wage increases proposed in S. 1861 would be irresponsible. This view is shared by Donald Rumsfeld, Director of the Cost of Living Council. On May 23, he said:

> All who are serious about wanting to reduce inflation and achieve true peacetime prosperity, must carefully assess the potential impact on unemployment and inflation

> of the minimum wage legislation now pending in the U.S. Senate. Any proposal which fails to take into account the upward pressure on prices, generated by an abruptly higher minimum wage, poses a threat to the national effort to stabilize costs and prices.
>
> While the direct impact on the total wage bill and on prices of so large an increase in the minimum wage is great, its indirect effects will likely be even more substantial. Adjustment of the Pay Board standards might be necessary to maintain customary wage differentials for workers with higher skill levels, which would result in a significant escalation in labor costs. Those most in need of jobs for the income and work experience they provide will find it more difficult to compete for jobs when employers are prohibited from hiring them at wage levels commensurate with their skills.
>
> Such a large and abrupt change in the minimum wage will lead to additional wage increases for some, which will be paid for by the low-income wage earner in the form of lost employment opportunities, and by the American consumer in the form of higher prices. At a time when the nation is embarked on an effort to reduce inflation, reduce unemployment, and expand job opportunities, the Senate should weigh carefully any proposal which requires large increases in wages and costs.

It should be noted that on June 12, the Cost of Living Council suspended a District of Columbia wage order which would have violated Pay Board guidelines by increasing the minimum rate for hotel and restaurant employees from $1.60 to $2.25 per hour.

EXTENSIONS OF COVERAGE

The sweeping extensions of coverage to new categories of employees, combined with complete or partial elimination of many exemptions, would magnify the serious inflationary and unemployment effects of the minimum wage increases recommended in S. 1861. It would extend minimum wage coverage to about 8.4 million employees, and overtime coverage to about 8.1 million employees. The minimum rates for these employees would be $1.80 60 days after enactment, $2 a year later, and $2.20 thereafter. Coverage would be extended to three major groups: employees of small business; Federal, State, and local government employees; and domestic workers.

Mr. President, minimum wage and overtime coverage would be extended to more than 2 million employees in 344,000 small businesses. By reducing the enterprise dollar volume test from $250,000 to $150,000 gross annual sales, the bill would extend coverage to about 1.3 million employees in small businesses of all types. The bill would eliminate the "establishment" exemption for small retail and service stores, extending coverage to about 730,000 employees in stores which gross less than $150,000 annually, but are part of an "enterprise" with annual receipts totaling $150,000.

Since almost any firm grossing less than $150,000 is eligible for assistance under Small Business Administration guidelines, there can be little doubt that small businesses are indeed what we are talking about here. The importance of this sector of the economy can hardly be overestimated. There are approximately 5.4 million small businesses in this country, accounting for 95 percent of all businesses, close to 50 percent of all employment, and roughly 40 percent of the gross national product.

As mentioned earlier, reduction in 1966 of the enterprise sales test from $1 million to its present level of $250,000 extended minimum wage overtime coverage to about 649,000 smaller firms. The last minimum wage increase for employees of those newly covered firms—$1.60 per hour—went into effect on February 1, 1971. The 344,000 even smaller firms brought under coverage by the committee bill would be required to pay their lowest paid employees $2.20 per hour a little more than 2 years after enactment.

Inflation alone has already extended coverage to firms which are actually considerably smaller than those to which coverage was initially extended by the 1966 amendments. Since the Consumer Price Index has increased 25 percent since 1967, a firm which grossed $250,000 in 1967 would gross $310,000 in 1972, without any real growth in sales. To put it another way, a firm which grossed $250,000 in 1967 is equivalent in size to a firm which grosses $190,000 in 1972. The point is that even if Congress were to retain the present $250,000 test for coverage of small business employees, inflation itself would operate soon enough to extend coverage clear down to the "mom and pop" size firms.

"Mom and pop" firms are exempt from coverage under present law, which excludes from the enterprise definition small firms whose only employees are the owner and his immediate family. The committee bill would nullify this by restricting the exemption to one-man establishments. So, if a man owns a grocery store, and his wife or son helps him run it, the exemption would be lost. I do not understand the rationale for that change. The committee report does not explain it.

The committee bill would further extend coverage to small businesses by repealing section 13(a)(4) of the Fair Labor Standards Act which permits a retail or service establishment to qualify for the small establishment exemption even though it "makes or processes" its merchandise. It is unclear how much "processing" of goods would suffice to disqualify a firm for the exemption. It is possible that a small retail firm could lose its exempt status by doing anything with its merchandise other than moving it from loading dock to shelf—for example, repackaging.

The additional labor costs due to these large increases—about $1 billion in direct costs annually—as well as the recordkeeping burdens imposed on them seem to me to be unnecessarily harsh. Moreover, since most of these small businesses are retail and service firms, which hire many marginal employees, extension of coverage could be expected to cause increased unemployment.

The committee bill would extend minimum wage and overtime coverage to almost 5 million Federal, State, and local government employees. Although the estimated direct minimum wage impact on State and local governments would be relatively small—$167 million over 3 years—the overtime and "ripple effect" costs could be much greater. Aside from the inflationary and unemployment effects, which could be substantial, particularly in highly labor intensive city governments, this extension of coverage would conflict with the revenue sharing concept by mandating additional expenses on the States and localities without furnishing them additional resources. It would do further violence to the constitutional principle of federalism by sending more Federal officials to enforce more Federal laws against State and local governments.

The direct wage impact of the committee bill's extension of coverage to 1.2 million domestic employees would be about $1.9 billion over 3 years. About 86 percent of domestic workers currently are paid less than the proposed $2.20 minimum rate. The additional cost, and recordkeeping requirement would result in elimination of many of these jobs. Since most domestic employees are unskilled, and would have difficulty finding employment elsewhere, the committee bill would leave them no alternative but welfare, once again penalizing those who need help the most.

Further, Mr. President, I think Congress power to extend the Fair Labor Standards Act coverage to domestic workers is questionable. The Fair Labor Standards Act is based on the Commerce power, which, to be sure, is pervasive. But there are limits. My understanding is that Congress can regulate activities which are entirely intrastate, so long as there is a "rational basis" for a finding that the activity affects interstate commerce in a substantial way. Should the issue be tested in the courts, I think the proponents of this extension of coverage will be hard pressed to demonstate that interstate commerce is substantially affected by employment of domestic workers. The weakness of their position can be illustrated best by quoting from the committee report, which presumably makes their strongest argument on this point:

> The additional question of the constitutionality of coverage of domestics was raised. The Committee found that domestics and the equipment that they use in their work are directly in interstate commerce. For example, vacuum cleaners are produced in only six states, and laundry equipment is produced in only seven states creating a tremendous flow in commerce of these items used daily by domestics. In addition, employment of domestics in households frees time for the members of the household to themselves engage in activities in interstate commerce.

All I can say is that if domestic workers are in interstate commerce by virtue of the fact that they use vacuum cleaners, then the Commerce power indeed has no limits.

Mr. President, in addition to these broad extensions of coverage to new categories of employees, S. 1861 as reported would further extend coverage by completely or partially eliminating many exemptions which have long been recognized under the Fair Labor Standards Act. Minimum wage coverage would be extended to some 150,000 farmworkers by elimination of the exemption for "local, seasonal, hand harvest laborers." This would have the further effect of reducing the size of farms to which minimum wage coverage extends, because such employees would be included for the first time in computing the "500 man-day test."

Minimum wage or overtime coverage would be extended to about 1 million additional workers through total or partial repeal of exemptions for the following categories of employees: agricultural processing; seafood processing; cotton ginning; sugar processing; local transit; hotels, motels, and restaurants; nursing homes; auto, aircraft and truck and trailer dealerships; catering and food service; bowling establishments; motion picture theaters; small loggers; shade grown tobacco; and oil pipelines. The overtime exemption under which supervisory personnel in retail and service industries can spend up to 40 percent of their time in nonsupervisory work would also be eliminated. It should be kept in mind that the proposed changes in these exemptions would be likely to drive up the costs of products as well as unemployment rates in the industries affected—especially in the retail-service industries, which employ the greatest portion of the workers to whom coverage would be extended.

THE POVERTY ARGUMENT

Mr. President, the most frequent argument made in support of large increases in minimum wage rates, and broad extensions of coverage is that they will reduce poverty in this country. S. 1861 is based on this argument. The assertion is made that an increase to $2 this year would be necessary in order to bring the annual earnings of a head of family of four above the poverty level, and that a further increase to $2.20 next year would permanently end welfare for full-time workers. The committee report has a righteous ring to it. It states:

> If the conditions that poverty breeds in this country are to be changed, poverty wages must be eliminated. These conditions will not change unless the FLSA minimum wage is increased, because minimum wage workers rarely have the bargaining position or the skills necessary to increase their wages as the cost of living increases. In essence, Congress is the bargaining agent for the nation's working poor.
>
> In approving an ultimate-wage increase, the committee acted to make the sight of a fulltime worker on welfare a thing of the past. Of equal importance, the practice of governmental subsidization of wages through welfare payments to the working poor will be at an end, at a tremendous saving to the taxpayers and with a significant boost to the morale and the dignity of the working poor of this country.

Mr. President, while I share the committee's goal of improving the lot of the working poor, I think the view that minimum-wage increases are an effective way to deal with poverty is totally unrealistic. It overlooks at least two very important facts. One is that the poverty level is tied to the consumer price index; as inflation forces the cost of living up, the poverty level moves with it. This exposes as empty rhetoric, the claim that an increase to $2 will "make the sight of a fulltime worker on welfare a thing of the past." Another extremely important fact which the poverty argument overlooks is that excessive minimum-wage increases and extensions of coverage contribute to inflation and unemployment, which in turn create poverty conditions.

Unemployment contributes to poverty as much as low wages. In 1970, only 37 percent of the heads of working poor families had fulltime jobs all year. About 46 percent had part-time jobs, or fulltime jobs for less than 26 weeks. The point is that these people are poor primarily because of unemployment, not low wages. Large increases in minimum wage rates would not improve their situation. In fact, to the extent that such increases would reduce job opportunities, they would be to their detriment. The same is true of fulltime workers in low paying jobs. It is difficult to see how the morale and dignity of the working poor who receive welfare supplements will be boosted when they are unemployed and entirely dependent on welfare.

The statement that an hourly wage of $2 is necessary to bring a family of four above the poverty line assumes that there is only one wage earner, when in fact the average family of four has 1.2 wage earners. This illustrates why, as Congressman JOHN ANDERSON characterized it during debate on the House minimum wage bill, "the minimum wage is a blunt, imprecise instrument for dealing with poverty in America." The minimum wage is not geared to family need. Raising the minimum wage to $2 per hour would increase the annual income of one worker by $800, regardless of whether he is single, the head of a family of four, or a family of six.

The poverty level for a family of four is about $4,000. It is nearly $5,300 for a family of six, and over $6,400 for a family of seven. It would require $2.65 per hour to bring a family of six with one wage earner up to the poverty level; it would require $3.20 for a family of seven. About 46 percent of the working poor in 1970 were members of families of six or larger. This makes it absolutely clear that to suggest that the minimum wage increases recommended in the committee bill "put an end" to welfare for fulltime workers is to play cynical games with the poor people in this country. Minimum wage increases simply are not an effective way to deal with poverty. Direct income supplements are a better alternative, because they can be targeted to family need, and they do not create unemployment.

Economists John M. Peterson and Charles T. Stewart, Jr., share this view. Their article, "Employment Effects of Minimum Wage Rates," concludes with the following statement:

> Great caution should be exercised in raising minimum wage rates and extending their coverage, because adverse effects are a matter of degree related to the size of the imposed wage increase and because as yet economists have no method for determining what a "safe" level might be.
>
> The regressive distribution of the costs and gains of statutory wage minimums—costs to the less advantaged workers and areas, versus gains to the more advantaged—brings into question both the wisdom and equity of such minimums. Policymakers would be advised to examine critically the contradiction between large public expenditures designed to help small businesses, depresed areas, and disadvantaged workers on the one hand and minimum wage policy that harms these same groups on the other. They would also be advised to look to means other than statutory minimums for dealing with the problems of low wage rates and poverty.

The argument is also made that American workers have an economic and moral right to share in the economy's rising productivity. In this context it should be pointed out that the annual rate of increases in producivity has slowed recently. Overall productivity has grown about 10 percent since 1966. Assuming all workers should share the benefits of increased productivity, I do not understand how this could be the basis for the committee's recommended increases amounting to 25 percent immediately, and 37 percent within a year. Moreover, due to the unemployment effects of these increases, the marginal workers whom we are ostensibly trying to help, will benefit the least. At best, the committee's recommended 25-percent increase immediately would mean 40 cents an hour to a $1.60 earner, plus an additional 60 cents per hour for overtime pay. At worst, it would mean unemployment. Those who would benefit most are the ones who need help the least—highly paid skilled workers. The ripple effect from the 25-percent increase in minimum rates would assure a $4 per hour wage earner a windfall increase of $1 per hour, plus $1.50 per hour in overtime pay. And such workers would not be threatened by unemployment.

In summary, I think S. 1861 the Fair Labor Standards Amendments of 1972, would be more acurately titled the "Unfair Labor Standards Amendments of 1972": Unfair to marginal workers—the young, the handicapped, the elderly, the poor—who would be priced out of the job market; unfair to farmers, who would be forced to absorb a 69.2 percent increase in labor costs when even with the assistance of numerous Federal programs they are able to maintain only a marginal standard of living, and small farms are rapidly disappearing from the American scene; unfair to small businessmen, who unlike their large corporate competitors, do not have sufficient profit margins or diversification to absorb radical increases labor costs; unfair to consumers, who would be forced to pay higher prices for goods and services in all segments of the economy; and unfair to the poor people of this country, to whom false, undeliverable promises would be made.

THE SUBSTITUTE

The substitute, sponsored by myself and three other members of the Labor Committee—Mr. TAFT, Mr. PACKWOOD, and Mr. BEALL—is similar to the minimum wage bill passed by the House, H.R. 7130. It would minimize inflationary and unemployment effects by providing for what we believe are reasonable increases in minimum wage rates. It provides for a "youth differential" which would avoid worsening the high teenage unemployment rate—about 14.5 percent—by increasing employment opportunities for our youth. What the substitute would not do is almost as important.

It would not extend minimum wage or overtime coverage, and it would not eliminate any exemptions recognized under present law.

REASONABLE WAGE INCREASES

The House rejected the Education and Labor Committee's proposal to immediately increase the minimum rate for most workers to $2 per hour, and adopted amendments which would stretch out the increase over 2 years. Our substitute adopts the same increases as those provided for in the House-passed bill.

Under the substitute, the minimum rate for nonfarm employees covered prior to 1968 would go to $1.80 60 days after enactment, and to $2 a year later. The rate for nonfarmworkers covered by the 1966 amendments would go to $1.70 60 days after enactment, to $1.80 a year later, and to $2 the following year. For farmworkers, the rate would increase from $1.30 to $1.50 60 days after enactment, and to $1.70 a year later.

Employees in Puerto Rico and the Virgin Islands would receive a 25-percent increase over 2 years. This would provide for an increase comparable to that of employees on the mainland, and would preserve the existing industry committee system under which minimum wages are established on an industry-by-industry basis.

The minimum rate for employees in the Canal Zone would remain at $1.60, in order to avoid worsening the already great disparity between wages paid workers in the Canal Zone and workers in Panama, where minimum rates range from 40 cents to 70 cents per hour.

The additional wage cost of the increases provided for in the substitute are estimated at $1.2 billion over 2 years, compared with $7.2 billion for the committee bill. There is nothing magic about the rates adopted in the substitute. They represent a substantial total increase—roughly 25 percent. They are based on the recognition that excessive increases have adverse inflationary and unemployment effects, and reflect an effort to minimize those effects.

THE YOUTH DIFFERENTIAL

Mr. President, the current overall unemployment rate is 5.5 percent. For youths 16 to 19 years of age, it is 14.5 percent. The rate for all minority youths in the same age category is much higher; for blacks alone, it is 31.7 percent. These figures, and their social implications, are alarming. But they are in fact understated, because they are based only on youths who are considered part of the work force—those who are actually looking for jobs. They do not take into account youths who are not looking for employment, either because they have tried, and are discouraged, or because they see all their friends out of work and are convinced no jobs are available. Insufficient data exist regarding the numbers of youths in this nonparticipating category, but there are undoubtedly enough to affect true unemployment rates considerably—particularly in the inner city areas.

These disquieting facts are attributable primarily to two things which occurred during the decade of the 1960's: First, the teenage population as a percentage of the total population increased from 9 percent to 13 percent. Second, Congress legislated a 60-percent increase in the minimum wage—from $1 to $1.60—and extended coverage to the teenage labor—intensive retail, service and agriculture industries—the effect of which was to eliminate many marginal jobs held by teenagers. Congress cannot do anything about the first; it can and should do something about the latter.

I do not think it is any longer open to serious question that minimum wage increases operate to reduce job opportunities for teenagers. Teenagers have substantial disadvantages in competing with adults for jobs. They are unskilled and inexperienced; their job search is limited geographically—close to home or school—they need part-time or temporary work compatible with school schedules; they are eligible for the draft; and for a variety of reasons, they have a high turnover rate. Consequently, whenever changed economic conditions—an increase in the minimum wage, for example—exert pressure on employers to reduce labor costs, jobs held by teenagers are among the first to go.

Studies by Marvin Kosters and Finis Welch for the Rand Corp., Prof. Yale Brozen of the University of Chicago, David Kaun of the University of Pittsburgh, and Profs. John M. Peterson and Charles T. Stewart, Jr., of the America-Enterprise Institute, amass convincing evidence that this is true. Professor Brozen's study showed that the ratio of teenage unemployment to overall unemployment increased from 2.5 in 1960 to 3.6 in 1968, during which time the minimum wage was increased from $1 to $1.60, and its coverage broadened considerably.

The Kosters-Welch study concludes:

> Our evidence indicates that increases in the effective minimum wage over the period 1954–1968 have had a significant impact on employment patterns. Minimum wage legislation has had the effect of decreasing the share of normal employment and increasing vulnerability to cyclical changes in employment for the group most "marginal" to the work force . . . teenagers. Thus as a result of increased minimum wages, teenagers are able to obtain fewer jobs during periods of normal growth and their jobs are less secure in the face of short-term employment changes.
>
> Minimum wage legislation has undoubtedly resulted in higher wages for some of the relatively low productivity workers who were able to attain employment than these workers would have received in its absence. The cost in terms of lost employment opportunities and cyclical vulnerability of jobs, however, has apparently been borne most heavily by teenagers. And a disproportionate share of these unfavorable employment effects appear to have occurred to non-white teenagers. The primary beneficiaries of the shifts in the pattern of employment shares occasioned by minimum wage increases were adults, and among adults, particularly white adult males.

Since the population growth of white teenagers is expected to decline to 5 percent over the next decade, their unemployment situation may become easier to deal with. But no relief is in sight for black youths. Their projected population growth for the remainder of this decade is 44 percent. The excessive minimum wage increases proposed in S. 1861 as reported would diminish even further the employment opportunities of black teenagers. A study by Thomas Gale Moore, "The Effect of Minimum Wages on Teenage Unemployment Rates," published in the August 1971 issue of the Journal of Political Economy might be interesting to note here. He developed an econometric model based on available data which suggests that past Secretary of Labor Wirtz' proposal to increase the minimum wage to $1.80 in 1970, and to $2 in 1971 would have increased nonwhite teenage unemployment by 4.6 percent in 1971, 11.3 percent in 1972, 14.5 percent in 1973, and 15.6 percent in 1974. The predictions of that econometric model based on the increases recommended in the committee bill would be even more interesting.

Economist Milton Friedman describes the minimum wage law as "the most anti-Negro law on our statute books—in its effect, not its intent." Economist Paul A. Samuelson states the problem as succinctly as possible, in the form of a rhetorical question:

> What good does it do a black youth to know that an employer must pay him $1.60 per hour if the fact that he must be paid that amount is what keeps him from getting a job?

Congress recognized when it amended the Fair Labor Standards Act in 1966 that something needed to be done to soften the impact of minimum wage increases on teenage unemployment. A system was established under which employers in retail, service, and agriculture who obtained certificates from the Labor Department could hire full-time students at 85 percent of the applicable minimum rate for up to 20 hours a week. Due to the narrow scope of that system, and the redtape involved in getting certificates, it has gone unused for the most part. The result, as current statistics demonstrate, is that is has been ineffective in reducing youth unemployment.

Opponents of a youth differential system point to the relatively low utilization rate of hours authorized under the existing certification system, and conclude that teenagers will not accept jobs for less than the minimum wage. While it is true that only about 42 percent of the total hours authorized under certificates were utilized in 1969, the unwillingness of teenagers to work for subminimum wages was not the primary reason. Employers were surveyed by the Labor Department, and the most frequent reason they gave for underutilization was simply that no jobs were available. Other reasons given were that the work of teenagers is unsatisfactory, and the burdensome recordkeeping requirements and redtape involved in getting certificates. In order to minimize redtape, many employers requested authorization for the maximum hours to which they were entitled, even though they did not have sufficient job openings to utilize them completely.

The committee bill would retain the existing 85-percent certification system essentially unchanged, except for extending it to full-time students employed part time at educational institutions.

This would essentially do nothing to reduce the high youth unemployment rate, or to lessen the adverse impact of the bill's large increases and extensions of coverage on youth unemployment.

Mr. President, the substitute would establish a new youth differential system like that in the House-passed bill. It would establish differential rates for all youths under 18, and full-time students under 21, with no restriction on type of nonagricultural work would be $1.60 or 80 percent of the applicable minimum, whichever is higher. The differential for youths employed in agriculture would be $1.30 or 80 percent of the applicable minimum, whichever is higher. It is important to keep in mind that under this proposal no youth could be paid less than the applicable minimum rates in effect now. No certificates would be necessary, but the Secretary of Labor would be authorized to promulgate regulations insuring that no adult employment would be displaced.

The most frequent concern expressed about such a youth differential system is that it would put teenagers in jobs presently held by adults. The Labor Department has studied this carefully, and concludes that restriction of the differential to full-time students under 21, and youths under 18, who are seeking primarily part-time and temporary employment, greatly reduces the possibility of displacement of adult workers. The intent is not to carve out for teenagers a larger share of the job market at the expense of adult workers. It is primarily to preserve marginal jobs now held by teenagers—or others—which would be eliminated in the wake of further minimum wage increases. To the extent that some adults might be displaced by teenagers, it is likely that their employment potential is such that manpower training programs would be a better alternative.

In any event, I think that the need to do something to reduce youth unemployment is so imperative that the youth differential concept should be tested now. Its effects can be assessed when minimum wage legislation is again reviewed.

I ask unanimous consent, Mr. President, that a copy of a recent Wall Street Journal editorial commenting on minimum wage legislation and the need for a youth differential rate be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Split Minimum Wage

We do not believe the federal minimum wage should be raised this year, although all signs in the Capital now point in that direction. But if it is, the House of Representatives at least has chosen a method that would modify the adverse effect the higher rate would have on the economy, inflation, and teenage unemployment. Against the advice of most economists, the Senate Labor Committee, though, seems determined to maximize the damage.

The House-passed bill would permit employers to continue paying youths under 18 and students under 21 at the present rate of $1.60 per hour; the rate for most other nonagricultural workers would go to $1.80 this year and $2 a year from now.

The Senate Labor Committee is in a more generous frame of mind. By a 14-to-2 vote it endorsed an immediate boost in the minimum wage to $2 an hour and another to $2.20 a year from now. It also accepted the AFL–CIO's argument in opposition to a "split" minimum wage. George Meany says that if an employer can pay a teenager a lower rate he will hire the lad and fire the father.

Yet the nation's three decades of experience with the minimum wage indicates this is not what is likely to happen at all. Because an adult with work experience, even at an unskilled job, will almost always command a higher rate than will a beginner, the legislated minimum wage in practice becomes the starting wage, the basic floor for beginners. When it is raised, the increase ripples upward through the nation's wage structure.

If this were the only effect, we wouldn't be too concerned with periodic increases in the minimum wage. There are, after all, much more powerful inflationary forces at work. But there are other problems, worsened by the type of steep increase the Senate Labor Committee has in mind.

At the lower end of the wage scale, where minimum wage increases have their greatest immediate impact, employers will tend to find it economic to modernize, to replace men and women with machines sooner than would be the case if the wage scale had not been mandated. If the employer is too small to modernize, and finds he can't compete with larger companies or with foreign competition, he has to fold.

Eventually, inflation and productivity catch up with the minimum wage. But meanwhile, the displaced employees either go jobless, are forced to migrate in search of unskilled job opportunities, or accept employment normally held by teen-agers. In any event, employers who were willing to hire a teen-ager at a low hourly rate, hoping the youth could learn skills that would make him productive and worthy of higher pay, is discouraged from hiring him at the higher minimum. Then too, the nation will simply do without teen-age services it would like but can't afford at the legislated minimum, for example, delivery boys.

Since 1950, when the minimum wage was 75 cents an hour, the relative level of teenage unemployment has doubled even as the relative numbers of teen-agers participating in the labor market has declined—so many more are staying in school.

The Senate Labor Committee sees the minimum wage as a quick and easy method of eliminating poverty, at no cost to the U.S. Treasury. But as so often happens, the simple solution has the opposite of its intended effect. Few will benefit from an increase in the minimum at this time, and those who do will see the benefits quickly vanish. Yet teenage unemployment will go up another notch, as it always does when the minimum wage goes up. The House has at least taken this into account by stretching out the increase and by exempting teen-agers from it. It would be better yet, for the low-income people this kind of legislation is supposed to help, if there were no increase at all.

The Youth Differential—Saving Jobs for Young People

Congress is currently considering proposals to raise the minimum wage from $1.60 to $2.00 per hour. To avoid eliminating jobs needed by young people and to stimulate training opportunities for them, the Administration favors retaining the current $1.60 minimum wage for:

a. young workers under 18,
b. full-time students under 20, and
c. 18 and 19 year-olds in the first six months of full-time employment.

This lower minimum wage for youth is known as the "youth differential." We believe this proposal will be beneficial to young workers. In these questions and answers we explore the need for a youth differential and explain how it will help young people in the difficult task of finding jobs and getting a start on useful and rewarding careers.

Q. What is the reason for a lower minimum wage for youth? Young people want higher wages just like everyone else.

A. Of course they do. We are not proposing this lower minimum wage for young people because we feel they are less important than adults. We are proposing it to preserve and increase job opportunities for them. These opportunities would tend to disappear under the impact of a higher minimum wage. So would training opportunities. Both work experience and training lead to better jobs with higher pay in adult life.

Q. Why would job opportunities for youth tend to disappear if we did not have a special minimum for youth?

A. In many cases a higher minimum wage means higher labor costs, which would tend to squeeze profits or raise prices. Either way, companies would have to economize. They might find they could get along without some marginal jobs. Or they might substitute machinery for some work or re-design production processes to eliminate some jobs. Some less efficient establishments unable to make these adjustments might be driven out of business. It all means loss of jobs, particularly the unskilled or part-time jobs that young people are most likely to be hired for.

Q. And training opportunities would also be affected?

A. Yes. Increasing the minimum wage makes it more costly to train new workers because they have to be paid higher wages during training. So companies would be likely to cut down on training, either by hiring older, more experienced workers or by redesigning some jobs so that less training would be required.

Q. What effect will the reduction in training opportunities have on young workers?

A. Training is the key to advancement and job satisfaction. The more training a worker has the more valuable he is to his employer. He is on the way to higher wages, and he enjoys more security. Employers are much more reluctant to part with a trained worker, even when business slows down.

Q. Why, with older people out of work, do we worry about job opportunities for young people?

A. It is a very serious problem. The unemployment rate for 16 and 17 year-old people is almost five times the adult rate. For black teenagers the rate is much higher. In 1971 the unemployment rate for all 16 and 17 year-olds was 18.7%. For nonwhites 16 and 17 year-olds it was 35.4%. The youth unemployment rate has been extremely high for many years.

Q. Still, why is that so bad? Aren't many of these teenagers still in school, looking for part-time work?

A. Yes, most of them are. Some are not. But this doesn't mean jobs are unimportant to them. Some teenagers depend on jobs to stay in school. Others depend on jobs to help their families meet basic expenses. But just as important is the place jobs have in helping teenagers make the difficult transition from school to work. Work experience can be a significant help in choosing and developing a career. It helps young people learn about and adjust to the work environment. And for some it provides a start on a career or helps develop useful lifelong skills. Jobs are vital to their future and to the nation's future.

Q. How do we know increasing the minimum wage will hurt teenagers' chances of finding or keeping jobs?

A. We know the effect is to reduce opportunities in the very kinds of employment young people seek—unskilled jobs, part-time jobs, jobs requiring training, jobs demanding no experience. Studies have confirmed that increasing the minimum wage increases teenage unemployment and also restricts the employment of teenagers. The effect is felt most particularly by non-white teenagers the very ones who have most difficulty anyway.

Q. And a youth differential will help solve these problems?

A. It will certainly not solve all our teenage unemployment problems, but it will definitely help. It will preserve some jobs available to young people that might otherwise be eliminated. And it will encourage employers to train more young people. Teenagers have so many handicaps now in finding work—lack of skills and experience, the need to find jobs near home or school, the need for part-time work, laws or regulations that exclude them from many kinds of jobs, etc.—that it does not seem fair to handicap them further by increasing their minimum wage.

Q. Is there a precedent for a youth differential?

A. Yes. Many U.S. States set lower minimum wage rates for teenagers, students, or learners. European countries have traditionally utilized a youth differential in pay scales through various types of bargaining agreements.

Q. Will the youth differential affect the teenager who is currently earning more than $1.60 per hour?

A. No. He will continue to earn the higher salary he deserves.

Q. Won't the problem largely go away because the big "baby boom" after the war has now moved out of the teenager bracket?

A. It is true that the rate of growth of teenagers in the labor force is slowing down. Nevertheless, the number of white teenagers in the labor force will rise by 5% in this decade. And the number of black teenagers will rise by over 40%. Remember that unemployment among black teenagers is an extremely serious problem. The problem may not be so comparatively great as in the past, but it will still be with us.

Q. But isn't it true that companies can hire teenagers below the minimum wage under existing law?

A. In certain cases they can hire students and work trainees below the minimum wage. But to do this they have to apply for exceptions. The process involves considerable red tape, and many companies simply do not bother.

Q. If the need for this youth differential is as apparent as it seems, why do people object to it?

A. Probably because they are afraid it will take jobs away from older workers. This seems to be the argument one hears most often.

Q. Will it displace older workers?

A. Not to any great extent. We estimate that most likely it will affect less than 1% of older workers by putting them into significant competition with young people. And remember, these older workers have the advantages of experience, skill, and mobility in competing. The principal effect of the youth differential will not be to increase competition for jobs but to prevent many jobs now being held by teenagers from being eliminated and to encourage the creation of new jobs for them.

Q. Why will so few older workers be affected?

A. Because, essentially, older workers and teenagers look for different kinds of jobs. About 90% of 16 and 17 year-old non-agricultural workers are in part-time jobs. Only 4% of adult males are in these jobs. Young people in general are looking for unskilled, part-time work, or trainee positions. Older people want full-time skilled or semi-skilled work.

Q. What about the displacement of women workers?

A. There will be some competition between teenagers and adult women because about 27% of adult women are working part-time. Here again, because of the low skill level of young people and their lack of work experience, the older worker will have advantages in competing.

Q. How can you be sure so few older workers will be affected?

A. We have studied this carefully. The displacement effect could only occur in the case of adults earning less than the new minimum wage and very probably would be confined to those earning substantially below it. If we assume those earning under $1.80 would be most vulnerable if the minimum is raised to $2.00 in August 1972, this would include about 1.5 million. But only 60% of these people are adults. Of this number, some adults hold jobs not open to youth either by law or tradition. When you get through, only a few hundred thousand should be affected.

Q. Suppose you are wrong in this analysis?

A. It is unlikely that we could be far off. In any case, the Administration's proposal provides that the Secretary of Labor will monitor the impact of the differential and will take action to eliminate any abuses or unforeseen effects.

Q. So it's a question of saving many jobs for young people versus endangering a few jobs for adults?

A. Essentially that's it. And those few endangered adult jobs are all in the low-pay, low-skill category. The benefits of a youth differential are so substantial and the harmful side effects so minimal that a youth differential is clearly worth careful consideration.

Mr. DOMINICK. Mr. President, I feel that our substitute offers a superior alternative to the committee bill. It provides for substantial increases in minimum wage rates, but would minimize the inflationary and unemployment effects accompanying such increases. I ask unanimous consent that a copy of our substitute—amendment No. 1204—and a brief comparison of the essential differences between it and the committee bill be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

AMENDMENT No. 1204

Strike all material after the enacting clause, and in lieu thereof insert the following:

INCREASE IN MINIMUM WAGE

Nonagricultural Employees

Sec. 2. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(1) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendment of 1972, and not less than $2.00 an hour thereafter, except as otherwise provided in this section;".

(b) Section 6(b) of such Act is amended by striking out paragraphs (1) through (5) thereof and inserting in lieu thereof the following:

"(1) not less than $1.70 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972;

"(2) not less than $1.80 an hour during the second year from such effective date; and

"(3) not less than $2.00 an hour thereafter."

AGRICULTURAL EMPLOYEES

Sec. 3. Paragraph (5) of section 6(a) is amended to read as follows:

"(5) If such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972 and not less than $1.70 an hour thereafter."

EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

Sec. 4. Section 6(c) of such Act is amended by substituting the following new paragraphs 2(A) and 2(B):

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

EMPLOYEES IN THE CANAL ZONE

Sec. 5. Section 6(a) of such Act is amended by adding the following new paragraph:

"(6) if such employee is employed in the Canal Zone not less than $1.60 an hour."

EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTHS

Special Minimum Wages for Employees Under 18 and Students

Sec. 6. Section 14(b) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(b)(1) Notwithstanding the minimum wage rates required by section 6(a)(1) or 6(b), any employer may, in compliance with applicable child labor laws, employ any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21, at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.60 per hour, whichever is higher.

"(2) Notwithstanding the minimum wage rates required by section 6(a)(5), any employer may, in compliance with applicable child labor laws, employ in agriculture any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21, at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.30 per hour, whichever is higher.

"(3) The special minimum wage for such employees in Puerto Rico, the Virgin Islands, and American Samoa shall be 80 per centum of the industry wage order rate otherwise applicable to them: *Provided*, That in no case shall such special minimum wage be less than that provided for under a wage order issued prior to the effective date of the Fair Labor Standards Amendments of 1972.

"(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable."

MISCELLANEOUS

Equal Pay for Executive, Administrative or Professional Employees

SEC. 7. Section 13(a) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting after "section 6" the following: "(other than section 6(d) in the case of paragraph (1) of this subsection)."

Child Labor In Agriculture

SEC. 8. Section 13(c)(1) of such Act is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) the provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

"(A) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person; or

"(B) is employed on the same farm at which his parent or person standing in place of his parent is employed; or

"(C) is twelve years of age or older, and such employment is with the written consent of his parent or person standing in place of his parent; or

"(D) is fourteen years of age or older."

Resident Employees at Apartment Buildings

SEC. 9. Section 3(s) of such Act is amended by adding at the end thereof the following new paragraph:

"In determining whether an apartment building, the gross annual rentals of which are less than $250,000, is part of an 'enterprise engaged in commerce or in the production of goods for commerce' within the meaning of this subsection, the fact that the owner of such building has retained a management agent to perform management services in connection with the operation of such building shall be disregarded."

INJUNCTIVE AND OTHER EQUITABLE RELIEF

SEC. 10. Section 17 of such Act is amended to read as follows:

"INJUNCTIVE AND OTHER EQUITABLE RELIEF

"SEC. 17. The district courts, together with the United States Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a)(2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947). In any claim under this section arising out of willful violation of the Act, the district courts may, in addition to restraining the withholding of payments as authorized above, award as further equitable relief an amount not to exceed the minimum wages or overtime compensation found to be due."

TECHNICAL AMENDMENTS

SEC. 11. (a) Section 6(c)(2)(C) of such Act is amended by substituting "1972" for "1966".

(b) Section 6(c)(3) of such Act is repealed and section 6(c)(4) is renumbered 6(c)(3).

(c) Section 7(a)(2) of such Act is repealed and section 7(a)(1) is renumbered 7(a).

(d) Section 14(c) of such Act is repealed and section 14(d) is renumbered 14(c).

(e) Section 18(b) is amended by striking out "section 6(b)", and inserting in lieu thereof "section 6(a)(6)", and by striking out "section 7(a)(1)" and inserting in lieu thereof "section 7(a)."

EFFECTIVE DATE

SEC. 12. Except as otherwise provided in this Act, the amendments made by this Act shall take effect sixty days after enactment. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act.

MINIMUM WAGE INCREASES

S. 1861 as reported

Non agricultural employees covered prior to 1966 (present minimum—$1.60)—$2.00 sixty days after enactment; $2.20 a year later.

Non agricultural employees covered by 1966 and 1972 amendments (present minimum—$1.60)—$1.80 sixty days after enactment; $2.00 a year later; $2.20 thereafter.

Agricultural employees (present minimum—$1.30)—$1.60 sixty days after enactment; $1.80 a year later; $2.00 the following year; and $2.20 thereafter.

Substitute

Non agricultural employees covered prior to 1966—$1.80 sixty days after enactment; $2.00 a year later.

Non agricultural employees covered in 1966—$1.70 sixty days after enactment; $1.80 a year later; $2.00 thereafter.

Agricultural employees—$1.50 sixty days after enactment; $1.70 a year later.

EXTENSIONS OF COVERAGE

S. 1861 as reported

Coverage extended to following new categories of employees:

Federal employees (1.7 million).

State and local government employees (3.2 million).

Domestic employees (2.1 million).

Small businesses of all types (1.3 million employees)—"enterprise" sales test reduced from $250,000 to $150,000 gross annual sales.

Small retail and service stores (730,000 employees)—retail and service "establishment" exemption eliminated, extending coverage to stores grossing less than $150,000 if they are part of an "enterprise" which grosses $150,000 annually.

Agricultural employees (no estimate yet available)—coverage extended to "local seasonal hand-harvest laborers", and such employees included for purposes of the 500 man-day test.

Substitute

No extensions of coverage; existing coverage retained.

REVISION OF EXEMPTIONS

S. 1861 as reported

Repeals or partially eliminates exemptions for following categories of employees:

Agricultural processing.
Seafood processing.
Cotton ginning.
Sugar processing.
Local transit.
Hotels, motels and restaurants.
Nursing homes.
Auto, aircraft and truck and trailer dealerships.
Catering and food service.
Bowling establishments.
Motion picture theaters.
Small loggers and sawmills.
Shade grown tobacco.
Oil pipelines.

Administrative and executive employees in retail-service industries—40% allowance for non-supervisory work eliminated.

Substitute

Changes no existing exemptions and creates no new ones.

S. 1861 as reported

Retains existing 85% certification system which applies only to full-time students employed in retail and service firms and agriculture, but extends to full-time students employed part-time at educational institutions they are attending.

This system has not been effective in reducing youth unemployment, primarily because it is too narrow and because of the red tape involved in getting certificates from the Department of Labor.

Substitute

Would replace existing certification system with new system designed to reduce youth unemployment. The new system would contain the following features:

1. Applicable to all youths under 18 and full time students under 21.

2. Differential rates—

Non agricultural work—$1.60 or 80% of applicable minimum rate, whichever higher;

Agricultural work—$1.30 or 80% of applicable minimum rate, whichever higher.

3. No restrictions on type of employment.

4. No certificates necessary.

5. Secretary of Labor authorized to promulgate regulations insuring that no adult employment would be displaced.

Mr. DOMINICK. Mr. President, I ask unanimous consent that a letter dated July 17 from the Executive Office of the President, Price Commission, signed by Mr. C. Jackson Grayson, Jr., and addressed to me and to Senator TAFT also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
PRICE COMMISSION,
Washington, D.C., July 17, 1972.

Hon. PETER H. DOMINICK,
U.S. Senate.
Hon. ROBERT TAFT, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATORS DOMINICK AND TAFT: Thank you for your recent letter requesting the views of the Price Commission on the minimum wage legislation now under consideration in the Senate. As you requested, we have studied S. 1861 and have concluded that this proposed legislation would have a significant impact on both the national economy and on the level of price increases allowed under the Economic Stabilization Program.

The precise result in terms of increased price levels is difficult to determine. The impact would depend on many interrelated factors, including the general state of the economy at the time the legislation became effective, coverage and timing of provisions, and the competitive ability of individual companies to pass on higher costs to customers.

The direct effect of S. 1861 would be to add an estimated $2.8 billion to the Nation's wage bill in the first year. Calculations by staff of the Price Commission suggest this might lead to an overall increase in consumer prices in the first year on the order of magnitude of .3 percent.

The indirect effects likely to arise from a sharp increase in the minimum wage, while difficult to measure, may have even greater impact on the economy than the direct effects. Customary wage differentials for performance of different jobs will be narrowed initially by a large, abrupt increase in the minimum wage. Accordingly, there will be strong pressures for wage increases significantly larger than would otherwise occur for a range of wages significantly above the new Federal minimum, with corresponding further upward pressure exerted on production costs and prices.

The impact of an increased Federal minimum wage would vary by industry. For instance, in the service industry, an area of rapid price rise in the past, the impact would be substantial. About 16 percent of workers are currently earning less than the current minimum wage, and about 40 percent of workers in the service industry earn less than $2.00 per hour, the level contemplated by S. 1861 in the first year for most workers. Clearly, such large increases in wages would generate strong upward price pressures and disruptive employment effects in that sector. The impact on the retail sector would be even more pronounced. Currently, 19 percent of workers earn less than $1.60 per hour, but over 50 percent earn less than $2.00 per hour.

These developments will have significant implications for the regulations concerning permissible prices under the Economic Stabilization Program. For instance, wholesalers and retailers are permitted to adjust prices according to their customary initial percentage markup. However, they are not permitted to raise prices to reflect increased operating costs, such as would result from sharply increased wage costs. Increases of the order of magnitude contemplated by S. 1861 would undoubtedly force consideration of some modification of controls in that sector to alleviate severe hardship that might be experienced by some businesses.

The health services industry would also be significantly affected. Many employees of the health services industry, particularly in smaller towns, receive wages near the Federal minimum. Consequently, a substantial increase in the Federal minimum wage could substantially raise costs in this highly inflationary sector. Under current regulations, a hospital must apply for an exception in order to raise prices by more than 6 percent, or to raise prices to reflect labor costs of more than 5.5 percent. This perecntage limitation might also prove unrealistic if the bill is passed.

Of course, we recognize that S. 1861 has multiple objectives and would have many effects. We have limited our comments to the potential impact on price stabilization.

Thank you for the opportunity to express the Price Commission's views on this important subject.

Sincerely,

C. Jackson Grayson, Jr.,
Chairman.

Mr. WILLIAMS. The Senator's amendment puts him in the same position as the committee bill does.

Mr. DOMINICK. That is true, it does. We are going to eliminate, hopefully, the argument in this way. It is ironic that, in the name of justice to children, we put these restrictions on their ability to earn their own way and we would do it in the name of humanity, at the same time while punishing families who are looking for jobs for their children. It cannot be done on the farm. That is eliminated now. So what do we do? Get them to washing cars around the neighborhood? I do not know if that is a safer thing to do. Perhaps they can go to work in a grocery store as a clerk, if they are lucky enough to find one. But if we have to pay them these wages, no one will pay them.

Mr. WILLIAMS. Young people working on the farm are not subject to overtime provisions here.

Mr. DOMINICK. I am not talking about overtime provisions, I am talking about——

Mr. WILLIAMS. Maybe the situation is different in Colorado, and I hope it is, but it is not the father in New Jersey who is looking for a job for his son. It is the father who is looking for a job for himself in order to take care of his family.

Mr. DOMINICK. Surely.

Mr. WILLIAMS. The rate of unemployment on adults is running over 7 percent.

I would say that the breadwinner, the homemaker, should be first considered. That is the basic tragedy of our day. Jobs are not available for all adults. I will also say that as we find ways to stimulate employers to hire young people over older people, we will be aggravating the situation of the breadwinner and the homemaker.

Mr. DOMINICK. I can say, with all due respect to the Senator from New Jersey, that I used to live in the East and I got out and went to Colorado and thank heaven that I did. I wish I had gone earlier.

Mr. WILLIAMS. But the Senator left some of his family back in the East.

Mr. DOMINICK. There is not a whale of a lot of agriculture going on in New Jersey compared to what we have in Colorado. For instance, a man asked me, "Why cannot you find work for us in Colorado?" I said, "We have work for you."

He said "Where?"

I said, "On the other side of the mountains."

He said, "OK. I will go up there and take a whole truckload of people up there, beet workers."

The farmer offered them $2 an hour.

He said, "I won't work for that." And he turned around and came back.

What do you do about that?

Mr. WILLIAMS. This bill will not help them because we do not go to $2 an hour in agriculture until after the third year.

Mr. DOMINICK. The Senator is correct. And this group was offered $2 an hour and they would not work.

Mr. WILLIAMS. I do not know the facts of the situation, but this bill improves their lot.

Mr. DOMINICK. What I am saying is when we get people down on the farm, the farmers will favor it. When we compare this and when we say to a man that he cannot send his kid out and work on a farm or on a relative's farm to help pay for his schooling, it seems to me something is out of kilter.

Mr. WILLIAMS. The Senator is talking about the young kids under 12.

Mr. DOMINICK. Those under 14.

Mr. WILLIAMS. Mr. President, this can be done if the parents agree to it.

Mr. DOMINICK. The Senator is correct. But he cannot go out on his own and make a little money on the side.

Mr. WILLIAMS. The Senator is correct.

Mr. DOMINICK. The substitute will conform exactly to the committee bill. What I am pointing out is that it is a little ironic to take these steps supposedly for welfare of the child. I do not know whether the Senator from New Jersey has had trouble in finding jobs for his own kids. I know that I did when my children were growing up. I had difficulty finding jobs for them. There are not very many jobs they can do other than mowing lawns or cleaning cars or doing something of that kind when they are under age. An awful lot of kids are looking for work.

It seems to me that it is in that area that we want to work, the area of seeing how we can find jobs, and not how to put restraints on them.

Mr. WILLIAMS. Mr. President, in certain areas we have certainly responded to this particular plea. I can recall an operator and owner of a great amusement park at Lake Pontchartrain in Louisiana, who came to my office and came to the hearings. He explained how hard it would be to conduct this wholesome amusement and recreation park of his at Lake Pontchartrain if he could not employ young people during the seasonal period, the summer period, at a rate less than the minimum wage.

It made sense to me, and we have preserved the opportunity for young people during the vacation periods to be employed in the seasonal recreational areas, and there is no minimum wage damper to discourage the employer from taking them on.

Mr. DOMINICK. Mr. President, I might say that is also ironic. We did it, I know. I went along with it. I thought it was good. But if we recognize that this is an employment opportunity for young people, why not give it to the rest of them? Why should our efforts to stimulate jobs for young people be confined to seasonal amusement parks?

Mr. WILLIAMS. Mr. President, when they work in a gasoline station and pump gas and a young boy is doing the same job as an adult, I think he ought to be paid the same as the adult. The opportunity should not be there for regular employment—not seasonal employment—that will take jobs away from adults.

Mr. DOMINICK. Mr. President, this is where we have a broad disagreement. I think the Senator from New Jersey will admit that when we have a family wage earner who is 25 or thereabouts, there is only 3.2 percent unemployment rate in that category now. However, where we have a higher rate of unemployment is among youth and particularly minority youth. This is the area that I think we will have to continue to work on.

All I can say is that if this country is going to move forward, we need a group of kids who can not only have the right to vote, but who can also have the right to earn their own way. It seems to me that this is as important as anything that we can do.

Mr. President, I yield the floor.

Mr. WILLIAMS. I will not detain the Senate at this point for very long. However, the economics of the minimum wage and its impact or lack of impact on inflation was the subject of testimony in the committee. We have had the testimony of representatives of the U.S. Chamber of Commerce.

I want to point this out to the Senator from Colorado who, while not a member of the subcommittee, was not at the hearings on June 9 of last year when this happened.

Dr. Richard S. Landry, the administrative director of Economic Analysis Study Group of the U.S. Chamber of

Commerce, stated, as is shown in the hearings record:

> We do not contend, unlike some of the witnesses that appear before you, apparently, that the minimum wage is inflationary. Quite the opposite. Inflation is not caused by minimum wages. Unemployment is caused by minimum wages.

He put it in different terms. This is not any inflationary factor in the judgment of the U.S. Chamber of Commerce. The minimum wage that we are talking about is.

Mr. DOMINICK. Mr. President, will the Senator yield on that point?

Mr. WILLIAMS. I yield.

Mr. DOMINICK. Mr. President, the Senator said that the chamber of commerce representatives said that this is not an inflationary factor?

Mr. WILLIAMS. Yes.

Mr. DOMINICK. Mr. President, when did they say that?

Mr. WILLIAMS. June 9 of last year at the hearings before our subcommittee.

Mr. DOMINICK. Mr. President, all I can say is that every other group that I have been able to discuss this with says that it is. The Cost of Living Council and the Price Commission says it is. The chamber of commerce seems to be supporting the substitute.

Mr. WILLIAMS. Mr. President, I will say that I find them to be right and the Senator from Colorado finds them to be wrong, which normally is not the case around here.

Mr. DOMINICK. I think this is quite interesting. I do not suppose they are talking about the ripple effect there, are they?

Mr. WILLIAMS. Mr. President, the word "ripple" was not used in this context. I think if this Senator contends this, since the Senator from New Jersey supported the proposition that raising the minimum wage from $1.60 to $2.20 over a period of time is not inflationary, I would say that I would agree. And in the evening of the debate, it seems to me that when people are working for a living at an hourly rate and when they get all done, if they are at the minimum rate and have just gotten their heads a little above the poverty level, our problem is not inflation at all. It is the problem of trying to help people who are living at a minimum standard of living.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT REQUESTS

Mr. ROBERT C. BYRD. Mr. President, I have been authorized by the distinguished majority leader to propound the following unanimous-consent requests. These requests have been discussed with and cleared with the distinguished Republican leader, the distinguished manager of the bill (Mr. WILLIAMS), the distinguished ranking minority member of the committee (Mr. JAVITS), the distinguished junior Senator from Colorado (Mr. DOMINICK), the distinguished junior the committee (Mr. JAVITS), the distinguished junior Senator from Vermont (Mr. STAFFORD), and other Senators.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 9 A.M. THURSDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TUNNEY AND MATHIAS AND PROVISION FOR ROUTINE MORNING BUSINESS ON THURSDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that following the recognition of the two leaders under the standing order on Thursday, the distinguished Senator from California (Mr. TUNNEY) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes; at the conclusion of which there be a period for the transaction of routine morning business not to extend beyond 10 o'clock a.m., with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MINIMUM WAGE BILL—UNANIMOUS-CONSENT AGREEMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow at no later than 2 p.m., the unfinished business (S. 3390) be temporarily laid aside, and that the Senate proceed to the consideration of S. 1861, the so-called minimum wage bill.

I ask unanimous consent further that time on the Taft-Dominick substitute amendment (No. 1204) be limited on tomorrow to 2 hours;

That time on any amendment to the Taft-Dominick substitute be limited to 1 hour;

That time on any debatable motion or appeal in relation thereto be limited to 30 minutes;

That Senators in control of time on the Taft-Dominick substitute amendment (No. 1204) be authorized to yield therefrom on tomorrow to any Senator on any amendment, debatable motion, or appeal;

Provided further, that no nongermane amendment to the Taft-Dominick substitute be in order;

Provided further, that at 10 o'clock a.m. on Thursday, the unfinished business be temporarily laid aside and the Senate proceed to the consideration of S. 1861, the so-called minimum wage bill;

That time on the Taft-Dominick substitute amendment (No. 1204) be limited to 1 hour, on Thursday, to begin running at 10 o'clock a.m.;

That no amendment to the Taft-Dominick substitute may be in order on Thursday;

That a vote occur on the Taft-Dominick substitute, as amended, if amended, at 11 o'clock a.m., with the right of any Senator to move to table to remain inviolate;

Provided further, that if the Taft-Dominick substitute amendment (No. 1204) is rejected, the distinguished Senator from Vermont (Mr. STAFFORD) be recognized for the purpose of calling up an amendment;

That time for debate on the bill on Thursday be limited to 4 hours;

That Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal;

That time on any amendment to the bill on Thursday be limited to 1 hour;

That time on any amendment to an amendment, debatable motion, or appeal be limited to 30 minutes;

Provided further, that the time on the Taft-Dominick substitute on tomorrow and on Thursday be equally divided between the distinguished Senator from Ohio (Mr. TAFT) and the distinguished Senator from New Jersey (Mr. WILLIAMS);

That time on any amendment, debatable motion, or appeal in relation to the Taft-Dominick substitute amendment be divided between the mover of such and the distinguished author of the substitute (Mr. TAFT), except in any instance in which the author of the substitute (Mr. TAFT or Mr. DOMINICK) is in favor of such amendment, motion, or appeal, in which case the time in opposition thereto would be under the control of the distinguished Republican leader or his designee;

Provided further, that time on the bill on Thursday be equally divided between the distinguished manager of the bill (Mr. WILLIAMS) and the distinguished ranking Republican member of the committee (Mr. JAVITS);

That time on any amendment, debatable motion, or appeal in relation to the bill be divided between the mover of such and the distinguished manager of the bill (Mr. WILLIAMS), except in any case in which the manager of the bill would be in support of such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee;

Ordered, finally, that a final vote on passage of the bill as amended, if amended, occur no later than 10 p.m. Thursday.

Mr. DOMINICK. Mr. President, reserving the right to object—and I shall not object—I should like to pose the question of what happens in the event—which I heartily hope will happen—that the substitute amendment should be adopted. At that point, it being a substitute for the full bill, no further amendments would be in order. Do I correctly understand that at that point any time should be allowed for debate and other motions in connection with that, so that the Senator from New York and the Senator from New Jersey would not be foreclosed and have to wait until 10 p.m.?

Mr. ROBERT C. BYRD. In response to the Senator, under the request, there would still be 4 hours for debate on the bill. Of course, any motion to recommit the bill, if such were made, would be in order, there would be a time limitation on any such motion, under the request, of 30 minutes, and additional time could be yielded from the bill on any motion or appeal.

Mr. DOMINICK. I thank the Senator.

The PRESIDING OFFICER. Would the Senator from West Virginia advise the Chair whether he has concluded his unanimous-consent request?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that rule XII be waived in connection with the agreement for a vote on passage of the bill.

Mr. JAVITS. It is understood that motions to table the motions to recommit, or other motions and appeals, are not being waived in respect of the total unanimous-consent request.

Mr. ROBERT C. BYRD. Mr. President, I believe I specified that particularly with reference to the vote on the substitute; but I think that the distinguished senior Senator from New York has raised a pertinent point. I add to my unanimous-consent request the provision that all rights of Senators with respect to tabling motions and motions to recommit, remain inviolate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I want to express appreciation to the distinguished junior Senator from New Jersey (Mr. WILLIAMS) and to the distinguished senior Senator from New York (Mr. JAVITS) for their willingness to agree to a request which precludes any perfecting amendments to the bill on tomorrow and which allows only amendments to the substitute on tomorrow. I think they were very generous, considerate, and cooperative in this regard, and I want to commend them.

I also want to thank the distinguished Senator from Colorado (Mr. DOMINICK), the distinguished Senator from Ohio (Mr. TAFT), the distinguished Senator from Vermont (Mr. STAFFORD), and other Senators who participated in the discussions leading up to the agreement which has now been reached.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. I should like to say to the Senator from West Virginia that the reason why we did what we did is that if we have any amendment that we think should go into the bill, which would affect the result of the voting on the substitute, Senator WILLIAMS and I feel that if we give adequate assurance to the Senate, the Senate will take that into consideration in respect of its vote.

So I did not wish supporters of the bill to feel that their rights have been prejudiced by our position. But we thought that, considering the exigencies we all face and the high desirability of this bill and the need for bringing it to a prompt conclusion under the conditions we face in this year, we should make that agreement in order to arrive at the total unanimous consent.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. WILLIAMS. Specifically, the agreement calls for the recognition of the Senator from Vermont after the vote on the substitute. If the substitute is rejected, he will be recognized first, for the purpose of offering an amendment dealing with the enterprise test. His amendment would delete from the bill the reduction to $150,000 annually. It would keep it at $250,000.

Mr. JAVITS. I would be for that.

Mr. WILLIAMS. I, of course, supported the reduction to $150,000 to reach more workers. But I can appreciate the practical needs. Many employers—not happily—probably will support it, too.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. ROBERT C. BYRD. Mr. President, I want to make sure that my request provides that on tomorrow only germane amendments to the Taft-Dominick substitute will be in order.

The PRESIDING OFFICER. Is that an additional request?

Mr. ROBERT C. BYRD. I want to be sure it is in the request. If it is not, I ask that it be included.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Chair.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, the distinguished senior Senator from Kentucky (Mr. COOPER) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes with a limitation of 3 minutes on statements therein.

At the conclusion of the routine morning business, the Senate will resume the consideration of S. 3390, the unfinished business, a bill to amend the Foreign Assistance Act of 1961, and for other purposes. The pending question thereon will be on the adoption of the amendment offered by the able junior Senator from Nevada (Mr. CANNON).

At no later than 2 p.m. tomorrow, the unfinished business will be laid aside, and the Senate will proceed to the consideration of the so-called minimum wage bill, S. 1861. The pending question at that time will be on the adoption of the Taft-Dominick substitute.

A time limitation agreement has been entered into in accordance with which there will be a limitation of 2 hours on the substitute tomorrow afternoon, and 1 hour on any amendment to the substitute. No nongermane amendment will be in order, and only amendments to the substitute will be in order tomorrow. Rollcall votes will occur on tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment, under the order, until 10 a.m. tomorrow.

The motion was agreed to; and at 7:20 p.m. the Senate adjourned until tomorrow, Wednesday, July 19, 1972, at 10 a.m.

EXTENSIONS OF REMARKS

COMPREHENSIVE OLDER AMERICANS SERVICES AMENDMENTS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise to express my pleasure that the House so overwhelmingly gave its support to H.R. 15657, the Comprehensive Older Americans Services Amendments, on July 17. These amendments will greatly strengthen the programs authorized under the Older Americans Act as well as providing new authority for additional types of activities under this act.

Since the Older Americans Act was enacted into law in 1965 it has brought many needed services to older people in communities across the Nation. These have included visiting services, telephone reassurances, transportation preparation and delivery of meals, senior centers, in-home health aides for the homebound elderly, geriatric screening and referral, and adult education courses. In addition, the Older Americans Act has provided many service opportunities for older people through the foster grandparent and retired senior volunteer programs. The latter two programs which are administered by the Action agency have helped to bring meaning into the lives of older people as they themselves brought services to disadvantaged children and adults in their home communities.

Yet, as the recent White House Conference on Aging pointed out older people still have many unmet needs that deserve our immediate attention. Many of the provisions of H.R. 15657 are a response to the recommendations made by this Conference.

I would like to discuss briefly some of the provisions of this very comprehensive bill which I believe will have a major impact on the solution of the problems of the aging. First of all, the bill would strengthen the role of the Administration on Aging as a focal point of Federal concern for older persons. H.R. 15657 states clearly that the Commissioner on Aging who heads the Administration on Aging would be directly responsible to the Secretary of Health, Education, and Welfare and would not be able to delegate any of his functions to any other officer who is not directly responsible to him. In addition, it provides that Federal agencies proposing to establish programs related to the purposes of the Older Americans Act shall consult with the Administration on Aging prior to the establishment of such programs, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying them out.

The bill would also substantially revise the title III State and community grant program which has been used to fund some 1,700 projects since it first went into operation. This new title III would assist State and local agencies to concentrate resources in order to develop comprehensive and coordinated service systems to serve older persons. These agencies would be encouraged to enter into new cooperative arrangements with each other and with providers of social services for planning for providing social services. Services would be designed to secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services and to remove individual and social barriers to economic and personal independence for older persons.

The bill also increases the matching rates available to pay for services. Under present law, Federal funds are available to pay not more than 75 percent of the costs of projects for the first year, 60 percent of the cost for the second year and 50 percent of the cost for the third and any subsequent year of the projects. Under H.R. 15657, Federal funds could be used for paying up to 75 percent of the cost of social services which are not provided as a part of a comprehensive and coordinated system and up to 90 percent of the cost of social services provided as a part of such a system.

The bill provides an authorization for appropriations of $100,000,000 for fiscal year 1973, $200,000,000 for fiscal year 1974, and $300,000,000 for fiscal year 1975 for the administration of area plans on aging and for the development of these coordinated systems for the delivery of social services.

H.R. 15657 adds a new title to the Older Americans Act relating to the provision and initial staffing of multipurpose senior centers. Senior centers have been extremely successful components of the present program but additional authority is needed for the provision of facilities for such centers. These centers provide a single focal point where older people can gather, receive a variety of services, and be referred to other services they need. The Commissioner of Aging would be authorized to make grants to pay up to 75 percent of the costs of leasing, repairing or altering existing facilities so that they could be used as multipurpose senior centers. The Commissioner would also be able to make grants for 3 years at a declining Federal share of 75, 66⅔, and 50 percent to cover the costs of professional and technical personnel.

Amendments to the foster grandparent program would provide new opportunities for low-income older Americans to render meaningful community service. The amendments would permit low-income persons, 60 years and over, to serve both children and adults with special needs in community settings. Older Americans could assist other needy older people in their own homes, in nursing homes and in institutions. In addition, older people would continue to serve children in institutions and begin to serve children in their own homes or in schools or day care settings.

Lastly, the bill would establish special programs directed to the solution of critical problems confronting older persons in the areas of preretirement, housing, transportation, employment, and continuing education.

Mr. Speaker, the action we took in passing these amendments will help to bring deserved assistance to many older people who need help in making their later years happy years.

IMPORTATION OF CHROME ORE FROM RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 18, 1972

Mr. HARRY F. BYRD, JR. Mr. President, during the lengthy controversy over my proposal to end the ban on importation of chrome ore from Rhodesia, Mr. Clifford J. Hynning, of Arlington, Va., wrote numerous letters to the New York Times in support of my position.

An authority on international law, Mr. Hynning is a former vice chairman of the international and comparative law section of the American Bar Association. He was the founding editor in chief of the International Lawyer, a quarterly publication of the American Bar Association.

The Times opposed my legislation in seven editorials published in 1971 and 1972.

Recently the Times published a letter from me responding to some of the statements which had been made in the newspaper's editorials. Subsequently, on June 25, the Times published a letter from Prof. Seymour Finger maintaining that the Byrd amendment constitutes a violation of the U.N. Charter.

Mr. Hynning has responded to the arguments advanced by Professor Finger, arguing ably that the ending of the prohibition against chrome shipments from Rhodesia does not violate U.S. treaty obligations.

I ask unanimous consent that Mr. Hynning's most recent letter addressed to the Times be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BYRD AMENDMENT ON RHODESIAN CHROME VIOLATES NO TREATY OBLIGATION OF THE UNITED STATES

(By Clifford J. Hynning)

To brand one's own state as a treaty violator, as The Times has consistently done in editorials on the Byrd Amendment, is a most serious charge that should only be levied if based on a firm legal foundation.

Neither The Times nor Professor Seymous Finger (letters page, June 25), can cite a treaty of the United States or Congressional act which by their terms prohibits the importation of chrome from Rhodesia or authorizes trade sanctions on Rhodesia.

The only way The Times can make out a case of treaty violation is to argue that the ratificaiton of the UN Charter and the passage of the UN Participation Act in 1945—27 years ago--necessarily means that when the UN Security Council barred trade with Rhodesia on the pretext that she was a threat to the peace, such sanctions were automatically converted into a treaty obligation of the United States, without any reference to the Congress at all. This contrast with Great Britain, which annually obtains Parliamentary approval of an Order in Council. Similar parliamentary involvement is found in other countries.

The UN Charter does obligate the United States (Art. 25) to "accept" a "call" by the Security Council for economic measures (Art. 41), but *only if*, as Secretary of State Edward Stettinius, Jr., assured the President and the Congress in 1945, such measures "relate to the prevention or suppression of breaches of the peace."

Great Britain has throughout renounced the use of force against Rhodesia; Rhodesia would use force only in self-defense. Thus there has been, and can be, no aggression of any breach of the peace between Rhodesia and Great Britain.

Where then does the UN find a threat to the peace? As the late Dean Acheson said (1968) in his address on "The Arrogance of International Lawyers," the argument in support of mandatory sanctions was that if Rhodesian independence is "continued in time," other states might be led to break the peace to bring about a domestic change of the franchise in Rhodesia. This year George Ball, former Under Secretary of State, wrote in a Washington Post book review that Acheson's address "cut to bits" UN Sanctions. Moreover, any such breaking of the peace would run afoul of the explicit prohibition of the UN Charter itself, in Art. 2(4), against "the threat or use of force" by a member state except in self-defense.

Your answer, I suppose, retreats to the position that the validity of Rhodesian sanctions is not open to inquiry outside the UN, in view of the unanimous votes of the Security Council. That is Professor Finger's argument. But that raises the question whether this is the kind of unchallengeable power—taken as an act of faith—that the Congress of the United States authorized the President to submit to in the UN? You are probably correct, insofar as you make the argument, that an American court would decline to rule on it as a "political question" or "an Act of State," leaving such delicate matters of foreign policy to the political branches of the government. But my concession is limited, for the Congress is one of the political branches of the government.

As early as James Madison, it was recognized that in the case of a treaty regulating a subject specifically within the constitutionally enumerated powers of the Congress—as the foreign commerce power—the Congress has the right and duty "to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon, as, in their judgment, may be conducive to public good." This is what the Congress has done on the Byrd Amendment on Rhodesian chrome. Senator Sam Ervin, the leading constitutional lawyer of the Senate, called Rhodesian sanctions "a violation of the Charter of the United Nations, just as this amendment [by Senator Fulbright to pull the teeth of the Byrd Amendment] is an offense against the Constitution of the United States." It must be beyond cavil that the Congress has the right to challenge the validity of Security Council action purportedly taken under Art. 41 of the Charter, to determine whether the delegation of power to the President under the UN Participation Act has been properly exercised in conformity with the Act and the Charter as understood by the Congress. If that challenge is bottomed in law and reason, as I have attempted to demonstrate, the resulting Byrd amendment does not violate any treaty of the United States, because the Security Council action is demonstrably *ultra vires* under the Charter itself.

NEEDED: A STRING OF VETOES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. CRANE. Mr. Speaker, the overwhelming majority of the American people seek an end to inflation. Members of Congress also declared that they would like to see an end to the upward spiral of wages and prices, as do those in the executive branch. Despite such protestations, inflation continues.

Part of the reason for this state of affairs is that those who urge an end to inflation refuse to take the necessary steps to achieve it. Since part of the reason for our economic problems relate to the fact that Government is spending far more money than it is receiving in taxes and is increasing the money supply without any backing for the increased dollars, it seems clear that inflation can only be stopped by a reversal of these policies.

The combined Federal deficit for the 4 years ending June 30, 1973, will top $110 billion. The Wall Street Journal reports that the Office of Management and Budget is already looking for places to trim a prospective $40 billion deficit in fiscal 1974.

In a recent editorial, the Wall Street Journal declared that:

> In spite of mounting inflation and mounting deficits, the Congress remains oblivious . . . The Administration requested $27 billion for HEW-Labor appropriations for fiscal 1973, a $7 billion increase over 1972. The House tacked on an extra $1,275,856,000.

The Journal noted:

> In the Senate, another open-ended spending program was just approved by a 73–12 vote. The program would spend $2.95 billion to embark on the development of child care centers, an effort that, once underway in earnest, would surely cost the taxpayers 10 times that ante.

Unless inflation is to continue, and its rate is to increase, action must be taken. The Journal expresses the view that:

> At this point . . . it seems the only thing that stands a chance of rescuing the runaway budget is a string of vetoes by the President. Otherwise, next year, whoever is President will not only have to ask for a tax increase, but might also be forced to put the economy through the wringer again to prevent an inflationary explosion.

It is essential that we come to grips with the real causes of inflation. If we do not, the problem will never be solved. One of the most important causes is deficit spending by Government.

I wish to share with my colleagues the editorial of the Wall Street Journal of June 28, 1972, and place it in the RECORD at this time:

[From the Wall Street Journal, June 28, 1972]

A String of Vetoes

There was a theory not long ago that the federal spending binge Congress has been enjoying for a decade would run its course. Sooner or later, it was said, the projected deficits would become so dizzying that inflation of South American proportions would loom. Then, even the wild-eyed spenders would tremble, peer into their souls, and find a tattered remnant of fiscal responsibility to cling to.

Those of us foolish enough to be tempted by this theory are now compelled to face up to our own naivete. It now becomes clear that in this golden era, when every man's a Keynesian, American legislators are really not that much more responsible than their counterparts in Santiago or Buenos Aires. The combined federal deficit for the four years ending June 30, 1973, will top $110 billion. And as our Mr. Janssen reports, the boys at the Office of Management and Budget are already looking for places to trim a prospective $40 billion deficit in fiscal 1974. Yet the Congress remains oblivious.

For some reason, we're reminded of the film clips and photographs of the looters who went about their business, in Watts, Detroit, Newark, unconcerned that the police stood by watching, and that photographers were recording their moves. They seemed to sense that because "everyone was doing it" that law was in suspension and none of them would be brought to judgment. There is in Washington, now, a similar sense of suspended reality, a curious awareness that everyone is doing it even as the press and the public look on, but that there will be no retribution.

The administration requested $27 billion for HEW-Labor appropriations for fiscal 1973, a $7 billion increase over 1972. The House tacked on an extra $1,275,856,000, an increase approved by its Appropriations Committee, whose chairman, George Mahon of Texas, nevertheless warns of "the terrible fiscal plight of the federal government at this time." Can anyone doubt that the Senate will add another several hundred million to the pile?

It is in that upper body, after all, that yet another open-ended spending program was just approved by a 73-to-12 vote. The program would spend $2.95 billion to embark on the development of child-care centers an effort that, once underway in earnest, would surely cost the taxpayers 10 times that ante.

Then, of course, there are the plans to boost Social Security benefits by 20%. A majority in the Senate is now cosponsoring this proposal, which would add at least $6 billion to the deficit next year. Mr. Nixon requested a modest 5% increase. The White House terms the higher increase "irresponsible and untimely." And in testimony before the Joint Economic Committee of Congress yesterday, Casper Weinberger, director of the Office of Management and Budget, said that "unless Congress wishes to force a huge tax increase" it can't continue adding to outlays. He described the fiscal outlook as "ominous."

But the President is by no means innocent. His shoulder is still behind his general revenue-sharing proposal, which would cost the Treasury $7.5 billion next year. When the political pressures were applied, Mr. Nixon could not resist signing the $1 billion black-lung bill (Sen. Scott warned him he would lose Pennsylvania if he gave in to his budget advisers and vetoed the bill).

At this point, though, it seems the only thing that stands a chance of rescuing the runaway budget is a string of vetoes by the President. Otherwise, next year, whoever is President will not only have to ask for a tax increase, but might also be forced to put the economy through the wringer again to prevent an inflationary explosion. Of course, there are political risks. Mr. Nixon's Democratic challenger will accuse him of being insensitive to the needs of the needy, but this would undoubtedly occur no matter how high the deficits soar.

Unless we are again being naive, even the political risks don't seem that awfully high. The great majority of the national electorate has graduated from high school, and there is ample evidence the voters are getting smarter and smarter. Surely this wisdom includes a passable knowledge of simple arithmetic.

THE DEMOCRAT NATIONAL CONVENTION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 18, 1972

Mr. SCOTT. Mr. President, the Democratic National Convention of last week gave rise to several newspaper columns which I believe will be of interest to Senators on both sides of the aisle.

I ask unanimous consent that the columns be printed in the Extensions of Remarks.

There being no objection, the columns were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, July 16, 1972]

McGovern's Meeting With Protesters at the Doral

(By Carl T. Rowan)

MIAMI BEACH.—There Sen. George McGovern was, America's victor of the hour, entitled to have a head swelled bigger than a Florida watermelon, but he was standing in the midst of what some would call "kooks" and "rabble."

Many men savoring the highest honor a political party can pay would have stayed in the Doral-on-the-Beach penthouse and said, "Let 'em eat dirt."

And the Secret Service could have taken the rap.

After all, the young war protesters were ugly of both mood and dress. Stringy-haired men were nude from the waist up. The unkempt look of the young women was exceeded in offensiveness only by the cries of "bull" and worse expletives from young females who in gentler times might have been at Wednesday prayer meeting.

If you have ever stood chin-to-chin with this kind of group, you know that it takes courage not to walk away out of fear—or contempt for the boorish language, the foul manners, the physical smell of the angry young men and women, some of whom love their own harsh questions so much that they have no time for answers.

Well, McGovern overruled his Secret Service protectors, and he stayed to talk out with these students his policies regarding the Vietnam war. This group of leather-tough kids soon slinked away, realizing that, while McGovern refused to accept all their demands, he is about the best available to them.

McGovern had gambled, and won, that he could surmount the generation gap. political passion and a core of troublemakers to defuse a Vietnam tempest that could have blown up this convention and saddled his candidacy with the same cruel burdens that Hubert H. Humphrey had to carry four years ago.

That is "bring-us-together" leadership. That is the communication so desperately needed to heal the Nation's wounds.

Not that a handful in that SDS (Students for a Democratic Society) crowd may not be somewhere making bombs today. But it is clear that one reason McGovern won the critical California primary is that 50,000 kids believed in his honesty and integrity enough to pound the streets, ringing doorbells, buttonhole voters. That is why he is the presidential nominee.

McGovern had been in his suite watching TV. He had seen his staunchest backers in a solidly pro-McGovern Massachusetts delegation swelled to outrage by some mistaken notion that he would make Thailand the new Vietnam. He knew that already his credibility was at stake and he had to protect it, even at the risk of his life—or so the Secret Service might put it.

That little episode is just one reason why it may be brackish punditry to leap to the conclusion that the McGovern candidacy will be for the Democrats the same kind of debacle that Sen. Barry Goldwater's was for the Republicans eight years ago.

There are 25 million young people out there who can vote for the first time. Some Republicans are supremely confident that President Nixon will win easily because most of these young won't vote.

But the biggest lesson of this convention is that the old power structure played the young, the poor, the minorities cheap. The result is that these "out" groups took over, and now there is in fact a new Democratic party, with big labor and the once-entrenched politicians wondering what happened.

And that is why, despite all the Daleys and Meanys and Agnews and Nixons arrayed against him, McGovern is likely to give Nixon a real run for the rosebuds.

There is, however, one aspect of that contretemps at the Doral that bodes ill for McGovern. It had him once again trying to explain away a remark, or a policy statement.

"Residual force in Thailand." "Begging is better than bombing." "A thousand bucks for every welfare recipient." "Legalize marijuana—no, just decriminalize it."

These are typical of the welter of situations that has arisen where McGovern is explaining McGovern. The Republicans are bound to say, "Senator McGovern, meet Senator McGovern!" As they try to exploit seeming contradictions.

That risky journey into the mouth of angry protest suggests that the Democratic nominee knows the value of his reputation for honesty. But then so do his political opponents. And you can bet that their prime objective will be to divorce George McGovern from his army of young faithfuls.

What Really Worries Republicans Is Lettuce

(By David Braaten)

The Republicans have been putting up a brave enough front, but deep down they are worried. Deeply, terribly, fingernail-biting worried about that Democratic convention.

It's not the candidate that bothers them. Their spies in Miami have already reported to the satisfaction of everyone at the White House, apparently, that George McGovern and his minions are "ruthless," and as everyone knows, the Republicans historically favor ruthless opponents like Lyndon Johnson, instead of nice guys like Hubert Humphrey or Adlai Stevenson.

No. What is worrying the Grand Old Party strategists is the vegetable issue.

As Rogers C. B. Morton and his agents discovered, in their week-long surveillance of the Democratic Convention from a nearby motel, the big issue this year is not McGovern, Vietnam, tax reform or amnesty, but lettuce.

At first, the Republicans couldn't believe their ears.

"Lettuce?" said one agent, dropping his earphones and flicking the tape recorder to replay. "Are they saying lettuce?"

"I thought it was letters," said his companion (who, truth to tell, had been dozing at his headset). "Something about the Boycroft Letters, I think."

"Good Lord!" said the first agent. "We better tell the chief. It might be a new Pentagon Papers thing. Or what was it with Blaine, the Mulligan Letters?"

"Blaine?" said the second agent, taking off his earphones. "Who the hell is Blaine? The new secretary of commerce?"

Well, of course, they played the tape back, and other Democrats started speaking up, and eventually it sank in that the key phrase of the convention was, indeed, "Boycott Lettuce." The Republican strategists—like everybody else—didn't have the faintest idea what is was all about, but—unlike everybody else—they felt obliged to take steps.

"If the Democrats are against lettuce, we better come out in favor of it," said one strategist.

"Right!" said the others. "Check!" "Great!" "Up lettuce!"

Then there was an awful silence, broken finally by a senior strategist who said, "Come on now. That's silly. How can you write a pro-lettuce plank in a party platform, for crying out loud?"

After a bit, one of the junior strategists said, "How's about if we announce a boycott of something? Wouldn't that do it?"

Cries of "Right!" "Check!" "Great!"

"Okay, what'll it be?" said the senior strategist, puffing on his pipe. "Turnips? Rutabagas? Jerusalem artichokes?"

There was another long silence.

"Bacon-lettuce-and-tomato sandwiches?" ventured the junior strategist. Frowns. Thumbs-down gestures. Murmurs of "Bleccchh!" and "Yuck!"

One by one, they began ticking off the boycott possibilities and discarding them on ethnic or regional grounds. Cabbage? There goes the Polish vote. Grits? The South. Baked beans? New England. Bagels? You're kidding.

In the end, a tentative decision was made: the GOP will announce a party boycott of anchovy paste, wild rice and shallots. A minority recommendation on summer squash, mustard greens and mushrooms is under study. If you have strong feelings on any particular vegetable, write to the Boycott Division, Republican National Committee, Washington, D.C., 20025. Do not enclose samples.

McGovern: One of the Great Promisers of Our Day

(By Crosby S. Noyes)

Miami Beach.—"I think it comes down to this: Do we have the guts to level with the American people?" When you said that, Lawrence F. O'Brien, you said it all.

The question is: Who is "we"? Who is it that up until now hasn't been leveling with the American people?

"We," no doubt, includes the last three Democratic presidents, whose records and policies have now been officially repudiated by the Democratic party. It also, of course, includes Richard Nixon, whose achievements, as compared to his promises, are not held in high esteem by the Democratic chairman. But perhaps most of all, the "we" whose guts Larry O'Brien was exhorting with such fervor was the Democratic nominee himself.

The point that the chairman was trying to make in his opening address to the convention was that politicians would do well to stop promising things that "we know cannot be delivered by man, God or the Democratic party." His plea was to stop kidding the American people and tell them the truth for a change—to "break the vicious cycle of overpromising and underproducing that has corrupted us all."

Well, it so happens that George McGovern, in his quest for the Democratic nomination, has turned out to be one of the great promisers of our day. He has been promising nothing less than a revolution in what this country has stood for over a generation and some radical changes in the way it is run.

Among other things, he is promising $1,000 to every man, woman and child in the United States and a tax system that will do away with rich people.

He is promising to cut defense expenditures by a cool 40 percent and still keep the United States the strongest nation on earth.

He is promising complete victory in Vietnam to the Communist leaders in Hanoi by scuttling the "corrupt, undemocratic government in Saigon." And after that he is promising to get back American war prisoners by going to Hanoi to beg for their release.

He is promising to keep the faith with our friends and allies around the world while pulling American forces out of Asia and Western Europe. Although he is going to be choosy in deciding just who our friends and allies are, he is promising to work for not just a nation, but a "world of peace, abundance and freedom."

Never mind that all of these promises are very much subject to revision as time goes on. Never mind, either, that McGovern himself has gone to some length to reassure people that Congress will never let him do most of the things that he is proposing to do once he is in the White House.

"Just imagine," said Larry O'Brien, "what it would be like to elect a President who made only modest, straightforward campaign promises, and then seriously went about fulfilling them." So far as George McGovern is concerned, it takes quite an imagination. But undoubtedly O'Brien's plea for some measure of moderation in the upcoming presidential campaign, forlorn as it may be, is perfectly sincere.

There can be no question that the professionals in the Democratic party will do everything in their power from now on to bring McGovern down to earth. For their collective judgment is that if the American people become convinced that McGovern would seriously go about fulfilling the promises he has been making, the whole Democratic party is heading for a disaster next November.

This fear was the only cohesive force behind the abortive effort to stop McGovern here in Miami this week. It failed quite simply because the convention had to nominate somebody and there was nobody else around whom it could coalesce. But the collapse of the anti-McGovern faction and the relatively easy victory for the South Dakotan have done nothing at all to heal the divisions or ease the misgivings that the McGovern candidacy inspires among the party professionals.

Most of them, to be sure, will swallow their bitterness and rally behind the candidate. Even if they are convinced he can't win—and a good many of them still are—they will do their best to minimize the effect of a defeat. They hope, furthermore, to move McGovern toward more moderate positions on the issues that interest them. Only those with irreconcilable ideological and policy differences, such as Henry Jackson and George Wallace, will continue to withhold their support.

How successful the professionals may be in taming their tiger, however, remains to be seen. McGovern would be less than human if he were not very much impressed by his performance here, and he certainly is not beholden to anybody for his victory. His promises already have taken him a long way. And Larry O'Brien notwithstanding, he is quite likely to go right on making them.

The Candidate Will Need His Rest Break

(By James J. Kilpatrick)

Miami Beach.—It still is hard to believe, as the TV commercial tells us, that he ate the whole thing. Just six months ago this weekend, correspondents who traveled through New Hampshire with George McGovern traveled with a political cipher. Now we will travel with the Democratic nominee for President of the United States.

There may be, in the shopworn phrase, a great human story behind this. It has not yet emerged. McGovern has come on so slowly and steadily, in the fashion of a plastic extrusion, that one keeps waiting for more to appear. We know little, so far, of what makes him laugh or weep or cry out in rage. He has spun into view like a caroussel charger, caparisoned in computerized tape, more of a symbol than a man of flesh and blood.

This will change. One thinks of Wendell Wilkie, Alf Landon, Barry Goldwater, even of Adlai Stevenson. In the national view, they too began as nonentities, as enigmas. The remarkable thing about McGovern is that he achieved his triumph in a field once crowded with names far better known: Humphrey, Muskie, Jackson, Lindsay. He ran them into the ground.

Six months ago, the prospect seemed impossible. He rated three to five percent in the national polls, and he had languished at that level for a solid year. In New Hampshire he was no more than George Who? He was then wandering about hotel dining rooms, shaking hands with customers, waiters and busboys. He ignited no fires.

His victory was largely a product of two factors—the strength of his own organization, and the weakness of his opponents. The weakness was fortuitous; the strength was his own. It ought not to be minimized. As an organizer, as a political tactician, McGovern has to command respect. He puts this thing together, in caucuses, in primaries, in tireless labor here in Miami. From the moment the first gavel fell Monday night, his claim on the prize could not be denied. It was a work of great skill.

Where does he go from here? The short answer is: Nowhere. Granted, one can write a scenario. If McGovern's young volunteers can register millions of new voters and then get them to the polls; if McGovern can make peace with the old pols and the leaders of organized labor; if he can modify his own early image as a far-out extremist; if his debt-ridden party can raise the necessary money; if he can rally black support in key states; if Richard Nixon falls into catastrophic blunder—if all this develops, while the economy drifts and the war goes on: Yes. McGovern could make it in November.

It is too much to imagine. McGovern's coalition is stuck together with paper clips, Band-aids and hairpins. His support among intellectuals is based not on empathy, but on default. His young amateurs produced a marvelous job in the pre-convention maneuvering, but the presidential election itself is a different horse race. Here McGovern will need professional help, from organized labor, from governors, mayors, fellow members of Congress. The party has great resilience, and the party is hungry. But at this juncture, to speak of a McGovern victory is to speak of miracles.

Candor compels these observations. Candor equally compels the admission that virtually all of us in the press galleries of Miami were wrong about McGovern before. We never believed he could win this nomination, and he won it. For the moment, let a word of tribute suffice: He earned this honor, and he fought the good fight. Let him rest up now for the main event.

[From the Washington Post, July 14, 1972]

OFF THE CUFF

(A commentary by Nicholas von Hoffman)

MIAMI BEACH.—They have just nominated George McGovern and I am sitting in his headquarters hotel press room. Parties and joy upstairs, dancing in the lobbies. I am looking at my notebook and its pages of wisecracks, anger, apprehension and disappointment. I'll transcribe them here as they hit my tired, bloodshot eye:

Sharper people here are shocked by McG's proposals to keep land-based forces in Southeast Asia . . . McG staffers say it was necessary to get nomination, say double-crossing women on abortion was necessary to get nomination, say backing off on everything necessary to get nomination . . . Those who disagree are cranky liberals. McG only man in America who can get kids back into uniform and fighting again?

Youthful McG follower in lobby explains his leader's new Nixon-like position on troops by saying, "The establishment fed us a lot of bull, now we can feed them bull, but come Jan. 20."

Seen looking miserable: California delegate sitting with his head in his hands on convention floor saying, "I think I'll go back on the streets."

Thoughts: This convention is a huge meeting of clients and their social workers . . . a vast coming together of the emergent, white collar majority . . . teachers, students, researchers, nebulous paper-shufflers, staff people, members of all the bureaucracies.

Where are line workers, production workers? They're for Wallace or Jackson. Wallace crowd, the class of the convention . . . polite folks who go out to the hall every night and vote their convictions . . . different from McG's people who vote their orders. Don't be impractical, we gotta win, don't we? Don't sell McG short . . . has made a career of getting elected in solid Rep. states.

Peer into New York delegation. Very quiet. Are they all sitting there taking notes for books they are going to write? This convention, biggest literary event of century? Norman Mailer, William Styron, Arthur Miller, Irving Wallace, Germaine Greer all here. So also reps from papers and 6-candlepower TV stations. Media affluence. Even Boston underground weekly has four reps. Media, media, media signs everywhere. Media from the Latin, meaning "in between"—or we are the people who get in everybody's way.

Observed: Roman Catholic priest with Italian name in lobby of Wallace hotel headquarters. He says, "Wallace and Humphrey people come up to you and say, 'Hey, father, what parish are you from?' You never hear that from McG people."

Vignette: Hotel suite of Henry Kimelman, McG's finance chairman. Much drinks and Kimelman bouncing around telling an anti-Polish joke. Very funny now, but will November returns from Poles in Det., Buff., Chi. and Pitts. be as amusing? Apparently OK to slur certain groups but not others.

On unslurrable list are blacks, but poor people's groups here pathetic. They pop up in lobbies singing "We Shall Overcome" ditty and then not knowing what to do next. This not pressure, but high-class form of panhandling. Oh, well no money, no power, so must beg.

Meet S. Dakota dels at victory party. Good solid people making living by growing alfalfa.

Joke overheard in hall: How do you tell union-picked lettuce from non-union? Union has bug on the leaves.

Observation: They have recorded music instead of band at hall. People miss hoopla, but congratulate each other on getting rid of smoke-filled room. Maybe smoke-filled room good idea. Kept politicians off streets. Here they are out loose marauding.

Who is McG anyhow? McG is H. Humphrey in drag? Or maybe McG not so shabby as Miami performance indicates. Wait, Wait WAIT.

There are more notes, but I'm interrupted by the arrival of Dave Dellinger, the old Chicago Sevener, an anti-war leader. McGovern would never have been nominated without the people Dellinger led on the streets, but he walks around here unrecognized. He tells me that he and Rennie Davis are going to have a press conference. I tell him that if McGovern sends the boys to Thailand, he will see to it that their dog tags are stamped out in the shape of the peace symbol and that they will be permitted to salute their officers by flashing the "V" sign.

[Reprinted from the July 9, 1972 issue of the Hearst Newspapers]

THE CRISIS CONVENTION

(By William Randolph Hearst, Jr.)

MIAMI BEACH.—If you were down here in the wings of the Democratic National Convention, waiting for the big show to get under way tomorrow, you probably could be sure of only two major facts in all the noise and confusion.

The first is that despite George McGovern's overwhelming delegate strength, despite the ebullience and confidence of his supporters, there is a whole army of Democrats here that is dead certain that his nomination for the presidency would spell party disaster in November.

The second fact—and only those present in this overheated madhouse atmosphere can truly appreciate it—is that anybody who wants an eyewitness ringside seat would be better off to follow the proceedings by television. It may be the only real way to be sure of what's happening.

Any firm predictions on the convention at this point would be sheer guesswork and a waste of time. What I want to do here today is to explain why I agree with the people who think McGovern's nomination is a gravely sorry prospect.

The basic reason why I am leery of George McGovern is the shifty record of his statements and positions. Far from being an incorruptible crusader for firm principles—an image carefully cultivated in his primary campaigning—the record shows that the senator from South Dakota is as wily and vacillating as any other politician whose main motivation is personal power. Some think he is even more so.

I first nailed McGovern as being intellectually dishonest in a column written shortly after our incursion into Cambodia in 1970. Along with other vociferous doves in and out of Congress, he had called the self-defense operation a deliberate escalation of the Vietnam war taken without proper advance notice to the American people.

Now this may or may not have been a seemingly reasonable charge to have been made by the ordinary, inexperienced members of our peace-at-any price people. But coming from a former World War II bomber pilot like McGovern it was worse than nonsense—it was hypocrisy of a very low order, exercised solely to inflame the anti-war sentiments of many confused Americans.

As a former combat flier, McGovern knew from first-hand experience that the time and place of an attack on an enemy—to be successful—has got to be one of the most closely guarded secrets in any war. The Cambodian incursion, in fact, succeeded in its aims precisely because of its surprise.

It was simply inexcusable for McGovern to suggest that the American public had been betrayed by no advance notice of the action.

Any kind of criticism is fair in a democracy if it is on the level intellectually.

In this case George McGovern was not on the level. He simply had to know that what he said was nothing less than calculated chicanery.

Now I don't want to be unfair about the senator even if he is one of those get-out-yesterday guys on Vietnam who have done so much to prolong the war by giving the enemy false hopes.

I don't doubt he sincerely wants an end to the conflict. But who do you know who doesn't? The difference is that McGovern has been cashing in on national impatience through his impractical and dishonorable proposal to pull totally out of Indochina and then to beg for our prisoners of war if elected President.

Even if you assume that his pie-in-the-sky visions of a better and more equable society are basically sincere, the trouble is that his liberal pipedreams also have been offered without practical foundation, except to get him votes.

As I have already suggested, a great deal of McGovern's primary campaign success was based on his personal image of calm stability. That image has rapidly been eroding under careful scrutiny, and through his own reaction to heavy pressure.

Possibly too late, Democratic Party regulars have come to realize that McGovern's irresponsible position on Vietnam, his proposed suicidal slash of $32 billion in the national defense budget and his economically insane domestic programs could all but guarantee defeat on election day.

More than that they have been treated to the spectacle of a man furiously backtracking from previous positions in opportunistic search for wider support, frequently making no sense in the transition from self-proclaimed crusader to would-be compromiser.

Perhaps most damaging of all, they have seen McGovern finally erupt in uncontrolled temper in the delegate disputes, attempting to take a vengeance on his opponents which has made a genuinely united party impossible.

There is no space here to detail all the various weaknesses and self-contradictions that McGovern has been displaying as party showdown time neared. The subjects covered a gamut ranging from freeing convicted draft dodgers and deserters to free abortion. I don't recall that he took a stand on Angela Davis.

My own favorite is his back-off from his welfare-tax reform plan, which included the asinine proposal to give $1,000 annually to every man, woman and child in the country.

Nettled by repeated analyses which showed his programs to be dangerously unsound and even mathematically wrong, he said he was making revisions he considers too important to announce "in the intensely political atmosphere"—a would-be cop out which makes no sense whatever.

Making even less sense, if that is possible, was his related comment on his $1,000-per-person bonanza plan.

"That is being withdrawn pending our further study," he said. "It's just too complicated for the average person to understand."

Well—I don't think the average person would find receiving $1,000 difficult to understand, except why such a nutty idea was proposed in the first place.

Meanwhile I hope that same average person will be able to understand that McGovern was trying to cover his own foolishness by accusing the public of stupidity.

Who the Democratic Party will pick as its standard-bearer for November remains to be seen—but if George McGovern gets the nod the convention will have chosen a weak, impractical and vacillating man.

His choice will be good news at least to President Nixon, who certainly should prefer to run against such a candidate rather than against a sound and thoroughly experienced opponent like Hubert Humphrey.

The Hearst Newspapers are politically independent. In 1968, our papers split although I personally supported Humphrey over Nixon. The choice was difficult because both had had roughly the same practical experience.

This year, barring some kind of miracle, we probably will support Nixon because of his record and because nobody comes close to his practical experience.

We could never support George McGovern, both because of his self-serving, opportunistic record and because of his already proven failure as a practical planner.

In a word, I take a very dim view of the senator from South Dakota—and if you were down here you would know how fervently many Democrats share my attitude.

That is why the big show in Miami Beach this coming week, no matter what happens, at base will be a crisis production.

MRS. WILLIAM MERRILL CHESTER: IN MEMORIAM

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. ZABLOCKI. Mr. Speaker, I rise to mark the passing of an outstanding woman leader of Milwaukee, whose son, John "Chips" Chester, is a staff consultant to the Committee on Foreign Affairs and a personal friend of many of our colleagues.

His mother, Mrs. William Merrill Chester, died July 13 after an extended illness. Mrs. Chester's involvement in civic activities spanned many decades. She was perhaps best known as the founder of the Girl Scouts in Milwaukee, and held various offices at the national and international level with the Scouts.

Her life was filled with service to others and a dedication to the enhancement of the educational, cultural, athletic, and other opportunities of our community, particularly for young people.

Fittingly, the Milwaukee Journal has memorialized Mrs. Chester in an editorial which I will insert at this time in the RECORD, together with a detailed obituary on her life which appeared in the Milwaukee Sentinel.

My wife, Blanche, joins me in expressing our deep sympathy to the family of Mrs. Chester for the deep loss which they and our entire community has sustained because of her passing.

The items follow:

[From the Milwaukee Journal, July 13, 1972]

MRS. WILLIAM MERRILL CHESTER

A long lifetime of service to her community has ended with the death of Mrs. William Merrill Chester at 79. Her interests and energy were devoted to a wide range of projects, producing benefits enjoyed by thousands of Milwaukeeans today. She helped organize the Girl Scouts here and was their first Milwaukee commissioner. Camp Alice Chester was named for her. She organized the service oriented Junior League here, lent her support to youth programs on local, state, national and international levels, supported education and the arts. The example and the deeds of this great lady are a legacy to all.

[From the Milwaukee Sentinel, July 13, 1972]

MRS. CHESTER DIES; WAS CIVIC LEADER

Mrs. William Merrill Chester, 79, the organizer of Girl Scouting in Milwaukee and granddaughter of the founder of the T.A. Chapman Co., died Wednesday of leukemia.

Mrs. Chester, who had been ill for about two years, died at her home at 3590 N. Lake Dr., Shorewood. She also had a summer home at Oconomowoc Lake.

She was internationally known for her work with the Girl Scout organization, activities which spanned half a century.

Her civic involvement included membership on the Lawrence University Board of Trustees, organizer and first president of the Milwaukee Junior League and trustee of the Milwaukee Art Institute.

She was a member of the motor corps in France during World War I, driving trucks from base hospitals to field hospitals near the front lines. She also was a former Wisconsin women tennis champion.

Mrs. Chester's husband, William M. Chester, was board chairman of T. A. Chapman Co. at the time of his death in 1964. He was associated with several industrial and financial firms and was active in civic affairs.

The former Alice Miller, Mrs. Chester was the daughter of Mr. and Mrs. George P. Miller. Her father at one time was attorney for Lucius Nieman, longtime publisher of The Milwaukee Journal. Miller owned Journal Company stock which was later sold to Harry J. Grant, Nieman's successor.

Mrs. Chester's grandfather, T. A. Chapman, founded the Chapman department store firm. Her aunt was Miss Alice Chapman, who willed $1 million to the former Milwaukee Downer College for construction of the Chapman Library. The building is now called Chapman Hall and is part of the University of Wisconsin—Milwaukee campus.

The children of Mr. and Mrs. Chester are Atty. George M. Chester, a partner in the law firm of Foley & Lardner; William M. Chester Jr., vice president of the Heil Co.; John C. Chester, a former diplomat and now a staff consultant for the House of Representatives Foreign Affairs Committee, and Mrs. Verne R. Read, whose husband is board chairman of the Chapman stores.

Mrs. Chester, an avid traveler both for her own enjoyment and in behalf of the Girl Scouts, took her last trip in June, 1970, when she and more than 20 family members went to Malawi, Africa, to visit John C. Chester, who had a diplomatic post there.

Soon afterward, Mrs. Chester was stricken with leukemia and was unable to travel again.

In 1915, following her graduation from Bryn Mawr College, Mrs. Chester organized the Junior League here.

Immediately after their marriage, she and her husband left for France where they both served in 1917 and 1918. She was in Paris during the shelling and later became cable secretary for the YMCA.

During the 1920s, Mrs. Chester's activities included offices in the League of Women Voters and the Woman's Club of Wisconsin.

Mrs. Chester was the first commissioner of the Milwaukee Council of Girl Scouts, organized in 1921. Her portrait hangs at Camp Alice Chester, at Booth Lake near East Troy, which was dedicated to her in 1925.

Her interest in youth work, particularly with Girl Scouts, continued through nearly five decades.

She served on the Girl Scouts Great Lakes Regional Committee and held various offices at the national and international level with the Scouts. She headed the Girl Scout mariner program here. She was assistant world treasurer, vice chairman of the Juliette Low World Friendship Committee and chairman of the committee which maintains the Girl Scout World Center in Adelboden, Switzerland.

Mrs. Chester wore her Girl Scout uniform in 1943 when she christened the wartime cargo ship Cape Bon at Wilmington, Del.

In 1967, though a grandmother and 74 years old, she was chosen by Gov. Warren Knowles to be general chairman of the governor's 10th conference on children and youth. She reacted with her customary enthusiasm for stimulating interest in young people.

As a young matron, Mrs. Chester was noted for her ability to play tennis and for her sailing ability. The Chesters spent summers at

Oconomowoc Lake and were active in sailing and fox hunting there.

Mrs. Chester served on the Milwaukee-Downer Board of Trustees from 1931 to 1964. She became a member of the Lawrence University board when the two schools consolidated in 1964.

Bryn Mawr gave Mrs. Chester a distinguished service citation in 1960, citing her civic activities. Mount Mary College presented her with its 1967 Pro Urbe medal for outstanding civic service. In September, 1970, Lawrence University granted her an honorary doctor of humane letters degree.

Services will be at 11 a.m. Monday at St. Paul's Episcopal Church, 914 E. Knapp St. Burial will be in Forest Home Cemetery.

The family suggested contributions to the Girl Scouts of Milwaukee County, Lawrence University and the University School of Milwaukee.

WHITMER HIGH SCHOOL

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. ASHLEY. Mr. Speaker, it is with great pride that I take this opportunity to congratulate the Whitmer High School debate team of Toledo, Ohio, for winning its second consecutive national debate championship in the National Forensic League—NFL—Tournament, held at Wake Forest University in Winston-Salem, N.C., from June 19 to June 22.

In triumphing for the second straight year, Whitmer becomes only the second high school in the league's history to win back-to-back titles. The magnitude of this achievement can be fully appreciated only when one understands how competitive the tournament is. To qualify, a team must win either its district tournament or its State championship. In March, Whitmer High teams won both the western Ohio championship and the school's third consecutive Ohio State championship, thereby becoming only one of four schools in the country to qualify two teams for the finals.

This year's winners of the national tournament, Jeffrey Lewis and William Groves, outpointed some 80 other schools representing State and regional winners on the topic of whether the jury system in the United States should be significantly changed. In addition, Whitmer's Robert Perry and Lee Rosenbaum finished seventh in the competition.

Behind every good debate team, however, there must be a good debate coach and surely Whitmer's Esther Kalmbach is one of the best. Since founding the program at Whitmer in 1961, Mrs. Kalmbach has taken student teams to the national finals nine times, with three State and six district debate championships to her credit. In her 12-year tenure, Mrs. Kalmbach has coached her teams to two firsts, one second, one fifth, one seventh, and one eighth place in the nationals, truly a remarkable record.

Mr. Speaker, I applaud Mrs. Kalmbach and the members of the Whitmer High debate teams and extend my best wishes for an unprecedented third consecutive debate title next year.

OUR COUNTRY'S PROBLEMS ARE DUE TO WILLINGNESS OF CITIZENS TO HELP THEMSELVES

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. DANIEL of Virginia. Mr. Speaker, during the recent congressional recess, I had the pleasure and pride to read a letter from Mr. William E. Martin, of Fieldale, Va., to the editor of the Martinsville Bulletin. I have read few analyses of our Nation's difficulties which stated the problems—and the solutions—more succinctly.

This letter so impressed me that I requested permission of the writer to have the letter reprinted for my colleagues. This letter is all the more noteworthy because the writer is not of my generation, but rather is 22 years old.

I specifically call attention to the closing paragraph of Mr. Martin's letter:

> I don't know if we can persuade ourselves to change our concept of society around again. I hope we can because one thing is certain. If we do not reverse our thinking soon, the already overburdened government in Washington will drown in a sea of unnecessary demands by citizens and cease to be a source of those solutions which can only come from the one institution that represents all people, all individuals, as a whole. The alternative to change therefore will be chaos—if not anarchy.

I insert Mr. Martin's letter at this point:

[From the Martinsville, Va., Bulletin, June 28, 1972]

LETTER TO THE EDITOR

It has become commonplace for those of us who have complaints about anything to pack the blame off on the federal government. This is very ironic because many of our problems have been created by our willingness to pack everything else off on Washington also.

America's greatest problem today is not the inability of the federal government to do its work properly; it is ours, the people's. Inability to do things for ourselves. In years gone by, when someone had a problem, he did all he could to solve it the best way he knew how. He did not always succeed, but at least he tried. That is much more than we can say about ourselves.

What happens today if we see something we don't like? We ask why Washington doesn't do something about it. "My kids aren't making good grades in school; why doesn't my congressman see that we have decent schools and teachers around here? I watched TV last night, and the programs were just horrible; why doesn't the government do something about the networks? I'm not making enough money in my job; but doesn't the President make them pay me more money? I pay my taxes, and I think it's about high time I got something out of them!"

In the past, our counterparts would have made their kids study more; would have watched something else on TV; or, Heaven forbid, might even have done something constructive with their time like read, knit or make odds and ends for use around the house. And if their job wasn't paying them what they felt was a proper wage, they asked for a raise or looked for another employer who paid better. They didn't, in short, go rushing to the government with their problems like a little child running home to his mama.

Things seem to be getting even worse. Today when we go to the supermarket and find the price of steaks too high, to a great extent because demand is outstripping supply; do we sacrifice a little and buy poultry or something else less expensive and let the free enterprise system help us by allowing the smaller demand to force down prices? No, most of us can't do without the steak for a little while, so we buy it and go home only to fire off a letter to our congressman demanding that the government hold down prices.

Finally, I mention the most disheartening thing of all. Now that we consider our children more as sources of trouble and inconvenience than joy; instead of doing something ourselves, we demand that the government set up child day care centers so that we can get the kids out of our hair and let the state have the chore of bringing them up.

These examples are not the only ones that can be cited, but they amply show how far we have allowed ourselves to go. To our everlasting shame, we have lost the ability or at least the desire to do things for ourselves as individuals. The exact reasons for this loss of individual initiative may never be known. One cause may well be that the tremendous growth of the mass media in recent years has made us lose sight of the individual himself. All we see, read and hear about these days are masses (groups) of people. This may falsely lead us to believe that there are only problems of the masses, and therefore, only solutions by the masses. This is a very depressing thought indeed.

I suspect, however, that a more important cause of the loss of individual initiative is the fact that our forefathers built a society that, while not perfect, was at least so successful that we have all become like the brat who inherits his father's fortune. We are spoiled rotten and don't want to do anything for ourselves that we can get someone to do for us. We have had things given to us so easily that we have lost the desire to undergo the occasional short-term self-denial and the hard work that in the long run would make our lives and the lives of all who share our society much better and happier. This line of reasoning does not come from an "old fogey". It comes from a 22-year-old college graduate.

I believe that there is a remedy for our ailment, and it consists of a return to a more ordered concept of society. We must again consider the individual as the center of our social structure. The individual, thus removed from his present position as an obscure entity existing somewhere within the mass social system, will have to become once again self-dependent. He will view himself as the master problem solver. The individual will thus strive to do for himself all that he can; and only after he has done his best will he turn to others for assistance. He will first go to those individuals who share his problem and concern and work with them to find a solution. If the answer eludes even this group, they will then turn to that body which represents the next largest group of individuals—the local government. Then of course, if needed, comes the state. Finally the matter will be taken to the federal government when it becomes evident that the problem can only be solved by all individuals working together as a Society of the Whole. The federal government, now free from the task of having to decide questions better handled at lower levels, will be able to commit its full resources to finding sound and just answers to the problems only it can solve.

I don't know if we can persuade ourselves to change our concept of society around again. I hope that we can because one thing is certain. If we do not reverse our thinking soon, the already over-burdened government in Washington will drown in a sea of unnecessary demands by citizens and cease to be a source of those solutions which can only come from the one institution that represents all people, all individuals, as a whole. The alternative to change therefore, will be chaos—if not anarchy.

Sincerely,

WILLIAM E. MARTIN.

HUNGARY, 1956

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. DERWINSKI. Mr. Speaker, one of my colleagues in the House whose ability and determination I respect is LARRY HOGAN of the Fifth District of Maryland. I am pleased to call to the attention of the Members an address delivered by Representative HOGAN before the Congress of the Hungarian Freedom Fighters Federation on July 1, 1972. I especially direct the attention of the Members to the poem, "Hungary, 1956," composed by Mr. HOGAN which is dramatic evidence of his depth of feeling and understanding of the tragic Soviet occupation of Hungary in 1956.

The address follows:

ADDRESS BY REPRESENTATIVE LAWRENCE J. HOGAN

Benjamin Franklin once said he would like to come back in 200 years to see if Americans still value their freedom. Suppose that great American Freedom Fighter returned today. What would he find? Do Americans still value their freedom, or do they take it for granted? You in this room fought for freedom as Benjamin Franklin did, so you cherish it.

It would not be a very happy homecoming for Benjamin Franklin, I'm afraid. He'd find a lack of respect for the ideas and ideals he worked so hard for; the gift of freedom which too many take for granted.

The examples are everywhere: The Capitol Building is bombed. The Pentagon is bombed. The life work of scholars at universities is destroyed. Disruptions and violence have spread across our land.

Benjamin Franklin would be sorely disappointed about things going on in this country. Yes, our domestic problems concern me, as I am sure they do you. But of even greater concern is our military posture in the world and our attitude toward communism and the threat it still poses to world peace.

There is no doubt that the so-called communist bloc is not the monolith it once appeared to be. But let us never forget who the communists really are.

It is the communists who invaded South Korea, South Vietnam and Laos—regardless of what the propagandists of the press and universities tell us.

It is the communists who keep whole nations captive. It is the communists who confine Russian intellectuals to insane asylums for "treatment." It is communists who tolerate no dissent.

It was the communists who invaded Czechoslovakia in 1968.

And who in the world—most especially in this room—can *ever* forget who brutally crushed the heroic people of Hungary in 1956?

I recently heard of an 80-year-old man being tried in Budapest. His terrible crime? Sending money out of Hungary to support his stepson.

And it is the communists who have made the last 16 years of Joseph Cardinal Mindszenty's life a sorrow-filled time of loneliness and separation from his people. It was encouraging to me to receive a warm letter of support from Cardinal Mindszenty endorsing my resolution regarding the Holy Crown of St. Stephen.

It was precisely because of my concern over the present government in Hungary that I have sponsored that resolution to insure that the Holy Crown of St. Stephen remains in the safekeeping of the United States until Hungary once again enjoys a freely elected government. This resolution was supported by 35 members of the House, including such good friends of Hungary as Congressman Bill Scherle, Ed Derwinski and Frank Horton.

As I am sure you know, Secretary of State Rogers will be in Hungary Thursday and Friday of next week. I am certain you are as concerned as I was as to what his visit might mean for the status of the Holy Crown and for relations in general between the United States and Hungary.

I am pleased to report to you tonight that I have been assured by the U.S. State Department that Secretary Rogers does not plan to raise the issue of the Holy Crown. I have also been informed by the State Department that the Hungarian government has not recently indicated any intention of discussing the issue of the Crown.

Obviously, we cannot say unequivocally that the Holy Crown of St. Stephen will not be included in the discussions, but I have been assured by the State Department that there has been no change in American policy regarding the Holy Crown.

My continuing concern—and I am sure that of our visitor Benjamin Franklin—is that many Americans seem to have no respect for the lessons of history or have already *forgotten* those dearly learned lessons.

Take the example of Sen. J. William Fulbright who has tried to end the funding of Radio Free Europe and Radio Liberty on the grounds that they are remnants of the Cold War. (I opposed his position every step of the way and I am pleased that his stand has been repudiated substantially by both Houses of Congress.)

We *must* have Radio Free Europe and Radio Liberty to let the millions behind the Iron Curtain know what is *really* happening in the world. I know *you* don't have to be reminded of how critical that need is. But for those Americans who needed reminding—and there are plenty of those—there was a recent interview with Alexander Solzhenitsyn, the Nobel Prize-winning Soviet author.

He had some good things to say for Radio Liberty. He said: "If we learn anything about events in our own country, it's from there."

Solzhenitsyn also said, "You Westerners cannot imagine my situation. No one dares to stand up and object to a party propagandist, because, if he does, the next day he may lose his job and even his freedom."

And yet, faced with the growing military strength of that nation which denies the very liberties we hold so dear, we still hear the loud and persistent cries of people such as Senator George McGovern who propose a $32 billion cut in the defense budget!

Let's take a look back for a moment at our defense spending in recent years. In fiscal 1968, defense spending approximated 10 per cent of our gross national product. Under the Nixon Administration that figure has been reduced to below 7 per cent. Defense spending for fiscal 1972 was down more than $20 billion from the 1968 level and almost down to the pre-war spending level of fiscal 1964—this following a period of high inflation.

In addition, the number of active duty military personnel had returned to its pre-war level. At the end of the fiscal year (yesterday) there were 180,000 fewer men in uniform than in 1964 before the Vietnam buildup.

Given those statistics, we have to ask where Senator McGovern hopes to make his $32 billion defense cut.

We are already in danger of becoming a second-rate military power. The Soviet Union has been expanding its military capacity steadily as ours has decreased. The USSR has built a powerful modern navy while our ships and naval power have been deteriorating. Soviet missile growth has continued and military appropriations have flowed steadily into other armaments and manpower while we have de-emphasized these programs.

In addition, the Soviet Union spent 40 to 50 per cent more on military research and development than the United States in fiscal 1972.

We have reached the real danger limit in our defense cutbacks.

As that great Hungarian-American, Dr. Edward Teller, recently said in his speech in New York during a lecture series organized by the American Hungarian Historical and Library Association:

"It is evident that, should the Russians be able to successfully defend themselves while we could not, it would not take very long before the fate of the United States—a country which provided us with refuge and of which we have become loyal citizens—will be similar to that of Hungary or Czechoslovakia.

"An equally unfortunate circumstance is our mental unpreparedness: the defeatist stance of our immediate successors, the younger generation which is soon to take over from us. What I as a professor have seen in my hometown, on the Berkeley campus of the University of California does not augur well for a sound defense . . ."

"In the well-developed industrial parts of the free world," continued Dr. Teller, "much of the fabric of stable human character has disintegrated. Since a like situation is hardly tolerated beyond the Iron and Bamboo curtains, the developing situation favors our adversaries."

Dr Teller continued, "Being among fellow Hungarians who are fully aware from bitter experience what it means to be defenseless against the onslaught of superior forces, gives me the chance to make a suggestion: we all owe gratitude to our new homeland. To express it in a positive way, is our privilege and duty. . . .

"We, who either through personal experience or that of our kin found out about the Russians, sampled their mentality through direct contact, have a specific obligation: to urge our American friends to realize the ever-increasing dangers looming on the horizon.

"Once the great Russian thrust for world domination is on the march, it is difficult to see where and when it may stop. It is far better, therefore, to prepare for it while this is still in the realm of possibility."

I apologize to Dr. Teller for borrowing so liberally from his speech, but what he said, I thin has special meaning for you and for me. *We recognize* that a strong defense posture stands at the very heart of our American Democracy—at the very heart of our freedoms, our culture, our opportunities—all those things which make this country so great. We must remember that these cherished blessings are only as secure as our military defenses are strong.

So I join Dr. Teller in asking you who know so poignantly what freedom really means to help keep the importance of our defensive strength before the American people.

It is also apparent after the recent summit talks that there may be changes in the *Soviet* attitude toward Hungary. Some of those changes toward increased economic freedom appear hopeful. At the same time, Hungary may, in the future, have to be much more concerned about the supply of raw materials flowing from Russia, and Russia, if trade is opened up with the U.S., will be less dependent on Hungary for the supply of consumer goods. This could alter the relations between Hungary and the USSR. This could augur good or ill, depending on events as they unfold.

I know some of you are concerned that the recent summit talks may mean a shift in the attitude of the United States toward Hungary. I do not believe that is the case. I feel—and I hope—that most Americans know that we must remain committed to the cause of Hungarian freedom.

Because of the importance I attach to America's commitment to Hungary, yesterday I wrote to President Nixon suggesting that in the same manner in which he visited Yugoslavia, Poland and Rumania, that he also in the near future visit Hungary! Such a visit would be symbolic of our undying commitment to the Hungarian people and a practical opportunity to offer them our assistance and afford them—the people of Hungary—the opportunity to demonstrate to the USSR and the world their bond of affection and friendship for the United States.

It is up to people such as you and I who know and love freedom, to make certain that it survives in this hostile world. This great gift carries with it great responsibilities to preserve liberty here and extend its blessing to those who do not have it.

We have been a great legacy of liberty. It is up to us to make certain that this cherished legacy of freedom does not pass from this earth.

And now, I would like to exercise a personal prerogative. I have been asked many times why I have taken such an interest in the problems of Hungary since I am not of Hungarian descent and I have very few Hungarians in my congressional district.

Well, the said events of 1956 in Hungary had a deep and lasting influence on my personal life as an American. I was so moved by that historic tragedy that I wrote a poem to express my feelings. Because it might explain why I have made Hungary's cause, my cause, and because it might indicate how I feel about Hungarians, I would like to impose on you at this point to read my poem, entitled "Hungary, 1956":

HUNGARY, 1956

Under Soviet oppression
And tyrannous aggression
People lived in deep despair
And dark clouds hung everywhere
In this nation without hope or goals.
But, under burned-out coals,
Freedom smoldered there
Beneath that blanket of despair.

Then, just as pressure of stifling suffocation
On a dying fire makes spontaneous combustion
The long-dormant spark exploded
To enflame a patriotism so long eroded.
Old men and young boys,
Became rag-tag soldiers adrift—
Gambling God's most precious gift
For a chance to rescue their nation
By risking wild confrontation;
To make a choice:
Which is no choice:
Quick, rewarding death
Or slow, living death.

Soft-skinned boys emerge as men
To learn what life might have been.
Old men forget infirmities
And women ignore their frailties,
As an inspired nation arises in bravery
To cast off the chains of slavery
And invest sacrifice and dedication
With prayer and desperation
In a wild gamble to be free—
To make impossibility, reality.
To the world's disbelief
And their own ecstatic relief—
Amazing, odds-defying success
Exhilarating, intoxicating, joyful success!
Freedom! Freedom is to be!
Oh, to be free! To be free!
Hearts throb for love of country
Throats aching from shouting defiantly,
Constrict and tears leak out of eyes
That had wept so many of despair's cries.

"Now come, America, and give your solace
To this proud, brave populace
And rejoice in this heroic spirit
Arising from a coma, and share it.
Come, America, and help this rag-tag army

As France helped you so long ago
By making your revolt her own.
Come help reap what love of freedom has sown.
Come, America, with your mighty hands of friendship
To shelter freedom's fire in kinship.
Hear the Freedom fighter's shout
Don't let freedom be snuffed out.
Come, America, and answer this plea
From a nation hungry to be free."

As days pass, awaiting America's hand,
An ominous quiet envelopes the land.
An eerie calm forewarns of storm
As lines of desperate resistance form.
Suddenly, the bleak November sky
Is pierced by Soviet MIG's screaming cry.
And into every Budapest street,
Firing on all they meet,
Russian tanks rumble
To make all opposition crumble.
Tanks take vigil on each corner and wait.
"Come, America, the hour is late!"

Salvo after salvo of artillery
Bear witness to Soviet villainy.
Buildings crumble or are licked by flames
As cruel retaliation takes its claims.
Wreckage chokes Hungarian streets
And enemy fire cuts off retreats.
Behind blocked windows resisters stare
As smoke and stench of death, poison the air
Freedom fighters spend dwindling rounds and wait
In hopeless defiance of their fate
As Soviet soldiers, recapturing a nation,
Bring house-to-house annihilation.
In a last gasp to make fate pause,
Anonymous heroes die in a lost cause.
"Come, America, and watch a nation die
As all who love freedom cry!"

The Russian shooting decreases
As the last remnant of resistance ceases.
Wisps of tell-tale smoke rise
Where the corpse of freedom lies,
Its acrid smell should shame
The nostrils of all who share the blame.

"Where were you, America, as freedom died
To redeem the promise which you lied?
You whose own quest for freedom's chance
Would have failed without the aid of France.
Where were you, America, when children died in bravery
Fighting a war that could have saved the world from slavery.
Where were you, America, when the boot of tyranny stomped out freedom's fire?
You were there, America, as pallbearer at the funeral pyre!"

IMPORTANCE OF EDUCATION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. DUNCAN. Mr. Speaker, I was very impressed by the sound sense expressed by William B. Faris, executive director of the Tennessee Society of Professional Engineers, in their June 1972, journal. I would like to share with my fellow congressmen Mr. Faris' comments concerning the impact of education on our society:

I WONDER?

People, like me, without very much education, have a tendency to overrate its importance in the scheme of our general lives.

We strive mightily, and go without many things so that we can give our children "the advantages we never had."

But I wonder, now and aagin, if our zeal in forcing our children into the mold of educated citizens may not actually be depriving them of those intangibles that brought pride to my generation and glory and respect to this country during the time of my youth.

I become concerned, and I wonder where we "went wrong with our educational theories" when I read reports like the one just released by pollster Daniel Yankelovich.

Mr. Yankelovich found that of those Americans 17 through 23 years of age, 30 percent are in college.

He also found a great difference in the attitude of those persons in college and those in the work force. For example:

80 percent of those not in college favor a greater emphasis on law and order compared to 57 percent of undergraduates.

Only 22 percent of the non-students say they want more sexual freedom as against 43 percent of college students.

60 percent of the non-students felt that patriotism was important, but only 35 percent of those in college felt it was.

Mr. Yankelovich believes the reason the differences appear is the promotion of anti-establishment views on the campuses. He doesn't tell us what part a radical faculty plays in this mess, or a permissive atmosphere, or too much money and too many cars, or meaningless curricula. He just says these problems exist.

I wonder if people like me, who deep down in their heart feel that education should be the panecea to everything, the solution to all our problems, aren't really the cause of most of these troubles.

I wounder if education, by itself, without pride of accomplishment or a sense of responsibility or a love of country may not yet become the Frankenstein Monster that will destroy us.

I wonder.

SAVING ON THE COST OF COLLEGE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. HAGAN. Mr. Speaker, as the cost of attending college has steadily risen, proposals of how to beat the high cost have multiplied. Shortening the time required for a degree is not a new idea, but when the suggestion comes from such a prestigious organization as the Southern Regional Education Board it is worthy of consideration. The board has under study different ways of inaugurating a degree program that will require only 3 years, instead of the usual 4. The board is a multistate organization, and believes that a 25-percent saving can result from a 3-year course.

The Augusta Chronicle of June 12, 1972, discussed the prospects in an editorial entitled "Saving One-Fourth," as follows:

SAVING ONE-FOURTH

Is anyone interested in saving one-fourth of the escalating cost of sending his sons and daughters to college? It is a rare parent, of course, who isn't.

That is what gives widespread interest to a three-day meeting in Atlanta, ending today, under the sponsorship of the Southern Regional Education Board. The meeting will have, prominent on its agenda, a thorough discussion of ways to inaugurate a degree program that will take three years instead of the traditional four. It is the first such meeting by a multi-state organization to concentrate on the subject.

Many educators and state legislators believe that as much as 25 per cent of the total cost of a college education could be saved by the three-year degree. It could be done by several procedures.

One would be to ascertain what areas of instruction are subject to an overlapping between high school and college, and eliminate that area from the college curriculum. Another would be to test knowledge the student may already possess, and waive the college courses covered by that knowledge. A third and more conventional means is simply to go to school in the summers.

More than 150 persons from colleges, universities, secondary schools, state departments of education and legislatures will try to make serious progress toward this goal at the Atlanta sessions. It will be not merely a survey of pros and cons, but an examination of the "how-to's."

The beneficiary should be the student—and parents who pay the bills.

MEET THE MEMBER

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. GERALD R. FORD. Mr. Speaker, the effective work of our respected colleague from California (Mr. HOSMER) is occasionally noted by the media. The following are highlights from two of radio commentator Joseph McCaffrey's "Meet the Member" broadcasts:

MEET THE MEMBER

California's Craig Hosmer is one of the outstanding congressional authorities on atomic energy. As a member of the Joint Atomic Committee, the Republican Congressman has devoted years to its problems and today has a sound, first-hand knowledge of it.

First elected to the House of Representatives in 1952. Craig Hosmer is a graduate of the University of California at Berkeley and of the Law School at the University of Southern California. A veteran of World War II, he is now a rear admiral in the Naval Reserve.

Hosmer is generally recognized as an informed and articulate spokesman on all aspects of United States nuclear policy, being frequently called upon for service with American delegations to international conferences on atomic energy and arms control. He also serves as chairman of the House Republican Conference Committee on Nuclear Affairs.

The ranking Republican member of the Interior Subcommittee on Irrigation and Reclamation which overseas all federal water projects, the Congressman is viewed as a progressive thinker regarding Southern California's water needs. In 1968, he was one of the principal architects of the historic Colorado River Basin Project Bill, which guarantees California's share of the river water. He is the chief Congressional sponsor of three other projects vital to the state's future water supply The Peripheral Canal. The California Undersea Aqueduct and the Desalting of Seawater.

Among his other legislative interests is concern for the handicapped. Hosmer's bill to provide greater job opportunities for those who are handicapped was passed by Congress last year. It extended to the severely handicapped the special privileges previously accorded only to the blind in selling products and services to the federal government.

At the time of its passage the Congressman said, "Many of the severely handicapped of the more than 225,000 Vietnam era veterans would be eligible for employment in workshops having contracts under this change in the present law. The disabled need rehabilitation, but even more they need jobs. This will make that possible by providing federal contracts to sheltered workshops for the handicapped."

For his efforts, he was honored by the Goodwill Industries of America. In the citation, it was pointed out that the Hosmer-sponsored legislation would permit Goodwill to increase its employment of handicapped by 10% nationwide as the result of the expected increase in orders from the federal government.

Congressman Hosmer is an articulate advocate of nuclear electric power, attempting to allay the fears, and the many exaggerated cries of alarm about this comparatively new development.

Here is how Hosmer sums up his position, "Nuclear power plants are being developed and built because they are better or cheaper or more acceptable or more available than the alternatives. This is not to say they are perfect. But they are safe, they are reliable and they are economic in most regions in the country. And, from an environmental standpoint, they are relatively clean. The generation of electricity, by whatever means, is going to have some effect on the environment."

It is never possible to produce power without some thermal effect. Hosmer points out that even hydro plants have a small warming tendency. But ambient air or water temperature changes are not necessarily disastrous. He believes the term "thermal pollution" is a misnomer. Putting heat into the water isn't necessarily pollution. A water heater in a home is not a water polluter. Heat is energy and energy is a very valuable commodity in our society. The objective is to build power plants at sites calculated to result in minimal adverse effects, or even beneficial ones.

We live with radiation every day of our lives, with the exposure varying each year. Hosmer feels that with more experience, plus the normal flow of new technology and the promise of major breakthroughs, such as breeder and fusion reactors, the atom's overall posture will get even stronger. Hosmer asks, "Wouldn't it be ironic if we lost the tremendous potential of atomic energy, not because we couldn't control its power, but because we couldn't control our fear?"

Not limited to his work as a member of the Interior Committee and the Joint Atomic Committee, the Congressman has joined with nine other members of the House seeking a study of year round daylight savings time.

His biggest job on Capitol Hill still remains that of helping people. Last year more than 1,600 residents of his district sought his help with problems involving the Veterans Administration, Social Security, the military and other federal agencies.

FIVE CAPITOL LIVES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. HUNGATE. Mr. Speaker, the July 1972 issue of the TWA Ambassador carried a story entitled "Five Capitol Lives" and should be of interest to all Members as it contains an article on our colleague (FRED SCHWENGEL). It is also particularly interesting to Missourians because of its coverage of Joe Lastelic of the Kansas City Star.

FIVE CAPITOL LIVES

By 8 a.m., Fred Schwengel, Bob McCormick, James Powell and Joe Lastelic are getting ready to start their day at the Capitol—and 16-year-old Atlee Valentine is already well into hers.

These five—Congressman, guide, police chief, correspondent and page—are just a sprinkling of the cast of the daily drama of the Capitol. But they, their colleagues, and counterparts of years past, are as much the Capitol story as the sandstone that George Washington commissioned to be used in the West Front . . .

Fred Schwengel, Congressman, quips, "Frankly, I'm the only Republican that heads any group on the Hill." The eight-term Republican Congressman from Iowa's First District (Iowa City, Davenport, etc.) proudly states he is president of the U.S. Capitol Historical Society, which he helped found in 1962. As such, he is constantly extolling the virtues of the Capitol. He drives around it every morning just for inspiration. He even carries applicable quotes in his pocket, laminated, so they won't wear out. "You know what Nehru said about the Capitol? He said . . . "

But primarily, Schwengel is a Congressman. That means he has to do his job on the Hill, and keep the fences mended back home so Iowa voters will keep him there. It makes for a long day.

At 7:30 he hits his office and confers with his staff about what's coming up. Then his secretary brings mail-only-the-Congressman-can-answer and he dictates till near 10 a.m., when, from Monday through Thursday, his committees meet. Committees are where the bulk of Congressional work is done, so Schwengel attends.

Between the end of the committee session and the noon start of the House session, Schwengel grabs a quick bite in the House dining room. House sessions last varying lengths of time, depending on the amount of voting to be done, and the controversiality of the bills. But Schwengel generally gets back to his office around 4 p.m. By then, constituents from Iowa are waiting in his office, and Schwengel starts his daily round of hand-shaking, anecdote-trading and problem-solving. After signing a foot-high stack of mail, he's "on the horn" to important telephone contacts back in Iowa.

If the Iowa Congressman were interested, he could attend an endless string of cocktail parties on the Washington circuit. But Schwengel skips most of them, unless they involve his district in some manner.

Schwengel's passionate affair with the building where he works not only leads him to promote it personally, but when he lost a bid for re-election a few years back, he spent his two-year "sabbatical" helping produce *We, The People,* the most authoritative and popular book on the Capitol, which has sold nearly 3 million copies.

Atlee Valentine, Senate Page, at 16 starts school earlier than most teenagers—at 6 in the morning.

That's because Atlee is one of five girl pages assigned to the U.S. Senate, and has to complete her school day before the daily 10 a.m. session starts.

Until a year ago, there had been no girl pages in the history of the Senate. But Women's Lib finally took its toll of tradition, and a girl was first named in early 1971.

The pretty teenage Tennessean is up at 5 every morning, and attends the Capital Page School in the third floor of the nearby Library of Congress with about 75 other pages from both sides of Congress. Before the sessions, Atlee and her fellow pages put Senators' desks in order with copies of current legislation, including the *Congressional Record,* bills, calendars, amendments and other materials. During sessions, they carry messages and fetch water to wet Senatorial vocal cords.

The work may seem menial, but Atlee and her colleagues treasure the opportunity to work at the center of legislative power. She doesn't know yet what she'll do with her experience; she's just glad to be there.

Bob McCormick, Assistant Chief Guide, has an inextinguishable enthusiasm for the Capitol, its history and its occupants, stemming from a stint as a page many years ago. He supervises a team of 24 guides.

McCormick's day starts at 9 a.m. when the huge bronze doors open to the public. From then until the last tour is started before the building closes at 4:30 p.m. McCormick directs his guides—12 men, 12 women—in their task of leading 35-minute tours around the Capitol.

"The biggest misconception people have is that the President works here," McCormick says. Actually, the President seldom visits the Capitol. He's inaugurated there, speaks to a joint session in his State of the Union address, but otherwise seldom utilizes the President's Room set aside for him.

"All of us very intensely want to convey to visitors the majesty of this building," says McCormick. For this reason, it sometimes dismays him that the main memory some people have of the Capitol is the peculiar acoustical characteristics of Statuary Hall: a group of people standing on one side (near where John Quincy Adams was fatally stricken in 1848) can hear whispered words spoken on the other side of the hall.

Daily crowds range from a few hundred to 11,000, depending on the time of year. Guides are knowledgeable, and answer a variety of questions. "No anecdotes, though. You never know when an anecdote will offend someone."

James M. Powell, Chief, Capitol Police, knows the Capitol is the Symbol of Democracy for the vast majority of visitors. But for a tiny number suffering mental or ideological problems, the Capitol represents a target for potentially lethal violence. Hence the 1,000-man Capitol police force, one of the best-trained—and most polite—police forces in the country.

The men are taught, in Chief Powell's words, "to be courteous, diplomatic, tactful and firm—with sufficient elasticity." This is because the ubiquitous Capitol police are asked every conceivable question by tourists, from: "Where can I get some of that famous Senate Bean Soup?" ("In the Senate Dining Room, m'am") to: "How much paint does it take to cover the dome?" ("About 1,750 gallons, sir").

Occasionally, however, the Capitol police have to control crowds or detain troublemakers, such as the mentally disturbed man who entered the House side some months back and carved up a 20-by-30-foot painting with a pair of scissors.

Other incidents require a more diplomatic approach. A few weeks ago, for instance, four bizarrely dressed young men asked permission to distribute invitations to members of Congress to attend a religious revival.

"Ten years ago our attitude might have been different," said the Chief. "Now I have to ask myself, 'What would I do if they were conventionally dressed?'" Powell granted permission.

The Capitol police force is being expanded rapidly, both in numbers and training, partly as a result of an explosion in a public washroom in the Capitol a year ago. As usual, following such explosions, the police switchboard lit up with phony bomb threats for weeks afterward. "But Congress decided not to evacuate the building on just threats. They're determined to keep democracy operating in an open atmosphere," says Powell.

Joe Lastelic, Capitol Correspondent, knows no one man can cover the Capitol. No. 20 men can cover the Capitol. But every working day, from 9 a.m. to 6 p.m., Joe Lastelic gives it his best.

For 11 years, Lastelic has been part of the *Kansas City Star's* two-man Washington Bureau. Through the keys of his typewriter, readers find out what their Senators and Representatives are doing, what federal legislation is passed regarding Kansas and Missouri, and how Lastelic views politics, Washington style.

Some Washington correspondents view life on the Hill with cynicism, but not Lastelic. "The Capitol," he says, "is the symbol of democracy, far more than the White House." He likes his job, and he likes most politicians, finding them a fascinating and generally intelligent group. "You've got to remember, these guys all had to convince the voters back home that they were the best man running," he says.

Joe starts his day at 9 a.m. in his downtown office. First he checks the "tin sheet" supplied by the Associated Press for the 1,500 accredited Capitol correspondents. It includes the committee meetings of the day and a capsul summary. From this, Lastelic chooses his journalistic prey for the day, and by 10 he's at the meeting, if its open to the public (about 30 per cent of the meetings are closed).

Headquarters for correspondents on the Hill are the House and Senate press galleries just off the respective chambers. There, a battery of telephones, Teletypes and typewriters keeps them in touch with the media.

The actual House and Senate sessions are usually of little interest to him, although occasionally news of a hot debate goes around the Capitol press corps and brings reporters flocking to the chambers.

Most of Lastelic's day is spent buttonholing newsmaking Congressmen and cultivating friendships with important contacts. "You can't overestimate the importance of personal friendship on the Hill," says Lastelic, "whether between lawmakers or between reporters and news sources."

Lastelic returns to his office by late afternoon to write and file his stories. If he's lucky, he's home to his family by 6 p.m. But that's not necessarily the end of his workday.

Unable to attend all, most, or even enough of, meetings where Congress does most of its work, Washington correspondents become omniverous readers. Lastelic spends hours at home perusing reports, minutes, statements and press releases.

Congressmen, pages, Capitol police, guides and newsmen, plus all the other thousands who work there, make the Capitol not just a marble monument but a living symbol.

TRIBUTE TO YANKEE REBELS DRUM AND BUGLE CORPS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. LONG of Maryland. Mr. Speaker, I want to pay tribute to the Yankee Rebels Senior Drum and Bugle Corps of the Hamilton American Legion Post No. 20 in Baltimore for their outstanding achievements and promotion of patriotism.

This group has gained national recognition. In August of 1971, the Yankee Rebels won their third consecutive American Legion national championship. They have been the Maryland State champions every year since 1946. The corps are justifiably proud of this record.

On July 22, the Yankee Rebels will sponsor the 19th annual March of Champions at Baltimore Memorial Stadium. Groups from Canada, New York, New Jersey, Pennsylvania, and Connecticut will compete in this event, which is the largest senior drum and bugle corps competition in the Nation. In addition, the U.S. Marine Drum and Bugle Corps and Silent Drill Team will perform. Over 19,000 persons attended the show last year and this year's program is likely to attract an even larger number.

In addition to providing entertainment, drum and bugle corps, many of which are sponsored by veterans' and other patriotic organizations, instill in the spectators a sense of pride in America. The Yankee Rebels won the National Freedoms Foundation Award for their efforts to "preserve and extend the American way of life under the Constitution and the Bill of Rights." At a time in our history when patriotism has been subjected to a heavy discount by many, the drum and bugle corps across our Nation are serving a valuable purpose. I salute the members of the Yankee Rebels for their dedication to making Americans proud to be Americans.

GULFPORT, MISS., POST OFFICE WINS SAFETY AWARD

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. COLMER. Mr. Speaker, I wish to extend my warmest congratulations to Postmaster W. B. Harris, of Gulfport, Miss., and the many fine postal employees in his office for their outstanding achievement in winning national recognition for injury prevention safety for 1971. The Gulfport Post Office had no disabling injuries during 1971.

I include as a part of my remarks an article from the June 29, 1972, issue of the Biloxi-Gulfport Daily Herald:

Gulfport Post Office was the national winner in injury prevention safety for 1971 after a study of almost 1,000 post offices its size, according to Postmaster W. B. Harris.

The postmaster acknowledged receipt of a plaque from the National Safety Council declaring Gulfport the winner of Division 9 indicating the area served by the post office had "no disabling injuries during the year."

Harris commented, "I commend the 135 Gulfport postal employees and publicly thank them for this admirable record. Safety they have proved, doesn't cost you, it saves you."

He added, "I hope that in the future all the post offices in our area will be safety conscious with such good results."

GUNS AND THEIR VICTIMS: CHICAGO TRIBUNE TASK FORCE REPORT, PART I

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. MIKVA. Mr. Speaker, two Congressmen are having an argument over the wording of a bill. Voices become louder; the tension is steadily increasing. There does not appear to be an available compromise. One of the men opens his drawer, takes out a small handgun, and shoots the other. Bizarre? Impossible? Perhaps. Yet the majority of all handgun slayings, 7,000 out of 10,000, were the result of "friendly" disputes, domestic spats, or tavern brawls.

The Chicago Tribune recently put together a task force to study this epidemic of violence. Reporters toured seven States. They bought guns, worked as gunrunners, saw the carnage, talked to victims and survivors. What follows is the first in a series of 10 task force reports.

Today's entry is based on interviews with victims of this firearm plague—people who were never asked to testify before congressional gun control hearings. It describes the fear and the predicament of many, who must live alongside modern street gangs equipped with the firepower of a small army. Although critics of gun control legislation claim they have the right to protect their homes, the most prevalent means by which illegal firearms are obtained is through home burglaries. It is a vicious cycle; as more people buy guns to protect themselves, more criminals become armed by stealing those guns. Opponents to gun control legislation state that all we need to do is enforce our present laws. Yet, current laws are so fragmented and lacking in uniformity that weak laws in one jurisdiction often subvert strong laws in neighboring jurisdictions.

I commend this compelling 10 part series to my colleagues, beginning with the first article which follows:

FIREARMS TO SLAY 10,000 THIS YEAR

(By George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman)

Gerald Carlisle tried to win the hand but lost his life.

The 30-year-old South Sider was playing poker at 6438 S. Drexel Blvd. He and another player began quarreling over who had won a pot.

Carlisle pulled a .32 caliber revolver he carried for his protection and fired a shot into the floor.

REACHES FOR CHANGE

"Be cool, man. Take the money," someone said.

Carlisle reached for the pile of change. It was the last thing he would ever do. The other player opened fire with a .38 caliber handgun, killing Carlisle and another man, Joseph Guster, 52.

Many killings such as this do not get written about in newspapers because 30 gun homicides occur every day in America.

Ten thousand persons are murdered yearly in the United States with handguns, shotguns, and rifles. For every American killed in Viet Nam since 1970, two were killed by gunfire in this country.

Unlike those who died in war, most of the victims of this manmade plague did not die for a cause, or even a good reason.

A few died just because someone felt like killing and had a gun.

Others were slain defending their homes or shops against criminals, but the majority—7,000 out of the 10,000—were shot down in domestic spats, tavern brawls, or in disputes over a card game. Squabbles that might have ended at worst with a broken jaw ended in death for these people.

Like Carlisle, they lost their arguments to the murderous logic of the gun. That is why his death and Guster's are as important as they are commonplace.

They are flesh-and-blood examples of what gun control experts try to say with statistics: The vast number and the availability of guns, combined with the ease of their use, are escalating fights into murders and making murderers out of people who might otherwise never deliberately break the law.

NEVER BEFORE IN TROUBLE

According to the Federal Bureau of Investigation, the vast majority of gun killers have never been in trouble before, ordinary people who pull a trigger in a moment of anger.

But this slaughter is producing more than the loss of life. Each death leaves tragedy and pain that lives on in the families of the victims.

If all those families were gathered together, they would form a long and mournful procession of orphaned children and childless parents, of widows and widowers, of hopes and dreams obliterated in the brief but final blast of a snubnosed .38 or a sawed-off shotgun.

Altho the families of the victims knew better than anyone else the agony caused by the firearms plague, not one of them has been invited to the gun control hearings which the House Judiciary Committee will begin Tuesday in Washington.

"NOT A SOAP OPERA"

Ben Zelinko, staff aide to Rep. Emanuel Celler [D., N.Y.], committee chairman, explained why:

"Congressional hearings are not a soap opera. Their testimony would be useful in mobilizing public opinion, but it would not be important for legislative background."

Nor will the committee hear testimony from even one of America's walking wounded—the tens of thousands who have been scarred or crippled by gunfire.

Instead, it will listen to the same type of witnesses who have appeared at all the gun control hearings held in the last five years—senators, congressmen, mayors, governors, police chiefs, administration officials, and spokesmen for the National Rifle Association.

The committee will probably hear the oft-repeated fact that there are 90 to 115 million firearms in the nation, 24 million of which are handguns, and that handguns account for about 80 per cent of all firearms murders.

It will not hear 10-year-old Pamela Banks tell them that she is too terrified to sleep without the light on. That fear is the emotional wound left by the .22 caliber handgun bullet that struck her in the head three months ago.

The committee, which is holding hearings in response to the shooting and resulting paralysis of Alabama Gov. George Wallace, may also hear that in 1970 there were 9,960 murders, 130,000 robberies, and 80,000 aggravated assaults committed with firearms.

But it will not hear Peter Pannos, 14, tell about the night of April 21, when a .38 caliber slug struck him in the spine, paralyzing him.

The committee will probably hear the N.R.A. argue, as it has in the past, that Americans have a constitutional right to keep and bear arms.

But Mrs. Katherine Malone, a resident of the Cabrini-Green Homes housing projects, will not be there to describe how street gangs exercise that right by walking around her neighborhood with pistols dangling from their belts and carbines slung from their shoulders.

The Task Force interviewed numerous victims of gun crimes and their families. Pamela Banks, Mrs. Malone, and Peter Pannos are three of them. If they could be at Tuesday's hearings, this would be their testimony:

The door leading to the Banks' family apartment at 1724 W. 66th St. is flanked by the names of two rival street gangs painted on the wall. Those proclamations symbolize the dilemma of the family. The Banks are the noncombatants in the urban warfare waged with guns nightly in their neighborhood. On the night of March 17 the war found them.

TAKES TARGET PRACTICE

Pamela and her mother, Mary, 29, were walking the family dog. Nearby, a group of gang members decided to start practicing with their .22 caliber revolvers.

Had they lived in the country they might have shot at a rabbit or squirrel. But this was the city and the nearest moving animal was Pamela's dog, Uno. Mrs. Banks remembers it this way:

"I heard firecracker sounds and then I saw Pamela drop to the sidewalk. There were four or five teen-agers standing near her and Uno was running in circles with blood all over him. I ran toward Pamela screaming 'Oh my God, my baby's hurt. I thought she was dead."

A bullet lodged behind Pamela's right eye. She lay in the hospital for 33 days mumbling over and over, "No. No. Don't shoot my dog. Don't shoot Uno." Police theorized she was shot while trying to protect the dog from youths who had tortured the animal that summer by driving nails into its back and paws.

SHOOTING LEAVES MARK

Pamela survived the shooting without permanent injury, but the incident has left its mark on the entire family.

"We're always on edge," said Mrs. Banks. "Pamela can't sleep without a light on and she's afraid to sleep alone. I'm afraid myself. When I drive home, I get out of the car and I run into the building."

Now Uno growls at every stranger when Pamela's father, John, walks him. "He'll charge at someone and I'll think, 'Is that the one who did it?' "

The family also has strong views on gun control.

"It has to happen to one of your family before you really understand what these guns and shootings are all about," said John Banks. "I think the only thing they can do is stop manufacturing these small handguns and just make revolvers for the police and military. I don't think the police need small caliber guns, so why make them?"

Ribert Meltzer, president of Criterion Die and Machine Co., a New York City firm that makes 100,000 .22 caliber handguns a year, provided at least one answer to that question:

"Because it's a profitable business," he told a Task Force reporter.

Regardless of caliber, handgun manufacturing is profitable. An estimated 2.5 million handguns are produced each year, with annual sales exceeding $50 million.

Peter Pannos is one of the byproducts of that business.

Peter made the error of standing in front of a store at Evergreen Street and Washtenaw Avenue when the Latin Kings chose to terrorize their arch-rivals, the Latin Disciples.

BRASS KNUCKLES POSSE

Like all modern street gangs, the Kings do not use brass knuckles or chains. The availability of guns has allowed them to equip themselves with the firepower of a small army.

Peter knew about the gang rivalry, just as he knew that he was in Disciple territory and that the figure across the street was dressed in the uniform of a Kings—black coat, snap-brim hat, and maroon sweater.

He wasn't afraid because, being of Greek descent, the Puerto Rican gangs never bothered him. Then he heard the youth shout "Kings run it!" As he turned toward the sound the figure raised a revolver and Peter saw an orange flash.

"I guess he thought I was a Disciple," Peter said from his bed in Walther Memorial Hospital. "I heard the shot and felt a burning pain in my stomach. I thought I'd been shot in the stomach because blood was bubbling out of my mouth. I tried to get back in the store. Then my legs crumpled and I was hanging onto the door handle with my hands.

"LEGS WOULDN'T MOVE"

"I shouted to the owner to let me in, but he was scared and locked the door on me. That's when I felt real tired like and rolled over on my back. I couldn't feel anything in my legs. My legs wouldn't move."

Peter's legs will never move. Neither will his hips, nor any part of his body below his chest. The bullet struck him in the mouth, then drilled thru the lower part of his head to lodge in his upper spine. He shifts himself in bed by grasping a trapeze-like bar that hangs above him.

Peter firmly believes he will walk again and continue training to be an auto mechanic. He clings to that illusion as tightly as he clings to the realities of that bar.

However, after a costly but unsuccessful operation to restore use of his limbs, doctors say Peter will be lucky if he lives. The paralysis could creep into his lungs and bring on a fatal case of pneumonia.

PARENTS USE SAVINGS

His parents have emptied their savings for the $5,000 operation and are applying to public aid to pay for treatments at a rehabilitation center.

Mrs. Malone has become so accustomed to the daily shootings in her neighborhood that she now regards them in the way that farmers regard blizzards and droughts. She feels there is little she can do about them.

There is a bullet hole in her living room window, a reminder of the day three montns ago when the Dictators shot at her son. The bullet narrowly missed striking her daughter, Linda, 13, in the head.

There is another bullet hole in her bedroom window, put there by some youths who were taking target practice one night.

FALLS OUT OF BED

"I was in bed and I'll never forget it," she recalls. "I fell right out of bed and stayed there the rest of the night. I have a high bed and lots of nights I sleep on the floor."

Firearms are so much a part of life in the projects, she said, "the kids walk around with them hanging out of their pockets. They have brand new carbines they're walking around with. I saw a 16-year-old kid walking upstairs with one like he's supposed to be carrying it. ... It would be the best thing that could happen if they could get the guns out of their hands."

With 20,000 gun control laws now on the books, how and why do guns get in the hands of the wrong people? In its investigation, Task Force reporters sought to answer this and other questions about the gun crisis. This is what they found:

The most prevalent means by which illegal firearms are obtained is thru home burglaries. As more people buy guns to protect themselves, more and more criminals become armed by stealing those guns.

SECURITY IS LAX

By a conservative estimate, the number of stolen guns in the nation is 500,000. Yet Federal security regulations for the storage and transportation of firearms are so lax that amateur burglars can obtain guns with ease from shipments and sporting good stores.

A black market in firearms continues to flourish despite all the gun control laws. Gunrunners daily join with unscrupulous dealers to ship contraband weapons across state lines. To demonstrate this technique, two reporters lived the lives of interstate gunrunners in Florida, Virginia, and Iowa.

Another source is the pilferage of weapons parts from firearms manufacturers. A New York City firm lost enough parts in one year to make 10,000 handguns. The Task Force found how these stolen parts were assembled by gun "bootleggers," then sold on the streets of the Bronx and Harlem.

The nation's courts show an appallingly low conviction rate for persons charged with gun law violations. Statistics gathered from Chicago, Washington, and New York show that only about one of every eight defendants serves even a single day in jail.

Current laws are so fragmented and lacking in uniformity that weak laws in one jurisdiction often subvert strong laws in neighboring jurisdictions. For example, New York and Chicago, which have tough gun registration laws, are flooded with unregistered guns purchased in suburban areas with less stringent controls.

Contrary to popular myth, the manufacturing of the cheap handguns called Saturday Night Specials, is not a cottage industry, but big business. At least two such manufacturers are subsidiaries of prestigious firms.

GUN CURB HEARINGS THIS WEEK

The House Judiciary Committee will open hearings Tuesday on a gun control bill sponsored by its chairman, Rep. Emanuel Celler [D., N. Y.].

The hearings, sparked by the recent shooting of Alabama Gov. George Wallace, are to last until Thursday.

Celler proposes nationwide registration of all firearms; federal licensing of all gun owners if state licensing laws do not meet federal standards, and banning manufacture of all handguns except for use by police, the military, and authorized pistol clubs.

The witnesses will include Mayor Daley, who has called for further gun control; Sen. Edward M. Kennedy [D., Mass.]; Rep. John Murphy [D., N. Y.]; Gov. Marvin Mandel of Maryland, who recently got a tough gun control law in his state; Patrick V. Murphy, police commissioner of New York City and an outspoken critic of current firearms legislation; Gen. Maxwell Rich, executive vice president of the National Rifle Association; Jerry Pritchess, Los Angeles County sheriff; and Jerome Cohn, president of the American Jewish War Veterans Association.

ANTITRUST HEARINGS SET ON ORGANIZED PROFESSIONAL TEAM SPORTS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. CELLER. Mr. Speaker, I wish to announce that the Antitrust Subcommittee of the Committee on the Judiciary has scheduled public hearings beginning Wednesday, July 26, 1972, on a number of bills regarding the antitrust laws and organized professional team sports.

Included in the subcommittee's consideration will be H.R. 11033, and identical bills, to place all organized professional team sports under the antitrust laws; H.R. 1206, and identical bills, to end basketball's judicial antitrust exemption; H.R. 2305; and H.R. 10185, and identical bills, proposing the merger of the American and National Basketball Associations.

The hearings will be held in room 2141, Rayburn House Office Building, beginning at 10 a.m. Parties interested in offering testimony or submitting statements for the hearing record should contact the committee.

HIGH SCHOOL SURVEY RESULTS

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. HENDERSON. Mr. Speaker, this past spring, I asked each high school in my district to undertake for me a survey of its senior class. My objective was to get the opinion of high school seniors on three major areas of national concern. The first was the extent of their realization of and knowledge about their newly won right to vote. Second was their opinion as to what level of government—Federal, State, or local—is the most effective and efficient and should predominate. Finally, the students were asked in terms of spending more, less, or about the same, what programs should be given priority.

A total of 17 high schools completed the project with 2,123 individual questionnaires returned. The results were very informative. High school seniors in my district showed what I believe to be an unusually high percentage of registered voters with 70.46 percent declaring themselves as having registered. An even bigger percentage, 86.90 percent, knew where and how to register. I believe that these figures reflect a very fine program on the part of North Carolina election officials in making special appearances before high school students to conduct seminars on voting and registration and, in many instances, actually taking the registration books to the schools.

Traditionally, Southerners are supposed to be "State's Righters," that is, to believe in very strong State and local government. The student poll tended to reflect this philosophy, but not as strongly as might have been expected. Questions asked in this category were as follows:

1. At what level do you feel government generally does a better job and more effective job? State, Federal, county, town, no opinion.

Combining the State and local into a single category, 41.9 percent favored State and local; 24.5 percent Federal; and 33.5 percent had no opinion.

2. What unit of government do you think makes the best and most efficient use of the tax money paid to it by citizens? State, Federal, county, town, no opinion.

Combining the State and local into a single category, 52.5 percent favored State and local; 19.1 percent Federal; and 28.2 percent had no opinion.

3. At what level of government do you think the court can most often be relied upon to make rulings which are fair and in accordance with the law? State, Federal, county, town, no opinion.

Combining the State and local into a single category, 39.8 percent favored State and local; 31.8 percent Federal: and 28.2 percent had no opinion.

4. Which laws do you feel are most effectively enforced? State laws, Federal laws, county regulations, town ordinances, don't know.

Combining state and local laws into a single category, 48.7 percent favored State and local laws; 35.3 percent Federal; and 15.9 percent indicated that they did not know.

5. Do you think that the Federal Government in comparison to State and local governments: Ought to be stronger than it is now and take over more things not being effectively done at other levels? Ought to be weaker and let the State and local levels take over more of the things it now does? Ought to remain about as it is? No opinion.

Combining a weaker Federal Government and one remaining about the same into a single category, 50.9 percent favored this power structure; 22.4 percent favored a stronger Federal Government; and 26.5 percent had no opinion.

In the third section of the survey, it was pointed out that we operate in an environment of scarcity; that there is not enough money to do all of the things which would be good to do. On that basis, students were asked whether we should spend more, less, or about the same on a number of specified categories.

The categories and the responses are as follows:

[In percent]

	More	Less	About the same
Defense and military	30.9	25.0	43.8
Foreign aid	11.6	62.3	25.9
Education and job training	76.3	6.0	17.5
Farm and rural programs	66.7	8.7	24.4
City and urban problems	55.2	12.7	32.0
Tax-supported public housing	19.0	49.6	31.3
Poverty program	48.1	25.2	26.6
Environmental and pollution control	75.3	8.5	16.0
Social security including health care	55.4	10.8	33.5
Headstart and other programs for educationally deprived children	57.2	13.0	29.6
Drug education and control programs	66.5	14.3	19.0
Programs designed to stimulate the economy by creating new jobs	67.2	11.0	21.6
Space exploration	15.7	57.6	26.6

Items of particular interest here were foreign aid, poverty program, social security and health care, program designed to stimulate the economy and create new jobs, and space.

Normally, one might expect young people to have a greater concern than oldsters with vested interests, for foreign peoples and their needs, but by a margin of almost two to one the students favored a decrease in foreign aid. The poverty program drew surprising support for an area where it is generally believed to be unpopular among average voters. Only 25.2 percent of the youngsters favored reduction in the program; 26.6 percent advocated the present funding level; and a whopping 48.1 percent favored an increase. At least mildly surprising for this age group was the 55.4 percent who favored increase in social security including health care. The young people, contrary to the concept that many youth of today are unconcerned about their economic future, heavily favored increased spending for programs designed to stimulate the economy by creating new jobs with more than two-thirds—67.2 percent—taking this position.

To me, at least, one of the most surprising results was the reaction to the space program. In every single school, a majority of those participating favored less spending for the space program and the total overall percentage in this category was 57.7 percent for less spending; 26.6 percent favoring about the same; and only 15.7 percent advocating more spending than the present levels. On the theory that space is, as the late President Kennedy put it, the unexplored ocean of this century and we must sail upon it, one might well have expected younger Americans, particularly, to have the frontier spirit and to favor a strong program from the standpoint of adventure alone.

Overall, the survey results support the conclusion that the high school seniors in my district are a relatively conservative group on the subject of internationalism, space, and a stronger Federal role. They are moderate to liberal in their support of the poverty program, education, economic development, job training, and social security and health care.

"I'M AFRAID WE DIDN'T REALLY KNOW WE HAD A PROBLEM"—CREDIT DISCRIMINATION AGAINST WOMEN

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mrs. SULLIVAN. Mr. Speaker, today's Wall Street Journal contains an excellent article by James C. Hyatt on the problems encountered by women in obtaining credit based on their own credit worthiness rather than on the credit records of their husbands, ex-husbands, deceased husbands, or fathers.

The article is derived from, and expands on, hearings conducted in May by the National Commission on Consumer Finance, created by title IV of the Consumer Credit Protection Act of 1968. The Commission, headed by Attorney Ira M. Millstein of New York City, includes six Members of Congress: Representatives SULLIVAN, GONZALEZ, and WILLIAMS; and Senators SPARKMAN, PROXMIRE, and BROCK; and also Dr. Robert W. Johnson of Purdue University and former Minnesota Attorney General Douglas M. Head. We are to make our final report by December 31 of an investigation into the entire field of consumer credit, with recommendations for improving the structure and regulation of the consumer credit industry.

Our 2 days of hearings in May brought out in great detail the problems encountered by women, particularly working women, in obtaining credit in their own names, or in having their incomes counted toward eligibility for a mortgage on a family home. Representatives of all major segments of the credit industry were also invited to testify on the legal or other reasons for the many types of discrimination revealed in the hearing.

BUSINESSES NOW REEXAMINING THEIR PRACTICES

These hearings constituted the first solid compendium of facts on this issue. They were organized and handled for the Commission by Ruth K. Holstein, of the Commission staff, under the direction of Staff Executive Director Robert L. Meade.

As the only woman member of the Commission, I strongly supported the idea of holding these hearings, because I felt that if there were a real problem involving credit for women—and the hearings undoubtedly showed there is one—a full and careful exposure of the issues would quickly prompt businessmen to reexamine their often outmoded credit policies, and this is exactly what has been happening since May. For a long time, many State laws had had the effect of virtually forcing creditors to extend credit only to husbands and not to wives, regardless of the wife's credit worthiness. While most of these laws have long since been repealed, the patterns which had been in operation under those old laws continued in effect after the laws had been changed.

As the credit head of one major retailing concern told the Wall Street Journal after this issue had come to a head in the Commission's hearings:

"I'm afraid we didn't really know we had a problem."

NO-ACCOUNT FEMALES

Mr. Speaker, I submit for the attention of the Members of Congress the text of Mr. Hyatt's article, captioned "No-Account Females," along with a companion article giving industry viewpoints, as follows:

[From the Wall Street Journal, July 18, 1972]

NO-ACCOUNT FEMALES—WOMEN COMPLAIN THEY OFTEN CAN'T GET CREDIT BECAUSE OF THEIR SEX

(By James C. Hyatt)

Estelle G. Antell, a federal employee in Dallas, would appear to be an ideal airline customer. Her income is around $20,000 a year and she flies at least 100,000 miles annually. Thus, she didn't expect any problems last September when she moved to Dallas from Tulsa and applied to Continental Air Lines for a credit card in her own name.

"Back came a letter asking for my husband's signature," she says. "I called up and said, 'You've got to be kidding. How many men in my wage bracket do you ask for the wife's signature?'" She never received the card. And the final insult came recently "when a Continental salesman came by asking why I didn't fly Continental. You can bet I told him."

As Mrs. Antell's experience indicates, many women are finding that liberation hasn't pervaded all segments of the business world. Banks, savings and loan institutions, department stores and other firms that extend credit frequently are reluctant to let an employed married woman do business in her own name. Many widowed or divorced women find the problems become even more troublesome. And for young married couples, the wife's income often carries little or no weight in such vital transactions as securing a home mortgage.

A COBWEB OF MYTHS

Thus, the effort to weed sex discrimination out of the credit card and the loan office is becoming yet another major front in the women's equality battle. Department stores increasingly are finding themselves subject to picketing and account cancellations over their credit practices. State and federal officials are calling for legislation to correct the problem.

"Men and women today don't have equal access to credit," Martha W. Griffiths, Congresswoman from Michigan, testified recently. "Banks, savings and loan associations, credit-card companies, finance companies, insurance companies, retail stores and even the federal government discriminate against women in extending credit. And they discriminate against women in all stages of life—whether single, married, divorced or widowed; with or without children, rich or poor, young or old."

She was a witness at May hearings before the National Commission on Consumer Finance, a government agency. The testimony indicated "the reasoning used to deny women credit is often a cobweb of myths and suppositions unsupported by research on the statistical risks involved or on the individual's credit-worthiness," Virginia H. Knauer, special assistant to the President for consumer affairs, last month told the International Consumer Credit Conference in Washington.

SOME TALES OF WOE

Some examples cited:

A regularly employed woman in her early 30s couldn't get a loan to purchase a vacation home although she could make a substantial down payment. Her fiance, who had been through bankruptcy, easily obtained a loan to purchase the same property with a smaller down payment.

A woman in her 40s who, as head of her household, wanted to buy a house for herself and her children couldn't get a mortgage without the signature of her 70-year-old father, who was living on a pension.

A woman widowed for six years found it easier to open charge accounts in her dead husband's name than in her own.

As a condition to being granted a mortgage, a couple in Washington was asked by a bank "to agree in writing not to have a child for a specified period of time." Another lender wanted a doctor's assurance that "a proper method of birth control was being used or, in the alternate that the woman wasn't fertile."

Companies and financial institutions contend that such examples aren't typical, and they note with some irony that not so long ago they were being criticized for wide distribution of unsolicited credit cards. "You didn't hear the women complaining then," says one official in the consumer credit industry. Nonetheless, many credit grantors concede their credit policies concerning women are under considerable pressure and are frequently being changed.

AN EXPERIMENT IN ST. PAUL

Some find the problem is getting the word of top-level policy down to the rank and file. Thus, Continental Air Lines says if Mrs. Antell, the Dallas woman, was turned down in spite of a clear credit record, "we made a mistake. Our policy is to treat applicants as individuals. Tell her to refile."

Ironically, working married women who established a credit standing when they were single often appear to have the most difficulty. "You lose your credit when you marry," says Marsha King, president of the Texas division of Women's Equity Action League (WEAL), a nationwide women's group. When she married about two years ago and set about changing the name on her credit cards, she found Dallas retailers reluctant.

"I had excellent credit and had done a lot of business. But they told me I'd have to reapply in my husband's name," she says. The demand was particularly irksome, she says, because "I have always paid all the bills in the family. I don't know of anyone who has ever received a check from my husband."

Working married women who are supporting an unemployed husband—a student, for instance—often find their credit status different from that of a man supporting his nonworking wife. Early this year, for example, the St. Paul human-rights department sent a man and a woman separately to 23 area banks to borrow $600 for a used car.

Each was earning $12,000 a year and was the sole support of a family with almost identical financial and personal qualification. But about half the banks applied more stringent standards to the woman than to the man, the researchers found. These banks refused to lend the woman money without her husband's signature while waiving the co-signature requirement for the man, for instance.

Following the survey, department officials told the banks their policies appeared to be in violation of the city's antidiscrimination ordinance. "We came up with an agreement that they wouldn't require any more from a woman than a man. They're even rewriting their forms to say spouse instead of wife," says Louis Ervin, director of the department.

Some women are particularly irritated that companies freely let husbands speak for the wife in financial transactions but don't give wives the same privilege. Consider, for instance, the Louisiana woman who discovered about two years ago that her husband had opened up a stock-trading account in her name at an office of a major brokerage house. "The broker apparently was glad to do it, so long as my husband would co-sign," she says. The husband filled out the application, but the wife was never consulted by the brokerage house.

Then the husband began actively trading in the account, and often he transferred funds from "her" account to his. "He generally just manipulated the situation, and they never once had my signature, or any contact with me," says the woman.

When she finally learned about the account, she called the brokerage firm. "Do I have an account at your office?" she asked. "'Oh, yes,' they said. 'But your husband always does your business.' I said I'd never done any business with them, and they'd better find a way to indicate that on their records." For some weeks, when she called, the brokerage firm told her the account was still open. Recently, she says, "they've been saying the right words. They tell me I have no account up there. I really don't know if they're telling me that." (So why hasn't she left her husband? "I can't, for financial reasons," she says. "You can say I live with my husband, but it is an awfully big house.")

MRS. CARLOCK'S REFRIGERATOR

Married women say opening new credit accounts in their own name, even when they are employed, is often a problem. About a year ago, Mrs. Vee Carlock, a legal secretary in Baton Rouge, ordered a $500 refrigerator at her local Sears store. She planned to pay the bill when the item was delivered.

At the store, however, she decided to take a service contract, which cost $54, and she asked to open a charge account in her own name. "The clerk started explaining that it is illegal in Louisiana to extend credit to a woman. I said I know that isn't the law. I talked to two or three clerks, and finally the credit manager. I kept telling them I work, I earn more than my husband, and I'm perfectly capable of paying my bills.

"After two hours of haggling, it was close to closing time, and I said, 'Let's just forget the whole purchase.' So the manager said, 'Well, we will open the account if you insist!' When he found out I was only charging $54, he almost had a stroke." Ironically, she never received her refrigerator; the store couldn't fill the order, and she bought at another store where she had had an account for several years.

(At the Washington hearings in May, officials from Sears testified that while the company prefers to open only one account per family, a wife meeting normal credit standards could get her own account. It isn't in Sears' best interest, they added, "to turn customers away from its doors.")

Frustrated by credit problems, women are restoring to a number of tactics. Picketing, refusal to accept credit cards in their husbands' names, and general complaining have led to some changes in department store policies in Chicago and Syracuse, women say. Lynne Litwiller, who heads a task force on credit problems for the National Organization for Women, says that while many retailers routinely will turn down a women's credit request, "if she calls the credit manager and puts up a big fuss, more and more stores will give credit in her own name. But the stores really don't like to do it. It still hasn't been established as a right."

Other women are considering lawsuits against lenders, although the legal grounds appear far from certain. No state or federal laws appear to directly ban sex discrimination in credit transactions. Attorneys working with the women's movement say lawsuits in the works involve instances such as stores persisting in sending bills to a husband although the goods were ordered in the wife's name, a case involving two women veterinarians who have been turned down for bank loans while younger, less experienced men vets have easily borrowed money, and a case where a bank giving men employes of a major industry a particularly favorable interest rate has refused to give the same rate to women workers whose husbands are employed elsewhere.

In response, lenders often acknowledge that their policies are undergoing constant review, but they caution that the women's demands often ignore real risks in granting credit. "More attention will have to be given to this area of lending in the future," says William E. Jones, vice president of consumer loans at City National Bank, Columbus, Ohio. The bank is a noted marketing innovator. "More women are working than ever before," he says. "More young people are wanting money. Banks have got to be prepared to extend credit to that class of people. We're all learning our lesson on that one every day."

BOB AND CAROL

Indeed, he concedes that while City National will give married women their own Bank-Americard if they have their own income and a good credit record, "that wasn't the policy when we started the card six years ago." But he stresses that a young woman borrower in the child-bearing age raises questions for credit men. "Betting on her to be able to work every day for the next four years isn't the same as betting on a man," he asserts. "It is impossible to put a man and a woman on the same level completely as far as extending credit is concerned."

At the Washington hearings, John P. Farry, president of the U.S. Savings and Loan League, said that in the past couple of years "'there has been a substantial reshaping of our thinking with respect to real-estate credit involving women." A survey covering 421 S&Ls indicates "that it is fast becoming much easier for a woman to get a mortgage," he said. Most of the institutions said they've liberalized policies toward giving credit to working wives in making mortgage loans.

Clearly some lenders are losing business due to stringent policies in that area. Bob and Carol Wellman, a Cleveland couple, recently asked Park View Federal Savings & Loan for a home loan and were told the firm wouldn't consider her income in the application. So the couple took their proposition to Cleveland Trust Co., where they got the loan when they assured the lending officer they had no plans to start a family any time soon.

An officer at Park View says that to consider a wife's income when a young couple has no children "does us a disservice and them a disservice," for when they start a family "then they are stuck and she has no income."

CREDITORS SAY ABILITY TO PAY—NOT SEX—IS FIRST CONSIDERATION

Credit grantors, stung by allegations that they unfairly refuse women credit, insist their policies are often affected by factors the protesters don't understand.

"What we have to look at is ability to pay," says a spokesman for Gulf Oil Corp. "And it is a very simple fact of life that women generally make lower salaries than men." (He hastens to add that Gulf is liberalizing many of its credit policies.) And a credit official at another oil company asserts, "There is no obligation by these credit grantors to give credit to anybody, woman or man, unless they have a pretty good idea they'll pay their bills."

Thus, the officials say, when a customer marries, gets a divorce, or loses a spouse, circumstances often have changed, requiring a new look at the customer's credit worthiness. The new marriage partner may have a poor credit record, or divorce proceedings may leave the creditor legally unsure of which party will pay the bills.

Indeed, "the first group that has to be convinced (about extending credit to women) are the lawyers," says James Ambrose, secretary-treasurer of the International Consumer Credit Association, St. Louis. Each status—single, married, separated, divorced, widowed—"is a different legal ballgame," adds another credit official. Mr. Ambrose notes that, in some states, larger credit accounts pay a smaller interest rate; thus, giving separate accounts to a husband and a wife might cause creditors to run afoul of usury laws, because the separate accounts could result in higher interest payments than a joint account.

Many women are puzzled at refusal of lending institutions to include the wife's income in making a loan. "It is actually possible for a woman to go to work and increase the family's buying power by only 25% of what she gets paid," says Mr. Ambrose, "if she needs a second car, clothing, and babysitting services."

Some lenders make the point that young, newly married, better-educated couples are often poor credit risks because they have no clear record of making payments and handling finances in a responsible manner.

Others admit they refuse accounts to married women for selfish reasons. Keeping credit cards in the husband's name, they say, cuts down on paperwork, particularly for retailers without elaborate bookkeeping equipment. (To deny a married woman her own account when a retailer has the computer equipment to do so "is more stupidity than anything else," asserts Mr. Ambrose.)

It's clear, however, that many credit grantors are confused by the sudden complaints. "This was a sort of a shocker to us," says the credit head at one major retailing concern. "Our business is primarily oriented to women. I'm afraid we didn't really know we had a problem."

A WARNING ON McGOVERNOMICS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. WYMAN. Mr. Speaker, incredible as it may seem to thoughtful citizens, the Democratic nominee for President of the United States deliberately proposes a tax program to impose enormous additional taxes on mid-Americans to finance vast giveaways to Americans in lower income brackets. His proposals are also virtually confiscatory when applied to inheritance taxes on decedent's property.

Writing of McGovernomics in the current Saturday Review, John Galbraith makes no bones of McGovern's hostility toward those at upper income levels whether individuals or corporations. The political appeal of such a policy is said by Galbraith to lie in the fact that there are more voters in the have-not category than in the haves.

The consequences of McGovernomics to Americans will mean destruction of the profit motive and a huge loss of incentives and jobs. Mid-Americans and laboring men and women should take careful note of this when choosing their next President.

McGovernomics would be a disaster for the United States.

In this connection I commend a reading of two letters appearing in the financial section of yesterday's New York Times.

The article follows:

McGOVERNOMICS

To the Financial Editor:

Those who favor Senator George McGovern's economic program should be aware of certain facts which show that his program will not "soak the rich," but will assuredly soak the middle class and leave the wealthy essentially unscathed. At the heart of his program is a massive transfer of income taxation burdens to those earning more than $12,000 or thereabouts from those earning less.

The middle class should be aware that such redistribution of income would be essentially paid out of middle class pockets, since the middle class, not the rich, in the aggregate earns the lion's share of income in America.

The following is a chart of the aggregate income and Federal income taxes for Americans of various income brackets for 1969 (source: 1971 Statistical Abstract of the United States):

[In billions]

Adjusted gross income bracket	Aggregate income	Federal income taxes paid	Net after Federal income tax
Less than $5,000	$56	$3	$53
$5,000 to $9,999	166	18	148
$10,000 to $14,999	165	21	134
$15,000 to $49,999	161	28	133
$50,000 and over	38	14	24

To the above Federal income taxes must be added at least 50 per cent for other Federal, state and local taxes to obtain net income after all taxes.

A perusal of the chart shows that even a massive increase of the taxes paid by those with income of more than $50,000 and add very little to the net income of the under $12,000's. Senator McGovern has mentioned figures of $14-billion transferred to those earning less than $4,000 and $29-billion to those earning between $4,000 and $12,000. It is clear from the chart, even taking into account inflation since 1969, that such amounts can only come from those with incomes of $12,000 to $50,000.

PAUL SINGER.

To the Financial Editor:

Some of our Presidential candidates are suggesting (1) that henceforth estates pay a capital gains tax (on the increased value that results from inflation and other sources) and (2) that estate tax rates be graduated to a maximum of 77 per cent on taxable estates over $500,000. This last is Senator George McGovern's proposal. (At present, there is no capital gains tax on estates and Senator McGovern's estate tax rates constitute a 120 per cent increase over current rates.)

By speaking always of the rate "applicable to taxable estates over $500,000," politicians leave the public with an impression that the high rates apply only to the estates of men of great wealth and divert the attention of voters from the fact that the high rates also apply to taxable estates under $500,000. To illustrate the effect of the proposals on medium-sized estates, consider the following:

Mr. John Hardworker (age 43) and his wife (age 38) have two children (ages 9 and 12). His gross estate consists of: (1) a term life insurance policy of $100,000 payable to his wife (life insurance is subject to estate taxes if the insured retains any "incidents of ownership" in the policy); (2) a home that cost $30,000 but (due to inflation) could now be sold for $42,200; (3) a savings account of $10,000 in joint name; (4) about $20,000 of high-quality bonds, and (5) common stocks that cost $10,000 but are quoted currently at $20,000. Mr. Hardworker, who thinks of himself as a "poor" man, would be surprised to learn that his gross estate totals $192,000. If now he should die and his wife should survive him but predecease the children, his estate tax would be computed as shown in column 1 of the accompanying table (at current rates) and in column 2 (at the rates proposed by the politicians).

	Present law	McGovern's proposal
A. Husband's gross estate	$192,000	$192,000
B. Capital gains tax on estate	0	5,500
C. Adjusted gross estate	192,000	186,500
D. Marital deduction plus $60,000	156,000	153,250
E. Taxable estate	36,000	33,250
F. 1st estate tax (at time of husband's death)	4,080	7,887
G. Inherited estate of wife	187,920	178,613
H. Deduct $60,000 exemption	60,000	60,000
I. Wife's taxable estate	127,920	118,613
J. 2d estate tax (at time of wife's death)	29,076	57,824
K. Children's ultimate inheritance	158,844	120,789
Note: If children keep the home and the bank account and invest the remaining funds in 7-percent bonds, they would each have annual pretax income of	3,989	2,657
RECAPITULATION OF TAXES ON $192,000 ESTATE		
Capital gains tax on estate	0	5,500
1st estate tax	4,080	7,887
2d estate tax	29,076	57,824
Total	33,156	71,211

Wilford J. Eiteman,
Emeritus Professor of Finance, University of Michigan.

PRESERVING WILDLIFE SPECIES AND THEIR HABITATS

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. RUPPE. Mr. Speaker, I am pleased to insert in the RECORD the speech recently delivered by Secretary of the Interior Rogers Morton before the Outdoor Writers of American in Mazatlan, Mexico. Secretary Morton's speech reflects the Interior Department's firm support for such environmental needs as sound land-use planning and strict enforcement of laws protecting big game and other species of wildlife. I believe that we in the Congress can be extremely grateful that our former colleague, Rogers Morton, has provided his strong and effective leadership in seeking to preserve wildlife species and their habitats and in wisely managing all of our natural resources.

The speech follows:

REMARKS OF SECRETARY OF THE INTERIOR ROGERS C. B. MORTON

I can't tell you what a pleasure it is for me to be here in Mazatlan for your convention, not merely because of the great respect I have for your distinguished organization, but to take this opportunity to commend each of you for the magnificent public service you perform in the accuracy, fairness, and eloquence of your coverage of our natural resources.

As Secretary of the Interior my major responsibility is to oversee the balance between the conservation of our natural resources and environmental heritage—and the economic development of there finite resources to meet the continuing demands for social progress.

It is an awesome task of national proportion, requiring the interest and commitment of those not only in government, but the members of our media, of industry, and those in every American home.

I'm reminded of an editorial that appeared years ago in the *Virginia City Territorial Enterprise*, a small Nevada paper edited by the late Lucius Beebe. The editorial addressed an item of great concern to the Board of Education—the construction of a new school—and a hardy, less than elitist group of townsfolk who were fighting for the preservation of a historical artifact—as old as Virginia City itself. In this case a rather famous bordello.

I hasten to add that Mr. Beebe was of the view that the interest of the people would be met best by moving the school. As you'll undoubtedly notice, we've made little progress in the last twenty years.

As amusing as this case may be it rather poignantly illustrates a crisis we face not only in national attitudes, but in government. That is an understanding of the difficulty we face in matching our limited natural resources, land, water and air—with the demands of the future.

I would like to take this opportunity to speak with you about our recent accomplishments in the environment, as well as the critical legislation creating a National Land Use Policy, and the actions we are taking now for the future of our fish and wildlife.

As President Nixon has said, "the time to start is now," and we have.

Outlays for major environment programs in Fiscal Year 1973 are expected to exceed 2.5 billion dollars . . . more than three times the level spent in 1969.

We have initiated ambitious programs for the future of our recreation, land and energy resources—setting aside wilderness areas; and banning the use of poisons in predator control on public lands. DDT and other harmful pesticides have been banned from public lands, and we are seeking to curtail their use nationally.

Under the Endangered Species Act we have taken strong measures to protect 8 species of great whales and 8 species of spotted cats. The President has further introduced new legislation giving us additional authority to protect imperiled species before they are actually threatened with extinction. This would allow for example greater protection to the polar bear.

More than 160 civil actions and 320 criminal actions to stop water pollution were filed against alleged polluters in 1971 alone, by invoking the Refuse Act of 1899.

All of these actions exemplify our commitment to act *now* to provide *all* Americans with clean air, clean water, and continuing access to the open spaces, timberland, deserts, meadows and estuaries that are at the center of our national heritage.

Let me hasten to add, that we cannot produce an instant environment with a new set of dimensions without a long time commitment.

What is still needed, however, is a provision to ensure that this momentum continues—that the spirit and accomplishments of our efforts *now* are combined with our programs for the future.

In the next 30 years America will require twice the dwelling units, water and power systems, waste disposal facilities and recreation areas we have today.

By 1980 alone, our demand for camping and recreation sites will increase by nearly 70%: All of these dimensions of our future will affect land use.

Land is our basic resource. It supports all others. In the face of idealists who wish to halt *all* construction it is the key to preservation: To the developer it is an inextractable part of economic progress.

We discovered late the character of nature. Regardless of the ascendancy of human progress, our earth systems answer only to the impersonal laws of physics, chemistry, biology and natural law.

Coastal marshlands best illustrate the problem. An average acre of wetlands produces six times as much organic food as an acre of wheat field. Two thirds of our commercial fish and shellfish and most of our sport fish are dependent upon the wetlands ecosystems, to say nothing of our coastal and migratory birds.

In the twenty years between 1947 and 1967 alone, over 256,000 acres, or almost 70 percent of California's estuarine habitat was destroyed.

We must have a land planning system which regards the environment as a whole system—and not a parcel of lots, subdivisions, zoning codes, and isolated construction sites. A system that ensures that the critical decisions affecting the balance of development and preservation at the local level, not be at an environmental or human cost.

A number of states, Vermont, Hawaii, and Maine have adopted statewide land use regulatory systems—all using different techniques, that provide for this.

President Nixon has sent a far-reaching legislative program to the Congress, establishing a National Land Use Policy. In his message to the Congress on the environment he said: "The use of our land not only affects the natural environment, but shapes the pattern of our daily lives."

The legislation already has the strong support of the Senate and House, as well as key environmentalists and developers.

It recognizes that the major obstacle to sound environmental land use planning is not the lack of technology, building skills, or architectural models—but the lack of government institutions to implement these plans in an orderly and reasoned fashion.

It recognizes that land use control is a state responsibility—the Federal Government is not trying to usurp the state's role. We are merely urging the states to exercise that role more actively.

It recognizes the need for state involvement only in those local land use decisions that spill over jurisdictional boundaries—areas of critical environmental concern like estuaries and flood plains—growth inducing facilities, like airports and highway interchanges—and large scale developments of regional importance.

It provides a series of federal grants—$20 million a year—motivating the states to create their own land use plans, and to sharpen their relationship with their own constituent governments at the city and county level.

Those states that do not develop land use procedures, will be penalized through withholding federal monies.

The positive spirit of the President's legislation is quite clear: The Federal Government will provide funding and expertise—Washington, however, will not be involved in the administration of local land decisions.

Our local zoning ordinances have failed in the most preposterous way to ensure the preservation of vital non-economic values in land use planning. The President's land use legislation will correct this infirmity—providing a mechanism for continued economic progress that preserves our ecological, cultural, and historic values.

Finally, I would like to discuss some of the major actions we are taking for the future of our fish and wildlife.

In the last decades several thousand tons of lead shot have been deposited into waterfowl habitat—each pellet, if ingested is capable of killing a duck or shore bird. This Fall we are initiating a pilot program on selected federal hunting areas testing iron shot. Hopefully, this will lead to a program preventing the needless death of millions of waterfowl and shore birds through lead poisoning.

Through close cooperation with Canada and Denmark we have prevented the ultimate destruction of Atlantic Salmon stocks within the next year or two.

Canada has banned all commercial salmon fishing for six years, and the Danes have agreed to phase out commercial salmon fishing on the high seas by 1976.

This program will not only mean the preservation of the Atlantic Salmon, but the chance that someday in the future we will have outstanding salmon sport fishing along the north Atlantic.

You are all familiar with our experience in South San Francisco Bay, where the rich marshlands that provide vital foraging for the waterfowl and shore birds along the Pacific Flyway have been dredged and built upon at an alarming rate.

Through close cooperation with the Congress, a bill creating a wildlife refuge, preserving the values of open space and water for the 4 million people living near San Francisco Bay, has passed both the House and Senate, and hopefully will be signed into law.

I'm sure that you outdoor writers are aware that this will be the first time that we have used money from the Land and Water Conservation Fund to create a national wildlife refuge. This is truly a piece of landmark legislation.

We have increased the Duck Stamp fee from $3 to $5. Although this represents the third price increase in the last 37 years, it will mean an increase of about 11 million dollars during the next five years to our migratory bird habitat acquisition program.

This measure will add dramatically to accelerating our vital wetlands purchases, as well as allowing us to acquire land at a better price.

We are stepping up our enforcement procedures and are seeking trial of a number of big game hunters and guides who have flagrantly violated state and federal hunting regulations.

Let me put it on the line—we will pursue maximum criminal action against the unethical hunter who violates state and federal game laws, maligning the reputation of hunting in general.

These are just a few of the actions we are initiating to conserve the integrity of our fish and wildlife for the future.

I would like to conclude with a few words directed to your role in the media.

We're approaching a time when the environmental movement is beginning to backlash against the hunter and fisherman. This wave of anti-hunting sentiment is tragic because we are all working for the same thing: Preservation of wildlife habitat and our natural resources.

It's up to you to relate the principles and accomplishments of good wildlife management to non-hunters and fishermen, as well as castigate the unethical hunter.

It's up to you to represent the vital role hunting and fishing play in conservation, as well as the $250 million yearly spent by your industry—much of which goes towards preservation of wildlife.

Only through this kind of action can we maintain a common front among all Americans committed to the protection of our natural resources.

I am asking each of you—not only as members of one of our most distinguished environmental organizations, but as members of the media—to join with us in ensuring that the government of our resources be marked not only with restraint and responsibility, but with courage and vision.

WILLIAM F. PYPER

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, July 18, 1972

Mr. GRIFFIN. Mr. President, the people of the State of Michigan lost a valued friend last Thursday night with the passing of William F. Pyper, who retired recently as chief of the Washington bureau of the Booth Newspapers.

Bill Pyper was a newspaperman for 40 years and a Washington correspondent for 27 years. For 15 of those years he served as chief for the Booth Newspaper chain, which serves most of outstate Michigan.

He was a member of the National Press Club and the Gridiron Club, and he would have been president of the Gridiron Club this year except for problems of failing health.

Bill Pyper was not only a good reporter; he was a fine citizen who will be sorely missed by a host of friends.

Among the many friends who mourn his passing are the Members of Michigan's Congressional delegation.

Mrs. Griffin joins me in extending our heartfelt sympathy to Mrs. Pyper and the Pyper children.

McGOVERN: ONE OF THE GREAT PROMISERS OF OUR DAY

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. DEL CLAWSON. Mr. Speaker, the July 16 issue of the Washington Evening Star contains an objective appraisal of the conflict between reality and political rhetoric which I commend to the attention of my colleagues at this point in the CONGRESSIONAL RECORD. The editorial by Crosby S. Noyes follows:

McGOVERN: ONE OF THE GREAT PROMISERS OF OUR DAY

(By Crosby S. Noyes)

MIAMI BEACH.—"I think it comes down to this: Do we have the guts to level with the American people?" When you said that, Lawrence F. O'Brien, you said it all.

The question is: Who is "we"? Who is it that up until now hasn't been leveling with the American people?

"We," no doubt, includes the last three Democratic presidents, whose records and policies have now been officially repudiated by the Democratic party. It also, of course, includes Richard Nixon, whose achievements, as compared to his promises, are not held in high esteem by the Democratic chairman. But perhaps most of all, the "we" whose guts Larry O'Brien was exhorting with such fervor was the Democratic nominee himself.

The point that the chairman was trying to make in his opening address to the convention was that politicians would do well to stop promising things that "we know cannot be delivered by man, God or the Democratic party." His plea was to stop kidding the American people and tell them the truth for a change—to "break the vicious cycle of over promising and underproducing that has corrupted us all."

Well, it so happens that George McGovern, in his quest for the Democratic nomination, has turned out to be one of the great promisers of our day. He has been promising nothing less than a revolution in what this country has stood for over a generation and some radical changes in the way it is run.

Among other things, he is promising $1,000 to every man, woman and child in the United States and a tax system that will do away with rich people.

He is promising to cut defense expenditures by a cool 40 percent and still keep the United States the strongest nation on earth.

He is promising complete victory in Vietnam to the Communist leaders in Hanoi by scuttling the "corrupt, undemocratic government in Saigon." And after that he is promising to get back American war prisoners by going to Hanoi to beg for their release.

He is promising to keep the faith with our friends and allies around the world while pulling American forces out of Asia and Western Europe. Although he is going to be choosy in deciding just who our friends and allies are, he is promising to work for not just a nation, but a "world of peace, abundance and freedom."

Never mind that all of these promises are very much subject to revision as time goes on. Never mind, either, that McGovern himself has gone to some lengths to reassure people that Congress will never let him do most of the things that he is proposing to do once he is in the White House.

"Just imagine," said Larry O'Brien, "what it would be like to elect a President who made only modest straightforward campaign promises, and then seriously went about fulfilling them." So far as George McGovern is concerned, it takes quite an imagination. But undoubtedly O'Brien's plea for some measure of moderation in the upcoming presidential campaign, forlorn as it may be, is perfectly sincere.

There can be no question that the professionals in the Democratic party will do everything in their power from now on to bring McGovern down to earth. For their collective judgment is that if the American people become convinced that McGovern would seriously go about fulfilling the promises he has been making, the whole Democratic party is heading for a disaster next November.

This fear was the only cohesive force behind the abortive effort to stop McGovern here in Miami this week. It failed quite simply because the convention had to nominate somebody and there was nobody else around whom it could coalesce. But the collapse of the anti-McGovern faction and the relatively easy victory for the South Dakotan have done nothing at all to heal the divisions or ease the misgivings that the McGovern candidacy inspires among the party professionals.

Most of them, to be sure, will swallow their bitterness and rally behind the candidate. Even if they are convinced he can't win—and a good many of them still are—they will do their best to minimize the effect of a defeat. They hope, furthermore, to move McGovern toward more moderate positions on the issues that interest them. Only those with irreconcilable ideological and policy differences, such as Henry Jackson and George Wallace, will continue to withhold their support.

How successful the professionals may be in taming their tiger, however, remains to be seen. McGovern would be less than human if he were not very much impressed by his performance here, and he certainly is not beholden to anybody for his victory. His promises already have taken him a long way. And Larry O'Brien notwithstanding, he is quite likely to go right on making them.

U.N. CONFERENCE ON THE HUMAN ENVIRONMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. DINGELL. Mr. Speaker, since returning from the U.N. Conference on the Human Environment, held in Stockholm, Sweden, from June 5 to June 16, 1972, the Department of State has compiled a paper presenting highlights of actions taken at the Conference. It also indicates the U.S. position on and evaluation of the Conference actions. The opening "highlights" section of the paper indicates 12 Conference actions considered by the United States to be of major importance.

Also included is a list of members of the U.S. Delegation together with technical advisers and the text of the Declaration on the Human Environment. Following this are separate sections on each of the six subject areas. The text of the resolution recommending the establishment of a new organizational structure in the U.N. to coordinate U.N. environmental activities is included under subject area VI.

Numbers beginning with roman numerals are those given to recommendations in the Conference documents as amended at the Conference; for example, "I–136" refers to the recommendation in paragraph 136 of the Conference document on subject area I. "Planning and Management of Human Settlements for Environmental Quality" (A/CONF. 48/6). Some numbers refer to new paragraphs developed anew at the Conference.

Mr. Speaker, for the information of my colleagues, I include the text of the Department's paper at this point in the Congressional Record:

Highlights of Stockholm Conference Achievements

SUBJECT AREA

VI-1. Recommended unanimously the creation in the UN of a permanent high level environmental unit to coordinate UN environmental activities, and a UN Environment Fund expected to be funded at $100 million over the first 5 years. (The U.S. has pledged* up to $40 million on a matching basis.)

III-2. Urged completion in 1972 of a global convention to restrict ocean dumping.

III-3. Recommended steps to minimize release of such dangerous pollutants as heavy metals and organochlorines into the environment.

III-4. Recommended a global "Earthwatch" program to be coordinated by the UN, to monitor and assess environmental trends in atmosphere, oceans, land and human health.

IV-5. Called for early completion of conservation conventions, including the World treasures and a convention restricting international trade in endangered species.

II-6. Called for world programs to collect and safeguard the world's immense variety of plant and animal genetic resources on which stability of ecosystems and future breeding stocks depend.

II-7. Urged strengthening of the International Whaling Convention and a 10-year moratorium on commercial whaling.

IV-8. Recommended creation of an Environmental Referral Service to speed exchange of environmental know-how among all countries.

V-9. Urged steps to prevent national environmental actions from creating trade barriers against exports of developing countries.

V-10. Recommended higher priority for environmental values in international development assistnace, e.g. more emphasis on conservation, land use planning, and quality of human settlements.

I-11. Urged greater emphasis on population policy and accelerated aid to family planning in countries where population growth threatens environment and development goals.

12. Issued a Declaration on the Human Environment containing important new principles to guide international environmental action, including Principle 21 that states are responsible to avoid damaging the environment of other states or of the international realm.

U.S. DELEGATES AND ADVISERS TO STOCKHOLM CONFERENCE

Russell E. Train (Chairman), Chairman, Council on Environmental Quality.

Christian A. Herter, Jr. (Vice Chairman), Special Assistant to the Secretary of State for Environmental Affairs.

Howard Baker, U.S. Senator (R., Tenn.), Chairman, Advisory Committee on the UN Conference on the Human Environment.

Shirley Temple Black, Alternate U.S. Representative to the UN, Preparatory Committee for the Conference on the Human Environment.

John A. Blatnik, U.S. Representative (D., Minn.).

James L. Buckley, U.S. Senator (C-R., N.Y.).

Clifford Case, U.S. Senator (R., N.J.).

Bert Cross, Chairman of the National Industrial Pollution Control Council, and Chairman, Minnesota Mining & Manufacturing Co.

John D. Dingell, U.S. Representative (D., Mich.).

Roger Egeberg, Special Assistant for Health Policy to Secretary of HEW; Consultant to the President on Health Policy.

John Ehrlichman, Assistant to the President for Domestic Affairs.

Seymour Halpern, U.S. Representative (R., N.Y.).

Jerome Holland, U.S. Ambassador to Sweden.

Frank Ikard, President, American Petroleum Institute.

Samuel C. Jackson, General Assistant Secretary, Department of Housing & Urban Development.

Norman Livermore, Secretary for Resources, State of California.

John A. Love, Governor, State of Colorado.

Gordon MacDonald, Member, Council on Environmental Quality.

Warren G. Magnuson, U.S. Senator (D., Wash.).

Robert McClory, U.S. Representative (R., Ill.).

Rogers Morton, Secretary of the Interior.

Frank E. Moss, U.S. Senator (D., Utah).

S. Dillon Ripley, Secretary, Smithsonian Institution.

Gaylord Nelson, U.S. Senator (D., Wisc.).

Claiborne Pell, U.S. Senator (D., R.I.).

Laurance S. Rockefeller, Chairman, Citizens Advisory Committee on Environmental Quality; Member, National Park Foundation.

John Rollins, President, Rollins Leasing Corporation.

William Ruckelshaus, Administrator, Environmental Protection Agency.

William Scott, Attorney General, State of Illinois.

Elvis A. Stahr, President, National Audubon Society.

John W. Turkey, Professor of Mathematics, Princeton University.

Ross Vincent, Member, Advisory Committee on the UN Conference on the Human Environment; Vice President, Ecology Center, New Orleans, La.

John Whitaker, Deputy Assistant to the President for Domestic Affairs.

Robert White, Administrator, National Oceanic and Atmospheric Administration.

Harrison A. Williams, U.S. Senator (D., N.J.).

TECHNICAL ADVISERS

Henry Brodie, Deputy Director for Multilateral Programs, Office of Environmental Affairs.

Theodore C. Byerly, Assistant Director, Science and Education, Department of Agriculture.

Melvin S. Day, Head, Office of Science Information Service, National Science Foundation.

Alden L. Doud, Assistant Legal Adviser. Department of State.

Slator C. Blackiston, Jr., Executive Secretary, Secretary's Advisory Committee.

Simon Bourgin, Science Adviser, USIA.

James R. Fowler, Special Assistant, Office of the Administrator, Agency for International Development.

Stuart P. French, Principal Assistant to the Assistant Secretary of Defense for International Security Affairs.

Fitzhugh Green, Associate Administrator, International Affairs, Environmental Protection Agency.

Richard S. Green, Assistant Surgeon General and Chief Engineer, U.S. Public Health Service, Department of Health, Education, and Welfare.

Stanley M. Greenfield, Assistant Administrator for Research & Monitoring, Environmental Protection Agency.

William A. Hayne, Council on Environmental Quality, Executive Office of the President.

Wallace Irwin, Jr., Sr. Adviser, Environmental Affairs, U.S. Mission to the UN, New York, N.Y.

Clayton E. Jensen, Chief, Environmental Monitoring, National Oceanic & Atmospheric Administration, Department of Commerce.

Donald R. King, Science Adviser, Office of Environmental Affairs, Department of State.

Saul Levine, Assistant Director, Division of Environmental Affairs, Atomic Energy Commission.

Robert Porter, Science Adviser, Environmental Protection Agency.

John W. McDonald, Jr., Coordinator, Multilateral Development Programs, Bureau of International Organization Affairs, Department of State.

Charles J. Orlebeke, Deputy Under Secretary for Policy Analysis & Program Evaluation, Department of Housing & Urban Development.

Robert B. Rosenstock, Adviser for Legal Affairs, U.S. Mission to the UN, New York, N.Y.

Logan H. Sallada, Deputy Director of the Executive Secretariat, Department of Health, Education & Welfare.

Francis J. Seidner, Deputy Director, Office of International Conferences, Department of State.

Harry Shooshan, Director, Office of International Activities, Department of the Interior.

John Stuart, Press Adviser, U.S. Information Agency.

Lee Talbot, Sr. Scientist, Council on Environmental Quality, Executive Office of the President.

John P. Trevithick, Director, Science & Technology, Bureau of International Organization Affs., Dept of State.

Sidney A. Wallace, Captain, USCG, Chief, Marine Environment Protection Division, U.S. Coast Guard, Department of Transportation.

Richard Wilbur, Assistant Secretary of Defense (Health & Environment).

The Declaration on the Human Environment

In its closing meeting the Conference adopted without objection the Declaration on the Human Environment, consisting of a Preamble and 26 Principles. This document is the result of a negotiating process which began in a 27-nation working group in New York early in 1971, in which all members of the United Nations were invited to participate. It culminated in a new Working Group created by the Stockholm Conference itself on June 8, open to all participating states. This group met night and day until the final day of the Conference. It used as the basis of its negotiations the Draft Declaration forwarded by the Preparatory Committee as a result of the working group sessions in New York.

Although in the opinion of the United States Delegation the text submitted by the Preparatory Committee (A/CONF. 48/4) was more balanced and more clearly focussed on environmental concerns, it is understandable that in the final stage of Conference consideration many members who had not earlier availed themselves of the opportunity to contribute to the text should wish to do so and should press for inclusion of material expressing their main concerns.

The final text, although uneven in the view of the United States Delegation, preserves a number of extremely important principles of conduct for states in dealing with environmental problems of international significance. Chief among these is Principle 21, which declares that States have "the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction." Also of notable importance are such provisions as Principle 2 declaring that the earth's living and non-living resources, and representative samples of natural ecosystems, must be safeguarded for present and future generations; Principle 6 stating that excessive discharge of toxic substances and heat into the environment must be halted to prevent "serious or irreversible damage" to ecosystems; Principle 16 calling for application of appropriate demographic policies where growth rates or concentration of population are likely to have adverse effects on the environment or on development; and Principle 25 declaring the obligation of States to "ensure that international organizations play a coordinated, efficient and dynamic role for the protection and improvement of the environment."

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*Subject to congressional action.

Principle 26, dealing with the effects of nuclear weapons and other means of mass destruction, met inflexible opposition from China but was adopted following a statement by the Conference President "noting the statement expressed (by China) regarding these principles".

Agreement could not be reached on Principle 20 of the text contained in A/CONF. 48/4, (not principle 20 of the enclosed text) owing largely to strong opposition of Brazil, and it has been referred to the UN General Assembly for action. This principle read: "Relevant information must be supplied by States on activities or developments within their jurisdiction or under their control whenever they believe, or have reason to believe, that such information is needed to avoid the risk of significant adverse effects on the environment in areas beyond their national jurisdiction."

The record of the Conference will include the following U.S. statement of interpretation regarding four of the 26 principles of the declaration.

"Principle 2. The U.S. places emphasis on the word "representative" which, in our view, ensures that the phrase means retention of a complete system with all of the complex interrelationships intact not a portion thereof. Moreover, the size of the sample must be sufficient to represent the size of the whole.

"Principle 12. The U.S. does not regard the text of this principle, or any other language contained in the Declaration, as requiring it to change its aid policies or increase the amounts thereof. The U.S. accepts the idea that added costs in specific national projects or activities for environmental protection reasons should be taken into account.

"Principle 21. The U.S. considers it obvious that nothing contained in this principle, or elsewhere in the Declaration, diminishes in any way the obligation of states to prevent environmental damage or gives rise to any right on the part of states to take actions in derogation of the rights of other states or of the community of nations. The statement of the responsibility of states for damage caused to the environment of other states or of areas beyond the limits of national jurisdiction is not in any way a limitation on the above obligation, but an affirmation of existing rules concerning liability in the event of default on the obligation.

"Principle 26. The U.S. fully supports the purpose, aspirations, and ultimate goals contained in this paragraph. We are constantly striving to meet such goals in all relevant fora including for example SALT which has recently achieved such success. We regard our commitment under this principle as identical to the treaty obligation we have assumed in connection with the treaty on the non-proliferation of nuclear weapons, specifically Article VI including the requirement of 'strict and effective international control.' We believe it obvious that agreements called for in the principle must be adequately verifiable or they will not be soundly enough based to achieve the purposes of this principle."

TEXT

The United Nations Conference on the Human Environment having met at Stockholm from 5 to 16 June 1972, and having considered the need for a common outlook and for common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment, proclaims:

1. Man is both creature and moulder of his environment which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights even the right to life itself.

2. The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all governments.

3. Man has constantly to sum up experience and go on discovering, inventing, creating and advancing. In our time man's capability to transform his surroundings, if used wisely, can bring to all peoples the benefits of development and the opportunity to enhance the quality of life. Wrongly or heedlessly applied, the same power can do incalculable harm to human beings and the human environment. We see around us growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irresplaceable resources; and gross deficiencies harmful to the physical, mental and social health of man, in the man-made environment; particularly in the living and working environment.

4. In the developing countries most of the environmental problems are caused by underdevelopment. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gap between themselves and the developing countries. In the industrialized countries, environmental problems are generally related to industrialization and technological development.

5. The natural growth of population continuously presents problems on the preservation of the environment, and adequate policies measures should be adopted as appropriate to face these problems. Of all things in the world, people are the most precious. It is the people that propel social progress, create social wealth, develop science and technology and through their hard work, continuously transform the human environment. Along with social progress and the advance of production, science and technology the capability of man to improve the environment increases with each passing day.

6. A point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences. Through ignorance or indifference we can do massive and irreversible harm to the earthly environment on which our life and well being depend. Conversely, through fuller knowledge and wiser action, we can achieve for ourselves and our posterity a better life in an environment more in keeping with human needs and hopes. There are broad vistas for the enhancement of environmental quality and the creation of a good life. What is needed is an enthusiastic but calm state of mind and intense but orderly work. For the purpose of attaining freedom in the world of nature, man must use knowledge to build in collaboration with nature a better environment. To defend and improve the human environment for present and future generations has become an imperative goal for mankind—a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development.

7. To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, but their values and the sum of their actions will shape the world environment of the future. Local and national governments will bear the greatest burden for large scale environmental policy and action within their jurisdictions. International cooperation is also needed in order to raise resources to support the developing countries in carrying out their responsibilities in this field. A growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive cooperation among nations and action by international organizations in the common interest. The conference calls upon the governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity.

Principles

States the common conviction that—

1. Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality which permits a life of dignity and well being, and bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated.

2. The natural resources of the earth including the air, water, land, flora and fauna and especially representative samples of natural ecosystems must be safeguarded for the benefit of present and future generations through careful planning or management as appropriate.

3. The capacity of the earth to produce vital renewable resources must be maintained and wherever practicable restored or improved.

4. Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat which are now gravely imperilled by a combination of adverse factors. Nature conservation including wildlife must therefore receive importance in planning for economic development.

5. The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind.

6. The discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems. The just struggle of the peoples of all countries against pollution should be supported.

7. States shall take all possible steps to

prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

8. Economic and social development is essential for ensuring a favorable living and working environment for man and for conditions on earth that are necessary for the improvement of the quality of life.

9. Environmental deficiencies generated by the conditions of underdevelopment and natural disasters pose grave problems and can best be remedied by accelerated development through the transfer of substantial quantities of financial and technological assistance, as a supplement to the domestic effort of the developing countries and such timely assistance as may be required.

10. For the developing countries, stability of prices and adequate earnings for primary commodities and raw materials are essential to environmental management since economic factors as well as ecological processes must be taken into account.

11. The environmental policies of all states should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all, and appropriate steps should be taken by states and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures.

12. Resources should be made available to preserve and improve the environment, taking into account the circumstances and particular requirements of developing countries and any costs which may emanate from their incorporating environmental safeguards into their development planning and the need for making available to them, upon their request, additional international technical and financial assistance for this purpose.

13. In order to achieve a more rational management of resources and thus to improve the environment, states should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve the human environment for the benefit of their population.

14. Rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.

15. Planning must be applied to human settlements and urbanization with a view to avoiding adverse effect on the environment and obtaining maximum social, economic and environmental benefits for all. In this respect projects which are designed for colonialist and racist domination must be abandoned.

16. Demographic policies which are without prejudice to basic human rights and which are deemed appropriate by governments concerned, should be applied in those regions where the rate of population growth or excessive population concentrations are likely to have adverse effects on the environment or development, or where low population density may prevent improvement of the human environment and impede development.

17. Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources of states with the view to enhancing environmental quality.

18. Science and technology, as part of their contribution to economic and social development, must be applied to the identification, avoidance and control of environmental risks and the solution of environmental problems and for the common good of mankind.

19. Education in environmental matters, for the younger generation as well as adults, giving due consideration for the underprivileged, is essential in order to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension. It is also essential that mass media of communications avoid contributing to the deterioration of the environment, but, on the contrary, disseminate information of an educational nature on the need to protect and improve the environment in order to educate man to develop in every respect.

20. Scientific research and development in the context of environmental problems, both national and multinational must be promoted in all countries, especially the developing countries. In this connection, the free flow of up to date scientific information and experience must be supported and assisted, to facilitate the solution of environmental problems; environmental technologies should be made available to developing countries on terms which would encourage their wide dissemination without constituting an economic burden on the developing countries.

21. States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

22. States shall cooperate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such states to areas beyond their jurisdiction.

23. Without prejudice to such general principles as may be agreed upon by the international community, or to the criteria and minimum levels which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries.

24. International matters concerning the protection and improvement of the environment should be handled in a cooperative spirit by all countries, big or small, on an equal footing. Cooperation through multilateral or bilateral arrangements or other appropriate means is essential to prevent, eliminate or reduce and effectively control adverse environmental effects resulting from activities conducted in all spheres, in such a way that due account is taken of the sovereignty and interests of all states.

25. States shall ensure that international organizations play a coordinated, efficient and dynamic role for the protection and improvement of the environment.

26. Man and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement, in the relevant international organs, on the elimination and complete destruction of such weapons.

SUBJECT AREA I

Planning and management of human settlements for environmental quality discussed in Committee I

See Report of Committee I A/CONF. 48/6 for most paragraph references below I–136.—*Development Aid*

This paragraph *supported* by the U.S., contains two recommendations. The first calls for all development assistance agencies (international, regional, and national) to give high priority to human settlement problems such as housing, transport, water supply, and sewerage. This is a significant action in that past development assistance has been oriented heavily toward the industrial and agricultural sectors. The second recommendation calls for the assistance agencies to help developing countries recruit environmental staff to advise them on environmental aspects of development projects.

I–137.—Environmental Improvement Areas

This paragraph, *supported* by the U.S., recommends a new international program of "Environmental Areas." Governments are urged program of "Environmental Improvement Areas." Governments are urged to designate areas, varying in size from a region to a city block, in which they are prepared to carry on long-term environmental improvement, emphasizing international cooperation and sharing information on their problems and solutions. This program offers the possibility of important breakthroughs in community environmental progress.

I–138.—Consultation Across Boundaries

This recommendation, *supported* by the U.S., calls for bilateral or regional consultation where human settlement problems have repercussions across national boundaries.

I–140.—Research

This paragraph, *supported* by the U.S., deals with research in environmental problems of human settlements. It recommends that such research be coordinated at the international level by the anticipated new UN environmental unit (see Subject Area VI) and identifies certain priority research topics such as water supply and sewage disposal in tropical areas; rural-urban migration and squatter settlements; urban transport; and psycho-social stresses of city life. Companion recommendations, also supported by the U.S., were in paragraph 141 (regional research cooperation) and 144 (sharing of research results).

I–146, 148, 149.—Training

These recommendations, *supported* by the U.S., all deal with the need for greatly expanded training, both sectoral and interdisciplinary, in all aspects of the environment of human settlements. They call on all countries and the Secretary-General to step up training activities so that the necessary personnel are available to apply sound environmental principles and practices.

I–150.—Natural Disasters

A new paper on this subject was written in Committee I, in view of general dissatisfaction with the Secretariat document on this subject. The recommendation calls for, among other things, greater recognition of the need for disaster warning and prediction systems against a wide range of disasters (earthquakes, typhoons, tsunamis, drought, etc.). More research data are called for; also better communication systems to bring immediate warning of a coming disaster to the threatened area—such as might have saved countless lives in the Bay of Bengal hurricane of 1970. Also stressed was the need for public perception of the vulnerability of certain areas to disasters. The entire recommendation is referred to the recently appointed UN Disaster Relief Coordinator for further action.

The United States delegation took an active part in drafting this recommendation and strongly *supported* it.

I–152, 153.—Water Supply, Sewerage

These recommendations, *supported* by the United States, call on WHO and the UN development assistance agencies to give higher priority to supporting governments' efforts to improve water supply, sewerage services, and waste disposal. These recommendations address some of the most critical problems faced, particularly by developing nations which are rapidly urbanizing.

The United States *supported* these recommendations.

I-154.—Population

Recommendation that the Secretary-General ensure that population concerns bearing on the environment of human settlement be given special attention at the 1974 World Population Conference.

The United States delegate to the committee, Mr. Rockefeller, made a statement underscoring United States *support* for the recommendation, and it was passed without dissent.

I-155.—Family Planning

This was a *new* recommendation submitted as an amendment by Norway, which called for WHO and other UN agencies to increase family planning assistance to governments "without delay" and intensify research in this area.

The United States supported this recommendation (upheld in Plenary vote, 55-18 with 4 abstentions after long debate) because of our conviction that the world population problem, with its great environmental implications, should be faced in *this* conference, even though a World Population Conference is to be held two years hence.

I-156.—Malnutrition

This new recommendation, proposed as an amendment by Pakistan, calls on UN agencies to focus special attention on the need to combat "the menace of human malnutrition rampant in many parts of the world." This significant problem had not been included in the committee's original agenda.

The United States joined in *supporting* the amendment.

I-157.—Noise

This recommendation, sponsored by Sweden, called for the UN body to be created to work toward creating international noise emission standards which would apply internationally to the production of "motor vehicles and certain kinds of working equipment."

Although the recommendation was passed, the United States *abstained*, regarding it as a far too limited and fragmented approach to the problem of noise pollution in human settlements.

I-158.—International Programs for Human Settlements

A new recommendation that the Secretary-General in consultation with UN bodies formulate programs to assist countries to meet growth requirements of human settlements and to improve the quality of life in existing settlements, particularly squatter areas. This recommendation was adopted without objection.

I-159.—Regional Centers

This was also a new recommendation calling for the creation of regional centers to to provide assistance in human settlements problems through research, training, information exchange, and financial, technical, and materials assistance. The United States voted against this recommendation on the grounds that it was impractical.

I (no number)—Human Settlements Fund

This recommendation proposed by India and Libya had strong support from many less developed countries. It called for a financial institution whose primary objective would be to strengthen national programs in the human settlements field by providing seed capital and technical assistance. The United States and most developed countries voted against it. The United States shared the views of Sweden, the UK, and Canada who spoke against the recommendation in Plenary noting that existing financial institutions were logical sources for human settlements funding.

SUBJECT AREA II

Environmental aspects of natural resources management discussed in Committee II; see A/CON. 48/7 for most paragraph references; and conservation conventions from Subject Area IV (A/CONF. 48/9, paragraphs 121-126).

Agriculture and Soils

II-46

Recommends that FAO, in cooperation with other international agencies concerned, strengthen the machinery for international acquisition of knowledge and transfer of experience on soil capabilities, degradation and conservation.

The U.S. strongly *supported* this recommendation. It will help to develop and apply the technology necessary for increased production of food and fiber.

An amendment was adopted recommending action to give value and stability to *prices of agricultural raw materials* in international trade, on the ground that this would provide funds for soil improvement.

The U.S. *opposed* this amendment, pointing out that its intent was far afield and soil improvement and could in any case not be achieved by this means.

II-47

Recommends that Governments, in cooperation with UN specialized agencies, strengthen and coordinate international programs to control pests and reduce harmful effects of agrochemicals.

The recommendation, amended to note that national and ecological variations must be taken into account in developing guidelines and standards, was accepted with U.S. *support*.

II-48

Recommends *recycling* of agricultural and agroindustrial and municipal wastes through the soil.

Accepted with U.S. *support*.

Livestock

II-(no number)

A new recommendation, proposed by Nigeria, was added on rapid development of livestock in areas of low productivity.

Rural development

II-(no number)

A new recommendation, proposed by France, was added calling for increased attention to rural development.

The U.S. *supported* this recommendation.

Forests

II-66a

Recommends that the Secretary-General take steps to ensure that UN bodies cooperate to meet *needs for new knowledge* on forest management. Accepted after explanations by "Man and Biosphere" Program (UNESCO) that that program would support ecosystem research on forests to complement FAO studies in forest management, economics, legislation, land tenure, and the like.

The U.S. *supported* this recommendation.

II-66b

Recommends monitoring of the world's forest cover through various techniques including remote sensing by satellite.

The U.S. *supported* this recommendation.

II-67a

Recommends that FAO coordinate an international program for research and exchange of information on forest fires, pests and diseases.

Accepted with U.S. *support*.

It should be noted that II-66a (and b) and 67 (a and b) can contribute greatly to environmental quality, especially in *tropical* forest ecosystems where current exploitation endangers productive capacity and stability in many areas.

Wildlife (including whales)

II-81

Recommends that the Secretary-General insure that effects of pollutants on wildlife are considered within environmental monitoring systems.

The U.S. *supported* this recommendation. Wild species serve as particularly sensitive indicators of the levels of various types of pollutants, such as heavy metals, pesticides, and plasticizers (PCBs); and in a broader sense, are indicators of environmental health and stability. They can thus play a valuable part in global monitoring systems.

II-82

Recommends an international program to assess the total economic value of wildlife resources.

The U.S. *supported* this recommendation. Wildlife has often been overlooked as a valuable economic resource. This assessment program can help to chart future conservation policies.

II-83

U.N. agencies to cooperate with governments of developing countries to develop *wildlife management training* courses.

The U.S. *supported*. Trained personnel in this field are in very short supply in developing countries.

II-84

Recommends that governments consider enacting international *conventions and treaties to protect species inhabiting international waters or those which migrate from one country to another*, and that a working group be established without delay to develop a broadly based convention on game regulations, etc., to avoid overexploitation of wildlife resources.

The U.S. *supported* this recommendation. No single nation can protect such species adequately, nor should any single nation have the right to exploit them; consequently, international action is required.

II-86

Recommends that governments agree to strengthen the *International Whaling Commission (IWC)*, increase international whale research efforts, and as a matter of urgency, calls for an international agreement for a *ten-year moratorium on commercial whaling*. "This recommendation passed 53 (U.S.) for, 0 against, 12 abstentions."

The U.S. initiated this recommendation and *strongly supported* it against vigorous opposition by Japan. It was *strengthened by U.S. amendment* which called for direct recommendation for moratorium under the IWC, but also including other interested governments (since not all whaling nations are IWC members). The U.S. amendment also called for increased international research efforts.

Despite regulation by the IWC, world whale populations have drastically dropped, to where all exploited whale species are immediately or potentially endangered or greatly depleted. Present trends under the IWC would not allow rebuilding of depleted stocks and probably would result in further reduction. This recommendation reflects worldwide recognition that whales, inhabiting the international seas, are the concern of mankind as a whole—not solely for economic reasons but also for their role in marine ecosystems and for their distinction as the largest and possibly the most awe-inspiring members of the animal kingdom.

Parks

II-95, 96, and 97

Recommends (1) special attention to training requirements for park planning and management; (2) a mechanism for international transfer of information on park planning and management techniques; (3) that UN agencies assist developing countries to plan for visitor use of protected areas in such a way as to reconcile revenue and environmental considerations.

The U.S. *supported* these recommendations.

II-98

International protection for ecosystems. Recommends governments (1) cooperate in managing neighboring protected areas; (2) set aside areas representing ecosystems of international significance for protection under international agreement.

The U.S. *supported* this recommendation, noting that such agreements should be consistent with international law.

Genetic resources

II–107–120

A major set of recommendations for global cooperation program to preserve the world's immense variety of genetic resources, including domestic and wild plants and animals, insects and microorganisms. Includes a 5-year crash program of plant exploration and collection where species are endangered (110); national and regional genetic resource conservation centers (112); a network of protected areas containing samples of the world's ecosystems with their component wild plant and animal species (113); steps to preserve germ plasm of animals (115); microorganisms (116); insects (117); a global cooperative network embracing all these and other activities.

The need for such an ambitious new program arises from two concurrent trends: man's increasing dependence on a few genetic stocks of crop plants and livestock, all vulnerable to pests and disease; and his increasing impact on the biosphere which puts in jeopardy countless living species, thus threatening to reduce at an accelerating rate the variety of life forms, the stability of ecosystems, and the genetic resources on which man can draw in the future for food, fiber, aesthetic and other purposes.

This program is likely to be one of the major contributions of the Conference. It was a U.S. *initiative* in substantial part, and was adopted by consensus in its entirety.

Fisheries

II–131–135

These recommendations call on governments and the Secretary-General, in cooperation with FAO and other UN organizations, to: (1) support information exchange, monitoring and assessment of fishery resources, more efficient international management of fish stocks; (2) ensure an adequate role for fishery agencies in preparing for the coming UN Law of the Sea Conference; (3) help prevent national resource utilization from harming international fishery resources; (4) strengthen (and in some areas create) international machinery for developing and managing fisheries.

The U.S. *supported this set of recommendations*. Their importance can be guaged from such facts as these: In 1970, world fish catches came to 57 million tons; proteins from the sea are being harvested at a rate that is increasing 6 per cent a year; but potential resources are jeopardized by overfishing, pollution of coasts and inland seas, coastal land reclamation, dredging, offshore oil operations, etc. To protect these living resources which so largely inhabit the international realm, improved international cooperation is increasingly urgent. In the U.S. view, better knowledge acquisition is especially important; to this end, a fisheries data center, in which all nations using fishery resources would cooperate in research and furnish data on their catches, would be most desirable.

Water

II–159

Recommends that governments consider creating new machinery, such as multinational river basin commissions, for study and management of water resources common to more than one jurisdiction, settlement of disputes over their use, etc.

The U.S. *supported* this recommendation.

II–160 (a), (b), (c), (d)

Recommends steps by the UN system to: (1) establish regional centers for training and information exchange on water resources management problems; (2) provide technical and financial assistance to governments and create a roster of experts to advise them in this field; (3) assess the environmental effects of man's continental water management on the oceans, which are the ultimate repository of water runoff and waterborne wastes from the land.

The U.S. *supported* these recommendations.

Minerals

II–175

Recommends an appropriate vehicle be provided to exchange information on mining and primary mineral processing and to provide information to developing nations on technology for preventing adverse health, safety and environmental effects associated with the mineral industry.

The U.S. *supported* this recommendation.

Energy

II–196 (a), (b), (c)

Recommends steps to develop data and exchange information, as part of the world monitoring effort, on environmental effects of present and future production and use of energy. These data are to be developed in the framework of studies drawing on the expertise of the International Atomic Energy Agency and the Organization of Economic Cooperation and Development, and are to take account of new technology. The first report would be made in 1975.

The U.S. *supported* this recommendation

Resource Development: Environmental Assessment

II–201

Recommends (1) environmental audits (pre-audits where feasible) of resource development projects in representative ecosystems of international significance; and (2) steps to assess the environmental impact of alternative approaches to the survey, planning, and development of resource projects.

The U.S. *supported* this recommendation with the interpretation that rights under international law would be guaranteed.

Environmental impact of development assistance

II–203(b)

Recommends that development assistance agencies, in cooperation with recipient governments, broaden the criteria of development project analysis to incorporate environmental impact considerations.

The U.S. *supported* this recommendation.

Synthetic versus natural products

II–203(c)

Recommends the appropriate UN agencies undertake studies on the relative costs and benefits of synthetic versus natural products serving identical uses.

The U.S. *supported* this recommendation.

Biosphere research

II–203(d)

Recommends that the international program of biosphere research be vigorously pursued. This was construed to refer to the UNESCO "Man and Biosphere" Program.

The U.S. *supported* this recommendation.

Development and climate

II–204

Recommends that the World Meteorological Organization initiate or intensify studies on the inter-relationship of resource development and meteorology.

The U.S. *supported* this recommendation.

Remote sensing

II–207

Recommends further development of remote sensing technology in resource surveys and appropriate utilization of the use of these techniques on the basis of proper international arrangements.

The U.S. *supported* this recommendation.

Marginal lands

II–227(b)

Recommends that the Food and Agriculture Organization expand its present program on stabilization of marginal lands.

The U.S. *supported* this recommendation.

Conservation conventions

IV–124.—World Heritage

Recommends that governments, with assistance of UN, specialized agencies, and other inter-governmental and non-governmental organizations, continue preparation of present and future conventions required for conservation of world's natural resources and cultural heritage. Consideration to be given to possible technical and financial assistance to governments for protection of elements of national heritage of universal value.

The U.S. *supported* this recommendation.

IV–125 (a, b).—World Heritage Trust Convention

"The Conference took note of the Draft Convention, prepared by UNESCO, concerning the protection of the world national and cultural heritage, marking a significant step toward the protection, on an international scale, of the environment; and invited governments to examine the draft Convention with a view to its adoption at the next General Conference of UNESCO (autumn 1972)."

The U.S. initiated and *strongly supported* this recommendation. The World Heritage Trust, proposed by President Nixon in February 1971, calls for international recognition and protection to areas of natural or cultural heritage of universal significance.

IV–125(c).—Wetlands

The Conference invites all interested Governments to sign the Convention on Conservation of *Wetlands* of International Importance, approved at the Conference of RAMSAR (Iran).

The Convention is not entirely satisfactory to the U.S., since we do not believe it goes far enough in the protection of wetlands, an objective which we strongly support.

The U.S. nevertheless *supported* the recommendation as a step in the right direction.

IV–125(d).—Islands for Science

Recommends that the Secretary-General make arrangements, in consultation with the competent agencies of the United Nations system and the non-governmental organizations concerned, for a detailed study of all possible procedures for protecting certain islands for science.

The U.S. supported this recommendation.

IV–125(e).—Endangered Species

Recommends that a plenipotentiary conference be convened as soon as possible to prepare and adopt a convention on export, import and transit of certain species of wild animals and plants in order to protect them from overexploitation or extinction.

The U.S. *supported* this recommendation. Under the terms of the Endangered Species Act of 1969, the U.S. is to hold such a conference and has been working with IUCN and interested governments to develop a draft convention.

SUBJECT AREA III

Identification and control of pollutants of broad international significance

Discussed in Committee III; see A/CONF. 48/8 for most paragraph references below.

III–218.—Climate

Recommends governments be mindful of activities in which there is an appreciable risk of effects on climate, and evaluate the potential for resulting climate changes. The long-range effects of increases in particulate matter and carbon dioxide, for example, are uncertain and the need for further study is obvious.

The U.S. *supported* this recommendation.

III-219.—Dangerous Substances

Recommends governments use the best practicable means to minimize environmental release of toxic or persistent substances (particularly heavy metals and organochlorine compounds) if their release otherwise would produce unacceptable risks. Although the language is unclear, it is our interpretation that such substances would not be exempt merely because their use is considered essential to human health and food production; in such cases benefits should be weighed carefully against risks. However, the wording of the recommendation is unclear in this respect.

The U.S. *supported* this recommendation.

III-220.—Pollutant Standards

Recommends that national standards for pollutants of international significance take account of internationally accepted standards and act in concert with competent international organizations nad other concerned governments. This approach by governments would represent considerable savings in manpower, time, and funds.

The U.S. *supported* this recommendation.

III-222.—Knowledge

Recommends governments join in international programs to acquire knowledge for the assessment of pollutant sources, pathways, exposures and risks; and also assist developing countries to participate.

The U.S. *supported* this recommendation.

III-223.—Pollutant Warning

Recommends that the UN system and all competent bodies provide warning of deleterious effects of manmade pollutants on human health and well being, both short-term and long-term. To accomplish this an intercalibration program for sampling and analytical techniques to provide meaningful comparisons of data is essential. Although we do not object to a registry of data on chemicals, the U.S. noted that requiring hard-to-get data on pathways from factory to ultimate disposal would unduly hamper the effort.

The U.S. *supported* this recommendation which we consider basic. However, we voted *against* an additional paragraph which was adopted in committee, calling for creation of an international registry of data on chemicals in the environment; although we favor the idea of such a registry, we regarded the inclusion of a provision for data on pathways from factory to ultimate disposal as unworkable.

III-223(a).—Radioactivity Registry

Recommends exploring the feasibility of an international registry of significant radioactivity releases. The U.S. indicated that it is fully prepared to continue working with IAEA in establishing a suitable registry addressed to peaceful activities involving releases expected to go beyond national boundaries."

III-224.—Pollutants and Health

Recommends a major effort to obtain data on agents to which man is exposed. WHO is recommended as the agency most competent to coordinate an international collection and dissemination system to correlate medical, environmental, and family-history data.

The U.S. *supported* this recommendation.

III-225.—National Air and Fresh Water Monitoring

Recommends that WHO further assist Governments, especially in developing countries, in monitoring their air and fresh water sources, particularly in areas where there may be a risk to health from pollution. Although WHO has performed this function for many years, the U.S. agrees that there is urgent need for increased support in some areas.

The U.S. *supported* this recommendation.

III-226.—Food contaminants

Recommends an FAO-WHO program of research and monitoring to help prevent food contamination by chemical and biological agents and provide early warnings.

The U.S. *supported* this recommendation.

III-227.—Atmospheric Monitoring

Recommends a network of 10 "baseline" stations remote from pollution sources, and over 100 regional-level stations, to provide data needed to determine the nature and extent of atmospheric pollution and direction and rate of change, so as to predict long-term effects on climate.

The U.S. *supported* this recommendation.

III-228.—Terrestrial Ecology

Recommends coordinated research in terrestrial ecology through appropriate international agencies and the "man and biosphere" program, and surveillance of the effects of pollutants on ecosystems. It should be noted that recommendations III-203(d), III-227 and III-234 together with 228 are all essential to the development and implementation of a global environmental monitoring program.

The U.S. *supported* this recommendation.

III-228(a).—Air, Water, and Food Standards

A recommendation that WHO, together with competent international organizations, continue to study and establish primary standards for the protection of human organisms, especially from pollutants that are common to air, water, and food, as the basis for establishment of working limits. Recommendation was approved without objection.

III-229.—Food Contaminant Control

Recommends steps to increase the capabilities of FAO and WHO to assist the Codex Alimentarius Commission in developing international standards for pollutants in food, and to guide developing countries in the field of food control.

The U.S. *supported* this recommendation.

III-230.—Pollutant Limits

Recommends that UN agencies develop procedures for setting derived working limits for concentrations of pollutants in ambient air and water, based on internationally agreed criteria.

Although mention of WHO was deleted, over U.S. opposition as the key agency for this action, the U.S. *supported* this recommendation.

III-231.—Information Exchange of Pollution Research and Control

This recommendation to utilize the proposed international referral service to make available information which may be requested by governments on pollution research and pollution control activities including legislation. Approved without objection.

III-232.—Activities of Proposed UN Environmental Body

Recommended tasks of Environmental Body to include:

Development of internationally accepted procedures for identification of pollutants; appointment of intergovernmental bodies to assess exposures, risks, pathways, and sources of pollutants of international significance; examination of needs for technical assistance from member states; review of international cooperation for pollution control. Adopted without objection.

III—233.—Marine pollution, General

Recommends that governments

(1) accept and implement available instruments on control of maritime sources of marine pollution;

(2) ensure that the provisions of such instruments are complied with by ships flying their flags and by ships operating in areas under their jurisdiction;

(3) control ocean dumping and continue work on ocean dumping conventions;

(4) refer the draft ocean dumping convention to the Seabeds Committee for its comments and to a conference to be held in the United Kingdom for final consideration, if possible, before end of 1972;

(5) participate in the approaching Law of the Sea Conference and the 1973 IMCO Marine Pollution Conference with objective of bringing all significant sources of pollution in marine environment, including radioactive pollution from nuclear vessels, under appropriate control and eliminating completely by middle of present decade all intentional discharge of oil from ships.

(6) strengthen national controls over land-based sources of marine pollution.

The U.S. strongly *supported* paragraph (4) of this recommendation as offering the best possible opportunity for prompt conclusion of the work on the ocean dumping *convention* first proposed by U.S. in June 1971. The U.S. also *supported* the entire recommendation as it urges states to take legal measures nationally, regionally, and internationally to bring major sources of marine pollution under control. The U.S. has misgivings about carte-blanche endorsement of all available instruments and believes case-by-case review is necessary, especially of non-binding instruments in form of resolutions, etc., of international organizations. The U.S. *does not accept* that references in paragraphs (2) and (3) constitute endorsement of jurisdiction other than that widely accepted in international law. "The U.S. interprets the reference to appropriate controls of radioactive pollution from nuclear vessels to mean that each government will establish and enforce controls over its own nuclear powered naval vessels and that these governments will take into account generally recognized international radiation standards."

III-234.—Knowledge

Recommends that governments support national research and monitoring efforts that contribute to international programs; provide data to the UN, FAO, and UNCTAD; and make the International Oceanographic Commission (IOC) a more effective coordinator.

The U.S. strongly *supported* this recommendation as essential to an efficient scientific approach to marine pollution control and as a key part of "Earthwatch."

III-235.—GESAMP

Recommends IOC's Group of Experts on Scientific Aspects of Marine Pollution (GESAMP) reexamine annually its "Review of Harmful Chemical Substances" and provide advice on scientific aspects of marine pollution.

The U.S. *supported* this recommendation.

III-236—Research

Recommends—

(1) methods be developed to combine world statistics on the mining, production, processing, transport and use of potential marine pollutants;

(2) GESAMP propose guidelines to evaluate the toxicity of these substances;

(3) FAO, WHO, IOC, and IAEA encourage study of the effects of high priority pollutants on man and other organisms; and

(4) IOC, with FAO and WHO, explore creating an institute for tropical marine studies.

The U.S. *supported* these recommendations.

III-237.—Monitoring

Recommends that IOC, with WMO and other bodies, promote monitoring of marine pollution, preferably within the Integrated Global Ocean Station System (IGOSS).

The U.S. *supported* this recommendation as aid to Earthwatch and as a scientific approach to marine pollution control.

III-238.—Information exchange

Recommends steps to assure that information from marine research and monitoring be made available in a form usable by governments; also possible expansion of data centers and referral systems to meet new needs.

The U.S. *supported* this recommendation. See under IV-137.

III-239.—Control of Marine Pollution

Recommends that governments (1) endorse the marine pollution principles and statement of objectives reported from the Ottawa meeting of the Intergovernmental Working Group on Marine Pollution (November 1971); (2) control land-based sources of marine pollution and concert thereon regionally and internationally. Also recommends the Secretary General and appropriate organizations provide guidelines to governments for this purpose.

The U.S. opposed this recommendation, stating that although there is much we approve of in the Ottawa principles and objectives, these have wide-ranging implications for law of the sea problems and vessel operation outside purview of this conference. The U.S. therefore believes the proper form for examining these subjects are the LOS Conference and the 1973 IMCO conference.

III-240.—UN Support

Recommends that the anticipated new UN environmental mechanism should provide needed advice to Governments on marine pollution.

The U.S. supported this recommendation since the magnitude of controlling marine pollution makes early dissemination of such advice to all governments desirable and economical.

III-241.—Developing country role in pollution work

Recommends additional financial support to enable developing countries to participate in international programs of research, monitoring and control of pollutants.

The U.S. supported this recommendation. We believe it essential that the widest possible participation in international pollution control work be achieved.

III-No number.—Nuclear Weapons Testing

This resolution, which condemns nuclear weapons tests, especially in the atmosphere, was introduced by Peru and New Zealand. It was adopted 56 for, 3 against (China, France, Gabon), 29 absentions including the United States.

The United States explained its absention on this resolution as follows: "Although the United States supports the principle of an adequately verified total weapons test ban, the wording of the draft resolution is ambiguous regarding its applicability to underground weapons testing. Nevertheless, the United States believes that its tests are in consonance with prudent safeguards since the United States pays scrupulous attention to minimizing the environmental effects of its tests. In any event, the solution to this sensitive and highly complex arms control matter should be dealt with in a more suitable form."

SUBJECT AREA IV

Educational, Informational, Social and Cultural Aspects; also Conservation Conventions

Discussed in Committee I; see A/CONF. 48/9 for paragraph references.

IV—III—Continuous Social Diagnosis

Recommends arrangements for continuous diagnosis to measure social and cultural impacts of environmental developments. This would include UN financial and technical assistance to governments for: (a) preparing national reports on the environment; (b) developing social and cultural indicators for the environment with a view to a common methodology for assessing environmental quality in this area; and (c) organizing the exchange of information on methods for continuous social diagnosis.

The U.S. *supported* this recommendation. It will help foster needed data collection and assessment methods in the area of social monitoring. A great deal more study is required before meaningful international reports on socio-cultural environmental quality can be envisioned.

IV—114.—Education

Recommends that the Secretary-General and the organizations of the UN system especially UNESCO, establish an international environmental education program. The program is to be interdisciplinary and experimental in approach and to be directed towards all levels of the education continuum, including preschool, primary, secondary, and adult education.

The U.S. *supported* this recommendation. This program would include technical and financial support for an inventory of existing systems of education which deal with environment; exchange of information on such systems; environmental training and retraining of teachers and other professionals; expert groups to exchange experience between countries with similar environmental conditions; new materials and methods for environmental education.

IV-115.—Training

Recommends UNESCO, under the Man and the Biosphere Program, WHO, FAO, UNIDO, WMO, the scientific unions, etc. should develop innovations in environmental training of specialists and technicians, and foster environmental training at the regional and international levels.

The U.S. *supported* this recommendation.

IV-116. Volunteers

Recommends that international organizations for voluntary service and, in particular, the International Secretariat for Volunteer Service, in consultations with the United Nations Volunteer Program of UNDP, include environmental skills among the services they provide.

The U.S. *supported* this recommendation.

IV-119.—Public Information

Recommends an information program to create public awareness on environmental issues and elicit contributions from nongovernmental organizations; an annual "international environment day"; translation and circulation of Conference documents; integration of environmental information into public information work of the United Nations system; and cooperation on environmental information among United Nations regional economic commissions.

The U.S. *supported* this recommendation.

IV-120.—Environmental Information in Development Programs

Recommends that certain international development programs be adapted to disseminate environmental information and strengthen community action on environmental problems. U.S. supported this recommendation.

IV-126.—Duties of Secretary-General

A recommendation that the Secretary-General make arrangements to be kept informed of national pilot schemes for environmental management; assist countries, on request, with experiments and research; and organize international exchange of information adopted by consensus.

IV-137.—Exchange of Information: Referral Service

Recommends Secretary-General establish an international Referral Service for efficient international exchange information on environmental problems and solutions.

This U.S.-introduced Recommendation was approved unanimously.

Hundreds of environmental information services and data are in operation but, except to relatively small user constituencies, are relatively unknown and unused. The Referral Service would be a modest and practical tool to tell what information services exist, where they are, and how to gain access to them. It would, in effect, place countries requesting information of all types in contact with appropriate information resources in support of local, national, or international environmental programs.

SUBJECT AREA V

Environment and Development

Discussed in Committee II; see A/CONF. 48/10 for paragraph references.

Of 8 recommendations on Environment and Development, the U.S. supported 5 and abstained on 3.

V-31. Role of regional organizations

Recommends active participation by regional organizations in developing areas, including those of the UN as well as others, in environmental work including: attention to environmental problems common to the region, especially those of the least developed countries and countries exposed to marine pollution; exchange of information and experience between regional organizations on enviromental problems common to developing countries worldwide; training development personnel in environmental skills; research, education, health, human settlements and soil problems.

The U.S. *supported* this recommendation.

V-32.—International trade

Recommends five principals of which the U.S. supported three and opposed two (later seeking unsuccessfully to have them amended); *abstaining* on the whole paragraph. Specifics: (1) Endorsing key principle that participating countries not use environmental actions as a pretext for discriminatory trade practices:

U.S. *supported.*

(2) Calling for "compensation" to exporting countries (especially developing countries) when environmental actions hamper their exports:

U.S. *opposed,* pointing out that many forces affect export earnings and to single out any of these, such as environmental actions, for compensatory treatment would be wrong in principle and a disincentive to environmental responsibility, but stated readiness to deal with any complaint that its environmental actions violate GATT obligations.

(3) That existing machinery of GATT be used to examine trade and environment question:

U.S. *supported.*

(4) Calling for advance consultation on planned environmental actions affecting trade, and assistance aimed at removing obstacles to trade which these actions create:

U.S. *opposed,* because the recommendation is too vague and general to permit effective implementation.

(5) Stating a principle that environmental standards in given products or processes need not be uniform in all countries where environmental disruption to other countries is not involved; and that the purpose of these standards is to protect the environment, not to gain trading advantages:

U.S. *supported* this principle.

V-33.—Action by UN system

Recommends UN agencies identify environment and export problems and remedies; also help governments negotiate international standards on traded products.

U.S. *supported* this important recommendation which will help reduce arbitrary and discriminatory trade actions.

V-34.—Action by GATT and UNCTAD

Recommends these agencies monitor and report on trade barriers arising from environmental policies.

U.S. *supported* this recommendation.

V-36.—World distribution of industry

Recommends (A) that developing countries consider establishing industries in which their environmental situation may confer comparative advantages, but avoid creating the environmental pollution problems in the process; and (B) that the UN review the implications of environmental concerns for future world distribution of industry, especially in developing countries.

The U.S. *abstained* on this recommendation, noting that the study called for in (B) would be meaningless generalities if made on a global basis since relevant factors vary so widely from country to country.

V-38.—International Financing

Recommends a UN study of appropriate mechanisms for financing international environmental action.

The U.S. *supported* this recommendation.

V-39.—Environmental technologies

Recommends studies of means to make environmental technologies widely available to developing countries.

U.S. *supported* this recommendation.

V-40.—Development strategy and aid flows

Following adoption of Indian amendment in Committee, recommends (A) that the UN review and appraisal of the International Development Strategy (Second Development Decade, 1971-80) take into account environment considerations; and (B) that developed countries' environmental preoccupations not affect aid flows to developing countries, which should be "adequate to meet the additional environmental requirements of such countries."

U.S. *abstained* on this recommendation, pointing out that the resolution on Institutional Arrangements (see Subject Area VI) contains in paragraph 10 a good formulation on this subject which the U.S. supports, and that the Conference should avoid varying recommendations on this important matter.

SUBJECT AREA VI

International organizational implications of action proposals

Discussed in Committee III; text of draft resolution attached.

The Conference action on this subject consists of a single recommendation, in the form of a Conference resolution recommending a new organizational structure in the United Nations with the following elements:

1. *A Governing Council for Environmental Programs,* to consist of 54 member states elected for three-year terms on the basis of equitable geographic distribution, and to have among its functions (a) the promotion of international environmental cooperation; (b) general policy guidance for direction and coordination of environmental programs in the UN system; (c) review of reports on implementation of these programs; and (d) review and approval of programs financed by the Environment Fund (see below). The Council is to report to the General Assembly through the Economic and Social Council, the latter to comment on coordination and on relation to other economic and social matters under its jurisdiction.

2. A small *Environment Secretariat,* headed by an *Executive Director,* to be established as the focal point for cooperation, coordination and effective management of environmental activities in the UN system. (The location of the Secretariat will be decided by the General Assembly this fall. At least ten sites have been offered by various countries.)

3. An *Environment Fund,* administered by the Executive Director under the guidance of the Governing Council. The Fund will finance the new environmental initiatives coming out of the Stockholm Conference.

4. An *Environmental Coordinating Board,* chaired by the Executive Director and designed to ensure cooperation and coordination among all of the UN agencies involved in environmental programs.

This will be considered by the General Assembly at its 27th session in New York this fall.

The Delegation worked long and hard to develop the consensus which enabled the Conference to adopt this resolution unanimously. We are pleased with the results.

RESOLUTION ON INSTITUTIONAL ARRANGEMENTS

The United Nations Conference on the Human Environment convinced of the need for prompt and effective implementation by governments and the international community of measures designed to safeguard and enhance the human environment for the benefit of present and future generations of mankind, recognizing that responsibility for action to protect and enhance the human environment rests primarily with governments and, in the first instance, can be exercised more effectively at the national and regional levels, recognizing that environmental problems of broad international significance fall within the competence of the United Nations system, bearing in mind that international cooperative programmes in the environment field must be undertaken with due respect to the sovereign rights of states and in conformity with the United Nations charter and principles of international law, mindful of the sectoral responsibilities of the organizations of the United Nations system.

Conscious of the significance of regional and subregional cooperation in the field of the Human Environment and of the important role of the Regional Economic Commissions and other regional intergovernmental organizations, emphasizing that problems of the human environment constitute a new and important area for international cooperation and that the complex interdependence of such problems requires new aproaches, recognizing that the relevant international scientific and other professional communities can make an important contribution to international cooperation in the field of the human environment, conscious of the need for processes within the United Nations system which would effectively assist developing countries to implement environmental policies and programmes compatible with their development plans and to participate meaningfully in international environmental programmes, convinced that, in order to be effective, international cooperation in the field of the human environment requires additional financial and technical resources, aware of the urgent need for a permanent institutional arrangement within the United Nations for the protection and improvement of the human environment, and governing council for environmental programmes.

1. Recommends that the General Assembly establish the governing council for environmental programmes composed of fifty-four members, elected for three-year terms on the basis of equitable geographical distribution:

2. Recommends further that the governing council have the following main functions and responsibilties:

A. To promote international cooperation in the environment field and to recommend, as appropriate, policies to this end.

B. To provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system.

C. To receive and review the periodic reports of the Executive Director on the implementation of environmental programmes within the United Nations system.

D. To keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance should receive appropriate and adequate consideration by governments.

E. To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and, exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the United Nations system.

F. To maintain under continuing review the impact of national international environmental policies and measures on developing countries, as well as the problem of additional costs that might be incurred by developing countries in the implementation of environmental programmes and projects, to ensure that such programmes and projects are compatible with the development plans and priorities of those countries.

G. To review and approve annually the programme of utilization of resources of the environment fund.

3. Recommends further that the governing council report annually to the General Assembly through the Economic and Social Council, which would transmit to the Assembly such comments on the report as it may deem necessary, particularly with regard to questions of coordination and to the relationship of environment policies and programmes within the United Nations system to overall economic and social policies and priorities.

Environment Secretariat

4. Recommends that a small Secretariat be established in the United Nations, with headquarters in (———), to serve as a focal point for environmental actions and coordination within the United Nations system in such a way as to ensure a high degree of effective management.

5. Recommends further that the Environment Secretariat be headed by the Executive Director, who shall be elected by the General Assembly on the nomination of the Secretary-General, and who shall be entrusted, inter alia, with the following responsibilities:

(a) To provide substantive support to the governing council.

(b) Under the guidance of the governing council, to coordinate environmental programmes within the United Nations system, to keep under review their implementation and assess their effectiveness.

(c) To advise, as appropriate and under the guidance of the governing council, intergovernmental bodies of the United Nations system on the formulation and implementation of environmental programmes.

(d) To secure the effective cooperation of, and contribution from, the relevant scientific and other professional communities from all parts of the world.

(e) To provide, at the request of all parties concerned, advisory services for the promotion of international cooperation in the field of the environment.

(f) To submit to the governing council, on his own initiative or upon request, proposals embodying medium-and-long-range planning for United Nations programmes in the environment field.

(g) To bring to the attention of the governing council any matter which he deems to require consideration by it.

(h) To administer, under the authority and policy guidance of the governing council, the environment fund.

(i) To report on environment matters to the governing council.

(j) To perform such other functions as may be entrusted to him by the governing council.

The environment fund

6. Recommends that, in order to provide for additional financing for environmental programmes, a voluntary fund be established in accordance with existing United Nations financial procedures.

7. Recommends further that, in order to enable the governing council to fulfill its policy guidance role for the direction and coordination of environmental activities, the fund finance wholly or partly the costs of the new environmental initiatives undertaken within the United Nations system. These will include the initiatives envisaged in the action plan adopted by the United Nations Conference on the Human Environment, with particular attention to integrated projects, and such other environmental activities as may be decided upon by the governing council. The governing council shall review these initia-

tives with a view to taking appropriate decisions as to their continued financing.

8. Recommends further that the fund be used for financing such programmes of general interest as regional and global monitoring, assessment and data-collecting systems, including, as appropriate, costs for national counterparts, improvement of environmental quality management, environmental research, information exchange and dissemination, public education and training, assistance for national, regional and global environmental institutions; promotion of environmental research and studies for the development of industrial and other technologies best suited to a policy of economic growth compatible with adequate environmental safeguards; and such other programmes as the governing council may decide upon. In the implementation of such programmes due account should be taken of the special needs of the developing countries.

9. Recommends that the costs of servicing the governing council and providing the small core Secretariat be borne by the regular budget of the United Nations, operational programme costs, programme support and administrative costs of the fund shall be borne by the fund.

10. Recommends further that, in order to ensure that the development priorities of developing countries are not adversely affected, adequate measures be taken to provide additional financial resources on terms compatible with the economic situation of the recipient developing country. To this end, the Executive Director, in cooperation with competent organizations will keep this problem under continuing review.

11. Recommends that the fund, in pursuance of the objectives stated in paragraphs 7 and 8, be directed to the need for effective coordination in the implementation of international environmental programmes of the organizations of the United Nations system and other international organizations.

12. Recommends that, in the implementation of programmes to be financed by the fund, organizations outside the United Nations system, particularly those in the countries and regions concerned, also be utilized as appropriate, in accordance with the procedures established by the governing council; such organizations are invited to support the United Nations environment programs by complementary initiatives and contributions.

13. Recommends that the governing council formulate such general procedures as are necessary to govern the operations of the fund.

COORDINATION

14. Recommends that in order to provide for the maximum efficient coordination of United Nations environmental programmes, and environmental coordinating board, chaired by the Executive Director, be established under the auspices and within the framework of the administrative committee on coordination.

15. Recommends further that the environmental coordinating board meet periodically for the purpose of ensuring cooperation and coordination among all bodies concerned in the implementation of environmental programmes and that it report annually to the governing council.

16. Invites the organizations of the United Nations system to adopt the measures that may be required to undertake concerted and coordinated programmes with regard to international environmental problems, taking into account existing procedures for prior consultation, particularly on programme and budgetary matters.

17. Invites the regional economic commissions and the economic and social office in Beirut, in cooperation, where necessary, with other appropriate regional bodies, to further intensify their efforts aimed at contributing to the implementation of environmental programmes in view of the particular need for rapid development of regional cooperation in this field.

18. Invites also other intergovernmental and those nongovernmental organizations which have interest in the field of the environment to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degree of cooperation and coordination.

19. Calls upon governments to ensure that appropriate national institutions shall be entrusted with the task of coordination of environmental action, both national and international.

20. Recommends that the General Assembly review, as appropriate, at its Thirty-first Session, the institutional arrangements which it may decide upon in pursuance of this recommendation, bearing in mind, inter alia, the responsibilities of the Economic and Social Council under the charter.

LADY PEARL MITCHELL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. STOKES. Mr. Speaker, on June 17, 1972, the Alpha Kappa Alpha sorority in Cleveland, Ohio honored Miss L. Pearl Mitchell at a luncheon. It was a fitting tribute to a woman who has long been recognized as "Miss AKA."

Miss Mitchell has also achieved the distinction of being "Miss NAACP." She is a woman without peer, an individual who has devoted her lifetime to community service. The AKA's and the NAACP are only two of the many beneficiaries of her untiring efforts in behalf of her fellow citizen.

Miss Mitchell was born in Wilberforce, Ohio. Her father was, at that time, president of Wilberforce University while her mother taught there. After her father's death, Lady Pearl moved to Washington, D.C., Florida, Illinois, and Michigan.

It was Cleveland's good fortune that Lady Pearl decided to settle there. She has been an invaluable asset to the city of Cleveland, concentrating her energies upon the National Association for the Advancement of Colored People; the Mount Zion Congregational Church; and her sorority, Alpha Kappa Alpha. She serves on the board of the Ohio Soldiers and Sailors Home.

In 1955, Wilberforce University honored her with its alumni award for distinctive service. In 1966, she was named Alumna of the Year.

She is a recipient of the NAACP Distinguished Service Award; the Artha-Jon Cultural Foundation's Ukoya Award; the Sojourner Truth Award from the Cleveland Chapter of the National Negro Business and Professional Women's Clubs; the Zeta Phi Beta Award; the Women's Medical Association Award for Distinguished Services; and the AKA 50th Anniversary Award.

If Lady Pearl's past achievements are any indication of what lies ahead, then future years promise to be good years—not only for Lady Pearl, but for anyone who is fortunate enough to come in contact with her.

LARRY O'BRIEN FIRST-CLASS STATESMAN

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. OBEY. Mr. Speaker, the job of national chairman of any political party is not usually an endearing one. The stereotype view of political party chairmen is that they are usually political hatchet men for the leading elected officials of their party.

But now and then those positions are occupied by individuals of such sensitivity, intellectual honesty, good taste, and even rhetorical restraint, that they do the entire political process high honor. I am inserting in the RECORD an article by Milton Viorst which appeared in last night's issue of the Evening Star and Daily News which sums up my sentiments and I am sure the sentiments of a good many others in this House who have come to know and respect Larry O'Brien:

LARRY O'BRIEN FIRST-CLASS STATESMAN

It is not the chairman of a political party from whom one normally expects the highest order of statesmanship—but for his services last week and over the past three years I present to Larry O'Brien the award of "American Statesman 1st class."

What O'Brien has demonstrated so brilliantly is that the expression "old pol" need not be a term of derogation. He has shown that a man who has spent a lifetime in party politics can be much much more than a "party hack."

I confess to having felt a certain apprehension when O'Brien was appointed chairman of the Democratic National Committee in March 1970. He seemed like an old face and an old-fashioned operator in a time that desperately called for new faces and new methods of operation.

A public relations man by profession, he had been running political campaigns in Massachusetts since the 1940s, had masterminded the election of John F. Kennedy, had twisted arms as a congressional lobbyist, became President Johnson's postmaster general and served as national chairman when Hubert Humphrey was the presidential candidate in 1968.

His most distinguished intellectual achievement, it seemed to me, was to write a handbook of practical politics. O'Brien was known as a good Democrat and a straight guy—but many of us thought that the times called for more.

After all, in 1968 the Democratic convention in Chicago—in a seeming afterthought to the disastrous nominating procedure—had mandated a thorough reform of the delegate-selection process. Sen. Fred Harris, who became national chairman after the election, had chosen a highly regarded senator named McGovern to direct the drafting of those reforms.

O'Brien, Harris' successor, might very easily have taken to sabotaging those reforms. On the face of it, his loyalty was to the old school—to Hubert Humphrey and Lyndon Johnson, to Richard Daley and George Meany. Faced with a $9 million campaign debt, he might even have been excused if he had made big concessions to the old-time party contributors.

Again and again, publicly and privately, O'Brien proclaimed his dedication to both the principles and the practices of reform. Still, some of us remained skeptical.

Gradually, however, what emerged under O'Brien's firm but sensitive hand was a pattern of state delegations, first, recognizing that the party was taking the reforms seriously and, then, moving hesitantly, often reluctantly, into compliance.

The reformers had a little scare last spring, when O'Brien appointed Patricia Harris, a former Humphrey supporter, as head of the convention's credentials committee. Among the wary, it looked like a plot to give the Old Guard by indirection the delegates that it could not get directly. O'Brien pointed to Mrs. Harris' own good reputation, and denied the charge.

The proof was in the performance. As chairman, Mrs. Harris was indisputably fair—and the convention, though far from being free of seating wrangles, was closer to the American grass roots than ever before. McGovern's delegates, having been duly elected, dominated. Outraged, the bosses did not. For this, the bulk of the credit, I think, should go to O'Brien.

Then, from the other side, O'Brien was accused of showboating for the "new politics" when he chose a black lady from California to be convention cochairman. But Mrs. Yvonne Brathwaite Burke, in conjunction with O'Brien himself, gave the convention unprecedentedly fair and masterful leadership.

Finally, in this list of encomiums, I'd like to submit that O'Brien delivered the most honest, thoughtful and penetrating speech of the convention. Far more than McGovern's, it reflected what troubles Americans about our politics today.

To an assembly accustomed to hoopla from its party leaders, he had the seriousness of purpose to decry the custom of promising "what we know cannot be delivered by man, God or the Democratic party."

" . . . But we have lacked the courage to say this. Instead, we have promised something to everybody, and then hoped that nobody would keep score. It didn't work. The people can count. And they aren't easily fooled."

Indeed, just as there is in the idealism of the Old Pro a lesson for the Daleys and the Meanys, there is in his forthrightness a lesson for the candidate and his young staff.

Larry O'Brien proved last week what politicians can be. The party will be lucky if he stays around as an example.

CONGRATULATIONS TO THE ORDER OF AHEPA

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. WHALEN. Mr. Speaker, I am very pleased to extend my congratulations to the Order of Ahepa, the American Hellenic Educational Progressive Association, on the occasion of its golden anniversary. For the past half century this nationwide, fraternal organization has sought to improve American life by infusing American culture with the values and ideals of the Hellenic culture of Ancient Greece, the cradle of Western civilization.

The Order of Ahepa's record of accomplishments is indeed laudable. It reflects full comprehension of the needs of man and society in an area when those considerations frequently have been ignored or accorded less than total commitment. Its efforts on behalf of citizenship, education, and democracy are a most appropriate continuation of the Hellenic ideals. The order has shown the values of this 2-millennia-old culture to be vibrantly relevant to man today.

Among those who are united in its bond of friendship and understanding, the Order of Ahepa numbers the late President Franklin D. Roosevelt, former President Harry S. Truman, Vice President Spiro Agnew, and many other Cabinet members, U.S. Senators and Representatives.

The Order of Ahepa really needs no tribute—its own deeds honor it more than words can. Nevertheless, to show my support for what Ahepa has accomplished, I wish once more to extend congratulations and the hope that the next 50 years may be as golden as have the past 50.

BILL SHARKEY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, we are too often reminded that good people pass our way only after they have gone.

Fortunately, such is not the case with a man in Attleboro, Mass., who was honored throughout his career by those who knew him and, just recently, when he retired, was collectively paid tribute for that career.

The man is Robert W. "Bill" Sharkey who has just ended 26 years as superintendent of parks for the city of Attleboro. His life of service is his monument.

More than 400 of his friends, representing many more who could not be there, gave him a testimonial as their gesture of gratitude.

I take this occasion to add my own gratitude to him and congratulations for a job well done.

The complete story of Bill Sharkey is included in the attached piece from the Attleboro Sun Chronicle of June 28, 1972:

IT WAS BILL SHARKEY NIGHT

(By Bill Hannan)

WRENTHAM—"Attleboro is a good place to bring up children." That's what Robert W. (Bill) Sharkey's mother told him a few score years ago.

On Tuesday night in the King Philip Restaurant here, surrounded by upward of 400 of his friends, Sharkey said he believed more than ever that the words of his mother were true.

The occasion was a Friendship Dinner accorded the man who is retiring after 27 years with the Park Department, 26 of them as superintendent of parks.

Sharkey expressed his appreciation for the testimonial for him and his wife, Mrs. Ismay (King) Sharkey. His talk came after an evening that was a mixture of the serious and the lighthearted, just, as he brought out in his talk, the life of a parks superintendent is as he lived it.

There were serious presentations: State Sen. John F. Parker of Taunton presented a Golden Dome certificate signed by the governor, majority and minority (Parker) leaders and the secretary of the state. Ticket Chairman James H. Conlon presented a monetary gift from the assemblage and from others who were unable to attend but who remembered "Bill" on his night.

There were humorous presentations: Toastmaster James H. Sullivan presented to the guest of honor a gold-plated shovel and a gold-plated hoe as reminders of his long service to the parks and the city. He also presented a framed likeness of King, a lion who was almost as much a fixture at Capron Park as Sharkey was.

Sullivan and Mrs. Lillian Poirier Johnson sang vocal solos and duets just as they often did in the music shell at Capron. Music was provided by Thomas Caruso.

From the time the Right Rev. Gerard J. Chabot, pastor of St. Theresa's Church, South Attleboro, gave the invocation until the Rev. David S. Dahlberg, pastor of the Evangelical Covenant Church, pronounced the benediction, Sharkey was extolled for his honesty, hard work, devotion to his family and to his goal of making Attleboro's parkland second to none.

Mayor Raymond L. Macomber noted the frustration he said Sharkey had endured at budget-making time but he noted, too, how the veteran superintendent refused to show frustration in his work. The mayor said the city had benefited greatly because of Sharkey's work and leadership.

The principal speaker was Edward A. Connell, superintendent of parks and natural resources in Stamford, Conn. Connell, a longtime associate of Sharkey's in regional and national associations concerned with parks, praised the retiring superintendent for "provoking park people into reconsidering what was handed out to the them by 'the great thinkers' and for refusing to accept on face value what had not been proven."

Connell reminisced in an occasionally light and occasionally serious vein but the recurring theme of his speech was that "it is the little people who hold the world together." He noted that it was "the little people" of Attleboro who predominantly made the evening a success.

About a dozen parks superintendents from as many communities in the Northeast were present to honor Sharkey. So, too, were his associates and his successor, all of whom received praise from Sharkey for what he described as their loyalty and their willingness to work.

The evening ended with the audience filing past the head table to greet Mr. and Mrs. Sharkey.

The superintendent was visibly affected by the tribute but he said he had promised his family he would not given in to his emotions and he did not let them prevent him from making his acceptance speech.

He wound up his talk, that included praise for the help of the park commissions as well as that of the employes, with words of thanks that his family had turned out so well. He concluded with the statement that more than ever he believed that his mother was right: Attleboro is a good place to bring up children.

ORDER OF AHEPA CELEBRATES GOLDEN ANNIVERSARY

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. HOLIFIELD. Mr. Speaker, the Order of Ahepa, founded July 26, 1922 in Atlanta, Ga., is celebrating its golden anniversary during the year 1972.

During the past half-century the Order of Ahepa, a nonpolitical and nonsectarian fraternal organization, has contributed financially to and has championed the causes of education, ethnic minorities, and victims of disasters on a national and international level. Local Ahepa chapters have always vigorously supported local community activities in the fields of education, charity, and civic improvement.

I congratulate the Order of Ahepa for its distinguished 50-year record of service and accomplishment.

HEALTH INSURANCE PLANS PAYING FOR MORE OUT-OF-HOSPITAL CARE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. BROTZMAN. Mr. Speaker, we all know that one of the most rapidly rising cost items in recent years has been hospital care. During the period from 1960 to 1970, hospital charges increased by about 15 percent per year.

In the years following World War II, when health insurance policies became common in many families, emphasis was on hospitalization insurance. Even in those days a lengthy hospitalization could cost thousands of dollars. Today hospital costs have risen so fast that even a stay of a few weeks can cost thousands of dollars. Of course there are many factors which cause these higher hospital costs, but they are primarily due to the higher cost of labor since wages and salaries make up to 60 to 70 percent of the hospital's expenses.

In recent years there has been a gradual change in the coverage of health insurance policies to include outpatient and preadmission care. The American public has begun to realize that it is good business to try to hold down costs by rendering care, where appropriate, on an outpatient or preadmission basis rather than in an expensive hospital setting.

Accordingly health insurance is increasingly paying for outpatient care as well as inpatient care. Care is increasingly being given on an outpatient basis rather than on an inpatient basis. For example, hospital admissions increased 11 percent between 1965 and 1970, while outpatient utilization increased 44 percent.

As another example, the Blue Cross Association recently announced that 56 of its 74 plans are now providing some form of coverage for preadmission hospital testing. In one study such preadmission testing resulted in an average saving of 1.4 days of bed care for each patient involved.

Mr. Speaker, I include two articles which indicate the trend in health insurance toward coverage of outpatient and preadmission care. The first article is from the Chicago Sun-Times of March 27, 1972, and is entitled "Outpatient Emphasis Eases Hospital Crowding."

The second article is from the American Medical News of February 21, 1972, and is entitled "Most Blue Plans Cover Preadmission Testing."

The articles follow:

OUTPATIENT EMPHASIS EASES HOSPITAL CROWDING

(By Bette Scanlan)

The almost "impossible to get a hospital bed" situation may be easing a bit.

After analyzing data from the American Hospital Assn., the Health Insurance Institute reports that in many parts of the United States it is easier to get a bed in a hospital than it has been in many years.

The availability of beds is more pronounced in rural areas where some hospitals are only half-filled, the institute says, but even in big cities, if you are not able to get a bed immediately in your hospital, there are beds definitely available in nearby hospitals.

MORE OUTPATIENT CARE

One of the prime reasons for the break in hospital crowding, it noted, is the greater emphasis now being placed on outpatient care. As an example, hospital admissions increased 11 per cent between 1965 and 1970, while outpatient utilization jumped 44 per cent.

Another reason cited for the break in the overcrowded hospital situation is the health insurance policies are now being designed to help pay for out-of-hospital services.

Also, family health centers, community health centers and other ambulatory care facilities seem to be catching on, reducing the need for beds.

AVERAGE DOWN

On an average day last year, there were 1.7 fewer patients in U.S. community hospital beds than there had been in the previous year, and the average length of stay in community hospitals nationally was down from 7.8 days in 1970 to 7.7 in 1971, the institute said.

The HII explained that a tenth of a point may not sound like much, but when that's happening in the 5,859 community hospitals in the nation, it affects a lot of people.

Institute statisticians estimate that if a single day were cut from the average length of hospital stays, the public could save as much as $2 billion annually.

Health and health insurance authorities are stressing the need for increasing ambulatory services. This care concentrates on treating patients in out-of-hospital facilities when possible rather than in hospitals. This reduces overcrowding, cuts down on costs and eases doctor shortages, the institute said.

MOST BLUE PLANS COVER PREADMISSION TESTING

The Blue Cross Assn. announced that 56 of its 74 member plans are providing some form of coverage for pre-admission hospital testing (PAT) to reduce hospital stays and patient costs.

PAT coverage pays for tests a patient needs before being hospitalized for surgery or treatment for a diagnosed medical problem, instead of after.

A recent study by Blue Cross at Baltimore's Sinai Hospital indicated that pre-admission testing resulted in average savings of 1.4 days of bed care for each Blue Cross patient who used it.

Typically, PAT works this way. A physician decides his patient needs surgery and schedules it, for example, on Wednesday. Instead of checking into the hospital on the preceding Monday or Tuesday, as in the past, the patient goes to the hospital on Monday for appropriate tests as an outpatient. He returns to work on Tuesday and does not enter the hospital as an inpatient until that evening, or perhaps on Wednesday.

In the meantime, the physician has on hand the tests a plan would normally cover on an inpatient basis.

Although PAT is most frequently used in non-emergency surgical cases, it is also applicable to obscure and rare medical conditions that require extensive testing prior to final diagnosis and hospitalization. However, PAT will not pay for purely diagnostic tests where a physician feels his patient will not need hospitalization.

A side benefit, BCA officials said, is that sometimes the tests reveal that no hospitalization is necessary.

POLLUTION FROM DEVELOPING RURAL AND URBAN AREAS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. SCHWENGEL. Mr. Speaker, there is no longer a clear-cut distinction between urban and rural interests in the use and management of natural resources. Evtryone benefits from bountiful supplies of food and fiber, unpolluted streams and reservoirs, and the good fishing and swimming that can result from better use and management of our natural resources. Similarly, everyone benefits from good roads, safe waste disposal, and selection of building sites free from soil limitations and excess water hazards.

Similarly also, both urban and rural areas contribute to the pollution problems confronting us now. Some 1.5 million acres are converted from rural to urban use annually. Development plans have not recognized the need or included provisions for controlling runoff, erosion, and sediment.

Sediment sources and amounts are constantly changing with changes in our patterns of living.

Independent studies have shown the seriousness of sedimentation problems on construction sites.

Though similar to rural areas in some aspects, developing rural-urban areas: First, involve smaller drainage areas; second, constitute more highly dynamic and complicated environmental interactions; third, involve extensive exposure of soils and subsoils; fourth, result in increased runoff, of often 1,000 or more times higher concentrations of suspended sediment; and fifth result in rapidly aggrading or degrading channels from excessive sediment or water discharge in concentrated areas.

Urban areas in the development stage are producing erosion and sediment out of all proportion to comparable areas in the agricultural sector. As an example, in the Potomac River Basin, the sediment discharge rates of streams in areas undergoing urban growth are 10 to 50 times greater than those in rural areas. In one subwatershed in the Potomac Basin, sediment rates of 89,000 tons per square mile per year have been measured at the source.

An example of accelerated erosion due to urbanization is shown in a study of a 14.3 square mile watershed above Lake Barcroft in Virginia, a suburban area of Washington, D.C. As the area of the watershed undergoing construction rose from 0.5 percent to nearly 9 percent annually, the volume of sediment reaching the lake rose from 4 to 25 acre-feet per year. On a small construction site at Johns Hopkins University, encompassing 1 to 1½ acres, sediment yields of 140,000 tons per square mile per year were measured.

This severe erosion and sediment runoff clogs streams and lakes, produces flooding problems, and causes severe damage to the devlopment areas themselves. In fact, the most significant nonpoint source of pollution within metropolitan areas is that caused by uncontrolled growth.

Most new subdivisions are stripped of all trees and plant cover thereby removing natural restraints to topsoil movement during spring thaw and rainstorms. Of course, the closer any developments—housing developments, shopping centers, and highways—are to a lake or stream, the more the danger of sediment pollution.

Urban development, as it paves over land and intensifies development of flood plains, has diminished the absorptive capacity of natural floodwater shortage areas and overburdened urban drainage systems. Consequences include the flooding of basements and traffic underpasses, causing extensive damage, inconvenience, and loss of life. Attempted solutions have ranged from control of the stream, via damming, zoning, and subdivision regulations, to emergency procedures such as temporary evacuation. Debate has arisen over the effectiveness of the above solutions in maintaining natural drainage processes and in meeting environmental quality objectives of the new water resources environment. This all presents a rather baffling array of problems to local officials.

The haphazard nature of urban development has meant that the related pollution is scattered throughout the country and changes location with each new development. As a result, public awareness of the problems and efforts to control them are usually localized, with only a few government officials actively involved. Too many Federal, State, and local officials fail to realize the seriousness of the problem, and are unaware that the basic principles of resource conservation are applicable to urban as well as rural areas.

The aggravated erosion and sediment pollution problems in developing areas can be significantly reduced by simply using the most basic technique which has been used for years in rural areas. In controlling topsoil erosion on exposed areas, some type of ground cover should be provided. Inexpensive and effective materials have been developed for developing areas where vegetation is not feasible. These include liquid asphalt, spun glass, and fiber net ground covers, which are already being used in several areas with great success.

The mechanics of controlling erosion and sedimentation problems in developing areas are already known. Monumental waste and environmental damage can be prevented if the knowledge and resources are channeled into localities where they are needed, and the watershed program as it now stands, is simply not doing the job.

I have introduced a bill into the House, H.R. 15596, which would provide a direct link between the Secretary of Agriculture and developing areas, and would provide for binding agreements of up to 10 years. The Secretary is authorized to cooperate and furnish financial and technical assistance to States, counties, municipalities, and other public agencies in formulating development land use plans and controlling erosion and sediment in developing rural and urban areas. In the assistance agreements, the Secretary shall require the cooperating agency to assure him it will enact and enforce adequate regulations and bear proportionate costs for preparing the plan.

The Secretary is also authorized to initiate and accelerate educational programs across the Nation. These programs can be instrumental in correcting the discouraging lack of knowledge that has made our developing areas a blight on the environment. A summer job corps made up of students in agriculture and related areas is established, and $5 billion is provided for implementation of the needed programs. My bill provides the energy and means to direct resources where they are needed, and should receive the attention and enthusiasm that it needs to make its programs possible.

CAPTIVE NATIONS WEEK

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. GRIFFIN. Mr. Speaker, this week of July 16–22 we mark the 13th annual observance of Captive Nations Week. Every year since 1959, by Presidential proclamation, we have taken the observance of Captive Nations Week to rededicate ourselves to the ideals of freedom and self-determination for all people. It is a week in which we remember the plight of over 1 billion people in captive nations existing under a form of government not of their choosing.

I believe it is important that we continue to remember and to remain aware of the situation existing in the many captive countries of the world. As our Nation enters what some consider a new era of peaceful coexistence and negotiation, we cannot allow ourselves to be lulled into apathy or complacent self security that would ignore the conditions of one-third of humanity which lives in the 27 captive nations. Despite all of our changes in policy and countless diplomatic agreements the reality of these 27 nations remains to challenge our concern and commitment to freedom.

The people of the world and especially those in bondage look to us for encouragement in their quest for freedom, liberty and basic human rights. This week the Governors and mayors in 37 States join 17 other countries in the observance of Captive Nations Week.

I welcome the observance of this week as we mark it with a reaffirmation of America's commitment to liberty and an end of oppression for all the peoples of this planet.

EISENHOWER MISQUOTED AGAIN

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. SPRINGER. Mr. Speaker, I presume that during this campaign there will be many misquotations and may misquoted candidates. One candidate has been trying to represent himself as a disciple of former President Dwight Eisenhower.

These misunderstandings come from taking quotations out of context. The Boston Sunday Herald Traveler and Sunday Advertiser of July 2, titled, "Eisenhower Misquoted Again," gives you some idea of how that particular candidate considers himself a disciple of Eisenhower. Nothing could be further from the truth as the editorial so well explains.

The editorial follows:

EISENHOWER MISQUOTED AGAIN

Guess who was trying to pass himself off as a "disciple" of former President Eisenhower the other day? Not Richard Nixon, who could claim that distinction with considerable justification, since he did serve eight years as Ike's Vice President.

No, the alleged "disciple" is none other than Sen. George McGovern.

Because Eisenhower once made a brief reference to the so-called "military-industrial complex"—a spectre which McGovern finds so frightening that he has proposed a 40 percent slash in defense spending—somebody recently pinned the "disciple" label on the Senator from South Dakota. And the other day McGovern declared that he was proud to accept it.

Eisenhower, he said, was a man "who concluded his administration with a farewell address in which he said that the great single danger to this country is the mounting power of the military and industrial complex."

President Eisenhower, of course, never said any such thing. And McGovern should know it, though Ike's statement about the military-industrial complex has been misquoted, distorted and taken out of context so often that one more misrepresentation comes as no great surprise.

In his farewell address on Jan. 17, 1961, Eisenhower did indeed warn that the nation should "guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex." But he added rather significantly that the existence of that complex, though potentially dangerous, was largely unavoidable.

"We recognize the imperative need for this development," he said, noting that "we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions."

Another phrase in his address almost never quoted by those who seek to depict General Eisenhower as a budding pacifist: "A vital element in keeping the peace is our military establishment. Our arms must be kept mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

Any similarity between these statements and the twisted version of them by Sen. McGovern is rather hard to find.

No one knows, of course, what President Eisenhower's attitude toward the current political and military situation might be if he were alive today. But our guess is that he probably wouldn't smile on Sen. McGovern's plan to emasculate our defenses or be amused by the prospect of the South Dakota Senator posing as his "disciple."

To quote Ike's son, Col. John Eisenhower: "If Sen. McGovern is indeed a disciple of my father in his military opinions, then the Boss must be rotating in his grave at the failure of his pupil to learn his lessons."

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD the monthly calendar of the Smithsonian Institute. The July calendar of events follows:

CALENDAR OF THE SMITHSONIAN INSTITUTION

JULY 1972

SUMMER HOURS

Museum of History and Technology; Museum of Natural History; Arts and Industries Building: 10 a.m.—9 p.m. seven days each week.

Freer Gallery of Art; National Collection of Fine Arts; National Portrait Gallery; Renwick Gallery; 10 a.m.-5:30 p.m. daily.

National Zoo buildings: 9 a.m.-6 p.m., daily.

Anacostia Neighborhood Museum: 10 a.m.-6 p.m., weekdays; 1-6 p.m., weekends.

MUSEUM TOURS

INFO '72. Museum of Natural History, Museum of History and Technology, Arts & Industries Building. Walk-in tours are conducted by summer volunteers beginning every half-hour between 10:30 a.m. and 12 noon and between 2 and 4 p.m. at the Info Desks. Special group tours for these buildings can also be arranged by calling 381-5304.

National Portrait Gallery. Group tours by appointment, 381-6285. "Accoustiguide" tour (45 minutes) of the exhibition "If Elected . . ." Unsuccessful Candidates for the Presidency, 1796-1968. Recorded by Dr. Marvin Sadik, Director of the NPG. $1.

National Collection of Fine Arts. Group tours by appointment, 381-6541.

Dial-a-Phenomenon—737-8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

DEMONSTRATIONS

Museum of History and Technology

Music Machines—American Style. Mechanical and electronic music machines. Monday, Tuesday, Thursday and Sunday, 1:30 p.m., 2nd floor. As part of the *Music Machines* exhibit, excerpts from filmed musical productions are shown continuously during the museum hours.

Spinning and Weaving. Tuesday, Wednesday, Thursday, 10:30-12:30.

Machine Tools. Wednesday, Thursday, Friday 1-2 p.m.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs Editor: Lilas Wiltshire. *Deadline for entries in the August Calendar: July 5.*

Dial-A-Museum—737-8811 for daily announcements on new exhibits and special events.

FOREIGN STUDY TOURS

For members of the National and Resident Associates. For further details on tours, listed below, write Miss Schumann, Smithsonian Institution, Washington, D.C. 20360.

1972:

The Pilgrimage Road: Sept. 11-Oct. 9.

No-Tour Tour (Dulles-London-Dulles): Sept. 11-Oct. 2.

Russia: Sept. 12-Oct. 3. Waiting list only.

Pakistan and Afghanistan: Oct. 9-Nov. 8. Waiting list only.

1973:

Peru (archeology tour): Feb. 8-Mar. 5.

Morocco: Mar. 6—3 weeks.

Prehistoric Caves of Spain and France: April 2—3 weeks.

Middle East (Lebanon, Jordan, Cyprus and Israel): April 13—3 weeks.

Sites of Civilization: Oct. 7—3 weeks on the cruise ship *Argonaut*.

African Safari (Tarzania and Kenya Game Parks and Seychelles): Oct. 3—3 weeks.

CLASSES AND WORKSHOPS SPONSORED BY THE SMITHSONIAN ASSOCIATES

Classes are available in the following categories on a subscription-only basis. For information, call 381-5157.

Tiny Tots (ages 4-7), Two-week sessions every Tuesday, Wednesday, and Thursday. July 11-20; July 25-August 3; August 14-24.

Young People (ages 8-13). Same schedule as above.

Teenagers and Adults: Twice a week for three weeks. July 10-27; August 7-24.

Changes of address and calendar requests: mail to Central Information Desk, Great Hall, Smithsonian Institution Building, Washington, D.C. 20560. When applicable, please include old calendar label.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS-AM (570) and FM (103.5) from 9-9:30 p.m. The program schedule for July:

2nd *The World of Ants.* Ronald Goor of the National Museum of Natural History describes the complex lifestyle of ants. *Exploring Oriental Art*, with Harold Stern, Director of the Freer Gallery of Art.

9th *Concert* featuring Sebastian Kelber, recorder; Lane Anderson, cello; and James Weaver, harpsichord.

16th *The Megastates of America.* Journalist Neal Peirce, a fellow of the Woodrow Wilson International Center for Scholars, discusses our ten largest states—their similarities and differences.

23rd *Folk Concert*, featuring British singers David and Toni Arthur and John Harrison.

30th *Understanding Drugs.* A look at the drug scene today, as reflected in the Smithsonian's current exhibition on drugs.

PUPPET THEATRE

Tom Sawyer. A return engagement of Allan Stevens and Company's original production of the Mark Twain classic. The fifteen puppets include Tom, Huck, Injun Joe and Becky Thatcher, all acting out their adventures in a multi-media setting. Performances begin at 11 a.m., 12 and 1 p.m., in the History and Technology Building auditorium, and will run through July 9 (except July 3rd). Admission is $1 for children; $1.25 for adults. Reservations may be made by calling the Box Office, 381-5395. The Marvelous Land of Oz returns to the Puppet Theatre July 12 and will remain through Labor Day. Performances are 11 a.m., 12 and 1 p.m. Wednesdays through Sundays. The Smithsonian Resident Puppet Theatre is produced by the Division of Performing Arts.

JUNE 30—JULY 4

Festival of American Folklife—featuring the State of Maryland, Union Workers, and the American Indians of New Mexico and Arizona. Sixth annual presentation sponsored by the Smithsonian Institution Division of Performing Arts. Crafts, cooking and horse demonstrations, hayrides, concerts, dances, music workshops and panel discussions will be among the activities scheduled from 11-5:30 daily on the Mall, with a special all-day gospel sing on Sunday and the first Smithsonian Fiddlers Convention and competition on Tuesday from 1-7 p.m.

In cooperation with the National Park Service, a Maryland Waterways Area has been organized at Hains Point with the ships and crafts of the Eastern Shore, demonstrations of waterfowling with Chesapeake Bay Retrievers, and workshops in fur trapping and boat building. A shuttle will be available between the Mall and the Waterways Area from 11 a.m.-5 p.m.

On the Mall, the Maryland Horse Area will feature many breeds and uses of horses and ponies with dressage and hunting demonstrations as well as the horse-drawn fruit vending carts of Baltimore's "Arabbers." The Maryland Area will also include the music and food of the varied ethnic communities—Italian, Greek, Polish, Amish, and Turkish.

The American Indian Area this year will feature the traditional culture that still plays a large part in the Indian community of the Southwest—the crafts, dances, food and clothing. Workshops and panel discussions will also be held each day, and intertribal dances will be performed Friday and Sunday evenings at 9 o'clock.

The Union Area will include lithographers, needle trades workers and cabinetmakers. The oral traditions of the labor movement will be told by folklorists and craftsmen through songs and discussions.

Films related to the Festival will be shown in the auditorium of the Museum of Natural History from 11-4, and informal concerts will continue on the Mall each evening until 8:30 p.m.

SAT. 1

Exhibition: *The Monotype: An Edition of One.* Thirty-nine one-of-a-kind prints by four American artists—Maurice Prendergast, Abraham Walkowitz, Milton Avery, and Matt Phillips. Each artist is also represented by one example of his work in another medium. At the National Collection of Fine Arts, through August 6. Circulated by the Smithsonian Institution Tarveling Exhibition Service.

TUE. 4

Lecture: *Colonial American Craftsmen: the Age of Pride*, by Leonard Everett Fisher, designer of four new postage stamps, commemorating colonial artisans, that will be issued on Independence Day at Williamsburg, Va. Jointly sponsored by the Smithsonian and the Postal Service, this is the first in a series of Philatelic Dedicatory Lectures. 4:30 p.m. National Museum of History and Technology auditorium.

WED. 5

Design film: *The Music Rack.* Filmed by the American Crafts Council, wood craftsman Wendell Castle is shown making a complex laminated mustic rack. Continuous half-hour showings from 11 a.m.; last showing 2:30 p.m. The Renwick Gallery.

THU. 6

Creative Screen: *Our Country's Flag*—Prints, paintings, manuscripts and maps document the dramatic history of the American flag; *Photography as an Art*—Ansel Adams explains his photography and discusses his mehods of teaching; *Multiply and Subdue*—A new film that uses abstract photography to portray an ecological theme. Three-film program begins at 11 a.m., 12 noon, and 1 p.m. National Collection of Fine Arts.

SAT. 8

Creative screen: *Our Country's Flag; Photography as an Art; Multiply and Subdue.* Repeat program. See July 6 for details.

WED. 12

Exhibition: *Hall of History of Money and Medals.* New hall displaying the remarkable Josiah K. Lilly Jr. Collection; demonstrating the art of coin-making from the 7th century B.C. to the lastest electronic methods, and depicting the work of counterfeiters. Children's Corner includes buried Roman coins, shipwrecked Spanish bullion and hoarded pirate "pieces-of-eight." Third floor, National Museum of History and Technology.

Design film: *Design and Man.* A filmed look at industrial and commercial design, and the design process. Continuous showings from 11:00 a.m.; last showing 2:30 p.m. The Renwick Gallery.

FRI. 14

Exhibition: *Hall of Printing and Graphic Arts.* New hall illustrating the printer's craft over five centuries. Among the period rooms is an 18th century shop like one Benjamin Franklin might have used. In the printmaking section, techniques of such great masters as Rembrandt and Munch are shown. Third floor, National Museum of History and Technology.

Exhibition: *Artist-Naturalists: Observations in the Americas.* Some 70 works dating from the 1720's to the 1920's by American artists Mark Catsby, Alexander Wilson, John James Audubon, Martin Johnson Heade, the Thayer family, and Louis A. Fuertes. National Collection of Fine Arts, through September 10.

TUE. 18

Lecture: *The Glass of Frederick Carder,* by Paul V. Gardner, Smithsonian Curator of Glass and Ceramics. Mr. Gardner, who worked for Carder at the Steuben Glass Works, will give a personal glimpse into the life of Carder—a major figure in the late 19th century and early 20th century English and American glassmaking. The lecture will also focus on the sources of Carder's inspiration and the development of his various complicated processes. 8:30 p.m., The Renwick Gallery.

WED. 19

Design films: *The Music Rack.* Repeat. See July 5 for details.

THU. 20

Creative screen: *Matrix*—Design in motion using graphic computer instrumentation; *Mark Tobey*—The rhythms and designs of Tobey seen in his paintings from the early market scenes to the abstract Broadway light series. Background music and narration by the artist. Two-film program begins 11 a.m., 12 noon and 1 p.m. National Collection of Fine Arts.

SAT. 22

Creative screen: *Matrix; Mark Tobey.* Repeat. See July 20 for details.

WED. 26

Design film: *Glas-leerdam.* The design and manufacture of glass. Continuous showings from 11 a.m.; last showing 2:30 p.m. The Renwick Gallery.

DRUGS: A SPECIAL EXHIBITION

Schedule of special activities arts and industries building

(For last-minute schedule changes, call 737-8811)

July

1-2 *Dusty and Sweets McGee,* film by Floyd Mutrux. 11:30 a.m., 2:30, 4:30 and 6:30 p.m. Question/answer sessions follow.

3 *Inner Voices of Lorton*—Performances at 1:30 and 4:30 p.m. *Dusty and Sweets McGee*—6:30 p.m.

4 *Dusty and Sweets McGee.* See July 1.

5 Films: *Skezag*—11:30 a.m. and 4:30 p.m. *US*—2:30 and 6:30 p.m. Discussion of film and related questions follows each screening.

6 Films: *Speedscene*—11:30 a.m. and 4:30 p.m. *The Opium Trail*—2:30 and 6:30 p.m. Discussion of film and related questions follow each screening.

7 Films: *David*—11:30 a.m. and 4:30 p.m. *Brian at 17*—2:30 and 6:30 p.m. Question/answer session follows:

8-9 *New York Free Theatre*—Performances at 1:30 and 5 p.m.

10 Panel discussion: *Ethics of Addiction,* 10:30 a.m. and 2 p.m. Panel discussions follow presentation of papers with time devoted to questions from the audience.

11-12 Video replay of July 10 panel discussion. 10:30 a.m. and 2 p.m.

13-14 Films: NIMH documentary *Drugs*—10:30 a.m., 2:30 and 4:30 p.m. *Curious Alice*—11:30 a.m, 3:30, 5:30 and 7:30 p.m.

15-16 Film: *Long Day's Journey Into Night*—11:30 a.m., 2:30, 5 and 7 p.m. Question/answer session follows.

17 *Inner Voices of Lorton*—Performances at 11 a.m., 2:30 and 4:30 p.m.

18 Films: *Darkness, Darkness*—10:30 a.m., 2:30 and 4:30 p.m. 11:59 *Last Minute to Choose*—11:30 a.m., 3:30, 5:30 and 7:30 p.m. General question/answer session follows.

19 *Inner Voices of Lorton*—Performances at 11 a.m., 2:30 and 4:30 p.m.

20 Films: *US*—10:30 a.m., 2:30 and 4:30 p.m. *Speedscene*—11:30 a.m. 3:30, 5:30 and 7:30 p.m.

21 Film: *The People Next Door*—11:30 a.m., 2:30, 4:30 and 6:30 p.m. Question/answer session follows each showing.

22-23 *Marathon House Players of Boston*—Performances at 1:30 and 5 p.m.

24 Panel discussion: *Drugs in Transit,* Panel discussion follows presentation of papers with time devoted to questions from the audience. 10:30 a.m. and 2 p.m.

25 Films: *US*—10:30 a.m., 2:30 and 4:30 p.m. *Speedscene*—11:30 a.m., 3:30, 5:30 and 7:30 p.m.

26 Films: *David*—10:30 a.m., 2:30 and 4:30 p.m. *Curious Alice*—11:30 a.m., 3:30, 5:30 and 7:30 p.m.

27 Films: NIMH documentary *Drugs*—10:30 a.m., 2:30 and 4:30 p.m. *Ebena*—11:30 a.m., 3:30, 5:30 and 7:30 p.m.

28 Films: *To Find Our Life*—10:30 a.m., 2:30 and 4:30 p.m. *Darkness, Darkness*—11:30 a.m., 3:30, 5:30 and 7:30 p.m.

29-30 Film: *The Trip*—11:30 a.m., 2:30, 4:30 and 6:30 p.m. General question/answer session follows.

31 Films: *Epitaph*—10:30 a.m., 2:30 and 4:30 p.m. *US*—11:30 a.m., 3:30, 5:30 and 7:30 p.m.

THE SMITHSONIAN BOOKSTORE

A handsome new bookstore, operated for the Smithsonian by McGraw-Hill. Inc., opened June 20, with general and specialized publications reflecting subjects of Smithsonian exhibits and research. It features a replica of the now defunct "Shakespeare & Co.," in Paris, the famous American bookshop which figured prominently as a gathering place during the 1920's and 1930's for Hemingway, Joyce, Pound, Gide, Gertrude Stein and Scott Fitzgerald. At the Constitution Avenue entrance of the National Museum of History and Technology.

HELP FOR SMALL BUSINESSES

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. HEINZ. Mr. Speaker, we all recognize that small business forms the backbone of America's economy and that, with the growth of bigness and the increasing merger of firms in industry, it is vitally important for the Government to protect and encourage the independence of small businessmen.

In recognition of this, the Department of Commerce recently activated a program to assist small businesses. What follows is a story carried in the Pittsburgh Press on May 7, 1972, which describes this important effort.

I am sure my colleagues join me in saluting the initiative of both the public and private sectors in combining to bring meaningful assistance to perhaps our most valuable resource for new economic growth, the small businessman.

"PROBLEM-SOLVERS" GIVE SMALL MANAGEMENT A LIFT

(By William H. Wylie)

Sometimes it's shocking what the president of a small to medium-size company doesn't know.

One chief executive drew a blank when asked how big the market is for the three-sided widgets his firm manufactures.

Another's knowledge of recent tax changes was disturbingly lean.

A third was hopelessly out of touch with the latest thinking on corporate planning.

Each situation had the makings of a business tragedy because in a company that does $2 million to $4 million a year the mantle of leadership rests squarely and sometimes solely on the president's shoulders.

Obviously these "minis" of the business world cannot afford full-time staffers for market research, legal and tax counsels and corporate planning. But there are ways to keep in touch with the latest management skills without straining the pursestrings.

One morning last month nearly 100 small company executives met at the Mountain View Inn near Greensburg. Lewis E. Conman, director of the Pittsburg Field Office of the U.S. Department of Commerce, presided at the day-long session.

At his disposal were a half-dozen panelists—high-priced talent that few, if any, of the companies could afford on their payrolls full time. But for Conman—and Uncle Sam—they were working free.

One of the panelists, Marvin S. Lieber, a tax consultant and partner in the Pittsburgh law firm of Berkman, Ruslander, Pohl, Lieber and Engel, explained during a recent interview why he was there.

"These seminars give business executives exposure to opportunities they aren't even aware of," he said, stressing the lack of management expertise in smaller firms.

"Some of the small companies of today will be the big ones of tomorrow," he added, "if they make the right moves."

Lieber cited one of the chief concerns at the White House conference on business planning earlier this year—failure of many companies to exploit management techniques, which Americans have a genius for perfecting.

Another panelist, Richard C. Andres, president of Marketing Services Associates, said the session was an opportunity to tell businessmen "what market research can and cannot do."

Conman's "road show," which he said is unique to the Commerce Department's Pittsburgh office, also appeared in Erie and is booked for Cleveland. While the "actors" may change, the plot remains the same—offering businessmen a look at tax advantages, marketing, accounting and other management tools.

If there is a quick way to get a businessman's attention, it's by discussing tax breaks. Consequently Lieber touched some tender nerves.

He advised how to use the new 7 percent investment credit (even a new grocery counter may qualify) and how to take advantage of the faster depreciation rules.

Lieber also explained how an employer can reduce his taxes by providing jobs for disadvantaged workers. For each dollar in wages, an employer actually pays only 25 to 30 cents after appying tax credits, he said.

"Once an employer learns how to communicate with a ghetto-type worker, he often gains a valuable employee," Lieber added. The federal government prods businessmen to take a chance by offering tax incentives.

As for market research, Andres listed these objectives:

A measurement of market size and growth, including geographic dimensions, so "sales muscle" can be applied in the right places (don't assign 10 salesmen to Memphis if only 1 percent of the market is there).

An audit of the competition to determine who has what share of the market.

A determination of the best ways to reach customers—through distributors, dealers, catalogs, etc.

Andres said it's important to get market research into decision-making early to make sure ideas are salable. A company ought to know whether a product should be "red, square and under $500," long before it goes into production, he explained.

Joseph F. Di Mario, a partner of Touche Ross & Co., discussed accounting as a planning and management profit tool.

International business planning was tackled by Arthur L. Fitch of Fitch Associates, and Edward A. Hebditch spoke on corporate planning for large and small companies.

Sales training, a luxury for most small firms, was discussed by G. Edward Winner whose company (same name) has trained nearly 30,000 salesmen.

Their topics represent the sophisticated tools needed for modern management, whether a company is big or little.

Andres used this analogy:

On a clear day a pilot bound for Erie can see his destination from Pittsburgh once he gains altitude. All he has to do is point his plane in the right direction.

But on a foggy day a pilot needs instruments—altimeter, compass, radar, etc.—to make the same flight.

In the years following World War II, the "weather was clear" for business. But in recent times fog has set in and a businessman needs instruments—tax expertise, sales training, market research, etc.—to keep from "hitting the mountains."

He may still hit a mountain if he's a poor pilot but if he reads the instruments correctly his journey should be profitable.

Commerce is trying to steer small companies away from the "wing-and-a-prayer" strategy and into a more scientific flight plan.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting the July 10, 1972, edition of the Bulletin of the American Revolution Bicentennial Commission—ARBC—into the RECORD. I take this action to help my colleagues be informed of ARBC developments leading to the observance of the Nation's 200th anniversary in 1976. The bulletin is compiled and written by the ARBC Communications Committee staff. The bulletin follows:

[From the Bicentennial Bulletin, July 10, 1972]

EXCERPTS FROM THE PRESIDENT'S SPEECH

On the Fourth of July, President Nixon delivered a radio address to the Nation and announced that in the near future he would be extending an Invitation to the World for the Bicentennial. In his speech, the President briefly mentioned the three interrelated programs of the ARBC and then said, "The third major program, the one I especially want to talk about this morning, will be known as Festival USA. Its concern will be travel, discovery and hospitality. Hospitality by Americans to Americans and hospitality by Americans to millions upon millions of visitors from nearly every other country on the globe.

"In the near future, I will be sending in the name of all the people of the United States, formal and official invitations to the governments of nations around the globe, extending a welcome to the people of those nations to visit the United States as laws and circumstances permit during the Bicentennial Era and especially during the year 1976.

"This unprecedented invitation to the world is particularly appropriate for two reasons, first because America is and always has been a nation of nations.

"A second compelling reason for this invitation to the world relates to our hopes for a genuine and lasting peace among nations.

"Nations, like individuals, stand a better chance of working constructively together if people on both sides can learn to respect one another as fellow human beings.

"Our invitation to the world can contribute significantly to that crucial process. As we move toward 1976, the American Revolution Bicentennial Commission will follow up on this invitation with a vigorous action program. I urge every American to join in support of that program."

AMERICAN REVOLUTION BICENTENNIAL

On the Fourth in Colonial Williamsburg, Virginia, the Bicentennial's Philatelic-Numismatic Combination was unveiled by 17 year old David Halaas, a member of the ARBC's Philatelic Advisory Panel. He also mailed the first medal-stamp envelope to President Nixon in a special ceremony following the presentation of the Bicentennial flag on the Market Green. In the U.S. Postal Service's ceremony presenting the four new Bicentennial stamps in front of the Old Colonial Post Office, Halaas noted that he was among several young people participating in various ways to help plan the Nation's Bicentennial.

The District of Columbia government announced over the Fourth holiday weekend that a year-long study at a cost of $57,000 will commence to ascertain ways to alleviate transportation problems for the Bicentennial.

The ARBC wishes to salute the producers and directors and all associated with the Fourth of July special on NBC, "The Stars and Stripes Show." A special thanks is also extended to Mr. Bob Hope for his Bicentennial Message and to all the entertainers and sports figures who participated in this nationwide show that was incorporated in the ARBC's official 1972 "Spirit of '76" program from coast to coast.

The District of Columbia's Bicentennial Assembly, formed by Mayor Walter E. Washington, was sworn in on June 25 and will work in conjunction with the D.C. Bicentennial Commission. The Assembly resolved that "complete self-government and full congressional representation become the No. 1 priority for the Bicentennial." The Assembly, which will serve as the Commission's liaison with the community at large, will develop plans for tourism, economic development, rehabilitation of neighborhoods, pollution control and public safety. The 75-member group was elected by communities in D.C. and then appointed by the Mayor.

Commission Members Thomasine Hill, Roy Brooks and Ken Beale participated in the annual nationwide assembly of high school student council leaders June 25–29 at Forest View High School in Arlington Heights, a suburb of Chicago. The Commission Members encouraged the student reps to return to their states and schools with the ARBC message—that there is to be a national renaissance between now and 1976 and that students as the Citizens of Century Three should be in the forefront. The Resolution passed by the Conference reads as follows:

"RESOLUTION

"Whereas, The Congress of the United States in 1966 created a Commission, the American Revolution Bicentennial Commission, to plan, encourage, develop and coordinate all commemorative aspects for the 200th anniversary of the nation in 1976; and

"Whereas, The Congress of the United States, and both Presidents Lyndon B. Johnson and Richard M. Nixon have charged the Commission with the responsibility of making the Bicentennial national in scope, by providing opportunities for participation on the part of all Americans, transcending through every level of Government; and

"Whereas, The President, in discussing the concept of a Bicentennial Era, beginning in 1970 and continuing through 1976, the focal year, stated, "We want this celebration to be national. It must go directly to the people and derive its strength from the people. And we want people all over this land to sense the greatness of this moment, to participate in it, and help us all to discover what that national spirit is."; and

"Whereas, The President and the Commission have endorsed a community goals-setting program as a call for achievement from coast to coast and border to border within the nation under the concept of "Horizons '76" to urge the people to survey the conditions of their communities, to determine their goals and priorities for achieving and answering the challenge that confronts cities and communities across the land; and

"Whereas, Young people nationwide have a special responsibility at this moment, given the franchise of the landmark 26th Amendment.

"Now, therefore, be it resolved, That the National Association of Student Councils shall join the United States Congress and the President in commemorating the anniversary of this great Nation and honor the challenges of the day to join in a national spirit of community improvement; and

"Be it further resolved, That the National Association of Student Councils shall actively encourage high school participation in community activities during this Bicentennial Era and shall encourage a positive youth movement to be in the forefront of community Bicentennial activities; and

"Be it further resolved, That the National Association of Student Councils in the spirit of its 1972 "Youth in Action" Conference, serve as catalyst to high school students, the citizens of Century Three in encouraging them to use the time of the Bicentenniao Era to translate their many goals into action."

During the ARBC Seminar on June 28, 85 student delegates representing 28 states handed the ARBC Members their names and asked for assistance in getting involved in the Bicentennial.

Contact Duke Zeller (202) 254–8007.

CRIME AND NARCOTICS POSITION PAPER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. BIAGGI Mr. Speaker, at a recent press conference our former colleague from Westchester County, Richard Ottinger, made some relevant comments regarding crime in our society. I consider Mr. Ottinger's remarks to be extremely noteworthy and informative.

Mr. Ottinger's comments are significant, because he proposes realistic suggestions to finding solutions to crime—rather than just engaging in the normal rhetorical criticism of crime. His proposals are far-reaching and cover all aspects of crime in our society—from the hardened to the potential criminal—from the crimes in the ghetto to those in affluent suburbia. He also criticizes a society which has become too permissive about criminal behavior by stating that we have been "agonizing more over the fate of criminals than over the fate of victims and potential victims."

For the benefit of my colleagues, and considering the timeliness of Mr. Ottinger's remarks, I submit them in the RECORD at this point:

CRIME AND NARCOTICS POSITION PAPER

THE BACKGROUND

It's time to get tough on crime. It's time to stop talking and start acting, fast, before our entire civilization breaks down.

In the Bronx today many of the public schools are jungles. There are daily reports of knifings, shootings, and muggings. Parents, teachers, and students alike are terrorized. This is one of the principal causes of the disasterous flight from the cities of the solid, middle income people who must form the background of any healthy community.

All the central city areas of the district, in the Bronx and in Westchester, are like ghost towns at night. Their stores are closed, their windows guarded with iron gates. Their streets are deserted. Fear is evident in those who must be out as they scurry furtively to their destinations.

Even in broad daylight, the people of our cities don't feel safe. There are pervasive muggings and robbery everywhere. Gangs roam many of the streets. The subways and buses are unsafe. Even those in quiet suburban homes live in constant apprehension about burglaries. Car thefts are rampant.

Small businesses vital to the economic health of the community are rapidly being forced to close. Their theft and robbery losses are becoming prohibitive and insurance rates are climbing beyond their reach. Insurance is often unavailable at any price.

If present trends continue, our society will retrogress to wild west days when everyone lived by the law of the gun. Anarchy is pressing close upon us.

These are conditions that simply cannot be allowed to persist. There is only freedom for anyone under law. What we are witnessing is a massive breakdown of our systems of law and justice. Under these circumstances, law-abiding citizens have no freedom; only the outlaw is free.

I have no question but that our crime problems can be attacked effectively and constructively without embracing repressive measures that infringe on the rights of people accused of crime.

Politicians have given lip service to the soaring problems of crime, but have done little to devote the resources and efforts needed to resolve them. As I go around the district I find that this is a top concern of all citizens, black and white, in all areas. Obviously a crash program with real teeth in it is urgently required. I am therefore proposing a comprehensive crime control program designed to stamp out the blight of violent crime in our society.

POLICE SUPPORT

Prevention has to be the first line of defense against crime. People want security. They want not to be stricken or molested, mugged or robbed.

The best defense is a good offense, in crime prevention as in sports. Nothing is more reassuring to the citizen than a visible patrolman. We should act to enable high crime areas to restore the "cop-on-the-beat", an institution that served us well in days gone by but which has become prohibitively expensive for our hard-pressed cities today.

I am therefore proposing that the federal government beef up the Law Enforcement Assistance Act, adding $3 billion a year to enable high crime communities to at least double their police forces and give them the pay, training and support they need to do the job of protecting the citizenry.

Our police today are undermanned, undertrained and underpaid. They take enormous risks of life and limb, work hard hours, endure incredible abuse. This is unfair and unwise. Police should be adequately compensated for the risks they endure for us.

They are also too frequently abused. They get blamed for conditions that are the fault of our society. They deserve greater support. I therefore support wholeheartedly the legislation authored by Congressman Mario Biaggi and sponsored by 130 other Congressmen, the Policemen's Bill of Rights.

CREATE POLICE ACADEMIES

The rookie policeman today receives only six weeks training before going on the job. In that short time, he has to learn all about the intracacies of criminal law, court processes, proper procedures, traffic control, narcotics, the technicalities of arrests, how and under what circumstances to use force, and a myriad of other complicated matters. Such skimpy training is unfair to the police and to society.

I am therefore proposing that there be established local police academies on a county-wide basis for training local police recruits and the upgrading of the training of present officers, similar to what modern businesses like IBM do for their employees. Specifically I endorse Sherrif Daniel McMahon's excellent proposal for a Westchester Police Academy and will introduce legislation to see to it that federal funds are available for its support.

I am also proposing that there be a national police academy on a par with the military academies to give top police prospects the very best of education and training in modern methods of police work.

LAW ENFORCEMENT ASSISTANCE ACT FUNDS

The Law Enforcement Assistance Act has been a giant boondoggle, distributing money to communities regardless of need or their ability to use the money effectively. The waste of these vitally needed funds is close to becoming a national scandal. I will provide that the funds under the Act be distributed according to the rate of crime in the applicant community and that priority in funding go to police manning, training and pay.

CITIZEN PARTICIPATION

Added numbers of police in high crime areas probably will not be enough to stem the tide of violence. The active participation of the citizenry in crime detection and prevention will be needed. There are just too many reported incidents today where citizens fail to report crimes they see because of a fear of becoming involved and the demand it will make on their time and resources.

EVIDENCE INCENTIVE PROGRAM

I therefore propose an Evidence Incentive Program that will give rewards to those who give police information leading to criminal indictments. I also advocate establishment of a "hot line" on which a citizen can report what he knows about a suspected crime without becoming involved, and still be eligible for a reward for his information.

EXPAND AND UPGRADE AUXILIARY POLICE

Beyond this, I advocate a vast expansion of the Auxiliary Police with the help of federal funds and having them assume significant roles relieving police of non-crime duties and aiding police in the detection and prevention of crimes. Auxiliary police should be offered basic police training and, upon its completion, should be authorized to hold peace officer status, make arrests, and perform other appropriate police functions. To the extent possible, Auxiliary Police and civilian police employees should take over all work unrelated to the detection and prevention of crime, such as directing traffic, controlling crowds, guarding parades, performing clerical work, giving parking tickets, etc.

CONTROL HANDGUNS

Today there are still many jurisdictions in which it is as easy to get a handgun as it is to buy a peice of candy. While mail-order sales have been curbed, local sales have not. Much stricter control including licensing of holders and registration of concealable weapons will be required to reduce the currency of these lethal weapons. No. interference should be placed upon the legitimate sportsman—not even a fee for licensing—but a real national effort is required to keep handguns out of criminal hands. I also support legislation to impose drastically stiffer penalties on people who use a gun to commit a crime.

LIGHTING

Statistics prove that adequate street lighting can be invaluable to preventing crime. Federal funds should be provided on a matching basis to encourage cities to install modern lighting systems.

ADD COURT PERSONNEL

One of the greatst causes of police frustration today is that their arrests results in so few convictions and there are such long delays between arrest and trial. It seems fruitless to the polceman to make an arrest when he knows that within hours the person arrested will be out on the streets again and it will be months before he comes to trial. The chances that he will be in jail are less than 1 in 100.

Added numbers of police in high crime areas will bring increased numbers of arrests, even though the main benefit to be hoped for is a preventive reduction in crime. There is no use adding police without providing additional judges and judicial personnel to process their arrests. A key to reform of our criminal debacle, therefore, is streamlining our judicial machinery.

I will therefore propose federal legislation providing an additional $1 billion a year for the hiring of additional judges and judicial personnel, these funds to be distributed in accordance with the number of police deployed on the streets of a community. This formula is suggested rather than a formula geared to the backlog of cases so as not to reward inefficient judicial systems and penalize those which have done a good job of internal management.

No funds are proposed for courthouses. There are plenty of available facilities in every city, from abandoned storefronts to schoolhouses that stand empty half the day. Priority should go to getting the job done. We've seen too many bricks and mortar investments that merely end up as permanent homes for bureaucracies.

STIFF MANDATORY SENTENCES

Just as arrests too infrequently result in convictions, people convicted too frequently get sentences not at all commensurate with their crimes. This is partially the result of the inadequacy of our prison facilities and partially the result of a society that has become too soft on crime, agonizing more over the fate of criminals than over the fate of victims and potential victims.

For all crimes of violence, there should be stiff mandatory sentences. For willful homicides and those who sell hard narcotics to youths, the maximum penalty should be imposed. Getting a youngster hooked on drugs is the equivalent of taking his life. There is no known cure. We should throw the book at these offenders.

ADDED JAIL FACILITIES

Adequate jail facilities must be constructed. For every felony conviction, some period of the sentence should be devoted to severe punishment—confinement without such amenities as television and socializing. The bulk of the sentence should be devoted to rehabilitation. Serious efforts should be made at job training, and jobs must be provided by the government where private employment is unavailable. Half-way houses are badly needed so that released convicts have a constructive environment in which to stay. The present—average rate of recidivism is intolerable.

I therefore propose a $1 billion a year program for jail construction, rehabilitation programs and half-way houses, to be distributed in accordance with need in communities across the country.

PARENTAL RESPONSIBILITY FOR CHILDREN

An appallingly high percent of violent crime is committed by youths. To a great extent this is the result of the failure of parents to give their children adequate supervision. Parents should be given greater legal responsibility for the criminal acts of their children under age 18 who commit crimes harming the person or property of innocent victims. I therefore propose legislation that would make the parent of such child civilly liable for the damages their children cause others through the commission of a crime.

JOBS FOR YOUTH

Youthful offense is also caused by the failure of young people to obtain jobs. There is nothing so inviting to youthful misbehavior than the situation in which thousands of youngsters are on the streets with nothing constructive to occupy their time and no legitimate way of earning money. Furthermore, a valuable human resource is being lost to society. The government should become an employer of last resort, offering jobs and job training to every one, and denying welfare to all employable except mothers of small children.

LOWERING AGE OF YOUTHFUL OFFENDER TREATMENT

Lastly we have gone too far in protecting older youngsters from responsibility under the law. If 18 year olds are to be given the right to vote, they should be made fully responsible for their criminal acts. I therefore propose decreasing the age of youthful offender treatment to age 18.

WAR ON NARCOTICS EPIDEMIC

Narcotics addiction is at the root of a high percentage of violent crime in our cities today. In the New York metropolitan area it is estimated that there are 150,000 abusers of hard narcotics who must steal an average of $150 per day to feed a $50 heroin habit. In some jurisdictions, it is estimated that as much as 70% of violent crimes are committed by addicts. The specter of 150,000 people having to mug, rob and steal from 150,000 innocent victims every day is alarming as in itself to cry for drastic treatment.

I will reintroduce and press for the program I introduced in Congress four years ago to engage in a real war on narcotics addiction, including: 1) stiff mandatory sentences for non-addict pushers, sellers and processors of hard narcotics; 2) a crackdown on countries that permit illegal processing and export of hard narcotics including boycotting their exports; 3) increased funds for narcotics education; 4) increased funds for addict rehabilitation, including half-way houses; and 5) providing for the treatment of addicts as health problems and establishing clinics for their treatemnt so as to remove the necessity of their terrorizing society to feed their habit, to take the profit motive out of the narcotics traffic, and to end that traffic as a source of financing organized crime.

Full Federal support has never been given to the Narcotics Rehabilitation Act which I authored with Senator Robert Kennedy. I will push for full implementation and funding of this Act.

Certain it is that the present system of attacking our narcotics problem isn't working. Addition is spreading like an epidemic, with an estimated 40% increase just last year. Radical new steps must be tried to stem this crisis.

WESTCHESTER COUNTYWIDE DETECTIVE FORCE

On the local scene there arise special problems of criminal enforcement in Westchester County arising out of the proliferation of police jurisdictions. Westchester has 47 jealousy guarded kingdoms, and each one insists on its own police department that operates unfortunately independently of all the others, despite recent steps taken to at least provide common communications systems.

Local pride and local interest undoubtedly make it impractical to advocate a single county police force. But at the very least, there ought to be a county-wide detective force to investigate crime anywhere within the county and to give assistance to the local police upon request.

CENTRAL PURCHASING

And there surely should be central purchasing of all police equipment county-wide. Economies of scale in quantity purchasing could save local communities an estimated———million dollars a year. The taxpayer would get a far greater return on his dollar and police departments could get better equipment for less money.

GO AFTER MAJOR CRIMINALS

Westchester in particular, though this is undoubtedly true as well of other communities, should make greater use of grants of immunity to small fry criminals in order to more effectively prosecute the criminal big fish. The tendency today is to throw the book at the small guy who is easier to catch and convict so as to show a better conviction record, and ignore the major criminals who hire the small guys, mastermind the crimes and make most of the money out of the business of crime.

COST

Only a program as far-reaching, comprehensive and pervasive as this has a chance of succeeding. The cost at an estimated $5 billion additional federal dollars a year is high, but when you realize that we're spending that much every year to build superhighways, to go to Mars and to subsidize rich farmers not to grow crops, in perspective, it seems like a small price to pay for our security. Also, crime and the narcotics traffic is costing this country almost this much every year—a very unproductive expense.

ELIMINATING CAUSES OF CRIME

In the long range, radically reducing our crime rates will require much greater attention to the causes of crime as well as to the direct incidents of crime. In addition to providing adequate jobs, our cities will have to be rebuilt, decent housing made available at prices all citizens can afford to pay, adequate health care delivery systems will have to be instituted and hunger and malnutrition must be eradicated to make full and productive use of our human resources.

These undertakings are monumental, however. An immediate start on them is vital, reordering our spending priorities drastically and closing our gaping tax loopholes to pay for the huge investment they will require.

But these long range programs can't be expected to come to fruition quickly—they will take years. In the meantime we can't let our society disintegrate into lawlessness. Action on crime itself is needed urgently. It is needed now.

TASK FORCE

To refine these proposals and translate them into specific legislation, I am creating the first of a number of task forces of qualified citizens within our community. The Crime and Narcotics task force will include retired policemen, prosecutors, prison personnel, parole officers, narcotics experts and citizens who have been working on crime problems through civic organizations.

I am establishing the crime and narcotics task force first, however, because these problems seem first among the concerns of the people with whom I have talked in our district. Rather than just take a survey of their concerns, I have developed a specific program of action which I will do my utmost to see adopted.

NECESSITY FOR NATIONAL PRESIDENTIAL PRIMARY

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. BRINKLEY. Mr. Speaker, every convention reinforces my belief concerning the desirability, and now the necessity, for a national Presidential primary. As a first-time delegate to the Democratic National Convention in Miami last week, I saw the enormous complexities of housing, security, and communications and the process as it has come to be is something less than democratic. I know personally that many delegates who attended the convention were not representative of the area from which they came.

In April of 1971, Prof. William H. Gerlach, of the Political Science Department at Columbus College, Columbus, Ga., developed a suggested constitutional amendment for the election of the President and Vice President of the United States. His thoughtful proposal includes a provision for a national Presidential primary and commends itself to our careful study in moving towards an improved method for filling the highest offices in the land.

Professor Gerlach's proposal reads:

A SUGGESTED CONSTITUTIONAL AMENDMENT FOR THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

(By William H. Gerlach)

OBJECTIVES OF THIS SUGGESTED CONSTITUTIONAL AMENDMENT

1. To compromise between the proponents and opponents of election of the President by popular vote.

2. To compromise between the proponents and opponents of unrestricted grants in aid to the States.

3. To abolish the possibilities of fraud and the effect on voting behavior from news releases and projections by the mass media as presidential elections move westward.

4. To return the office of Vice-President to the status the constitutional convention intended it should have.

5. To increase the probabilities of electing Presidents by a majority.

6. To decrease the probabilities of all candidates failing to win a majority of electoral votes.

1. For the purposes of this amendment only, the word "State" includes the District of Columbia. "Party" means political party. "Party members" are those qualified voters of a State who are identified with a party on the voter registry of a State.

This avoids repetition of the phrase "a State or the District of Columbia," it provides for closed primaries to prevent "party raiding," which can deny the electorate of its right to choose from among the best candidates that all parties can offer.

2. In each year immediately preceding a year in which a President's term expires, on days to be determined by the Congress, presidential primary elections and presidential general elections will be held. The Congress shall determine the voting hours by local time in all time zones, providing for all polls in the United States to open and close simultaneously. The Congress shall determine the maximum compensations and rentals to be paid to conduct presidential primary elections, presidential general elections, and all other primary and general elections for the nomination and election of Members of the House of Representatives and the Senate, including special elections when vacancies occur; and the United States shall reimburse each State for all expenditures incident to conducting any such election, exclusive of the cost of capital investments, although candidates for other offices may be nominated and elected at any such election.

If States schedule all elections concurrently with those named, they will be relieved of all election expenses now borne by them. Each State will know how much money will be freed for general unrestricted use. The need for grants in aid will be less crucial. The uncertainties of new Congresses reducing appropriations for grants and questions as to whether States are using grants for other purposes than the national general welfare will be eliminated. Equality in aid will exist because election expenses are in ratio to population. There will be no justification for high filing fees which limit candidacies to the affluent. The fact that expenses may now be paid by counties and municipalities is irrelevant. They are agencies of the States and it is mostly for their needs that the States seek grants. The State problem of making equitable allocations to its subdivisions would also be solved.

Capital investments are excluded to prevent States from periodically purchasing new voting machines or expensive computor systems at national expense. Control of voting hours will decrease the possibility of fraud and influence on voting behavior from the news releases and projections of the mass media as presidential elections move westward.

3. Any person constitutionally qualified to be elected President may become a candidate for a party's nomination for President by filing, in each of any combination of States which together have a majority of the total electoral vote of the United States, a petition signed by himself and by a number, to be determined by the Congress, of that party's members in the State. The names of persons so qualifying shall appear on the ballots of the presidential primary election in all States as candidates for the nominations of such parties for President.

The signature of candidates is required to prevent groups from qualifying candidates without their consent. Petitions are to be filed in the States because the States will have the voter registry lists to validate signatures. Validation expenses would be reimbursable as expenses incident to the election. The requirement for voters' signatures is minimal and will be no problem for recognized candidates. It will hamper publicity seekers who attempt to use elections as a vehicle. Serious candidates can concentrate in areas of strength. If urban-oriented they can file petitions in a relatively small number of largely populated States. If rural-oriented, they can file petitions in more States with smaller populations.

4. In presidential primary elections, every citizen of the United States, qualified to vote in any State election, shall be qualified to vote in that State for two candidates for his party's nomination for president. The candidate in each party receiving the plurality of the total vote cast for each party's nomination shall be that party's nomineee for president. The candidate in each party receiving the second highest number of votes shall be that party's nominee for vice-president, and shall become the party's nominee for president if the presidential nominee dies or withdraws before the date of the presidential general election. The candidate in each party receiving the third highest number of votes shall become that party's nominee for vice-president if the vice-presidential nominee dies, withdraws, or succeeds to the presidential nomination before the date of the presidential general election. Additional substitutions for party nominations made necessary by other deaths or withdrawals shall be made by parties as Congress shall provide.

The nomination of candidates by popular vote is more likely to be accepted by States than the forfeiture of the electoral power they now hold with electoral votes. It certainly gives the people a louder voice than they now have. Voting for two candidates is a return to the original Constitution which provided in Article II that ". . . The electors shall . . . vote by ballot for two persons (for President) . . ." This amendment makes every voter an elector in the primary. The nominees for both offices will be persons who party members believe are qualified for the Presidency. It embodies Alexander Hamilton's thought when he wrote in Federalist Essay No. 68: ". . . as the Vice-President may occasionally become a substitute for the President, in the supreme executive magistracy, all the reasons which recommend the mode of election prescribed for the one apply with equal force to the other." Such substitutions have been more than "occasional" and the 25th amendment increases the possibility of their frequency. Vice-Presidents have completed terms of 8 of the 31 men who have been elected President. That is more than 25%. Since 1900, in 18 presidential elections, 29 men have had major party vice-presidential nominations. Only five of them, and some of those may be doubted, were serious contenders for the presidential nomination at the convention that nominated them. They were Garner, Bricker, Warren, Kefauver, and Johnson. The constitutional convention rejected the proposal that the Congress elect the President because the concept of separation of powers demanded that he not be subservient to the Congress. The same concept demands that the presiding officer of the Senate not be subservient to the President. It will be argued that parties will have two candidates with different political philosophies. It is more likely that each voter will vote for two candidates with similar philosophies. How many Republicans entitled to two votes in a primary in 1964 would have voted for Rockefeller and Goldwater? How many Democrats entitled to two votes in a 1960 primary would have voted for both Kennedy and Johnson for President?

5. In presidential general elections, every citizen of the United States, qualified to vote in any election in a state shall be qualified to vote in that state for one candidate for President and for one candidate for Vice-President, from among the nominees of all political parties whose candidates for nomination received no less than ten percent of the total vote cast for all candidates for nominations in the presidential primary election in each of any combination of states which together have a majority of the total electoral vote of the United States. Nominees for the office of President and Vice-President respectively who receive a plurality of the total vote in any state shall receive the total electoral vote of that state.

It will be easy for any party with a national appeal to qualify its candidates for the ballots of the Presidential General Election. It will be more difficult for ideological and regional parties. Such parties will not be discriminated against. All parties have equal opportunity, with the very small requirement of polling approximately 5% of the popular vote distributed in a way that indicates some national appeal, to qualify their candidates for the ballots in the Presidential General Election. The people are given the opportunity to reject the ideological and regional parties by denying the vote distribution that would indicate a national appeal. The possibility of electing a President by a majority is increased. The danger of crises from elections by the House of Representatives is decreased. Voting by electors is abolished but electoral votes are retained.

6. Each state shall have the number electoral votes equal to the whole number of Senators and Representatives to which the state may be entitled in Congress. The District of Columbia shall have the same number of electoral votes as the state with the least number.

This makes no change in the status quo in the foreseeable future.

7. Nominees for the office of President and Vice-President respectively who receive a majority of the total of electoral votes shall be the President and Vice-President. If no nominee for President has such majority, the House of Representatives, immediately following its organization in the January next following the presidential general election, by ballot will choose the President from among the nominees, not exceeding three, having the highest number of electoral votes. But in choosing the President, the votes shall be taken by State, the representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States and a majority of all States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon it, before the 20th day of that month, then the Vice-President shall be the President. If no nominee for Vice-President has such majority, the Senate immediately following its organization in the January next following the presidential general election, by ballot will choose the Vice-President from among the nominees, not exceeding two, having the highest number of electoral votes. A quorum for this purpose shall consist of two-thirds of the whole number of Senators and a majority of the whole number shall be necessary to a choice.

The only change made here is the imposition of a time limit on the power of the House of Representatives to elect a President. It is possible under the 12th amendment, as amended by the 20th amendment, for the House to elect a President at anytime in a four year period to replace a Vice-President who is "acting" as President and whenever the House was in session he would never know how long he would so act.

8. The Congress shall have power to put this article in effect by appropriate legislation.

DAVID F. MULLEN

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, there are those who say that of all the vocations open to people, the most rewarding is that of teaching and coaching the young. I am inclined to agree.

David F. Mullen pursued such a vocation for 42 years at Taunton High School in Taunton, Mass. where he taught science and coached football, baseball, and track.

His rewards were as many as the host of fine young men he turned out. A number of them gathered to pay tribute to him in 1965 upon his retirement.

His was a full life. He died June 28 at the age of 74.

I extend my sincere condolences to his family, reminding them that he lives on in many of the boys who felt his influence.

The full story of his life and death are told in this article from the Taunton Daily Gazette of June 29:

DAVID F. MULLEN DIES IN 75TH YEAR

More than seven years ago Mayor Benjamin A. Friedman prefaced the testimonial remarks by saying:

"The boys have come home tonight, Dave, to pay tribute to a man they have admired, loved and respected for many years."

Among the men that were considered his "boys" back in their high school days are lawyers, a police chief, Catholic priests, professional businessmen and civic leaders.

Hundreds of former students, teachers, friends and relatives gathered during that evening in May 1965 to honor David F. Mullen whose teaching and coaching career at Taunton High School had spanned over 42 years. Mullen died last night at 74.

It was at that 1965 testimonial that Mullen received a Golden Dome citation from Gov. John A. Volpe.

It reads: "For service to youth, awarded to David F. Mullen, coach, teacher, friend, who for more than 40 years produced fine athletes and students at Taunton High School and whose service to his city, state and nation is hereby recognized."

Police Chief John A. Bobola had played guard on Mullen's 1927 football team. At the testimonial Chief Bobola presented Mullen with a color television set as a gift from many friends of the coach supporting the testimonial.

Edward Litchfield, now news director for Radio Station WPEP, presented Mullen with a music box at the testimonial in behalf of the Taunton High School class of 1931. The music box played the alma mater song from Mullen's Boston College.

Atty. Philip J. Assiran, a football and basketball player for the class of 1936 at Taunton High School, was toastmaster at the testimonial and Henry G. Crapo, register of deeds, was general chairman.

Jeff Hayes of Taunton, a nationally known cartoonist, had painted a cartoon which brought out highlights of Mullen's career and that was also given to Mullen at the testimonial.

Taunton High School had its first football squad in 1922, the year that Mullen started his career here.

A native of Framingham, Mullen had been an outstanding football player and track star at Framingham's high school and he graduated from the school in 1916.

A year later he carried his talents to Williston Academy and in September 1917 he entered Fordham University on an athletic scholarship. He attended that university for two years, entered the Army and trained at Plattsburg, N.Y., where he was later commissioned following officer candidate school.

Mullen served at Fort Pitt, Pittsburgh, and was honorably discharged the following year as a veteran of World War One and holding the rank of second lieutenant.

When he learned that Fordham had dropped football, Mullen sought athletic scholarship assistance at another school. He went to Boston College and graduated from the college in June 1921 with a bachelor of science degree.

It was in 1922 that the Taunton school committee elected to hire a football and baseball coach on a full-time basis and Mullen started his coaching career and teaching science the following September.

Last night Mullen died unexpectedly at his home, 26 Newcomb Place. Associate Medical Examiner Theodore R. Thayer listed the cause of death as a coronary. Mullen was married to the former Bessie S. Miller.

Born in Concord, he was son of the late Thomas and Johanna Mullen and had lived in Taunton for the past 50 years.

He had served on the Taunton Recreation Commission for five years, retiring earlier this year. He retired in 1964 as acting headmaster of Taunton High School.

He had been a chemistry instructor at Taunton High School and was the head of the science department there. For 18 years he served as football, baseball and track coach for the high school.

Mullen played professional football with the Providence Steam-Rollers. He was coach of Taunton High School's baseball and football teams and for several years was coach of the track team until 1939. He became assistant headmaster and completed his career of some 42 years serving as the acting headmaster of Taunton High School between September 1963 and June 1964.

His 1922 football team, 1926 and 1935 baseball teams were cited as outstanding, the latter club was the last Taunton High School team to join the state championship playoffs.

A communicant of Sacred Heart Church, Mullen is survived by his widow; a son, David F. Mullen Jr. of Taunton; a sister, Mary Mullen of Framingham, and several nieces and nephews.

RECYCLING OF SCHOOL BOOKS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. ESCH. Mr. Speaker, new ideas and products which contribute to the movement to preserve and improve our environment are always in demand. The city of Ann Arbor has long been a leader in this movement, with many groups and individuals making significant contributions. Today, I would like to commend the Ann Arbor Publishers Co., whose development of a reusable paper is indeed one such contribution to the field of ecology.

The paper, when used in conjunction with a special ink, will retain no lasting marks. Any writing on the surface will remain no longer than a week. The paper would be used primarily in the books for schoolchildren, whose continuous scribbling renders the books useless after a few years.

This means books would no longer have to be thrown away. It would make unnecessary the maintenance of large inventories of books and the costly reordering of texts each year. Although the paper is 100 percent recyclable, it does not have to be recycled as often as normal paper because of its longer life. The image can be activated hundreds of times so that reusable books can be used again and again.

The coating on the sheet and the ink in the pen have been approved for schoolroom use by the Federal Food and Drug Administration.

Obviously, in a more humorous vein, the potential of this paper is almost unbounded. Think of the luxury which politicians across the Nation would enjoy by writing their speeches and making promises on this paper.

Mr. Speaker, the more serious contributions made by this invention surely deserve recognition and more importantly, utilization. The Ann Arbor Publishers Co. has developed a product whose advantages are manyfold. Even more significant is the fact that they have developed a product which renders sound ecological practices a more feasible and realistic goal. They are to be commended for that effort.

SPEECH OF JERRY L. PETTIS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. WINN. Mr. Speaker, I would like to take this opportunity to bring to the attention of the House a recent speech by my good friend and colleague, Congressman JERRY L. PETTIS. In his speech, he discusses one of the critical problems facing many of us whose districts include rural areas.

You will note that he suggests several possible alternatives to solving the medical personnel shortages in these areas. I recommend the study of his speech to you as the Congress begins to debate important alternatives to this vital problem.

The speech follows:

FINANCIAL INCENTIVES FOR MEDICAL AND OTHER HEALTH PERSONNEL TO LOCATE IN DEPRIVED AREAS

(Remarks of Representative JERRY L. PETTIS of California, before the Symposium on Distribution of Health Manpower, San Francisco, Calif.)

The topic assigned me is—frankly—not one to stir man's imagination. Whether we are talking about financial incentives or some other kind of incentive to get doctors and other health personnel into shortage areas, it is just not an exciting topic.

Nevertheless, it is an important topic. It is also a very frustrating topic. Many of us have tried to figure out how to get medical personnel into shortage areas. There are various financial incentives in present federal law. There are financial incentives in many states. According to my information, these programs have only limited success.

Such programs primarily involve forgiveness of student loans or some form of direct payment of tuition, perhaps a scholarship sponsored by a shortage area or the state medical society. There are also practice grants.

As you probably know, the federal legislation provides that medical students who practice in shortage areas and in poverty areas will be forgiven a portion of any fereral loan they received as a medical student for each year they practice in such areas. There are experts here from HEW who could probably tell you how much we have achieved from such legislation. I suspect it is very little.

One of the newer suggestions for financial incentives is the bill sponsored by Senator John Tower of Texas which would provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas. This bill—S. 3499 and its predecessor S. 576—would provide that certain medical income would not be counted as gross income for tax purposes.

Keeping in mind that this exclusion is limited to medical income, the Tower bill would provide that a practitioner in a shortage area could exclude $20,000 during the first taxable year of such practice, $15,000 during the second year, and $10,000 $7,500 and $5,000 during the third, fourth and fifth years.

The practitioner would be eligible for this benefit only if he is in practice in a shortage area for at least two years, and a practitioner would be eligible for the benefits only once in his lifetime.

The bill also sets out the criteria for certification by the Secretary of HEW as to what is a shortage area.

I am advised that the AMA's Council on Legislation looked at both of these bills and generally expressed support for this type of approach which uses the voluntary mechanism to establish incentives for physicians to practice in needy areas.

Indeed, I understand that in the Board of Trustees Report Q the Council on Rural Health and the Council on Health Manpower recommend support for legislation such as the Tower bill.

Many of you have spent years working in your state medical societies, on AMA councils and committees, working with rural communities and medical schools in trying to find physicians for shortage areas. Many worthwhile programs have been tried. The National Health Service Corps is the newest of a long line of ideas. I applaud the statement of the Council on Health Manpower and the Council on Rural Health found in Report Q that "There is no one, simplistic solution applicable to all medically deprived rural cases; rather, each area will need to develop its own plan, incorporating those approaches most appropriate to their particular needs."

As a Member of the Congress, I wish we could find the financial answer. I don't think we have it yet, in the present laws or in the Tower bill, although I certainly would support the Tower bill and hope that it would take care of the need in some places. In my own Congressional district—San Bernadino County in Southern California—I have great contrasts. I have the city of San Bernadino with over 100,000 population.

I also have vast expanses of the Mojave Desert broken occasionally by towns and cities such as Needles, with some 4,000 inhabitants, and many which are much smaller. So I know what we are talking about when we talk about areas of physician shortage. Bernardino County has a population of nearly three quarters of a million. We have over 1,000 physicians in the county but fewer than 200 in general practice and few of those in the desert towns.

But there are a half dozen towns and small cities in my district which have physicians who have left lucrative practices in Los Angeles or New York City. These are mostly men in their sixties who are tired of the pace of metropolitan medicine and who are performing a real service to the people in these towns and cities. I shudder to think where we would be without these men. Maybe AMA should forget the financial incentives and just try to get more over-sixty physicians and maybe some over-fifty physicians to get off the rat race in the big cities and move to the shortage areas. I think the all-too-high coronary rate for physicians might drop if more of you considered it. To paraphrase the T.V. commercial "Try it, you may like it." Now, ladies and gentlemen, seriously though, your report probably hit the nail on the head when it said no one plan, program, incentive, or what have you will solve the problem. It isn't the nature of a country this big or this diverse.

Looking at this problem of medical care in shortage areas and deprived areas and listening to my colleagues in the Congress, I think we had better face up to the fact that there is a real concern in this country about access to medical care. And when there is concern in this country, the politicians, be they office seekers or office holders, are going to respond. That is why there are over a dozen national health insurance bills. It is why many in Congress are so taken by the HMO concept. That is why there is so much conversation about the medical system in other countries, although I don't think it's either logical to compare the U.S. with another country nor reasonable to think that Americans are—at this time—embracing some other system of delivering care.

But I would be wasting your time if I didn't tell you some blunt truths:

First of all, if you and the others who are working on these problems—including those in the Congress and in government everywhere—don't solve the problem, through some combination of programs, then the people unfortunately may well turn to some much more radical idea.

Secondly, in the Congress I heard every sort of suggestion for tackling these problems, and many of them would cause you all sorts of mental anguish at best.

Finally, if you think Senator McGovern's plans to put nearly half the country on welfare are extreme, can you imagine what he would propose in order to solve the problem you are discussing today?

Many of you know me and know that I am part of the "medical establishment", or at least so my opponents have charged with monotonous regularity. My association with CMA goes back more than 20 years. My doctor friends are too numerous to count. I know that you are individually and collectively interested in your patients singularly and as a whole, that medical schools are expanding and enrollment increasing, that there are all kinds of experiments and active programs to solve shortage and distribution problems. I know all these things but the truth is that the problems exist and the people are becoming impatient. I did not come across the country to give you some pap about how good things are in Washington. You have some real problems and there are many of us who want to work with you in solving these problems. This meeting today is evidence of your concern. And anyone who knows AMA and its activities and the activities of the state medical societies knows that medicine is more responsive today than it has probably ever been.

My message to you is only this:

As a friend, I want to tell you you had better be responsive and we in government had better be responsive because there is a wave of dissatisfaction which includes medical care. It is probably caused mostly by higher costs but it is certainly caused in part by lack of access because of poor distribution and shortages. Because we have been too slow in providing the opportunities, expanding medical schools and starting new ones, hundreds of California pre-med students have created another medical school called Guadalajara. As some of you know, the Guadalajara graduates are coming to this state and taking their exam because the state legislatures passed a law that said they can. They will be practicing with you in a few years.

This situation illustrates my point. The people were fed up. They did not care why there were not enough spaces in medical schools and they took action which many of you may well believe is not a sensible action—an action which will result in physicians who are not as well-prepared, not as well-trained as those who graduate from American schools. But the point is that they took action.

I do not say that the Russian system is better, but at least they have a system under which the patient knows the point of entry to the medical care system. I do not say any country has better medicine than the United States, because no country does. But other countries apparently have done a better job of distribution and so the people have some place to turn. Is it possible for us to meet this problem and still give the top quality care which you get in America?

That is your challenge in the medical profession. It is our challenge in the Congress. It is a challenge that we had better meet or we may find all kinds of strange and radical new plans sent out from an administration in Washington which decides that the job will be done and the hell with the doctors.

REAL HOPE FOR DISASTER VICTIMS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. ABOUREZK. Mr. Speaker, in the days and weeks ahead, Congress will be considering disaster relief legislation proposed by the administration and by others because of the recent tragedies in my hometown of Rapid City, S. Dak., and on the east coast.

Those bills contemplate lowering the interest rates on disaster loans, which I support.

Some of them further contemplate expanding forgiveness features of disaster loans.

The President's proposals, for instance, would increase the forgiveness feature from $2,500 to $5,000.

This is certainly generous, but painful experience has taught me that it simply is not enough. What is needed, and what will do the job, and what will spell real hope for thousands of innocent families so brutally victimized, is something more on the order of a 90 percent forgiveness.

Every day my mail provides new proof of the need for 90 percent forgiveness. It is not some wild giveaway. It is not high-risk venture investment. No, very simply, it means putting people back on their feet after their homes and businesses had been wiped out through no fault of their own.

The people who need this forgiveness are not loafers. They are the backbone and fiber of a community. They are not asking for a handout so they do not have to work.

They are asking for help so that they can work, so they can get their payrolls back in operation, so that they can get their businesses rolling, their homes rebuilt.

At first blush, granted, 90 percent sounds high. But I intend to prove to the Congress that it is only fair and reasonable in the wake of a disaster.

My mail makes the case far more persuasively than I ever could, and so I insert into the Record at this point, a letter from my good friend, Dean Nauman. Dean runs a printing company and an advertising firm in Rapid City.

His letter:

JULY 3, 1972.

Mr. JAMES ABOUREZK,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN JIM: This June 9 flood wiped me out business-wise, as it did others. Everyone thinks his story is different and, of course, it is. Mine, however, puzzles me in the abstract sense.

I had made the last payment on western South Dakota's volume print plant in April of this year. The business employed an average of 20 people. Now they are out of jobs; most will probably leave the state, eventually.

Why am I out? Can't a loan help me? The answer is no. The problem is complicated but, in a sense, simple.

I paid $200,000. It grosses about $400,000 and the past few years has netted a meager $20,000 to $30,000.

In setting up all values for an SBA loan application, I found that because we are in full-color printing and my two-color press was flooded so badly that the machine shop in Denver would not guarantee its running (even after $12,000 worth of cleaning), along with the $42,000 note I owe on it, I would have a near-worthless machine that would still cost me $54,000 just to get it back in the shop.

This expense, along with other new pieces to get me back in operation and something for all our people to do, would be $475,000.

Why $475,000? This is the tough part. This is the part that collapsed our company and caused me to lose my life's savings that I had put into this business.

The building I was in was damaged to the extent that the landlord, also, has to get an SBA loan; but he cannot risk going ahead because the Corps of Engineers is making a flood plain study and does not permit the City of Rapid City to grant written building permits. In a sense, this building is being held in limbo for consideration of condemnation because it is just over one-half block from Rapid Creek.

In the meantime, I cannot operate and my talented people are leaving me, without anything of value to do.

Sure, I no doubt could get an SBA loan immediately, but I have to build a special purpose building and that, my architect tells me, will take four to six months. Why a special purpose building? The building I was in barely met the standards of special purpose, which is, in the main, a building that can hold pressure of air constant for humidity control. We have to have humidity control to print four-color process, high registration.

So, if I could survive these six months, by farming-out, taking a very small profit and causing new overhead and new borrowing, I still could not make it on 3% money if the bill does pass.

The new building will cost me $150,000, at least. The equipment, replacement, and clean-up will cost $325,000, at least. This is $475,000. The annual principal and interest payment will start out at (on 3%) $29,800. The business will not warrant that kind of pay back and leave anything for the investor, myself. I am not assured I would get a disaster loan for a building.

Therefore, a man with my kind of problem, in the abstract sense, cannot achieve economic recovery from this terrible flood of June 9, even with a 3% loan. Even a 1% loan will not solve my problem.

What a firm like mine needs is outright condemnation of the building and contents, with grant for recovery for both parties. I'm assuming, however, that this is impossible. I have exhausted all resources. I've talked to Denver 1965 flood victims with print shops, printing suppliers and finance people, as well.

I close, on the "abstract" sense of it with which I opened. What is the use of the federal grants, loans, etc. if they are not for the business that provides the tax revenue for the community, state and nation, such as ours did? We generated income taxes on $130,000 payroll. At the same time, grants are made to such things as Story Book Island, a kiddie park where no admission is paid; no tax of any kind is collected!

Ideas?

Cordially,

DEAN S. NAUMAN.

McGOVERN'S BEDSIDE MANNER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. MICHEL. Mr. Speaker, an editorial from the July 15, 1972, edition of the Chicago Tribune entitled "McGOVERN's Betside Manner" relates to the acceptance speech of the Democratic presidential candidate and also discusses the concept of invested wealth which Mr. McGOVERN spoke of so disapprovingly.

The editorial helps to keep the record clear as to just what the candidate stands for and I hope that we will see a good deal more of this type of reporting from all phases of the media during the upcoming campaign so that the voters in November will not be confused as to just what the Democratic candidate does and does not advocate.

I insert the text of the editorial in the RECORD at this point:

McGOVERN'S BEDSIDE MANNER

Sen. McGovern's acceptance speech, like his platform, is the work of a man who does not want to be thought of as a radical, at least not for the next few months. It is an olive branch extended to the many Democrats who were flattened by his steamroller in the days leading up to his nomination—labor, the South, the old guard, and others—and it is intended to persuade them to "come home" to the party.

We can't yet tell how effective this bedside manner is going to be. A certain amount of disturbing notions still show thru. "We believe Mr. McGovern is an honest man," the London Daily Mail observed with dry humor. "He really does want to soak the rich to subsidize the poor." The London Times sees the Democratic Party becoming a party of the have-nots, "something approaching a social-democratic party on European lines." In Europe, "social-democratic" means socialism.

Consider, for a moment, the "invested wealth" which Mr. McGovern spoke of as if it were a villain that should be punished. This is tempting populist rhetoric that is hard to answer without seeming to defend privilege and "special interests."

But there is a synonym for invested wealth and it is private enterprise. Invested wealth is the ownership of industry by the private sector rather than by government. It has nothing to do with "special interests" or privilege, unless private enterprise as a whole is one big special interest. In short, it is capitalism as distinguished from state socialism, and Mr. McGovern's logic is reminiscent of the "revolt against capitalism" which he seemed to be advocating 20 years ago.

Of course it is healthy for as many people as possilbe to share in the ownership of industry, and the trend has been in this direction for years. Invested wealth is increasingly common in the middle classes, both individually and thru profit sharing or pension plans.

But this isn't what Mr. McGovern has in mind. The proposals that Mr. McGovern has espoused would tax everyone above the level of about $12,000 to support the poor. This would not spread the ownership of industry; it would confine it. The middle class would have less money to invest. There would be less money for the expansion of industry and for new jobs. And in the end, who would own American industry—and would it still be private?

To confuse "invested wealth" with "privilege" and to spread this confusion as if it were gospel is a dangerous mistake which we trust most Americans will recognize even if Mr. McGovern and his staff seem not to.

THE 22D BIENNIAL CONVENTION OF THE JAPANESE-AMERICAN CITIZENS LEAGUE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. FISH. Mr. Speaker, I wish to join my colleague, Mr. MATSUNAGA of Hawaii, in paying tribute today to Americans of Japanese ancestry on this the 22d biennial convention of the Japanese-American Citizens League.

My colleague from Hawaii and my other colleagues have already clearly and in detail spelled out the massive contributions to our society which have been made by the dedicated citizens of Japanese origin. It has also been eloquently stated the part the JACL has made in being a positive force in our society.

For that reason, Mr. Speaker, today I wish to confine my remarks not to the general picture of the contributions, the loyalty, the ability or the law abiding qualities of our fellow citizens of Japanese origin, qualities so clearly demonstrated by my able colleague from Hawaii, rather, I will speak about experiences I have had with an American of Japanese origin of whom I have personal knowledge and understanding.

As many of my colleagues are aware, my personal secretary is an American citizen of Japanese origin. Her name is Ayako Honda Ely. Her life, as she has lived it, has mirrored both the hardships and successes experienced by so many of her fellow Japanese Americans.

For as a young teenage girl, an American citizen by birth, living in Santa Barbara, Calif., with the outbreak of World War II, she, like others of her race then living on our west coast, was removed from her home and, for no reason except that she was of Japanese origin, placed in an internment camp. There, in the desert, her family spent 4 long years.

And there, like her fellow prisoners who through their ability for hard work and self-discipline, made deserts bloom, she entered into the life of the camp and participated in and helped create a viable community within the camp.

Also, like her fellow internees—and like her father and mother and sister and brother—after the war she went on to rebuild her life and to participate fully in the activities of the community, the American community, throughout her life. Like them, she was and remained an outstanding citizen of which any nation and any people could be justly proud.

For 3 years, Mrs. Ely was private secretary to the Commissioner of Indian Affairs, Dillon S. Myer. She has been with me for 5 years as my private secretary. In that time she has demonstrated on a day-to-day basis the qualities of hard work, dedication and ability for which any individual or any group can be justly proud.

Mr. Speaker, just as my office and my life would be poorer without the contributions made by Ayako Honda Ely, so our Nation would be poorer without the great contributions made by our fellow American citizens of Japanese origin. It is for these reasons that I feel particularly honored today to have the privilege of joining with my honored colleague from Hawaii in paying tribute to all Americans of Japanese descent.

GOVERNMENT BY BALLOTS—NOT BULLETS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mrs. GRASSO. Mr. Speaker, during the past decade our Nation has been shocked by a rash of violent, senseless attacks on the lives of public figures. At this time, it is especially important that our young people have faith and hope in America's future.

The Kent Good Times Dispatch has given young people the opportunity to voice publicly their beliefs and hopes for a better America through their Freedom Award Essay Contest. I applaud the GTD and commend this year's contest winner, Elizabeth McCall.

For the interest of my colleagues, a copy of Elizabeth McCall's fine essay, "Government by Ballots—Not Bullets," which appeared in a recent issue of the GTD follows:

GOVERNMENT BY BALLOTS—NOT BULLETS

(By Elizabeth McCall)

November 22, 1963: Our president, John F. Kennedy was fatally shot in Dallas, Texas. Accused: Lee Harvey Oswald.

April 4, 1968: Reverend Dr. Martin Luther King was fatally shot in Memphis, Tennessee. Accused: James Earl Ray.

June 5, 1968: Senator Robert F. Kennedy fatally shot in Los Angeles. Accused: Sirhan Sirhan.

In less than a decade, three important government officials have been shot and killed. Is this the American way? Does shooting, killing, assassinating a candidate "solve" everything? No. It shouldn't be like this. The people have got to realize that we have to take action against this unjust, unAmerican, uncivilized way immediately. Most of us would say, why . . . why must we? It's not my fault . . . I didn't do it. It's the assassin's fault—he is to blame. But think about it . . . is he really?

The people who are behind such action are usually the people against the majority. They are the ones who think they are pathetically outnumbered and altogether ignored. Their attack to change the majority's minds is just that—an attack. It's more a battlefield of demonstrations, arguments and guns—anything but peaceful talking. The reaction is usually negative, his temper slowly gives way. As his dislike for the candidate grows, the crowd against his view does too. Suddenly he is extremely confused and develops a great sensation of defeat, feeling no one will give him a chance. And finally, in an explosion of frustration and anger, he turns to the gun to win his way.

That is the problem in most cases, and it is no easy task to solve by any means, but time and patience are important factors. It lies within the people and can be solved by the people. To start, we should educate the public of three important fundamentals to help stop further situations, like the one I mentioned, from arising.

1. Attempt to show the minority the justice of majority rule. Teach them that majority rule is a powerful and right procedure, and that they should listen to learn the facts on this side of the argument.

2. Try to teach the minority to present and express their views in such a way to make them a majority.

3. Candidates and other persons should try to make clear to the minority that they are listening to their ideas and outlooks of the election or whatever. This is so the minority feels they are getting a hearing and, most of all, what they say is being taken into consideration.

If these three things were seriously attempted, an election would probably run more smoothly, efficiently and with a notable decline in the risk. Most people of the minority would be satisfied with just one fact—that they are getting a hearing and that their ideas will be considered.

Even so, if this were done, there would still be a good 50% chance that someone would want to kill a candidate for other unknown reasons. Maybe someone slightly mentally sick like Oswald, Sirhan and Arthur H. Bremer (who just recently tried to put candidate George Wallace's name to the list of assassinations), all three—unsuccessful, unhappy and lonely, with faintly distorted ideas about life.

To lower this risk, the candidate would have to drastically reduce his contact with large crowds and be under complete protection at all times.

Basically, most reasonable people would agree that ballots are superior to bullets. But there always may be one person, out of any crowd, who feels differently; who just has to make his argument known in the most violent way of all. He feels that anything he says or does will be smashed to pieces or, worse yet, utterly ignored. Finally he reaches his climax, and ultimately he has just to be given the chance to press the trigger.

I feel the most essential thing to remember is to make perfectly clear to the minority—under any circumstances—that they are being heard and their aspects on the situation are being regarded with seriousness; not sarcasm. We may never completely conquer this problem, but we certainly must try to reduce some of the conditions that lead up to that peak of injustice.

Obviously, there has been notably more American spokesmen felled by bullets than the three I've mentioned. And quite a few in the past decade. More assassinations have gone to us than any other industrial nation of our time. This rapidly increasing crime makes us wonder—has an age of assassinations begun? And we try to convince ourselves: no. Yet . . . America. Growing, thriving, excellent in power. It is our wonderful country—we love it and respect it and try to demolish that which is wrong. And for America to be better, we must make it so and try harder, with good intentions always in mind.

Our country prospers on our justice, democracy and peace—let's keep it that way.

And fight, America, for the things that make us better.

BUILDING AND CONSTRUCTION TRADES DEPARTMENT COMMENTS ON OCCUPATIONAL SAFETY AND HEALTH

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, the Labor-HEW appropriations bill adopted by both the House and the Senate includes an amendment prohibiting for 1 year the enforcement of OSHA standards on small businesses.

It is my best judgment that this is not the correct approach. Safety and health hazards are not simply a factor of the size of a business or the number of employees. My recent statement to the House Small Business Subcommittee hearings pointed out that a small sawmill or chemical company can be every bit as dangerous as a large one.

I have received the following excellent letter from Mr. Frank Bonadio, president, Building and Construction Trades Department of the AFL-CIO, and I would like to share it with my colleagues:

BUILDING AND CONSTRUCTION
TRADES DEPARTMENT,
Washington, D.C., July 11, 1972.

Hon. WILLIAM A. STEIGER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. STEIGER: The Building and Construction Trades Department, AFL-CIO through its 17 affiliated National and International Unions representing approximately 3.5 million workers strongly urges your reconsideration of an amendment passed by the House and Senate to H.R. 15417. The House amendment reads as follows:

"None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing twenty-five persons or less for compliance with the Occupational Safety and Health Act of 1970."

In the Senate the amendment was changed to fifteen persons or less instead of twenty-five which is in substance practically the same.

This amendment would exempt 80 to 90 per cent of the five million employers and approximately 25 to 30 per cent of the fifty-five million employees presently covered by the Federal Construction Safety and Health Act of 1969 and the Occupational Safety and Health Act of 1970. It would affect practically every construction site throughout the country.

Construction is a very hazardous occupation in terms of both the frequency of accidents and their severity. The Department of Labor Statistics show very high rates for construction ranging from 20.7 per million manhours worked for electrical work to 24 for heavy construction to 20.8 for general building to 43.9 for roofing and sheet metal work.

This compares to the all-industry rate of 6.91. In fact, statistics will also show that the overwhelming number of accidents in the construction industry occur among small subcontractors.

The construction industry is unique and involves many factors which are not prevalent in other industries. Building tradesmen are in large part generally employed by subcontractors who specialize in a particular craft. Although there may be 50 to 100 building tradesmen employed on a construction site at one time, there could also be 10 or more subcontractors engaged in work on the same construction project. In a large number of cases the small subcontractor would have only a few craftsmen working at any given time. These subcontractors would be exempted under this amendment to the detrement of workers employed by other contractors working side-by-side on the construction site who are required to enforce safety and health standards on the same job. This situation would cause a serious problem and expose every building tradesman on the construction site to serious disabling injuries or death.

The Associated General Contractors of America are also opposed to this amendment. This association represents more than 9,000 of the Nation's leading general construction companies, of which 90 per cent are small contractors. In a statement presented June 27, 1972 by Vernie C. Lindstrom Jr., Chairman of the National Safety Committee of the AGC before the House Select Committee on Small Business he had this to say about the amendment:

"At this time, Mr. Chairman, I would like to state that AGC is opposed to the Findley Appropriation Bill Amendment. This bill, as you know, would exclude employers with less than 25 employees from OSHA. Most general contractors have more than 25 employees and would naturally be enforcing safety as we have for years, as I stated in the beginning. We do see serious problems, though, with the subcontractor who has less than 25 employees who would not be required under this amendment to enforce safety on the same job where the general contractor would be required to do so."

Based on the position taken by the AGC against this amendment and the facts as stated herein, I firmly believe that Congress was misinformed and mislead in regard to the merits of this issue. I am sure they were not aware of the serious affect this amendment would have on practically every construction site throughout the country. Furthermore, I do not believe that it was the intent of Congress to deny millions of construction workers, the most hazardous occupation in the country, the right of a safe place to work. It is with this understanding that I strongly urge members of the House and the Senate to take appropriate action under whatever parliamentary procedure is available to delete this amendment from the bill before final passage.

I trust you will give this matter your immediate attention. With best wishes, I am

Sincerely yours,

FRANK BONADIO,
President.

THE PRESIDENT'S VETO OF H.R. 13918

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. TIERNAN. Mr. Speaker, on June 30, 1972, President Nixon announced his veto of H.R. 13918, the 2-year authorization bill for the Corporation for Public Broadcasting. This veto took many of us who were involved in the hearings and House activity on this measure by complete surprise; the bill was a broadly bipartisan measure which had the support of a wide variety of interested groups. Our surprise was intensified by the far-reaching and serious consequences the veto is having:

Extensive cutbacks in children's programing, including elimination of several specials, cancellation of a new series, and the removal of five segments of the popular "Zoom" show for 7- to 12-year-olds.

Substantial reductions in public affairs programing, with elimination of several National Public Affairs Center for Television specials and segments of "Black Journal," "The Advocates," and "Firing Line."

Considerable reduction in the amount of dramatic programing, including one of Hollywood Television Theater's scheduled five programs.

Tabling of 12 requests by new television stations to join the Public Broadcasting service.

A halt in the planning and funding of new programing, including elimination of a new adult learning program designed for those who have not completed their high school education.

Mr. Nixon cites "some serious questions which must be resolved before any long-range public broadcasting financing can be seriously devised" in explaining his veto.

I might note initially that although the President's sprawling Office of Telecommunications Policy has repeatedly promised to contribute to the debate on long-range financing for CPB, it has consistently failed to do so.

Indeed, Broadcasting magazine reported recently that, after the passage of H.R. 13918, OTP abandoned even its facade of concern with long-range financing.

The chief irony of the President's statement, however, is that he adopts the catch-phrase of localism as the principal defense for his veto. This defense, however, is little more than a sham, an inarticulate and uninformed attempt to defend an irrational action. The President said:

> By not placing adequate emphasis on localism, H.R. 13918 threatens to erode substantially public broadcasting's impressive potential for promoting innovative and diverse cultural and educational programing.

In examining this statement, let us look at the actual facts involved. This veto, which professes to protect localism, actually destroys a measure one of whose principal accomplishments would have been the enhancement of localism. The President's action has the effect of reducing potential local station income by $18 million—$12 million from the educational broadcasters facilities program, and $6 million in community service grants. Of course, the stations' share of programing grants will also decline.

During the appropriations hearings, William G. Harley, president of the National Association of Educational Broadcasters, which includes in its membership most local public TV and radio stations, stated the following position:

> The Corporation is now in full operation with lower funding than originally intended, but its potential value is being daily demonstrated and it must be provided adequate funds over a period of time to enable it to function effectively while plans are being developed for its genuine permanent financing.

And as if anticipating the President's argument, he quoted the report accompanying H.R. 13918, which said:

> The process by which television programing for national distribution is funded by CPB is as follows: Proposals for programs and program series are developed by public television stations and other program production centers in cooperation with the Public Broadcasting Service (PBS), the public broadcasting television network. Four times each year PBS conducts a poll of local station managers concerning their evaluation of programs carried by PBS. In addition, an annual poll is conducted of these managers with regard to their program needs for the coming year. The Corporation received funding proposals from these public broadcasting stations and program production centers.

In sum, he saw a "close and effective relationship" between CPB and local stations and communities and stressed the urgent need of the local stations for passage of H.R. 13918.

Compare this statement of the local stations themselves with the President's message. It is apparent that the continuing experience of the local broadcasters directly refutes the President's assertions.

As a result of his concern about the issues related to localism, Mr. Nixon apparently concluded that $65 million was excessive until "the structure of public broadcasting has been more firmly established." To solve the problem, he vetoed a bill, without which the industry can barely survive. Mr. Ziegler's statement that $65 million is "massive" appropriation is simply ridiculous in the light of the original Carnegie Commission recommendation of minimum $100 million annually.

The most significant injury to public television brought about by this veto is, however, the loss of ability for advance planning.

> To develop creative programing—

Says Douglass Cater in the current issue of the Columbia Journalism Review—

> takes a critical mass of money and talent and planning time.

He continues:

> (P)ublic broadcasting in the U.S. is a long way from unleashing a great outpouring of creativity. Most program schedules are planned and funded in a state of chaotic uncertainty. At the present rate of development, according to one critic, we will celebrate our 200th anniversary as a nation by watching a BBC produced series on the American Revolution.

I think that I have shown the arguments in the President's veto message to be empty cloaks: Appearances which deny the reality. The question then becomes: What are the appearances trying to hide? Douglass Cater suggests an answer:

Recent events have raised legitimate fears of a system capable of being manipulated by budgetary and appointive pressures from the White House.

Mr. Nixon is correct when he speaks about a threat to localism in public broadcasting. But that threat comes from the White House and not from H.R. 13918. No better testimonial could be made in favor of the Carnegie Commission's suggestion for permanent financing.

CLEVELAND LITHUANIAN AMERICAN COUNCIL CALLS FOR HUMAN RIGHTS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. MINSHALL. Mr. Speaker, the Baltic nations are composed of proud people who have lived peacefully for centuries, and who have suffered throughout that time from the "accident of geography" which made them vulnerable from the west by invasion by the Teutonic knights and from the east by the Russians. It has taken tremendous spiritual and ethnic strength and courage to survive this seemingly endless squeeze. It should be kept in mind, by the way, that neither the Lithuanians, the Latvians, nor the Estonians are ethnically related to the Germans or Russians.

In this century the Baltic States have been the victims of Soviet captivity for 32 years, since the Russian invasion in June 1940, that took them by force of arms. The Communist regime in these countries did not come to power by legal or democratic process.

Since the very outset of the Soviet occupation, the Balts have waged an intensive fight for freedom. The price has been high. More than 30,000 Lithuanian freedom fighters gave their lives in an organized resistance movement between 1940 and 1952. More than 150,000 Balts have disappeared in Siberian slave-labor camps.

Two events of recent months indicate the desperate plight of Lithuania's Roman Catholics, who have been a primary target of the Communist government's repression. In March 1972, a petition carrying more than 17,000 signatures was forwarded to Dr. Kurt Waldheim, Secretary General of the United Nations, asking him to relay their protest to Leonid Brezhnev. Three earlier letters to the Soviet Secretary General had gone unanswered. And, even more recently, in May of this year, demonstrations against the Soviet occupation of Lithuania and Communist persecution of religion took place in the city of Kaunas and other cities. The tragic death of a young Roman Catholic, Romas Talanta, brought international attention to the miseries besetting captive Lithuania.

On June 1 the Cleveland Chapter of the Lithuanian American Council adopted a strong resolution of protest which merits the attention of every freedom-loving Member of this House.

RESOLUTION

We, Cleveland Lithuanians and representatives of other nationality groups, whose homelands have been enslaved by the Soviet Union, gathered here in Public Square in Cleveland, Ohio, this 1st day of June, 1972, to protest the severe suppression of human rights in Soviet enslaved Lithuania, have adopted the following

Whereas, the Soviet Union, acting in conspiracy with Hitler's regime, broke all existing treaties with the Republic of Lithuania and on June 15, 1940 militarily occupied its territory and two days later repeated the same criminal act against Latvia and Estonia; and

Whereas, the tyrannical clique of the Soviet Union has not only refused to leave the Baltic States, but has and still is carrying on physical annihilation, religious and other forms of persecution, together with Russian colonialization and mass deportations of the native population to Siberia and other places with the expressed intent to destroy their national identities; and

Whereas, such prevailing inhuman conditions caused Roman Kalanta, a young Lithuanian to burn himself to death on May 14th of this year in the city of Kaunas in protest to Soviet denial of basic human rights in Lithuania; and

Whereas, Kalanta's funeral precipitated a youth riot, which was brutally suppressed by special Soviet troops, who acting in their barbaric ways inflicted death and injury to many and to this day continue to arrest people by the thousands and in other ways terrorize them.

Now, therefore, be it resolved, that we condemn these savage acts of the Soviets, who use troops to squash the quest for freedom by the Lithuanian patriots and once again remind all that these acts are a direct result of Soviet imperialistic policies that have illegally occupied Lithuania and the other Baltic States; and be it

Further resolved, that we demand the withdrawal of Soviets and the complete restoration of independence of Lithuania and ask the President of the United States to use the position of his office to influence the Soviet leaders to cease their barbaric acts and to stop persecuting the people involved in this ill-fated uprising and all other peoples behind the Iron Curtain; and be it

Finally resolved, that copies of this resolution be forwarded to the President of the United States, Members of U.S. Congress from Ohio, other public officials and to the news media.

LEE HAMILTON'S WASHINGTON REPORT TO INDIANA'S NINTH CONGRESSIONAL DISTRICT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. HAMILTON. Mr. Speaker, I include the complete text of my recent Washington report on the first anniversary of the U.S. Postal Service:

WASHINGTON REPORT

The U.S. Postal Service, created by the 1970 Postal Reorganization Act, completes its first full year of service on July 1, 1972. While a year is hardly sufficient to gauge the success or failure of the new venture, it does provide some indication of the Postal Service's direction, and whether it will lead to success.

Unquestionably, the Service began under extremely difficult circumstances, saddled with a history of 196 years of politics, which in large part determined the setting of postal rates, the appointment of personnel, and the promulgating of service goals. During these years, low budget priorities curtailed critically needed capital improvements and modernization, labor management relations remained unstable, and a myriad of Congressional directive only made the system more inefficient.

The 1970 Postal Reorganization Act promised to cure most of the ills of the past. The legislation permits the new Postal Service to do what the old Post Office Department could not: borrow money to improve facilities and equipment, enter into employee-management agreements, adjust postal rates and mail classification systems to help the Service pay its own way, and free the system from the pressures of politics.

Despite an auspicious beginning, the Service quickly became the target of public criticism as service deteriorated and postage rates increased. Meanwhile, postal workers are restive for the most part, and the Service faces increasing competition from private mail services which promise reliable and relatively inexpensive delivery of third-class bulk mail.

The public image of the Postal Service remains low, perhaps at an all-time low. But I believe the Service should be given several years without continual Congressional interference to achieve substantially its goal of good postal service for every citizen at reasonable cost. A quick assessment of the first year of the Service looks like this:

SERVICE

To understand the dilemma of the Postal Service, one must understand that Congress has decreed that the Service must begin to pay its own way. The Postal Service was left with three alternatives to operate: (1) initiate massive rate increases, (2) reduce service to the barest minimum which present rates would support, or (3) reduce service goals to levels which less drastic rates would support.

The Service has chosen the third alternative—the only feasible one under the circumstances. Rather than increase rates to offset deficits, the agency has attempted to reduce costs by cutting back on mail pickups and some deliveries. A 90-day ban on hiring was initiated in March, and 3,000 revenue-draining jobs at regional and headquarters levels have been eliminated.

Complaints can be heard in any community that delivery is too slow, rates are too high, packages are battered, and neighborhood mailboxes are disappearing. The Service has revealed that it has received 3,000 Congressional inquiries in the last year concerning mail deliveries. By its own statistics, it now takes an average of 1.72 days to deliver a letter, compared with 1.5 days in the first part of 1969. Poor service has prompted many companies to hire private mail services. Last year, for the first time, United Parcel Service moved ahead of the Postal Service in delivering parcels, showing a $30 million profit. So far, at least, the reorganization has not had a strong impact on the quality of service.

MODERNIZATION

The Postal Service finds itself in the position of beginning a crash program to rectify years of abuse while at the same time keeping pace with a daily volume of mail with a largely out-of-date delivery system.

With authority to increase obligations for capital improvements to $1.5 billion in any one year, the Service has made a beginning. It has invested $40 million in remodeling and improving some 800 post offices across the country, and plans to spend $1.5 billion by 1975 to build new bulk mail centers. These expenditures, however, simply are inadequate to correct years of neglect.

One year ago, the U.S. Postal Service was given the task of moving the country's growing volume of mail quickly and inexpensively. The new agency. created by the Postal Reorganization Act of 1970, finds itself saddled with many of the problems and most of the inefficiencies of its predecessor, the old Post Office Department, however.

The public, anticipating an immediately-effective new mail service, is growing increasingly critical of inadequate service, rates that are too high, and too many battered and damaged parcels. Efforts to improve the service and modernize the facilities were discussed in last week's Report. This week's evaluation includes:

LABOR-MANAGEMENT RELATIONS

Probably the most vexing problem is the Postal Service's labor-management relations. The postal reform act launched what was heralded as a new era, with collective bargaining to replace long Congressional harangues over pay levels, fringe benefits and working conditions. No longer was the Postal Service to be shackled with rules which prevented sound management. So far, the new era of collective bargaining has yet to surface.

Despite the fact that a major wage settlement was agreed to last year without compulsory arbitration, the first year's labor-management experience has not been favorable. Postal unions now insist they need the right to strike—a right which was not granted by the legislation. A recent postal union campaign to lobby the Congress for additional health benefits—which the unions were unsuccessful in obtaining in collective bargaining—points up the ineffectiveness of the present collective bargaining system.

RATES AND REVENUES

Under the reorganization, neither the Treasury nor other classes of mail would be required to subsidize any other mail category. Postal reform required that preferential rate categories be eliminated.

Despite what appeared to be across-the-board support for postal reform, including the requirement that each class of mail pay its own way, there are growing pressures to revert to some of the preferential rate categories. To accede to those pressures could be the beginning of a return to the old system.

The Postal Service, wary of the public's reaction to a rate increase, has moved to cut costs wherever possible. Further rate increases are inevitable, however.

COMPETITION

Although the Postal Service has a monopoly on first-class mail, it does not in the second, third and fourth-class categories. Recent postal rate increases and increasing complaints about poor service have prompted many firms to turn to private mail services. Some metropolitan utility companies are now delivering their monthly bills themselves, and many newspapers are relying more on carrier service than on mail delivery.

It is now projected that the percentage increase in volume of growth of the U.S. mail will be the lowest since 1930, and, in fact, this may be the first year that the volume of mail has not increased over the previous year. One reason for the lack of growth is postal rate increases, but another is poorer service and more competition.

POLITICS

In the last year, 5,389 local postmasters were appointed by merit rather than by politics. The reform act removes postal appointments from Members of Congress. The Postal Service, however, has carried this reform too far when it forbids any contact with Congressmen by postal workers. In addition, top-level appointments have come mostly from the business world, not the ranks of postal executives, and other large-order contracts smack of "business politics." The Service should take the same hard line against industrial politics as it takes against the Congress.

APPROPRIATIONS

Despite the move towards self-sufficiency, the Postal Service will need some help in the immediate years ahead, as the Postal Reorganization Act expected. The Congress will continue to provide subsidies of about $1.5 billion annually. Without them, the Postal Service would be faced with (1) financial disaster without massive rate increases, (2) rebellion by the Congress and the public if increases are initiated, or (3) intolerable service cuts to avoid the increases.

The Congress now should watch and wait, criticizing when necessary, praising when it's deserved, and allow time for the Postal Service to achieve its goal of efficient, inexpensive mail service to all.

SOCIETY OF REAL ESTATE APPRAISERS

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. SMITH of California. Mr. Speaker, Mr. William W. Abelmann, the new president of the Society of Real Estate Appraisers and a constituent of mine, made the following remarks:

THE APPRAISER AND CRISIS

(By William W. Abelmann)

The worst floods in the history of the United States and the recent national scandals in government subsidized housing programs, combine to highlight the role of the little noticed and often unsung professional, of vital importance to the economy; the Real Estate Appraiser.

In areas as widely separated as private insurance and federally guaranteed insurance; the appraiser functions to guarantee economic feasibility of both operations. It is the Realty Appraiser who helps estimate the cost of both the storm and the government program.

To function in these vital economic areas, he must be trained and re-trained. Today's professionally designated appraiser is just that. His evolution upon the economic sense goes back to the great depression and the birth of the Society of Real Estate Appraisers.

Following World War I, a decade of excesses descended upon the United States. With a lack of controls "miracles of sudden wealth" became common-place, both in the stock markets and the realty markets. Housing demands soared to new heights. Income producing properties appeared magically, often where there was no market. A short term mortgage was common; interest only was paid during its life, the equity was due at the end. Down payments were small or non-existent. Loans were often made for more than the property was worth. When panic struck, the nation's realty, as well as the stock market, was in shambles.

During 1931–32 the nation's near economic collapse was destined to worsen as bankruptcy followed upon bankruptcy. In response the government created the Federal Savings and Loan Associations and the Home Owners Loan Corp. to bring about the revolutionary concept of low interest, long term mortgage. At the same time, rational appraisal of real property was demanded, at which point a group of concerned appraisers banded together to create a professional body to train and police this new cadre. Thus, was created the Society of Real Estate Appraisers.

In the years since, as a government's role in helping our nation, help itself has grown; the Society's role in creating better and better trained appraisers has grown a pace. Today while the nation may ponder the poor practices of some speculators, builders, brokers and appraisers, government and fee, who have brought scandal to the Federal Housing Administration's programs, very very few, if any, of the appraisers involved will be found to be professionally designated members of the Society of Real Estate Appraisers. This is due primarily to the extensive training of the Society's 6,000 designated members who have achieved their status as professionals. As presently structured, the Society of Real Estate Appraisers requires its members to hold college degrees, have years of experience in practical appraising, while passing courses on real property appraising, income property appraising, appraisal report writing and technical subjects dealing with the financial structure of markets and properties under consideration. Additionally, members must pass inspection of their piers as to character.

It is in this latter area where any Society member found to be criminally guilty in a court of law, malfeasance or unethical conduct, will also be judged by his profession. This judgment is often severe. To protect the public, members are expelled from the Society where deemed necessary.

For this reason, it is important for the public to realize the difference between the professionally designated real estate appraiser and the non-professional society member who feeds off the public, because of lack of knowledge. The professional Society member will hold the titles of "Senior Residential Appraiser" or "Senior Realty Appraiser" or "Senior Real Estate Analyst" after his name. In addition to designated members, some 11,000 Society associates are working toward these titles. They are not allowed to claim membership in the Society, however, so strict is its attitude toward professionalism. As a result of that attitude, the public and the government can rely on protection from the storms and floods of economic mismanagement, if they insist upon the use of a professionally designated appraiser. Thus, while the current crisis over FHA subsidized housing programs may seem tragic to many, it will be helpful if it serves to point out to the nation its needs to avoid use of those appraisers, both government and fee, who are either untrained or are self-designated experts in what today is a demanding technical profession.

STEEL WHEELS ON STEEL RAILS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. STEELE. Mr. Speaker, Mr. Carl O. Anderson, of Somers, Conn., has brought to my attention his treatise on American railroads, "Steel Wheels on Steel Rails." Mr. Anderson clearly outlines many of the current problems of our transportation system and the role of the railroad in the total transportation scheme.

I am today submitting a condensation of "Steel Wheels on Steel Rails" for the perusal of my colleagues:

STEEL WHEELS ON STEEL RAILS

In 1830 the first passenger boarded a railroad train for the purpose of being transported to another city. Today, just 142 years later, we can clearly foresee the day when the

LAST intercity traveller is carried by a railroad! Railroad passenger service is gasping its last breath!

If this service dies, and at this point it appears that it surely will, all America could well mourn the greatest loss it has ever known. There will, however, be little mourning. The passing will go unnoticed by all but the few who see beyond tomorrow. At a later time, a time which men of vision can now clearly see, the passing will be sadly regretted. For, then, without an exceedingly efficient means of transporting mass volumes of people, our cities too may die!

Other modes of passenger travel have passed into history without notice. The canal boat; horse and carriage; river packet; stage coach. Each has been replaced by faster, more comfortable, more efficient transportation.

If these methods of passenger transport are no longer used, for reasons indicated, it can be assumed that our rail service is being displaced for the same reasons. However, it has been firmly established that the most efficient transport ever devised by man is steel wheels on steel rails.

Indeed, if this fact is absolute, only the absence of comfort and speed can account for our pending loss. But, even in the more recent years of decline, superb levels of comfort have been provided in most of our railroad passenger cars. But for the lack of maintenance and replacement—in the face of continually declining revenues—little in the way of comfort could be questioned in most of our nations rail facilities. Alone, one reason remains for the demise of intercity rail transportation . . . Time!

Our civilization of today is, seemingly above all things, conscious of time. In commerce, in government, in everyday living, time is the major determinant of accomplishment. No measure of nostalgic yearning for an earlier, easier pace alters this fact. We are committed to the pressure of time, and all factors so controlled must relate or be discarded. Before we discard, heedlessly, an essential factor, it must be searched and researched for its potential of improvement and total capability.

In our world of today, time equates to speed. In travel, speed (thus a minimum of time) is the one dominant expectation. Failure to provide speed in any mode of transportation will assure nearly total rejection by the public. In this view, rail passenger service today has been, for the most part, rejected. The validity of this point may be proven by merely observing the converse effect where substantial improvement has been made in rail passenger service schedules, albeit within the limitations of old traditional concepts.

We do not express concern here for railroads in basic form. They shall exist throughout the foreseeable future. Without railroads, this nation and the world would be totally different from that which we know. Without railroads the United States would still be a small nation, hugging the ocean shores and river banks. Vast areas of wilderness and open plains would separate our shores if, indeed, east and west were still united. No modern industry would exist. It is, in fact, quite probable that, without railroads, neither the automobile nor the aeroplane would have evolved. Ironically, it is these newer and faster means of transport that are hastening the end of railroad passenger services!

Only now are we becoming aware of the possible areas of detriment which may be attributed to our newer, faster and more glamourous forms of our transportation. If we can successfully relate each mode of transport to its primary level of efficiency in todays world; if we can realize that no single method of travel is superior to all others; if we can learn that each has its own point of maximum efficiency; the priorities of an efficiency will be established within the overall pattern of our many transportation needs. Hopefully, we will do this before it is too late.

One of mans most revolutionary creations, the automobile, might, in the end, strangle mans civilization! The automobile, either as a passenger carrier or a cargo mover, is—in specific areas of use—most superior to any other form of transport. This area should be defined and limited. Limited not by law or license, but by encouragement of its efficient use and discouragement of its abuse by civilization. The recently realized science of ecology has caused man to know that he cannot, increasingly, befoul the very air we rely upon for life, merely for the selfish whim of "personal convenience". Nor, can he pave the world. The dimensions of the highways and byways of our urban centers can contain but a measurable limit of motor vehicles in transit. A breach of this limit must result, almost immediately, in utter chaos. As frustrations mount, we come to realize that mass volumes of people must be moved in, out, and between our cities by a form of transportation exceedingly superior to the private motor vehicle in degree of efficiency. It is the wheeled conveyance on rails, for localized service (as the rapid transit system) and for interurban travel (as the high speed train) that can provide the ultimate in efficiency. To obtain the greatest measure of this efficiency however, we must improve the journey time factor. This, by the exploration and research of totally new concepts.

A triumphant accomplishment of man is the aeroplane. Capable, as it is, of traveling long distances at speeds foreign to the mind of average man, this newest form of transport has completely revamped man's pattern of travel throughout the world. For all of its speed, technological glamour and presumed convenience, air travel is even now being seen having definite limitations of efficiency, most evident in the range of short to medium distance travel. Regardless of a journey's length, each aircraft requires the same dimension of air space in flight and the same facilities for both take-off and landing. The consequence can be noted in most of our major metropolitan centers, where delays, due to sheer numbers of units in arrival and departure, are becoming the rule rather than the exeception. This is particularly true at an hour of peak demand traffic. These consequential delays may be accepted as a part of the journey time factor for a trip of several hundred (or thousands) of miles. Equal delays applied to travel distance of but a few hundred or so miles become ridiculously disproportionate. Frequently, in such cases, the unhappy traveller seeks alternatives which all too often (in the absence of high speed rail facilities) becomes the automobile. The alternatives of choice are but of two negative factors. They must contribute either to the overburdening of metropolitan airports or to the overloaded urban and intercity highway capacities. With either choice, frustration and chaos reign while empty paths of steel rails stand available, capable of carrying the existing burden of traffic many times over.

Considering the foregoing evaluations, it might be interpreted that the priorities of transportation efficiencies have been established. True, but only in that they are identifiable, not detailed. In the overall pattern of passenger transportation it is clear that:

(A) Air service is far superior in the journey time factor over a long distance range. It is increasingly inferior as the travel distance lessens, reaching a peak of inefficiency in the short, city to city range where the "in flight" segment is but a fraction of the total journey time.

(B) The automobile must be regarded as superior in the suburban/rural areas in short to medium range travel, particularly for initiation or concluding portions of an individual passenger's journey beyond the perimeter of local transit systems. In crowded metropolitan areas, the automobile is extremely inferior in efficiency. This is especially true of the single occupant, private, personal vehicle. It is, likewise, usually inferior where the journey time factor is essential and need for multiple intermediate stops is not present. For long distance "family leisure" type travel the journey time factor is often secondary to supposed economy. Responding to this, our transport systems can adapt to economic considerations through lower "family" or "off peak" fares, coupled with package plan car rentals at destination points.

(C) Railroad passenger service, in light of today's demand for speed, and in competition with the journey time factor in air travel, is inferior in the long distance range. In this range, a moderate demand—peaking in vacation periods—would exist for leisure "see America" travel, and for those unwilling to travel by plane. Rail travel is overwhelmingly superior to all other forms of transport (where fast, modern service exists) within and between our large population centers, as either rapid transit or as high speed intercity service.

These are the general priorities. Regretably they have been neither applied nor even acknowledged in the constant drive to make each form of transport all things to all people. With co-ordinated planning, the priorities can be meaningly applied. If they are not, we may see our civilization moving backward!

We cannot, immediately, implement any recognized order of priorities. We cannot, for one exists almost entirely in the realm of theory—a high speed, modern, intercity rail system. While we may readily accept the superiority of such service in theory, little, in fact, exists! In the years since 1935 railroads have failed to keep pace with the need for technological improvement and advancement of passenger service. They surrendered, without consideration of consequence, to the motor vehicle and aeroplane. As a result, these newer forms of transport now attempt, quite inefficiently, to serve the very critical and complex short/medium distance range. Compounding the problems which have resulted from such inefficiency is the false demand for more and larger airports close by our cities, and for an increasing and ever more entangling network of new highways. While we continue on this course there will be no end to such demand, until our pattern of civilization is literally destroyed in final consequence.

It is readily apparent that the railroad companies, alone, cannot take blame for failure to bring about the needed technical or functional improvements in rail passenger service. Railroads are a major, and most important, business of our nation, committed to the earning of profits. Freight hauling—the "desirable" aspect of railroading—can earn a profit while carrying a normal share of taxation. Passenger service, never a source of attractive profit (and usually operated at a loss) can be recognized as being in the realm of public service, incapable, alone, of bearing inequitable taxation and financial loss while providing funds for research and development. Certainly precluded is the investment of outright capital to the extent that it is needed. This situation exists in poor contrast with newer modes by the existence of highway and airport funds provided and maintained by taxes, plus government support of, and subsidies for, aircraft development and operation. This fact, alone, could be the reason for the "surrender" of our rail passenger service to the automobile and aeroplane.

Tax support of our passenger transport systems is not wrong. They can be seen as public services, without question. The denial of equal status and support to one of the many systems IS wrong! Other nations seem to have corrected these areas of imbalance. So, too, must we.

Amtrak appears to be a potential, if only partial, remedy for existing shortcomings in our rail passenger situation. The intent of Amtrak is commendable. It is seen as providing much needed research & development, as well as improving and revising existing service. It remains to be seen whether the intent will produce the necessary result or not.

Two factors, as established, would assure superiority of rail service in intercity passenger movement within the short/medium distance range. To one, the known efficiency of rail transport, we must add the other . . . Speed! Speed on an overall 'initial departure' to 'final destination' measurement. In other words, speed on either a high average basis, or on a high sustained level throughout the duration of a journey. The developed ability to provide and hold this standard would, once again, put full emphasis on the efficiency of steel wheels on steel rails.

Acceptance of the new Metroliner service between New York and Washington has been most gratifying. While this service is based on the standard concepts of railroading—operating at less than potential speed—it is proof of public acceptance of improved rail service and improved speed. It is interesting to note that the identical New York-Washington trip was made in 1927, with heavyweight, steam powered equipment, in just seven minutes more than todays scheduled time!

It would appear that only in the United States is rail passenger service in danger of an imminent demise. Progressive conceptual advancement of railway service is taking place throughout the world.

In America we have the ability, capacity and means to advance intercity rail transportation to undreamed of levels. Consider our accomplishments in the area of computer science. They remain unmatched anywhere in the world. With this science we have done the impossible, we have enabled men to journey to the moon. And yet, we are unable to move a traveller between two cities, a hundred miles apart, at speeds better than those of forty years ago. Certainly not at speeds that are in keeping with the demands and technology of today. . . . . Why?

Must we regret, once more, that other nations have taken the lead in advancement of public transportation and the preservation of an orderly functioning of civilization? This, while the United States is turning out many more millions of motor vehicles and paving thousands of additional miles of highways to take us. . . . . Where?

Of our problems in establishing a viable intercity passenger service in the United States, a prominent British railway expert recently stated, "—such problems—are secondary (in the U.S.) to political considerations". Our need for meaningful solutions to all of our problems of transportation is so essential, so pressing, so urgent that we cannot, for one minute, regard them as "secondary". We must pursue and adopt effective solutions with forceful and vigorous effort, devoid of self-serving political considerations.

While our primary concern, here, is with the present and future status of our rail passenger systems, we must not confide this concern to the single basic subject. If we do, we do a great disservice to the many problems of our present passenger transport pattern in its entirety. We must recognize and expedite the identified priorities. We must explore and develop new concepts of rail travel which will complement rather than compete with other existing and newly developed modes of travel. If each system can relate, totally, with the others there can be little doubt that most of todays urban problems of congestion will be substantially resolved.

In creating a plan, we must not be reluctant to borrow from, or give consideration to, advancements in planning and achievements of other nations. While it might be said that problems of transport in foreign countries do not by any comparison of standards, parallel those of the U.S., basic concepts and accomplishments—anywhere—should be a source of valued data, contributable to our specific requirements.

The very fact of differences in our transport problems is a persuasive reason for new conceptual planning without further delay. Although we have fallen behind in correcting transport deficiencies, we may now devise an even better 'total transportation pattern' wherein we fully integrate the many modes of travel according to maximum efficiencies.

Within the area of rail transportation, research of new concepts must be far reaching. Our planning must reach into a new century. New modes of travel must be tailored to new modes of living. We, with our mobile and shifting status, must realign many facets of our transportation pattern. With this realignment will come dramatic changes in our life style.

Our cities may evolve, almost exclusively, as centers of commerce and government; science and services; art and culture; education and entertainment; warehousing and distribution, with but a small percentage of people living within the core city. A residential "suburb" may extend for fifty to a hundred miles in every direction from the city center. Commuters, up to 80% or 90% of the work force, may travel this distance in less time than is now spent in commuting ten or twenty miles! Modern rapid transit systems would interchange with high speed intercity lines. The high speed systems would, in turn, interconnect our metropolitan centers within the corridors of concentrated population. These systems would intersect giant transcontinental/international regional air terminals located in open areas forbidden to residential use. This type of terminal would serve all long distance transport needs of several cities, while freeing the individual cities from increasing spread, noise and peril of huge, close-by airports. Journey time to and from these major terminals would actually be less than that presently required for city/airport travel. Intermediate range air travel, interline connections, and private aircraft would continue to be served by present airports. An integration with rapid transit/high speed systems would provide fast and frequent service between these airports and city centers or suburban interchanges. Further expansion of present airports would be unnecessary.

Private automobiles may be all but excluded from future city centers] They would function best beyond the reach of rapid transit/high speed intercity lines as initial or final stage transport between individual homes and public transportation interchanges. They would serve, as now, family convenience in shopping or leisure travel. Electric/pneumatic shuttles (people movers), buses and taxis would complete the metropolitan transit web. No crushing influx or exodus of motor vehicles would press in and out of our cities on small pace "expressways", fouling our urban atmosphere with noxious fumes. Travellers would move swiftly, smoothly, through the transportation pattern from trip initiation to conclusion.

This vision cannot be far from accurate. Continued rape of our urban ecology and space through failure to provide efficient city/intercity transport systems can only lead to a final strangulation of the cities and of our total life style as well.

The proposed planning and implementation is far beyond either the means or capacities of private interests. Public funds are essential to the ultimate accomplishment of such purpose. The "total transportation pattern" program would acknowledge all public passenger transportation as a public service. It must, and will, be done. But . . . When?

Consider the alteratives, and decide . . . Now!

FOUR FACES OF FREEDOM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. LONG of Maryland. Mr. Speaker, Dr. Martin M. Weitz, director of the Center for Interfaith Studies at Lincoln University, and Rabbi of Adas Sholom Temple in Havre de Grace, Md., has written an article about America's four faces of freedom carved in Mount Rushmore. I should like to share his article with my colleagues:

FOUR FACES OF FREEDOM

In the Black Hills of South Dakota is one of the world's largest works of sculpture. It was carved by Idaho-born American sculptor, Gutson Borglum. It took 14 years for the master craftsman aided by many hundreds of faithful artists and co-workers, to carve with monumental proportions on Mount Rushmore, the faces of four great Americans: Washington, Jefferson, Lincoln, and Theodore Roosevelt.

This work of art in reality is the "Grand American," the composite Statesmen of the Spirit for a century and a half of our life. The work is as enormous in proportion as it is bold in execution. Four hundred thousand tons of granite were removed by dynamite, compressed air, steam shovel and other methods so that it all could shine on a landscape of national imagination and in the midst of a core of mountainous granite in mid-America as Four Faces of Freedom.

Geologists tell us that these Faces will endure for three million years. Onlookers inform us that the artists seemed as ants, as they swung on scaffolds for their sacred script in stone.

These Faces are the equivalent of five-story structures and a tall man may stand comfortably in the open eye of a Lincoln, while the nose of Washington is greater than the entire head of the Sphinx . . . The dome of the Capitol in the City of Washington would fit the head of George Washington here like a crown.

These Four Faces of Freedom are an epic carved in stone—an epic of Independence and Interdependence writ large.

George Washington stands above the rest as the "Founding Father" of a nation, in Independence. In him, mood for liberty and quest for amity saw fruition. Magnetic qualities of personal leadership, typical American piety, skill as a Commander-in-Chief, personal integrity, dedication of spirit as a lifeline for the Thirteen Colonies so that they could stand firm in war and united in peace—all are here captured for endless generations. He bespeaks "the right to safety and security of person," as a practical statesman of the spirit. "First in war, first in peace, first in the hearts of his countrymen," he continues because he believed in fellowman broadly as he worshipped God profoundly. . . .

Thomas Jefferson authored the "Declaration of Independence." That would have been history enough. He is a titan in American destiny, as a foe of tyranny in any form. His greatest gift, even on his own epitaph, was the authorship of a Statute for Virginia, on religious freedom. He served as architect of his own Monticello, builder of a new Washington, originator of the Louisiana Purchase and spokesman for the frontier, physically and spiritually. His hearth at Monticello was a "more stately mansion" for the future of man. He breathed life into "the right to citizenship, its privileges and responsibilities."

Abraham Lincoln . . . merciful mystic of union and foremost American of all time. He, more than any other, preserved the Union when threatened with dissolution. His depth of wisdom and breadth of understanding, gave new life to freedom. Personal intuition, blended with frontiersman's vision, gave to America and to the world a portrait of greatness: humble, sad, merciful and meaningful beyond his time. In emancipation of slaves and preservation of the Union, he was synonymous with "the right to freedom and gift of conscience."

Theodore Roosevelt, practical idealist who ignited the imagination of his generation, was reformer in politics, "trustbuster" in economics, conserver for the public domain, cowboy of the West, explorer in Africa, robust American everywhere. As Mount Rushmore depicts him in stone, so the Panama Canal is his "landmark"—and life-line on the seas. . . .

Four Faces of Freedom is the skyline of the spirit in America, a setting of Independence and Interdependence in mid-America . . . and for the world.

Though carved in stone they sing in rhyme . . . our saga of Freedom . . . in dependence on God, independence for man and, interdependence among men . . .

RAIL TAKEOVER BY THE UNITED STATES?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. HUNGATE. Mr. Speaker, I thought my colleagues would be interested in this investor's report from the Christian Science Monitor when our next call comes for funds for Amtrak:

[From the Christian Science Monitor, July 5, 1972]

RAIL TAKEOVER BY UNITED STATES?

Q.—I read recently that American railroads are facing bankruptcy or nationalization. Could this prediction be possible? I own stock in both Chesapeake & Ohio and Norfolk & Western, which have been paying very good dividends, and I have felt that these railroads were very secure. I would have to sell now at a great loss.—E.B., Va.

A.—Although talk of nationalization keeps cropping up, it does not appear likely in the foreseeable future. Both Congress and the rail industry itself are exploring ways to keep things rolling along present lines.

Congress is considering several important new steps to strengthen railroads financially and to improve their ability to compete with other forms of transportation. And the Association of American Railroads is, among other things, looking into ways to keep better track of freight cars and thereby gain extra carrying capacity.

Some railroads have tried to help themselves by enlarging their base to include nontransportation businesses.

These days, therefore, one railroad is quite different from another, and there are many aspects to consider when you use the word "secure." It appears that the industry as a whole is secure, but stocks of various railroads will perform quite differently in coming years.

Both of the stocks you own are down about 12 percent from their highs of the year but yield around 6 percent, so if this income is sufficient, you may be in a position to wait for a recovery in share prices. But if these railroad stocks constitute all or the major part of your securities portfolio, you might consider finding a mutual fund that yields a similar dividend but is not so heavily dependent on one industry.

LET'S LOOK AT BOTH SIDES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. DERWINSKI. Mr. Speaker, the continued Communist military aggression in Vietnam and the consequences of U.S. military support of South Vietnam are subject to accelerated debate due to the U.S. political campaign.

My attention has been directed to an editorial in the New World, a publication of the Catholic archdiocese of Chicago, of July 14. The editorial very properly directs attention to aspects of the Vietnam conflict that are not often enough brought to the attention of the American public.

The editorial follows:

LET'S LOOK AT BOTH SIDES

In certain suburbs of Saigon are villages—homes and churches and shops—of thousands of North Vietnamese who fled to the South when communism took over control of North Vietnam.

This is the other side of coin to the Vietnam war.

The New York Times recently published "The Human Cost of Communism," written by Sir Robert Thompson, described as "the British expert on guerrilla warfare who has undertaken secret missions for President Nixon to report on events in Vietnam."

His comments are startling and very revealing.

"Everyone has heard of Mylai," he writes, "but who has heard of Caibe where the Vietcong, after its capture, lingered only to murder the wives and children of all the local militia? Or of the Montagnard village of Dakson, where they moved from hut to hut with flame-throwers incinerating more than 250 villages, two-thirds women and children?

"Most people have heard of the massacres at Hue in 1968 where the Vietcong and North Vietnamese, after its capture, executed 5,700 people (as assessed from the mass graves found afterwards) but who knows that in captured documents they gloated over these figures and only complained that they had not killed enough? These were not aberration, not savagery for savagery's sake, nor the work of undisciplined soldiers acting in violation of instructions, but part of a ruthless deliberate policy designed to break a people who would not otherwise bend to their will."

Sir Robert said: "There are distressing implications for the future. If the invasion succeeds and the North takes over the South what will the bloodbath be? Four years ago I estimated that it would be several hundred thousands.

"I now wish to amend that figure to well over one million (out of 18 million people)."

LAKEVILLE, MASS., UNITED CHURCH OF CHRIST REDEDICATED

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, tribute is due to the members of the Lakeville United Church of Christ in Lakeville, Mass., for their unusual achievement.

The congregations of Precinct Church and Grove Chapel, having merged as the LUCC in 1966, they decided in 1970 to move their church building and restore it.

The move and restoration have just been completed and the restored 137-old building was rededicated in an ecumenical service recently.

The restoration work was done by church members. For this and for their spirit of concern, they deserve not only congratulations but also a great deal of credit.

I include the story of the rededication in an article in the Taunton Daily Gazette:

UNITED CHURCH DEDICATED ANEW AFTER RESTORATION

(By Sandra Buttermore)

LAKEVILLE.—Members and friends of the Lakeville United Church of Christ (LUCC) gathered Sunday afternoon at the church, located at the corner of Precinct and Bedfords Sts., to celebrate the rededication of the newly restored church and its members.

The congregations of Precinct Church and Grove Chapel, merged and incorporated on June 19, 1966, decided to move the Precinct Church building onto a new site and restore it.

The building, built in 1835, was moved one and one half miles, beginning on April 13, 1970. The journey of the 78 foot tall, 100 ton building, which took four days, was completed without any problems, and the restoration process was begun by committee members.

Abraham Van Lenten, chairman, and Mrs. Marguerite Mills, Frank Jenkins, Mansfield Whitney, Donald DeMoranville, Robert Mann, Neil Newton, Richard Williams, and Wallace Wilkie, served on the restoration committee and put in untold hours of work on the project.

The service of rededication began with a half-hour organ recital by Bradford Bates of Middleboro. Participants in the hour long service included the Rev. Wayne Philbrook of Greensboro, Vt., pastor of the two churches from 1960–1962; the Rev. Herbert Wilber of Middleboro, a former pastor of Precinct Church; the Rev. Frederick Lyon of Brookfield, Conn., former pastor of LUCC.

Also, the Rev. Charles Carder of the Lakeville Church of the Nazarene, the Rev. Paul Sinn of Plymouth, southeast area minister of the Mass. Conference of the United Church of Christ; and the Rev. Dr. Robert Dodds, present pastor of the church.

Russell Gardner, historian of the Wampanoa tribes; Phillips Baird, chairman of the

Board of Deacons; Wilkie, chairman of the Board of Trustees, and Abraham Van Lenten, chairman of the Restoration Committee, also took part in the service.

Special music was supplied by guest soloist, Mrs. Joan Frates of Middleboro; Mrs. Claire Rousseau of Lakeville, guest organist; and the LUCC choir and the LUCC Brass Quartet.

Following the service, a buffet was served in the Fellowship Hall, where historical items were on display. The blessing before the meal was pronounced by the Rev. Father Daniel Moran of Sts. Martha and Mary Church in Lakeville.

A program of slides and movies of the restoration process was enjoyed, and the evening ended with a short hymm sing. The benediction was given by the Rev. A. Chester Gushee of Mullein Hill Baptist Church, Lakeville.

POLLUTION IN THE TIPPY: PRELIMINARY REPORT

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. HILLIS. Mr. Speaker, on July 1, 1972, I had the pleasure of canoeing down a stretch of the Tippecanoe River. Located in the northern part of Indiana, this river has long been one of the State's favorite fishing streams.

In the past, Hoosier anglers have fished the Tippy in quest of northern pike, smallmouth and largemouth bass, redeyes, silver bass, and catfish.

However, last summer pollution struck and a section of the river suffered a severe setback—thousands of fish and aquatic organisms were killed. Thus the reason for my float to inspect the river and run tests for water pollution.

I took two types of water samples, one from a sterile container for finite evaluation and another for more general analysis. The water from the sterile container will be used to run lab tests for the presence of harmful micro-organisms and the second water sample will be used to check for the presence of oil and similar substances.

A third test was run with the aid of an instrument called an oxygen meter. This meter gave us two different sets of data: The water temperature and a dissolved oxygen—D-O_2—reading. The instrument, designed to read D-O_2 directly in parts per million—p.p.m.—uses two thermistors in a unique circuit to compenstate for temperature effects on both probe membrane permeability and oxygen solubility in water. The probe measures temperature with a thermistor sensor providing water temperatures with calibration and as additional data. Although the analysis of this is not complete, I am pleased to report that most D-O_2 readings were right around 7.5 p.p.m. The critical D-O_2 range is about 4.0 p.p.m. and I understand it was 0.2 p.p.m. when the river was polluted by liquid manure last summer. This explains the large fish kill—the fish simply did not have enough oxygen.

Although the laboratory report has not been completed, the Tippecanoe River seemed to be in pretty good shape. The river showed no physical signs of pollution in reference to the earlier oil leaks or manure spill. In fact, the entire stream was quite clear with only a slight amount of turbidity.

The wildlife species encountered were normal for the area, including several sets of deer tracks. The aquatic habitat seemed complete with vegetation and several species of fish. However, State biologists recently conducted a fish shocking survey that will be available later for further evaluation.

Only on two occasions did I see any manmade products at the water's edge and I was assured that with the exception of being eyesores, they were not polluting the stream.

As soon as the lab tests are finished, I will be able to give a more detailed report on the results of my float trip.

GENERAL LAVELLE DESERVES THE HEARTFELT THANKS OF HIS COUNTRY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. SCHMITZ. Mr. Speaker, the Fighter Pilots Credo in Southeast Asia says:

> If it must be said—say it now. If it must be done—do it now . . . for there may be no tomorrow.

With the hue and cry being raised for the scalp of Gen. John D. Lavelle in the "peace at any price" forums from Boston to Los Angeles and especially here in Washington, the time has come for Americans of other persuasions to give him the credit that is his due.

General Lavelle was a combat commander responsible for the lives of his men and the safety of a land and people in terrible danger that look to us for help. His situation was not dissimilar to that of Gen. Douglas MacArthur almost 20 years ago, when he faced hordes of Chinese Communists assembling at staging areas on the Yalu River, ready for a deadly onslaught that was to cost the lives of some 30,000 American fighting men defending South Korea. General MacArthur was relieved of his command for insisting that we ought to attack the enemy across the Yalu, but came home to a tumultuous welcome by millions of Americans, an honorary degree from the university where I was then a senior, and an invitation which he accepted to address a joint session of Congress.

General Lavelle, on the other hand, was summarily relieved, demoted, and retired from the service, at first with little public notice and then in the face of a rising crescendo from his critics. Not until June 12 was a brief hearing on his case held in the House of Representatives, with public statements by General Lavelle and Air Force Chief of Staff Gen. John D. Ryan. The gist of the charge against General Lavelle was that he had hit the enemy too soon and too hard.

His fighter pilots, scouting across the demilitarized zone—DMZ—into North Vietnam and from Laos into North Vietnam, could watch tons of supplies and military equipment being assembled to kill more Americans and South Vietnamese, whenever convenient to the enemy's timetable, just 2 miles beyond the line limiting our air attack—except in direct retaliation against air attacks on our planes—which derived from President Johnson's virtual surrender in 1968 calling off the air war in the North. Based on this information coming to him, General Lavelle "chose to make a very liberal interpretation of the rules of engagement," noting that his airmen even on unarmed reconnaissance flights "were operating in an environment of optimum enemy defense."

Knowing that the enemy was preparing a massive mechanized offensive to conquer and destroy South Vietnam, he acted to stop the invasion before it began. His air attacks forced the North Vietnamese aggressors to step up their invasion timetable a full 2 months, beginning it before they were fully ready, while over 400 tanks still sat at the port of Haiphong, unable to take part in the battle. Because of General Lavelle, Hanoi dared not wait for them. As columnist Paul Scott pointed out June 21:

> Had these tanks and others destroyed by Lavelle's strikes been available, American military officials doubt that the North Vietnamese invaders could have been stopped short of Saigon.

Enter the picture one disgruntled Air Force sergeant, a photo-interpreter sitting in an air-conditioned trailer on Ton Son Nhut Air Base in Saigon, who probably never looked down the muzzle of a gun fired at him in anger with the intent to take his life or—as perhaps he deserves—to enslave him to a Communist master. The Sergeant wrote to a "peacenik" Senator telling him that General Lavelle was violating the rules of engagement. The Senator told General Ryan, who removed General Lavelle from his command. Nobody to date has questioned the fact that this sergeant transmitted top secret material in the process of destroying his commander's career.

As he himself stated and as General Ryan confirmed, General Lavelle was working under a document—the limiting rules of engagement—made obsolete by the rapidly changing situation in Vietnam. He took the initiative of a commander in the field to protect his men and to forestall the great invasion which might otherwise have rendered futile all the efforts and sacrifices that have been made to save South Vietnam from communism. For this he was punished, in the name of political expediency, by the armchair quarterbacks in Washington.

General Lavelle deserves the thanks of Americans in uniform and out of it. Mothers and fathers, sisters and brothers, of American and South Vietnamese soldiers owe the lives of their loved ones and the preservation of South Vietnam to this man. The President, as Commander in Chief, should render public recognition for the courage and the triumph of General Lavelle. Those who punished him for the unpardonable sin of victory owe the most profound apology to him and to the American people. General Lavelle, himself a former fighter pilot, acted in the spirit of their credo:

> If it must be done, do it now—for there may be no tomorrow.

MISSISSIPPI'S POULTRY INDUSTRY

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. GRIFFIN. Mr. Speaker, we in Mississippi are proud of our poultry industry and the people in it. Not only has poultry become the largest food producing industry in Mississippi, but also this industry has developed the State into a national leader in poultry production.

Today millions of Americans are enjoying quality poultry and eggs shipped from Mississippi producers. The Mississippi poultry industry is making a significant contribution to the American consumer as well as to the economy of our State.

I would like to include in my remarks an article from the McComb Enterprise Journal on the important poultry industry of Mississippi, as outlined by Pike County Agent George Mullendore. It follows:

Poultry Industry Is High in Mississippi

Poultry is the largest food producing industry in Mississippi.

County Agent George Mullendore, speaking of last year's production in Mississippi, said, "We produced one and a quarter billion pounds of top quality poultry meat and eggs—890,000,000 pounds of poultry meat and 282,000,000 pounds of eggs—a total of 1,172,000,000 pounds of the highest quality poultry meat and eggs produced anywhere in the world.

"We used about 28 per cent of these eggs and about 12 per cent of our poultry meat to feed our Mississippi people. The rest of our production—72 per cent of eggs and 88 per cent of poultry meat were shipped all over America and to several foreign countries to feed untold millions beyond our state's borders."

"The statistics show that we produced a gross income of $184,430,000—$66,540,000 from eggs, $11,250,000 from broilers, $5,440,000 from farm chickens and $176,000 from turkeys. And this is not all. We have some $250,000,000 invested in buildings and equipment—broiler houses, laying houses, breeder houses, hatcheries, feed mills, processing plants and the equipment to operate them.

"Our on-the-farm production houses alone (layers, breeders, broilers) have a combined floor space of more than 100,000,000 square feet. It takes a lot of Mississippi lumber and labor to build these houses.

"Our hatcheries produced 260,100,000 chicks for layers, breeders and broilers.

"Our feed mills produced one and three-fourths million tons of feed and that was used in the production of our chicks, broilers and eggs. Some of these mills produced as much as 450 tons of poultry feed every day in the year. In making this feed, our mills used, in addition to other ingredients, 43,000,000 bushels of corn and 365,000 tons of soybean meal.

"For every ton of feed fed, our poultry produces two to two and one-fourth tons of manure. We produced more than 3,000,000 tons. The fertilizer value is figured from $16 to $25 per ton. Using a conservative figure of $15 per ton, we produced fertilizer valued at over $45,000,000. Poultry fertilizer is used on crops, but its most dramatic use is to build better pastures.

"Our processing plants are shipping top quality U.S. government inspected poultry to population centers all over our nation and to several foreign countries. No state or area markets better quality. Some of our plants process from 9,000 to 12,000 broilers per hour and employ up to 475 people per plant. Our plants employ several thousand people.

"Our egg processing plants ship top quality U.S. Government inspected eggs to the population centers of our nation. Several of the larger buyers in the nation prefer Mississippi eggs to those produced in other areas. They say we produce the best quality eggs available anywhere in the nation. These plants also employ thousands of people.

"The operating capital and working inventories of our poultry operations will run to some $500,000,000 (half a billion dollars).

"Our annual payrolls will run well over $100,000,000—on the farms (broiler, layer, breeder), hatcheries, feed mills, processing plants, truck drivers, servicemen, administrative personnel, accountants and many others—many thousands of Mississippians have a good livelihood in our poultry industry.

"Our Mississippi poultry industry people are recognized throughout the poultry world as being the best. The people in our industry growers contractors and all those working in the poultry industry in any capacity, are throughout the nation as very efficient operators, as producers of very high quality products and as very fine people.

"Our industry leaders stand high in regional and national poultry circles. Two of our poultrymen have served as president of the National Broiler Council. One of our growers served as vice president of National Broiler Council's Producer Committee. Three Mississippians have served as president of the Southeastern Poultry and Egg Association. Two have served as president of the American Poultry and Hatchery Federation. Two have served as president of the National Egg Co. Two are officers (chairman and secretary) of our newly organized National Broiler Co-op. One is chairman of the board of directors of the Poultry and Egg Institute of America. One served as president of United Egg Producers. Others have served on regional and national committees of the USDA.

"Of course we have men serving as directors on the official boards of our regional and national poultry organizations, some as officers.

"We are real proud of our poultry industry and the people in it. Our industry operates strictly on the free enterprise system. Our industry is mature, sound, solid. We expect to continue to grow.

"At present we rank number five in the nation in the production of commercial broilers and number 11 in the production of commercial eggs."

OPPOSITION TO FORCED CROSS-DISTRICT BUSING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. DINGELL. Mr. Speaker, I have received a letter from James N. Castleman, secretary and business manager of the Board of Education, Wyandotte, Mich., setting forth the position of the Wyandotte Board of Education in opposition to forced cross-district busing and reporting on the strong opposition of the citizens of Wyandotte to such busing as expressed in the annual school board election on June 12, 1972.

I am in complete agreement with the views of the Wyandotte Board of Education on this matter and would like to share the information contained in Mr. Castleman's letter with my colleagues. Therefore, I insert the text of his letter at this point in the Record:

Board of Education,
Wyandotte, Mich., July 11, 1972.

Hon. John Dingell,
House of Representatives,
Washington, D.C.

Dear Sir: Please be advised that the Wyandotte Board of Education has gone on record as being opposed to forced cross-district busing. Their official position is set forth in the following resolution that was passed unanimously at a regular Board Meeting on May 15, 1972:

Whereas, the Wyandotte Board of Education was one of the first public bodies in Michigan to recognize the harmful and disruptive effect upon the educational system inherent in forced cross-district busing; and

Whereas the Wyandotte Board of Education was a leading force in organizing the suburban school districts to jointly intervene in the law suit now pending in the United States District Court before Judge Stephen Roth in order to protect the rights and interests of the school districts and the communities which they serve; and

Whereas the Wyandotte Board of Education was instrumental in obtaining the services of one of the nation's outstanding attorneys, Mr. William Saxton, as legal counsel to the 40 suburban school districts; and

Whereas the Wyandotte Board of Education has made available its Superintendent of Schools, Dr. Fred P. Davenport, to serve on the coordination committee for the 40 suburban school districts in their opposition for forced cross-district busing and to assist the legal counsel, Mr. William Saxton, as needed; and

Whereas the Wyandotte Board of Education remains firmly convinced that the neighborhood school concept is in the best interests of children generally and is representative of the wishes of the overwhelming majority of parents everywhere,

Therefore be it resolved that the Wyandotte Board of Education reaffirm its opposition to forced cross-district busing; and

Be it further resolved that the Wyandotte Board of Education continue its leadership role among the school districts of Wayne, Oakland and Macomb Counties; and

Be it finally resolved that the Wayandotte Board of Education go on record as unequivocally supporting whatever legal defense is necessary to protect the interests of Wyandotte children and parents up to and including, if necessary, an appeal to the Supreme Court of the United States of America.

The electorate has also given expression to the matter of forced cross-district busing by responding to the following advisory questions on the ballot at the Annual School Election of June 12, 1972:

Are you in favor of amending the United States Constitution to prohibit forced busing and guarantee the rights of each student to attend the school of his choice?

Yes, 1,822; no, 521.

Do you believe busing of children will produce better education?

Yes, 128; no, 2,177.

The wishes of your constituency are quite conclusive as being opposed to forced cross-district busing and feel that forced cross-district busing will in no way produce a better education for their children. Parents and concerned citizens are vitally concerned about this issue and are expecting you to support the community school concept of education to the fullest extent.

The Wyandotte Board of Education requests you and your colleagues to use the full power of your offices to oppose all present and future legislation favoring forced cross-district busing and support the President's program as recommended to Congress.

Very truly yours,

JAMES N. CASTLEMAN,
Secretary and Business Manager.

ORDER OF AHEPA'S 50TH ANNIVERSARY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. DULSKI. Mr. Speaker, a half century ago in Atlanta, Ga., was founded the Order of Ahepa, the American Hellenic Educational Progressive Association.

During these 50 years, the Order of Ahepa has had many distinguished and dedicated members who have been responsible for many, many civic and charitable activities.

In my home city of Buffalo, N.Y., we have an active chapter, one of 36 in the Empire State. Incumbent officers of the Buffalo chapter are: Angelo E. Pefenis, president; Tasos Kellaris, vice president; Chris Liaros, secretary, and Nick Kafasis, treasurer.

George Carcales of Buffalo is athletic director of the New York district lodge. Dennis J. Livadas, a member of the nearby Rochester, N.Y. chapter, is serving in national office as supreme counsellor.

Membership in the Order of Ahepa is open to men of good moral character who are citizens—or have declared their intention to become citizens—of the United States or Canada. In this connection, the organization has placed emphasis on its aid to members seeking citizenship.

The order has a notable single purpose: The improvement and betterment of our social, moral, and family life.

In elaboration of that purpose, the Order of Ahepa seeks:

First. To promote and encourage loyalty to the United States of America;

Second. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind;

Third. To instill in its membership a due appreciation of the privileges of citizenship;

Fourth. To encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor;

Fifth. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation;

Sixth. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture;

Seventh. To promote good fellowship, and endow its members with the perfection of the moral sense;

Eighth. To endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness, and

Ninth. To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

Mr. Speaker, as the Order of Ahepa marks its golden anniversary, I extend my personal congratulations and take pleasure in calling the Order's work to the attention of my colleagues.

LEE HAMILTON'S WASHINGTON REPORT TO INDIANA'S NINTH CONGRESSIONAL DISTRICT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the complete text of my recent Washington Report on Federal spending:

WASHINGTON REPORT OF CONGRESSMAN LEE HAMILTON, JULY 10, 1972

The federal government spent $23 billion more than it took in during Fiscal Year 1971, will probably overspend by about $26 billion in Fiscal Year 1972, and by $25 billion in Fiscal Year 1973. In short, the federal budget is in serious trouble.

No wonder, then, that Ninth District residents, responding to my annual questionnaire list government spending a close second to crime as their chief concern. Across the nation, and in the Congress, there is growing distress about the soaring costs of government and the regularity of huge budget deficits. These deficits are unsettling, regardless of political views or economic philosophies, and no matter how appropriate a deficit may be to stiumulate the economy in any given year.

Federal civilian expenditures as a percentage of all goods and services produced in this country have doubled in ten years as Americans have come to expect the government to take an expanded role in dealing with the whole range of national, state and local problems. During this time of increased outlays, federal income and excise taxes have been sharply reduced.

From 1955 to 1965, total government expenditures increased modestly, but from 1965 to 1970, federal expenditures have accelerated by some 10 percent each year. Moreover, the growth in federal spending in the coming years will continue at a substantial rate because of:

The backlog of unmet needs for federal assistance,

The continuing belief that the federal government should play a major role in dealing with our social problems, and

The increased demand for more and varied public services.

Programs with fixed costs such as Social Security, Medicare, retirement benefits, interest on the national debt (now $21 billion a year, enough to run the entire government 30 years ago), the everyday expenses of the Executive, Judicial and Legislative branches, and ongoing programs under government contract now account for about two-thirds of the federal budget. Only a third of the total budget is subject to cost-cutting actions by Congress and the President.

The pressure to spend more money for worthy purposes will not relent. Several new federal assistance approaches are now being given serious political consideration, among them the replacement of local property taxes with federal financing, the equalization of expenditures per pupil within the states, costly water pollution control proposals, and greatly expanded health insurance plans.

A respected Brookings Institution study recently concluded that our projected economic growth, coupled with our current tax levels, simply will not provide the funds for new federal programs within the next few years.

Only two means are available to deal with this growing fiscal crisis: expenditure reductions and tax increases. We face many difficult choices in the years ahead as we deal with the nation's needs. The setting of priorities in meeting these needs, the problem I have often called the toughest in government, is becoming more difficult each year, despite the increase in the national income.

Although this, and next week's Report, deal only with the expenditure reduction approach to our fiscal crisis, it should be kept in mind that probably the best remedy is a booming economy, with full employment. The government's share of the revenues produced under these circumstances would go a long way in helping us meet the fiscal crisis.

The Congress deals with the budget without a coherent vision of where the nation stands and where it is going and without a clear understanding of the relationship of competing federal programs, both to each other and to the whole. Instead, Congress dismembers the budget and sends pieces of it to a number of committees. No committee has an overview of the economic condition of the country or a concept of the overall budget.

If the Congress is to make prudent decisions in light of expenditures and revenue-outlook, economic conditions, the provisions of existing laws, and other conditions, reforms are necessary. Principal among them:

Spending Scrutiny. All spending must be scrutinized, and especially military spending, in order to do a better job in eliminating waste and mismanagement. For example, a recent analysis of defense costs showed that 45 weapons now being built had cost overruns of $35 billion. In the past, Congress has concentrated on exceptional items in the defense budget, such as the ABM system, the strategic bomber, and the nuclear aircraft carrier. These large items are significant, but we should focus even more on fundamental questions, such as the effectiveness of our forces, how they are to be supported, and the long-range consequences of spending decisions, rather than the present fiscal year.

Subsidy programs, now totaling over $60 billion a year, should be given the most careful and continuing scrutiny to eliminate waste and unfair and outmoded fiscal favoritism to special interests.

Spending Ceilings. A rigid expenditure ceiling to assure the public that the federal budgetary process is not out of control is necessary. It would have the dual effect of keeping the budget within projected revenue receipts and dampening inflationary pressures. This type of budgetary perspective also would force attention to alternative or substitute measures when pressure is exerted on the spending ceiling.

Long Range View. Since most important budget decisions do not have an immediate impact on the budget, the Congress should deal each year with a five-year budget outlook. The Joint Economic Committee of the Congress should hold hearings on this outlook and report its evaluations. Appropriations, where possible, should be made a year in advance to permit better planning, while other programs should be shifted to appropriations on a three-year basis.

Zero-Based Budget. Spending programs should be evaluated from the ground up at least once every three years. This approach would require that agency appropriations be justified on the basis of its program's proven worth. Too often, Congress simply looks at the agency's appropriation last year, then adds a little more for the current year.

Congressional Oversight. The awesome size and complexity of the budget demands that a single, joint Congressional committee assign spending priorities and make a comprehensive review of the fiscal and monetary ramifications of the President's annual budget request.

New Approaches in Federal Programs. New incentives should be initiated to improve federal programs, such as (1) the use of a tax on each instance of pollution, giving polluters an economic incentive to reduce pollution, (2) making it worthwhile for welfare recipients to work, or (3) encouraging more efficiency in hospitals by allowing a single fee in advance for services rather than reimbursement for each delivered service.

The federal government also should use experimentation to find the techniques which really work before massive programs are funded.

THE GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. DONOHUE. Mr. Speaker, it is a very great personal pleasure for me to join in the national tribute being currently paid to the Order of Ahepa, the American Hellenic Educational Progressive Association. The Order of Ahepa is celebrating its golden anniversary during this month of July and the American people are saluting Ahepa on this notable occasion in recognition of its tremendous contributions, throughout this half century, to our national progress.

The Order of Ahepa was founded July 26, 1922, in Atlanta, Ga., and its membership and activities extend to 49 States, Canada, and Australia, with a total of 430 local chapters. The order, a fraternal organization which is both nonpolitical and nonsectarian, is open to men of high moral character from all walks of life and is dedicated to the wholesome goals of good fellowship and common understanding.

The many outstanding members of the Order of Ahepa include such notable and distinguished Government leaders as the late President Franklin D. Roosevelt and former President Harry S. Truman. In my home district, AHEPA members and officers, in pursuit of the order's objectives, bring to their respective communities a vitalizing community spirit of responsible citizenship and cooperation for progress.

It is obvious, Mr. Speaker, that the AHEPA membership, through persevering dedication to the fulfillment of their organization's ideals and their civic duties, have truly demonstrated their total commitment to improving the quality of this Nation's moral, social, and economic life. A distinctive part of this commitment includes such wholesome objectives as giving help and encouragement to aliens seeking to attain full American citizenship, granting scholarship awards to worthy students on the local, State, and national levels, and financial and humanitarian assistance to the distressed victims of floods, hurricanes, and earthquakes both in this country and abroad.

Mr. Speaker, AHEPA's golden record of organizational accomplishment on behalf of their fellow Americans and fellow human beings everywhere parallels the spirit and achievements of the golden age of Greece. In extending my congratulations to this distinguished organization on its 50th anniversary, it is my earnest hope that the Order of Ahepa will forever continue to experience increasing success in the fulfillment of all their great principles and ideals on behalf of mankind.

APPEALS TO "SILENT MAJORITY"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. SCHMITZ. Mr. Speaker, 10 years ago in May, the border of Hong Kong was the scene of a strange but heart-rending phenomenon as tens of thousands of refugees from the Chinese mainland sought entry into the British colony. Why the Chinese Communist regime allowed such a massive flow of its populace to the free world has baffled all China watchers. According to impartial foreign press reports, 75,000 reached Hong Kong in that 1 month, but a number of them were later rounded up and sent back by British authorities.

Said the New York Times of May 26, 1962:

> The world has seldom, if ever, experienced a situation quite like that which developed with the recent massive flow of people from continental China into the tiny colony of Hong Kong. The exact reason for the mass outflow is not clear . . . Was it caused by food shortage, asked the New York Times? Or as the New York Herald Tribune theorized on May 25, "This tolerated mass exodus from Communist China can only mean that the regime of Mao Tse-tung is on the verge of a major crisis of the most convulsive sort.

The Communists closed the gates as abruptly as they opened them when worldwide publicity proved to be embarrassing to the regime. Controls were tightened and patrols were ordered to shoot anyone attempting to cross the border in a dash for freedom. They still escape but in much harder way—by swimming 7 miles of ocean before reaching one of Hong Kong's outlying islets. During 1971, authorities in Hong Kong estimated that more than 17,500 Chinese refugees entered the colony that way.

A number of them made their way to the Republic of China from the British colony. Recently, commemorating the 10th anniversary of the "May Exodus," more than 1,000 such refugees gathered at a rally in Taipei. Lest their experience be forgotten in the atmosphere of illusion created by President Nixon's journey to Peking, they have made a stirring appeal to the American people, particularly the "silent majority," in the following open letter:

> AN OPEN LETTER TO THE SILENT MAJORITY OF THE UNITED STATES
>
> In May 1962 there was a massive exodus of refugees from the Chinese mainland which attracted such worldwide attention that it has since been known as the "May Exodus of 1962." We were among that unique group of refugees comprising Chinese Communist party members, military officers, cadres, teachers, doctors, students, and workers and peasants. We have since regained our freedom on Taiwan in the Republic of China. Today, as we are assembled in Taipei to commemorate the tenth anniversary of the "Exodus," we wish to convey our sincere appreciation and profound respect to the United States Government and American people for their dedication in upholding justice and in resisting the sinister influences of communism.
>
> It is our firm conviction that we represent the voice of our 700 million compatriots on the mainland who have no freedom of expression. We must point out that if the source of all the troubles in the world lies in Asia, then the Chinese Communist regime is the root of Asia's troubles. It is only by eradicating that evil root that peace and happiness for mankind will be assured and safeguarded.
>
> Unfortunately, there are myopic politicians in the free world and a handful of appeasers in the United States who believe that it is possible to "sit down and talk" with the Chinese Communists. They advocate such views as "waiting for a change to come among a new generation of Chinese Communists," "containment without isolation," and "two Chinas formula." This has enabled the Chinese Communist regime to usurp Chinese representation in the United Nations, thus rendering bankrupt the lofty goals of that international body and destroying the symbol of the pursuit of mankind for peace and justice. In the meantime, that price paid by thousands and tens of thousands of American soldiers with their blood in Korea and is still being paid in Vietnam is nothing but humiliation and disgrace to the United States itself.
>
> In fact, the Communist bloc is nothing but a sinister organization which is obsessed with worldwide class struggle by brutal force. The Chinese Communist regime, claiming to be the leader of the Third World, is even more rampant. It has repeatedly clamored that it must eliminate its "No. 1 enemy" and "bury United States imperialism." For many decades, it has been proven by historical facts that "anti-U.S. imperialism" has been the unalterable goal of the Chinese Communist pursuit of "world revolution."
>
> When the United States published the "White Papers" on China in 1949, the Maoist regime stigmatized the document as "the confessions of crimes of U.S. imperialist aggression on China." When North Korea invaded South Korea in 1950, Mao Tse-tung plunged into the war under the pretext of "resisting U.S. and helping Korea" and unleashed the so-called "hate-America, despise-America and downgrade-America" movement against U.S. imperialism. During the anti-American riots in the Panama Canal

zone in 1964, the People's Daily immediately suggested that an "anti-U.S. imperialism united front" be organized. In 1965, Lin Piao declared in his article entitled "Long Live the Victory of People's War" that the "rural villages of the world" should arise to besiege the "cities of the world." Since the expansion of the war in Vietnam, the Chinese Communists have engaged in constant denunication of the United States, waging a sanguinary struggle in Indochina against the U.S. directly or indirectly.

The Chinese Communist chieftains and their propaganda machines have overtly and covertly engaged in inciting and provoking racial strifes or other anti-government activities in the United States. With the advent of 1970's, the Maoists have clamored even more loudly that "the entire world's people unite to defeat U.S. imperialism and its lackeys," asserting in the meantime that "we will struggle relentlessly against the U.S. for one, two or even three hundred years." It is thus patently clear that the Chinese Communist regime regards the United States as its irrevocable enemy. In the light of these facts, how can the appeasers justify their penchant to open relations with the Peiping regime?

The traditional spirit of democracy, freedom, and human dignity has insured the United States role of leadership in the free world. Recently, President Nixon has courageously decided to mine the ports of North Vietnam in order to stem the enemy offensive against South Vietnam. It is gratifying that this sagacious policy has won the overwhelming support of the silent majority. We hope that beginning from now, the United States will no longer compromise with the brutal forces of world communism, or kowtow to international appeasers. However, in order to adopt such a firm stand, much will depend on the silent majority of the United States which, it is hoped, will no longer remain silent, but will articulate its righteous stand to demand victory in Vietnam.

Let us stand together shoulder to shoulder in our common endeavor to defeat the Chinese Communist regime which is a peril to all mankind, and to build a free world of the people, by the people, and for the people.

Signed by Lin Hsiao, chairman of the Rally Commemorating the Tenth Anniversary of the May 1962 Exodus of Refugees from Mainland China, on behalf of more than 1,000 such refugees, Tapei, May 21, 1972.

ALMOST ALL USES OF DDT BANNED

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1972

Mr. OBEY. Mr. Speaker, the decision several weeks ago by Environmental Protection Agency Administrator William Ruckelshaus to ban almost all uses of DDT in this country was one of the most environmentally sound decisions ever made by a Federal agency.

It was certainly a decision long in coming, and one made only after passing through what seemed to be an endless series of roadblocks.

It was over 3 years ago, in April 1969, that Health, Education, and Welfare Secretary Robert Finch created a Commission on Pesticides headed by Dr. Emil Mrak which was directed to "reappraise the problem of persistent pesticides with special emphasis on DDT."

In July 1969, the USDA suspended the use of DDT, but only for 30 days.

In November 1969, the so-called Mrak Commission on Pesticides reported back to Secretary Finch and concluded that all but essential uses of DDT be ended within 2 years. In that same month some uses of DDT were prohibited, but because of various appeal procedures it was to be a long time before those prohibited uses were actually stopped.

In June 1970, Secretary of Interior Walter Hickel banned the use of DDT and other persistent pesticides on Department of Interior lands. And, in September 1970, an advisory committee of the National Academy of Sciences reported that DDT and its derivations were "serious environmental pollutants."

In May 1971, EPA Assistant Administrator John Quarles said:

> Because there is a substantial question as to the safety of DDT to man, wildlife, and the environment, the benefits and risks associated with its continued use should be resolved as quickly as possible.

In March 1972, after hearing from 125 witnesses and receiving over 300 documents and 8,900 pages of testimony over a period of 7 months, the EPA closed its hearings on whether or not DDT ought to be banned in this country.

Mr. Speaker, because a great many of us have been trying for so long to ban this persistent pesticide, I do not even know now whether to believe it has actually happened.

In a sense, it has not, for while the EPA decided to ban this pesticide for most purposes, that action has been put off, at least until December 31, 1972.

I think a lot of people deserve a great deal of credit for this action regarding DDT.

One thinks certainly of Rachel Carson who brought the problems associated with this pesticide to the public's attention. I think also of Senator GAYLORD NELSON of my own State of Wisconsin who was fighting against DDT when no one else would or could. And I think, too, of the many environmental groups which battled through administrative reviews, scientific reviews, public hearings, and lawsuits in their effort to rid our environment of this pesticide. Certainly their persistence rivaled that of their target.

Even with this latest announcement that the days of DDT are numbered at last, it is very obvious that the legacy of DDT will be with us for some time to come. DDT is a persistent pesticide. It stays in the environment for 10 or 15 years after it is used. Even though the use of this pesticide has decreased in this country in recent years, amounts of DDT have not perceptively decreased in the water and the soil.

The same is true, of course, of other pesticides and other chemicals which we are daily putting into our air, water and soil. So, while we can take heart from the DDT decision, we must do so with the recognition that a great deal more in this area remains to be done.

SENATE—*Wednesday, July 19, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JENNINGS RANDOLPH, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who giveth wisdom and understanding to all who call upon Thee, we beseech Thee to come upon Thy servants in this place to renew their energies, guide their consultations, conciliate their differences, accelerate their efforts that the work undertaken may be completed for the welfare of the Nation and in consonance with Thy will. Reward them with inner peace and harmony with Thy spirit. Guide the President and all our leaders through this age of peril and high promise to the day of the coming of Thy kingdom on earth.

Through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 19, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JENNINGS RANDOLPH, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. RANDOLPH thereupon took the chair as Acting President pro tempore.

THE ACTING PRESIDENT pro tempore. Under the customary order, recognition of the majority and minority leaders, if they so wish, is in order.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, July 18, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FULL U.S. PARTICIPATION IN INTERNATIONAL TRADE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 918, S. 1798.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 1798, to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 4, after the word "of", strike out "1971" and insert "1972"; on page 2, line 6, after the word "that", strike out "a purpose" and insert "the purposes"; in line 7, after the word "Act", strike out "is" and insert "are"; in line 9, after the word "standardization", strike out "activities," and insert "activities, in a manner consistent with maintaining and fostering competition in commerce,"; in line 12, after the word "general", strike out "public. Another purpose is" and insert "public;"; in line 13, after the word "through", insert "mutually"; in line 15, after the word "standardization", strike out "agreements; within the United States," and insert "agreements; and to improve the balance of trade and balance of payments of the United States."; in line 20, after the word "mean", strike out "industrial and commercial" and insert "engineering and commodity voluntary"; on page 3, line 3, after the word "countries", strike out "or for appropriate recognition within the territory of two or more countries as a standard upon which national standards should be harmonized."; in line 6, after the word "standards", insert "assurance"; in line 12, after the word "identified", insert "international voluntary"; after line 17, insert:

(f) "Antitrust laws" shall mean those laws defined as such in sections 12 and 44, title 15, United States Code, and the Federal Trade Commission Act, sections 41–58, title 15, United States Code, including all amendments to such laws and Acts, and any other laws of the United States on antitrust and unfair methods of competition.

On page 4, line 10, after the word "standards", strike out "and international standards systems"; in line 15, after the word "Inform", insert "and consult with"; in the same line, after the word "of", strike out "State of" and insert "State, with respect to"; in line 17, after the word "States", strike out "and shall take such action with the advice and concurrence of the Secretary of State "; on page 5, line 2, after the word "producers,", insert "supplier,"; in line 3, after the word "users,", strike out "and consumers," and insert "consumers, employees, and the general public"; in line 8, after the word "public", strike out "interest, or" and insert "interest and"; in line 15, after the word "this", strike out "Act" and insert "Act, and (2) shall, in cooperation with affected parties, examine the potential impact on international trade and the balance of trade and balance of payments of the United States, of international standards assurance systems and related activities."; in line 25, after the word "subsection", strike out "(b)" and insert "(a)"; on page 6, at the beginning of line 2, insert "standards assurance"; in line 7, after the word "a", strike out "standard" and insert "standard: *Provided, however,* That prior to establishing such evaluation and accreditation system the Secretary shall:

"(1) consult with affected private organizations and the Committees established under section 12, and

"(2) publish in the Federal Register a notice of his intent to establish such a system. Such notice shall include a brief description of the proposed system and an invitation for any person, within thirty days or such other time as the Secretary designates after the date of publication of such notice, to submit comments with regard to the proposed system."

On page 7, line 1, after "Sec. 7.", strike out "In determining whether an international standardization activity would be in the public interest," and insert "In each determination of the public interest as required by sections 4, 6, 9, 12, and 13 of this act,"; after line 14, strike out:

(c) Whether the standard may unreasonably limit competition to give rise to an unfair method of competition.

At the beginning of line 17, strike out "(d)" and insert "(c)"; in line 18, after the word "standards", insert "assurance"; in line 19, after the word "producers,", insert "suppliers,"; in line 20, after the word "distributors,", strike out "and consumers," and insert "consumers, employees, and the general public."; after line 21, insert:

(d) The effects on the balance of trade and balance of payments of the United States: *Provided, however,* That the public interest finding shall not be made if the international standardization activity is inconsistent with the antitrust laws.

On page 8, line 4, after the word "the", strike out "Interagency Committee on Standards Policy" and insert "committees"; in line 21, after the word "them", strike out "available" and insert "available: *Provided, however,* That prior to listing an international voluntary standard or an international standard assurance system the Secretary shall—

"(1) consult with affected private organizations and the Committees established under section 12, and

"(2) publish in the Federal Register a notice of his intent to list such standard or system. Such notice shall include a brief description of the standard or system and an invitation for any person, within thirty days or such other time as the Secretary designates after the date of publication of such notice, to submit comments with regard to the listing of the standard or system."

On page 9, at the beginning of line 10, insert "international"; on page 10, line 11, after the word "established", insert "(1)"; in line 13, after the word "of", insert "Agriculture,"; at the beginning of line 21, strike out "advisable" and insert "advisable, and (2) a Public Committee on International Standards Policy consisting of members representing consumers, users, manufacturers, suppliers, distributors, employees, and experts in international standards and standards assurance systems, and not less than one-third of the members of which shall be representatives of recognized consumer and environmental organizations."; on page 11, line 3, after the word "the", where it appears the second time, strike out "Committee" and insert "Committees"; in line 4, after the word "the", where it appears the second time, strike out "Committee" and insert "Committees"; in line 7, after the word "the", strike out "Committee" and insert "Committees"; in line 9, after the word "of", where it appears the second time, strike out "the" and insert "either"; after line 11, insert a new section, as follows:

SEC. 13. (a) The Federal Trade Commission may at any time petition the Secretary of Commerce for the removal of a voluntary international standard listed under section 9 on the grounds that such standard is contrary to the public interest, giving due regard to the provisions of section 7 of this Act.

(b) The petition shall contain facts and information supporting the action requested.

(c) After receipt of the petition, the Secretary will initiate an informal hearing under section 553 of title 5, United States Code, on the issues raised in the petition. The Secretary shall designate a hearing examiner and give reasonable notice of the hearing, an opportunity for interested persons to participate in the hearing through the submission of written data, views, or arguments, and, if requested by the Federal Trade Commission, the Secretary shall hold a hearing in which interested persons shall have a reasonable opportunity to present the same orally in an appropriate manner. The testimony in any such hearing shall be reduced to writing, shall be filed in the Office of the Secretary, and, together with written submissions, shall constitute the record. After consideration of all relevant matter presented upon such record, the hearing examiner will make findings of fact and conclusions of law. Such findings and conclusions, together with the record, shall be reviewed by the Secretary who shall make a decision based on the record whether or not to delist the voluntary international standard as requested by the petitioner, such decision shall include findings and conclusions of the Secretary.

(d) The Federal Trade Commission, through its own attorneys, may file, within sixty days after the publication of the decision of the Secretary not to delist a voluntary international standard, a petition with the United States District Court for the District of Columbia for a judicial review of such decision. The Secretary shall file in the court the record of the informal hearing conducted under section 553 of title 5, United States Code, including the findings and conclusions of the hearing examiner and the decision and findings and conclusions of the Secretary. Upon the filing of a petition the court shall have jurisdiction to review the decision of the Secretary not to delist a voluntary international standard in accordance with chapter 7 of title 5 of the United States Code, including that provision that the decision of the Secretary be supported by substantial evidence on the basis of the entire record before the court (including any additional evidence adduced). Upon a showing that the decision of the Secretary is not supported by substantial evidence on the record taken as a whole, the voluntary international standard so listed may be ordered removed by the court and other appropriate relief granted.

On page 13, after line 11, insert a new section, as follows:

SEC. 14. No international standardization activity engaged in by any person, entity, or organization, with or without participation or approval by governmental bodies of the United States, shall be exempted or immunized from the operation of the antitrust laws.

At the beginning of line 17, change the section number from "13" to "15"; in line 22, after the word "Secretary", insert a comma and "with the assistance of the Committee established in section 12,"; on page 14, at the beginning of line 1, change the section number from "14" to "16"; at the beginning of line 18, change the section number from "15" to "17"; in line 20, after the word "any", insert "law or any"; in line 22, after the word "Act", strike out "affect" and insert "preempt"; at the top of page 15, insert a new section, as follows:

SEC. 18. Review of any determinations made by the Secretary pursuant to section 6(d) or section 9 of this Act may be had in the manner provided in title V, chapter 7 of the United States Code.

After line 4, insert a new section, as follows:

SEC. 19. Nothing in this Act shall be construed to supersede the provisions of sections 2 and 4 of the Act of March 16, 1968 (Public Law 90-268), which amends section 302(f) of the Act of June 30, 1949 (41 U.S.C. 252).

And, after line 8, insert a new section, as follows:

SEC. 20. There is hereby authorized to be appropriated for the purposes set forth in this Act, $1,200,000 for fiscal year 1973 and $1,200,000 for fiscal year 1974. No appropriation shall be made to or for the use of the Department of Commerce for the purposes set forth in this Act for any fiscal year beginning after June 30, 1974, unless such appropriation is made pursuant to authorization by legislation enacted by the Congress after the date of enactment of this Act. Except as otherwise provided by law, any such authorization shall be for a period of two fiscal years.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "International Voluntary Standards Cooperation Act of 1972".

SEC. 2. The Congress finds that participation in the development of international voluntary standards and appropriate use of such standards by United States industry can contribute significantly to the growth of international trade and prosperity. The Congress further finds that the effectiveness of United States participation in the development and adoption of voluntary standards is increased by cooperation between Government and industry in standards matters and that such cooperation can be improved by providing within the Government a focus for international voluntary standards activities. The Congress, therefore, declares that the purposes of this Act are to promote and support adequate representation of United States interest in international voluntary standardization activities, in a manner consistent with maintaining and fostering competition in commerce, for the benefit of producers, distributors, employees, users, consumers, and the general public; to promote international trade through mutually appropriate implementation of international voluntary standardization agreements; and to improve the balance of trade and balance of payments of the United States.

SEC. 3. As used in this Act:

(a) "Secretary" shall mean the Secretary of Commerce.

(b) The term "voluntary standards" shall mean engineering and commodity voluntary standards for products, processes, procedures, conventions, test methods, and the physical, functional, and performance characteristics thereof where acceptance and use of such standards by all persons or by a specified class of persons is not required by State or Federal law or regulation.

(c) The term "international voluntary standard" shall mean a voluntary standard developed for use within the territory of two or more countries.

(d) The term "international standards assurance system" shall mean an agreement between competent governmental or nongovernmental bodies in two or more countries which provides for the mutual recognition of national or regional programs to assure that a product, process, convention, or test method, or the physical functional, or performance characteristic thereof complies with an identified international voluntary standard.

(e) "International standardization activities" shall mean the negotiation, development, adoption, or utilization of international voluntary standards or international standards assurance systems.

(f) "Antitrust laws" shall mean those laws defined as such in sections 12 and 44, title 15, United States Code, and the Federal Trade Commission Act, sections 41-58, title 15, United States Code, including all amendments to such laws and Acts, and any other laws of the United States on antitrust and unfair methods of competition.

SEC. 4. The Secretary is hereby assigned principal responsibility within the Federal Government for international standardization activities. He shall:

(a) Identify international standardization activities which may substantially affect the commerce of the United States and wherein participation by domestic organizations is insufficient to assure that the interests of the United States are adequately protected.

(b) Provide for appropriate participation by private or governmental bodies of the United States in such standardization activities.

(c) Encourage the use of international voluntary standards within the United States where he determines that it is in the public interest to do so.

SEC. 5. In performing his functions under this Act the Secretary shall:

(a) Inform and consult with the Secretary of State, with respect to any contemplated action with involves the international relations of the United States.

(b) Assure that optimum use is made of private capabilities and resources.

SEC. 6. (a) The Secretary is authorized to establish arrangements to provide for appropriate representation of United States interests in international standardization activities through private nonprofit organizations. Arrangements established under this subsection shall include provision to assure that the interests of producers, *suppliers*, distributors, users, *consumers, employees*, and the general public are adequately represented. Such arrangements shall include guidelines for private organizations representing United States interests in international standardization activities under this Act to insure that the negotiating positions of such organizations will be in the public interest and shall provide a reasonable opportunity to the Secretary or his designee to review the proposed negotiating positions of such organizations to determine that they are in the public interest.

(b) The Secretary (1) is authorized to conduct such investigations and studies by contract or otherwise as may be necessary to carry out his functions under this Act, and (2) shall, in cooperation with affected parties, examine the potential impact on international trade and the balance of trade and balance of payments of the United States, of international standards assurance systems and related activites.

(c) The Secretary may enter into grants, contracts, or other arrangements (including the supplying of services of Government employees) to assist any private nonprofit organization in the performance of international standardization activities in furtherance of an arrangement established under subsection (a) of this section.

(d) Where United States participation in international standards assurance systems is deemed to be in the public interest, the Secretary may establish a system for the evaluation and accreditation of private domestic organizations which seek to confirm their technical capability to conduct tests or to evaluate the test procedures used by others for the purpose of documenting compliance with a standard: *Provided, however*, That prior to establishing such evaluation and accreditation system the Secretary shall:

(1) consult with affected private organizations and the Committees established under section 12, and

(2) publish in the Federal Register a notice of his intent to establish such a system. Such notice shall include a brief description of the proposed system and an invitation for any person, within thirty days or such other time as the Secretary designates after the date of publication of such notice, to submit comments with regard to the proposed system.

(e) Notwithstanding the provisions of Revised Statutes, section 3648, the Secretary may make payments in advance of the performance of service or the delivery of articles but he shall regulate the timing and amount of such payments with the objective of minimizing the time elapsing between disbursement from the Treasury and use of the funds by the recipient.

SEC. 7. In each determination of the public interest as required by sections 4, 6, 9, 12, and 13 of this Act, among the factors to be considered shall be the following:

(a) The technical adequacy of and need for any proposed international voluntary standard or international standards assurance system and whether such standard or system is appropriate to meeting the need.

(b) The effects of the international standardization activity on the public and occupational health and safety or the quality of the environment, taking into account applicable public health, safety, or environmental quality regulations, directives, and standards.

(c) The extent to which an international voluntary standard or international standards assurance system being considered is supported by affected producers, suppliers, users, distributors, consumers, employees, and the general public.

(d) The effects on the balance of trade and balance of payments of the United States. *Provided, however*, That the public interest finding shall not be made if the international standardization activity is inconsistent with the antitrust laws.

SEC. 8. Where the Secretary determines, after consultation with affected private organizations and the committees established under section 12, that private participation in international standardization activities under arrangements established under section 6(a) has been insufficient to serve the purposes of this Act, he shall establish arrangements and procedures for governmental participation in international standardization activities to the extent necessary.

SEC. 9. Unless it is not in the public interest to do so, the Secretary shall list, under a classification system to be devised by him, each international voluntary standard, international standards assurance system, or any modification thereof negotiated or developed pursuant to this Act. Each listed standard and a full description of each listed international system shall be available to the public, preferably from one or more of the private organizations involved in its development. If such standards and standards systems are not available privately, the Secretary shall make them available: *Provided, however,* That prior to listing an international voluntary standard or an international standard assurance system the Secretary shall—

"(1) consult with affected private organizations and the Committees established under section 12, and

"(2) publish in the Federal Register a notice of his intent to list such standard or system. Such notice shall include a brief description of the standard or system and an invitation for any person, within thirty days or such other time as the Secretary designates after the date of publication of such notice, to submit comments with regard to the listing of the standard or system."

SEC. 10. (a) Each department and agency of the Federal Government shall encourage appropriate use of applicable international voluntary standards listed pursuant to section 9 and shall give appropriate recognition to international standards systems listed pursuant to section 9 in the procurement of supplies or services for its use.

(b) Any department or agency of the Federal Government may provide technical assistance to the Secretary on a reimbursable or nonreimbursable basis and may supply special technical services of its employees to assist private nonprofit organizations in the performance of international standardization activities under this Act. The Secretary shall be currently informed of any special technical services of employees furnished by a department or agency of the Federal Government in assisting private nonprofit organizations in the performance of international standardization activities.

SEC. 11. (a) The Secretary may establish such policies and prescribe such rules, regulations, and procedures as he may deem necessary for the administration of this Act and to carry out the functions authorized hereunder.

(b) Where information is furnished or services rendered under section 6(d) and section 9, he may establish reasonable fees or charges therefor. Amounts received as a result of such fees or charges may be deposited to the credit of the appropriation or fund against which the cost of performing the services was charged.

SEC. 12. (a) To provide policy guidance and to assist the Secretary in carrying out his responsibilities under this Act, there shall be established (1) an Interagency Committee on Standards Policy consisting of members representing the Departments of Agriculture, Defense, Justice, Interior, State, Housing and Urban Development, Commerce, Labor, Treasury, Health, Education, and Welfare, and Transportation, the General Services Administration, the National Aeronautics and Space Administration, the Federal Communications Commission, the Atomic Energy Commission, the Environmental Protection Agency, the Federal Trade Commission, and such other agencies as the Secretary deems advisable, and (2) a Public Committee on International Standards Policy consisting of members representing consumers, users, manufacturers, suppliers, distributors, employees, and experts in international standards and standards assurance systems, and not less than one-third of the members of which shall be representatives of recognized consumer and environmental organizations. The Secretary or his representative shall be the Chairman of the Committees.

(b) The Security may also consult with the Committees in considering whether a particular international standardization activity would be in the public interest, and in any event shall consult with the Committees concerning an international standardization activity upon the request of a member of either Committee who shall be kept advised of all proposed international standardization activities pending before the Secretary.

SEC. 13. (a) The Federal Trade Commission may at any time petition the Secretary of Commerce for the removal of a voluntary international standard listed under section 9 on the grounds that such standard is contrary to the public interest, giving due regard to the provisions of section 7 of this Act.

(b) The petition shall contain facts and information supporting the action requested.

(c) After receipt of the petition, the Secretary will initiate an informal hearing under section 553 of title 5, United States Code, on the issues raised in the petition. The Secretary shall designate a hearing examiner and give reasonable notice of the hearing, an opportunity for interested persons to participate in the hearing through the submission of written data, views, or arguments, and, if requested by the Federal Trade Commission, the Secretary shall hold a hearing in which interested persons shall have a reasonable opportunity to present the same orally in an appropriate manner. The testimony in any such hearing shall be reduced to writing, shall be filed in the Office of the Secretary, and, together with written submissions, shall constitute the record. After consideration of all relevant matter presented upon such record, the hearing examiner will make findings of fact and conclusions of law. Such findings and conclusions, together with the record, shall be reviewed by the Secretary who shall make a decision based on the record whether or not to delist the voluntary international standard as requested by the petitioner, such decision shall include findings and conclusions of the Secretary.

(d) The Federal Trade Commission, through its own attorneys, may file, within sixty days after the publication of the decision of the Secretary not to delist a voluntary international standard, a petition with the United States District Court for the District of Columbia for a judicial review of such decision. The Secretary shall file in the court the record of the informal hearing conducted under section 553 of title 5, United States Code, including the findings and conclusions of the hearing examiner and the decision and findings and conclusions of the Secretary. Upon the filing of a petition the court shall have jurisdiction to review the decision of the Secretary not to delist a voluntary international standard in accordance with chapter 7 of title 5 of the United States Code, including that provision that the decision of the Secretary be supported by substantial evidence on the basis of the entire record before the court (including any additional evidence adduced). Upon a showing that the decision of the Secretary is not supported by substantial evidence on the record taken as a whole, the voluntary international standard so listed may be ordered removed by the court and other appropriate relief granted.

SEC. 14. No international standardization activity engaged in by any person, entity, or organization, with or without participation or approval by governmental bodies of the United States, shall be exempted or immunized from the operation of the antitrust laws.

SEC. 15. On or before the 31st day of January of each year, the President shall transmit to the Congress an annual report for the preceding fiscal year. Such reports shall include a comprehensive statement of the activities under this Act and may include such recommendations as the President deems appropriate. The Secretary, with the assistance of the Committee established in section 12, shall provide such information and assistance as the President may require for the preparation of the report.

SEC. 16. (a) Each recipient of moneys under a grant or contract awarded pursuant to this Act shall keep such records and make such reports as the Secretary may prescribe, including information on the total cost of the approved program and the portion of the cost which is supplied by other sources. In the case of moneys received in advance of performance, such records and reports shall identify the unearned balance of advances on hand, the liabilities and obligations outstanding under such grant or contract, and the application of the funds received.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipient that are pertinent to its voluntary standards activities under this Act for the purpose of audit or to determine whether a proposed international voluntary standard or international standards system is in the public interest.

SEC. 17. The negotiation, development, or listing of any voluntary standard or international standards system pursuant to this Act shall not affect any law or any order, requirement, or regulation promulgated by an agency of the Federal, State, or local government, nor shall this Act preempt in any way international military standardization activities conducted by the Department of Defense.

SEC. 18. Review of any determinations made by the Secretary pursuant to section 6(d) or section 9 of this Act may be had in the manner provided in title V, chapter 7 of the United States Code.

SEC. 19. Nothing in this Act shall be construed to supersede the provisions of sections 2 and 4 of the Act of March 16, 1968 (Public Law 90–268), which amends section 302(f) of the Act of June 30, 1949 (41 U.S.C. 252).

SEC. 20. There is hereby authorized to be appropriated for the purposes set forth in this Act, $1,200,000 for fiscal year 1973 and $1,200,000 for fiscal year 1974. No appropriation shall be made to or for the use of the Department of Commerce for the purposes set forth in this Act for any fiscal year beginning after June 30, 1974, unless such appropriation is made pursuant to authorization by legislation enacted by the Congress after the date of enactment of this Act. Except as otherwise provided by law, any such authorization shall be for a period of two fiscal years.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAN LUIS VALLEY PROJECT, COLORADO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 906, S. 520.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 520, to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colorado, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 16, after the word "water;", strike out "furnishing a water supply for the establishment and operation of the Mishak Lakes National Wildlife Refuge and the operation of the" and insert "establishing the Mishak National Wildlife Refuge and furnishing a water supply for the operation of the Mishak National Wildlife and the"; on page 5, after line 18, insert:

(2) To maintain the Alamosa National Wildlife Refuge and the Mishak National Wildlife Refuge.

At the beginning of line 21, strike out "(2)" and insert "(3)"; on page 6, at the beginning of line 3, strike out "(3)" and insert "(4)"; after line 9, strike out:

(4) To maintain the Alamosa National Wildlife Refuge.

On page 7, after line 10, strike out:

SEC. 8. Pursuant to the authority of the Reclamation Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto, and the Water Resources Planning Act of July 22, 1965 (79 Stat. 244), as amended, with respect to the coordination of studies and investigations, the Secretary shall conduct full and complete feasibility investigations for the purpose of developing a general plan for the improvement of the channel of the Rio Grande above the uppermost point of discharge into the river of waters salvaged by the project, the improvement of the channels of the Conejos, San Antonio, La Jara, and Alamosa Rivers, and Rock Creek, and construction of Wagon Wheel Gap Dam and Reservoir for flood control and other purposes, and other projects designed for the conservation and salvage of waters which may be made available for the purposes set out in section 4(b) of this Act.

On page 8, at the beginning of line 3, change the section number from "9" to "8"; at the beginning of line 6, change the section number from "10" to "9"; and, in line 8, after the word "of", strike out "$15,400,000 (January 1969 prices)" and insert "$18,246,000 (based on April 1972 price levels)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to construct, operate, and maintain the closed basin division, San Luis Valley project, Colorado, including channel rectification of the Rio Grande between the uppermost point of discharge into the river of waters salvaged by the project, and the Colorado-New Mexico State line, so as to provide for the carriage of water so salvaged without flooding of surrounding lands, to minimize losses of waters through evaporation, transpiration, and seepage, and to provide a conduit for the reception of waters salvaged by drainage projects undertaken in the San Luis Valley below Alamosa, Colorado, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), and as otherwise provided in this Act, for the principal purposes of salvaging, regulating, and furnishing water from the closed basin area of Colorado; transporting such water into the Rio Grande; making water available for fulfilling the United States obligation to the United States of Mexico in accordance with the treaty dated May 21, 1906 (34 Stat. 2953); furnishing irrigation water, industrial water, and municipal water supplies to water deficient areas of Colorado, New Mexico, and Texas through direct diversion and exchange of water; establishing the Mishak National Wildlife Refuge and furnishing a water supply for the operation of the Mishak National Wildlife and the Alamosa National Wildlife Refuge and for conservation and development of other fish and wildlife resources; providing outdoor recreation opportunities; augmenting the flow of the Rio Grande; and other useful purposes, in substantial accordance with the engineering plans set out in the report of the Secretary of the Interior on this project: *Provided,* That no wells of the project, other than observation wells, shall be permitted to penetrate the aquiclude, or first confining clay layer.

(b) Construction of the project may be undertaken in such units or stages as in the determination of the Secretary will best serve project requirements and meet water needs: *Provided,* That construction of each of the succesive units or stages after stage 1 of said project shall be undertaken only with the consent of the Colorado Water Conservation Board and the Rio Grande Water Conservation District of the State of Colorado.

SEC. 2. (a) Prior to commencement of construction of any part of the project, except channel rectification, there shall be incorporated into the project plans a control system of observation wells which shall be designed to provide positive identification of any fluctuations in the water table of the area surrounding the project attributable to operation of the project or any part thereof. Such control system, or so much thereof as is necessary to provide such positive identification with respect to any stage of the project, shall be installed concurrently with such stage of the project.

(b) The Secretary shall operate project facilities in a manner that will not cause the water table available for any irrigation or domestic wells in existence prior to the construction of the project to drop more than two feet, and in a manner that will not cause reduction of artesian flows in existence prior to the construction of the project.

SEC. 3. (a) As the waters to be salvaged by means of this project are waters which arise in the closed basin as defined in article I(d) of the Rio Grande compact (53 Stat. 785), the rights of the United States and the States of New Mexico and Texas shall be subordinate to the needs within the basin of origin, and no right to demand continuation of exportation of ground water from the closed basin to the Rio Grande shall accrue to the United States or to the States of New Mexico or Texas to the detriment of water users in Colorado.

(b) There is hereby established an operating committee consisting of one member appointed by the Secretary, one member appointed by the Colorado Water Conservation Board, and one member appointed by the Rio Grande Water Conservation District, which is authorized to determine from time to time whether the requirements of section 2 of this Act are being complied with. The committee shall inform the Secretary if the operation of the project fails to meet the requirements of section 2 or adversely affects the beneficial use of water in the Rio Grande Basin in Colorado as defined in article I(c) of the Rio Grande compact (52 Stat. 785). Upon receipt of such information, the Secretary shall modify, curtail, or suspend operation of the projects to the extent necessary to comply with such requirements or eliminate such adverse effect.

SEC. 4. (a) Except as hereinafter provided, project costs shall be nonreimbursable.

(b) After the project or any phase thereof has been constructed and is operational, the Secretary shall make water available in the following listed order of priority:

(1) To assist in making the annual delivery of water at the gaging station on the Rio Grande near Lobatos, Colorado, as required by article III of the Rio Grande compact: *Provided,* That the total amount of water delivered for this purpose shall not exceed an aggregate of six hundred thousand acre-feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the 1st day of January next succeeding the year in which the Secretary determines that the project authorized by this Act is operational.

(2) *To maintain the Alamosa National Wildlife Refuge and the Mishak National Wildlife Refuge.*

(3) To apply to the reduction and elimination of any accumulated deficit in deliveries by Colorado as is determined to exist by the Rio Grande Compact Commission under article VI of the Rio Grande compact at the end of the compact water year in which the Secretary first determines the project to be operational.

(4) For irrigation or other beneficial uses in Colorado: *Provided,* That no water shall be delivered until agreements between the United States and water users in Colorado, or the Rio Grande Water Conservation District acting for them, have been executed providing for the repayment of such costs as in the opinion of the Secretary are appropriate and within the ability of the users to pay.

SEC. 5. Construction of the project shall not be started until the State of Colorado agrees that it will, as its participation in the project, convey to the United States easements and rights-of-way over lands owned by the State that are needed for wells, channels, laterals, and wildlife refuge areas, as identified in the project plan. Acquisition of privately owned land shall, where possible and consistent with the development of the project, be restricted to easements and rights-of-way in order to minimize the removal of land from local tax rolls.

SEC. 6. Conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the closed basin division of the San Luis Valley project works authorized by this Act shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 7. The Secretary is authorized to transfer to the State of Colorado or to any qualified agency or political subdivision of the State, or to a water users' organization, responsibility for the care, operation, and maintenance of the project works, or any part thereof. The agency or organization assuming such obligation shall obligate itself to operate the project works in accordance with regulations prescribed by the Secretary.

SEC. 8. Nothing contained in this Act shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Rio Grande compact.

SEC. 9. There is hereby authorized to be appropriated for construction of the closed basin division of the San Luis Valley project the sum of $18,246,000 (based on April 1972 price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, and such additional sums as may be required for operation and maintenance of the project.

Mr. ALLOTT. Mr. President, first of all, I want to express my deep appreciation to the distinguished majority leader and the distinguished minority leader for consideration of this matter at this time. The reason I take the floor is that there are two or three technical amendments in the bill which I think we should take care of.

Inasmuch as we must dispose of the committee amendments first, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments are considered and agreed to en bloc.

Mr. ALLOTT. I offer two technical amendments, and ask that they be considered en bloc.

The ACTING PRESIDENT pro tempore. The amendments will be stated.

The legislative clerk read as follows:

On page 2, line 21, after the word "Wildlife", strike out "and the" and insert "Refuge and the".

On page 4, line 11, after the word "shall", strike out "accure" and insert "accrue".

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

Mr. ALLOTT. Mr. President, I rise in support of S. 520, a bill introduced by myself and my colleague, Senator Dominick. The bill would authorize the construction of the Closed Basin division of the San Luis Valley project in Colorado.

This project is a water salvage project and its principal works consist of approximately 136 wells and a conveyance canal to discharge such salvaged waters into the Rio Grande River.

This project will benefit not only Colorado, but real benefits in the form of additional water, will be available to the downstream States—New Mexico and Texas. There are, also, many environmental benefits to be achieved by this project.

First, it will put water to a beneficial use where that water is presently being lost to evaporation.

Second, it will prevent the further accumulation of salts in an area important to waterfowl. The vegetation in this area will tend to die out leaving large bare areas of salt encrusted earth susceptible to erosion if this project is not constructed and operated.

Third, the project will provide water for the establishment of the Mishak National Wildlife Refuge and will furnish a more stable water supply for the existing Alamosa Wildlife Refuge.

Fourth, the conveyance canal will provide fishing on a put and take basis.

Fifth, the proposed plan contemplates salvaging of water at a nearly constant rate of 100 cubic feet per second throughout the entire year. The Rio Grande River below the drain outlet has been designated as a unit of the national wild and scenic rivers system, but at certain times of the year, the river is quite low with very little flow. The Bureau of Sport Fisheries and Wildlife determined that the additional water would transform the first 24 miles of the Rio Grande in New Mexico into a good quality trout stream, and the remaining 52 miles of river will probably be slightly better as a trout stream than at present.

Sixth, San Luis Lake, which is located in the area of the proposed project and near the city of Alamosa has had very little recreation use due to the lack of facilities and the great fluctuation in the water level. The project will stabilize the lake and limit fluctuation to about 2 feet. Funds are included in the project cost to build basic recreation facilities at the lake, and this will provide the valley with a much needed recreation area and a good cold water fishery.

Mr. President, I believe some comment is appropriate at this point concerning the national and international character of the Rio Grande River. As recently as May 25, the Senate confirmed its recognition of the Rio Grande as a national and international water course when it passed S. 1295, a bill to authorize the establishment of the Amistad National Recreation Area in Texas. That bill authorized the appropriation of slightly more that $20 million for the Amistad Recreation Area. In the committee's report of S. 1295 the national as well as international significance of the Rio Grande River was recognized. I believe it would be helpful to quote two paragraphs from that report which are as follows:

> The headwaters of the Rio Grande River are in the Rocky Mountains of Colorado, and many communities, in Colorado, New Mexico and Texas depend upon its waters for survival. In 1906 a treaty was entered into between the United States and Mexico to divide the waters of the Rio Grande. The delivery of water to Mexico under the 1906 treaty is an obligation of the Nation, and this was confirmed in the authorization and construction of the Elephant Butte Reservoir to aid in the deliveries.
>
> The fact that the Rio Grande River has been the subject of several treaties makes its development, protection, enhancement and augmentation a national concern and obligation. The obligation is not diminished because a majority of the users of the Amistad National Recreation Area are Texans, just as the national interest in the proposed Gateway National Recreation Area is not diminished simply because the vast majority of the users will be New Yorkers. To the contrary, the international character of the river adds to national interest, especially since international treaties have imposed additional burdens upon three States and their citizens without compensatory setoff or other considerations.

With the international character of the Rio Grande River in mind and the compact and treaty obligations understood, the committee retained as first priority for the water realized from the project assistance in making the annual delivery of water at the gaging station near Lobatos. However, the committee amended the bill to provide for a second priority in providing water to the two wildlife refuges. The reduction and elimination of accumulated deficits in deliveries under article VI of the Rio Grande compact is given third priority, and use in Colorado is given last priority, and is subject to the usual provisions for repayment.

This revision of priorities is effected by amendments 2, 3, and 4 as listed on page 1 of the report (No. 92–947).

Mr. President, I ask unanimous consent that amendments 2, 3, and 4 as shown on page 1 of the committee report, be printed in the Record at this point.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

2. On page 5, between lines 17 and 18 insert the following:

(2) To maintain the Alamosa National Wildlife Refuge and the Mishak National Wildlife Refuge."

3. On page 5, line 18, strike "(2)" and insert "(3)"; and line 24, strike "(3)" and insert "(4)".

4. On page 6, strike all of line 6.

Mr. ALLOTT. Mr. President, going back to amendment 1, as shown on the first page of the report, this is merely a technical amendment to insure the clarity of the language. It is the intent of the bill to establish the Mishak National Wildlife Refuge, and to provide a water supply for it as well as the Alamosa Wildlife Refuge. The new language is intended to make that purpose clear. It is understood that the refuges may require up to a maximum of 5,300 acre-feet of water per year.

Mr. President, I ask unanimous consent that amendment No. 1, as shown on page 1 of the committee report, be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

1. On page 2, beginning on line 17, strike the words "furnishing a water", and strike all of lines 18 and 19, and insert in lieu thereof the following:

Establishing the Mishak National Wildlife Refuge and furnishing a water supply for the operation of the Mishak National Wildlife Refuge and the

Mr. ALLOTT. Mr. President, amendment No. 5 deletes all of section 8 of the bill. That section provides for a comprehensive study of the Rio Grande above the point of discharge of the main conveyance canal. The Secretary was authorized to study channelization and the construction of Wagon Wheel Gap Dam. The Wagon Wheel Gap Dam was authorized by a 1940 appropriation act; however, no construction work was ever accomplished. The likelihood of the construction of such a dam seems remote under today's conditions, and probably will never be built. However, its continued authorization casts a cloud on the Wagon Wheel Gap. Section 8 would have helped to remove that cloud by requiring a restudy of the previously authorized dam, and removing it from an authorized status to a study status by a later act of Congress. There has been substantial local concern over just the mention of the Wagon Wheel Gap Dam—largely due to a misunderstanding of its legislative status. Perhaps, this bit of legislative history will help to settle it, although with perhaps less finality. In any event, all mention of Wagon Wheel Gap Dam has been removed from the bill by my amendment No. 5.

Amendment No. 6 changes the appropriation authorization by updating it from January 1969 estimates to April 1972 estimates.

Mr. President, I ask unanimous consent that amendment No. 6, as shown on page 1 of the committee report, be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

6. On page 8, lines, delete the phrase "$15,400,000 (January 1969 prices)" and insert instead the phrase "$18,246,000 (based on April 1972 price levels)".

Mr. ALLOTT. Mr. President, the Closed Basin Division of the San Luis project is one of the best water investment possibilities in the entire Southwest. As the Commissioner of Reclamation stated, the Rio Grande River Basin is one of the most water-short river basins in the Nation. It will salvage water now wasting to the forces of evaporation and transpiration. As Congressman Lujan so aptly put it:

> . . . I feel that it is a tragedy, that with the great need for water in my State, we sit and watch that precious commodity evaporate.

With the enactment of S. 520, we can put a stop to this waste.

As I noted earlier, the project yields many substantial environmental benefits, sufficient in the opinion of some to justify its construction on that basis alone.

Mr. President, I urge that S. 520, as amended, be adopted by the Senate.

Mr. DOMINICK. Mr. President, as a cosponsor of S. 520 with my colleague from Colorado, Senator GORDON ALLOTT, I urge favorable action regarding this bill.

The bill authorizes construction, operation, and maintenance of the Closed Basin Division, San Luis Valley project. It would salvage shallow ground water not being beneficially used at the present and deliver this water for beneficial use on the Rio Grande River. The Closed Basin Division offers an opportunity to salvage over 100,000 acre-feet of water annually. Water is vital to the region and waste should not be allowed to continue. The project includes significant benefits to the environment in that it will provide water supplies for two major natural wildlife refuges.

Also, additional waters would be made available thereby allowing the United States of America to fulfill its obligations to the United States of Mexico under a treaty dated May 21, 1906. The United States is presently not meeting the treaty requirements because the flow of the Rio Grande has been less than anticipated since 1950.

Mr. President, there is a lawsuit presently pending the U.S. Supreme Court in which New Mexico and Texas have sued Colorado, claiming that Colorado is 840,000 acre-feet in arrears to those States under the Rio Grande Compact which is an interstate compact entered into by these three States and approved in 1939.

The Supreme Court is holding the suit in abeyance as long as Colorado meets its current delivery obligations under the compact. Meeting these obligations works an economic hardship on the San Luis Valley particularly in dry years.

Mr. President, the closed basin division would require the development of approximately 136 shallow wells throughout the entire salvage area. Water salvaged through these wells would be delivered to the Rio Grande River. The area is located north and east of Alamosa, Colo., and northeast of the Rio Grande River, Saguache and Alamosa Counties, Colo. Estimated costs of the project is in excess of $18 million. Annual operation and maintenance cost is estimated to be $355,000.

It is important to note that there would be no dams constructed on the Rio Grande or any of its tributaries.

Mr. President, the most important need for this development is the present situation in the San Luis Valley resulting from water management under the pending lawsuit. Construction of the closed basin project should significantly assist the economy of the San Luis Valley.

Mr. President, I urge the adoption by the Senate of S. 520.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 520

An act to authorize the construction, operation, and maintence of the closed basin division, San Luis Valley project, Colorado, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to construct, operate, and maintain the closed basin division, San Luis Valley project, Colorado, including channel rectification of the Rio Grande between the uppermost point of discharge into the river of waters salvaged by the project, and the Colorado-New Mexico State line, so as to provide for the carriage of water so salvaged without flooding of surrounding lands, to minimize loses of waters through evaporation, transpiration, and seepage, and to provide a conduit for the reception of waters salvaged by drainage projects undertaken in the San Luis Valley below Alamosa, Colorado, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), and as otherwise provided in this Act, for the principal purposes of salvaging, regulating, and furnishing water from the closed basin area of Colorado; transporting such water into the Rio Grande; making water available for fulfilling the United States obligation to the United States of Mexico in accordance with the treaty dated May 21, 1906 (34 Stat. 2953); furnishing irrigation water, industrial water, and municipal water supplies to water deficient areas of Colorado, New Mexico, and Texas through direct diversion and exchange of water; establishing the Mishak National Wildlife Refuge and furnishing a water supply for the operation of the Mishak National Wildlife Refuge and Alamosa National Wildlife Refuge and for conservation and development of other fish and wildlife resources; providing outdoor recreation opportunities; augmenting the flow of the Rio Grande; and other useful purposes, in substantial accordance with the engineering plans set out in the report of the Secretary of the Interior on this project: *Provided,* That no wells of the project, other than observation wells, shall be permitted to penetrate the aquiclude, or first confining clay layer.

(b) Construction of the project may be undertaken in such units or stages as in the determination of the Secretary will best serve project requirements and meet water needs: *Provided,* That construction of each of the successive units or stages after stage 1 of said project shall be undertaken only with the consent of the Colorado Water Conservation Board and the Rio Grande Water Conservation District of the State of Colorado.

SEC. 2. (a) Prior to commencement of construction of any part of the project, except channel rectification, there shall be incorporated into the project plans a control system of observation wells, which shall be designed to provide positive identification of any fluctuations in the water table of the area surrounding the project attributable to operation of the project or any part thereof. Such control system or so much thereof as is necessary to provide such positive identification with respect to any stage of the project, shall be installed concurrently with such stage of the project.

(b) The Secretary shall operate project facilities in a manner that will not cause the water table available for any irrigation or domestic wells in existence prior to the construction of the project to drop more than two feet, and in a manner that will not cause reduction of artesian flows in existence prior to the construction of the project.

SEC. 3. (a) As the waters to be salvaged by means of this project are waters which arise in the closed basin as defined in article I(d) of the Rio Grande compact (53 Stat. 785), the rights of the United States and the States of New Mexico and Texas shall be subordinate to the needs within the basin of origin, and no right to demand continuation of exportation of ground water from the closed basin to the Rio Grande shall accrue to the United States or to the States of New Mexico or Texas to the detriment of water users in Colorado.

(b) There is hereby established an operating committee consisting of one member appointed by the Secretary, one member appointed by the Colorado Water Conservation Board, and one member appointed by the Rio Grande Water Conservation District, which is authorized to determine from time to time whether the requirements of section 2 of this Act are being complied with. The committee shall inform the Secretary if the operation of the project fails to meet the requirements of section 2 or adversely affects the beneficial use of water in the Rio Grande Basin in Colorado as defined in article I(c) of the Rio Grande compact (52 Stat. 785). Upon receipt of such information, the Secretary shall modify, curtail, or suspend operation of the project to the extent necessary to comply with such requirements or eliminate such adverse effect.

SEC. 4. (a) Except as hereinafter provided, project costs shall be nonreimbursable.

(b) After the project or any phase thereof has been constructed and is operational, the Secretary shall make water available in the following listed order of priority:

(1) To assist in making the annual delivery of water at the gaging station on the Rio Grande near Lobatos, Colorado, as required by article III of the Rio Grande compact: *Provided,* That the total amount of water delivered for this purpose shall not exceed an aggregate of six hundred thousand acre-feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the 1st day of January next succeeding the year in which the Secretary determines that the project authorized by this Act is operational.

(2) To maintain the Alamosa National Wildlife Refuge and the Mishak National Wildlife Refuge.

(3) To apply to the reduction and elimination of any accumulated deficit in deliveries by Colorado as is determined to exist by the Rio Grande Compact Commission under article VI of the Rio Grande compact at the end of the compact water year in which the Secretary first determines the project to be operational.

(4) For irrigation or other beneficial uses in Colorado: *Provided,* That no water shall be delivered until agreements between the United States and water users in Colorado, or the Rio Grande Water Conservation District acting for them, have been executed providing for the repayment of such costs as in the opinion of the Secretary are appropriate and within the ability of the users to pay.

SEC. 5. Construction of the project shall not be started until the State of Colorado agrees that it will, as its participation in the project, convey to the United States easements and rights-of-way over lands owned by the State that are needed for wells, channels, laterals, and wildlife refuge areas, as identified in the project plan. Acquisition of privately owned land shall, where possible and consistent with the development of the project, be restricted to easements and rights-of-way in order to minimize the removal of land from local tax rolls.

SEC. 6. Conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the closed basin division of the San Luis Valley project works authorized by this Act shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 7. The Secretary is authorized to transfer to the State of Colorado or to any qualified agency or political subdivision of the State, or to a water users' organization, responsibility for the care, operation, and maintenance of the project works, or any part thereof. The agency or organization assuming such obligation shall obligate itself to operate the project works in accordance with regulations prescribed by the Secretary.

SEC. 8. Nothing contained in this Act shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Rio Grande compact.

SEC. 9. There is hereby authorized to be appropriated for construction of the closed basin division of the San Luis Valley project the sum of $18,246,000 (based on April 1972 price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, and such additional sums as may be required for operation and maintenance of the project.

POW MOBILE MUSEUM

Mr. SCOTT. Mr. President, the distinguished assistant minority leader, the Senator from Michigan (Mr. Griffin), has called our attention to the fact that a POW Mobile Museum, sponsored by Concern for Prisoners of War, Inc., which embarked on a 4,000 mile cross-country trip from San Diego to Washington, is scheduled to include at least one of the Capitol Buildings today, Wednesday, July 19, at noon.

The Mobile Museum will be on display, and all Members of Congress are invited to tour it and inspect the more than 3 million letters of concern gathered by the sponsors, along with evidence collected, which points up the discrepancies in Hanoi's "official" list of POW's.

Mr. President, I hope that Senators will, if possible, stop by today and see the POW Mobile Museum for themselves.

FEDERAL PURCHASE OF THE KLAMATH INDIAN FOREST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 893, S. 3594.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The second assistant legislative clerk read as follows:

S. 3594, providing for Federal purchase of the remaining Klamath Indian Forest.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is directed to enter into a contract, prior to June 30, 1972, to purchase at a price of $51,954,709 Klamath Indian Forest lands that were retained by the tribe and that were offered for sale pursuant to subsection 28(e) of the Klamath Indian Termination Act of August 13, 1954, as amended (25 U.S.C. 564w-1). The contract may provide for payment of the purchase price in installments, with interest on unmatured installments at a rate that does not exceed the cost to the United States of borrowing money under similar circumstances, as determined by the Secretary of the Treasury.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the vote by which Calendar 893, S. 3594, was passed be vacated and that the bill be restored to the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The bill is ordered restored to the calendar.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hart). Without objection, it is so ordered.

ORDER TO LAY THE UNFINISHED BUSINESS BEFORE THE SENATE UPON CONCLUSION OF REMARKS BY SENATOR COOPER TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately upon the conclusion of the speech by the distinguished Senator from Kentucky (Mr. Cooper) today, the unfinished business, S. 3390, be laid before the Senate for its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Kentucky (Mr. Cooper) is now recognized for not to exceed 15 minutes.

FOREIGN ASSISTANCE ACT OF 1972

Mr. COOPER. Mr. President, I send to the desk an amendment to S. 3390 and ask unanimous consent that the reading of the amendment be dispensed with, but that the amendment be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 1325) reads as follows:

On page 10, beginning with line 18, strike out all down through line 18, on page 11, and insert in lieu thereof the following:

Sec. 12. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act.

(b) It is hereby declared to be the policy of the Congress that negotiations be continued with the Government of North Vietnam for a cease fire, to secure the return of all United States prisoners of war held by the Government of North Vietnam and its allies and an accounting of those missing in action, and to seek an end to all hostilities in Indochina.

Mr. COOPER. Mr. President, I have sent to the desk an amendment to section 12 of S. 3390, the section known as the Mansfield amendment.

I offer the amendment with some regret for I can recall only one occasion when I have been separated from Senator Mansfield on the war in Vietnam. He has been consistent, utterly conscientious, and without any partisan consideration in his efforts to enlist the Congress in its necessary and constitutional duty to assist in bringing the war in Southeast Asia to a close. He has believed, as he has said so often, that the Congress and the Executive should work together to that end.

But, Mr. President, I have held always and have so stated on the Senate floor in speeches and by way of amendments that the participation of the United States in the war can only be ended by negotiation, or by the total withdrawal of U.S. forces, without conditions, except that they must be protected as they are withdrawn.

What I say now is not intended to question in any way the purposes of those who have introduced and fought for legislative enactments to deny funds for our continued participation in the war. I have never questioned their purposes.

But amendments have been introduced and which have received a great deal of popular support in the country have included a condition precedent—the condition that our forces shall not be withdrawn until there is an agreement to release our prisoners of war or until their release is actually accomplished.

On one hand these amendments have provided that all funds shall be denied except for the withdrawal of our forces. Then in contradiction, they provided implicitly that funds for our participation in the war shall continue, that the United States will continue to fight in Vietnam from other countries, from the air, or from the seas, until our prisoners are released.

I can understand that it is difficult for the Congress to support an amendment which does not have the usual prisoner-of-war condition. It can be said that an amendment without such a provision indicates a lack of concern for those who have fought and who are held by North Vietnam in violation of the Geneva Convention and human decency.

But we must face this issue—how can the release of our prisoners be brought about? Our continued fighting has not secured their release. It is evident that we cannot by force, cause North Vietnam and its allies to release the prisoners. We must look for other ways. It seems to me that there are, at minimum, two prospects for their release.

The first prospect, is that their release will be secured by negotiations. President Nixon has made a serious and responsible proposal to North Vietnam to end the fighting, for the withdrawal of all our forces in 4 months, and the release of prisoners of war. North Vietnam, if it truly desires peace, ought to negotiate seriously and substantively so that agreement will be reached.

If negotiations are not successful, I see no hope of the release of our prisoners and the ending of the war except by the withdrawal of our forces. When our forces are withdrawn, I think it reasonable to believe that, as has occurred in past wars, our prisoners will be released. With our forces withdrawn, the good offices of many countries and of world opinion will urge upon North Vietnam this international and humane duty. Experience has shown that no country will intervene in a serious way on behalf of our prisoners as long as American forces are fighting in Vietnam.

These are the means, as I see it, to move toward the release of the prisoners and the ending of the war. First and most important is negotiations and the success of the negotiations now taking place in Paris. The second way I suggest for which my amendment calls, is the assurance of withdrawal of our forces.

The amendment establishes a period of 4 months from its enactment for withdrawal of U.S. forces and the end of our participation in the war. This is the same period of time which the President proposed in his speech of May 8. It would give time for safe and orderly withdrawal. It would give time for the necessary adjustments and preparation that South Vietnam must make. If this can be accomplished earlier, it will be all for the good.

It will be argued that to propose such an amendment, or to approve it, may undercut or hinder negotiations now taking place in Paris. I do not think this is correct. The amendment presents to North Vietnam the assurance that the Congress can give, as the President has given, that our forces will be withdrawn. No reason would remain for North Vietnam to hold our prisoners as hostages.

The amendment I offer is more direct than the amendments which have been proposed in past years. They have provided for the withdrawal of all our forces conditional upon the release of the prisoners. It is a condition which North Vietnam can accept or reject, one which enables them to hold our prisoners as hostages upon their terms.

This amendment is consistent with the national commitments resolution which the Senate adopted by a large majority. It is consistent with the War Powers Act initiated by Senator JAVITS and which the Senate approved by a large majority. I think it is clearly constitutional.

The amendment is consistent with amendments which, with others, I have introduced in the past. All but one were approved by the Senate. None of these amendments carried any conditions which would nullify its purpose.

I want to say that it is my desire to assist President Nixon in his continuing efforts to withdraw American forces, to bring the war to a close, and to secure the release of our prisoners of war. He has reversed past policies. He has done his best. As I said earlier in this statement, he has made an exceedingly fair proposal to North Vietnam, and if North Vietnam desires peace and will negotiate seriously, the war can be ended.

I do not believe that this amendment or any amendment can promise absolutely the release of our prisoners of war. I do not believe that any individual can promise the release of our prisoners of war. I can only say that, in my view, negotiations and withdrawal offer the best chance to secure their release.

The purpose of this amendment is to propose to the Congress such a course of action. It expresses a view that the Congress and the President should join in the policy of withdrawing our military forces completely from South Vietnam, Laos, and Cambodia, and cease military action from other countries and from the sea. It would give the people of those countries a chance to live in some kind of peace, and an opportunity to establish their own governmental systems and relations. It will save lives and provide a better chance for the release of our prisoners of war and their return to their families.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOPER. Mr. President, I yield to the distinguished majority leader.

The PRESIDING OFFICER (Mr. PASTORE). The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I want to commend the distinguished Senator from Kentucky, than whom there is no more conscientious Member of this body, for the forthright proposal which he has just presented to the Senate for consideration.

As he states, if a solution could be found, "It would give the people of those countries a chance to live in some kind of peace, and an opportunity to establish their own governmental systems and relations. It will save lives and provide a better chance for the release of our prisoners of war and their return to their families."

As long as the war goes on I would say the chances of the release of our prisoners of war and recoverable MIA's remain remote. This is a proposition which faces up to the situation very directly, again to quote from the Senator's remarks:

> The amendment I offer is more direct than the amendments which have been proposed in past years.

There is no question about that.

Furthermore, the Senator states, and again I quote him:

> I do not believe that this amendment or any amendment can promise absolutely the release of our prisoners of war.

I would be prone to agree with that. As I understand the distinguished Senator's amendment, what he is offering is a two-prong proposal. One prong is in line with the President's suggestion that within a 4-month period, it may be that negotiations can bring an end to this horrible war. In that respect, may I quote a remark made by Dr. Henry Kissinger on his return from his latest trip to China, in which he said:

> We expect that when the war is finally settled it will be through direct negotiations between the North Vietnamese and American negotiators.

The other prong is withdrawal with no ifs, ands, or buts, but on the supposition that if our withdrawal is complete, then, as a matter without absolute guarantee, our prisoners would stand a better chance to be released.

I may say to my distinguished colleague, while I appreciate his kind words about me in the beginning of his remarks, and we have been together on many facets of the Vietnam situation seeking a solution, it would be my present intention to stick with the proposal contained in the foreign aid bill and to change the date from August 1 to October 1. But I want to assure the distinguished Senator that should that proposal now incorporated in the Foreign Aid Act be nullified, diluted, or killed, I would give most earnest and serious consideration to this direct and clean-cut proposal which seeks to bring about an end to the war in Southeast Asia.

I commend the distinguished Senator for making this suggestion and for giving to the Senate his reasons therefor.

Mr. COOPER. Mr. President, I thank the distinguished majority leader for his remarks. I, too, recall the long association we have had together in Congressional action to end the war in Vietnam.

I recall in 1954 when it was proposed that the United States should intervene in the war in South Vietnam after the fall of Dienbienphu, the majority leader and I spoke against that intervention. Since that time we have joined in amendments and in many efforts concerning an end to the war.

I would like to say that it has been a matter of concern to me for many years that amendments which have been offered to halt the war in Vietnam and which called for the withdrawal of forces—have provided in the same amendment conditions, precedent, including the condition that prisoners must be released. The effect of such conditions, of course, has been to vitiate the amendments.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOPER. Mr. President, will the Senator yield to me for 2 additional minutes?

The PRESIDING OFFICER. Under the previous order the period for the transaction of routine morning business is now in order, for not to exceed 30 minutes, with remarks therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I have asked unanimous consent and I believe it has been granted, that the unfinished business to be laid before the Senate immediately after the time allotted to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator is correct.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, S. 3390, which will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. MANSFIELD. Now, the Senator from Kentucky may speak as long as he wishes.

Mr. COOPER. I shall be brief.

The PRESIDING OFFICER (Mr. HART). The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, as I noted before, what has concerned me and concerned me a great deal, is that amendments called "end the war amendments," provided for denial of funds to continue the participation of American forces in the war and conversely, and in contradiction, included the provision that our participation should continue until our prisoners of war were released.

Of course, the effect of that precondition was to vitiate the end-the-war amendments.

The amendment I offer today does not contain any preconditions for withdrawal. It simply states that the United States shall withdraw its forces from South Vietnam in 4 months from the enactment of this bill; that it shall not continue its participation in the war in Indochina; it means the end of our participation in the war. If this course were followed, we would have a better chance, perhaps the only chance other than through negotiations, to obtain the release of our prisoners.

Mr. President, I shall speak later on this amendment. I intend to press the amendment to a vote.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Nevada.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment to the Cannon amendment now pending and ask that it be stated, and that it be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The amendment was read as follows:

In lieu of the language proposed to be inserted by lines 2 and 3, insert "October 1, 1972."

In lieu of the language proposed to be inserted on lines 5 and 6 insert "October 1, 1972."

Strike lines 7 through 11, page 1 and lines 1 through 3 on page 2.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. RANDOLPH) laid before the Senate the following letters, which were referred as indicated:

PROPOSED CONCESSION CONTRACT WITHIN YELLOWSTONE NATIONAL PARK, WYOMING

A letter from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract within Yellowstone National Park, Wyo. (with accompanying papers); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION RELATING TO ADMINISTRATION OF FEDERAL EMPLOYEE INSURANCE AND ANNUITY COMPENSATION

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to promote the effective administration of Federal employee insurance and annuity compensation (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. RANDOLPH):

A resolution adopted by the General Synod, Reformed Church in America, New York, N.Y., praying for increased efforts to be made to bring about the release of the prisoners of war resulting from the war in Vietnam; to the Committee on Foreign Relations.

A resolution adopted by the 23d Saipan Legislature, praying for the enactment of legislation to amend 23 U.S.C.A. section 101 (b) to include the Trust Territory of the Pacific Islands in the definition of "State"; to the Committee on Interior and Insular Affairs.

A resolution adopted by the General Synod, Reformed Church in America, New York, N.Y., praying for the enactment of legislation relating to agricultural and migrant workers; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BELLMON, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 7093. An act to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma (Rept. No. 92-969).

By Mr. HART, from the Committee on Commerce, with amendments:

H.R. 10729. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes (Rept. No. 92-970).

By Mr. HRUSKA, from the Committee on the Judiciary, with amendments:

S. 3307. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission (Rept. No. 92-971) (together with additional views).

By Mr. BIBLE (for Mr. ANDERSON), from the Committee on Interior and Insular Affairs, with amendments:

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes (Rept. No. 92-973).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 2411. A bill to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes (Rept. No. 92-972).

REPORT ENTITLED "ANTITRUST AND MONOPOLY SUBCOMMITTEE ACTIVITIES REPORT, 1971"—REPORT OF A COMMITTEE (S. REPT. NO. 92-968)

Mr. HART, from the Committee on the Judiciary, submitted a report entitled "Antitrust and Monopoly Subcommittee Activities Report, 1971," which was ordered to be printed, together with individual views.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAYH:

S. 3811. A bill to amend the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHURCH:

S. 3812. A bill to authorize the appropriation of funds to the Department of Transportation for the use of the Washington Metropolitan Area Transit Authority for the purpose of assuring that the facilities of the Metro Rapid Transit System are accessible to the physically handicapped, and for other purposes. Referred to the Committee on Public Works.

By Mr. HART:

S. 3813. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission Docket numbered 40-K, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAYH:

S. 3811. A bill to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966. Referred to the Committee on Interior and Insular Affairs.

INDIANA DUNES NATIONAL LAKESHORE COMPLETION

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to authorize the additional appropriations needed to complete the Indiana Dunes National

Lakeshore as it was originally approved in 1966. I am hopeful that prompt action will be taken on this bill since the amount of the increase is relatively small—$6 million—while the benefits to the citizens of the area and historical, environmental, and natural values of the land involved are great.

Congress recognized in 1966 by passing enabling legislation and the initial authorization that the Indiana Dunes National Lakeshore is a unique natural treasure. Congress also recognized that the lakeshore can and does provide much needed recreational land close to hundreds of thousands of citizens who live in the highly developed area around the southern tip of Lake Michigan. For the average working man or woman in Indiana or Illinois or elsewhere in the Midwest, completion of the lakeshore is vital, for it is easy to reach and inexpensive to enjoy. There is no better place in the country for bringing the parks to the people.

Unfortunately, the amount of the original authorization has proved to be inadequate to complete the lakeshore as originally envisioned. On the basis of my conversations with officials of the National Park Service, I believe that the costs of completion will be less than $6 million. This is the amount of additional authorization which the bill I introduce today provides for.

We must authorize this additional expenditure not only because of the natural values of the lakeshore and the tremendous recreational potential it contains, but also to carry out the commitment we in Congress made in 1966 to complete the lakeshore. Many persons in the areas affected have relied on that commitment, and the inadequacy of the funding—which could not have been foreseen at the time—has caused considerable inconvenience and uncertainty. Furthermore, the faster that we act to complete the lakeshore now, the less expensive it will be. For all these reasons, I urge congressional approval of this bill as soon as possible.

By Mr. CHURCH:

S. 3812. A bill to authorize the appropriation of funds to the Department of Transportation for the use of the Washington Metropolitan Area Transit Authority for the purpose of assuring that the facilities of the Metro Rapid Transit System are accessible to the physically handicapped, and for other purposes. Referred to the Committee on Public Works.

METRO ACCESSIBILITY TO THE HANDICAPPED ACT

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to authorize the appropriation of funds to assure the accessibility of the National Capitol Areas Metro Rapid Transit System to the physically handicapped.

A few months ago the Senate Committee on Aging, of which I am chairman, conducted hearings on a "Barrier-Free Environment for the Elderly and the Handicapped."

Throughout these hearings a fundamental question arose time and time again:

Are we building a society which is becoming increasingly "off limits" to the growing numbers of older and handicapped Americans?

This question takes on added importance now and in the future because within the next 30 years we shall be building another America. During this time span, it is quite likely that more buildings will be constructed in the United States than during the past 200 years. In responding to this growing demand, we must also assure that these units will be accessible to all Americans. With modest increases in costs and no loss of functional utility, most of these new structures can be made usable for the aged and handicapped.

In 1968 the Congress approved the Architectural Barriers Act to make it national policy that buildings constructed with Federal funds should be accessible to the physically handicapped.

However, a question later arose concerning whether the provisions of this law applied to the design and construction of the subway stations which were to be constructed by the Washington Metropolitan Area Transit Authority. This issue emerged because of the unique Federal-State-locality relationship created through the compact.

To resolve this question, the Congress later approved Public Law 91–205. This measure made it clear that the construction of subway stations, surface stations and other structures of the Washington Metropolitan Area Transit Authority are to be accessible to the physically handicapped.

However, further funding authority is now necessary to make Metro completely barrier free. In his testimony before the Senate Committee on Aging, Warren Quenstedt, the Deputy General Manager of the Washington Metropolitan Area Transit Authority, gave these reasons:

> The Congress has been informed that it will be necessary for the Authority to seek additional funds for these facilities inasmuch as the financial plan on which present activities are being carried forward makes no provision for the cost of special facilities for the handicapped.

And the bill that I introduce today is designed to provide the funding authority to carry out this objective. Basically, this measure would authorize $65 million for the installation of elevators to insure that Metro will be accessible to the physically handicapped and others who find it difficult or impossible to utilize escalators.

The reasons for the adoption of this legislation, in my judgment, are many. First, the Metro structures are being constructed with funds belonging to all the people. And, it is only fitting and proper that these structures should be designed and constructed to be usable by all the people.

This is essential—especially for the severely handicapped—because a system which is off limits to them can deny them a meaningful opportunity to participate in society. In fact, structural barriers may force these individuals to withdraw from the mainstream of life. And the economic impact can be devastating.

Today it is estimated that about 50 percent of the homebound, handicapped Americans are unemployed because of the lack of adequate transportation. Yet, if we continue to build public transportation facilities with structures which are inaccessible to these individuals, their problems are likely to intensify.

And we must not overlook this basic fact: the handicapped includes more than just those who are confined to wheelchairs. Many others may also find it necessary to use elevators, instead of the escalators at Metro.

Moreover, because Metro will be located in the Nation's Capital and the surrounding suburbs, it seems to me that its structures should be a model for all other transit authorities to emulate. And, it should be accessible to all Americans, whether they be young, old, or disabled.

Mr. President, for these reasons I urge early and favorable action on this legislation.

By Mr. HART:

S. 3813. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission Docket numbered 40–K, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HART. Mr. President, I introduce a bill to provide for the disposition of a judgment recovered against the United States by the Grand River Band of Ottawa Indians.

The Indian Claims Commission approved an award of $932, 620.01 on March 27, 1968. Funds to cover the award have been appropriated and are now accruing interest in commercial banks. However, the money may not be distributed until authorized by the Congress.

On May 4, 1971, the House of Representatives passed H.R. 1100 providing for the disposition of the judgment funds. The provisions in this bill were favored by the Department of the Interior. However, shortly after passage of the bill representatives of the Grand River Band contacted me, objecting to several provisions in H.R. 1100. On behalf of these constituents, I asked the Senate Interior Committee not to report the bill until the tribal representatives could be provided an opporunity to express their concerns. The Senator from Washington (Mr. JACKSON), the chairman of the committee, graciously cooperated on this matter.

Since my request to Senator JACKSON a year ago, strenuous efforts have been made by representatives of the Grand River Band and the Department of the Interior to resolve their differences concerning the provisions of H.R. 1100. It is my understanding that as the result of these efforts all differences have now been resolved with the possible exception of one important issue—the eligibility criterion to be used in the disposition of the judgment funds. H.R. 1100 authorizes disposition to all lineal descendents of the treaty group, regardless of the degree of Indian blood. The Grand River Band of Ottawa Descendents Committee, however, strongly urges that the funds be distributed only to those persons with one-fourth degree or more Grand River Ottawa blood.

During the House hearings on H.R. 1100 several arguments were made against adopting a one-fourth degree blood quantum as the criterion for establishing the beneficiary roll. Probably the major argument was that it has been the uniform practice of the Department of the Interior not to impose any blood quantum requirement when preparing a descendency roll. However, information provided later by the Department indicated that, in fact, on three different occasions legislation has been enacted which limited the distribution of judgments funds to lineal descendents possessing one-fourth or greater degree Indian blood.

Another argument advanced against a one-fourth degree blood quantum requirement was that it would be considerably more difficult to determine eligibility and would substantially increase the cost of preparing the beneficiary roll. We have discussed this point with several persons familiar with the issue and most thought the degree of difficulty in preparing the beneficiary roll would be about the same whether it was based on lineal descendency or a blood quantum requirement. In any case, the difficulty in making the quarter-blood determination does not appear to be a significant problem. In fact, the Bureau of Indian Affairs has been making such determinations on a routine basis for many years, whenever they decide which Grand River Band members are eligible for scholarships, job training, and other special benefits.

In support of their position that the judgment funds awarded the band should be distributed only to persons with one-fourth degree or greater Grand River Ottawa blood, tribal representatives contend that:

If all lineal descendents are eligible, the payment to each person will be so small that no one will really benefit. Even with the more restrictive eligibility requirement, the payment will be small. Records maintained by the chairman of the Grand River Band of Ottawas Descendents Committee indicate that at least 3,000 persons would meet the one-fourth blood quantum requirement, resulting in payment of only about $300 per person. The number of persons eligible under the lineal descendency criterion is not known, but it could easily be doubled, reducing the payment to $150 or less.

Indians with a higher degree of Indian blood tend to have the lowest incomes and are most in need of economic assistance.

In recognition of the greater need of persons with the higher degree of Indian blood, many programs administered by the Bureau of Indian Affairs—including certain educational, job training, and employment preference programs—are limited to persons with at least one-fourth degree Indian blood.

Indians, speaking through duly recognized representative groups, should have some voice in decisions directly affecting them. The wishes of reservation Indians, or other Indians organized under the Indian Reorganization Act, concerning eligibility for judgments awards are usually accepted by the Department of the Interior. Nonreservation Indians, such as the Grand River Band, should receive the same consideration.

These arguments are persuasive. I have also found that persons intimately familiar with Indian affairs in Michigan, including the director of the Michigan Commission on Indian Affairs, strongly support the position taken by the tribal representatives.

The Grand River Basin of Ottawas Descendants Committee—the only group recognized by the Bureau of Indian Affairs to speak for the tribal members—has unanimously passed a resolution asking the entire Michigan congressional delegation to support the adoption of the draft bill prepared by their attorney. I ask unanimous consent that the text of this bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198, to pay a judgment to the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40–K, together with any interest thereon, after payment of attorney fees and litigation expenses and expenses of the Grand River Band of Ottawas Descendants Committee and such expenses as may be necessary in effecting the provisions of this Act, shall be distributed as provided herein.

Sec. 2. The Secretary of the Interior shall prepare a roll of all persons of Grand River Band of Ottawa Indian blood who meet the following requirements for eligibility: (a) they were born on or prior to and were living on the date of this Act; and (b) their name or the name of a lineal ancestor from whom they claim eligibility appears as a Grand River Ottawa on the Ottawa and Chippewa Tribe of Michigan, Durant Roll of 1908, approved by the Secretary of the Interior February 18, 1910, or on any available census rolls or other records acceptable to the Secretary of the Interior; (c) who possess Grand River Ottawa Indian blood of the degree of one-fourth or more; and (d) are citizens of the United States: *Provided,* no person shall be eligible to have his name placed on the roll who at the same time is an enrolled member of any tribe other than the Grand River Band of Ottawa Indians or the Ottawa and Chippewa Tribe of Michigan.

Sec. 3. Applications for enrollment must be filed with the Great Lakes Agency of the Bureau of Indian Affairs at Ashland, Wisconsin, in the manner and within the time limits prescribed for that purpose. The determination of the Secretary of the Interior regarding the eligibility of an applicant shall be final.

Sec. 4. The judgment funds shall be distributed per capita to the persons whose names appear on the roll prepared in accordance with section 2 of this Act.

Sec. 5. Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

Sec. 6. The funds that are distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax.

Sec. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2052

At the request of Mr. Thurmond, the Senator from California (Mr. Tunney) was added as a cosponsor of S. 2052, a bill to establish a National Cemetery System within the Veterans' Administration.

S. 3070

At the request of Mr. Thurmond, the Senator from Wyoming (Mr. McGee) was added as a consponsor of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care.

S. 3303

At the request of Mr. Pearson, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 3303, a bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and for other purposes.

S. 3495

At the request of Mr. Dole, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 3495, a bill to provide reimbursement of extraordinary transportation expense incurred by certain disabled individuals in the production of their income.

S. 3499

At the request of Mr. Tower, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 3499, a bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas.

S. 3651

At the request of Mr. Humphrey, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 3651, a bill to provide payments to localities for high-priority expenditures to encourage States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

S. 3780

At the request of Mr. Inouye, the Senators from Alaska (Mr. Stevens and Mr. Gravel) were added as cosponsors of S. 3780, a bill to amend section 5(c) of the Home Owners Loan Act of 1933 to authorize an increase in the principal amount of mortgages on properties in Alaska, Guam, and Hawaii to compensate for higher prevailing costs.

S.J. RES. 244

At the request of Mr. Ribicoff, the Senator from Maine (Mr. Muskie) and the Senator from Oklahoma (Mr. Harris) were added as cosponsors of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

SENATE RESOLUTION 330—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL FUNDS FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

(Referred to the Committee on Rules and Administration.)

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following resolution:

S. RES. 330

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $15,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946, as amended.

FAIR LABOR STANDARDS AMENDMENTS OF 1972—AMENDMENTS

AMENDMENT NO. 1326

(Ordered to be printed and to lie on the table.)

Mr. ALLEN. Mr. President, I submit an amendment and ask that it be printed, on page 25, line 21, to strike the words "in such subsection" at the end of subsection (e) of section 6 and insert in lieu thereof "in subsection (b) of this section." The committee bill changes existing law. Section 6(e) of the Fair Labor Standards Act requires every employer providing any contract service under a contract with the United States or a subcontractor thereunder to pay all of his employees the minimum wage provided for in section 6(b) of the FLSA. The committee bill would require employers providing services under a contract with the United States to pay all their employees a minimum wage 20 cents per hour more than would be required if they did not have such a contract with the Federal Government.

For example, under the committee bill, restaurants are required to pay their employees $1.80 per hour minimum during the first year following the effective date. If the restaurant owner, however, had a single employee providing services under a contract with the Federal Government, he would be required to pay all of his employees a minimum of $2 an hour during the first year. There are some restaurant companies that have a handful of employees providing contract services in military installations or in Government buildings and several thousand other employees whose work is totally unrelated to the contract work provided for the Federal Government. Such restaurant companies would be required to pay every single employee a 20-cent per hour higher minimum simply because they have a few employees working under a Federal contract.

This change proposed in the committee bill was also proposed in the House of Representatives. It was labeled a "technical amendment." Its significance to the hotel and restaurant industry particularly, in my opinion, has been overlooked. It will affect several hundred thousand employees in the hotel and restaurant industry primarily. For those unfortunate hotel and restaurant owners who happen to be providing a contract service for the Federal Government, no matter how small the service might be, it will mean a substantial penalty. A minimum wage 20 cents per hour higher for those companies doing business with the Federal Government will be most significant particularly for the hotel and restaurant industry. Such companies will be at a serious competitive disadvantage. It is estimated by the Restaurant Association that prices will have to be increased in the industry by at least 7½ percent in order to finance this so-called technical amendment for restaurant and hotel operators who happen to be providing contract services under a contract with the United States.

If this proposed amendment to the committee bill is not agreed to, tipped employees of hotel and restaurant owners providing services under a contract with the Federal Government will have to receive a 50-percent increase in cash wages immediately. Under existing law, tipped employees must receive a cash minimum wage of at least 80 cents per hour because the majority of their income is derived from tips. A study made by the Labor Department in March of 1970 clearly and conclusively shows that tipped employees receive the highest remuneration in the service industries. Their total earnings at the present time average more than $3 per hour nationwide.

If the change proposed in the committee bill is allowed to stand, it will be detrimental to the interest of the Federal Government. Why should an employer be required to pay a 20-cents-an-hour higher minimum wage for the next 2 years to all his employees merely because a few of them provide a contract service to the Federal Government. The Federal Government simply will not be able to obtain contract services from experienced employers if such a penalty is to be exacted from them.

I urge that the present provision in the Fair Labor Standards Act be retained. My amendment would not affect the Federal Services Contract Act. It would not affect the wages of employees providing services to the Federal Government. It merely retains the provision in existing law requiring an employer to pay at least the section 6(b) rates, initially $1.80 an hour if he has some employees working under a Federal contract.

AMENDMENT TO SECTION 6(e)

The section-by-section analysis of the bill contained in the Senate committee report provides that the purpose of the amendatory language to section 6(e) was "to eliminate clauses excluding certain linen supply establishments from full coverage."

The actual amendatory language has an effect well beyond that intended. The amendment changes section 6(e) in two material ways:

First. It deletes the specific exemption for linen supply services—this clearly was intended; and

Second. It substitutes subsection (a) rates—that is, the previously covered rate—for subsection (b) rates—that is, the newly covered rate—this clearly was not intended.

Under the present bill, previously covered employers must pay $2 per hour during the first year; and $2.20 per hour thereafter. Newly covered employers—employers covered for the first time by the 1966 amendment—must pay $1.80 per hour during the first year; $2 per hour during the second year; and $2.20 per hour thereafter. The bill reported out by the Senate committee would preclude any employer from taking advantage of the so-called newly covered rates if such employer had one or more employees subject to the Federal Service Contract Act.

This result—not mentioned once in the committee report—in all probability, was not intended. The result is caused by a small change in the last sentence of section 6(e) whereby reference is no longer made to "subsection (b) of this section", but instead reference is made to "such subsection", which in turn refers back to the subsection (a) (previously covered) rates.

Again it is emphasized that the change of rates from "newly covered" to "previously covered" was probably not intended. It is caused because of the change in technical language referred to above.

The proposed amendment would eliminate this result and permit employers who are otherwise entitled to the newly covered rates to take advantage of those rates in the employer's nongovernment establishments.

(e) Section 6(e) is amended to read as follows:

(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a) of this section is not applicable, wages at rates not less than the rates provided for in *subsection (b) of this section.*

AMENDMENT NO. 1328

(Ordered to be printed and to lie on the table.)

Mr. GAMBRELL. Mr. President, I am submitting an amendment to S. 1861, the minimum wage bill. The purpose of this amendment is to obtain equal civil rights enforcement treatment for those States, primarily in the South, which have been discriminated against in the enforcement of our civil rights laws.

Members of the Senate will recognize that I have been actively seeking to make the enforcement of civil rights laws uniform throughout the country, by removing those provisions which discriminate against selected areas of the country.

Section V of the Voting Rights Act of 1965 is the most obvious example of such a discrimination.

A more subtle, but yet more antagonizing instance of discrimination, is to be found in the area of school desegregation enforcement, particularly through the use of forced school busing for school desegregation and integration purposes.

The amendment which I offer today eliminates both of these instances of discrimination in civil rights enforcement.

The enactment of my amendment will not impair civil rights enforcement. Under the amendment, the Attorney General will continue to be authorized to oppose voting right violations on an equal basis throughout the country. With reference to school desegregation, enforcement may continue in all respects as it has in the past, except that forced school busing may not be required as a means of school desegregation unless provided for under a School Desegregation and Uniform Education Opportunities Act which is equally applied and enforced throughout the land.

It seems to me that the provisions of this amendment are only fair. They constitute not a "rollback" but a "catch-up" on civil rights enforcement. Extreme measures for civil rights enforcement should not be applied in some sections of the country when they are not being applied in others.

I ask unanimous consent that my amendment be printed in the RECORD at this point, and that a copy of my statement before the Platform Committee of the National Democratic Party, delivered on June 9, 1972, in Atlanta, Ga., also be printed at this point with exhibits thereto.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1328

At the end of the bill, add the following new section:

UNIFORM ENFORCEMENT OF CIVIL RIGHTS LAWS

SEC. — Section 5 of the Voting Rights Act of 1965 (79 Stat. 439; 42 U.S.C. 1973c) is amended to read as follows:

"SEC. 5. (a) Whenever the Attorney General has reason to believe that a State or political subdivision has enacted or is seeking to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting which has the purpose or effect of denying or abridging the right to vote on account of race or color, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order or a preliminary or permanent injunction, or such other order as he deems appropriate.

"(b) An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall be to the Supreme Court."

SEC. — Notwithstanding any other law or provision of law, until Congress shall have enacted legislation providing a plan for equal educational opportunities and for the elimination of racial segregation in public schools throughout the United States, to be equally and uniformly enforced throughout the United States among the local educational agencies thereof, the enforcement of any order of a court of the United States or of any desegregation plan submitted by a local educational agency to a department or agency of the United States pursuant to title VI of the Civil Rights Act of 1964, shall be stayed, suspended and postponed to the extent it requires, directly or indirectly, a local educational agency—

(A) to transport a student who was not being transported by such local educational agency immediately prior to the entry of such order or the adoption of such plan; or

(B) to transport a student to or from a school to which or from which such student was not being transported by such local educational agency immediately prior to the entry of such order or the adoption of such a plan:

Provided, That nothing in this section shall prohibit a local educational agency from voluntarily proposing, adopting, requiring, or implementing a desegregation plan, otherwise lawful, that provides for transportation as referred to in Subsections (A) and (B) above, nor shall any court of the United States or department or agency of the Federal Government be prohibited from approving implementation of a plan that provides for such transportation, if the plan is voluntarily proposed by the appropriate educational agency.

SEPARABILITY

SEC. — If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

STATEMENT OF U.S. SENATOR DAVID H. GAMBRELL BEFORE PLATFORM COMMITTEE OF THE NATIONAL DEMOCRATIC PARTY, JUNE 9, 1972

Thank you for providing me with the opportunity to appear before this regional hearing of the platform committe of the 1972 Democratic National Convention.

It is my purpose here today to propose to the committee, and to the convention, the adoption of a platform plank calling for a uniform civil rights enforcement policy throughout the Nation.

In some instances in connection with school desegregation special and selective civil rights enforcement policies have fallen upon limited areas outside of the South. However, in large measure, the unfair and discriminatory pattern of civil rights enforcements which I will describe falls upon Southern States and southern people.

Since being sworn in as a member of the United States Senate in early 1971, I have tried in every way possible to call attention to these inequities, particularly as they relate to enforcement of the 1965 Voting Rights Act, and enforcement of laws and policies relating to school desegregation. I have conducted these activities in a good faith effort to eliminate sectional antagonisms in this country which have unnecessarily separated men and women of good will throughout the country.

As part of the effort which I have made, I offered the following resolution in the Senate Democratic caucus, which was unanimously adopted on January 25, 1972.

Whereas, civil rights laws are intended to secure equal protection of the laws for all citizens, now therefore be it resolved, by the Senate Democratic conference, that this body, through its leadership, shall make every effort to require that all laws securing equal protection of the laws are themselves applied equally and uniformly in every section of the country.

This was a significant step forward in the recognition by Democratic Party leadership of the obligation of the Government to give uniform and equal application of civil rights laws throughout the country.

I now propose a plank for this year's Democratic platform which along with the explanatory text, reads as follows:

UNIFORM CIVIL RIGHTS ENFORCEMENT POLICY

Laws and law enforcement on the vital subject of civil rights, including voting rights and desegregation of schools, should be applied uniformly throughout the country. Equal protection of the law and due process of law would be hypocritical slogans if the statutes under which these principles are enforced, are not themselves equally applied. While vigorous steps will be taken against any state or local action, wherever found, depriving any persons of their constitutional rights, no state or section of the country shall be singled out for special enforcement efforts under these laws.

While in previous years there may have been justification for special enforcement efforts under the civil rights laws in limited areas of the country, the time for discriminatory application and enforcement of these laws has passed. Vigorous enforcement efforts directed at specific violations should be continued in every section of the country, but laws and policies which single out selected areas for discriminatory treatment should be abandoned.

In order to achieve a civil rights enforcement policy which is uniform throughout the country, the Democratic party supports the following:

1. The suspension of extreme school desegregation measures such as forced school busing for racial balance, and the cut-off of federal education funds, until a substantial majority of the American public school population has been placed under a uniform system of equal educational opportunity, with uniform desegregation requirements.

2. The repeal of the discriminatory reporting and prior approval requirements imposed on seven states and political subdivisions therein by Section V of the Voting Rights Act of 1965.

3. The announcement by the Department of Justice and the Department of Health, Education and Welfare that federal civil rights compliance policies will be enforced with equal vigor in all sections of the country.

In connection with school desegregation, some school systems are being compelled by federal courts and enforcement agencies to comply with extreme remedies which have been pronounced unacceptable by a large majority of American people. Patchwork enforcement of school desegregation is not only unfair, but undermines public support for quality education, and also undermines the effectiveness of the federal court system. The use of remedies such as forced busing for racial balance and the withholding of funds should be suspended until the Congress adopts a uniform national policy for equal educational opportunity, including equal application and enforcement of desegregation remedies.

Pending adoption of such a measure, legislation should be enacted immediately calling on every school system in the United States with a substantial minority population which is not already under court ordered desegregation to determine through public hearings whether there is discrimination within its system, and if so, the means of eliminating it. Uniformity of desegregation compliance under this plan should be supervised by the Department of Justice and the Department of Health, Education and Welfare, and Federal assistance should be available to aid in the elimination of racial discrimination by local school systems.

Repeal of the reporting and prior approval provisions of Section V of the Voting Rights Act of 1965 will eliminate unfair, unnecessary and burdensome requirements which are offensive to thousands of citizens in seven States who have borne the brunt, at the local level, of achieving racial justice in those areas. Repeal of this provision will not diminish the rights of any voter in the States affected. Federal voting examiners will continue to be available where discrimination may be found. In addition, Federal remedies for specific voting rights violations will continue to exist.

An announcement by officials charged with civil rights enforcement that future enforcement will be vigorous, as well as uniform, will refute any concern that new policies will be haphazardly applied, or that the government's commitment to civil rights is diminished.

That is the text of my proposal. In purpose and intent it is self-explanatory. However, I think a brief summary of the background and circumstances relating to the proposal are in order.

The practical and philosophical reasons for the proposal are three. *First,* the time has arrived when no section of the country should be singled out as more to blame for discrimination than others. Discrimination can no longer be said to be a problem of only one region. *Second,* the school desegregation and quality education crisis cries out for a solution which is uniform in benefits and burdens, and in which citizens of all sections of the country can enthusiastically participate. *And third,* whether it be viewed as a southern strategy, or simply as a matter of fairness, candidates and political parties which tolerate discriminatory law enforcement policies of this kind can hardly expect support from citizens and political leaders in the areas subject to such discrimination. For myself, I have already stated publicly that I cannot support a candidate for President who will not commit himself to a platform plank such as I am suggesting.

One of the most patently discriminatory enforcement procedures found in any law is found in Section V of the Voting Rights Act of 1965, which requires seven States to obtain prior approval from either the U.S. Attorney General, or the U.S. Court for the District of Columbia, before they, or their local governments, can make even minor changes in voting laws or procedures.

Even if it is assumed that voting and voter registration patterns in 1965 might have justified the classification of specific States for such Federal intervention, this provision of law is no longer necessary in order to guarantee voting rights in these areas. Since 1965, every State to which this provision applies has had at least two gubernatorial elections. In these, and hundreds of other local elections held during that period, hundreds of thousands of black citizens have now become registered to vote, and have in fact voted. (Appendix A). Not only that, but many have run, and been elected to public office themselves. (Appendix B).

What is more, the governors and other top officials of the States involved have taken positive stands against racial discrimination. Here are some of their statements from the public record:

In his inaugural address, Governor Linwood Holton of Virginia stated: "Here in Virginia we must see that no citizen of the Commonwealth in excluded from full participation in both the blessings and responsibilities of our society because of race. We will have a government based on a partnership of all Virginians, a government in which there will be neither partisanship nor prejudice of any kind."

Governor George Wallace of Alabama, during the Florida presidential primary, supported the equal education opportunity referendum which was held at the same time, stating that, "we have to obey whatever the law is, whether we like it or not, and the decision of '54 says non-discrimination."

In his inaugural address, Governor John West of South Carolina called on the people of South Carolina to "unite and work together, putting aside differences of race, politics, generation or other. The politics of race and divisiveness have been soundly repudiated in South Carolina."

And it is well known that Governor Jimmy Carter of Georgia, in his inaugural address in 1971 stated: "at the end of a long campaign, I believe I know the people of our State as well as anyone. Based on this knowledge of Georgians north and south, rural and urban, I say to you quite frankly that the time for racial discrimination is over."

In view of these developments, it seems apparent that any previous justification for discrimination in the application and enforcement of anti-discrimination laws, no longer exists.

Yet under the Voting Rights Act, seven Southern States and local governments therein are required to submit all proposed changes in voting procedures and local laws which only remotely relate to voting, to the United States Attorney General for prior approval or to the United States Court for the District of Columbia for a declaratory judgment that the proposed change would not have the effect of denying the right to vote. Court interpretations of the Voting Rights Act go far beyond the protection of the right to vote against discriminatory laws and policies. The courts have made the act applicable to such diverse political adjustments as municipal consolidations and annexations, changes in the location of polling places, legislative reapportionment and even reapportionment plans approved by Federal court orders. The presumption that all such changes in the States involved are infected with voter discrimination not only result in an enormous burden for the States and the Attorney General, but is patently absurd. And in addition to being an affront to the citizens and officials of these States who have struggled to overcome racial discrimination, the impact of these requirements has been most unjust in communities, such as Atlanta, your host city of the day, which has been free of voter discrimination for more than twenty years.

The views of Mr. Justice Hugo Black, in his dissenting opinion in *South Carolina* v. *Katzenbach,* 383 U.S. 301, 358, are particularly pertinent at this point:

Justice Black stated: "Section 5, by providing that some of the States cannot pass State laws or adopt State constitutional amendments without first being compelled to beg Federal authorities to appove their policies, so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between State and Federal power almost meaningless. I cannot help but believe that the inevitable effect of any such law which forces any one of the States to entreat Federal authorities in faraway places for approval of local laws before they can become effective is to create the impression that the State or States treated in this way are little more than conquered provinces."

I am not suggesting repeal of the Voting Rights Act of 1965. Repeal of section V of that act would not impair enforcement of the right to vote, but would simply remove the presumption of guilt which now exists under the law, and restore the presumption of guilt which now exists under the law, and restore the presumption of innocence, to which our laws have traditionally entitled us.

I have offered legislation in the U.S. Senate which would accomplish the objective of my proposal here. (Appendix C.) My amendment will eliminate the reporting and prior approval requirements for the seven States involved, but would authorize the U.S. Attorney General to protect voting rights against specific violations through actions in the U.S. district courts. All States, sections, communities and citizens of the United States would receive equal protection of the laws under this proposal.

Discrimination in connection with school desegregation has been the result, not of special legislative enactment as is the case with the Voting Rights Act, but through the inability of the court system, and the failure of the Executive Department, to adopt and pursue a uniform school desegregation policy in all areas of the country. Development of a basic school equality and desegregation policy has been left in the hands of the courts. The Congress, and the Executive Department, seem satisfied to leave the court system floundering with this highly controversial problem, and to sweep the matter under the rug whenever possible. The result has been a patchwork development of desegregation requirements and remedies. Enforcement agencies such as the Department of Justice and the Department of HEW will enforce "whatever the law requires" although what the law requires from judicial district to judicial district has differed and been uncertain. Under legal principles, the selection of desegregation remedies in court proceedings is discretionary with the particular judge. In some cases, extreme remedies have been applied, and in others, milder forms have been adopted. The same, of course, is true in the case of administrative remedies applied by the Department of HEW.

In addition, statistics produced by the Departments of Justice and H.E.W., show conclusively that enforcement efforts of Federal agencies continue to be primarily directed toward southern States, even though the south is far ahead of the rest of the country in desegregation of its schools. H.E.W.'s January school desegregation report revealed the following:

1. While 43.9% of black students in the south are in majority white schools, only 27.8% of black students in the north and west attend majority white schools, and only 30.5% attend majority white schools in border states.

2. While only 32.2% of black students in the south are in schools of 80–100% minority student population, 57.1% of black students in the north and west and 60.9% in the border states attend such schools.

3. While only 9.2% of black students in the south attend all-minority schools, the figure is 11.9% in the north and west, and 24.2% in the border states. (Appendix D).

In spite of these statistics, of the 214 student assignment cases which were part of the Justice Department's trial court caseload on December 21, 1971, all but 7 cases were in the south. (Appendix E).

Of almost 550 school systems against which H.E.W. has initiated administrative enforcement proceedings, all but 9 such actions are against school systems in the south.

All but one of the more than 200 school districts in which Federal financial assistance has been terminated under title VI of the Civil Rights Act of 1964 are in the south.

The Departments of Justice and H.E.W. have simply turned their heads to avoid seeing segregation outside the south, although desegregation actions brought by private citizens have disclosed racial discrimination in Michigan, Colorado, California, New York and other States. Isn't it time for Federal enforcement agencies to shift such enthusiasm for desegregation enforcement from southern States to other sections of the country where the problem may be more subtle but is much more widespread?

Our Federal courts have been the object of much criticism and abuse in regard to the school desegregation crisis. Those familiar with court processes realize that the courts themselves have no control over what cases are brought to them, or where, or by whom enforcement will be sought. And while there have been instances of judicial excesses in this field, objective critics agree that most Federal judges in the lower courts have made every effort to comply with what they believe the law to be, under the latest Supreme Court decisions.

Under the circumstances which I have described, the present enforcement system has resulted in an uneven and discriminatory pattern of desegregation enforcement, in an unfair distribution of the benefits and burdens of desegregation, and in a loss of public support for equal educational opportunities. Such support would undoubtedly be more firmly supported if a uniform desegregation policy was adopted and uniformly applied throughout the country.

The inequities of our present school desegregation policies can best be illustrated by yesterdays vote on the higher education bill. The Congress has now adopted a so-called "moratorium" on forced school busing which will leave forced busing in effect upon those who have suffered with it longest, and upon those who have voluntarily complied with court mandates rather than engaging in delaying tactics. What could be more of an incentive to resistance than to reward it as Congress has done?

As if the inequities which I have described were not enough, there is another aspect of the forced busing controversy which is most frustrating. Every poll or referendum which has been taken on the subject shows that the will of the people is being completely ignored. Busing to achieve racial balance has been pronounced unacceptable by 73% of the American people. But still this remedy is being applied all over the South. (Appendix F).

Of course, the solution to the entire school desegregation and quality education problem is to adopt uniform standards throughout the country providing for equal educational opportunity and for equal application and enforcement of desegregation remedies. This will require an act of Congress, which should be made a priority piece of legislation by the next Democratic administration. Meanwhile, in order that the inequities of the existing desegregation patterns should not inhibit support for quality education legislation, and so that there will be assurance that all of this country's public school systems are brought into uniform desegregation compliance, an interim plan of uniform desegregation compliance should be adopted.

I have suggested, and have pending in Congress, a proposal which does just that. (Appendix G). The platform plank which I have offered also sets forth this proposal.

This interim legislation should suspend extreme desegregation remedies such as forced busing for racial balance and the withholding of Federal funds. Under the plan I have proposed, the suspension of these remedies would end as soon as uniform desegregation remedies are established by the Quality Education Act. Pending the adoption of that act, uniformity in desegregation would be achieved by requiring every school system in the country which has a substantial minority population and is not already under court ordered desegregation to determine through public hearings whether there is discrimination within such system, and if so, the means of eliminating such discrimination. Uniformity in desegregation plans developed by this method would be supervised by the departments of Justice and H.E.W., and Federal assistance would be available to aid in the elimination of such racial discrimination. During the development of such a uniform system of school desegregation, the extreme remedies of forced school busing and the withholding of Federal funds would remain in suspension.

This program would not halt desegregation, but would accelerate it in areas of the country outside the South. It would not outlaw forced busing, as such, but would simply suspend federally required forced busing. Local option busing would be permitted. Federal funds would be available to assist in desegregation, as an incentive to rapid compliance.

There is no question in my mind but that wide support can be found, in the South, and throughout the country, for approaching school desegregation and quality education on this basis. On the other hand, continuation of the present uneven, inequitable, and discriminatory desegregation program can only prolong the achievement of our quality education goals, and intensify the controversy relating to it.

As a part of my effort to make equal Civil Rights enforcement a permanent part of Federal Government policy, I have raised the question of a platform plank on this subject with each of the candidates for the democratic presidential nomination. Copies of my correspondence with them are attached hereto as Exhibit H. You will notice that Senators Humphrey, Jackson and McGovern have each indicated support for a platform plank of this type, although it is qualified in the case of Senator McGovern. Governor Wallace has verbally indicated support of this platform plank, through a communication from his staff. Senator Muskie and Representative Chisholm have not replied.

Substantial doubt as to the extent of the commitment on the part of Senators Humphrey, Jackson and McGovern was raised during the Senate voting on the forced school busing issue in late February. All of them, along with Senator Muskie, either voted against or were announced against the anti-busing proposal which I offered as an amendment to the higher education bill, substantially in the form which I have proposed here today. Frankly, it is difficult for me to understand how any of these Senators could have supported the caucus resolution of January 25, 1972, which I have previously described, and then failed without explanation to support a specific piece of legislation seeking to equalize Civil Rights enforcement.

The time has now arrived for the Democratic Party, and those seeking the presidential and vice presidential nominations of that party, to take a specific stand on this question. The party and its candidates must decide whether, as a matter of political expediency, if not a matter of fairness, it is desirable to continue belaboring the South and its people with discriminatory Civil Rights enforcement. Southern people have largely accepted the changes brought about through Civil Rights legislation and related court decisions. The antagonisms which once existed between the people of various sections of the country in regard to the civil rights issue no longer exist. Americans in sections of the country outside the South have discovered that the political and social difficulties being experienced in the South can also become a part of their own experience.

I believe that a majority of Americans, as well as a majority of southerners, would favor the abandonment of a discriminatory Civil Rights enforcement policy, and would support the platform plank which I have proposed. Thus, I call upon the Democratic Party, and all of its members from every section of the country, to pledge support for equal enforcement of the Civil Rights laws throughout the country, and I urge you, as members of the party's platform committee, to recommend the adoption of the platform plank which I have proposed here today.

APPENDIX A

VOTER REGISTRATION IN THE SOUTH—AUTUMN, 1970

State	Voting age population, 1960 census		Whites registered	Blacks registered	Voting age population, 1960 census	
	White	Black			Percent White registered	Percent black registered
Alabama	1,353,058	481,320	1,311,000	315,000	96.9	65.4
Arkansas	850,643	192,626	728,000	153,000	85.6	79.4
Florida	2,617,438	470,261	2,495,000	302,000	95.3	64.2
Georgia	1,797,062	612,910	1,615,000	395,000	89.9	64.4
Louisiana	1,289,216	314,589	1,143,000	319,000	88.7	62.0
Mississippi	748,266	422,589	690,000	286,000	92.2	67.7
North Carolina	2,005,955	550,929	1,640,000	305,000	81.8	55.4
South Carolina	895,147	371,104	668,000	221,000	74.6	59.6
Tennessee	1,779,018	313,873	1,600,000	242,000	89.9	77.1
Texas	4,884,765	649,512	3,599,000	550,000	73.7	84.7
Virginia	1,876,167	436,720	1,496,000	269,000	79.7	61.6
Totals	20,096,735	5,016,100	16,985,000	3,357,000	84.5	66.9

Source: Voter Education Project, Inc.

APPENDIX B

Elected Black officials for 11 Southern States

Years:	*Total Blacks elected*
Prior to 1965	Less than 100
1966	159
1968	385
1970	644
1971	735
1972[1]	873

[1] State senators, 6; state representatives, 41; county officials, 111; city officials, 425; law enforcement officials, 117; school board members, 176.

S. 3420

Sec. —. Section 5 of the Voting Rights Act of 1965 (79 Stat. 439; 42 U.S.C. 1973c) is amended to read as follows:

"Sec. 5. (a) Whenever the Attorney General has reason to believe that a State or political subdivision has enacted or is seeking to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting which has the purpose or effect of denying or abridging the right to vote on account of race or color, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order or a preliminary or permanent injunction, or such other order as he deems appropriate.

"(b) An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall be to the Supreme Court."

APPENDIX D

DHEW OFFICE FOR CIVIL RIGHTS—FALL 1971 ESTIMATED PROJECTIONS OF PUBLIC SCHOOL NEGRO ENROLLMENT COMPARED WITH FINAL FALL 1968 AND 1970 DATA[1]

Geographic area	Total pupils	Negro pupils		Negro pupils attending schools which are— 0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:									
1968	43, 353, 568	6, 282, 173	14.5	1, 467, 291	23.4	4, 274, 461	68.0	2, 493, 398	39.7
1970	44, 877, 547	6, 707, 411	14.9	2, 223, 506	33.1	3, 311, 372	49.4	941, 111	14.0
1971 estimate	44, 691, 675	6, 724, 956	15.0	2, 393, 824	35.6	3, 084, 785	45.9	778, 832	11.6
Difference 1970–1971	−185, 872	17, 000	0.1	170, 318	2.5	−226, 587	−3.5	−162, 279	−2.4
32 north and west:[2]									
1968	28, 579, 766	2, 703, 056	9.5	746, 030	27.6	1, 550, 440	57.4	332, 408	12.3
1970	29, 451, 976	2, 889, 858	9.8	793, 979	27.5	1, 665, 926	57.6	343, 629	11.9
1971 estimate	29, 299, 586	2, 913, 047	9.9	810, 895	27.8	1, 664, 771	57.1	325, 874	11.2
Difference 1970 to 1971	−152, 390	23, 189	0.1	16, 916	0.3	−1, 155	−0.5	−17, 755	−0.7
11 south:[3]									
1968	11, 043, 485	2, 942, 960	26.6	540, 692	18.4	2, 317, 850	78.8	2, 000, 486	68.0
1970	11, 570, 351	3, 150, 192	27.2	1, 230, 868	39.1	1, 241, 050	39.4	443, 073	14.1
1971 estimate	11, 551, 697	3, 139, 436	27.2	1, 377, 847	43.9	1, 010, 558	32.2	290, 390	9.2
Difference 1970 to 1971	−18, 654	−10, 756	0.0	146, 979	4.8	−230, 492	−7.2	−152, 683	−4.9
6 Border and District of Columbia:[4]									
1968	3, 730, 317	636, 157	17.1	180, 569	28.4	406, 171	63.8	160, 504	25.2
1970	3, 855, 221	667, 362	17.3	198, 659	29.8	404, 396	60.6	154, 409	23.1
1971 estimate	3, 840, 392	672, 473	17.5	205, 082	30.5	409, 456	60.9	162, 568	24.2
Difference 1970 to 1971	−14, 829	5, 111	0.2	6, 423	0.7	5, 060	0.3	8, 159	1.1

[1] 1971 figures are estimations based on latest available data and are subject to change upon final compilation.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alaska, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

APPENDIX E

EDUCATION SECTION CASELOAD

State	Trial Court student assignment cases	School districts involved	Trial Court miscellaneous cases	Appellate Court amicus cases
Alabama	18	[1] 123	2	0
Arkansas	8	17	0	0
California	1	1	0	1
Connecticut	1	1	0	0
Florida	7	18	0	0
Georgia	25	104	0	0
Illinois	1	1	2	0
Indiana	1	20	0	0
Kansas	[2] 1	1	0	0
Louisiana	40	40	2	0
Mississippi	48	[3] 74	2	1
Missouri	1	7	0	0
North Carolina	[4] 11	[5] 19	0	0
Ohio	0	0	[6] 1	0
Oklahoma	1	1	0	0
South Carolina	18	26	1	0
Tennessee	10	20	[7] [8] 2	0
Texas	[9] [10] 13	44	1	0
Virginia	9	9	0	0
Total	214	526	13	2

[1] Trade schools and junior colleges counted as one miscellaneous case.

[2] Defensive suit.

[3] Excludes splinter systems Clinton & Durant; Jackson counted as Appellate Court case.

[4] Includes 1 defensive suit involving 6 districts.

[5] Excludes splinter system Scotland Neck.

[6] Defensive suit.

[7] Includes 1 higher education suit.

[8] Includes 1 defensive suit.

[9] Does not count as separate those cases severed from multi-district suits.

[10] 1 suit involves the State Education Agency and all districts in the State.

Harris Survey: Increasing Controversy Hardens Opinions Against Racial Busing

(By Louis Harris)

Altho the American people oppose busing school children to achieve racial balance by an overwhelming 73-20 per cent margin, the division in the country over the morality of "most white children going to white schools and black children going to black schools" is close.

By a narrow 40-39 per cent, Americans say such separation of the races in the nation's schools is "morally wrong." Paradoxically, parents across the country whose children are bused to school testify they are perfectly satisfied with their current local arangements, altho they are adamantly opposed to "busing to achieve racial balance."

Clearly, attitudes toward busing have hardened over the last year. In early 1971 and again in early March, a cross section of 1,600 households was asked:

"Suppose the courts ordered that children in your community had to be bused to be sure that white and black children attended the same schools. Would you be willing or not to see children bused for this purpose?"

	1972 Pct.	1971 Pct.
Willing to see children bused	25	47
Not willing	69	41
Not sure	6	12

The dramatic difference between this year and last is that in 1972 a sizable majority is now willing to defy court orders on school busing, up nearly 30 points from a year ago. Clearly, the political rhetoric of 1972 has left the courts and measures to achieve racial balance thru busing isolated from a majority of public opinion.

The Harris Survy also demonstrates that the issue is far more a matter of the racial overtones involved in the busing issue rather than parental objection to busing as such.

The survey found that 51 per cent of the households in the country now have children in them who are 18 years of age and under. Of this directly affected part of the population, 34 per cent reported that they now have children who are regularly bused to school. Most frequently bused are rural pupils, where 58 per cent of the households with school age children report that students are bused.

Nationwide, parents with children who are bused to school daily were asked:

"Do your children find it convenient or inconvenient to take the school bus?"

	Total Parents Pct.
Convenient to bus	89
Not convenient	10
Not sure	1

By an overwhelming 9 to 1 margin, parents report that daily busing of their children to school works out highly conveniently.

By a thumping 83-15 per cent margin, parents whose children are bused to school every day clearly are satisfied with the arrangement. The results indicate beyond doubt that the heart of the busing controversy obviously is not parent aversion to busing their children.

The key, of course, is to be found in the words "busing to achieve racial balance." On this score, there is little doubt about the current set of public opinion:

"Would you favor or oppose busing school children to achieve racial balance?"

	Total Public Pct.
Favor	20
Oppose	73
Not sure	7

White people in the survey opposed busing for racial balance by 78 to 17 per cent altho blacks favored it 52 to 34 per cent. Regionally, opposition is highest in the Deep South states, where people are against busing by 87 to 6 per cent.

People hold to these views about busing for racial balance, even tho there are serious doubts among the public about the morality of continuing essentially segregated education.

"Do you feel it is morally right or morally wrong for most white children to go to white schools and most black children to go to black schools?"

	Morally Right Pct.	Morally Wrong Pct.	Not Sure Pct.
Nationwide	39	40	21
By Region			
East	33	44	23
Midwest	38	43	19
South	49	32	19
West	35	42	23
Border States	44	37	19
Deep South	59	21	20
By Race			
White	42	38	20
Black	15	59	26

Regionally, it is evident that public opinion is troubled by the moral issue involved over essentially segregated schools, altho blacks feel much more strongly on this aspect of the issue than whites.

Nationwide, however, it is clear that whatever their moral pangs on the issue, a big majority of the people are emotionally committed against busing for racial purposes, even tho busing of children as such is hardly a concern at all.

S. 3435

A bill to impose a moratorium on involuntary student transportation until a uniform plan of racial desegregation shall have been implemented throughout the country

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Desegregation and Student Transportation Moratorium Act of 1972".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that:

(1) The provision of equal educational opportunity to all students of a local educational agency requires racial desegregation.

(2) School desegregation should be required equally and uniformly in every section of the United States.

(3) For the purpose of desegregation, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students.

(4) In many cases these reorganizations, with attendant increases in student transportation, have caused substantial hardship to the children thereby affected, have impinged on the educational process in which they are involved, and have required increases in student transportation often in excess of that necessary to accomplish desegregation.

(5) At the same time that extensive transportation of school children and other extreme and disruptive remedies are being required in some local educational agencies for the purpose of desegregation, many local educational agencies throughout the country have not undertaken any effective efforts to desegregate.

(6) This inequity in the application and enforcement of desegregation remedies obstructs the nationally accepted goal of equal educational opportunities without regard to race, color, or national origin.

(7) The Congress is presently considering legislation to achieve the goal of equal educational opportunity for all citizens.

(8) A moratorium on the involuntary transpotration of school children will permit an orderly legislative settlement of the question of providing equal educational opportunity on a uniform basis throughout the country.

(b) It is, therefore, the purpose of this Act to impose a moratorium on the effectiveness of Federal court orders that require local educational agencies to transport students, and on the involuntary implementation of certain desegregation plans under title VI of the Civil Rights Act of 1964 until racial desegregation is uniformly applied and enforced or until such earlier date as there shall be adopted a uniform plan to provide equal educational opportunities throughout the country.

SEC. 3. (a) Notwithstanding any other law or provision of law, the effectiveness of any order of a court of the United States and the implementation of any desegregation plan submitted by a local educational agency to a department or agency of the United States pursuant to title VI of the Civil Rights Act of 1964, to the extent such order or such plan requires for any period subsequent to December 31, 1970, directly or indirectly, a local educational agency to transport students in order to overcome racial imbalance or to carry out a plan of racial desegregation, shall be postponed until plans providing for the racial desegregation of schools as provided in subsection (b) of this section, or reports of the absence of racial discrimination as described in subsection (b) of this section, shall have been adopted uniformly throughout the United States by the appropriate local educational agencies thereof.

(b) Plans providing for the racial desegregation of school shall provide for the elimination of—

(1) any deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;

(2) the assignment by an educational agency of a student to a school, other than the one closest to his place of residence within the school district in which he resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

(3) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty, or staff;

(4) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency;

(5) language barriers that impede equal participation by the students of a local educational agency in its instructional programs;

(6) the provision of inferior schools among communities in accordance with racial predominance;

(7) any unequal allocation of school facilities and resources among communities within a local educational agency in accordance with racial predominance, except for the purpose of equalizing educational facilities; and

(8) prohibitions against volitional student transfers from schools in which a majority of the students are of their race, color, or national origin to schools in which a minority of the students are of their race, color, or national origin.

(c)(1) A plan or report shall not be deemed to have been adopted for the purpose of subsection (a) of this section until such plan or report, approved by the appropriate local educational agency after public hearing, has been submitted by an appropriate official of such agency to the Secretary of Health, Education, and Welfare, and the Secretary has not interposed an objection within sixty days after such submission. The Secretary shall interpose an objection to any report which he finds to be inaccurate in any substantial respect and shall object to any plan which he finds to be substantially deficient in the elimination of racial discrimination as described in subsection (b) of this section; *Provided,* That any such plan or report, whether or not submitted to the Secretary, shall be deemed to have been adopted for the purpose of this section if the Federal district court having jurisdiction of such agency shall have approved the substance of such plan or the truth of such report, and has found such plan or report to be in accordance with the Constitution of the United States.

(2) Plans shall not be deemed to have been uniformly adopted throughout the United States for the purpose of subsection (a) of his section until—

(A) such plans have been adopted in school systems containing not less than 75 per centum of the school population in public school systems which have total minority student population greater than 10 per centum, or

(B) such plans are in effect not less than seventy-five of the one hundred most populous school systems in the United States (1) which have total minority student population greater than 10 per centum or (2) which had a greater percentage of minority students in 1971 attending schools in which minority students were in the majority than in 1968, and such plans are in effect in 75 per centum of the States of the United States having a minority public school student population grater than 10 per centum.

(d) Nothing in this Act shall prohibit an educational agency from proposing, adopting, requiring, or implementing any desegregation plan, otherwise lawful, that exceeds the limitations specified in subsection (a) of this section, nor shall any court of the United States or department or agency of the Federal Government be prohibited from approving implementation of a plan that exceeds the limitations specified in subsection (a) of his section if the plan is voluntarily proposed by the appropriate educational agency.

(e) A local educational agency shall be deemed to transport a student if it pays any part of the cost of such student's transportation, or otherwise provides such transportation.

U.S. SENATE,
Washington, D.C., November 24, 1971.

Hon. HUBERT H. HUMPHREY,
Chairman, Policy Council,
Democratic National Committee,
Washington, D.C.

DEAR SENATOR HUMPHREY: I am writing you as Chairman of the Policy Council of the Democratic National Committee which, I understand, is soliciting the suggestions and opinions of Democrats throughout the country as to how to improve our Party's policies and goals, and in particular to improve our opportunity to prevail in the election campaign next year.

For several years, it has been my feeling that the Democratic Party, in national election campaigns, has suffered because antagonisms within the Party have excluded many Democrats in the South from full participation in Party affairs.

Recent newspaper reports indicate that you personally, have made a point of welcoming Southern Democratic input into next year's national election campaign. A similar recognition on the part of other national candidates, and in the Party Platform for 1972, would help to restore support for the National Party which the South has consistently given until the last two elections.

For your consideration, and that of the Policy Council, in this connection, I am enclosing the text of a suggested plank for the Platform of the National Democratic Party next year. It proposes that there be uniform enforcement of civil rights laws throughout the country. It can hardly be expected that the Southerners, even those who are Democrats, could support any candidate or any party which would not agree to give the South equal treatment in this regard.

I would like to have the benefit of your comments on this proposed platform plank. Copies of this letter are being directed to the other principal candidates for the Democratic nomination, as well as to the Chairman of the Democratic National Committee, for their comments.

It is my sincere hope that our Party, and our candidates will have the wisdom to support a platform of this type. Otherwise, the support of thousands of Southerners who might otherwise be expected to vote for Democratic candidates, may be lost.

Yours sincerely,

——— ———.

PLATFORM STATEMENT: UNIFORM CIVIL RIGHTS ENFORCEMENT POLICY

Laws and law enforcement on the vital subject of civil rights, including voting rights and desegregation of schools, should be applied uniformly throughout the country. Equal protection of the law and due process of law would be hypocritical slogans if the statutes under which these principles are enforced, are not themselves equally applied. While vigorous steps will be taken against any State or local action, wherever found, depriving any persons of their constitutional rights, neither the South, nor any State or other section of the country shall be singled out for special enforcement efforts under these laws.

U.S. Senate,
Washington, D.C., December 2, 1971.

Hon. David H. Gambrell,
U.S. Senate,
Washington, D.C.

Dear David: I have your letter of November 24 along with the text of a suggested plank for the Platform of the National Democratic Party. I welcome your proposal.

I am sure you know my feelings about the importance of the South to the Democratic Party. The most disappointing and sad experience of my political life was my failure to carry one of the Southern states in the election of 1968. I like the South and its people. I have always felt comfortable and at home in the South. I of course understand some of the reasons for my poor showing in the Southern states in 1968. Nevertheless, I am determined to do my best to see that the South returns to the Democratic Party and that the Democratic Party treats the South as an equal partner.

It is wrong to single out the South for special Federal supervisory directives. Today there are new leaders in the South—men like yourself and Governor Carter. These new leaders deserve and need the wholehearted cooperation of the Democratic Party. Likewise, the Federal Government should look to these new leaders for direction and counsel—encouraging them and backing them.

I like your proposed platform plank. It is fair and just. It represents the position that our Party should take.

Sincerely,
Hubert H. Humphrey.

U.S. Senate,
Washington, D.C., January 5, 1972.

Hon. Vance Hartke,
Hon. George McGovern,
Hon. Henry Jackson,
Hon. Edmund Muskie,
U.S. Senate,
Washington, D.C.
Hon. Sam Yorty,
Mayor,
Los Angeles, Calif.
Hon. John Lindsay,
Mayor,
New York, N.Y.

Dear Sir: I have recently submitted to the Chairman of the Democratic National Committee a proposed plank for the National Democratic Party next year. The proposed plank, a copy of which is enclosed, calls for a uniform civil rights enforcement policy throughout the country.

The proposed platform plank would represent a commitment by the Democratic Party, and its candidates, that special laws and law enforcement in regard to civil rights would not be applied in limited sections of the country and particularly in the South.

I think such a commitment will be critical in returning the South to its traditional support of the Party's candidates in the general election, and I also think that such a commitment will be critical in the efforts of any candidates to obtain the Democratic nomination.

I am asking each of the principal candidates for the Democratic nomination to state their views on this important subject. An early reply from you would be greatly appreciated.

With best wishes for a happy and prosperous New Year, I am

Sincerely,
———— ————.

U.S. Senate,
Washington, D.C., February 21, 1972.

Hon. David H. Gambrell,
U.S. Senate,
Washington, D.C.

Dear Senator Gambrell: Thank you very much for sending me a copy of your proposed plank for the Democratic Platform calling for a uniform civil rights enforcement policy throughout the country.

I believe a strong statement on this subject should be included in the 1972 Platform. The Democratic Party should be committed to the principle of equal enforcement, without regard to the geographic region involved.

I appreciate this opportunity to comment on your proposal.

With best wishes.

Sincerely yours,
Henry M. Jackson,
U.S. Senate.

U.S. Senate,
Washington, D.C., April 3, 1972.

Dear David: It is a pleasure to respond to your request for my comments on your proposed plank for the National Democratic Party Platform this year advocating uniform civil rights enforcement.

I support the principle expressed in your plank that civil rights laws should be enforced uniformly throughout the country. No state or group of states should be singled out for regulation or scrutiny of its actions simply because it is a part of a particular region. However, I would stress that when official conduct in a particular state or group of states shows a pattern of infringement of its citizens' civil rights, steps must be taken to insure that these rights are protected.

Such a pattern—to be sure—has existed in many of the southern states, a pattern which contributed to the passage and subsequent enforcement of the 1964 Civil Rights Act and the Voting Rights Act of 1965, which I supported and whose enforcement I continue to support. As Clarence Mitchell said so eloquently during the hearings to extend the Voting Rights Act of 1970, "You don't need dam legislation in states that don't have water."

But in my visits to the South during the past year I have seen a desire to overcome old divisions and a new determination on the part of people of both races to make the South a place where both can live and work together. It is a very encouraging trend for the South and for the country.

The adoption of your plank would encourage the continuance of this trend, and I lend it my support.

I am sorry that the press of a busy schedule has kept me from replying sooner.

With kindest personal regards, I am

Sincerely,
George McGovern.

April 21, 1972.

Hon. George McGovern,
Old Senate Office Building,
Washington, D.C.

Dear George: Thanks for your letter of April 3, in which you give qualified support to the principle of equal protection of the law as it relates to the uniform application and enforcement of civil rights laws throughout the country.

However, while your motives in adopting this position may be the best, I do not think you and others, including Clarence Mitchell, have ever committed yourselves to searching out discrimination in every area of the country. It has recently been uncovered in Detroit, San Francisco, and elsewhere, much to the surprise of the self-righteous and hypocritical. To follow through on Mitchell's figure of speech, I suggest that you get a better divining rod when you go looking for "water" to dam, and quit telling me there's no "water" except in the South. I am tired of being labeled a "racist" by those who have never really faced up to race problems in their own backyards.

Enclosed is a copy of my proposed moratorium on forced school busing, which will give a little relief to those laboring under the most extreme of desegregation remedies until the rest of the country catches up on the milder forms of desegregation. If you cannot support this or some comparable form of equal protection, I would consider your support of my platform plank to be meaningless.

Incidentally, I anticipate offering legislation to equalize voting rights enforcement in order to further test out the commitment of members of the Democratic Caucus to "equal protection of the law" in every section of the country.

With best regards, I am.

Sincerely,
———— ————.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1327

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1328

At the request of Mr. Stafford, the Senator from New Hampshire (Mr. McIntyre) and the Senator from Wyoming (Mr. McGee) were added as cosponsors of amendment No. 1318 intended to be proposed to the bill (S. 1861), the Fair Labor Standards Amendments of 1972.

NOTICE OF HEARINGS CONCERNING STATE TAXATION OF NATIONAL BANKS

Mr. SPARKMAN. Mr. President, the Banking, Housing and Urban Affairs Committee will commence hearings on the subject of State taxation of national banks at 10 a.m. in room 5302, New Senate Office Building, on August 1 and 2, 1972. During these hearings, the committee will receive testimony on S. 3652 and any other bills or proposals concerning this matter which are referred to the committee prior to the hearings.

Those wishing to appear before the committee in regard to this matter should contact Mr. Reginald W. Barnes on extension 225–7391.

MEETING OF SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. ALLEN. Mr. President, announcement is made that the Subcommittee on Agricultural Research and General Legislation will hold hearings July 28 on H.R. 14896, to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes, related to expanding and strengthening the child nutrition programs.

The hearings will be in room 324, Old Senate Office Building, beginning at 9 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible. Because of the large number of witnesses expected, all witnesses will be requested to limit their oral presentations to 10 minutes. Additional testimony will be printed in the hearing record.

Mr. President, there are several important child nutrition bills pending before the Subcommittee on Agricultural Research and General Legislation. These bills would thoroughly revise existing statutes on child feeding, some of which have been on the books since 1946.

We should take a thorough look at all our existing child feeding programs and should make such changes as are called for. However, the next school year will begin in a few weeks. School administrators around the country need to know what kind of program they may expect. Therefore, the subcommittee will attempt to expedite action on H.R. 14896, which is a temporary bill already passed by the House of Representatives. At a later date, extensive hearings on the other important child feeding bills pending before the subcommittee will be scheduled.

NOTICE OF HEARINGS ON CERTAIN CONVENTIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Foreign Relations has scheduled public hearings on August 2 and 3 on the conventions set forth below. The hearings will be held in room 4221 of the New Senate Office Building, beginning at 10 a.m.

First. Universal Copyright Convention (Ex. G, 92–2).

Second. Vienna Convention on the Law of Treaties (Ex. L, 92–1).

Third. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (Ex. B, 92–2).

Fourth. Convention for the Avoidance of Double Taxation With Norway (Ex. D, 92–2).

Fifth. Convention Establishing an International Organization of Legal Meteorology (Ex. M, 92–2).

Sixth. Convention on International Liability for Damage Caused by Space Objects (Ex. M, 92–2).

Persons interested in testifying on any of the above conventions should communicate with Mr. Arthur M. Kuhl, chief clerk of the Committee on Foreign Relations.

NOTICE OF HEARING ON THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. HRUSKA. Mr. President, at the direction of the Committee on the Judiciary, I desire to give public notice that the Standing Subcommittee on Federal Charters, Holidays, and Celebrations of the Committee on the Judiciary will commence overnight hearings on the American Revolution Bicentennial Commission beginning August 1, 1972, at 10 a.m. in room 2228, New Senate Office Building.

The American Revolution Bicentennial Commission was created by the act of July 4, 1966, to plan, encourage, develop, and coordinate the commemoration of the American Revolution Bicentennial in 1976.

Interested persons who desire to be heard should contact Thomas B. Collins, committee counsel, room 2226, New Senate Office Building, on or before July 26, 1972.

The subcommittee consists of Mr. McClellan, of Arkansas, and myself, chairman.

NOTICE OF HEARINGS CONCERNING EXPORTS OF CATTLE HIDES

Mr. TALMADGE. Mr. President, I wish to announce that the Committee on Agriculture and Forestry will hold hearings Wednesday and Thursday, July 26 and 27, on the recently announced ban on exports of cattle hides. The hearings will begin at 9 a.m. each day in room 324, Old Senate Office Building. Anyone wishing to testify should contact the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

ALL-AMERICA YOUTH BOWLING CHAMPIONSHIPS

Mr. PROXMIRE. Mr. President, each year our people become more aware of a serious need for wholesome relaxation and fun.

One outstanding program that achieves this goal is the All-America Youth Bowling Championships, held each summer in suburban Washington at Silver Hill Bowl, Silver Hill, Md. Over 150 graduating high school seniors representing 48 States and Canada are visiting Washington July 28–31 for 4 days of competitive bowling, sightseeing, and fellowship with other young men and women.

Entrants are competing for the championships in one of three bowling categories, and for 21 college scholarships each worth $1,000 that will be awarded on the basis of both scholastic and bowling achievement.

The 1972 All-America Youth Bowling Championships are sponsored by the National Bowling Council and conducted by the Bowling Proprietors' Association of America.

College scholarships worth a total value of nearly $170,000 have been awarded to happy winners representing thousands of young Americans who have participated in the AAYBC since it was inaugurated in 1960.

Today, approximately 18 million Americans 18 years old and under participate in the sport of bowling.

The National Bowling Council deserves special commendation not only for the sponsorship of AAYBC but also for its continuing effort over the years to provide a good, healthy recreational activity for young people.

ASSOCIATION OF THE UNITED STATES ARMY POSITION PAPER SUPPORTING SALT PROPOSALS

Mr. THURMOND. Mr. President, the Association of the United States Army published a position paper on July 7, 1972, in support of the SALT proposals for the ABM treaty and the interim agreement on offensive weapons.

The support of AUSA for SALT, however, was contingent upon these agreements being coupled with firm executive and congressional support for important strategic programs which will assure continued U.S. military power.

Because these matters will be coming before Congress, I ask unanimous consent that this position paper be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

AUSA Supports SALT Proposals

AUSA supports the SALT proposals for the ABM treaty and the Interim Agreement on offensive weapons, provided they are coupled with firm executive and Congressional support for those programs which will insure the sufficiency of our remaining military forces. We must be certain, for example, that we continue programs which will place our country in a position to negotiate further acceptable limitations on offensive systems and also prevent the United States from being placed in a position of strategic inferiority in the years ahead. Finally, we must provide positive evidence to our allies of our intention to maintain our strategic deterrent power, which they consider essential to their security.

Our support for these proposals stems from the following reasons: The proposals represent a very important first step in bringing to a halt the senseless and spiraling strategic arms race. With each side fully capable of exterminating the other, adding further to these devastating arsenals makes no sense at all. So this first halting step towards "relieving mankind of the burden and terror of modern weapons" should be given every opportunity to prosper. A compelling point which encourages our support is the fact that these agreements are not entered into on a basis of trust, but rather on the basis of enlightened self-interest on both sides.

The Interim Agreement perpetuates nothing which did not already exist in fact, and could only have gotten worse without an agreement. It is apparently politically infeasible to obtain Congressional support for programs that would enable us to keep abreast of the Soviet Union in strategic arms development. The Soviets for some time have been allotting a far larger share of their gross national product to national defense than we have been willing to do. As a consequence, the Soviet Union not only has reached parity with us, but has surpassed us in several areas. Moreover, at the present rate, they would be far ahead of us in five years time. These proposals would arrest that momentum.

We are persuaded that adequate means of verification are available to us to make sure that the Soviets adhere to the agreements. If the Soviets do not live up to the agreements, we will have to be prepared to respond by materially upgrading our own efforts. We had reached a point where marginal additions of strategic power could not be decisive and potentially decisive additions could be extremely dangerous. As Dr. Kissinger so aptly put it, "The nuclear age is overshadowed by its peril."

We are assured by our leadership that we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's, (Multiple, Independently Targeted Reentry Vehicles) we have a two to one lead today in numbers of warheads, and it is estimated that this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRVs on their own.

Admiral Moorer, the Chairman of the Joint Chiefs of Staff, has testified that "If we press forward vigorously with our programs designed to protect against a degradation in national security posture, the Joint Chiefs of Staff believes that the deterrent capability of our strategic forces will not be impaired, that peace in the world may be enhanced, and that the undertaking will be in the best interests of the U.S."

The Interim Agreement applies only to numbers, which gives an advantage to the Soviets. It has no qualitative limitation—the area in which we have a superiority which should remain throughout the life of the agreement. Dr. Kissinger put it another way: "The current arms race compounds numbers by technology. The Soviet Union has proved that it can best compete in sheer numbers. This is the area limited by the agreement. Thus, the agreement confines the competition with the Soviets to the area of technology. And heretofore we have had a significant advantage." These factors make it all the more imperative that we go forward with programs that will enable us to improve our technology and maintain our replacement capability at least until an adequate follow-on agreement can be reached.

It seems to us that these initial proposals offer a great opportunity to begin to move from an arms competition to an arms limitation.

There have been no better alternatives in sight in the past quarter of a century.

The Agreement permits the Soviet Union more strategic launchers than the United States, but prevents them from having the strategically significant lead previously projected, based on their present momentum. We had no plans to construct additional strategic launchers in the five year time frame of the Agreement. We thus can limit the Soviet lead through negotiations rather than by adding to our force structure.

The greatest danger from accepting these proposals stems not from the details of the proposals themselves, but rather from their side effects. Perhaps the most worrisome is the basic inertia engendered by the euphoria which may result from a reduction in nuclear danger. We must never forget that this is only a small first step. If we fail to follow the legitimate dictates of our own security, the leadership of the U.S.S.R. will, in Admiral Moorer's words, "Chalk it up, not to goodwill, but to failure of will, not to our confidence, but to our weakness."

It must always be remembered that these proposals affect only a part of our strategic force, and have no effect on the non-nuclear arena in which all conflicts in the past quarter of a century have occurred.

The SALT agreements came about because we stayed strong and the Soviets respected our strength. We must insure that we can continue negotiations from comparative strength.

We were impressed by the assessment which was summed up by Dr. Kissinger in these words. "For the first time, two great powers—deeply divided by their divergent values, philosophies and social systems—have agreed to restrain the very armaments on which their national survival depends. . . .

"The final verdict must wait on events, but there is at least a reason to hope that these accords represent a major break in the pattern of suspicion, hostility and confrontation which has dominated U.S.-Soviet relations for a generation."

To gain such an end, the risks in these proposals are well worth taking.

SUMMARY OF PRINCIPAL IMPACTS OF THE STRATEGIC ARMS LIMITATION AGREEMENTS

A. ABM treaty

1. Neither side is permitted to deploy a nationwide ABM defense or a base for such a defense.

2. Each side is permitted to deploy a limited defense of two areas—the national capital and one area containing ICBMs. In each defense area, out to a 150 km radius, each side is permitted up to 100 ABM launchers and interceptors and a limited radar base for these interceptors.

3. Neither side is permitted to give ABM capability to non ABM systems, e.g., air defense systems.

4. Verification will be by national means. The parties have agreed not to interfere with these means.

5. The treaty will be of unlimited duration. Withdrawal is permitted for supreme interest.

B. Interim offensive agreement

1. Each side is permitted to keep any fixed land based ICBM launchers currently operational or under construction. No new fixed land based ICBM launchers may be built.

2. The Soviets may complete the 313 modern large ballistic missile launchers, e.g. for SS–9 class missiles, currently operational and under construction. No new ones may be built.

3. Neither side may convert to modern large ballistic missile launchers any other ICBM launchers.

4. Each side may keep any SLBM launchers operational or under construction. Also, newer SLBM launchers may be built as replacements for older SLBM launchers or for older heavy ICBM launchers.

5. Verification will be by national means. The parties have agreed not to interfere with these means.

6. The duration of the Agreement is five years. Withdrawal is permitted for supreme interest. The parties have agreed in the ABM Treaty to continue active negotiations for limitations on strategic offensive arms.

C. Offensive forces summary

	U.S.S.R.	United States
Modern large ballistic missile launchers, (e.g., for SS–9 class missiles)	313	0
Other ICBM launchers not replaceable with SLBM launchers (e.g., for Minuteman and SS–11 class missiles)	1,096	1,000
SLBM launchers and older ICBM launchers replaceable with SLBM launchers	950	710
Missile totals	2,359	1,710
Heavy bombers (1972) (not limited by the agreement)	140	457
Total delivery vehicles	2,499	2,167

PROPOSED SALE BY THE AEC OF THE LA CROSSE BOILING WATER REACTOR—LACBWR—TO THE DAIRYLAND POWER COOPERATIVE

Mr. PASTORE. Mr. President, by letter dated July 5, 1972, the AEC advised the Joint Committee on Atomic Energy of its intent to sell the La Crosse boiling water reactor—LACBWR—to the Dairyland Power Cooperative. The LACBWR is a 50-megawatt—net—electrical nuclear steam plant, located on the east bank of the Mississippi River, about 19 miles south of La Crosse, Wis. The LACBWR project was authorized under section 109(c) of Public Law 87–315—September 26, 1961. The reactor is Government-owned and is operated by Dairyland under a contract with AEC for a 10-year period which ends on November 1, 1979. The AEC has no unilateral right to terminate the contract.

Under its contract with AEC, Dairyland operates the AEC-owned nuclear plant on a cost reimbursable basis; purchases from AEC the steam produced by the reactor for use in the generation of electricity; and has the use of the reactor as an integral part of its electrical system for a period of 10 years.

Justification data for the arrangement which led to the existing contract was submitted to the Joint Committee as required by the authorizing legislation. Sale of the reactor prior to November 1, 1974, will require an amendment to the arrangement which was submitted to the Joint Committee. Before the AEC can sell the reactor, the proposal must lie before the committee for a period of 45 days while Congress is in session, unless the Joint Committee, by resolution in writing, waves the conditions of all or any portion of such 45-day period.

Mr. President, I ask unanimous consent to have printed in the Record correspondence forwarded to the Joint Committee on Atomic Energy by the Atomic Energy Commission concerning the proposed sale. Background documents referred to in this correspondence are on file in the office of the Joint Committee on Atomic Energy.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

Revised Program Justification Data—LACBWR Project—Arrangement 60–110–2

U.S. Atomic Energy Commission,
Washington, D.C., July 5, 1972.

Hon. John O. Pastore,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

Dear Senator Pastore: This is in furtherance of our January 21, 1972 letter that informed you of the proposed arrangements on which the Commission and Dairyland Power Cooperative had reached agreement in principle for the sale by AEC of the La Crosse Boiling Water Reactor (LACBWR) to Dairyland for private ownership and operation.

We have since negotiated a modification to the existing operating contract with Dairyland, copy enclosed, for the sale consistent with the principles set forth in the outline of the proposed arrangements that accompanied our January 21, 1972 letter.

Pursuant to applicable statutory requirements, this letter and enclosures are submitted as revised program justification data for the LACBWR Project (Arrangement 60–110–2), providing for the sale of the reactor plant and fuel to Dairyland in accordance with the enclosed proposed contract modification. The Commission and Dairyland expect to execute this modification shortly. Thereafter, it is planned that transfer of title to Dairyland will take place coincident with Dairyland obtaining a conversion of the existing 10 CFR Part 115 operating authorization to the necessary licenses for its private ownership and operation of the plant. We will advise the Committee when such transfer is made. Until title transfer, the reactor will continue to be operated by Dairyland for AEC under the existing contractual arrangement.

There is enclosed an estimate of the costs to AEC in connection with the LACBWR Project after giving effect to the sale arrangements. This $27,894,000 estimate is less than the currently authorized $28,204,000 for the project. As stated in this enclosure, this cost estimate does not include three contingencies for which AEC retains responsibility following the sale, in view of the unlikelihood of any of these contingencies materializing. The maximum potential liability of AEC under these contingencies is estimated at $4,000,000. This amount, added to the $27,894,000 stated in the enclosed cost estimate, aggregates less than the current authorization of $28,204,000 plus 15%. The enclosed contract modification recognizes that the Commission's obligation with respect to these contingencies is subject to the availability of appropriated funds. In view of the foregoing, the current authorization should remain unchanged, in order that it will be available against which to request appropriation of funds in the unlikely event they are needed for any of these three contingencies.

Should you desire any further information on this matter, please let us know.

Sincerely,

R. E. Hollingsworth,
General Manager.

La Crosse Boiling Water Reactor Project—Arrangement 60-110-2

ESTIMATE OF PROJECT COSTS TO AEC, GIVING EFFECT TO PROPOSED SALE OF LACBWR TO DAIRYLAND POWER COOPERATIVE

	Thousand
AEC-owned reactor plant—design and construction generator plant—furnished by Dairyland at cost of approximately $8.7 million	$12,455
Fabrication of reactor fuel—Cores I and II	1,527
AEC-furnished special nuclear material for Cores I and II	6,209
Reactor plant operations [1]	7,436
Fuel use charges waived by AEC	2,358
Revenue from sale of steam to Dairyland for generator plant	(1,672)
Replacement power payments	2,331
Total estimated costs to AEC	30,644
Sale price of reactor plant and Cores I and II to Dairyland	(2,750)
Net estimated cost of project to AEC [1]	27,894

[1] Includes operating costs to 11/1/71 (the date as of which the sale is to be made effective for financial settlement purposes), plus provision for AEC responsibilities thereafter under the terms of the sale contract, except that the following contingencies have not been provided for in the above costs in view of the unlikelihood of their materializing:

(a) Should Dairyland determine to permanently close down the reactor plant prior to 11/1/74, AEC will pay Dairyland a lump sum of $1,000,000 toward decommissioning, etc.

(b) Should there be a reactor plant failure (exclusive of a failure confined to the fuel) prior to 11/1/74 which the parties agree is estimated to cost Dairyland more than $1,000,000 to repair, AEC will pay 80% of Dairyland's net cost for replacement power until the reactor plant is returned to operation by Dairyland or until Dairyland restores its generator plant to operation with steam from another source, whichever is earlier, but in no event for more than three years. (The amount payable by AEC will be 80% of any excess of the cost to Dairyland of the replacement power, over what it would have cost Dairyland to produce that power in the nuclear plant. Thus, should the contingency materialize, AEC's liability may be nil, but the maximum liability estimated is $2.5 million.)

(c) In the event the parties determine prior to 11/1/79, based on data then available, that any or all of the carbon steel forced circulation piping (installed as a developmental aspect of the plant) must be replaced by 11/1/82 for safety reasons, AEC will compensate Dairyland for such replacement. (The amount payable by AEC in the event this contingency arises will depend upon the extent of piping that must be replaced, but is estimated to involve not more than $500,000.)

In the event any of the foregoing contingencies materialize, the Commission will advise JCAE, and seek the appropriation of any additional funds necessary therefor.

U.S. Atomic Energy Commission,
Washington, D.C., January 21, 1972.

Hon. John O. Pastore,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

Dear Senator Pastore: You will recall that during the FY 1972 Authorization Hearings we advised the Committee of our intent to pursue with Dairyland Power Cooperative (DPC) the possibility of their taking over the La Crosse Boiling Water Reactor (LACBWR) for private ownership and operation.

Under the Commission's existing contract with DPC the earliest date on which the reactor could be offered to DPC for purchase is November 1, 1974. Consequently, the discussions between AEC and DPC have been on the basis that transfer of the reactor plant at this time, which is outside the contemplation of the contract, would have to be by mutual agreement on arrangements which each party considers more advantageous than continuation of the existing contract for operation of the reactor.

Following initial discussions, DPC submitted the proposal contained in its enclosed letter of August 16, 1971. In essence, this proposal amounts to DPC paying a purchase price of $1, with AEC continuing to bear the risks and be responsible for substantially the same obligations that it now has under the operating contract, except for the reimbursement of DPC's normal operating expenses.

Further discussions resulted in the parties reaching agreement in principle on revised arrangements as set forth in the enclosed "Outline of Proposed Purchase Arrangements." Briefly, these revised arrangements, acceptable to both parties as the basis for negotiation of a definitive agreement, are:

DPC to pay $2.75 million for the reactor plant and the two fuel cores now at the site. DPC to own the fuel material in the two cores, reprocessing of which is to be DPC's responsibility and expense.

From above $2.75 million, AEC to allow DPC a lump sum of $650,000 to make repairs and modifications that have been agreed upon as necessary.

AEC is relieved of all obligations with respect to the reactor plant and its operation, except for certain additional plant modifications not now considered necessary, should they become necessary, and for certain contingencies (as specified under 2 and 3, respectively, of the "Outline").

From a financial standpoint, the advantages to AEC and the potential benefits and risks to DPC from the proposed arrangements are reflected in some detail in our enclosed analysis, "Effect of Proposed Sale of LACBWR to DPC." From the Commission's programatic standpoint, the continuation of LACBWR is not necessary since the project is outside the mainstream of our currently most pressing reactor development efforts. It is our conclusion that the proposed sale arrangements offer advantages to both parties over continuing under the existing operating contract, in that:

AEC will save dollars in any event and, should the plant encounter unforeseen technical difficulties, AEC will be relieved of obligations under the existing contract which outweigh the limited contingencies that AEC will continue to be responsible for under the proposed sale arrangements.

The arrangements offer the opportunity to DPC to realize economic benefits from purchasing the reactor for private operation. These potential benefits to DPC (if the plant runs well after purchase) and risks (if it doesn't) are fairly balanced. Sufficiently so that AEC is not giving DPC a windfall on the one hand or, on the other, leaving it with risks that are unreasonable or beyond its ability to sustain.

We plan to proceed to negotiate with DPC a definitive agreement for its purchase of LACBWR on the basis of the aforementioned arrangements which have been accepted by the parties in principle. Should there be any significant departures from these arrangements during the negotiations, we will inform you. We also plan to submit revised project justification data, reflecting the definitive agreement negotiated for transfer of LACBWR to DPC, as soon as the negotiations are completed.

Should you desire any further information on this matter, we will be pleased to provide it.

Sincerely,

——— ———,
General Manager.

Joint Committee on Atomic Energy Staff Analysis of Proposed Sale by AEC of the La Crosse Boiling Water Reactor—LACBWR—to the Dairyland Power Cooperative

The Commission, by letter dated July 5, 1972, to Chairman Pastore, has advised the Joint Committee of its intent to sell the La Crosse Boiling Water Reactor (LACBWR) to Dairyland Power Cooperative.

LACBWR is a 50-megawatt (net) electrical nuclear steam plant, located on the east bank of the Mississippi River, about 19 miles south of La Crosse, Wisconsin. The LACBWR project was authorized under Section 109(c) of Public Law 87-315 (September 26, 1961). The reactor is Government-owned and is operated by Dairyland under a contract with AEC for a ten-year period which ends on November 1, 1979. The AEC has no unilateral right to terminate the contract.

Under its contract with AEC, Dairyland operates the AEC-owned nuclear plant on a cost reimbursable basis; purchases from AEC the steam produced by the reactor for use in the generation of electricity; and has the use of the reactor as an integral part of its electrical system for a period of ten years.

Under the existing contract, November 1, 1974, is the earliest date on which the reactor could be sold to Dairyland. The contract requires the Commission to offer to sell the reactor to Dairyland upon expiration of the operating term of ten years (November 1, 1979), but the Commission may offer to sell the reactor at any time during the second five years of operation (that is after November 1, 1973). Under the contract, Dairyland has an obligation to buy the reactor if it is determined to be an economic and reliable power producer. Justification data for the arrangement which led to the existing contract was submitted to the Joint Committee as required by the authorizing legislation. Sale of the reactor prior to November 1, 1974, will require an amendment to the arrangement which was submitted to the Joint Committee. Before the Commission can sell the reactor, the proposal must lie before the Committee for a period of 45 days while Congress is in session, unless the Joint Committee, by resolution in writing, waives the conditions of all or any portion of such 45-day period.

The Commission's reason for the proposed sale of the reactor prior to November 1, 1974, is premised on the fact that continued operation of the reactor is of no technical value to AEC and termination of AEC's contractual responsibilities would benefit AEC economically (at least approximately $5.6 million). Dairyland would pay AEC $2,750,000 for the reactor and for two fuel cores now at the site. Sale of the reactor this year would reduce the Commission's term for paying costs for operation of the reactor from a certain three additional years (November 1, 1974) and a probable eight additional years (November 1, 1979).

The Commission would undertake no obligations under the proposed sales arrangement which it does not already have under the existing contract. As summarized below, the sales arrangement will actually result in a sizeable reduction in the costs which AEC must obligate for reactor operation and significantly limit the contingency-type AEC risks under the existing contract.

(a) AEC currently pays the operating costs for the reactor. Operating costs through November 1, 1971, the agreed-upon date for purposes of financial settlement, are estimated to be $7.4 million. In the absence of a sale, the AEC could continue to have the responsibility to pay operating costs to November 1, 1979, which would involve an estimated ten million additional dollars.

(b) The Commission currently has an obligation to provide replacement power if LACBWR is shut down for nuclear causes. The AEC has already paid Dairyland $2.3 million for this purpose. Under the proposed sale, the AEC liability for replacement power would be limited to a maximum of 36 months and then only if a shutdown for nuclear causes occur prior to November 1, 1974, and the cost of repair to Dairyland is in excess of $1 million.

(c) Under the existing contract, AEC has a continuing obligation for ten years to keep the reactor in an operable condition. Under the proposed sale, AEC has allowed $650,000 to provide for all expected modification necessary to permit Dairyland to obtain the required AEC provisional operating license. (The $650,000 would be offset from Dairyland's $2,750,000 purchase price.)

(d) AEC currently has the responsibility to replace the third feed water heater if necessary at any time during the ten-year operating term. Under the proposed sale, this obligation is limited to November 1, 1974.

(e) AEC, under the existing contract, has the responsibility to provide for the decommissioning of the facility in the event the plant is not determined to be an economic and reliable power producer at the end of the ten-year term. Under the proposed sale, the AEC obligation for decommissioning is limited to $1 million and to that extent only if permanent shutdown for valid technical reasons occurs prior to November 1, 1974.

With the exception of the three contingencies (summarized below), all of the funding necessary for the Commission to satisfy its obligations under the proposed sales contract is included in the $7.4 million which is currently obligated for the operating cost of the facility up to November 1, 1971. The three contingencies not funded and which would require additional appropriations if the events covered by the contingencies occur are as follows:

$1 million to cover decommissioning; approximately $500,000 to cover replacement of carbon steel piping; and approximately $2.5 million to provide for replacement power.

The maximum estimated amount of additional funds which might be needed to cover these contingencies is estimated to be $4 million. In the technical judgment of the AEC staff, the decommissioning and replacement power contingencies are remote.

In view of the foregoing, it would appear that the proposed sale of the plant is in the best interest of the Government in that: (1) AEC has already obtained all of the information it needs from the operation of the plant; (2) AEC's expenses for the operation of the plant beyond November 1, 1971, will be eliminated; (3) AEC's risks beyond November 1, 1971, are reasonable, for the most part remote, and in any event, less than under the existing contract; and (4) manpower resources which are applied to the LACBWR program would be available to programs of greater scope and urgency.

The economic value of the plant to Dairyland depends on how well the plant operates and for how long. If the plant is operational over a life of 20 years, for example, Dairyland will have purchased for $2.1 million an asset whose economic value is about $7.1 million ($4.5 million for the reactor and $2.6 million for fuel). But Dairyland, by purchasing the reactor as of November 1, 1971, is giving up the rights it has under the existing contract for an additional three or possibly eight years in which to demonstrate the plant's reliability and economics. If risks do materialize, the economic value of the reactor could be reduced practically to zero and Dairyland could lose the use of its turbine-generator set in which it has an investment of about $7 million until an alternate steam source is acquired.

CAPTIVE NATIONS WEEK—1972

Mr. JAVITS. Mr. President, the yearly observance of Captive Nations Week expresses our sense of solidarity and support of the desire for freedom and independence of the peoples of the captive nations of East Europe. Captive Nations Week, established by Public Law 86–90, of which I was a cosponsor, emphasizes that the people of the United States, through their representatives in Congress, do not and cannot forget the plight of those East European peoples whose fundamental human rights and aspirations for national independence are still denied them today.

U.S. ties with the peoples of Eastern Europe particularly are bonds of sympathy and understanding; they are ties of family, culture, and religion for millions of our citizens who trace their origins to those lands. They are also ties of history and tradition as the names of such American heroes as Kossuth, Pulaski, and Kosciuszko bear out. And these nations themselves have derived inspiration and assistance from the United States in their own historic quests for national independence.

Recent far-reaching diplomatic achievements such as the SALT agreements, the Four Power Berlin Treaty, and Chancellor Brandt's "Ostpolitik," and the forthcoming European Security Conference and the parallel MBFR negotiations all seek a normalization of relations between East and West in Europe. But normalization must not be allowed to mean acquiescence in the perpetual denial of human freedom in one-half of an artificially divided Europe. In our own search for stability in our relationship with the U.S.S.R., we must not sacrifice our own dedication to the principles of freedom and human dignity.

The harsh reality of repression and the continuing struggle for independence and freedom of expression throughout Eastern Europe reaffirms our resolve to use all our resources of diplomacy, morality, and world public opinion so that freedom is ultimately realized again by the peoples of the captive nations. We must not fail these captive nations by muting our expressions of concern and solidarity as elements of an overall "bargain of convenience" with the Soviet Union. To do so would be a betrayal of ourselves and the freedom for which men and women have fought and sacrified for centuries and which is the base of our own freedom.

ANOTHER CONTRIBUTION TO THE ADMINISTRATION'S CREDIBILITY GAP

Mr. HUGHES. Mr. President, the diligent avoidance of candor has become a habit as well as a fine art with the present administration.

In order to get crowd figures for Transpo, the Department of Transportation, according to a recent Washington Post report, contracted with a Washington firm. The head of the firm told the Post that—

> The attendance estimates hadn't been based on a full count of persons entering the gates, but instead had been based on estimates of the number of cars arriving (and average number of persons per car), the weight of tickets taken in, and the speed at which traffic was moving on entrance ramps; as well as compilations of such items as the number of lost children, which usually constitute a more or less fixed percentage of the total crowd at large events like Transpo.

With due deference to the ingenious circuitousness of this approach, one wonders why, if an accurate crowd count is desired, they did not count the people. Another fleeting thought is this: Is there a "fixed percentage" of "lost children" in all of our Government's public information policies?

ACT OF COMPASSION AND CONCERN BY CITIZEN OF EASLEY, S.C.

Mr. THURMOND. Mr. President, the Greenville, S.C., News of June 28, 1972, contains an article concerning an act of great compassion and human concern by a citizen of Easley, S.C. The article outlines the events of June 24, 1972, when Charles Bowens, a 52-year-old carrier, saw flames coming from the second floor of an apartment building in Easley during the predawn hours.

Mr. Bowens' alert reaction to that danger and persistent attempts to awaken the tenants of that apartment building undoubtedly saved a number of lives.

Mr. President, I ask unanimous consent that the article entitled "Newspaper Carrier Sees Early Flames In Easley," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Greenville (S.C.) News, June 28, 1972]

NEWSPAPER CARRIER SEES EARLY FLAMES IN EASLEY

(By Walt Belcher)

EASLEY.—A newspaper carrier sees a different world from most in the early hours of his deliveries. He sees deserted streets, sometimes an occasional rabbit that has managed to survive surburbia, and very often he sees a sunrise.

But Greenville News carrier Charles Bowens saw something last Saturday morning that might have saved the lives of 48 people.

Bowens, 52, a hard-working carrier who covers the Easley area, was delivering papers on West B Avenue about 4:30 a.m. when he saw flames coming from the second story of the Nalley Apartments.

"I was delivering from my car," he said. "I saw the blaze when I was a block away from the apartment and I drove down honking my car horn," Bowens said. "I didn't see any lights in the apartment, so I started hollering."

Bowens said it seemed like he woke up the whole neighborhood, but no one in the apartment building responded.

"I went inside to the first downstairs apartment," he said, "and I beat on the door but no one answered." He said he went across the street and called the Easley Fire Department. Bowens said he then went back into the house.

"I was concerned about two invalid women who were in wheelchairs. I knew most of the people living there and I wanted to get them out because the flames were getting bigger."

Tommy Walker, 21, awoke about the same time Bowens saw the blaze. He tried to get his mother, Mrs. Lessie Walker, into her wheelchair and out of their second floor apartment. He saw that the chair would not go down the steps, so he picked his mother up and carried her out.

Bowens went upstairs through the flames and smoke and helped others to get out, including another invalid, Mrs. Jessie Mae Gambrell. Bowens said he was not afraid and flames didn't bother him because he doesn't get upset too easily.

Bowens, who once lived in the Nalley Apartments, said he knew the old building would burn easily if it ever caught on fire.

Easley Fire Chief Jimmy Cobb said Bowens' quick action might have prevented the fire from becoming an even worse disaster. The 20-year-old, two-story brick apartment house was almost totally destroyed by the blaze.

Easley firemen answered the call about 4:35 Saturday morning. By that time the entire second story had burned. Much of the burning ruin had fallen to the first floor.

In all, twelve black families, representing 48 men, women and children, were left homeless. Their clothing and furniture was either burned or damaged by water used to fight the blaze. No one was injured.

The cause of the fire had not been determined Tuesday, but Chief Cobb said he did not suspect foul play. Some of the former tenants of the building said they thought the fire started in room two, which they said was vacant.

The fire was not the worst in the city's history as far as cost of damage goes, Cobb said, but it has displaced more people and affected more lives than any other fire in recent history.

Bowens, who also works for J. P. Stevens Co. in Greenville and part-time at Berea High School, has been a Greenville News Carrier just over two years. He lives about six blocks from where the fire occured.

NEWSPAPER GUILD SHOWS ITS COLORS

Mr. GOLDWATER. Mr. President, during the past year we have heard an actual flood of words about freedom of the press and the public's right to know. The argument was used over and over again to defend the stealing of the Pentagon papers and their subsequent publication by newspapers which knew they were printing classified Government information.

Now, Mr. President, a question arises involving the press which I believe the public has a right to know lots more about.

I am speaking, Mr. President, of the apparent endorsement of Democratic presidential nominee GEORGE McGOVERN by the American Newspaper Guild. This is one of the most interesting and least written about stories that has come out of the Democratic Party's Convention and its aftermath. The question arises as to just what has the guild done in this respect. All that I know about it was the story which appeared in the Washington Evening Star and Daily News of Friday, July 14. It carried a Miami Beach dateline and was written by an anonymous "Star staff writer."

This story reported that Charles A. Perlik, Jr., president of the Newspaper Guild, walked into the McGovern press room the day before in the Doral Hotel and announced "the endorsement of our union for GEORGE McGOVERN as President of the United States and I appeal to you to support that candidacy as well."

According to the Star story, the room immediately exploded with political reporters declaiming the action and demanding to know upon whose authority Perlik was acting. He said he was acting on a recent unanimous vote of the Newspaper Guild's 14-member executive board. He also told the reporters that it was time for journalists to stop being "political eunuchs," according to the story.

Mr. President, I certainly have no wish to make a lot of enemies among the 33,000 reporters, photographers, and others who make up the guild. However, if the Newspaper Guild is going to take a political position for the first time in its history, it is time that the American people who are dependent upon guild members for their news are told all about it.

It is not enough, Mr. President, to say that this was a group "Freudian slip" in order to explain it away as merely the misguided action of an executive board.

In all fairness, Mr. President, the Star story said that within a few hours a petition was circulating at the convention headquarters expressing the "strongest possible disapproval" of the union action and promising further action to counter it. The petition noted that a reporter's political preference was a private and personal matter and that the press "is suspect enough" without the "outrageous arbitrary action" of its union officials.

Mr. President, it certainly is no secret that I am one who has raised not only suspicions but deliberate charges against some sections of the communications media for what I believe to be a built-in bias in favor of radical Democrats like Senator GEORGE McGOVERN, even as some members of the press are becoming self-conscious and critical of the image their associates are creating. The latest attack on Washington correspondents comes from none other than Robert Novak, of the columning team of Evans and Novak, and for years a reporter for the Wall Street Journal.

Novak let his hair down in a copyrighted paper he prepared for a symposium at Kenyon College which is later to be incorporated into a book called "Mass Media and Modern Democrats."

Of the Washington correspondents, Novak said this:

> More and more, the members of the Washington press share a lot of the world views taken by the dominant liberals who control the Democratic Party.

Novak said he sees "increasingly, a rigid conformity among the Washington Press Corps" and "a startling consensus on the basic perceptions."

Interestingly enough, the Washington Post on Sunday carried nearly a page and a half in its editorial section on the press and its critics without ever mentioning the resolution reportedly adopted by the American Newspaper Guild.

Mr. President, the action of the Newspaper Guild, whether it runs into a protest petition or not, does not surprise me one bit. Many times I have referred to the liberal leaning of some sections of the American Press Corps and offered the opinion that it had its roots in actions taken long ago in the 1930's when the Newspaper Guild was first organized.

In my recent book, "The Conscience of a Majority," I developed this theme, and because I believe it has a more direct application today than ever before I am going to repeat one segment of my chapter on the communications media. Here is what it says:

> Aiding and abetting what I like to refer to as almost the development of a journalistic frame of mind in this nation was the growing power and propaganda efforts of organized labor. The union bosses wielded enormous influence over the public information media just through the emotional presentation of their cause (i.e., to help the downtrodden, underpaid working man). But where the unions are concerned, the effort didn't stop at the art of persuasion. It became more direct through the thing that unions were doing best in the early 1930's—organizing.
>
> It was in this period that the American Newspaper Guild gained its great power in the ranks of the nation's reporters. In those days, becoming a member of the newspaper guild almost automatically aligned a reporter with the overall objective of organized labor. It put him on the side of labor against the side of management, yet his job newswise often forced him to cover strikes and charged him with the responsibility to report accurately on the activities of both union and management officials. This, of course, was during the popular reign of a noted newspaper leftist and columnist named Heywood Broun. Mr. Broun, as President of the Guild and as a newspaper columnist, very often called the tune for a biased and slanted orchestration on the part of liberal members of the Fourth Estate. When he died, other "bell cow" columnists took over the unofficial but highly effective work of leading the pack.
>
> I doubt if there was any official understanding, but over the years it could be observed that a thesis or argument which had its beginning in a column by some outstanding liberal writer such as Walter Lippmann or Marquis Childs was soon backed up and repeated in various forms by other writers and commentators. It almost seemed as though the pro-liberal members of the Fourth Estate read certain papers and certain writers each day to get the "morning line" to be followed.
>
> Other facets of union pressure on a presentation of news were to be found in other kinds of union organization. For example, the

truck drivers who distributed newspapers were unionized. The printers, without whom no newspaper can publish, were unionized. And in these days it was popular and accepted for some unions, including the Guild, to take public stands on national issues having nothing to do with their particular problems of employment, wages and working conditions. These actions, of course, placed the Guild on one side or the other of bitterly fought issues which all newsmen should have been free to report on objectively and without any affiliation strains at all. Another complicating factor which tended to influence this generation of newsmen was the Guild's affiliation with the CIO. The Congress of Industrial Organizations, at that juncture in our history, was bitterly partisan on behalf of the Democratic Party and liberal objectives all the way down the line. Not a few Guild units in the 1930's were infiltrated by United States Communists, some of whom were ousted in bitterly fought union meetings.

What I am endeavoring to show here is the fact that the pro-liberal bias which is thoroughly evident throughout the public media today had its beginning almost three decades ago and was fed by not only the conditions of the times but also by an atmosphere of great change in government concepts.

This is the way I put the problem in my book. Today I merely would like to call attention to its prophetic nature with regard to events transpiring today.

OIL SHALE AS A NEW SOURCE OF ENERGY

Mr. MOSS. Mr. President, each day we become painfully aware of the impending energy crisis facing this Nation. The blackout of New York on July 17 is only a sample of the grave problems which must be overcome if we are to maintain our present quality of life. Our standard of living is directly proportional to our ability to supply our need for energy. I cannot overemphasize the important role that energy and energy sources play in sustaining our world position politically and economically. They are the foundation of our life style.

In the past, little attention was paid to the fact that our energy sources might some day be depleted, nor was it possible to foresee the tremendous burst of energy demand which we are presently experiencing. But today it is clear that our ability to supply energy is failing to keep pace with national demand.

This means of course, that we must be seeking new energy sources to fill the void which will inevitably result as present resources and techniques for obtaining them fail.

A source of petroleum that as yet has not been greatly exploited exists in vast deposits of oil shale in the Uintah Basin of Utah, the Piceance Creek Basin of Colorado, and the Washakie and Green River Basins of Wyoming. Oil shale reserves in these areas are estimated at about 1,430 billion barrels, whereas U.S. crude oil reserves presently stand between 128.6 and 270 billion barrels.

Before initiating large scale operations for the recovery of energy sources, proper steps must be taken to insure that energy resource requirements will not be filled at the expense of other valuable resources such as clean water and air, and natural aesthetic values.

Last May, the Intermountain Universities' Conference on Policy Formulation in the Development of Energy Resources was held at the Salt Palace in Salt Lake City. An excellent presentation dealing with various aspects of the potentiality of oil shale was given by Mr. Howard R. Ritzma of the Utah Geological Survey. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

EXTENT AND ENVIRONMENTAL ASPECTS OF OIL SHALE DEPOSITS

Deposits of oil shale are known in 5 of 6 of Earth's continents; a 1962 publication lists 23 countries in which such deposits occur. These vary widely in size, physical situation, access and in what is known of them and what, if any, development has taken place. In geologic age they range from Cambrian to Pliocene.

It is beyond the limitations of this paper to review the varied geology of these deposits and the complex chemistry of the rocks contained within them. It is sufficient to say here that the material contained in these so-called oil shales is not petroleum—it is kerogen—and the rock is not always shale. The famed Eocene Green River Formation shales of the U.S. are better described as kerogenaceous dolomites.

Medicinal oil has been extracted from Austrian oil shale since 1350. Oil shale was used as the source of oil in Australia, Brazil, Canada, France, New Zealand and Scotland before 1900; but these small enterprises, several dating to before the 1950's, were mostly inundated by the flood of crude petroleum from wells produced elsewhere. However, sizable amounts of shale oil have continued to be produced in China, U.S.S.R. and Sweden, even to the present.

Of the World's deposits, the Eocene Green River Formation oil shales of northwest Colorado, northeast Utah and southwest Wyoming contain by far the largest known concentration of oil. The only close rival to the United States in potential is Brazil where the Permian Irati shales are known to contain oil in the order of one trillion barrels.

I will concentrate today on the oil shales of Colorado, Utah and Wyoming. These shales (or kerogenaceous dolomites) were deposited in two fresh water lakes, Lake Uinta to the south of the Uinta Mountain Uplift in what is now Utah and northwest Colorado, and Lake Gosiute in present southwest Wyoming. The configuration and peculiarities of these two lakes and subsequent structural movements have determined the present outcrop pattern of the oil shale and the distribution of the resource among the three states.

Perhaps the best known appraisal of this resource is that of Donnell in Colorado School of Mines Quarterly, volume 59, number 3, First Symposium on Oil Shale. The following is quoted from this reference based on estimates by Donnell for Colorado, Cashion for Utah and Culbertson for Wyoming:

"In the three-state area it is estimated that beds that will yield more than 10 gallons of oil per ton and average 13 gallons per ton contain more than two trillion barrels of oil and of this two trillion barrels more than three-quarters of a trillion barrels are contained in beds that will yield an average of 25 gallons of oil per ton. Of the estimated resources of 25-gallons-per-ton shale, 80 percent are in the Piceance Creek Basin, 15 percent in the Uinta Basin of Utah, and 5 percent in the Green River Basin in Wyoming."

Ten years or so later, this estimate still stands quite well. Some increases are in order in Wyoming and Utah. These are important locally, but when compared with the overwhelming total already known and readily available in Colorado, the overall picture is still much the same. The Piceance Creek Basin of northwest Colorado is without challenge the paramount oil shale deposit of the U.S. and the World.

Exploration for U.S. oil shale was mostly accomplished before 1950. The outline of the Colorado, Utah and Wyoming deposits and locations of the choice areas for development have been public knowledge for more than half a century. Recent exploration has been mainly more coreholes and assays to perfect knowledge of specific areas. The problems of oil shale during this time have been mostly those of technology, economics and politics, and more recently environmental. These environmental problems will be discussed later.

Production of synthetic liquid and gaseous fuels and petrochemicals from oil shale has been within the technologic grasp of man for 25 years or more. In most cases the methods employed are imitations, adaptations or improvements of methods borrowed from the 19th century or from abroad. Oil shale technology has progressed from experiment through all stages to small scale plants on the outcrop. The main problem and effort has been designing up to the scale needed for commercial operation. One has only to skim the mountainous published literature on every conceivable facet of oil shale development technology to conclude that this is a subject that has been researched and tested with exceeding thoroughness. How much more unpublished work reposes in private files is anybody's guess.

The technology which is ready and applicable to commercial oil shale production is predicated on surface and underground mining of shale, above ground retorting of crushed shale and upgrading and refining of crude shale oil to synthetic liquid and gaseous fuels and chemicals. *In situ* methods of producing oil from shale, eliminating mining, crushing, retorting and spent shale disposal have not progressed to a stage where any is considered close to commercial application. A dramatic break-through in *in situ* technology would be welcome indeed, but prospects are not encouraging for this at present.

I will skirt quickly around the tangled thicket of political and economic problems that have beset oil shale. To these have been more recently added the overwhelming issues of environmental protection. Somehow, all of these seemingly insurmountable problems have become subordinate to a much bigger problem, the energy crisis, that is bearing down on us with frightening speed. Suddenly, the right moment for oil shale development, postponed for decades on end, has become now.

Oil shale development is intimately related to land and lease ownership and it has become obvious that inception of an oil shale industry has waited on announcement of a leasing policy on Federal lands. Announcement of this policy in 1971 and orderly implementation of the program has set in motion events that will undoubtedly lead to significant production of oil from shale in this decade.

Examination of ownership and control of the land on which oil shale resources are located demonstrates why this has happened. Colorado, of course, dominates the situation with 80% of the resource. With Colorado about 75% of this resource is on Federal land (including the Naval Oil Shale Reserve) and 25% on privately owned lands. By a quirk of history Colorado has no State-owned lands in the Piceance Creek Basin.

In Utah, the Federal government controls about two-thirds, 67% of the rich thick oil shale, the State of Utah about 17%, the Ute Indians about 6% and rest—10%—is in private hands. The percentages in Wyoming are shown on the chart; but the categories make up so small a part of the whole, the overall effect is minimal.

The all important facts are these: (1) the Federal government controls 73.3% of this resource in the three States and 75% of it in Colorado, and (2) until 1971 there was no stated policy as to when or how this resource was to be used in the national interest. It has been said over the past quarter century or so—and with some justification—that private enterprise had enough oil shale under control to start an oil shale industry any time it chose to do so. But, as long as the Federal Government held all the aces, jokers and wild cards—and the rule book—private enterprise hardly felt worthwhile to sit in on the game.

After a number of hesitations, false starts and the preparation of appropriate environmental statements, the Department of the Interior announced on June 29, 1971 plans for a proposed program to permit development of a small part of the oil shale resource on public lands in Colorado, Utah, and Wyoming. This program has moved in orderly fashion through the first three stages: (1) application for permits to drill informational core holes, (2) evaluation of data and, (3) nominations of six 5120 acre tracts—two in each of the three States—to be offered for lease by sealed, competitive bonus bids. Informational core drilling was completed in late 1971. Few coreholes were drilled, and it was apparent that enough data were already in hand. Tract nominations were invited in early November 1971. On February 5, 1972 the Interior Department announced that 15 companies submitted 23 nominations of tracts, 17 in the Piceance Creek Basin of northwest Colorado, five in Utah and one in Wyoming.

The program has moved along briskly. The Department of the Interior selected the most suitable tracts in mid-April 1972. Public hearings and field examinations are under way this month in the regions affected during a 60-day public review period. It is expected that enough information will be developed by the hearings to enable the Secretary of the Interior to determine whether or not to conduct a lease sale. Final lease terms—probably much the same as tentative terms already published—environmental requirements, and a leasing schedule would then be published. Competitive bid leasing is scheduled to begin in December 1972.

The proposed leasing program has been designed to meet the requirements of the Mining and Minerals Policy Act of 1970 and the recommendations of the Public Land Law Review Commission. By 1975, it is hoped that small-scale production should nearly be under way in western Colorado and Utah and possibly in Wyoming as well. About 50,000 barrels per day is projected in 1976 increasing to near 1,000,000 barrels per day in 1985. Those who think these large impressive figures are the solution to our energy crisis, should consider that this is only 4½ % of the estimated U.S. consumption of oil and natural gas liquids in that year, only 13 short years from now.

I should also mention that the National Petroleum Council estimates that shale oil production will be only 100,000 barrels per day in 1985, 10% of the Interior estimate. Take your pick of gloomy estimates.

Looking ahead to that million barrel per day mark in 1985, a report issued by Secretary of the Interior Morton in January of this year states: "More importantly, a basis would be laid for greater shale oil production near the end of the century when it will be urgently needed."

This, of course, is only the Federal program. Private enterprise will operate as lessee on public lands and is also moving to develop plants on its own acreage. Two or possibly three such operations are planned in Colorado and possibly one in Utah. In the latter instance development of private and Federal lands may be closely meshed using the same processing facilities.

In Utah, development on State lands has been held up by prolonged litigation over the substances covered by State leases. A Utah Supreme Court decision which hinged on the differences between kerogen and petroleum has defined oil shale as a substance separately leasable from oil and gas and oil-impregnated sandstone. Another situation clouds the oil shale picture in Utah. The State has an unfilled entitlement to 235,000 acres of Federal land to replace State lands swallowed up in national parks and monuments, bombing ranges, wildlife refuges, etc. About 150,000 acres has been selected in the choicest oil shale area. Approval of the selection has been held up for two years but action appears to be near. Some kind of unitization or pooling of interests may result.

Until this situation is settled in some equitable fashion the basic ownership of much of Utah's oil shale resource is uncertain.

The best guesses and estimates of the oil shale situation are these:

1. We will need oil shale as part of the nation's energy mix sooner than we think.

2. By dint of forceful and prodigious effort, oil from shale will begin to be produced between 1975 and 1980.

3. This necessary effort will be fought at every turn and by every tactic by preservationist and environmental groups. If these groups prevail, the delay could contribute to a self-imposed energy crisis of unbelievable gravity.

4. Production of shale oil will begin in Colorado, probably on Federal lands, closely followed by development on private or a mixture of private and Federal lands. Development in Utah will follow close behind, probably on a mixture of Federal and private lands. Development in Wyoming will lag far behind the other two states.

5. Development will be by underground and surface mining methods. Experimental work will continue *in situ* methods of extraction.

6. As development proceeds, great improvement over existing methods of mining and processing will evolve. Much of this improvement will be in means of handling tremendous volumes of material.

7. The integrity of the environment will be respected and preserved. Some areas will be lost to other uses for tens of years—perhaps a half century or more—but will be gradually restored to near their original state, or, where possible, to some enhanced status.

So much for prediction. What environmental problems do we face in production of shale oil from mined shale?

Let us consider these in order as we see them on this flow diagram.

STRIPPING OR OPEN CUT MINING

Maintaining stability of the pit or open cut (safety problem in operation)

Prevention of erosion by wind or water

Restoration of surface

UNDERGROUND MINING

Surface subsidence

Leaching and interference with ground water circulation

Dust (safety problem in operation)

CRUSHING OF MINED SHALE

Dust and noise

Storage of crushed shale

Storage or disposal of fines

By-product separation (principally salines and pyrite

RESTORING

Release of gases and particulates—air pollution

Release of waters, vapors or odors

Thermal pollution (cooling liquids and heat to air)

By-product disposal or storage

SPENT SHALES DISPOSAL

Storage subsequent to disposal

Mine or open cut disposal

Problems related to varying properties of spent shale (variations in raw material and processes)

Similar to those of existing oil refining complexes.

The problems listed above do not defy solution and most are already well along to solution using existing knowledge and technology. The principal problem is design and construction of equipment up to the scale needed for the immense operations needed to exploit this resource.

Part of the uncertainty of this operation is cost. It is hard to say today just what dollar per barrel figure is the break-even point for profitable oil shale development. If oil shale has to bear heavy costs for unrealistic, absolutely fail-safe environmental protection costs, it may never be a profitable venture. This is a particularly disturbing possibility if the rules are continually made more restrictive through the early years of development. Precedent for this sort of harassment has already been set by capricious and confiscatory administrative and legal decisions relating to offshore oil operations in California and to construction of the Alaska pipeline.

Water is a vexing problem—source, use and disposal. The entire oil shale region is within the basin of the Green and Colorado rivers, a system with a limited supply of water and burdened already with problems of silt-laden and saline water, Downstream lies lake Powell and the cork in the bottle, Glen Canyon Dam. Oil shale plants will have to be closely contained to prevent increases in levels of salinity or solid matter in the Colorado River system.

Another difficult problem of oil shale development is restoration of mined land, particularly re-vegetating an arid land that was scantily vegetated to begin with.

The most pressing need we have is for basic data on the land—soils, vegetation, fraction, fracture and joint patterns in the rocks, circulation of surface and subsurface waters and detailed meteorological data. With this sort of information in hand, problems can be tackled intelligently in advance and with flexibility as new situations arise. It is encouraging to note that a program of study and research is being launched in Colorado to assemble data and to identify and tackle problems of water and land use, roads, access, population, housing, schools, and the like. This combined effort of Federal and State agencies, local government and industry is financed at present at around $700,000. No such program has developed in Utah.

The three-state oil shale region is a single entity. Geology physiography, climate and weather completely ignore state boundaries. Problems are much the same from one state to the next. As an example, most of the prime oil shale area of Utah is more easily accessible from Rangely, Colorado than from Vernal, Utah. Surprising interest has been evident in the Colorado areas immediately adjacent to Utah, which may mean that a much greater total impact will be felt in northeast Utah from the combined operation in the two states than from the Utah operation alone.

If oil shale is to be developed most efficiently, at minimum cost and with minimum disruption of the environment of the oil shale region, the industry should be closely but reasonably regulated with uniform regulations governing the entire operation across state lines. Planning of all types should be on a regional basis.

The best way to attack the problems ahead would be through interstate agreements, perhaps informally at first, but with some sort of formal organization as the industry moves into sustained operation. Failure of State and local government to move into this field will surely invite more Federal regulation to move into this field will surely invite more Federal regulation on top of that which is already in effect through existing agencies. It would appear of great importance to retain as much local control on the situation as possible.

OIC SUCCESS STORY

Mr. BROOKE. Mr. President, it has been my privilege to be associated for many years with a program called Opportunities Industrialization Centers. This program was founded in Philadelphia in 1964 by the Rev. Leon H. Sullivan. Since then, it has spread to a number of cities, including Boston and Washington, where it has provided effective job training—and jobs—for many thousands of disadvantaged men and women.

Last weekend, the Washington Post published an article describing what OIC has meant to a number of District residents. I believe the article will be of interest to Senators, for it contains some useful insights into the development and implementation of an effective job training program.

I ask unanimous consent that Bart Barnes' article, entitled "Thousands Made Employable in Job Retraining Program," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Thousands Made Employable in Job Retraining Program

(By Bart Barnes)

At 27, Maude Fobbs, D.C. resident for five years and a high school dropout from Richmond, has no trouble at all remembering how it was a year ago when she was living on $27 a week unemployment and paying $20 of that for her weekly room rent.

With virtually no job skills, a limited education and no money, Miss Fobbs, like thousands of other inner-city blacks, had little to look forward to in life but a continuation of the barebones existence she'd grown accustomed to.

At 6:30 o'clock this afternoon at the Departmental Auditorium, Miss Fobbs and more than 900 others will be awarded diplomas at graduation ceremonies marking the completion of the sixth consecutive year of a job retraining program that since 1966 has taught work skills to more than 5,200 people in Washington.

The program is called Opportunities Industrialization Center and it was founded in 1964 in Philadelphia in an abandoned jailhouse by a black Baptist minister, the Rev. H. Sullivan. Its aims were simply to train the unemployable and the unemployed and then place them in jobs where they could earn a living and make a contribution to society.

Eight years later, the program has spread to 105 cities in the United States, five in Africa and one in Central America.

In Washington, it operates on an annual budget of $1.6 million, about half of that amount consists of federal government grants channeled through the center's national office. The rest comes from subcontracting jobs for other local groups, like the United Planning Organization and about $300,000 comes from fund-raising efforts undertaken within the community.

Of the 5,200 persons to complete the training program since it started in November, 1966, 3,700 have been placed in jobs.

Maude Fobbs is one of them.

"I heard about it on the radio," she recalled yesterday. "I was in the program from September to February and then I went to work for the Navy Department." While in the Opportunities Industrialization Program, Miss Fobbs studied clerk-typing.

At the Navy Department, Miss Fobbs earns $5,166 a year and in addition to clerical duties, she is doing some accounting work. In a year or so, she says, she'd like to go back to school either at Federal City College or George Washington University.

Samuel Robertson, who spent seven of his 31 years in jail for armed robbery, decided to apply for the jobs program one day last March when he went by the Industrialization Center's office at 16th Street and Park Road NW on a bus.

"I wasn't doing much of anything," Robertson said. "I saw some people coming out of the building so I thought I'd go in to see what was happening."

Robertson, who never went past the fifth grade in his home town of Galveston, Texas learned to work as a cashier at the center but after finishing that program stayed on as a member of the staff.

Currently he and other staff members are working in a program in which they visit community residents in their homes to organize such efforts as alley cleanups and trash removal.

His experience at Opportunities Industrialization Center, Robertson said, "was the first time anybody treated me like I was somebody. It made me want to treat other people like they're somebody too."

Not all those who complete the job training program, however, are placed in jobs immediately.

Calvin Rutherford, 16, a dropout from Ballou High School in Far Southeast Washington, learned some construction skills at the Industrialization Center but he says he's been unable to find work since his program ended May 30.

Most persons entering the Opportunities Industrialization Program can count on being there about 3½ months before being discharged and, they hope, placed in a job.

Job skills taught include auto mechanics, telephone repairing, construction skills, keypunch machine operations, clerk typing, secretarial skills and offset printing.

The program also puts a heavy emphasis on counseling and before a trainee is assigned to a skills program, he enters a course aimed at developing an attitude that will permit him to function successfully on a job.

This course can last anywhere from two weeks to three months, depending on the individual, and it includes such things as work habits, histories of minority groups, possibly remedial writing, reading and arithmetic and consumer education.

Officials at the center stress that persons enrolled in the program are not paid and they say that this helps them draw only students who want to learn, not students who want the money.

About 37 per cent of persons registering for the program drop out along the way, a figure the program's executive director the Rev. Edward A. Hailes considers satisfactory. The figure has remained constant since the program began in 1966.

After graduates of the program are placed in jobs, their counselors keep in touch with them. Occasionally graduates of the program are called back for more training if they are not ready to function at work.

BEHIND WALL STREET'S GLOOM

Mr. HUGHES. Mr. President, a number of informed commentaries have been made recently concerning the gathering gloom on Wall Street regarding indications that the American economy is headed for a new onset of inflation and a period of climbing interest rates.

Many factors have been cited as contributing to the apprehension of the financial community, some of which have substance and others of which reflect political bias and a desire to divert attention from the real reasons for the grim financial outlook. As an example of the latter, it has been suggested by some partisan sources that the financial community is trembling about the economic policies of the Democratic nominee for President, Senator McGovern.

I commend to the Senate's attention an article by Leonard Silk, published in the New York Times of Wednesday, July 12, 1972, which sets forth the real reasons for concern on the part of the Nation's financial leaders.

Two basic factors are cited—"the poor timing of Federal fiscal policy, with bigger and perverse budget deficits developing at a time when the economy is picking up speed * * *" and "the fresh outbreak of international monetary instability and uncertainty, touched off by the floating of the British pound."

The article points out that one of the main causes for the widening deficit—which it says may climb well above $30 billion for fiscal 1973 and could exceed $35 billion—"is the concealed build-up of defense expenditures."

Mr. Silk observes:

> This has received little attention in the midst of well-publicized troop cutbacks and withdrawals from Vietnam.

The article points out that:

> The rise in military spending since the middle of last year has been the fastest since the Vietnam build-up in 1966.

It also explains that:

> The new defense build-up is being understated by budgetary cash accounting, just as happened during the 1965–66 Vietnam build-up.

What these points add up to, Mr. President, is that the principal villain fueling the inflationary fires is our excessive spending for the war in Indochina and for new weapon systems far exceeding our rational needs for national defense.

This is the main cause for the inability of the American housewife to make ends meet at the marketplace.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Behind Wall Street Gloom Some Wage-Price Curbs Seem Likely Regardless of Who Wins the Election

(By Leonard Silk)

Two basic factors underlie Wall Street's apprehension that the American economy may be headed for a new bout of inflation and climbing interest rates—which would cause weaker bond and stock markets. The first factor is the poor timing of Federal fiscal policy, with bigger and perverse budget deficits developing at a time when the economy is picking up speed and starting to narrow the unemployment gap. The second factor is the fresh outbreak of international monetary instability and uncertainty, touched off by the floating of the British pound.

A more serious international monetary crisis would result from the persistence of large deficits in the United States balance of trade and payments, which renewed American inflation would intensify.

On the budgetary front, it is already clear that the deficit for fiscal 1973 will be much higher than the Nixon Administration's original estimate of $25.5-billion.

HIGHER DEFICIT PROJECTED

Insiders say the projected deficit for fiscal 1973 has climbed well above $30-billion and could exceed $35-billion.

One cause of the bigger deficit is the 20 per cent increase in Social Security benefits, which Congress has now passed and the President has signed. Even with higher payroll taxes, which begin next January, increased Social Security outlays will add $4.2-billion to the net deficit.

A second cause of the widening deficit is the concealed build-up of defense expenditures. This has received little attention in the midst of well-publicized troop cutbacks and withdrawals from Vietnam.

Economists at the Manufacturers Hanover Trust Company note that defense spending increased by $4.5-billion at an annual rate in the first quarter of 1972. The rise in military spending since the middle of last year has been the fastest since the Vietnam build-up in 1966.

Part of the explanation is the increase in military pay. In addition, as published indicators of defense activity show, there has been sharp turn around in spending on military hardware and inventories. A further enlargement of defense procurement is also in store.

Work on defense projects has begun to exceed payments. Department of Defense unpaid obligations outstanding have climbed steadily over the last eight months.

SMALLER OUTLAYS ESTIMATED

Production of defense and space equipment, as the Manufacturers Hanover analysis shows, has climbed at an annual rate of 10 per cent since January. The speed-up of defense spending thus far reported does not reflect the recent expansion of the Vietnam war, which, according to Manufacturers Hanover, is adding $1-billion to $2-billion monthly to defense costs.

Similarly, Michael Levy, chief fiscal economist of the Conference Board, a nonprofit business research organization, notes a sharp build-up in defense spending.

Defense outlays were projected to rise by less than $300-million in the fiscal 1973 budget, as submitted. However, Mr. Levy concludes that this understates the real impact of the defense build-up on the national economy.

The rising defense trend, he indicates, is partially masked by the long lead times in the procurement of major defense hardware and also by what he calls "certain peculiarities in present payment patterns."

In other words, Pentagon cash accounting is concealing accrued Government liabilities and actual defense spending by defense contractors on real goods and services.

However, the national income accounts, which are relatively immune to shifts in the timing of Government payments, project a $3.5-billion rise in defense purchases for fiscal 1973. Moreover, defense obligations incurred rose by about $5.5-billion in fiscal 1972 and will rise by an additional $3.5-billion in fiscal 1973, according to The Conference Board estimate.

Thus, the new defense build-up is being understated by budgetary cash accounting, just as happened during the 1965–66 Vietnam build-up.

1973 FISCAL BUDGET

Furthermore, the budget deficit for fiscal 1973 will be increased by shifts forward from the fiscal 1972 budget, which was originally projected by the Administration to run a deficit of $39-billion but which actually wound up with a deficit of $26-billion, approximately $13-billion less than forecast.

The drop in the fiscal 1972 deficit was chiefly due to the overwithholding of income taxes and the inability of the Federal Government to increase spending as rapidly as it planned.

Economists outside the Government now believe that at least $10-billion to $12-billion of the planned deficit for the fiscal year 1972 that ended on June 30 will slide into fiscal 1973.

The organization for Economic Cooperation and Development, in its recent annual review of the United States economy has warned that the correction of the overwithholding of taxes and slippage on the expenditure side would make the fiscal 1973 budget more expansionary than originally planned.

As the O.E.C.D. report observes, "it might have been preferable for a fiscal policy to have provided more stimulus at an earlier stage of the recovery period and less so in late 1972 and early 1973; the present budget profile may entail a certain inflationary danger, as a large part of the fiscal stimulus may now occur when the economic expansion is likely to be already relatively strong and secured."

Given the difficulties in the United States of quickly switching fiscal policy from stimulus to restraint, since Congress holds the power of the purse, the burden of curbing excess demand is likely to fall on monetary policy in the year ahead. Tighter money would increase pressures on interest rates.

International concerns about the dollar and continued deficits in the American balance of payments would make the Federal Reserve more willing to see interest rates move higher.

POUND'S IMPACT

"Faced with a new dollar crisis," says James J. O'Leary, vice chairman of the United States Trust Company, "our Government would be under pressure to guard against inflation by slowing down our efforts to achieve vigorous economic growth and full employment."

This, he argues, would in turn mean a less vigorous and briefer recovery of corporate profits. This would then be translated into a weaker stock market.

Dr. O'Leary contends that the expectation of rising short-term interest rates in the months ahead has been strengthened by the floating of the British pound and "the accompanying weakness of the dollar."

Rising short-term rates were expected even before the floating of the pound because of climbing demand for short-term funds. Now, with short-term capital outflows a major factor in the weakening of the dollar, says Dr. O'Leary, "the monetary authorities have greater reason to accept or even encourage rising short-term rates."

The rest of his scenario goes as follows: rising short-term rates are most likely going to touch off a rise in long-term rates. This would be bearish for the bond market. And, higher bond yields would be bearish for the stock market, since they would attract money into bonds.

Yet, as Dr. O'Leary notes, the behavior of securities markets in the months ahead will be determined, not primarily by international monetary developments, but by what happens in the domestic United States economy.

The potentially inflationary budgetary deficits that lie ahead and the strains they create for monetary and interest rate policy give scant cause for complacency on that score.

The persistence of inflationary pressures also seems likely to cause the Nixon Administration—or the Democratic Administration that might succeed it—to maintain some form of wage-price controls beyond the elections.

These are some of the reasons why the burgeoning business boom is producing so little euphoria on Wall Street.

JEAN WESTWOOD

Mr. CHURCH. Mr. President, for the first time in our political history, a woman has been elected chairman of a major political party. This is, I think we can all agree, an outstanding achievement.

Mrs. Jean Westwood, selected as chairperson of the Democratic National Committee, is a remarkable woman who brings to her new job enormous credentials as a political leader and organizer.

In a recent article in the Washington Star, columnist Mary McGrory describes Mrs. Westwood as a "McGovern freak."

Mrs. Westwood, notes columnist McGrory "was the first person in the Democratic establishment to come out for McGovern, and she did it unfashionably early, in January 1971."

Mr. President, Mrs. Westwood—with her proven organizational talents and her ability to do the job that needs to be done—is definitely my kind of "freak."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. WESTWOOD "A MCGOVERN FREAK"

(By Mary McGrory)

George McGovern's appointment of Jean Westwood, who is not only a woman but a Mormon, as Democratic national chairman was just about the last straw for the Old Guard—an insult to tradition added to the injury of the nomination.

The fact that Mrs. Westwood, a graying blonde with a voice several registers lower than a foghorn, has been a member of the National Committee since 1968 does not mitigate their rage. She was the first person in the Democratic establishment to come out for McGovern and she did it unfashionably early, in January 1971.

The post of national chairman has always been the fief of the Irish Catholic male, and George McGovern did not bring on the Celtic twilight without much thought. At one point, he indicated he was considering incumbent Lawrence O'Brien as his running mate. An hour before he announced his choice of Mrs. Westwood, he was still examining O'Brien's terms for staying on.

QUESTION OF CONTROL

O'Brien's aggrieved followers contend that Mrs. Westwood insisted on the redemption of of a McGovern promise. She wanted the job, no question, but she seems singularly without pride of office. Another theory is that McGovern was persuaded by one of the few hardnoses around him that in case he lost the election, he would want to retain control of the National Committee.

The young folks around him, who never heard of Jim Farley, were pleased.

"She's a McGovern freak," said one, "but she's an old pro, a real leader."

Elsewhere in the new wing, the Women's Political Caucus was less than overjoyed by the elevation of a sister. Mrs. Westwood, who never loses sight of the main chance, opposed them on the seating of the South Carolina delegation, with its insufficient representation of women. She also worked against them on abortion, their favorite issue.

"The important thing is to get McGovern elected," she told them.

Just unifying the Democratic National Committee will take much of her talent. Like so many of the delegates to the convention, the committee seemed more anxious to send NcGovern a message than to put him in the White House. They embarrassed him by turning down his choice for vice chairman, Pierre Salinger.

Mrs. Westwood does not spend her energies bewailing such manifestations of restlessness and spite. She believes, with her candidate, that the Democrats will settle down when faced with the choice between George McGovern and Richard Nixon, identified by McGovern in his acceptance speech as the "unwitting unifier" of the Democrats.

A SCORE TO SETTLE

The new chairman has an old score to settle with the President. It goes back to his Senate election campaign days in 1950 in California, where Mrs. Westwood was living at the time.

"I have an abiding hatred for him," she says in one of her rare emotional moments.

Even with Nixon's help, she has problems. Labor is threatening to sit out the election, hoping to bring back the old party in 1976, a prospect as likely as the reintroduction of Latin into the Catholic Church. The South is ringing with cries of doom. Texas will be lost because of John Connally; Illinois because of Richard Nixon; New York, because of the Jews, the Catholics and John Connally.

It will be interesting to see how Mrs. Westwood goes about coaxing the smoldering regulars back into the fold.

Her habitual greeting during her arduous toils for her candidate is, "What do you need?"

Whatever it is—a voting tally, a reading of the mood of the Ohio delegation or a cup of coffee—she manages to come up with it.

Mrs. Westwood's finest hour was the turning back of the California challenge. The candidate put her in charge of the operation. She organized a three-tier army of nine "heavy" floor leaders, 250 whips and an intricate system of in-state McGovern captains.

She dispatched 80 delegate-watchers to the Miami hotels to report back any movement.

She sent the candidate himself to give big caucuses. She held a 5½ hour briefing on the legalities of all credentials disputes the day before the battle, armed her floor operatives with red cards (no) and blue cards (yes) to flash to the faithful during the confusing procedural votes.

When it was over, McGovern had won back California by 1,633 votes.

"I like the details," she explains, "That's what wins."

A STEP AT A TIME

Like her candidate, whom she met in 1968 when she was a Kennedy delegate, she goes forward a step at a time. She shares his view that victory is a matter of putting the good people of the country on three-by-five cards and getting them out on election day.

Poltics is in her blood. Her father was postmaster in Price, Utah, the mining town where she was born. She and her husband, whom she married when she was 17, have taken a hand in every issue and campaign that has come along.

"In Price, we had all colors and races and everybody got along fine," she says. "That's the way it ought to be in the country, and I think George McGovern can do it."

ORDER OF AHEPA CELEBRATES GOLDEN ANNIVERSARY

Mr. BROOKE. Mr. President, on July 26, 1972, the Order of Ahepa, the American Hellenic Educational Progressive Association, will celebrate the 50th anniversary of its founding.

The Order of Ahepa is a fraternal organization which is nonsectarian and nonpolitical. Membership in the order is open to men of good moral character who either are or intend to become citizens of the United States or of Canada. Originally founded in Atlanta, Ga., the Order of Ahepa now has 430 chapters in 49 States, Canada, and Australia.

In its 50 years of worthy service to our country, the Order of Ahepa has contributed to many valuable causes. These include relief for hurricane and flood victims, scholarships for deserving students, and aid to many overseas cultural programs.

The Order of Ahepa has nine basic objectives, which all Americans can certainly share:

First. To promote and encourage loyalty to the United States of America.

Second. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

Third. To instill in its membership a due appreciation of the privileges of citizenship.

Fourth. To encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor.

Fifth. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation.

Sixth. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture.

Seventh. To promote good fellowship, and endow its members with the perfection of the moral sense.

Eighth. To endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness.

Ninth. To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

The Order of Ahepa has always displayed its benevolence and generosity to those in need both here and abroad during its 50 years of existence. I am confident that the Order of Ahepa will continue to make contributions to the betterment of American life for many years to come.

DEATH OF JOSEPH FIELDING SMITH, PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. MOSS. Mr. President, Sunday, July 2, the Church of Jesus Christ of Latter-Day Saints lost its beloved leader, President Joseph Fielding Smith. He was widely known as a strong defender of his faith and an esteemed and often-quoted leader of his church.

President Smith has given a lifetime of devoted service to his church. Since April of 1910 when he was chosen as a member of the Council of the Twelve, he has helped administer church affairs. In this capacity he served for 60 years until in 1970, at the age of 93, he was chosen as president of the Church of Jesus Christ of Latter-Day Saints.

President Smith was also considered a great gospel scholar and scriptorian. He is the author of 24 books and numerous articles and pamphlets circulated in the church. For his writings and efforts in this field, he was awarded an honorary Doctor of Letters degree from Brigham Young University.

He was born on July 19, 1876, and passed away shortly before his 96th birthday. He was a devoted church leader and a great American. I ask unanimous consent to have printed in the RECORD an article entitled "His Influence Will Live On," published in the Deseret News of July 3, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIS INFLUENCE WILL LIVE ON

A religion is inevitably judged by the kind of people it produces, and if ever a man was a product of his church it was Joseph Fielding Smith.

As the son of Joseph F. Smith, sixth President of the Church, and grandson of Hyrum Smith, martyred brother of the Prophet Joseph Smith and a leading figure in the early history of the Church, President Joseph Fielding Smith was deeply conscious of his rich spiritual heritage and the responsibilities it entailed. "In all my life," he said, "whenever I've been tempted, one thought has always come to me. What would my father think of that?"

Schooled and prepared early in all areas of Church service since his early youth, he served nearly 60 years as an Apostle before being called as 10th President of the Church.

With a life span that spread from the age of the covered wagon to that of the jet plane, he was long acknowledged as the leading authority on Church history and doctrine, with an unexcelled grasp of the Church's continuity and mission.

To those who knew him only by reputation or through his sermons and writings, he was a symbol of a strict but loving fundamentalism who brought out the best in others by demanding the highest standards of performance from them as he demanded from himself.

To his friends and neighbors, he was a man of many talents and much devotion—who attended the bedside of the sick, who performed at all hours many kindly services, who provided wise counsel on personal, school, and social problems as well as spiritual problems.

To his colleagues and close associates, he was an understanding and thoughtful administrator who assigned himself tasks more rigorous than he assigned others; a fearless defender of the faith and a militant preacher of righteousness who never gave any quarter to expediency.

To his own family, he was a kind, gentle, loving husband and father—who was never too busy to sit up with a sick child, to tell bedtime stories to little ones, or to help with perplexing school problems; who was quick to see the humor in a situation; who was unselfish, uncomplaining, considerate, thoughtful, and sympathetic—qualities that helped guide all 11 of his children into temple marriages and all five of his sons into the mission field.

Under his hand, the Church Historian's office matured and developed. Both a watchful critic and a loyal friend, President Smith exercised a guilding hand that kept secure the integrity and soundness of countless manuals and publications.

From his own pen came 24 illuminating books and a progression of pamphlets that enriched his own and younger generations.

But this was no one-sided man, no ascetic recluse concerned only with the spiritual and mental. A firm believer in educating the whole man, he enjoyed sports and athletics. Until his seventies, he was a familiar figure on the handball courts. He also encouraged his children's athletic endeavors.

On becoming President of the Church at an age when most men have long since retired, President Smith gathered about him a set of tested and faithful counselors to help in guiding the affairs of the Church. Though his term as President was comparatively brief, there was no coasting on the momentum of past achievements. President Smith left no doubt that he had his own ideas about a number of Church programs and put the stamp of his personality and character clearly upon them.

This, then, was Joseph Fielding Smith: Crusader for righteousness. Life-long scholar. Tender husband and father. Concerned neighbor and devoted friend. Strict but loving spiritual leader. Prophet of God. A life that reflects honor and credit on his parentage, on the Church which shaped him and which he, in turn, helped shape.

The Desert News joins Church members everywhere in mourning President Smith's passing, in expressing gratitude that he lived and worked among us, and in conveying love and sympathy to the Smith family and to his beloved associates in the presiding councils of the Church.

INFLATION, UNEMPLOYMENT, AND THE PRICE SPIRAL

Mr. FANNIN. Mr. President, we hear much rhetoric today about inflation and unemployment. These, indeed, are serious problems which must be solved.

What distresses me is the fact that the people who are the most vociferous in pointing out these problems all too often are the very ones who cause the problems.

This Congress, because of its fiscal irresponsibility, is the cause of the problems.

Inflation is the result of excessive Government spending. Yet, time and again we hear Members of this Congress denounce inflation in one breath and then propose massive new spending programs in the next breath.

We hear cries about unemployment from the very people who propose such job-killing legislation as increasing the minimum wage.

Mr. President, the San Diego Union on July 3, 1972, published an editorial entitled "Congress at Root of Price Spiral." It should be obvious to everyone that Congress is at the root of our economic problems today, both inflation and unemployment. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Federal Spending Feeds Inflation—Congress at Root of Price Spiral

The cost of groceries has become a symbol of inflation in the United States of America, perhaps because food is a basic item in every family budget. Inflation hits home, in an emotional and a practical sense, when food prices go up.

Nevertheless, groceries are still by and large a bargain for the American people when considered as a percentage of the weekly expenses in the average wage-earner's home. Thanks to increased productivity of our farmers, the percentage of income going for food is no higher today than it was a decade ago—and much lower than the proportion spent by housewives in most of the world's other industrialized states.

Administration officials may have had this in mind when they warned that the decision to lift import quotas on meat and to extend controls to wholesale and retail prices of fresh produce and seafood can be expected to have only a mild effect on the cost of living. This hardly amounts to a new offensive against inflation, but simply brings up a couple of extra artillery pieces.

The real battle is being fought on the floor of the U.S. Congress. It is there, in the irresponsible attitude toward the federal budget, that we find the roots of spiralling prices, not just for meat and vegetables but for everything else as well.

In the fiscal year just ended the federal government spent $26 billion more than it took in from taxes. The deficit in the year now beginning may be as high as $27 billion, and may reach a staggering $40 billion in the following year.

Some economists try to defend such excessive spending on grounds that a "full employment budget" is not inflationary. Under this concept, the government pretends that taxes will come in as if services and industry were operating at full capacity, even though it is plain they are not. Now, even the pretense of this theory is all but abandoned and Congress is opening the way for budget deficits that are admittedly inflationary.

Congress shows no inclination to slow down its spending spree, even in the face of a Brookings Institution report saying most of the money being spent to cure social ills is being wasted, even when the Department of Health, Education and Welfare admits that its growth has been so rapid and disorganized that it cannot tell for what purpose much of its money is being spent.

More than anything else, it is this federal spending orgy that is feeding inflation and which could lengthen the time that price and wage restraints will be necessary. As consumers we can all appreciate the government effort to save us a few cents on the price of meats and vegetables, but we can hardly take heart from that Congress is doing with the budget. As far as inflation is concerned, that's where the action really is.

OPERATION HEALTH SAVING

Mr. HUGHES. Mr. President, each day's mail arrives with its assortment of problems, complaints, and requests—the GI who wants a transfer or discharge; the irate constituent who disapproves of a vote; the citizen who feels he's been unfairly treated by his Government; the invitation to speak at next month's civic function—the list goes on and on. But some of the most heartbreaking mail of all comes from senior citizens who find—for no reason that makes any sense at all—that society has shut them out and has cruelly left them in loneliness and want. Sometimes we can help, as in medicare cases, or when Congress acts on legislation such as the recently enacted 20 percent social security increase. All too often, however, we find that we can offer little more than sympathy and understanding.

How very heart warming it is, then, when the day's mail brings with it a story of people helping people, of community warmth and compassion. Such a story came to me from the Reverend Arlin H. Adams, the administrator of the Veterans Memorial Hospital of Waukon, Iowa. He described for me the activities of April 1, 1972, a day known as Operation Health Saving.

On that day some 104 senior citizens of the Waukon area received thorough physical examinations at a cost to them of $1 each. This token cost was made possible because all professionals—doctors, dentists, nurses, and other medical personnel—and all nonprofessionals—office personnel, aides, lab technicians, and others—donated their services for the day. The cost for these 12 hours of free service would ordinarily have been $4,000.

Reverend A. H. Adams gives us a detailed report on how Operation Health Saving came about. He tells us of the response that far exceeded expectations. He tells us of the pleasure many of the people had in renewing friendships, in being out again after a housebound winter, just in experiencing the companionship of others. He tells us of the medical findings resulting from the examinations, as well as of the social service needs which were discovered. For instance, almost 10 percent of the participants had neither a radio or TV, and another 10 percent had no indoor bathroom facilities.

But most of all, we learn that this 1-day clinic, this experiment in health saving discovered a sizable number of our senior citizens who were not able to benefit from our existing health services and programs. The program discovered an extent of very real poverty among the elderly that had not previously been imagined. And that poverty resulted in medical neglect. Who can say how much medical poverty would be discovered if properly organized 1-day clinics were held throughout our Nation? Moreover, how much valuable information could we gain from such programs to help us in our deliberations about needed health programs throughout our country?

I ask unanimous consent that this inspirational account of citizen caring for citizen be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

A Small Hospital Serves, or Operation: Health Saving!

April 1st, 1972 was a red letter day for 104 Senior Citizens in the Waukon, Iowa, area, people 65 years of age and over and who had not a thorough physical examination in at least the past two years. The afore mentioned 104 people were given this examination for the total cost of $1.00 per person by the Good Samaritan Complex of Waukon. The Good bed Veterans Memorial Hospital and the Good Samaritan Nursing Center, a 76 bed institution. The administrator is the Rev. Arlin H. Adams, Chap. LTC, AUS, Ret. The Waukon service area includes an area of circa 13–14,000 population. Waukon is a town of less than 4,000 people in N.E. Iowa.

What was, is Operation: Health Saving? It was, is and will be again, a diagnostic clinic which consisted in the giving of a very thorough physical examination to those elderly people who for one reason or another were unable, or did not feel they were able, to get such an examination for themselves. Medicare or Medicaid gives no help in preventive medicine to the elderly. Preventive medicine is what these people need and many feel that they can't afford the $68.00 payable, even were they admitted to an overnight stay in the hospital for such an examination. The physical, on April 1st, included everything, teeth, eyes, hearing, lab work, x-rays, podiatry otology, the works. One little lady said, "My word, that young doctor I had poked his nose into every opening in my body! He was thorough!"

WHO WERE ALL INVOLVED?

Naturally the older people needing the service area were involved. And such beautiful people they were! In they came, after having been pre-registered, the halt, the lame, the spry, with canes, even a few in wheel chairs, all smiling hesitantly, just a bit afraid that this was an April Fool's day joke.

Also involved were the Pink Ladies, Good Samaritan Ladies, Candy Stripers, office girls, nurses, aides, housekeepers, lab, x-ray personnel, and a bunch of lovely teen-agers who came in just to offer their help. Volunteers were used to lead the examinees from place to place. We had a one on one, or buddy type, system and it worked well. A word about the Candy Stripers and teen agers, there was instant rapport between them and the aged. To see them all going, hand in hand, up and down the halls, into and out of the elevators, chatting, smiling, laughing, well, it was truly great.

Another group of people involved were the professionals; the doctors, the dentists, the podiatrist, the otologist, the optometrist, the physical therapist, the Lab and X-ray technicians. These people gave their services for the day. Many nurses and aides also donated their work, all so that the entire cost would be as little as possible. The doctors and other health professionals gave evidence of their love for people, their care and concern for the health of all, regardless of ability to pay or not pay. Talk is being made of some changes in procedure for the second Operation: Health Saving to be held perhaps again next April.

It was a day of joy and gladness. Had there been absolutely no result from the physical angle, had nothing been discovered, everyone in excellent health, the day would still have been tremendously worthwhile. Some of the elderly had not been out of their apartments and houses all winter long. The shrieks and shouts of joy as they saw old friends and neighbors, some for the first time in years, that alone was a joyful noise! The entire social angle by itself was worth every bit of effort put into the day.

WAS ANYTHING WORTHWHILE FOUND BY THE EXAMINATIONS?

Indeed so! The optometrist informed us that normally one might find 2 or 3 suspected glaucomas in a group of that size and in that age span. We found a possible 12 of our 104 folk in the suspect class and several, since, have turned out to have glaucoma! Now, with proper treatment their sight can be saved to some extent, and other eye problems are being treated. The total days of extra sight saved for these people, between now and their deaths, well, who can count and evaluate that?

In the hearing matter, over 90% of the people were found to be suffering some hearing loss or another. Some were of a type to be aided by hearing aids, some were not. But for those who just thought their hearing was the result of old age, not able to be remedied, and who now have treatment, who now will hear better, longer, again, who can put a monetary value on that?

Look at this! One little lady came in with such bad diabetic ulcers on her legs and feet that she could hardly walk. Gangrene was imminent. She was given orders to be pounding on the door of her physician by Monday AM. She did. Tuesday she was in the hospital. Her legs were saved. Was that worthwhile? A poor old lady walks and is independent in her own apartment for some years yet, needing neither nursing home care or hospitalization, not crutch nor wheel chair. Worthwhile? You bet.

This too bears seeing! One large bodied man, in his seventies, was brought in by wheel chair, his feet were too bad for him to do more than stagger on. We found that all winter he and his wife lived in an older house, one with a "path" not a bath, and Dad had to go out to empty the pot, bring in the wood and water. Mother could not. BUT—you see, Dad had to go out side in subzero weather without shoes or slippers. His feet were so sore, so swollen that he wound up doing these chores barefooted, even in weather way below zero and in deep snow! His feet are being treated, the County Home Makers are at work helping! Good? Much!

A number of people said, over and over, "What a blessing this is. I knew something was wrong with me but I felt I could not afford a physical examination just to see if there were." Many cried with joy and said, "Thank God for the doctors and the hospital for doing this."

WHO BORE THE COST OF ALL THIS?

The $1.00 diagnostic clinic was, for all purposes, a free one to the elderly. The dollar took off the onus of charity and was allegedly to cover the cost of some of the x-ray film. Many of the recipients were so pleased at the BARGAIN they got. But the bargain was made possible by the Good Samaritan Complex absorbing much of the cost and above all by the doctors, dentists, and all other professionals donating their services for the day. It was estimated that had we had to pay all the people, including the volunteers (and they at only $1.60 per hr.) according to their normal rates our cost for the day would have been a staggering $4,000.00 or there about. It was a 12 hour day for most of our personnel. So the gratis labor, the efforts of care and concern for others by the doctors and entire staff is what made this possible. No such clinic can possibly work without that dedication unless somewhere there is either State or Federal money available. Should that be the case, and we don't know that it is, then perhaps more health institutions will be ready to tackle such an operation.

HOW DID THIS COME ABOUT?

Chaplain Adams, administrator and Chaplain of the Complex, a member of the Ev. Lutheran Good Samaritan Society of Sioux Falls, So. Dak., received the idea from an article written in a Social Services magazine by the Dr. John Mason, Director of Services for the Aging of the American Lutheran Church.

Dr Mason had seen some pre-retirement physicals in England a few years ago Britain has socialized medicine yet even there it was found that many elderly did not make proper use of it. People kept putting off going to the doctor, specifically in the rural areas and among the poorer people, even as they do in America.

The Rev. Adams had also discovered that too many elderly were brought into the hospital or nursing home when it was too late to do much about the physical break downs. On reading Dr. Mason's article the Medical Staff which discussed it thoroughly and agreed to hold such a clinic. The date was set by the Medical Staff and then it was up to the administration to work out the logistics and details. April 1st was designated as the date.

The logistics of the clinic were neither small nor easily overcome. In a small, non-tax supported hospital, just breaking even in the expense column, the finance alone took some shuffling. Extra glassware and needs for the Lab were gotten, film for X-ray, disposable garments for use during the examinations, lunch and coffee, arranging the schedules of workers, getting needed equipment into the various areas, setting up time schedules etc., etc., for the professional staff, all were met and solved. Some not solved very well, next time we know what things caused the bottle necks and we will be able to run things a bit more smoothly. Although, with excellent cooperation the day went remarkably well.

HOW WERE THE PEOPLE NOTIFIED?

Once the date was set and a pre-registration form was worked out, the cooperation of local news media was sought. The first news releases were issued a complete month in advance. Local papers, radio stations, area TV outlets, and every minister, pastor and priest were all given the releases and their cooperation asked for. Subsequent press releases followed to all of the same people. A number of state wide newspapers, a radio network and three TV stations caught the vision and tremendous publicity was generated for this first of its kind in America!

When the project was originally mentioned the Medical Staff was not too sure of its relevance. Would 10 or even 20 people need this in our area? After all we had doctors who made house calls, we had a fine small hospital readily available, one with an open door policy! The administrator thought maybe 40 might need the service.

Within two weeks of the first publicity over one hundred people of the area had already registered! Before the actual day came over two hundred had registered! The Medical Staff concluded that we would be able to do a really thorough job for 104 people for the day. The first 104 were notified as to their acceptance and given a time to report. The remaining 120 will be waiting for the next such clinic. Remember, these were people 65 and over who had not had a good physical examination in at least two years. We do know of a few who slipped in but for the most part these people had not had an examination. In fact, a goodly number said this was the first such examination in all their lives! As for those who did slip in, our philosophy is that we would rather be "took" by some rather than miss caring for those who needed it.

A BIRD'S-EYE VIEW OF THE FINDINGS

We have already covered several of the items, the high incidence of suspected glaucoma, the little lady whose legs were saved and elderly gentleman with the poor feet. Some of the base statistics are as follows:

Total number involved—104 of whom 60 were female, 44 male.

Possible glacoma—7 females out of 60; males were 5 of 44.

Urinalysis showed 2 males with abnormalities demanding immediate attention, the one needing attention soon; 6 ladies needed attention at once, 4 soon.

Blood tests showed all males normal and only one lady abnormal now. (Abnormal Now is the Medical Staff's wording for needs immediate attention, Abnormal Soon, means needs checking on in the near future).

X-ray showed 3 men needing immediate attention, 2 soon; Ladies—11 now and 4 soon.

Podiatry—The podiatrist was amazed at an exactly even break in what may turn out to be an important statistic in the future—52 people had arthritic knees and 52 had no problems at all and of the fifty two who had problems with arthritis in the knees everyone had some sort of foot trouble and had done nothing or little about them. Of the 52 who had no arthritic knees everyone had some sort of good foot or arch support and wore them regularly.

The question arose in the Medical Staff as to whether there is a relationship between those two facts. The statistics in this area will be closely scrutinized again after the next clinic. Maybe we have discovered something, maybe nothing, but it will be interesting to follow up. 9 men, 12 ladies had urgent needs, 9 men and 16 ladies needed some good checking up soon.

Dental—10 men need immediate attention, 7 soon; 8 ladies need work done at once, 8 later.

P.T. one man and eight ladies needed immediate attention; 8 ladies and five men needed attention soon.

EKGs showed things to be studied; Only 8 men but 22 women needed immediate work and study done on their coronary problems, most of which had not been suspected prior; then 9 ladies and 7 men needed attention soon. We were interested in the larger proportion of females needing heart study.

Otology—hearing losses were found in most. Of those that could be helped we found the following, 13 men and 14 ladies needed immediate attention and help; 8 men and 9 of the fair ones had problems that should be looked after soon.

A report form was sent to each person going thru the clinic. Remember, this was diagnostic only. The doctors and specialists read the charts, studied the x-rays, etc., and made the proper comments for each person examined, a brief report was sent to the individual who then presented this to the physician or health professional of his choice for further action. Doctors living elsewhere simply have but to call into our Medical Records and they will receive either a verbal report or a transcript (Xerox'd) of any or all of the reports.

ANY SOCIAL SERVICE TYPE NOTATIONS?

Yes, we found that ten of the people had Neither radio or TV. No regular contact with the outside world. Another 11 admitted to not having a bathroom, only a "path" to the Chic Sales. And, a total of 13 were interested in a low rental housing development of some kind. Good Samaritan is seriously thinking of doing something along that line but first must add an additional fifty beds to the nursing home.

IS THERE SOMETHING HERE TO MAKE US THINK?

When one considers that if we stretch our statistics and say that we cover a 14,000 population service area and then have already over 220 people registered out of that total population for such a clinic and add to this the information gathered by the various Senior Citizens groups (who also worked with might and main for this) to the effect that at LEAST another 200 people in the area fulfill the qualifications, well, we were horrified. To think that in our land, in a place where medical services are available that there should be such neglect of physical health by just the very segment of the population that needs it most, this causes one to gasp! If approximately 3% of our people need health care and we extend this across the Nation, then the resultant six million or so is staggering. And friends from the cities tell me that in the poverty areas and ghettos, black and white, the averages will run much higher in our senior citizen groups! What a tremendous field of work for all of us! Truly the most neglected person today is the aged, regardless of color, Creed or wealth! One might well conclude that never before has so much been said about and so little actually done for so many.

WHAT COULD POSSIBLY CAUSE THIS NEGLECT?

In one word, poverty! Either real or anticipated. Everyone working with the elderly knows how the marginal and even better incomed people anticipate poverty. For example, in our own small town of less than 4,000 we had a survey taken about three years ago. We found that over 200 family units, including from one to four people, were existing on less than $200.00 per month and half of these were hardly existing on income of less than $100.00 per month. On this little income some were paying taxes and upkeep on houses, trying to run a car, pay insurances, etc., etc., and also eat a little here and there. No wonder they were their own physicians and diagnostic experts leaning on Father Fletcher's tonic and aspirins and once in awhile sneaking in to see the cheapest local chiropractor.

Oh, they have medicare and such like. Do they now? Oh, yes! Hogwash! How many of these people can afford over five dollars a month for their self pay portion of Medicare. With incomes like that you might as well promise them something on the moon! They simply can't afford medicare at those prices! Something is radically wrong in our land when people who made their money in fifty cent and dollar a day times now have to live in two and three dollar per hour times and receive no outside help for such a basic need as complete, thorough and proper medical care!

My good friend, Dr. Carl A. Becker, of Racine, Wis., says that it is criminal to offer these people help by way of OAA or Welfare! Right on, Carl! He says, "These are a proud people and should have their needs met without the constant use of third or fourth party interceders. They should receive this through the mails in some way similar to Social Security." And I agree.

WHAT CAN OR SHOULD BE DONE ABOUT THIS?

Here in Waukon I am sure that our Medical Staff will rise to the occasion once more. But shall we continue to do this indefinitely, having a practically free clinic? We are interested in reaching out with preventive medical care but somewhere, some time it is going to have to be paid for. Two or three such clinics to get the ball rolling for all America is a small price to pay, but it can't be an indefinite thing.

We are hoping that our small brush fire will now gradually build up and eventually sweep across the nation. Two hospitals in Iowa are already investigating the possibility of their putting on such a clinic. We of the Good Samaritan Complex are hoping that some of the great, the high, those in power will also catch the vision and pitch in to do something to prevent for the millions of elderly from going down to old age far more blindly, far more decrepitly, agonizingly and helplessly than ever needs to be. Industry has long ago found out that preventive maintenance is cheaper, better in the long run than neglect until repair and costly replacement is necessary. Can't we learn from that?

Should anyone be interested in the minutia of details connected with the program, please feel free to write to, or call: Rev. Arlin H. Adams, Adm., Veterans Memorial Hospital, Waukon, Iowa 52172, Phone—319-568-3411.

HASKELL INDIAN JUNIOR COLLEGE

Mr. PEARSON. Mr. President, all too often in this body as we debate the merits of multibillion-dollar Federal programs and face complex and contentious issues, we lose sight of some relatively small, straightforward, but vital efforts underway to meet the needs of our people. While the Senate was recessed, I had the opportunity to visit one such program, Haskell Indian Junior College in Lawrence, Kans.

This small institution, funded through the Bureau of Indian Affairs, has a clear and important mission: To provide quality educational opportunity for Indian youth. It was most refreshing to talk with the students and staff at Haskell and find that they are receiving the education and training needed to assume positions of interst and responsibility.

In recent years, and all too belatedly, we have begun to recognize the difficulties American Indians face. At times, well-intentioned rhetoric has been allowed to stand where positive action is needed. But at Haskell, rhetoric about the need to provide educational opportunity for Indians; to train Indians for jobs—to break cycles of poverty—all that is a reality. This school, and others like it, are not the end of an obligation, but a good beginning. We cannot relax in self-satisfaction with the funding of one good institution, but with Haskell we can be satisfied that young Indian men and women are receiving a fine education.

I was most impressed with the efforts of the Haskell administration and students, acting together, to keep the school in step with the times. They are not satisfied with their institution—a good sign of a vigorous student body and forward-looking administration.

Mr. President, I wanted to share with Senators impressions after a brief visit to Haskell. It is an example of one quiet, well-administered Federal program which will never get headlines, but which meets a demonstrated need and helps to fulfill a longstanding commitment of our Government.

CAPTIVE NATIONS

Mr. PERCY. Mr. President, on the occasion of Captive Nations Week 1972, I call the attention of my colleagues and all the American people to the important task of promoting freedom throughout the world. For those of us who enjoy our lives in freedom, let us cling to that freedom, sustain it, and appreciate it. For those who live in nations deprived of their freedom, let us help them by keeping alive the world's consciousness of their plight.

My friend, Dr. Kazys Bobelis, president of the Lithuanian American Council, has been very effective in bringing before the American people the issue of the deprivation of basic human rights in Lithuania, Latvia, and Estonia, and I wish to acknowledge his good work here in the Senate today. I would also mention the continuing work of another friend of mine, Aloysius Mazewski, president of the Polish National Alliance and the Polish American Congress, who has stated with memorable eloquence the legitimate aspiration of the peoples of Poland and the other captive nations for true national independence free of foreign influence and control.

There are thousands of Americans who devote their energies to these same goals. They include the leaders and members of many ethnic groups and organizations. I take this occasion to salute them for their persistent devotion to freedom and to assure them that I, too, pray for freedom for all mankind.

HOBART JACKSON: A DISTINGUISHED LEADER FOR ELDERLY BLACKS

Mr. CHURCH. Mr. President, all 20 million older Americans are members of a minority group in one important sense—they account for one-tenth of our total population.

They also share many common problems and concerns: Limited income in retirement, spiraling property taxes, transportation difficulties, gaps in medicare coverage, and others.

These pressures, however, are even more intensified for the 1.6 million aged blacks who frequently experience multiple forms of jeopardy.

Nowhere is this more evident than in their alarmingly high incidence of poverty.

Approximately 50 percent of all elderly Negroes have incomes below the poverty line. They are more than twice as likely to be poor as the total aged population and approximately four times as great as for all age groups.

The evidence is also painfully clear that many of these individuals reflect all aspects of the poverty syndrome—malnourishment, dilapidated housing, poor health, and limited education.

To help focus national attention on these enormous problems, the National Caucus on the Black Aged was formed nearly 2 years ago.

Under the skillful direction of Hobart C. Jackson, the national caucus has taken an active role in formulating policies to respond to the special needs of aged Negroes.

Additionally, Hobart has served the Committee on Aging—of which I am chairman—effectively as a cochairman of our Advisory Council on Aging and Aged Blacks.

In a recent interview in the June edition of Geriatrics, Hobart discusses candidly the plight of elderly Negroes and the role of the National Caucus on the Black Aged.

Mr. President, I commend this article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE BLACK ELDERLY: JEOPARDIZED BY RACE AND NEGLECT

Question to Hobart C. Jackson, chairman of the National Caucus on the Black Aged: *Why was the national caucus formed and how does its role differ from that of other organizations?*

Mr. Jackson. The National Caucus on the Black Aged came into being in 1970. At that time, a group of persons from such fields as sociology, housing, psychology, gerontology, education, and research, and some with no special occupational orientation, felt that it was time for a specific organization to do something about the very special problems of the black elderly. The caucus now has the involvement of more than 800 persons who are strategically located across the country, with several hundred more elderly persons also in activist roles.

At the time the caucus was formed, we felt that such an organization was necessary because the problems of the black elderly are critical and because no other organization existed that was solely devoted to such a cause. Although there are several black national organizations that have expressed deep concern about the problems of the black elderly, only one—the National Urban League—has actually moved to translate its concern into action. Other black organizations are perhaps justifiably preoccupied with other priorities one of the unfortunate developments when there are so many inequities to overcome. Their efforts toward social revolution seem not to include the elderly specifically, for whatever reasons. Those predominantly white organizations in the field of aging are doing very little about the problems of the minority elderly.

The problems of the black elderly are more critical than those of any other group that might be singled out, however. According to the information in our files, elderly blacks bring to their older years a lifetime of economic and social indignities, a lifetime of struggle to get and keep a job—more often than not at unskilled and hard labor—a lifetime of overcrowded, substandard housing in slum neighborhoods, of inadequate medical care, of unequal opportunities for education and for the cultural and social activities and involvements that nourish the spirit, a lifetime of second- or third-class citizenship, a lifetime of watching their children and grandchildren learn the high price that must be paid for just being black in America. Thus, the elderly black person lives in multiple jeopardy, where the problems of age are compounded by the problems of race, grinding poverty, and other disabilities.

Q. Aren't there any existing programs designed to help eldedly blacks?

Mr. Jackson. There are a few programs, but not nearly enough. Research findings lead to the inescapable conclusion that health, welfare, and other life-sustaining services for aged blacks are grossly neglected. This neglect is found on all levels of social and political organization—local, state, and national. Delivery of the services that do exist is grossly inadequate.

This lack of services is especially acute in the area of health care. The stark fact is that most elderly blacks cannot afford the costs of medical care and must either do without or settle for that which the community provides at nominal or no cost—care which, more often than not, is offered with indifference at best and frequently in a way calculated to humiliate. For instance, many black Medicare patients are treated as ward service patients, rather than as private patients, in our hospitals.

Although overt discrimination is perhaps becoming less frequent on the front line of health services, blacks are still confronted with the flat refusal of many medical specialists and other special health personnel and facilities to accept black patients. Nursing homes are a good example. It is true that only a small number of our elderly persons, approximately 5 percent, are in institutions, but only 3 percent of this 5 percent are black. The reason is that many nursing homes refuse to open their doors to blacks, and the church-related nonprofit homes are especially guilty of this.

Existing health insurance programs have been of little help to the black population. The kinds of jobs many blacks have carry little or no health insurance; the older black has even slimmer resources with which to secure insurance protection against his increasing medical needs.

Q. What about areas besides health care? Don't such programs as Social Security at least alleviate some of the income problems?

Mr. Jackson. No. For most elderly blacks, Social Security exists only in theory. Elderly blacks are discriminated against by the Social Security system, for they, in general, do not live long enough to collect benefits no matter what they may have paid into the system. Black men and women are much less likely to reach old age than their white counterpart; twice as many whites, proportionately, as blacks reach age 75. In the last decade, the average lifespan of black men decreased from 61 years to 60 years.

In the early days of the Social Security program, the exclusion of such categories as farm labor and domestic service automatically excluded the majority of blacks from sharing in this meager protection. Even now, despite some improvement over the years, it is estimated that there are tremendous numbers of blacks who have never enrolled because they lack understanding of their rights and the benefits involved, or because their employer hasn't pursued the matter, or because they themselves have been reluctant to cut in on their cash earnings which are so desperately needed for current living expenses. On the average, the benefit is, therefore, much less for blacks than it is for whites and many more blacks proportionately than whites are on the Old Age Assistance rolls. We need a more equitable system providing a minimum payment above the poverty level.

Q. What can the caucus on the black aged do about all this?

Mr. Jackson. Mainly, we hope to give as much visibility as possible to the unfortunate plight of the black elderly in all areas of concern. Also, we plan to take whatever action is within the resources of the caucus to change this situation for the better. Such action includes urging other organizations—national, state, and local—to join in this effort. For example, national organizations have been made aware of the existence of the caucus on the black aged because of our participation in specific programs they have sponsored, because we have been in direct communication with them, and because of our involvement and impact on the 1971 White House Conference on Aging. Some of these organizations are the American Association of Homes for the Aging, the Committee on Aging of the American Medical Association, the National Institute of Senior Centers, the National Welfare Rights Organization, the National Council on Aging, the National Urban League, and the Gerontological Society. Some of the church hierarchies have also been approached, and we have been in touch with other black caucuses, such as those of the black psychiatrists, black sociologists, black clergymen, and black congressmen.

On the political level, we have testified at Senate hearings and regional hearings sponsored by the White House Conference on Aging. At the 1971 White House Conference on Aging we articulated proposals in the areas of income, housing, health care, and transportation.

Q. Have such efforts been successful?

Mr. Jackson. Yes and no. Publicity has been adequate in certain local areas, but national coverage has not really been achieved to the extent desirable. One of the greatest barriers to this is the lack of definitive data on the black elderly. Unfortunately, the total profile of the black aging is incomplete because of lack of information from the Bureau of the Census and other possible sources. Many of our elderly blacks are still invisible—despite their color—because even with some new housing centers for the older people and somewhat broader Social Security coverage, not nearly enough census studies and analyses have been done to produce the needed facts. However, through the cooperation of the U.S. Senate Special Committee on Aging and the special work of Dr. Inabel Lindsay, we have been able to update certain information on the black elderly with respect to their life style, geographic distribution, estimated average income and assets, incidence and extent of chronic illness, longevity expectations, employment patterns, quality of housing, effectiveness of federal programs, and a few other areas. This information is available in the publication, *The Multiple Hazards of Age and Race.*

Some of the other barriers the caucus faces are the apathy, the institutional racism, the lack of commitment or strategic areas of power, the pragmatism and the divisive nature of politics, the extremely slow pace in bringing about constructive change, and the tendency to want to deliver a different kind of service to the poor than to others.

In both the voluntary and the governmental sectors we have encountered far too many organizations that are well meaning about the problems but are very rigid, self-servicing, self-perpetuating, vested interest-type organizations which through inadequate or irrelevant programs tend to maintain the status quo.

Despite these obstacles, we do see some hope in the future in coalescing with others, including the elderly themselves, to bring about constructive change.

One of our most heartwarming experiences was achieved two weeks before the 1971 White House Conference on Aging when we were able to bring 800 black elderly poor to Washington, D.C., from 20 states across the country in a national conference to articulate their own needs and problems and to make recommendations for resolving them. These recommendations were the basis for some of our input into the White House Conference.

We shall monitor very closely the implementation of our White House Conference recommendations by such agencies as the Administration on Aging and others. We want to see older black people served by all the existing and future programs at least to the extent of their representation in the population, but preferably much more than that because of the multidimensional aspects of their problems.

YOUTH DIFFERENTIAL

Mr. BROCK. Mr. President, the youth differential provision in the pending substitute demands the attention of every Member of this body. In fact, it is one of the strongest reasons for supporting the substitute. A special minimum wage for youths under 18 and full-time students under 21 is essential to insure work opportunity and training for young Americans.

There is a growing social concern to provide employment opportunities for young people. However, as the minimum wage advances, many employers find they cannot afford to employ inexperienced, untrained help at the minimum rate. The result has been a persistent and alarming growth in youth unemployment in the past decade. Unemployment has generally been ranging around 17½ percent for 16- to 19-year-olds compared with 4.9 percent for adults. The unemployment rate for black teenagers is twice as great—40 percent. We cannot afford to let this trend continue. If there ever was a time to initiate new measures to halt the reduction in employment opportunities for young people, it is now.

To increase job opportunities for young people, employers must be provided some inducement to hire them. The proposed substitute would accomplish this by establishing payment of a special youth minimum rate of 80 percent of the prevailing minimum wage, or $1.60, whichever is higher, for youths seeking nonfarm jobs and 80 percent of the prevailing minimum or $1.30, whichever is higher, for youths seeking farm jobs.

To assure that the special youth rates do not reduce the number of jobs available to older workers, the substitute authorizes the Secretary of Labor to prescribe standards and requirements to guard against loss of employment opportunities for adults. However, the Department of Labor estimates that an insignificant number of adult workers will be affected by the special youth differential since few adults are seeking the types of jobs generally sought by youths—unskilled, part-time, or trainee positions.

Substantial efforts have been made at the Federal, local, and private levels to meet the increasing demand for jobs by youth. A combined Federal-private effort is needed to keep young people headed toward the goal of meaningful employment. This summer jobs for young people will rise to an all-time high of 1.2 million. This is 220,000 more summer jobs than were available for youngsters last summer. An estimated $378 million will be spent in Federal funds under four programs providing 865,322 jobs. The remaining 336,000 jobs will be provided mainly in the private sector by business and industry, without Federal financial support.

All these efforts will be diminished, however, if private employers refuse to meet the surplus of youths seeking jobs because of the inequitable increase in the minimum wage proposed by S. 1861 which prices unskilled, disadvantaged young people out of the job market.

Another obstacle to youth unemployment is the existing requirement authorizing prior certification by the Department of Labor before an employer can hire a youth at a lower wage. The substitute would eliminate this cumbersome certification procedure while the committee bill seeks to perpetuate it.

Most youngsters want to work, either out of necessity or to help advance their education and future job potential. These youths must be given a chance to work—to become a part of society. I believe the youth differential proposal will help provide them with the entry they seek into the work force. I strongly urge its adoption.

Mr. President, I ask unanimous consent that a Review and Outlook editorial entitled "The Split Minimum Wage," published in the Wall Street Journal, be reprinted in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Split Minimum Wage

We do not believe the federal minimum wage should be raised this year, although all signs in the Capital now point in that direction. But if it is, the House of Representatives at least has chosen a method that would modify the adverse effect the higher rate would have on the economy, inflation, and teenage unemployment. Against the advice of most economists, the Senate Labor Committee, though, seems determined to maximize the damage.

The House-passed bill would permit employers to continue paying youths under 18 and students under 21 at the present rate of $1.60 per hour; the rate for most other nonagricultural workers would go to $1.80 this year and $2 a year from now.

The Senate Labor Committee is in a more generous frame of mind. By a 14-to-2 vote it endorsed an immediate boost in the minimum wage to $2 an hour and another to $2.20 a year from now. It also accepted the AFL-CIO's argument in opposition to a "split" minimum wage. George Meany says that if an employer can pay a teenager a lower rate he will hire the lad and fire his father.

Yet the nation's three decades of experience with the minimum wage indicates this is not what is likely to happen at all. Because an adult with work experience, even at an unskilled job, will almost always command a higher rate than will a beginner the legislated minimum wage in practice becomes the starting wage, the basic floor for beginners. When it is raised, the increase ripples upward through the nation's wage structure.

If this were the only effect, we wouldn't be too concerned with periodic increases in the minimum wage. There are, after all, much more powerful inflationary forces at work. But there are other problems, worsened by the type of steep increase the Senate Labor Committee has in mind.

At the lower end of the wage scale, where minimum wage increases have their greatest immediate impact, employers will tend to find it economic to modernize, to replace men and women with machines sooner than would be the case if the wage scale had not been mandated. If the employer is too small to modernize, and finds he can't compete with larger companies or with foreign competition, he has to fold.

Eventually, inflation and productivity catch up with the minimum wage. But meanwhile, the displaced employes either go jobless, are forced to migrate in search of unskilled job opportunities, or accept employment normally held by teen-agers. In any event, employers who were willing to hire a teen-ager at a low hourly rate, hoping the youth could learn skills that would make him productive and worthy of higher pay, is discouraged from hiring him at the higher minimum. Then too, the nation will simply do without teen-age services it would like but can't afford at the legislated minimum, for example, delivery boys.

Since 1950, when the minimum wage was 75 cents an hour, the relative level of teenage unemployment has doubled even as the relative numbers of teen-agers participating in the labor market has declined—so many more are staying in school.

The Senate Labor Committee sees the minimum wage as a quick and easy method of eliminating poverty, at no cost to the U.S. Treasury. But as so often happens, the simple solution has the opposite of its intended effect. Few will benefit from an increase in the minimum at this time, and those who do will see the benefits quickly vanish. Yet teenage unemployment will go up another notch, as it always does when the minimum wage goes up. The House has at least taken this into account by stretching out the increase and by exempting teen-agers from it. It would be better yet, for the low-income people this kind of legislation is supposed to help, if there were no increase at all.

SPENDING UNDER CONTINUING RESOLUTIONS

Mr. FONG. Mr. President, during the debate on House Joint Resolution 1234—the continuing resolution for appropriations for fiscal year 1973—the distinguished Senator from Wisconsin (Mr. Proxmire) offered an amendment which stated that—

> Obligations incurred in any one quarter under the authority of this Continuing Resolution for activities and programs financed by the Foreign Assistance and Related Programs Appropriation Act, 1972 (Public Law 92-242) shall not exceed one-fourth of the annual rate of new obligational authority appropriated in said Act or the fiscal year 1973 budget estimate of new obligational authority for such activities and programs, whichever is lower.

This amendment was prompted by the way certain agencies went about allocating a large portion of their appropriations at the beginning of the fiscal year when they were still operating under a continuing resolution.

The continuing resolution problem became most serious last year when the foreign assistance appropriation bill was not enacted until March 1972, 9 months into the fiscal year for which it was intended. During those 9 months, five continuing resolutions allowing three different rates of obligations for the programs covered by that appropriation bill were enacted.

It is fair to say that the administration was faced with a very unusual situation with respect to foreign assistance legislation while program requirements were proceeding apace. In the absence of an appropriation statute, the pattern of obligations adopted by the heads of the affected agencies during that time were governed heavily by operational and administrative considerations. In addition, past experiences with continuing resolutions—whose amounts were usually exceeded by the final appropriations—played a significant role in the budgeting and spending process.

Mr. President, whatever reservations or hangups we may have as to the large withdrawal of funds in some of these programs during the confusing period of last year's continuing resolutions, I personally believe that Congress was to be blamed as much as anyone else. Therefore, I though it only fair that the people responsible for monitoring the spending under the continuing resolutions be given a chance not only to explain the circumstances under which the spending occurred, but also to inform Congress as to the steps that would be taken to alleviate the criticisms and concerns that were expressed by some Members of Congress.

It may interest Senators to know that with less than a day's notice, Caspar Weinberger, Director of the Office of Management and Budget, testified before the Foreign Operations Subcommittee about the criticisms that were lodged against the Defense Department for drawing $374 million a few days after the first continuing resolution was adopted last year. Despite the fact that Director Weinberger did an outstanding job in providing the subcommittee members with pertinent answers and assurances as to how he planned to cope with the problem, it was unfortunate that the Defense Department declined to send anyone to testify in its behalf. I was most disappointed with the way the Defense Department reacted to the committee's invitation to testify. Needless to say, I do not condone such action, and I hope it does not happen again.

Mr. President, one of the reasons I opposed the amendment was the fact that the end result which it was designed to achieve could be accomplished by the actions that will be and, in fact, have been taken by Director Weinberger. During the hearing, he assured us that immediate steps would be taken to advise all departments and agencies about the concern of Congress, that the cooperation of the Treasury Department regarding the matter will be sought, that meetings and consultations with the various aides of the departments and agencies will be held by him, and that he, as Director of the Office of Management and Budget, will issue an OMB bulletin informing all concerned about the importance of obligating fiscal year 1973 funds under the continuing resolution at the current reasonable rate of spending.

Mr. President, I am happy to inform the Senate that Director Weinberger has already taken steps to carry out the pledge he made to the committee members on June 29, 1972. Besides issuing OMB Bulletin No. 73-1 on July 3, Mr. Weinberger has made arrangements with the Treasury Department's Commissioner of Accounts to refer to OMB for review agency requests for temporary appropriations under the continuing resolution. In addition, agencies of the executive branch have been instructed to issue or update their internal instructions to "assure a minimum rate of obligating in accordance with the policy prescribed."

Mr. President, I commend Director Weinberger for taking immediate action to cope with the problem of spending under a continuing resolution. I ask unanimous consent that his letter of July 6 and the text of OMB Bulletin No. 73-1 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 6, 1972.

Hon. HIRAM L. FONG,
Foreign Operations Subcommittee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: Enclosed is a copy of OMB Bulletin No. 73-1, which I issued on July 3 pursuant to the pledge I made in testimony before the Senate Foreign Operations Subcommittee on June 29, 1972. It provides a statement of policy on the rate of obligating under the Continuing Resolution (P.L. 92-334).

As promised, we have also made arrangements with the Treasury Department's Commissioner of Accounts to refer to us for review, when appropriate, agency requests for temporary appropriations under the Continuing Resolution.

In addition, the executive branch agencies have been instructed to issue (or update as appropriate) their internal instructions to assure a minimum rate of obligating in accordance with the policy prescribed.

We believe that the steps taken will lead to the adherence of agency operations at the minimum level intended during the period the Continuing Resolution is in effect.

Sincerely,

CASPER W. WEINBERGER,
Director.

RATE OF OBLIGATION UNDER THE CONTINUING RESOLUTION—PUBLIC LAW 92-334

To the heads of executive departments and establishments:

1. *Purpose.* This Bulletin provides a statement of policy on the rate of obligation which agencies will maintain under the recently enacted Continuing Resolution. Its objective is to assure that each agency establish controls immediately to maintain its rate of operations during the effective period of the Continuing Resolution at the lowest possible level. This rate should be consistent with the Resolution, and should not frustrate potential congressional action on the regular appropriations that might provide a lesser amount.

2. *Background.* The Continuing Resolution is intended to provide funds to maintain Government operations at a minimum necessary for orderly continuation of activities until regular appropriations are enacted. Amounts temporarily appropriated for continuing projects or activities covered by the Continuing Resolution (in terms of specified rates for operations) are the maximum amounts which may be obligated during the period the Continuing Resolution is in effect.

In some instances, eventual congressional reductions in appropriation requests to a level below the appropriation enacted for the prior year could make the maximum operating rate authorized by the Continuing Resolution higher than the rate authorized (later) by the Congress in regular appropriation acts. Each agency must be alert to such a possibility and conduct its operations in such a manner as to permit the Congress to maintain its Constitutional prerogatives.

Responsible behavior on the part of each agency is essential to the maintenance of continued confidence and trust in the agency by the Congress. Because of a few specific instances last year this problem is currently of considerable concern to members of the appropriations committees. Thus, House Report 92-1173 on "Continuing Appropriations, 1973" admonishes the agencies to "avoid the obligation of funds for specific budget line items . . . on which congressional committees may have expressed strong criticism, at rates which unduly impinge upon discretionary decisons otherwise available to the Congress."

3. *Policy.* Agencies will incur obligations under authority of the Continuing Resolution at the *minimum* rate necessary for the orderly continuation of existing activities, preserving to the maximum extent reasonably possible the flexibility of the Congress in arriving at final decisions in the regular appropriation bills. Particular attention should be given to probable congressional appropriation action which may ultimately result in a lower appropriation level than in fiscal year 1972. Accordingly, agency heads will establish controls to assure that their programs are operated in a prudent, conservative, and frugal manner.

Requests must be made to the Treasury Department for temporary appropriations warrants under the Continuing Resolution. These requests will reflect this policy.

Every effort should be made to identify projects or activities for which there is a possibility of reduced appropriations. In these instances especially, the agency must establish controls so that future congressional action is not preempted by a high (even though legal at the time) rate of obligation under the Continuing Resolution.

4. *Agency instructions.* Each agency head will issue (or update as appropriate) internal instructions to carry out the above policy. A copy of such instructions will be furnished to the Office of Management and Budget within one week of the date of this Bulletin.

CASPAR W. WEINBERGER,
Director.

UTILIZATION OF FISCAL YEAR 1973 CONTINUING RESOLUTION AUTHORITY FOR AGENCIES AND ACTIVITIES FUNDED BY THE FOREIGN ASSISTANCE AND RELATED ACTIVITIES APPROPRIATIONS BILL

Mr. PROXMIRE. Mr. President, as chairman of the Appropriations Foreign Operations Subcommittee, I have, in recent weeks, voiced concern as to how certain agencies and activities have utilized continuing resolution authority to endrun the appropriations process.

Prior to the congressional recess, I stated that I would keep the Senate apprised of Treasury warrants requested under authority of the fiscal year 1973 continuing resolution by agencies and activities funded through the foreign assistance and related activities appropriation bill.

I ask unanimous consent to have inserted at this point in the RECORD, first, a table reflecting the fiscal year 1973 annual rate as established by the continuing resolution for each of the appropriation accounts; second, a request from the Department of Defense, dated July 11, 1972, for issuance of a Treasury warrant in the amount of $124 million for the military assistance program; and third, a request from the Department of Defense, dated July 13, 1972, for issunace of a Treasury warrant in the amount of $100 million for the foreign military credit sales program.

As will be noted both of these requests from the Department of Defense are within 25 percent of the applicable annual rate established by the continuing resolution and I trust that this ratio will be maintained until we pass an annual bill—which I hope will be within the next several weeks.

A hearing concerning this problem was held by the Foreign Operations Subcommittee on June 29 with Mr. Caspar W. Weinberger, Director of the Office of Management and Budget, as our principal witness. A letter and enclosure which I have subsequently received from Mr. Weinberger outlines the very responsible efforts of his office to restrict the more flagrant abuses of continuing resolution authority. I ask unanimous consent to have this information printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Foreign Assistance and Related Agencies Appropriations for Fiscal Year 1973 Under the Continuing Resolution

[In thousands of dollars]

TITLE I—FOREIGN ASSISTANCE ACTIVITIES	
Economic Assistance:	
Worldwide, development loans	$200,000
Alliance for Progress, development loans	150,000
Worldwide, technical assistance	160,000
Alliance for Progress, technical assistance	80,000
American schools and hospitals abroad	15,575
Programs relating to population growth	125,000
International organizations and programs	124,835
Indus Basin Development Fund, loans	12,000
Indus Basin Development Fund, grants	10,000
Contingency fund	30,000
International narcotics control	0
Refugee relief assistance (Bangladesh)	100,000
Administrative expenses:	
AID	50,000
State	4,221
Subtotal, economic assistance	1,061,631
Other: Overseas Private Investment Corporation (OPIC) (reserves)	$12 500
Subtotal, other	12,500
Military and Supporting Assistance:	
Military assistance (grants)	500,600
Supporting assistance	550,000
Subtotal, military and supporting assistance	1,050,600
Total, Title I, Foreign Assistance Act	2,124,731
TITLE II—FOREIGN MILITARY	
Credit sales	400,000
Total, Foreign Military	400,000
TITLE III—OTHER	
Peace Corps	72,500
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS	
Ryukyu Islands, Army: Administration	0
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE	
Assistance to refugees in the United States (Cuban program)	139,000
DEPARTMENT OF STATE	
Migration and refugee assistance	8,212
Resettlement of Soviet Jewish Refugees	0
INTERNATIONAL FINANCIAL INSTITUTIONS	
International Bank for Reconstruction and Development	0
International Development Association	0
Inter-American Development Bank	0
Asian Development Bank	0
Total, title III, Foreign Assistance (other)	219,712
TITLE IV—EXPORT—IMPORT BANK	
Limitation on program activity	0
Grand total, all titles	2,744,443

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., July 11, 1972.

Mrs. JOYCE BARBEE,
Deputy Assistance Director, Central Accounting Operations, Bureau of Accounts, Treasury Department, Washington, D.C.

DEAR MRS. BARBEE: It is requested that an appropriation warrant in the amount of $124.0 million be issued for account 1131080 for the initial implementation of the FY 1973 Military Assistance Program pursuant to the Continuing Resolution Authority of Public Law 92-334.

The above request for financing is within the military assistance program funding levels approved by the Department of State on July 3, 1972.

This request is consistent with the policy provided by Executive Office of the President, Office of Management and Budget Bulletin No. 73-1, dated July 3, 1973 (copy attached).

Sincerely,

ERICH F. VON MARBOD,
Comptroller.

JULY 13, 1972.

Mrs. JOYCE BARBEE,
Deputy Assistance Director, Central Accounting Operations, Bureau of Accounts, Treasury Department, Washington, D.C.

DEAR MRS. BARBEE: It is requested that an appropriation warrant in the amount of $100 million be issued for account 1131082 for the operation of the FY 1973 Foreign Military Sales Program through August 18, 1972, pursuant to the Continuing Resolution Authority of Public Law 92-334.

This request is consistent with the policy provided by Executive Office of the President, Office of Management and Budget Bulletin No. 73-1, dated July 3, 1972.

Sincerely,

ERICH F. VON MARBOD,
Comptroller.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 6, 1972.

Hon. WILLIAM PROXMIRE,
Chairman, Foreign Operations Subcommittee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is a copy of OMB Bulletin No. 73-1, which I issued on July 3 pursuant to the pledge I made in testimony before the Senate Foreign Operations Subcommittee on June 29, 1972. It provides a statement of policy on the rate of obligating under the Continuing Resolution (P.L. 92-334).

As promised, we have also made arrangements with the Treasury Department's Commissioner of Accounts to refer to us for review, when appropriate, agency requests for temporary appropriations under the Continuing Resolution.

In addition, the executive branch agencies have been instructed to issue (or update as appropriate) their internal instructions to assure a minimum rate of obligating in accordance with the policy prescribed.

We believe that the steps taken will lead to the adherence of agency operations at the minimum level intended during the period the Continuing Resolution is in effect.

Sincerely,

CASPER W. WEINBERGER,
Director.

RATE OF OBLIGATION UNDER THE CONTINUING RESOLUTION—PUBLIC LAW 92-334

To the heads of executive departments and establishments:

1. *Purpose.* This Bulletin provides a statement of policy on the rate of obligation which agencies will maintain under the recently enacted Continuing Resolution. Its objective is to assure that each agency establish controls immediately to maintain its rate of operations during the effective period of the Continuing Resolution at the lowest possible level. This rate should be consistent with the Resolution, and should not frustrate potential congressional action on the regular appropriations that might provide a lesser amount.

2. *Background.* The Continuing Resolution is intended to provide funds to maintain Government operations at a minimum necessary for orderly continuation of activities until regular appropriations are enacted. Amounts temporarily appropriated for continuing projects or activities covered by the Continuing Resolution (in terms of specified rates for operations) are the maximum amounts which may be obligated during the period the Continuing Resolution is in effect.

In some instances, eventual congressional reductions in appropriation requests to a level below the appropriation enacted for the prior year could make the maximum operating rate authorized by the Continuing Resolution higher than the rate authorized (later) by the Congress in regular appropriation acts. Each agency must be alert to such a possibility and conduct its operations in such a manner as to permit the Congress to maintain its Constitutional prerogatives.

Responsible behavior on the part of each agency is essential to the maintenance of continued confidence and trust in the agency by the Congress. Because of a few specific instances last year this problem is currently of considerable concern to members of the appropriations committees. Thus, House Report 92-1173 on "Continuing Appropriations, 1973" admonishes the agencies to "avoid the obligation of funds for specific budget line items . . ., on which congressional committees may have expressed strong criticism, at rates which unduly impinge upon discretionary decisions otherwise available to the Congress."

3. *Policy*. Agencies will incur obligations under authority of the Continuing Resolution at the *minimum* rate necessary for the orderly continuation of existing activities, preserving to the maximum extent reasonably possible the flexibility of the Congress in arriving at final decisions in the regular appropriation bills. Particular attention should be given to probable congressional appropriation action which may ultimately result in a lower appropriation level than in fiscal year 1972. Accordingly, agency heads will establish controls to assure that their programs are operated in a prudent, conservative, and frugal manner.

Requests must be made to the Treasury Department for temporary appropriations warrants under the Continuing Resolution. These requests will reflect this policy.

Every effort should be made to identify projects or activities for which there is a possibility of reduced appropriations. In these instances especially, the agency must establish controls so that future congressional action is not preempted by a high (even though legal at the time) rate of obligation under the Continuing Resolution.

4. *Agency instructions*. Each agency head will issue (or update as appropriate) internal instructions to carry out the above policy. A copy of such instructions will be furnished to the Office of Management and Budget within one week of the date of this Bulletin.

CASPAR W. WEINBERGER,
Director.

Mr. PROXMIRE. Mr. President, I should again advise the Senate that the Foreign Operations Subcommittee reported a fiscal year 1973 appropriations bill to the full committee on June 26, and as chairman of the subcommittee, I am prepared to take it to the Senate floor as soon as it is reported by the full committee.

AMERICA'S DYING SMALL TOWNS: TRAGEDY OR OPPORTUNITY?

Mr. HUMPHREY. Mr. President, Mr. Ronald Schiller, a freelance writer who has a special interest in the problems of cities, spent some time earlier this year studying the problems and potentials of rural communities. He traveled to various parts of the United States talking and interviewing officials and people living in some of our Nation's smaller towns. He also acquainted himself with the work of the Senate Subcommittee on Rural Development of which I serve as chairman.

In June of this year he prepared an article for the National Civic Review covering his findings and assessment of Smalltown, U.S.A. His article, entitled "Population Resettlement Plans May Save Dying Towns," was later condensed and reprinted in the July 1972, issue of the Reader's Digest under the title "America's Dying Small Towns: Tragedy or Opportunity?'"

In the article Mr. Schiller observes:

> It is this maldistribution—the concentration of more and more people into a few urban areas—rather than the actual increase in the nation's population, that lies at the heart of most of our burgeoning social problems, urbanologists tell us. The economic and ecological damage it has wrought, the soaring crime rates, anti-social violence, drug addiction, racial conflicts, traffic strangulation and power blackouts it has engendered in our metropolises, are too readily observable to require documentation.
>
> Short of imposing compulsory birth control, the most obvious and cheapest way to defuse the population bomb, as urbanologists have come to realize, is to keep the rural population anchored, and eventually to siphon people off to the nation's existing small towns and cities by providing them with the facilities and economic opportunities needed to attract and support larger populations.

Mr. Schiller's observation are consistent with the findings and legislative work of our Rural Development Subcommittee. The Rural Development Act of 1972, which is now awaiting final action by Congress, contains programs which will help achieve the objectives cited by Mr. Schiller.

It is one of the most comprehensive and far-reaching pieces of rural development legislation ever developed by Congress. It contains over $500 million in new grant authority to help rural communities improve their community facilities and services and to help attract jobs and industry to rural America.

Mr. President, I ask unanimous consent that Mr. Schiller's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA'S DYING SMALL TOWNS: TRAGEDY OR OPPORTUNITY?

(By Ronald Schiller)

If the growing hazards, crush and callousness of urban life are becoming unbearable to you, how would you like to live in a tree-shaded, sparklingly clean community, with the purest of air, low taxes, friendly neighbors, a top-rated educational system with one teacher to serve every 12 students, and a crime rate so low that people leave their homes unlocked and walk the dark streets at night without fear?

Well, all of these amenities, and more are awaiting you in Russell, Kan. But, before you pull up stakes to take advantage of this good life, be warned that you'll probably need an independent income to live in Russell, for you will find almost no employment opportunities there. Like thousands of other small cities and towns in rural America, the community is withering. During the past two decades, while U.S. population jumped 35 percent, Russell's population dropped 18 percent—from 6,483 people in 1950 to 5,371 in 1970. There are empty stores on its main street. Its fine modern schools serve scarcely two-thirds the number of students they were built to accommodate, with each entering class smaller than the one ahead of it. Of the 132 members of its 1968 senior class, all but 15 had to move to the cities to find livelihoods.

Russell and the country around it are suffering because they have too few industries to sustain them. Although their fertile fields now produce more wheat, feed and cattle than ever before, farm families too are leaving in large numbers. Few *want* to go. They are forced out by low crop prices, rising operating costs, and by mechanization and miracle fertilizers which have increased agricultural productivity to the point where one man can do the work that required three in 1950. The number of farms in the county has shrunk from 1,065 to 735 in 20 years; and, as families leave the soil, more businesses go under and employes lose jobs to swell the exodus.

Why should the 150 million of us who live in America's cities and suburbs be concerned with the fate of one small town in Kansas? Because what is happening to towns like Russell represents a national disaster wreaking havoc on all of our lives. During the past quarter-century an estimated 30 million people have fled the farms and open countryside in the most massive migration in history. We chose Kansas as the scene of our investigation because, despite one of the nation's lowest birthrates, it has exported more people than the other Great Plains states. Vast areas of Appalachia, the South and the intermountain regions of the West have been similarly decimated as farmers, agricultural laborers and coal miners have drifted to the cities seeking work, but too often ending up on welfare.

Indeed, so explosive has our metropolitan growth been that nearly 75 percent of all Americans now live and work on only one and one-half percent of the nation's land. And with the population expected to increase at least another 75 million by the end of the century, 230 million people will be jostling each other for breathing space in the same impacted areas. In fact, if the present trend continues, more than half of us will be crowded into three huge "megalopolises," which demographers refer to as Boswash (stretching from Boston to Washington), Chipitts (Chicago to Pittsburgh) and Sansan (San Francisco to San Diego). It is this concentration of more and more people into a few urban areas, rather than the actual increase in the nation's population, that lies at the heart of most of our burgeoning social problems—soaring crime rates and violence, drug addiction, racial frictions, traffic strangulation.

Clearly, we need to discover ways to keep the rural population anchored, and eventually to siphon people from our strangling cities and their suburbs to the nation's existing small towns. We need to provide the facilities and economic opportunities there that will attract and support larger populations. Contrary to assertions about the strong lure of the cities, fewer than half the people questioned in a recent Harris poll wanted to be living in or near a city ten years hence.

To demonstrate what local initiative can accomplish to meet this inclination toward "the land," consider the towns of Hays and McPherson, Kan., which 20 years ago were about the same size and were faced with the same economic problems as other small Kansas towns. But while many of these towns declined, Hays' population soared almost 80 percent, McPherson's 25 percent.

A dozen years ago, local citizens in both towns formed industrial-development committees, which called in planning experts to inventory their economic strengths, point out weaknesses and devise programs for growth, including the raising of money to buy land for industrial parks. Brochures were sent to expanding manufacturing firms throughout the country; and the slightest nibble in response would bring local businessmen to the company's doorstep to plead their cause.

These bootstrap efforts have paid off handsomely. Ten new industries producing everything from mobile homes to plastic pipe, have moved into McPherson, providing 2000 jobs. Hays is now the site of a huge laboratory, employing 750, which makes medical and hospital supplies; and also of a hydraulic cylinder factory, which gives work to 150 more. Both towns are now thriving. For, as studies indicate, every 100 new factory jobs create additional employment for 65 people in the non-manufacturing trades, bring in three new retail stores, raise the population by 350, increase total personal income by $700,000 annually and retail sales by some $300,000.

It may be argued that Hays and McPherson were favored because of their colleges, airports and four-lane interstate highways. But much smaller Ellsworth (1970 pop.: 2080) enjoyed none of these advantages. Emigration of people and business had brought it to the verge of rigor mortis, until druggist Bob Nichols and a few other young business leaders appointed themselves a committee to save the town. After six years of dogged effort, their opportunity came when they were advised, one night in 1968, that an industrial prospect would arrive at seven the next morning and would give them one hour to present their case. They were not told the firm's name or the nature of its business—just that it was a manufacturing concern which would employ 400 people.

"We worked late into the night assembling our facts and figures," Nichols recalls. "The next morning we were asked where the workers for the plant would come from. In short order we came up with more than 500 applications for employment" Impressed by such cooperation, and by the community itself, the auto-parts supplier chose Ellsworth over 40 other potential sites in five states. Since then, a Chicago lawnmower manufacturer, employing 25, has moved in, and there are hopes for two other plants.

The new $150,000-a-month industrial payroll has restored Ellsworth to exuberant health. The population has increased 15 percent, and the elementary schools are filling up again. The empty stores are fully occupied, and 54 new homes have been built since the beginning of the year—along with Ellsworth's first motel, drive-in bank and Montgomery Ward branch.

Are the industries satisfied with their new locations? "I've never dealt with employes more conscientious, or more easily trainable," was the enthusiastic response of the director of the manufacturing laboratory in Hays. Isn't the distance from their sources of supply and the major consumer markets a problem? "Not at all," a McPherson plant comptroller assured me. "The added cost of transportation is more than repaid by lower taxes, utility rates and operating expenses, and by the higher productivity of the workers."

Unhappily, however, such success stories are far more the exception than the rule. Although Russell and other communities started later than the three towns mentioned, they have done as much, and worked just as hard, to lure industry—with little to show for their efforts. Seventy-five of Kansas' 105 counties are still losing people, and if the exodus is to end, the state will need twice as many new jobs as are currently being created. A disproportionate bulk of the $145 billion spent by business and government every year on new plants, facilities and contracts is still pouring into urbanized regions.

What is needed to deal effectively with the twin problems of urban overcrowding and rural blight is a comprehensive national population-resettlement plan that will enable us to design our future instead of resigning ourselves to it. The first significant steps are now being taken.

A recently enacted federal law forbids construction of major U.S. government facilities in congested areas unless there is compelling reason. The Rural Development Act of 1972, now before Congress, proposes to expand federal loans and grants to communities of fewer than 50,000 and to rural businessmen when they are unable to obtain financial help elsewhere. A nationwide program directed at rural-development research and extension education would be initiated in both public and private colleges. Annually, $500 million in federal funds would be shared with states, local planning and development groups, and rural governments.

The cost of such programs will be far less than the massive sums that will have to be expended to keep our metropolises from collapsing, if they continue their present unabated growth. In terms of human morale, the benefits will be incalculable. "For it is in the countryside," states President Nixon's Task Force on Rural Development, "that we can find the clean air, clear water, living space, recreation, tranquillity and inspiration for tomorrow's people."

Population Resettlement Plans May Save Dying Towns

(By Ronald Schiller*)

If the growing hazards, crush and callousness of urban life are becoming unbearable to you, how would you like to live in a tree-shaded, sparklingly clean community, with the purest of air, few traffic or parking problems, low taxes, friendly neighbors who will go out of their way to help you, a top-rated educational system, with one teacher to serve every 12 students, and a crime rate so low that people leave their homes unlocked and walk the dark streets at night without the slightest fear?

Well, all of these amenities, and more, are awaiting you in Russell, Kansas. You'll be 10 minutes from a fine municipal golf course, 20 minutes from a large unpolluted lake, where you may keep your boat in a modern marina, swim from sandy beaches or catch your limit of walleyes and bass in an hour. If culture is your bag, there's an excellent library in town, and you may attend plays, concerts and lectures at a state college 26 miles away.

But before you decide to pull up stakes to take advantage of this good life, be warned that you'll probably need an independent income to live in Russell, for you will find almost no employment opportunities there. Like thousands of other small cities and towns in rural America, the community is withering. During the past two decades, while the population of the United States jumped 35 percent, Russell's population dropped 18 percent—from 6,483 people in 1950 to 5,371 in 1970. All except one of its agricultural equipment dealers have gone out of business. There are empty stores on its main street. Its fine modern schools serve scarcely two-thirds the number of students they were built to accommodate, with each entering class smaller than the one ahead of it. And of the 132 members of its 1968 senior high school class, all but 15 had to move to the cities to find livelihoods.

"With $12,000 of our money invested in their educations, they graduate with a diploma in one hand and a bus ticket in the other," is the comment of newspaper editor Russ Townsley. "We're being bled of our most precious asset, the young, most energetic and ambitious element of our population."

Russell and the county around it are suffering because they have too few industries to sustain them. They were built to serve farmers and, later, oilfield workers. But the oil is being depleted, along with workers. And although the fertile fields now product more wheat, feed and cattle than ever before in their history, farm families, too, are leaving in large numbers. Few of them want to go. They are being forced out by low crop prices, rising operating costs, and by mechanization and miracle fertilizers which have increased agricultural productivity to the point where one man can do the work that required three men in 1950. The number of farms in the county has shrunk from 1,065 to 735 in 20 years as the smaller operators sold out to bigger ones. And as families leave the soil, more and more businesses go under and employees lose their jobs, to swell the exodus.

Why should the 150 million of us who live in America's cities and suburbs be concerned with the fate of one small town and county in Kansas. Because what is happening to towns like Russell represents a national disaster that is wreaking havoc on all of our lives. During the past quarter-century an estimated 30 million people have fled the farms and open countryside in the most massive migration in history.

We chose Kansas as the scene of our investigation because, despite one of the nation's lowest birth rates, it has exported more people than the other Great Plains states. But the story is the same throughout America's heartland, where over half of the counties have been depopulated. Vast areas of Appalachia, the South and the inter-mountain regions of the West have been similarly decimated as uprooted farmers, agricultural laborers and coal miners have drifted to the cities seeking work, but too often ending up on welfare.

Indeed, so explosive has been our metropolitan growth that nearly 75 percent of all Americans now live and work on only 1.5 percent of the nation's land. And with the population expected to increase at least another 75 million by the end of the century, 230 million people will be jostling each other for breathing space in the same impacted areas. In fact, if the present trend continues, demographers predict, more than half of us will be crushed into three huge "megalopolises," which they refer to as "Boswash" (stretching from Boston to Washington), "Chipitts" (Chicago to Pittsburgh) and "Sansan" (San Francisco to San Diego).

It is this maldistribution—the concentration of more and more people into a few urban areas—rather than the actual increase in the nation's population, that lies at the heart of most of our burgeoning social problems, urbanologists tell us. The economic and ecological damage it has wrought, the soaring crime rates, anti-social violence, drug addiction, racial conflicts, traffic strangulation and power blackouts it has engendered in our metropolises are too readily observable to require documentation.

Short of imposing compulsory birth control, the most obvious and cheapest way to defuse the population bomb, as urbanologists have come to realize, is to keep the rural population anchored, and eventually to siphon people off to the nation's existing small towns and cities by providing them with the facilities and economic opportunities needed to attract and support larger populations. Contrary to assertions that the lure of the cities is too strong to resist, less than half the people questioned in a recent Harris poll wanted to be living in or near a city 10 years from now.

To demonstrate what local initiative and aggressive leadership can accomplish to meet this inclination toward "the land," consider the towns of Hays and McPherson, Kansas, which 20 years ago were about the same size and were faced with the same economic problems as other small Kansas towns. But while many of these towns declined, Hays' population soared almost 80 percent and McPherson's 25 percent, because local citizens refused to accept defeat. A dozen years ago they formed industrial development committees which called in planning experts to inventory the towns' economic strengths, point out their weaknesses, and devise programs for growth, including the raising of money to buy land for industrial parks. Brochures were sent out to expanding manufacturing firms throughout the United States, and the slightest nibble in response would bring a team of local businessmen to the company's doorstep to plead their cause.

These bootstrap efforts have paid off handsomely. Ten new industries, producing everything from mobile homes to plastic pipe, have moved into McPherson, providing 2,000 jobs. Hays is now the site of a huge laboratory, employing 750, which makes medical and hospital supplies; and also a hydraulic cylinder factory, which gives work to 150 more. Both towns are now thriving. For, as studies indicate, each 100 new factory jobs create additional employment for 65 people in the non-manufacturing trades, bring in three new retail stores, raise the population by 350, increase total personal income by $700,000 annually and retail sales by some $300,000.

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*Ronald Schiller is a free-lance writer with special interest in the problems of cities. He has been managing editor of *United Nations World*, assistant foreign news editor of *Life* and a national affairs writer for *Time*.

It may be argued that Hays and McPherson were favored because of their colleges, airports and four-lane interstate highways. But much smaller Ellsworth (population 2,080 in 1970), enjoyed none of these advantages. It claims it "isn't the 'hub' of anything, except honest, harworking people who raise their families in an atmosphere of community pride, faith in the future, rural stamina and concern for each other." Despite the brave words, the emigration of people and businesses had brought it to the verge of rigor mortis, until druggist Bob Nichols and a few other young business leaders appointed themselves a committee to save the town.

After six years of dogged effort, their opportunity came when they were advised, one night in 1968, that an industrial prospect would arrive in town at seven the next morning, and would give them exactly one hour to present their case. They were not told the firm's name or the nature of its business, other than that it was a manufacturing concern that would employ 400 people.

"We worked late into the night assembling our facts and figures," Nichols recalls. "The next morning we were asked where the workers for the plant would come from. In short order we came up with more than 500 applications for employment." Impressed by such cooperation, and by the community itself, the company, which supplies parts to major automobile manufacturers throughout the country, chose Ellsworth over 40 other potential sites in five states. Since then a Chicago lawn mower manufacturer, employing 25, has moved in, and there are hopes for two other plants making plastic bags and camper tops.

The new $150,000-a-month industrial payrolls have restored the once-dying community to exuberant health. The population has increased 15 percent, as former residents moved back from as far as California and the East Coast. A new high school has been completed, and the elementary schools are filling up again. The empty stores are fully occupied and 54 new homes have been built since the beginning of the year—along with Ellsworth's first motel, drive-in bank and Montgomery Ward branch.

Are the industries satisfied with their new locations? "I've never dealt with employees who were more conscientious, more easily trainable, or who have produced better quality work," was the enthusiastic response of the director of the manufacturing laboratory in Hays. Isn't the distance from their sources of supply and the major consumer markets a problem? "Not at all," a McPherson plant comptroller assured me. "The added cost of transportation is more than repaid by lower taxes, utility rates and operating expenses, and by the higher productivity of the workers."

Unhappily, however, such success stories are far more the exception than the rule. Although Russell and other communities started later than the three towns mentioned, they have done as much, and have worked just as hard, to lure industry—with little to show for their efforts. Seventy-five of Kansas's 105 counties are still losing people, and if the exodus is to end, the state will need twice as many new jobs as are currently being created. The response has been slow in coming. The trickle of industry into rural areas is increasing, but not rapidly enough. A disproportionate bulk of the $145 billion spent by private business and the federal government every year on new plants, facilities and contracts, is still pouring into the urbanized regions.

What is needed to deal effectively with the twin problems of urban overcrowding and rural blight—as public and private study groups have repeatedly found—is a comprehensive national population-resettlement plan that will enable us to design our future instead of resigning ourselves to it. The first significant steps toward this goal are now being taken.

A recently enacted federal law forbids construction of major U.S. government facilities in congested areas, unless there is impelling reason. The rural development act of 1972, now before Congress, proposes to expand federal loans and grants to communities of fewer than 50,000 and to rural businessmen when they are unable to obtain financial help elsewhere. A nationwide program directed at rural development research and extension education would be initiated in both public and private colleges. Annually, $500 million in federal funds would be shared with states, local planning and development groups, and rural governments.

The cost of such programs will be far less than the massive sums that will have to be expended to keep our metropolises from collapsing, if they continue their present unabated growth. In terms of human morale, the benefits will be incalculable. "For it is in the countryside," states President Nixon's Task Force on Rural Development, "that we can find the clean air, clear water, living space, recreation, tranquility and inspiration for tomorrow's people."

THE NEED FOR CONTINUED FEDERAL SUPPORT OF FLOOD CONTROL PROJECTS

Mr. PEARSON. Mr. President, during the Senate recess, I inspected five major reservoirs constructed by the U.S. Army Corps of Engineers. These projects, located in Osage, Jefferson, Coffey, and Marion Counties, were designed primarily as flood control projects.

The Corps of Engineers has completed its primary task of flood control with its usual professional competence and care.

But these reservoirs could serve a second vital purpose: recreation. They could be areas for fishing, swimming, boating, and other outdoor recreation, but on this inspection trip, it became apparent that several of the areas lacked access roads, adequate waste disposal facilities, or provisions for law enforcement and maintenance. No Federal funds were available to provide the roads and other services needed to turn a flood control project into a fine recreational area. It is clear that the counties in which they are located do not have the resources to build and maintain the necessary facilities.

This trip demonstrated to me that we need to take a hard look at our planning for these and similar projects in Kansas and across the country. In the past, we may have missed opportunities to utilize similar projects for recreational purposes. If this is the case, we may be wise to provide additional funds to assist municipal, county, and State government to build and maintain access roads and other facilities. In the future, Congress and the Corps of Engineers should seriously consider incorporating recreational facilities into their plans for projects primarily designed for flood control.

ADMINISTRATOR RUCKELSHAUS ACTS TO INSURE AIR POLLUTION CLEANUP

Mr. BOGGS. Mr. President, outside the Capitol Building today, the air is heavy with pollutants. Automobiles and other sources of pollution continually add new poisons to a stagnant air mass.

When Congress passed the Clean Air Amendments of 1970, it created a program intended to assure clean, healthy air everywhere in our Nation in the near future. Deadlines are essential for this goal, and I believe they will work.

A part of the control strategy involves a required 90-percent reduction in auto emissions by the 1975 model year, tightening the controls already required for new cars.

William Ruckelshaus, Administrator of the Environmental Protection Agency, just last week identified an apparent gimmick that, if unchecked, could prove a major impediment to achieving clean air. Administrator Ruckelshaus then took forceful action to correct the danger.

The situation is this: The automobile industry apparently plans to incorporate sensors and other devices into many of its cars that would disable, or turn off, the vehicles' air pollution control systems. The apparent rationale for these devices is that they would improve the car's performance.

Some of these cutoff systems, I understand, are intended to be activated when the air temperature is above or below an 68–86 degree range. That is the range required in EPA tests of air pollution control systems.

Other sensors, I understand, are intended to bypass the pollution control systems when a car's radio is turned on or the air conditioning is working.

This could mean, for example, that a car would be pouring out many times the permitted emission level of pollutants as soon as a driver turns on his car radio on his way to work in the morning.

Clearly, the purpose of any such cutoff device can only be to subvert the intent of the air pollution control law.

Administrator Ruckelshaus wisely has demanded that the auto industry provide the EPA and the public with full information on this situation. If the reports on these cutoff devices are accurate and they are being used to circumvent the intent of the Clean Air Act, their use must be stopped at once.

Mr. President, I wish to express my commendation of Mr. Ruckelshaus in seeking to bring this issue before the public. To give Senators a fuller understanding of the situation, I ask unanimous consent that Mr. Ruckelshaus' letter and an EPA statement be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C.

DEAR MR. ———: It has been brought to my attention that for the 1973 model year some automobile manufacturers intend to install on new cars certain devices the purpose of which is to wholly or partially disable portions of the emission control systems. The purpose of this letter is to advise you of the course of action that we will pursue to assure that the use of such devices is not inconsistent with the Clean Air Act.

To put this matter into context, we fully realize that the control of emissions on a modern automobile is a highly complex matter. It frequently involves the use of sophisticated devices that modulate spark advance, throttle setting, or exhaust gas recirculation to assure that vehicle emissions are adequately controlled under varying operating conditions and throughout the vehicle's useful life. To the extent that such devices operate in an essentially similar manner when the prototype vehicle is being tested for compliance with emission standards *and* when the vehicle is being operated under typical urban driving conditions, their use may be appropriate. Their use may also be appropriate to the extent that such devices are used to protect the vehicle or the emission control system against damage that may occur under unusual circumstances, or are needed to assure safe vehicle operation under unusual and short-term circumstances.

Two general classes of devices that some manufacturers are planning to install in 1973 vehicles warrant special scrutiny. I am referring to *ambient temperature* related devices which are designed so that the entire emission control system is operative when the car is tested under the standard 68°–86° F. test conditions, but which modify or disable such control systems when the vehicle is outside of that range; and to *accessory* related devices which do the same thing when accessories that are not operative during the official test are turned on.

The purpose and effect of these kinds of devices require careful study. As you know, manufacturers applying for certification of 1973 model vehicles are presently required to supply detailed data on all emission control related sensors, devices, switches, and related components. I have directed our technical staff to make a review of all Final Applications for 1973 model year certification for the purpose of evaluating the justification for all sensors, switches, and related devices that are planned to be installed on new 1973 model year cars. On the basis of this review, you will be notified if the Agency concludes that the use of any such sensor or device is inconsistent with the intent of the Clean Air Act. Fifteen days after such notification, any new vehicles leaving your assembly lines will not be allowed to be equipped with any operative sensors or devices specifically disallowed. Accordingly, if your company plans to use sensors or devices in 1973 model vehicles which may adversely affect emission control under conditions or during operations likely to occur in actual use, I strongly urge that you promptly undertake the necessary technical work that will allow you to remove such sensors or devices from production vehicles, or to render them inoperative to the satisfaction of the Administrator if they cannot be physically removed after the 15-day period following notification expires.

To effectuate this procedure for review of sensors or emission control related devices used on 1973 models, all certificates of conformity issued with respect to 1973 vehicles will be subject to the terms and conditions set forth as Appendix A to this letter.

You may wish to review the material that you have already submitted to our technical staff in support of your Final Application for Certification of 1973 model vehicles in order to make certain that such data is complete as to the identification of all emission control related sensors or devices or in terms of a justification for their use. If you conclude that data previously submitted is incomplete, I urge you to supply the Director of the Division of Certification and Surveillance in Ann Arbor, Michigan, with such supplemental material as you wish to have considered in our evaluation of this matter as it affects your vehicles. Such additional information should reach us within 30 days of the date of this letter, to be effectively considered in this review. No certificate of conformity issued by this Agency will be deemed to cover any vehicle or class of vehicles which have installed on them devices of this type which were not described in your Final Application, or the function of which was so inadequately described as not to allow us to ascertain their true purpose or operational characteristics.

To control such practices in the future, we intend shortly to propose new regulations which will provide that, beginning with 1974 model year vehicles, emission control related sensors or devices can be installed in new vehicles only with the advance approval of the Environmental Protection Agency. The burden of proof will be on the manufacturer to demonstrate in each instance that any such sensors, switches, or devices do not adversely affect emission control under conditions or during operations likely to occur in actual use.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

Enclosure.

APPENDIX A

This certificate of conformity is issued subject to the following conditions:

1. As soon as practicable after issuance of this certificate the Administrator will undertake an examination of the purpose and effect of any system, device, or scheme employed by the manufacturer which wholly or partially disables any portion of the emission control system installed on any vehicle(s) or engine(s) covered by this certificate or which otherwise adversely affects the emission control performance of such vehicle(s) or engines(s) during any driving or operating condition likely to occur in actual use.

2. Upon completion of the examination, the Administrator may issue a notice to the manufacturer that the use of any such system, device, or scheme is inconsistent with the intent of the Clean Air Act.

3. No vehicle or engine manufactured after the 15th day after the date of issuance of the notice by the Administrator (or such other day as the Administrator may prescribe in such notice) shall be deemed to be covered by this certificate of conformity, if it employs any system, device, or scheme the use of which the Administrator has determined to be inconsistent with the intent of the Clean Air Act under paragraph 2.

4. No vehicle or engine manufactured at any time shall be deemed to be covered by this certificate of conformity if it employs any system, device, or scheme which (a) wholly or partially disables any portion of the emission control system installed on the vehicle or the engine or which otherwise affects the emission control performance of such vehicle(s) or engine(s) during any driving or operating condition likely to occur in actual use, and (b) has not been included in the manufacturer's Part II application for certification.

RUCKELSHAUS ORDERS REVIEW OF SENSOR DEVICES ON 1973 MODEL AUTOS

William D. Ruckelshaus, Administrator of the Environmental Protection Agency, has ordered a staff review of sensor devices that are designed to disable portions of the emission control systems on 1973 model autos.

In a letter to all auto makers, the Administrator declared that he has directed EPA's technical staff to review all final applications for 1973 model year certification to evaluate the justification for such sensors, switches and related devices.

"Two general classes of devices that some manufacturers are planning to install in 1973 vehicles warrant special scrutiny," Ruckelshaus wrote. "I am referring to ambient temperature related devices which are designed so that the entire emission control system is operative when the car is tested under the standard 68 to 86 degree F. test conditions, but which modify or disable such control systems when the vehicle is outside of that range; and to accessory related devices which do the same thing when accessories that are not operative during the official test are turned on.'

He added that on the basis of the review, the manufacturers will be notified if the use of such devices is considered by the Agency as inconsistent with the intent of the Clean Air Act. If EPA reaches this conclusion, auto makers will not be allowed to equip new autos with such devices beyond 15 days after notification by EPA of its decision.

Ruckelshaus in his letter urged the auto industry to undertake "the necessary technical work" that will, if necessary, allow removal of the sensors or make them inoperative.

The Administrator noted in his letter that the use of the devices may be appropriate under certain conditions, such as protecting a vehicle or its emission control system from damage under unusual circumstances, or to assure safe vehicle operation under "unusal and short-term circumstances."

But he warned that the purpose and effect of such devices requires careful study. Noting that auto makers applying for certification of 1973 models are now required to supply detailed data on all emission control related sensors and other components, Ruckelshaus advised that if manufacturers determine the data is incomplete they must submit additional data on them to EPA within 30 days.

Ruckelshaus also declared that EPA will soon propose new regulations specifying that auto makers beginning with the 1974 model year can install such devices only with advance approval of EPA.

THE PARTY'S OVER—DAVID BRODER'S BOOK ON PRIORITIES GIVES CLEAREST AND MOST COMPREHENSIVE EXPOSITION OF COUNTRY'S NEEDS YET IN PRINT

Mr. PROXMIRE. Mr. President, David Broder, the astute and sensitive national political reporter, has just written a book entitled "The Party's Over" in which he spells out many of the problems this country faces.

There is a chapter in the book entitled "Needs" which I believe is the clearest and most comprehensive exposition of the needs this country faces and their costs that I have seen.

He quotes the mayors of the United States on the problems they face—problems which are so severe and harsh that one must conclude the Nation is unwilling to face up to them because their reality is so severe.

He details the need for city services, housing, mass transit, health care, and day care centers and contrasts this sharply with the erosion of the central city revenues which are needed to pay for them.

NO NEED FOR FURTHER STUDY

He notes that the Kerner Commission and the Douglas Commission and the Violence Commission have all spelled out in massive detail the problems we face. There is no need for further study. We have the facts. But action has been postponed.

He contrasts our great private affluence with our public penury so far as social needs are concerned, and also compares the surfeit of excesses with which we fund our military endeavors with the paucity of dollars available for less affluent Americans.

WHERE DO WE GET THE MONEY?

He properly raises the question of where are we going to get the money and chastises both Democrats and Republicans in the White House and in Congress for their alacrity in reducing taxes on beer, cosmetics, and white wall tires at the same time that a city like Newark, with the highest TB rate, the highest infant mortality rate, and the highest crime rate in the country is denied funds both through the failure of its own State legislature to treat its cities fairly and by the Federal Government where the principle of federation often gives more power to geography than people.

If there is any failure in this book, it is the assumption that much of what we already spend at the Federal level is good and needed, and that the remaining unmet needs must be met from higher taxes and greater tax justice. My view is that not only are vast funds available from a return to full employment, and more modestly from tax reform, but also that an explicit examination of existing Federal spending will reveal countless billions now spent inefficiently, ineffectively, and for improper purposes.

Among these, I suggest, are the $6 billion in foreign military aid, much of the "big project" economic aid, sugar subsidies, and the vast subsidies which now go to housing which fail in their alleged purpose to aid low income families but instead help the housing financiers. These must be reordered and reformed in order to serve the great purposes for which they were designed.

We could save vast sums by examining in detail the way we spend funds for education and the manner in which the National Institutes of Health have been stuffed with funds to fight disease but which have been inefficiently used.

The unbelievable way in which this country subsidizes the automobile through the vast network of highways and institutions which support the car costs us billions in added subsidies to remove pollutants from the air and in incentives to search for energy resources now essentially wasted by making every commuter a king.

NEED TO EXAMINE EXISTING PROGRAMS CRITICALLY

Thus, I would add to Mr. Broder's able exposition an urgency to examine, kill, cut, change, and reorder the vast network of existing Federal programs including their subsidies, their tax shelters, and their failure to carry out the ends for which they were initially designed.

I commend Mr. Broder's book to the Senate and ask unanimous consent that his chapter on "Needs"—the best and most moving exposition I know of in detailing the country's urgent problems—be printed in the Record.

There being no objection, the chapter was ordered to be printed in the Record, as follows:

Needs

In the spring of 1971, with the American economy operating at the level of one trillion dollars a year—a measure of wealth almost literally beyond human comprehension—the mayors of seventeen of the nation's largest cities decided to join in what they called a "road show."

To Baltimore, San Francisco, Seattle, New York, Milwaukee and their other cities they went. At each stop, the routine was the traditional mixture for a political tour—a press conference, a lunch, a tour of the host city, sometimes a banquet. But this was no ordinary junket. For the stark, simple message the mayors were trying to drive home was that their cities were on the brink of bankruptcy and collapse. One by one, they would stand and give their testimony:

Kenneth Gibson of Newark: "I say wherever the American cities are going, Newark will get there first. Of our 400,000 people, 60 percent are black and 10 percent Puerto Rican. Newark has probably the worst quality of life of any major city. Unemployment is 11 percent. We have the highest TB rate, the highest infant mortality rate, the highest crime rate in the country. Our deficit this year is $70 million in a $200 million budget. If we had bubonic plague, the government would move in with everything it's got to save us. But our cities are afflicted with social and financial illness, and it looks like we're going to let them die."

Moon Landrieu, New Orleans: "It is appalling to believe this country would let a city like New Orleans go down the pipe, but if you're going to save it, you better save it now, because two or three years from now may be too late. We are a city of 600,000. In the last decade we lost 125,000 people—mostly white and affluent—moving out to the suburbs, and in their place, 90,000, mostly poor and black, moved in. We provide the transportation facilities, the parks, the zoo, the airport, the cultural facilities for a metropolitan area of 1.1 million. And we get nothing back from the suburbs. We don't even get the sales tax, because they have their own shopping centers. We don't have enough money even to put a coat of paint on our problems. We tax everything that moves, and everything that stands still, and if it moves, we tax it again."

Thomas J. D'Alesandro, Baltimore: "The population of Baltimore is 905,000. Of that number, 305,000 pay a state income tax. Of those, 187,000 pay on an income below $3,000 a year. That leaves 118,000 substantial taxpayers as my base. The more I hit them with increased real estate taxes, the more of them move out—and the more Baltimore becomes a repository for the poor."

Carl Stokes, Cleveland: "We've pushed our taxes as far as we can. With the recession, our income is down $25 million this year. We have already laid off 1,500 employees—health aides, city planners, people in public works, community relations. Sixty percent of the money I have left goes for police and fire protection."

Sam Massell, Jr., Atlanta: "I'm a newcomer to the group, but since I've been mayor we've had a 40 percent increase in our ad valorem tax; our police budget is up 60 percent; I've asked for increases in the sales tax, the income tax, the hotel tax, the liquor tax and the cigarette tax. We've had a police slowdown to force higher wages and we've been through a 37-day strike by the garbage men, and yet mine is one of the healthiest cities represented here today."

Harry G. Haskell, Wilmington, Delaware: "We had national guard troops in Wilmington for nine months to prevent a riot, the longest occupation of an American city since the Revolutionary War. I took them out the day I was sworn in. Our schools are 80 percent black, and they are not doing the job. We depend on the property tax, but property is no longer the basis of wealth in our city; income is. We won't go bankrupt; we'll just shrivel; that's what's happening now."

Peter F. Flaherty, Pittsburgh: "I've learned how lonely it is to be a mayor. I found that three-fourths of our zoo visitors were suburbanites. So I asked the county commissioners to pay half of the million-dollar budget. . . . They just looked out the window."

Roman S. Gribbs, Detroit: "Right now, in our current fiscal year, we face a $25 million deficit; we have raised every tax to the legal limit; the state can't help us because it has a $100 million deficit. I need $43 million more next year just to stand still, with the wage package we've negotiated with our employees. If we don't get more money, I've told the people we will have to cut every city service. I'll close 15 to 31 recreation centers, and 31 firehouses . . . and if you see those cutbacks, you'll see blowups of some kind."

Kevin H. White, Boston: "We as mayors are expendable, but our cities are not. My fear is that the public is getting bored with hearing about the 'crisis of the cities.' But we have to go on talking, because soon the time for speeches will be done. Boston is a tinderbox. The fact is, it's an armed camp. We are faced with the possibility of a psychological collapse over racial enmities."

Wesley C. Uhlman, Seattle: "In some ways, we are better off than New York or the older cities of the East. Our racial and environmental problems are not as insoluble as theirs, but we still have the exodus of the affluent. We have 12.7 percent unemployment in Seattle—100,000 trained and educated people out of work, engineers and technicians in aerospace and other things. It's a whole new class of unemployed and no one knows how to deal with it. It's cut our revenues. We are talking about laying off a whole class of police cadets. We've cut our downtown street-cleaning from three times a week to once. We have cried wolf in the past, but the wolf is here."

By the time the mayors had finished their recital, no one who heard them had any doubt that the crisis of which they spoke was genuine. And that was the point of the whole exercise—to combat the notion that the problem was unique to San Francisco or St. Louis or Philadelphia.

So long as the problem was thought of as local, scapegoating would be easy. In the late 1960s, a whole generation of men who had been considered models of urban leadership gave up and quit trying to run their cities: New Haven's Dick Lee, Atlanta's Ivan Allen, Detroit's Jerome Cavanagh, Philadelphia's Dick Dilworth, Boston's John Collins, Minneapolis's Art Naftalin, and more. Their successors and their counterparts clung together in hopes that they too would not be picked off one by one.

Just as the mayors tried to dramatize the crisis in city government, other leaders have tried to make the same point about their realms of responsibility, using all the tools of modern public relations—conferences, task forces, white papers, foundation studies, press releases, television specials.

Doctors have announced a breakdown in health care delivery systems; judges (from the Chief Justice on down) have warned of the crisis of the overburdened courts; governors have sent forth urgent appeals for Federal help for the states; cardinals have warned that the parochial schools are closing at the rate of one a day; bus line owners have said they need higher subsidies to avoid still further fare hikes; college presidents have pleaded with alumni and with foundations to help them meet their deficits; police chiefs have asked for more men and modern equipment to cope with the upsurge of crime; medical researchers have told dramatic tales of progress against mankind's deadliest killers being delayed by cutbacks in their grants; penologists have warned that ancient, overcrowded facilities and lack of trained staffs have made the jails jungles of homosexuality, which turn out more criminals than they rehabilitate; railroad men have said their equipment and roadbeds will continue to deteriorate and their service to decline unless they receive higher subsidies from the government; hospital administrators have said the cost of care will continue to rise unless the government builds new facilities for outpatient care; and, now and then, a general or admiral tries to make his voice heard over the clamor of competing domestic claims to say that we are skimping dangerously on the national defense.

What few men in public life and few citizens want to acknowledge is that the fiscal crunch is not just the problem of a single city or of the cities as a group, not just the problem of the education system, the transportation system, the health system, the law enforcement system or the national defense system.

The dirty little secret of American politics in the 1970s is that every single essential service we depend on some public agency to provide is seriously underfinanced. In an era of general affluence, we are simply not paying enough in taxes to maintain the necessary basic community services.

PROMISES WE HAVE YET TO KEEP

Most people feel they are too highly taxed already. A Gallup Poll in October, 1969, found almost 78 percent of the people saying Federal taxes are too high and 59.3 percent declaring local levies exorbitant.

Obviously, taxes have increased. Between fiscal 1955, the year the narrative of this book begins, and fiscal 1971, total national, state and local tax collections rose from $87.9 billion to $273.9 billion. And yet, in those years, Federal spending has exceeded revenues by $96.5 billion and the debt of state and local government has increased by $101.9 billion. In that whole span of years, during two-thirds of which we have been at peace and during virtually all of which we have been prosperous, we have fallen $198.4 billion short of paying our governmental bills.

We have fallen ever farther short of meeting our promises to ourselves and to our country—a fact which may not be unrelated to the disillusionment discussed in the last chapter. Joseph A. Califano, Jr., who succeeded Bill Moyers as President Johnson's assistant for domestic affairs, noted in a 1970 speech how consistently we have failed to achieve the specific goals written into law by Congress and approved by our Presidents:

"The Housing Act of 1949 declared that the 'general welfare and security of the nation require the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization . . . of a decent home and suitable living environment for every American family. . . .' In the 1968 Housing and Urban Development Act, Congress recognized that for 20 years the promise had not been kept, noted the failure as 'a matter of grave national concern,' and rededicated itself to 'the elimination of all substandard housing in a decade.' Yet what has been done to fulfill that commitment to the 26 million Americans who still live in housing unfit for human habitation?

"The 1966 Model Cities legislation affirmed that 'improving the quality of urban life is the most critical domestic problem facing the United States. . . .' Its stated purpose was to provide 'financial and technical assistance to enable cities of all sizes . . . to plan, develop and carry out locally-prepared . . . programs . . . to rebuild and revitalize large slums and blighted areas.' Nevertheless, we continue to stand by while the physical plant of most of our cities further decays or moves toward obsolescence and the postwar suburbs of the '40s enter the first stages of severe deterioration.

"The Economic Opportunity Act of 1964 declared it 'the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this nation by opening to everyone the opportunity for education and training, the opportunity to work and the opportunity to live in decency and dignity.' Six years later, some 25 million Americans are still locked in poverty.

"The Omnibus Crime Control and Safe Streets Act of 1968 recognized the urgency of the nation's crime problem, calling it a matter that threatens 'the peace, security and general welfare of its citizens.' The Act made it 'the declared policy of the Congress to assist state and local governments in strengthening and improving law enforcement at every level by national assistance.' But year after year, the crime rate continues its persistent rise, while the Safe Streets Act is funded at 50 percent of its programmed level."

Time and again, presidential commissions, made up of distinguished leaders of American life, have pointed out the same set of unfulfilled obligations.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice, headed by Attorney General Nicholas deB. Katzenbach, called for "a greatly increased effort" on the part of Federal, state and local governments against the rising tide of crime. "The most urgent need of the agencies of criminal justice in the states and cities is money with which to finance the multitude of improvements they must make," the report said, and added: "If this report has not conveyed the message that sweeping and costly changes in criminal administration must be made throughout the country in order to effect a significant reduction in crime, then it has not expressed what the commission strongly believes."

A year later came the report of the National Advisory Commission on Civil Disorders, headed by Illinois Governor Otto Kerner. Starting from the stark assertion that "our nation is moving toward two societies, one black, one white—separate and unequal," it argued that this fateful division "can be reversed" only by "a commitment to national action on an unprecedented scale." The commission's comprehensive plan for improving education, employment, welfare, housing and law enforcement in the riot areas was set forth in several stages, but the additional costs of the first stage alone were estimated by the Johnson Administration to be at least $30 billion a year.

Late in 1968, the National Commission on Urban Problems, headed by former Senator Paul H. Douglas of Illinois, concluded its two-year study of the cities with these words: "If there is a sense of urgency and even alarm in our report and recommendations, it is because the commission saw the cities of our country first-hand and listened to the voices of the people. The commission members were certainly not less concerned or knowledgeable than the average citizen, but after our inspections, hearings and research studies, we found problems much worse, more widespread, and more explosive than any of us had thought." The commission gave no overall cost estimate for its recommendations; however, it said one of them alone, for revenue sharing with the states and cities, would add about $6 billion a year to the Federal budget.

Finally, in late 1969, the National Commission on the Causes and Prevention of Violence, headed by Dr. Milton S. Eisenhower, president emeritus of Johns Hopkins University, "solemnly declare[d] our conviction that this nation is entering a period in which our people need to be as concerned by the internal dangers to our free society as by any probable combination of external threats" and called for doubling the spending on law enforcement and criminal justice and a $20 billion increases in Federal financing of "general welfare" programs aimed at the social needs of the metropolitan areas.

Whatever their special focus, these four high-level commissions came to essentially the same conclusion: To save the nation from the scourge of crime and violence, of riot, disorder, of social decay, racial antagonism and human waste spreading from its great cities, a vast increase in public spending for essential services—law enforcement, housing, education, income maintenance and job training—will be needed. Otherwise, the outlook, they all said, will be grim. The alternative picture was presented most starkly in the Eisenhower Commission report, in this description of the "way these cities will likely look" if, instead of effective public action, individuals try to obtain a modicum of security by their own individual efforts:

"Central business districts in the heart of the city . . . will be largely deserted except for police patrols during night-time hours. High-rise apartment buildings and residential compounds protected by private guards and security devices will be fortified cells for upper-middle and high-income populations living at prime locations in the city. Suburban neighborhoods, geographically far removed from the central city, will be protected mainly by economic homogenity and by distance from population groups with the highest propensities to commit crimes.

"Lacking a sharp change in federal and state policies, ownership of guns will be almost universal in the suburbs, homes will be fortified by an array of devices from window grills to electronic surveillance equipment, armed citizen volunteers in cars will supplement inadequate police patrols in neighborhoods closer to the central city, and extreme left-wing and right-wing groups will have tremendous armories of weapons which could be brought into play with or without any provocation.

"High-speed, patrolled expressways will be sanitized corridors connecting safe areas, and private automobiles, taxicabs and commercial vehicles will be routinely equipped with unbreakable glass, light armor, and other security features. Inside garages or valet parking will be available at safe buildings in or near the central city. Armed guards will "ride shotgun" on all forms of public transportation.

"Streets and residential neighborhoods in the central city will be unsafe in differing degrees, and the ghetto slum neighborhoods will be places of terror with widespread crime, perhaps completely out of police control during the night-time hours. Armed guards will protect all public facilities such as schools, libraries and playgrounds in these areas.

Between the unsafe, deteriorating central city on the one hand and the network of safe, prosperous areas and sanitized corridors on the other, there will be, not unnaturally, intensifying hatred and deepening division. Violence will increase further, and the defensive response of the affluent will become still more elaborate."

That is the nightmare future that awaits us if we continue to starve our public services.

PRIVATE AFFLUENCE, PUBLIC PENURY

Despite the multitude of warnings we have been given, the necessary commitment of public funds has not been forthcoming. Over a year after his commission's report was issued, Dr. Eisenhower noted that of the estimated 10 million serious crimes that had occurred in the previous year, only 12 percent resulted in the arrest of anyone; only 6 percent led to a conviction, and only 1½ percent resulted in anyone going to jail. "And of those who were incarcerated," he added, "most will return to prison another time for additional offenses."

And yet, he said, "our entire criminal justice system in this country—federal, state and local—receives less than 2 percent of all government revenues and less than three-quarters of one percent of our national income."

The truth, said Lloyd Cutler, the lawyer who served as the commission's executive director, is that "our criminal justice system as presently operated does not deter, does not detect, does not convict and does not correct." By way of illustration of his generalization, *Life* magazine reported in 1970 that for a person committing a felony in New York City, the odds of being arrested, indicted, found guilty on the original charge and then going to prison are considerably less than one in two hundred.

Inadequate police forces, jammed court dockets, overworked prosecutors are all part of the problem, but the clearest example of the costliness of our starvation of the criminal justice system lies in the area of corrections. The annual cost of crime in America has been estimated to be somewhere between $50 billion and $100 billion. Almost 80 percent of the felonies are committed by repeaters—persons who have been through the corrections system at least once. But our prisons are so inadequate for the task of rehabilitation that Norman Carlson, director of the Federal Bureau of Prisons, has said, "Anyone not a criminal will be one when he gets out of jail."

Senator Edward J. Gurney of Florida, in pleading for greater Federal help, said four jails still in use in 1971 had been built before George Washington's inaugural and 25 percent of all the local jails around the country are more than fifty years old.

A survey by the Census Bureau of city and county jails in 1970 found over half—52 percent—of their inmates had not been convicted of any crime, but were simply awaiting trial. Not surprisingly considering the conditions of the jails and the grievances many of these men feel, riots and violence are commonplace. In September, 1971, the nation was shocked when thirty-seven men—twenty-eight prisoners and nine guards—were killed at Attica state prison in New York by state policemen ordered in to quell a demonstration against the jail conditions. But there had been ample warning. More than a year earlier, Chief Justice Warren Burger had said, "The American people would not tolerate the conditions that exist in most prisons if they could see them and see the frustration, the waste and the absence of facilities and programs to change men who are there."

But they were tolerated, even though many of those in jail had not even been convicted of crimes. In March, 1971, the *New York Times* reported that about 80 percent of the inmates in Philadelphia's four jails, where rioting had occurred the previous year, were awaiting trial. The average wait was four months, during which time, prison superintendent Edward J. Hendrick noted, the inmates could not be forced to work or take vocational training. "I'm candid to admit," he said, "we're running a human warehouse."

Reporter Walter Rugaber then described the routine:

"Each day about 150 people are awakened at 6 a.m. to get ready for the one-hour bus ride to City Hall. There they are packed into four extremely small cages on the seventh floor to await a summons to court.

"The largest of these cells was estimated by a guard to measure 6 feet by 14 feet. Inside there are hard narrow benches and balky toilets. There is no drinking water. Roaches scurry over the debris.

"The ventilation is so limited that on a single hot day late last summer seven men, including two of the guards, fainted. After a day of this, defendants often return to jail without even glimpsing a courtroom.

"Mr. Hendrick's records show that Ophus Lampkin has been hauled to court 24 times since March, 1970. John L. Sanders has made the trip 19 times since August, 1970. Robert Briscoe has gone to City Hall 44 times since August, 1969."

If the immediate needs of the criminal justice system are not being met, neither are the underlying problems of the cities where most of the criminals are bred. The U.S. Conference of Mayors said in March of 1971 that, even if Nixon's revenue-sharing plan was passed, the states and cities would be at least $5.7 billion short of their basic needs. Later, of course, the promised $6 billion of revenue sharing was scuttled in favor of the economic stimulus of tax cuts.

Meantime, the cities were making desperate economies. The lead stories in the *New York Times* of April 20, 1971, were headlined: "Mayor Threatens to Cut 90,000 Jobs Unless State Aids," and "State Is Dismissing 8,250 with Wide Cuts in Services. 4,000 Vacant Jobs Also Abolished—Psychiatric, Narcotics, College and Conservation Programs Curbed."

Cities large and small felt the same squeeze. Atlanta rejected a gift of $27,000 worth of trees to beautify its central shopping area, because it could not afford the men to water them. Little Portland, Maine, cut off its $3,000 annual contribution to the city symphony and a $2,000 grant for a children's theater.

Claremont, California, eliminated its street maintenance program. Los Angeles canceled plans for a new central library. Philadelphia shuttered nine more recreational facilities, bringing the total to such centers closed for lack of staff to thirty-two. It cut the food and clothing allowance for dependent children and reduced the daily food budget for city prisoners to eighty-nine cents. Cleveland shut its police academy and eliminated its police cadet program. Detroit eliminated its weight-and-measures-inspection force and all its industrial and social hygiene programs.

What was true of the cities was also true of the major institutions and services within them. In May, 1971, the President's Commission on School Finance applied the all-too-familiar word "crisis" to the condition of the public and parochial schools.

Rising teacher salaries and the same general inflation that played havoc with municipal budgets also plagued school boards. At the same time, voter resistance to higher property taxes rose significantly. The Investment Bankers Association reported that in 1970 only 48 percent of the school bond issues were approved by voters, compared to a 77 percent approval rate in 1965 and an 89 percent rate in 1960. Los Angeles, forced to cut its school spending $20 million at the start of 1971, reduced the high school day from six to five periods and laid off about fifteen hundred employees. Detroit cut its teaching staff by two hundred and stopped painting school buildings, and there were similar stories in dozens of other cities. Even Montgomery County, Maryland, one of the wealthiest suburbs in the country, was forced to adopt a policy of hiring only inexperienced teachers in order to stay within its budget. The *New York Times* quoted Dr. Orlando Furno, a Baltimore school official who makes an annual survey on school expenditures in the major cities, as saying it is inevitable that "Americans are simply going to have to accept lower quality education."

The college picture is no brighter. The Carnegie Commission on Higher Education reported in 1971 that after a decade "characterized by the most rapid growth and development in . . . American history," a "depression [is] now settling on American colleges and universities." A sample survey indicated that 61 percent of the institutions, accounting for 76 percent of the total enrollment, were either in financial difficulty or clearly headed for financial trouble. A quarter of the nation's private colleges were dipping into endowment principal to meet their current expenses. In 1971, Harvard, Yale, Princeton and the University of Chicago, among others, were operating at a deficit. Cutbacks in curriculum, delays in building plans, and salary freezes are the order of the day. Clark Kerr, chairman of the Carnegie Commission, calls it—yes, that's right—"the greatest financial crisis colleges have ever faced."

There is a similar crisis, so everyone from President Nixon on down has agreed, in the health field, stemming from a shortage of personnel, skyrocketing costs and a "delivery system" that denies all but the most affluent the kind of early, comprehensive, preventive care that represents the best investment in the future health of the individual and the nation.

Nationwide, the supply of doctors is estimated to be at least 50,000 short of needs, with comparable scarcities in other health professions. But the overall shortage is compounded by the tendency of medical personnel to concentrate in the suburbs and the affluent big-city neighborhoods, leaving both small towns and lower-income city populations in dire straits. In 1970, there were 132 counties in the United States, ranging up to 18,000 population, with no resident doctors. New York had almost three times as many doctors per 1,000 residents as did Mississippi. Jack Star reported in *Look* magazine that in the Chicago area the doctor-patient ratio was four times as high in the upper-income suburbs as in the central city. He also reported that the Sears Roebuck Foundation had given up trying to lure doctors to small towns after 52 of the 162 clinics it helped build for them were left vacant or were converted to other uses. Conditions of patient care in Chicago's Cook County Hospital, once regarded as one of the great training grounds of American medicine, have deteriorated to the point where its residents and interns have threatened several times in recent years to resign and force its closing. Star described it as a place where emergency-room patients wait two hours for a preliminary examination, another two or three for an x-ray; where patients stumble to the nurses' station to seek help, because emergency call buttons have been removed from their beds, there being far too few nurses to answer them; where fly swatters are part of the equipment in un-airconditioned operating rooms, because windows must be kept open to keep the temperature even midly tolerable for the sweating surgeons and patients, but the screens have gaping holes.

The American transportation is in no better condition. As John Burby described it in his 1971 book *The Great American Motion Sickness*, it is an "indifferent, inefficient, dirty, smelly, noisy and often destructive and deadly beast of national burden that goes where the spirit of speculation moves it or where it is driven by vested interest." Traffic in downtown New York, he noted, "which in 1906 crept along behind horses at an average speed of 11.5 miles an hour, was by 1966 creeping along at 8.5 miles an hour behind the most powerful engines Detroit could mass produce." Public transportation systems in many of the large cities are in a state of disrepair and decline, and in some they are virtually nonexistent. In the Watts section of Los Angeles, site of one of the major riots of the 1960s, Burby said "public transportation was so thin that the only way to reach the County Hospital was by taxi. The round-trip fare by cab was $10. And when a man in Watts complained that he didn't feel well, the bitter question was whether he felt 'ten-dollars bad.'"

He quotes former Secretary of Transportation Alan Boyd's observation: "It's a sad commentary that if you say you have seen a city where the skies were black with smoke, with ambulances rushing to help the wounded and planes circling overhead, where men in helmets were digging trenches in the streets, and where people were pushing and shoving in a desperate attempt to escape, I'd have to ask whether it was a city at war or at evening rush hour."

FACING UP TO THE COSTS

In recent years America has not met the costs even of those services which anyone would regard as the basic necessities of community life: police and fire protection, a system of courts and law enforcement; schools; doctors and hospitals; a transportation system.

Gaps exist in many other areas, which can hardly be thought less consequential for a stable, civilized society: decent housing; an adequate income for families in poverty; clean air to breathe; clean water to drink; proper care for the aged and indigent; at least a modicum of support for the artists and intellectuals, the scientists and scholars.

What would it cost? No one really knows. In 1967, after months of hearings, Senator Abraham A. Ribicoff of Connecticut appalled people by suggesting that a trillion dollars of public and private investment would be needed over a decade to make the American city habitable again. The National Urban Coalition, in its 1971 "Counterbudget," a detailed five-year plan designed to meet the needs of which we have been speaking, projected total Federal outlays rising to $353 billion by 1976—a 66 percent increase in constant dollar terms in five years.

Realization of the magnitudes involved has made almost all serious political leaders in both parties talk of the necessity for a "reordering of priorities." Most often, this has come to mean a shift away from defense and overseas spending and an increase in domestic welfare categories. The Counterbudget, for example, spelled out plans for a $20 billion reduction in the defense budget over the next five years.

The practicality and the risk of such a strategy is hotly debated. There is little agreement on what a frugal but prudent defense budget would be. One should observe, however, that the "reordering of priorities" has begun; the defense share of the fiscal 1972 budget, 32.1 percent, is the lowest in twenty-two years, and the Nixon Administration projects it to decline further in years to come.

Meantime, our development assistance to the nations of the Southern Hemisphere, which has been allowed to dwindle in the last decade, almost certainly will need to increase. The economic stability of those lands is probably as important to future world peace as the quality of our national defense; and America, like most of the other developed nations, has not been meeting its obligations to assist them.

It was popular a few years ago to suggest that these accumulated needs could be met from the "peace dividend" that would follow the Vietnam war or from the "fiscal dividend" resulting from the automatic increases in government revenues generated by a growing economy. Neither of these hopes seems likely to materialize. The "peace dividend" has been lost in higher military salaries and the rising cost of weapons and matériel. The "fiscal dividend" has also vanished like a mirage, at least for the near future. Inflation, unexpectedly high welfare and medicaid costs and the built-in increases in existing programs have pushed its arrival off to some time in the hazy beyond. The President's 1971 Economic Report, the independent budgetary analysis of the Brookings Institution and other studies see no unallocated funds available between now and 1974; even in 1975 or 1976, they are problematical.

So the choice we face is not simply one of how we divide up the government budget, but how much more we are willing to take from our private consumption, by way of taxes, to meet these national and community needs. And this is an issue few national political leaders are willing to raise, knowing the climate of public opinion to be what it is.

Instead, the leaders of the two parties have been vying in their race to cut Federal taxes. In 1969, President Nixon called for the phase-out of the 10 percent surtax President Johnson had belatedly asked Congress to impose in 1967. The Democratic Congress immediately went Nixon several billion dollars better in misguided generosity, voting an $8 billion tax cut at a time of roaring inflation. That action was taken in the same month that the Eisenhower Commission drew its stark portrait of what America faces if it seeks private solutions to the community problem of crime and violence. It represented an abdication of political responsibility. Charles L. Schultze, the tough-minded scholar and former budget director, was right in upbraiding his fellow Democrats, who, he said, "talked about priorities for pollution control and education and an end to hunger but voted for beer and cosmetics and whitewall tires."

As a result of that tax cut, personal income increased $52 billion in 1970 but Federal government receipts went up only $400 million. The 1969 tax cut was as clear a case of a deliberate decision to subsidize individual spending (and to feed inflation) at the cost of public services as our history affords.

Unfortunately, that has been the pattern. Walter Heller has calculated that the cumulative effect of the Federal income tax cuts of the 1960s was to reduce Federal revenues by $23 billion in 1970. And in 1971 Nixon's solution to the strains on the American economy was to cut corporate and individual taxes again by $8 or $9 billion a year, while deferring such important public spending as revenue sharing with the states and cities and overhaul of the welfare system. And, once again, Congress outdid the President in misguided "generosity" to the taxpayers.

Somehow this trend must be reversed, unless, as Andrew Brimmer, a member of the board of governors of the Federal Reserve System, has said, we are willing to accept a further "serious deterioration in the scope and quality of our public services." One of the crucial tasks of leadership in the 1970s, I believe, is to secure public agreement to finance those public services at an adequate level. This almost certainly means raising Federal taxes. It also means increasing use of state income taxes; as Walter Heller has noted, if all fifty states used the income tax as effectively as the ten largest do, revenues from that source alone would double.

To make increases in these taxes palatable, indeed, to make them politically possible, the political parties would have to link them to a program of tax reform that convinced the average voter that those who have been avoiding taxes would now be made to pay their proper share. Tax resistance is high today, because people know the tax system is inequitable, and has been growing more so, as the burden of financing government has shifted increasingly from the progressive Federal income tax to regressive payroll, sales and property taxes.

A variety of methods are available to make the tax system both more productive and more equitable. But, before the tactical question can be reached, political leaders and the political parties must first decide if they have the courage to put the basic question—the question of values—to the people. Taxes are, as Justice Holmes first said and as Walter Heller has kept reminding us, "the price of civilization." The question that needs to be put to the American voter is, How high a price are you willing to pay to make neighborhoods safe and livable, to end poverty, to meet our medical and educational needs, to halt the deterioration of our environment, to meet our world responsibilities? These are not goals we can obtain for ourselves, by individual effort, earnings or savings. If we are to meet these needs, we will have to do so as a nation, as a community. And it will cost us money.

IMPLEMENTATION OF THE PERCY PRODUCTIVITY AMENDMENT TO THE ECONOMIC STABILIZATION ACT

Mr. PERCY. Mr. President, when the Senate considered the Economic Stabilization Act Amendments of 1971, it adopted unanimously an amendment that I along with Senator JAVITS, Senator PROXMIRE, Senator RIBICOFF, and Senator ROTH offered in order to provide an incentive to increased productivity. The amendment provided that any pay increases given to workers as a direct reflection of increases in their productivity would be exempt from Pay Board controls. I intended the amendment to allow greater take-home pay for workers who deserve increases because they have increased their output. The amendment was not intended to be an incentive to so-called speedups or an encouragement to establish piecework operations. The pay increases covered by the amendment reflect any productivity increase that results from use of new machinery, new processes, or management-labor innovations.

This exception has been fully implemented by the Pay Board in formal regulations published in the Federal Register in final form on April 19. The Pay Board made the decision that it would use what it has labeled the "Percy plan" as a spur to productivity.

In this connection, an article written by Mr. Robert C. Scott, and published in the June issue of Woodworking & Furniture Digest, is instructive. Mr. Scott, a consultant in incentive pay plans, explains how companies can design productivity pay plans that are eligible for exemption from Pay Board controls under the Percy plan. Mr. Scott also cites examples of three small companies that have installed such plans to the advantage of their employees and their stockholders.

The theory behind such "Percy plans" is that employees should share fully in a plant's or department's productivity gains by sharing in the increased profits that such productivity increases generate. This kind of pay incentive plan can ideally be linked with job enrichment programs which enlist employees and their supervisors in an effort to make jobs more satisfying and meaningful by redesigning them, by making the workplace more attractive, and by giving employees a role in deciding the pace and organization of their work.

I ask unanimous consent that Mr. Scott's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPROVED PROFITS AND WAGE INCREASES NOW POSSIBLE UNDER PHASE II AMENDMENT

(By Robert C. Scott)

A short passage, buried in the fine print of the December 1971 legislation extending the President's right to impose wage and price controls on our economy, may be the solution for company managers who are fighting the dual problem of profit improvement and higher pay to workers striving to keep up with the cost-of-living spiral. This simple modification in the law also may be the only means by which an employer can protect himself from competitors with higher wage rates and people-pirating practices.

It all began on November 30, in the Senate, when Senator Charles Percy was joined by Javits, Proxmire, Ribicoff and Roth to introduce a short amendment, approved in advance by the Pay Board and Treasury officials, to exempt from Pay Board controls increases tied directly to productivity increases. To define his purpose, Senator Percy had inserted into the Congressional Record a description of what the amendment would allow:

"The types of employee incentive plans covered are mainly what is known as 'productivity-sharing' plans. Companies can, for example, institute a program of 'productivity bonuses' on a plant-wide basis. These bonuses do not become a fixed part of the compensation of workers and are not paid out when productivity falls. They will also reflect gains from the introduction of new systems and machines."

The measure passed the Senate by a vote of 82 to 0!

On February 23, the full 18-member Pay Board, by a unanimous vote, issued a ruling to implement this passage. On April 19, The Federal Register printed proposed regulations to carry out that ruling. Final regulations were to follow a 10-day period allowed for public comment. Here are the regulations:

"1. A new incentive plan covering substantially all of the employees in a plant and based on the measured productivity of that plant as a whole does not require prior approval. A full description of the program, proof that any added payments are directly related to productivity improvements and certification that such payments will not of themselves increase unit labor costs must be filed with the Pay Board within 30 days after installation." (Note: your legal counsel will want to study paragraphs 201.59(b) and (d) of Title 6, Chapter II in the Federal Code.)

"2. a new incentive plan on less than a plant-wide basis and directly reflecting measurable productivity improvements of that smaller group (or individual) may also be installed but it will require advance notification to the Pay Board and must meet certain criteria outlined in these same regulations. Thus new standard hour or piece rate type incentives will be permitted, but each instance will require advance notification." (Note: again, study paragraphs 201.59(c) 1–5 of the same Title 6, Chapter II.)

The Price Commission is requiring some rollbacks of price increases previously allowed as offsets to wage and material cost increases. But those rollbacks will apply only to increases which were allowed since the imposition of wage and price controls. There are no current regulations which require cutting prices to levels below last August 15. Thus, a profit margin improvement brought about through operation of a plant-wide productivity sharing program will not have to be passed along to customers beyond the point which restores pre-controls price levels.

Now, let's look at several ways you can establish a plant-wide productivity sharing plan which will meet the Pay Board requirements, and let's enumerate some factors you should consider for assuring your stockholders that their interests also are protected.

One route would be a program tied to gains in overall units of output per hour of applied time. This might be board feet of lumber, or number of finished chairs per man-hour, for example. Such an example represents productivity in a simplified measurement and it can be used only when the product has little or no variety in style, quality or unit price; and when you can be sure that materials will not be chewed up unnecessarily in the interest of output improvements.

Another route would be a program tied to sales value per man-hour or per dollar of direct labor cost. The classic analogy here is a brickyard where the main raw material is a wasting asset with little value in raw form at the site. This offers little possibility for woodworkers who wish to control material and supply costs, and savings in those costs should be included in a productivity sharing program.

The secret lies in your own existing accounting records of sales, purchases and payrolls which may contain the means for taking advantage of the profit improvement potential in the Percy amendment. It can come through broad motivation of your employees and a built-in protection for your stockholder interests. This is not simply an academic theory. It has many years of practical demonstration in manufacturing plants with several examples in the woodworking industry.

Here is how to test the feasibility in a cursory examination of your own records . . . but remember that this is only a testing method, not a ready-made do-it-yourself program which can be legitimately applied without professional assistance. Help is needed for analysis of historical facts, development to fit your particular situation (each different plant may have variations), and proper presentation to your employees to avoid threatening pitfalls. Yet, the preliminary look won't cost you anything and is not a burdensome task for the accounting department:

1. Set up a worksheet for recording data from your past 5 to 10 years of operations. Simply use the final (after audit) figures from your accountant.

2. Start with net shipments, then add or subtract a fair market value for the change in both finished goods and work-in-process inventories. Your objective is to estimate sales values for those years on an "as produced" output basis.

3. Deduct delivered costs incurred for all of the various plant purchases (materials, supplies, utilities, components and parts, contract work, shipping costs, etc.) which were direct costs in producing the same output values. The year-by-year remainder is what you would report to the U.S. Census at least every five years as your "value added by manufacture." Let's simply call it your Production Value.

4. Now extract payroll costs, including all fringe benefits and existing incentives which have been established for all of your direct or indirect labor within the plant up through the level of working foreman, but no higher. Again, this is a figure you would have reported periodically to the Census, except that they do not ask for costs of some benefits you should include here, such as pensions, medical insurance and payroll taxes. Call this your Total Plant Compensation Costs . . . or simply Plant Payrolls. Now use a sheet of square grid cross section paper and mark off vertical coordinates to represent Payroll Costs against the horizontal coordinates for Production Values. Work outwardly from the bottom left-hand corner which represents zero-zero. Plot your annual points. Then eyeball a curve which smooths out the apparent average.

This is sufficient to have a cursory look and determine the feasibility of a program. Do you then have a straight line, or do you see pronounced uphill or downhill trends?

If your points average along a single straight line, you have an initial indication that your own operations fit a pattern which characterizes about 95 percent of all competitive manufacturing plants. Your Production Value per dollar of Plant Payroll is holding in balance by virtue of mechanical improvements, methods changes and price adjustments sufficiently well to offset rising employment costs. Your Economic Productivity is remaining sufficiently constant to establish a base for a plant-wide productivity sharing incentive plan.

Perhaps a simplified analysis and a direct statement of possibilities in your case is tantalizing. Can it really be true? Maybe so, but where can you see proof in action?

Here are some examples:

Kemp Furniture Co. of Goldsboro, N.C., is one living proof. They adopted such a program in April 1967 after finding that their Economic Productivity factor (production value per dollar of plant payroll) was $2.04. Since then, they have paid monthly flexible bonuses when actual performance exceeded this standard. All subsequent wage and benefit increases have been direct results from the program, and right now, their people are earning about 9 percent in bonus payments . . . with comparable gains to the company.

Okay, you say, this may work for production of low end and medium bedroom furniture, but what about high end merchandise, or completely different kinds of woodworking, especially those with high labor content?

C. F. Martin Co. is a good example to answer that one. They are world renowned manufacturers of hand-crafted, high-quality acoustic guitars in Nazareth, Pennsylvania. Some of their instruments might range in price above that of a whole room setting with full decorator treatment . . . and a musical instrument of that quality contains craftsmanship which goes back for hundreds of years.

Martin adopted a productivity sharing program in September, 1966 after finding that their product mix would require a blend of results from several standards. For example, while repair work yielded an Economic Productivity factor of $1.29, guitar production had a factor of $1.94.

The company has a past six-year history of being able to raise base wages and employee benefits by as much as 63 percent while also paying extra productivity bonuses of zero to 30 percent on a monthly basis. The six-year average has been about 12 percent.

While considering such case histories, keep in mind that both company and employees benefit alike from improved income, and it is all based upon past history of that company, not rates or standards set by someone else.

Still another program of more recent origin comes from Stowell Silk Spool, a New England manufacturer of job order wood turnings. They began their program in June, 1970, after finding that their Economic Productivity factor ran $1.82. They were able to increase their productivity for the entire year of 1971 fully enough to offset a 12 percent increase in wage and benefit costs . . . and then pay another 9 percent in flexible productivity bonuses! Profit increases were commensurate with both the productivity gain and the volume improvement they enjoyed.

A simple and fair method for offering your people a "piece of the action" seems to be the logical route and certainly the "spirit of the law" left open for profit improvement under the Percy Amendments to the Economic Stabilization Act and the expediency offered by the Pay Board and Price Commission. Whatever your feelings about other aspects of the present economy or politics, productivity sharing is a great idea to check out.

Moreover, since the concept has proved beneficial to both large and small companies long before recent price controls were conceived, it is worth investigation even by those who are now exempt under the 60-or-less employees ruling which was issued in early May to streamline the Price Commission's jurisdiction and permit a heavier concentration of Pay Board action against the larger companies.

If your company employs less than 60 people, there are several further considerations of special interest to you in the May rulings. Final interpretations have not been clarified on a situation in which you may be judged an integral part of the construction industry. That one is a newly reinforced major target for additional and more refined control on the premise that construction has been a major contributor toward inflation, the other being health-care firms. A large segment of the woodworking industry is involved both directly and indirectly with construction, or construction materials and components, therefore it may be found a party to the inflated cost of housing. Hundreds of sawmills, manufacturers of plywood, particleboard and hardboard, plus the various distributor organizations may be included. Besides the primary channels, there also could be included the many manufactured homes, prefabricated building components, structural beam laminators and other such secondary or remanufacturing firms involved whether they employ 60 or 600 people.

But the 60-employee exemption is not an open door for uncontrolled moves by smaller companies outside construction-related operations. Several stipulations bring some of these under tighter control and more alert policing of activities than have been exercised since last November. Controls remain if a business scores an annual sales volume of $50 million or more . . . if as many of your employees as 50 percent are covered by industry wage contracts which do cover more than 60 workers . . . if 50 percent of your employees are covered by a master or jointly-negotiated contract covering more than 60 workers, although the company, itself, and the other employees may be exempted . . . if the sum total of all employees you use, including part time added to full time, amount to more than 60 people.

But, suppose that none of the fine type or intricate legal ramifications apply to your case and you think you are home free. There was a strong hint about your particular situation given when the crack-down on "the bigs" was announced. Streamlining of the total program, a greatly beefed-up staff in the Price Commission office and on the Pay Board, plus redeployment of IRS bird dogs to concentrate on larger companies with greater efficiency in detection and prosecution . . . all of this was done on the premise that the small companies will be checked more effectively by competition from the better-controlled large ones.

Need we say more to prove why you now need to be more concerned about your own efficiency, employee motivation and improved profit potential?

FIFTIETH ANNIVERSARY OF AHEPA

Mr. TALMADGE. Mr. President, 50 years ago this July 26, a group of men came together in Atlanta, Ga., to form the American Hellenic Educational Progressive Association, the AHEPA.

AHEPA's goal then, as now, was the promotion of good and responsible American citizenship through education.

Since that time, the organization has grown, becoming international in scope. AHEPA provides invaluable civic services to communities both here and abroad.

Its 430 local chapters are scattered throughout 49 of our 50 States, Canada, and Australia. This extensive network of altruistic men has for 50 years now channeled money into such worthy causes as relief funds and educational programs.

In addition, the AHEPA's are active on the local level in the fields of education, charity, and civic improvements.

I ask the Senate and the entire Nation to join me in congratulating this selfless body upon their completion of 50 years of service to the world community.

PRESIDENT NIXON'S RECORD ON VIETNAM

Mr. BROCK. Mr. President, of late, new surges of optimism have been spreading in both the domestic and international press regarding an impending solution of the Vietnam conflict. These reports had a number of salutory effects ranging from an upward trend in the stock exchanges last week to a marked improvement of temperament of the pandas in the Washington Zoological Park.

Whatever changes we may attribute to reports that American involvement in Vietnam is being brought to conclusion, I believe that the prescience of certain members of the Washington press corps lends credibility to those who have supported the President in his efforts to bring the conflict to an acceptable conclusion.

Regarding reports that the Communists will wait to deal with a possible new President, I would say that if I were a North Vietnamese leader, I would want to deal with a man of President Nixon's consistency and reliability. President Nixon's record on Vietnam, and more generally in the entire field of foreign policy, has been unimpeachable. This is a dramatic change from the records established by either of the previous administrations. Throughout the world, foreign leaders can now depend on agreements and accords made with the United States. No longer is the word of the United States suspect in foreign circles.

World powers have urged Hanoi to meet the United States in compromise. Hanoi would do well to accept their sagacious advice.

Mr. President, I ask unanimous consent that a column by Mr. Charles Bartlett entitled "Shrinking Leverage for Hanoi" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHRINKING LEVERAGE FOR HANOI

It is hard after years of disappointments to feel optimism regarding Vietnam, but it is also hard to see how the North Vietnamese can ignore much longer the logic of a settlement.

The Soviets have let it be known that K. F. Katushev, a party aide to Chairman Brezhnev, made two points when he flew to Hanoi on April 26, the day after Henry Kissinger wound up his first visit to Moscow. Katushev praised the Hanoi leaders for their brilliant success on the battlefield, but warned they should give sober thought to a settlement because they must expect a bitter rain of American bombs in reprisal.

Katushev is presumably now back in Hanoi with Soviet President Nikolai Podgorny and no one can say that his warning was exaggerated. The North Vietnamese have lost an estimated 45,000 men on the battlefield and much of their infrastructure at home. The offensive which they billed as "the final glorious battle" of the revolution is badly bogged down, crucial supplies are being effectively interdicted, and demoralization on which they counted in South Vietnam has not developed.

The Russians promise they will keep the supplies coming and hold out hope for a resumption of petroleum deliveries after a new plastic pipeline is laid between Hanoi and the Chinese border. Because the pumps for this pipeline are buried and because its plastic sections can be quickly replaced, the North Vietnamese have grounds to believe they may shortly be able to pipe a reasonable supply of oil from China to the DMZ.

But this will be Chinese oil if Peking does not soften its remarkable refusal to transship Soviet supplies through its ports. The Chinese can be stiff and they are not in particular sympathy with Hanoi's plight because the invasion violated a cardinal Maoist tenet that revolution cannot be accomplished by armies unless the guerillas have won the support of the people.

The supply prospects are bleak while the two big allies squabble and the military prospects are bleak as long as they tolerate the American interdiction. But the Soviets are blunt in saying they do not intend, at a moment when they want to draw closer to American capitalism, to allow the opportunity to be lost in the tensions over Vietnam.

So Hanoi's real holdout hope is that the American people will grow impatient with their President's policy of heavy bombing and force Congress to tie his hands. But sentiment against the punishment of North Vietnam has not crystallized to a point at which Congress is apt to act decisively. In fact, the American public has displayed until now a rather pleased reaction to the President's stern measures.

But having erred in gauging the sentiment of their South Vietnamese cousins, the North Vietnamese strategists can easily err now on the outlook of the American public. The rise of George McGovern can be interpreted after all as a strong manifestation of distaste for the Nixon policy.

And this is how the political developments here are being read in Hanoi. Nothing that McGovern's prestige and influence are growing "like a snowball in wintertime," Nhan Dan said June 10 that the McGovern phenomenon is linked to the Nixon administration's "cruel, stubborn, and perfidious policy" in Vietnam. The votes for McGovern are, the paper said, expressions of indignation.

So it will be tempting for Hanoi to wait and see if the McGovern phenomenon develops further. But it will be an awkward wait, poised between an uncertain military venture and a humiliating return to guerrilla warfare. And all the while those new bombs, rarely more then 5 feet off their targets, will be coming down.

The wait moreover may not be worth its sacrifices because Nixon, anxious to keep his pledge to end the war, may offer better terms now than any President, including what McGovern would be apt to produce after the election. The circumstances point to a prospect that Hanoi's negotiating leverage will shrink from this point.

NUCLEAR CAPABILITY SPREADS

Mr. SYMINGTON. Mr. President, I for one believe the proposed SALT ABM treaty is a step forward, but do not believe it should be a cause for euphoria, in this or any other country.

Much remains to be done, and many other nations must also agree to some form of meaningful arms control. If that goal is not achieved, it is only a question of time before the world will blow itself up.

I ask unanimous consent that a recent article entitled "Nuclear Capability Spreads," written by Andrew Wilson of the London Observer and published in the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR CAPABILITY SPREADS

(By Andrew Wilson)

LONDON.—By the end of the 1970s, about one-third of the countries in the world will have significant programs for the production of nuclear energy, and hence the potential for making nuclear weapons.

This warning note, sounded by the Stockholm International Peace Research Institute in its 1972 year book on World Armaments and Disarmament, is likely to temper the euphoria created by the recent U.S.-Soviet agreement on strategic arms limitations.

The institute—an independent international research body set up in 1966 by Sweden—says that the possibility of the proliferation of nuclear weapons would lead to a totally new situation in military and strategic affairs.

The 1968 non-proliferation treaty currently creates a barrier against the spread of nuclear weapons, but the strength of this barrier will depend on how many states subscribe to the treaty.

At present, only about half the countries of the world have ratified or acceded to the treaty, and there is currently a hold-up of new ratifications and accessions while a number of states wait for the completion of negotiations on military safeguards between the International Atomic Energy Authority and Euratom, the European Community atomic energy authority.

Among the countries that have not signed the treaty are India, Pakistan, Israel, South Africa, Argentina and Brazil. Egypt has signed, but has not yet ratified; the same is true of Japan, Australia, Italy, Belgium, the Netherlands, Switzerland and West Germany.

The year book points out that the main factor behind the spread of nuclear technology is that, for most environments, nuclear power reactors provide the cheapest means of producing electricity.

Last year, 16 countries had 128 nuclear power reactors in operation with a total capacity of 35,000 megawatts of electricity. In 1977, 32 countries will have 325 nuclear reactors with a total capacity of 174,000 megawatts, the institute estimated. By 1980, the world's nuclear capacity will probably exceed 350,000 megawatts.

As a byproduct, nuclear power reactors produce considerable quantities of plutonium each year; about 13 tons will be produced this year; 65 tons annually in 1977 and 130 tons in 1960.

By 1980, about one-third of this plutonium will be owned by countries which do not now possess nuclear weapons—an amount of plutonium that would, in theory, make possible the production of 100 nuclear weapons of Hiroshima size per week.

FEDERAL SUPPORT OF LAW ENFORCEMENT WORKS

Mr. PEARSON. Mr. President, on July 6, I had the opportunity to inspect the newly installed automatic information retrieval systems which the Kansas City Police Department purchased with a grant from LEAA. I am delighted to report to the Senate that our Federal funds have been well spent.

This equipment enables the KCPD to utilize the computerized information storage system of larger departments. Mayor Walsh and the police officers with whom I spoke indicated that this new equipment enables them to coordinate the operation of neighboring police departments. No longer can criminals hide behind city and State lines.

With the installation of this automated system, the officer in a patrol car or a patrolman on the beat can ask for a rundown on, for example, a suspicious automobile or a suspect's name, and receive a complete report in a matter of seconds. These rapid reports can make the difference between the apprehension of a criminal and his escape.

We have spent a great deal of time speaking about the problem of rising crime rates. With programs like LEAA, we have begun to combat crime in the streets of Kansas City and other metropolitan areas with the most modern technology available to us. By utilizing computers, we have increased the effectiveness of the cop on the beat, and at a reasonable cost.

The value of these and other programs is beginning to tell as crime rates are leveling off or dropping in major metropolitan areas across the country. After seeing this equipment and talking with the men who use it, I am convinced that our support of the LEAA programs is justified.

THE 50TH ANNIVERSARY OF THE ORDER OF AHEPA—AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

Mr. NELSON. Mr. President, on July 26, the Order of Ahepa—the American Hellenic Educational Progressive Association—will celebrate its 50th anniversary. The order is presently active in 49 States, Canada and Australia, with a total of 430 local chapters. The State of Wisconsin is proud to have three local chapters, one each in Racine, Milwaukee, and Fond du Lac.

The "AHEPA family" composed of four separate organizations, the Order of Ahepa, the Daughters of Penelope—senior women's auxiliary—the Sons of Pericles—junior young men's auxiliary—and the Maids of Athena—junior young women's auxiliary—all work together on a local, district and national level.

The value of this organization can be illustrated by the goals which it pledges to pursue:

One. To promote and encourage loyalty to the United States of America.

Two. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

Three. To instill in its membership a due appreciation of the privileges of citizenship.

Fourth. To encouraged its members to always be profoundly interested and actively participating in the political civic, social and commercial fields of human endeavor.

Fifth. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, prosperity, honor, and integrity of every nation.

Sixth. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Helenic culture.

Seventh. To promote good fellowship, and endow its members with the perfection of the moral sense.

Eighth. To endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness.

Ninth. To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

The Order of Ahepa has contributed financially to many worthy causes during its 50 years of existence, on a national and international level. Local AHEPA chapters have always given generously and actively supported local community undertakings in the fields of education, charity and civic improvement. AHEPA has awarded scholarships to worthy students for the past 41 years on the local, district, and national levels. In addition, courses in modern and ancient Greek and the classics have been promoted.

Mr. President, the Order of Ahepa is entitled to recognition and congratulations for its half century of good works and contributions to the general welfare.

LACK OF CONCERN OVER LOCAL JAILS

Mr. BROCK. Mr. President, with sordid conditions still prevalent in many of our crowded Federal prisons, concern over our county jails usually amounts to little more than an afterthought.

Surprisingly enough, 45 percent of all prisoners in this country are locked up in local jails.

I am currently supporting S. 3185, the Federal Corrections Reorganization Act which would set up an advisory council to deal with specific problems in State and local institutions.

This council would conduct seminars on penal reform, serve as a clearinghouse for information, and submit annual reports to Congress, the executive, and the courts, advising appropriate action each could take to improve our current "corrections debacle."

In an article published recently in the Wall Street Journal, Mr. Jack Kramer paints a vivid picture of the blatant lack of concern over our local jails.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, July 11, 1972]

CRITICS, INMATES ASSERT THAT THE NATION IS IGNORING OVERCROWDING AND POOR FACILITIES OF SMALL JAILS

(By Jack Kramer)

LAS VEGAS, N. MEX.—Eulogio Duran has one ambition: He wants to go to prison.

"Prison is a plenty bad place," he recently explained to a visitor, "but it's better than this."

"This" is the San Miguel County Jail. And even the local sheriff agrees that a term in a federal or state prison is better than a stay in the San Miguel jail—with good reason. Food dangles from the jail's ceiling to keep it from the rats that, prisoners say, scamper through huge cracks in the crumbling walls. In winter, icy winds sweeping down off the Sangre de Cristo mountains rush in through broken windows, rustling ripped-open mattresses into which prisoners burrow to keep from freezing. In the summer, everything reeks of urine.

Unfortunately, San Miguel's jail is far from unique. In fact, as its condition suggests, while national attention is concentrated on state and federal prisons, the country's 4,037 local jails—which hold 45% of all prisoners—constitutes one of the gloomiest aspects of the penal picture.

"Jails are the weakest, most neglected link in our criminal justice system," says Richard W. Velde, assistant administrator of the Justice Department's Law Enforcement Assistance Administration. "On the whole, jails are brutal, filthy cesspools of crime."

VIOLENCE, RAPE AND DRUGS

Problems common to all penal institutions—violence, homosexual rape, drugs, too little money and too many inmates—are often at their worst in municipal or county jails, which are least able to combat them. On the average, for example, jails are able to spend only about $1,046 annually on each prisoner, or about 55% of the $1,922 spent by state and federal penitentiaries. According to the nation's first jail census, completed last year, half of the jails have no medical facilities, 47 lack even an operating flush toilet and one in five is overcrowded—some of them seriously so.

Moreover, while state and federal prisons at least make an effort to keep inmates busy with such activities as making license plates or learning to cook, most jail inmates while away the days in complete idleness, lacking not only educational but even exercise facilities. And most jails, another survey showed, don't even have such basic operating necessities as plans for handling fires, riots or contagious disease.

Topping it off, says Mr. Velde of the Justice Department unit, jail personnel are "the most uneducated, untrained and poorly paid of all personnel in the criminal justice system—and furthermore, there aren't enough of them."

True, most jail inmates don't have to put up with their privations all that long: The average jail term is slightly less than two months, while the average prison stay is about 20 months. But penal experts say that plus for jails is offset by many factors.

One jail minus is the fact that while everyone in prison is a convicted criminal, more than half of those in jail are untried defendants—legally presumed to be innocent. They may be detained for months or longer simply because they cannot afford to post even a nominal bail. Moreover, 5% of the inmates are juveniles, two-thirds of whom are unconvicted and some of whom are under arrest for offenses that aren't adult crimes, such as possession of alcohol or running away. (In Conroe, Tex., last year, a 14-year-old boy in jail for truancy from school hanged himself.)

"It's not simply the injustice of throwing them in jail for such 'crimes,' it's the contamination that's bound to happen when you throw them in with hardened criminals," asserts Robert Weddle, a professional jail consultant. According to the national jail census, 70% of all jails accept juveniles.

As a legal matter, the convicted criminals in jails are both misdemeanants—those guilty of lesser crimes—and felons awaiting transfer to the penitentiary or whose cases are on appeal. However, only about 7% of the estimated three million persons who pass through the nation's jails every year are charged with or convicted of felonies. For the most part, jails are catch-alls, playing social roles for which, critics say, they are ill-suited.

In many cities, the jail is primarily used to rid the streets of homeless drunks, to check prostitutes for venereal disease, and to punish gamblers, thieves and other petty offenders for which one brief jail term after another is a way of life.

(A Supreme Court decision handed down last month may change this situation, however. The decision gives the right of free counsel to any defendant who faces jail and who wants a lawyer but is too poor to afford one. Previously, misdemeanants weren't eligible for such counsel. In order to avoid the added costs of providing free lawyers in misdemeanor cases, some states have begun to rewrite misdemeanor statutes to eliminate the threat of imprisonment.)

However, despite rising concern, even outrage, by lawmen and penologists about the sad state of local jails and the damage they do, other attempts at reform thus far have a dismal record. "We are doing little more than fighting a holding action," says Michael N. Canliss, former president of the National Sheriffs' Association.

The traditional remedy is to replace crowded, dilapidated jails with new ones. But many authorities, such has Hans W. Mattick, co-director of the Center for Studies in Criminal Justice at the University of Chicago Law School and former assistant warden at Illinois' Cook County jail, contend this is a serious mistake. Too often, the real motive behind this approach is "monument building, contract letting and patronage" on the part of the sheriff and other politicos, Mr. Mattick says, and it usually amounts to "pouring the same old milk into new bottles while the mold continues to flourish."

What's really needed, critics insist, isn't more and larger jails but fewer prisoners. Yet many experiments that show promise of reducing jail populations, such as those given national publicity five years ago by the President's Commission on Law Enforcement and the Administration of Justice, tend to stagnate rather than spread.

The presidential commission, for example, recommended "work-release" programs in which selected jail inmates would work in the community during the day, earning wages and paying for part of their keep, and then return to jail at night. Advocates say such programs have been highly successful since their introduction in Wisconsin nearly 60 years ago.

Yet a recent survey for the Justice Department discovered that work-release isn't widely used. Only 35 of the 50 states even have legislation authorizing it. In those states a total of merely 11% of the eligible jail inmates are participating, and most of the participants are located in five states.

The bail system in jails is also faulty, critics say. In the traditional bail system, they contend, the very defendants who are most likely to show up for trial are often held, not because they are guilty, but because they cannot buy their liberty. Yet the habitual criminal, who may be of more danger to the community, goes free merely because he has money.

To remedy this situation, the President's commission recommended that inmates who are good risks be released without money bail; and in the early 1960s, nearly a hundred bail-reform projects were established across the country to carry out this recommendation. But now the movement is "stagnating, even retrenching in some cities" according to Paul Wice, a political scientist at Washington and Jefferson College, Washington, Pa., who recently completed a nationwide survey of bail reform projects for the Justice Department.

NO PROGRESS

The presidential commission also concluded that by handling alcoholics in medical treatment centers, so-called detoxification centers, rather than in jails, their periods of sobriety would be lengthened, and the load on jails would consequently be reduced. Proponents cite Kings County in the state of Washington as one successful example. The detoxification center there costs about $9 daily for each patient, compared with a cost of only $6.50 a day in the county jail, according to center Director Ron Fagan. But the special center has cut the number of alcoholic repeaters by about 40%, resulting in a significant savings of tax dollars, Mr. Fagan says.

Nevertheless, according to researchers at the American Bar Foundation, which recently completed a study of detoxification centers and other reform proposals, there has been "no signficant progress since 1966." Ray Nimmer, a research attorney who worked on the study, says that in 1966 there were 246 detoxification centers. "Now, I'd be surprised if there are more than 250," he says.

But experts blame the dismal plight of local jails on a number of other factors as well—and some see little hope of improvement. Fragmented jurisdictions, for example, are a major source of trouble. Although there are only 250 state and federal prisons, there are more than 4,000 jails, each controlled and financed by separate, often overlapping governmental units. The result, according to a Justice Department survey, is "needless duplication of effort, inefficient use of funds, and rather substantial gaps and inequities in the administration of justice." One example of the difficulty is Waco, Tex., where the county houses the bulk of the area's prisoners in a cramped, rundown facility while the brand new city jail stands almost empty.

LACK OF EDUCATION

The rising crime rate also looms as a troublesome psychological factor. For instance, many bail reform projects "had their local funds cut off because people became convinced—wrongly, I believe—that suspects free on bail were playing a large role in the spiraling crime statistics," says Washington and Jefferson's Prof. Wice.

Lack of standards further compounds the sad state of jails. Although the Federal Bureau of Prisons publishes standards for state and federal penitentiaries, it publishes none for for handling prisoners, sheriffs and other jail administrators usually aren't required to have training in penology, or even the formality of a high school education.

"Not only are sheriffs uneducated in penology, they usually couldn't care less about it." says Chicago Law School's Mr. Mattick. "They're elected politicians, and political sex appeal is in enforcement and crack crime-fighting units, not in the jail."

But even if adequate standards were widespread, there's considerable doubt among experts that they would be enforced.

INITIATIVES TO PROMOTE ECONOMIC GROWTH IN SOUTHEAST ASIA

Mr. PERCY. Mr. President, Mr. A. W. Clausen, president of the Bank of America, recently made a most interesting speech on the need to plan ahead for postwar Southeast Asia. His specific concern is the need to build healthy economies in that region of the world and in developing areas generally in order to achieve a peaceful world.

Mr. Clausen describes Southeast Asia as a rich area in terms of natural resources and human labor, but lacking in capital and the institutional arrangements necessary to harness the entrepreneurial energies of the people.

To meet these deficiencies, Mr. Clausen proposes a development strategy with four main tenets:

First. A multinational effort.

Second. Greater involvement of the private sector.

Third. Greater participation by host countries.

Fourth. Recognition that differing ideologies and social systems need not be impediments to the establishment of peaceful and normal economic relations between countries.

The conclusion Mr. Clausen reaches is that prosperous nations cannot remain isolated and rich in a world of want and that to achieve lasting peace, we must have healthy economies in developing nations.

Mr. President, I commend this most thoughtful presentation to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

SOME THOUGHTS ON ECONOMIC INITIATIVES FOR LASTING PEACE

(By A. W. Clausen)

Last fall—you remember last fall—I was attending a conference of international bankers. Between sessions, a reporter buttonholed one of my companions and asked how he'd describe the monetary situation. My friend replied: "Poised."

I mention the incident because, somehow, that reply for all seasons characterizes the potential dynamics of our world today and the events we've been watching in recent months.

I suggest that we are not merely at one of those possible turning points in world affairs, but that we are actually in the midst of a genuine and major breakthrough in our relationships with one another.

If you sense a note of optimism, you are right. I am optimistic. I'm optimistic because many of the initiatives that have been needed so long are now being taken at last.

I have in mind, among other things, the United Kingdom's scheduled entry into the European Community, the renovation of international trade and monetary arrangements, the acceptance of the People's Republic of China into the community of nations, and what appears to be a meaningful start on strategic arms limitation. Many other issues that must be faced now *are* being studied systematically. (The Stockholm Conferences, for all its difficulties, is a case in point.)

Conscious that virtually no subject stands outside the legitimate concern of this great financial crossroads, I've faced something of a quandary choosing a single topic for today. But in the process of pondering the bounty of possible issues, I have concluded there is one major opportunity before us which—for lack of fresh perspective and sufficient discussion—has failed to get appropriate attention this side of the Atlantic. I refer to Southeast Asia. I hardly need to say that this is a subject of deep concern to my own country and countrymen.

The Pacific rim may strike some Europeans as remote. For many decades, of course, London has had windows on Asia: Hong Kong, Australia, Singapore. Even today, despite the United Kingdom's west-of-Suez policy, the currencies of Malaysia, Singapore, and Hong Kong are still associated with the sterling bloc. The City and Whitehall both have had extensive experience and preeminent expertise in dealing with and within the region. And parenthetically I wish to say this experience and this expertise are very much needed now—again.

Somehow, with the passing of colonialism, Southeast Asia has become, in effect, an economic "no man's land." Europe continues to offer a special patronage to Africa. America's initiatives toward developing countries have emphasized a special relationship with Latin America. Somehow, businessmen acquired an impression that foreign investment in Asia was, somehow, "more foreign" than investment in Africa or South America.

Meanwhile, investors' forebodings and uncertainties have been compounded by the intermittent warfare that has plagued the region historically—particularly in Indochina, but also in Indonesia and elsewhere. When Southeast Asia has come to our attention, it has been in the most negative light imaginable.

There are indications that things are changing. So much so that I submit it is timely and relevant for rational men to make rational plans for a postwar Southeast Asia. I submit that the future of Southeast Asia—and the problems, the opportunities, the obligations emerging there—must concern the entire community of developed nations.

If the industrial nations want a peaceful world—without the recurrent waste of resources required by attempts to police that peace—optimal strategy requires that we build self-reliant and healthy economies in developing areas. This holds true for Europe, for Britain, for the Soviet Union, and, of course, for the United States.

In this context, I attach particular significance to the Nixon-Brezhnev Declaration of Principles of May 29—notably that pivotal concept that differences in ideology and social systems need *not* be obstacles to the development of normal relations among peoples.

Southeast Asia becomes a crucial piece in the global mosaic. It is one of the major *underdeveloped* parts of the world. (Too often that description has been used as a euphemism for *poor* but in this case the sense of *unfulfilled potential* is the connotation I have in mind.)

What is this potential that has been underutilized? Although poverty may appear to be the common condition of Southeast Asia, the region is in fact abundant with wealth. Its natural resources include copper, the precious metals, tin, petroleum, hard woods, numerous botanicals, and, not least, rich soil and ample water for power and irrigation. Indonesia alone, for instance, has within its territory virtually every natural resource of any economic consequence.

More important still are the human resources. Labor, though often unskilled, is abundant and therefore competitive in cost with the work forces of developed countries. In a number of nations within the region—Singapore, Hong Kong and the Philippines come to mind—there's a substantial pool of educated labor, potential managers for tomorrow's business enterprises. There is also an uncommon cultural potential—in the sense that Southeast Asians have a widely shared and long ingrained enterpreneurial spirit. Two things, however, have been in relatively short supply: capital—and institutional arrangements to harness the latent entrepreneurial energies of the people.

Several elements will be essential for any reasonable long-term development strategy for this region. Four concepts in particular seem to me fundamental:

First, the effect must be multinational;

Second, it must encourage greater involvement by the private sector than any development program we have attempted in the past quarter century;

Third, it must insure greater participation—and, indeed, guidance—by most countries; and . . .

Fourth, it must take into account the principle of the Nixon-Brezhnev Declaration to which I have already alluded—namely that differing ideologies and social systems need not become impediments to the establishment of peaceful and normal economic relations.

For a number of reasons, I believe that the United States must be joined in economic assistance efforts by other nations of the developed world. We must multilateralize the source of regional assistance so as to remove any possible bias or stigma of unilateral politics.

It is not my purpose this afternoon to delve into the historical background of the region but I do believe it is helpful to recognize some aspects of the trends that have become visible since World War II. The policy of containment is clearly out of date. We have progressed to a phase of coexistence. But coexistence, almost by definition, is static. The time has come to progress further—to progress to what I shall call dynamic collaboration.

I believe development efforts should be approached cooperatively by a number of nations for these reasons:

Multinational cooperation avoids the prospect of outside assistance being influenced unduly by narrow national interests.

Multinational cooperation can avoid, or at least can minimize, the error of ignoring local views, local needs and local cultures. Such an approach, it seems to me, would force consideration of factors which too often have been ignored in past government assistance programs.

Speaking practically, a joint approach by a number of nations also spreads the financial burden. Not insignificantly, it would help developed countries to more readily balance their own international accounts.

I believe governments must participate but, beyond that, I am convinced that successful and efficient development in Southeast Asia ultimately will depend heavily on private initiatives and private investment.

A few years ago, Professor Charles Lindblom, a Yale economist, took note of what he called "a worldwide re-discovery of the market mechanism." He pointed out that capitalism and the market mechanism are not the same thing, although, understandably, they are often confused with each other. It was, after all, under capitalist auspices that the market mechanism first became, on a vast scale, the organizer of economic life.

But—in Professor Lindblom's words—"the market mechanism is a device that can be employed for planned as well as unplanned economies, and for socialism as well as capitalism." I would add that the market exchange mechanism also has the extraordinary advantage of neutrality. It operates without regard for ideology or social system.

There is a very practical consideration that prompts me to emphasize the advantages of increased private participation in the task of developing Southeast Asia.

Government money is tax money and I doubt that anyone here is unaware that taxpayers are increasingly disenchanted with the burden of supporting economic assistance and development programs for foreign countries. This is certainly true in the United States, as news reports from the U.S. Congress and our election hustings remind us daily. And I understand it is of some concern here and in some other European capitals.

Because of this growing citizen resistance, I think we must turn vigorously to the private sector to close the income gap between the developed and the less developed nations. Greater emphasis upon and reliance upon private finance are essential.

Beyond the fiscal constraints on governmental action, we know that private enterprise is highly efficient in allocating scarce resources, whereas government programs too often tend to breed a quasi-colonial relationship. Individual countries receiving government assistance are tempted to enter long-term contracts which tie up resources and thwart the most efficient distribution, which is through the market mechanism. For these reasons, although I do recognize that government has a role to play, I think we must look to the private sector to work out a preponderant share of the job. I would also recommend that, where you do acquiesce to government's assistance, you pay close heed to government's performance.

In concept, the underlying problem is relatively simple. We must transfer capital and technological skill into the less developed countries to establish both the setting and the machinery that will encourage additional private capital flows into those same areas.

Negotiations toward stepped-up development must resolve several problems.

For one thing, foreign investment is often inhibited by fear of unfair or capricious treatment by some host governments—governments which are unstable either in their power or in their policy.

For another thing, host governments must be persuaded to devote an appropriate portion of their own available resources to development programs. This is fundamental. Developing countries can hardly expect private support from abroad for projects toward which their own governments demonstrate no genuine enthusiasm. Conversely, experience has shown repeatedly that the most successful projects are those in which local interests have a direct financial stake. This too is fundamental.

An overall strategy must bear in mind three other considerations:

Consideration One: Virtually every country seeks and welcomes new industry. Yet the arrival of that industry creates a paradox. The influx of capital and know-how and the consequent rise in the employment of domestic labor are viewed as good. But—the outflow of irreplaceable natural resources and the repatriation of profits to foreign investors are looked upon as bad, or at least with misgiving and distrust.

A possible solution to this difficulty might be a system whereby the less developed nations—either through the private sector or through government-private collaboration—would be assured of maintaining majority ownership of resources. At the same time, outside entrepreneurs would receive payments for their services from the sale of the resources.

Consideration Two: The outside developer rightly believes he must be protected against expropriation or discrimination by the host government. The host country needs to be protected against unscrupulous and exploitive adventurers. But, conversely, the legitimate businessman needs to know under what circumstances he can safely commit his capital and technology to a project in a particular country.

The foreign entrepreneur must respect and justify the hospitality of the host country. Conversely, the host country must demonstrate moderation in the regulation of outside investment.

You can do many things with legal devices—restraints, restrictions and regulations—but you can't use them to raise capital. Direct investors, after all, are not philanthropists. They will invest because—and only because—a profit can be made with reasonable security of principal.

I think a promising long-range solution might be an international code regulating the relations between foreign investors and their host countries, a code fair to both parties—buttressed by a multinational agency to indemnify firms for losses due to violations of the code. At the same time, of course, the agency would be empowered to arbitrate disputes involving any corporate violations of the code and would provide impartial assistance in determining damages done or setting the fair value of facilities which the host country might seek to buy out.

Consideration Three: The need for infrastructure investment is very real. In Southeast Asia, or most of it, the public facilities—roads, harbors, telecommunications, power—are insufficient to permit the profitable development of economic potential. A virtuous cycle can be created when a portion of private revenues—in the form of taxes, fees and royalties—are assigned to public infrastructure investment which in turn enhances the profit opportunities of private enterprise.

These three points deal with mobilization of finance capital in Southeast Asia. While I can only sketch the ultimate form this mobilization might take, I surmise the funds would come in part from national governments, in part from private investors and in part from international institutions. I would expect the Asian Development Bank, for example, to play a role as will private international banks, including my own.

In all that I've been saying about Southeast Asia, there obviously has been one reality upon which I have not yet commented. I recognize it cannot have escaped your attention—and that is the tragedy of Indochina. Since 1949, Indochina has been an aberration which has had bitter repercussions both for its varied peoples and states—and for the metropolitan powers who have found themselves enmeshed there, acting out their own conflicts.

I must emphasize that I have no special or privileged information that is not available to any other interested onlooker, but it's my personal belief that the warfare involving metropolitan powers must end in a reasonably short time. Whether the time is weeks, months or longer, I cannot say. Any private citizen who speculates on this point obviously risks being proved a fool or worse by tomorrow's news dispatches.

Further, all of us in this room know there are several scenarios for the ultimate outcome of the warfare. These range from a status quo situation approximating the alignment of political groupings that existed in the 1950s to the possibility of a single Vietnam, or even a single Indochina, under the hegemony of Hanoi.

I will not venture to guess what the outcome may be. But I would suggest that all the scenarios I've heard or read about have a common flaw. Each sketches the eventual outcome a little too sharply, a little too much in stark contrasts with hard edges.

The eventual reality, in my opinion, is likely to be in more subtle shadings. If I were to choose some comparison from the political forms we can see elsewhere, I would be inclined to pick the example of Yugoslavia—although I must add quickly that a Yugoslav-type state in Southeast Asia is bound to be vastly different from such a polity in Balkan Europe.

Whatever the outcome, there is one part of the developed world's long-term economic response vital to the problems of the Southeast Asian region as a whole. This is the inevitable need to provide Indochina with the aid and assistance essential for its rehabilitation and development.

An informal proposal within the U.S. government, reported last January, would commit between $7 and $8 billion over a four-year period for reconstruction projects in Vietnam, Cambodia and Laos. I endorse this proposal. Moreover, I believe it is necessary to assign a fair portion of this total for the reconstruction and rehabilitation of facilities in North Vietnam.

Precise totals are very difficult to derive, but I think the overall numbers here are a plausible starting point. For comparison, the Marshall Plan, in its initial four-year period, involved about $17 billion for 17 countries. On the other hand, World War II lasted six years—all too long—but the fighting in Indochina has been going on more than a quarter century. Clearly, the task there will be of unusual dimensions.

I might note that the reconstruction of roads, railroads, harbors, airstrips and other so-called infrastructure facilities will have a byproduct benefit—a spillover effect—of considerable significance to overall economic development. This spillover benefit would extend beyond the Indochina peninsula to other areas of Southeast Asia.

I have been discussing a rather broad set of concepts in a necessarily short period of time. I shall try briefly to itemize the most important ideas I want to leave with you today.

It is unrealistic to think that the prosperous nations of the world can survive as walled and moated keeps in a wilderness of want.

If we are to have lasting world peace, we must take bold new initiatives to assure self-reliant and healthy economies in the developing nations.

One place to start is Southeast Asia. Parts of this richly endowed area—I would include Hong Kong, Indonesia, Malaysia, the Philippines, Singapore and Thailand—already display many of the dynamics requisite for a robust and mutually-beneficial commerce.

The private sector of our nations must move into the forefront of developmental programs. We must work out arrangements to stimulate orderly capital flows while protecting resources of the local areas involved.

Finally, our new efforts must be truly multinational—international economic initiatives through which the industrialized nations of the West can contribute peacefully.

In closing, I shall simply say that I am personally convinced that the optimistic view of our global relationships is both candid and intensely pragmatic. It is, after all, the ultimate pragmatism—the recognition of a small planet's need to survive.

THE GENOCIDE CONVENTION: UNDERSTANDING THE UNDERSTANDINGS

Mr. PROXMIRE. Mr. President, in favorably reporting the Genocide Convention to the Senate, the Foreign Relations Committee attached four understandings to the treaty. I believe that an awareness of these understandings and of their purpose is essential to a clear understanding of the treaty itself.

The first of these concerns the phrase "intent to destroy" in article II, stating that it be interpreted to mean "the intent to destroy a national, ethnical, racial, or cultural group in such a manner as to affect a substantial part of the group concerned." This statement refutes claims that the treaty would cover individual cases of racial or religious harassment or intolerance, or that it would confer jurisdiction over cases of homicide.

The second understanding concerns section A of article II, which states that acts of genocide include "causing serious bodily or mental harm to members of the group." It construes the vague term "mental harm" to mean the permanent impairment of mental faculties.

The third deals with article VI, which states that individuals charged with genocide will be tried either in the country in which the crime was committed, or in an appropriate international tribunal. The understanding underscores the right of any nation to try its own citizens in its own courts, and allays any fears that ratification of the convention would deprive U.S. citizens of their constitutional rights.

The final understanding declares that the United States will not deposit its instrument of ratification until after the implementing legislation has been passed. It emphasizes that ratification of the treaty is the first step of a two part procedure; I urge my colleagues to take that step without further delay.

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM—ILLINOIS

Mr. PERCY. Mr. President, the Agricultural Stabilization and Conservation Service—ASCS—administers several conservation and land use programs.

The best known and most widely used of these is the rural environmental assistance program—REAP—formerly agricultural conservation program—ACP—which shares costs with farmers and ranchers to assist them in carrying out authorized soil, water, woodland, and wildlife conservation practices and pollution abatement practices.

During the last 5 years, over 80,000 Illinois farmers have participated one or more times in this program which is designed to, first, minimize erosion caused by wind and water; second, conserve water; third, advance woodland and wildlife conservation; and fourth, abate agriculture-related pollution of water, air, and land—for the benefit of the participating farms, the community, and the general public.

In 1971 Illinois used about $5.4 million for cost-sharing. These funds are matched by farmers to pay the total cost of performing the conservation practices. The farmer also supplies the labor and management necessary to complete and maintain the practice.

Some of the major practices and the portion of the State cost-sharing funds used to carry them out in 1971 were:

Establishing permanent vegetative cover, 19 percent.

Water impoundment reservoirs, 8 percent.

Permanent sod waterways, 25 percent.

Under the redirection effort of the REAP, Illinois is concentrating on erosion control measures—those measures that serve the greatest public purpose of most need and which deserve public support. High priority will be given to conservation measures which benefit local communities and the general public as well as the participating farms.

REAP is giving special attention to meeting conservation needs in special conservation project areas organized by local people. In 1971, a half-million dollars of REAP funds—farmer and REAP investments of at least $1 million—were used in connection with 16 of these projects covering 660 participating farms. Seventeen new projects are expected to be approved in 1972.

Also, 1971 REAP cost-shares amounting to $494,982 were used in 1,328 farms in 31 Public Law 566 planning and operational small watersheds in Illinois. In the Shawnee and Two Rivers resource conservation and development projects applicable to 19 Illinois counties, the REAP cost-shares of $932,226 helped on 2,584 farms. The farmer and REAP investments of more than $500,000 in these project areas materially furthered the farm and project conservation plans in these watershed and R.C. & D. project areas.

An indication of the farmer interest in REAP is that in 1971 farmers filed written requests for $11.5 million of REAP cost-sharing assistance. This was 2¼ times the amount of allocation available in the State. By February 29, 1972—very early in the program year—requests for cost-sharing already exceeded the amount of 1972 funds available. The conservation needs as shown by conservation needs inventory are even greater than the requests indicate.

The State and county ASC committees and the interagency REAP development groups are constantly trying to develop programs to apply programs funds so as to produce maximum conservation for each dollar expended.

Mr. President, REAP is a most valuable program for Illinois farmers and I urge its continuation and expansion.

PROPOSED CHARTER REFORM FOR DEMOCRATIC PARTY

Mr. McGEE. Mr. President, serious reservations have been expressed by many Democrats over the proposed charter reform for our party. Fortunately, delegates to the Democratic National Convention in Miami Beach last week voted overwhelmingly to put off implementation of the charter for at least 9 more years to enable comprehensive study to continue on the issue.

This morning's Washington Post contains an analysis of the charter reform, written by Prof. Alexander M. Bickel for "The New Republic." Mr. Bickel offers some thought provoking comments concerning the potential hazards inherent in the adoption of the new charter for the Democratic Party as it now stands.

I ask unanimous consent that Mr. Bickel's comments be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IF DEMOCRATS' PROPOSED CHARTER IS ADOPTED—

[Under the proposed new charter for the Democratic Party] membership would be free and open, but only enrolled members could participate in party affairs, and movement in and out for one caucus or one primary would be difficult. Moreover, the party would have clear policies, continuously formed by standing bodies and by a biennial national policy conference. No one who did not accept those policies would feel very keen about joining. Minorities within the party would, no doubt, continuously splinter off, and once gone would stay away, while the party became continuously purer and smaller.

Unless the country went to a multi-party system—to facilitate which we would have to abolish the electoral college—the Democratic Party would go the way of the Whigs and be replaced by another major party. If we did go to a multi-party system, with everyone pure and tight within his own party, Presidents would be even less able to govern in accordance with a coherent program. Deadlocks between Presidents and Congresses would be even more deadlocked, compromises would be even messier, and frustration even greater, as we waited for one John Tyler after another to serve out his four years. The temptation would be to abolish the four-year term and make the President responsible to Congress. Then we would be like the third French Republic, or like Italy now. The milennium would have arrived.

None of these horrible things will happen if the proposed O'Hara-Fraser charter is adopted. Not a chance. Rather the Democratic Party will just vanish. It will go down in a glorious ideological sunset.

DEATH OF UNDER SECRETARY OF THE INTERIOR WILLIAM THOMAS PECORA

Mr. ALLOTT. Mr. President, it is with great sadness that I rise to pay tribute to a friend and distinguished public servant, Dr. William Thomas Pecora, who died yesterday.

As Under Secretary of the Interior Bill Pecora served with the energy, skill, and dedication that he brought to the many positions of responsibility he held in his professional career.

Bill Pecora was one of those rare men who combined a life of active public service with scholarly attainments of the highest order. After serving as an instructor in geology at Harvard, he joined the U.S. Geological Survey. He rose to the rank of chief of the branch of geochemistry and petrology, and then to research geologist and chief geologist. In September 1965, with the advice and consent of the Senate, he became Director of the Geological Survey. He was reappointed and reconfirmed in 1969. Last year he became Under Secretary.

A native of New Jersey, a Princetonian, the holder of a doctorate from Harvard and several honorary degrees, Bill Pecora devoted his life to bringing science to bear on public policy. The public has been well served by him. His life has ended too soon. Mrs. Allott and I extend our deepest sympathy to his wife, Ethelwyn Elizabeth Pecora.

ACCOMPLISHMENTS OF FORMER PRESIDENT LYNDON B. JOHNSON

Mr. McGEE. Mr. President, this morning's Washington Post contains a column by Jack Valenti, a White House special consultant in the Johnson administration.

Mr. Valenti was commenting on the treatment accorded former President Johnson at the Democratic National Convention last week in Miami Beach. I fully agree with Mr. Valenti's strong feelings over the decision to ignore the former President. I agree with Mr. Valenti's assessment, because it is not only those delegates to the Democratic National Convention who chose to be discourteous to a former President of our Nation, but also the many thousands of Americans who apparently have overlooked the long string of significant programs in the area of human rights, education, health care, aid to the poor, conservation, and others that were the result of President Johnson's vision and commitment to making the United States a better place to live for all its citizens.

As Mr. Valenti remarked concerning President Johnson's achievements in public life:

> The list of advances in human justice is endless, almost a hundred landmark pieces of legislation that aimed at caring about those who had many partisans and shouters but few achievers.

History may well record that Lyndon Baines Johnson accomplished more than any other President of the Nation in the area of domestic concerns. But today it is apparent that the memories of too many Americans—Democrats and Republicans alike from all walks of life—are all too short. History will be a more objective judge of the contributions that President Johnson made to this country.

I ask unanimous consent that Mr. Valenti's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUT "DEJOHNSONIZATION" MADE LBJ A NON-PERSON

(By Jack Valenti)

As I watched the Democratic telethon, and then the convention that followed I kept waiting for someone to acknowledge that Lyndon Johnson was a Democratic President. But as the week ended it became clear that as far as the telethon and the convention were concerned (except for a late Thursday night speech by Senator Kennedy) President Johnson was a non-person, expunged from the Democratic Party with the same kind of scouring effectiveness that Marxist revisionists use to rewrite Communist history. As a final petty insult, the managers of the convention made sure LBJ's picture was absent among the portraits of FDR, Truman, Stevenson and JFK.

It seemed odd that the party, so firmly fixed in its zeal to bring justice and hope to all Americans, turned its back on President Johnson, who more than any President in all U.S. history accomplished what had eluded all his predecessors in the area of human rights, education, health care, aid to the poor, conservation, and just plain caring about the powerless, the forgotten, and the uninvited.

It was an act of discourtesy, not to mention memory gone sour.

I cannot but believe that black people throughout this land understand with a fervor born of too much neglect that it was a President from the Southwest, of all places, who did more to lift the level of their living and to secure their pride than any other man. The first black on the Supreme Court, the first black in the Cabinet, the first black Assistant Attorney General. Have we forgotten? The Civil Rights Act of 1964, the Voting Rights Act of 1965, the Equal Housing Act of 1968 have fastened in conscience and legislation rights that belong to all U.S. citizens. But before Johnson these rights existed only in rhetoric. Lyndon Johnson gave human rights the covenant of national law.

Ever since Lincoln, Presidents have made the motions and gone through the ritual of putting human rights on the agenda. But not until Johnson came to command did aspirations transform into achievement. Charles Evers and every black elected official in the South know better than any of us that it was the Johnson human rights action that gave the vote to the black man, and with that vote he could now govern.

But in the convention no one wanted to remember, and no one seemed to care.

For years the Democratic Party talked and talked about bringing education to the masses, but federal aid to this educational advance always foundered and faltered and never happened. It was the Elementary and Secondary Education Act in the Johnson administration that burst the carapace of opposition and for the first time the poorest child in the bleakest ghetto or on the most remote rural farm now has a chance to get an adequate education. That Johnson legislative achievement was the beginning, the essential beginning, and all that now has taken place owes its life to that source-bed of educational aid. But in the convention, they all forgot.

To the aged and the sick, this blotting out of Johnson must have produced a peculiar torment. How long has the Democratic Party put Medicare in its platform? But that is where it always stayed, in the platform, words without substance, promises undelivered, pledges without redemption. Medicare and all that it has meant to those to whom lingering sickness was a family financial disaster didn't just happen. It was the result of the Johnson determination that help for the poor sick aged was a right that had to be fulfilled and it was. This was an achievement worthy of hall-bursting applause. But in the convention, there was only a shameless silence.

The list of advances in human justice is endless, almost a hundred landmark pieces of legislation that aimed at caring about those who had many partisans and shouters but few achievers.

It was all very strange, a dimly lit Orwellian adventure in which nonspeak and nonmemory paraded the telethon and the convention like some ravaged ghosts.

There is an old French maxim which declares that if we were without faults we would not take so much pleasure in finding them in others. Perhaps it is possible, for those who suddenly found hindsight a splendid luxury, to erase their Vietnam guilts by devouring their former leader. Perhaps.

It was written of Lord Burleigh, adviser to English monarchs, that "he never deserted his friends till it was very inconvenient to stand by them."

There was a lot of inconvenience on display over TV last week.

DISASTER RELIEF LEGISLATION, S. 3804 AND S. 3805

Mr. SCHWEIKER. Mr. President, I have introduced two bills related to disaster relief to provide additional assistance for victims of disasters, particularly those involved in Hurricane Agnes. These bills are S. 3804 and S. 3805.

Mr. President, I ask unanimous consent that an explanatory statement describing these bills be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF RICHARD S. SCHWEIKER

The Commonwealth of Pennsylvania, along with other states in the Middle-Atlantic and Northeastern region of the United States, was hard hit by devastating floods resulting from Hurricane and Tropical Storm Agnes. Regrettably, Pennsylvania suffered the most damage. This is the worst disaster in the history of the Commonwealth.

At least 50 people lost their lives. About 250,000 were made homeless. One hundred communities were without enough drinking water. Total damages will probably be well in excess of $1 billion.

The relief currently available under the Disaster Relief Act of 1970 is just not going to be sufficient to get Pennsylvania and the other affected states back on their feet again. We are going to need much more help than current law provides.

I am pleased to be a cosponsor of the President's new disaster relief proposals, S. 3795 and S. 3796. I strongly commend the President for these proposals, which would result in approximately $1.8 billion of relief for disaster victims. I am confident the Congress will act speedily on these important proposals.

The Disaster Relief Act of 1970 represents a significant improvement over previous law, and the President's proposals go even further in providing much-needed relief. I believe, however, that several major gaps still exist and I have introduced two new bills designed to fill those gaps.

S 3805 amends the Disaster Relief Act of 1970 as follows:

First, my legislation amended the "grant" amounts for Small Business Administration and Farmer's Home Administration loans. At the present time, the law permits cancellation or forgiveness of up to $2,500. That is, amounts loaned by the federal government under thsese programs between $500 and $3,000 may be cancelled. My amendment would increase the grant from $2,500 to $15,000 in the case of individuals, and $100,000 in the case of business concerns, including agricultural business concerns. However, the amount of the cancellation of any such loan to a business concern may not exceed 50 percent of the physical loss sustained.

Second, the bill provides that any loan made by SBA, Farmer's Home Administration or the Department of Housing and Urban Development under Section 236(d) of the Disaster Relief Act shall be made at an interest rate of 1 percent per year. This section makes it entirely clear that the 1 percent rate will apply to Section 237 loans for major business concerns, as well as to loans for smaller businesses and individuals made by SBA and the Farmer's Home Administration.

Third, my bill makes it entirely clear that loans may be made by the Small Business Administration and the Farmer's Home Administration to business concerns for working capital purposes. It appears under present law that these agencies now have authority to make loans for working capital purposes, but the Small Business Administration has advised me that as a practical matter they are not making such loans at present to disaster victims. I believe it is as important to give this kind of assistance to businesses as it is to permit them to reconstruct physical facilities. The purposes of the Disaster Relief Act is to permit disaster victims to get back on their feet again. This section would help business concerns to meet that goal.

Fourth, at present, in order for an area to be designated as a Federal Disaster Area, a state must provide the Office of Emergency Preparedness damage estimates on a county-by-county basis. It is extremely difficult to get this information while a major disaster is occurring.

We should not have to use trained people and much-needed equpiment for the purpose of getting damage estimates when it is obvious a major disaster is occurring and when we need those people for search and rescue operations. Therefore, I have included provisions to make it clear that the President is authorized to declare an area a major disaster area without the necessity of the state providing detailed damage estimates where it is obvious that a disaster of major proportions is occurring. This is critically important. Because until the designation as a major disaster area is formally made, the full range of federal relief is not available. In other words, the formal designation as a major disaster area triggers the availability of a broad variety of federal relief programs. It is vitally important that federal relief be available as soon as possible, particularly where a disaster of such major proportions as the recent flooding occurs.

Fifth, the bill permits applicants for relief to receive installment or progress payments from the government. The purpose of this provision is to make it entirely clear that local governmental bodies need not wait until all the work has been completed before they are reimbursed by the federal government. Having to wait until the work has been completed can be a major burden on the local government which has only limited funds available. In addition, many local governments will suffer a loss of tax revenues because of the flooding. Therefore, this provision makes it clear that advances or installment payments can be given to disaster relief applicants.

Sixth, Section 241 of the Disaster Relief Act authorizes grants to local governments compensating for loss of real and personal property tax revenue. This is certainly appropriate for local governments in most states, where virtually all local revenues come from property taxes. However, in some states, and the Commonwealth of Pennsylvania is one, there is a very heavy dependence on nonproperty taxes to finance local governments. In my state, almost half of all local taxes are from nonproperty sources. Therefore, my legislation includes an amendment to Section 241 to permit federal grants to local governments to compensate for the loss of all taxes due to a disaster, rather than property taxes alone.

The second bill, S. 3804, provides for disaster relief for private colleges and universities. Under the recently-enacted amendments to the Higher Education Act, a special disaster relief program is set up for public institutions of higher learning providing them with grants and loans to repair damages done by a disaster. Many private institutions of higher learning also suffered substantial damages, and my bill would extend this relief to them as well.

As a cosponsor of the President's legislation, and the author of these bills of my own, I respectfully urge the Senate to act quickly on this vitally-needed legislation. Many of the disaster victims are still out of their homes and are in desperate need of additional relief. They need, and deserve our help.

AWARD TO JAMES P. WESBERRY BY GOVERNMENT OF REPUBLIC OF PERU

Mr. TALMADGE. Mr. President, we all know there are many ways to serve one's country. A man can fight and die to protect his homeland. But he can also serve his country by contributing to the cause of good international relations.

To bear out this point, I invite the Senate's attention to a specific case. An outstanding citizen of Georgia and a former State Senator, Mr. James P. Wesberry, has been highly decorated by the Government of the Republic of Peru. Mr. Wesberry served as an advisor to that government's Office of the Comptroller General, aiding in a major reorganization. This reform has earned that office the reputation of "one of the most dynamic national audit agencies" in this hemisphere.

I personally congratulate Mr. Wesberry and call to the attention of the Senate a press release on the award, a speech of commendation given by his Peruvian counterpart, and Mr. Wesberry's acceptance remarks.

I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Wesberry Decorated by Peruvian Government

(Press release from: the Office of the Comptroller General of the Republic of Perú, June 23, 1972)

Former Georgia State Senator, James P. Wesberry, Jr., C.P.A. was decorated by the Revolutionary Government of the Republic of Peru in a special ceremony held in Lima on Friday, June 23.

Representing the Peruvian Government, the Comptroller General of the Republic Brigadier General of the Peruvian Army, Oscar Vargas presented the decoration of the "Order of Merit for Distinguished Service" with the grade of "Official" to Wesberry who is an advisor to the Office of the Comptroller General and member of the mission of the Institute of Public Administration of New York.

The ceremony was held in the auditorium of the Office of the Comptroller General and was attended by over 200 persons including the personnel of that Office and high officials of the United States Embassy in Peru, the Institute of Public Administration of New York, the United States Agency for International Development, the United Nations, the Peruvian National Planning Institute and the Superior School of Public Administration of Peru. It was followed by a champagne toast and a luncheon given in Wesberry's honor by the members of the Senior Staff of the Comptroller General's Office.

After awarding the decoration, General Vargas spoke of the extraordinary merit of Mr. Wesberry, his identification, loyalty and a profound knowledge of his professional specialty and of the Peruvian environment in which he has worked. He described Wesberry as an advisor of a new type, completely dedicated to the labor assigned him by his mission at the service of an agency of the significance of the Office of the Comptroller General during the current profound transformation being carried out by the Peruvian Revolutionary Government. He said that Wesberry's naming as advisor constitutes an investment of high productivity for a developing country.

Mr. Wesberry accepted the high honor conferred by the Supreme Government in his name and that of his country saying: "I have been honored and I am honored to work in the Office of the Comptroller General as a member of its team to elevate its level of efficiency".

Wesberry, a native Atlantan served in the Georgia State Senate from 1963 to 1967 when he resigned to accept the assignment as advisor of the Peruvian Government. He was Chairman of the Fulton County Senate Delegation and active in community and civic affairs. In Peru he has served as advisor to commissions which have drafted basic legislation and regulations for Peru's National Audit Agency and in its complete reorganization implemented by General Vargas. He was instrumental in the founding of the School of Governmental Auditing of the Office of the Comptroller General in which he serves as professor having taught seven training courses in governmental auditing to a total of 396 auditors.

As a result of the reorganization of the Office of the Comptroller General of Peru in which Mr. Wesberry has been actively involved, the United States Agency for International Development recently described that office as "one of the most dynamic national audit agencies in the third world."

Wesberry will be in Atlanta for a brief vacation after which he will accompany General Vargas and eight key officials of the Peruvian Comptroller General's Office in a visit to the United States General Accounting Office, the Office of Management and Budget, the Treasury Department and other Federal agencies in Washington before returning to Peru to continue his advisory services.

The complete text of the statements made by General Vargas and Mr. Wesberry at the decoration follows.

Remarks of Brig. Gen. Oscar Vargas Prieto

Mr. George Bennsky, First Secretary of the Embassy of the United States of America; Mr. Emerson Melaven, Acting Director of the Agency for International Development; Mr. Ramiro Cabezas, Chief of Mission of the Institute of Public Administration of New York; members of the IPA Mission and the Agency for International Development; ladies, gentlemen, Mr. Jim Wesberry.

When I was placed in charge of this organization in January of 1971, I had heard that there existed in it a foreign Advisor. This knowledge did not particularly bring to my mind the conviction that I was going to have a valuable element for the future and arduous problem which I had on my hands and which the Government had confided in me which was the reorganization of the Office of the Comptroller General of the Republic. The reason for this was that in prior years when I had worked with foreign Advisors, in some cases I received very little collaboration or very little advice—first because of their failure to identify themselves with the environment in which they were working and second, due to an absence of conviction and loyalty regarding the Institution which supported them and the Institution in which they should lend their services.

A short time after being placed in charge of the Office of the Comptroller General I was able to ascertain that my previous concept about Advisors was totally in error. It had been overcome and in the person of Mr. Jim Wesberry, I had the Advisor of a new type or in other words the Advisor with very superior qualities and which showed those which I had known. This led the Comptroller General of the Republic, in September of 1971 to issue, by means of Resolution of the Office of the Comptroller General, a commendation and official recognition of Mr. Wesberry for the efficient services he had lent the Institution during the period of its reorganization and bringing it to an initial process of progress and development as encountered today.

You, the members of the Office of the Comptroller General, are witnesses that in Mr. Jim Wesberry we have not had only an Advisor, we have not had a man who only complied with the task of imparting knowledge or lending advice, we have had a laborer who indefatigably, without limits of time, of effort nor of any other type was not prevented from showing in his efforts a mystic form of development and a mystic devotion to a foreign Institution, as is the Peruvian Comptroller General's Office for him, which indisputably has brought about the decoration given by the Supreme Government for distinguished and efficient services not only to the Office of the Comptroller General but also to the Nation through this Institution which safeguards the money and efficiency of the public administration.

For this I congratulate the Mission of the Institute of Public Administration for having had the idea of obtaining the services of an efficient Advisor such as Mr. Wesberry. I congratulate and thank the Agency for International Development .showing that what has been spent and what is spent on Advisors such as Mr. Wesberry is an investment of high productivity for those countries which need help and are in the process of accelerated development and desire to maintain it and continue forward.

I congratulate Mr. Jim Wesberry for the magnificent devotion which at this moment permits me the enormous satisfaction of being the carrier of the desire of the Government to award a decoration rarely given, I am sure, to Advisors in our country and to give to the two entities which I have mentioned and to Mr. Wesberry my recognition and my hopes that he will continue to be with us whether or not our process of reorganization as an Institution or that of the public administration has terminated. We need him in order to continue this dynamic process which permits not only giving his knowledge to the Institution but from here passing it on and the continued collaboration with the public administration until the productivity goals desired to be obtained by the Revolutionary Government are reached in the shortest possible time.

Response of James P. Wesberry, Jr.

General Oscar Vargas Prieto, Comptroller General of the Republic, distinguished public officials, General Daniel Vargas.

I accept this honor, this decoration, not only in my name and the name of my country but also in the name of you, my colleagues in the Office of the Comptroller General because as you know all that has been accomplished, which General Vargas has mentioned, has been done through teamwork in commissions, from the Organic Law to the Technical Standards of Control which were published yesterday in the official government newspaper. All these labors have not been mine, they have been the work of all of us.

The honor of this decoration is second only to the honor of having been able to work with each of you, of having been professor of some of you, of having been collaborator with you all. Many Thanks.

ADEQUATE HOUSING FOR THE ELDERLY

Mr. PEARSON. Mr. President, one of the most critical needs in our Nation is to provide adequate housing for our Nation's elderly at prices they can afford. The problem is especially acute in rural areas where two-thirds of our substandard housing is located, much of which is owned by older Americans.

Mr. President, during the recent recess, I had the opportunity to visit two federally financed projects which now provide 82 housing units for senior citizens in Phillipsburg and Beloit, Kans. The Federal Government spent $1.2 million on these new homes, and I want to report to the Senate that the people now living in the projects are satisfied with their new homes. I am convinced that our Federal funds were well spent.

But it is important to emphasize that we have only begun to meet the needs of tens of thousands of older Americans who must now spend their retirement years in substandard housing or pay a large proportion of their retirement incomes for decent homes. The situation in the Phillipsburg and Beloit area has been alleviated, but more help is needed in other parts of Kansas and across the Nation.

My visit to Beloit and Phillipsburg has given me a better "feel" for the problem we face and programs we propose than all the committee reports and debate we hear in Washington. I have returned to Washington with a renewed commitment to pursue legislation in the housing field which I have introduced and which has been offered by other Members of Congress. The programs we have now are not perfect—they are often cumbersome and full of redtape. But they seek to meet a clear and continuing need; the funds have been well spent and we must continue with these and other programs to provide adequate housing for our senior citizens.

THE SAD RECORD OF THE NIXON ADMINISTRATION IN THE FIELD OF AGING

Mr. CHURCH. Mr. President, recently I had the opportunity to address a large crowd of senior citizens in Miami Beach, Fla. The crowd was also addressed, I am proud to say, by Senator George McGovern, the Democratic Party's nominee for the Presidency of the United States. In my speech, I pointed out the inaction of the Nixon administration with regard to the elderly. The dismal record of the Nixon administration in this area clearly points to the need for a change, which only a new President and a new administration can give us. If George McGovern were President, I am confident that we would replace complacency with action when dealing with the vital needs of America's elderly citizens.

I ask unanimous consent that the text of my speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address of Senator Church

Two political parties are meeting here in Florida this summer to name their Presidential candidates.

The only similarity that these two parties have is that they happen to be meeting in Miami Beach.

Already the issues are sharply drawn on many fronts. Nowhere is this more clear-cut than for older Americans.

You who are here tonight can remember back thru the years. You are aware that Democratic leadership brought the elderly Social Security, Medicare, an Older Americans Act, and a national hot meals program—just to name a few.

You remember, also that, in practically every instance, these people-serving programs were not only resisted, but in many cases, strongly opposed by the Republican Party.

With this consistent, longstanding negative record in the field of aging, I find it just a bit ironic that the Republicans have selected Florida for a convention site—a State with the highest percentage of older Americans in our entire Nation.

But, on the other hand, maybe it's an appropriate choice. After all, Florida has Disneyworld. And the Republican's program has certainly been "Mickey Mouse" when it comes to the elderly.

To a multitude of impoverished older Americans, however, it is not a laughing matter;

Not when you have to subsist on a monthly Social Security check of $100; or less.

Not when you have to choose between food for the table or medicine to maintain your health;

Not when you have to live in forced isolation because adequate transportation is simply not available.

NIXON ADMINISTRATION FAILINGS

And what has been the response of the Nixon Administration to these critical problems?

To put it bluntly, we have a President who says "yes" to privilege and "no" to human needs. Because of his indifference, older Americans have been hard put just to keep from falling farther behind.

You now pay almost as much in out-of pocket costs for health care as the year before Medicare began.

And for the first time in our history,—during these Nixon years—poverty among the elderly of America has actually increased, instead of declined.

Of course, the need for changing Administrations exists, not only for the elderly, but for Americans of all ages.

Americans who want an end to this senseless futile war in Vietnam.

Americans who want an equitable tax system that does not penalize the poor and protect the rich;

Americans who want full value for their money; and

Americans who insist that their Nation not only be powerful, but also just and humane.

Instead, we live under an Administration which somehow can always justify billions of dollars for more bombs and missiles but becomes tongue-tied when the talk turns to human needs.

We live under an Administration which presents us with an arms control pact on one day, and then tells us on the next that the military budget must go up even higher than before.

Furthermore, during this Administration a curious infestation has set in. You just never know when a "bug" is going to show up—in your telephone or under your desk—especially if you happen to be a Democrat!

Well, we Democrats know what to do about this kind of "bug." We don't need an exterminator; we just need votes.

By election day we shall have the votes because we have a compelling story to tell. And no part of that story is more important than the chapter that relates to the "Forgotten American" of the Nixon years—twenty million of them—the elderly citizens of this country!

It is a chapter that should never have been written, for the President—when he first took office—could easily have built upon the solid achievements of earlier Democratic Administrations.

But, the Nixon Administration closed its eyes to the everyday problems confronting the elderly. It became a silent partner in banishing millions of older Americans from the mainstream of society—a society which they worked most of their lives to build and improve.

All the elderly want, all they ask, is a fair hearing of their case in the highest councils of the government.

Yet, this Administration chooses to hear only the voices of the rich and powerful.

When the faceless contributors to the Republican multi-million dollar campaign chest want to be heard, they simply call on high level Administration officials.

When I.T.T. or Lockheed wants an answer, they go directly to the White House and get action.

But if the elderly want to be heard, the record is all too clear; they must help install a Democratic Administration in Washington.

INCOME STRATEGY

For the Democrats were listening—and then acted—when the elderly needed a 15 percent increase in Social Security benefits in 1970. But not the Republicans, not President Nixon. Instead, the Republicans were originally willing to settle for a mere 7 percent raise—an increase already outstripped by inflation.

The Democrats were listening—and acted again—when older Americans pleaded for a 10 percent Social Security raise in 1971. But not the Republicans, not President Nixon. His belated request for a 5 percent increase came only after it was readily apparent that a more substantial raise was needed to offset the diminished purchasing power of the dollar.

The Democrats were also listening—and again acted—to provide the elderly with a 20 percent Social Security increase a few days ago, that it was my privilege to sponsor. But not the Republicans, not President Nixon. He was willing to settle for a puny 5 percent, which again would not even have kept pace with rising prices.

And yet, the President's own Press Secretary cynically called my proposed 20 percent increase a purely "political" maneuver.

Now I ask you, here and now, is a 20 percent raise playing politics when Social Security benefits for widows amounted to only about $114 a month?

Is it playing politics when Social Security payments for the typical retired worker averaged just under $1,600 a year, almost $400 below the Government's own poverty line?

Is it playing politics when nearly 5 million persons 65 and older—a fourth of all the elderly in America live in abject poverty, in this, the richest Nation in history?

If that's playing politics, I say to the Republicans: "make the most of it!" Take your case to the country. Remind the people that, because of Democratic leadership in Congress, older Americans will receive an additional $10 billion in Social Security benefits. But, if the Nixon Administration had prevailed, there would be nearly 1 million more persons 65 and older on the poverty rolls today.

REORDERING OF PRIORITIES

Still, a hopelessly insufficient income strategy is by no means the only failing of the Administration. The elderly have suffered in other ways—especially because of a distorted sense of spending priorities.

We could, for example, abolish poverty for all older Americans for what it costs to run the war in Southeast Asia for just three months.

We could broaden Medicare coverage to include out-of-hospital prescription drugs for what we now spend for a single aircraft carrier.

We could establish a comprehensive manpower retraining program for older workers for the cost of one submarine.

Yet, the elderly see a Nation which boasts a gross national product of more than $1 trillion, but in which millions of older persons are faced with conditions of stark privation and despair.

They see a Nation where the median family income is over $10,000, but in which nearly one-fourth of all aged couples have incomes below $3,000.

They also see an Administration which was willing to allocate the same amount of resources for the Older Americans Act as was assigned to the Pentagon solely to promote its own public-relations programs.

WHITE HOUSE CONFERENCE ON AGING

And I put this additional question to you: Why has this Administration ignored the major recommendations of the White House Conference on Aging which met late last year?

A major purpose of this Conference was to establish a clearcut challenge for action.

Ominous signs of the Administration's indifference were evident early during the year. The President and his Administration began, as you may remember, by slashing the meager budget of the agency charged with administering the Older Americans Act.

Later, in this White House Conference year, the President and his Administration also opposed:

Legislation to establish a national senior service corps;

A proposal to offer midcareer services for unemployed or underemployed persons 45 and older;

Continuation of a housing program for older Americans, even though it did not have a single failure during its entire existence;

Not one major initiative emerged from the President or his Executive Agencies. Instead, they were about to turn the White House Conference into a political circus.

Thanks to the concern expressed by Congress—and the outrage expressed by many in this audience and elsewhere—the Administration was prodded into action which helped to salvage the Conference.

But having been forced to hear from the delegates at the Conference, did the Administration then heed their unmistakable call for action?

No, I am afraid that the sorry record continues.

It has totally ignored the White House Conference recommendations for a reorganized and revitalized Federal agency on aging. Instead, it has proposed that the Administration on Aging should continue to be submerged in the vast bureaucracy within the Department of Health, Education, and Welfare.

The President and his Administration steadfastly opposed a meals for the elderly program—which was sponsored by Congressman Pepper—almost until the very moment that Congress passed it.

CONCLUSION

On aging, then, the President and his Administration have struck out.

Tonight we have begun to tell the story of their failure.

The candidates who follow me on this platform will give you their ideas for change.

One of them will be your nominee.

He will need your help and support to tell the story as it really is . . . the story of the Nixon Administration's consistent failure to attend to the urgent needs of the elderly of America.

That failure has been with us since January 1969, almost four long years. Believe me, it's time to elect a Democratic President this November!

EXCESS PROPERTY DISTRIBUTION PROGRAM OF OFFICE OF ECONOMIC OPPORTUNITY

Mr. MONDALE. Mr. President, tomorrow morning will be the first session of the conference committee on legislation renewing the authority of the Office of Economic Opportunity. I invite the attention of the conferees and my other colleagues to a provision of that legislation which I consider to be of crucial importance to vocational schools, colleges and universities, antipoverty agencies and many other public service programs throughout the Nation and to all taxpayers who believe in saving the Government money and staving off the need for tax increases.

I refer to the amendment I submitted and which the Senate adopted on June 29, authorizing the conduct of an excess property distribution program and of access to Federal supply sources, vehicles, and telecommunications for Federal grantees.

The purpose of that amendment was to stave off imminent action by the General Services Administration to kill the existing excess property and supply source privileges of grantees. I offered that amendment in response to GSA's announcement in the Federal Register that termination of the program was under consideration. At that time, the deadline for submission of comments to GSA on the proposed rule change was July 1. In the absence of a response from GSA to my inquiries about the potential impact of eliminating the program, I offered the amendment which was accepted by the Senate.

Since the amendment was adopted, GSA has agreed to extend the period for comments until July 31.

However, I am most unhappy to have to report, the Department of Health, Education, and Welfare has unilaterally gone ahead and terminated its own excess property program for grantees as of July 14. I ask unanimous consent to have printed in the RECORD the text of the circular sent by HEW announcing termination of the grantee program.

There being no objection, the circular was ordered to be printed in the RECORD, as follows:

MANUAL CIRCULAR—MATERIEL MANAGEMENT: USE OF EXCESS PROPERTY ON GRANTS

1. *Purpose.*—This circular provides Department policy regarding the use of excess personal property by grantees.

2. *Background.*—It has been determined that the use of excess personal property by grantees will be discontinued inasmuch as the majority of HEW grantees are eligible for donation of personal property under the Department's surplus property donation program.

3. *Policy.*—It is the policy of HEW that the use of excess personal property by grantees not be authorized. Section 103–43.320 of the HEW Materiel Management Manual is in the process of being revised to reflect this policy.

4. *Accountability.*—Federally-owned personal property presently in the possession of grantees will continue to be accounted for in accordance with current regulations.

5. *Effective Date.*—This circular is effective immediately.

Mr. MONDALE. Mr. President, this decision by Secretary Richardson to end the program completely violates the spirit of the GSA decision to extend its period for comments on the proposed change; and of the Senate's June 29 approval of my amendment. At the very time that GSA has admitted the subject deserves further consideration, and at the very time that the legislation is pending before the Congress, we find that HEW has already made up its mind.

In my own State of Minnesota, the vocational and technical schools alone have received nearly $8 million worth of valuable property since the excess property program starter. The machinery and equipment acquired under the program have helped to provide graduates of the programs with the most up-to-date, sophisticated and salable job skills. The University of Minnesota received more than $6 million worth of excess property in 1971, and President Malcolm Moos has written to me that loss of access to this property "Would have a major impact upon our program, and, accordingly, on the taxpayer."

Warren W. Heisler, director of the community action program in White Earth, Minn., has told the GSA that—

> The ability to purchase from GSA has saved the American taxpayer at least $38,917 from this one comparatively small agency, alone. . . . If we had been required to purchase (the goods) at retail they would have cost, at a very minimum, at least double that.

In an article in the edition of the Washington Sunday Star and News of July 16, Ralph Nader points out that—

> Items purchased by federal grantees from GSA surplus are not frivolous. They include office supplies, school laboratory items, cleaning materials and other essentials. From spark plugs to garbage cans, some purchase prices have been as much as 50 to 65 percent lower.

Nader also offers a revealing analysis and history of the move to terminate the excess property and supply programs for grantees. I ask unanimous consent that Mr. Nader's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GSA Grant Plan Threatened

Should schools, colleges, hospitals and other recipients of federal grants be allowed to purchase or use needed equipment from the federal government's property supplies, or should they be required to buy these items on the market at much higher prices?

This is the question that has pitted the Nixon administration and a power coalition of wholesalers and distributors, with annual sales of $300 billion, against an unorganized group of federal grant recipients in the educational, health, research and local governmental fields.

It all started in 1967 when the Johnson administration initiated a policy permitting the General Services Administration, the government's buying agent, to open its supply sources in fulfillment of grant programs. Also, GSA excess property could be borrowed by these recipients, under the 1967 regulation. The idea was to stretch the federal grant dollar. Professor Fairfax Leary claims it is saving the taxpayers about $400 million a year.

There are other advantages to the GSA policy, which the White House has now demanded be revoked. For example, a southern city's department of education says the policy saves on inventory tie-ups and paperwork and permits quicker purchases at about 25 percent savings. Another state department of education notes, not only savings of almost 44 percent, but more realistic, competitive bids from private suppliers.

Rigged bids, collusion, and outright monopolies have long been associated with state and local government procurement practices. Private hospitals and other research and educational institutions which have to purchase diagnostic, therapeutic and scientific instruments have had similar experiences. The comparatively tiny GSA regular and surplus supply outlet helps keep corporate price gougers less greedy and a little more competitve.

Items purchased by federal grantees from GSA surplus are not frivolous; they include office supplies, school laboratory items, cleaning materials and other essentials. From spark plugs to garbage cans some purchase prices have been as much as 50 to 65 percent lower.

The National Association of Wholesalers, and its allied trade groups, have been lobbying strenuously for the past five years to overturn government attempts to devise government procurement policies that save taxpayers' money. In 1969 they succeeded, also through the White House, in blocking GSA from coordinating purchases with state and local governments. GSA buys directly from the manufacturers. Most state and local governments buy from wholesalers, paying over $6 billion a year in markups and commissions. This inefficient procurement pattern often benefits campaign contributors and corrupts state and local politics.

So powerful was the lobbying effort of the NAW coalition on Congress and the White House that the GSA dropped its plan in 1969, just as it is now about to implement a White House directive to close its doors to federal grant recipients. In recent weeks, some of these recipients, such as junior colleges, are mounting a protest from all over the nation. They are demanding a public hearing so that all the facts can be considered openly and not in closed-door exchanges between budget director Caspar Weinberger and trade association representatives.

Financially hard-pressed local governments and vocational schools want to state their case and show how they have been able to purchase or use needed equipment that they otherwise could not have afforded. Their chief supporter in Congress has been Sen. Walter Mondale, D-Minn.

Weinberger likes to talk about economy in government, but he practices waste and distorts the GSA program with misleading alarums about minor abuses. Instead of seeing that abuses are stopped, he wants to throw out the entire program. In election year, a booming $300 billion wholesale and distribution lobby is obviously worth more to the White House than a paltry $400 million saving to the taxpayer and better equipped schools and hospitals.

Mr. MONDALE. Mr. President, I find it sad and ironic that at a time when the administration is concerned about inflation and is invoking price and wage controls, they are attempting to gut perhaps the most effective and most justifiable price control mechanism of the Federal Government.

In closing, I suggest that the issue underlying this legislation is whether the Government should be encouraged to do all it can to save money for the taxpayers; and whether vital and significant public service programs should be threatened or diluted simply because the suggestion has been made—although not documented—that some businessmen are not satisfied with their present level of profits.

I ask unanimous consent to have printed in the Record some of the letters and telegrams I have received in support of the amendment which is under consideration by the conference committee; and in addition, some letters received by the Retired Professional Action Group, which has taken an active interest in this problem.

There being no objection, the material was ordered to be printed in the Record, as follows:

Minneapolis Public Schools,
Minneapolis, Minn., June 22, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: I have been informed by the Assistant Commissioner of Vocational Education in the State of Minnesota that the Department of Health, Education and Welfare is going to amend the regulations that will declare State grant and aid programs in vocational-technical education ineligible for Federal Excess Property. I am completely unable to fathom the logic of this particular action. The detrimental effect on vocational and agricultural programs in the State of Minnesota would be overwhelming.

This particular program has allowed directors of vocational programs and instructors in vocational and industrial educational programs to initiate flexible, unique and individualized programs that serve all of the young people in our community. The acquisition of this property and its utility eliminates a tremendous financial burden on the individual school districts, and it also eliminates a tremendous purchasing burden on the part of the instructors who are actively working with our young people.

I do not see, under any conceivable fashion, that this action would benefit educational programs either in the State of Minnesota or in our entire country. I would like you to take any action necessary from your office to halt this particular amendment to the regulations.

Please advise me of any action that you are taking/or anything that I might do as Director of Vocational Education in the city of Minneapolis to halt this particular action.

Sincerely,

Charles F. Nichols,
Director, Vocational, Technical and Industrial Education.

Minnesota State Advisory Council for Vocational Education,
St. Paul, Minn., June 26, 1972.

Mr. M. S. Meeker,
Commissioner, General Services Administration, Washington, D.C.

Dear Mr. Meeker: This is to formally request on behalf of vocational education in Minnesota that the General Services Administration reconsider the change in rules and regulations as proposed by subpart 101–43.3, Utilization of Excess, as presented on pages 10959 and 10960, Federal Register, Vol. 37, No. 106, Thursday, June 1, 1972.

The availability of excess equipment has been of immeasurable benefit to the men and women of Minnesota who are looking to vocational education programs to prepare them for a productive life and career. It has resulted in making available to Minnesota some $13,226,559.17 worth of equipment and training materials since the inception of the program in October 1962 for Manpower Development and Training Programs. In addition, the eligibility of state vocational education programs for utilization of excess property in August of 1971 has resulted in the transfer of $7,861,241.70 worth of equipment and training materials as of May 5, 1972. That is the value of equipment if it were necessary for our institutions to purchase these materials now.

Since much of the equipment and materials available for excess property distribution is uniquely applicable to vocational education programs, we would suggest that the proposed change in regulations will have the ultimate effect of simply adding to the cost of educational services for the taxpayers of the United States. Obviously, private enterprise speculators purchasing such equipment will undoubtedly do so in anticipation of resale of such property to the educational market place. It goes without saying that such business activity cannot be pursued without a profit motivation and consequently a resulting unnecessary additional cost to the taxpayers.

For these reasons I strongly urge you on behalf of vocational education, the taxpayers and the State Advisory Council of Minnesota to urge a reconsideration and cancellation of the proposed changes in rules and regulations as suggested by the reference above.

Sincerely yours,

George DeLong,
Chairman.

University of Minnesota,
June 26, 1972.

Hon. Walter S. Mondale,
Old Senate Office Building,
Washington, D.C.

Reference: Proposed rule change published in the Federal Register, Vol. 57, No. 106.

Dear Sir: We are disturbed to learn that it is proposed to discontinue the practice of allowing institutions with government grants the privilege of obtaining excess property through the General Services Administration.

It has been our experience that excess property given to institutions such as ours has been very effectively used. Some of it, such as standard instruments, machine tools, etc., finds direct use in enabling us to replace worn out or obsolete equipment. In many other cases, apparatus which would be considered as scrap material in the commercial world can be dismantled for components which find direct use in our teaching and research laboratories and shops.

I sincerely hope that the General Services Administration will not carry out the proposed change in rules. The taxpayer will be the loser if this change is made.

Sincerely yours,

Alfred O. C. Nier,
Regents Professor of Physics.

Galveston, Tex.,
June 18, 1972.

Senator Walter F. Mondale,
Old Senate Office Building,
Washington, D.C.:

Am informed "HEW" suspended all excess property to Federal grantees as of July 17th. This action seems unduly pre-emptory in view of current conference committee consideration on S. 3010 and GSA's 30 day postponement. Most heartily object to apparent violation of due process.

M. M. Plexco,
President, Galveston College.

Wadena, Minn.,
June 18, 1972.

Senator Walter F. Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Honorable Senator Mondale: I am a member of the Perham school board and the Lakes Vocational Center board Detroit lakes and as such are interested in high quality education. We heartily support the Mondale amendment on excess property and oppose H.E.W. termination of the program.

Sherman Mandt,
Member of Lakes Vocational Center Board.

St. Paul, Minn., *June 29, 1972.*

Senator Walter M. Mondale,
Senate Office Bldg.,
Washington, D.C.:

We have been notified that G.S.A. purchasing resource will no longer be available to federally funded programs. The purchase of G.S.A. supplies and equipment is substantially less costly than purchasing on the open market, while the administration continues to reduce funding for local federally funded programs and at the same time reduce their purchasing resources it shouldn't take long to bury our community action agency. The Ramsey action programs strongly recommends that everything possible be done to rescind this action. I believe I have pointed out that this action clearly points out that program will suffer greatly if this action is implemented.

Father Charles Track,
Chairman of the Board/Ramsey Action Program.

City of St. Paul,
July 3, 1972

Mr. Philip Sanchez,
National OEO Director, Office of Economic Opportunity, Executive Office of the President, Washington, D.C.

Dear Mr. Sanchez: I found out recently that new federal regulations will prohibit federally funded programs such as Model Cities from purchasing surplus supplies and equipment through the General Service Administration as of July 1, 1972.

This will certainly damage the effectiveness of all Model Cities programs, including our program in Saint Paul. I would most strongly urge you to do whatever you can to rescind this regulation.

At a time like this, when the whole thrust of governmental activities is toward decentralization, enforcement of this regulation will deal a crippling blow to all of our efforts in this direction.

Sincerely,

Lawrence D. Cohen,
Mayor.

Red Wing Area Vocational
Technical Institute,
Red Wing, Minn., June 23, 1972.

Hon. Walter Mondale,
Old Senate Building,
Washington, D.C.

Dear Senator Mondale: It has come to our attention that a proposed revision of Federal procurement regulations, subpart 101-43-320, would severely limit or completely cut off the supply of excess property to vocational-technical education.

The excess property program has established an excellent cost benefit ratio when used in vocational-technical programs. In some cases, programs have been developed on the strength of being able to participate in the excess property program. In other cases, the excess property program is the only practical source for materials, equipment and supplies. Without these sources of supply, the training of our young people will have to be reduced or provided at increased costs.

Therefore, we feel very strongly that the present rules concerning the use of excess property in vocational education should not be made more restrictive.

Sincerely,

Edward R. Dunn,
Director.

City of Duluth,
Duluth, Minn., June 29, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: Last week this office received notice through the State Economic Opportunity Office that GSA "is considering the adoption of revised rules prohibiting the use of GSA and other Government sources of supply by recipients of Federal grants. The Office of Management and Budget has directed GSA to propose discontinuance of the authorization permitting Federal grantees to use Federal supply sources." This was published in the Federal Register, Vol. 37, June 1, 1972, and set to go into effect "within 30 days after the date of publication of this notice in the Federal Register."

We find this proposal highly objectionable in that it further limits activities such as the Duluth Community Action Program from performing its assigned mission. Much of the equipment we have in the Central Neighborhood Community Center, which is geared for the usage by staff and low-income community people, has come through GSA.

In addition, Region V, Chicago, cut back our program from $209,000 in 1971 to $205,000 for program year (PY) 1972. Now we have been verbally informed that Region V is cutting our program an additional three percent for PY 73 to $199,000. One direct result is that our community service staff will have to be reduced. Because of inflation, which has paid little heed to Congressional allocations, and other costs that are scheduled to go up, we will have to reduce other services.

I cannot believe that you or other members of the senate that agree there is poverty in this nation and that there is need to alleviate this condition can go along with GSA's actions. It is bad enough that the administration seems to care little for the poor, aged, young and other alienated people in this country. I would hope that you, as our representative in Congress, move to oppose this action by GSA and place the burden of proof for the action on GSA. If there is waste, then let the agency responsible pay, not the legitimate needful recipients of the services this nation is pledged to provide.

Sincerely,

Jerry Singer,
Director.

Canby Area Vocational-Technical
Institute,
Canby, Minn., June 19, 1972.

Hon. Walter Mondale,
U.S. Senator from Minnesota
Washington, D.C.

Dear Mr. Mondale: I received in the mail this past week information regarding a possible proposal to amend HEW regulations that would declare State Grant and Aid Programs in the Vocational Technical Education ineligible for Federal Excess Property.

We in the Vocational Education in Minnesota, have utilized this program to a great extent and I would hate to see it fall by the wayside.

I would appreciate your contacting the below named person and check out this possible proposal.

Mr. Elliott L. Richardson, Secretary
Health, Education & Welfare Department
Washington, D.C.

Thank you for your cooperation in this matter.

Sincerely,

Dewain L. Englund,
Director.

Southwest Minnesota State College,
Marshall, Minn., June 28, 1972.

Hon. Walter F. Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: The item in the Federal Register giving notice of intent to discontinue Excess Property privileges to recipients of Federal Grants is very serious and shocking news. This is a retrograde step that cannot be supported by the Division of Science and Mathematics at Southwest Minnesota State College.

In this period of rising costs and high taxes, we have been able to obtain educational and scientific equipment to supplement our reduced budget. Most of the items would not have otherwise been available to us simply because we could not have afforded to buy them. Without the excess property obtained from government agencies our educational programs would have been deficient to that degree.

Southwest Minnesota State College is a fairly new college, established in 1967. Through the Excess Property Program we have obtained items amounting to almost $750,000 in value. Much of this has been electronic gear and instrumentation. We also have been able to obtain a bus for the physically handicapped student program which is of great value.

It would be greatly appreciated if the General Services Administration would reconsider its proposed course of action and continue to permit institutions of higher learning to obtain needed educational and scientific equipment. Without the Excess Property Program our ability to serve our students adequately will be lessened.

Sincerely yours,

Ralph P. Frazier,
Chairman, Division of Science and Mathematics.

Faribault Area Vocational
Technical School,
Faribault, Minn., June 22, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: By now you have likely heard from a number of Minnesota vocational educators relative to a proposal to amend the Health, Education and Welfare Regulations to declare state grant and aids programs in vocational-technical education ineligible for Federal Excess Property.

This program has been a valuable source of equipment and supplies for the vocational-technical programs of Minnesota and the nation. It is very important that materials such as those we have received under the Federal Excess Property Program be available to vocational-technical institutes such as ours if we are to continue to provide an effective program of vocational-technical education. The only other option appears to be a greatly increased federal budget for vocational-technical education making it possible to purchase these materials, supplies and equipment on the open market. This would be wasteful of tax dollars since the material is already under government ownership and where possible should be utilized by governmental agencies such as schools which can make fullest use of this property.

I would hope that you would call Mr. Elliott L. Richardson, Secretary of Health, Education, and Welfare, to learn what changes are being posed in the handling of Excess Property and whether or not vocational-technical education will continue to be eligible to receive federal excess property.

Any clarification you can give me or our board of education would be appreciated. To lose our Excess Property Program will mean we must immediately find ways to obtain additional tax dollars to operate our programs.

Sincerely yours,

RAY FREUND,
Director.

WILLMAR TECHNICAL INSTITUTE,
Willmar, Minn., June 8, 1972.

Senator WALTER F. MONDALE,
Old Senate Building,
Washington, D.C.

DEAR SENATOR MONDALE: It is my understanding that there is a proposal in HEW to amend regulations concerning the eligibility of vocational technical schools to receive federal excess property. As I understand it, if this were to come to pass, we would not only not be eligible to receive the property but would also have to return property that the vocational school is now using. It is difficult to estimate in terms of dollars, but I think it is safe to say that our school is benefiting from excess property to the extent of $100,000 at the present time in excess equipment. If these items of equipment were pulled out of the school system, it would mean that in some cases we would have to buy replacements at new cost. In other cases, we simply would have to get along without the equipment and as a result the students would be deprived of training opportunities. I am sure that if the equipment is removed it would be stored at a depot some place and not be used by anybody.

The type of equipment being used at our school is Mills and Lathes at machine shop, welding equipment, testing machines, diesel engines, as well as a sizable fleet of school vehicles. Removal of the vehicles would not only hamper our school but the school district as a whole.

Any information you can secure or any assistance you can give us protecting this valuable service to the vocational schools in Minnesota would be appreciated.

Sincerely,

MIKE CULLEN,
Director.

ALBERT LEA AREA VOCATIONAL
TECHNICAL INSTITUTE,
Albert Lea, Minn., June 7, 1972.

Senator WALTER F. MONDALE,
443 *Old Senate Office Building,*
Washington, D.C.

DEAR SENATOR MONDALE: I have received a memorandum from Robert D. Anderson, our Executive Secretary of the State Directors of Vocational Education, stating that there is a proposal to make our vocational schools ineligible for Federal Excess Property.

As you know, our vocational schools have been privileged to grow and expand, utilizing Excess Federal Properties in our programs. There is a savings of millions of dollars to the taxpayers, but the real benefit is to the student, who has greater opportunities for skilled knowledge.

May I encourage you to continue to have the vocational-technical education be recipients of Federal Excess Property.

I understand that the proposal was reached in the U.S. Office of Education, not on the Division of Vocational-Technical Education. If this amendment is approved by the Secretary, then we will no longer be eligible.

We would appreciate anything that you might do regarding this matter.

Very truly yours,

WAYNE V. BROECKER,
Director.

ANOKA COUNTY COUNCIL OF
ECONOMIC OPPORTUNITY, INC.,
Anoka, Minn., June 23, 1972.

Senator WALTER F. MONDALE,
443 *Old Senate Office Building,*
Washington, D.C.

DEAR SENATOR MONDALE: I have just learned that CAP agencies and other Federal grantees will no longer be able to make purchases at General Services Administration stores, nor will we be able to obtain federal excess property, due to a newly proposed rule from the General Services Administration.

The notification of this proposed rule making is on page 10959 of the Federal Register, Vol. 37, No. 106—Thursday, June 1, 1972. The notice of proposed rule making is signed by M. S. Meeker, Commissioner of the General Services Administration, and is to become effective July 1, 1972. This will render another hardship on all anti-poverty programs, and it will mean that an increased part of our budget will go to supplies and equipment, rather than to the services designed for people.

Any action that you can take to influence or change this ruling will be of great benefit to CAP agencies and low-income people throughout the country.

Very sincerely,

ROBERT L. MINTON,
Executive Director.

RURAL MINNESOTA CONCENTRATED
EMPLOYMENT PROGRAM,
June 26, 1972.

Hon. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I read with some concern an article appearing in the Wall Street Journal indicating that the Government Service Administration (GSA) will no longer allow non-profit corporations, vocational schools, etc. to receive surplus equipment.

I believe it would be most unfortunate to these agencies in rural Minnesota that do utilize this equipment to no longer have access to these materials.

I would appreciate you following up as to whether or not GSA is intending in the near future to change its guidelines as to what agencies will or will not be able to receive these surplus materials.

Thank you very much.

Sincerely yours,

EMIL W. MAROTZKE,
Director, Central Office.

TECHNICAL EDUCATION CENTER,
Anoka, Minn., June 22, 1972.

Hon. WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am supervisor at the Anoka Technical Education Center, one of 32 Area Vocational-Technical Institutes in Minnesota. I have learned that there is a proposal to amend HEW regulations that will declare state grant and aid programs in Vocational-Technical Education ineligible for Federal Excess Property. During the past years, Federal Excess Property has been an invaluable source for supplies and equipment for our programs. Just in my division alone, we have been able to save thousands of dollars to the taxpayers by having Federal Excess Property as a source for supplies and equipment. I would like to urge you to contact Mr. Elliot L. Richardson to determine whether or not such a proposal is in the making. If so, I urge that you raise objections to any changes that will make Vocational-Technical Education ineligible to receive Federal Excess Property.

Please respond, informing me about the proposal.

Sincerely,

EDGAR M. MEYER,
Supervisor, Technical Division.

HIBBING AREA TECHNICAL INSTITUTE,
Hibbing, Minn., June 14, 1972.

Hon. WALTER MONDALE,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: All of us in vocational-technical education in the State of Minnesota were shocked to learn that there is a proposal to amend HEW regulations that will declare State Grant and Aid Programs in Vocational-Technical Education, ineligible for Federal Property. We understand that this move is being initiated in the U.S. Office of Education but not in the Division of Vocational-Technical Education. If this amendment is approved by the Secretary of HEW, all the gains obtained heretofore with the utilization of excess property will be wiped out.

Our requests for excess property have included equipment and materials for use in their original state as well as for materials to be used in cannibalization or secondary utilization. In the past we have obtained this kind of equipment through the Minnesota Surplus Property Division, but unfortunately, this puts us on a very low priority in obtaining some of the more usable equipment and supplies that are available under the excess property program. We have included a considerable amount of expendable or consumable property that would normally be used up in the ongoing vocational-technical programs. By utilizing equipment and supplies in this manner, we are realizing a tremendous tax savings to our tax paying public. The equipment and supplies which are obtainable through the excess property in such programs as the "Home Run" Extended Program, have enabled us to enhance our programs and cut down our costs appreciably since the equipment and supplies would be required and would have to be purchased on the open market.

There is much documenation that I could provide to you relative to the amount of excess property in terms of dollars, as well as tax savings to the citizens of Minnesota and the United States, since many federal dollars are invested in vocational-technical education, but I feel it would suffice to say that this is an excellent program and we are utilizing the equipment to train our young adults to become employable.

I would, therefore, urgently request that you use your influence with Mr. Elliott L. Richardson, Secretary of Health, Education, and Welfare, requesting that he act to prevent a change in the regulations regarding the utilization of excess property for vocational-technical instruction throughout the United States. Thank you for your help in this endeavor, as well as for the many past favors you have given to vocational-technical education.

Sincerely yours,

W. E. MAGAJNA,
Director.

MINNESOTA STATE COLLEGE SYSTEM,
St. Paul, Minn., June 19, 1972.

Mr. T. M. THAWLEY,
Commission of Property Management and Disposal Service, General Services Administration, Washington, D.C.

DEAR MR. THAWLEY: The Proposed rule making notice as given by the General Services Administration in the Federal Register Volume 37, No. 106—Thursday, June 1, 1970, to discontinue the authorization permitting

Federal grantees to use Federal supply sources, is one that cannot be supported by the Minnesota State College System.

There is no objection to discontinuing the procurement of supplies by grantees from the General Supply Fund as authorized by the Federal Property and Administrative Services Act of 1949 as amended. We do, however, voice strong objection to the elimination of authorized users of Excess Property as provided by the act and regulations developed and promulgated by GSA in the utilization of excess property to the fullest extent for the benefit of the public interest.

Procurement and effective utilization of government excess property has long been practiced by educational and other nonprofit organiaztions. This program has served the public interest and is one in which the General Services Administration can take justifiable pride.

In view of the ever increasing costs of education, high taxes, and austere budgets authorized by the State Legislatures, colleges such as ours simply cannot expect the taxpayer to purchase for the second time, laboratory and other educational equipment provided through the excess property program. Since these materials were originally purchased by federal tax dollars, it should not request additional state tax dollars to purchase available equipment that is excess to the needs of the Federal Government. To do otherwise, would in our judgment, constitute a grave error and indicate a lack of responsibility toward the public by federal agency administrators.

Thank you for your consideration.

Sincerely,

G. THEODORE MITAU,
Chancellor.

STAPLES PUBLIC SCHOOLS,
Staples Minn., June 8, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR MONDALE: Please review the attached memorandum which I received from the Executive Secretary of the National Association of Vocation Education, today. I am sure you will agree with me that action should be taken *at once* to stop this proposal. Your action on this is urgently needed, and Vocational Education will certainly gain by your support. The loss would be a terrific blow to us.

I will be waiting for your reply. Your assistance in this matter will be greatly appreciated.

Sincerely yours,

MICHAEL J. MATANICH,
Director.

MINNESOTA ASSOCIATION OF AREA VOCATIONAL-TECHNICAL SCHOOL DIRECTORS,
July 12, 1972.

Hon. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SIR: It has been brought to my attention by Mr. R. D. Anderson, Executive Secretary of the National Association of State Directors for Vocational Education that the regulations governing federal excess property be changed so the Hutchinson AVTI would be ineligible for excess property. In the past the Area Vocational Technical Schools were unable to compete in getting excess property from the federal government because other agencies had a higher priority. Since the Area Vocational Schools have been able to compete at the same priority level as other agencies the vocational technical institutions of this state, and particularly Hutchinson, have benefited greatly.

I cannot comprehend why a regulation would be changed to make the AVTI ineligible when they are the one type of institution that is using excess property to train, retrain and upgrade individuals to meet the demands of the labor market.

I am greatly concerned that the local budgets for capital outlay for the AVTI would not be adequate to furnish the lab areas with the necessary equipment to train students.

I would appreciate your looking into the proposal of the Health, Education and Welfare Office as it relates to the regulations governing federal excess property and the eligibility of the AVTI in the state of Minnesota.

Sincerely,

WARREN E. MACEMON.

S.E.M.C.A.C., INC.,
Rushford, Minn., June 27, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: Will you please check into the order which denies SEMCAC the use of GSA property? We have been informed that this order goes into effect as of June 30, 1972.

I realize there is not much time left and I apologize for not writing you sooner. However, we just became informed about this ourselves.

The buses we have provide the only recreational transportation that senior citizen center members have in this three county area. Our station wagon, car and van save us many dollars in transportation costs in the Head Start Program.

There is no arbitrary act that can hurt us more. The equipment we get from GSA has all been discarded by other federal agencies or bureaus and in most cases would still be rotting on the lots or being robbed for parts. This equipment is certainly not in demand by other agencies and should continue to be made available to the poor.

Would you please help us as promptly as possible to put a stop to this order?

Sincerely yours,

HALVOR LACHER,
Executive Director.

JUNE 27, 1972.

COMMISSIONER,
Federal Supply Service,
General Services Administration,
Washington, D.C.

DEAR SIR: The Southeastern Minnesota Citizens' Action Council, Inc., has not been able to use many of the supplies available through GSA because of the 140 mi. distance that separates the SEMCAC office from the nearest GSA store.

However, the SEMCAC grants have been multiplied many times in their effectiveness by the surplus property which has been available to the agency. Over half of the office equipment has been surplus GSA property and we are presently using two buses, a van, a station wagon, a car and a truck. We also have two GSA buses for which we are trying to obtain parts. When we succeed in doing this, we will also be able to put them to good use for the agency. It is my opinion that the surplus equipment made available to SEMCAC has made the OEO, Head Start and NYC dollars go a lot farther toward helping the poor and disadvantaged. Because of these facts, the SEMCAC Board of Directors made this motion at the regular monthly Board meeting:

"We hereby request that the amendment which prohibited community action agencies from use of federal surplus property be made null and void. This community action funding and the inability to obtain federal excess property would make it all the more difficult for SEMCAC to help the poor and disadvantaged in this three county area."

I hope you will consider the serious concern expressed by my Board of Directors and act to rescind the order that denies the use of all federal excess property to community action agencies.

Sincerely yours,

HALVOR LACHER,
Executive Director.

AREA VOCATIONAL-TECHNICAL INSTITUTE,
Detroit Lakes, Minn., June 6, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. MONDALE: I have just received a letter from Mr. Robert D. Anderson who is the Executive Secretary of the National Association of State Directors of Vocational Education. The information that was in the letter disturbed me immensely.

Mr. Anderson informs me that there is a proposal to amend HEW regulations that will declare state grant and aid programs in vocational technical education ineligible for federal excess property. We would be directly affected by any such amendment as we utilize property quite extensively in our training programs. In fact many of our programs would not have been able to have been developed without excess property equipment used for training purposes.

We have used approximately $500,000 of federal excess property for the operation of our Area Vocational Technical Institute.

I would urge you therefore to contact Mr. Elliot L. Richardson, Secretary of Health Education and Welfare on determining whether this information is correct and voice strong objection to any changes that would make vocational technical education ineligible to receive federal excess property.

We will be anxiously awaiting an early reply.

Respectfully yours,

DENNIS R. HOPMAN,
Director.

AUSTIN AREA VOCATIONAL-
TECHNICAL INSTITUTE,
Austin, Minn., July 28, 1972.

Senator WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: It has been brought to our attention that there is a proposal to amend HEW regulations that will declare state grant and aid programs in Vocational-Technical Education ineligible for Federal Excess Property.

This kind of a regulation will have the effect of increasing the cost of vocational education to students and will increase the tax load to the taxpayers. If there are abuses taking place in the present program, then we would agree these should be corrected. We have participated for many years in the excess property program and this has enabled us to do a better job of training youth for jobs than we could otherwise do.

We strongly urge to do whatever you can to make it possible for Vocational Education Institutions to continue to obtain excess property.

Sincerely,

DONALD C. INGRAM,
Assistant Director.

SAINT CLOUD STATE COLLEGE,
Saint Cloud, Minn., June 27, 1972.

Mr. T. M. THAWLEY,
Commission of Property Management and Disposal Service, General Services Administration, Washington, D.C.

DEAR MR. THAWLEY: The proposed rule making notice as given by the General Services Administration in the Federal Register Volume 37, No. 106—Thursday, June 1, 1972, to discontinue the authorization permitting Federal grantees to use Federal supply sources, would eliminate for St. Cloud State College an excellent program.

More specifically, we strongly object to the elimination of authorized users of Excess Property as provided by the act and regulations developed and promulgated by GSA in the utilization of excess property to the fullest extent for the benefit of the public interest. Procurement and utilization of selected government excess property has contributed to the effectiveness of programs in the natural sciences, industrial arts, industrial technology and other departments of the college.

Recognizing the loss to educational institutions if this program is discontinued, we strongly urge the reconsideration of this change in policy.

Thank you for your consideration of this matter.

Sincerely,

Paul E. Ingwell,
Coordinator, Federal Programs.

Vo-Tech Center,
June 9, 1972.

Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Mr. Mondale: I would like to commend you on the progress made on the passage of the Higher Education Amendments of 1972, particularly as it relates to placing occupational training on a par with academic training in HEW.

The need for this change is currently underscored by a proposal to amend HEW regulations that will declare state grant and aid programs in Vocational-Technical Education ineligible for Federal Excess Property. This move is apparently being initiated in the U.S. Office of Education but not in the Division of Vocational-Technical Education. If this amendment is approved by the Secretary, the ability of vocational-technical training institutions to upgrade and improve instructional programs at reasonable cost based on utilization of excess property from the far east and elsewhere will be minimized.

I would very much appreciate your office contracting Mr. Elliot L. Richardson, Secretary of Health, Education and Welfare and raise objections to any changes that would make Vocational-Technical Education ineligible to receive Federal Excess Property.

Thank you for your continued consideration for Vocational-Technical Education in Minnesota.

Sincerely,

W. C. Knaak,
Superintendent.

University of Minnesota, School
of Physics and Astronomy,
Minneapolis, Minn., June 23, 1972.

Hon. Walter S. Mondale,
Old Senate Office Building,
Washington, D.C.

Reference: Proposed Rule Making published in the Federal Register, vol. 37, no. 106.

Dear Mr. Mondale: I protest the proposal to discontinue the practice of allowing institutions with government grants the privilege of obtaining excess property through the General Services Administration.

We have been utilizing excess property for several years as an aid to general education as well as our research programs. The elimination of the opportunity to obtain the many teaching aids, machine tools, raw materials and general laboratory equipment would be a severe blow to our efforts to upgrade our labs and shops and provide for continuing improvements in education.

I strongly urge the reconsideration by General Services Administration of their proposed rule changes.

Carl H. Poppe.

Morris Senior High School,
June 21, 1972.

Senator Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: It has come to my attention that there is a proposed amendment to the Federal Register, Volume 37, No. 106, Thursday, June 1, 1972, page 10959, that would make schools offering Vocational-Technical Education ineligible to receive Federal Excess Property. I enlist your aid in actively opposing such an amendment.

I feel that such an amendment would be a great detriment to the people of Minnesota. With the expansion of our area vocational-technical institutes and the potential establishment of approximately 75 secondary vocational centers, the State of Minnesota would benefit from the continued utilization of Excess Property.

I oppose this amendment for the following reasons:

1. Because taxpayers are concerned about taxes, we must make our dollars stretch. By utilizing excess property, we can reduce our operational budgets; thereby easing the tax burden.

2. The curtailment of the use of excess property would greatly hamper the high quality of instruction present in our vocational education programs, as we would be limited to the amount of equipment on which our students would train.

3. We would be hampered in the expansion of existing programs and implementation of new programs needed to provide the trained manpower needed by business and industry.

4. The number of students that we could train would be reduced because of the lack of equipment.

I therefore urge you to work for the defeat of this amendment to the Federal Register so that vocational education in our state may have the benefits of using excess equipment as we have in the past.

Sincerely,

Melvin O. Salberg,
Local Program Director,
Chippewa River Vocational Center.

Cecil Community College,
North East, Md., July 18, 1972.

Mr. R. Frank Mansel,
American Assoc. of Community & Junior Colleges:

Our serious need for continued access to excess property is accentuated by the fact that we are just now moving into our first permanent facility. Prior to this date we have been in shared public school space and have been extremely limited in the equipment we could acquire. Now, at the time when we need such equipment desparately, we face the possibility of the unavailability of this equipment.

Additionally, Cecil Community College, is a poor institution located in a highly disadvantaged rural area. Excess property is one very important source for us to use in providing a level of higher education comparable to that furnished students in more affluent areas. We plan to use as much of our finances as possible to assist minority disadvantaged groups to get started on career programs. Failure to receive excess property simply means that we will have less operating funds available to subsidize education for this very important segment of our county's population.

We have received for the cost of $100 over $12,000 worth of photographic equipment through the excess property program that we would have otherwise never purchased. This $12,000 worth of property is nearly double the total amount of equipment expenditures for instructional purposes which we have been able to generate during this past year.

Sincerely,

Dr. Robert L. Nash,
President.

Southwestern Minnesota
Opportunity Council,
Worthington, Minn., June 28, 1972.

Senator Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: I am enclosing a copy of my letter to the Commissioner of Federal Supply Service, objecting to the rule change which will deny Community Action Agencies access to G.S.A. supplies.

Our Community Action budget was based on the opportunity to buy our supplies at G.S.A. prices. If we must buy at retail prices, the funds used for the poor in this area will be seriously curtailed.

Would you give us your support and oppose the proposal of Mr. M. S. Meeker, Commissioner of Federal Supply Service, that would deny G.S.A. availability to all Federal Grantees. Thanking you, I am

Sincerely yours,

Donald E. Shannon,
Executive Director.

Southwestern Minnesota Opportunity Council,
Worthington, Minn., June 27, 1972.

Mr. M. S. Meeker,
Commissioner, Federal Supply Service, General Services Administration, Washington, D.C.

Dear Commissioner Meeker: As a Federal grantee agency, we strenuously object to the proposed new rule prohibiting the use of G.S.A. sources of supply by recipients of Federal grants.

In our grants from O.E.O. and other agencies, our approved budgets were required to use a cost factor based on G.S.A. prices. Thus without access to G.S.A. supply source, our grants will be inadequate to cover the actual cost of supplies needed in our programs.

We urge that this proposed rule be rescinded. If this rule is implemented as scheduled, the services and programs we are operating for the poor in our area will be adversely affected.

Sincerely yours,

Donald E. Shannon,
Executive Director.

Saint Cloud State College,
St. Cloud, Minn., July 5, 1972.

Hon. Walter F. Mondale,
U.S. Senate, Senate Office Building,
Washington, D.C.

Dear Senator Mondale: The purpose of this letter is to register opposition to the proposed rule-making notice as given by the General Services Administration in the Federal Register Volume 37, No. 106—Thursday, June 1, 1972, to discontinue the authorization permitting Federal grantees to use Federal supply sources.

Procurement and utilization of government excess property have long been practiced by educational organizations, including St. Cloud State College. This program has been a great benefit to this institution. It is particularly important now in view of the increasing costs of education and the generally tight budget situation.

We shall greatly appreciate any assistance you can provide on this matter.

Sincerely,

Charles J. Graham,
President.

Mankato State College,
Mankato, Minn., June 27, 1972.

Mr. T. M. Thawley,
Commission of Property Management and Disposal Service, General Services Administration, Washington, D.C.

Dear Mr. Thawley: I protest discontinuance of authorization permitting Federal grantees to use Federal supply sources, particularly use of Excess Property as provided by the Federal Property and Administrative Services Act of 1949 (reference Federal Register, Volume 37, Number 106, June 1, 1972).

The public has already paid for these materials once and a second payment by the public when such materials are to be used to further the public interest seems highly questionable.

I urge reconsideration of any order to *remove* this authorization in the public interest.

Sincerely,

James F. Nickerson,
President.

University of Minnesota, School
of Physics and Astronomy,
Minneapolis, Minn., June 23, 1972.

Reference: Proposed Rule Making published in the Federal Register vol. 37, no 106.

Hon. Walter S. Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Mr. Mondale: I protest the proposal to discontinue the practice of allowing institutions with government grants the privilege of obtaining excess property through the General Services Administration.

We have been utilizing excess property for several years as an aid to general education as well as our research programs. The elimination of the opportunity to obtain the many teaching aids, machine tools, raw materials and general laboratory equipment would be a severe blow to our efforts to upgrade our labs and shops and provide for continuing improvements in education.

I strongly urge the reconsideration by General Services Administration of their proposed rule changes.

Hans Courant.

Dakota County Area Vocational-
Technical School,
Rosemount, Minn., June 23, 1972.

Hon. W. F. Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: This letter is written to obtain your support for an effort to prevent the implementation of a rule change regarding excess property eligibility for our Vocational Technical School and others. The proposed rule changes appear in the Federal Register, Volume 37, Number 106, Thursday, June 1, 1972, under General Services Administration Parts 101–26, 101–33, 101–43, U.S. Gov. supply resources by grantees.

The sequence of events leading to this is briefly: General Services Administration retail stores were selling directly to local offices of Federal Grant Agencies, such as OEO. This resulted in pressure from retail and wholesale organizations on the White House level to force termination of these sale activities. The Office of Management and the Budget directed GSA to terminate the direct sale activities and change regulations to achieve this. The section of GSA regulations covering excess property was apparently included by someone within GSA and eliminates not only vocational-technical education, but all other grant agencies such as the National Science Foundation, OEO, MDT, and others; but it preserves the right of contractors to receive excess property.

The probable effect of this rule change is to eliminate all or at least 40% of GSA's customers in one stroke. To pursue this, the steps in the process of disposal of federal personal property are: first, excess within the agency; second, excess to all other federal agencies; third, donation to surplus programs of HEW; fourth, cash sales by bid, auction, or negotiation. If all the grant recipients are eliminated, large volumes probably will move to the surplus donation level which will be unable to cope with it. It will necessarily then move to cash sale to private operators.

When I say that surplus property utilization department of HEW will be unable to cope with the volume, I must explain why. First of all, SPUD is organized to control, not encourage the flow of property. There is a regional office in control of all items in excess of $2500 in acquisition cost and the state controls all other items. The regional control extends to the ability to freeze and procure property in other regions of the country. This means that in order to screen for property in other regions of the country or States, SASP must receive HEW approval. In addition, they must get an invitation to screen from the state director of the surplus property agency in the state where the property is located.

It becomes obvious that "have-not" states, such as Minnesota, will wind up high and dry without access to much of the property that moves in the country.

Under the excess property program, our school is free to screen, freeze, and receive excess property in any state in the nation. We are free to travel to the location of any federal excess property we deem necessary to our program as long as we can pay the ticket.

If we are forced to move within the confines of SPUD control, we lost most of the advantage we gained last August when your efforts and those of others obtained eligibility for us.

A good illustration of the impact of excess property is to cite our experience. We have received excess property, which has resulted in a savings of $200,000 plus. Not only has it saved us many local dollars on items which are basic, but also items which are so costly as to be prohibitive. These items greatly enrich the learning process of our students by giving them direct experience on commonly used equipment in the jobs they aspire to obtain upon graduation.

We have also been able to provide equipment to vocationally eligible programs in our member high schools such as Burnsville, Rosemount, Lakeville, South Saint Paul, and Inver Grove Heights.

This has resulted in substantial savings to local taxpayers both from our levies and their own school districts.

Looking into the future, the most significant area of property utilization will be in consumable supplies for programs such as electronics, fluid power, graphic arts, data processing, and others. Wthout eligibility and the right to screen bases and other depots for these items, our programs would be severely reduced. Electronic supplies is one instance that comes to mind. Two weeks ago, we obtained a box of resistors. There were 300 of them in a box the size of a greeting card box, and they had a value in excess of $500. On the same screening trip, we secured nine metal working lathes for our machine shop.

This letter has gone on at greath length to try to inform you as fully as possible of the urgency of deleting the changes from the Federal Register in regard to excess property.

Respectfully,

Harold W. Grudem,
Superintendent.
Harold J. Murphy,
Director-Adult Programs.

Preston, Minn., *June 14, 1972.*

Hon. Walter F. Mondale,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: It has been requested of me that I check into the proposal to amend H.E.W. regulations to declare state grant-in-aid programs and vocational technical educational institutions ineligible for federal excess property.

I believe the eligibility of vocational technical educational institutions in Minnesota to have federal excess property is very vital.

Any support I could receive from you would be very much appreciated, and I look forward to an early reply to my request. Thank you for your cooperation in this matter.

Sincerely,

Neil Haugerud,
State Representative.

Minnesota Higher Education
Coordinating Commission,
St. Paul, Minn., June 23, 1972.

Hon. John L. McClellan,
Chairman, Senate Committee on Government Operations, New Senate Office Building, Washington, D.C.

Dear Senator McClellan: May I take this opportunity to express deep concern on the proposed rule—Use of Government Supply Sources by Grantees as published in the Federal Register, Volume 37, No. 106; pp. 10959–60, dated June 1, 1972.

I feel that federal grantees such as our post-secondary education institutions are making efficient and appropriate use of excess federal property, and the need for this continues. Many institutions enhance their capability to offer more effective instruction plus improvement of extension programs for students and the general public through use of excess federal property. In my judgment this represents a wise use of the taxpayers investment and prudent utilization of federal property.

I do not oppose the provision whereby small business enterprises in Minnesota and other states could be eligible for excess federal property. We realize the business community would like an opportunity to acquire excess federal property, and I do not object to this objective.

Thus, I would appreciate your consideration and support for whatever action is appropriate to continue enabling post-secondary education institutions, most of which are encountering growing economic difficulties, the use of excess federal property.

Respectfully yours,

Richard C. Hawk,
Executive Director.

Concordia College,
Moorhead, Minn., June 30, 1972.

Commissioner M. S. Meeker,
Federal Supply Service,
General Services Administration,
Washington, D.C.

Dear Mr. Meeker: In behalf of the 2400 students enrolled at Concordia College in Moorhead, Minnesota and our faculty of dedicated educators we request continuance of the program extending excess property and similar privileges to colleges receiving federal grants.

The program has been very helpful in improving the quality of instruction. It enables the college to have the excess property equipment now, for this generation of faculty and students, instead of ten years from now when we might otherwise afford to secure it.

The proposed rule published in the *Federal Register* of June 1, which would restrict the flow of excess property to the college caused some consternation. The biology, chemistry, and physics departments have been especially aided by the program of excess property distribution. As an example of the significance of the program, I quote from one of our Physics faculty:

"The Physics Department has been able to use excess property in its program in the following manner.

"We have secured, through GSA, power supplies, electronics components (resistors, capacitors, diodes, transistors, wire), oscilloscopes, and multi-meters. These materials will be a tremendous help in giving students and faculty an opportunity to do research in basic electronics. Several new experiments in the introductory physics laboratories have relied on excess property. The velocity of sound experiments use frequency counters and signal generators; a viscosity experiment will use viscometer tubes; a simple analog computer will use galvanometers constructed from microammeters; all received through the excess property program. We have received several large magnets, pressure gages and thermometers that are used for research and lecture demonstration apparatus. Our laboratories have been strengthened by the addition of a gamma-ray detector salvaged from a scanning x-ray unit; several high quality large lenses are used in a schlieren optics set-up; a large spectroscope is used in the spectral analysis of gases. Student and faculty research projects have benefited by the addition of a temperature chamber for the study of solid state phase transitions; data processing equipment for recording the earth's electric field and telluric earth current; oscilloscopes, power supplies, chart recorders and electronics hardware are incorporated into experimental set-ups using the department's particle accelerator, nuclear magnetic resonance spectrometer and gamma-ray spectrometer."

While this testimony could be expanded upon from other members of our science faculty, I believe this statement is sufficient to illustrate the excellent and immediate benefits of the excess property acquisitions program. I sincerely hope it will be possible to continue aid to college and universities through this program.

Respectfully yours,

Paul J. Dovre,
Vice President for Academic Affairs.

Burnsville Senior High School,
Burnsville, Minn., June 7, 1972.

Hon. Walter Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I have learned that there is currently a move to disallow Vocational Technical Education to receive Federal Excess Property.

Currently we have been aided in the acquisition of excess property through the Dakota County Area Vocational Technical School. The property we are receiving is helping us expand our budget to purchase additional equipment for our needs.

I would encourage you to help defeat any move to disallow state grant and aide program in Vocational Education ineligible for Federal Excess Property.

May I suggest you contact Mr. Elliott L. Richardson, Secretary of Health Education and Welfare to determine if whether the information I have received is correct.

Sincerely,

James W. Green.

Gustavus Adolphus College,
Saint Peter, Minn., June 22, 1972.

Hon. Walter F. Mondale,
U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Mondale: I am writing in reference to the proposed change in Federal Property Management Regulation support 101–26, 101–33 and 101–43.1 published as General Services Administration Notice of a Proposed Rulemaking in the Federal Register, Vol. 37, No. 106, Thursday, June 1, 1972.

Gustavus Adolphus College is a National Science Foundation grantee eligible for the Excess Property acquisition program of the General Services Administration. This has permitted the Chemistry Department to acquire several items which we could not have purchased on our capital items budget. We have been able to enrich our laboratory program with this equipment. New experiments have been introduced and more students have been given access to sophisticated apparatus.

We in the Chemistry Department are extremely concerned that this valuable program is in jeopardy. The Excess Property Program has been particularly valuable in obtaining equipment for us since the reduction of funding for equipment purchases by government and private agencies. The Excess Property Program is vitally important to many universities and colleges. Many of our plans in the Gustavus Chemistry Department for new programs and expanded services will be affected if the proposed revision goes into effect.

I am sending letters to my Congressmen and other persons concerning this proposed change. I strongly urge the reconsideration and defeat of the proposal.

Sincerely yours,

Thomas A. Gover,
Chairman, Department of Chemistry.

Baudette, Minn.,
June 27, 1972.

To the Editor:

Dear Sirs: It appears that one of the largest corruptions of Government is about to take place through the Vehicle of the Federal Register in revision of Section 101–43.320 to Section 101–13.320 "Use of Property on Contracts." For too long the Federal Register has been used as a method of governing this country whereas; we are supposed to be governed by our elected representatives.

This provision in effect disallows Federal Grant Agencies to use surplus property and supplies of other Federal Agencies. This leads to two evils in this manner. Evil #1. If a Federal Grant Agency needs surplus property or supplies formerly available from another Federal Agency, and cannot get such property it will be forced to buy new property. Evil #2. Surplus property of Federal Agencys will then be sold to the highest bidder and on a past performance basis of a few cents on the dollar because of a scarcity of bidders for the large quantities offered. These bidders will sell this acquired property at highly inflated prices. Who loses? The Federal Taxpayers.

Yours truly,

L. H. Furcht.

Gustavus Adolphus College,
Saint Peter, Minn., June 12, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Sir: I am writing in reference to the proposed change in Federal Property Management Regulation support 101–26. 101–33, and 101–43.1 published as General Services Administration Notice of a Proposed Rule Making in the Federal Register Vol. 37, No. 106, June 1, 1972.

As a National Science Foundation COSIP grantee, Gustavus Adolphus College departments have been participating in the Excess Property Acquisition Program. This acquisition of excess property has greatly multiplied the effectiveness of our environmental studies program, and our life science physics program that have been initiated under our COSIP grant. The proposed change would greatly handicap these programs. At this time the acquisition of instrumentation is crucial and only the excess property program can satisfy this need. The Excess Property Program has truly been invaluable to our COSIP programs.

We urge you to use the influence of your office to call for a reconsideration and a defeat of the proposal. If further information is required, please inform me.

Sincerely,

Richard M. Fuller,
Chairman, Physics Department.

Clinica de Salubridad de Campesinos,
Brawley, Calif., July 13, 1972.

Senator Walter Mondale,
Chairman of the Senate,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: This letter is in reference to the memorandum I have received this date, from the Director of Office of Procurement and Material Management, dated, June 22, 1972. This memo indicates that HSMHA Programs will be discontinued from procuring materials from GSA. I wish to express my deepest concern regarding this new regulation, as it will put this program under extreme pressure to find another source of supply.

As you are aware, we're in a very isolated area and much of the supplies and equipment that we purchase from GSA is not available in the valley, and when it is available it is considerably at a higher price. To mention a few examples, we purchased paper at 58c a ream from GSA while local suppliers offer the same paper at $2.50 a ream. We purchased a new automobile fully equipped for the hot desert climate at a price of $2,700, the same vehicle is available locally at a price of $4,200 plus tax and license. Another area of great concern is our overall purchasing power. Many companies offer their products in competition with GSA prices. An example of this is drugs and medical supplies. When these companies become aware that we no longer will be able to purchase from GSA there will be no reason for them to offer lower prices.

At a time when the migrant programs are greatly under-funded, this seems to be a totally untimely decision. I must protest this action and appeal for your support for some modification of this decision.

I realize that those programs which are located in large metropolitan areas may not be effected due to the large competitive source of supply available to them. It is the migrant program located in the rural areas that will be greatly effected, forcing them to divert large amounts of money for supplies that previously have been used to provide service.

Sincerely,

Ventura Huerta,
Project Director.

Discontinuance of Authority To Permit Grantees To Use Excess Property and Federal Sources of Supply

The Office of Management and Budget (OMB) has directed the General Services Administration (GSA) to discontinue authorizing Federal grantees to use Federal supply sources, including excess property. Therefore, appropriate amendments to the Federal Property Management Regulations (FPMR) to accomplish this have been developed by GSA. However, cost-reimbursement type contractors will continue to be permitted to use GSA supply sources and excess property under the revised provisions of the Federal Procurement Regulations (FPR).

The revisions directed by OMB were published in the Federal Register under proposed rule-making on June 1, 1972. In addition, GSA was instructed to obtain comments from State and local governments in accordance with OMB Circular A–85.

Therefore, effective immediately all officials exercising control over HSMHA grant programs, shall not authorize use of either Federal Excess Property or other Federal Sources of Supply to any current or proposed grantees.

Please take all necessary steps to insure that all grants personnel and Property Management Officers under your control, are made aware of this prohibition.

JULIUS J. KESSLER.

MANPOWER TRAINING ASSOCIATION,
June 8, 1972.

Commissioner M. S. MEEKER,
Federal Supply Service, General Services Administration, Washington, D.C.

DEAR MR. MEEKER: As president of the National Manpower Training Association which is representative of the interests of approximately 155,000 MDTA trainees and potential unemployed. I was extremely shocked by the proposed changes in excess property availability to Manpower programs. The GSA regional offices and local Area Utilization Offices have been very helpful in providing excess property to MDTA training programs; and without this property, many programs could never have started. Excess property has not only improved training for the unemployed, returning veterans, disadvantaged, minorities, low income farmers, prison programs, but it has saved the expenditure of thousands of Federal dollars and expanded training.

The proposed rule changes as cited in the Federal Register of June 1, 1972 would discriminate against MDTA and Vocational Education programs. In a period of high unemployment, the rationale for this administrative decision is exasperating. Where MDTA skill centers are equipped with excess property, the loss of the equipment will result in the close of the training program.

For the interest of everyone concerned, this rule change PART-101-43 should not be made.

Sincerely,

ARTHUR E. VADNAIS,
President.

RICE UNIVERSITY,
Houston, Tex., June 21, 1972.

Mrs. IDA KLOZE,
Staff Associate, Retired Professional Action Group, Washington, D.C.

DEAR MRS. KLOZE: I am enclosing a copy of my recent letter to Congresman Casey, which partially answers the questions in your letter to me dated June 15.

I hope this may be of some help to you.

Sincerely,

NORMAN HACKERMAN.

RICE UNIVERSITY,
Houston, Tex., June 14, 1972.

Congressman BOB CASEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CASEY: We have learned just this week that proposed new rules concerning excess property acquisition by universities have been published in the Federal Register, Vol. 37, No. 106, Thursday, June 1, 1972.

It is our interpretation that these rules, if implemented on July 1, 1972, will prohibit federal grantees, including universities, from securing excess government property and other GSA privileges in the future. As you know, most research oriented universities are able to acquire excess property through grant programs from NSF, HEW, and NASA to list just a few agencies. This flexibility to provide essential equipment and supplies for research will be lost if these new rules are accepted by the Congress as published.

Loss of this flexibility now when many major federally sponsored research programs are being reduced or held constant will definitely affect our ability to accomplish research in many science and engineering areas. At present, our departments of Space Science, Electrical Engineering, Mechanical Engineering, Civil Engineering, Chemical Engineering, Chemistry, Biology, and Geology all acquire excess equipment. In Space Science alone, equipment and supplies with a *new government* cost in excess of $4,000,000 has been obtained in this fiscal year. Acquisition of this excess equipment by Rice results in a substantial saving to the government in performing research over new equipment acquisition by the University.

Your support of our position in regard to these proposed regulations to prevent use of government supplies by federal grantees would be greatly appreciated.

Sincerely yours,

——— ———.

BATTELLE MEMORIAL INSTITUTE,
Columbus, Ohio, June 22, 1972.

IDA KLOZE,
Staff Associate, Retired Professional Action Group, Washington, D.C.

DEAR MRS. KLOZE: Thank you for your letter of June 14 to our president, requesting data views or arguments on the proposed revision of rules regarding the use of GSA and other government sources to supply recipients of federal grants. Since Battelle does not have the privilege of purchasing from GSA under any of the grants it receives, we have no comments or views to offer. We do appreciate your thinking of us in this connection.

Sincerely,

CLYDE R. TIPTON, Jr.,
Coordinator, Corporate Communications.

SACRAMENTO STATE COLLEGE FOUNDATION,
Sacramento, Calif., June 26, 1972.

Commissioner,
Federal Supply Services Administration,
Washington, D.C.

DEAR SIR: The Sacramento State University Foundation is a recipient of numerable research educational grants received in behalf of the California State University, Sacramento. The purpose of this organization is to maximize the effective utilization of the federal funds provided to the university for scientific research and educational projects. Effective utilization of these funds requires that we procure supplies and materials at the minimum possible cost. The budgets proposed for many of our grants are modified and reduced because of limited funding by governmental agencies and it would not seem appropriate to further curtail our capability in meeting the program objectives by removing the possibility of using GSA purchasing.

Undoubtedly your action in this area is being considered because of minor abuses of the program, however, the benefits to the government and the taxpayer far exceed the minor abuse. I can assure that this organization at no time has abused this privilege. It would not be in the best interest of the taxpayer, the U.S. government or the institutions receiving grants to remove them from GSA purchasing capability.

Many of the nation's educational institutions are in somewhat restricted marketing areas and the capability to purchase the required supplies at a reduced price on the open market are almost nill. Likewise, the non-federal supply systems often lack the timely response needed to meet the objectives of the program. We must, therefore, rely on the federal GSA syqstem for expedient procurement of quality merchandise at minimum price. We prevail upon you to forego any attempt to restrict this privilege.

Sincerely,

EUGENE E. MORRIS,
Executive Director.

ST. LUKES,
San Francisco, Calif., June 28, 1972.

IDA KLOZE,
Retired Professional Action Group,
Washington, D.C.

DEAR MISS KLOZE: In answer to your letter, dated June 22, 1972, St. Luke's Hospital has never received Federal grant funds for the support of scientific and other research grants. Funds that we have received were Hill-Burton funds and Family Planning grants which are not considered to be for scientific research but for direct patient care.

Therefore, we cannot assist you in this matter. Wish we could.

Sincerely,

JOSEPH L. ZEM, *Director.*

CITY AND COUNTY OF SAN FRANCISCO,
DEPARTMENT OF PUBLIC HEALTH,
San Francisco, Calif., July 3, 1972.

IDA KLOZE,
Staff Associate, Retired Professional Action Group, Washington, D.C.

DEAR MS. KLOZE: Thank you for your letter of 19 June, 1972 regarding discounts on purchases from the General Services Administration in connection with our various Federal grants.

This is to inform you that this Department has been unable to take advantage of the GSA services, due to the excessive paper work and tight restrictions involved. In addition, further paper work is involved with the purchasing procedures of the City and County of San Francisco which have to be observed.

Yours very truly,

FRANCIS J. CURRY, M.D.,
Director of Public Health.

EDUCATION SERVICE CENTER,
Edinburg, Tex., June 27, 1972.

IDA KLOZE,
Staff Associate, Retired Professional Action Group, Washington, D.C.

DEAR IDA KLOZE: Thank you for your letter of June 19, 1972, advising me that GSA is considering revising its rules to prohibiting the use of GSA services by the recipients of federal grants.

At one time we were declared eligible to purchase supplies through GSA, but this permission was revoked.

Participation in GSA purchasing was a great advantage to us and the savings were 50% or better. We heartily support efforts to retain GSA purchasing privileges for federally funded agencies.

Sincerely yours,

HAROLD R. DOOLEY, *Executive Director.*

THE UNIVERSITY OF MISSISSIPPI,
THE GRADUATE SCHOOL,
University, Miss., June 16, 1972.

Hon. JOHN STENNIS,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR STENNIS: Reference is made to a notice published in the Federal Register, Vol. 37, number 106, Thursday, June 1, 1972, "that the General Service Administration is considering the adoption of revised rules prohibiting the use of GSA and other government sources of supply by recipients of Federal grants." The adoption of this policy would have serious adverse effects on the ability of our personnel to conduct effectively research and development on many projects.

The reduction in Federal support of grants, in general, and the difficulty in obtaining allocations for equipment, in particular, has reduced markedly the end product or benefits which otherwise would accrue. The availability of excess property through Federal grants has, in part, served to equalize the effects of the reduction in grant funds.

The utilization of excess property by recipients of Federal grants is serving a very useful purpose by making it possible to conduct the work at an enhanced level at no additional cost. It appears inconceivable not to allow the use of such property, if the materials are available.

We urge you to oppose any action that would result in the elimination of excess property privileges to institutions with government grants.

Sincerely,

Joseph Sam, *Dean*.

The University of Mississippi,
University, Miss., June 23, 1972.

Ida Kloze,
Staff Associate, Retired Professional Action Group, Washington, D.C.

Dear Ida Kloze: I referred to our Coordinator of Research, Dean Joseph Sam, your inquiry regarding materials and products obtained through assistance from the General Services Administration. Dean Sam advises me that to obtain an inventory of items obtained from GSA would be a very time-consuming undertaking. However, I am sending you a copy of a letter which Dean Sam sent to Senator Stennis indicating how a change in policy (by which recipients of Federal Grants would be prohibited the use of GSA and other government sources of supply) would adversely affect our research efforts. We earnestly hope that we may continue to use GSA supply sources.

Sincerely,

Porter L. Fortune, Jr., *Chancellor*.

Michigan State University,
East Lansing, Mich., June 27, 1972.

Ms. Ida Kloze,
Staff Associate, Retired Professional Action Group, Washington, D.C.

Dear Ida Kloze: Your rècent letter to the President has been referred to this Office for reply.

We were aware of the proposed rule change and responded to the Commissioner, Federal Supply Service, General Service Administration on June 8, 1972. A copy of that letter is enclosed as per your request. As you will see from the individuals receiving carbon copies, we have advised our Senators and Congressman of our interest in having this program continued.

You will also find in the enclosed letter documentation concerning the amount of savings effected by acquiring excess government property on Federal grants and contracts.

I trust that these answers are responsive to your needs and will be helpful to you in the preparation of your position paper.

Sincerely,

Milton E. Muelder, *Vice President*.

Michigan State University,
East Lansing, Mich., June 8, 1972.

Mr. M. S. Meeker,
Commissioner, Federal Supply Service, General Services Administration, Washington, D.C.

Dear Mr. Meeker: This letter is in response to a Notice of Proposed Rule Making (CFR Parts 101–26, 101–33, and 101–43) which appeared in the Federal Register, Volume 37, Number 106, dated Thursday, June 1, 1972. We wish to oppose this proposed rule change in the most vigorous terms possible.

One of the most urgent needs of universities today is the maintenance of an adequate scientific instrument and equipment inventory for research and instructional programs.

In the era immediately past the average university campus was typified by a sprinkling of well-funded research investigators with substantial equipment budgets in their government research grants, the presence of numerous training grants which contained funds which could be used for laboratory equipment, grants for the construction of new buildings and other facilities, which provided funds for not only fixed but movable equipment, and even more numerous pre-doctoral fellowships with allowances which could be used to assist in equipment acquisition. The severe reduction of funds in some of these programs and the outright demise of others has heightened the seriousness of meeting these university needs. Research project grants are frequently negotiated downward by eliminating equipment requests, which is reflected by the observation that the most frequent request for funds received by the Office for Research Development at Michigan State University is for equipment. Facilities grants are essentially a thing of the past. Some agencies have completely discontinued pre-doctoral fellowships, and training grants are being terminated in significant numbers. Some equipment grant programs still in existence require matching funds from grantee institutions, which also works a hardship on the institution. All of these factors combine to produce a situation wherein it is increasingly difficult to obtain scientific equipment and the acquisition of excess government property becomes an even more important means of attaining this objective.

One example of the increased pressures to obtain such equipment can be seen in this University's submission of proposals to the National Science Foundation's (NSF) Undergraduate Instructional Scientific Equipment Program. Based on a formula provided by the NSF, Michigan State University was entitled to apply for a maximum of six of these awards during 1971–72. The Office for Research Development received nine applications for various academic departments.

During this past year (July 14, 1971 through May 5, 1972) property having an original value of $2,892,088 was acquired by Michigan State University via the excess government property route. This equipment was distributed among 52 principal investigators in 28 different departments. Some measure of the increased activities in this area can be seen by comparing this total acquisition cost with the total for 1970–71 when $435,607 was transferred to 35 principal investigators.

It is immediately evident from the above data how vital the ability to acquire excess government property is to the research and training efforts of Michigan State University. We, therefore, respectfully request your most thoughtful consideration of this matter. We are confident that after your careful deliberations you will agree that the withdrawal of the ability of Federal grantees to use General Services Administration and other government sources of supply would have the most profound and disastrous effects on this Institution's efforts to maintain its viable research and teaching activities.

Sincerely,

Milton E. Muelder, *Vice President*.

Forty Nine-Ninety Nine,
Cooperative Liberty System,
Stockton, Calif., June 30, 1972.

Commissioner,
Federal Supply Services Administration, Washington, D.C.

Dear Sir: It is our understanding that the General Services Agency is presently considering a revision of the GSA purchasing regulations in regards to recipients of Federal grants. We, the 49–99 Cooperative Library System, have been awarded such federal grants in the past and expect to receive similar grants in the future. The privilege of purchasing equipment and materials through GSA has enabled us to stretch our federal grant budgets and provide better services to the people we serve. If it were not for this discount privilege, we would have to curtail the scope of our services and programs.

The federal grants that we receive are meant to provide greater services than the local cities or counties are able to afford. This has been a great boon to the libraries of our five-county system. We have listed below a few of the items which we purchased through GSA within this past year for use on our federal outreach grant which provides library service to the disadvantaged areas of Stockton and Modesto. This is only a partial list, but it is easy to see what the GSA discount savings mean in terms of providing more and better service. I wish to register a request that the Federal sources for supplies and equipment be kept open to recipients of Federal grants. The savings in both areas is more than can be obtained locally and insures a wider use of federal funds.

Item	Retail	GSA
(2) M95 Instamatic 8mm. movie projectors	$359.00	$246.38
Draper V movie screen	21.00	12.60
V–25 Viewlex filmstrip projector	115.95	79.06
V–25 Viewlex slide carrier	6.95	4.86
V–25 Viewlex case	13.95	9.76
Wilson MC–42 Mobile cabinet	69.00	56.58
Wollensak 2520 AV cassette tape recorder	199.95	159.95
Bell & Howell 16mm. movie projector No. 1540	691.00	373.14
Dukane sound filmstrip projector	275.00	220.00
Total	1,751.80	1,162.33

Average discount of 34 percent.

Sincerely,

(Mrs.) Margaret K. Troke,
Administrator, 49–99 Cooperative Library System.

Economic Youth Opportunities
Los Angeles, Calif., July 11, 1972.
Agency of Greater Los Angeles,

Ms. Ida Kloze,
Staff Associate, Retired Professional Action Group, Washington, D.C.

Dear Ms. Kloze: In answer to your letter of June 19, 1972 enclosed please find copy of letter sent to Mr. Thomas H. Mercer, Regional Director, OEO, San Francisco, pointing out the affect the discontinuation of the GSA services being provided to the recipients of federal grants would have on EYOA, its sub-contractors and other Community Action Agencies.

Sincerely,

Ulysses S. Griggs, Jr.,
Director of Business Services.

Enclosure.

Retired Professional Action Group,
Washington, D.C., June 23, 1972.

Mr. Thomas H. Mercer,
Regional Director, Office of Economic Opportunity, San Francisco, Calif.
(Attention of Mr. William Ehrlich).

Subject: Use of Government supply sources. by Grantees—Your letter June 12, 1972

Dear Mr. Mercer: In reference to the above subject, and the recommended proposal by the Office of Management & Budget, to discontinue all GSA services being provided to the recipients of federal grants, we would like to point out the extreme negative affect it would have on the EYOA, its subcontractors and other Community Action Agencies:

1. *GSA Self-Service Store*—In the year 1971 this Agency and its sub-contractors spent $76,983.81 for supplies through GSA. The GSA cost is approximately 20% to 35% less than what we would have paid from private vendors. If we had to purchase the same items on the open market, adding a conservative 20% to the above figure, the same items would have cost us approximately $92,380.61, an increase of approximately $15,396.80.

2. *Excess Surplus Equipment*—We have issued approximately 2,270 various items of GSA excess surplus furniture and equipment to the EYOA and its sub-contractors. A sampling of 300 items showed the acquisition cost at GSA prices to be approximately $53,289.71 (the cost of this furniture and

equipment at its initial purchase). Because this equipment was GSA excess or surplus, we were able to obtain it at *no cost* other than that of transportation to pick up and deliver these items to the various sub-contractors. However, the $53,289.71 would have been our cost if we had purchased these items from GSA. If we were forced to purchase these items on the open market (not through GSA) at a conservative 20% more, our cost would have been approximately $63,-948,000 or an increase of approximately $10,-658.00 over Government prices.

3. *Federal Telecommunication System (FTS)*—Since the installation of this system we have placed 8,750 calls that range from a flat charge of 80c to 90c (80c original cost was increased to 90c). The total cost of these calls amounted to $7,621.80. (This covers the period from October, 1969 through March 31, 1972). We can only estimate what this cost would have been had the long distance calls been placed through Pacific or General Telephone. However, it is safe to assume that it would have been anywhere from two to three times the GSA cost of $7,621.80 or a total cost of approximately $15,243.60 to $22,865.40 for the same number of calls listed above.

4. *Warehouse Facility*—Our Warehouse, located in Bell, California, is being used for purposes of receiving, storing, and issuing furniture and equipment to the EYOA and its sub-contractors. It is also being used by our Resources Mobilization Division for the storing, disbursement of food, clothing, and other miscellaneous items. This Warehouse has given the EYOA the flexibility to provide a service to our sub-contractors that would not have been possible without the use of this facility.

5. *GSA Motor Pool*—In January, 1972, this agency was given the privilege of using the services of the GSA Motor Pool. This privilege allowed us to lease a vehicle that is used by our messenger to pick up furniture and equipment for delivery to sub-contractors and supplies from the GSA self-service store. Having this vehicle has allowed us to provide services to our programs at a very economical cost, that we have not been able to provide in the past. We lease our vehicle through the motor pool at a rate of $40.00 a month, plus 6c a mile. This cost includes gas, maintenance, tires, and other services needed for the vehicle. To lease this same vehicle from a private vendor would cost us two and a half times as much.

In summary, without the above services, allowed through GSA, the majority of our sub-contractors would not be able to function because of the lack of funds to purchase the services that are now being provided by GSA. The EYOA would not be able to come up with additional tax dollars to pay for services that we are now receiving from GSA at a 20% to 35% reduction, or purchase those items we are not getting free.

Where we are spending $86,225.61 through GSA for various services, the same services would cost us $171,775.72, which is an increase of $85,550.11. This $85,550.11 represents a total waste of taxpayers money which we as responsible citizens cannot do. We, therefore, urge you as a responsible taxpaying citizen not to allow the proposed denial of GSA services to the Community Action Agencies to materialize.

Your favorable approval and positive action on our request to save the GSA services for Community Action Agencies and to save the taxpayers additional expense will be greatly appreciated.

Sincerely,

Ernest Sprinkles,
Executive Director.

The Albany Medical College of
Union University,
Albany, N.Y., June 30, 1972.

Re: OSA—Federal Register, Vol. 37, No. 106, pp. 10959–10960.

Commissioner,
Federal Supply Service,
General Services Administration,
Washington, D.C.

Dear Sir: In this notice in the Federal Register consideration is being given to revising the rules prohibiting the use of GSA and other government sources to supply the recipients of federal grants.

The imposition of such a prohibition will seriously and adversely affect the purchasing effectiveness of the Albany Medical College. It is estimated that the direct cost of the loss of the discounts will be more than $50,000 per year in federal grant money alone. The extent of this loss projected on a national basis, and its affect on the taxpayers' dollars and the cost-effective objectives of federal money on federally sponsored programs cannot be overestimated. This federal program should be extended rather than eliminated.

A by-product of the existing system is that vendors not required by rules and regulations to give GSA discounts on other than federal grant programs have decided competitively to meet these same prices. This effectively has resulted in multiplying the savings to taxpayers, to students and their families, and to other donors at the Albany Medical College and similar institutions.

For these very valid reasons, it is respectfully and urgently requested that the projected prohibition on the use of GSA and other government sources to supply recipients of federal grants be remanded.

Sincerely yours,

Harold C. Wiggers, Ph. D., Sc. D.,
Executive Vice President and Dean.

Law Offices Fleming and Krevor,
Washington, D.C., June 30, 1972.

Mr. M. S. Meeker,
Commissioner, Federal Supply Service,
General Services Administartion,
Washington, D.C.

Dear Mr. Meeker: As attorney for Applachian Regional Hospitals, Inc., I am writing to comment on the Notices of Proposed Rule Making which appeared in the *Federal Register* June 1, 1972 regarding use of Government supply sources by recipients of Federal grants.

Appalachian Regional Hospitals, Inc. is a non-profit health care system, embracing nine non-profit community hospitals and related health care services. A tenth hospital is now under construction. These hospitals constitute the nuclei of community health care centers, which serve a region of 900,000 inhabitants in mountainous, coal-mining communities of Kentucky, Tennessee, Virginia and West Virginia.

Because of the nature of the Central Appalachian economy, the ARH system provides a great deal of free care to persons who are medically indigent. Approximately 75% of the revenues of the hospital system are derived from three third-party payment sources—Medicare, Medicaid and the United Mine Workers Welfare and Retirement Fund. Significant grant support, both for capital facilities and operations, has been provided to the system by the Economic Development Administration of the U.S. Department of Commerce, the Department of Health, Education and Welfare, the Office of Economic Opportunity, and the Appalachian Regional Commission. As a recipient of this support, Appalachian Regional Hospitals, Inc. has been qualified to use Federal supply sources. Should the proposed modification of your regulations be adopted, this privilege would be withdrawn.

An initial evaluation of the impact of this modification on the hospital system, as gauged by quick but we believe accurate review, is estimated at higher operating costs in the magnitude of $500,000 a year out of a total operating budget of slightly over $30 million. Since ARH a non-profit and unendowed institution, these increased costs would have to be covered largely through charges for services.

The effect would be to increase the cost of care borne by Medicare and Medicaid, since something over half of the system's income is derived from these programs. It is ironic that the Federal Government should be considering the regulations in question while the Social Security Administration and the Congress are seeking new means of reducing the cost of medical care. To the extent to which increased costs were not covered by Medicare, Medicaid, and other third-party insurors, they would reduce the capacity of the hospital system to provide care to indigent patients.

Accordingly, insofar as the ARH system is concerned, the proposed regulations would have the effect of increasing Federal expenditures through Medicare and Medicaid and reducing the capacity of the hospital system to respond to public need. For this reason, we oppose the proposed regulations and urge that they not be adopted.

Sincerely yours,

Joe W. Fleming.

University of California,
Berkeley, Calif., July 7, 1972.

Retired Professional Action Group,
Washington, D.C.

Gentlemen: In response to your letter of June 19, 1972, the attached letter to the Commissioner of the Federal Supply Service states the University's position in reference to the proposed bar to grantee use of the General Supply Administration supply channels. Any support you can give to this position will be appreciated.

Very truly yours,

James D. Hahn,
University Materiel Manager.

June 20, 1972.

The Commissioner,
Federal Supply Service,
General Services Administration,
Washington, D.C.

Dear Commissioner: It has been brought to our attention thru the June 1, 1972 Federal Register that there is a proposal under consideration to bar the use of GSA supply channels by grantees and contractors of the Federal Government. We accordingly wish to register a strong protest to such action as being detrimental to both Federal and State agencies.

As a large recipient of Federal contracts and grants (over 5000 for an annual value in excess of $250 million) the effect on the University of California will be to increase substantially the cost of supply and equipment acquisition and decrease the level of grant achievement available at present funding levels. We have, for a number of years used the GSA excess equipment sources to secure available research equipment for federal grants at a considerable savings to the government. The present proposal will deny this availability requiring new purchase even though acceptable excess equipment is available from government sources. This hardly appears to be an economical or efficient situation for governmental funded operation.

The Universtiy of California has only recently utilized the GSA sources for supplies supporting federally funded grants because of the magnitude of the problem that previously existed in identifying common use supplies to specific grants. The granting agencies recently permitted blanket agency coverage which simplified the internal control required sufficiently to permit utilization on a limited basis (less than 1% of our purchase). The price savings realized however, where used, were significant (15–35%) in the specific supplies purchased. These savings in turn, are passed on to the government in increased effort for the same costs.

Still another consideration is the impact of the proposed action on the State Government support to the University. Any lessening of Federal support in actions such as this necessarily increases the burden on the State to meet the deficit. This does not appear to be in the spirit of the Intergovernmental Cooperation Act and certainly not desirable from any viewpoint.

It does not appear consistent with the announced goals of achieving maximum return for the government dollars expended not with the policy of governmental support of educational institutions to deny grantees access to a source of supply that will promote both at no additional cost to the government.

If it is absolutely necessary to change the Federal Property Management regulation, I sincerely hope this information will make exemption possible for the University of California and similar grantees.

Yours truly,

JOHN A. PERKINS.

NATIONAL MIGRANT WORKER COUNCIL,
June 27, 1972.

Ms. IDA KLOZE,
Staff Associate, Retired Professional Action Group, Washington, D.C.

DEAR Ms. KLOZE: Your letter of June 15 reached the ECMHP office today, June 27. The information requested is enclosed with the comment that the loss of GSA to any project utilizing their services would suffer considerably.

One example which affects ECMHP this year is the freeze put on grant users of vehicles from the Motor Pool. Denying us this privilege forced us into the rental of a car from an agency at a cost several times higher. There was no time to plan for a substitution. Who gained? Private business which didn't need the increase in business—does the company compensate by paying additional taxes? Very, very little.

The government dollar goes a lot farther when necessary materials and equipment are provided at a reduced cost. Unless a substitute method of charging—such as reduced costs to government projects, by private concerns—projects stand to lose.

Sincerely,

Sister CECILIA ABHOLD, S.P.,
Administrator.

OFFICE SUPPLIES

Item	GSA cost	Private office supplier
Smith Corona standard type typewriter ribbons (each)	$0.25	$1.55
Roladex (model 1024–X) 1,100 cards (each)	19.95	21.95
File folders, legal size 14½×9½ (box of 100)	1.25	4.25
3-ring notebook binders (30622–3) (each)	2.25	6.80
Mylar protective sheets 8½×11½ (50 sheets)	1.25	10.00

GSA MOTOR POOL DIVISION

Used GSA cars—139 days—cost approximately 60% of amount being paid on 2-year lease cars.

MIDWESTERN COLLEGES OFFICE,
Washington, D.C., July 19, 1972.

Hon. WALTER F. MONDALE,
Senate Annex,
Washington, D.C.
(Attention of Ellen Hoffman).

DEAR SENATOR MONDALE: The member colleges of The Associated Colleges of the Midwest and The Great Lakes Colleges Association are deeply concerned about the projected change in eligibility rules which would exclude Federal grantees from government excess property utilization programs.

We believe that the benefits of the present excess property programs provide an advantage to the taxpayer and to educational institutions without harming businesses. We urge your attention to the arguments in favor of continuing those programs as they have existed in the enclosed material from Robert Garrett of Beloit College, Beloit, Wisconsin (Appendix I, i-vii). Also enclosed are statements from two other of our colleges.

We are disturbed that The Secretary of Health, Education, and Welfare has just taken action to declare the ineligibility of Federal grantees for these programs without benefit of the hearings scheduled by the General Services Administration and before Congress has had an opportunity to examine the situation. As a conferee on S. 3010 and H.R. 12350, we hope these facts from our colleges will prove helpful to you.

We take the occasion now to thank you for all your past consideration and interest in matters that affect our colleges.

Sincerely yours,

IDA WALLACE,
Director.

Dr. Robert Garrett of Beloit College makes the following points concerning the proposed new regulations affecting government grantees' eligibility for government excess property programs:

1. The deletion of the words "and Grants" effectively cuts out colleges and universities from the excess property program because such institutions seldom hold government contracts. They often have grants of some sort. No good to the government results from such a change so why is it being made? (It clearly is not a good change for colleges and universities.)

2. The present program provides for efficient utilization of excess property by highly qualified persons who have proven themselves by the proposal that resulted in the grant. These persons know what they need to do a better job of teaching or research and can select those items most useful to their purpose. They will also know how to make maximum use of the material.

3. The present program is much better than the surplus property program for several reasons including (a) the fact that the *excess* material is received directly from the preivous user allows the recipient of the material to contact the former user to determine the condition of the material and how it was used by the former owner—information that is not available to a person noting an item in a *surplus* warehouse; (b) the material receives much better handling in the *excess* program in that it is sent directly to the new user using commercial shippers rather than being handled en mass and being dumped around by low paid help at any of several government warehouses; (c) the *excess* program has got to be less costly to taxpayers than the *surplus* program in that there is considerably less paperwork and handling of each item in the former program.

4. Further, there is no assurance that the material will ever get to the *surplus* warehouse. It is conceivable that it will be reassigned to other countries in A.I.D. programs or the like and thus not be available to colleges ever. If it does arrive, it will be much later than is the case at present. Equipment often gets less useful with time as newer techniques are developed.

5. The present *Excess* program is a valuable one to a small college in a day of cut-backs in Federal programs for equipment purchases for education. Beloit College will have made use of about $600,000 in excess property over a 14-month period during 1971–72. The program is the cheapest way the government can provide significant assistance to colleges without having to begin new programs of direct financial assistance requiring new tax dollars. In many cases, the material is old and the taxpayer has already gotten nearly full value from his dollar by the original user agency. Any re-use that a college can put the equipment to is a bonus. The bonus cost the taxpayer nothing extra in that all shipping costs are paid by the recipient institution.

6. Much of the material received from government excess is in need of repairs or of modification. The original user may have assembled several items into a console unit for some highly specific application such as a missile check-out and that needs disassembly by a new user. Persons in colleges and universities have both the knowledge and the time to perform repairs or modifications and thus can re-use the excess material far more economically than can another Federal agency or contractor paying technical persons many dollars per hour.

7. Oftentimes, the excess equipment is superceded by newer, more reliable equipment which is why it was in the excess category in the first place. High reliability is essential for most government applications such as in the space or defense programs but is not so vital for a college laboratory. An equipment failure in a college lab is an annoyance but does no real damage. A college can often use something that doesn't quite meet the more stringent specifications that the original user needs—an old piece of equipment often is below specs. Thus, a college is the most logical institution to be a re-user of excess property.

8. The economy is enhanced by the present excess program. Beloit College, for example continues to purchase the same amount of new material from vendors as it would have without the excess property program. Equipment budgets today are the same or higher than two years ago before Beloit began to use the excess property program. Thus vendors continue to receive our business and in addition we are using additional sums to pay for the services of commercial shippers. This amounts to several thousands of dollars of additional business. It is true that Beloit has obtained certain pieces of equipment that it would have spent college funds for but this served to release the funds to allow the purchase of an item that the College could not and would not have purchased otherwise.

9. Finally, the present excess program is a good one in that it has allowed the creation of new programs or the enhancement of existing programs on the college campus that would not have been possible otherwise. At Beloit College, for example, excess property has provided for a well-equipped machine shop for the sciences, for an expanded biology-physiology laboratory, for a photography program, for an up-dated advanced laboratory in physics, for a greatly improved geology field program and for new research opportunities in psychology. It has also opened up a large number of special project capabilities for diverse departments ranging from the above to art, chemistry, and music.

KNOX COLLEGE,
Galesburg, Ill., June 23, 1972.

DEAR PRESIDENT UMBECK: It has been brought to my attention that the Government Services Administration is considering terminating its surplus property program for federal grantee institutions. I believe this

is a mistake since the evidence for the effectiveness of the surplus program is right here at Knox. Under this program, we have been able to acquire a machine shop that will immeasurably aid the research and instructional programs in the sciences. I have had several opportunities to use the facilities for the construction and repair of research equipment. In addition to the shop, we have been able to acquire electronic parts and instruments and it would be impossible for me to pursue my work without these items.

I would urge you, on behalf of the college and higher education, to ask the G.S.A. to reconsider their decision to terminate this valuable program.

Sincerely,

ROBERT G. KOOSER,
Assistant Professor, Chemistry.

JUNE 20, 1972.

To: President Umbeck.

I was shocked to hear of the move within the government to curtail the acquisition of surplus government laboratory equipment by colleges. During the last year we have obtained the following surplus equipment:

Four incubators for cultivating bacteria and viruses.

Two waterbaths for controlled temperature work in microbiology, physiology, and biochemistry.

One micromanipulator for delicate dissection and manipulation in embryology studies.

One Coulter counter for the estimation of numbers of particles in solution, such as red blood cells, yeast cells, etc.

The cost of new equipment of this type would have been in the neighborhood of $6,000.

The waterbaths and incubators were used in our introductory biology courses, Biology 202 and 203, that stress microbiology and physiology. With the increase in enrollment in these courses the used equipment was most essential. Since we have had no equipment acquisition budget for more than a year, we could not have taught adequate laboratories in these courses without the surplus equipment.

The micromanipulator and Coulter counter have been used primarily in independent studies and added greatly to our potential in that area.

I hope that you and the other ACM Presidents will exert your influence to salvage this program.

B. W. GEER,
Chairman, Biology Department.

DEPAUW UNIVERSITY,
Greencastle, Ind., June 28, 1972.

Miss IDA WALLACE,
Director, ACM Washington Office,
The Associated Colleges of the Midwest,
Washington, D.C.

DEAR MISS WALLACE: In reference to your memorandum of June 20, I can report that the equipment noted on the attached listing has been received by DePauw University from the General Services Administration. Of course we feel that the NSF Excess Equipment Program and the GSA Surplus Program are of great value, and we would favor strongly their continuation.

Sincerely,

ROBERT H. FARBER,
Dean of the University.

Earth science department

Motor-Generator	$721.00
Field Desks	197.50
Crystal Unit	337.50
Protractor	554.40
Oscilloscope	350.00
Field Desks	118.50
Storage Cabinet	144.40
Storage Cabinet	126.38
Metal Band Saw	400.00
Press	510.00
Case, Drawing Bd. & Plane Table	$76.80
Woodworking Saw w/bench	175.00
Transformer	159.00
Rotary Pump	74.20
Ammeter	40.99
Mine Detecting Set	124.00
Total	4,109.67

Mathematics department

Power supply	$100,000.00
Motor	1,720.00
Motor	665.00
Transformer	786.00
Power supply	4,800.00
Capacitor	208.00
Amplifier	1,511.00
Test set	610.00
Capacitor	110.00
Capacitor	62.00
Capacitor	240.50
Resistor	110.00
Resistor	80.00
Resistor	70.00
Radar test set	4,800.00
Oscillator	1,559.00
Calibrator	1,944.00
Power supply	834.90
Capacitor	485.00
Capacitor	1,064.00
Capacitor	330.00
Transformer pulse	650.00
Switch, radio freq	1,370.00
Modulator-power supp	375.00
Amplifier-detector	752.00
Resistor	78.00
Headset, electrical	102.00
Resistor	100.00
Motor	262.00
Tower	4,804.00
Tuning unit	2,925.00
Filter band pass	2,080.00
Transformer	3,997,00
Antenna assembly	36,000.00
Signal generator	580.00
Preselector	1,161.00
Capacitor	782.80
Capacitor	60.00
Resistor	30.00
Resistor	100.00
Total	178,198.20

PHYSICS DEPARTMENT MEMO—KNOX COLLEGE

I wish to present my personal views as to what our involvement in the GSA excess property program has meant to the physics department and may mean in the future to all of the sciences here at Knox. I believe quite emphatically that one cannot effectively teach science without "doing" science. It is in this area that the science departments in the large universities have their main advantage over those in the small colleges.

I will describe what I have attempted to accomplish and what has actually been done at present. When I first came to Knox, it was extremely frustrating because I could think of many solutions to some of the problems that arose but had no means to carry them out. Our shop consisted of a jigsaw, a drill press, and a few hand tools. Unfortunately this situation is all too common at the small college. One of my first goals then was to build up a shop which had to be fairly complete. That is, it had to have the capability of working with most common materials, metal, wood, and plastics and be capable of most of the common operations on them. Without such a shop it is impractical to consider making ones own experimental apparatus.

There is a second and very important purpose for such a shop. If one looks at the incoming students these days, few have any significant manual skills. This is particularly unfortunate for the experimental physicist as he must be a combination electrician, plumber, machinist, carpenter and physicist all in one. Present students have little opportunity for learning these skills at home though and virtually none at school.

The next problem which arose when I arrived at Knox was that there simply was not any source for most electronic supplies locally. At the present time most advanced physics experiments involve extensive amounts of electronic equipment. If one is to build such equipment or even maintain that already available, then an extensive stockroom must be available nearby. With academic terms being as short as they are, one simply cannot wait weeks for common items and it is presently financially unfeasible to stock too much oneself if it has to be obtained commercially. My second goal then was to utilize the available sources to fit out a stockroom that would supply most of the commonly needed components. It was desired that it also contain a broad selection of the less commonly needed items so that in an emergency one could make do until the correct item could be obtained.

Finally one further goal was to obtain as much modern instrumentation and laboratory equipment as possible so that interested students could become familiar with it. It was hoped that after the acquisition program was well under way much of this equipment could be utilized to build up several major experimental stations to augment the laboratory program and to provide a selection of advanced projects for interested students to work with. It is amazing sometimes how useful a piece of equipment can be (if one has the proper shop facilities) even though some other laboratory may have discarded it. With such discarded equipment one can put together quite elaborate equipment that would otherwise be completely out of our reach financially. Furthermore with research support being what it is now and likely to remain in the near future, the ability to make do with what one can find will be a useful skill.

So much for my goals. Where do we now stand? The eligibility of Knox College to utilize the GSA excess property program has allowed us to proceed substantially toward these goals. We have benefited tremendously from this program.

Knox has received material which had a total stated acquisition value of $1,090,359.56 which breaks down in the following fashion. In the category of instrumentation we have received equipment costing $447,789.89. In the area of electronic components we have received material with an original cost of $479,795.86. It should be noted here that in this category, well over 90% of the material was new, unused and in perfect condition. Finally in the area of shop equipment, we have received material having a stated acquisition value of $162,773.81.

These figures by themselves do not begin to portray an adequate picture of the help the excess property program has been to us. They do, however, correctly express the fact that the contribution has been substantial.

In the area of the shop, the progress has been the greatest. At the present time we have a functioning carpenter shop and machine shop. The machine shop has tools for our machinist, tools for staff members who have had the training to use them and others for beginners. It now has most of the major pieces of equipment required. In addition we are rapidly assembling the vast assortment of peripheral equipment required. The machinist has already turned out several jobs for people in all of the sciences. This summer we have two talented students working on advanced projects and doing an extensive amount of work in the shops. In addition staff members in several departments are making use of the shops for their summer research projects. Without the GSA excess property program we would have very little in the way of shop facilities.

In the area of the electronics shop, again the excess property received has had a very large effect. We are not as far along on this area but still in the last year the effects are becoming clearly observable. At least two students worked on honors projects which would have been impossible to have finished without components received under the program. Again, people in other departments have also been aided by the shop in larger amounts in the last year. Fortunately, we were able to obtain cabinets through the excess property program and are now in the process of finishing up the cataloging and filing of the components received so far. Again, without the excess property program, we could not hope to have obtained a fraction of the inventory we now have.

In the area of instruments and laboratory equipment, the full potential of the material received will not be achieved for some time to come. I will mention several areas though where progress has been made. In the sophomore lab we are using some fairly sophisticated oscilloscopes which we were fortunate to receive. In the electronics lab there are several instruments being used which we obtained through this program. The advanced lab program though will ultimately be the biggest beneficiary of the program. At the moment only special projects that recent seniors have taken on as Honors projects or comprehensive projects have been made useable. So far three individual student labs have been outfitted for advanced study. They have been supplied with basic instruments, supplies and tools.

In summary then I think that it is clear that the availability of excess property has had a very strong impact on laboratory education in our department. These effects are expected to be felt more in the coming years. Most important, this program has had a strong effect down at the level of the student allowing him access to experiences otherwise unobtainable to him.

Retired Professional Action Group,
Washington, D.C., July 18, 1972.

Senator Walter Mondale,
Senate Office Building, Washington, D.C.:

Defying intent S. 3010, HEW arbitrarily terminated grantee excess program. Twelve grantees your State. Restoration urgent.

Ida Kloze,
Staff Associate.

American Vocational Association,
July 16, 1972.

Senator Walter F. Mondale,
Old Senate Office Building, Washington, D.C.:

We support the Mondale amendment on the excess property program. We are dismayed to learn that the Department of Health, Education, and Welfare has terminated this worthwhile program. Please continue your efforts in the conference to restore the HEW program for excess property so that there is adequate time for consideration and analysis of the impact that will be created on education agencies by termination of the excess program.

Lowell A. Burkett,
Executive Director.

State University of New York,
Washington, D.C., July 17, 1972.

To: Senator Walter Mondale.
From: William F. Claire, Director of the Washington Office.

The language of S. 3010 which allows federal grantees and contractors access to federal excess property and supplies would be extremely helpful to the State University of New York.

Without it, the funds available for direct cost purposes would be reduced and the conduct of research hampered. The project director or principal investigator anticipates these savings and so budgets his project. Without the benefits of excess property he would be short of money and would have to re-budget to the detriment of the project.

Although the Research Foundation of State University of New York is comparably new in this area, we have nevertheless expended the following amounts on items that would be included in the GSA catalog, for the eleven months ending May 31, 1972:

Equipment—research	$2,925,909.84
Equipment—other	170,900.87
Supplies—all types	3,007,129.22
Total	6,103,939.93

Of course, everything would not be purchased through GSA, but at a reduction of between 20–40%, a substantial savings can accrue to the advantage of the researcher.

Enclosed, for your information, are sample copies of correspondence from State University of New York campuses opposing a proposed General Services Administration rule that would eliminate these savings. They speak to the need for your Amendment and the excess property program. Senators and Representatives, as well as Commissioner Meeker, have received many letters from people in the State University of New York system.

In closing, let me point out that excess property helps the small businessman. Our grantees use the money that they would otherwise spend on equipment to purchase material from small businesses.

We most wholeheartedly support the language in S. 3010.

June 26, 1972.

Hon. James Buckley,
U.S. Senate, Senate Office Building, Washington, D.C.

Dear Sir: Enclosed is a copy of a letter which I am sending to the Commissioner of Federal Supply Services in regard to the Excess Federal Property Program, (*Federal Register*, Thursday, June 1, 1972, Vol. 37, No. 106 pp. 10907–11045, part 101–43, Utilization of Personal Property, subpart 101–43–3, Utilization of Excess).

This program has been of great value to our NSF funded project, and the equipment, the title to which will be vested in the State University of New York at Binghamton, will continue for years to benefit the University, relieving the State and the taxpayers of a considerable part of the purchase costs of the essential equipment which would otherwise have to be purchased at State expense. Similarly and equally important, the excess equipment will enrich the programs of the University because it will provide a larger amount of apparatus for the development of additional programs which would not have otherwise been possible since funds are not available for the purchase of any but essential instruments.

Therefore, I would like to ask your assistance in strongly supporting the position that the National Science Foundation be retained in the Federal Excess Personal Property Program at least on a secondary basis. We would be most appreciative of any assistance which you could provide.

I must apologize for my delay in writing, but my other duties have left me no time until now.

Thank you very much for any help which you can provide.

Sincerely,

C. R. Stannard,
Associate Professor of Physics Project Director NSF GY–9320.

State University of New York
at Albany,
Albany, N.Y., June 22, 1972.

M. S. Meeker,
Commissioner, Federal Supply Service, General Services Administration, Washington, D.C.

Dear Commissioner Meeker: Reference is hereby made to the notice in the Federal Register dated 1 June 1972 concerning the utilization of GSA excess property (Volume 37, No. 106, pages 10959–10960). As indicated, consideration is being given to prohibiting the use of such property by recipients of Federal grants.

We strongly urge that this change in policy *not* be enacted. University grantees and nonprofit research organizations have long relied on occasional and necessary allocations of GSA excess property to perform effectively their research. Without this support, it is safe to say that many research and development programs of benefit to society could not have been undertaken. Those that might have been funded would have incurred substantially greater costs to the Government.

Contractors apparently would be exempt from this restriction, and several substantiating reasons are given (page 10960). We believe these arguments hold equally well for recipients of Federal grants. In the best interests of the Government, and the general public, we respectfully recommend that no changes be made to a policy that has proven so effective in the past.

Sincerely,

J. J. Zuckerman,
Professor of Chemistry and Director for Research.

State University of New York at Binghamton,
Binghamton, N.Y., June 26, 1972.

Re: Federal Register, Thursday June 1, 1972, Vol. 37, #106, pg. #10907—11045, part 101–43; Utilization of Personal Property; Subpart 101–43–3, Utilization of Excess.

Commissioner of Federal Supply Services,
General Services Administration
Washington, D.C.

Dear Sir: As the Project Director of NSF Project GY–9320, which has as its goal the production of modules of instruction in physics for technicians, may I very strongly recommend for your consideration that the National Science Foundation be retained in the Federal Excess Personal Property Program at least on a secondary basis?

Our project has been utilizing Excess Federal Personal Property for only about six months and already the instruments and supplies which we have acquired have been of great value to us, even though they have been found to be of no further value to the Armed Services or defense contractors. In effect, the excess property serves to augment the funds provided to the project by the NSF without the expenditure of any additional monies. We feel that this procedure helps to obtain maximum utilization of federal resources by using it to provide projects such as ours with valuable additional federal support at no additional cost to the government.

The added support is especially important to our project because it has several unusually expensive demands placed on it by the wide geographic distribution of our personnel. We are especially able to take advantage of the Federal Excess Property in that we can produce proto-type and field-test versions of the classroom experimental apparatus which are superior to what we could have done without the added support, because the supplies we have acquired are frequently greater in quality and quantity to what we could have afforded to purchase. As an added benefit, because most of the apparatus which we have acquired has come from technical laboratories, much of it is extremely valuable to us in providing educational materials to technicians even if it has been declared to have no value except as salvage. An instrument which is no longer repairable can be given to the students to take apart and examine. The future technician can thoroughly examine an instrument like one which he knows he may one day have to use and maybe fix, but with no fear that he may do damage.

Our experience with excess federal scientific instruments has convinced us that even projects directed toward physical research can make good use of excess property. Our physics department technicians and electronic specialists have already repaired several instruments classed as "R4" for us.

These instruments could not have been profitably repaired by the Armed Services or defense contractors, because of the fact that our people are able to work on several instruments at once in their spare time since there is no pressure to return them to service immediately. Similarly, we have been able to combine two or more R4 instruments to make one working instrument.

The Physics Department of the State University of New York at Binghamton has given assistance in providing much of the manpower and transportation. No part of these costs are borne by the Federal Government. The department is glad to provide its assistance in the acquisition of Excess Property because of the fact that title in the property is vested in the institution at the termination of the grant. Thus, even after our project has benefited from the Federal Excess Program, the University will be able to continue to make good use of much of the property.

It is clear that the Federal Excess Program has many ramifications which go far beyond the simple disposal of property unusable to the Federal System. The program conserves the resources and the costs which have gone into the manufacture of the instruments and greatly extends the productive life of them. The extended life in turn conserves the financial resources of federally funded projects, and at the termination of the grant the colleges and universities, all of which are having increasing extreme difficulties in financing the rising costs of education, can use the federal excess instruments to further conserve their own dwindling funds. Even when the instruments become obsolete for research purposes, they are still excellent for use in undergraduate laboratories. It would represent a shameful waste to discontinue the Excess Federal Property Program, and would be a reversion to the wasteful "throw-away" economy which many of us had hoped had been renounced by the present administration.

Because the Armed Services and their contractors are given first notification and a priority in acquiring the excess property, before it is offered to Federal Grantees, we, as grantees of the NSF are already effectively participating in the program on a secondary basis. The property is truly of no further use to any agency of the Federal Government other than ourselves as grantees.

I, therefore, urgently and respectfully request as strongly as I can that the National Science Foundation be retained in the Federal Excess Property Program on a secondary basis.

Thank you for your consideration.

Sincerely,

C. R. Stannard,
Associate Professor of Physics Project Director NSF GY-9320.

Subject: General Services Administration Excess Property.

July 10, 1972.

Mr. M. S. Meeker,
Federal Supply Service, General Service Administration, Washington, D.C.

Dear Mr. Meeker: It is with great consternation that I discover the General Services Administration's intent to discontinue the accessability of excess equipment and material to institutions holding government grants.

The State University of New York at Stony Brook has a distinguished compliment of researchers in many academic fields, who in the past have relied upon the acquisition of such property in order to supplement their projects. In view of recent cutbacks in financial support, the availability of excess property will be increasingly important in the future.

Our research projects are not only applicable to the sciences but also further the advancement of technological aid in varied aspects of commercial enterprises of great value to the country and the world. If excess property is no longer available, such projects will be curtailed unfortunately.

Excess equipment and materials have enabled many research projects at this University to extend the scope of existing instrumentation, often acquired previously through regular grants. Thus the program has increased the effectiveness of our work for the Federal Government under various contracts.

Recent acquisitions of excess property indicate that our Physics, Earth & Space Sciences, Chemistry, Engineering and Marine Sciences departments have acquired in excess of approximately $750,000 worth of equipment and material which normally would have been unavailable to us without the General Services Administration's assistance. In addition, some of our departments are waiting for formal approval of pending requests.

I strongly and respectfully urge that the General Services Administration's intent to eliminate the contribution of excess property be reconsidered and reversed. Continuance of the previous policy will be beneficial to all segments of our society.

Sincerely,

John S. Toll,
President.

State University of New York at
Stony Brook,
Stony Brook, N.Y., July 10, 1972.

Mr. William F. Claire,
Director, State University of New York Office, Washington, D.C.

Dear Bill: Attached is a self-explantory letter to the General Services Administration. I am sending several extra copies to you so that you can distribute them as you think most effective to Legislators.

If there is anything else I should do in this matter, please let me know.

Cordially,

John S. Toll,
President.

American Council on Education,
Washington, D.C., July 19, 1972.

Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: In behalf of higher education we wish to commend you for sponsoring the amendment in H.R. 12350 that deals with the use of excess property by Federal grantees.

As you know, the General Services Administration on June 1, 1972, issued a notice of proposed rule making that would discontinue the authorization for Federal grantees to use excess Federal property. The usual thirty-day period was permitted for comment from those affected. So strong has been the reaction against the proposed change, not only from institutions of higher education, but also from many levels of state government, that the period of time for comment has been extended by an additional month.

We have learned with dismay, however, that despite this extension, the Department of Health, Education and Welfare has already put into effect a policy denying to grantees access to excess property. We believe such a policy is in the interest of neither the grantees affected nor the Federal government. That fact that at least $100 million in such property has been made available annually to grantees has enhanced the quality of research and training the Federal agencies wished performed. Moreover, the use of such property has in many cases reduced the cost to the taxpayer of funding these research and training projects.

We earnestly hope that your amendment may prevail in conference and that an unwise decision to terminate a program that has been of such benefit to all concerned may be reversed.

Sincerely yours,

John F. Morse,
Director.

American Council on Education,
Washington, D.C., July 19, 1972.

Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.

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We earnestly hope that your amendment may prevail in conference and that an unwise decision to terminate a program that has been of such benefit to all concerned may be reversed.

Sincerely yours,

John F. Morse,
Director.

CAPTIVE NATIONS WEEK

Mr. HRUSKA. Mr. President, once again it is time for us to attempt to focus the world's attention upon the plight of the captive nations of the world.

The President has designated this week of July 16 as Captive Nations Week. It is incumbent upon all of us in this body to renew our expression of brotherhood and concern for the millions of people who have fallen under the yoke of Communist oppression.

Those of us who are fortunate to be citizens of a free nation tend to be much too complacent about our freedom. We are inclined to take freedom for granted because we have always had it.

We must remember that a large share of the earth's people have not known freedom for many years. We must rededicate ourselves to the task of helping the captive peoples regain their God-given right.

We must further recognize what too many of us are inclined sometimes to forget. That is the fact there can be no real peace in the world until all the people of the world are truly free.

This year marks the 13th in which we

have observed Captive Nations Week in an unfortunate but necessary gesture to remind us of the plight of more than 100 million Europeans.

While the Soviet Union continues to stamp out the flame of revolt wherever it occurs—in Hungary, Czechoslovakia, Poland, and elsewhere—we find gratification in the fact that these oppressed millions, while they may despair, never falter in their quest for freedom.

The list of martyrs is long. Fearless patriots have been eliminated by the hundreds of thousands in the Soviet quest for more and more power.

In the short span of 8 years, between 1940 and 1948, no less than nine independent nations of East and Central Europe fell to Communist aggressors.

The democratic leaders of these countries who were able to avoid imprisonment or death have taken refuge in the free world where they continue to lead the fight for freedom for all their countrymen.

These people know what freedom means. This Senator knows many of them personally. I can certify that anyone who wants a true understanding of our precious American heritage of individual freedom can learn much by conversing with those who have seen and experienced the other way of life.

To these valiant leaders whose sole overriding purpose is to free their countrymen, and to the countrymen themselves who still work and hope and pray for freedom, we owe our support, our allegiance, our prayers, and our continuing efforts also.

This is the week in which we must rededicate ourselves to the cause of freedom for all people.

CONSUMER PROTECTION AGENCY

Mr. GURNEY. Mr. President, last Monday, the distinguished Senator from Alabama (Mr. Allen) placed in the Record a most informative statement on the proposed Consumer Protection Agency. Appended to that statement is a summary of letters from various agencies listing no less than 554 types of Federal proceedings that would become subject to intervention by the Agency.

For the benefit of Senators who would like more detail on these letters, I am submitting, for their consideration, a letter from the Department of Agriculture listing the 156 departmental programs that would be affected if we pass this consumer protection legislation in its present form. I am also including a letter from the Federal Power Commission giving an overview of the ways in which their powers would be affected.

Certainly, the information brought forth by the Senator from Alabama (Mr. Allen) is worthy of the most serious consideration. So, too, is a column published in Tuesday's Florida Times-Union, in which the author, John Chamberlain, makes some interesting points about how the rights of consumers might be affected by the presently proposed Consumer Protection Agency.

I therefore ask unanimous consent to have printed in the Record the above-mentioned letters and newspaper article.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Florida Times-Union, July 18, 1972]

"Nader's Raiders" Don't Really Protect Consumers

(By John Chamberlain)

The first opportunity to vote in Congress on a Democratic platform item will come when Senators Muskie, Humphrey, Jackson, and Chiles, all of them members of the Government Operations Committee, meet to consider that most sacred of all convention-year sacred cows, the American consumer.

They will be asked to endorse or reject the platform's language that supports the so-called *amicus curiae* approach to creating a new watchdog body to oversee the work of the Federal Trade Commission, the Department of Agriculture and other agencies now charged with consumer protection.

Believe it or not, the Democratic platform wording rejects Ralph Nader's tough-guy theory of what a super-watchdog agency should be entitled to do to override the lesser watchdogs.

The *amicus curiae,* or "friend of the court" approach, which is middle of the road, would entitle a newly created consumer protection agency to criticize and offer friendly advice to such bodies as the Department of Agriculture and the Federal Trade Commission without having the power to appeal decisions to the courts and to subpena witnesses on its own.

As an American consumer (aren't we all?) I would reject the idea of any need of a super-watchdog to protect my interests. But if I have to choose between super-watchdogs, the *amicus curiae* approach is clearly preferable to a consumer protection agency, which would give punitive advocacy power to the Ralph Nader clique.

Nader's idea of the consumer is a categorized picture of a little man who is too stupid to exercise choice on his own behalf. This whole idea of categoriz'ng people offends me anyway. I am a very individual consumer who wants to use my money as I choose, not as Nader chooses.

In "defending" me against the motor barons of Detroit, Mr. Nader has added at least $200 to the price of a car. He seems oblivious to the fact that no two consumers are alike. Some want total safety; some want a blend of safety and cheapness; some would be willing to take cars as they used to be, trusting to their own common sense to drive defensively without having to pay through the nose for all those safety devices that may or may not work.

Because of Nader's cost-overrun approach I am still getting by on my 1965 automobile. Since it has a reliable engine that doesn't break down in traffic, it's still a better car than any that has been improved by Nader's ukases.

Prices have doubled in this country without any particular concern on the part of the self-constituted consumer protectors.

That means that most of us poor slobs have to buy inferior cheap products. The Washington air is full of clamor for protection against the Japanese and the West Europeans, who offer good blends of cheapness and quality.

Do you see Ralph Nader mounting the barricades to protest against the growth of a protectionism that would mulct the consumer? Does he lobby against the taxes that take money from me that I might use to buy safe radial tires made in France?

So give me an *amicus curiae* consumer protection agency as advocated by the Democratic platform.

It would at least be preferable to a Nader-dominated agency armed with the powers of a latter-day Spanish Inquisition.

Federal Power Commission,
Washington, D.C., July 5, 1972.
Hon. James B. Allen,
U.S. Senate,
Washington, D.C.

Dear Senator Allen: This is in response to your letter of June 9, 1972, enclosing a copy of S. 1177, a bill to establish a Council of Consumer Advisers and an independent Consumer Protection Agency (CPA). You request information regarding the impact on the Federal Power Commission of the provisions of such bill, if it is enacted into law, for use by the Government Operations Committee which is expected to consider the bill later this month.

Directing this response to the provisions regarding the authority proposed to be conferred on the CPA, its principal function would be the advocacy of the consumer interest before Federal departments, agencies and courts. In general, such authority would be exercised by way of intervention as of right, or by entry of an appearance or other participation in agency hearings subject to the provisions of the Administrative Procedure Act or upon judicial review of an action of the Commission deemed adverse to the consumer interest.

Section 203 would authorize the Director of the CPA to request the commencement of any proceeding within the authority of the Federal agency concerning any substantive or procedural matter which substantially affects the interests of consumers and to intervene in any such pending matter to represent such interests and to participate, within the limits specified, in matters pending on judicial review.

Section 204 would authorize the CPA to refer complaints or other information relating to the violation of any law, regulation or judicial order concerning consumer interests to the appropriate Federal agency for disposition.

Under the Administrative Procedure Act intervention by the CPA is permissible at all stages of proceedings before the Commission. The predominant concern of the Federal Power Commission is the protection of the consumer. Congress enacted the Federal Power Act and the Natural Gas Act to provide Federal regulation in the public interest of those aspects of the electric utility and natural gas industries beyond the reach of State regulatory control.* Among Congress' chief concerns was the provision of meaningful protection of the interests of the consumer.

In accordance with the mandate of Congress, the Supreme Court has repeatedly stated that the Commission is under a legal obligation to protect consumers, *F.P.C.* v. *Hope Natural Gas Co.,* 320 U.S. 591 at 610 (1944); *F.P.C.* v. *Tennessee Gas Co.,* 371 U.S. 145, at 154 (1962); and see *Louisville Gas & Electric Co.* v. *Federal Power Commission,* 129 F. 2d 126 at 133 (6th Cir. 1942), cert. den. 318 U.S. 761. Thus, in *Pennsylvania Water & Power Co.* v. *Federal Power Commission,* 343 U.S. 414 at 418 (1952), the Court said:

"A major purpose of the whole Act is to

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* See, e.g., House Report No. 61, June 25, 1919, 61st Congress, 1st Session, to accompany H.R. 3184, which became the Federal Water Power Act, at p. 5. Senate Report No. 621, May 13, 1935, 74th Congress, 1st Session, to accompany S. 2796, which became the Federal Power Act of 1935, at pp. 3, 17–18, 22. House Report No. 709, August 28, 1937, 75th Congress, 1st Session, to accompany H.R. 6586 which became the Natural Gas Act, at pp. 1–3. Accord: *Interstate Natural Gas Co., Inc.* v. *Federal Power Commission,* 331 U.S. 682 at 689–691, 692–693 (1947); *Federal Power Commission* v. *Interstate Natural Gas Co.,* 336 U.S. 577 at 581, and separate opinion of Mr. Justice Black at 597 (1949).

protect power consumers against excessive prices . . . ."

In *Atlantic Refining Co., et al.* v. *Public Service Commission of New York, et al.*, 360 U.S. 378 at 388 (1959), the Court observed:

"The [Natural Gas] Act was so framed as to afford consumers a complete, permanent and effective bond of protection from excessive rates and charges"

and again in *Federal Power Commission* v. *Transcontinental Gas Pipe Line Corp., et al.*, 365 U.S. 1 at 17 (1961):

"When Congress enacted the Natural Gas Act, it was motivated by a desire 'to protect consumers against exploitation at the hands of natural gas companies.' *Sunray Mid-Continent Oil Co.* v. *Federal Power Commission*, 364 U.S. 137, 147. To that end, Congress 'meant to create a comprehensive and effective regulatory scheme.' *Panhandle Eastern Pipe Line Co.* v. *Public Service Commission*. 332 U.S. 507, 520."

In *F.P.C.* v. *Louisiana Power & Light Co.*, decided June 7. 1972, slip op. p. 19, 40 U.S. Law Week 4636, 4642, the United States Supreme Court observed:

"Congress created 'a comprehensive and effective regulatory scheme,' *Panhandle Eastern Pipe Line Co.* v. *Public Service Commission*, 332 U.S. 507, 520 (1947), to 'afford consumers a complete, permanent and effective bond of protection . . .' *Atlantic Refining Co.* v. *Public Service Commission*, 360 U.S. 378, 388 (1959)."

All Commission proceedings under both the Federal Power Act and Natural Gas Act are conducted pursuant to the requirements of the Administrative Procedure Act. Therefore your question 1.b. is not applicable to this Commission. In litigated matters, its staff is authorized to act independently in the public interest. In addition, public interest representation is provided for under Section 1.8 of the Commission's Rules of Practice and Procedure, which permits State commissions (including any regulatory body of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy or natural gas to consumers within such State or municipality) to intervene as of right in any proceeding, and any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute involved may petition to do so. In the past, the Commission has acted liberally in granting such applications.

Section 1.6 of the said Rules also permits any person complaining of anything done or omitted to be done by any licensee, public utility or natural gas company in contravention of any act, rule, regulation or order administered or issued by the Commission to file a complaint with the Commission. If the Commission finds that the complaint merits a hearing it will set the matter for formal hearing. In that event the complainant automatically becomes a party thereto. The term "person" is defined in Section 1.1(f)(1) of the Rules to include, *inter alia*, "organized groups of persons, whether incorporated or not. . . ."

Under Section 1.10 of the Rules, any person, including any State or local commission, objecting to the approval of an application, petition, motion, or other matter which is or will be under consideration by the Commission may file a protest which serves to alert the Commission and parties to a proceeding as to the nature of the objection. Protestants do not become parties to such proceedings but may become such by following the route provided for intervention under Section 1.8.

Under the Commission's rulemaking activities, the Commission as required by the Administrative Procedure Act gives published notice of proposed rulemaking and considers all comments and suggestions received including those from individuals and groups representing consumer interests.

The authority which this bill would confer upon the Consumer Protection Agency, if improvidently exercised, could substantially hamper effective regulation by this Commission under both the Federal Power and Natural Gas Acts by postponing finality of decision in matters of pressing public concern The power to seek judicial review even in the absence of such intervention or participation could impose another layer of regulation upon this Commission and impair its effectivenes to the detriment of the public.

If you desire further information, we shall be pleased to supply it.

Sincerely,

JOHN N. NASSIKAS,
Chairman.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 16, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: The attached list of programs and actions of this Department is submitted pursuant to your request of May 23, 1972, concerning S. 1177, 92nd Cong 2d Sess.

We have prepared the list based upon as extensive a review of the Department's numerous activities as could be made within the time limits of your request. A more thorough review may reveal some other activities which should be included in the various categories. The list does not necessarily indicate our view as to whether all of the activities listed would come within the scope of operations of the proposed "Consumer Protection Agency," since in view of the definitions of "consumer" and "interests of consumers," we are not certain as to the breadth of the intended activities of the new agency. We are also not certain as to the intended scope of the third class mentioned in your letter (informal activities). For example, it is not clear whether that class is intended to include such actions as administrative decisions whether to recommend the institution of criminal prosecutions or civil or administrative proceedings under 7 U.S.C. 1595, 1596, 1598, 1599–1602, or 21 U.S.C. 671, 673–676, or whether to intervene in administrative proceedings of other agencies with respect to transportation rates or services under 7 U.S.C. 1291 or 1622; inspection of records under 7 U.S.C. 1572; inspections to identify noncomplying articles under 7 U.S.C. 150ff or 21 U.S.C. 134d; requirement of reports under 21 U.S.C. 677 and 15 U.S.C. 46; collection of fees under 7 U.S.C. 2371; and appointment of the Plant Variety Protection Board under 7 U.S.C. 2327 or the Meat Inspection Advisory Committee under 21 U.S.C. 661. Such actions are not included in the attached list.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

ATTACHMENT

(List of programs and actions of the United States Department of Agriculture, prepared pursuant to letter of May 23, 1972 from Senator Allen concerning S. 1177)

I. FORMALIZED PROCEEDINGS

A. Proceedings subject to the formal procedure requirements of 5 U.S.C. 553–557 (except to the extent exceptions thereunder apply in specific cases).

1. Rule-making under the following statutory provisions:

a. *Agricultural Marketing Act of 1937*, (7 U.S.C. 601–674). Issuance of Marketing Agreements and Orders after notice and public hearing (7 U.S.C. 608c (3) (4)).

b. *Cotton Research and Promotion Act* (7 U.S.C. 2101 *et seq.*) Notice and Public Hearing (7 U.S.C. 2103).

c. *Potato Research and Promotion Act* (7 U.S.C. 2611–2627) Notice and Public Hearing (7 U.S.C. 2614).

d. *Milk Research and Promotion Act* (7 U.S.C. 608c (5) (1)) Notice and Hearing (7 U.S.C. 608c (3) (4)),

e. *Anti-Hog-Cholera Serum and Hog Cholera Virus Marketing Agreement Act* (7 U.S.C. 851–855) Notice and Public Hearing (7 U.S.C. 852).

f. *Packers and Stockyards Act* (prescription of rates, charges, regulations and practices under 7 U.S.C. 207(e), 211, 212, 217a(b), 218c).

2. Adjudications under the following statutory provisions:

a. *Commodity Exchange Act*

(1) Proceedings before the Commodity Exchange Commission to suspend or revoke the designation of a board of trade as a contract market (7 U.S.C. 7b, 8).

(2) Proceedings before the Secretary of Agriculture to deny trading privileges on contract markets and to revoke or suspend registration of futures commission merchants and floor brokers (7 U.S.C. 9).

(3) Proceedings before the Secretary of Agriculture for cease and desist orders against persons other than contract markets (7 U.S.C. 13b).

(4) Proceedings before the Commodity Exchange Commission for cease and desist orders against contract markets (7 U.S.C. 13a).

(5) Proceedings before the Commodity Exchange Commission to review a refusal of the Secretary of Agriculture to designate a board of trade as a contract market (7 U.S.C. 8).

(6) Proceedings before the Commodity Exchange Commission to exclude cooperative associations from membership and trading on contract markets (7 U.S.C. 10a).

(7) Proceedings before the Secretary of Agriculture to refuse to register applicants because of failure to meet financial requirements of the Act and regulations (7 U.S.C. 12a).

(8) Proceedings before the Secretary of Agriculture to refuse to register applicants because of unfitness (7 U.S.C. 12a).

(9) Proceedings before the Secretary of Agriculture to suspend or revoke registrations of futures commission merchants for failure to meet financial requirements and of futures commission merchants and floor brokers for unfitness (7 U.S.C. 12a).

b. *Packers and Stockyards Act*

(1) Proceedings before the Secretary of Agriculture to issue cease and desist orders against packers for violation of Title II of the Act (7 U.S.C. 192, 193).

(2) Proceedings before the Secretary of Agriculture to suspend registrations of market agencies and dealers for insolvency or violations of the Act (7 U.S.C. 204) or revoke registrations of State weighing agencies (7 U.S.C. 205).

(3) Proceedings before the Secretary of Agriculture to issue cease and desist orders against licensees under Title V, stockyard owners, and market agencies with respect to rates, charges, regulations or practices (7 U.S.C. 211, 212, 218c).

(4) Proceedings concerning revocation of a brand inspection authorization (7 U.S.C. 217a (d)).

(5) Proceedings before the Secretary of Agriculture to issue cease and desist orders against licensees under Title V, stockyard owners, market agencies and dealers who engage in unfair, unjustly discriminatory or deceptive practices or devices (7 U.S.C. 213, 218c).

(6) Proceedings before the Secretary of Agriculture to refuse, suspend, or revoke licensees and publish the facts under Title V (7 U.S.C. 218a, 218d).

c. *Agricultural Marketing Agreement Act* of 1937 (7 U.S.C. 608c (15) (A))

d. *Perishable Agricultural Commodities Act* of 1930 (7 U.S.C. 499c (e), 499f (c), 499h)

e. *Federal Seed Act*

Proceeding to determine whether cease and desist orders should be issued (7 U.S.C. 1599).

f. *Animal Welfare Act*

(1) Proceeding regarding the issuance of a cease and desist order or the suspension or revocation of a license issued to any dealer, exhibitor, or operator of an auction sale subject to the Act (7 U.S.C. 2149).

(2) Proceeding regarding the issuance of a cease desist order to any research facility subject to the Act (7 U.S.C. 2150).

g. *Plant Variety Protection Act*

(1) Proceeding to suspend or exclude any person from practicing before the Plant Variety Protection Office (7 U.S.C. 2356).

(2) Proceeding to hear and decide questions of improper labeling of seed with regard to protected varieties or varieties for which application is pending and to issue cease and desist orders in relation thereto (7 U.S.C. 2568).

h. *Federal Meat Inspection Act*

(1) Hearing on order to withhold label or container from use (21 U.S.C. 607).

(2) Proceeding for refusal or withdrawal of mandatory inspection service because of unfitness to engage in business requiring inspection (21 U.S.C. 671).

i. *Poultry Products Inspection Act*

(1) Hearing on order to withhold labeling or container from use (21 U.S.C. 457).

(2) Proceeding for refusal or withdrawal of mandatory inspection service because of unfitness to engage in business requiring inspection (21 U.S.C. 467(a)).

(3) Hearing following withdrawal of mandatory inspection service for failure to destroy condemned articles or to meet sanitary or other requirements or refusal of such inspection for failure to meet such requirements (21 U.S.C. 467(b), 455, 456).

j. *Virus-Serum-Toxin Provisions*

Proceeding for suspension or revocation of license or import permit (21 U.S.C. 156).

k. *United States Grain Standards Act*

(1) Suspension, revocation, or refusal to renew license of official grain inspection personnel when formal procedure requested (7 U.S.C. 85, 87e).

(2) Refusal of official grain inspection service when formal procedure requested or inspection required (7 U.S.C. 86, 87e).

l. *United States Warehouse Act*

(1) Suspension or revocation of federal warehouse license or license of inspector, sampler, classifier, or weigher (7 U.S.C. 246, 248, 253).

(2) Publication of findings of non-compliance by licensed warehouseman (7 U.S.C. 265).

B. Proceedings other than those under A, but conducted on the record after opportunity for hearing

1. Rule-making:

a. none.

2. Adjudications:

a. *Packers and Stockyards Act*

(1) Proceedings for reparations (7 U.S.C. 209, 210, 218c).

(2) Proceeding to determine adequacy of accounts, records and memoranda of packers, live poultry dealers and handlers, stockyard owners, market agencies and dealers, and to prescribe manner and form thereof (7 U.S.C. 221).

(3) Proceeding to determine whether applicants for registration under Title III are unfit for registration (7 U.S.C. 203, and 9 CFR 201.10 (b)).

(4) Proceeding to determine which of two or more applicants should receive brand inspection authorization (7 U.S.C. 217a).

b. *Federal Meat Inspection Act*

(1) Proceeding in connection with withdrawal of mandatory inspection service for failure to destroy condemned articles or to meet sanitary and other requirements, or refusal of such inspection for failure to meet such requirements (21 U.S.C. 604, 606, 608).

(2) Proceeding in connection with refusal, withdrawal, or modification of exemption of operations in unorganized territory (21 U.S.C. 623 (b)).

(3) Refusal or withdrawal of inspection, under Section 21 (b) of Federal Water Pollution Control Act (33 U.S.C. 1171 (b)).

c. *Poultry Products Inspection Act*

(1) Proceeding in connection with suspension or termination of certain exemptions from inspection (21 U.S.C. 464 (e)).

(2) Proceeding in connection with refusal, withdrawal or modification of exemption of operations in unorganized territory (21 U.S.C. 464 (b)).

(3) Refusal or withdrawal of inspection, under section 21 (b) of Federal Water Pollution Control Act (33 U.S.C. 1171 (b)).

d. *Section 203, Agricultural Marketing Act of 1946, as amended*

(1) Proceeding to consider refusal or withdrawal of voluntary inspection or grading service for meat, poultry products, and other agricultural products under procedures prescribed by rules of practice (e.g. 7 CFR Part 50).

(2) Proceeding to consider suspension or revocation of inspector's or grader's license under various regulations (e.g. 7 CFR 68.41).

e. *Agricultural Adjustment Act of 1938, as amended*

Procedure for review of producer's complaint about his farm marketing quota (7 U.S.C. 1361–1368).

f. *Sugar Act*

Proceeding to establish marketing allotments within area quotas (7. U.S.C. 1115) or to determine whether any specific lot of sugar is direct-consumption sugar or raw sugar.

g. *Soil Conservation Service legislation*

Hearing on demand for refund of payments, made under conservation contract in Great Plains Conservation Program, based on alleged violation of the contract.

h. *Forest Service legislation*

Proceedings on appeals under regulations in 36 CFR 211.20 *et seq.*) from administrative decisions involving such matters as timber sales contracts, grazing permits and summer home site permits.

i. *Plant Variety Protection Act*

(1) Hearing of an appeal with respect to refusal of an application for plant variety protection (7 U.S.C. 2443).

(2) Proceeding to hear and decide questions raised in protest proceedings in reexamination of previously issued certificates (7 U.S.C. 2501).

(3) Proceeding to hear and decide questions raised in Priority Contests where two applications have been received on the same variety (7. U.S.C. 2502).

(4) Hearing of an appeal regarding release of information in abandoned applications, allowed by rules and regulations under the Act.

j. *Egg Products Inspection Act*

(1) Proceedings for:

(a) Disapproval of labeling (21 U.S.C. 1036); or

(b) withdrawal of inspection from official plants (21 U.S.C. 1047).

k. *Export Apple and Pear Act*

(1) Proceeding for refusal of certificates for export (7 U.S.C. 586).

l. *Export Grape and Plum Act*

(1) Proceeding for refusal of certificates for export (7 U.S.C. 596).

m. *Cotton Standards Act*

(1) Proceeding for suspension or revocation of license (7 U.S.C. 53).

n. Proceedings under regulations in 7 CFR Part 780 to consider requests by producers for review or reconsideration of determinations made by county ASCS Committees, State ASCS Committees, or the Deputy Administrator, ASCS.

o. *U.S. Grain Standards Act*

(1) Refusal to renew, or suspension or revocation, of licenses of official grain inspection personnel when formal procedure is not requested (7 U.S.C. 85, 87e).

(2) Refusal of voluntary grain inspection service when formal procedure is not requested (7 U.S.C. 86, 87e).

p. *Animal Quarantine Laws*

Proceedings for suspension or revocation of accreditation of veterinarians under various Animal Quarantine laws and regulations and rules of practice (9 CFR Parts 161 and 162).

II. INFORMAL ACTIVITIES

(All activities not under I which may contribute to the formulation or implementation of a position or action)

A. Informal rule-making proceedings for the promulgation of various determinations, standards and other rules and regulations under the statutory provisions listed below (i.e. proceedings not subject to the formal procedure requirements of 5 U.S.C. 553–557).

1. Commodity Exchange Act (7 U.S.C. 1–17b)

2. Packers and Stockyards Act and related legislation (7 U.S.C. 181–229)

3. Federal Seed Act (7 U.S.C. 1551–1611)

4. Naval Stores Act (7 U.S.C. 91–99)

5. Plant Variety Protection Act (7 U.S.C. 2321–2583)

6. Animal Welfare Act (7 U.S.C. 2131–2155)

7. Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*)

8. Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*)

9. Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624)

10. Cotton Futures Provisions (27 U.S.C. 4854, 4862, 4863)

11. Cotton Statistics and Estimates Act (7 U.S.C. 471–476)

12. Cotton Standards Act (7 U.S.C. 51–65)

13. Egg Products Inspection Act (21 U.S.C. 1031–1056)

14. Export Apple and Pear Act (7 U.S.C. 581–590)

15. Export Grape and Plum Act (7 U.S.C. 591–599)

16. Honeybee Act (7 U.S.C. 281–283)

17. Produce Agency Act (7 U.S.C. 491, 493–497)

18. Renovated Butter Act (26 U.S.C. 4817, 4826)

19. Tobacco Seed and Plant Exportation Act (7 U.S.C. 516–517).

20. Tobacco Statistics (7 U.S.C. 501–508).

21. Peanut Statistics Act (7 U.S.C. 951–957).

22. Virus-Serum-Toxin Act (21 U.S.C. 151–158).

23. Section 22, Agricultural Adjustment Act, as amended (7 U.S.C. 624), and Presidential Proclamations issued thereunder (7 CFR Part 6)—with respect to regulations governing the issuance of licenses for implementation of quantitative limits on imports.

24. Provisions in 7 U.S.C. 1379d (b) to 1379j with respect to processor wheat marketing certificate regulations (7 CFR Part 777).

25. Provisions in 7 U.S.C. 1444(e), 7 U.S.C. 1379a to 1379c and 7 U.S.C. 1441 note—with respect to the upland cotton, wheat, and feed grain set-aside programs for the 1971 to 1973 crop years.

26. Provisions in 16 U.S.C. 590g to 590o, 590p (a), and 590q with respect to the rural environmental assistance program and the naval stores conservation programs.

27. Informal rule-making and related activities concerning—

a. Commodity Credit Corporation programs to support prices of agricultural commodities to producers through loans, purchases, payments, and other means, under the Commodity Credit Corporation Charter Act (15 U.S.C. 714 *et seq.*) and the Agricultural Act of 1949, as amended by the Agricultural Act of 1970 (7 U.S.C. 1421 *et seq.*); and the National Wool Act of 1954 (7 U.S.C. 1781–1787).

b. Commodity export programs of Commodity Credit Corporation, including the following:

(1) Sales for export under the Commodity Credit Corporation Charter Act (15 U.S.C. 714

et seq.) and section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427).

(2) Disposition abroad of agricultural commodities and products (either from Corporation inventories or from private stocks) under barter contracts, under the Commodity Credit Corporation Charter Act, particularly section 5 (d) and (f) (15 U.S.C. 714c) and other specific statutes where applicable.

(3) The Export Credit Sales program under which the Corporation finances commercial credit sales by U.S. exporters of agricultural commodities, under the Commodity Credit Corporation Charter Act, particularly section 5 (d) and (f) (15 U.S.C. 714c) and section 4 of the Food for Peace Act (7 U.S.C. 1707a).

(4) Export payments on certain commodities exported by commercial exporters. under the Commodity Credit Corporation Charter Act, particularly section 5 (d) and (f) (15 U.S.C. 714c).

c. Program conducted by the Commodity Credit Corporation to provide storage adequate to fulfill its program needs, pursuant to sections 4 (h) and (m) and 5 (a) and (b) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714 *et seq.*) (The program includes the purchase of storage bins and equipment for the care and storage of commodities owned by or under the control of the Corporation; loans to producers for the purchase, building, or expansion of facilities for storage and care of agricultural commodities on the farm; and sales to producers and others of bins needed for the storage of agricutural commodities.)

d. Procurement by the Commodity Credit Corporation from domestic and foreign sources of food, agricultural commodities and products, and related materials: to supply the needs of Federal agencies, foreign governments, and private and international relief agencies; and for sales to meet domestic requirements during periods of short supply or during such other times as will stabilize prices or facilitate distribution. The Corporation also makes available material or facilities needed for the production and marketing of agricultural commodities. This program is conducted under section 5 (b) and (c) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714 *et seq.*)

e. A Commodity Credit Corporation program under section 610 of the Agricultural Act of 1970 (7 U.S.C. 2119), for cotton research and promotion.

f. Donations by Commodity Credit Corporation of certain food commodities for domestic use in child nutrition programs, the assistance of needy persons, and charitable institutions, under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) and to Federal penal and correctional institutions and State correctional institutions for minors under section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859). (There are several other statutes relating to domestic donations).

g. The furnishing by Commodity Credit Corporation of agricultural commodities and products for disposition under Title II of the Agricultural Trade Development and Assistance Act of 1954, commonly called "Public Law 480" (7 U.S.C. 1721–25), to meet famine or urgent relief requirements, to combat malnutrition, to promote economic and community development in friendly developing areas, and for needy persons and nonprofit school lunch and preschool feeding programs outside the United States.

h. The use of the facilities, services, authorities, and funds of Commodity Credit Corporation, upon the declaration of a national emergency, pursuant to the Defense Production Act of 1950, the Civil Defense Act, and such other defense legislation as may be enacted.

i. Programs for the removal of surplus agricultural commodities and products, principally perishable, nonbasic agricultural commodities and products, under section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c). These programs include the following types:

(1) Direct purchases of food commodities and donations to schools, summer camps, child care centers, needy persons, charitable institutions, and disaster victims.

(2) The special feeding program to provide additional foods to needy children and adults who are determined to be suffering from general and continued hunger and also special food packages for infants and expectant and new mothers.

(3) Diversion payments to processors who divert surplus commodities to byproducts and new uses.

(4) Export payments to commercial exporters of surplus commodities.

(5) Production payments to help reestablish farmers' purchasing power.

j. Child nutrition programs, which are of the following types:

(1) Cash and food assistance to States and schools for serving lunches to school children under the National School Lunch Act (42 U.S.C. 1751 *et seq.*).

(2) Cash assistance to States and schools for serving breakfasts to neeedy children and to supply schools in low income areas with food, storage, preparation, and service equipment, under the Child Nutrition Act of 1966 (42 U.S.C. 1771 *et seq.*).

(3) Special food service program for children in service institutions where children are not maintained in residence, under section 13 of the National School Lunch Act (42 U.S.C. 1761).

(4) Special milk program designed to increase the consumption of fluid milk by children in schools, child care centers, summer camps, and similar nonprofit institutions under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772).

k. The Food Stamp Program, under which increased nutrition is provided to households with limited resources under the Food Stamp Act of 1964 (7 U.S.C. 2011 *et seq.*).

28. United States Grain Standards Act (7 U.S.C. 76, 87e).

29. United States Warehouse Act (7 U.S.C. 268).

30. "Animal Quarantine Laws" (19 U.S.C. 1306, 21 U.S.C. 102–105, 111–135b).

31. "Plant Quarantine Laws" (7 U.S.C. 145–167).

32. Horse Protection Act (7 U.S.C. 1821–1831).

33. 28 Hour Law (45 U.S.C. 71–74) (Policy Statements).

34. "Export Animal Accommodation" Act (46 U.S.C. 466a–466b).

35. Regulations concerning assignment of priorities and allocations under the Defense Production Act of 1950 (50 U.S.C. 2061 *et seq*) and implementing actions.

B. Other informal activities, including some reflected in regulations.

1. *Commodity Exchange Act*

a. Designating the form and manner of keeping of books and records by registrants (7 U.S.C. 6g).

b. Setting trading and position quantities at which traders are in reporting status and specifying the reports which they must file and the records which they must keep while in such status (7 U.S.C. 61).

c. Registering applicants for registration as floor brokers and futures commission merchants (7 U.S.C. 6e, 6f).

d. Requiring such information from applicants for registration and from registrants as to their business as the Secretary deems necessary (7 U.S.C. 6f).

e. Designating boards of trade as contract markets (7 U.S.C. 8).

f. Prescribing the reports that warehousemen must make and the records they must keep (7 U.S.C. 7a).

g. Vacating contract market designations at the request of the contract markets (7 U.S.C. 11).

h. Investigating the operations of contract markets and other persons subject to the Act and publishing the results of such investigations and such statistical information gathered therefrom as the Secretary may deem of interest to the public (7 U.S.C. 12, 12–1).

i. Investigating marketing conditions for commodities and commodity products and distributing information with respect thereto (7 U.S.C. 12).

j. Establishment of trading and position limits and fixing delivery periods and time for notices of delivery (7 U.S.C. 6a, 7a).

k. Communicating to contract markets and publishing the facts concerning certain transactions or market operations (7 U.S.C. 12a).

1. Disapproving violative bylaws, rules, regulations, or resolutions made or proposed by a contract market that relate to terms and conditions in sales contracts (7 U.S.C. 12a).

2. *Packers and Stockyards Act*

a. Posting and depositing of stockyards (7 U.S.C. 202).

b. Registering and approving bonds of market agencies and dealers (7 U.S.C. 203, 204).

c. Prescribing the form and manner in which the schedules of rates and charges of licensees under Title V and of market agencies and stockyard owners shall be prepared, arranged and posted (7 U.S.C. 207).

d. Authorizing the charging and collection of fees for brand inspection services and registering as market agencies the parties so authorized; and suspending such authorizations (7 U.S.C. 217a).

e. Designating areas in which certain persons must be licensed by the Secretary of Agriculture in order to provide services or facilities in connection with receiving, buying, selling, marketing or otherwise handling live poultry; and licensing such operators (7 U.S.C. 218a).

3. *Naval Stores Act*

a. Establishing or modifying standards for naval stores (7 U.S.C. 93).

b. Analyzing and certifying class or grade of naval stores (7 U.S.C. 94).

c. Publishing results of analyses (7 U.S.C. 97).

4. *Agricultural Marketing Act of 1946, as amended, § 203, 205*

a. Determinations of class, quality, quantity or condition of agricultural products.

5. *Federal Seed Act*

a. Approving code designations for purchasers of seed for resale (7 U.S.C. 1571 (a) (9) and (b) (3)).

b. Approving seed treatment descriptions (7 U.S.C. 1571 (i) (4) and 1581 (a) (5)).

c. Requesting information from advertising media and other persons concerning seed advertisements (7 U.S.C. 1575).

d. Procedures for determining eligibility of seed and screenings for admittance into the United States (7 U.S.C. 1582).

e. Determination whether foreign alfalfa or red clover is not adapted for general agricultural use in the United States (7 U.S.C. 1585).

f. Publication of notices of judgment (7 U.S.C. 1604).

6. *Plant Variety Protection Act*

a. Issuing certificates of plant variety protection (7 U.S.C. 2481).

b. Provisionally accepting defective applications for certification (7 U.S.C. 2355).

c. Proceeding to declare protected variety open to public use (7 U.S.C. 2404).

d. Issuance of notice of refusal of application for certification, or objection or requirement made by the examiner; and reconsideration of action (7 U.S.C. 2442).

7. *Federal Meat Inspection Act*

a. Issuance of standards for carcasses, parts thereof, meat and meat food products (21 U.S.C. 607).

b. Approval of products or condemnation

of adulterated products (21 U.S.C. 604, 606).

c. Refusal or approval of entry of imported meat products (21 U.S.C. 620).

d. Designation of States and specific establishments for application of Federal requirements to intrastate activities (21 U.S.C. 661).

e. Detention of apparently violative articles (21 U.S.C. 672).

f. Issuance of export certificates (21 U.S.C 612–618).

g. Grants of inspection (21 U.S.C. 621).

8. *Poultry Products Inspection Act*

Actions concerning poultry and poultry products corresponding to items under 7 (21 U.S.C. 457; 455; 466; 454; 467a; 463).

9. *Cotton Statistics and Estimates Act*

Compiling statistics from reports from industry (7 U.S.C. 473).

10. *Egg Products Inspection Act*

a. Detention and condemnation of adulterated eggs and egg products (21 U.S.C. 1034).

b. Approval of entry of imported eggs and egg products (21 U.S.C. 1046).

11. *Honeybee Act*

Control of importation of honey bees (7 U.S.C. 281).

12. *Tobacco Statistics Act*

Requiring handlers to report quantities of tobacco on hand (7 U.S.C. 503).

13. *Tobacco Seed and Plant Exportation Act*

Action on applications for authorization to export (7 U.S.C. 516).

14. *Virus-Serum-Toxin Provisions*

Licensing establishments (21 U.S.C. 151).

15. *Cotton Standards Act*

Licensing inspectors (21 U.S.C. 51b).

16. *Section 22, Agricultural Adjustment Act of 1933, as amended* (7 U.S.C. 624)

Advising the President when there is reason to believe imports of any articles interfere with Department of Agriculture programs with respect to agricultural commodities or products, with a view to consideration of import controls.

17. Forest Service activities relating to the management and sale of forest products, the use of national forest land for grazing, commercial recreation facilities, and other commercial enterprises where authorized, and recreation services or other land uses available to the public directly from the Forest Service—e.g. timber sales, issuance or denial of grazing permits, and regulation of public use of recreational facilities.

18. Various loan programs and regulations relating thereto

a. Community development and farm loans under the Consolidated Farmers Home Administration Act of 1961, as amended, P.L. 87–128;

b. Individual and group housing loans under title V of the Housing Act of 1949, as amended, P.L. 83–438;

c. Watershed and flood prevention and water supply storage loans under the Watershed Protection and Flood Prevention Act, as amended, P.L. 83–566;

d. Land conservation and utilization loans under title III, Bankhead-Jones Farm Tenant Act, as amended, 50 Stat. 525;

e. Emergency loans under the Disaster Relief Act of 1970, P.L. 91–606;

f. Loans made under delegated authority under the Economic Opportunity Act of 1964, as amended, P.L. 88–452; and

g. Land acquisition loans to Indians under P.L. 91–229.

h. Loans and related activities pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901) for rural electrification and rural telephone service.

19. Cooperative Extension Service, including instructions and demonstrations in agriculture and home economics and related subjects, under the Smith-Lever Act (7 U.S.C. 341–348)

20. Cooperative research and experiments bearing on establishment and maintenance of a permanent and effective agricultural industry of the United States, under the Hatch Act (7 U.S.C. 361a–361i).

21. Research and marketing activities under the Research and Marketing Act of 1946 (7 U.S.C. 427, 1621–1627) and various other authorities.

22. All proceedings relating to crop insurance programs under the Federal Crop Insurance Act (7 U.S.C. 1501–1510)

23. Proclamation of national marketing quotas, and determination of national, State, county and farm acreage allotments and farm marketing quotas under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 *et seq.*).

24. Provisions in 16 U.S.C. 1301 to 1311—with respect to the water bank program.

25. Provisions in 7 U.S.C. 1702—with respect to the financing of commercial sales of agricultural commodities under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended.

26. Provisions in 15 U.S.C. 714c (d) and (f)—with respect to the wheat export program terms and conditions and the flour export program terms and conditions.

27. Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 *et seq.*)

28. Rule-making and other actions under the Sugar Act of 1948 (7 U.S.C. 100–1161) including actions in connection with the following:

a. Determination of sugar requirements of consumers in mainland area of the United States, in Hawaii and in Puerto Rico; and proration of such requirements among mainland, off-shore and foreign producing areas (7 U.S.C. 1111, 1113; 1112.

b. Determination of farm acreage allotments (7 U.S.C. 1132(a) (1)).

c. Determination of fair and reasonable rates for payment for sugar purchased by producer-processors from other producers (7 U.S.C. 1131(c) (2)).

d. Determination of fair and reasonable rates of pay for workers employed in production, cultivation or harvesting sugar beets for sugar cane (7 U.S.C. 1131(c) (1)).

29. Actions in connection with programs administered by the Soil Conservation Service in the conservation, flood prevention, watershed protection, Resource Conservation programs, including the recreational, fish and wildlife aspects of the programs and conservation and irrigation benefits, e.g. snow survey reports.

30. Tobacco Inspection Act (7 U.S.C. 511) Hearing with respect to granting additional inspection services to designated markets (7 U.S.C. 511m).

31. *United States Grain Standards Act*

a. Designation of official inspection agencies (7 U.S.C. 75(m)).

b. Waiving inspection requirements (7 U.S.C. 77).

c. Inspection of grain in Canadian ports; reinspection and appeal inspection of grain in United States; supervising inspection by licensees; cancellation of superseded inspection certificates (7 U.S.C. 79).

d. Licensing of official inspection personnel (7 U.S.C. 84).

e. Temporary (summary) suspension of such licenses (7 U.S.C. 85).

32. *United States Warehouse Act*

a. Investigation of warehousing and classifying of agricultural products; inspection of licensed warehouses and warehouses of applicants for license; determination of suitability of applicants' warehouses for proper storage (7 U.S.C. 243, 265, 266).

b. Licensing warehouses; and inspectors, samplers, classifiers and weighers (7 U.S.C. 244, 248, 252).

c. Temporary (summary) suspension of warehouse licenses and licenses of inspectors, samplers, classifiers and weighers (7 U.S.C. 246, 253).

d. Determining adequacy of bond; requiring additional bond coverage (7 U.S.C. 247).

33. *"Animal Quarantine Laws"*

a. Determining eligibility of animals, animal products and other regulated articles for movement in interstate commerce or exportation (e.g. inspections, tests, and review of documents) prior to such movement, and determining eligibility of animals, animal products and other regulated articles for importation (e.g. by inspections, tests and review of documents) prior to shipment from foreign country or at U.S. port, under regulations (9 CFR Ch. I Subchapters C and D) issued pursuant to various animal quarantine laws (19 U.S.C. 1306, 21 U.S.C. 102–105, 111–135 b).

b. Issuance of orders for disposal of animals involved in interstate of foreign commerce and affected with or exposed to communicable disease of livestock or poultry or illegally moved; or orders for disposal of animals, carcasses, products and articles affected with or exposed to dangerous diseases of livestock or poultry on any premises in extraordinary emergency declared by the Secretary of Agriculture (21 U.S.C. 134a).

c. Seizure and disposal of animals, carcasses, products and articles if disposal orders under b are not obeyed (21 U.S.C. 134a).

d. Seizure and disposal of hay, straw, forage and similar material, and meats, hides or other animal products coming from infected foreign country or in transit in interstate commerce. (21 U.S.C. 111).

e. Conduct of programs for control or eradication of livestock or poultry diseases and pests, including payment of certain claims (21 U.S.C. 114a, 114b–114f, 114g–114h).

f. Issuing notices to carriers and publish newspaper notices regarding the existence of contagion of livestock or poultry diseases and the establishment of quarantines and regulations to prevent their interstate spread (21 U.S.C. 115, 123, 126).

g. Accreditation of veterinarians under regulations in 9 CFR Part 161

4. *"Plant Quarantine Laws."*

a. Determining eligibility of plants, plant products and other articles for movement in interstate commerce, or importation (e.g. by inspections and certifications) prior to such movement or importation, under various regulations (7 CFR Ch. III, Parts 301–352), issued pursuant to the Plant Quarantine Act (7 U.S.C. 151 *et seq.*) and the Federal Plant Pest Act (7 U.S.C. 150 aa *et seq.*)

b. Issuance of orders for disposal of products, articles and means of conveyance moved into or through the United States or interstate and moved in violation of the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*) or regulations thereunder or reasonably believed to be infested by a plant pest (7 U.S.C. 150 dd).

c. Disposal of products, articles and means of conveyance if orders under b are not obeyed (7 U.S.C. 150 dd).

d. Disposal of plants, plant products and other articles moved in interstate commerce or into the United States in violation of the Plant Quarantine Act (7 U.S.C. 151 *et seq.*) or regulations thereunder.

e. Certification as to freedom from insect pests and plant diseases of plants and plant products for export (7 U.S.C. 147 a (b)).

f. Programs for control or eradication of insect pests and plant diseases, including payment of claims for certain destroyed property (7 U.S.C. 147a, 148–148e, 150–150g).

g. Issuing notices to carriers and publish newspaper notices in re establishment of quarantines and regulations to prevent the interstate spread of dangerous plant diseases or insect infestations (7 U.S.C. 161).

TRIBUTE TO PRESIDENT NIXON

Mr. **HATFIELD**. Mr. President, a fortnight ago in Oregon the chief executive of our State delivered an eloquent tribute to the President of the United States.

Gov. Tom McCall's career has been

one in which he has excelled in the communication of deep compassion, of motivation for action, for he has been a man of words in print journalism, in business, and electronic journalism. Here is a man who blends his Massachusetts native tongue with the consonance of an Oregon rancher, who became a sports writer, then a Navy combat correspondent before joining twin careers as a journalist and public servant in Indian Affairs, youth work, the Urban League, prison reform, senior citizenry, family counseling, crippled children, Christians and Jews, the Salvation Army, United Appeal, and the list goes on.

I am happy to share his thoughts which were composed and delivered in Oregon with this wider audience and as I ask unanimous consent to have the tribute printed in the Record, I only regret it is not possible to put the beautiful delivery in the Record with them.

There being no objection, the address by Governor McCall was ordered to be printed in the Record, as follows:

Only one among us—United States Senator Mark Hatfield—has had the rare privilege of placing in nomination for the Presidency the name of a great American.

I do not expect a similar high honor to fall to me.

If that singular opportunity were mine this year, however, then I would nominate the man so accurately described by Senator Hatfield in that 1960 address as "a fighter for freedom and a pilgrim for peace."

This is the man fit for the times—then as well as now.

I would nominate the man who stands as the master of statecraft in the world today.

No leader of any nation exercises foreign policy initiatives so skillfully and so full of promise for mankind.

This is the man who is quieting the clamor for conquest, the man who is leading us from the battlefield to the plain of enduring peace.

This is the man who has the grace to propose a reversal of the flow of power and responsibility and money from Washington to the States and the people.

This is a man who shuns philosophical fixations. He perceives change, welcomes and achieves change. His resolve is to be inflexible only in the pursuit of human dignity.

I have heard the discordant demands for a new order of priorities—and have seen little recognition that this nation already has new priorities because of its new leadership.

Revenue sharing—proposed by the President—is almost a reality.

Welfare reform—proposed by the President—finally has obtained a fair hearing.

Heightened efforts to curb drug abuse through greater financing of law enforcement and treatment programs—proposed by the President—are at hand.

The President has pledged to make a stranger of crime, and the fresh statistical evidence proves he is as good as his word.

The President has pledged to provide for every American a decent place in which to live and the proof is here—a tripling of low-income housing units in the last three years.

The President has pledged himself to rescue our natural world—and, no matter how anyone charts the race, the fact is that he has done more in the interest of environmental quality than any occupant of the White House in two decades.

The President has pledged that domestic needs will rise above the financial strain for the national defense. In the last four years the military's share of the budget has shrunk by 13 per cent—the exact amount that the budget for human resources has risen.

Fewer numbers are drawn for the draft; a half-million Americans are home from Vietnam.

This is a man firmly committed to the delivery of our agricultural bounty to Pacific Rim neighbors, a man who has joined with United States Senator Bob Packwood to provide reasonable men with a way to make reasonable settlements of transportation disputes.

I hear from those who closed their minds to this man two decades ago. Must Americans—regardless of party—only probe, bludgeon, chastise and second-guess? Where is gratefulness, belief, participation? Won't America let itself be loved?

The Presidency is neither patrician nor proletariat. It is history's most successful grasp for moderation in government, and the world's greatest opportunity for man to serve man. Our President has served so well, so many.

Our political system demands certain fealties; but the command of a concerned people is for responsive, faith-building leadership. We have it; let us be steadfast in it. Let us not see the new spirit of America dissolved in the sea of political platitudes on which our antagonists are adrift.

Our candidate is not finished. His work—which is our work—is not yet all done.

Four years ago this man volunteered to bear the cross of this nation's discontent. He who now offers himself again on behalf of our country is the man I would nominate—if I had that humbling chance—my President and yours, Richard M. Nixon.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12 O'CLOCK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12 o'clock noon today.

The motion was agreed to; and at 10:53 a.m. the Senate took a recess until 12 o'clock noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Ribicoff).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1860. An act for the relief of David Capps, formerly a corporal in the U.S. Marine Corps;

H.R. 10363. An act for the relief of Herbert Improte;

H.R. 10635. An act for the relief of William E. Baker; and

H.R. 14424. An act to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2359. An act for the relief of Willard O. Brown;

H.R. 1997. An act for the relief of Joseph F. Sullivan;

H.R. 3751. An act for the relief of Albert W. Reiser, Jr.;

H.R. 5237. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967;

H.R. 6739. An act for the relief of Cpl. Michael T. Kent, U.S. Marine Corps Reserve; and

H.R. 7829. An act for the relief of Stephen H. Clarkson.

The ACTING PRESIDENT pro tempore (Mr. Randolph) subsequently signed the enrolled bills.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1860. An act for the relief of David Capps, formerly a corporal in the U.S. Marine Corps;

H.R. 10363. An act for the relief of Herbert Improte; and

H.R. 10635. An act for the relief of William E. Baker.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Ribicoff). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with a time limitation attached thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON S. 1991—NATIONAL HOUSING GOALS

Mr. ROBERT C. BYRD. Mr. President, with the approval of the distinguished majority leader, I ask unanimous consent that, at such time as Calendar No. 904 is called up and made the pending business before the Senate, time on the bill be limited to 1 hour, to be equally divided between and controlled by the manager of the bill and the ranking minority member of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on an amendment to be offered by the distinguished assistant Republican leader, the Senator from Michigan (Mr. Griffin), be limited to 1 hour, to be equally divided between and controlled by the distinguished author of the amendment and the manager of the bill; that time on any other amendment, debatable motion, or appeal be limited to 30 minutes to be equally divided between and controlled by the author of such and the manager of the bill, except in any instance in which the manager of the bill is in support of such, in which instance the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I modify the request to provide for the control of time on the bill to be divided between the manager of the bill and the distinguished assistant Republican leader, rather than the distinguished ranking minority Member. And I make this request at the suggestion of the distinguished ranking minority Member (Mr. Cotton).

Mr. GRIFFIN. Mr. President, reserving the right to object, I just want to comment briefly. The distinguished majority whip corrected the statement he has proposed. This is legislation that I am very much in favor of, although I do have an amendment which I would urge the Senate to approve.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, may I ask what the parliamentary situation is?

The PRESIDING OFFICER. The Senate is now in the period for the conduct of routine morning business.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be concluded.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The question recurs on the Mansfield amendment.

The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, I support the Mansfield amendment. I have indicated that I oppose the Cannon amendment as originaly drafted. As I understand the situation at the present time, if the amendment is agreed to, the effect would be to change the date which is proposed in the Cannon amendment and to eliminate that portion of the Cannon amendment which would provide for a prolongation of the war.

I thoroughly support the position of the majority leader, the distinguished Senator from Montana (Mr. Mansfield) in amending the Cannon amendment because, in effect, it changes the date that the United States would be engaged in Southeast Asia.

At this time I would like to ask a question of the distinguished majority leader.

Mr. ROBERT C. BYRD. Will the Senator withhold his question pending the suggestion of the absence of a quorum?

Mr. HARTKE. Yes. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, if I would like to ask the majority leader if the effect of the Mansfield amendment would be to change the effective date on which American troops would be disengaged from military activities in Vietnam.

Mr. MANSFIELD. It would change the effective date for complete withdrawal of all U.S. troops, combat and noncombat, from South Vietnam.

Mr. HARTKE. Would the amendment eliminate that portion of the Cannon amendment which provides for other conditions to be imposed on the ultimate withdrawal of those troops?

Mr. MANSFIELD. The Senator is correct.

Mr. HARTKE. I fully support this proposition. Hopefully, the amendment of the Senator from Montana will be agreeable to the Senate.

However, in the bill there is a second provision which deals with Indochina. Of course, I have always been of the opinion that there is no question that Vietnam, both North and South Vietnam, are part of Indochina. In that provision there are certain conditions which the United States would adhere to before there would be a complete withdrawal of our military activities in Indochina. Is that correct?

Mr. MANSFIELD. That is correct. There would be a cease-fire; there would be an agreement, supervised, and that agreement would have to do with the release of POW's and recoverable MIA's; it would be supervised by the International Red Cross, or some organization of like character. When all those conditions were met the hostilities would cease completely.

Mr. HARTKE. Yesterday I expressed briefly my concern on the pending matter and I would like to pursue it further.

My concern is that Vietnam is a part of Indochina, and in view of the fact that these conditions are imposed in the second portion of the bill, the net effect would be that the provisions which are being amended by the Senator from Montana would be null and void and would be conditioned on the second portion of the bill.

Mr. MANSFIELD. That would not be the intent of the Senator from Montana, the author of the amendment, because if we continue our present activity, it would be confined primarily to the area of Indochina, outside of South Vietnam.

Mr. HARTKE. I think I understand correctly the intent of the Senator from Montana. It may be I am addressing my question to the Senator from Montana when it should be addressed to the chairman of the Committee on Foreign Relations. If that is the proper place, then I would be willing to wait until the opportunity for that to be done.

However, subsection (b) states:

> The involvement of United States military forces, land, sea, or air for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after—

Then, the conditions are set forth.

Mr. MANSFIELD. That is right, but if anything happened in the way of continuing hostilities it would have to be initiated outside of Indochina—either Thailand or the South China Sea, where the 7th Fleet is located, but it might encompass South Vietnam.

Mr. HARTKE. What the Senator is saying is that there could be a continuation of the bombing of either South Vietnam or North Vietnam if that bombing did not originate in South Vietnam itself.

Mr. MANSFIELD. That is correct because if subsection (a) were agreed to it would mean a complete withdrawal from South Vietnam, but South Vietnam, Cambodia, Laos, and North Vietnam are all a part of Indochina.

Mr. HARTKE. But we presently have a provision prohibiting ground forces in Cambodia.

Mr. MANSFIELD. Yes; that is the Cooper-Church amendment that is a part of the law of the land.

Mr. HARTKE. If the Mansfield amendment were agreed to and if the bill were passed with subsection (b) in the bill, would the effect be that military activities would be precluded on the ground in Laos, Cambodia, and Vietnam by American forces?

Mr. MANSFIELD. That is correct.

Mr. HARTKE. But it would permit military activities to continue on the high seas, and in the air if they originate from some other source?

Mr. MANSFIELD. Unfortunately, yes.

Mr. HARTKE. With that I could not agree, although I am in accord with the Senator from Montana to change section 12(a).

I would hope that by adopting the Senator's amendment at this time we would not thereby approve of section (b).

I would like to make inquiry at this time as to whether or not voting for the Mansfield amendment to the Cannon amendment and the subsequent adoption of the Cannon amendment, as amended by the Mansfield amendment would be an endorsement of subsection (b).

Mr. MANSFIELD. Yes, unless there are other amendments offered, because if someone does not like subsection (b) he could offer an amendment to strike it.

Mr. HARTKE. Would subsection (b) be subject to further action by the Senate?

Mr. MANSFIELD. It would.

Mr. HARTKE. I want to make it perfectly clear that I am not in favor of section 12(b) and my support of the amendment of the Senator from Montana does not in any way endorse 17(b).

Mr. MANSFIELD. The Senator has the right to express his opinion.

Mr. HARTKE. Would the distinguished majority leader explain to me how we justify the fact that we say we will withdraw from South Vietnam, but permit the war to continue on the high seas, and in the air if those activities originate from some other source.

Mr. MANSFIELD. The Senator raises a question which plagues me and disturbs me. My only answer is that we have an obligation, duty, and responsibility toward our prisoners of war and recoverable missing in action. While I deplore the method used because it entails disruption of human life, additional cost, and further ecological damage, as well as industrial damage, nevertheless we are in a position where we have to and must, in my opinion, consider the welfare of the POW's and recoverable missing in action.

Mr. HARTKE. I want to make it clear that I fail to see how we can endorse a positon of continued military activity in Southeast Asia and still at the same time hope to have the recovery of those prisoners of war.

In fact, I view our action as a prolonging of the war. As I indicated yesterday, I think prisoners of war have been used as pawns by individuals who want to continue the war.

Mr. MANSFIELD. The Senator may be correct, but I know of no other means of achieving this objective than the one which I am endeavoring to undertake at this time.

The Senator may not be aware of it, but the distinguished Senator from Kentucky (Mr. COOPER) today proposed an amendment, which is at the desk, in which he calls for a complete withdrawal, within 4 months, with no quid pro quos if negotiations fail. There is no reference made to the prisoners of war or the recoverable missing in actions, but the distinguished Senator, in his explanation, indicated that at the end of all wars the POW's are invariably released. And he has a point there. So the Senator from Kentucky goes beyond what I am contemplating, but this is the best I can think of at this time to face up to this iniquitous situation.

Mr. HARTKE. The Senator indicated the same yesterday when he asked a rhetorical question in his statement, "Are we creating another Vietnam?"

Mr. MANSFIELD. That is a good paraphrase, because we now have, or will have shortly, more troops in Thailand than we have in South Vietnam. But I would point out also that subsection (b) of section 12 has to do with the matter of negotiations as well as a cease-fire and an international agreement, and those negotiations would be between the United States and North Vietnam and solely on the question of the return of the POW's and MIA's.

I would once again call to the attention of the Senate a statement made by Dr. Henry Kissinger on this subject on returning from his latest trip from China which reads as follows:

> We expect that when the war is finally settled, it will be through direct negotiations between the North Vietnamese and American negotiators.

Evidently that is taking place at the present time.

Mr. HARTKE. The Senator is speaking of knowledge which I do not have.

Mr. MANSFIELD. I am reading from the news ticker.

Mr. HARTKE. I have the utmost hope that President Nixon and Mr. Kissinger will end the war in Vietnam, but I do know that too many times my hopes have been fruitless.

Mr. MANSFIELD. May I say that I wish nothing but success for Dr. Kissinger, who is in Paris at the present time, and I would like nothing better than to have the rug pulled out from under me.

Mr. HARTKE. I share the feeling of the Senator, if there is a settlement of the war on August 15—I choose that date with some justification—I will be satisfied. My sole purpose is to bring to an end that terrible conflict.

Mr. MANSFIELD. I think that is the purpose of every Member of this body. I say that without exception, although there are different ways and means through which we seek to achieve that objective.

Mr. HARTKE. At this point I would like to refer to my meeting with the parties working for a "verified cease-fire between U.S. forces and the National Liberation Front and those allied with the National Liberation Front." As I indicated at that time, I pressed the point with them to determine how long it would take to effectuate the cease-fire. The word they used was "immediate." The common talk among those who questioned the motives of the other side was that the word "immediate" could mean perhaps 4, 5, or 6 years. I explored that point with both the North Vietnamese and Madam Binh. Madam Binh stated that the term "immediate cease-fire" meant that such could be accomplished within the time limits of communication, which she said at that time certainly would not exceed 48 hours.

In other words, a cease-fire between the North Vietnamese, National Liberation Front, and U.S. forces could be effectuated within a period of 48 hours if there were a date certain for a complete withdrawal of U.S. forces from Vietnam—which is the intention of the Senator from Montana.

Mr. MANSFIELD. I would hope that would be true, but, of course, if an agreement is reached, we would see then just what would happen. But "the sooner the better" would please all of us, I know.

I recall that the Geneva Accords of 1954 also called for a cease-fire. While there seems to be some discrepancy as to whether all the POW's were released at that time, it is my recollection, based on a French source—a letter from French Ambassador Lucet—contained in the CONGRESSIONAL RECORD, that, in the opinion of the French Government, all the POW's had been released.

Mr. HARTKE. While I was in Paris, I talked to the French Foreign Minister concerning that matter. I was advised that not only were all the prisoners of war released but, moreover, the release of the prisoners of war commenced before the actual accords were signed and agreed to in Geneva.

Mr. MANSFIELD. That may well be.

Mr. HARTKE. The fact of the matter is that the beginning of the release of the prisoners of war began in advance of the actual signing of the accords. So those who contend that that was not so have to contend with the contrary statement of the French Government that it did occur. I see no reason for them to make a statement that they did—the prisoners were returned—if such were not the case.

Mr. MANSFIELD. And I think they would be the ones who know best.

Mr. HARTKE. That is right.

In regard to subsection (b) which refers to the release of all U.S. prisoners of war held by the Government of North Vietnam, and forces allied with the United States, I think those forces would act promptly to return U.S. prisoners of war. In my meeting in Paris I was advised such could be accomplished within a period not in excess of 3 weeks.

Because I do not feel section 12(b) contributes to the resolution of the conflict as I have described above, I am considering the possibility of offering an amendment addressed to that provision.

I want to say at this time that I fully endorse the actions of the majority leader. My only regret is that he does not at this time eliminate the possibility of continued military activity which is permitted by subsection (b).

I am of the opinion that adoption of subsection (b) will be an implied reason for continuation of military activities such as bombing, with which I thoroughly disagree, and other military activities by naval forces which are off the coast of Vietnam.

Mr. MANSFIELD. Mr. President, I have not had any access to any of the North Vietnamese negotiators or any of the NLF negotiators. As a matter of fact, when I have been in Paris, I have deliberately avoided all contact with American and Vietnamese, North and South, negotiators, because I felt that they had their responsibilities and that I as a Senator had mine; but I am encouraged by the remarks made by the distinguished Senator from Indiana.

I would hope that what he anticipates on the basis of his conversations with these intermediaries would come to pass. I would point out, just to keep the record clear, that, as far as the French POW's are concerned, a statement was made by the French to the effect that "the French Government is satisfied we obtained the return of all the metropolitan French." That, of course, leaves open the question of the Indochinese French, so-called—and there were many of them—and as to what their future was. But as far as the metropolitan French, who could be compared with the American POW's, were concerned, they were apparently returned in full.

May I say also that in view of the knowledge which has just come to me by means of the news ticker that Dr. Kissinger is evidently in contact with Le Duc Tho and other members of the North Vietnamese delegation, I would be willing to wait a couple of days before pushing this amendment or any aspect of it, in an attempt to give Dr. Kissinger enough latitude and flexibility, if it is at all possible, to work out a mutually satisfactory agreement.

I say this because I feel very deeply about the situation in Indochina, and I am hopeful that if it would be possible to negotiate between the North Vietnamese and the Americans, as Dr. Kissinger indicated on his return from China, and bring this tragic war to a close, that would be the most satisfactory solution.

However, I would not be willing to prolong the wait forever. A couple of days, fine, to give them a chance to work out what they can, and if nothing fruitful is forthcoming, then of course we still have it as the pending business. But I think, speaking as a Senator from the State of Montana and as an American, we ought to give Dr. Kissinger all possible flexibility and latitude at this time, in the hope that something tangible and satisfactory will be forthcoming shortly.

Mr. HARTKE. That is typical of the majority leader's magnanimous actions.

Mr. MANSFIELD. I think every Senator would feel the same way.

Mr. HARTKE. In other words, as I understand what the Senator from Montana is saying, he is not pushing for immediate passage of this amendment at this time, but that the bill itself would be held until such time as would permit a reasonable period for the negotiations to have been accomplished.

Mr. MANSFIELD. Yes.

Mr. HARTKE. I hope the Senator from Montana is not indicating that this bill would be passed without a vote on such an amendment.

Mr. MANSFIELD. Oh, no. But I do think it is time to take a second look, and as long as these negotiations, I assume, are going on at the present time, to give Dr. Kissinger, as the President's representative, all the flexibility, latitude, and support we possibly can during this particular period of time.

Mr. HARTKE. I would hope that the President would take the majority leader into his confidence as to what he hopes to accomplish there. I think there would certainly be nothing wrong with that. I feel that the business of ending wars as well as declaring wars is not the sole prerogative of the President.

Mr. MANSFIELD. Under the Constitution there is a mutuality of responsibility.

Mr. HARTKE. Yes, but there is not a mutuality of communication, I am disappointed to say. I do not ask the majority leader to share that view, but he knows full well that I expressed that viewpoint in caucus at the time of the mining of Haiphong Harbor.

Mr. MANSFIELD. The Senator is correct. He has never been backward in expressing his opinions, so the Senate and the world always know where he stands.

Mr. HARTKE. I thank the Senator.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. Yes, indeed.

Mr. TOWER. The distinguished majority leader has indicated that he is prepared to give Mr. Kissinger and our other negotiators in Paris I suppose to the end of this week——

Mr. MANSFIELD. I am not laying down a deadline. I just found out these negotiations are going on, so I would not like to have the Senator designate the end of the week. I am not setting a deadline, although I think the Senator understands what I mean.

Mr. TOWER. Yes. The Senator said, then, he would be willing to withhold for a certain period of time on pressing for his amendment, pending some kind of conclusive results. Would the Senator explain what he envisions by conclusive results?

Mr. MANSFIELD. Well, the Senator is asking me a leading question which I cannot answer definitely, except on the basis of what I have thought personally down through the years would be a satisfactory, not conclusive necessarily, but a satisfactory result. I would like to see a cease-fire. I would like to see an agreement bringing about the release as quickly as possible of the POW's and the recoverable MIA's, and I would like to see us withdraw lock, stock, and barrel once our POW's have been released and our recoverable MIA's set free, from all of Indochina. I have never felt that we had any vital interests in that part of the world. I still feel that way. As a matter of fact, Indochina has been, not a comedy of errors, but a tragedy of errors for this Nation, with 55,000 dead, with 355,000 casualties; with something on the order of $130 billion spent so far; with three times as many bombs being used, in tonnage, as was the case in all of the Second World War and Korea; with the tactics of defoliation and craterization of Indochina; with the difficulties it has caused us at home; with the difficulties it has caused us within the Army especially. All these factors, I think, should be taken into consideration, and if possible we should put Indochina behind us, wipe the slate clean, and start out and try to bind up some of the wounds and take care of some of our own concerns.

Mr. TOWER. Mr. President, may I hasten to say to the Senator from Montana that I share his fervent desire to end the war in Indochina. I have been there many times. I have visited our troops, and I have seen the horrible destruction that has been wrought there. To my mind, war is a detestable way for men and nations to resolve their differences. I would like to see us out of there as quickly as possible.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I think he and I have the honor, if I may use that term, of being the only former enlisted men who are Members of the Senate. The distinguished Senator from Texas is still, I think, a second-class boatswain's mate in the Naval Reserve.

Mr. TOWER. That is correct.

Mr. MANSFIELD. I never reached that high estate. I happened to be a seaman second class when I was in the Navy. But at least we have the enlisted status in common.

I am sorry to interrupt.

Mr. TOWER. I would like to ask the Senator, since he used the term "conclusive" a moment ago, would he say that perhaps "measurable progress" might cover his decision on pushing this legislation? In other words, if it appears that we are getting somewhere?

Mr. MANSFIELD. Oh, yes. But the Senator would have to allow me to determine what "measurable progress" entailed.

Mr. TOWER. In other words, the Senator is not rigid and inflexible on that particular.

Mr. MANSFIELD. No; I am only rigid and inflexible on getting the hell out of Indochina, and staying out.

Mr. TOWER. I thank the Senator.

Mr. MANSFIELD. Mr. President, if the distinguished Senator from Texas will permit, I think we have to add another Member of the Senate to that select category of enlisted men in the person of the Senator from Iowa (Mr. HUGHES), who was a Browning automatic rifleman during the Second World War.

Mr. TOWER. A BAR man, I understand.

The PRESIDING OFFICER. What is the will of the Senate?

MANSFIELD AMENDMENT

Mr. BROCK. Mr. President, as we continue debate of the Foreign Assistance Act and the pending substitute to the Mansfield amendment, I would urge my colleagues to reexamine the effects of passage of section 12 as presently written. If this section were to be adopted, it would require the withdrawal of all U.S. military forces stationed in South Vietnam by August 31, 1972. Such a withdrawal would be carried out without regard to peace negotiations now in progress as well as any possible reciprocal action on the part of the enemy.

In a recent speech in San Diego, Mr. Richard Capen, former Assistant to the Secretary of Defense, referred to supporters of this amendment as defeatists. A review of Mr. Capen's talk is particularly apropos in light of renewed debate on the Mansfield proposal.

Mr. President, I ask unanimous consent that the text of Mr. Capen's speech, explaining why he feels the proponents of unilateral and total withdrawal are defeatists, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROCK. Mr. President, how long will it take for the political pundits to recognize the dramatic steps President Nixon has taken to end our involvement in Southeast Asia? When will they accept that there is a difference between 550,000 combat troops and the 42,000 noncombat support forces still remaining in Vietnam? The President has followed a strict program of force reduction in Vietnam consistent with the entire Nixon doctrine of realinement of U.S. foreign military commitment. If he were forced to end U.S. involvement in the manner prescribed in the amendment, he would be backing out of our national and international responsibilities and jeopardizing his efforts to prevent future conflicts.

If the President had not ordered the mining of North Vietnamese harbors in addition to heavier bombing activity in reaction to the violations by, and increased military actions of, the enemy, and instead withdrew all troops, the United States would be shirking its responsibilities to the world, taking away the support crucially needed by South Vietnam, weakening U.S. leverage at the peace table, and imperiling the political future of South Vietnam—a future we have fought these long years to insure.

President Nixon's decisions in Indochina were made, not to instigate further devastation on the Vietnamese battlefield as the defeatists believe, but to stop North Vietnam's overt invasion. The critics, however, have misconstrued the basis for the mining and bombing; unwittingly, passage of section 12 would bring about the defeat of all past and present U.S. efforts in Southeast Asia.

If Mr. Nixon withdrew from South Vietnam according to the conditions prescribed by the proposed amendment, worldwide credibility of the United States and its position in the international constellation of power would be weakened. Instead, we must hold steadfast. This war will be ended, but to end it with the date-certain prescription of the Mansfield proposal would only be a postponement of war. What we would be taking if we accept this ticket is a raincheck to yet another armed conflict.

EXHIBIT 1

THE DEFEATISTS ARE AT IT AGAIN

(An address by Richard G. Capen, Jr.)

Events of the past few days have moved the world's two great powers a few steps closer to President Nixon's goal of building a generation of peace. The President's statesmanlike leadership during the substantive talks in Moscow can be a source of pride for all Americans.

We now have a major understanding to halt the arms race. We have treaties with the Soviets on conquering pollution and disease. A joint Soviet-United States space effort is planned by 1975. An agreement has been reached to reduce incidents at sea.

Through the spirit of negotiations, an outbreak of war has been averted in the Middle East. The access to Berlin has been reestablished. A treaty involving the use of the world's seabeds has been developed and we have renewed a dialogue with the more than 800 million people of Mainland China.

Regrettably, our desire to negotiate differences has not led to an end of the war in South Viet Nam. But that has not been due to any lack of effort or reasonableness on the part of the Nixon Administration. Rather, our initiatives toward an honorable settlement have been met with only obstinate, negative response from the enemy.

Today it's a new ball game in Viet Nam. It's a new game because the North Vietnamese have made it so, not the United States. The enemy has violated the demilitarized zone. They have rocketed population areas. They have killed more than 20,000 civilians in the past two months alone.

To invade South Viet Nam, the enemy has committed virtually all of its combat forces—12 of 13 divisions. Their goal has been to choke off South Viet Nam's freedom at all cost. The North Vietnamese have undertaken this massive effort in clear violation of international accords and understandings which they themselves agreed to follow.

Despite these facts, the American defeatist are at it again.

They have called The President's decision reckless, foolish and irresponsible. They were convinced that the Moscow talks would be sabotaged, that the Red Chinese would be forced to intercede. To hear these defeatists talk, one would think that the North Vietnamese invasion was our fault instead of the other way around.

Some of these critics, I am convinced, would rather see America defeated than support any responsible means for extricating this country from a long and frustrating war.

In the frantic search for expedient solutions, they have openly supported resolutions which would tie The President's hands as he withdraws from Viet Nam. Yet, several years ago they were giving full approval to decisions that got us into Viet Nam.

Today, they favor resolutions to condemn President Nixon for seeking to stop the enemy's aggression, but they direct not one single word of criticism against the enemy that started that aggression. Some have gone so far as to believe enemy propaganda while deliberately refusing to accept statements by our own government.

Now these defeatists are seeking to cover up their own errors, and the mistakes of earlier administrations, by labeling this battle "Nixon's War." It's a simple matter for them to criticize their country's current military initiatives. After all, they have no responsibility for the consequences of such casual words. Nor would they be accountable for the loss of credibility in our nation's commitments around the globe should we desert South Viet Nam at this, their most critical, moment.

Some critics have built their entire political career on platforms of obstructionism. They have placed their political interest first and their country's interest last. They have expressed moral indignation when it was convenient to do so.

They have generated the impression that there would be no war in the world if the United States were not in Viet Nam. They have naively convinced others that once the last American soldier was out of Viet Nam, that there would be peace in the world. Do they really believe that settling the war in Viet Nam will settle the war in Ireland? Or the war in the Middle East? Or the confrontation in India and Pakistan? Or the dispute along the Chinese-Russian borders?

No, Catholics and Protestants, Arabs and Jews, Hindus and Moslems and Russians and Chinese have battled for hundreds of years. It's not likely to stop soon. This, of course, is regrettable, but, I cannot really believe that restoring peace in Southeast Asia will restore peace in the world.

Because it's a new ball game today in Viet Nam, I believe it is essential to place recent developments in proper perspective. One cannot do so without taking stock of what has occurred in the past three and one-half years.

In my opinion, President Nixon has shown incredible restraint in the face of irresponsible criticism by those who run away from their responsibility for past actions by seeking to saddle others with the consequences of these actions.

Today, from the privacy of Washington law offices, a former Defense Secretary and a former U.S. negotiator in Paris have all the answers for getting America out of Viet Nam—now. But, where were those ready solutions when these former officials were in positions to act? These were the people who got our country into a war they could neither win nor end. That, in a sentence, is the sad legacy President Nixon inherited when he assumed office.

Since January 1969, conditions have changed substantially through President Nixon's leadership and through his Vietnamization program. It was not President Nixon who sent 550,000 Americans to Viet Nam. He has brought 500,000 home.

It was not President Nixon who was in office when as many as 500 Americans were being killed each week. Under his administration, combat deaths have been reduced by more than 95%. And I might add that those low levels have been maintained despite the current intensity of ground combat in South Viet Nam.

When the Nixon Administration took office, American troops were handling ground combat. In fact, there was no authorized plan whatsoever for turning that combat role over to our allies. Today, the South Vietnamese have that responsibility and they are doing amazingly well. Sure, they are not winning every battle, but no one ever predicted they would.

In short, Vietnamization is working. We have provided the equipment. We have helped to train South Vietnamese forces, and we have assisted with air and naval support as necessary. As a result, substantial numbers of Americans have been withdrawn. Do you realize that there are fewer Americans in Viet Nam today than there were Americans in Korea when President Nixon took office in 1969. It took 10 to 15 years for the Koreans to take over their own internal security responsibilities. But the South Vietnamese have been forced to assume that responsibility in less than three years. I think they have come a long way.

Three and one-half years ago, there was no comprehensive peace plan for ending the war in Viet Nam. That, too, has all changed. Through secret initiatives and public talks in Paris, the President has sought every reasonable avenue for ending the conflict through negotiations. But the enemy has balked every step of the way, greeting each peace offer with insult and escalation of the war.

I don't see how anyone can possibly criticize the President for failing to do all that was humanly possible to end the conflict. He has offered every reasonable alternative to Hanoi. Even while negotiating—as frustrating as that was—he proceeded to withdraw thousands and thousands of Americans despite any visible progress in Paris.

Today, not only has the President decided to stand up against the enemy's blatant aggression, but he also has made it clear that the North Vietnamese will have to prove their sincerity to negotiate before such talks are resumed. In the meantime, their war-making capacity is being destroyed. It is being destroyed rapidly and effectively.

Overlooked in the dramatic announcement to mine the harbors of North Viet Nam and to step up our bombing of military and strategic targets has been the significant negotiating move made by this country.

That involves our proposal to withdraw all U.S. forces from Viet Nam within four months after American prisoners of war are released and after an internationally supervised cease fire has begun. There are no commitments for linking our withdrawal to the progress of Vietnamization. There are no commitments linking our agreement to the stability of the South Vietnamese government. In short, it is about the most liberal peace plan anyone—most of all the enemy—could hope to expect.

Fortunately, I feel that most Americans understand what has been accomplished to date and realize what is now at stake. They respect the President's efforts. They recognize that he has taken every possible public and private step to end our involvement.

And they know that it is the enemy—not the United States—that is responsible for the current actions in Viet Nam.

Public support from a majority of Americans has come through clearly. It has been seen in the thousands of letters and telegrams to the White House and Congress. It has been seen in the Gallup poll indicating that 74% of the American public supports the President's efforts toward building peace. It has been seen in the Harris poll showing that 59% endorse the President's decision to mine the enemy's harbors.

It has also been seen in the low level of protest around the country. Sure, there have been riots and demonstrations, but there always will be regardless of the issue. Those who carry the Viet Cong flag today will carry another banner tomorrow. But you can be sure that their banners will urge the destruction of America, not the improvement of it!

If there is to be a negotiated settlement, the time is now. In the meantime, the President has asked for the support of a unified nation. I believe he deserves that support and I believe, for the most part, he is receiving it.

Today this nation has a new direction. The Peking trip has dramatized that fact. The substantive agreements in Moscow have dramatized that fact.

Hopefully, the world can arrive at a point when its leaders can safely discuss and resolve mutual problems. If so, we will truly be moving toward our nation's goal of a generation of peace.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT ON S. 1991

Mr. ROBERT C. BYRD. Mr. President, I have an addendum to the agreement previously entered with respect to Calendar Order No. 904, S. 1991. I have cleared this request with the distinguished assistant Republican leader.

I ask unanimous consent that time on the bill be limited to 1½ hours instead of 1 hour as previously ordered, and that the additional half hour be under the control of the distinguished Senator from Montana (Mr. METCALF), with the original hour controlled as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I again ask unanimous consent that the Senate stand in recess until the hour of 1:30, and that at 1:30 p.m. the second track business, the minimum wage bill be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 12:50 p.m., the Senate took a recess until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENSON).

ORDER TO HOLD H.R. 14424 AT DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 14424, to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes, be held at the desk until the Committee on Labor and Public Welfare reports its companion bill on the subject, which should occur within the next few days.

The House bill (H.R. 14424) would then be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the minimum wage bill, which the clerk will read by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

Mr. MOSS. Mr. President, I send to the desk a perfecting amendment to the Taft-Dominick amendment, which I understand is the pending business, and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I ask unanimous consent that the full reading of the amendment be dispensed with. I will explain it. It is technical, because it amends a statute, and therefore can better be explained.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Moss' amendment to the Taft-Dominick amendment is as follows:

On page 1, before line 1, insert the following:

DEFINITIONS AND APPLICABILITY TO PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 2. (a) Section 3(d) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee, including the United States and any State or political subdivision of a State, but shall not include any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization."

(b) Section 3(e) of such Act is amended to read as follows:

"(e) 'Employee' means any individual employed by an employer, including any individual employed in domestic service (other than a babysitter), and in the case of any individual employed by the United States means any individual employed (1) as a civilian in the military departments as defined in section 102 of title 5, United States Code, (2) in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees who are paid from nonappropriated funds), (3) in the United States Postal Service and the Postal Rate Commission, (4) in those units of the government of the District of Columbia having positions in the competitive service, (5) in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and (6) in the Library of Congress, and in the case of any individual employed by any State or a political subdivision of any State means any employee holding a position comparable to one of the positions enumerated for individuals employed by the United States, except that such term shall not, for the purposes of section 3(u) include any individual employed by an employer engaged in agriculture if such individual is the parent, spouse, child, or other member of the employer's immediate family.".

(c) Section 3(h) of such Act is amended to read as follows:

"(h) 'Industry' means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed.".

(d) (1) The first sentence of section 3(r) of such Act is amended by inserting after the word "whether", the words "public or private or conducted for profit or not for profit, or whether".

(2) The second sentence of such subsection is amended to read as follows: "For purposes of this subsection, the activities performed by any person or persons in connection with the activities of the Government of the United States or any State or political subdivision shall be deemed to be activities performed for a business purpose.".

(e) The first sentence of section 3(s) of such Act is amended (A) by inserting after the words "means an enterprise", the parenthetical clause "(whether public or private or operated for profit or not for profit and including activities of the Government of the United States or of any State or political subdivision of any State)", (B) by striking the word "employees" the first two times it appears in such sentence, and inserting in lieu thereof the words "any employee".

(f) Section 5 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section and section 8 shall not apply with respect to the minimum wage rate of any employee in Puerto Rico or the Virgin Islands employed by any employer which is a State or a political subdivision of any State. The minimum wage rate of such an employee shall be determined in accordance with sections 6, 13, and 14 of this Act."

On page 1, line 3, strike out "2" and insert in lieu thereof "3".

On page 1, lines 5 and 6, strike out, "the first year" and insert in lieu thereof "the first six months".

On page 2, beginning with line 3, strike out through line 8, and insert in lieu thereof the following:

"(1) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standard Amendments of 1972; and

"(2) not less than $2.00 an hour thereafter."

On page 2, between lines 8 and 9, insert the following:

(b) Section 6 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) Every employer who in any workweek employs any employee in domestic service in a household shall pay such employee wages at a rate not less than the wage rate in effect under subsection (b) of this section, unless such employee's compensation for such service would not, as determined by the Secretary, constitute 'wages' under section 209 of the Social Security Act.".

On page 2, line 10, strike out "3" and insert in lieu thereof "4".

On page 2, line 18, strike out "4" and insert in lieu thereof "5".

On page 3, line 21, strike out "5" and insert in lieu thereof "6".

Beginning on page 4, line 1, strike out all through page 5, line 15, and insert in lieu thereof the following:

LEARNERS, APPRENTICES, STUDENTS, AND HANDICAPPED WORKERS

SEC. 7. Section 14(b) of the Fair Labor Standards Act of 1938, as amended, is amended (1) by inserting following the word "establishments" each time it appears, the words "or educational institutions" and by inserting following the word "establishment" each time it appears, the words "or an educational institution", (2) by inserting following the words "Fair Labor Standards Amendments of 1966,", the words "and the Fair Labor Standards Amendments of 1972", and (3) by inserting following the words "prior to such", the word "applicable".

On page 5, line 19, strike out "7" and insert in lieu thereof "8".

On page 5, line 24, strike out "8" and insert in lieu thereof "9".

On page 6, line 17, strike out "9" and insert in lieu thereof "10'.

On page 7, line 4, strike out "10" and insert in lieu thereof "11".

On page 7, immediately after line 23, insert the following:

AUTOMATIC INCREASE IN MINIMUM WAGE

SEC. 12. Section 6 of such Act (as amended by sections 2 and 3 of this Act) is further amended by adding at the end thereof the following new subsection:

(g) (1) For purposes of this subsection—

(A) the term "base quarter" means (i) the calendar quarter ending on June 30 in every second year after 1972, or (ii) any other calendar quarter in which occurs the effective month a general increase in the minimum wage payable under subsections (a) and (b) of this section;

(B) the term "cost-of-living/national productivity computation quarter" means a base quarter, as defined in subparagraph (a) (i), in which the Consumer Price Index and the index established by the Bureau of Labor Statistics to measure the total private output per man-hour (hereinafter referred to as the "Productivity Index") exceed, by not less than 3 percent, such indices in the later of (i) the last prior cost-of-living/national productivity computation quarter which was established under this subparagraph, or (ii) the most recent calendar quarter in which occurred the effective month of a general increase in the minimum wage payable under this Act; except that there shall be no cost-of-living/national productivity computation quarter in any calendar year in which a law has been enacted providing a general increase in the minimum wage payable under this Act or in which such an increase becomes effective; and

(C) the Consumer Price Index and the Productivity Index for a base quarter, a cost-of-living/national productivity computation quarter, or any other calendar quarter shall be the arithmetical mean of such indices for the 3 months in such quarter.

(2) (A) The Secretary shall determine in every second year after 1972 (subject to the limitation in paragraph (1) (B) and to subparagraph (D) of this paragraph) whether the base quarter (as defined in paragraph (1) (A) (i)) in such year is a cost-of-living/national productivity computation quarter.

(B) If the Secretary determines that such base quarter is a cost-of-living computation quarter, he shall, effective with the month of January of the next calendar year (subject to subparagraph (D)) as provided in subparagraph (C), increase the amount of the minimum wage payable under this Act by an amount derived by multiplying each such amount by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index and the Productivity Index for such cost-of-living/national productivity computation quarter exceed such indices for the most recent prior calendar quarter which was a base quarter under paragraph (1) (A) (ii) or, if later, the most recent cost-of-living computation quarter under paragraph (1) (B). Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

(C) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living/national productivity computation quarter, he shall publish in the Federal Register on or before November 1 of such calendar year a determination that an increase in the minimum wage payable under this Act is required and the percentage thereof. He shall also publish in the Federal Register at that time a revision of the amount of the minimum wage contained in subsections (a) and (b) of this section (as it may have been most recently revised by another law or pursuant to this paragraph); and such revised amount shall be deemed to be the amount appearing in such subsections.

(D) Notwithstanding a determination by the Secretary under subparagraph (A) that a base quarter in any calendar year is a cost-of-living computation quarter (and notwithstanding any publication thereof under subparagraph (C), no increase in the amount of the minimum wage shall take effect pursuant thereto, and such quarter shall be deemed not to be a cost-of-living/national productivity computation quarter, if during the calendar year in which such determination is made a law providing a general increase in the minimum wage under this Act is enacted or becomes effective.

(3) As used in this subsection, the term "general increase in the minimum wage under this Act" means an increase (other than an increase under this subsection) in the amount of the minimum wage payable under subsections (a) and (b) of this section.

On page 8, line 2, strike out "11" and insert in lieu thereof "13".

On page 8, line 15, strike out "12" and insert in lieu thereof "14".

On page 8, line 21, add the following new section:

Sec. 13. Section 13(b) of such Act is amended by adding at the end thereof the following new paragraph:

"and employee who is any workweek is employed in domestic service in a household."

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a quorum call, with the understanding that he be recognized upon the calling off of the quorum call and that the time not be charged against either side?

Mr. MOSS. I am glad to yield for that purpose.

Mr. ROBERT C. BYRD. I thank the distinguished Senator. Senators on both sides will now be alerted to the fact that an amendment to the Taft-Dominick amendment has now been offered.

Mr. President, with the understanding that the Senator from Utah not be deprived of his right to the floor, and with the further understanding that the time for the quorum call not be charged against either side, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I request the yeas and nays on my perfecting amendment.

The yeas and nays were ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that my assistants, Mr. Chris Matthews and Mr. Karl Braithwaite, be given the privilege of the floor during the debate on the amendment now pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. DOMINICK. Mr. President, I make the same request for a committee staff member to have the privilege of the floor during the pending debate, Mr. Chuck Woodruff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I understand the time is now limited and that I have 30 minutes and the Senator from Colorado has 30 minutes.

The PRESIDING OFFICER. There is a limitation of 1 hour on the amendment, 30 minutes to each side.

Mr. MOSS. Mr. President, my amendment seeks a middle path between the committee bill, S. 1861, and the Taft-Dominick amendment, No. 1204.

I have supported increases in the minimum wage, but I clearly understand the need to be careful about increases during our present economic situation. The Taft-Dominick amendment, however, goes further in changing the committee bill than I am prepared to go at this time.

My amendment would provide for the following changes:

First. For nonagricultural employees covered prior to 1966: $1.80 60 days after enactment; $2 6 months later.

Second. For nonagricultural employees covered by 1966 and 1972 amendments: $1.80 60 days after enactment; $2 1 year later.

Third. For agricultural employees: $1.50 60 days after enactment; $1.70 1 year later.

Fourth. The Moss amendment extends coverage under the act to 1.7 million Federal employees, 3.2 State and local government employees, and 2.1 employees in domestic service not now covered.

Fifth. Changes no existing exemptions.

Sixth. Like S. 1861 as reported, retains the existing 85 percent certification system which applies to full-time students employed in retail and service firms and agriculture, and it includes students employed part time by educational institutions and those employed full time during school vacations by such institutions.

Seventh. Provides for future changes in the minimum wage to be automatically adjusted every 2 years for changes in national productivity and cost-of-living as determined by the Department of Labor and the Cost of Living Index.

The Moss amendment represents a compromise. According to the committee's report—No. 92–842, page 6:

> Witnesses before this Committee differed as to how much of an increase should be legislated, but the testimony was overwhelmingly in favor of an increase now.

Why was this testimony in favor of an increase? Let me quote the committee report:

> Between 1966, when Congress amended the FLSA to increase the Federal minimum wage from $1.25 to $1.60 an hour and April 1972, the consumer price index rose 27%. Between February 1, 1968, the date the $1.60 rate actually became effective for most workers, and

> May 1972, the consumer price index rose 21.4%. Thus a substantial increase in the minimum wage is necessary merely to restore the purchasing power of low wage workers to the levels established by Congress in 1966. In addition, average hourly earnings have increased by 34 percent over the same period. Of great significance is the fact that the number of people living in poverty increased between 1969 and 1970, the first increase since such records have been kept.

These facts and figures alone explain the necessity for a minimum wage increase now. Inflation and an increase in the cost of living have eroded the low wage earner's purchasing power. Today's $1.60 buys less than the $1.25 minimum wage in 1966. This fact exists in the face of our Nation's increasing productivity. American low-wage workers have traditionally shared, and rightfully so, in the Nation's rising productivity. These are not second-class citizens—they carry the full responsibilities of good citizenship in this Nation. Their taxes support it, they serve in its armies, and vote in its elections. No single element in America is responsible for our rising productivity. In some way all Americans contribute to it. All Americans, therefore, should benefit from it.

Between 1966 and 1972, productivity rose 10 percent and experts from the Government and business community have projected an average yearly increase of about 3 percent for the decade ahead.

Other workers in the Nation share in this rising productivity through increased wages and fringe benefits.

Their wages have been attuned to the increase in cost of living. This is substantiated by the 34 percent average hourly increase in earnings since 1966. Low wage earners ought rightfully share similar increases.

They ought to share similar increases, but have they?

In the 1971 report on minimum wages by the Secretary of Labor we note that the relationship between average hourly wage and the minimum wage is worse today than it was in 1950.

As the report states:

> Minimum wages have been traditionally compared to gross average hourly earnings of production workers in manufacturing for purposes of evaluating the efficacy or desirability of changes in the level of the FLSA minimum or of assessing the effects of legislative changes.

With respect to this comparison, the report concluded that:

> The relationship between the minimum wage and average hourly earnings or average hourly compensation varies, depending upon whether account is taken of changes in coverage. Although the minimum wage has been increased substantially, its ratio to earnings has been largely eroded by gains in average hourly earnings between the periods of increases in the minimum wage. Consequently, the ratio of the minimum wage to average hourly earnings or to average hourly compensation per man hour is now lower than it was in 1950, when the 1949 amendments went into effect.

When the 1966 amendments—increasing the minimum wage rate to $1.60 an hour—were enacted, they represented a promise that a full-time worker compensated at the minimum wage rate could at least earn what was considered to be poverty level of income; which at that time was about $3,200 annually for a family of four—$1.60 an hour times 40 hours per week times 50 weeks per year equal $3,200 annually. Since then, increases in the price level as reflected in the Consumer Price Index have reflected the bankruptcy of that promise.

Therefore, in light of the rising cost of living and productivity, it is clear to all, including those members of the committee who did not support the majority report, that an increase in the minimum wage is in order.

The question, then, is how much should the minimum wage be increased? The Moss amendment recognizes a need to increase minimum wage and yet guard against inflation and unemployment through a too rapid increase.

The wage increases provided by the amendment were attuned to considerations of correcting and as rapidly as practicable eliminating labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers without substantially curtailing employment or earning power. It is firmly believed that these gradual and belated increases, approximately equivalent to productivity and cost-of-living increases in recent years, can be absorbed by the national economy as easily as all previous increases in the minimum wage rate.

The Moss amendment recognizes the need for compromise between the minority reports. The increase proposed by my colleagues from Ohio and Colorado represents a partial catchup solution to the problem of increase in minimum wage.

Yet they would implement this increase over a period of years. Meanwhile, increases in the cost of living will eat away any gains made in real wages as a result of this bill.

The Moss amendment recognizes the need for a rational increase and the need to implement that increase with all dispatch to bring relief to the low-wage worker who has struggled under the crushing burden of inflation.

Accordingly, I ask the Senate to adopt the following changes in the rate of implementation of the wage increases—

For nonagricultural employees covered prior to 1966: $1.80 an hour 60 days after enactment; $2, 6 months later.

For nonagricultural employees covered in 1966 and 1972 amendments: $1.80, 60 days after enactment; $2, 1 year later.

For agricultural employees: $1.50 60 days after enactment; $1.70 1 year later.

It seems that every 5 years when Congress is asked to review the minimum wage we have to expend much time and a terrific amount of needless energy determining how great an increase in the minimum wage is justified to "catch up." Catchup is a policy which always keeps us with one foot mired in the past and an unsure foot trying to determine how far to stride in the future.

In the present Fair Labor Standards Act, section 4-D, we read the following:

> (d) The Secretary shall submit annually in January a report to the Congress covering his activities for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this Act, as he may find advisable. Such report shall contain an evaluation and appraisal by the Secretary of the minimum wages established by this Act, together with his recommendations to the Congress. In making such evaluation and appraisal, the Secretary shall take into consideration any changes which may have occurred in the cost of living and in productivity and the level of wages in manufacturing, the ability of employers to absorb wage increases, and such other factors as he may deem pertinent.

I am happy that since 1938, when the Fair Labor Standards Act was passed we have had section 4-D so that Congress could increase the minimum wage. The time has come I believe, when we can modify this section. I am proposing as an amendment to amendment No. 1204 providing that the minimum wage be automatically determined every 2 years by a cost-of-living and productivity factor. This would be determined by changes in the cost-of-living index and the productivity index of the Department of Labor.

My feelings for this have been expressed in my earlier comments, but in further support, I wish to read the comment of Marten Estey in his article "Wages and Wage Policy 1962-1971." In discussing wage guideposts, Mr. Estey notes:

> One solution to this problem would be some form of cost-of-living clause that would provide for wage adjustments related or tied to the rise in the Consumer Price Index and thus protect the worker against the erosion of his real wage.

Equally important from the policy standpoint is that cost-of-living adjustments make it possible to avoid, or to minimize, the tendency to try to compensate for past inflation by the use of "catchup" wage increases when contracts are renewed. So long as wage decisions reflect past problems, they are less responsive to current economic conditions than they might be.

With some form of cost-of-living clause, workers would be compensated—more or less fully—for price rises on a current basis and, therefore, would have less need to "catch up" at contract renewal time. Perhaps most significant of all, when inflation does begin to recede, wages determined by collective bargaining might respond more quickly, there being less need either to correct for previous errors or to try to anticipate future price changes."[1]

The cost of living index is used successfully in evaluating civil service increases, and it is time that we applied it to minimum wage increases as well.

Mr. President, in hopes that we might find a compromise solution in the area of extension of coverage, I offer the following suggestions.

While the Taft-Dominick amendment has recognized the need to increase the minimum wage, it does not extend the coverage of the bill. When the Fair Labor Standards Act was enacted in 1938, its objective was clearly seen—the elimination of "labor conditions detrimental to the maintenance of the minimum standard of living necessary for the health, efficiency, and general well-being of workers." Congress has consistently seen that the minimum wage is imposed to protect fairminded employers from the undercutting competition of those employers who would exploit the Nation's poor, young, or ill trained, by hiring at substandard rates.

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[1] Estey, Marten, "Wages and Wage Policy, 1962-1971," in Economic Policy and Inflation in the Sixties, p. 193.

In spite of this recognition, Congress has consented to leave some employees without coverage—to open the door to those who would exploit these workers. As a consequence, these low-wage workers who are without bargaining power have been impeded from working their way out of poverty.

Who are these workers who are uncovered? Let me quote from the committee report:

> At the present time, about 40 percent of the Nation's wage and salary workers in the civilian labor force are outside the coverage of the Act. The law presently covers only 45.5 million of the 75 million wage and salary workers in the United States. A substantial number of these 75 million are beyond the scope of the Act's practical, possible, or needed coverage. Almost 13 million, for instance, are executive, administrative, or professional personnel, for whom the minimum wage provisions of the Act would have little relevance. But of the remainder—some 62 million—who might be brought within the wage and hour guarantees, over 16 million are not in fact covered.

In extending coverage of the Fair Labor Standards Act, to individuals employed in domestic service, Congress will correct a glaring inequity which has existed well over three decades since the act was passed in 1938.

Workers in this industry are paid very low wages. Of these 2.1 million workers, 1,101,000 earn less than $1.80 an hour, and 1,119,000 earn less than $2 an hour. In 1969, 80 percent had total cash incomes less than $2,000 while 57 percent had less than $1,000.

One might say that these low wages are due to the part-time nature of much domestic employment. As the Census Bureau has pointed out, however, in 1969 approximately 340,000 women employed full time, year round, as private household workers had average earnings of only $1,926 for the year. Many of these women are heads of households, and yet we expect them to support their families at a salary which is $2,000 below the poverty level.

These people have no centralized body to bargain for them. They do not enjoy the benefits of regular work, have no fringe benefits, no unions to protect them or Federal Government laws to guard them. After 34 years, it is time they were extended the coverage of the Fair Labor Standards Act.

In the last 10 years, Congress has been asked to review minimum wage legislation twice. In both instances, in 1961 and again in 1966, Congress felt compelled to extend coverage of the act to employees not previously protected by the Fair Labor Standards Act. Today 16 million employees still remain unprotected by this vitally important legislation. Of that number, 1,726,000 are Federal employees and over 3 million are employed by State and local governments across the Nation.

That Congress should so long deny these workers the protection of the Fair Labor Standards Act seems incredible. Workers who make our governments run have not yet been accorded the same benefits and protections as workers in private industry.

The most compelling argument for extending coverage to public servants is a moral one. Government should be willing to abide by the same rules it dictates to private industry.

And yet some individuals maintain that this extension of coverage will break the budgets from the town hall to Capitol Hill. This is not so. According to the estimates supplied the comittee, this increase in the minimum wage would increase the total wage bill for the affected governments by only one-half of 1 percent.

TREND OF MINIMUM WAGE INCREASES 1949–66

Minimum wage increases enacted by Congress since 1949 have matched increases in the productivity and the cost of living almost identically.

In 1949, Congress legislated a 75 cents an hour minimum. Seventeen years later, in 1966, we passed a $1.60 minimum. This 1966 hike constituted a 113-percent increase over the 1949 level, a percentage which was justified by a 77 percent in productivity and 36-percent increase in the cost of living during that period.

	Increase in productivity (index of output per man hour)	Increase in cost-of-living (consumer price)	Combined increase in productivity and cost of living	Increase in minimum wage
1949	$55.3	$71.4		$0.75
1955	69.9	80.5		1.00
1961	80.9	89.6		1.25
1966	98.10	97.2		1.60
Total percent	77	36	113	113

The Moss perfecting amendment would simply continue this trend. Since the last minimum wage increase became fully effective, the cost of living has risen by over 20 percent and productivity by over 9 percent. There is no justification for delaying implementation of the $2 minimum, which constitutes a 25-percent increase, for the 14 months provided in the Taft-Dominick proposal.

My perfecting amendment would make the increase effective 8 months after enactment.

In addition, I have provided for an automatic adjustment, every 2 years, in the minimum wage. This adjustment would be based upon cost of living and productivity, the same standard which has justified previous minimum wage hikes.

I believe, therefore, that the modifications of the Taft-Dominick amendment would provide these benefits, would extend the coverage, and, by first boosting the minimum wage to where we have caught up with inflation and productivity, would place it in a position where automatically hereafter changes in productivity and the cost of living would be reflected in an automatic change in the minimum wage.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. I yield myself 10 minutes in opposition to the proposed amendment.

Mr. President, I have just done some computations, and I am talking without a prepared text, just off the top of my head, because I did not know that this matter was coming up.

So far as I know, the amendment proposed by the Senator from Utah has not been checked out with the manager of the bill or the ranking member of the committee, Senator JAVITS, nor with Senator TAFT, or myself. So it comes somewhat as a surprise to us.

I will say, however, that it varies very substantially from our substitute. Among other things, it extends coverage, which we do not seek to do in our substitute, to Federal employees, State and local employees, and domestics.

I spoke about the subject of the coverage of domestics before this time, when the Senator from Utah was not in the Chamber. I cannot think of a more guaranteed way to enmesh every housewife in the country in Federal bureaucracy than by trying to cover domestics. Enforcement would be difficult. I recall sitting in committee when we were talking about this matter once before, and many members of the committee on both sides of the aisle commented on the fact that they felt that few housewives, including their own would hire domestics if they had to file the extensive records required by the wage and hour law.

If we have the domestic employee under the minimum wage criteria, we immediately are going to have every housewife in the country, every time she has a cleaning woman, subjected to questions by the Labor Department as to whether or not she is meeting the requirements, as to what is the added value of whatever services are provided by the housewife in supplying a room and meals, or various pieces of equipment to the cleaning woman or laundress, or whoever it may be. In my opinion, it is going to be a bureaucratic mess and will require another whole corps of Federal employees just to determine whether a housewife can have someone in either to cook dinner on an occasional night or to do a week's cleaning. So I have great difficulty on that particular phase of it.

Going beyond that, to the merits, once again the Senator from Utah is apparently trying to accelerate the rather extraordinary inflationary push which would be given by the committee bill. It is of interest to me that, although he retains our figures with respect to nonagricultural employees covered prior to 1966, he accelerates the raise to $2 by 6 months, so that it would be effective 6 months after the raise to $1.80.

Second, he accelerates, in like manner, those who were first covered by the 1966 amendments, and those who will be covered under this proposal, beyond what we did, by saying that it will be $1.80 and $2 instead of our $1.70, $1.80, and $2. The only thing he does not accelerate is the figure for agricultural workers. I find this quite significant. I am not quite sure why he would accelerate everyone else under his proposal and not the agricultural workers. I presume this is because he is in agreement with us that there are now enough problems on the farms in finding labor to be able to take care of the crops at almost any price, and that the proposals put in by the committee bill are unrealistic insofar as keeping small farms alive is concerned.

Going beyond that, the extension of coverage, it seems to me, is one of the more significant things in this amendment. It is very similar to the committee bill, the only difference being that it does not cover the committee provision which refers to the size of an enterprise and the employees that would be covered therein. Other than that, he incorporates most of the Federal employees, the State and local government employees, and the domestics, whom the committee bill also covers. At a time when the chairman of the Cost of Living Council and the chairman of the Price Control Council have stated that the proposed committee bill, with its extension of coverage and its very sharply accelerated rates, would not seem a very difficult situation insofar as their role is concerned in trying to stabilize prices, I cannot see how adding this enormous number of additional people to the coverage and accelerating it is going to change the situation.

From a very brief conversation I have had with the distinguished chairman of our committee, Senator WILLIAMS, I gather that, also, is not very happy with this proposal. I am strictly against it, and among other things I point out item No. 7. This provides for an automatic change in the minimum wage every 2 years, based on national productivity and cost of living.

I ask this question of the Senator from Utah: Let us suppose the cost of living should go down—a very interesting kind of concept. Do I correctly understand that the Senator would then reduce the minimum wage, under those circumstances, or is this applicable only when it goes up?

Mr. MOSS. I am happy to respond to the Senator from Colorado.

Of course, it works both ways. If the cost of living should drop drastically, there would be a reduction in the minimum wage requirement.

Mr. DOMINICK. I am happy to hear the Senator from Utah say that. Almost all the proposals I have heard to date have been strictly an upward push. Very few times have I seen it work in reverse—that when the cost of living goes down, the minimum wage goes down. I am not sure, really, that if the cost of living goes down, there is a need for reducing the minimum wage. It is interesting to me that the Senator puts it both ways. I am happy to see that he is flexible on this.

But it seems quite clear to me that it is going to be difficult to compute. No one is going to know what his minimum wage standards are going to be, except that every 2 years there will have to be a recomputation.

Furthermore, as I understand the thrust of the amendment—although I have not seen the full amendment—it would be, substantially, to take out of the jurisdiction of our committee the opportunity to review the Fair Labor Standards Act to see what coverage should or should not be included as time goes by and to determine whether or not an increase is in order.

The question of productivity is a particularly good one, it is very difficult, however, under all the indices we have now to determine what national productivity actually is. I have some figures from the speech I made yesterday indicating that national productivity has only gone up 10 percent since 1966, while the cost of living has increased 28 percent. I am not convinced that the national productvity test has ever been tied down sufficiently so that we can find an index on which we could rely. It reminds me of the situation when we were trying to provide aid for universities in the higher educational field. We kept trying to find out which ones were actually in financial trouble as opposed to others and we could not find any common accounting ground in any university anywhere in the country on which we could rely. The net result was, we put a study and research program into the higher education bill, which was passed, providing for a system and a study to be made to be able to determine that.

I should like to get a comment from the Senator from Utah on that point. He has a very good productivity factor in here. My question is, How does he arrive at that factor?

Mr. MOSS. I will be happy to answer that. The President has guidelines which he is using for this very purpose, exactly the same cost-of-living figures in the index. It is published in the Federal Register. The average is 3.1 percent per year since 1948.

Mr. DOMINICK. I understand those figures, but it seems unlikely that they are accurate when we take into account that the Labor Department at the present time has declared it an unfair labor practice for a worker on piecework of any kind of exceeding a quota which has been established by a union. Consequently, we do not have that worker's productivity in any way shown by the national figure. I understand that the Senator is using the index as an arbitrary matter. What I am saying is that I am not sure it is accurate and I never will be sure it is accurate as long as it is considered to be an unfair labor practice to be able to earn as much money as one can. This is a settled case in the National Labor Relations Board. I think it is wrong. I have been protesting it.

Moreover, I think to tie the minimum wage inflexibly to the Consumer Price Index would lock us into an inflationary spiral, because I think it has been demonstrated that minimum wage increases exert strong inflationary pressure.

Mr. TAFT. Mr. President, will the Senator from Colorado yield at that point?

Mr. DOMINICK. I yield.

Mr. TAFT. I would like to comment on the productivity question. Andrew Biemiller of the AFL–CIO testified before the Labor and Public Welfare Committee regarding productivity and stated that productivity in many instances, basically is subject to the control of the employer and not up to the employee at all. Particular work practices which are involved or contracted for under a labor-management agreement. Often the assignment of work in relationship to productivity is something that is determined solely by the individuals in the industry involved. As the Senator from Colorado has pointed out we have rather specific figures for factory production, but in the matter of service figures, we have very few figures on which to rely.

Mr. DOMINICK. The Senator is totally correct. I have got to apologize to him. I believe that under our agreement, he had charge of the time. What I did was just to take it over and I apologize to him. I appreciate his comments.

Mr. President, in connection with this discussion it is worthwhile to point out, however, that on the index, whether right or wrong, on the national productivity, over the last decade, the national productivity is considered to have increased 10 percent. The consumer price index, however, increased 28 percent. This is a much more reliable figure. The committee bill has recommended a 37.5 percent increase in the minimum wage. I do not think it is difficult to determine, under item 7 of the proposed amendment, with those figures in front of us, on the productivity index, right or wrong, as to what percent increase there should be in the minimum wage under the concept as developed by the Senator from Utah.

Mr. President, I reserve the remainder of my time, such as I have. I am strongly opposed to the amendment.

Mr. MOSS. Mr. President, the Senator from Colorado is concerned about the extension to cover domestic employees, saying that this would burden the housewives in keeping records. I suggest that it would be no more of a requirement to keep records than is done now by housewives who employ domestics, in order to arrive at the correct social security contribution on the wages they pay domestics. There is no reason to believe that anything further would be required by way of recordkeeping. If there is a violation, they may be called in, just as any person would be who violates the law, to explain what their practice was. I emphasize that there is no great recordkeeping that would be necessary.

The Senator also objected to my amendment, saying that it would push inflation by shortening the effective time of the increased minimum. But I would point out that we already have experienced an increase in the cost of living, which is over 20 percent since last we dealt with the minimum wage, and productivity in that same time has jumped 9 percent. So this constitutes about a 29-percent increase in the period of time we are dealing with.

We are really just catching up. Then we would move on to the automatic adjustment based on the productivity and the cost of living. Since we can do this for adjusting civil service pensions, I do not see why we cannot do it for adjusting the minimum wage.

One thing being said is that domestics really do not need a minimum wage. I have pointed out by the figures I cited that many of these domestics are drawing an incredibly small annual salary in this field. That means that these people are living in poverty and they must therefore try to get help somewhere else, from part of the welfare system. So, if we are bent on reforming the welfare system, as we say we are, then one of the best ways we can do it is to make sure that those who work for a living at least draw a wage which will keep them above the poverty level. If they drop into the poverty level then they are going to have to have some supplemental income in order to exist. I do not think the time will come when we will allow our people to go hungry or not be properly clothed or housed in this country.

I think, therefore, that this amendment offers a reasonable compromise with the committee bill and that proposed by the Senators from Ohio and Colorado. I suggest that it answers the principal objectives that we need; First, to extend the coverage; second, to catch up on the minimum wage now with productivity and cost of living; and, third, put it into a regularized basis so that automatically it can be adjusted hereafter, based on the figures published and utilized elsewhere in fixing salaries in this country.

I reserve the remainder of my time.

Mr. TAFT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Ohio is recognized for 5 minutes.

Mr. TAFT. Mr. President, with regard to the productivity point, I have the information distributed by the Senator from Utah, and I have a lot of questions about its applicability to the actual situation involved here.

I invite the attention of the Senator from Utah to the statement in the minority views on page 129, along this line:

> Proponents of the Committee approach argue that inflation can be avoided and profits maintained if productivity is increased. This euphoric view, i.e., that minimum wage increases accelerate productivity gains, is at variance with past trends in low-wage industries. The gain in productivity, output per manhour in the private nonfarm economy, was only 3.8 percent between 1967 and 1970, far below the long term trend. Low productivity has been particularly true of low-wage trade and services, whose productivity gains lag substantially behind those of the economy as a whole although these are the industries most directly affected and therefore the most stimulated by wage increases.

I would like to comment on a couple of other aspects of the amendment offered by the Senator from Utah. He puts back the provision relating to students and youth, the 85 percent provision. The estimate is that this system has not worked. There have not been applications for certificates for youth in any number indicating any real or substantial impact in this area. Meanwhile our youth employment problem has increased drastically.

The attempt which we are making in the substitute bill which the amendment of the Senator from Utah would change is to encourage the employment of youth. That would be completely negated by the amendment of the Senator from Utah.

I would also like to comment on the domestics issue, because the Senator from Utah indicates that he does not think there is much recordkeeping involved.

I have in my hand three separate bulletins under the Fair Labor Standards Act. One is 52 pages long. Another is not quite as long. It only covers 13 pages. Another one is about six or seven pages. I can see every housewife in the country getting out that bulletin and deciding what she has to do or what she does not have to do under these circumstances.

The Senator has not mentioned the principal argument against the domestic provision which I discussed yesterday. The committee position purports to be based upon the commerce clause. I believe it completely violates the Constitution. I cannot conceive of any activity of any sort in American life today that would be covered by the commerce clause, and subject to Federal regulation if the committee's interpretation were adopted. I do not believe it would receive such support. However, even beyond the constitutional question, we also have personal experience with respect to social security coverage. We have the record which indicates that social security coverage of domestics has been accomplished in a very sporadic manner and is characterized by its evasion as much as by its observance.

Mr. President, to compound that by putting in overtime requirements and minimum wage requirements covering every housewife in America would be a great tragedy.

The committee bill also attempts to cover Federal employees. This amendment would attempt to put the Federal employees back under the bill again.

The PRESIDING OFFICER (Mr. COTTON). The time of the Senator has expired.

Mr. TAFT. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for an additional 2 minutes.

Mr. TAFT. Mr. President, the coverage of Federal employees, it seems to me, is about the most self-defeating aspect that we could imagine.

I cannot think of any Federal employees who are not paid more than the minimum wage except for military and prisoners working in prison industries. As to the practice of paying overtime, overtime payment procedures for Federal employees in many cases have been worked out. In this connection, we would have to search through a whole gamut of laws to realize what the effect of putting this provision in the bill would be.

It is foolish to say that without reviewing the other laws that exist, all of a sudden we will come in and blanket this whole area.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from Utah has 16 minutes remaining.

Mr. MOSS. Mr. President, I thank the Chair.

Mr. President, it seems that what we are doing here—and I am surprised to hear some of the arguments being made by those in opposition—is saying that the figures are not reliable and we could not say for sure what the productivity amounts to.

Surely the drafters of the Taft-Dominick amendment must have relied on some figures or some reports. I do not think that discussing the figures published by the Department of Labor and other Federal departments and saying that they are not letter-perfect is an answer to trying to gear the minimum wage to the amount of productivity and cost-of-living increases.

The purpose of the minimum wage is simply to say that any citizen who works for a living is entitled to be paid an amount of money which will enable him to support himself under the present cost of living existing in this country.

My amendment has a second provision to it, that if productivity in general goes up so that labor is more productive, then he shares in the benefit that comes to all of us in our society as a whole because of the higher productivity.

The matter of student and youth differential has also been referred to. They say that students have been denied jobs because the minimum wage was getting too high. That matter has always concerned me. I wondered just how effective it was. I have had inquiries from my constituents and elsewhere expressing the fear that if the minimum wage went up for students, they would not be employed.

I wrote to the Department of Labor. I was sent a report which was published in 1970. The report was entitled, "Youth Employment and Minimum Wages."

That report concludes that while the minimum wage has been increased and coverage extended during the period that has witnessed unemployment of teenagers, no direct relationship has been proved.

Thus the report finds that there has been no decrease in employment or lack of employment by reason of the minimum wage set for young people. That is the reason I thought we should return to the 85 percent and not drop to the 80 percent as proposed in the amendment to which my amendment is a clarification or a modification.

I think the case is rather clear here. We are talking about an extension of coverage to those who have been denied the protection of the minimum wage law. We are talking about catching up so that those who are being paid only the minimum wage now may be brought up to compensate for the rise in the cost of living and the rise in the productivity to the point where they were in 1966 when we last acted on the matter.

The third thing is of great importance. It seems to me that we can get on a regularized basis and apply the cost of living and the productivity to the minimum wage as an automatic factor so that the Congress every 4 years or every 6 years will not have to fight about this, but will be in a position once again to work this matter out and try to catch up to the appropriate amount.

I think we ought to catch up in a reasonably short time and not make a long delay between action by Congress and the time when the increase will finally take effect. These people are in need of this kind of protection now and it should be extended to them now. If we can do that and then go to the automatic system we will have solved one of the very difficult problems presented now in this matter of wages and prices.

I point out again that using the productivity index and the cost-of-living index is what the President did in phase 2 in determining the kinds of regulations to be placed on the wages of employees. He used this very formula we are called upon to use in this amendment.

Mr. President, I reserve the remainder of my time. If my colleagues are prepared to yield back the remainder of their time I am prepared to yield back the remainder of my time.

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield to me for 4 minutes?

Mr. TAFT. I am glad to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I wish to go back for a moment and talk about this proposed extension of coverage to domestics. It sounds great. Here, we have low-paid people and they are going to be paid more and everyone is going to be in glory and feel good about it because they are doing something for them. However, the fact of the matter is we have yet to find that raising the minimum wage for low income people has any effect whatever in being of assistance to them. It in fact has the opposite effect—unemployment and welfare, because there are people who cannot find other jobs.

Mr. President, I hold in my hand a study entitled "The Employment Effect of Minimum Wage Rates," written by Professor John M. Peterson and Charles T. Stewart, Jr.

They come to this conclusion: and obviously domestic workers would be included.

> Both theory and fact suggest that minimum rates produce gains for some groups of workers at the expense of those that are the least favorably situated in terms of marketable skills or location.
>
> Within low-wage industries, higher-wage plants gain at the expense of the lowest-wage plants. Small firms tend to experience serious profit losses and a greater share of plant closures than large firms. Teenagers, non-whites, and women (who suffer greater unemployment rates than workers in general) tend to lose their jobs, to be crowded into less remunerative noncovered industries, and to experience more adverse changes in employment than other workers. Depressed rural areas, and the South especially, tend to be blocked from opportunities for employment growth that might relieve their distress. Given these findings, the unqualified claim that statutory minimums aid the poor must be denied. The evidence provides more basis for the claim that while they help some workers they harm those who are the least well off.

I think this is extremely pertinent in connection with the extended coverage which the Senator from Utah proposes. The only alternative for these people, if their jobs are eliminated, is welfare. In addition, the only possible basis for the Federal Government extending minimum wage coverage to this group is that they are in interstate commerce.

The basis upon which the committee said that these particular workers, the domestic workers, are in interstate commerce is that vacuum cleaners and laundry equipment are made in only a few States, and move in interstate commerce. So, they argue, if anyone is using a vacuum cleaner, regardless of what he is doing, he is in interstate commerce. All I can say is, if we extend the commerce clause of the Constitution to that extent we are really vitiating any restrictions on the Federal Government at all. We are saying that the Federal Government has power whenever it wants to do something, to do it without regard to the rights of others, and whether something is actually in commerce or not. I cannot think of anything less likely to affect interstate commerce than someone coming in to do some laundering for a housewife.

With that plus the recordkeeping involved my guess is that Congress will have every housewife in the country on its neck saying, "What are you trying to do to us?" In addition, it will not be helping the domestic workers because they will not be able to get jobs and they will have to go elsewhere.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Ohio has 5 minutes remaining and the Senator from Utah has 10 minutes remaining.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Utah yield to me for 1 minute?

Mr. MOSS. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request with the principal parties. It is an addendum to the agreement with respect to the program for tomorrow.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ADDENDUM TO UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 9:40 a.m. tomorrow, the Senate proceed to the consideration of S. 1861, the so-called Minimum Wage bill; that the distinguished junior Senator from Florida (Mr. Chiles) be recognized at that time for the purpose of calling up an amendment to the Taft-Dominick substitute; that time on the amendment by Mr. Chiles be limited to 20 minutes, to be equally divided between the distinguished author of the amendment, the Senator from Florida (Mr. Chiles), and the distinguished authors of the substitute, the Senator from Ohio (Mr. Taft) and the Senator from Colorado (Mr. Dominick), whichever is the case; and that the vote on that amendment occur, if it is a yea and nay rollcall vote, at 11 o'clock a.m., just immediately preceding the vote which under the order of yesterday was to have occurred at 11 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears no objection, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for 30 seconds further?

Mr. MOSS. I yield.

Mr. ROBERT C. BYRD. I want to be sure I have the proper understanding of my own request, and that is that at the hour of 10 o'clock tomorrow morning the amendment by Mr. Chiles will be temporarily laid aside and time will then begin running on the substitute by Senators Taft and Dominick, as previously agreed to.

The PRESIDING OFFICER. It is so understood and, without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Presiding Officer, and I thank the Senator from Utah for yielding.

The unanimous consent agreement reads as follows:

> *Ordered*, That, during the further consideration of S. 1861, a bill to amend the Fair Labor Standards Act of 1938, as amended, on Thursday, July 20, 1972, at 9:40 a.m. the Senate proceed to consider an amendment by the Senator from Florida, Mr. Chiles, with debate thereon limited to 20 minutes, to be equally divided and controlled by the Senator from Florida, Mr. Chiles, and the Senator from Colorado, Mr. Dominick: *Provided further*, That at 10:00 a.m. the Senate will proceed to the consideration of the Taft-Dominick substitute amendment, No. 1204, with a vote on the Chiles amendment coming at 11:00 a.m., to be followed by a vote on the Taft-Dominick substitute amendment. The time on the Taft-Dominick substitute amendment will be equally divided and controlled by the Senator from Ohio, Mr. Taft, and the manager of the bill, Mr. Williams, and no further amendments to the Taft-Dominick substitute amendment be in order on Thursday, July 20, 1972, but a tabling motion, however, would be in order.
>
> *Ordered further*, That after the vote on the Taft-Dominick substitute amendment, No. 1204, if defeated, the Senator from Vermont, Mr. Stafford, be recognized to call up an amendment.
>
> *Ordered further*, That after the vote on the Taft-Dominick substitute amendment, debate on the bill be limited to 4 hours, to be equally divided and controlled by the Senator from New York, Mr. Javits, and the manager of the bill, Mr. Williams, and that the Senators in charge of the time on debate on the bill may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.
>
> *Ordered further*, That debate on any amendment to the bill on Thursday, July 20, 1972, be limited to 1 hour, to be equally divided and controlled by the proponent of the amendment and the manager of the bill, Mr. Williams, if he is in opposition to the amendment, otherwise that time will be under the control of the Minority Leader or his designee: *Provided further*, That time on any amendment to an amendment, debatable motion or appeal be limited to ½ hour, to be equally divided and controlled by the

mover of any such amendment and the manager of the bill, Mr. Williams.

Ordered further, That final vote on passage of the bill come no later than 10:00 p.m. on Thursday, July 20, 1972.

Mr. MOSS. Mr. President, as I indicated, I am willing to yield back the remainder of my time if Senators on the other side are willing to yield back the remainder of their time.

Mr. TAFT. Mr. President, we would be willing to yield back the remainder of our time and we do so.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Utah to the Taft-Dominick substitute. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), and the Senator from Maine (Mr. MUSKIE), are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN), is absent on official business.

I further announce that if present and voting, the Senator from Louisiana (Mr. ELLENDER), and the Senator from Washington (Mr. MAGNUSON), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. ROTH) is detained on official business, and, if present and voting, would vote "nay."

The result was announced—yeas 4, nays 81, as follows:

[No. 276 Leg.]

YEAS—4

Bible
Burdick
McIntyre
Moss

NAYS—81

Aiken
Allen
Allott
Bayh
Beall
Bellmon
Bennett
Bentsen
Boggs
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
Miller
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—15

Anderson
Baker
Chiles
Ellender
Fulbright
Gravel
Harris
Jordan, N.C.
Magnuson
McGovern
Metcalf
Mundt
Muskie
Pell
Roth

So Mr. Moss' amendment to the Taft-Dominick amendment was rejected.

The PRESIDING OFFICER. The Taft-Dominick amendment in the nature of a substitute is still before the Senate, and is open to further amendment.

Mr. BENTSEN. Mr. President, I send to the desk a perfecting amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of my amendment be dispensed with.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. BENTSEN's amendment is as follows:

On page 8 between lines 13 and 14 insert the following new sections:

NONDISCRIMINATION ON ACCOUNT OF AGE IN GOVERNMENT EMPLOYMENT

SEC. 12. (a) (1) The second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 is amended to read as follows: "The term also means (1) any agent of such a person, and (2) a State or political subdivision of a State and any agency or instrumentality of a State or a political subdivision of a State, but such term does not include the United States, or a corporation wholly owned by the Government of the United States."

(2) Section 11(c) of such Act is amended by striking out "or any agency of a State or political subdivision of a State, except that such terms shall include the United States Employment Service and the systems of State and local employment services receiving Federal assistance."

(3) Section 16 of such Act is amended by striking the figure "$3,000,000," and inserting in lieu thereof "$5,000,000."

(b) (1) The Age Discrimination in Employment Act of 1967 is amended by redesignating sections 15 and 16, and all references thereto, as section 16 and section 17, respectively.

(2) The Age Discrimination in Employment Act of 1967 is further amended by adding immediately after section 14 the following new section:

"NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 13. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, of the Government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without backpay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the review and evaluation of the operation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(2) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employment on account of age.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken or any complaint of discrimination filed by him thereunder. Reasonable exemptions to the provisions of this section may be established by the Commission but only when the Commission has established a maximum age requirement on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Any persons aggrieved may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act.

"(d) When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving a notice of intent to sue, the Commission shall promptly notify all persons named therein as prospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

"(e) Nothing contained in this section shall relieve any Government agency or official of the responsibilty to assure nondiscrimination on account of age in employment as required under any provision of Federal law."

Redesignate section 12 as section 14.

Mr. BENTSEN. Mr. President, the amendment I offer to the substitute would incorporate the amendments to age discrimination in Employment Act which passed the committee unanimously, bringing Federal, State, and local employees within the scope of that act.

It would also make one change in those amendments, raising the yearly authorization level from $3 million to $5 million, still a very modest and minimal amount to implement this legislation.

I am advised by the Labor Department that an equivalent of only 69 staff positions can be provided to administer the legislation in all of the States of the Union. If the full $3 million were authorized, that would allow for less than 200 staff positions.

Moreover, with additional Federal, State, and local government employees to receive the protection of age discrimination laws under this new bill, we shall require more funds to make this legislation do what it purports to do, namely to make it unlawful "to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individuals age."

On March 9 of this year, I introduced S. 3318, a bill to subject Federal, State, and local employees to the present age discrimination law. At that time, I said:

> Government is the Nation's largest employer with over 10 million employees in State and local governments and millions more at the Federal level. Moreover, government has the greatest growth rate of any other sector of our society and is the source for much of the growth of private industry. I believe that the Federal, State and local governments should be model employers. And I do not believe that these units of government are justified in asking private employers to do what government would not do for itself.

On May 5, I reintroduced my bill with amendments as an amendment to the Fair Labor Standards Amendment of of 1972. I was joined by the distinguished chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS), the Senator from Missouri (Mr. EAGLETON), chairman of the Subcommittee on Aging, and the Senator from New York (Mr. JAVITS), the ranking minority members of the Senate Labor and Public Welfare Committee.

Mr. President, the Congress and three presidents have taken note of the problems of age discrimination in government employment.

In 1957, the Congress passed section 302 of the Independent Offices Appropriation Act of 1957, which said, in effect, that no part of any appropriation under any bill could be used to compensate officers or employees of the Government who establish maximum age for entrance into the Federal Civil Service. This was subsequently codified in section 3307, title V of the United States Code.

On March 14, 1963, President Kennedy, in a memorandum to the heads of agencies, affirmed the policy of the executive branch barring discrimination on the basis of age for employment and advancement.

On February 12, 1964, President Johnson issued Executive Order 11141, which declared that:

> It is the policy of the executive branch of the Government that (1) contractors and subcontractors engaged in the performance of Federal contracts shall not, in connection with employment, advancement, or discharge of employees . . . discriminate against persons because of their age . . .

The Senate version of the Civil Rights Act of 1964 provided that discrimination on the basis of age would be prohibited along with discrimination on other grounds such as race, religion, and national origin, but that provision was knocked out in conference for lack of hard evidence on the subject of age discrimination. Instead a compromise was adopted directing the Secretary of Labor to make a report to the Congress on the subject. The report, which was filed in 1965, did find a substantial age discrimination in employment, almost all of it completely arbitrary.

In 1967, the Age Discrimination in Employment Act passed the Senate without a dissenting vote; the vote in the House was 344 to 13. The law made it unlawful for an employer having more than 25 employees "to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's age." Certain exceptions were made where age is a bona fide occupational consideration or where there is a bona fide seniority system or bona fide employee benefit plan.

Mr. President, government employees were excluded from coverage under the 1967 act. In my view, that exclusion is unsupportable.

The Nixon administration seems to agree with that view, for on March 23, two weeks after I introduced my bill, the President sent the Congress his message on aging, which said, in part, "especially in the employment field, discrimination based on age is cruel and self-defeating; it destroys the spirit of those who want to work and it denies the Nation the contribution they could make if they were working." The President goes on to say:

> I will soon propose to the Congress that the Age Discrimination in Employment Act be broadened to include what is perhaps the fastest growing area of employment in our economy—the State and local governments.

Mr. President, there is ample evidence that age discrimination is broadly practiced in government employment.

Elliot Carlson, writing in the Wall Street Journal on January 20, quotes a number of elderly Federal employees who have been subject to pressures as the result of recent "reduction-in-force" orders issued by Federal agencies. The employees may be transferred repeatedly, be denied their right to "bump" employees with less experience, or be subject to veiled hints that their usefulness is at an end.

President Nixon has ordered a 5-percent cut in Federal manpower by July of this year, and indications are that older workers are being asked to bear the brunt of the burden. Mike Causey, writing in the Washington Post on February 11, notes that the Pentagon is alerting older and long-service workers to volunteer for "involuntary separation" that would qualify them for immediate pensions. Joseph Young, in a recent article in the Washington Star, notes that:

> In seeking initial appointments, transfers and promotions, older applicants and employees find that regardless of their ability, experience and qualifications, their age is an insurmountable barrier.

And the Carlson article, which appeared in the Wall Street Journal on January 20, notes that HUD and the Interior Department are subjecting some older employees to extensive grilling about their jobs and engaging in a series of subtle or direct pressures encouraging them to retire.

Mr. President, age discrimination practices, whether they relate to the age of hiring, restrictions on promotion, or direct and indirect "encouragements" to retire, are not to be condoned. Many of our citizens are productive at 60 as they were at 25, and measures taken to remove them from the work force are both callous and unrealistic.

A recent report of the Senate Special Committee on Aging declares:

> If we are really concerned about some of the long-term and institutionalized forces of inflation, why aren't we making every effort to maintain a high level of labor force participation of "older workers"?

The report goes on to say:

> The price the Nation pays for failure to maximize employment opportunities for older workers is increased dependency. We do not see an increase in dependency as a good tool with which to fight inflation. We all have much more to gain through a national effort to raise our productive capacity and simultaneously provide meaningful job opportunities for older people.

Mr. President, some 31 States have some form of age discrimination law but they differ in scope and effectiveness. The Labor Department does not have clear evidence on how various State laws are implemented, but it does concede that some States have only a handful of employees to enforce what is admittedly a very sensitive and complex problem. I am afraid that Senator JAVITS' words spoken during the 1967 debate are still true. At that time, the Senator from New York said,

> The experience under State laws has been varied. Unfortunately, most States have not made available sufficient funds or manpower to really make a dent in the problem.

Mr. President, age discrimination is deeply ingrained in the American system. Somehow, in our youth-oriented culture, we have developed the idea that a man or woman over 40 is no longer a good employment risk.

I have no prejudice toward younger workers, but I believe our attitude toward middle-aged and older workers is nothing short of a national scandal.

Indeed, the problem has been magnified during the last 2 or 3 years. From January 1969 to September 1971, unemployment for persons 45 and older jumped 77 percent. Many of these people find themselves in a no-man's land—too young to retire, too old to hire—and they usually remain unemployed for longer periods than their younger counterparts.

Mr. President, I agree with President Nixon that it is time to make the Age Discrimination in Employment Act more comprehensive in its coverage. The committee bill, which incorporates my amendment, would bring Federal employees under the coverage of a law specifically directed at the overall problem and give some focus to other remedies which simply have not done the job. The measures used to protect Federal employees would be substantially similar to those incorporated in the bill which expanded the authority of the Equal Employment Opportunities Commission.

At this time I want to express my appreciation to the distinguished floor manager of the bill (Senator WILLIAMS), and to Senators EAGLETON and JAVITS, all of whom were instrumental in placing the age discrimination amendment in the final draft of Fair Labor Standards Amendments of 1972.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Texas made me a cosponsor of S. 3318, and I am very proud to have been a cosponsor, and I think it is fair to say that I did my very best to see that there were incorporated in this bill provisions against age discrimination. I believe that I speak also for the manager of the bill, the Senator from New Jersey (Mr. Williams), when I say that we have no desire to be parochial about this substitute, though we are opposed to it for substantive reasons. If any Senator wishes to seek to incorporate this proposal as an amendment to the committee substitute, we feel that it would be acceptable and desirable in any minimum wage bill.

If the amendment is acceptable to the authors of the Taft-Dominick substitute, it is acceptable to me, and I hope the Senate will approve it.

Mr. BENTSEN. I appreciate the Senator's statement in that regard.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield to the distinguished Senator from Ohio for a question.

Mr. TAFT. I believe that this proposal is a perfectly proper one to add to the pending amendment, and so far as I am concerned, I believe I speak for the coauthor of the proposed substitute, we will be willing to accept it. If there is no objection or request for further time, I am prepared to yield back the time for this side at this time.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield to the distinguished Senator from Colorado.

Mr. DOMINICK. This proposal, I believe, incorporates some of the provisions already in the law prohibiting discrimination on account of age, and I see no objection to adding it here. I think it is fair to point out that we have had an administration proposal along this line. It has been sent to the Congress this week, I believe. I do not think it goes quite as far as that of the Senator from Texas, in that it affects only State and local governments. But his proposal is not antagonistic to anyone as far as I can see, and as far as I am concerned, I would be glad to incorporate it as a part of the substitute and take it to conference if the substitute prevails.

Mr. BENTSEN. I appreciate the support of the distinguished Senator from Colorado, the author of the substitute amendment.

The PRESIDING OFFICER. Do all Senators yield back their time?

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield to the distinguished Senator from New Jersey.

Mr. WILLIAMS. Mr. President, this expression of dealing with discrimination because of age is certainly a principle we all support. We take every opportunity to strike at any possible discrimination. Here is another opportunity. I certainly support the Senator from Texas.

Mr. BENTSEN. I thank the distinguished Senator from New Jersey.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BENTSEN. Mr. President, if there is no further request for time, I yield back the remainder of my time.

Mr. TAFT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Texas to the Taft-Dominick substitute amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Florida (Mr. Chiles), the Senator from Louisiana (Mr. Ellender), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), and the Senator from Rhode Island (Mr. Pell), are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan), is absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), and the Senator from Arkansas (Mr. Fulbright), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Nebraska (Mr. Curtis) is detained on official business, and if present and voting, would vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No 277 Leg.]

YEAS—86

Aiken
Allen
Allott
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—14

Anderson
Baker
Chiles
Curtis
Ellender
Fulbright
Gravel
Harris
Jordan, N.C.
Magnuson
McGovern
Mundt
Muskie
Pell

So Mr. Bentsen's amendment to the Taft-Dominick substitute amendment was agreed to.

Mr. SPONG. Mr. President, I send a perfecting amendment to the desk to amendment No. 1204 proposed by the Senator from Colorado (Mr. Dominick) to S. 1861, and ask that it be stated.

The PRESIDING OFFICER (Mr. Roth). The amendment will be stated.

The assistant legislative clerk read as follows:

S. 1861

On page 4, line 9, after the word "employee" insert the following: "in retail or service establishments or seasonal recreational establishments or education institutions".

On page 4, line 14, strike out "80" and insert in lieu thereof "85".

On page 4, line 16, beginning with the word "or" strike out through the word "higher".

On page 4, line 25, strike out "80" and insert in lieu thereof "85".

On page 5, line 2, beginning with the word "or" strike out through the word "higher".

On page 5, line 5, strike out "80" and insert in lieu thereof "85".

On page 5, line 15, before the period, insert a colon and the following: "*Provided*, That such regulations shall not restrict full-time student employment by any employer to a level below that provided for under this section prior to the effective date of the Fair Labor Standards Amendments of 1972".

Mr. SPONG. Mr. President, I ask unanimous consent that the name of the Senator from South Carolina (Mr. Hollings) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SPONG. Mr. President, the purpose of the amendment is to modify the provisions concerning the youth differential wage which appear in the proposed substitute bill. That substitute would change existing law in three ways:

First, it would reduce the differential rate from the present 80 percent of the prevailing minimum wage to 85 percent.

Second, it would extend coverage to all employers of young people in place of the present restriction to retail and service establishments, educational institutions, and seasonal recreational businesses.

Third, the substitute would eliminate the requirement that employers have Labor Department certification before making use of the youth differential provision.

By contrast, my amendment would retain existing law with respect to both the wage differential itself and the scope of coverage. The differential would remain at 85 percent and its application would be limited to retail and service establishments, educational institutions, and seasonal recreational businesses, just as it is now.

The only change in existing law under my amendment would be to eliminate the cumbersome Labor Department certification requirement that was intended to guard against abuses of the youth differential but which has actually worked to discourage full-time student employment. It is clear that unlimited use of youth employment is not desirable, but it is equally clear that bureaucratic redtape should not undermine the program itself.

My amendment attempts to simplify matters by eliminating the precertification requirement and substituting for it authority on the part of the Labor Department to issue such regulations and standards as it feels necessary to prevent abuses. For example, I would think the Labor Department would require some kind of notification procedure. This would promote enforcement by providing for the identification of youth employers but would not stifle the employment opportunities themselves as the present certification procedure does.

In short, my amendment proposes to go to a general standards approach to enforcement instead of the present case-by-case review.

Mr. President, there is a good basis for having a youth differential and that is to create more job opportunities for young people who are without work experience and job skills or who are full-time students. Unemployment among young people today is more than three times that of the overall labor force. Young blacks are especially hard hit with an average unemployment rate over the past 5 years of about 27 percent.

The youth differential, which is now part of the law and which by implication is fully endorsed by the committee, serves a useful purpose. But it serves no purpose to entangle the program in bureaucratic redtape and procedures. All my amendment seeks to do is to allow employers to make maximum use of this worthwhile incentive program while guarding against abuses.

Mr. President, I have discussed this amendment with a wide range of individuals and I have found a surprising consensus on the part of businessmen and young people alike that it is a worthwhile approach to the issue.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 3 minutes.

Mr. TAFT. Mr. President, while I certainly feel that the Senator from Virginia has the same motives that the sponsors of the substitute have, I have some difficulty in accepting the amendment. On balance, I feel I might have to oppose it.

Mr. President, the difficulty, it seems to me, with the measure is that it perpetuates the discrimination between youths seeking employment who are in school or in a student status and youths who are not in that status.

One of the advantages of the youth differential provision which we included in the substitute amendment is that it applies to all youth under the age of 18 and full-time students under the age of 21.

It seems to me that while the purposes of the pending amendment are meritorious, the fact that it has a limited effect would mean that it probably would not go as far as the current provision of the substitute. It leads me to the conclusion that the amendment has no merits over and above those of the substitute. While there are some provisions in it that I think are desirable, on balance I do not feel that I can support it.

Mr. DOMINICK. Mr. President, will the Senator yield me 4 minutes?

Mr. TAFT. Mr. President, I yield 4 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I totally agree with the Senator from Ohio. I think that the amendment, if agreed to, will complicate rather than ease the ability of young people to find jobs.

I would say to my friend, the distinguished Senator from Virginia, that there is one other technical problem with the amendment which I think creates really quite a serious difficulty. The Senator has stricken on pages 4 and 5 of our proposed substitute the words "or whichever is higher," leaving the minimum at a flat 85 percent or whatever the minimum happens to be.

The net result of striking the "or whichever is higher" is that some students who might be hired under this provision could not get less than the present amount they are entitled to get under the minimum wage law.

Our youth differential provision, by requiring that a student under 21 or a youth under 18 be paid 80 percent of the new rates established by this bill, or the present rate, whichever is higher, makes it clear that no youth could receive less than he is making now.

That is why we had the $1.60 as a floor and 80 percent of whatever the minimum might be, and similarly $1.30 as a floor on agricultural labor. For example, the substitute would increase the minimum for nonfarm workers covered prior to 1966 to $1.80 per hour. Eighty-five percent of that comes to $1.53—less than the current $1.60 minimum. And we get into the same problem with agricultural work. So I would say to the Senator from Virginia that I think this is a serious problem.

The basic problem that I see with it—which forces me, reluctantly, to feel that I must oppose it—is exactly as the Senator from Ohio has described. The highest unemployment rates in this country are among our youth. And to the extent that we narrow the areas in which they can be hired at less than the increased minimum wage rates, to that extent we decrease their viability in the labor market.

They cannot get the work experience necessary to move up the ladder. For that reason, I feel the application of the youth differential in our substitute should apply to all types of employment.

I realize that many of the labor unions do not like the youth opportunity provision and they have very strongly opposed the youth opportunity provision that we have tried to include in the substitute. However, the fact of the matter is that it is not those people who are working within the labor unions who are largely the unemployed. It is the youth and particularly the ethnic or minority groups since they have less skills than most union members who have gone through apprenticeship schools and other institutions in the union. They are not going to be hired at the same rate.

It is for that very reason that we adopted an 80 percent, rather than 85-percent differential. For the very reason of trying to simplify the administration of it, we broadened its present application beyond retail service and agriculture, and left it open to whatever fields they might seek jobs.

Because I have high respect for the Senator from Virginia, it is with considerable reluctance I must oppose the amendment because I feel that he has made a technical mistake and has decreased rather than increased the opportunity for youth employment.

Mr. SPONG. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. SPONG. Mr. President, I want to say that the substitute measure retains most of what is my understanding of the present law.

I think that we want to encourage youth to find employment in many fields of endeavor. And those fields are spelled out in my amendment retail, service establishments, educational institutions, and seasonal recreation jobs. However, I think that if a young person is employed in certain other types of endeavor, in construction work, for example, they are entitled to the full minimum wage and not 80 percent of that wage.

I want to point out to the Senate that we now have a differential of 85 percent and that the substitute being offered by the Senator from Colorado and the Senator from Ohio reduces that to 80 percent. So on the one hand we would be reducing the differential that could be paid, and on the other, extending it to certain other areas of employment which I think represents discrimination against young people, because these other types of work generally involve full time, and not seasonal, student employment.

I share with the Senator from Colorado his concern about students who need work. In my remarks I pointed out we have a 27 percent unemployment rate among young people in the black community. I also would point out to the committee chairman that if the substitute prevails in its present form we will be reducing the differential rate from 85 percent to 80 percent, and second, in my judgment, we will be encouraging employers in other fields to hire youth in place of adult employees because they can pay them a lower wage for full-time employment.

I think what we want to encourage is seasonal and part-time employment for youth.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPONG. I yield myself 1 additional minute.

I gather that the sponsors of the substitute and the Senator from Virginia are in agreement that certification is a cumbersome procedure. It is one that I believe the Labor Department itself in past years considered doing away with.

What my amendment seeks to do is

keep the applicable areas of employment what they are today to keep the differential percentage what it is today, and not to discriminate further against young people. We want to encourage employment of the young people in retail, in franchise operations, in seasonal employment, but not to discriminate against them in other types of employment that are full time.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. SPONG I am pleased to yield to the Senator from New Jersey.

Mr. WILLIAMS. I wonder if the Senator will explain to me just what the differences are in his amendment or where it differs from what is in the bill, S 1861?

Mr. SPONG. I think the principal difference is the certification procedure which is in both the substitute and in my perfecting amendment to the substitute. I think the certification procedure is cumbersome. I believe there are many job opportunities for young people that have been thwarted as a result.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPONG. Are we speaking on the time of the Senator from New Jersey or my time?

Mr. WILLIAMS. I wish to ask a couple of questions.

Mr. SPONG. Go ahead. We have plenty of time.

Mr. WILLIAMS. Is that the only difference, the precertification before employment?

Mr. SPONG. I beg the Senator's pardon?

Mr. WILLIAMS. Is that the only difference between the Senator's amendment and the other provision as it appears in the bill?

Mr. SPONG. That is my understanding.

Mr. WILLIAMS. The precertification. Frankly, I do not have a copy of the amendment.

Mr. SPONG. I will be glad to send the Senator a copy if he will stand by.

Mr. WILLIAMS. How many young people are involved? Does it go across the board or deal only with employment in defined areas?

Mr. SPONG. It deals only with employment in defined areas and they are retail or service establishments or seasonal recreational establishments or education institutions. It is my understanding that is what the law presently is. In addition, the amendment preserves the youth differential in agriculture.

I would point out to the distinguished chairman of the committee and to his distinguished colleague on the committee, the Senator from New York, that the Senate is today working its will on the substitute which is before us. My amendment is a perfecting amendment to that substitute. I would point out to the chairman and to the ranking minority member of the committee that should the substitute prevail two things would take place in this field. I am speaking only of the youth differential field. Those two things are that we would reduce the differential from the present 85 percent to 80 percent, and we would expand without limitation the areas of employment which the Senator from New Jersey just inquired about. In other words, the differential would apply to everything and not just certain industries as it presently does.

The Senator from Virginia is seeking in his own way, contrary to the judgment of my friends from Ohio and Colorado, to improve their substitute which is before us.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. Mr. President, before yielding to the Senator from New York, I wish to add that the provision in the bill deals with young people who are students. The Senator's amendment deals with all of youth. The categories of employment are the same as in the bill, but the amendment would broaden it to all young people employed in those areas. Is that correct?

Mr. SPONG. Those who are under 18, and full-time students under the age of 21.

Mr. WILLIAMS. But those under 18 do not have to be—qualified for the lower age students. Is that correct?

Mr. SPONG. That is correct.

Mr. JAVITS. Mr. President, we have time on the bill. Will the Senator yield to me 2 minutes on the bill?

Mr. WILLIAMS. I yield.

Mr. JAVITS. Mr. President, it is true, as I said before, that we are not going to be parochial about this substitute. We are against it, and we believe in the final form it is going to be we will be very strongly against it, but if any Member wishes to pick up something from the bill and put it in the substtiute, that makes sense to the manager of the bill and me, we will not stand in the way.

However, two restrictions must be added. One, where fundamental structural changes are made and adopted in the substitute, even if the substitute fails, the argument will be made that the Senate has approved that language so let us put it in the bill. We do not agree with this amendment because it eliminates certification and opens the door to nonstudents, and this makes a material change, so far as we are concerned in respect of the differential. I am against it and so we must oppose it now as then. We cannot stand by and say that the Senate has expressed its view and when you come to the bill if the substitute is defeated you have to take this.

Mr. President, I would like to add substantively that our experience in New York, where we have a State law which permits a youth differential under a certificate program, is that the certificate is very material; it is a method of control that is extremely valuable and also our people say—and I quote from a letter from the New York State industrial commissioner, Louis L. Levine, which I ask unanimous consent to put in the Record:

> There does not appear to be any evidence that a lower rate creates any substantial number of new job opportunities. One of the problems under a dual minimum wage system which is being discussed on the Federal level may encourage marginal employers to replace adult workers with less costly youth labor.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of New York,
Department of Labor,
Albany, N.Y., May 6, 1972.

Mr. Eugene Mittleman,
c/o Senator Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Gene: The following analysis is in response to your inquiry concerning minimum wage enforcement in the logging industry and also the question you raised concerning minimum wage differential for youth.

With reference to the logging industry, our Division of Labor Standards has no minimum wage enforcement experience with logging operations. The industry is not included under New York State's selected inspection program which is directed to low wage paying service industries.

Recently our Division of Employment was involved in a survey of occupational earnings in the logging industry and sent out questionnaires to the 31 firms on record in New York State with four or more workers asking for prevailing rates for the month of August 1971. We have been told that based on the 15 valid replies the average wage for skilled occupations is $5 an hour. The lowest wage reported for other workers—specifically a cook was $2.10 an hour. It is doubtful, therefore, that there is any special situation in the State of New York relative to the State Minimum Wage Law.

With reference to minimum wage differential for youth under New York State minimum wage order regulations, a differential of 30¢ an hour (approximately 20%) is permitted for youth under 18 years. This certification is valid only for two employees or 10% of the total number of employees in the establishment, whichever number is greater. The youth rate provision was first promulgated with our 1967 wage orders. For the five-year period, January 1, 1967 to December 31, 1971, a total of 11,465 establishments in New York State have been issued youth rate certificates. In 1967—3,823; 1968—1,607; 1969—841; 1970—3,656; 1971—1,538. We have no current data as to the extent these establishments are utilizing the certificates. A limited survey conducted by the Division in 1968 involving a sampling of 156 establishments in different parts of the State in which youth rates had been issued during the year disclosed that 37% of the establishments had not paid eligible youths less than the statutory wage; 8% had not employed minors under 18 years; and of the 55% utilizing certificates, 20% had paid the lower rate to only some of the eligible youths.

Since our youth differential has been applied on a limited basis under controlled conditions—e.g. a youth certificate is required; employment must meet legal standards of child labor employment such as a valid employment certificate, legal hours of work, no prohibited occupation, etc.—we have not encountered the strong opposition from organized labor that exists where there is a dual minimum wage.

There does not appear to be any evidence that a lower rate creates any substantial number of new job opportunities. One of the problems under a dual minimum wage system which is being discussed on the Federal level may encourage marginal employers to replace adult workers with less costly youth labor. If the Secretary of Labor is to be given authority to prescribe standards and requirements and to issue certificates, the enforcement problems will be one of great concern to all of the Regional representatives of the Department of Labor. Our own experience has been that while the onus for one of the employer inspections are complicated, generally more than one visit is required to allow the employer to obtain the necessary substantiation. Different State and Federal standards also create problems in enforcement. When the State rate goes to $2, our youth rate will be $1.70—10c higher than the proposed Federal youth rate. Further, the State youth rate is applicable only on a limited basis. Accordingly, the higher State standards will prevail in New York State but not without misunderstanding and confusion on the part of some employers and a more difficult enforcement job for our Division of Labor Standards in New York State.

There is a need, however, to face the problem that a youth differential rate would offset some of the hurdles that young people face in finding employment. I am not sure that the certificating program we have in the State of New York and the one which is being discussed in Congress is necessarily the right approach. However, I believe that a trial period is called for if, in fact, we can apply the necessary controls.

I hope that this information is useful to you. Please advise me if there is anything further I can add.

Sincerely,

LOUIS L. LEVINE,
Industrial Commissioner.

Mr. JAVITS. This is the important thing to me. One problem is that the dual minimum wage which is being discussed at the Federal level may encourage marginal employers to replace adult workers with youth at lesser wage rates.

So we have to be careful. We may be between Scylla and Charybdis.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 2 minutes on the bill.

That is one peril. We are dealing with youth in the Neighborhood Youth Corps, the poverty programs, and many other programs, of which this is only one factor, and perhaps a small factor. On the other side we have adult workers, and we do not want displaced Americans who have regular jobs, especially if we improve those jobs and get them above the poverty syndrome.

So we get up against that peril. Although the Senator from Virginia is acting in the utmost good faith and what he believes to be in the public interest, that is the direction in which his amendment moves us. We run into that peril much more than we do with the bill as it stands.

For those reasons, for myself, I shall vote against the amendment.

Mr. DOMINICK. Mr. President, I yield myself an additional 4 minutes.

As I said before, I have great respect for the Senator from Virginia and I understand what he is trying to do. I think basically he wants youth employment promoted as much as possible, but he would like to restrict it to certain industries on the theory, apparently, that if we get into construction industries, for example, they should not be hiring youth, or, I will put it, should not be hiring youth at the minimum wage.

This is the same comment, to some extent, that was made by the Senator from New York.

But I say to my colleagues that what we are talking about is nonstudent, a fellow between 18 and 21 who is out of high school, who is probably going into a trade, and if so, he is going to be paid a lot more than on the minimum wage basis. We are talking only about those who do not have the skills to fulfill a full-time worker's job. Under those circumstances, it seems to me we ought to have a minimum and that person ought to be given the chance to gain those skills, even though it happens to be from on-the-job training, which many of us have been promoting for a long time.

The difficulty with this amendment is that it prevents on-the-job training; it gives it in very isolated industries and we cannot move into job opportunity in other areas.

The other defect in the amendment is that it would not permit a minimum which is below what the existing minimum is for students. There is no existing statutory reduction in minimums for those who are nonstudents at the present. This is one of the things the substitute would create. Also, under his amendment, some youth could be paid less than the present minimum which seems unfair.

That is the very reason why we put it in the substitute, because although we reduced it to 80 percent from 85 percent, we put a restriction in so that one cannot get anything lower than what the existing minimum is. That is the reason for it.

Although the Senator changes it to 85 percent, the fact of the matter is that under certain circumstances, on the first raise we cannot always pay them what they are getting now.

For those reasons I am afraid I am going to have to oppose this amendment. It looks to me as though the Senator from Virginia is in the unenviable spot where both sides are against the amendment. That is a very difficult position to be in, and I apologize.

Mr. SPONG. I will say to the Senator from Colorado that was not unanticipated when the amendment was offered, but the Senator from Virginia believes he is trying to improve the substitute, and he is perfectly willing to yield back the balance of his time.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. DOMINICK. I yield.

Mr. JAVITS. Mr. President, just for the sake of all of us, I think the RECORD should show that this is not the only youth provision of the Fair Labor Standards Act. There is in section 14 a provision for learners, apprentices, students, and handicapped workers, so that learners, apprentices, and handicapped workers, quite apart from the categories of people we are talking about, are also subject to participation in lower wage rates. I think that should be made a part of the debate we have here so that it is clear we are not dealing with the only part of the Fair Labor Standards Act which relates to the possibility of the youth getting special consideration.

Mr. DOMINICK. The Senator is correct, except under those circumstances certification is needed. It does not necessarily also apply to youth, to handicapped, regardless of age, and so on. What the Senator is saying is that it is inclusive enough to include youth. That is totally correct. But it is not specifically designed to deal with it as the provision in the substitute and as the provisions of the Senator from Virginia.

Mr. WILLIAMS. Mr. President, I am constrained to oppose this amendment. It impresses me that, in broadening the youth differential, which is one way of stating a subminimum wage, it will have the effect that in these times of high adult unemployment, marginal workers, just on the borderline of the minimum wage, would be potentially most seriously affected when those marginal adult workers are really in competition with youth at a subminimum rate. The harm could be less employment opportunity for adult marginal workers.

I appreciate the fact that from where I sit it is, in some degree, an improvement over the substitute, but I also fear the direction that it goes, that it would have an adverse effect on adult workers.

The PRESIDING OFFICER. Who yields time? Is all time yielded back?

Mr. SPONG. Mr. President, I yield back the balance of my time.

Mr. TAFT. Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Virginia to the Taft-Dominick amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Louisiana (Mr. ELLENDER) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 27, nays 59, as follows:

[No. 278 Leg.]

YEAS—27

Aiken
Beall
Bellmon
Burdick
Byrd, Robert C.
Cannon
Dole
Eastland
Ervin
Gambrell
Griffin
Hollings
Humphrey
Inouye
Mansfield
Mathias
McClellan
Metcalf
Mondale
Moss
Packwood
Percy
Randolph
Spong
Stevens
Stevenson
Symington

NAYS—59

Allen
Allott
Bayh
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd,
Harry F., Jr.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dominick
Eagleton
Fannin
Fong
Goldwater

Gurney
Hansen
Hart
Hartke
Hatfield
Hruska
Hughes
Jackson
Javits
Jordan, Idaho
Kennedy
Long
McGee
McIntyre
Miller
Montoya
Nelson
Pastore
Pearson
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—14

Anderson
Baker
Chiles
Ellender
Fulbright
Gravel
Harris
Jordan, N.C.
Magnuson
McGovern
Mundt
Muskie
Pell
Stennis

So Mr. SPONG's amendment was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BEALL. Mr. President, I rise in support of amendment No. 1204 which I cosponsored with Senators DOMINICK, TAFT, and PACKWOOD. S. 1861, the bill reported to the full Senate, in my judgment, is unwise in view of the present economic conditions and may very well endanger the economic recovery by rekindling inflationary pressures.

Our Nation has had a tough fight against inflation over the past years—inflation that erodes the purchasing power of all Americans; inflation that hits hardest those citizens living on fixed incomes, such as social security recipients; inflation that aggravates the already critical fiscal problem facing State and local governments, as well as educational and health institutions which generally have more difficulty absorbing such increases by increasing productivity; and inflation which harms our competitive position in world markets and contributes to our trade difficulties. In short, every American family and each citizen of this country has a stake in the outcome of our battle against inflation. I believe our economy is at a critical juncture. I believe that success in our battle against inflation is within our reach, and that we can look forward in the immediate years ahead for general prosperity without inflation. Yet, there are developments that threaten this promising economic upturn and may create more inflation. Real growth, not inflated growth must be our goal.

Foremost among these concerns is the growing size of the deficit. I am convinced that we in the Congress must better discipline ourselves and better control Federal spending. We cannot enact program after program without regard to its cost and without raising the revenue to support such programs.

More specifically to the issue at hand, I wish to make it clear that I favor an increase in the minimum wage, but I favor an increase that is reasonable and realistic in line of the current economic conditions and immediate future prospects. We cannot consider minimum wage increases in a vacuum. We must take into account the rate of unemployment, the rate of inflation and the balance of payments difficulties. In considering these and other conditions of our economy, I believe the situation calls for restraint and moderation and for a reasonable increase in minimum wage as provided in amendment No. 1204, as the Baltimore Sun in a May 12 editorial commented:

> It says something about the temper and wisdom of majority forces in the Congress that they pick a time of stubborn and painfully high unemployment-cum-inflation to push a 25 percent boost in mandated minimum wage. Neither on the liberal nor the conservative side of the permanent economic debate can they find much doctrinal comfort. Lord Keynes warned that employers wouldn't employ unless they saw a fair chance of getting value back—as they figured value—from the wage money they put out. And he assumed, without thinking it necessary to explicate, the primordial fact of economic life never more persuasively put than by Calvin Coolidge: "For a man to have a job, some one has to hire him".

I ask unanimous consent that the entire editorial be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. BEALL. Under the bill as reported to the full Senate, the minimum wage for workers covered by the Fair Labor Standards Act prior to 1966 would increase from $1.60 an hour to $2 an hour 60 days after enactment. A year later these wages would rise to $2.20 an hour. Thus, the committee's recommendations would result in a 25-percent increase within 60 days and 37.5-percent increase within 14 months.

The minimum wage rate for farm employees will rise from $2.00 an hour to $2.20 in a little over a 3-year period for a 69.2-percent increase.

The wage increase coupled with expansion coverage to 8.4 million additional employees will increase the Nation's wage bill to $7.2 billion.

This figure does not include the ripple effect as employers move to maintain wage differentials for those employees earning above the minimum. On the other hand, the substitute which I support provides for a realistic and reasonable approach. The substitute increases the minimum wage for those employees covered prior to 1966 to $1.80 an hour 60 days after enactment and $2 an hour a year later. For nonagriculture workers covered by the 1966 amendments, the minimum wage would move to $1.70 an hour on enactment, a $1.80 an hour a year later, and $2 an hour the following year. For agriculture workers the minimum wage would be increased to $1.50 an hour 60 days after enactment and $1.70 an hour thereafter.

When the minimum wage is increased, additional costs to those affected industries follow. This is elementary. Inflationary impacts are minimized to the extent that minimum wage increases are absorbed by profits.

Also, the impact of minimum wage tends to be concentrated in low-wage manufacturing industries, trading services, and farming. These industries typically have lower profits rates, and are highly competitive. The failure rate of businesses in trade services is very high, particularly among those which are excluded under the so-called small business enterprises test which would be subsequently lower under the bill reported by the committee. Dun & Bradstreet statistics indicate that 43 percent of small businesses and industrial failures in 1971 occurred in retail trade. One of the primary reasons was the increased costs of doing business, including wages.

In this connection it is worth noting that the retail trade is one of the largest employers of the youth. Thus, extension of the minimum wage could further aggravate an already intolerable youth unemployment rate.

The small business community is already having enough difficulties. Federal safety and other regulations are making it increasingly difficult for the small businessman to continue. It also should be pointed out that inflation since the last minimum wage increase in 1966 has in effect expanded coverage of additional small business concerns, for the $250,000 enterprises volume test of 1966 has been reduced by inflation to $190,000.

Therefore, it could be that the committee's best of intentions in raising the minimum wage will be counterproductive in that it will result in higher prices on the one hand, and the loss of jobs on the other.

The committee bill would also extend minimum wage coverage to 3.2 million additional State and local government employees and overtime coverage to an additional 3.3 million such employees. This minimum wage extension would cost these governmental units $1 billion.

While Congress may not have to pay much attention to where the money will come from to pay for such increased costs, State and local governments must. I feel certain that State and local governments want to have an equitable and fair salary structure and most employees are paid substantially more than the minimum wage. Yet, the fiscal plight of State and local governments is serious. We should respond to this problem by taking action on the revenue-sharing proposal which has been lingering in Congress for too long and not add to the fiscal difficulties of State and local governments by adding $1 billion to their costs.

Also, there has been legitimate concern voiced that an increase in minimum wage would necessitate the elimination of job opportunities or the reduction of services, or both. Either course of action would be particularly harmful to lower income citizens, young people, and the individuals served by these programs. Such an increase may be particularly harmful on summer employment. My point here is that if we require an increase in minimum wage, the money paid for such an increase in our cities, where personnel costs often account for 70 percent of the total must come from somewhere. The city, of course, could raise taxes. With taxes already high and taxpayers already revolting, this seems unlikely. The only real alternative is to reduce the number of job slots or to cut back in services.

In addition, there are unique problems with the extension of overtime to State and local employees, particularly with respect to those employees involved in public safety work. While the committee would phase out the overtime exemption, I still am uncertain as to its actual impact on the Nation's fire and police forces.

I also support the youth differential provisions of the pending substitute. It should be pointed out that a wage differential for youth is not a new concept. Many countries of the world provide for a wage differential for youth and 18 States either exempt minors from minimum wage coverage or provide lower rates. The statistics for the first quarter of 1971 indicate that nonwhite teenage unemployment rate was 31.8 percent and white teenage unemployment rate was 15.7 percent. For black youths the unemployment rate is an exceedingly high 41 percent.

The youth differential has the support of many prominent economists. One of the better known studies in support of a youth differential was completed last year by Finis Welch, now a member of the National Board of Economic Research, and Marvin Kosters, an assistant director of the Cost of Living Council. Their study advocated a youth differential even greater than the one proposed in the pending substitute. Their study concluded:

> Minimum wage legislation has apparently played an important role in increasing the cyclical sensitivity of teenage unemployment.

They found that—

> As the minimum wage rises, teenagers are able to obtain fewer jobs, and their jobs are less secure over the business cycle. A disproportionate share of these unfavorable employment effects accrues to nonwhite teenagers.

Economist Paul Samuelson put the issue this way:

> What good does it do a black youth to know that an employer must pay him a $1.60 an hour if the fact that he must be paid that amount is what keeps him from getting a job?

Similarily, Prof. James Coleman of Johns Hopkins University, the author of the so-called Coleman Report, sees minimum wage laws as an obstacle to youth employment and urges their relaxation. In a February 1972 article in "Psychology Today" he writes:

> The new goal must be to integrate the youth into functional community roles that move them into adulthood. To accomplish this goal requires fundamental changes in the relationship of the youth to the community. Practices currently barring youth from productive activity in many areas—such as minimum wage laws and union-membership barriers against the youth—must be relaxed.

In fact, Professor Coleman has indicated, and I am paraphrasing his comments, that one of the traditional means of upward mobility in this Nation has been the step-by-step advance up the job ladder. Professor Coleman views increasing the minimum wage as, in effect, removing some of the lower rungs and thus making it more difficult for youth and others on the labor market fringes to start in the job market.

In addition to the appalling high rate of unemployment, I believe the unrest and discontent of our youth could partially be answered by a meaningful experience and contact with the real world of work. I believe that the young people could profit from this productive activity and society as a whole could profit from their idealisms, enthusiasm, and energy.

The Congress itself, in 1966, recognized the need to do something about youth employment when it authorized special certification under which fulltime students were permitted to be employed at 85 percent of the applicable minimum wage in retail and service establishments and farms. However, the system just has not worked due to all of the red tape involved.

The substitute amendment would establish differential rates for all youths over 18 and full-time students under 21 with no restrictions on the type of employment. The differential rate for nonagriculture would be $1.60 or 80 percent of the applicable minimum, which is even higher. The agriculture employment rate would be 80 percent of the applicable minimum wage or $1.30 whichever is higher.

It should be pointed out that no youth could be paid less than the present minimum rates in effect now. The red tape would be eliminated and the Secretary of Labor would promulgate regulations to insure that no adult employment would be displaced.

Mr. President, the present youth unemployment trend cannot be continued. While no one can say for certain that this program will work, many economists and a number of studies indicate that it is worth a try. A lower minimum wage should encourage employers to hire teenagers. A lower minimum wage should induce the creation of jobs which at present are not worth the standard wage but may be worth a somewhat lower wage. The benefits of work experience may be even greater than the job and the income for the youth. In addition, such early employment will not only acquaint students early with the world of work and the occupations that they might wish to pursue in their adulthood, but will also likely lead to higher incomes in their future careers. The alternative is to maintain the status quo and the intolerably high unemployment rate among youth.

Mr. President, the House of Representatives passed, in effect, the substitute proposal; the administration supports the substitute proposal; many of the Nation's leading newspapers, such as the Baltimore Sun, have urged congressional restraint and the reasonableness of the substitute's approach at this critical time. For all of these reasons, I believe that the substitute proposal is superior and should be adopted.

Exhibit 1

[From the Baltimore Sun, May 12, 1972]

A Poor Time To Inflate Wages

It says something about the temper and wisdom of majority forces in the Congress that they pick a time of stubborn and painfully high unemployment-cum-inflation to push a 25 per cent boost in mandated minimum wage. Neither on the liberal nor the conservative side of the permanent economic debate can they find much doctrinal comfort. Lord Keynes warned that employers wouldn't employ unless they saw a fair chance of getting value back—as they figured value—from the wage money they put out. And he assumed, without thinking it necessary to explicate, the primordial fact of economic life never more persuasively put than by Calvin Coolidge: "For a man to have a job, some one has to hire him."

Now let us consider the effect of a 40-cent-an-hour jump in mandated minimum wage—upward from the present $1.60—on a man unemployed whenever in future such an act went into effect. The Congress would be making it 25 per cent less likely than before that such a man would find a job; this it would do by commanding the employer to pay 40 cents more than he had already concluded he could not pay. The impact on that part of the labor force where unemployment is, and may remain, highest, would be particularly marked. Right now 17 per cent of teen-agers in the labor market are out of work. The figure for black teen-agers is nearer 30 per cent.

On the broad economic advisability of raising wages by law across the whole economy, other questions arise. Right now Phase II policy holds increases to 5.5 per cent, which the Congress is asked to exceed by several times. No doubt adjustments to emergency policy could be worked into new permanent legislation. Perhaps there could be special rules and rates for teen-agers, if not to promote, at least not to discourage their employment. But short of a parallel guarantee of matching productivity boosts, statutory wage increases pump inflation into price levels at any time, and more so when inflation is already rife. Wiser legislators realize it is rife now.

Mr. DOMINICK. Mr. President, I do not know whether the whip is here, but I think it would be helpful, while we have the membership on the floor, if we got the yeas and nays on the substitute very shortly. I do not want to ask for the yeas and nays now, because I want to modify the amendment before I do.

The amendment with which I want to modify my substitute is printed as No. 1321. It is at the desk. I gather that I have to get unanimous consent to do this once a time interval agreement has been reached on amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. I ask unanimous consent at this point to modify the Dominick-Taft substitute by amendment No. 1321.

In order to let everyone know what it is, to make sure there is no misunderstanding——

Mr. PASTORE. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMINICK. It does four things. It conforms the committee substitute to the child labor and agriculture provisions that are now in the committee bill.

Mr. JAVITS. Mr. President, will the Senator correct that? This is not the committee substitute. The Senator said it conforms the committee substitute.

Mr. PASTORE. Mr. President, I cannot hear the Senator.

Mr. JAVITS. I asked the Senator from Colorado to correct the statement that this is the committee substitute. It is not the committee substitute.

Mr. DOMINICK. I said it conforms the substitute——

Mr. JAVITS. The Senator said it conforms the committee substitute.

Mr. DOMINICK. I beg the Senator's pardon.

It conforms our substitute to what is in the committee bill with regard to child labor in agriculture law.

Second, it conforms our substitute to what is in the committee bill in connection with child labor exemptions for newsboys who are delivering not only newspapers but also circulars and other advertising material for weekly and semiweekly newspapers. This also was adopted in committee.

Third, it conforms our substitute with the committee bill in connection with civil penalties for child labor violations.

Fourth, it conforms our substitute with the committee bill on giving authority to the Secretary of Labor—it does not require it—to require employers to obtain proof of age in order to carry out the child labor provision.

I do not think there is anything very controversial about any of these provisions. There are people, including myself, who are not quite sure that the child labor and agriculture provisions are really good. Nevertheless, to avoid an argument, we are going that way.

I had a discussion on this issue with the Senator from New York yesterday.

So I renew my unanimous consent request at this point, on behalf of myself and Senator TAFT, that this be adopted as a modification of our substitute.

Mr. JAVITS. Mr. President, reserving the right to object—and I do not intend to object—perhaps my colleague managing the bill may have other ideas.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. I think I have time on the substitute.

The PRESIDING OFFICER. There is no time on the bill today.

Mr. JAVITS. On the substitute.

The PRESIDING OFFICER. The time is controlled by the Senator from New Jersey.

Mr. TAFT. I yield the Senator such time as he needs.

Mr. JAVITS. I thought it was important to make clear in this connection exactly what is going on in this unanimous-consent request and in other amendments. There is no question about the fact that the effort is being made to sweeten up the substitute to make it more attractive to the Senate.

As I said before, Mr. President, our disposition is not to be parochial about that. At the same time, it is very important to note what is still left out. Large coverage is left out. The immediate $2 minimum is left out. Many other provisions respecting overtime, which are changed from existing law in many occupations, are left out. We want to be very clear that extremely substantial difference still remains between the substitute and the committee bill. We shall detail those tomorrow, when we have the final argument on the substitute.

I did not wish to let go unnoticed exactly what is going on here and that that, too, has some parameters which are very important to define.

Having said that, Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, just commenting, before I renew the request, I say to the Senator from New York that the other provisions, other than the child labor and agriculture provisions, were adopted by the committee after we had introduced the substitute. As a result, we had very little chance. I could have modified it before we got to this point, but I thought, in all fairness, that I should not do so until now.

So, on behalf of myself and the distinguished Senator from Ohio (Mr. TAFT), I renew my unanimous-consent request.

The PRESIDING OFFICER (Mr. ROTH). Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered. The substitute amendment as amended is so modified.

The modified amendment reads as follows:

AMENDMENT NO. 1204—AS AMENDED AND MODIFIED

Strike all material after the enacting clause, and in lieu thereof, insert the following: That this Act may be cited as the "Fair Labor Standards Amendments of 1972."

INCREASE IN MINIMUM WAGE

Nonagricultural Employees

SEC. 2. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(1) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972, and not less than $2.00 an hour thereafter, except as otherwise provided in this section;".

(b) Section 6(b) of such Act is amended by striking out paragraphs (1) through (5) thereof and inserting in lieu thereof the following:

"(1) not less than $1.70 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972;

"(2) not less than $1.80 an hour during the second year from such effective date; and

"(3) not less than $2.00 an hour thereafter."

AGRICULTURAL EMPLOYEES

SEC. 3, Paragraph (5) of section 6(a) is amended to read as follows:

"(5) If such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972 and not less than $1.70 an hour thereafter."

EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 4. Section 6(c) of such Act is amended by substituting the following new paragraphs 2(A) and 2(B):

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 increased by 12.5 per centum unless such rate or rates are susperseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

EMPLOYEES IN THE CANAL ZONE

SEC. 5. Section 6(a) of such Act is amended by adding the following new paragraph:

"(6) if such employee is employed in the Canal Zone not less than $1.60 an hour."

EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTHS

Special Minimum Wages for Employees Under 18 and Students

SEC. 6. Section 14(b) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(b) (1) Notwithstanding the minimum wage rates required by section 6(a) (1) or 6(b), any employer may, in compliance with applicable child labor laws, employ any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21,

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.60 per hour, whichever is higher.

"(2) Notwithstanding the minimum wage rates required by section 6(a) (5), any employer may, in compliance with applicable child labor laws, employ in agriculture any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.30 per hour, whichever is higher.

"(3) The special minimum wage for such employees in Puerto Rico, the Virgin Islands, and American Samoa shall be 80 per centum of the industry wage order rate otherwise applicable to them: *Provided,* That in no case shall such special minimum wage be less than that provided for under a wage order issued prior to the effective date of the Fair Labor Standards Amendments of 1972.

"(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable."

MISCELLANEOUS

Equal Pay for Executive, Administrative or Professional Employees

SEC. 7. Section 13(a) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting after "section 6" the following: "(other than section 6(d) in the case of paragraph (1) of this subsection)."

Child Labor In Agriculture

SEC. 8.(a) Section 13(c)(1) of such Act is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) the provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

"(A) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person; or

"(B) is fourteen years of age or older, or

"(C) is twelve years of age or older, and

(i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent is employed on the same farm.

"(b) Section 13(d) of such Act is amended to read as follows:

"'(d) (1) (A) The provisions of sections 6, 7, and 12 shall not apply with respect to any employee engaged in the delivery of newspapers to the consumer, and (B) the provisions of section 12 shall not apply with respect to any such employee when engaged in the delivery to households or consumers of shopping news (including shopping guides, handbills, or other type of advertising material) published by any weekly, semiweekly, or daily newspaper.' ".

Resident Employees at Apartment Buildings

Sec. 9. Section 3(s) of such Act is amended by adding at the end thereof the following new paragraph:

"In determining whether an apartment building, the gross annual rentals of which are less than $250,000, is part of àn 'enterprise engaged in commerce or in the production of goods for commerce' within the meaning of this subsection, the fact that the owner of such building has retained a management agent to perform management services in connection with the operation of such building shall be disregarded."

INJUNCTIVE AND OTHER EQUITABLE RELIEF

Sec. 10. Section 17 of such Act is amended to read as follows:

"INJUNCTIVE AND OTHER EQUITABLE RELIEF

"Sec. 17. The district courts, together with the United States Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a) (2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947). In any claim under this section arising out of willful violation of the Act, the district courts may, in addition to restraining the withholding of payments as authorized above, award as further equitable relief an amount not to exceed the minimum wages or overtime compensation found to be due."

"CIVIL PENALTY FOR CERTAIN LABOR VIOLATIONS

"Sec. 11. Section 16 of the Fair Labor Standards Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"'(e) Any person who violates the provisions of section 12, relating to child labor, or any regulation issued under that section, shall be subject to a civil penalty of not to exceed $1,000 for each such violation. Any such civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be:

"'(1) deducted from any sums owing by the United States to the person charged; or

"'(2) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

"'(3) ordered by the court, in an action brought under section 17 to restrain violations of section 15(a) (4), to be paid to the Secretary.

Any administrative determination by the Secretary of the amount of such penalty shall be final, unless within fifteen days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be promulgated by the Secretary. Sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provisions of section 9a of title 29, United States Code.'.

"PROOF OF AGE REQUIREMENT

"Sec. 12. Section 12 of the Fair Labor Standards Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"'(d) In order to carry out the objectives of this section, the Secretary may by regulation require employers to obtain from any employee proof of age.' ".

TECHNICAL AMENDMENTS

Sec. 11. (a) Section 6(c) (2) (C) of such Act is amended by substituting "1972" for "1966".

(b) Section 6(c) (3) of such Act is repealed and section 6(c) (4) is renumbered 6(c) (3).

(c) Section 7(a) (2) of such Act is repealed and section 7(a) (1) is renumbered 7(a).

(d) Section 14(c) of such Act is repealed and section 14(d) is renumbered 14(c).

(e) Section 18(b) is amended by striking out "section 6(b)", and inserting in lieu thereof "section 6(a) (6)", and by striking out "section 7(a) (1)" and inserting in lieu thereof "section 7(a)."

NONDISCRIMINATION ON ACCOUNT OF AGE IN GOVERNMENT EMPLOYMENT

Sec. 12. (a) (1) The second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 is amended to read as follows: "The term also means (1) any agent of such a person, and (2) a State or political subdivision of a State and any agency or instrumentality of a State or a political subdivision of a State, but such term does not include the United States, or a corporation wholly owned by the Government of the United States."

(2) Section 11(c) of such Act is amended by striking out "or any agency of a State or political subdivision of a State, except that such terms shall include the United States Employment Service and the systems of State and local employment services receiving Federal assistance."

(3) Section 16 of such Act is amended by striking the figure "$3,000,000," and inserting in lieu thereof "$5,000,000."

(b) (1) The Age Discrimination in Employment Act of 1967 is amended by redesignating sections 15 and 16, and all references thereto, as section 16 and section 17, respectively.

(2) The Age Discrimination in Employment Act of 1967 is further amended by adding immediately after section 14 the following new section:

"NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT

"Sec. 13. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, of the Government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without backpay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the review and evaluation of the operation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(2) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employment on account of age. The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken or any complaint of discrimination filed by him thereunder. Reasonable exemptions to the provisions of this section may be established by the Commission but only when the Commission has established a maximum age requirement on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Any persons aggrieved may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act.

"(d) When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving notice of intent to sue, the Commission shall promptly notify all persons named therein as prospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

"(e) Nothing contained in this section shall relieve any Government agency or official of the responsibility to assure nondiscrimination on account of age in employment as required under any provision of Federal law.".

EFFECTIVE DATE

Sec. 14. Except as otherwise provided in this Act, the amendments made by this Act shall take effect sixty days after enactment. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act.

Mr. TAFT. Mr. President, at this point I would ask for the yeas and nays on the Dominick-Taft substitute.

The yeas and nays were ordered.

Mr. TAFT. At this time, Mr. President,

I yield 10 minutes to the distinguished Senator from Arizona (Mr. FANNIN).

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. FANNIN. Mr. President, I speak in favor of the Dominick-Taft substitute over the committee bill. I feel that consideration of amendments to the Fair Labor Standards Act is brought up by the majority at an unfortunate time. We are confronted by a committee bill which would extend minimum wage coverage to about 8.4 million employees. I have seen various estimates as to the increases in the annual wage bill. A conservative estimate seems to be that it would increase annual wages by $4.2 billion the first year, $5 billion the second year, and $3.6 billion the third year, or a total of $12.8 billion. Frankly, I do not know the cost and do not believe anyone does. The minority views estimate that the direct total wage cost would be $7.2 billion. The rippling effect upon the wages of higher paid employees can only be a guess.

Just before the recess for the Democratic Convention, Congress rushed through a 20-percent increase in social security benefits with increased taxes for such to be paid later. Now, just prior to the Republican Convention we are considering a mammoth increase in minimum wages. I do not like to suggest political motivation for votes on these measures, but it is a fact of our political lives.

It is my sincere opinion that there would be more objective consideration of the pending legislation if it were delayed until after the November elections.

Personally, I oppose any increase in minimum wages and extension of coverage at this time. Our principal foreign competitors have no minimum wage laws comparable to those in this Nation, the balance of trade with those countries is alarming.

While I am no longer a member of the Senate Labor Committee, I have taken the time and effort to study not only the committee's majority and minority reports, but also the testimony presented at the hearings.

I find myself in agreement with the views of Senators DOMINICK, PACKWOOD, and TAFT. However, their arguments would apply equally to support the position of continuing the act as is. I will vote for the "Dominick substitute" which substantially conforms to the House-passed bill, but I am left with the feeling that I am voting for the lesser of two evils.

In reading the testimony, I have been concerned with two primary goals. I believe we have to broaden the economic opportunities for the young, the disadvantaged, the impoverished and the marginal worker. I believe we want to reduce unemployment and bring inflation under control. We must attempt to relieve our cities of their financial problems caused in part by high welfare costs and relief rolls. We must attempt to accelerate development in our rural areas and restore farming to its rightful place in our economy.

The committee bill works contrary to those goals.

I now turn to the specific industries upon which the bill will have the greatest effect.

FARM LABOR

The American Farm Bureau Federation testified that no group would be more adversely affected by the enactment of the committee bill than the farmworkers. The committee report states that the bill would bring an estimated 75,000 to 150,000 additional farmworkers under the act. The minority views to that report states that under their amendment the rate for farmworkers would increase from $1.30 to $1.60 60 days after enactment, and to $1.70 a year later. The additional wage cost over 2 years would be about $1.2 billion, compared with $7.2 billion for the committee bill.

I have some personal knowledge about farming. I have great sympathy for the farm laborer, he performs a lot of backbreaking work. I do not want to see the employment of these people with minimum marketable skills drastically reduced if not eliminated.

Let us look at one example—the results of rising comparative costs in the United States in the case of competition with Mexican producers of fruits and vegetables. U.S. imports of fruits and vegetables from Mexico have increased more than 10 times since 1956 and are continuing to increase at an escalating rate. The committee bill would further accelerate this trend resulting in a reduction of employment in agriculture of hired workers.

We are all concerned about the depopulation of many rural areas and the concentration of our population in urban areas. We want to reverse these trends.

We are all concerned about the inadequate number of jobs available for teenagers during the summer months. An inevitable consequence of an increase in the minimum wage would be to reduce jobs for teenagers and would accelerate the movement from farms to cities.

Employment in agriculture is elastic because of the availability of new labor-saving equipment, machinery, and practices which have been adopted by many farmers. I do not know how farmers may find the large amounts of capital needed to adopt new technology but a sharp increase in costs would create a strong incentive for them to do so and would hasten the disemployment of hired workers in agriculture.

The committee bill also amends the premium pay for overtime (section 7) to eliminate certain provisions of present law particularly in agricultural processing industries. The costs to farmers and the processing of their products is substantial. There is no way to avoid fluctuation in work per day or week on farms. Crops do not grow on an 8-hour day or a 40-hour week basis. If the processor chooses to work only 8 hours per day or 40 hours per week his ability to handle farmer's products is reduced. If the processor chooses to pay the overtime the additional costs will be passed on to farmers and consumers.

The Vegetable Growers' Association summarizes the effect of increased minimums and overtime pay on farmers:

> First, forcing smaller, marginal producers out of business; second, forcing some producers to shift to other less labor intensive crops at a possible reduction in income to them thus aggravating the surplus; third, undermining incentive methods of payment which will require growers to pay some workers more than their productivity warrants; increasing farmers record-keeping requirements; fifth, increasing competition from foreign produced agricultural commodities.

The Secretary of Labor testified:

> There are two reasons why loss of employment would be particularly severe in agriculture. The current agricultural minimum is $1.30. The proposed $2.20 rate represents an increase of 73 percent.

According to the Small Business Administration the 5,400,000 small businesses of this country provide 40 percent of national employment. In January 1971, the National Federation of Independent Business conducted two nationwide surveys of its membership to determine their views upon any increase in the Federal minimum wage. Eighty-four percent voiced opposition to any increase in the minimum. A minimum wage increase does not add to the national wealth, but rather only redistributes its flow or placement. The question is just how it will be funded. Addressing themselves to this question, responsible economists point out several alternative approaches which might be followed. Businesses may absorb the increased costs out of profits, lay off less productive workers or cutback on their hours of work, increase prices or elect to close down. With request to the first alternative—absorb the increased cost out of profits—the answer is extremely doubtful. According to the survey small firms are only now beginning to make a slow or uncertain recovery from the painful and protracted squeeze to which they have been subjected over the past several years.

The Secretary of Labor testified:

> The increases proposed in S1861 could have serious harmful effects for the economy, in our judgment. In order to mitigate the effects of this increase, many employers affected could well adopt ways to reduce the number of their employees. Some small businesses might give up altogether. Others might be deterred from starting up.

RETAILING

The committee bill has a tremendous effect upon the small retailer. Present law does not cover retail enterprises with annual gross sales of less than $250,000. The committee bill extends coverage to enterprises with annual sales of $150,000. This amendment would add to coverage an estimated 2 million workers. The committee rejected a proposal that FLSA be amended by repealing the special student certification program and replace it with a blanket subminimum wage of $1.60 or 80 percent of the statutory rate for young people below the age of 18 and for full-time students up to the age of 21.

Mr. President, I realize that some changes have been made in this respect. However, this problem still exists.

Retailing can and does provide decent job opportunities for our young people, the age group which is suffering serious and increasing unemployment. The unemployment rate for 16- and 17-year-olds is about 18 percent.

The American Retail Federation testified:

> Retailing, one of the last large industries to be covered by FLSA, believes that the payment of wages according to what an employee produces is a valid basis of remuneration. As an employee's productivity increases, then his wages should be raised.

The reduction in the dollar volume test brings under coverage those small stores which because of their size, location, and customer traffic, sufficient sales per employee hours are not produced to meet minimum wage standards. These employers are already pressed to provide additional employee benefits such as the large increase in social security payments, unemployment taxes, and others. These employers costs are now such that the additional cost of minimum wage coverage could only force them to either reduce the number of employees or go out of business. Small Business Administration statistics show that in 1969, a total of 9,154 business failures, 4,070 were in retailing—almost 50 percent. In 1971, there were 10,321 small business failures, 4,428 or 43 percent were retail firms. One of the major reasons for these failures was the increased costs of doing business, including wages.

Retailing, as we all know, is in many respects a unique industry. Its success or failure depends upon the genius of the owner in scheduling work to meet the whims of the buying public. Each of us patronize the retail store—we sometimes go in to buy and find a surplus of sales clerks sitting idly by waiting for customers. At other times we cannot get waited upon and we leave with the thought that the store provides lousy service and vow never to return.

The retail and service industries, which encompass most small businesses, have large labor costs. Labor costs average more than 60 percent of operating costs in the retail industry. A large proportion of their labor force consists of the unskilled, the marginal workers, and, in summer vacation periods, the youth. About 50 percent of employees of retail firms now earn less than $2 an hour.

The giant chains may be able to absorb the cost of the committee bill, but the small businesses cannot.

This is another already depressed industry, the majority of its employees falling into the category of marginal workers. Hotel occupancies were 55 percent in 1970 with monthly statistics showing an additional 7-percent drop during 1971. The hotel industry has experienced very low return on investment ratios. Payroll expenses average nearly 40 percent. It has increased productivity to some extent by decreasing the number of maids, housekeepers, bellmen, and maintenance, but some essential services must be maintained. A large increase in Federal minimum wage could only further increase the number of unemployed who because of their lack of skills have nowhere to go but to the welfare rolls.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TAFT. Mr. President, I yield the Senator from Arizona an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for an additional 3 minutes.

RESTAURANTS

Mr. FANNIN. The restaurant industry is the third largest industry in the retail field employing about 3½ million persons in more than 390,000 commercial food service units. It is also an industry with a high amount of bankruptcy with 940 going through such in 1970. The general public sees only the waiters and bus employees who because of tips receive incomes above the Federal minimums. However, over 50 percent of their employees work in the kitchens where the largest group are the dish and pot washers. These employees generally have no skills, often speak little English, and can be replaced by mechanization. When large increases in minimum wage are imposed, these employees are thrown into the welfare rolls.

The committee bill would extend coverage but not overtime to an estimated 1,200,000 domestic service employees—excluding babysitters. The committee majority finds constitutional basis for coverage in the commerce clause, on grounds that cleaning product sales affect commerce and domestic employment releases other persons to work in commerce. I had thought that the commerce clause had been extended to its outermost limits, but this breaks all bounds.

I just cannot imagine the housewife struggling with the paperwork which would be required by the Labor Department if domestics are brought under the act. I can imagine that housewife giving her husband the alternative of either filling out the forms or dispensing with the domestic and his performing half the housework. It has also been my impression that the domestic is in so short supply and so great demand that they can ordinarily set their own wages.

Secretary of Labor Hodgson makes it quite evident that his department does not desire coverage of domestics. He testified:

> First, enforcement would be unusually troublesome. It would not be possible to enforce a minimum for such domestic employees in the same way such enforcement is carried out in other industries. Such enforcement would be difficult and expensive and in fact most such investigations would involve only a single worker. Second, the impact of this extension of coverage on their employment opportunities whom such an extension is designed to benefit is an unexplored area. Such an extension very well could adversely affect the employment opportunities of domestic workers.

To put it more bluntly, it is my judgment that most domestics would be released to go on the welfare rolls.

While I find it almost impossible to imagine that the Senate would accept coverage of domestic workers it does illustrate the lengths to which the committee bill goes to an intent to establish a high minimum wage and eliminate all possible exemptions.

STATE AND LOCAL GOVERNMENT EMPLOYEES

The extension of coverage to some 5 million State and local government employees is particularly offensive to me. This is a massive intrusion of the Federal Government into State and local governmental affairs. State and local officials can better appreciate the differences in the cost of living which vary widely between States.

I have searched the hearings to find any responsible testimony with respect to the inclusion of State and local government employees. Other than in the comments of the Secretary of Labor, I have found none. The Secretary says,

> We cannot support this proposal.

He testified further that—

> It would certainly involve the Federal Government in the regulation of the function of State and local governments. To extend such coverage would impinge unduly upon the federal system of our nation. The administration is concerned about the vitality and viability of State and local governments. We want to reinforce their responsibility and responsiveness. Federal government regulation of wages of state and local government employees would be at cross-purposes with those goals and would tend to weaken our system of federalism.

Yet the committee majority would extend coverage to almost 5 million employees in the public sector. It devotes most of its attention to proving its action to be constitutional rather than to need an effect of such coverage.

The minority cites many examples of the ridiculous effect upon specific occupations. It also sets forth tables showing occupations with entrance level rates of less than $1.60 per hour in the various regions and States. I recommend to all Senators that they look at these tables before voting on minimum wage legislation.

CONCLUSION

Economists have consistently warned that minimum-wage regulations have harmful effects—employment opportunities are restricted by pricing the least productive and needed workers out of the market.

Dr. Milton Friedman of the University of Chicago has referred to the Fair Labor Standards Act of 1938 as the "most antiblack law on our statute books—in its effect—not its intent."

Prof. Paul A. Samuelson of MIT has asked "what good does it do a black youth to know that an employer must pay him $1.60 per hour if the fact that he must be paid that amount is what keeps him from getting a job."

The same statement is equally applicable to domestic workers, to farmworkers, to youth in general, to retail and service workers, State and local employees, and to older workers who wish to supplement their social security benefits and small pensions. The disillusionment is now multiplied as we consider a bill which raises minimums to $2.20 per hour.

I am particularly concerned with the effect of the committee bill on employment among youth. The Secretary of Labor testified:

> Unemployment among youth has been one of the most persistent and growing manpower problems of this Nation. The youth unemployment rate has grown alarmingly in the past decade. Before the early sixties the unemployment rate for these young people was already at two or three times the level of that for adults. Since 1963, however, the rate has consistently been four and even five times greater. In March 1971 there were

516,000 16 and 17 year olds who were unemployed. This was 19 percent of this age group's labor force as compared with 5.1 percent unemployed among adult workers.

Traditionally youth finds employment in small business, retailing, restaurants, hotels, and the farms. Yet the committee bill by raising minimums, and extending coverage has effectively cut off opportunities for youth in these industries.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. TAFT. Mr. President, I yield an additional minute to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for an additional minute.

Mr. FANNIN. Mr. President, minimum wage legislation began in the depression era. If there ever was a sound basis for such legislation, the principles certainly would not apply in today's inflation economy. I know that some will argue that unemployment is high today at 5½ percent, but it is evident that unemployment would be much lower if it were not for the minimum wage law which has eliminated many jobs which able-bodied persons would be willing to take.

The bill as it came out of the committee is a classic in political and economic deception.

It is advantageous to big business, big labor, and big agriculture because it will drive out competition.

It is detrimental to the poor, to the average consumer, to the small farmer, and to the small businessman.

It is a further extension of the tentacles of big brother government into the affairs of States and municipalities.

This proposal is another of those ploys which raise the hopes of the poor, but which only hurt the very people we are told it will help.

This bill will increase unemployment, it will accelerate inflation, it will further damage our efforts to compete in world trade, and it will do damage to our system of government.

In short, the results will be that the poor will become poorer, and the Nation certainly will be no richer.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 473) to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9092) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Dulski, Mr. Henderson, Mr. White, Mr. Gross, and Mr. Johnson of Pennsylvania were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 12202) to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Dulski, Mr. Henderson, Mr. Waldie, Mr. Gross, and Mr. Hillis were appointed managers on the part of the House at the conference.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 19, 1972, he presented to the President of the United States the enrolled bill (S. 2359) for the relief of Willard O. Brown.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 10 minutes.

Mr. STAFFORD. Mr. President, I voted for S. 1861 in the Committee on Labor and Public Welfare only after carefully weighing all the arguments for and against the proposed increase in the minimum wage and the extended coverage.

I support the decision to raise the basic minimum wage to $2 and then to $2.20 because I have come to the conclusion that, on balance, that increase is in the best interest of our Nation.

President Nixon's proposal for reform of our welfare system, as passed by the House of Representatives, provides that the breadwinner in a family of four would have to be fully employed in a job that pays at least $2.08 an hour before his family would become ineligible for supplemental welfare assistance. In substance, the administration has determined that a worker, employed full time, would have to earn more than $2 an hour to bring his family of four above the poverty level. I feel our economy will be strengthened if we are able to help more persons to become taxpayers instead of welfare recipients.

In addition, the Department of Labor has provided figures that demonstrate that the minimum wage of $1.60 set in 1966 has risen to a 1972 equivalent of $2.07 because of the increase in the cost of living during that period. That figure can be expected to increase to about $2.20 in a year from now, even if we are successful in slowing the rate of inflaton. Thus, it could be argued that the measure before us simply is making an adjustment to the cost-of-living increase, rather than actually increasing the minimum wage.

Another provision of importance in the committee bill is the maintenance of the existing youth student differential. The present law provides for the issuance of certificates that permit the employment of full-time students on a part-time or full-time basis during vacation periods in retail and service establishments and in agricultural activities at 85 percent of the minimum wage.

A recent study has disclosed that only 42 percent of the student hours certified by the Department of Labor to be paid at the subminimum rate were actually being used. Our students and other young people should be released from the status of second-class citizenship that is established by second-class wages.

I reject the argument that a lower differential applied to all young people will create more jobs in this time of high unemployment. Studies completed by the Bureau of Labor Statistics show there is a correlation between the general state of the economy and the unemployment profile of adult workers—BLS Bulletins, 1957 and 1970.

On June 29 of this year, I submitted for the Record a letter I received from leaders of three organizations that represent young Americans. The leaders of the three organizations felt their views on the matter of the youth differential had not been aired adequately, and they asserted their opposition to a youth differential. I hope my colleagues will again take the time to read that letter, which appears on page 23151 of the Congressional Record of June 29, 1972.

I do have one reservation with the committee bill, and on Monday I introduced in behalf of myself and Senators Randolph, Pearson, and Burdick, Amendment No. 1318 to S. 1861. Since that time, Senators McIntyre and McGee have asked to join as cosponsors, and several other Senators have assured me of their support for the amendment.

The amendment would preserve the $250,000 gross sales test exemption for the small businesses of this country. That is the level contained in the present law. The committee bill proposes to reduce that level to $150,000 in four stages over a 3-year period.

I had intended to call up my amendment for action on Monday, but as you know, I was unable to win recognition from the chair before the Taft-Dominick substitute was placed before the Senate.

Although the Taft-Dominick substitute contains language that would also preserve the present small business exemption, it contains other proposals that go far beyond the relief I feel is needed for the small businesses of America.

In short, my amendment will give Members of the Senate the opportunity to continue the present small business exemption to the minimum wage law without having to accept the other proposals contained in the Taft-Dominick substitute.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. STAFFORD. I yield.

Mr. JAVITS. I would like to recall to the Senator that the Senator from New Jersey (Mr. Williams) and I—and I have since discussed the matter with the Senator from Nevada (Mr. BIBLE), the chairman of the Small Business Committee, and I am its ranking minority member—propose to accept that amendment and hope it will be part of the bill. We appreciate the situation and are prepared to go forward with it.

Mr. STAFFORD. I appreciate the statement of the Senator from New York.

The amendment I have offered to the committee bill is a clear way of protecting important and necessary features of the committee bill, while still maintaining relief for small businesses.

For that reason, I want to remind my colleagues that I plan to offer my amendment tomorrow, as provided by the unanimous-consent agreement we reached yesterday, immediately after the Taft-Dominick substitute is defeated, as I hope it will be.

Mr. President, I yield back such time as I have not used, and I yield the floor.

Mr. WILLIAMS. Mr. President, with great reluctance, I am going to vote for the Stafford-Randolph amendment which would retain an exemption for independently owned small businesses from the provisions of the Fair Labor Standards Act.

When I introduced S. 1861 originally, the bill would have eliminated the exemption entirely. As I said at that time, the bill was drafted to require all exempt employers to come forward to justify the continuation of their exemptions.

Although I can conceive of few better services we could perform for the working poor of this Nation than to legislate full coverage for all American workers under the act, I appreciate the concerns and fears expressed in behalf of the independently owned small businesses, many of whom are struggling themselves, to make ends meet.

Mr. President, in all candor, I will vote for this amendment because it is a much more responsible approach to the legitimate conflicting needs of two important segments of society—the low-wage worker, and the small, independent businessman—than the provisions of the House-passed bill which would also exempt smaller units of multimillion-dollar chain operations. It is an honest approach to the issues raised by this legislation and offers my colleagues in this body an alternative to the shotgun, regressive type of approach, as embodied in the bill passed by the other body.

I know that many of my colleagues agree with the principles embodied in S. 1861 and would be inclined to vote against this amendment. I ask them to consider the alternatives, however, and to consider the reasons that I, as sponsor and floor manager of the bill, am prepared to support this amendment.

Mr. PEARSON. Mr. President, as a cosponsor of the amendment to preserve the present annual receipts test as outlined in the Fair Labor Standards Act, I want to encourage my colleagues to support its adoption.

The need to provide a decent working wage for all Americans has been well documented by the distinguished Senator from New Jersey, chairman of the Senate Labor Subcommittee and the manager of this bill, I would agree there is a need to raise the minimum wage above the level generally acknowledged as poverty subsistence. Yet, Mr. President, I believe it is equally important to insure that the small employer, one who hires an average of eight or less workers, can continue to maintain his present level of employment without reducing his profit margin, raising his prices, or closing his doors.

Mr. President, the supporters of the bill argue that if the annual receipts test is lowered to $150,000 from the present $250,000, there will still be over 1 million small businesses who will not be required to pay the minimum wage. But with adoption of the reduced test, which would become fully effective at the end of 4 years, there will be nearly 345,000 small businessmen paying the minimum wage for the first time.

These employers pay the wages of over 11 million workers in this country, and their labor costs amount to nearly two-thirds of their total operating expenses. While these small businesses are among the most competitive in our economy, their profit margins are among the lowest. So tenuous is the financial security of these concerns that in 1971, over 10,000 were forced to close their doors, an alarmingly high rate of failure.

Mr. President, if the receipts test is lowered, it would be most difficult to determine what the economic impact on these employers would be. I am not aware of any testimony submitted during consideration of this bill which discusses what I believe to be major factors in helping to form a position on this aspect of the committee bill. We do not know how many workers would lose their jobs with enactment of this provision. Nor do we know how many businesses, grossing under $250,000 each year, would have to close their doors.

Finally, we do not know how many consumers, living in small, rural towns across the Nation, depending on the small businessman for vital goods and services, would be affected.

Mr. President, passage of this amendment will not result in price increases, employee displacement, or any of the other conditions we find all too prevalent in an economy struggling to halt spiraling inflation and unemployment. Neither will it result in placing yet another obstacle in the path of our Nation's small business concerns.

However, our proposal insures that the small businessman, hard hit by adverse economic conditions, will continue to have the protection under the Fair Labor Standards Act he has enjoyed for 34 years. Its enactment will insure that millions of consumers and workers in the small towns of this Nation can continue to work and buy locally, without having to join the migration to urban centers.

Mr. President, we must retain the $250,000 minimum exemption for small business, and I urge the adoption of this amendment.

Mr. DOMINICK. Mr. President, will the Senator from New York yield to me for 2 minutes on the substitute?

Mr. JAVITS. I yield 2 minutes to the Senator on the substitute.

Mr. DOMINICK. Mr. President, I assure the Senator from Vermont that what he refers to as the small business amendment is in our substitute. Second, I tried and I did introduce, and we had a rollcall vote on that very same amendment in committee, and it was rejected. I got only four votes for it, one of which was the vote of the Senator from Vermont, as I recall.

Mr. STAFFORD. The Senator's recollection is correct.

Mr. DOMINICK. I can well understand the Senator's desire to do that, and since it is in the substitute I hope he changes his mind and supports it. That is what we have tried to do in the substitute.

I will take a little time later to speak on the substitute and give an analysis of it, but at this time I ask unanimous consent that the substitute as amended, and as modified, be printed so it will be available for all Senators tomorrow. If there are further amendments I would include those, but at least the ones completed already.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 2 minutes on the substitute.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I would like to call these facts specifically to the attention of the Senator from Ohio (Mr. TAFT).

During the debate yesterday the Senator from Ohio made reference to a study made by the New York State Department of Labor on the effects of an increase in the New York State minimum wage applicable to retail stores in 1957. It was contended that this study proved that increases in the minimum wage, such as proposed in S. 1861, would have adverse effects on employment. Since this is really the crux of the difference of view between those who support the committee bill and those who support the substitute, I think the facts with respect to the New York State study ought to be made clear in the record.

On February 1, 1957, the New York State minimum wage applicable to retail stores was raised as follows: The rate for stores in New York City, which previously was 75 cents an hour, was raised to $1. The upstate rate, which previously was 65 cents or 70 cents an hour, depending on location, was raised to 90 cents an hour, effective February 1, 1957, and $1 per hour effective February 1, 1958.

Several points should be made about these figures. In the first place, at the time involved, the Federal minimum wage did not apply to any retail or service stores. Thus New York stores located near State lines were competing against stores in other States which were not subject to any Federal minimum wage. In the second place, the New York rate was applicable to all retail stores, regardless of gross volume. There was no exception, as there is in the present Federal law, for stores doing less than $250,000 gross volume.

The importance of this difference needs to be emphasized because about 80 percent of all retail stores in the State had fewer than eight employees and, generally speaking, stores with fewer than eight employees would probably not meet the $250,000 gross volume test.

Third, depending on the location of the store, the increase involved amounted to between 33⅓ percent and 40 percent in 1 year. That is considerably higher than the increase which would be required under S. 1861.

The study which has been referred to examined the effects of this increase on employment in retail stores during 1957. It showed that, as could be expected, employers did make some adjustments to compensate for increased minimum wage costs. But looked at in perspective, the adjustments were clearly minimal. Thus, out of 625,000 potentially affected employees, the study found that 951 had been laid off and that 517 who voluntarily quit were not replaced. That works out to a percentage of 0.24 percent of all jobs affected. All the other adjustments were primarily in the number of hours worked per week, and much of this represented a reduction in overtime.

Even this small change does not take into account other compensating changes in employment which may have been made but were wholly unrelated to the minimum wage factor. In that connection it is interesting to note that during 1957 overall employment in the retail industry actually increased from 813,800 to 827,100.

Under the circumstances, Mr. President, I don't think the study of the New York experience in 1957 furnishes any support for those who contend that the committee bill would have adverse employment effects. Indeed, the fact that the committee bill will not affect very small stores—when the Stafford amendment is voted on, the present $250,000 test will remain—makes the New York study practically irrevelant, since so many of the stores covered by New York State would be exempt from Federal law. Another difference which precludes using the New York study as a basis for projecting any adverse employment effects on S. 1861 is that the increases proposed under S. 1861 are much less drastic than those which became effective on February 1, 1957 in New York. Thus, instead of a 33⅓- to 40-percent increase during 1 year, under S. 1861 for retail stores with gross volume of less than $1 million the increase would be 12.5 percent during the first year, with further like increases during the next 2 years.

We are making a very modest increase. By virtue of all those facts, which I felt should be spread upon the RECORD, we do not feel the New York study made 15 years ago is a germane consideration in respect to the likely effect of what we are trying to do under this bill.

Mr. TAFT. Mr. President, I yield myself such time as I may require.

I have no desire to carry on further debate with the Senator from New York. It does appear from the Senator's statement that there was some effect on the employment situation, although there may be situations in New York to nullify the effect somewhat.

The fact of the matter really is that we are dealing here in an area which is very difficult unless we have before us a very comprehensive study, and I know of none that has been made that would lead one to the conclusion that there is no effect. It seems to me various economic factors are involved, such as the motivation that comes to every small businessman and every small employer, especially as to saving money and keeping prices down to be competitive. This, it seems to me, would indicate that there must be an effect.

I yield 5 minutes to the Senator from Wyoming.

Mr. HANSEN. I thank the distinguished Senator from Ohio.

Mr. President, I would like to ask, if I may, since the distinguished senior Senator from New York is on the floor, as an advocate of freer trade and lowering of tariff barriers, would it not be his opinion that the situation to which he refers in his own State of New York, whereby he says the raises there brought about a disparity between that State and adjoining States, would be the effect internationally if we raised the minimum wage, recognizing the fact that multinational corporations have been going abroad?

As a member of the Finance Committee, I have listened to more than one chairman of a board say they were forced to go abroad to take advantage of the productivity of foreign workers who were paid far less than American workers were paid.

This situation happens just south of the border. Two or three electronic companies that I know of have left the State of Arizona, where the Federal minimum wage law of $1.60 had applied, and went down to Mexico, where they could hire nearly equally competent workers at 30 cents an hour. They closed up shop and moved south of the border.

Presidents of several electronic corporations testified before the Finance Committee that they, too, had taken their activities out of this country. As I recall, the chairman of Zenith Corp. said that they had gone abroad to the Far East and were able to manufacture a radio or television set that cost between $80 and $110, and bring it back to warehouse it in their Chicago building for $8 to $9 less per set than they were able to manufacture the whole set in this country.

It is my contention that if we raise the minimum wage as it is proposed, it would have this effect. As I said yesterday, as Governor of Wyoming, I proposed such a law. I approached it with an open mind. But I cannot help but believe that as we seek to lower tariffs and make more exchange possible, simply as a matter of economics we are going to force more American workers out of jobs.

My question to the distinguished senior Senator from New York is, Would not these same facts of life apply internationally as the Senator noted applied 15 years ago in his State of New York?

Mr. JAVITS. Mr. President, my reply to that is that we get down to a situation where it is absolutely impossible to estimate the impact in export and import terms. Exports and imports will be only 8 percent of the American economy, and the wage scales which are effected are not effected in a major way, in terms of aggregate numbers, by an increase in the minimum wage, considering the total number of people working, even though the numbers are large in absolute terms when we come to those receiving the minimum wage. I do not believe it will have any material effect, one way or the other, on the basic question of competitiveness of American business.

I could argue with the Senator at great length the basic question of fairness involved. We have done that many times on trade legislation. But I cannot subscribe to the proposition that whatever we do on this minimum wage, if we go the way of the Senator from Ohio and the Senator from Colorado, or if we go the way of the Senator from New Jersey and myself, it will make a material difference respecting the competitive position of the United States in terms of international trade.

Mr. HANSEN. I take it what the distinguished Senator is saying is that what I am saying is true, but since it affects only 8 percent of our gross national product, it is of relatively little importance. But to those out of jobs, it is of very real importance. We have lost in the last few years more than 100,000 jobs in the textile industry. We have lost jobs in other industries, to the point where one of the unions in Chicago complained, not because they were not receiving enough pay for their work, but because they were becoming only assemblers. Their ranks were being diminished as imported parts were being shipped into Chicago, and they had to take over the assembly operations. Rather than being a big union, they were witnessing a state of attrition of workers in that plant and they were becoming more and more assemblers of parts made by foreign workers.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. JAVITS. The Senator may have wished to have me say what he interpreted my statement to mean, but that is not what I meant.

Mr. HANSEN. I was trying to conclude what the Senator's statement was.

Mr. JAVITS. No. I was trying——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 2 minutes on the substitute.

I was trying to compute the aggregate impact upon the competitiveness of American business by the increase in the minimum wage, which would be composed in part of the 8 percent, to which I referred. We have to consider the size of it in comparison with the total wage bill, and by the cost-wage ingredient in the total of products.

Taking the totality of all those factors into consideration, I did not feel that there was any appreciable difference in the competitive position which would be made by this particular measure. I did not take only the 8 percent. There are other factors, and I have given those factors which are involved respecting competitiveness.

I would say to the Senator that perhaps one of the most important changes in our national society has been the espousing by the trade unions of a protectionist position allegedly on the ground the Senator states. On the other hand, unions like the Amalgamated Clothing Workers and Amalgamated Garment Workers are very urgently for the $2 minimum, and they are out in the lobby urging us not to take any amendments. That indicates the vehemence with which they are urging this. But they are the people whose ox is supposedly being gored. So I do not think that my statement that it does not have any material effect would be changed.

Mr. HANSEN. I think a lot of unions would like to have it both ways.

The PRESIDING OFFICER. The time has expired.

Mr. JAVITS. Mr. President, I yield myself 2 more minutes.

Mr. HANSEN. I think a lot of unions would like to have it both ways. Of course, the fact is that one cannot have it both ways. One cannot pay high wages on the one hand and permit the free or practically unrestricted imports of products from foreign countries produced by lower paid workers on the other hand and expect to sustain American jobs. Most of the unions have recognized this fact of life and most of the unions have reversed their positions and have become protectionists, with the single exception of the UMW. The reason why it does not take a position similar to the other unions is that it represents a membership not restricted to American workers but workers in Europe and Canada as well. Having to speak for all its workers, it cannot take a position to protect American jobholders. But I think the facts are pretty clear. The facts are clear that competition is a factor. We cannot be expected to sell to the average American a product that is made in America if alongside that product is one made in a foreign country selling for substantially less.

All you have got to do in order to see how very true this is is to drive down the street in Washington today. It is obvious. There are a lot of workingmen out of jobs—a lot of UAW members out of jobs.

Henry Ford says that for each 1 percent of the domestic car market that is seized by foreign manufactured automobiles, we have put out of jobs 20,000 full-time year-round UAW automobile workers.

I think these are significant factors. My concern for the American worker urges me to vote against the bill that comes with the stamp and the endorsement of the full committee, because I cannot believe that it is in the best interests of the American worker. I am conscious of the fact that this bill particularly militates against those with the fewest merchantable skills. It militates against the people that we want to put to work today: the young, the returning veterans, minority groups, and black people.

I thank my distinguished colleague from Ohio.

Mr. TAFT. Mr. President, I commend the Senator from Wyoming for his very thoughtful remarks on this subject, and will just comment a little further along the same line myself.

I have been very familiar with migration of labor in the shoe business in my own State. In that business, almost all of the manufacturing occurred, until a few years ago, entirely within this country. Then we saw the situation where it was possible to move a plant to Puerto Rico and, with the lower minimum wage there and other advantages, a considerable portion of the production of a certain company was moved to Puerto Rico.

Further such movements would occur under the committee bill. But now, with the increase in wages in Puerto Rico, I am informed that a considerable amount of the production of this type of shoes of this particular manufacturer has moved to Spain, and a large portion of a slightly different type of shoe has moved to Italy. This has occurred and is occurring, and reflects economic circumstances.

The fact that the Senator from New York speaks of various unions taking positions in favor of this bill despite the fact that there may be some danger of removal of jobs to other areas seems to me to bring up something else we ought to talk about in connection with this bill. It proves that there is a very direct relationship between minimum wage laws and wages negotiated under labor contracts. I do not blame the unions for taking this position, but it is the increase in wages right up and down the line that has the inflationary impact and the impact on our international competitive position.

So I think the Senator's remarks are extremely well taken. The minority views, in regard to another matter brought up by the Senator from New York State, state as follows:

> Additionally, it is interesting to note a recent article appearing in the *Southern Economic Journal* entitled "State Minimum Wage Laws as a Cause of Unemployment". The authors, Mr. William J. Shkurti and Mr. Belton M. Fleisher, found unemployment rates higher in states with minimum wage laws than in states without them, and found an increase in the differential whenever states raised their minimum wages.

I think that is exactly what the Senator from Wyoming has been referring to with regard to his own State, and also the statement of the Senator from New York with regard to minimum wages in his State.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DOMINICK. Mr. President, I am happy that the Senator from Wyoming and the Senator from Ohio have emphasized these points. Two days ago, I put into the RECORD a letter from a distinguished gentleman from Baltimore, Mr. Harvey Meyerhoff, who wrote to me on May 16, enclosing a copy of an editorial from the Baltimore Sun. He starts his opening paragraph by saying:

> DEAR SENATOR DOMINICK: The enclosed editorial which appeared in the Baltimore Sun clearly spells out the danger in enactment of new minimum wage legislation. However, it does not go far enough in my judgment, in presenting the basic objections to legislating wage levels of any kind at this time and place in our country's history.

In paragraph 2, he deals with what the Senator from Wyoming is talking about:

> 2. As a result of the wage increase progression described above, a wage-price push occurs because the wage increase was not related to productivity, technology, or any other market factor. Consequently, our posture, both in the domestic and foreign markets, has worsened. On the domestic side imports obtain an immediate price edge which can only be offset by restrictive tariffs, restriction on imports or devaluation of the dollar. On the export side, our products become immediately overpriced in the foreign market and this disparity can be changed again only by devaluation or favored legislation of one kind or another.

This is exactly the point, as I understood, that the Senator from Wyoming was making. I think it is very legitimate. It is extraordinary to me that these points have not been looked at, I think, from the point of view of the labor unions, because they are the ones who are losing the opportunity to get their membership employed; and the longer they continue that way, the more difficult it is going to be insofar as they are concerned to be able to achieve the goal which we all have of full employment.

So again I congratulate the Senator from Wyoming and the Senator from Ohio for a very valuable contribution to this colloquy.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I yield to the Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, I believe, as I am calling up an amendment, that I will have time on the amendment itself.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1323

Mr. BUCKLEY. I call up my amendment No. 1323.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY's amendment (No. 1323) is as follows:

> On page 7, immediately after line 23, insert the following:
>
> "AUTOMATIC INCREASE IN MINIMUM WAGE
>
> "SEC. 11. Section 6 of such Act (as amended by sections 2 and 3 of this Act) is further amended by adding at the end thereof the following new subsection:
>
> "'(g) (1) For purposes of this subsection—
>
> "'(A) the term "base quarter" means (i) the calendar quarter ending on June 30 in every second year after 1972, or (ii) any other calendar quarter in which occurs the effective month a general increase in the minimum wage payable under subsections (a) and (b) of this section;
>
> "'(B) the term "cost-of-living computation quarter" means a base quarter, as defined in subparagraph (A)(i), in which the Consumer Price Index exceeds, by not less than 3 percent, such index in the later of (i) the last prior cost-of-living computation quarter which was established under this subparagraph or (ii) the most recent calendar quarter in which occurred the effective month of a general increase in the minimum wage payable under this Act; and

"'(C) the Consumer Price Index for a base quarter, a cost-of-living computation quarter, or any other calendar quarter shall be the arithmetical mean of such index for the 3 months in such quarter.

"'(2) (A) The Secretary shall determine each year beginning with 1974 whether the base quarter (as defined in paragraph (1) (A) (i)) in such year is a cost-of-living computation quarter.

"'(B) If the Secretary determines that such base quarter is a cost-of-living computation quarter, he shall, effective with the month of January of the next calendar year as provided in subparagraph (C), increase the amount of the minimum wage payable under this Act by an amount derived by multiplying each such amount by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such index for the most recent prior calendar quarter which was a base quarter under paragraph (1) (A) (ii) or, if later, the most recent cost-of-living computation quarter under paragraph (1) (B). Any such increased amount which is not a multiple of $0.05 shall be increased to the next higher multiple of $0.05.

"'(C) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before November 1 of such calendar year a determination that an increase in the minimum wage payable under this Act is required and the percentage thereof. He shall also publish in the Federal Register at that time a revision of the amount of the minimum wage contained in subsections (a) and (b) of this section (as it may have been most recently revised by another law or pursuant to this paragraph); and such revised amount shall be deemed to be the amount appearing in such subsections.

"'(3) As used in this subsection, the term "general increase in the minimum wage under this Act" means an increase (other than an increase under this subsection) in the amount of the minimum wage payable under subsections (a) and (b) of this section.'."

On page 8, line 2, strike out "11" and insert in lieu thereof "12".

On page 8, line 15, strike out "12" and insert in lieu thereof "13".

Mr. BUCKLEY. The effect of this amendment is very easy to explain. What it would do, would be to provide an automatic increase in the minimum wage rate to reflect increases in the cost-of-living index.

I will say at this point, Mr. President, that I do not intend to ask that this amendment be voted upon, as the sponsors of the Dominick amendment have asked me not to with the feeling that to utilize their amendment as a Christmas tree may impede its chances for success. I believe, on balance, that it has so many features far superior to the Williams' substitute amendment that I shall do nothing to jeopardize the chances for its passage. I wish to say, though, that should it fail of passage, I shall offer my amendment as an amendment to the Williams measure.

The problem, as I see it, is one alluded to earlier in this debate, that, no doubt by sheer coincidence, we have almost a capricious increase in some types of legislation in election years. We saw this in the case of the 20-percent increase in social security benefits voted upon shortly before our recess. We see in the Williams amendment what I believe is clearly an excessive increase in the minimum wage levels, which would have, I think, a cruel effect on precisely those groups within our population whom we need most to help move into the ranks of the employed. Late yesterday afternoon I introduced evidence that points out the impact of arbitrary increases in the minimum wage rates on the employability of teenagers, most particularly our nonwhite teenagers.

The objective of my amendment would be to try to get this out of politics, so that when we have arrived at a level for minimum wages which Congress, in its wisdom or innocence, believes to be desirable, we then make the mechanism for adjusting that level to reflect increases in the cost of living automatic. We can then get away from the capricious adjustments which occur periodically, which are so disturbing to the economy, and which have such an unpredictable impact on employment, particularly among those least able to be productive, because of their lack of skills and other factors.

As I say, I shall not ask for a vote on this amendment. I do want, however, to point out that should we fail to adopt the Dominick substitute, I will offer it as an amendment to the committee bill.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield me 5 minutes?

Mr. TAFT. I yield 5 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I want to express my thanks to the distinguished junior Senator from New York. I think this is going to make the issue clearer when we get to the vote on it tomorrow.

For the purpose of the Record tonight, I shall take just a few minutes to recite once again some of the problems with the committee bill, as I see it.

First of all, I would say that the so-called Fair Labor Standards Amendments of 1972 might more accurately be called the "Unfair Labor Standards Amendments of 1972." They would be unfair to marginal workers—the young, the handicapped, the elderly, the poor—who would be priced out of the job market; unfair to the farmers, who are going to be forced to absorb a 69.2-percent increase in their labor costs, whenever with the assistance of numerous Federal programs they are able to maintain only a marginal standard of living, and small farms are rapidly disappearing from the American scene; unfair to small businessmen who, unlike their large corporate competitors, do not have sufficient profit margins or diversification to absorb radical increases in labor costs; unfair to consumers, who would be forced to pay higher prices for goods and services in all segments of the economy as the labor costs for products continue to go up; and unfair to the poor people of this country, to whom false and undeliverable promises would be made.

So, Mr. President, I sincerely believe that the substitute we are proposing has a more reasonable approach in trying to catch up with the cost-of-living increases since 1966 than would the committee bill, which will accelerate future cost-of-living increases.

The substitute sponsored by myself, Senator Taft, Senator Packwood, Senator Beall, and Senator Buckley, is similar to the minimum wage bill passed by the House. It would minimize inflationary and unemployment effects by providing for what we believe are reasonable increases in the minimum wage rate. It provides for a youth differential—and this seems to be one of the key points with respect to the proponents of the committee bill as opposed to our substitute—which would avoid worsening the high teenage unemployment rate, about 14½ percent on the average and 23 to 27 percent among ethnic groups, by increasing employment opportunities for our youth.

What the substitute would not do is almost as important. It would not extend minimum wage or overtime coverage. and it would not eliminate any of the exemptions recognized in the present law. All these, in my opinion, are extremely important points.

The full statement I made on this matter appears in yesterday's Record. I am not going to try to add to it today in the same manner.

I do think, however, that "Employment Effects of Minimum Wage Rates," prepared by Mr. Peterson and Mr. Stewart, to which I referred earlier, is extremely interesting along these lines. I recommend it to my colleagues who are interested in examining these issues critically. I think it really ought to be required reading, not only by supporters of the substitute, but also among many of the people who are supporting the committee bill. I quote from the frontispiece:

> The authors find convincing evidence to support the view that statutory wage minimums have adverse employment effects: They note that higher minimum wage rates have slowed employment growth in low-wage industries in the South relative to employment growth in the same industries in the rest of the nation. Within particular low-wage industries, furthermore, the effect on employment is clearly related to the degree of the minimum wage impact, with the lowest-wage plants experiencing the most adverse employment effects.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield me 5 additional minutes?

Mr. TAFT. I yield the Senator 5 additional minutes.

Mr. DOMINICK. All these measures were carefully analyzed in this study, which is carefully annotated and goes through about 170 pages. At the back of it is a summary of two or three pages. It is extremely good.

If I felt for 1 second that, under the substitute we are offering, we were trying to hold people down from advancement or that we are trying to do something detrimental to the American system, obviously, neither Senator Taft nor I nor any of the other sponsors would have offered it.

I am absolutely convinced, however, that what it will do, if we can get it through, is not only to continue the employment opportunities which we are trying to make available to young and old alike, but also, to maintain a degree of balance between what we are doing on the minimum wage and the cost of living.

I have heard the opponents on the other side say over and over again that the only problem with the President's economic policy is that he should have done it 2 years earlier. Yet, here they come around again and again—and in this bill out of the committee—and try to bust that wide open by a 37½-percent increase in wages over 14 months. You cannot hold the wages down in ordinary industries and continue a minimum wage increase of that velocity. There is no way to do it. It is a method, in my opinion, to sabotage continuously what we are trying to do in stabilizing inflation and in trying to maintain at the same time the ability of the marginal worker to stay on the job and off of welfare.

Mr. President, I ask unanimous consent that a section-by-section analysis of our substitute amendment, together with a brief summary of the major differences between S. 1861 as reported and our substitute, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Section Analysis of Dominick-Taft Substitute (Amendment No. 1204 as Modified)

SECTION 2

Amends section 6(a)(1) and 6(b) of the Fair Labor Standards Act to raise the minimum wage for previously covered employees to $1.80 an hour during the first year after the effective date of the Act and $2.00 an hours thereafter. The minimum wage for newly covered employees would be raised to $1.70 an hour during the first year after enactment, $1.80 an hour during the second year, and $2.00 an hour thereafter.

SECTION 3

Amends section 6(a)(5) to raise the minimum wage for agricultural employees to $1.50 an hour during the first year, and $1.70 an hour thereafter.

SECTION 4

Amends section 6(c) to raise the minimum wage in Puerto Rico by two 12½ percent increases over the most recent wage order rate, the first increase to be effective either 60 days after enactment of the bill or one year after the effective date of the most recent wage order, whichever is later. The second increase would be effective one year after the first.

SECTION 5

Amends section 6(a) to set the minimum wage for employees in the Canal Zone to $1.60 an hour.

SECTION 6

Amends section 14(b) to establish a special minimum wage rate for youths under 18 and fulltime students under 21 of 80 percent of the applicable minimum wage or $1.60 an hour, whichever is higher.

For youths in agriculture under 18 or full-time students in agriculture under 21, the special minimum wage rate would be 80 percent of the agricultural minimum wage or $1.30 an hour whichever is higher.

The special minimum wage for the same employees in Puerto Rico and the Virgin Islands and American Samoa would be 80 percent of the industry wage order rate applicable to them, but not less than the rate in effect immediately prior to the effective date of the Fair Labor Standards Amendments of 1972.

The requirement that employers receive Labor Department certification prior to employment of youth at the special minimum rate would be eliminated. The Secretary of Labor would be required to issue regulations insuring against displacement of adult workers.

SECTION 7

Amends section 13(a) to extend coverage of the Equal Pay Act to executive, administrative and professional employees. (Identical to S. 1861 as reported.)

SECTION 8

Amends section 13(c)(1) provisions relating to child labor in agriculture to prohibit employment of children under 12 except on farms owned or operated by parents; and to prohibit employment of children aged 12 and 13 except with written consent of parents, or on farms where parents are employed. (Identical to S. 1861 as reported.)

Amends section 13(d) to extend the existing child labor exemption for newsboys delivering daily newspapers to newsboys delivering advertising materials published by weekly and semi-weekly newspapers. (Identical to S. 1861 as reported.)

SECTION 9

Amends section 3(s) to provide that an apartment building with gross annual rentals less than the gross annual sales specified in section 3(s) ($250,000 under present law) would not be considered part of an "enterprise" solely because the owner of such building had retained a management agent to manage the building. Where two or more apartment buildings are in common ownership, and the aggregate annual rentals exceed the gross annual sales specified in section 3(s), each building would continue to be considered part of an "enterprise", providing other elements of the "enterprise" test are satisfied.

SECTION 10

Amends section 17 to give federal courts jurisdiction, where an employer has withheld wages in willful violation of the Fair Labor Standards Act, to award, in addition to back wages, liquidated damages up to the amount of back wages due.

SECTION 11

Amends section 16 to provide for a civil penalty of up to $1000 per violation of the section 12 child labor provisions. (Identical to S. 1861 as reported, except adds language establishing Labor Department enforcement procedure).

SECTION 12

Amends section 12 to give the Secretary of Labor authority to require employers to obtain proof of age from any employee in order to carry out the child labor provisions of the Act. (Identical to S. 1861 as reported).

SECTION 13

Technical amendments.

SECTION 14

Effective date of Fair Labor Standards Amendments of 1972 would be 60 days after enactment.

Major Differences Between S. 1861 as Reported and Dominick-Taft Substitute

MINIMUM WAGE INCREASES

S. 1861 as reported

Non agricultural employees covered prior to 1966 (present minimum—$1.60)—$2.00 sixty days after enactment; $2.20 a year later.

Non agricultural employees covered by 1966 and 1972 amendments (present minimum—$1.60)—$1.80 sixty days after enactment; $2.00 a year later; $2.20 thereafter.

Agricultural employees (present minimum—$1.30)—$1.60 sixty days after enactment; $1.80 a year later; $2.00 the following year; and $2.20 thereafter.

Substitute

Non agricultural employees covered prior to 1966—$1.80 sixty days after enactment; $2.00 a year later.

Non agricultural employees covered in 1966—$1.70 sixty days after enactment; $1.80 a year later; $2.00 thereafter.

Agricultural employees—$1.50 sixty days after enactment; $1.70 a year later.

EXTENSIONS OF COVERAGE

S. 1861 as reported

Coverage extended to following new categories of employees:

Federal employees (1.7 million).

State and local government employees (3.2 million).

Domestic employees (2.1 million).

Small businesses of all types (1.3 million employees)—"enterprise" sales test reduced from $250,000 to $150,000 gross annual sales.

Small retail and service stores (730,000 employees)—retail and service "establishment" exemption eliminated, extending coverage to stores grossing less than $150,000 if they are part of an "enterprise" which grosses $150,000 annually.

Agricultural employees (150,000–175,000 employees)—coverage extended to "local seasonal hand-harvest laborers", and such employees included for purposes of the 500 man-day test.

Substitute

No extensions of coverage; existing coverage retained.

REVISION OF EXEMPTIONS

S. 1861 as reported

Repeals or partially eliminates exemptions for following categories of employees:

Agricultural processing.

Seafood processing.

Cotton ginning.

Sugar processing.

Local transit.

Hotels, motels and restaurants.

Nursing homes.

Auto, aircraft and truck and trailer dealerships.

Catering and food service.

Bowling establishments.

Motion picture theaters.

Small loggers and sawmills.

Shade grown tobacco.

Oil pipelines.

Administrative and executive employees in retail—service industries—40% allowance for non-supervisory work eliminated.

Substitute

Changes no existing exemptions and creates no new ones.

YOUTH DIFFERENTIAL

S. 1861 as reported

Retains existing 85% certification system which applies only to full-time students employed in retail and service firms and agriculture, but extends to full-time students employed part-time at educational institutions they are attending.

This system has not been effective in reducing youth unemployment, primarily because it is too narrow and because of the red tape involved in getting certificates from the Department of Labor.

Substitute

Would replace existing certification system with new system designed to reduce youth unemployment The new system would contain the following features:

1 Applicable to all youths under 18 and full-time students under 21.

2. Differential rates—

Non agricultural work—$1.60 or 80% of applicable minimum rate, whichever higher;

Agricultural work—$1.30 or 80% of applicable minimum rate, whichever higher.

3. No restrictions on type of employment.

4. No certificates necessary.

5. Secretary of Labor authorized to promulgate regulations insuring that no adult employment would be displaced.

Mr. DOMINICK. I thank the Senator from Ohio for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 1 minute on the bill.

We have compiled a table which may be of interest to Members which shows the income to the low-income individual from different brackets of the minimum wage starting with $1.60.

It is so revealing as to what this really means in terms of living and working as an American and shows how close it is, even if we accept the committee bill, to marginal existence, that I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TAKE-HOME PAY OF WORKERS AT DIFFERENT MINIMUM WAGE LEVELS

$1.60 an hour ($64 per week).	
Gross annual income	$3,328
Social security	173
Federal income tax	0
Net	3,155
Per week	60.67
$1.70 an hour ($68 per week).	
Gross annual income	$3,536
Social security	184
Federal income tax	0
Net	3,352
Per week	64.46
$1.80 an hour ($72 per week).	
Gross annual income	$3,744
Social security	195
Federal income tax	0
Net	$3,549
Per week	68.25
$2 an hour ($80 per week).	
Gross annual income	$4,160
Social security	216
Federal income tax	0
Net	3,944
Per week	75.85
$2.20 an hour ($88 per week).	
Gross annual income	$4,576
Social security	238
Federal income tax	39
Net	4,299
Per week	82.65

Mr. JAVITS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the following tabulations be printed in the RECORD:

A comparison of the principal provisions of S. 1861, the bill as reported by the committee, together with Senate Amendment No. 1204, which is an amendment in the nature of a substitute, and H.R. 7130 as passed in the House.

A tabulation showing the estimated number of nonsupervisory employees paid less than the minimum wage rates specified in S. 1861, and the estimated cost of raising their wages to those rates.

Finally, a tabulation that shows Federal aid to the States during fiscal year 1971.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

PROPOSED FAIR LABOR STANDARDS AMENDMENTS OF 1972, 92D CONG.

[Comparison of principal provisions of S. 1861, as reported by the Senate Labor and Public Welfare Committee, Senate amendment No. 1204 (Senators Dominick and Taft) in the nature of a substitute for S. 1861, and H.R. 7130, as passed in the House.]

Present law	*S. 1861, as reported*	*Senate amendment No. 1204*	*H.R. 7130, as passed in House*
I. MINIMUM HOURLY WAGE FOR MAINLAND EMPLOYEES			
(a) Nonagricultural workers:			
(1) Covered prior to 1966 amendments, $1.60.	$2 during 1st year; $2.20 thereafter.	$1.80 during 1st year; $2 thereafter.	$1.80 during 1st year; $2 thereafter.
(2) Covered by the 1966 and 1972 amendments, $1.60.	$1.80 during 1st year; $2 during 2d year; $2.20 thereafter.	$1.70 during 1st year; $1.80 during 2d year; $2 thereafter.	$1.70 during 1st year; $1.80 during 2d year; $2 thereafter.
(b) Agricultural workers, $1.30.	$1.60 during first year; $1.80 during 2d year; $2 during 3rd year; $2.20 thereafter.	$1.50 during 1st year; $1.70 thereafter.	$1.50 during 1st year; $1.70 thereafter.
II. OVERTIME PAY REQUIREMENTS			
1½ times the regular rate for hours over 40 in any workweek.	No change from present law.	No change from present law.	No change from present law.
III. MINIMUM HOURLY WAGE FOR EMPLOYEES IN PUERTO RICO AND VIRGIN ISLANDS			
Determined by special industry committees, but not over $1.60.	Employees making less than $0.80 per hour under most recent wage order, raised to $1 60 days after enactment. Thereafter, their pay is increased by $0.20 per hour each year until parity is achieved with mainland minimums. Employees over $0.80 per hour are raised $0.20 per hour each year after enactment until parity is achieved. Employees newly covered by the 1972 amendments will have minimums set (but not below $1 per hour) by newly appointed special industry committees. Upon the setting of such minimums, the raises for previously covered employees go into effect. Each year, special industry committees	Rates applicable under wage orders issued prior to effective date of these amendments to be increased by 2 12.5-percent increases, the 1st no earlier than 60 days after the effective date of the amendments, the 2nd, 1 year later, unless such rates are changed by wage orders issued upon recommendation of the review committee.	For hotel, motel restaurant, food service and Government employees, the minimum wage rates to be the same as those for counterpart mainland employees with the same effective dates. For other employees presently covered by a wage order, the following minimum wages (except as modified by special industry committees to prevent substantial curtailment of employment in the industry): For nonagricultural employees covered prior to 1966 amendments, a 25-percent increase effective no earlier than 60 days from effective date of the act. For nonagricultural employees covered by the 1966 amendments, 2 12.5-percent increases, the 1st effective no earlier than 60

PROPOSED FAIR LABOR STANDARDS AMENDMENTS OF 1972, 92D CONG.—Continued

[Comparison of principal provisions of S. 1861, as reported by the Senate Labor and Public Welfare Committee, Senate amendment No. 1204 (Senators Dominick and Taft) in the nature of a substitute for S. 1861, and H.R. 7130, as passed in the House.]

III. MINIMUM HOURLY WAGE FOR EMPLOYEES IN PUERTO RICO AND VIRGIN ISLANDS—continued

Present law	*S. 1861, as reported*	*Senate amendment No. 1204*	*H.R. 7130, as passed in House*
	may increase the $0.20 per hour raise, but they may not lower it. Certain motel, hotel, restaurant, food service and government employees are brought up to mainland minimums on the effective date of the amendments.		days from effective date of the act and the 2nd effective 1 year later. For agricultural employees, 2 16-percent increases with effective dates calculated the same as for nonagricultural employees covered by the 1966 amendments. Notwithstanding any other provisions, no minimum rate shall be less than 60 percent of the minimum applicable to counterpart mainland employees. Provides for special industry committees to recommend minimum rates for employees newly covered.

IV. EQUAL PAY FOR EQUAL WORK

Applies only to employees covered by and not exempt from minimum wage provisions of the law.	Equal pay provision extended to previously exempted executives, administrative or professional employees, and outside salesmen.	Equal pay provision extended to previously exempted executives, administrative or professional employees, and outside salesmen.	No change from present law.

V. EXTENSION OF COVERAGE

(a) Government employees: Limited coverage of some government employees (Federal wage board workers, government employees in State and local government operated schools, nursing institutions, hospitals. Federal hospitals not covered.)	Coverage for all Federal, State, and local government employees, except persons serving in the armed services and certain persons not in the competitive service. With regard to overtime, a special provision for a mutually agreed to 28-day work period is made for averaging overtime hours for State and local law enforcement (including security presonnel in correctional institutions) and fire protection employees. Scales down from 48 to 40 hours the overtime exemption during the 28-day work period.	No change from present law.	No change from present law.
(b) Domestic service employees: No coverage.	Coverage for minimum wage only included for domestic service employees, except babysitters.	Do.	Do.
(c) Retail and service employees: No coverage if annual gross sales volume is below $250,000 (except for specifically listed establishments in "Enterprise" definition; laundering, cleaning, or repairing clothes or fabrics).	Coverage of retail and service establishment employees working in all stores in a large chain and a scaling down of the "enterprise" test for the present $250,000 to $150,000 by $25,000 in each of the 4 years after enactment.	Do.	Do.
(d) Agriculaural workers: No coverage unless the employer used more than 500 man-days of agricultural labor during peak quarter in the past calendar year. Local seasonal hand harvest laborers not counted for purposes of man-day test and excluded from minimum wage.	Minimum wage coverage expanded to include local seasonal hand harvest laborers. These are also included for purposes of calculating number of man-days of labor used by a farm. 500 man-day test retained for purposes of determining which farms are covered. Parents, spouse, child or other member of employer's immediate family are not covered employees in agriculture.	Do.	Do.

VI. EXEMPTIONS

(a) Minimum wage and overtime exemptions: Specified employment exempt from minimum wage and overtime requirements. Includes an establishment which has as its only regular employees the owner, or parent,	Minimum wage and overtime exemption repealed for: Notion picture theater employees; Shade grown tobacco employees. Minimum wage exemption only repealed for: Logging and sawmill employees.	No change from present law.	Retains present exemptions and extends minimum wage and overtime exemptions to: Employees delivering shopping news including shopping guides, handbills, or other types of advertising material. Husband and wife teams in nonprofit edu-

spouse, child, or other member of the owner's immediate family.			cational institutions who are serving as resident houseparents for orphans when lodged and boarded if husband-wife combined annual salary is at least $10,000.
(b) Overtime exemptions only: Specified employment exempt from overtime requirements only.	Overtime exemption repealed for: Agricultural processing, seafood processing, oil pipeline, cotton ginning, and sugarcane and sugar beet processing employees, partsmen and mechanics in auto, truck, and trailer dealerships, and all employees in aircraft dealerships. Other overtime exemptions modified as follows: Local transit employees: 48 hours 1st year; 44 hours 2d year; 40 hours thereafter. Provides for an exemption for voluntary work performed by employees in nonregular charter activities which are covered by prior agreements. Hotel, motel, and restaurant employees; 48 hours 1st year; 46 hours thereafter. Nursing home employees: 48 hours 1st year; 46 hours 2d year; 44 hours thereafter. Catering and food service employees: 48 hours 1st year; 44 2d year; 40 hours thereafter. Bowling employees: 48 hours retained for 1st year; 44 hours 2d year; 40 hours thereafter. Creates new overtime exemptions for: Domestic service employees, Resident employees in small apartment buildings. Resident houseparents (husband and wife) of orphans residing in private nonprofit educational institutions, if couple earns at least $10,000 per year in salary from such employment. Driver-salesmen in drycleaning who earn more than half their salaries in commissions.	Do.	Retains present exemptions and extends partial overtime exemption to certain retail and service employees.

VII. MISCELLANEOUS PROVISIONS

Present law	*S. 1861, as reported*	*Senate amendment No. 1204*	*H.R. 7130, as passed in House*
(a) Tips: Value of tips may be included in determining wages to meet the minimum rate up to 50 percent of the minimum rate.	Tip credit to meet the minimum rate reduced to 40 percent of the minimum rate. The employer must inform each of his tipped employees of the provisions of the law regarding tipping. All tips received must be retained by such tipped employees.	No change from present law.	No change from present law.
(b) Child Labor: 16 years for most covered employment including agricultural workers during school hours or in occupations in hazardous agricultural work. No minimum age for children in nonhazardous agricultural work outside of school hours. 18 years for hazardous nonagricultural work. 14 years for specified employment outside school hours in nonmanufacturing and nonmining work for limited hours under specified work conditions.	Under 12, may not work in agriculture except on farms owned or operated by the parent. Between 12 and 13, may work on a farm only with consent of the parent. Between 12 and 16, may work in agriculture only during hours when school is not in session. Provides for a civil penalty of up to $1,000 for any violation of child labor provisions of the Fair Labor Standards Act. Authorizes the Secretary of Labor to issue regulations requiring employers to obtain proof of age from any employee. Provides a child labor exemption for newsboys delivering shopping news and advertising materials published by a newspaper.	Under 12, may not work in agriculture except on farms owned or operated by the parent. Between 12 and 13, may work on a farm only with consent of the parent. Between 12 and 16, may work in agriculture only during hours when school is not in session. Provides for a civil penalty of up to $1,000 for any violation of child labor provisions of the Fair Labor Standards Act. Authorizes the Secretary of Labor to issue regulations requiring employers to obtain proof of age from any employee. Provides a child labor exemption for newsboys delivering shopping news and advertising materials published by a newspaper.	Provides a child labor exemption for employees delivering shopping news and advertising material.

PROPOSED FAIR LABOR STANDARDS AMENDMENTS OF 1972, 92D CONG.—Continued

[Comparison of principal provisions of S. 1861, as reported by the Senate Labor and Public Welfare Committee, Senate amendment No. 1204 (Senators Dominick and Taft) in the nature of a substitute for S. 1861, and H.R. 7130, as passed in the House.]

VII. MISCELLANEOUS PROVISIONS—continued

Present law	*S. 1861, as reported*	*Senate amendment No. 1204*	*H.R. 7130, as passed in House*
(c) Youth employment: Provides for wage rates no less than 85 percent of the statutory minimums for: (a) Full-time students working part-time in retail or service establishments and agriculture. (b) Student-learners in vocational training programs. (c) Student workers receiving instructions in educational institutions and employed part-time in shops owned by the institutions. Student certificates are issued by the Secretary of Labor.	Retains present provisions of the Fair Labor Standards Act. Expands student certificate program to include students employed part-time by educational institutions and those employed full-time during school vacations by such institutions.	For mainland employment: Provides for employment of youths under 18 and full-time students under 21 at wage rates not less than 80 percent of applicable minimum or $1.60 per hour ($1.30 per hour in agriculture) whichever is higher. For Puerto Rico, Virgin Islands and American Samoa employment: Special youth minimum wage shall be 80 percent of the applicable industry wage order, provided the minimum is not less than the one established under wage orders effective prior to these amendments. Youth employment must be in accordance with applicable child labor laws and subject to standards set by Secretary of Labor to insure that employment does not create a substantial probability of reducing full-time employment opportunities of other workers.	Provides for employment of youths under 18 and full-time students under 21 at wage rates not less than 80 percent of applicable minimum or $1.60 per hour ($1.30 per hour in agriculture), whichever is higher. Such employment must be in accordance with applicable child labor laws and subject to standards set by the Secretary of Labor to insure that employment does not create a substantial probability of reducing the full-time employment opportunities of other workers.
(d) Employment of illegal aliens: No provision in present law.	Provides for a criminal penalty for employers who knowingly employ aliens in violation of immigration laws.	No change from present law.	No change from present law.
(e) Liquidated damages: Makes employers in violation of the Fair Labor Standards Act liable to affected employees in an amount equal to unpaid minimum wages plus an additional equal amount in liquidated damages unless the suit involves issues not finally settled by the courts. The Secretary of Labor may bring suit for back pay upon written request of the employee.	Allows the Secretary of Labor to bring suit to recover unpaid minimum wages or overtime compensation and an equal amount of liquidated damages without requiring written request of the employee and even though the suit might involve issues not finally settled by the courts.	In violations of Fair Labor Standards Act, authorizes the courts to award equitable relief (in addition to any other relief, including injunctive relief). The court may award an amount not to exceed the minimum wages or overtime compensation found to be due.	Do.
(f) Canal Zone workers: Covered under the Fair Labor Standards Act.	Minimum hourly wage rate for Canal Zone employees shall be: $1.80 during 1st year; $2 during 2d year; $2.20 thereafter.	Minimum hourly wage rate shall be $1.60 for Canal Zone employees covered under the act.	Higher minimum hourly wage rates established by this amendment shall not apply to Canal Zone employees.
(g) Age discrimination in Government employment: No coverage.	Extends coverage of the Age Discrimination in Employment Act of 1967 to Federal, State, and local government employees. Gives the Federal Civil Service Commission enforcement power over discrimination for Federal employees.	Extends coverage of the Age Discrimination in Employment Act of 1967 to Federal, State, and local government employees. Gives the Federal Civil Service Commission enforcement power over discrimination for Federal employees.	No change from present law.

VIII. EFFECTIVE DATE

Present law	*S. 1861, as reported*	*Senate amendment No. 1204*	*H.R. 7130, as passed in House*
	60 days after date of enactment.	60 days after date of enactment.	1st day of 2d full month after date of enactment.

ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES PAID LESS THAN THE MINIMUM WAGE RATES SPECIFIED IN S. 1861 AND ESTIMATED COST OF RAISING THEIR WAGES TO THOSE RATES, AUG. 1, 1972–AUG. 1, 1975[1]

Effective date of proposed increase, class of worker, and minimum wage rate	Employees paid less than proposed rate		Annual wage bill increase		Total number of covered employees (thousands)	Projected annual wage bill (millions)
	Number (thousands)	Percent	Amount (millions)	Percent		
60 days after enactment (estimated Aug. 1, 1972)	6,103-6,125	11.6	$2,808-$2,809	0.8	52,822-52,897	$348,055-$348,076
Nonfarm employees	5,967	11.4	2,773	.8	52,252	346,519
Private employment	5,243	11.9	2,528	.9	43,998	289,764
Employees covered prior to 1966 amendments to $2	2,541	7.5	622	.3	34,057	243,159
Employees covered by 1966 amendments to $1.80	1,268	16.9	335	.9	7,504	38,954
Domestic service employees covered by 1972 amendments to $1.80	1,062	86.1	1,306	64.4	1,233	2,028
Other employees covered by 1972 Amendments to $1.80	372	30.9	265	4.7	1,204	5,623
Public employment	724	8.8	245	.4	8,254	56,755
Federal wage board and nonappropriated fund employees covered by 1966 amendments to $2	101	15.8	61	1.3	641	4,815
Federal employees covered by 1972 amendments to $1.80					1,726	14,870
State and local government employees covered by 1966 amendments to $1.80	518	19.3	123	.9	2,686	13,123
State and local government employees covered by 1972 amendments to $1.80	105	3.3	61	.3	3,201	23,947
Farmworkers	136-158	23.9-24.5	35-46	2.3	570-645	1,536-1,557
Workers covered by 1966 amendments to $1.60	113	22.8	34	2.2	495	1,515
Workers covered by 1972 amendments to $1.60	23-45	30.0-30.7	1-2	4.8	75-150	21-42
1 year later (estimated Aug. 1, 1973)	8,343-8,371	15.7	2,444-2,445	.7	53,134-53,209	369,039-369,062
Nonfarm employees	8,169	15.5	2,406	.7	52,564	367,399
Private employment	7,234	16.3	2,137	.7	44,310	307,632
Employees covered prior to 1966 amendments to $2.20	3,550	10.4	1,027	.4	34,057	255,560
Employees covered by 1966 amendments to $2	1,960	26.1	568	1.4	7,504	41,050
Domestic service employees covered by 1972 amendments to $2	1,087	88.2	281	8.3	1,233	3,375
Other employees covered by 1972 amendments to $2	637	42.0	261	3.4	1,516	7,647
Public employment	935	11.3	269	.5	8,254	59,767
Federal wage board and nonappropriated fund employees covered by 1966 amendments to $2.20	108	16.8	40	.8	641	5,101
Federal employees covered by 1972 amendments to $2					1,726	15,614
State and local government employees covered by 1966 amendments to $2	676	25.2	184	1.3	2,686	13,862
State and local government employees covered by 1972 amendments to $2	151	4.7	45	.2	3,201	25,190
Farmworkers	174-202	30.5-31.3	38-39	2.3	570-645	1,640-1,663
Workers covered by 1966 amendments to $1.80	146	29.5	37	2.3	495	1,617
Workers covered by 1972 amendments to $1.80	28-56	37.3	1.2	4.3	75-150	23-46
2 years later (estimated Aug. 1, 1974)	5,606-5,641	10.5	1,774-1,775	.5	53,441-53,516	390,198-390,223
Nonfarm employees	5,883	10.2	1,726	.4	52,871	388,452
Private employment	4,413	9.9	1,436	.4	44,617	325,566
Employees covered prior to 1966 amendments at $2.20 since Aug. 1, 1973					34,057	268,745
Employees covered by 1966 amendments to $2.20	2,455	32.7	771	1.8	7,504	43,356
Domestic service employees covered by 1972 amendments to $2.20	1,094	88.7	286	7.7	1,233	3,697
Other employees covered by 1972 amendments to $2.20	864	47.4	379	3.9	1,823	9,768
Public employment	970	11.8	290	4.6	8,254	62,886
Federal wage board and nonappropriated fund employees covered by 1966 amendments at $2.20 since Aug. 1, 1973					641	5,375
Federal employees covered by 1972 amendments to $2.20					1,726	16,394
State and local government employees covered by 1966 amendments to $2.20	778	29.0	229	1.6	2,686	14,646
State and local government employees covered by 1972 amendments to $2.20	192	6.0	61	.2	3,201	26,471
Farmworkers	223-258	39.1-40.0	48-49	2.7-2.8	570-645	1,746-1,771
Workers covered by 1966 amendments to $2	187	37.8	47	2.7	495	1,721
Workers covered by 1972 amendments to $2	36-71	47.3-48.0	1-2	4.0	75,150	5-50
3 years later (estimated Aug. 1, 1975)	402-445	.7-.8	163-164	.04	53,752-53,827	411,782-411,808
Nonfarm employees	129	.2	106	.02	53,182	409,923
Private employment	129	.3	106	.03	44,928	343,787
Employees covered prior to 1966 amendments at $2.20 since Aug. 1, 1973					34,057	281,741
Employees covered by 1966 amendments at $2.20 since Aug. 1, 1974					7,504	45,865
Domestic service employees covered by 1972 amendments at $2.20 since Aug. 1, 1974					1,233	4,024
Other employees covered by 1972 amendments to $2.20	129	6.0	106	.9	2,134	12,157
Public employment					8,254	66,136

Footnotes at end of table.

ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES PAID LESS THAN THE MINIMUM WAGE RATES SPECIFIED IN S. 1861 AND ESTIMATED COST OF RAISING THEIR WAGES TO THOSE RATES, AUG. 1, 1972–AUG. 1, 1975[1]—Continued

Effective date of proposed increase, class of worker, and minimum wage rate	Employees paid less than proposed rate		Annual wage bill increase		Total number of covered employees (thousands)	Projected annual wage bill (millions)
	Number (thousands)	Percent	Amount (millions)	Percent		
Federal wage board and nonappropriated fund employees covered by 1966 amendments at $2.20 since Aug. 1, 1973					641	$5, 622
Federal employees covered by 1972 amendments at $2.20 since Aug. 1, 1974					1, 726	17, 214
State and local government employees covered by 1966 amendments at $2.20 since Aug. 1, 1974					2, 686	15, 479
State and local government employees covered by 1972 amendments at $2.20 since Aug. 1, 1974					3, 201	27, 821
Farmworkers	273–316	47. 9–49. 0	$57–58	3. 1	570–645	1, 859–1, 885
Workers covered by 1966 amendments to $2.20	230	46. 5	56	3. 1	495	1, 832
Workers covered by 1972 amendments to $2.20	43–86	57. 3	1–2	3. 7–3. 8	75–100	27–53

[1] Estimates are based on employment in September 1971 and earnings levels projected to specified dates, assuming an annual increase of 5 percent. For tipped employees, earnings include cash wages plus an allowance of 40 percent of the applicable minimum wage for tips. No allowance has been made for perquisites provided and estimates exclude changes proposed for Puerto Rico and the Virgin Islands.

Federal aid to States, fiscal year 1971

Alabama	$648, 334, 704
Alaska	159, 849, 904
Arizona	244, 837, 464
Arkansas	321, 235, 399
California	3, 474, 764, 927
Colorado	373, 865, 725
Connecticut	403, 358, 009
Delaware	66, 183, 997
District of Columbia	608, 822, 943
Florida	650, 686, 361
Georgia	697, 588, 857
Hawaii	132, 839, 182
Idaho	108, 037, 130
Illinois	1, 250, 042, 191
Indiana	431, 228, 655
Iowa	302, 291, 958
Kansas	265, 884, 951
Kentucky	548, 684, 281
Louisiana	635, 144, 604
Maine	163, 990, 062
Maryland	466, 514, 641
Massachusetts	838, 684, 652
Michigan	1, 044, 548, 475
Minnesota	531, 698, 024
Mississippi	524, 570, 398
Missouri	607, 410, 698
Montana	164, 965, 571
Nebraska	161, 791, 923
Nevada	82, 372, 057
New Hampshire	93, 063, 895
New Jersey	823, 124, 946
New Mexico	258, 239, 811
New York	3, 286, 406, 477
North Carolina	643, 043, 154
North Dakota	113, 513, 958
Ohio	1, 015, 812, 348
Oklahoma	458, 379, 805
Oregon	384, 901, 294
Pennsylvania	1, 391, 168, 563
Rhode Island	138, 179, 513
South Carolina	365, 873, 412
South Dakota	116, 778, 369
Tennessee	616, 719, 788
Texas	1, 388, 134, 522
Utah	185, 021, 630
Vermont	96, 437, 693
Virginia	571, 854, 395
Washington	501, 772, 324
West Virginia	405, 148, 223
Wisconsin	422, 299, 237
Wyoming	85, 876, 432
Puerto Rico	394, 758, 848
Virgin Islands	40, 850, 181
Other Territories, etc	81, 780, 569
Adjustments or undistributed to States	55, 254, 524
Total	29, 844, 721, 665

Source: Federal Aid to States (fiscal year 1971), The Department of the Treasury.

Mr. TOWER. Mr. President, I rise today in opposition to S. 1861, the bill that was reported by the Senate Labor and Public Welfare Committee. This bill would raise the minimum wage for employees covered under the Fair Labor Standards Act prior to the 1966 amendments to $2.20 within 14 months after enactment of the bill. For agricultural and nonagricultural employees covered by the 1966 amendments the $2.20 minimum wage would be achieved by gradual increases. Furthermore, the bill extends coverage to more than 9 million workers who are not now covered by the Fair Labor Standards Act and repeals or partially eliminates overtime exemptions in a wide variety of industries.

I oppose this legislation for a number of reasons. If enacted, the bill reported by the Senate Labor and Public Welfare Committee will cause additional inflation, substantial unemployment particularly among younger workers, higher prices for consumers, and severe economic problems for many small businesses and industries throughout the country.

The intention of the $2.20 minimum wage is to eliminate poverty across the country. No one in this Nation would like to accomplish this goal more than I. However, not only will enactment of S. 1861 fail to eliminate poverty, but there is strong evidence put forth that indicates the increase will hinder the achievement of this objective.

Increase in the minimum wage is an extremely simplistic answer to the elimination of poverty. According to a Bureau of Census report in 1970, only 21.6 percent of the heads of poor families worked full time for the full year. Another one-third of all poor families received no income at all in 1970. The major reason that a family is poor is because it does not have a year around full-time wage earner—not because a family member is working at substandard wages.

However, in analyzing this matter, it is more important to recognize the potential negative impact this large increase will have on the poor. Whether we as legislators like it or not, our economy is made up of marginal industries and marginal workers as well as businesses, industries, and skilled workers that have a sound economic base. An individual is considered a marginal worker primarily because he is either lacking in basic job skills or he is employed in an industry where labor and market conditions make it somewhat attractive to turn to mechanization.

The minimum wage bill reported by the Senate committee will threaten both the marginal industry and the marginal worker. Instead of meeting the federally imposed artificial wage base of $2.20, a particular company may want to turn increasingly to mechanization. As an alternative, the company may want to retain its employees but cut back on its job training programs. Furthermore, small companies with low profit margins will face the definite possibility of business failure. Such failures have an obvious effect upon unemployment and general economic conditions throughout a particular geographical area. In many rural parts of Texas, for example, good economic conditions often depend upon one small industry. The imposition of an artificial wage base of the level called for by S. 1861 would have a detrimental effect on these communities.

Even if increases in the minimum wage bill could eliminate poverty and would not have an adverse effect on such things as higher prices and unemployment, the excessive increase to $2.20 is not economically justifiable. A full-time worker could earn wages above the Government poverty level if he worked at an hourly wage of $2.02. Considering the potential adverse effects of large minimum wage increases, the Congress, therefore, should only consider the Dominick-Taft substitute calling for a $2 minimum wage 14 months after enactment for those workers covered prior to 1966.

Mr. President, it is important to emphasize that those Senators opposing the committee bill feel strongly that it will have a negative effect on the low-wage earner. In fact, the effect on this group may be greater than on any other segment of our society. This 37-percent increase in the minimum wage will produce higher prices, and, therefore, smaller consumer purchasing power because it cannot be absorbed by profits. Profits have been declining over the past few years and in 1970 were only 4.2 percent of the gross national product. Furthermore, profits were even smaller in marginal industries which, as I have already mentioned, would be threatened by this legislation.

While the legislation would immediately increase wages for some workers, it could cause higher unemployment and inflation throughout the Nation. At a time when our Nation is making a concerted effort to reduce both unemployment and inflation, I do not think we can afford to entertain the ramifications of the pending measure. Further, I do not feel that a strong argument can be made in support of the idea that economic progress will be enhanced without inflation by productivity increases. Productivity increased by 3.8 percent between 1967 and 1970—a rate not high enough to compensate for the $2.20 wage base. Furthermore, I think it is somewhat illusory to categorically state that a minimum wage increase always results in increased productivity. In fact, productivity has lagged in the same marginal industries that are affected the most by a minimum wage increase.

In connection with the argument I am making, I feel strongly that the reduction, for exemption purposes, from $250,000 to $150,000 in annual receipts of small retail and service enterprises is a very dangerous step to take if we are to maintain a small business community. For the small retail or service business, this reduction would either result in laying off some workers or raising prices. The former would produce unemployment and the latter would not be in the spirit of phase II regulations, and, more importantly for the people directly involved, might price them right out of the market.

Mr. President, I do not think that the Senate should consider legislation which has a probability of increasing unemployment. We must do everything we can to lower the rate of unemployment and I think that President Nixon has acted responsibly in this area. The rate of unemployment is particularly high among the younger age brackets. It is for this reason that I am in favor of the youth differential provision in the Dominick substitute. This provision would replace the unworkable certification program with a wage minimum for young people under 18 and full-time students under 21 equal to 80 percent of the adult minimum. This provision should be passed because it represents positive governmental action to reduce unemployment among the one group of our citizens with the greatest problem in finding work. The teenage unemployment rate is presently at 14.5 percent. For black teenagers the rate is nearly double that figure. At one time the unemployment rate for black and white teenagers was about the same. However, the disparity between the two groups has grown as minimum wage increases have been enacted.

It seems hypocritical for the Government to continue to provide training programs and funding of summer jobs for innercity youth while at the same time enacting a minimum wage bill which will nearly eliminate the part-time or summer employment possibilities of young men and women growing up in an innercity area.

The fact that minimum wage increases have an adverse effect on minority youth employment is a view held by a number of well-known economists. For instance, Milton Friedman has referred to the Fair Labor Standards Act of 1938 as "The most anti-Negro law on our statute books—in its effect, not its intent." Nobel Prize-winning economist Paul Samuelson had the following to say on the same subject:

> What good does it do a black youth to know that an employer must pay him $1.60 per hour if the fact that he must be paid that amount is what keeps him from getting a job?

Mr. President, when Professors Friedman and Samuelson agree on a particular economic issue there must be a strong basis for the position they are expounding. Black and Mexican-American youth in my State will be given a better opportunity to obtain employment if the youth differential is approved. Unless this youth differential is passed, I am afraid the doors to job opportunities for young people will be closed even to a greater extent than they are now. Without this opportunity for employment, young people will not be able to gain job experience and training to provide a measure of support for themselves and their families. Still others may have to drop out of school.

The argument made in opposition to the youth differential is simply unsound. Young people employed at a reduced rate will not displace adult workers for the simple reason that the only young people affected by the provision, will for the most part, be seeking summer or part-time employment. The overwhelming number of high school graduates are over 18 when they first seek full-time employment. These people will not be covered under the youth differential. Students in the 18-to-21 bracket seeking part-time work are not a threat to an adult working force of which 86 percent of its members are full-time employees.

In conclusion, Mr. President, I strongly oppose the committee bill. Even those economists who do not feel that small minimum wage increases have an adverse economic effect would, I believe, agree that the large increase recommended in S. 1861 would be detrimental to our economic security. Passage of the pending measure would jeopardize the progress we have recently made toward total economic recovery. In my opinion, S. 1861 would result in higher unemployment, higher prices, and a decrease in consumer purchasing power.

Instead I will vote for the Dominick-Taft substitute amendment which provides for a more gradual increase in the minimum wage, and makes no changes for noncovered employees or current overtime exemptions. The substitute amendment will significantly reduce the wage-cost impact of the minimum wage increase, while keeping the adverse price and employment effects to a minimum.

Mr. PACKWOOD. Mr. President, it would be my guess that all Senators favor the objectives set forth in the minimum wage amendments now pending before us—the objective of improving standard of living of low-income wage earners in this country.

We have devoted hundreds of millions of dollars in an effort to eliminate poverty from amidst our land of plenty. We have allocated hundreds of millions of dollars for the creation of employment and manpower training programs, for the provision of job opportunities for the youth of this Nation, and for returning Vietnam veterans. We have approved a series of increases in social security, veterans, and other pensions to help our senior citizens attain a standard of living in which they can live in dignity. And, on the other side of the coin, we have granted the President vast authority to deal with the devastating inflationary spiral which has threatened to wipe out all the positive steps we have taken to insure that all Americans can attain a decent standard of living. Many seem to forget that low- and fixed-income Americans pay the highest price for inflation.

Without question, it is appropriate today to provide an increase in the minimum wage. The cost of living has risen significantly since minimum wage legislation was last considered by the Senate in 1966. Many of those at the lower end of the wage scale have been caught right in the middle between rising prices and constant wages.

Congress has been a main contributor to the inflationary spiral, through its policies of deficit spending on a huge scale, of appropriating funds above and beyond what is available through revenues for spending. It is therefore the responsibility, and the obligation of Congress to assist those most seriously affected by inflation.

Many have argued that the state of our economy precludes any increase in our existing minimum wage levels. But, Mr. President, I believe that equity and reason require that we act today to provide needed increases, at responsible levels and in a realistic time frame. It is for this reason that I have joined with the distinguished Senators from Colorado (Mr. DOMINICK) and Ohio (Mr. TAFT) in cosponsoring a substitute for the minimum wage bill approved by the Senate Labor Committee. The minority views outlined by Senators DOMINICK, TAFT, and myself express well the problems we see with the committee-approved version of S. 1861 and present in a clear and concise manner the reasoning which led us to sponsor this substitute. I ask unanimous consent that these minority views be printed at this point in the RECORD.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF MR. TAFT FOR HIMSELF, AND MESSRS. DOMINICK AND PACKWOOD

We all desire to see the elimination of substandard and exploitive wage practices. But at a time when millions of American workers are out of work, unemployment must be a primary concern. At a time when low income families are hard pressed by inflation, this too must be a concern. Unfortunately, the Committee has developed an approach which seems unlikely to make job opportunities more difficult for the poor, for the young, and for those who have found it difficult to enter the mainstream of the American economy.

An excessive increase in the minimum wage at this time would increase the inflationary pressures on our economy at the very time when we are succeeding in attempts to curb the inflationary spiral. While an increase in wage levels for those in the lowest paid categories might not of itself have a major inflationary effect, an increase in the minimum wage seems bound to have a ripple effect throughout the economy which will have a substantial economic impact.

Moreover to broaden coverage at this time would have a like effect and also increase costs through red tape, reporting, and increased Federal interference into State, local and household affairs.

For those who are desperately poor, family assistance is a more desirable approach than the minimum wage law. As Congressman John Anderson of Illinois aptly stated on the floor of the House on May 8:

"The primary reason that the working poor are poor is not at bottom entirely, or even mainly, a matter of inadequate hourly wage rates. Far more important is first, the lack of full time job opportunities, and secondly, in the case of more than half the working poor, the fact of relatively great income needs because of large families. Clearly, the minimum wage is too blunt an instrument to deal with the great complexity and variety of the income deficiency problem that we find among the working poor. The reason for this is simply that it is geared to wage earners rather than family units."

Unfortunately, the consideration of the bill has not been careful. The Committee's efforts have been so far-reaching and misguided that Vista workers, clerics, prisoners working in prison industries, and similar cases, were blanketed into coverage until moments before the bill was ordered reported. The Committee has taken such a broad brush approach that it seems likely to frustrate the hope for any moderate increase in the minimum wage for those now covered. For that reason we join with Senator Beall in offering a substitute amendment, similar to the House passed measure. Some of our specific objections to the Committee bill are as follows:

A—DOMESTIC HELP

While the Committee correctly continues to exempt small businesses, it proposes to cover a housewife who occasionally has someone come in to help wash the windows or clean up. It seems utterly nonsensical to exclude small businessmen on the one hand, and then require housewives without any business experience to comply with recordkeeping and other provisions of this law. In doing so we are likely to make a mockery of the law and invite its violation. As we all know, tax and reporting violations are rife under the Social Security law as it applies to domestic help, and avoidance practices are widespread. The Committee now proposes to compound that problem and make it worse.

Because some domestic workers are poorly paid, is no reason to bring the Federal bureaucracy into the kitchen of the American housewife. Because others are marginally employed is no reason to eliminate their employment.

Quite apart from this practical consideration, we believe that an extension of coverage to domestic help is beyond the power of Congress under the commerce clause. If domestic employees who make beds, dust, and wash windows in a private residence are engaged in interstate commerce, there is nothing left of interstate activities. If someone who vacuums your carpet is engaged in interstate commerce or is considered to have a substantial impact on interstate commerce, then the commerce clause has been magnified to include every aspect of American life. We do not believe that this was the intent of the drafters of our Constitution, nor do we believe that it is a workable proposition supported by case law.

The basic argument of those who favor this expansive interpretation of the commerce clause seems to be that the number of domestic employees is so large that they collectively have a very significant impact on the national economy. It is argued that domestic help have an impact of more than $1 billion per year on our national economy, and that they use cleaning fluids purchased through the channels of interstate commerce.

A legal precedent here is the fact that the medical profession, which has a far greater impact on our nation's economy, has been held to be beyond the constitutional power of Congress under the commerce clause. If the practice of medicine, which involves more than $14 billion per year, is beyond the sweep of the commerce clause, certainly domestic helpers and housekeepers, having a much lesser impact, should be similarly excluded.

In *U.S.* v. *Oregon State Medical Society*, 95 F. Supp. 103 (D. Ore. 1950), defendant medical societies were charged with conspiracy to monopolize prepaid medical care in the State of Oregon. At page 118, the court said:

"The practice of medicine as conducted within the State of Oregon by doctors of Oregon, including defendants, is not trade or commerce within the meaning of Section 1 of the Sherman Anti-Trust Law . . . nor is it commerce within the meaning of the constitutional grant of power to Congress 'to regulate commerce * * * among the several states.' "

This decision was affirmed by the U.S. Supreme Court, 343 U.S. 326 (1952).

B—STATE AND LOCAL GOVERNMENT EMPLOYEES

Section 2(a) extends coverage under the Fair Labor Standards Act to employees of states and their political subdivisions. In Section 2(b) the term "employee" is defined to include those state and local employees who hold positions comparable to Federal employees "in the competitive service and employees in the U.S. Postal Service, the Postal Rate Commission, and the Library of Congress . . ."

This definition is illustory at best. It was dreamed up in later executive sessions. It appears, however, that the Federal government will be determining even the wages and overtime to be paid to youth employed by a city in its recreation department. This would include young people employed as lifeguards, employed to teach basket-weaving, and employed to umpire little league baseball games. If a city decides to hire disadvantaged young people to work in its parks during the summer, these employees would apparently be subject to the full force of the provisions of the Fair Labor Standards Act.

This approach not only interferes with the ability of cities to provide jobs for the disadvantaged, but it also entirely overlooks the regional differences with respect to the welfare needs and the cost of living. In March of 1970, the percentage of state and local non-supervisory employees (excluding education and hospital institutions who are already covered) receiving less than $2.00 per hour was as follows:

	Percent
Northeast region	5.9
South region	22.2
North Central region	10.4
West region	5.9

In addition, this bill overlooks the differential between metropolitan and nonmetropolitan areas. In March of 1970, only 7.9% of local governmental non-supervisory employees (excluding education and hospital institutions) were paid less than $2.00 per hour. But in non-metropolitan areas the percentage was 22.6. The difference obviously represents different standards and costs of living.

The variety of state and local governmental employees affected by this law and the extent to which they differ by state and region is illustrated by the following charts also prepared by the U.S. Department of Labor and submitted to the Congress in 1971.

OCCUPATIONS IN STATE, COUNTY, AND CITY GOVERNMENTS WITH ENTRANCE LEVEL RATES OF LESS THAN $1.60 AN HOUR, BY REGION, 1969 OR 1970

Northeast

New Jersey

Cities: Recreation leader.

New York

Counties: Cytologist I trainee.

South

Alabama

State: Clerical aid, clerk messenger, dock sweeper, domestic worker, food service worker, forest towerman, human services aide, laborer, laundry worker.

Cities: Clerk, janitor, lineman helper, maintenance foreman, maintenance worker, mason, playground director, recreation leader, snack bar attendant.

Arkansas

State: Clerk, cook, custodial worker, dairyman, deck-hand, elevator operator, farmworker, fish culturist, food service worker, forest towerman, foster grandparents, groundskeeper, highway bridge tender, housekeeper, keypunch operator trainee, laborer, laboratory aide, laundry worker, library aide, linen room worker, messenger, medical assistant, mental retardation aide, museum guide, public health clinic aide, revenue permit agent, seamstress, skill trades helper, social service aide, stock clerk, switchboard operator, trapper, watchman.

Florida

Cities: Elevator operator, fountain clerk, library aide, locker attendant.

Georgia

State: Automotive serviceman, community worker, farm and dairy hand, field inspector I, home service aide, institutional trainee, institutional worker, laboratory aide I, maid, maintenance laborer I, sales clerk, seamstress I, utility worker I.

Kentucky

Cities: Account clerk, ambulance driver, assistant dispatcher, attendant, automotive serviceman, bookkeeping machine operator, bookmender, cashier, clerical aide, clerk, central supply technician, cook, costumer, custodial supervisor, custodial worker, dental assistant, dietician assistant, dispatcher, doorkeeper, duplicating machine operator, elevator operator, engineering aide, equipment operator, food service worker, housing laborer, inhalation therapy technician, laborer, laundry worker, library radio operator, maintenance fireman, maintenance mechanic, maintenance worker, medical technician assistant, museum assistant, personnel clerk, physical therapy aide, police court matron, police court officer, public facilities attendant, public health laborer, radio repairman, sanitary inspector, stationary fireman, seamstress, stenographer clerk, store keeper, telephone operator, traffic control officer, typist clerk, watchman.

Louisiana

State: Bridge tender, central service worker, community activity worker, custodial worker, elevator operator, food service worker, forest fireman, laundry worker, public health unit aide, watchman.

Cities: Building guide, clerk, custodial worker, elevator operator, garage attendant, home health aide, industrial school worker, institution aide, laboratory animal care taker, laboratory technical assistant, laborer, laborer utility, library page, meter repairman, musician, park attendant, parking attendant, pest control worker, recreation attendant, seamstress, stock clerk, stock patrol helper, test checker.

Counties: Ceramics pourer, custodial worker, messenger.

Maryland

Cities: Cashier—cafeteria, cook's helper, custodial worker, food service helper, head janitress (museum).

Counties: Recreation leader.

Mississippi

State: Homemaker.

Oklahoma

State: Assistant multilith machine operator, bindery worker, building guide, capitol policeman, cashier—dining room, central service worker, clerk trainee, clothing clerk, cook trainee, custodial worker, dictating machine operator, duplicating equipment operator trainee, elevator operator, employment aide, farmhand, food service worker, highway maintenance man, home health aide, janitor, job corps recruiter, laboratory manual helper, laborer, laundry worker, manual helper, marking room clerk, park attendant, patrolman, psychiatric attendant, rental sales clerk, room clerk, seamstress, security attendant, security officer, seed analyst, tourist interviewer, typist trainee, utility office worker.

Cities: Playground leader, tennis instructor.

Texas

Cities: Clerical aide, clerk, clerk-typist, clinic assistant, dental health education aide, health aide, health education aide, laboratory aide, messenger, museum custodial, sanitation aide, technician-criminal investigation laboratory.

West Virginia

State: Case aide, clerk, eligibility aide, embossing equipment operator, food service helper, handyman, home health aide, homemaker, housekeeper, institutional aide, laboratory assistant, laundry worker, matron, sales clerk, seamstress, social services aide, steam fireman's helper, telephone operator, typist, watchman, water plant operator.

North-central

Indiana

Cities: Clerk stenographer, information clerk.

Iowa

State: Messenger.

Cities: Bailiff, bookmender-clerk, housekeeper, janitress, messenger.

Michigan

Cities: Library page, museum aide.

Counties: Clerk-matron.

Minnesota

Cities: Casual labor, laborer, refectory worker.

Counties: Junior library page.

Missouri

State: Custodial worker, food service helper, laboratory helper, laundry worker, mental health worker trainee, seamstress, watchman.

Cities: Concession clerk.

Nebraska

State: Clerk, clerk aide, clerk-typist, keypunch operator, photostat microfilm aide, photostat microfilm operator, stenographer-clerk, telephone operator.

Cities: Casual worker, concession attendant, usher.

Ohio

Cities: Concession attendant, park attendant, recreation aide, sergeant-at-arms.

South Dakota

State: Bookkeeper, bookkeeping machine operator, cashier, claims, auditor, clerk-typist, data recorder, general clerk.

West

Arizona

Cities: City youth worker, janitor, street cleaner.

California

Counties: Clerk, laborer, library page, watchman.

New Mexico

State: Attendant, automatic machine operator trainee, bindery worker, boiler fireman, cost maker, clerk, custodian, employment aide, farm helper, food service aide, group worker trainee, junior clerk, laborer, laundry worker, maintenance helper, messenger, motor vehicle examiner, museum assistant, museum gallery attendant, social service aide, telephone operator, truck driver, watchman.

(Note.—Government jurisdiction listed are those which had one or more occupational classifications with entrance level rates of less than $1.60 an hour as shown on Table 11.)

(Source.—Based on data on file with the American Federation of State, County, and Municipal Employees, AFL–CIO.)

All of the occupations listed above involve entrance levels of less than $1.60 per hour. From this, one can appreciate the financial impact of a law providing a $2.20 per hour minimum in two years and the uneven way in which this law will affect various states and localities.

The overtime provisions in this measure are made applicable to state and local governmental employees, including policemen and firemen. A report by the U.S. Department of Labor entitled, "Non-Supervisory Employees in State and Local Governments" states on page 24 that as to state and local employees "about seven-tenths of all employees working over 48 hours were employed in a public safety activity." Presumably, under this bill firemen who are asleep in a dorm of a firehouse will be paid overtime for the period of their slumber. To say the least, this is a massive intrusion of the Federal government into state and local governmental affairs.

State and local officials can better appreciate the differences in the cost of living which vary widely between states. State and local officials also are responsible for their governmental finances. We do not believe that we should, by law, intrude into their judgment, upset their budgets, and provide a law which is not related to the job market for cost of living in any particular community. Who is to say that we in the Congress are better able to make these judgments than duly elected state and local officials. At a time when revenue sharing is desperately needed, the Committee compounds the financial problems of our state and local governments.

The vast majority of state and local workers are paid more than the proposed minimum wage. Consequently, the major impact of the wage provisions of this bill will not help most state and local employees who are full time workers attempting to support families. The effect, instead, will be to cut back those programs which attempt to provide employment for young people who otherwise must remain idle on our city streets. Like the provisions relating to domestic employees, we believe that this extension of the Act, while well-intentioned, will have unfortunate consequences which will be counter-productive to many of our nation's objectives. State and local governments do not need revenue sharing in reverse They do not need to have the Federal government compound their already serious budgetary problems. And our disadvantaged youths do not need a further obstacle to summer employment.

D—SMALL RETAIL BUSINESS

Retail and service enterprises with annual gross sales volume below $250,000 currently are exempt from coverage under the Fair Labor Standards Act. The proposed substitute would retain this $250,000 figure. The Committee bill, however, extends coverage for all retail and service employees working in chain stores and scales down the current $250,000 enterprise test to $150,000 by $25,000 a year over the next four years.

The Committee apparently forgets that inflation affects small businesses as well as employees. The $250,000 exemption level set in 1966 is already equivalent to $310,000 at today's dollar values. The Committee has totally disregarded the economic consequences of minimum wage legislation on small businesses. In effect, the Committee would mandate the closing of many of our nation's small businesses over the next four years.

The Committee fails to realize that the impact of this measure would not be distributed evenly throughout the economy. Instead, the impact is concentrated in low wage manufacturing industries, trade, services and farming. Specifically America's retail merchants who employ more than 11 million people will be seriously affected since two-thirds of their total operating expenses are directly attributable to labor costs. Rates or profit as well as profit per worker, are typically lower in these industries than in the economy as a whole. (See George E. Belehanty and Robert Evans, Jr., *Low-Wage Employment: An Inventory and an Assessment*. These industries are highly competitive. The rate of business failure is high, particularly among the small firms that are currently exempt from the Fair Labor Standards Act. Dun and Bradstreet statistics show that a total of 10,321 small businesses and industries failed in 1971, and 4,428, or 43% of these, were in the retail trade. Given these considerations, it is economically impossible for profits in these firms and businesses to absorb any significant share of the increased minimum wage at this time. The low profit rate and high failure rate in businesses employing a high proportion of very low wage labor suggest that wages are low because of low productivity and not because of any substantial exploitation of labor.

Because of the narrow profit margins and low productivity of many low wage industries, the passage of the Committee bill can be expected to significantly increase unemployment and business failures. Such a course would decrease tax revenue and increase the number of welfare applicants. It would be difficult to think of a policy that would have more of a disastrous effect on a nation's small business than the provisions contained in S. 1861.

E—TRANSIT

The Fair Labor Standards Act currently contains an overtime exemption for local bus operators and motormen. The Committee bill reduces and ultimately repeals the local transit overtime exemption.

The Committee completely ignores the economic realities of our nation's mass transit system. Since 1954, 268 transit systems in this country have failed financially. The operating deficit for the American transit industry was $332 million in 1970, $427 million in 1971, and is projected to exceed one-half billion dollars this year. This estimate does not include the $30 million in additional costs imposed on the transit industry by the provisions of S. 1861.

The following table, listing the transit systems which have been abandoned since January 1, 1954, illustrates the financial crisis of our nation's transit systems:

U.S. TRANSIT SYSTEMS ABANDONED OR SOLD SINCE JAN. 1, 1954

City	Population 1960 census	System	Date sold or service discontinued	Successor system
Alabama:				
Birmingham	340, 887	Birmingham Transit Company	Nov. 22, 1963	Birmingham Transit Company.
Mobile	202, 779	Campbell Bus Service, Inc.	1965	Airport Limousine Service, Inc.
Mobile	202, 779	Mobile City Lines, Inc.[1]	May 1, 1965	City of Mobile, Dept. of Transpn.
Selma	29, 395	Selma Bus Lines, Inc.[1]	May 1, 1965	None.
Sheffield	13, 491	Shoals Transit, Inc.	1960	Joiner Bus Lines.
Arizona:				
Phoenix	439, 170	Metropolitan Lines, Inc.	October 1955	Metropolitan Lines, Inc.
Phoenix	439, 170	Phoenix Transportation System	Apr. 1, 1959	Valley Transit Lines, Inc.
Phoenix	439, 170	Valley Transit Lines, Inc.	February 1967	Phoenix Transit Corporation.
Tucson	212, 892	Tucson Rapid Transit Company	July 25, 1961	Tucson Rapid Transit Company.
Tucson	212, 892	Tucson Rapid Transit Company	January 1967	Tucson Transit Corporation.
Arkansas:				
Blytheville	20, 797	Blytheville Coach Lines	Jan. 18, 1958	Haskell Slaughter & R. Ross.
Blytheville	20, 797	Slaughter & Ross Bus Line	Not applicable	Blytheville Bus Line.
Camden	15, 823	Not available[1]	Feb. 19, 1956	None.
Conway	9, 791	Not available[1]	1955	None.
Eldorado	25, 292	Eldorado Bus Lines[1]	June 19, 1955	None.
Fayetteville	20, 274	University City Transit Company[1]	June —, 1956	None.
Fort Smith	52, 991	Twin City Lines	June 13, 1966	Fort Smith City Lines.
Fort Smith	52, 991	Fort Smith City Lines[1]	June 14, 1969	None.
Hot Springs	37, 286	Hot Springs Street Railway[1]	April 30, 1966	None.
Jonesboro	21, 418	City Transit Company[1]	July 22, 1955	City Transit Company.
Jonesboro	21, 418	Jonesboro City Transit Commission[1]	July 19, 1957	None.
Little Rock	107, 813	Capitol Transit Company[1]	Mar. 2, 1956	Citizens Coach Company.
Little Rock	107, 813	Citizens Coach Company	Oct. 21, 1962	Twin City Transit, Inc.
North Little	58, 032	Capitol Transit Company[1]	Mar. 2, 1956	Citizens Coach Company.
West Memphis	19, 374	West Memphis Transpn. Company[1]	June 14, 1956	None.
California:				
Alhambra	54, 807	Foster Transportation, Inc.[1]	June 24, 1960	2.
Bakersfield	56, 848	Bakersfield Transit Company	Aug. 1, 1956	Bakersfield Municipal Transit System.
Burbank	90, 155	Asbury Rapid Transit System	July 19, 1954	Asbury Rapid Transit System.
Covine	Suburban	Edgewood Transit Company[1]	Oct. 1, 1960	None.
El Cajon	37, 618	El Cajon Valley Bus Lines	Oct. 19, 1955	None.
Eureka	28, 137	Eureka Transit[1]	June 10, 1961	Eureka Jitney Company.
Fresno	133, 929	Fresno City Lines	Nov. 1, 1961	Fresno Municipal Lines.
Glendale	119, 442	Glendale City Lines, Inc.[1]	Dec. —, 1962	Los Angeles Met. Transit Authority
Inglewood	63, 390	Inglewood City Lines	Aug. 1, 1967	Southern Cal. Rap. Tr. Dist.
Long Beach	344, 168	Long Beach Motor Bus Company	Sept. 1, 1963	Long Beach Public Transpn. Co.
Los Angeles	2, 479, 015	Los Angeles Transit Lines		
		Metropolitan Coach Lines	Mar. 3, 1958	
		Asbury Rapid Transit Lines		
		Cross Town Suburban Bus Lines	Feb. 15, 1961	Los Angeles Metropolitan Tr. Auth.
Oakland	367, 548	Key System Transit Lines	Oct. 1, 1960	Alameda-Contra Costa Transit Dist.
Ontario	46, 617	Ontario Municipal Bus System	Dec. 22, 1964	Corbett Transit Lines & Tour Club.
Ontario	46, 617	Corbett Transit Lines & Tour Club	July 28, 1969	O-V Transit Lines.
Oxnard	40, 265	Harbor Transit Lines[1]	Feb. 1, 1956	Oxnard Public Transit System.
Pasadena	116, 407	Pasadena City Lines, Inc	Apr. 1, 1963	Pasadena City Lines Inc
Pasadena	115, 407	Pasadena City Lines	Aug. 1, 1967	Southern California Rapid Transit District.
Redlands	26, 829	Redlands Bus Service[1]	Approximately 1962	Not available.
Riverside	84, 000	Riverside City Lines[1]	Sept. 20, 1961	Los Angeles Met. Transit Authority.
Sacramento	191, 667	Sacramento City Lines	Sept. 23, 1955	Sacramento Transit Authority.
Salinas	28, 957	Salinas Transit Company[1]	Nov. 1. 1968	Salinas City Lines.
San Bernardino	Suburban	Fontana Transit Lines[1]	July 1959	None.
San Bernardino	Suburban	Highland-Patton Bus Line[1]	Not available	Not available.
San Diego	573, 224	San Diego Transit System	July 1, 1969	San Diego Transit Corporation.
San Jose	204, 196	San Jose City Lines, Inc.	July 19, 1963	San Jose City Lines, Inc.
San Luis Obispo	20, 437	San Luis Obispo Bus Lines[1]	Aug. 19, 1955	Green Bus Service.
San Mateo	69, 870	San Mateo-Burlingame Transit Co.	Aug. 19, 1965	Bayshore Transit Lines.
Santa Ana	100, 350	Santa Ana Bus Company	Dec. 19, 1965	Santa Ana Bus Company.
Santa Ana	100, 350	Santa Ana Bus Company	Apr. 19, 1966	Santa Ana Bus Company.
Santa Ana	100, 350	Santa Ana-Garden Grove Bus Line[1]	Approximately 1967	Not available.
Santa Ana	100, 350	Laguna Beach-Santa Ana Stage Line[1]	Not available	None.
Santa Rosa	31, 027	Motor Streetcar Service, Inc.	Aug. 4, 1958	Santa Rosa Transit System.
South San Francisco	39, 418	Peninsula Bus Line[1]	December 1964	None.
Stockton	86, 321	Stockton City Lines, Inc	1963	Stockton City Lines, Inc.
Stockton	86, 321	Stockton City Lines, Inc	June 1, 1965	Stockton Metropolitan Transit District.
Vallejo	60, 877	City of Vallejo Bus Lines[1]	May 1, 1956	Vallejo Transit Lines.
Watsonville	13, 293	Chas Manfre Transportation Co.[1]	Not available	None.
Colorado:				
Denver	Suburban	Denver-So. Platte Trans. Co.[1]	Oct. 1, 1956	None.
Denver	512, 000	Denver Tramway Corporation	Apr. 18, 1971	Denver Metro Transit.
Derby	10, 124	Derby Bus Company[1]	May 19, 1957	NA.
Englewood	33, 398	South Adams Transit Company[1]	1962	None.
Fort Collins	25, 027	Bussard Bus Lines[1]	Dec. 31, 1955	None.
Fort Collins	25, 027	Fort Collins Transit, Inc	Nov. 1, 1957	Fort Collins Transit, Inc.
Fort Collins	25, 027	Fort Collins Transit, Inc.[1]	Oct. 31, 1959	None.
Greeley	26, 314	Greeley Bus Company	Nov. 3, 1959	Municipal Bus Company.
Loveland	9, 734	Loveland City Bus[1]	Feb. 15, 1956	Eugene W. Clark.
Pueblo	91, 181	Pueblo Transit Company	June 1, 1956	Pueblo Transportation Company.
Pueblo	91, 181	Pueblo Transportation Company	Feb. 1, 1958	Same Company[3]
Trinidad	10, 691	Frank Falsetto[1]	Apr. 27, 1962	None.
Connecticut:				
Branford	2, 371	Branford Transit Lines, Inc.[1]	Mar. 9, 1954	None.
Bridgeport	156, 748	Gray Line Bus Company[4]	Jan. 1, 1963	Gray Line Bus Company, Inc.
Bridgeport	156, 748	Trumbull Coach Lines, Inc.	July 21, 1967	Gray Line Bus Company, Inc.
Bristol	45, 499	Bristol Traction Company	1966	New Britain Transportation Co.
Meriden	51, 850	Connecticut Company[1]	Dec. 31, 1959	H. & W. Transit Company.
Middletown	33, 250	Connecticut Company[1]	Dec. 31, 1959	H. & W. Transit Company.
New Britain	82, 201	Wagner Service	Mar. 1, 1954	(4).
New Britain	Suburban	East Street Bus Line	Apr. 1, 1967	Dattco Inc.
New Haven	152, 048	The Connecticut Company	June 4, 1964	The Connecticut Company.
New London	3, 608	Connecticut Co.—New London Div.	Apr. 1, 1961	Thames Valley Transit, Inc.
Norwalk	67, 775	Connecticut Railway & Lighting Co., Norwalk Division.[1]	July 1, 1969	None.
Norwich	38, 506	Connecticut Company—Norwich Div.	Apr. 1, 1961	Thames Valley Transit, Inc.
Stafford Springs	Suburban	Stafford Bus Company	1958	Post Road Stages (Wapping, Conn.).
Delaware:				
Wilmington	95, 827	Delaware Coach Company	Aug. 1956	Delaware Coach Company.
Wilmington	95, 827	Delaware Coach Company	Jan. 5, 1969	Greater Wilmington Transpn. Auth.
District of Columbia:				
Washington	763, 956	Capital Transit Company	Aug. 15, 1956	D.C. Transit System.
Washington	Suburban	W.M.A. Transit Company	Feb. 1955	W.M.A. Transit Company.

Footnotes at end of table.

U.S. TRANSIT SYSTEMS ABANDONED OR SOLD SINCE JAN. 1, 1954—Continued

City	Population 1960 census	System	Date sold or service discontinued	Successor system
Florida:				
Daytona Beach	37, 395	Ormond Beach Transit Company Peninsula Transit Company	Feb. 1958	Daytona Beach Municipal Bus
Daytona Beach	37, 395	Daytona Beach Municipal Bus Lines	1966	Transit Co. of Daytona Beach, Inc.
Fort Lauderdale	83, 648	Fort Lauderdale Transit, Inc	Jan. 1, 1967	Beach Transit, Inc.
Fort Myers	22, 523	Fort Myers City Lines [1]	Apr. 12, 1958	None.
Fort Pierce	25, 256	Dan Fagen [1]	1956	None.
Hialeah	66, 972	Coast Cities Coaches, Inc.[1]	Not available	None.
Key West	33, 956	Key Islands Transit Company [1]	Aug. 15, 1960	Southern Keys Transit, Inc.
Key West	33, 956	Southern Keys Transit, Inc.[1]	February 1969	Antillana Bus Corp. of Key West.
Lake Worth	20, 758	Lake Worth Coach Lines [1]	Oct. 1960	None.
Melbourne	11, 982	City of Melbourne [1]	1962	None.
Miami	Suburban	Keys Transit Company	June 16, 1958	Keys Transit Company.
		Keys Transit, Inc		
Miami		Miami Beach Railway Company		
		Miami Transit Company		
	291, 688	So. Miami Coach Lines, Inc	Feb. 9, 1962	Metro. Dade County Transit Auth.
Panama City	33, 275	Panama City Transit Company	Mar. 21, 1956	City of Panama City.
Pass-a-Grille Beach	1, 000	Pass-a-Grille Beach Bus Lines (Municipal)	Aug. 16, 1960	Southern Tours, Inc.
West Palm Beach	56, 208	Florida Cities Bus Company	1960	Transit Co. of the Palm Beaches.
Georgia:				
Albany	55, 000	Cities Transit of Georgia, Inc.[1]	February 1962	None.
Athens	31, 355	Athens City Lines, Inc.[1]	1956	None.
Atlanta	487, 455	Atlanta Transit Company	May 1, 1954	Atlanta Transit System, Inc.
Atlanta	Suburban	Interurban Transit Lines, Inc	May 13, 1958	Gray Line Transit System, Inc.
Atlanta	Suburban	Gray Line Transit System, Inc.[1]	Apr. 20, 1959	None.
Brunswick	21, 703	Georgia City Coaches, Inc	Feb. 1, 1957	Brunswick Transit Company.
Columbus	116, 779	Columbus Transportation Company	Aug. 1, 1967	Columbus Transpn. System.
LaGrange	23, 632	LaGrange Coach Company [1]	June 1, 1958	None.
Macon	69, 764	Suburban Transit Lines, Inc	1964	Commercial Transit Lines, Inc
Marietta	25, 565	Marietta Coach Company [1]	1959	None.
Rome	32, 226	Georgia Power Company	Oct. 1, 1961	City of Rome.
Savannah	149, 245	Savannah Transit Company	July 7, 1960	Savannah Transit Authority.
Valdosta	30, 652	Valdosta Coaches [1]	Not available	Not available.
Idaho				
Idaho Falls	33, 161	Idaho Falls Motor Coach Company [1]	Not available	None.
Idaho Falls	33, 161	Idaho Falls Transit Company [1]	1955	None
Lewiston	Suburban	Chapin's Transit System [1]	Not available	None.
Pocatello	28, 534	Pocatello Transit Company [1]	Mar. 12, 1955	Gate City Bus Line.
Pocatello	28, 534	Gate City Bus Line	Not available	Aberdeen Stages
Pocatello	28, 534	Gate City Bus Lines [1]	Sept. 10, 1965	None.
Illinois:				
Alton	43, 047	Citizens Coach Company	Apr. 1, 1963	Bi-State Transit System.
	Suburban	Brown Motor Lines, Inc		
Aurora	63, 715	Aurora City Lines, Inc	June 10, 1966	Aurora City Lines, Inc.
Aurora	63, 715	Aurora-Elgin Bus Lines, Inc	June 1966	Aurora-Elgin Bus Lines, Inc.
Aurora	63, 715	Aurora City Lines, Inc.[1]	Not available	Toni-A-Hawk Transit.
Belleville	Suburban	BellevilleSuburban Bus Lines [1]	Sept. 16, 1959	None.
Belleville	37, 264	Belleville-St. Louis Coach Company	April 1, 1963	Bi-State Transit System.
	Suburban	County Coach Company	April 1, 1963	Bi-State Trans*it* System.
Bloomington	36, 271	Bloomington-Normal City Lines	June 1966	Bloomington-Normal City Lines.
Caseyville	2, 890	Caseyville Bus Lines, Inc	April 1, 1963	Bi-State Transit System.
Caseyville	2, 890	Industrial Bus Lines, Inc	April 1, 1963	Bi-State Transit System.
Champaign	49, 538	Champaign-Urbana City Lines	June 1966	Champaign-Urbana City Lines.
Danville	41, 856	Danville City Lines, Inc.[1]	November 1, 1964	Bee Line Transit Corp.
East St. Louis	81, 712	East St. Louis City Lines, Inc	April 1, 1963	Bi-State Transit System.
Elgin	49, 447	Elgin City Lines, Inc p	June 1966	Elgin City Lines, Inc.
Elgin	49, 447	Elgin City Lines, Inc	February 1, 1968	City of Elgin, Dept. of Transpn.
Elmhurst	36, 991	Leyden Motor Coach Company	August 6, 1963	West Towns Bus Company.
Galesburg	37, 243	Galesburg Safety Route [1]	March 15, 1954	Kewanee City Lines.
Galesburg	37, 243	Kewanee City Lines [1]	March 1, 1955	Galesburg Transit Lines, Inc.
Galesburg	37, 243	Galesburg Transit Lines, Inc.[1]	July 30, 1956	None.
Granite City	40, 073	Community Coach Company	April 1, 1963	Bi-State Transit System.
Harvey	29, 071	South Suburban Safeway Lines	November 2, 1965	South Suburban Safeway Lines, Inc.
Highwood	Suburban	Chicago No. Shore & Milwaukee [1]	Jan. 21, 1963	None.
Jacksonville	21, 690	Elm City Bus Lines [1]	1955	None.
Joliet	66, 780	Joliet City Lines [1]	Aug. 1970	Joliet Mass Transit District.[5]
Kankakee	27, 666	Kankakee Motor Coach Company	Mar. 1958	Kankakee Motor Coach Company.
Kankakee	27, 666	Kankakee Motor Coach Company [1]	Feb. 19, 1959	South Suburban Safeway Lines.
Kankakee	27, 666	South Suburban Safeway Lines [1]	Aug. 4, 1959	None.
Kewanee	16, 324	Kewanee City Lines	Mar. 1, 1955	Boiler City Transit Lines.
Lombard	22, 561	Leyden Motor Coach Company	Aug. 1971	Leyden Motor Coach Company.
Marion	11, 274	Marion City Bus Company [1]	1954	None.
Maywood	Suburban	Safety Transpn. Company [1]	Jan. 6, 1958	Leyden Motor Coach Company.
Oak Park	61, 093	West Towns Bus Company	Jan. 26, 1966	West Towns Bus Company.
O'Fallon	4, 018	O'Fallon-Belleville Coach Co	Apr. 1, 1963	Bi-State Transit System.
Ottawa	19, 408	Ottawa Safety Lines, Inc.[1]	June 1957	NA.
Peoria	103, 162	Peoria City Lines	June 6, 1970	Greater Peoria Mass Transit Dist.[6]
Quincy	43, 793	Quincy City Lines, Inc	June 1956	Quincy City Lines, Inc.
Rantoul	22, 116	Rantoul Transit Company [1]	Apr. 16, 1959	None.
Savanna	4, 950	Savanna City Bus, Inc. [1]	Mar. 4, 1958	None.
Skokie	59, 364	American Coach Company	Sept. 12, 1959	United Motor Coach & Evanston Bus Co.
Springfield	83, 271	Springfield City Lines, Inc	July 1, 1968	Springfield Mass Transit District.
Urbana	27, 294	Champaign-Urbana City Lines	June 1966	Champaign-Urbana City Lines.
Wheaton	Suburban	Chicago, Aurora & Elgin R.R.[1]	Apr. 28, 1957	Leyden Motor Coach Company.
Wood River	11, 694	Wood River-Alton Bus Lines, Inc	Apr. 1, 1963	Bi-State Transit System.
Worth	Suburban	Chicago Ridge Transit Sys., Inc	Nov. 6, 1957	Sky Lane Transpn. & Serv. Corp.
Indiana:				
Anderson	49, 061	Anderson City Lines, Inc.[1]	July 1968	None.
Bloomington	31, 357	Leppert Bus Lines	Dec. 20, 1963	Bloomington Transit Lines.
Bloomington	31, 357	Bloomington Transit Lines, Inc	Oct. 1, 1966	Indiana University.
Columbus	20, 778	Leppert Bus Lines, Inc.[1]	1958	Not available.
Columbus	20, 778	Not available [1]	March 1962	Municipal Transit System.
Elkhart	40, 274	Elkhart Motor Coach Corporation	July 1954	Browning Bus Lines.
Elkhart	40, 274	Browning Bus Lines [1]	June 13, 1958	None.
Evansville	141, 543	Evansville City Coach Lines [1]	Feb. 12, 1959	Terre Haute Transit Co.
Evansville	141, 543	Evansville City Transit [1]	Not available	McCleary Coach Lines.
Fort Wayne	161, 776	Fort Wayne Transit, Inc	July 19, 1968	Fort Wayne Transit, Inc.
Goshen	13, 718	Goshen Motor Coach Corp	July 1954	Browning Bus Lines.
Jeffersonville	19, 522	Jeffersonville Bus Lines [1]	Oct. 28, 1959	None.
Jeffersonville	19, 522	Northside Transit, Inc	Not available	Not available.
Kokomo	47, 197	Cross Transit Corp	May 11, 1954	Kokomo City Lines.
Kokomo	47, 197	Kokomo City Lines [1]	June 26, 1958	None. [7]
Kokomo	47, 197	Checker Cab Company [1]	Feb. 28, 1962	Kokomo Transit Lines.
Kokomo	47, 197	Checker Cab Company	1965	City Cab Company.
Logansport	21, 106	Logansport Bus Company, Inc. [1]	Nov. 1, 1965	None.
Marion	37, 854	Marion Railways, Inc. [1]	Feb. 28, 1962	Bus Transit, Inc.

Footnotes at end of table.

City	Population 1960 census	System	Date sold or service discontinued	Successor system
Michigan City	36, 653	Michigan City Transit Lines [1]	Aug. 1955	City of Michigan City Bus Dept.
New Haven	Surburban	New Haven-Fort Wayne Bus Line	Nov. 1, 1962	Fort Wayne Transit, Inc.
Peru	14, 453	Peru Transit Lines [1]	Aug. 1958	None.
South Bend	132, 445	Northern Indiana Transit, Inc	Jan. 11, 1960	Northern Indiana Transit, Inc.
South Bend	132, 445	Northern Indiana Transit ,Inc	Mar. 1, 1961	Northern Indiana Transit, Inc.
South Bend	132, 445	Northern Indiana Transit, Inc	Apr. 30, 1967	Northern Indiana Transit, Inc.
South Bend	132, 445	Northern Indiana Transit, Inc	Jan. 2, 1968	South Bend Public Trans. Corp.
Terre Haute	72, 500	Terre Haute City Lines, Inc	Nov. 1956	Terre Haute Transit, Co., Inc.
Vincennes	18, 046	Vincennes Transit Lines	May 16, 1958	Wabash-Arrow Lines, Inc.
Vincennes	18, 046	Vincennes Transit [1]	May 31, 1962	None.
Wabash	12, 621	Wabash Transit Lines	Mar. 11, 1955	Wabash Transit Lines.
Wabash	13, 000	Wabash Transit Lines [1]	July 1, 1961	None.
Warsaw	12, 621	The Warsaw-Winona Bus Corporation	1955	Warsaw.
Washington	10, 846	City Bus Company [1]	June 16, 1956	None.
Iowa:				
Boone	12, 468	The Boone Bus Company [1]	Nov. 1, 1960	None.
Burlington	32, 430	Burlington City Lines	Nov. 24, 1958	Burlington Transit Company.
Cedar Rapids	92, 035	Cedar Rapids City Lines, Inc.[8]	December 1966	Regional Transit Authority.[8]
Clinton	33, 589	Clinton Street Railway Company	Oct. 16, 1960	Interstate Power Company.
Council Bluffs	55, 641	Council Bluffs Transit Company	February 1957	City Transit Lines, Inc.
Des Moines	208, 982	Des Moines Railway Company	Jan. 16, 1954	Des Moines Transit Company.
Fort Dodge	28, 339	Fort Dodge Transpn. Company [1]	Dec. 31, 1966	None.
Keokuk	16, 316	Midwest Transit Lines [1]	June 5, 1956	None.
Mason City	30, 642	Mason City Motor Coach Company [1]	June 30, 1954	City Transit, Inc.
Sioux City	89, 159	Sioux City Lines, Inc	Apr. 30, 1967	Sioux City Lines, Inc.
Kansas:				
Lawrence	32, 858	Rapid Transit, Inc.[1]	June 7, 1957	None.
Manhattan	22, 993	Manhattan Transit Company	1955	Junction City Transit Company.
Mission	Suburban	Intercity Bus Lines, Inc [1]	Feb. 12, 1958	None.
Pittsburg	18, 678	City Bus Company [1]	July 27, 1961	None.
Salina	43, 202	Salina Transit Company [1]	May 30, 1965	City Bus Service.
Topeka	119, 484	Topeka Transportation Company	February 1956	Topeka Transportation Company.
Wichita	254, 698	Wichita Transportation Company	July 1957	Wichita Bus Company, Inc.
Wichita	254, 698	Wichita Bus Company [1]	June 4, 1960	Rapid Transit Lines
Wichita	254, 698	Rapid Transit Lines, Inc	Not available	Wichita Transit Company.
Wichita	254, 698	Wichita Transit Company	Dec. 6, 1966	Metropolitan Transit Authority.
Kentucky:				
Ashland	31, 283	Blue Ribbon Lines Corp	Nov. 11, 1955	Ohio Valley Bus Company.
Harlan	4, 177	Tri State Coach Corporation	1955	Three State Coach Lines.
Henderson	16, 892	City Bus Lines	July 26, 1957	Street Transportation System.
Hopkinsville	19, 465	Hopkinsville Transit Company [1]	October 1954	None.
Lexington	62, 810	Lexington Railway System	Nov. 1, 1956	Lexington Transit Corporation.
Louisville	390, 639	Louisville Transit Company	July 1958	Louisville Transit Company.
Owensboro	42, 471	Owensboro Rapid Transit Company [1]	Feb. 27, 1954	Owensboro City Bus Lines.
Owensboro	42, 471	Owensboro City Bus Lines, Inc.[1]	Not available	None.
Paducah	34, 479	Paducah Bus Company	Dec. 31, 1954	Paducah Transit Corporation.
Paducah	34, 479	Paducah Transit System [1]	September 1969	None.
Louisiana:				
Baton Rouge	152, 419	Baton Rouge Bus Company	Nov. 20, 1968	Metro Transit Corporation.
Baton Rouge	152, 419	Metro Transit Corporation	Aug. 21, 1970	Capitol Transit Company.
Bogalusa	21, 423	Bogalusa City Lines, Inc.[1]	1964	Not available.
Bossier City	32, 776	Bossier-Shreveport Transit Company	October 1967	Bossier City Service Corp.
Lake Charles	63, 392	Lake Charles Bus Company	May 1, 1967	Lake Charles Transit Company.
New Iberia	29, 062	LaPorte City Transit [1]	Not available	Not available.
Shreveport	164, 372	Shreveport Railways Company	June 30, 1957	Shreveport Transit Co., Inc.
Maine:				
Bangor	38, 912	Bangor Transit Company [1]	June 20, 1954	Hudson Bus Lines.
Calais	4, 223	Border Transportation Company [1]	1960	None.
Columbia	36, 650	Columbia City Bus, Inc.[1]	Feb. 7, 1965	Columbia Municipal Bus Lines.
Lewiston	40, 804	Lewiston-Auburn Transit Company [1]	Feb. 28, 1959	Hudson Bus Lines.
Portland	72, 566	Portland Coach Company	July 1, 1966	Greater Portland Transportation Co.
Rockalnd	8, 769	Staples Bus Line	1959	Woods Bus Line.
Rumford	7, 233	Rumford & Mexico Bus Line, Inc	Nov. 19, 1957	K & M Bus Line.
Sanford	10, 936	York Utilities Company	Not available	York Lines, Inc.
Waterville	Suburban	Community Bus Lines, Inc	1960	Owyer Bus Lines.
Maryland:				
Annapolis	Suburban	Inter County Transit Corp.[1]	April 1960	D.C. Transit System.
Baltimore	939, 024	Baltimore Transit Company	Apr. 30, 1970	Metro. Transpn. Auth. of Md.
Cumberland	33, 415	Cumberland Transit Lines	Oct. 14, 1958	Queen City Bus Lines, Inc.
Frostburg	Suburban	Peoples Transit Co., Inc.[1]	Not available	Queen City Bus Lines, Inc.
Hagerstown	Suburban	Blue Ridge Transportation Company [1]	July 31, 1955	None.
Hagerstown	36, 660	Potomac Edison Company	July 1, 1957	Antietum Transit Co., Inc.
Salisbury	16, 302	Salisbury Transit Company [1]	Sept. 15, 1958	City of Salisbury Bus Line.
Salisbury	16, 302	City of Salisbury Bus Line	Jan. 12, 1960	City Transit, Inc.
Massachusetts:				
Boston	697, 197	Old Colony Line (New Haven Rwy.)	Nov. 5, 1965	Mass. Bay Transpn. Auth.
Boston	Suburban	Boston & Maine Transpn. Company	Dec. 8, 1957	Trailways of New England, Inc.
Boston	Suburban	Eastern Massachusetts St. Rwy. Co	Mar. 30, 1968	Massachusetts Bay Transpn. Auth.
Dedham	Suburban	Dedham-Needham Transit Lines [1]	June 1958	Transit Bus Lines, Inc.
Gardner	19, 038	Gardner-Templeton St. Rwy. Co	April 1957	Wilson Bus Lines, Inc.
Haverhill	46, 346	Eastern Mass. St. Rwy	May 11, 1959	Mass. Northeastern Transpn. Co.
Malden	57, 676	Brush Hill Transpn. Company	Not available	Metropolitan Transit Authority.
		Warwick Coach Lines, Inc	Not available	
Merrimac	3, 261	Northeastern Transportation Co.[1]	1967	Not available.
New Bedford	102, 477	Union Street Railway Company	August 1962	Union Street Railway Co. (Purchased by Eastern Mass. St. Rwy.)
Revere	40, 080	Rapid Transit, Inc	Feb. 5, 1956	Saugus Transit, Inc.
Taunton	41, 132	East Taunton Bus Lines Corp.[1]	Nov. 18, 1958	None.
Taunton	41, 132	Eastern Mass. St. Rwy. Company [1]	Aug. 31, 1959	None.[9]
Michigan:				
Ann Arbor	67, 340	Ann Arbor City Bus, Inc.[1]	Apr. 6, 1957	Ann Arbor Transit, Inc.
Ann Arbor	67, 340	Ann Arbor Transit, Inc	1957	Same Company.[10]
Ann Arbor	67, 340	Ann Arbor Transit, Inc.[110]	June 11, 1959	None.[11]
Ann Arbor	67, 340	City Bus Company	May 6, 1963	Public Bus Service of Ann Arbor.
Ann Arbor	67, 340	Public Bus Service of Ann Arbor [1]	Jan. 3, 1964	City Bus Company.
Ann Arbor	67, 340	Ann Arbor City Transit Company [1]	Jan. 31, 1969	Not available.
Bay City	53, 604	Balcer Bros. Motor Coach Company	May 14, 1958	None.[12]
Dearborn	Suburban	Intertown Suburban Lines Corp	Dec. 31, 1961	Bert Jasper.
Grand Rapids	177, 313	Grand Rapids Motor Coach Company	Dec. 15, 1954	Grand Rapids City Coach Lines, Inc.
Grand Rapids	Suburban	Division Avenue Bus Line	Apr. 19, 1960	Grand Rapids City Coach Lines, Inc.
Grand Rapids	Suburban	Grandville-Wyoming Transit Co.[1]	Dec. 31, 1965	None.
Haughton	8, 393	Copper Range Motor Bus Company [1]	April 15, 1955	None.
Jackson	50, 720	Jackson City Lines, Inc	Dec. 1, 1956	Same Company.[13]
Jackson	50, 720	Jackson City Lines, Inc.[1]	Aug. 31, 1964	Jackson Public Transpn. Company.
Kalamazoo	82, 089	Kalamazoo City Lines, Inc	Oct. 1, 1957	Same Company.[14]
Lansing	27, 779	Inter City Coach Lines	Apr. 12, 1959	Lansing Suburban Lines.

Footnotes at end of table.

U.S. TRANSIT SYSTEMS ABANDONED OR SOLD SINCE JAN. 1, 1954—Continued

City	Population 1960 census	System	Date sold or service discontinued	Successor system
Laurium	Suburban	Copper County Bus Line	Not available	Not available.
Ministee	Suburban	Mauzy Bus Line[1]	Not available	Not available.
Midland	27,779	Midland Transit Lines[1]	April 13, 1955	None.
Monroe	22,968	Monroe City Lines, Inc	Feb. 1954	Monroe City Lines, Inc.
Monroe	22,968	Monroe City Lines, Inc	June 24, 1954	Monroe City Lines.
Monroe	22,968	Monroe City Lines[1]	May 1, 1956	None.
Muskegon	46,485	Peoples Transport Corp.[1]	Nov. 1, 1956	Muskegon City Coach Lines, Inc.
Pontiac	82,233	Pontiac City Lines	June 10, 1960	Pontiac Transit Corporation.
Pontiac	82,233	Pontiac Transit Corporation[1]	Feb. 1, 1971	City of Pontiac, Municipal Transit Service.
Port Huron	36,084	Port Huron Bus Company[1]	Mar. 30, 1957	City Cab Company.
Port Huron	36,084	City Bus Company	Feb. 19, 1964	Port Huron Transit Company.
Port Huron	36,084	Port Huron Transit Co.[1]	Not available	None.
Royal Oak	80,612	Great Lakes Greyhound Lines	Feb. 1, 1958	Great Lakes Transit Corporation.
Saginaw	98,265	Saginaw City Lines	Sept. 1, 1960	Same Company.[15]
Saginaw	98,265	Saginaw City Lines, Inc	Jan. 10, 1962	St. John Transpn. Co. (Ohio).
Saginaw	97,265	Saginaw Transit, Inc.[1]	Apr. 19, 1970	City of Saginaw.
Wyandotte	43,519	Great Lakes Greyhound Lines	Feb. 1, 1958	Great Lakes Transit Corp.
Ypsilanti	20,957	Ypsilanti Motor Coach	Not available	Not available.
Minnesota:				
Austin	27,908	Austin City Bus Line[1]	Jan. 19, 1954	Austin Bus Lines.
Austin	27,908	Austin Bus Lines, Inc	Not available	Austin Transit, Inc.
Brainerd	12,988	Brainerd Bus Line[1]	1966	None.
Detroit Lakes	5,633	Detroit Lakes City Bus[1]	November 1954	Not available.
Duluth	106,884	Duluth-Superior Transit Co	Feb. 1, 1970	Duluth Transit Authority.
Minneapolis	Suburban	Minneapolis & Suburban Bus Co	1958	Not available.
Minneapolis-St. Paul	482,872	Twin City Lines, Inc	Sept. 18, 1970	Twin Cites Area Metro Trans. Auth.
Mississippi:				
Greenville	41,502	Greenville City Lines, Inc.[1]	Not available	None.
Gulfport	30,204	Municipal Transit Lines, Inc	January 1962	American Transit Corporation.
Laurel	27,889	Laurel City Lines[1]	June 1956	None.
Missouri:				
Ferguson	22,149	Ferguson-Broadway Bus Lines, Inc	Apr. 1, 1963	Bi-State Transit System.
Hannibal	20,028	Hannibal Transportation Company[1]	May 29, 1957	None.
Independence	62,328	City Transit Lines	1954	Floyd A. Haskell.
Jefferson City	28,228	Jefferson City Lines, Inc	Sept. 1, 1966	Jefferson City Transit Auth.
Joplin	38,958	Joplin Transit Corporation[1]	Apr. 16, 1960	Ozark Leasing Company.
Joplin	38,958	Ozark Leasing Company[1]	Apr. 17, 1963	Joplin-Carthage Bus Company.
Kansas City	475,539	Kansas City Public Service Company	May –/60	Kansas City Transit, Inc.
Kansas City	475,539	Kansas City Transit, Inc	February 1/69	Kansas City Area Transportation Authority.
		Johnson Co. Suburban Lines	April 1/69	
		Jefferson Transpn. Co. (Suburban)	April 1/69	
Overland	22,763	St. Louis County Transit Co	April 1/63	Bi-State Transit System.
St. Louis	705,026	St. Louis Public Service Co	April 1/63	Bi-State Transit System.
St. Louis	705,026	Consolidated Service Car Company	November –/65	Bi-State Development Agency.
St. Louis	Suburban	Suburban Service Bus Company	March 15/57	Ferguson Broadway Bus Lines.
Sedalia	23,874	Sedalia Bus Company	1954	Sedalia Public Transit Lines.
Montana:				
Butte	27,877	Butte City Lines, Inc	June 1/58	Same Company.[16]
Butte	27,877	Butte City Lines, Inc	May 31/59	Silver Bow Transit Company.
Butte	27,877	Silver Bow Transit[1]	June –/62	Butte Bus Service.[17]
Great Falls	55,357	Great Falls City Lines	January 1/57	Same Company.[18]
Great Falls	55,357	Great Falls City Lines[1]	June 30/59	None.
Great Falls	55,357	Beckwith Lines	May 26/61	None.
Missoula	27,090	Missoula Transit Company	April –/55	Gardern City Transit Company.
Missoula	27,090	Garden City Transit Company[1]	May 1/56	None.
Missoula	27,090	Missoula Bus Service[1]	February 3/62	None.
Missoula	27,090	Garden City Transit Company[1]	May 1, 1956	None.
Missoula	27,090	Missoula Bus Service[1]	Feb. 3, 1962	None.
Nebraska:				
Falls City	Suburban	Kirk Bus & Express Company[1]	Sept. 1, 1961	Not available.
Fremont	19,698	Fremont City Lines[1]	Feb. 5, 1955	Fremont Transit Lines.
Grand Island	25,742	Grand Island Transit Company[1]	1962	Hollis Mahoney.
Hastings	21,412	Hastings Bus Lines, Inc.[1]	Jan. 19, 1959	None.
Ralston	2,997	Ralston Bus Company[1]	Sept. 10, 1957	None.
Scottsbluff	13,377	Scottsbluff-Gering Lines[1]	Feb. 19, 1955	Star Bus Lines.
Nevada:				
Las Vagas	64,405	Vegas Transit Lnes	July 19, 1965	Las Vegas System, Inc.
Reno	51,470	Reno Bus Lines, Inc.[1]	Mar. 1965	None.
New Hampshire:				
Berlin	17,821	Berlin Bus Lines[1]	Not available	Not available.
Concord	28,991	Boston & Maine Transpn. Company	April 1955	Capitol Transit Co.
Manchester	88,282	Public Service Co. of N.H	Dec. 31, 1954	Manchester Transit, Inc.
New Jersey:				
Camden	Suburban	Suburban Bus Lines	Not available	Camden & Burlington Counties Bus Co.
Camden	117,159	Camden & Burlington Counties Bus Co	1963	Red Arrow Lines, Inc.
Clifton	Suburban	Consolidated Bus Lines	Aug. 15, 1959	Community Bus Lines, Inc.
East Orange	77,259	Trackless Transit of N.J	March 1955	Trackless Transit, Inc.
Elmer	Suburban	Corson Bus Service[1]	Not available	None.
Haledon	6,161	Hamblock Bros.[1]	October 1957	Not available.
Jersey City	276,101	Waverly Bus Co., Inc.[1, 4]	Not available	Not available.
Midland Park	Suburban	Paterson Suburban Bus Corp.[1]	1963	None.
Trenton	114,167	Trenton Transit	Sept. 30, 1959	Capital Transit, Inc.
Trenton	114,167	Capital Transit, Inc	July 20, 1961	Capital Transit, Inc. (Purchased by Atlantic City Transportation Company.)
Trenton	114,167	Capitol Transit Company	1969	Mercer County Improvement Auth.
Wallington	9,261	Olympic Bus Lines, Inc	1962	None.
New Mexico:				
Albuquerque	Suburban	Amijo Bus Company	Feb. 14, 1958	Suburban Bus Lines, Inc.
		Isleta Bus Line		
Roswell	39,593	Cities Transit Company[1]	July 1, 1957	Roswell-Walker Bus Lines, Roswell Bus Service.
Roswell	39,593	Moore Service Bus Lines[1]	Nov. 1, 1963	None.
Santa Fe	33,394	Capitol Transit Lines	1959	Capitol Transit Lines.
Santa Fe	33,394	Capital Transit Lines[1]	Dec. 31, 1966	None.
New York:				
Albany	Suburban	United Transportation Company[1]	Not available	None.
Amsterdam	28,772	Fonda, Johnstown & Gloversville R.R. Company	1956	Mohawk Valley Transit, Inc.
Amsterdam	28,772	Vollmer Motor Bus Lines[1]	Apr. 22, 1956	(4).
Auburn	35,249	Auburn Bus Company[1]	July 15, 1954	Mary F. Kilborne.
Babylon	Suburban	Cap. Tree Transit	1959	Babylon Transit Company.
Binghamton	75,941	Triple Cities Traction Company	August 1957	Triple Cities Traction Company.
Binghamton	75,941	Triple Cities Traction Company	June 2, 1968	Broome County Transit System.
Black River	Suburban	Frank F. Williams[1]	1959	Not available.
Buffalo	532,759	Buffalo Transit Company	Aug. 11, 1961	Niagara Frontier Transit System.
Cape Vincent	Suburban	Roy J. Mattraw[1]	1959	Not available.
Catskill	Suburban	Kelsey Bus Lines, Inc	1959	Mountain View Coach Lines, Inc.
East Farmingdale, L. I	3,000	Checker Bus Corporation[1]	1966	None.
Ellenville	Suburban	Eagle Bus Line, Inc.[1]	Not available	Not available.
Elmira	46,517	Elmira Motor Coach Corporation[1]	Mar. 5, 1955	Rochester-Penfield Bus Company.

Footnotes at end of table.

City	Population 1960 census	System	Date sold or service discontinued	Successor system
Hempstead	34, 641	Semke Bus Lines, Inc.[1]	August 1970	Not available.
Hewlett, L.I	Suburban	Nassau Bus Lines, Inc	July 1959	Shenck Transportation Company.
Hornell	13, 907	Hornell Motor Coach Company [1]	Jan. 31, 1957	None.
Ithaca	28, 799	Ithaca Railway, Inc	1961	City of Ithaca.
Jamestown	41, 818	Jamestown Motor Bus Transpn. Co	July 1, 1962	City of Jamestown Motor Bus Operating Account
Kingston	29, 260	Kingston City Transpn. Corp	November 1963	Urban Transit Corporation.
La Fargeville	Suburban	Resort Bus Line	1959	Frank F. Williams.
Little Falls	8, 935	Service Transpn. Co., Inc.[1]	1954	None.
Massena	Suburban	Boyce Bus Line	1955	None.
New York	7, 781, 984	Fifth Avenue Coach Lines, Inc		West Fordham Transpn. Company.
		Surface Transit, Inc	Mar. 23, 1962	Manhattan & Bronx Sur. Tr. Op. Auth.
		Hudson & Manhattan Railroad Co	Sept. 1, 1962	Port Authority Trans-Hudson Corp.
New York	Suburban	Fordham Transit Company, Inc	December 1956	West Fordham Transportation Co.
Newburgh	30, 979	Newburgh Bus Corporation	July 1, 1963	Newburgh Beacon Bus Corporation.
Oswego	Suburban	L. D. Dickson Motor Coach Lines	1959	Capitol Bus Company, Inc.
Port Chester	24, 960	County Transportation Company [1]	Dec. 31, 1957	West Fordham Transpn. Company.
Port Chester	24, 960	Wilder Transportation Company [1]	1966	None.
Port Jefferson	2, 336	Quinn's Bus Line	1954	Coram Bus Service.
Poughkeepsie	38, 330	Poughkeepsie & Wappingers Falls Railway Company.[1]	Sept. 28, 1954	Poughkeepsie Transit Lines.
Ravena	2, 410	Coeymans-Ravena-Albany Bus Line Co.[1]	1954	None.
Rochester	Suburban	Rochester R-Penfield Bus Co., Inc	1959	Western New York Motor Lines, Inc.
Rochester	318, 611	Rochester Transit Corporation	May 23, 1968	City of Rochester TransitSy stem.
Rome	51, 646	Rome City Bus Line, Inc.[1]	Apr. 30, 1955	Rome Transit, Inc.
Rome	51, 646	Rome Transit, Inc.[1]	Dec. 24, 1955	Copper City Transit.
Rome	51, 646	Copper City Transit [1]	1956	None.
Salamanca	8, 480	Salamanca City Bus Lines, Inc	1959	Not available.
Utica	100, 410	Utica Transit Corporation	August 1957	Utica Transit Corporation.
Utica	100, 410	Utica Transit Corporation	June 30, 1967	Utica Transit Commission.
Westbury	Suburban	Mid Island Transit, Inc.[1]	August 1970	Not available.
Yonkers	190, 634	Bernacchia Bros., Inc.[4]	February 1954	None.
Yonkers	190, 634	Yonkers Bus, Inc.[4]	1959	Club Transportation Corp.
North Carolina:				
Burlington	33, 199	Burlington Bus Line, Inc.[1]	May 1969	None.
Charlotte	201, 564	Duke Power Company	Apr. 26, 1955	Charlotte City Coach Lines, Inc.
Concord	28, 991	Concord Coach Company [1]	August 1965	None.
Elizabeth City	14, 062	Elizabeth City Bus Line	November 1957	None.
Gastonia	37, 276	Gastonia Transit Company	1954	City Coach Company.
Goldsboro	28, 873	Goldsboro Transportation Co.[1]	Not available	None.
Henderson	12, 740	Henderson Bus Lines, Inc.[1]	Not available	None.
Kinston	24. 819	Kinston Transit Company	Early 1957	None.
Morganton	9, 186	Burke Transit Company	June 11, 1955	Suburban Coach Company.
Raleigh	93, 931	White Transportation	Feb. 1, 1958	Raleigh City Coach Lines.
Sanford	Suburban	Safeway Suburban Lines [1]	June 9, 1962	None.
Winston-Salem	111, 135	Duke Power Company	May 10, 1954	Winston-Salem City Coach Lines, Inc.
Winston-Salem	111, 135	Winston-Salem City Coach Lines [1] [20]	Oct. 12, 1968	Not available.
North Dakota:				
Bismarck	27, 670	Capital City Bus Lines	1963	Bismarck Bus Line, Inc.
Fargo	46, 662	Northern Transit Company [1]	January 1969	Not available.
Grand Forks	34, 451	Grand Forks Transportation Co.[20]	July 20, 1955	Grand Forks Motor Coach Company.
Ohio:				
Akron	290, 351	Mogadore-Akron Transit Company [1]	Nov. 27, 1963	Akron-Peninsula Coach Lines.
Akron	290, 351	Akron Transportation Company [1]	Mid-1969	Akron Metropolitan Reg. Tr. Auth.[21]
Alliance	28, 362	Stanley Bros. Company	July 1, 1958	Gilbert C. Van Dirkar.[22]
Alliance	28, 362	Carnation City Coach Lines:[1]		
	------------	Parkway Lines	Apr. 19, 1962	Tri City Transit (Massillon).
	------------	Union Avenue	Apr. 20, 1962	A & M Transit Company.
	------------	A & M Transit Company [1]	May 14, 1962	None.
	------------	Parkway Bus Company [1]	1962	None.
Cambridge	14, 562	Cambridge & Southern Transit Co.[1]	June 18, 1956	None.
Canton	Suburban	Stark Transit, Inc., Inter City Coach Lines, Inc	July 1957	Tri City Transit, Inc.
Cleveland	Suburban	Broadview Bus Line	July 1, 1961	Cleveland Transit System.
Cleveland	Suburban	Berea Bus Line Company	Feb. 1, 1968	Cleveland Transit System.
Dayton	Suburban	Dayton Suburban Bus Lines, Inc	1956	The City Transit Company.
East Liverpool	22, 306	Valley Motor Transit Company [1]	Dec. 8, 1955	None.
Elyria	43, 782	Elyria Transit Company	Feb. 1, 1954	Elyria Transit Company.
Elyria	43, 782	Elyria Transit Company [1]	Dec. 1, 1955	Lorain City Lines, Inc.
Fairport Harbor	Suburban	Lake County Transportation Co.[1]	Not available	Not available.
Findlay	30, 344	Findlay City Bus Line	October 1958	None.
Findlay	30, 344	Findlay Bus Lines [1]	May 9, 1963	None.
Fremont	17, 573	Fremont Transit Lines	Dec. 31, 1959	Fremont City Bus Lines.
Fremont	17, 573	Fremont City Bus Lines (Municipal)	Jan. 1, 1961	Mac's Cab Company.
Hamilton	72, 354	Hamilton City Lines, Inc	July 31, 1954	Hamilton Transit Company.
Hamilton	72, 354	Hamilton Transit Company [1]	Dec. 31, 1960	Hamilton City Lines, Inc.
Lakewood	1, 008	Lakewood Rapid Transit, Inc	Dec. 10, 1954	Cleveland Transit System.
Lima	51, 037	Lima Transit Company	June 1964	Lima Bus Company
Lorain	68, 932	Employees Transit Lines, Inc.[1]	July 31, 1969	Not available.
Mansfield	47, 325	Mansfield Rapid Transit, Inc.[1]	Apr. 30, 1962	Mansfield Bus Lines, Inc.
Marietta	16, 847	Marietta Bus Line	1964	Not available.
Marion	37, 079	Marion Transit, Inc.[1]	February 1954	Springfield City Lines.
Marion	37, 079	Springfield City Lines (Marion Div.)[1]	July 31, 1955	Springfield City Lines.
Marion	37, 079	Marion Bus Lines [1]	Nov. 30, 1962	None.
Marion	37, 079	Marion Bus Lines, Inc	Sept. 2, 1965	Marion Bus Lines, Inc.
Newark	41, 790	City Rapid Transit Lines, Inc	Apr. 1, 1964	City Rapid Transit Lines, Inc.
Newark	41, 790	City Rapid Transit Lines, Inc.[1]	Not applicable	Morton Corporation.
Oregon	13, 319	Toledo Suburban Lines	1964	Not applicable.
Painesville	Suburban	Lake County Transportation Co.[1]	Not applicable	Not applicable.
Portsmouth	33, 637	Portsmouth City Lines	Mar. 1, 1959	Portsmouth Transportation.
Portsmouth	33, 637	Portsmouth Transportation Co	June 11, 1965	Inter-Cities Bus Company.
Sandusky	31, 989	Sandusky Rapid Transit, Inc	Aug. 2, 1958	Sandusky Rapid Transit Co.
Sandusky	31, 989	Sandusky Rapid Transit, Inc	Not applicable	Sandusky Bus Line.
Sandusky	31, 989	Sandusky Bus Lines	Nov. 13, 1969	Singler Bus Company.
Springfield	82, 723	Springfield Transit Company, Inc	September 1964	Springfield Transit Co., Inc.
Springfield	82, 723	Springfield Transit Company, Inc	June 1969	Springfield Bus Company.
Steubenville	32, 495	Valley Motor Transit Company [1]	June 5, 1954	Steubenville Bus Company.
Sylvania	5, 187	Holland-Sylvania Bus Lines, Inc	January 1957	Community Traction Company.
Tiffin	21, 478	Tiffin Public Service Corp.[1]	Not applicable	None.
Toledo	318, 003	Community Traction Company	June 1, 1971	Toledo Area Regional Transit Authority.
Warren	Suburban	Warren-Newton Falls Transpn. Co	May 1, 1960	Warren Suburban, Inc.
Xenia	20, 445	Xenia City Bus Company	March 1954	Xenia City Bus Company.
Xenia	Suburban	Xenia Bus Company [1]	Jan. 8, 1959	None.
Youngstown	Suburban	Boardman Transit Company	November 1959	Youngstown Transit Company.
Youngstown	166, 689	Youngstown Transit Company	Apr. 1, 1967	Youngstown Transit Company.
Youngstown	166, 689	Youngstown Transit Company [1]	Aug. 9, 1970	Mahoning Valley Regional Mass Transit Authority.
Zanesville	39, 077	Zanesville Rapid Transit Company	1962	Y-City Transit Company.

Footnotes at end of table.

U.S. TRANSIT SYSTEMS ABANDONED OR SOLD SINCE JAN. 1, 1954—Continued

City	Population 1960 census	System	Date sold or service discontinued	Successor system
Oklahoma:				
Bartlesville	27,893	Bartlesville Bus Company [1]	1956	None.
Enid	38,859	Enid City Bus Lines	August 1960	Bryson P. Berry.
Muskogee	38,059	Muskogee Electric Traction Co	December 1958	Muskogee City Bus Lines, Inc.
Oklahoma City	Suburban	Nichols Hill Transportation Co.[1]	December 1962	City Bus Company.
Oklahoma City	324,253	City Bus Company	Sept. 1, 1966	Central Oklahoma Transpn. & Parking Authority.
Shawnee	24,326	Shawnee City Lines [1]	Not available	None.
Tulsa	261,685	Tulsa City Lines, Inc.[1]	July 1, 1957	M.K. & O. Transit Lines, Inc.
Tulsa	Suburban	Tulsa Transit Company, Inc	July 1, 1957	M.K. & O. Transit Company.
Tulsa	261,685	M.K. & O. Transit Lines [1, 23]	July 1968	Metropolitan Tulsa Transit Authority.[24]
Oregon:				
Albany	12,926	Albany Bus Company [1]	August 1957	Albany Transit Lines & City of Albany Bus Line.
Albany	12,926	Albany Transit Lines	Apr. 1, 1959	Albany Bus Service.
Albany	12,926	Albany Bus Service	May 1, 1960	Albany Bus Service.
Albany	12,926	Albany Bus Service [1]	Dec. 31, 1964	Albany City Bus Lines.
Astoria	11,239	Astoria Transit Company	Dec. 22, 1959	Carl Smart.
Eugene	50,977	City Transit Lines of Eugene [1]	Nov. 25, 1958	Emerald Transportation Company.
Klamath Falls	16,949	Klamath Bus Company [1]	Apr. 30, 1957	Merchants Bus Company.
Klamath Falls	16,949	Merchants Bus Service [1]	Aug. 31, 1960	None.
Portland	372,676	Portland Traction Company	Feb. 1, 1956	Rose City Transit Company.
Portland	Suburban	Portland Traction Co. (R.R. & Term.) [1]	Jan. 25, 1958	Not available.
Portland	Suburban	North Parkrose Bus Line [1]	Mar. 18, 1959	None.
Portland	372,676	Rose City Transit Co	Dec. 1, 1969	Tri County Metropolitan Transpn. District of Oregon.
Roseburg	11,467	Joseph Abien [1]	July 1956	None.
Roseburg	11,467	Roseburg City Bus Company	Dec. 31, 1957	Roseburg City Bus Company.
Roseburg	11,467	Roseburg City Bus Company	February 1960	Roseburg City Bus Company.
Salem	49,142	City Transit Lines of Salem	Jan. 19, 1959	Capital Transit Lines.
Salem	Suburban	West Salem Bus Line	April 1960	Capital Transit Lines.
Salem	49,142	Valley Stages & Valley Suburban Lines	May 1966	Valley Stages & Valley Suburban Lines.
Salem	49,142	Capital Transit Lines	July 1, 1966	City of Salem.
Pennsylvania:				
Allentown	Suburban	Allentown Suburban Bus Company	Jan. 14, 1955	Allentown Suburban Bus Company.
Altoona	69,407	Altoona & Logan Valley Electric Railway Company	Nov. 1, 1959	Transpn. & Motor Buses for Public Use Authority.
Brentwood	13,706	Brentwood Motor Coach Company	Mar. 4, 1964	
	Suburban	Mon Valley Bus Company	June 26, 1964	Port Authority of Allegheny County Transit Division
	Suburban	Noble J. Dick Line	June 26, 1964	
Bristol	Suburban	Neibaver Bus Company	June 1, 1959	Not available.
Carbondale	13,595	Rapid Transfer, Inc	Feb. 21, 1954	None.
Chester	63,658	Southern Pennsylvania Bus Co	July 1960	Red Arrow, Inc.
Coatesville	Suburban	Brandywine Transit Company [1]	October 1957	Short Line, Inc.
Connellsville	12,814	Fayette Coach Lines	1962	Burke & Magill.
Ellwood City	12,413	Ellwood City Motor Coach Line [1]	May 31, 1955	None.
Erie	138,440	Erie Coach Company	1955	Erie Coach Company.
Erie	138,440	Erie Coach Company	Nov. 1, 1967	Erie Metropolitan Transit Auth.
Farrell	13,793	Santee Bus Lines [1]	April 1968	Triangle Bus Company.[25]
Greensburg	17,383	Greensburg City Lines, Inc	May 1967	Not available.
Hanover	15,538	Hanover-McSherrytown Bus Co	December 1954	Lincoln Bus Lines
Latrobe	11,932	Latrobe Bus Service [1]	1958	None.
Lewistown	12,640	Lewistown Transportation Co	1967	Not available.
Mahanoy City	8,536	Schyukill Transit Company	June 1, 1959	East Penn Transportation Co.
McKeesport	45,489	Penn Transit Company	March 2, 1964	
	Suburban	Duquesne Motor Coach Lines	April 15, 1964	Port Authority of Allegheny.
	Suburban	McKeesport Transit Company	March 19, 1964	County Transit Division.
	Suburban	Ridge Lines, Inc	March 9, 1964	
	Suburban	Wall Bus Lines	March 19, 1964	
Minersville	6,606	Franz Bus Line	January 19, 1954	Schuster Bus Lines.
Minersville	6,606	Caruso Bus Line	1955	East Penn Transportation Company.
Montoursville	5,211	Lycoming Auto Transit Company	June 1, 1960	Williamsburg Bus Company.
Morrisville	Suburban	Penn Valley Transit Co.[1, 26]	May 1960	Suburban Bus Lines.
New Castle	44,700	Shenango Valley Transportation Co.[1]	March 1, 1959	New Castle Transit Authority.
Oil City	17,692	Citizens Transit Company	1956	Citizens Transit Company.
Oil City	17,692	Citizens Transit Company		Not available.
Philadephia	2,002,512	Philadelphia Transportation Co	September 30, 1968	Southeastern Pennsylvania Transportation Auth.
Pittsburgh	604,332	Pittsburgh Railways Company	March 1, 1964	
Pittsburgh Suburban Companies	Suburban	Austin Motor Coach	March 25, 1964	
		Bacco Transit Company	March 16, 1964	
	Suburban	Bamford Motor Coach Lines	July 10, 1964	
	Suburban	Bigi Bus Lines, Inc	March 14, 1964	
	Suburban	Burrelli Transit Service	March 16, 1964	
	Suburban	Community Transit Service (Bridgeville & Allegheny Valley).	March 2, 1964	
	Suburban	Culmerville, Russelton & Cheswick Transit Company	March 31, 1964	Port Authority of Allegheny County Transit Division.
	Suburban	Dawson Motor Coach	May 20, 1964	
	Suburban	DeBolt Lines, Inc	March 6, 1964	
	Suburban	Deere Bros. Bus Lines	May 28, 1964	
	Suburban	Horrell Transportation Co	March 24, 1964	
	Suburban	J. M. Ferguson Bus Line	March 31, 1964	
	Suburban	McCoy Bros. Coach Lines	March 31, 1964	
	Suburban	Monongahela Inclined Plane Co	May 15, 1964	
	Suburban	New Kensington City Lines	March 2, 1964	
	Suburban	Ohio River Motor Coach	March 25, 1964	
	Suburban	Oriole Motor Coach Lines	March 12, 1964	
	Suburban	Poskin Bus Lines	March 6, 1964	
	Suburban	Roger's Transit Line	March 3, 1964	Port Authority of Allegheny County Transit Division.
	Suburban	Shaffer Coach Lines	March 3, 1964	
	Suburban	Trafford Coach Lines	March 12, 1964	
	Suburban	Wm. Penn Motor Coach	March 31, 1964	
	Suburban	Harmony Shor Line [1]	March 31, 1961	None.
Pittsburgh				
Pottstown	26,144	Pottstown Rapid Transit Co	Jan. 22, 1962	Brile Brothers.
Sharon	25,267	Shenango Valley Transpn. Co.[1]	Nov. 14, 1958	None.
Uniontown	Suburban	Uniontown Hospital Bus Co	1961	Not available.
Wilkes-Barre	63,551	Wilkes-Barre Transit Corp	Aug. 1958	Wilkes-Barre Transit Corp.
Williamsport	41,967	Williamsport Transportation Co	May 1955	Williamsport Bus Company.
Williamsport	41,967	Williamsport Bus Company	Aug. 1969	Bureau of Transportation of the City of Williamsport.
York	54,504	York Bus Company	Oct. 1954	York Bus Company.
York	54,504	York Bus Company	Dec. 1969	None.
Rhode Island:				
Newport	47,049	Short Line, Inc	Aug. 1, 1956	Transit Lines, Inc.
North Tiverton	Suburban	Massey Coaches	Sept. 1958	Short Line Bus Company.
Providence	Suburban	Johnson Bus Lines, Inc	May 1, 1963	Short Line, Inc.
Providence	207,498	United Transit Company	July 1, 1966	Rhode Island Pub. Transit Auth.
Woonsocket	47,080	Rhode Island Public Transit Auth	Sept. 1964	None.
South Carolina:				
Greenville	66,188	Duke Power Company	June 7, 1955	Greenville City Coach Lines.
Sumter	23,062	Sumter Transit Company [1]	Feb. 25, 1959	B & H Bus Lines.
West Columbia	Suburban	Suburban Transit Company	Not available	South Carolina Electric & Gas Co.

Footnotes at end of table.

City	Population 1960 census	System	Date sold or service discontinued	Successor system
South Dakota:				
Aberdeen	23,073	Hyde Hub City Lines	Not available	None.
Sioux Falls	65,466	Sioux Falls Transit, Inc	Jan. 2, 1959	Sioux Transit, Inc.
Tennessee:				
Clarksville	22,021	Clarksville Transpn. Co	Mar. 1958	Clarksville Transit Co.
Clarksville	22,021	Clarksville Transit Authority [1]	Not available	None.
Jackson	34,376	Jackson City Lines Corp	Apr. 4, 1966	Jackson Transit Authority.
Knoxville	111,827	Tennessee Coach Company	1960	Trailways Bus System.
Knoxville	Suburban	Local Transit Bus Line	March 9, 1964	Valley Bus Line.
Knoxville	111,827	Knoxville Transit Lines	Oct. 17, 1967	City of Knoxville.
Maryville	Suburban	White Star Lines [1]	Not available	Not available.
Memphis	497,524	Memphis Transit Company	Jan. 8, 1961	Memphis Transit Authority.
Memphis	Suburban	Yellow Bus Lines	Dec. 1, 1961	Memphis Transit Authority.
Texas:				
Abilene	90,368	Abilene Transit System	Oct. 23, 1964	Abilene Transit System (Municipal).
Amarillo	138,969	Amarillo Bus Company	Nov. 27, 1966	Amarillo Transit System.
Austin	186,545	Austin Transit, Inc	June 1, 1955	Austin Transit Corporation.
Austin	186,545	Austin Transit Corporation [1]	July 31, 1970	Transportation Enterprises, Inc.[27]
Big Spring	31,230	Bucher Bux Lines [1]	1964	Not available.
Big Spring	31,230	City Transit, Inc.[1]	Mar. 15, 1960	None.
Borger	20,911	Borger City Bus Company [1]	1954	None.
Brownwood	1,286	Heart of Texas Stages [1]	1955	None.
Brownwood	16,974	Brownwood Transpn. Co.[1]	July 1964	None.
Corpus Christi	167,690	Nueces Transportation Company	Oct. 1, 1966	Corpus Christi Transit System.
Dallas	679,684	Dallas Transit Company	Jan. 1, 1964	Dallas Transit System.
Denton	26,844	Denton Bus Lines [1]	Mar. 31, 1961	None.
Gainesville	13,083	City Bus Line [1]	July 1957	None.
Galena Park	10,852	Galena Park Bus Line Company	1962	Rapid Transit Lines (Houston).
Greenville	19,087	Greenville City Bus Company [1]	Feb. 26, 1957	None.
Haltom City	23,133	Haltom City Bus Company	1958	Haltom City Transit Service.
Houston	938,219	Houston Transit Company	June 1, 1961	Rapid Transit Lines, Inc.
Houston	938,219	Rapid Transit Lines, Inc	February 1966	Rapid Transit Lines, Inc.
Houston	Suburban	Pioneer Bus Company, Inc	December 1961	Pioneer Bus Company, Inc.
Houston	Suburban	Pioneer Bus Company	Sept. 15, 1967	Rapid Transit Lines.
Kingsville	25,297	Kingsville Airfield Bus Co. [1]	1966	None.
Longview	40,050	Longview Transit Company [1]	Approximately 1957	Transit & Taxi Co. of Longview, Inc.
Longview	40,050	Longview Transit Company [1]	1957	City Bus Company.
Lufkin	17,641	Lufkin Transit Company [1]	1954	None.
McKinney	13,763	McKinney Bus [1]	1956	None.
Midland	62,625	Midland Bus Corporation [1]	1954	None.
Odessa	80,338	Odessa City Bus, Inc.[1]	1965	None.
Orange	25,605	Orange City Bus Lines [1]	1967	Not available.
Pampa	24,664	Pampa Bus Company [1]	1956	None.
Paris	20,977	Paris City Bus Company	Dec. 24, 1957	Not available.
Paris	20,977	Paris City Lines [1]	Jan. 1, 1962	None.
Port Arthur	66,676	Port Arthur Transit Corp.[1]	May 3, 1960	None.
San Antonio	587,718	San Antonio Transit Company	May 1, 1959	San Antonio Transit System.
Temple	30,419	Southwestern Transit Company	1954	Temple City Bus Company.
Texarkana	30,218	Texarkana Bus Company, Inc.[1]	Mar. 3, 1956	Twin City Transit Company.
Texarkana	50,006	Lone River Bus Company	1963	Not available.
Tyler	51,230	Tyler Transit Company	May 13, 1959	Tyler City Lines.
Victoria	33,047	Victoria Transit Company [1]	1955	None.
Waco	97,808	Waco Transit Company	June 1, 1955	Waco Transit Corporation.
Wichita Falls	101,724	Wichita City Lines	Apr. 15, 1971	City of Wichita Falls.
Ysleta	Suburban	Lower Valley Bus Line [1]	Not available	Not available.
Utah:				
Salt Lake City	189,454	Lake Shore Motor Coach Lines, Inc	December 1965	Lake Shore Motor Coach Lines, Inc.
Salt Lake City	189,454	Salt Lake City Lines	Aug. 10, 1970	Utah Transit Authority.
Vermont: Rutland	46,719	Rutland Bus Company [1]	1966	None.
Virginia:				
Bedford	5,921	City Transit, Inc.[1]	1956	Not available.
Charlottesville	29,427	Charlottesville & Albemarle Bus Co	Apr. 16, 1964	Yellow Cab & Transit Company.
Petersburg	36,750	Petersburg Transit Company [1]	July 22, 1956	Petersburg & Hopewell Bus Lines.
Portsmouth	114,773	Portsmouth Transit Company	Sept. 17, 1961	Community Motor Bus Company.
Scottsville	Suburban	Scottsville Bus Line	NA	Scottsville Motor Lines.
Waynesboro	15,694	City of Waynesboro Bus Division [1]	July 1, 1958	None.
Washington:				
Bellingham	34,688	Bellingham Transit System	Apr. 1, 1966	Bellingham Transit System.
Centralia	Suburban	Twin City Transit Company [1]	June 27, 1959	None.
Chehalis	5,199	Twin City Transit Company [1]	July 1, 1959	None.
Everett	40,304	Everett City Lines, Inc	Feb. 28, 1961	Everett Bus System, Inc.
Everett	40,304	Everett Transit System	Dec. 1, 1969	Everett Bus Company.
Renton	25,000	Lake Shore Lines, Inc.[1]	1966	None.
Renton	Suburban	Lake Shore Lines	May 15, 1963	Overlake Transit, Inc.
Seattle	Suburban	Furse Stage Lines [1]	Jan. 20, 1961	None.
Seattle	Suburban	Suburban Transportation System	Dec. 31, 1962	Overlake Transit, Inc.
Tacoma	147,979	Tacoma Transit Company	Dec. 19, 1954	Tacoma Transit Company.
Tacoma	147,979	Tacoma Transit Company	May 1, 1956	Same Company.[28]
Tacoma	147,979	Tacoma Transit Company	Feb. 1, 1961	Tacoma Transit System (Municipal)
Vancouver	32,464	Vancouver Bus Lines	March 1965	Vancouver Bus Lines.
Vancouver	32,464	Vancouver City Lines	Not available	City of Vancouver.
Walla Walla	24,536	Walla Walla City Lines, Inc	Oct. 1, 1955	Walla Walla System.
Wenatchee	16,726	Wenatchee Transit Company	1962	Wenatchee Transit System.
Yakima	43,284	Vancouver-Portland Bus Company	Feb. 17, 1960	Vancouver-Portland Bus Company.
Yakima	43,284	Yakima City Bus Lines	Oct. 1, 1966	Transit Dept. of City of Yakima.
West Virginia:				
Follansbee	4,052	F & H Bus Company [1]	1958	None.
Parkersburg	44,797	City Lines of Parkersburg, Inc	Aug. 28, 1969	Park Transit Company.
Williamson	Suburban	Scot-Nichols Bus Company, Inc	1957	Mac's Bus Company.
Williamson	6,746	Mac's Bus Company [1]	1959	None.
Wisconsin:				
Appleton	48,411	Appleton & Intercity Motor Coach Lines, Inc	Oct. 16, 1955	Appleton & Intercity Motor Coach Lines, Inc.
Appleton	48,411	Appleton & Intercity Motor Coach Lines, Inc	Aug. 1, 1957	Fox River Bus Lines.
Beaver Dam	13,118	Beaver Dam Transit Lines [1]	Feb. 25, 1955	None.
Beloit	32,846	Beloit Bus Company [1]	May 21, 1959	None.[1] [29]
Fond du Lac	32,719	Fond du Lac Motor Coach Lines, Inc	Oct. 16, 1955	Fond du Lac Transit Lines, Inc.
Hurley	2,763	Calvetti Transportation Co., Inc. [1]	Oct. 3, 1961	Not available.
Hurricane		Teays Valley Bus Line, Inc	July 1955	Not available.
Kenosha	67,899	Kenosha Motor Coach Company	Nov. 11, 1962	Lake Shore Transit-Kenosha, Inc.
Kenosha	67,899	Lake Shore Transit-Kenosha, Inc. [1]	Early 1969	Not available.
Madison	126,706	Madison Bus Company	May 1, 1970	Madison Service Corporation.
Merill	9,451	Wausu Transit Lines, Inc	Dec. 4, 1954	Merill City Lines.
Oshkosh	45,000	Oshkosh City Lines, Inc	Feb. 1, 1962	City Transit Lines, Inc.
Racine	89,144	Racine Motor Coach Lines, Inc	Nov. 11, 1962	Lake Shore Transit-Racine, Inc.
Racine	Suburban	Lake Shore Line	Nov. 11, 1962	Lake Shore Transit, Interurban, Inc.
Sheboygan	45,747	Sheboygan City Lines	Oct. 16, 1955	Sheboygan Transit Lines.
Sheboygan	45,747	Sheboygan Transit Lines	Feb. 1, 1958	Sheboygan Bus Lines.
Two Rivers	12,393	Two Rivers Transit, Inc. [1]	1954	None. [30]

Footnotes at end of table.

U.S. TRANSIT SYSTEMS ABANDONED OR SOLD SINCE JAN. 1, 1954—Continued

City	Population 1960 census	System	Date sold or service discontinued	Successor system
Wyoming:				
Casper	38, 930	Rapid City Transit Company [1]	May 1, 1958	None.
Casper	38, 930	Cowboy Transportation [1]	Nov. 11, 1967	Not available.
Cheyenne	43, 505	Cheyenne Motor Bus Company	Oct. 5, 1958	City Transit Company.
Cheyenne	43, 505	City Transit Company	Oct. 15, 1958	City Transit Company.
Cheyenne	43, 505	City Transit Company [1]	Mar. 28, 1959	None.

[1] Abandonments.
[2] One of 2 systems serving city.
[3] Lease agreements with city of Pueblo.
[4] Only one of the independents serving city.
[5] Discontinued service after extended strike beginning Mar. 1, 1970.
[6] Began operations Aug. 17, 1970.
[7] Service resumed by Checker Cab Co., November 1958.
[8] Franchise canceled, service resumed Apr. 1, 1967.
[9] Service resumed by Unda Bus Co.
[10] Lease agreement with city of Ann Arbor.
[11] Service resumed by City Bus Co. in September 1959.
[12] 6 independent operators. Resumed service with Volkswagen October 1958.
[13] Lease agreement with city of Jackson.
[14] Lease agreement with city of Kalamazoo.
[15] Lease agreement with city of Saginaw.
[16] Lease agreement with city of Butte.
[17] Service resumed Dec. 1, 1962.
[18] Lease agreement with city of Great Falls.
[19] Service resumed by Findlay Bus Lines Dec. 3, 1962.
[20] Franchise revoked.
[21] Resumed service Aug. 6, 1969.
[22] City portion of company sold to Van Dirkar. Stanley Bus Co. now operates school buses.
[23] Franchise released.
[24] Resumed service Sept. 1, 1968.
[25] Resumed service November 1968.
[26] Permit revoked.
[27] Franchise canceled.
[28] Lease agreement with city of Tacoma, Inc.
[29] Service resumed by Beloit Bus Lines, Inc.
[30] Only school bus service furnished in this city.

NA—Not available.

ADDITIONS TO SALES AND ABANDONMENTS LIST DATED JULY 1971

City, State, and company; date, and civilian authorities

Albany, N.Y., United Traction Co.,[1] Capital District Transportation Authority.

Albemarle, N.C., Power City Lines, Inc.,[1] None.

Atlanta, Ga., Atlanta Transit System. Mar. 1, 1972 Atlanta Transit System Division.

Aurora, Ill., Aurora City Lines, Feb. 1, 1970 Aurora Transit Authority.

Canton, Ohio, Canton City Lines, Jan. 1, 1971 Canton-North Canton Reg. Transit Authority.

Charleston, W. Va., Charleston Transit Co., Oct. 25, 1971 Kanawha Valley Reg. Transit Authority.

Eugene, Oreg., Emerald Transportation System, Inc., Nov. 23, 1970 Lane County Mass Transit District.

Evansville, Ind., McCleary Coach Lines, Nov. 1970 Evansville-Metro Transit System.

Flint, Mich., Flint Transit Authority,[1] Mass Transit Authority.

Lincoln, Nebr., Lincoln City Lines, July 15, 1971 Lincoln Transit System.

Palo Alto, Calif., Peninsula Transit Lines, Dec. 1, 1963 City of Palo Alto.

Rockford, Ill., Rockford Transit Corp., Mar. 1, 1971 Mass Transit District.

Santa Barbara, Calif., Santa Barbara Transit Co., June 1969 Metropolitan Transit District.

Syracuse, N.Y., Syracuse Transit Corp., Jan. 17, 1972 Central New York Reg. Transit Authority.

Tampa, Fla., Tampa Transit Lines, Apr. 1, 1971 Tampa Bus Co.

West Palm Beach, Fla., Transit Co. of the West Palm Beaches, Aug. 2, 1971 Florida Transit Management Co.

Supporters of the Committee provisions argue that transit workers need financial protection under the Fair Labor Standards Act. The Bureau of Labor Statistics indicates, however, that the average annual wage of transit employees was $10,014 on December 31, 1971. Their average hourly wage on that date exceeded $4.00 an hour, without including fringe benefits. Additionally, wage rates for local transit employees rose 8.5 percent between July 1, 1970 and July 1, 1971. During this period the consumer price index rose only 4.5 percent.

The Committee provisions regarding transit employees are defective in their consideration of charter work. The Committee Bill states that "voluntary" hours would not be included in a computation of overtime hours. This measure gives employees a financial incentive collectively to refrain from volunteering for charter work and thereby force the companies to pay time and a half for the same work. The bill provides that charter work would not be used in computation of overtime hours if such work was not a part of the employee's regular employment and he volunteered. This requirement is meaningless where charter work is a regular part of the employees business. In effect the bill may require transit companies to pay time and a half for non-driving time during a charter trip.

The Committee did not consider the fact that a large number of bus companies have worked out by collective bargaining the concept of a standard work day and work week. This establishes a range of hours without the imposition of overtime penalty. Often these agreements provide that report and turn-in (or pull-in) time at the beginning and end of a run is to be an arbitrary addition to the pay at straight time—irrespective of the actual length of the run. Thus, if a run is only seven hours in driving time, the employer must pay one hour of guarantee or make-up time to the eight hour minimum plus the daily allowances for report and turn-in time.

The Committee demonstrates an alarming lack of awareness of the financial problems facing our nation's transit systems. If the Committee provision were to be adopted, transit fares would be increased, additional transit firms would be forced out of business, and serivce would be greatly curtailed. These actions would most severely affect low income and minority group citizens who depend on transit services to go to work each day. Moreover, the Committee bill can only be interpreted as a severe blow to the nation's goals of reducing auto pollution and channelling more commuter traffic into mass transit systems.

F. YOUTH

Current law establishes wage rates for youths at no less than 85 percent of the statutory minimum. This applies to full time students working part-time in retail or service establishments and agriculture and student-learners in vocational training programs.

The Committee bill is similar to existing law except that educational institutions would be able to employ full time students on a part-time basis at 85 percent of the minimum wage. Our substitute would replace the existing complicated certificate system with a new system designed to reduce youth unemployment. The new system would be applicable to all youths under 18 and full time students under 21. Youths employed in non-agricultural work would receive $1.60 or 80 percent of a $2.00 applicable minimum rate. Youths employed in agricultural work would receive $1.30 or 80 percent of the applicable minimum rate. In each instance, the higher figure of the two alternatives would prevail. Additionally, the Secretary of Labor would be required to adopt regulations to insure that adults would not be displaced from employment opportunities by the lower rates.

The burden of an increased minimum wage falls heaviest on those least able to justify their employment, especially the young. The ratio of teenage to adult unemployment rates has tended to rise, while the proportion of the total labor force in the 16–19 age group has also been rising. The ratio of teenage unemployment to total unemployment has also risen every time the minimum has been increased. Statistics also indicate that young blacks suffer the most from minimum wage increases. Prior to 1956 non-white and white male teenage unemployment rates were approximately the same. In 1956 the $1.00 minimum wage went into effect and the non-white teenage rate became almost 50% greater than that for white male teenagers. In 1965 the minimum wage was raised to $1.25, and the unemployment rate in the non-white group soared in 1966 to a level 100% greater. In February 1967, the $1.40 minimum wage was set and the non-white unemployment figure became 120% greater.

As for the first quarter of 1971 non-white teenage unemployment was 31.8% compared to 15.7% for white youth.

The adverse effect of minimum wage increases on minority youth unemployment is even more apparent when the statistics are examined over the last twenty year period and when labor force participation rates are taken into account. On this basis, the adjusted unemployment rate among non-white male teenagers has sky-rocketed to a level of 370% above that for the white group.

The most recent and extensive examination of the relation between minimum wage legislation and teenage unemployment, was completed by Marvin Kosters and Finis Welch for the Office of Economic Opportunity. Mr. Kosters, a Senior Staff Economist to the Council of Economic Advisers, and Mr. Welch, a research fellow associated with the National Bureau of Economic Research, concluded that minimum wage laws improves the employment opportunities of high wage-earners (adult—whites) and diminish the opportunities of low wage-earners (teenagers and minority groups). Kosters and Welch recommended a differential even greater than the one contained in our substitute. They suggested that all persons who are in school or have less than two years of post-school work experience be exempted from further minimum wage increments. They suggested that the important thing is for youth to be given an opportunity to work. If they choose young people should be permitted to become involved in apprentice programs.

Opponents to the youth differential argue that (1) a lower teenage minimum would discriminate against older adult workers and simply shift unemployment from teenagers to adult workers; (2) a lower minimum wage would reduce the wages of teenagers who otherwise would be working at the standard minimum wage; and (3) teenagers will not take jobs at a subminimum wage. None of these arguments is based on factual analysis.

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[1] Not available.

Source: American Transit Association.

The argument that a lower teenage minimum would discriminate against older workers and thus displace adults is the most often cited reason for opposition to a youth differential. It is important to remember, however, that the youth differential is only applicable to youths under 18 and full time students under 21. Thus the category of prospective employees is largely limited to students, as the average age of a high school graduate in this country is 18.1 years. Thus, the type of job opportunities sought will be part-time and vacation oriented. Seasonal, recreational positions, training and intern positions, and marginal service employment are the employment opportunities most sought after by youths. These are the types of jobs adults do not actively seek, and in fact very often adults refuse to consider these types of positions. For example, how many adults seek lifeguard positions?

If there would be any adult employment displacement, as a result of youth differential (a notion which has never been statistically proven), it would be so small and so limited as to have no discernible effect on the adult job market. The adults involved, if any, would be those who do not have the skills or experience to obtain better employment and should be provided with manpower training. They should not be left for the rest of their lives to keep fighting for marginal employment positions.

Second, it is argued that a lower minimum wage for youth would reduce the wages of teenagers who otherwise would be working at the standard wage. This argument falsely assumes, however, that the same number of jobs for youth would be available at the minimum rate established in the Committee bill and the rate established under the youth differential in the substitute. As mentioned previously, job training and seasonal employment are the two main areas that most vitally concern youth. It is interesting to note that the Committee left in the Fair Labor Standards Act the exemption for both minimum wage and overtime for seasonal amusement parks that operate less than seven months a year. The Committee's rationale for this action was that youth were primarily employed in these types of positions and that they did not want to destroy these job opportunities by applying the minimum wage. It is difficult to understand the Committee's opposition to a youth differential given its thinking in this area.

An even more compelling reply, however, can be given in the field of job training and placement. In this area the rate of pay is not the important factor. The prime objective is finding an employer who is willing to train an individual. The objective for on-the-job training is especially important for our country's vocational education programs. Mr. William L. Warner, Vocational Program Director for the Stillwater Minnesota School District, recently conveyed the following to me in a letter:

> I wish to express my support of the Substitute Minimum Wage Bill allowing a wage differential for working youths. The differential would have great advantages for students who are seeking vocational training, who do not have work experience in their background, a chance for job opportunities . . . The wage differential would give the students an "edge" in obtaining jobs for attaining their vocational objective. At the present time the teacher-coordinators of each of the programs have some difficulty in placing all the students who want employment.

Mr. Dale C. Laux, Program Manager for the Cleveland Ohio Manpower Training Center, recently also conveyed similar thoughts to me. Mr. Laux stated that a "youth differential was essential to provide employment and training opportunities for students and trainees involved in the Manpower Program".

Third, it is argued that youth will not take jobs that are available at an adult sub-minimum wage. For on-the-job training and apprenticeship programs this is simply not true. More students and trainees are seeking employment under these programs than can be placed.

In the non-vocational and training areas the demand by youths for jobs greatly surpasses the supply. Most of our nation's communities have instituted programs to increase the number of summer and part-time employment opportunities. The Federal Government alone this year will spend $377.6 million to create 865,322 summer jobs. The National Alliance of Businessmen is committed to create 336,000 summer jobs. The Department of Labor, Bureau of Labor Statistics, however, estimates an additional 1.3 million summer jobs will need to be created.

The principal concern of most young people is to obtain a job. The youth differential provides youth with this opportunity. It enables youth to gain variable on-the-job training. Most important, however, the youth differential approach provides an opportunity for youth to become oriented in terms of pursuing employment opportunities. While some youth will be subject to a differential pay standard, many of them will be living at home and their standard of living will not suffer. What young people want more than anything is a chance to work.

G. MINIMUM WAGE RATE

The Committee bill increases nonagricultural employees currently subject to the $1.60 an hour minimum to $2.20 an hour. Nonagricultural employees covered prior to 1966 would be raised to $2.00 an hour sixty days after enactment and to $2.20 an hour one year thereafter. Nonagricultural employees added to coverage in 1966, and those added to coverage in the current Committee bill, would be raised to $1.80 an hour sixty days after enactment, $2.00 an hour one year after, and $2.20 an hour the following year. These increases amount to a 37.5 percent increase in 26 months. The minimum wage for agricultural employees under the Committee bill is raised from the current $1.30 an hour level to $1.60 an hour sixty days after enactment, $1.80 an hour one year later, $2.00 an hour two years later, and $2.20 an hour the following year. This is a 69.2 percent increase in 38 months.

The Committee bill also extends coverage to 8.4 million workers and newly to 344,000 establishments. The total wage cost would be in excess of $7.2 billion not including increments in fringe benefits and the added upward push of labor costs generally due to the ripple effect. We believe in light of the relatively high unemployment and inflationary pressures on the economy, the Committee's action in this area is economically irresponsible, inflationary, and in direct opposition to the goals of the Economic Stabilization Program.

We believe a far more realistic and equitable approach to be outlined is in our substitute proposal. The substitute increases the minimum wage for nonagricultural employees covered prior to 1966 to $1.80 an hour sixty days after enactment, and to $2.00 an hour a year later. The minimum wage for nonagricultural workers covered by the 1966 amendments to $1.70 an hour on enactment, $1.80 an hour a year thereafter, and $2.00 an hour the following year. The minimum wage for agricultural employees under the substitute would be increased to $1.50 an hour sixty days after enactment, and to $1.70 an hour a year thereafter.

Proponents of the Committee bill cite the added cost of living as the primary necessity for a $2.20 minimum wage, but an increase in the minimum wage helps the low-wage worker only to the extent that it is not dissipated in higher prices nor results in disemployment. Additionally, inflationary impacts of increases in the minimum wage are minimized only to the extent that minimum wage increases are absorbed by profits. However, corporate profits, after taxes were only 4.2 percent of the GNP in 1970—several times the anticipated impact of proposed legislation. Profits have also been declining, being lower absolutely in 1970 than in any year since 1964, and lower as a share of GNP than in any year since 1938.

Proponents of the Committee approach argue that inflation can be avoided and profits maintained if productivity is increased. This euphoric view, i.e., that minimum wage increases accelerate productivity gains, is at variance with past trends in low-wage industries. The gain in productivity, output per manhour in the private nonfarm economy, was only 3.8 percent between 1967 and 1970, far below the long term trend. Low productivity has been particularly true of low-wage trade and services, whose productivity gains lag substantially behind those of the economy as a whole although these are the industries most directly affected and therefore the most stimulated by wage increases. The same industries have borne the brunt of adjustment to higher minimum wages repeatedly and it seems improbable that they would be able continually to compensate through increases in productivity. Low wage industries generally are characterized by low profit rates, small size of firm, little investment in research and development, and are not likely to advance rapidly in productivity.

There is nearly universal agreement that an excessive increase in the minimum wage can result in large scale unemploymet of labor and a high rate of business failure. (This is especially true for small retail business as previously mentioned.) Numerous before-and-after studies of low-wage manufacturing industries, of low-wage firms within their industries and of their industries in low-wage regions have provided evidence that raising the minimum wage has reduced employment (see *Employment Effects of Minimum Wage Rates;* Washington: American Enterprise Institute, August, 1969. Chapters III–V). The most convincing evidence is the comparison of high impact (low-wage) and low-impact (relatively high wage) establishments in the same industry. The most thorough attempt to evaluate the impact of increases instituted by minimum wage legislation was conducted by the New York State Department of Labor. The New York survey found that employers affected by the increased wage rates took a variety of actions to adjust to the higher costs. Weekly payroll savings were achieved by reduced hours, layoffs, and nonreplacement of voluntary workers. Five percent of the stores in the study also reported reduction in hiring extras. Altogether, 1,000 employees reportedly lost their jobs as a result of the increase in minimum wage, and another 500 who quit were not replaced.

Additionally, it is interesting to note a recent article appearing in the *Southern Economic Journal* entitled "State Minimum Wage Laws as a Cause of Unemployment". The authors, Mr. William J. Shkurti and Mr. Belton M. Fleisher, found unemployment rates higher in states with minimum wage laws than in states without them, and found an increase in the differential whenever states raised their minimum wages.

In light of the impressive economic arguments against increasing the minimum wage, proponents still argue however, that a large increase in the minimum wage is necessary to reduce poverty and the minimum wage effect on employment is both limited and indirect. Family income depends on the number of wage earners in the family and on the number of hours they work per year, more than on the hourly wage rate. A large proportion of the poor would receive no possible benefit from a higher minimum wage and extended coverage because they have no family member employed. Most of the other poor families do not have a full time year-round earner; that is the major reason they are poor. Only 21.6 percent of the heads of poor families worked full time for the full year, 47.8 percent of the heads did not work at all, and only 37.5 percent of the income of families with a total money income of less than $4,000 consisted of wages and salaries. Thus, many of the beneficiaries of higher minimum wage are not the truly poor; they are individuals without dependents, or members of families with other wage earners; many are secondary wage earners. Further, a higher minimum wage hurts those workers it is intended to help by pricing marginal workers out of the labor market, by reducing the rate of new job creation for low-skill, low-productivity workers whose contribution to output may be lower than the rate of pay a higher minimum would be required to justify.

Congress should seriously consider the advice of Professor James Tobin, a former member of the Council of Economic Advisers under President Kennedy, who wrote:

> People who lack the capacity to earn a decent living should be helped, but they will not be helped by minimum wage laws, trade union pressures or other devices which seek to compel employers to pay more than their work is worth. The likely outcome of such regulations is that the intended beneficiaries are not employed at all.

In addition, to all the previously mentioned problems, the Committee bill places an added burden in the form of higher prices on the nation's consumer. Congressman John Anderson of Illinois brought this point of concern to the attention of the House of Representatives on May 11 during the floor debate of minimum wage legislation. Congressman Anderson stated:

> I am somewhat amazed at the very people who rail about high prices, who talk about the ineffectiveness of Phase II. Now, they want to slice the very heart out of an attempt to restrain the cost-push that has been ravaging the economy of this country.
>
> Let me remind you that this is not only the new age of so-called populism. This is the new age of consumerism. The consumers are unhappy about the high price of food, about the threatened increase in the price of shoes and clothing and all of the other market basket items.

The Committee bill in sum certainly provides a bleak outlook for many of the nation's working poor as they face: higher prices for food, products, and services, possible curtailment or abandonment of services including the closing of the neighborhood grocery and the loss of their only way to work—the bus; higher taxes due to increased burden of state and local governments; and most important, even face the potential loss of their jobs—but we suppose the ex-workers could say that if they had jobs they would have received a $2.20 minimum.

Finally, I wish to subscribe generally to the positions taken by Senator Dominick in his minority views.

June 8, 1972.

BOB TAFT JR.
BOB PACKWOOD.
PETER H. DOMINICK.

Mr. PACKWOOD. Mr. President, for the sake of comparison, let me list the wage hikes which would be required under our substitute and under the bill approved by the Labor Committee, on which we all serve.

For the largest group of employees, those covered under the law before 1966, our substitute would provide a 25-percent increase over 14 months—from $1.60 to $1.80 to $2. The committee bill would provide an immediate 25-percent increase, and nearly a 40-percent total increase within 14 months. From $1.60 to $2 to $2.20.

For those newly covered in 1966, our substitute provides a similar gradual increase from $1.60 to $1.70 immediately, to $1.80 after 1 year, and to $2 in 2 years. The committee bill would increase this group to $1.80 immediately, to $2 in 1 year, and $2.20 the following year.

On agriculture, our substitute will increase the minimum wage immediately from the present $1.30 to $1.50, and after 1 year to $1.70, a rate which is higher than the current minimum wage level for nonagricultural employees. But now consider wage boosts required under the committee bill for agriculture, where many farmers are virtually fighting for their lives to keep their farms operating. The profit margin for farmers—not agribusiness, who are large enough to absorb the extra costs, but individual farmers—their profit margins are shrinking with every season. They cannot pass their additional costs on the consumer, as can others. Mother nature does not always cooperate in allowing good crops; and even their representatives in Congress are sometimes questionable "friends" when farm markets are shut off by transportation tie-ups and Congress refuses to take the necessary remedial steps to guarantee continuity of our transportation system.

Agricultural employment in Oregon has shown, over the year, reductions, and further curtailment of seasonal farm labor demand is expected this summer. The horticultural industry, in particular, has been experiencing a loss of farm income. A number are being seriously hurt by increased imports, most from low-wage countries. The strawberry industry, for example, has been severely affected by cheap imports from Mexico, where the daily wage for farmworkers is about equal to our hourly wage. Similar effects are being felt by the apple and pear industries. Growers just cannot afford an increase in the hourly minimum wage above the $1.70 as provided in our substitute after 1 year. Any further raise will not only encourage a substantial increase in imports of most horticultural commodities, but will result in a reduced agricultural work force in Oregon.

For these farmers, Mr. President, the committee will require an immediate 23-percent wage boost—from $1.30 to $1.60—and additional wage boosts totaling 40 percent over the next 3 years.

We all agree that farm employees need wage increases, and need them badly. But we cannot wear blinders. Ignoring the adverse side effects will not make those side effects go away.

The most immediate impact of any sudden and steep wage increase will be felt by the small businessman and the small farmer, who have already charted their income statements for the year, and have completed their cost calculations. How would we respond to the imposition of a 23-percent or 25-percent wage increase for our employees without any prior warning? How can we in Congress have such total disregard for those we claim to represent? Mr. President, we cannot operate in a vacuum, and we cannot operate with blinders.

The small businessman and the small farmer will bear the immediate brunt of the steep and sudden increases required by the committee bill. In the longer range, Mr. President, I think it is safe to assume that the negative impact of this irresponsible committee bill will shift to two other segments of society: The marginally employable; and the general public, through the inflationary ripple effect of both the wage level increases, the removal of exemptions, and the massive extensions of coverage.

Ironically, Mr. President, we are being asked to approve a measure (S. 1861) which supporters assure us will aid those at the lowest levels of the wage scale. As I have already emphasized, we all wish to improve the standard of living of our low income wage earners, and our substitute will in fact accomplish this objective.

What supporters of the committee bill fail to mention and refuse to face head-on, are the serious implications of steep minimum wage increases on the job prospects of those we are most anxious to help: minorities, the aged, the handicapped and young people, particularly minority youth, who are now experiencing an astounding unemployment rate of about 40 percent. Large minimum wage increases almost by definition restrict new job opportunities, and the marginally employable are the first to go. The American Enterprise Institute, an independent economic research group here in Washington, D.C., has conducted indepth research on this problem and concludes that—

> There is nearly universal agreement that an excessive increase in the minimum wage can result in large scale unemployment of labor and a high rate of business failure. Responses via price increases, would result in loss of sales, and responses via productivity increases, if possible, would tend to economize on low-wage labor.

The latest AEI analysis reports that:

* * * * *

> Numerous before-and-after studies of low-wage manufacturing industries, of low-wage firms within these industries, and of these industries in low-wage regions have provided evidence that raising the minimum wage has reduced employment.[15] The most convincing evidence is the comparison of high-impact (low-wage) and low-impact (relatively high wage) establishments in the same industry. A number of studies of retail trade and of service industries also identify disemployment effects.[16] Shkurti and Fleisher found a slowdown in employment trends in retail trade following the 1961 minimum wage increase. The line of trade with the lowest

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[15] Reviewed in John M. Peterson and Charles T. Stewart, Jr., *Employment Effects of Minimum Wage Rates* (Washington: American Enterprise Institute), August 1969, chapters III–V.

[16] Ibid., chapter VI.

wages experienced the largest absolute or relative decline in man-hours, and the regions with the lowest wages also experienced relatively the most adverse changes in employment, after allowing for growth in sales.[17] A recent study of unemployment rates by states found them higher in states with minimum wage laws than in states without them, and found an increase in the differential whenever states raised their minimum wages.[18]

The possible negative effect of a high minimum on employment is recognized in current legislation through lower minimum wages for hired farm labor, exemptions for very small businesses and farms, and special treatment of Puerto Rico and the Virgin Islands. The Williams bill, which would quickly eliminate most of these differentials, therefore, would have much more severe impact on employment than the Dent bill, which would not, apart from its provision for a higher minimum. Because elimination of exemptions and differentials would raise minimum wages much more in some industries and areas than in others, it would have a much more concentrated disemployment effect than an increase in the minimum maintaining existing exemptions and differentials. . . .

The central concern about raising the minimum to $2.00—just in step with the increase in the cost of living, as proposed in the Dent bill—is one of timing. Opponents of this increase argue that it is unwise to risk additional unemployment at a time when the rate already exceeds 6 percent. The Williams bill, on the other hand, is criticized not only because of questions related to current unemployment rates because it would set the minimum too high, at $2.25. An increase to this level would be well in excess of productivity gains since the 1966 amendments went into effect.

The AEI analysis also examines the interrelationship between imports and disemployment, and continues:

In the absence of compensating productivity gains, a higher minimum wage will tend to raise prices in low-wage industries, or to moderate price declines. The international competitive position of these industries will tend to be weakened: exports may decline and imports rise. The shift of purchasing power to imports has consequences quite different from the shift between firms and industries at home. When a firm is driven out by high costs, if domestic competitors take over its market they could absorb most of its employees. But when the competition is foreign, or when a whole industry is undermined, many more workers lose their jobs than just those whose pay was previously below the minimum wage. If their skills are specific to their industry, reemployment may prove difficult, even though employment elsewhere in the economy and in export industries expands.

The manufacturing industries which would be most seriously affected by a higher minimum wage are almost all facing growing inroads from imports and are losing, or have already lost, export markets. Most of them are receiving substantial tariff protection and in the most important cases protection from informal import quotas. Strong pressures are being exerted to increase the extent of protection, particularly for textiles, apparel, and shoes, which together employ some 2.6 million workers. In general, low-wage manufacturing industries are more heavily protected than high-wage industries.[19] Economists point out that the safeguarding of jobs in low-wage industries through increased protection has the effect of a tax on consumers. Also, lower-income households may spend a higher proportion of their incomes on the products of low-wage industries, such as food and clothing. Thus it is argued that the combination of higher minimum wages and countervailing protection from imports is not only a tax on consumers, but it could well be a regressive tax.

Similar problems exist with regard to some farm problems, especially vegetables and fruits. The extension of coverage to most hired farm labor, successive increases in the minimum and termination of the bracero program have been accompanied by sharp increases in the import of fresh fruit and vegetables, particularly from Mexico, and by the establishment of processing facilities abroad.[20] Further extension of coverage and the elimination of the minimum wage differential for farm labor (as proposed in the Williams bill)—together with the proposed elimination of overtime exemptions for agricultural processing industries—would, other things remaining the same, accelerate this trend.

The situation is quite different for most trade and service industries, which only compete in local markets. Excessive price increases in this sector, however, will eventually be reflected in the cost structure of industries that do compete internationally.

There is nearly universal agreement that large enough increases in wage costs in any industry will worsen its balance of trade position and threaten domestic employment in that industry, and that this situation has indeed been reached in a number of low-wage industries. Disagreement is over the issue of protection and minimum wages, rather than over impacts. One viewpoint is that low-wage, low-skill industries have little long-run future in this country, and should be assisted in adjusting to decline, as high-wage, high-skill industries expand. Protection and/or moderation in minimum wage increases are issues of tactics: how to phase necessary readjustments. Since more rapid increases in the minimum wage accentuate the need for transitional protection, this viewpoint is likely to favor only small increases in minimum wages in order to adjust without excessive protection and the risks of foreign retaliation which it would entail.

Another viewpoint appears to be that no established American industry should be allowed to decline or disappear simply because foreign labor costs are much lower, nor be forced to accept substandard wages and working conditions as the price for survival in an internationally competitive world. This viewpoint would favor protective tariffs, quotas, and/or such other measures as are needed to preserve domestic employment by industry. It is supported in principle by the Dent proposal to extend the Fair Labor Standards Act to certain foreign producers as a condition for exports to the United States involving any federal government participation, and to give the President authority to prevent damage from certain imports by such action "as he deems appropriate." The disagreement is over values rather than facts, and therefore not easily resolved.

Mr. President, this analysis, I believe places in proper perspective the wage increases, removal of exemptions, and expansions of coverage we are being asked to approve in the committee bill. I ask my colleagues on both sides of the aisle to examine both sides of the coin—to see the negative adverse effects as well as beneficial effects involved in raising the minimum wage and bringing additional employees under coverage at this point in time.

Mr. President, let me turn now to the second long-range impact which flows inevitably from a precipitous and steep increase in the minimum wage: the impact on the consumer and the general public.

We all profess to care deeply about the welfare of the consumer. We have spent long hours groping for ways to stop the inflationary treadmill, and to guarantee the consumer more and better for his money. But let us look closely at what we are about to do today. Wage increases are generally, by the nature of our business organization, passed on to the consumer through higher prices for goods and services. More likely than not, the consumer pays for increases at each stage of production—in the case of foodstuffs, all the way from the farmer, to the wholesaler, to the retailer, newly covered under the committee bill. All will have higher wage bills to pay. By the time the food reaches the store, prices will be significantly escalated.

Let us not kid ourselves today in what we are doing. Let's take off our blinders. Let those who support the committee-approved increases be prepared to explain to the American public why their food bills are continuing their steep ascent.

Mr. President, the increase we are debating comes at a time when the President's new economic stabilization program is achieving relative stability in prices and wages, accompanied by a gradual reduction in inflation and a pronounced rise in economic growth. The Labor Department's June labor report shows a record 80 million Americans employed, with unemployment down to 5.5 percent—progress which will surely be jeopardized with any unreasonable change in minimum wage levels and coverage.

Lastly, Mr. President, I would like to draw attention to the youth employment provisions in our substitute. Under our amendment, youths under 18 and full time students may be paid a wage rate which is 80 percent of the prevailing minimum wage, or $1.60, whichever is higher, nonfarm jobs and 80 percent of the prevailing wage or $1.30, whichever is higher, for agricultural employment.

There is a growing concern, both in Congress and around the Nation, to provide employment opportunities for young people. However, as the minimum wage advances, many employers find they cannot afford to employ inexperienced, untrained help at the minimum rate. The result has been a persistent and alarming growth in youth unemployment in the past decade which now ranges around 17½ percent for 16- to 19-year-olds compared to 4.9 percent for adults. We cannot afford to let this trend continue.

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[17] William J. Shkurti and Belton M. Fleisher, "Employment and Wage Rates in Retail Trade Subsequent to the 1961 Amendments to the Fair Labor Standards Act," *Southern Economic Journal*, July 1968.

[18] Colin D. Campbell and Rosemary G. Campbell, "State Minimum Wage Laws as a Cause of Unemployment," *Southern Economic Journal*, April 1969.

[19] Giorgio Basevi, "The U.S. Tariff Structure: Estimates of Effective Rates of Protection of U.S. Industry and Industrial Labor," *Review of Economics and Statistics*, May 1966, Table 4.

[20] Testimony of Matt Triggs and Dale Sherwin for the Farm Labor Bureau, presented to the General Labor Subcommittee of the House Committee on Education and Labor, Apr. 29, 1971.

If there ever was a time to initiate new measures to halt the reduction in employment opportunities for young people, it is now.

To assure that the special youth rates do not reduce the number of jobs available to older workers, the substitute authorizes the Secretary of Labor to prescribe standards and requirements to guard against loss of employment opportunities for adults.

Substantial efforts are being made at the Federal and local levels to meet the increasing demand for jobs by youth. Approximately 3.6 million young people are expected to be seeking summer employment this year. A combined Federal-private effort will raise the number of summer jobs for young people to an all-time high of 1.2 million. This is 220,000 more summer jobs than were available for young people last summer. An estimated $378 million will be spent in Federal funds under four programs providing 865,322 jobs. The remaining 336,000 jobs will be provided mainly in the private sector by business and industry, without Federal financial support.

All these efforts will be diminished, however, if private employers refuse to meet the surplus of youths seeking employment because of a large increase in the minimum wage, which will price unskilled, disadvantaged young people out of the job market.

A special youth differential will help resolve such a plight and has the support of many prominent economists. In justifying a special youth minimum wage, Finis Welch, a member of the National Bureau of Economic Research, and Marvin Kosters, now an Assistant Director on the Cost of Living Council, concluded in a Rand Corp. study last year that—

> Minimum wage legislation has apparently played an important role in increasing the cyclical sensitivity of teenage employment.

They discovered that—

> As the minimum wage rises, teenagers are able to obtain fewer jobs, and their jobs are less secure over the business cycle. A disproportionate share of these unfavorable employment effect accrues to nonwhite teenagers.

In closing, Mr. President, let me say again that I strongly support responsible and realistic increases in our minimum wage levels, increases which are consistent with full employment opportunity and our strenuous economic stabilization program. Any minimum wage increase at this point in time should encourage new job opportunities for low income workers, and should minimize inflationary effects. S. 1861 fails to achieve these objectives by calling for too much in too short a period of time—and at the wrong time. In contrast, our substitute provides for the responsible, gradual, and realistic increases which are needed. May I, therefore, urge all Senators to weigh carefully the full impact of S. 1861, compared with the substitute version. I am convinced that the desirability of the substitute approach will be self-evident.

FOREIGN ASSISTANCE ACT OF 1972

Mr. HARRY F. BYRD, JR. Mr. President, the Senate has been debating for quite awhile the Foreign Assistance Act. There will be more days of debate, and that is a good thing. The Foreign Assistance Act under consideration by the Senate now is only a part of the total foreign aid program. So the Senate now is considering legislation which is a part of the total foreign aid program, which total program gives financial aid to 96 different countries—yes, 96. The cost to the American taxpayer is $8 billion.

That sum is equal to four times the annual cost of Virginia's government. Virginia has a population of 5 million persons. It is a large State, but the $8 billion figure for foreign aid is four times the annual cost of Virginia's government.

If we are serious about getting inflation under control, we must act to cut Federal spending. I cannot think of a better place to start than with the huge, costly, wasteful foreign aid program.

Mr. President, I wonder how Congress can justify voting these huge sums for foreign giveaway programs at a time when the Federal budget is in such dire straits. The Federal funds deficit for fiscal year 1971 was $30 billion. The Federal funds deficit for fiscal 1972 was $32 billion. The projected deficit for the current fiscal year is $38 billion. For these 3 years together, the accumulated deficit will be $100 billion.

So, as we consider this Foreign Assistance Act, it seems to me that we need to relate that to the overall financial condition of the Federal Treasury. As I mentioned earlier, the foreign aid program will go to 96 different countries. Ninety-six countries are involved in receiving financial aid from the taxpayers of the United States.

The report of the Committee on Foreign Relations, which was submitted to the Senate on May 31, 1972, contains a table marked table IV, and it lists all the countries to which foreign aid will be given. I ask unanimous consent, Mr. President, that table IV of the committee report be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRY F. BYRD, JR. In concluding my remarks, I want to say that I shall vote against pouring new billions of dollars into giveaway programs overseas while we are running huge Government deficits at home.

EXHIBIT 1

TABLE IV.—MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM REGIONAL SUMMARY

[In thousands of dollars]

	Security programs								Development and humanitarian economic programs								
									Agency for International Development								
	Military assistance grants	Foreign military credit sales	Excess defense articles [1]	Military service funded	Ship loans [1]	Total military	AID supporting assistance	Total security	Development/humanitarian assistance [2]	Contingency fund and international narcotics control [3]	AID development and humanitarian total	Peace Corps	Public Law 480	International financial institutions [4]	Total economic	Total military and economic, fiscal year— 1973	1972
Summary, all programs	819,700	629,000	245,000	2,055,000	39,600	3,798,300	879,418	4,667,718	1,598,976	72,800	1,671,776	72,200	1,099,789	920,000	3,763,765	8,431,483	7,439,099
LA	20,300	75,000	2,500		900	98,700		98,700	389,416		389,416	18,913	106,559		514,888	613,588	528,970
AFR	17,975	18,500	3,500			39,975		39,975	173,209		173,209	23,149	134,310		330,668	370,643	352,838
EUR	10,299		8,000		18,200	36,499	12,500	48,999				10	850		860	49,859	78,247
NESA	142,952	443,000	68,000		11,000	664,952	90,000	754,952	347,204	15,000	362,204	7,400	390,976		760,580	1,515,532	1,292,250
EA and PAC	542,928	92,500	163,000	2,055,000	9,500	2,862,928	743,800	3,606,728	188,857	2,200	191,057	12,352	445,494		648,903	4,255,631	4,036,862
Other	85,246					85,246	28,200	113,446	[2] 500,290	55,600	555,890	10,376	21,600	920,000	1,507,866	1,621,312	1,145,470
Administrative and other expenses, State							4,918	4,918								4,918	4,462

[1] In legal value—at ⅓ average class acquisition costs.

[2] Includes AID administrative expenses.

[3] Includes contingency fund and international narcotics control funds.

[4] Includes International Development Association, Inter-American Development Bank, and Asian Development Bank.

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY

[In thousands of dollars]

	Security programs								Economic programs							
	Military programs								Agency for International Development			Other programs				
	Military assistance grants	Foreign military credit sales	Excess defense articles[1]	Military service funded	Ship loans[1]	Total military	AID supporting assistance	Total security	Development/humanitarian assistance	International narcotics control	Total	Peace Corps	Public Law 480	Total economic	Total military and economic fiscal year 1973	Total military and economic fiscal year 1972
Latin America	20,300	75,000	2,500		900	98,700		98,700	389,416		389,416	18,913	106,559	514,888	613,588	528,970
Argentina	550	15,000				15,550		15,550							15,550	16,047
Boliva	4,873	4,000	500			9,373		9,373	18,214		18,214		9,700	27,914	37,287	50,051
Brazil	988	15,000				15,988		15,988	8,300		8,300	2,625	21,870	32,795	48,783	38,073
Chile	1,114	5,000	200		900	7,214		7,214	850		850	418	4,860	6,128	13,342	13,384
Colombia	778	10,000	100			10,878		10,878	78,600		78,600	1,898	21,730	102,228	113,106	122,061
Costa Rica									1,060		1,060	765	1,026	2,851	2,851	3,336
Dominican Republic	1,435		100			1,535		1,535	11,600		11,600	500	17,705	29,805	31,340	27,115
Ecuador	1,000		300			1,300		1,300	14,543		14,543	1,135	4,889	20,567	21,867	11,364
El Salvador	805		100			905		905	14,150		14,150	483	900	15,533	16,438	10,869
Guatemala	1,736	2,000	200			3,936		3,936	24,350		24,350	765	2,637	27,752	31,688	18,607
Guyana									10,100		10,100		1,780	11,880	11,880	14,072
Haiti									6,000		6,000		1,251	7,251	7,251	4,211
Honduras	734		100			834		834	18,242		18,242	964	972	20,178	21,012	7,689
Inter-American programs									16,880		16,880			16,880	16,880	14,691
Jamaica									10,849		10,849	838	450	12,137	12,137	6,202
Mexico	87	2,000				2,087		2,087							2,087	750
Nicaragua	1,045		100			1,145		1,145	7,500		7,500	516	328	8,344	9,489	14,070
Panama	527		100			627		627	22,295		22,295		1,080	23,375	24,002	17,581
Paraguay	791		200			991		991	7,094		7,094	418	2,712	10,224	11,215	11,645
Peru	820	5,000				5,820		5,820	13,747		13,747	1,766	8,460	23,973	29,793	38,315
ROCAP									27,700		27,700	203	153	28,056	28,056	13,417
Trinidad and Tobago													90	90	90	90
Uruguay	1,460	2,000	500			3,960		3,960	24,500		24,500	92	3,540	28,132	32,092	5,387
Venezuela	780	15,000				15,870		15,870	500		500	1,580		2,080	17,950	18,198
Caribbean regional									20,350		20,350	1,012	426	21,788	21,788	11,342
Economic regional programs									32,992		31,992	2,935		34,927	34,927	35,002
Regional military costs	687					687		687							687	5,231
Near East and South Asia	142,952	443,000	68,000		11,000	664,952	90,000	754,952	347,204	15,000	362,204	7,400	390,976	760,580	1,515,532	1,292,250
Afghanistan	215					215		215	6,720		6,720	1,499	24,100	32,319	32,534	58,293
Ceylon	15					15		15					14,157	14,157	14,172	20,130
Cyprus													3,960	3,960	3,960	3,960
Greece	9,554	55,000	25,500		5,900	95,954		95,954							95,954	81,350
India	234					234		234	99,590		99,590	3,211	172,330	275,131	275,365	197,220
Iran	492					492		492				1,300	1,044	2,344	2,836	7,325
Israel		(6)					50,000	50,000					45,342	45,342	95,342	105,342
Jordan	(4)	(6)	(5)				40,000	40,000	1,200		1,200		3,042	4,242	44,242	48,592
Lebanon	(5)	(6)											5,305	5,305	5,305	14,505
Nepal	29					29		29	1,883		1,883	1,191	630	3,704	3,733	4,208
Pakistan	243					243		243	79,800		79,800		105,358	185,158	185,401	160,615
Saudi Arabia	(6)	(6)														
Southern Yemen													90	90	90	90
Syria													216	216	216	216
Turkey	88,611	15,000	40,000		5,100	148,711		148,711	43,000	15,000	58,000		13,014	71,014	219,725	199,440
Yemen													1,026	1,026	1,026	1,026
Economic regional programs/CENTO									5,011		5,011	199	1,362	6,572	6,572	6,689
Regional military costs[7]	43,559	373,000	2,500			419,059		419,059							419,059	383,249
Unallocated									110,000		110,000			110,000	110,000	
East Asia and Pacific	542,928	92,500	163,000	2,055,000	9,500	2,862,928	743,800	3,606,728	188,857	2,200	191,057	12,352	445,494	648,903	4,255,631	4,036,862
Burma													621	621	621	621
Cambodia	209,541		15,500			225,041	75,000	300,041					30,018	30,018	330,059	246,437
China (Taiwan)	7,642	55,000	46,500			109,142		109,142							109,142	100,762
Hong Kong													126	126	126	126
Indonesia	28,745		4,500			33,245		33,245	123,200		123,200		87,920	211,120	244,365	239,967
Korea	215,710	25,000	33,600	133,500	5,700	413,510		413,510	28,600		28,600	2,194	142,500	173,294	586,804	585,369
Laos			2,000	360,000		362,000	49,800	411,800	870	700	1,570		3,429	4,999	416,799	234,996
Malaysia	181					181		181				2,908	958	3,866	4,047	4,214
Philippines	20,780		3,000		3,800	27,580		27,580	20,565		20,565	1,971	33,800	56,336	83,916	83,629
Singapore													45	45	45	670
Thailand	59,954		4,500			64,454	25,600	90,054	2,145	1,000	3,145	1,568	15,657	20,370	110,424	105,599
Vietnam			53,400	1,561,500		1,614,900	585,000	2,199,900	346	500	846		130,420	131,266	2,331,166	2,352,412
Western Samoa												525		525	525	449
Economic regional programs							8,400	8,400	13,131		13,131	3,186		16,317	24,717	13,532
Regional military costs	375	12,500				12,875		12,875							12,875	8,079
Africa	17,975	18,500	3,500			39,975		39,975	173,209		173,209	23,149	134,310	330,668	370,643	352,838

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNRTY—Continued

[In thousands of dollars]

	Security programs								Economic programs							
	Military programs								Agency for International Development			Other programs			Total military and economic fiscal year 1973	Total military and economic fiscal year 1972
	Military assistance grants	Foreign military credit sales	Excess defense articles[1]	Military service funded	Ship loans [1]	Total military	AID supporting assistance	Total security	Development/humanitarian assistance	International narcotics control	Total	Peace Corps	Public Law 480	Total economic		
Botswana									(6)		(6)	692	9,450	10,142	10,142	10,042
Burundi									(6)		(6)		920	920	920	920
Cameroon									(6)		(6)	700	380	1,080	1,080	979
Central African Republic									(6)		(6)		210	210	210	210
Chad									(6)		(6)	481	110	591	591	522
Congo (Brazzaville)													1,800	1,800	1,800	1,800
Dahomey									(6)		(6)	449	390	839	839	775
Ethiopia	12,139		1,000			13,139		13,139	16,550		16,550	1,304	1,134	18,988	32,127	32,099
Gabon									(6)		(6)					
Gambia									(6)		(6)	383	980	1,363	1,363	1,307
Ghana	55					55		55	32,370		32,370	2,345	13,260	47,975	48,030	30,896
Guinea									(6)		(6)		4,970	4,970	4,970	4,984
Ivory Coast									(6)		(6)	826	1,350	2,176	2,176	2,057
Kenya									2,835		2,835	2,351	810	5,996	5,996	5,343
Lesotho									(6)		(6)	299	1,773	2,072	2,072	1,606
Liberia	499		500			999		999	3,709		3,709	2,444	2,390	3,543	9,542	10,408
Malagasy									(6)		(6)		510	510	510	510
Malawi									(6)		(6)	475	180	655	655	656
Mali	50					50		50	(6)		(6)	240	1,580	1,820	1,870	2,418
Mauritania									(6)		(6)		1,170	1,170	1,170	1,170
Mauritius									(6)		(6)	155	1,305	1,460	1,460	1,602
Morocco	(5)	(5)							17,055		17,055	1,056	42,000	60,111	60,111	49,299
Niger									(6)		(6)	629	1,575	2,204	2,204	2,119
Nigeria									23,870		23,870		630	24,500	24,500	25,797
Rwanda									(6)		(6)		360	360	360	360
Senegal	25					25		25	(6)		(6)	721	1,683	2,404	2,429	2,910
Seychelles									(6)		(6)		60	60	60	60
Sierra Leone									(6)		(6)	1,683	1,740	3,423	3,423	3,281
Somali Republic													450	450	450	450
Sudan													180	180	180	45
Swaziland									(6)		(6)	479		479	479	410
Tanzania									6,400		6,400		1,370	7,700	7,770	3,270
Togo									(6)		(6)	704	550	1,254	1,254	1,153
Tunisia	(5)		(5)						3,150		3,150	723	32,140	36,013	36,013	46,969
Uganda									2,530		2,530	441	180	3,151	3,151	5,913
Upper Volta									(6)		(6)	508	3,200	3,708	3,708	3,635
Zaire	455	3,500				3,955		3,955	6,950		6,950	1,012	3,200	11,162	15,117	7,903
Zambia									(6)		(6)		320	320	320	320
Economic regional programs:																
Central West Africa									24,085		24,085			24,085	24,085	29,900
East Africa									1,600		1,600			1,600	1,600	5,805
Southern Africa									8,200		8,200			8,200	8,200	14,435
Africa Regional									21,855		21,855	2,049		23,904	23,904	16,998
Regional military costs[7]	4,752	15,000	2,000			21,752		21,752							21,752	19,802
Self-Help projects									2,050		2,050			2,050	2,050	1,700
Europe	10,299		8,000		18,200	36,499	12,500	48,999				10	850	860	49,859	78,247
Austria	24					24		24							24	13
Iceland													650	650	650	800
Italy					2,600	2,600		2,600							2,600	
Malta							9,500	9,500				10	200	210	9,710	9,709
Portugal	905		2,000			2,905		2,905							2,905	35,177
Spain	9,261		6,000		15,600	30,861	3,000	33,861							33,861	32,374
United Kingdom																3
Regional military costs	109					109		109							109	171

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[1] In legal value—at ⅓ average class acquisition costs.
[2] Includes AID administrative expenses.
[3] Includes contingency fund and international narcotics control funds.
[4] Includes International Development Association, Inter-American Development Bank and Asian Development Bank.
[5] Classified.
[6] Self-Help funds only.
[7] Includes classified countries.

ORDER FOR LIMITATION OF TIME ON MARINE MAMMAL PROTECTION ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 2871, a bill to protect marine mammals, to establish a Marine Mammal Commission, and for other purposes, is called up and made the pending business before the Senate, there be a time limitation on amendments thereto of 1 hour, the time to be equally divided between and controlled by the distinguished manager of the bill, the Senator from South Carolina (Mr. Hollings), and the author of such amendment; that time on any amendment to an amendment, motion, or appeal in relation thereto be limited to 30 minutes, the time to be divided between the mover of such and the distinguished manager of the bill except in instances in which the manager of the bill may favor such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m.

After the two leaders have been recognized under the standing order, the distinguished junior Senator from California (Mr. Tunney) will be recognized for not to exceed 15 minutes, after which the distinguished senior Senator from Maryland (Mr. Mathias) will be recognized for not to exceed 15 minutes, after which there will be a very brief period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond the hour of 9:40 a.m.

At 9:40 a.m., morning business will be concluded and the distinguished junior Senator from Florida (Mr. Chiles) will be recognized for the purpose of calling up an amendment to the Taft-Dominick substitute No. 1204, the unfinished business having been laid aside temporarily and the minimum wage bill having been laid before the Senate. Time on the amendment by Mr. Chiles will be limited to 20 minutes, to be equally divided between the distinguished Senator from Florida (Mr. Chiles) and the distinguished Senator from Ohio (Mr. Taft). The vote on the amendment by Mr. Chiles, if a rollcall vote, will occur at 11 a.m.

At 10 a.m., the amendment by Mr. Chiles will be temporarily laid aside, and 1 hour of debate on the Taft-Dominick substitute, amendment No 1204, as modified and as amended will ensue, the debate of 1 hour to end at 11 a.m.

At 11 a.m. the vote on the amendment by Mr. Chiles to the Taft-Dominick substitute, amendment No. 1204—if it is a rollcall vote—will occur.

Immediately following the vote on the Chiles amendment, a yea-and-nay vote on the Taft-Dominick substitute will occur. Tabling motions will be in order. I assume, although I am not sure, the vote on the Chiles amendment will be a rollcall vote. Most assuredly the vote on the Taft-Dominick substitute will be a yea-and-nay vote.

If the Taft-Dominick substitute, as modified and amended, is agreed to, there is a time limitation of 4 hours debate on the bill. A final yea-and-nay vote on the bill would occur some time during that period. Recommittal motions are in order and tabling motions are in order.

If, in the alternative, the Taft-Dominick substitute, as modified and amended, is rejected, the distinguished junior Senator from Vermont (Mr. Stafford) will be immediately recognized to call up an amendment.

Time for debate on the bill, as already stated, will be limited to 4 hours, time on any amendment to 1 hour, and time on any amendment to an amendment, debatable motion or appeal to 30 minutes.

A final yea-and-nay vote on final passage of the bill will occur not later than 10 p.m. tomorrow night.

In summation, therefore, there will be several rollcall votes tomorrow. Depending upon the outcome of the vote on the Taft-Dominick substitute, the session tomorrow could be a lengthy one.

As to Friday, Mr. President, perhaps I should state that there will be rollcall votes on Friday. The picture is not altogether clear at the moment, but the Foreign Assistance Act will continue to be the main track item and, at some time, perhaps reasonably early during the day, the Senate will proceed to consider second track measures, one of which will be, in all likelihood, the so-called maritime bill (H.R. 13324). No agreement has been reached with respect to that measure. Another second track item would be Calendar No. 904 (S. 1991), a bill to assist in meeting national housing goals. A time limitation of 1 hour on S. 1991 has been agreed upon, with a time limitation on amendments thereto. Rollcall votes will occur on that bill and on amendments thereto.

Mr. President, I ask unanimous consent that it be in order to order at any time the yeas and nays on passage of S. 1991 and on any amendment thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, if reasonable progress is made on Friday—and I think we have every right to assume there will be reasonable progress made with respect to the business of the Senate—there would then be no session on Saturday.

Mr. President, to repeat, there will be rollcall votes tomorrow and there will be rollcall votes on Friday.

Mr. President, if there be no further business to come before the Senate——

Mr. COTTON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I withhold my motion. I yield to the able senior Senator from New Hampshire.

Mr. COTTON. Mr. President, if on Friday the maritime authorization bill is brought up, with its amendments, and no vote is reached—in other words, if the discussion extends to the point where no vote would reasonably be reached on Friday night, that would not change the situation of no Saturday session; would it?

Mr. ROBERT C. BYRD. I am glad the distinguished senior Senator from New Hampshire raised this question. I am sorry I inadvertently failed to pursue the matter to the conclusion to which it should have been brought.

Mr. President, may we have order in the Senate, and would pages, attachés, and Senators take their seats?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I think the proper procedure should be and probably will be that on Friday, following the setting aside of the main track item, the foreign assistance bill, the Senate would proceed to Calendar No. 904, the housing bill, on which there is a time agreement. This would enable the Senate to complete its work on that bill at a reasonably early hour during Friday afternoon.

Then, if the situation remains as it appears at this moment, the Senate would proceed to the consideration of the maritime bill (H.R. 13324), making whatever progress could be made during the remainder of Friday afternoon, acting on amendments to the bill, and, if it is the sense and will of the Senate to do so, hopefully the Senate would complete action on that bill Friday afternoon.

But in the event, as the Senator has pointed out, final action should not be reached Friday afternoon on the maritime bill, it would not be the intention of the leadership to have a Saturday session to complete action on that bill, unless a time agreement thereon is possible. The situation then would be as follows:

On Monday the Senate would continue with consideration of the Foreign Assistance Act as the main track item and would hopefully dispose of that bill Monday. As a second track item on Monday, the Senate would not proceed to the consideration of the maritime bill, which consideration would have been commenced on Friday, but the Senate would instead proceed to the consideration of the defense authorization bill. That bill, which will be managed by the distinguished junior Senator from Mississippi (Mr. Stennis), would be the second track item on Monday.

Then, at such time as the Foreign Assistance Act is disposed of, the defense authorization bill would be moved from the second track to the main track.

Then, in lieu of the defense authorization bill on the second track, the majority leader probably would move to complete action on the maritime bill as the second track item, and then move therefrom into no-fault insurance as a second track item.

Does that answer the question of the Senator?

Mr. COTTON. It is not quite clear. No doubt it is my fault, but I did not quite understand what was going to happen to the maritime bill if it were not completed on Friday and went over until the following week. The distinguished assistant majority leader has named some other bills that would be taken up, but has not indicated it would be carried on.

Mr. ROBERT C. BYRD. I got carried

away by stating the whole program far down the road. Perhaps I did not clearly respond to the able Senator.

Specifically—and the Senator should have a specific answer—if the maritime bill is not completed on Friday, it would be temporarily set aside and the Senate would continue action on the Foreign Assistance Act on Monday, with the calling up of the Defense authorization bill as a second-track item also occurring on Monday, and then, at such time as the Defense authorization bill can be moved to the first track, the maritime bill would be brought back as a second-track item.

Mr. COTTON. If the Senator will permit, I would like to say to the distinguished acting majority leader that the reason why the Senator from New Hampshire has declined to enter into any time agreement in relation to the maritime bill—and the reason for that I am sure the Senator knows—is because of a disputed amendment—and I note the distinguished Senator from Virginia (Mr. SPONG) is present—which was added to that authorization bill in the committee. The whole dispute is over that. The outcome of that amendment is of paramount importance not only to the propopents of the amendment representing shipbuilding facilities, but also I think to almost every Senator from a Northern State that has any kind of a stiff climate in the winter, because of the possible effect on the price of fuel oil.

The Senator from New Hampshire does not intend—I want to make it plain to the distinguished acting majority leader—to be an obstructionist. The Senator from New Hampshire never has and never will be an obstructionist, I hope, and he is not threatening any kind of filibuster, but he wants to make very sure that a full discussion of that amendment can take place, and that if and when the vote comes on it, it will be at such time in the week when most of the Senators are present, because, in the opinion of the Senator from New Hampshire, it is of importance to many, many Senators.

So it is quite possible that some time next week the Senator from New Hampshire would be willing to agree to some reasonable time limit, but not yet. I wanted to make that plain. I did not want the acting majority leader to feel that the Senator from New Hampshire was simply trying to obstruct the consideration of this measure.

Mr. ROBERT C. BYRD. Mr. President, the Senator from New Hampshire is, as always, reasonable, considerate, and very understanding.

May I inquire of the Senator as to whether or not what he has just said would, in his judgment, necessarily preclude final action on the Maritime bill on Friday, in the event the Senate were to begin its consideration thereof at a reasonably early hour?

Mr. COTTON. Well, we all must face facts, and, as far as the Senator from New Hampshire is concerned, he told the acting majority leader he would be here Friday and be here Saturday; but it is a known fact that some Senators, especially those who have campaigns—despite all the efforts, and the laudable efforts, of the leadership—do find it necessary to leave sometime Friday for the weekend.

The Senator from New Hampshire simply wants to protect himself by not agreeing to a time limitation. He does not intend, if he can help it, to come to a vote on Friday, particularly late Friday. I think that is a reasonable attitude.

Mr. ROBERT C. BYRD. Yes, it is. I thing what we are saying with respect to Friday, I want it understood at this point, is somewhat tentative, in any event, with respect to the maritime bill. It can be said with certainty however, that the Senate will continue with the Foreign Assistance Act on Friday, for a while at least, and that upon the setting aside of the unfinished business the Senate will take up the bill to which I referred a little earlier, S. 1991, and on which there is a time agreement. I would not expect too many amendments to that bill—perhaps one for sure, and there may be no more. Then possibly the Senate could go to the consideration of the maritime bill.

It would be unwise to come in on Saturday for the very reason the Senator has enumerated: There would be no time agreement entered into. It has been the experience of most of us that unless there is a time agreement entered into with respect to a measure, Saturday sessions are pretty futile as a normal thing, and with no time agreement we probably would not have as many Senators around as the distinguished Senator wishes to have around when S. 1991 is debated and acted upon.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. SPONG. I share the interest of the Senator from New Hampshire in the maritime authorization bill, although our interest is not the same.

I want to understand what the whip has said in respect to the inquiry of the Senator from New Hampshire—that is, that it is not the present intention of the leadship, if the bill does not come to a vote on Friday—and it is apparent that it will not—to have a Saturday session.

Mr. ROBERT C. BYRD. The Senator is correct—unless a time agreement could be entered into with respect to the bill which would assure us of disposing of it on Saturday.

Mr. SPONG. Based upon what the distinguished Senator from New Hampshire has said, that does not appear likely.

Second, my understanding is that in the event we go over from Friday, the maritime authorization bill will then be brought up perhaps next week, or once it can resume a spot under the track system.

Mr. ROBERT C. BYRD. The Senator is eminently correct and has stated the situation much better than I could state it.

Again I want to underline and emphasize that what I have said with respect to the maritime bill has to be tentative at this time. The distinguished majority leader, dependent on circumstances tomorrow and the program outlook after tomorrow, may decide to move elsewhere with respect to the second track on Friday; but this, as of now, is what is in sight.

Mr. COTTON. Mr. President, it is only fair that the majority leader should know, and others interested in this measure should know, that the Senator from New Hampshire, insofar as he is able, does not intend to permit a vote on the maritime bill, as long as it carries this amendment, on Friday or Saturday.

I feel that it is of such paramount importance to so many Senators that it should come in the middle of the week. That is the reason why, and not because I do not want to be cooperative, that I would say most definitely that I would not at any time agree to a vote until next week on it, and if it is brought up I would endeavor to kill the time necessary so that it would not come to a vote automatically.

Mr. ROBERT C. BYRD. I thank the Senator. I understand what he has said with respect to the final vote on the bill, but do I understand him to indicate that amendments, which will likely be offered, may not be voted on on Friday afternoon?

Mr. COTTON. Well, the trouble with that is that, if I understand the parliamentary situation on that bill correctly, the amendment which is in controversy is one of several committee amendments added to the bill, and it is one of the first things that would happen when the bill was brought up. The acting majority leader will correct me if I am mistaken, but one of the first things that would happen would be the question of adopting the committee amendments and making them a part of the bill. When that time comes, immediately the Senator from New Hampshire would take the position that he did not object to the rest of the committee amendments being adopted, but that he was opposed to adopting that committee amendment, and we would have to fight it out on that line.

So very shortly after the bill comes up, we will of necessity be faced with that decision, and I certainly do not want to permit a vote on that matter until I am sure that we have a fairly full attendance in the Senate, because it is an amendment which is entirely alien to the subject matter. This is strictly a maritime authorization bill, and this amendment that has been added is very far reaching in its consequences, and I know that every New England Senator and a number of other Senators feel very strongly about it, and I feel very strongly that it has no place in this particular bill.

That is the situation, and that is the reason that the Senator from New Hampshire wants to make it perfectly clear that he will stay on the floor—and a few of his friends feel the same way—and will hold out to see to it that that particular committee amendment is not adopted until such time as it can be discussed and voted on in the Senate; and some time next week, when that could be done, as far as I am concerned I want to be perfectly reasonable about some kind of time limitation. I do not want to hold up the business of the Senate, although I must say that I do not think this is my fault. I think it is an alien amendment put on an authorization bill because it is so necessary that we have an authorization bill before the appropriation is made, and so it has been added. It is not the place for it, and I feel perfectly justified in resorting to such parliamentary expedients as I can resort to, to prevent the bill from passing with that particular amendment.

Mr. ROBERT C. BYRD. Mr. President, I have reason to believe that the attendance on Friday will be reasonably good, because, as I have indicated, there will be rollcall votes. There may be one or more rollcall votes on amendments to the Foreign Assistance Act. There may be no rollcall votes thereon; I cannot say now. There will undoubtedly be rollcall votes on the bill S. 1991, to which a time limitation agreement has been attached, and I am sure that the distinguished Senator from Michigan, the assistant Republican leader (Mr. GRIFFIN) will want a vote on his amendment to that bill. I feel reasonably sure that he will. There may be other amendments. There will definitely be a vote on passage of that bill.

So I can foresee at least two rollcall votes on Friday, and that, in itself, will assure the Senator of a good attendance on Friday. As time goes on into Friday afternoon, that attendance may begin to fall off.

I am glad that the Senator from New Hampshire has made his position clear. The leadership will see what the situation looks like between now and Friday, and will have to make its decisions accordingly; but I thank the distinguished Senator for his time, his patience, and his clear statement, and I respect him for the forthright position he has taken.

Mr. COTTON. I thank the distinguished acting majority leader.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 5:53 p.m. the Senate adjourned until tomorrow, Thursday, July 20, 1972, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, July 19, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My Father worketh hitherto and I work.—John 5: 17.

O God of life and love we lift our thoughts to Thee in prayer as we begin this new day fresh from Thy hand. As leaders of our country, and as workers for humanity, do Thou support us in every noble effort and in all genuine endeavors for the good of our land.

Give to us an enthusiasm for the mood of good will and a passion for the spirit of unity so essential to the life of our Nation. Call us to a firmness for the right and a determination for the rights of men. Prepare our hands for heavy tasks, our spirits for willing sacrifices, and our minds for duties demanded by daily life.

During these critical days we pray that our country may be one Nation, under Thee, with liberty and justice for all.

In the spirit of Him, whose way is life, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 54. Concurrent resolution to print additional copies of hearings on "War Powers Legislation."

The message also announced that the Senate insists upon its amendment to the bill (H.R. 12350) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NELSON, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. RANDOLPH, Mr. TAFT, Mr. JAVITS, Mr. SCHWEIKER, Mr. DOMINICK, and Mr. BEALL to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 14108) entitled "An act to authorize appropriations for activities of the National Science Foundation, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. EAGLETON, Mr. CRANSTON, Mr. DOMINICK, Mr. PACKWOOD, and Mr. STAFFORD to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 387. An act for the relief of Uhel D. Polly;

S. 1076. An act to provide for the striking of medals in commemoration of Jim Thorpe;

S. 2441. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal.

S. 2475. An act for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich.;

S. 2750. An act for the relief of the estate of Albert W. Small; and

S. 3545. An act to amend section 7 of the Fishermen's Protective Act of 1967.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO CALL UP H.R. 15935 ON FRIDAY NEXT OR THEREAFTER

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that on Friday next it may be in order to bring up for consideration the bill H.R. 15935. It is the Agnes hurricane bill, Mr. Speaker, and it may be considered at that time or any subsequent date.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

BOMBING THE DIKES

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, in the face of numerous and well-documented reports by foreign journalists in North Vietnam, the Defense Department has twice changed its story on the question of whether our planes are bombing the dikes in North Vietnam. Originally, they insisted that we were not bombing the dikes at all. After the initial eyewitness reports were made they stated that the dikes were not targeted, but might occasionally be hit by stray bombs aimed at military targets. After further reports which indicated deliberate attacks on a number of dikes, the Defense Department has taken the position that the dikes are attacked only when military equipment is stored on top of them.

The Swedish Ambassador to North Vietnam, Jean-Christophe Oberg, called our bombing of the dikes "methodical," and added that he has no doubt they are deliberate and precise. Jean Thoroval, a French reporter in North Vietnam who observed an actual dike bombing on July 11 together with a number of other journalists, agreed that the attack which he witnessed was clearly directed against the dike system. Mr. Thoroval has also filed dispatches to the effect that numerous other bombed dikes have been seen by him, though he was not present when they were bombed.

The bankruptcy of our Vietnam policy and the need to withdraw all of our forces and materiel are clear to most of the American people as well as to our military leaders in the Pentagon. By engaging in a policy which is certain to cause thousands of civilian deaths through drowning and starvation, we are only compounding the shame of our involvement in Indochina.

We in Congress must exercise our responsibility to the American people and indeed to all humanity. We must act to stop or forestall any bombing of the dikes by our military forces.

APPOINTMENT OF CONFEREES ON H.R. 12202, INCREASING FEDERAL CONTRIBUTION TO HEALTH BENEFITS COSTS

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12202) to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. Dulski, Henderson, Waldie, Gross, and Hillis.

APPOINTMENT OF CONFEREES ON H.R. 9092, PAY RATES FOR PREVAILING RATE EMPLOYEES

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9092) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, together with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. Dulski, Henderson, White, Gross, and Johnson of Pennsylvania.

PREROGATIVE OF PRESIDENT IN CHOICE OF VICE PRESIDENT

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNT. Mr. Speaker, I note by the news media that the anticipated attack on Mr. Agnew has commenced. There are those people who, for some reason unknown to most Americans, insist every 4 years on appointing the Vice President regardless of the prerogative of the President then in office. I am quite sure that President Nixon has his own way of doing things, as he has exhibited in a very fine fashion in previous years, and I am quite sure that the right to select a Vice President still rests primarily with the President who is in office.

The movement to get rid of Mr. Agnew will have produced as of today a new movement in this House by many of the Members to retain Mr. Agnew as Vice President and to inform President Nixon that, if he so desires to keep Mr. Agnew, we are with the President in every respect.

Mr. Agnew has done an outstanding job, regardless of what his critics may say—and they themselves are not the epitome of perfection.

ADDITION TO LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that we have added to the program for this week H.R. 15935, which is the so-called Agnes bill for the relief of the victims of the recent floods. It is probable the bill will be called up on Friday.

LARRY O'BRIEN—AMERICA'S FINEST CHAIRMAN

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO. Mr. Speaker, last week I concluded a term as Democratic national committeeman for Wyoming, serving together with other majority House Members, the gentlewoman from New York (Mrs. Chisholm) and the gentleman from Minnesota (Mr. Blatnik). Our leader during that time was Larry O'Brien.

Mr. Speaker, I believe Mr. O'Brien has been the finest national chairman in the history of the Democratic Party. He has stepped down from that post, but not before earning the gratitude of every Democratic officeholder in Washington and around the Nation.

He has been a patient, faithful, and extremely capable chairman, and he deserves the gratitude of all Democrats, in fact, of all Americans, for his dedicated service not only to his political party but to the highest principles of our political system.

That system is partisan, as Larry O'Brien most assuredly is. That system has worked because there are people who have made it work. Foremost among these people, certainly over the past decade or more, has been Larry O'Brien.

All Democratic Members, I hope, will join you, Mr. Speaker, in honoring this man, and the fine staff which has assisted him, for the fair-minded but firm leadership and example provided in recent years, but most recently in the conduct of the Democratic National Convention last week.

Larry O'Brien has helped to show us how democracy can and should work. We owe him very much in the way of thanks and gratitude.

CONGRESSIONAL AD HOC COMMITTEE AGAINST HEROIN MAINTENANCE

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I have today formed an ad hoc committee for the purpose of fighting any attempt at Federal legislation that would allow the establishment of a national heroin maintenance program. At this time, we have four Members serving on this committee: Senator James L. Buckley, of New York; Congressman Mario Biaggi, of New York; Congressman Charles B. Rangel, of New York, and myself. This committee will meet with Dr. Jerome Jaffe of the White House to point up our feeling concerning the impact on this country of a program of heroin maintenance as proposed by Mr. Howard Samuels of New York.

In my opinion, rather than curing a problem that we are now addressing in a most positive sense through research, rehabilitation, and enforcement, we would be doing nothing more than legalizing the killing of hundreds of thousands of young Americans and encouraging many more thousands of young Americans to take the route of heroin addiction. Without the regard to the projected cost of the plan, which Mr. Samuels indicates could be $20 billion a year, I think the very moral issue involved is too horrible to contemplate. It would be as though the U.S. Government would be saying to young people all over this country: come to us, we will feed your hunger for heroin—or to put it in the more popular vernacular, the Government would be saying, "Try it, you'll like it."

If Mr. Samuels is concerned about crime in the streets let him call, as I do, for mandatory minimum sentences for all convicted heroin pushers. Finally, I would like to say that if Mr. Samuels' ideas would be put into effect, those of us who live in New York would see the tremendous addiction problem we now have, doubled or tripled within the next 5 years.

PROVIDING FOR CONSIDERATION OF H.R. 13853, EMERGENCY COMMUNITY FACILITIES AND PUBLIC INVESTMENT ACT OF 1972

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1018 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1018

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13853) to amend title VII of the Housing and Urban Development Act of 1965. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1018

provides an open rule with 3 hours of general debate for consideration of H.R. 13853 to amend title VII of the Housing and Urban Development Act of 1965.

The purpose of H.R. 13853 is to authorize the Secretary of Housing and Urban Development to contract to make grants to States and local governments to aid in the construction of basic public facilities for which there is a public need. The grants may be up to 100 percent of the cost of construction and the aggregate sum authorized to be appropriated is $5 billion.

The basic public facilities would include storage, treatment, purification, or distribution of water, and sewage, sewage treatment, and sewer facilities. The bill specifies priorities for the processing of applications.

It is anticipated that all of the $5 billion will be committed under constracts during the first 6 months of fiscal year 1973, that two-thirds of the total will be expended during fiscal year 1973, that the balance will be expended during the first 6 months of fiscal year 1974.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from California (Mr. SISK), House Resolution 1018 does provide for an open rule with 3 hours of debate for the consideration of H.R. 13853, a bill entitled the Emergency Community Facilities and Public Investment Act of 1972.

According to the report, the alleged purpose of this bill is to authorize the Secretary of the Department of HUD to make contracts up to $5 billion in grants to State and local governments for water and sewerage systems and other similar public facilities. Such grants may cover up to 100 percent of the cost of the project. The overall cost of the bill is $5 billion.

It is intended, according to the report, that this expenditure be committed during the first 6 months of 1973 and two-thirds will actually be spent during fiscal year 1973 and the remainder during the first 6 months of fiscal year 1974.

Mr. Speaker, I can see no reason to bring this bill here to the floor of the House except for political purposes. There is no other reason that I can see why this bill should be brought before this House today.

Only 1 day of hearings was held on this bill. Only four witnesses were called, and no witness from the administration or the executive department testified. There are no departmental letters in the report.

Mr. Speaker, if you read the first two pages of this bill, it leads me to believe it is even more political. The preambles or statements that are conclusions in there are the first that I have seen in any such bill during my 16 years in the Congress. On page 2, line 12, it mentions "It is imperative that effective action be taken to combat intolerably high unemployment." I do not know what facts can justify Congress making that conclusion in this particular bill.

If you go further than that, Mr. Speaker, when you turn to page 4 of the bill, they talk about "a large concentration of low-income persons, rural areas having substantial outmigration, substantial unemployment; or an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment."

These are given as areas which can obtain this assistance because of having unemployment. Actually, the biggest problem we are faced with today is in cities which are growing more and more every day. That is where we need the additional sewerage facilities, electricity, power, and other similar utilities in order to take care of the new residents in the city areas as well as the rural areas.

In addition to that, you are taking a part of the construction industry and trying to tell them that for the next year they should build $5 billion worth of sewage disposal facilities. There is not very much unemployment in that particular part of the construction industry at the present time. I would defy anyone to prove that they could actually get enough employees to complete and get enough equipment to complete $5 billion worth of these facilities in the next year.

Then you go to the last two lines on page 4, Mr. Speaker, and the first three lines on page 5, where it says:

> The faith of the United States is solemnly pledged to the payment of all grants contracted for under this section, and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the amounts necessary to provide for such payments.

That is strictly backdoor spending of the worst type.

It goes even further than the other back-door spending that I have seen around here in recent years.

In addition to this, Mr. Speaker, just recently before the recess for the Democrat Convention we passed a revenue sharing bill in this House calling for some $30 billion, $5.3 billion for the first year, and that money can be used for these sewer facilities.

And if you will recall, we eliminated the Committee on Appropriations in that particular bill for the 5 years as the bill passed the House.

In addition to that, it was not too long ago that we passed a water pollution bill which authorized some $24 billion, of which $18 billion can be used for the same purposes as the present bill before us.

Mr. Speaker, as I say, I cannot find any justification for supporting this bill here today. We have a Democrat-controlled House of Representatives. The Committee on Appropriations is controlled by the Democrat Party—and I do not mean to say anything that might be viewed as criticism in that regard, but there must be $15 or $20 billion which we have heretofore authorized, and which has been signed into law, for which the Committee on Appropriations has not appropriated the money to build the same facilities that we are coming here now to add another $5 billion.

In addition, we have a big deficit situation facing us. I do not see how we can handle all these expenditures.

I repeat, Mr. Speaker, that I think this is purely political, and that the bill should be defeated, and that we should proceeed with the revenue sharing and the water pollution bills, and try to make this country function as it should, rather than through the avenue that this bill would seek to follow.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding. I want to concur in much of what the gentleman from California is saying that there is in the water pollution bill now in conference, about $6.5 billion provided for the next year. The responsible engineers who testified before the committee say that actually that is probably all the money that can be used economically because there are simply not enough engineering firms in the country to handle all these new projects. Any additional funds cannot be scheduled for 1973.

Mr. SMITH of California. That is my understanding of what the testimony shows. I thank the gentleman.

Mr. Speaker, I reserve the balance of my time, and I do not believe I have any requests for time.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I rise in strong support of the Emergency Community Facilities and Public Investment Act of 1972. Immediate enactment of this bill will be extremely beneficial to the communities of this Nation in two very important and significant ways. First, it will provide $5 billion in emergency Federal funding for urgently needed public works projects. Second, through the direct creation of job opportunities on these public works projects, it will help reduce unemployment.

Both the need for water and sewer facilities and the creation of job opportunities have reached a critical stage in most States and communities throughout the Nation. I believe that the urgent demand for basic public works and facilities and the absolute necessity to substantially reduce unemployment are inextricably linked.

No longer can State and local residents continue to shoulder virtually all of the financial burden of providing public works facilities and services. The State and local tax base, which has always been limited, has now, in community after community, become nearly exhausted. Enactment of this act will provide lasting benefits to both rural and urban communities in protecting public welfare and health and in controlling environmental pollution. It will also curtail the increasingly high tax rates which still fail to produce adequate sewer and water facilities.

Latest figures from the Department of Housing and Urban Development show that applications totaling more than $12 billion are currently pending before its water and sewer grant and loan program. Of these pending applications, only about 10 percent will ever be processed. In addition, estimates point out that a total of $33 billion to $37 billion will be needed for sewerage treatment facilities alone in cities throughout the Nation during the next 5 years. And yet this estimate does not include the more than 30,000 rural communities without water systems and the more than 40,000 without basic sewer facilities. These alarming statistics indicate the enormous scope of the demand for adequate sewer and water facilities.

This bill, which authorizes $5 billion in Federal grants to communities throughout the Uniter States for basic public works projects has the potential of reducing unemployment between 10 and 20 percent. Estimates point out that approximately 100 jobs are created for each $1 million expended on public works. Of this total, 40 jobs are established at the project itself and another 60 are created among suppliers of materials and services for the projects. Under this formula, an expenditure of $5 billion would directly create 500,000 on and offsite jobs.

For nearly 2 years, the average national unemployment rate has hovered around 6 percent or over 5 million people without jobs. In my own State of Massachusetts, the rate has been somewhat higher, hovering around a consistent unemployment rate of more than 7.5 percent. This continuing rate of high unemployment in this Nation can be effectively reduced only through the creation of labor-incentive projects. Like these provided in this bill, the funding provided under this bill could be put to use within 90 days following enactment and the bulk of the $5 million could be financing working projects within 6 months of enactment. Thus, before the end of the calendar year we could begin to see the impact of this bill on the economy and on the reduction of joblessness in this Nation.

This bill is of vital interest to all America. I urge its immediate enactment to provide the funds communities so urgently need for basic water and sewer systems and to provide 500,000 jobs which will revitalize the economy and reduce our Nation's consistently high unemployment rate.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 259, nays 122, not voting 51, as follows:

[Roll No. 269]

YEAS—259

Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Barrett
Begich
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Mich.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Cabell
Caffery
Carney
Casey, Tex.
Chamberlain
Clark
Clay
Collins, Ill.
Colmer
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Diggs
Donohue
Dorn
Dow
Downing
Drinan
Dulski
du Pont
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Fountain
Fraser
Frenzel
Frey
Fuqua
Galifianakis
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hathaway
Hays
Hechler, W. Va.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
Kemp
Kluczynski
Koch
Kyl
Kyros
Landrum
Leggett
Lent
Link
Long, Md.
McCloskey
McCormack
McDade
McDonald, Mich.
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mailliard
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Ohio
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
St Germain
Sarbanes
Saylor
Scherle
Scheuer
Sisk
Slack
Smith, Iowa
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Whalen
White
Whitehurst
Widnall
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zwach

NAYS—122

Abbitt
Anderson, Ill.
Andrews, Ala.
Archer
Arends
Baker
Baring
Belcher
Betts
Blackburn
Bow
Bray
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Camp
Carlson
Carter
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Crane
Davis, Wis.
Dennis
Devine
Dickinson
Duncan
Edwards, Ala.
Erlenborn
Findley
Ford, Gerald R.
Forsythe
Frelinghuysen
Goldwater
Goodling
Gross
Grover
Haley
Hall
Hammerschmidt
Harsha
Hastings
Henderson
Hillis
Hosmer
Hull
Hunt
Johnson, Pa.
Jonas
Jones, N.C.
Keating
King
Kuykendall
Landgrebe
Latta
Lloyd
Lujan
McClory
McCollister
McCulloch
McEwen
McKevitt
McKinney
Mahon
Mallary
Mann
Martin
Michel
Mills, Ark.
Mills, Md.
Mizell
Montgomery
Nelsen
Pelly
Poff
Powell
Price, Tex.
Quie
Quillen
Rarick
Robinson, Va.
Robison, N.Y.
Roncalio
Rousselot
Ruth
Sandman
Satterfield
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Steiger, Ariz.
Teague, Calif.
Teague, Tex.
Terry
Thone
Veysey
Ware
Whalley
Whitten
Wilson, Bob
Wylie
Wyman
Zion

NOT VOTING—51

Anderson, Tenn.
Ashbrook
Badillo
Blanton
Blatnik
Broomfield
Carey, N.Y.
Celler
Chisholm
Davis, Ga.
Dingell
Dowdy
Dwyer
Eckhardt
Edmondson
Evins, Tenn.
Flynt
Ford, William D.
Fulton
Gallagher
Garmatz
Gettys
Gray
Hagan
Hawkins
Hébert
Heckler, Mass.
Jones, Tenn.
Lennon
Long, La.
McClure
Melcher
Miller, Calif.
Mosher
Murphy, N.Y.
Obey
Passman
Podell
Pryor, Ark.
Randall
Rhodes
Rooney, N.Y.
Ryan
Seiberling
Shipley
Spence
Steiger, Wis.
Stephens
Stuckey
Wiggins
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr. Rooney of New York with Mrs. Dwyer.
Mr. Blatnik with Mr. Broomfield.
Mr. Blanton with Mr. Ashbrook.
Mr. Garmatz with Mrs. Heckler of Massachusetts.
Mr. Seiberling with Mr. Mosher.
Mr. Shipley with Mr. Steiger of Wisconsin.
Mr. Charles H. Wilson with Mr. Spence.
Mr. Evins of Tennessee with Mr. McClure.
Mr. Dingell with Mr. Wiggins.
Mr. Hawkins with Mr. Podell.
Mr. Fulton with Mr. Edmondson.
Mrs. Chisholm with Mr. Gallagher.
Mr. Davis of Georgia with Mr. Carey of New York
Mr. Jones of Tennessee with Mr. Celler.
Mr. Lennon with Mr. Miller of California.
Mr. Anderson of Tennessee with Mr. Gray.
Mr. William D. Ford with Mr. Pryor of Arkansas.
Mr. Gettys with Mr. Ryan.
Mr. Stuckey with Mr. Badillo.
Mr. Stephens with Mr. Long of Louisiana.
Mr. Flynt with Mr. Murphy of New York.
Mr. Randall with Mr. Hagan.
Mr. Passman with Mr. Eckhardt.
Mr. Melcher with Mr. Dowdy.

Mr. HALEY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING AUTOMOBILE INFORMATION DISCLOSURE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 473) to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 473

Be it enacted by the Senate and House of

Representatives of the United States of America in Congress assembled, That subsection 2(h) of the Automobile Information Disclosure Act (72 Stat. 325; 15 U.S.C. 1231) is amended by inserting at the end thereof the following new sentence: "New automobiles delivered to, or for further delivery to, ultimate purchasers within the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, Virgin Islands, American Samoa, the Trust Territories of the Pacific, the Canal Zone, Wake Island, Midway Island, Kingman Reef, Johnson Island, or within any other place under the jurisdiction of the United States shall be deemed to have been 'distributed in commerce'."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMERGENCY COMMUNITY FACILITIES AND PUBLIC INVESTMENT ACT OF 1972

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13853) to amend title VII of the Housing and Urban Development Act of 1965.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13853, with Mr. Sisk in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Patman) will be recognized for 1½ hours, and the gentleman from New Jersey (Mr. Widnall) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Texas (Mr. Patman).

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this morning's Washington Post and New York Times carried front page stories reporting that the city of New York and the State of New Jersey are being sued by the U.S. Government in an effort to clean up New York Harbor and adjacent areas described as the most polluted body of water in the world.

The suit is being brought on the grounds that Federal antipollution laws are being violated by New York City and New Jersey. Included among the defendants are the Jersey City Sewerage Authority and the cities of Bayonne, Hoboken, West New York, North Bergen, and Edgewater.

Mr. Chairman, it is obvious that this action, brought by the U.S. Environmental Protection Agency and the Justice Department, puts every heavily populated and industrialized area of the Nation on notice that they will soon join New York City and New Jersey defendants in similar court actions unless immediate and enormously costly steps are taken by both the private and public sectors to abate pollution of the Nation's water resources.

Let me quote from this morning's New York Times:

> Aside from the industrial waste, the city was discharging 350 million gallons of raw sewage each day from the sewer system directly into the Hudson River, New York Harbor, and the other waters adjoining the city, according to the lawsuits.

H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972, the bill we are now considering, is designed to meet the massive need for assistance on the part of our States and municipalities if they are to eliminate the problem symbolized by the filing of yesterday's lawsuit.

Under this legislation, $5 billion could be made immediately available to help communities like New York City and cities in New Jersey to bring themselves into compliance with Federal law.

Ironically, the Federal Government itself is being held responsible for a large part of the problem which has given rise to the lawsuit.

Jerome Kretchmer, New York City's Environmental Protection Administrator, has charged that the Federal Government is to blame for much of New York City's pollution problem because it has failed to adequately fund pollution programs.

Officials of the Passaic Valley Sewerage Commission, which administers sewer facilities for 28 New Jersey communities and several large industries on the Passaic River, have said that they have been unable to meet Federal pollution abatement problems for years because of a lack of money. Seymour Lubketkin, the agency's chief engineer, says that the Federal Government has delayed construction of the needed facilities.

Mr. Chairman, the Federal lawsuits against New York City and New Jersey make it painfully evident that Congress and the Federal Government cannot simply adopt and try to enforce pollution control standards and assume that the job is done. The key to the solution of the Nation's environmental pollution problem is money, and a good part of that money must come from the Federal Government. There is not a Member of this Chamber who would stand up here today and say that the communities of his district can and must be made to foot the entire cost of pollution control facilities for their residents. We are all aware that the urban areas of the Nation are on that point of exhausting their fiscal resources just to provide and maintain existing services and facilities. How can the Federal Government, under these circumstances, step in as it has in the lawsuits filed yesterday, and demand action?

In the end, this kind of conduct must be seen as nothing more than an empty gesture that will do little to really change the situation. The result will be the levying of fines against State and local governments while virtually undiminished pollution continues to pour into the Nation's rivers, lakes, and coastal waters.

The answer—the only answer—to this massive national problem is immediate and substantial Federal financial assistance. H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972, is a first and absolutely necessary step in this direction.

The lawsuits that were filed yesterday stand as a stark and clear declaration that the Congress and the administration must act now, today, to take meaningful action to clean up the Nation's waters. Failure to do this is to consign the Nation's water resources to a future of disease-ridden filth that very quickly will constitute a monumental threat to the health and welfare of people throughout the country. The New York metropolitan area, the Nation's most heavily populated and one of its most industrialized regions, stands as a symbol of the problem that we cannot fail to meet today through adoption of H.R. 13853.

Mr. Chairman, H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972, is also the only legislation currently pending before Congress designed to achieve a swift and substantial reduction in our nearly recession level rate of employment. It is the only measure pending before Congress which can speed economic recovery while simultaneously providing the resources desperately needed to help protect our environment and provide the water and sewer system facilities necessary to meet our national housing goals.

The bill amends title VII of the Housing and Urban Development Act of 1965. Funds provided under H.R. 13853 would be administered by the Secretary of Housing and Urban Development.

Under this legislation, a total of $5 billion would be appropriated to provide grants on a matching basis to help State and local governments finance water and sewer system facilities and for other types of public works and public facilities expenditures.

Such an expenditure would be enormously beneficial in terms of reducing unemployment. The Bureau of Labor Statistics estimates—and this formula is corroborated by economists both in the private and public sector—that 100 onsite and offsite jobs are directly created for each $1 million invested in public works and facilities. An expenditure of $5 billion then would directly create a total of 500,000 onsite and offsite jobs. But as large as that figure is, it represents only half of the full economic impact that this $5 billion investment can have on the economy in the immediate future. The multiplier effect of this expenditure means that another 500,000 people will also find job opportunities as this investment is felt throughout the entire economy—adding up to a minimum total of 1 million new jobs.

Mr. Chairman, it should be understood that these are minimum figures. As I indicated a moment ago, H.R. 13853 would provide matching grants to State and local governments for public works and facilities. But where necessary to carry out the purposes of the act, these grants can amount to 100 percent of the cost of the project. If the entire $5 billion authorized by this bill was expended on a 100-percent cost-of-project basis, 1 million jobs would be created throughout our economy. This translates into more than a 20-percent reduction in joblessness.

Obviously, most of the grants are going to be made on a matching basis, probably ranging between 50 and 80 percent of the cost of projects. This in turn means that the full expenditures this legislation would make possible will amount to at least $7 to $7.5 billion. By the same token, the ultimate employment impact throughout the economy will probably result in the creation of more than 1.2 million new jobs.

I am fully aware of the recently announced "seasonally adjusted" reduction in unemployment to a current level of 5.5 percent of the work force. We have had simliar seasonal adjustments in the unemployment rate during the past 2 years. Nevertheless, the overall rate of joblessness has continued to hover near the 6-percent level and I expect the present circumstance is merely another case in point. Regardless of whether the unemployment rate is 5.5 or 6 percent, the number of people who are out of work across the Nation is totally unacceptable—totally intolerable and no one has more responsibility to do something about it than the Members of this Congress.

Moreover, a national unemployment rate ranging from 5.5 to 6 percent, as tragic as it is, masks the fact that there are pockets of joblessness in regions and communities across the country where the unemployment rate is 10 and 12 percent and higher. Many rural communities have unemployment rates which range as high as 30 percent of the population. Minority groups and teenagers have unemployment rates which are triple the national average. Many occupational groups have rates of joblessness which are double the national average. Construction workers, for example, had an unemployment rate which as recently as last May totaled more than 12.5 percent and has been near that level for more than a year.

Mr. Chairman, the Emergency Community Facilities and Public Investment Act of 1972 is not only designed to reduce unemployment throughout the Nation; it is tailored to provide the resources necessary to reduce joblessness in the very areas where unemployment is most severe. H.R. 13853 is essentially structured to provide funds for public works and facilities in communities and neighborhoods which have—

Large concentrations of low-income persons;

Substantial unemployment;

An actual or threatened abrupt rise in unemployment due to the closing or curtailment of a major source of employment; and

Communities and neighborhoods in which there is an urgent and vital need for basic public works and facilities which can be funded under this act.

Aside from the critical problem of unemployment, there is no question as to the need for the funds which the Emergency Community Facilities and Public Investment Act would provide. Data in the hearing record on H.R. 13853 reveals that as of last fall there was a total of nearly $13 billion in pending applications for grants and loans under the Department of Housing and Urban Development's regular water and sewer program. That figure of nearly $13 billion has built up since 1966, when the program was established, and reflects the totally inadequate funding that has been made available since that time. During this same period, HUD rejected more than $2.5 billion in water and sewer loan and grant applications for projects totaling more than $5.5 billion on the grounds that funds were not available. Furthermore, HUD has actually discouraged communities from even making application for water and sewer loan and grant funds with the explanation that the effort involved is useless due to lack of money.

Other examples of urgent need for assistance to finance water, sewer, and other public works and facilities in communities across the Nation were also presented during the Banking and Currency Committee hearing on H.R. 13853.

The National League of Cities-Conference of Mayors recently conducted a survey which indicated a total national need for sewer treatment facilities alone totaling $33 to $37 billion between 1971 and 1976.

A Department of Health, Education, and Welfare survey conducted in 1969, in only nine regions of the country having a total population of 18.2 million, showed that 2 million people were drinking water which, though safe, had an unpleasant appearance, order, or taste. Fifty-six percent of the water systems in this survey were deficient in some respect.

The Department of Commerce estimates that there are now 53 million people—26 percent of the Nation's population—served by inadequate sewer lines.

And the Environmental Protection Agency estimates that 43 million Americans are not served by any sewer lines at all.

The National Association of Counties stated in a letter to the committee:

> There is more demand for this program by county and municipal governments in the developing parts of metropolitan areas than for any other HUD program.

The Farmers Home Administration of the Department of Agriculture years ago estimated that more than 30,000 rural communities were without water systems and over 40,000 were without sewer systems. A recent check with that agency revealed there has been no overall change in these tragic totals.

A fundamental reason for the lack of these basic community facilities in so many of our rural communities is their inability to borrow funds or to provide any funding of their own to match grants, even if loans and grants were available either from HUD or the Farmers Home Administration.

H.R. 13853, because it can provide grants on a full cost of project basis, is the first ray of hope these communities have ever been offered. Without this bill, the future of these towns remains hopelessly bleak.

The overall need for this legislation was made clear by witnesses who said during the hearing on the Emergency Community Facilities and Public Investment Act that of all the assistance programs provided by HUD none is needed more than the loans and grants it provides for water and sewer facilities. In fact, it was stated that if funding were made available for these purposes on a realistic level, applications for loans and grants would at least double. The fact that funding is far below any reasonable level of adequacy is reflected in the pronouncement of State officials in New Jersey, who declared that to date the amount of Federal and State funds available for water and sewer system financing has been so small as to have no measurable impact on the needs of New Jersey communities.

Mr. Chairman, the Members of the House hardly need to be reminded that there is a full-blown taxpayers revolt stretching from one end of the country to the other. The anger and alarm of taxpayers is symptomatic of the fact that the communities in which they reside have virtually exhausted their tax resources to provide continually expanding services, to say nothing of new public works and facilities.

Since 1963, some 218 cities have levied charges for sewer services. Out of that total, 154 have found it necessary to increase these charges an average of 77 percent. Savannah, Georgia recently was forced to implement a 60-percent increase in the city's water and sewer rate and raise property taxes 20 percent in order to finance its pollution abatement program. Orion, Mich., is under court order to abate pollution of a nearby stream at a cost of $372 a year for each homeowner during the life of the bond issue required to finance the project.

The Emergency Community Facilities and Public Investment Act was drafted and adopted by the Banking and Currency Committee not only in recognition of the fiscal exhaustion confronting our cities, but also in recognition that this problem will be compounded at an accelerating rate in the years ahead unless the aid provided by this legislation is made available. The fact of the matter is that our cities are being abandoned by their middle and upper class residents—abandoned by their most prosperous and largest industries. We have been witnessing a massive flight to the suburbs that has left the cities with an ever-diminishing tax base with which to provide services and facilities for those left behind and least able to provide for themselves—the low- and moderate-income families—the millions of poor migrants from rural America.

While a nation of suburbanites has been watching moon rocket trips costing billions of dollars, our cities have been dying for lack of financial support.

But the problem is catching up with the suburbs, too. Increasingly, communities are being forced to suspend or restrict the construction of new housing because of inadequate or nonexistent sewer facilities. As a matter of fact, much of the metropolitan Washington, D.C., area now finds itself in this category. Housing construction restrictions have been imposed in Prince Georges, Montgomery, and Baltimore counties in Maryland. Similar restrictions have been imposed in the Philadelphia area and in Pittsburgh. In all, there are more than 80 communities in Pennsylvania where housing construction is being held up because of inadequate sewer facilities.

These conditions make it clear that availability of mortgage credit at reasonable rates alone is not going to assure meeting our national housing goals. We simply cannot build houses where there are no sewer and water lines or where those that do exist are becoming completely inadequate. Such conditions inevitably stall efforts to provide urgently needed housing. But they do even more harm because the attendant result is to sustain conditions which force the price of existing housing higher and higher, making it inaccessible to larger and larger numbers of people while contributing to inflationary pressures.

If this Congress is serious about making housing a national priority, then it must place the availability of funds needed to provide basic public works and facilities for housing on a level of equal priority. The Emergency Community Facilities and Public Investment Act does this.

Mr. Chairman, assertions have been made during the past few months that the $5 billion authorized for public works and facilities grants by this bill could not be used immediately because projects have not been planned and because the construction industry lacks the capacity to take on this much work during a single, relatively brief period. Both of these assertions are false. The National Association of Counties made it clear during the hearing on H.R. 13853 that a large part of the total funds authorized could go into use within 60 days following enactment and that the bulk of the money could go into use within 6 months of enactment. The fact is, many of these projects have been planned out for a long time but have been shelved for lack of funds.

The National Association of Utility Contractors surveyed some of its members to determine whether there was enough slack in the industry to permit taking on this additional workload. The association found that in a number of areas only half the men and equipment available for construction and installation of water and sewer facilities were currently employed. There was no question in the association's mind that its members could take on this job immediately. Incidentally, I find it more than a little ironic that concern is being expressed about the construction industry's ability to carry out the purposes of this act by putting men and equipment to work while it is universally recognized that the construction industry is one of the hardest hit by unemployment.

To those who cry that an expenditure of $5 billion for emergency construction of public works and facilities should not be authorized because of its inflationary impact, let me say this. First of all, this bill is not designed to provide funds for some sort of low-priority, rainy-day project that can wait until some indefinite time in the future. The public works and facilities that would be provided by this bill are desperately needed by communities across the Nation. Nothing has greater priority because these facilities are essential to achieve improved health standards, a better level of education, adequate housing, and revitalization of the economies of communities throughout the country.

Furthermore, the cost of construction is rising at a 10- to 15-percent annual rate. Any delay in adopting this bill and funding it on the grounds that it is too inflationary will only result in adding huge increases to the future cost of projects when they are built—and they will be built because they are absolutely vital to the health and welfare of the Nation. Under the present rate of inflation in the construction industry, a project costing $1 million today could cost as much as $1,450,000 only 3 years from now. A project costing $3 million now could cost $4,350,000 in 3 years, if delayed that long.

During the hearing on H.R. 13853, questions were raised about the necessity of adopting this legislation in view of the fact that the Senate and the House have approved S. 2770, the Federal Water Pollution Control Act Amendments of 1972. This legislation, which is still in conference, provides $18 billion in grants, mainly for construction of waste treatment plants over the next several years.

Chairman BLATNIK of the Public Works Committee sees absolutely no conflict between S. 2770 and H.R. 13853. In fact, it is his opinion that the two bills are needed equally and complement each other. Chairman BLATNIK made this point clear in a letter which he wrote to me May 23 and from which I now quote:

> I think we may justly take pride in the fact that through the years both the membership and the staff of the two committees [Public Works and Banking and Currency] have scrupulously avoided any bureaucratic infighting or wasting needless energy over jurisdictional disputes, but rather have worked in complete harmony in the interest of an improved environment and a healthy economy.
>
> Both Houses have passed and we are now considering in conference S. 2770, the Federal Water Pollution Control Act Amendments of 1972. Included in this measure is $18 billion for grants for the construction of waste treatment plants. I believe that the water and sewer lines which could be constructed, should H.R. 13853 become law, are complementary and a necessary adjunct to the treatment plants provided for in S. 2770.
>
> H.R. 13853, I feel certain, will provide yet another valuable tool in our arsenal of weapons against environmental pollution and economic decay. I am delighted therefore to give my wholehearted endorsement and unqualified support to the objectives and provisions of the Emergency Community Facilities and Public Investment Act of 1972.

In addition to the point made by Chairman BLATNIK, it should be borne in mind that there will be little immediate economic impact from S. 2770. As I indicated, most of the money it provides will be expended over a period of several years when, hopefully, our unemployment problems will be far less than at present. Moreover, the treatment plants which would be constructed with funds appropriated under S. 2770 have, in many cases, yet to be planned, and this in turn adds to the delay and reduces the potential of this legislation to address itself to present-day conditions.

I want to make myself perfectly clear on this point. I am not implying that S. 2770 should have less priority than H.R. 13853. The treatment facilities that would be provided by S. 2770 are vital to any effort to abate pollution of our water resources. There is no question that the legislation must be enacted and funded. But construction of treatment plants constitutes only about one-third of the cost of an entire sewer system. The rest of the cost largely consists of constructing service lines and mains. It is in this sense that H.R. 13853 dovetails with S. 2770. It makes little sense to finance the construction of modern, sophisticated treatment facilities while the rest of the sewer system is antiquated or is otherwise inadequate.

Mr. Chairman, H.R. 13853 was adopted on a virtually bipartisan basis by the membership of the Banking and Currency Committee. The vote on the bill was 19 to 4. Fourteen Republican members of the committee, led by my good friend Congressman WIDNALL, the ranking minority member, joined in a supplemental view expressed in the report on H.R. 13853. Far from objecting to enactment of this legislation, their concern focused exclusively on the possibility that funds authorized and appropriated under the act would be held up by the Department of Housing and Urban Development to force compliance with other nonrelated HUD programs. In effect, these 14 minority members of the committee are saying they want nothing to delay implementation of this legislation. In making their argument, they cite conditions under which communities are faced with the prospect of being within 6 months of their last drink of water. There is no question that minority members of the committee view this as vital, emergency legislation.

Mr. Chairman, I hope the membership of the House will approach and adopt this legislation on the same expeditious and nonpartisan basis with which it was handled in the Banking and Currency Committee. Virtually every community in the country—every constituency of the Members of the House—must have the financial assistance provided by the Emergency Community Facilities and Public Investment Act of 1972 if the most pressing priorities of the Nation are to be met. Chief among these priorities is the need to substantially reduce unemployment as quickly as possible and clear away obstacles which block attainment of the national housing goals.

This bill will allow the Nation to move quickly and effectively in these areas.

I include at this point articles from the New York Times and the Washington Post and a letter from the National Association of Counties:

[From the New York Times, July 19, 1972]

PASSAIC AGENCY SAYS LACK OF FUNDS CAUSED DELAY IN SEWAGE CHANGES

(By Martin Ganzberg)

Officials of the 69-year-old Passaic Valley Sewerage Commission have argued in recent years that the cause for delays in meeting Federal antipollution schedules has been "a lack of money."

Two years ago, when Federal representatives charged that the commission was responsible for most of the pollution in New York Harbor, Seymour A. Lubetkin, the agency's chief engineer, said that "90 per cent of the oxygen problem in the Passaic River is due to the industrial wastes from Newark."

LOCAL CONTROL INDIRECT

The Government said yesterday that the commission's sewage treatment plant in Newark "provides only partial treatment and has a capacity of 225 million gallons per day, with occasional flows exceeding 500 million gallons per day."

During its peak hours, the Government held, the plant's overflow leads to the most elementary kind of treatment, with industrial wastes being dumped into the harbor largely unchanged.

Member municipalities have no direct control over the five-man commission, which is named by the Governor, with each man serving for five years.

The commission's jurisdiction covers 28 municipalities and several large industries along the Passaic River from just below the Great Falls in Paterson to the mouth of the river in lower Newark Bay. Its 11-foot sewer main follows a 27-mile course that for most of the way is just west of the river.

The agency has no budget of its own, depending on assessments from the 28 municipalities, some of which are only partly served. Assessments are based on the amount of sewage the municipalities pour into the system.

Service is provided to parts of Bergen, Essex Hudson and Passaic Counties, and the commission collects the raw sewage and industrial wastes for primary treatment at its plant in Newark off Newark Bay. The waste is then pumped under the bay and discharged in New York Harbor near Robbins Reef, off Bayonne, N.J.

The Newark plant has not had any major renovations since 1924, and the growing populations and industries in the surrounding area have combined to exceed its estimated capacity. The commission now serves 1.2 million people and 700 industries.

Two years ago, Mr. Lubetkin said that construction of secondary treatment plants—those that cleanse and remove polluting solutions in the water to a high degree—could not be completed before 1976 or 1977 because of the lack of money. "The Federal Government delayed us," he said at the time.

The communities that use the commission's facilities are as follows:

Bergen County—East Rutherford, Garfield, Lyndhurst, North Arlington, Rutherford, Wallington, Glen Rock, Fair Lawn, East Paterson Lodi and Saddle Brook Township.

Hudson County—East Newark, Harrison and Kearny.

Passaic County—Clifton, Haledon, Passaic, Paterson, Prospect Park and Hawthorne.

Essex County—Belleville, Bloomfield, East Orange, Glen Ridge, Montclair, Newark, Nutley and Orange.

[From the New York Times, July 19, 1972]

United States Is Suing Cities on Harbor Filth—Asks Action on Curbing Raw and Industrial Waste

(By Arnold H. Lubasch)

A concerted effort to end the serious pollution of New York Harbor was initiated by the Federal Government yesterday in a series of lawsuits against New York City, the Passaic Valley Sewerage Commission and several communities in New Jersey.

The suits seek Federal Court orders to compel the defendants to prevent the pouring of industrial waste into their sewer systems and to provide adequate treatment of the sewage they empty into the harbor and its adjacent waters.

Federal authorities said this was the first time the Government had sued municipalities to make them accept responsibility for the industrial waste that private companies discharge into their sewer systems.

The suits were filed in Manhattan, Brooklyn and Newark by the area's three United States Attorneys—Whitney North Seymour Jr. of the Southern District of New York, Robert A. Morse of the Eastern District of New York and Herbert J. Stern of New Jersey.

They took part in a news conference here with Gerald M. Hansler, regional administrator of the Environmental Protection Agency, who said the E.P.A. was giving New York City and the Passaic Valley Commission 180 days to submit plans to meet Federal sewage-treatment standards in the harbor area.

In addition to the city and the Passaic Valley agency, the defendants named in the Federal lawsuits included the Jersey City Sewerage Authority and the communities of Bayonne, Hoboken, West New York, North Bergen and Edgewater.

The State of New Jersey was also named as a defendant to give the lawsuits sufficient scope, but the state's environmental director, Charles M. Pike, said that New Jersey welcomed the Federal action and cooperated with it.

A sharply contrasting reaction came from Jerome Kretchmer, the city's Environmental Protection Administrator, who assailed the Federal complaints against New York as "absurd, frivolous and political."

Something had to be done about the Passaic Valley Commission, Mr. Kretchmer said, but New York was cited by the E.P.A. "apparently to soften the blow for New Jersey."

"New York City is vigorously pursuing the most ambitious water-pollution-control program in the nation at a total cost of $2-billion," he asserted.

Mr. Kretchmer added that the city would meet today with an electroplating association to obtain abatement agreements from "the electroplating industry, which is considered the worst single industry for discharging metals into our sewer system."

The Federal lawsuits cited electroplating companies among hundreds of private corporations that pour toxic metals through municipal sewer systems into New York Harbor.

Contending that the city had failed to enforce its own regulations against industrial waste, the suits complained that "large quantities of toxic metals and other pollutants were being discharged each day into New York Harbor and the surrounding waters."

Some of the principal pollutants listed in the suits were cadmium, chromium, copper, iron, manganese, mercury, nickel and zinc, which were said to be entering the harbor in sufficient quantities to endanger plants, animals and people.

Federal action is designed to assure that such toxic industrial wastes are treated at their source by the private companies that discharge them, instead of allowing these companies to pour them through sewer systems into the harbor area.

RAW SEWAGE DISCHARGED

Aside from the industrial waste, the city was discharging about 350 million gallons of raw sewage each day from the sewer system directly into the Hudson River, New York Harbor and the other waters adjoining the city, according to the lawsuits.

New York City discharges more raw sewage than any other area and accounts for a higher percentage of the national total of raw sewage, Mr. Hansler of the Federal Environmental Protection Administration said at the news conference in the Government office building at 26 Federal Plaza.

Mr. Hansler added that New York Harbor constituted one of the worst water-pollution areas in the country.

The city produces almost 1.5 billion gallons of sewage daily, according to Federal estimates, with about 80 per cent of it flowing from the sewer system into treatment plants before it reaches adjacent waters.

The remaining raw sewage will continue to pour directly into the waters until the city's North River treatment plant begins operating, which probably will take several more years, according to the city.

On the New Jersey side, the Passaic Valley sewage-treatment plant at Newark serves about 1.2 million people and more than 700 industries in the counties of Bergen, Passaic, Hudson and Essex.

POSSIBLE PENALTIES

The plant at Newark provides only partial treatment of sewage, while discharging as much as 8,600 pounds of toxic metals daily, the lawsuits complained.

The Federal Government is seeking the elimination of industrial waste from the municipal sewer systems, requiring treatment at the source by the private industries, and the proper treatment of the remaining sewage that pours into the harbor.

Federal judges can support enforcement orders with fines and imprisonment for contempt of court, if their orders are thwarted, but the United States Attorneys said they expected all the defendants to comply with any orders resulting from the lawsuits.

Mayor Lindsay and the mayors of the other communities are named among the defendants in the lawsuits.

Federal officials said yesterday's concerted action represented the first time that the United States Attorneys and the E.P.A. had joined in a coordinated attack on the polluters of an interstate body of water.

[From the Washington Post, July 19, 1972]

In Pollution of Harbor: United States Sues New Jersey, New York City

(By Stephen Isaacs)

New York, July 18.—The Justice Department today sued the State of New Jersey and the City of New York for failing to halt pollution of New York Harbor, one of the filthiest bodies of water in the world.

At the same time, the U.S. Environmental Protection Agency initiated an action against the jurisdictions to try to force them to clean up the nearly 2 billion gallons of inadequately treated waste poured into the waters every day.

The Environmental Protection Agency action concentrates on human waste. New York City dumps about 350 million gallons of human waste—untreated—into the Hudson River daily.

The Justice Department's actions, brought by U.S. attorneys in Newark, Manhattan and Brooklyn under the Refuse Act of 1899, focus on alleged failure of government to force manufacturers to clean their wastes before flushing them into city sanitation systems.

The EPA complaints give New York City and the Passaic Valley Sewerage Commission 180 days to submit plans for dealing with the inadequately treated waste. The agency acted under authority of the Water Pollution Control Act.

The suits seek injunctions against the discharge of industrial waste through sewerage systems and orders to require detection of waste sources and to enforce existing codes.

To dramatize the effects of what one jurisdiction's waste can do to another, the federal pollution experts dropped 1,600 pounds of dye into a Brooklyn sewage treatment plant six days ago.

That dye was observed, by helicopter and boat, as it moved away from the plant. Within 63 hours, it had moved in all directions, and had appeared along the popular public beaches at Sandy Hook, N.J. It is still being observed.

While a spokesman for the State of New Jersey said he was delighted with the actions, since they help authorities enforce their demands on industrial polluters, New York City's spokesman was outraged.

"The feds know every step of our program," said Jerome Kretchmer, head of the city's Environmental Protection Administration. "They've financed it? Why do they serve us with 180-day notices?

". . . We have a meeting scheduled with these polluters tomorrow morning to enter into abatement stipulations. The feds know that, I just don't understand."

Kretchmer said he wondered whether politics might be involved, noting that the suit against New Jersey did not personally name Republican Gov. William T. Cahill, but the one against New York City did name Mayor John V. Lindsay, who left the Republican Party 11 months ago.

Jonathan L. Goldstein, an assistant U.S. attorney in Newark, earlier noted that, as a result of today's suits, courts could order re-deployment of public funds to help solve pollution problems, or could even jail mayors of cities just as union leaders are sometimes jailed.

The suits contend that New York City has consistently failed to get tough with industrial polluters, saying:

"The city, although long aware of the discharge of industrial waste material into the city sewer system, has failed to implement a program of systematic inspection and pollution abatement of the city's offending industries."

The suit says that, daily, 76 pounds of mercury are discharged by New York treatment plants, 3,801 pounds of chromium and 6,107 pounds of iron, among other metals. Four electroplating firms in New York were charged, as symbols of a class action.

Said Kretchmer:

"It's our records that they've .used on the toxic metal stuff. We've given them all of our laboratory tests. We thought we were in a partnership to solve this problem."

Further, Kretchmer said in an interview, the federal government is to blame for much of New York City's problem with industrial polluters, by not funding pollution programs adequately and by not adopting uniform standards.

"We have the economic question here of not driving these people out," said Kretchmer, "of wanting to do this in an orderly, schedulized way so that these people can continue to function.

"We have an answer for the feds: if there was federal legislation which provided toxic metal standards nationwide, so that their emissions would have to be the same no matter where they located, then we could deal with a firmer hand.

"We deal with the continuing problem of runaway industry, and we've told U.S. Attorney Whitney North Seymour that we'd like to see him advocate federal standards. We haven't seen any cry out of the U.S. attorney for that."

Kretchmer also was puzzled about the federal action, since the city now has a $780 million plant under construction to treat the 350 million gallons of waste a day that now goes totally unaltered into the Hudson. Another 1.1 billion gallons of New York's waste is treated—although the federal prosecutors said today that that portion was not sanitized well enough.

The federal prosecutors said that some 700 firms in 28 New Jersey cities along the waterways there, and thousands in New York City, are pouring toxic metals and chemicals into sanitary systems, that eventually end up in New York Harbor and its tributaries.

U.S. Attorney Herbert J. Stern of New Jersey said that the action would force all the pollution authorities of all the jurisdictions together in one courtroom, and force them to act together . . . "I think it's the only sane way to proceed.

"I don't think anybody expects that just the bringing of this lawsuit is going to turn off pollution," Stern said.

In February, Stern won an injunction to keep 15 New Jersey beach communities from dumping sewage sludge too near their beaches.

He said today that the actions were the first taken by multiple federal agencies to force municipalities to enforce codes on environmental protection.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN PATMAN: As you know, the House, on Wednesday, July 19, 1972, will consider the "Emergency Community Facilities and Public Investment Act of 1972" (H.R. 13853). This Bill, as proposed, would provide $5 billion in contract authority for the HUD Basic Water and Sewer Facilities Program.

In testimony before the House Banking and Currency Committee, the National Association of Counties (NACo) pointed out the desperate need for increased funding for these facilities. There is more demand for this program by County and Municipal governments in the developing parts of metropolitan areas than for any other HUD program.

The latest available figures compiled by HUD show that applications totaling more than $12 billion are pending. Currently, the Office of Management and Budget has $500 million of funds appropriated for this program under impoundment.

Additionally, the House has recently passed a strong and far reaching water pollution control bill authorizing $18 billion for the construction of badly needed sewage treatment facilities. But this legislative action will have no value unless funds are provided for the other parts of the system—the basic sewer lines.

Thus, the need for increased funding, as is proposed in H.R. 13853, is evident. It will not only provide badly needed facilities, but it will also assist in reducing unemployment. Many of our counties report that projects assisted by this program could be gotten underway within six months. However, because of the fiscal crisis on the local level, these projects cannot be undertaken unless additional Federal assistance is forthcoming.

Therefore, NACo respectfully urges your favorable vote on H.R. 13853, when it comes before you on Wednesday.

Very truly yours,
BERNARD F. HILLENBRAND,
Executive Director.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, we have now 5.5 percent unemployment. Is it not true if this bill is carried through favorably it will give 500,000 persons immediate employment and very shortly thereafter will give another 500,000 people employment. It will put practically 1 million people to work immediately.

Mr. PATMAN. That is correct. The gentleman is correct.

Mr. BARRETT. I thank the gentleman from Texas.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding and rise to inquire about the statement the gentleman made regarding a taxpayers' revolt and about the people in the various localities being concerned about high taxes. Of course we all want adequate water and sewer facilities but you refer to a taxpayers' revolt.

If this is true—and I believe we are nearing that point—why have a $5 billion authorization bill here today, especially when it duplicates other programs? Would it not add to the taxpayers' burden?

Mr. PATMAN. Certainly. It is time when we must have priorities and spend the money for the proposal that has the highest priority for the health of the people. This bill really is fighting disease as well as crime. It is fighting epidemics. It is something that is vital to the Nation.

When that is the case, as it is now, the people want to spend the money for something that will help them the most. There is not any expenditure we can make that will help them more. There are things that could happen that would be even worse.

Mr. SCOTT. Federal funds come from the same taxpayers. I just do not see how we reconcile a taxpayers' revolt with the authorization of an expenditure of an additional $5 billion, especially when it duplicates the revenue sharing bill and other measures we have acted upon recently.

Mr. PATMAN. I will be glad to respond. A lot of people almost revolted against expenditures to go to the moon. They said we needed other things worse than that. They have revolted against other things where money is being spent not nearly as usefully to the people as the money spent for water and sewer.

Mr. BARRETT. Mr. Chairman, I rise in support of H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972. This bill, of which I am a cosponsor, will provide massive assistance to two areas of our domestic economy that demand immediate aid. Almost every area of this country is in urgent need of Federal aid to provide more and better water and sewer facilities, and the need for additional job opportunities. This bill attempts to provide vitally needed new employment opportunities and to provide the funds needed to build and update water and sewer facilities and other important public works projects.

Every Member, I am sure, will agree that the water and sewer grant program is the most popular program run by the Department of Housing and Urban Development. It is so popular in fact that applications totaling more than $12 billion are currently pending under the regular water and sewer facilities grant program. Current operations of this program provides assistance to only 10 percent of the communities in this country that require this much-needed aid.

The administration has from the time they have taken office refused to spend the funds that Congress has authorized and appropriated for the water and sewer facilities grant program. At the same time this country is facing serious environmental pollution problems that have caused the communities around the country to seek this additional assistance from the Federal Government. Over the past 2 or 3 years HUD has adopted the policy of discouraging communities from even making application for grants under this program. Under the existing program, a water and sewer grant is only a 50-percent Federal grant with the local community providing the additional 50 percent. Even the use of the existing program is a burden for our communities since they have to put up half of what they are requesting from the Federal Government.

I need not belabor the issue that our State and local governments are at the breaking point insofar as further taxing their citizens. In no other area of the public sector have taxes risen at such a rapid rate as our local and State taxes have. If the Congress does not enact this bill, our local governments will have to continue to increase their taxes thereby driving many middle-income homeowners out of the homeowning category since the burden of the various local property and nuisance taxes will be too great for them to bear. If we are to provide for continued orderly local growth, along with the increasingly strict and local health regulations, as well as increasing antipollution-related court orders, then this bill must be enacted.

The metropolitan area of Washington is a prime example of what is happening to our communities around the country. In areas of Montgomery and Prince Georges Counties, Md., no more homes are being permitted to be built because of inadequate sewerage treatment facilities. The same is true in Fairfax, Prince William, and Loudoun Counties, Va. If the present situation continues and no additional Federal funds are made available for water and sewer facilities and sewerage treatment plants, then any additional homebuilding in the Washington metropolitan area will cease.

If the $5 billion of funds is spent then we will go a long way toward reducing our current high unemployment level. Unemployment in the construction industry is, of course, far higher than the average present unemployment rate of 5½ percent. This bill is geared to provide employment for those pocket areas that experience substantial unemployment. The Bureau of Labor Statistics estimates that 100 jobs are created for each $1 million expended on public works. With this in mind, the expenditure of $5 billion involved in this bill could directly create 500,000 onsite and offsite jobs. We heard testimony during our hearings on this bill that many communities are geared up so that they could put the money in this bill to use in 90 days following enactment of this bill, and that the bulk of the $5 billion could be financing projects within 6 months after the date of enactment.

Mr. Chairman, I strongly urge that the House pass H.R. 13853.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my support of water and sewer programs is a matter of longtime standing. I have fought for increased authorizations and appropriations many times. The gentleman from Texas, the distinguished chairman of the Committee on Banking and Currency; the able gentleman from Pennsylvania (Mr. BARRETT), the chairman of the Subcommittee on Housing; and the gentleman from Georgia (Mr. STEPHENS); altogether we have worked on numerous occasions and pooled our resources to effect legislation to this end. I believe most Members of the House are convinced of the need.

This program and its implementation are vital in my district, in my county, in my State. I know I am not unique in this respect as a Member of the House. I believe that is true of practically every Member of this body. That is why the program in the past has enjoyed such popularity.

We are, today, much taken with the word "ecology." It is on everyone's lips. But it was not always this way in the past. The drive for clean streets, clean air, and clean water has only recently become a universal concern. Now we are being told that unless we take immediate steps to preserve all three, we may soon lose all three.

Clean water might well be likened to the lifeblood of our planet. To that end, we should pay particular tribute to the work done by the gentlemen of the Public Works Committee who have authorized and sought funding for the building of secondary and tertiary waste treatment plants which are needed to purify our polluted water.

But consider this. Those plants, vital as they are, representing millions of dollars, may well stand idle waiting for the connector lines that must be attached to them. This is because we have funded so few of the desperately sought applications for sewer and water that have come to us from the many small towns, suburban areas, and the countryside at large.

These plants are of no use to any of us if we build them and do not have the connector sewer lines coming to them. Our committee knows this and the Public Works Committee members know this. That is why this bill is before us. And, since this knowledge is so widespread within the legislative department, I think it should be also with the executive department as well.

In the latter part of 1967, during the previous administration, I wrote a letter to the Department of HUD asking why we were having so much difficulty in processing applications and implementing the work on the water and sewer program. I inquired as to the need. After a considerable interval, I received an answer to my letter which indicated that the total applications to HUD alone were more than $4 billion. Subsequently, in hearings held less than 3 months later, I was told that the backlog of applications only totaled a billion dollars. This suddenly appearing discrepancy was a matter of some embarrassment to the men in the preceding administration which was finally explained by a confession from HUD that—after my letter to them and theirs to me—they had engaged in the mammoth discouragement program because so many people were writing in for assistance.

Let us examine this matter of Federal assistance to this program. On the average, with all applications considered, State aid figured in, and so forth, the Federal Government is paying roughly only 40 percent of the tab. The other 60 percent, in hard cash, is put up by the communities concerned, often at great sacrifice to their citizens, who must approve the necessary bond issues or raise the necessary taxes. This is money not easily obtained but obviously something that all the citizens concerned desperately realize they must do to preserve their need for clean water.

Let me emphasize again that it does no good to build waste treatment plants in the latest and best design if we do not have the connecting lines coming to them. That is what this bill should be all about and if it is not, proper amendments should be introduced to bring this about.

It is with all this in mind that I support this bill as I have done in the committee and as I do now before the House.

As anyone can tell from a perusal of the committee report, 1117, opinions of the minority are varied. I do not wish to belabor that fact. All have validity and all, I am sure, will receive consideration by the Members constituting this body. I do want to stress what 14 Members of the minority said in the supplemental views which they signed.

We consider this a most vital, necessary program. We do believe it has been neglected and politically and personally administered ever since its first enactment. It is my further belief that this belief is shared by a majority of the committee, and a majority of the House of Representatives, and we want the practice stopped regardless of whose administration is in power.

I do not believe that I need to point out to the Members of this body what it means to have one of the towns in their district facing an absolute water shortage and the need to import water into the area. That has happened. To Members whose citizens so suffered I do not have to recall to them their outrage when they were faced with the endless delays and red tape brought on by the niceties of what HUD calls comprehensive planning.

This is a bipartisan matter and it has come to me from both conservatives and liberals.

The chairman of the committee referred to a situation in New Jersey and one in New York where action is being taken against the two States because of the lack of waste treatment facilities and the amount of pollution being poured into the waters around New York City as a result of it.

I am very familiar with what has been taking place in New Jersey, and much of it has been attributed to the lack of proper facilities under the Passaic Valley Sewerage Commission. There has been a lack of money that has caused the failure to meet the obligations there. I believe there are steps being taken now in New Jersey through the legislature and through the municipal authorities to meet the obligations which we have to our citizens.

Certainly as a Member of this House I deplore any such set of circumstances where it is necessary to take such drastic action because of the failure of the States or communities to act.

The people are now fully aware of the problem that we face throughout the United States. There is no easy solution. My one hope is that people will not figure because this bill passes the House and the Congress that the next day after pushing a button there will be a change in facilities, a change in the ecology, and a change as far as pollution is concerned. It will require time, it does require additional planning. I hope that we will realize that this has to be done before anything can be done to provide jobs.

I do not want to be one who is holding out a promise of 1 million jobs to people when a lot of the planning is not done, and the work is not ready and the appropriations have not been made by the Congress of the United States.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Iowa.

Mr. KYL. I would like to ask the gentleman a few questions.

First, how does the procedure and how does the machinery and the functions of this bill you bring to the floor today differ from that bill which covers the same subject which is at the present time in conference?

Mr. WIDNALL. Is the gentleman speaking about the bill that came out of the Committee on Public Works?

Mr. KYL. That is correct.

Mr. WIDNALL. I believe this, and there is a difference of opinion on it, I do not believe that the bill in conference provides for connecting lines as such, it is for basic treatment facilities and for research and development, but I do not believe that it provides for the construction of other facilities.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. I believe that the EPA right now is making Federal grants for intercepter sewers, which are the feeder lines into the sanitary sewage treatment plants, these are the main trunklines that feed the sanitary sewage treatment plants. The only thing that I do not believe the EPA will make a grant for is the collector sewers and the lateral lines which go right into the homes. I believe that these should remain the responsibility of the municipality and the homeowner, as they are now.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. WIDNALL. I yield further to the gentleman from Iowa.

Mr. KYL. Getting back to the matter of the two bills, the one from the Committee on Public Works does include these plans which the gentleman says are not included. What I am still interested in is how does this bill differ from that one? How can we get something out of the additional expenditure of $5 billion that we will not receive from the other one, or will we have the same amount of work done with the same amount of money?

It seems to me that we are engaging in an exercise of frustration when your committee attempts to do in a few days with a few witnesses, that which the Committee on Public Works studied for months, and then brought forth a bill based upon that study. Your committee comes in with a bill that essentially proposes to do about the same thing what the House and Senate have already done. The gentleman from New Jersey did say that we have to do planning, and he is not saying that we are going to have jobs right away. This is a frank admission, and of course it shows that the gentleman is not trying to oversell the product, but I do not know what we are going to gain when we have $18.6 billion in the same programs already authorized.

Mr. WIDNALL. In conference. There is a great difference of opinion between our conferees and the other body's conferees, and there is no assurance that they are going to get what is being claimed out of the conference.

Mr. KYL. If the gentleman will yield for one further question, is it the opinion of the gentleman and of the other members of his committee that they can do in a very simple, quick process what the Public Works Committees of the two Houses and the conferees of the two Houses cannot do? Are you saying that we have lost faith in that committee and, therefore, you are taking this job over because you know how to do it? Is that the purpose of the bill?

Mr. WIDNALL. No; I do not say that. But I do think since it is such an emergency situation, every avenue should be used in order to bring pressure to get something done and to get it through conference. Time is wasting.

Mr. KYL. Has the gentleman sought to get the conferees of the Public Works Committee together to reach a decision?

Mr. WIDNALL. No; I have not.

Mr. KYL. I thank the gentleman.

The CHAIRMAN. The gentleman from New Jersey (Mr. WIDNALL) has consumed 13 minutes.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise to seek clarification of the committee's intention that money authorized under H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972 can be used for the construction of sewage treatment plants, as well as collection systems and interceptors. In my discussions with the Department of Housing and Urban Development and the Environmental Protection Agency there has been some confusions over whether these funds might be used for sewage treatment plant construction. I believe that it is important to clarify this point because essential to the success of this legislation is the ability of localities to direct the funds available to them to meeting the most critical water and sewer problems of their areas and to put the unemployed to work in these priority projects.

The way I read H.R. 13853, the $5 billion in funds authorized would be equally available for the construction of sewage treatment plants as for sewage collection lines. Substantiation for this assumption is found on page 4 of the bill which explicitly states that assistance under H.R. 13853 will be for:

> . . . the construction of basic public facilities (including facilities for the storage, treatment, purification, or distribution of water, and sewage, sewage treatment, and sewer facilities) for which there is an urgent and vital public need.

Sewage treatment faciities are specifically mentioned. Furthermore, on page 3 the bill states that grants may be made by the Secretary to States and local governments for projects of the type described in section 202(a)(1) of the Housing Amendments of 1955. Sewage treatment facilities are included in section 202(a)(1) of the Housing Amendments of 1955.

Therefore, Mr. Chairman, I would like to ask whether I am correct in my understanding of the intent of the committee that the construction of sewage treatment facilities would be eligible under H.R. 13853?

Mr. PATMAN. The distinguished gentleman from New York is quite correct in his understanding of the intent of the committee that sewage treatment plants would be equally eligible for assistance under H.R. 13853.

Mr. KOCH. I would just like to add that it is particularly appropriate for New York City that the House should be considering this legislation today. Yesterday, suits were brought by the Federal Government against the city of New York, as well as several communities in New Jersey and the Passaic Valley Sewerage Commission, because of their continued dumping of untreated and inadquately treated sewage and industrial wastes into New York metropolitan area waters.

Presently, the city of New York produces some 1.5 billion gallons of sewage daily. Three hundred and fifty million gallons of this sewage flows as raw sewage directly, without any treatment, into the Hudson River, New York Harbor, and other adjacent waters. Much of this raw sewage is coming from the island of Manhattan in which my congressional district is located. The remaining sewage, while receiving some treatment, is often inadequately treated and is also polluting the harbor and river waters.

New York City's most critical need at this time in meeting this problem is money to step up its construction of sewage treatment plants. Presently, there are nine sewage treatment plants under construction to expand and improve the city's treatment capabilities. The cost of these plants amounts to almost $1.5 billion. With the passage and funding of H.R. 13853, money would be available to speed up the construction of these facilities—many of which have not received adequate Federal funding and are having to be prefinanced by the State of New York. Furthermore, there are five additional proposed sewage treatment plants, not yet funded, that are needed to treat the city's sewage and to meet today's pollution crisis. Their total project cost amounts to an estimated $620 million.

H.R. 13853 would provide funds to meet 100 percent of the costs of such basic water and sewer projects for which there is an urgent and vital public need. The seriousness of the situation in New York City is underscored by the suit entered into by the Justice Department yesterday. New York City is to be criticized for its failure to provide an acceptable timetable for providing adquate sewer collection and treatment facilities. But it is also time that the Federal Government meet its responsibilities in assisting localities, already strapped by many municipal demands on their budgets, with funds to meet these needs.

In addition to the construction of treatment plants which I outlined above, New York City also needs to build new sewers in the outer boroughs and to replace existing sewer lines, some of which are deteriorating clay pipes that are over a century old. Such old piping exists in at least one area in my congressional district qualifying under this bill, the Lower East Side of Manhattan. New sewer lines are also needed in Staten Island and Queens at a cost of some $2 billion. Furthermore, I have been advised by New York City's Department of Water Resources that extensive sewer line construction needs to be performed in the model cities areas of Brooklyn and the Bronx. Next year the city would like to start construction on the St. Ann's Avenue sewer line in the Bronx at a cost of $43 million. And in the Brooklyn model cities area a serious problem exists in which the aged sewers are eroding and consequently continually flooding. To update the sanitary and storm sewer system of this area, some $2 billion is needed.

Mr. Chairman, I bring to the attention of our colleagues these cost estimates. They are not complete for New York City alone, but I believe they provide some indication of the dimension of the needs for New York and the country.

Today we have a high unemployment rate. It is time that this country takes some positive action in putting to work the unemployed in projects that will eliminate environmental pollution and conserve irreplaceable resources. For too long we have sat by and let billions of gallons of pollutants pour into our waterways daily. And for too many months our Government has sat by while people have gone without employment. It is time that we put the unemployed to work—not in jobs of marginal need or importance—but in work that is of vital importance to the very basic health and welfare of our country.

Mr. PATMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Mitchell).

Mr. MITCHELL. Mr. Chairman, I rise to urge that this piece of legislation be acted on in a most expeditious manner and, of course, in a favorable manner.

In my city, and perhaps in your cities, we are facing an astronomical rate of crime. That rate of crime is directly related to the lack of employment for black people, poor people, and other minorities in this country.

As some of you well know, the unemployment rate for certain categories of black citizens is so fantastically high that the Bureau of Labor Statistics refuses to release the data, pointing out that if released, the statistics might cause chaos in this Nation.

We need jobs, and we need them now.

I recognize that the passage of this legislation will not, as my distinguished colleague Mr. Widnall pointed out—immediately create jobs. But at least it will offer hope to those hundreds of thousands of people who have no hope at all for getting work. It will offer them the hope that jobs are on the way.

Mr. Chairman, I urge favorable, speedy consideration of this legislation.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman.

Mr. BLACKBURN. The gentleman in his supplemental views in the print of the committee report refers to a colloquy which took place in executive session between himself and the gentleman from New Jersey (Mr. Widnall), the ranking Republican member of the committee, dealing with the manner in which HUD operates the grant program of sewer and water grants.

I think it is appropriate, because I just saw these supplemental views—I think it is necessary to point out to the gentleman in the well that it is against the rules of the House to refer to conversations which take place during executive sessions of a committee. Therefore, I take this opportunity to call this rule to the gentleman's attention and to request we do not violate that rule in the future.

Mr. MITCHELL. I thank the gentleman for calling this to my attention.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. J. William Stanton).

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise to speak on the bill H.R. 13853, Emergency Community Facilities and Public Investment Act of 1972, while holding mixed emotions over the fate of this bill.

The bill, in large part, seeks to increase Federal aid for the construction of basic water and sewer facilities, a matter which I consider to be of the highest priority. However, the method of assistance and the volume of that assistance which is being proposed may be the high-water mark reached by this Congress in demonstrating its ability for fiscal irresponsibility. There is no doubt in my mind nor has there been a hesitation in my full-fledged support for the basic water and sewer facilities grant program which is administered under section 702 of the Housing Act of 1965. I think it is through this program that Federal efforts should continue to assist local communities in the provision of these basic community facilities.

Let us not be deceived by the high intentions to which this bill portends to aspire. This bill is represented to be a large-scale effort to reduce unemployment. It is not. This bill is further represented to be a means of activating economic growth through full production of all anticipated water and sewer facilities. Once again, it is not.

This bill represents one of the single largest steps yet proposed for putting this country back into the grips of inflation from which we have so arduously been extricating ourselves. Where does the $5 billion come from to support the back-door financing proposed in this bill? There is no excess $5 billion to be found floating around in the fiscal 1973 budget. This bill does not call for an authorization and the appropriations process. It evades that responsible procedure for dealing with our national budget, and calls for an immediate expenditure of $5 billion in contract authority.

To be candid, this bill must be exposed for what it really is and dealt with on that basis. And what this bill is, an outrageous, irresponsible political power play aimed at increasing the Federal budget, resurrecting serious inflation, and ultimately embarrassing the administration. Invoking the name of the popular water and sewer program is a flimsy disguise to conceal the raw political tactics evident in the existence of this bill and the manner in which this bill has been considered.

This bill has come on the heels of House and Senate passage of S. 2770, Federal Water Pollution Control Act of 1972. That act, as approved by the House on March 29 of this year, would provide $18 billion over the next 3-year period for activities identical to those contained in this bill dealing with the construction of facilities for the collection of sewage and distribution of water. In addition, there is $650 million in unappropriated authorization remaining in the 702 water and sewer facilities grant program.

This bill would propose a 100-percent Federal grant for the construction of these facilities, a proposal which pays little attention to the experience gained from the existing water and sewer facilities grant program which has shown an overwhelming willingness of local communities to participate with the Federal grant limited to 50 percent of project cost. The Public Works Committee showed sound judgment in rejecting the 100-percent Federal funding in favor of 60-percent grants under the Water Pollution Control Amendments of 1972, their reasoning being that local participation assures local responsibility for effectiveness of the program.

The prospect for reducing unemployment offered by this bill is indeed questionable when one takes into account that the primary beneficiaries of accelerated construction of water and sewer facilities will be those skilled trades which are now in the midst of high employment and high wages during this time of increased construction activity. The bill requires Davis-Bacon prevailing wage levels for any federally assisted project. This, taken together with limited access nature of the skilled building trade unions needed to construct these facilities, will only heighten the pressure for high wages, overtime, and other inflationary production costs with an insignificant ripple effect toward reducing unemployment.

For these reasons, Mr. Chairman, I have no problem in opposing this bill, and I honestly see no inconsistency between my continued support for Federal water and sewer facilities grants and opposition to this bill. There are responsible ways of dealing with the national problems of water pollution, sewage disposal, and adequate local water supply, and this clearly is not one of them.

I urge the Members of this House to act in good faith and defeat the bill H.R. 13853.

Mr. WIDNALL. Mr. Chairman, at this time I yield 10 minutes to the gentleman from Michigan (Mr. Brown).

Mr. BROWN of Michigan. Mr. Chairman, at the outset I would urge each of the Members to examine the dissenting views which are included in the committee report on this bill. These views, written by me are more extensive than the remarks I will make here today but I think they are all quite pertinent to the whole issue of the passage of this legislation.

While there can be no question that the problems about which H.R. 13853 speaks are very real and that it is incumbent upon this and other legislative and executive bodies to work toward a mollification of those problems, any solution that is chosen must insure that those needs are actually met. Any legislative program that fails to precisely address itself to the real problems involved here will do nothing but exacerbate an already severe situation.

It may be that legislation authorizing massive funding for construction of local water and sewer facilities would do all the things that the majority report on this bill assures us would be accomplished by such a measure. Unfortunately, the majority report on H.R. 13853 is less than persuasive that this bill will, in fact, provide the solutions.

A brief review of the committee report will illustrate my point. First, at page 2 of the report, under the heading "What the Bill Would Do," the committee asserts that beside meeting the emergency demands of a growing population for basic public works such as water and sewer facilities, this bill would meet, "the additional and equally important requirement of controlling environmental pollution." Again, at page 4 of the report, under the heading, "Need For the Bill," the committee suggests that—

> Failure to accept the alleged change in direction furnished by the bill will mean that realization of Federal and State clean water and clean air standards, as desirable as they are, will be significantly delayed. By the same token, the prospect of continually increasing environmental pollution or a sharp reduction in the Nation's productive capacity to eliminate that pollution haunts this country's future.

I take no issue with the committee's statements that controlling environmental pollution is important and that construction of adequate water and sewer facilities will help allay continued pollution. I do take issue with the committee's failure to recognize the provisions of the recently passed Federal Water Pollution Control Act Amendments of 1972, S. 2770 and H.R. 11896. Those bills, which contain authorization of $18 billion over the next 3 years, specifically stated as one of its goals, "that Federal financial assistance be provided to construct publically owned waste treatment works." (Section 101(a)(4)). The committee report on that bill notes, at page 72, that the construction of waste treatment work, "includes construction of treatment facilities and collector sewer systems including systems for treatment of storm sewer runoff." Thus, the construction of the kinds of public works that H.R. 13853 suggests, has already been provided for in S. 2770.

Since the question has been raised and with due deference to the gentleman from New Jersey, who I am sure is totally sincere in his belief that this bill in effect takes care of an omitted area in the two bills which have already been passed by the House and are presently in conference, let me just quote from the definitions in the bills, especially in H.R. 11896, the bill passed by the House of Representatives, the Water Pollution Control Amendments of 1972. In the Senate bill the definitions are substantially the same. In "definitions" they say:

> The term "treatment works" means any devices and systems used . . . including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof. . . .

In addition, under "definitions" the bill specifically says, in addition to the previous definition I have noted, that:

> "treatment works" means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including—

and I emphasize the "including"

> storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems . . .

My colleagues in the House, we cannot have broader definitions to cover the very things intended to be covered by this special legislation presently before us.

Second, the committe report on this bill, again under the heading "What the Bill Would Do," page 2, states:

> The financial resources of state and local governments are strained beyond their capacity to provide these and other public works, facilities and services. Moreover, continued reliance on the residents of the states and their communities throughout the nation to finance virtually the entire cost of these vital projects has imposed an unbearable burden on them.

And, on page 3, under "Need for the Bill":

> It is universally recognized that the ability of state and local residents to continue to shoulder virtually all of the financial burden of providing public works, facilities and services has reached the breaking point.

Once again, I take no issue with the committee's statements of a problem, but rather with its failure to recognize the provisions of the recently passed revenue sharing measure which was directed at precisely these problems. H.R. 14370 created two trust funds, moneys from both of which could be used for the public works that H.R. 13853 defines. The High-Priority Expenditure Trust Fund, funded at the rate of $3.5 billion per year, contained the requirement that local governmental units must spend money from this fund only for so-called "high-priority expenditures." This term is defined in the act to mean, besides public safety and public transportation expenditures, maintenance and operating expenses for environmental protection "including sewage disposal, sanitation, and pollution abatement"—section 102(a)(1)(B). In addition, "high-priority expenditures" include capital expenditures for "sewage collection and treatment" and "refuse disposal systems"—section 102(a)(2)(A) and (B). Distributions from the second trust fund, the "State Tax Supplements Trust Fund," which is to be funded at levels ranging between $900 million and $1.8 billion for the next 5 years, can be used for whatever purpose the local governmental units see fit. This would, of course, include water and sewer systems the need for which the committee report notes "has reached an emergency stage," page 2 of report.

To conclude this point, Congress has already authorized the expenditure of at least $10 billion a year for the next 3 years for precisely the kinds of public works that H.R. 13853 would build with yet another $5 billion. It seems patently obvious that one of the problems to which this measure speaks has already been quite adequately addressed—and funded—in two other bills of this Congress, and, to the extent that this has occurred, H.R. 13853 is unnecessary.

Another weakness of the committee analysis of the thrust of this bill regards the effect it would have on the unemployment situation in this country. Despite glib assurances that:

> This bill, with its $5 billion authorization for basic public works and facility grants, has the potential of reducing unemployment by between 10 and 20%. (page 4)

And that:

> Under this formula, an expenditure of $5 billion would directly create 500,000 on- and off-site jobs. Experts estimate that ripple effects throughout the economy registered by expenditures totaling this amount would create another 500,000 jobs at least. The total impact thus reaches a potential level of 1 million jobs or about 20 percent of the current level of unemployment. (page 4)

There is some question as to exactly what kinds of employment opportunities would be created. There is every reason to believe that the opportunities created would be in those highly skilled occupations such as operating engineers, carpenters, laborers, plumbers, and welders, which have a relatively limited entry rate. In addition, it appears that men employed in these occupations are not having difficulty finding work since figures show that in the 1 year prior to the imposition of the wage freeze last August, wages in these crafts increased by over 10 percent.

Related to this point, is the very real question of the construction industry's capacity to absorb this tremendous influx of funding occasioned by the two bills already passed and this bill, if passed. The EPA raised the question in commenting on the Water Pollution Control Act Amendments of 1972, when it noted that—

> The waste treatment construction industry does not presently have the capacity nor do we believe it can expand rapidly enough to provide for the construction larger funding demands.

This statement was made prior to the tripling of the funding levels of the 1972 act from $6 billion to $18 billion. In related testimony before the Public Works Committee, the EPA also indicated that the specialized sector of the construction industry capable of constructing water and sewer treatment and collection facilities has a maximum growth rate capacity of about 25 percent annually. Given the fact that total expenditures from all sources for water and sewer construction for 1971 amounted to only $2.06 billion—HUD figures—it is difficult to imagine how the necessary sector of the construction industry is going to have the capacity to absorb the billions of dollars already authorized for construction of these facilities, let alone an additional $5 billion.

In my mind, it is clear that the major effect of this additional spending would be to contribute to the already inflationary tendency of this sector of the construction industry. A special sewer collection system price index developed by EPA indicates that while prices for installing such a system increased at an annual rate of 3.5 percent for the period 1957–1961, costs rose 8.5 percent a year during 1970–71, and skyrocketed to 11.5 percent during 1971. Passage of this bill would insure that percent increase would be even higher for 1972 and 1973, with no concommitant increase in the construction of facilities.

Finally, the committee report notes that:

> The latest available figures from the Department of Housing and Urban Development show that applications totaling more than $12 billion are currently pending under its regular section 702 water and sewer system grant and loan program. (page 3)

That figure is greatly exaggerated. It was apparently taken from HUD's "Water and Sewer Project Directory," and is simply the sum of the total project costs for all applications submitted since the 702 program began in 1966. Many of those applications have already been approved—$2.7 billion worth. Some have been withdrawn by the local governmental unit—$1.6 billion worth. Others have been referred to a more appropriate agency—$0.69 billion. Still others have been either rejected by HUD as not meeting section 702 criteria or as being outside of its jurisdiction; $4.1 billion and $1.8 billion respectively.

Thus, when the $12 billion figure asserted by the committee as being the current backlog of water and sewer projects is critically examined, it appears that there is present an actual backlog of only $2 billion. This is not to say that there is not a need for more water and sewer facilities in this country, but only to point out that the committee's reliance on HUD's project directory is misleading and raises considerable question as to the committee's assessment that the money authorized by H.R. 13853 could be injected into the economy as quickly as the report suggests.

In conclusion, passage of this bill at this time is unnecessary, in that the facilities it would fund have to a large degree been contemplated in other current legislation; unwise, in that it would contribute to inflationary trends in the construction industry in particular and the economy in general and would not necessarily alleviate the unemployment situation in this country, and ill-conceived, in that the committee failed to accurately assess the need for such facilities nor the ability of the appropriate agency to administer the moneys. I oppose its passage.

Mr. PATMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. KOCH) for the purpose of asking a question.

Mr. KOCH. Mr. Chairman, when H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972, was first submitted to our committee for discussion, I raised the possibility that the criteria that a locality would have to meet to qualify under the bill might not be sufficiently comprehensive and might have the effect of excluding a city such as New York. I pointed out that the total rate of unemployment in the city of New York is less than the national rate of unemployment, although particular sections of the city, as for example, the Lower East Side, Harlem, and Bedford-Stuyvesant, just to cite a few, have rates of unemployment far exceeding the national rate of unemployment. To deal with that problem, an amendment was accepted by the committee which now appears in section 3, and which includes, among other provisions, that a community or neighborhood may be defined without regard to political or other subdivision or boundaries for the purpose of receiving priority for assistance under this bill. New York City officials with whom I have been in contact have pointed out further that the public works facilities which are desperately needed in the city of New York, may in fact, because of geographical and other environmental requirements, necessitate location and construction in sections of the city other than the particular subdivisions of the city in which the high unemployment rates are in effect. It might be argued that the facilities funded by the bill would have to be located in neighborhoods or sections of high unemployment within a given city or community. But, the purposes of the act clearly state that expenditures under the legislation are to be used to reduce high unemployment or to provide job opportunities or a large concentration of low income persons. Certainly it would be a contradiction of the purposes of the act if funds it would provide could not be utilized to finance facilities anywhere they are needed in a community so long as job opportunities are created for unemployed or low-income persons. In other words, the facility could be located in an area of rather high employment within a city and yet employ persons from a low income or high unemployment neighborhood in the same city or community.

My question is this: Is it not the intention of the bill to permit the city of New York, like all other cities, to participate in the provision of this bill and that to be considered a priority project, there is no requirement that the facilities themselves be constructed within the neighborhoods or areas listed as priority neighborhoods in this bill, so long as the facility constructed either serves that community or neighborhood of unemployed, or utilizes low income persons from such communities for its construction?

Mr. PATMAN. The gentleman from New York makes an excellent statement with which I am in total accord. It certainly would be in line with the purposes of the act to give priority to and provide financial assistance under the circumstances related by the gentleman from New York.

Mr. KOCH. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, at this time I yield 7 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman and members of the committee, the bill we have here today authorizes $5 billion for Federal grants of up to 100 percent to local governments for water and sewer systems and other similar public facilities.

Actually, on March 29, 1972, this House passed H.R. 11896 and $18 billion of the $24 billion authorized by that bill goes for precisely the same purposes as are described in the bill before us today, H.R. 13853.

Also just before our recent recess we passed a general revenue sharing bill where for the first year $5.3 billion will go to State and local governmental jurisdictions to be used in any way they see fit, so that this money can be used to build sewer and water facilities.

Also in 1971 we passed the Emergency Employment Act where we actually appropriated $2 billion for 2 years, fiscal years 1972 and 1973, to take care of unemployment on an emergency basis.

By passing the bill before us today, H.R. 13853, all we are really doing is putting layer upon layer upon layer of Federal grants for precisely the same purposes.

Actually, any time a local governmental jurisdiction builds a sewer or water facility, as soon as that facility is completed and connections are made to it these facilities become revenue producing. The revenue from the users costs can actually amortize the bond issues floated to build the facilities and take care of the operation and maintenance costs.

Where you have a number of small municipalities they have found it convenient to band together and form an authority and do exactly the same thing a larger municipality can do.

Whenever a local municipality borrows money for a bond issue the interest that is paid on those bonds is tax free. Actually, municipalities today are floating bond issues at an interest rate of 5.2 percent per annum or less.

While we do have the ceiling of 4.5 percent interest per annum on long term Federal borrowing, the fact is that any time the Treasury Department is forced to go out on the market and borrow money only a small percentage of the desired amount of money is raised through 4.5 percent Treasury savings bonds, which are actually long term borrowings.

Over 80 percent of the borrowing done by the U.S. Treasury is made through short-term borrowings at interest rates which approach 7 percent per annum, and sometimes even more than 7 percent.

Also when a local government borrows money through a bond issue they are required to pay that money back in a given period of time selected by the local government. The most popular term is 20 years, so that after 20 years the bond issue has been amortized, and the facilities continue to operate.

When the Federal Government borrows money all we do is add on to our national debt, and actually, with our national debt being as high as it is, and with a grand total of almost $30 billion annually being paid in interest on the money we owe, it is our Federal Government that is in danger of running out of credit.

In the case of local governments that have shown some foresight and have built water and sewer facilities, many of them without any Federal aid at all, they are charging approximately $50 per year for their water service, and approximately $32 per year for their sanitary sewer service, with sewage treatment plants with a high degree of secondary treatment.

In this bill the statement is made:

> Tax and other financial resources currently available to local governments are being strained beyond their capacity to provide vital community facilities.

I do believe the programs which this House and which this Congress has passed to give States, counties and our major cities the help that is needed. Therefore, we do not need 100-percent Federal grants to get this country further into debt.

I would say this, that today the EPA is making grants for sanitary sewage treatment plants, for the construction of intercepter lines which feed the sanitary sewage treatment plants, and the fact of the matter is that all this bill is doing—and let me repeat this—is adding layer of Federal grants upon layer of Federal grants for precisely the same purpose, and endangering the financial structure of this great country of ours.

So I urge that this bill today will be defeated.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Seventy-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 270]

Abourezk
Anderson, Tenn.
Ashley
Badillo
Blanton
Blatnik
Boland
Bow
Broomfield
Carey, N.Y.
Celler
Clark
Davis, Ga.
Diggs
Dingell
Dowdy
Edmondson
Evins, Tenn.
Flynt
Fulton
Gallagher
Garmatz
Goldwater
Hagan
Hansen, Wash.
Hébert
Jones, Tenn.
Lennon
Long, La.
McClure
McEwen
Miller, Calif.
Mills, Ark.
Mink
Mosher
Murphy, N.Y.
Obey
Passman
Pepper
Podell
Powell
Pryor, Ark.
Randall
Rhodes
Rooney, N.Y.
Rosenthal
Ryan
Scheuer
Seiberling
Shipley
Spence
Springer
Steiger, Ariz.
Stephens
Stuckey
Thompson, N.J.
Wampler
Wiggins

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SISK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13853, and finding itself without a quorum, he had directed the roll to be called, when 374 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I rise in opposition to this bill just as I rose in opposition to a similar bill on September 10, 1970.

This bill, in my judgment, makes a mockery of the authorization and appropriation process. Two years ago we passed a bill which authorized $1 billion addition for sewerage facilities. On April 26 of this year 1972, the gentleman from Georgia (Mr. STEPHENS) who was the sponsor of that authorization bill, offered an amendment on the floor of this House to increase the appropriation by an additional $650 million to bring the appropriations for sewerage facilities up to the $1 billion authorized by the 1970 act.

During the course of debate, the gentleman from Mississippi (Mr. WHITTEN) opposed the amendment and suggested that there is $700 million in backlog funds, as he put it, now available for sewerage facilities.

The gentleman from Michigan (Mr. GERALD R. FORD), the minority leader, made the point and the matter was finally resolved that there is $600 million in appropriated backlog funds for fiscal year 1972 which was then about to expire.

Then the gentleman from Texas (Mr. MAHON), the chairman of the Committee on Appropriations, took the floor and spoke in opposition to the amendment, and in his words said:

> But with a total in excess of $600 million still available in the overall, it just seems almost irresponsible, with all due respect, to consider adding $650 million to that at this time.
>
> This would indicate that the House thinks money grows on trees. It would indicate that we are not aware that these huge amounts of uncommitted funds are available.

And therefore he opposed the amendment.

The gentleman from Georgia (Mr. STEPHENS) who offered the amendment, could not get 20 people to stand up for a teller vote on that occasion. I know this is a little different situation today in that this is an authorization, but already this House has passed the Water Pollution Control Amendments of 1972 and the bill is pending in conference which would authorize $5 billion for sewage treatment facilities for fiscal year 1973. We have passed a revenue-sharing measure which would authorize $3.5 billion for sewage treatment facilities for fiscal year 1973, a total of $8.5 billion. Now we are in the process of authorizing an additional $5 billion. Where in heaven's name is all this money coming from, and why are not we using the money that has already been appropriated under the previous authorizations?

There is another reason why I am opposed to this bill today. It would penalize the cities which have been responsible and which have issued general revenue bonds, such as the city of Columbus, which I represent, and which have financed new sewage treatment facilities on a 50–50 basis, and with municipal bonds, as the gentleman from Pennsylvania (Mr. WILLIAMS) pointed out, which are tax free.

If the money is authorized and appropriated under this type of operation with a 100-percent Federal grant, the Federal Government will have to borrow the money, and it will have to pay interest on it. It just is not fiscally responsible. It is not good financing.

The alleged purpose of this proposal is to provide adequate Federal funding for local water and sewer projects, provide a modicum of fiscal relief to communities, and reduce the unemployment rate. Now these, indeed, are worthy causes for the Members of this body to pursue. With the prospect that supporters of this bill will be able to announce a $5 billion increase in public works construction spending during an election year, the measure's attractiveness becomes all the more apparent. After all, who can be callous enough to be against clean water and jobs in a year when he must face his constituents at the ballot box.

I would like to strongly suggest, however, that there is another side to this proposal that warrants most serious consideration and debate. Now no one doubts that there is a genuine need for improved basic public works in the area of water and sewer systems. This is the logical result of population growth and the new public demand for environmental restoration. The fact that the unemployment rate could stand a further reduction is also not in question. The difficulties which the approach envisions in this bill is that it attempts to deal with problems already provided for in legislation which has passed the House.

It would authorize $5 billion in Federal water and sewer system grants of up to 100 percent of the local cost. This would overlap the program currently pending in two bills passed by the House.

The water pollution control amendments envisioned a system of reasonable user charges to help finance a facility. Local governmental authority can borrow money to match the EPA grant by the issuance of nontaxable interest rate bonds. This allows municipalities to borrow money at lower rates than the Federal Government because the interest on Federal paper is taxable.

The $5 billion authorized in H.R. 13853 will for practical purposes be money borrowed by the Federal Government operating on a budget already billions of dollars in the red. Users fees and a municipalities share coupled with an EPA grant is certainly a reasonable approach to finance these needed public works which envisions that all parties concerned will pay their fair share.

In addition to the $18 billion authorized in the water pollution control amendments, the House passed State and local fiscal amendments acts—local government high priorities expenditure trust fund—provides $3.5 billion that can be used for sewage treatment and collection systems. The revenue sharing bill also provides $1.5 billion for State governments on a no strings attached basis that could be used for water and sewer projects if a State so desired. In total, the House this year has already authorized $23 billion that could be used for the purposes envisioned in the bill before us today. In 1971 the total expenditures from all sources for water and sewer construction amounted to only $2.06 billion. The funds already authorized by the House this year obviously exceed last year's water and sewer funding levels by $21 billion. We must remember that these funds in this bill are Federal dollars only and that under existing and new Federal pollution programs Federal dollars will be augmented from other sources. The two bills already passed will provide an economic stimulant far beyond that envisioned by this bill and do it in a manner that will be less burdensome as far as our national debt is concerned.

If I may be perfectly candid, this bill appears to be an effort by the majority party to further unbalance the budget, create duplicate Federal functions, and place the administration in the undesirable position of being against sewage treatment plants and for pollution. But one can expect such tactics in an election year. I ask that you vote responsibly against this bill.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. McKINNEY).

Mr. McKINNEY. Mr. Chairman, I have unemployment in my district. It is one of the most grinding problems of my particular congressional office. I also have the same battles that most of the Members of this House do for water and sewer grants. They also are one of our largest problems, and we are told that this bill will be the be-all and end-all for these problems across America.

Let us look at the truth. Nobody would like to do more about unemployment than I would, but what are the facts of this particular bill. We are proposing that we put into the Housing and Urban Development body of the executive branch $5 billion when they have up to this point under the 702 program been administering $200 million—per year.

The present lag time of one sewer project going through HUD is anywhere from 8 to 18 months, so that to say to the American people this particular project is going to supply instantaneous jobs has got to be the ludicrous, usual political cry of a political year, where we promise the people of this country something and in effect give them nothing. It is the old principle of this particular body and the opposition party of holding up the plum and when someone goes to reach for it he finds it is not there.

Now we are told about the tremendous backlog of need. We are told it is almost $12 billion. Let us analyze that just a little bit. Under the 702 program of HUD, $4.7 billion worth of projects did not meet the guidelines and were automatically turned down. Then $2.8 billion worth of projects were withdrawn from those who had put them in. This leaves us with in effect a backlog of $1 billion.

So, is there a need? Yes. But what does this bill do? This bill adds to the duplication of programs which this Congress has passed. If the need is so great where are the conference reports? That is known only to those in conference, we still cannot bring them forth on this floor.

We have sat with the EPA legislation in conference. If there is a desperate need for this type of program, then why has it not come back to us to be seen?

Let us go back and look at the fact that they claim that it will alleviate unemployment if we pass this particular bill. We are proposing pouring $5 billion which we do not have, on top of $13 billion in the EPA bill, on top of $5 billion in revenue sharing, and we propose to pour this $5 billion into one of the most specialized industries in the United States.

It does not take a genius nor even a contractor to look at the facts and figures and realize that there is no possible way that this industry could absorb this money over the next 3 years, if it tried with every single aspect of its present production. To turn around and say in this highly unionized, highly specialized business that we are going to give employment to the people who need employment is to lie to the American people about the pragmatics of what is going to actually happen.

Let us take a look at what we would do to the executive branch. How is it possible we could expect HUD, which cannot effectively process today the sewer grants in front of it, to process $5 billion more with any type accuracy or any type fairness?

We know if we command them with this legislation, they will take the first in and sign it and accept it, and there will be no fairness and no priorities and no justice in the way the money is spent.

How do we know this? First of all, let us look at the testimony. The testimony is very interesting in this matter because never were we allowed to hear anyone who was in an adversary position against this bill and never were we allowed to hear anybody who administers this type program. But we did hear from one gentleman who appeared before our committee whose testimony was very damaging. He said his city was going ahead with a program, but if this bill went through with 100-percent Federal financing, he said what he would do, of course, is resubmit for 100-percent financing, thereby pointing out his city was going to be putting the full load on the Federal Government, whereas other cities throughout the districts of other Members and throughout my district are carrying their own part of the load.

I think the problem we are facing is very simple. It sounds great and, boy, in an election year it must be nice to be able to go back and say we are for motherhood, peace, and for sewers and for pure water, but I think the people must be sick and tired of having this body in particular hold up these bills, promising everything but not building the machinery necessary to truly deliver. I think it is time Congress realized its first trust is to the taxpayers and their pocketbooks and not to congressional political progress.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Kansas.

Mr. SKUBITZ. I note that in the hearings there are pages upon pages of projects listed in each of the congressional districts. Are these supposed to be projects that would be funded if this legislation were enacted into law?

Mr. McKINNEY. Those projects are meant to show the need within those districts and projects that could be financed.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. WIDNALL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SKUBITZ. The reason I asked the question is that I looked over the list last night, and found that my hometown is listed in 10 places. After calling the agency and calling my hometown today, I find that nine of these projects were withdrawn, and one of them is completed. The whole table is misleading.

Mr. McKINNEY. The gentleman is correct; that is an indication. I gave the exact figures, that $2.8 billion have been withdrawn and $4.7 billion did not fit the proper criteria.

It is a habit of towns and counties and governmental units and authorities to put in a duplicity of grant requests, in the hope that one of them will go through in one way or another.

One point which was mentioned is that there are probably more than 18 different ways in which one may apply for sewer grants in this country, and this adds to the confusion.

Mr. SKUBITZ. As to the other projects in my district, 98 percent would not qualify under the criteria of the act.

Mr. McKINNEY. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. PATMAN. Mr. Chairman, I will yield to the gentleman from Connecticut, if he will yield to me. I yield the gentleman 2 minutes. I should like to ask him a question.

Mr. McKINNEY. I yield to the gentleman from Texas.

Mr. PATMAN. Is it not a fact that most of these projects, or a large number of them, were withdrawn because they were told by HUD that they had no future, that HUD had no money to fund them, and they might just as well not insist on them? Not only did HUD induce people to withdraw them, but they refused to accept additional projects in many regional offices of HUD.

Mr. McKINNEY. Some were withdrawn. I believe the gentleman has one point there.

Some were withdrawn for that reason, and that the community had received, per se, over its share in the region. Some were withdrawn on the basis that the criteria and the base facts for the application were not correct. Some were withdrawn for the reason that the region for that period had run out of money.

If the figures are checked in the IBM runoff which is produced in our brochure, Members will see that many communities have the same project listed as many as five or six times. They were put in under various aspects, and were withdrawn for different reasons.

Mr. PATMAN. Is the gentleman acquainted with the report made by the League of Counties that their survey shows needs of $33 billion to supply all of the needs of the people wanting water and sewer projects in the country? $33 billion.

Mr. McKINNEY. I have read the report, and if we had the time I would have some contention with some of their statements.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Kansas.

Mr. SKUBITZ. As is shown on page 836 of the hearings, I call attention to the fact that in six straight instances they refer to my hometown, to the same project. In one instance they list Pittsburg, Kansas, and when one goes to the description it is talking about a State hospital, Cowley.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I represent a wholly suburban constituency. Of all the myriads of Federal programs, the ones that mean the most to my constituency, and in fact the only ones we really desperately need, are sewer and water grants. Therefore, I will strongly support any reasonable sewer and water program. I support the statement of the distinguished gentleman from New Jersey (Mr. WIDNALL) that we have not done enough.

Unfortunately, H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972, is altogether unreasonable. Therefore, I am compelled to vote against it and to urge all of my colleagues to do the same.

In the first place, this bill provides for an unbudgeted sum of $5 billion of expenses to fill an estimated need of $2.1 billion in a time of enormous budget deficits. Worse, it provides for immediate so-called back door type of spending. Five billion dollars more would have dreadful inflationary consequences. The bill has a secondary inflationary force. Since it would provide for an immediate expenditure of funds in an area where most construction resources are already programed, it could not help but bid up the cost of construction. The double force only increases the disastrous inflationary effects of this bill.

Second, the bill before us duplicates and overlaps many existing programs, and is therefore not necessarily urgent for our consideration at this time. Sewer and water is of such a high priority that the Congress has a responsibility, even in times of deficit, to help provide these services. Impounding of sewer and water fund cannot be tolerated.

However, H.R. 11896, the Water Pollution Control Amendments of 1972, as passed by the House, provide for $18 billion which is available for construction of collection systems as well as treatment plants and interceptors. These grants, which could go up to 75 percent, at least provide a little initiative rather than the 100-percent giveaway programs under the bill pending before us. In addition, H.R. 11896 carries the incentive that requires user charges and the application thereof to improvement of the system—a feature forgotten in this bill.

In addition to the funds which will be available under the Water Pollution Control Act, there are at least two dozen other programs of Federal assistance administered through the Department of Agriculture, Department of HUD, Department of the Interior, and the Environmental Protection Agency, which bear on this problem. Overlapping jurisdiction causes overlapping programs and overlapping spending.

Third, one of the reasons for promoting this act on an emergency basis is that it will relieve unemployment. The heavy weight of thinking by this country's best economists is that public works programs such as this one are the slowest to have any effect at all on unemployment. Even if the funds were all committed immediately, and even if there were enough skilled personnel to handle these jobs, it would be years before these projects would be in high gear. Although our economy is on the rise, unemployment is still a problem. However, this bill is not an effective way to attack unemployment. The allegation of 1,000,000 new jobs is the wildest kind of speculation. For the record, unemployment in the construction industry was computed at 613,000 in March, but has declined to 375,000 by June of this year.

Further, none of us has any way of knowing how these funds are going to be allocated. Surely the supervising Department of HUD does not. It was not even invited to the single hearing the bill received. The sewage needs are in the rapidly developing suburban areas. This bill would put them in low-income, low-employment, or threatened low-employment areas on a priority basis. Therefore, the bill seems far more concerned with unemployment, in which area it will have little effect, than with the enhancement of our country's threatened environment.

Fifth, the published record of hearings indicates an enormous blacklog of unfilled projects. Indeed there are many. However, the record of hearings shows exaggerated figures in that all applications between 1966 and 1971 are included, whether they are still pending, have been completed, or have been withdrawn. In addition, the tables furnished include storm drain programs, replacement facilities, and other items that are less than emergency in nature. All the record of hearings does is to present us a fat book to give the erroneous impression that the committee actually studied the program, when in fact it did not, and to present an exaggerated view of urgency.

Finally, perhaps the worst feature of this whole bill is the consideration which it got in committee. We will probably spend twice as much time on this floor with this bill than the committee spent in its consideration. I am a member of the Banking and Currency Committee. I miss very few meetings. I missed one meeting at which all of the witnesses on this bill were heard and at which the bill was marked up and sent to the floor. I do not feel so badly about missing the hearing, because I am informed that other such important people as the Secretary of HUD, who would be charged with administering the bill, also missed it. He wasn't even invited. Had I been present, I would not have voted for it.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I would prefer to yield when I have finished with my statement.

Mr. PATMAN. Mr. Chairman, if the gentleman will yield for only this comment in connection with the Secretary of HUD, did the gentleman say he was not heard in the committee?

Mr. FRENZEL. That is correct.

Mr. PATMAN. He was invited, and he was out of town the day he was supposed to appear, and he did not ask to come back. We would be glad to have heard him at any time, and we will hear him at any time.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman from Texas for his contribution, and I am very much reassured and delighted that he was invited, but actually at no place in the record is there anything of his statement, or a record of his letter.

Nowhere in the hearing record, nor the committee report, is any case made for the total $5 billion amount, nor the time frame of the spending. I am told that the actual estimates of the immediate need are less than one-half of the amount shown in this bill. The distinguished chairman of this committee determined that it was absolutely essential that this bill come to the floor now. As I recall, nearly every bill that comes from this committee comes as an emergency "of the highest magnitude."

The eyes of the country are upon the Congress and its procedures and its deliberations. Just before adjournment, we accepted in this House a Senate amendment of 38 pages and billions of dollars of consequences, which the vast majority of us had never seen. Today we are being asked to accept one of the largest expenses of money that this country has ever approved, with 1 day of hearings and no testimony from the executive department which will be responsible for this bill. One might say with some justification that the bill has at least a slight odor of politics on it.

In conclusion, Mr. Chairman, I reaffirm my strong commitment for programs which will help provide sewer and water facilities which are needed throughout this country. I believe that our responsibility is covered at least in the immediate future by the Water Pollution Act amendments and by the many other Federal programs to which I have already referred. The bill before us, H.R. 13853, is inflationary, ill-considered, and ineffective in combating unemployment. It cannot do what its authors say it is meant to do, except over a long period of time, and at a dreadful expense, which will inevitably be laid on those that it seeks to help. Its false promise of instant clean water and an instant 1 million jobs are part of the "old politics" this country seeks now to abandon.

I intend to vote against this bill, and I urge all of my colleagues to do so, too.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, as the current campaign season has moved into full swing during the last 2 months or so, a great range and variety of public concerns, grievances and dissatisfactions have been brought to the attention of those of us which have been entrusted with carrying out the wishes of the electorate. But among that sometimes confusing cacophony of voices, I think at least three strongly felt and widely shared concerns have stood out: First, massive dissatisfaction with the rising and increasingly heavy burden of taxation which bears down upon the average citizen; second, a widespread lack of confidence in the processes of Government and its ability to effectively deal with the mounting range of problems and difficulties confronting the Nation; and finally, a feeling that despite the important successes of our current economic stabilization program, the insatiable wolves of inflation continue to consume too much of the weekly paycheck.

Now I make these observations because I think they bear rather directly upon the measure before us today. Can anyone here seriously believe that we would enhance the credibility of this body, can anyone honestly argue that we would bolster public confidence in the wisdom of its elected officials, if we were to approve this multibillion dollar measure before us that has been subjected to the sum total of 4 hours of committee hearings? Hearings in which the only four witnesses had obviously vested interests in increasing the level of funding for this program no matter what the consequences for other important public policy objectives? And hearings to which the administering agency, the Department of Housing and Urban Development, that is to be charged with implementing an unprecedented crash program was not even invited to testify?

Mr. Chairman, putting the substantive questions aside, and with all due respect for my esteemed colleagues on the majority side of the Banking and Currency Committee, I must say that never in my years in Congress—including the salad days of L.B.J.'s famous automated legislation mill during the 89th—can I recall an occasion when a serious matter has been treated so lightly, so cavalierly by a standing committee of the House. Is it any wonder that our public credibility has eroded to the vanishing point?

Mr. Chairman, I am especially dismayed by the extravagant and misleading claims made by the committee in behalf of this measure. We are told that there is a huge backlog of applications for the HUD 702 water and sewer program amounting to more than $12 billion, and that because of this massive need a crash program is warranted. According to the committee such a program will have the doubly fortunate effect of both helping to achieve our national goals of environmental restoration and enhancement, and also of putting almost 20 percent of those currently unemployed back to work. Both of these claims are without foundation.

In order to validate its claim regarding the backlog of need, the committee reprinted in the otherwise meager record of its hearing a 900-page table listing applications for the 702 program. Apparently the massive character of this document is supposed to establish the case without any further analysis or interpretation. But just in looking through the 83 applications listed on the first 10 pages, I found that more than 25 percent were submitted in 1966, the first year of the program, and that over 54 percent were submitted prior to 1968. Now I recognize that the wheels of our great bureaucracies turn slowly, but it hardly seemed likely to me that all these applications could be still pending after 6 years.

A check with HUD revealed that, indeed, they were not. The table submitted by the committee is nothing more than a record of all the applications that have been made since the program began, and has nothing whatsoever to do with the volume of active applications as of June 1972. In fact, of the total project costs of over $12 billion contained in that table, only $2 billion are still active. The others have been disposed of as follows:

One and eight-tenths billion dollars were for projects that fall outside of HUD's jurisdiction and are not eligible for funding under the 702 program; $1.6 billion have been withdrawn voluntarily by the local submitting parties; $4.1 billion have been rejected by the Department because they do not meet the eligibility criteria and requirements of the program; $700 million have been referred to other more appropriate agencies and programs; and $2.7 billion have already been approved for funding.

Thus we end up with a figure regarding the backlog of applications that is only 15 percent of that claimed by the committee. One can certainly understand that in matters like these, figures are not always precise and that some margin of error must be expected. But to err by a factor of six, to claim a backlog of need that does not even remotely approximate the true figure is disingenuous at best, and, at worst, borders on an outright attempt at deliberate deception. Is it any wonder that public opinion, poll after poll, reveals that Americans do not trust their elected officials?

Mr. Chairman, the committee also claims that this measure will reduce unemployment by 20 percent. That is patent nonsense. If anything, it will increase not employment, but inflation by 20 percent. And here I am not talking about general inflationary pressures that would result from increasing the Federal deficit by another $5 billion, although that certainly is reason in itself for skepticism about this bill; rather, I am talking about the devastating effect that a massive and precipitous increase in this kind of expenditure would have on the construction industry—already the most inflationary segment of the entire economy.

Some of you may not be aware of this, but the installation of water and sewer line facilities is a highly specialized construction activity. For the most part, it requires highly skilled labor—operating engineers, welders, plumbers, et cetera. You are not just going to go down to the local unemployment office and hire the marginally skilled unemployed.

In fact, in 1971 the total amount of expenditures from all sources for water and sewer line construction amounted to only $2.1 billion. Yet, in this bill, we are proposing to spend at least $3.3 billion more for this purpose in the coming fiscal year, and, as a number of my colleagues have pointed out, probably a couple of billion beyond that would be available under the water pollution control amendments and the revenue sharing bill.

So, in total, you are talking about raising the level of spending for water and sewer line construction from the current level of $2 billion per year to at least $6 billion, and possibly more during the coming fiscal year. I would submit that you do not need a Ph. D. in economics to understand that increasing the level of demand on an industry by 200 percent in a very short period of time will simply drive prices right through the ceiling.

And, Mr. Chairman, let us not forget about the severe inflationary problem we have on our hands in the construction industry already, especially the specialized segment of which performs the type of projects proposed to be funded by this bill. Consider these facts: during the 1-year period prior to the imposition of the freeze last August wage rates on the five principal crafts employed on water and sewer projects were increasing as follows:

	Percent
Operating engineers	11
Carpenters	11
Laborers	13
Plumbers	13
Welders	14

Now when you remember that all of these crafts are highly skilled, except for laborers, and that it takes years to significantly expand the supply of craftsmen—you do not hire journeymen off the street—and when you recall further that we are in the biggest housing boom since World War II, you can come to only one conclusion: a crash program of the variety proposed here will not reduce the unemployment roles; it will merely touch off a new, devastating round of wage inflation in the construction industry, that the CISC or any other stabilization agency will not be able to control, and that will put more construction workers out of jobs than it will help.

And, I would add, the problem is not on the wage side alone. During the year prior to the freeze, the five main materials used in water and sewer line construction were also subject to strong inflationary pressures:

	Percent
Aggregate	4.2
Clay pipe	7.8
Concrete pipe	15.2
Lumber	52.2

Mr. Chairman, the simple and obvious result of these rising prices for the material and labor inputs used in water and sewer construction has been a rapid acceleration in the cost of installing such facilities. A special water and sewer line price index developed by EPA, for example, shows an annual rate of price increase of only about 3 percent during the early 1960's. But in response to growing demand for construction of these facilities in the late 1960's, the rate of increase rose to 8.5 percent annually, and last year—during 1971—the rate of increase rose still further to 11.5 percent.

Thus, in light of these trends, and in light of the fact the EPA has testified before the Public Works Committee that the maximum annual growth rate for the segment of the construction industry involved in these projects is only 25 percent—in light of that, can anyone deny that a 200-percent increase in expenditures will send prices spiralling upward in a runaway fashion?

Mr. Chairman, in conclusion, let me return to the point on which I began. By approving this hastily conceived and politically motivated piece of legislation, you are not going to enhance public confidence in the wisdom of this body or in the effectiveness of government; you are not going to answer the rising chorus of complaints about taxes because this measure will only hasten the day when we have to raise Federal taxes to meet our commitments; you are not going to put the unemployed back to work; and you certainly are not going to ease public concern about inflation.

No, you are going to do the opposite: you are going to make one more promise that cannot possibly be fulfilled in a responsible manner; you are going to rekindle the fires of inflation just at the point at which we are beginning to get those pressures under control; and you are going to add just one more layer and complication to our already tangled system of Federal aid. This is a terrible piece of legislation and it should be sent right back to the committee with the same dispatch by which it was heard, marked up and reported out.

Mr. WIDNALL. Mr. Chairman, I now yield 3 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, the purpose of my taking these 3 minutes is to call to the attention of the committee that this bill does not restrict its purposes to water and sewer facilities. We have given all of our attention during debate up to the water and sewer facilities provisions of the bill as though this bill is strictly to go out and clean up the waterways and to assist in the construction of sewage facilities.

Let me call to the attention of this body that this bill is really a very broad and a very loosely drawn bill. It contains two additional purposes for which grants can be made, the first being based upon water and sewer facilities; and the second being to construct neighborhood facilities needed to enable the local governments to carry on programs of necessary social services.

How loose a piece of legislation can we be dreaming of to say that we are going to allow local communities to construct neighborhood facilities for necessary "social services"? What is a "social service"? It is stated over here on the next page. The Secretary must determine that such neighborhood facility is:

> (1) Necessary for carrying out a program of health, recreational, social, or similar community service—including a community action program approved under title II of the Economic Opportunity Act of 1964.

I just saw on the wire service that a request is being made in California for a General Accounting Office audit of the illegal activities in the Equal Opportunity Agency in that State. So it is not enough that we find the Economic Opportunity Act is being abused in States under its own provisions of the law and under its own authorizations, but now we are about to come in under the Banking and Currency Committee and give them some little additional money for waste purposes. We do not even define what needs should exist in a community before such recreational or social programs are initiated. What is a recreational need? Maybe they can even buy land for a teeter-totter court.

But let us go on. They would have a provision whereby they could acquire in a planned and orderly fashion land to be utilized in the future for public properties. Surely no one is going to argue that land acquisition is going to contribute to job employment in this country. Yet in this bill we could take all $5 billion and spend money to buy land which could just lie fallow for the next 5 or 10 years, and nobody can contend that will increase employment in this country one iota.

I am glad we have had this 3 hours of debate. It has elucidated for the members of this Committee and the Members of the House how poorly drawn this piece of legislation is. I urge the Members to vote down this bill.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, the gentleman from Illinois (Mr. ANDERSON) and the gentleman from Minnesota (Mr. FRENZEL) have certainly presented a very persuasive case against this legislation.

I voted for the accelerated public works bill on April 22. I also supported the conference report on June 15, 1971, but as much as I want to help the cities and the rural areas of this country develop their sewage disposal needs and meet their water problems, I cannot in good conscience support this legislation. I intend to vote against it.

Mr. Chairman, the pending bill, mislabeled the Emergency Community Facilities and Public Investment Act of 1972 is fiscally irresponsible, is misleading, and is a snare and delusion to the communities it purports to help.

If the opportunity is afforded me, I shall vote for the amendment that would prohibit any appropriations of funds under this authorization unless the fiscal year's budget is below $20 billion.

Thereafter, I shall vote against this bill on final passage.

I believe, Mr. Chairman, that it is appropriate that we consider the pertinent facts that surround this travesty of legislation before us.

Consider first that a bill proposing $5 billion in authorizations is brought before us after 1 day of hearing; I repeat a single day of testimony. Four witnesses appeared, all of whom have more than a cursory interest in more and more Federal spending. More important, no administration witness was called including none from HUD, the agency charged with administering the measure if it were to be enacted. In my 10 years as a Member, Mr. Chairman, I have never heard of a more outrageous, a more cavalier, a more arrogant method of legislating.

Of course, it is clear why HUD representatives were not permitted to testify. The agency vigorously opposes the measure, pointing to a Presidential veto of a similar make-work legislative program last year and noting that the conditions that did not justify last year's measure, even less so justify this proposed boondoggle this year.

But the committee did not hesitate to insert into its report recommending the bill a vast computer printout it obtained from HUD listing thousands of purported projects throughout the country on file with HUD. The purpose seemed to be to confuse Members of this body, to agitate them in the belief that in each congressional district exists large numbers of projects now pending that urgently require funding. The committee's report fails to explain that the HUD computer printout is cumulative, covers projects that have been completed, includes scores of other projects that have been withdrawn, and as used in the report is completely misleading to Members who are not on the committee and who do not have an intimate knowledge of details.

In the few hours available to me since the bill was scheduled, I made a quick check in my Fifth Kansas District. Simply by way of example, six different applications are listed for the city of Pittsburg, my hometown. Yet all are part of a single project and all were withdrawn in 1966, 6 years ago. Another example lists two applications for Ark City but these covered a single project and were withdrawn in 1967. The committee report shows the city of Winfield with the single largest project totaling slightly over $5 million but that project was completed in September of last year and has been closed out.

And Mr. Chairman, what are the standards by which projects would be eligible for aid under this bill? Since its purported purpose is to relieve unemployment, it applies the eligibility standards set forth in the Economic Development Act of 1965. What are those standards?

Why simply that unemployment levels must be at least 50 percent above the national average for 1 year, or 75 percent above the national level for 2 years, or 100 percent above the national level for 3 years. Under those standards, I doubt that 1 percent of the communities in my congressional district would qualify for a grant under this measure.

Mr. Chairman, this bill would duplicate the authorizations already made in whole or part by at least five other measures that provide funding for the same kind of projects, three of which are law and two of which this House already has passed. The Housing and Urban Development Act itself, as we know from the distorted computer printout before us, handles such projects. The Federal Housing Act and the Farmers Home Administration Act both provide funds for water and sewer projects. The Federal Water Pollution Control Act which we passed last March, provides for some $24 billion to be spent over a period of 3 years for sewage cleanups. More recently we passed the Revenue Sharing Act, strongly supported by city and State governments as a potential bonanza to help fund such local projects.

Moreover, in all of these cases, the laws require sharing of costs ranging from 50–50 to 60–40. In the pending measure grants up to 100 percent are possible. What is the justice and equity to those communities that have already bonded themselves for substantial indebtedness for matching grants? Shall we now go back and provide that the Federal Government make good their payments so that they shall not have been discriminated against?

No funds have been budgeted for this $5 billion proposal before us. This means that we would add to the current deficit and to our mounting Federal debt.

What is proposed here is the height of fiscal irresponsibility. It is a political ploy pure and simple, designed to embarrass those who would oppose it. It is a move by the opposition party to appeal to the unemployed as their saviours when indeed the employment it would bring about would be largely to skilled crafts whose members are already fully employed. The net effect would be to create a further upward spiral in wages without benefit to those unemployed who need work most.

Most importantly, Mr. Chairman, it is wrong because it makes a mockery of what we do here. We have witnessed a year in which we had a huge budget deficit and we are nearing the end of another year with perhaps upwards of a $30 billion deficit. We have a $450 billion debt and more piling up. It is indefensible to ignore these grave fiscal facts simply for political purposes. We must reject any such move to hold us hostage for campaign maneuvering.

Mr. PRICE of Illinois. Mr. Chairman, a sagging economy and backlog of sorely needed public facilities make the Emergency Community Facilities and Public Investment Act of 1972 imperative. Its $5 billion authorization will generate an estimated 500,000 jobs while providing depressed areas with adequate sewer and water facilities commensurate with today's ecological standards.

Mr. Chairman, I would like to point out that I have sponsored and will continue to sponsor such legislation as will bring Federal money into our communities creating both employment and industry. Presently, I am the sponsor of two bills that aid local governments caught in economic crises: The Economic Disaster Assistance Act and the accelerated public works program. These bills are presently before the Public Works Committee for final consideration. The Economic Disaster Assistance Act can provide an input of $1.25 billion to regions of economic disaster. The accelerated public works program authorizes an additional $475 million for special impact areas of great economic need. The Economic Disaster Assistance Act and the accelerated public works program in combination with the Emergency Community Facilities and Public Investment Act of 1972, I believe, is vital legislation that aids our failing communities and must be supported.

Meeting the acute need of adequate sewer and water facilities is crucial to community expansion and economic development. The National League of Cities, on the basis of a recent survey, estimates that a total of $33 to $37 billion will be needed for sewage treatment facilities alone in communities throughout the Nation during the period from 1971–76. The 24th Congressional District alone at this time has 42 applications for sewer and water grants and loans before the Department of Housing and Urban Development for an aggregate amount of $73 million total cost. The following data will list the applicants by area and amount requested:

APPENDIX

(The following material was submitted by the Department of Housing and Urban Development for inclusion in the record:)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, WATER AND SEWER PROJECT DIRECTORY

The Project Directory is prepared by State within HUD Regions listing all projects in numerical sequence. The page heading includes: Region Code (0 through 9 with 0 equal to 10); State Code, and State name.

Column headings and definition description

Project Number: Project Numbers assigned to Application/Project after jurisdictional acceptance by HUD.

I.A. Number: Preliminary Project Control Number assigned prior to "jurisdictional acceptance."

Congressional Districts: The Congressional District Code(s) related to the Project locations.

Name of Applicant: Self Explanatory—Also includes applicant address, i.e. City and County names.

City-Location-County: Project Location(s), City and County names.

Pop: Population Code—(see codes in reporting procedures).

Type Facility: Type of Facility Code consisting of four (4) numeric digits that describe the facility or facilities to be developed by the project.

Inquiry (Inq): Date (Month, Day, Year) Inquiry received.

Pre-Conf: Disregard—No longer used.

Appl. (Apl): Date Full Application received.

Fr. Made (Fr): Date Fund Reservation made.

Approv. (Apr): Date of Approval—Public Announcement.

Agree (Agr): Date Agreement/Contract signed.

C–Start (CS): Date of Construction Start.

C–Comp (CC): Date of Construction Completion.

CL–Out (CL): Date Project Closed-Out/Completed.

Grant: Federal Grant Amount—Current/Net Amt.

Loan: Federal Loan Amount Requested—represents supporting loan.

Total Cost: Estimated Total Cost of Project.

Reloc: Relocation Code (*)—Indicates relocation involvement.

Status and Date: Current Status of Project and date of that status, i.e., codes INQ, APL through CL above also attrition codes when applicable C–1 through C–5, D–1 through D4, and W.

SMSA: Standard Metropolitan Statistical Area Code (when applicable to location).

EDA: Economic Development Area code (when applicable to location)—type of ED Area.

PWP: Public Works Planning project in tandem with W&S project.

PFL: Public Facility Loans project in support of W&S project.

Population codes

Population range:	*Code*
Under 500	1
500 to 999	2
1,000 to 2,499	3
2,500 to 5,499	4
5,500 to 9,999	5
10,000 to 24,999	6
25,000 to 49,999	7
50,000 to 99,999	8
100,000 to 249,999	9
250,000 to 499,999	10
500,000 to 999,999	11
1,000,000 or more	12

TYPE OF FACILITY CODE

Note: Code assigned to the title of the project category is used to illustrate the general coding scheme. First three digits are shown; the fourth digit is to be inserted.

Coding structure

1. First digit indicates Principal Category
2. Second digit describes Sub-Grouping
3. Third digit is assigned to individual items under Sub-Group
4. Fourth digit illustrates the following:*

0. Not known whether facility answers description set forth in items 1 through 4, following.

1. Construction of new facility
2. *Expansion, addition or enlargement* to existing facility
3. *Replacement, major improvement or rehabilitation* of existing facility
4. *Acquisition* of existing facility

Note: For preliminary inquiries, enter fourth digit codes in accordance with applicant's description; for applications, enter codes in accordance with the following definitions:

A *new* facility is a separate and distinct water or sewer system which has no connection to any existing or previously constructed water or sewer facilities.

An *addition* or *enlargement* to a facility is one that is contiguous to, and increases the service area of, the existing system.

A major improvement or rehabilitation is a modification of existing facilities which does not increase the service area of the system; it may or may not increase the capacity of the system.

Municipal and Industrial Water Facilities

511 Impounding Reservoir
512 Sub-Surface Facility (water source)
513 Desalinization Plant
514 Treatment Facility
515 Storage Facility
516 Transmission Line**
517 Distribution Line
518 Pumping Station [1]
519 Other

Waste Collection and Disposal

750 Sanitary Sewer Collection Facility [2]
751 Storm Sewer Collection Facility
752 Combined Sewer Collection Facility
753 Pumping Station (sanitary sewer) [1]
754 Pumping Station (storm sewer) [1]
755 Pumping Station (combined sewer) [1]

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* Each Regional Office will determine the fourth digit category to be used, based on the item with the largest dollar value in the combination of two or more item listings. For example, assuming that the dollar value of a Water Distribution Plan Project combining a new facility and an addition totals $1,000,000 and the new facility represents ¾ of this amount, the fourth digit in this instance is new facility (code 1). Code for this entire Project would be 7651. Code 1 represents the major portion of the fourth digit category.

** A transmission line refers to a water conveyance line or lines from a source to a treatment plant or from a treatment plant to a distribution point. Report this item only if its cost is a significant part of the total project cost.

[1] Report 518, 753, 754 and 755 only if project involves construction pumping station alone.

[2] If 750 or 751 serve the purpose of separating existing combined sewer systems, report 760 also. Do not report 760 by itself.

CONGRESSIONAL DISTRICT DIRECTORY—WATER AND SEWER FACILITIES GRANT PROGRAM, ILLINOIS—REPORT NO. M78AACA
CONGRESSIONAL DISTRICT 23

Project No.	I.A. No.	Congressional districts	Name of applicant, city, address, county	Inquiry	Pre-conf.	Appl.	Fr-Made	Approv.	City, location, county	Agree	C-start	C-comp	Population	Type	Facility	Grant	Reloc.	Status and date			
																		Loan		Total cost	
																		SMSA	EDA	PWP	PFL
WS-0299	029900	23, 24	Fosterburg water district, Godfrey Madison.	061471					Alton-Subtrur Madison, Fosterburg Twp, Madison, Godfrey-Hamel, Madison, Wood River Twp., Madison.				04	5172	5152	650,000-	Inq	695,000	S	071,571	1,385,000

23 No.	Grant	Loan	Cost	Number	Grant	Loan	Cost	Number	Grant	Loan	Cost
IN 1	$1,501,500	$675,000	$3,158,000	AR 1	$1,250,700	$1,000,000	$2,762,000	AP 2	$1,053,000		$2,394,000
CS 2	1,548,000		3,704,000	CC 1	257,000	298,577	1,671,301	AT 20	5,313,075	$2,232,750	12,727,650
				T 29	11,003,275	4,226,327	26,616,951				

Project No.	I.A. No.	Congressional districts	Name of applicant, city, address, county	Inquiry	Pre-conf.	Appl.	Fr-Made	Approv.	City, location, county	Agree	C-start	C-comp	Population	Type	Facility	Grant	Reloc.	Status and date			
																		Loan		Total cost	
																		SMSA	EDA	PWP	PFL
WS-0003	003130	24	City of Granite City, Granite City, Madison.	021766		031466	063066	110466	Granite City, Madison, Fosterburg Twp., Madison.	010667	032560	071567	07	7502	7601	1,500,000	7511	CL	S	041,070	3,556,566
WS-0009	003136	24	Town of Nameoki, Granite City, Madison.	020466					Nameoki, Madison, Fosterburg Twp., Madison.				06	7501	7561	35,000		DS	S	060,667	230,000
WS-0011	003138	24, 23	Moro Public Water District, Nord, Madison.	020066					Moro Twp., Madison Fort Russell TowMadison.				05	5171		60,000		W	S	042,167	125,000
WS-0016	003143	24	City of Belleville, Belleville, St. Clair.	021466					Belleville, St. Clair, Fort Russell Towmadison.				09	7502	7563	195,000		DS	S	060,867	450,000
WS-0020	003147	24	City of Granite City, Granite City, Madison.	021766					Granite City, Madison, Fort Russell TowMadison.				07	7501		107,500		DS	S	121,266	215,000
WS-0021	003148	24	City of Granite City, Granite City, Madison.	021766					Granite City, Madison, Fort Russell, Towmadison.				07	7511		994,995		D2	S	042167	1,989,990
WS-0022	003149	24	do	021766					do				07	7511		825,890		D2	S	042167	1,651,780
WS-0024	003151	24	do	021766					do				07	7511		874,720		C4	S	051267	1,749,440
WS-0025	003152	24	do	021766					do				07	7511		905,365		C4	S	051267	1,810,730
WS-0026	003153	24	do	021766					do				07	7511		480,460		C4	S	031267	960,920
WS-0027	003154	24	do	021766					do				07	7513		767,140		D5	S	121266	1,534,280
WS-0031	003158	24	The East Side levee, San Dist. East St. Louis, St. Clair.	022866					Centreville Twp. St. Clair, Fort Russell, Towmadison.				07	7501		625,000		D5	S	040667	1,305,000
WS-0037	008583	24	City of East St. Louis, East St. Louis, St. Clair.	080566					East St. Louis, St. Clair, Fort Russell, Towmadison.				08	7502		1,500,000		D5	S	060867	3,000,000
WS-0044	003171	24	City of Alton, Alton, Madison.	013166		102466	042867	062967	Alton, Madison, Fort Russell, Towmadison.	082567	050868		07	7501		641,000		C5	S 1,919,000	050868	2,561,803
WS-0045	003172	24	Village of Hartford, Hartford, Madison.	020466					Hartford Village, Madison, Fort Russell, Towmadison.				04	5172	5141	162,594	5121	D5	(S) 152,594	121266	305,189

CONGRESSIONAL DISTRICT DIRECTORY—WATER AND SEWER FACILITIES GRANT PROGRAM, ILLINOIS—REPORT NO. M78AACA—Continued
CONGRESSIONAL DISTRICT 23—Continued

																			Status and date			
																			Loan		Total cost	
Project No.	I.A. No.	Congressional districts	Name of applicant, city, address, county	Inquiry	Pre-conf.	Appl.	Fr-Made	Approv.	City, location, county	Agree	C-start	C-comp	Population	Type	Facility	Grant	Reloc.		SMSA	EDA	PWP	PFL
WS-0047	003174	24	Town of Canteen, East St. Louis, St. Clair.	021066	053167	053167	010168	012760	Canteen, St. Clair, Fort Russell, Towmadison.	031568			06	7501	7531	1,140,000			C4	S6	051071	3,890,000
WS-0061	003188	24	Town of St. Clair, Swansea, St. Clair.	022366					St. Clair, St. Clair, Fort Russell, Towmadison.				06	7501	7561	547,294	D5		747,083	(S)	060667	1,380,000
WS-0062	003189	24	Village of East Alton, East Alton, Madison.	022366					East Alton, Madison, Fort Russell, Towmadison.				05	5141	5172	339,500	D5			S	121266	679,000
WS-0074	003200	24	Village of Fayetteville, Mascoutah, St. Clair.	031866					Fayetteville, St. Clair, Fort Russell, Towmadison.				01	5153	5123	80,000	W		5,000	(S)	091966	60,000
WS-0091	003211	24	Freeburg, Freeburg, St. Clair.	051066					Freeburg, St. Clair, Fort Russell, Towmadison.				03	5173	5123	106,850	5193		W	S	091566	213,700
WS-0114	042006	24	Maryville, Maryville, Madison.	053166					Maryville, Madison, Fort Russell, Towmadison.				02	5172	5141	40,000	D5		40,000	S	121266	120,000
WS-0115	042006	24	Mitchell Public Water District, Granite City, Madison.	053166					Mitchell, Madison, Fort Russell, Towmadison.				04	7501	7561	366,700	D5			S	060867	1,434,870
WS-0117	042006	24	Stookey Township, Stookey, St. Clair.	060666					Stookey, St. Clair, Fort Russell, Towmadison.				06	7501	7511	787,000	W			S	113067	1,916,000
WS-0130	008608	24	Town of Caseyville, Caseyville, St. Clair.	081566		121167	051468	052268	Caseyville, St. Clair, Fort Russell, Towmadison.	062468	091268	103169	06	7503	7603	495,000	7561		CC	S1	103169	1,850,000
WS-0136	000712	24	City of Edwardsville, Edwardsville, Madison.	090166					Edwardsville, Madison, Fort Russell, Towmadison.				05	5153		90,000	D5			S	030267	180,000
WS-0140	008660	24	Village of Dupo, Dupo, St. Clair.	091466					Village of Dupost Clair, Fort Russell Towmadison.				04	7502		126,000			D5	S	030267	140,000
WS-0152	008818	24	Town of Nameoki, Granite, Madison.	021067					Nameoki, Madison, Fort Russell Towmadison.				06	7501		950,000			D5	S	051668	1,900,000
WS-0186	008982	24	Village of Hartford, Hartford, Madison.	112467		082168	051369	052169	Hartford, Madison, Fort Russell Towmadison.	082669	050171		03	5121 5172	5151	187,000			CS	S	050171	477,000
WS-0189	008995	24	Village of Dupo, Village of Dupo, St. Clair.	011668					Village of Dupo, St. Clair, Fort Russell Townmadison.				04	7502	7602	79,750			D5	(S)1	060368	159,500
WS-0199	009543	24	City of East St. Louis, East St. Louis, St. Clair.	042268	092768	N092768	031369	032269	East St. Louis, St. Clair, Fort Russell Townmadison.	072969			08	7501		828,000			AGR	(S)350,000	072969	1,390,000
WS-0205	009556	24	Town of Wood River, Wood River, Madison.	052868		021869	062670	071570	Cottage Hills, Madison, Forest Homes, Madison.	122370			05	7501		532,000			AGR	S	122370	1,750,000
WS-0206	009576	24	Pontoon Beach Public Water District, Pontoon Beach, Madison.	070168					Pontoon Beach, Madison, Nameoki Twp, Madison, Chouteau Twp, Madison.				04	7501		760,000			D3(S)	(S)1,000,000	030469	1,760,000
WS-0237	009772	24	Town of Nameoki, Granite City, Madison.	052869		092669			State Park Com, Madison, Nameoki Twp, Madison.				04	7502	7602	240,000			D4	S	100570	640,000
WS-0249	009865	24	City of Collinsville, Collinsville, Madison.	101669		030670	052771	061871	Collinsville, Madison, Nameoki Twp, Madison.	112971			06	7502	7602	1,000,000			AGR	S	112971	3,820,000
WS-0250	009870	24	Town of Centreville, East St. Louis, St. Clair.	110669		040971			Centreville, St. Clair, Alorton, St. Clair, Unincorp. areas, St. Clair.				04	7501		1,000,000			APL	(S)4	040971	4,416,500

WS-0267	010027	24	City of Bellville, Belleville, St. Clair.	082870		Belleville, St. Clair, Alorton, St. Clair.		07	7502		1,440,000		INQ	S4	121570	4,680,000
WS-0269	010064	24	City of Troy, Troy, Madison.	111670		Troy, Madison, Alorton, St. Clair.		03	7501		52,500		INQ	S	120570	105,000
WS-0294	829400	24	Rosewood Heights Sanitary District, Rosewood Heights, Madison.	052771	102271	Rosewood Hgts., Madison, Alorton, St. Clair.		05	7501		671,700		APL	S	102271	1,935,000
WS-0299	829900	23, 24	Fosterburg Water District, Godfrey, Madison.	061471		Alton-Subtrur, Madison, Fosterburg Twp., Madison, Godfrey-Hamel, Madison, Wood River Twp., Madison.		04	5172	5152	650,000		INQ	S695,000	071571	1,385,000
WS-0303	830300	24	Caseyville Township Sewer System, Caseyville, St. Clair	070671		Caseyville, St. Clair, TB Sanatorium, St. Clair, Grant School, St. Clair.		03	7502		212,500		INQ	S4	072871	455,000
WS-0304	830400	24	City of Granite City, Granite City, Madison.	070671		Granite, Madison, Nameoki Twp., Madison.		07	7502		508,000		INQ	S	072871	15,401,000

24 No.	Grant	Loan	Cost	No.	Grant	Loan	Cost	No.	Grant	Loan	Cost
IN 5	$2,863,000	$695,000	$22,026,000	AR 2	$1,671,700		$6,351,500	AP 3	$2,360,000	$350,000	$6,960,000
CS 2	828,000	1,919,000	3,038,803	CC 2	1,995,000		5,406,566	AT 27	13,186,758	1,944,677	29,800,399
				T 41	22,904,458	$4,908,677	73,583,268				

STATE TOTAL

No.	Grant	Loan	Cost	No.	Grant	Loan	Cost	No.	Grant	Loan	Cost
IN 35	$18,518,145	$2,262,900	$56,686,834	AR 11	$8,096,854	$1,142,000	$25,144,098	AP 18	$14,448,574	$2,450,000	$40,770,883
CS 16	12,582,100	1,919,000	38,714,803	CC 13	7,394,762	298,577	20,021,861	AT 219	119,261,181	39,837,015	264,420,128
				T 312	180,301,616	47,909,492	445,758,607				

Saint Clair and Madison Counties in the 24th Congressional District need adequate sewer and water to be able to attract industry and rebuild and revitalize the economic area. The counties need Federal funds to provide these necessary facilities. Saint Clair County is eligible under titles I and IV of the Economic Development Act as a special impact area. Madison County is now qualified to receive title I grants from the Economic Development Administration. The Emergency Community Facilities and Public Assistance Investment Act will also allow priority to areas of high unemployment with a high concentration of low income persons such as is the case in the counties. Rather than merely "create" jobs this Act will make funds available for the employment of workers on needed public sewer and water facilities. The increase in sewer and water funding stimulates employment while making the area attractive to industrial interests.

Up to 100 percent Federal funding of the sewer and water development projects in eligible areas will also help eliminate the high local taxes usually needed to support such projects. The burgeoning tax burden on the local taxpayer is nearing the proportions of a tax revolt. Federal funding can help alleviate the pressure for increased local taxes.

This is a good bill. It will: First, create jobs in construction with a $5 billion input for sewer and water facilities; second, help alleviate the "crises" need for sewer and water sorely needed at the State and local levels; third, increase sewer and water availability allowing for the expansion of industry; fourth, provide Federal funding to help reduce the high local taxes needed to pay for sewage treatment thereby helping to curb the taxpayer's revolt; and fifth, give priority to areas of high unemployment to furnish increased opportunity for more people to become gainfully employed.

For these reasons I sincerely recommend the passage of this bill.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise today in support of H.R. 13853, the Emergency Community Facilities and Investment Act of 1972. The bill was reported on favorably, by the Committee on Banking and Currency, with an amendment which directs the impact of the projects authorized into those areas desperately in need of Federal help.

The conditions in our urban centers reveal a compelling example of this need. Overpopulation has left our cities staggering under the onerous burdens of astronomical unemployment and grossly inadequate sanitary facilities which in turn, allow disease to run rampant with our present health provisions unable to provide even stop-gap measures, let alone eradicate them.

In Hudson County, unemployment has reached an intolerable level. Over 25,000 people remain out of work, not because they are unwilling to work, not because they wish to stay on the unemployment and welfare rolls, but because our society will not afford them the opportunity to get a job and live with dignity. We force these people to exist, live is hardly appropriate, in crowded cities enshrouded with polluted air and surrounded by polluted rivers like the Passaic and Hackensack, and then we inflict the greatest blow and tell them they do not even have the right to get a job and support their families. I, for one, will no longer accept these conditions for Hudson County. The time has come for us to begin the reconstruction of our urban centers.

The bill which we are considering today offers us the foundation upon which this reconstruction must be built. The procedures the bill proffers are reminiscent of the New Deal, but old solutions sometimes present the most dramatic panacea for new problems.

H.R. 13853 proposes to solve the dual problem of unemployment and inadequate sanitary facilities with a single solution: provide the money by which able-bodied men, unable to find work may help themselves and their community by constructing waterworks and their attendant facilities or by working in the ancillary positions created by the projects.

The proposals contained in H.R. 13853 can provide a substantial enrichment of the quality of life in the areas affected. The obvious benefits are many, but there are also less discernible, but equally important rewards arising from the bill. There is a potential of 1 million jobs resulting from the passage of H.R. 13853. These are new jobs, which means 1 million families which will no longer be forced to seek welfare or unemployment compensation. Even more important, however, is the chance it gives to 1 million individuals to regain the dignity and self-respect of supporting themselves and their families. We owe it to them and to ourselves to provide this chance.

Mr. Chairman, the suit filed yesterday by the Environmental Protection Agency against the city of New York, the State of New Jersey, and several cities and towns in the 14th District of New Jersey, which I have the honor to represent, points out the need for action in this area.

I am alarmed also at Federal inattention at the bureaucratic level to problems in this area. Millions of dollars already authorized and appropriated by the Congress for water and sewer treatment are impounded by the Federal Government. America's local governments are at the breaking point and something has to be done now.

Mr. HARRINGTON. Mr. Chairman, I rise in support of H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972.

At a time when State and local governments are crying out for additional financial resources necessary to meet the demands of a growing population, when reducing unemployment and controlling pollution are at the top of our list of domestic priorities, we have before the House a piece of legislation which would help us deal with all these problems simultaneously.

The ability of State and local governments to continue to meet virtually all of the financial burdens of providing public works, facilities and services has reached a crisis stage. The number of applications under the regular water and sewage system grant and loan program far exceed the funds currently available. The $5 billion which this bill provides to finance sewer and water facilities is essential to relieve the cities and States from a burden they can no longer meet.

Much of our current pollution problem results from the antiquated and overburdened sewage facilities that are now being used by cities and towns. Many of these sewage facilities create a danger to the health and welfare of the citizens who must depend on them. Thus, by providing the States and local governments with the funds necessary to build new water or sewer systems, or to enlarge, improve or rehabilitate present facilities, we will at the same time be combating a major source of pollution and taking a large step toward a more healthy environment for all.

Public works projects trigger local employment opportunities. The U.S. Bureau of Labor Statistics estimates that 100 jobs are directly created for each $1 million expended on public works, 40 jobs at the project itself and another 60 are created among suppliers of materials and services for the project. Hence, this bill if passed by Congress would directly create 500,000 onsite and offsite jobs, and it is estimated that its "ripple" effects would create an additional 500,000 jobs.

This last point is most important to the Nation at a time when the Labor Department reports over 50 of the 150 major employment areas having "substantial unemployment." In my district alone, unemployment has soared to record highs in areas which will be directly affected by the bill. Haverhill, Mass., presently is suffering under 14.5 percent unemployment and Newburyport, Mass., is suffering with over 16 percent of its people out of work.

The impact of this bill would be crucial to a city such as Haverhill, Mass. This city of 48,000 persons presently has no sewage treatment facilities. The sewage of the city is dumped directly into the Merrimack River. A sewage plant now planned, but as yet unfunded, would cost $20 million and service half the city's population. Obviously, this city would benefit from the bill now before us. Jobs would be created where few are now available. Services would be provided for years to come where none have previously existed; and a once beautiful river can begin to be restored.

But Haverhill does not stand alone in its pressing need for water and sewer facilities. Merrimac, Lynn, Amesbury, Newburyport, and Salem, Beverly, Peabody, and Marblehead—part of the South Essex Sewerage District—are others who are in the process of improving those facilities and which will greatly benefit from this bill. All these projects add up to over $60 million worth of treatment facilities.

The Federal Water Pollution Control Act which provides funds for clean water is still stalled in conference. This major legislation was supposed to be a giant step toward the solution of our water pollution problem. Yet, Congress has failed thus far to vote on its final passage and frankly I have little hope that we will do so in the near future.

It is therefore essential that the legislation before us today be passed. Obviously, it does not set water quality standards, guidelines or goals—although they are desperately needed. But it does go to the heart of the water pollution problem by providing the funds critical to municipalities involved in building treatment plants. The bill requires that in allocating the funds the Secretary of HUD give priority to communities designated by the Secretary of Commerce as economically depressed areas, and to communities and neighborhoods which the Secretary of Commerce determines to have:

A high concentration of low-income persons;

Rural areas with substantial outmigration;

Substantial unemployment;

A threat of abrupt unemployment due to the closing or curtailing of a major employment source; or

An urgent need for the facilities.

Public works and development facilities are needed to attract new industry and encourage business expansion, for without adequate public facilities industries cannot grow.

The American people need this pump priming legislation to stimulate the economy and nurture it back to health and I fully support it.

Mr. FISHER. Mr. Chairman, it is my plan to vote against the pending bill. It authorizes $5 billion for up to 100 percent Federal grants for water and sewer systems and other similar public facilities.

Heretofore Federal grants for various purposes of this kind have usually been on a matching basis. But this bill extends that concept by providing for all-out grants. As a dissenting view in the committee report very properly points out—

> When a local government or authority borrows money through a bond issue, the interest paid on these bonds is nontaxable. Therefore, in most instances, the municipalities can borrow the money at a lower interest rate than can the Federal Government, as the interest on Federal bonds and other Federal paper is taxable.

Mr. Chairman, at the present rate of spending, this Congress may very well be recorded as the biggest spendthrift Congress in modern history. Here is an editorial comment which appeared in the July 17 issue of the Evening Star:

> In January the Office of Management and Budget predicted a deficit for fiscal 1973 of about $25 billion. Now the predictions are for a deficit of at least $34 billion, possibly going to $40 billion.

In appraising the spending spree attitude of this Congress, and its effect on fiscal stability and inflation, the editorial concludes:

> One of these days, reality will set in, and it will be something fierce.

It is imperative, as I see it, that brakes be applied and applied now. Indeed it is next to tragic that more fiscal responsibility has not been exercised in the past. If this trend continues there will be no way to escape a substantial increase in Federal taxes.

It will be recalled that not long ago the House aproved a $5 billion revenue-sharing measure, which cleverly bypasses the need for any action by the Appropriations Committees. The funding would be automatic. That marked a departure from responsible management of the spending of tax money. Now, evidently drawing upon that precedent, this bill follows the same concept. The pending bill provides for back-door spending at its worst. The Appropriations Committees would not be allowed to examine the need and justification for each increment of expenditure from year to year.

Mr. Chairman, this bill should be defeated. The time is long overdue for the practice of some fiscal responsibility in the expenditure of Federal funds.

Mr. BEVILL. Mr. Chairman, under this legislation, a total of $5 billion would be appropriated to provide grants on a matching basis to help State and local governments finance water and sewer system facilities and for other types of public works and public facilities expenditures.

Such an expenditure would be enormously beneficial in terms of reducing unemployment. The Bureau of Labor Statistics estimates—and this formula is corroborated by economists both in the private and public sector—that 100 onsite and offsite jobs are directly created for each $1 million invested in public works and facilities. An expenditure of $5 billion then would directly create a total of 500,000 onsite and offsite jobs. But as large as that figure is, it represents only half of the full economic impact that this $5 billion investment can have on the economy in the immediate future. The multiplier effect of this expenditure means that another 500,000 people will also find job opportunities as this investment is felt throughout the entire economy—adding up to a minimum total of 1 million new jobs.

Mr. Chairman, it should be understood that these are minimum figures. As I indicated a moment ago, H.R. 13853 would provide matching grants to State and local governments for public works and facilities. But where necessary to carry out the purposes of the act, these grants can amount to 100 percent of the cost of the project. If the entire $5 billion authorized by this bill was expended on a 100 percent cost of project basis, 1 million jobs would be created throughout our economy. This translates into more than a 20-percent reduction in joblessness.

Obviously, most of the grants are going to be made on a matching basis, probably ranging between 50 to 80 percent of the cost of projects. This in turn means that the full expenditures this legislation would make possible will amount to at least $7 to $7.5 billion. By the same token, the ultimate employment impact throughout the economy will probably result in the creation of more than 1.2 million new jobs.

I am fully aware of the recently announced "seasonally adjusted" reduction in unemployment to a current level of 5.5 percent of the work force. We have had similar seasonal adjustments in the unemployment rate during the past 2 years. Nevertheless, the overall rate of joblessness has continued to hover near the 6-percent level and I expect the present circumstance is merely another case in point. Regardless of whether the unemployment rate is 5.5 or 6 percent, the number of people who are out of work across the Nation is totally unacceptable—totally intolerable and no one has more responsibility to do something about it than the Members of this Congress.

Moreover, a national unemployment rate ranging from 5.5 to 6 percent, as tragic as it is, masks the fact that there are pockets of joblessness in regions and communities across the country where the unemployment rate is 10 and 12 percent and higher. Many rural communities have unemployment rates which range as high as 30 percent of the population. Many occupational groups have rates of joblessness which are double the national average. Construction workers, for example, had an unemployment rate which as recently as last May totaled more than 12.5 percent and has been near that level for more than a year.

Mr. Chairman, the Emergency Community Facilities and Public Investment Act of 1972 is not only designed to reduce unemployment throughout the nation; it is tailored to provide the resources necessary to reduce joblessness in the very areas where unemployment is most severe. H.R. 13853 is essentially structured to provide funds for public works and facilities in communities and neighborhoods which have:

Large concentrations of low-income persons;

Substantial unemployment;

An actual or threatened abrupt rise in unemployment due to the closing curtailment of a major source of employment; and

Communities and neighborhoods in which there is an urgent and vital need for basic public works and facilities which can be funded under this act.

Aside from the critical problem of unemployment, there is no question as to the need for the funds which the Emergency Community Facilities and Public Investment Act would provide. Data in the hearing record on H.R. 13853 reveals that as of last fall there was a total of nearly $13 billion in pending applications for grants and loans under the Department of Housing and Urban Development's regular water and sewer program. That figure of nearly $13 billion has built up since 1966, when the program was established, and reflects the totally inadequate funding that has been made available since that time. During this same period, HUD rejected more than $2.5 billion in water and sewer loan and grant applications for projects totaling more than $5.5 billion on the grounds that funds were not available. Furthermore, HUD has actually discouraged communities from even making application for water and sewer loan and grant funds with the explanation that the effort involved is useless due to lack of money.

Other examples of urgent need for assistance to finance water, sewer and other public works and facilities in communities across the Nation were also presented during the Banking and Currency Committee hearing on H.R. 13853.

The National League of Cities-Conference of Mayors recently conducted a survey which indicated a total national need for sewer treatment facilities alone totaling $33 to $37 billion between 1971 and 1976.

A Department of Health, Education, and Welfare survey conducted in 1969, in only nine regions of the country having a total population of 18.2 million, showed that 2 million people were drinking water which, though safe, had an unpleasant appearance, odor, or taste. Fifty-six percent of the water systems in this survey were deficient in some respect.

The Department of Commerce estimates that there are now 53 million people—26 percent of the Nation's population—served by inadequate sewer lines.

And the Environmental Protection Agency estimates that 43 million Americans are not served by any sewer lines at all.

The Farmers Home Administration of the Department of Agriculture years ago estimated that more than 30,000 rural communities were without water systems and over 40,000 were without sewer systems. A recent check with that Agency revealed there has been no overall change in these tragic totals.

The best way to begin the development of our rural areas throughout this Nation is to provide a good water supply. I support the passage of this bill.

Mr. SYMINGTON. Mr. Chairman, I would like to voice my support for the Emergency Community Facilities and Public Investment Act of 1972 which is being considered by the House today. This bill will help to overcome some of the health hazards which plague depressed areas by providing for the installation of basic sewer and water facilities in communities which would have extreme financial difficulty constructing such facilities for themselves. While I support this worthy undertaking, I would like to point to some of the difficulties which the poor have in making use of such facilities once they are available. Several sections of my district in St. Louis are illustrative of these difficulties.

Robertson is a small community of 890 people. It has no central sewer or water system, although efforts to have one installed have persisted for some time. Reports from the 1970 census data reveal that 47.4 percent of all dwellings in Robertson lack one or more plumbing facilities. This community may be able to get a central sewer and water system as a result of this bill. But how will the poor individuals who live in Robertson afford the hook-up costs after the system is installed?

Meacham Park in my district is also faced with this problem. This is a community of 380 families. Prior to November of 1971 there were no sanitary facilities in the community. Families who could afford to do so hooked up to a system some distance from their homes which belonged to the city of Kirkwood, Mo., the municipality in which Meacham Park is located. Only 47 families had done this by last fall, at which time Kirkwood and the metropolitan sewer district, with funds from HUD, installed sewer and water facilities in the area. Since then only 33 families have hooked up to the new system, although more would like to do so. This means almost 300 families in this area are without proper sanitary conditions.

Still another area of my district, Kinloch, received sewer and water facilities 4 years ago. Out of the 1,346 families who live in Kinloch, only 633 have tapped the new facilities, which leaves 713 families still without running water. It is ironic that so many human beings should be so close to such necessities without being able to use them.

The cost involved in securing sewer and water service are not low. There are at least three fees which a homeowner may have to pay: the charge which the city may assess an individual to tap the system; a front footage assessment by which a homeowner pays a one-time tax based on the length of the main system footage at the front of his property. Even if these two fees are waived by the municipality in deference to his financial situation, an individual must still pay to have pipes run from his home to the main system. The cost for this is estimated by the Metropolitan Sewer District of St. Louis to be about $5 per foot; in Meacham Park the average total cost to hook up when there are no problems is about $850—and this is just to the outside of a dwelling.

If, as in the case of Meacham Park, Robertson, and Kinloch, many of the structures have no inside plumbing facilities, the property owner is also faced with installing this expensive item, which could raise the cost of hookup to between $1,000 and $3,000. Needless to say, not many people living at the poverty level have such money available, and many of them are so destitute that they cannot even qualify for low-interest loans.

Of course, quite a few individuals in poverty areas rent their dwellings—40 percent in Meacham Park—so that they would not be eligible for home improvement loans even if they could afford them. Their landlords might be eligible, but what incentive does a landlord in such an area have to invest hundreds, perhaps thousands, of dollars to improve already substandard housing when it is doubtful that he could recoup his investment in either sale of the property or of higher rent, and when people will continue to live there without improvements because they have no place else to go? There is no Federal law which requires a landlord to provide running water; it is left to the municipalities, through their building and safety ordinances, to require such basics. But in many municipalities such codes are not enforced because to condemn the buildings would leave the occupants with no housing at all.

Obviously this dilemma of trying to provide services to people who cannot afford them is part of the larger problems: housing, jobs and improvements in the quality of life for so many neglected Americans. The solutions to these discouraging problems are certainly not easily found, and will probably not be resolved by a bill which seeks to authorize additional funding for sewer and water facilities for deprived areas.

However, if this bill is going to approach solving problems even in this limited sector, we should be realistic about the situations of the individuals it is meant to benefit. Congress should consider providing some sort of assistance to families or individuals having such low income they cannot qualify for loans to make these very basic home improvements. Grants or guaranteed loans, or a combination of these, should be made available to all persons in areas affected by this legislation to assure that the whole community will benefit from the sewer and water projects, not only those who can afford to take advantage of them.

Mr. DRINAN. Mr. Chairman, I rise in support of H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972. The bill is supported by the National League of Cities, the U.S. Conference of Mayors, and the National Association of Counties, among other organizations.

This necessary proposal complements H.R. 11896, the Federal Water Pollution Control Act amendments, passed by the House in March. That bill provides $18 million for the construction of waste treatment plants. H.R. 13853 authorizes $5 billion in grants to States and localities for the construction of water and sewage systems—"a necessary adjunct to the treatment plants provided for" in H.R. 11896, as Chairman JOHN BLATNIK of the House Public Works Committee has stated.

This bill is especially urgent because, for reasons known only to itself, the President's Office of Management and Budget has "impounded" billions of dollars in desperately needed sewer and waste treatment funds authorized and appropriated by Congress.

There are 30,000 rural communities in the United States without water systems, and 40,000 without basic sewer facilities. According to a survey conducted by the National League of Cities, between $33 and $37 billion will be needed in the next 4 years to construct adequate sewage facilities in urban areas. These figures do not include the cost of water systems in urban areas, or water and sewage systems in rural areas. Construction and repair of water and sewage system are the major public works projects in the decades to come.

Compounding the problem is the state of the Nation's economy. Unemployment continues at the 6-percent level, and the unemployment rate is higher in many areas, including the one I represent, and among many segments of the population. State and local governments—the traditional funding source for public works projects—simply cannot raise additional revenues because of severe limitations on their tax bases. Yet costs imposed on State and local governments rise because of complex and stringent Federal clean water and clean air standards, State and local health regulations, and the cost of environmental cleanup projects.

H.R. 13853 eases the financial straits of

State and local governments by giving them block grants for the construction and repair of water and sewage systems. As a major public works project, the bill would create jobs for approximately 1 million Americans, reduce the number of unemployed people by 20 percent and lower the present unemployment rate from 5.8 to 4.6 percent, according to figures in the report of the Banking and Currency Committee. In making grants, the Secretary of Housing and Urban Development would be required to give priority to economically depressed areas, areas of substantial unemployment, and areas with the greatest need for water and sewage systems.

Expert witnesses who testified on this bill before the Banking and Currency Committee informed the committee that State and local planning has progressed to the point where construction of water and sewage systems could begin within 90 days of enactment. Most of the $5 billion authorized in this bill could be allocated and spent by the end of this calendar year, meaning that passage of this bill would have an immediate and very substantial salutary impact on the Nation's high unemployment rate.

There is nothing new in the concept of Federal funding of public works projects. It is in fact the time-tested solution for reducing persistent unemployment. What is new is the notion of turning a public works project into a "valuable tool in our arsenal of weapons against environmental pollution," in the words of Chairman BLATNIK. Not only will this bill effect reductions in unemployment in those areas of the country most severely in need of aid, including my district in Massachusetts, but it will also improve health standards and the quality of life in those same areas.

As a proenvironment bill and as a prudent fiscal measure, H.R. 13853 makes perfectly good sense.

Mr. BURKE of Massachusetts. Mr. Chairman, it is with the greatest urgency that I ask my colleagues to give their support to the legislation we are considering today, the Emergency Community Facilities and Public Investment Act of 1972. The legislation launches a two-pronged attack in areas desperately in need of attention.

First of all, H.R. 13853 authorizes an appropriation of $5 billion to provide emergency grants to States and localities for basic public works and facilities—primarily water and sewer facilities. I need not have to search very far to find Members of Congress in this House who have repeatedly been told by HUD that no funding exists for water and sewer projects in their districts.

Unfortunately, I have spent many long and unsuccessful hours trying to get water and sewer projects in my district funded—programs vital to the community for their future economic growth, vital to the safety of their residents, and vital to our efforts to counter pollution in this country. It seems that all our best efforts to fund these programs are thrown back in our faces when this administration insists on impounding funds duly appropriated by the Congress for these programs. We are told that the backlog of requests for funding under HUD's 702 program is somewhere around $12.6 billion. This legislation should be passed as a mandate to the administration that we will not sit idly by while the critical needs of our communities across the country are being ignored.

The fact that this legislation is inextricably tied to the creation of jobs makes its passage all the more pressing. We have been told that this legislation will create at the minimum 500,000 onsite and offsite jobs and this does not even begin to tell the story. Once these water and sewer lines are completed, we can expect to see the establishment of new business and industry and the expansion of existing facilities, creating the kind of commercial and industrial growth that leads to jobs. Since priority will be given to projects in economically depressed areas, we will no doubt witness the expansion of the job base and a steady rise in employment in these particularly hard-hit areas.

In closing, I just want to say that the capacity for State and local residents to bear the financing of these public works, facilities, and services is rapidly deteriorating. Local taxes, as we all know, have skyrocketed. It is time for the Federal Government to come to the realization that it must step in and shoulder some of the burden if we are to eliminate pollution and improve the quality of life for all Americans. It is on this note that my plea for passage of this legislation is sounded.

Mrs. GRASSO. Mr. Chairman, cities and towns throughout the Nation desperately need funds for the construction of basic water and sewer facilities. Yet, these funds are not available.

To enable our States and localities to meet this need, the Congress must pass H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972. This bill authorizes the Department of Housing and Urban Development to make available to State and local governments up to $5 billion to cover the cost of basic public works and facilities projects. Priority for these grants will be given to those areas designated as redevelopment areas under title IV of the Public Works and Economic Development Act, with other economically depressed areas getting high preference.

This legislation addresses itself to two pressing needs. Our growing population demands new and improved public works facilities. At this time, however, HUD has reported a backlog of $12 billion in applications for the section 702 construction program alone. In addition, many cities have been discouraged from even applying for this program because of the lack of adequate funding. For Connecticut the backlog of applications amounts to $109 million in grants and nearly $3.9 million in loans. In my Sixth District the corresponding figures are over $27.5 million for grants and nearly $1.9 million for loans. Action must be taken immediately to relieve this critical situation. Last April an attempt to add $650 million in funds for this program failed in the House. Today, Congress has the opportunity to meet the challenge before us squarely.

Let us also remember that this legislation would benefit our country significantly beyond providing badly needed water and sewer facilities. Indeed, it would furnish a stimulus to our lagging economy. The Bureau of Labor Statistics estimates that every $1 million spent on these projects would directly create 100 jobs. The economic multiplier effect might create as many as 100 more jobs for every $1 million involved. Therefore, if the entire $5 billion were provided, over 1 million new jobs would be created in this country. These jobs would be an economic blessing to towns and cities across the Nation, including those in my district which are designated as redevelopment areas under title IV of the Economic Development Act. Unfortunately, unemployment continues to be a reality of everyday life in Bristol, Enfield, New Britain, Plymouth, Thomaston, Torrington, and Watertown. H.R. 13853 would help relieve some of these problems.

As a strong supporter of funds for basic water and sewer facilities, and as the cosponsor of a number of bills to provide temporary public jobs to alleviate the unemployment crisis, I believe that H.R. 13853 deserves prompt approval by the Congress. The availability of resources to permit the construction of water and sewer facilities would enable us to meet the needs of our growing cities and towns while at the same time providing jobs for those in need.

Mr. Chairman, Congress can, and indeed must, provide greater resources for essential water and sewer programs and projects. I believe the Emergency Community Facilities and Public Investment Act would help meet this challenge.

Mr. MINISH. Mr. Chairman, H.R. 13853 is designed to meet an undeniably massive national need for Federal funding assistance in order to meet water pollution problems. The situation in New Jersey is a case in point.

Charles M. Pike, director of water resources for the State department of environmental protection, has estimated that New Jersey's rivers will remain polluted until the Federal and State governments jointly spend $2 billion to build needed water treatment plants.

The director of water resources has stated that, without funding, projects now in the planning stage will come to a halt—some of them projects costing $100 to $300 million.

Some $300 million alone is needed to upgrade the Passaic Valley sewerage plant in Newark, the second largest system in the country.

The enormous investment required for New Jersey communities stands in sharp contrast to the amount of Federal funding assistance that is being provided. The New Jersey State Department of Health estimates that if funds appropriated continue for the next 2 years at the level of the last 2 years, Federal aid will amount to less than 3 percent of the total need for construction of treatment plants and trunk lines.

The fact of the matter is that, to date, Federal funds that have actually been made available to New Jersey have been in such a small amount as to have virtually no impact on the State's need for pollution control facilities.

Mr. Chairman, these requirements are not going to disappear or even diminish in the future. If anything, they are going to become more pronounced both in terms of community need and in terms of cost. The cost of constructing these facilities is going up at a rate of 1.2 percent a month. That adds up to a total annual rate of inflation of about 15 percent. During the past 2 years inflation has increased the cost of some projects in New Jersey by as much as 30 percent.

I am fully aware that the $5 billion authorized to be expended under H.R. 13853 is going to have to be spread throughout the Nation and that it is not going to satisfy all the needs of a particular State or region. But at least it is a start in the right direction. Adoption of the Emergency Community Facilities and Public Investment Act of 1972 is the very least this Congress can do by way of responding to the needs of our districts.

Moreover, the $5 billion that would be provided under this legislation could be multiplied by virtue of the matching funds that would be supplied by States and municipalities qualifying for assistance. The $5 billion we are providing here could possibly trigger investment of another $5 billion on the State and local levels.

With that kind of total investment being made in the next year or two, we could create well over 1 million new jobs throughout our country.

In effect, the total impact of this legislation could amount to a tremendous boost for the Nation in terms of economic recovery.

Mr. Chairman, in view of the desperate need for water and sewer system financial assistance for the States and communities of this Nation and in view of our continuing high level of unemployment, we cannot do less than give speedy approval to this legislation.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that this bill, H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972, will be promptly and resoundingly approved by this House this afternoon.

The basic provisions of this proposal are designed to fulfill three of this Nation's highest priority needs.

First, the bill responds to the critical need of creating meaningful, productive, and sustaining jobs for the unemployed in communities throughout the Nation; second, it provides for the urgently needed development and construction of essential water and sewer facilities to adequately safeguard the health and welfare of our citizens and prevent the further deterioration and pollution of our country's waterways; and third, by authorizing an amount not to exceed $5 billion, to expeditiously finance the construction of these urgently required public facilities, it acknowledges the reality that the taxpayers in our local and State governments are entirely unable to assume the additional financial burdens that would be otherwise imposed upon them.

Very few, if any, Mr. Chairman, question the absolute need for Federal funding assistance for community water and sewer system construction and for the creation of job opportunities for great numbers of our unemployed citizens and their families.

In my home State of Massachusetts, as in so many other areas throughout the Nation, unemployment is at an unfortunate and distressingly high rate and also, as in most every other State and area, our local taxpayers are completely unable, during this repressed period of our economy, to take on the additional burdens of financing these basic public works and services. As a consequence, a great many communities throughout the country, like those bordering on the Blackstone River and other tributaries in my own congressional area, are in desperate need of expanded Federal assistance for the construction of essential water and sewer facilities for the protection of the health and safety of their citizens.

By authorizing the Department of Housing and Urban Development to make grants to States and local communities for basic public works, including grants up to 100 percent of funding on some projects, this bill represents a reasonable and prudent effort to meet and overcome some of the very worst financial frustrations that have ever plagued our American people.

Authoritative testimony and evidence before us indicates that approximately 10 percent of the great number of unemployed in this Nation, some 500,000 individuals and their families, would directly benefit from the enactment of this bill and I would like to emphasize that they would be employed in useful and productive work that would be of lasting benefit to the people in thousands of communities all over this land.

In simple substance, Mr. Chairman, this bill is designed to timely and sensibly meet some of the undeniably critical needs of our American citizens and communities today and I believe it merits, in the public interest, the resounding approval of this House.

Mr. BADILLO. Mr. Chairman, I rise in support of the Emergency Community Facilities and Public Investment Act of 1972 because this is a necessary and proper step to meet the tremendous need for basic community facilities throughout the Nation. The National League of Cities estimates that between $33 billion and $37 billion will be needed for sewage treatment facilities alone by 1976 and this morning's news stories reporting on the Federal Government's legal move against the city of New York because of the continued pollution of New York Harbor underscores the tragedy of our failure to provide adequate resources in the fight against pollution.

Much has been said about the job-creating features of this bill, and without doubt, the spending it authorizes will surely provide a major stimulus to employment at a time when joblessness afflicts virtually every area of our Nation.

But little, if anything has been said about the fact that most of the jobs created by this program will be controlled by labor unions whose history has been characterized by blatant and continued discrimination against black and Puerto Rican workers. I want to make it clear that my support for this bill is contingent upon both the Congress and the executive branch seeing that such discrimination is not permitted under this legislation.

It was just about a year ago that the New York State advisory committee to the U.S. Civil Rights Commission heard experts from Nassau and Suffolk Counties describe a pattern of discrimination in hiring on Federal construction contracts on Long Island. At the same hearing, representatives of the construction industry testified that they found it difficult to recruit minorities for skilled construction jobs because most of their work force came from all-white union hiring rolls.

In our legitimate eagerness to stimulate the economy and alleviate the unemployment problem, on which the Nixon administration has turned its back, let us not ignore the persistent and unconscionable behavior of the construction unions. It would be a travesty if this program became a slush fund for their discriminatory practices.

Mr. HORTON. Mr. Chairman, I rise in opposition to H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972.

On the surface, Mr. Chairman, this is a bill which no one should oppose. The arguments in support of the bill, put forth by the committee state that it would almost immediately create 1 million new jobs, and that it would solve what the committee identifies as a serious crisis in the water and sewer facilities program of the Department of Housing and Urban Development.

With the current rate of unemployment at 5.5 percent, the goal of creating this many new jobs at the same time we solve a serious public problem would certainly seem a worthy one.

However, I took the time to make a thorough study of this bill, and of the facts on which the committee's report rests. I have reached the conclusion that the bill, in its present form should not have been brought before the House because of serious errors and inadequacies in the backup information for the provisions of the bill.

First, and most important, the committee report states that there is currently a backlog amounting to over $12 billion in applications for the HUD 702 water and sewer facilities program. The fact is that the current backlog is less than one-sixth that large, about $2 billion, with the Federal share of the backlog being only $0.9 billion, or $900,000,-

000, not $5.7 billion as the committee claims.

While the committee hearing record of the single day of hearings held on this $5 billion proposal, reprints 926 pages of a computer printout listing all applications HUD has received under this program, the information in this mammoth chart is misinterpreted in the committee report text, which fails to point out that over $10 billion worth of projects applied for under this program have already been acted upon—either withdrawn, approved or referred to other agencies or denied by HUD. The bill's request for $5 billion for this emergency program is based on an incorrect reading of the facts printed in the hearings, and nothing like this amount of money would be needed to fund the current Federal backlog of $0.9 billion. The hearing record lists 27 separate applications from my congressional district as part of the supposed pending backlog of projects under this program. I personally checked with HUD and with officials in my district and was quite surprised to learn that of the 27, only 3 were actually awaiting HUD action. The other 24 had already been acted on by HUD.

Before we are asked to vote on a bill of this importance and of this magnitude, I think we, as Members of Congress, deserve a far more thorough analysis of the need than what is presented here. If there is need for additional funds for this crucial public facilities program, then I would support such funds. I therefore suggest that the magnitude and provisions of this bill be seriously reevaluated to see what action, if any, by the House is called for.

The second point which puts a cloud over the need for this bill is that we now have pending in a House-Senate conference a greatly expanded bill which would put some $18 billion into water pollution control facilities across this country. There is some evidence that many of the current applications before HUD for the 702 program could well be accommodated under the programs of the Environmental Protection Agency, if that bill is signed into law.

Therefore, Mr. Chairman, I believe the assumptions on which this bill was founded should be reexamined so that we can be given a truer picture of the need for additional money and jobs in the water and sewer construction program of HUD. Until that is done, and done thoroughly, I feel compelled to oppose H.R. 13853.

Mr. PEPPER. Mr. Chairman, I strongly urge the House to approve the Emergency Community Facilities and Public Investment Act of 1972. We should not allow the threat of a veto to deter us from adoption of a measure so necessary to communities all across the land. This bill is necessary to create jobs in an economy which continues to lag month after month and year after year. It also is necessary to enable our communities to meet more adequately their responsibilities for the provision of public services urgently needed by the people.

The estimate of the National League of Cities that a total of $33 billion to $37 billion will be needed for sewage treatment facilities alone in the cities during 1971–76 puts the $5 billion authorization in this bill in its proper perspective. So also does the page after page of water and sewer applications from communities across the land which has been printed as part of the hearing record for this legislation.

Virtually every community in my district has an application pending in the Department of Housing and Urban Development for assistance in meeting the sanitary and anti-pollution needs of their people. They simply cannot meet these needs from existing local tax resources and the national Government has a strong, obligation to help deal with this national problem, which exists in every other part of the land.

This bill will help these communities meet their responsibilities to the people and will help us meet our proper responsibilities to these communities and to the people. I urge your support.

Mrs. ABZUG. Mr. Chairman, I rise in support of H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972. This measure is an important step toward providing at least a temporary solution to the nagging and unacceptable problem of high unemployment in the United States. It would authorize the Department of Housing and Urban Development to contract with State and local governments for up to $5 billion in water and sewer improvement projects and would ultimately create 1 million jobs. In addition to creating sorely needed employment, it would help us in the growing battle against pollution by facilitating the construction of water and sewer lines which will be complementary to the water treatment plants to be constructed once the water pollution bill now in conference becomes law.

More than 5 million of our workers—all of them able and willing to do an honest day's work—are presently unemployed, victims of the Nixon administration's business-oriented economic policies. Not only is unemployment high, but it is also extending for a longer period, as witnessed by the further extension of the unemployment benefits program which we passed only a week or so ago.

Every American who is willing and able to work is entitled to a job. In fulfillment of this right, the Federal Government and its State and local government grantees should and must be the employers of last resort if there are not enough jobs in private industry to go around. This bill constitutes a first step in that direction, and I am pleased to support it. I hope that it will be followed in the near future by similar legislation creating jobs for such programs as housing and child care.

It is quite interesting to observe that most of the Members on the other side of the aisle are opposed to this bill. Many state as a reason for their opposition the allegation that the expenditure of these funds is inflationary and will deepen Mr. Nixon's deficit. I note that when the $71 billion defense appropriations bill passed the House last November, only four Republicans voted against it, while 161 voted in favor. The fact of the matter is that the Nixon administration and the Republican Members of the House do not object so much to the spending of colossal sums of money as they object to spending it to support the domestic programs which are so crucial to our continuing vitality as a Nation. It is these misguided priorities whch the voters will reject in November.

Mr. MATSUNAGA. Mr. Chairman, H.R. 13853 represents a positive congressional response to the twin problems of unemployment and inadequate community facilities, and I support it strongly.

It is no secret, Mr. Chairman, that more than 5 million Americans are looking for work today but cannot find it. It is also well known that the construction industry has been particularly hard hit by recent economic hard times, with unemployment consistently exceeding 10 percent.

On the other hand, reliable estimates put the total cost for city sewage treatment facilities alone at $33 to $37 billion for the years 1971–76. And that staggering figure does not include the more than 30,000 rural communities without water systems, nor the 40,000 without basic sewer facilities.

Mr. Chairman, H.R. 13853, the proposed Emergency Community Facilities and Public Investment Act of 1972, is an apt tool for dealing with both of these problems. If fully funded, this bill would provide enough jobs for 10 percent to 20 percent of our Nation's unemployed. It would also reduce considerably the huge backlog of project applications now pending in the Housing and Urban Development Department's programs. If pollution control is to be more than a nice-sounding slogan, State and local governments must be aided in their attempts to construct these facilities, particularly those affecting water quality.

Mr. Chairman, I urge the House to approve H.R. 13853 today by an overwhelming vote.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Community Facilities and Public Investment Act of 1972".

SEC. 2. (a) Tax and other financial resources currently available to local governments are being strained beyond their capacity to provide vital community facilities. The burden of providing the funds for necessary public facilities has reached the point of being unbearable for residents of communities throughout the Nation and emergency measures must be taken to provide long overdue relief to prevent disastrous reductions in community facilities programs. Adequate funding for water and sewer systems and other similar public facilities is absolutely necessary to safeguard the health and welfare of the Nation's population and to assure orderly and efficient growth; but continued progress in this area has become impossible for a vast number of cities and towns in every sector of the country because local financial resources have reached the point of exhaustion. Moreover, the absence of additional sources of funds for this purpose jeopardizes local, State, and regional efforts to eliminate environmental pollution and conserve irreplaceable resources.

(b) It is imperative that effective action be taken to combat intolerably high unemployment. This is especially true for those urban and rural communities where rates of joblessness have reached and often exceed depression era levels. Moreover, the lack of adequate facilities in such areas greatly diminishes the possibility of revitalizing the economy of these communities and significantly reducing unemployment.

(c) The Congress finds that in order to reduce the rate of joblessness, both in immediate and long-range terms, and to regain and safeguard the high quality of life which is synonymous with the potential of the Nation, emergency funding for vital community facilities is urgently needed and must be provided.

SEC. 3. (a) Title VII of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new section:

"EMERGENCY ASSISTANCE TO CERTAIN STATE AND LOCAL PROJECTS

"SEC. 709. (a) The Secretary may contract to make grants, in an aggregate amount not exceeding $5,000,000,000, for projects of States and local governments of the type referred to, as eligible for assistance, in section 3(b) of the Act of September 14, 1962 (76 Stat. 542).

"(b) A grant made under the authority of this section may be in any amount not exceeding 100 per centum of the development cost of the project for which the grant is made, and shall be subject to such other terms and conditions as the Secretary may prescribe.

"(c) In the processing of applications for assistance under this section, the Secretary shall give priority to applications of—

"(1) communities in areas designated by the Secretary of Commerce as 'redevelopment areas' or 'economic development centers' under title IV of the Public Works and Economic Development Act of 1965, and communities in areas designated under section 102 of such Act, and

(2) communities in any other areas which may be designated by the Secretary of Labor as being areas of substantial unemployment, for assistance in the construction of basic public facilities (including facilities for the storage, treatment, purification, or distribution of water, and sewage treatment, and sewer facilities) for which there is an urgent and vital public need.

"(d) The faith of the United States is solemnly pledged to the payment of all grants contracted for under this section, and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the amounts necessary to provide for such payments."

(b) Section 707 of such Act is amended by striking out "sections 702 and 703" and inserting in lieu thereof "sections 702, 703, and 709".

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, lines 8, 9, and 10, strike out: "for projects of States and local governments of the type referred to, as eligible for assistance, in section 3(b) of the Act of September 14, 1962 (76 Stat. 542)." and insert in lieu thereof: "to States and local governments for projects of the type described in section 202(a)(1) of the Housing Amendments of 1955."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 2, strike out "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 5, insert "and" after the comma.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 6, insert the following:

"(3) communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) which the Secretary of Commerce determines have one of the following conditions:

"(A) a large concentration of low-income persons;

"(B) rural areas having substantial outmigration;

"(C) substantial unemployment; or

"(D) an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment,

The committee amendment was agreed to.

Mr. COLLIER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in light of the debate here today I was prompted to go back to the CONGRESSIONAL RECORD for February 9, 1972, upon which day there was a rollcall vote on raising the debt ceiling. I would merely say at this time it will be very revealing to compare the list of those voting for this $5 billion ill-conceived piece of legislation with a list of those who voted against the debt ceiling on that day.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I should like to address a question or two to the chairman of the committee (Mr. PATMAN).

Do I correctly understand that there were no witnesses from the Administration or any agency directly involved in this program before the committee? Were hearings held on this bill? If so, who testified?

Mr. PATMAN. I shall be glad to answer the question.

Some members have said we did not hear witnesses who should have been heard. I do not challenge people, but I would remind them that no one was refused a hearing before our committee on this bill. No one here can say he was refused. Every person who wanted to be heard was heard, and people we thought were interested were given notice.

The Secretary of HUD was invited. His presence was not only desired but welcomed. We wanted information he could give us, but for some reason he did not appear. It was not our fault.

No one was refused the right to testify. We had hearings on water and sewer, at every session of the Congress for a number of years. It is not a new subject to our committee. The committee goes into this subject. It is one subject that is before us all the time.

We did not need any hearings of any kind. We knew how the country felt as to the situation on water and sewer.

Mr. GROSS. Just a minute. Was the Secretary of HUD invited?

Mr. PATMAN. Certainly he was invited.

Mr. GROSS. By what means? Letter? Telephone?

Mr. PATMAN. I do not know right now, but we invite him on every bill HUD is concerned with.

Mr. GROSS. Where are the departmental reports on this bill?

I find absolutely nothing in the report with respect to the position of the Office of the Budget and Management. Bear in mind that this is a multibillion dollar bill.

Mr. PATMAN. The gentleman may rest assured we do not deny anyone the right to be heard before our committee.

Mr. GROSS. Knowing of the gentleman's affinity for the Federal Reserve Board, was the Federal Reserve Board invited, by any chance?

Mr. PATMAN. I hope they were not, because they do not belong in this bill.

Mr. GROSS. All right.

Mr. PATMAN. Here is Mr. Alexander, R. J., director of public works, Oakland County, Mich. He was a good witness.

Here is a fellow named Harry J. Peyton, Jr., president, National Utility Contractors Association. He presented good testimony.

They all presented testimony we should consider. We did not agree with all of them.

Next is the Honorable John Rousakis, mayor of Savannah, Ga., on behalf of the National League of Cities and U.S. Conference of Mayors. They are pretty important people.

Mr. GROSS. Yes, those you have mentioned would take all the money you could possibly run off on your greenback printing presses.

Mr. PATMAN. There is Mr. Mendonsa, city manager, Savannah, Ga., and Larry Snowhite, legislative counsel, National League of Cities and U.S. Conference of Mayors.

S. S. Johnson, League of Cities, and U.S. Conference of Mayors. They presented very formidable testimony. Mr. William H. Wilcox, secretary of the

Pennsylvania Department of Community Affairs, followed by John Rosso, a community service consultant. We had a number of witnesses.

Mr. GROSS. Did these invitations you issued to the various foxes to make a call on the chicken coop—by any chance did they tell you where the money would come from to finance this program?

Mr. PATMAN. No. The gentleman is a Member of Congress, and he would have been invited.

Mr. GROSS. Who is going to provide the money?

Mr. PATMAN. And any time he wants to come before the committee he will be invited, if he thought that question should be brought out. He is usually very aggressive, and I think, if he is concerned about that as a second thought, he should not bring it up but should bring it up before the committee.

Mr. GROSS. Brought up? Brought what up before the committee?

Mr. PATMAN. The money part.

Mr. GROSS. I regret that our old friend from Maryland is not here. I am getting more gobbledegook than I used to get from him.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. FRENZEL. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. FRENZEL. I thank the gentleman for yielding.

I would like to mention that I have a copy of a letter to the chairman of the committee from the Secretary of the Department of HUD dated April 13, which is about a month in advance of our hearing, which indicated that the Department opposes the enactment of the bill. But for some reason it did not find its way into the committee report, and I suspect if the Secretary had been given sufficient notice, he would have been happy to appear.

Mr. PATMAN. Will the gentleman yield for an answer? I have a good answer for that.

Mr. GROSS. I hope I can understand your answer.

Mr. PATMAN. They obviously withdrew their opposition and did not want to appear.

Mr. GROSS. Obviously they did not. What is there to show that they withdrew their opposition?

Mr. PATMAN. The record shows they did not appear and they were invited.

Mr. GROSS. Why did you not put the Secretary's letter in the report and let him deny the letter represented his position in opposition? Why did you not put that in the report?

Mr. PATMAN. I do not know what you are talking about.

Mr. GROSS. I will say to the gentleman, based on what I have heard this afternoon, if this bill passes, I would like to make a trip to New York, climb the Statue of Liberty, remove the torch and put a tin cup in the statue's hand. This will be a bonanza for Fun City at the expense of the taxpayers of the rest of the country, including Texas.

Mr. PATMAN. You can do that anyway any time you want to.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, inasmuch as the letter of the Secretary of HUD to the chairman of the committee was not included in the record of the hearings or in the committee report, I want to read the letter into the RECORD in its entirety.

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., April 3, 1972.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

Subject: H.R. 13853, 92d Congress (Patman, et al)

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 13853, a bill "To amend title VII of the Housing and Urban Development Act of 1965."

This Department strongly opposes enactment of H.R. 13853.

The purposes of the bill, as stated in section 2, are to provide community facilities and to combat high unemployment through the construction of public works projects.

Last year, the Congress passed a measure containing similar purposes to be accomplished in a similar manner—the "Public Works Acceleration Act Amendments of 1971." The President, after careful consideration, vetoed that bill. In his veto message, the President noted that while he, too, was concerned with the same problems to which the bill was addressed, he did not find it to be an appropriate response to those problems. His reasons included the long lead time experienced with construction projects, the inflationary nature of these projects, the limited scope of employment opportunities which would be made available, the probability of hastily planned, environmentally damaging and uncoordinated projects, and the false hopes which would be created in local communities resulting in those communities deferring other locally funded projects.

We do not believe that the conditions which existed at the time of that message have changed sufficiently to warrant a reconsideration of a massive public works program as proposed by H.R. 13853.

The Office of Management and Budget has informed us that it has no objection to the submission of this report and that enactment of this legislation would not be in accord with the program of the President.

Sincerely,

GEORGE ROMNEY.

Mr. Chairman, I think it is extremely unfortunate that either this letter or some statement—or better, I think the actual testimony of the Secretary—was not included.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I do.

Mr. PATMAN. Mr. Chairman, may I state to the gentleman that we like to cross-examine witnesses, we like to interrogate them, and we look with little favor upon a written statement which stands alone without providing the committee with an opportunity to question a witness.

We provided ample notice that we were having hearings on this matter, and the Secretary was invited to testify. Moreover, members of the committee are not limited in their cross-examination. We have 37 members, and every member of the committee is given opportunity to interrogate every witness.

Mr. FRENZEL. I would make this point to the chairman: That the AFL–CIO were not present, but were able to read material into the hearing record, and, second, if I myself had only 5 days' notice of that meeting, and if the Secretary of Housing and Urban Development had similar notice, it is not unusual, probably, that he would not have been able to appear.

Mr. PATMAN. Will the gentleman yield for one other question?

Mr. FRENZEL. Yes.

Mr. PATMAN. Why did not the gentleman put the letter in the committee report himself? Did he not avail himself of the opportunity to file separate views on the bill?

Mr. FRENZEL. Mr. Chairman, and my chairman, I was not aware of the existence of this letter at that time, and only became aware of it today because of the department that has to administer $5 billion worth of back-door spending was apparently unconsulted and was not represented at the hearings, and why more of his communications were placed in any part of the record until this very moment.

Mr. PATMAN. It was in the files of the committee. It was available to any member of the committee at any time. Upon request, the letter and the files would have been brought to him. The matter is reported in the calendar of the committee, and that should be sufficient notice.

Mr. FRENZEL. Mr. Chairman, I agree that any Member of this body can scrutinize the committee records, and that the chairman has been most open in producing them whenever I have inquired for them. Nevertheless, most Members look at the committee report, and the record of the hearings. I think the fact that the supervisory department was not included is again indication of the fact that, as the gentleman from Illinois (Mr. ANDERSON) indicated, and the gentleman from Ohio (Mr. WYLIE) indicated, there is a slight tinge of an odor about this bill—that apparently something is trying to be covered up.

I would only urge that the Members of this body turn down this bill by an overwhelming vote.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman for yielding.

For the purposes of the record, I have a copy of the committee notice which was received in my office on May 19, you will recall, was a Friday. I had gone to Michigan on that Friday before receiving the notice. Therefore, in effect, I think every member of the committee, if he had gone to his own district on that weekend, had just about 1 day of notice, because the hearing was held on the next Tuesday.

And the notice further says that after the hearing on Tuesday that there will be a markup session, therefore, the minority would not have had any time to call the kind of witnesses that they would like to have called.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman said something about the bill having an odor to it. I think that is rather unfair, especially when full opportunity was given Members to be heard, and when the bill was reported out there was a vote on it, 19 Members voted for it, and only four Members voted against it.

When the bill was reported by a vote of 19 to 4—then we had to make an application for a rule. We had several days in which to file reports and to make application for a rule. All Members were notified that we were making application for a rule.

Then all the Members were notified when we were going to be heard by the Committee on Rules. All the Members who wanted to be there, were there to be heard by the Committee on Rules. Many of them were heard. Certainly, the minority was heard.

Then they voted it out and nothing was said about any unfairness or political chichanery or anything else.

May I say that this bill is too serious to be facetious about it, or to be throwing charges around that are unfounded.

This bill involves the health of the people of this Nation and circumstances that could be very, very serious and which could result in many things happening that would affect the population of this Nation. We are trying to protect the health of this Nation and we are trying to save it from epidemics and anything else.

If we have many more situations like we have around New York City and up there, the health of all the people in this Nation will be threatened. We want to protect them. We think that has a higher priority than many other things that people spend money for and the Government spends money for.

For this reason, we want to do our duty toward the people of this Nation, to protect their health, and to give jobs to people and to insure them against epidemics, if we can. That is what we are doing here.

Now, if that is bad—if that is political—then we are political. But there is certainly nothing intended, political, in this. This legislation is needed.

Now, if the gentleman is so interested in things being political, where it has to do with water and sewer projects—he is a member of the party that is in the executive branch. Why does he not persuade his own President to release the $500 million that has been impounded by him, which was allocated, and a law was passed by this Congress and by Congresses in the past also, for the purpose of doing the very things that need to be done under this bill.

If he had released that $500 million—that would take care of a lot of these projects and it would be very, very helpful and save the lives of many people in this Nation.

If the gentleman is so interested in doing the right thing, and not being so political, I do suggest that he consider in his own conscience and in his own mind whether or not he should try to persuade his own President in his own party to release the $500 million that is needed for this urgent problem, which is very bad, and he is holding it and will not spend it although the Congress has voted that it should be appropriated and that it should be spent, after the Congress had voted this money for this specific purpose and the President has refused to spend it. Don't you think we are justified in passing a bill that will get something moving in the right direction toward saving the health of the people and preventing pollution and doing the other things that will provide jobs for the general welfare of all the people?

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

In the first place, I would suggest it would be much quicker to get things moving if the gentleman would get his party get the leadership of the Committee on Public Works to finalize their work on the conference report on the water pollution control amendments of 1972. That contains $18 billion and that certainly is a lot better than $5 billion, if my arithmetic is correct.

The second thing I would like to ask the gentleman is this. Today on several occasions he has mentioned a 19 to 4 vote. Would the gentleman report to the House the breakdown on that vote? As I recall, the only thing bipartisan about that vote was those who voted against the bill.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. GRAY. I thank the distinguished gentleman for yielding.

Mr. Chairman, as a member of the Committee on Public Works, I want to set the record straight. The bill to which the gentleman from Michigan refers is now in conference and is primarily for sewage disposal plants. This bill would authorize funds primarily for local communities and subdivisions thereof for distribution lines and other improvements not authorized by the Pollution Control Act.

So they are really two separate programs. We need this legislation very badly.

Mr. PATMAN. I thank my colleague.

How can any constituent of the gentleman from Michigan or any other member of the party, the minority party, the Republican Party—how could they object to a member voting for this bill when it directly does something that they have been trying to do in the past against pollution and for health and things like that and which they were unable to get done. Although the Congress has passed several appropriations, the money has been impounded by the President of the United States after the Congress passed it and he just stopped—just absolutely stopped it.

Don't you think a Member would be justified now in passing this bill in order to get nearer to the goal of stopping pollution and protecting the health of the people?

AMENDMENT OFFERED BY MR. HANNA

Mr. HANNA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANNA:

Page 4, line 19, after "purification," insert "desalinization,".

The CHAIRMAN. The gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the chairman of the committee.

Mr. PATMAN. Thank you. Mr. Chairman, the Members on our side have had this amendment and looked into it, carefully considered it, and we believe it should be accepted. We are willing to accept it.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. I appreciate the gentleman from California yielding. I am very happy to say that on our side of the aisle the bill is so bad, it could not get any worse.

Mr. HANNA. I appreciate that, and I would like to clarify the Chairman's understanding of the remarks that were made on the other side. When the olfactory qualities of this bill were referred to, I think it was merely their way of stating they understood that at least half of this was for sewer facilities, and I am sure that they only meant that the odor had something to do with the subject matter to which the bill itself is addressed. I appreciate the support of both sides on the amendment.

Mr. Chairman, I offer this amendment to contribute to the achievement of a goal embodied in earlier acts of Congress.

Over the past 20 years, the Federal Government has conducted or financed research projects in the field of water desalinization. The resulting improvements in conversion techniques have lowered conversion costs from $4 per thousands gallons to 65 cents per thousand gallons. The Office of Saline Water in the Department of Interior predicts a steadily increasing use of desalinization processes for municipal and industrial water supplies over the next decade. The current world-wide production of desalinizated water is over 300 million gallons per day The OSW estimated that by the year 2000 the demand in the United States will exceed 2,000 million gallons per day.

The need for this bill and for the amendment which I am offering is best established by the dramatic increase in fresh water demand and the high cost involved in regional water shortages. Very often, a water shortage occurs in an area where water is plentiful but unusable.

Highly mineralized or brackish waters resulting from natural causes or industrial pollution are found in almost any part of the United States. The problem of salt water incursion into ground water supply is common in some degree in all of our coastal areas. These are the problems to which desalinization research is addressed, as well as the more dramatic and publicized research in ocean water conversion.

As a result of the research that has taken place over the past 20 years, practical conversion methods have been realized. We must, therefore, insure that localities whose circumstances permit are able to take advantage of this progress as it is made.

With the increased demand for fresh water, localities all across the Nation must expand their water supply activities. For many localities, this will mean that they cannot simply rely on expanding old techniques, but instead will begin to look toward a broader range of alternatives. Many will want to turn to desalinization.

If the bill before us now is to realize its objective, the option of desalinization must be made available to localities which can make economic use of it. We have devoted millions of dollars to desalinization research over the past 20 years and as a result, have drastically reduced the cost of providing potable water by this method. Our enactment of Public Law 92–60 just 1 year ago this month is evidence of our continued commitment to desalinization research. We must, however, do more than research—we must provide the means of putting the fruits of research into operation.

Some of my colleagues may ask whether or not the adoption of this amendment would involve a duplication of effort between this bill and Public Law 92–60. I wish to assure everyone that such would not be the case. The Saline Water Conversion Act of 1971 was aimed at research in the field of desalinization science. H.R. 13853 with this amendment would provide funds for putting desalinization techniques into operation for those localities which find it to be the most attractive means of meeting their water shortage problem. In reality, the amendment would make H.R. 13853 a most compatible and logical step to follow Public Law 92–60.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

I would just want to ask one question to the gentleman from California (Mr. HANNA). What will you do with the salt that you get from desalting the water—rub it into the wounds of the taxpayers?

Mr. HANNA. It seems to me that in terms of that abrasive material, particularly for the purpose to which the gentleman refers, there has certainly been no shortage demonstrated in the past, and so I do not think they need to look here for a further supply.

I would simply hope that the committee would agree with me that since we spent so much money on research for desalinization, we ought to see that it goes to work in the districts from which we come.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HANNA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BLACKBURN

Mr. BLACKBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACKBURN: Page 5, line 4, add the following new subsection:

"(e) No contract for a grant may be made under the authority of this section during any fiscal year in which the projected deficit of the Federal budget exceeds $20,000,000,000."

Mr. BLACKBURN. Mr. Chairman, I have offered this amendment as what I would call an automatic deinflation clause. It is just a technical amendment. What I am saying in this amendment, in effect, is that if we are going to be projecting a deficit in excess of $20 billion, then for this type of back-door financing—that is, authorization with the Federal Treasury standing with full faith and credit behind such contract authorization—we should have an automatic method of preventing such authorizations when the Federal deficit will exceed $20 billion during any fiscal year.

Mr. Chairman, I have offered this amendment to limit the expenditure of Federal funds for public facilities under this act in order to be on record as opposing further deficit financing of local projects.

Let me point out at the outset that I do not oppose the provision of public facilities, and I am not in favor of unemployment. I believe that other pieces of legislation which have not yet been implemented may well serve to fulfill the same function claimed for the pending bill.

I speak specifically of general revenue sharing and Federal Water Pollution Control Act amendments—FWPCA—which together would provide nearly $30 billion in Federal funds for public facilities and discretionary uses which would go to the same ends: employment and local projects. It would certainly be well described as overkill to cram an additional $5 billion into the pipeline without regard to the effects of these provisions on either the local or State governments or the Federal budget.

I have chosen the $20 billion figure because it approximates the annual cost of debt service on our present national debt. Except for this interest component, we would nearly be on an even keel, that is, not exceeding our revenues with operational expenses. My amendment, then, would provide that we not go further into debt to duplicate other programs which may well solve the same problems addressed by this bill.

In any fiscal year in which the projected deficit is less than $20 billion, and projects under revenue sharing and the FWPCA prove to fall short of the stated goals of low unemployment and improved community facilities, my amendment would in no way interfere with the operation of this program.

However, I urge my colleagues to look favorably upon this amendment and to declare that Uncle Sam shall not be forced into the role of employer-financier of first resort in the years when he cannot afford to assume that role.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia. Obviously, as I believe the gentleman from Georgia will admit, he is against the bill and he expects to vote against the bill in any case.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Chairman, if my amendment passes I probably will support the bill.

Mr. PATMAN. If this amendment is adopted we would have no bill. The amendment puts the bill in a position where it would never be useful and would never be used. We should not be too facetious about this, because the bill involves too much which affects matters that are urgent and needed. The bill provides for the needed water and sewage facilities for the people. It assists in our continued battle against pollution and indirectly assists in our efforts to curb unemployment.

Mr. Chairman, I think we have had enough debate on this. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BLACKBURN).

TELLER VOTE WITH CLERKS

Mr. PATMAN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PATMAN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BLACKBURN, PATMAN, HANNA, and FRENZEL.

The Committee divided, and the tellers reported that there were—ayes 197—noes 194, not voting 42, as follows:

[Recorded Teller Vote]

[Roll No. 271]

AYES—197

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bennett
Betts
Biaggi
Blackburn
Bow
Bray
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Coughlin
Crane
Daniel, Va.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Frey
Galifianakis
Goldwater
Goodling
Gross
Grover
Gubser
Haley
Hall
Hansen, Idaho
Harsha
Hastings
Heckler, Mass.
Heinz
Henderson
Hillis
Horton
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Lloyd
Lujan
McClory
McCollister

McCormack
McCulloch
McDade
McEwen
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Nelsen
Nichols
Pelly
Pettis
Pirnie
Poage
Poff
Powell
Price, Tex.

Quie
Quillen
Railsback
Rarick
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncalio
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Snyder
Springer

Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOES—194

Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bergland
Bevill
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
Delaney
Dellums
Denholm
Dent
Diggs
Donohue
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Fish
Flood
Ford, William D.
Fraser
Frelinghuysen

Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Howard
Hull
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McCloskey
McFall
McKay
Macdonald, Mass.
Madden
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan

Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Preyer, N.C.
Price, Ill.
Pucinski
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
St Germain
Sarbanes
Scheuer
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stratton
Stubblefield
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NOT VOTING—42

Anderson, Tenn.
Blanton
Blatnik

Broomfield
Davis, Ga.
Dingell
Dowdy

Edmondson
Evins, Tenn.
Flynt
Foley

Fulton
Gallagher
Garmatz
Hagan
Hawkins
Hébert
Jones, Tenn.
Kee
Lennon
Long, La.
McClure

McDonald, Mich.
Miller, Calif.
Mosher
Obey
Passman
Podell
Pryor, Ark.
Purcell
Randall
Rhodes

Rooney, N.Y.
Ryan
Seiberling
Shipley
Smith, N.Y.
Spence
Stokes
Stuckey
Talcott
Wiggins

So the amendment was agreed to.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

PARLIAMENTARY INQUIRY

Mr. PELLY. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. MAHON. I yield to the gentleman.

Mr. PELLY. Mr. Chairman, the parliamentary inquiry is: Since the gentleman from Texas announced that if this amendment passed it would kill the bill, I wonder if he has notified the Chair that he was withdrawing the bill from the floor?

The CHAIRMAN. The Chair will state, that does not constitute a parliamentary inquiry.

Mr. MAHON. Mr. Chairman, a major question before us today is really how strongly Congress can make the point that it is irrevocably for the improvement of the environment, without making itself appear ridiculous.

HOUSE TAKES VIGOROUS STAND FOR CLEAN ENVIRONMENT

On three recent occasions, the House has spoken clearly for a vigorous national policy toward a clean environment. We want to stress the position of the House without straining our credibility. We do not want to go to the point that we appear to make ourselves ridiculous.

WATER POLLUTION CONTROL AMENDMENTS OF 1972

On March 29, the House passed the Water Pollution Control Act Amendments of 1972 which provided spending authority of $18 billion for waste treatment plants over a 3-year period.

For the fiscal year 1973 that bill included $5 billion compared to $2 billion budgeted by the President.

So we showed that we were more than two and one-half times stronger for cleaning up the environment than was the Chief Executive.

REVENUE SHARING

The revenue sharing bill which passed the House on June 22 provided $30 billion over a period of 5 years. There would be under that bill $5 billion plus the carryover from the fiscal year 1972 available for allocation in the fiscal year 1973. The Revenue Sharing bill provides in "Section 102, High Priority Expenditures" specifically for capital expenditures. For what? For sewage collection and treatment and refuse disposal systems.

Of course, a significant feature of the revenue sharing program is that it requires no local effort. It requires no local revenues to be raised and no local matching moneys must be committed. It is wholly 100-percent Federal grant money provided in the revenue sharing bill. I mention that fact because the advocates of this bill stress the need for 100-percent Federal grant money.

BASIC WATER AND SEWER GRANTS

Less than 3 weeks ago the House passed the agriculture-environmental appropriation bill for fiscal year 1973, which provided a level of $500 million for the basic water and sewer grant programs.

This amount was again 2½ times more than the President said he intends to spend.

It seems to me that if we are seeking to convince the administration that this Congress is in favor of clean water, we have already done it two or three times over.

CREDIBILITY OF CONGRESS

The question that enters my mind is, Does Congress jeopardize its credibility and exhibit some degree of insincerity when it says that it still wants to appropriate in this bill $5 billion more for these same programs? It just seems to me that in our zeal to do something about a clean environment, we may be going too far. I do not like to oppose this Committee, but it is noteworthy that it has not laid awake nights trying to figure out ways to reduce spending or to balance the budget.

I remember in the thirties when my colleague, the Chairman of the Committee, and I saw Congress pass a $4 billion public works bill. That was world shattering. We were talking about it for weeks and months.

We have before us today this $5 billion bill, and it has created almost no ripple at all—even though it is not included in the budget, even though it is piled on top of other appropriations for the same purpose, even though it will increase the national debt by over $3 billion in fiscal year 1973, even though it will make mandatory a tax increase. We seem to have lost our sensitivity somewhere along the way to the election. It does seem we ought to take a real hard look at what we are considering here today.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

UNEMPLOYMENT VERSUS INFLATION

Mr. MAHON. I think people are concerned about unemployment, but they are also concerned that we do not have another devaluation of the dollar, and that we do not have a $300 billion budget next year. With the additions the House has already made to spending authority this session, and including this bill, we have gone from $270 billion in the President's budget to upwards of $290 billion. This session we are going to be pushing at a level of $300 billion a year—without adequate revenues in sight, and with the evident reality that the expenditures of these vast sums will create inflation that will be utterly uncontrollable, placing the country in a most untenable position.

INCREASES OVER THE BUDGET

I have a document here, a scorekeeping report on the expenditure effects of all congressional actions and inactions, which is provided at the taxpayers' expense by one of the congressional joint committees. In checking these figures I find the following. Including the $5 billion in the pending bill, the appropriation bills and nonappropriation bills out of the legislative committees, such as this one, the House has thus far—and most of our bills have not been finalized—the House has busted the President's budget request for new spending authority in fiscal year 1973 that began only three weeks ago by the astronomical sum of $20,770,436,000. To be perfectly clear I should add that that figure includes $6 billion advance contract authority for fiscal 1974 in the $18 billion, 3-year package for waste treatment construction grants voted by the House some weeks ago. Does that bring a chill or tear? Apparently not.

Have we been dulled and made insensitive by some virus that is infecting the country?

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MAHON. Not at this point. I will be glad to in a moment.

We must provide more revenue, or we must somehow try to do a little less by way of escalating spending. Do I want to go home—do you want to go home—and tell your constituents that you have supported thus far this session $20 billion in spending authority over the President's budget?

Do the Democrats want to do that?

Do the Republicans want to do that?

Should the people of this country be expected to endure this sort of treatment at the hands of their elected officials? I am just wondering—and so are quite a few more.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to my able and distinguished colleague.

Mr. LONG of Maryland. The gentleman pointed out that not only is this inflationary, but I think a further point also can be made that we may not even be able within the capacity of the construction industry to build these facilities. The Environmental Protection Agency comment on the Federal Pollution Control Act was that the waste treatment construction industry does not have the capacity nor did they feel they could expand rapidly enough to take care of the demands under that bill, and here we propose to add another bill on top of that.

Mr. MAHON. You make an impressive point. We authorize spending of $5 billion in the water pollution control bill. We appropriated $5 billion plus in the revenue sharing bill. And we provided $500 million in the agriculture-environmental appropriation bill for fiscal year 1973. That amounts to well over $10 billion in these bills for these programs. It is evident that all of this money is not going to be spent. It is evident that all of it probably could not be spent. Is it necessary now to make a gesture to further emphasize our interest in antipollution programs by piling $5 billion more on the hop?

Will our folks at home think we are acting responsibly?

BYPASSING THE APPROPRIATIONS PROCESS

This bill also bypasses the appropriations process which Congress set up in order to effectively carry out its responsibility to control the purse.

Besides that, there was only 1 day of hearings held on the bill before us today.

Besides that, there was not a departmental witness before the committee on this bill.

It does shock one to see we have come to that stage in our legislative history that we can just go along with a $5 billion bill of this sort above the President's budget without a qualm.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 3 additional minutes.)

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I am glad the gentleman made the last point, but I think it needs to be emphasized that not only does this bill bypass the appropriations process but also in doing so it denies Congress any oversight over the operation of this program. It amounts to giving the Executive a blank check for about $5 billion. That is not a sound way for Congress to operate. It is not a good way to run a railroad or a government in my opinion.

Mr. MAHON. The gentleman is right. Either we are motivated by logic or not. I think our vote on this bill would somewhat determine whether we are motivated by logic.

RESPONSIBILITY TO CITE THE BUDGET FACTS

I do not like to speak against our committee chairmen and against my colleagues. But Heaven knows if the Appropriations Committee chairman does not sound a warning that we are exceeding proposed budget authority by $20 billion at a time like this, who else could be expected to do it? I ask the Members to search their consciences before they make up their minds and vote.

The House has proven time and time again that it is for cleaning up the environment and we have provided two or three times the amounts that have been requested. Now I think it is time for sober thought and reflection, and I think the people at home are wiser than some give them credit for.

Mr. ALBERT. Mr. Chairman, I move to strike the requisite number of words and I rise in support of this legislation.

Mr. Chairman, I dislike taking a position opposite to my distinguished and beloved friend, chairman of the committee that does have the responsibility for financing measures passed by the House, but I think this whole thing should be put in perspective. The leadership of the House is for the bill and encouraged the Committee on Banking and Currency, which has jurisdiction in this area, to bring this bill out.

It has been said we have done this twice before, or words to that effect, that we did it in the revenue-sharing bill.

I suppose I have had as many mayors come to my office as anybody in the Congress. My understanding from them is what they need that money mainly for services, money they generally would use if they had revenues available from their own resources.

Now, the Public Works bill, would provide for sewage treatment plants. That is important. It is one thing to clean up; it is another thing to deliver. Cities and towns all over the United States need water lines and sewer lines. I have had more petitions for this kind of service than for any kind of service that has been brought to my attention by the mayors and civic leaders of this country.

This is what we are seeking to do here. It is true that it complements the other measures, but it also brings immediate relief to communities all over the country.

I do not believe any programs that the Congress has ever passed have been more popular than the various community facilities programs we have had. We need all these things. We need to balance our resources among all of them. We should not do two-thirds of the job; we should do the whole job and pass this bill.

Mr. BOGGS. Mr. Chairman, will the distinguished Speaker yield?

Mr. ALBERT. I yield to the majority leader.

Mr. BOGGS. The gentleman has made a very profound statement.

I believe that if one will examine the conditions all over the country he will find none of these programs duplicative.

I might say that in my own area—I happen to live at the mouth of the Great Father of Waters, the Mississippi River—today all kinds of projects are closed down, because of contamination in that river. Only recently the famous oyster-producing beds right below New Orleans were closed, because of contamination.

There are areas where we cannot build homes, because we do not have proper sewerage facilities. I noted recently that, here in the metropolitan area, either Montgomery County or Prince Georges County faces a similar situation.

I listened to the argument of the gentleman from Texas, our distinguished colleague, about the amount of money involved here. Well, there is a lot of money involved here.

But I happened to attend a meeting at the White House, a bipartisan meeting at the beginning of this session of the Congress, when Mr. Shultz, who is now the Secretary of the Treasury, he was then in some kind of an economic zone. He had a chart showing proposed spending. He said that the administration would embrace deficit spending in order to pull us out of the recession.

This, in fact, embraces what Mr. Shultz himself recommended as an economic measure to help the country reduce unemployment and end the recession which is still with us.

And, more than that, it meets a need that exists in every community in this country.

I hope that when the rollcall comes on the amendment we voted on a minute ago it would be reversed, that the amendment will be defeated, and this bill will be passed. I thank the distinguished speaker for yielding.

Mr. STEPHENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the bill we have before us is an authorization bill. It is not an appropriation bill. It is an authorization bill.

I should like to point out, in respectful answer to my chairman of the Appropriations Committee, that there may be $10 billion appropriated, but I can tell the Members that there is no water in Davisboro, Ga. There may have been $10 billion appropriated, but there is no adequate water in the small town of Watkinsville, Ga. There may have been $10 billion appropriated, but there are no adequate water and sewer facilities in Harlem, Ga.

We can multiply that by about 40,000 towns all over the United States. The Committee on Appropriations will have ample opportunity to pass upon the money that will go into this program.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I have not yielded yet, Mr. Chairman.

What the Committee on Appropriations has promised every time is to give us this relief in these small communities. It has cut the amount we asked for these things every single time. I say we must get our priorities straightened out, and this is one of the priority pieces of legislation. If you are going to stop pollution in the United States, you have to stop it where it is, that is, where there are no sewer facilities or water facilities. These are usually in the slum sections of rural America. That is what I am asking for, is to help the smaller communities. This bill is consistent in helping urban communities and larger communities, but what I have asked for is that we must take an interest in putting the money where it will do the most good and where it will keep people from migrating to the cities and causing the problems that all of us are faced with in the cities.

Mr. MAHON. Will the gentleman yield?

Mr. STEPHENS. I am glad to yield.

Mr. MAHON. The gentleman from Georgia says it is just an authorization bill and the Committee on Appropriations can act on it. This bill authorizes the expenditure tomorrow, if it should become the law tomorrow, of $5 billion. The Appropriations Committee then will have no authority whatever to do anything about it. The only thing the Committee on Appropriations could do when the money has been spent and the obligations made would be—just as a procedural matter—to bring forward a bill providing funds to make the disbursements. Obligations would already have been made for the money to be spent. There is no doubt about it. And I hope no one is so naive as not to understand that when you grant contract authority the cat is out of the bag. Once the money is obligated, it is up to the Congress to pick up the tab. We would have lost control over the money. That is what we are doing here.

Mr. STEPHENS. I would like to proceed for just a short time further.

The priorities may be calling for an expenditure of $10 billion, but the question here is whether or not you are going to have the people in the smaller communities getting water and sewer.

Mr. JONAS. Will the gentleman yield?

Mr. STEPHENS. I will be glad to yield to the gentleman.

Mr. JONAS. I believe the language on lines 23 and 24 on page 4 of the bill clearly indicate it is clearly a bypassing of the appropriation process, and it amounts to a blank check in the sum of $5 billion to the executive branch of the Government. It pledges the faith of the United States in favor of every grant contracted for under the authority given in this bill. The action of the Committee on Appropriations, as the distinguished chairman has said, would follow that as a ministerial act.

Mr. STEPHENS. I still say that the point involved in this is, if it is more than an authorization and if it does not come back to the Committee on Appropriations, then that is fine.

I say that for this reason: For 3 years I have been trying to get the Committee on Appropriations to raise the amount for the purposes in here, but they have not done it. If that is what they are going to do, then let us do it by this bill.

Mr. MAHON. If the gentleman will yield further, the Congress continued to go far above the budget in providing funds for all of these purposes, two or three times over what the executive has asked for. We have gone a long way. We have tried to be as generous as possible under all the circumstances. But there is a limit beyond which we cannot go without raising taxes, and I do not hear anybody shouting about raising taxes.

Mr. STEPHENS. I request unanimous consent to extend and revise my remarks. Now, Mr. Speaker, let me proceed with some additional facts.

H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972, constitutes an invesmtent in the future of the people of our Nation. The funds that would be provided under this bill would finance water and sewer systems and other basic public works and facilities desperately needed by communities throughout the Nation to safeguard the health and welfare of our population.

Nowhere are the funds made available by H.R. 13853 needed more than in rural America. Applications for grants under this legislation by urban communities would, for the most part, stem from the need to expand or otherwise improve alarmingly inadequate water and sewer systems. We need only look at the pollution of our rivers, streams, and lakes to begin to recognize how inadequate urban sewer systems are. But at least urban communities do have water and sewer systems. The same cannot be said for many rural communities.

There are more than 30,000 rural communities without water systems and more than 40,000 without sewer systems. This is another way of saying there are over 40,000 communities in this Nation which have absolutely no future in terms of growth potential—no hope of improved living conditions for millions of families—no prospect of remaining in rural America for the children of these families. The lack of basic water and sewer systems in community after community in rural America means contaminated wells and raw sewage running over the ground. It means unnecessary sickness for thousands of people and even needless death for some where conditions are most severe. While urban and suburban America live in the space age, much of rural America has not been permitted to enter the 20th century in terms of having the facilities that most of the people of the country take for granted.

Mr. Chairman, the reason that so many rural communities lack water and sewer systems centers on the fact that up until now nothing has been proposed that would really provide the kind of help needed by these communities. Many of the Members of the House are aware to varying degrees of the existence of Federal assistance to fund water and sewer systems through programs in the Department of Housing and Urban Development, the Farmers Home Administration, the Economic Development Administration and the Environmental Protection Agency. But what most of the Members in this Chamber do not know is that these programs are not realistically designed to help the poorest rural communities—to help the people who are most in need. All of these programs provide loans and/or matching grants for public works and facilities of one kind or another, but all of them require communities making application for assistance to produce a substantial amount of the project funds themselves. These programs are useless to communities which cannot obtain loans on any basis and have absolutely no resources with which to produce matching funds.

H.R. 13853 is the first real ray of hope for poor rural communities because this legislation can provide grants which amount to 100 percent of the cost of projects where necessary to carry out the purposes of the act. Nothing less than this can constitute a realistic approach to the problems afflicting much of rural America.

Up until now the cart has been before the horse for these communities. The assistance programs that now exist all assume poor rural towns have some resources with which to share the cost of financing basic public workers and facilities. The result is that these communities are forced to stand by while urban areas and the most affluent of rural towns helped themselves to whatever grant and loan assistance has been made available. Instead of providing help to all of the Nation, Federal assistance programs up until now have made it impossible for more than 40,000 ruarl communities to have their fair share of the funds that have been made available.

In some instances, rural communities have desperately tried to fill the funding gap by applying for assistance for one project to every conceivable Federal agency which might provide help on a partnership basis with other State and Federal agencies. Even in these cases, little real help has been made available.

Without H.R. 13853, providing as it does for 100-percent cost of project grants, there is no chance for most of the communities in rural America to develop healthy, robust economies which will pay back this initial investment many times over.

Mr. Chairman, the Nation's housing goals as they apply to rural America will never be met unless H.R. 13853 is approved. Nearly half of all the country's poverty stricken live in rural America despite the fact that it has less than one-third of the Nation's population. Equally disturbing, rural America has nearly 60 percent of all substandard housing. Without the funding that would be provided on a grant basis by H.R. 13853 for water and sewer systems, there is absolutely no prospect of meeting the housing needs of rural America. Adequate housing and suitable living conditions simply cannot be provided where there are no water and sewer systems.

H.R. 13853 is addressed to the most urgent domestic problems facing our Nation—the need to provide jobs for our people, the need to safeguard the health and welfare of our population—the need to protect and preserve our environment. None of these needs is felt more critically than in rural America.

Mr. Chairman, H.R. 13853, the Emergency Community Facilities and Public Investment Act of 1972 must be approved for the sake of all the people we in this Congress have the responsibility to represent and to serve.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say very clearly that if the Congress was not going to pass general revenue sharing, and if the Congress was not going to pass a good water quality act, then I think there might be some justification for this bill. But we passed in this body, just before the recess, a general revenue-sharing proposal which included in the preamble a special emphasis on clean water expenditures, plus $5.3 billion from the Federal Treasury each year to States and local units of government for the next 5 years.

We have passed, and the other body has passed, and it is now in conference, a water quality act that calls over a 3-year period for almost $19 billion in Federal expenditures for clean water. And there is inevitable duplication between that bill and the bill before us today.

Let me quote from the bill, H.R. 11896, the so-called Blatnik bill to amend the Federal Water Pollution Control Act on page 264, section 212, under the title "Definitions" it says, in section (2)(A)—and I read this to you, because it proves beyond a question of a doubt that the bill we have before us today is a duplication of what we passed a few weeks ago:

> The term "treatment works" means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of this Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances . . .

Now how many times do we have to scrub our ecology image at the cost of the taxpayers? We have done it with general revenue sharing. We will do it with the Water Quality Act. The House may pass this bill, although I hope not. I think the bill before us today is duplication, is unnecessary, and a wasteful expenditure of the taxpayers' money. It should be defeated.

Mr. PATMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to answer the gentleman from the other side of the aisle, and to also further stress that which has been already said by our distinguished Speaker, and by our distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS). The gentleman referred to the so-called Blatnik bill. The gentleman from Minnesota (Mr. BLATNIK) wrote me a letter about that, and here is what he said:

> I think we may justly take pride in the fact that through the years both the membership and the staff of the two committees (Public Works and Banking and Currency) have scrupulously avoided any bureaucratic infighting or wasting needless energy over jurisdictional disputes, but rather have worked in complete harmony in the interest of an improved environment and a healthy economy.
>
> Both Houses have passed and we are now considering in conference S. 2770, the Federal Water Pollution Control Act Amendments of 1972. Included in this measure is $18 billion for grants for the construction of waste treatment plants. I believe that the water and sewer lines which would be constructed, should H.R. 13853 become law, are complementary and a necessary adjunct to the treatment plants provided for in S. 2770.
>
> H.R. 13853, I feel certain, will provide yet another valuable tool in our arsenal of weapons against environmental pollution and economic decay. I am delighted therefore to give my wholehearted endorsement and unqualified support to the objectives and provisions of the Emergency Community Facilities and Public Investment Act of 1972.
>
> Sincerely,
>
> JOHN BLATNIK.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. BROWN of Michigan. The date of that letter is May 23. That is the date of the hearing and that letter was obtained after some of us raised a question about the jurisdiction of the Committee on Banking and Currency and whether or not it was duplicative legislation.

Mr. PATMAN. It is immaterial when it was raised—it was raised before the vote and the vote on the bill was 19 to 4.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the bill that the chairman of the Committee on Public Works was speaking about is S. 2770.

We, in the House, on March 29, passed the bill H.R. 11896 that did allow under section 211 authority to construct collector systems. The Senate did not have authority for collector systems in their bill. But as one of the conferees on the water pollution control bill, I would hope that we can bring the conference report back to the House including authority for collection systems.

The bill that we are considering today is nothing more than a duplicate of the water pollution control bill that is now in conference.

Mr. MYERS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hesitate to take time at this time in the evening, but I have been listening this afternoon for some answers that I have not received.

I represent a rather rural area of Indiana that has a number of small cities that are under the gun right now from EPA to provide much needed sewage treatment systems. Some do not have any primary system at all. I use, as an example, my own hometown, a city on the Wabash River with just a little over 2,000 population. For many years wrongly, that city has been dumping raw sewage into the river. They are now under an order from EPA—and I do not blame anybody in EPA or anybody else—that city should be under order to do something about it.

The city is going to have to build a sewage treatment plant now. It has a sewer system, but a sewage treatment plant is going to cost possibly about $2 million. It just does not have the tax base today to do that, and they are being told today that there is no money anyplace.

Under the order of the EPA to build a system, they are under a threat of a fine if they do not have the plans within 30 days—and they have extended that 30-day period.

Where is the money going to come from today? I would like to know.

I would like to vote against this bill, because I am concerned about what the chairman of the Committee on Banking and Currency said about a taxpayers revolt. I am concerned about this $5.2 billion being over the budget. I would like to know if there is anybody concerned about these small communities.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman.

Mr. STEPHENS. So far as that problem is concerned, the gentleman has been saying exactly what this bill is about. It is for communities—for 100 percent help where that tax base and their ability to do what is necessary is not locally there. They are incapable of issuing bonds to raise money. This bill is designed to do exactly what will be done for your hometown if they qualify under this act.

Mr. MYERS. I would hope that somebody someplace this afternoon who is supporting this bill would say, we are going to bite the bullet or we are going to get the $5.2 billion from some other program or some place, but I have not heard that from any of the prosposed of their bill.

Mr. STEPHENS. I said that we have not set the right priorities and this is the way to set the priorities. That is what I meant when I said that.

Mr. MYERS. But are the proponents of this legislation willing to vote "no" on some future legislation or appropriation to the tune of reducing that by $5.2 billion?

Mr. STEPHENS. I have never voted for a foreign aid program in my life.

Mr. MYERS. That is not $5.2 billion though.

Mr. STEPHENS. When I came to the Congress, the foreign aid bill was $8 billion. The last time it was less than $3 billion.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman.

Mr. RAILSBACK. I thank my colleague from Indiana. I share many of the same concerns that he has just expressed.

While I have my own small communities that face serious problems because of the legislative mandates, both the State act and the Federal act—it seems to me even though I testified before the House and Senate appropriations subcommittees on agriculture dealing with Farmers' Home Administration and so forth—it seems to me it would really be the height of fiscal irresponsibility to pile in 1 year over $3 billion on top of the deficit that we have right now.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Sisk, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13853) to amend title VII of the Housing and Urban Development Act of 1965, pursuant to House Resolution 1018, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. PATMAN. Mr. Speaker, I demand a separate vote on the Blackburn amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 5, line 4, add the following new subsection:

"(e) No contract for a grant may be made under the authority of this section during any fiscal year in which the projected deficit of the Federal budget exceeds $20,000,000,000."

The SPEAKER. The question is on the amendment.

Mr. PATMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 205, nays 192, not voting 35, as follows:

[Roll No. 272]

YEAS—205

Abbitt
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bennett
Betts
Biaggi
Blackburn
Bow
Bray
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Coughlin
Crane
Daniel, Va.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Frey
Fuqua
Galifianakis
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Haley
Hall
Hansen, Idaho
Harsha
Hastings
Heckler, Mass.
Heinz
Henderson
Hillis
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Nelsen
Pelly
Pettis
Pirnie
Poage
Poff
Powell
Price, Tex.
Purcell
Quie
Quillen
Railsback
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncalio
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion

NAYS—192

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bergland
Bevill
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
Delaney
Dellums
Denholm
Dent
Diggs
Donohue
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Fish
Flood
Foley
Ford, William D.
Fraser
Frelinghuysen
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McFall
McKay
Macdonald, Mass.
Madden
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Preyer, N.C.
Price, Ill.
Pucinski
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
St Germain
Sarbanes
Scheuer
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex
Zablocki
Zwach

NOT VOTING—35

Abernethy
Anderson, Tenn.
Blanton
Blatnik
Broomfield
Davis, Ga.
Dingell
Dowdy
Dulski
Edmondson
Evins, Tenn.
Flynt
Fulton
Gallagher
Garmatz
Hagan
Hébert
Jones, Tenn.
Landrum
Lennon
Long, La.
McClure
Mosher
Obey
Passman
Podell
Pryor, Ark.
Randall
Rooney, N.Y.
Ryan
Seiberling
Shipley
Spence
Stuckey
Wiggins

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Rooney of New York against.

Mr. Passman for, with Mr. Blanton against.

Mr. Lennon for, with Mr. Blatnik against.

Mr. Abernethy for, with Mr. Mosher against.

Mr. Dowdy for, with Mr. Dingell against.

Mr. Broomfield for, with Mr. Dulski against.

Mr. McClure for, with Mr. Garmatz against.

Mr. Spence for, with Mr. Seiberling against.

Mr. Shipley for, with Mr. Podell against.

Mr. Wiggins for, with Mr. Ryan against.

Until further notice:

Mr. Anderson of Tennessee with Mr. Landrum.

Mr. Stuckey with Mr. Davis of Georgia.

Mr. Fulton with Mr. Pryor of Arkansas.

Mr. Flynt with Mr. Randall.

Mr. Hagan with Mr. Gallagher.

Mr. Evins of Tennessee with Mr. Edmondson.

Mr. Jones of Tennessee with Mr. Long of Louisiana.

Messrs. KEE, NICHOLS, and MURPHY of New York changed their votes from "yea" to "nay."

Messrs. McKEVITT and LENT changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 206, not voting 36, as follows:

[Roll No. 273]

YEAS—190

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chamberlain

Chisholm
Clark
Clay
Collins, Ill.
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Derwinski
Diggs
Donohue
Dow
Drinan
Eckhardt
Eilberg
Esch
Fascell
Fish
Flood
Foley
Ford, William D.
Fraser
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Howard
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Link
McCloskey
McCormack
McDonald, Mich.
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pike
Price, Ill.
Pucinski
Rangel
Reid
Riegle
Rodino
Roe
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
St Germain
Sarbanes
Saylor
Scheuer
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Widnall
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—206

Abbitt
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bennett
Betts
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Findley
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Goldwater
Goodling
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hastings
Heckler, Mass.
Heinz
Henderson
Hillis
Horton
Hosmer
Hull
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Lloyd
Long, Md.
Lujan
McClory
McCollister
McCulloch
McDade
McEwen
McKevitt
McKinney
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Mizell
Montgomery
Myers
Nelsen
Nichols
Pelly
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Rarick
Rees
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncalio
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOT VOTING—36

Abernethy
Anderson, Tenn.
Blanton
Blatnik
Broomfield
Davis, Ga.
Dingell
Dowdy
Dulski
Dwyer
Edmondson
Edwards, Calif.
Evins, Tenn.
Flynt
Fulton
Gallagher
Garmatz
Hagan
Hébert
Jones, Tenn.
Lennon
Long, La.
McClure
Mosher
Obey
Passman
Podell
Pryor, Ark.
Randall
Rooney, N.Y.
Ryan
Seiberling
Shipley
Spence
Stuckey
Wiggins

So the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Lennon against.

Mr. Obey for, with Mr. Dowdy against.

Mr. Blanton for, with Mr. Hébert against.

Mr. Mosher for, with Mr. Passman against.

Mr. Broomfield for, with Mr. Abernethy against.

Mr. Blatnik for, with Mr. McClure against.

Mr. Podell for, with Mr. Wiggins against.

Mr. Dingell for, with Mr. Long of Louisiana against.

Mr. Ryan for, with Mr. Stuckey against.

Until further notice:

Mr. Seiberling with Mr. Shipley.

Mr. Dulski with Mr. Flynt.

Mr. Edwards of California with Mr. Ervin of Tennessee.

Mr. Fulton with Mr. Randall.

Mr. Davis with Mr. Edmondson.

Mr. Anderson of Tennessee with Mr. Pryor of Arkansas.

Mr. Jones of Tennessee with Mr. Hagan.

Messrs. TALCOTT, SCOTT, HANSEN of Idaho, COLLIER, and MILLER of Ohio changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman's parliamentary inquiry relate to the bill?

Mr. SNYDER. Yes, Mr. Speaker. Was a motion to reconsider laid upon the table?

The SPEAKER. The Chair will state to the gentleman that a motion to reconsider was laid upon the table.

Mr. SNYDER. I thank the distinguished Speaker.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 13853, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

WHY HIGH BEEF PRICES? A CITIZEN'S ANSWER

(Mr. HALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, consumers faced with the almost never ending increase in meat prices, are logically trying to find causes for the already high cost of that product. In a letter to the editor of the Chicago Tribune, Mr. Roy M. Frisby, outlines one of the main reasons for the consistently high prices, as he sees it.

In his letter, Mr. Frisby pulls no punches in his attack on what he views as Government's pushing up of food costs. For the benefit of this body, in its own quest for answers to the problem of high beef prices, I insert the following letter of the Honorable Roy M. Frisby of Chicago, who is a retired financier, but continues as a consultant and dynamic, dedicated citizen of extraordinary perception and accumen:

TAXES AND BEEF PRICES

WILMETTE.—To the Tribune's editorial "Meat Price Dilemma" [June 25] might be added some salient facts. Iowa's competent editor of the Jackson Sentinel may not edify our politicians, but he certainly instructs some of the rest of us. His research shows that the "high profit-taking middleman" is Uncle Sam because of the government's ever-expanding appetite for more tax money from both workers and management. The unfortunate fact is that at every link in the beef production chain there must be a 20 to 40 per cent markup to cover direct and indirect federal taxes.

"If ranch, farm, feedlot, trucker, packing plant, and supermarket operated with absolutely no profit—no return to owners or investors for furnishing farms, cow herds, buildings, equipment, and working capital for supplies and payrolls—beef might sell for from 5 to 8 cents per pound less—and that's all.

"But if the government collected no income taxes at any level of the beef-raising and processing chain, beef could probably sell for half as much per pound and still pay the workers the same net take-home pay and afford those providing the money for facilities the same reasonable compensation for their risk and investment."

Our Democrat-controlled Congresses, with their unbridled spending, originally tried to purchase the farmers' support by destroying live stock and then supporting grain prices. This economic immorality resulted in huge surpluses of grain. But worse still, this Democratic Congress has seven subsidy programs involving 61 million acres. The set-aside program for feed grain is 36.5 million acres. It takes eight pounds of feed to make a pound of beef, and yet the government pays the cornbelt farmers $85 to $100 per acre not to raise corn. One can only conclude that governments that believe in these economic absurdities will continue to commit economic atrocities.

In November let us give President Nixon a conservative Congress so that the nation can return to economic sanity. Otherwise, your next hot dog, sans the bun and the mustard, may well be 50 cents.

Roy M. Frisby

INTRODUCTION OF LEGISLATION TO FURTHER ASSIST INDIVIDUALS WHO SUFFERED LOSSES AS A RESULT OF TROPICAL STORM AGNES

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, my good friend from Wilkes-Barre, Pa. (Mr. Flood) and I are today introducing legislation to further assist those individuals who suffered losses to their homes, belongings, and businesses last month as a result of tropical storm Agnes.

Our proposal may be considered as daring by some. But, the time and conditions call for daring proposals. For those who own and occupy their home, to cover losses not compensated for by insurance or otherwise, we propose that grants be made for rebuilding, rehabilitating or replacing homes which have been totally or substantially destroyed for those individuals whose income is below the poverty level for the area.

For those whose income is above the poverty level, we propose loans without interest for a period of up to 30 years, with the first $5,000 being canceled or forgiven.

Tied to these proposals, like the Reconstruction Finance Corporation and the Home Owners Loan Corporation, we would have the Government acquire any existing mortgages or encumbrances on the homes. These would be canceled up to a maximum of $50,000. The homeowner must keep and occupy his home for 5 years or the loan or grant would have to be paid in full. These programs would be administered by both the Small Business Administration and the Farmers Home Administration.

If these proposals sound extravagant to any of my colleagues, we suggest they visit some of the areas of devastation and see for themselves the plight of the people and their impossible financial position.

The bill would provide similar relief for small business. The Government would acquire and refinance any existing mortgages or liens on the property, real or otherwise, and advance such additional funds as necessary to put the business back into operation. These loans would be nontransferable, bear no interest, and permit a cancellation of up to $5,000.

The proposal provides for bona fide proof of loss and estimate of the cost of repair, rehabilitation or replacement. A civil penalty of one and one-half times the amount of grant or original loan is provided for in the case of misapplication of the proceeds.

Mr. Speaker, a number of bills have been introduced this week to provide further relief for those who have suffered from last month's storm as a result of the President's message received on Monday. Further, it should be noted, the House, on June 29, passed H.R. 15692, to reduce the interest rates on SBA disaster loans. That bill provides for a $2,500 forgiveness with the balance of the loan at 3 percent or a rate of 1 percent per annum on the entire loan.

The proposal from the President is a complete reversal of the position taken by the administration on June 29. At that time I proposed an amendment to the bill which would have provided for a maximum cancellation or forgiveness of $2,500 and an interest rate of 1 percent per annum on the balance of the loan.

When I first considered proposing the amendment, I discussed a $5,000 forgiveness with a number of my colleagues, with the 1-percent interest rate. I was discouraged from offering those figures on the basis that the administration was strongly opposed to that large a cancellation figure and that low an interest rate on the balance of the loan. The amendment I offered was rejected.

Now on Monday we received a message from the President proposing legislation to provide additional relief to victims of last month's storm, through the SBA and FHA. Hearings are to be held on the proposal tomorrow by the Banking and Currency Committee, and, as I understand, floor action is scheduled for Friday. The President's proposal provides for loans of 1 percent with a cancellation of the first $5,000. This is exactly what I had originally proposed.

Now however, I find that this proposal is far from satisfactory to meet the need of the many thousands who are suffering from the worst natural disaster in the history of our Nation. During the recess earlier this month, I have learned more of the extent of damage, injury and suffering and the dire plight of so many. In a great many cases it is very doubtful that whatever we do can make these people whole. Words unfortunately cannot describe their plight. The President's proposal is unsatisfactory; it does not meet the challenge and need of the people who are in need of help.

Mr. Speaker, I most sincerely hope that the House will realize that this is not a time or situation for the application of business principles. Conditions call for heartfelt sympathy and understanding, and a charitable nature. The bill that Mr. Flood and I propose is intended to meet that need. I hope that this proposal will be adopted by the committee as a substitute, if not on the floor.

NEW YORK TELEPHONE CO.'S REQUEST TO CHARGE FOR DIRECTORY ASSISTANCE MUST BE OPPOSED

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of our colleagues the most recent outrageous action by the New York Telephone Co. The company has requested that the State's public service commission permit it to require consumers to pay for local directory assistance calls. Effectively, this means that every time a New York City resident calls "information" for a number, even if in another borough, he or she will be charged one phone unit, or 7.1 cents.

How many times a week do people call information, not in lieu of looking in the directory, but because the number in the directory is "not a working number" or simply is not listed. The phone book is printed annually; and by the time it is issued approximately 25 percent of its listings are out of date. In New York City a charge for information listings is particularly costly to consumers because few people have phone books for all five boroughs. Nobody would want to store this many books and the cost to the phone company in issuing them would be prohibitive.

Most tragic and unjust is the hardship this proposal would render on the blind, the handicapped, and the elderly. Social and employment activities are hard enough for these people without further problems being posed by the phone company. The New York Telephone Co. proposes to exempt the severely handicapped from the charge; but, the procedures for obtaining an exemption—in true telephone company style—are cumbersome and unattractive for those who would be eligible.

Among the complaints that my office receives from constituents, those levied against the New York Telephone Co. are among the most numerous. Because of its inefficient and inadequate service, businesses in New York City have suffered losses and people have suffered great personal inconveniences. Despite its poor service, the phone company now has the audacity to propose what amounts to a rate increase.

The arrogance of the New York Telephone Co. in its latest request lies in its not being subject to competition. It probably would be desirable to have a competing company, but since this is not practical, it is all the more important that the Public Service Commission demand from the phone company a level of service and consideration of consumer interests and convenience that competition would bring automatically.

Regrettably, the New York Public Service Commission, like too many similar commissions throughout the country, has neglected this role and apparently adopted the perspective of the industry. This is why we have the present situation of the New York Phone Co.'s not only making this outrageous request, but also going ahead, before receiving approval for it, and purchasing the equipment necessary to make the charges.

This latest outrageous request is not limited to the New York area. I am told that simliar applications have been made in other States. It is important that the telephone companies across the Nation be made aware of the fact that their customers and our constituents are fed up and will resist this latest demand.

THE 14TH OBSERVANCE OF CAPTIVE NATIONS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 60 minutes.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, on the 14th observance of Captive Nations Week it is important for all Americans who truly value the traditions and priceless opportunities of freedom in this great land of ours to speak out in behalf of the one-third of humanity who are denied the basic civilized rights and national independence in the far-flung Communist world. With considerable foresight and vision the Congress in 1959 unanimously passed the Captive Nations Week resolution calling upon all Americans to observe the third week of July as Captive Nations Week until such time as freedom and independence shall have been achieved for all the captive nations of the world. Despite the many changes that have occurred in the Red empire since 1959, the imposing fact is that the captive nations in central Europe, within the U.S.S.R., in Asia, and in Cuba are still very much captive and are being increasingly exploited by the various totalitarian Red regimes.

THE PRESIDENT'S PROCLAMATION

The President's proclamation of the week on July 15 points out that in much of the world, the struggle for freedom and independence continues. This is seen in Lithuania where many have immolated themselves recently in behalf of freedom, in the hundreds of intellectuals in Ukraine who are incarcerated for their protests in behalf of freedom, in the efforts of Jews in the Soviet Union emigrate and free themselves of religious and cultural persecution, and in Vietnam where millions seek to escape the horror of a typical Communist takeover. At a time when detente is in the air, when many of our fellow citizens are myopically seized with even superficial concerns, the President's proclamation is highly symbolic and indicative. In our confused environment it, in effect, states that our constructive approaches to Peking and Moscow do not at all imply any agreement or acquiescence to the permanent captivity of the 27 and more nations and peoples in the slave half of the world. This is the prime significance of the 1972 Captive Nations Week, and I introduce at this point the full text of the President's proclamation:

CAPTIVE NATIONS WEEK, BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

The cause of human rights and personal dignity remains a universal aspiration. Yet, in much of the world, the struggle for freedom and independence continues. It is appropriate, therefore, that we who value our own precious heritage should manifest our sympathy and understanding for those to whom these benefits are denied. The Eighty-Sixth Congress on July 17, 1959, by a Joint Resolution, authorized and requested the President to proclaim the third week of July in each year as Captive Nations Week in support of this sentiment.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning July 16, 1972, as Captive Nations Week.

I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all peoples for self-determination and human liberty.

In witness whereof, I have hereunto set my hand this fifteenth day of July in the year of our Lord nineteen hundred and seventy-two, and of the Independence of the United States of America the one hundred and ninety-seventh.

RICHARD NIXON.

SPECIAL HOUSE COMMITTEE ON CAPTIVE NATIONS

Mr. Speaker, not only is it vitally important for Americans to reassess our values toward freedom by learning the negation of it for one-third of mankind, it is also virtually mandatory for us as a first-class Nation to concentrate now on the captive nations and peoples in the U.S.S.R. and Red China. Neither of these is a nation-state, and the President's diplomatic offensive in both areas opens up a totally new field of inquiry and activity for most Americans which the Congress can and must provide popular leadership. The way we in this House can do it is by finally establishing a Special Committee on the Captive Nations which in its constructive investigations would show the basic interrelations between and among the captive nations in central Europe, in the U.S.S.R., in Asia and in Cuba. If American idealism and moral conscience seek the highest level of expression, they can find it in the field provided by the following resolution calling for a Special Committee on the Captive Nations:

HOUSE RESOLUTION 293

Whereas on the all-important issue of imperio-colonialism the posture of imperialist Moscow, as shown in part by the rape of Czechoslovakia and the Brezhnev doctrine, has not been adequately exposed by us in the United Nations and elsewhere; and

Whereas Presidential proclamations designating Captive Nations Week summon the American people "to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the people of those captive nations"; and

Whereas the nationwide observances in the eleven anniversaries of Captive Nations Week have clearly demonstrated the enthusiastic response of major sections of our society to this Presidential call; and

Whereas, following the passage of the Captive Nations Week resolution in 1959 by the Congress of the United States and again during the annual observances of Captive Nations Week, Moscow has consistently displayed to the world its profound fear of growing free world knowledge of and interest in all of the captive nations, and particularly the occupied non-Russian colonies within the Soviet Union; and

Whereas the indispensable advancement of such basic knowledge and interest alone can serve to explode current myths on Soviet unity, Soviet national economy, and monolithic military prowess and openly to expose the depths of imperialist totalitarianism and economic colonialism throughout the Red Russian empire, especially inside the so-called Union of Soviet Socialist Republics; and

Whereas, for example, it was not generally recognized, and thus not advantageously made use of, that, in point of geography, history, and demography, the now famous U-2 plane flew mostly over captive non-Russian territories in the Soviet Union; and

Whereas, in the fundamental conviction that the central issue of our time is imperialist totalitarian slavery versus democratic national freedom, we commence to shed popular light on this issue by assembling and forthrightly utilizing all the truths and facts pertaining to the enslaved condition of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and other subjugated nations; and

Whereas the enlightening forces generated by such knowledge and understanding of the fate of these occupied and captive non-Russian nations would also give encouragement to latent liberal elements in the Russian Soviet Federative Socialist Republic—which contains Russia itself—and would help bring to the oppressed Russian people their overdue independence from centuries-long authoritarian rule and tyranny; and

Whereas these weapons of truth, fact, and ideas would counter effectively and overwhelm and defeat Moscow's worldwide, anti-American propaganda campaign in Asia, Africa, the Middle East, Latin America, and specifically among the newly independent and underdeveloped nations and states; and

Whereas it is incumbent upon us as free citizens to appreciatively recognize that the captive nations in the aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical; and

Whereas in pursuit of a diplomacy of truth we cannot for long avoid bringing into question Moscow's legalistic pretensions of "noninterference in the internal affairs of states" and other contrivances which are acutely subject to examination under the light of morally funded legal principles and political, economic, and historical evidence; and

Whereas, in the implementing spirit of our own congressional Captive Nations Week resolution and the twelve Presidential proclamations, it is in our own strategic interest and that of the nontotalitarian free world to undertake a continuous and unremitting study of all the captive nations for the purpose of developing new approaches and fresh ideas for world peace with freedom and justice: Now, therefore, be it

Resolved, That there is hereby established a nonpermanent committee which shall be known as the Special Committee on the Captive Nations. The committee shall be composed of ten Members of the House, of whom not more than six shall be members of the same political party, to be appointed by the Speaker of the House of Representatives.

SEC. 2. (a) Vacancies in the membership of the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filed in the same manner as in the case of the original selection.

(b) The committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman.

(c) A majority of the committee shall constitute a quorum except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. (a) The committee shall conduct

an inquiry into and a study of all the captive non-Russian nations, which includes those in the Soviet Union and Asia, and also of the Russian people, with particular reference to the moral and legal status of Red totalitarian control over them, facts concerning conditions existing in these nations, and means by which the United States can assist them by peaceful processes in their present plight and in their aspiration to regain their national and individual freedoms.

(b) The committee shall make such interim report to the House of Representatives as it deems proper, and shall make it first comprehensive report of the results of its inquiry and study, together with its recommendations, not later than January 31, 1972.

SEC. 4. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within or outside the United States to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

SEC. 5. The committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

SEC. 6. The committee shall enjoy a nonstanding status, performing its duties in the course of the Ninety-second Congress and subject to renewal only as determined by needs in the completion of its work and further purposes of the House of Representatives.

HEARINGS ON H. CON. RES. 556

Also, Mr. Speaker, this is a most appropriate occasion to urge that promised hearings be given House Concurrent Resolution 556, which call for the resurrection of the Ukrainian orthodox and Catholic churches in Ukraine.

These measures are before our Committee on Foreign Affairs. Their consideration can in no way obstruct our diplomacy toward Moscow in view of the fact that these churches in this largest non-Russian nation in Eastern Europe were genocided under Stalin and not his successors. With the hope that we can immediately look into this grave injustice to 45 million people, I submit the text of the resolution here:

HOUSE CONCURRENT RESOLUTION 556

Whereas the Charter of the United Nations, as well as its Declaration of Human Rights, sets forth the objective of international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion . . ."; and

Whereas in the Constitution of the Union of Soviet Socialist Republics article 124 unequivocably provides that "In order to insure to citizens freedom of conscience, freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens"; and

Whereas not just religious or civil repression but the genocide—the absolute physical extermination—of both Ukrainian Orthodox and Catholic Churches in a nation of over forty-five million brutally violates the basic civilized rights enunciated above: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—

(1) call upon the Government of the Union of Soviet Socialist Republics to permit the concrete resurrection of both the Ukrainian Orthodox and Catholic Churches in the largest non-Russian nation both within the Union of Soviet Socialist Republics and in Eastern Europe; and

(2) utilize formal and informal contacts with Union of Soviet Socialist Republics officials in an effort to secure the freedom of religious worship in places of both churches that their own constitution provides for; and

(3) raise in the General Assembly of the United Nations the issue of Stalin's liquidation of the two churches and its perpetuated effect on the posture of the Union of Soviet Socialist Republics in the light of the United Nations Charter and the Declaration of Human Rights.

THE OBSERVED WEEK, HERE AND ABROAD

As in previous years, throughout this country and in 17 other countries, Captive Nations Week was widely and far-seemingly observed. Under the coordination of the National Captive Nations Committee here in Washington, committees and groups in all sections of our country, as well as in Korea, Japan, the Republic of China and elsewhere, have undertaken a variety of programs highlighting the continued captivity of nations in Eurasia and in Cuba and the need for a redirection and balancing of America's freedom values. By way of a preliminary example of the week's observance and the issues involved, I append to my statement the NCNC communication to all Members of Congress:

Public Law 86–90, which Congress unanimously passed in 1959 as the Captive Nations Week Resolution and President Eisenhower enthusiastically signed into law, calls upon all Americans to observe the 3rd week of July as Captive Nations Week "until such time as freedom and independence shall have been achieved for all the captive nations of the world." Since then, according to this law, every President has annually issued a Captive Nations Week Proclamation, and Governors and Mayors in 37 of our States have followed suit in order for our citizens to properly observe this important Week. Since 1963, 17 allied countries have joined in this observance.

With the 13th Observance of Captive Nations Week scheduled for July 16–22, 1972, we call upon you to participate in the traditional Congressional observance when Congress reconvenes and by order submitted by the Honorable Daniel J. Flood in the House and by rules of the Senate. Your statement will reflect the convictions of our citizenry that although for world peace we must negotiate with the Red totalitarian regimes, as Americans we cannot ever blemish our moral conscience and principles as concern the captive nations. In essence, a desired detente is not identical with a politico-moral acquiescence to the permanent captivity of the nations in Central Europe, within the USSR, in Asia and Cuba.

The recent riots in Lithuania, the massive cultural repressions in Ukraine, the Jewish demands for emigration from the USSR and other cases fully indicate the invincible drive for freedom within the USSR itself. As I stress in my book *U.S.A. and The Soviet Myth*, Moscow believes it is succeeding with its global Troika policy and makes no bones about overcoming the Free World through peaceful coexistence means. By the same means we should meet the challenge and in the spirit of peace for freedom begin to concentrate on the numerous non-Russian nations in the USSR and the non-Han peoples in Red China, which the captive nations analysis points to as the new frontiers of American concern and interest for world peace. Despite all the shifts in our policy, the stark reality of the 27 captive nations continues to challenge our national moral conscience, and we are certain that you will give fitting expression to it in behalf of our long-term interest as well as those of ⅓ of humanity.

With deep gratitude for your cooperation and warmest personal regards,

Sincerely,

LEV E. DOBRIANSKY,
Georgetown University.

Mr. Speaker, I now yield to my distinguished friend from Illinois (Mr. DERWINSKI), who for the same number of years has stood for this position.

Mr. DERWINSKI. Mr. Speaker, I am pleased to join my distinguished colleague from Pennsylvania (Mr. FLOOD) in this House observation of Captive Nations Week.

Mr. Speaker, since Cuba became a satellite of the Soviet Union in 1960, the sun has never set on the captive nations. More than one-third of the earth's inhabitants live—28 lands—that are parts of the far-flung Soviet and Red Chinese Empires. Some of these countries have been captive nations for over half a century.

The growth of the Soviet Union has continued unabated through the years, regardless of whether Lenin, Stalin, or Khrushchev occupied the seat of power. Armenia, Azerbaijan, Byelorussia, Georgia, Ukraine, and several other nations were absorbed in 1920, soon after the Communists wrested power from the regime that succeeded that of the czars.

Stalin, the foremost of the Kremlin's imperialists, added Estonia, Latvia, and Lithuania in 1940, shortly after he and Hitler had started World War II. While Great Britain, France, the Netherlands, and Belgium were breaking up their empires and granting independence to their colonial subjects during the postwar period, he was establishing satellite regimes in Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Romania. Albania, while Communist, is under the influence of Red China and Yugoslavia has seesawed between subservience to Moscow and an independent, albeit Communist, course.

The greater part of China fell to the Communists in 1949. Although it is to some extent at odds with the Soviet Union, the difference between the two brands of communism is over strategy more than ideology. Red China took over Tibet in 1951 and North Korea and North Vietnam are satellites of it and the Kremlin.

Anyone who believes that the Red tyrants have mellowed, that the cold war is over, and that we can safely reduce our defense budget by over $30 billion is obviously laboring under a serious delusion. Ask the people of East Germany, Hungary, and Czechoslovakia, or the Jews who live in the Soviet Union, if the Communists have mellowed. Ask the men who are fighting in Vietnam if the cold war is over. Ask the military strategists who must prepare America for any threat that may confront us, a threat that can come only from Moscow or Peking, if the defense budget can be reduced anywhere near $30 billion.

Until the day that the huge Communist empires disintegrate and their 1 billion inhabitants are released from captivity, the people of the United States and other free nations must continue to broadcast messages of inspiration and information to their brethren behind the Iron and Bamboo Curtains. They must strengthen the numerous alliances that have been formed since World War II in an effort to counteract the threats from Moscow and Peking. Last, but not least, the United States and its allies must emphatically reject the irresponsible suggestion that America and other nations can drastically slash defense expenditures to a point that can only invite attack and endanger the very existence of free world nations.

Mr. Speaker, at this time I wish to reemphasize the point I made last year in the House discussion of Captive Nations Week. Much as the overwhelming majority of Americans would like to see the captive nations regain their freedom, realism recognizes that the day of deliverance is yet in the future. A totalitarian structure that is built upon an atheistic contempt for God and an amoral disregard for man, contains within itself the seeds of its own destruction. When these seeds will germinate no one can foretell.

Mr. Speaker, at this point, I wish to place into the Record the following resolutions:

Proclamation of the State of Missouri by the Honorable Warren E. Hearnes, Governor.

Proclamation of the State of Nebraska by the Honorable J. James Exon, Governor.

Proclamation of the State of Connecticut by the Honorable Thomas J. Meskill, Governor.

Proclamation of the State of Vermont by the Honorable Deane C. Davis, Governor.

Proclamation of the State of Illinois by the Honorable Richard B. Ogilvie, Governor.

Proclamation of the State of North Dakota by the Honorable William L. Guy, Governor.

Proclamation of the State of New York by the Honorable Nelson A. Rockefeller, Governor.

The material follows:

Proclamation of the State of Missouri

Whereas, all peoples yearn for freedom and justice; and

Whereas, these basic rights unfortunately are circumscribed or unrealized in many areas in the world; and

Whereas, Missouri has an abiding commitment to the principles of independence, personal liberty, and human dignity; and

Whereas, it remains a fundamental purpose and intention of the government and people of Missouri to recognize and encourage constructive actions which foster the growth and development of independence and human freedom:

Now, therefore, I, Warren E. Hearnes, Governor of the State of Missouri, do hereby designate the week beginning July 16, 1972, as Captive Nations Week and invite the people of Missouri to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all people for independence and human liberty.

Proclamation of the State of Nebraska

Whereas the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples:

Now, therefore, I, J. James Exon, Governor of the State of Nebraska, do hereby proclaim the week commencing July 16, 1972, as Captive Nations Week in Nebraska, and call upon the citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Official Statement by His Excellency Thomas J. Meskill, Governor of the State of Connecticut on Captive Nations Week, July 16–22, 1972

July Fourth is the anniversary of America's Declaration of Independence. On this date, we must remember those peoples and nations still held captive by foreign powers.

A large part of Eastern and Central Europe has been dominated by Soviet Russia for many years. Today, communist regimes are attempting to influence and control governments in the Middle East, Asia, Africa and Latin America.

American men in uniform defend life, liberty and democracy for their countrymen and continuously defend these same principles for other peoples around the world.

President Nixon's recent trips to Peking and Moscow seek to lay the foundation for lasting world peace.

In the expectation that every Connecticut citizen will voice his support for a just and lasting peace for all self-determined peoples throughout the world, I call attention to "Captive Nations Week" in Connecticut.

A Proclamation of the State of Vermont

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples,

Now, therefore, I, Deane C. Davis, Governor of the State of Vermont, do hereby proclaim that the week commencing July 16, 1972 be observed as Captive Nations Week in Vermont, and call upon the citizens of Vermont to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Proclamation of the State of Illinois

Freedom loving peoples from all over the earth have sought our shores; their diverse cultures have strengthened and enriched our nation.

Through the democratic process we, a people of many races, religions and national characteristics, have established a free society that recognized the natural and economic interdependence of all peoples.

Family ties link many Illinoisans with oppressed people who yearn for the freedom and independence we enjoy. The third week in July is annually set aside as a time for the people of the United States to express their sympathy and support for the just aspirations of captive people everywhere.

Therefore I, Richard B. Ogilvie, Governor of the State of Illinois, proclaim July 17 through 22, 1972, Captive Nations Week in Illinois, and call upon all citizens to participate in community observances of the week.

Richard B. Ogilvie,
Governor.

Proclamation of the State of North Dakota

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace;

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence;

Now, therefore, I, William L. Guy, Governor of the State of North Dakota, do hereby proclaim that the week of July 16–22, 1972, be observed as "Captive Nations Week" in North Dakota and call upon the citizens of the state to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Proclamation of the State of New York

The United States Congress, in enacting Public Law 86–90, has called for annual observance throughout the country of Captive Nations Week.

It is a basic American principle—shared by all New Yorkers—that everyone should be able to choose the type of government under which he would prefer to live.

Many residents of our state are linked by ties of birth, culture, family, and principle with those in foreign lands who have lost their national independence directly or indirectly to foreign powers.

These New Yorkers—many of whom have themselves found asylum in America from captive nations abroad—have deep convictions about the political oppression of their homelands. It is fitting that we express our sympathy with the aspirations of liberty which they hold so dear.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim the week of July 16–22, 1972, as Captive Nations Week in New York State.

Mr. BUCHANAN. Mr. Speaker, it is again my privilege to address the House concerning those European nations living under Soviet domination on this the 13th observance of Captive Nations Week. Again this year, we recognize the courage of the peoples of the oppressed captive nations, courage which continues to survive despite the repressive actions of their governments.

I know that it is hard for any free American citizen to realize the scope of this oppression and it is for this reason that this yearly observance is of such great importance. There is no aspect of life that a citizen of the United States can use to compare fully the degredation of human rights and freedoms under a totalitarian system.

Again, as I have in the past, I must denounce the forced purges of the leaders in the satellite countries. Recently a number of supporters of Alexander Dubcek, who worked in the progressive movement of the late 1960's, were arrested and are now on trail for alleged "subversive activity." These defendants were merely informing the people of their rights as Czech citizens.

It would seem that today, when most of the world longs for peace, the Soviet Union would cease its World War II tactics of military suppression. That war ended 26 years ago, yet the Soviet Union persists in treating the Central and Eastern European countries as colonies. This suppression is abominable and must end.

Hopefully, though the President's summit conference in Moscow and the continued negotiations, some rectification of this situation will occur. It is my sincere hope that some change may at least be effected through increased communication with the Government of the U.S.S.R.

The concepts of freedom of speech, press and unfettered human dignity are often taken for granted by many Americans, but in the Soviet Union these daily aspects of human life are realized only in dreams.

Mr. Speaker, I wish to commend the peoples of the captive nations who, despite this continued oppression, maintain the hope and drive for freedom. This desire burns so intensely that many are willing to sacrifice their own lives to attain these rights for themselves and their families.

The intense desire of our friends in the captive nations for freedom is something every American can understand. It is our duty as a country and as individuals to support their quest for human rights and dignity to encourage them that they might one day realize the same freedoms we know.

The peoples of the captive nations must not be discouraged by the oppression they currently face, but must maintain their hope that they, too, will someday enjoy freedom to determine their own destinies.

They are not forgotten and will not be, so long as the United States stands as an example of democracy and freedom.

Mr. MORGAN. Mr. Speaker, today marks the 14th anniversary of the enactment of Public Law 86–90, designating the third week of each July as Captive Nations Week.

This year we are observing Captive Nations Week against the background of the President's historic trip to Moscow and the agreements signed there by Mr. Nixon and Soviet Communist Party Secretary Brezhnev.

While I applaud the President's initiative, the agreements, though a hopeful sign of a growing East-West detente, offer little encouragement for the peoples of the captive nations of central and eastern Europe. In spite of Moscow's apparent willingness to cooperate with the United States in deescalating the arms race, the exploration of space, and in reducing incidents at sea, the "Brezhnev doctrine" still applies to the Communist-ruled countries of eastern Europe. This fact was substantiated by Brezhnev in a speech made last month honoring Cuba's Fidel Castro.

Referring to the United States-Soviet accord, Brezhnev said:

> While pressing for the assertion of the principle of peaceful coexistence, we realize that successes in this important matter do in no way signify a possibility of weakening the ideological struggle. On the contrary, we should be prepared for an intensification of this struggle and its becoming an increasingly more acute form of struggle between the two social systems. And we have no doubts as to the outcome of this struggle because the truth of history, the objective laws of social development are on our side!

Stripped of its Marxist-Leninist verbiage and tone, that statement is a clear reminder, both to the free world and to countries under Moscow's domination, that the Kremlin's hold on the captive nations will not be relaxed in spite of the thaw between the two superpowers. Implicit in Brezhnev's remarks is Moscow's resolve to continue the application of the principle of Soviet suzerainty. That principle reinforces the absolute exercise of power by totalitarian regimes in each captive country.

Even when an East or Central European country succeeds in throwing off or loosening the yoke of captivity, Moscow steps in and stifles the quest for freedom and independence. This happened in 1956 in Hungary, and in 1968 in Czechoslovakia. In Lithuania, whose independence was extinguished by Stalin more than three decades ago as one of the spoils of the Soviet-Nazi pact, there is a current wave of discontent among the population. In the latter case, it is noteworthy that the primary protestors are not older Lithuanians but young people who were born and reared under Soviet rule and have no recollection of an independent Lithuanian state.

In Lithuania, the ugly facts of life which were surfaced in Hungary and Czechoslovakia are once again in evidence. The youthful protestors in Kaunas have been brutally suppressed by the Soviet-supported police forces. In light of the dismal history of the captive nations, the question arises as to what can we do to help. Given the grim realities of nuclear warfare any direct U.S. intervention in support of efforts to escape Soviet hegemony is unrealistic. Short of such a direct confrontation, there are some open avenues of contact which are worthwhile and effective.

One such avenue is the Assembly of Captive European Nations—ACEN. Representing the freedom-loving peoples of nine captive nations—Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania—the ACEN maintains cordial relations and constant contact with the exiled leaders and ethnic groups from these countries not only in the United States but also in Europe and Canada.

Through the research and work of its national committees and councils, the media, the academic community and Members of Congress are kept informed about news and developments in the captive nations. The value of these services can best be gaged by Communist reaction. The Communists consider the liquidation of ACEN and its subsidiary organizations as one of their most cherished goals.

Another invaluable avenue of contact is supplied by Radio Free Europe—RFE—and Radio Liberty—RL. Although these fine organizations have been termed a "relic of the cold war," in some quarters, the fact remains that RFE and RL are the only sources of information and news about the captive nations available to the peoples of those countries.

The most enlightening evaluation of the worth of RFE and RL came from the courageous Russian author, Alexander Solzhenitzyn. He said:

> If we ever learn anything about events in this country (the U.S.S.R.), it is through them (RFE and RL).

The importance of these radio networks is further substantiated by the countries of the Council of Europe whose nation-state members border on many of the captive nations. In a communique dated June 27, 1972, the Council passed a resolution recommending that its members support the work of RFE and RL. In the text of the resolution, the Council notes that this sort of communication from the West to the East is an essential part of a policy of detente.

So, Mr. Speaker, as we observe Captive Nations Week, it is not enough to utter noble phrases about our desire for the return of freedom to the captive nations of central and eastern Europe. If we are truly interested in improving the human condition in these areas it is incumbent upon us to suggest concrete and credible approaches to alleviating the effects of totalitarian rule on the captive nations.

One such approach is our continued support of the institutions I have discussed today. For it is only through the art of communication that the concept of freedom of the individual can be kept alive in that part of the world. If we fail to continue our support, the oppressed peoples of those countries will know that we have writen them off. This we must not do.

Mr. HOGAN. Mr. Speaker, since 1959, the third week of July has been a time when Americans across the Nation express their concern for the 100 million east and central Europeans living under Communist rule. Captive Nations Week, observed annually since its inception under the Eisenhower administration, is a sober time especially for those Americans who escaped the tyranny of communism and whose relatives and friends remain.

In an era when relations between the Soviet Union and the United States appear to be improving, when President Nixon has traveled to Russia to foster these improvements, we must not forget that there remains a long list of nations who are still denied the most basic of freedoms—the right of self-determination.

We must not forget the sad night in August 1968, when Czechoslovakia was again overcome by Soviet forces; nor the ill-fated Hungarian revolution of 1956; nor the misery of the people of the Baltic States.

But more than the historical facts, we must not forget the true personal meaning of Communist subjection. People in the Baltic States are being deported to all parts of Russia in the Soviet's effort to disintegrate their cultural identity; personal freedoms of most types are denied; travel outside of Communist-dominated nations is forbidden; the media is heavily censored; justice remains a myth.

What can be done to alleviate this tragic situation? We must follow the President's bid to improve international relations. We must continue to voice our concern over the plight of the 100 million victims of the tyranny of communism; we must put the arm of international opinion on the Soviets to make them realize that the world is not merely closing its eyes to this reprehensible situation. We must keep the Holy Crown of St. Stephen, the symbol of democracy in Hungary, until that nation regains its constitutional government.

In short, throughout the year and especially during this Captive Nations Week, we must work to restore freedom and independence to the nations forced to exist under Communist rule.

Mrs. GRIFFITHS. Mr. Speaker, the 86th Congress on July 17, 1959, by joint resolution authorized and requested the President to proclaim the third week of July in each year as Captive Nations Week. Once again this year, I wish to join with my colleagues in the House of Representatives in the observance of Captive Nations Week. This annual observance affords us an excellent opportunity to show our support for the right of all people to pursue their political, economic, and cultural development as they deem best. This is a week of national concern for our fellow human beings who are less fortunate than ourselves—less able to choose their own way of life—and less free to enjoy the world in which we live.

Communist domination of the East and Central European countries has been a reality for over two decades. Throughout this time in many of these countries human rights have been trampled upon and political repression has become a fact of life. Yet in spite of the attempts of the Communists to suppress their national aspirations, these captive peoples continue to express their desire for freedom. Their continuous opposition and their attempts to revolt have demonstrated to the world that these people will always strive for freedom and for the right to determine their own destinies.

The people of the United States recognize the plight of the captive people and anticipate the day when they will be allowed to rule their homeland unrestricted by Communist tyranny. The United States needs to continue to use all the resources of diplomacy, morality, and world public opinion so that freedom is ultimately restored to the peoples of the captive nations. Therefore, let us observe this Captive Nations Week in the hope that our concern in their welfare will hasten the day in which the peoples of these countries join the family of free nations.

Mr. BURKE of Massachusetts. Mr. Speaker, in this the 13th year of observation of Captive Nations Week it is time that we reaffirm our own American traditions dedicated to freedom and self-determination and face the challenge that totalitarian slavery poses to the free world. More importantly however, this occasion should serve as a poignant reminder that over 100 million people languish in the shadow of Soviet regimentation. These oppressed peoples long for political, cultural, and social freedoms that are their inalienable rights. The proud heritages of so many of the captive European nations date back for centuries and are now shamefully subject to the debilitating economic exploitation and cultural domination of the Moscow power brokers.

Our moral outrage cannot help but be inflamed by the fact that the Soviet Union itself is nothing other than a vast coalition of republics, several of which have also been denied their national sovereignty. Any and all outbursts of nationalism and independence in East and Central Europe have been met by the brutal armed retribution of the Soviet Army. Even more heinous repression lies beneath the surface of these international incidents and must be met by our unflagging revulsion. It is the task of the free world to see to it that the Soviet rulers be continually reminded of the politico-moral consequences of their hegemony. The Soviet invasion and occupation of European nations that coincided with World War II is not only inexcusable, but by international standards of law it is illegal and immoral.

It is the duty of every Congressman, Senator, and elected representative to speak out against the intolerable denial of human liberties the struggling peoples of captive nations must endure. I am proud to take part in the congressional observance of Captive Nations Week and call the attention of the Congress and my constituency to this pressing matter.

The fate of these people cannot be forgotten even now as we try to improve our relations with Russia. If this is the price we are expected to pay for improved relations it would be too high. On the other hand the thaw in relations may well give us an unprecedented opportunity to encourage improvement in the fate of these peoples. Whatever we do, we must never be lulled into forgetfulness of their fate.

Mr. ANNUNZIO. Mr. Speaker, the period of July 16–22 marks the 13th observance of Captive Nations Week. This is an occasion which bids us all, especially we in the Congress who represent a free people, to rededicate ourselves and renew our energies on behalf of the unfortunate millions who are living in wretched hopelessness under the shadow of Communist tyranny.

Summit talks take place and are forgotten; the leaders of various nations sign agreements; but the fact remains that there are millions of human beings who daily must face the brutalization of the spirit which is still so much a part of Communist rule.

This week of reflection is a time when we who enjoy the blessings of liberty should pause to consider the plight of those who do not. The observance of Captive Nations Week should be a time for both prayerful thoughtfulness and renewed determination.

So long as heroic people in the Captive Nations subscribe to the principles of true freedom, the spark will be kept alive—and one day it will take form and substance and the nations under captivity will throw off their bonds and become free. With this freedom, God grant that they cherish their added knowledge, born of their suffering under captivity, to truly provide themselves with the new guards which will provide protection for their future security.

As we review the lost of Captive Nations, let us remember that whenever any fellow being is oppressed, whenever any fellow being is denied the most elemental right of human liberty, then our own liberty is diminished. The following nations are included in the sad category of captive nations: Albania, Armenia, Azerbaijan, Byelorussia, Bulgaria, China, Cossackia, Croatia, Cuba, Czechoslovakia, Estonia, East Germany, Georgia, Hungary, Idel-Ural, North Korea, North Vietnam, Latvia, Lithuania, Poland, Rumania, White Ruthenia, Serbia, Slovenia, Tibet, Turkestan, Ukraine, and others.

It is appropriate that the Captive Nations Friends Committee of Chicago, under the capable and distinguished leadership of Executive Chairman Viktors Viksnins, will also now be known as the Ethnic Heritage—Mosaic of America Committee. Mr. Viksnins is doing an outstanding job in coordinating the 13th annual Chicago Captive Nations Week observance and activities. The observance in Chicago this year will begin on July 17 and will conclude on July 22 with a captive nations parade on State Street and a luncheon at the Conrad Hilton Hotel which National, State, county, and city officials are expected to attend as well as various dignitaries, civic leaders, and others who have been active in behalf of the captive nations cause.

A vital part of the struggle for freedom in all the captive nations is the vigilant maintenance and invigoration of national cultures and traditions. Though communism may pretend to be an international panacea, there is no tyranny strong enough to destoy the dignity and honor of vital national civilizations. It is through the historical and cultural traditions of a nation that the individual can gain the courage and the strength to continue striving for the day when whole peoples can work out their destiny as they themselves see fit.

Each year our outstanding mayor of Chicago, Hon. Richard J. Daley, proclaims Captive Nations Week for the city of Chicago. At this point in the RECORD I would like to include the mayor's 1972 Captive Nations Week proclamation:

PROCLAMATION

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibat, Cossackia, Turkestan, Slovakia, North Viet Nam, Cuba, and others; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe this week with appropriate prayers, ceremonies and activities expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence; and

Whereas, the City of Chicago is closely linked to these captive nations through the bonds of family since numbered among the people of Chicago are hundreds of thousands of our citizens who, through nativity or ancestry, treasure the heritage which is theirs; and

Whereas, these nations have been made captive by the imperialistic, aggressive and heartless policies of communism; and

Whereas, the peoples of these communist-dominated nations have been deprived of their national independence and their individual liberties; and

Whereas, it is appropriate and proper to demonstrate to the peoples of the captive nations the support of the people of the City of Chicago for their just aspirations for freedom and national independence; and

Whereas, the people of Chicago, as do all the people of the United States, want for the people of the world the same freedom and justice which is theirs:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby proclaim July 17 through July 22 as Captive Nations Week in Chicago. I urge the people of Chicago to join in the programs arranged for the observance of this occasion and especially encourage everyone to concretely demonstrate their interest in the imprisoned people of the captive nations by their attendance at or participation in the parade to be held on State Street on Saturday afternoon, July 22 at 12 noon.

Dated this twentieth day of June, A.D., 1972.

Mr. ANDERSON of Illinois. Mr. Speaker, for the past two centuries the United States has experienced a commendable rate of growth and prosperity. When we were established as a nation almost 200 years ago, individual freedom was the basis of our Constitution. Today the citizens of the United States may still engage in the freedoms as designated by our forefathers. We are among the fortunate nations. Today over 1.1 billion people exist who cannot share in this freedom due to Communist rule. The third week in July has been set aside as Captive Nations Week. This is a time for all Americans, as well as the rest of the free world, to acknowledge those who are denied their basic human rights.

Through the past three decades, the United States has seen a continually growing wall between the free countries and those under Communist domination. During the early fifties and continuing through the sixties, our country had been involved in the cold war with the Communist nations. Until recently, little had been done to break through this barrier to ease the tense relationship caused by years of mistrust.

President Nixon's journeys to Peking on February 21, 1972, and Moscow on May 22, 1972, have given us the opportunity for more extensive discussions with the Communist world powers. Nonpolitical events, such as the recent sports tournaments, have also lessened the communication gap between the Communist nations and the United States. Through this broadened communication, we must continue to emphasize to the Soviet Union the necessity for each nation to choose their best form of government. We must support the captive nations in their strife to be heard and recognized as suppressed nations.

This week marks the 13th anniversary of Captive Nations Week. Let all of the free nations work together in the future to abolish forced Communist rule so there will no longer be the need to commemorate the anniversary of Captive Nations Week.

Mr. COUGHLIN. Mr. Speaker, I address myself today to a matter of grave concern to all Americans: The oppression of the captive peoples of the world.

We who live in the United States should never take for granted the freedom that we enjoy, especially since there are millions in the world who do not share our rights. We must let those who yearn for a democratic and free society know that our hearts are with them.

Let us hope that the President's recent visits to the Soviet Union and the People's Republic of China will help lead these nations and others away from totalitarianism and toward true self-determination. Our commitment must never waiver for the eventual liberation of all freedom-loving peoples who are prevented from exercising their full rights.

As we observe Captive Nations Week, it is fitting that we reaffirm our commitment to the ideals of freedom and reinforce our will to help all men free themselves from political, economic, and social oppression.

Mr. SMITH of New York. Mr. Speaker, I am proud to add my voice and my support to the 13th annual observance of Captive Nations Week, 1972.

As conscientious Americans, we must never forget the totalitarian menace, which, following World War II mercilessly swept over the peoples of Eastern Europe. Following that time, nations in many corners of the world have been forced to submit their will to domination by repressive Communist totalitarian states.

Recent history has dramatically shown us the fallacy of Communist domination. The recent riots in Czechoslovakia, as well as the uprisings in Lithuania and Poland, have displayed these captive peoples' yearnings for liberty and their disaffection with communism.

The domination and repression of the human spirit is repugnant to all who hold dear the principles of equality, liberty and justice. Therefore, Mr. Speaker, we take this opportunity during Captive Nations Week to rededicate ourselves to the principles of freedom for all people. As a free nation, we shall continually strive to secure freedom, independence and peace for all peoples of the world.

Mr. McCLORY. Mr. Speaker, in July, 1959, the Congress of the United States gave unanimous approval to a resolution designating the third week of July of every year as Captive Nations Week "until such time as freedom and independence shall have been achieved for all the captive nations of the world." This resolution was signed into law by President Dwight David Eisenhower, and since 1960 every President has annually issued a Captive Nations Week proclamation. Governors and mayors of 37 States have issued similar declarations to promote observance of this most significant event, and 17 allied countries now also join in observing Captive Nations Week.

Mr. Speaker, this week marks the 13th annual observance of Captive Nations Week, and more than anything else, it is most disheartening to acknowledge that there is still a need to commemorate Captive Nations Week. While the past decade has brought unparalleled material development to all areas of the globe, equal progress has not been made toward obtaining true political and social freedom for all the people of this earth. For the inhabitants of the 27 captive nations, these past years have been a time of unending struggle to gain the right to determine their own destinies. For those of us fortunate enough to have been born in a nation which has always been a democracy, it is hard to fully appreciate how precious the right of self-government really is. Nevertheless, we cannot help but be impressed with the courage and tenacity of the captive peoples who steadfastly refuse to allow their captors to rule their minds as they do their bodies. To these people we once again proclaim our admiration and support—and we assure them that they have not been forgotten.

Mr. Speaker, President Nixon has taken dynamic action in attempting to secure a full generation of peace for all Americans. His journeys to Moscow and Peking have laid the groundwork for better relations and mutual understanding between China and Russia and the United States. Most certainly we hope that progress in overcoming our differences will continue, but we would be naive if we did not recognize that the path ahead is highly treacherous with many roadblocks yet to be overcome. Giving the captive nations their freedom would eliminate what well may be the greatest obstacle to a lasting world peace. Such an act would demonstrate far more convincingly than the most forceful rhetoric that peaceful coexistence can become a reality. The captive nations of the world ask no more than the right to govern themselves, and they must have no less.

Many of my constituents are former citizens of the captive nations and many others continue to have relatives who reside within the occupied territories of their former homelands. In speaking in behalf of the captive nations, I also voice their sentiments in support of ultimately securing liberation of these families and the independence of the nations which were formerly their homelands and which are still the homelands of many of their loved ones.

Mr. COTTER. Mr. Speaker, in these days of rapprochement between the world's superpowers, many Americans tend to forget that the agreements reached in Moscow and Peking are not the final steps along the path to peace. Indeed, they mark a beginning.

For nearly one-third of the human race, freedom is merely another word; a term without actual meaning or backed with concrete rights and privileges. We in America can easily forget these millions, surrounded as we are by our modern, civilized society. But, nevertheless, they continue to live in bleak, repressed poverty in lands whose names are often unknown.

It is to keep America from forgetting the oppressed captive nations of the world that Congress in 1959 declared the third week of July to be Captive Nations Week. The resolution declared that this week would be observed as such until all the nations of the world had attained freedom and independence. Thirteen years later, sadly, there remains a great need to set aside a week to remind all Americans of their duty to work for the rights of less favored people and to declare once again to the entire world, friend and foe alike, that the United States shall never cease to support the right to independence of all peoples.

As a Congressman from Connecticut, I would like at this time to extend my full support, and I believe the support of every citizen of the First District, to those captive peoples struggling so gallantly to attain their natural rights.

Mr. CRANE. Mr. Speaker, this week we commemorate the suffering of millions of brave men and women who are captives of communism. The first Captive Nations Week resolution was passed by the Congress in 1959 and calls upon all Americans to observe the third week of July as Captive Nations Week "until such time as freedom and independence shall have been achieved for all the captive nations of the world."

Since that time, every President has annually issued a Captive Nations Week proclamation, and since 1963 17 allied countries have joined in this observance.

It is especially fitting in 1972, at a time when there is much discussion of "detente," of "an era of negotiation," and of an "end to the cold war," that we renew this pledge.

For, despite the rhetoric, the sad fact is that the millions of men and women who have suffered under communism for so many years, continue to suffer today.

The nation which today calls itself the U.S.S.R. is, in many respects, simply a collection of "captive nations." Armenia fell to Communist domination in 1920, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasia, and the Ukraine, in the same year. The Far Eastern Republic fell in 1922, Turkestan in 1922, the Mongolian People's Republic in 1924, Estonia, Lativia and Lithuana in 1940. These, of course, are only the nations which have been forcibly incorporated within the Soviet Union itself.

During this week we also remember the suffering of the people of Albania, Bulgaria, Poland, Rumania, Czechoslovakia, Hungary, East Germany, and the Communist states of Asia. We remember that the men and women of these countries have never elected a Communist government, but have had such governments imposed upon them.

The people of the captive nations have, at every opportunity, displayed their hostility to communism. In East Germany, in Hungary, in Czechoslovakia, in Poland—the people have revolted, but have been put down with the brutal force of the Russian army. At this very moment riots have occurred in Lithuania protesting the Soviet Union's religious persecution and its efforts to destroy the Lithuanian culture.

The Soviet Union has attempted to destroy the indigenous languages and cultures of the people who have fallen victim to their rule. They have practiced a policy of cultural genocide against the Ukranians, the Georgians, the Latvians, the Estonians, and others. They have, in addition, revived the anti-Semitism of the Czars and have made it impossible for Jews to practice their religion in the Soviet Union.

Men and women have shown their opinion of communism by fleeing from it whenever the opportunity has arisen. The Berlin Wall was constructed, in violation of all international law and allied agreements, because the people of East Germany would not, of their own accord, remain in a Communist state. Macao and Hong Kong contain millions of Chinese who have fled from the tyranny of Mao Tse-tung. More than 1 million Vietnamese fled to the South after the Communists took over North Vietnam, and tens of thousands of North Korean soldiers refused repatriation at the end of the Korean war. The Communists do not permit people to vote with ballots, so the people have voted against communism with their feet, the only means available to them.

Millions of people who suffer under the tyranny of communism have looked to America with hope of their deliverance. We must keep faith with these men and women, and Captive Nations Week provides us with an opportunity to declare that faith once again.

Captive Nations Week has been regularly attacked by the Soviet Union. Many in this country have said that observances such as this keep the cold war alive when it is really time to end it.

Such observers, however, overlook the fact that the cold war is not kept alive by our concern with enslaved peoples. It is kept alive by those who continue to enslave them, to destroy their languages, their cultures, their religions. Those who have occupied sovereign states, such as Hungary and Czechoslovakia, to put down the will of the people are the ones who keep the cold war alive, not those who express their concern for the victims.

The American people have not broken faith with those who want only to be free, to develop their own national life, to practice their own religious faith. Any peace which is purchased at the cost of enslaved millions is an illusory one. In a world in which slavery is acceptable we must not ask for whom the bell tolls, for, in the end, it tolls for us all.

Mr. ZABLOCKI. Mr. Speaker, I am pleased to join our distinguished colleague, the Honorable DANIEL J. FLOOD, in observing the 13th observance of Captive Nations Week. We must not forget the plight of those millions of people still suffering from lack of individual freedom and independence in the captive nations of central Europe, within the U.S.S.R., in Asia, and in Cuba.

We have truly been fortunate that our independence has been free from devastating invasions. During our nearly two centuries of existence, our American life and culture have generally flourished. We have not had to rebuild our country; rather we have had only to continue building. We therefore often take for granted the freedoms and privileges we enjoy as Americans and lose sight of the cultural and political enslavement of people held captive by Communist and other forms of despotic rule.

We need only to remind ourselves of the recent riots in Lithuania, the massive cultural repressions in the Ukraine, and the persecution of Jews and denial of their demands for emigration from the U.S.S.R. to realize the continuing struggle for individual freedom and independence. Communist domination in many of the captive nations has been a reality for more than a quarter of a century.

Throughout this time in many of these countries, human rights have been trampled upon and political repression has become a daily fact of life. Recent developments such as cited above demonstrate the deep popular discontent with foreign-imposed rule. The message of the people is clear—the peoples of the captive nations vigorously oppose Communist tyranny.

As long as the natural rights of the people of the captive nations are continually denied, limited, or curtailed, and justice is disregarded in the world, our own independence is in jeopardy. Peace in the world can only be achieved when people everywhere are free from repression; a world half free and half slave remains a breeding ground for endless conflict.

Our concern, therefore, Mr. Speaker, is to the future fate of the peoples in the captive nations. We must rededicate ourselves to the cause of individual freedom and thereby give meaning to this 13th observance of Captive Nations Week—not only this week but throughout the entire year.

Mr. CLEVELAND. Mr. Speaker, this week the Congress and the people of the United States mark the 13th annual observance of Captive Nations Week, as unanimously adopted by the Congress in 1959. The observance renews the commitment made by President Eisenhower in 1959 that the United States would not forget the oppressed people of the world. This week offers all of us a fitting opportunity to show our solidarity with enslaved people everywhere. There will be many ceremonies throughout the Nation providing us with a public forum for manifesting our continuing concern for the basic captivity of millions of people in central Europe, the Soviet Union, Asia, and Cuba. I call particular attention to the ceremony to be held Sunday, July 23, 1972, at the Captive Nations Cemetery in Ashland, N.H., offering an excellent program of speakers, many of whom have personally witnessed and experienced firsthand the terrifying oppression in the captive Baltic nations of Estonia, Latvia, and Lithuania.

I welcome and applaud President Nixon's recent fresh initiatives to lessen international tensions and to further the cause of peace in the international community. The time has come for resolving old, longstanding grievances in the quest for a lasting global peace. But the past counsels us to be cautious as we delve into new and delicate international relationships. This is not the time to forget the plight of the captive nations in this period of apparent detente.

These captive people continue to show their desires for freedom as witnessed in Czechoslovakia in 1968, in Poland in 1970, and most recently in Lithuania in May of this year. We must continue to uphold our political morality, idealism, and principles to the cause of freedom and self-determination for all, by expressing our solidarity with the oppressed people of the captive nations.

VIGILANCE NECESSARY

There are currently strong isolationist tendencies in American society. We must guard against this implosive trend. We can never leave the oppressed people of the captive nations without hope, doomed to perpetual captivity. America, the land of the free, has been a refuge for many thousands of people from Iron Curtain countries. These refugees, now patriotic American citizens, have many loved ones still living under tyrannical domination. This Captive Nations Week observance affords us an opportunity to fulfill our moral obligation to the principle of freedom and to give support to those denied this basic human right.

We who enjoy the blessings of freedom must also be constantly vigilant. We must be mindful as we are now of the plight of those who have lost their freedom. We must also be mindful that if we lower our guard, become fainthearted, and weaken our defense, we may ourselves become captives. Freedom is not easily come by and when attained is not to be taken lightly. The danger from without is no less than threats from within. There are those who would even now commit new millions to captivity in the Far East by abjectly begging for peace at any price and gutting our military deterrent, which stands alone as the light and the hope of free nations and those nations which aspire for freedom.

CORPORATE FEDERAL TAX PAYMENTS AND FEDERAL SUBSIDIES TO CORPORATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 60 minutes.

Mr. VANIK. Mr. Speaker, today I testified before the Joint Economic Committee on a followup to the presentation which I made before that committee on March 21 on the subject of the value-added tax and possible revenue-raising alternatives. At that time, I indicated my opposition to VAT—a regressive national sales tax—and pointed out that an examination of several major corporate reports indicated that some corporations were making profits, paying dividends—yet paying no Federal corporate income tax. During my testimony, it was agreed to proceed with a formal, organized study of America's largest corporations and the level of Federal taxes which they paid.

A portion of that study is now completed. I believe that it provides valuable information on the questions of corporation tax policies and inequities and distortions created by some of the tax subsidies which have been enacted. These policies have a definite interenterprise effect as well between corporations and individual persons.

SCOPE AND METHOD OF SURVEY

My study examines 145 companies selected from the 1970 Fortune magazine list of large corporations and covers the years 1969, 1970, and 1971. These include: the top 100 industrial corporations; 20 airlines, railroad, and trucking corporations; 10 telephone, electric power, and gas transmission corporations; the six largest retailing corporations; and the nine largest commercial banks.

The study is based entirely on information available to the general public, including 10-K reports, registration statements, and prospectuses filed with the Securities and Exchange Commission, as well as annual reports to shareholders and annual reports to the Interstate Commerce Commission.

Mr. Speaker, the attached table shows the approximate taxable income, taxes paid, and effective tax rates of the companies studied, where the information could be secured from public sources. It should be noted that the figures presented in the table represent approximations rather than precise figures. In a few isolated cases, the margin of error may be considerable. This is because the public sources generally did not present the data in a way in which they could be used directly to calculate the effective tax rates of the corporations. Adjustments were necessary in order to arrive at approximate figures. Because of the complexity in reporting, it was not possible to obtain data for each corporation on the "top 100" list. The sample in the study is as follows:

100 industrial corporations sample

1969	80
1970	92
1971	48

The confusion, complexity and secrecy which shrouds corporate tax and financial reporting is nearly indescribable. I will comment on these problems later in my statement. Let me say here that I believe the figures in the charts are as accurate as they could be made by my staff, aided by expert certified public accountants. If there are errors, the fault probably lies in the unnecessary complexity used by corporations in submitting data which was designed to serve the public—but which is almost completely obscured from public scrutiny.

FINDINGS OF STUDY OF FORTUNE MAGAZINE LIST OF TOP 100 U.S. INDUSTRIAL CORPORATIONS

Mr. Speaker, the study which I have completed, and which is attached to this statement, provides ample evidence that America's corporate giants have been able to utilize the tax subsidies included in the Internal Revenue Code to obtain an effective tax rate lower than the average tax rate paid by all American corporations. Some of these corporate giants have managed to escape all Federal tax payments—despite the fact that they are earning substantial profits and paying out dividends. In fact, 1971 was the best profit year for American corporations in the last 5 years.

The following table lists the number of industrial corporations in the top 100 of the Fortune list who made profits but which paid no Federal corporate taxes:

	1969	1970	1971
Number of corporations	7 out of 73	9 out of 86	5 out of 45.
Amount of taxable income on which no tax was paid (million)	$862.	$682.	$382.

Those profitable corporations which paid no Federal income tax in 1971 were:

Taxable income—but no tax paid

Continental Oil	$109,030,000
McDonnel Douglas	144,613,000
Gulf & Western Industries	51,381,000
Aluminum Co. of America	50,199,000
Signal Companies	26,863,000

Because the figures for 1971 include only 45 out of the 100 corporations, the total corporate income escaping tax for 1971 will obviously be much higher. Using proportions, it may approach $1.2 billion.

The next table lists the number of corporations in the Fortune 100 list which made profits but paid an effective Federal tax rate of only 1 to 10 percent:

	1969	1970	1971
Number of corporations	10 out of 78.	13 out of 86.	6 out of 45.
Amount of taxable income on which less than 10 percent U.S. corporate tax was paid (millions).	$3,377	$3,171	$2,327.

Therefore, the next table summarizes the two previous tables providing the total figure of those corporations which paid no Federal income tax or less than a 10-percent effective rate.

	1969	1970	1971
Number of corporations	17 out of 78.	22 out of 86.	11 out of 45.
Amount (millions)	$4,239.5	$3,853	$2,709.

I am sure that every American citizen will be shocked and disappointed at the way in which many of these corporations have avoided the "nominal" or "statutory" Federal tax requirements. I hope that the revelation of the fact that many corporations are completely or substantially escaping support of the Federal Government will cause all Americans to consider the need for tax reform—not just individual tax reform, but corporate tax reform as well.

Great public concern and indignation has been focused on those 107 Americans who received more than $200,000 in income last year yet paid no Federal income taxes. But put the facts in perspective: Those 107 Americans received a total of $26,000,000 tax free. In 1970 nine corporations out of the top 86 had a pretax income of $682,000,000—yet paid no Federal taxes.

But this study has more to teach us than the fact that we need tax reform.

This study documents, in many ways, how the Federal tax system is encouraging the growth of monopolies, conglomerates, and supranational corporations. It reveals how many of the tax subsidies provided by the Congress have outlived their usefulness and are now creating severe problems of inequity and injustice between corporations—both within the same industries and between different industries.

THE FEDERAL TAX CODE FAVORS THE GIANT CORPORATION

The average effective tax rate of all American corporations in 1969 was 37 percent. But the average tax rate for the top 100 industrial corporations was 26.9 percent. This means that the smaller corporations appear to be paying a rate above the average. It is my estimate that the smaller corporations—those under the top 100—pay, on the average, a rate of 44 percent. Obviously the giant corporations enjoy greater cash flow, higher rates of return—and the economic power to acquire more and more subsidiaries—thus driving the smaller firms which pay higher rates of taxation out of business.

The trend of "low" effective tax rates for the "100 giants" appears to be accelerating, as the following table shows:

	Effective tax rate (percent)	Size of sample (profitable) firms only
1969	26.9	78
1970	25.8	86
1971	24.4	45

While the average effective tax rate for these giants in the upper 20 percent level here are a number of industries within this group with much, much lower tax rates.

The steel industry, particularly United States Steel, has paid a low effective tax rate over the past 3 years.

Some oil giants have, in some years, paid high effective tax rates. Standard Oil of Ohio, for example, paid a 41.1 percent rate in 1969—and, apparently, no tax in 1970. Out of the 17 oil companies studied, 10 paid less than 10 percent in 1969 and seven paid less than 10 percent in 1970.

The timber industry giants pay effective tax rates of between 10 to 20 percent on large pretax incomes.

Each of these industries is a horror story of tax avoidance. Later in my statement, I have provided sections briefly describing how these industries have been able to eliminate the major portion of their tax burden.

HOW DO CORPORATIONS REDUCE THEIR TAX BURDENS?

These corporations have done nothing illegal in lowering their tax rates—they have simply taken advantage—quite effectively—of the multitude of tax subsidies which have been enacted into the tax laws over the years.

The committee has been examining the efficiency and justification for a number of these subsidies. It is vital that we in the Congress—and the entire American public—make a careful examination of these subsidies which place the Federal tax burden on the individual taxpayer, provide enormous benefits to a very few, and have resulted in terrible inefficiencies in the use of our resources.

As I will point out later, many of these subsidies have failed in their purpose.

First. The investment tax credit, with a yearly cost of $3 billion, has failed to place an emphasis on new capital expansion. It is one of the most inefficient ways of reducing unemployment. It has done little to end the recession.

The tax advantages which these large corporations are receiving and which are concentrated in the largest corporations have a questionable effect on the Nation's employment. This study shows that the top 100 U.S. corporations are providing less jobs as their corporations expand. In 1969, the sales for the top 100 was $280.4 billion; in 1971 sales amounted to $315.2 billion—an increase of 12.5 percent in sales. But in these 3 years employment in these top 100 corporate giants dropped by 5.2 percent, or 500,000 workers. The last 100 companies on the Fortune list—that is, companies 401 through 500 increased sales by 16 percent but also increased employment by 1.4 percent.

Second. The subsidies to the oil industry have failed to increase petroleum reserves, yet its cost is measured in the billions.

Third. The tax subsidies for the timber industry have failed to insure the proper logging conservation practices for which it was designed.

Fourth. The foreign tax credit—and other foreign investment subsidies—have exported jobs, domestic capital needed for increased American productivity, and removed billions from the U.S. Treasury.

The failure of these various tax subsidies—and others—are discussed in greater detail in the detailed portions of my testimony.

Let me simply say, it is time that these tax subsidies must be reviewed and modified if the smaller corporations are to survive absorption by the giants with their tax advantages.

Aided and abetted by our tax laws—the free enterprise system in America has become one large chicken factory where little chicks are grown to maturity and made marketable to satisfy the unending appetite of conglomerate corporate America.

CONFUSION IN CORPORATE REPORTING

Corporations, through complex reporting procedures, have made it impossible—in all too many cases—to accurately estimate, from public sources, the actual Federal income tax paid for any particular year. The annual reports are a mirage of ambiguous statements that lead the stockholders to believe that business is better and profits are improving. The tax statements of these same companies to Internal Revenue often illustrate a completely different picture that reduces their profit figure, which in effect, reduces their total tax figure. Like the medieval European peasants, for their stockholder they wear their wedding clothes; for the tax man, they wear rags.

TAX RATE VARIATIONS AMONG CORPORATIONS

The attached tables show the approximate effective rate of Federal income tax paid by the companies covered by the study after the adjustments described below. It indicates considerable variation in effective tax rates not only as between companies in different industries, but for different companies in the same industry and for the same company in different years.

Retail companies generally are among those paying the highest effective Federal income tax rates of the companies covered by the study. The approximate effective rates for four retail companies, for example—A. & P., Kroger, J. C. Penney, and Federated Department Stores—on a combined basis for 1969, 1970, and 1971 were 43.8, 42.4 and 38 percent respectively.

Some industrial firms pay a relatively high effective tax. Du Pont, for example, paid an effective Federal income tax of 42.2 percent in 1971 and 43 percent in 1970. Other industrial firms, however, pay a considerably lower effective rate. The effective income tax rate for Union Carbide, for example, was 18.6 percent in 1971 and 20.6 percent in 1970. Similarly, Allied Chemical Corp. paid an effective rate of 9.5 percent in 1970 and 4.4 percent in 1969.

The eight largest railroads, excluding Penn Central, all reported net income to their shareholders in 1970. In that year, these eight companies had a combined net income before Federal income tax of about $529 million and paid approximately $26 million in Federal income tax for an effective rate of 4.9 percent.

There was also substantial variation in the effective rates paid by different commercial banks. Chemical New York Corp., for example, paid an effective income tax rate of 31.1 percent in 1971, 33.1 percent in 1970, and 39.4 percent in 1969. In contrast, the First National City Corp. had effective income tax rates of 28.6 percent in 1971, 19.6 percent in 1970, and 16.9 percent in 1969.

TAX CODE PROVIDES INCENTIVES FOR CONGLOMERATE ACQUISITION

For the past 20 years our corporate powers have been driving the small manufacturers, businessmen, and shop owners out of business. We seem to have assumed that small business is obsolete and have equated bigness with efficiency and productivity. We have proceeded on a course of centralization—but we have moved beyond economics of scale and into economics of monopoly.

This trend has been no accident—the tax subsidies of the Internal Revenue Code have made a calculated attack on small businesses and provided incentives for large corporations to buy up small successful companies for tax and cash flow purposes. Often, even unsuccessful operations can be purchased and used to reduce the total tax liability of the larger purchasing company.

Under certain definitions in section 368 of the tax code, large corporations purchase smaller operations permitting the seller to avoid any payments on capital gains from the sale. For example, as a small or medium sized business owner I might be tempted by an offer from a large corporation that would be hard to turn down. Under section 368 of the code, we could make an exchange of stock so that the large corporation would take complete control of my company. This is a tax free exchange.

These provisions provide an incentive to sell and have paved the way for huge conglomerates. As small operations find it hard to compete, the small owners find these offers hard to turn down. The future profit streams of these small companies are sold tax free, thus undermining the future of the small business in this country.

Many of the giant corporations in the Fortune "100" list, as well as many of the leading banks listed in the study I am submitting today, are conglomerates or monopolistic companies. In many, many cases, the purchase of smaller corporations by these industry giants has given them the opportunity to invest in tax shelters and, in general, to maximize their use of tax subsidies. For example, a company which is in a field where there are few tax subsidies can purchase a tax subsidized industry and use that subsidiary to help lower or eliminate its effective Federal tax rate. This is particularly true of an increasing number of the Nation's largest banks and insurance companies. It is necessary for Congress to determine how some banks can enjoy a 16-percent tax rate. This indicates tremendous investments in tax-sheltered activities.

This study of the effective tax rates of the Nation's largest 100 corporations should provide valuable information as to whether the advantages of big business are the proximate result of tax policies unrelated to maximum economic efficiency for the public good. Again, as I pointed out at the beginning of my statement, the effective tax rates of these industry giants was 26.9 percent in 1969, but the overall American corporate effective tax rate was 37 percent in 1969. This means that the smaller companies are paying an average rate of about 44 percent. Conglomerate and trust growth helps the rich get richer, the big get bigger—and the small to lose out. The tax subsidy system of the Internal Revenue Code is encouraging this growth; it is destroying the old ideal of competitive American free enterprise.

Small business does not have the ability to fully utilize the tax benefits available to the conglomerates. ITT in 1969 had a net income before Federal income tax of about $360,000,000 and an effective tax rate of over 14 percent. In 1971 ITT's net income before Federal taxes was approximately $410,000,000 and an effective tax rate of almost 5 percent. As ITT grows, its tax rate shrinks. The 10-K for ITT indicates that the Hartford Co. and ITT filed a consolidated tax return on which no tax was paid—although some tax was paid by other subsidiaries.

In 1970 ITT filed a consolidated return with its domestic subsidiaries and reported a before tax income to its shareholders of almost $430,000,000 and according to their 10-K report to the SEC, no corporate tax was due on the consolidated return, though again, some taxes were paid by subsidiaries.

ITT also sold stock during that tax year to an overseas bank and the foreign buyer almost immediately resold the shares to a fund in this country. This fund already held some of ITT's pension money. This sale to a foreign bank, rather than directly to the fund, appears to have been motivated by the desire to increase its foreign tax credit benefits.

Mr. Speaker, the smaller businessman has almost no "tax subsidies" available to lower his tax rate to the level of the giant manufacturing conglomerates. These large conglomerates should be reviewed by the Joint Committee—not just for adequate disclosure but to evaluate how these giant corporations manipulate the tax code to constantly reduce their tax burden, and thus increase their cash reserves used to acquire more and more assets—and more and more tax shelters.

The tax code should be closely examined to eliminate some of these incentives for acquisition which primarily serve to dismember the corporate tax structure for large conglomerates.

Let there be no doubt that the growth of new conglomerates is the move of the future, unless action is taken to reduce these incentives for acquisition and the endless acquisition of foreign and domestic tax shelters which only the largest corporations can afford to diversify into.

In the period 1961 to 1968 eight companies dominated conglomerate growth, each of which made acquisitions during these years totaling more than one-half billion dollars each.

Acquired assets as percent of total assets from 1961 to 1968

ITT	59
Gulf & Western	83
Ling-Temco-Vought	72
Tenneco	31
White Consolidated	86
Teledyne	90
Occidental Petroleum	43
Litton	43

Many accounting devices enable these merger-active companies to report substantial increases in earnings per share without improving operating efficiency—or real national growth. The most notorious of these devices is the pooling of interests method of accounting for combinations. Under the pooling of interest, the book value of both businesses are simply added together. In this circumstance, the book values prevailing at the time of acquisition need have no relation to the actual market value of the transaction. Through acquisition, an acquiring company can do what it cannot do through internal growth—that is, list the value of assets at less than real costs, and later report this difference as growth income.

From the viewpoint of a conglomerate's management, it matters little whether the gain in earnings is illusory or real as long as it looks good to the stockholders.

THE ATROPHY OF SMALL BUSINESS

Small business in America is in crisis. Every year the scraps from the table of big business for which small businesses must fight get smaller.

The share of national profits for manufacturing corporations with assets under $1 million declined 44.8 percent between 1969 and 1970. Between 1970 and 1971, there was an additional decline of 3.9 percent. This decline in profits for corporations under $1 million is especially significant when compared with the fact that profits for manufacturing corporations with assets over $1 billion declined only 7.2 percent between 1969 and 1970 and rose 14.3 percent between 1970 and 1971.

The share of total corporate profits of firms with assets over $1 billion has nearly doubled since 1959—from 28.4 percent of all profits in that year to 54.6 percent in 1971. In 1971, almost 55 percent of all corporate profits in America was achieved by the billion-dollar corporations, only 260 corporations in number. What is left for the 1,700,000 other corporations of America?

SHARE OF TOTAL PROFITS—FIRMS WITH ASSETS OVER $1,000,000,000

	Profits (in billions)	Total of all profits	Share (percent)
1959	5.236	16.328	28.4
1964	9.489	23.211	40.0
1969	15.978	33.248	48.0
1971	16.9	31.0	54.6

MANUFACTURING CORPORATIONS—SALES

[In percent]

	Assets under $10,000,000	Assets over $100,000,000
1954	3.14	46.4
1959	2.98	50.25
1964	2.75	55.07
1969	2.26	63.74
1970	2.10	65.64
1971	1.98	67.85

These figures are signposts of the slow death of competitive free enterprise in this country.

It is shocking indeed to realize that over 188,000 industrial firms with assets under $10 million today account for less than 2 percent of all industrial sales. In 1970, the 500 largest industrial corporations accounted for 65.4 percent of all industrial sales, 75.8 percent of all industrial profits, and 44.3 percent of all industrial employment.

There are more than 11 million firms that are considered to be small businesses—97.7 percent of all U.S. firms have fewer than 100 employees. These small businesses employ 24 million workers—and they are finding survival difficult.

The tax code has provided the "launch-pad" for the conglomerate growth of the 1960's. For example, the Library of Congress has just released a report on the corporations which used the investment tax credit in 1965—the last year for which specific figures are available. Fifty-seven percent of the credit went to those industrial companies with assets of more than a quarter billion dollars—approximately 260 industrial firms.

There is no doubt that our tax policies have favored the large at the expense of the small. It is my recommendation that the tax code be thoroughly reexamined so as to provide a growth pattern for all business sectors of our economy—not just for the corporate giant who has invested in tax subsidy shelters.

My staff studies indicate that our tax laws mischievously operate to suppress small business—to deny an equality of opportunity for small free enterprise to compete with the "big brothers" who can utilize the tax laws to reduce their effective tax rates and to generate extra muscle to compete with and devour small business.

It is time for Congress to examine what effect tax policy is having on the aggressive destruction of small business, for which a place must be shared.

In 1971, almost 55 percent of all corporate profits in America were achieved by the billion-dollar sales corporations, only 260 corporations in number. What is left for the 1,700,000 other corporations of America?

Present tax laws and their interpretation by the administration seem to indicate a drastic phaseout of corporate contribution to the cost of government. If corporations are to reduce their contribution to the Government, how will the deficiency be made up?

While some argue against corporate taxation on the basis that dividends pay taxes, to what extent is this true? To what extent are American corporate profits a closed cycle? What percentage of corporate stock is owned by other corporations who pay little or no tax on dividend income? If three American citizens could earn $7,353,000 in dividends in 1970 and pay no U.S. taxes, how many other billions of dollars in dividend income are tax free?

Records suggest that the dimension and capacity to create tax deductions is directly related to the size of dividends received. The extent of dividend tax avoidance cannot be estimated without some plan of dividend withholding.

It is my contention that a massive portion of dividend income completely escapes the tax collector. Under present laws, dividend taxes cannot substitute for a fair and adequate system of corporate taxation.

We are in a vicious circle. We cannot change or remake the tax laws without facts—and we cannot obtain essential facts because of laws that shroud and conceal the truth to which every citizen is entitled. There can be no decent measure of tax justice when facts are buried and needlessly protected by archaic laws. What the public does not know and cannot know does indeed hurt every citizen.

FEDERAL TAX RATE IN STEEL INDUSTRY

In examining the top five steel companies in America, it appears that Armco, Republic, and National Steel have been paying Federal corporate tax, although the effective tax rate has consistently been below the average rate paid by the combined top 100 industrial corporations.

United States Steel, however, received a credit or a reduction in its tax liability of $66,000,000 in 1970. I am aware that the GM strike in 1970 held down profits—but even in 1970, United States Steel had a net income of $109,000,000 before Federal income taxes.

In 1969, United States Steel paid an effective rate of 2.1 percent on a quarter billion dollars in taxable income. It appears that United States Steel may have paid a 7.6 percent tax rate on $104,516,000 in 1971. Thus, over the 3 years, the company has received more in tax credits and/or reductions in their tax liability than it has paid in U.S. taxes. The question which remains to be answered is whether, in fact, United States Steel will have paid any taxes after all subsequent tax credits are requested and applied to 1971 revenue.

Bethlehem Steel in 1969 had a net income before taxes of $169,000,000—that same year Bethlehem received $52,000,000 from the Treasury in the form of a credit or a reduction of their income tax liability.

It is probable that this trend of "low tax on steel" will continue for at least 3 or 4 years, as the full effect of the 1971 Revenue Act unfolds through the giveaway provisions of ADR and the investment credit.

THE OIL INDUSTRY AND TAX SUBSIDIES

In examining the effective tax rate of the various industries in this study, it comes as no surprise that the oil industry has, on the average, a low effective U.S. corporate tax rate. From available data, it appears that the industry leaders paid an average effective rate of 5.8 percent in 1969 on $4.7 billion in pretax income. In 1970, they paid an average of 10.1 percent on $4.6 billion in net income. On the eight companies for which data was available for 1971, an average effective rate of 6.1 percent was paid on some $2.5 billion in income. Total tax credits or "refunds" to the industry in this period was $31.4 million.

This study shows that the tax subsidy system for the oil industry is the most extensive one in the entire Internal Revenue Code.

The three major tax subsidies to the oil industry are: the percentage depletion allowance; special provisions which permit the current writeoff of "intangible" drilling and development costs; and the foreign tax credit.

The foreign tax credit is probably the greatest boon for the major oil companies. Most of these companies are international in character and use their taxes paid to foreign countries to reduce any tax liabilities which they may have to the U.S. Government. Incidentally, many of these taxes used to be royalties which could only be treated as a business deduction; but over the years the companies and the foreign host nations have shifted these royalties into the category of taxes—to the great profit benefit of the American corporations. The use of the foreign tax credit is concentrated in the largest of the oil companies. This can be seen by a pro-oil subsidy letter which I recently received from the American Petroleum Institute. The major 18 petroleum companies studied by the Institute account for 95 percent of the direct foreign taxes paid by the total U.S. petroleum industry—and thus obtained approximately 95 percent of the benefit of the foreign tax credit. America's 18 leading oil companies admit to paying more to foreign governments than to their own.

I have argued in another section of this report that the foreign tax credit should be abolished and replaced with a deduction so that all U.S. corporations are treated equitably—regardless of where the profit is earned. The oil industry provides a classic example of the need for modifying the foreign tax credit subsidy.

The depletion allowance and the intangible drilling provisions are providing multibillion-dollar tax subsidies to this industry, resigned to encourage exploration and the maintenance of national defense petroleum reserves.

It is one of the commendable purposes of these hearings to examine and reexamine the various tax subsidies which have "pot bellied" the tax code. Is the depletion allowance a desirable tax subsidy? Does it accomplish its goal? Does it have a favorable benefit-cost ratio?

This subsidy does not meet these criteria for a justifiable subsidy. It has been pointed out that the percentage depletion allowance costs the public $1.5 billion and results in an additional expenditure of only some $150 million for new exploration and new reserve discovery. In other words, this subsidy has an efficiency rate of about 10 percent. During the Congress' consideration of the 1969 Reform Act, a thorough study of the tax laws and their effect on domestic petroleum reserves was provided by the Treasury. This study noted:

> Percentage depletion is a relatively inefficient method of encouraging exploration and the resultant discovery of new domestic reserves of liquid petroleum. This is in part due to the low sensitivity of desired reserve levels to the price subsidy represented by percentage depletion, *and in part to the inefficiency of the allowance for this purpose since over 40 percent of it is paid for foreign production* and nonoperating interests in domestic production. (Emphasis added)

The study concluded that an elimination of the depletion allowance and the intangible drilling provision would make a "statistically significant" reduction in our reserve supplies—though the elimination of just one of these provisions, which would save hundreds of millions of dollars, would have "no significant effect" on the reserve level.

It is time that we throw out these subsidies and develop rational programs which will achieve our national petroleum goals. For example, the oil import quota law encourages the consumption and depletion of our oil fields and is in opposition to the national defense reserve argument. It should be replaced with a revenue raising tariff or be completely removed, saving the consumer about $7 billion a year. Consideration should be given to creating a national petroleum reserve—a stockpile of oil, ready for use in an emergency. Once this reserve was established, the national security issue would be removed and we could allow the private market factors of supply and demand to work. Other alternatives to the present inefficient subsidies have been suggested. I understand that the chairman has suggested a modified use of some of the present subsidies so that their impact is efficiently concentrated on exploration. If controls can be developed to prevent "frivolous" exploration for tax purposes, such a modification in present tax law might result in major savings—and increased petroleum discoveries.

THE TIMBER INDUSTRY SUBSIDY

In examining this list of 100 corporations, there is another industry which stands out for its low effective tax rate—the timber industry. Because of the nature of giant corporations and conglomerates, it is hard to say who exactly composes the timber industry. The following firms, however, undoubtedly qualify as leaders in the field: Weyerhaeuser, Georgia-Pacific.

The toal net income before tax of these two companies in 1969 was $306,400,000. Their average effective tax rate was 18.5 percent. In 1970 they had a pretax net income of $277,700,000 and an average effective tax rate of 14 percent. Treasury studies once again indicate that the vast majority of the timber tax subsidy goes to just a few. In 1965, corporations in the lumber and paper industry reported $443,400,000 of long-term capital gains. This represented a tax savings for the corporation of between $100,000,000 and $140,000,000. In 1965, there were 13,251 corporate returns filed in the lumber and paper industries. Of these returns, the 16 corporations with assets over $250,000,000 reported 64.8 percent of the long-term capital gains. The 63 corporations with assets over $50,000,000 reported 80.4 percent of the long-term capital gains. Recent figures indicate that the largest companies are utilizing an ever increasing portion of the industry's capital gains subsidy. By the nature of capital gains, the small logger receives almost no benefit from this subsidy.

When this timber capital gains tax subsidy was originally passed in 1943, President Roosevelt vetoed it, saying, it was a tax bill "for the greedy, not the needy." His words are still true today.

In addition, the bill was originally passed to help encourage forest conservation. I really wonder whether it has achieved this purpose. At the present time, there are some 52 million acres of private forest land which are in need of reforestation. The Federal Government is making direct expenditures of over half a billion a year in forest service activities, and the Congress recently passed a new bill providing $65 to $75 million for the reforestation of the national forests—and much of this money will be spent to repair the damage caused to the public land by the timber industry.

The committee has again provided a valuable public service by including in its compendium of study papers on Federal subsidy programs, the article by Emil M. Sunley, Jr., entitled, "The Federal Tax Subsidy of the Timber Industry." As Mr. Sunley states:

> In view of the significant subsidies being extended to the timber industry through direct government appropriations at both the Federal and State level, the difficult administrative problems associated with the tax subsidy, and the lack of evidence that the tax subsidy is effective, one concludes that this tax subsidy should be eliminated or significantly reduced.

It would be particularly important to consider alternative forms of assistance which would insure better conservation of our Nation's timber resources.

FOREIGN TAX CREDIT PROVIDES CORPORATE TAX AVOIDANCE

The foreign tax credit is doing its part to dismantle corporate tax payments to the U.S. Treasury. Many of the large corporations included in this study have utilized the foreign tax credit to reduce their Federal tax liability to zero—or to rates below that paid by the average individual wage earner. Some corporations, as apparently in the case with United States Steel, pay more to foreign governments than they do to their own.

Our tax laws are encouraging the exportation of capital, productivity potential, jobs, and possible export markets, as well as needed tax revenue—all for the benefit of a very few corporations. Use of this foreign investment tax credit is heavily concentrated in the largest U.S. corporations. Over 80 percent of taxable foreign source income in 1966 accrued to a very limited number of U.S. corporations with assets in excess of $250,000,000.

In 1970 the total income before taxes on U.S. direct investment abroad amounted to $17.5 billion, or 20 percent of all corporate profits. The magnitude of these direct investments are currently valued at $80 billion and produce at least $150 billion of output annually.

These profits on foreign investments are taxed in foreign countries. While foreign governments receive the revenue from U.S. overseas investments, U.S. corporations credit these tax payments against their U.S. taxes. In 1970, $4 billion in foreign tax credits were claimed by U.S. corporations on their tax statements.

Most of the earnings of U.S. corporate subsidiaries abroad are reinvested in fixed assets—this amounts to a permanent exemption from U.S. tax. These foreign subsidiaries paid $0.9 billion less than they would have paid under U.S. tax rates.

It is argued that the foreign tax credit is necessary to prevent double taxation of a company's business activities. It is argued that there should be equality in total tax burdens including foreign as well as U.S. taxes. But I believe that we should seek to establish equal treatment in U.S. taxes, by treating foreign taxes as a cost of doing business for which one may obtain a deduction—not a credit.

This whole question is thoroughly discussed in Prof. Peggy Musgrave's study, "Tax Preference to Foreign Investment," which was included in your committee's compendium of papers published on June 11, 1972. Professor Musgrave has provided an excellent study. It is one which must be considered by all the committees which will be dealing with tax reform legislation in the coming year.

These deferrals and foreign tax credit provisions should be eliminated—and foreign taxes should be made deductible. United States taxes should be applied when foreign income has been earned—adding $3.3 billion to the U.S. Treasury.

According to a recent Forbes magazine article, certain individual shipping owners, such as billionaire Daniel Ludwig, the shipping magnate, have amassed incredible amounts of wealth having paid little if any taxes. Mr. Ludwig's tankers are tax-free—avoiding the tax man through the "flags of convenience," a tax shelter permitted in the U.S. tax code.

Mr. Speaker, all U.S. corporations should pay the same effective Federal tax rate applied to all profits—whatever their source of business—whatever their source of profits.

TAX CODE PROVIDES TAX AVOIDANCE FOR CONSOLIDATED EDISON AND AMERICAN ELECTRIC TAX-AVOIDANCE

Within the corporate structures of the 10 utilities included in this study, there are two corporations that have reduced their effective tax rate to about 3 percent and 4 percent—Consolidated Edison and American Electric Power.

In 1969 Consolidated Edison had a net income before Federal income taxes of $141 million and had an effective tax rate of 5 percent. In 1970 Consolidated's net income was $110 million and it paid no tax. In 1971, it almost doubled its net income to $202 million, but its effective tax rate was only 3.3 percent. Most individuals pay a higher percentage personal income tax rate than this corporation provides to the U.S. Treasury.

Closer investigations illustrate one of the major tax cutting procedures which Con Edison used.

Notes to Consolidated Edison's financial statement indicate net operating losses for tax purposes for both 1970 and 1971—while the 1971 net income reported to shareholders was the highest in any of the previous 10 years of the company's history. Dividends paid were $102,065,000—1969, $108,021,000—1970, and $119,406,000—1971. None of the dividends on the common stock for these 3 years, which amounted to $81,188,234 and $73,436,126 for 1971 and 1970, were taxable as dividend income. No taxes were paid on this dividend income, because of the accounting procedures which manipulate the tax laws.

Also, Consolidated Edison in 1969 retroactively adopted guideline depreciation. As a result, for the years 1962 through 1968, the company received $48,500,000 in refunds plus interest from the Federal Treasury of $17,500,000. It is obvious that this $48,500,000 "excess" tax paid, and later refunded, had been passed on to their customers in a higher rate structure in those years. When refunded, the money and the interest were recorded as nonoperating or extraordinary items.

Why should any taxpayer, least of all a utility, obtain interest on a refund or Federal taxes brought about by a calculated election of a retroactive application of any particular tax provision.

Therefore, I have introduced legislation which would outlaw the free choice of utilizing any provision of the tax code retroactively for the purpose of reducing current and future taxes for any corporation. The changing of the "rules" in midstream must be prohibited when it has a negative impact on the consumer and the Treasury.

The second example, American Electric Power, has turned the theory of progressive taxation upside down. In 1969 American Electric had a net income before taxes of $138 million and had an effective tax rate of 23 percent. In 1970, this same company's net income declined by $2 million while their taxes were reduced by 40 percent. In 1971 American Electric's pretax net income increased by about $13 million—the highest pretax income they had in 3 years. Yet their effective tax rate dropped from 13.2 percent to an amazing 4.5 percent. As this company's income increases, its tax has plummeted.

DECEPTION IN CORPORATE FINANCIAL REPORTING

Corporations, through complex reporting procedures, have made it impossible—in all too many cases—to accurately estimate, from public sources, the actual Federal income tax paid for any particular year. The annual reports are a "mirage of ambiguous statements" that lead stockholders to believe that business is better and profits are improving. The tax statements of these same companies to Internal Revenue often illustrate a completely different picture that reduces their profit figure, which in effect, reduces their total tax figure. Like the medieval European peasants, for their stockholders they wear their wedding clothes; for the tax man, they wear rags.

By far the major problem in understanding corporate tax reporting is the combination of Federal tax expense with State, local, and foreign tax expense when reporting to the SEC.

United States Steel, for example, combined their United States and foreign income taxes so that even after careful study, an informed citizen cannot tell who was paid what without calculations and careful work with footnotes. General Motors may have combined their United States and foreign taxes so that you cannot decipher what was paid or owed to the United States—and what was paid to other countries. IBM, the fifth largest corporation in this land, combined their foreign and Federal taxes in all public records, including their 10–K forms. The following companies did the same: RCA, National Cash Register, Colgate-Palmolive.

These companies have disregarded SEC rules on disclosure. For commercial and industrial companies, SEC rule 5–14,15 provision for income and excess profits taxes (regulations S–X, page 12) requires that: First, Federal income taxes—normal and surtax; second, Federal excess profits tax; and third, other income taxes—State, local, and foreign—be stated separately. Yet these companies—and many others—have combined all income taxes into one expense figure.

In addition, even where the Federal income tax expense figure is separately stated, the various deferred income taxes may be combined in one of the deferred tax accounts affecting the estimate of current taxes. Since, in these cases, it was not possible from the published data to exclude the State and local or foreign income taxes, the entire tax expense was treated as Federal income tax expense. This tends to overstate to some degree the Federal taxes paid. Where the State, local, or foreign income taxes were believed to be extremely significant, the data for that company was deleted from this study.

Over the past several months, I have made a series of protests to the SEC concerning the failure of the Commission to enforce its existing regulations, and I have urged that they develop clearer reporting requirements. On July 7, 1972, I received a letter from Chairman William Casey of the Commission, who admitted that the various "accepted" accounting rules do vary and do create a good deal of confusion. The Chairman also indicated that new Federal tax requirement rules had just been issued on June 23. I would like to enter in the hearing record at this point portions of the SEC letter as well as the language of the new reporting requirement:

> You also comment in your letter on the inclusion of excise taxes in the amounts shown as "taxes paid" in corporate reports. This is an area where differences in accounting treatment are currently acceptable. Some corporations report their sales net of excise taxes collected and paid to the government while others show the sales gross and report the taxes as expenses. There is considerable disagreement among professional accountants as to which treatment is proper. The Commission has taken no position on this issue.
>
> Both the Commission's accounting rules and the opinions of the Accounting Principles Board require the disclosure of income tax expense. If income taxes and excise taxes are combined on the face of the income statement (as in the case with Standard Oil Company of New Jersey), there must be footnote disclosure of the components of the total figure (as there is in this case). The rules and opinions also require that income tax expense be divided between that currently payable and that deferred due to differences between tax return and book figures. Thus cash payments to the Federal government can be determined.
>
> The area of tax expense in accounting is generally one which is complex and difficult to communicate. We feel that our enclosed new rules (Rule 3–16(o) which is included in the amendment of Regulation S–X adopted on June 23) represent an improvement in required disclosure. We hope to continue this improvement and we appreciate your interest in the subject.
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> * * * * *
>
> Rule 3–16(o) *Income tax expense.*—Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (1) *taxes currently* payable; (2) the net tax effects, as applicable, of: (a) timing differences, and (b) operating losses; and (3) the net deferred investment tax credits. *Amounts applicable to Federal income taxes and to other income taxes shall be stated separately for each component, unless the amounts applicable to other income taxes do not exceed 5 per cent of the total for the component and a statement to that effect is made.* (emphasis added)

I would like to state, Mr. Speaker, that I object to the 5 percent leeway given to corporations in reporting their Federal tax payment. This leeway will probably be used by corporations to improve their "Federal tax payment image" to the American public. This leeway should not be granted. There should be a strict requirement that the exact amount of corporate tax paid to the Federal Government be clearly stated—not hidden in footnotes and obtained through mathematical calculations.

When an individual making $10,000 files his income tax—he has no choices among "generally accepted accounting principles" so as to conceal his income and reduce his tax. These "principles" are only generally accepted and used by the wealthy corporations of this Nation. They are "generally accepted" because no one understands them.

It is obvious, Mr. Speaker, that the Joint Economic Committee, and the entire Congress will never be able to legislate rationally in the area of corporate taxation until clear and accurate figures are available on the tax burden which the American corporation actually bears. The present accounting processes make a mockery of the public's right to know.

We are in a vicious circle. We cannot change or remake the tax laws without facts—and we cannot obtain essential facts because of laws that are not enforced or that shroud and conceal the truth to which every citizen is entitled.

I include the following notes and additional material:

NOTE

The SEC statements, for example, show Federal income taxes for financial reporting purposes that frequently differ from the amount actually paid. This, in turn, is due to differences in timing of income and expenses.

To illustrate, the SEC statements frequently report depreciation expenses on the basis of straight-line depreciation over the useful life of the asset. However, for tax purposes, class life depreciation (ADR) and accelerated depreciation methods are usually used where allowable. Similarly, some companies spread investment credits over the entire life of the asset for book purposes. Other examples of such differences in timing for book purposes and tax purposes concern installment sales which are reported on a full accrual basis for book purposes and on an installment basis for tax purposes. Similary, for book purposes, warranty expenses are deducted on an estimated basis in the year the warranty is issued while for tax purposes, warranty costs are not deductible until actually incurred.

The effective tax rates presented in this study were arrived at after adjusting both the corporate income and the Federal income taxes shown in the public statements.

In general, the tax base (i.e., corporate income) used in this study was computed by taking the net income after tax shown on the company income statements and adding back the Federal income tax expense shown in the statements. In some cases, adjustments were made—the type of adjustments required to make sense of the SEC filings further described in detail in the appendix.

It is important to note, though, that in some cases, the tax expenses shown in the company's statements present one aggregate figure for combined Federal, State and local and/or foreign income taxes. Since, in these cases, it was not possible from the published data to exclude the state and local, or foreign income taxes, the entire tax expense was treated as Federal income tax expenses—except where the State and local or foreign income taxes were believed to be extremely significant, in which case the data for that company were deleted from the study.

APPENDIX—PROBLEMS AND PROCEDURES INVOLVED IN SECURING APPROXIMATE EFFECTIVE TAX RATES FROM PUBLIC INFORMATION SOURCES

The data contained in the tables were obtained from annual 10-K reports, registration statements or prospectuses filed with the Security and Exchange Commission (SEC), or from annual reports to shareholders, or in some cases from annual reports to the Interstate Commerce Commission (ICC).

Factors which make it difficult to accurately estimate from these sources the actual Federal income tax paid for a particular year involve:

(1) combining Federal tax expenses with State, local and foreign tax expenses when reporting to SEC. This problem is discussed in the text of my statement and I will not repeat the problems caused by this abuse, although they are, by far, the most serious ones in attempting to determine the amount of Federal tax payment.

(2) consolidating for financial reporting to shareholders companies that could not be included on a consolidated tax return;

(3) reporting, to shareholders, the results of a subsidiary's operation by using the "equity method" when that subsidiary is included in the consolidated tax return;

(4) "overstating" the Federal income tax accrual (liability and expense) in order to provide a reserve for anticipated tax deficiencies which may follow an audit by the IRS:

(5) the existence of a complex accounting procedure—*"comprehensive tax allocation"* sometimes referred to as interperiod tax allocation; and

(6) netting tax effects against extraordinary gains and/or losses (intraperiod tax allocation).

CONSOLIDATIONS FOR FINANCIAL REPORTING AND TAXES

Companies frequently consolidate for financial reporting foreign subsidiaries and subsidiaries that are 51 percent or more owned—generally they must be domestic subsidiaries and 80 percent or more owned before they can be included in a consolidated Federal income tax return.

In financial reports to shareholders, the *full* Federal income tax expense (as well as all other revenue and expense accounts after elimination of intercompany transactions) of all consolidated subsidiaries (even the 50 percent owned companies) is reported as though it were a tax (or refund) entirely attributable to the majority interest of the group. However, the minority interest in a particular subsidiary's *net income* perhaps as much as 49 percent) is removed at the bottom of the income statement. *Thus, the consolidated financial reports often show the full tax expense of even 51 percent owned subsidiaries and/or foreign subsidiaries while eliminating the income attributable to the minority interest.*

To adjust for this, income attributable to the minority interest was added back to net income as an adjustment in reaching the tax base.

METHOD OF ACCOUNTING FOR AN INVESTMENT IN A SUBSIDIARY

If the "equity method" is used in financial reporting to shareholders to account for an investment in a subsidiary not consolidated for financial reporting when that subsidiary is included in a consolidated tax return, the Federal income tax expense actually paid may exceed (or be less than) that reported on the consolidated financial statements. The "equity method" produces the same net income to shareholders as does consolidation (it is sometimes called a one-line consolidation). The proportionate part of the *after-tax* earnings of the subsidiary are shown on one line in the income statement; whereas in a consolidation, all income and expense accounts of the subsidiary (including taxes) are combined with those of the parent and other consolidated subsidiaries and the net after-tax earnings of a subsidiary attributable to a minority interest are later deducted. Thus, consolidation for financial reporting shows all Federal income tax expense recorded by all the consolidated subsidiaries while *the equity method does not reflect any of the Federal income tax* (*or refund*) *attributable to subsidiaries accounted for via the equity method.*

Because the Federal income tax atributable to the equity method net income was not disclosed, this income was removed from net income as an adjustment in reaching the tax base.

"OVERSTATING" THE PROVISION FOR FEDERAL INCOME TAXES

Many, and perhaps most, corporations "overstate" the accrued Federal income tax liability and thus the expense account in order to provide a reserve for anticipated future taxes due to IRS audits of tax returns for open years. This is done because corporations tend to resolve doubtful items in their own favor while realizing that many of these items will result in tax deficiencies upon audit by the IRS. *Because the amount of this "overstatement" of the Federal income tax accrual account cannot be determined from the 10-K or annual report to shareholders, no attempt was made in the study to adjust for this effect in arriving at the estimated current Federal income tax liability.*

INTERPERIOD TAX ALLOCATION

Another major problem in estimating Federal income tax liabilities involves the use of the accounting technique—"comprehensive tax allocation." The Accounting Principles Board (APB) in Opinion No. 11, stated that for most *timing differences* (income or expenses reported for tax purposes and for financial reporting to shareholders in different years, e.q., use of class life depreciation for tax purposes and engineering life for book purposes), the tax expense reported to shareholders must be based on book income. Thus, *tax expense* is usually larger than the tax paid which results in a *"deferred Federal income tax liability"* being recorded on financial statements (e.g., the 1971 annual report of Sears, Roebuck & Co. shows a $682,389,053 "current tax liability"—really a tax saving primarily from use of the installment sales method for tax purposes). Comprehensive tax allocation and amortization of the investment tax credit over the lives of the assets (rather than flowthrough) make the Federal income tax expense for financial reporting usually much larger (in some cases smaller) than the actual current tax liability.

Comprehensive tax allocation accounting can result in a net current asset ("prepaid" taxes in excess of deferred tax current liabilities) or a net deferred tax current liability (as in Sears, Roebuck & Co. case involving the unpaid tax on the profits in installment accounts receivable), or in a net fixed asset for "prepaid" taxes or a net deferred tax long-term liability (for amounts not expected to reverse in one year). In addition to a net current liability for deferred taxes, the Sears, Roebuck & Co. balance sheet also shows a net long-term or fixed asset for "prepaid" taxes (future tax benefits) probably due to warranty deductions for book purposes being reported before they are deductible for tax purposes and in excess of the long-term liability for tax savings due to accelerated depreciation.

Wherever possible, these deferrals of Federal income tax were taken into account in estimating the current portion of the Federal income tax expense.

Permanent differences (items which do not reverse, e.g., the 85 percent dividend received deduction) are treated the same for financial reporting and for tax purposes. Thus, these items do not result in any differences nor do they affect Federal income tax expenses or liabilities.

INTRAPERIOD TAX ALLOCATION

This accounting technique shows the effect of taxes on the various sections of the income statement. Thus, extraordinary gains and/or losses are reduced when reported to shareholders by the tax or tax savings attributable to them. Accordingly, in estimating current Federal income tax, an effort was made to reflect the tax effects of extraordinary items where appropriate. For example, where the income statement showed separately a Federal income tax expense and tax savings attributable to a nonoperating extraordinary loss, these items were netted against each other for purposes of this study.

This problem is further complicated when the extraordinary gain or loss is recognized for financial reporting in different years than for tax purposes, thus, making comprehensive tax allocation a factor in estimating the current Federal income tax.

Finally, adjustments were also made to the Federal income tax expense shown in the corporation's statements to arrive at an approximation of the tax actually paid or payable for the year involved. This, for example, may have involved the tax effect of using ADR and accelerated depreciation instead of the approach usually shown on the company's statement—namely, the straight-line method on a full useful life. Similarly, adjustments were made for the tax effects of other timing differences such as installment sales or warranties to convert the Federal tax expense shown in the company's statement to an approximate Federal income tax payment for the year involved.

CONCLUSION

While the six major factors listed above do cause problems and in some cases make it impossible to reliably estimate current Federal income taxes, many companies have only one or two of these complexities; and some companies have excellent financial reporting which makes the estimates of their effective tax rates more reliable.

Other companies have obscured their financial picture to such an extent that both the stockholder and the public are unable to understand how much profit there is—and how much is paid in taxes. The ability of the Congress to debate national economic policy has been crippled by this corporate "number's game."

APPROXIMATE EFFECTIVE FEDERAL INCOME TAX RATES PAID BY COMPANIES SELECTED FROM FORTUNE MAGAZINE LISTS OF LARGE CORPORATIONS

Corporation	1971			1970			1969		
	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate
INDUSTRIAL CORPORATION LIST									
General Motors	3,252,100	[2] 1,566,275	48.2	608,200	[2] 149,418	24.6		(3)	
Standard Oil (New Jersey)		(4)			(4)			(4)	
Ford Motor	1,094,800	384,800	[5] 35.2	864,600	360,000	[5] 41.6	947,400	347,300	[5] 36.7
General Electric		(6)		490,368	192,100	39.2	448,936	256,300	[7] 57.1
International Business Machine		(4)			(4)			(4)	
Mobil Oil		(6)		570,395	95,600	16.8	480.516	34,500	7.2
Chrysler	135,300	[8] 18,800	13.9	(37,800)	[8] (48,000)		169,200	[8] 62,200	36.8
I.T. & T.	413,858	20,247	[9] 4.9	429,615	18,085	[9] 4.2	357,345	51,587	14.4
Texaco	928,689	[2] 30,000	3.2	921,247	[2] 73,250	8.0	887,299	[2] 7,250	.8
Western Electric	478,958	[10] 210,102	43.9	489,089	[10] 221,627	45.3	472,175	[10] 253,409	53.7
Gulf Oil	628,558	[2] 31,062	4.9	625,732	[2] 11,892	1.9	697,643	[2] 4,264	.6
U.S. Steel	104,516	7,920	7.6	109,491	(66,110)		243,207	5,146	2.1
Westinghouse Electric	257,192	74,754	29.1	199,829	51,675	25.9	273,211	108,884	39.9
Standard Oil (California)		(6)		185,411	29,700	16.0	212,319	10,900	5.1
Ling-Temco-Vought	(39,308)	2,942		(59,948)	3,133		(42,216)	(778)	
Standard Oil (Indiana)	423,140	63,462	15.0	417,768	56,018	13.4	412,668	64,524	15.6
Boeing		(6)		9,390	9,000	[7] 95.9	(14,270)	(49,000)	
duPont	601,600	254,000	42.2	587,700	253,300	43.1		(3)	
Shell Oil		(6)		305,298	34,285	11.2	348,263	5,464	1.6
General Telephone & Electronics		(6)		428,639	[4] 176,506	41.2	503,843	[4] 219,206	43.5
RCA		(4)			(4)			(4)	
Goodyear Tire & Rubber	263,267	[2] 64,404	24.5	190,229	[2] 40,362	21.2	261,258	[2] 92,891	35.6
Swift		(6)		48,395	[2] 5,666	11.7		(3)	
Union Carbide	240,005	44,709	18.6	240,666	49,448	20.6		(3)	
Procter & Gamble	397,974	153,828	38.7	389,412	171,294	44.0	342,333	150,165	43.9
Bethlehem Steel		(6)		122,071	[2] (13,000)		169,532	[2] (52,900)	
Eastman Kodak		(6)		681,761	270,600	39.7	724,285	318,900	44.0
Kraftco	157,222	65,302	41.5	147,774	65,547	44.4	142,672	65,437	45.9
Greyhound		(6)		64,416	12,387	19.2	68,500	17,766	25.9
Atlantic Richfield		(6)		211,845	10,622	5.0	219,921	3,963	1.8
Continental Oil	109,030	[2] (24,472)		189,377	[2] 9,962	5.3	173,610	[2] (4,189)	
International Harvester Co.	72,184	25,300	35 1	93,633	24,443	26.1	76,703	19,437	25.3
Lockheed Aircraft [11]									
Tenneco		(6)		190,065	24,273	12.8	195,341	25,230	12.9
North American Rockwell	125,534	[4] 59,507	47.4	122,207	[4] 55,713	45.6		(3)	
Litton Industries	69,451	[2] 15,648	22.5	100,690	[2] 29,739	29.5	114,822	[2] 29,864	26.0
United Aircraft	(92,572)	[8] (2,428)		79,228	[8] 16,260	20.5		(3)	
Firestone Tire & Rubber	230,369	[4] 99,334	43.1	172,781	[4] 67,650	39.2	232,252	[4] 106,150	45.7
Phillips Petroleum	161,050	22,984	14.3	146,371	37,687	25.8	156,717	35,279	22.5
Occidental Petroleum	(60,490)	[2] 5,553		178,059	[2] 2,457	1.4	176,042	0	0
General Dynamics		(6)		(3,867)	(38,106)			(3)	
Caterpillar Tractor	203,294	[2] 72,658	35.7	241,173	[2] 100,599	41.7		(3)	
Singer	99,887	15,396	15.4	116,818	22,212	19.0	102,562	37,491	36.6
McDonnell Douglas Corp	144,613	[4] (8,087)	(12)	173,170	[4] (46,524)		241,133	[4] 40,200	16.7
General Foods	207,305	87,265	41.2	189,793	86,851	45.8	237,240	100,354	42.3
Continental Can		(6)		143,661	[2] 57,615	40.1	168,738	[2] 66,778	39.6
Monsanto		(6)		71,303	6,622	9.3	171,979	67,323	39.2
Sun Oil	189,265	[2] 7,445	3.9	192,858	[2] 27,569	14.3	203,180	[2] (2,160)	
Honeywell		(6)		95,668	24,867	26.0	108,885	43,243	39.7
W. R. Grace		(6)		31,507	[4] (4,669)		92,109	[4] 29,678	32.2
Dow Chemical	185,129	41,708	22.5	142,793	45,924	32.2	188,896	50,599	26.8
International Paper	80,826	12,479	15.4	40,577	23,586	[7] 58.1	188,714	50,002	26.5
American Can		(6)		122,425	42,655	34.8	115,325	36,394	31.6
Borden		(6)		96,443	[4] 31,453	32.6	32,524	[4] (1,998)	
Rapid American	61,180	20,909	34.2	71,056	24,852	35.0	33,874	7,099	21.0
Burlington Industries	75,820	[2] 35,947	47.4	147,107	[2] 79,007	53.7	152,429	[2] 72,561	47.6
Union Oil of California		(6)		139,598	7,540	5.4	169,792	8,800	5.2
R. J. Reynolds Industries		(6)		415,600	[4] 197,116	47.4	362,118	[4] 184,039	50.8
Sperry Rand	116,588	40,700	34.9	146,232	60,050	41.1		(3)	
Xerox	348,576	105,866	30.4	330,116	111,026	33.6	310,522	121,379	39.1
Boise Cascade		(6)		39,714	2,854	7.2	111,541	17,122	15.4
Cities Service		(6)		159,472	27,169	17.0	179,633	27,254	15.2
Minnesota Mining & Manufacturing		(6)		295,886	83,400	28.2	305,715	108,100	35.4
Consolidated Foods	102,819	[2] 38,590	37.5	101,568	[2] 32,761	32.3	97,092	[2] 44,453	45.8
Gulf & Western Industries	51,381	[4] (29,350)		56,652	[4] (9,590)		97,023	[4] 14,900	15.4
Textron		(6)		124,236	57,983	46.7	151,672	75,631	49.9
Coca-Cola		(6)		209,502	[2] 60,050	28.7	194,204	[2] 60,901	31.4
TRW		(6)		148,278	[4] 65,556	44.2	158,225	[4] 76,504	48.4
Armco Steel	63,052	6,175	9.8	63,744	3,565	5.6		(3)	
Beatrice Foods	115,768	50,564	43.7	111,205	51,946	46.7		(3)	
Ralston Pruina	86,429	33,100	38.3	104,770	45,800	43.7	87,753	40,400	46.0
Uniroyal		(6)		25,726	(3,585)		70,474	19,480	27.6
Aluminum Co. of America	50,199	(17,036)		106,143	9,112	8.6	170,883	49,848	29.2
American Brands		(6)		209,062	[2] 88,156	42.2	204,267	[2] 91,073	44.6
Bendix	58,119	10,570	18.2	46,969	17,271	36.8		(3)	
National Cash Register		(4)			(4)			(4)	
American Standard		(6)		(8,802)	(8,068)		40,683	(5,179)	
Signal Companies	26,863	[2] (7,394)		(78,388)	[2] 583		66,970	[2] (1,951)	
Ashland Oil		(13)			(13)		86,893	27,260	31.4
Owens-Illinois	96,685	23,877	24.7	97,785	35,638	36.5	120,348	45,038	37.4
United Brands		(6)		(7,961)	(850)		34,050	400	1.2
CPC International		(6)		89,648	24,668	27.5	87,383	25,991	29.7
Standard Oil (Ohio)		(6)		71,735	(589)		94,523	38,841	41.1
Republic Steel		(6)		18,264	(9,916)		127,487	32,389	25.4
U.S. Plywood-Chonysion Papers		(6)		47,689	[2] 9,082	19.0	107,686	[2] 35,486	33.0
FMC		(6)		88,130	28,794	32.7	108,699	44,936	41.3
American Home Products		(6)		271,048	[4] 126,683	46.7	254,024	[4] 122,041	48.0
Raytheon		(6)			(4)			(4)	
Warner-Lambert		(6)		150,371	51,942	34.5	143,897	47,684	33.1
Genesco	23,491	[2] 9,328	39.7	37,070	[2] 13,430	36.2	55,907	[2] 23,233	41.6
Allied Chemical		(6)		88,011	[8] 8,336	9.5	84,119	[8] 3,712	4.4
National Steel	73,655	17,600	23.9	73,449	(19,825)		140,115	30,900	22.1
Weyerhaeuser		(6)		170,667	33,460	19.6	185,192	35,930	19.4
U.S. Industries	124,977	47,040	37.6	115,251	41,154	35.7	113,925	48,632	42.7
Getty Oil	138,140	17,062	12.4	121,462	19,725	16.2	117,894	14,682	12.5
Teledyne		(6)		109,312	34,192	31.3		(3)	
Colgate-Palmolive		(4)			(4)			(4)	
B. F. Goodrich		(6)		30,561	[4] 6,090	19.9	66,072	[4] 16,575	25.1
Georgia Pacific		(6)		107,070	4,500	4.2	121,220	21,200	17.5
Whirlpool		(6)		33,345	19,040	[7] 57.1	94,151	46,840	49.8

Corporation	1971			1970			1969		
	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate
TRANSPORTATION CORPORATION LIST:									
(a) Airline corporations:									
United Air Lines	(7,301)	0	0	(51,168)	(22,850		87,150	2,933	3.4
Trans World Airlines	(7,128)	0	0	(98,823)	0	0	9,013	(5,415)	
American Airlines	2,404	(75)		(37,552)	(9,874)		45,434	(831)	
Pan American World Airways	(66,033)	0	0	(70,005)	(15,774)		(46,450)	(30,392)	
Eastern Airlines	7,639	0	0	8,073	0	0	(3,521)	0	0
Delta Airlines	43,550	(2,491)		77,165	9,615	12.5	72,298	3,562	4.9
Northwest Airlines		(6)		44,560	[4] (15,280)		80,973	[4] 17,100	21.1
Total for airlines	(27,139)	(2,566)		(127,750)	(54,163)		244,897	(13,043)	
(b) Railroads:									
Penn Central[14]									
Southern Pacific	145,675	[15] 19,551	13.4	124,098	[15] 12,049	9.7	142,485	26,718	18.8
Norfolk & Western Railway	62,866	752	1.2	63,305	[16] (2,026)			(3)	
Burlington Northern		(6)		35,663	[17] 1,451	4.1	13,670	(3,486)	
Chesapeake & Ohio		(6)		52,563	3,331	6.3	56,054	804	1.4
Union Pacific		(6)		114,589	(3,835)		123,098	16,840	13.7
Santa Fe Industries		(6)		59,607	4,600	7.7	88,573	6,650	7.5
Southern RR		(6)		56,474	9,895	17.5		(3)	
Missouri Pacific System	20,932	1,925	9.2	23,135	[18] 553	2.4	23,977	2,686	11.2
Total railroads	229,473	22,228	9.7	529,434	26,018	4.9	447,857	50,212	11.2
(C) Trucking companies:									
Consolidated Freightways		(6)		13,156	[4] 6,928	52.7	26,779	[4] 11,639	43.5
Leaseway Transportation	26,129	4,793	18.3	1,483	(3,105)		12,719	1,885	14.8
Roadway Express[19]	34,572	18,931	54.8	17,606	8,573	48.7		(3)	
Yellow Freight System	24,260	[4] 10,897	44.9	13,773	[4] 5,135	37.3	14,639	[4] 5,584	38.1
Total trucking	84,961	34,621	40.8	46,018	17,531	38.1	54,137	19,108	35.3
UTILITY CORPORATION LIST									
A.T. & T	3,498,478	[20] 1,138,474	32.5	3,561,809	[20] 1,478,656	41.5	4,014,369	[20] 1,848,301	46.0
Consolidated Edison	202,228	[21] 6,727	3.3	110,027	[21] (17,500)		141,389	7,200	5.1
Pacific Gas & Electric		(22)			(22)			(22)	
Commonwealth Edison		(6)		195,940	53,127	27.1	220,374	74,424	33.8
American Electric Power	149,876	6,722	4.5	136,662	18,051	13.2	138,457	31,814	23.0
Southern California Edison	159,824	35,409	22.2	160,407	35,840	22.3	139,933	34,430	24.6
Columbia Gas System	119,659	28,077	23.5	129,666	43,592	33.6	122,254	41,352	33.8
El Paso Natural Gas	87,854	23,908	27.2	33,034	6,644	20.1	51,337	14,399	28.1
Texas Eastern Transmission	101,768	26,362	25.9	81,424	18,991	23.3	60,877	8,478	13.9
Pennzoil United		(6)		74,719	(12,755)		65,700	6,835	10.4
RETAILING CORPORATION LIST									
Sears & Roebuck	682,148	289,306	42.4	694,394	292,308	42.1		(3)	
Allstate and subsidiaries	90,775	5,327	5.9	82,910	(265)				
Great Atlantic & Pacific Tea	89,437	33,883	37.9	100,666	41,750	41.5	84,736	32,820	38.7
Safeway Stores	155,127	[2] 75,328	48.6	140,441	[2] 69,893	49.8	113,347	[2] 55,563	49.0
J. C. Penney	216,605	72,509	33.5	225,482	86,182	38.2	230,305	100,617	43.7
Kroger	56,522	21,462	38.0	74,366	32,839	44.2	68,693	28,105	40.9
Federated Department Stores	154,669	68,798	44.5	169,942	80,832	47.6	162,270	77,398	47.7
COMMERCIAL BANKING LIST									
Bank America Corp		(6)		239,758	[4] 75,880	31.7	249,416	[4] 97,203	39.0
First National City Corp	281,559	[4] 80,486	28.6	222,175	[4] 43,557	19.6	184,782	[4] 31,174	16.9
Chase Manhattan Corp		(6)		163,619	[4] 42,445	25.9	150,065	[4] 55,131	36.7
Manufacturers Hanover Corp		(6)		142,573	[4] 49,870	35.0	132,084	[4] 56,264	42.6
J. P. Morgan		(6)		132,690	[4] 36,386	27.4	115,430	[4] 35,482	30.7
Western Bancorporation		(6)		70,097	[4] 10,856	15.5	94,241	[4] 22,300	23.7
Chemical New York Corp	102,073	[4] 31,734	31.1	102,675	[4] 33,967	33.1	99,406	[4] 39,174	39.4
Bankers Trust New York Corp		(6)		83,903	[4] 28,236	33.7	52,731	[4] 11,899	22.6
Conill Corp	100,257	[4] 25,513	25.5	77,922	[4] 17,794	22.8	58,685	11,473	19.6

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[1] The adjusted net income before Federal income tax reported to shareholders consists of the net income (or loss) plus all Federal income tax expense (or income) plus deductions for minority interest taken in calculating net income and less income from an investment in another company when the equity method of accounting has been used. In some cases, the minority interest and/or the income reported under the equity method was not separately disclosed; thus, in these cases, these adjustments could not be made. (These accounting problems are further explained in the appendix.)

[2] The deferred income tax accounts (tax effect of timing differences) may contain State and local and/or foreign in addition to Federal income taxes. Thus, this might have a significant effect on the estimated current Federal income tax and percentage.

[3] All the data necessary to compute the result for 1969 were not available on the 1971 and/or 1970 financial statements.

[4] Possibly overstated significantly because foreign and/or State and local income taxes are combined with Federal income tax. Wherever this is believed to be extremely significant, the data are omitted. These companies have not reported separately their Federal income tax expense. As stated elsewhere, this is an apparent violation of SEC filing requirements.

[5] The Ford Motor figures represent the effects of State and local as well as Federal income taxes. Their reports combine these amounts and thus the percentages are higher.

[6] The data for 1971 were not available when this information was being gathered.

[7] This high effective rate for Whirpool may have been the result of expenses being taken for book purposes which are not deductible for tax purposes (e.g., goodwill).

[8] Including Canadian and U.S. income tax.

[9] Even though there appears to be some tax paid, the 10–K for ITT indicates that Hartford and ITT filed consolidated tax returns on which no tax was paid.

[10] Western Electric Co.'s income is included in the consolidated return for the Bell System; however, this is essentially the same tax which would have been reflected if a separate return were filed.

[11] Due to huge losses this company has not been included.

[12] McDonnel Douglas Corps 1971 10–K indicates a NOL carryforward from 1970 and 1971; thus in effect, no Federal income tax has been paid since prior to 1967.

[13] The 1971 and 1970 data for Ashland Oil were not readily available in the SEC micro film files.

[14] This company has been eliminated due to huge losses.

[15] The 10–K report states that Southern Pacific had no tax liability on a consolidated return for either 1971 or 1970; the results for 1969 were not disclosed. The estimated amounts for Federal income tax ($19,551,000 for 1971 and $12,049,000 for 1970—effective tax rates of 13.4 percent and 9.7 percent respectively) if actually paid may have been paid by subsidiaries less than 80 percent owned and, thus, not eligible to be included in the consolidated tax return. Some, or all, of these amounts may represent overstatement of Federal income tax accrual accounts in order to provide a reserve for future tax deficiencies following audits by the IRS; to this extent they would not be paid.

[16] The analysis of Federal income taxes (p. 316 of their 1970 I.C.C. annual report) showed that Norfolk & Western saved $29,403,000 in Federal income tax due to accelerated depreciation and to 5-year amortization. Their Federal income tax, if based on income per books of account would have been $39,632,000. Filing a consolidated return saved an additional $16,687,000 in Federal income taxes. Their minimum tax on preferences was $2,143,000; however, the analysis of Federal income taxes indicated a refund of $1,624,000. The 1970 net income (after provision for Federal income tax and after providing for minority interests) was $71,259,000 for Norfolk & Western and $64,017,000 consolidated.

[17] The 1970 I.C.C. annual report (p. 316, "analysis of Federal income taxes") showed that Burlington Northern saved $12,236,000 due to accelerated depreciation. Their taxes based on income recorded in the accounts would have been $13,367,000. Their refund was $603,603. The net income (after provision for Federal income tax and after reflecting minority interests) for Burlington Northern was $33,000,000 and $34,202,000 consolidated.

[18] The 1970 analysis of Federal income taxes (p. 316 of their I.C.C. annual report) indicated that Missouri Pacific had a refund of $814,700. Their Federal income tax based on taxable income as recorded in the accounts for financial reporting would have been $6,671,000. The net income (after provision for tax) was $18,189,000 for Missouri Pacific and $21,580,000 when consolidated. This company saved over $8,000,000 in taxes in 1970 due to accelerated depreciation and 5-year amortization.

[19] The information for Roadway Express was taken from its 1971 annual report to shareholders.

[20] Because the wholly owned subsidiary Western Electric Co. is accounted for by using the equity method, the income and current Federal income tax for A.T. & T. is not included here even though a consolidated tax return is filed.

[21] Notes to the financial statement of Con Edison indicate net operating losses for tax purposes for both 1970 and 1971 while the 1971 net income reported to shareholders was the highest in any of the prior 10 years of the company's history. Dividends paid were $102,065,000, 1969; $108,021,000, 1970; and $119,406,000, 1971. None of the dividends on the common stock for these 3 years (amounted to $81,188,234 and $73,436,126 for 1971 and 1970) were taxable as dividend income.

[22] Due to undisclosed amounts of intraperiod tax allocation, the total Federal income tax provision cannot be ascertained for Pacific Gas & Electric.

Note: The study is based entirely on information from public sources, including 10–K reports, registration statements, and prospectives filed with the Securities and Exchange Commission as well as annual reports to shareholders and annual reports to the Interstate Commerce Commission.

APPROXIMATE EFFECTIVE RATES OF CORPORATE FEDERAL INCOME TAX FOR STEEL COMPANIES

Corporation	1971			1970			1969		
	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate
U.S. Steel	104,516	7,920	7.6	109,491	(66,110)		243,207	5,146	2.1
Bethlehem Steel		(2)		122,071	[3] (13,000)		169,532	[3] (52,900)	
Armco Steel	63,052	6,175	9.8	63,744	3,565	5.6		(4)	
Republic Steel		(2)		18,264	(9,916)		127,487	32,389	25.4
National Steel	73,655	17,600	23.9	73,449	(19,825)		140,115	30,900	22.1

[1] The adjusted net income before Federal income tax reported to shareholders consists of the net income (or loss), plus all Federal income tax expense (or income) plus deductions for minority interest taken in calculating net income and less income from an investment in another company when the equity method of accounting has been used. In some cases, the minority interest and/or the income reported under the equity method was not separately disclosed; thus, in these cases, these adjustments could not be made.

[2] The data for 1971 were not available when this information was being gathered.

[3] The deferred income tax accounts (tax effect of timing differences) may contain State and local and/or foreign in addition to Federal income taxes. Thus, this might have a modest effect on the estimated current Federal income tax and percentage.

[4] All the data necessary to compute the result for 1969 were not available on the 1971 and/or 1970 financial statements.

Note: The study is based entirely on information from public sources, including 10-K reports, registration statements, and prospectuses filed with the Securities and Exchange Commission as well as annual reports to shareholders and annual reports to the Interstate Commerce Commission.

APPROXIMATE EFFECTIVE RATES OF CORPORATE FEDERAL INCOME TAX FOR OIL COMPANIES

Corporation	1971			1970			1969		
	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate	Net income before Federal income tax[1]	Approximate current Federal income tax	Effective rate
Standard Oil (New Jersey)		(2)			(2)			(2)	
Mobil Oil		(3)		570,395	95,600	16.8	480,516	34,500	7.2
Texaco	928,689	[2] 30,000	3.2	921,247	[2] 73,250	8.0	887,199	[2] 7,250	.8
Gulf Oil	628,558	31,062	4.9	625,732	11,892	1.9	697,643	4,264	.6
Standard Oil (California)		(3)		185,411	29,700	16.0	212,319	10,900	5.1
Standard Oil (Indiana)	423,140	63,462	15.0	417,768	56,018	13.4	412,668	64,524	15.6
Shell Oil		(3)		305,298	34,285	11.2	348,263	5,464	1.6
Atlantic Richfield		(3)		211,845	10,622	5.0	219,921	3,963	1.8
Continental Oil	109,030	(24,472)		189,377	9,962	5.3	173,610	(4,189)	
Tenneco		(3)		190,065	24,273	12.8	195,341	25,230	12.9
Phillips Petroleum	161,050	22,984	14.3	146,371	37,687	25.8	156,717	35,279	22.5
Occidental Petroleum	(60,490)	5,553		178,059	2,457	1.4	176,042	0	0
Sun Oil	189,265	7,445	3.9	192,858	27,569	14.3	203,180	(2,160)	
Union Oil of California		(3)		139,598	7,540	5.4	169,792	8,800	5.2
Cities Service		(3)		159,472	27,169	17.0	179,633	27,254	15.2
Standard Oil (Ohio)		(3)		71,735	(589)		94,523	38,841	41.1
Getty Oil	138,140	17,062	12.4	121,462	19,725	16.2	117,894	14,682	12.5
Total	2,517,382	153,096	6.1	4,626,693	467,160	10.1	4,725,261	274,602	5.8

[1] The adjusted net income before Federal income tax reported to shareholders consists of the net income (or loss), plus all Federal income tax expense (or income) plus deductions for minority interest taken in calculating net income and less income from an investment in another company when the equity method of accounting has been used. In some cases, the minority interest and/or the income reported under the equity method was not separately disclosed; thus, in these cases, these adjustments could not be made.

[2] Possibly overstated significantly because foreign and/or State and local income taxes are combined with Federal income tax. Wherever this is believed to be extremely significant, the data has been omitted.

[3] The data for 1971 were not available when this information was being gathered.

Note: The study is based entirely on information from public sources, including 10–K reports, registration statements, and prospectuses filed with the Securities and Exchange Commission as well as annual reports to shareholders and annual reports to the Interstate Commerce Commission.

ADMINISTRATION OF POVERTY PROGRAM

The SPEAKER pro tempore (Mr. VANIK). Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 60 minutes.

(Mr. HOWARD asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. HOWARD. Mr. Speaker, during the 1960's this Nation and its Government faced itself and its problems in a manner in which it had not for many, many years. One determination it made was to create an activity within the Government that would face the root problems of poverty.

The Congress created the Office of Economic Opportunity and established the poverty program. Through the past several years this program has operated with its ups and its downs, some programs extremely successful, others unsuccessful. During the past years' experience we have seen that the money that is necessary to fund these programs has become more and more difficult to obtain. We have seen that programs have been cut out and cut down.

In January 1969, an administration came to Washington that was going to take a further hard look at the whole range of wasteful spending of the taxpayers' dollar. It was going to see that priorities were set, it was going to see that dollars would be put in the places that would do the most good.

Well, Mr. Speaker, a few weeks ago I heard from an irate constituent who had just read in the local newspaper in the Third District of New Jersey that the Office of Economic Opportunity here in Washington, through a nonprofit organization, through further approval of the New York region that is in charge of the State of New Jersey, had approved the expenditure of $60,000 in taxpayers' funds to send 67 underprivileged children from my district on a 2-month vacation trip to Europe.

I heard from many constituents who stated that although they feel we should do everything we can for the disadvantaged in our country, this country does not at the present time have the resources to be able to spend tax money in this manner. We have seen over the past few years and the past months that the Office of Economic Opportunity has claimed that it must cut back on programs such as Headstart, and that it must cut back on day care centers, and that it must reduce health programs.

In fact, it was stated here in the District of Columbia a few weeks ago that anywhere from 2,000 to 10,000 schoolchildren in the District of Columbia do not attend school during the winter months because they have not got a coat that is proper attire for the cold weather in the winter or they do not have a decent pair of shoes. There are literally thousands of young people in this city who are confined to the indoors throughout the cold weather merely because they do not have the proper clothing. Yet the Office of Economic Opportunity can feel that it is a priority item to spend $60,000 sending children on vacations to Europe.

When objections were made, Mr.

Alton O'Reilly from the New York Region of the Office of Economic Opportunity in charge of the State of New Jersey, dismissed the complaint by the Member of Congress representing this district with the statement that, "Well, of course there are certain kinds of people in this country who will claim that any expenditure for poor people is a waste of taxpayers' money."

Mr. Speaker, this is a tremendous insult to me by the gentleman representing or in charge of the State of New Jersey for the poverty program—not only an insult to me, but also an indication that Mr. O'Reilly does not know very much about the Congress or about the actions in the past that Congress has taken concerning the poverty program. If he had some knowledge, he would understand I have supported every bill, every appropriation, every effort by the Congress to have and to expand the Office of Economic Opportunity and the poverty program.

Mr. CARLSON. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Illinois.

Mr. CARLSON. Mr. Speaker, I think on behalf of the people here—and there are not very many of them—it behooves the honorable speaker to address himself to a bigger audience instead of just to us prisoners tonight.

I thank the gentleman.

Mr. HOWARD. I have every confidence, I will say to the gentleman, that the Congressional Record is read by many, many people.

Mr. CARLSON. That is exactly what I mean. Why not file it for the Congressional Record, and let us go home, please.

Mr. HOWARD. I will say further to the gentleman, I hope he will let me finish my sentence this time, because it is my time that I have requested, and I do not have a written statement on this. This is speaking from the heart, so to speak.

The gentleman has every right to go home at the present time, if he should so desire. I believe there are listed perhaps 10 other Members who have requested special orders for this afternoon. I believe this is my second special order in 8 years in the House of Representatives. I am astounded that the gentleman, looking at the clock, should give an indication that perhaps something which is of vital interest to my district and to my people should be cut short, because perhaps he does not take any great interest in the topic which I consider most serious.

Mr. CARLSON. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I will be happy to yield.

Mr. CARLSON. My only point is I could get more to the point by reading the gentleman's remarks in the Congressional Record, rather than trying to listen to them tonight after this long day, when we have been working for a long time diligently.

Mr. HOWARD. The gentleman may leave and read it in the Record tomorrow, but it cannot be in the Record until after I have said it, since it is not a prepared statement.

My sympathies go to the gentleman. He can be happy he does not live in my district, where he might have to listen to me speak much more often.

Mr. Speaker, Mr. O'Reilly from New York, I said a few days ago, should resign, because of his apparent insensitivity to this program.

Mr. O'Reilly made another statement concerning the money. This $60,000 is a part of $1 million in funds that were not expended up to that point during this fiscal year, and Mr. O'Reilly stated that if we did not spend this $60,000 on this trip to Europe by June 30 the money would have had to go back to Washington.

Hundreds and hundreds of my constituents immediately responded by saying, "What is wrong with that? Does not this administration realize that trying to save some money and sending it back unused to Washington is the difficult first step toward the long trek back that this country must make if it is to cut back on the national debt and get our own budgets balanced a little bit better?"

I personally would rather have seen the $60,000 expended on some other great needs this Nation has.

Mr. Speaker, now I should like for a few moments to get to the Director of the Office of Economic Opportunity here in Washington, Mr. Philip Sanchez.

Wishing to discuss just how the Washington office could approve such a trip, I called Mr. Sanchez's office and asked to speak with him. I found he was in a meeting, that he would be out in a half hour, and he might call me back. I said, "The purpose of my call is to have a meeting with Mr. Sanchez." I was told they did not think this could be worked out, because for the next several days and into the next week Mr. Sanchez would be busy, he was booked up.

We called back an hour or so later and asked again, speaking with an assistant, if I could possibly arrange a meeting with Mr. Sanchez later that day, or the next day, and they said he was too much involved with other matters. I said that I would be willing to wait until midnight that night, or to meet with him then, or to meet with him at 7 a.m. the next day, and they said it could not be arranged.

So I was very surprised, knowing he must be a busy man, because he has the entire Office of Economic Opportunity under his jurisdiction to see that Mr. Philip Sanchez did not have the time to meet with an elected Member of Congress representing the area of concern of this possible waste of taxpayers' money but to see that he was spending his time the next day meeting with my opponent in the next election, the Republican candidate for Congress from the Third District of New Jersey to discuss this same matter. So he was too busy to meet with the representative of half a million people in New Jersey, but not too busy to meet with someone from that same area who is not a mayor, not a State legislator, and who has no official position within or without the Federal Government and who has plenty of time to take separate pictures for the separate newspapers so that great coverage could be given to this problem of great import to the Third District of New Jersey.

What disturbed me about that meeting besides the fact that I was not invited to it was that Mr. Sanchez stated he would investigate this matter of $60,000 for trips to Europe and he was going very strongly to investigate two things; namely, he was going to investigate the children who went on the trip to make sure that they qualified as poverty children and he was going to investigate the $60,000 to see that that was the proper amount.

The insensitivity of Mr. Sanchez and possibly this administration is shown in that, Mr. Speaker.

Mr. Sanchez is way off base. He should not be investigating children who went on the trip, but he should be investigating the bureaucrat in Washington in his office who said they may go on the trip. But this is more important than Headstart, day-care centers, good health, good teeth for the poor people of this country.

Mr. Speaker, it has been over 3 weeks now and we have not heard anything concerning the investigation. I have still not received a phone call back from Mr. Sanchez. I have asked the chairman of the Committee on Education and Labor to look into this matter and the rest of the money, because it totals $1 million. After the arrogance and the insensitivity of Mr. O'Reilly in New York and Mr. Sanchez here in Washington, I had called for their resignations, Mr. Speaker, but I realized I was probably wrong in doing that. I would like to rescind my request that they resign. They should be fired.

Mr. Speaker, I include with my remarks the following editorial from the Asbury Park Press dated July 6, 1972:

A Privileged Junket

The ramifications of the supposedly-unprivileged young people's foreign junket are becoming ever more curious. Originally, there seemed no doubt that they were under-privileged and that this provided the reason for the Office of Economic Opportunity spending $60,000 of the taxpayers' money so that 67 youngsters from the Monmouth Community Action Program could tour the world for "cultural enrichment."

As a result, inquiries have been originated to determine who really authorized the expedition and why, at the last gasp before the close of the fiscal year, the $60,000 was part of $1 million that OEO was trying desperately not to have in its possession as an overage when the fiscal year ended.

Now it appears that these may not have been under-privileged individuals. The father of one of them says that each had to raise $80 and had to bring $200 in expense money and that definitely his daughter is not underprivileged. So there may have been even less reason for the government to kick in the $60,000, which we still say is not the important factor. We are interested in the $1 million that was tossed to the winds at the last minute. Who authorized that?

Congressman James J. Howard wants to know and is having trouble finding out. He'd like to see some heads roll and we confess that we'd like to view the spectacle if it would have a salutary effect upon other bureaucrats as they contemplate ways of wasting the taxpayers' money.

FRANCIS C. TURNER, ADMINISTRATOR OF FEDERAL HIGHWAY ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. HARSHA) is recognized for 10 minutes.

Mr. HARSHA. Mr. Speaker, on June 21, 1972, Francis C. Turner, retired as head of the Federal Highway Administration.

In his letter of resignation to President Nixon, Mr. Turner declared:

> It has been an unusual honor and personal privilege to have been able to serve a full career in the public service in an activity which I have felt has made a major contribution to a better America.

And no one in America has made a greater contribution to that program than Frank Turner.

Upon his graduation from Texas A. & M. University with a B.S. in civil engineering, he joined the Bureau of Public Roads as a junior highway engineer. That was 43 years ago, in 1929.

Since then, Frank Turner has served continuously in various capacities in the Bureau and successor agencies in the contiguous 48 States, Alaska, Canada, the Yukon, the Northwest Territories, and in the Philippines.

Back in 1944, during World War II, he was assigned to the War Department where he served as Senior Highway Engineer on Maintenance of that miracle of road building—the Alaska Highway. Subsequently, in 1949, he was detailed to the Foreign Service as Coordinator of the Philippine rehabilitation program in Manila.

Upon his return to the States, he was appointed Assistant Commissioner of Public Roads in charge of foreign programs. The Inter-American highway program connecting this country with all of the Republics of Central America was among his major responsibilities.

In January 1957, the Bureau of Public Roads was reorganized and Mr. Turner was appointed Deputy Commissioner and Chief Engineer. In 1961, he became Assistant Federal Highway Administrator and Chief Engineer. In that capacity, he served as a member of the task force which established the Department of Transportation back in 1967.

Nominated by President Johnson to become Director of the Bureau of Public Roads, he was unanimously approved by the Senate. President Nixon appointed him to his present post of Federal Highway Administrator on February 4, 1969.

The list of professional, semiprofessional, and official highway groups and organizations to which Frank Turner belongs is both long and impressive. I will not even try to enumerate them.

Suffice it to say, he is prominently listed in Who's Who in America, Who's Who in Engineering and Who's Who in the Southwest.

He is the author of and contributor to numerous papers and reports on highways and transportation.

His list of honors and awards is awe-inspiring. They include recognition by his peers, by the grateful Government he served with such distinction and by exponents of the highway program he so significantly advanced.

In 1969, for example, he was designated World Highway Man of the Year by the International Road Federation. The presentation was made to him by Emperor Haile Sellassie.

The Engineering News Record designated him its Man of the Year on two occasions—1967 and 1970. In addition, the Philippine Government awarded him its Legion of Honor, the Department of Transportation, its Outstanding Service Award—and the list goes on.

These then are the formal benchmarks of the distinguished career of a truly outstanding public servant—Frank Turner. They span almost a half century and include pivotal roles in some of the greatest construction projects of our time indeed, of all time.

Chief among these has been the Interstate System—the greatest roadbuilding program in the history of the world. That 42,500-mile network of highways spans the Nation, tying it closer together than ever before. Now over 70 percent completed, it represents a conceptual and engineering marvel. Frank Turner has been a key figure and prime mover since its inception.

I was first elected to Congress in 1960. Since then, I have had the privilege of working closely with this remarkable man. Always helpful, always knowledgeable, always reliable, he has been a shining light and pillar of strength to me and to my colleagues on the Committee on Public Works.

While other agencies were foundering in bureaucracy and redtape, the Federal Highway Administration which he administered became and remains a model of efficient and effective management.

In accepting his resignation, President Nixon wrote on July 1, 1972:

> As an architect of the interstate system, you should feel a very special sense of pride in the fact that this, the largest public works program in world history, has been administered with uncompromising integrity and steadfast dedication to public trust. This record fully merits the gratitude of all our fellow citizens, and, in their behalf as well as that of your many friends and colleagues throughout Government, I want to express my deep appreciation for your service and my best wishes for the years ahead.

The President's remarks, I am sure, are seconded by an army of friends and admirers.

Frank Turner will be missed.

SMUT: A BOOM THAT IS FALTERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 10 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, U.S. News & World Report, in its July 10 issue, carried an excellent article concerning the decline in the tide of pornography in America.

I note with special satisfaction that a great deal of this reduction stems from a Federal law enacted last year. I was happy to support this legislation and congratulate the Postal Service on its vigorous enforcement of this law.

The article follows:

SMUT: A BOOM THAT IS FALTERING

"Dirty" books, magazines, films and shows are still big business in U.S. But fresh efforts to curb the worst abuses are starting to pay off.

The tide of pornography that seemed to be inundating America in the late 1960s is now receding.

Many federal, State and local law-enforcement officials agree that the traffic in erotic materials—mainly books, magazines and films—has declined considerably in the past two years.

"Dirty book" stores in a number of cities have closed, dozens of theaters have switched from X-rated movies to films suitable for whole families, and large numbers of mail-order smut merchants have gone out of business.

On June 26, the U.S. Supreme Court announced it would begin a major review of obscenity laws starting in October. The court said it would consider such matters as whether a national standard of obscenity should take precedence over State standards, which vary widely.

William B. Lockhart, who was chairman of the U.S. Government's Commission on Obscenity and Pornography, says the decline in smut sales is "exactly what we expected. Once curiosity is satisfied, people get tired of it."

The group's recommendation in 1970 of a relaxation in laws controlling pornography touched off nationwide controversy. The majority maintained that legislation should not "interfere with the right of adults who wish to do so to read, obtain or view explicit sexual materials." A minority of members denounced the report as a "Magna Carta for the pornographer."

DECLINING SALES

Although smut is still big business in some areas, total sales reportedly have declined considerably since 1969, when about 200 million dollars' worth of erotica was sold in the United States. Federal officials say most of the materials are American-produced. Only a small percentage comes from countries such as Denmark.

The biggest decrease reported is in mail-order pornography, hard hit by a federal law which went into effect last year. Under that law, a dealer can be jailed for mailing sex advertisements to people who have declared to the Postal Service they don't want such materials. More than 600,000 Americans have signed the declarations—a much stronger reaction against smut than many Government officials had anticipated.

"For so many people to go to the trouble of completing the form and sending it in is an indication that this material is bothering and concerning many families," says Assistant Postmaster General William Cotter.

All across the U. S., legal action against mailed smut has been stepped up considerably. As of June 1, the U. S. Justice Department was investigating 100 cases of suspected obscenity in the mails compared with five on Jan. 1, 1969. Forty-two people were convicted in the past year and a half on charges arising from similar investigations.

Faced with such pressures, many mail-order smut distributors have closed. Only about 25 such firms are believed to be in business now, a big drop from the 400 to 500 operating three years ago. Some of the remaining firms reportedly have financial ties to organized crime, federal officials say.

Other major forces in the battle against objectionable material are such groups as Morality in Media and Citizens for Decent Literature, which are attempting to persuade lawmakers and the general public that obcenity laws must be observed and tightened.

The Rev. Morton A. Hill, national president of the New York-based Morality in Media, who was a minority member of the Commission, is heartened by antipornography legislation enacted or under consideration in States such as Rhode Island, Texas and California.

Charles H. Keating, Jr., a Cincinnati businessman who also was on the Commission minority, is a leader in Citizens for Decent Literature. The group, with headquarters in Los Angeles, mailed out requests for financial support to 20 million Americans, of whom two million wrote back—considered by advertising specialists to be a large response. Mr. Keating said that donations totaled more than 1 million dollars. The money helps to finance seminars in various places for law-enforcement officials in ways of combatting pornography.

Mr. Keating, who disagrees with federal statistics indicating a decline in smut, nevertheless believes the legal climate now favors a cleanup. Courts, he says, are generally ruling against the pornographers—the opposite of what was happening in many areas until recently.

POTENT "TASK FORCE"

In Los Angeles, once one of the nation's leading centers of smut production and sales, there has been a steady decline in recent months in the number of "adult" bookstores and theaters.

The closings are mainly attributed to a campaign by the Los Angeles Police Department, which set up a Hollywood Division Pornography Task Force earlier this year. Attempts had been made to clean up the area before, but these often were frustrated because it was difficult to get the evidence needed to bring a suspect into court.

Investigators, for example, frequently found that movies they considered obscene had been removed by the time two or three days later—that they were able to obtain a search warrant.

New procedures, therefore, were introduced. Police officers entered theaters, viewed films suspected of being pornographic, and proceeded to a nearby car where Municipal Judge George W. Trammell III was operating at "curbside." Judge Trammell then would issue a warrant enabling the policeman to return to the theater and seize the film.

Since the campaign began, the task force has made 300 arrests and several hundred more are anticipated. Result: The number of theaters showing "hard core"—exceptionally explicit—pornographic films in the Hollywood area has been reduced from 30 to 21. Nineteen "adult" bookstores, out of a peak total of 35, have gone out of business.

In Dallas, a wave of violence connected with the smut industry led to a crackdown there.

More than 100 people were arrested in a series of raids on bookstores and theaters alleged to be outlets for erotic materials.

FALTERING CLEANUP EFFORT

In some cities, crackdowns have been less successful. In mid-1971, Mayor John V. Lindsay of New York City announced a drive to clean up the heart of Manhattan, where pornography and prostitution are widespread.

Efforts to shut down "dirty book" stores and theaters often were frustrated in the courts, and the number of businesses actually has increased. In one square block near Times Square, there are 13 "adult" establishments, and dozens more within the radius of a few blocks. The area also includes live shows in which nude men and women simulate sex acts.

Asked what happened to the crackdown, Jerome Kretchmer, the city's environmental-protection administrator, says:

"I guess we haven't done anything. They [the pornographers] operate within the bounds of the law, but probably not within the bounds of propriety."

Law-enforcement officials say the reason pornographers persist despite increased hazards is that profits—for some—are enormous. A few film makers and publishers reportedly have become millionaires in the past five years.

GLUT ON MARKET

Detectives of the Metropolitan Police Department of Washington, D.C., say that some of the most lavishly illustrated, paper-bound "sex books," which sell for more than $10, actually cost $1 or less to produce. There has been such a glut of erotic publications in the past few years, however, that many "dirty" books now are on sale for greatly reduced prices.

The ordinary clerk in such stores seldom shares in the riches, and complains of the squalor of his surroundings. Says a salesman in a Washington "adult" bookstore:

"Frankly, it's a lousy way to make a living."

Results of the battle over pornography vary from city to city, and in some communities smut has been accepted with little or no protest. Over all, however, federal officials say the peak has been reached, and that America's erotica industry is on the decline.

AGNES' MOBILE HOME DESTRUCTION COULD HAVE BEEN MINIMIZED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FREY) is recognized for 60 minutes.

Mr. FREY. Mr. Speaker, the tornadoes and high winds associated with Hurricane Agnes caused considerable property damage and human suffering for the residents of many mobile homes throughout Florida—184 mobile homes were totally destroyed, and 335 received major damage.

As the author of H.R. 15157 and H.R. 15590, the National Mobile Homes Safety Standards Act of 1972, I have been increasingly concerned over the safety hazards associated with mobile homes and the lack of effective regulation. One of the two major safety hazards involving mobile homes is high winds—the other is fire. I was informed that adequate mobile home tiedown standards properly enforced would have substantially reduced the human and financial suffering of mobile home occupants in Florida. Accordingly I requested the Office of Emergency Preparedness and others to determine whether such damage could have been minimized by more extensive use of proper tiedowns.

The first of the requested reports has now been received. It was compiled by Mr. Ronald Lorence, an experienced mobile home investigator for Foremost Insurance Co., and Minute Man Anchors, Inc.

Although the velocity of the winds would have destroyed or damaged some of these homes despite proper tiedowns, the report clearly indicates that damage and injury could have been considerably reduced if proper tiedowns had been required on all mobile homes. It also indicates that lives were saved and damaged minimized in homes that were properly tied down.

None of the few local ordinances in Florida are adequate, because they do not require over-the-coach ties, nor a sufficient number and kind of ties and anchors. Without over-the-coach ties, the home itself can be blown away and the frame will remain. The Office of Civil Defense has developed a tiedown regulation which would probably be the Federal standard created by my legislation. It would cost only $150 and will withstand winds up to 130 mph:

The report made by Mr. Lorence surveyed three separate areas in Florida where mobile homes were damaged.

One survey was made of five mobile home developments in Okeechobee, Fla. Six people were killed and there were many unrecorded injuries. Sixty mobile homes were damaged or destroyed. The report states further:

> One insurance company alone reported approximately forty losses, with thirty of these being total losses. Another company reported fifteen losses with half of these being totals. Many of these homes were occupied when the tornado struck. One family of three was carried in their mobile home up and over a row of trees, and demolished. The wife and child were killed. The husband suffered serious injuries. Another couple were asleep in their bed, and were awakened to look up at the open sky. The box was completely torn away from the floor and carried away. Yet this couple remained in bed un-injured. The sheets and other furnishings around them were not even disturbed. This mobile home was secured to the anchors with frame ties.

Among the many homes destroyed were the following described in the report:

> The fourth unit, shifted off blocks, roof blown off, and the left side wall partially falling in. The tie downs were not noted.
>
> The fifth unit was blown approximately fifty feet from its foundation. The mobile home ended wheels up against a tree. There was no evidence to indicate that this unit was ever tied down.

A number of other homes were discovered which withstood the high winds. For instance:

> On the opposite side, a 12′ x 64′ mobile home sustained major damage from flying debris and tornadic winds. The wind action on this home was evident by the fact that nearly every window on both sides of this home was broken or blown out. Yet this home remained intact on its foundation. It was insured by an Insurance company which specified a minimum standard and method of tying down. The occupants of this home were not injured. Damages were in the proximity of twenty five hundred dollars. Another nearby unit sustained approximately eighteen hundred dollars damage. This mobile home was also tied down to a minimum specification, and believed to have been secured with strap to Minute Man anchors. In the opinion of a qualified adjustor both of these aforementioned units would have been total losses had they not been tied down.

Surveys were also made in Brevard County, which is in my congressional district. The first area was on Merritt Island at the Panaroma Trailer Court. A number of mobile homes were inspected. Typical of the comments made were the following:

> A fourth mobile home located approximately 30 feet from the path of the tornado was struck by tornadic fringe winds, and pivoted two to four feet on its center. This unit had what appeared to be three sets of built in over the home straps. All the straps failed except one center strap at the pivot point. Close inspection revealed that the strap did not meet any known code or minimum requirement. The strap did not extend over the top of the home. This was evident when two sections merely pulled out of the wall and was lying loose on the ground still attached to the anchors. Three other sections tore and broke off just above the anchor tightening head. All the anchors on this unit held firm without any evidence of loosening.

This particular survey continued:

> Other mobile homes tied down with three frame ties to each side and two to three over the top ties did not move off their blocks, only minor damage from flying debris was noted. They were in the same relative position near the path of this tornado. It should be noted that the anchors used in this area were helical disc type earth anchors with the

> Minute Man patented and tightening device and/or the welded eye anchor which incorporated the use of a turnbuckle for tightening. Not one of these anchors showed any sign of failure.
>
> Our inspection survey by Merv Witt, as well as remarks from residents in this park, indicate that the tie downs have minimized the damage even to mobile homes, which appeared to be directly in the path of this tornado. Even more important is the fact that lives may have been saved.

The final survey was made at Malabar outside Melbourne, Fla., where four homes were totally destroyed. The report read in part:

> Again to be specific, the first of these units, a 12′ x 60′ mobile home was tied down with two over the home cables only. No frame ties were evident. This unit was titled off its blocks and shifted three feet at one end. The block piers came up through the floor, causing major damage to the flooring. It was obvious that the over the top cables were not sufficient to prevent this unit from shifting off its blocks. It appeared that adequate frame ties in conjunction with the over the top ties may well have prevented this unit from shifting off its foundation blocks.
>
> A second 12′ x 60′ mobile home which appeared to be in the direct path of this tornado was an obvious total loss. This unit appeared to have been blown open, with one wall and roof resting against a nearby mobile home. No anchors or tie downs were noted on this unit.
>
> A fourth 12′ x 60′ mobile home was tied down with four built in over the top straps. No frame ties were evident. This unit appeared to be in the direct path of the tornado. Although it shifted slightly on its foundation, the hull remained basically intact. It especially held intact in areas where the built in strap was secured to the wall studs. Other sections were extensively damaged to deem this unit a constructive total loss. Here again we note a tied down mobile home in the path of this second tornado, to remain at least partially intact. In spite of the severe damage to this unit, it still appears to afford a better chance of survival to its occupants, than other nearby totally demolished units, on which no evidence of tie downs could be found. The chances of survival in these nearby demolished units appeared remote.

The report concluded:

> These examples, and examples of similar nature in an earlier report are cited to emphasize that even in the most severe storms, tie downs have increased the percentages for chances of survival and reduced the potential of extensive property damage. We are not ignoring the many tied down mobile homes which suffered total destruction. It is merely common knowledge that the extreme forces of nature can and do destroy even the stoutest of structures. It is not a question of how much has been destroyed, but a question of how much more would have been destroyed, had it not been for tie downs.

Mr. Speaker, this report clearly demonstrates the need to have national mobile home safety standards properly enforced. Seven million people now live in mobile homes. More mobile homes were manufactured in 1970 than there were single-family dwelling starts in the same year.

This phenomenal growth in the use of mobile homes has not been accompanied by adequate regulation. All levels of government but especially us at the Federal level have been remiss in failing to recognize the place of the mobile home in providing low-cost housing by providing protection to the occupants of such homes. Let us not wait for another tragedy before we take action in this legislation.

SENIOR CITIZENS OF ERIE COUNTY INTEGRAL IN COMMUNITY AFFAIRS

The PRESIDENT pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, the elder citizens of our land have labored hard and sacrificed much to build the America in which we live. They deserve to be thanked, not ignored. As our older Americans have worked to provide a better quality of life for us, we are morally obligated to do likewise for them. I am sure that my colleagues realize the depth of my feeling on this issue as I have introduced several pieces of legislation pertaining to the elderly, and have always been a strong proponent of any action that would portend improvements in our older Americans' standard of living.

For example, Mr. Speaker the 20 percent social security boost which I voted for will bring the maximum monthly benefit to a couple from $324 to $389 a month and a retired single person's benefit from $216 to $259 a month. This separates the real need of our senior citizens from election year politics and places them in the real world of today's economics and high prices.

It is with that in mind, Mr. Speaker, that I heartily endorse H.R. 14424 to amend the Public Health Service Act which would establish a National Institute of Aging, among other purposes. With the number of older people in the United States growing faster than the American population as a whole, Congress would indeed do well to follow the recommendations of the 1971 White House Conference on Aging which called for the establishment of such an institute and also adequately staffed and programed comprehensive mental health diagnostic and treatment centers. Research on retirement and the retired has focused attention on the health and economic status of the elderly. Under this bill, major advances in the control of intrinsic aging influences might well be achieved, with increases in life expectancy up to 25 years being a definite possibility.

I am convinced, Mr. Speaker, that existing programs of the National Institutes of Health do not give sufficient emphasis to the problem of aging and the problems of the aged. One must keep in mind that the major concern of the aged is to make life worth living for as long as possible, and I feel that the primary function of the new Institute will be to deal effectively with this problem.

Mr. Speaker, I would like now to recognize with great pride those who have worked so hard for the older Americans in Erie County. Besides playing integral roles in the affairs of the elderly in my district, Mrs. Lucille M. Kinne, Mrs. Maurice R. Garrison, Mrs. Virginia W. Chorlton, Mrs. Mary Alice Flynn, Mrs. Grace B. McHenry, Mrs. Myra E. Workman, Dr. Kenneth Eckhert, the Reverend William C. Zenns, and the Reverend Robert H. Calvert all served with distinction as part of New York State's delegation to the aforementioned White House Conference on Aging. Cleo G. Reid, who was recently appointed by Governor Rockefeller to the State board of social welfare, Mrs. Maxine Chatham, and Mr. Cliff Whitman, aging advisor to the county executive, have also been leaders in programs for the elderly in Erie County. I am sure that each one of these individuals would join me in subscribing to the philosophy that assuring the dignity of old age is not the granting of some special privileges, but the sharing of a great economy with the men and women who helped create it.

I would like to add in conclusion, Mr. Speaker, that the bill, which I voted for and was passed, also calls for the establishment of an Advisory Council on which any of the above named individuals would be capable of serving and would contribute to the success of the institute. At this point, I would like to include part of the committee report which outlines the purpose and the need for increased attention to the problems of the aging.

Committee Report

PURPOSE OF THE LEGISLATION

> The reported bill provides for the establishment in the National Institutes of Health of a new institute to be known as the National Institute of Aging, to serve as a focal point for the activities of the National Institutes of Health which relate to the elderly, including the aging process and diseases which affect primarily the aged. The bill also provides for the establishment of an Advisory Council similar to the other advisory councils in the National Institutes of Health, but with the additional duties of advising the Secretary of Health, Education, and Welfare on programs relating to the aged which are administered by him, and reporting to the President for transmittal to the Congress an evaluation of those programs. The legislation also amends the Community Mental Health Centers Act to provide a 1-year program of matching grants for construction and staffing of facilities for the mental health of the aged. The bill was reported to the House by a voice vote. No amendments were offered to the bill during committee consideration.

NEED FOR LEGISLATION

> The National Institute of Child Health and Human Development was established pursuant to legislation recommended to the House by this committee in 1962. This institute today covers the process of development of the young, the adult population, and the elderly. Approximately 11 percent of the budget of the National Institute of Child Health and Human Development, since 1964, has been devoted to aging. The remainder of the funds appropriated to that institute have been devoted primarily to child health (approximately 58 percent) and population research (approximately 31 percent.)
>
> The number of older people in the United States is growing faster than the population is growing as a whole. At present rates of growth, the population of the United States age 65 and over will number about 28 million persons by the end of this century, and will account for between 11 and 16 percent of the population, depending upon the birth rate in the United States over the next three decades. For men who reach age 65, the expected number of remaining years of life—13—has risen by less than 2 years since 1900; for women it has risen by 4 years, or to an expected age of 82. The greater increase in the life expectancy of women increases the

ratio of older women to older men: it is already 139 to 100 and will soon be higher.

Changes in mortality rates could have significant effects upon the composition of the population of the United States. Reduction in mortality, currently attributable to major cardiovascular-renal disease by 50 percent would have the potential of increasing life expectancy by over 3 years for persons 65 years of age. If major advances in the control of intrinsic aging influences were achieved, increases in life expectancy in the later years of up to 25 years would be possible.

Research on retirement and the retired has focused attention on the health and economic status of older people. Poor health is a major reason for retirement. Of every 10 persons age 65 or over, eight have at least one chronic health problem, and four have some limitation on activity as compared to earlier years.

As a result of declining health, persons age 65 and over are twice as likely as younger ones to be physically disabled and to require hospitalization. Once hospitalized, they usually remain in the hospital twice as long as younger persons. The cost of health care to older persons, consequently, is over twice the costs to younger persons.

The committee is convinced that the existing programs of the National Institutes of Health have not given sufficient emphasis to the problem of aging and the problems of the aged. During the hearings it was repeatedly pointed out that we understand very little about the aging process, and means to slow it or arrest it. It has been discovered that the average lifespan of a number of strains of mice can be significantly increased by the addition of one of a number of relatively common chemicals called antioxidants to the daily diet. In some cases these increases in average lifespan have been as much as 25 to 45 percent and it may be that this could be done in human beings as well. We seem to be near the practical limit of our ability to increase the average lifespan through conventional means. The average lifespan has remained essentially constant at around 70 years for the past 20 years. It is now time therefore to seriously consider to try and slow the aging process. If this can be accomplished, the result will be significant increases in the years of useful healthy life.

The major problem of the aged is the maintenance of functional capabilities, both mental and physical, to the maximum extent so as to make life worth living for as long as possible. An important function of the new Institute will be to actively expand current and future research leading to the accomplishment of this goal.

The committee feels that the importance of this goal is such that an institute should be created with the function of concentrating its efforts in this area, rather than continuing the existing situation in which the problems of the aged are required to compete within the National Institute of Child Health and Human Development with other problems covered by that Institute.

EGYPT EXPELS SOVIETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, after a week in Cairo as guest of the Egyptian Government I was not surprised at Egypt's decision to expel Soviet military advisers.

Egypt is fiercely independent and not about to return to the role it occupied for so many years as a client state. Its acceptance of Soviet arms aid was not a sign it was leaning toward communism.

Although presently upset with U.S. Mideast policy, Egypt retains great friendship for the American people. Too weak to regain by force its territory now occupied by Israel, it is adamant in its determination someday, somehow to regain this land. In this determination, the entire population, young and old, is absolutely united.

The expulsion of Soviet military personnel should not be interpreted as turning away from this objective but it does open the possibility for improved U.S. standing in Egypt and elsewhere in the Arab world.

The greatest need today in Egypt-Israeli relations is for moderation in public utterances. Both sides should quit shouting at each other. A vocal cease-fire is essential.

At the same time the U.S. Government could help by restating clearly its determination to support the legitimate interests of Egypt and Jordan, as well as Israel, as set in the United National Resolution 242.

In Egypt, I had private discussions with Foreign Minister Murad Ghaleb, Agriculture Minister Mostafa Al-Gebali, and El Saved Marei, first secretary of the Arab Socialist Union Central Committee; and other foreign ministry officials.

EDUCATIONAL TV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 10 minutes.

Mr. FRENZEL. Mr. Speaker, the executive vice president of the Twin City Area Educational Television Corp., Dr. John C. Schwarzwalder, recently addressed a memo to the friends of education television in the Minneapolis-St. Paul metropolitan area of Minnesota.

This blunt and powerful memo is both a scathing indictment of public broadcasting, and an appeal to save educational TV by returning control to local organizations.

In the belief that it deserves the attention of my colleagues, I am submitting the full text as follows:

TWIN CITY AREA EDUCATIONAL
TELEVISION CORP.,
St. Paul, Minn., July 3, 1972.

To: The educational television community
From: Dr. John C. Schwarzwalder
Executive Vice President
Twin City Area Educational Television Corporation

1. President Nixon's veto of the two-year authorization bill for Public Broadcasting has finally (it is to be hoped), brought home to all concerned the fact that a particular political philosophy *cannot* be shoved down the throats of the American people, even if Fred Friendly, the Ford Foundation, John Macy, Hartford Gunn and James Day are determined to do so.

2. Put bluntly, to the extent that we allowed Day, Gunn, Friendly, et al., to use, without protest, our stations for promulgation of a biased, prejudiced point of view—using the loaded dice of such programs as "Bank and the Poor" and "Who Invited Us?"—to that extent all of us got exactly what we deserved.

3. President Nixon has made it crystal clear that his administration simply will not permit the use of tax funds to support the presentation of an overwhelmingly one-sided point of view on the public problems of the day. In this the President is completely right. What he has done by vetoing this bill may yet save Educational Broadcasting from killing itself by its wild, irresponsible plunges into unbalanced programming and factually questionable documentaries produced by those who do not trouble to conceal their distrust of democratic government. Even the wise counsel of St. Paul to the early churches to "avoid the appearance of evil" has been flouted. In effect Day, Gunn, Macy and company have been saying to the President, "We are going to present programs which do not even pretend to impartiality and you, Mr. President, are going to have to like it or lump it"—The President of the United States does not have to put up with this sort of stupid arrogance and he did not do so.

4. I will not belabor the point that many people objected to the policies of Gunn, Macy and Day and spoke clearly and frequently against them. Some seven "Memos to the Favored Few" deserve an honored place in this effort as do the remonstrances of an ETS Chairman against Gunn's habit of allowing Jim Day to dominate PBS. None of these protests had any apparent effect. Like the lemmings of Lapland most of the station managers followed their leaders and, enthusiastically, are about to plunge over the cliff.

5. If such a plunge affected only the managers and so-called leaders of PTV I should not say a word to dissuade them. Indeed, the suicide, figurative or actual, of about half of those now in executive positions in this movement would, in my view, be a net gain to America and the world. However, it is not simply the careers of a number of mentally blind men (and a few women) which is at stake.

6. What is at stake is the whole possibility of educating the children (and, to a lesser extent, the adults) of America by the only means which can transmit education of the highest possible quality to the largest possible audience at lowest possible unit cost. This is so important that we simply cannot allow it to fail through the stupidity of a number of our PTV executives and a desire for power on the part of those who have cynically manipulated them.

7. Logically this means we must do the following things and do them quickly:

a. Accept the generous offer of Mr. Nixon to approve a one-year extension of the Public Broadcasting Act at the 45 million dollar level. (We could have had 55 million if we had been a little more intelligent—or less dominated by Jim Day and his bosses—but that's water over the dam now.)

b. Demand (and get) the immediate resignations of John Macy and Hartford Gunn. They have led not merely our stations but an important segment of American education into a disaster from which we may never recover. Theirs was the leadership and the failure also belongs to them. They must go. It should be added that if we are ever again to have the respect of either major party Macy and Gunn, (who permitted the programming which brought us to this debacle), will have to resign. The quicker this is done the better off non-commercial broadcasting in this country will be.

c. While it is not possible to fire people like Fred Friendly and Jim Day, since they work, directly or indirectly, for the Ford Foundation, it would be desirable for them to leave their posts as soon as possible for the good of the rest of us.

d. After the old crowd of failures has gone we should convene with those members of the CPB Board who feel that, in conscience, they can continue to serve—there will probably not be many of the original group who feel so. With them we should devise a system which will correct our prior faults and may give the Congress sufficient confidence in our essential probity so that Educational Television may finally be given the funds it needs in order to fulfill its mission.

8. This new system must include at least the following:

a. Station receipt of a minimum of 67% of all federal funds appropriated;

b. Complete *station* control of PBS and the programs it furnishes;

c. *Absolute impartiality* in the handling of public affairs programs. A station-appointed Board of Review to ensure this is done;

d. A priority to be given to educational programs over so-called public affairs documentaries;

e. Complete freedom given to the stations to omit material which would be locally objectionable;

f. Production to be nation-wide rather than concentrated in a relatively few localities;

g. Cancellation of any privileged position given to NET or any other entity;

h. Constant, frank and sincere liaison with both parties in the Congress and with the Administration to the end that we may regain the confidence we have lost;

i. The practice of economy in hiring of duplicate staffs, renting duplicate long-line facilities and printing redundant publications to the end of saving money for the use of the stations;

j. Refrain from stupid comments and actions designed to insult or humiliate elected officials.

I apologize only for the length of this message—not for its vehemence. The very future of American Education may be at stake. We must get rid of our incompetents. We must re-establish the prestige we enjoyed only a short three years ago. We must increase public and congressional respect for Educational Television—not for ourselves, but for the sake of millions of American children.

Getting rid of those who have brought us to this pass—accepting Mr. Nixon's generous offer for next year and then attempting to build on it—*running our own* organization instead of allowing others to manipulate us—these are the essential things we must do at once if the dream for which so many of us have fought for so long is not to perish.

POLICE AND FIRE SALARY ACT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Washington, D.C. (Mr. FAUNTROY) is recognized for 5 minutes.

Mr. FAUNTROY. Mr. Speaker, H.R. 15580, the Police and Fire Safety Act will shortly come before this body for consideration. At that time, I will offer an amendment to provide that the United States shall reimburse the District of Columbia for overtime compensation paid to officers and members of the police and fire departments of the District of Columbia for services in connection with assemblages, marches, and other demonstrations in the District of Columbia which relate solely to the Federal Government.

The amendment follows:

AMENDMENT TO H.R. 15580

Page 18, insert after line 21 the following:

SEC. 118. The United States shall reimburse the District of Columbia for overtime compensation paid to officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia for services in connection with assemblages, marches, and other demonstrations in the District of Columbia which relate solely to the Federal Government. The manner and method of ascertaining and paying the amount needed to so reimburse the District of Columbia shall be determined in accordance with an agreement which the Commissioner of the District of Columbia and the Director of the Office of Management and Budget shall enter into.

A LICENSE TO STEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday the Renegotiation Board published a proposed new regulation which would double the amount of minimum refund that it would seek from defense contractors who receive excess profits. Stripped to its essentials, this regulation is a license to steal anything up to $80,000 a year from the taxpayers before the Board will even consider asking for a refund. The Board says that this new profiteering allowance is designed to protect the small businessman—but I ask, who is protecting the taxpayer, including the small businessmen who pay their taxes and do not get any defense gravy? And I ask, why should anybody have a license to steal? Why should there be any kind of tolerance limit on profiteering? I cannot understand why it is somehow all right to gouge the taxpayers for $1,500 a week, but a little uncricket to gouge them for $1,600 a week. There is no such thing as a good thief, and the Board ought not to be saying that it will be unperturbed by small-scale profiteering—its job is to be concerned about any and all profiteering, and any and all gouging of the taxpayers.

Sadly, the Renegotiation Board has over the years issued many such licenses to steal, and with each new one it has reduced its purview and effectiveness. And each year we pay more and more tax money for the same amount of defense, or perhaps even less defense. Huge profits have been made by contractors who sell nuts and bolts to the Government, but the Renegotiation Board has never looked askance at them, because it has given purveyors of commercial articles, ordinary items of all kinds, a complete exemption. They tell us that it is all right to gouge the taxpayers on common items—but do not gouge us on exotic one-of-a-kind items. I say, what is the difference? Excess profits taken from selling nails are the same thing as excess profits taken from selling airplanes.

Now we see the level of tolerance being doubled, and even more exemptions added. The watchdog persists in pulling its own teeth, and is turning itself into a lap dog. I say that the honest people of this country need a friend for a change. The ordinary small businessman does not sell anything to the Department of Defense, and he has a right to be protected against misuse of his taxes too. Nobody, least of all this good Nation, profits if defense contractors of any size are allowed to sell the Government water and call it whisky, or sell the Government kites and call them airplanes—and it is the job of the Renegotiation Board to prevent that. We ought not to be in a contest to see who can help the profiteers most, but who can stop them from preying on this country and the honest people who support it. The Renegotiation Board has done a great deal of good—and I say that it ought to be thinking about how to become more effective, instead of concentrating on issuing licenses to steal. The Board ought to be ashamed of its proposed new rules—and it ought to revise its rules to make all excess profits subject to refund, not just excess profits over this or that amount, and it ought to make every contract of every size subject to renegotiation, within the limits of the law. And we as responsible legislators have a duty to strengthen the law the Board operates under. But as a friend of the Board, I cannot help but be dismayed at its action to cut out its own teeth.

Mr. Speaker, I make part of the RECORD at this point a letter of protest I have sent to the Renegotiation Board:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 19, 1972.

Mr. RICHARD T. BURRESS,
Chairman, Renegotiation Board,
Washington, D.C.

DEAR MR. BURRESS: Over the years, I have been the principal defender of the Renegotiation Board, believing it to be a practical and effective means of protecting the Government against unscrupulous defense contractors and to protect the taxpayers from bearing the costs of windfall profits to contractors.

I was dismayed to note in the Federal Register your proposed rule changes, which according to your press release, are designed to "protect" small businessmen.

If the Board adopts the proposed rules, contractors will be free to gouge the taxpayers at the rate of $1500 a week with no worry at all about being asked to refund such excess profits. That amounts to $300 a day, which is no insignificant amount. Excess profits are just that—excess profits, and I believe it to be the clear duty of the Board to discourage *all* such gouging, whether or not it exceeds the $80,000 you propose to allow. In effect, the minimum refund rule is a license to steal; you are telling contractors that it is perfectly all right with you if they make excess profits of $80,000 or so, but that you might get a little edgy if they get more greedy than that.

I don't think that such a rule protects the small businessman; it takes a pretty good-sized contract to allow more than $80,000 worth of excess profits. What this rule does is permit the taxpayer to get taken twice as much as he was before—and the average taxpayer is a good deal smaller in resources than the average businessman, big or little.

I believe that the interests of small businessmen and taxpayers are the same—they both pay taxes, and they both are entitled to protection against avaricious contractors; neither is typically a defense contractor. Such protection can't be extended if the Renegotiation Board writes licenses to steal—exemptions of commercial articles, exemptions of construction contracts, or exemptions of anything else. I think you ought to consider your proposed rule and make any excess profit of any size subject to renegotiation and refund.

With best wishes, I am

Sincerely yours,
HENRY B. GONZALEZ,
Member of Congress.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS—THE CHANGES IN H.R. 15417, THE LABOR-HEW APPROPRIATIONS ON "IMPACT FUNDS"

The SPEAKER. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 10 minutes.

Mr. BEGICH. Mr. Speaker, recently, the House passed H.R. 15417, the fiscal year 1973 appropriations for Labor-HEW. Amendments which I fully supported raised the appropriations in that bill in several sections. I believe these increases are necessary and wise, just as I have always felt in the area of education.

In the specific case of Federal "impact funds," however, the appropriations increase also included changes in the distribution formula which concern me. The changes reduce the level of payment for each child whose parents live on and work on Federal property (20 U.S.C. 238(a)), and raise payments for children whose parents either work on or live on Federal property (20 U.S.C. 238(b)).

This causes a great shift in the distribution of funds under this provision, depending on the type of impact which is greatest in each State. The net result is that, in spite of the increase in funding under this section, 12 States will actually receive decreased impact funds in fiscal year 1973 if the new formula is included in the final bill. The total loss, or fund shift is nearly $7.5 million.

I am inserting, for the interest of all Members, some tabulations prepared by the Office of Education, and released to me by OMB. These tabulations show the effects of several funding levels, and the final formula change and increase. The last column shows net gain or loss under the bill as passed by the House, as compared to the bill had it passed without increase, but with the old formula.

There are two key policies in issue in this section. The first is that of educational funding support overall, which I believe must be increased and supported. The second is what Federal impact funds should support. Under the old formula, they went in greater proportion to the areas where parents work on and live on Federal property because this is where the Federal impact on the tax base was greatest.

Under the new formula, the policy seems to be, since the payments are equal, that the impact is as great where the parents only work on or live on Federal property. I cannot share this policy.

The Senate action on this provision was right on both policies, in my view. The funding level for impact funds was increased, yet the old formula which recognized the real impact of the Federal Government on the tax base was retained.

The conference committee will have to resolve this issue. I am hopeful that my colleagues will consider these policies, and the following tabulations, and advise the conferees of their feelings on this specific matter. I should point out that the attached chart was prepared in my office using figures supplied by the Office of Education. The final column—5—showing gains and losses, as well as the footnotes and editorial comments, were added in my own preparation of this material.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS—PUBLIC LAW 874—MAINTENANCE AND OPERATIONS

	Payments under 1972 appropriation with old formula (1)	Payments under 1973 appropriation proposed by administration (2)	Estimated payments under H.R. 15417 before amendment (3)	Estimated payments under H.R. 15417, as amended, with increase but with new formula (4)	Gain or loss for States under H.R. 15417, as amended (difference between col. 3 and col. 4) (5)
Total	$592, 580, 000	$415, 000, 000	$615, 495, 000	$635, 495, 000	-------------
Alabama	9, 531, 000	5, 228, 000	9, 944, 000	10, 851, 000	$907, 000
Alaska	23, 845, 000	25, 455, 000	26, 854, 000	23, 506, 000	−3, 348, 000
Arizona	12, 135, 000	12, 531, 000	13, 379, 000	12, 479, 000	−900, 000
Arkansas	3, 073, 000	2, 112, 000	3, 282, 000	3, 367, 000	+85, 000
California	82, 568, 000	59, 031, 000	87, 585, 000	90, 335, 000	2, 750, 000
Colorado	13, 059, 000	7, 741, 000	13, 680, 000	14, 598, 000	918, 000
Connecticut	4, 413, 000	3, 059, 000	4, 731, 000	4, 722, 000	−9, 000
Delaware	2, 106, 000	2, 419, 000	2, 284, 000	2, 337, 000	+53, 000
District of Columbia	4, 081, 000	567, 000	4, 175, 000	4, 705, 000	530, 000
Florida	18, 134, 000	15, 493, 000	19, 187, 000	20, 441, 000	1, 254, 000
Georgia	17, 008, 000	11, 569, 000	17, 856, 000	19, 290, 000	1, 434, 000
Hawaii	10, 811, 000	8, 685, 000	11, 823, 000	11, 899, 000	76, 000
Idaho	3, 317, 000	1, 808, 000	3, 531, 000	3, 645, 000	114, 000
Illinois	15, 022, 000	8, 183, 000	15, 935, 000	16, 417, 000	482, 000
Indiana	3, 836, 000	1, 564, 000	4, 023, 000	4, 220, 000	197, 000
Iowa	1, 853, 000	364, 000	1, 892, 000	2, 139, 000	247, 000
Kansas	9, 390, 000	6, 645, 000	10, 131, 000	9, 959, 000	−172, 000
Kentucky	9, 034, 000	7, 202, 000	9, 683, 000	10, 128, 000	445, 000
Louisiana	3, 892, 000	3, 571, 000	4, 086, 000	4, 416, 000	330, 000
Maine	3, 206, 000	2, 668, 000	3, 486, 000	3, 446, 000	−40, 000
Maryland	28, 382, 000	10, 756, 000	29, 375, 000	32, 463, 000	+3, 088, 000
Massachusetts	14, 998, 000	7, 582, 000	16, 001, 000	16, 437, 000	+436, 000
Michigan	5, 977, 000	4, 935, 000	6, 528, 000	6, 260, 000	−268, 000
Minnesota	3, 544, 000	1, 852, 000	3, 743, 000	3, 939, 000	+196, 000
Mississippi	$3, 073, 000	$2, 682, 000	$3, 282, 000	$3, 440, 000	+$158, 000
Missouri	9, 434, 000	4, 131, 000	9, 881, 000	10, 193, 000	+312, 000
Montana	6, 358, 000	5, 086, 000	6, 997, 000	6, 531, 000	−466, 000
Nebraska	6, 255, 000	6, 032, 000	6, 781, 000	6, 528, 000	−253, 000
Nevada	3, 533, 000	2, 626, 000	3, 778, 000	3, 918, 000	+140, 000
New Hampshire	2, 405, 000	1, 602, 000	2, 573, 000	2, 583, 000	+10, 000
New Jersey	12, 645, 000	8, 249, 000	13, 452, 000	13, 722, 000	+270, 000
New Mexico	13, 826, 000	10, 881, 000	15, 145, 000	14, 629, 000	−516, 000
New York	18, 928, 000	10, 374, 000	20, 061, 000	21, 092, 000	+1, 031, 000
North Carolina	14, 797, 000	14, 962, 000	15, 915, 000	16, 525, 000	+610, 000
North Dakota	5, 398, 000	4, 941, 000	6, 013, 000	5, 260, 000	−753, 000
Ohio	11, 165, 000	4, 295, 000	11, 550, 000	12, 503, 000	+953, 000
Oklahoma	11, 975, 000	7, 512, 000	12, 646, 000	13, 382, 000	+736, 000
Oregon	4, 265, 000	2, 660, 000	4, 503, 000	4, 753, 000	+250, 000
Pennsylvania	9, 195, 000	2, 496, 000	9, 435, 000	10, 353, 000	+918, 000
Rhode Island	4, 493, 000	4, 181, 000	4, 861, 000	4, 897, 000	+36, 000
South Carolina	9, 314, 000	7, 458, 000	9, 889, 000	10, 395, 000	+506, 000
South Dakota	5, 716, 000	4, 577, 000	6, 279, 000	5, 612, 000	−667, 000
Tennessee	7, 082, 000	2, 225, 000	7, 251, 000	8, 156, 000	+905, 000
Texas	32, 789, 000	20, 850, 000	34, 463, 000	36, 540, 000	+2, 077, 000
Utah	7, 599, 000	2, 028, 000	7, 989, 000	8, 626, 000	+728, 000
Vermont	145, 000	65, 000	149, 000	168, 000	+19, 000
Virginia	37, 369, 000	26, 007, 000	38, 890, 000	42, 556, 000	+3, 666, 000
Washington	14, 189, 000	10, 090, 000	15, 167, 000	15, 443, 000	+276, 000
West Virginia	618, 000	192, 000	631, 000	714, 000	+83, 000
Wisconsin	2, 413, 000	1, 218, 000	2, 523, 000	2, 731, 000	+208, 000
Wyoming	2, 163, 000	1, 955, 000	2, 379, 000	2, 277, 000	−102, 000

Column 1.—Estimated payments of entitlements under sec. 3(a) at 100 percent for some districts and 90 percent for others, sec. 6 at 100 percent, sec. 3(b) at 73 percent, and other sections (not including sec. 7) at 100 percent. Sec. 7, disasters, cannot be estimated but will be funded at 100 percent.

Column 2.—Estimated payments of entitlements under sec. 3(a) including former sec. 3(b)(1) Indian children at 100 percent and sec. 6 at 100 percent. Includes amounts for sec. 3(b) children of Uniformed Services personnel based on 1971 data furnished by States. Sec. 7 cannot be estimated but will be funded at 100 percent.

Column 3.—This column shows the payments estimated under the $615,495,000 appropriations reported out of committee in the House. Since this reported bill included the old formula, many States actually got higher payments under the lower total amount.

Column 4.—This column shows the payments under H.R. 15417 as amended and passed with a $20,000,000 increase, but also with the altered formula for distribution.

Column 5.—This column shows the difference, State by State, between column 3 and 4. The amended version of H.R. 15417 produced a wide variety of gains and losses. Although it is not tabulated, it can be seen that nearly every State would gain if the increase were passed but without the formula change.

LACK OF DATA HURTS U.S. EXPORTS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the GAO recently issued a report which concluded that the Commerce and State Departments have failed to provide U.S. exporters with important data concerning overseas markets. This lack of data has greatly contributed to the United States growing balance-of-payments deficits.

The GAO report concludes that analyses of export markets done by U.S. Embassies overseas for U.S. businesses have generally failed to:

Identify product lines and market factors affecting U.S. imports;

Make specific suggestions for Government agencies and private industries that would improve the U.S. trade position abroad;

Provide U.S. industry with specific and timely information "which will be of most assistance in increasing exports";

Insure that reports are disseminated quickly to those Government agencies which find them of use.

The GAO report also notes that small U.S. businesses are particularly hurt by the lack of relevant export data since they cannot afford to pay for extensive intelligence gathering abroad. The report also criticizes the Government for not upgrading its analyses of export potential in underdeveloped countries, such as Brazil, where the opportunities for exports are often greatest.

Said the GAO:

> We found that regularly scheduled foreign service commercial reports did not contain information on the underlying reasons affecting the U.S. share of foreign country markets. Government and business officials contacted agreed that existing reports lacked much of the detail and analysis necessary to U.S. exporters.
>
> We conclude that it is both feasible and desirable to analyze and report reasons for the loss of U.S. market shares so that government and industry can consider steps to enhance the U.S.'s position in given market areas.

In short, Mr. Speaker, there is no question that a lack of adequate data concerning export opportunities is a significant contributing factor to the United States continuing balance-of-payments problem. It is clear that the Government has done American business a great disservice by failing to provide meaningful, accurate, and timely data concerning opportunities for export. I sincerely hope and expect that immediate steps will be taken by both the Commerce and State Departments to correct this situation.

OBSERVATIONS ON THE EXPULSION OF SOVIET ADVISERS FROM EGYPT

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, the dismissal of several thousand Soviet military advisers by the Egyptian Government represents the most significant development in the Middle East this year, but the precise meaning and potential results of this action are not likely to surface for several weeks. My hope is that this event will prove an impetus for further negotiations to reach peace in the Middle East.

This move could change the Middle East situation. It does reduce military options for Egypt in some ways, perhaps encouraging the Egyptians to consider more seriously negotiations. The move also could lessen the possibility of big-power confrontation and perhaps reduce Israel's claim to substantial U.S. military support. In addition, the removal of these advisers represents an apparent setback for Moscow in the Middle East and presents the Soviet Union a dilemma: Either the Soviets must furnish more offensive arms or else see their position erode.

SOVIET-EGYPTIAN RELATIONS

The increasing stresses and strains in the Egyptian-Soviet relationship have been publicly evident for a little over a year now, dating from the dismissal in May 1971 of Ali Sabri and some of his associates with long experience in dealing closely with the Soviet Union. Since that time, it has become increasingly apparent that Egypt's desires for unlimited access to the Soviet Union's supplies of military hardware were not receiving favorable attention in the Kremlin. As has been frequently noted by witnesses before the Near East Subcommittee, the Soviet Union has shown some reluctance to give offensive weaponry to Cairo and instead has preferred to concentrate on Egypt's defenses—in its view so necessary after the deep penetration raids across the Suez Canal by the Israelis in the late sixties and early 1970.

The last year and a half have been very frustrating months for President Sadat and his dilemmas continue unresolved. Some of his speeches and tactics have tended to increase the immediate pressures on his position and that of his country. And many Egyptians have been urging Sadat for some time to reduce Egypt's dependence on the Soviet Union.

From his perception, he feels that he made a very important step toward some accommodation with Israel which was never adequately appreciated. In announcing in early 1971 that he was willing to sign a peace agreement with Israel, provided Israel withdraw from Egyptian territory, he thought that he had set in motion a series of indirect negotiations through Dr. Jarring, the U.N. mediator, but nothing happened. He blamed the Israelis for wanting to keep territory, the United States for not pressuring Israel to make greater concessions in light of his move and the Soviet Union for not backing up his diplomatic offensive with enough military bite so that his threat of a war alternative was credible.

PRESENT SITUATION

And so now many of the Soviet advisers in Egypt are leaving. The immediate context of this event is interesting. First, at a time when Sadat has been asking all Arabs to join ranks, Yemen, and perhaps the Sudan in the next few weeks, are establishing diplomatic relations with the United States, partially because immediate domestic economic concerns outweigh the utility of any united front now for a war they know the Arabs will lose and a war they believe will not occur, for some time at any rate.

Second, Secretary of State Rogers, perhaps on the basis of discussions in Moscow in May, recently, both in Kuwait and in Rome, stressed the theme that if the United States and the Peoples Republic of China, the United States, and Russia, and India and Pakistan can sit down and discuss their differences, Egypt and Israel can do the same. The Russians could likely be saying the same to the Egyptians.

A third factor in the present situation is the presence of U.N. Secretary-General Kurt Waldheim in Moscow and the announcement that Dr. Jarring will be in New York for 2 weeks to resume his indirect talks with the parties to the Arab-Israeli conflict. It is probable that Waldheim is spending much of his time in Moscow on the Middle East issue. As Secretary-General Waldheim knows so well, the success of the Jarring mission is fundamentally important both for the Middle East and for the future of the United Nations.

ALTERNATIVES FOR FUTURE

It is difficult to delineate the alternative courses that President Sadat is considering at this critical juncture, but it is apparent that he intends to do something about the present no-war, no-peace situation. President Sadat may hope to accomplish one of several things by this move.

First, he may hope to bring enough pressure on the Soviet Union to get the equipment he desires, but it remains unlikely that the Soviet Union will comply if it has not to date.

Second, he may be telling the Soviet Union and the United States a "plague on both your houses," and now consider himself a free man to act as he wishes with little attention to either superpower. If boxed in a corner, it is hoped he will choose to come out through negotiations rather than war.

Third, he may hope to increase his leverage in any negotiations by removing some of the reasons for Israel not being willing to withdraw from the canal; namely, Soviet military presence.

Fourth, Sadat may have made this move to gain more time for his diplomacy and silence some of his sharpest domestic critics who fret over the position the Soviet Union maintains in Egypt. For many Egyptians, the saddest aspect of the Arab-Israeli conflict and the present stalemate is that Egypt may be coming close to mortgaging that independence for which it fought so hard.

In the last year or so, the United States and the Soviet Union have not been able to provide any significant impetus toward peace. If the present situation does not change, there is every reason to expect President Sadat to become a prophet of doom and perhaps to see strife and violence replace the uneasy cease-fire in the Middle East.

BOMBING THE DIKES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, in the face of numerous and well-documented reports by foreign journalists in North Vietnam, the Defense Department has twice changed its story on the question of whether our planes are bombing the dikes in North Vietnam. Originally, they insisted that we were not bombing the dikes at all. After the initial first-hand reports were made, they stated that the dikes were not targeted, but might occasionally be hit by stray bombs aimed at military targets. After further reports which indicated deliberate attacks on a number of dikes, the Defense Department has taken the position that the dikes are attacked only when military equipment is stored on top of them.

The Swedish ambassador to North Vietnam, Jean-Christophe Oberg, called our bombing of the dikes "methodical," and added that he has no doubt that they are deliberate and precise. Jean Thorval, a French reporter in North Vietnam who observed an actual dike bombing on July 11, together with a number of other journalists who were also present, agreed that the attack which they witnessed was clearly directed against the dike system. Mr. Thoraval has also filed dispatches to the effect that numerous other bombed dikes have been seen by him, though he was not present when they were bombed.

The bankruptcy of our Vietnam policy and the need to withdraw all of our forces and materiel are clear to most of the American people as well as to our military leaders in the Pentagon. By engaging in a policy which is certain to cause thousands of civilian deaths through drowning and starvation, we are only compounding the shame of our involvement in Indochina, and spitefully seeking to deny to the people of Vietnam the right to live in peace if they do not want to live in the democratic peace which we claim to seek for them. As New York Times correspondent Anthony Lewis wrote recently:

> No one should be in doubt about what systematic destruction of the dikes at this time might mean. It would bring into play, justifiably for once, that much-abused word genocide.

We in Congress must exercise our responsibility to the American people and indeed to all humanity. We must act to stop or forestall any bombing of the dikes by our military forces, to bring about the immediate withdrawal of all of our troops and equipment from Indochina, contingent solely upon an agreement for the release of our prisoners of war, and to cut off all military aid to the puppet government of President Thieu.

Mr. Speaker, I include in the RECORD at this point several relevant news articles:

[From the New York Times, July 1, 1972]

Visitor Describes North Vietnamese Dike as Badly Damaged

(By Jean Thoraval)

HANOI, North Vietnam June 30—The dike at Phuly, a town about 40 miles from Hanoi, has been seriously damaged.

I was one of a group of foreign and North Vietnamese journalists who, in a convoy led by Phan My, Deputy Minister of Water Conservation, visited Phuly this morning and saw the damaged dike. According to the minister the dike was attacked three times this month by American planes.

We approached the town before dawn, headlights out. When we were about 10 miles from our destination, exploding anti-aircraft shells sent flashes into the dark sky at the nearby city of Nahmidinh. Seconds later there were bright bursts on the horizon. The attack lasted about 15 minutes shortly before daybreak.

Entering Phuly, which normally has a population of 20,000, we crossed a bridge that had been bombed and rebuilt twice. Bomb craters, some of them immense, were on both sides of the road. Telegraph poles were bent in two.

Then we came to the dike, with its system of sluice gates designed to hold back the muddy waters of the Songday, tributary of the Red River, and prevent them from flooding the 10 districts of Namha Province.

Here and there we saw craters that women were patiently filling by hand. Houses near the dike had been blown up by the bombs, while others were without roofs. An old bunker dating from the French fighting in Indochina had been pierced.

SLUICES INOPERATIVE

The system of sluice gates no longer worked, for the six doors could not move up or down. The reinforced-concrete pillars had been destroyed or cracked. As for the dike itself, apart from craters in it, it was full of cracks, some of them about a foot wide.

Mr. My said that the Americans attacked the dike three times during June. On June 2, he said, fighter-bombers paralyzed Sluice Gate No. 3 and 10 days later attacked No. 1. Then, on June 21, he added, the entire system was attacked.

Trees all around had been felled or damaged. I saw one crater big enough to accommodate two trucks.

When we returned to Hanoi we were greeted by the sound of the second air-raid pre-alert in the capital since dawn.

U.S. Reiterates Denial

WASHINGTON, June 30.—A Pentagon spokesman said today in response to questions about the reported bombing of the Phuly dike that the Defense Department "will stand on the statements that we have made in the past and that were made yesterday by the President."

In his news conference last night President Nixon said that orders not to hit the dikes of North Vietnam were still in force and that reports of strikes were inaccurate.

The Afence France-Presse dispatch from Hanoi quoted a North Vietnamese official as having said that American planes last bombed the Phuly dike on June 21, but apparently newsmen did not visit the site until today. The dispatch gave no indication whether anything else in the area might have been an intended target.

Ronald L. Ziegler, the President's press secretary, reiterated the President's statement this morning, saying it was based on good information.

Mr. Ziegler was questioned about statements by diplomats in Hanoi that they had witnessed bombing of dikes. Asked if his remarks would leave open the possibility of accidental bombing, he replied: "I do not mean to leave anything open."

The Pentagon spokesman repeated the department's position that the dike system was not "targeted" in the bombing campaign, adding, "That doesn't mean that some of them don't get hit by stray weaponry."

French Newsman and United States Differ on Bombing of Dikes

(By Seymour M. Hersh)

WASHINGTON, July 12.—The Defense Department and a French correspondent in North Vietnam were in sharp dispute today over whether United States planes deliberately bombed dikes yesterday near a village 37 miles southeast of Hanoi.

A dispatch filed yesterday by Jean Thoraval, a Hanoi-based correspondent for Agence France-Presse, said that about a dozen United States jets staged an early-morning attack on a dike system outside the village of Namsach, in the fertile and heavily populated Red River Delta area.

Mr. Thoraval reported that he and other foreign journalists had been taken to Namsach to inspect bomb damage that the North Vietnamese said American planes had previously inflicted. The attack began, he said, soon after the party arrived.

"The jets went into a dive and released several bombs and rockets against the dikes on which we were standing," Mr. Thoraval wrote.

DENIES BOMBING OF DIKES

Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs, confirmed that United States Navy planes repeatedly bombed the Namsach area yesterday morning. But Mr. Henkin, in a statement supplied to The New York Times, denied that any dikes in the area had been assigned as specific targets. He said that the aircraft were attacking three nearby military targets—a surface-to-air missile site, a dispersed oil and petroleum area and an above-ground fuel pipeline.

Although the Agence France-Presse dispatch was received yesterday, The New York Times delayed publication while seeking further clarification from the agency and the Department of Defense. Today Agence France-Press was unable to clarify questions raised by the original dispatch.

A 10-MINUTE RAID

In his dispatch, Mr. Thoraval said that "only two or three SAM missiles were fired at the attackers." He and his fellow journalists, he wrote, unanimously agreed that the attack was clearly against the dike system and that "the pilots dropped their bombs at random" during the 10-minute raid.

Among the questions left unanswered by the dispatch were whether the attack damaged any of the dikes in the neighborhood, how far from the spectators the bombs fell, the locations of the antiaircraft emplacements from which missiles were fired at the attacking planes, and how the newsmen could know that the jets were aiming at the dikes and not at the missile sites.

Mr. Henkin said that his office had made an extended effort to obtain details of the bombing mission. "Normally, I do not discuss special military targets," he said.

"The pilots on top can see 25 to 30 miles, and he's got orientation," he said. "He knows what he's going after."

Speaking of Mr. Thoraval, Mr. Henkin said: "You can be sure nobody told him that there was a pipeline or a SAM site there.'

Mr. Henkin also suggested that the random bombing mentioned by the French journalist might have been an attempt by the pilots to destroy the oil pipeline.

ALWAYS A POSSIBILITY

Asked specifically whether any dikes had been attacked—inadvertently or otherwise—in conjunction with the bombing raids on the three military targets, Mr. Henkin said: "We have stated that there is always a possibility that dikes may be hit."

He added that he had not seen any after-action photographs of the targets at Namsach.

Mr. Thoraval's dispatch yesterday was the third within three weeks on bomb damage to the North Vietnamese dike system. On June 24 he wrote that he had visited bombed-out dike sections near the city of Namdinh, and on June 30 he filed a similar account of dike damage ground Phuly, Both are south of Hanoi.

Similar reports were made by Jean-Christophe Oberg, Sweden's Ambassador to North Vietnam, during his home leave last month.

In addition, North Vietnam's official press agencies and radio services have repeatedly described alleged United States bombing attacks on the dike system. On June 30, for example, The Phan My, North Vietnam's Deputy Minister of Hydraulics, was quoted in official newspapers as saying 20 bombing attacks were made on dikes during the month. More than 40 specific allegations were made by the North Vietnamese in April and May.

CONCERN IS EXPRESSED

In interviews today, officials in both the State Department and White House expressed concern over the bombing reports. "We're taking a pasting on this thing," one said.

Another official said: "We're taking a beating around the world. It's depressing," another official said, "but we know we're doing all we can and we're going to just ride it out."

In what seemed to be an attempt to counter the adverse publicity, State Department officials recently distributed copies of a Hanoi newspaper article in which the citizens were exhorted to take part in dike repair and rebuilding operations. They explained that much work was needed to repair portions of the dikes that were damaged or destroyed by the 1971 floods, described them as the worst in more than 25 years.

"There is not much time before the torrential rainy season," the article said. That season is expected to reach its peak sometime between July and late September.

In interviews at the Pentagon, a number of high-ranking military officers heatedly reasserted that dikes were not targets of Air Force or Navy attacks. "If we wanted to go after them, we'd go after them," an officer said.

A senior Navy pilot who recently returned from duty with the Seventh Fleet said that "it has been emphasized and reemphasized to the pilots that dikes are not authorized targets."

Details on the current rules of engagement are highly classified, but military sources agreed that Navy and Air Force pilots could legitimately attack—as so-called "targets of opportunity"—enemy missile sites or antiaircraft batteries on top of dikes.

Similarly, pilots are apparently authorized, without obtaining clearance, to attack supply convoys or equipment stockpiles on roads on top of dikes.

"A military target is targeted and if it happens to be near a dike," a military source said, "then it gets hit."

One high-ranking officer who has access to much of the daily bombing information said: "Given the number of irrigation systems up there, and given all the ordnance being dropped, there's always the possibility of an accident."

TEXT OF COMMENTS BY THE SWEDISH AMBASSADOR TO NORTH VIETNAM, JEAN-CHRISTOPHE OBERG

EYEWITNESS REPORTS BY WESTERNERS OF BOMBING OF DIKES IN NORTH VIETNAM BY U.S. MILITARY

"What frightened the Swedish Ambassador to Hanoi, Jean-Christophe Oberg, more than anything else, was the methodical bombing and rocket attacks against dams, dikes and locks. A whole series of attacks, in one region after another, show clearly that the United States is trying to cause a flood catastrophe with everything that will mean in mass deaths, and famine with more mass death. He has seen dam constructions which have been bombed with precision, with smart bombs. This gives him the impression that American pilots who now have a much greater possibility of hitting targets, and direct destruction against them, do not make mistakes.

"Jean-Christophe Oberg says he has no doubt whatsoever that these attacks are deliberate and precise. The attacks on the dams, the bombings which could cause a water catastrophe in a few weeks' time when the river rises, for him are the climax—the ultimate atrocity."—*Dagens Nyheter,* June 29, 1972

"Practically all industry in North Vietnam has been destroyed. But the greater danger just now is the bombing of dams and locks. If there are further attacks, there may be an enormous catastrophe, with villages submerged, and famine. The intention seems to be to weaken North Vietnam economically for a long period to come and to transform it into a second or third class nation in Southeast Asia. It is a typical policy of annihilation. The bigger the defeats of the U.S. and Saigon troops in the South, the more bombing in the North.

"Now, the dams and dikes are the greatest worry for the Vietnamese. The Red River has already started to rise; it reaches its highest level in July and August. If the river rises as high as last year, there may be an enormous catastrophe.

"Everyone, even diplomats, must react as human beings, particularly those of us who have the advantage of being on the spot. Diplomat or not, I have no intention of witnessing passively what is happening. I am free to do this because we have a government which calls things by their correct names."—The Swedish Ambassador, quoted in Aftonbladet, June 28, 1972.

"I am not the only one to have seen it. The Americans are now beginning to speak of the inability of the North Vietnamese to maintain their system of dikes. For someone who has seen the work carried out by the North Vietnamese continually to improve and reinforce the dikes, this looks like an attempt to provide an alibi for what may happen if the dikes break, and if the bombings continue at the same level. If a catastrophe occurs in a few months, at the time of the monsoon, we shall know who is responsible. But this must not be allowed to happen. The lives of millions of people are in jeopardy, and an unprecedented famine could occur in the north. This is perhaps what the Americans want when they talk of bombing North Vietnam back into the stone age."—Ambassador Oberg addressing a conference in Sweden.

DIKES IN HANOI AREA REPRESENT 2,000-YEAR EFFORT TO TAME RIVERS

(By Seymour M. Hersh)

WASHINGTON, July 13.—For more than 2,000 years the peasants of northern Vietnam have been locked in unending battle against nature, trying to stem and control the annual high waters of the Red River with an intricate system of dikes.

The river, spawned in the mountains of Yunnan Province in southern China and fed by monsoon rains, races through narrow gorges in its annual summer drive to spill along the vast and fertile plains of the Red River Delta, where more than 15 million Vietnamese live and farm.

The terrain along the 300-mile route from China to the rich farmlands can most simply be described as a huge drainboard, tilted down from northwest to southeast.

To meet the crest of the Red River and its tributaries, which usually peak between July and late September, Vietnamese societies have constructed about 2,500 miles of earthen dikes with sluice-gates and dams. It is this system that the Hanoi Government charges is under United States aerial attack.

MENTIONED IN 11TH CENTURY

The first written mention of the elaborate system is in Chinese chronicles of the early 11th century. Some Vietnamese scholars also have found archeological evidence of dikes as far back as the second century.

The dikes have been expanded in length perhaps 50 per cent in the last 20 years and have also grown in width and height, vastly complicating the problems of maintenance and control. The growth is constant because the Red River carries along millions of tons of silt that are deposited in the river bed.

In other areas, particularly in the rice-growing regions near Hanoi, the river flows on its own progressively rising mud bed that is often five or six feet above the level of the fields. A similar situation exists in areas along the Yellow River in China.

Working on the dikes and repairing them is a constant preoccupation of the North Vietnamese. During a visit by this correspondent to Hanoi in mid-March, hundreds of workers—often led by military men—seemed to be constantly hauling earth to reinforce the vast system near Hanoi.

At that point, as in many parts of North Vietnam, there were actually two separate networks of dikes roughly a quarter of a mile apart. The purpose obviously was to provide a back-up system.

The pressure on the dikes at the height of the flood season is immense. Specific data on the flow of the Red River near Hanoi was impossible to obtain, but last month Le Monde, the Paris newspaper, published a dispatch predicting that the flow of the Black River, a main tributary, would reach 32,500 cubic meters a second at Sontay, about 25 miles northwest of Hanoi (a cubic meter is about 35 cubic feet). The dispatch also noted that the peak flow of the Seine in Paris during the floods there in 1910 was 2,500 cubic meters a second.

In addition to the river system there are a number of sea dikes to prevent the seepage of brackish water from the Gulf of Tonkin into crop-growing areas. North Vietnam also has charged that these sea dikes have been bombed by United States aircraft.

FLOOD LAST YEAR RECALLED

Many experts believe that the river dikes system northwest of Hanoi is highly vulnerable to bombing attacks. Last year flood waters broke through a 30-mile section of the dikes in the delta and destroyed much of the 1971 autumn rice crop.

The flooding, which forced North Vietnam to import food from the Soviet Union and China, was described as the worst since 1944. In that year the dikes along the Red River were breached in 25 areas and thousands of acres of rice were destroyed.

The repeated North Vietnamese charges of bombing of dikes have been buttressed in recent weeks by a number of news dispatches from Hanoi filed by Jean Thoraval, the resident correspondent there for Agence France-Presse.

Until recently most Administration spokesmen in Washington generally denied that dikes had been chosen as targets or inadvertently bombed. An Air Force general, asked in mid-June whether some dikes could have been accidentally struck, said, "Anything is possible, but I think it's highly improbable."

The official United States position was modified by Secretary of Defense Melvin R. Laird in a news conference last Thursday.

"Some of the dikes and dams may be on roadways that are being used or they may be in a position where antiaircraft weaponry is placed and, of course, our pilots are given the opportunity and they should have this capability to attack North Vietnamese gun emplacements."

Mr. Laird went on to say, however, that "the real damage to the dams and dikes of North Vietnam is the damage that was suffered in weakening those dams and dikes last year during the very, very heavy flooding of North Vietnam."

"I believe," he went on, "that the North Vietnamese are carrying on this campaign in order for them to relieve themselves from the responsibility with their own people for their failure to adequately repair this system since the major flooding of last year."

State Department analysts have said that major flooding is expected again this year and characterize the wave of North Vietnamese complaints as a propaganda war.

For its part, North Vietnam has repeatedly charged that the United States has been bombing the dike systems for the last three months "in a very wicked design to destroy or weaken dikes and, thereby, to cause floods."

AN AMERICAN SUCCESS STORY

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, America is still the land of some amazing success stories. A perfect example is the meteoric career of J. Terrence Murray, a young banking executive who grew up in the same city as I, Woonsocket, R.I.

Sixteen years ago Terry Murray dropped out of high school and worked for a year in a textile mill. Today he is the executive vice president of the Industrial National Bank in Providence, one of the largest banks in the country.

An article I am including from the Woonsocket Call shows how his loving and determined parents instilled character in their son. By more than words they taught him the value of the dollar and the importance of hard work. In that year out of school he learned from experience the value of an education. Early responsibility and self-reliance laid the foundation for the later achievements of this remarkable young man.

The article follows:

FROM HIGH SCHOOL DROPOUT TO BANK EXEC IN 16 YEARS

(By Leonard S. Edgerly)

When J. Terrence Murray was 16 he lived in Woonsocket and dropped out of high school. That wasn't unusual.

But during the next 16 years he went on to do something very unusual.

He became an executive vice president of one of the nation's leading banks.

During a recent interview, Murray talked—reluctantly, at first—about what had happened during those 16 years.

"I'd really rather talk about Woonsocket than myself," he said at the outset, but eventually his modesty succumbed to the telling of a lively tale of success.

The interview was held in Murray's luxurious, high-ceilinged office at the Industrial National Bank in Providence, where he holds the position of executive vice president. An athletic-looking, informal man, Murray was celebrating his 33rd birthday.

What factors accounted for his rapid success?

"My father and mother had a lot to do with it," Murray explained. "They really pushed hard."

Mrs. Florence Murray lives at 93 Spring St., and the late Joseph W. Murray, who worked in the former U.S. Rubber Co. plant here, died in 1965. It soon became clear that they had a lot to do with Murray's career, as well as that of his older brother, Joseph T., now working for the DuPont Co. in Wilmington, Del.

One summer, Terrence Murray related, the two brothers found themselves without jobs when school was over, but their father had ideas for them other than lounging at home. He drove Terrence to Cape Cod, where he told him to get out of the car and not return home until September. He then drove Joseph to New Hampshire and made him get out there with the same instructions.

Both found work that summer and the summers afterward, too.

But after his first year at Mount St. Charles Academy, the younger Murray found himself in disfavor with his father. "I came home with some less-than-desirable grades," Murray recalled, so he dropped out of school.

He went to work on the night shift at the former Bonin Spinning Co. for a year. "My father thought I was kind of a wise guy, I guess," Murray confessed.

Working nights at the mill started a new phase in his life, however.

"There had to be better things than that," Murray decided, so he entered Providence Country Day School in East Providence with a renewed enthusiasm for education.

When things went well at the private boys' school, he related, his father again prodded him on, suggesting that he apply to Harvard.

"The suggestion was kind of foreign to me, particularly after the night shift at Bonin," Murray said. But he took his father's advice and applied to Harvard. He was admitted with scholarship help and went on to graduate in English with the class of 1962.

Another force in his career appeared while Murray was at Harvard. He married Suzanne Young of Providence during his sophomore year, and, within two weeks after graduation, the family included two baby girls, Colleen and Paula.

"That was reason to get serious quickly," Murray explained, and he went job hunting without delay.

What he found was that "most banks at the time didn't have that much depth in management and there was lots of opportunity for young, fresh people."

"After joining Industrial National, Murray worked in several departments, but real estate was his prime interest. His efforts were rewarded in rapid stages, culminating in his April promotion to one of three executive vice president positions.

He and his family now live in Warwick, but Murray fondly remembers Woonsocket.

"Growing up there was an enjoyable experience," he said. "We were just typical of the people who live there. You do know most of the people in the city, but nothing came easy."

One high point of Murray's boyhood, he said, was his Woonsocket Call newspaper route in the North End. He had about 160 customers, he noted.

Murray's political outlook was framed substantially by his experiences in Woonsocket and at Harvard.

"I was 17 years old before I even met a Republican," he said. And then, at Harvard, he became enthusiastic about John F. Kennedy's bid for the presidency.

"One winter morning about 6:30 or 7, I bumped into John Kennedy," he recalled. "He was all by himself in front of Widener Library, and we talked for about 15 minutes about his chances. It was dark and cold, but he was still talking to me. So after that I was very enthusiastic."

Murray said he also met Robert F. Kennedy once while they were both sitting in whirlpool baths nursing athletic strains and that he later met Edward M. Kennedy. Moreover, Murray recently hosted a reception at his home for Sen. Edmund S. Muskie during one of the senator's campaign visits to Rhode Island.

The Murrays now have four children, including two sons, Terry and Christopher. In thinking about the lives they'll lead, Murray has some definite hopes.

"I see myself placing responsibility on them at an early age," he said. "I don't see them hanging around a golf course running up tabs." He doesn't plan to push his children towards careers in business, however. "To certain types it might get boring," he explained.

Murray's philosophy on child rearing is a reflection of the experiences he's had since boyhood. "The kid whose head is screwed on right, once given proper exposure—he's going to be all right," he said.

THE ROAD TO REVOLUTION IN LATIN AMERICA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on June 23 at the Inter-American Center luncheon in Miami, the Honorable Sol M. Linowitz, former U.S. Ambassador to the Organization of American States, delivered a magnificent address on Latin America and relations between the United States and Latin America. Ambassador Linowitz with his deep and broad understanding of Latin America set out the need for a U.S. policy of understanding, cooperation, and compassion with Latin America. He emphasized how vital the proper U.S. policy toward Latin America is to the well-being of the United States. Ambassador Linowitz spoke eloquently and courageously of the need for the revision of the present policy of the United States toward Latin America. I hope my colleagues and my fellow countrymen will have an opportunity to read Ambassador Linowitz' outstanding address and to profit by the wise counsel which he has given us in the formation and implementation of what should be the right American policy toward Latin America.

Mr. Speaker, I include Ambassador Linowitz' able address following these remarks in the body of the Record:

THE ROAD TO REVOLUTION IN LATIN AMERICA

Today I am going to talk to you about Latin America—in the context of the kind of times in which we live and the kind of world in which we live. Too often we have looked at Latin America in isolation—as an area apart—rather than as an integral part of the world we all share.

As a point of departure, let's recognize we are at a very difficult, anxious uncertain moment in world history. The Irish poet, Arthur O'Shaughnessy, once wrote: "Each age is a dream that is dying, or one that is coming to birth". The age that is coming to birth—indeed, it is with us already—is so changing and dynamic that no one can know how it will be to live in its time. We only know that the habits of the past will not suffice for the challenges of tomorrow.

We also know that at no time in history has it been more important to reach for a world of peace and freedom. Never before has it been so urgently necessary to try to create a world united for the betterment of the human condition—a world made safe for people.

For this is not only an uncertain, anxious time, but also a time of paradox—a time when man has learned to achieve most and to fear most, when he seems to know more about how to make war than how to make peace, more about killing than he does about living, a time when great achievements in science and technology are overshadowed by incredible advances in instruments of destruction. It is a time when we fear not the primitive and ignorant man but the educated and technically competent one who has it in his power to destroy civilization. We are at a time when we can send men aloft to walk the sky, yet recall Santayana's frighteningly timely words that men have come to power who "having no stomach for the ultimate burrow themselves downward toward the primitive."

So in such a world and at such a time, we have to determine what we can do to move mankind toward peace and plenty, how we can both attain and share in the great social opportunities of our lifetime. And there is no escape from facing front and asking the hard questions. For in this nuclear age we can"t hide and we can't drop out. We can only choose where we can best take our stand.

One of the greatest of our challenges before us is the terrible disparity in living standards between the so-called "developed north" and the "underdeveloped south" between the "haves" and the "have nots" of this earth—a gap which has been described by Barbara Ward as "inevitably the most tragic and urgent problem of our day". The tragedy is in the economic despair and emptiness that marks the lives of all too many in the developing countries; the urgency is in preventing a political reaction that could be, and is damaging international peace and security.

We are learning today that we cannot live in a world more than half enslaved by poverty with only the minority free from want and the fear of want; and that there is no security for anyone in such a world of injustice and resentment, a world in which the future balance of power will ultimately be decided by men and nations now lumped together under that convenient and misleading label "underdeveloped".

Not so long ago we could talk about the have-nots of the earth as a sociological phenomenon, people who required sympathy and even charity; but they were far away—and lacked the immediacy of proximity. They lack it no longer. Science and technology have stripped away our comfort now as surely as they have stripped away the mysteries and the defenses of time and distance. The "have-not" people are no longer far away in some Godforsaken jungle or even more Godforsaken slum of civilization; they are a transistor's-length right down the runway. They are our neighbors, and they have come to understand that we are mortals even as they, weak and gullible and prone to all the ills and foibles and petty quarrels of mortal men. They know, too, that we all share this planet—yet while we of the developed world share its benefits and promises, they share its deprivations and hardships.

Let's take a moment to look at them—not in millions or billions, but in microcosm. Here they are:

During the next 60 seconds, 200 human beings will be born on this earth. 160 of them will be colored—black, brown, yellow, red. About half will be dead before they are a year old. Of those who survive, approximately half will be dead before they reach their sixteenth birthday. The survivors who live past 16 will have a life expectancy of about 30 years. They will be hungry, tired, sick most of their lives. Only a few of them, if that many, will learn to read or write. They will till the soil, working for landlords, living in tents or mud huts. They—as their fathers before them—will lie naked under the open skies of Asia, Africa and Latin America—waiting, watching, hoping.

These are our fellow human beings in a world of alarm and strife, a world which appears not to have quite made up its mind whether it is too primitive for peace or too advanced for war.

If one thing is clear, it is that we must find answers, not by denying their existence, or by permitting our interest in them and their problems to swing from too much to too little and back again. For that is the way to disaster, and if we would avoid it we must master ambivalence or it will master us.

We now know—or should know—that there is no such thing any longer as a separate or isolated area of concern; that what threatens peace and stability in one part of the world—in Latin America, the Middle East or Southeast Asia—threatens peace and stability everywhere.

It is against this backdrop that I ask you now to look at Latin America with me.

Unhappily Latin America is an area of the world largely overlooked, ignored or disregarded in the United States. James Reston once said that Americans will do anything for Latin America except read about it and I'm afraid he's too accurate. Ask most Americans today about Latin America and you get a glazed look. Few can name as many as one of the twenty two countries in Latin America. To all too many Americans, Latin America is a homogeneous glob—peopled by sombreroed Latinos lurching from siesta to fiesta. Too few recognize that Latin America consists of individual nations at a critical point in their history determined to fulfill their destiny in their own way. Too few seem to remember that the great international crisis for President Kennedy was Cuba—in Latin America; and that except for Vietnam, the greatest challenge to President Johnson was the Dominican Republic—also in Latin America.

So it is in that perspective that I want to set forth my own convictions about Latin America today and our stake in what happens in Latin America tomorrow.

My first conviction is one I held when I originally undertook the assignment as United States Ambassador to the Organization of American States and which has since been strongly reinforced. It is that the future of international peace and security in our time will depend in large measure on what we are able to achieve here together in the Americas. I believe that we have, for too long, allowed this fact to be overshadowed by dramatic developments elsewhere; and that we as a nation cannot continue being ambivalent about the urgencies that exist in our own hemisphere.

Over ten years ago under President Kennedy we joined with the people of Latin America in launching the Alliance for Progress—a peaceful revolution to overthrow poverty, underdevelopment, inequity and despair. We said to the people of Latin America that they had reason to expect a better life—better housing, better education, better health, greater hope. And we promised them that we would work with them as a partner in helping them to achieve this better life.

As we have learned in our own country, the most devastating thing you can do to a human being is to raise his expectations and then to frustrate them. We were responsible for raising expectations in the hemisphere. A few of them have been fulfilled, but the overwhelming majority of them have not. So today the people of Latin America are confronted with a choice of adhering to the path of peaceful revolution or turning to violence to achieve their aims and fulfill their hopes. And if we in the United States continue to focus on the Far East, the Middle East, or Europe while we pay only lip service to these danger spots here in our own hemisphere, I believe we may find explosions on our doorstep—indeed we may find future Vietnams in our own hemisphere.

My second conviction is that in Latin America we are confronting all of the problems of the have-not world which I have described. Everything that comes to mind when we think about underdevelopment—unfulfilled agricultural and industrial potential, soaring birth rates, high mortality rates, illiteracy, disease—all these conditions exist right here in Latin America. And if together we cannot learn to deal wisely, maturely, realistically with these crises in a hemisphere where we share common bonds of history, geography, and tradition, surely there is little reason to expect that we can deal better with them elsewhere.

My third conviction is this: At a time when the entire concept of international cooperation at the United Nations and elsewhere is confronted with serious challenge, here in the Western Hemisphere we have the opportunity to establish a precedent not only for other regions, but perhaps universally. For the OAS and IDB seek to deal with the entire sweep of relationships among nations—economic, social, cultural, political and educational—and the inter-American system has the potential to give new strength and meaning to all international organizations—to further the concept of international cooperation in a way that can move us toward the ultimate goal of world cooperation. And a great deal will depend on how wisely, sensitively and cooperatively the United States plays its part.

On these premises, it is crystal clear that our stakes in Latin America are high—just about the highest for which we have ever played. And in taking stock, we have to face the hard facts of what it will take to rid Latin America of the social and economic inequities that still darken too much of its almost unlimited potential.

Too much in Latin America must still start from the ground up; and the ground itself must first be cleared of jungle, the trail must be cut through the mountain, civilization itself introduced before new farms can be laid out and made productive. Factories must be built along with homes, hospitals and schools. Disease must be stamped out; people must be trained; institutions must be built; attitudes and policies must change; and a whole new tradition and way of life must be established.

In the final analysis, our policy in Latin America will and must be judged by how closely and how successfully we identify ourselves with the search of the great mass of people in Latin America for economic and social justice. For these are the yearnings of a people seeking to live in freedom and dignity.

Yet there is precious little dignity to life if a man cannot have enough food to eat, if he cannot educate his children, if he cannot be healthy, if he cannot provide the bare element of self-respect in his everyday life.

A student at the University of Chile once put it to me this way: "The United States is always talking about the value of political democracy. We agree that it is essential; but we also feel that you would accomplish more if you put more of your weight behind the concept of economic democracy".

What he was saying was that city slum dwellers denied hope and illiterate rural Indians denied even a glimpse of the Twentieth Century neither comprehend the meaning of political democracy nor offer any foundation to sustain or to nurture it. They will either remain mute or give their sullen support to the demagogue or "leader" who elbows his way through the masses offering them protection and food. These are the staple commodities they want and need, and no promise of a better life made possible by democracy can vie with them. As former Senator Paul Douglas once said: "When you offer a starving man a choice between four freedoms and four sandwiches, he always chooses the four sandwiches".

But when attention is given to questions of basic order, when roads and streets are made safe, when food, clothing and shelter are made available, when attention is given to living conditions, when the masses discover they can rear, educate and marry off their children and leave them an opportunity for a better life, political democracy becomes not only possible, but imperative. For as living standards rise, that is the only system through which that better life can be sustained and advanced.

In the United States we have learned that the bedrock for civil rights is nothing less than economic rights; that even school integration and the right to vote—indispensable as they are—will not assure equality in themselves. That comes only when every citizen has an equal right in the marketplace—in the factory—in the professions. And so it is in Latin America Political democracy must remain the goal. Economic democracy is the basis on which it must rest.

There is no question that Latin America has a long way to go before it can begin to accomplish goals. There is no question that potential for violent revolution is present in the sordid slums, in the backward villages where the heritage of centuries of neglect remains greater than the effort to overcome it. This effort will demand searching economic and social changes—changes that will create dislocations. We must learn not only to live with this kind of change, but to encourage it to its fullest expression. For only as its tempo increases will the potential for violence decrease.

Yet this lesson is a hard one for us to learn and in the past several years I am afraid we seem to have forgotten much of the little we had learned.

We have heard a great deal about the need to maintain a "low profile' in Latin America. But what this kind of approach overlooks is that in Latin America our profile is there, whether we want it to be seen or not. The only question is whether our face is turned toward Latin America or away from it.

For the real fact is that in Latin America we are like a giant in a crowded room. We cannot move without stepping on someone's toes; and if we do not move we may find ourselves standing on someone's toes. And to the Latin Americans it all too often appears as though the so-called "mature partnership" the administration has in mind in its rhetoric about Latin America is one which avoids any responsibilities, undertakes no commitments, rejects any involvements.

Let me speak about one area of particular concern to many of you here—the trade relationship between the United States and Latin America.

I do not have to remind you that a central goal of the Alliance for Progress from the outset was the industrial development of the continent and the stimulation of exports. Consistently since its inception the United States sought to encourage the growth of Latin American industry and the development of regional and common markets. A primary incentive was the promise that one day the United States might grant trade preference to manufactured products from Latin America.

Early in 1969, in his only major speech on Latin America, President Nixon placed great emphasis on a proposal to work for such tariff preferences from the United States and other developing areas. Thereafter the OECD and Japan adopted such preferences, while the United States remained at the starting line.

Last August 15, when he announced his new Economic Game Plan, the President had an extraordinary opportunity. Accepting the fact that a surtax on foreign imports from Japan, Europe and other developed areas might have been considered necessary, this would have been the moment for the President to state our clear recognition that our foreign economic problems do not arise from Latin America and the other developing areas and to reassert his firm intention to make effective a tariff preference for manufactured and semi-manufactured products from Latin America and other developing areas. Such a move would have demonstrated that the nation which had done so much to help bring the Alliance for Progress into being was still deeply aware of its responsibilities and commitments to Latin America and other less developed areas of the world.

But instead of a redemption of the promise, Latin Americans found themselves confronted with an export surtax affecting 22 percent of their exports to the United States. And its effect reverberated throughout the continent. Only a few days ago in Washington, the President of Mexico bitterly commented on Latin Americas disappointment with U.S. inaction on tariff preferences.

Similarly, the inclusion in the President's August 15 program of a 10 percent cut in our already severely reduced foreign aid program had very profound implications for Latin Americans. Ironically, the day after the President's announcement—on the Tenth Anniversary of the Alliance for Progress—the President issued a statement reaffirming the United States commitment to "the noble principles" of the Alliance for Progress.

Not surprisingly the effect of these moves in Latin America was to reinforce the widespread skepticism about the seriousness of our professed interest in their problems. And the sudden United States decision a few weeks later to announce that the foreign aid cut would, after all, not be applied to Latin America hardly overcame the strong Latin American resentment which had already been built up.

Then, this past January 19th, President Nixon took another step which aroused Latin America. He announced that the United States would not approve economic aid to nations that expropriate American property without reasonable compensation, and that the United States would also oppose granting of loans of those countries by such international agencies as the World Bank or the Inter-American Development Bank.

It was, of course, obvious that these statements were aimed particularly at Latin American countries such as Chile and predictably the reaction in Latin America reflected this recognition.

On its face, this approach sounded reasonable since the United States has traditionally—and properly—demanded that property belonging to its citizens be reasonably compensated when that property is nationalized by a foreign government. However, Latin Americans have criticized three aspects of the January 19th statement; first, the fact that the United States would apparently decide unilaterally what international law applies to expropriation; secondly, that the standard of judgment as to what constitutes fair and reasonable compensation would be left to the United States alone; and third, that the principle of multilateralism would be undermined by interfering with decisions of institutions such as the World Bank and the Inter-American Bank.

Where, then, do we go from here? How can we move toward a better relationship between us and Latin America? Last year a brilliant young Colombian economist and friend of the United States wrote: "It is doubtful that any new inter-American initiative can be undertaken until after the Vietnam tragedy has come to an end." But I'm afraid we don't have time. Latin America's problems won't wait and its people won't wait. In one way or another—with or without the United States—Latin Americans will have to come to grips with their problem. This is going to require change and some of it—perhaps most of it—we will not like but we will simply have to learn to accept.

As we look ahead we can be certain that there will be disappointments for the people of Latin America and for ourselves. There will be many upheavals and dislocations. A number of times we will certainly not like what we see. But we have no choice in the matter. If we turn our backs now we invite catastrophe for the hemisphere. Intrude where we are not wanted and we risk grave consequences. Above all else, we must always remember that the job of fulfilling the vision of Latin America must be done primarily by Latin Americans for Latin Americans and in a Latin American way.

The Spanish poet Antonio Machado some time ago wrote words that are today recalled by Latin Americans as they grope for solutions to their long-standing social and economic problems: "Traveler, there is no path. Paths are made by walking".

The 270 million people of Latin America are today trying to make their own path. We in the United States can help them find it with assurance of our cooperation and understanding and support.

This is no time for bargain basement tactics on our part. This is no time for diplomatic doubletalk. This is no time for turning our backs on our own hemisphere or for allowing other concerns to interfere with hemispheric goals.

Rather, this is the time for us to express our strong commitment to the people of Latin America, in recognition of how much depends on our support and cooperation. If we do this—if we reject the recipes offered by the cynics and the do-nothings and the know-nothings—if our actions are guided by our faith in the power of international cooperation—then I am confident that we can move forward together toward a brighter tomorrow in a hemisphere free from war and free from want.

DISASTER RELIEF

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, I am today introducing legislation which would permit parcels to be mailed free of postage from any post office within the United States to any area designated a major disaster area by the President.

The parcels could be addressed specifically to individuals or to the Office of Emergency Preparedness in the locality of delivery for use as the OEP deems appropriate. Provision is made for the OEP and the Postal Service to issue regulations and to assure that the contents of the parcels would be suitably and reasonably related to disaster efforts.

Historically, the American people have opened their hearts and their purses to their fellowmen in time of need and in time of major disasters. Generally, while governmental agencies are geared up to provide assistance, help from friends, neighbors, and concerned citizens around the country is already on the way in the form of packages of food and clothing, and these are usually the items which are first needed.

From reports I have received, particularly from the Wilkes-Barre and Harrisburg areas of Pennsylvania, food and clothing parcels from all over the country were already in the mails before the floodwaters had started to recede.

The bill I have introduced would permit people to mail these packages for a limited period of time at no cost to themselves and would, I think, encourage fuller participation by the American people in aiding the victims of major disasters. The bill provides that the Postal Service would be reimbursed for the cost of handling these parcels through a separate appropriation from the Congress.

The President has called upon the Congress to appropriate large sums of money to help assist the present victims of the widespread disaster caused by hurricane Agnes. The enactment of my bill, I believe, would enable each American citizen to participate more completely in relief efforts of this kind.

I think it is fair and reasonable and hope it can be enacted so that its provisions can be put into effect in future disasters.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Aspinall, from 4 p.m., July 20, 1972, until noon, July 24, 1972, on account of official business.

Mr. Dulski (at the request of Mr. Boggs), for today through Friday, July 21, on account of death in his family.

Mr. Rooney of New York (at the request of Mr. O'Neill), for Wednesday, July 19, 1972, on account of illness—smog infection in eyes.

Mr. Shipley (at the request of Mr. O'Neill), for July 17 through July 20, on account of official business.

Mr. Seiberling (at the request of Mr. O'Neill), for today and Thursday, July 20, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Howard, today, for 60 minutes, to revise and extend his remarks, and to include extraneous matter.

Mr. Harsha, for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Carlson), to revise and extend their remarks, and to include extraneous matter:)

Mr. Don H. Clausen, today, for 10 minutes.

Mr. Frey, today, for 10 minutes.

Mr. Kemp, today, for 15 minutes.

Mr. Findley, today, for 5 minutes.

Mr. Frenzel, today, for 10 minutes.

(The following Members (at the request of Mr. Mazzoli) and to revise and extend their remark and include extraneous matter:)

Mr. Fauntroy, for 5 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Begich, for 10 minutes, today.

Mr. Aspin, for 5 minutes, today.

Mr. Hamilton, for 10 minutes, today.

Mrs. Abzug, for 10 minutes, today.

Mr. St Germain, for 5 minutes, today.

Mr. Waggonner, for 60 minutes, on July 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Barrett, immediately following Mr. Patman's remarks during general debate in the Committee of the Whole today.

Mr. Vanik, during his special order of today, to revise and extend his remarks, and to include extraneous matter, notwithstanding it exceeds two pages of the Congressional Record and estimated by the Public Printer to cost $1,530.

(The following Members (at the request of Mr. Carlson) and to revise and extend their remarks and include additional matter:)

Mr. Erlenborn.
Mr. Duncan.
Mr. Landgrebe in five instances.
Mr. Schwengel.
Mr. Quie.
Mr. Shoup in two instances.
Mr. Don H. Clausen.
Mr. Keating.
Mr. Pettis.
Mr. Thone.
Mr. Rousselot.
Mr. Hosmer in two instances.
Mr. Wyman.
Mr. Scherle.
Mr. Whitehurst in two instances.
Mr. du Pont.
Mr. Cleveland.
Mr. Zwach.
Mr. Davis of Wisconsin.
Mr. Hunt.
Mr. Hogan in 10 instances.
Mr. Belcher.
Mr. Winn.
Mr. Bell.
Mr. Railsback.
Mr. Quillen.
Mr. Anderson of Illinois.
Mr. Schmitz in five instances.
Mr. Bray in two instances.
Mr. Smith of New York.
Mr. Steiger of Wisconsin.
Mr. Ruppe.
Mr. Coughlin.

(The following Members (at the request of Mr. Mazzoli) and to revise and extend their remarks and include additional matter:)

Mrs. Hicks of Massachusetts in two instances.
Mr. Begich in two instances.
Mr. Gonzalez in three instances.
Mr. Griffin.
Mr. Meeds.
Mr. Waldie in three instances.
Mr. O'Neill.
Mr. Chappell.
Mr. Dingell.
Mr. Tiernan.
Mr. Hathaway.
Mr. Harrington.
Mr. Rarick in three instances.
Mr. Eckhardt.
Mr. Symington.
Mrs. Abzug in 10 instances.
Mr. Dow.
Mr. Hungate.
Mr. Daniel of Virginia.
Mr. Stokes.
Mr. Pickle in two instances.
Mr. Cotter.
Mr. Nichols.
Mr. Pike.
Mr. Bevill in two instances.
Mr. de la Garza.
Mr. Poage.
Mr. Moorhead in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 387. An act for the relief of Uhel D. Polly; to the Committee on the Judiciary.

S. 1076. An act to provide for the striking of medals in commemoration of Jim Thorpe; to the Committee on Banking and Currency.

S. 2441. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility and desirability of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal; to the Committee on Interior and Insular Affairs.

S. 2475. An act for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich.; to the Committee on the Judiciary.

S. 2750. An act for the relief of the estate of Albert W. Small; to the Committee on the Judiciary.

S. 3545. An act to amend section 7 of the Fishermen's Protective Act of 1967; to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1997. An act for the relief of Joseph F. Sullivan;

H.R. 3751. An act for the relief of Albert W. Reiser, Jr.;

H.R. 5237. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967.

H.R. 6739. An act for the relief of Cpl. Michael T. Kent, U.S. Marine Corps Reserve; and

H.R. 7829. An act for the relief of Stephen H. Clarkson.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2359. An act for the relief of Willard O. Brown.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On July 18, 1972:

H.R. 15869. An act to extend for 90 days the time for commencing actions on behalf of an Indian tribe, band or group.

On July 19, 1972:

H.R. 1997. An act for the relief of Joseph F. Sullivan;

H.R. 3751. An act for the relief of Albert W. Reiser, Jr.;

H.R. 5237. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967;

H.R. 6739. An act for the relief of Cpl. Michael T. Kent, U.S. Marine Corps Reserve; and

H.R. 7829. An act for the relief of Stephen H. Clarkson.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House adjourned until tomorrow (at 6 o'clock and 49 minutes p.m.), Thursday, July 20, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2175. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Age Discrimination in Employment Act of 1967 to extend the act to State and local governments; to the Committee on Education and Labor.

2176. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to promote the effective administration of Federal employee insurance and annuity compensation; to the Committee on Education and Labor.

2177. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of medical, dispensary, and hospital facilities and services for the public within Yellowstone National Park, Wyo., for a 5-year term ending March 31, 1976, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2178. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2179. A letter from the Federal Cochairman, Ozarks Regional Commission, transmitting a copy of the Ozarks Regional Action plan, pursuant to section 503(a)(2) of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

Received From the Comptroller General

2180. A letter from the Comptroller General of the United States, transmitting a report containing suggestions for changes in U.S. funding and management of pacification and development programs in Vietnam, administered by the Civil Operations for Rural Development Support organization, Department of Defense, Department of State, Agency for International Development; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee on Foreign Affairs. S. 3645. An act to further amend the U.S. Information and Educational Exchange Act of 1948 (Rept. No. 92–1225). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 7295. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes; with amendment (Rept. No. 92–1226). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN (for himself and Mr. Widnall):

H.R. 15935. A bill to provide additional relief to the victims of Hurricane and Tropical Storm Agnes, and to the victims of the South Dakota Flood Disaster, and for other purposes; to the Committee on Banking and Currency.

By Mr. ADDABBO:

H.R. 15936. A bill to permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 15937. A bill to provide for the promulgation of Federal standards of performance for emission control devices or systems designed to prevent or reduce air pollution emission from used vehicles; to the Committee on Interstate and Foreign Commerce.

H.R. 15938. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulphur and on certain emissions of sulphur oxides; to the Committee on Ways and Means.

By Mr. BURLISON of Missouri:

H.R. 15939. A bill to amend the Soil Conservation and Domestic Allotment Act, to provide for an Ozark Region environmental conservation program; to the Committee on Agriculture.

By Mr. CHAPPELL:

H.R. 15940. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLIN:

H.R. 15941. A bill to amend certain provisions of the Federal, Food, Drug and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENZEL:

H.R. 15942. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GUDE:

H.R. 15943. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to assure that the public is provided with safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LUJAN:

H.R. 15944. A bill to authorize grants to the Deganawidah-Quetzalcoatl University; to the Committee on Education and Labor.

By Mr. PATMAN:

H.R. 15945. A bill to amend title 38 of the United States Code to provide that certain beneficiaries of national service life insurance policies may elect lump sum settlements after attaining age 65; to the Committee on Veterans' Affairs.

By Mr. STEIGER of Arizona:

H.R. 15946. A bill to amend Public Law 87–279 to permit the Secretary of the Interior to administer electric utility systems constructed and operated as a part of an irrigation system; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 15947. A bill to amend title 38 of the United States Code to provide for the automatic guaranty of mobile home loans; to the Committee on Veterans' Affairs.

By Mr. BARRETT (for himself and Mr. Flood):

H.R. 15948. A bill to provide additional relief to victims of Hurricane and Tropical Storm Agnes, and for other purposes; to the Committee on Banking and Currency.

By Mr. BELL:

H.R. 15949. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended; to the Committee on Interior and Insular Affairs.

By Mr. BLATNIK:

H.R. 15950. A bill to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. Jones of Alabama, Mr. Wright, Mr. Clark, Mr. Johnson of California, Mr. Roberts, Mr. Kee, Mr. Don H. Clausen, and Mr. Snyder):

H.R. 15951. A bill to authorize the Secretary of the Army to undertake a national program of inspection of dams; to the Committee on Public Works.

By Mr. FLOOD:

H.R. 15952. A bill to provide additional relief to victims of Hurricane and Tropical Storm Agnes, and for other purposes; to the Committee on Banking and Currency.

By Mr. GROSS:

H.R. 15953. A bill to provide free postage for parcels mailed to disaster areas; to the Committee on Post Office and Civil Service.

By Mr. GRAY (for himself Mr. Colmer, Mr. Whitten, Mr. Griffin, and Mr. Montgomery):

H.R. 15954. A bill to provide that the Federal building to be constructed in Aberdeen, Miss., shall be named the "Thomas G. Abernethy Federal Building"; to the Committee on Public Works.

By Mr. HECHLER of West Virginia:

H.R. 15955. A bill to provide for the conversion of dam No. 5 on the Big Sandy River in Kentucky to a fixed-type structure, and the repair of the same, in the interest of water supply and other benefits to local interests; to the Committee on Public Works.

By Mr. HUNT:

H.R. 15956. A bill to amend section 1331 of title 10, United States Code, in order to make certain persons eligible for nonregular retired pay if such persons served on active duty during the Vietnam era; to the Committee on Armed Services.

By Mr. ZWACH:

H.R. 15957. A bill to amend the feed grain and soybean programs to adjust price supports and payments to reflect increases in the cost of living, to remove transportation differentials in establishing price supports, and to provide price support premiums on grain with less moisture content; to the Committee on Agriculture.

By Mr. BEVILL:

H. Con. Res. 646. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. BIESTER (for himself, Mr. Frenzel, Mr. Mikva, Mr. Alexander, Mr. Rodino, Mr. Shoup, and Mr. Yates):

H. Res. 1044. Resolution authorizing employment of senior citizen interns for Members of the House of Representatives to the Committee on House Administration.

By Mr. MOORHEAD:

H. Res. 1045. Resolution authorizing employment of senior citizen interns for Members of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MOSS introduced a bill (H.R. 15958) for the relief of Charles S. Gordon; to the Committee on the Judiciary

EXTENSIONS OF REMARKS

THE HEART-WARMING SAGA OF THE STOW ORPHANS

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. BELCHER. Mr. Speaker, the following article appeared in the Army/Navy/Air Force Times of June 21, 1972, and I think it is a heartwarming story of a very brave family and I would like to take this opportunity to insert it in the RECORD:

THE HEART-WARMING SAGA OF THE STOW ORPHANS

(By Sue Toma)

The story opens when an Air Force fighter pilot, Maj. Lilburn R. Stow, is killed in action in Vietnam during April 1968. Major Stow leaves behind his wife, Norma, and five children—Skip (Lilburn R. Stow Jr.), Vickie, Keela, Kimberley and Kola. A tragedy—but it's happened before in this long war.

After the death of their father, a big, happy man who liked to barbecue in the back yard, Norma Stow and the children tried to build a normal life together but she had problems with her heart and doctors felt that only open heart surgery could save her.

Now enters the villain of the piece. A real stinker. For months, Mrs. Stow received terrorizing telephone calls from a man threatening to kill both her and her children because of Major Stow's Vietnam service.

The slimy fellow, who always called at midnight, caused the frail Mrs. Stow and her children many hours of strain and fright. After their home was vandalized (most of the Stow's service-life momentoes were broken), the police spent many hours patrolling outside their Tulsa, Okla., suburban home and tapping the telephone in an attempt to "zero in" on the terrorizer.

Doctors felt that the slim hold Mrs. Stow held on life in the two years since her husband died was being slowly drained away and that surgery to repair her diseased heart should be attempted. But, Norma Stow died following the operation.

The terror and loneliness was over for Mrs. Stow, but for the five orphans, their lives just beginning, the future looked a little shaky.

With little or no money, and with debts against their mother's estate and the threat of separation before them, the children struggled against the odds.

"We're going to stay together," said Skip flatly, at age 18 the head of the family, to a newspaper reporter. "That's the way our parents wanted it."

"And that's the way we want it," added his sister, 16-year-old Vickie, a pretty brunette with fierce determination.

That's when the plot really began to take unbelievable turns.

R. C. Freeman, a lieutenant colonel in the Oklahoma Air National Guard, and a friend of the Stow family, stepped forward. With five children of his own almost the same ages as the Stows, the Freemans offered the five Stows a haven. In the face of the children's adamant desire to remain a family unit, relatives agreed not to split them up.

But can a suburban home big enough for five children suddenly expand to accommodate 10 children? Freeman wasn't sure his house was big enough. "But if it isn't, it will be," he assured all. The Eastwood Baptist Church, where both the Freemans and Stows attend, offered to help "raise the barn" in good old Western style when the Freemans decided to add an addition.

Reserve AF JAG Capt. Mickey D. Wilson volunteered his services as a lawyer to get Norma Stow's will through probate. He also began arranging for the necessary papers to have Freeman named as the children's guardian.

Wilson wasn't too pleased when he began to look into Mrs. Stow's financial affairs. She had no insurance and most of the funds left by Major Stow were gone. The children owed $10,000 worth of debts on various notes and mortgages. "There's nothing we can do but sell their home," Wilson admitted sadly.

That's when the AFROTC unit and Angel Flight at the University of Tulsa entered stage right.

"Can't we do something to prove the Air Force really does care?" they asked their instructor, Col. Calvin G. Bass. Colonel Bass wrote to *Air Force Times* and a story about the Stow Family appeared on Mar. 18, 1970. Stories also appeared in local Oklahoma papers.

One month later, the foundation formed by the AFROTC unit had started to pick up momentum. More than $1700 had been donated, local merchants had contributed almost all of the materials needed for a two-bedroom, one-bath expansion on the Freeman's bursting home and the roof was on thanks to the abilities of the church's free work force. Not only had all five of the Stow children been offered scholarships in varying degrees, but the five Freeman children had been included in the bounty.

Meanwhile, Colonel Bass reported, "We've received the most heartwarming letters."

"Please accept the enclosed $10 bill for the benefit of the Stow children," one letter read. "I would like to donate it in behalf of my husband who's a prisoner of war in North Vietnam."

"We recently read of the plight of the children of Maj. Lilburn R. Stow," another poignant letter said. "This story comes at a time when we are grieved with the loss of one of our own squadron pilots, who gave his life while flying as a Sandy in the successful rescue of another downed U.S. pilot . . . The S.O.S. (Special Operations Squadron) Zorros, are sending this contribution to the Stows and ask that it be credited in the name of Maj. Edward M. Hudgens, who also gave his life so that another might live."

By July 1970, more than $12,000 had been processed by the foundation as AF people around the world rallied to hold fund drives, benefits and bake sales. One couple at Mountain Home AFB, Idaho, began contribution $92 a month toward the children's care.

Appropriately enough, the contribution that put the Stow Family Fund over the $20,000 mark came from the children in the Grissom AFB, Ind., vacation bible school.

End of flashbacks.

Now, more than two years after Mrs. Stow died, her estate has been settled with each child receiving $1688.52. Also each child has been assured a college education by an anonymous donor who has made $5000 immediately available to Skip who is now 19, and Vickie, 18, who are attending Oklahoma State University. Their unknown benefactor also created a foundation to manage stock for the other children, Keela, 15, Kimberly, 10, and Kola, 9. The dividends from the stock will provide about $1000 for each child per college year. Each child also receives a monthly Veterans Administration check and is eligible for a VA scholarship.

True, their original home was sold but, thanks to the foundation, the furniture that Norma Stow collected with such loving care has been saved for her daughters.

The AFROTC unit still processes donations, which have now totalled more than $24,000. Colonel Bass recently was presented an Air Force Association certificate of recognition for his efforts in behalf of the children.

Isn't that a nice story? It would be unbelievable on the movie screen, though.

By the way, they never caught the nasty who terrorized Mrs. Stow and the children. And police say they probably will never know who it was unless he again threatens the children. This development doesn't quite fit the plot but you already know the villain will get his in the end anyway. It's just retribution.

So, with the music up, we fade out until the next installment in the saga of the Stows.

RESPONSE OF OFFICE OF EMERGENCY PREPAREDNESS IN DISASTERS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 19, 1972

Mr. SCHWEIKER. Mr. President, yesterday I introduced S. 3805, legislation to amend the Disaster Relief Act which, among other things, permits the President to waive the normal requirements for individual States to provide detailed damage statistics in order for an area to be designated as a Federal disaster area.

The purpose of my legislation is to make it clear that where a major disaster is obviously occurring State personnel need not be spending valuable time in getting detailed statistical information but rather can be engaged in search and rescue operations.

I am aware that the Office of Emergency Preparedness considers the first priority to be taking care of disaster victims rather than in making disaster damage surveys. My legislation is directed toward requirements for State damage surveys rather than Federal surveys.

I am pleased that OEP recognizes that the first responsibility must be to take care of disaster victims. I ask unanimous consent that a memorandum from Gen. G. A. Lincoln, Director of OEP to Regional Directors setting forth OEP's policy in this regard be reprinted in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

OFFICE OF EMERGENCY PREPAREDNESS MEMORANDUM

Now that the President has declared five states as disaster areas for what may be the most severe flooding situation of record on the east coast of the United States, the initial priorities of Federal effort must go to taking care of people and getting communities back into operation again.

While detailed surveys of damage are needed, they should be given second priority to people's needs.

I have asked the Under Secretary of Housing and Urban Development for an especially urgent effort in the provision of temporary housing, and have also asked the Chief of Engineers to stress to his field organization the importance of taking care of people and communities suffering hardship.

Exercising initiative while keeping in contact with our Federal coordinating officers. I estimate that within a week or so the crisis period will be over. But, during the current critical period we should seek every possible way to reduce administration in the interest of getting things done for people's needs.

G. A. LINCOLN,
Director.

POWER BLACKOUTS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. KEATING. Mr. Speaker, despite all the early grave warnings of experts in the field of power, we have witnessed our first serious blackout of the summer season when on July 17 and 18 some 200,000 residents of New York City were affected by a blackout.

This is one of the most serious blackouts since the breakdown of Consolidated Edison's powerplants in 1965 when the largest city in this country was paralyzed by a huge blackout.

According to a recent report by John N. Nassikas, Chairman of the Federal Power Commission, about 60 out of 150 systems or utility groups could have reserve generating capacity of less than 15 percent. Necessary reserve margins vary from one system to another, but on the average it should be at least 20 percent. In some areas there should be a cushion of 30 percent in reserve.

New York City, according to the FPC, may again this summer experience power supply problems.

I would like to point out that three utilities serve in an industrialized area of some 15,000 square miles in southwest Ohio where the population is in the area of about 4,000,000 people.

Cincinnati Gas & Electric, acting as the agent for Columbus and Southern Ohio Electric Co. and the Dayton Power & Light Co. are committed to construct the William H. Zimmer Power Station in Moscow, Ohio, at a cost of some $300 million.

I have registered my complaint with the Atomic Energy Commission, the Federal Power Commission, and also the White House, that construction plans, environmental reports, public hearings, and the other necessary paperwork that must be done for this plant must be speeded up.

Company officials argue that without the Zimmer unit the companies' combined reserve will be 6.6 percent, way below the comfortable reserve requirements.

Loss of other generating equipment at the time of summer peaks certainly could result in serious breakdowns.

The delay also will contribute to the air pollution now surrounding our area because the delay results in the prolonged operation of coal-fire units. When these units burn, they release into the atmosphere pollutants associated with burning coal; and it creates an environmental condition far worse than allegedly associated with the nuclear units being delayed.

Studies also show that the delay will add a cost of approximately $15 million due to the escalation and interest-during-construction cost.

Cincinnati Gas & Electric planners had hoped to have 1,100 craftsmen working on the plant by the fall of 1973. But now this is being delayed. The craft unions estimated that the potential work that is being affected is calculated to amount to millions of dollars in earnings.

I would also like to point out that when this is multiplied by the 74 nuclear powerplants across the country presently planned or under construction, the income lost to craftsmen throughout the Nation is staggering.

In the Greater Cincinnati area gas supplies are now short, with Cincinnati Gas & Electric unable to supply service to new commercial facilities. I have in my records letters from two meatpacking firms that had planned expansion but are now hampered because of the short gas supply. Also, the mayor of one of our cities has been hampered in his urban renewal program because of this power shortage. The decline in industrial activities unfortunately leads to a decline in commerce. The general reaction, however, is gradual, complex, and in many cases indirect.

Decreased income not only affects the private sector, but also slows local, State, and Federal Government activities.

In the Cincinnati-Dayton-Columbus region, local and State government revenues from tax sources amount to about $1.1 billion. This would increase to $2.3 billion by 1980.

The Federal Government collects about $3.1 billion from revenues in this region which would rise to approximately $6.4 billion by 1980 if the economy is successful in maintaining its normal rate of growth.

I maintain that unless we meet our power needs both in the industrial and private sector, we will be unable to maintain our normal rate of growth.

I think the time to act is now. We must speed up our powerplants to meet the needs of this country.

ORDER OF AHEPA GOLDEN ANNIVERSARY OF THE

HON. LLOYD BENTSEN

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, July 19, 1972

Mr. BENTSEN. Mr. President, Order of Ahepa, the American Hellenic Educational Progressive Association, is celebrating its golden aniversary during 1972. Founded on July 26, 1922, in Atlanta, Ga., AHEPA has eight primary objectives, the first of which is "to promote and encourage loyalty to the United States of America." During its 50 years of existence, the Order of Ahepa has contributed financially to many worthy causes, offering needed assistance at times of natural and man-caused disaster to persons around the world. Contributions have gone to victims of floods, hurricanes, earthquakes, and wars. And the organization continues to grow and prosper, and to offer help to those in need, whenever possible.

Many Texans are members of AHEPA, Mr. President. Officers of the Houston Chapter are A. S. Catechis, president; P. C. Peropoulos, vice president; Angelo J. Cramer, secretary; and Alex J. Skandalis, treasurer. Officers of the Galveston Chapter are George Marinos, president; Gus M. Loomis, vice president; John A. Mehos, secretary; and Angelo Agalou, treasurer. Officers of the Waco Chapter are Tom Bakos, president; Pete Dris, vice president; and Michael Colia, secretary.

Officers of the Texarkana Chapter are Speros D. Cotseones, president; John G. Papageorge, vice president; Tom Carras, secretary; and Frank Demopoulos, treasurer. Officers of the San Angelo Chapter are Johnny J. Kalaitzes, president; Chris Kouvelis, vice president; and W. G. Michalopulos, secretary and treasurer. Officers of the Beaumont Chapter are John A. Davis, president; George Greeker, vice president; and Peter G. Zarmakoupis, secretary and treasurer.

Officers of the Corpus Christi Chapter are Achille J. Psimaris, president; James U. Cazamias, vice president; C. Gus Adams, secretary; and Dr. Nicholas T. Hallick, treasurer. Officers of the Fort Worth Chapter are Tommy Peters, president; Donald J. Wooldridge, vice president; Nick Tsumpis, secretary; and Steve Vloitis, treasurer. Officers of the Dallas Chapter are William A. Karahal, president; Connie Pastis, vice president; Chris S. Chotas, secretary; and A. P. Shropulos, treasurer.

District Lodge Officers who are Texans include Jack Lymberry of Houston, lieutenant governor; Jerome M. Kaler of Houston, secretary; George G. Chininis of San Antonio, marshall; and George N. Zarafonetis of Dallis, adviser.

In addition, James G. Petheriotes of Houston is supreme trustee in the national lodge and Texans who are past national officers of the Order of Ahepa include Nick C. Demeris of Houston, past supreme lodge; and Michael Colias of Waco, past supreme trustee.

SENATOR JAVITS CRITICIZES VICE PRESIDENT AGNEW

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. SCHERLE. Mr. Speaker, a year ago in a letter to the New York Times the senior Senator from New York, referring to the Republican presidential candidacy of Congressman PETE MCCLOSKEY, praised those within our party who speak out on their convictions. Senator JAVITS even went so far to say in defending MCCLOSKEY that—

> Any ferment in the party, making it lively and provocative, is desirable.

However, yesterday Senator JAVITS typically switched gears and criticized Vice President SPIRO AGNEW for upholding what are his convictions.

Evidently the Senator believes it is perfectly proper, if not even "desirable," for more liberal members of the party to sound off on their philosophy but not the Vice President. It would behoove the New York Senator to remember what happened to the last Republican Senator from New York who sought to cross swords with the Vice President.

JAVITS should exercise more concern as to whether there will be a place on the New York Republican ticket for him in 1974 rather than worry about who the Republican National Convention will select in the next few weeks.

No other American has aided so many Republican candidates as SPIRO T. AGNEW. He is a necessity on the Republican ticket this fall. Any attempt to dislodge him will be vigorously fought by the elected delegates in Miami.

Such spoiler tactics are divisive and only aid our political foes. The senior Senator from New York should join all Republicans in working together for the relection of the Nixon-Agnew ticket.

CONGRATULATIONS, ORDER OF AHEPA

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. DE LA GARZA. Mr. Speaker, the Order of Ahepa, the American Hellenic Educational Progressive Association, lists as the first of its nine principal objectives one that is of immense importance in our Nation today. It is stated in these words:

> To promote and encourage loyalty to the United States of America.

That is a noble goal, one for which this fraternal organization is to be commended as it observes this month, on July 26, the golden anniversary of its founding.

The Order of Ahepa has contributed to many worthy causes during the half-century of its existence, ranging from relief for flood victims in this country to earthquake relief in the Ionian Islands, from the sale of half a billion dollars in U.S. war bonds during World War II to national scholarships for worthy students. Members of AHEPA have a right to take pride in their organization's record of accomplishment.

In my own State of Texas, local chapters of the order carry forward their good work in a number of our leading cities. A Houston citizen, James G. Petheriotes, is currently a supreme trustee of Ahepa. To him and to all members of the organization I extend my congratulations and best wishes on this 50th birthday of the Order of Ahepa.

WOOD PRODUCTS IN MONTANA

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. SHOUP. Mr. Speaker, the wood products industry is one of vital interest to the Western States. In Montana, it is a prime economic concern. The industry is being criticized right now for some of its policies such as clearcutting. Because of this criticism, the wood products industry is evaluating its position. Such evaluation, along with the eventual changes which will result, will have an important effect on the economy of Montana. For the information of the Members of the House, I would like to insert a summary of one of the better reports about the evaluation of the wood products industry in Montana. The report is by Maxine C. Johnson and was published in the Montana Business Quarterly, spring 1972, by the Bureau of Business and Economic Research at the University of Montana. The following is that report:

Since 1950, the wood products industry (here defined as logging operations, wood products manufacturing, and the production of pulp and paper) has occupied a unique position as a growth industry in Montana. Among the state's primary or export industries—those which make an area grow—only manufacturing (especially wood products) and the federal government have been expanding their employment; the others—agriculture, mining, and railroads—have been letting workers go.

The result has been a state economy that, by national standards, has grown very slowly. It has been unable to supply enough jobs for its residents and has provided Montanans with an average income per person well below the national average.

In western Montana—Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, and Granite Counties—the record has been much better. The major reason: the wood products industry. While agriculture and railroads have dropped employees here too, manufacturing and the federal government have added workers. Of the 5,420 new manufacturing employees between 1950 and 1968, 3,500 (65 percent) went to work in wood products activities. Another 1,000 were involved in the aluminum plant at Columbia Falls.

The transformation of western Montana from an agricultural to an industrial economy has meant more jobs and more income. Total employment—wage and salary workers plus the self-employed—was up 32 percent in the western counties between 1950 and 1968, as opposed to only 11 percent in all of Montana. Total personal income grew 93 percent in western Montana, 52 percent in the state; per capita incomes were up 42 percent and 30 percent respectively. There is no doubt that the wood products industry has been responsible for much of the growth in the eight western counties. By 1969, the area's economy had become heavily dependent upon wood products activities.

In attempting to measure the total impact on income and employment, we counted not only persons at work in the industry, but also federal government employees engaged in timber activities. But to really see how primary industry employment affects the economy, workers in secondary industries—transportation, trade, services, local government, etc.—who provide goods and services for the wood products industry, its employees, and timber management workers must be added in. Similarly, in computing total income attributable to the wood products industry, we included the earnings of industry and timber management workers, plus the additional income generated in the area by their expenditures and by industry purchases of goods and services. Our estimates, based on the U.S. Department of Commerce, Regional Economics Information System, indicate that in 1969 something like 43 percent of total employment and 51 percent of total personal income in western Montana came, either directly or indirectly, from the wood products industry.

In the state as a whole (using the same data for computation), wood products played a much smaller role: approximately 12 percent of total employment and 11 percent of total personal income in 1969 was directly or indirectly attributable to the industry.

The year 1969 was a year of high production and employment in the forest industries; it is also the latest year for which all the necessary data are available. The total contribution of the industry would have been somewhat smaller in 1970 and 1971.

The growth of Montana's wood products industry has been accompanied by a large increase in the amount of timber cut on national forests. In recent years, a good many people have come to feel that the Forest Service has emphasized timber production at the expense of other uses of the forest. They feel that recent high rates of timber harvest are excessive in terms of future timber supply and are damaging to the environment. Especially offensive to these critics is the practice of clearcutting. The Forest Service is reevaluating its management practices in response to changing values and public pressure, and timber sales on national forests are being reduced, at least temporarily.

This report is concerned with the potential effects of declines of various severity in the timber supply on employment and income during the next few years, 1973 to 1975. Clearly, short-run economic considerations should not be the only criteria applied to the solution of the timber management problem. Nevertheless, an understanding of what may be involved in the way of economic change should be helpful to those who influence the decision.

To determine the potential effects of various changes in the timber supply from the national forests, three alternative assumptions were made. The first was that wood products firms would reduce their cut during the next three years to match the amount of timber which the Forest Service expects to sell. On the average, this would mean a decline of 20 percent below the typical harvest for fiscal years 1966–1970. The second assumption was that the industry would continue to cut at the fiscal 1972 level, slightly above the 1966–1970 average, but that considerable readjustment would take place within the industry as firms maneuvered for a timber supply. The third assumed a temporary ban on clearcutting with a sharp decline of from 30 to 35 percent in available timber supply from national forests.

Assumption I. This alternative, involving a decline of approximately 20 percent, or 150 million board feet annually (in timber cut from national forests), would probably result in a loss of about 750 jobs and $7 million in wages, salaries, and proprietors' income in Montana's wood products industry. When total statewide effects are considered—including the loss in jobs and income which would result in other industries—the potential loss amounts to 2,370 jobs and $22 million in income. These figures are equal to approximately 1 percent of Montana's total employment and income in 1969.

ASSUMING A DECLINE OF 150 MILLION BOARD FEET IN ANNUAL TIMBER CUT, FISCAL 1973-75

	Montana	8 western counties
Potential decline in:		
Industry employment	750	652
Total employment	2, 370	1, 813
Percentage of total 1969 employment	0. 9	3. 1
Industry earnings	$7, 100, 000	$6, 300, 000
Total personal income	$22, 000, 000	$20, 900, 000
Percentage of total 1969 personal income	1. 0	4. 7

The impact would be greater in western Montana, where the total job loss might be 1,800 or 3 percent of total employment and income might decline by almost $21 million, or 5 percent of total income. Estimates for Assumption I are summarized above.

Assumption II. The Forest Service anticipates that the industry may continue to cut timber at a high rate during the next few years, preferring to keep plants operating even though reducing the amount of timber under contract. This has been the pattern thus far in fiscal 1972. But timber sales are not being reduced equally on all forests. With the development of new multiple use plans, some forests are in for sizable reductions in their timber growing land base; mills in their vicinity may run short of logs. And there is little doubt that stumpage prices will go up as mills bid for the declining amount of timber to be offered for sale. Emphasis in the industry will be on size, efficiency, and integration, and the readjustments may be extensive. Even if the total amount of timber cut continued high, the possibility of mills closing and workers being thrown out of work is real. If the job loss statewide ranged from 250-500 workers, the repercussions would be considerably smaller than those anticipated in Assumption I. At the state level, the direct and indirect employment loss could range from 790 to 1,580, or from 0.3 to 0.6 percent of total 1969 employment and the income loss from $7.3 to $14.7 million, or 0.3 to 0.7 percent of total 1969 personal income. In western Montana, losses could range from 1 to 2 percent of employment and from 1.6 to 3.1 percent of income. The figures are summarized below:

ASSUMING TIMBER CUT CONTINUES HIGH, BUT INDUSTRY READJUSTMENTS REDUCE EMPLOYMENT

	Montana	8 western counties
Potential decline in:		
Industry employment	250-500	218-435
Total employment	790-1, 580	606-1, 209
Percentage of total 1969 employment	0. 3-0. 6	1. 0-2. 0
Industry earnings	$2, 400, 000-$4, 800, 000	$2, 100, 000-$4, 200, 000
Total personal income	$7, 300, 000-$14, 700, 000	$7, 000, 000-$13, 900, 000
Percentage of total 1969 personal income	0. 3-0. 7	1. 6-3. 1

Assumption III. Proposals have been made for a (presumably) temporary moratorium on all clearcutting. The Forest Service estimates that the immediate effects of a clearcutting ban would be to reduce the volume of timber harvested by 30 to 35 percent, or approximately 250 million board feet. Such a reduction could mean as many as 4,000 fewer jobs in Montana, 3,000 of them in the western counties alone. Assumption III effects:

ASSUMING A BAN ON CLEARCUTTING AND AN ANNUAL REDUCTION OF 250 MILLION BOARD FEET IN THE TIMBER HARVEST

	Montana	8 western counties
Potential decline in:		
Industry employment	1, 250	1, 088
Total employment	3, 950	3, 025
Percentage of total 1969 employment	1. 4	5. 1
Industry earnings	$11, 900, 000	$10, 600, 000
Total personal income	$36, 700, 000	$34, 800, 000
Percentage of total 1969 personal income	1. 7	7. 8

All of these estimates, as is clearly indicated in the report which follows, are necessarily only rough approximations of the potential effect of changes in the amount of timber available to the wood products industry. Each alternative assumes that the housing market and therefore the demand for Montana's wood products will remain strong, and that the paper mill in Missoula will continue at full production during the next three years.

The wood products industry has always been susceptible to cyclical fluctuations, many of them as severe as the declines envisioned in Assumptions I and II above. The difference is that if these declines become permanent—as they may well do—the wood products industry may no longer be counted as a growth industry. Unless the job losses which may occur are offset by gains in other industries—and there is some question about this—the performance of Montana's economy in the 1970s will continue to be disappointing and much of the expected vigor will be missing from the western Montana economy.

"RED" COX RETIRES FOLLOWING DISTINGUISHED CAREER

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. BEVILL. Mr. Speaker, my good friend Elmas E. "Red" Cox retired from Government service on June 30, of this year, following a distinguished career.

Those of us who know him well, and there are many, will miss him. During his tenure in Government service, Red was an outstanding, knowledgeable, willing worker who knew how to get things done.

Red first came to the Nation's Capital in 1933, with just $20 in his pockets. His first Government job was in the Office of the Comptroller of the Currency. He remained with this subagency of the Treasury Department until December 16, 1937. At that time he went with the Federal Housing Administration. He remained in this position until 1945, when he took a job with newly elected Congressman Albert Rains, of Gadsden, Ala.

Red served as Congressman Rains' chief assistant for 20 years. Following the retirement of Congressman Rains, Red took a job as special assistant to the Comptroller of the Currency, where he remained until his retirement.

Red now plans to enter the public relations field as a Government consultant. He will work out of his Lake Barcroft home in suburban Virginia.

I know that Red will continue to work hard and to strive for his new goals in this new endeavor as he has consistently done in the past. I join all of his many friends in wishing him the very best.

MONTHLY SUMMARY OF FOREIGN FISHING ACTIVITIES OFF ALASKA, JUNE 1972

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. BEGICH. Mr. Speaker, in my continuing efforts to keep my fellow Members of Congress and the people of Alaska aware of the fishing of foreign vessels in Alaskan waters, I am inserting the "Monthly Summary of Foreign Fishing Activities Off Alaska" for June 1972. This summary, published by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, will point out clearly, I believe, the hardships Alaskan fishermen face because of unrestricted foreign competition.

The summary follows:

MONTHLY SUMMARY OF FOREIGN FISHING ACTIVITIES OFF ALASKA, JUNE 1972

Soviet: The number of Soviet vessels engaged in fisheries off of Alaska continued to decline dropping to about 25 in June. That was a decrease of about 12 vessels from the previous month. About the same number of Soviet vessels engaged in fisheries off Alaska in June 1971.

GROUNDFISH TRAWL FISHERY

The number of trawlers fishing for groundfish along the Continental Shelf edge in the Bering Sea doubled from 6 to 12. The fleet was divided with 6 medium trawlers fishing north of the Fox Islands in the eastern Aleutian Islands and 6 medium trawlers fishing northwest of the Pribilof Islands in the central Bearing Sea.

The expedition which had been fishing for flounder, herring and Alaska pollock in the Bering Sea during the winter and spring was disbanded in early June and the vessels departed the Alaskan area.

OCEAN PERCH FISHERY

The Soviet ocean perch fishery off Alaska remained at a low level. A fleet of 5 to 8 stern trawlers and up to 3 medium trawlers fished off Kodiak Island in the central Gulf of Alaska. Two to five stern trawlers fished for perch along the Aleutian Islands chain.

Japanese: The number of Japanese vessels engaged in fisheries off Alaska continued to increase in June rising to nearly 400. That was an increase of about 40 vessels from the previous month. About the same number of Japanese vessels engaged in fisheries off Alaska in June 1971.

PACIFIC OCEAN PERCH FISHERY

The number of stern trawlers fishing for ocean perch in the Gulf of Alaska varied between 18 and 26 and the fishery was widespread ranging from off southeast Alaska to Unimak Pass. Continuing to fish for ocean perch along the Aleutian Islands chain were 8 to 10 stern trawlers. Fishing along the Aleutians was centered in the Seguam-Amukta Passes area in the central Aleutians and off the Rat Islands in the western Aleutians.

FISH MEAT, FISH MEAL AND OIL FISHERY

The number of factory ship fleets fishing for Alaska pollock for the production of minced fish meat and fish meal and oil increased from 5 to 6. All six fleets, involving a total of about 105 trawlers, were located on the Continental Shelf northwest of the Pribilof Islands in the central Bering Sea.

GROUNDFISH TRAWL FISHERY

Fishing for groundfish, primarily Alaska pollock, along the Continental Shelf edge in the Bering Sea were 15 to 20 independent stern trawlers. The vessels were scattered from Unimak Pass in the eastern Bering Sea to far northwest of the Pribilof Islands in the central Bering Sea.

CRAB FISHERY

The Japanese eastern Bering Sea crab fishery was continued by two factory ship fleets involving a total of 36 boats fishing tanner crab pots. The two fleets remained centered on the Continental Shelf north of the Alaska Peninsula. Tanner crab remained the primary species taken with an incidental catch of king crab of only about 10 per cent.

LONGLINE FISHERY

The number of longline vessels fishing for sablefish in the Gulf of Alaska doubled from 5 to 10. The fishery was widespread with vessels from off southeast Alaska to Unimak Pass.

SNAIL FISHERY

Three vessels fishing pots on a groundline continued taking sea snails in the central Bering Sea. Operations remained centered on the Continental Shelf west of St. George Island in the Pribilof Islands. The fishery will reportedly be continued until late July.

HERRING FISHERY

The Japanese herring fishery in the northern Bering Sea continued to be hampered by the ice pack and the fishery ended in late June. The 15 vessel fleet began to disband in early June and involved only a few ships thereafter. The vessels were centered north of Nunivak Island in early June and then shifted northward into Norton Sound where the fishery ended the last week of the month.

SALMON FISHERY

Five of the ten Japanese high seas salmon fleet fished in the Alaskan area in June. In early June the fishery was centered southwest of the western Aleutian Islands. By the second week of the month fishing was extended northward into the Bering and the fleets became divided into two groups. One group involved three fleets southwest of the western Aleutians and the other group involved two fleets along the 180th meridian in the Bering Sea north of the Aleutian Islands.

South Korean: The number of South Korean vessels fishing off Alaska increased from one to five stern trawlers. During most of the month four of the trawlers fished for Alaska pollock off the Pribilof Islands in the central Bering Sea and the other vessel fished for ocean perch and pollock south of Unimak Pass in the western Gulf of Alaska. In late June one of the vessels near the Pribilofs and the vessel south of Unimak Pass shifted to the area south of Kodiak Island in the central Gulf of Alaska.

ORDER OF AHEPA

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. MEEDS. Mr. Speaker, on July 26, the Order of Ahepa, the American Hellenic Educational Progressive Association, celebrates its golden anniverary.

I would like to pay tribute to AHEPA and its good works through scholarships, contributions to aid disaster victims, and aiding noncitizens in attaining full American citizenship.

In my own congressional district, I have seen the fine civic work of AHEPA local chapters. Its members can take justifiable pride in the association's record of achievement.

I am proud to say there are two local chapters in the Second Congressional District. In Bellingham, AHEPA officers are George Karavias, president; Tom Zervas, vice president; and John K. Tallahan, secretary-treasurer. In Everett, the officers are C. P. Koutlas, president; W. A. Karanson, Jr., vice president; Panos C. Koutlas, secretary; and Andrew Raptis, treasurer.

OUR COUNTRY'S PROBLEMS ARE DUE TO UNWILLINGNESS OF CITIZENS TO HELP THEMSELVES

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. DANIEL of Virginia. Mr. Speaker, during the recent congressional recess, I had the pleasure and pride to read a letter from Mr. William E. Martin, of Fieldale, Va., to the editor of the Martinsville Bulletin. I have read few analyses of our Nation's difficulties which stated the problems—and the solutions—more succinctly.

This letter so impressed me that I requested permission of the writer to have the letter reprinted for my colleagues. This letter is all the more noteworthy because the writer is not of my generation, but rather is 22 years old.

I specifically call attention to the closing paragraph of Mr. Martin's letter:

> I don't know if we can persuade ourselves to change our concept of society around again. I hope we can because one thing is certain. If we do not reverse our thinking soon, the already overburdened government in Washington will drown in a sea of unnecessary demands by citizens and cease to be a source of those solutions which can only come from the one institution that represents all people, all individuals, as a whole. The alternative to change therefore will be chaos—if not anarchy.

I insert Mr. Martin's letter at this point:

[From the Martinsville, Va., Bulletin, June 28, 1972]

LETTER TO THE EDITOR

It has become commonplace for those of us who have complaints about anything to pack the blame off on the federal government. This is very ironic because many of our problems have been created by our willingness to pack everything else off on Washington also.

America's greatest problem today is not the inability of the federal government to do its work properly; it is our, the people's. Inability to do things for ourselves. In years gone by, when someone had a problem, he did all he could to solve it the best way he knew how. He did not always succeed, but at least he tried. That is much more than we can say about ourselves.

What happens today if we see something we don't like? We ask why Washington doesn't do something about it. "My kids aren't making good grades in school; why doesn't my congressman see that we have decent schools and teachers around here? I watched TV last night, and the programs were just horrible; why doesn't the government do something about the networks? I'm not making enough money in my job; but doesn't the President make them pay me more money? I pay my taxes, and I think it's about high time I got something out of them!"

In the past, our counterparts would have made their kids study more; would have watched something else on TV; or, Heaven forbid, might even have done something constructive with their time like read, knit or make odds and ends for use around the house. And if their job wasn't paying them what they felt was a proper wage, they asked for a raise or looked for another employer who paid better. They didn't, in short, go rushing to the government with their problems like a little child running home to his mama.

Things seem to be getting even worse. Today when we go to the supermarket and find the price of steaks too high, to a great extent because demand is outstripping supply; do we sacrifice a little and buy poultry or something else less expensive and let the free enterprise system help us by allowing the smaller demand to force down prices? No, most of us can't do without the steak for a little while, so we buy it and go home only to fire off a letter to our congressman demanding that the government hold down prices.

Finally, I mention the most disheartening thing of all. Now that we consider our children more as sources of trouble and inconvenience than joy; instead of doing something ourselves, we demand that the government set up child day care centers so that we can get the kids out of our hair and let the state have the chore of bringing them up.

These examples are not the only ones that can be cited, but they amply show how far we have allowed ourselves to go. To our everlasting shame, we have lost the ability or at least the desire to do things for ourselves as individuals. The exact reasons for this loss of individual initiative may never be known. One cause may well be that the tremendous growth of the mass media in recent years has made us lose sight of the individual himself. All we see, read and hear about these days are masses (groups) of people. This may falsely lead us to believe that there are only problems of the masses, and therefore, only solutions by the masses. This is a very depressing thought indeed.

I suspect, however, that a more important cause of the loss of individual initiative is the fact that our forefathers built a society that, while not perfect, was at least so successful that we have all become like the brat who inherits his father's fortune. We are spoiled rotten and don't want to do anything for ourselves that we can get someone to do for us. We have had things given to us so easily that we have lost the desire to undergo the occasional short-term self-denial and the hard work that in the long run would make our lives and the lives of all who share our society much better and happier. This line of reasoning does not come from an "old fogey". It comes from a 22-year-old college graduate.

I believe that there is a remedy for our ailment, and it consists of a return to a more ordered concept of society. We must again consider the individual as the center of our social structure. The individual, thus removed from his present position as an obscure entity existing somewhere within the mass social system, will have to become once again self-dependent. He will view himself as the master problem solver. The individual will thus strive to do for himself all that he can; and only after he has done his best will he turn to others for assistance. He will first go to those individuals who share his problem and concern and work with them to find a solution. If the answer eludes even this group, they will then turn to that body which represents the next largest group of individuals—the local government. Then of course, if needed, comes the state. Finally the matter will be taken to the federal government when it becomes evident that the problem can only be solved by all individuals working together as a Society of the Whole. The federal government, now free from the task of having to decide questions better handled at lower levels, will be able to commit its full resources to finding sound and just answers to the problems only it can solve.

I don't know if we can persuade ourselves to change our concept of society around again. I hope that we can because one thing is certain. If we do not reverse our thinking soon, the already over-burdened government in Washington will drown in a sea of unnecessary demands by citizens and cease to be a source of those solutions which can only come from the one institution that represents all people, all individuals, as a whole. The alternative to change therefore, will be chaos—if not anarchy.

Sincerely,

William E. Martin.

HOW TO TRAVEL BY TRAIN IN SIX EASY LESSONS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. HUNGATE. Mr. Speaker, in our continuing story of the saga of Amtrak, I believe my colleagues will be interested in a current article on travel by train:

[From the Christian Science Monitor, July 18, 1972]

How To Travel by Train (Remember?)—in Six Easy Lessons

(By Lance Carden)

Boston.—A recent pleasure trip from Boston to Washington has reacquainted me with rail travel and brought home some valuable lessons.

Lesson 1: Between some cities train fares are essentially the same as bus fares.

I found this out by calling Greyhound and Penn Central (Amtrak) in Boston. I also asked if it were possible to reserve a seat on the train.

"Yes," I was told. (I was not told that a reserved seat costs an additional $17.) I innocently reserved a seat.

Lesson 2: Unless you want to ride first class, you cannot reserve a seat.

Later, when paying $43 for a reserved seat ticket, I didn't bat an eye—I thought I was paying for a round-trip ticket.

Lesson 3: Check your ticket closely immediately upon purchase. (There is no fare reduction for purchasing round-trip tickets. Boston to Washington on a regular train costs $23 one way—$46 round trip.)

I hadn't been on an American train since 1964, so when the loudspeaker announced, "Coaches in front, parlor in the rear," I hadn't a clue what was meant.

"What's the difference?" I asked the lady next to me.

"I don't know," she said. "I think parlor cars must have compartments."

Lesson 4: "Parlor" is railway language for a first-class day car. "Pullman" is a firstclass sleeper (night only).

Certain that I hadn't reserved a compartment, I boarded a coach, but each time I showed my ticket I was waved toward the rear of the train, which was soon under way. I appealed for help. A busy conductor steered me through one last car and unlocked a gate that separated the parlor from the other cars.

Pushing my way inside, I found a different world.

The parlor contained two rows of single, blue, sumptuous, reclining, swivel chairs, all with their own small writing table. A porter, seizing my bag, ushered me to seat 21. Two seats separated me from the nearest fellow passenger. Only 7 of 22 seats were occupied.

I was sure there was some mistake, but it wasn't until I asked the uniformed man who punched my ticket why everyone didn't reserve a parlor seat that the truth of the situation revealed itself.

Lesson 5: Once on board a moving train with a first-class ticket, it is too late to ask the conductor for a refund and a coach ticket.

On the table in front of me I discovered a folded Amtrak menu. I opened it. Roast beef and Cornish hen dinners were $3.75, complete with soup, rolls, salad, vegetables, dessert, and beverage.

I glanced at my fellow passengers, conjecturing (accurately as it turned out) that I was the only parlor passenger with a sack lunch.

I turned my attention to the passing scenery. Despite occasional glimpses of coastal rivers and an impressive view of Rhode Island's picturesque state capitol building in Providence, there was little of interest to see between Boston and New Jersey, where dusk began to shroud the land.

Lesson 6: Passenger trains do not necessarily take the scenic route.

Calculating that my parlor privileges were costing me an additional $2 an hour, I decided to exercise them. I pushed the service button above my table and asked the ubiquitous porter for a selection of magazines (no charge) and a ginger ale (25 cents).

In one of the magazines I read, as I munched my sandwich, that the rail share of American passenger transport fell from 46 percent to 7 percent during the 20 years from 1950–70); and Amtrak—the railway network established by Congress to rebuild intercity railway passenger service—is going into debt at the end of its first year of operation at a rate of $500,000 a day.

I set the magazine aside with a sigh and reclined the seat as far back as it would go. Growing tired and anxious to disembark in Washington, I tried to catch some sleep but found my modern, executive chair poorly designed for the purpose.

Ten hours after its Boston departure, my train "The Senator" chugged into Washington's Union Station, one hour late.

Final lesson: Parlor—or coach—rail travel has its own unexpected, exciting—and educational hazards.

ORDER OF AHEPA CELEBRATES GOLDEN ANNIVERSARY

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. PIKE. Mr. Speaker, this month marks the golden anniversary of the Order of Ahepa, a Greek-American fraternal society founded on these shores July 26, 1922.

I am proud to commend AHEPA for its contributions, both financial and civic, on a national and international level. During its 50 years of accomplishment, AHEPA—an acrostic for the American Hellenic Educational Progressive Association—has contributed generously to the relief of hurricane and flood victims in the United States and in other stricken nations. In addition, AHEPA has sponsored many notable educational programs here and abroad.

I wish particularly to commend on this occasion the officers and membership of the St. James, Long Island, chapter of AHEPA in New York's First Congressional District.

Chapter officers Christos Christodoulou, president; Vasilios G. Bouklas, vice president; Nicholas J. Pouletsos, secretary; and Anthony Kalergis, treasurer, have worked hard for civic and charitable programs benefiting eastern Suffolk County.

The membership of AHEPA, representing men from all walks of life, is to be congratulated on this occasion for its generous aid to the people of Greece and other nations. I wish them well and continued success in their charitable programs.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the Record the July 17, 1972, edition of the news bulletin of the American Revolution Bicentennial Commission. I take this action to help my colleagues be informed of the developments across the Nation leading to the 200th anniversary of our Government in 1976. The bulletin is compiled and written by the communications committee staff of the ARBC. The bulletin follows:

Bicentennial Bulletin, July 17, 1972

ARBC Schedule for Week: The Philatelic Advisory Panel will meet Monday, July 17; the ARBC Invitation to the World Panel will meet on Saturday, July 15 at Headquarters in Washington. Also, on Monday the 17th, the Performing Arts Advisory Panel and the Creative and Visual Arts Panel will meet at ARBC Headquarters. Meetings are scheduled for the three Heritage Panels on Tuesday and Wednesday, July 18–19, at the National Historic Trust.

Fourth of July, 1972, Philadelphia, included a reading of the Declaration of Independence in Independence Square and major addresses by L. Patrick Gray, Acting Director of the FBI, Mrs. Donald Spicer, national president of the DAR, Edmund B. Thornton, chairman of the National Parks Centennial Commission, and Harry Belinger, city representative and Director of Commerce. Philadelphia Mayor Frank Rizzo introduced Mr. Gray to the thousands of tourists assembled in the Square following a musical salute by the Police and Firemen's Band, and a parade of State flags with narration by actor Jack Palance.

The Washington, D.C. Bicentennial Commission is now producing a monthly Newsletter (The Sentry Post–Citizen Voice of the D.C. Bicentennial Commission). Part is printed in Spanish and soon Chinese will also be featured to serve the District's diverse citizen communities. The D.C. Commission has also published a report to citizens entitled "Washington and the Continuing American Revolution." For information on both publications write the D.C. Bicentennial Commission, 1407 L Street N.W., Washington, D.C. 20005.

A recent editorial on Washington's WMAL–TV stated that "A fitting symbol of a Bicentennial spirit of Harmony would be the Statue of Liberty turned landward. A replica would fit nicely in every American window, bidding other Americans, including our own tired and poor, welcome."

Governor Russell W. Peterson of Delaware has submitted the name of Clarence W. Taylor (ARBC Commission Member) to the State Senate for confirmation as a Superior Court judge. The ARBC sends its congratulations to Mr. Taylor.

Mayor Wes Uhlman of Seattle, Washington has appointed a 15-member "task force" to report in 90 days on Seattle's participation in the Bicentennial. Uhlman asked the group to investigate entertainment, historical renovation, community improvement through capital projects and social needs.

James M. Driscoll has been appointed chairman of the Southwestern Pennsylvania Economic Development District's Bicentennial Planning Committee. The committee is planning for the 1976 celebration on a 9-county level.

Six communities in Connecticut, East Haven, Hamden, Meriden, North Branford, Milford, and North Haven, have responded to a proposal of the New Haven Bicentennial Advisory Committee to undertake cooperative Bicentennial celebrations.

The D.C. Bicentennial Assembly, formed by Mayor Walter E. Washington, was sworn in on June 25th and will work in conjunction with the D.C. Bicentennial Commission. The Assembly resolved that "complete self-government and full congressional representation become the No. 1 priority for the Bicentennial." The Assembly, which will serve as the Commission's liaison with the community at large, will develop plans for tourism, economic development, rehabilitation of neighborhoods, pollution control and public safety. The 75-member group was elected by communities in D.C. and then appointed by the Mayor.

The Historic Sites Section of the Department of Environmental Protection of New Jersey has submitted a report on state-owned historic sites entitled, "Bicentennial '76: A Plan for a Meaningful Program." The plan identifies the needs and outlines a program for the development of such Bicentennial-related sites as Batsto Village, Monmouth Battlefield, Oxford Furnace, Princeton Battlefield and Washington Crossing. The total estimated development cost would be nearly $20 million for the sites to be completed by 1983.

The American Heritage Publishing Company will team up with the David L. Wolper producing organization to produce 16 historical television specials at the rate of four a year ending with the observance of the nation's bicentennial in 1976. Involved in the project are historians Bruce Catton, Arthur Schlessinger, Jr., Barbara Tuchman, Daniel Borstin, James McGreggor Burns, Walter Lord, Eric Goldman and Henry Steele Commager. American Heritage will publish books based on the material covered on each telecast.

Vera Brodsky Lawrence, an archeologist in early American music, is planning a series of 10 concerts timed to run through 1976. The first, which was recently staged at the Kennedy Center in Washington where the Paul Hill Chorale sang some of the American tunes Mrs. Lawrence had discovered, will be heard in N.Y.C. this fall. She is also working on a Bicentennial book project. The proposed title is "Music for Patriots, Politicians and Presidents," and it will be published in two volumes, one covering 1776–1876, the second covering 1877 to 1976.

The designer of the new ARBC stamps featuring Colonial craftsmen confessed that he was unable to find the proper material for the drawings of the stamps and, ironically, had to import the scraperboard from England. Leonard Fisher spoke at a breakfast hosted by Woodward & Lothrop Department Store in Washington, D.C. for some 50 guests in honor of the issuance of the stamps. Burl Albright, Senior Vice-President of Woodward & Lothrop introduced Miss Nancy Porter, Commission Member, David Halas, 17-year old member of the ARBC Philatelic Advisory Panel, Jacques Minkus, also a Panel member, and Bill Hart, Federal Coordinator of the Bicentennial Coordination Center.

URGENT PROPOSALS TO CLEAN UP OUR AIR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. ANDERSON of California. Mr. Speaker, in the mid-1960's, the Surgeon General of the United States determined that cigarette smoking was dangerous to the health. As a result, a warning was placed on every package of cigarettes sold in the United States.

At approximately the same time as the Surgeon General's warning, an analysis of the air in New York City revealed that the typical resident of New York takes into his lungs each day toxic material equal to that contained in two packs of cigarettes.

Smoking is a matter of individual choice, but breathing is not. Thus, the deterioration of the air is a matter of urgent concern.

CAUSES

Automobiles and other gasoline powered motor vehicles are the major cause of air pollution—discharging approximately 90 million tons of pollutants into the air each year. Powerplants and other industrial processes pollute the air each year with another 75 million tons of gases and debris. This is a total of 165 million tons of toxic, unsightly pollutants per year.

COSTS

According to a 1970 study conducted by the Public Health Service, annual damages caused by air pollutants to our health, our residential property, and our vegetation will total $25 billion by 1977. However, when we realize that this study does not include the estimate of the costs of air pollution on industrial, commercial, and cultural property, esthetics, visibility, odor, and soiling, the $25 billion total appears rather conservative.

CLEAN AIR ACT OF 1970

In order to curb this rising threat, Congress in 1970 passed the Clean Air Act. Under this law, which I was pleased to endorse and actively support, automakers have been directed to develop a 90 percent cleaner engine by 1975. Oil firms must develop one lead-free grade of gasoline and substantially reduce the lead content of all grades.

The auto industry has already claimed that it cannot meet the 1975 deadline and is pressing the Environmental Protection Agency for an extension. We are all too familiar with the negative attitude for the automobile industry and I firmly believe that we must hold firm to the 1975 deadline.

Mr. Speaker, the 1970 Clean Air Act was a giant step forward, but it needs reinforcement.

Thus, today, I am introducing two bills which I believe will add to our arsenal of legislation designed to combat air pollution.

A TAX ON AIR POLLUTION

Presently there is little incentive for polluters to install pollution abatement equipment. In fact, some companies refrain from installing equipment since this would increase costs and remove their competitive edge.

One of the bills I am introducing today would place a tax on each pound of sulfur emitted from a stationary source. Under this bill, sulfur emissions would be taxed at a rate of 5 cents per pound during 1973, 10 cents per pound during 1974, 15 cents per pound during 1975, and 20 cents per pound after 1975.

Thus, polluters would find it more profitable to install pollution abatement equipment than to pay this sulfur emission tax. Such a change in industrial policy should lead to cleaner air.

The Federal Government has estimated that the annual discharge of sulfur oxide will increase to approximately 35 million tons by 1977.

According to the Council on Environmental Quality, damage to the public from these emissions now total approximately $8 billion a year, or $140 for a family of four.

Mr. Speaker, to help reduce the social costs of pollution, ill-health, damaged property, and overall environmental decay; I believe that we must provide stronger incentives to reduce the discharge of sulfur into the air.

The cost to industries, which burn coal, gas or oil, to install pollution abatement equipment and thus reduce sulfur emissions by nearly 90 percent, would involve an initial investment by industry of $5.5 billion and an annual cost of $2.5 billion.

While certain industries' cost of production will increase by approximately 2 percent, I feel that this is worth the price of clean air. For an investment of $2.5 billion per year, industry can almost eliminate the $8 billion worth of damage caused by sulfur emissions.

EXHAUST CONTROLS ON USED CARS

Mr. Speaker, exhaust controls have been required on new automobiles sold in California since 1966. The Federal Government followed our lead and in 1968 required special emission control devices on all new cars sold in the United States.

Today, our highways are clogged by nearly 100 million automobiles. However, nearly half of these autos do not have emission control devices.

While these pre-1968 cars will eventually find their way to the junk pile, we will have to wait until 1977 until nearly 90 percent of the cars on the road will have emission control devices.

Rather than wait and continue to allow uncontrolled vehicles to damage our air, I am today introducing a bill that would instruct the Secretary of Health, Education, and Welfare to establish Federal standards of performance for emission control devices, or systems designed to prevent air pollution emissions from used cars.

This bill creates uniform standards and regulations for devices and systems controlling emissions on used cars.

These uniform standards and regulations would encourage producers of emission control systems to develop a product that could be marketed throughout the Nation, without having to worry about changes in the test conditions, criteria, and regulations.

Passage of this bill, Mr. Speaker, would provide the uniform standards and regulations necessary to equip all used cars with an effective emissions control system. Without it, the Nation's envirment and health will decline for decades more, until these pre-1968 automobiles outlive their usefulness.

CONCLUSION

Addition of these bills to our arsenal of clean air legislation will strengthen it and help to decrease the pollutants now threatening our children and our planet with sickening suffocation.

WALTER BRENNAN

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. SCHMITZ. Mr. Speaker, Walter Brennan is and has long been one of America's most respected and best loved movie stars. He has won three Academy Awards and has been playing character parts for 40 years, coming to Hollywood in 1920. He has also starred on four television series.

Proud to be an American, devoted to his country, and believing in it, Walter Brennan won a Freedom's Foundation Award in 1964 for his narrative of "The Red, White, and Blue," received the Horatio Alger Award in 1966 and was named to the Cowboy Hall of Fame in 1969. He is a committed Christian and a dedicated family man.

But Walter Brennan had to earn his success through long years of effort and struggle. From that he learned lessons that an often overprivileged younger generation, too much pampered and protected for their own good or their country's, desperately needs to learn. He explains them memorably in an article in the July 1972 issue of Guideposts which he wrote entirely himself, without help from ghostwriters, and which I especially commend to the attention of my colleagues and every reader of the RECORD:

I THINK I KNOW WHY I AM STILL AROUND

(By Walter Brennan)

My wife Ruth and I have always had chickens around our place, and a long time ago I learned something important about them. If you help the chick out of its shell when it's hatching, it's going to be too weak to survive. It's the struggle that develops its muscles.

I believe it's the same with us humans: It's the struggles in our lives that develop strength. Not just the muscle-strength that chickens need, but the things that make human life strong: Gratitude and perseverance and faith in God.

It's why I'm glad, looking back, that I didn't know any big shots in Hollywood when I came out here after World War I. No one to open doors. No one to crack that shell for me. I got into pictures the hard way—as an extra. Year in, year out I hung around the studios, made the rounds of casting agencies, waited for the call-backs that never came.

I don't mean it wasn't painful while I was going through it—struggle generally is. A good many times during those years, Ruth fed our family of three children on a dollar a day, plus what those chickens and our backyard garden contributed. But because the big things were slow in coming, I learned to thank God every day for the little things. A 60-second walk-on part, the chance to speak one line, a job driving a truck so my family could eat while I waited for that big break.

I remember one day in 1926 Gary Cooper and I were driving to work together in a 1919 Buick when the brakes gave out. Those were the days when the brake bands were on the outside of the wheels. We'd heard somewhere that if you put castor oil on the bands it would make them swell. Well, we tried it and it worked, and Gary and I came down over that steep pass praising God for castor oil.

The lean years helped me discover, too, what my wife is made of. Never once did I hear Ruth complain. While friends and family were telling me that I was a fool to keep on waiting and hoping, she just stuck by me, spreading faith and courage and laughter.

There were times when I was sure the others were right. Because along with the money and career struggles I had an even tougher personal battle. I'd been with the 26th Division during the war, spent 19 months overseas, nine of them in the front lines. For years after the war, buddies landed in the hospital with nervous collapses. When I'd run into fellows from my old outfit, the first question was always, "Well? Have you folded yet?"

"No, thank God," I'd say.

Then one night I woke up at 2 a.m. with a feeling like I was sinking right through the bed. That was the start of it—months and years of fighting a nameless, numbing fear. I got so I wouldn't even drive a car. When I was doing a picture, Ruth would have to drive me to the studio, then come back and get me when I was through.

But if I once thanked God that I hadn't cracked, today I can thank Him that I did. For out of that experience, rough as it was, I learned what fighting is all about. "Be thou therefore prepared for the fight, if thou wilt have the victory," wrote Thomas a Kempis in his book, *Imitation of Christ*. "Without labor, there is no arriving at rest, nor without fighting can the victory be reached."

I learned what it was like to hang onto God when He was all I had. When the panic would hit me I would ask for strength. Or I would just ask for the faith to ask for strength, like the man who told Jesus, "O Lord, I believe; help thou mine unbelief." My weight dropped to 140 pounds and I looked like a walking skeleton, but I never stopped working.

And then, like the exhausted chick at the end of hours of pecking, I suddenly saw sunlight. For me the breakthrough came the day I was offered the role of "Old Atrocity" in a picture called *Barbary Coast*. When I read that part, I cried, out of sheer gratitude to God. It was the role I'd been waiting for for ten years.

After the bit parts, the stick figures, the one-dimensional characters, here at last was a real person, a salty old wharf rat, a mixture of good and evil, rascal and saint.

When the reviews came out, there was a lot of excitement about Sam Goldwyn's new "find"—me! Later there were three Academy Awards for my roles in other pictures. But in all the good times we never forgot what we'd learned in the hard ones.

Remembering what that chicken shell is there for, Ruth and I raised our three kids to work hard for everything they got. They never asked to be given money; they'd say, "How can I earn some?" We'd tell them, "Hoe the garden. Clean the chicken house." I still remember our pay scale back in 1936: "25 cents in the shade, 30 cents in the sun."

Today, 15 grandchildren and four great-grandchildren later, Ruth and I still raise our own fruits and vegetables at home in California. We follow what Ruth calls "God's method" of growing things, organic gardening with no chemical sprays and fertilizers. Sure it takes a little more effort; but, like I say, effort's the name of the game.

WESTERN PENNSYLVANIA CHURCH GROUP ADOPTS ANTIWAR RESOLUTION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. MOORHEAD. Mr. Speaker, endless numbers of Americans have seen fit to speak out on our senseless military presence in Southeast Asia and the needless deaths of thousands of Americans, Vietnamese, and Cambodians.

Although we are told that the war is being wound down, I am sure there are relatives and friends of some 20,000 Americans killed since the fall of 1968 who believe that this war should have come to a halt long ago. Add to them the millions of others who think that there is no legitimate American interest being served by our continued military presence in Southeast Asia and one would not be reluctant to say that most Americans want us out of that wretched war.

The conference minister of the Penn West Conference, representing 185 congregations of the United Church of Christ in Western Pennsylvania, has written to me of the group's opposition to the U.S. involvement in Southeast Asia.

The group adopted a resolution expressing its feelings and I would like to include that resolution and a covering letter from Paul Westcoat, the conference minister, at this time.

RESOLUTION ON THE INDOCHINA WAR

In concert with all concerned Americans, the United Church Board for Homeland Ministries, and Penn West Conference, face anew the agony of Vietnam. We express our anguish over the escalation of the Indochina War on both sides and our opposition to the increase of American participation in the fighting. The extensive bombing of new targets in North Vietnam intensifies human suffering and risks a conflict of even more massive proportions.

This escalation, we believe, cannot be justified either on the grounds of ending the war or protecting American troop withdrawals.

The bombing raises fundamental moral questions. Furthermore, it cannot be justified on the familiar but disproven rationale that this type of bombing can win such wars.

The American people have been led to believe that Vietnamization was providing means to disengage from Indochina. U.S. air war policy and now the new escalation indicate that Vietnamization is not leading to disengagement. Now we seem only to be changing the forms of our military presence in Indochina.

Therefore, we resolve to:

1. Express our opposition to the war in Southeast Asia and to the U.S. role therein which has davastating effects on the civilian population and the natural resources of Vietnam, Cambodia, and Laos;

2. Reaffirm our intent to continue to work for the end of the war, the rebuilding of the life and land of the Indochinese people, and the reordering of American priorities;

3. Urge support of the cessation of all military action; the withdrawal of all military personnel and the release of all prisoners of war, such as currently proposed by U.S. Senate Bill 3409 and U.S. House Bill 14055 and Mansfield Amendment.

4. Commend the return by the Administration to the conference table and urge the pressing of other initiatives, including those of the United Nations, to achieve an end to the fighting and establish the basis of a just peace;

5. Direct that this action be communicated by the Conference Minister to the President of the United States, to each of the declared presidential candidates, to the members of the Congress, representing the Districts comprising the Penn West Conference, and to the congregations of Penn West Conference through the Penn West News.

UNITED CHURCH OF CHRIST,
Greensburg, Pa., June 29, 1972.

Hon. WILLIAM S. MOOREHEAD,
House of Representatives,
Washington, D.C.

SIR: The Penn West Conference, a judicatory of the United Church of Christ, at its Annual Meeting held on June 16–18, 1972, adopted the enclosed resolution regarding the Indo-China War and requested that I, as the Conference executive, forward it to you for your consideration.

The Penn West Conference represents 185 local congregations comprised of 37,000 members, covering the counties of Erie, Warren, McKean, Crawford, Mercer, Venango, Forest, Elk, Cameron, Lawrence, Butler, Clarion, Jefferson, Clearfield, Beaver, Armstrong. Indiana, Allegheny, Westmoreland, Cambria, Blair, Huntingdon, Washington, Greene, Fayette, Somerset, Bedford, and Fulton, in Western Pennsylvania.

Very truly yours,
PAUL L. WESTCOAT, Jr.

HIGHWAY SAFETY—$7 BILLION SAVING OPPORTUNITY

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. THONE. Mr. Speaker, Howard Pyle, a native of my State of Nebraska, has made outstanding achievements in several fields. He distinguished himself as a forward-looking Governor of Arizona. For some years now, he has served with enthusiasm and effectiveness as president of the National Safety Council.

Mr. Pyle spoke at ceremonies for the 25th annual Alfred P. Sloan Awards for Highway Safety. They were presented in the Rayburn House Office Building on June 28, 1972.

In his talk, Mr. Pyle pointed out that perhaps half of the automobile accidents of 1971 could have been prevented by adequate highway safety measures.

Since these accidents had a total cost of $14.3 billion, there is an opportunity for a saving of more than $7 billion per year, to say nothing of the saving of life and limb, if we invest adequately in highway safety.

Since the House Public Works Committee will be bringing a new highway bill before this body before long, Mr. Speaker, I believe every Member of this body can benefit from reading President Pyle's remarks:

The 24th Annual presentation of the Alfred P. Sloan Awards for Highway Safety once again recalls the extraordinary qualities of leadership that characterized the distinguished career of the man for whom these awards are named. Mr. Sloan was a pioneer in the organized highway safety movement and an innovator of programs to improve highway transportation. Those of us who had the privilege of knowing him personally will never forget the intense personal pride he felt as he participated in the Awards ceremony each year.

Those of you who are to be honored here today can be sure that the spirit that motivated the development of the Alfred P. Sloan Awards is still very much alive in the memory of the industrial genius who created the idea that brings us together here today.

As my work brings me in continuous contact with the sectors of influence that are identified with our honored guests on this occasion, I hear one question over and over.

What are we accomplishing in highway safety?

I take this inquiry seriously, because in my judgment no single force has concentrated more continuous attention on highway accident losses than the mass media. In every possible way . . . by daily reporting and through countless innovative approaches to the problem . . . the entire mass communications industry has been a tireless advocate in behalf of more safety on the nation's highways.

Since it would be hard to find a more appropriate time than now to have a look at the record, let me begin by turning the calendar back to the mid-twenties when 17.9 highway accident deaths were being recorded for every 100 million vehicle miles traveled.

By 1941, sixteen years later, the rate had been reduced by approximately one third to 11.2.

A new professionalism had arrived in highway safety. Organizations and associations came into being with the creation of the Automotive Safety Foundation, the Yale Traffic Bureau, and the Northwestern Traffic Institute. A number of national professional committees were created for the purpose of improving training, record systems, uniform laws, driver education and motor fleet training.

In 1946, under the leadership of the President and with the cooperation of the established highway safety organizations, federal, state and local governments, and interested citizen groups, a new and revitalized effort resulted in the adoption of an Action Program to coordinate and strengthen all possible countermeasures necessary to bring down the spiraling number and severity of traffic injuries and deaths.

The 40's saw the highway accident death rate lowered over 40% from 11.2 to 6.3.

Remembering the 1925 rate of 17.9 this was progress of the very highest order.

Then came the mid-fifties. Highway deaths were again on the increase. Again the White House provided the leadership needed to strengthen the programs that were necessary to cope with the burgeoning growth of travel, registered vehicles, and the number of drivers.

The great breakthrough during this period was Congressional and White House support of plans for the Interstate Highway System. Experience during the succeeding fifteen years provided convincing evidence of the great contribution to highway safety that is assured by the continued development of improved highways.

By the mid-sixties, because of the steady growth in the volume of vehicles, drivers, and miles being driven, the accident picture was again alarmingly grim. We had reached an all-time high of 50,000 traffic deaths, and the mileage death rate was on the rise.

The general public and the Congress were not satisfied with the efforts in place in spite of the fact that they were actually saving approximately 50,000 lives annually, compared to the rate of highway killings in the early 1930's.

Congressional hearings revealed that more effective highway accident prevention programs were floundering for the want of sufficient financing and firm guidelines for major needed thrusts.

To meet this challenge and help reduce the ever-mounting highway slaughter Congress passed, with both speed and solid unanimity, the Highway Safety Acts of 1966. Excitement grew in the safety community for at last we had a statement of national policy on highway safety and the promise of action to match it.

What have been the results from 1966 into 1972?

Last year 55,000 men, women and children were killed on the nation's highways. Still, the mileage death rate was down from the previous year as was the total number killed.

What about 1972? At the present rate of death we can expect the 1972 total killed to approach 56,000.

In the 20 years prior to the passage of the Acts an average of 38,000 Americans were killed annually in motor vehicle accidents. In the years since the Acts were signed into law, we have killed an average of more than 54,000 Americans annually on motor vehicle accidents.

What does this mean?

The answer is clear and very unpleasant. No Congress and no President has been willing to fully implement the Acts. Instead the Legislative and Executive arms of the government have consistently followed a policy of denying to the nation's highway safety program any significant fraction of the funds required to maximize its effectiveness.

Those in both arms of government and both political parties must face the harsh fact that, by denying realistic federal financing for highway safety they have cost America thousands of lives and billions of dollars in economic waste since the hopes of the nation were aroused by the promise written into the Highway Safety Acts.

Since it appears that a tight fiscal policy, necessary or otherwise, has been given a higher priority than the saving of human lives, it is reasonable to ask where is the economy when the costs of motor vehicle accidents have risen from an average of $5 billion per year in the 1946–1965 period to an average of $12 billion annually in the years 1966 through 1971. The total cost for 1971 alone was in the order of $14.3 billion, at least half of which might have been saved.

The record shows that Americans used the automobile for about 50 years before the millionth traffic fatality occurred in 1951. If present death rates continue, our second million deaths will be a matter of record in only 22 more years, or by late 1973, or early 1974.

If it seems unfair to discount the achievement of our all-time low mileage death rate, it is because the American safety movement has long since demonstrated a capacity to make substantial reductions in accident deaths regardless of expanding exposure.

In the period—1908 to 1912—73,000 Americans died *each year* in *non-motor-vehicle accidents*. This year, 1972, the nation's *non*-motor-vehicle accident fatalities are not likely to exceed 60,000—despite a population increase of more than 100 per cent and enormous increases in our work force and production.

This *absolute* decline is the result of a number of factors—but central among them is the existence of a highly organized safety effort (notably in industry) which has refused to be content with reductions in accident rates only. Those responsible have battled so determinedly for safety that death totals have continued to decline despite rapidly expanding exposures.

Today there is a passion for building more safety into the design of motor vehicles. Or, if not safety, at least survivability. This emphasis is understandable and in many ways commendable.

In all candor, however, a substantial portion of the crash research and vehicle improvement that is costing a great deal today is aimed at reducing the costs that follow when metal is damaged. It's a worthy objective in terms of economics, but we risk confusing these improvements with improvements in safety.

By all means, let us work on the survivability of tomorrow's cars. But in the name of humanity, first and foremost, let us not put that concern ahead of preventing accidents.

Most of what is so badly needed is spelled out in the 1966 legislation—the soundly administered licensing system, the rigorous and equitable enforcement of traffic regulations, the elimination of the drunk driver from the highway—these prerequisites are stipulated in the law and they are good and realizable goals.

Our good friend and fellow worker, Doug Toms, Administrator of the National Highway Traffic Safety Administration, who is with us here today, is reported to have recently told the Congress: there is much room for innovative approaches in the licensing area—traffic law enforcement has been assigned relatively low priority—driver education is an expensive program. The estimated cost per high school pupil is roughly $70.

How vividly I recall the reaction we drew from members of the Congress when our testimony with respect to the Highway Safety Acts raised the question of what were we willing to spend for more safety on our highways? The undaunted reply was . . . would you put a price on a human life?

We are told that not a single state has complied with all the Federal standards for highway safety. Sixteen of them have been in place almost from the beginning and two more are now in the making.

This is true.

It is equally true that all of the blame does not rest with local government although this appears at times to be the implication.

If Federal leadership was really pushing all of the standards with the same vigor that is being applied to a very select, very limited number of priorities, local government would be doing likewise, and the traffic toll would show it in long overdue reductions in death and injury on our highways.

Instead, Congressional behavior with respect to *appropriations* appears to be headed down the same old trail of too little too late as far as fiscal '73 is concerned. There are those Congressional leaders who are trying very hard to change this situation. Some of them are with us here today and their efforts deserve the very highest commendation. Unfortunately, the outcome is still very much in doubt as it has been ever since the Highway Safety Acts were passed.

What are the alternatives?

The central problem of social psychology has always been a matter of attitude—a built-in, inherent determination to respond in a given way to an object or a situation.

Traffic safety happens to be one of those things.

How many people do you know who harbor the feeling that traffic laws are to do something to them instead of for them?

The simplest and most fundamental rules of the road are given a hard time a great deal of the time. The record shows that more than 80 per cent of the fatalities on our highways are attributable to improper driving.

Quoting from one of our industrial safety manuals . . .

"Never has there been a safety device or a safety program that some human being could not disrupt or impair. The human factor that operates at all levels of industry is perhaps the most potent factor for success or failure of a safety program. The President of a company who approves or drags his feet, the safety director who works hard or coasts along, the foreman who emphasizes safety or subordinates it to production, the janitor who cleans well or does only the minimal—all these are important factors to safety in the company. Safety can be achieved only by working through all these people. In every area of industry the human factor must be dealt with."

Research has revealed that out there on the highway . . .

82% of the drivers involved in automobile accidents blame the other guy . . .

80% consider themselves good or excellent drivers—only one out of a hundred admits that he is a poor driver . . .

Only 5% think their driving can be improved through a refresher course . . .

53% feel there is nothing they can do to avoid another accident . . .

Obviously, the problem is not simply the psychology of safe behavior . . . it is the psychology of human behavior generally.

How do we go about tackling this difficult problem? How do we convince those who need to be convinced that accidents are hardly accidental; that they are not an inevitable consequence of risks inherent in driving, working, or other activity; that they are, for the most part, personally caused; that they are therefore controllable; and, finally, that every individual has a moral and social responsibility to prevent accidents to himself and to others, and to cooperate with others to this end?

Do we give up?

Of course not.

Does the Church give up because it has not overcome all of the odds it has faced for as long as moral law has been known to exist?

Of course not.

The challenges we face are monumental, but the record shows that noteworthy progress has been made and that more progress can and will be made when and if we are ready to accept the fact that there are no easy answers.

Unfortunately, highway safety's current way of going is heavily handicapped by restraints. Priorities are restricted. Full scale programming is impossible.

Once again, as in the early 60's . . . effective highway accident prevention programs are floundering for the want of sufficient financing to implement and sustain major needed thrusts.

In the mid-sixties a comparable situation brought dynamic Congressional action identified then and now as the Highway Safety Acts.

The question today is . . . what will the Congress do about the same deadly and costly situation in the early 70's as the record shows that we are pushing on toward 60,000 men, women and children killed on our highways every year?

To those individuals and organizations being honored here today for outstanding contributions to highway safety through mass communications, we extend our congratulations. We hope the 24th Annual Alfred P. Sloan Awards for Highway Safety will stimulate each of you, and all of your associates throughout the industries you represent so admirably, to help us try a lot harder to do a better job for highway safety.

CONFERENCE ON TRANSPORTATION AND HUMAN NEEDS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. BIAGGI. Mr. Speaker, last June a conference was held on Transportation and Human Needs in the 1970's, at the American University. I was deeply honored to be a participant in the conference and to be joined by the distinguished Secretary of Transportation, the Honorable John Volpe.

Transportation, as we all know, is one of the most important challenges that we face as a nation in the coming decade. Much of America's greatness can be attributed to her success in catering to the mobility and restlessness of her citizens, utilizing the most modern technological resources known to man. For America to continue her leadership in this vital field, we must extend to every citizen the most efficient and economical forms of transportation that are available. Steps must be taken to insure that no American will be deprived of opportunities for jobs, for shopping, or for recreation, due to inadequate transportation facilities. Among those who have been denied convenient transportation are the elderly and the handicapped, due mainly to neglect in designing buses, trains, and other systems for their use.

Mr. Speaker, for the benefit of my colleagues I will include at this point in the RECORD my remarks and those of the distinguished Secretary, Mr. Volpe, as presented to the Conference on Transportation and Human Needs in the 1970's:

REMARKS BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE

Let me say how pleased I am that we could have a part in this conference. The theme of your program coincides with our mission at the Department of Transportation, which is to make more and better public transportation accessible to the nucleus of Americans for whom the automobile is out of reach.

This seminar sets precedent by bringing together in one forum a wide cross-section of the users and the suppliers of transportation. With due respect to the distinguished speakers at this conference, I frankly expect that the greatest benefits will come during the informal dialogue.

We need this exchange of ideas. We in Government need your input. We need to know what we're doing right, what we're doing wrong, what should be our immediate and long-range priorities to meet the Nation's requirements for mobility. And it's equally important that you understand our problems, our accomplishments, and our goals.

President Nixon's transportation programs are all "people programs." Examine any of his many transportation initiatives for the past 3½ years and you will quickly find that the common thread is to make transportation *better* for people—cleaner, quieter, safer, more comfortable, less congested—easier on the traveler and the environment. We have outstanding people schooled and skilled in every mode. But our task is bigger than the improvement of the individual modes. Our pre-eminent job is to pull together to put the jigsaw of transportation together—to make the elements function in concert as well as they do separately. Our goal is a balanced transportation system serving the needs of all the people of this great Nation. Maybe I can serve a similar "pulling together" function here.

When the Department of Transportation began operation five years ago, the agencies responsible for highway and aviation development were already well established. The railroads had no public voice at all. And urban mass transportation was just a tiny squeak in the loud scramble for funds in the Department of Housing and Urban Development.

Now the Federal Railroad Administration and the Urban Mass Transportation Administration are two of our most active operating arms. What's more, the Federal Highway Administration works closely with them, and all three work together to produce intermodal answers to the total surface transportation challenge.

Our most compelling task is to revitalize urban transportation—to release the strangle-hold the automobile has on our cities. This too, is an intermodal task, involving the co-operation of highway and transit planners, industry and government, citizen groups and community officials. It also entails a respect for technology and an awareness of what technical enterprise can do for us.

Generally speaking, technology has been taking it on the chin lately. There is a school of thought that blames science and technology for all of society's faults and most of man's problems. At the same time—and sometimes out of the mouths of the same people—technology is being called upon as the hope of the future. People ask—over and over again—"if we can put a man on the moon, why can't we get across town?"

"Why," they ask, "can we say with such certainty that Pioneer 10 will arrive at its closest approach to Jupiter at precisely 9:30 p.m. Eastern Standard Time, December 3, 1973, when we can never be sure what time the next city bus will come by?"

Because, my friends, the job here on earth is a great deal more difficult. Crossing outer space is not like crossing town. There are no municipal boundaries to be observed, no peak travel hours, no multiple routes or diversity of interests to be served, no landtakings, relocation problems, or environmental considerations. So the solution to our urban transportation dilemma must take the pattern approach, which includes short-term as well as long-term objectives, fiscal as well as technical "fixes," and programs designed on a community-wide basis.

That goal in mind, we must review and perhaps rework some practices and precepts that reach deep into the roots of our transportation traditions. Before this decade ends, for example, personal mobility may no longer be entirely synonomous with the private automobile.

While I believe automobiles are here to stay, I think we can all anticipate changes in the way we use our automobiles.

For instance, we are on the verge of perfecting a so-called "dual mode" highway system, whereby you drive from your home to a suburban interchange in the normal fashion—but once you're on the freeway the vehicle is locked into a computerized automated guideway. You get 60 mile-an-hour speeds in bumper-to-bumper traffic and it's totally safe. You can sit back and read the paper!

When you reach your exit the computer automatically disengages your car from the guideway—heads it into an off-ramp—and you drive the last two or three blocks to your destination. This concept gives us maximum utilization of highways, and yet still provides the motorist with the flexibility that he wants. In some urban settings, travelers may be able to move more efficiently and with greater ease by means of P.R.T.—Personal Rapid Transit—than by car. And at lower cost, as well! P.R.T., in case you have difficulty envisioning what I mean, could perhaps best be described as a horizontal elevator "system." It follows a fixed route through the city center, and picks you up and drops you off at the push of a button.

We funded the demonstration of four different personal rapid transit systems as a part of TRANSPO 72. I hope many of you were among the million-and-a-quarter people who visited TRANSPO. If not, the people-movers are still there as working examples of the technologies available to cities for their urban transportation needs, and I hope you get to see them.

At TRANSPO, we also exhibited a full-scale prototype of the tracked air cushion research vehicle which is one of our bright hopes for high-speed intercity service. The cities of Dallas and Fort Worth are conducting a preliminary design and engineering study for a TACV system to link their downtown centers, with a stop at the new regional airport located midway between them. The TACV moves at 150 miles-an-hour on a ribbon of air, powered by a non-polluting linear induction motor.

The systems I have mentioned represent a sampling—but by no means the sum—of the technical possibilities in view for public transit progress. We have many other technical irons in the fire.

Our first dial-a-ride demonstration project, a full demand responsive system, is now under way in Haddonfield, New Jersey. This is the transit system you call to your door—the bus that makes house calls.

We are proceeding toward the demonstration of a dual-powered commuter train; 3D rail electric power in and near the city, onboard turbine power in the outlying areas.

A program of rail technology test and evaluation is being conducted at our Pueblo test track.

And, in more mundane but no less important areas of technical exploration, we are contracting for the production of three new prototype buses. One innovative new bus, steam-powered, is already in use in Oakland, California, and is proving to be a successful and popular performer.

It must be obvious that there is an abundance of new technologies in hand or in the offing. All of these must be considered as one ingredient in a community's prescription for better public transportation. But there are many other factors, of equal or greater weight, that influence transit decisions: geographic circumstances, population densities, public habits and preferences, existing equipment, the shape of future planning, economic feasibility, and so on.

Yet much of what we have done for public transportation to date must qualify as only a first step. Since President Nixon proposed, and Congress passed, the Urban Mass Transportation Assistance Act of 1970, we have spent a billion dollars for public transportation, which is more than the total Federal funding for all of the previous five years. Additionally, the President has budgeted another billion dollars for mass transit for fiscal 1973. Faltering or failing transit systems have been saved or stabilized in some 60 U.S. cities.

We have proposed to help the cities even further by setting up a single category of funding, supported by Highway Trust Fund resources, for urban transportation purposes. We want to give the States and cities a choice of technologies, plus a choice of spending options. We believe local people know the problems best, and can do a better job of developing the transportation facilities they want and need. That's what our new proposals call for, and we certainly hope that Congress will see it as we do. The need is great. Nearly 300 transit systems have gone out of business in the last 20 years. There is no doubt that we must halt that decline and reverse the trend; not by forcing people to ride buses and transit cars, but by making public transportation so attractive the private car will become, in many instances, "second choice" for trips into town.

That is what has happened on the Shirley Highway coming into Washington from Northern Virginia. We have exclusive busways there, with express bus service for commuters, and we have turned rush hour statistics around; more Shirley commuters now ride the bus than drive.

A morning rush hour count last month with 80 new buses showed 9,100 bus passengers and 7,700 auto commuters; a 110 percent increase for mass transit, a reduction of 2,800 cars, and a more efficient use of highways for those automobiles.

At certain points during rush hours bus patronage is up 300 percent. The new flock of delighted bus riders find that they are saving—on the average—at least 30 minutes each way. As we demonstrate, by means of technology or by bold and innovative plans, that public transportation can be reborn and find new favor with the public, new and greater attention will be accorded the special needs of all who cannot, or do not drive.

Looking ahead, I am certain in my own mind that we shall be seeing in our cities a return of widespread use of public transportation. It won't happen overnight, but the trend has started already. The fact is that public transit is not only the best answer but it is the only answer to a number of major urban problems and a great many human needs. All of our proposals and prototypes for new urban systems and vehicles, for example, make allowances for the needs of the elderly and the handicapped.

Under President Nixon's pursuit of balanced transportation we have a whole new outlook. Preservation of the environment and beautification are now implicit in highway planning and construction. We have made a strong commitment to increased safety, especially on the highway. A single death is a tragedy; 55,000 deaths in one year is a national scandal and disgrace. We are determined to make our cars, our highways, and our drivers safer—and cut the death toll in half.

This is a period of transition for transportation. It is also a time of trial. But as we labor together, so shall we reap the harvest of a more perfect mobility.

The solutions of today's transportation problems depend not on technology alone, or on the establishment of new travel habits, or even on the sums of money that can be pumped into new transportation enterprise. The solution lies in our ability to design and implement a mosaic of technical, economic and administrative programs—tailored to the needs of people.

We shall do the job. Before this decade is ended, we will be able to boast that we *can* get from home to office as efficiently as we get from the earth to the moon, even though the task here on earth is much harder.

If we do not fail our transportation responsibilities, transportation will not fail to serve our human needs.

REMARKS OF THE HONORABLE MARIO BIAGGI

ACCOMMODATING THE ELDERLY AND HANDICAPPED WITHIN GENERAL TRANSIT SYSTEMS

Ladies and Gentlemen, I would like to keep my remarks fairly brief. In 1970, Congress adopted my amendment to the Urban Mass Transportation Act, making it national policy that the elderly and the handicapped should have an equal right to mass transit facilities. It further required that all federally funded projects include design features to meet their needs. It also authorized discretionary funding for modification of existing facilities and for research and development programs. The amendment, now Section 16 of the Urban Mass Transportation Act, has made little impact, however, since its implementation has depended primarily on an aroused public pressuring local transit authorities to comply with the requirements of the law.

I am sure the other two gentlemen on the panel will discuss separate systems for the elderly and the handicapped. In fact, the vast majority of federal resources have been directed toward research and development of separate systems such as the Dial-a-Ride program currently in operation in my Congressional District. Such a system, though, is too costly and does not reach a sufficient number of the affected persons to justify the expenditures.

On the other hand, with the proper planning of new systems and the modification of existing systems the vast majority of the elderly and the handicapped could be readily and more effectively served through regular transit systems.

I do not believe any elderly or handicapped person enjoys having his age or affliction highlighted by the need for special transit services. But, more importantly, a massive commitment of public funds would be required to provide such a special group with the same level of transit services as is available to the general public. As Mr. Ronan will readily testify, however, it is hard enough today to get the tax dollars to keep existing systems operating, let alone ask for money to provide special services.

Therefore, considering the limited resources, the only way to service the largest percentage of these elderly and handicapped people is within the transit systems built for the general public.

Let me take, for example, a bus system. Elderly people and certainly people confined to a wheelchair have great difficulty using the present buses. In the case of a wheelchair user, the bus steps are an impossible barrier. However, we have bus designs ready for mass production that will eliminate this problem. There would be little additional cost if this new type bus was purchased when fleets are modernized or expanded. Yet transit authorities continue to purchase old-style buses, thus perpetuating a form of discrimination against one type of transit user, the elderly or handicapped person.

Other minor alterations to the designs of new systems such as elevators, wide-step escalators and gates instead of turnstiles would open up these systems to many more users.

The question now is how do we see that these elderly and handicapped people are served through general transit systems? This has to be accomplished by motivating three groups: the federal government, public transit authorities, and the public itself, especially those people affected by the legislation.

Let me start with the federal government. The Department of Transportation has done an admirable job in fostering experimental programs to cater to the special needs of the elderly and the handicapped. But, here again, these programs are aimed at developing separate systems. Similarly, other federal and state agencies have concentrated their efforts on providing special limited-use systems.

The Department of Transportation should be scrutinizing every application for federal funds. They should be requiring the elimination of all barriers to the elderly and the handicapped. I have received letters from several groups across the country citing specific instances where federal funds were used in systems that did not comply with Section 16. Clearly, with respect to new equipment and systems, the law intends that all barriers be eliminated.

Now, let me turn to the public transit authorities. It is imperative for them to consider the needs of the elderly and handicapped during the design stage. Making the changes at that time will result in little or no additional cost to the system. For example, MTA has been planning—for an extremely long time I might add—a subway line into the Northeast Bronx. Rather than continuing with old designs that offer numerous barriers to the elderly and the handicapped, Mr. Ronan and his men should be doing everything possible to eliminate these barriers. These people and their special needs cannot be discarded as a fringe expenditure when cost cutting occurs. They have an equal right to use the system and should be served as a matter of course. Transit authorities, however, have turned over their responsibilities in this area to specialized agencies servicing only the elderly and the handicapped. This is certainly not being responsive to the spirit or letter of Section 16.

As I see it, though, the people having the greatest stake in implementation of my amendment must initiate the pressure for reform. There are 40 million people in this country handicapped in one way or another. Many people may be temporarily handicapped by a broken leg, a serious illness or just luggage and two kids. Did you ever try to herd a couple of kids and a few bags of luggage onto a bus or subway car and still manage to keep your sanity? Turnstiles, steps, narrow doors, small escalators—these all represent formidable barriers to this person as well as an elderly or permanently handicapped person.

Many people will directly or indirectly benefit by implementation of my amendment. In discussing this law with many groups across the country, I have tried to get them to view themselves as watchdogs—activists for their own cause. Elderly and handicapped groups should review plans for new subways or other transit systems before they are built or even funded. They must challenge public authorities to explain why they have ignored this group of Americans. They must get Congressmen and legislators involved in urging implementation of my amendment. The tools are there in Section 16. It is up to the people to fight for their rights as well.

I would like to just briefly summarize my main points for you. My amendment to the Urban Mass Transportation Act, Section 16, marked a turning point in national concern for the transit needs of the elderly and the handicapped. For the first time, it was acknowledged that these people have an equal right to mass transit facilities.

The need, however, cannot be met by the esoteric or specialized systems that are presently consuming the limited funds available. To meet the needs of all the elderly and handicapped people would cost far more than we can allocate; and, frankly, it is an unnecessary expenditure.

Therefore, the government, the transit authorities and the people themselves, must make every effort to eliminate barriers by the use of general mass transit systems by the elderly and the handicapped. There are very few such barriers that cannot be removed with existing technology, and at very little cost to the public.

In 1954, the Supreme Court declared that so-called separate but equal educational facilities were not in fact equal or equitable. They were ordered eliminated.

I say to you, a similar challenge could well be made on the basis of my amendment. Our transportation experts have been pursuing a system of separate transit facilities for the handicapped. In the process they have made them second class citizens who not only cannot ride in the back of the bus, but cannot even ride the bus at all.

This is discrimination pure and simple; it must be ended. My amendment provides the means if the government and the people are willing to take action. Thank you.

ALABAMA AMERICAN LEGION CONCLUDES 54TH STATE CONVENTION

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. NICHOLS. Mr. Speaker, the Alabama American Legion has just concluded their 54th State convention. During the convention the membership was scheduled to be favored with an address by the Honorable George C. Wallace, Governor of the State of Alabama.

As every American knows, the Governor of my State was seriously injured by a would-be assassin's bullet several months ago and was unable to leave Spain Rehabilitation Center in Birmingham where he is undergoing postoperative treament, which every American hopes may restore our Governor to good health.

In Governor Wallace's absence, Mr. Harry Pennington, the Governor's executive secretary spoke for the assembled delegates. His remarks were most appropriate for the occasion and received a warm response from all who were privileged to hear his presentation. I found his remarks to be timely and because I believe so strongly in the principles and precepts outlined by the Governor of my State, I am inserting the speech in today's CONGRESSIONAL RECORD.

SPEECH BY MR. PENNINGTON

Department Commander Stone, and comrades of the American Legion.

I am deeply honored to be with you tonight. I am honored to be representing our great Governor and that great American, Governor George C. Wallace, and I am honored to meet with and be given the privilege of addressing a group of legionnaires.

It is certainly good to be with a group whose patriotism and love of country have been a sustaining force in our country for over half a century.

Governor Wallace has asked me to tell you how very much he regrets not being able to be with you tonight. As you know, he is a member of the American Legion and, because of the things it stands for, the American Legion is very close to his heart.

In the history of our Nation there have been more than thirty-eight million Americans who have served their country in the military services and of that number over twenty-eight million are still living. Living veterans and their families, plus the living dependents of deceased veterans, make up about one-half of the population of the United States.

The American Legion has done an outstanding job of representing these veterans and their dependents and leading the fight to preserve the basic freedoms which we cherish so highly.

Legionnaires know the horrow of war. They know that if liberty is to have meaning, it must be defended, not alone by lip service but by the very lives of its adherents.

In the early part of this year, I was in Washington, D.C., for a meeting of the National Governors' Conference and recently I returned from the Democratic National Convention in Miami Beach and I am struck with the contrast between what I witnessed on each of these occasions and the principles to which the American Legion has dedicated itself.

In Washington, D.C., I witnessed a wildly shrieking group of welfare leaguers—those people who loudly complain that they are not being paid enough for doing nothing—fight their way to the rostrum as Governor Nelson Rockefeller was addressing the convened Governors, wrench the microphone away from Governor Rockefeller, and shriek their demands for more welfare aid to the assembled Governors. No effort was made to stop them or to remove them once there they took over.

In Miami, you and I witnessed radical groups of the extreme left indulge in frenzied screaming for sanction and amnesty for those who commit acts of violence against police officers while engaged in the performance of their duties.

How far removed this is from the work which the American Legion busies itself with. How far removed is this conduct on the part of the radical elements of the extreme left, with mainstream America as exemplified by the American Legion.

Contrast, if you will, the sponsorship of programs such as Boys State and Nation, oratorical contests, and baseball programs with the indulgence in pot parties and sex orgies. And again on the one hand we see the American Legion making a continual factual study of the enemy of our country, atheistic communism—to know what it is, how it operates, and what we as a nation must do to defeat it.

While these radical elements that we speak of are engaged in public demonstrations, carrying placards calling for reduction of our armaments and military forces, and the consequent weakening of our nation.

What a contrast we see between the experiencing of pain, suffering, and fatigue, of blood, sweat, and tears endured, in the struggle to maintain the blessings of freedom, an experience known to legionnaires, and the activities of these radical groups engaging in wild and frantic demonstrations calling for the release from our jails of murderers, rapists, and robbers—and even having the gall to call for the punishing of the policemen who caught them and brought them to jail.

And again we see the American Legion building orphanages and hospitals—and providing food and clothing for the underprivileged children of the world and elderly persons in need while these radical elements shriek and scream and force their way into Governors' conferences demanding that they be paid more for doing nothing.

Governor Wallace, in his campaign for the Presidency, sought to focus the attention of the Nation on contrasts such as these and to give to the people of our Nation the types of answers to the problems which have plagued them and which they have sought for so long.

He took his mesage to the people of this country and the people responded overwhelmingly to his message. At the conclusion of some fourteen primaries, Governor Wallace led his closest challenger in excess of one million popular votes.

He sent his proposals to the platform committee at their meeting in Washington and took them to the convention in Miami after they had been fully tested in the fire of the primary campaigns and had received the overwhelming endorsement of the people of our country.

The essence of his proposals, and I will not undertake to go into detail about them, is this.

Governor Wallace proposed:

That we free business from the intrusion of government and restore the free enterprise system under which this Nation achieved economic greatness.

While taking a stand for equal access to quality education for all students, regardless of race, he proposed immediate relief from the asinine and senseless busing of school children for the purpose of achieving racial balance in the schools.

He proposed to keep inviolate the constitutional right of the people to keep and bear arms while assuring the punishment of those who use guns in the commission of crimes.

And here we think we might reflect on the irony of the fact that of all the candidates for the presidential nomination, he was the only one who—shot down by an assassin's gun—stood up at this convention for the right of the people to keep and bear arms.

Let us not forget that the people in Russia and the people in China are not allowed to enjoy this right.

Another plank to the Democratic platform proposed by Governor Wallace in his minority report was that we should deny foreign aid to those countries who oppose us militarily or who give aid and comfort to our enemies. How anyone can argue with the proposition that you should not put bullets in the gun of the enemy who is shooting you is beyond comprehension.

Yet this plank—and all of the planks proposed in the Governor's minority report—were turned down by the convention floor.

Another plank would require that Federal district judges submit to a vote of confidence of the people at periodic intervals and that appellate and supreme court judges be reconfirmed by the Senate at reasonable intervals.

There is no questioning the fact that the decisions of these courts would begin to be responsive to the will of the people if this proposal became the law of our land.

Another plank in the platform proposed by Governor Wallace had to do with national defense and I would like to go into a little more detail with you on this plank.

I would first like to comment on the status of our national defense and then discuss the defense plank proposed by the Governor.

To begin with, I would like to say that among the great nations, only the strong survive; this is a fact of life, and a law of nature, the greatest threat to peace is weakness. The road to peace has never been appeasement, has never been unilateral disarmament, and has never been achieved through negotiations from a position of weakness.

In the 1960's we assumed that if both super powers had an adequate retaliatory capability that neither would prepare for or risk a first strike.

We were wrong.

There is now reasonable conclusive evidence that the Soviet Union is deploying strategic weapons systems designed for a first strike capability. This evidence includes the continued production and deployment of intercontinental ballistic missiles after they have attained a clear numerical and megatonnage advantage.

So, while we are still following the line of a second strike or retaliatory capability, the Russians are now preparing for a first strike capability and one that could reduce the population of this country by as much as fifty percent.

At the same time the Russians are proceeding with an anti-ballistic missile system which, when completed, could negate our second or retaliatory strike by destroying incoming warheads in the upper atmosphere.

The Russians have deployed a prototype anti-ballistic missile system with radar screens that will provide coverage which we might have some eight years from now if all the safeguard system is completed. And the fact is that the mounting hostility of the radical leftist elements I speak of have made completion and deployment of our ABM system impossible.

We are reducing our military manpower while the Soviets are maintaining theirs without reduction. From a 1968 peak of three and one-half million, we will soon be down to a 1972 target of two and one-half million.

The Soviet army has 102 motorized divisions, 51 tank divisions, and 7 airborne divisions, while we have a total of 19 divisions, many of which are under-equipped and below full strength.

On the matter of air power, the Soviet Union is now fly-testing an immense new swept-wing sonic bomber to be operational in 1973. It is called the backfire and carries decoy devices and electronic jammers representing a whole new generation of Soviet strategic air force bombers.

As opposed to this, we have the B52 designed twenty years ago, and precious few of them. The successor to the B52, the B–1, if built at all, cannot become operational before 1978.

On naval strength, let me say that only one percent of the Russian vessels are over twenty years of age while forty-one percent of our fleet is over twenty years of age. The Russians have the largest submarine fleet in the world and they will probably surpass our nuclear submarine superiority in 1973.

The Soviets have failed to challenge us only in aircraft carriers which they consider vulnerable to missile launching vessels and aircraft.

In thinking of Russian power and relationships, we need to keep in mind that the Communist concept of negotiations is radically different from ours. To them negotiation is simply a part of the conflict with the objective being to gain an advantage without conceding anything. Their idea of give and take is "you give, they take".

In the face of these facts of comparative military strength of our Nation and the Soviet Union, we find that there are high placed people in our defense structure who tell us that strength is weakness and weakness is strength.

They tell us that parity rather than strength in weapons and munitions is sufficient to secure the keeping of the peace and the protection of our country.

They tell us that a deterrent capability is preferable to an offensive capability. They tell us that commitment of our military forces need not always be followed by total national support of those forces.

They tell us that our second strike capability has proven invulnerable. None of these is true.

In his platform plank on national defense, Governor Wallace proposed an intensive and immediate review of the policies, practices, and capabilities of the Defense Department and the elimination from its ranks of all those who have continued the dissemination and promulgation of these doctrines.

He proposed that we put our military leaders back in charge of the military services and, although the defense establishment should be under civilian control, that the civilian authorities must work in partnership and harmony with the military leaders so that we might once again profit from their wisdom and experience.

He proposed that we establish a reasonable relationship between offense and defense capabilities and provide our services with the proper armaments, munitions, and equipment to afford a proper mix of weapons and munitions.

He further proposed that we increase emphasis on research and development in the areas of space and weaponry mobility: that we support the installation of an anti-ballistic missile defense: that our military leaders be allowed to select the weapons and the equipment needs: that we should never again commit American troops without the guarantee of full support of available resources: that we never again permit a static situation to develop wherein America stands still while her potential enemies continue to advance in all areas of development; that we must strengthen our organized reserve forces and accept them into full partnership with the regular military establishment.

There are other points, and we think that, taken all together, this defense plank meets the needs of our times and carries the overwhelming endorsement of the people of our Nation.

And, what did happen to us in Miami?

The convention in Miami may have thought they were sweeping George Wallace under the carpet with its polite but unenthusiastic reception of his minority report. Instead they have swept the wishes of millions of Americans under a carpet of contempt and calloused disregard.

You witnessed a takeover by those who would take the blood, sweat, and tears that have made our country so great and replace them with pot, sex, and queers.

Many of you are veterans of World War II, who, after suffering through the rigors of that war, came home to your families and saw your children go from high school to hell—the hell of Korea, and Vietnam and the hell of drugs here at home. I know that it is a personal affront and insult to you that any consideration would be given to the granting of amnesty to those who would refuse to obey the call of their country or who have deserted from the service of their country. This whole idea of amnesty is an affront to millions of people dating back to the Revolutionary War.

I know that it is insulting to you that anyone would seriously consider allowing the free and unchecked passage of drugs in our society.

But we must not ignore this clamor from the radical left groups about which we are speaking. We all know that we must constantly fight to preserve the freedoms which we have enjoyed in this country and which we cherish so highly. Our country has met and overcome every challenge which we have faced. Our prior challenges have come from outside aggression. The challenges which I have outlined to you tonight come from radical elements from within our own society as well as from the outside. We shall meet and triumph over these challenges as we have all of those that we have faced in the past. We will not allow our heritage to weaken but we shall take the heritage handed to us by our forefathers, strengthen it, and pass it on to future generations brighter and more vibrant than when it was received.

And through this whole process, I know—and you know—that the American Legion will be carrying the banner, showing the way, and setting the pace.

THE JUVENILE DELINQUENCY PREVENTION ACT

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, juvenile crime in the United States has reached crisis proportions. In the last decade alone, arrests of juveniles for violent crimes increased 167 percent. Their arrests for property crimes, such as larceny and auto theft, jumped 89 percent. In fact, youngsters 18 and under are responsible for one-half of all serious crimes committed in this country today.

These statistics are particularly distressing when we consider the failure of our correctional institutions to rehabilitate the wayward child. For, according to a recent FBI survey, the recidivism rate for institutionalized delinquents under age 20 is the highest of any other age group. Between 74 and 85 percent of those who have been incarcerated end up back in youth or adult correctional facilities, well on their way toward a career in crime.

Despite the seriousness of the problem, our efforts to combat juvenile delinquency have been largely ineffective. We have lacked the funds, direction, and coordination to do a proper job.

Precisely for these reasons, I would like to express my support for H.R. 15635, which passed the House on Monday. It is my opinion that H.R. 15635, the Juvenile Delinquency Prevention Act, offers the most hope for remedying our distressing delinquency problem.

This legislation extends the Juvenile Delinquency Prevention and Control Act, which expired June 30 of this year, for an additional 2 years. While so doing, however, it refocuses its entire program—placing primary emphasis on the prevention of juvenile delinquency, rather than on its control or rehabilitation.

The purpose of this legislation, which is to be administered by the Department of Health, Education, and Welfare, is to assist States and local communities, including local educational agencies and other public and nonprofit private agencies, to provide community-based programs for the prevention of delinquency in youths. The bill also provides for assistance in the training of persons employed or preparing for employment in occupations involving these services, as well as technical assistance.

There are three principal reasons why I believe the Juvenile Delinquency Prevention Act would be most effective in combating youth crime.

First of all, the bill emphasizes the preventive approach to juvenile delinquency. It provides funds for the development and operation of youth services designed to divert potentially delinquent youths from a career in crime. These include individual and family counseling, diagnostic treatment, remedial education, vocational testing and training, job placement, health services, and recreational activities, including social and cultural development programs. All of these services would be located in the community, rather than in the courts, delinquent facilities, or law enforcement agencies, which encompass the traditional juvenile justice system.

Prevention is our first line of defense in combating delinquency and this is where our principal efforts should lie. H.R. 15635 provides that 80 percent of its appropriated funds will be utilized for these community-based preventive programs. In addition, it requires that the funds available under the act are to be concentrated in areas which have the highest rates of youth crime, youth unemployment, and school dropouts—in short, where our greatest problems exist.

The prevention of delinquency, however, would be a near-impossible task without the aid and involvement of our schools. For the school plays such an important role in a child's life, bearing responsibility for his development into a self-respecting, law-abiding member of the community. For too long we have neglected to utilize perhaps our most powerful force in diverting potentially deliquent youths from crime. It is time we gave our schools the resources and the assistance necessary to meet their important responsibilities. H.R. 15635 provides funds for schools to develop a broad range of delinquency prevention programs, including tutoring services, remedial education courses, as well as other special education programs designed to help the troubled youth.

Moreover, the bill provides that even if the school districts themselves are not the recipients of grants for preventive programs, they must be consulted in the planning and operation of other youth service programs in the community.

Second, H.R. 15635 provides a coordinated approach to the problem of juvenile delinquency. If we really want to wage an effective campaign against youth crime, we need a coordinated concentration of all our resources at the local level, where the problems exist. The Juvenile Delinquency Prevention Act would make this possible. For example, it requires each applicant agency to coordinate its operations on a continuing basis with other agencies furnishing health, education, and welfare services to youths in the community. It also requires agencies wishing to develop preventive programs to consult with local educational agencies and other organizations in the community so that ongoing efforts are taken into account in the formulation of any new programs.

In addition, H.R. 15635 establishes an interdepartmental council on juvenile delinquency to coordinate all Federal juvenile delinquency programs. The agency would be composed of the Attorney General, and the Secretary of Health, Education, and Welfare, as well as any other representatives the President might designate.

Third, the Juvenile Delinquency Prevention Act makes it clear that the Department of Health, Education, and Welfare is to fund programs dealing with the prevention of juvenile delinquency, leaving control efforts up to the Justice Department, where they more appropriately belong. It is my feeling that such a delineation will go a long way toward clearing up much of the confusion currently surrounding each individual agency's role in fighting the delinquency problem.

To carry out the programs provided for under this act, the bill authorizes $75 million for fiscal years 1973 and 1974.

Mr. Speaker, if we want to combat crime, we must first tackle juvenile delinquency. H.R. 15635 is the legislative vehicle most likely to succeed. I urge its immediate enactment.

TRIBUTE TO. HON. H. ALLEN SMITH

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. ROUSSELOT. Mr. Speaker, our colleague, the Honorable H. ALLEN SMITH, has served with a sense of dedication and loyalty to his constituents, and more important, the country as a whole for 16 years. During his service, he has remained faithful to the principles of our constitutional Republic and the basic promises and commitments that he made when first elected in 1956. At a time when some would praise "flexibility" and "pragmatism," it has been refreshing to serve with a man who has the character and conviction to stand for principles that he knows are important to the general welfare of his country. I praise my colleague, as I know many of you do, for this basis of service. Recently, Dick Werkman, a very fair writer for the Pasadena Star News, wrote an article about H. ALLEN SMITH as a result of a speech delivered by AL before the Rotary Club of Pasadena which was billed as his "Swan Song." I commend this to my colleagues at this time, because there are many warning flags that should be considered by this body as a whole in our good colleague's review of his 16 years' of service. I hope that some heed is paid to the concepts developed by H. ALLEN SMITH, because they are desperately needed in this Congress.

The article follows:

SMITH REFLECTS ON 16 YEARS' SERVICE

(By Dick Werkman)

Retiring Rep. H. Allen Smith, R-Glendale, defended the Congressional seniority system Wednesday as he gave the Pasadena Rotary Club what was billed as his "Swan Song."

"I've tried to do the best job I could," Smith, a 16-year veteran of the House of Representatives, asserted as he looked back over his years as the 20th Congressional District representative.

He's still on the job and will be for the remainder of the year.

But he took his appearance before the Rotary Club as an opportunity to reflect on the changes in Congress and the increases in federal spending since he took his House seat in January, 1957.

"It's more difficult to defeat unnecessary spending," Smith said in citing one example of what he termed a change in the complexion of the House membership.

Smith, who is the ranking Republican on the powerful House Rules Committee, defended the seniority system in which congressmen receive committee positions and chairmanships based primarily on their length of service.

"I cannot find a better system than the seniority system," Smith said, adding that freshmen congressmen usually don't care for it.

Smith admitted that as a freshman he didn't get the assignment he first wanted. However, he contended that if a freshman accepted his assignment and worked hard he would advance in Congress. And, he said, congressmen generally increase their approval of the system as they gain more seniority.

The congressman said nobody has come up with a better system of selecting committee chairmen. The seniority system has been under attack in recent years by some congressmen and has undergone some modification.

Smith predicted to the Rotarians that John B. Connally, the Texas Democrat President Nixon picked to serve first as Secretary of the Treasury and later as a special envoy, will play a key role in the Nixon administration if the President is re-elected in November.

He said his own personal guess is that one possible job Connally might take is that of Secretary of Defense. Melvin R. Laird, the current secretary, has said he felt one four-year term in the difficult post is enough for him.

Smith also discounted speculation that Nixon might dump Vice President Spiro Agnew from the ticket in favor of Connally.

"I'm for Agnew," Smith told the Star-News following his talk.

Smith, who will serve as parliamentarian of the Republican National Convention in August, quipped to the Rotarians that, "I don't expect to have the same problems as (Rep.) Jim O'Hara, (D-Mich., the parliamentarian at the Democratic National Convention under way at Miami Beach) or run the same kind of convention they're running." Smith also served as the parliamentarian at the 1968 Republican Convention.

An opponent of excess federal spending, Smith said the fiscal 1958 budget, the first he had an opportunity to vote on, totaled $71.8 billion. The fiscal 1973 budget, he said, will be $270.9 billion.

He said federal receipts in fiscal 1958 were $79.6 billion while expenditures totaled $82.5 billion. In fiscal 1973 the receipts are expected to total $220.8 billion while the expenditures may reach $246.3 billion.

Citing the growth of HEW as an example of increases in the federal government, Smith said, "I doubt that anybody in Washington, D.C. knows all the ramifications of the Department of Health, Education and Welfare." He said no one person could know all that is needed to run the agency and suggested that it be broken into smaller departments.

Smith said Congress will undergo one of its largest changes even as a result of the November elections. He said five House members are resigning to take other jobs; six have died recently; 33 are retiring; 10 are seeking other offices, and 10 were defeated in their party primaries. Altogether 64 House members will be gone when the new session opens in January.

GOLDEN ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. DINGELL. Mr. Speaker, July 26, 1972, marks the golden anniversary of an outstanding organization which is devoted to the improvement and betterment of our social, moral, and family life. The organization to which I refer, of course, is the Order of Ahepa—American Hellenic Educational Progressive Association.

Founded in Atlanta, Ga., on July 26, 1922, the Order of Ahepa has expanded over the years and its 430 local chapters will be known throughout the communities as men of good will who are devoted to the fulfillment of their civic and family responsibilities.

The Order of Ahepa can take particular pride in the fact that it has been quick to come to the aid of victims of disaster both in the United States and abroad. The order's efforts on behalf of education and cultural development are to be highly commended.

Mr. Speaker, I wish to extend my best wishes to the members of the American Hellenic Educational Progressive Association and express my strong desire for the continued success of the organization.

PROBLEMS IN OUR U.S. POSTAL SYSTEM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. WALDIE. Mr. Speaker, it has come to my attention in correspondence with postal employees of the desperate economic situation and despicable working conditions that persist today with our U.S. Postal Service. I felt the views of N. Dwight Harman, branch correspondent of NALC Branch 3741, Manhattan Beach, Calif., to Postmaster General T. K. Klassen worthy of being entered in this CONGRESSIONAL RECORD. I felt that Congress should be informed of the views expressed by this man and act accordingly to amend the present situation.

The letter follows:

JUNE 26, 1972.

Postmaster General T. KLASSEN,
Washington, D.C.

SIR: I have before me a copy of your speech of last March. Your ninety days are nearly up. I have several firmly held opinions, one of which is this: Congress, where are you when we need you? You, sir, and your Board of Directors have attacked the very heart of the Postal Service—service to the public—with the single-mindedness of a man digging a hole: no place to go but down.

Who are you? Where did you obtain your expertise regarding the Post Office? You must be highly qualified to be able to thoroughly evaluate an organization like the Post Office in only ten weeks. Were you out here on the West coast? The East coast? Anywhere? Have you or any of the Board of Directors *ever* had anything to do with the Post Office other than to mail a letter? Did you ever talk to anyone who didn't walk into your office? Just who are these "key Congressional Leaders"? What "important customers and concerned citizens"? What "key managers"? Did you ever consider that you are looking through the wrong end of a telescope? That most of your information is fed to you? Other information withheld from you? You stomp your foot and the earth trembles? Like Hell! Your edicts affect 700,000 of us. You dare to be cold-blooded about these things because you are at the TOP; not because you worked your way through the system, but because you were chosen. Do you sleep well? Probably. You only deal with facts and figures, blacks and whites. Come away from the ledgers a moment and look at the flesh and blood aspects.

In many cases your speech resulted in harmful side-effects. You have driven wedges between supervisory and employees—something that certainly does not make working conditions,. especially morale, pleasant. We have a right to have pleasant working conditions, unless we are slaves. Are we slaves? You have created make-work for postal inspectors by initiating street surveillance for the sole purpose of firing carriers; this to save money. You don't give a . . . for any of us.

Postal rates have risen, while service has diminished. City collection boxes have been removed—again, this to save money. Revenue is being diverted to private mailers. Patrons are disgruntled because of mail delays. In my city, a woman asks why it takes two days for delivery of a letter to a neighbor up the street. I tell her that, first, everything goes to Inglewood, then back here. She says, "Why?" I say, "Ask Mr. Klassen. He has all the answers."

Your speech, high-handed as it was, sent supervisors and other employees scurrying in all directions. No answers; just myriad questions. Threats of layoffs—a violation of the National Agreement (which, apparently no one but the NALC read)—and implied dismissals of highly qualified supervisorial personnel created more dissent and worry than you may have anticipated. That "Beautiful Bureaucracy"—there's a phrase for you, since you are fond of phrases—works in such a way that it is next to impossible to find anyone to blame for the results of faulty decisions. Except you. You said, "The buck stops here." Money, again. But, tragically, even you won't have to live with the results of your decisions. You don't even have to live *under* them.

Surely among the thousands of postal employees expected to retire this year, Congress should be able to find a use for some of these brains and talent; to wit: replacing you and the Board of Directors. No one in the axle-grease business should be permitted to tell a experienced postmaster how to do his job.

In the letter, which I still have before me, you talk about money. I do not know what you did before this job, but I suspect that you have a fatal disease contracted through long exposure in the money mines; it's called profititis. Just explain why the Post Office Dept. (as it was once known) should break even, let alone make money. The Government (i.e. the people/taxpayers) pays for many unprofitable services. (I won't go into the subject of legislators' salaries.) If the U.S. Postal Service is going to provide service, as you put it, it will likely always operate at a deficit. This is really no crime, believe it or not. It's all in the way one thinks. Some people have nightmares over the thought of doing something without remuneration. Postal workers provide many services no other present competition can. The list is long, but conversations with regular clerks and carriers, even supervisors, would give you a good deal of insight. Don't get your information from people who have to be told which side of the stamp to lick. For the sake of the people who've been in the service longer than you, listen to these voices of protest. It may help keep your job. We do not object to change to improve service, but how are things improved by lowering of morale, eliminating qualified personnel, increasing postal rates which force publications under, removing collection boxes, causing fear of job-loss; etc.?

You state further that "Customer courtesy must again become a way of life . . .". I never lost it. I now courteously tell people to take their bitches to you. "The buck stops here.", you said. Bully.

You say that we must learn to live within our incomes. Fine and dandy. You don't care how it's done; only that it be done. Jump in the air, and don't come down until I tell you. I don't care how you do it; just do it. In the office I work in there has never been a grievance filed that wasn't settled within the office. Since your ninety-day freeze our Union has posted three that have gone to arbitration, with more to come. And ours is a small office. How many grievances in the entire postal system are you aware of? I'll bet you knew this would happen and said, "Let 'em suffer". In our cases, the actions are results of vacant positions not being posted for bidding. Now, these grievances cost money, that precious stuff you are trying to save. So, too, does the overtime pay to cover routes where offices are under-staffed. Since you are always talking about money, how do these glaring inconsistencies fit into your philosophy of management?

If you'd had any experience in this business, you'd know that every postal unit is different—the reason being, of course, that each city itself is like no other city. The needs and methods vary from place to place. Previously, the Post Offices were permitted flexibility to adjust to these needs. Cities, as you know, are made up of people. But it seems now that everything is black or white. The public be damned! Let's get this thing rolling!

I am one person who thinks that Congress can protect our jobs far better than you and your Board of Directors can. My own opinion is that you are not a very good cook, in spite (or because of) the heat in the kitchen. I think that you should follow in the footsteps of your predecessor. And if you can't find an office to run for, pack your carpetbag, and come out here—I'd love to vote against you. Here's to eighteen-and-eight.

I appreciate this opportunity to share wtih you some of the concerns that I have. Thank you.

N. DWIGHT HARMAN,
Letter Carrier.

CONTROLS STIFLE NEW DRUGS

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. PETTIS. Mr. Speaker, I would like to place into the RECORD an article that addresses itself to a growing problem in the medical field: The lagging position of the United States in drug research and development. I have spoken on this subject on many occasions, and feel that this article clearly recites the danger presented by governmental overregulation in this field. The article follows:

[From the New York Times, July 2, 1972]

CONTROLS STIFLE NEW DRUGS—EMPHASIS ON SIDE EFFECTS HINDERS PROGRESS

(By Sheldon G. Gilgore)

Is the United States faltering in its ability to deliver new medicines to the American public?

The question deserves serious attention at a time when we hear almost daily reports of a national health-care crisis and while we still lack medicines to deal effectively with many serious illnesses, such as heart disease, cancer, stroke and rheumatoid arthritis.

Unhappily, the record shows unmistakable signs that the introduction of new medicine is lagging in the United States, while other nations are aggressively moving forward.

For example, during 1959—the peak year of postwar drug innovation—there arrived on the United States medical scene a total of 63 new chemical entities—single therapeutic compounds never before available to physicians here. Ten years later, the flow of new drugs had trickled down to just nine.

What has happened? How can this faltering of a once unrivaled system be explained? Where are the new drugs?

One possible cause of the decline might be that we are investing too little in research for new drugs. The facts lead us quickly to reject this hypothesis.

Research and development expenditures for the United States pharmaceutical industry have been increasing at a rate of 14 per cent a year since 1951. The current level is 14 times that in 1951. And 1972 research, benefiting from major advances in scientific instrumentation and methodology, is tremendously more potent, dollar-for-dollar, man-for-man, than 1951 research.

Another hypothesis: Has new drug introduction declined because we have exceeded the bounds of existing scientific knowledge? Far from it. Although it is true that drug discovery today is more complex, and more difficult than in the past, an unprecedented store of basic knowledge has been built up in the last decade, in large part as a result of the billions of dollars spent by the National Institutes of Health in fundamental research in the biological sciences.

A more compelling explanation for the decline in new drug introductions suggests itself from the fact that other countries are introducing new medicines sooner and in greater numbers than we are. Against the United States record of 16 new single chemical entities for 1970, we find 25 for Britain, 19 for France, 29 for West Germany, and 33 for Italy.

It can be rightly pointed out that not all of these drugs are relevant to United States therapeutics. However, we cannot ignore the results of a survey of new drug introductions between 1965 and 1969. During this five-year period, 82 new chemical entities were marketed in the United States, many of which were important therapeutic advances. For many of these key drugs, introductory dates in Germany, France and Britain ranged from one to nine years earlier than in the United States.

The clear implication is that something is going on in the United States that is different, and it takes little searching to suspect what that is: A monstrous concretion of overlapping controls, precautions and delays in drug research. These have grown up in response to perennial, widely publicized scare stories about the risks and alleged inadequacies of drugs and drug research.

In the field of biomedicine, societal preoccupation with a drug's side effects without being balanced by an appreciation of therapeutic benefit can only impede progress in our quest for better health care.

If this attitude had prevailed in the nineteen-forties and nineteen-fifties, we might still be awaiting allergy-free penicillin—with a tremendous resulting loss to human well-being.

To put the fault on any one element of the system, such as government regulations, or the policies of the Food and Drug Administration, is to oversimplify vastly and really distort a phenomenon that is woven throughout the fabric of our times, influencing everything, everywhere, in ways that hold back biomedical developments.

For example, in addition to Federal policies that affect the clinical testing of new drugs, we now have state review committees, hospital peer groups and research committees, all massively duplicating F.D.A. activity at a cost of considerable time.

When it comes to deciding whether doctors will or will not be allowed to use a new drug, it is not formal regulatory policy alone that determines the outcome, but also the shadowy presence of various watchdogs threatening to "Monday morning quarterback" any decision made. It is only normal to expect the individual regulator to be hesitant about making decisions in these circumstances.

As if the present situation were not bad enough, we are now confronted with bills in Congress that if enacted are certain to make a serious situation even worse. The Food, Drug and Consumer Product Safety Act of 1972, just voted by the Senate, would totally remove drug regulation from the Department of Health, Education and Welfare and restructure it in a non-medical atmosphere where fear of possible side effects of a drug would likely outweigh appreciation of potential medical benefits.

Another bill pending before Congress

would establish an entirely new agency to advocate consumerist concerns before existing agencies, and it seems inevitable that this agency, if established, would powerfully reinforce the existing impediments to biomedical and other innovation.

In the biomedical field, the stifling of research will cost all of us dearly. It will cost us time in which important new drugs we do not have could be helping patients. It will cost us the potential savings that newer and better drugs often contribute, by substituting for other, more costly modes of treatment, such as time spent in the hospital.

In short, society has a problem of balancing costs against costs; on one hand, the possible—but by no means certain—costs that might flow from less stringent societal control of the new drug research and approval process; on the other hand, the cost of the certain and irrevocable loss if new discoveries are interminably delayed along the long route from laboratory bench to sickroom.

The situation in the United States today, as regards technology in general and drug research in particular, is grave indeed. If the present trend continues unchecked, it can only result in a further stifling of socially desirable technological progress, out of simple fear of the unknown.

GOLDEN ANNIVERSARY OF ORDER OF AHEPA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. EILBERG. Mr. Speaker, the Order of Ahepa, the American Hellenic Educational Progressive Association, is celebrating its golden anniversary during 1972. This fine organization encourages its members "to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor." AHEPA has certainly proven itself worthy of that goal.

Its membership extends to 49 States, Australia, and Canada—this includes 430 local chapters. The officers of the Philadelphia chapter are: John Anagnostakos, president; Caesar Millas, vice president; Gerald B. Clonaris, secretary; and Simon Marlos, treasurer. In addition, Philadelphia boasts a past national officer of the AHEPA Supreme Lodge in Judge Gregory G. Lagakos.

Mr. Speaker, during its half century of service, the Order of Ahepa has acted generously in providing aid to international, national, as well as to community endeavors in the fields of education, charity, and civic improvement.

However, the fine work done by organizations such as AHEPA often goes unnoticed or unrecognized in the general sweep of events. Usually only those direct beneficiaries of such work are witness to it. This, I believe, is unfortunate, for in a broader sense, we are all beneficiaries.

Therefore, allow me to list just some of the achievements and concerns of AHEPA and some of the services it has provided in its proud 50 years: Relief for Florida hurricane victims; relief for Mississippi flood victims; aid for the Hellenic Museum; national scholarships for worthy students; AHEPA Franklin D. Roosevelt Memorial at Hyde Park; relief of Turkish earthquake victims; AHEPA hospitals in Athens and Thessaloniki, and seven health centers in Greece; sale of $500 million in U.S. War Bonds during World War II as an issuing agency of the U.S. Treasury; aid to the Truman Library and the AHEPA Truman Memorial in Athens, and the AHEPA education journey to Greece student program.

I congratulate the Order of Ahepa on the proud occasion of its golden anniversary and, along with its members, anticipate another 50 fruitful years.

MISSISSIPPI'S LUMBER INDUSTRY

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. GRIFFIN. Mr. Speaker, the lumber industry has had a long and important history in the State of Mississippi. Today the manufacture of forest products exceeds even agriculture in Mississippi.

The modern development of the lumber industry has meant much to Mississippi. The opening of world markets to the Mississippi lumber industry will make a great contribution to the economic development of our State as well as serving as a stimulant to our Nation's economy in world trade.

I share the optimism for the continued growth and importance of this industry and the role that Mississippi plays in it. And, I would like to share with my colleagues an article on the expanding lumber industry which recently appeared in the Mississippi Magic magazine, a publication of the Mississippi Agricultural and Industrial Board.

HOW OUR GARDEN GROWS

The lumber and forest products industry of Mississippi, the nation's No. 1 tree farming state, is in a period of dynamic growth. Mississippi, as the second ranked producer of hardwood in the nation, boasts a lumber and forest industry which presently represents some $129 million annually in new capital investments. The state is currently producing and shipping more than 680 million dollars of forest products a year.

Mississippi's lumber industry goes back many years. In the late 1800's Mississippi ports were shipping square timber ship masts, planks and other timber products to Europe, Australia, the West Indies and Latin America. Large quantities of southern pine were being shipped to offshore markets, particularly to Germany, for the manufacture of window casings, wagons, freight cars and other uses which exposed wood to the outdoors.

In 1911 Gulfport shipped more pine lumber than any other port in the world (379,932,000 board feet). These shipments were largely responsible for development of the Port of Gulfport and the Gulf and Ship Island Railroad, now owned by the Illinois Central.

As the virgin forests of our state were cut, shipments steadily declined until the 1930's when all but a few of the major mills shipping through Gulfport had closed their doors.

By 1936 it was said of our Southern timberlands, "the timber has been so completely destroyed by the turpentine and lumber men that it is now a hard matter to get enough good lumber to build a chicken house".

Today's modern forestry has changed the face of the desolate stump-studded acreages of the 1930's until the manufacture of forest products exceeds even agriculture in the State of Mississippi today.

On February 8, 1972, for the first time in almost a half-century, a large shipment of Mississippi yellow pine lumber was exported through the State Port of Gulfport. The 780,000 board feet of pine lumber, manufactured by the Hood Lumber Company, a subsidiary of Masonite Corporation, was shipped through the Export Division of Klumb Lumber Company of Gulfport to Germany.

Further serving to reinforce Mississippi's position in the increasing market for forest products, contracts involving $32 million in wood products have been signed between an area sawmill operator, the W. E. Parks Lumber Company, and the Kakashimaya Kosakusho Company of Tokyo. The contracts call for southern pine lumber to be cut and milled in this country and shipped to Japan for bowling alleys.

Parks Lumber Company has employed graduate foresters to locate the special dense timber required for manufacture of this product. Natchez is the approximate center of the area which produces this type of timber. The high quality product required for bowling lanes contains a minimum of five growth rings per inch. Parks will purchase and mill this timber from southern pine producing regions of Mississippi, Louisiana and Arkansas.

This mutually beneficial transaction will be an example of how to improve the now deficit international trade balance, while at the same time creating good international relations between the three-state area and Japan. It will also be a definite boost to the economy of Mississippi and her neighbors. Banks in Mississippi and Louisiana will handle the financing on the transaction. It will necessitate extra logging contracts, transportation facilities and additional employees for the local concerns involved. Not since the days when the vast, virgin forests of Southern Mississippi were opened to logging . . . when the shipment of lumber out of our Gulf ports was so great that as many as 40 ships were berthed in the harbor at one time . . . has a Mississippi port handled such a quantity of lumber for export abroad, and never before in one shipment.

A growing demand abroad for Southern pine lumber is anticipated. It is felt that these two outstanding shipments from Gulf ports is only the beginning . . . and that there will be further shipments of this kind in the future. That this trade will benefit not only Mississippi and the neighboring lumber producing states, but by stimulating activity through our ports with our forest products, we will help to stimulate the economy of the entire nation now burdened by a deficit balance of payments.

NATIONAL CAMPERS AND HIKERS ASSOCIATION

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. BRAY. Mr. Speaker, the National Campers and Hikers Association has completed its 13th annual gathering at Camp Atterbury, near my home in Martinsville, Ind. I visited this camp twice during their stay. It was an inspiring sight.

More than 8,000 camping units and

almost 40,000 people spent a week in beautiful southern Indiana. Their age ranged from babes in their mother's arms to a woman 101 years old. There were people from all professions, trades, and businesses, all enjoying the outdoors. There were thousands of American flags flying and not one Viet Cong flag.

There were innumerable activities, from athletics to a teen queen contest and nature hikes. There was no evidence of drugs or drunkenness. These campers took care of their own security and they left the campgrounds as clean as an army drill field.

This was America on the move—the same high-quality Americans that made our country, a contrast to those who hate their country and themselves; the filth, the queers, and weirdos; small in number but who receive much attention and publicity.

This meeting of the National Campers and Hikers Association was a picture of the real America, strong, courageous, and clean. You left this scene with a wholesome feeling and a renewed confidence on a real America.

CONCERN FOR PRIVATE AND PAROCHIAL SCHOOLS

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. RUPPE. Mr. Speaker, I would like to recognize Congresswoman Heckler's special order of June 27, by expressing my grave concern for the future of our private and parochial elementary and secondary schools.

During the past few years in my congressional district in northern Michigan, I have witnessed the closing of a number of parochial schools that could no longer afford to stay open. This unfortunate trend is not isolated in northern Michigan. It is estimated that between 1963 and 1970, the number of students enrolled in nonpublic elementary and secondary schools throughout the Nation declined from 6.5 million to 5.1 million, over a 20 percent decrease. At the same time, public school enrollment jumped from 40.2 million to 45.9 million.

We should not be surprised at the number of nonpublic schools closing each year. With the skyrocketing costs of both public and private education, parents are finding it impossible to pay taxes for the public schools and tuition for the private schools at the same time.

The dilemma facing nonpublic schools is tragic for all concerned. Parents are unable to send their children to parochial schools that emphasize important personal religious beliefs in many families. The increased number of students forced into already overcrowded and underfinanced public schools works to the disadvantage of all students—students who deserve the right to a high quality education.

Finally the decline of the nonpublic school means an even heavier burden for taxpayers; indeed, if the student enrollment in private and parochial schools had not dropped between 1963 and 1970, it is estimated that the public schools across our Nation would have saved $1.2 billion in fiscal year 1971.

Given the urgency of this crisis, I have sponsored H.R. 13820, a bill similar to the legislation introduced by my distinguished colleagues, Mr. Byrnes of Wisconsin, and Mr. Gerald Ford of Michigan. This bill would provide a tax credit for 50 percent of the tuition paid for a dependent up to a maximum of $400 per child attending a nonpublic elementary or secondary school. Items such as books, fees, and supplies would not be covered by a credit, and the credit would be subject to reduction by 5 percent of any adjusted gross annual income in excess of $25,000.

I do not pretend to be an expert on this legislation, nor do I claim that this particular tax credit approach is the best possible way to save our nonpublic schools. I introduced H.R. 13820 to emphasize that some means must be found to ease the plight of these elementary and secondary educational institutions. Mr. Speaker, let me conclude by reaffirming my unequivocal support and full cooperation in the efforts of President Nixon and a number of our colleagues in seeking to aid our private and parochial schools.

NORM

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. ZWACH. Mr. Speaker, a new and promising farm organization has been chartered which is composed of bankers, agribusiness leaders, farmers, oil and gas operators, ranchers, mining personnel, members of the fish industry, economists, and past and governmental leaders.

The organization is the National Organization of Raw Materials, Inc., or NORM.

With your permission, and for the information of my colleagues and all of the other people who read it, I would like to insert an article from the Wilmont Tribune about this new organization in the Congressional Record:

NORM

(By A. Larson)

The letters NORM stand for National Organization of Raw Materials, Inc. This is a newly chartered organization composed of bankers, agri-business leaders, farmers, oil and gas operators, ranchers, mining personnel, members of the fish industry, economists, and present and past governmental leaders. The organization is seeking the aid of not only those involved directly in these industries, but those who are indirectly involved, especially the rural bankers, agri-business people and the rural main street business man.

Mr. Harlan Vanderzee of Hartford, Texas, is the national president of the organization. He is also president of the Hartford State Bank. He says the agriculture people who make up 70% of the raw material production of the nation are giving the organization tremendous support.

Gerald McCathern, editor of the NFO newsletter published in Deaf Smith County, Tex., writes as follows in his publication in regard to NORM. "It is apparent to me that such an organization as this is what agriculture can get behind 100% since it will be bringing those influential people of our rural communities into the fair price battle with us. It is estimated that 70 million people live in rural America and approximately 40% of the nation's work force is indirectly dependent on agriculture for a living.

"If we can get all of those people behind us, we will have regained the political influence which we seem to have lost in the past."

A very encouraging aspect of NORM as far as I am personally concerned, is the fact that they hired Mr. Arnold Paulson as their Executive Vice President. Those of you who know Mr. Paulson know that he is the best friend that agriculture could ever hope to have. It also indicates to me that N. O. R. M. will be voicing what agriculture needs most, PRICE.

"NORM has already been successful in getting Mr. Paulson before several influential members of Congress and some of the presidential candidates to explain his 'raw materials' approach to the economic problem. But they must have our support, both in number and finances, if they are to be totally successful."

We in the upper midwest know this economist from Granite Falls, Arnold Paulson, very well and he is scheduled to speak on WCCO Radio Sunday morning about this very subject in the near future.

After much study and research from the Agriculture Committee of NORM, the following list of recommendations as to what a successful agriculture program must do, was drawn up:

1. It must be beneficial to the nation as a whole.
2. It must satisfy the farmer and agricultural industry.
3. It must bring agricultural income up to an equitable standard with the least possible increase in food costs.
4. It must satisfy the consuming public and voter.
5. It must be acceptable to Congress and the administration.
6. It must control supply based on the needs of the nation.
7. It must help to manage the sale and distribution of the supply.
8. It must establish and enforce a minimum or floor price.
9. It must provide a means of disposal of excess production, without that disposal affecting the price of that which is needed by the nation.
10. It must be equitable to all segments of the nation's producing areas.
11. It must reduce the cost to the government, both in direct payments and in administration costs of USDA and other agencies.
12. It must provide for the continuation of more exports of agricultural goods and less imports of those commodities that the U.S. agricultural industry can supply.

The following additional recommendations were made:

That 100% true parity, based on the 1946 through 1950 prices as indicated in the 1962 Economic Report of the President be restored to all agricultural commodities. That imports of all commodities, indirect or in direct competition with U.S. agriculture commodities, be restricted to enter U.S. ports of entry at prices no less than 110% of true parity, FOB port.

THIS IS DEMOCRATIC?

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. WINN. Mr. Speaker, I would like to take this opportunity to share with my colleagues in the House the following article, which I read and found truthful as well as amusing. I believe that Stan Rose, publisher of the Johnson County Scout, captures quite aptly the tone of the Democratic National Convention:

THIS IS DEMOCRATIC?

(By Stan Rose)

Dear Emma: "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore . . . and I will make them delegates to the Democratic National Convention in Miami Beach!"

Forgive me, Emma Lazarus, wherever you are, for sounding flip but I couldn't resist this. If you were alive and watching television, you might paraphrase your great poem, inscribed on the Statue of Liberty, in somewhat the same vein. But more poetically, of course.

Democracy my eye! Open convention my foot! When the real story of the 1972 Democratic convention is written, my guess is it will focus on the smoothest, slickest political takeover in American history.

McGovern did it—and with the help of those master strategists loaned to him for this campaign by the Kennedy camp. McGovern overthrew the power structure with a classic bloodless revolution.

But he replaced the back-room politicians with a motley crowd of amateurs that turned out to be just as closed-minded and uncompromising as the ruthless bunch of pros they replaced.

I won't cry for Boss Daley of Chicago and his henchmen who got kicked out of the convention before they even got in the door. They deserved what they got. I won't weep for Gov. George Wallace, given a rousing ovation for recovering from an assassination attempt and then the brush-off when it came time to vote on his minority recommendations for the 1972 platform. The "New Politics" has little patience with Wallace and his kind and wasted no time proving it.

I won't shed any tears for Hubert Humphrey, who apparently didn't have the horse sense to know he wasn't wanted because he was a loser. And I won't weep for Edmund Muskie who didn't have the stomach to fight the battle for the nomination in the tough way it had to be fought.

But Emma, I will cry a little for you and your idealistic belief that the have-nots will listen when they get the power because "the storied pomp belongs to ancient lands." Those delegates were almost arrogant in their self-righteousness, Emma. They (most of them) went into that convention with a McGovern mind, not an open mind, and steamrollered this convention just as surely as any convention has been steamrollered in the past.

Being a black, a Chicano, a female, or just plain broke may be symbolic of unfairness in our society. But it doesn't automatically qualify one to be a delegate to a national convention to elect a presidential candidate.

Heaven help us when we become so regimented we must allocate 15 percent of a delegation to blacks, 36 percent to women, 22 percent to the under 30 group, and so on. If that's democracy, I'll take vanilla.

I'm surprised at my own feelings. Only a few weeks ago, I wrote that the Democrats were so committed to the Establishment they'd never nominate a maverick like McGovern. I said they were wrong and should have an open convention.

But that was before the revolution. Or before I learned about it. I don't like the revolution. I shudder at this takeover.

Fortunately, Emma, taking over a convention is a lot different from taking over a country. It's my guess millions of Americans will be just as indignant as I about the 1972 Democratic convention and all the undemocratic things it so complacently and calmly allowed.

Senator McGovern has emerged from the convention as a Pied Piper of the young, poor, the black, the Chicano and the Indian, the amnesty seeker, the Woman's Lib-ber, the Gay Lib-ber (bedfellows make strange politics), the lettuce boycotter, those who want us out of Vietnam (but who doesn't?), and many other groups with an ax to grind.

But America, Emma, is more than a nation of ax grinders. Just as in your day, Emma, America needs more than a Man for all Reasons in the White House.

A VIEW FROM THE MIDWEST

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. SCHWENGEL. Mr. Speaker, we all enjoy the benefits of modern farming methods and the wide variety and high quality of foods now available. However, we easily forget the residents of our rural areas who have made these benefits possible. Following are some opinions on current issues expressed in the Washington Evening Journal, published in Washington, Iowa:

MEAT PRICES ARE LOW

So, the government is going to do something about the price of beef—the price of beef, that is, on the butcher's counter, not the price the farmer is paid for beef on the hoof.

Outright price control was suggested, but the government didn't buy that; instead they took the indirect route: lift import restrictions so imported beef can come into the country duty free. *"That* will force meat prices down, by golly!"

No matter that we're paying less for food now than we ever have in the past—less, that is, in terms of our income. No matter that now we spend (average) only about 14% of our income on food when we used to have to spend 25%.

No matter that prices of everything else go up like crazy: clothing and housing prices go up, car and transportation prices go up, everything you buy doubles and triples in price. No matter the wages of government workers shoot skyward, that postal rates get hefty boosts. Those things are unimportant: it is meat that shan't be allowed to rise.

Unrestricted imports. Well, that's "free trade" with a vengeance. It will reduce beef prices, all right, so why not carry it farther? Let Japanese cameras and television sets come in without restriction—that would lower prices on those things, too. Let Hongkong and Taipei ship in cheap clothing, let Austria and Italy ship in cheap shoes. We could force down a lot of prices that way.

But it won't be done, of course. Only the farmer is the villain; only the price of food is sacred.

And—let the government try to make it up to the farmer through subsidies for cheap food and the screams arise all over the land, from the city dwellers, the labor unions, the consumer groups!

Talk about a double standard!

THE NONGIANTS IN THE SECURITIES MARKET

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. ECKHARDT. Mr. Speaker, the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce is nearing completion of its comprehensive study of the securities industry. Under the chairmanship of JOHN MOSS, our subcommittee held many months of hearings and panel discussions on the major problems confronting the industry and investors.

Two of the most important issues that we looked at in great depth were: First, fixed versus negotiated brokerage commissions; and second, the desire of institutions, either directly or through broker affiliates, to deal for themselves on the stock exchanges. Obviously, these two issues are very closely related.

In an editorial appearing on June 9, the Wall Street Journal does an admirable job of discussing these issues and the roles of the Securities and Exchange Commission and the Congress.

Discussions of securities industry problems are generally dominated by the concerns of the very largest broker-dealers, institutions, and investors. I feel that we should give greater weight to the problems of the smaller companies and individual investors. In an article appearing in the Wall Street Journal, also on June 9, entitled "A Broker's Fears About New Rules," Frederick M. Stern, a general partner of Gruntal & Co., presents an excellent analysis of these issues giving the proper recognition to smaller firms and investors. He explains how, for instance, "the individual investor would become an innocent victim in the game of giants."

Because of the ever-increasing role Congress will be playing in the future of the securities markets I urge all of my colleagues to read the Wall Street Journal editorial and pay close attention to Mr. Stern's article, both of which follow:

[From the Wall Street Journal, June 9, 1972]

THE SECURITIES QUESTION

Two main issues of the securities industry—whether to eliminate fixed brokerage commissions and whether to give institutional investors direct stock market access—have come onto sharper focus in recent days as a result of actions by the Securities and Exchange Commission, in Congress and at the exchanges themselves.

The issues don't lend themselves to pat answers but we do have some opinions. For example, we don't particularly agree with the arguments offered by veteran stockholder Frederick M. Stern on this page today on behalf of fixed commissions—just as we don't agree much with arguments for any form of price fixing. But we do share some of his reservations about permitting insurance companies, mutual funds and other large institutions to have exchange seats to use mainly as a means to trade for their own accounts.

In that sense, we are somewhat in sympathy, at least in principle, with the SEC, which appears to be trying to move gradually to accommodate securities industry critics without turning the industry upside down. The SEC is responding to the demands of institutional investors by gradually lowering the size of block trades on which commissions may be negotiated outside the fixed rate structure. On the other hand, it last week asked all the nation's stock exchanges to sharply limit institutional membership for the purpose that interests institutions most, which is to handle their own business.

The SEC, nonetheless, has come under considerable fire from Congress. Sen. Hart (D., Mich.) doesn't think it is doing enough to lower barriers to competition among brokers; he is threatening to haul the New York Stock Exchange before his Antitrust Subcommittee in the fall. Democratic Sen. Williams of New Jersey, the home state of Prudential Insurance Co., has indicated that he would like to void SEC moves to limit institutional access to exchanges. Chairman John Moss (D., Calif.) of the House Commerce Subcommittee thinks new exchange control legislation which the SEC is requesting permits exchanges to retain too much self-regulation, since it would not give the SEC jurisdiction over internal "housekeeping" affairs of the exchanges.

On the other side of the fence, there are SEC backers in Congress who would like to give the SEC explicit congressional authorization for its attempts to limit institutional membership. A deadlock on the issue apparently has developed in the Senate Banking Committee and may not be resolved until a securities industry study of the question has been completed, probably by the end of the year.

We tend to feel that the real answer lies in a further dismantling of the fixed rate structure, despite the objections of Mr. Stern and other brokers who feel threatened by such a movement. This would not only be in keeping with the spirit of the nation's antitrust laws but would seem to be a proper response to the pressure from institutions for direct access. If undertaken in gradual steps, it should be possible for less secure securities houses, which Mr. Stern's statistics indicate are not always the smallest ones, to make adjustments to the change.

As to the direct access question, it no doubt deserves further study and we welcome the Banking Committee's decision to hold fire for awhile. There is indeed a possibility that large institutions, trading for their own account with little inhibition posed by the cost of brokerage fees, might become disruptive of orderly market processes. The large and growing role these investors play has been one of the most important structural changes of securities markets in the postwar decades. Would their membership on exchanges tend to foster or negate efforts to bring about more public supervision and scrutiny of the operations of securities exchanges?

We are not sure, but we would like to see new efforts at greater public supervision given a fair trial without unnecessary interference from Congress. The NYSE has just announced an impressive list of public members who will sit on its reorganized board and the Amex is moving towards a similar reorganization.

It would appear that the SEC is trying to keep the exchanges moving towards reforms without bowing to congressional pressures for drastic federal intervention. That would seem to be the most desirable course as long as there is movement. If the movement stops there will be plenty of time for Congress to step in. But it should be remembered that the exchanges have not served the public badly and they deserve time to make adjustments to the new needs and demands of the market.

[From the Wall Street Journal,
June 9, 1972]

A Broker's Fears About New Rules

(By Frederick M. Stern)

The controversy about the future structure of the brokerage industry is primarily concerned with the aspects of institutional membership in stock exchanges, especially the New York Stock Exchange, and with negotiated commission rates. Little thought seems to have been given to the effects of this restructuring on the financial community itself and its impact on the investing public. Can the latter truly be served more efficiently and economically by rate reductions and broader direct access of institutions to the primary markets?

Wall Street brokerage organizations fall into many categories of operations, with some firms concentrating only on one or several areas, others ranging over the entire field. Multifunctional houses are naturally less dependent on the securities commission business as a primary source of income than those that are mostly retail-oriented, and they may thus be less concerned with the viability of the Stock Exchange. It is the larger firms that are in the limelight as industry spokesmen and they have the greater representation in professional organizations. Many financial writers have expressed the view that too many firms are in existence, and that smaller houses should liquidate or merge, so that not more than perhaps some 50 superfirms would survive.

It may come as a surprise that medium and smaller sized brokerage firms comprise 84.3% of the total 567 NYSE member organizations, with 477 of their number having from 1 to 10 offices, and 90 having 11 or more offices. Thus, even the 90 firms, of which 53 are regional and only 37 based in New York, would exceed that desideratum unless some of them would merge in turn and absorb all others. That kind of thinking sounds absurd.

A LOOK AT PROFITABILITY

Taking a look at profitability, the NYSE recently reported that 55 out of 76 member firms which were specially monitored last year and whose orders averaged under 400 shares, lost a total of $27.1 million on their securities commission business in the fourth quarter of 1971, compared to a $40.8 million loss in the third quarter. Reviewing the NYSE tabulations of Security Commissions Business Income and Expense Ratios of 333 Member Organizations which carry customers accounts, the aggregate result for 1970, the last year available, was a loss of $5 out of each $1,000 security commission income from all sources.

The 24 firms with the highest commission income, of $20 million or more, lost 2.7% after federal income tax credit. The best overall performers were the 20 smaller firms. (Group 5) with $4 million to $5 million commission income which earned a profit of 5.1%. The next to best results were achieved by the 25 firms (Group 7) with only $2 to $3 million commissions which earned an average 3.3% profit.

Thus, the smaller firms outperformed the largest units, indicating that they seem better able to control and supervise their operations than the larger organizations. Only the very small 16 non-clearing firms with commission income under $500,000 lost 9.8% after federal income tax credit (if such was available), thus making the worst showing. But these 16 houses were less than 5% of the aggregate 333.

If fixed commission rates were supposed to protect all member firms, or as many as possible, as The Wall Street Journal stated in a recent editorial, they have not been a leakproof umbrella over the industry in recent years. The alternative, fully negotiated rates, would be tantamount to utter chaos. Every security and commodity exchange in the world operates with fixed commission rates. The Stock Exchange Tabulation shows that only 25 of the 42 largest firms were profitable in 1970, a year which set new records in stock and bond volume. If all the remaining 291 firms, in the 333-firm study, were to merge or liquidate, some huge institutions would ensue—a highly monopolized industry. How would the Justice Department react to such a state of affairs?

Would the public investors indeed be better served by a limited number of superfirms? The 24 largest clearing organizations derive only 47.6% of their income from security brokerage. Thus, they could almost afford to consider this phase of their activities as "loss leaders." Is it not preferable to have a variety of retail-oriented houses where each customer is regarded as an individual, not just another name or number, and where a broker gives personal service to clients whose financial objectives and circumstances are well known, instead of being simply an order taker?

It appears doubtful that material cost savings could be accomplished through consolidation of firms, although greater automation and computer sophistication would be obtainable; duplicate facilities such as research departments could be closed, etc. Combining branch offices would be possible in some areas, but such combinations would be limited, unless the number of registered representatives would be curtailed. At year end 1971, member firms employed 50,787 registered representatives (down from 52,427 the previous year) and serious attrition would jeopardize the industry's ability to service adequately the more than 30 million American investors.

The aggregate 333 member organizations carrying customers' accounts in 1970 required 2.3 other personnel for each producing partner or registered representative. It is interesting to note that the second largest group (commission income of $10 million to $20 million) had the highest ratio of 3.3 to 1, whereas Group 6, 27 clearing firms with commission income of $3 million to $4 million, had the lowest ratio at 2.1 to 1.

SIZE NO PANACEA

Thus, mere size has proven to be the panacea that it had been touted to be. On the contrary, when some 100 firms in recent years had to liquidate or merge, the failure of the larger entities had the most serious repercussions. While the investment public did not lose any money whatsoever thanks to the membership mutual insurance program, the remaining firms will be paying dearly for many years to come through annual assessments.

In the case of Goodbody & Co., only Merrill Lynch was physically capable of taking over the organization, but at a $30 million cost to the membership. The rescue of duPont, Glore Forgan, Inc. required several huge infusions of new outsider money plus a $15 million indemnification by the exchange members. The collapse of smaller firms, although equally regrettable, did not cause similar problems in scope. However, organizations which were fully committed to agency business, did not engage in market making or trading activity for their own accounts and kept control during the paper glut of 1968–69, survived unscathed.

In this context, brokerage organizations should be required to separate their own trading, market making, underwriting, open-end arbitrage and hedge operations from their agency activities by keeping separate capital accounts so that the business with the public cannot become jeopardized through their operations as principals. Regulations in that direction are currently pending.

Institutions have been increasing their share of public volume on the NYSE. First quarter 1971 statistics show that institutions and intermediaries accounted for 57.4% of public share volume and 66.5% of public dollar volume. These figures compare with 55.9% and 61.9% respectively in 1969. For institutions, the average order size grew from 644 shares in 1969 to 713 in the first three months of last year, whereas the individual investor's average order grew from 130 shares to 177 shares in the respective periods.

Small wonder that institutions are demanding lower commission rates and access for themselves or affiliates to exchange membership. With regard to lower rates, as of April 5, 1971, that portion of an order exceeding $500,000 in money value had become fully negotiable. As of April 24, 1972, the ceiling was lowered to $300,000, and the SEC set a target date for April 1974 for extending negotiated brokerage rates to all orders exceeding $100,000.

At the $500,000 ceiling level, SEC studies estimated the loss in revenue for member organizations at $63 million, assuming an average discount of 30% to 40% from fixed rates. According to the NYSE Annual Report for 1971, the discount actually averaged 51%.

With an industry that is only marginally profitable, a $100,000 ceiling for fixed rates poses a serious threat to survival. Many firms may prefer to retire from the brokerage business when they find that capital and brainpower can be deployed more profitably and subject to less control and regulation in other fields. At year end 1971, the NYSE community employed some 149,000 persons (down from 165,000 the previous year) and $3,351 million (down from $4,002 million) in proprietary capital. Under such circumstances, what attraction would qualified new entrants to the securities business find in commission brokerage which requires so much capital and dedication and seems to offer so little reward?

Legislation has been proposed to "unbundle" commission rates, permitting securities firms to charge separately for various services offered to public customers. SEC Chairman William J. Casey has strongly and rightfully objected, saying, "We certainly don't want to see rate competition based on deterioration of the standards of suitability, service, responsibility and professionalism for which the industry and the commission have striven over the years."

In practice, unbundling is not workable because the cost of the small investor would be prohibitive. He may be just an occasional buyer or seller, but has a real need for guidance and portfolio review. His investment objectives must be known to the broker and taken into consideration. It would be ludicrous to attempt imposing charges for such services. (When he goes to his lawyer, accountant or doctor, he is prepared to be charged for time and consultation, but does he really need to go to a broker if it becomes too expensive?)

Since brokers deal in the identical market at identical prices at any given moment, they can indeed only compete by the quality of service and information made available to clients. Fully negotiated commissions with such individual investors would be ridiculous. Should every registered representative be obliged to bargain for the fees to be charged? If rates were really set free, one of the largest industry organizations with thousands of registered representatives would, no doubt, establish its own rate sheet and this would probably set the scales for the entire industry. Thus, the rate making authority would be given to that particular organization instead of being vested in the NYSE and the SEC.

The growing importance of institutions (mutual, pension, trust, profit sharing funds, insurance companies, foundations, etc.) in overall market activity has by no means contributed to breadth and viability. Professional money managers have a tendency to act aggressively in accumulating or disposing of investment positions. Being engaged in a high performance-conscious endeavor, they strive to be ahead of their competitors who may well be on the same track. Thus, in effect, their activity may frequently be unstabilizing and cause wide price swings up or down. The greater the domination gained by them, the more breadth of market will be lost.

Blocks of 10,000 or more shares accounted for 17.8% of all reported 1971 volume, versus only 3.1% in 1965. Transactions in 100 share lots declined to less than half the total turnover in the late months of last year. The smaller investor's partial eclipse is also indicated by the considerable reduction in odd lot volume and the heavy preponderance of sales over purchases.

The private investor had in the past provided depth and viability to the market before the impact of institutions made itself so strongly felt. As the market loses this cushion and as block trading becomes heavier, business is diverted to the third market (over-the-counter trading in listed issues) which reached a new record in 1970, equaling 6.5% of total Exchange volume (versus only 2.7% in 1965). It should therefore cause no surprise that block trading houses favor fully negotiated commissions which would drive more business into their hands.

MR. MARTIN'S REPORT

However, in a bear market, no cushion of public orders would exist underneath, resulting in almost catastrophic volatility. Even the block houses would be unable to stem the tide of selling if no massive buyers are around. In this context, the esteemed William McChesney Martin, the former chairman of the Federal Reserve Board, said in his report for the NYSE last summer: "If our markets become dominated by controlled subsidiaries of institutions dealing for their own account, I believe there is a significant danger that such markets will be less fair for individual investors. I don't really see any steps short of prohibiting institutional control of members which would be certain to forestall such a development."

In the discussion about giving access to institutions of their brokerage subsidiaries to Exchange membership, it has been proposed that the dominant part of their business, perhaps 80%, must come from nonaffiliated sources. With institutions originating some 60% of NYSE volume, the loss of perhaps 12% of commission revenue would make many organizations unprofitable and the individual investor would become an innocent victim in the game of the giants. Does such a trend lead to more or less competition?

What effect would such a trend have on the survival on the NYSE itself, the paragon of free enterprise and the world's greatest securities market? Long has been shed the image of a private club, solely dedicated to the preservation and profitability of its membership. It has a professional management, dedicated to administration of the most liquid, open and highly visible market for stocks and bonds, with instantaneous reporting over a nationwide ticker system. It is an integral and vital part of the American capital system which has no parallel in the world in its ability for raising new capital for industry and commerce.

Its greatest asset is the individual investor who finances new enterprises and owns not only securities directly but also owns the institutions themselves, whose capital provides the money with which the banks, insurance companies, mutual funds, etc. operate. In the controversy between the financial community, the SEC and the Senate Banking Committee, the private investor has indeed become the forgotten man.

U.S. POSTAL SERVICE SEEKING TO IMPROVE SERVICE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. HUNT. Mr. Speaker, in a continuing effort to improve its image and service to its patrons, the U.S. Postal Service is to be commended for a program it launched recently to do just that.

As explained in a news release prepared by my friend and colleague from New Jersey's Sixth Congressional District, Congressman EDWIN B. FORSYTHE:

> The program is to consist of lobby painting and clean-up drives, replacement of old lobby signs, construction of "Service Information Centers" for information displays, expansion of collection hours, better information about collection standards, and a special courtesy training program for window clerks.

Mr. Speaker, I share my colleague's interest in improved postal service and I know that postal patrons everywhere will welcome this new initiative on the part of the U.S. Postal Service. I include the full text of Congresman FORSYTHE'S release at this point in the RECORD:

WASHINGTON.—The U.S. Postal Service has launched a program this summer across the nation to improve post offices, making them more attractive for employees and patrons.

The program is to consist of lobby painting and clean-up drives, replacement of old lobby signs, construction of "Service Information Centers" for information displays, expansion of collection hours, better information about collection standards, and a special courtesy training program for window clerks.

The "Serving America" program indicates that the new Postal Service is seeking to improve its service. This, indeed, is encouraging.

According to Postmaster General Elmer T. Klassen, a new high speed electronic mail sorting system is now operating in major post offices, and is expected to result in substantial savings to the Postal Service.

Known as the ZIP Mail Translator, the computer will permit ZIP coded letter mail to be sorted more rapidly and efficiently. In addition, the new system can sort mail by nine other categories ranging from air mail to special delivery, from uncoded to foreign mail.

Of course, an important key to this system is the use of the ZIP code by customers. During the first three months of 1972, usage of the code reached its highest level to date, 83.6 percent, up nearly 2 percent from the same period in 1971.

ZIP codes were implemented in the U.S. in 1963, following pioneer work conducted in Germany on coded mail processing.

The Postal Service has also announced that a book illustrating American history through postage stamps has been published and may be purchased at major post offices or ordered from the Philatelic Sales Unit, U.S. Postal Service, Washington, D.C. 20036.

"Stamps and Stories, The Exciting Saga of U.S. History Told in Stamps", illustrates every American stamp issued from 1847 through mid-1972. Published in color, the book contains 114 capsule stories about great moments in American history illustrated by 2,000 stamps.

"Stamps and Stories" is available in paperback at $2 or hardbound at $5.95. There is a 50 cent postage and handling charge on mail orders.

STOLEN GUNS: CHICAGO TRIBUNE TASK FORCE REPORTS—PART II

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. MIKVA. Mr. Speaker, want to make some quick cash? Steal a gun, or maybe even a few. Guns are easy to steal and the resale market is highly profitable.

This is the second in a series of 10 articles written for the Chicago Tribune. The task force was created to study the role of the handgun in the epidemic of violence throughout America.

Today's report examines the ease with which stolen guns are obtained. Fifty-nine guns were stolen from a train as it went around a curve, notorious as an easy target for thievery. The fate of some of these weapons, and the fate of their victims is traced in this article. The absence of laws to cope with the problem of gun thefts contributes to the problem. There are no laws requiring security for the shipment and storage of weapons, in contrast to the effective statutes governing shipment of explosives. Private homes are another major source for stealing guns. Sixty million households own at least one gun. Owners may be law-abiding citizens, but they frequently become the middlemen, the key link in the chain between the legitimate gun dealer and the criminal.

Part II in the Chicago Tribune series follows:

TASK FORCE REPORT—BLOODY TRAIL LEFT BY STOLEN GUNS

(This article, the second in a series on the gun control issue, was compiled by The Tribune's Task Force team: George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman).

The Erie Lackawanna freight train rumbled out of the Westfield, Mass., railroad yard carrying a cargo that would spread a trail of bloodshed on the streets of Chicago.

It was midmorning, Sept. 26, 1969, when the train approached a curve at 61st and Wallace Streets, just minutes from its long journey's end.

At the time, Chicago Policeman Kenneth Kaner, 33, was working a second job to earn extra money for his wife and two children. The former amateur boxer could recall some close shaves during his six years on the force. He flirted with disaster each time he climbed into his squad car alone to patrol high crime areas during the 11 p.m. to 7 a.m. shift.

As the train slowed for the curve, 20-year-old Rudolph Scott was sitting in a classroom of the Central YMCA preparing for a social worker's career. He had struggled thru the city's public schools, spurning the lure of gangs in his tough Englewood neighborhood, to realize his ambition.

CARRIES 1,000 SHOTGUNS

The fates of these two men rested with the destiny of that train. Sandwiched between cars loaded with consumer wares were 1,000 new Savage Arms Co. shotguns bound for the shelves of Faber Brothers, a Chicago sporting goods store.

Neither Scott, Kaner, nor the engineer knew that a pack of railroad car thieves were waiting at the bend of the tracks. The curve was notorious as an easy target for thievery.

The front of the train reached 63d Street before the engineer peered in his rear view mirror and saw the band of youths scramble aboard the flatbed car which bore the shotguns. Somehow they knew exactly which car to hit.

They quickly broke the flimsy seal on the "piggyback" trailer and with split second precision shoved off three cases of guns before the engineer could call for help. By the time police arrived, they had carried off their prize.

LOST IN STREAM

The 59 guns were lost in the steady stream of illegal weapons that floods the city. The story of their odyssey thru Chicago back alleys paints a grim picture of the country's gun crisis.

At the heart of the crisis are the tens of thousands of firearms burglaries committed each year. At least half a million contraband weapons reported stolen were in circulation in April, 1972, nearly double the figure reported two years ago. But the statistics are gathered from only half the nation's police departments. Law enforcement officials fear the figure is only a fraction of the number of stolen weapons that go unreported.

They complain that one of the great failures of federal gun control legislation is the total absence of laws requiring security for the shipment and storage of weapons. Unlike regulations relating to explosives, there are no laws that require even a padlock on the door of a store or trailer filled with guns.

That is why those 59 shotguns were so easily obtained. What took seconds to steal would take years to find, and they would be found the hard way—one by one as they were used in two murders, two armed robberies, three aggravated assaults, and 11 cases of unlawful use of a weapon.

SAW OFF SHOTGUNS

While Faber Brothers was making out its $3,000 insurance claim for the stolen stock, the thieves were sawing off the shotguns to make them more concealable and hence more useful for urban warfare. Afterward, they distributed them into the network of illegal channels thru which criminals obtain their firearms.

Five months later, Rudolph Scott was walking along Stewart Avenue joking with a friend as they headed toward a party. He was going to celebrate his acceptance at Chicago State College. For the first time his life's goal appeared within reach.

He probably recognized the youth in the battered white car that slipped alongside of him near midnight on the darkened street. They had played together as children in the crumbling alleys of the West Side.

But he had little chance to even nod at his boyhood friend. Without a word the youth leaned out the car, took aim, and fired one of the stolen shotguns. Scott lay face down in a pool of blood, fatally shot in the head.

DIDN'T FEAR DEATH

"My child wasn't afraid to die. He would always say you're not going to die until your time," recalled his mother, Mrs. Audren Brooks. "They buried my child on Feb. 25 and I moved out of my house in two days. I was just so grieved. I lost my will to live. I only pray that one day in the resurrection, I might meet my child again."

Scott's killer was testing the gun before launching an evening robbery spree. Minutes later he would net $1.20 from a weary steelworker returning from the plant. A half hour later he was shot himself fleeing from the police.

Fourteen months later, Patrolman Kenneth Kaner was sitting alone in his squad car at the corner of 71st Street and Union Avenue, writing a report on his fruitless search for a missing boy. It was 1:20 a. m. on June 19, 1971, and he had just asked two men a half a block away if they knew of the child. As he pulled away, one of the men, Bruce Sharp, 24, suggested to his friend, Let's "knock off that pig."

STROLLS TO CAR

Sharp slipped the stolen shotgun from beneath his jacket and strolled up to Kaner's car. He placed the barrel against the window and said, "Hi officer."

As Kaner turned his head, Sharp's shotgun roared, killing Kaner instantly. Sharp's friend hit Kaner in the wrist from the passenger side of the car with a stolen pistol, the fruits of a home burglary 18 months before.

Police captured the pair three blocks away after they sped thru a red light. The stolen shotgun, pistol, and Kaner's service revolver were in their car.

That ended the voyage of those two shotguns. Only 17 others have turned up in the last two years.

One found its way to the stockpile of a teen-age gang leader who lent guns to his friends. In April, 1970, he lent the stolen shotgun to a youth caught entering an elevator of the Robert Taylor Homes with the weapon hidden up his coatsleeve.

ENDS DOMESTIC SPAT

Another became the final arbiter in a domestic quarrel between Roger and Evelyn Alexander. After her husband struck her several times, Mrs. Alexander ran to the kitchen, grabbed the stolen shotgun from a shelf and shot him as he burst thru the door.

Still another was brandished by a youth robbing a South Side dry cleaner on May 8, 1970. The robber was shot by the store owner before he completed his getaway with the $58.11 taken from the cash register.

Forty of those shotguns are still missing.

Guns like these are a precious find and criminals will go to any lengths to get them. Gang leaders told reporters how they pay youngsters a pittance to rifle homes, sometimes their own, and bring back a gun they are barely big enough to carry.

"All the kids, they got guns," said one member of the Black Angels street gang. "We get the little kids and they break into houses and we pay them $2 to $3 for the gun they bring back."

He replenished the gang's arsenal when a woman, moving from her West Side home, carelessly left behind 150 rounds of .22 caliber ammunition in a trunk in her attic.

A Fagin-like leader of the Black P Stone Nation related how he entices children to steal for him and add to his personal arsenal:

"You meet them in the street and you talk to them about whether they're going to support the neighborhood . . . how they're going to reinforce it. You tell a kid, 'You'll be a big man if you do this.' You use the little kids to do all the wrong because they'll get off if they get caught. And you tell them if they get caught, 'When you come out you'll be my man. You'll kill and do big things and be a big man.' A kid doesn't have a mind for himself after that. He's brainwashed. He just does it.

"They rob gas stations, and store owners, and security guards. They rob railroad passenger cars and hit freight trains. You can tell what car has meat, flour, or guns. The Main [Main 21, leadership of the gang] tells us what to hit. They know from someone in the railroad and you can tell by the markings . . . And then you tell them to burglarize homes, and you let them burglarize your own house. You tip them off where to find the gun."

The National Commission on Causes and

Prevention of Violence estimated that half the nation's 60 million households possessed at least one gun. Their owners may be law-abiding citizens, but they frequently become the middlemen, the key link in the chain, between the legitimate gun dealer and the criminal.

As these citizens continue to arm themselves against crime, they become the targets of crime and arm those they are protecting themselves against.

"Say an addict needs some money to support his habit," explained one veteran Chicago gun trafficker. "He just breaks into a house and gets a gun. Hell, every house in the city's got at least one gun, maybe three or four. Then he takes the gun and he sells it on the street."

Large quantities of guns are obtained from interstate shipments and burglaries of gun stores that are frequently left unprotected by minimal security devices. The countless examples include:

One trucker en route to Alabama with a cargo of 1,200 cheap handguns left his trailer parked for four days in a New York City public lot. When he returned, two cases, containing 600 guns were gone.

Twenty-one guns stolen from a Manhattan, Kans., gun store that had no alarms, wound up in the Kansas City rent-a-gun operation of a drug peddler. He loaned them to addicts to commit robberies so they could buy narcotics.

Railroad security guards have joined with thieves who prowl the yards in search of weapons. "They're not going to stop you if they're with you," explained one Chicago gang member.

One switchman stole three M–60 machine guns from armored personnel carriers while the flatbed car bearing the load was set aside for repair at the South Chicago switching yard. His accomplice solicited several gang members to buy the guns, but later sold them for $500 to an undercover policeman.

Laws designed to cope with the problem of gun thefts are a rarity.

By stubbornly refusing permits to persons who cannot show a compelling need for a gun, New York City cuts down on the number of honest citizens who become sources for contraband weapons. Thus, only one out of every 370 New Yorkers has a permit to own a gun, compared with one out of every 11 residents of Illinois. Of the 23,000 persons holding gun permits in New York City, all but 600 are required to carry a gun for their employment.

Illinois' lenient legislation prohibits permits only to persons who have a felony conviction records or history of mental illness.

Oakland, Cal., is one of the few American cities that has taken action to cope with commercial thefts of weapons. In 1964, the city enacted a burglary prevention ordinance. Security devices installed by stores to comply with the law have cut thefts by 13 per cent and thwarted 1,303 of the 1,932 burglaries attempted over the last five years, police said.

SHOOTS IN FACE

The police pay particular attention to stores carrying guns, and it has paid off. Siegel's gun shop, the city's largest, had four burglaries in 1964. but only three in the seven years that have elapsed since the law was enacted.

But such laws are so few and so fragmented that they cannot begin to cope with what experts say is the major source of weapons used in crime—burglary.

That is why amateurs like 14-year-old Richard Serafin are able to get guns. Serafin's rise thru the ranks of the Northwest Side Campbell-Hirsch boys was cut short when his family moved from the city to suburban Round Lake.

STEAL TO SELL

In Round Lake Serafin befriended a youth whose drug addicted brother worked as a stockboy in the suburb's Ace Hardware store. The brother confided to him that the store owner stocked guns, had no burglar alarms, and sometimes didn't even lock the door at night. It was an open invitation to the enterprising youth.

In the predawn quiet of a January morning Serafin and his friend smashed the store's plate glass window and filled a sleeping bag full of 26 assorted guns.

Twenty-one of the weapons were recovered in a series of arrests in Chicago following the theft. Five are still missing. Police suspect the pair was also involved in the November theft of 40 guns from the same store. None of them have been recovered.

It is cases like these that best explain the growing frustrations of policemen thruout the country as they struggle to dry up the flood of stolen weapons. A Chicago detective expressed it this way as he inventoried a gun found in the sock of a youth:

"For every gun we take off the street, 20 more replace it. And it goes on and on with no end in sight."

ORDER OF AHEPA CELEBRATES ITS 50TH ANNIVERSARY

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. DAVIS of Wisconsin. Mr. Speaker, this July 26 the Order of Ahepa will celebrate its 50th anniversary. For half a century this fraternal organization, dedicated to the betterment of social, moral, and family life, has proven itself as a model organization in the performance of its goals. While the American Hellenic Educational Progressive Association's contributions to international and national worthy causes are too numerous to mention here, its unexcelled reputation for good fellowship and family participation is well documented, as well as its promotion of civic responsibility and patriotism.

The AHEPA family is composed of four separate organizations familiar to much of the public. They are: The Order of Ahepa, the Daughters of Penelope—senior women's auxiliary, the Sons of Pericles—junior young men's auxiliary, and Maids of Athena—junior young women's auxiliary. Each of these organizations has contributed a great deal to their communities by way of charitable and civic undertakings.

Many members of AHEPA are well-known Government, professional, and business leaders in America. Others are not so well known to the public but are no less valuable contributors and active participants in the AHEPA organization.

In the Ninth Congressional District of Wisconsin there are many of Greek descent who are distinguished members of their communities. Mayor Paul Vrakas and Dr. Louis J. Dellios of Waukesha, Peter J. Kondos of Shorewood, and Wisconsin AHEPA local chapter Treasurer Steve L. Gineris of Whitefish Bay are just a few prominent men in southeast Wisconsin.

The AHEPA organization has compiled an exemplary record of civic accomplishment during its 50 years and is deserving of public recognition and applause.

SPIRIT OF '76—DEFIANT SPIRIT FLAMED IN RHODE ISLAND

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. TIERNAN. Mr. Speaker, with our Nation preparing to celebrate its bicentennial, it is appropriate that we be mindful of our beginning and the history and contribution of each of the States which make up the Union.

In commemoration of this event, the San Diego Union is running a series of articles on each of the States. I was pleased to note recently my own State of Rhode Island was featured. The author of the series, Mr. Robert Betts, captures the colorful history of this 13th of the original States and the contribution it has made and continues to make to our Nation.

I commend the article to my colleagues in the Congress.

The article follows:

SPIRIT OF '76—DEFIANT SPIRIT FLAMED IN RHODE ISLAND

(By Robert Betts)

Independence was never more highly valued than by the Colonists of Rhode Island and Providence Plantations.

In 1636, Roger Williams fled from Puritan Massachusetts to found in Providence the first major community in the world to advocate religious freedom and political individualism.

Williams was the first to lay down the principle, later to form part of the U.S. Constitution, that government has nothing whatever to do with control of religious belief. He called it "soul liberty." Men of all religions, or of none, were safe from molestation so long as they behaved themselves.

Puritans in the neighboring Colonies, who had never intended to permit such freedoms in the new world, frowned upon the inhabitants of "Rogues' Island," as some called it. The tiny Colony never was admitted into the New England Confederation.

The defiant spirit which burned there, however, was a valuable asset when the time came to fight for independence from England.

One of the earliest instances of resistance to British authority occurred on the night of June 4, 1765 (the year of the Stamp Act). A mob of some 500 sailors and boys seized a boat attached to the Maidstone, which had been impressing sailors in Newport Harbor, and dragged it through Queen Street to the Common, where is was burned.

The same year Rhode Island adopted resolutions denying the right of any power but the General Assembly to levy taxes upon the Colony.

The British revenue sloop Liberty was destroyed by patriots at Newport in July, 1769, in protest against enforcement of revenue laws. It is claimed to have been the first overt act of violence offered to the British authorities in America. In June, 1772, another British ship, the schooner Gaspee, was burned in Narragansett Bay.

The first naval engagement of the Revolution was between a Colonial sloop commanded by Capt. Abraham Whipple and a tender of the British frigate Rose, in which the tender was captured off Conanicut Island, R.I.

On May 5, 1776, the Rhode Island Independence Act was passed, which declared the Colony free from English dominion two months before the Continental Declaration of Independence. By this action the Rhode

Island General Assembly established the first free republic in the new world.

The Union's smallest state has the distinction of having built and manned the earliest vessels with which to fight against England. In Rhode Island were equipped more than her proportionate share of vessels during the war.

Rhode Island furnished more naval officers than any other state, and from Providence came the first commander of the American Navy, Esek Hopkins. Another Rhode Islander was Gen. Nathanael Greene, Washington's "right-hand man." It is said that during the Revolution every male citizen between the ages of 16 and 60 fought for independence.

Parts of Rhode Island were occupied by British forces from 1776 to 1779. American strategy at the Battle of Rhode Island (August, 1778), was hailed as preventing an invasion of New England and probably turning the fortunes of war in favor of the Colonies.

The British began to find their position in Newport untenable toward the end of 1779. They began making plans for a withdrawal of troops and stores, and left before the arrival of 6,000 French troops on July 10, 1780.

With the Revolution won, Rhode Island continued to hold stubbornly to its own ideas of independence. It refused to agree to a national import duty, did not send delegates to the Constitutional Convention at Philadelphia and held out against ratifying the Constitution until May 29, 1790. Thus it was the last of the original 13 Colonies to enter the Union.

The post-Revolutionary period saw the start of Rhode Island's industrial growth. The first successful cotton-textile mill was built at Pawtucket in 1790, laying the foundation of an industry that eventually employed more workers than all other Rhode Island industries put together.

Today this highly industrialized state is still noted for its textile production, together with dyeing and finishing of textiles and manufacture of textile and other machinery, rubber, plastics and electronic equipment. It also pioneered in the manufacture of silverware and jewelry, and Providence is one of the world's biggest jewelry centers. U.S. Navy installations in the Narragansett Bay area also are important to the economy.

Farming takes second place to manufacturing. More than half the state is covered by forest. Dairy and poultry products (notably Rhode Island Reds), potatoes and apples contribute mainly to agricultural income. Commercial fishing also is important, the shellfish catch being particularly valuable.

For many years Rhode Island was the most densely populated of all the states. Latest census puts its population at 949,723, averaging 905.4 persons per square mile—second to New Jersey's 953.1.

Rhode Island is not itself an island, but Narragansett Bay contains many islands. The coast is lined with resorts noted for their fine swimming and boating-facilities.

Among the many ancient buildings and historic sites reflecting Rhode Island's Colonial heritage are the Touro Synagogue at Newport, oldest synagogue in the country, and the Old State House at Providence, where a tablet proclaims:

"May 4, 1776 (was passed) the Act constituting Rhode Island the first free and independent republic in America and asserting her absolute independence of England two months before the Declaration of Independence in Philadelphia."

TELEPHONE PRIVACY—XXV

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. ASPIN. Mr. Speaker, I reintroduced the telephone privacy bill on May 10, 1972, with a total of 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 23d sampling of these letters into the RECORD, since they describe far more vividly than I possibly could, the need for this legislation.

These letters follow—the names have been omitted:

NORTHBROOK, ILL.,
July 15, 1972.

DEAR REPRESENTATIVES ASPIN AND STAGGERS: I am writing in favor of passing bill HR 14884. Is this bill only for land solicitors or all solicitors? I am hopeful that it is for all solicitors.

Also, if the bill passes, would you kindly notify me so that I can have my name placed on the list with Illinois Bell for no soliciting.

Thanking you, I remain,

Sincerely,

——— ———.

DES PLAINES, ILL.,
July 14, 1972.

DEAR REPRESENTATIVE ASPIN: Hooray! I certainly hope bill No. 14884 passes.

It is time someone did something about those horrible nuisance calls.

——— ———.

MCLEAN, VA.,
July 6, 1972.

DEAR CONGRESSMAN ASPIN: This is a carbon of a letter I have mailed, as suggested in your form letter.

Don't apologize for that form letter. It was a nice form letter, and I congratulate whoever wrote it.

Best wishes,

——— ———.

MCLEAN, VA.,
July 6, 1972.

Congressman HARLEY O. STAGGERS,
Chairman, House Commerce Committee,
Washington, D.C.

DEAR CONGRESSMAN STAGGERS: This letter will take ten minutes to write and cost me one 8¢ stamp. I figure it's a good investment.

Averaged out over a month, this is about the amount of time I waste and telephone costs I pay to answer one unsolicited call congratulating me on having won a free dance lesson, or inviting me to visit a new recreational community at Beautiful Lake Bilgewater. For years now, such nuisance calls have cooled my mashed potatoes and cast an unsavory pall over my dinner hour. I am guilty of being in the upper-middle income class, and somehow I seem to have landed on the solicitation list of every fly-by-night promoter on the East Coast. I am also semi-crippled with severe osteoarthritis of both hips. It hurts me to move around.

I am glad to get up and answer the phone if the call is from a friend. I am glad to pay for telephone service as a means of keeping in touch with family and friends. I have twice had to use the phone to summon ambulances. All this I am glad to pay for.

But the mere fact that I am a telephone subscriber should not expose me to a nightly barrage of nuisance calls from total strangers electronically invading my premises and trying to make a fast buck.

I therefore urge you to hold hearings promptly on Congressman Les Aspin's Telephone Privacy Bill, and to give this bill your personal support. I further urge that the same principle be applied to the invasion of my mailbox by unsolicited junk mail—which us 8¢-an-ounce letter writers are subsidizing against our will.

Sincerely,

——— ———.

CHICAGO, ILL.

Hon. LES ASPIN,
House Office Building,
Washington, D.C.

SIR: Add two votes in favor of your bill—H.R. 14884—to forbid telephone solicitation. I will boycott any S.O.B. who so solicits business via telephone.

Emphatically yours,

——— ———.

ITASCA, ILL.,
July 14, 1972.

DEAR MR. ASPIN, I would like to write to let you know I'm on your side for bill H–14884.

To say that these solicitors are obnoxious is putting it mildly. A few days ago I received 3 phone calls & one door-to-door salesman.

I used to be polite to the phone salesmen & women, figuring "Well, they're only doing a job." But when I've run up from the basement, or the phone has wakened the baby, I'm in no mood to be polite any longer.

However the door-to-door salesmen are another matter. They seem to be virtually impossible to get rid of. Very often I could kick myself for finally giving them a dollar for something just to get them on their way.

I've often felt it rather unfair of Ma Bell to charge people like myself for not publishing our phone numbers—our only retaliation against these peddlers.

Here they are, charging us not to give us a service.

Well, I could go on and on. As you can see, this is a subject that really gets me going!

I hope that your bill is adopted. Keep up the good work!

Sincerely,

——— ———.

AHEPA CELEBRATES GOLDEN ANNIVERSARY

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. QUIE. Mr. Speaker, it has come to my attention that one of America's leading fraternal organizations is celebrating its golden anniversary this month.

I wish to extend my sincere congratulations to the members of the American Hellenic Educational Progressive Association—AHEPA—for their unwavering dedication to the ideals which have made this country great. Their desire to instill in their membership a deep appreciation for the privileges of citizenship and respect for the inalienable rights of mankind are goals of which every American can be proud.

Their generosity and willingness to contribute to worthy causes is well known. In instances too numerous to list they have come to the aid of flood and earthquake victims. They have built fine hospitals and have supported many cultural events. AHEPA is noted for its championship of education.

Indeed, the members of AHEPA may take justifiable pride in their accomplishments.

Although rooted in a common heritage abroad, it is truly an all-American institution dedicated to the finest in American traditions.

IMPARTIAL IMPACT STUDY ON CROSS STATE BARGE CANAL

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. CHAPPELL. Mr. Speaker, information continues to arrive in my office from people who are concerned about the status of the Cross State Barge Canal. The canal authority chairman, Mr. L. C. Ringhaver, and others are most interested in having an independent impact statement on the Canal. I find this sound reasoning and I would like to quote Mr. Ringhaver's thinking on the matter:

IMPARTIAL IMPACT STUDY ON CROSS STATE BARGE CANAL

(By L. C. Ringhaver)

We are delighted to learn that the House Appropriations Committee of the Congress has reported out a bill carrying $150,000 with which the Corps can initiate an impact statement on the Canal project and its various alternatives. This is a goal we have been seeking ever since the President issued his press release/stop order without having the benefit of any impact statement within the requirements of the National Environmental Policy Act. The Corps had started work compiling such a statement, but suspended the effort once the President acted.

This Committee action is a tribute to the efforts and leadership of Northwest Florida's own Bob Sikes, ably supported by our other North Florida Congressmen. We are deeply appreciative of their efforts. We do not see how any truth-seeking individual conscientiously could oppose this long overdue factual evaluation.

We are gratified at the results of the three and a half days Federal Court hearings in Jacksonville last week. The Government had sought an immediate removal of the Court's injunction against lowering Lake Ocklawaha. We, and other parties, opposed the action. Judge Johnsen, Saturday noon, took the issue under advisement pending his review of the transcript. We believe our case has shown that other, existing, environmental equities far outweigh the insignificant percentages of trees a drawdown would have any reasonable scientific probability of saving.

We are highly pleased that we have exposed the arbitrary and evasive course pursued by bureaucratic elements seeking to destroy Lake Ocklawaha and to efface all trace of the Barge Canal project. The Federal defendants assured the Court that *this year* they were presenting an *objective* evaluation of the environmental aspects of their proposed drawdown. (Does this imply that they were unobjective in their unsuccessful representation last year?)

Something of a "credibility gap" is beginning to surface in the devious efforts by the F.D.E., the Department of the Interior, Nat Reed, Lee Talbot, and allied assailants of the Canal project. We are confident that subsequent court proceedings will uncover additional abuses equally flagrant. With such a chain of so-called scientific environmental advisors, it is easy to recognize how badly misinformed and ill-advised has been the President, as well as the general public, on the entire Barge Canal issue.

The impact of truth has constituted about the only ray of light we have found in this mess of manipulation and deceit. We have been reassured by our success in locating knowledgeable scientific and academic individuals, of recognized stature and integrity, who are willing to stand up and be counted on the factual, as contrasted to the emotional, aspects of the issues. And these individuals have reached their conclusions with no influence from us, other than a request to investigate and let us know the true facts.

Yet, George Gardner, leader of the heavily staffed task force which spent over a month and an estimated quarter million of the taxpayer's money in preparing this new report, admitted that he had been assigned by Nat Reed to head the effort. Gardner indicated that his adult employment has been entirely with the Florida Defenders of the Environment, followed by services directly under Reed, a long-time opponent of the Canal.

Gardner confessed to the Court that he had received, from C.E.Q., a copy of an environmental impact statement, prepared by the Jacksonville Engineer District last year, on temporary lowering of Lake Ocklawaha; that he had withheld this document and suppressed its contents from consideration by members of the task force (save a single individual whom he instructed to consider nothing except an appended list naming birds, fish, algae, and aquatic vegetation species in the Lake area); that he, himself, had edited the conclusions in his task force report; and that he had ignored the Corps' impact statement (which diametrically contradicts the Gardner report).

The Deputy Jacksonville Engineer testified that the Corps' impact statement still reflects the professional opinion of the District; that District personnel gave only limited technical input to the Gardner operation; and that the District had not received the courtesy of reviewing Gardner's report prior to its publication.

A temporary drawdown would entail maintenance and restoration expenses estimated somewhere between 1 and 5 million dollars. It would have severe adverse impact on wildlife, including such rare or endangered species as the alligator, the osprey, the bald eagle, and the Everglades kite, now inhabiting the Lake. It would wreck the prolific Bass-fishing and other Lake recreation activities right at the height of the peak season of the year (and they already have counted around 900,000 visitors to the Lake in its short life span).

Dr. Jim Kimbrough, Professor of Mycology at Gainesville, and Curator of Fungus for the State of Florida, explained to the Court that essentially all oak, and maple, plus varying percentages of some other species, already are *fatally* infected with fungus and will die regardless of future water levels. Further, exposure of presently submerged root systems would open likely avenues of infection in trees presently uninfected.

Gardner's report failed to recognize or consider this fungus infection problem. Consequently, in order to save an estimated 3% of the trees now living in the reservoir area, he would risk infection and death of the other 97%. And he still urges this step, despite Federal defendants' admissions that the insignificant quantities of trees involved are not essential, either for future regeneration of the swamp forest, or for study of the Ocklawaha as a possible scenic or wild river.

Some of the scientists who participated in gathering data for Gardner's report indicated that its conclusions were not their own and that they had not been able to examine the final, pre-publication text.

Gardner did acknowledge that Lee Talbot of the C.E.Q. had arranged for Department of Interior leadership to guide analysis of a project legally the responsibility of the Corps of Engineers, the proper lead agency for preparing any applicable impact statements required by the National Environmental Policy Act (N.E.P.A.). Lee Talbot, last year in Federal Court, indicated his own role in preparing the Russell Train memorandum to the White House recommending the termination of the project, with great emphasis on the political advantages to be gained thereby.

Thus, there is exposed an evident collusive effort and flagrant disregard by C.E.Q. of its own published procedural requirements, as well as the language and intent of N.E.P.A. C.E.Q. has withheld public distribution of the Corps' draft impact statement; and its staff scientist, Lee Talbot, has been instrumental in arranging to circumvent action by the lawful lead agency, in favor of biased and hostile leadership. Gardner, the task force leader, has suppressed and ignored the lead agency's analysis; has authored his own interpretations of the data gathered; has withheld consideration of bird and wildlife aspects; and has missed, completely, several of the essential scientific and environmental factors.

Mr. Speaker, I concur with Mr. Ringhaver that we should have the benefit of an impartial impact statement and I want to thank the Congress for including funds for this study in the Public Works Appropriations bill.

HON. HALE BOGGS ADDRESSES THE DEMOCRATIC CONVENTION

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. O'NEILL. Mr. Speaker, last week, the Democratic Convention convened in Miami Beach, and became one of the significant events in American political history. Represented at the convention were people of every walk of life, every occupation, and every race and religion. Besides nominating a presidential and vice presidential candidate, the delegates to this convention formulated a party platform that demonstrates unalterably that the Democratic Party is the innovative party of the future, that the Democratic Party is moving ahead, and that it is still the party representing the vast majority of Americans. In an address at that convention, the able and erudite majority leader, HALE BOGGS, spoke of the progress which the Democrats have made in Congress, despite the vetoes and obstructionism offered by the administration. The remarks of the distinguished majority leader remind us once again of the achievements of our party, and the concern which the party has for all Americans, children, the poor, minorities, and the elderly. I call on my colleagues to read the address delivered by the majority leader, as it eloquently expresses the hopes and chronicles the achievements of a party which has always served the people:

SPEECH OF HON. HALE BOGGS

Mr. Chairman and my fellow Americans: I am honored to appear before you and once again to participate in the greatest exercise of democracy on the face of the earth.

Just a few days ago, on the Fourth of July, I had an experience that no American had for twenty-five years. In the ancient city of Canton, in the People's Republic of China, I was among a small group of our fellow citizens who there celebrated the 196th anniversary of the birthday of the United States.

This is not the forum to discuss that long and enlightened journey. But I left China with the overriding conviction that the time has come to normalize relations between our two countries, which together make up one-third of the world's population. We have many differences. But—we have much in common. Like us, they want to build their nation. All of us inhabit the same planet. We will live in peace or die in terror. And in my toast, on that memorable Fourth of July, so far away, I found appropriate the words of the poet, Archibald MacLeish, written when our astronauts first left our earth and looked at us from space:

> To see the earth as it truly is,
> small and blue and
> Beautiful in that eternal silence
> where it floats, is
> To see ourselves as riders on the
> earth together,
> Brothers on that bright loveliness
> in the eternal cold—
> Brothers who know now they are truly
> brothers.

And yet another thought occurred to me at that Fourth of July in China. The man whom we elect to be our President next November will preside over the 200th anniversary of our Independence. Will he be able to say that we have really fulfilled those sacred commitments of our Declaration of Independence commitment that says—"That we are endowed by our Creator with certain inalienable rights; that among them is life, liberty, and pursuit of happiness."

Because sadly today we have not fulfilled that commitment.

More sadly, our nation during the past 3½ years has retreated from fulfillment of those magnificent principles of human dignity and freedom—because, tragically, we have lacked the leadership that our nation requires.

But during those years, our Democratic Congress has not retreated despite Presidential vetoes of bills to educate our youth, to care for our sick, to aid our handicapped, to provide for our children in day care centers, to put the unemployed back to work and to fairly pay for Presidential campaigns, we have not been intimidated. We have not retreated despite vetoes, threats of vetoes, and reckless Presidential rhetoric. We have worked to fulfill that which was promised to all of us 196 years ago.

The Democratic Congress has passed laws and implemented them with adequate funds: laws to build our cities; to provide for universal education from the kindergarten through the university; to cleanse our rivers and purify our air; to protect the consumer against the unscrupulous; to improve the health of every man, woman and child; to fight the three great killers of man, heart disease, cancer and stroke; and to brighten the lives of millions of older Americans by expanding social security and medical programs and community activities.

Indeed, this Congress has done more to fulfill the commitments of the Declaration of Independence than any in many years. We passed an Amendment giving voting privileges to every citizen 18 years of age, some of whom sit here tonight as delegates to this great convention. We extended voting rights and we passed the Equal Rights Amendment for the women of our nation.

That record has been written. It is a good record. It will be expanded in the months ahead.

Yet we have not done enough.

We must do more. And we will.

But it is not enough just to write a record. It is not enough just to pass laws to house our citizens, to cure our sick, to educate our young, to improve our environment, to guarantee full citizenship to our minorities, to find work for our unemployed.

Laws must be implemented and administered with intelligence and conviction. Under this Republican Administration, they have been sabotaged. The appropriated funds needed for their implementation have been impounded.

Our people must be involved in these programs if they are to succeed. They should have a quiet pride in building a better country.

And I say to you tonight, my fellow Democrats, that the record of this Republican Administration is one of failure and callous neglect.

I say to you that the gap between promise and performance has never been wider.

The Republicans promised to end the war. But the war goes on.

The Republicans promised to bring us together again. But our youth have never been more alienated; our Blacks and Browns, our minorities, have never been more disillusioned.

The Republicans promised to restore integrity in government. But snooping and electronic surveillance, the constant erosion of the Bill of Rights, have shattered traditional guarantees of privacy and have cast a cloud of suspicion and mistrust over the entire government.

The Republicans promised to restore fiscal responsibility. But we are now experiencing record budgetary deficits, record trade deficits, and record deficits in our balance of payments.

The Republicans promised to halt inflation without dislocating our economy. But inflation rages—prices are higher than ever—and yet we are in the midst of an endless recession.

These issues, my fellow Democrats, will be the battleground on which this campaign will be fought.

The economy of this nation is directly associated with the confidence of its people. And today, there is no confidence in this Republican Administration.

When the Republicans took office 3½ years ago, they inherited the strongest, most vibrant economy in the history of this nation—96 month of uninterrupted prosperity and growth. And we Democrats used that economy to pay for bold new solutions to the problems of our nation.

But today the economy is in disarray.

When the Republicans took office, 2.7 million workers were unemployed. Today, 5.4 million Americans are out of work.

When the Republicans took office, we had a balance of payments surplus and a balance of trade surplus. Today, we are experiencing some of the worst deficits of our history—and the dollar has been devalued and floats uncertainly on the world money markets.

When the Republicans took office, the Federal Budget showed a surplus of $3.2 billion. Today, 3½ years of Nixon economic policies have given us $90 billion in deficits in our history.

When the Republicans took office, the Dow-Jones Industrial Averages stood near an all-time high of 1000 points. Today, those averages are still well under 1000 points.

When the Republicans took office, 13 million Americans had been lifted out of poverty by a Democratic Administration. Today, after 3½ years of disastrous Nixon economic policies, that trend has been reversed, and millions have slipped back into dismal, hopeless poverty.

Despite the glittering promises of four years ago, there is in America a frightening lack of faith in those who govern—and in the institutions of government. That lack of faith is reflected in the faces of the unemployed. It is reflected in the faces of Black and Brown Americans who were promised a larger part in the American system. It is reflected in the faces of young Americans who are alienated from the rest of society. It is reflected in the faces of the poor and the aging and the hungry and the sick.

It is reflected in the faces of Americans everywhere who watch with bewilderment as their cities crumble around them and their rivers turn to open sewers and their air fills with poison.

After four years, the American people know, as we here know, that a Democratic Congress alone cannot restore the government to the people; that a Democratic Congress alone cannot lead this nation to its rightful destiny.

We need, and must have, a Democratic Congress. But we need a Democratic President as well.

We need a man in the White House who cares. We need a man in the White House who is not afraid to be bold and imaginative. We need a man in the White House who will provide the leadership this nation must have if we are going to move forward again.

We are going to put that man in the White House.

We are going to leave here a united party—united behind our candidates, and united behind the Democratic principles of fairness and equality and opportunity for all.

Since the days of Jefferson, who gave our party its faith, and the days of Jackson, who gave our party its spirit and made it the party of the people, the Democratic party has never retreated. It made us a continental nation; it opened the frontiers; it developed our fields and our factories; it gave opportunity to millions from other shores; it brought us through a devastating Depression; it met the challenges of world dictatorship.

The Democratic party has given more opportunity to more people than any other political instrument in the history of mankind.

But this simply recites the fact that our party, through all the years, has been innovative and responsive. The problems today are in many ways more difficult than the ones that we overcame in the past. But in this hall tonight I sense a resurgence of that same inconquerable spirit to find responsible solutions that will inspire men and women from all over our country to work together for the common cause.

A beloved President, taken from us by an assassin's bullet in the prime of life, often quoted words that are equally appropriate tonight:

> The woods are lovely, dark and deep.
> But I have promises to keep
> And miles to go before I sleep
> And miles to go before I sleep.

GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. POAGE. Mr. Speaker, the Order of Ahepa is celebrating its golden anniversary this year. It is not nearly as old as many of our other lodges and fraternities, but it does have an outstanding record of community and worldwide service. I am especially proud of the prominent part played in this development by citizens of Waco, Tex.

We cannot have too many such fraternal and patriotic organizations. I want to express my congratulations to the fine citizens who make up the membership of this great order.

GIVE WOMEN THEIR DUE CREDIT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. FRASER. Mr. Speaker, women do not receive equal treatment in applying for credit. Requirements for loans, mortgages, credit cards, and retail-store charge accounts are more stringent for a woman than for a man. Two articles in the Wall Street Journal of July 18, 1972, tell of discrimination in granting women equal access to credit and show that the justification for this bias is rooted in the built-in, but now largely outdated, prejudices of our society. The articles follow:

NO-ACCOUNT FEMALES: WOMEN COMPLAIN THEY OFTEN CAN'T GET CREDIT BECAUSE OF THEIR SEX

(By James C. Hyatt)

Estelle G. Antell, a federal employe in Dallas, would appear to be an ideal airline customer. Her income is around $20,000 a year and she flies at least 100,000 miles annually. Thus, she didn't expect any problems last September when she moved to Dallas from Tulsa and applied to Continental Air Lines for a credit card in her own name.

"Back came a letter asking for my husband's signature," she says. "I called up and said, 'You've got to be kidding. How many men in my wage bracket do you ask for the wife's signature?' " She never received the card. And the final insult came recently "when a Continental salesman came by asking why I didn't fly Continental. You can bet I told him."

As Mrs. Antell's experience indicates, many women are finding that liberation hasn't pervaded all segments of the business world. Banks, savings and loan institutions, department stores and other firms that extend credit frequently are reluctant to let an employed married woman do business in her own name. Many widowed or divorced women find the problems become even more troublesome. And for young married couples, the wife's income often carries little or no weight in such vital transactions as securing a home mortgage.

"A COBWEB OF MYTHS"

Thus, the effort to weed sex discrimination out of the credit card and the loan office is becoming yet another major front in the women's equality battle. Department stores increasingly are finding themselves subject to picketing and account cancellations over their credit practices. State and federal officials are calling for legislation to correct the problem.

"Men and women today don't have equal access to credit," Martha W. Griffiths, Congresswoman from Michigan, testified recently. "Banks, savings and loan associations, credit-card companies, finance companies, insurance companies, retail stores and even the federal government discriminate against women in extending credit. And they discriminate against women in all stages of life—whether single, married, divorced or widowed; with or without children, rich or poor, young or old."

She was a witness at May hearings before the National Commission on Consumer Finance, a government agency. The testimony indicated "the reasoning used to deny women credit is often a cobweb of myths and suppositions unsupported by research on the statistical risks involved or on the individual's credit-worthiness," Virginia H. Knauer, special assistant to the President for consumer affairs, last month told the International Consumer Credit Conference in Washington.

SOME TALES OF WOE

Some examples cited:

A regularly employed woman in her early 30s couldn't get a loan to purchase a vacation home although she could make a substantial down payment. Her fiance, who had been through bankruptcy, easily obtained a loan to purchase the same property with a smaller down payment.

A woman in her 40s who, as head of her household, wanted to buy a house for herself and her children couldn't get a mortgage without the signature of her 70-year-old father, who was living on a pension.

A woman widowed for six years found it easier to open charge accounts in her dead husband's name than in her own.

As a condition to being granted a mortgage, a couple in Washington was asked by a bank "to agree in writing not to have a child for a specified period of time." Another lender wanted a doctor's assurance that "a proper method of birth control was being used or, in the alternate that the woman wasn't fertile."

Companies and financial institutions contend that such examples aren't typical, and they note with some irony that not so long ago they were being criticized for wide distribution of unsolicited credit cards. "You didn't hear the women complaining then," says one official in the consumer credit industry. Nonetheless, many credit grantors conceded their credit policies concerning women are under considerable pressure and are frequently being changed.

AN EXPERIMENT IN ST. PAUL

Some find the problem is getting the word of top-level policy down to the rank and file. Thus, Continental Air Lines says if Mrs. Antell, the Dallas woman, was turned down in spite of a clear credit record, "we made a mistake. Our policy is to treat applicants as individuals. Tell her to refile."

Ironically, working married women who established a credit standing when they were single often appear to have the most difficulty. "You lose your credit when you marry," says Marsha King, president of the Texas division of Women's Equity Action League (WEAL), a nationwide women's group. When she married about two years ago and set about changing the name on her credit cards, she found Dallas retailers reluctant.

"I had excellent credit and had done a lot of business. But they told me I'd have to reapply in my husband's name," she says. The demand was particularly irksome, she says, because "I have always paid all the bills in the family. I don't know of anyone who has ever received a check from my husband."

Working married women who are supporting an unemployed husband—a student, for instance—often find their credit status different from that of a man supporting his nonworking wife. Early this year, for example, the St. Paul human-rights department sent a man and a woman separately to 23 area banks to borrow $600 for a used car.

Each was earning $12,000 a year and was the sole support of a family with almost identical financial and personal qualifications. But about half the banks applied more stringent standards to the woman than to the man, the researchers found. These banks refused to lend the woman money without her husband's signature while waiving the co-signature requirement for the man, for instance.

Following the survey, department officials told the banks thir policies appeared to be in violation of the city's antidiscrimination ordinance. "We came up with an agreement that they wouldn't require any more from a woman than a man. They're even rewriting their forms to say spouse instead of wife," says Louis Ervin, director of the department.

Some women are particularly irritated that companies freely let husbands speak for the wife in financial transactions but don't give wives the same privilege. Consider, for instance, the Louisiana woman who discovered about two years ago that her husband had opened up a stock-trading account in her name at an office of a major brokerage house. "The broker apparently was glad to do it, so long as my husband would co-sign," she says. The husband filled out the application, but the wife was never consulted by the brokerage house.

Then the husband began actively trading in the account, and often he transferred funds from "her" account to his. "He generally just manipulated the situation, and they never once had my signature, or any contact with me," says the woman.

When she finally learned about the account, she called the brokerage firm. "Do I have an account at your office?" she asked. " 'Oh, yes,' they said. 'But your husband always does your business.' I said I'd never done any business with them, and they'd better find a way to indicate that on their records." For some weeks, when she called, the brokerage firm told her the account was still open. Recently, she says, "they've been saying the right words. They tell me I have no account up there. I really don't know if they're just telling me that." (So why hasn't she left her husband? "I can't, for financial reasons," she says. "You can say I live with my husband, but it is an awfully big house.")

MRS. CARLOCK'S REFRIGERATOR

Married women say opening new credit accounts in their own name, even when they are employed, is often a problem. About a year ago, Mrs. Vee Carlock, a legal secretary in Baton Rouge, ordered a $500 refrigerator at her local Sears store. She planned to pay the bill when the item was delivered.

At the store, however, she decided to take a service contract, which cost $54, and she asked to open a charge account in her own name. "The clerk started explaining that it is illegal in Louisiana to extend credit to a woman. I said I know that isn't the law. I talked to two or three clerks, and finally the credit manager. I kept telling them I work, I earn more than my husband, and I'm perfectly capable of paying my bills.

"After two hours of haggling, it was close to closing time, and I said, 'Let's just forget the whole purchase.' So the manager said, 'Well, we will open the account if you insist!' When he found out I was only charging $54, he almost had a stroke." Ironically, she never received her refrigerator; the store couldn't fill the order, and she bought at another store where she had had an account for several years.

(At the Washington hearings in May, officials from Sears testified that while the company prefers to open only one account per family, a wife meeting normal credit standards could get her own account. It isn't in Sears' best interest, they added, "to turn customers away from its doors.")

Frustrated by credit problems, women are resorting to a number of tactics. Picketing, refusal to accept credit cards in their husbands' names, and general complaining have led to some changes in department store policies in Chicago and Syracuse, women say. Lynne Litwiller, who heads a task force on credit problems for the National Organization for Women, says that while many retailers routinely will turn down a women's credit request, "if she calls the credit manager and puts up a big fuss, more and more stores will give credit in her own name. But the stores really don't like to do it. It still hasn't been established as a right."

Other women are considering lawsuits against lenders, although the legal grounds appear far from certain. No state or federal laws appear to directly ban sex discrimination in credit transactions. Attorneys working with the women's movement say lawsuits in the works involve instances such as stores persisting in sending bills to a husband although the goods were ordered in the wife's name, a case involving two women veterinarians who have been turned down for bank loans while younger, less experienced men vets have easily borrowed money, and a case where a bank giving men employes of a major industry a particularly favorable interest rate has refused to give the same rate to women workers whose husbands are employed elsewhere.

In response, lenders often acknowledge that their policies are undergoing constant review, but they caution that the women's demands often ignore real risks in granting credit. "More attention will have to be given to this area of lending in the future," says William E. Jones, vice president of consumer loans at City National Bank, Columbus, Ohio. The bank is a noted marketing innovator. "More women are working than ever before," he says. "More young people are wanting money. Banks have got to be prepared to extend credit to that class of people. We're all learning our lesson on that one every day."

BOB AND CAROL

Indeed, he concedes that while City National will give married women their own Bank-Americard if they have their own income and a good credit record, "that wasn't the policy when we started the card six years ago." But he stresses that a young woman borrower in the child-bearing age raises questions for credit men. "Betting on her to be able to work every day for the next four years isn't the same as betting on a man," he asserts. "It is impossible to put a man and a woman on the same level completely as far as extending credit is concerned."

At the Washington hearings, John P. Farry, president of the U.S. Savings and Loan League, said that in the past couple of years "there has been a substantial reshaping of our thinking with respect to real-estate credit involving women." A survey covering 421 S&Ls indicates "that it is fast becoming much easier for a woman to get a mortgage," he said. Most of the institutions said they've liberalized policies toward giving credit to working wives in making mortgage loans.

Clearly some lenders are losing business due to stringent policies in that area. Bob and Carol Wellman, a Cleveland couple, recently asked Park View Federal Savings & Loan for a home loan and were told the firm wouldn't consider her income in the application. So the couple took their proposition to Cleveland Trust Co., where they got the loan when they assured the lending officer they had no plans to start a family any time soon.

An officer at Park View says that to consider a wife's income when a young couple has no children "does us a disservice and them a disservice," for when they start a family "then they are stuck and she has no income."

CREDITORS SAY ABILITY TO PAY—NOT SEX—IS FIRST CONSIDERATION

Credit grantors, stung by allegations that they unfairly refuse women credit, insist their policies are often affected by factors the protesters don't understand.

"What we have to look at is ability to pay," says a spokesman for Gulf Oil Corp. "And it is a very simple fact of life that women generally make lower salaries than men." (He hastens to add that Gulf is liberalizing many of its credit policies.) And a credit official at another oil company asserts: "There is no obligation by these credit grantors to give credit to anybody, woman or man, unless they have a pretty good idea they'll pay their bills."

Thus, the officials say, when a customer marries, gets a divorce, or loses a spouse, circumstances often have changed, requiring a new look at the customer's credit worthiness. The new marriage partner may have a poor credit record, or divorce proceedings may leave the creditor legally unsure of which party will pay the bills.

Indeed, "the first group that has to be convinced (about extending credit to women) are the lawyers," says James Ambrose, secretary-treasurer of the International Consumer Credit Association, St. Louis. Each status—single, married, separated, divorced, widowed—"is a different legal ballgame," adds another credit official. Mr. Ambrose notes that, in some states, larger credit accounts pay a smaller interest rate; thus, giving separate accounts to a husband and a wife might cause creditors to run afoul of usury laws, because the separate accounts could result in higher interest payments than a joint account.

Many women are puzzled at refusal of lending institutions to include the wife's income in making a loan. "It is actually possible for a woman to go to work and increase the family's buying power by only 25% of what she gets paid," says Mr. Ambrose, "if she needs a second car, clothing, and babysitting services."

Some lenders make the point that young, newly married, better-educated couples are often poor credit risks because they have no clear record of making payments and handling finances in a responsible manner.

Others admit they refuse accounts to married women for selfish reasons. Keeping credit cards in the husband's name, they say, cuts down on paperwork, particularly for retailers without elaborate bookkeeping equipment. (To deny a married woman her own account when a retailer has the computer equipment to do so "is more stupidity than anything else," asserts Mr. Ambrose.)

It's clear, however, that many credit grantors are confused by the sudden complaints. "This was a sort of a shocker to us," says the credit head at one major retailing concern. "Our business is primarily oriented to women. I'm afraid we didn't really know we had a problem."

BEWARE, THE ECOLOGICAL CON MAN

HON. EARL L. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. LANDGREBE. Mr. Speaker, there has been much talk on ecology in recent months. However, I have come across some comments that shed some new light on those who are most forcefully pushing the ecology cause. The comments are those of Dr. Ross E. McKinney, Parker professor of civil engineering at the University of Kansas before the Kansas Public Health Association on May 20, 1971. I insert his comments here:

BEWARE, THE ECOLOGICAL CON MAN

(By Ross E. McKinney)

In recent months we have heard more and more about "unbreatheable air, undrinkable water, inedible fish, eroded mountainsides, intolerable noise, scarred Alaskan tundra, and poisoned mother's milk."

This week I received a magazine that had a label on the cover indicating that the magazine might be hazardous to my health since the paper contained mercury, 0.6 of one millionth of an ounce of mercury. The magazine went on to state that if it were burned in an incinerator, the mercury would enter the air.

The Wall Street Journal headline on the front page, "The Dying Lake," was designed to catch people's attention. The article started off, "The oil-slicked Cuyahoga River, which oozes its way through this city to Lake Erie, catches fire periodically, earning it the dubious title of 'the only body of water ever classified as a fire hazard.' The bacteria count of the chocolate-brown river water, which bubbles like a witch's brew because of fermenting gases on the bottom, often matches that of pure sewage." Barry Commoner has been quoted as saying, "Lake Erie represents the first large scale warning that we are in danger of destroying the habitability of the earth."

The Topeka Daily Capital used the headline, "Ol' Man River Becoming Stream of Sewage" to attract attention to its AP story on water pollution. The Committee on Government Operations of the U.S. House of Representatives published a report in 1970 that stated, "The natural environment of our Nation's bays, estuaries, and other water bodies is being destroyed or threatened with destruction by water pollution. . . ." The Assistant Surgeon General of the USPHS stated that "More and more cities and industries are treating liquid wastes before discharge into our waters but the population and industrial growth rates are outstripping our capability of reducing gross pollution or enhancing our environment."

The Saturday Review carried an article which pointed out that "The issue of pollution creates its own bureaucracies, its own inertia, its own zones of indistinct responsibilities." Garret De Bell wrote, "In 1969 the United States woke up to the fact that the richest country in the world is in the middle of an environmental crisis."

Each day brings new stories of environmental horror. Each new story must be worse than the last in order to get even a measure of attention from our ever fleeting media.

Like a large wounded animal, the public has responded to this environmental danger with screams of lament. There is no hope for the future. All is lost. It is merely a matter of time before mankind is flushed down the tube, once and for all. There is doubt that we will live long enough to see the dawn of another century. The picture is painted with blacker and blacker hues. And like the wounded animal, the public cries out for life. Environmental pollution must be stopped. The world must be made pristine again. Time is of the essence. Do we have time or is it already too late?

As is normal in times of stress, various groups of people step forward to meet the challenge. All are eager to do battle. All have the answers we seek. Some of the answers are simple; some of the answers require complex technology; some of the answers are quite expensive; and some of the answers are even magical.

Ever since the beginning of time man has been fascinated by magic. The sleight of hand artist, the Brooklyn bridge salesman, the something for nothing specialist, and the ecological medicine man have held a special charm that has permitted the sucker to be taken without his realizing it. The name of the game is "Making It Without Any Effort." The con man makes it with a minimum effort on his part while the sucker loses what little he had.

Currently, we are involved in one of the largest con games ever played, the environmental con game. It is an easy game to play. It requires no skill and works best in a highly educated, technologically oriented, socially conscious society. There is no easier sucker than someone who has been exposed to a smattering of knowledge; who has tasted the fruits of technology; and who feels slightly guilty for having it so much better than his fellow man.

Unfortunately, the environmental con man is not easy to spot. He comes in many shapes and forms. Most of all, he wears the cloak of respectability. The environmental con man is well educated, both technically and socially; but he has no conscience. Let the sucker beware is his motto. The environmental con man is an avid collector of facts and figures that can be used at the drop of a handkerchief to refute and confuse any other data concerning environmental pollution. If challenged on his facts and figures, the environmenal con man shifts to social concerns and moral issues that cannot be quantified. There is no way to catch the environmental con man and to expose him as a hoax. The public will not permit him to be caught. For to catch and expose an environmental con man for what he really is would be to admit that the public was a sucker, too gullible to recognize right from wrong. We are too proud to admit that we might have made a mistake. We had much rather continue the fraud and allow the environmental con man to take his extra share. It is not a large share and we will not really miss it. So why admit we made a mistake.

Confusion is a key part of any con man's routine. The take is always easiest when the suckers are confused and disorganized. If ever there was a more confused and disorganized area of concern than the environment, it would be hard to document. No one seems to know what to do or how to do it. When the confusion tends to slacken off and progress begins to occur, the environmental con men give the pot another stir or two to create further confusion and to stop progress. There is nothing more detrimental to the environmetal con men than organization and progress. The current situation is that there is no danger of this con game slowing down for the next decade or two. It could last a generation or two without much trouble.

As a professional environmental pollution specialist for the past 20 years, I have had an opportunity to watch our current environmental con game get set up. It has been an interesting and a frustrating experience. As an educator I was in the position where I could observe the environmental con men in real operation; but I could do nothing to stop them. I could see the situation developing and could predict the consequences, but that was all. Over the years I have tried to sound the alarm; I have tried to tell the public what was really happening; but no one really cared. They were too busy playing the game to realize what was really happening.

If we examine the facts carefully, we would find that environmental pollution is not something that suddenly caught up with us a few years back. It is not something that is strangely peculiar to the United States and other technological nations. It is not the end product of a greedy society that is consuming all the earth's resources at an ever increasing rate. Environmental pollution has been with us since the beginning of time and will be with us until the end of the earth. We cannot escape from pollution but we do not have to live in a polluted environment. For centuries man has lived in an ever increasingly polluted world. Slowly but surely, he learned that environmental pollution destroys life both actually and spiritually. Once he learned this, man had the key to solving the pollution problems once and for all.

One of the major aspects of our current environmental pollution binge is its negativeness. Everything about pollution today is negative. Unfortunately, two negatives do not make a positive. It is interesting to note that the negative approach to pollution apappeals to most people. They like to think that they must be punished for having the good life. The more they enjoy life, the more they must be punished. Since suffering appeals to so many, it is not surprising to note that the environmental con men are preaching salvation through further suffering. Needless to say, further suffering can be attained only at great cost to the public and gain to the environmental con artist. As long as we accept this strange philosophy of personal guilt for enjoying life, we will not make any real progress in solving pollution or in getting rid of our environmental con men. When I was much younger, there was a popular song entitled, "Accentuate the Positive, Eliminate the Negative." This should be the battlecry for environmental pollution control. We will solve our pollution problems when we stop wailing about how bad things are and start doing something positively about them. Our success to date, and there have been lots of successes, is due to the positive efforts of a few individuals who went out and did something positively.

More than ever before there is a general awareness by the public of environmental pollution. This should be a good thing because it should lead to public support of pollution control programs. To date it has not been a good thing. It has been a handicap to the professionals who had been working long and hard to eliminate pollution. The environmental con men have stepped in and diverted public attention from the real job to be done. They have succeeded while the professionals have failed. The time has come that the professional environmental pollution control specialist learn to recognize the environmental con man and the techniques he employes; because progress will not be made until the environmental con men are eliminated or controlled.

To date the environmental specialists have been overwhelmed by the reaction to the pollution problems being manifested in the popular press. Just a few short years ago, the professional pollution control people found the public totally disinterested. The sudden shift of interest caught the professionals unprepared. The professionals were not expecting a change in attitude and were not prepared with an adequate program for positive action. The net result was a natural for the environmental con men who rushed forward with glossy pictures of doom and disaster and grandoise schemes for instant solutions. The environmental con men are well entrenched with the public. It will take considerable effort to control them properly. It is a shame that so much of the efforts of the professional pollution control specialists must be diverted from the job at hand. But maybe he will learn a valuable lesson and be better prepared for future con men.

The environmental con men have been very effective in undermining public confidence in existing pollution control specialists. Existing pollution control people have been blamed for allowing the situation to deteriorate to the sorry state that now exists. The public is being conned into believing that things are getting worse and worse. Actually, just the opposite is true. The situation is actually getting better and better. This progress is not being made by the environmental con men but by the plodding professional who does the work and is never recognized.

One of the current fallacies being expounded by environmental con men is that more money will solve all of our environmental problems. There is no doubt that more money will have to be spent for environmental pollution control. A clean environment is not free. But it does not need to cost as much money as the environmental con men have indicated. Unfortunately, since the public likes to listen to con men, we will spend more money than we should to do the job right.

The environmental con men have recognized the greedy instincts of politicians at all levels and have played on those instincts to set up the most complicated set of rules for pollution control. These rules permit easy operation of the environmental con men while restricting the efforts of the professional pollution fighter.

A typical example of the environmental con game is the construction grants program for municipal waste-water treatment plants. Initially, the construction grants were proposed as carrots to help local areas recover after World War II. The professional people mistakenly thought that a little Federal support would help the local levels over the financial hurdles that had accumulated during World War II. Unfortunately, the professionals failed to recognize the real impact of that request. Over the years the construction grant program changed as the environmental con men recognized the real value of this incentive program. The rules were changed so that today the mayor of Lincoln, Nebraska, can publicize the fact that Lincoln will have its expanded sewage plant for only 20¢ on the dollar. The State of Nebraska will pay 25¢ on the dollar and the Federal government has promised to pay 55¢ on the dollar.

Since everyone pays such a minor share of the total cost, no one cares if the cost is inflated somewhat artificially. No one has full responsibility and only the public loses. It is obvious that the State of Nebraska and the Federal government get their monies from the people of Lincoln as well as everywhere else. The environmental con men tell people what a wonderful way this is for paying for pollution control plants. The cities only pay 20¢, the states pay 25¢, and the feds pay 55¢. No one pays much and everyone wins.

The only catch is that the real cost is well over a dollar for each dollar committed. The people could get the job done for a dollar per dollar cost if they would do it themselves; but they want something for nothing. They are suckers for the free money concept. The local politicians love this procedure because they get credit for bringing in all this free money to the local area. The pollution is created at the local level and can be solved only at the local level. Fragmentation of responsibility for funding has caused a loss of local control. Increased bureaucracy plays right into the hands of the environmental con men and they are having a field day at all levels, local, state and federal.

As professional health specialists, you have a stake in the environmental pollution problem. You have a responsibility to see that the job is done right. Unfortunately, from where I sit, it appears that some of you have gotten tired of trying to do the job right and have decided to join the ranks of the environmental con men. You have developed a complex which threatens to destroy your effectiveness. This is exactly what the environmental con men were hoping would happen. You are playing into their hands and I can assure you that you cannot win at their game. The solutions to pollution lie with the professionals. There are no magic solutions; but there are new ways of doing things. There is a positive way of moving ahead but it takes lots of work and effort. It means that we are not going to solve our environmental pollution problems in just a few years of effort. We are going to be working on these problems from now until eternity. We can never stop working.

The challenge that faces us all is to do the best job possible with the minimum of resources. Any idiot could solve the environmental pollution problem if he had enough manpower and money. But the professional is trained to accomplish the task with minimum effort. We seem to have been blinded by a few setbacks and have developed a negative attitude. If we do not demonstrate our professional capability within the normal constraints of society, then we have been a failure. Our education has been in vain, totally wasted. It would be a sad commentary on our generation to be known as the failure generation.

We have an opportunity and a great heritage. It is time we started living up to that heritage and stopped making excuses why we cannot get the job done.

Let's clean out the environmental con men and get on with the job. If we do not, then we have only ourselves to blame.

THE NATHAN LESTER HOUSE

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. STEELE. Mr. Speaker, on Saturday, July 22, in the town of Ledyard, the Nathan Lester House which stands at the Great Oak Garden, will be dedicated for public use. This house, constructed in 1793, and the adjoining garden will add importantly to the historical awareness of Ledyard and the State of Connecticut. The building was restored through matching funds from the town of Ledyard and the Connecticut Historical Commission. In addition, funds from the Federal open space program were used to aid in the purchasing of the house and lands.

I would like to bring the following article describing the efforts to restore this house and the garden to the attention of my colleagues. I believe that Congress can take pride in the fact that Federal open space funds, coordinated with grants from the State and local governments, have been put to such important use. I heartily congratulate the people of Ledyard for this welcome addition to our perception of history and to their awareness of the need to preserve for future generations areas of beauty and interest.

The article follows:

THE NATHAN LESTER HOUSE

In 1967 the Town of Ledyard purchased for $85,000 the approximately 100 acres known as the Graves estate. The reason for the acquisition was to give the town land in this area for recreational use as well as a possible school site. Three quarters of the purchase price was paid for with State and Federal open space grants, only one quarter of the total coming from town monies. The fine 18th century house and barns were included in the purchase at no additional cost, but with the Graves estates' expressed hope that the historic property might be preserved as such. In 1965 this same family had generously donated to the town of Ledyard the nearly 400 year old Great Oak and the surrounding 11 acre plot as a park. This park as such has always been administered by a separate town committee.

In 1968 the Selectmen created the Graves Estate Planning Committee to study the best and most appropriate use of both the land and buildings. All interested groups in town had representation on this committee. The published report of this committee was accepted by the Selectmen and its main provisions implemented. The surrounding parkland was placed under the jurisdiction of the Conservation Commission, with plans formulated for use of the land as open space. The house and barns were placed under a separate committee for purposes of ultimately restoring the buildings for use as an historic museum portraying Ledyard's rural-agricultural past. The Ledyard Historical Society had long been the leader in supporting this project, and now provided the active membership in this new town committee. In December 1968 the house which was built in 1793 was carefully surveyed by Mr. John Curtis, Director of the Curatorial Department of Old Sturbridge Village. He found the old house of such architectural and historical significance, and especially because of its unspoiled original setting, that the State Historical Commission in Hartford in its own state-wide survey gave the house a "B" rating. This meant the building was of very significant local and regional interest and worthy of urgent preservation (this is a very high rating, only a half dozen buildings in the state having an "A" listing).

At this point a brief history of the old farm shows that Peter Lester, Sr. bought the property in the late 1730's. Of two sons born on the farm. Ensign John Lester (born 1740) was killed in the Fort Griswold massacre during the Revolution. Another son, Nathan (born 1742), built the present house in 1793. His daughter, Hannah Gallup Lester, married Captain Adam Larrabee, a West Point graduate who served with distinction in the War of 1812. The seventh of Captain Larrabee's nine children, William Larrabee, later moved west where he became governor of Iowa. Indeed in that state, his own mansion, "Montauk", is open to the public as a house museum. In 1908, the farm was acquired by Dr. Charles B. Graves, a local physician and noted botanist. It remained in their hands until the town purchase in 1967.

In October 1969, the State Historical Commission gave our town a matching grant of $1,000 for emergency re-shingling of the entire roof, and another grant of $3,850 in December 1969. Of this $4,850, local money, $1,000 was donated by the Ledyard Historical Society, the rest was from the Town Treasury. Therefore, by July 1970, a total of $9,700 had been spent, largely on structural repairs and creation of a custodian's quarters in the "ell". (In early 1969 an entirely new heating system had been installed with insurance money received after water pipes froze.)

From July 1970 until February 1971, no work could be done because of a dispute with the tenants over the committee's right to work during their occupancy. By March 1971 architects plans for completion of the "ell" were available and work finished by September 1971. As of August 1971 new tenants were in occupancy to protect the premises.

A third matching grant for restoration of the main part of the house was secured officially by September 1971. The total was $13,800, of which our local share of $6,900 came from $4,750 town appropriation, $1,600 from the Ledyard Historical Society, and $550 from the Ledyard-Gales Ferry Junior Women's Club.

Two related significant events have taken place to enhance and protect the restoration of the Nathan Lester House. In 1969 a Colonial Garden Committee began work on creation of a memorial garden that would further complement the Lester House setting. Their work is separate from the Lester House Committee and supported solely by private donations. In December 1970, by vote of the Town Meeting, the Nathan Lester House and surrounding land was designated an historic district and a Town Historic Commission was created to administer this district as well as the town's other historic property, the Old Main vertical sawmill restoration.

It is hoped that under the guidance of this new commission and with additional state matching grants, the Lester House restoration will soon be completed so that both our townspeople and tourists may soon enjoy its educational and recreational benefits.

CHARLES H. LOEB: AWARD-WINNING EDITORIAL WRITER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. STOKES. Mr. Speaker, on innumerable occasions, I have spoken about Cleveland's eminent newspaper, the Call & Post. It is my great pleasure today, to call my colleagues' attention to that paper's city editor, Mr. Charles H. Loeb.

Last month Mr. Loeb, one of America's most distinguished editorial writers and a poet of the first rank, was honored by the National Newspaper Publishers Association. His column on "The Games People Play" received the association's first-place merit award for "best column" in the black press. The article and its accompanying poem, "Turnabout," originally appeared in the March 6, 1971 issue of the Call & Post.

It concerned former Mayor Carl B. Stokes, and was a courageous leap to the mayor's defense when many in the Cleveland community were turning against their elected leader. At the time of its printing, Mr. Loeb's column generated quite a bit of heat. His words were powerful.

Charles Loeb forcefully attacked the hypocrisy that had surfaced among Cleveland's white liberal establishment. He frankly deplored the fact that Mayor Stokes was being asked, by the white community, to betray not only himself, but also the city they had elected him to serve.

More than a year later, Charles Loeb's words continue to have the ring of truth. Today, I would like to share his award-winning column and poem with my colleagues.

The article follows:

[From The Call & Post, Mar. 6, 1971]

THE GAMES PEOPLE PLAY

(By Charles H. Loeb)

The strong support received by Mayor Stokes from the black community of Cleveland last week was perhaps the one rare bright note in the thankless job he has won as Chief Executive of one of this country's major cities. At long last, he has visible evidence that his dedication to full citizenship for ALL of the people of Cleveland is not entirely unappreciated by the very people who, in his zeal to bring them into the mainstream of community life, he has brought down upon him a swelling mainfestation of the virulent racism from much too large a segment of this city.

Make no mistake about it, a very considerable segment of our white fellow citizens have found it virtually impossible, if not unthinkable, to adjust themselves to the revolutionary aspect of having a black mayor. Some of their antics in trying to rid themselves of this "curse" under the guise of solicitude for the conduct of municipal affairs would be downright laughable if it were not so tragically disgraceful.

And it might indeed be taken lightly if the anti-Stokes furor was a sole project of the untrained, uneducated, and uninformed whites of the community. But Stokes is getting the shaft from so many diverse elements of the white supremacy complex that it requires more adroitness than any one man short of sheer genius can be expected to possess.

There are those leaders, many of them suburbanites, who have sponsored and encouraged Stokes projects like "Cleveland NOW" who are swapping ill-founded rumors about the Stokes lifestyle, in swank golf club lockerrooms and suburban bistros.

These range from speculation on how the mayor manages to look like an animated reproduction of a Playboy Magazine illustration in his every public appearance, to just how much the Mayor revealed in the income tax return that he was hounded to make public some weeks ago.

But most of all, this gentry airs its resentment over the refusal of Carl B. Stokes to play the familiar, accommodating role that has always been the surest way into the hearts of the white power structure When really exasperated, some influential whites, who wear their liberalism in full view on most occasions, and who faithfully turn up at front row tables at the annual dinners of the Urban League and the NAACP, wonder out loud "why Stokes hasn't sense enough to be like Leo Jackson, etc., etc."

Amazingly enough, there is a considerable segment of the black brothers and sisters, who echo this sort of thing. "Stokes could get the wolves off his back," they say, "by being a little more diplomatic." "Why doesn't he learn to turn the other cheek," says another.

Whatever else he is, Carl Stokes is a realist, and as such realizes that much of the harrassment that he has had to undergo originates, not exclusively from racial prejudice, but more frequently from political frustration on the part of ambitious, if not always talented political hacks.

Neither Carl B. Stokes nor most of the black citizenry of Cleveland are one bit fooled by the loud protestations that have arisen over trivial irregularities in the hiring and firing or the rating of personnel, or in the collection of rubbish or garbage, or in the zeal of a newly-appointed west side councilman to protect housewives from shortweighing in a major supermarket.

It takes a real American to take in stride the integrated complexion of City Hall, Cleveland, Ohio, since the advent of Carl B. Stokes. And, while there are some solid Americans still to be found (may their tribe increase) they are still a very scarce commodity in this or any other neck of the American woods.

Unfortunately, in this society of ours, a black man who has achieved what Carl B. Stokes has achieved has to stick with his priorities in something like the following order:

1. Be a Negro Man.
2. Be an American Man.
3. Be a Democratic Party Man . . . if they'll let you.

And though the fire will get hotter before it cools, our man Carl simply can't take tea for the fever!

TURNABOUT

"Their 'system' was perfection,"
Said my friend, Methoselah Brown.
"They made it run like clockwork
When it kept the black man down.
But since Carl Stokes got elected
The damn thing won't work no more
An' its got a lot of white folks
Mos' upset, and awful sore!

"So our white folks, big an' little
Are all screamin' for a change,
An' they got some deals a 'cookin'
In the oven of their range.
Party labels don't mean nothin'
In the face of stormy weather.
When supremacy is threatened
Friend an' foe can get together."

They would change the plan of votin'.
'Till they hit upon a way
To drive C.B.S. from office
By the next election day.
'Less us black folks go to sleep.
An' go back to Uncle Tomin'
Like a flock of stupid sheep!

TRIBUTE TO AHEPA

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, during the last five decades the American Hellenic Educational Progressive Association, better known as the Order of Ahepa, has made outstanding contributions to American life. Now, during the month of its golden anniversary, I want to pay tribute to this organization.

AHEPA's work begins at the local level. Individual chapters have always vigorously supported community undertakings in the fields of education, charity, and civic improvement. They also provide an active social program, emphasizing relaxation for the whole family.

When we turn to AHEPA's national and international contributions, we find an impressive record of accomplishments. A longtime champion of the cause of education, AHEPA has sponsored scholarships and established libraries. It is justly proud of the AHEPA Hall for Boys and the AHEPA School, both at St. Basil's Academy, Garrison, N.Y. When school is out, the Order of Ahepa offers summer studies in Greek language, history, and culture, through its educational journey to Greece program.

At scenes of human suffering, ranging from Florida's hurricanes to Turkey's earthquakes, AHEPA has provided relief. It has established hospitals in Athens and Thessaloniki and a cancer research center in Miami. Its support for the fatherless children of refugees is still another example of generosity to the victims of disaster, both here and abroad.

AHEPA's record of meeting its civic responsibilities is also worthy of note. When the Nation needed support during World War II, AHEPA was able to sell $500 million in U.S. war bonds as an official issuing agency of the U.S. Treasury. Today, emphasis has shifted to assisting noncitizens in attaining full citizenship and to instilling a due appreciation of the resulting privileges and obligations.

I want to make special mention of AHEPA's local chapter in Fond du Lac, Wis. Its officers, Peter and Nick Frank, Mike Poulos, and Sam Bekearis, can be especially proud of the valuable role this chapter plays in the community. To them and all the members of the Fond du Lac chapter, and the Order of Ahepa as a whole, I offer both thanks and congratulations.

INCOME TAX

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. SCHMITZ. Mr. Speaker, most of us are aware that a supposedly unintended result of the Internal Revenue Act of 1971 has been to impose personal income tax overwithholding upon a large proportion of the Nation's Federal taxpayers; but very few of our constituents seem to be aware of it yet. What is more, an unannounced consensus seems to be developing among the responsible administrators and legislators to keep it this way, so that the Federal Government continues indefinitely to have the use of billions of dollars of the taxpayers' earnings to which it has no legal claim, from the time they earn the money until they file their next year's income tax return and receive their refund.

The following portions of Paul Scott's column for July 17 explain what is happening:

[From the Washington News-Intelligence Syndicate, July 17, 1972]

THE SCOTT REPORT

(By Paul Scott)

WASHINGTON, JULY 17.—Despite all the political clamor for tax reform, there is no evidence that the Democratic controlled Congress or the Nixon Administration plans to do anything this year to plug the biggest loophole of them all.

This is the provision in the Internal Revenue Act of 1971 that permits the federal government this year to withhold more than $8 billion from the wages of workers than they owe in taxes. The "forced loan" provision, as it is referred to inside government, affects more than 50 percent of the nation's taxpayers.

Questioning of high-ranking Treasury officials by members of the tax-writing House Ways and Means Committee and the Senate Finance Committee recently confirmed the massive overwithholding by the government but neither the lawmakers nor the Nixon Administration have made any legislative moves to correct the situation.

All that has been done so far is a feeble administrative effort by the Treasury Department to acquaint the public with the steps that individual taxpayers can take to end the overwithholding. Their surveys, however, show that only one out of every ten taxpayers had heard about the Treasury's educational program or knew that the government is taking an average of 10 percent more out of their wages that they owe in taxes.

Instead of recommending legislation to end the overwithholding, Treasury officials now are talking privately about keeping the provision as a permanent part of the nation's tax laws. The reason for continuing the overwithholding, they argue, is the billions in advance revenues that is produces for the government.

Confidential projections of the Treasury Department indicate that these advance collections could reach $20 billion by 1975 each year. While the "forced loans" will have to be refunded to taxpayers, their yearly growth will provide a large, interest-free revolving fund.

"How else can the government raise and use billions of dollars each year without paying any interest," states House Majority Leader Hale Boggs (D. La.,). Neither Representative Boggs nor House Minority Leader Gerald Ford (R. Mich.) see Congress or the Administration changing the overwithholding provision this year. Both have indicated privately, that the provision could become a permanent part of the tax laws.

The general feeling among Senate Congressional leaders is there will be no action in either the House or the Senate unless the Nixon Administration recommends that the law be changed.

Senate Minority Leader Hugh Scott (R. Pa.) doesn't expect any Administration move this year unless a storm of protest comes from individual taxpayers. This is unlikely since only one in every ten taxpayers realizes that the government is taking more out of his pay check than it should. . . .

Although Nixon Administration officials are planning no moves to end the overwithholding, they are already concerning themselves about the massive refunds that the provision will cause next year and the impact this will have on the budget deficit.

Federal Reserve Chairman Arthur F. Burns is trying to sell the White House on the idea of paying a bonus interest rate to those who would keep their refunds in a special bond, rather than taking the cash.

In pushing his proposal, Dr. Burns warned President Nixon that because of the overwithholding that tax refunds in 1973 would reach a record $15 billion—or about double the amount of current Treasury estimates. The return of this money could cause tremendous inflation pressures next year, Dr. Burns contended. He also sees the refunds causing the budget deficit next year soaring to nearly $50 billion.

While Treasury officials would like to adopt the Burns plan, they are concerned that if they did that, Congress would force the government to pay taxpayers for the use of their money this year as well as in the future. It also is their contention that the Burns plan could hurt the chances of getting Congress next year to approve the imposition of a new value-add tax.

The value-add tax will be the heart of President Nixon's tax reform program. He sees it as a replacement for corporation taxes and of a method to keep from having to increase the federal income tax during the next four years.

Note: Senator Vance Hartke (D. Ind.), a member of the Senate Finance Committee, has asked Treasury officials to furnish him a report on the amount of advance revenues the government will receive in 1973 if the overwithholding provision of the law remains unchanged. Senator Hartke says he hears it will be over $15 billion.

THE AMERICAN SPIRIT: 1972

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. MIKVA. Mr. Speaker, the Chicago Daily News recently published a nine-part analysis of American society entitled "The American Spirit: 1972," a sensitive, personal glimpse at discouragement, and at the steady undercurrent of hope in Americans of today. Mr. Harlan Draeger, a columnist for the Daily News, conducted a series of interviews, exploring every segment of our society: steelworkers, farmers, policemen, students, executives, housewives, legislators, in search of that unique essence of hope he labeled "The American Spirit." The following are the first two articles of the series:

THE AMERICAN SPIRIT: 1972

(By Harlan Draeger)

Tom Bryant, if anybody, has a right to be cynical.

For 24 years, he has swallowed the dust and heat that go with the hardest, dirtiest job in a Chicago steel mill. His spit comes out black.

Bryant survived four major battles in Europe during World War II. Two decades later, his son and only child came back from Vietnam badly crippled.

Income taxes and inflation are cutting deeply into his paychecks. His property taxes have tripled in 13 years. Economically, he's "just not getting nowhere." On top of all this, he has the added pressures of being black.

It comes out, not as reliance on the big institutions of society, but as a stubborn faith in his fellow man: "We've got a whole lot of good, sound-thinking people. I think the great majority are really decent. They just got to the point where they're complacent and don't fight City Hall. Nobody's willing to take the lead."

Tom Bryant's message is that the American spirit is not dead—just temporarily stunned by events, waiting to be revived.

Over the past several weeks, I discovered this same core of belief in talks with scores of people across the nation.

True, skeptism may run deeper than before. Americans are being pushed around by changes they dimly understand and can't seem to control. For many, life has turned sour, empty, unrewarding.

But the central inescapable fact is that we have not given up, nor have we thought of surrender.

The pebble of truth is easily overlooked. It is, after all, a presidential election year. Pollsters, reporters and other professional pulse-takers are swarming over the landscape like grasshoppers.

People feel almost compelled to spit out their frustrations and resentments. Why not? Bitch a little ("Since you asked, Mac") and something might change.

So the man-on-the-street talks like a loser, partly for effect. It is fashionable in 1972. And he is merely catching up to the social critics who have produced a steady stream of pessimism over the past decade.

The easy analysis that usually follows is that America is in a hopeless state that can only become worse.

It pays, I learned, to spend a little more time with people. Examine the whole person, watch how he lives, sift out what he says from how he acts. You rarely find genuine despair.

The essential fabric of trust still remains—largely intact, largely unnoticed, clearly our greatest national asset.

It is something on which to build a better life in this country if we can only regain the will and a sense of direction. We have at least a fair chance.

My assignment was to take a close look at what's happening to Americans in 1972—and especially at our obvious morale problem.

I found most of us floundering, groping awkwardly for some meaning to a world, that, like bakery products, seems to be remade fresh every day.

Life has been one long, tough grind for Tom Bryant.

He should be screaming at the system—and, to a certain extent, he is. But the 240-pound steelworker with the callous-crusted hands is no cynic.

Along with most Americans, he shares a spark of hope.

More than anything else, our national mood resembles the stage of life that Tom Bryant has reached at 49: middle age, with all its fears and doubts.

New pressures are bearing down from all sides, and we can't respond the way we once did. The scenery shifts constantly. The pace and complexity of change are too much.

"If you go down a street for years and suddenly it's ripped up, you're shook," said Nat Pressman, a former New Yorker lawyer who now sells hardware in Maryland. "Life is hitting a detour these days."

Pressman, like many, resists. An outspoken conservative in his 50s, he talks in political terms, and his villains are predictable:

"The liberals want to do it differently. If it's black, make it white. They got to live in a world of change. Why change everything? All these landmarks and beliefs we entertained are being attacked. We buck it. We're on the defensive. The average man just mutters to himself. He's wondering why."

Pressman is quick to condemn irritants that he associates with younger people—sloppy dress, violent demonstrations, the push to legalize abortion and marijuana.

Even in his outrage, Pressman, the supreme realist, has not given up on human values.

"My goal is happiness and love and respect," he said, softening his tone. "I find it in my family and the people I know. The warmth, the human element is fading out, but not completely. People are basically good."

If life today is a "detour" for Nat Pressman, it is a sea of disaster for 22-year-old Milo Mason—an apostle of change.

"We're shipwrecked," he said, in the midst of repairing a tractor to get back planting 60 acres of soybeans. "But only when you're shipwrecked can you reach for a more meaningful life."

Milo runs his father's 250-acre farm near the Wabash River that separates Indiana and Illinois. He uses the profits to attend Cornel University. And he typifies the 180-degree shift in the attitudes of many young people.

In 1968, Milo was co-chairman of Illinois Youth for Nixon. This year, he said, "I will probably be working for George McGovern when I get the soybeans planted."

Milo's creed developed slowly. It began taking shape when he was 17 and wrote a pessimistic poem about man's inhumanity to man.

"I had a feeling then that something wasn't right, but I really didn't know the answers or ultimate causes," he recalls. "I was sickened by the hypocrisy of so many adults. They could go to church on Sunday and all that. Yet, when someone speaks of low-cost housing for low-income people and them paying taxes for that, it gets them upset."

Milo's search for answers provided him with another familiar catalog of devils—the Vietnam War, materialism, corporate pollution, deceitful politicians, racial bigotry, "the iron menagerie running a very inhumane system."

Lately, Milo hasn't seen much of his old high school pals, who don't feel quite as strongly as he does.

"The majority of them really see something wrong, but they are still following in the footsteps of the consumer society," he says. "Their ideal is a 472-cubic-inch GM car. They have much more social responsibility in many ways, but they still haven't admitted blood on their hands."

Milo's personal ambition is "experiencing and creating beautiful things, whether planting a soybean field or rewriting an analysis of American history."

He believes his country can create such opportunities for all its people if fundamental changes are made—first in government, then in the economic system:

"Mass technology, if properly channeled, can elevate man from his total economic struggle. We have the power to make over meaningless, dehumanizing jobs so we can sit on the corner and play a banjo. We just can't turn off technology, but we can't go on with the only motive being profit.

"Just sweet Christian words won't do a damned bit of good."

Nat Pressman and Milo Mason. Two different generations. Two very different outlooks. Yet both critical of what's happening in society. Both wanting something better for their country. Both somehow hopeful that decent people can work it all out.

And there stands Tom Bryant, balancing his hopes and frustrations daily in the U.S. Steel Corp. mill on Chicago's Southeast Side.

Every working day, Bryant puts on a respirator and crawls inside big ingot molds. With an air hammer and 12-pound sledge, he chips off the rough spots so another cast can be made.

"It's a lousy job," says Bryant. He's the only one left out of 45 who were chipping molds when he started. He says about half a dozen are on pensions and the rest are dead. many of silicosis, lung disease.

Bryant earns about $9,000 a year. He lays out $750 for house taxes and another $110 every two weeks for federal and state income taxes.

"I think the whole tax structure is wrong," he said. "The litle guy is being squeezed. I have nothing against taxation, but we're not getting a dollar's worth.

"Police protection is lousy. They should put the cops back walking beats. I pay for mosquito abatement, but the last time they came was about 1960."

What's needed, according to Bryant and many others, is someone to "grab the ball"—political leadership:

"I think it all depends on who we elect to run the country. We need to do some thinking, get some new faces more representative of the people as a whole.

"We could probably start in our cities and communities. We tend to elect people who get in office and think they own the whole town. They are not responsive to the needs of the people."

Then he picks up enthusiasm:

"Maybe we should get a new kind of election system where the party bosses don't pick the guy to run. I think there's enough good people to make it work."

PART II

Only four years from now, the United States of America will celebrate its 200th birthday.

Question: Will anyone be in the mood for a party?

In only two centuries, we have created the most powerful, most prosperous society ever seen on earth. Babylon was strictly bush league.

For people at the top, though, we certainly are a strange bunch—and not much fun any more.

Most Americans, when they find time to relax, slip into a peculiar, unsettled state of mind.

Self-confidence is displaced quickly by self-doubt, trust by suspicion, hope by a shrug of the shoulders. It can happen in a second.

The old guidelines are fading fast. Nothing, or nothing satisfactory, rises in their place.

Nowhere is uncertainty more visible than in America's hard-working, ever-expanding middle class—traditional backbone of this and every other strong nation. Even the salt of the earth can get stuck in the shaker.

Before we can recapture confidence, some kind of inventory is needed. What have we lost?

Faith in what the future will bring, for openers.

"The more you know, the less you want to know," said a housewife in suburban Wilmette. "I wish I could just forget about things and go out and play bridge."

She won't. She has a cause or two. But it would be nice for a while, to turn off the steady stream of mind-bruising events.

The bizarre story of Illinois' late Paul Powell, his cash-filled shoeboxes and his closet full of cream-style corn still is remembered throughout the United States.

In New York City, a serious-minded woman in her 20s pondered her fragile defenses against such disclosures: "I'm afraid to go on making discoveries. Each revelation is another disappointment."

Gone, too, is our fascination with large-scale undertakings, our wonderment at razzle-dazzle technology.

"We don't have any challenges left," explained a biology teacher, struggling valiantly to cope with boredom in his high school class.

"We've gone to the moon, and won't be able to get to Mars in our lifetime."

On April 20, 1972, two mere earthlings hopped into a space buggy and drove around the surface of the moon. Who got excited? Hardly anyone. This was, after all, the third trip.

"It's not interesting any more," said a Milwaukee R.R. man, who ignored the latest moon-shot on live television. "I can go down to Lake Michigan to collect rocks. If they want prettier ones, they should try the Grand Canyon."

Would anyone throw a testimonial dinner for Thomas Alva Edison if he were alive in the 1970s? One can only wonder.

The moon, 250,000 miles away, is cold and decidedly remote. To the average man, so is the galloping technology that has given this country unparalleled prosperity.

Last Feb. 20 to 26 was National Engineers Week. The theme was "Engineering a Better Tomorrow Through Technology." Does the public buy that? Probably not. Engineers these days are heroes only to other engineers, or possibly to their wives.

In a way, my pals who marched off to engineering school with slide rules slung on their belts brought it on themselves. Take this true story, published here for the first time:

Early in 1969, high radioactivity turned up in a drinking fountain at a nuclear power plant. Someone had goofed. The well water tap had been cross-connected to a 3,000-gallon tank of radioactive wastes by a hose coupling.

Fortunately, no one became ill. But the formal report of the Atomic Energy Commission concluded with this classic advice:

"The coupling of a contaminated system with a potable water system is considered poor practice in general." Score one for the anti-technology crowd.

Personal safety is lacking, too, in the land that campus radicals choose to call a "police state."

Next to Belfast, New York must be the most security-conscious city in the Occidental world. Fear of robbery, injury or sudden death dominates Fun City's mentality. Sirens blare all night, making the incessant daytime horn-blowing sound like sweet music. Even hippies take a German shepherd to lunch.

In the East Village, black and Puerto Rican kids sometimes play basketball all night long at Tompkins Square Park. Fine, say residents of the old Russian neighborhood, closing their windows to shut out the endless bounce-bounce-bounce. It will sap their energies for crime in the streets.

No wonder pro basketball teams have so many New Yorkers. Practicing jump-shots serves a high public purpose.

There is another side to the criminal justice story, too. "The Police Department is a gas," said a young black man in Chicago, telling of a bad experience. "Some of the laws don't protect people. They hurt people."

Big cities have no monopoly on law-breaking. It wasn't long ago the people in small towns and many suburbs rarely locked their cars and homes. Today, such a carefree person is branded a fool. Drug abuse has become the one indispensable topic for the Wednesday night PTA meeting.

Loyalty to the profit-based economy may be weaker among young people than at any time since the desperate days of the Great Depression.

"I'm a product of affluence," a 25-year-old explained casually. "The capitalist system has given me the opportunity to find out it's full of crap."

Businessmen, understandably, are uptight over such heresy. They can cope with the bomb-throwing mentality. But what about kids who simply walk away from the system? Or those content to stay on the lowest rungs of the ladder?

Carl Karcher, a wealthy, self-made businessman, runs a big string of drive-in restaurants on the West Coast. He read that two-thirds of Harvard University's graduates have no interest in business careers. And he is more than mildly concerned:

"That is kind of a shocking situation. We as businessmen feel that something is lacking in the education of our young people. We're not giving them a real feel for our business world."

Everywhere it seems, major institutions are forced to put forth great effort simply to justify their existence.

Public education, once viewed as the flagship of American progress, has few vocal supporters these days. In Kenosha, Wis., which lays claim to establishing the first free public high school west of the Alleghenies, three bond referendums for a new high school have been defeated in three years.

Last year, the percentage of school bond referendums approved by U.S. voters dropped to a record low of 47 per cent. Six years earlier, the figure had been 75 per cent.

Impersonality seems to be the hallmark at of any "well organized" operation. At some hospitals even a urine sample must enter via the admitting office, to square things with Blue Cross.

Personal identity, a sense of belonging, worth as an individual—these, too have been submerged in a maze of monster institutions with computer hearts. Even families are depersonalized. How many teen-agers can say they really are needed?

"Young people in our generation had a function," said a middle-aged professor, recalling his youth in Milwaukee. "The 15 cents I earned as a newsboy was needed to buy bread."

The Depression year produced many poignant stories of family life.

In 1933, an 8th grade boy worked in a shoeshine shop on Chicago's South Side. His father was trying to feed six children while working one or two days a week at $4 a day. One day, the boy received a $5 tip from a salesman. At 53, Salvador Bais still remembers the incident vividly:

"I went home that day and brought my mother $7 and some cents. She was so proud of me she cried."

Modern life has resulted in "an escalation of scale, complexity and artificiality," says Otis Duncan, of the University of Michigan's Population Studies Center.

"It's always conceivable that we are going to press beyond the limits people can tolerate. However, we can adapt to an awful lot of things."

Duncan finds society putting "a real strain on the individual," demanding more of him and gearing him up to increasingly

The Michigan researchers have measured higher levels of expectation: "You expect more, get the same, and it seems like less." public attitudes, including certain "morale" factors, in the same population of Detroit since the 1950s. Duncan reports rapid swings of mood and, in later years, "real changes in an unfavorable direction."

For example, in 1956–58 one-third of the Detroit residents agreed that "most people don't care what happens to the next fellow." By 1971, it was up to one-half.

"Its a disconcerting thing," said Duncan. "Now people more often give you an answer that connotes despair or disturbance."

The 1971 Michigan survey supports other polls showing a steady erosion of confidence in such institutions as education, the military, science, business leaders, the press and the U.S. Supreme Court.

"I don't think there is a mass mood or call for revolution or wholesale replacement of institutions" Duncan said. "That would be a frightening idea to most people.

"Just in abstract terms, they seem less beholden to the form of the institution. There is a new, spreading willingness to accept the idea of change."

THE ENERGY CRISIS—A GATHERING STORM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. WYMAN. Mr. Speaker, New Hampshire and the Nation have good reason to be proud of the able Chairman of the Federal Power Commission, Hon. John N. Nassikas. Mr. Nassikas, a graduate of both Harvard Law School and Harvard Business School, is alert and forward looking as he seeks implementation of national policies to avert the gathering storm of our energy crisis.

In this connection I commend a careful reading of Mr. Nassikas' replies to questions put to him by the editors of U.S. News & World Report appearing in this week's issue of that outstanding publication:

WILL THIS SUMMER'S POWER NEEDS BE MET?

INTERVIEW WITH CHAIRMAN, FEDERAL POWER COMMISSION

(Hot weather's ahead, and generating reserves are thin in many areas. John Nassikas, top Government man on power, came to the conference room of "U.S. News & World Report" for this interview on the outlook.)

Q. Mr. Nassikas, the Federal Power Commission has warned of possible brownouts and blackouts in the U.S. this summer. What areas are most likely to be affected?

A. Current indications are that about 60 out of 157 systems or utility groups covered by our staff forecast may have reserve generating capacity of less than 15 per cent. The necessary reserve margin varies from one system to another, but on average it should be at least 20 per cent. In some, there should be a cushion of 30 per cent in reserve.

One of the regions where generating capacity is critically short is the Southeast, particularly southern Florida and the Virginia-Carolinas area. As a result of hurricane Agnes, the major utility serving Virginia suffered damage to two generating plants and its computerized system-control center. Over-all reserve margin in the Southeast is the lowest of any region—currently, a little less than 10 per cent.

Almost as critical is the West-Central region, which centers on Iowa and Illinois and has generating reserve of only about 11 per cent. The situation in this area has been improved, however, by the two Quad Cities nuclear units [on the Mississippi near Davenport, Ia.] which are now in initial phases of operation and are producing some power that is helping to meet system requirements. Furthermore, the Atomic Energy Commission has issued permits for operation up to 90 per cent of capacity if power-supply emergencies should require this to meet peak loads.

New York City may, again this summer, experience power-supply problems as well.

Q. Why are these regions deficient in power supply?

A. The Southeast region is short of necessary reserves because over the past eight years there has been underestimation of the growth in power needed to meet demand, and there have been slippages in getting those plants that were planned completed and into operation. These delays trace to several factors: failure to meet manufacturing and delivery schedules for equipment, delay in installation of equipment, and the problems of meeting new environmental standards.

The difficulty in the Iowa-Illinois area is similar. This region can breathe a little easier now that the Atomic Energy Commission has authorized interim operation of the new Quad Cities nuclear plants on the Mississippi River.

Florida has a special problem in that it is practically an "electrical island" almost entirely dependent on its own generating capacity. It does not have interties of sufficient capacity to enable the State to import large amounts of power from other utilities in the Southeast in times of emergency.

Equipment troubles on major Florida systems within the past few days have combined to create simultaneous outages of generating capacity great enough to virtually eliminate the reserve margins in much of Florida. Loads slightly higher than the forecast peaks for the 1972 summer have already been experienced, and public appeals have been made for voluntary curtailment of nonessential loads.

Still more severe weather conditions may reasonably be expected—raising a serious question as to the continuing capability of the Florida facilities to meet electric-power loads over the rest of the summer.

Q. Some utilities in the Southwest are predicting power shortages this summer—

A. The West and Southwest, over all, are in relatively good shape. However, there are serious difficulties with the big new coal-fired plants in the Four Corners area in the Southwest near Farmington, N.M. [where the borders of Arizona, Colorado, New Mexico and Utah come together].

The trouble involves new equipment recently installed to reduce air pollution. Three out of the four units were shut down because of this when I visited the plants this spring. If that happens when the air-conditioning load is significant this summer, some utilities that are heavily dependent on these plants are going to be short of power.

This illustrates the fact that corrective measures to meet environmental-protection requirements have often led to other problems.

Q. Are there any other regions that might exepect brownouts or blackouts this summer?

A. The Pennsylvania-New Jersey-Maryland region, where the situation was critical in recent summers, appears to have improved, although at this immediate time, reserves are less than had been expected because of damage to equipment during floods resulting from hurricane Agnes. Some facilities will be out for several weeks.

In addition to the availability of new generating capacity in this region, there is a significant improvement due to completion of a vital intertie across the Delaware River that had been blocked because special permission was needed to pass through a federal sanctuary. This intertie will improve exchange of power among utilities of the area.

We expect some problems in New York City, which escaped serious difficulties last summer because weather was somewhat cooler than normal. Reserve generating capacity is thin.

We had hoped that New England could export power to beleaguered New York City if needed, but two nuclear plants that were expected to be in operation this summer will not be ready. One is the Vermont Yankee facility just south of Brattleboro on the Connecticut River. The other is the Pilgrim plant at Plymouth, in Massachusetts. Also, the Northfield Mountain pumped-storage hydroelectric plant of the Northeast Utilities system was damaged in April when water flooded the powerhouse, and it will be out of service for several months, reducing available peak power supply by 500 megawatts. Because of these factors, New England has little, if any, power to export this summer.

In the East Central region, some new generating capacity that was expected to be available for summer use is still not in service. Consequently, the regional reserve margin is slightly less than the anticipated 18.7 per cent, but no serious problems are foreseen.

In the South Central States, the capacity available for expected loads this summer appears to be sufficient to meet peak demand without any significant problems.

Q. Are power shortages in widespread parts of the nation something Americans will have to live with for a long time?

A. In our "National Power Survey," made public by the Federal Power Commission in April, we forecast that generating capacity and transmission lines will be installed to meet the great growth in demand for electric power in this country over the two decades 1970 to 1990.

Underlying this forecast are several basic assumptions:

One is that new nuclear plants will come on the line as predicted, so that at the end of this decade they will constitute roughly 20 per cent of generating capacity. By 1990, we expect that nuclear will increase to about 35 per cent of total capacity. This means that in this decade fully half of all new generating capacity will be nuclear, and in 1980 to 1990 this will increase to around 75 per cent.

Other fundamental assumptions are that fossil fuels to meet air-quality standards will be available and that environmental opposition will not succeed in preventing the growth of needed electric power in the nation.

Q. Do you think this schedule can be met?

A. There has been great slippage in the schedule planned. Twenty-nine nuclear plants initially scheduled to go on the line by or before this summer have been delayed, and none of these is yet in full operation. Three are operating at partial capacity, and five more may go on line before summer is over. Others will not even be in operation next summer, and some are as far as three years away from completion.

So I do anticipate difficulties over the long term. After all, we are dealing today with 360,000 megawatts of power [total installed generating capacity]. That is going to increase to a projected 1.26 million megawatts in a short 20 years.

There is the widely publicized environmental opposition to new generating facilities—conventional as well as nuclear. We have not yet established the framework in which these challenges can be handled outside the adversary process in the courts, which is taking a heavy toll in terms of time. The lead time for some of these plants is stretching out as long as 10 years from conception to actual operation.

Q. Natural gas—another energy source that is regulated by the Federal Power Commission—is reported to be in short supply. How serious is this shortage?

A. We have a devastating gas shortage in this country. This is a problem I inherited when I became Chairman of the FPC on Aug. 1, 1969.

During the past winter heating season, seven major pipelines in the U.S. curtailed deliveries to customers, and, in addition, 22 companies have filed curtailment plans which are now pending before the Commission.

This supply-demand deficit was building up all through the 1960s. It is continuing to grow. There just aren't enough new wells being drilled to find more natural gas. The finding-to-production ratio in the last four years—excluding Alaska—has averaged about 0.5. This means, simply, that we have found only half as much new supply as we have used. If we continue to do this, it will not be very long before we will run out of gas in the United States.

Now, remember that we are dealing in terms of annual consumption of 22 trillion cubic feet, so the supply that has not been committed to market, according to these studies, is far short of erasing the deficit that is worsening each year. In the four years 1968 through 1971, total production of gas in the United States, excluding Alaska, was 83.6 trillion cubic feet. During that period of time, reserve additions amounted to 40.8 trillion cubic feet. So that the reported deficiency between production and reserve additions was around 40 trillion cubic feet.

This is why the FPC is attempting to improve the supply available by granting incentives for exploration and development through higher prices to producers. We have freed the small independent producer from price ceilings, so that some 4,600 producers can now explore for and develop gas apart from any FPC-imposed price constraint.

It is hoped as a result more gas will be produced by the small gas producers and, further, that additional small firms will be encouraged to enter into the gas-producing business. Price ceilings established nationally in various area-rate proceedings for gas marketed by large producers selling over 10 billion cubic feet of gas annually will remain in effect.

I believe that these policies will enable competitive market conditions, under the monitor of regulation, to allocate our gas resources to consumers at reasonable price levels. I would like to stress, however, that we still regulate the ultimate price charged by the pipeline companies, so that the consumer is not left without any protection as a result of our small-producer exemption.

Q. Consumers will have to pay more for natural gas—

A. That is inevitable, because the price of new gas at the wellhead is averaging about 24.5 cents per thousand cubic feet today. That is roughly 16 to 18 per cent above the average level that prevailed in 1965–71, compared with over a 100 per cent increase in the price of bituminous coal and over a 40 per cent increase in the price of residual oil.

It may be of interest to note that on June 28 the Federal Power Commission authorized the first base-load import of a billion cubic feet of LNG [liquefied natural gas] daily—or about 9.2 trillion cubic feet over a 25-year period—to the U.S. East Coast from Algeria, at a price ranging from 87 to 95 cents on an Mcf [thousand cubic feet] basis, compared with an approximate delivered price for domestic gas of 45 to 50 cents.

Q. In what parts of the country is gas in shortest supply?

A. During the 1971–72 winter heating season, seven major interstate-pipeline companies curtailed firm gas service to direct industrial customers and distributing companies. However, insofar as we have been able to ascertain, there was no curtailment by the distributors to their firm customers due to the use of supplementary supplies of liquefied gas at times of peak demand and gas from underground storage. There was no curtailment of gas service to human-needs customers such as homes, hospitals, schools and public authorities, and no curtailments of this type are anticipated during the coming winter.

However, it is anticipated that some of the major interstate-pipeline companies may again be unable to meet all of the firm requirements of their direct industrial and distributor customers. During the 1971-72 winter heating season, the only areas that did not experience significant curtailments of this type were the West Coast, Rocky Mountain and Plains States areas. The same situation is indicated for the coming winter heating season.

The East Coast area appears to be faced with a chronic pattern of curtailment. During the next three years there are plans for the importation of LNG into this area, but large-volume deliveries will probably not commence until after 1976 if the projects go forward.

Q. Mr. Nassikas, are shortages of gas and electricity going to become so severe that there will be rationing?

A. I do not anticipate rationing in the classic sense.

Let's look first at natural gas. I believe that there are alternate sources of energy that can be used to replace gas before rationing becomes necessary. Oil is the major one. Nevertheless, I believe that we must critically evaluate the end use of gas so that limited supplies can be more efficiently utilized. My view, fundamentally, is that the economic forces of the free market are better able to allocate our natural-gas resources than centralized rationing by the Federal Government.

Q. Are you saying that, as the price rises, consumers may use less natural gas?

A. Yes, that is what I'm saying. However, the use of gas in homes is relatively inelastic: You burn what you need to keep warm, to heat water, to cook and so on, even if the price does increase sharply. Moreover, residential consumers have a heavy investment in gas furnaces and equipment which deters conversion to other fuels.

On the other hand, industrial users tend to respond rather directly to price—especially if there is an alternate fuel that can serve their purposes. Here again the supply of other fuels may be constricted by the lag between fuel technology and the imposition of environmental standards.

Q. Do you foresee possible rationing of electricity?

A. As I indicated in the case of the gas-supply situation, I do not anticipate rationing of electricity. There may well be localized interruptions of service. These could occur when utilities are running generating facilities at maximum capacity and still are unable to meet all demands, even with emergency purchases of power from adjoining systems.

Under supervision of the Commission, utilities have worked out step-by-step plans for curtailing power supplied to customers and thus avoid complete breakdown of service—a blackout. [The general outline of these plans is given on the following page.]

These measures, we think, offer the framework for an equitable sharing of the inconvenience of power cutbacks. Reports of utilities in the United States, filed with the Commission, on their curtailment plans are public documents, so that consumers can be fully informed as to which uses of electric power will be curtailed in the event of shortages.

WAYS TO BALANCE THE LOAD

Q. Should utilities quit promoting the use of electricity through advertising and by giving lower rates to customers who use large amounts?

A. If a utility does not have enough electric power to sell to consumers, it should not advertise to promote more use.

However, at the Federal Power Commission the concept that I am trying to develop is that of conservation, which is somewhat different from a nonpromotional rate. Conservation is not synonymous with a reduction of energy-and-power use. Promotional rates whereby lower rates are charged per kilowatt-hour for greater consumption of electricity may balance load and reduce the cost of electricity to consumers.

Conservation will result in the more effective utilization of our electric-power reserves even if demand increases. The basic aim is to encourage—by price—the use of power in off-peak periods so that the same generating facilities can be used more fully and efficiently.

A classic example is heating water in an electric heater that has separate metering for peak and off-peak usage, with a lower rate for the off-peak hours. That has been used for years, but it could be more widely employed. Electric clothes dryers, which are heavy users of power, might be metered to give lower rates at off-peak hours.

It should be pointed out, however, that residential use of electricity constitutes about one fourth of the total consumption. Consequently, a 10 per cent reduction in this type of use would represent a decrease of only 2.5 per cent in total use.

Another way to conserve power would be to rate air conditioners as to efficiency. I understand that it is possible to substantially increase the efficiency of much of today's air-conditioning equipment. It is possible, too, that air conditioners can be developed to freeze crystals or some sort of solution at night so that there would be less demand for current during the day.

We can also improve the efficiency of power production and transmission to conserve our electric resources.

Q. The Federal Power Commission recently predicted that demand for electricity in the United States will quadruple by 1990. Is there room in this country to put all the generating plants that will be needed to meet that kind of demand?

A. We estimate that there will have to be about 300 plants of more than 500 megawatts' generating capacity built between now and 1990. On average, that means about one new power plant has to be completed every 25 days.

There will be room for them. This is a big country with lots of open space remaining. Some plants can be located on existing sites adjacent to facilities already operating. Apart from that, technology for long-distance transmission of power is now available, so that generating facilities can be located far away from load centers where land utilization is not at a premium.

Q. Is it feasible to construct nuclear plants on huge platforms anchored several miles off the U.S. coastline?

A. It is an imaginative idea which is under active consideration by several utilities and equipment manufacturers. If it turns out to be feasible, installations of this type could avoid many of the problems currently encountered in more-conventional installations. They would also be located away from confined bays and estuaries that often have specialized ecological systems to preserve.

Another idea being explored is that of using offshore islands as power-plant sites. For example, off the coast of Maine and other States there are thousands of islands that might be adaptable for this purpose.

The important point to remember is that power plants generate heat, and discharging it into the open ocean, with its vast absorptive capacity, should have advantages.

NATIONAL GRID: A CONFLICT OF VIEWS

Q. What is the national power grid? Would that allow more efficient use of electricity in the U.S.?

A. Any discussion of a national power grid should begin with a definition of what it is. Some people, in discussing such a grid, are thinking in terms of who should own and operate generating facilities aand transmission lines. Others are talking of a backbone grid of electric lines that would transmit power from region to region and system to system through a series of interties.

The legislation that is currently before the Congress really relates to the ownership concept. There are several bills that would transfer primary generating and transmission facilities to federal agencies in different parts of the United States.

Q. Would that mean nationalization of the industry?

A. It would, as I read the proposed legislation. Now, I strongly believe that we can have a more successful national power grid by building on our present system, which combines investor-owned utilities, public utilities, co-operatively owned systems, and the federal power agencies.

Q. Might there be a federal system of interties that would form a national grid by interconnecting the present system?

A. I don't envision this, although I believe that the idea is worth exploring.

What I envision is an interconnected national grid that already is beginning to emerge, with the interties built by utilities themselves—private and public. There have been delays in completing some of the key connections. There is a need for greatly strengthened interties in some areas. For example, Florida—as I have pointed out—needs to be able to draw power from adjacent areas in times of emergency.

Q. Why has building of necessary interties been delayed?

A. One basic problem is that people say: "I don't want a transmission line to go across my property."

Now, I don't think people are going to like federal power lines any better than those built by private utilities. Of course, the Government might be better able to force acceptance of the transmission towers. But I don't see why we have to get involved in socializing an industry which has proven to be adequate to meet the needs of this country, despite the problems that have developed.

I think the largest failures of policy in the United States have not been on the part of industry, but rather in governmental policies to which industry has been unable to respond. I am not advocating an end to government regulation of the power industry, but it needs to be improved so that private enterprise can operate more effectively in this country.

SOCIAL SECURITY AND DEBT INCREASE BILL

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. DU PONT. Mr. Speaker, I intend to cast my vote in the affirmative on the pending legislation. I do so with some reservation, however.

I have no real reservation over the merits of the legislation. I think the raise in the debt ceiling is reasonable and justified at this time. The failure to pass it today would put the Government and this administration into a fiscal crisis. And certainly our senior citizens are more than deserving of an increase in their benefits. It is the senior citizen who pays the terrible price of the spiraling inflation. It is the senior citizen who typically lives on fixed income and who sees rising food prices, rising housing prices, and the rising costs of consumer goods eat into his hard-earned savings and his steady income. I have long been an advocate of tying social security increases to the cost of living. This legislation accomplishes that objective also. No longer can we permit our senior citizens to become the victim of this continuing inflation over which they have no real control.

My concern is rather over the procedures which bring this legislation to the floor here today. Although I believe that the social security increase is a meritorious one, the House of Representatives and the House Committee on Ways and Means have had no time to study this legislation. We have no report from our committee as to its merits. What we do have is another example of the other body tying two pieces of unrelated legislation together and forcing the House to vote upon them as one. This type of legislation, Mr. Speaker, could not have originated in the House of Representatives. Our germaneness rule would have prohibited it. But here we are today voting upon a 20-percent rise of social security benefits with absolutely no study, with very little debate, and tied to a piece of legislation which is a "must" before the day ends. I wish to register my objection to this procedure. Hopefully, one day the House of Representatives will rise up and refuse to pass legislation of this importance without having the benefit of study by the relevant House committee.

REPORTORIAL INDEPENDENCE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. LEGGETT. Mr. Speaker, the business of the press is to report objectively on all matters of interest to the public. Many in our society, including persons of the present administration, feel that the press is biased in a liberal direction. What is forgotten with this criticism is the fact that the press usually reflects the mood of the country and that the majority of reporters tend to exercise their reportorial independence, rather than being restricted by the reigning editorial policies of their indvidual newspapers.

In a study of reporters by William L. Rivers in 1965, it was discovered that almost half of the correspondents labeled themselves as politically independent. In the most recent Gallup poll in 1971, 33 percent of those citizens interviewed felt they were independents when it came to political labels. It is a positive sign that those reporting to the public feel less tied to organized political thought than those receiving the news.

The independent thinking of news correspondents enables them to report on many different sides of a question at given times, and therefore allows readers to grasp more than one side of the point in question. Just because the news coverage is not always along the lines that some would wish it does not mean that the press is liberally biased. What it does mean, however, is that the news reporters are trying to live up to the difficult demands of objectivity placed on them by all fragments of the community, be it the liberal, moderate, or conservative faction.

May I share with you an editorial from the Christian Science Monitor, dated July 10, 1972, which speaks to this point in a direct, forthright manner:

THE "LIBERAL BIAS" OF THE PRESS

> A lot of people including Spiro Agnew and some of our readers keep talking about the "liberal bias" of the press as though one of the well-known facts about American public life today is a built-in leaning in American journalism to a "liberal" or leftish view of affairs.
>
> What they are really talking about is that a professional journalist, if he is any good at all, seldom sees the world and its problems from the same point of view as the individual citizen.
>
> The individual citizen is usually either an employer or an employee. Either he hires others, or is hired by some person or institution. If he does the hiring he has a built-in interest in high profits and low wages. If he is hired, he has a built-in interest in just the reverse—high wages and low prices. If he hires he tends to be a Republican. If he is hired, he tends to be a Democrat.
>
> Of course there are many other categories. There are farmers who want high food prices, but low prices for machinery and manufactured goods. There are pensioners who want low prices for everything. There is the ever-expanding army of civil servants who benefit from high taxes and low prices. There is the army of teachers with similar interests.
>
> The professional journalist, if he is truly professional, is unable to see eye-to-eye with any one such group. His work consists of listening to the rival claims of all and reporting on the special efforts of each group to improve its own special position in the community. He cannot identify with any one kind.
>
> This nonidentification of the journalist is baffling, and frustrating to others. It seems to be particularly baffling to Republicans. The normal American Republican even more than the normal and committed Democrat seems to take his partisan point of view as being the standard by which other points of view are measured or labeled. A deviation from standard Republicanism then becomes "left" or "far right," or something with an unfavorable overtone.
>
> We would simply like to make the point that when this or any other newspaper presents a point of view different from normal Republicanism that does not mean that we are "liberal" or "leftish." It means that we are being professional journalists rather than committed members of a particular group in the community.
>
> We trust that we on this newspaper will continue to be noncommitted and reasonably objective as the political campaign heats up, even at the price of being accused of a "liberal bias."

GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. HATHAWAY. Mr. Speaker, on July 26, 1972, the Order of Ahepa will celebrate its golden anniversary.

During this half century, the Order

of Ahepa has made many contributions to the betterment of American life, and I would like to take this opportunity to extend greetings to this fine organization on the occasion of its 25th anniversary and to express gratitude to its membership and particularly those Members in the State of Maine for their efforts in promoting loyalty to the United States, in encouraging participation in political, civic, social and commercial fields of human endeavor, and for instilling in its membership and in others a spirit of common understanding, mutual benevolence and helpfulness.

I extend best wishes to the Order of Ahepa for a continuing record of achievement.

THE TRUE CIVIL LIBERTARIANS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. CRANE. Mr. Speaker, there are many people in the American political spectrum who refer to themselves as being liberals. When asked to define what they mean by such a term, they often say that they believe in the maximum freedom for the individual, regardless of religion, race, sex, or any other such arbitrary criteria. This, of course, is what we have meant by the term liberal traditionally. We always referred to someone as liberal if he advocated a maximum of liberty.

Today, however, while the rhetoric often remains the same, the susbtance has changed significantly. Today, those who call themselves liberal are most often those who advocate government interference in the private lives of individuals in order to provide for their security. These two tendencies—the desire for liberty and the desire for security—have been mutually antagonistic throughout history. The American political tradition has always been on the side of liberty. Any other approach, we believed, would lead inevitably to tyranny.

In the field of employment, men who call themselves liberal now insist that in order to have a job, a prospective employee must agree to join a private organization; namely, a labor union.

Discussing this phenomenon, M. Stanton Evans, editor of the Indianapolis News, noted that—

> I am forced to belong to that organization (a labor union, in order to speak my opinions on radio and television. This is prima facie in direct conflict with my right to free expression. And that is the situation which exists in the broadcasting industry today. If you want to broadcast, whatever your opinion, you have to belong to AFTRA.

Mr. Evans notes that—

> There is a generic issue here which goes beyond broadcasting and extends to all forced union membership . . . This is the fact that a Fifth Amendment right as well as a First Amendment right is at stake. It seems to me that those of us who are compelled to belong to labor unions against our will are being deprived of tangible personal property without due process of law.

What Mr. Evans finds it difficult to understand is how the "people who have done that, who have destroyed the meaning of constitutional law in America today in terms of a fixed standard by which you can judge what government does and limit what it does, say they are friends of civil liberties. What arrant nonsense. They are the destroyers of civil liberties."

Those "liberals" who urge compulsion by law to force individuals into organizations they do not want to join as a condition of employment are hardly champions of civil liberties. M. Stanton Evans declares that, to the contrary—

> Those of us who intend to prevent further compulsion and to salvage some remnants of individual liberty from the general decay of our free institutions are fighting the battle for civil liberties in contra-distinction to the left.

I wish to share Mr. Evans' important address, presented by the annual meeting of the board of directors of the National Right To Work Committee in Washington, D.C., May 5, 1972, with my colleagues. This address follows:

THE TRUE CIVIL LIBERTARIANS

(By M. Stanton Evans)

As some of you may know, I am at present a beneficiary of the services of the National Right to Work Legal Defense Foundation as a plaintiff against a union into which I have been dragooned. The Foundation has very kindly consented to represent me in that action.

While the monetary burden upon me in my favored union membership is not very great, I believe the principle at stake is very great indeed, and I come in part to express my solidarity with those others here who are in similar situations and in part to point out that the abuses inherent in compulsory unionism don't exist in isolation.

I can point to my own union membership as kind of a springboard to discuss what I think is one of the major ironies of American life today: That is the fact that the spokesmen for the "liberal left" community, to use a phrase we hear often, have claimed for themselves the title of defenders of civil liberties, and yet upon any examination of the movement of events in American society over the past couple of generations and any examination of the various proposals and demands that have been put forth by the liberal left community, all of which add up to compulsion, the truth of the matter is exactly opposite—the true civil libertarians are not those of the liberal left but those who have resisted this continual tendency toward compulsion. And those of us who intend to prevent further compulsion and to salvage some remnants of individual liberty from the general decay of our free institutions are fighting the battle of civil liberties in contradistinction to the left.

THREAT TO FREE PRESS

Let's look at my own case. I don't intend to discuss the minutiae of the case. But it seems to me rather curious that in order to appear on radio and television in order to broadcast, that I am forced to go through an intermediary organization. I am forced to belong to that organization in order to speak my opinions on radio and television. This is prima facie in direct conflict with my right to free expression. And that is the situation which exists in the broadcasting industry today. If you want to broadcast, whatever your opinion, you have to belong to AFTRA. And I belong.

Secondly, the terms of the contract make it very clear that you can be suspended from your broadcasting activities at almost any time if the union in its wisdom so decides. As you know, Bill Buckley has spelled out in much more detail than I have the chilling effect this has upon what you say.

When this contention was first presented to me I thought the point was so theoretical that I was somewhat skeptical about proposing it myself. But I discovered since then that Buckley is correct, that there is indeed this chilling effect upon what one says.

In reference to the Buckley fight, which has been going on, I guess, for a year or more, I've asked myself often why I never commented on Buckley's point. After all, I agree with what he's saying.

But I asked myself why I hadn't. In all honesty I must conclude that I was constrained from commenting by my concern over what could happen to me if I attempted to broadcast on the subject.

I know that there are many other broadcasters, some of whom have said so—but many more who have not—who fully agree with the principle that is at stake in this case. And yet they will not participate in the case, or at least have not come forward to say they will. I must conclude that they too are afraid they will jeopardize their careers in broadcasting—I know this from my personal involvement in some cases. They are afraid that if they participate in any kind of action which goes against the wishes of the union they are professionally dead. It's that simple.

So it seems to me that in this instance there is a clear First Amendment right at stake which is the right to express your opinion, and if you're a professional commentator to sell your services and expression of opinion to a willing buyer without having to go through an intermediary, who through compulsion not only takes part of your earnings but can exercise a kind of constraint upon what you say, which in my opinion is the situation involving AFTRA.

WHERE'S DUE PROCESS?

There is a generic issue here which goes beyond broadcasting and extends to all forced union membership in my opinion. That is the fact that a Fifth Amendment right as well as a First Amendment right is at stake. It seems to me that those of us who are compelled to belong to labor unions against our will are being deprived of tangible personal property without due process of law.

Now it is plain that the people here know better than I do all the arguments on this issue. I won't go into them in detail. The most common, of course, is the one that says a worker is a "free rider" benefiting from negotiations but not giving his "fair share" to support the union when membership or dues-paying isn't compulsory.

Well in my own circumstances I never even saw or heard of anybody representing AFTRA until after I'd already written my agreement with CBS. AFTRA has never represented me in anything. The benefits they confer, welfare plans and things of that sort, if I were given a free choice, if someone came to me and said we have this association or union that has these benefits and will do these things, I might very well have said fine, I'd like to join. But nobody asked me that. Nobody said do you want to join, do you want these things. And therefore I've not in my honest opinion been represented.

I think this is true in every case of forced union membership. If one is given benefits for which he has not asked, then he is not in fact officially represented by this kind of proceeding.

Secondly it seems to me that the dues money extracted from me—and it isn't very much I admit—becomes part of a total flow of resources which spills into the pyramid of the national AFL–CIO. And I see myself down here at the base of this pyramid, a very small figure, and at the pinnacle Mr. George Meany, making a lot of statements some of which

I happen to think are very good and some of which I happen to think aren't so good at all. And I don't see why I as a free individual should have to contribute money to advance the political and ideological objectives of Mr. George Meany. And yet that is the situation in which I find myself. And that again applies across the board to all forced unionism.

Now these compulsory unionism issues are civil liberties issues as I see them. But these issues do not stand in isolation. I think we would all be a little naive and romantic to suppose that the situation existing which results in compulsory union membership could exist or be solved in isolation from other tendencies in our society. Because, as any cursory inspection of the facts will demonstrate, the phenomenon of compulsory union membership could not exist and would not exist if it weren't for the repeated intervention of government into the collective bargaining process.

We all know the unions have special privileges conferred upon them by law which no other entity in American society can exercise. And it is because of these legally conferred privileges by big government that the phenomenon of compulsory union membership exists.

WASHINGTON: THE CONTROL CENTER

I think, therefore, we all must realize the central issue, as painful as it is, is this fact of ever increasing governmental intervention, and a thrust toward concentrated power in a control center here in Washington, D.C., and a general hostility to the idea of free and voluntary exchange.

There is a long standing prejudice in academic and journalistic and governmental circles against the notion of the market economy, free bargaining, free exchange of individual resources and energies. It is presumed that where such freedom is allowed to prevail then one has anarchy, chaos and so forth—an almost totally ignorant and totally prejudiced view of the market economy which, in turn, has brought about this concentrated power.

I think that it is this prejudice against free exchange and volition in American society and the consequent building up of authority in Washington and the federal executive in particular, that constitutes the principal threat to our civil liberties today. I am constantly amazed at the manner in which we have been convinced that the American Constitution is a piece of silly putty which can be and should be manipulated to fit the needs of the hour and that we should not be ourselves limited by the wishes of the founding fathers who after all, we are reminded, were living back in the 18th Century, an agricultural society. The Constitution has to change, be modified in many, many ways to meet changing conditions, we are told. Yet we must admit that the changes we have made in the Constitution were totally opposed to what the founding fathers wanted. We took the meaning of the Constitution and changed it, altered it to suit our own preconceptions.

DESTROYERS OF CIVIL LIBERTIES

As I say, I'm constantly amazed that the people who have done that, who have destroyed the meaning of Constitutional law in America today in terms of a fixed standard by which you can judge what government does and limit what it does, say they are the friends of civil liberties. What arrant nonsense. They are the destroyers of civil liberties because they have eroded the meaning of the Constitution and its safeguards which were meant to protect fundamental individual rights.

And as a result of this—and I don't want to appear to be too alarmist or extreme in my opinion—as a result of this concentrated power which has been built-up in obedience to this doctrine which is affecting everything in American life today, we have such impositions on individual freedoms as compulsory unionism. Through regulation of almost every facet of American life—industrial life, private life, education, of every dimension you can think of of American business—through this continual build-up of power and the exercise of this power over our lives I am not hesitant to say that we are at the threshold in American society of authoritarian government. And indeed I think we see the beginning phenomena of totalitarian government. I use those words with some deliberation and I'd like to take a few moments to point out why I think this is so.

TOTALITARIAN THREAT

If you examine the totalitarian movements of the 20th Century, which primarily means Nazism and Communism, you find certain constant factors appearing and reappearing. One of these factors is the use of the power of the state—and, of course, all of this economic build-up of power is characteristic of both those systems—to reach out and break the relationship of the child and parent, and to take the young person in the society and to mold him through the power of government authority into a pattern preferred by the expert planner. This is perhaps the most characteristic phenomenon of totalitarianism.

SEX EDUCATION

And that is exactly what we are seeing in America today. It may not be directly germane to the Right to Work issue but I think it completes the cycle, and in terms of a threat to freedom is certainly related. Take a few issues that are discussed everyday just like labor issues and in many, many cases are very hot problems of controversy. Consider the issue of sex education, for example, discussed usually in terms of whether a four year old child is being exposed to pornography, that kind of thing. Certainly a vital issue. But I suggest to you that isn't the *real* issue. Because if you press the controversy far enough, if you examine the arguments closely enough, invariably you will reach the point where it is said that parents are too dumb, that parents don't know what is good for their own children, they aren't experts. What we need, therefore, is to take this aspect of the training of the child in this area of intimate concern away from the parents and have it done by the authorities—by the certified government experts in the school.

And this involves, mind you, not only training the intellect but the emotional development, getting into the shaping and molding of the very psyche of the child at a very early age.

BUSING

Take the issue of busing. Again, this is usually discussed in terms of integration, racial balances, the 1964 Civil Rights Act, de jure and de facto segregation. Again, all are issues that should be discussed. But again I suggest these are not the real issues because if you go to the constitutive documents of the busing movement and see what is argued there, you find there is something altogether different at stake.

If you go to the core of the controversy you find this argument set forward: that we have established all these very fine, lavishly financed schools with all the advanced learning techniques, and they do a pretty good job. But we have a problem. We bring in these Negro children and they get into the schools and they start learning and get above the threshold and so on and so forth. But then what happens? These Negro children go back to their homes. They go back to their parents towns. They go back to their culturally disadvantaged neighborhoods, back to their family environment. All the good effects of the "governmental officially certified school" are washed away by this backward home environment. Therefore, what is concluded? It is that we must break the link between the Negro child and his family, get that kid away from his own family and get him as much as possible under the influence of these experts in the school. You've got to create an artificial environment in which the child is immersed. You've got to have a school which begins very early in the day and which ends very late in the day. In other words, anything that will maximize the influence of experts and minimize the influence of his own parents.

That is the reason for busing. That is what busing is all about.

POPULATION CONTROL

One final word on the issue of population control. Again, this is usually discussed in terms of whether there are too many people in American society, and a skewing of the distribution so that we have too many in one place and not enough in another. Again legitimate issues; but I think not the real issue.

If you examine it you find that the tendency here is the same, and the real point is to break into this family relationship, to break into the nuclear family and to transfer decision making powers about that family from the individual, from the home, to the state—to have the government experts and officials and planners making the key decisions. Now I am citing an extreme—there are many variations of this argument but I'd like to cite in evidence the words of an eminent political philosopher, Mr. Gore Vidal, who not long ago said in *Playboy* magazine that what we need is an "authority with a Capital A," that is a direct quote, "an authority with a capital A" which will have the power to make these decisions about using the environment, including the question of birth. Now, he said, not everyone in our society is equipped to be a parent and we should admit it. Not everyone is fit to have children and to raise children, and we should admit it.

And we should have a system of criminal penalties which make it a crime to have children if you are not properly certified as a fit parent. If those laws are unheeded then the penalty should be enforced.

He said the thing should be run like a Swiss hotel, which means the common folk are lodgers and a "committee of experts" will run around making all the key decisions for us.

And he concluded by saying—this was his final argument—that we use these principles in the breeding of livestock and agriculture, why not with people? We do it with animals, why not with people?

Now I can refer you to the exact page in the American edition of *Mein Kampf* in which that identical argument is rehearsed, in which Adolf Hitler says first, some people are not fit to have children and second, we should therefore have laws and constraints which prevent them from doing so. And he too concludes with the clinching argument we do it with animals, why not with people?

RECLAIM CIVIL LIBERTIES BANNER FROM "LEFT"

Now what I'm saying is that a tremendous build-up of power in Washington, and the erosion of constraints against the abuse of that power which has occurred systematically for a generation or more, has resulted in these various phenomena. The compulsory union issue is one, these others are companions. They're all part of the erosion of civil liberties in American life and it is the duty of those of us who are concerned about these issues to reclaim the banner of civil liberties from those on the left who have misused it. Because the cause of individual freedom is not being advanced by such groups as the American Civil Liberties Union, which is totally indifferent to these issues, totally. I debated with the general counsel of the American Civil Liberties Union about ten years ago and asked him, for example, what he thought about such matters and he replied, "I don't know what you're talking about. You know, what's the problem? It's not one of our issues."

This is where the civil liberties battle is taking place, through the National Right to Work Committee and the National Right to Work Legal Defense Foundation. And I think it is a rhetorical error for those of us who are interested in this cause to allow the opposition to claim that they are representing libertarian sentiment when in fact they are the outriders for the advancement of totalitarianism in American life.

My purpose in coming here today is A, to discuss these issues as I see them, but B, and much more importantly, to commend all of you enlisted in this cause and this effort, especially the National Right to Work Committee and Legal Defense Foundation, as the most effective libertarian organizations in American society today.

Keep up the good work and I look forward to meeting with you again after I've won my case.

RECLAIM LAND GRANTED TO RAILROADS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. KASTENMEIER. Mr. Speaker, on June 21, 1972, an administrative complaint was filed with Secretary Morton and the Department of the Interior asking that the Government reclaim millions of acres of public lands granted in the last century to private railroads as an incentive to spur construction of new track and to help settle the West.

The petitioners of this administrative complaint are organizations and coalitions of organizations concerned about the effects that large, corporate, land holding patterns are having on the farmworker and small farmer in rural areas. The petitioners include the National Coalition for Land Reform which is a nonprofit corporation with membership consisting of citizens and organizations from all sections of the country, who recognize the need for a more equitable distribution of land in rural America. The coalition disseminates information on the need for land reform, is studying the effects of large land holding patterns on the vitality of rural life, and advocates legislation which it feels will benefit small farmers or farmworkers who wish to become farmers. Another petitioner, the California Coalition of Seasonal and Migrant Farm Workers, is an organization of groups trying to meet the needs of farmworkers in today's changing agricultural industry. In addition to running a number of educational programs for farmworkers, these organizations place a high priority on projects which will directly improve the economic position of the rural poor. A number of the groups are assisting farmworkers who want to organize themselves into agricultural cooperatives.

Regarding the background of the complaint, during the third quarter of the 19th century, the Congress of the United States gave the American railroads an empire of approximately 150 million acres of public land, almost 8 percent of the total land area of the United States. The purpose of this land grant scheme was two-fold: First, to finance construction of new lines, and second, to encourage purchase and settlement of the granted lands by small farmers. To implement these goals many grants of public land were subject to forfeiture if the line was not completed within a specified period.

Others contained a further condition obligating the railroads to sell off the land in family farm size parcels at no more than $2.50 per acre. The granting statutes thus adopted a carrot-and-stick approach. The carrot was the land, which the grantee railroads were free to sell or mortgage in accordance with maximum size and price limitations such as those described above. The stick was the threat of forfeiture of the granted lands if the railroads failed to build the new lines.

The first objective of the railroad land grants, construction of a transcontinental rail network, was largely fulfilled. The second objective—small farmer settlement—has not been fully accomplished, particularly in the far Western States, for the Pacific railroads continue to hold millions of acres in fertile farm and forest land, as well as land on which mineral rights are now being exploited commercially. From their initial investigation the petitioners feel some or all of these lands may be held and exploited in violation of the original grant conditions.

Late in the 19th century, congressional investigations uncovered numerous instances of noncompliance with grant conditions, claims to lands in excess of those granted and claims for patents based on false affidavits that railroad rights of way had been constructed. As a result, Congress took back 28 million acres of railroad lands and imposed upon the Secretary of the Interior a duty to investigate the railroad land grants and to report to Congress the extent to which railroads may be in default of the forfeiture and sale requirements. (43 U.S.C.A. §§ 2, 894, 895.)

The law continues to impose that duty on the Secretary of the Interior and the petitioners seek to require the Secretary of the Interior to perform that duty. The petitioners therefore have requested the Department of the Interior to initiate an immediate and detailed investigation into the status of the railroad land grants and the disposition of the railroad lands to ascertain the extent of noncompliance with land-grant conditions applicable to original land grantees and their successors in interest.

The petitioners believe that such a detailed investigation will demonstrate the propriety of some or all of the following remedial actions:

First. An administrative or court order requiring the railroads to make available to petitioners and other similarly situated a reasonable amount of arable land at prices not to exceed $2.50 an acre;

Second. Forfeiture by said railroads to the Federal Government of lands held in violation of law. Such land would then enter the public domain and be opened to settlement under the Homestead and related acts, or retained for national forests, wildlife refuges, open spaces, and other uses in the public interest;

Third. An accounting for, and reimbursement to the General Treasury by said railroads of all profits made from uses of such lands prohibited by the land-grant laws.

Mr. Speaker, the Department of the Interior has an obligation to respond to this administrative complaint, and I believe my colleagues should take the time to read portions of the text of the complaint which I am inserting in the CONGRESSIONAL RECORD:

PORTIONS OF THE COMPLAINT

HISTORY OF THE LAND GRANT SCHEME

A. The land grant procedure

Beginning in about 1860, transcontinental railroad promoters began a vigorous lobbying effort to generate some form of public financing for railroad construction. Out of this came one of the most ambitious private commercial ventures ever to be financed with public treasure: the construction of railroads linking the Eastern seaboard with the Pacific coast. Relatively little in the way of federal public money was injected directly. Instead, an elaborate scheme of land grants was authorized through a series of statutes.

Two grant procedures were employed. By the first, thirty-seven million acres of public lands were granted to states which in turn sold lands to settlers to finance railroad construction costs.

The second procedure, by far the most prevalent, and the one which Petitioners believe demands the closest possible scrutiny, resulted in the granting of over one hundred twenty million acres of public land directly to the railroads. Under this procedure once the grantee railroad had charted its route, it then reserved alternate sections [1] in a checkerboard pattern along the entire planned right of way. In the event that for some reason one or more sections abutting the right of way was unavailable (*i.e.* it was already occupied), the railroad could choose another section in lieu of the occupied one, within twenty miles of either side of the right of way. When construction of a specified portion of the line was completed, the United States Public Land Office, at the request of the railroad, would issue a patent to the selected sections. The railroad would then either sell or mortgage those patented lands to finance further construction.

B. Grant conditions

Many of the grants were subject to a critical condition: in the event that the railroad line for which the grant was made was not completed all lands granted to finance its construction were to be forfeited to the United States. In addition, many of the largest grants contained a further critical condition requiring that patented lands be sold to settlers at a price not to exceed, in some cases, $1.25 per acre and, in other cases, $2.50 per acre. Three of the largest grants, in the most unequivocal terms, set forth the sale requirement as follows:

"*all such lands so granted* by this section, which shall *not be sold or disposed of* by said company *within three years after the entire road shall be completed, shall be subject to settlement and preemption,* like other lands, *at a price not exceeding one dollar and twenty-five cents per acre, to be paid to said company.*" (emphasis added) [12 Stat. 489, § 3 (Union and Central Pacific); 16 Stat. 47, § 1 (Oregon and California subsidiary of the Central Pacific); 16 Stat. 573, § 9 (Texas Pacific).]

What the granting acts contemplated was a scheme that would both encourage construction of the railroads and prevent those

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Footnotes at end of article.

same railroads from holding in perpetuity land area equal in size to the states of Florida and California combined.

The limited nature of the railroads' interest in the land was best stated by the United States Supreme Court in its landmark opinion in *Oregon and California R. Co.* v. *U.S.*, 243 U.S. 549 (1917). The Court said that once the railroad lines were completed *"the interest that the granting acts conferred upon the railroad was $2.50 per acre,"* and the rights to sell at that price were nothing more than "aides to the *duty of transmitting the land to settlers*." (emphasis added) (243 U.S. at 559–560).

C. The turn of the century: multiple instances of intenational noncompliance

In the late Nineteenth and early Twentieth Centuries, innumerable frauds, mistakes and violations of the terms of the land grants covenants by the railroads were disclosed by periodic inquiries and investigations.

Before 1890, Congress had adopted 15 special forfeiture acts causing over 25 million acres to revert to the public domain because railroads failed to complete rights of way or in some cases even to begin them. Nevertheless, government studies disclosed that the special forfeiture acts returned at best only one half the public land which could have reverted to the public due to railroad defaults. (Report of the Commissioner of the General Land Office, 1885).

In 1890, Congress declared a general forfeiture of all lands granted for the construction of lines which were not yet completed and in violation of their completion date. [21 Stat. 496]. Under the act the lands were to be restored to the public domain. [21 Stat. 496 § 1].

Several of the most flagrant instances of fraudulent patenting of public lands by railroads are memorialized in reports of lawsuits commenced by the Justice Department against the railroads to nullify the patents and recoup the land.

Perhaps the most extensive litigation was the *Oregon and California* case, supra, which found its way to the Supreme Court not once but twice. The litigation centered on over two million acres of land granted to a subsidiary of the Southern Pacific Railroad. The Court found that some of that land had been disposed of by the railroad in parcels larger than the 160 acre parcels authorized in the grant and at a price substantially in excess of the $1.25 mandated by the grant. In the first *Oregon and California* case, (238 U.S. 393 (1915)) the Court forthrightly stated the purpose of the grant scheme was to restrict the sale of the granted lands to actual settlers. (238 U.S. 561). Finding that the railroad had violated the grant terms, the Court states:

> "By the conduct of the railroad company, the policy of the granting acts [to encourage small holder settlement] have become impractical of performance. . . . inviting more to speculation than to settlement." (243 U.S. at 560).

The railroad also maintained that since it had the power to mortgage the land, that same land could be sold on foreclosure free of maximum size and price grant conditions. The implication of this argument was that financing arrangements could be engineered to "wash" the grant lands of restrictions imposed by the grants. The Supreme Court in a statement obviously intended to apply generally to the railroads' conduct in respect of these grants, rejected that suggestion, stating that its effect would be:

> "to declare that covenants violated are the same as covenants performed, wrongs done the same as rights exercised and, by confounding these essential distinctions give to the transgression of the law what its observances alone are entitled to." (243 U.S. at 562).

Most significant, perhaps, for the present day is the Court's declaration that the railroad had no right to harvest timber or extract minerals from grant lands but rather held such lands solely "for the purpose of transmission of actual settlers" at the price established in the granting statutes. (243 U.S. at 561).

In another case, concerning these timber and mineral rights, the Southern Pacific Railroad obtained patents to known oil lands although the grant to it had expressly prohibited it from receiving mineral lands. Evidence at the trial established that the Southern Pacific's land agent was aware of the oil bearing potential of the land but had been advised by his superior to file false affidavits claiming that the land was strictly agricultural and disclaiming mineral values. The Supreme Court found that the lands had been fraudulently obtained and cancelled the patents. *U.S.* v. *Southern Pacific R. Co.*, 251 U.S. 1 (1919). A similar result was reached in *U.S.* v. *Central Pacific R. Co.*, 84 Fed. 218 (D.C.N.D. Cal. (1898). The facts here were almost identical with the 1919 Southern Pacific case, except that here the Court held that purchasers of the mineral lands from the railroad had constructive notice of the invalidity of the railroad's patent and thus had no better title than the railroad. In still another case, the resale by a railroad of grant lands subject to acreage and sale price limitations to speculators through an intermediary was invalid and all subsequent purchasers were charged with knowledge of the conditions of the grant. *Southern Oregon R. Co.* v. *U.S.*, 241 Fed. 16 (9th Cir. 1917)).

D. A more recent attempt by Congress to recoup railroad lands

Notwithstanding the General Forfeiture Act and court cases, in 1939, having sold or forfeited approximately 90% of the 131 million acres granted, the Pacific Railroads still held an estimated 15 million acres. By that time Congress recognized the need for a more comprehensive scheme of regulation, and enacted the Transportation Act of 1940, in which the government gave up its right to reduced rates, and the railroads, in return, relinquished claims to grand lands. (54 Stat. 898 at 954 § 321 and 326.)

The legislative history of the Transportation Act of 1940 indicates that the United States agreed to pay "full applicable commercial rates" to railroads relinquishing a preferential rate except for military transport.[2] In return, the railroads released:

> ". . . claims against the United States to lands, interests in lands, compensation or reimbursement on account of lands, or interests in lands which had been granted, or which it was claimed should have been granted to such carrier, under any grant from the United States." (House Committee Miscellaneous Reports II, April 26, 1940, Conference Report Accompanying § 2009, 76 Cong. 3rd Sess. HR Report H2016 at 87.)

Similarly, the committee hearings on the bill confirm the purpose of the section to obtain the return to the public domain of the remaining unpatented or undisputed acreage held by the railroads.[3]

Although Congress again attempted to recover some of the railroad grant lands, the results were less than Congress intended.

EVIDENCE OF POSSIBLE CURRENT BREACHES OF LAND GRANT CONDITIONS

Notwithstanding the terms of the original grants and the language of the General Forfeiture Act of 1890, and court cases and the 1940 Transportation Act, several Pacific Railroads continue to hold and use vast tracts of land in possible excess of their rights.

Prior to the 1940 Transportation Act the railroads held at least 15 million acres under the land grants. According to the Interior Department, the implementation of the reversion provision returned 8 million acres to the public domain. Yet land statistics indicate that in fact the railroads, at least the largest landowner, the Southern Pacific, possibly never returned a large block of land. In 1939, prior to the Transportation Act, the Southern Pacific had 3,895,000 patented acres. By 1941 the Southern Pacific claimed to have 8 million patented acres. In 1971 after the ostensible reversion to the United States of the remaining land grants, the Southern Pacific still had 3,845,000 acres, much of which still appeared to be subject to the sale requirements of the land grant. It can be concluded from these comparative data that some of the unpatented land claimed by the Southern Pacific was not recouped by the United States, although the 1940 Transportation Act required the reversion of unpatented land. Analysis of more exact data in Interior Department records should cast further light on this question. The following facts about some of that land raise questions of sufficient magnitude to warrant an investigation by the Department of the Interior of all grant lands presently held by railroads.

(1) The Central and Western Pacific Companies, subsidiaries of the Southern Pacific Companies, hold lands between San Francisco and Tahoe in California pursuant to a federal Pacific Railroad land grant. [12 Stat. 489, § 9; 13 Stat. 504, § 2.] The land held is explicitly subject to the size and price limitation of the granting legislation. [12 Stat. 489, § 9.] Those conditions require that:

> . . . All such lands so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and preemption, like other lands, at a price not exceeding one dollar and twenty-five cents per acre, to be paid to said company." 12 Stat. 489, § 3.

The rail line referred to in the condition was completed before 1900. Therefore, in light of the land management condition of the grant, the remaining land should have been, but was not, made available for homestead purposes.

(2) In 1970, the Southern Pacific earned 24 million dollars from timber and agricultural leases on some of its 3,845,000 acres of real estate holdings, as well as from mineral rights reservations on an additional 1.3 million acres. In *Oregon and California, supra,* the Supreme Court specifically rejected the railroad's claims that it could legally exploit the land commercially. 243 U.S. at 561 (1917). The following chart, reprinted from the statistical supplement to the 1970 Southern Pacific Company, in summarizing its land operations, suggest that this Supreme Court holding is currently being violated.

Acres of Outlying Lands Owned and Managed for Continuing Income and Other Land Not Used for Railroad or Related Purposes

California	2,042,651.96
Nevada	1,582,303.46
Oregon	21,516.60
Texas	7,216.83
Utah	180,943.90
Other states	11,336.18
Total	3,845,968.93

Acres in Which Rights to Oil, Gas, and Other Minerals Have Been Reserved in Lands Previously Sold

California	58,960.16
Nevada	1,053,788.55
Oregon	3,265.09
Texas	126,741.84
Utah	83,690.32
Other states	8,295.24
Total	1,334,741.20

Gross Income from Natural Resources and Rentals of Land and Structures for Indus-

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Footnotes at end of article.

trial and Other Commercial Purposes; and Such Income from Real Estate Held for Operating and Related Purposes

Oil and gas leases	$2,780,382
Agricultural leases	2,624,747
Grazing leases	155,030
Timber stumpage sales	2,557,873
Mining leases	408,143
Miscellaneous	213,198
Gross income from natural resources	8,739,373
Industrial and other commercial rentals	15,418,151
Total	$24,157,524
Receipts during the year—Outlying lands, Cash sales of land	$3,174,083

Annual Report, 1970, Southern Pacific Co., p. 6.

Current operations include development and construction of industrial and commercial parks, land packaging and sales and the creation of mobile home communities. Plans are also under way to develop the geothermal fields under Southern Pacific lands in the Imperial Valley as well.

The above examples suggest that railroads are currently holding grant lands which their original grants required them to sell to the public subject to maximum size and price limitations or forbid them to exploit commercially as they now appear to be doing. Such illegal uses support nullification of patents and return of the land to the public domain, as well as a careful investigation of the propriety of demanding an accounting for profits which rightfully belong to the United States.

THE PASSAGE OF TIME DOES NOT EXCUSE LAND GRANT VIOLATIONS

Nowhere in the statutory or case authority is there any support for the argument that the federal government intended to forgive breaches of grant conditions merely because of the passage of time. The *Oregon and California* case, *supra*, was unmistakably clear on this issue. The lawsuit, filed originally in 1908, challenged patents issued as early as 1871 on the grounds, among other things, that the railroad had refused to sell the land to settlers in amounts of 160 acres or less for no more than $2.50 per acre. The Court rejected claims that the passage of 37 years affected the rights of the railroad, holding that:

". . . the acts of Congress are laws as well as grants, and have the constancy of laws as well as their command, and are operative and obligatory until repealed. This comment applies to and answers all other contentions of the railroad company based on waiver, acquiescence, and estoppel, and even to the defenses of laches and the statute of limitations." 238 U.S. at 427.

For other suits denying the statute of limitations or laches as a bar to forfeiture proceedings, see also *U.S. v. Whited & Wheless*, 246 U.S. 552 (1918); *U.S. v. Southern Pacific*, 251 U.S. 1 (1919); *U.S. v. Northern Pacific R. Co.*, 311 U.S. 317, 358 (1940); *Southern Oregon Co. v. U.S.*, 241 Fed. 16 (9th Cir. (1917)).

THE DUTY OF THE SECRETARY OF THE INTERIOR

The Secretary of the Interior, or the officer who exercised his functions with respect to land grants prior to the creation of the Department of the Interior, has since 1875 been obligated to review railroad land grant compliance. 43 U.S.C. Section 2. Section 894 of Title 43 U.S.C. requires the Secretary to make adjustments of railroad grant lands in conformity with Supreme Court decisions. Section 895 of Title 43 U.S.C. requires the Secretary to cancel patents to lands issued erroneously.

The Secretary of the Interior did in fact regularly investigate violations of the Pacific Railroad land grants until the disposition in 1916 of the previously mentioned *Oregon and California Railroad* case. Subsequent investigations were made sporadically by the Department of the Interior at the request of Congress and/or other agencies until 1925.

After a period of inaction the Secretary of the Interior reported in his Annual Report for June 30, 1941 that investigation resulted in the release of all claims by the railroads and the "restoration to Federal ownership of approximately 8,000,000 acres of land . . ." Although Petitioners can find no subsequent reports of land grant investigations, the Pacific Railroads continue to hold millions of acres, some or all of which are still subject to the review of the Secretary of the Interior.

Subsequent executive reorganization has left the Secretary's duties intact. In 1946, and again in 1950, Congress shifted responsibilities for land management but made no change in the obligation of the Secretary of the Interior to report to Congress on the status of grant lands. In 1946, the General Land Office was abolished but the responsibilities of that agency were transferred to the Bureau of Land Management, an agency of the Department of the Interior. Act of May 16, 1946, 79th Cong. 2d Sess. Plan No. 3, 60 Stat. 1099, 1100, Section 401. In 1950, the powers and duties of the Interior Department were vested in the Secretary of the Interior. 1950 Reorganization Plan No. 3, Sections 1 and 2, May 24, 1950, 15 FR 3174, 64 Stat. 1962, 87 Cong. 2d Sess. March 13, 1950.

FOOTNOTES

[1] A section is a surveying unit of land. It consists of 640 acres or one square mile.

[2] The preferential rate for military transport was eliminated in 1945. Nothing in this amendment eliminated the original land grant conditions. Act of December 12, 1945, 49 Stat. 606, Chapter 573, Section 1.

[3] While the exact acreage is not available to the Petitioners one Congressional source asserted that it was 15.8 million acres.

GARRETT COUNTY CELEBRATES CENTENNIAL

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. BYRON. Mr. Speaker, from June 18-June 22, Garrett County, Md., celebrated the anniversary of its charter. This event was marked with many notable events including the famous Appalachian Wagon Train and a full program at the fair grounds in McHenry. I would like to congratulate everyone who participated in and helped to organize these outstanding events and to share several articles on Garrett County history and the celebration with my colleagues:

HISTORY OF GARRETT COUNTY

What is now Garrett County was first a part of Prince George's County. Later it was a part of Frederick County; still later it was a part of Washington County. When Allegany County was organized in 1789 what is now Garrett County was included in that county. Finally in 1872 Garrett County was formed as the most western county of Maryland.

The Cumberland Road, now Route 40, in the Northern part of the County and the Northwestern Turnpike, now Route 50, in the Southern part of the County were for many years important passage-ways to the West. They played an important part in the early development of the area. The building of the Baltimore and Ohio Railroad through the mountains in the 1850's, however, had the greatest effect upon the growth of the County.

Garrett became a separate county in 1872 with Oakland as the County Seat. It was named for John W. Garrett of Baltimore, who, as president of the Baltimore and Ohio Railroad had done much to further the development of the area. During his presidency the railroad built large summer resorts at Deer Park and at Oakland. Likewise, the town of Mt. Lake Park was organized in 1881 as a summer religious and cultural center.

A hydro-electric project was started in the mid twenties. A large dam was built near the mouth of Deep Creek, a beautiful mountain stream. A large lake was formed which is about twelve miles long and more than a mile and a half wide in some places. It is located in the central part of the county, and it has become a very important recreational center and an important resort area.

Garrett County is one of the largest counties in Maryland. It has a total land area of 668 square miles. The Winters are cold, and we have much snow. The Summers are cool and refreshing. Many have referred to Garrett County as: "The Little Switzerland of Maryland."

Only two names for the new county were seriously considered: "Glade County" and "Garrett County." Historically Glade County would have been an appropriate name, since from early times this area was known as "the glade country," and "Glade Hundred," later called Election District No. 1, included almost half of the present county. But the Baltimore and Ohio Railroad was such an important factor in the development of the county, and John W. Garrett, personally, and officially as president of the railroad company did so much to foster growth of the area, the naming of the new county in his honor was most appropriate. And this county was organized during a period of history when captains of industry and commerce were admired and in high favor, as kings, princes and the Baltimores had been admired in earlier times. John W. Garrett was one of the greatest of these captains of commerce.

Mr. Garrett was born in Baltimore, July 31, 1820. He was a son of Robert Garrett, a Scotch-Irish immigrant. In 1849 the Garretts established the firm of Robert Garrett and Sons, wholesale grocers and commission merchants, in Baltimore. The firm is still in business as Robert Garrett and Sons, investment securities.

AHEPA'S PROUD HERITAGE AND 50 YEARS OF DISTINGUISHED SERVICE TO AMERICA

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mrs. SULLIVAN. Mr. Speaker, many proud heritages meet and interact and coalesce in St. Louis and in the other metropolitan areas of our Nation, giving to our oneness as a people a diversity of culture and background that enriches us all in innumerable ways. One of the proudest heritages of any group in this country is that of Americans of Greek descent, whose forebears brought to the ancient world such brilliance and achievement in arts and science that the whole of mankind is beholden to their genius.

The preservation in the United States of this great heritage is one of the objectives of a fine organization, the Order of Ahepa, which on July 26 observes the 50th anniversary of its founding. The people of Missouri are particularly conscious of this anniversary because a resident of our state, Mr. Sam Nakis, is supreme president of the national organization. Many outstanding Misourians belong to chapters of the American Hellenic Educational Progressive Association.

I take this opportunity, Mr. Speaker, to express the congratulations of my constituents in the Third Congressional District of Missouri to an American organization which has always stressed loyalty to the United States as a nation and also to the ideals of American justice, fair play, and decency in government and in our daily lives.

Members of AHEPA, in their pride in their heritage, make us all proud of our own respective ethnic backgrounds and help to make of this Nation a people who can fuse great diversity into great riches of the human spirit. In its 50 years of service to its members and to the Nation, AHEPA has won the respect and admiration of all who know of its many contributions to national life.

GOLDEN ANNIVERSARY OF AHEPA

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. DUNCAN. Mr. Speaker, the American Hellenic Educational Progressive Association is celebrating its golden anniversary during the year of 1972. Since its founding in Atlanta, Ga., on July 26, 1922, the Order of Ahepa has made many contributions to the betterment of American life. It has also contributed financially to many worthy causes during its 50 years of existence, on a national and international level. I would like to share with my fellow Members of Congress the principles of this dedicated organization.

OBJECTS OF AHEPA

1. To promote and encourage loyalty to the United States of America
2. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind
3. To instill in its membership a due appreciation of the privileges of citizenship
4. To encourage its members to always be profoundly interested and actively participating in the political, civic, social and commercial fields of human endeavor
5. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor and integrity of every nation
6. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture
7. To promote good fellowship, and endow its members with the perfection of the moral sense
8. To endow its members with a spirit of altruism, common understanding, mutual benevolence and helpfulness
9. To champion the cause of Education, and to maintain new channels for facilitating the dissemination of culture and learning.

POSTMASTER COLL OF PITTSBURGH RETIRING

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. GAYDOS. Mr. Speaker, the U.S. Postal Service lost one of its most dedicated workers on June 30, when Edward G. Coll retired as postmaster for the city of Pittsburgh. He had been with the service since 1936, and rose through the ranks to eventually head the 17th largest post office in the Nation.

I have had numerous contacts with Mr. Coll over the past few years and was most impressed with his professional and personal qualities. He is a gentleman who has perfected the knack of combining ability and position with a warm friendliness that spread among his coworkers and made their work and responsibilities easier to bear. It is understandable why Mr. Coll collected such awards as "Postmaster of the Year" by the Nation's publishers and "Man of the Year" from the local letter carriers.

It is with great pleasure, Mr. Speaker, that I insert a news article from the Pittsburgh Press, announcing Mr. Coll's retirement, into the Record for the attention of my colleagues. The Postal Service and the city of Pittsburgh will miss him:

POSTMASTER COLL RETIRING ON FRIDAY

Edward G. Coll, Pittsburgh postmaster since 1961, today announced his retirement, effective Friday.

Coll, 57, of 400 Camelot Court, Scott Twp., has been with the U.S. Postal Service since 1936.

He began his career as a substitute clerk and rose through the ranks to head the 17th largest post office in the country.

Last year, Coll took on additional duties as manager of the postal district which includes the southwest counties of Pennsylvania and the West Virginia panhandle and which has more than 200 separate facilities employing about 10,000 people.

In talking about his career, Coll said, "I think the bulk of hard decisions have been made since the changeover of the post office from a federal department to an independent operation."

He said he would continue on the job until a successor is named, hopefully within 60 days.

Coll and his wife, Alice, who have three children and 13 grandchildren, plan to travel extensively during his retirement.

Over the years, Coll has been the recipient of numerous awards—including "Postmaster of the Year" from the nation's publishers, Meritorious Service Award from the postmaster general and "Man of the Year" from the letter carriers here.

Coll said he believes the reorganized postal service—"now that it has the ability to obtain modern facilities, improved mechanization and expanded control of its own transportation"—will not only eliminate financial deficits but should also provide much better mail service.

He said his only regret during his tenure as postmaster was his inability to obtain a new, modern postal facility for the city.

ALCOHOLISM IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. BEGICH. Mr. Speaker, the biggest drug problem in the United States today is not the one that receives the most publicity. This type of addiction affects a total of 9 million Americans whose lives are shortened 10 to 12 years through the use of this drug. Each year, 200,000 new addicts join their ranks. It has been estimated that this particular form of drug abuse alone costs the Nation's economy over $15 billion each year. I am speaking, of course, of the acute problem of alcoholism in this country.

The typical stereotype of the alcoholic envisions the poor drunk on skid row who spends his days in the gutter and his nights in the county jail. However, this type of alcoholic accounts for only 3 to 5 percent of the total number of alcoholics in the United States. Seven out of 10 alcoholics hold jobs of responsibility which require special skills. They are members of "respectable" society who, for fear of being ostracized by their associates, are forced to hide their drinking problem until they are physically unable to do so. Their absenteeism from work amounts to 36 million man-days a year, more than twice the total amount of time lost annually because of strikes.

It is apparent from these figures that alcoholism is a very serious problem in the United States. Federal, State, and local officials everywhere should expend much energy to attempt to alleviate the problem of this national disease. I am inserting into the Record a letter written to me by Frederick P. McGinnis, the commissioner of the Department of Health and Social Services of the State of Alaska concerning the problem of alcoholism in Alaska and the steps being taken to solve it. I hope it will be an aid for anyone who is concerned with alcoholism in the United States today.

The material follows:

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES,
Juneau, Alaska, June 26, 1972.

Hon. NICK BEGICH,
House of Representatives,
Washington, D.C.

DEAR NICK: In response to your letter of May 30 regarding alcoholism programs in Alaska, I am enclosing three items which fairly specifically identify the areas of alcoholism activity in the State.

First is a short statement of the status of alcoholism programming in Alaska which generally narrates the present situation. Second is a list of the locations of programs and the dollar amounts involved including State, Federal, and local sources. Third is a list of the contracts presently either in force or in the process of development between the State and various communities identifying the types of service provided.

These identified programs consist of a mix of funds under Title IV of the Social Security Act, local funds, and State funds from a $520,000 Grant-in-Aid program authorized by the Legislature last year. These lists do not identify smaller programs that may be operating on funds not provided by the State or with which the State is not presently involved.

Legislation providing funding at the Federal level of particular importance to Alaska at this time, are Title IV of the Social Security Act, which provides the majority of the funds we are utilizing in the attached listed contracts; funds from the Office of Economic Opportunity, which provide the majority of the funds utilized in the Rural-cap program, item 22 on the dollar amount sheet; and funds from the Hughes Bill P.L. 91-616, which are being utilized at the moment directly by the Office of Alcoholism. These funds are identified in the last two paragraphs of the status of alcoholism programming in Alaska and a fiscal breakdown of the funds utilized by the Office of Alcoholism in program development are as follows:

Administrative and consultation funds—fiscal year 1972	$182,200
State grant-in-aid funds (authorized by the legislature)	470,000
Funds available through title IV of the Social Security Act obtained by matching the above $470,000	1,410,000
Formula grant funds through Public Law 91-616	200,000
Industrial alcoholism program through Public Law 91-616	50,000
Total	2,312,200

Although the dollar amount in relationship to the population of Alaska appears large, it is not generally recognized that the majority of our social problems in Alaska, of whatever form or shape, are associated with alcohol in one respect or another. Whether we are talking about classic clinical alcoholism or irresponsible drinking, the misuse and abuse of alcohol contributes heavily to our accident and arrest rates and child care problems among others.

Attempts at complete or partial prohibition have proven unacceptable and generally ineffective in dealing with alcohol problems and thus the long term solution appears to be treatment of the alcoholic and a long range continuing program of prevention through education and public information. Inasmuch as research indicates that alcoholism and alcohol problems are related to cultural, geographic, and sociological considerations, Alaska's unique situation in regard to these areas would indicate the support of legislation and programs which would permit in-depth research and experimental programs aimed at developing the most effective preventive techniques for our particular situation.

Your interest in this major social problem is much appreciated and I hope that this is the information you require. Please feel free to call upon us for clarification or further information if required.

Sincerely,

FREDERICK MCGINNIS,
Commissioner.

STATUS OF ALCOHOLISM PROGRAM IN ALASKA

The major thrust of alcoholism programming is just beginning. This has been made possible by two important pieces of Federal legislation. One is the Social Security Act, Titles IV and XVI, which is not new but has had a new interpretation which allows 75% Federal funds for alcoholism programs. The other law is PL 91-616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, which formed the National Institute of Alcohol Abuse and Alcoholism and which mandated Planning and allowed some Federal funds for that purpose.

The large expansion of alcoholism programming is in its initial stages of implementation in Alaska. There are 25 new contracts with local governmental and private, non-profit agencies throughout the State. These contracts have starting dates from February 1, 1972 to June 1, 1972. The total contract cycle is not complete for many contracts. That is, the money for operation is not as yet available for use. Therefore, a measurement of effectiveness or impact is not feasible. When the contracts are all in force, 3½ million dollars of alcoholism programming will be implemented. This figure represents $2,080,000 in State and Federal funds with the balance being the local participation. The goal of the State Office of Alcoholism is that the programming shall be organized in such a way that a total comprehensive social services system is available to all alcoholics. Pragmatically, this is not the net result as not all services are feasible in all areas and travel is necessary in some cases. Services include Detoxification (usually in hospitals and not financed through the Social Security Act), Rehabilitation, Halfway House arrangements, In-patient and Outpatient Counseling, Information and Referral Services, and one Sleep-off Center.

In addition to the above, the State of Alaska is initiating an Industrial Alcoholism program which will provide services for the employed alcoholic. The two staff members are receiving three weeks of intensive training before they begin operation. This expansion is permitted by the receipt of $50,000 from the National Institute on Alcohol Abuse and Alcoholism.

The second piece of legislation mentioned earlier, (PL 91-616), is the authority for an additional $200,000 for the State Alcoholism program. This money has not as yet been awarded, but it is expected to arrive shortly. The receipt of the money was contingent upon the preparation and submission of a State Plan for Alcoholism Programming. $180,000 of the grant will be spent in a thorough and valid measurement of alcoholism incidence and prevalence in Alaska plus a careful evaluative model of the million-dollar Fairbanks program in an effort to more precisely determine appropriateness of treatment.

Project, total program, local-State-Federal income, without 5-percent administrative costs

Anchorage Council on Alcoholism	$109,576
Anchorage Evaluation	8,480
Anchorage Graduate Halfway House	38,590
Anchorage Offender Unit	212,060
Anchorage Phoenix Club Halfway House	80,339
Anchorage Rehabilitation Center	562,510
Anchorage Studio Club Halfway House	76,469
Anchorage Treatment Team	128,456
Barrow	70,100
Bethel	208,923
Fairbanks Halfway House	80,632
Fairbanks Office of Alcoholism	128,688
Fairbanks Rehabilitation Center	699,646
Fairbanks Supportive Living Center	117,161
Juneau Alcoholism Rehabilitation Center	305,823
Juneau Gastineau Halfway House	89,993
Ketchikan Halfway House	77,847
Ketchikan Rehabilitation Center	48,090
Kodiak	55,600
Kotzebue	38,358
Nome	145,323
Rural Cap	129,000
Sitka	45,122
University of Alaska Center of Alcohol and Addiction Studies	64,965
Yakutat	19,200
	3,540,960

Project number and contract number	Contractor	Services provided
00a-1-72 06-2021	City & Borough of Juneau, 115 South Seward St., Juneau, Alaska 99801.	Provide counseling; operate the Alcoholism Rehabilitation Center; provide community information, education, and referral.
00A-2-72 06-1181	Kotzebue City Council	Provide counseling; provide community information, education, and referral.
00A-3-72 06-1182	Nome Community Center, Inc	Provide counseling; operate the Halfway House; provide community information, education, and referral.
00A-7-72 06-2020	Bethel Social Services, Inc., Box 271, Bethel, Alaska 99559.	Provide counseling; operate the Bethel Sleep-Off Center; Provide community information, education and referral.
00A-9-72 06-2030	Sitka Council on Alcoholism, Box 963, Sitka, Alaska 99835.	Provide counseling; Provide community information, education and referral.
00A-12A-72 06-1187	City of Fairbanks, Fairbanks Office of Alcoholism.	Provide counseling; Provide community information, education and referral.
00A-12B-72 06-1189	City of Fairbanks, Northern Alaska Halfway House.	Operate the Northern Alaska Halfway House; Provide community referral service.
00A-12C-72 06-1188	City of Fairbanks, Fairbanks Supportive Living Center.	Provide counseling; Operate the Supportive Living Center.
00A-12D-72	City of Fairbanks, Northern Alaska Regional Rehabilitation Center, Box 790, Fairbanks, Alaska 99701.	Provide counseling; Operate the Northern Alaska Regional Rehabilitation Center; Provide community referral service.
00A-13-72 06-1174	City of Yakutat	Provide counseling; Provide community information; education and referral.
00A-14-72 06-1180	Kodiak Council on Alcoholism	Provide counseling; Operate the Halfway House; Provide community information education and referral.
00A-15-72 06-2017	Gastineau Council on Alcoholism, Inc., 411 Gold Street, Juneau, Alaska 99801.	Operate the Gastineau Halfway House; Provide counseling.
00A-16-72	Barrow Council on Alcoholism, Inc., Post Office Box 564, Barrow, Alaska 99723.	Provide counseling; operate the Humphrey House rehabilitation house; provide community information, education, and referral.
00A-17-72 06-2022	Rural Alaska Community Action Program, Inc.	Travel and per diem for native rural alcoholism counselors as part of a special training program; technical assistance to counselors.
00A-18A-72	GAABHD, Treatment Team	Diagnostic services.
00A-18B-72 06-1179	Greater Anchorage Area Borough Health Department, Anchorage Council on Alcoholism, Inc.	Provide counseling; provide community information, education, and referral.
00A-18C-72	GAABHD, Phoenix Club Halfway House.	Operate the Phoenix Club Halfway House; provide counseling.
00A-18D-72	GAABHD, Detox Center	Provide counseling; operate a rehabilitation center; provide community referral.
00A-18E-72	GAABHD, Evaluation Project	Provide evaluation services.
00A-18F-72	GAABHD, Graduate House (Salvation Army.)	Operate the alcoholism halfway facility known as the Graduate House; provide counseling.
00A-18G-72	GAABHD, Alcoholic Offender Rehabilitation Unit.	Provide counseling; operate the Alcoholic Offender Rehabilitation Unit.

Project number and contract number	Contractor	Services provided
00A-18H-72 06-1199	GAABHD, The Studio Club	Operate the Studio Club Halfway House.
00A-19-72	University of Alaska Center for Alcohol and Addiction Studies.	(Analysis of alcoholism training needs in Alaska: plan a comprehensive alcoholism social service training and education program.)
00A-20-72	City of Ketchikan, Box 1110, Ketchikan, Alaska.	Provide counseling: operate the Halfway House.
00A-20A-72	City of Ketchikan, Rehabilitation Center.	Provide counseling; operate the Ketchikan Rehabilitation Center.

AHEPA CELEBRATES GOLDEN ANNIVERSARY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. QUILLEN. Mr. Speaker, the day of July 26, 1972, will mark a significant occasion for the Order of the American Hellenic Educational Progressive Association. The order, which was founded on July 26, 1922, in Atlanta, Ga., is celebrating its golden anniversary.

During this half century, the Order of Ahepa, a secret nonpolitical and nonsectarian fraternal organization, has made many contributions to the betterment of American life.

The fraternity is dedicated to promote and encourage loyalty to the United States, to instill in its membership a due appreciation of the privileges of citizenship, to champion the cause of education, to promote good fellowship, and to pledge its members to do their utmost to stamp out political corruption.

Membership in the order is open to men of good moral character who are citizens of the United States, or Canada, or who have declared their intention to become citizens.

The "AHEPA Family" is composed of four separate organizations, all of which work in harmony on a local, district, and national level. These are: The Order of Ahepa, the Daughters of Penelope—a senior women's auxiliary, the Sons of Pericles—a junior men's auxiliary, and Maids of Athena—a junior women's auxiliary.

The Order of Ahepa has contributed financially to many worthy causes during its 50 years of existence, on a national and international level.

Projects include: Relief to Florida hurricane victims, relief to Mississippi and Kansas City flood victims, aid to war orphans of Greece, contrbutions to the Truman Library, and national scholarships to worthy students.

Members of the AHEPA take justifiable pride in AHEPA's record of accomplishment. AHEPA has championed the cause of education—it has successfully fought for the freedom and self-respect of the minorities in its Justice for Greece and Justice for Cyprus programs, and AHEPA has always displayed its benevolence and generosity to the stricken victims of disaster both here and abroad.

The following is a list of Tennessee officers in the Order of Ahepa:

TENNESSEE OFFICERS IN THE ORDER OF AHEPA

LOCAL CHAPTER OFFICERS

Sam Gaddis, President, Nashville.
George Kaludis, Vice President, Nashville.
Andrew Pasayan, Secretary, Nashville.
George Gianikas, Treasurer, Nashville.
George Paris, President, Knoxville.
John Kotsianas, Vice President, Knoxville.
Dr. John G. Cavalaris, Secretary, Knoxville.
George Mitchell, Treasurer, Knoxville.
James Wilson, President, Chattanooga.
Paul A. Georgeson, Vice President, Chattanooga.
Nicholas P. Mitchell, Secretary, Chattanooga.
Gus Pete Gulas, Treasurer, Chattanooga.
Rev. Nikiforos Maximos, Corresponding Secretary, Chattanooga.
Frank Argol, President, Memphis.
Bill Argol, Vice President, Memphis.
Louis Kavelaras, Secretary, Memphis.
Gregory Bacopulos, Treasurer, Memphis.

CURRENT DISTRICT LODGE OFFICERS

Tom Stergios, Secretary, Memphis.

PAST NATIONAL OFFICERS

Speros J. Zepatos, Past Supreme Lodge, Memphis.

PRESIDENT LYNDON B. JOHNSON: A LEGACY OF LEADERSHIP AND ACCOMPLISHMENT FOR AMERICA

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. PICKLE. Mr. Speaker, incredible as it may seem the recent Democratic National Convention failed to recognize one of the greatest architects of modern government and articulate leadership within the party itself when the delegates sidestepped the record of accomplishments of former President Lyndon B. Johnson.

I do not think reform and change mean that all that has gone before us ceases to exist simply for the sake of change.

President Johnson is unequivocally linked to the progress that has been made in this country in the past half century in the same manner of many former Democratic standard bearers—Presidents Roosevelt, Truman, and Kennedy.

He tackled one of America's greatest problems today—the inability of the Federal Government to do its work properly for all its people and succeeded with a large degree of feeling and understanding.

President Johnson cannot unilaterally be separated from the Democratic Party and I do not think that the majority of American Democrats are willing to see him deleted from his rightful place in history.

His wisdom and counsel of his administration, as well as his record and leadership, are most assuredly positive points to the Democratic effort in the coming months and it is ironic that there are those who purposely fail to recognize this. If the standard bearers of the Democratic Party do not recognize this—and publicly proclaim, they will regretfully lose the support of the American people.

I am pleased to commend to the Members an excellent article from today's Washington Post by Jack Velenti which addresses itself positively to the great leadership and effectiveness of President Johnson:

[From the Washington Post, July 19, 1972]

BUT "DEJOHNSONIZATION" MADE LBJ A NON-PERSON

(By Jack Valenti)

As I watched the Democratic telethon, and then the convention that followed I kept waiting for someone to acknowledge that Lyndon Johnson was a Democratic President. But as the week ended it became clear that as far as the telethon and the convention were concerned (except for a late Thursday night speech by Senator Kennedy) President Johnson was a non-person, expunged from the Democratic Party with the same kind of scouring effectiveness that Marxist revisionists use to rewrite Communist history. As a final petty insult, the managers of the convention made sure LBJ's picture was absent among the portraits of FDR, Truman, Stevenson and JFK.

It seemed odd that the party, so firmly fixed in its zeal to bring justice and hope to all Americans, turned its back on President Johnson, who more than any President in all U.S. history accomplished what had eluded all his predecessors in the area of human rights, education, health care, aid to the poor, conservation, and just plain caring about the powerless, the forgotten, and the uninvited.

It was an act of discourtesy, not to mention memory gone sour.

I cannot but believe that black people throughout this land understand with a fervor born of too much neglect that it was a President from the Southwest, of all places, who did more to lift the level of their living and to secure their pride than any other man. The first black on the Supreme Court, the first black in the Cabinet, the first black Assistant Attorney General. Have we forgotten? The Civil Rights Act of 1964, the Voting Rights Act of 1965, the Equal Housing Act of 1968 have fastened in conscience and legislation rights that belong to all U.S. citizens. But before Johnson these rights existed only in rhetoric. Lyndon Johnson gave human rights the convenant of national law.

Ever since Lincoln, Presidents have made the motions and gone through the ritual of putting human rights on the agenda. But not until Johnson came to command did aspirations transform into achievement. Charles Evers and every black elected official in the South know better than any of us that it was the Johnson human rights action that gave the vote to the black man, and with that vote he could now govern.

But in the convention no one wanted to remember, and no one seemed to care.

For years the Democratic Party talked and talked about bringing education to the masses, but federal aid to this educational advance always foundered and faltered and never happened. It was the Elementary and Secondary Education Act in the Johnson administration that burst the carapace of opposition and for the first time the poorest child in the bleakest ghetto or on the most remote rural farm now has a chance to get an adequate education. That Johnson legislative achievement was the beginning, the essential beginning, and all that now has taken place owes its life to that source-bed of educational aid. But in the convention, they all forgot.

To the aged and the sick, this blotting out of Johnson must have produced a peculiar torment. How long has the Democratic Party put Medicare in its platform? But that is where it always stayed, in the platform, words without substance, promises undelivered, pledges without redemption. Medicare and all that it has meant to those to whom lingering sickness was a family financial disaster didn't just happen. It was the result of the Johnson determination that help for the poor sick aged was a right that had to be fulfilled and it was. This was an achievement worthy of hall-bursting applause. But in the convention, there was only a shameless silence.

The list of advances in human justice is endless, almost a hundred landmark pieces of legislation that aimed at caring about those who had many partisans and shouters but few achievers.

It was all very strange, a dimly lit Orwellian adventure in which nonspeak and nonmemory paraded the telethon and the convention like some ravaged ghosts.

There is an old French maxim which declares that if we were without faults we would not take so much pleasure in finding them in others. Perhaps it is possible, for those who suddenly found hindsight a splendid luxury, to erase their Vietnam guilts by devouring their former leader. Perhaps.

It was written of Lord Burleigh, adviser to English monarchs, that "he never deserted his friends till it was very inconvenient to stand by them."

There was a lot of inconvenience on display over TV last week.

BILL TO AMEND LAND AND CONSERVATION ACT OF 1965

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. BELL. Mr. Speaker, today I am introducing a bill designed to enable State and local governments to expand their efforts in establishing new park facilities. The need for legislation of this type is obvious when viewed in light of the inability of existing parks to accommodate the ever-increasing number of citizens desiring to experience the pleasures of the outdoors.

The legislation I propose amends the Land and Water Conservation Fund Act of 1965 by providing a more equitable distribution of Federal funds among the various States. At the present time, 40 percent of the total available funds are allocated equally among the 50 States, with the remaining 60 percent being dispersed among the States and territories on the basis of need. While on the surface, this method appears to be quite valid, a closer scrutiny of this procedure discloses that the most heavily and densely populated States, those with the greatest need for park facilities, are not truly receiving their proper share of these funds.

Those individuals who reside in our densely populated urban centers have been for too long unable to enjoy the unmatched assets of nature. The great majority of our outdoor park facilities have been located in those areas that are inaccessible to the average city dweller. To help insure that this situation is immediately remedied, the bill I introduce today would redirect the flow of Federal funds to the States largely on the basis of proportional population and urban concentration. Specifically, this bill would allow 20 percent of the total fund to be divided equally among the States and permit 75 percent of the available grants to be expended in the States and territories on the basis of overall population, population density, and the use of the individual State's park facilities by citizens from outside that State. The remaining 5 percent would be made available to States to meet special and emergency needs.

While this legislation would still somewhat favor the States which already have the greatest number of park facilities, it does move the entire program closer toward distributing Federal dollars on a per capita basis. This approach is certainly more then just the formula currently in use, and it is one that will help to guarantee that the greatest benefit is derived from each dollar spent.

Under the existing program the average per capita apportionment for 1972 for the State of California was $0.89 compared with the per capita amount of $6.50 received by the State of Wyoming. This example aptly illustrates the need for effective and prompt reform, and the need to channel funds into those areas where there has heretofore been insufficient assistance.

The most populated States are not only restricted in the sum they can receive under the requirement that 40 percent of all funds be divided equally, but also by the provision that limits each State's ability to participate in the available funds to 7 percent of the total. This proposed legislation would increase the ceiling from 7 to 10 percent, thereby substantially increasing the opportunity of the heavily populated States to establish new parks.

As was mentioned earlier, one of the vital factors in determining the amount of money to be distributed to each State is the extent to which that State's parks are used by out-of-State residents. It is my firm conviction that this factor is worthy of intense consideration.

In California, for example, it is estimated that on weekends 50 percent of the State's camping facilities are occupied by nonresidents. Moreover, it has been approximated that over 20 million tourists visit California annually, an extremely high percentage of which utilize State recreational and park facilities. In addition, a good many of these tourists visit the major urban centers within the State often finding nowhere to camp or being forced to tolerate the overcrowded conditions existing at the State park facilities. The establishment of new facilities in and around these urban areas will serve the dual purpose of alleviating the existing overcrowdedness as well as providing areas of recreation and relaxation for the citizens of the area. It seems quite logical, therefore, to insist that this consideration be heavily weighed in the evaluation of which States should be recipients of Federal grants.

President Nixon, in his environmental protection message of February 8, 1972, noted that—

> The need to provide breathing space and recreational opportunities in our major urban centers is a major concern of this Administration.

It is my belief that the concepts embodied in this bill are consistent with the stated objectives of the President, and with the desires of the millions of Americans who wish to make use of this country's most valuable possessions, its land and water.

Mr. Speaker, I urge my colleagues to join me in support of this legislation and to assist in bringing about its passage and enactment.

The bill follows:

H.R. 15949

A bill to amend the Land and Water Conservation Fund Act of 1965, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601–4 et seq.), is further amended as follows:

(a) In the first sentence of subsection 5(b), delete paragraphs numbered (1) and (2) and substitute the following:

"(1) 20 per centum shall be apportioned equally among the several States;

"(2) 75 per centum shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include, among other things, consideration of population density and urban concentration within individual States, the proportion which the population of each State bears to the total population of the United States, and the use of outdoor recreation resources of individual States by persons from outside the State, and

"(3) 5 per centum shall be made available to individual States to meet special or emergency needs, as determined by the Secretary."

(b) In the third sentence of subsection 5(b), delete "7" and substitute "10"; at the end of the fifth sentence of said subsection, change the period to a comma and add "without regard to the 10 per centum limitation to an individual State specified in this subsection."; and delete the last sentence said subsection.

(c) In subsection 5(d), delete paragraph numbered (2) and substitute the following:

"(2) an evaluation of the present and future demand for and supply of outdoor recreation resources and facilities in the State;"

(d) After the third paragraph of subsection 5(f) of the existing law, insert the following new paragraph:

"The Secretary shall annually review each State's program to implement the statewide outdoor recreation plan and shall withhold payments to any State until he is satisfied that the State has taken appropriate action (1) toward ensuring that new recreation areas and facilities are being located to satisfy the highest priority unmet demands for recreation especially in and near cities, particularly with respect to the resources that have been acquired or developed with funds apportioned to the State under section 5(b)(2) of this Act; (2) to consider preservation of small natural areas, especially near cities; (3) to consider preservation of scenic areas through the acquisition of development rights, scenic easements, and other less-than-fee interests in lands or waters; and (4) to provide for appropriate multiple use of existing public lands, waters and facilities, to help satisfy unmet demands for recreational resources."

WHY SHOULD 18-YEAR-OLDS VOTE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mrs. GRASSO. Mr. Speaker, now that the 18-year-old vote is a reality, millions of young people across the Nation are anxiously waiting to use their voting privilege for the first time this November. Concerned young people are now deciding which candidates they prefer for positions of leadership throughout the land. There has been much debate on the pros and cons of granting the right to vote to 18-year-olds—debate which has included many young people who have evaluated themselves and their peers on the question of their qualifications as electors.

Marian Ingram of New Britain, a junior at New Britain High School, has written a most thoughtful, reflective essay on why 18-year-olds should have the franchise. Her essay won an award at the recent Connecticut convention of the Italian-American War Veterans. For the interest of my colleagues, a copy of Marion's essay, entitled "Why Should 18-Year-Olds Vote," follows:

WHY SHOULD 18-YEAR-OLDS VOTE

(By Marian Ingram)

In our country today the 18 year old vote amendment, though passed, is still a very controversial topic. After a deliberate and objective debate with myself, I find it necessary to side with those favoring the 18 year old vote.

In this advanced age when we put men on the moon, habitate the ocean floor and live in the frigid climates of the arctic regions; when college is a must in occupying the simplest jobs and the job market is at its lowest ebb, youth is confronted with one of the most complex and demanding societies ever. It is necessary for us to grow up a little quicker if we expect to survive in the fast pace of our culture.

Today's youth accepts more responsibility than any generation ever before. Ours is the generation that will rule in a society of technology, computers, nuclear and atomic energies. Ours will be the generation that will have enough power to destroy life or create it synthetically. Shouldn't we then, have the right to learn what makes up a country as great as ours? Shouldn't we then become aware of the large amount of responsibility that accompanies voting as soon as our culture deems us mature?

It appears to me that the American society has felt the 18 year old was mature for some time. The 18 year olds have always been subjected to being drafted, to being arrested and having their names published in the papers. They have had the right to hold a job, and must abide by the same laws as the entire adult population. Don't these rights, (laws passed by adults) demonstrate that the 18 year old is mature? It is barbaric that a country as civilized as ours, can send men to war and at the same time deny them any say in their government what-so-ever.

The one major complaint I hear, now that 18 year olds can vote, is that only a minority of the 18 year old population has registered to vote.

Yet think about it! Even if only 20% have registered, it is a 20% who are really concerned and who truly care. These youths will be aware; they will examine candidates carefully; they will choose the man they feel is most qualified to represent them. These youths are many times more aware of the political scene than a majority of adults.

By the way, this 20% can make all the difference in the world when election time comes. Look at those who worked so diligently for candidates even before they received the right to vote. This type of youth deserves the well earned right to vote.

Now I shall speak for all youth. We need this right to aid us in our struggle for a perfect democracy. To deny us this privilege at such a crucial period in history would have been to deny us part of our own future.

ONE OF GREECE'S GIFTS TO US

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. ERLENBORN. Mr. Speaker, 50 years ago this month, AHEPA was formed. The acrostic stands for American Hellenic Educational Progressive Association, and it has done a remarkable job of helping Greek immigrants to become good Americans. It has also helped to engender in these people a pride in their ancestral homeland.

It is the homeland from which all of us draw much of the culture and learning which surrounds us in our everyday lives. The architecture of this Capitol started with the Greeks; and Greece was the birthplace of government of the people, by the people, and for the people.

AHEPA promotes a number of objectives, as its name suggests, but all of us can subscribe to its first aim: "To promote and encourage loyalty to the United States of America."

The name, AHEPA, encompasses education and progress, which are worthy intentions; but the association chooses to go a step farther. The list of its contributions to worthy causes is a long one. There have been beneficiaries in Greece, of course, but also in the United States, Ecuador, Turkey, and elsewhere.

It is a fine organization. Its first half century has been fruitful; I hope its second half century will be even more so.

HIGH TRIBUTES PAID TO MEMORY OF FORMER CIVILIAN PHARMACIST

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. DOW. Mr. Speaker, the Sam Grosberg Pharmacy at West Point has been dedicated to a man who was a friend to all who knew him. The first civilian pharmacist assigned to the hospital at the U.S. Military Academy, Mr. Grosberg, a native of Newburgh, N.Y., served with the Air Force during World War II. He was hospital pharmacist at the Academy from April 1, 1946 until his death on April 27, 1971.

During this period of 25 years, Mr. Grosberg provided encouragement and inspiration to countless thousands of cadets, assigned military personnel, retired military personnel, and their dependents. Many senior officers and civilian officials remember their first experience with the West Point hospital involved a warm word of encouragement from him—and often this first experience occurred only days after becoming a new plebe. With the pharmacy located in the central area and providing service to almost every patient entering this medical treatment facility, Mr. Grosberg had contact with more people than probably any one individual in the hospital. He was affectionately known by all as "Sam" or "Dr. Sam." Yet this exposure and his outstanding service alone do not attest to his most significant contribution to the U.S. Military Academy and the U.S. Army Hospital at West Point. It was the intangible, but very real attitude of warmth, gentleness, patience, extraordinary kindness, his pleasant personality and desire to assist others that placed Mr. Grosberg above his peers. The hundreds of letters received from all over the world at the time of his death attest to the fact that he was remembered and highly regarded by graduates of many years, having served in several instances, three generations.

Mr. Grosberg worked closely with the hospital volunteer program and provided training and a sense of community service to many dependents and waiting wives, including many teenagers. As a result of this effort, he was largely responsible for interesting several of these young ladies in a career in the field of nursing.

Mr. Grosberg also made a material contribution to the West Point community through his keen interest in its youth. One youngster, Dayna Harvey, when her class was told by their teacher to write an essay on the most interesting person they ever met, wrote about Mr. Grosberg. She sums it up in two brief paragraphs:

> Sam Grosberg is an interesting man. He works at the West Point hospital. Mr. Sam (that's what we call him) is so friendly that you don't think of him as a pharmacist. You think of him as a friend. He won't even let you call him Mr. Grosberg. It has to be Mr. Sam, or maybe even Sam.
>
> Have you ever tried to get a prescription from a pharmacist who forgets about it? Well, meet Sam! Before I can ask for a bottle of aspirin, he says, 'How was school today?' And we start a fifteen minute conversation. Then he finally says, 'What was it you said?' Then I give him my prescription and think to myself, 'How very nice this man is to young and old.' If you haven't met Mr. Sam, I'm sure you will if you live at West Point.

Although he earned countless outstanding ratings and sustained superior performance awards, the basis for dedication of the Sam Grosberg Pharmacy is not for outstanding performance, but rather in recognition of his influence on and the contributions he made to the lives of personnel at the Military Academy. A fitting tribute to Mr. Grosberg is quoted from the author of a letter which reflected the sentiments of many:

> Fond memories of West Point will live on so long as anyone who ever knew Sam Grosberg survives.

Memorialization of The Same Grosberg Pharmacy is one way of paying a lasting tribute to this outstanding and beloved individual. In a front-page story in the Pointer View Mr. Sam received well deserved praise. The article follows:

[From the Pointer View (N.Y.), May 19, 1972]

High Tributes Paid to Memory of Former Civilian Pharmacist

(By PFC Bill Kimming)

Truth is most often told in tributes, and the tribute that was paid Monday to the memory of Sam Grosberg was heavy with the truth and kindness which characterized the man himself.

Mr. Sam Grosberg, a native of Newburgh and a WWII Air Force veteran, came to USMA on April 1, 1946. The first civilian pharmacist assigned to the USMA hospital, he remained here in this supervisory capacity until his death on April 27, 1971. Yet these are not the type of facts that explain who Sam Grosberg really was. It is rather in the tributes paid to a man who was "a friend to all who knew him" that we get an accurate picture of a warm human being.

Affectionately known as "Sam" or "Dr. Sam," Mr. Grosberg's 25 year career here brought him in contact with countless thousands of cadets and military personnel. Many senior officers remember their first experience with the hospital involved a warm word of encouragement from him and often this occurred only days after becoming a new plebe.

"His was the first friendly face I encountered in Beast Barracks during the summer of 1957," remembered MAJ Howard Roberts in a letter to Mrs. Charlotte Grosberg. "During my cadet years, each casual contact with this extraordinarily kind, pleasant and gentle individual was a source of inner warmth and pleasure."

It was this gentle genuineness which seemed to most affect those who needed Sam's services at the pharmacy. His very presence seemed medicine in itself. One of his patients was convinced that "when he handed you your medicine you immediately felt better because he knew everyone and felt a personal interest in them. He dispensed his medications with a love for humanity."

Over the years, Sam was not only a friend but an important part of the Academy itself. For many, he was as much a part of West Point as Marty Maher. Yet despite this stature, which was enough to prompt sincere letters of condolence from the executive office of the President and General W. C. Westmoreland, Army Chief of Staff, he never rose about being a "pal" to the youngsters who came into the hospital.

"Mr. Sam (that's what we call him) is so friendly that you don't think of him as a pharmacist," wrote one youngster, in an essay on the most interesting person she had ever met. "You think of him as a friend. He won't even let you call him Mr. Grosberg. It has to be Mr. Sam."

Although Mr. Grosberg ran the USMA hospital pharmacy with extraordinary efficiency and performed his duties in a highly professional manner, the Monday dedication was less a tribute to this aspect of the man than to his humaneness.

In the final analysis, the plaque on the wall of the pharmacy is Sam's highest tribute. It is the way Sam would have liked to be remembered. As a pharmacist and a human being, Sam Grosberg was truly "a friend to all who knew him."

TREATMENT OF PRESCHOOL AUTISTIC CHILDREN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. HARRINGTON. Mr. Speaker, before the recess, I promised to include an article on autism every Wednesday in my Extensions of Remarks. I do this because it is my belief that the mentally ill and the mentally retarded are being discriminated against by the various Federal programs that affect them, and that too little is known about childhood mental illness—particularly autism.

At this time there is no known cure for autism. Advances in this area have been delayed because of the limited knowledge about the causes of autism. Yet it is possible to help autistic children develop their potentialities and to compensate for their disabilities even though they do possess severe handicaps.

The article that follows appeared in the Journal of Autism and Childhood Schizophrenia and is entitled "A Developmental and Behavioral Approach to the Treatment of Preschool Autistic Children." It appears here in an abridged form because of the two-page limitation on Extensions.

The section on the failure of an autistic child to develop socially should be of particular interest to all parents. In that section, the article states:

> The autistic infant frequently appears unresponsive to social stimuli, not developing a social smile, not engaging in the normal amount of eye-to-eye gaze, not putting up his arms to be picked up, not responding to his parent's voice, not making normal differentiations between adults, not showing normal social anxiety or separation anxiety and, most of all, not forming strong personal bonds or attachments. None of these failures is absolute; many older autistic children do develop aspects of normal social behavior.

There are many other characteristics of autistic children which I have inserted in the CONGRESSIONAL RECORD before. The social development problems of the autistic child, however, is one of the most obvious.

The article follows:

A Developmental and Behavioral Approach to the Treatment of Preschool Autistic Children

(By Michael Rutter and Fraida Sussenwein, Children's Department, the Maudsley Hospital, London)

Most accounts of treatment in autism have been concerned with children at least 4 or 5 years of age. Less attention has been paid to the therapeutic requirements of very young autistic children in spite of the fact that autism is present from infancy. This relative neglect in the past is a consequence of the usually late referral. In recent years, an increasing number of children under 3 years of age have been referred for treatment prompting a need to develop techniques appropriate to this age group. This paper describes our therapeutic approach. Evolved in the course of the last few years, it is not fully developed and its efficacy is just beginning to be tested.

The concepts are not new but their combination and application is novel. In essence, our program is both developmental and behavioral, the methods being determined by what is known of normal development and of the ways in which the cognitive handicaps of autistic children lead to departures from normality. Specific techniques of behavioral modification are employed as a crucial feature of treatment and combined with the skills of casework. There is a particular emphasis on functional analysis as a basis for therapeutic planning owes much to the work of psychologists who use behavioral techniques (Evans, 1971; Yule & Berger, 1971) and our involvement of parents in treatment has a great deal in common with the methods pioneered by Schopler and Reichler (1971).

We regard regular monitoring of treatment and a systematic evaluation of its effects as an essential requirement of any therapeutic strategy. Accordingly, the methods detailed in this paper together with a broader range of behavioral techniques, especially as used with older autistic children, are being evaluated in a joint project with others.

Until the study is complete, no firm statements are possible on the efficacy of our approach with very young children. Nevertheless, the initial results have been promising in terms of family response and in a greater normalization of social relationships and less deviant behavior in the children treated than has been our previous experience. The third child treated in this way from the age of 2 years is now (at age 7) in a regular school where he is achieving a normal rate of educational progress. His language competence is also normal. The child has good relationships with adults and engaged in interaction with other children, although his peer relationships still present marked difficulties.

Because these methods are being put to the test in a systematic investigation, it seemed worthwhile to describe them at this stage so that others might try them and evaluate their results independently.

RATIONALE OF TREATMENT

Our diagnostic criteria, described in detail elsewhere (Rutter, 1971a), follow closely those of Leo Kanner (1943). Our view of the nature of infantile autism, based on experimental, clinical, and longitudinal studies of infantile autism, is that there is a central defect in the cognitive functions associated with language comprehension (and production) and with the processing of symbolic or sequenced information. Circumstantial evidence suggests that this cognitive defect constitutes the primary handicap in autism, the social and behavioral abnormalities arising as secondary consequences (Rutter & Bartak, 1971). We consider that the most fruitful road to therapy is to regard as an abnormality of development rather than as a unique mystical psychosis to which the ordinary principles of development do not apply.

With this premise, it is necessary to analyze the main ways in which the autistic child's development departs from normality, to determine the possible defects which have led to this departure, to consider what is required for normal development, and finally to work out what is needed to facilitate a more normal development.

Three chief handicaps are typical of autism: (1) The failure of social development and in particular the failure to develop normal attachment behavior in early childhood, (2) the global failure of language development accompanied by certain abnormal linguistic characteristics, and (3) the tendency to develop rigid, stereotyped patterns (Kanner's "insistence on sameness") and what others have considered quasi-obsessive, compulsive, and ritualistic behavior.

FAILURE OF SOCIAL DEVELOPMENT

The autistic infant frequently appears unresponsive to social stimuli, not developing a social smile, not engaging in the normal amount of eye-to-eye gaze, not putting up his arms to be picked up, not responding to his parents' voice, not making normal differentiations between adults, not showing normal social anxiety or separation anxiety and, most of all, not forming strong personal bonds or attachments. None of these failures is absolute; many older autistic children do develop aspects of normal social behavior. Bowlby (1969) has put forward a reasoned argument for the view that one of the most crucial features of personality development is the growth in infancy of a persisting bond with the mother. Whereas it may be doubted whether this bond has to be with the mother (Rutter, 1972a), there are good grounds for believing that bond-formation is an essential part of personality growth and that the child who fails to develop bonds in early childhood is likely to be handicapped in his personal relationships later.

What, then, is known about the requirements for bond formation? The evidence on this point is rather fragmentary (Bowlby, 1969; Rutter, 1972a) but it appears that several elements are required. If *specific* attachments are to develop with respect to individuals, it is probable that the child must have contact with the same person or persons over a prolonged period, since attachments take time to develop. The absolute amount of time in the company of people does not seem to matter but the *intensity* of the interaction probably does. Mothers who play with the child and give him a great deal of attention have a more intensively attached child than those who interact only in the course of routine care. The content of the interaction appears largely irrelevant and feeding is not a necessary feature. It also seems that the total amount of social stimulation may influence the propensity to form attachments. Maternal responsiveness is also relevant. Where mothers respond regularly and quickly when their infants cry, attachments tend to be strongest. Anxiety and fear increase attachment behavior and bonds are most likely to form with the person present at times of stress. The number of caretakers is not a major variable but there is some suggestion that attachments are weaker when there are many caretakers.

Which of these features are lacking in the autistic child? The normal toddler searches for human contact, follows his parents around the house, approaches people and demands their participation in his games. The autistic child does *not* do that and is more likely to remain passive and undemanding of attention. He will not usually try to engage others in his interests and not initiate much personal interaction. While the child may scream and cry when upset, he is less likely to run to his parents for comfort and cuddle.

There is no evidence that parents of autistic children differ basically from any other parents except in social class and intelligence (Rutter, 1971c). On the other hand, parental qualities cannot be considered in isolation and there is evidence that parental behavior is influenced by the children's behavior. Much of the pleasure of playing with an infant comes from his anticipatory smile and movements when you enter the room, his attentive and responsive looking at your face, and his babbling, chuckling and show of appreciation. When, like most autistic children, he fails to respond in this way, only an unusually persistent parent would keep on playing and talking to the child with the same energy, interest and involvement.

The infant's smile serves to induce feelings of warmth and pleasure in the mother (Wolff, 1963) and eye-to-eye gaze has the same effect (Robson, 1967), of producing a feeling of intimacy and closeness just as it does in the adult. The lack of eye-to-eye gaze in the young autistic child and the short duration of eye contact will influence other people's reactions to such children. For all these reasons, parents of autistic children are likely to lose gradually some of their involvement with a child who does not seem to care whether the parent talks or plays with him.

Why does the autistic child fail to show the normal degree of social responsiveness? While there is no certain answer to that question as yet, we do know that the autistic child has a wide range of cognitive, perceptual, and language deficits which seriously interfere with his response to the environment (Rutter & Bartak, 1971). Whether they are *sufficient* to account for it is uncertain, but it is likely that they play a large part. One of the objections raised against this view is that social defects are evident during the first year of life well before most children begin to speak (Rutter, 1969). While this is not always the case, it is certainly true that social defects are often in evidence by 6 or 9 months of age before speech can be expected to begin. However, the hypothesis is *not* that the social abnormalities are secondary to speech failures but rather that they are secondary to the child's defects in language comprehension, perception, and central processing of incoming stimuli (Rutter & Bartak, 1971). Consequently, the question is: how early are receptive defects likely to influence the child's response to the environment. The social effects of receptive defects are not known, but we do know that from the earliest months of life the infant can make quite subtle distinctions between speech sounds and between voices (Hammond, 1970; Friedlander, 1970). It would be surprising if the autistic child's cognitive handicaps affecting comprehension did not seriously impair his social responses in infancy.

What can we do in light of such knowledge of normal development to help the autistic child develop bonds and attachments? The first requirement is to insure regular and intensive interaction. It used to be thought that the autistic child *withdrew* from social contact due to anxiety and that, therefore, an attempt to interact before he is ready would only serve to increase his stress. Now that it is evident that rather than withdrawing from social contact he has failed to *develop* social contact, the opposite strategy is required. The adult must *intrude* on the child in order to deliberately engage him in interaction which is meaningful and pleasurable to such children. Accordingly, the child's interest in objects is used for this purpose. The adult tries to engineer the play situation so that his involvement is necessary for the child to line up toys, build towers, or manipulate inset puzzles. This may be done by arranging material so that the adult has to hand objects to the child, or by providing puzzles of interest to him but only just within his capacity so that he feels the need for adult help. Thus the child may be "taught" that personal interaction may be useful to him and also pleasurable. Some autistic children like tickling, jumping, and physical action games which may serve the same purpose. Physical contact such as hugging to express pleasure in the child's accomplishments, should be appropriately introduced.

While such activities are frequently of use in engaging interest and attention, monitoring and functional analysis are required in all aspects of treatment. It is not enough to know that a given activity *usually* leads to a particular response. Rather, it is necessary to examine each child's behavior to determine what circumstances foster or inhibit attachment *for him* and thus enable the therapist to decide how to intrude. Having intruded, it is essential for the therapist to assess the effect in order to find out what is in fact "meaningful and pleasurable to the child."

Emotional behavior has strong imitative elements. An adult attempting to induce the child to smile, laugh and show pleasure as a social response, must make sure that his pleasure in what the child does is made overt and obvious—more so than with the normal child because of the autistic child's receptive difficulties. It is therefore essential to insure that the adult's communications are meaningful to the child. Free use must be made of gesture, demonstration and moving the child's hands or feet to show what is wanted. Speech must be kept simple with sentences short and unambiguous in semantics and syntax. If the child is socially unresponsive because so much of what he hears means nothing to him, it will be helpful to try to increase the meaningfulness of stimuli so that the child can be induced to pay attention to them. Keeping speech simple is one way but equally important is the ample use of modalities other than spoken language.

In the period when attachments are developing, it is particularly necessary for the parents to be available at times of anxiety when the child's attachment behavior is likely to be maximal, and to become associated with the relief of distress as this probably increases the chance of bonds developing. In the toddler age much distress is associated with frustration, bodily discomfort, hunger, and tiredness. By getting to know his child well, the parent is in the best position to know what has led to distress when the child cries or becomes otherwise upset. Frustration tension is likely to be more frequent in the autistic child because of his increased difficulties in comprehension and communication. The greater the adult's capacity to learn the child's cues, the better his ability to ease the distress. One must remember that it is attachment behavior rather than dependency (Maccoby & Masters, 1970) which is wanted so that, wherever possible, the child should be helped to find his own solutions, rather than have them provided by the adult. In the older child there is some danger that, if attention is supplied only when the child cries or has a tantrum, the distress behavior may be increased through reinforcement. In the toddler, however, crying and tantrums are less likely to have an attention-seeking purpose so that this danger is less marked and at that stage the development of interaction is more important. The problem of reinforcing tantrums can be diminished by insuring that attention is provided freely at other times and that intervention at times of distress is oriented to the removal of the cause (where it can be determined) and by trying to differentiate behavior which appears to have an explicit attention-seeking element.

Also, insofar as a lack of social stimulation tends to impede the development of attachments, the child must have an adequate amount of activities and experience and not be left to his own devices all day because he doesn't demand attention. How much stimulation is required is not known. It is not in the interests of the child (or his family) to be constantly bombarded by stimuli or persistently pressed into doing things. The normal child needs to have time on his own and so does the autistic child. However, parents must see to it that the child has the kind of toys and playthings which interest him (often much more difficult with the autistic child who may have a very narrow range of play activities) and that things are done *with* the child from time to time during the day. Because of the need for periods of intensive interaction, a half hour to an hour every day should be set aside specifically for play with the child along the lines outlined above.

Following Schopler and Reichler (1971), most emphasis has been placed in working with parents to assist them in learning what to do with the children. Our experience has shown that, once parents have appreciated the general path to be taken, they are often adept at innovating new methods of helping their child. Their morale and confidence rises, and they learn once again how to enjoy playing with their child. It is a shattering experience for any parent to have a child who rejects on ignores him as the autistic child seems to do. The child-care methods which work with the normal child do not have the same effect with the autistic child and many parents become dispirited at their failure. This feeling is often intensified by professionals who, ignoring the cognitive defects in the child attribute autism to parental mishandling or lack of love. Both the child and his family can be helped by showing the parents the nature of the child's difficulties and giving them guidelines for coping wth these difficulties and for engaging the child's interest.

We make use of a one-way screen to watch the parents with their child. This supplies us with accurate information on the child and how he responds to different approaches, so greatly facilitating a careful functional analysis of behavior. The therapist's session with the child enables him to get a better appreciation of the child's style of interaction and gives him the chance to try out different methods of encouraging desired behavior (and of discouraging maladaptive behavior). The parents watch the therapist, together with another therapist, so that they too may learn from the sessions.

The importance of direct treatment in its own right is very difficult to judge. Our impression is that it varies greatly from family to family. Where parents are able to take up suggestions and work out ways of interacting with the child, the therapist's sessions with him have probably only a minor direct influence, even though they serve an important function is furnishing information. On the other hand, where parents are more passive and unresponsive themselves, the treatment sessions with the child are probably quite valuable in their own right.

The frequency with which we see families varies greatly, from once a week to once every few months, depending on both the perceived needs of parents and children and also on travel considerations. It is not known how often families need to be seen to secure effective treatment. However, when the autistic child is very young new issues often arise and it is highly desirable that services should be available at least as frequently as once every few weeks.

ATLANTIC UNION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. BIAGGI. Mr. Speaker, I have already recorded my opposition to House Resolution 900, known as the "Atlantic Union" resolution. My primary concern is that a commitment on the part of the United States to such a body as the "Atlantic Union," could lead to a loss of our national sovereignty. While I fully believe that we must promote international cooperation, especially in areas of common concern such as trade and defense, I do not believe that such cooperation must come at the cost of losing control over our destiny as a nation.

At a time when our international relations are in a continuing state of conflict and uncertainty, it does not seem wise to me to interject another point of possible dispute among the Western family of nations. Recent history has shown that American foreign policy involvement in supranational organizations has proven less than successful.

Mr. Speaker, for the benefit of my colleagues, I include in the RECORD a resolution of the city council of Yonkers, N.Y., which I am honored to represent in Congress, expressing opposition to the formation of an "Atlantic Union":

RESOLUTION

> Whereas, H.R. 900 and S.R. 217, also known as the "Atlantic Union" Resolutions, are presently before the Congress of the United States, and
>
> Whereas, the intent and implementation of said Resolutions will adversely effect the present status of citizenship in the United States and the State of New York, and
>
> Whereas, there has never been a referendum in the State of New York to determine whether there is any real support of these Resolutions, and
>
> Whereas, our elected representatives in the House of Representatives, Congressman Mario Biaggi and Congressman Peter Peyser have both effectively voiced their opposition to these Resolutions, now, therefore,
>
> Be it resolved that this Council, representing the people of the City of Yonkers, does now declare itself in opposition to H.R. 900 and S.R. 217, and be it
>
> Further resolved, that this Council supports Congressman Mario Biaggi and Congressman Peter Peyser in their opposition to these Resolutions and commends them for their stand.

EDITORIAL SCORES CONGRESSIONAL REFUSAL TO STOP GROWTH OF EXECUTIVE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. MOORHEAD. Mr. Speaker, over the years, the Congress has relinquished many of its constitutional prerogatives and responsibilities to the executive branch of Government.

The executive branch, in recent years, has refused to spend money which we have appropriated; carried on a war which we have never declared; legislated through Executive orders; and thumbed its collective noses at congressional committees which have the temerity to ask downtown decisionmakers to come before us as witnesses.

This Chamber had an opportunity, before the recess, to correct some of these abrogations of power when we debated the appropriation bill for the White House.

Some of us offered amendments which would have put a Governor on the burgeoning presidential staff and also limit the number of White House staffers who could envoke Executive privilege and thus avoid testifying before Congress. As you know, none of the legitimate attempts to put the executive-legislative power relationship back in order succeeded.

An editorial on this subject appeared in the July 3 Des Moines Register. I insert that editorial in the RECORD for the information of my colleagues:

EXPANDING PRESIDENTIAL STAFF

> A small band of congressmen tried valiantly but futilely the other day to prune the rapidly growing White House staff. Tempers flared at times as the House members clashed over moves to trim the White House payroll and to cut back the growth of executive privilege.
>
> Representative Morris K. Udall (Dem., Ariz.) decried the "flow of power to the White House" as he urged his fellow congressmen to subtract $14 million from the $29.7 million President Nixon requested for operating the White House staff. Udall said the reduction would remove about 550 employes from the staff of 2,200. But the House voted down Udall's proposal on a 210-to-122 vote.
>
> Representative William S. Moorhead (Dem., Pa.), chairman of the House government information subcommittee, led efforts to limit the grant of executive privilege to 10 presidential advisers. Presidents now are virtually free to invoke executive privilege for as many aides as they want. Moorhead and others contended that the present practice, which protects presidential advisers from testifying before Congress, effectively removes many influential appointees from public accountability. But the House rejected any limit, 127 to 66.
>
> When he moved to the White House, Nixon said he would keep a small staff. Later he promised several reorganization projects that would make the government "more effective and more responsible to the people." It didn't work out that way. Nixon actually has accelerated the trend to government centralization and has added to the build-up of agencies clustered about the White House.
>
> For the whole Executive Office operations, including those of the White House staff, Nixon requested $71 million for the coming year. In his first year in office, the Executive Office budget was $31 million. Spending went up to $47 million the next year and is expected to be about $63 million for this fiscal year.
>
> More than a decade ago, Rexford Tugwell, one of the New Deal brain trust, perceived that Congress was "gradually being reduced to argumentation, to investigation and to acquiescence." How prophetic Tugwell was is evident from the congressional reluctance to curtail the rapid growth of the White House bureaucracy.

PROTECTING THE RIGHT TO LIFE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. SCHMITZ. Mr. Speaker, Charles E. Rice, professor of Law, in testimony before the Committee on Public Health, Welfare and Social Security of the Indiana State Senate, said:

> The critical issue is whether an abortion involves the destruction of a human life. If one concedes that it does, then one can hardly support a proposal to kill existing human beings to suit the convenience or comfort of others (even in the most aggravated circumstances of rape and incest) or because those others consider the victim unfit to live. . . . The children the womb is in fact a human being from the moment of his conception. This could easily be demonstrated at length. It is so clearly a scientific fact that we teach it as such in our schools. . . . Modern science has established that the life of every being begins at conception.

The persistent avoidance of the fundamental issue of when human life begins, by the defenders of widespread abortion in the United States today, is inexcusable. If the unborn child is a human being from the moment of conception, then all the oft-heard arguments about personal convenience and fetal condition and "forced pregnancy" and a woman's "right to her own body" become not only indefensible, but monstrous—for what decent man or woman would defend the killing of a human being on such grounds? But to assert that the unborn child is not a human being is to assume a very heavy burden of proof, since as Professor Rice points out in detail in his testimony, scientific evidence to the contrary is overwhelming.

As a matter of fact, no one has proved—and it is impossible for me to see how anyone can now prove—that the unborn child is not a human being. As a human being, the unborn child is a new American citizen, entitled to the full protection of the Constitution and the laws. Yet today these new citizens are being slaughtered by the hundreds of thousands in hospitals and abortion mills in many of our States.

In its recent decision on capital punishment, the U.S. Supreme Court ruled that a State may no longer take the life even of a deliberate, willful murderer, who was tried, convicted, and sentenced to full due process of law. But that same Court put off until next year—evidently still unable to make up its mind—a decision on whether any State will be allowed to prohibit the killing of unborn children for any reason other than to save the life of the mother.

Everyone who understands and abhors the reality of abortion devoutly hopes that the Supreme Court will at least decide that States may protect the lives of unborn babies. There are still some more optimistic souls who hope that the Supreme Court may ultimately be persuaded to give judicial recognition to the fact that the child in the womb is a human being who should not be slain because his existence is inconvenient, anywhere in the United States. I share their hope but not their optimism. The Supreme Court just has not been making that kind of decision for at least the past 20 years.

Consequently I have introduced an amendment to the U.S. Constitution, designated House Joint Resolution 1186, which would specifically include in the guarantee of the right to life which appears in the first and 14th amendments to our Constitution, every American child from the moment of conception. At the time the 14th amendment was adopted, or very shortly thereafter, this was in effect the law in every State of the Union. It is therefore virtually certain that the framers of this amendment intended it to be so understood, and almost as certain that the framers of the first amendment and the original Constitution would have had the same intention, had the scientific evidence of the humanity of the unborn child from the earilest stages of its development, which is now known, been known to them. This guarantee of the unborn child's right to life needs to be specifically restated and inserted into the Constitution now, only because the courts have demonstrated on so many occasions that they will read that document according to their own ideas and current trends of thought, rather than according to the intention of those who wrote it.

BICENTENNIAL HISTORICAL EVENTS IN JULY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. WHITEHURST. Mr. Speaker, the month of July has special significance to Americans. One usually thinks of the signing of the Declaration of Independence on July 4, however there have been many important events during July that had a direct contribution to the formation of this Nation.

The staff of the ARBC communications committee has compiled an abbreviated list of these events. There are undoubtedly many companion developments in various sections of the country that are equally significant. This list is by no means the sum total of actions during the three-year period in the month of July. It does, however, bring to mind the vast amount of important history in developing this Nation: dates, events, places, and people that need to be recalled, their courage and contributions told again to guide our people into a third century of freedom.

This list also points up the wide-ranging events that can be recognized by communities and organizations throughout the land in celebrating the nation's 200th anniversary in 1976, and indeed during the bicentennial era ending in 1983 in just the 1 month cited. The listing follows:

Bicentennial News, July 1972

Listed below are significant historical events which relate to the Bicentennial Era:

July 1, 1776—Congress, as a committee, approves Lee Resolution on independence.

July 2, 1775—Washington arrives at Cambridge.

July 2, 1776—New Jersey adopts state constitution. The first colony to grant woman's suffrage (Reversed in 1807).

July 2, 1776—Congress votes for independence, Twelve for, none against, New York abstaining.

July 3, 1775—Washington assumes command of all Continental forces on Cambridge Common.

July 4, 1776—Declaration of Independence approved and signed By John Hancock, president and Charles Thomson, secretary.

July 5, 1775—Congress adopts Olive Branch Petition. Drafted by John Dickinson, this professed the attachment of the American people to the King, and their hopes for peace.

July 5, 1776—Copies of Declaration of Independence sent to the several state assemblies.

July 6, 1774—"Meeting in the Fields" in New York City. Alexander McDougall and Alexander Hamilton speak out against British tyranny; non-importation resolutions are passed.

July 6, 1775—Congress adopts Dickinson's "Declaration of the Causes and Necessities of Taking Up Arms."

July 7, 1776—Silas Deane arrives in Paris.

July 8, 1775—Action at Roxbury, Massachusetts. Skirmish between American forces and British foragers.

July 8, 1776—Declaration of Independence publicly proclaimed in Philadelphia.

July 8, 1776—Action at Gwyn's Island, Chesapeake Bay (July 8–10). Patriots capture base camp and scatter Lord Dunmore's fleet and forces.

July 9, 1776—Declaration of Independence formally adopted by provincial congress in New York.

July 9, 1776—Declaration of Independence read before the Army by Washington's orders.

July 9, 1776—New York City patriots pull down equestrian statute of George III in Bowling Green in New York.

July 10, 1774—New York Committees of 51 asks counties to appoint delegates to the Continental Congress.

July 12, 1776—Howe brothers join forces. Admiral Lord Richard Howe arrives off Staten Island from England with over 100 ships and 11,000 soldiers.

July 12, 1776—British warships sail up the Hudson (July 12–18). Move to Tappan Zee shows weakness of American defenses on Manhattan.

July 12, 1776—Dickinson's *Articles of Confederation and Perpetual Union* presented to Congress. Plan for confederation of the 13 colonies.

July 15, 1776—Action at Rayborn Creek, South Carolina.

July 19, 1775—Congress appoints commissioners to negotiate treaties with the Indians.

July 21, 1775—American raid on Great Brewster Island, Massachusetts.

July 21, 1775—New York Day of Fasting and Devotion in accordance with the recommendation of Congress.

July 22, 1774—Pennsylvania Assembly names delegates to the Continental Congress.

July 24, 1776—Action at Sorrel River, Canada.

July 25, 1775—Dr. Benjamin Church becomes the first surgeon-general of the Continental Army.

July 26, 1774—Albemarle County, Virgina, Resolution. Freeholders vote to submit non-importation question to a provincial meeting and a general congress of deputies, when held.

July 25, 1775—Congress establishes Post Office Department with Benjamin Franklin as Post Master General.

July 27, 1775—Army Medical Department established.

July 29, 1775—Army Chaplain Department and Judge Advocate General Department established.

July 31, 1775—Congress rejects Lord North's plan for reconciliation.

July 31, 1775—Second American raid on Great Brewster Island, Massachusetts.

ORDER OF AHEPA

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. SHOUP. Mr. Speaker, I would like to take this opportunity to recognize an organization which is celebrating its golden anniversary during the year of 1972. This organization is the Order of Ahepa. The Order of Ahepa is a nonsectarian, nonpolitical, secret fraternal organization, deriving its name from the first letters of: American Hellenic Educational Progressive Association. Its members are men from all walks of life. Among its list of members are persons such as the late President Franklin D Roosevelt, former President Harry S Truman, and the present Vice President SPIRO T. AGNEW. They are recognized in their own communities as men devoted to civic responsibility, as good neighbors, and as model family men. The organization is one which is devoted to the improvement and betterment of the social, moral, and family life.

During its past 50 years, this order has accomplished many worthy causes. These include many relief projects for victims of natural disasters, encouragement of education through scholarships and recognition to outstanding scholars, work in international relief in the Near and Middle East, assistance to religious orders; and recognition of Greek personages and events within this country.

This organization has many goals, among which are: The promotion and encouragement of loyalty to the United States; instruction of the tenets and principles of Government; instilling a due appreciation of the privileges of citizenship; encouragement of its members in participation in community affairs; active participation in working against political corruption; promotion of understanding of the attributes and ideals of Hellenism; and the Helenic Culture, promotion of good fellowship; and a championism of education.

It is also my pleasure to recognize that there is a local organization of this order within my home State, the State of Montana. At this time, I would like to recognize Mr. Alex George, Mr. Angelo Veroulis, Dr. Dan Lambros, Mr. Gust Carkulis, and Mr. George Lambros. These men are the officers of the current Montana District Lodge. I would also like to congratulate the three active chapters in Montana. They are located in the cities of Butte, Great Falls, and Missoula.

It is indeed a pleasure to recognize a group which has done so much to help this country and other nations. It is hoped that by recognition and congratulation, this group may be encouraged to keep up its goals—goals which are truly gratifying to see in this day and age. I hope that the next 50 years will mean as much to those who belong to the Order of Ahepa and those who come into contact with the order as the last 50 have.

TRICITY NEWS IS "WHERE IT COUNTS"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. WALDIE. Mr. Speaker, I have long held that one of the best Federal programs in existence today is the Neighborhood Youth Corps.

In the several years of its existence, NYC has given valuable training and employment to thousands of young persons sorely in need of that training and the salaries provided by the Corps.

Thus, Mr. Speaker, I found a recent editorial in the Tricity News of Rodeo, Crockett, and Pinole, Calif., to be most well taken.

The editorial, entitled "Where It Counts," is a ringing endorsement of the National Youth Corps, particularly its effectiveness in our country.

I would at this time, Mr. Speaker, congratulate Mr. Henry Leffert, managing editor of the News, for the excellent editorial which follows in the RECORD:

WHERE IT COUNTS

As one of many harassed taxpayers in this land of plenty we have long been appalled at the generosity with which public tax funds are distributed to myriad projects across the land and around the globe—often with apparently little accountability demanded.

We are impressed, therefore, with the very bountiful return that is taking shape for 130 youngsters in the area from Rodeo to Crockett who are assured of nine weeks summer employment at $1.65 an hour for a total of approximately $40,000 in federal funds channeled through the Neighborhood Youth Corps program.

The kids need money of their own. They need the sense of independence and the lift to the spirit that comes from earning it on their own. And, there's a rich bonus in the work habits and job skills they acquire on the job. This type of federally funded program puts our tax monies to good use right at the local level where it is sorely needed.

In the far distant past, before taxes, liability, regulations and restrictions upon business became so onerous, energetic kids could find after-school jobs and summer jobs. However, that era passed into the musty pages of history and for a great many years it has been difficult for youngsters to obtain employment.

But, in most recent years, the picture has been changing favorably as business, industry and government have, joined forces to ease the problem for youth. This has been stimulated in part, by the mounting costs of juvenile delinquency, but it has been fostered also by the very real concern held by many adults for the plight of young people who desperately wanted jobs and found the cupboard bare.

Beyond the satisfaction of holding a job during the summer, earning one's own money, learning how to work and assimilating heavy dosages of realistic vocational counseling, there are other substantial gains.

A major value lies in the assistance job experience gives youth in making a decision as to the occupation or profession they will choose as a career. We suspect it doesn't take long for them to determine whether they prefer working with tools to working with people; if they prefer working indoors at a desk or outdoors on a job that permits greater mobility. And, after several summers, a student may decide that he better hit the books with greater diligence so he may qualify for college entrance and a professional career.

In our judgement the Neighborhood Youth Corps program is one of the better government programs, and one we are glad to see financed with out tax funds. In fact, we hope more jobs for youth can be found so the program can be expanded beyond the 1354 youngsters in the county which it now covers.

DR. HAMILTON MOWBRAY'S VINEYARD

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. BYRON. Mr. Speaker, recently the Washington Star featured an article on area residents who have taken up the ancient art of growing vinifera for producing their own wines. Dr. Hamilton Mowbray of Westminster was singled out as one of the successful leaders in this movement.

Dr. Mowbray, who is a professor of psychology at Johns Hopkins University, has now made a commercial enterprise out of a former hobby. He has been planting vinifera for 9 years and is in the process of incorporating as Montbray Wine Cellars, Ltd. Last year, Dr. Mowbray reported a yield of 5 tons of Pinot Chardonnay per acre on his 5-acre vineyard. This is an outstanding accomplishment, and I join the Star in congratulating these pioneers in introducing fine grapes in this area.

HOUSE OF REPRESENTATIVES—*Thursday, July 20, 1972*

The House met at 12 o'clock noon.

Rev. Nathaniel Thomas Grady, Jr., Church of Our Savior, Yonkers, N.Y., offered the following prayer:

Almighty and everlasting God, in Thee do we live, move, and have our very being. We would pause at this moment to give thanks for all blessings that Thou hast provided our country and her people. Would Thou use the leadership of this Nation as instruments to heal the broken hearted and set free those which are held in captivity; continue to give us men who dream dreams and give each of us the ability to make those dreams become a living reality. Grant us wisdom and strength to know and to do Thy will; give us hearts and minds so filled with the love of Thy laws, and of that which is righteous and lifegiving, that we may be worthy stewards of the confidence and trust Thou hast placed in our keeping. Now may the God of our weary years, God of our silent tears, Thou who hast brought us safe thus far; Thou who hast by Thy might, led us into the light, keep us forever in the path. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 520. An act to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colorado, and for other purposes; and

S. 1798. An act to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes.

THE REVEREND NATHANIEL THOMAS GRADY, SR.

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, the opening prayer in the House was offered today by my good friend, the Reverend Nathaniel Thomas Grady, Sr., pastor of the Church of Our Saviour, located in my district in Yonkers.

Reverend Grady, in addition to tending to the needs of his own congregation, which he does inspirationally serves as chaplain of the Yonkers Police Department. He is devoting a good portion of his time maintaining the faith of our beleaguered policemen, while this is no small task, his inspiring efforts have been rewarded many times over by the spiritual and moral response of our police officers in Yonkers. I am grateful to Reverend Grady for his dedication to the men whose lives are constantly on the line protecting their fellow citizens.

Reverend Grady is also chaplain of the Ridgehill Rehabilitation Center, a facility for the treatment of narcotics addiction in Yonkers. It is one of the most admirable of all missions, to offer spiritual guidance to those who are seeking release from the dark world of drugs, and hopefully a return to a productive way of life.

Mr. Speaker, I am particularly proud and happy that Reverend Grady has accepted my invitation to be here today, as well as 42 young members of his church who are here today and I extend to him and them my own grateful thanks and the warm welcome of the New York congressional delegation.

DEFERMENT OF CONSTRUCTION CHARGES BY WESTLANDS WATER DISTRICT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1682) to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike all after line 24 over to and including "laws." in line 1 on page 3.

Page 3, after line 8, insert:

SEC. 3. Lessees of lands owned by the United States Government within the Naval Air Station, Lemoore, California, may receive water from the Central Valley reclamation project subject, insofar as practicable, to the same acreage limitation provisions of Federal reclamation law as private landowners.

The SPEAKER. Is there objection to the request of the gentleman from Colorado (Mr. ASPINALL).

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I do so to direct a question to the chairman of the Committee on Interior and Insular Affairs of the House to ask him to explain what the amendments will do.

Mr. ASPINALL. Mr. Speaker, will my colleague yield?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. ASPINALL. Mr. Speaker, H.R. 1682 as passed by the House in the first session of this Congress, was for the primary purpose of deferring service to lands owned by the Navy Department on the Lemoore, Calif., Naval Air Station.

This deferral will continue as long as these lands are in public ownership, after which the accumulated charges will be paid by those persons who acquire the lands from the Navy.

The bill, as we passed it, provided that the Navy Department would lease these lands and that the lessees would be, insofar as practicable, subject to the acreage limitation of the Federal reclamation law.

The Senate amended H.R. 1682 in such a way that farmers who now receive water from the Central Valley reclamation project would not be eligible lessees of the Navy lands. Such a restrictive amendment would, in all likelihood make it difficult, if not impossible, to find anyone willing to lease the Navy lands and therefore create a situation in which the irrigation facilities would not be used—and the economic rewards which stem from the irrigated land would be foregone.

The further amendments, which we here today propose to H.R. 1682, will have the effect of making existing Central Valley water users eligible as lessees, but will limit any water user to a single 160-acre tract.

I believe this preserves the spirit of the acreage limitation provisions of reclamation law, creates no undesirable precedents and will result in good, workable legislation from the standpoint of the Bureau of Reclamation, Department of the Navy, and the Westlands Water District.

Accordingly, I renew my request for unanimous consent.

Mr. SAYLOR. Will the amendment which is to be offered by the gentleman from Colorado authorize leasing of more than 160-acre units in the Navy station?

Mr. ASPINALL. To any single individual, no.

Mr. SAYLOR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado (Mr. ASPINALL)?

There was no objection.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves to concur in the Senate amendments with the following amendments:

Page 2. In lieu of Senate amendment numbered (1) strike all after line 24, over to and including "laws" in line 1 on page 3, and insert: "The leases shall also be offered, insofar as practicable, in tracts of 160 irrigable acres each."

Page 3. In lieu of Senate amendment numbered (2), after line 8, insert:

"SEC. 3. No individual lessee shall hold more than one lease, pursuant to this Act, at any given time."

The motion was agreed to.

So the amendments to the Senate amendments were agreed to.

The Senate amendments, as amended, were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may be permitted to extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION TO FILE REPORT ON H.R. 15935, RELIEF TO VICTIMS OF HURRICANE AND TROPICAL STORM AGNES AND SOUTH DAKOTA FLOOD DISASTER

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file a committee report on H.R. 15935, to provide additional relief to the victims of hurricane and tropical storm Agnes and to the victims of the South Dakota flood disaster, and for other purposes, which has been introduced by myself and the ranking minority member, Mr. WIDNALL. As the Members know, this bill, under a unanimous-consent request, is scheduled for floor action tomorrow, Friday, July 21, and it is the desire of your committee to have available copies of the reported bill and committee report on this legislation for the benefit of the Members.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LESSONS IN WELFARE—CASE NO. 6

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, Johnny No Doe's mother received a letter from her Aunt Spinny and Uncle Binny

No Doe. They live in Fulton County, Ga., you know, and I know how interested all of you are in this family, so I would like to read the letter:

Atlanta, Ga.,
June 16, 1972.

Lou Ella No Doe,
New York, N.Y.

Dear Lou Ella: We can't afford the new social security raise. It's going to cost us so much. Our benefit now is $1800, and you know we can't live down here on that. So, we applied for Old Age Assistance and they gave us $300. As a bonus for getting welfare, we also get a medicaid card and surplus food commodities. The medicaid will not pay for the doctor in Georgia, but since we get medicaid, Georgia pays for Part B coverage under medicare and that pays for the doctor. So, we are completely covered. Medicaid pays our $60 drug bill per month, which would not be covered by medicare. When all of this is added together, we are getting approximately $3054, but now I understand that the President will be writing us informing us that we are getting a 20% increase in the social security, which would mean that we would get $2160. We have to give up the Old Age Assistance, the medicaid card, Part B coverage, and the commodities, so in fact, we won't get an increase—we are getting a cut. I can't understand how those people in Washington figure this out. They won't even let us refuse the increase in social security. It seems to me that a better system should be set up.

Take care of Johnny. You know what he means to you.

Love,
Aunt Spinny and Uncle Binny.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

HAPPY BIRTHDAY TO "FISHBAIT" MILLER

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, I am told "Fishbait" Miller was born on this date at Pascagoula, Miss., in 1909, but it seems a very short time for the accomplishments of so many good things by one individual.

There is no doubt he was born in Mississippi, Mr. Speaker. His courtly manner, his wit and charm, his friendliness, and his general demeanor mark him as a product of the Old South.

But it is a most remarkable thing that any man including William M. Miller could, in the short span of 63 years, collect so many friends, do so many good things, accomplish so much, elicit such respect and love, and become a legend in his own lifetime.

Nevertheless, that is the case. Indeed he has risen to great heights and it serves to prove once again that where there is concern for one's fellow man, genuine love for everyone, helpfulness in every heart beat, and an overriding devotion to duty and country that where there is true belief in a Supreme Being anything can be accomplished.

"Fishbait" Miller, in observing yet another anniversary in the service of the House of Representatives of the U.S. Congress deserves the heartfelt congratulations and sincere thanks of us all and of all Americans.

Pascagoula and the Nation have every right to be proud of "Fishbait" who, in just 63 years, has rubbed elbows with the high and low and has been called friend by everyone with whom he has associated.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I shall be happy to yield to my colleague from Colorado.

Mr. ASPINALL. Mr. Speaker, I wish to join with my friend from Florida and to express best wishes to our good public servant and fellow associate here in the House of Representatives, and from the Rocky Mountain area of the West we say "happy birthday."

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentleman yiled?

Mr. SIKES. I am happy to yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. Mr. Speaker, being the only Member in this body who has served under "Fishbait" as a former Doorkeeper and a former employee of "Fishbait," I take this time also to speak on behalf of the doormen who work under him, and wish him many more birthdays.

Thank you.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I am happy to yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I would just like to associate myself with the remarks of my colleague from Florida and my neighbor in the remarks he just made about our Doorkeeper and my good friend, Mr. Miller.

TRIBUTE TO DR. WILLIAM T. PECORA

(Mr. MAHON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and incluude extraneous matter.)

Mr. MAHON. Mr. Speaker, I wish to pay tribute to the memory of Dr. William T. Pecora, who passed away at George Washington University Hospital in this city on yesterday. Dr. Pecora was Under Secretary of the Department of the Interior.

I became acquainted with Dr. Pecora in the 1960's at which time he was an important employe of the Department of the Interior. I later had occasion to be associated with him during the time he was Director of the Geological Survey in the Department.

I was highly gratified when President Nixon appointed Dr. Pecora to the position of Under Secretary of Interior. Dr. Pecora did an outstanding job in this important assignment. As chairman of the Committee on Appropriations I had occasion to be associated with him on official matters and as a friend and acquaintance.

Dr. Pecora had many friends in the district which I have the honor to represent in Congress. In May of 1971 he made the commencement address at Texas Tech University in my hometown of Lubbock, Tex.

Mr. Speaker, others will recite the many scientific and scholarly achievements of Dr. Pecora, but I wanted to pay tribute to this great American and express sympathy to Mrs. Pecora and the family left behind.

The Nation owes this man a debt of gratitude for his achievements in the public interest.

ARTISTS IN SCHOOLS PROGRAM

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, an enlarged program to put professional artists in schools throughout the country was recently announced by the National Endowment for the Arts and the Office of Education in the Department of Health, Education, and Welfare. The expansion of this successful program will enable more children to communicate creatively by using tools and skills previously unavailable to them.

This program puts young people in contact with professional sculptors, painters, craftsmen, architects, filmmakers, musicians, and dancers through educational programs. At a time when art education is being deleted from many elementary and high school curriculums, this program provides an important supplement to the education of millions of American students. Almost 3,000 students attending Alvernia, Sienna, and Prosser Vocational High Schools in my district have participated in the artists in schools program. It is my hope that additional schools throughout Chicago will participate in this innovative vehicle for cultural appreciation and development as the program expands.

We cannot ignore the importance of art education as a building block for a country of sensitive and communicative individuals. Heightened understanding of the artistic process and its participants will enrich the lives and experiences of hundreds of thousands of American children. We can no longer permit the existence of impoverished minds and hearts because of a lack of commitment to the arts in America.

The impact of the artists in schools program extends beyond the present into a potentially vibrant future for the arts and for a new breed of artistic patrons. The children who participate in this program will constitute a new generation of mutual understanding and experiences in the arts. For, as John Kennedy said:

> The poet, the artist, the musician, continue the quiet work of centuries, building bridges of experience between peoples, reminding man of the universality of his feelings and desires and despairs, and reminding him that the forces that unite are deeper than those that divide.

SPIRO AGNEW'S RECORD OF ACHIEVEMENT AS VICE PRESIDENT UNPARALLELED

(Mr. SAYLOR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, some men, during their terms as Vice President, are remembered only for philosophizing about the lack of a good 5-cent cigar. Mr. Dooley once wrote that to be Vice President was not exactly a crime, but was more like a disgrace. In fact, most Vice Presidents are simply forgotten.

During this administration, however, Spiro Agnew has done far more than worry about cigar prices. He has shown that the Vice Presidency is indeed the second highest office in the land, and most certainly has insured that he will not soon be forgotten. His record of achievement during his term is unparalleled in this Nation's history.

It is particularly disturbing, therefore, to learn that Mr. Agnew has this week been the subject of attack from a very small number of Members of the Senate. These attacks were not justified with any very clear explanations, and some of them have been simply petty criticisms of imagined character defects. My first inclination was simply to ignore them, because they most definitely do not warrant serious intellectual consideration. But I was worried that some individuals in the news media might seize upon them as excuses to create the appearance of a serious "dump Agnew" movement where none exists.

Quite the contrary, the great majority of our party members strongly support the Vice President. They would be upset and disheartened to say the least if he were not on the Republican ticket in this year's election. Outside of our party, hundreds of thousands and probably millions of average citizens have been attracted by this man's courage and integrity. They have given the Republican Party strength it never before enjoyed. If we were to run in November without Spiro Agnew, we would be saying that we were not interested in either these new ideas or this new support. I know a good many of my colleagues will agree with me when I say that such a turn of events could be disastrous for our country and our party.

I want Vice President Agnew to be renominated, and I want to see our party victorious in November.

VAST MAJORITY OF REPUBLICAN VOTERS SUPPORT SPIRO AGNEW

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, I was shocked and dismayed to learn of the attempt by a very, very small number of Republican Senators to have Vice President Agnew's name removed from the ticket this November.

In speaking out against Spiro Agnew, these few Senators do not represent their own constituencies. For the vast majority of Republican voters throughout the Nation—as the opinion polls have shown time and again—support the Vice President as vigorously and as enthusiastically as any man in office has ever been supported. In those polls, no other name has even come close to Spiro Agnew's as a running mate for President Nixon.

Of course, when a man is as forthright and candid as Vice President Agnew has been, he is bound to make a few people unhappy, including some in his own party. But it is these very qualities of forthrightness and candor—so rare in politics today—that have made the Vice President the choice of tens of millions of Americans of both major parties.

At a time when many political leaders were afraid to offend the ultraliberal news media by speaking up for America, Vice President Agnew spoke up for America. At a time when the national press and the airwaves were filled with reports on the rantings of the lunatic fringe, Vice President Agnew articulated the views of the lucid center.

And he exposed the America haters in the national media for what they were: hopelessly biased against the institutions and principles that built this country and thoroughly prejudiced in favor of those who would tear down those institutions and abandon those principles.

Vice President Agnew has put into words the unspoken but deeply felt opinions of most Americans. Some call them the silent majority. The fact that they are a majority—and a strong majority—will become apparent on November 7 when the Nixon-Agnew ticket is returned to office in one of the most lopsided votes ever recorded.

THE RIGHT MEN AT THE RIGHT TIME

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, two members of the Republican Party in the Senate have apparently decided that Spiro Agnew should be replaced as Vice President. Although I am not certain how they arrived at their opinions, I am certain that their beliefs represent a distinctly minority view, not only within the Republican Party, but among all of our citizens.

The Vice President's record in office has been exemplary. Few other public officials have had the courage for example, to examine the role of the news media in American life, or to challenge the previously sacrosanct positions of university professors and students. While some politicians were tailoring their programs and speeches to the pleasures of these powerful vested interest groups, Spiro Agnew was exposing their weaknesses and their inadequacies. It is no wonder that the academic-media complex, as some writers have called it, has responded so harshly. And it is no wonder that men less courageous than the Vice President would at some point seek an opportunity to remove him from the ticket.

Spiro Agnew has consistently argued the case for the average citizen, the middle American, the silent majority, call it what you will. In so doing, he has won support from segments of our population that never before considered themselves Republican. And he has most definitely angered those who never will become Republicans. I cannot understand how good Republicans can now ask our party to turn its back on this man. Not only has Mr. Agnew been an outstanding partisan Republican, he has also had an exhilarating effect on the country as a whole.

I am convinced that the President will announce before our convention that Vice President Agnew will be with him on the ticket again this November. And I am convinced also that any further attempts to replace Agnew will be treated with all the scorn they deserve.

THE PRESIDENT ALONE SHOULD MAKE THE CHOICE

(Mr. KING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KING. Mr. Speaker, Some of my colleagues in the Senate have apparently decided to call for a "dump Agnew" movement within the Republican Party. I had thought that a decision on the Vice Presidency was for President Nixon alone to make, and I was prepared to accept his choice. But since this issue has been raised, I refuse to stand by and watch a courageous statesman be bushwhacked by members of his own party.

Mr. Agnew has contributed more to the success of our party in recent years than any other public figure other than the President himself. He has campaigned long and hard in nearly every State for Republican candidates. He has raised more money for our party than anyone else in history. He has brought into our party people who for years considered themselves Democrats or Independents. He has spoken according to his conscience, and he is deeply respected for his courage. He has demonstrated that men of high intellect and vision can communicate with citizens from all economic classes and ethnic groups.

In my view, there is not another Republican available who could better serve our country as its Vice President. I am so certain of Mr. Agnew's reputation that I am willing to bet that the great majority of my fellow Congressmen and Senators would strongly favor his renomination. I am even more certain that the people who form the backbone of our party—the average citizens who volunteer their services during every election—want him on the ticket this November. And I am convinced that the President himself is far more aware of the Vice President's personal qualifications and national support than any of those who have raised their voices this week. I endorse Vice President Agnew for renomination, and I am positive that the people of this country will demonstrate their approval of his conduct as Vice President this fall.

THE NATION WANTS AGNEW

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, many of my fellow Congressmen have spoken out in defense of Vice President AGNEW in the past few days, and I want to join with them. I was quite disturbed to hear reports that a minuscule minority of our colleagues in the Senate apparently want Mr. AGNEW's name removed from the ticket this November. I was especially worried about what kind of emphasis would be given to this movement—if such it can be called—in the mass media.

It has perhaps been SPIRO AGNEW's greatest accomplishment as Vice President that he has brought the political biases of those who report our news to the attention of the average citizen. The recent endorsement of Senator MCGOVERN by the Newspaper Guild simply underscores the point the Vice President has been making for some time. Certain individuals in the media would seize any opportunity to discredit Mr. AGNEW, or attempt to foster a movement to remove him from the ticket.

The unfortunate fact is that any public figure who takes positions contrary to those espoused by the mass publications and the major television networks will be subtly and sometimes not so subtly criticized by them. President Nixon has long been exposed to biased reporting and analysis and it was the Vice President who straightforwardly came to his defense in a number of now-famous speeches.

So I want the news media to know, and I want to make certain that the country knows, that a large majority of my colleagues in the House and Senate are wholehearted supporters of Vice President AGNEW. This is the story the news writers and broadcasters should be disseminating—not that a few men have called for a new Vice President, but that the greatest number of my colleagues here in Washington will not settle for any but the one we have. I want SPIRO AGNEW on this ticket this November, and I am sure the President will show his agreement in August.

AGNEW—THE RIGHT MAN

(Mr. CLANCY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CLANCY. Mr. Speaker, many of us who have been involved in Republican politics for a number of years recall the abortive 1956 effort to "dump Nixon" from the Vice-Presidency. That was an unpleasant chapter in our party's history, and not one that many of us want to see repeated. Unfortunately, a small number of Republican Senators seem to have forgotten the consequences of that struggle.

I know the President has not forgotten what happened in 1956, and I am certain he will treat these recent criticisms of Vice President AGNEW with the disdain they deserve. But the issue is deeper than a struggle for the nomination within the Republican Party. The real issue is this thinly disguised attack on a man who has served his country and his party loyally for almost 4 years as its Vice President.

Anyone who has been Vice President or who has studied the office with any care knows of the difficulties it entails. It takes great dedication to fill a post that John Nance Garner once described as "not worth a bucket of warm spit." For many years that description was accurate. When Richard Nixon was Vice President, however, the situation began to change, and that change has continued unabated since then. In actual fact, SPIRO AGNEW has played a larger role in fostering and implementing policies in this administration than any Vice President in history.

Not only has he expanded the policymaking role of the Vice President, he has continually demonstrated his desire to make the Federal Government and its procedures less burdensome to the average citizen. Through his Office of Intergovernmental Relations, he has sought to cut through the red tape that enmeshes the National Government. In more personal terms, he has traveled to virtually every State in the Nation to speak and converse with citizens. These discussions with the average person have never received the kind of attention they deserved, but that has not changed SPIRO AGNEW's mind about their importance.

I for one am well pleased with his record, and I believe the great majority of the citizens agree with me. I think it would be a great mistake to drop Mr. AGNEW from the Republican ticket this November. I urge the President to retain the Vice President, and keep his winning team intact.

CHOICE OF VICE PRESIDENT SHOULD BE MADE BY PRESIDENT

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, on June 29, the President reiterated a position he had taken in January of this year—that Vice President AGNEW was part of a winning team which the President did not wish to break up. This week a few Senators voiced their opinions on this subject, opinions opposed to the President's announced position. In my judgment, the statements of these Senators are not only misguided, but more seriously, they run contrary to what I believe to be the President's prerogative.

Part of our political tradition is the long-standing practice that presidential nominees exercise their own discretion in selecting a running mate. This tradition has been especially strong with incumbent Presidents. Much has been written recently about the supposed value of allowing party conventions to choose the Vice President. It is still my view, based on my political experience and what I believe to be the opinions of a majority of the citizens of this country, that this choice should be made by the President.

I know that the President will consult with members of our party before making his decision, but until he solicits that advice, I see no purpose to be served by interjecting uncalled for remarks into his deliberations. It is not sufficient to me that those who have spoken out characterize their remarks as only hypothetical or suggestive. Whatever their intent, these individuals have done a disservice to the President and to the Vice President.

POLITICAL REFORM

(Mr. KYL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KYL. Mr. Speaker, political reform seems to be a matter of great concern today. I would like to start a new kind of political reform in the matter of the selection of the presidential and vice presidential candidate, which would be simply this: In the case of the Vice Presidency that the candidate be selected by the President and the delegates to the convention, and not by those who write or speak in the media. I think it would be a wholesome improvement in our political system, Mr. Speaker.

PROVIDING FOR CONSIDERATION OF H.R. 15641, MILITARY CONSTRUCTION AUTHORIZATION, 1973

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1042 and ask for its immediate consideration.

The Clerk read he resolution as follows:

H. RES. 1042

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, I know of no controversy over this rule, and I reserve the remainder of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 1042 provides for 2 hours of debate under an open rule for the consideration of H.R. 15641, the Military Construction Authorization bill for fiscal year 1973.

The rule provides the bill shall be read by title.

The purpose of H.R. 15641 is to authorize funds for military construction for fiscal year 1973.

The total amount authorized in this bill is $2,575,781,000. The Department of Defense had originally requested $3,047,961,000. The Committee on Armed Services reduced this by $472,180,000, of which $399,400,000 is related to the elimination of the Safeguard construction program.

The authorization for the Safeguard program was eliminated from this bill in anticipation of favorable action by the Congress on the recent SALT agreements concluded by President Nixon during his trip to Moscow. Of the $399,400,000 for Safeguard taken out of this bill, $6,000,000 to be used for family housing at the Grand Forks Safeguard site, was transferred to the military procurement bill, H.R. 15495. This bill passed the House on June 27, 1972.

Of the total amount in this bill $568,920,000 is for the Army, $520,966,000 is for the Navy, $283,813,000 is for the Air Force, $35,709,000 is for Defense agencies, $1,050,741,000 is for family housing, $8,447,000 is for deficiency authorizations, and $107,185,000 is for Reserve components.

One item in this bill is $19,400,000 to fund the first increment of a new Defense office building to be constructed at Bolling Air Force Base, Washington, D.C. The eventual total cost of this structure is presently estimated at $170,000,000.

The committee report contains a letter from the Department of Defense supporting the originally requested authorization.

There are no minority views in the committee report.

The Committee on Armed Services reported the bill by a rollcall vote of 33 to 1.

Mr. Speaker, I urge adoption of the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 15580, AMENDING DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1041 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1041

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 27(b) of rule XI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1041 provides an open rule with 1 hour of general debate for consideration of H.R. 15580 to provide salary increases for District of Columbia policemen and firemen. Because the record vote of the committee to report the bill is not contained in the report, points of order are waived for failure to comply with clause 27(b) of rule XI.

The purposes of H.R. 15580 are to increase the salaries of members of the District of Columbia Police and Fire Departments, to amend their Retirement and Disability Act and to increase certain District of Columbia taxes.

The revised salary schedule will provide an average increase in pay of 17 percent. The increases will become effective on the first day of the first pay period on or after July 1 of this year.

Helicopter pilots and members of the explosive disposal unit shall receive $2,100 annually in addition to basic salary. Provisions are made for technicians to receive an additional $680 per year and for detective sergeants to receive an additional $500 per year. The position of detective sergeant will be phased out by attrition. Plainclothesmen shall receive a clothing allowance of not more than $300 a year.

Annuitants shall receive a 17 percent increase and the legislation provides that in the future their annuities will be increased the same percentage as salary increases.

The Retirement and Disability Act is amended that retirement pay will be based on a high-3-year average rather than on base pay at the time of retirement.

In the event an annuitant retires on disability and accepts other employment, a system of oversight and reevaluation of continued disability is established.

Revenue for the cost of the legislation will be derived from an increase in general sales taxes from 4 percent to 5 percent, an increase in taxes on hotel rooms, liquor sales, and meals from 5 percent to 6 percent. These increases will become effective on the first day of the month after the 30th day after enactment of the legislation. The police and fire departments are expected to absorb 15 percent of the costs for fiscal year 1973 in their operating budgets.

Cost of the legislation over a 5-year period is estimated at $89,240,000.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the gentleman from California (Mr. Sisk), House Resolution 1041 does provide for 1 hour of debate under an open rule for the consideration of H.R. 15580, having to do with salary increases for the District of Columbia firemen and police. The waiver of points of order was necessary because the report did not contain the vote of the committee.

The primary purpose of H.R. 15580 is to provide a raise in salary and increased retirement benefits for District of Columbia policemen and firemen. In addition, this bill will raise taxes in the District to help offset the cost of this legislation.

The bill will provide an average salary increase of 17 percent for the metropolitan police force, the fire department, the Executive Protective Service and the U.S. Park Police. The starting salary for privates will be increased from $8,500 to $10,000 per year. These salary increases are to become effective on the first day of the first pay period beginning on or after July 1, 1972. The bill will change the longevity system by basing longevity pay upon total years of service in the departments, rather than upon years of service in a given salary class.

Extra compensation is provided for some members of the departments, such as helicopter pilots, members of the explosive disposal unit, technicians and detective sergeants. A clothing allowance is authorized for plainclothesmen. A ceiling on overtime pay is raised, and retirement annuities are increased. The bill provides a measure of surveillance with respect to further employment of officers and members subsequent to their retirement for disability.

Finally, the bill raises taxes in the District of Columbia. The general sales tax is increased from 4 to 5 percent. The sales tax on rentals of transient rooms and lodgings, and on the sale of restaurant meals and all alcoholic beverages is raised from 5 to 6 percent.

The total cost of this bill is estimated at $17,848,000 for fiscal year 1973. The committee report indicates that the metropolitan police force and the fire department can absorb 15 percent of the estimated cost of this bill for fiscal year 1973, or $2,677,200, in their operating budgets. This leaves $15,170,800 which must be paid for out of new revenues. It is estimated that the tax increases will produce $15,800,000 of additional revenue, which apparently would leave a small surplus.

There are no departmental letters or minority views in the committee report. However, the committee report does note that the Federal Pay Board found that the provisions of this bill are not inconsistent with the criteria which the Board has adopted pursuant to the Economic Stabilization Act of 1970.

Mr. Speaker, I urge adoption of the rule.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 274]

Abourezk
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Ashley
Blanton
Blatnik
Broomfield
Byrnes, Wis.
Carey, N.Y.
Chappell
Clark
Clay
Conyers
Curlin
Daniels, N.J.
Davis, Ga.
Dent
Diggs
Dorn
Dowdy
Dulski
Dwyer
Edmondson
Evans, Colo.
Evins, Tenn.
Flynt
Fulton
Gallagher
Goldwater
Gray
Hagan
Hébert
Jonas
Jones, Tenn.
Keith
Kemp
Long, La.
McCloskey
McClure
McKevitt
McMillan
Mathias, Calif.
Matsunaga
Mills, Ark.
Mosher
Murphy, N.Y.
Obey
Passman
Pike
Podell
Pryor, Ark.
Rarick
Rees
Rooney, N.Y.
Ryan
Scheuer
Scott
Seiberling
Shipley
Slack
Spence
Springer
Stuckey
Teague, Tex.
Veysey
Wiggins

The SPEAKER. On this rollcall 364 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE A REPORT ON H.R. 15951

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight tonight to file the report on H.R. 15951, to authorize the Secretary of the Army to undertake a national program of inspection of dams.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE A REPORT ON H.R. 15950

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight tonight to file the report on H.R. 15950, to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

INTERNATIONAL MONETARY COOPERATION

(Mr. CULVER asked and was given permission to adress the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CULVER. Mr. Speaker, the resumption of active international monetary cooperation by the United States, through its decisions to help preserve the exchange-rate structure agreed at the Smithsonian last December and to reactivate the Swap Network among central banks which provides resources to help do so, is greatly welcome. Such cooperation is essential to promote basic U.S. economic and foreign policy interests. It is gratifying that the administration, along with the Federal Reserve System, has seen the wisdom of this course.

The actions announced yesterday, however, represent only a start toward the major overhaul of the international monetary system which is desperately required if we are to avoid recurring economic crises and the steady undermining of international political relations which they foster. The latest problems, centered on sterling and the dollar, reveal once more that fundamental changes are needed in the means by which international balance-of-payments positions are adjusted and world liquidity is provided, and in the international role for the dollar. Such changes can provide major support for the national interests of the United States. It is, therefore, to be hoped that the actions taken yesterday indicate a U.S. willingness to participate actively, and even help lead, in prompt progress toward negotiating such reforms.

THE 11TH COMMANDMENT

(Mr. DEL CLAWSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEL CLAWSON. Mr. Speaker, California Republicans once formulated a rule known as the "11th commandment." That rule said "Thou shalt not speak ill of another Republican." The success of that rule across the country has been demonstrated over the past 8 years as our party has increased its strength on all levels of government. Its success was best proven in the 1968 election of Richard Nixon and Spiro Agnew.

And yet at a time when the administration and our party face an unprecedented opportunity to score significant gains in the Congress and the Senate against a disorganized and disunited Democratic Party, some of our own supporters are violating the fundamental precept that has guaranteed our victories in the past. I refer, of course, to the attacks on Vice President Agnew appearing in the press this week.

The unity of our party is necessary not only for the partisan gain, but also for the best interests of our country. The President has spoken on the subject of his running mate this November. He has stated that he does not now desire to break up a winning team. It is simply foolish to take public positions contrary to that of the President. Good Republicans should be uniting now, to capitalize on the opportunities open to us, and not trying to divide our party.

We all remember the deleterious effects of the "dump-Nixon" movement in 1956. We should all want to obviate any repetition of that fiasco in 1972. I know I speak for a great majority of my colleagues here in the Congress when I say that I am content to await the President's final decision. If he should ask my advice, I will give it. But I will not countenance any efforts to split this party before or during the convention in August. Republicans who truly wish the President's reelection in November will, I am certain support me in this intention.

MILITARY CONSTRUCTION AUTHORIZATION, 1973

Mr. FISHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15641, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Fisher) will be recognized for 1 hour and the gentleman from Illinois (Mr. Arends) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Texas.

Mr. FISHER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, today we are presenting H.R. 15641, the military construction authorization bill for fiscal year 1973.

The purpose of this bill is to provide military construction authorization and related authority in support of the military departments, and is necessary for enactment before appropriations can be provided to finance these activities of the military departments during fiscal year 1973.

The bill as submitted by the Department of Defense requested $3,040,119,000 for new authorizations.

Our committee recommends the approval of $2,575,781,000. This is a reduction of $472,180,000. The Department's request included $1,073,684,000 for all family housing expenditures including 12,181 new family housing units instead of the 9,684 requested in fiscal year 1972.

The Department of Defense request this year is largely people oriented, as evidenced by the very substantial increase in this area for troop housing and community support facilities, and the increase in the number of family housing units proposed. Your Armed Services Committee has fully supported and encouraged the Department of Defense and the military departments' efforts in this area.

In view of the emphasis on peoples projects in the fiscal year 1973 request, your Armed Services Committee faced an especially difficult task in effecting substantial reductions. However, every member of your Armed Services Committee was determined that the final committee recommendations should be made on a realistic basis, and recommends only those projects that the committee was fully convinced were essential to our military needs. Including the four military services and the Defense agencies, there were over 800 separate projects at 375 individual installations which your Armed Services Committee had to evaluate

After extensive hearings by the subcommittee and review of each project requested by the Department of Defense, the committee was successful in searching out those proposals that in our view could be deferred without impairing the operational effectiveness of the armed services. In addition, the committee is convinced that these reductions will in no way jeopardize our national security.

The military construction authorization for fiscal year 1973, as reflected in H.R. 15641, totals $2,567,334,000 for new authorization and $8,447,000 for deficiency authorizations.

The committee bill we now seek to bring before the House reduces the amount requested by Defense approximately 15.5 percent. This reduction may be considered somewhat misleading since it includes $339.4 million related to the elimination of the Safeguard construction. Without Safeguard, the net reduction is approximately 3 percent which is somewhat lower than the reductions made last year by the committee.

In the case of the Reserves, the committee added $5 million each for the Navy and Marine Corps Reserve and for the Air National Guard, based on the committee's concern regarding the adequacy of the requested program, with particular reference to the fact that in the future we will find ourselves increasingly dependent upon our Reserve Forces. Nevertheless, the committee has reviewed all of the programs and where it felt reductions could safely be made by deferral of projects to subsequent years, such was done.

I would like to discuss each project in H.R. 15641 with you, but I am afraid I would unnecessarily try the patience of the Committee. However, there are many significant items contained in this bill which I do feel that you would be interested in.

I know that one of the matters this Committee would like to be informed of in some detail is the situation in South Vietnam as it relates to the military construction program. Last year this committee reported to you that the construction program in South Vietnam had progressed so well that the contractor effort was scheduled for termination by July 1 of this year, and no additional military construction authorization and appropriation were being requested. In the program now before you, there is no new authorization being requested and the contractor effort, as we reported last year, was terminated on June 30, 19 days ago. The remaining construction in Vietnam in support of RVN forces is being pursued primarily by local contractors and by Republic of Vietnam Army Engineers.

Also, in anticipation of the favorable action by Congress on the recent SALT agreements concluded with the U.S.S.R., the committee struck in its entirety the Army's fiscal year 1973 request for Safeguard in the amount of $387 million as well as a related $12.4 million reduction in the family housing title—$6 million of which is for family housing at Grand Forks and was previously considered by the committee in the procurement bill.

Bachelor housing and community support facilities—comprise approximately 25 percent of the entire request for the military departments. These facilities are needed to attract and retain dedicated and competent people in the military service. The bill includes modernized and new bachelor enlisted quarters for approximately 108,000 personnel and 1,700 new or modernized bachelor officers' quarters at a cost of $387,581,000. Related to the construction of bachelor housing is a proposal by Defense to revise the present statutory limitation from a cost-per-man basis to a square-foot basis. Our committee does not object to this proposal since it maintains the cost control we believe necessary for this important segment of our construction program.

In the family housing title—we have recommended approval for the construction of 11,720 new units. This represents a 19.5 percent increase over those new units authorized last year, excluding housing units for Safeguard. We share the Secretary of Defense's belief that adequate military housing is a key factor in retaining qualified personnel and in moving in the direction of a zero draft. You will also note that title VI expands the homeowners' assistance program to cover homeowners outside the United States who are not now eligible for assistance.

Your Armed Services Committee has long recognized the importance of providing adequate medical care for all service personnel and the need to maintain a forward looking military medical program. Regretfully, this year's program is considerably smaller than last year's program; however, last year the medical portion contained $112.5 million for Walter Reed, which inflated that program. We believe Defense should do more in this area in future programs as the need is great.

The use of the Department of Defense contingency authority for construction has been under close scrutiny by your Armed Services Committee. As a result of our prompting, the Secretary of Defense has improved the management of this authority. The committee is of the opinion that $20 million will be sufficient for fiscal year 1973, which is $10 million less than the Secretary of Defense requested.

This year's bill includes $171,016,000 for pollution abatement at our military installations. Our committee has fully supported the President's goal to bring our facilities in the United States into compliance with existing standards by December 1972. This committee notes with pleasure that with completion of the work proposed in the fiscal year 1973 bill, the goal of meeting current standards will have been largely met. However, the committee recognizes that more restrictive standards are currently evolving so that there will be a continuing need for additional facilities to meet future criteria.

The committee is vitally concerned with insuring the future operational capability of our military installations, particularly airfields which are being threatened by urban encroachment. Several projects to acquire interests in land under the air installation compatible use zone—AICUZ—program are included in this year's bill and have been endorsed by the committee.

The committee has added language to this bill which will insure that in the future the Armed Services Committees will be informed in advance when the Department of Defense plans to acquire significant amounts of lease space through GSA, such as the example of the Department of the Navy's move to the Crystal Plaza from the old Main Navy and the Munitions Building on Constitution Avenue.

The committee is convinced that there is a large deficiency of adequate administrative space in the Nation's Capital area—over 4.7 million net square feet—which can be partially satisfied by the construction of a Defense Office Building at Bolling Air Force Base. This committee supports the need to invest in publicly owned facilities where economy and the long-term interests of the Government have been demonstrated. Accordingly, the committee approved the first increment of the office building—$19.4 million—which is estimated will ultimately cost a total of $170 million. Construction of this building which will accommodate 10,000 personnel—1.5 million square feet—will also provide for a major reduction in the amount of leased space for the Department of Defense.

Additionally, the committee provided for deficiency authorizations to prior year enactments. A problem did exist in this area in the past and, as a result of our investigations, new procedures were put into effect by the services and an increased flexibility was enacted in fiscal year 1970. The necessity to amend prior year authorizations has not disappeared; however, we believe that it is now under control. For instance, the number of deficiency requests has dropped from a high of 28 in fiscal year 1971, to 12 in fiscal year 1972, and to only 10 in this year's program.

Your Armed Services Committee has spent many hours on this bill, and I can assure you that it is a good bill. Enactment of our recommendations will enhance the security of these United States by providing the armed services with those facilities required to maintain our fighting forces at a creditable deterrence level. We have done this without undue sacrifice of our Nation's resources. I feel strongly that we have fulfilled our responsibility to the American taxpayer.

In summary, members of the Committee, I feel your Armed Services Committee has done an outstanding job with this bill and has again demonstrated its competence in handling a tough job in a reasonable time, and finally, has demonstrated its awareness of the need for fiscal restraint. Therefore, I urge your unanimous support.

Mr. CHARLES H. WILSON. Will the gentleman yield?

Mr. FISHER. I yield to the gentleman from California.

Mr. CHARLES H. WILSON. Mr. Chairman, I rise to invite the specific attention of the committee to a new program designed for the use of lands adjacent to military airfields that will be compatible with essential flying activities. When our military airfields were established, years ago, they were sited in rural areas. This was to protect population centers from aircraft operation noise and to minimize damage to property and lives in the event of accidents. Over the years this degree of separation between military flying operations and urban development has eroded as our country has experienced great urban expansion and as the military installations provided an economic attraction.

As a result, homes, schools, and public buildings have been constructed in close proximity to military installations. The inhabitants soon experienced considerable discomfort from high noise levels that were significantly aggravated as we moved into the jet age. All too frequently members of these communities have sought relief through limitations on or outright termination of military flight operations. Obviously relief of this sort seriously compromises the value of the substantial investment that the Federal Government has made in the affected installations.

To prevent this situation from becoming more critical the Air Force has proposed the compatible use zone concept. This concept envisions the restrictive use of lands in a rectangular zone extending 1 mile on each side of the runway centerline and 2½ miles beyond each end of the runway. The area within this zone is subjected to the greatest noise intensity and is the area of greatest potential for landing or takeoff accidents.

It is not necessary that the zone remain as open unused land nor that its use be restricted to agriculture. Compatible use can certainly be profitable and complement communities in the general location. The basic criteria is that its use not result in high density populations. Quite in keeping with the concept would be the use of the area for light industry, non-spectator sports and recreation, scrap and wrecking yards, open storage, cargo terminals, agriculture and other low density uses.

Ideally, forceful community planning and zoning would be the most economical method of achieving the concept, and at some military installations this technique is quite effective. Where it cannot be arranged the Air Force will then attempt to secure an interest in the lands within the zone by an exchange for excess of surplus lands of equal value. As a last resort the Air Force would turn to the purchase of sufficient interest in land within the zone to be able to restrict it to use compatible with flying operations.

The concept is programed on an incremental basis over a number of years. This bill carries the initial authorization involving 20,100 acres of land at a potential value of $12 million. However, in anticipation of reasonable success in local zoning and a greater degree of success in land exchanges only $2 million is being requested in appropriations.

I am pleased to support an authorization that so reasonably approaches a serious problem and I suggest and solicit the support of this body so that the program may move ahead.

Mr. BRAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of H.R. 15641, the fiscal year 1973 military construction authorization bill. This is a sound bill. I urge its immediate enactment. At this point I would like to commend the chairman of the subcommittee, the gentleman from Texas, for his vigorous and patriotic leadership in drafting and presenting this bill. The members of the subcommittee also worked diligently and effectively to produce it. They too deserve much credit.

Mr. Chairman, this is the second of the major authorization bills that the Armed Services Committee presents to the House each year. Earlier we presented the weapons procurement authorization bill.

As the chairman of the subcommittee pointed out in his opening remarks, we were unable to reduce the Department of Defense's request more than we did because of the emphasis on "people projects." Approximately 25 percent of the entire request for the military departments is for bachelor housing and community support facilities. Also, I would like to point out to my colleagues that our committee actually did not have the entire $3 billion request to work on from the outset, because approximately $700 million of the $1.1 billion authorized in the family housing section—title V—are relatively fixed costs. This amount is for mortgage payments, and for operating and maintaining the housing inventory of over 370,000 units. There is very little flexibility, if any, in these costs. Therefore, you can see the difficulty faced by the Armed Services Committee in its consideration of this bill.

I would like to express my full support of H.R. 15641 because it recognizes twin goals: it provides construction which our committee believes to be absolutely necessary, and at the same time it recognizes the President's call for economy and a reduction of defense expenditures whenever possible. I will not take the time of the House to go into extensive details because I do not think it is necessary to repeat what our chairman has already told you.

The reductions made by the Armed Services Committee were not based on a judgment that the items were not desirable or important, but because the committee felt that they could be safely deferred without jeopardizing the security of the Nation or reducing the effectiveness of our military services.

Our committee was certainly pleased that no request for authorization was presented for any further construction in Southeast Asia. Information furnished the committee revealed that our construction effort is over 97 percent in place and that the contractor combine terminated its operation on June 30, 1972.

The chairman has talked to you about the increased request for family housing. However, I want to point out that I can think of no area where the requirement is more justified, or where we can get a better return for our money. I am sure that most Members of this House receive letters from service personnel outlining problems of one kind or another. We all receive these letters daily. But, I am willing to wager that 999 out of 1,000 received by our committee request better housing rather than more pay. Last year we approved a pay increase for the dedicated men and women in the armed services. I can think of nothing more contradictory than to approve such a pay increase as we did and then disapprove housing expenditures which have, if anything, an even greater impact on career retention. In this regard, I am especially pleased with the bill not only in relation to family housing but in the steps we are taking to improve the quality of bachelor housing for both officer and enlisted personnel. I pointed out to you earlier that approximately 25 percent of the military construction program for the armed services was to improve living conditions for bachelor personnel. We are long overdue in making improvements in this area. I would like to emphasize to the House that the offset agreement reached with the Federal Republic of Germany will greatly improve our bachelor housing conditions in that country.

The kasernes, which house our bachelor enlisted personnel in Germany, were constructed for the most part in the late 19th or early 20th century according to European standards for that period. Under the offset agreement reached in December 1971, the Federal Republic of Germany assumes responsibility for a major rehabilitation program to the U.S. barracks in Germany. The German Government has this program presently underway and will spend approximately $183 million improving living conditions in Germany for our bachelor personnel. We are advised that the program is proceeding expeditiously and the morale of our personnel is already improving.

Mr. Chairman, there are many other things I could say about this legislation, but I will not take the time of the House to do so now. The committee report fully spells out the various programs approved, and we are prepared to answer any questions that the Members may have.

I know that there are members who feel that there are justifiable programs in their districts which deserve to be authorized. I can only say that, looking at one project alone, I would probably agree with them. But we are obliged to evaluate each project on its merits relative to other proposed projects. This bill is limited to what we deem essential. We look upon a stable economy as the second line of defense.

I hope that the Members of the House will support the bill in that spirit.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, the military construction authorization bill, prepared by Subcommittee No. 2 of the Armed Services Committee under the able chairmanship of the gentleman from

Texas (Mr. FISHER), represents a significant and a prudent step forward in providing housing and other facilities which are sorely needed to support our Armed Forces.

I warmly congratulate the chairman and the members of his subcommittee on this very fine work.

As noted in the committee report, the bill emphasizes "people projects." There is over a billion dollars recommended for family housing, including the construction of 11,720 new family housing units and an increase of over $10 million in family housing improvements. This will represent the highest dollar amounts and numbers authorized in any year under the family housing program. In addition, some 20 percent of the regular construction program will be spent to improve living conditions for bachelor personnel. I personally feel that the provision of adequate and attractive family housing and bachelor housing represents one area in which the Department of Defense and the Congress can take very positive steps to improve the welfare of military personnel and their families and to improve the recruitment and retention of qualied personnel in the Services.

The bill properly continues the emphasis on pollution abatement which has been evidenced in the last few years. It also allows that prudent steps be taken to effect timely exchange or purchase of land near air installations to prevent its development for uses incompatible with these installations.

We have had serious problems in this connection heretofore. It is time to correct the situation.

I feel that the committee has done an excellent job in weeding out some projects for which there appears to be less urgency and in including other badly needed projects in the bill, so as to produce a substantial net reduction of $73,185,000. Sound savings always are welcome to the taxpayers.

There is one subject which concerns me in the area of family housing, and I would like to obtain the committee's opinion on it, if possible. H.R. 13771 and H.R. 14917 would authorize the military Secretaries to declare inadequate certain onbase family housing. I understand that this is considered an increasingly important morale problem. The Department of Defense has indicated a favorable response to this proposal.

I know of the interest of the distinguished gentleman from Texas and his subcommittee in this matter. I believe the committee has discussed it with Defense witnesses.

May I ask the chairman if it is anticipated that it will be possible to obtain action on this matter during this session of Congress?

Mr. FISHER. In response to the gentleman's inquiry, the committee has given a considerable amount of study to this particular problem, to which the gentleman from Florida refers. I know there is much interest being manifested in it.

I understand the legislation the gentleman referred to has been referred to the subcommittee, and we are hopeful that a hearing can be set upon it in the near future.

Mr. SIKES. I appreciate the distinguished gentleman's response.

Again I want to congratulate the Committee on Armed Services and particularly the chairman and the members of the subcommittee for their excellent work on the military construction bill. I strongly recommend its approval.

The military construction programs, Mr. Chairman, are small in comparison to most of those considered by the Congress, but they are very essential to the morale and the effectiveness of the personnel of the armed services and their families. We are making substantial improvements in military facilities, but our country can and should do more. We in the Congress will, I believe, welcome enlarged programs from the Department of Defense where they are justified.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PIRNIE).

(Mr. PIRNIE asked and was given permission to revise and extend his remarks.)

Mr. PIRNIE. Mr. Chairman, it has been a privilege to serve on the subcommittee which has conducted the hearings on this military construction authorization bill. Our attitude has been very much that described by the gentleman from Florida, and our emphasis has been very definitely upon the welfare of our personnel in the armed services.

I fully support the military construction authorization bill as presented by the Armed Services Committee and am particularly pleased with the family housing program contained in title V of the bill. This portion of the bill reflects general agreement by the committee with the Department of Defense position which continues to place major emphasis on the maintenance of our Armed Forces and the welfare of our individual servicemen. I believe that the consensus of the Congress is that the "provision of adequate housing for military families is of vital importance to enhancing career attractiveness and achieving an all-volunteer force," as was stated by Assistant Secretary of Defense Shillito in recent testimony.

Bearing this in mind, title V authorizes the appropriation of funds in the amount of $1,050,741,000 for the Department of Defense family housing program. This amount is to cover: construction of 11,720 new housing units; increased emphasis on improvements to existing housing; operation, maintenance, and debt payment of the existing housing inventory; and the leasing of housing in specified situations. However, an amount of $4,089,000 associated with the request to expand the leasing program was deleted as were other minor requests.

Overall, I feel the committee has done an excellent job in appraising the needs of the Department of Defense in this vital area and I am confident that the program which is being presented will assist materially in establishing the attractiveness of a career in the military services. I heartily recommend your acceptance of this bill.

I would like to pay tribute to the leadership of the gentleman from Texas, the chairman of the subcommittee, who has been most exacting in directing the study of this bill. He has been very fair and comprehensive in the handling of the hearings, and his remarks with respect to the objectivity of the bill reflect not only his personal views but that of those who have been privileged to serve with him.

Mr. FISHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the bill H.R. 15641, and am proud to be a member of this subcommittee under the able leadership of the gentleman from Texas (Mr. FISHER) which went into this bill in great detail.

I would like to commend the chairman, the gentleman from Texas (Mr. FISHER), and the gentleman from Indiana (Mr. BRAY), the ranking member on the Republican side, and the other members of the subcommittee, and especially our counsel, who have presented today a good bill.

I am in full agreement with the committee's recommendation regarding facilities for the Reserve Forces in title VIII, and my remarks will be limited to title VIII of the bill pertaining to the Reserve Forces.

Mr. Chairman, Reserve Forces must be recognized as a vital element of the first line of defense against external threats to our Nation. The Reserve and National Guard will be the primary source of military manpower in future emergencies instead of increased draft calls. To enable the Reserve Forces to accomplish this important role, adequate facilities are required to insure that the necessary level of combat readiness can be obtained.

Mr. Chairman, H.R. 15641 includes $107,185,000 for Reserve Forces facilities, which, Mr. Chairman, is 33 percent over last year's amount, and which is the largest amount authorized for Reserve Forces facilities during the last 10 years.

In view of the role we expect the Reserve Forces to play in future emergencies, this increased emphasis must be taken to insure that our Guard and Reserve units are provided with modern and effective training facilities. This bill includes $33,570,000 for the Army National Guard; $33,500,000 for the Army Reserve; and $19,175,000 for the Naval and Marine Corps Reserves; $14 million for the Air National Guard; and $6,400,000 for the Air Force Reserve.

I believe it is significant that reductions were possible and were made in other portions of the initial military construction request.

However, Mr. Chairman, the Committee on Armed Services was concerned that the requests for the Navy and Marine Corps Reserves and the Air National Guard were inadequate. The Committee on Armed Services' concern was demonstrated when it was found necessary to increase the amount for the Navy and Marine Corps Reserve, and the Air National Guard by $5 million each. This additional $10 million will provide those urgent facilities which should be provided now.

Mr. Chairman, there is a shortfall, a dropoff, of selected Reserve strengths of 48,800—almost a 50,000 shortfall—as of June 30, 1972, in the Reserve Forces of the United States. I am hopeful the improvement of the facilities for Reserve Forces will attract young Americans into the Reserve program.

I support the committee's concern regarding the Reserve Forces, and endorse the committee's recommendations as set forth in H.R. 15641.

Mr. Chairman, I thank the gentleman from Texas (Mr. Fisher) for yielding me this time.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Clancy).

(Mr. Clancy asked and was given permission to revise and extend his remarks.)

Mr. CLANCY. Mr. Chairman, we are pleased with the progress that the Department of Defense is making in air and water pollution abatement and feel that the services are truly taking the lead in this Nation's concerted effort to protect and enhance our environment. This year's program again indicates an acceleration of this effort and represents a significant increase over the authorization requested for this purpose last year The greater emphasis evidenced by this program is in consonance with the national policy declared by the National Environmental Policy Act. This is also in accord with Executive Order 11507, dated February 4, 1970, which requires that necessary actions to abate pollution by Federal agencies be completed or underway by December 31, 1972.

For too long this Nation has regarded its atmosphere and water resources as limitless, free resources. The limits are now in sight and we must move to preserve what is left not only for ourselves but for those who will follow. This committee has been providing authorization for pollution on an accelerated basis at defense installations since fiscal year 1968. From fiscal year 1968 through fiscal year 1972 these authorizations amounted to approximately $307 million. This year's program includes $171 million for air and water pollution control at defense installations both in the United States and overseas. Of this total amount, $106.9 million is for the abatement of water pollution at 79 installations and $64.1 million is for the abatement of air pollution at 54 installations. The water pollution control projects will provide treatment of sewage and waterborne industrial wastes, including some advanced waste treatment projects and connection, wherever feasible, to regional waste water treatment facilities, to comply with updated Federal, State, and local water quality standards. This year's program also includes collection and onshore treatment facilities for handling of ship wastes. This is the initial effort to control water pollution from naval vessels at shore installations.

The air pollution control projects are principally fuel conversions for heating plants to also comply with updated Federal, State, and municipal air quality standards regarding sulfur and fly ash. Other air pollution control projects relate to processing industrial exhausts and the construction of incinerators. We have been advised that all of these projects have been coordinated with the Environmental Protection Agency. Full advantage will be taken of the research and development efforts of the Environmental Protection Agency, the Department of Defense, and Industry.

In last year's program, all water pollution projects were included as one line item for each of the services, as were all air pollution rated projects. This practice is continued in this year's program, as the improved visibility provided in this manner has assisted greatly in the management and execution of the program.

We fully endorse the efforts of the Defense Department in identifying and programing these pollution abatement projects and the full amount requested for authorization is approved. This program essentially completes the initial effort by the services to bring all installations into compliance with existing standards. However, we realize that new legislation and updated quality standards will impose follow-on projects in subsequent years.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. CLANCY. I yield to the gentleman.

Mr. KING. Mr. Chairman, I rise to address a few remarks to several areas of this year's military construction bill (H.R. 15641) that are of particular interest to me and I believe will be to the whole body of the House. Before proceeding with my remarks, I wish to commend the distinguished gentleman from Texas, Congressman O. C. Fisher, the chairman of Subcommittee No. 2 of the Armed Services Committee, for the expeditious and effective manner in which hearings on this important bill were handled this year. Nor should I overlook and give recognition to the leadership, guidance and assistance given to the committee by the chairman, the able gentleman from Louisiana, Congressman F. Edward Hébert.

My remarks will be limited to a discussion of the Navy's pollution abatement, people oriented, and 6th Fleet support programs. For the last several years, the requests for pollution abatement facilities have been increasing. This year the Navy was asked to explain the significance of these programs in lay terms so that all Members of Congress would have a clear understanding of what the pollution abatement program provides the military services. It was also felt that this type of information could be used for providing more accurate and descriptive responses on the increasing number of inquiries that are being received from constituents on the subject of pollution abatement facilities. A complete statement on this subject will be found in this year's hearings: Therefore, I shall only highlight some of the more significant elements of this statement. The first thing we should recognize is that pollution abatement is simply a new term for many types of facilities that we have been authorizing for years that have had as an objective the improvement of the environment. Some examples of these facilities are sewage treatment plants, sewage distribution systems, land fills, and boiler plant stack emission controls.

What has brought about this increased emphasis on pollution abatement? It is recognition of the need to do more, with an increasing population. To maintain the quality of air and water that are such vital elements in our lives. I am sure if most of you search your memories you do not have to go back far to find remembrances of powerplants belching out clouds of black smoke, or being aware of the fact that Lake Michigan was the repository for the discharge of many of the sewer systems from towns that bordered on the lake after only primary treatment. For those of you on the coasts you may have similarly been aware that some cities were dumping their sewage into the ocean without treatment.

Previously, restrictive standards for water quality were minimal to protect us from the more obvious diseases such as typhoid and dysentery.

The air quality standards were based more on the effects on the wash hanging on the line than on the harmful effects gases such as nitrous oxides and sulphur dioxide may have on the health of man.

Now, however, as a result of Federal, State, and local laws and regulations the treatment of human sewage must be upgraded and the effluent treated so that it no longer depends upon a larger water course to dilute it and render it harmless; boilers must be converted to burn cleaner fuels, oil, and gas instead of coal; and scrubbers must sometimes be installed so that the stack gases are clean; systems must be installed on firefighting training schools which prevent dense black clouds of smoke rising into the air; sanitary landfills must take the place of trash destruction by open burning; ships can no longer dump untreated sewage into the Nation's estuaries, but rather must pump into pier sewers and treatment plants; industrial wastes must be treated and rendered harmless.

All of the problems enumerated will be corrected in part by facilities authorized in this bill which provides $81.4 million for Navy pollution abatement facilities.

I would also like to make a few observations with respect to the Navy's people-oriented facilities program. When I say Navy, I am also including the Marine Corps, since the Marine Corps probably has devoted more of their facilities construction program to people-oriented projects than any other service over the last several years.

The Navy allocated 22 percent of this year's program to troop housing and community support facilities. Last year, the authorization for these facilities categories was 39 percent of the total Milcon authorization. What is the driving force in the need for improvement in these types of facilities? The Navy believes that the modernization of the shore establishment to support operations, and the modernization of the Navy's maintenance/productive base will be without benefit unless the Navy can recruit and keep qualified personnel to operate the current and future weapon systems.

This program has as its objective, which was best stated by the Marine Corps, the provisions of modern, comfortable, and reasonably private living accommodations and personnel support type facilities for bachelors that will influence their desire to make the Navy or Marine Corps a career. With the prospects for an all-volunteer force, the need for emphasis on people-oriented facilities is likely to be enhanced.

I, for one, am delighted to see this type of people-oriented facilities program, which does something for the unsung servicemen that have contributed so much for our country over the past several years. We should probably be doing more, but I am confident that the Navy has tried to strike a balance between their operational, maintenance, and logistic support facility requirements and their people-oriented facilities program.

Evidence of the need for a balanced program is the requirement for a modest construction program at the Naval Air Facility, Sigonella, Sicily, and the Naval Detachment, Souda Bay, Crete.

The Soviet Union's shift to a maritime strategy over the past decade has manifested itself by the emergence of the Soviet Mediterranean Fleet, comprising missile ships, modern amphibious assault ships and submarines. This force has increased its operations in the Mediterranean Sea and utilizes several eastern Mediterranean ports for replenishment. Our policy commits the Navy to a strong role in the eastern Mediterranean to insure the strategic balance is not altered and that Middle East policy options are not limited. The Navy's successful performance of this mission is hampered by the austere shore-based support facilities in the eastern Mediterranean. This year's program continues a program started in fiscal year 1971 to upgrade the installations at the naval air facility—NAF—Sigonella, Sicily, and Naval Detachment—NAVDET—Souda Bay, Crete. These bases are strategically located close to primary 6th Fleet operating areas and offer in being operational airfields for use in fleet air logistics, air antisubmarine warfare, and military airlift operations, with the Souda Bay port facilities also capable of supporting 6th Fleet ships.

The current Military Airlift Command—MAC—terminal for all 6th Fleet personnel and most air cargo logistics is at Naval Station, Rota, Spain, outside the western end of the Mediterranean. The 6th Fleet operations are now oriented predominately to the central and eastern Mediterranean, a distance of about 1,200 to 2,500 miles eastward. Materials and personnel are distributed to the fleet by Fleet Tactical Support Squadron VR–24 homeported in Rota with a detachment at NAF Naples. Further delivery to the fleet is made by carrier onboard delivery aircraft having a range of 500 to 1,200 miles. Establishing a 6th Fleet MAC terminal at Sigonella and changing the homeport of VR–24 to Sigonella with a detachment at Souda Bay will extend the logistics support 1,200 miles farther into the area of operations and put VR–24 aircraft within single flight range of the 6th Fleet carriers.

Improved maintenance and personnel support facilities will be provided for ASW land-based patrol units to correct severe crowding and other shortcomings now encountered during deployments to Sigonella. The facilities at Souda Bay will be adequate to support a detachment of land-based ASW patrol aircraft.

While these facilities address only the normal intensity of operations anticipated, the improved base structure they provide will enable loading surges of up to 50 percent to be accommodated during unforeseen contingency situations. The facilities programs requested for the naval air facility, Sigonella and the naval detachment, Souda, are $8.9 million and $5.3 million, respectively.

The committee believes the modest investments in the provision of facilities at the naval air facility, Sigonella, and the naval detachment, Souda Bay, will result in material benefits in terms of operational and logistic support to the 6th Fleet.

From an examination of just three portions of the Navy's program, I believe it is clear that the committee, the Department of Defense, and the Navy have a difficult task in attempting to come up with a balanced military construction authorization program. Although the task is difficult, I firmly believe that this year's bill strikes a good balance between operational, logistic support, pollution abatement, and people-oriented facilities. I recommend your passage of the bill as presented.

Thank you very much, Mr. Chairman.

Mr. FISHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL of Virginia. Mr. Chairman, I rise in support of this legislation and I commend the chairman of the subcommittee for his leadership.

Mr. Chairman, I would like to comment on behalf of the troop housing projects for the Army in the military construction bill.

During the hearings on this bill your committee reviewed the Army facilities and determined that the Army was moving ahead in an orderly and resolute manner in bringing up the housing to adequate and modern standards. This bill before you provides for construction of 15,901 new enlisted barrack spaces and 458 bachelor officer quarters at permanent installations in the United States. In locating the new construction the Army has assured us that emphasis has been placed on those troop stations which have shown the largest deficits in permanent construction and which would also assist in taking World War II temporary barracks out of service as rapidly as possible.

I think a brief description of the barracks standards for which the Army is requesting funds is appropriate in that the Army is asking us to support a level of facility development. The Army recently completed competition to obtain a modern barracks design which will provide new living accommodations commensurate with the needs of today's soldier. Two outstanding designs were selected and these will form the basis for standard plans for barracks at large divisional installations. The new design will create simple and functional type dormitory type accommodations, as differentiated from the open-bay, institutional-looking barracks which have been the past standard. While the new design will increase the gross area of the barracks by about 10 percent, the interchangeable use of rooms, modular construction potential, and repetitive layouts are expected to keep the overall cost at the level which would be experienced if the current designs were utilized. This small increase in gross area is by no means extravagant and will help in overcoming the lack of personal privacy and the insufficiency of security of personal belongings that continue to be irritants to our soldiers in the Army today.

To direct the formulation of a plan for housing adequacy, the Army has established an Army Housing Committee. This committee, first of all, provides a forum for continuous communications among the various Army staff elements having responsibilities in the field of housing; second, reviews proposals for housing improvement from staff proponents; and third, assures accelerated action in the formulation and coordination of a comprehensive plan for achieving housing adequacy.

The new construction and modernization projects in the fiscal year 1973 program are completely in consonance with the committee's deliberations. Additionally, the Army has developed a new Army stationing and installations plan that is fundamental to housing planning since it establishes the basis of requirement by installation.

I believe it is of paramount importance to provide our soldiers with adequate housing. If we continue to require that they live in old dilapidated structures, we cannot possibly expect to attract quality personnel to volunteer for service in our Armed Forces, much less retain those career personnel who are presently serving.

I, therefore, earnestly recommend that we approve those troop housing projects included in the bill presently before you for consideration.

Mr. FISHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Chairman, I rise in support of provisions in this bill that will enable the Air Force to continue their important program for the modernization of facilities at their logistics command depots. We are providing authorization in fiscal year 1973 for $29.5 million for projects at five Air Force depots. Last year we provided authorization of $55 million to enable the Air Force to initiate this important program. It is a long-range program and we see a need for additional authorizations over the next few years.

Authorizations already granted and those required in the future will enable the Air Force to replace facilities that have long since outlived their useful life and also some facilities that are functionally inadequate to meet the demands of processing the advanced weaponry of today. Some of the facilities in use today were constructed in early World War I and many others originally designed and constructed for a 5-year life have been extended in use for as much as 25 years.

The work to be done by the Air Force

should provide significant economies in personnel and material resources. As an example on some facilities already authorized planning has already reached the point where the Air Force has been able to program personnel reductions. This was an important consideration to the committee since the members wanted assurance that the newly authorized construction would not be used to build up Air Force organic capability to absorb work which the committee feels should continue to be placed with aerospace contractors.

The authorizations proposed are in recognition of a program that has been professionally prepared. It is balanced as to cost versus assured economies, it preserves the balance between work accomplished by organic forces and that accomplished by contractors and it provides facilities that are in consonance without modern Air Force weapons.

Mr. FISHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, it is my distinct privilege to address my colleagues and give my full support to the fiscal year 1973 military construction bill. Under the most able and wise leadership of the distinguished gentleman from Louisiana, the Committee on Armed Services has produced a well-balanced program that is responsive to the needs of each of our military services. In giving my support to this authorization bill, I will address my remarks to title II, the Navy's portion, which totals $520,966,000.

The Navy portion of this bill reflects the Navy shore establishment's purpose of providing worldwide logistic support that is required for our naval forces. These requirements are more critical due to increased activity and development of Soviet naval forces. To keep pace with this threat, the Navy requires new and improved research and development facilities that will promote technological developments which will lead to new and more efficient naval forces, weapon systems and logistic support. New facilities are also needed for our fighting men to keep their morale high and induce them to select the military as a career. Many existing naval facilities are old, delapidated and cannot provide the facilities support needed to maintain the fleet at a maximum degree of readiness so important for insuring and supporting national policy. I would like to discuss several categories of projects to give you an idea of the wide spectrum of projects and requirements that this program is responsive to.

The first category is operational and training facilities. Major projects in this category range from ship berthing improvements at the Naval Station, Charleston, S.C., and dredging for the Naval Submarine Base, New London, Conn., to an academic building at the Naval War College, Newport, R.I. Other major specific projects include pier alterations and utilities at the Naval Air Station, North Island, Calif., at the Naval Shipyard, Long Beach, Calif., and at the Naval Station, San Diego, Calif.; applied instruction buildings at the Naval Air Station, Memphis, Tenn.; a combat systems maintenance school at the Naval Schools Command, Mare Island, Calif.; an electronics warfare training facility at the Naval Communications Training Center, Pensacola, Fla.; and a recruit processing facility at the Naval Training Center, Great Lakes, Ill.

The second general category is for maintenance and production facilities. This category includes major projects for an aircraft maintenance hangar at the Naval Air Facility, Sigonella, Sicily; jet engine test cells at Naval Air Rework Facility, Jacksonville, Fla.; an aircraft assembly hangar at Naval Air Rework Facility, Pensacola, Fla.; and a bomb loading plant modernization, at Naval Ammunition Depot, McAlester, Okla.

There is one major project in the category for research, development, and test facilities and that is the radar laboratory at the Naval Research Laboratory, Washington, D.C.

Category 4 is supply facilities and includes projects like a cold storage warehouse at the Naval Supply Center, Norfolk, Va.

Medical facilities are the fifth category. This year, two new hospitals at New Orleans, La., and at Pensacola, Fla., are approved so that proper and adequate medical aid can be given to service personnel and their dependents. There are also five projects for dispensary improvements.

Category 6, administrative facilities, covers a wide range of functional requirements, including administrative space at the Naval Facility, Sigonella, Sicily, an enginering/system analysis addition at the Naval Air Rework Facility, Quonset Point, R.I., and a data processing center for the Navy Finance Center, Cleveland, Ohio.

Category 7 is housing and community facilities. Once again, significant emphasis is placed on bachelor housing, messing facilities, and community support facilties, by the Navy. Morale and retention of personnel will be increased by providing personnel with facilties that compare favorably with those found in the civilian community.

Category 8 is utilities and ground improvements. Projects in this category are essential for shore activities to provide full and effecive fleet logistic support. Primarily, these projects involve the upgrading and modernizing of obsolete systems which are presently operating under full or overloaded capacities. Another major portion of category 8 is air and water pollution abatement projects. These projects demonstrate the Navy's awareness of the seriousness of the pollution problem and its willingness to vigorously pursue a program for its correction. The projects include boiler plant emission controls, landfill and dunnage disposal facilities, incinerators, pier sewer systems for the collection of shipboard wastes, and plants for industrial waste treatment. There are also projects for wastewater, waste oil, and other waste treatment.

The ninth and final category is real estate. The Navy has one major project that will acquire the necessary land to prevent urban encroachment within the explosive hazard zone at the Naval Ammunition Depot at Oahu, Hawaii.

The Marine Corps program makes up about 20 percent of the Navy's total program and its significant aspects can be summarized as follows: A large portion of the program is for a land exchange project at Marine Corps Air Stations in Orange County, Calif., that will prevent urban encroachment from curtailing air operations at El Toro and Santa Ana Air Stations. Another significant portion of the program is for new or modernization of bachelor housing facilities as the Marine Corps also feels that this is a significant factor in troop morale and retention. The remaining portion of the Marine Corps program is devoted to aviation operation and maintenance facilities, dental facilities, administrative space, and facilities for improving and/or expanding utility systems.

A wide range of requirements has been effectively developed by the committee into a balanced program that handles the urgently needed projects first. These projects are all valid requirements and I recommend that you approve this bill in its entirety.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I would like to voice my support for the construction of the Western Medical Institute of Research which is included in the bill before us at this time.

The new facility of which I speak is designed to provide a capability for general medical research with the emphasis in the field of infectious diseases that cause noneffective rates in the U.S. Army. The research will be particularly oriented toward communicable and infectious diseases of remote areas of the world.

I can testify from personal experience that during periods of armed conflict, infectious diseases, particularly tropical diseases, have taken a toll in man-days which has far exceeded that of enemy action. When our young men are sent to combat in tropical environments, they are faced with these additional dangers. Many of the diseases they are exposed to are capable of killing and incapacitating just as surely as enemy armies. It is my considered view, both as a physician and as a former member of the armed services, that before we commit our troops to such areas we should make every effort to develop the medical weapons to conquer and prevent these diseases.

Malaria, snail fever, dengue fever, sand-fly fever, and diarrheal diseases all have the capability to immobilize armies. These few examples are provided to illustrate the urgency of construction of the Western Medical Institute. Research programs addressing these kinds of problems are indispensable to timely development of effective preventive measures for future use with troops. This effort must be supported now, since the research to accomplish the stated goals will require a number of years for completion. The preventive measures must be ready in advance. The cost of not having them will be tremendous.

Exemplary of the cost of tropical disease are the more than 42,000 cases of malaria that have occurred in U.S. troops operating in Vietnam. The cost has been over $36 million in hospitalization, personnel replacement, and man-days lost. To delay the necessary research will not save money. Delay, however, will engender a significant risk of an enormously more expensive disease among combat troops in the next several decades.

At the present time, the Army's research activities engaged in combating these diseases are widely scattered, severely overcrowded, and seriously outdated.

The Western Medical Institute of Research will correct a bad, if not deplorable situation first conceived and started during World War II, but unfortunately allowed to lapse. The institute represents the first step in a long-range plan to consolidate the Army Medical Department's research institutes in the continental United States. This consolidation will increase efficiency, reduce overhead costs, and diminish needs for supporting personnel. This is especially appropos in this day of enhanced transport and communication. The Western Medical Institute will combine into one facility the activities of three laboratories now scattered over the United States and Japan. This consolidation will enormously enhance the productivity of the research effort in tropical diseases. Colocation of the Western Medical Institute with Letterman Army General Hospital is essential. This relationship will provide research expertise and corresponding research laboratory support to the hospital, in return for access to its clinical facilities and patient population. The Letterman staff will be stimulated, and patient care will be improved to even higher levels than those now achieved.

The plan is, that the Western Medical Institute of Research will be constructed in three phases. The first two are already under construction. The bill before you contains the third and final phase. The facility is being built to the most modern standards. It utilizes space layout of the most flexible means to promote efficient operation. As a former chief of personnel, Office of the Surgeon General, during World War II, let me stress that protecting the health of our fighting men will continue to be an essential ingredient of our national preparedness posture. Regardless of the level of U.S. military involvement, our men must be kept sufficiently well to function effectively on the line. This is best achieved by development of individual disease-preventive measures through meaningful research.

Gentlemen, I solicit your support of this worthy project which is clearly in the national interest.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Mr. Chairman, as a former member of this very distinguished committee I want to address a few questions to the chairman and to some of the members of the committee. First, however, I want to offer a preamble concerning the Army Intelligence School that was formerly located at Fort Holabird in my district and which has been transferred to Fort Huachuca.

At the time this transfer proposal was made I naturally opposed it, as any Congressman who is losing an installation would do. I was disturbed at that time to note that there was not adequate housing at Huachuca and that the water table was very low. I brought this to the attention of the Defense Department and the Army. They denied both of these allegations. It seemed to me they were very much lacking in candor.

Later on the chairman of the Military Construction Appropriations Subcommittee, the gentleman from Florida (Mr. Sikes), and I visited Fort Huachuca. We found a tremendous lack of housing there. We also found that the water table was, as we had been told, sinking. We came back with some warnings to the Defense Department that this transfer could be a serious mistake.

I have been pursuing this line, as a Congressman defending his district, and have been doing it for several years. I was recently very much interested to note that the Armed Services Committee itself had appointed a subcommittee under the leadership of the distinguished gentleman from New York (Mr. Pike), and the gentleman from Virginia (Mr. Daniel), and the gentleman from California (Mr. Gubser), from the minority. They came in with a report which was unanimous, in which they basically substantiated all the things I had been saying during that time. The title of the report I believe was "Money Down a Dry Hole."

Many millions of dollars went into this. The subcommittee accused the Army of a considerable lack of candor in this operation.

I want to address my remarks to the 100 housing units that are in this bill for Fort Huachuca. I am not going to offer an amendment. I gather the 100 housing units are in the bill because a mistake has been made and we have to provide the housing for the people there.

Is that a fair way to state the situation, Mr. Chairman?

Mr. FISHER. Mr. Chairman, if the gentleman will yield, in response to the gentleman's question, which I think is very appropriate, I want to state that the 100 units which are in the bill were authorized at the request of the Department. The committee was informed the requirements would have existed regardless of the transfer, but some of those transferred will probably occupy some of the units, if eligible.

Mr. LONG of Maryland. Would have existed in any case?

Mr. FISHER. In any case, regardless of the transfer.

While I am responding to the gentleman, I would like to commend the gentleman for his alertness in looking after this particular problem and the concern which he has expressed. I think all of us who have these problems in our districts need to follow through on them and see how the money is spent after the installations have been moved away. Sometimes there is quite a different story after we check upon them. I think the gentleman is quite properly looking into this.

Mr. LONG of Maryland. I compliment the Armed Services Committee for launching this investigation.

I did want to ask a question of the gentleman or perhaps the gentleman from Virginia (Mr. Daniel), a member of that subcommittee, who I see is here. What is proposed to be done about the 800 housing units—later adjusted downward to 569 units—which the Army has said in the past it needs at Fort Huachuca? This is an enormous number of housing units. I believe there are 1,700 housing units worldwide in this bill, and 669 for Fort Huachuca alone would cost millions of dollars. This bill provides for 100 of these units, which will cost approximately $2.6 million.

In view of this report, of which the gentleman from Virginia (Mr. Daniel) was a prominent author, what is the future of the 569 units? Does the committee feel the Army will be asking for these units in the future?

Mr. DANIEL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I am glad to yield to the gentleman from Virginia.

Mr. DANIEL of Virgina. First I should like to say I agree thoroughly with the gentleman from Maryland that the DOD was seriously in error when this transfer was made.

With regard to the specific question about more housing units, the request has not been made yet to our committee, so I cannot definitively answer the question.

Mr. LONG of Maryland. I believe that is a fair answer the gentleman has given me.

Though 569 units is a tremendous number of housing units to build at Huachuca, considering the situation there, which seems doubtful in many respects, including the water table. I would hope that the committee would in future years cast a very cold eye on any proposal to provide the 569 additional housing units there, in view of the tremendous housing shortage for the military which exists worldwide.

Mr. DANIEL of Virginia. Mr. Chairman, will the gentleman yield further?

Mr. LONG of Maryland. I am glad to yield further.

Mr. DANIEL of Virginia. The information which came to the committee suggested that the water supply at the present rate of consumption would last about 60 years. However, if we go into the type of construction the gentleman is talking about now, obviously this would not be the case.

The gentleman may be assured that the committee would look with a jaundiced eye upon any attempt to construct 569 housing units at that location.

Mr. LONG of Maryland. I thank the gentleman.

Mr. STRATTON. Mr. Chairman, it is a distinct privilege to address my colleagues on the subject of the military construction bill. The Committee on Armed Services, under the most learned and able leadership of the distinguished gentleman from Louisiana, has produced a sound, well-balanced program for each of our military services. I welcome this opportunity to speak in support of enactment of this military construction authorization bill. I will address my remarks to title II of the bill, the Navy's program, which totals $520,966,000.

The naval shore establishment's purpose is to provide the required logistic support for our modern naval forces. With today's technological developments resulting in the evolution of new and more efficient naval forces and weapons systems; modern, and in many instances complicated and unique shore facilities are required to give the proper support. Your committee has the continuing objective of insuring that naval and Marine Corps units receive the necessary authorization to provide those essential facilities required for the maintenance of a high state of combat readiness. Construction, as authorized in this bill, will provide positive advances in accomplishing this objective.

In order to assure that the shore stations are fully capable of providing needed support, the Navy maintains surveillance of the facilities available and required. As deficiencies are identified, new weapons systems become operative, and as advancements are attained through research, the Navy's military construction managers conduct critical reviews of the competing facilities requirements. By this manner, the Navy determines which of the urgent requirements are most urgent. This procedure results in a finely balanced program such as is contained in title II of the bill.

I should like to speak briefly first on those segments of the program devoted to direct support of the major fleets.

Construction of new shore facilities and the orderly replacement of antiquated existing structures must be considered as an internal part of the overall navy programs for construction and conversion of new ships, and the procurement of aircraft, missiles, and other weapon systems through which our Atlantic, Mediterranean, and Pacific Fleets will be modernized and equipped to face the challenge of the 1970's and beyond. As we commission new attack carriers, guided missile frigates, destroyers, attack submarines, and fast combat support ships, as we modernize our nuclear ballistic submarine forces, and as we adapt our carriers to the multipurpose role of attack and antisubmarine warfare, we must realize the attendant need for modern operational support bases and airfields. It is from such modern complex of naval bases that the vital logistics element of seapower is derived.

An authorization of $59 million is included in this bill for facilities needed by the Atlantic Fleet and Naval Forces, Europe. The growing Soviet naval forces in the Eastern Meriterranean and indeed throughout the Atlantic Ocean area presents a serious challenge to our 6th and 2d fleets, making it a matter of utmost importance that the necessary shore-based facility support be furnished to our forces in these areas.

An appraisal in early 1971 of shore-based support facilities in the Eastern Mediterranean disclosed an urgent need to upgrade the present installations at the Naval Air Facility—NAF—Sigonella, Sicily, and Naval Detachment—NAVDET—Souda Bay, Crete.

Development of these bases will extend the logistic support of the fleet to the area of the Mediterranean where fleet operations are increasing.

To effect the needed upgrading of facilities at Sigonella and Souda Bay, this year's bill contains 15 projects and $8.9 million and eight projects and $5.3 million for facilities at Sigonella and Souda Bay, respectively.

The major projects at Sigonella are a structural aircraft fire rescue station, an aircraft maintenance hangar, a public works maintenance shop, a dispensary and dental clinic addition, and a dependent school addition. At Souda Bay, the major projects are aircraft maintenance hangar shops, bachelor enlisted quarters, bachelor officer's quarters, and utilities.

For upgrading facilities at other Atlantic Fleet bases and stations, the following major operational and logistic support projects were included in this year's bill:

Ship berthing improvements at the Naval Station, Charleston, S.C.; an applied instruction building at the Naval Air Station, Jacksonville, Fla.; dredging and powerplant expansion at the Naval Submarine Base, New London, Conn.; a dock basin for floating drydock at the Naval Station, Newport, R.I.; electric utilities for piers at the Naval Station, Norfolk, Va.; an airframe maintenance facility at the Naval Air Station, Oceana, Va.; and an integrated aircraft maintenance facility at the Naval Air Station, Quonset Point, R.I.

Additionally, a total of eight personnel and community support projects are included at the various Atlantic Fleet stations and bases.

Authorization in the approved amount of $90.9 million is included for direct support of the Pacific Fleet. Of this amount, approximately $36.9 million is people oriented and will provide 14 urgently needed bachelor enlisted and officer quarters and other personnel support facilities.

Pacific operational and logistic support facilities include the following major projects: an electrical distribution system, a pier 2 extension with utilities, and a utilities system expansion project at the Naval Air Station, Alameda, Calif., an ordnance disposal group facility at the Naval Air Station, Barbers Point, Hawaii; pier extension with utilities at the Naval Station, Long Beach, Calif.; an aircraft intermediate maintenance facility at the Naval Air Station, Miramar, Calif.; a flight control/rescue facility and pier utilities at the Naval Air Station, North Island, Calif.; pier utilities at the naval submarine base, Pearl Harbor, Hawaii; pier and utilities at the Naval Station, San Diego, Calif.; and an aircraft parking apron at the Naval Air Station, Whidbey Island, Wash.

Also to be noted about this year's program is the Navy's extensive effort to abate air and water pollution. A significant portion of the military construction program, approximately $81 million is devoted to this high priority concern of the Nation. The Navy has made a concerted effort to conform to the ever more stringent pollution abatement laws and this program reflects its efforts by approving 64 items for pollution abatement at 49 Navy and Marine Corps installations.

With the introduction into the fleet of more highly sophisticated ordnance, ships, planes and systems components, training has become a critical factor in total fleet support. In an effort to keep personnel abreast of the technological developments and to insure continued fleet readiness, the Navy has requested and we have approved projects totaling more than $65.3 million for training facilities. These projects represent a balanced cross section of the total training requirement and include projects for both officer and enlisted training.

A portion of title II in the amount of $101.5 million is in support of the Marine Corps and will provide 43 projects at 16 installations. Of that total, $41.1 million is for the provision of modern living quarters for 8,075 bachelor marines.

I have reserved for my final comment, a particular segment of the Navy's portion of the bill, the package for personnel support facilities, projects primarily for people. New authorization of $119 million was approved for people-related projects. Of this amount, $103 million will provide adequate living spaces for 22,541 bachelor enlisted and officer men and women of the Navy and the Marine Corps. Our Navy men and marines deserve to be housed adequately. The Navy believes, as evidenced by the percentage of their program devoted to personnel support facilities, that the provision of adequate troop housing will measurably improve their retention rate. I share this belief and I am encouraged by the positive steps being taken by the Navy to improve the living conditions for Navy personnel.

There are several features of the bill that stand out. It authorizes the most urgent facilities. It is responsive to the continuing need for operational effectiveness. It provides improvement for the personnel who support and operate these forces. It provides some logistic support facilities for ships, aircraft and missiles as well as for men. At first thought, we might consider it desirable to accomplish all needed construction at the earliest possible date, however, title II of this bill has been tempered in light of the realities of the overall needs of the Navy and Marine Corps and the current budgetary climate.

Be assured, the facilities projects contained in the bill are all valid requirements which will allow our Navy and Marine Corps to maintain and sustain the high state of combat readiness required for carrying out assigned missions.

I wish to emphasize that, in my opinion, your Armed Services Committee has developed a soundly conceived, yet quite austere bill. I recommend that you approve it in its entirety.

Mr. DRINAN. Mr. Chairman, for many reasons I cannot support H.R. 15641, this year's military construction authorization bill.

I do not question the need for a large part of the funds authorized by this bill for improved living conditions for our servicemen.

What puzzles and distresses me is the Armed Services Committee's apparent attitude, implicit and explicit in the committee report, that this bill involves dollar figures and nothing more. The committee seems to assume that the Department of Defense has the right to design programs and determine priorities, and it is the committee's task merely to cut a little bit here and trim a little bit there, making sure that the overall cut falls somewhere in the 2- to 5-percent range. Nowhere in any document available to me is the rationale for this construction program challenged, nor are these priorities examined.

Take the following examples:

First. Military administration is overcentralized in the Washington, D.C., area, and according to the committee report "Secretary Laird has recognized the need to relocate activities from the Washington area." Yet the committee has approved the construction of an administrative facility in Washington at the cost of $170 million. Why? Because "if we do not move ahead with this proposal, it is conceivable that the costs will escalate." Such tortured logic could be used to justify the construction of almost anything.

Second. The committee has authorized $70 million to support American troops in Europe—exactly the amount requested by the Defense Department—despite the overwhelming evidence that substantial troop reductions can and should be made without jeopardizing American security interests in Europe in any way.

Third. Although Congress added an amendment to last year's foreign assistance authorization bill forbidding direct military assistance or the sale of military weapons to the repressive military junta in Greece, and although the current American military presence in Greece has embarrassed many Americans and our country's European allies, the committee has approved without alteration a $5.3 million construction request for the naval detachment at Souda Bay in Greece, and another unspecified sum for the Athenai Airport in Athens.

Fourth. The committee has approved the Defense Department's request for $14.3 million to begin initial site construction for the Trident missile system project. This project, originally known as ULMS, is of highly doubtful desirability, is unnecessary to the defense of our country, and involves fantastic costs estimated at $30 billion in the next decade.

Fifth. The committee has approved a request for $800,000 "to provide a facility" at Andersen Air Force Base in Guam, to use the vague language of the committee report. Construction at this base, where the Strategic Air Command is the host command, can have only one purpose—to aid in or tactically support the shameless and promiscuous bombing of Indochina.

Surely these five examples involve matters of policy which transcend the dollar figures involved. Surely these examples demand explanation—if not explanation, at least comment. For only one of these examples—the first—does the committee comment on policy matters, and there only to suggest that action be taken "so that the Congress may be kept informed."

What, then, has the Armed Services Committee wrought?

It has produced an authorization bill which reduces the Defense Department's budget request by 2.7 percent, despite the fact that the Department asked for 35 percent more than it was granted last year. This 2.7 percent reduction is less than half of last year's 5.6 percent reduction—curious, indeed, in light of the committee's insistence that we are entering the "post-Vietnam era."

It has produced a bill authorizing the expenditure of $33 million for projects described by one word—"classified."

It has approved funds for virtually every project which the Department of Defense asked for—no more and no less. It has neither created nor deleted a single program, despite the profound policy implications inherent in many of these funding requests.

It disturbs me that a committee of this Congress should appear to behave so subserviently, especially when $2.58 billion and so many important domestic and foreign policy issues are involved. Has the Congress devoted enough time to the consideration of this authorization and the priorities implicit in it? Has the Defense Department justified these priorities?

I believe the answer to these questions is no. It is conceivable, although probably unlikely, that a more full justification was made to the committee in its frequent—indeed, typical—secret hearings. However, I cannot ratify the expenditure of this money if it is based on secrets too dark to disclose to the American people.

Further work is necessary to produce an authorization bill which accurately reflects our valid military construction needs, while furthering efforts toward a workable and consistent American foreign policy. At this time, I urge defeat of H.R. 15641.

Mr. STEELE. Mr. Chairman, I wish to express my support of H.R. 15641, the military construction authorization bill for fiscal year 1973. This measure is vitally important to the maintenance of our Nation's Armed Forces, including the ability of defense installations in my own district to perform their missions.

Authorizations in the bill we are voting on today provide more than $9 million to construct facilities in the New London-Groton, Conn., area essential for improved logistic support to the Atlantic Submarine Fleet.

Included in the bill is $985,000 for a compression chamber for the naval submarine medical center. This money is in addition to an original authorization in 1968 which had totaled $1,590,000. The compression chamber will provide an advanced and applied research facility for gathering biomedical data, using man as a test subject up to depths of 2,000 feet. An urgent requirement exists for the compression chamber and the importance of this advanced and applied research to the future strength of the Navy cannot be overstated.

Also included in the bill is $5,032,000 to dredge the Thames River, from the mouth to the submarine base. The channel will be deepened from 32 and 33 feet to 36 feet deep to accommodate the deeper draft of the new 688-class attack submarine, seven of which will be constructed at the Electric Boat Division of General Dynamics in Groton.

Another section of the bill provides $2,615,000 for the extension of the existing powerplant on the submarine base. The plant's present capacity is 12,500 kilowatts. It would be increased to 24,700 kilowatts to accommodate the surge in power requirements for the new ships.

A total of $728,000 is authorized for a trainer building extension, a facility which would contain submarine training simulators for the 688-class vessels. The simulators will replace six obsolete models now housed in four separate buildings. These new machines will simulate conditions too dangerous to practice at sea.

Mr. FRENZEL. Mr. Chairman, at a time when Congress has received considerable criticism for overspreading, I am concerned that the military construction bill before us today, which is modest by current standards, may be more than is absolutely needed. Yesterday the chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON), told this body that the House had appropriated already more than $20 billion in excess of the budget requested.

With every sector of our economy demanding more, it is hard to single out any one expense area as better able to sustain a cut in its expectations than the next. However, this year's military construction bill, like last year's is supposed to reflect more people needs so that we can attract a volunteer army and eliminate the need for conscription.

I have strongly supported the concept of the volunteer army, and I do not expect to vote for the extension of the draft, absent some emergency conditions, when it expires next June 30. Nevertheless, using the construction of gymnasiums, arts and craft centers, and even bachelor and family housing units as an incentive for enlistments, seems to me to be an ineffective way of providing lures and incentives. Not all of our servicemen can enjoy family or bachelor quarters. Many do not want craft centers. I suspect that it may be hard to justify auto craft centers on the basis of broad appeal to our military men.

It seems to me that it would be far better to pay our military personnel a reasonable and comparable wage which would attract them to military service. If we would take all the traditional benefits normally given to our military personnel and put them into wage increases, we would have a benefit package that every one of them could use and that would be more attractive than the traditional package of lures.

By allocating our incentives in this way, we would also spotlight the true costs of our military personnel. We would have the total personnel costs shown more dramatically. I have stated many times that the way to reduce military expenditures is to reduce military personnel. If we could show true personnel costs, the need for personnel reduction would become far more obvious.

Mr. Chairman, I congratulate the committee on reducing the budget by 2.7 percent in this bill. I regret that the committee was not able to match the 5.6-percent cut which it achieved last year. It is my earnest hope that in the future the committee will take a different kind of look at its incentive system so that all benefits paid to our military men can be used by all of them.

Mr. BRAY. Mr. Chairman, I have no further requests for time.

Mr. FISHER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN pro tempore (Mr. VAN DEERLIN). Pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

Inside the United States

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $11,027,000.
Carlisle Barracks, Pennsylvania, $1,078,000.
Fort Dix, New Jersey, $1,215,000.
Fort Eustis, Virginia, $7,535,000.
Fort Knox, Kentucky, $20,244,000.
Fort Lee, Virginia, $1,048,000.

(Third Army)

Fort Benning, Georgia, $6,040,000.
Fort Bragg, North Carolina, $964,000.
Fort Campbell, Kentucky, $13,797,000.
Fort Gordon, Georgia, $5,225,000.
Fort Jackson, South Carolina, $18,650,000.
Fort McClellan, Alabama, $333,000.
Fort Rucker, Alabama, $3,232,000.

(Fifth Army)

Fort Bliss, Texas, $5,839,000.
Fort Benjamin Harrison, Indiana, $1,966,000.
Fort Hood, Texas, $32,416,000.
Fort Leavenworth, Kansas, $1,054,000.
Fort Polk, Louisiana, $4,997,000.
Fort Riley, Kansas, $787,000.
Fort Sill, Oklahoma, $14,958,000.
Fort Leonard Wood, Missouri, $18,578,000.

(Sixth Army)

Fort Carson, Colorado, $17,457,000.
Presidio of Monterey, California, $4,118,000.
Fort Ord, California, $8,451,000.
Presidio of San Francisco, California, $12,367,000.

MILITARY DISTRICT OF WASHINGTON

Fort McNair, District of Columbia, $120,000.
Fort Myer, Virginia, $1,815,000.

UNITED STATES ARMY MATERIEL COMMAND

Anniston Army Depot, Alabama. $1,460,000,
Army Materials and Mechanics Research Center, Massachusetts, $332,000.
Harry Diamond Laboratories, Maryland, $20,867,000.
Lexington-Blue Grass Army Depot, Kentucky, $1,610,000.
Fort Monmouth, New Jersey, $475,000.
Pueblo Army Depot, Colorado, $654,000.
Redstone Arsenal, Alabama, $547,000.
Rock Island Arsenal, Illinois, $444,000.
Seneca Army Depot, New York, $715,000.
Sierra Army Depot, California, $2,633,000.
Yuma Proving Ground, Arizona, $926,000.

UNITED STATES ARMY AIR DEFENSE COMMAND

Various Locations, $1,923,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms, Virginia, $1,549,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

For Huachuca, Arizona, $862,000.
Fort Ritchie, Maryland, $545,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $3,493,000.

ARMY MEDICAL DEPARTMENT

Fitzsimons General Hospital, Colorado, $685,000.
Walter Reed Army Medical Center, District of Columbia, $13,161,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey, $3,245,000.
Military Ocean Terminal, Sunny Point, North Carolina, $802,000.

UNITED STATES ARMY, ALASKA

Alaska General, Alaska, $673,000.
Fort Richardson, Alaska, $1.273,000.

UNITED STATES ARMY, HAWAII

Fort Kamehameha, Hawaii, $1,245,000.
Schofield Barracks, Hawaii, $4,326,000.
Fort Shafter, Hawaii, $987,000.
Tripler Army Medical Center, Hawaii, $1,589,000.

BARRACKS MODERNIZATION

Various Locations, $103,225,000.

POLLUTION ABATEMENT

Various Locations: Air Pollution Abatement, $31,405,000.
Various Locations: Water Pollution Abatement, $36,502,000.

Outside the United States

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various Locations, $8,129,000.

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $2,018,000.

KWAJALEIN MISSILE RANGE

National Missile Range, $13,289,000.
Site Defense of Minuteman, $19,000,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $1,655,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various Locations, $1,412,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $11,953,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collectve defense of the North Atlantic Treaty Area, $58,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 101, as follows:

(1) With respect to "Burlington Army Ammunition Plant, New Jersey," strike out "$384,000" and insert in place thereof "$650,000."

(2) With respect to "Sierra Army Depot, California," strike out "$369,000" and insert in place thereof $761,000."

(3) With respect to "Tobyhanna Army Depot, Pennsylvania," strike out "$115,000" and insert in place thereof "$261,000."

(b) Public Law 91–511, as amended, is amended by striking out in clause (1) of section 602 "$180,502,000" and "$265,699,000" and inserting in place thereof "$181,306,000" and "$266,503,000," respectively.

SEC. 104. (a) Public Law 92–145 is amended under the heading "POLLUTION ABATEMENT," in section 101 as follows:

(1) With respect to "Various Locations, Water Pollution Abatement Facilities," strike out "$34,791,000" and "$2,000,000" and insert in place thereof "$35,291,000" and "$2,500,000," respectively.

(b) Public Law 92–145 is amended by striking out in clause (1) of section 702 "$363,126,000" and "$404,500,000" and inserting in place thereof "$363,626,000" and "$405,000,000", respectively.

Mr. FISHER (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I take this time to ask several questions concerning this bill. Since title I deals with funds for rehabilitation of buildings, installing of permanent and temporary public works, and so on and so forth, I should like to ask some questions about construction.

When Mr. Packard left the Department of Defense earlier this year he expressed great disappointment that he had been unable to close a number of military bases and other installations throughout the country.

I should like to ask some member of the committee, how many bases have been closed during the past year? And in the case of this bill, is there any money to be expended upon bases and other installations that Mr. Packard suggested be closed which were, apparently, a part of the President's program for closures across the country?

Mr. FISHER. Will the gentleman yield?

Mr. GROSS. Yes. I am happy to yield to the gentleman.

Mr. FISHER. I can only respond to the gentleman by saying that with respect to every one of the more than 800 projects we considered on a line item basis, we granted authorization for no project at a base where there is any indication of plans to close or substantially reduce the installation.

Mr. GROSS. The gentleman is saying—it was hard for me to hear him—is he saying there is no money being expended for construction or rehabilitation on installations which may be closed?

Mr. FISHER. The gentleman is correct. That is what we were told.

Mr. GROSS. I must ask the question why, when a man serving in the position Mr. Packard in the Department of Defense could not justify them, these bases were not closed. Why were they not closed?

Mr. FISHER. In response to that question, the gentleman from Texas is not in a position to state anything on behalf of the Department of Defense or Mr. Packard. We have no official communication requesting closure.

Mr. GROSS. Did the committee go into this at all?

Mr. FISHER. Well, questions, of course, are continually arising in the committee during various considerations regarding the status of bases. Some of those may be the ones the gentleman from Iowa refers to. I simply do not know. However, it is our information that bases where projects are requested in this bill are not programed for closure.

Mr. GROSS. With respect to the situation in Europe, have we recovered anything from the properties we turned over to the French Government when NATO was moved from that country?

Mr. FISHER. It is my understanding, I will say to the gentleman, that we are in the process of recovering a fairly substantial amount of our losses there as a result of that. I think it is about $80 million. That is due to the transfer out of France and is being paid in annual installments by NATO infrastructure funds.

Mr. GROSS. It is my understanding we have expended some $190 million on the improvement of properties in Germany and that we are not very successful in obtaining reimbursement for those improvements. Would that be a reasonably correct figure?

Mr. FISHER. Well, the West German Government, as I understand it, is in the process of spending $183 million for the improvement of American-occupied barracks located in West Germany.

Mr. GROSS. Yes, the report accompanying the bill so states.

Mr. FISHER. I am sure there is a lot to be said for excessive expenditures anywhere in the world where we operate, but so far as the committee knows the operations in Germany are being carried on in an efficient manner.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. GROSS. It is my understanding with regard to the expenditures for improvement of the properties in Germany on which this Government has expended some $190 million, that we have recovered thus far only $270,000.

Mr. FISHER. The gentleman may be entirely correct. That simply does not come within the purview of this particular committee. We are not fully informed about the status of this recovery situation as it now exists.

Mr. GROSS. With respect to the construction of motels, how much money is there in this bill for that purpose?

Mr. FISHER. There is no money whatever in this bill for the construction of hotels.

Mr. GROSS. I mean motels on military bases.

Mr. FISHER. I will explain to the gentleman I know what he is talking about and I share his concern about that program, but that is being paid for out of nonappropriated funds.

Mr. GROSS. I thank the gentleman.

With respect to a new administrative building why would the committee insist upon the construction of a new building for the Department of Defense when we have that huge installation just across the Potomac River, and the Forrestal Building was only recently constructed? How much further are we going to go in adding to the space already provided in the Pentagon and supplemented only recently by construction of the Forrestal Building?

Mr. FISHER. If the gentleman will yield, in response to the inquiry of the gentleman from Iowa, which is a very valid one, and which has occurred to many of us, the facts are that as of this time we are renting about 4,700,000 square feet of space or more, for administrative purposes for the Department of Defense in the Washington metropolitan area. That is a lot of space, and it is costing a lot of money. Rentals are high, and a lot of people are making considerable profit as a result of it, although it is done on a competitive basis.

We hope that by using Government-owned land for the construction of a Government-owned building that over the long pull it will mean saving money for the American taxpayers. That is the whole story.

Mr. GROSS. Are the offices getting larger in the Pentagon? Are they tearing out the partitions, or are they increasing the personnel even though we are supposed to be winding down a war? What is the story? What causes the necessity for additional office space for the Department of Defense?

Mr. FISHER. For many years this rental program has been going on, and as it is now there is a deficit of approximately 4.7 million square feet. The Secretary has indicated a plan to move enough people out of the Washington area to relieve maybe 2 million of the square feet in this space, and we are proposing to provide about 1.5 million square feet in this new building. So, even with this start we will still have to continue with some rentals. I could not agree with the gentleman from Iowa more that the time is long overdue for retrenchment in that respect, and we are just as anxious as anybody could be for that to be brought about.

Mr. GROSS. I thank the gentleman, and I hope there will be retrenchment, but I fear the worst.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $2,227,000.

Naval Hospital, Newport, Rhode Island, $423,000.

Navy Public Works Center, Newport, Rhode Island, $546,000.

Naval Station, Newport, Rhode Island, $2,050,000.

Naval War College, Newport, Rhode Island, $8,469,000.

Naval Air Rework Facility, Quonset Point, Rhode Island, $1,460,000.

Naval Air Station, Quonset Point, Rhode Island, $3,636,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $7,647,000.

Naval Submarine School, New London, Connecticut, $728,000.

FOURTH NAVAL DISTRICT

Naval Air Station, Lakehurst, New Jersey, $107,000.

Naval Air Test Facility, Lakehurst, New Jersey, $1,504,000.

Navy Finance Center, Cleveland, Ohio, $2,777,000.

NAVAL DISTRICT, WASHINGTON

Naval Research Laboratory, Washington, District of Columbia, $5,563,000.

Naval Air Test Center, Patuxent River, Maryland, $4,914,000.

Naval Electronic Systems Test and Evaluation Facility, St. Inigoes, Maryland, $140,000.

Naval Ordnance Laboratory, White Oak, Maryland, $438,000.

Naval Hospital, Quantico, Virginia, $185,000.

FIFTH NAVAL DISTRICT

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia, $294,000.

Naval Amphibious Base, Little Creek, Virginia, $1,300,000.

Navy Public Works Center, Norfolk, Virginia, $3,319,000.

Naval Shipyard, Norfolk, Virginia, $5,116,000.

Naval Station, Norfolk, Virginia, $3,186,000.

Naval Supply Center, Norfolk, Virginia, $5,968,000.

Naval Air Station, Oceana, Virginia, $2,347,000.

Naval Security Detachment, Sugar Grove, West Virginia, $475,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $479,000.

Naval Air Rework Facility, Jacksonville, Florida, $6,950,000.

Naval Air Station, Jacksonville, Florida, $3,676,000.

Naval Training Center, Orlando, Florida, $2,227,000.

Naval Coastal Systems Laboratory, Panama City, Florida, $500,000.

Naval Air Rework Facility, Pensacola, Florida, $6,275,000.

Naval Air Station, Pensacola, Florida, $2,850,000.

Naval Communications Training Center, Pensacola, Florida, $4,998,000.

Naval Hospital, Pensacola, Florida, $19,156,000.

Naval Air Station, Whiting Field, Florida, $700,000.

Naval Air Station, Glynco, Georgia, $1,213,000.

Naval Air Station, Meridian, Mississippi, $6,584,000.

Naval Shipyard, Charleston, South Carolina, $5,316,000.

Naval Station, Charleston, South Carolina, $3,452,000.

Naval Air Station, Memphis, Tennessee, $10,512,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana, $11,680,000.

Naval Ordnance Missile Test Facility, White Sands, New Mexico, $160,000.

Naval Ammunition Depot, McAlester, Oklahoma, $6,336,000.

Naval Air Station, Corpus Christi, Texas, $642,000.

Naval Air Station, Kingsville, Texas, $250,000.

NINTH NAVAL DISTRICT

Navy Public Works Center, Great Lakes, Illinois, $108,000.

Naval Training Center, Great Lakes, Illinois, $11,348,000.

ELEVENTH NAVAL DISTRICT

Naval Amphibious Base, Coronado, California, $2,761,000.

Naval Air Station, Imperial Beach, California, $1,252,000.

Naval Shipyard, Long Beach, California, $5,586,000.

Naval Station, Long Beach, California, $1,844,000.

Naval Air Station, Miramar, California, $4,372,000.

Naval Air Rework Facility, North Island, California, $3,015,000.

Naval Air Station, North Island, California, $10,504,000.

Pacific Missile Range, Point Mugu, California, $665,000.

Naval Construction Battalion Center, Port Hueneme, California, $470,000.

Fleet Anti-Air Warfare Training Center, San Diego, California, $1,026,000.

Navy Public Works Center, San Diego, California, $1,758,000.

Naval Station, San Diego, California, $8,291,000.

Navy Submarine Support Facility, San Diego, California, $631,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, $8,134,000.

Naval Facility, Centerville Beach, Ferndale, California, $664,000.

Naval Air Station, Lemoore, California, $3,981,000.

Naval Schools Command, Mare Island, Vallejo, California, $5,153,000.

Naval Shipyard, Mare Island, Vallejo, California, $4,450,000.

Naval Air Station, Moffett Field, California, $5,491,000.

Fleet Numerical Weather Central, Monterey, California, $2,830,000.

Naval Station, Treasure Island, San Francisco, California, $2,690,000.

Naval Security Group Activity, Skaggs Island, California, $237,000.

Naval Air Station, Fallon, Nevada, $214,000.

THIRTEENTH NAVAL DISTRICT

Naval Communication Station, Adak, Alaska, $591,000.

Naval Arctic, Research Laboratory, Barrow, Alaska, $1,114,000.

Naval Shipyard, Puget Sound, Bremerton, Washington, $5,992,000.

Naval Torpedo Station, Keyport, Washington, $96,000.

Naval Air Station, Whidbey Island, Washington, $8,744,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, $1,120,000.

Naval Ammunition Depot, Oahu, Hawaii, $10,516,000.

Naval Dispensary, Pearl Harbor, Hawaii, $3,593,000.

Naval Shipyard, Pearl Harbor, Hawaii, $424,000.

Naval Station, Pearl Harbor, Hawaii, $2,623,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,755,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, $5,233,000.

Marine Corps Development and Education Command, Quantico, Virginia, $6,492,000.

Marine Corps Base, Camp Lejeune, North Carolina, $9,672,000.

Marine Corps Air Station, Cherry Point, North Carolina, $2,143,000.

Marine Corps Air Station, New River, North Carolina, $3,748,000.

Fleet Marine Force, Atlantic, Norfolk, Virginia, $2,602,000.

Marine Corps Supply Center, Albany, Georgia, $236,000.

Marine Corps Air Station, Beaufort, South Carolina, $2,757,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $4,612,000.

Marine Corps Air Station, Yuma, Arizona, $2,030,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $2,996,000.

Marine Corps Base, Camp Pendleton, California, $14,972,000.

Marine Corps Air Station, El Toro, California, $523,000.

Marine Corps Air Stations, Orange County, California, $40,379,000.

Marine Corps Base, Twentynine Palms, California, $2,017,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii, $1,050,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement Facilities, $25,194,000.

Various Locations, Water Pollution Abatement Facilities, $55,016,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Communication Station, Ponce, Puerto Rico, $586,000.

Naval Station, Roosevelt Roads, Puerto Rico, $1,497,000.

Naval Security Group Activity, Sabana Seca, Puerto Rico, $660,000.

Naval Facility, Grand Turk, The West Indies, $271,000.

ATLANTIC OCEAN AREA

Naval Air Facility, Lajes, Azores, $120,000.

Naval Air Station, Bermuda, Bermuda Islands, $90,000.

Naval Air Station, Guantanamo Bay, Cuba, $144,000.

Naval Hospital, Guantanamo Bay, Cuba, $738,000.

Naval Station, Guantanamo Bay, Cuba, $3,310,000.

Naval Station, Keflavik, Iceland, $1,297,000.

EUROPEAN AREA

Naval Communication Unit, London, England, $88,000.

Naval Detachment, Souda Bay, Crete, Greece, $5,308,000.

Naval Air Facility, Sigonella, Sicily, Italy, $8,932,000.

Naval Station, Rota, Spain, $860,000.

INDIAN OCEAN AREA

Naval Communication Facility, Diego Garcia, Chagos Archipelago, $6,100,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $1,743,000.

Naval Air Statioin, Agana, Guam, Mariana Islands, $1,008,000.

Naval Hospital, Guam, Mariana Islands, $598,000.

Naval Magazine, Guam, Mariana Islands, $968,000.

Navy Public Works Center, Guam, Mariana Islands, $158,000.

Naval Station, Guam, Mariana Islands, $202,000.

Navy Air Support Unit, Iwakuni, Japan, $166,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $4,470,000.

Naval Communication Station, San Miguel, Republic of the Philippines, $395,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, $267,000.

POLLUTION ABATEMENT

Various Locations: Water Pollution Abatement Facilities, $1,200,000.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $14,300,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 89-568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Shipyard, San Francisco, California, strike out "$3,412,000" and insert in place thereof "$4,017,000".

(b) Public Law 89-568, as amended, is amended by striking out in clause (2) of section 602, "$123,909,000" and "$148,072,000" and inserting in place thereof "$124,514,000" and "$148,677,000", respectively.

SEC. 205. (a) Public Law 80-110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Medical Center, New London, Connecticut, strike out "$1,590,000" and insert in place thereof "$2,575,000".

(b) Public Law 90-110, as amended, is amended by striking out in clause (2) of section 802, "$422,599,000" and "$470,796,000" and inserting in place thereof "$423,584,000" and "$471,781,000", respectively.

SEC. 206. (a) Public Law 91-511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Observatory Flagstaff Station, Flagstaff, Arizona, strike out "$286,000" and insert in place thereof "$804,000".

(2) With respect to Marine Corps Base, Camp Lejeune, North Carolina, strike out "$1,384,000" and insert in place thereof "$1,703,000".

(b) Public Law 91-511, as amended, is amended under the heading "OUTSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Magazine, Guam, Mariana Islands, strike out "$3,287,000" and insert in place thereof "$7,457,000".

(c) Public Law 91-511, as amended, is amended by striking out in clause (2) of section 602, "$246,118,000", "$21,994,000" and "$269,086,000" and inserting in place thereof "$246,955,000", "$26,164,000" and "$274,093,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $5,423,000.

Tyndall Air Force Base, Panama City, Florida, $388,000.

AIR FORCE LOGISTICS COMMAND

Gentile Air Force Station, Dayton, Ohio, $138,000.

Hill Air Force Base, Ogden, Utah, $3,060,000.

Kelly Air Force Base, San Antonio, Texas, $3,483,000.

McClellan Air Force Base, Sacramento, California, $9,318,000.

Robins Air Force Base, Macon, Georgia, $8,936,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $10,359,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $14,464,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $300,000.

Brooks Air Force Base, San Antonio, Texas, $3,566,000.

Edwards Air Force Base, Muroc, California, $534,000.

Eglin Air Force Base, Valparaiso, Florida, $10,920,000.

Kirtland Air Force Base, Albuquerque, New Mexico, $893,000.

Satellite Tracking Facilities, $151,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois, $5,875,000.

Keesler Air Force Base, Biloxi, Mississippi, $4,454,000.

Lackland Air Force Base, San Antonio, Texas, $3,644,000.

Laredo Air Force Base, Laredo, Texas, $133,000.

Laughlin Air Force Base, Del Rio, Texas, $711,000.

Lowry Air Force Base, Denver, Colorado, $987,000.

Mather Air Force Base, Sacramento, California, $2,426,000.

Randolph Air Force Base, San Antonio, Texas, $674,000.

Reese Air Force Base, Lubbock, Texas, $2,235,000.

Sheppard Air Force Base, Wichita Falls, Texas, $5,074,000.

Williams Air Force Base, Chandler, Arizona, $329,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, $3,000,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $2,885,000.

Various locations, $2,012,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $2,971,000.

Bolling Air Force Base, Washington, District of Columbia, $20,226,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $543,000.

Dover Air Force Base, Dover, Delaware, $2,785,000.

McChord Air Force Base, Tacoma, Washington, $1,470,000.

McGuire Air Force Base, Wrightstown, New Jersey, $4,509,000.

Norton Air Force Base, San Bernardino, California, $1,009,000.

Scott Air Force Base, Belleville, Illinois, $359,000.

Travis Air Force Base, Fairfield, California, $274,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $6,983,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $2,708,000.

Blytheville Air Force Base, Blytheville, Arkansas, $92,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $2,665,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $103,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, $1,812,000.

Griffiss Air Force Base, Rome, New York, $3,306,000.

Grissom Air Force Base, Peru, Indiana, $138,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $338,000.

Loring Air Force Base, Limestone, Maine, $2,523,000.

March Air Force Base, Riverside, California, $4,512,000.

Minot Air Force Base, Minot, North Dakota, $1,664,000.

Offutt Air Force Base, Omaha, Nebraska, $5,271,000.

Vandenberg Air Force Base, Lompoc, California, $3,185,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, $455,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $948,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $210,000.

Cannon Air Force Base, Clovis, New Mexico, $175,000.

England Air Force Base, Alexandria, Louisiana, $2,095,000.

George Air Force Base, Victorville, California, $379,000.

Holloman Air Force Base, Alamogordo, New Mexico, $772,000.

Homestead Air Force Base, Homestead, Florida, $2,798,000.

Langley Air Force Base, Hampton, Virginia, $1,629,000.

MacDill Air Force Base, Tampa, Florida, $4,428,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $318,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $145,000.

Nellis Air Force Base, Las Vegas, Nevada, $2,620,000.

Pope Air Force Base, Fayetteville, North Carolina, $1,955,000.

Shaw Air Force Base, Sumter, South Carolina, $4,000,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $3,312,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $1,540,000.

POLLUTION ABATEMENT

Various Locations: Air Pollution Abatement Facilities, $7,300,000.

Various Locations: Water Pollution Abatement Facilities $9,691,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, $12,000,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Satellite Tracking Facilities, $310,000.

AEROSPACE DEFENSE COMMAND

Naval Station, Keflavik, Iceland, $1,704,000.

PACIFIC AIR FORCES

Various Locations, $4,612,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $800,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $11,422,000.

United Kingdom, $5,605,000.

Various Locations, $3,404,000.

POLLUTION ABATEMENT

Various Locations: Air Pollution Abatement Facilities, $171,000.

Various Locations: Water Pollution Abatement Facilities, $4,537,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in total amount of $18,660,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1973, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 91-142, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 301 as follows:

(1) With respect to Williams Air Force Base, Chandler, Arizona, strike out "$4,462,000" and insert in place thereof, "$5,008,000".

(b) Public Law 91-142, as amended, is amended by striking out in clause (3) of section 702 "$208,611,000" and "$268,994,000" and inserting in place thereof "$209,157,000" and "$269,540,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for Defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE INTELLIGENCE AGENCY

Arlington Hall Station, Virginia, $1,600,000.

DEFENSE NUCLEAR AGENCY

Naval Ordnance Laboratory, White Oak, Maryland, $2,236,000.

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, $360,000.

DEFENSE SUPPLY AGENCY

Defense Automatic Addressing Facility, Tracy, California, $137,000.

Defense Construction Supply Center, Columbus, Ohio, $972,000.

Defense Documentation Center, Alexandria, Virginia, $98,000.

Defense Depot, Mechanicsburg, Pennsylvania, $722,000.

Defense Depot, Memphis, Tennessee, $828,000.

Defense Depot, Ogden, Utah, $1,091,000.

Defense Depot, Tracy Annex, Stockton, California, $218,000.

Defense Electronics Supply Center, Dayton, Ohio, $159,000.

Defense General Supply Center, Richmond, Virginia, $2,067,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $5,221,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilites, and equipment in the total amount of $20,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, three thousand nine hundred forty-eight units, $100,098,000:

National Guard Battalion Headquarters, Bethel, Alaska, two units.

National Guard Battalion Headquarters, Nome, Alaska, two units.

Fort Huachuca, Arizona, one hundred units.

Sierra Army Depot, California, eighty units.

Fort Carson, Colorado, three hundred units.

Walter Reed Army Medical Center, District of Columbia, three hundred units.

Fort Benning, Georgia, four hundred seventy-four units.

United States Army Installations, Oahu, Hawaii, six hundred forty units.

Fort Riley, Kansas, one hundred units.

United States Army Installations, St. Louis, Missouri, two hundred units.

Fort Monmouth, New Jersey, one hundred units.

Fort Bragg/Pope Air Force Base, North Carolina, five hundred units.

Fort Hood, Texas, one thousands units.

Fort Belvoir, Virginia, one hundred fifty units.

(2) The Department of the Navy, four thousands six hundred units, $119,900,000:

Naval Complex, Long Beach, California, four hundred units.

Marine Corps Base, Camp Pendleton, California, four hundred units.

Marine Corps Base, Twentynine Palms, California, one hundred units.

Naval Complex, Washington, District of Columbia, six hundred units.

Naval Training Center, Orlando, Florida, three hundred units.

Naval Complex, Oahu, Hawaii, five hundred units.

Naval Complex, Great Lakes/Glenview, Illinois, three hundred fifty units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Naval Air Station, Meridian, Mississippi, two hundred units.

Naval Air Station, Lakehurst, New Jersey, two hundred units.

Naval Complex, Newport, Rhode Island, one hundred fifty units.

Naval Complex, Charleston, South Carolina, two hundred units.

Naval Complex, Norfolk, Virginia, six hundred units.

Naval Security Group Activity, Galeta Island, Canal Zone, twenty units.

Naval Complex, Guam, Marianas Islands, two hundred thirty units.

Naval Air Station, Bermuda, two hundred fifty units.

(3) The Department of the Air Force, three thousand one hundred sixty-eight units, $76,024,000:

Maxwell/Gunter Air Force Bases, Alabama, two hundred units.

Davis-Monthan Air Force Base, Arizona, four hundred units.

Lowry Air Force Base, Colorado, three hundred units.

Bolling Air Force Base, District of Columbia, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Nellis Air Force Base, Nevada, two hundred units.

Laredo Air Force Base, Texas, two hundred units.

Hill Air Force Base/Defense Depot, Ogden, Utah, three hundred eighteen units.

Langley Air Force Base, Virginia, five hundred units.

San Vito Air Station, Italy, one hundred fifty units.

Incirlik Air Base, Turkey, two hundred units.

(b) Mobile Home Facilities—

(1) The Department of the Army, four hundred twenty-one spaces, $1,662,000.

(2) The Department of the Navy, four hundred thirty-two spaces, $1,725,000.

(3) The Department of the Air Force, five hundred fifty spaces, $2,000,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $24,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $42,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $33,500 and in no event shall the cost of any unit exceed $42,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Notwithstanding the limitations contained in prior military construction authorization Acts on cost of construction of family housing, the limitations contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by date of enactment of this Act.

SEC. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $22,511,000.

(2) for the Department of the Navy, $9,121,000.

(3) for the Department of the Air Force, $11,955,000.

SEC. 505. Notwithstanding the limitations contained in section 502 of this Act, the Secretary of Defense, or his designee, is authorized to construct or otherwise acquire, four family housing units in Brazil at a total cost not to exceed $215,000. This authority shall include the authority to acquire lands and interests in land.

SEC. 506. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90–110, as amended (81 Stat. 279, 305), as follows:

The United States Naval Academy, Annapolis, Maryland, eleven units, $275,000.

Royal Air Force Station Mildenhall, New Market, United Kingdom, one unit, $18,500.

SEC. 507. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is amended by (1) striking out "1972 and 1973" in the first sentence and inserting in lieu thereof "1973 and 1974", and (2) striking out the third sentence and inserting a new sentence as follows: "Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: for the United States (other than Hawaii), Puerto Rico, and Guam an average of $215 per month for each military department, or the amount of $300 per month for any one unit; and, for Hawaii, an average of $265 per month for each military department, or the amount of $315 per month for any one unit."

SEC. 508. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is amended by (1) striking out "1972 and 1973" and inserting in lieu thereof "1973 and 1974", and (2) striking out "$210" and inserting in lieu thereof "$275".

SEC. 509. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $323,881,000, and

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $726,860,000.

TITLE VI. HOMEOWNERS ASSISTANCE

SEC. 601. Effective November 30, 1970, section 1013 of Public Law 89–754 (80 Stat. 1255, 1290), as amended, is amended by (1) deleting the period at the end of subsection 1013(d) and adding the following: ", except in connection with compensation for property located on a base or installation pursuant to subsection (1)."; and by (2) adding the following new subsection:

"(1) Notwithstanding the provisions of subsection (a)(2) and the second proviso of subsection (b), Federal employees or military personnel employed at or near a military base or installation outside the United States who are otherwise eligible under the criteria as set forth above shall be entitled to compensation for losses arising (1) out of the sale of property, or (2) out of the inability to sell property located on a base or installation, incident to the owner's transfer, reassignment, or involuntary termination of employment, which results in his relocation. Such employees or military personnel whose property is located off a base or installation shall be entitled to compensation under subsection (c) for losses sustained in private sales. Such employees or personnel whose property is located on a base or installation, who sell or are unable to find a purchaser for such property, may surrender their interest in such property to the United States, and shall be entitled to compensation, notwithstanding lack of ownership of the land on which such property is located, in an amount equal to (A) 90 per centum of the sum of the present owner's purchase price of the dwelling and improvements, and all costs of ownership including interest on notes, utilities and services, maintenance and insurance, less (B) the total of all housing allowances received from the Government during ownership and occupancy of the dwelling, all rents collected, and the sale price, if any, received for the property, as determined by the Secretary of Defense: *Provided, however,* That the maximum compensation shall in no event exceed 90 per centum of the unamortized portion of the cost of the property, including improvements, at the time ownership is terminated, as reflected in the amortization schedule, if any, relating to such property. For the purpose of this subsection, the term 'United States' means the several States and the District of Columbia."

TITLE VII

GENERAL PROVISIONS

SEC. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public work projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, $453,464,000; outside the United States, $115,456,000; or a total of $568,920,000.

(2) for title II: inside the United States, $465,490,000; outside the United States, $41,176,000; section 202, $14,300,000; or a total of $520,966,000.

(3) for title III: Inside the United States, $232,588,000; outside the United States, $32,565,000; section 302, $18,660,000; or a total of $283,813,000.

(4) for title IV: A total of $35,709,000.

(5) for title V: Military family housing, $1,050,741,000.

SEC. 703. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 705. (a) As of October 1, 1973, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of October 27, 1971, Public Law 92-145 (85 Stat. 394), and all such authorizations contained in Acts approved before October 28, 1971, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisitions, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1973, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 705(a), of the Act of October 27, 1971, Public Law 92–145 (85 Stat. 394, 410), authorizations for the following items which shall remain in effect until October 1, 1974:

(a) utilities in the amount of $2,200,000 at Fort Belvoir, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(b) utilities in the amount of $2,333,000 at Radford Army Ammunition Plant, Virginia, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(c) utilities in the amount of $876,000 at Fort Ritchie, Maryland, that is contained in title I, section 101 of the Act of October 26, 1970 (84 Stat. 1204), as amended.

(d) land acquisition contiguous to the Marine Corps Air Station, El Toro, California, as authorized in title II, section 204 of the Act of October 26, 1970 (84 Stat. 1204, 1212).

(e) land acquisition continguous to the Marine Corps Air Station, Santa Ana, California, as authorized in title II, section 205 of the Act of October 26, 1970 (84 Stat. 1204, 1212).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repeated, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $27.00 per square foot for permanent barracks;

(2) $29.00 per square foot for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 707. Section 709 of Public Law 92–145 (85 Stat. 394, 414) is amended to read as follows:

"SEC. 709. Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law: *Provided, however*, That with respect to said lands the Secretary of the Navy, or his designee, may grant leases, licenses, or easements pursuant to chapter 159 of title 10, United States Code."

SEC. 708. Section 2662 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(e) No element of the Department of Defense shall occupy any general purpose space leased for it by the General Services Administration at an annual rental in excess of $50,000 (excluding the cost of utilities and other operation and maintenance services), if the effect of such occupancy is to increase the total amount of such leased space occupied by all elements of the Department of Defense, until the expiration of thirty days from the date upon which a report of the facts concerning the proposed occupancy is submitted to the Committees on Armed Services of the Senate and the House of Representatives."

SEC. 709. Titles I, II, III, IV, V, and VII of this Act may be cited as the "Military Construction Authorization Act, 1973".

TITLE VIII

RESERVE FORCES FACILITIES

SEC. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $33,570,000.

(b) Army Reserve, $33,500,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $19,715,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $14,000,000.

(b) Air Force Reserve, $6,400,000.

SEC. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 803. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1973."

Mr. FISHER (during the reading). Mr. Chairman, I ask unanimous consent that all of the remaining titles of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. VAN DEERLIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the chairman of the subcommittee very kindly consulted with me this morning on what had started out as a possible amendment on my part, but which the gentleman thinks can be adequately taken care of by making legislative history.

I refer to the item on page 2, line 6, which provides for a land swap aimed at creating a bumper zone around the Miramar Naval Air Station in southern California to provide for the additional noise that will be created by a squadron of F–14 planes shortly to be included at Miramar.

Also on page 22 of the report on the bill, the matter is referred to as "Land Acquisition—Exchange" at what is presumed to be an equal value of $702,000. Data which is contained in the DD form 1391c sheets, names the Christiana Oil Corp. of Los Anegeles as the owner of 138 acres involved in the transaction, the San Diego School District, with 69 acres, and the city of San Diego with 23 acres, and Navy land consisting of 155 acres that, on an even-up swap, according to this line item, would have the equal value of $702,000 on each side.

Independent appraisals indicate the value of the 230 non Government acres involved to be about $760,000 rather than $702,000. And the value of Navy land involved is well over $2,000,000. This seems to be a ratio of about 3 to 1 in the value of Navy property to be exchanged for privately owned land of something around $760,000.

The Christiana Oil Corp.'s subsidiary, Tierra Santa Developers, stand to wind up with acreage spanning all four corners of a major future freeway interchange, which is within about 10 minutes of downtown San Diego.

The proposed deal was put together by the Navy Facilities Command Office in San Diego, apparently bypassing the normal channels of the Navy Real Estate Division here in Washington.

The Real Estate Division says that the law does not permit an exchange as provided in these reports and in this bill.

An initial review of information bears out the estimates of value that I have cited.

My San Diego colleague, Congressman BOB WILSON, agrees that any exchange involving Government property should be on a basis of equal value exchange.

I was wondering, Mr. Chairman, if the chairman of the subcommittee could provide some assurance that this obvious fairness should be carried out in the final legislation.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. FISHER. Mr. Chairman, first I commend the gentleman for bringing this matter up. I rather think from the hasty look that we have taken at it, that additional wording is necessary in order to fully protect the public interest in respect to what the gentleman has discussed.

Certainly it was not the intention of the committee, and it is not the intent of the bill for anybody to be bound to an even swap, because that would not necessarily be fair to the Government, and we would not want that to happen.

We understand that the Navy Department does not intend it that way. But the language may be such that it should be changed to give a positive assurance about it.

The gentleman was kind enough to discuss this with me earlier today, and we agreed, I believe, that when we go to conference on the bill, we will make a very careful study of this point and follow the suggestions made by the gentleman from California.

Mr. VAN DEERLIN. I very much appreciate the chairman's consideration of fairness and his assurance on this matter.

Mr. PATTEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not satisfied with the answers that have been given to our colleague, the gentleman from Iowa, in regard to how hard our committee tried to find out what military bases could be closed.

Nor am I satisfied with the answers dealing with the NATO infrastructure and the increasing contributions the Germans made in the last year or 2.

I recommend that the clerks we have on the Appropriations Committee and on your committee get together and make up a report and let us put it in the RECORD, because there are better answers than we have presented on this floor today.

Mr. McCLORY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the establishment of the Army's veterinary school facility at Fort Sheridan is in the interest of an efficient and effective Army. Fort Sheridan is well united to this activity and the improvement recommended to the committee should be approved and the facility should be completed. Mr. Chairman, there appears to be a misunderstanding as to the purpose and function of the Veterinary School. It is, as I understand it, a food inspection and testing service which assures nutritious, wholesome, and appropriate foodstuffs to the officers and men of the Army. There is no need to locate this facility on a farm, in a food warehouse, or in a packing plant. The Veterinary School is well placed at Fort Sheridan, and full accommodation for this activity at Fort Sheridan should be approved by the committee. I am hopeful that the necessary authorization will be approved ultimately during this Congress.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15641), to authorize certain construction at military installations, and for other purposes, pursuant to House Resolution 1042, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FISHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 372, nays 17, not voting 43, as follows:

[Roll No. 275]

YEAS—372

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—17

Abzug
Badillo
Bingham
Chisholm
Conyers
Dellums
Dow
Drinan
Edwards, Calif.
Harrington
Hawkins
Kastenmeier
Rangel
Rees
Reid
Rosenthal
Roybal

NOT VOTING—43

Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Belcher
Blanton
Broomfield
Carey, N.Y.
Curlin
Davis, Ga.
Dowdy
Dulski
Edmondson
Evins, Tenn.
Flynt
Fulton
Gallagher
Hagan
Hébert
Hosmer
Jonas
Jones, Tenn.
Kee
Long, La.
McCloskey
McClure
McKevitt
Mathias, Calif.
Matsunaga
Mills, Ark.
Minshall
Mosher
Passman
Podell
Pryor, Ark.
Rooney, N.Y.
Ryan
Seiberling
Shipley
Slack
Spence
Springer
Stuckey
Wiggins

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Rooney of New York with Mr. Mosher.
Mr. Fulton with Mr. Broomfield.
Mr. Carey of New York with Mr. Springer.
Mr. Blanton with Mr. McClure.
Mr. Podell with Mr. McCloskey.
Mr. Shipley with Mr. Hosmer.
Mr. Ryan with Mr. Gallagher.
Mr. Passman with Mr. Belcher.
Mr. Anderson of California with Mr. Mathias of California.
Mr. Evins of Tennessee with Mr. McKevitt.
Mr. Mills of Arkansas with Mr. Jonas.
Mr. Anderson of Tennessee with Mr. Spence.
Mr. Matsunaga with Mr. Minshall.
Mr. Dulski with Mr. Wiggins.
Mr. Seiberling with Mr. Kee.
Mr. Slack with Mr. Long of Louisiana.
Mr. Jones of Tennessee with Mr. Curlin.
Mr. Hagan with Mr. Dowdy.
Mr. Edmondson with Mr. Stuckey.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FISHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICE AND FIREMEN

Mr. CABELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15580), to amend the District of Columbia Police and Firemen's Salary

Act of 1958 to increase salaries, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. CABELL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15580, with Mr. PIKE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. CABELL) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. NELSEN) will be recognized for 30 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. CABELL. Mr. Chairman, under the rule the general debate is limited to 1 hour, to be equally divided and controlled by the gentleman from Minnesota (Mr. NELSEN) and the gentleman from Texas. I yield 30 minutes to the gentleman from Minnesota (Mr. NELSEN), pending which I yield myself 10 minutes.

Mr. Chairman, this bill, as Members are aware, is a bill to bring into line the pay scales of the Police and Fire Departments of the District of Columbia. In addition to bringing the pay scales into line with today's living conditions, the bill does provide a slight additional payment for technicians, for pilots of helicopter units because of more dangerous circumstances, and additional training required for these positions. It also adds an incentive increment designed to hold more of the more experienced men in the service, to retain that expertise in the department and thereby preclude the many early retirements we are suffering in those departments.

The total pay increase which has been approved by the Pay Board is 17 percent, which I remind the Committee again is the first adjustment in their pay raises since July 1, 1970, by legislation then approved and made retroactive to July 1, 1969. The cost of that 17-percent increase would be $11,911,000. The cost of estimated overtime, which has been materially reduced and which we hope will be reduced even more, is estimated at $750,000. For the helicopter pay and the bomb disposal unit there is $30,000. There is an allowance for plainclothesmen, which is entirely justified, which is $127,000. The cost of equalization of the retirees will be $4 million, and the credits for longevity will be $1,030,000.

Of the total $17.8 million estimated cost attached to this measure, the Districe of Columbia government will absorb a 15-percent portion, or $2,677,000. The balance of the necessary funds will be raised by increasing the sales tax on room rentals, alcoholic beverages, and restaurant meals from 5 percent to 6 percent, which will generate an estimated $2.8 million. The general sales tax is being raised from 4 percent to 5 percent, which will generate an estimated $13 million. That will leave a slight surplus of over one-half million dollars over the amount required for the funding of this increase in pay.

I would like to direct the attention of Members to the fact that the longevity increase will be 5-percent increase on periods of service of 15, 20, 25, and 30 years. Such longevity pay however will not be computed on retirement pay nor will the longevity increments be recomputed to the benefit of the present retirees.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may consume.

Regarding the bill before us, many of us have struggled trying to bring out a good bill for your consideration. Probably we should have acted some time ago, but we only received the draft legislation from the District government in May.

The feeling of our committee has been that the police and firemen of the District of Columbia have not had comparative increases over a period of years, whereas District and Federal classified workers have received three raises. Our study also indicates that the average salary increase for police and firemen in other cities of 100,000 population has been more prompt and is now at a higher rate than is in effect in the District of Columbia.

The last increase which was given to the police and firemen here was some time ago, and that was based on the salaries of 1969.

In effect, the salary computation now is what might appear to be quite generous, but at the same time it is believed to be fully justified based on historic computations and analyses.

Therefore, I am pleased to speak in support of H.R. 15580, a long overdue salary adjustment for District of Columbia police and firemen. As the chairman has explained, the bill provides an average 17-percent salary increase for all officers and members covered by this bill, and this same increase applies to retired police and firemen or their survivors. This is essentially a "catch-up" and "go-ahead" pay adjustment to offset the effect of inflation since the last pay raise. It is retroactive to July 1, 1972.

The need for this salary increase is discussed in considerable detail in House Report No. 91-1180 accompanying this bill. The new salary scales will place Washington, D.C., in the best possible competitive position to recruit and retain police and firemen. Comparisons with other cities in the country that exceed 500,000 in population are contained in the report:

POLICE PAY, WASHINGTON, D.C., AND COMPARABLE CITIES

City	Private		Detective		Sergeant		Lieutenant		Captain		Chief	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
District of Columbia (now)	$8,500	$12,240	$10,625	$13,805	$11,475	$14,945	$13,300	$16,625	$15,800	$19,750	$28,500	$32,750
Proposal (H.R. 15580)	10,000	14,400	12,500	16,250	13,580	16,980	15,700	18,840	18,600	21,390	34,700	36,800
Atlanta	8,320	10,257	8,671	10,699	9,048	11,154	10,257	12,636	11,622	14,313		26,728
Baltimore	8,199	10,419			11,475	12,615	13,215	14,535	15,255	16,810	21,256	
Boston	8,000	10,301	9,638		12,516		14,393		16,522		22,152	
Columbus	8,060	10,795			11,232	12,251	12,792	14,040	14,685	16,078	20,155	22,100
Dallas	7,680	9,600	11,580	14,400	11,580	14,400	12,780	15,600	13,980	16,800		28,176
Denver	8,488		12,216		13,092		14,040		15,120			26,040
Memphis	7,200		9,420	10,512			9,888	11,520	10,896	13,236	15,336	20,556
Milwaukee	11,190	11,662	12,495	13,441	12,070	12,952	10,642	12,881	12,881	15,729	24,111	30,419
New Orleans	6,360	7,500	7,440	9,000	7,440	9,000	8,400	10,020	9,780	11,700		
Phoenix	8,448	10,592			10,188	12,816	12,204	15,480	14,076	17,976	21,960	27,888
Pittsburgh	9,563		10,841		11,400		12,474		13,612			23,200
San Francisco	13,208				15,704		18,356		21,554			37,232
St. Louis	7,838				11,206		12,220		12,818			22,178
San Diego	10,140	12,324			11,736	14,268	13,260	16,116	15,348	18,660	22,692	27,576
Seattle	9,120	11,304			11,916	12,996	13,920	15,048	15,948	17,244		27,242

Source: Pay scales in effect Feb. 1, 1972, as submitted to the committee from the various cities listed.

The entrance salary for privates will be increased from $8,500 to $10,000, and the highest salary for privates from $12,240 to $14,400, attainable after 16 years of service as at present. The starting salary for chiefs will increase from $29,925 to $34,700, and the top salary for chiefs will be raised from the present $32,775 attainable after 4 years of service in that position, to $36,800 which is to be attained after 2 years of service. The bill provides, however, that no salary—the amount presented by the schedule plus any additional amount provided for total service longevity or particular assignments or positions—may exceed the basic salary for level V of the Executive Schedule, which at present is $36,000.

The salary increases are to become effective on the first day of the first pay period beginning on or after July 1, 1972.

In addition to the salary increases, extra pay is being provided for helicopter pilots, members of the explosives disposal unit, employees determined to be technicians, and detective sergeants. A clothing allowance not to exceed $300 a year will also be provided for the first time for officers or members of the police force assigned to perform duties in plain clothes.

The rationale of this provision is the fact that all uniformed members of the

Metropolitan Police force are furnished their uniforms free of charge, for which reason it seems discriminatory that the plain clothesman should not have some compensation for the cost of his clothing which he must wear on duty. Your committee is advised that such a clothing allowance for plainclothesmen is provided in many urban police departments.

This clothing allowance shall not be used for the purpose of computing overtime, promotions, or retirement benefits.

CORRECTION OF LIMITATION ON OVERTIME PAY

When overtime pay was first authorized for officers and members of the Metropolitan Police force—Public Law 89-282, approved October 21, 1965—it was stipulated that such overtime pay could be paid only to the extent that such payment would not cause the recipient's aggregate rate of compensation to exceed the minimum scheduled rate of basic compensation provided for service step 1 in class 10 of the D.C. Police and Firemen's Salary Act. At that time, this was the lowest basic salary provided for the Chief of Police and the Fire Chief, and it was the intent of the Congress that this would serve as a ceiling for all members' aggregate compensation including any overtime wage.

This provision was not changed when the D.C. Police and Firemen's Salary Act was amended in 1970, however, at which time the Chiefs' salary class was redesignated as class 11, and class 10 became the class assigned to Assistant Chiefs. Thus, by oversight, the ceiling for aggregate pay, including overtime, was inadvertently lowered to the basic salary of step 1 for Assistant Chiefs.

Section 113 of this bill corrects that oversight, by changing the limitation to that of step 1 of the salary class applicable to the Fire Chief and the Chief of Police, thus restoring the original intent of the Congress in this respect.

EFFECT ON RETIREES ANNUITY

Included in the bill is a change in the method of computing the salary to be used in annuity computations. Under existing law, annuities are computed on the basis of the salary in effect on the date an officer or member is separated from the service.

Section 115 provides that the annuities of all individuals retired from these services prior to the effective date of these 1972 amendments to the D.C. Police and Firemen's Salary Act shall be increased by not less than 17 percent as a result of these amendments to the salary schedule; and also that in the event of future salary increases for active members, the annuities of members then retired shall continue to be increased by a percentage not less than the percentage increase in salary for the class and step to which such retirees are assigned for annuity increase computation purposes.

This provision assures the continued equitable application of the concept of the original Equalization Act of 1923 (42 Stat. 1263), under which retired D.C. policemen and firemen since that time have had their annuities recomputed whenever there have been increases in salaries for active members, their annuities being then computed on the basis of the new salary for the class and step in which the member was retired. This has been the only source of increases in annuities granted to retired District of Columbia policemen and firemen to offset increased costs of living, as they do not benefit from periodic cost-of-living adjustments as do retirees under Civil Service and other retirement systems.

This provision in the bill is necessary by reason of another section which changes the salary basis for the computation of all annuities, which will be discussed further on in this report.

Under this bill, the computation will hereafter be made on the basis of the highest average earnings during any 3 consecutive years of police or fire service.

The adoption of the 3-year averaging feature will make the computation of police and firemen's annuities comparable with those of other District and Federal employees including Members of Congress. No changes are made in the provisions with respect to the length of service or the percentages used in computing the annuities, either for regular retirements or for disability retirements.

A saving clause in the bill will prevent any individual retiring subsequent to the enactment of this legislation from receiving an annuity less than he could have received had he retired immediately prior to the passage of the act, with his annuity computed on the basis of his salary on that date increased by 17 percent.

REEXAMINATION OF MEMBER RETIRED FOR DISABILITY WHEN HE ACCEPTS SUBSEQUENT EMPLOYMENT

Section 202 of the bill provides that if a member of the D.C. police or fire departments is retired on disability, and becomes employed after the effective date of these 1972 amendments to the D.C. Police and Firemen's Salary Act, under such regulations as the Commissioner of the District of Columbia shall prescribe the member shall notify the Commissioner of such employment; and as soon thereafter as is practicable the Commissioner shall require the member to undergo a satisfactory medical examination of the disability upon which the member's retirement is based. The Commissioner is required to promulgate the regulations referred to within ninety days after the date of enactment of this act, and he shall give timely written notice of the promulgation of such regulations to all members retired for disability.

Your committee is advised that during the years 1969, 1970, and 1971, some 85 percent of all retirements from the Metropolitan Police force and from the Fire Department of the District of Columbia were for disability. We are told further that this figure is inordinately high as compared with the experience with police and fire service retirees in other cities. Additionally, we are told that a considerable number of these disability retirees subsequently accept other employment; and while we are confident that many such retirees are justified in accepting other employment which is feasible for them in their partially disabled condition, it is our opinion that this system of reevaluation of a retiree's continued disability and a judgment as to the propriety of his receiving both a second salary and his full disability nontaxable, retirement pension from the District of Columbia government is fully justified.

REVENUE PROVISIONS

In order to provide the funding necessary to meet the costs of the salary increases provided in the bill, the following District of Columbia tax increases are provided:

1. General sales tax, increased from 4 percent to 5 percent. It is estimated that this will yield some $13 million of additional revenue per year;

2. Sales tax on rentals of transient rooms and lodgings, and on the sale of restaurant meals and all alcoholic beverages, both off-sale and by the drink, from 5 percent to 6 percent. This increase is estimated to yield an additional $2.8 million per year.

These tax increases, all of which were requested by the District of Columbia government, will become effective on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this bill.

NEED AND JUSTIFICATION FOR SALARY INCREASES

The last salary increase for District of Columbia policemen and firemen was approved on June 30, 1970—Public Law 91-297; 84 Stat. 354—and was made retroactive to July 1, 1969. However, while this increase was made retroactive, it was based actually upon the District's competitive position and other economic factors as they existed in 1969. Hence, the District of Columbia policemen and firemen may truly be said not to have received a salary increase in the past 3 years.

The following facts point up the critical need for a salary adjustment for District policemen and firemen at this time:

First, between the period from August, 1969 to February, 1972, the cost-of-living for the District of Columbia rose by 10.6 percent, thereby substantially reducing the real earnings of the city's policemen and firemen.

Second, salaries for District of Columbia and Federal classified employees have been increased an average of 17.4 percent as a result of increases granted in January, 1970, in June, 1971, and in January, 1972. Further, the District's 8,000 "blue collar" employees have received increases averaging 19.2 percent during the period from November, 1969 and November, 1971.

Third, competitively, District of Columbia police and fire privates presently rank in last place with respect to both minimum and maximum salaries, compared with those in the six local jurisdictions comprising the Washington Metropolitan area. Also, these salaries do not compare favorably with those paid in other cities of comparable population. The following exhibits indicate the District's poor competitive position at this time, and also the improvement which the enactment of this bill will achieve, both in the Washington Metropolitan area and as compared with 15 other large cities.

The pay increases effected by the reported bill will make Washington police and firemen salaries rank No. 1 over that paid the police and firemen in the surrounding jurisdictions.

Fourth, the Bureau of Labor Statistics reports that the average annual rate of increase in salaries for policemen and firemen in cities over 100,000 population, for the last 5 years, was 7.6 percent; during this same period, the average for District policemen and firemen was 6.6 percent.

I believe it is entirely reasonable to consider that the effectiveness of a truly sound salary administration policy is its ability to recruit its share of qualified individuals in the labor market, to retain highly competent employees who are giving quality performance, and to provide a salary which assures all employees a reasonable degree of economic security.

It appears to me from the four economic factors referred to above, that the District of Columbia falls far short of such a policy with respect to its policemen and firemen under current conditions, and that the following principles may reasonably be used as guides toward this objective:

First, rates of pay for District policemen and firemen must be maintained in a favorable competitive position with the rates of such pay in major cities with populations in excess of 500,000, and especially such cities in the eastern half of the United States. In the past, this area has constituted the primary labor market for recruitment of District of Columbia policemen and firemen.

Second, rates of pay for District policemen and firemen should be in reasonable alignment with rates of pay for classified employees of the Federal and District governments, not only on the basis of comparable duties and responsibilities, but also with due consideration of the hazards inherent in the duties of police and fire personnel in large urban departments and also the special problems existing in large cities.

Third, rates of pay for District policemen and firemen must be competitive with the highest rates of pay for policemen and firemen in other jurisdictions of the Washington Metropolitan area. This is essential if the District government is to compete successfully with the surrounding jurisdictions who use the difficulties of such work in the city as a means to entice prospective police and fire personnel to the suburban areas.

At the present time, the District of Columbia is unable to comply with any one of these three principles with respect to salaries for its policemen and firemen.

Under the conditions outlined above, it is the opinion of this committee that the salary increases provided in this proposed legislation, which will afford an average 17-percent increase for all police and fire personnel in the District, are fully justified and appropriate at this time. The officers and members of these services will be afforded no more than an increase comparable to those which have accrued to other government personnel during the period of the past 3 years which has elapsed since the policemen and firemen of the District have had any salary increase whatever.

On May 8, 1972, the Federal Pay Board found that the amendments to the District of Columbia Police and Firemen's Salary Act contained in this bill are not inconsistent with the criteria which the Board has adopted pursuant to the Economic Stabilization Act of 1970.

I reserve the remainder of my time for further debate.

Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. **BROYHILL** of Virginia. Mr. Chairman, I rise to urge the support of my colleagues for the bill H.R. 15580, the principal purpose of which is to provide officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the Executive Protective Service, and the U.S. Park Police force.

The bill will provide an average overall increase of 17 percent for the members of these forces. The starting salary for privates will be raised from $8,500 to $10,000 and their maximum salary from $12,240 to $14,400. At the other end of the scale, the chiefs' salaries will range from $34,700 to $36,800, as compared to the present range from $29,925 to $32,775.

A revision of the salary schedule eliminates the present longevity steps and substitutes instead new service steps. In addition, an entirely new system of total service longevity pay is provided, as follows:

One. For total service of at least 15 years but less than 20 years, additional salary equal to 5 percent of the salary provided for step 1 of the salary class to which the member is assigned.

Two. For service beyond 20 years but less than 25 years, extra salary equal to 10 percent of such salary;

Three. For service between 25 and 30 years, 15 percent; and

Four. For service in excess of 30 years, 20 percent.

It is provided, however, that no member's total salary shall exceed that for level V of the Executive Schedule, which at present is $36,000.

The importance of this revision of the present longevity system is that at present the longevity steps are all based upon length of service in a single salary class, and are actually unattainable because members seldom remain in a single salary class long enough to reach these longevity pay levels. The new longevity system proposed in H.R. 15580, however, is based upon length of service in the department. Thus, for the first time there will be a real incentive for members to remain in service as long as possible, and consequently the forces will reap the benefit of the older members' experience and expertise. At present, these long service longevity salaries, which will not be used for the computation of annuities, will apply to 815 members.

There is no question whatever that the salary increases provided in this proposed legislation must be enacted without delay, in the interests of the effectiveness and morale of the members of these vital forces whose function is to protect the lives and property of the citizens of our Nation's Capital, as well as of the millions of visitors who annually visit this historic shrine.

The last salary increase for District policemen and firemen, while enacted in 1970, was made retroactive to July 1, 1969, and I wish to emphasize the fact that that salary level was established on the basis of the departments' competitive position and the other economic factors which existed in 1969. Hence, there has been no salary increase now for 3 years. And during this 3-year interval, the cost of living in the District of Columbia has risen at least 11 percent, the salaries for classified employees of the Federal and District of Columbia governments have been increased by an average of more than 17 percent, and those of the District's blue collar workers by more than 19 percent.

As for the competitive position of the District's police and fire forces, this has eroded during this 3-year period to a desperately low level. Since 1969, in the suburban jurisdictions of the Washington metropolitan area the police and fire forces have reecived an average of three salary increases and an average increase of 18.5 percent in their starting salary level. And in the 23 other U.S. cities having populations of more than 500,000 persons these police and fire starting salaries have been increased by an average of 22 percent during this same period.

As a result of these several increases in salaries for police and fire personnel elsewhere while those in the District have remained static, today the District of Columbia police and fire privates rank in last place for both minimum and maximum salaries paid in the six local jurisdictions in the metropolitan area, and in 13th place, which is below the median, in comparison with the 23 other largest cities for entrance salaries.

Under these conditions, it is obvious that the District police and fire forces cannot compete successfully, either locally or in the national labor market, in the recruitment and retention of competent employees who may be expected to give quality performance. I regard it as essential that the District salary levels compare favorably with those in the larger cities at least in the eastern half of the country; and they must be maintained at the very top among those paid in the Washington metropolitan area, because these jurisdictions cite the comparatively difficult conditions facing police and fire personnel in the city in their efforts to proselyte the more capable young members to the suburban areas.

The bill also provides for additional hazardous duty pay for officers and members of the police forces in the city who are assigned to duty as helicopter pilots, and also as members of the explosive disposal unit. This extra salary is established at $2,100 per year. This "bonus" is amply justified in view of the extensive training necessary to equip these personnel for their specialized work and also the fact that these members face an ever-present element of personal danger which is not normally encountered by other members of these departments.

Less important provisions of the bill authorize a clothing allowance not to exceed $300 per year for officers and members assigned to plainclothes duty, which is in keeping with existing practice in other urban police departments, and also correct an existing inadvertent inequity with regard to the limit on overtime pay. This latter will provide that overtime pay earned during a pay period cannot bring any member's total pay during that period to a level higher than that provided for step 1 of the salary class of the chief of police and the fire chief. This was actually the limitation in existence when the chiefs occupied salary class 10; however, when the chiefs of the services were reassigned to a new salary class 11 in the Police and Firemen's Salary Act Amendments of 1970, this provision was not changed and the ceiling, by oversight, became the level of salary step 1 for assistant chiefs.

Mr. Chairman, I should like to address myself briefly to the one serious flaw in the salary provisions of this bill.

As far back as February 1971 representatives of the District of Columbia police and fire employees met with the staff of the District of Columbia Personnel Office to explore the feasibility of a salary bill which could receive the support of the District government and also meet the salary standards which the members felt they must attain. These negotiations continued for many months, and resulted in a memorandum of understanding signed by all parties in December 1971. This accord was on the substance of the bill H.R. 12710, which was introduced last January 27.

That bill provided for a two-stage salary increase, the first stage averaging 11 percent increase and becoming effective as of January 1, 1972, and the second stage providing an additional 6 percent increase effective on July 1, 1972. Thus, this understanding would have provided these members with an 11 percent increase some 6 months earlier than the 17 percent increase provided in the present bill, H.R. 15580. I well understand that the District of Columbia government, which has been charged with the responsibility of providing their own revenues to defray the costs of any salary increases for its police, firemen, and teachers this year, could not recommend any retroactive pay increases of any kind, simply because they cannot levy any new taxes retroactively and hence cannot fund any salary increases except on a prospective basis. And while all the salary increases agreed upon were originally planned to be prospective, the unavoidable delays in getting the legislation before the Congress, including the approval of the Office of Management and Budget and of the Federal Pay Board, made this impossible. Despite this fact, however, I feel strongly that it is essential that we in the Congress keep faith with these public servants whom the city agreed should have an increase in pay as of January 1 of this year, and make this possible through some form of Federal contribution.

Specifically, I feel that the salary provisions of this bill should be made retroactive to March 1 of this year. I understand that this will cost approximately $6 million. I submit that if the pending legislation on revenue sharing, which this body has already approved, is enacted into law this will provide the District with an immediate additional $13 million, retroactive to January 1, and I cannot conceive of a more important use for $6 million of that amount than for this purpose.

I attempted to get a retroactivity feature in the bill during committee deliberations on the measure, without success. But I wish to state that I shall continue my efforts to achieve this measure of simple justice to these men at every stage of the legislative process if necessary.

Finally on this subject, I understand that the District of Columbia Personnel Office has assured the District of Columbia Policemen's Association that if the salary increases provided in H.R. 15580 do not have an effective date earlier than July 1, 1972, which is the date presently in the bill, the District of Columbia government will "actively and vigorously support and sponsor" a new 5.5-percent pay increase effective on January 1, 1973. I wish to state at this time that if my present efforts to incorporate this retroactive feature into the legislation now before us are not successful, then I shall introduce and support with all the energy at my command a bill to provide this new pay raise for these men as of that date.

The bill H.R. 15580 also amends the District of Columbia Police and Firemen's Retirement Act, by providing that officers and members of these forces shall have their annuities computed in the future upon the basis of their average highest 3 years of salary, as is presently the case for retirees under civil service as well professional employees of the District of Columbia Board of Education. At present, District of Columbia policemen and firemen have their annuities based upon their salary at the time of their retirement.

In this connection, the bill provides that all presently retired members will receive an increase in their annuities of not less than 17 percent, through the application of the Equalization Act of 1923.

The bill also assures all members of these services who are on active duty at the time of this legislation that their annuities will be based on a salary not less than their salaries immediately prior to the date of enactment of this bill, plus 17 percent thereof.

I wish to state, however, that I regard this amendment to the District of Columbia policemen's and firemen's retirement as retrogressive, and I take exception to it on principle.

Since the District of Columbia police and firemen's retirement system was started some 50 years ago, it has always been provided that these members will be retired at annuity based upon their salary at the time of their retirement.

This is the way it has been done for a number of years. But it was provided in this bill, without hearings, without discussion, without testimony, that we would just arbitrarily change that procedure so that they would have to retire in the future on a rate based on their average salary for their three highest years.

Of course, it was claimed that this action will provide an annuity basis formula for police and firemen retirees which is the same as is provided for classified Government employees. But the work for the policeman and the fireman is far different from that of the classified employees. And this provision, in my opinion, is retrogressive in that it repeals a long-standing formula for police and firemen's annuity computation which has long been recognized as being in keeping with the extremely hazardous nature of their duties, and institutes a less favorable formula just because it applies to sedentary office workers. I cannot agree with the philosophy of this change.

The other amendment to the Retirement Act in this proposed legislation will provide a degree of supervision over the members who are retired by reason of disability, to the extent that when such a member accepts other employment he will be required to undergo an examination of the condition upon which his retirement was predicated, and a review of the actual continuance of the disability. The District of Columbia Commissioner will be required to formulate regulations for this procedure, and I am confident that this matter will be administered with proper regard for the fact that partially disabled persons can in many cases engage in further employment even though their disability may continue.

Mr. Chairman, it is imperative that the salary provisions of this bill, retroactive if possible to March 1, 1972, be enacted without further delay. The structure of these new salary provisions was approved on May 8 by the Federal Pay Board as being "not inconsistent with the criteria which the Board has adopted pursuant to the Economic Stabilization Act of 1970, as amended," and they have been approved also by the Department of Management and Budget. I also wish to point out that the salaries of District of Columbia policemen and firemen are not adjusted periodically to meet increases in the cost of living, as are those of Government employees under civil service. For this reason, these men have had to support their families now for a period of 3 long years on salaries which were no more than adequate when they were approved as of July 1, 1969. Thus, these salary increases provided in H.R. 15580 are in truth "catch-up" raises, which will do no more than provide an overdue measure of justice to these gallant men upon whom so much of the welfare and safety of the residents of this depend every day.

The imbalance which has been permitted to develop between the salaries for District policemen and firemen and those paid in the surrounding suburban jurisdictions has had a very serious and disturbing effect upon the ability of the District of Columbia forces to retain their younger members. A recent survey of 400 persons leaving the police forces in the city reveals that about 100 left to accept jobs with other law enforcement agencies, and approximately 75 left to further their education so that they could command salaries upon which they might support their families properly. Most disturbing is the fact is that most of those who left to accept positions in other police agencies had more than 1 year of service on the Metropolitan Police force. The officers who left to further their education, on the other hand, were mostly in their probationary period.

This trend must be stopped, and the most effective immediate means is through the enactment of this legislation.

Title III of the bill provides more than sufficient revenues to defray the costs involved in the legislation as reported, by raising the District of Columbia general sales tax rate from 4 percent to 5 percent and by increasing the sales tax on hotel rooms, restaurant meals, and alcoholic beverages from 5 percent to 6 percent. It is estimated that these tax increases will produce about $15.8 million per year, which exceeds the estimated cost of the salary increases, over and above the part thereof which the departments can absorb, by more than $600,000. In addition, as I have pointed out, there is more than sufficient prospective funding to bear the cost of making two-thirds of the salary increases retroactive to last January 1, pending in the revenue-sharing bill.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. Gude).

Mr. GUDE. Mr. Chairman, at the appropriate time when the amendment on retroactivity is offered, I plan to give it my full support, at this time I would like to point out the reasons why I think the House should support the retroactivity amendment to be offered by the gentleman from Virginia (Mr. Broyhill).

I rise in support of retroactivity for the police and firefighters of the District of Columbia.

Legislation to provide salary increases for these employees—whose service to the community on a day-to-day basis is immeasurable—has been pending for quite some time now. The police and firemen and the District of Columbia government had reached an understanding on this matter as early as last December. Over 2 months ago, it was referred to the Pay Board, at which time I wrote to Chairman Boldt urging that he expedite a ruling with respect to an exemption from the President's economic stabilization guidelines. Exemption was granted, and furthermore, retroactivity was approved.

The last increase for the District's police and firemen took place June 30, 1970, retroactive to July 1969. Between August 1969 and November 1971, the cost of living in Washington rose 10.6 percent. It is now the end of June, and this figure has no doubt climbed even higher. Yet, the bill before us provides for a salary increase effective the first pay period on or after July 1, 1972. Let us not make these employees absorb the cost-of-living increase on their outdated, static salaries, and, thereby, innocently suffer because of the delay in acting on this legislation.

I wholeheartedly support retroactivity to January 1, and urge its favorable consideration.

Also at the appropriate time I am going to offer an amendment which would put back into this pay bill the additional incentive pay feature which was in the original legislation. The educational incentive pay feature, although other aspects of the bill were controversial, was completely agreed upon by the District government, the District of Columbia Policemen's Association, and the Firefighters' Association, local No. 36.

Commissioner Graham Watt stated if there is ever one overriding feature in this request, it is the recognition of a new professionalism required of the policemen and firemen today. And professionalism and education go hand in hand.

So I urge the Members of the House to give serious consideration to this educational incentive feature which is used in so many jurisdictions across the country and which does so much to make it possible for us to have the type of professionalism that we need from these guardians of public safety.

Mr. CABELL. Mr. Chairman, I yield such time as he may require to the distinguished chairman of the Committee on the District of Columbia, the gentleman from South Carolina (Mr. McMillan).

Mr. McMILLAN. Mr. Chairman, I rise in full support of the bill now pending before the Committee, H.R. 15580.

I hope that the House will accept this bill as it is or as near the amount requested by the District of Columbia government as possible for our committee to give them.

I think that the House Committee on the District of Columbia and the U.S. Congress have been really liberal to the Police Department in Washington during the 35 years that I have been a Member of this body. I have supported every bill that has been reported to the floor of the House which would increase salaries of policemen and firemen.

I remember, when I came here, that policemen did not have 1 day off a week, and they paid for their own uniforms. However, now they are at the top 10 of all the police forces in 20 cities where the population is between 500,000 and 1 million, salarywise.

We have always made an effort to keep the police and firemen and teachers on the same salary schedule, as near as possible, with the surrounding territories. And if this bill is enacted, the Police Department in Washington, D.C., and the Fire Department will be at the top of these forces in this community and within these 20 cities that I just mentioned.

I believe that we are giving the Commissioner everything that he asked for in this bill. He asked for a tax on alcoholic beverages and on several other items. And we gave them exactly what he asked for. I am very much opposed to some of these taxes for the simple reason that every time we add a tax on any product in the District of Columbia, we run this business out into Virginia and Maryland. I have seen that happen on numerous occasions since I have been in the Congress. However, if that is what the Commissioner wants, I am backing him, and we will go along with the proposals that he asks for.

Mr. CABELL. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Chairman, I rise to associate myself with my colleagues, the gentleman from Maryland (Mr. Gude), and the gentleman from Virginia (Mr. Broyhill) with reference to two areas—retroactivity and retirement.

I compliment the committee for its forward look insofar as the main thrust of the bill is concerned—and that is the salary increase. But with that thrust there comes another responsibility, and that is the responsibility to provide for equity so far as date of the application of the raise is concerned. To me this raise is long overdue. There has been an inordinate delay affecting these raises—or affecting the legislation. It has been properly said in the past, and it applies here most appropriately—justice delayed is justice denied. The delay in granting salary increases has worked a hardship, and that delay, for whatever reason, has worked a hardship on the policemen and firemen in the District of Columbia. In the field of labor generally it has been universally accepted as a policy that when salary increases are finally arrived at and settled after much deliberation, that they should be arrived at on a retroactive basis.

Mr. Chairman, I rise in support of this bill (H.R. 15580) entitled, "Salary Increases for District of Columbia Police and Firemen."

This bill would amend the District of Columbia Police and Firemen's Salary Act of 1958 to provide a new and revised salary schedule, as well as providing an average 17 percent salary increase for the District's police and firemen. The effective date of this portion of the bill is July 1, 1972. I would have preferred to see the retroactive provisions of the original city agreement kept in tact, and thus reduced the 3-year time period between the past and present salary increases. The result of this delay has been that the police and firemen in the District have had to suffer an economic disadvantage in a time of rapid inflation.

Second, the bill amends the District of Columbia Policemen and Firemen's Retirement and Disability Act to change the salary base upon which retirement annuities shall be based. This portion of the bill also have a drawback, however, because the annuities for individuals retiring from these services are to be computed on the basis of the individual's "average pay" instead of his basic salary at the time of his retirement as is now provided in the law. This "average pay" is defined as the highest annual rate resulting from averaging the member's rates of basic salary in effect over any 3 consecutive years. This provision is a step backward, since the police and firefighters of the District have been recipients of a pension based on salary at the time of retirement for more than 50 years. This action of reducing the retirement benefits in exchange for an increase in salaries is a gross injustice to the firemen and policemen of our Nation's Capital.

Finally, the present law is amended with respect to certain taxes in the District of Columbia to provide new revenues to meet the additional costs of this legislation.

Mr. Chairman, the need for this pay increase is blatantly obvious when we examine the facts surrounding this measure.

First, the cost of living in the District of Columbia has increased by 10.6 percent from August 1969 to February 1972. This has meant that the real earnings of the city's policemen and firemen has been substantially reduced over this period.

Second, the salaries of District of Columbia and Federal classified employees have been increased an average of 17.4 percent as a result of increases in January 1970, in June 1971, and in January 1972. In addition, the 8,000 "blue collar" workers in the city have received increases averaging 19.2 percent during the period from November 1969 to November 1971.

While I support the pay increases for these workers, I find it difficult to understand why the Congress has been so tardy in providing increases to the District's firemen and policemen. These men and women place their lives on the line every day in order to protect the public from criminal elements. As a former police officer in New York City, I can tell you that the job is not an easy one. Surely, these gallant men and women deserve a salary commensurate with the fine job that they are doing.

Finally, in comparison to the six local jurisdictions comprising the Washington metropolitan area and other large cities in the country, the salaries of the firemen and policemen in the District of Columbia do not compare at all favorably. Thus the increase is necessary if the District is going to be able to compete with metropolitan area jurisdictions in the hiring of qualified personnel and keep them on the job.

Mr. Chairman, I urge my colleagues to support this measure and provide the District of Columbia policemen and firemen with this 17-percent salary increase which they so richly deserve.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. Mr. Chairman, I yield to the gentleman.

Mr. McMILLAN. I would like to state to the gentleman that I have always been in support of all the salaries that come up for police and law enforcement officers of the District of Columbia, and we thank him.

I would like to advise the gentleman as chairman of the committee that we began hearings on this earlier this year, but we could not go forward until we heard from the District of Columbia officials, and they did not send a bill down here until May 11, giving us just what they wanted, and it required the last 2 months to get together on that.

Mr. BIAGGI. I am not critical of the committee. The chairman recalls I complimented the committee and especially the most respected chairman for the work done on behalf of police and firemen. If the origin of the criticism is to be directed at the officials of the District, then that is where it should lie and it should be for the Congress to correct it.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I rise in support of H.R. 15580 and I also intend to give my enthusiastic support of the amendments to be offered by the gentleman from Maryland (Mr. GUDE) and the gentleman from Virginia (Mr. BROYHILL).

I hope the House today will resoundingly approve this pay bill which is so vitally needed by our local police and firmen. This 17-percent increase in pay is richly deserved, but also the January 1, 1972, effective date is also richly deserved.

You have read the statistics as well as I, and you know that the Washington, D.C., Police Department is becoming an outstanding crime-fighting operation. The District of Columbia crime rate, once the shame of the Nation, has been plummeting. Crime in the Nation's Capital has been drastically reduced, and our police officers are entitled to a great deal of the credit for this situation, and yet the police officers in the District of Columbia are the lowest paid in all of the metropolitan areas.

We are also well served here in the Capital City by our dedicated firemen. The tragic devastation, distress and confusion recently caused by the storm Agnes spotlighted, I believe, the heroic, intelligent and sensitive service that is being given by our firemen each and every day. These efforts too often go unnoticed and unappreciated.

For these and many other reasons I unhesitatingly support this long overdue and acutely needed pay raise for these dedicated employees who are so vital to our peace and safety.

The merits of the increase and the amount of the increase before us here today should not be in question. At the time this well deserved pay raise was presented, as many prior speakers have indicated, there was no dispute about the two-stage proposal: 11 percent on January 1 and 6 percent on July 1. This seemed fair and reasonable to everyone who was concerned with this legislation at that time.

The financially beleaguered policemen and firemen and their families have received no pay increase since July 1, 1969, and their salaries have fallen 18 percent behind their fellow public servants in other departments of the government. I remind my colleagues that their wives buy at the same grocery stores as the wives of those other government employees, and they are way behind in the cost-of-living increases.

Now, through no fault of policemen or firemen, the simple passage of time has robbed them of two-thirds of this pay increase, the 11 percent they were to have received January 1 of this year.

Now, you can anticipate what the effect it had on morale when the committee saw fit not to put in this January 1 effective date.

Equity demands, as far as I am concerned, that we strongly support the amendment which will be offered by the gentleman from Virginia, Mr. BROYHILL, to make the pay raise effective on the first pay period after March 1 of this year. The kind of first-class systems that we have on our District of Columbia Police and Fire Departments can only come about when people with top qualifications and training are melded together under competent leadership into a cohesive working team.

These men willingly face danger daily, relying on their colleagues beside them for support and protection. The highest possible morale and esprit de corps are essential to the effectiveness of our police and fire departments.

The inequities which would result from denying the retroactive effective date would jeopardize the morale of our policemen and firemen. It seems, Mr. Chairman, that our society is slow to give thanks and praise to our policemen and firemen and quick to complain and criticize. Today we, the elected representatives of that society, have an opportunity to demonstrate our appreciation in a tangible way. Mr. Chairman, our policemen and firemen need this testimony of our gratitude and appreciation for the job they are accomplishing in the glare of national attention under extremely trying circumstances.

The proposed amendments meet an obligation which we owe these dedicated men and women. I urge my colleagues to support the Broyhill and the Gude amendments and I hope we will do so resoundingly. I also urge support of the bill itself.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to comment that I hope this House passes the bill because I think we have seen the police department faced with some very serious problems in months past and we have seen the expert way in which they have handled the problems and the courageous way in which they have handled the problems. I believe they deserve the compliments of every one of us.

May I further say that this being the Nation's Capital, where we have visitors from all over the United States and from all over the world, there is nothing more important to this city than good police and fire protection. I believe the police and fire departments have done an outstanding job in the District of Columbia.

I would say this bill deserves our support. I am sorry it took as long as it did for us to get to it. I also want to point out, as has the chairman, that the reports from the city government were not in our hands as early as they might have been to make this pay raise effective earlier. But, finally, we have arrived at a bill which I think has great merit.

Mr. CABELL. Mr. Chairman, I yield 1 minute to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, I rise in support of the bill as reported by the committee. We are appreciative of the fine work done by the gentleman from Texas (Mr. CABELL), as well as the chairman, in bringing this bill to the floor of the House.

As most of the Members of Congress are aware, both the city government and the Delegate from the District of Columbia are in full support of this bill which will provide a richly deserved and long delayed raise for our police and our firemen.

Mr. CABELL. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman for yielding.

First of all may I express my appreciation to the chairman of the subcommittee and to the chairman of the full committee on the speed with which they acted. I have heard various reports that there were dilatory tactics used in the committee. I think it should be reemphasized that the District of Columbia government only brought its request and its report to the committee in May and it was only after the District of Columbia brought in its request that the committee and staff were able to work on the bill. So there have been no dilatory tactics on the part of the committee.

I commend the chairman of the subcommittee and the chairman of the full committee on the diligence with which they pursue the various legislative matters with respect to the District of Columbia.

As a new member of that committee I must say I am impressed, and I have found their legislative leadership to be very contrary to many of the adverse reports which currently seem to be afloat.

I would like to direct a question to the chairman—a question which occurred as a result of a visit to my office today by a representative of the firemen in the District. I think there is a misunderstanding on the retirement provisions of the committee bill. My question is this: If a person, a fireman or a policeman, is injured in line of duty, disability occurs, and the person is forced to retire, is it not true the person retires at that time on the current salary he is receiving, which would be the present salary plus the 17 percent or 17.6 percent?

Mr. CABELL. In answer to the gentlewoman's question, that is my understanding.

Mrs. GREEN of Oregon. I believe this does need to be cleared up, because the allegation was made they would have to retire on a 3-year average. I believe that is misinformation.

Mr. CABELL. No. The 3-year average does not apply to retirement for disability.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. CABELL. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, I asked for this time to direct some questions to the chairman.

Could the gentleman tell me what percentage of the District of Columbia Metropolitan Police who are retiring are retiring on disability at the present time?

Mr. CABELL. The figures we have indicate that from 85 to 90 percent of all our present retirees are on disability retirement. Namely, 2,412 retirees out of 2,728 total retirees.

Mr. KYL. This of course raises a number of questions. Therefore, I would ask if the committee has done any checking to see what percentage of those who have retired on disability have been employed by other police forces in the metropolitan area, or how many of those people are now employees of the school security system doing essentially the same work they did before?

Mr. CABELL. We have not made an exhaustive study of that, but we have every reason to believe that a great number of them are filling full-time jobs at the present time.

Mr. KYL. After being retired on disability.

Mr. CABELL. Bear this in mind, also. The reason we are favorable to longevity increases but at the same time do not want them to apply for retirement credit is to encourage people to stay in our uniformed services. Under present retirement in 20 years a man can retire. At that time he can be 40 years old. He can immediately then go into industry and build another retirement. He can get a full salary, which he can draw from industry or commerce, and also build up a social security base. That is why we want to discourage these people from premature retirement.

Mr. KYL. Is my understanding correct that if a person retires on disability he may then draw unemployment compensation for a matter of 18 months?

Mr. CABELL. I am not familiar with that.

Mr. KYL. Is it true that there is an income tax advantage to retiring under disability?

Mr. CABELL. Very definitely, because disability retirement is nontaxable.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CABELL. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. KYL. The reason why I ask these questions, Mr. Chairman, is that there is no one in this House who is more an advocate of meeting the legitimate needs of our policemen than the gentleman from Iowa. But, because of what seemed to be unnatural and unreasonable percentages in this business of retirement what I am afraid of is that one of these days the real, honest to goodness, dedicated police of the District of Columbia are going to get a black eye because we will find ourselves in a position we cannot defend. This is especially true when they retire early, get unemployment compensation, get a tax break, and take a job right here doing essentially the same thing they were doing before disqualification for physical reasons.

I believe it is in the interest of the police to try to take care of this matter, and I hope the committee action will do that.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from New York.

Mr. BIAGGI. I share the gentleman's views. I, like the gentleman knows, and like him, am an advocate of policemen's rights. As the gentleman knows, I spent 23 years with the New York City Police Department.

I am looking at these percentages, and something cries out here. When something is wrong we should look into it. This is inordinate. This is unjustifiable, in my judgment. It is a percentage I have never seen in my life. It is a shock to have it revealed to me.

I do not make the observation that if a man is deserving he should not receive it. We should protect that man's rights.

However, there is something wrong with the procedure. May I suggest to the committee or to the officials of the city that they look into this procedure and compare it to the practices of many other cities that have at least as many, if not more, policemen with substantially less percentages and oftentimes more hazardous conditions.

Mr. KYL. I can understand why until a matter of 18 months ago or 2 years ago a policeman in the District of Columbia would have wanted to retire at the earliest possible moment. But conditions have improved since that time. Still the statistics do not indicate any lowering of the pressures or incentives to retire under a disability. I do hope the committee does take a serious look at this, not because I am trying to injure the police but because I am interested in the police who serve the District of Columbia.

Mrs. GREEN of Oregon. Will the gentleman yield?

Mr. KYL. I yield to the gentlewoman.

Mrs. GREEN of Oregon. I think everybody on the committee shares your concern with the high number of people who retired on disability and who are still working. As I understand it, back in 1960 or 1961 there was a request for a change in the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CABELL. I yield the gentleman from Iowa 1 additional minute.

Mr. KYL. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. The law of disability was expanded so it was not just that if a person were disabled but if an injury was aggravated by his service in the police department or fire department then it might be the basis for retirement. It is this particular language that apparently provided the leeway for a very large number of retirees.

I say to the gentleman from Iowa that in the bill that is brought to the floor there is an effort to try to stop this. There is a requirement that if a person retires on disability, he has to report to the doctors for reexamination. In this way we hope at least to check on it and find out if in fact such person is disabled and, if he is or claims to be and is working in another job, then what is the degree of the disability. Then, if that does not work, and the policeman or fireman in the District are not aware of the concern over the abuse of this privilege, then I think new language or a new provision must become a part of the law.

Mr. CABELL. Mr. Chairman, I certainly wish to thank the gentleman from Iowa for his contribution and for bringing up that particular point.

Without casting any aspersions on the present retirees, we do think that the figures provided by the District government are substantial enough to merit further study and to merit the provision written into the act before you today requiring annual physical examination.

I would like to remind the committee that with this talk you have heard about how penurious we have been with regard to the District police department actually in the last 17 years the classified employees' salaries of the District of Columbia government have gone up 81.5 percent, while the policemen and firemen salaries have gone up 82.3 percent. So I certainly think the police and firemen are keeping pace.

I would also like to correct a misconception—and I am sure it was inadvertent—the statement that there have been no increases since 1969. Actually, the pay bill providing the last pay increase for the police and fire departments was passed on June 30, 1970, which brought it into the next year, which would be the 1971 fiscal year, and was retroactive to July 1, 1969.

So the increments have been well in line. At the time of the 1970 raise for the police and fire departments those salaries were the tops for the entire Washington metropolitan area, and were very nearly the top or at the top for all cities of 500,000 to 1 million population, and now the recommended 17 percent increases again put the police and fire department salaries of the District of Columbia at the very top of the metropolitan area, and again either at the top or very nearly the top of all such forces in cities of 500,000 to 1 million population.

Everybody wants to give them everything that is possible, but I do say also that some of our watchdogs of the Treasury should be a little more careful and a little more watchful of the Treasury because anything that is done with reference to these increases comes out of the pockets of all of the taxpayers of the country because we are having to subsidize, and very heavily, the District of Columbia—$190 million being the current annual Federal contribution or payment to the District.

Mr. DORN. Mr. Chairman, I also rise in support of H.R. 15580, salary increases for the police and firemen in the District of Columbia. The firemen and law officers are typical of the dedicated and devoted Americans at the grassroots level who make this Nation the greatest on earth. These men need our support, backing, and encouragement as never before. The firefighter and police officer play an important role in protecting our environment from waste, destruction, and criminal elements—they are on the firing line to preserve freedom.

Mr. Chairman, every day these men and women are in constant danger in protecting our well-being so that we may carry out our congressional duties here in Washington. Not only in the District of Columbia, but police officers and firemen throughout our Nation are on duty and enable our constituents to live and carry out their business within the boundary of the law without fear of intimidation and reprisal. The American public owes these dedicated men and women a deep sense of gratitude and appreciation for their devotion to duty for the common good.

Mr. Chairman, just this morning at the Members' prayer breakfast, our colleague, Hon. MARIO BIAGGI, spoke to us on the hazards in the life of a police officer. Representative BIAGGI, one of the most decorated police officers in the history of our Nation, is a great example of the dedication, courage, and compassion of this country's policemen and firemen. I pray for the day when peace and order will prevail, and the suffering and potential dangers to these men and women will be reduced and eliminated.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT

SEC. 101. The salary schedule contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended to read as follows:

"SALARY SCHEDULE

"Salary class and title	Service step—								
	1	2	3	4	5	6	7	8	9
Class 1: Fire private, police private	$10,000	$10,300	$10,800	$11,300	$12,100	$12,900	$13,400	$13,900	$14,400
Class 2: Fire inspector	11,400	12,100	12,800	13,500	14,200	14,900	15,600		
Class 3: Detective, assistant pilot, assistant marine engineer	12,500	13,125	13,750	14,375	15,000	15,625	16,250		
Class 4: Fire sergeant, police sergeant, detective sergeant	13,580	14,260	14,940	15,620	16,300	16,980			
Class 5: Fire lieutenant, police lieutenant	15,700	16,485	17,270	18,055	18,840				
Class 6: Marine engineer, pilot	17,150	18,005	18,860	19,715					
Class 7: Fire captain, police captain	18,600	19,530	20,460	21,390					
Class 8: Battalion fire chief, police inspector	21,560	22,640	23,720	24,800					
Class 9: Deputy fire chief, deputy chief of police	25,300	27,015	28,730	30,445					
Class 10: Assistant chief of police, assistant fire chief, commanding officer of the executive protective service, commanding officer of the U.S. Park Police	30,000	32,000	34,000						
Class 11: Fire chief, chief of police	34,700	36,800							

SEC. 102. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended (1) by striking out "The" and inserting in lieu thereof "(a) Except as provided in subsection (b), the", and (2) by inserting after the salary schedule in that section the following:

"(b) Compensation may not be paid, by reason of any provision of this Act, at a rate in excess of the rate of basic pay for level V of the Executive Schedule contained in subchapter II of chapter 52 of title 5, United States Code."

SEC. 103. Section 201 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–824 (a)) is amended to read as follows:

"SEC. 201. The rates of basic compensation of officers and members in active service on the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall be adjusted as follows:

"(1) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 1 in the salary schedule in effect on and after such date, and each such officer or member shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled lonevity step rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class I in the salary schedule in effect on and after such date, and each such officer or member shall be placed in a service step as follows:

"From—	To—
Class 1, subclass (a) or (b):	Class 1:
Longevity step A	Service step 7.
Longevity step B	Service step 8.
Longevity step C	Service step 9.

"(2) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each such officer or member shall be placed in a service step as follows:

"From—	To—
Class 2, subclass (a) or (b):	Class 2:
Longevity step A	Service step 5.
Longevity step B	Service step 6.
Longevity step C	Service step 7.

"(3) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the day next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the day next preceding such effective date shall receive basic compensation at the corresponding salary class in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—	To—
Class 3:	Class 3:
Longevity step A	Service step 5.
Longevity step B	Service step 6.
Longevity step C	Service step 7.

"From—	To—
Class 5:	Class 5:
Longevity steps A and B	Service Step 5.

"From—	To—
Class 6, 7, 8, or 9:	Class 6, 7, 8, or 9:
Longevity steps A and B	Service step 4.

"(4) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on or after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—	To—
Class 4, subclass (a), (b), or (c):	Class 4:
Longevity step A	Service step 5.
Longevity steps B and C	Service step 6.

"(5) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of salary class 10 or 11 in the salary schedule in effect on the day next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date, except that any such officer or member who immediately prior to such date was serving in service step 4 of salary class 10 or in service step 3 of salary class 11 shall be placed in and receive basic compensation in a service step as follows:

"From—	To—
Class 10:	Class 10:
Service step 4	Service step 3.

"From—	To—
Class 11:	Class 11:
Service step 3	Service step 2."

SEC. 104. Section 202 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–825) is amended to read as follows:

"SEC. 202. Each officer or member of the Metropolitan Police force, Executive Protective Service, and United States Park Police force assigned on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972—

"(1) to perform the duty of a helicopter pilot, or

"(2) to render explosive devices ineffective or to otherwise dispose of such devices,

shall receive, in addition to his scheduled rate of basic compensation, $2,100 per annum so long as he remains in such assignment. The additional compensation authorized by this section shall be paid to an officer or member in the same manner as he is paid the basic compensation to which he is entitled. No officer or member who receives the additional compensation authorized by this section may receive additional compensation under section 302."

SEC. 105. (a) Section 203 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–826) is amended to read as follows:

"SEC. 203. The aide to the Fire Marshal shall be included as a Fire Inspector in salary class 2."

(b) Section 204 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–826a) is repealed.

SEC. 106. Section 302 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–828) is amended to read as follows:

"SEC. 302. (a) The Commissioner of the District of Columbia, in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, are authorized to establish and determine, from time to time, the positions in salary classes 1, 2, and 4 to be included as technicians' positions

"(b) Each officer or member—

"(1) who immediately prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972—

"(A) was in a position assigned to subclass (b) of salary class 1 or 2 or subclass (c) of salary class 4, or

"(B) was in salary class 4 and was performing the duty of a dog handler, or

"(2) whose position is determined under subsection (a) to be included in salary class 1, 2, or 4 on or after such date as a technician's position,

shall on or after such date receive, in addition to his scheduled rate of basic compensation, $680 per annum. An officer or member described in paragraph (1)(A) or (2) shall receive the additional compensation authorized by this subsection until his position is determined under subsection (a) not to be included in salary class 1, 2, or 4 as a technician's position or until he no longer occupies such position, whichever occurs first. An officer or member described in paragraph (1)(B) shall receive such compensation so long as he performs the duty of a dog handler. If the position of dog handler is included under subsection (a) as a technician's position, an officer or member performing the duty of a dog handler may not receive both the additional compensation authorized for an officer or member occupying a technician's position and the additional compensation authorized for officers and members performing the duty of a dog handler.

"(c) Each officer or member who immediately prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 was assigned as a detective sergeant in subclass (b) of salary class 4 shall on or after such date, receive, in addition to his scheduled rate of basic compensation, $500 per annum so long as he remains in such assignment. Each officer or member who is promoted after such date to the rank of detective sergeant from the eligible list in force on such date shall receive, in addition to his scheduled rate of basic compensation, $500 per annum so long as he remains in such assignment.

"(d) The additional compensation authorized by subsections (b) and (c) shall be paid to an officer or member in the same manner as he is paid the basic compensation to which he is entitled."

SEC. 107. Section 303 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829) is amended to read as follows:

"SEC. 303. (a) Each officer and member, if he has a current performance rating of 'satisfactory' or better, shall have his service step adjusted in the following manner:

"(1) Each officer and member in service step 1, 2, or 3 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of fifty-two calendar weeks of active service;

"(2) Each officer and member in service step 4 or 5 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service;

"(3) Each officer and member in service step 6, 7, or 8 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and fifty-six calendar weeks of active service;

"(4) Each officer and member in salary classes 2 through 11 who has not attained the maximum service step rate of compensation for the rank or title in which he is placed shall be advanced in compensation successively to the next higher service step rate for such rank or title at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service, except that in the case of an officer or member in service step 4, 5, or 6 of salary class 2 or 3, service step 4 or 5 of salary class 4, and service step 4 of salary class 5, such officer or member shall be advanced successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and fifty-six calendar weeks of active service.

"(b) As used in this title, the term 'calendar week of active service' includes all periods of leave with pay, and periods of nonpay status which do not cumulatively equal one basic workweek."

SEC. 108. Section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–830) is amended to read as follows:

"SEC. 304. (a) Except as otherwise provided in subsection (b) of this section, any officer or member who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher salary class which exceeds his existing scheduled rate of basic compensation by not less than one step increase of the next higher step of the salary class from which he is promoted or transferred.

"(b) Any officer or member receiving additional compensation as provided in section 302 of this Act who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher class which exceeds his existing scheduled rate of basic compensation by at least the sum of one step increase of the next higher step of the salary class from which he is promoted or transferred and the amount of such additional compensation."

SEC. 109. Section 305 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–831) is amended by (1) striking out "Commissioners" and inserting in lieu thereof "Commissioner", and (2) striking out "or Subclass" immediately after "Class".

SEC. 110. Section 401 of the Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–832) is amended to read as follows:

"SEC. 401. (a)(1) In recognition of long and faithful service, each officer and member in the active service on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall receive per annum, in addition to the rate of basic compensation prescribed in the salary schedule contained in section 101 of this Act, an amount computed in accordance with the following table:

"If an officer or member has completed at least:	He shall receive per annum an amount, fixed to the nearest dollar, equal to;
15 years of continuous service	5 per centum of the rate of basic compensation prescribed for service step 1 of the salary class of such salary schedule which he occupies.
20 years of continuous service	10 per centum of such compensation.
25 years of continuous service	15 per centum of such compensation.
30 years of continuous service	20 per centum of such compensation.

"(2) For purposes of paragraph (1), continuous service as an officer or member includes any period of his service in the Armed Forces of the United States other than any period of such service (A) determined not to have been satisfactory service, (B) rendered before appointment as an officer or member, or (C) rendered after resignation as an officer or member.

"(3) Each officer and member shall receive additional compensation in accordance with paragraph (1) only as long as he remains in the active service. Such compensation shall be paid in the same manner as the basic compensation to which such officer or member is entitled, except that it shall not be subject to deduction and withholding for retirement and insurance, and shall not be considered as salary for the purpose of computing annuities pursuant to the Policemen and Firemen's Retirement and Disabiltiy Act and for the purpose of computing insurance coverage under the provisions of chapter 87 of title 5, United States Code.

"(b) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, and who are entitled to receive a pension relief allowance or retirement compensation under the Policemen and Firemen's Retirement and Disability Act, shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

"(c) Notwithstanding any other provision of this or any other law, each deputy chief of the Metropolitan Police force and of the Fire Department of the District of Columbia shall, upon completion of thirty years of continuous service on the police force or fire department, as the case may be, be placed in, and receive basic compensation at, the highest service step in the salary class to which his position is assigned in the salary schedule contained in section 101. For purposes of this subsection, in computing a deputy chief's continuous service on the police force or fire department, there shall be included any period of his service in the Armed Forces of the United States other than any period of such service—

(1) determined not to have been satisfactory service,

(2) rendered before appointment as an officer or member, or

(3) rendered after resignation as an officer or member."

SEC. 111. Section 501 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–833) is amended by (1) adding "and the Executive Protective Service" immediately after "United States Park Police", and (2) striking out "or Sub-Classes" at the end of such section.

SEC. 112. The Act approved May 25, 1926 (D.C. Code, sec. 4–131), is amended (1) by inserting "(a)" immediately after "That", and (2) by adding at the end thereof the following new subsection:

"(b) The Chief of Police of the Metropolitan Police force, the Commanding Officer of the Executive Protective Service, and the Commanding Office of the United States Park Police force, are each authorized to provide a clothing allowance, not to exceed $300 in any one year, to an officer or member assigned to perform duties in 'plainclothes'. Such clothing allowance is not to be treated as part of the officer's or member's basic compensation and shall not be used for the purpose of computing his overtime, promotions, or retirement benefits. Such allowance for any officer or member may be discontinued at any time upon written notification by the authorizing official."

SEC. 113. Subsection (h) of the first section of the Act approved August 15, 1950 (D.C. Code, sec. 9–904(h)), is amended by striking out "class 10" wherever it appears therein and inserting in lieu thereof "the salary class applicable to the Fire Chief and Chief of Police".

SEC. 114. Section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (D.C. Code, sec. 4–518) is amended—

(1) by striking out "Such" in the second sentence and inserting in lieu thereof "Except as otherwise provided in this section, such";

(2) by striking out the third sentence:

(3) by inserting "(a)" immediately after "SEC. 301." and by adding the following at the end thereof:

"(b) The increase prescribed by subsection (a) of this section in the pension relief allowance or retirement compensation received by an individual retired from active service before the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 under the Policemen and Firemen's Retirement and Disability Act as a result of the increase in salary provided by the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall not be less than 17 per centum of such allowance or compensation.

"(c) Each individual retired from active service and entitled to receive a pension relief allowance or retirement compensation under the Policemen and Firemen's Retirement and Disability Act shall be entitled to receive, without making application therefor, with respect to each increase in salary, granted by any law which takes effect after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, to which he would be entitled if he were in active service, an increase in his pension relief allowance or retirement compensation computed as follows: His pension relief allowance or retirement compensation shall be increased by an amount equal to the product of such allowance or compensation and the per centum increase made by such law in the scheduled rate of compensation to which he would be entitled if he were in active service on the effective date of such increase in salary.

"(d) Each increase in pension relief allowance or retirement compensation made under this section because of an increase in salary shall take effect as of the first day of the first month following the effective date of such increase in salary."

SEC. 115. (a) Section 2 of the Act of September 8, 1960 (D.C. Code, sec. 4–823b) is repealed.

(b) Section [illegible] of the Act of October 24, 1962 (D.C. Code, sec. 4–823c) is repealed.

(c) Section 102 of the Act of September 2, 1964 (D.C. Code, sec. 4–823d) is repealed.

(d) Section 102 of the District of Columbia Policemen and Firemen's Salary Act Amendments of 1966 (D.C. Code, sec. 4–823d–1) is repealed.

(e) Section 2 of the District of Columbia Police and Firemen's Salary Act Amendments of 1968 (D.C. Code, sec. 4–823d–2) is repealed.

(f) Section 103 of the District of Columbia Police and Firemen's Salary Act Amendments of 1970 (D.C. Code, sec. 4–823d–3) is repealed.

SEC. 116. The effective date of this title and the amendments made by this title shall be the first day of the first pay period beginning on or after July 1, 1972.

SEC. 117. This title may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1972".

TITLE II—POLICEMEN AND FIREMEN'S RETIREMENT AND DISABILITY ACT AMENDMENTS

SEC. 201. (a) Subsection (a) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–521) is amended by adding after paragraph (16) the following new paragraph:

"(17) The term 'average pay' means—

"(A) in the case of a member who first becomes a member after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, the highest annual rate resulting from averaging the member's rates of basic salary in effect over any three consecutive years of police or fire service, with each rate, weighted by the time it was in effect, except that if the member retires under subsection (g) and if on the date of his retirement under that subsection he has not completed three consecutive years of police or fire service, such term means his basic salary at the time of his retirement; and

"(B) in the case of a member who was in active service on the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 and who retires under this section after such date, the greater of—

"(i) the amount determined under subparagraph (A), or

"(ii) the basic salary of such member in effect on the day next preceding such date increased by 17 per centum."

(b)(1) Subsections (f), (g), and (h) of such Act (D.C. Code, secs. 4–526—4–528) are each amended by striking out "his basic salary at the time of retirement" each place it occurs and inserting in lieu thereof "his average pay".

(2) Subsections (g)(2) and (h)(1) of such Act are each amended by striking out "his basic salary at the time of his retirement" and inserting in lieu thereof "his average pay".

(3) Subsection (h)(3) of such Act is amended by striking out "the basic salary of such member at the time of retirement" and inserting in lieu thereof "the average pay of such member".

(4) Subsection (k)(2) of such Act (D.C. Code, sec. 4–531) is amended by striking out "step 6, subclass (a), class 1" and inserting in lieu thereof "service step 6 of salary class 1".

(c) The amendments made by subsections (a) and (b) of this section shall not reduce (1) the amount of the annuity, relief, or retirement compensation of an individual retired under the Policemen and Firemen's Retirement and Disability Act before the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, or (2) the relief or annuity of any person which is computed on the basis upon which such retired individual's annuity, relief, or retirement compensation is computed.

SEC. 202. (a) Subsection (m) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–533) is amended by inserting "(1)" after "(m)" and by adding at the end thereof the following:

"(2) If a member is retired under subsection (f) or (g) of this section and is employed on or after the effective date of the

District of Columbia Police and Firemen's Salary Act Amendments of 1972, such member shall, in accordance with such regulations as the Commission shall prescribe, notify the Commissioner of the employment; and the Commissioner shall, as soon as practicable after the receipt of such notice, require each such member to undergo a medical examination (satisfactory to the Commissioner) of the disability upon which the member's retirement under such subsection is based."

(b) The Commissioner of the District of Columbia shall (1) promulgate the regulations required by paragraph (2) of subsection (m) of the Policemen and Firemen's Retirement and Disability Act not later than ninety days after the date of the enactment of this Act, and (2) give timely written notice to each member retired under subsection (f) or (g) of the Policemen and Firemen's Retirement and Disability Act of the promulgation of such regulations.

Sec. 203. The amendments made by section 201 of this title shall take effect on the ninetieth day following the date of the enactment of this Act. Section 202 of this title shall take effect on the date of the enactment of this Act.

TITLE III—REVENUE FOR SALARY INCREASES

Sec. 301. (a) (1) Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602) is amended by striking out "4 per centum" in the matter preceding paragraph (1) and inserting in lieu thereof "5 per centum".

(2) Paragraphs (2) and (3) of such section 125 are each amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

(3) (A) Paragraph (a) of section 127 of such Act (D.C. Code, sec. 47–2604(a)) is amended by striking out "and other than sales or charges for rooms, lodgings, or accommodations furnished to transients,".

(B) Paragraph (c) of such section is repealed.

(C) Paragraphs (a) and (b) of such section are redesignated as paragraphs (1) and (2), respectively.

(b) (1) Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702) is amended by striking out "4 per centum" in the matter preceding paragraph (1) and inserting in lieu thereof "5 per centum".

(2) Paragraphs (2) and (3) of such section 212 are each amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

(c) The amendments made by this section shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

Mr. CABELL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENTS OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr. Chairman, I offer two amendments, one of which is a technical perfecting amendment, and I would ask unanimous consent, Mr. Chairman, that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Broyhill of Virginia: Page 9, beginning in line 14, strike out "from the eligible list in force on such date," and on Page 18, strike out lines 16 through 18 and insert in lieu thereof the following:

Sec. 116. (a) The effective date of this title and the amendments made by this title shall be the first day of the first pay period beginning on or after March 1, 1972.

(b) Retroactive compensation or salary shall be paid by reason of the amendments made by this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service, who retired during the period beginning on the first day of the first pay period which begins on or after March 1, 1972, and ending on the date of enactment of this Act, for services rendered during such period, and (2) in accordance with the provisions of subchapter 8 of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which begins on or after March 1, 1972, and ending on the date of enactment of this Act, by an officer or member who dies during such period.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

(d) For the purpose of determining the amount of insurance for which an officer or member is eligible under the provisions of chapter 87 of title 5, United States Code (relating to government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act.

Mr. BROYHILL of Virginia (during the reading). Mr. Chairman, the thrust of the amendments has already been read, and the balance of the amendment is merely boiler-plate. Therefore, I ask unanimous consent that the amendments be considered as read, printed in the Record, and open to amendment at any point.

I will explain the purpose of the amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BROYHILL of Virginia. Mr. Chairman, the purpose of this amendment is to make the effective date of the pay raise effective on the first day of the first pay period which begins on or after March 1, 1972. At the present time, the bill provides for the pay raise to be effective on the first day of the first pay period that begins on or after July 1 of this year.

In other words, my amendment would make the effective date retroactive by 4 months.

I explained in my previous remarks that there was an agreement, a memorandum of understanding, a copy of which I have here in my hand, between the Police and Firemen's Associations and the District of Columbia government, which stated in part that two-thirds of this pay bill would be made effective as of January 1 of this year, and one-third effective as of July 1. This memorandum of understanding was signed back in December. Negotiations were commenced in February of 1971, and were underway for approximately 10 months.

The net effect of this amendment would accomplish this same purpose by making the entire salary increase effective on March 1. This simplifies the presenting and writing of the amendment and also will simplify the administration of the pay raises. As I have said the substance of this amendment was originally agreed to in toto. It is fair and proper, and by every yardstick the members of the Police Department and the Fire Department of the District of Columbia are entitled to what we are providing here in this amendment. It is the absolute minimum of justice, Mr. Chairman. This Congress should provide for these men in order to pay a debt we owe them for the services that they have rendered to our Nation's Capital—to the citizens of the city, to our families, and to our constituents who visit this Capital City.

This amendment has the approval of the Pay Board.

The only reason that the committee provided for a July 1 effective date in the bill as reported, rather than the date which had been agreed upon, was the delay in our consideration of this legislation.

The gentlewoman from Oregon said a moment ago that reference has been made to dilatory tactics on our part. I do not know to whom she was referring at the time. I certainly am not claiming that there were dilatory tactics. Of course, we were unable to get consideration of this legislation until the time it actually was reported out of the committee. However, it is not the fault of the policemen and firemen who serve in this city that we had a legislative problem and a legislative logjam.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentlewoman.

Mrs. GREEN of Oregon. My reference was to the various allegations which were made that dilatory tactics were used by the committee. I thought the record should be very, very clear that there was no dilatory action taken by any member of the committee that I know of. And if there is any fault, it might be the District of Columbia government in not bringing up their request until May 11.

I also might say that I have some question about the making of an agreement back in December about retroactivity when the action was to be dependent on what the Congress does.

I do not know how they can make a binding agreement last December on what the Congress must do on the date of the pay raise going into effect.

Mr. BROYHILL of Virginia. It was determined that this was fair and proper by the District government, in an agreement between them and representatives of the police and firemen's associations.

The only reason we did not make the effective date January 1 or March 1, as provided for in this amendment, is that in the legislation we are attempting to provide sufficient tax revenue to pay the cost of these pay increases. I do not object, as I said earlier, to raising the revenue; but we should not pass judgment on what the policemen and the firemen are entitled to in the matter of pay increases on the basis of whether or not we are able to raise tax revenues at a particular time.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. NELSEN. While sitting here, several Members have come by asking me for information as to the dollars that would be required in the event that we did go back to March, and it was my understanding that there was a feeling that somehow or other it could be worked out.

I hope the gentleman would speak to that point, because I am sure that this is something they would be concerned about.

I might mention also that I did support the retroactive feature going back to January in the committee.

This, of course, is a compromise and provides a simplicity of operation which has merit.

I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(Mr. BROYHILL of Virginia asked and was given permission to proceed for 5 additional minutes.)

Mr. BROYHILL of Virginia. My point is that, without precedent, we are setting a pay increase and the effective date of this pay increase on the basis of our ability or our action in raising tax revenue here in the District of Columbia. But if that is to be a factor—and if it is so important that we want to establish this precedent—then I must call your attention to the fact that this body has approved, in other legislation, revenue sharing if you please, a $13 million windfall for the District of Columbia. This is to be for the last half of the past fiscal year. So the city has some $13 million of Federal funds pending in that legislation.

Now, I have said that this retroactive date is fair and proper, and that these public servants are entitled to this pay increase effective on March 1.

I said earlier that the last pay increase that the District of Columbia police and firemen received was effective on July 1, 1969, and since that time the Federal and District of Columbia government employees and legislative employees have received the following increases:

On December 28, 1969, there was a 6-percent increase; on January 10, 1971, a 5.9-percent increase; on January 9 of 1972, legislative employees included, a 5.5-percent increase, for a total of 17.4 percent, or a cumulative total of 18.4 percent. They have received these increases while the District of Columbia police and firemen have received nothing.

All I am asking here in this amendment is that we help them to catch up a little bit, by making the effective date March 1 instead of July 1.

Back in 1964, we attempted to establish parity between the salaries paid in the police department, the fire department, and the classified employees, and we established a parity between the beginning firemen and policemen with a GS–8 classified employee. Let us see what has happened with the GS–8 classified employee since the last pay bill for the police and firemen.

At that time, the GS–8 employee was receiving $8,449 and the beginning policeman and fireman was receiving $8,500. Since that time, up to July 1 of this year, the GS–8 whom we are supposed to equate with the starting policeman and fireman, has received $2,205 more than the latter. Thus, parity now has certainly not been maintained.

This retroactive amendment that I am proposing will help that private, that starting policeman, to pick up only $504 of the $2,205 that he has lost by comparison, just by our failure to get around to passing timely legislation to help him to catch up.

The retired classified employee, including the increase that he is going to receive effective July 1 of this year, would have received a total increase of 24.2 percent since the last pay bill that we passed for the police and firemen.

Again, mind you, this amendment will make the increases retroactive only to March 1 of this year. The Government blue-collar worker, since July of 1969, has received a 20-percent increase. During the past 3 years, the building trades workers in the metropolitan area of Washington have received an average increase of 33 percent. Now it costs the wives of the police and firemen just as much to pay for food and rent and clothing and the basic necessities of life for their families and loved ones as it does all of these other people that we have been cognizant of, and who have received substantial pay increases during these past 3 years.

Incidentally, Mr. Chairman, we also are not doing too well for our police and firemen here in our Nation's capital, as compared with those in other large cities. Back in 1969, the District was top among the jurisdictions of the metropiltan area of Washington in salaries for police and firemen. Now, we are No. 6, the lowest in the whole area—in both minimum and the maximum pay for the police and firemen.

Of the 25 cities of this Nation over 500,000 population, the District now ranks 18th in minimum pay for the police and firemen, and 13th in maximum pay. Even if this legislation passes—which I hope it will—the District will rank only seventh among these cities in minimum salaries for police and firemen. There are 39 cities in this country smaller than the District of Columbia, whose police and firemen receive higher starting salaries than we are proposing for the District here in this legislation. And many cities are proposing even further increases.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

(By unanimous consent, Mr. BROYHILL of Virginia was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL of Virginia. Mr. Chairman, why can we not pay our police and firemen here in the Nation's Capital, on whom we are so dependent, as much as such officers are being paid in other cities of comparable size?

Actually, their work and their responsibilities are increasing. We tried to get this pay made retroactive by an amendment offered in the committee, but unfortunately the motion failed by a vote of 12 to 12, so obviously the committee was split in their feelings about when the effective date of this legislation should be.

The only reason—and I repeat this for emphasis—offered for not making the raise effective on January 1 or March 1 is that we cannot afford it, or that we did not provide for the money in time. That excuse has never been used before, in connection with salary increases for the military or the legislative or the classified government employees. If these police and firemen are entitled to the pay, and I say they have earned it, then they should receive it on the promised date whether we have provided all the necessary revenues or not. In a revenue sharing bill, this body has approved a bonanza for everybody sufficient to take care of this extra pay.

We owe a debt of gratitude to these people who have served us at the risk of their lives and who have often been spat upon and struck and cursed in the performance of their duties. I say the excuse that we cannot afford this retroactive pay is not acceptable. I say we cannot afford not to pay it, and that the employees are entitled to it. I hope this amendment will be overwhelmingly approved.

Mr. CABELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the first thing we need to do is to understand clearly the problems involved and to dispel some of the clouds regarding the so-called agreement between the District of Columbia and the police and firemen unions. The District of Columbia has no legal right to enter into an agreement as such. That is the responsibility of this Congress. This District of Columbia government can, under pressure, agree that it will recommend certain things, but that does not mean it has the full force and effect of the law, nor is such an agreement on this Congress.

Again, getting to this subject of how penurious we are with our uniformed services, tell me what other job we can think of where a 20-year-old boy with a high school diploma can start out at $10,000 a year, which will be the new scale for a private. Under the present scale the average salary for present privates is $9,270. The average under the new scale will be based on their length of service and their steps in grade. Under the new schedule, the privates' average salary will be $10,906. That is even better I believe than being a Congressman. It certainly does not involve any greater danger.

I am not belittling the value to us of the sacrifices and the dangers and the hazards involved for our police and fire departments, but I do think we have got to stay within the bounds of reason. The retroactivity of which the gentleman from Virginia speaks would cost a flat $4 million, which is not available. The only place the District of Columbia can get it would be to come back to the Congress and ask for an additional Federal contribution. I think our Federal contributions to the District have certainly been most generous, when they have been stepped up from $126 million a year to the current rate of $190 million a year. So I defy anybody to say that this Congress is pinch-penny when it comes to the operations of the District of Columbia.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, can the gentleman inform me on this. I understand the Pay Board has approved the pending bill and the raise of 17 percent. Did the Pay Board consider any element of retroactivity?

Mr. CABELL. Not to my knowledge. I am not positive on that just now. I do not think so. The Board's decision was predicated on a pay increase in two steps, the first, 11 percent, to take effect upon a date specified by Congress, and the second, 6 percent, taking place July 1, 1972.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, my understanding is that the bill as presented to the Pay Board, which was the original bill, provided for two-thirds retroactivity to January 1. The Committee wrote the present bill subsequent to that action.

Mr. CABELL. I believe where the misconception came in is that the proposal submitted to the Pay Board was 11 percent for the first schedule effective the first pay period after date of enactment, and 6 percent for July.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield further?

Mr. CABELL. I yield.

Mr. BROYHILL of Virginia. The net effect of my amendment is the same thing. This will make it 17 percent effective as of March 1.

Mr. CABELL. I do not quarrel that this is the effect of the amendment, but the gentleman has not told me where he is going to get the $4 million, and that is a question we must face.

Mr. BROYHILL of Virginia. In the gentleman's experience in the Congress, has there ever been a time when any pay bill came before the Congress which we required to provide new revenues to underwrite the cost involved, for any group of employees—police, firemen, or classified workers?

Mr. CABELL. I believe that has been done before. I do not believe one can justify everything the Congress has done. I do not intend to do so, any more than I would justify the retroactivity the gentleman proposes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Virginia is a member of the Ways and Means Committee. If revenue was not provided for a general pay increase then there is a failure on the part of the Ways and Means Committee.

Mr. CABELL. The gentleman also refers to the revenue sharing bill, but that still has not become law. Therefore, those are some chickens we cannot count.

Mr. Chairman, I hope the Members will resoundingly defeat this amendment, just as it was defeated in the subcommittee and in the full committee.

Mr. HOGAN. Mr. Chairman, I rise in support of the amendments.

Mr. Chairman, there has been a great deal of talk about this pay raise and dilatory tactics. There is one point I would like to stress in urging support for this amendment. That is that the policemen and firemen have not received a pay increase since July 1, 1969, while their neighbors and friends and fellow employees in other Government agencies have received increases of some 18 percent.

If we appreciate the kind of work our policemen and firemen are doing to protect us in the Nation's Capital, I believe simple equity demands that this retroactive provision, which is reasonable in every way, ought to be supported, and this bill ought to be amended by the proposal of the gentleman from Virginia.

Mr. Chairman, the wives of our police and firemen are shopping in the same stores as the wives of other Government workers. They are subjected to the same increases in utility rates, and, in every other way, they are bearing the burdens of the increasing costs of inflation.

We all know what has happened since July 1, 1969, in rising costs.

If we are going to reward these dedicated public servants for the work they do, I believe we ought to support the amendment of the gentleman from Virginia (Mr. BROYHILL).

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from Texas.

Mr. CABELL. I should like to call the gentleman's attention to the fact that he is kicking the same dog around which has been kicked around for a long time; that is, saying the firemen have not had a raise since 1969. The date of that raise was June 30, 1970, and it was made retroactive to July 1, 1969, so they have had a raise that brought them up to salaries commensurate with the going rate of fiscal year 1971.

Mr. HOGAN. But the gentleman will admit that it was effective July 1, 1969. That is when the increase went into effect. And it responded to the cost of living at that point in time.

Mr. CABELL. Yes, but there was more to it than just what the retroactivity would have been, because we gave them a much bigger increase than they would have had otherwise and put them No. 1 in the metropolitan area in 1970. So let us keep the figures straight.

Mr. HOGAN. I believe the figures are clear.

I want to make it clear that I in no way criticize the chairman of the subcommittee or the chairman of the full commitee. I do not share any feelings that there have been dilatory tactics. As a former member of the Committee on the District of Columbia, I know how hard working and dedicated the members of that committee are.

However, the fact remains that these families have been denied the pay raise for too long a time, and I think equity demands we support this retroactive provision.

Mr. FAUNTROY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the committee, it is indeed hard to oppose this amendment for retroactive pay for policemen and firemen. It is harder to do it in an election year. But I do want to make one thing perfectly clear and that is that both the city government and I support the bill as it is written. Both of us want to give the policemen and the firemen the pay increases which they deserve, but we have not supported the retroactive measure at this point, because we cannot do it without the necessary resources and without the necessary money.

Through increases in the sales and use taxes we have raised $15.8 million toward the $17,848,000 of cost that would be required for this adequate 17 percent increase in salaries. As a part of that package the departments of the District of Columbia government agreed to absorb $2,667,200 of the increases, which leaves an annual difference of only $639,000. Retroactive payments will cost at least $1 million a month.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. FAUNTROY. I am happy to yield to the gentleman.

Mr. BROYHILL of Virginia. I wish to commend the gentleman for his expression of fiscal responsibility, but may I ask the gentleman this question: Does not the gentleman think it would be fair that we pay the policemen and firemen who serve his community somewhat along the lines of comparability with the salaries paid to the white collar workers and blue collar workers who serve this community? Do you not think that would be fair?

Mr. FAUNTROY. That is right, and it is precisely the reason why I have supported the full 17 percent requested.

Mr. BROYHILL of Virginia. Let me ask this question. The gentleman should know that it is the white collar workers——

The CHAIRMAN. The delegate from the District of Columbia has the time. Does the gentleman request the delegate to yield?

Mr. BROYHILL of Virginia. Will the gentleman yield to me?

Mr. FAUNTROY. Yes, if you wanted me to yield to another question.

Mr. BROYHILL of Virginia. The other types of employees who serve the gentleman and his constituents have received far more than what we have provided in this bill to the policemen and firemen.

Mr. FAUNTROY. I commend to you the words of the distinguished chairman of the subcommittee on the starting pay which this very generous increase makes available to those entering the service of the community in our police and fire departments. It is not a question of whether we support the 17-percent increase. The only question is where shall we get the money to cover the retroactive pay provision? If my distinguished colleague wants to do something, I suggest he package with this proposal——

Mr. BROYHILL of Virginia. Will the gentleman yield further?

Has the gentleman ever asked this question before in connection with any legislation he has proposed for the District of Columbia?

Mr. FAUNTROY. Always.

The CHAIRMAN. The delegate has the time.

Mr. HOGAN. Will the gentleman yield?

Mr. FAUNTROY. The gentleman will yield to the gentleman from Maryland.

Mr. HOGAN. Does the gentleman not believe that the money which would accrue to the District government from the revenue-sharing bill, if it is finally enacted, could be used for this purpose?

Mr. FAUNTROY. It might be used for that purpose if, as you suggested, it is passed. And that is a big if on which we would like to have more assurance.

First of all, we would like to be assured that those resources would be made available not only for providing a pay increase to the police and firemen, but we have a lot of other public servants not the least of which are the teachers of the community who have requested a 17-percent increase. We are now speaking in terms of providing a 7-percent increase for the teachers of the community again at the expense of the people of the city solely.

Mr. HOGAN. Will the gentleman yield further?

Is it not true that the District of Columbia government supported the original proposal to make the pay raise effective January 1? The amendment before us now makes it effective the first pay period after March 1. So is it not reasonable since this only makes it conform to what the District of Columbia government agreed to originally?

Mr. FAUNTROY. My information is that the District of Columbia government in providing us with the proposal for funding this pay raise stated on May 11 that the sales tax proposals could not be made retroactive to January 1, and that they, therefore, dropped their support of the January 1 effective date.

In short, gentlemen, the District government has supported the subcommittee chairman and the committee chairman on the full 17-percent increase by not making it retroactive to January 1.

Mr. HOGAN. I thank the gentleman for yielding.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield for one more question?

Mr. FAUNTROY. I will be happy to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. The gentleman has pointed out, and I think very importantly, that the revenue bill to which we have made reference provides $13 million of Federal funding, on a retroactive basis for the District of Columbia. This has not passed the Congress as yet, but it has been approved by this body. Thus, we have approved by action of this body a $13 million retroactive payment to the District of Columbia, and it is this body that is presenting and acting on this legislation at this time.

The CHAIRMAN. The time of the gentleman from the District of Columbia has expired.

(On request of Mr. BROYHILL of Virginia, and by unanimous consent, Mr. FAUNTROY was allowed to proceed for 1 additional minute.)

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield further?

Mr. FAUNTROY. I yield further to the gentleman from Virginia.

Mr. BROYHILL of Virginia. I believe that I had cômpleted my statement that we are acting at this time on this legislation, and that this body has acted on the revenue sharing bill. We will send both of the bills over to the other body, which I am sure will act upon them in a responsible manner as they generally do.

Mr. FAUNTROY. Mr. Chairman, again I would urge that we think in terms of a revenue raising proposal that would provide the teachers with a comparable pay increase, and under those terms I am sure that the retroactive use of the proposed funds from the revenue sharing bill might be put into consideration at that time.

The CHAIRMAN. The time of the gentleman from the District of Columbia has again expired.

Mr. THOMSON of Wisconsin. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendments offered by the gentleman from Virginia (Mr. BROYHILL).

Mr. Chairman, and members of the Committee, I cannot agree with the Delegate from the District of Columbia. I was a cosponsor of the bill to provide the police and firemen with an 11-percent increase on January 1, and a 6-percent increase on July 1. The District government supported that bill, and as far as I know they still support it. The Pay Board supported it. The Office of Management and Budget approved of it. And then by a 12 to 12 vote in the committee the amendment failed, and that is why the proposal is now brought here to the floor.

I thought last spring that the police and firemen were entitled to this pay raise, and I still think they are entitled to it. I join the Delegate from the District of Columbia in his concern about where the money is coming from because the money is coming probably from some of my constituents, but I know that they are very pleased to have the courteous and efficient service these firemen and policemen render to them in the District of Columbia.

So I hope that this Committee will not be led astray by the arguments that have been made.

I think this raise is justified. It has been approved by almost everybody. I know that our very fine and considerate and distinguished chairman of the subcommittee, the gentleman from Texas (Mr. CABELL) has opposed it on fiscal grounds only. Nevertheless I think it should be adopted, and I hope that the Committee will adopt it.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman from Texas.

Mr. CABELL. Mr. Chairman, I would like to set the record straight as to the agreement, and the recommendations of the District government, the Office of Budget Management, and so forth. Here is the message, here is the bill and request submitted to our committee by the District government under the date of May 11, 1972, and I quote from the statement:

> Title I of the bill will accomplish the following: Establish a two-phase salary increase which would adjust salaries approximately 11 percent on the first day of the pay period which begins on or after date of enactment.

It does not say anything about January.

And then "an additional 6-percent increase on the first day of the first pay period on or after July 1."

Now, how can you get a recommendation from this for January effective date when it was submitted on May 11?

Mr. THOMSON of Wisconsin. I think if the Chairman would look at the recommendation that the city government gave to the Pay Board and to the Office of Management and Budget, he would find it was the original bill which provided for 11 percent on January 1 and 6 percent on July 1, and it was after that, because no action had been taken, that they changed the bill that you have just read.

Mr. CABELL. Mr. Chairman, will the gentleman yield further?

Mr. THOMSON of Wisconsin. I yield to the gentleman.

Mr. CABELL. This is the bill that was sent to us by the District government.

Mr. THOMSON of Wisconsin. I do not disagree with that point.

Mr. CABELL. This is the only bill—they had not submitted any other bill, because they had not come up with a funding recommendation, and they had not been before the Pay Board. The bill which District government submitted to us is the only bill that was submitted, namely, on the date of May 11, and it made no reference to January 1.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman.

Mr. BROYHILL of Virginia. The District government does not officially change its position, but because the Congress, our committee, had admonished them to come up with recommendations including the revenue to pay for it—that is the reason they changed their position, and not because they do not think that the policemen and firemen are not entitled to it, and not because they did not originally agree to it.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman.

Mr. CABELL. May I say that I am not competent to read the minds of the District government. I do not know what they thought—I can only go by what they sent to us in the printed word.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am wholeheartedly in favor of an increase in pay for both the firemen and policemen in the District of Columbia, and I thought that the committee came up with a pretty good bill with really very generous increases in salary, in longevity steps and in retirement benefits.

I have heard it suggested that if we make it retroactive, we will pay for it out of the windfall that the District of Columbia will get from revenue sharing. I am one who hopes that the other body has a little better judgment than this body had with regard to revenue sharing. I am not sure that the District of Columbia is going to get that windfall. Therefore, some alternative plan is going to have to be adopted in terms of paying for that extra cost if retroactivity is adopted.

In terms of what you are doing for the policemen and firemen in the District of Columbia—if you are a captain and you are now getting $16,469 under the bill, you will be getting $19,389.

If you are a private in the first step, it increases from $9,270 to $10,906.

If you stay in the service, there is the additional longevity feature.

I would like to have you consider what the policemen and firemen in the District of Columbia receive in comparison to those in other cities. I am speaking now of 19 cities that have over 500,000 population, and which I think is a fair comparison.

If you are from the city of Baltimore at the present time and consider the minimum pay for a policeman—Baltimore ranks 15th among the 19 cities. While at the present time the District of Columbia even under the current salary ranks 10th. But under this bill which has been brought forth by the committee on minimum salaries, Washington, D.C., would be fourth highest among the 19 cities.

And if we are talking about maximum salaries, the new schedule would place the District of Columbia first. It would have the highest salary of any of these 19 cities with over 500,000 population.

At the present time under the present salaries for maximum pay for police privates the rankings of the 19 cities include the following:

Atlanta is 15th.
Baltimore 13th.
Boston 14th.
Cincinnati 11th.
Dallas 18th.
Indianapolis 20th.
New Orleans 16th.
Pittsburgh 12th.
St. Louis 17th.
San Antonio 19th.
And so on.
The District of Columbia 10th.

Under the new schedule that we bring to you without retroactivity, the District of Columbia would be first—first in this list of 19 cities with over 500,000 population.

It seems to me that is treating policemen in the District of Columbia fairly well.

In terms of the firemen privates—again if we consider the 19 cities—at the present time the District of Columbia, for minimum salaries for the people who are starting—the District of Columbia would be 15th. And that is a pretty bad record.

In terms of maximum salaries, however, paid at the present salary schedule—the District of Columbia would be 10th among the 19 cities. But with the new bill being brought to you by the committee, the District of Columbia for minimum salaries would be third—the third highest among the 19 cities with over 500,000 population. And when we consider maximum salaries for firemen privates, the maximum salaries paid under the committee bill without the retroactive feature, the District of Columbia would be the first of all of the 19 cities with over 500,000 population.

Now, I think that this is a fair bill that was worked out by the committee. I think that the salary increase that was given to both policemen and firemen is an adequate increase at this time, and that does not mean that there should not be increases in the years ahead. I again want to reiterate what the chairman has said a couple of times, that the last pay raise was not in 1969, but in 1970; but there was a retroactive feature in it. So there was a pay increase 2 years ago in 1970.

It would seem to me that with this kind of balance with the increases in pay and the increases in the taxes that we propose in the bill, with the longevity steps, that it is a fair bill. It is fair to the other cities of the country who are helping to pay the taxes, and it is fair to the policemen and firemen here in the District of Columbia. I urge the adoption of the committee bill without this amendment.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I find it difficult to believe that we are now struggling with a question involving the dating back to March 1 instead of July 1 this proposed salary increase. I have had the occasion, as I am sure many of you have, to talk with a great number of firemen and policemen in the District. These men have been basically planning on this increase in salary, and their families have been counting on this raise, which I think is a fair raise, I do not think it in any way overpays the policemen and firemen in the District; they have been promised this raise since the first of the year. They were contemplating that this raise would be effective as of January 1 and not as of March 1 and certainly not as of July 1. I believe in view of the cost of living that we have seen today and certainly right here in the District, that it is not unreasonable that these men should be given the raise as of the first of March. I think of the things we demand in this District of the police and the firemen; it is truly a unique service that they provide. It is far different than many cities in this country.

I think the effectiveness that they have displayed since the enactment of the various District of Columbia crime bills over the last 4 or 5 years have produced a dramatic decrease in the rate of crime in this city—the rate of crime has dropped 48 percent. I think that this demonstrates the type of job that these men have done.

These men are human beings just like anyone else. Suddenly we seem to be casting them as a separate category of person that does not have to pay bills, does not have to plan for his family's vacation and their future, these people, the police, and firemen have done this planning and they have been counting on this raise.

They have been grossly underpaid for the job we were asking them to do, certainly in comparison with the New York City Police, which I think is the area we ought to be comparing the District Police to, they have been underpaid. I would like to urge that we set aside the problems that may be involved in the committee situation and go right ahead and adopt this amendment and put the pay raise into effect as of March 1.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I will be glad to yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for yielding. The gentlewoman from Oregon (Mrs. GREEN) made some very persuasive comments as far as the ranking of the pay of our Metropolitan Police in relation to the pay of forces in other cities. But what is being overlooked is that these men because of the delay in enacting this measure are now in a position where they have to catch up for 6 months they have not been paid at the levels which we agree are proper. They and their families are being penalized through no fault of their own.

Mr. PEYSER. That is correct.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. Yes, I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Did the gentleman say that we ought to compare the situation in Washington, D.C., with that which exists in the city of New York?

Mr. PEYSER. I am saying we should compare the job we ask our police to do in the District, in the Nation's Capital, to the police in the city of New York.

Mr. GROSS. The city of New York is broke. I do not know about Washington, D.C., but you are busted in Fun City.

Mr. PEYSER. I ask the House to support this amendment and give the police and firemen the raise they so justly deserve.

Mr. CABELL. Mr. Chairman, I ask

unanimous consent that all debate on these amendments and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MIKVA. Mr. Chairman, I rise reluctantly in opposition to the amendment. I am aware the police and firemen in good faith have bargained for an increase effective as of January 1. They have bargained for other positions, and in subsequent debate I hope to offer an amendment which will restore one of those provisions in the pension system.

My difficulty in supporting the amendment offered by the gentleman from Virginia, as much as I admire him and respect his capacities, is that this would be the one area in which we have not provided the funding for an increase. If the gentleman who offered the amendment had included a proposal to increase the Federal payment or even had offered a proposal for a commuter tax to provide the necessary funds, then I would have been in support of the amendment. But to say that we should increase the taxes on food and the other things we are doing to provide the overall 17 percent increase, knowing we cannot make those taxes retroactive, seems to me to be unacceptable. We cannot keep up the District's part of the bargain unless those funds are provided.

I would say to the policemen and firemen that when we have finished here, we will have provided all in all a pretty good package; certainly it does not include all they want and certainly not all they agreed to; but given the fiscal straitjackets which have been put on the city's capacity to pay these increases, I think this is the best we can do.

Mr. NELSEN. Mr. Chairman, I move to strike the necessary number of words.

There seems to be a great deal of discussion about the salary increases, but I want to refer to page 8 of the committee report. Incidentally, I did not write it. I presume the staff did. Here is what it states:

> The last salary increase for District of Columbia policemen and firemen was approved on June 30, 1970 (P.L. 91-297; 84 Stat. 354), and was made retroactive to July 1, 1969. However, while this increase was made retroactive, it was based actually upon the District's competitive position and other economic factors as they existed in 1969. Hence, the D.C. policemen and firemen may truly be said not to have received a salary increase in the past three years.

I want to comment that I did support the retroactive feature in the committee and I will support the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Virginia (Mr. BROYHILL).

The question was taken; and on a division (demanded by Mr. BROYHILL of Virginia) there were—ayes 22, noes 32.

Mr. BROYHILL of Virginia. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. GUDE

Mr. GUDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUDE: Page 18, insert after line 15 the following:

SEC. 116. (a) The Commissioner of the District of Columbia, in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, may—

(1) establish eligibility requirements for, and

(2) pay to any officer or member (other than an officer or member in salary class 10 or 11 of the salary schedule contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958) who (A) is in the force, Department, or Service under their jurisdiction, and (B) meets such eligibility requirements,

additional annual compensation for successful completion of educational course work leading to a degree in police or fire science or administration. Such additional compensation shall be fixed to the nearest dollar and shall be payable at the rate of 2 per centum of the scheduled rate of basic compensation for service step 1 of salary class 1 of such salary schedule, in effect at the time of payment, for each 15 acceptable credit hours of such educational course work completed, except that the rate payable may not exceed 16 per centum of such scheduled rate.

(b) The additional compensation authorized by this section shall be in addition to the basic compensation to which such officer or member is entitled and shall be paid in the same manner as such basic compensation. Such additional compensation shall not be subject to deduction or withholding for retirement or insurance and shall not be considered as salary (1) for the purpose of computing annuities pursuant to the Policemen and Firemen's Retirement and Disability Act, or (2) for the purpose of computing insurance coverage under chapter 87 of title 5, United States Code.

(c) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of this title and entitled to receive a pension relief allowance or retirement compensation under the provisions of the Policemen and Firemen's Retirement and Disability Act shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

(d) This section shall take effect on the first day of the first pay period beginning on or after the sixtieth day following the date of the enactment of this Act.

Redesignate the succeeding sections accordingly.

Page 18, line 16, strike out "The" and insert in lieu thereof "Except as provided in section 116, the".

Mr. GUDE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. This is the amendment which was originally in the original bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GUDE. Mr. Chairman, the amendment I am offering would put back into the police and firemen's pay raise bill the educational incentive pay feature of the original legislation.

Specifically, my amendment provides additional compensation for successful completion of educational course work leading to a degree in police or fire science administration.

Such compensation shall be payable at the rate of 2 percent of the corresponding salary for service step 1 of salary class 1 at the time of payment, for each 15 credit hours of course work, not to exceed 16 percent. Educational incentive pay is one of the aspects of this controversial legislation on which there was complete agreement by the District government, the District of Columbia Policemen's Association, and the Firefighters' Association, Local No. 36.

In a survey of more than 750 cities conducted by the International Association of Chief of Police, it was determined that—

Thirty-three cities grant specific pay increases for college work;

Twenty cities provide higher starting salaries;

Fourteen cities require continuing college work as a basis of receiving incentive increases;

Sixty-eight cities give credit for college work on promotion exams; and

Two hundred seventy eight[1] cities pay the cost of tuition or part of it.

Moreover, four of the six local jurisdictions, including my own district—Montgomery County, Md.—provide extra incentive pay similiar to that which I propose here.

Professionalism and its goal of better service to the community can best be maintained through higher education for our police and firemen. Educational incentive pay is a growing trend across the country, and I do not believe Washington should deny its officers the opportunity to improve their administrative and technical abilities in this way. Participation in college level courses among members of the District's forces has been increasing steadily over the past few years. Most of these officers have attended local colleges and universities on their own time and often using their own money.

Furthermore, such pay should go far in alleviating the present problem which the police and fire forces now have in keeping young men—many of them in the first year on the force—who leave the department in order to further their education. As for recruitment of qualified individuals, additional compensation for higher education can only be a plus.

I strongly urge that we put this feature back into this bill, as originally proposed. I reiterate that it was a factor agreed to by all major parties in the original negotiations—the District government and both the Police and Firefighters Associations. I believe it would be "penny-wise and pound foolish" of the Congress not to include it at this time.

Mr. Chairman, if we are going to have a police force that will do the job of dealing with the increasing complexities of law enforcement and the increasing complexities of fighting fires in modern cities we need to have the kind of professionalism which will be provided for by my amendment.

This amendment would cost approximately $1.5 million. There will be a subsequent amendment offered which would cover the cost of this.

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[1] 448 cities arrange working hours to avoid conflict with school work.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I am glad to yield to the gentleman from New York.

Mr. PEYSER. I rise to support this amendment. I can think of no better way of investing our money than in furthering the education of these men. It has been proved in every city which has entered into this type of program to be one of the most beneficial things to the public as to fighting crime. I very much support this amendment, the police and firemen need all the help we can give them.

Mr. GUDE. I thank the gentleman for his support.

Mr. CABELL. Mr. Chairman, I rise in opposition to the amendment.

There has been one facet of this educational question that has not been stated as yet. I am sure it was an oversight.

The District government is today paying 90 percent of the tuition for those who wish to take college work.

They are arranging their schedules to fit the hours in which they could receive this training. There are presently approximately 1,200 members of the police and fire departments who are taking advantage of this and getting this 90 percent subsidy of that tuition.

But let us not lose sight of the fact that after all this work, assuming they are learning something that would be beneficial to their work, is for their own good. It is for their own advancement, because certainly they should be able to advance faster if they have accumulated more expertise in this subject.

If you are going to start giving automatic pay increments just because they have completed a certain number of hours of college work, then you will find yourself in the untenable position of a captain, we will say, who does not have college credits. Here is one who does have them. He is a man with less seniority on the force but is doing exactly the same work and with the same responsibilities and maybe he is not even as competent as the man without the college credits. Yet this man is automatically paid more for the same type of work.

Mr. GUDE. Will the gentleman yield?

Mr. CABELL. Very shortly.

I do not think we can possibly justify paying them extra for having done that which they should do with some incentive for their own betterment and promotion in their chosen work.

Now, it is true that the LEAA are funding this work, but let us see how much good it is doing to this force. I am sure even if the LEAA money should be withdrawn, we can then find the money to continue the subsidization of their tuition.

Mr. KYL. Will the gentleman yield?

Mr. CABELL. I am happy to yield to the gentleman.

Mr. KYL. As a matter of fact, the gentleman knows before the LEAA Act was passed, the District of Columbia had an educational program in which we had 500 to 1,000 individuals in attendance at classes to better themselves and also at the same time to take advantage of the promotional opportunities because they could not pass the examinations to hold up the grade.

Mr. CABELL. That is entirely correct.

Mr. WHITE. Will the gentleman yield?

Mr. CABELL. I am glad to yield to the gentleman.

Mr. WHITE. Along the lines of the question asked by the gentleman from Iowa, suppose they try to go to college and take some course and thereby receive bonuses on their salaries. Then because of the expertise he has gained he is promoted, let us say, to a sergeant, as an illustration. Would he start as a sergeant at a higher level than a basic sergeant because he had the bonus experience in college?

Mr. CABELL. Yes.

Mr. WHITE. Would he be promoted on the basis of his college credits and receive an extra advantage over the other sergeant?

Mr. CABELL. He would get a double advantage. Of course, he gets the advantage accruing to him by virtue of the promotion at a rapid rate, but on top of that he gets the additional money provided by virtue of what this amendment would do, which would put him ahead of the earnings of a man who had been already in that particular pay bracket for several years. It just destroys the personal incentive. Why, sure, if I can get extra money for going out and learning how to draw pictures, I would do it.

Mr. Chairman, I hope this amendment can be defeated.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Can the gentleman tell me what amount of increase in pay a 30-year veteran in class 10 would receive under this bill which we have before us today?

Mr. CABELL. Yes; if the gentleman will be patient for a moment while we look up these tables.

The increase in the schedule would be a little less than $8,000.

Mr. KYL. Let me repeat the question: For a 30-year veteran in the class 10 salary bracket, that individual's salary as a result of this bill moves up $8,000.

Mr. CABELL. Let me correct the figure that I gave the gentleman.

On class 10, with 30 years of service, including the 17 percent increase proposed in his bill, and his longevity, his pay would be, his increase, over what it would be today, would be about $8,000 per year.

Mr. KYL. Mr. Chairman, a number of years ago we had a lot of problems with the Metropolitan Police Force when promotions were given because an individual knew somebody up on the Hill or he was somebody's relative. We moved away from that. But I cannot understand how the Committee on the District of Columbia would bring a bill to the floor which gives to a few individuals an increase in pay of $8,000. I cannot understand that. I think it is unconscionable.

Mr. Chairman, I yield back the balance of my time.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. GUDE. Mr. Chairman, would the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I thank the gentleman for yielding, and I would like to point out, with respect to the debate regarding educational incentives, that such incentives are a common practice in public administration in this country. I know in my jurisdiction, and I am sure in practically every other jurisdiction in this country, that it is the practice to give educational pay incentives to teachers as they advance in their educational degrees. Pay incentives are a tried and true means of increasing the professional competence of workers in a number of fields.

Again I thank the gentleman for yielding.

Mr. JACOBS. Mr. Chairman, I support this amendment. Regardless of how people may feel about individuals in the Department I am going to mention, I think it is generally recognized by every Member of the Congress and nearly every American that the really elite police department of the United States is the Federal Bureau of Investigation. A feeling of confidence comes when it is reported that the Federal Bureau of Investigation is participating in the investigation of a heinous crime.

The educational requirements to be a special agent for the Federal Bureau of Investigation are at least 4 years of college. There is no such requirement for the police department in the District of Columbia, and it would be grossly unfair to have such a requirement just overnight because there obviously are a great number of members of that force who have not attained that degree of academic study.

But to allow the security of this community in the future as we go along to depend entirely on the occasional Horatio Alger who educates himself and who is able to acquire skill in police administration by turning off the television and reading every night—I think that is asking too much of human nature.

The Federal Bureau of Investigation is excellent generally, because there is a general educational standard for special agents in the Federal Bureau of Investigation.

A thousand years ago when I was on the police force back home, one night a signal came over the radio that a liquor store had been held up. As is the usual police procedure, a description of the getaway car was flashed. It was an unusual kind of automobile—and 3 minutes later there came exactly the described car past the point where my partner and I were parked, which was in the southeastern part of Indianapolis. We began following the car. We hit headquarters for an additional description—which was "wearing a light tan jacket, et cetera,"—under the street light that is our man—wearing the light tan jacket.

So at the proper place, with the proper procedures and security, we stopped the car at gunpoint, and we arrested the citizen in the car and informed him that he fit the description of a holdup man, and then we signaled for the detective division to bring people out, to bring witnesses.

His story to us on the spot was that he was just on his way to buy a loaf of bread for his wife. When the detectives arrived, that turned out to be the truth. He was not the right man. But he fit the description to a T. I apologized and said, "Sir, you have, by cooperating with the police and not taking a negative attitude, been a good citizen." He said, "I understand perfectly, officer."

Then I went back to the squad car.

But my partner lingered for a moment, and when he came back, I asked him what he had been doing. He said that he had issued the ticket for speeding. I said, "Speeding? He was driving 20 miles an hour in a 30-mile-an-hour zone, and in the evening." My partner said, "You do not understand. If we did not arrest him for something, we can be sued for false arrest."

Well, I am sure that every Member of the Congress knows the common law of this country and the common law in England, for that matter, on probable cause for arrest. My partner could not have been more wrong and with all due respect to him, he could not have been less educated on that phase of police administration.

An FBI agent would never do that, and a London bobby would never do that.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(Mr. JACOBS asked and was given permission to proceed for 1 additional minute.)

Mr. JACOBS. Mr. Chairman, I implore the Committee to adopt this incentive to upgrade the general educational level—not the occasional one—but the general educational level of the Metropolitan Police Department—not for us maybe today or next year, but just to begin the process to bring it up in the Nation's Capital to the level of professionalism that one finds in London and the level of professionalism that one finds in the Federal Bureau of Investigation. And that is not to demean this department, because there are many excellent officers, but it is just a policy—something that we can count on in the future.

Mr. Chairman, I urge the support of this amendment.

Mr. CABELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this gentleman takes this opportunity to correct the statement that was made a while ago that the total increment, including longevity, as proposed would not be under $12,000. As originally stated, a restudy of the tables indicate that the maximum amount that could accrue to a 30-year veteran because of pay schedule would be slightly under $8,000 a year.

Mr. Chairman, I did want to correct the record with respect to that.

Mr. WHITE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to address the gentleman from Maryland.

It is not that I have an objection to the incentive program whereby a member of the police force can get increments in salary by going to college and thereby developing his expertise.

What bothers me is that a private can go to college and get this expertise and on the basis of that obtain a promotion to sergeant and starts at a higher salary than the other sergeants.

The illustration used by the gentleman from Maryland as to educators saying that those teachers who have additional education, like an M.S. degree, thereby receive higher salaries, is true.

However, by parallel I would point out it is my understanding that such a teacher when promoted to, say, a principal, would start at the basic salary of a principal.

If the amendment you have presented does not start a person at a sergeant position at the higher salary but starts him at a base salary and then allows him increments as a sergeant as he gets his education and to go higher as he gets his education, then I would have no objection to his amendment.

Mr. GUDE. I thank the gentleman from Texas for his comments. I would only say that if a man attains a rank of sergeant and has taken professional training by which he would receive this incentive, he would be better qualified on the average than others who attain the same grade and the same rank, but who have not received the same professional training.

Mr. WHITE. But he would start at a higher salary than the other sergeants.

Mr. GUDE. He would receive that additional compensation, but I would say on the average there would be no doubt he would be better qualified.

Mr. WHITE. I think there is an inherent unfairness in that. Thank you very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. Gude).

The question was taken; and on a division (demanded by Mr. Jacobs) there were—ayes 9, noes 31.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mikva:

Page 19, strike out line 4 and all that follows down through and including line 11 on page 21.

Page 21, line 12, strike out "202" and insert in lieu thereof "201".

Page 22, strike out lines 11 through 14.

Mr. MIKVA. Mr. Chairman, let me explain what all that technical language does. The present pension system of the firemen and policemen in the District of Columbia measures their pension benefits based on their salary at date of retirement. In the committee we changed that to put it on a 3-year averaging basis. I must confess, however, we did that without a single word of testimony being taken on the pension system at all, and particularly without a single word of testimony being taken on this piece of the pension system.

I happen to favor an averaging system as a rule. I think that over a long time it is a more equitable measure of what the person's pension ought to be than to take the salary at the exact moment of retirement and use that as a basis for measuring his pension.

However, I think that the employees have a legitimate grievance in saying that we should not make such a fundamental and radical change in the pension system without holding hearings on this measure and any other provisions of the pension system that we propose to revise. They have had that provision in their law for over 50 years. To change it without giving them an opportunity to be heard is not a good example of the legislative process. We originally got into this situation because we were trying to prevent windfall benefits to many pensioners. I think that we have provided for that adequately elsewhere in the bill, and, therefore, this amendment would restore the measuring time as the date of retirement.

If at some time the chairman of the committee or someone else offers amendments to the pension bills which would include an averaging provision, I would certainly support it, but I think the employees affected are entitled to be heard before we make such a drastic change.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, the gentleman says we take care of windfalls in some other section of the bill. Take the case of a man with 30 years of service on the police force, eligible for retirement. This bill gives him an approximate $8,000 increase. Would he be able to retire the next day and have his pension based on that new salary?

Mr. MIKVA. No. That provision is not being affected by this amendment I am offering.

Mr. KYL. If the gentleman will yield further, does the gentleman assure me there are no windfalls which would occur under this bill as a result of his amendment?

Mr. MIKVA. The only windfall the pensioner would receive is the 17-percent increase, which is also being given to the pensioners, other than that, there is no windfall.

Mr. KYL. Would the average person who has reached the age of retirement, who has served long enough to retire under this bill, be able to retire immediately and retire at a rate more than he ever earned as a policeman?

Mr. MIKVA. No.

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. Mikva).

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Louisiana.

(By unanimous consent, Mr. Boggs was allowed to proceed out of order.)

CHANGE IN LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Chairman, I thank the distinguished gentleman for yielding.

I take this opportunity to announce to the House that the bill originally scheduled for consideration on tomorrow will not be considered and that there will not be a session on tomorrow. The reason is that the Senate subcommittee has adopted the provisions of our bill, the so-called Agnes bill, and made them a part of H.R. 15692, which is the bill we passed shortly before the 4th of July recess.

It is probable that bill will now be eligible for passage by the House as amended by the Senate or for a conference between the two bodies. The Senate committee may take final action on Tuesday, and in order to facilitate the consideration of this emergency legislation and further in order to give the Members who had planned events on tomorrow the opportunity to carry out those engagements, I am making this announcement at this time.

Mr. GROSS. Mr. Chairman, will the gentleman yield for one quick question?

Mr. BROYHILL of Virginia. I yield to the gentleman from Iowa.

Mr. GROSS. Does that apply to the bill from the Public Works Committee as well?

Mr. BOGGS. At this time I am not able to answer that question. I really do not know. I will say to the distinguished gentleman from Iowa, it was not planned under any circumstances to call up the public works bill on tomorrow.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield further?

Mr. BROYHILL of Virginia. I yield to the gentleman from Iowa.

Mr. J. WILLIAM STANTON. Mr. Chairman, I appreciate the majority leader bringing that up. I have just left the House Banking and Currency Committee. There is a third alternative. If we do not like the Senate bill or we are just so far in disagreement that we cannot go into conference, still according to our chairman we will meet quickly on any differences, so there are three alternatives for the House.

Mr. BOGGS. I appreciate the gentleman making that statement.

I have been informed that on both sides in the Banking and Currency Committee there is a willingness to facilitate consideration of this legislation in order to bring relief as quickly as possible to the people who have suffered.

Mr. J. WILLIAM STANTON. Mr. Chairman, if the gentleman will yield further, this procedure was undertaken in order to facilitate our taking up the bill.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, I appreciate the gentleman yielding.

I associate myself with the remarks made. The House and the committee did not know when we made these plans what action the Senate was going to take. They have completed just today in a subcommittee the action which the gentleman referred to, which changes completely the position of the House and lays some new groundwork for expeditious legislation for these poor suffering Americans who have been victims of the recent disasters.

Mr BOGGS. I appreciate the contribution of the gentleman.

(On request of Mr. BOGGS, and by unanimous consent, Mr. BROYHILL of Virginia was allowed to proceed for 4 additional minutes.)

Mr. BROYHILL of Virginia. Mr. Chairman, I repeat that I rise in support of the amendment offered by the gentleman from Illinois (Mr. MIKVA). The language the gentleman's amendment would strike from the bill should not have been in the bill to start with.

As pointed out by the gentleman from from Illinois, there have been no hearings on this particular item and thus there is no real understanding as to what the amendment would do. I am talking about the language the gentleman's amendment would strike. There is no testimony on the subject. There is really no knowledge on the part of the committee as a whole as to the harm or damage that might be done if this language were left in the bill.

I feel, Mr. Chairman, that it was a rather punitive and penalizing action on the part of the Committee on the District of Columbia when they inserted this language into the bill in the first instance, because the bill is intended primarily to increase the pay of police and firemen in the District of Columbia. But while increasing the pay, this present bill will also take away certain other benefits for our police and firemen. In other words, we are forcing our police and firemen to barter away various rights they are entitled to, which they have earned over the years, in order to get a pay increase to which they are entitled at this time.

As I said in my earlier remarks, Mr. Chairman, this is a retrogressive action on the part of the Committee on the District of Columbia, and I am delighted that the gentleman from Illinois has offered an amendment to strike that language from the bill.

As the gentleman pointed out, the language inserted into the bill would adversely affect the method by which the police and firemen's annuities are computed at the time of their retirement. Ever since we have had this retirement system for over 50 years, the retirement benefits have been based on the salary the police and firemen receive at the time of their retirement. This is the same procedure and the same system used to determine the annuities of military retirees.

What the committee was attempting to do was to provide the same method of computing retirement that has been in effect for a number of years for classified government employees. But there was an entirely different reason for providing this different retirement system for police and firemen, as compared to that which is provided for the classified and white-collar employees.

If we do not adopt the amendment offered by the gentleman from Illinois what we will be doing, actually, is reneging on an agreement that our city and police and fire departments made with the police and firemen when they first came to work in these departments. There was a commitment made that their salaries would be so much, and that after serving so many years their retirment benefits would be based upon a certain formula. Now we have gotten these recruits to come to work, and without notice, without hearing, without any opportunity for them to testify, we are attempting to change the procedure. This is tantamount, in my opion, to changing the rules after the game has started.

The gentleman from Iowa addressed a question a moment ago to the gentleman from Illinois regarding any windfall that might result to any individual if this amendment is adopted. Actually, insofar as those on retirement now are concerned, it would make no difference whether the amendment is adopted or not. And in the case of a member retiring immediately after the bill is passed, it would make no difference.

Where the difference would come in would be after the next pay bill. Then the members would be required to wait for 3 years in order to receive the benefit of that pay increase in their retirement annuities.

So it would pay that policeman and fireman to retire just before the next pay bill goes into effect, which is a ridiculous situation, indeed.

That is an example of what happens when we adopt language in a bill in a haphazard manner, without proper study, consideration, and hearings.

I suggest, Mr. Chairman, that, if we need to do something—and possibly we should—to change the retirement system for District of Columbia policemen and firemen, then let us do it by separate legislation, let us have hearings and receive testimony, and come forward with a sound and proper proposal for such changes.

Mr. KYL. Will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Iowa.

Mr. KYL. Let us take the case of a man who is now in one grade and within the next month after this bill becomes law, he is promoted from his grade to the grade of lieutenant and he gets an increase in percentage because he is now a lieutenant. He then retires. If you do not have the 3-year average, he retires at his new rank with the salary increase, even though he served in that position only for a matter of a few days. Is that correct?

Mr. BROYHILL of Virginia. It is provided in the bill that it will not take effect for 3 years. Therefore, if someone is promoted in the next month after this bill becomes effective, it is my understanding—and I could be in error on it because there is a lot of misunderstanding about this provision——

Mr. KYL. Yes, there is.

Mr. BROYHILL of Virginia (continuing). Because we did not have adequate time to discuss it—it is my understanding that he would retire at the new salary at that time, because there should be a 3-year grandfather clause in the bill.

The reason for that was that it would not provide an incentive for an employee to retire before the bill becomes effective. If we had not put that language in there, it would have been an encouragement for an employee to retire before the effective date of this legislation. It is my understanding that the grandfather clause was to take effect in 3 years, but if I am in error, then I shall stand corrected. That is the reason why the amendment should be adopted.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Would this be a fair analogy? If Members of Congress under the set-up of this Board procedure received an increase in salary of, let us say, $10.000 next February 1; if we adopted the Mikva amendment, it would be the same as any Member of Congress being able to retire as of January 20 on the increased salary which he had never worked a day to receive. Is that a fair analysis?

Mr. BROYHILL of Virginia. Let me answer the gentlewoman's question in this manner. If the Mikva amendment is adopted, the method under which the policemen and firemen would retire in the future would be identically the same as it is now and would have been last year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CABELL. Mr. Chairman, I rise in opposition to the amendment.

I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the gentleman from Virginia for evading my question and confusing the subject, but I think the analogy is correct, namely, that if the Mikva amendment is adopted and to pursue the analogy: if the Congress were to get an increase of any kind, then any Member of Congress could retire based on the new salary for which they have not worked a single day in their lives.

If we as Members of Congress adopted that kind of a law for ourselves and if we could retire on this increase, without ever having worked under the new salary schedule, you know every paper in the country would be screaming about the giveaway.

I suggest in all fairness it does not make good sense to have a law where you provide an increase and employees do not work a single day and still base retirement benefits on the basis of the new salary schedule under which they have not worked. I oppose the amendment.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. CABELL. No. Not at this moment.

I thank the gentlewoman for her contribution to this.

I would like to call your attention, if I may, to the fact that there are very few pension and retirement systems, to my knowledge, that do not take an average. The reason for that is quite simple. We have, I am told, a number of officers who right now are ready to retire and are already sweating out this 17 percent pay increase.

Under the Mikva amendment that would be entirely permissible to work one day or one week under that schedule and then retire on that as his salary. By the same token, someone who has just been promoted, maybe has only been in the job that he has presently for a very short time, and then get the 17 percent increase on that promotional increase, then we lose him.

Let me say to the Members that purpose of longevity increments, the purpose of steps in grade, the purpose of providing for very liberal pension plans is to hold your people, not to make it too profitable for them to retire and go to work somewhere else, with the major portion of their income being derived from their pension they retire on.

It has been mentioned that there might be inequities. I know of no particular instance of where there would be actually an inequity. The proposition was raised that there have not been hearings. There was considerable discussion on that.

This subcommittee chairman will promise definitely that if members of the committee wish, I will hold hearings by the subcommittee to hear these others on these inequities, and if the inequities are proven then we will sponsor an amendment to this bill and will thus be able to alleviate or rectify any such real inequities that might be provided by voting down the Mikva amendment.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, our respected colleague, the gentlewoman from Oregon (Mrs. Green) said she had a little difficulty understanding the reasoning of our distinguished colleague, the gentleman from Virginia (Mr. Broyhill).

I think that the gentleman's arguments might be summed up with these words: "Yes, Santa Claus, there is a Virginia."

Mr. CABELL. Mr. Chairman, I hope sincerely that the Members will defeat this amendment, and I will keep to my promise that if inequities are shown we will call hearings on this, and it should not take long to rectify any such inequities.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Mikva).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FAUNTROY

Mr. FAUNTROY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fauntroy:

Page 18, insert after line 21 the following:

Sec. 118. The United States shall reimburse the District of Columbia for overtime compensation paid to officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia for services in connection with assemblages, marches, and other demonstrations in the District of Columbia which relate solely to the Federal Government. The manner and method of ascertaining and paying the amount needed to so reimburse the District of Columbia shall be determined in accordance with an agreement which the Commissioner of the District of Columbia and the Director of the Office of Management and Budget shall enter into.

Mr. FAUNTROY. Mr. Chairman, this amendment is intended to share the cost with the United States of demonstrations directed solely at the Federal Government. It would authorize the United States to reimburse the District of Columbia for overtime compensation incurred by the Police and Fire Departments through an agreement between the District of Columbia and the Office of Budget and Management.

This city has raised the entire amount of the pay raise through an increase in the sales tax from 4 to 5 percent, and hotel, alcohol, and restaurant taxes from 5 to 6 percent.

If it were not for the fact that the city had agreed to absorb within the current departmental budget appropriations 15 percent of the increase, we would be faced with a deficit of $2 million.

Under this arrangement, there is a small cushion of some $600,000. This, of course, is not the soundest financing that could have been found. But we are faced with the fact that in this city our police officers and firemen are called upon to provide protection and to maintain order during the increasing and myriad demonstrations that are led and organized and filled with people who are protesting the policies of the Federal Government. They are not protesting the policies of the District Government—but they are costing the city government money.

We would not object to paying these moneys to provide for the protection of their constitutional right for a free expression if we had the resources. But we do not have the funds, and we do not have the basis upon which these funds may be raised.

There is no other source except the Congress.

Since 1969, overtime costs alone have doubled almost $3 million, one-half of the amount expended for the police and fire protection during these events.

At the appropriate time I will insert in the Record the actual dollar figures expended for each year since 1969. Suffice it to say right now, however, that the demonstrations have not disappeared, but are, in fact, growing in a new kind of persistence and a new kind of determination, as witness, by those who have marched on this building, holding vigils and organized with the intent of coming to this city once again.

Let me emphasize once more that I and the city certainly do not have any objections to demonstrations. I know that the Members of this body do not have any objection. But the fact is that the city police are called out, and they do cooperate with the demonstrators, and for the most part, the demonstrations have been peaceful and orderly and informative, and not overly disastrous.

This amendment does not shift the entire burden of the police and firemen's salaries to the Federal Government—only the overtime compensation. I emphasize this because I do not perceive it as unfair to have the city budget bear the cost of the regular salaries even though the salary determinations may have been made with this fact distinctly in mind.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I have been too busy as a Member of the Congress to pay any attention to demonstrations around here. But I do read the newspapers and I watch television. I notice that the delegate from the District of Columbia has been in the forefront of a few demonstrations.

Now if you have been participating in and leading demonstrations, it is rather sanctimonious, is it not, to come in here now and ask the Federal Government to pay for overtime cost of the Police Department to take care of the demonstrations that the Representative from the District of Columbia participated in and led?

I saw that you were leading a demonstration out on the steps of the Capitol. You lead a demonstration down to the White House. A lot of policemen were here on both occasions according to the television and the newspaper, and it seems rather ironic to come here and offer an amendment asking for the Federal Government to pay for overtime pay of policemen caused by the demonstrations which you led. In light of your leading and participation I think you owe the House some explanation why we should support an amendment calling for overtime pay for the Police Department by the U.S. Treasury.

Mr. FAUNTROY. If the gentleman wishes to amend the amendment to exclude those demonstrations, which the delegate from the District of Columbia participated in, I am sure that that might be debatable, but the fact is that these demonstrations that have cost this city out of the taxpayers of this city out of their resources more than $3 million over the past 3 years have not been led by the delegate.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I yield to the gentleman from Iowa.

Mr. GROSS. Was not the Federal contribution to the District of Columbia increased from $126 million to $190 million, and would not that take care of the overtime cost for demonstrations?

Mr. FAUNTROY. No, it does not—it does not.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I yield to the gentleman.

The CHAIRMAN. The time of the Delegate from the District of Columbia has expired.

(Mr. FAUNTROY asked and was given permission to proceed for 2 additional minutes.)

Mr. JACOBS. Let me point out, Mr. Chairman, that although demonstrations are not my bag, as I understand the Constitution of the United States and decisions thereunder, a peaceful demonstration is protected by the first amendment to the U.S. Constitution in that it is lawful to drive an automobile in the District of Columbia, and police officers are also required to direct traffic. When a Member of Congress drives his car as he does in the District of Columbia or any other Members of Congress, I do not think that casting personal aspersions on the Delegate from the District of Columbia, or raising any question about his lawfulness is proper. I have heard no one allege that he is engaged in the violation of any law, by the exercise of a protective right under the Constitution of the United States.

Mr. FAUNTROY. I will yield 30 seconds when I finish my statement.

I simply state to the gentleman the fact that the taxpayers in the District of Columbia are obliged every year to absorb costs in terms of overtime for policemen that are the result directly of demonstrations aimed not at District government but at Federal Government, and I ask the Federal Government to share in that cost.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. I yield to the gentleman from Virginia in response to the question asked by the gentleman from Iowa (Mr. Gross). I think he is correct in interpreting what his understanding is that last year we did increase the Federal payment to the District of Columbia, taking into consideration the additional cost of the District of Columbia government as a result of demonstrations. I have a question to ask the gentleman in view of the fact that he has shown a great deal of fiscal responsibility here today in opposing——

The CHAIRMAN. The time of the Delegate from the District of Columbia has expired.

(By unanimous consent (at the request of Mr. Broyhill of Virginia) Mr. Fauntroy was allowed to proceed for 1 additional minute.)

Mr. BROYHILL of Virginia. The gentleman opposed an amendment that I offered earlier that would make the pay raise retroactive to March 1 on the basis that we did not have the revenue, and I think the gentleman asked where the money was coming from. These are people he represents. It serves him and his people. May I ask the gentleman the same question: Where is the money coming from that he is talking about which now costs the Federal Government a great deal of money?

Mr. FAUNTROY. I will be glad to answer in two respects. First of all, the fact is that we recommended that that come from contingency funds that might come through OMB that could be allocated in this fashion. Secondly, I do not recall specific reference to funds, allocated and authorized in the last Federal payment, being made for overtime pay for use in covering demonstration costs of the Police Department.

The CHAIRMAN. The question is on the amendment offered by the Delegate from the District of Columbia (Mr. Fauntroy).

The amendment was rejected.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have an amendment at the desk which, because of the disposition of the preceding three amendments, I shall not offer at this time. I direct the committee's attention to title III of this bill on page 22. The title is called Revenue for Salary Increases, and as of this point in the debate under the 5-minute rule, the rule is in balance.

I have the personal view that the cigarette tax in the District of Columbia is not at the level that it should be, but I shall defer my amendment until possibly the teachers salary bill comes to the floor, or such time that it is appropriate, in my judgment, and completely germane to the vehicle which is before the committee.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. CABELL

Mr. CABELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cabell: Page 1, line 5, strike out "Act" and insert in lieu thereof "Acts".

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CABELL

Mr. CABELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cabell: Page 2, line 13, strike out "(a)".

Page 10, insert "in his service step" after "service" in lines 8, 13, and 19; and on page 11, insert "in his service step" after "service" in lines 3 and 9.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CABELL

Mr. CABELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cabell: Page 18, insert after line 15 the following:

Sec. 116. (a) Retroactive compensation or salary shall be paid by reason of the amendments made by this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service, who retired during the period beginning on the first day of the first pay period which begins on or after July 1, 1972, and ending on the date of enactment of this Act, for services rendered during such period, and (2) in accordance with the provisions of subchapter 8 of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which begins on or after July 1, 1972, and ending on the date of enactment of this Act, by an officer or member who dies during such period.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

(c) For the purpose of determining the amount of insurance for which an officer or member is eligible under the provisions of chapter 87 of title 5, United States Code (relating to government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act.

Redesignate the succeeding sections of title I accordingly.

Mr. CABELL (during the reading). Mr. Chairman, the amendment that is being read at the moment I assure Members makes it possible to make the salary increase retroactive to July 1.

Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Cabell).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CABELL

Mr. CABELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cabell: Page 19, line 15, strike out the comma immediately following "rate".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Cabell).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair (Mr. PIKE) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, pursuant to House Resolution 1041, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BROYHILL of Virginia. Mr. Speaker, in its present form I am compelled to be opposed to the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr BROYHILL of Virginia moves to recommit the bill H.R. 15580 to the Committee on the District of Columbia with instructions to report the same forthwith to the House with the following amendments: Page 9, beginning in line 14, strike out "from the eligible list in force on such date".

And on page 18, strike out lines 16 through 18 and insert in lieu thereof the following:

SEC. 116. (a) The effective date of this title and the amendments made by this title shall be the first day of the first pay period beginning on or after March 1, 1972.

(b) Retroactive compensation or salary shall be paid by reason of the amendments made by this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service, who retired during the period beginning on the first day of the first pay period which begins on or after March 1, 1972, and ending on the date of enactment of this Act, for services rendered during such period, and (2) in accordance with the provisions of subchapter 8 of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which begins on or after March 1, 1972, and ending on the date of enactment of this Act, by an officer or member who dies during such period.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

(d) For the purpose of determining the amount of insurance for which an officer or member is eligible under the provisions of chapter 87 of title 5, United States Code (relating to government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BROYHILL of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 165, nays 201, not voting 66, as follows:

[Roll No. 276]

YEAS—165

Abourezk
Abzug
Adams
Addabbo
Anderson, Ill.
Annunzio
Ashley
Barrett
Bennett
Biaggi
Biester
Blatnik
Bolling
Bow
Brademas
Brasco
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burton
Carter
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Conte
Cotter
Crane
Daniels, N.J.
Dent
Dickinson
Donohue
Dow
Drinan
Duncan
Eilberg
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Ford, Gerald R.
Ford, William D.
Frenzel
Frey
Garmatz
Gaydos
Giaimo
Goldwater
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Howard
Hunt
Johnson, Calif.
Kastenmeier
Keating
Keith
Kemp
Kluczynski
Koch
Kyros
Lent
Link
Lloyd
McClory
McCollister
McDonald, Mich.
McKinney
Macdonald, Mass.
Madden
Mailliard
Melcher
Miller, Ohio
Minish
Mizell
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Nelsen
Nix
Obey
O'Konski
O'Neill
Patten
Pettis
Peyser
Powell
Price, Ill.
Pucinski
Railsback
Reuss
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Rousselot
Ruth
St Germain
Sandman
Sarbanes
Saylor
Schwengel
Scott
Sebelius
Shoup
Shriver
Snyder
Springer
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Stratton
Symington
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Vander Jagt
Vanik
Vigorito
Whalen
Whalley
Whitehurst
Williams
Wilson, Bob
Winn
Wolff
Wydler
Wyman
Yates
Yatron
Zablocki
Zwach

NAYS—201

Abbitt
Alexander
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspin
Badillo
Baker
Baring
Begich
Belcher
Bergland
Betts
Bevill
Bingham
Blackburn
Boggs
Boland
Bray
Brinkley
Brooks
Brown, Ohio
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carney
Casey, Tex.
Celler
Chappell
Clawson, Del
Clay
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conyers
Corman
Coughlin
Culver
Daniel, Va.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Diggs
Dingell
Downing
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Fisher
Flowers
Foley
Forsythe
Fountain
Frelinghuysen
Galifianakis
Gettys
Gibbons
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Grover
Haley
Hall
Hamilton
Hammerschmidt
Hanna
Hansen, Wash.
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hillis
Holifield
Hosmer
Hull
Hungate
Ichord
Jacobs
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kazen
King
Kyl
Landgrebe
Latta
Leggett
Lennon
Long, Md.
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McMillan
Mahon
Mallary
Mann
Mathis, Ga.
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Calif.
Mink
Minshall
Mitchell
Mollohan
Monagan
Montgomery
Moss
Natcher
Nedzi
Nichols
O'Hara
Pelly
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Tex.
Purcell
Quie
Randall
Rangel
Rarick
Rees
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Roush
Roy
Roybal
Runnels
Satterfield
Scherle
Scheuer
Schmitz
Schneebeli
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Steed
Steiger, Wis.
Stephens
Stokes
Stubblefield
Sullivan
Taylor
Teague, Calif.
Udall
Van Deerlin
Veysey
Waggonner
Waldie
Ware
White
Whitten
Widnall
Wright
Wyatt
Wylie
Young, Fla.
Young, Tex.
Zion

NOT VOTING—66

Abernethy
Anderson, Calif.
Anderson, Tenn.
Aspinall
Bell
Blanton
Broomfield
Buchanan
Byrne, Pa.
Carey, N.Y.
Chisholm
Curlin
Davis, Ga.
Devine
Dorn
Dowdy
Dulski
Dwyer
Edmondson
Evins, Tenn.
Flynt
Fraser
Fulton
Fuqua
Gallagher
Hagan
Hébert
Hutchinson
Jonas
Jones, Tenn.
Kee
Kuykendall
Landrum
Long, La.
Lujan
McCloskey
McClure
McKevitt
Martin
Mathias, Calif.
Matsunaga
Mills, Ark.
Mills, Md.
Mosher
Passman
Patman
Pepper
Podell
Pryor, Ark.
Quillen
Reid
Rooney, N.Y.
Ruppe
Ryan
Seiberling
Shipley
Slack
Spence
Staggers
Stuckey
Talcott
Teague, Tex.
Terry
Wampler
Wiggins
Wilson, Charles H.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Martin.

Mr. Rooney of New York with Mr. Terry.

Mr. Charles H. Wilson with Mr. Talcott.

Mr. Teague of Texas with Mr. Broomfield.
Mr. Staggers with Mr. McClure.
Mr. Shipley with Mr. Bell.
Mr. Blanton with Mr. Hutchinson.
Mr. Carey of New York with Mr. Mills of Maryland.
Mr. Dulski with Mr. Devine.
Mr. Evins of Tennessee with Mrs. Dwyer.
Mr. Fulton with Mr. Ruppe.
Mr. Matsunaga with Mrs. Chisholm.
Mr. Jones of Tennessee with Mr. Quillen.
Mr. Aspinall with Mr. McKevitt.
Mr. Anderson of California with Mr. Mathias of California.
Mr. Abernethy with Mr. McCloskey.
Mr. Passman with Mr. Lujan.
Mr. Flynt with Mr. Wampler.
Mr. Reid with Mr. Mosher.
Mr. Stuckey with Mr. Spence.
Mr. Slack with Mr. Wiggins.
Mr. Davis of Georgia with Mr. Jonas.
Mr. Dorn with Mr. Kuykendall.
Mr. Hagan with Mr. Buchanan.
Mr. Patman with Mr. Derwinski.
Mr. Anderson of Tennessee with Mr. Seiberling.
Mr. Landrum with Mr. Ryan.
Mr. Gallagher with Mr. Fraser.
Mr. Fuqua with Mr. Podell.
Mr. Pryor of Arkansas with Mr. Pepper.
Mr. Edmondson with Mr. Kee.
Mr. Mills of Arkansas with Mr. Long of Louisiana.

Messrs. JOHNSON of California, TIERNAN, ABOUREZK, GARMATZ, ROUSSELOT, and HANLEY changed their votes from "nay" to "yea."

Mr. CHAPPELL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CABELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished gentleman from Michigan yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the gentleman from Michigan, as announced earlier in the afternoon, we have completed the program for this week, and it is my intention to ask to go over until Monday.

For next week Monday is District day. There are no bills, but we have scheduled H.R. 13366, cyclamates ban compensation, which will be brought up under an open rule with 1 hour of debate.

On Tuesday: H.R. 14542, Air Force officers authorized strength; H.R. 3542, armed services leave allowances; H.R. 14911, leave for armed services missing personnel; and H.R. 14538, Civil Defense Act amendment, each under an open rule with 1 hour of debate.

For Wednesday and the balance of the week, H.R. 12931, rural development conference report; H.R. 11128, Indian rights; H.R. 12807, achitect and engineers selection; H.R. 7060, firefighters retirement; and H.R. 440, Customs and Immigration inspectors retirement, all subject to rules being granted.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

ADJOURNMENT OVER TO MONDAY, JULY 24, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

INDIANA AMERICAN LEGION SUPPORTS ACADEMY FOR MEDICAL EDUCATION

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, the Department of Indiana American Legion, at their State convention in Indianapolis recently, enacted a resolution supporting the establishment of an academy to provide medical education on the same basis as applicants are admitted to other academies throughout the Nation.

The resolution was sponsored by Judge Richard S. Kaplan of Gary, Ind., one of the pioneer leaders in American Legion activities, not only in the Indiana Legion, but also activities in the national Legion convention affairs in behalf of our veterans.

This resolution was adopted by 2,000 Legion delegates assembled at the Indiana State convention and will be submitted for enactment at the national Legion convention in October of this year.

Mr. Speaker, I include with my remarks the resolution which was enacted at the recent Indiana State American Legion convention in Indianapolis April 11, 1972:

RESOLUTION

Whereas, it is a well known fact that this country is suffering from a tremendous shortage of physicians, and,

Whereas, many young men and women who are brilliant students and who would like to study medicine, cannot gain admission to medical schools because of the lack of facilities, and,

Whereas, even the armed forces cannot fulfill its needs for physicians, and,

Whereas, the need for physicians is even greater than the need for officers in our armed forces, yet despite this obvious fact, we are training men and paying for those men at West Point, Annapolis and the Air Force Academy, and,

Whereas, the situation now existing in this country with reference to the shortage of physicians could be eliminated if a Medical Academy was established on the same basis as exists at West Point, Annapolis and the Air Force Academy, and,

Whereas, the United States Government created a precedent for this Country by establishing a Nurse Cadet Corps during World War II which created thousands of nurses who otherwise would never have had the means to become nurses,

Now, therefore, be it resolved: by the Gary Memorial Post No. 17, American Legion, Department of Indiana, in regular meeting assembled, that we urge the President of the United States, the Congress of the United States and the Secretary of Defense of the United States to immediately secure and implement the means for a Medical Academy where young men and women with suitable qualifications may apply and receive a medical education on the same basis as men are admitted to other academies, namely, that upon graduation and receipt of their degree they shall serve their internship in the armed forces for a period of four (4) years and once they have completed their service with the armed forces may leave the service and enter into private practice to the end that our shortage of physicians may rapidly diminish.

Be it further resolved: that upon adoption of this Resolution that it be forwarded to the 1st District for adoption at a 1st District Meeting and after adoption by the 1st District that it be sent to the Department of Indiana for adoption and eventually forwarded to the National Department for adoption.

Done this 11th day of April, 1972.

IN FAIRNESS, LEGISLATION THAT SHOULD BE ENACTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 5 minutes.

Mr. HARVEY. Mr. Speaker, during the recent congressional recess, I returned to my district to conduct office hours to meet with hundreds of constituents. In these meetings, questions were raised time and time again as to what Congress intended to do about raising other Government pension programs in light of the 20 percent boost for social security recipients. They were concerned, as are others who have written to me, that Congress might not respond and individuals under the Railroad Retirement Fund would be ignored and that those receiving benefits under Veterans' Administration programs would actually lose income because of the social security increase.

On my return to Washington, I instructed that appropriate legislation on these two major points be drafted. Today, I am introducing two bills, one to increase the Railroad Retirement Fund payments by 20 percent, and a second to amend title 38 of the United States Code to prevent the loss of veterans compensation and pension benefits as a result of increases in social security.

Earlier in the week, in checking with the House Committee on Interstate and Foreign Commerce, it was uncertain what future action might be taken. However, in a committee session yesterday, the matter was discussed, and I announced my intension of introducing legislation. It was decided that there was great merit for such hearings and they have been scheduled to commence next Wednesday to consider a "temporary 20 per centum increase in annuities" in amending the Railroad Retirement Act of 1937. I am delighted with this decision by the committee.

As you know, a very serious problem has developed in financing the Railroad Retirement Fund and a special Commission was created to study the problem. This Commission was expected to file its report with Congress last month. To date, the report still has not been submitted. While I believe that the Commission study could be helpful in deliberations by Congress, I do not think it is imperative that Congress delay or stall legislative action to help millions of Americans who are dependent upon the Railroad Retirement Fund until the Commission completes its work. Congress has an obligation to these people.

As to the legislation concerning veterans' compensation and pension benefits, as you all know, there is a ceiling on the combined payments an individual can receive from both social security and the Veterans' Administration. It is necessary, as in past years, to increase this ceiling whenever Congress passes an increase in one of the two progams. To fail to do so means a loss of benefits and economic hardship for thousands of families. It is estimated that under the present social security increase, a family's veteran's benefits could be reduced by as much as $80 to $90 per month.

I am also introducing a third bill dealing with our social security program of immense interest to all. This would provide an increase of the limitation on earnings by individuals now receiving social security benefits. As you know, the current limitation is $1,680. My bill would boost this limitation to $3,000.

I would like to call your attention to an editorial which appeared in the Sunday, July 16, 1972, edition of "The Saginaw News," Saginaw, Mich., on this subject. Permit me to quote to you the concluding paragraph from this editorial, which was received today.

> Congress and the President should act speedily to perform their duty to retirees willing and able to help themselves without forcing them to lose what is rightfully theirs anyway.

The editorial follows:

[From the Saginaw News, July 16, 1972]

EARNINGS LIMIT UNFAIR IN SOCIAL SECURITY LAW

The most massive Social Security increase in history—20 per cent or about $8.5 billion—has been enacted, providing millions of retirees with a most welcome addition to their income.

For those who have to pay for the boost, however, the news is less than cheery, even though it had to be foreseen by anyone who has followed the pattern of Social Security actions in recent years.

With this being an election year, and with the new benefits timed to begin just before the November balloting, some kind of improvement in Social Security benefits was absolutely inevitable. The only question was the amount and how to pay for it.

As it turned out, the amount was the highest mentioned during deliberations, and the payment method remained the same as usual, payroll contributions from wage-earners and their employers.

The maximum deduction will go in 1973 from $468 per year to $594, with another deduction hike slated for 1974. But of course, that won't be until after the election, and presumably by 1976 we'll be used to it.

Thus in the last three or so years, retirees have gained a cumulative 45 per cent improvement over previous benefit levels. This year's 20 per cent comes on top of a 10 per cent increase in 1971 and a 15 per cent boost a year before that.

We don't begrudge the elderly their benefits. Many count pennies from month to month. They certainly possess no magic exemption from the higher living costs that affect us all. One estimate says the latest hike will remove 1.5 million persons from poverty and help millions of others whose income hovers just above official poverty levels.

But we don't think Congress went far enough in revising Social Security provisions, and we're not talking about how much the increase was.

Instead, we're thinking of the legal provision limiting the amount a retiree can earn on his own without suffering a loss of benefits.

And we're glad to see a change in the law listed among further Social Security legislation being advocated by President Nixon.

Right now, a retiree between the ages of 65 and 72 can earn no more than $1,680 in wages without losing any benefits. He gets to keep only half of what he earns up to $2,880. Above that level, he suffers a 100 per cent loss of Social Security.

Considering that, in principle, a retiree only receives in benefits what he supposedly paid for during working years, the anti-job provision amounts to little more than governmental theft.

It lends credence to those who say that in many cases, equal payments into a private pension plan would guarantee a retiree more money than he can expect from Social Security—without loss for earnings after official retirement.

Besides, what so special about age 72, when suddenly, the law now says, a retiree can keep all of what he can earn? Those years between ages 65 and 72 just happen to be the ones during which a retiree is most likely to be able to earn extra money.

Even worse, the earnings regulation applies only to wages, not to income from investments such as bonds or savings or stocks.

As it works out, the retiree who can really use the extra wages he's able to earn is far worse off than a retiree who doesn't work but collects extra income, in full, from resources most Social Security recipients simply don't have at hand.

The proposal now before the House of Representatives to liberalize the earnings law is an excellent idea. We have little hope it will remove the earnings restrictions entirely, but we certainly feel the limit should be far above the current absurdly low level.

Congress and the President should act speedily to perform their duty to retirees willing and able to help themselves without forcing them to lose what is rightfully theirs anyway.

ORWELL'S "1984" ARRIVES EARLY AT DEMOCRATIC CONVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, it may be inappropriate for a dyed-in-the-wool Republican to comment on a Democratic Convention but I am moved to do so by an article that appeared in the Washington Post of July 19, written by Jack Valenti.

I, too, as so many of us here on this floor, knew President Lyndon B. Johnson. I knew him and of him for almost 30 years during my service in the other body as an aide to two Senators, and during my 10-year tenure as a Member of this honorable body. As a Republican, as a fiscal conservative, as one who disagrees with the policy of vesting more and more authority in the Federal Establishment and less and less in local government, I frequently found myself in opposition to Johnsonian policies and programs, particularly during his Presidency.

But Lyndon Johnson was born and lived. He was a legislator, a Vice President and a President for 30 years. His hero was Franklin D. Roosevelt and in all matters of economic and social welfare for the masses he sought to emulate him.

In short, he was for everything that the Democratic Party claims it espouses, and more importantly, he brought more of it into being than any of his predecessors. His skill as a legislator, his zeal as a persuader, his knowledge of how to get things done has not yet been equalled—much to the discomfiture of Members of my party at times, and to myself personally.

And yet as one listened and viewed the happenings at Miami recently, one who did not know better could believe that Lyndon Johnson never was. These people who owed, in many instances, their education, their economic wellbeing, their chance to shine in their own reflected glory; these people whose memories are short or who are shorn of knowledge existing before today, had erased Lyndon Johnson from Democratic Party history.

It is their party and I suppose they have a right to do with it as they please—fortunately. But try as they may, they cannot erase history. Lyndon Johnson was and will remain the 36th President of the United States. This is not Russia and he cannot be made a nonperson.

Those who try to do so are Monday-morning quarterbacks who seek to exculpate their own inconsistencies by blotting out the memory of one who inherited an evil and sought to deal with it forthrightly.

I share with Mr. Valenti, whose prose I lack, my utter distaste for what the American people witnessed at Miami. I include Mr. Valenti's article in the CONGRESSIONAL RECORD at this point:

. . . BUT "DEJOHNSONIZATION" MADE L. B. J. A NONPERSON

(By Jack Valenti)

As I watched the Democratic telethon, and then the convention that followed I kept waiting for someone to acknowledge that Lyndon Johnson was a Democratic President. But as the week ended it became clear that as far as the telethon and the convention were concerned (except for a late Thursday night speech by Senator Kennedy) President Johnson was a non-person, expunged from the Democratic Party with the same kind of scouring effectiveness that Marxist revisionists use to rewrite Communist history. As a final petty insult, the managers of the convention made sure LBJ's picture was absent among the portraits of FDR, Truman, Stevenson and JFK.

It seemed odd that the party, so firmly fixed in its zeal to bring justice and hope to all Americans, turned its back on President Johnson, who more than any President in all U.S. history accomplished what had eluded all his predecessors in the area of human rights, education, health care, aid to the poor, conservation, and just plain caring about the powerless, the forgotten, and the uninvited.

It was an act of discourtesy, not to mention memory gone sour.

I cannot but believe that black people throughout this land understand with a fervor born of too much neglect that it was a President from the Southwest, of all places, who did more to lift the level of their living and to secure their pride than any other man. The first black on the Supreme Court, the first black in the Cabinet, the first black Assistant Attorney General. Have we forgotten? The Civil Rights Act of 1964, the Voting Rights Act of 1965, the Equal Housing Act of 1968 have fastened in conscience and legislation rights that belong to all U.S. citizens. But before Johnson these rights existed only in rhetoric. Lyndon Johnson gave human rights the covenant of national law.

Ever since Lincoln, Presidents have made the motions and gone through the ritual of putting human rights on the agenda. But not until Johnson came to command did aspirations transform into achievement. Charles Evers and every black elected official in the South know better than any of us that it was the Johnson human rights action that gave the vote to the black man, and with that vote he could now govern.

But in the convention no one wanted to remember, and no one seemed to care.

For years the Democratic Party talked and talked about bringing education to the masses, but federal aid to this educational advance always foundered and faltered and never happened. It was the Elementary and Secondary Education Act in the Johnson administration that burst the carapace of opposition and for the first time the poorest child in the bleakest ghetto or on the most remote rural farm now has a chance to get an adequate education. That Johnson legislative achievement was the beginning, the essential beginning, and all that now has taken place owes its life to that source-bed of educational aid. But in the convention, they all forgot.

To the aged and the sick, this blotting out of Johnson must have produced a peculiar torment. How long has the Democratic Party put Medicare in its platform? But that is where it always stayed, in the platform, words without substance, promises undelivered, pledges without redemption. Medicare and all that it has meant to those to whom lingering sickness was a family financial disaster didn't just happen. It was the result of the Johnson determination that help for the poor sick aged was a right that had to be fulfilled and it was. This was an achievement worthy of hall-bursting applause. But in the convention, there was only a shameless silence.

The list of advances in human justice is endless, almost a hundred landmark pieces of legislation that aimed at caring about those who had many partisans and shouters but few achievers.

It was all very strange, a dimly lit Orwellian adventure in which nonspeak and nonmemory paraded the telethon and the convention like some ravaged ghosts.

There is an old French maxim which declares that if we were without faults we would not take so much pleasure in finding them in others. Perhaps it is possible, for those who suddenly found hindsight a splendid luxury, to erase their Vietnam guilts by devouring their former leader. Perhaps.

It was written of Lord Burleigh, adviser to English monarchs, that "he never deserted his friends till it was very inconvenient to stand by them."

There was a lot of inconvenience on display over TV last week.

EIGHTEEN PERCENT RESPONSE TO A CONSTITUENT QUESTIONNAIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 15 minutes.

Mr. BOLAND. Mr. Speaker, a remarkable 18 percent of the household residents in my congressional district—the Second District of Massachusetts—have responded to a questionnaire I mailed out in late May. Of 146,475 questionnaires sent throughout the district, 25,973 were filled out and returned to my office. This rate of response, surprising by anyone's standards, is nearly twice the 10 percent rate considered good by professional opinion researchers.

The questionnaire—soliciting constituents' attitudes on issues ranging from busing to the Vietnam war, from welfare to wage-price controls—has given me a valuable fresh look at voter opinion in my district.

I want to commend the 25,973 constituents who took the time to inform me of their views on the major issues now confronting the United States. In so doing, they have exercised a right and duty of citizenship, going one step beyond the ballot box.

I offer special thanks, Mr. Speaker, to the students in the government and history classes at Chicopee High School, who tallied the bulk of the questionnaire responses, and to their teacher, Phillip L. Corso.

I thank, as well, the news media—newspapers, television, radio—for making the results known throughout my district.

Here are the results:

QUESTIONNAIRE

1. Do you think the wage-price controls enacted by the President are working?

Yes (22.7%)	5, 801
No (62.3%)	15, 905
Undecided (15%)	3, 825
Total	25, 531

2. Should the Federal Government assume the entire cost of welfare payments?

Yes (44.9%)	11, 419
No (42.7%)	10, 862
Undecided (12.3%)	3, 131

3. Which of the following would you favor for U.S. policy in Southeast Asia?

Administration's Vietnamization (48%)	12, 252
Withdrawal in 1972 (42.7%)	10, 862
Undecided (7.2%)	1, 827
Total	25, 513

4. Do you favor Federal revenue sharing with State and Local Governments?

Yes (73.4%)	18, 747
No (14.5%)	3, 708
Undecided (12.1%)	3, 081
Total	25, 536

5a. Do you agree with the Supreme Court's decision upholding the use of compulsory busing to overcome racial imbalance?

Yes (12.1%)	3, 074
No (83.2%)	21, 119
Undecided (4.7%)	1, 225
Total	25, 391

5b. Would you object to minority children being bused into your schools if vacancies exist?

Yes (33.4%)	8, 471
No (61.2%)	15, 489
Undecided (5.3%)	1, 342
Total	25, 302

5c. Would you object to having your children bused to other schools to overcome racial imbalance?

Yes (82%)	20, 848
No (12.6%)	3, 208
Undecided (5.3%)	1, 341
Total	25, 397

5d. Do you favor a constitutional amendment prohibiting the involuntary busing of children out of their own neighborhood to overcome racial imbalance?

Yes (75.3%)	18, 892
No (18.3%)	4, 589
Undecided (6.3%)	1, 584
Total	25, 063

6. Do you think Social Security payments should increase automatically with the rise of cost in living?

Yes (89.3%)	22, 424
No (7.1%)	1, 776
Undecided (3.5%)	886
Total	25, 086

7. Should amnesty be granted to those who left the U.S. rather than serve in the military during the Vietnam conflict?

Yes (11.4%)	2, 872
No (53.3%)	13, 312
Contingent (31.2%)	7, 785
Undecided (4%)	1, 004
Total	25, 973

U.S. SOVEREIGNTY OVER CANAL ZONE—LATEST ATTACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, over a period of many years I have observed a weak, vacillating, and pusillanimous policy on the part of our Department of State as regards U.S. sovereignty and ownership of the Canal Zone and Panama Canal. This has been evidenced by a piecemeal erosion as shown by a series of actual or attempted sur-renders. Among these events were the 1936–39 treaty that started the process and the 1955 treaty that accelerated it; the display in 1960 of the Panama flag in the Canal Zone equal with that of the United States and the employment of alien Panamanians in Panama Canal security positions, such as members of the Canal Zone Police; an attempt to liquidate the Panama Railroad, which was fortunately blocked by the House of Representatives; and the current canal treaty negotiations, the announced prime purpose of which is the surrender to Panama of our indispensable sovereignty over the Canal Zone.

In this connection, it cannot be emphasized too strongly that when the 1903 Panama Canal Treaty for the construction of the canal and its subsequent maintenance and operation was negotiated, both Panama and the United States considered full U.S. sovereignty indispensable. History has completely established the wisdom of that action. The canal cannot be operated with any degree of efficiency with less authority than that conferred by the 1903 treaty, which has continued and must always continue so long as the United States maintains the canal.

The latest significant development on the Isthmus is a decree by the revolutionary Panama Government establishing election districts for Panamanian elections to be held in the Canal Zone, which are open acts of sovereignty not authorized under existing treaties. Because of their significance for future U.S. control over the canal, I wrote the Secretary of Army requesting essential information. The Army response indicated an indirect approval by the State Department of the Panamanian action to which I took strong exception in a reply to the Secretary of the Army.

Mr. Speaker, in connection with the present situation as regards the canal, it is well to recall the fact that during the construction era, this great project was under the direct supervision of the Secretary of War with little intervention by the Department of State. This was fortunate for if the State Department had been active in the manner that it has been since 1952, I do not see how the canal could ever been completed.

The two crucial present issues concerning the canal are: First, sovereignty over the Canal Zone; and second, the major modernization of the existing canal. The sea level proposal which has been so persistently promoted, is irrelevant and should be so recognized. It merely serves as an excuse to bring about surrender of U.S. sovereignty over the Canal Zone in the name of securing "better relationships" with Panama, thereby confusing the real issues.

What is needed at Panama is not further appeasement but a positive policy of sovereignty by the United States. Such policy can be initiated by action on the pending legislation for the major modernization of the canal. Enactment of these measures would immediately serve notice on the world that the United States intends to meet its treaty obligations as regards the operation of the canal. Moreover, it would be in the best interest of Panama as well as of hemisphere security.

Supervision of the Panama Canal is now exercised by the Secretary of the Army under the President. It is time for the Secretary to assert the prerogatives of his office as regards the canal and thus end the uncertainty and confusion that has plagued and still plagues the work of maintaining, operating, and defending our strategic waterway.

In order that the Congress and the Nation may have the facts as revealed by the indicated letters, I quote the entire exchange as part of my remarks:

Congress of the United States,
Washington, D.C., June 13, 1972.

Hon. Robert F. Froehlke,
Secretary of the Army,
Washington, D.C.

Dear Mr. Secretary: The Spanish language press of Panama, *El Matutino* of May 10, announced the creation by Panama of Panamanian election districts in the Canal Zone for elections to the National Assembly, and as an affirmation of Panamanian sovereignty over the Zone.

The exercise by Panama of such political powers in the U.S. owned Zone territory is not authorized under treaties which grant to the United States all the rights, powers and authority of sovereignty in perpetuity to the entire exclusion of the exercise of such rights, power and authority by Panama.

Information is desired as to the significant facts in the situation.

An early reply is requested.

Sincerely yours,

Daniel J. Flood,
Member of Congress.

Department of the Army,
Office of the Under Secretary,
Washington, D.C., June 22, 1972.

Hon. Daniel J. Flood,
House of Representatives,
Washington, D.C.

Dear Mr. Flood: This is in response to your letter of 13 June 1972, to Secretary Froehlke requesting information on the establishment of Panamanian election districts in the Canal Zone.

As in previous elections, the Canal Zone Government has encouraged Panamanian employees to carry out their civic responsibility and to vote in the scheduled August elections. The interested agencies of the United States Government have studied the Panamanian decree establishing election districts within the Canal Zone and have concluded that our treaty rights are in no way diminished by this decree nor by the participation of the Panamanian residents of the Zone in this voting. Nevertheless, in view of the erroneous interpretations being given to the decree, such as that in the newspaper article cited in your letter, the Department of State has sent a diplomatic note to the Panamanian Government affirming our understanding that the decree and the scheduled elections do not represent any effort by the Government of Panama to assert authority in the Canal Zone.

Sincerely,

Henry L. T. Koren,
Deputy Under Secretary of the Army.

Congress of the United States,
Washington, D.C., July 6, 1972.

Hon. Robert F. Froehlke,
Secretary of the Army,
Washington, D.C.

Dear Mr. Secretary: A Department of the Army letter of 22 June 1972 signed by Deputy Under Secretary of the Army Henry L. T. Koren advises that interested agencies of the Executive Branch of our government have studied the Panamanian decree establishing election districts in the Canal Zone and concluded that United States treaty rights are in no way diminished, blames Isthmain newspapers for "erroneous interpretations" of the decree, and states that the State Department has sent a diplomatic note to the Panama Government expressing our understanding that such decree and the scheduled elections do not represent any effort on the part of Panama to assert authority over the Canal Zone.

The present government of Panama is a pro-Red Revolutionary dictatorship closely associated with Soviet Cuba and exercises a strict censorship over the Panamanian press. As indicated by the attached news story, it is already taking steps to remove from the Constitution of Panama certain provisions recognizing the status of the Canal Zone. Thus the facts in the situation clearly contradict the State Department views as summarized in the Army Department's letter.

Your attention is respectfully invited to the following sequence of events:

In 1955, the Executive Department negotiated a treaty providing for giving to Panama certain valuable real estate, including the designed terminal freight yards and passenger stations of the Panama Railroad in the Cities of Panama and Colon. This treaty even contemplated the liquidation of the entire railroad. Fortunately, the House of Representatives intervented with an independent investigation and saved the main line, and now this strategic railroad still provides much needed transportation including passenger service for the people of Panama from new passenger stations in Ancon and Cristobal.

In September 1960, President Eisenhower, on bad advice and in a mistaken gesture of friendship, authorized the display of one Panama flag at Shaler's Triangle in the Canal Zone as visual evidence of Panama's so-called "titular sovereignty," over this U.S. territory, which means nothing but a revisionary interest in the sole event the United States abandons the Panama Canal. As predicted by me at the time, such display was interpreted as recognition of Panama's full sovereignty and led to still greater demands, culminating in the Red-led 1964 mob assaults on the Zone that required the use of U.S. Armed Forces to save the lives of our citizens and protect the Canal itself.

Later, there were efforts by the State Department to cede jurisdiction over major Cristobal piers, the Thatcher Ferry Bridge, and Thatcher Highway to Panama in what amounted to programs for the piece meal liquidation of the Canal enterprise but they were likewise blocked by the Congress.

The division of the Canal Zone into election districts and holding elections in it are acts of sovereignty. To blame Isthmian newspapers that only publish approved news for "erroneous interpretations" reflects a lack of comprehension of the realities involved that is difficult to understand or accept. For the State Department to send a diplomatic note asserting that agency's understanding that the execution of the indicated decree in the Canal Zone does not represent any effort by Panama to assert its authority is contrary to the facts. What would the Executive Department do in the event Mexico should decree voting districts and conduct elections in southern California which has a large Mexican population?

Our government must keep in mind the fact that the Panamanian Government considers such political action as holding elections in the Canal Zone amounts to recognition by the United States of the validity of Panama's claims of sovereignty over the entire Canal Zone. No contrary position can be expected from the present Government of Panama.

When the United States undertook the great task of constructing the Panama Canal and its subsequent operation those who formulated our Isthmian policy believed that complete U.S. sovereignty and ownership were absolutely essential. That was at a time when enemies hostile to our presence on the Isthmus did not exist.

Today the situation is entirely different. We know that U.S.S.R. policy is to drive the United States from the Isthmus and to dominate the Canal. The Red takeover of Cuba was the first major step in that direction. Therefore, the need for our continued undiluted sovereignty and jurisdiction over the Canal Zone and Canal is greater than ever. Instead of reducing the Zone it should be widened to include the entire watershed of the Chagres River as was once recommended by General Clarence Edwards when he was Commanding General of U.S. Forces on the Isthmus.

The Canal Zone and Panama form part of the coastline of the United States. Their protection is just as much a Federal responsibility as that of the Chesapeake Bay or San Francisco Harbor. All the talk and jargon dealing with the proposed surrender of our indispensable authority over the Canal Zone and Canal are totally unrealistic and oblivious to what our government decided was necessary when it assumed the responsibility for constructing the Canal and its subsequent operation and protection. Comparing the Canal Zone with a temporarily held military base overseas is wholly irrelevant and should not be allowed to confuse the issue.

As Secretary of the Army you are charged by Executive Order with responsibility for supervision of the Panama Canal and you certainly should not permit such undermining of United States sovereignty over the Canal Zone as is now being attempted, regardless of any other agency of government.

Having followed the canal question for many years, I can assure you that it is nonpartisan in character and that the Congress will never assent to the surrender of the Panama Canal or its indispensable protective frame of the Canal Zone.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

PANAMA TO DROP CLAUSE LIMITING JURISDICTION

A provision that recognizes "jurisdictional limitations" imposed by international treaties is to be dropped from Panama's Constitution.

Marcelino Jaen, chairman of a commission that is drafting constitutional amendments, announced that the commission gave a standing vote of approval to the proposed change.

Article 3 of the Constitution reads: "The Republic of Panama is established on the continental and insular territory between Colombia and Costa Rica, in accordance with the boundary treaties entered into by Panama with those Republics.

"Jurisdictional limitations stipulated in public treaties entered into prior to this Constitution are hereby recognized."

The commission is proposing that the entire last paragraph be eliminated.

The provision has been carried in all of Panama's constitutions since 1903 and refers to the Panama Canal Zone, which the United States controls by virtue of the 1903 Panama Canal Treaty.

Panama has consistently denounced the treaty as unfair and as having been imposed on it by the United States because of the circumstances at the time the agreement was signed shortly after it seceded from neighboring Colombia. The treaty was signed for Panama by Philippe Buneau-Varilla, a French engineer who later wrote he was trying to save the French Canal Co.'s investment in its ill-fated attempt to build the waterway.

Panama and the United States are conducting negotiations now to replace the 1903 treaty. Panama has made recovery of full jurisdiction over the Canal Zone its major demand in the current talks.

The constitutional amendments being drafted by a 25-member commission will be submitted to an Assembly of Community Representatives to be elected Aug. 6.

Chairman Jaen said the provision to be eliminated is both a "contradiction" and an "anachronism."

"A contradiction," a commission statement said, "because it is inconceivable that after drawing up the most convincing argument in Latin American diplomatic history for the abrogation of the Hay-Buneau Varilla treaty, the very country involved includes in its Charter provisions for the respect of the wretched treaty signed by a French adventurer and the Secretary of State of the United States; and assigns validity to the leonine terms of the agreement, the worst of which is the grant in perpetuity of the Panama Canal Zone. It is an anachronism because the provision upholds a state of injustice which has been repudiated throughout the evolution of international life—the unanimous rejection of unfair treaties. . . ."

The statement said the proposed amendment stands for "reaffirmation of sovereignty, defense of the international personality of the state, reiteration of the undelayable need to reincorporate the Canal Zone to national jurisdiction and, above all, a clear manifestation of the new nation to preserve honor and dignity in its constitutional context."

THIEU GIVEN AN EXTRA $400 MILLION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the Nixon administration provided $400 million more in military assistance last year to the South Vietnamese Government than was reported to the Congress.

Whether by design or just plain bureaucratic bungling and mismanagement, the Nixon administration gave President Thieu $400 million more in aid than reported to the Congress in fiscal year 1971.

Under the MASF system, the administration was required to provide quarterly reports reflecting the estimated expenditures of the MASF fund used for military assistance. The Nixon administration provided $1.9 billion instead of $1.5 billion to the Thieu regime in fiscal 1971.

The MASF fund is used to pay for the pacification and military assistance fund in several Southeast Asian countries including Vietnam. The fund was first established in 1966 when the Congress passed a special $12.5 billion supplemental appropriation to pay for the war. At the time, a funding mechanism like MASF may have made sense, but today, with the war rapidly winding down in terms of American involvement, a fund like MASF should be discontinued.

The reason, Mr. Speaker, I raise the question about whether the administration's poor estimate of aid given to the Thieu Government was by design of bungling, is simply because the administration's estimate of assistance provided to the Vietnamese militia during the last 4 years was 50 percent less than the administration had previously reported. $900 million has been provided to the Vietnamese militia instead of the $1.8 million estimated by the administration.

These disparaties in estimates have been uncovered by the General Accounting Office in a report that was released earlier this week.

Mr. Speaker, I find the administration's inability to properly estimate expenditures in Vietnam one of the most shocking examples of bureaucratic bungling and inefficiency that I have ever encountered. I am calling upon both Secretary Laird and Secretary Rogers to immediately explain to the Congress and the American people how this morass of poor judgment, bad procedures, and practically nonexistent accounting systems ever occurred in the military assistance program.

With DOD providing and administering some funds and AID spending others, nobody has any overall control over these massive expenditures as a result of the massive funding system.

I am recommending to Secretaries Laird and Rogers that all responsibility for the administration of aid to South Vietnam be returned to AID and that Agency be made accountable for any further mistakes.

In addition to its inability to make decent estimates, the U.S. aid program which is organized by an administrative unit known as CORDS, has maintained very little control over $360 million in U.S.-owned and controlled currency. The General Accounting Office found that funds were given to the South Vietnamese as transfers rather than on the basis of actual expenditures. The United States never knew whether funds were being spend for high-priority projects or if they were being used effectively for the purposes intended.

The General Accounting Office also found that—

> Effective controls over commodities provided to war victims were not established. Large quantities of food had spoiled, unneeded items had been purchased but not used for long periods, and the items had been diverted to ineligible recipients.

Mr. Speaker, it is abundantly clear that lack of administration by U.S. agencies is undoubtedly one of the causes of corruption which seems to be a way of life in South Vietnam.

My hope is that this GAO report will be such a shocker that the administration of aid funds to Vietnam will be immediately reorganized and tightened up. Some agency must take overall responsibility and exert more direct control over expenditures provided as aid to the South Vietnamese Government.

A PLEA FOR ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, many of my colleagues may have viewed on national television networks or been aware of the public surrender of Pvt. Thomas Michaud, USMC, to authorities at the National Democratic Convention in Miami Beach, Fla., after allegedly having been absent without leave from the U.S. Marine Corps for approximately 3 years.

The young marine's dramatic and courageous gesture was a plea for assistance from the American people—assistance not only for himself but for the thousands of servicemen who have deserted from their ranks throughout the period of tragic conflict in Southeast Asia. In response to that plea and as the sponsor of legislation that would provide for unconditional amnesty for deserters immediately after the cessation of hostilities in Indochina, I felt that it was appropriate and my obligation to do whatever I could to assist Private Michaud.

In a letter to the Secretary of the Navy, the Honorable John W. Warner, I requested that he personally intervene in this case in order to expedite the private's discharge from the Marine Corps. I have not sought amnesty for this young man, for it is my position that such could not be granted until after our involvement in the hostilities in Indochina ends.

To quote from my letter:

> It is my conviction, however, that a court-martial and potential resulting sentence to a period of confinement are unwarranted. Pvt. Michaud has suffered enough. He has lived in exile in his own country in constant fear of apprehension, fear of ever seeing his family, and undoubtedly in a state of inner turmoil because of his principled and conscientious stand against violence and the Vietnam war.
>
> It is apparent to me that he surrendered in such dramatic fashion to demonstrate to the American people the plight of his fellow servicemen who find themselves in a similar status and to raise the concern of elected officials present in Miami and elsewhere with respect to the urgency of the amnesty issue. The fashion in which Pvt. Michaud's act of surrender was accomplished constituted an unusual display of selflessness and courage. For that reason and because of the great hardship that he has already endured, I feel that this young man should be treated with leniency.
>
> I am informed that Pvt. Michaud has requested today that he be administratively separated in lieu of court-martial, and I respectfully urge that that request be honored. By so doing, the Marine Corps would be recognizing the human needs and welfare of its men in keeping with its finest traditions and would mitigate rather than supplement the hardships Pvt. Michaud has already suffered.

Beyond the letter, I requested a personal meeting with Secretary Warner to discuss the Michaud case, but was informed that he would not receive me, that he considered it "inappropriate" to involve himself in the case.

Private Michaud is typical of many military men who have departed ranks and gone absent without leave because of their strong opposition to U.S. military policy in Southeast Asia. He enlisted in the Marine Corps at age 17 with his older brother, to whom he was extremely close and attached, after having spent 11 years in an orphanage and never having received more than a ninth-grade education. Following basic training, he served an 18-month tour in the Philippines, on guard duty for the entire period. In 1968, he requested a tour in Danang in order to be with his older brother who was stationed there, but instead was sent to the I Corps region to serve with a reconnaissance unit. Having completed that tour, he was ordered to Camp Lejeune from which he absented himself soon thereafter in mid-1969. His stated reason for "deserting" was his opposition to the Vietnam war and violence in general.

Thousands of conscriptees and forced enlistees who have gone into exile or underground in this country because of the brutalizing effects of this tragic war will be returning or surfacing in the months and years to come. As Members of Congress, we cannot ignore the issue of amnesty for deserters. Some of my colleagues have advocated amnesty for draft-evaders but have ignored this other large body of deserters. Most of the draft-evaders were college-educated, middle-class individuals who reached their decisions to resist on the basis of abstract and often moralistic assessments of the war. Most of the deserters are working-class youths, and many are not as articulate in giving abstract reasons for deserting, although they are even more committed since their reasons grow from practice rather than theory. It would be unfairly discriminatory to grant amnesty to draft-evaders while denying it to deserters, who simply developed their moral awareness after entry into the service rather than before.

Private Michaud should make us all pause to think about this extremely serious issue. By calling it to our attention, he has manifested a selflessness that should be met with the concern for his welfare by those of my colleagues who share his position on the war.

BICENTENNIAL PARK ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, the Bicentennial Park Act of 1972 I have introduced today would establish a national park or national recreation area in each of the 20 States where none now exists as a gift to the American people for the Nation's 200th birthday. The parks would be opened in time for the bicentennial celebration on July 4, 1976.

The growing concern about protecting our environment has focused great attention on the need to establish more national recreation areas.

So many people are using and abusing national parks today that the streams are becoming polluted and the traffic jams on park roads are more common than deer in the woods. Our parks have become so overcrowded that this summer the National Park Service is limiting the number of visitors for the first time in its history.

There is an urgent need to expand the national park system, particularly near urban areas where recreation and cultural facilities are most needed. Recreation areas can no longer be considered a luxury. They are a vital human necessity that touches the root cause of much personal and civil discontent in our cities. Many elderly and poor Americans seldom have an opportunity to use our national parks because they are too costly or too far away from the metropolitan areas.

The Bicentennial Park Act would be a major step toward solving these problems. It would create parks in the following States: Alabama, Connecticut, Delaware, Georgia, Illinois, Iowa, Idaho, Kansas, Louisiana, Mississippi, Nebraska, New Hampshire, North Dakota, Ohio, Rhode Island, South Carolina, Vermont, West Virginia, and Wisconsin. Each park would be a minimum of 500 acres, and would be developed and maintained by the National Park Service.

Park sites would be chosen for their natural, recreation, or historic settings and convenience to metropolitan areas. When possible they would be built on surplus Federal lands, including unneeded military installations. In addition to picnic and playground areas, there would be an amphitheater or flexible outdoor stage for public meetings, theater, dance, and music. They would emphasize participation and involvement, culture, and contemplation. The parks would also include facilities for craft exhibits, folk festivals, sports, bicycle paths, and nature walks.

To discourage traffic problems, the Bicentennial Park Act directs the Secretary of Transportation to develop at least three demonstration projects to provide convenient, low-cost transportation between the parks and cities.

The increasing pollution and traffic jams in national parks are a sad commentary on the state of our national recreation areas as we mark the 100th anniversary of the National Park Service. Since 1872 our national parks have served as a cornerstone of environmental protection. To assure their survival, we must establish new national recreation areas not only where we find them, but where we need them most, near our cities where 75 percent of the population lives, but where only 25 percent of the recreation areas are located.

Finally, the cost of creating parks under the Bicentennial Park Act would be substantially less than the plan proposed by the American Revolution Bicentennial Commission. The Commission has estimated that its parks would cost $23 million each. They would also charge admission and be operated by the States after the bicentennial. My park bill would reach more Americans at less cost to the people and the Federal Government, and leave no additional financial burden for the States after 1976.

PROMPT, EARNEST NEGOTIATIONS ARE REQUIRED TO AVOID MONETARY TURBULENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, on June 23 the British Government resolved to stop intervening in exchange markets. Since the Bank of England halted purchases of pounds with foreign currencies, the value of the pound has slipped to slightly over $2.40, as compared with the previous parity of $2.60. The British authorities' decision to let the pound float rather than introduce the draconian exchange controls that would have been necessary to stem the crisis was a sound one.

Since the inception of the British float almost a month ago, the dollar, as another major currency whose value was believed likely to slip, has been under almost continuous downward pressure in exchange markets. This pressure has been maintained despite an announcement by the six-member countries of the European Economic Community on June 26 that they would, if necessary, defend existing fixed exchange rate parities by purchasing more dollars. But the situation continued to deteriorate. During the week ending July 14, European central banks were forced to acquire, according to press reports, $2.5 billion to prevent an upward movement in the dollar value of their own currencies.

In the face of these pressures, the finance ministers of the six original Common Market members and the four other countries that are scheduled to join next year met last Monday and Tuesday, July 17 and 18, in London to weigh measures for discouraging exchange rate speculation and to chart a unified course toward monetary reform. Monday they issued a list of eight characteristics that all agreed should be incorporated in any new international monetary system.

On Tuesday, the day following the announcement, the exchange markets relaxed, and for the first time in a week European central banks were not obliged to make purchases of dollars to support the value of our currency.

The remarkable fact about the list of eight desirable characteristics agreed upon by the Finance Ministers of the expanded Common Market on July 17, 1972, is that it is not very different from an IMF document I described in a floor speech last March 23. This internal memorandum is entitled "Reform of the International Monetary System—a Sketch of its Scope and Content," and is dated March 7.

The list of issues touched upon by the EEC Finance Ministers also corresponds essentially to the seven unresolved questions detailed in the communique distributed by the Group of Ten Ministers on December 18, 1971. This communique was published at the conclusion of the Smithsonian meeting which, following President Nixon's preemptive strike on August 15, 1971, established a new set of exchange rate parities.

Furthermore, all these documents bear a striking similarity to a monetary accord issued by the six Common Market nations on September 13, 1971. Finally, they also closely resemble the 10 points of Dr. Arthur Burns' May 12, 1971, speech at Montreal to the International Banking Conference. For purposes of comparison, there follows the July 17, 1972, list of points of agreement by the expanded EEC countries, my March 23, 1972 speech, the December 18, 1971 communique, the 10 points in the Burns' May 12, 1972 speech, and the September 13, 1971 monetary accord:

EEC List of Points

(July 17, 1972)

The parities among currencies should be fixed at recognized levels but those parities should be easily adjustable from time to time as required by economic conditions.

All currencies should be freely convertible into other currencies.

There should be effective international regulation of the supply of liquidity (money) in the world.

Necessary adjustments in their balance of payments should be freely made by participating countries.

Means should be found to reduce the destabilizing effects of short-term capital flows, such as the flight from sterling that led Britain to float her pound on June 23.

The principle that both surplus and deficit countries have equal rights and obligations should be established.

The interests of developing countries should be taken into account by the developed countries.

There is no conflict between these principles and the Common Market countries' objective of achieving an economic and monetary union among themselves.

[Floor Speech by Representative Reuss—Congressional Record, H2455–H2457, Mar. 23, 1972]

International Monetary Reform—Let Us Get Going

The Speaker. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

Mr. Reuss. Mr. Speaker, by passing overwhelmingly earlier this week H.R. 13120, to modify the par value of the dollar, the Congress has constructively cooperated with the administration Phase I of international monetary reform.

I am confident that Congress will cooperate equally constructively with the vastly more important phase II of international monetary reform. This is the sense of the one agreed statement of all Members—Republican and Democratic—of the joint committee in its 1972 joint economic report, released today. While differences throughout the 150-page report by Republicans and Democrats, and by Members of each party, were deep and wide on almost every issue, all agreed in the following statement:

We must promptly start negotiations on longer term international monetary reform. We should explore the potential of utilizing such reform as a means to promote capital flows toward less developed countries. A reformed international monetary system should guarantee sufficient exchange rate flexibility.

To the same effect are the report's majority views on international economics, pages 59 to 67; the minority views, pages 126 to 136; and the additional views of Senator Jacob K. Javits, pages 137 to 139.

This same view—that international monetary reform is needed, and that negotiations should start now—runs through the mainstream of international monetary utterances since the crisis of last August 15.

On September 13, 1971, the six of the European Economic Community—France, West Germany, Italy, Netherlands, Belguim, Luxembourg—came on strong for a reconstruction of the international monetary system, stressing the modification of fixed parities, the growing reliance on "reserve instruments collectively created and managed internationally," and attention to "the needs of developing countries." Three days later, Japan, Canada, Great Britain, Sweden, and Switzerland, indicated their adherence to the declaration of the six.

The spirit of reform was reiterated—this time with the United States joining in—in the December 18, 1971, communique which followed the group of 10 Smithsonian meeting in Washington. That communique concluded:

The Ministers and Governors agreed that discussions should be promptly undertaken, particularly in the framework of the IMF, to consider reform of the international monetary system over the longer term. It was agreed that attention should be directed to the appropriate monetary means and division of responsibilities for defending stable exchange rates and for insuring a proper degree of convertibility of the system; to the proper role of gold, of reserve currencies, and of Special Drawing Rights in the operation of the system; to the appropriate volume of liquidity; to re-examination of the permissible margins of fluctuation around established exchange rates and other means of establishing a suitable degree of flexibility; and to other measures dealing with movements of liquid capital. It is recognized that decisions in each of these areas are closely linked.

The spirit of reform is thus bipartisan, multinational, desperately needed, and long delayed.

And what of the administration, and particularly the Treasury, where the responsibility lies?

Like a patient suffering with a fever, the Treasury's attitude toward reform comes in fits and starts, interspersed with periods of profound coma. There was the swashbuckling activity of August 15, followed by months of ambiguity and inaction. Then there were the great December moments at the Azores and the Smithsonian, followed again by months of innocuous desuetude.

Just in the last few days have come some overt and visible signs that the administration and the Treasury are again thinking about monetary reform. The Treasury's view on international monetary reform is that it is "wrestling with the complexities of this most complex subject."

All sorts of bold new ideas, undreamt of in the Smithsonian philosophy, are being floated. As reported in the New York Times of March 11, "Secretary Connally is toying with an idea for a future world economy divided openly and purposely into several major blocks."

Again, as reported in the Wall Street Journal of March 20, Secretary Connally advocates an "automatic discipline" against countries that run chronic surpluses in their balance of payments, a discipline which would require surplus countries to give up part of their excess monetary reserves to a special fund from which deficit countries could borrow. The idea was so new, reported the Wall Street Journal, that the Secretary has not yet been able to discuss it with his "key strategist," the Under Secretary for Monetary Affairs.

The principal thing holding the Treasury back, it appears, is its inability to decide on just whom to negotiate with.

I speak today, because I believe there is a proper forum for the negotiation of international monetary reform, one that should be convened without delay; that there is a proper subject matter for negotiation, with most of the technical details already well thought through; and that there is a proper timetable, one looking toward the practical achievement of monetary reform by the time of the annual meetings of the International Monetary Fund-World Bank in Washington next autumn.

I shall discuss these questions of Reform—Who? Reform—What? and Reform—When? And I believe that the Congress will support constructive initiatives by the administration along the lines I project.

REFORM—WHO?

On the question of the proper parties and forum for negotiating international monetary reform—an obvious first order of priority—the Treasury's position, as stated in the Wall Street Journal of March 20, hints at simultaneous negotiations in three places:

One among the traditional "Group of Ten" key industrial countries, one in another group representative of the 20 nations on the executive board of the IMF, and a new group representing major power blocks.

Simultaneous negotiations with three vaguely overlapping groups sounds to me like a poor way to proceed. We do not have enough expert jugglers to keep three balls in the air at once. Neither does anybody else.

Apart from the dispersion of energy involved in simultaneous negotiations in three forums, two of the three forums suggested are poor ones. Secretary Connally himself has criticized the Group of Ten as being "limited to industrial nations and wealthy nations." He is quite right. With the UNCTAD countries about to assemble in an indignation meeting in Santiago, Chile, in the next few weeks, it does not make sense to pick a forum for monetary reform which would exclude them.

Likewise, to adopt the Treasury's obsession with "major power blocks" concedes too much to the curse of bigness. Why in the name of commonsense do we want to go around forming power blocks—European, Japanese, African, Latin America, or any other kind? Within the power block, they tend to set up a hateful master-slave relationship. Between and among the power blocks, they make for aggressiveness, when what is needed is cooperation.

That leaves the third Treasury suggestion—"another group representative of the 20 nations on the executive board of the IMF." While the suggestion is somewhat misleadingly put, it has great merit.

In fact, the International Monetary Fund, through its Managing Director Pierre-Paul Schweitzer, on January 24, 1972, unfolded in great detail an excellent plan for a ministerial group of 20 who between them would represent all the 120 countries of the IMF. Basically, this would simply involve an upgrading to the ministerial level of the present 20 executive director groupings. Some of the IMF executive directors, like the United States, represent, but one major country. Others represent a group of countries, such as the Netherlands-Austria-Yugoslavia-Israel grouping. Still others represent a greater number of less developed countries, such as the executive director grouping for 18 African countries which have all emerged from French colonialism.

The IMF January 24 suggestion is that each of these 20 groups be a little club, with a head and some deputies which would give broad-scale representation—usually through finance ministers or central bank presidents—to the various countries in the grouping. Frequent rotations would insure fairness to all countries in the grouping.

The January 24 initiative has been well received in discussions between executive directors of the fund since January.

Here is a way to achieve unity through diversity. We ought to adopt the IMF suggestion tomorrow, and convene the new 20-member streamlined monetary parliament within the next few weeks. It should stay on the job until a reform is agreed upon, for presentation to the fund's governors and then for ratification by the Fund members.

REFORM—WHAT?

Once this 20-member group has convened, it needs an agenda. Here, again, the International Monetary Fund has been spending the months since August 15 most usefully. Its able staff has refined the issues and posed some answers on the whole gamut of problems involved in international monetary reform. Dozens of staff papers have culminated in the basic document "Reform of the International Monetary System—A Sketch of Its Scope and Content," dated March 7, 1972. The paper and its predecessors have been widely discussed by the executive directors and staff of the fund and tentative agreement is beginning to emerge.

The document concerns itself with all the basic questions of monetary reform: How to bring about prompter changes in exchange rates; how to consolidate outstanding dollar and sterling balances into special drawing rights; how to finance balance-of-payments deficits and surpluses of reserve countries; how to attain symmetrical multicurrency intervention; how to make special drawing rights than gold the standard in which par values are expressed; how to provide an attractive rate of interest of special drawing rights; how to make the international monetary system better serve the needs of developing countries.

The March 7 "Sketch" could serve well as a starting point for the 20-member group negotiation. For the "Sketch" so to serve would not require that the United States agree with its every point. But negotiations must start somewhere, and the "Sketch" is a good place to start.

REFORM—WHEN?

Nothing concentrates a monetary expert's mind better than the knowledge that he is expected to produce something. The goal of a new monetary agreement by the September meeting of the Fund and Bank should do just that. If the broader questions of international monetary reform are pursued with the same zeal that attended the pursuit of the realinement of last December, there should be no difficulty in accomplishing what is needed in the 6 months between now and next fall.

Nobody—certainly not the United States—will win by further delay. Delay simply exposes the world to the danger of further monetary crises, to a return to autarchy and fragmentation. Let us move.

COMMUNIQUE OF THE MINISTERIAL MEETING OF THE GROUP OF TEN ON DECEMBER 18, 1971, IN WASHINGTON, D.C.

1. The Ministers and Central Bank Governors of the ten countries participating in the General Arrangements to Borrow met at the Smithsonian Institution in Washington on 17th—18th December, 1971, in executive session under the Chairmanship of Mr. J. B. Connally, Secretary of the Treasury of the United States. Mr. P.–P. Schweitzer, the Managing Director of the International Monetary Fund, took part in the meeting, which was also attended by the President of the Swiss National Bank, Mr. E. Stopper, and in part by the Secretary-General of the O.E.C.D., Jonkheer E. van Lennep, the General Manager of the Bank for International Settlements, Mr. R. Larre, and the Vice-President of the Commission of the E.E.C., Mr. R. Barre. The Ministers and Governors welcomed a report from the Managing Directors of the Fund on a meeting held between their Deputies and the Executive Directors of the Fund.

2. The Ministers and Governors agreed on an inter-related set of measures designed to restore stability to international monetary arrangements and to provide for expanding international trade. These measures will be communicated promptly to other governments. It is the hope of the Ministers and Governors that all governments will cooperate through the International Monetary Fund to permit implementation of these measures in an orderly fashion.

3. The Ministers and Governors reached agreement on a pattern of exchange rate relationships among their currencies. These decisions will be announced by individual governments, in the form of par values or central rates as they desire. Most of the countries plan to close their exchange markets on Monday. The Canadian Minister informed the Group that Canada intends temporarily to maintain a floating exchange rate and intends to permit fundamental market forces to establish the exchange rate without intervention except as required to maintain orderly conditions.

4. It was also agreed that, pending agreement on longer-term monetary reforms, provision will be made for 2¼ percent margins of exchange rate fluctuation above and below the new exchange rates. The Ministers and Governors recognized that all members of the International Monetary Fund not attending the present discussions will need urgently to reach decisions, in consultation with the International Monetary Fund, with respect to their own exchange rates. It was the view of the Ministers and Governors that it is particularly important at this time that no country seek improper competitive advantage through its exchange rate policies. Changes in parities can only be justified by an objective appraisal which establishes a position of disequilibrium.

5. Questions of trade arrangements were recognized by the Ministers and Governors as a relevant factor in assuring a new and lasting equilibrium in the international economy. Urgent negotiations are now under way between the United States and the Commission of the European Community, Japan, and Canada to resolve pending short-term issues at the earliest possible date and with the European Community to establish an appropriate agenda for considering more basic issues in a framework of mutual cooperation in the course of 1972 and beyond. The United States agreed to propose to Congress a suitable means for devaluing the dollar in terms of gold to $38.00 per ounce as soon as the related set of short-term measures is available for Congressional scrutiny. Upon passage of required legislative authority in this framework, the United States will propose the corresponding new par value of the dollar to the International Monetary Fund.

6. In consideration of the agreed immediate realignment of exchange rates, the United States agreed that it will immediately suppress the recently imposed 10 percent import surcharge and related provisions of the Job Development Credit.

7. The Ministers and Governors agreed that discussions should be promptly undertaken, particularly in the framework of the IMF, to consider reform of the international monetary system over the longer term. It was agreed that attention should be directed to the appropriate monetary means and division of responsibilities for defending stable exchange rates and for insuring a proper degree of convertibility of the system; to the proper role of gold, of reserve currencies, and of Special Drawing Rights in the operation of the system; to the appropriate volume of liquidity; to re-examination of the permissible margins of fluctuation around established exchange rates and other means of establishing a suitable degree of flexibility; and to other measures dealing with movements of liquid capital: It is recognized that decisions in each of these areas are closely linked.

DR. BURNS' 10 POINTS OF MAY 12, 1972

First, a significant further strengthening of the processes of international consultation and cooperation;

Second, responsible domestic policies in all the major industrial countries;

Third, a substantial degree of autonomy for domestic policies, so that no country would feel compelled to sacrifice high employment or price stability in order to achieve balance of payments equilibrium;

Fourth, more prompt adjustments of payments imbalances, to be facilitated by definite guidelines and consultative machinery for determining when parities need to be changed;

Fifth, a symmetrical division of responsibilities among surplus and deficit countries for initiating and implementing adjustments of payments imbalances;

Sixth, systematic long-range plans for the evolution of world reserves and official credit arrangements;

Seventh, a continued but diminishing role for gold as a reserve asset, with a corresponding increase in the importance of SDR's;

Eighth, a better international consensus than exists at present about the proper role of reserve currencies in the new system;

Ninth, re-establishment of some form of dollar convertibility in the future;

And finally, tenth, a significant lessening of restrictive trading practices as the result of negotiations complementing the negotiations on monetary reform.

Monetary Accord of September 13, 1971

The Council of the European Community again examined the problems raised following the measures taken by the United States Government on Aug. 15, 1971.

It considers that the fundamental problem is that of reconstructing an intermnational economic and monetary system on the basis of the institutions which have hitherto looked after it (the International Monetary Fund and the General Agreement on Tariffs and Trade) and bearing in mind the needs of developing countries.

The Council considers it necessary for the countries of the Community to adopt a common position in this respect, in close collaboration with the candidates for membership.

1. The Council, having taken note of the work of the [E.E.C.] monetary committee and the committee of central bank governors, as well as the commission's communication to the Council of Sept. 9, 1971, agreed that a joint Community position in the Group of Ten and in the I.M.F. should be based on the following principles:

All Reforms of the international monetary system should respect the principle of fixed parities, which should be modified as soon as it is seen that they are no longer realistic. Such a system is necessary for the security of trade transactions and the expansion of exchanges, in which the Community, the world's leading commercial grouping, is particularly interested.

A satisfactory balance in international payments relations founded on the above-defined principles will only be established if there is a differentiated realignment in the party relation's of industrialized countries. Such a realignment should include the currencies of all the countries concerned, including the dollar. It should be done in conditions such that the sharing out of the burden of the adjustment takes account of the relative economic situation of these countries and of their foreseeable development.

(B) The orderly functioning of a thus reformed international monetary system demands that measures be put into effect concerning international capital movements. These could include a limited widening of exchange fluctuation margins, so as to lessen the effects of different interest rates, as well as appropriate measures to discourage destabilizing short-term capital movements.

(C) International liquidities will continue to be made up of gold and, in growing part, of reserve instruments collectively created and managed internationally. This implies, the adaptation and development of the system of Special Drawing Rights combined with a gradual decrease of the role of national currencies as reserve instruments.

(D) The new equilibrium of international payments will only be maintained if in future all countries or organized groupings of countries respect without exceptions the obligations and constraints of the process of adjusting their balance of payments and put the appropriate internal policies into effect.

In the framework of a reformed international monetary system, the authority and scope for action of the I.M.F. should be strengthened in all fields where the competence applies. Member states of the Community will try to adopt common positions in this institution.

Noting that the operations of the I.M.F. are made more difficult by recent events, the Council considered it indispensable that the activity of this institution should be able to continue normally, thanks to internal arrangements relative to transactions in the main currencies used by the Fund. The continuance of this activity is of interest not only to industrialized countries but, even more, to developing ones. It would in addition be indispensable to the proper functioning of an exchange system specific to the Community.

2. The Council also examined how the situation had developed in the foreign-exchange markets of the members of the Community. It noted that the proper functioning of these markets had not hitherto been seriously perturbed and took note with satisfaction of the collaboration established between Community central banks, which it wished to see continue.

Realizing that if the present monetary difficulties continued too long, they would raise undoubted dangers for the good functioning of the Community, particularly the common agricultural policy, the Council asked the commission to draw up a special report on the consequences of the present situation on the functioning of the agricultural common market and confirmed the mandate given on Aug. 19 to the monetary committee and the committee of central bank governors to seek as soon as possible methods enabling a stabilization of the Community's exchange relations.

3. The Council underlined the gravity of the United States decision to introduce a 10 per cent surcharge and internal investment and export tax incentives. These measures prevent the formation of realistic exchange rates. They are an obstacle to the readjustment of parities. Moreover, they can provoke serious perturbations in internation exchanges. The Council therefore calls for the suppression of these measures.

Reviewing international monetary developments during the last year and the series of documents just reproduced, a two-part conclusion is evident. First, the monetary officials of the major industrial nations have been in essential agreement since last September upon the desired features of a reformed international monetary system. Second, only prompt, diligent, and more-or-less continuous negotiations can avoid periodic upheavals in exchange markets during the interim period when the dollar is inconvertible and when the details of international monetary reform are being hammered out. If exchange crises are permitted to occur from time to time, controls will spread, and the risk that the world will be divided into two or three antagonistically competitive monetary blocs will substantially increase.

The danger of being forced to absorb intolerable amounts of dollars brought the European Finance Ministers together last Monday. Their prompt action in moving the world toward monetary reform has reduced apprehensions in exchange markets. This is an object lesson not to be ignored.

Both the U.S. Treasury and the European governments have been languid in pursuing agreement on monetary reform. In my March 23 speech, I urged that a Group of Twenty patterned after the IMF Executive Directors be convened to negotiate monetary reform. The Directors have now agreed upon this approach and have submitted it to the IMF Governors on June 28 for what is certain to be their approval. Formal voting closes on July 26.

I also urged that the fund sketch of March 7, 1972, be used as a basis for promptly initiating negotiations, with the target date for conclusion this coming September's annual meeting of the IMF. Instead, the Treasury has not even indicated when negotiations are to begin.

Yesterday we saw an initiative on the part of the Treasury and the Federal Reserve that apparently marks a major shift in U.S. responsibility for the dollars which foreign central banks are continuing to accumulate as a result of our persistent deficits. For the first time since August 1971, the New York Federal Reserve Bank intervened in the exchange market there to buy dollars with a foreign currency and thus boost the value of our currency. By accepting part of the burden for upholding the par values negotiated at the Smithsonian in December 1971, U.S. authorities seem to be indicating that henceforth they will pursue a more active role in achieving reform of the international monetary system.

If official U.S. intervention in the New York exchange market is, indeed, the precursor to vigorous U.S. leadership for monetary reform, I wholeheartedly approve of it. If, however, it is a step back toward pre-August 1971 business-as-usual normality, during which U.S. officials retreated from reality and ignored what was happening to the U.S. balance of payments and to the international monetary system, I deplore it.

Above all, what is needed now is a clear U.S. statement calling for monetary negotiations by the Twenty, to start July 27, and to continue morning, noon, and night until agreement is reached. The basis for negotiations should be the five documents reproduced above. There is no reason why, at the least, a good progress report cannot be made to the IMF at its annual meeting in September.

Financial officials should not need a new crisis every month in order to become re-invigorated, to rediscover their sense of purpose, and to move toward a reform the general outlines of which we already know. The risks of permanent damage to the international monetary system and the costs of delay in negotiating a reform will only increase as action is postponed and as conclusive agreement is pushed further and further into the future. Reasonable men should be able to reach agreement without the pressure of an immediate collapse hanging over them. The time for dalliance is gone.

RESOLUTIONS ADOPTED BY PACIFIC CONFERENCE OF LEGISLATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BURTON) is recognized for 10 minutes.

Mr. BURTON. Mr. Speaker, I would like to call the attention of the House to resolutions adopted at a meeting of the elected legislators of territories under U.S. jurisdiction in Hawaii, May 1 to 6, 1972. The resolutions of the Pacific Conference of Legislators are as follows:

Relative To Requesting the Congress of the United States and the Department of the Interior To Provide Economic Development Funds for the Territory of American Samoa

Whereas, the islands of the Pacific are necessarily limited in their potential for progress and achievement by the lack of natural resources and productive physical qualities; and

Whereas, growth under these natural conditions can only be achieved by a sound infrastructure which will build a firm base for attracting and sustaining industrial and commercial activity; and

Whereas, the government of the United States which has political and administrative jurisdiction over many of these islands has recognized the problems connected with economic growth in the Pacific Basin and has among other things provided for financial assistance to Guam and the Trust Territory by making available economic development funds; and

Whereas, there is a common bond among the islands which look to the United States for assistance in their efforts to improve their community well being and to keep pace with the economic growth of the other areas of the world; and

Whereas, such bond requires that the welfare and growth of the islands should be matters of equal concern and parity of treatment by the Department of the Interior and the Congress of the United States; now therefore be it

Resolved, that the Pacific Conference of Legislators does hereby respectfully urge the Department of the Interior and the Congress of the United States to make available to the people of American Samoa economic development grants and loans to the same degree as received by other possessions and territories of the Pacific area over which it has jurisdiction; and be it further

Resolved, that the President certify to and the Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Phillip Burton, Chairman of the House Subcommittee on Territorial and Insular Affairs, the Honorable Quentin Burdick, Chairman of the Senate Subcommittee on Territorial and Insular Affairs and to the Honorable Harrison Loesch, Secretary of the Interior.

Relative to Requesting the Congress of the United States to Establish a 5-Year Program of Scholarships in Higher Education for the Member Jurisdictions of the Pacific Conference of Legislators

Whereas, there is a continuing evolvement towards greater self-government among the islands of the central and western Pacific under American jurisdiction; and

Whereas, this movement should be encouraged and strengthened as a viable demonstration of democracy in action; and

Whereas, while one of the cornerstones of a viable democratic government is a knowledgeable and well informed electorate, many qualified graduates of the secondary schools of the Pacific area are compelled to forego the benefits of continuing higher education because of a lack of funds and inaccessability of institutions of higher learning; now therefore be it

Resolved, that the Congress of the United States be and it hereby is respectfully requested to take all necessary steps to establish a five-year program of scholarships in higher education for at least fifty qualified high school graduates from the United States territories, possessions and trust territories in the Pacific area; and be it further

Resolved, that the President certify to and the Secretary attest the adoption hereof, and that copies of the same be thereafter transmitted to the Honorable Phillip Burton, Chairman of the House Subcommittee on Territorial and Insular Affairs and the Honorable Quentin Burdick, Chairman of the Senate Subcommittee on Territorial and Insular Affairs.

Relative To Expressing to the House of Representatives Subcommittee on Territorial and Insular Affairs and Mr. William G. Thomas, Consultant to the Subcommittee, the Gratitude of the Pacific Conference of Legislators for Their Support and Endorsement of the Conference

Whereas, the United States House of Representatives Subcommittee on Territorial and Insular Affairs, has on many occasions expressed its wholehearted endorsement of the organization, purposes, directions and activities of the Pacific Conference of Legislators; and

Whereas, Mr. William G. Thomas, Consultant to the Subcommittee, has participated in this Fourth Annual Conference, his presence serving most admirably and appropriately to indicate the continued support of the House Subcommittee for the goals and directions of this Conference; now therefore be it

Resolved, that the Pacific Conference of Legislators does hereby express to the House of Representatives Subcommittee on Territorial and Insular Affairs and to Mr. William G. Thomas, Consultant to the Subcommittee, the deep gratitude of the Conference for their support and endorsement of the Fourth Annual Conference; and be it further

Resolved, that the President certify to and the Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Phillip Burton, Chairman of the House Subcommittee on Territorial and Insular Affairs, and to Mr. William G. Thomas.

Relative To Expressing the Sense of the Pacific Conference of Legislators Regarding Federal Policy in the American Jurisdictions of the Pacific Basin

Whereas, the Fourth Annual Pacific Conference of Legislators held in the State of Hawaii from May 1–6, 1972, for the Legislators and staff members of legislative bodies of the various jurisdictions in the western and central Pacific islands has reviewed and considered various mutual problems in an attempt to find common solutions to these problems; and

Whereas, during the duration of the Conference, the various jurisdictions considered certain problems which relate to them as American jurisdictions, attempting to achieve a common understanding of their various relationships within the Federal governmental structure; and

Whereas, the focus and theme of the Conference was established in a number of Conference and pre-Conference remarks and discussions relating to the various interrelationships between the U.S. Federal jurisdiction and the particular member jurisdictions; and

Whereas, it was established by the member jurisdictions of the Conference that four of the major issues of common concern in this area were the following:

1. The need for a more definite Federal land policy in Guam, the Trust Territory of the Pacific Islands, and American Samoa,

2. the effect of the military presence in the member jurisdictions and more particularly in the United States territory of Guam,

3. the need for Federal funding for the economic development of the Trust Territory of the Pacific Islands, Guam, American Samoa and the other American jurisdictions of the Pacific Basin, and

4. the desire of the participating American jurisdictions within the Pacific Basin for increased political self-determination; and

Whereas, the Fourth Annual Pacific Conference of Legislators presented a forum for the discussion of these issues of common concern and illicited a variety of solutions which are worthy of further consideration and review by both the Federal government of the United States and the member jurisdictions of the Pacific Conference; and

Whereas, the members of the Fouth Annual Pacific Conference of Legislators have reached a consensus concerning these four vital issues of Federal policy considered by the Conference and are of the opinion that it would be fitting and appropriate to express this consensus; now therefore be it

Resolved, that the Pacific Conference of Legislators does hereby express the sense of the Conference regarding the following issues relating to United States federal policy in the Pacific Basin;

1. The Pacific Conference of Legislators finds that there is at present no consistent and uniform Federal land policy among its territories and possessions in the Pacific Basin and therefore the Conference does hereby respectfully request the Federal government of the United States to develop a uniform land policy for this area similar to that practiced in the States of the United States but giving due regard to the lack of voting representation of these territories and possessions in the United States Congress and the manifest antipathy of these jurisdictions toward the policy of Federal land taking and the practice of Federal eminent domain,

2. The Pacific Conference of Legislators finds that the United States military presence within certain member jurisdictions, although economically beneficial to these jurisdictions, has oftentimes been detrimental to the political and social development of these jurisdictions, the military governments oftentimes developing a supreme attitude toward the citizens of these jurisdictions and therefore the Conference does hereby respectfully request the Federal government of the United States to review, study and consider procedures for resolving these conflicts between the United States military jurisdictions and the peoples of the American jurisdictions of the Pacific Basin.

3. the Pacific Conference of Legislators finds that the economic development of the American jurisdiction of the Pacific Basin has been seriously neglected for a long period of time and, while being aware that the United States government has recently begun to assist these jurisdictions in this development, is nevertheless of the opinion that additional funds for economic development should be made available to these United States territories and possessions, and therefore the Conference does hereby respectfully request the Federal government to assist in their economic development,

4. the Pacific Conference of Legislators finds that many of the American jurisdictions of the Pacific Basin are dissatisfied with their present political status, some of these jurisdictions being classified as "unincorporated territories", and some having the status of wards of the United Nations under the jurisdiction of the United States, in either case these jurisdictions being unable to fully determine their own destiny either directly or indirectly through a vote in the Congress of the United States, and therefore the Conference does hereby respectfully request the Federal government of the United States to review the various political statuses of the jurisdictions of the Pacific Basin with a view to providing a more viable and democratic status for those jurisdictions dissatisfied with their present Federal relationship; and be it further

Resolved, that the President certify to and the Secretary attest the adoption hereof and that copies of the same be transmitted to the Honorable Richard M. Nixon, President of the United States, the Honorable Rogers C. B. Morton, Secretary of the Interior, the Honorable Quentin N. Burdick, Chairman of the Senate Subcommittee on Territorial and Insular Affairs, and to the Honorable Phillip Burton, Chairman of the House Subcommittee on Territorial and Insular Affairs.

WHY DO WE DISTINGUISH IN OUR AID TO THE VICTIMS OF MAN-MADE AND NATURAL DISASTERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the committee on which I serve, Banking and Currency, is now engaged in marking up a bill entitled the "Disaster Recovery Act of 1972." Its purpose is to provide assistance to the victims of Hurricane Agnes and the devastating flood disaster which struck the State of South Dakota in June 1972. As I listened to the testimony of the Members from Pennsylvania, the Governor of Pennsylvania, the Members from the States of Washington and California, and the administration spokesman, Frank Carlucci, Deputy Director, Office of Management and Budget, I was struck by our readiness to speedily provide $1.5 billion for such disaster relief with outright grants of up to $5,000 to individuals and 1 percent loans. I have no quarrel with this action, because of the human suffering involved. But, as I listen to the testimony I changed in my mind the purpose clause from its current:

> The Congress hereby finds and declares that the untold suffering, the loss of human lives, and the interruption of life and commerce resulting principally from flooding, high waters, and wind-driven waters associated with the hurricane and tropical storm Agnes, and the devastating flood disasters which struck the State of South Dakota in the month of June 1972, compels enactment of special measures designed to aid the victims of these catastrophes in their efforts to restore and rehabilitate devastated homes, farms, and businesses—

To—

> The Congress hereby finds and declares that the untold suffering, the loss in productivity of human lives, and the interruption of life and commerce resulting principally from man made disasters and the failure of government to provide jobs and housing compels enactment of special measures designed to aid the victims of these catastrophes in their efforts to provide jobs and restore and rehabilitate and create decent housing for all of our citizens.

I know that were such a bill to be submitted to this Congress to provide the same kind of assistance to victims of manmade disasters that we intend to give the victims of natural disasters, it would receive short shrift. As we sit here today millions of our citizens are living in abject poverty in rat-infested slums and without employment. Their condition is not of their own making but rather a manmade disaster created by others.

I would like to know why it is we distinguish between natural disasters, and those made by man. To carry the question to the absurd, "Would the ghettos of Harlem, South Bronx, Bedford Stuyvesant become eligible for the assistance now intended for the victims of Hurricane Agnes, if through some magical way we were able, without loss of life or personal injury, to have the East River flood those areas? Do we need the intervention of God before we address ourselves to the problems that man has created?

If we do not change this policy, we will have a national disaster.

CAPTIVE NATIONS WEEK

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, once again it is my privilege to join with my colleagues in remembering the valiant submerged nations of the world in this 13th observance of Captive Nations Week.

Although there has been change in the relations between the United States and the Union of Soviet Socialist Republics in recent years, millions of citizens of that area are still deprived the normal and self-evident results of all men by action of the Soviet ruling hierarchy. Nearly every nation of the world has a written constitution and the Soviet Constitution, on paper, is among the most democratic of them all. However, in practice, the liberalism is not carried out and there is no self-determination in the Iron Curtain countries; moreover, there are none of the basic freedoms of speech, religion, or mobility as we enjoy them in our country.

In 1940, the U.S.S.R., after underhandedly dealing with Nazi Germany, occupied "for their own protection" Estonia, Latvia, and Lithuania, three sovereign nations each with a proud heritage. Moscow changed sides after Operation Barbarbosa—Hitler's invasion of Russia, June 1941—and finally in 1943, having Germany on the run, proceeded to enslave Rumania, Poland, and Czechoslovakia as the Russian machine moved west toward the Atlantic across Europe. By 1948, under the guise of popular democratic regimes, the Soviets were able to secure the government of Albania, Bulgaria, and Hungary to the Communist cause.

We have seen the Soviet Union at work many times; witness the Warsaw destruction, Eastern Germany, Hungary in 1956, the 8 days of terror in Czechoslovakia in August 1968; in Poland in 1970 and most recently in Kaunas, Lithuania, in 1972. Another serious problem is the plight of the millions of Soviet Jews in the Ukraine. These are only but a few instances of Soviet tyranny and aggression.

This list could go on and on but I will not belabor my colleagues with already known facts. Every day that any man is compelled to live under a rule not of his own choice but one that constrains his every will, his every freedom, and his every thought he is captive and is living under an oppressive and repressive government and should do everything in his power to combat that power.

This week is Captive Nations Week and I would like to join with my colleagues in saluting the valiant peoples of these captive nations and I wish to express my sympathies and hopes that these people will again be returned to the stature of free men, for which they have so long fought.

CONTROL ADVISORY COMMITTEES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on May 9, 1972, the House passed H.R. 4383, the Federal Advisory Committee Standards Act. This measure was the result of extensive investigation by the House Government Operations Committee into the use and abuse of advisory committees in the Federal Government. The bill is presently being considered by the Government Operations Committee in the other body, and it is hoped that legislation on the subject will be forthcoming in the near future.

In addition, subsequent to House passage of H.R. 4383, the President signed Executive Order 11671, which, while it does not preclude the need for legislation, does take an important step toward bringing advisory committees under control.

The July 17, 1972, issue of U.S. News & World Report contains an excellent article summarizing the progress which has been made in the effort to bring advisory committees under control. Congratulations to Gerald Parshall and the editors of U.S. News & World Report on a fine article. I recommend it to my colleagues for their consideration:

WASHINGTON WORRY: ALL THOSE ADVISERS

The White House and Congress have begun a drive to get a grip on a sprawling and controversial element of the Government: the advisory committee.

The drive is a reaction to criticism that top-level Government policies are being shaped behind closed doors by appointed committees or commissions of private citizens and bureaucrats who are unknown to the public, often represent vested interests and who operate virtually without supervision.

President Nixon made his move on June 5 by issuing an executive order designed to bring most advisory committees under centralized control, open their proceedings to the public and abolish any such groups that have outlived their usefulness.

The House of Representatives previously had passed a bill aimed at the same objectives. A similar measure is nearing final action in the Senate.

CONFLICTING FIGURES

Indicative of how the advisory-commission system has been functioning unchecked for years is the fact that officials cannot even agree on how many such groups there are.

The White House Office of Management and Budget lists 1,724 consulting bodies, including 40 appointed by the President. More than 1,100 are advisory in nature, and are comprised of experts and interested citizens from outside the Government. The rest are interagency groups of Government employees who consult with each other on mutual problems.

But congressional researchers contend that there could be as many as 1,800 "outside" advisory commissions, plus 1.400 interagency committees scattered throughout the federal hierarchy—involving 20,000 members and 4,400 staff workers, and costing taxpayers about 75 million dollars a year.

Most of these groups operate secretly, or at least with a minimum of fanfare.

A survey conducted for the House Foreign Operations and Government Information Subcommittee showed that about half the 2,000 meetings checked were closed to the public.

Only one fourth of the sessions were documented by a stenographic transcript, and only 8 per cent of the meetings resulted in a public report of votes on action taken.

CLEAR VIOLATION

Commented Representative William S. Moorhead (Dem.), of Pennsylvania, Subcommittee chairman:

"The figures paint a very dark picture of the Government's attitude toward the public's right to participate in an important function of government. It is a dark picture of star-chamber meetings in clear violation of the law of the land."

Other members of Congress complain that the membership of most nongovernmental advisory committees is drawn from a narrow segment of the public—often the very group that the sponsoring federal agency is supposed to be regulating.

Critics point out that the National Industrial Pollution Control Council, which was appointed to advise the Commerce Department, is made up of officials from some of the nation's largest corporations—including companies accused of being major polluters.

Senator Lee Metcalf (Dem.), of Montana, charged that too many advisory committees are taken over by trade associations and transformed into lobbying groups operating within the Government itself. Said the Senator:

"Our hearings have shown all too clearly that the public—the consumer, the taxpayer, the small businessman, the small farmer, the youth of the nation—are the last to be considered for any advisory role."

Officials of Government departments, however, argue it is not only natural but necessary that their advisory committees be comprised of experts in the fields involved.

It would make no sense, they contend, to appoint a plumber to help the Food and Drug Administration regulate radioactive pharmaceuticals, or name a wheat grower to advise the Defense Department on nuclear weapon safety.

Witnesses at congressional hearings also defended closed-door meetings of advisory panels on the ground that members would not feel free to discuss matters frankly in an open session.

Sometimes, they added, the consultants consider untested products or preliminary proposals, and publication of such talks would only needlessly alarm or mislead the nation.

Often there would be nothing for ordinary citizens to witness, even if they were allowed to participate, because some advisory committees never seem to accomplish anything.

A study made by the Library of Congress turned up many such groups—one of them the Advisory Council on Quality Teacher Preparation that was authorized by a law passed in 1965.

The report showed no members were ever appointed to the council, no staff hired and no reports filed.

Some advisory groups have even demonstrated an astonishing ability to reproduce their own kind.

In 1967 President Lyndon B. Johnson named a Committee to Review Relationships Between the Central Intelligence Agency and Private American Voluntary Organizations.

The committee, operating with unusual dispatch, issued its report within six weeks. The recommendation: appoint another committee to look into the problem. This was promptly done.

While some advisory committees are criticized for being too influential in Government, members of other consulting groups complain that their findings are ignored or rejected if they don't happen to fit in with official thinking.

Senator Charles Percy (Rep.), of Illinois, voiced this feeling when he said:

"There is a belief that advisory committees are stacked to give conclusions favorable to the very Administration that appoints them. It is believed that committee recommendations are shaped by political considerations—not facts and fair arguments—and that when there is a disagreement, the report of the advisory committee is then declared secret."

It is not unusual, of course, for a President to "file and forget" reports of advisory commissions he has appointed.

Mr. Nixon has given cool reception or outright rejection to reports made by experts he has appointed to look into urban problems, pornography, campus violence, narcotics addiction and population growth.

"The problem with advisory commissions," said a White House spokesman, "is that, in addition to their expert knowledge of a subject, the members bring in their own personal philosophies and political viewpoints. Also, some of them see what may be the only chance in their lifetime to zap the President."

Alexander Heard, chancellor of Vanderbilt University and adviser to Mr. Nixon on education affairs, said often people expect advisory commissions to come up with an instant solution to a complex problem nobody else has managed to solve. Asserted Mr. Heard:

"I think the test is, what contribution does the study commission make to the education of the nation as a whole and of public officials—what kinds of ideas does it stimulate on issues, how much forward does it advance consideration of problems and steps toward solution?"

Major recommendations of advisory groups, however, often do result in action. The Social Security system, draft lottery, federal aid to local law enforcement and many other innovations stemmed from studies made by citizen panels.

The executive order issued by President Nixon establishes a committee-control center in the Office of Management and Budget. The center will keep track of all advisory groups, their expenses and activities—and make the information available to the public in an annual report to Congress.

Committees will have to announce meetings in advance, allow the public to attend and make a public record of proceedings. Exceptions will be allowed in the national interest, as provided by existing law.

All advisory groups will be terminated not more than two years after formation, unless specifically continued by the establishing authority.

Administration officials believe that implementation of the executive order makes unnecessary the similar legislation that was passed May 9 by the House of Representatives. Another measure, which is also almost identical to the executive order, is being considered to the Senate. But some members of Congress insist that, regardless of the presidential action, putting a law on the books is the best way to guard against abuses by advisory committees.

Observers say chances are good that Congress will approve legislation before the year is over.

PARTY RESPONSIBILITY

Explained Representative John S. Monagan (Dem.) of Connecticut, sponsor of the bill passed by the House:

"Responsibility for the proliferation of advisory bodies cannot be placed on one political party or the other. They have grown in number, and their recommendations have at times been ignored under Presidents of both parties.

Nor can the accusing finger be pointed at the executive branch. Congress has created and forgotten its share of advisory committees and commissions.

"But the time is now ripe for change."

ART COLLECTORS' PROTECTION ACT

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the number of works of art sold in this country has escalated markedly in recent years. The graphic arts in particular have experienced a colossal rise in sales. Last year over a million graphic productions were bought and sold in the United States. The estimated projections for this year are even greater.

Unfortunately, along with this boom, there has been an increase in the incidence of unscrupulous and sharp practices in art transactions. Some dealers and wholesalers have directly or indirectly misrepresented reproductions as original limited edition prints. In some cases, the artist's signature has been forged to make reproductions look like original prints. Photographic reproduction of original prints have also been made.

These sharp practices must be curbed in the public interest. The honest collector, dealer, and wholesaler must be protected. He has a right to expect that the artistic works which he purchases are what they were represented to be or what the purchaser was led to believe they were.

The States have failed to implement effective measures to curb the abuses which are occurring. Only three States have enacted any legislation regulating the sale of graphic prints and the other States extend absolutely no protection to the purchasers of these artistic works.

To correct this deficiency I am today introducing the Art Collectors' Protection Act. This bill would protect art collectors by requiring disclosures in connection with the sale of any fine print which is published in a limited, numbered, or signed edition. These prints would have to be accompanied by a receipt or certificate which accurately and clearly disclosed:

First. The date of printing;

Second. The name of the artist;

Third. The name of the printer;

Fourth. The size of the edition;

Fifth. The total size of any previous editions;

Sixth. The specific identification of the medium; and

Seventh. An attestation of the authenticity of the artist's signature.

The legislation also would require that all reproductions are to be clearly marked as such so that errors of identification would not occur. Any violation of these provisions would be deemed an unfair method of competition and an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act. The provisions will apply equally to all sellers including the artist himself.

I urge my colleagues to support this necessary legislation and prevent the further victimization of the purchasers of these significant and increasingly important works of art.

TRIBUTE TO VICE PRESIDENT SPIRO T. AGNEW

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. HALL. Mr. Speaker, few Vice Presidents in our history have had so significant an impact during their terms of office as Spiro T. Agnew. Whether in his efforts to lessen the amount of red tape that separates the average citizen from the Federal Government, or in highlighting areas that should be matters of national concern to all Americans, he has done a thoroughly outstanding job.

I was therefore stunned and dismayed albeit hardly surprised, when I learned that some of my fellow "Republicans" in the other body were apparently attempting to create a "dump-Agnew" movement within our party. I have every confidence, of course, that this movement will, as one newscaster put it, remain at or below sea level. But, it is nonetheless disturbing that some "summertime Republicans," are not content to allow the President to make his own decision on his running mate this November.

Historically, presidential nominees—especially incumbent Presidents—have had considerable freedom of choice in selecting their Vice Presidents. There is almost no precedent for "open" conventions on this matter. Nor is there much precedent for attempting to oust an incumbent Vice President. Nothing can possibly be gained from dropping Mr. Agnew. On the contrary, all reports that I have seen, indicate that the Vice President has enormous popularity throughout the country. His presence on our ticket this fall would greatly enhance our already bright prospects for a sizable victory. The Vice President has brought into our party large numbers of men and women who once considered themselves Democrats or Independents. As the only elected Republican on the national level from Missouri, I know he has responded on every occasion to party requests. It makes no political sense at all to break up the winning ticket our party is fortunate to have, and to turn away these new supporters of Republican candidates.

Our President has already expressed his confidence in Vice President Agnew. I am certain that President Nixon's statement will once again choose to have Mr. Agnew run with him this fall.

FULL DISCLOSURE LEGISLATION

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, legislation (H.R. 15662) has been introduced by my colleagues Mr. Mikva and Mr. Frey which would require full disclosure of income, assets, and liabilities by all Members of Congress and professional staff earning more than $22,000 a year.

This is an excellent proposal. I commend it highly and am most pleased to be a cosponsor. The House Committee on Standards of Official Conduct requires a partial disclosure of the financial holdings of the Members, but I consider this to be inadequate.

I have made it a practice in the past to periodically disclose my entire financial situation and publish it in the Congressional Record. I recently did so on April 27 of this year.

The partial public disclosure requirement of the House Committee on Standards of Official Conduct is, in my view, highly inadequate. Citizens are entitled to a more comprehensive financial statement from public officials.

Only with such a full disclosure statement can citizens assure themselves that officials are not subject to conflicts of interest which would prevent or deter them from performing their official duties in an objective manner.

Mr. Speaker, it is unfortunate that proposals such as this are met with such opposition within the Halls of Congress. Public trust in our institutions has declined in recent years because the average citizen feels that his Government pays more attention to special interests than it does to him.

This distrust is being reflected in the opinion polls and in Federal and local election campaigns. The passage of H.R. 15662 would not instantly solve all of our national traumas, but I believe it would be a beneficial reform and I feel it is long overdue.

CAPTIVE NATIONS WEEK

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, as we rise this week to observe Captive Nations Week, 1972—the 14th time, by the way, that I have had the privilege of doing so since I came to this House—we must all acknowledge that the shape of the world has been very dramatically affected since we last observed this occasion a year ago by the two visits of President Nixon to Peking and Moscow and by the ratification of the agreements between the Federal Republic of Germany and the U.S.S.R.

Needless to say all of us welcome any move that may genuinely serve to reduce international tensions and promote the chances for peace. The three events referred to above have in fact made some substantial strides in that direction, and as such they have been deservedly welcomed by all Americans of good will.

But two words of caution need to be voiced, Mr. Speaker. The first is that the Soviet Union, on the basis of its track record, still needs to be regarded with a goodly measure of caution and suspicion. We simply cannot allow a feeling of euphoria to blunt our sense of reality. We must continue to keep our powder dry and we must continue to be alert to insure that agreements entered into are indeed carried out and not violated.

Second, Mr. Speaker, we need again to remind ourselves, especially in the light of the meetings in Peking, of the old proposition that the road to a lasting peace never leads through the graveyard of freedom. We cannot ever achieve real peace by bargaining away the freedom or the independence of any free peoples.

I make these observations because today in Asia we face two urgent problems. One is the future of the people of South Vietnam. Eager as we all are for peace, eager as we all are for bringing our troops back home, we can never hope to find an end to warfare on the Southeast Asian peninsula by conspiring to impose a Communist government forcibly on the people of South Vietnam.

Similarly, in our eagerness to open new bridges to the people of Mainland China we must remind ourselves again and again that we can never achieve peace in the Pacific by agreeing to the takeover of the Republic of China on Taiwan, against the wishes of the people themselves, by the Communist government of Mainland China. In our euphoria over the Peking meeting we have occasionally overlooked that point, however, I am sorry to say.

Second, switching our view toward Europe, we should remember that one of the agreements of the Moscow summit meetings was an early convening of a European security conference.

But such a conference must be carefully and cautiously approached. Simply because it is called a security conference is no guarantee that it will be geared to contribute to genuine security. Instead there is a very real possibility that its major purpose will be to lull the free nations of Western Europe into a false sense of security and then to hasten their so called "Finlandiation."

Let us not forget that steps towards genuine military security in Europe by means of mutual and balanced force reductions between NATO and the Warsaw Pact countries have been seriously proposed now for some time by NATO. Indeed, the former Secretary General of NATO, Gen. Manlio Brosio, has been trying for more than a year to visit Moscow to discuss these reductions. But Mr. Brosio has been left rudely to cool his heels.

If the Soviets are so genuinely interested in security discussions, then how can they repudiate NATO's efforts so brusquely at the same time? Or is it that they are less interested in the reality of mutual security than they are in its appearance?

These are the thoughts we need to reflect upon this week, Mr. Speaker, as we contemplate the dramatic changes that have indeed taken place around us since we last stood here 1 year ago to pay tribute to the captive peoples and the captive nations of the world.

Certainly, Mr. Speaker, for all these new developments, we were reminded just the other day that the light of freedom and the hope of freedom continue to burn brightly, even in the hearts of people living within the captive nations of the world, by the dramatic action of a citizen of Lithuania in burning himself to death in protest to the continued Soviet domination of that once-free country.

But let a recent editorial from the New York Times of July 6, 1972, express better than I can the dynamic power of the idea of freedom which this single act of self-immolation in Lithuania has suddenly presented so vividly to all the peoples of the free world.

Russification

> Another Lithuanian has burned himself to death to protest Soviet occupation of his country, it is reported from Moscow. This is the latest sobering reminder of the wave of discontent that has broken out this year in the tiny Baltic country whose independence, along with that of her two neighbors, was extinguished by Stalin more than three decades ago as one of the side dividends of the Soviet-Nazi pact. It is a measure of the desperation many Lithuanians feel that three in the last several weeks have chosen self-immolation as a means of calling world attention to their plight.
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> The Catholic religion and Lithuanian nationalism are so intertwined that there is no point in debating whether it is religious or national oppression that is at the root of the current discontent. Rather, the protest petitions and other appeals for help that have been smuggled out of Lithuania suggest that Lithuanians believe that Moscow wishes to extirpate both the Catholic religion and Lithuanian language and culture. The purpose would of course be forcibly to assimilate the tiny Lithuanian nation into the vast sea of Russians—a practice known in czarist days simply as "russification."
>
> What is most remarkable about the recent outburst of overt Lithuanian resistance is the role of the young, of those who were born and grew up under Soviet rule and have no memories of an independent Lithuanian state. The first Lithuanian to burn himself alive was a young worker, Roman Kalanta. His personal sacrifice in May ignited several days of massive riots during which thousands of young Lithuanians fought the police and troops in the streets of Kaunas.
>
> So long as the Lithuanians protest alone, of course, Moscow has more than enough force to repress their discontent. But there is every reason to suppose that there is similar nationalist passion in the Ukraine, Georgia, Azerbaidzan, Uzbekistan, Kazakhstan and other non-Russian republics, not to mention the other two Baltic states of Latvia and Estonia. If the non-Russian minorities were ever able to integrate their activities and present a united front against russification, Moscow would have a major challenge on its hands.

INTERGOVERNMENTAL SCIENCE AND TECHNOLOGY

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of California. Mr. Speaker, in the third week of June a 3-day National Action Conference on Intergovernmental Science and Technology Policy was held at Harrisburg, Pa. The conference drew over 200 people and it was my great privilege to serve as honorary chairman. Since the application of science and technology to the problems faced at the levels of State and local governments offers very notable promise, I would like to share with the Members of the House the main results of this conference.

The National Action Conference on Intergovernmental Science and Technology Policy was convened in response to a keenly felt need to identify specific steps and actions which can now be taken in order to speed the application of science and technology to public problems. The central objective of the conference was to provide a forum in which representatives from all levels of government and from other concerned public and private organizations could come together to formulate recommendations for workable policies, institutional arrangements, and action plans for intergovernmental science and technology.

The conference was infused with a sense of urgency. In part, this was attributable to the rapid increase in technically oriented matters with which the States and localities must cope. This same sense of urgency is also found in the words of the President in his message to Congress on science and technology. The President said:

> We must appreciate that the progress we seek requires a new partnership in science and technology—one which brings together the Federal government, private enterprise, State and local governments and our universities and research centers in a coordinated, cooperative effort to serve the national interest.

Mr. Speaker, the Harrisburg conference was significant because it demonstrated a shared interest and determination to effect change within the realm of intergovernmental science and technology. It represented a concerted desire to remove obstacles and to initiate specific actions oriented toward further expanding the capability to apply science and technology to public, domestic problems. The most tangible accomplishment of the conference was its success in reaching a concensus on specific resolutions for action. The subjects singled out for immediate action form a basis for innovative efforts to further the realization of public technology policy and programs. The organizers of the conference expect shortly to publish the formal action resolutions resulting from the meeting.

The conference also served as a forum for the exchange of ideas and information among representatives of diverse organizational structures and interests. In so doing, it enabled the participants to become aware of the dramatically different sets of priorities and needs which must be accommodated if new intergovernmental science and technology policies and programs are to be effective.

The Harrisburg conference was attended primarily by those officials who are the consumers of public technology. Next week in San Francisco the Urban Technology Conference will be held. This conference was organized primarily by those in industry who develop and market public technology. I have asked the staff of the Science and Astronautics Committee to prepare a staff report on the developments at both of these conferences, and this report will be available to all who are interested in this new and significant development.

In my opinion, these conferences mark a turning point in the growth of intergovernmental science and technology policy—one signaling a change from information gathering and discussion to the formulation of a firm basis for decisive action.

ADVICE TO THE PRESIDENT

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, on June 30, I called attention on this floor to an editorial in the El Dorado, Kans., Times, written by one of the wisest political observers in Kansas. That editorial which was printed in the July 6 CONGRESSIONAL RECORD, had some prudent suggestions for the President and in placing it in the RECORD, I offered the hope that perhaps in some manner it would get past the White House palace guard and be seen by an equally astute politician. Thus far, I have no evidence that this has taken place.

But nothing daunted, I am going to keep on making suggestions to our President. Yesterday, in the New York Times of July 19, appeared a memo to the next President of the United States, who I hope will be Richard Nixon. It was written by a shrewd and experienced man who himself was a White House adviser, an intelligent and observant political observer, by name Jack Valenti.

I command Mr. Valenti's "memo to the next President" to Mr. Nixon and most particularly to those of his advisers who, in the main, unfortunately have had no experience with Congress and appear to have difficulty in learning or wanting to learn how to deal with Congress. I ask that it be printed herewith in the CONGRESSIONAL RECORD.

Presidential Adviser

(By Jack Valenti)

> (A memo to the man who takes the oath as President on January 20, 1973.)
>
> Dear Mr. President:
>
> May I, respectfully, offer you some advice, hard learned during my experience working in the White House?
>
> Spend time outside Washington. Though you and your staff may rightfully claim you are sensitive to and conscious of what is really happening in the country, it is possible that you may not be. It is not isolation that does this, or even, as some piquantly declare, the aspect of monarchy that mantles the Presidency.
>
> The problem is that Washington is incestuously embraced and though your appointments secretary may flood the oval office with visitors from all parts of the country, there is, and will be, lacking the immediacy of local opinion, the smell and grit of on-the-spot information.

My suggestion is to set up regional White Houses (nothing expensive—simply office space in Federal buildings) in six or seven communities widely spaced in the land. Visit them at least once a year for a three- or four-day stay. Foray into the adjoining countryside. Do not schedule set speeches in large halls before big audiences. Schedule no speeches. Literally get out among the people. I know it is difficult for a President to really visit, listen, see with a battalion of aides, Secret Service, press and assorted curious onlookers crowding his every move. But you will, if you choose, be able to sense and touch as well as hear and see what the folks outside Washington are concerned about. It is good medicine for a President to gather in, through his own instincts and tactile senses, a microcosm of the people's views

Instruct your staff in the never-to-be-forgotten importance of members of Congress. Let your staff accept with the graven fastness of ancient truth that no one will phone or importune the White House who will bear greater urgency to you than a Congressman or Senator. Challenge your aides to see how fast they can return the call. Let them compete in the race to give instant attention to the requests and needs of these members. Let respect and deference be the automatic response to every Congressman and Senator. Though you bear the tongue of angels, have the strength of ten, and though you are the Repository of All Truth, unless you have the support of the Congress you are nothing. You should allow no aide to serve you who has not signed in blood his dutiful acceptance of this rubric.

There is no known substitute for a Presidential laying-on-of-the-hands-and-voice to Congressmen and Senators. My suggestion is for you to call the Congress in, in small groups, say no more than twenty at a time, with the leadership, throughout the year until the entire 535 members have been warmed in your presence. Brief them on current issues. Let them ask question in quais-duplicate of the British Prime Minister's Tuesday and Thursday in Commons. Let them ventilate their special causes and personal grievances. If there is a more valuable and splendid antidote to Congressional frustration and irritation than to hear personally from and talk to the President it is not yet invented by ingenious man.

This is time-consuming. Some of your staff may find a hundred reasons why it ought to be terminated or delayed. But there are few expenditures of your time that will reward you more generously.

Finally, you ought not neglect those political leaders who toil "out there," most of them in relative national obscurity. Organize, on a formalized basis, meetings with special groups of governors, state legislators, mayors, city councilmen. Again, this intrudes on your time. It may even occur during those moments (which will grow in frequency) when your mind and body cry out for surcease, and when your own personal desires collide with a fixed schedule. But, sir, with all due respect, this will be seeding time, in which you spread your programs and aspirations for your country and in due course they will spring up, robust, supportive, in city halls and state houses all over the nation.

May God grant you four years of peace and prosperity for our country, and a term unmarred by lingering dispute and rancor. Incidentally, God will work much better in your behalf if you are acutely aware of the national mood, and if Congress, governors, mayors, legislators and councilmen are on your side.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. Matsunaga (at the request of Mr. O'Neill), for today, through Wednesday, July 26, on account of official business.

Mr. McKevitt (at the request of Mr. Gerald R. Ford), on account of official business.

Mr. Terry (at the request of Mr. Gerald R. Ford), for July 21, 24, and 25, 1972, on account of official business.

Mr. Rooney of New York (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Kee (at the request of Mr. O'Neill), from 2 p.m. today, through Friday, July 21, on account of official business.

Mr. Kluczynski (at the request of Mr. O'Neill), for Friday, July 21, on account of death in his family.

Mr. Pepper (at the request of Mr. O'Neill), from 5 p.m. until adjournment today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Monagan, for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Carlson) to revise and extend their remarks and include extraneous material:)

Mr. Harvey, for 5 minutes, today.

Mr. Skubitz, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous material:)

Mr. Boland, for 15 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Aspin, for 5 minutes, today.

Mrs. Abzug, for 10 minutes, today.

Mr. St Germain, for 5 minutes, today.

Mr. Reuss, for 30 minutes, today.

Mr. Burton, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Price of Illinois, and to include extraneous matter.

Mr. Jones of Alabama and to include matter.

(The following Members (at the request of Mr. Carlson) and to include extraneous matter:)

Mr. Schwengel in two instances.

Mr. Steele in two instances.

Mr. Quillen.

Mr. Bob Wilson.

Mr. Esch.

Mr. Wyman in two instances.

Mr. Vander Jagt.

Mr. Baker.

Mr. Buchanan in two instances.

Mr. Hillis.

Mr. Johnson of Pennsylvania.

Mr. Findley.

Mr. Terry.

Mr. Railsback in two instances.

Mr. Minshall.

Mr. Veysey in two instances.

Mr. Burke of Florida.

Mr. Hastings.

Mr. Conte.

Mr. Broomfield.

Mr. Gude in five instances.

Mr. McKinney.

Mr. King.

Mr. Crane in five instances.

Mr. Chamberlain.

Mr. Shoup in two instances.

Mr. Frenzel.

Mr. Thompson of Georgia.

Mr. McKevitt in two instances.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Teague of Texas.

Mr. Dow.

Mr. Addabbo.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Johnson of California.

Mr. Fuqua.

Mr. Seiberling in 10 instances.

Mr. Garmatz.

Mr. Rodino.

Mr. Charles H. Wilson in 10 instances.

Mr. Moss.

Mr. Hamilton.

Mr. Sisk.

Mr. Edwards of California.

Mr. Waldie in three instances.

Mr. Bolling in two instances.

Mr. Denholm.

Mr. Dorn in three instances.

Mr. Mazzoli.

Mr. Long of Maryland in three instances.

Mr. O'Neill.

Mr. Stokes in three instances.

Mr. Giaimo in two instances.

Mr. Vanik in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 520. An act to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1798. An act to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 473. An act to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Monday, July 24, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2181. A letter from the Deputy Assistant Secretary of Defense (Inter-American Affairs), transmitting a report on implementation of sec. 507(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2182. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide special pay to certain nuclear-trained and qualified enlisted members of the naval service who agree to reenlist, and for other purposes; to the Committee on Armed Services.

2183. A letter from the Commissioner, The District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Teachers' Salary Act of 1955 to increase salaries, to provide certain revisions in the retirement benefits of public school teachers, and for other purposes; to the Committee on District of Columbia.

2184. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to provide for the transfer to the Federal Power Commission of all functions and administrative authority now vested in the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935; to the Committee on Interstate and Foreign Commerce.

2185. A letter from the Assistant Secretary of Commerce, transmitting a copy of the Federal Register notice concerning children's sleepwear flammability standard to become effective on July 29, 1972; to the Committee on Interstate and Foreign Commerce.

2186. A letter from the Surveyor of the District of Columbia, transmitting a copy of plat showing exchange of jurisdiction between the House Office Building Commission and the District of Columbia of portions of Canal Street and E Street in Reservation 286, pursuant to law; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2187. A letter from the Comptroller General of the United States, transmitting a report on aspects of U.S. assistance to disaster-stricken East Pakistanis (Agency for International Development, Department of State, and Department of Agriculture); to the Committee on Government Operations.

2188. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements pertaining to insurance operations of the Federal Housing Administration, Department of Housing and Urban Development, for the fiscal year ended June 30, 1971, pursuant to 31 U.S.C. 841 (H. Doc. 92–327); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee on Public Works. H.R. 15950. A bill to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters; with amendment (Rept. No. 92–1231). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 15951. A bill to authorize the Secretary of the Army to undertake a national program of inspection of dams; (Rept. No. 92–1232). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 1046. Resolution providing for the consideration of H.R. 3542. A bill to amend title 37, United States Code, to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave (Rept. No. 92–1227). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1047. Resolution providing for the consideration of H.R. 14538. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes (Rept. No. 92–1228). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1048. Resolution providing for the consideration of H.R. 14542. A bill to amend the act of September 26, 1966, Public Law 89–606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes (Rept. No. 92–1229). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1049. Resolution providing for the consideration of H.R. 14911. A bill to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces who are in a missing status to accumulate leave without limitation, and for other purposes (Rept. No. 92–1230). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 15959. A bill to permit a State to use funds from the highway trust fund for urban mass transportation projects, and to increase the Federal share of the cost of such projects; to the Committee on Public Works.

By Mr. BERGLAND:

H.R. 15960. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. GARMATZ (for himself and Mr. Pelly):

H.R. 15961. A bill to amend the Fish and Wildlife Act of 1956, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HARVEY:

H.R. 15962. A bill to amend the Railroad Retirement Act of 1937 to provide a 20-percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

H.R. 15963. A bill to amend title 38 of the United States Code to prevent loss of veteran compensation and pension benefits as a result of increases in social security benefit payments under Public Law 92–336; to the Committee on Veterans' Affairs.

H.R. 15964. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. McMILLAN (by request):

H.R. 15965. A bill to amend the District of Columbia Teachers' Salary Act of 1955 to increase salaries, to provide certain revisions in the retirements benefits of public school teachers, and for other purposes; to the Committee on the District of Columbia.

By Mr. MAHON:

H.R. 15966. A bill to further amend the Mineral Leasing Act of February 25, 1920, to provide for the extension of certain leases; to the Committee on Interior and Insular Affairs.

By Mr. MATHIS of Georgia:

H.R. 15967. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 15968. A bill to protect art collectors by requiring disclosures in connection with the sale of certain fine prints and reproductions; to the Committee on Interstate and Foreign Commerce.

H.R. 15969. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 15970. A bill to authorize the Secretary of the Interior to establish national parks or national recreation areas in those States which presently do not have a national park or national recreation area; to the Committee on Interior and Insular Affairs.

By Mr. STEPHENS:

H.R. 15971. A bill to amend title 10 of the United States Code to establish separate optometry services in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. WALDIE:

H.R. 15972. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

H.R. 15973. A bill to amend section 8345(a) of title 5, United States Code, to provide guaranteed annuity benefits equal to the minimum primary insurance amount authorized under section 215(a) of the Social Security Act, as amended, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 15974. A bill to provide increases in certain civil service retirement annuities; to the Committee on Post Office and Civil Service.

By Mr. WALDIE (for himself, Mr. Chappell, Mr. Daniels, and Mr. Brasco):

H.R. 15975. A bill to amend title 5, United States Code, to authorize the payment of increased annuities to secretaries of justices and judges of the United States; to the Committee on Post Office and Civil Service.

By Mr. BLATNIK (for himself, Mr. Thone, Mr. Baker, and Mr. Flood):

H.R. 15976. A bill to authorize the Secretary of the Army to undertake a national program of inspection of dams; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. Kluczynski, Mr. Gray, Mr. Edmondson, Mr. Dorn, Mr. Henderson, Mr. Howard, Mr. Anderson of California, Mr. Caffery, Mr. Roe, Mr. Collins of Illinois, Mr. Begich, Mr. McCormack, Mr. Rangel, Mr. James V. Stanton, Mrs. Abzug, Mr. Grover, Mr. Cleveland, Mr. Schwengel, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, Mr. Miller of Ohio, Mr. Mizell, and Mr. Terry):

H.R. 15977. A bill to authorize the Secretary of the Army to undertake a national program of inspection of dams; to the Committee on Public Works.

By Mr. CONYERS:

H.R. 15978. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

H.R. 15979. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the

Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 15980. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. HICKS of Massachusetts:

H.R. 15981. A bill to amend the Railroad Retirement Act of 1937 to provide a 20-percent increase in all annuities and pensions thereunder; to the Committee on Interstate and Foreign Commerce.

By Mr. McDONALD of Michigan:

H.R. 15982. A bill to impose a moratorium on new and additional student transportation; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 15983. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Marias-Milk Unit of the Pick-Sloan Missouri Basin program in Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROE:

H.R. 15984. A bill to amend title III of the act of March 3, 1933, commonly referred to as the "Buy American Act," with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to define when articles, materials, and supplies have been mined, produced, or manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use, and for other purposes; to the Committee on Public Works.

By Mr. YATES:

H.R. 15985. A bill to amend the Export Administration Act of 1969 in order to promote freedom of emigration; to the Committee on Banking and Currency.

By Mr. GALIFIANAKIS:

H.J. Res. 1261. Joint Resolution authorizing the President to proclaim the first week beginning on a Sunday in April of each year as "National Textile Week"; to the Committee on the Judiciary.

By Mr. STEELE:

H.J. Res. 1262. Joint resolution designation of the month of July of each year as "National Drum Corps Month"; to the Committee on the Judiciary.

By Mr. FISH:

H. Con. Res. 647. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H. Res. 1050. Resolution regarding the transfer of rural letter carriers; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. HECKLER of Massachusetts:

H.R. 15986. A bill for the relief of Isabel Eugenia Serrane Macias Ferrier; to the Committee on the Judiciary.

By Mr. McKINNEY:

H.R. 15987. A bill for the relief of Apostolos Sederopoulus; to the Committee on the Judiciary.

By Mr. REES:

H.R. 15988. A bill for the relief of Raphael Gidharry; to the Committee on the Judiciary.

SENATE—*Thursday, July 20, 1972*

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for Thy mercies which are new every morning, when weariness has been dispelled by the blessed gift of physical rest and spiritual renewal. O Thou restorer of the soul lead us in paths of righteousness for Thy name's sake.

Prosper the counsels of those who confer for peace and strengthen those whose duty is yet to bear the burden of battle. Be with those here and everywhere who strive for a new age of justice, brotherhood, and peace.

May all men of good will be encouraged by the message of the prophet:

Fear thou not; for I am with thee; be not dismayed; for I am thy God; I will strengthen thee; yea, I will help thee; yea, I will uphold thee with the right hand of my righteousness.—Isaiah 41:10.

In the Redeemer's name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, July 19, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from California (Mr. Tunney) is now recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Maryland (Mr. Mathias).

(The remarks that Mr. Tunney made at this point on the introduction of S. 3814, dealing with the Bank Secrecy Act, and the ensuing debate are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business.

Mr. MANSFIELD. Mr. President, if the Senator from Maryland desires time, I will yield my 3 minutes to him.

Mr. MATHIAS. I appreciate the generosity of the majority leader, but we have concluded.

The ACTING PRESIDENT pro tempore. The period for the transaction of routine morning business will not extend beyond 9:40 a.m., and statements therein will be limited to 3 minutes.

VICE PRESIDENT AGNEW

Mr. HANSEN. Mr. President, the season being what it is, it should not be surprising, I suppose, to hear suggestions from time to time that President Nixon should dump Vice President Agnew as his running mate this year.

I do not profess to know what motivates such suggestions. I suppose it is just another form of midsummer madness in a presidential election year.

I have always understood that a presidential nominee, and not self-anointed kingmakers, should be responsible for selecting the man he would like to have on the ticket with him. Speaking for myself, I am perfectly willing to leave this responsibility where it has long abided.

But I do want to say, in all candor, that I deplore the reflections on Vice President Agnew which I believe are implicit in the suggestions that he should be replaced. No man has filled this office with more poise, and with more effectiveness, and with more credit to himself and his party.

As President Nixon said in an interview last January and repeated in a news conference as recently as June 29:

> Mr. Agnew has conducted himself . . . with great dignity, with great courage, some controversy—which is inevitable when you have courage—and that under the circumstances, since he was a member of a winning team, I did not believe that breaking up a winning team was a good idea. That was my view then and that is my view now.

As far as I have been able to determine, that is still the prevailing opinion in the only place where it counts when it comes to choosing a candidate for Vice President.

The Vice President has had a very substantial role in this administration—far more, I believe, than any other Vice President has been called upon to play. I have been particularly impressed with his efforts to promote our federal system of government through his concern in improving relations between Washington and the State and local governments.

He has demonstrated his courage in many different ways. He has not been reluctant to meet with individuals and groups of differing political views, and he has not been afraid to voice criticism of the national news media and some of our ivy-towered universities which I believe is shared by a large segment of our people.

So it is not surprising that Mr. Agnew should be the target of a political ambush, just as Mr. Nixon was the target of Harold E. Stassen's dumping efforts in the 1950's. He has been a strong Vice President and one is reminded of the refrain which goes something like this:

Ingratitude is a weed of any clime,
It may thrive at first, but fades in
time.

The Vice President deserves our gratitude—and I am sure this will be reflected in just a short time. President Nixon has said he will make known his decision about a running mate before the Republican convention next month, and I am confident that the President will choose very wisely.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By Mr. MANSFIELD:

A petition of the Maryland Veterans for Peace, Baltimore, Maryland, praying for the Members of the Senate to use their delegated rights and powers to bring about an early end to the war in Southeast Asia; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes (Rept. No. 92–975); and

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes (Rept. No. 92–976).

By Mr. CHILES, from the Committee on Government Operations, without amendment:

H.R. 8708. An act to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes (Rept. No. 92–977).

REPORT ENTITLED "CRIMINAL LAWS AND PROCEDURES"—REPORT OF A COMMITTEE (S. REPT. NO. 92–974)

Mr. McCLELLAN, from the Committee on the Judiciary, pursuant to Senate Resolution 32, 92d Congress, first session, submitted a report entitled "Criminal Laws and Procedures", which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. BURDICK, from the Committee on the Judiciary:

Robert L. Carter, of New York, to be a U.S. district judge for the Southern District of New York.

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Walter J. Stoessel, Jr., of California, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

ORDER FOR STAR PRINT OF REPORT NO. 92–894—LABOR-HEW APPROPRIATIONS, 1973

Mr. MAGNUSON. Mr. President, on June 21, 1972, I submitted the report of the Committee on Appropriations to accompany H.R. 15417, the fiscal year 1973 Labor-HEW appropriation bill.

Several committee explanations on health and education were omitted from the text of the report when it was printed, and some errors were made in printing.

Therefore, I ask unanimous consent that there be ordered a star print of Senate Report No. 92–894, incorporating the explanations in the original report and correcting those necessary printing errors.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TUNNEY (for himself and Mr. BROCK):

S. 3814. A bill to amend Public Law 91–508 to prescribe procedures pertaining to the disclosure of certain financial information by financial institutions to State and Federal governmental departments and agencies, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SCHWEIKER:

S. 3815. A bill to amend the Federal Aviation Act of 1958 in order to require the screening by weapons detecting devices of all passengers in regularly scheduled air transportation. Referred to the Committee on Commerce.

By Mr. INOUYE:

S. 3816. A bill for the relief of Rosita Djoanda. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3817. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966, and for other purposes. Referred to the Committee on Commerce.

By Mr. SPONG:

S. 3818. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes. Referred to the Committee on Commerce.

By Mr. BAYH:

S. 3819. A bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all Schedule II and III depressant and stimulant substances, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 3820. A bill to provide for payment of costs of pending litigation out of funds appropriated to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN:

S. 3821. A bill for the relief of Jozefa Sokolowska Domanski. Referred to the Committee on the Judiciary.

By Mr. MILLER (for himself and Mr. HUGHES):

S. 3822. A bill authorizing the City of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State Highway Commission of the State of Iowa. Referred to the Committee on Public Works.

By Mr. MAGNUSON (by request):

S. 3823. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize the Secretary to phase in motor vehicle safety standards by specified percentages over a period of time, and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TUNNEY (for himself and Mr. BROCK):

S. 3814. A bill to amend Public Law 91–508 to prescribe procedures pertaining to the disclosure of certain financial information by financial institutions to State and Federal governmental departments and agencies, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

BANK SECRECY ACT

Mr. TUNNEY. Mr. President, today I am introducing a bill to amend the Bank Secrecy Act. The distinguished Senator from Maryland (Mr. MATHIAS) is present today to discuss a bill he is planning to introduce relating to the same subject matter, although slightly different in form. I would hope that the Senate would consider these bills, work its will and, finally, before this session is over, amend the Bank Secrecy Act. I believe that statute, along with the regulations prescribed by the Department of the Treasury, represent a clear and present danger to privacy in America.

Mr. President, it is now almost 1½ months since I wrote a letter to the Secretary of the Treasury asking to be informed on a number of matters in connection with the recently prescribed Bank Secrecy Act regulations. I have been assured time and time again by the Secretary and his staff that a response would be forthcoming shortly. Yet, the days go by without a word of explanation.

The purport of my questions dealt with some very fundamental policies underlying the regulations as well as procedures and safeguards to be utilized and adopted when applying those regulations to real situations.

I am simply astounded and outraged at the way the microfilming regulations roll on without any indication or assurance from Treasury as to why it is taking place and what safeguards with respect to the regulations are contemplated. The people are entitled to know, and it is the duty of the Government to explain. It is the height of arrogance to meet this proper inquiry with nothing but cold, calculated nonresponsiveness.

While I was studying the new Bank Secrecy Act regulations, I and many of my fellow Californians became alarmed by the lack of statutory safeguards insuring our banking privacy against unauthorized disclosures. Our research has disclosed that there is no statutory prohibition upon a bank's disclosing any information it sees fit to any recipient. The Government's known propensity for data-collecting coupled with some known instances of FBI surveillance has created the apprehension that another precious part of our freedom from unwarranted intrusion may disappear.

I was flabbergasted to read in the San Francisco Chronicle of July 18 a statement by a Government official contained in an article on a hearing held last Monday on the suit brought by the American Civil Liberties Union and the California Bankers Association challenging the constitutionality of the Bank Secrecy Act and the regulations. The U.S. attorney, referring to the bank depositors, told the court—and I quote:

> They have no right to privacy of bank records.

Mr. President, if the U.S. attorney was authorized to make that statement, it is very apparent that our Government, with its insatiable appetite for information has an incredible lack of sensitivity concerning the people's right to be let alone.

That insensitivity makes it essential to protect legislatively an individual's banking privacy, to assure his right and ability to control the dissemination of information pertaining to his personal banking transactions. In a climate of distrust and cynicism on the part of a large segment of our citizenry toward their government, it is crucial that the people be provided this assurance.

Mr. President, today I am introducing a bill to fill this vital need. I now send it to the desk for appropriate reference, and ask unanimous consent that it be printed in the Record following my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record at the end of the Senator's remarks.

(See exhibit 1.)

Mr. TUNNEY. Mr. President, the bill designed to be an insurance policy against unwarranted and improper intrusions by anyone, including Government, into a person's banking life.

At the same time it will relieve the banks from the uncomfortable and conflicting position of having to please both the Government as well as the customer.

The bill is designed to cover all varieties of financial institutions including banks, savings and loan associations, credit card companies and the like. It prohibits unwarranted disclosure of financial records showing individual transactions in or with respect to a particular account. This includes checks, invoices, or similar instruments drawn on, issued, payable, or billable by a financial institution.

The bill permits disclosure of the protected information only upon certain very well-defined conditions: First, when the account holder has consented to it; second, when a subpena has been served requiring those records; third, or when a "probable cause" hearing has been held resulting in a court order requiring disclosure of those records.

In the event a subpena is the means by which the records are to be obtained, the bill requires service to be made upon the account holder himself in order that he wil have notice of its issuance thereby affording him an opportunity to demand a court hearing in the event he believes the subpena to be improperly issued.

By requiring direct service of subpena on the account holder, no longer will the bank have to worry about whether it should notify the account holder when a subpena is served or whether it should challenge the Government in court on the customer's behalf.

Mr. President, I might add that the Library of Congress has informed me that there are over 100 different administrative subpenas which can be issued by Federal governmental agencies and departments. This incredible number of subpenas available to Government agents demonstrates clearly the need to give notice to the account holder, if we are going to protect from improper intrusion the right of banking privacy that Americans have a right to expect.

The bill also provides, however, that when a probable cause hearing has been undergone which results in the issuance of a court order for any particular bank records, no such notice to the account holder will be required on the part of law enforcement agencies.

There is good reason for allowing law enforcement authorities this method. If a court determines there is probable cause that a crime has been committed and that the evidence will be found among the bank records, the Constitutional fourth amendment protection will have been safeguarded, and then enforcement authorities should be allowed to utilize the element of surprise.

The bill will allow the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and similar agencies to reform periodic examination or audit of financial records pursuant to their statutory authority.

But the bill prohibits for the most part any such agency or, indeed, any other governmental department or agency obtaining records pursuant to the procedures outlined in the bill, to use or retain the disclosed information for any purpose other than the specific statutory purpose for which the information was originally sought. This protection is subject to one exception: Such information may be used and retained where it provides evidence giving rise to complaint or indictment within 6 months of obtaining such information. This will have the effect of precluding the accumulation of such information for any noncriminal investigatory purpose, but will not require the Government to wear blinders in the event some highly incriminating evidence is disclosed.

The bill provides for civil remedies against the financial institution, the United States, or any other person or agency violating the act as well as criminal penalties. It also allows injunctive relief to be available to persons who are affected by violations of the act.

Exhibit 1

S. 3814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 91–508 is amended by adding a new Title VII at the end as follows:

SHORT TITLE

"Section 1. This title may be cited as the 'Financial Records Privacy Act.'

"STATEMENT OF PURPOSE

"Sec. 2. It is the purpose of this title to prescribe procedures governing the disclosure by certain financial institutions of information relating to the financial affairs, transactions, condition or status of persons who maintain a share, or deposit or credit card account with those institutions in order to safeguard certain rights guaranteed by the Constitution, including the right of privacy.

"DEFINITIONS AND APPLICABILITY

"Sec. 3. (a) As used in this title—

"(1) The term 'financial institution' means a bank service corporation as defined by 12 USC section 1861 or any bank, institution, or financial institution defined in or affected by Titles I and II of Public Law 91–508, or any other type of business or institution performing similar or substitute functions of any of the foregoing.

"(2) The term 'person' means an individual, partnership, corporation, association, trust, or any other legal entity organized under the laws of any State or the United States.

"(3) The term 'account holder' means any person maintaining a share, deposit, or credit card account with a financial institution.

"(4) The term 'financial records' means with respect to any account holder—

"(A) any document granting signature authority over such account holder's deposit, share or credit card account;

"(B) a statement, ledger card, or other record of a deposit, share, or credit card account, which shows any balance or transaction, or both, in or with respect to such account holder's account;

"(C) a check, draft, money order, invoice, receipt, or similar instrument drawn on a financial institution by such account holder or otherwise chargeable to his account, or issued, payable or billable by a financial institution for the account, or at the direction, of such account holder;

"(D) a check, draft, money order, invoice, receipt, or similar instrument received by a financial institution from such account holder for deposit, collection, or billing;

"(E) any individual item other than an institutional or periodic charge, made pursuant to any agreement between a financial institution and such account holder which constitutes a debit or credit to the account holder's deposit, share, or credit card account if such item is not otherwise included in this subsection 3;

"(F) any record held by a financial institution containing information furnished by the account holder and pertaining to the account holder's financial condition or status;

"(G) any records performing similar or substitute functions for any of the foregoing.

"(5) (A) The term 'supervisory agency' means—

"(1) the Federal Deposit Insurance Corporation;

"(2) the Federal Home Loan Bank Board;

"(3) the Federal Savings and Loan Insurance Corporation;

"(4) the National Credit Union Board;

"(5) the National Credit Union Administration;

"(6) the Federal Reserve Board; and

"(7) the Comptroller of the Currency;

"(8) any State department or agency which is required by law to perform periodic examination or audit of the financial records of non-federal financial institutions.

"(B) Notwithstanding any other provisions of this Title, the examination or audit of financial records by any officer or employee of a supervisory agency in the exercise of his duties as such an officer or employee in accordance with applicable laws shall not be affected by this Title except as prescribed below in Section 5.

"CONFIDENTIALITY OF RECORDS

"Sec. 4 Except as provided in Sec. 6, a financial institution is prohibited from disclosing to any officer, employee, agent, department or agency of any State or the United States, or to any other person, copies of or the information contained in any financial records relating to any account holder unless—

"(a) Such account holder has given the financial institution written consent on each occasion when disclosure is requested after receipt from such institution of written notification of the request stating the name of the intended recipient and, if applicable, the statutory purpose for which the information is to be obtained; or

"(b) (1) A person requesting such disclosure presents a signed written authorization from such account holder naming the intended recipient, specifying the information to be disclosed and, if applicable, specifying the statutory purpose for which the information is to be obtained, and

"(2) The financial institution receiving such request and authorization notifies its account holder in writing by registered mail, return receipt requested, of the request including the name of the intended recipient and, if applicable, the statutory purpose for which the information is to be obtained and no contrary instructions are received from such account holder within ten days of such mailing; or

"(c) Such records are made available pursuant to a federal or state subpena or summons which has,

"(1) been personally served upon the account holder and the financial institution in accordance with applicable laws governing service of process, and

"(2) (A) such account holder in writing directs the financial institution to comply with such subpena, or

"(B) the elapse of the period of compliance or 15 days whichever is longer, has taken place without a court order precluding compliance having been served upon the financial institution; or,

"(d) Such records are made available pursuant to a federal or state subpoena which has,

"(1) been served upon the account holder by substituted service in accordance with applicable laws governing service of process with a copy of the subpoena served upon the financial institution and,

"(2) (A) such account holder in writing directs the financial institution to comply with such subpena, or

"(B) a court of competent jurisdiction has thereafter ordered compliance with the subpoena, such court order being served upon both the account holder and the financial institution; or

"(e) Such records are made available in response to an order of a court of competent jurisdiction after a probable cause hearing which on its face comports with the requirements of the fourth amendment of the United States Constitution.

"Sec. 5. (a) No supervisory agency, or any state or federal governmental department or agency, or any officer, employee, or agent of a State or the United States obtaining copies of or the information contained in any financial records may,

"(1) use or retain in any form the information disclosed by any financial institution for any purpose other than the specific statutory purpose for which the information was originally obtained unless such information provides the basis for or gives rise to a civil or criminal complaint or indictment within six months of obtaining such information.

"(b) The prohibition of disclosure shall not limit or prevent the dissemination of statistical information not identified or identifiable as derived from any particular person's deposit, share, or credit card account.

"Sec. 6. Notwithstanding any other provision in this Title, a financial institution is not prohibited from disclosing necessary financial records—

"(a) to a bank service corporation to perform bank services;

"(b) to an appropriate state agency to report accounts deemed by law to be abandoned;

"(c) to persons solely for the commercial purpose of collecting delinquent balances on particular accounts to which the financial records relate;

"(d) to a surviving spouse or relative of a deceased account holder where such person is entitled by law to claim any assets held by the financial institution;

"(e) to appropriate state or federal agencies in compliance with state revenue laws or the Internal Revenue Code of 1954 solely for the purpose of filing the financial institution's income tax return.

"CIVIL PENALTIES

"Sec. 7 (a) for each willful violation of this Title, the person to whom such records relate may recover from such financial institution, the United States or any other person willfully violating this Title an amount equal to the sum of—

"(1) any actual damages sustained by such person as a result of the violation;

"(2) such punitive damages as the court may allow; but not less than $5000; and

"(3) in the event of any successful action to enforce liability under this section, the cost of the action together with a reasonable attorney's fee as determined by the court.

"(b) For every other violation of this Act, the person to whom such records relate may recover from such financial institution, the United States, or any other person violating

"(G) any records performing similar or this Title an amount equal to the sum of—

"(1) any actual damages sustained by such person or the sum of $1000, whichever is greater; and

"(2) in the event of any successful action to enforce liability under this section, the cost of the action together with a reasonable attorney's fee as determined by the court.

"(c) An action to enforce any liability under this Act may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within three years from the date on which the liability arises, or the date of discovery of such liability, whichever is longer.

"CRIMINAL PENALTIES

"Sec. 8 (a) Any partner, director, officer or employees of a financial institution who willfully participates in a violation of this Title is guilty of a misdemeanor, and upon conviction shall be imprisoned for not more than one year or fined not more than $5000, or both.

"(b) Any officer, employee or agent of any department or agency of any State or the United States who induces or attempts to induce a violation of this Title, is guilty of a misdemeanor and upon conviction shall be imprisoned for not more than one year or fined not more than $5000, or both.

"REMOVAL AND DISQUALIFICATION FROM OFFICE

"Sec. 9 (a) Any officer, employee, or agent of a department or agency of the United States who is convicted of a violation of this Title shall be removed from the civil service.

"(b) Any person who has been removed from office under section 9(a) shall be disqualified from holding any office in any department or agency of the United States for a period of five years following his removal.

"INJUNCTIVE RELIEF

"Sec. 10. In addition to any other remedy contained in this chapter or otherwise available, injunctive relief shall be available to any person aggrieved by a violation or threatened violation of this title. In the event of any successful action under this section, the cost of the action together with a reasonable attorney's fee as determined by the court may be recovered.

"WAIVER OF RIGHTS

"Sec. 11. No waiver by an account holder of any right hereunder shall be valid, whether oral or written, or with or without consideration.

"INCONSISTENT PROVISIONS OF LAW

"Sec. 12. Should any other law of the United States or any other jurisdiction grant or appear to grant power or authority to any person to violate the provisions of this chapter, the provisions hereof shall supersede and *pro tanto* override and annul such law, except those statutes hereinafter enacted which specifically refer to this title.

"SEPARABILITY

"Sec. 13. Should any provision or provisions of this title be declared void by decree of any court, the remaining portions thereof shall remain in force to the extent compatible with such decree.

"EFFECTIVE DATE

"Sec. 14. The provisions of this title shall become effective upon the expiration of 180 days following the date of enactment."

Mr. TUNNEY. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from California has 7 minutes remaining.

Mr. TUNNEY. Mr. President, I yield to the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is to be recognized for 15 minutes for his own speech. He will be recognized now for 22 minutes.

Mr. MATHIAS. Mr. President, I thank the Presiding Officer and the Senator from California for yielding to me at this point.

I have appreciated working with the Senator from California and with his staff on this problem. I have prepared legislation which is similar in purpose to that which the Senator from California is introducing today. My legislation contains some additional features. Therefore, we will submit two separate bills for the consideration of the committee and the Senate. Both bills, however, are directed at the same problem. It is a problem which I have discussed at great length with individual members of the banking community in Maryland, with representatives of the Maryland Bankers Association, and with the Maryland Chapter of the American Civil Liberties Union.

As the Senator from California has explained, this is a serious threat to the freedom of the banking industry, and a threat to the personal privacy of every American. This threat was created by the 1970 amendments to the Federal Deposit Insurance Act. At the time when we passed this bill, it was known as the Bank Secrecy Act of 1970 or the Swiss Bank Account Act.

When this bill was passed, I think it was clearly the intent of Congress to assist the Treasury Department and law enforcement officials in getting information which, up to that time, had not been available relative to the so-called numbered Swiss bank accounts and other secret foreign bank accounts.

It was clearly not the intent of Congress, however, that these powers delegated to the Treasury Department by the bill should be employed against domestic banking institutions for the purpose of indiscriminately scrutinizing every check which passes through a bank. I am not saying that we have yet reached that point, but the power asserted by the Treasury Department could readily lead to that situation. They are saying they have the authority to do just that.

OFFICIALS AT THE TREASURY DEPARTMENT

Mr. President, at this point I ask unanimous consent to have printed in the RECORD at the end of my remarks certain correspondence with the Treasury Department, and certain articles and certain editorials from the Washington Post and the American Banker which have been written on this subject.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, the Bank Secrecy Act of 1970 itself gave the Secretary of the Treasury the power to require every bank and financial institution in America to keep records, including the microfilming of checks, financial deposits, withdrawals, and other transactions involving the bank or any of its customers.

The act further requires that the banks turn over these records to the Treasury upon its request, and that the banks make certain reports of formal transactions even without a request from the Treasury.

Moreover, the Treasury is permitted to give the records to any other agency in the Government, including the Internal Revenue Service and the Federal Bureau of Investigation—each of which can now obtain a complete history of the records of every citizen's financial dealings, no matter how small the amount nor how private the purpose.

In effect, if implemented in the way the Treasury Department proposes to implement it, this law makes the financial institutions of America the agent of the Government rather than the agent of their customers.

I think that we would still prefer that a financial institution be considered as the servant of its customers rather than be considered as a tool of an increasingly large and inquisitive government.

So, it is to the overextension of the power granted by this act that I think the Senator from California and I object. The original purpose of the act was to bolster the Government's ability to combat organized crime and the secrecy surrounding certain foreign bank accounts. However, I cannot support the power that has been asserted and claimed by the Treasury Department which extends far beyond the legitimate needs of the Government for these purposes.

As I mentioned earlier, there have been efforts from my office to correspond with the Treasury Department on this subject. However, this correspondence has proved to be disappointing. While the Treasury has responded to each of my inquiries, I am not satisfied that there is an understanding within the Treasury Department of the very real dangers which these regulations pose to the fundamental rights of all Americans. In fact, the Bank Secrecy Act, as implemented by the regulations of the Treasury Department, raises several important constitutional issues.

As the Senator from California has told the Senate, the California Bankers Association and the American Civil Liberties Union have joined together to bring this matter to the judicial attention in a suit which has been filed in California. There is a similar suit in the District of Columbia filed by the ACLU.

The basic contention of this litigation is that the law violates the first amendment's guarantee of freedom of speech and assembly, the fourth amendment's guarantee of the right against unreasonable searches and seizures, and the 14th amendment's guarantee of equal protection under the law. The parties further contend that the act imposes an unwarranted restriction on the fiduciary relationship between a bank and its customers which is essential in our modern economic system.

I associate myself with each of these arguments. I think it is very significant that the Federal court in California has granted a temporary restraining order which will delay implementation of the regulations until the court can hear further arguments in the case. Whatever the court may do, however, Congress cannot escape the burden of its responsibility for having enacted the 1970 amendments, for overseeing and supervising their administration, and for now making further amendments as I think is clearly necessary in this case.

I think we have an obligation to correct the error that we made in drafting the 1970 act in such a way that it would be susceptible to the interpretation the Treasury has now put upon it.

Therefore, I have prepared the Citizens Privacy Protection Act of 1972. This act has two main thrusts. First, it would guarantee that a person's records in a financial institution are as secure from Government surveillance as they would be in the customer's own home. Second, it would restrict the Treasury Department's power to require banks to maintain records to a small area of activity relating directly to international financial transactions.

The act states that a fiduciary institution may disclose the records of any customer only upon the customer's consent or under a court order which would be sufficient to support the issuance of a valid search warrant to obtain the financial records if these records were in the home of the customer. It further provides that any such court order must be served upon the customer and the institution at least 21 days before the records are to be turned over to the Government.

This provision would give the customer time to take legal action to challenge the validity of the court order.

By restricting recordkeeping to activities directly related to international financial transactions, the bill would exempt about 95 percent of the financial activities of Americans from any recordkeeping or any surveillance under the 1970 act, while still permitting the Treasury Department to explore the possible misuse of foreign bank accounts or to pursue international organized crime. The act contains both criminal and civil penalties for any institution or individual who, knowingly and willfully, violates this act or induces any other person or institution to violate this act.

The bill does not affect recordkeeping now required solely for use by Government agencies which supervise the internal financial operations of the bank.

The bill will be submitted and considered by the Subcommittee on Financial Institutions of the Committee on Banking, Housing and Urban Affairs. I have been in touch with members of the subcommittee, and I am hopeful arrangements can be made for an early hearing because this is a matter which is very active; it is in the forefront of the concerns of thousands of citizens and hundreds of financial institutions. Not much damage has yet been done but a great deal can be done unless Congress makes its will known soon.

I hope that with legislative action the Treasury Department will reconsider its position and will help resolve the problem by immediate administrative action.

EXHIBIT 1

CORRESPONDENCE BETWEEN SENATOR MATHIAS AND THE TREASURY DEPARTMENT CONCERNING THE BANK SECRECY ACT

MARCH 10, 1972.

Hon. JOHN B. CONNALLY, Jr.,
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: A growing amount of concern has been expressed to me about the implementation of titles I and II of P.L. 91–508, the financial recordkeeping legislation of 1970, and its impact on individual privacy.

I would therefore appreciate receiving as soon as possible copies of all regulations, orders, memoranda, guidelines, directives and similar documents of general applicability issued pursuant to Titles I, II and IV of this Act, plus a full and specific list of any and all delegations of authority under those titles which you have made.

In addition, I would appreciate your response to the following questions:

1) Which Federal agencies, bureaus and offices, within or outside the Treasury Department, have access to the microfilms and other records retained by financial institutions pursuant to this Act? At what administrative level—division head, individual investigative agent, etc.—may an inspection of any such records be initiated?

2) On what grounds or according to what criteria may an inspection be initiated?

3) What, if any, warrant, subpena or other judicial order is required before the records of an individual's accounts or transactions may be inspected? copied? used in a grand jury proceeding or introduced as evidence? How do present procedures on these points differ from those in effect prior to the enactment of P.L. 91–508?

4) What is the authority of the officers, bureaus or agents with access to these financial records (as listed in your response to question 1) to transmit copies of such records or the information they contain to other Federal or non-Federal law enforcement officers or bureaus which do not have direct access to the records? If records or information may be transmitted, to whom and in accord with what laws, regulations or other criteria?

5) What controls or oversight does your Department maintain to insure that the contents of such financial records will not be improperly used or disclosed? What are the penalties for unauthorized use or disclosure?

I appreciate your cooperation in making this information available to me at the earliest possible date.

With best wishes.

Sincerely,
Charles McC. Mathias, Jr.,
U.S. Senator.

The General Counsel of the Treasury,
Washington, D.C., March 20, 1972.
Hon. Charles McC. Mathias, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Mathias: This is in reply to your letter of March 10, 1972 concerning Public Law 91–508 enacted October 26, 1970.

On June 10, 1971 the Treasury Department issued proposed regulations pursuant to Titles I and II of the Act. A copy of those proposed regulations is enclosed for your convenience.

On July 21, 1971, there was issued under Title IV, a notice of effective date. A copy of this notice published in the Federal Register is enclosed.

At this time no final regulations have been issued under Titles I and II of Public Law 91–508.

Sincerely yours,
Samuel R. Pierce, Jr.

March 28, 1972.
Hon. Samuel R. Pierce, Jr.,
General Counsel, Department of the Treasury, Washington, D.C.

Dear Mr. Pierce: Thank you very much for your letter of March 20 sending me the proposed regulations issued by the Treasury Department pursuant to Titles I and II of P.L. 91–508.

I appreciate your responding so promptly to this part of my inquiry of March 10, and hope that you will followup as soon as possible with supplemental information in response to the specific questions which I posed in that letter.

With thanks for your continuing cooperation, and best wishes.

Sincerely,
Charles McC. Mathias, Jr.,
U.S. Senator.

The General Counsel of
the Treasury,
Washington, D.C., April 6, 1972.
Hon. Charles McC. Mathias, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Mathias: This is in reply to your letter of March 28, 1972 with further reference to your letter of March 10, 1972.

We have now filed with the Federal Register the final regulations to be issued under Titles I and II of Public Law 91–508. A copy of these regulations is attached for your convenience. You will note that these regulations become effective July 1, 1972.

The questions contained in your letter of March 10, 1972 deal with various aspects of the availability of the records which will be required to be kept by financial institutions under the new regulations. The short answer to these questions is that, while Public Law 91–508 and the regulations issued thereunder require that financial institutions keep such records, neither that statute nor the regulations in any way change the availability of bank records to Government agencies. In other words, bank records will be available to Government agencies to the same extent and in the same manner, but to no greater extent and in no different manner, than would be true without this statute and these regulations. For this reason, we are unable to answer your specific questions with regard to Federal agencies other than the Treasury Department. With respect to the Treasury Department, the Internal Revenue Service will have access to these records in the manner provided in 26 U.S.C. 7602. That statute provides:

"For the purpose of ascertaining the correctness of any return, making a return where none has been made, determining the liability of any person for any internal revenue tax or the liability at law or in equity of any transferee or fiduciary of any person in respect of any internal revenue tax, or collecting any such liability, the Secretary or his delegate is authorized—

(1) To examine any books, papers, records, or other data which may be relevant or material to such inquiry;

(2) To summon the person liable for tax or required to perform the act, or any officer or employee of such person, or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable for tax or required to perform the act, or any other person the Secretary or his delegate may deem proper, to appear before the Secretary or his delegate at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and

(3) to take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry."

In addition to the recordkeeping requirements imposed on financial institutions, the regulations provide that each person having a foreign financial account retain records of such account.

Section 241(b) of Public Law 91–508 specifically provides:

"No person required to maintain records under this section shall be required to produce or otherwise disclose the contents of the records except in compliance with a subpena or summons duly authorized and issued or as may otherwise be required by law."

In addition to the keeping of records, the regulations provide that certain reports must be made to the Secretary of the Treasury. Section 103.43 of the regulations provides:

"The Secretary may make any information set forth in any reports received pursuant to this part available to any other department or agency of the United States upon the request of the head of such department or agency, made in writing and stating the particular information desired, the criminal, tax, or regulatory investigation or proceeding in connection with which the information is sought, and the official need therefor."

Since these regulations do not become effective until July 1, 1972, no procedures for or controls on making such reports available have yet been developed.

Very sincerely yours,
Samuel R. Pierce, Jr.

Remarks of Judge Samuel R. Pierce, Jr., General Counsel, on Proposed Regulations on Financial Recordkeeping and Reporting of Currency and Foreign Transactions

The Department of the Treasury today issued regulations to implement Titles I and II of Public Law 91–508, the Financial Recordkeeping and Currency and Foreign Transactions Reporting Act of 1970. These regulations will become effective on July 1, 1972.

According to Treasury General Counsel Samuel R. Pierce, Jr., the issuance of these regulations is a further step in the major efforts of this Administration directed toward frustrating organized and white collar criminal elements who use secret foreign accounts to assist in concealing substantive violations of drug smuggling, securities, gambling, and currency laws, as well as the untaxed income generated from these and other illegal activities. The regulations are expected to benefit both such foreign-related and domestic law enforcement efforts without burdening legitimate commerce.

The regulations will:

Require all persons maintaining foreign accounts to disclose that fact on their Federal income tax returns, and to maintain the government wants to see his account.

Require all persons transporting, mailing, or shipping from the United States to a foreign country, or receiving from without the United States, currency or bearer instruments in amounts in excess of $5,000, to report such transactions to the Customs authorities;

Require financial institutions to secure a social security or taxpayer identification number with respect to each account opened after June 30, 1972;

Require all financial institutions to make reports to the Treasury of unusual currency transactions involving amounts of more than $10,000;

Require financial institutions to keep for five years records of all transfers into or out of the United States involving more than $10,000;

Require financial institutions to keep for five years certain other records which will be useful for law enforcement purposes.

In addition to the above, the regulations require banks to retain for a period of two years records which would be needed to reconstruct a deposit or share account and to trace a check deposited in such account. Treasury will continue to study both the types of records to be kept and the most desirable retention period in order to maximize enforcement benefits and minimize unnecessary and burdensome paperwork. Assistant Secretary Eugene T. Rossides will head a small group within the Treasury to work with the financial community in this effort.

The new regulations are a revision of proposed regulations which were published in the Federal Register on June 10, 1971. The revisions reflect the many pertinent and useful comments received regarding the proposed regulations.

In revising these regulations the Department has taken account of all comments received, and every effort has been made to insure that the final regulations will serve their law enforcement purposes, while at the same time not interfering with legitimate international monetary transactions, unduly burdening financial institutions or others, or imposing unreasonable requirements that would serve no useful purpose. In doing this we have taken account of existing recordkeeping procedures and the lengths of time existing records are ordinarily kept. An internal committee within the Treasury Department has spent a considerable amount of time revising and reviewing the regulations in the light of the comments received, to be sure that these objectives are accomplished.

Governmental access to these records is not changed by either the statute or the regulations, but will continue to be subject to the requirements of existing law regarding subpoena and other legal processes.

[From the Washington Post, July 18, 1972]

Checking on Checking Accounts

Financial records, so rich in their meticulous detail, are gold mines of information about any citizen, business or group—the sources and amounts of income, credit practices, memberships, subscriptions, contributions made and received. To federal or state agents probing many alleged crimes and irregularities, from tax evasion to narcotics trafficking to the activities of political dissidents, months of surveillance or weeks of wiretapping may be less fruitful than an hour of rummaging through the files of a suspect's checking account. The average depositor no doubt assumes that such revealing records are held in the strictest confidence by his bank, but this is not always the case. For example, this spring a Californian who has contributed to radical causes since 1964 found an internal bank memo which had been inserted in one of his monthly statements by mistake. "This memo," it said, "is to authorize you to read checks to the FBI before sending the statement to the customer."

The point is that while the money in bank accounts is protected against loss, bank records are not similarly protected against loss of privacy. There is no explicit federal law to prohibit financial institutions from taking such liberties with their customers' files, perhaps out of a misplaced eagerness to cooperate with the governments which regulate banking. Most banks, moreover, seem quite reluctant to disclose their policies on disclosure. When the American Civil Liberties Union polled the nation's 100 largest banks this April, only 19 replied. Of those, 16 said specifically that they would require a court order before opening up their files to investigators; only eight responded that, as a matter of policy, they attempt to notify a customer whenever records of his account are being subpoenaed or searched.

A newly implemented law with the misleading title, "The Bank Secrecy Act," will make such incursions into bank records much easier and therefore, as such matters usually go, more widespread. The act, approved in 1970, was intended to help federal agents pierce the secrecy shielding the finances of organized crime, particularly the squirreling of funds in numbered Swiss accounts. But Congress, with little regard for the legitimate claims of privacy at stake, gave the Secretary of the Treasury wide latitude to require financial institutions to keep all records found "to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings."

Treasury has now ruled that banks must keep microfilms or other copies of virtually all checks, bank statements and other transactions, and must report to Treasury a wide range of currency transfers over $10,000. Administration officials insist that these sweeping regulations involve no expansion of the present reach of IRS agents, the FBI and other potential probers. Indeed, it is hard to see how copies of most people's routine checks would be "highly useful" to proper crime-fighting at all. But, given all else we know about the official itch to collect files on citizens, it is also hard to believe that these new gold mines of information will never be worked.

The administration's expansive reading of the "Bank Secrecy Act" redoubles the need for legislation to protect depositors against improper disclosures of their records by banks and to buttress conscientious banks against the demands of aggressive investigators. The ACLU, Senators Mathias and Tunney, and others are preparing sucn legislation. Banking groups should be no less concerned than their customers, for the integrity of banks as the custodians of people's private business is at stake.

[Articles in American Banker about Bank Secrecy Act]

Senate May Get Bill Curbing Government Scrutiny of Account Records

Washington.—Sen. Charles McC. Mathias, R., Md., plans to introduce legislation this month that would amend the 1970 Bank Secrecy Act to include safeguards to protect the right of individuals from unwarranted government scrutiny of their bank account records, his office said Thursday.

This disclosure followed by one day the filing of a lawsuit by the American Civil Liberties Union Foundation of Northern California and the $78.1 million-deposit Security National Bank, Walnut Creek, asking the Federal court to enjoin the implementation of the act and the attendant Treasury Department regulations, scheduled to become effective July 1.

The foundation also asked the court to declare the act and the regulations unconstitutional on the grounds they violate the First, Fourth, Fifth, Ninth, Tenth and Fourteenth Amendments to the Constitution by requiring financial institutions to report information to the Treasury Department without first consulting customers.

A spokesman for Sen. Mathias' office said he is now considering introducing some legislation amending the act because "we're concerned both that this is a real threat to a lot of peoples' privacy and it is a tremendous burden on banks to microfilm everything."

The act and regulations were designed to help fight organized crime—particularly operations financed through secret foreign accounts—and give the Treasury Department broad authority to establish recordkeeping and reporting requirements for financial institutions.

Under the regulations issued by the Treasury earlier this year banks must keep on file records for a period of two years of most personal check transactions and records for five years of all transfers into or out of the U.S. involving more than $10,000. They must also report to Treasury unusual transactions involving more than $10,000 and must keep for five years certain other records that are useful for law enforcement purposes.

What Mr. Mathias is concerned about, as well as at least two other Congressmen, Sen. John V. Tunney, D., Calif., and Rep. Don Edwards, D. Calif., is that regulation issued by the Treasury which give the Secretary authority to make information obtained from bank reports available to any other department or agency that is involved in a criminal, tax, or regulatory investigation. They also are concerned with the regulation giving the Secretary sole discretionary authority to impose additional record-keeping or reporting requirements on banks in regard to particular individuals.

As Mr. Tunney said in a speech last month, "it appears to me that under this arrangement, any Federal agency may begin its investigation by fishing through all those reports to see if something suspicious is found."

The spokesman for Sen. Mathias said the Congressman would like to see spelled out what kind of records agencies can look at, a procedure to notify an individual that the government agency wants to see his records, what Federal agencies can have access to microfilm records and under what grounds these agencies can inspect the data, whether such information can be released only after warrants are issued, what limits are there to one agency disseminating data to other agencies, and what controls are to be used to make sure that guidelines established from the Secretary's office are followed at all levels.

In addition, the spokesman said some legislation may be needed to restrict the numbers of banks whose international account records are examined by the government. Banks have told Sen. Mathias, the spokesman said, that if the government wants to fight international crime by examining bank accounts, "all you have to do is look at the international accounts of a half-dozen banks, because all international transactions" flow through just a small number of institutions. The spokesman said it may not be necessary to require all banks to keep such records, and the "Treasury has no right to look at all accounts" because most Americans are not involved in international dealings.

If amendments are introduced to restrict the number of banks that would come under the Treasury's record retention and reporting requirements, these also would make certain that the government would follow certain procedures to get access to the records, the spokesman said.

For example, the spokesman said, the amendments might say to the government, in effect, "if you want to look at the records, you first have to get a subpena," and spell out how a customer is to be notified that the government wants to see his account.

The legislator's spokesman also said Mr. Mathias has been corresponding with the Treasury since last March about the Bank Secrecy Act and the Treasury regulations and has been raising questions about the privacy issues. "We've not been satisfied so far with the response."

The Senator, he said, has spoken to Treasury about delaying the implementation of the regulations July 1 until guidelines are spelled out to safeguard the rights of the individals, but "we've been told this is impossible. We've been told Treasury will not consider any changes until after the regulations are in effect for at least three months."

Treasury, he said, wrote to Mr. Mathias and said it will follow existing laws that regulate the release of information to government agencies, and that such data would be isued only through the subpena process. However, this does not appear to satisfy Mr. Tunney or groups such as the ACLU that are concerned with the Federal Bureau of Investigation obtaining access to the records.

On Wednesday, Roy Englert, deputy general counsel for the Treasury Department, said that the Internal Revenue Service can obtain access to records maintained by banks only after writing an administrative subpena, and that if a bank refuses to comply, the IRS is then forced to go to court to get an enforcement order. He conceded, however, that there is no such subpena safeguard regulating the release of reports by the Treasury Secretary to other agencies requesting this data. This "is sort of a problem," Mr. Englert said.

The spokesman for Mr. Mathias acknowledged it is getting late in the year to introduce amending legislation, but he added, "I think we have a chance of getting somewhere and a chance of getting the Treasury to pay attention to what we're saying." The legislation combined with the ACLU suit, he said, should get the Treasury "to wake up and recognize the problem, rather than deny it exists."

He said that Sen. Mathias previously had introduced legislation on the subject of government data banks and privacy and is interested in this subject.

An aide to Mr. Erwards also said the Congressman had written to Treasury for additional information about the new Bank Secrecy Act regulations and that "he has expressed a tremendous amount of concern over the regulatitons and the possibility of wholesale invasion of privacy." Mr. Edwards is a member of the House Judiciary Committee, which oversees government agencies in the area of civil rights.

Privacy Called Key

Walnut Creek, Calif.—The banking industry chose the wrong issue in expressing opposition to enactment of the 1970 Bank Secrecy Act, according to Fortney Stark Jr., who along with his bank is among plaintiffs in a suit filed last week to have the act and attendant Treasury Department regulations enjoined and declared unconstitutional.

In an interview, the 40-year-old president and chairman of the $78.1 million-deposit Security National Bank, who has the reputation of being a banker maverick and on Tuesday won the Democratic nomination for U.S. Representative from the Eighth District, said the industry's initial reaction in fighting the act was to complain about the inconvenience of the paperwork burden it would impose on institutions in reporting and recording financial transactions of customers.

"I say this was the wrong issue," Mr. Stark observed, "because somehow the costs of the paperkeeping chores would be either absorbed or passed on to customer."

Privacy is the fundamental issue involved in requiring banks to report certain transactions directly to the government with no consultation with customers and to keep records which will be available to Treasury and potentially to other agencies for investigation, Mr. Stark said.

A person's checking account, he maintained, "is a storehouse of information on what he is and what he does" in society and "our business has prided itself on confidentiality." And this confidentiality is threatened now by the act and Treasury regulations," he added.

"The issue here is that I'm on the hook to look at your account and decide whether or not I turn you in," he said, and "if I make a mistake, I'm liable for civil damages. It's not part of my duty to spy on my customers," he said, "and it's possible for me to be put in that position."

Under the act's regulations issued by Treasury earlier this year financial institutions must report to Treasury unusual currency transactions involving more than $10,000 and must keep on file records for a period of two years of most personal check transactions and records for five years of all transfers into or out of the U.S. involving more than $10,000. The Secretary also has the authority to impose additional recordkeeping and reporting requirements on institutions in regard to particular individuals.

Mr. Stark said he is upset by the Treasury "passing a rule requiring me to report information without issuing a court order."

In addition, the Treasury regulations give the Secretary authority to make information obtained from bank reports available to any other department or agency involved in a criminal, tax or regulatory investigation. A report on the act by the Senate Banking, Housing and Urban Affairs Committee said that access to these records by law enforcement agencies will be obtained only through legal process.

But Mr. Stark said the Treasury regulations did not specify what safeguards the Treasury Secretary must establish to make certain that bank data is not indiscriminately disseminated and there is nothing to prevent the Secretary from changing his mind about requiring subpoenas for such data.

The California banker said he is 100 percent in favor of the act's intent to catch tax evaders and criminals but that he does not believe "we can win the battle and lose the war." If the court rules that the act and regulations are unconstitutional, he said, "then Congress can redo it and put proper privacy things into it."

In Mr. Stark's view, there are as many John Birchers who think the suit which he and his bank filed with the American Civil Liberties Union of Northern California is a good idea as there are "democrats." This, he said, is because these groups do not want their membership lists to be available to government agencies and they fear these lists could be reconstructed by the agencies getting access to checking account data maintained by banks. The ACLU has claimed that its members want to maintain anonymity and that the act's implementation could cause them to lose members and contributions. Unless an organization "goes to cash currency transactions, there can be no way it can hide its operations from the Administration," he said.

He compared the potential threat posed by the act and regulations with that which occurred in the 1950s when subversives were listed. "No one signed a petition for years," Mr. Stark said, for fear his name on the petition would get into the hands of government representatives who might denounce him as a subversive.

Mr. Stark said he does not know "or really care" if other bankers join him in the suit to enjoin the act because "I have a low opinion of the banking industry from the standpoint of corporate responsibility and service to the public." Bankers, he said, "resist change, are insecure in their positions and are very backward.

"What irks me about the banking industry is the bitching and moaning that goes on about government setting interest rates or creating truth-in-lending legislation," but that the industry "misses the ship on what we're getting into with the suit" namely, the questions of privacy and constitutional rights.

He said his own institution's policies, if the Federal Bureau of Investigation comes in without a subpena and asks to reconstruct some records of an individual it is investigating, is not to hand the records over. But "very seldom do they come in without a subpena," he said. Generally, he said, the bank notifies a customer that the FBI has presented the bank with a subpena. Exceptions are made, he said, and when the FBI comes in and says it is tracking down a murderer or a kidnaper, "we say you don't have to get a warrant."

JUSTICE ASKS DENIAL OF MOTIONS AGAINST BANK PRIVACY ACT

(By William Zimmerman)

Washington.—The U.S. Department of Justice, opposing two motions for preliminary injunctions against the 1970 Bank Secrecy Act and attendant Treasury regulations, last week asked a Federal district court in San Francisco to deny the motions and dismiss the complaints filed against the government by the American Civil Liberties Union Foundation of Northern California and the California Bankers Association.

In briefs filed with the U.S. District Court for California's northern district, which has scheduled Monday a three-judge panel to hear arguments on the injunction motions and on the plaintiff's assertions that the act and regulations are unconstitutional, Justice declared the plaintiffs have no standing to maintain these suits.

Justice, which is representing the Secretary of the Treasury and eight other Federal agency defendants in the suit, further asserted the plaintiff's complaints "do not state any causes of action upon which relief can be granted in that no legal rights of the plaintiffs have been violated, nor have the plaintiffs suffered any legally redressable harm or injury."

The legal agency added that the statute and regulation under attack are valid and constitutional "and that therefore the instant suit is unconsented suit against the sovereign United States of America and should be dismissed under the doctrine of sovereign immunity." Copies of the briefing were made available by the department in Washington.

Two separate suits seeking to enjoin and prevent government agencies from enforcing the Secrecy Act and regulations were filed last month—the first by the ACLUF of Northern California, acting on behalf of the $78.1 million-deposit Security National Bank, Walnut Creek, Calif., the bank's chairman and president, the ACLU of Northern California Inc., and the ACLU's legal director, and the second, by the California BA, acting on behalf of its more than 150 member institutions.

The plaintiffs have charged that the act and regulations which require financial institutions to maintain microfilm records of customer transactions and to make reports to the Treasury Secretary of currency transactions exceeding $10,000, are unconstitutional.

Specifically, the bankers have alleged that the automatic reporting requirements of the act would force them to break the confidential relationship they have with customers and ignore the customer's Fourth Amendment right to secure their "papers and effects against unreasonable searches and seizures." If the assurance of privacy is absent, the California BA has maintained, banks "will be seriously and perhaps irreparably handicapped in their efforts to solicit and conduct business."

Such injury, the California BA has said, "will deprive members of their property without due process of law and denies members the equal protection of the laws guaranteed to them under the Fifth Amendment."

Among the charges made by the American Civil Liberties Union is that the act and regulations empower the Treasury Secretary "to roam at will through bank records of individuals and organization thus thoroughly undermining the right of associational privacy guaranteed by the First Amendment."

On June 30, acting on motions by the same two plaintiff groups, the same Federal court issued a temporary restraining order delaying nationwide the reporting portion of the act and regulations, which were to go into effect July 1. The order will stand pending outcome of Monday's hearings on the preliminary injunction motions.

Judge William T. Sweigert, in granting this order, however, made no finding on the "extent, if any, to which basic constitutional rights may be impaired by this new law."

In its briefs, Justice maintains that the plaintiffs have no standing as a matter of law to maintain the lawsuits and to obtain the preliminary injunctions. "They cannot specify any legally recognized right which would be violated if the statute and regulations in question were enforced, and hence they can point to no legal injury flowing from the enforcement of said statute and regulations."

As far as the nonbanking plaintiffs are concerned, Justice said, "under presently existing laws, apart and separate from the statute under attack, the Federal Government can inspect any bank records which pertain to said nonbanking plaintiffs; and no recognized privilege nor the Fourth nor Fifth Amendments to the Constitution prohibit any such reasonable inspection of records by the Government."

Justice observed that nothing in the statute gives the Government any greater right to access to bank records than it possessed before. It said that when the Government wants to inspect bank records under the provisions of the new statute, it will have to use an administrative summons or judicial subpena as it did in the past.

If a bank or customer believed the use of the summons or subpena constituted an illegal search and seizure under the Fourth Amendment, Justice said, this could be contested in court in the same manner as it was done before.

The ACLU, on the other hand, has maintained that the Act fails "to specify the procedures by which the information which banks now are required to maintain is to be turned over to the Federal government," and "appears to authorize 'seizures' without limitation as to scope or relevancy."

As for the banking plaintiffs, Justice said, "it is clear that under existing law the Federal government acting in an area properly subject to Federal legislative jurisdiction can require a person or bank to keep records, as does the statute under attack."

It observes, "The Supreme Court, this circuit, and practically every other circuit has established beyond doubt that the Federal government has the right to inspect bank records which pertain to taxpayers, and no recognized privilege nor the Fourth nor Fifth Amendments to the Constitution prohibit any such reasonable inspection of records by the government.

The California BA had observed in its brief that "we are aware of no cases finding Fourth Amendment protections inapplicable to bank records."

Justice further argues that the recordkeeping requirements under the Treasury Secretary's regulations enacted under the

1970 Secrecy Act are "certainly more circumscribed" than the requirements under the 1954 Internal Revenue Code which requires every person doing business in the nation to keep records for tax purposes as the Secretary or his delegate may order.

Congress has stated that the purpose of the Secrecy Act is to aid the government in enforcing Federal tax laws, Justice says. The Internal Revenue Code's provisions, "if anything, are broader than the statute under attack," the agency notes, and adds that these have been repeatedly held constitutional as against the contentions that they provide for unreasonable searches and seizures and compel taxpayers to be witnesses against themselves in violation of the Fourth and Fifth Amendments."

The agency asserts that "it cannot conceivably be concluded that the statute now under attack, which is more circumscribed and particular in its delegation to the Secretary to be deemed to be an unreasonable delegation of authority."

The California BA has contended that the Act's regulations promulgated by the Treasury Secretary earlier this year give him "vague and unrestricted appropriations of power," and has cited one particular section of the regulations—designated 103.45—which it says, "does not even appear to be within the authority authorized by the act itself."

This section allows the Secretary, at his sole discretion by written order or authorization, "to make exceptions to, grant exemptions from, impose additional recordkeeping or reporting requirements authorized by statute, or otherwise modify" the regulations' requirements.

The banking group said this discretionary power threatens to deprive member banks of their constitutional right of due process and equal protection under the Fifth Amendment, and is a void delegation of legislative power.

Justice contends that the banking plaintiffs "apparently do not question the reasonableness of the regulations heretofore promulgated under the statute under attack, but rather, complain that the delegation to the Secretary is so broad that he may in the future issue an unreasonable order."

The agency maintains that the Supreme Court "has expressly refused to grant relief upon the assumption that a public official may be able to act unreasonably in the future under a broad delegation of authority."

The Justice Department also makes an additional point on why it believes the California BA has no standing to maintain its suit. It points out that the association does not engage in banking as such in its own name, and neither the act nor regulations require the group to keep any records or make any reports to Treasury.

If the association had brought the suit as a class action on behalf of its individual member banks, "a different issue would be presented," Justice says. "However, the simple fact is the association has brought the suit in its own name and accordingly, its suit should be dismissed as it has suffered no economic injury and therefore has no standing to maintain its suit."

The California BA, on the other hand, says it does have standing to sue and cites this year's Supreme Court decision in the case of Sierra Club v. Norton which said "an organization whose members are unjured may represent those members in a proceeding for judicial review."

Justice, too, cites the Sierra Club decision to suport its argument and quotes that part of the decision which says "party seeking review must allege facts showing that he is in himself adversely affected."

Justice also rejects the argument raised by the ACLU that it will lose significant numbers of members and contributions because access to its bank records by government agencies will result in a loss of anonymity of the group's members. Any alleged "chilling effect" of the group's First Amendment right to freedom of association "is speculation of the wildest sort," Justice maintains. "If anyone did feel inhibited in paying dues to or making contributions to the American Civil Liberties Union, he could allay his fears by making such payments in cash."

Moreover, Justice says the plaintiffs are not entitled to entry of preliminary injunctions "as they cannot demonstrate that they will suffer any irreparable harm if preliminary injunctions are not granted."

The agency also says the injunctions should not be entered because they "would not maintain the status quo, but would irrevocably impair the government's right to financial information as provided in the state and regulations under attack."

Without the Act and the Treasury regulations, banks would be free "to keep incomplete or no records and are free to destroy existing bank records after retaining them but for a short period of time. This, of course," Justice says, "results in information being lost to the government forever.

"The statute under attack and the regulations promulgated thereunder seek to remedy this loss. Granting of the requested injunctions would not maintain the status quo but would continue this loss of information," the brief says.

California Bankers Association Says Secrecy Act's Threat to Rights of Customers Could Cause Banks Serious Harm

San Francisco.—The automatic reporting requirements of the 1970 Bank Secrecy Act and attendant Treasury regulations will compel banks to ignore their customers' constitutional rights, which, in turn, could seriously harm the financial institutions, the California Bankers Association has charged.

The state banking group, acting on behalf of its more than 150 member institutions, made this charge in a memorandum filed with the U.S. District Court for California's northern district here in support of its motion for a preliminary injunction enjoining and preventing government agencies from enforcing that act and regulations.

A three-judge panel on Monday is expected to hear arguments on this motion and to decide whether the act and regulations are unconstitutional, as the association has alleged. At that time, the panel also will hear a similar related motion filed by the American Civil Liberties Union Foundation of Northern California, which is acting on behalf of the $78.1 million-deposit Security National Bank, Walnut Creek, Calif.; its chairman and president; the ACLU of Northern California, Inc., and the ACLU's legal director.

The original hearing was set for July 20, but was moved ahead to July 17, after the Federal court on June 30 granted the same two plaintiff groups a temporary restraining order delaying nationwide a portion of the act and regulations, which were to go into effect July 1.

The portion temporarily enjoined—pending the outcome of Monday's hearing on the preliminary injunction motions—would have required banks to report to Treasury currency transactions by customers involving more than $10,000 as well as the transportation via courier to or from customers of monetary instruments having a value of more than $5,000.

In the supporting memorandum, the California BA maintains that the courts have recognized that the relationship between a bank and its customer is a contractual one and the most important element of this contract is "the banks' express and implied assurance of privacy."

In addition, the brief states, the privacy inherent in bank-customer relations is protected by the Fourth Amendment, which gives to individuals the right to be secure in their "papers and effects against unreasonable searches and seizures."

The automatic reporting requirements of the act would force banks to ignore their customers' Fourth Amendment rights, the association observes.

"One may question the banks' right to raise this Fourth Amendment objection," the brief says. "But there can be no doubt that the automtaic reporting requirements of the act and the regulations mock the assurance of privacy said to be a 'fundamental precept' in bank-customer relations."

If this assurance of privacy is absent, the association says, "the banks will be seriously and perhaps irreparably handicapped in their efforts to solicit and conduct business.

The brief points out that the reporting requirements "are an attempt, for whatever reason, to evade the protection afforded by warrant or subpoena process and the judgment of an independent magistrate."

The brief also cites a Treasury regulation which grants the Treasury Secretary authority to modify the reporting and recordkeeping requirements in regard to particular transactions or classes of transactions "by the simple expedient of a 'written order or authorization,' a term he is free to define for himself."

The association, in opposing this authority, cites the U.S. Supreme Court decision on June 19, which ruled that the Administration acted unconstitutionally and unlawfully in refusing to seek court warrants before engaging in wiretapping and electronic surveillance of alleged domestic radicals and subversives.

The California BA brief cites the Supreme Court's ruling that "the government's concerns do not justify departure in this case from the customary Fourth Amendment requirement of judicial approval prior to initiation of a search or surveillance."

The banking group observes that the mandatory reporting requirements of the Secrecy Act appear to violate the Fourth Amendment safeguards that the High Court outlined in its recent decision.

The government through the act and Treasury regulations, which require banks to microfilm and retain a variety of records about customer accounts, "would make banks unwitting and unwilling diarists of their customers' financial lives," the association charges.

It adds that "the government could not defend an act of Congress and implementing regulations directing telephone companies to record and retain detailed records of all telephone calls by all their various subscribers. Such an act would surely violate the Fourth Amendment right to freedom from 'broad and unsuspected governmental incursions into conversational privacy.'"

The act is aimed at the bank's customers, the brief says, and nowhere in the act or regulations or in the legislative history "is there any suggestion that the records are required for regulation or supervision of the bank."

There can be no pretense that the act and regulations directing banks to keep the records are necessary for effective supervision of the nation's banks, the California BA alleges. "The government cannot argue, for example, that copies of the fronts and backs of all checks or the records needed to reconstruct a checking account are, suddenly, required by the Federal Deposit Insurance Corp. or the Federal Reserve Board."

It adds there can be no suggestion offered that the act "is in aid of national defense or domestic security or that any of this nation's 'great purposes' will be impaired by, for example, a decision of this court restricting record-keeping to those documents that would ordinarily be kept by a bank and requiring the government to obtain a warrant or subpena before examining a bank account."

The banking group also argues that the regulations promulgated by the Treasury Department under the act give the secretary "vague and unrestricted authority, not subject to the Federal Administrative Procedure Act" and not even within the authority authorized by the Secrecy Act itself.

The Justice Department, which is representing Treasury and the other government agency defendants in the two suits, was given until July 13 to file its brief in opposition to the plaintiffs' motions.

In opposing the original motions for a temporary restraining order, the United States Attorney for the Northern District of California, argued that the affidavits filed by the plaintiffs were entirely insufficient to show the irreparable damage requirement needed by the court to issue a temporary restraining order. The government said that the affidavits "are based upon speculation as to imagined abuses of constitutional rights of persons."

The U.S. Attorney said "until it is made evident that such abuses as are imagined by plaintiffs actually occur in the operation of the regulations and law, no restraint against operation of the law as intended by Congress should issue."

In issuing the temporary restraining order, the Federal court exempted from restraint the issuance or enforcement of any judicial or administrative process authorized by existing law requiring production of bank records.

The government had argued that curtailing the release of all records would be "clearly uncalled for in its disastrous effect of hampering proper government use of process in criminal and civil proceedings that have been recognized for decades and thoroughly tested and approved by the courts of this nation."

ABA Has No Plans Now To Block Bank Secrecy Law—Stults

Chicago.—Portions of the 1970 Bank Secrecy Act, which takes effect Saturday, are a mistake, according to Allen P. Stults, president of the American Bankers Association, but the ABA has no immediate plans to join the California Bankers Association or the American Civil Liberties Union in court suits seeking to block its enactment, he said.

In elaborating on remarks he made in a newspaper column article appearing Wednesday in a Chicago newspaper, Chicago Today, he said that while the association does not intend for the time being to pursue litigation, "our options are open—our decision is not irrevocable." In the meantime, the ABA expects to remain in touch with bank regulatory agencies and to make its feelings known to them about the secrecy law, he said.

An ABA spokesman said in Washington that a decision on whether the national trade group would intervene in the California BA–ACLU court suits may be made at an executive committee meeting scheduled in mid-July in Washington.

"There is a feeling in the banking business that it is a confidential business." Mr. Stults said, "A person gives you his money and a statement of his worth on a confidential basis. It's strictly between you and me. The relationship is the same as that between a doctor and his patient or a lawyer and his client."

The California BA filed suit last week in a U.S. district court in San Francisco to enjoin the Treasury Department and other Federal agencies from enforcing the secrecy law and attendant regulations.

Meanwhile, ACLU officials in San Francisco and Washington in connection with a suit the ACLU filed June 7, said they intend to ask the courts some time this week to issue a temporary restraining order to halt implementation of the law.

In its complaint, the California BA alleged that compliance with the act and regulations will prevent banks from maintaining the confidential nature of their depositors' and customers' transactions and thereby destroy the institution's business relationships with customers.

Mr. Stults, who also is chairman and chief executive officer of the $935 million-deposit American National Bank & Trust Co., said bankers are unhappy with parts of the secrecy law because it violates the confidential nature of the banking business.

Concerning a requirement in the law that financial institutions keep complete five-year records of certain savings and checking accounts, Mr. Stults said that such records have been obtainable in the past by subpena or other legal action and thus, the requirements are unnecessary.

The Chicago Today article, written by William Gruber, the paper's financial editor, noted that two other Chicago banks, the $8.4 billion-deposit Continental Illinois National Bank & Trust Co. and the $7.1 billion-deposit First National Bank of Chicago anticipate increased microfilming costs because of the law. Continental estimated it will cost $15,000 more for film during the next 12 months and FNB said it will spend an extra $40,000 or $50,000.

California Bank Association Files Secrecy Suit

San Francisco.—The California Bankers Association, on behalf of its 158 member-institutions, Thursday filed suit in U.S. District Court here seeking to enjoin the Treasury Department and eight other Federal agencies from enforcing the 1970 Bank Secrecy Act and attendant regulations. These are to become effective July 1.

In addition to asking the court for the state's northern district to issue a preliminary and permanent injunction to restrain implementation of the statute and regulations, the complaint also petitioned for a judgment on the constitutionality of the act. The filing of the suit had been anticipated.

Counsel for the California BA said Thursday that, unless the U.S. Attorney raises objections, the association will move immediately to consolidate its suit with a similar one filed June 7 by the American Civil Liberties Union Foundation of Northern California. That group is acting on behalf of the $78.1 million-deposit Security National Bank, Walnut Creek; its chairman and president Fortney H. Stark Jr.; the ACLU of Northern California, Inc., and the organization's staff counsel, Charles Marson.

Mr. Marson said he welcomes the action by the California BA "with open arms" and that he is glad the issues raised in the ACLU suit are getting the "strong attention by the banking industry."

Earlier this week, Mr. Marson said, in an interview, he likely will ask the court either on June 28 or 29 to issue an order that would temporarily restrain the implementation of the act and regulations. Such an order, if issued, in effect would constitute a temporary holding action against the act's implementation until the court can rule on the motion to issue a preliminary injunction. The effort to obtain a temporary restraining order will be supported by the California BA, according to Philip E. Diamond, a partner in the group's counseling law firm, Landels, Ripley & Diamond, San Francisco.

In New York, John Shattuck, staff for the ACLU's national headquarters, said Thursday the ACLU is going ahead with its plans to file a similar suit possibly by the middle of next week in U.S. District Court for the District of Columbia. He said he had obtained the consent so far of two other organizations and one individual, in addition to the ACLU itself, to act as plaintiffs in the suit, and "we hope to have some banks" also represented as plaintiffs.

"We have contacted eight or nine banks so far," he said, observing the complaint will be filed even if banks are not immediate participants in the suit.

Under the Bank Secrecy Act and Treasury regulations banks, in an effort to help the government obtain evidence to fight organized crime—particularly operations financed through secret bank accounts—are required to report to Treasury currency transactions by customers involving more than $10,000 as well as the transportation via courier of monetary instruments having a value of more than $5,000. They must also keep records of checking and savings account transactions.

In its suit the California BA alleged that compliance with the provisions of the act and regulations will prevent banks from maintaining the confidential nature of their depositors' and customers' business transactions and thereby destroy the institutions' business relationships with customers.

"The destruction of such business relationships will cause members to sustain irreparable injury by virtue of losing significant numbers of customers and depositors as well as losing the good will and confidence essential to the operation of a bank," the suit alleged. "Such injury will deprive members of their property without due process of law and denies members the equal protection of the laws guaranteed to them under the Fifth Amendment to the United States Constitution," it charged.

The California BA further charged that implementation of the act and regulations will force banks to act as agents of and co-conspirators with the government for the purpose of illegally violating bank customers' right of privacy, freedom of speech and assembly, and engaging in reasonable searches and seizures.

The complaint also took notice of the decision by the U.S. Supreme Court on Monday that declared unconstitutional the Federal government's practice of wiretapping, without first obtaining court approval, of domestic radicals considered dangerous to the national security.

The California BA suit asserted that a number of bank customers and depositors "are religious, political and controversial entities or members of such entities to whom the freedom of speech and association is protected under the First Amendment. Such customers," the suit alleged, "are often the targets of official surveillance because of the unorthodoxy of their beliefs. Disclosure of the information called for by the act and regulations is a method of implementing such surveillance," the suit alleged.

The California BA also is critical of a regulation promulgated by Treasury which gives the Secretary sole discretionary authority to make exceptions to or modifications in the recordkeeping or reporting requirements in particular situations. Such discretionary power, the association alleged, threatens to deprive banks of their constitutional right of due process and equal protection "and is additionally a void delegation of legislative power and/or an excessive exercise of legislative power previously delegated."

The association further charged that such discretionary authority vested in the Secretary does not comply with procedures specified by the Administrative Procedures Act.

Mr. Diamond stated the procedures act is aimed at giving the public due process of their rights and that agency rules must be made only after public notice is given and public hearings held, and that the California BA wants to make certain that such a procedure is followed by the Secretary.

Banks Differ on How To Guard Privacy

New York.—Banks generally appear to endorse the principle of protecting the confidentiality of customer records from surveillance by government investigatory groups, but there are differences of interpretation among them over how far they must go and what methods they should use to accomplish this objective, an American Banker analysis shows.

This assessment is drawn from a review of disclosure procedures of 19 major commercial banks—all among the nation's 100 largest—which were discussed by the institutions' representatives in letters written to the American Civil Liberties Union here, which, in turn, made them available to this newspaper.

Aryeh Neier, executive director of the ACLU in evaluating the letters says "there does not seem to be any general policy" among banks that characterizes their efforts to protect the privacy of bank account records from review by outside third parties. "They're all over the lot," he asserts.

An examination of the letters shows some institutions reporting they will resist informal inquiries by governmental groups for customer account information and adamantly maintaining that the only way they will release such data is if they are served with a subpena or court order. Yet exceptions to this rule are pointed out.

Some banks say they fulfill their responsibility to protect customer privacy by agreeing to release information only after a subpena is served on them and declare they are not obligated to notify customers that the government has demanded such information.

Others disagree with this view and assert that banks are responsible for alerting customers to the fact that the government wants to monitor their accounts. Such notification, they state, is necessary to give the customers the opportunity to take legal action to quash the subpena.

Still others say they agree with the principle of notifying customers about subpenas, but that there are times when they must make exceptions to this rule—and it is the exceptions that most concern the ACLU.

Two institutions pointed out that banks should take even one further step in safeguarding the confidentiality of records, and this is to send a bank representative to court in the instance when a subpena requires a court appearance of a customer plaintiff. This is done to minimize the likelihood of information being disclosed to the court beyond the scope of the inquiry.

In examining these varied approaches, Mr. Neier states there remains "an enormous amount to be done, we have to do a great deal more pushing" to make certain that banks adopt policies that effectively protect the privacy of individuals and organiaztions, such as his own, that maintain bank accounts.

The ACLU, as Mr. Neier suggested in a letter written April 25 to the heads of the nation's 100 largest banks, says it is concerned that banks may be allowing themselves to play a key role in the government's surveillance of politically active citizens. This is accomplished, the civil rights group says, by allowing agencies, such as the Federal Bureau of Investigation, access to customer records without first obtaining subpenas and without the customers' permission or even knowledge.

The ACLU has urged banks to adopt a three-point program to protect the privacy of people maintaining accounts with them from government surveillance by:

Declaring publicly on an individual and industrywide basis that they are firmly committed to honoring the confidentiality of customer information entrusted to them.

Declaring that no employee, at any level, be permitted to accede to any request made by a governmental investigator for access to records of any customer—whether an individual or an organization—except in response to a subpena.

Not divulging the records requested in the subpena until the bank sends a copy of the subpena to the customer and gives him enough time to assert his right to fight the subpena by taking appropriate legal action.

The tone of the letters written by chief executive and senior officials or legal representatives to the ACLU suggests that banks support the principle of customer confidentiality raised by the ACLU.

As one president of a major eastern bank observes, "it has been our firm policy to treat the records of a depositor's account in strict confidence, if for no other reason than we think it imprudent to incur a possible liability for unwarranted disclosure of a customer's affairs."

A midwestern bank asserts that "under no circumstances will the bank divulge information to private institutions corporations or individuals concerning a customer's banking business without that customer's prior consent. Nor will the bank honor informal request from governmental agencies, Federal or local, which seek information concerning a depositor's transactions."

The bank points out that such informal requests "often come in the form of letters and oral demands by governmental officials," and to these the bank replies that it "demands service of the appropriate legal document which on its face reflects that it was executed in accordance with the respective legal standards."

This institution, as does at least one other of the responding institutions, says it will consult its legal counsel to approve the authenticity and legality of the subpena.

One additional institution says that in addition to subpena and court orders calling for production of records, all informal requests or demands to produce records or give information without a subpena must be referred promptly to the legal counsel for guidance on whether the information should be released.

The use of the bank's legal department as a central clearing point for all types of inquiries apparently was instituted by the institution's head office as a control mechanism to keep tabs on all informal and formal thirty-party inquiries. This was the only one of the 19 institutions that referred specifically to such a procedure.

ACLU officials, including Mr. Neier and John Shattuck, staff counsel, have urged the implementation of some such control mechanism, for they point out that while top management may issue a policy statement on surveillance, the branch level may either ignore or stray from it.

It is at the branch level, they allege, where a bank officer is most frequently approached by the FBI or law enforcement official for customer data without presenting a subpena. And the branch officer, they allege, may release such data either because he is intimidated by the law efficer, wants to cooperate in order to be in the good graces of the law officer when the time comes he may need his help, or because the bank officer is not fully aware of how management views the bank's responsibilities to the customer's right to privacy. The ACLU officials claim that often the senior management back at headquarters is not aware that such disclosures are being made.

None of the 19 institutions in their letters referred to the question of what their policies are in dealing with inquiries from the FBI specifically. It is this agency which the ACLU alleges poses the biggest threat to individual Constitutional rights by gaining access to bank records for political surveillance purposes.

Messrs. Neier and Shattuck assert that the lack of comment by the banks about the FBI may be indicative of two problems: One, that the banks may not have fully thought out the question of implementing controls over their participation in any FBI investigations, and, two, that the banks may not view the FBI as a potential invader of privacy or enemy.

Mr. Neier refers to a conversation he recently had with a midwestern banker who also is an active ACLU member and who reportedly told him that banks tended to be more cooperative with the FBI or police than they were with the Internal Revenue Service, which they see as posing more of a threat to personal privacy.

The letters written to the ACLU also give the reader some insight into what exceptions banks make to their disclosure policies. One Eastern bank, for example, while asserting its policy is to rely on a subpena before releasing information to any agency, cites an exception to this policy caused by a state statute relating to relief receipients. This law, the bank's president says, "compels us to make records available even in the absence of a subpena and which imposes substantial penalties for noncompliance."

However, as reflected in the letters, the most numerous instances of exceptions to bank policy cited and the widest range of interpretation appears to revolve around the issue of whether banks feel they are responsible for notifying customers when they are served with a subpena for releasing customer data. The ACLU maintains that such notification is necessary in order to give an individual the opportunity to contest the validity of the subpena.

Of the 19 banks, two specifically state it is not their policy to send a customer a copy of the subpena or otherwise notify him when they are required to disclose information regarding his banking transactions.

One of the two says, "so many demands for records are made upon us that we would be reluctant to undertake to our customers a duty of notification lest we slip up in some particular sense and possibly subject ourselves to a liability that would not exist absent that undertaking."

This bank further observes, 'such an undertaking would compel us to adopt such procedures as would be necessary to guarantee our performance that we think would be disproportionately time-consuming and expensive."

Most of the other institutions subscribe to the principle of notifying the customers about the subpena, but at the same time many qualify their statements that they will take such action with the phrases, "where possible," "when possible," or "within the bounds of reason and the circumstances of the particular matter."

As one institution's attorney observes, it is the bank's policy "to make a reasonable effort to communicate with a customer before releasing any information relating to his account. However, you must appreciate that many times it is impossible to communicate due to the customer's illness, absence from home, change of address, time requirement of the order or subpena or other legitimate causes beyond the control" of the institution, the attorney says.

Another bank says that in certain instances, "we are served with a subpena in which certain records must be produced immediately and there is hardly enough time to advise our customers. Whenever possible, we do so," it says.

Two other institutions cite specific exceptions to the rule of notifying customers.

One notes, "occasionally, we are served with a subpena which, for reasons which are generally obvious, the government does not want the party notified of the investigation. This happens in narcotics investigations, for instance. Furthermore," the bank says, "Internal Revenue occasionally requests that the investigation be secret."

In such situations the bank says the

possible exceptions are discussed either with the legal office or the vice president of the bank's customers' services unit.

The other institution cites an exception arising when the bank is served with a grand jury subpena or a search warrant.

This bank maintains that "by the terms of a grand jury subpena, the bank is ordered, subject to criminal penalties, not to disclose to its depositor that he is under investigation. Accordingly," the bank's lawyer says, "the bank cannot inform its depositor that investigation has been made on his accounts.

"Similarly, when the bank is served with a search warrant, executed by a judge or magistrate, the bank is compelled to give immediate disclosure to governmental authorities. Although the bank is seldom subject to search warrants, the bank makes every effort through its counsel to check the validity of the warrant," the letter says.

This same institution, however, appears to take a different stance from the other bank on releasing information to the IRS without notifying customers. It says, "from time to time, the bank receives service of tax summons which compel the bank to turn over documents to internal revenue agents." Under the Internal Revenue Code, it asserts, the bank must be allowed no less than 10 days to produce the requested documents.

The bank continues:

"Hence, upon service of such summons, the depositor is always notified of the government's investigation in order that he may have the opportunity to enjoin the investigation. A tax summons, like a search warrant, must be honored by the bank in the absence of a court order to the contrary, inasmuch as severe criminal sanctions apply to one who fails to comply with a tax summons."

This same institution reports it also is frequently served with creditor's writs in the form of garnishments, attachments and tax levies. "Although the bank is required by law to place the funds demanded into hold accounts, the customer is immediately notified that his funds have been attached in order to facilitate his raising any legal defense he may have prior to the disbursement of funds to the creditors," the institution says.

In commenting on these exceptions, Mr. Neier of the ACLU maintains, "I don't think the exceptions have the force of law. They are policy exceptions" for the most part, he says, "and can be altered if a bank wants to by taking a different policy stance." For example, both he and Mr. Shattuck assert that refusing to notify a customer that his records have been subpenaed for a grand jury investigation is a misreading of the law. Mr. Shattuck asserts that just as a grand jury witness cannot be sworn to secrecy about his testimony, the issue of keeping secret from a customer the fact that documents have been subpenaed is questionable.

In the case of narcotics investigation, Mr. Shattuck concedes this "gets trickier." He still believes the bank should not refuse to notify their customers about receiving a subpena because a law enforcement agency's safeguard is that the subpena won't be quashed if it's been issued for probable cause."

On the possibility of a customer fleeing if he finds out his records have been subpenaed, Mr. Shattuck says that one way to circumvent this situation would be for the law enforcement agency to seek a subpena to arrest the individual pending the grand jury investigation. The agency likely would have probable cause to seek the arrest of the individual, Mr. Shattuck says.

Mr. Neier, however, is quick to point out that the ACLU's particular focus in the surveillance effort is not on IRS inquiries or narcotics dealing investigations. "Our focus is on political surveillance," and says he is concerned about agencies which attempt to learn about a person's political views by examining his bank records. This, Mr. Neier says, violates the individual's rights under the First Amendment to the Constitution which safeguards freedom of speech, belief, right to assemble and right of political association.

In Mr. Neier's view, there cannot be any exceptions made to the subpena requirements if an individual's Constitutional rights are to be safeguarded. He says, "our procedures outlined to the banks certainly will impose some restrictions on how law enforcement officials operate." But he adds, the issue boils down to whether you place "a higher value on protecting privacy or on some other interest."

In the letters, two of the 19 banks cite one other procedure they have adopted to put a limit on how much information is disclosed to third parties. This is to make certain that in any court case the bank discloses only the required information in open court and in the presence of counsel for all interested parties.

One of the institutions says, "upon receipt of a subpena requiring an appearance in court, we are not content to merely notify the customer and then make the records available. In such cases our customer is, of course, notified, but a bank representative appears at the time and place required, thereby minimizing the likelihood of disclosure beyond the scope of the inquiry."

Mr. Neier regards the return of letters from 19 banks so far as a relatively good showing in light of the fact that the four-page ACLU letter was reproduced in mimeographed form, rather than being typed, and carried the salutation "Dear Bank President," rather than citing the specific names of the officers. The letters, he said, "have been informative in revealing" some dimensions of the problems of dealing with surveillance. This subject has not been publicly discussed in any great detail in the past.

The ACLU, he says, will press on three fronts to deal with the question of customer account privacy:

"To litigate when we do find instances of violations and to get court protection." He says he is hopeful that the lawsuit filed last week by the ACLU of Northern California seeking to enjoin the 1970 Bank Secrecy Act from going into effect and having it declared unconstitutional could bring about a broad enough decision from the court which would be applicable to all other suits brought on the bank surveillance question.

To make the public aware of the problem and to get customers to bring pressure on banks to adopt policies that protect their right to privacy. Mr. Neier hopes by this summer to have developed a model contract that customers might present to their banks in which the financial institutions would agree to release information to third parties only after being served with a subpena and to notify customers when they have received such a subpena.

To try to promote the "notion of banking ethics" on the privacy issue before the entire banking industry. The ACLU will attempt to ask those bankers included among its supporters to introduce the subject of bank confideniality into conference programs sponsored by the ABA and other banking associations, he said.

Mr. Shattuck said that the ACLU's national privacy committee, of which he is staff chairman, now is preparing model legislation which would attempt to enforce the confidentiality of bank records. He said the ACLU plans to see this legislation introduced in New York State and in Congress, but that such actions will not be taken until next fall.

The 19 banks which wrote letters to the ACLU are:

The $1.7 billion-deposit United States National Bank of Oregon, Portland; the $1.7 billion-deposit Pittsburgh National Bank; the $10.4 billion-deposit Chemical Bank, New York; the $2.1 billion-deposit Harris Trust & Savings Bank, Chicago; the $2.1 billion-deposit Detroit Bank & Trust Co.; the $1.6 billion-deposit Fidelity Bank, Rosemont, Pa.; the $949.8 million-deposit County Trust Co., White Plains, N. Y.; the $793.7 million-deposit Banco Popular de Puerto Rico, San Juan; the $1.1 billion-deposit Northwestern National Bank, Minneapolis, Minn., and the $859.9 million-deposit Ohio National Bank, Columbus.

Also, the $20.3 billion-deposit Chase Manhattan Bank NA, New York; the $10.6 billion-deposit Morgan Guaranty Trust Co., New York; the $995.1 million-deposit First Western Bank & Trust Co., Los Angeles; the $1.4 billion-deposit First Wisconsin National Bank, Milwaukee; the $5 billion-deposit United California Bank, Los Angeles; the $4.6 billion-deposit National Bank of Detroit; the $935.1 million-deposit American National Bank & Trust Co., Chicago; the $8.4 billion-deposit Continental Illinois National Bank & Trust Co., Chicago, and the $29.1 billion-deposit Bank of America NT&A, San Francisco.

ACLU Asking Banks To Establish Curbs on Government Access to Customer Records

(By William Zimmerman)

New York.—The American Civil Liberties Union is urging the banking industry to formulate policy statements and procedures aimed at protecting the confidentiality of customer records from surveillance by government investigatory agencies and insuring that customers are alerted when these agencies subpoena banks for such account information.

The 14 banks that so far have formally responded to the organization's request—which was made in a letter dated April 25 sent by the ACLU to the presidents of the nation's 100 largest banks—said they support the concept of record confidentiality, and at least half said they have specific policies to insure this, Aryeh Neier, the organization's executive director, said Thursday.

He warned, however, that such policies made at the top management level "may not be enforced on a day-to-day basis at the local levels."

Mr. Neier, in his letter, said he was making this request of the institutions because allegedly "many banks voluntarily allow agents of the government—police, FBI agents, investigators for Congressional committees—to examine at will the records of individual and organizational accounts, without the permission or indeed the knowledge of any of the people involved."

In so doing, he alleged, "these banks have allowed themselves to play a key role in the government's increasing surveillance of politically active citizens." The ACLU official added that when a bank reveals this information to a third party "it betrays the trust of its customers and commits a direct assault upon their right of privacy."

He said that similar letters now are being sent by ACLU affiliates throughout the 50 states to banks smaller than the 100 largest.

The civil rights group has proposed a three-step program that the industry might adopt to protect customer rights against unconstitutional intrusion into their rights. These are:

That banks individually and through their professional organizations "declare publicly to their customers a firm commitment to honor the confidentiality of the information entrusted to them."

That no bank employee, at any level, be permitted to accede to any request made by a governmental investigator for access to the records of information from the records of any customer—whether an individual or an organization—except in response to a subpoena.

That, if a subpoena is presented, the institution not divulge the records requested until the bank sends copy of the subpoena to the customer, along with a written notice of the bank's intent to comply after a reasonable period of time.

In effect, Mr. Neier said the burden is on the bank to notify its client about the subpoena and he defined "a reasonable period of time" before turning over the records as the time it takes to give the customer a chance to get the copy of the subpoena and respond to the legal action.

By following this procedure, he stated, "the bank will be honoring its legal obligations, while permitting its fiduciary, the customer, to assert his own First and Fifth Amendment rights by challenging in court what may be an unconstitutional subpoena."

The ACLU exective director said the group plans to follow up those letters and is giving consideration to preparing a frank model form or agreement that a bank might use with its customers in which the bank would agree to notify the customer if it received a subpoena for the customer's records or if Federal Bureau of Investigation agent had come to the bank asking for the individual's records.

Mr. Neier said that within the past two years the organization has been involved in "no more than seven or eight" legal suits in which bank records have been obtained without their notifying the customers about this and some in which information was given to investigatory groups, specifically, the FBI, without that agency having gone to the Justice Department or courts to obtain subpoenas.

The seven or eight cases, he said, do not represent an "epidemic," but they suggested a movement that "was prevalent enough to warrant our writing letters to the banks and calling attention to the problem." He added the ACLU is not sure at this point whether these specific cases are just "peculiar" instances or on a broader scale basis.

Mr. Neier acknowledged that a subpoena is a legally binding document and that a bank may have to turn over its records to comply with the law, but added that a subpoena "can be quashed in a court proceeding" if an individual is notified that the bank had received the subpoena and can take proper legal action.

He said he is particularly concerned about those instances in which the FBI allegedly could come into a bank and examine the account records of groups, such as antiwar organizations, without first seeking subpoenas. If the FBI could look at the bank records, it could then know who the supporters of that group are.

In 1970, for example, the Fifth Avenue Peace Parade Committee of New York filed a Federal Court suit charging that the FBI used confidential bank records held by the $289.3 million-deposit Amalgamated Bank in that city to obtain information about opponents of the war in Indochina. The suit contended that the bank allowed FBI agents to examine the committee's checking account to identify individuals who had purchased tickets for transportation to Washington for a "Moratorium Day" demonstration against the war that was held in Washington in November, 1969. The bank denied the charge.

Mr. Neier stated that the judge acknowledged there was evidence of surveillance by the FBI, but he did not find there was damage done to individuals involved and ruled that the committee did not prove certain of its allegations. An appeal of his decision is in the courts now.

In another instance, according to ACLU staff counsel John Shattuck, a case is pending in which Muhammad Kenyatta, president of the National Black Economic Development Conference, is suing the FBI, claiming that records stolen from the FBI's office in Media, Pa., show that the Federal agency obtained access to the black group's checking account records from the $293.7 million-deposit Southeast National Bank, Chester.

Mr. Shattuck stated it is difficult to document whether the FBI is searching bank records. The arrangements between FBI agents and the bank are informal, he said. "The FBI agent appears at the bank and flashes his credentials and banks comply instantly and show records. I think it's the most flagrant abuse" of the confidentiality of records, he said, but added, "I don't know how prevalent it is." He added he also is not certain whether top management is aware that such alleged happenings may be occurring.

Mr. Shattuck stated, "I think banks are in a squeeze, and I'm completely sympathetic with them." On the one hand they want good protection from the FBI in this time of numerous bank robberies and the FBI is the agency with jurisdiction to combat this. The banks want to maintain good relationships with the FBI, he said.

Also compounding the problem is the fact that bankers may not know they do not have to show such records unless they get court subpoenas. He said he is not sure how long such alleged happenings have occurred, but suggested that government committees, such as the House and Senate Internal Security Committees in recent years have become increasingly interested in antiwar groups and have been attempting to get hold of bank records.

He cited three examples where banks have been subpoenaed to supply such records and observed the ACLU is fighting the release of these records in the courts. One involves Amalgamated Bank, which was asked by the House committee for records on the Progressive Labor Party. Another involves the $16.3 million-deposit Public National Bank, Washington, which was asked to provide the House group with records on the National Peace Action Coalition and the Peoples' Coalition for Peace and Justice. In these two cases, he said the ACLU was successful in squashing the subpoenas but appeals of these decisions are being carried on in Federal court.

In the third instance, the Senate committee asked the $10.4 billion-deposit Chemical Bank, New York, to release records on the United States Servicemen's Fund, he said. The court in that case ordered the records be released, but the ACLU is appealing the decision, he stated.

The FBI declined to comment on its position in requesting bank records.

The ACLU officials acknowledged the law is a little cloudy on the subject of confidentiality of bank records. They said there is no law that says that banks cannot release information to Federal groups. In fighting against release of such records, Mr. Shattuck said the ACLU does it on constitutional grounds, that when an agency searches bank records and the depositor is not informed about such action, this is a violation of the Fourth Amendment, which regulates the right of search and seizure. Another constitutional ground is given by the First Amendment, he said, which grants freedom of speech, right to assemble and to petition the government, and which, Mr. Shattuck said, guarantees that the government is not entitled to any membership lists of protesting groups.

He also argued it is good banking policy for banks not to indiscriminately release such information because banks are fiduciaries of depositors and information because banks are fiduciaries of customers should be protected.

A number of institutions stated Thursday they have policies in which they will not release any information to investigatory groups unless they are presented with court orders or subpoenas. Among these are the $20.3 billion-deposit Chase Manhattan Bank NA, New York; the $29.1 billion-deposit Bank of America NT&SA, San Francisco; Chemical bank, and the $935.1 million-deposit American National Bank & Trust Co. Chicago.

Louis A. Russo, legal counsel for Chase, said it has always been the bank's policy to treat transactions with customers as confidential, notwithstanding the fact that banking transactions do not enjoy the same privileged relationship as those between lawyers or doctors and their clients. Such records are released only after subpoenas are served or some judicial process is followed and clients are notified of this. He acknowledged, however, as did some of the institutions that wrote letters to the ACLU, that there are exceptions. In the case of some kind of criminal situation, he said, the bank may waive the requirement for subpoenas, but he emphasized such cases are the exceptions. In cases of tax evasion or where some investigatory group may want information about a political activist, Chase requires subpoenas, he said.

He acknowledged, also, that some exceptions have been made with the FBI, but said the bank never gives immediate access to the agency to such information, and has such requests referred to the legal department. He added there is no law that holds banks to keeping customer information confidential, and said, in fact, there are some state laws that require institutions to report to the state account balances of welfare clients and those of patients in state hospitals.

One banker, who asked not to be identified, stated that the question of the FBI asking banks for information on customers is a problem. When the FBI comes in, he said, "it's not the situation of non-payment of taxes, but the question of possible subversion or treason, and then you've got to make a judgment."

This bank said it will filter such requests from the FBI at the highest level of bank management and at the highest levels of the FBI to determine if there is a really good reason to carve out any exception to making such information available.

He said the requests by the FBI, while not overwhelming, "happens to most banks once a year."

American Bankers Association Allen P. Stults, chairman of American NB&T Co., Chicago, said Thursday he personally does not believe the association should get involved in developing any kind of policy statement or procedure on the questions raised by the ACLU. He said this should be left a matter of individual banker conscience.

He says he is in personal agreement with the ACLU's suggestions, and his own bank's policy is never to release any requested information unless a court order or subpoena is issued to his insitution and the customer is notified. A bank customer comes to the bank with part of his worldly possessions, he said, and a bank has the obligation to protect the customer's interests.

He also said it is his bank's policy to say "we're sorry" to the FBI when they come to American National for information, but added, "I'm not so comfortable on our position" on this subject. Mr. Stults said he believes it is in the nation's interest to have the FBI investigate every individual if necessary provided such information is used in the country's best interest. "I'd feel much more comfortable with the FBI knowing everything about everybody," he said, rather than waiting until trouble arises and then trying to do something about it.

Chemical Bank told the ACLU it agrees with their suggestions, but said their recommendations about the subpoenas does not go far enough. It said "upon the receipt of the subpoena requiring an appearance in court, we are not content to merely notify the customer and then make the records available. In such cases, our customer is of course notified, but a bank representative appears at the time and place required, thereby minimizing the likelihood of disclosure beyond the scope of inquiry."

A spokesman for Chemical said the bank will not just mail out the subpoenaed records "willy, nilly," and would rather bring these to the court proceeding so that if a client's lawyer objects to the records being released, the client is then protected in that more information is not given than is required by the courts.

A spokesman for Bank of America said Thursday that the bank's policy is to release such records only after due process of the law is met and that "ordinarily, we alert customers" when subpoenas are given the bank. There have been instances, he said, when BofA has fought against releasing such information.

The other institutions, in addition to BofA, Chemical, Chase and American NB&T, which have responded to the ACLU letter are: the $1.6 billion-deposit Fidelity Bank, Philadelphia; the $1.1 billion-deposit Northwestern National Bank, Minneapolis; the $949.8 million-County Trust Co., White Plains, N.Y.; the $895.9 million Ohio National Bank, Columbus; the $793,.7 million Banco Popular de Puerto Rico, San Juan; the $8.4 billion Continental Illinois National Bank & Trust Co., Chicago; the $995.1 First Western Bank & Trust Co., Los Angeles; the $4.6 million National Bank of Detroit; the $10.6 billion Morgan Guaranty Trust Co., New York, and the $2.1 billion-Detroit Bank & Trust Co.

ACLU, California Bank Ask U.S. Court To Find 1970 Bank Secrecy Act Unconstitutional

San Francisco.—The American Civil Liberties Union Foundation of Northern California, acting on behalf of the $78.1 million-deposit Security National Bank, Walnut Creek, its chairman and president and two other palintiffs, asked the Federal Court here Wednesday to enjoin the implementation of the 1970 Bank Secrecy Act and the attendant Treasury Department regulations, scheduled to become effective July 1. The foundation also asked the court to declare the act and the regulations unconstitutional.

The ACLU complaint, fied in the U.S. District Court for the state's Northern District, alleges that the act's new bank reporting and record retention rules violate the First, Fourth, Fifth, Ninth, Tenth and Fourteenth amendments to the Constitution by requiring financial institutions to report information to the Treasury Department without first consulting customers.

A similar ACLU lawsuit is scheduled to be filed by the middle of the month on the East Coast, either in New York or Washington, John Shattuck, general counsel for the organization's national headquarters in New York, reported. Potential plaintiffs for the suit are being lined up now, he said.

The California suit named as defendants Treasury Secretary John B. Connally, Treasury Secretary-designate George P. Shultz, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board, the Federal Deposit Insurance Corp., the Commissioner of the Internal Revenue Service, the Commissioner of Customs, the Administrator of the National Credit Union Administration and the Securities and Exchange Commission.

Under the act the Treasury Secretary is responsible for determining which reports are to be required from banks as well as those they are to maintain. As stated in regulations promulgated by Treasury earlier this year, these must have "a high degree of usefulness in criminal, tax or regulatory investigations or proceedings." The other agencies named in the suit are responsible for enforcing the regulations for the institutions they oversee.

The act and regulations were designed to provide law enforcement agencies with better evidence to fight organized crime—particularly operations financed through secret bank accounts—and give the Treasury broad authority to establish proper record-keeping and reporting requirements.

The regulations make it a violation of Federal law for banks to fail to keep on file records of most personal check transactions for a period of at least two years, and to fail to report to the Bureau of Customs "unusual currency" transactions exceeding $10,000. The rules were opposed by financial institutions largely on the ground they would require additional, expensive record-keeping.

A key issue in the ACLU lawsuit revolves around the Treasury regulation which states the Secretary may make information from bank reports available "to any other department or agency of the United States upon the request of the head of such department or agency, made in writing, and stating the particular information desired, the criminal, tax, or regulatory investigation or proceeding in connection with which the information is sought, and the official need therefor.

Another regulation gives the Secretary the sole discretionary authority to modify, exempt or impose additional recordkeeping requirements on banks in particular situations.

Fortney H. Stark Jr., chairman and president of Security National Bank, said that he and his bank joined the ACLU in the suit because "I cannot stand idly by knowing that government agents now have carte blanche power to pry into the private financial affairs of any one of my customers, for little or no reason."

Under the new regulations, he said, "any person having an account with Security National Bank or any other bank in the nation may be investigated upon the whim of the FBI, the Treasury Department, the Department of the Army or any other government snoop who wants to pry into a person's private financial affairs."

He said he is joining the suit to protect his customers' rights because "people generally believe that transactions with their banks are confidential, and they should be secure in this belief. But under the new regulations this is not true. The customer's relationship with his bank is no longer confidential." Mr. Stark added, "I didn't get into the banking business to be a spy for 'Big Brother.' "

Mr. Stark is a former ACLU board member, and in Tuesday's primary election he won the Democratic nomination for U.S. representative from the Eighth District over incumbent Rep. George P. Milier. In 1970 Mr. Stark's bank drew wide attention by placing a peace symbol atop its new headquarters building.

In the same year the Treasury Department took away the bank's right to sell or redeem U.S. savings bonds when the bank advertised that they were a poor investment. The bank urged Walnut Creek residents to transfer savings bonds funds to bank accounts, or to other investments yielding a higher return than that paid by the government.

Mr. Stark's brother, Thomas A. Stark, who is executive vice president of Security National, declared that the act and its regulations raise "some obvious and grave constitutional questions."

Even if the court does not determine that the act and regulations are not constitutional, he said, the suit should go a long way toward limiting the powers given the Secretary of the Treasury to make customer bank accounts available. This is because the court will have to determine what powers the Secretary does have, Mr. Stark said.

He said these powers are broad and no safeguards are built into them to protect individual rights. In addition, he said, "we don't like being made a snooper on our customers."

Asked whether the bank might be objecting to the act because of the recordkeeping and reporting burdens it will impose, rather because of the constitutional rights issue, Thomas Stark said his objection to the recordkeeping aspect "is practically nil at this point, although it might become onerous later on."

The other plaintiffs in the ACLU suit are Charles C. Marson, legal director of the ACLU at Northern California, Inc., and the ACLU itself. The foundation is the tax-exempt arm of the ACLU of Northern California.

In asking the court for preliminary and permanent injunctions against enforcing the act and the regulations, and in calling for the appointment of a three-judge court to rule on the constitutionality, Mr. Marson alleged that the regulations violate the Fourth Amendment because they amount to a seizure of reported transactions with a general search warrant which the Secretary of the Treasury may fill out at his will.

The Secretary "can, by himself or at the request of some government agency, such as the FBI, search through anybody's bank account for any purpose he wants, in the total absence of any probable cause, or any intervention by any judicial authority," Mr. Marson said. "This kind of intimidation creates fear on the part of people that inhibits their freedom of action. Knowing that the government is constantly watching you has a chilling effect, whether it is by wiretapping your phone or surveillance of the checks you write."

The ACLU further alleges that the act and regulations "flagrantly" violate the First-Amendment right of association in that "the Treasury can perform an easy end run around a long line of Supreme Court decisions holding that the membership lists and lists of contributors to political organizations, such as the NAACP or the ACLU, are immune from government scrutiny."

"Obviously," the ACLU said, "under the Bank Secrecy Act and its regulations, the Secretary of the Treasury can, by himself or at the request of some group, such as the FBI, scrutinize the bank account of the United Committee to Free Angela Davis, the ACLU, the John Birch Society, the Pete McCloskey for Congressman Fund, or any other group he wants. It is very easy to determine who belongs to what group by means of looking at membership checks and contributions." This could cause the ACLU to lose members and donations, the ACLU said.

One of the Treasury regulations, in fact, says banks must prepare and maintain records "which would be needed to reconstruct a demand deposit account and to trace a check deposited in such account through its domestic processing system or to supply a description of a deposited check."

Asked whether he would support the act and regulations if they were amended to spell out safeguards protecting the individual accountholder's rights, Mr. Marson said, "I'd have to see the amendments. The Act would have to be pretty substantially amended," he noted.

In Washington, Roy T. Englert, deputy general counsel for the Treasury, pointed out Wednesday that the new regulations have two aspects. One, he said, pertains to recordkeeping. Under the law, he said, the Internal Revenue Service cannot obtain access to the records unless it obtains a subpoena. However, Mr. Englert acknowledged that nothing in the law states that banks must notify customers when the IRS subpoenas their records.

The other aspect, he said, pertains to the Secretary's discretionary authority to make information available to other agencies which request it. The Treasury official conceded there are no subpoena safeguards built into these regulations and at this point no guidelines have been developed on how the Secretary would make such information available to other agencies. "This is sort of a problem," Mr. Englert said, and "we have not resolved anything on this."

Thomas Stark also maintained that the Treasury regulations make it prohibitively expensive for a bank to refuse to supply information to the government. The regulations state that any bank which participates in a violation will be assessed a civil penalty not exceeding $1,000. Mr. Stark has interpreted this to mean a $1,000-a-day fine, and said that if it took 60 to 90 days for a bank to get a court decision to test whether or not to make certain information available, and the bank lost, the penalty could run into a lot of money.

Asked whether the $1,000 fine could be assessed on a daily basis, Mr. Englert said that "What constitutes a violation depends on the facts. One might take the position" that the $1,000 could be assessed daily, he commented, but he added he is not certain about this point.

As to the effect the suit will have on implementation of the Treasury regulations, Mr. Englert said he again is not certain. The government has 60 days from Wednesday in which to file an answer, although this period might be shortened if the plaintiffs seek a temporary restraining order.

A spokesman for the ACLU said the organization likely will amend its complaint to add names of defendants as well as plaintiffs. One informed source said the plaintiffs could include additional banks, and noted some discussions had been held by ACLU representatives with the $29.1 billion-deposit Bank of America NT&SA, San Francisco.

A spokesman for Bank of America said early Wednesday that the bank had not yet seen the litigation and would have to study the matter further before deciding whether or not to join the suit as a plaintiff or to file an amicus curiae brief.

Last month another San Francisco institution, the $6.3 billion-deposit Wells Fargo Bank NA, at a briefing for newspapermen, said it believed that Treasury regulations which require the banking industry to monitor and retain records of certain domestic transactions, as opposed to foreign transactions, should be eliminated.

Harold R. Arthur, vice president and cashier of the bank, said these regulations, if applied, would violate the long-standing bank policy that customers' transactions are their own business, to be treated in confidence. The act's original intent, he observed, was to stop the illegal flow of funds overseas by maintaining records and reporting foreign currency transactions. "We were in perfect agreement that measures should be taken to end illegal practices. However, the regulations, as promulgated by Treasury, encompass far more than merely stopping the illegal transfer of funds overseas."

On April 10, the Marin County Independent Journal reported that Richard Stark, a 29-year-old artist and supporter of radical causes—no relation to the Stark Brothers at Security NB—had discovered that his checking account at Wells Fargo's San Anselmo branch had been reviewed by FBI agents.

The article said Mr. Stark "opened the envelope with his monthly statement and found an inter-department memo wrapped around the checks. The memo, which bank officials said was included in the envelope by mistake, read: "This memo is to authorize you to read checks to the FBI before sending the statement to the customer."

The article quoted Lawrence Hoge, press relations officer for Wells Fargo, as saying, "Sometimes if a guy flashes a badge, they'll come right through here. No employee is going to run to those thick memos to see if they can talk with him."

In an interview this week, Mr. Hoge asserted that the FBI is supposed to have a subpoena when it wants information. In the Stark case the agent made a request for information verbally and obtained the information, Mr. Hoge said. "This was against bank regulation," he added. The bank's policy, he said, is that when he receives a subpoena, for information on an account, it notifies the customer.

Mr. Hoge said he did not know whether there were any instances of the FBI or IRS' agents going directly to branches for information. Management, he said, has since informed its employees not to be awed by Treasury or Secret Service officials coming into the bank. "A lot of people think they're doing the right thing," he explained, releasing such information without first obtaining a subpoena and notifying the customer.

Since the Stark incident, Wells Fargo issued a memorandum to its 10,000 employees which said that disclosure of information about one of its customers to a law enforcement agency without a valid court order or subpoena "was a violation of the confidential relationship between the bank and its customers."

The memo said violation can result in loss of customer confidence, loss of business and make the bank liable to a suit for breach of contract.

It added, "Information regarding customers' accounts must not be given in response to oral or written inquiry except under the following conditions:

"When specific written authority is given the bank by the customer.

"When the bank is served with the subpoena or other valid written order or request."

The American Civil Liberties Union has been waging a campaign since April to get the banking industry to formulate policy statements and procedures aimed at protecting the confidentiality of customer records from surveillance by government investigatory agencies and at assuming that customers are alerted when these agencies subpoena banks for such account information.

In letters sent to the nation's major banks it proposes that:

Banks individually and through their professional organizations "declare publicly to their customers a firm commitment to honor the confidentiality of the information entrusted to them."

No bank employee, at any level, be permitted to accede to any request made by a governmental investigator for access to the records or information from the records of any organization—except in response to a subpoena.

If a subpoena is presented, a bank not divulge the records presented until the institution send a copy of the subpoena to the customer, along with a written notice of the bank's intent to comply after a reasonable period of time. Such an action, in effect, gives the customer the opportunity to respond to the subpoena and attempt to have it quashed through legal channels.

The ACLU plans to develop a model form or agreement that institutions might use in which a bank would agree to notify a customer if it received a subpoena for the customer's records or if an FBI agent asked for an individual's records. The ACLU also reports that several of its affiliates, including that in New York, are attempting to develop model statutes that might be adopted by legislatures to enforce its confidentiality of bank records.

The issues and constitutional rights raised in the San Francisco ACLU suit also are being studied by some members of Congress, including Sen. John Tunney, D., Calif., who discussed the Bank Secrecy Act in a May 20 commencement address at Point Park College, Pittsburgh.

Mr. Tunney described the act and the Treasury regulations as the latest in the government's efforts "to encroach upon our private lives" and criticized the need for keeping some of the records.

"How can my $5-per-month newspaper or milk bill—or even my monthly liquor purchases—be useful in any degree to a criminal tax or regulatory investigation or proceeding?" he asked. "This regulation does nothing more than to pave the way for indiscriminate massive fishing expeditions of incredible dimensions."

While observing that the Senate, in approving the Bank Secrecy Act, said that access by law enforcement officials to bank records would be given only through a subpoena or other lawful process, Mr. Tunney said this "is apparently nothing more than a mirage." He pointed to an article that appeared in the San Francisco Chronicle in which he said correspondent Michael Harris 'reported that Treasury agents already have the authority to issue their own subpoenas and sign the authorizing order."

Mr Tunney further said there is nothing in the regulations which safeguard the reports given by Treasury to other agencies from being disseminated to other Federal departments. "Who knows where the information may wind up?" he asked.

Mr. Tunney also criticized a regulation which requires no reports from banks on persons who maintain accounts with balances which the bank determines do not exceed amounts commensurate with the customary conduct of the business or profession of the customer.

"What this little loophole tells me," he said, "is that a big-time criminal who regularly has large banking transactions will sail through this regulation like a gust of wind."

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield to the Senator from California.

Mr. TUNNEY. Mr. President, I commend the Senator from Maryland for his interest and activity in this matter.

At a time when I was drafting a letter to the Treasury Department to inquire why these regulations had been drafted and the purposes the Treasury Department hoped to achieve as a result of these regulations, I learned of the interest of the Senator from Maryland in this matter.

I would like to point out that whereas we have some minor differences in our legislative approaches to the problem, I have read the Senator from Maryland's bill and I think it is an excellent bill.

In a matter of this kind it is clear there is room for a good deal of creativity and imagination. I do not believe that the legislation I have introduced today is engraved in stone and is not without any need for amendment or for alteration. It is my hope that other Senators will join with me and the distinguished Senator from Maryland to work toward the important goal of protecting the privacy of Americans.

I am very deeply disturbed by one aspect the Treasury regulations—namely the microfilming requirements. I know the Senator from Maryland has been working on this point. I would like to address a question to him.

I have written a very detailed letter inquiring about the basis for those regulations to the Secretary of the Treasury, which the Senator from Maryland has seen. I have not received an answer from the Treasury Department.

I would like to know if the Senator from Maryland has had any conversation with high officials of the Treasury Department indicating when the Treasury Department is going to come forward and give an explanation to the Congress and the people of America.

Mr. MATHIAS. Mr. President, I wish to say to the Senator from California that I raised the very same questions with the Treasury Department. I sent a detailed letter asking a number of questions in this area. The initial response I got was a copy of the proposed Treasury regulations which were supposed to speak for themselves. But these regulations were the reason why I had written the letter in the first place. Sending them back to me hardly gives the reason for the dramatic change from the Congress intent. After all, this is not something that just affects banking and banking institutions; this affects everybody who has a checking account or a savings account in the United States. I was disappointed with this response.

I finally had a conversation with Judge Pierce, General Counsel of the Department. He made an effort to reassure me that due process would be protected in administering the law. But I think what they have done is to take the letter of the 1970 amendments, extend them about as far as they would go, and then drafted the regulations on that basis.

We have some responsibility because we passed the law. They have not gone beyond the letter of the law, but I think they have clearly gone beyond the intent of Congress. We are perhaps guilty of overkill in the statutory language but now we have the opportunity to go back and correct it.

Mr. TUNNEY. I would like to know how many Americans know that as of July 1, 1972 every one of their personal checks will be microfilmed and retained for 5 years. I wonder how many Americans know that Treasury has the power to require these microfilm records to be available to the Treasury Department in the form of reports and that such reports would be available to any other agency.

Mr. MATHIAS. It is not only the Treasury Department but also any other agency.

Mr. TUNNEY. Exactly. I think that many people who are aware of what the Treasury Department has done with regulations to date are unaware of the regulatory power which has been retained but also has not yet been exercised.

Mr. President, I ask unanimous consent to have printed in the RECORD regulations of the Treasury Department.

There being no objection, the regulations were ordered to be printed in the RECORD, as follows:

[From the Federal Register, April 5, 1972]

FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury; Part 102—Instructions relating to reports of currency transactions; Part 103—Financial recordkeeping and reporting of currency and foreign transactions

On June 10, 1971, a notice of proposed rule making to implement the provisions of titles I and II of Public Law 91-508 (84 Stat. 1114 et seq.), was published in the FEDERAL REGISTER (36 F.R. 11208 (1971)). In accordance with the notice, interested parties were afforded an opportunity to submit written comments.

After consideration of all such relevant matters as were presented by interested parties regarding the rules proposed, the regulations set forth below have been adopted.

[SEAL]

SAMUEL R. PIERCE, Jr.,
General Counsel.
EUGENE T. ROSSIDES,
Assistant Secretary.

Part 102 is repealed effective July 1, 1972.

Part 103 is added to Title 31 CFR as follows:

Subpart A—Definitions

Sec.
103.11 Meaning of terms.

Subpart B—Reports Required To Be Made

103.21 Determination by the Secretary.
103.22 Reports of currency transactions.
103.23 Reports of transportation of currency or monetary instruments.
103.24 Reports of foreign financial accounts.
103.25 Filing of reports.
103.26 Identification required.

Subpart C—Records Required To Be Maintained

103.31 Determination by the Secretary.
103.32 Records to be made and retained by persons having financial interests in foreign financial accounts.
103.33 Records to be made and retained by financial institutions.
103.34 Additional records to be made and retained by banks.
103.35 Additional records to be made and retained by brokers and dealers in securities.
103.36 Nature of records and retention period.
103.37 Person outside the United States.

Subpart D—General Provisions

103.41 Dollars as including foreign currency.
103.42 Photographic or other reproductions of Government obligations.
103.43 Availability of information.
103.44 Disclosure.
103.45 Exceptions, exemptions, modifications and reports.
103.46 Enforcement.
103.47 Civil penalty.
103.48 Forfeiture of currency or monetary instruments.
Sec.
103.49 Criminal penalty.
103.50 Enforcement authority with respect to transportation of currency or monetary instruments.

AUTHORITY: The provisions of this Part 103 issued under sec. 21 of the Federal Deposit Insurance Act, 84 Stat. 1114, 12 U.S.C. 1829b; 84 Stat. 1116, 12 U.S.C. 1951–1959; and the Currency and Foreign Transactions Reporting Act, 84 Stat. 1118, 31 U.S.C. 1051–1122.

Subpart A—Definitions

§ 103.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section.

Bank. (a) Each agency, branch or office within the United States of any person doing business in one or more of the capacities listed below:

(1) A commercial bank or trust company organized under the laws of any State or of the United States;

(2) A private bank;

(3) A savings and loan association or a building and loan association organized under the laws of any State or of the United States;

(4) An insured institution as defined in section 401 of the National Housing Act;

(5) A savings bank, industrial bank or other thrift institution;

(6) A credit union organized under the laws of any State or of the United States; and

(7) Any other organization chartered under the banking laws of any State and subject to the supervision of the bank supervisory authorities of a State.

(b) Each agent, agency, branch or office within the United States of a foreign bank.

Broker or dealer in securities. A broker or dealer in securities registered or required to be registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934.

Currency. The coin and currency of the United States or of any other country, which circulate in and are customarily used and accepted as money in the country in which issued. It includes U.S. silver certificates, U.S. notes and Federal Reserve notes, but does not include bank checks or other negotiable instruments not customarily accepted as money.

Domestic. When used herein, refers to the doing of business within the United States, and limits the applicability of the provision where it appears to the performance by such institutions or agencies of functions within the United States.

Financial institution. Each agency, branch or office within the United States of any person doing business in one or more of the capacities listed below:

(1) A bank;

(2) A broker or dealer in securities;

(3) A person who engages as a business in dealing in or exchanging currency as, for example, a dealer in foreign exchange or a person engaged primarily in the cashing of checks;

(4) A person who engages as a business in the issuing, selling or redeeming of travelers' checks, money orders, or similar instruments, except one who does so as a selling agent exclusively or as an incidental part of another business;

(5) An operator of a credit card system which issues, or authorizes the issuance of credit cards that may be used for the acquisition of monetary instruments, goods, or services outside the United States.

(6) A licensed transmitter of funds, or other person engaged in the business of transmitting funds abroad for others.

Foreign bank. A bank organized under foreign law, or an agency, branch or office located outside the United States of a bank. The term does not include an agent, agency, branch or office within the United States of a bank organized under foreign law.

Investment security. An instrument which:

(1) Is issued in bearer or registered form;

(2) Is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment;

(3) Is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(4) Evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

Monetary instruments. Coin or currency of the United States or of any other country, travelers' checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments (except warehouse receipts or bills of lading) in bearer form or otherwise in such form that title thereto passes upon delivery. The term does not include bank checks made payable to the order of a named person which have not been endorsed or which bear restrictive endorsements.

Person. An individual, a corporation, a partnership, a trust or estate, a joint stock company, an association, a syndicate, joint venture, or other unincorporated organization or group, and all entities cognizable as legal personalities.

Secretary. The Secretary of the Treasury or any person duly authorized by the Secretary to perform the function mentioned.

Transaction in currency. A transaction involving the physical transfer of currency from one person to another. A transaction which is a transfer of funds by means of bank check, bank draft, wire transfer, or other written order, and which does not include the physical transfer of currency is not a transaction in currency within the meaning of this part.

United States. The various States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

Subpart B—Reports Required to Be Made

§ 103.21 Determination by the Secretary

The Secretary hereby determines that the reports required by this subpart have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

§ 103.22 Reports of currency transactions.

(a) Each financial institution shall file a report of each deposit, withdrawal, exchange of currency or other payment or transfer, by through, or to such financial institution, which involves a transaction in currency of more than $10,000.[1]

(b) Except as otherwise directed in writing by the Secretary, this section shall not (1) require reports of transactions with Federal Reserve Banks or Federal Home Loan Banks; (2) require reports of transactions solely with, or originated by, financial institutions or foreign banks; or (3) require a bank to report transactions with an established customer maintaining a deposit relationship with the bank, in amounts which the bank may reasonably conclude do not exceed amounts commensurate with the customary conduct of the business, industry or profession of the customer concerned. A report listing such customers who engage in transactions which are not reported because of the exemption contained in this paragraph shall be made to the Secretary upon demand therefor made by him.

§ 103.23 Reports of transportation of currency or monetary instruments

(a) Each person who physically transports, mail, or ships, or causes to be physically transported, mailed or shipped, currency or other monetary instruments in an aggregate amount exceeding $5,000 on any one occasion from the United States to any place outside the United States, or into the United States from any place outside the United States shall make a report thereof.[2] A person is deemed to have caused such transportation, mailing or shipping when he aids, abets, counsels, commands, procures or requests it to be done by a financial institution or any other person. A transfer of funds through normal banking procedures which does not involve the physical transportation of currency or monetary instruments is not required to be reported by this section.

(b) Each person who receives in the United States currency or other monetary instruments in an aggregate amount exceeding $5,000 on any one occasion which have been transported, mailed, or shipped to such person from any place outside the United States with respect to which a report has not been filed under paragraph (a) of this section, whether or not required to be filed thereunder, shall make a report thereof, stating the amount, the date of receipt, the form of monetary instruments, and the person from whom received.

(c) This section shall not require reports by (1) a Federal Reserve bank, (2) a bank, a foreign bank, or a broker or dealer in securities, in respect to currency or other monetary instruments mailed or shipped through the postal service or by common carrier, (3) a person who is not a citizen or resident of the United States in respect to currency or other monetary instruments mailed or shipped from abroad to a bank or broker or dealer in securities through the postal service or by common carrier, (4) a common carrier of passengers in respect to currency or other monetary instruments in the possession of its passengers, (5) a common carrier of goods in respect to shipments of currency or monetary instruments not declared to be such by the shipper, (6) a travelers' check issuer or its agent in respect to the transportation of travelers' checks prior to their delivery to selling agents for eventual sale to the public, nor by (7) a person engaged as a business in the transportation of currency, monetary instruments and other commercial papers with respect to the transportation of currency or other monetary instruments overland between established offices of banks or brokers or dealers in securities and foreign banks.

(d) This section does not require that more than one report be filed covering a particular transportation, mailing or shipping of currency or other monetary instruments with respect to which a complete and truthful report has been filed by a person. However, no person required by paragraph (a) or (b) of this section to file a report shall be excused from liability for failure to do so if, in fact, a complete and truthful report has not been filed.

§ 103.24 Reports of foreign financial accounts.

Each person subject to the jurisdiction of the United States (except a foreign subsidiary of a U.S. person) having a financial interest in, or signature or other authority over a bank, securities or other financial account in a foreign country shall report such relationship as required on his Federal income tax return for each year in which such relationship exists, and shall provide such information concerning each such account as shall be specified in a special tax form to be filed by such persons.

§ 103.25 Filing of reports.

(a) Reports required to be filed by the first paragraph of § 103.22 shall be filed on or before the 45th day following that on which the reported transactions occur. They shall be filed with the Commissioner of Internal Revenue on forms to be prescribed by him, with the approval of the Secretary. All information called for in such forms shall be furnished.

(b) Reports required to be filed by § 163.23 (a) shall be filed at the time of entry into the United States or at the time of departure, mailing or shipping from the United States, unless otherwise directed or permitted by the Commissioner of Customs. They shall be filed with the Customs officer in charge at any Customs port of entry or departure, or as otherwise permitted or directed by the Commissioner of Customs. If the currency or other monetary instruments with respect to which a report is required do not accompany a person entering or departing from the United States, such reports may be filed by mail on or before the date of entry, departure, mailing or shipping, with the Commissioner of Customs, Attention: Currency Transportation Reports, Washington, D.C. 20226. They shall be on forms to be prescribed by the Secretary and all information called for in such forms shall be furnished.

(c) Reports required to be filed by § 103.23 (b) shall be filed with the Commissioner of Customs within 30 days after receipt of the currency or other monetary instruments. They may be filed with the Customs officer in charge at any port of entry or departure, or by mail addressed to the Commissioner of Customs, Attention: Currency Transportation Reports, Washington, D.C. 20226. They shall be on forms to be prescribed by the Secretary and all information called for in such forms shall be furnished.

(d) Forms to be used in making the reports required by §§ 103.22 and 103.23 may be obtained from any Internal Revenue office; in addition, forms to be used in making the reports required by § 103.23 may be obtained from any office of the Bureau of Customs.

§ 103.26 Identification required.

Before effecting any transaction with respect to which a report is required under the first paragraph of § 103.22, a financial institution shall verify and record the identity, and record the account number on its books or the social security or taxpayer identification number, if any, of a person with whom or for whose account such transaction is to be effected. Verification of identity for a customer of the financial institution depositing or withdrawing funds may be by reference to his account or other number on the books of the institution. Verification of identity in any other case may be by examination, for example, of a driver's license, passport, alien identification card, or other appropriate document normally acceptable as a means of identification.

Subpart C—Records Required To Be Maintained

§ 103.31 Determination by the Secretary.

The Secretary hereby determines that the records required to be kept by this subpart have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

§ 103.32 Records to be made and retained by persons having financial interests in foreign financial accounts.

Records of accounts required by § 103.24 to be reported on a Federal income tax return shall be retained by each person having a financial interest in any such account. Such records shall contain the name in which each such account is maintained, the number or other designation of such account, the name and address of the foreign bank or other person with whom such account is maintained, the type of such account, and the maximum value of each such account during the reporting period. Such records shall be retained for a period of 5 years and shall be kept at all times available for inspection as authorized by law. In the computation of the period of 5 years, there shall be disregarded any period beginning with a date on which the taxpayer is indicted or information instituted on account of the filing of a false or fraudulent Federal income of a false or fraudulent Federal income tax return or failing to file a Federal income tax return, and ending with the date on which final disposition is made of the criminal proceeding.

§ 103.33 Records to be made and retained by financial institutions.

Each financial institution shall retain

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[1] Forms filed as part of the original document.

[2] Forms filed as part of the original document.

either the original or a microfilm or other copy or reproduction of each of the following:

(a) A record of each extension of credit in an amount in excess of $5,000, except an extension of credit secured by an interest in real property, which record shall contain the name and address of the person to whom the extension of credit is made, the amount thereof, the nature or purpose thereof, and the date thereof;

(b) A record of each advice, request, or instruction received regarding a transaction which results in the transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than $10,000 to a person, account, or place outside the United States;

(c) A record of each advice, request or instruction given to another financial institution or other person located within or without the United States, regarding a transaction intended to result in the transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than $10,000 to a person, account or place outside the United States;

§ 103.34 Additional records to be made and retained by banks.

(a) With respect to each deposit or share account opened with a bank after June 30, 1972, by a person residing or doing business in the United States or a citizen of the United States, such bank shall secure and maintain a record of the taxpayer identification number of the person maintaining the account; or in the case of an account of one or more individuals, such bank shall secure and maintain a record of the social security number of an individual having a financial interest in that account.

(b) Each bank shall, in addition, retain either the original or a microfilm or other copy or reproduction of each of the following:

(1) Each document granting signature authority over each deposit or share account;

(2) Each statement, ledger card or other record on each deposit or share account, showing each transaction in, or with respect to, that account;

(3) Each check, clean draft, or money order drawn in the bank or issued and payable by it, except those drawn on accounts which can be expected to have drawn on them an average of at least 100 checks per month over the calendar year or on each occasion on which such checks are issued, and which are (i) dividend checks, (ii) payroll checks, (iii) employee benefit checks, (iv) insurance claim checks, (v) medical benefit checks, (vi) checks drawn on governmental agency accounts, (vii) checks drawn by brokers or dealers in securities, (viii) checks drawn on fiduciary accounts, (ix) checks drawn on other financial institutions, or (x) pension or annuity checks;

(4) Each item other than bank charges or periodic charges made pursuant to agreement with the customer, comprising a debit to a customer's deposit or share account, not required to be kept, and not specifically exempted, under subparagraph (3) of this paragraph:

(5) Each item, including checks, drafts, or transfers of credit, of more than $10,000 remitted or transferred to a person, account or place outside the United States;

(6) A record of each remittance or transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than $10,000 to a person, account or place outside the United States;

(7) Each check or draft in an amount in excess of $10,000 drawn on or issued by a foreign bank, purchased, received for credit or collection, or otherwise acquired by the bank;

(8) Each item, including checks, drafts or transfers of credit of more than $10,000 received directly and not through a domestic financial institution, by letter, cable or any other means, from a person, account or place outside the United States;

(9) A record of each receipt of currency, other monetary instruments, checks, or investment securities, and of each transfer of funds or credit, of more than $10,000 received on any one occasion directly and not through a domestic financial instituion, from a person, account or place outside the United States; and

(10) Record prepared or received by a bank in the ordinary course of business, which would be needed to reconstruct a demand deposit account and to trace a check deposited in such account through a domestic processing system or to supply a description of a deposited check. This subparagraph shall be applicable only with respect to demand deposits.

§ 103.35 Additional records to be made and retained by brokers and dealers in securities.

(a) With respect to each brokerage account opened with a broker or dealer in securities after June 30, 1972, by a person residing or doing business in the United States or a citizen of the United States, such broker or dealer shall secure and maintain a record of the taxpayer identification number of the person maintaining the account; or in the case of an account of one or more individuals, such broker or dealer shall secure and maintain a record of the social security number of an individual having a financial interest in that account.

(b) Every broker or dealer in securities shall, in addition, retain either the original or a microfilm or other copy or reproduction of each of the following:

(1) Each document granting signature or trading authority over each customer's account;

(2) Each record described in § 240.17a–3(a) (1), (2), (3), (4), (5), (6), (7), (8), and (9) of Title 17, Code of Federal Regulations;

(3) A record of each remittance or transfer of funds, or of currency, checks, other monetary instruments, investment securities, or credit, of more than $10,000 to a person, account or place outside the United States;

(4) A record of each receipt of currency, other monetary instruments, checks, or investment securities and of each transfer of funds or credit, of more than $10,000 received on any one occasion directly and not through a domestic financial institution, from any person, account or place outside the United States.

§ 103.36. Nature of records and retention period.

(3) Wherever it is required that there be retained either the original of a microfilm or other copy or reproduction of a check, draft, monetary instrument, investment security, or other similar instrument, there shall be retained a copy of both front and back of each such instrument or document, except that no copy need be retained of the back of any instrument or document which is entirely blank or which contains only standardized printed information, a copy of which is on file.

(b) Records required by this subpart to be retained by financial institutions may be those made in the ordinary course of business by a financial institution. If no record is made in the ordinary course of business of any transaction with respect to which records are required to be retained by this subpart, then such a record shall be prepared in writing by the financial institution.

(c) Records which are required by § 103.34 (b) (10) to be retained by banks shall be retained for a period of 2 years. All other records which are required by this subpart to be retained by financial institutions shall be retained for a period of 5 years. All such records shall be filed or stored in such a way as to be accessible within a reasonable period of time, taking into consideration the nature of the record, and the amount of time expired since the record was made.

§ 103.37 Person outside the United States.

For the purposes of this subpart, a remittance or transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit to the domestic account of a person whose address is known by the person making the remittance or transfer, to be outside the United States, shall be deemed to be a remittance or transfer to a person outside the United States, except that, unless otherwise directed by the Secretary, this section shall not apply to a transaction on the books of a domestic financial institution involving the account of a customer of such institution whose address is within approximately 50 miles of the location of the institution, or who is known to be temporarily outside the United States.

Subpart D—General Provisions

§ 103.41 Dollars as including foreign currency.

Wherever in this part an amount is stated in dollars, it shall be deemed to mean also the equivalent amount in any foreign currency.

§ 103.42 Photographic or other reproductions of Government obligations.

Nothing herein contained shall require or authorize the microfilming or other reproduction of

(a) Currency or other obligation or security of the United States as defined in 18 U.S.C. 8, or

(b) Any obligation or other security of any foreign government,

the reproduction of which is prohibited by law.

§ 103.43 Availability of information

The Secretary may make any information set forth in any reports received pursuant to this part available to any other department or agency of the United States upon the request of the head of such department or agency, made in writing and stating the particular information desired, the criminal, tax, or regulatory investigation or proceeding in connection with which the information is sought, and the official need therefor.

§ 103.44 Disclosure.

All reports required under this part and all records of such reports are specifically exempted from disclosure under section 552 of title 5, United States Code.

§ 103.45 Exceptions, exemptions, modifications, and reports.

(a) The Secretary, in his sole discretion, may by written order or authorization make exception to, grant exemptions from, impose additional recordkeeping or reporting requirements authorized by statute, or otherwise modify, the requirements of this part. Such exceptions, exemptions, requirements or otherwise modify, the requirements may be conditional or unconditional, may apply to particular persons or to classes of persons, and may apply to particular transactions or classes of transactions They shall, however, be applicable only as expressly stated in the order or authorization, and they shall be revocable in the sole discretion of the Secretary.

(b) The Secretary shall have authority to further define all terms used herein.

§ 103.46 Enforcement.

(a) Responsibility for assuring compliance with the requirements of this part is delegated as follows:

(1) To the Comptroller of the Currency, with respect to national banks and banks in the District of Columbia;

(2) To the Board of Governors of the Federal Reserve System with respect to State bank members of the Federal Reserve System;

(3) To the Federal Home Loan Bank Board, with respect to insured building and loan associations, insured savings and loan associations, and insured institutions as defined in section 401 of the National Housing Act;

(4) To the Administrator of the National Credit Union Administration, with respect to Federal credit unions;

(5) To the Federal Deposit Insurance Corporation, with respect to all other banks except agents of foreign banks which agents are not supervised by State or Federal bank supervisory authorities;

(6) To the Securities and Exchange Commission, with respect to brokers and dealers in securities;

(7) To the Commissioner of Customs with respect to § 103.23 and 103.48;

(8) To the Commission of Internal Reveenue except as otherwise specified in this section.

(b) Overall responsibility for coordinating the procedures and efforts of the agencies listed herein and assuring compliance with this part, is delegated to the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations). Periodic reports shall be made by each such agency to the Assistant Secretary, with copies to the General Counsel of the Treasury Department and to the Commissioner of Internal Revenue.

§ 103.47 Civil penalty.

(a) For any willful violation of any requirement of this part, the Secretary may assess upon any domestic financial institution, and upon any partner, director, officer or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) For any failure to file a report required under § 103.23 or for filing such a report containing any material omission or misstatement, the Secretary may assess a civil penalty up to the amount of the currency or monetary instruments transported, mailed or shipped, less any amount forfeited under § 103.48.

§ 103.48 Forfeiture of currency or monetary instruments.

Any currency or other monetary instruments which are in the process of any transportation with respect to which a report is required under § 103.23 are subject to seizure and forfeiture to the United States if such report has not been filed as required in § 103.25, or contains material omissions or misstatements. The Secretary may, in his sole discretion, remit or mitigate any such forfeiture in whole or in part upon such terms and conditions as he deems reasonable.

§ 103.49 Criminal penalty.

(a) Any person who willfully violates any provision of this part may, upon conviction thereof, be fined not more than $1,000 or be imprisoned not more than 1 year, or both. Such person may in addition, if the violation is of any provision authorized by title I of Public Law 91–508 and if the violation is committed in furtherance of the commission of any violation of Federal law punishable by imprisonment for more than 1 year, be fined not more than $10,000 or be imprisoned not more than 5 years, or both.

(b) Any person who willfully violates any provision of title II of Public Law 91–508, or of this part authorized thereby, where the violation is either

(1) Committed in furtherance of the commission of any other violation of Federal law, or

(2) Committed as part of a pattern of illegal activity involving transactions exceeding $100,000 in any 12-month period, may, upon conviction thereof, be fined not more than $500,000 or be imprisoned not more than 5 years, or both.

(c) Any person who knowingly makes any false, fictitious or fraudulent statement or representation in any report required by this part may, upon conviction thereof, be fined not more than $10,000 or be imprisoned not more than 5 years, or both.

§ 103.50 Enforcement authority with respect to transportation of currency or monetary instruments.

(a) If the Secretary has reason to believe that currency or monetary instruments are in the process of transportation and with respect to which a report required under § 103.50 has not been filed or contains material omissions or misstatements, he may apply to any court of competent jurisdiction for a search warrant. Upon a showing of probable cause, the court may issue a warrant authorizing the search of any or all of the following:

(1) One or more designated persons.

(2) One or more designated or described places or premises.

(3) One or more designated or described letters, parcels, packages, or other physical objects.

(4) One or more designated or described vehicles. Any application for a search warrant pursuant to this section shall be accompanied by allegations of fact supporting the application.

(b) This section is not in derogation of the authority of the Secretary under any other law or regulation.

Effective date. This part shall become effective July 1, 1972.

[FR Doc. 72–5171 Filed 4–4–72;8:47 am]

Mr. TUNNEY. Now I would like to read from regulation 103.45.

It reads:

> The Secretary, in his sole discretion, may by written order or authorization make exceptions to, grant exemptions from, impose additional recordkeeping or reporting requirements authorized by statute, or otherwise modify, the requirements of this part. . . .

and so forth.

It means that the Secretary of the Treasury could impose upon an account holder the obligation to report to the Secretary of the Treasury every single check he writes in his checking account. That is the clear meaning of that language—not that the Secretary of the Treasury has imposed that responsibility now—but at some future point he could impose that requirement. I think that is very, very disturbing.

Mr. MATHIAS. I am disturbed, as the Senator from California is disturbed, by the implications of this requirement. Judge Pierce explained to me that they are not going the whole way with these regulations, but the fact is that they have asserted the power to go the whole way, which is the point the Senator from California makes, and which is a valid point, and a very disturbing point.

Mr. TUNNEY. The other point that ought to be brought out is that there are some people who have the attitude that a person's checking account is not his private property; that, somehow, the records relating to the checking account belong to the bank or to a governmental agency doing an audit of the bank records.

I reject that philosophy out of hand. I think the records of a bank as they relate to an individual depositor's account are the personal property of the depositor or the account holder.

Mr. MATHIAS. And should be held as such.

Mr. TUNNEY. And should be held as such.

By Mr. SCHWEIKER:

S. 3815. A bill to amend the Federal Aviation Act of 1958 in order to require the screening by weapons detecting devices of all passengers in regularly scheduled air transportation. Referred to the Committee on Commerce.

SCREENING OF PASSENGERS IN AIR TRANSPORTATION

Mr. SCHWEIKER. Mr. President, we continue to witness, on a daily or weekly basis, the crime of hijacking of passenger aircraft. The traveling public as well as the crews of the Nation's commercial aircraft continue to face the risk of being kidnapped and being injured or killed, not to mention inconvenienced. All of us continue to be amazed at the ease with which hijackers can take control of an aircraft and demand and receive large sums of money. It is curious that hijackers are still able to take control of aircraft after the rules and sanctions against air carriers ordered by the Federal Aviation Administation. The airlines obviously are sensitive to this problem and the public is very much concerned about it. Nevertheless, the rash of hijackings continue.

Mr. President, it is patently obvious that the hijacking rules established by the Federal Aviation Administration are not strong enough. In addition, there is serious question as to whether the airlines are in full compliance with the regulations promulgated by the Federal Government. The rules established by the FAA to date for the air carriers and airports have required them to establish security plans acceptable to the agency. The agency in most instances has not prescribed the specific procedures or outlines of the required plans. This stems in part from a desire on the part of the agency to permit the airlines to establish those procedures most compatible with their own operations. However, the difficulty has been that the airlines feel that much of this security is a responsibility of the Federal Government, while on the other hand, the Federal Government feels the responsibility in great measure falls upon the airlines. Thus, a stringent and effective security program as yet has not been established.

Clearly, the most critical element in any security program is the screening of passengers prior to their embarkation. At the present time not every passenger is being screened. Obviously, the various methods employed by the airlines have failed to detect far too great a number of hijackers. As a result, men have boarded aircrafts carrying the weapons for a successful hijacking. In the Philadelphia hijacking the hijackers actually carried a shotgun aboard the aircraft.

According to the Department of Transportation the Federal position in this matter "is clear and unequivocal. Hijack and extortion attempts will be resisted with all the resources and all the forces at the command of the Federal Government." The Department proudly boasts that the success rate for the hijacker has been dropping sharply over the past 3½ years—from 85 percent in March of 1969 to 37 percent thus far this year. The loss of one aircraft, one life, or the injury of one member of the public is still too much. We must insure that every person who boards an airplane can be assured that none of his fellow passengers is carrying the equipment necessary to hijack that aircraft. The way to do that, obviously, is to require all passengers to be screened by electronic screening devices capable of detecting the weapons necessary to threaten the lives of the crew and passengers.

Mr. President, the Congress has already acted in this regard. Both the House and Senate have included in the Department of Transportation fiscal 1973 appropriations bill, which includes funds for the Federal Aviation Administration, the financial resources for the purchase of weapons-detection devices for use at airports. The House appropriated $2 million for the purchase of magnetometers and the Senate increased this amount to $3.5 million for the purchase of "screening devices." The bill provides that these devices may be "transferred, conveyed or loaned to air carriers and commercial operators under such terms and conditions as the Federal Aviation Administration may deem appropriate for use by such air carriers and commercial operators in complying with Federal requirements for passenger screening systems." At the present time the Federal requirements for passenger screening systems do not require that every passenger must be screened by such a device.

Mr. President, today I introduce legislation which would mandate the Administrator of the Federal Aviation Administration to promulgate regulations requiring the airports and air carriers of this country to screen every passenger by an electronic screening device before he boards a commercial aircraft. We have the knowledge and the equipment to stop hijacking. So let us stop hijacking by requiring the airlines to use the magnetic detection devices on all of their passengers on all of their flights.

The Secretary of Transportation recently stated:

> I firmly believe that the best place to catch an airplane hijacker is on the ground before he has an opportunity to jeopardize the lives of innocent people. The equipment of our airports with these devices will help achieve that goal, and therefore I feel it is proper expenditure of public funds.

The Secretary added that through the Federal purchase of weapons detectors additional teeth will be put into the antihijacking program initiated by President Nixon's directive of March 9. He noted that this program already has yielded a substantial result by doubling the number of persons arrested at aircraft boarding gates. The Federal Aviation Administration has estimated that 1,500 weapons detecting devices will be needed for such a program, and the cost is estimated to be $3.5 million.

As a matter of public policy we should make it clear that the Nation's airways are secure for the travel of the American public and for the maintenance of commercial air traffic free from the death and destruction which a hijacker can cause. This bill requires the airlines to take the steps necessary to establish and maintain that security. In addition, the bill provides that the Federal Government will in turn supply the airlines the means by which they can establish this security. I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) is amended by inserting at the end thereof a new subsection as follows:

"SCREENING OF PASSENGERS IN AIR TRANSPORTATION

"(g) (1) The Administration shall, as soon as practicable, prescribe regulations requiring that all passengers in regularly scheduled air transportation, and their carry on baggage, be screened by magnetometers or other more effective weapon detecting devices before boarding the aircraft for such transportation.

"(2) The Administrator shall acquire and furnish airports with devices necessary for the purpose of paragraph (1) of this subsection.

"(3) There are authorized to be appropriated such amounts as are necessary for the purpose of paragraph (2) of this subsection."

Sec. 2. The table of contents of the Federal Aviation Act of 1958 is amended by inserting at the end of the matter relating to section 307 the following:

"(g) Screening of Passengers in Air Transportation."

By Mr. SPONG:

S. 3818. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes. Referred to the Committee on Commerce.

ENDANGERED SPECIES

Mr. SPONG. Mr. President, on August 4 the Commerce Subcommittee on the Environment plans to hold hearings on endangered species legislation. In order that the subcommittee may have before it a range of proposals, I introduce today a bill containing the ideas of several persons who have given serious thought to how best to protect endangered animals and plants. I do not at this time take a position on this bill. My purpose is to see that the ideas it contains are considered by the subcommittee.

The problem of preserving those species which are presently threatened with extinction—some 400 animals and an intold number of plants—is one which is of great concern to me the loss of a species is an irreparable loss to us and to all future generations. Present laws have proven to be inadequate. This year we have a chance to improve them. Time is growing short for some species, and prompt action by the Congress is necessary.

Mr. President, I ask unanimous consent that the bill be printed in full in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Endangered Species Conservation Act of 1972".

FINDINGS AND POLICY

Sec. 2. (a) The Congress finds and declares that one of the unfortunate consequences of growth and development in the United States and elsewhere has been the extermination of some species or subspecies of fish and wildlife and flora; that serious losses in other species of wild animals with educational, historical, recreational, and scientific value have occurred and are occurring; that the United States has pledged itself, pursuant to migratory bird treaties with Canada and Mexico, the migratory and endangered bird treaty with Japan, the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, the International Convention for the Northwest Atlantic Fisheries, the International Convention for the High Seas Fisheries of the North Pacific Ocean, and other international agreements, to conserve and protect, where practicable, the various species of fish and wildlife and flora that are threatened with extinction; and that the conservation, protection, restoration, or propagation of such species will inure to the benefit of all citizens. The purposes of this Act are to provide a program for the conservation, protection, restoration, or propagation of species and subspecies of fish and wildlife and flora that are threatened with extinction, or are likely within the foreseeable future to become threatened with extinction.

(b) It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to protect species or subspecies of fish and wildlife and flora that are threatened with extinction or are likely within the foreseeable future to become threatened with extinction, and, wherever practicable, shall utilize their authorities in furtherance of the purpose of this Act.

DEFINITIONS

Sec. 3. For the purposes of this Act,

(1) The term "Federal lands" means all lands or interests therein over which Congress has legislative authority under article IV, section 3, clause 2 of the United States Constitution, including, without limitation, lands enumerated in section 1400 of title 43, United States Code.

(2) The term "fish" means any fish or any part, products, egg, or offspring thereof, or the dead body or parts thereof.

(3) The term "import" means to bring into the territorial limits of the United States and includes, without limitation, entry into a foreign trade zone, and transshipment through any portion of the United States without customs entry.

(4) The term "person" means (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(5) The term "Secretary" means the Secretary of the Interior and the Secretary of

Commerce with respect to functions and responsibilities under this Act relating to fish and wildlife, consistent with such program responsibilities therefor as are vested pursuant to the provisions of Reorganization Plan Numbered 4 of 1970, and the Secretary of Agriculture with respect to functions and responsibilities under this Act relating to flora.

(6) The term "take," means (A) with respect to fish or wildlife, to threaten, harass, hunt, capture, or kill, or attempt to threaten, harass, hunt, capture, or kill; and (B) with respect to flora, to collect, sever, remove, or otherwise damage in any manner, or to attempt to collect, sever, remove, or otherwise damage in any manner.

(7) The term "United States" includes the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(8) The term "wildlife" means any wild mammal, game or nongame migratory bird, wild bird, amphibian, reptile, mollusk or crustacean, or other animal, or any part, products, egg, or offspring thereof, or the dead body or parts thereof, including migratory, nonmigratory and endangered birds for which protection is also afforded by treaty or other international agreement.

DETERMINATION OF ENDANGERED SPECIES

SEC. 4. (a) A species or subspecies of fish or wildlife or flora shall be regarded as an endangered species whenever the Secretary by regulation determines, based on the best scientific and commercial data available to him and after consultation, as appropriate, with the affected States, and, in cooperation with the Secretary of State, the country or countries in which such fish and wildlife are normally found or whose citizens harvest the same on the high seas, and with interested persons and organizations, and other interested Federal agencies, that the continued existence of such species or subspecies of fish or wildlife or flora, throughout all or a significant portion of its habitat or range, is either presently threatened with extinction or will likely within the foreseeable future become threatened with extinction, due to any of the following factors:

(1) the present or threatened destruction, modification, or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or man-made factors affecting its continued existence.

(b) The Secretary shall publish in the Federal Register not less than annually a list, by scientific and common name or names, of species or subspecies determined, pursuant to this section, to be endangered, indicating as to each species or subspecies so listed whether such species or subspecies is threatened with extinction or is likely within the foreseeable future to become threatened with extinction and, in either case, over what portion of the range of such species or subspecies this condition exists. The Secretary may, from time to time, by regulation revise any such list. The endangered species lists which are effective as of the date of enactment of this Act shall be republished to conform to the provisions of this Act: *Provided, however,* That until such republication nothing herein shall be deemed to invalidate such endangered species lists. The provisions of section 553 of title 5, United States Code, shall apply to any regulation issued under this subsection. The Secretary shall, upon the petition of an interested person under subsection 553(e) of title 5, United States Code, also conduct a review, on the record, after opportunity for agency hearing of any listed or unlisted species or subspecies of fish or wildlife proposed to be removed from or added to the list, but only if he finds and publishes his finding that such person has presented substantial evidence to warrant such a review.

LAND ACQUISITION AND AGENCY COMPLIANCE

SEC. 5. (a) The Secretary shall utilize the land acquisition and other authorities of the Migratory Bird Conservation Act, as amended, the Fish and Wildlife Act of 1956, as amended, and the Fish and Wildlife Coordination Act, as appropriate, to carry out a program in the United States of conserving, protecting, restoring, or propagating those species and subspecies of fish and wildlife that he lists as endangered species pursuant to section 2 of this Act.

(b) In addition to the land acquisition authorities otherwise available to him, the Secretary is hereby authorized to acquire by purchase, donation, or otherwise, lands or interests therein needed to carry out the purpose of this Act relating to the conservation, protection, restoration, and propagation of those species or subspecies of fish and wildlife that he lists as endangered species pursuant to section 4 of this Act.

(c) Funds made available pursuant to the Land and Water Conservation Fund Act of 1965 as amended may be used for the purpose of acquiring lands, waters, or interests therein pursuant to this section that are needed for the purpose of conserving, protecting, restoring, or propagating those species or subspecies of fish and wildlife, that he lists as endangered species pursuant to section 4 of this Act.

(d) The Secretary shall review other programs administered by him and, to the extent practicable, utilize such programs in furtherance of the purpose of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize, wherever practicable, their authorities in furtherance of the purpose of this Act by carrying out programs for the protection of endangered species of fish or wildlife or flora and by taking such actions as may be necessary to insure that actions authorized, funded, regulated or administered by them do not jeopardize the continued existence of endangered species or result in destruction or modification of critical habitat of such species.

(f) In carrying out the provisions of this Act, the Secretary, through the Secretary of State, shall encourage foreign countries to provide protection to species or subspecies of fish or wildlife threatened with extinction, to take measures to prevent any fish or wildlife from becoming threatened with extinction, and he shall, through the Secretary of State, encourage bilateral and multilateral agreements with such countries for the conservation and propagation of fish and wildlife. The Secretary is authorized to assign or otherwise make available any officer or employee of his department for the purpose of cooperating with foreign countries and international organizations in developing personnel resources and programs which promote conservation of fish or wildlife, including (1) educational training of United States and foreign personnel, here or abroad, in the subjects of fish and wildlife management, research, and law enforcement; and (2) rendering professional assistance abroad in such matters. The Secretary is also authorized to conduct or cause to be conducted such law enforcement investigations and research abroad as he deems necessary to carry out the obligations imposed upon him by this Act.

COOPERATION WITH THE STATES

SEC. 6. (a) In carrying out the program authorized by this Act, the Secretary shall cooperate to the maximum extent practicable with the several States. Such cooperation shall include consultation before the acquisition of any land for the purpose of conserving, protecting, restoring, or propagating any endangered species.

(b) The Secretary may enter into agreements with the States for the administration and management of any area established for the conservation, protection, restoration, or propagation of endangered species. Any revenues derived from the administration of such areas under these agreements shall be subject to the provisions of section 401 of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. 715s).

(c) The Secretary may delegate to a State the authority to regulate the taking by any person of endangered species or subspecies of resident fish and wildlife when he determines that such State maintains an adequate and active program, consistent with the policies and purposes of this Act, to manage and protect such endangered species in accordance with criteria issued by the Secretary.

(d) Any action taken by the Secretary under this section shall be subject to his periodic and continual review at no greater than annual intervals. Such review shall include the consideration of comment received from interested persons.

(e) Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting the power of any State to enact legislation more restrictive than the provisions of this Act for the protection and conservation of wildlife, including the regulation or prohibition of the retail sale of specimens or of products processed or manufactured from the specimens of wildlife, whether such specimens are alive or dead.

(f) The Secretary of the Interior shall promptly undertake an investigation and study regarding the functions and responsibilities which the States should have with respect to the management and protection of endangered species of fish and wildlife. The Secretary shall report the results of the investigation and study to Congress within one year after the date of the enactment of this Act, and such report may include such recommendations as the Secretary may have regarding the extent to, and manner in, which the Federal government should assist the States in establishing and implementing management and protection programs for endangered species.

PROHIBITED ACTS

SEC. (7). (a) Notwithstanding any other Act of Congress or regulation issued pursuant thereto, and except as hereinafter provided, any person who—

(A) imports into or exports from the United States, receives, or causes to be so imported, received, or exported; or

(B) takes or causes to be taken within the United States, the territorial sea of the United States, Federal lands, or upon the high seas; or

(C) ships, carries, or receives by any means in interstate commerce

any species or subspecies of fish or wildlife or flora which the Secretary has listed as an endangered species threatened with extinction pursuant to section 4 of this Act, shall be punished in accordance with the provisions of section 9 of this Act.

(b) Whenever the Secretary, pursuant to section 4 of this Act, lists a species or subspecies as an endangered species which is likely within the foreseeable future to become threatened with extinction, he shall issue such regulations as he deems necessary or advisable to provide for the conservation, protection, restoration, or propagation of such species or subspecies, including regulations subjecting to punishment in accordance with section 9 of this Act any person who—

(1) imports into or exports from the United States, receives, or causes to be so imported, received, or exported; or

(2) takes or causes to be taken within the

United States, the territorial sea of the United States, Federal lands or upon the high seas; or

(3) ships, carries, or receives by any means in interstate commerce

any such species or subspecies of fish or wildlife or flora likely within the foreseeable future to become threatened with extinction.

(c) The Secretary shall allow taking of an endangered species which is likely within the foreseeable future to become threatened only (1) when it can clearly be shown that such taking will not damage the population, or (2) in emergency cases involving human health and safety.

(d) For the purpose of facilitating enforcement of this Act, the Secretary may from time to time, by regulation, extend the protection of this section, to the extent he deems it advisable, to any species or subspecies of fish or wildlife or flora which is not listed as an endangered species, but which so closely resembles in appearance, at the point in question, a species or subspecies of fish or wildlife or flora which has been listed as endangered, that substantial difficulty is posed to enforcement personnel in attempting to differentiate between the endangered and nonendangered species or subspecies of fish or wildlife or flora, and this difficulty poses an additional threat to the endangered species or subspecies.

EXCEPTIONS

SEC. 8. (a) The Secretary may permit, under such terms and conditions as he may prescribe, the importation, taking, or the transportation in interstate commerce of any species or subspecies of fish or wildlife or flora listed as an endangered species threatened with extinction for scientific purposes, and for the propagation of such fish and wildlife in captivity for preservation purposes, but only if he finds that such importation, taking, transportation in interstate commerce, or projected use will not adversely affect the regenerative capacity of such specimen or of such species or subspecies in a significant portion of its range or habitat or otherwise affect the survival of the wild population of such species.

(b) In order to minimize undue economic hardship to any person importing, exporting, taking, or transporting in interstate commerce any species or subspecies of fish or wildlife or flora which is listed as an endangered species pursuant to section 4 of this Act under any contract entered into prior to the date of original publication of such listing in the Federal Register, the Secretary, upon such person filing an application with him and upon filing such information as the Secretary may require showing, to his satisfaction, such hardship, may permit such person to import, export, take or transport such species or subspecies in such quantities and for such periods, not to exceed one year, as he determines to be appropriate.

PENALTIES AND ENFORCEMENT

SEC. 9. (a)(1) Any person who violates any provision of this Act or any regulation or permit issued thereunder, other than a person who commits a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this paragraph, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In the case of Guam such actions may be brought in the district court of Guam; in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands, and in the case of American Samoa such actions may be brought in the District Court of the United States for the district of Hawaii and such courts shall have jurisdiction of such actions. In hearing such action, the court shall sustain the Secretary's action if such action is supported by susbtantial evidence.

(2) Whenever any property is seized pursuant to subsection (c) of this section, the Secretary shall move to dispose of the civil penalty proceedings pursuant to paragraph (1) of this subsection as expeditiously as possible. Upon the assessment and collection of a civil penalty pursuant to paragraph (1) of this subsection, any property so seized may be proceeded against in any court of competent jurisdiction and forfeited. Fish or wildlife or flora so forfeited shall be conveyed to the Secretary for disposition by him in such a manner as he deems appropriate. If, with respect to any such property so seized, no compromise forfeiture has been achieved or no action commenced to obtain the forfeiture of such fish, wildlife, flora, property, or item within thirty days following the completion of proceedings involving an assessment and collection of a civil penalty, such property shall be immediately returned to the owner or the consignee in accordance with regulations promulgated by the Secretary.

(3) Proceedings for the assessment of civil penalties pursuant to paragraph (1) of this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) Any person who knowingly violates any provision of this Act, or any regulation or permit issued thereunder, shall, upon conviction, be fined not more than $20,000 or imprisoned for not more than one year, or both, and any Federal hunting or fishing licenses, permits, or stamps may be revoked or withheld for a period of up to five years. Upon conviction, (1) any fish or wildlife or flora seized shall be forfeited to the Secretary for disposal by him in such manner as he deems appropriate, and (2) any other property seized pursuant to subsection (c) of this section may, in the discretion of the court, commissioner, or magistrate, be forfeited to the United States or otherwise disposed of. If no conviction results from any such alleged violation, such property so seized in connection therewith shall be immediately returned to the owner or consignee in accordance with regulations promulgated by the Secretary, unless the Secretary, within thirty days following the final disposition of the case involving such violation, commences proceedings under subsection (a) of this section.

(c)(1) The provisions of sections 7 and 8 of this Act and any regulations or permits issued pursuant thereto, or pursuant to subsection (d) or (e) of this section, shall be enforced by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating or all such Secretaries. Each such Secretary may utilize, by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or any State agency,

(2) Any authorized agent of the Departments of the Interior, of Commerce, of Agriculture, or of the Treasury may, with or without a warrant, arrest any person who such agent has probable cause to believe is knowingly violating this Act, in his presence or view, or any regulation or permit issued thereunder, the penalty for which is provided under subsection (b) of this section. An agent who had made an arrest of a person in connection with any such willful violation may search such person at the time of his arrest and seize any property taken, used, or possessed in connection with any such violation.

(3) Any authorized agent of the Departments of the Interior, of Commerce, or Agriculture, or of the Treasury shall have authority to search and seize with or without a warrant, as provided by the customs laws and by the law relating to search and seizure. Any such officer or agent is authorized to execute warrants to search for and seize any property, including, for the purposes of this section, any fish, wildlife, flora, aircraft, boat, or other conveyance, weapon, business records, shipping documents, or other items which have been taken, used, or possessed in connection with the violation of any section, regulation, or permit with respect to which a civil or criminal penalty may be assessed, pursuant to subsection (a) or (b) of this section. Any property seized pursuant to this section shall be held by any agent authorized by the Secretary or the Secretary of the Treasury, or by a United States marshal, pending disposition of proceedings under subsection (a) or (b) of this section; except that either Secretary may, in lieu of holding such property, either (1) permit a bond or other satisfactory surety to be posted, or (2) place the fish or wildlife or flora in the custody of such person as he shall designate. Upon the imposition of a civil or criminal penalty, or a forfeiture, the costs to the Government of transfer, board, and handling, including the cost of investigations at a nondesignated port of entry, shall be payable to the account of the Secretary. The owner or consignee of any property so seized shall, as soon as practicable following such seizure, be notified of the fact in accordance with regulations established by the Secretary.

(d) The Secretary may request the Attorney General to bring appropriate action to prevent threatened violations of this Act, or of any regulations or orders promulgated pursuant thereto.

(e) For the purposes of facilitating enforcement of this Act and reducing the costs thereof, the Secretary, with the approval of the Secretary of the Treasury, shall, after notice and an opportunity for a public hearing, from time to time designate, by regulation, any port or ports in the United States for the importation of fish and wildlife (other than shellfish and fishery products) or flora into the United States. The importation of such fish or wildlife or flora into any port in the United States, except those so designated, shall be prohibited after the effective date of such designations; except that the Secretary, under such terms and conditions as he may prescribe, may permit importation at nondesignated ports in the interest of the health or safety of the fish or wildlife. Such regulations may provide other exceptions to such prohibition if the Secretary, in his discretion, deems it appropriate and consistent with the purposes of this subsection.

(f) The Secretary is authorized to promulgate such regulations as may be appropriate to carry out the purposes of this Act, and the Secretaries of the Treasury and the Department in which the Coast Guard is operating are authorized to promulgate such regulations as may be appropriate to the exercise of responsibilities under subsection (c) (1) of this section.

(g) (1) Any person who engages to any extent in business as an importer of fish and wildlife must register with the Secretary of the Treasury his name and the address of each place of business at which, and all trade names under which, he conducts such business.

(2) Any person required to register with the Secretary of the Treasury under paragraph (1) of this subsection shall—

(A) keep such records as will fully and correctly disclose each importation of fish and wildlife made by him and the subsequent disposition made by him with respect to such fish and wildlife; and

(B) at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representative access to his places of business an opportunity to examine his inventory of imported fish and wildlife and the records required to be kept under subparagraph (A) of this paragraph, and to copy such records.

(3) The Secretary of the Treasury shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subsection.

INTERNATIONAL AND INTERGOVERNMENTAL COOPERATION

Sec. 10. (a) (1) In carrying out the provisions of this Act, the Secretary, through the Secretary of State, shall encourage foreign countries to provide protection to species or subspecies of fish and wildlife or flora threatened with extinction, to take measures to prevent any fish or wildlife from becoming threatened with extinction, and shall cooperate with such countries in providing technical assistance in developing and carrying out programs to provide such protection, and shall, through the Secretary of State, encourage bilateral and multilateral agreements with such countries for the protection, conservation, or propagation of fish and wildlife or flora. The Secretary shall also encourage persons, taking directly or indirectly fish or wildlife or flora in foreign countries or on the high seas for importation into the United States for commercial or other purposes, to develop and carry out with such assistance as he may provide under any authority available to him, conservation practices designed to enhance such fish or wildlife or flora and their habitat or range. The Secretary of State, in consultation with the Secretary, shall take appropriate measures to encourage the development of adequate measures, including, if appropriate, international agreements, to prevent such fish or wildlife or flora from becoming threatened with extinction.

(2) To assure the worldwide conservation of endangered species and to avoid unnecessary harm to affected United States industries the Secretary, through the Secretary of State, shall seek the convening of an international ministerial meeting on fish and wildlife prior to November 1, 1972, and included in the business of that meeting shall be the signing of a binding international convention on the conservation of endangered species.

(b) The Secretary of Agriculture and the Secretary shall provide for appropriate coordination of the administration of this Act and amendments made by this Act, with the administration of the animal quarantine laws (19 U.S.C. 1306; 21 U.S.C. 101–105, 111–135b, and 612–614). Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting in any manner the functions of the Secretary of Agriculture under any other law relating to prohibited or restricted importations of animals and other articles and no proceeding or determination under this Act shall preclude any proceeding or be considered determinative of any issue of fact or law in any proceeding under any Act administered by the Secretary of Agriculture.

(c) Whenever the Secretary determines pursuant to this Act or any other authority vested in him, that a species of fish or wildlife is an endangered species, and publishes regulations pertaining to the protection, control, management or enhancement of such endangered species, the Secretary of Agriculture may use all authorities available to him with respect to research, investigations, conservation, development, protection, management, and enhancement of fish and wildlife, including, but not limited to, the conservation operation program, watershed protection and flood prevention programs, Rural Environmental Assistance Program, Great Plains Conservation Program, Resource Conservation and Development Program, forestry programs, and Water Bank Program, in the protection, control, management, or enhancement of such endangered species. Recognizing the national and international interest in the protection and enhancement of such endangered species, the Secretary of Agriculture is authorized, notwithstanding the provisions of any other law, to bear the full cost or any lesser amount that he, in consultation with the Secretary may determine desirable to accomplish the objectives of the Act, of the cost of installing any practice, measure, work of improvement, facility, or other developmental, protective, or management systems on private land, the primary purpose of which is for the purpose of enabling the landowner to comply with the regulations, or other recommendations, of the Secretary pertaining to the protection, control, management, or enhancement of such endangered species. The Secretary of Agriculture, in carrying out the purposes of this section, shall utilize his authorities to conduct research and investigations into vegetative and structural methods and other methods and practices, measures, works of improvement, and facilities most appropriate or effective in the protection, control, management, or enhancement of such endangered species. If determined desirable, the Secretary and the Secretary of Agriculture shall be authorized to jointly carry out research, surveys, and investigations. The Secretary is authorized to transfer to the Secretary of Agriculture such funds as may be necessary to carry out the purposes of this subsection.

(d) Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the Tariff Act of 1930, as amended, including, without limitation, section 527 of such Act relating to the importation of wildlife taken, killed, possessed, or exported to the United States in violation of the laws or regulations of a foreign country.

CONFORMING AMENDMENTS

Sec. 11. (a) Subsection 4(c) of the Act of October 15, 1966 (80 Stat. 928), as amended (16 U.S.C. 668dd(c)), is further amended by revising the second sentence thereof to read as follows: "With the exception of endangered species listed by the Secretary pursuant to section 4 of the Endangered Species Conservation Act of 1972, nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of resident fish and wildlife on lands not within the system."

(b) Subsection 10(a) of the Migratory Bird Conservation Act (45 Stat. 1224), as amended (16 U.S.C. 715i(a)), is further amended by inserting "or likely within the foreseeable future to become threatened with" between the words "with" and "extinction".

(c) Subsection 401(a) of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. 715s(a)), is further amended by inserting "or likely within the foreseeable future to become threatened with" between the words "with" and "extinction" in the last sentence thereof.

(d) Subsection 6(a) (1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903), as amended (16 U.S.C. 4601 9(a) (1)), is further amended by inserting "or likely within the foreseeable future to become threatened with" between the words "with" and "extinction".

REPEALS

Sec. 12. (a) Sections 1 through 3 of the Act of October 15, 1966 (80 Stat. 926, 927), as amended (16 U.S.C. 668aa-668cc), are hereby repealed in their entirety.

(b) Sections 1 through 6 of the Act of December 5, 1969 (83 Stat. 275–279; 16 U.S.C. 668cc–1 through 668c–6) are hereby repealed in their entirety.

By Mr. BAYH:

S. 3819. A bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all Schedule II and III depressant and stimulant substances, and for other purposes. Referred to the Committee on the Judiciary.

DANGEROUS DRUG CONTROL ACT OF 1972

Mr. BAYH. Mr. President, the Subcommittee to Investigate Juvenile Delinquency, of which I am chairman, has been conducting an intensive investigation into the abuse of psychotropic drugs. We have been particularly concerned by the increasing abuse of amphetamines and barbiturates which many medical experts believe has reached crisis proportions. Last summer, we conducted hearings on amphetamine abuse in which we heard the tragic experiences of many young people who had been hooked on "speed" or "uppers," as these drugs are known in the street culture. We also heard from leading doctors and criminologists that amphetamines were widely abused at all levels of our society. Shortly after the conclusion of these hearings, the Bureau of Narcotics and Dangerous Drugs announced the administrative rescheduling of two amphetamine-like substances, with which we had been particularly concerned—phenmetrazine—"Preludin"—and methylphenidate—"Ritalin"—from schedule III to schedule II of the Controlled Substances Act of 1970. Under schedule II these drugs are subject to stricter production and distribution controls, including the establishment of annual production quotas. Although industry requested production quotas of more than twice the 1971 production, the amphetamine quotas established for 1972 amount to an 80 percent reduction from 1971 production levels.

The subcommittee has pursued its investigation of the abuse of psychotropic drugs with particular emphasis on the problem of barbiturate abuse. During the past 6 months, we have heard testimony from 40 witnesses, including representatives of the medical community; experts in the dynamics and emerging patterns of drug abuse; Federal, State, and local law enforcement officials; representatives of major barbiturate manufacturers and wholesalers; as well as individuals who have experienced the horrors of barbiturate dependency and addiction.

The investigation and hearings conducted by the subcommittee have revealed barbiturate abuse to be both a significant public health problem and an ever increasing concern of law enforcement agencies. Barbiturate dependency and addiction have been described as more dangerous than amphetamine dependency and more widespread and physically destructive than heroin addiction. Barbiturate abuse is not a phenomenon restricted to the street culture of multiple drug abusers. It reaches into many areas of American life, affecting such diverse groups as grammar school, high school and college students, industrial workers, middle-class party goers and residents of our ghettos and barrios.

Barbiturates are the best known of the drugs which are used medically to relax the central nervous system. On the street these sedatives are known as "downers" or "goofballs." They are also known as reds, red devils, yellow jackets, blue angels, rainbows, and Christmas trees. All are synthetically derived from barbituric acid. They vary, however, in the onset and duration of their action.

Barbiturates are highly dangerous when taken without proper medical supervision. Increasing use of these pills quickly produces tolerance. Once tolerance is achieved, the user experiences a euphoric effect from taking "downers." Rather than feeling merely drowsy and sluggish, he actually feels high and completely insulated from reality. A regular abuser will suffer severe withdrawal symptoms when the drug is suddenly terminated. Severe withdrawal may be brought on even by a moderate reduction of the accustomed dose. After 12 hours off the drug, the abuser experiences nervousness, headache, tremors, insomnia, fever, and nausea. After 3 days, he may go into convulsions and delirium. Visual hallucinations, usually of a persecutory nature, are common. Barbiturate withdrawal is a serious medical emergency and requires hospitalization. It is more dangerous than heroin withdrawal and can be deadly. Indeed, certain kinds of barbiturate addiction are regarded by many medical authorities as more difficult to cure than narcotic addiction.

Barbiturates are used by millions of Americans in every stratum of society. Unfortunately, in many homes some degree of psychotropic drug abuse is common, and usually unrecognized. Most Americans simply do not realize the terrible consequences of abusing these drugs. Barbiturates and amphetamines are not viewed with the alarm that we view heroin and morphine, although we know that when used improperly, the effects of these drugs may be even more devastating. Children grow up watching their parents take these pills, and they develop an acceptance of drug taking. Thus, casual attitudes toward these potentially destructive drugs, coupled with a readily available supply in the family medicine cabinet, appear intimately connected with the current trend in youthful barbiturate abuse.

Last December, the subcommittee conducted hearings on the nature and extent of barbiturate abuse. We heard representatives of the medical community describe the enormous abuse potential of these drugs. Dr. Sidney Cohen, former Director, Division of Narcotic Addiction and Drug Abuse, National Institute of Mental Health, characterized 1972 as "the year of the downer." We heard young people who had experienced the horrors of barbiturate dependency relate how easy it is to obtain these dangerous drugs. In fact, many of the young witnesses had started down the terrible road to barbiturate addiction with pills taken from the family medicine cabinet. We learned from criminologists and sociologists the dynamics of abuse and emerging nationwide patterns of barbiturate dependency and addiction.

The subcommittee hearings on May 2, 3, and 17 focused on the problem of illicit barbiturate traffic. We heard testimony from a New York reporter who obtained barbiturates with prescription blanks he had printed at a nominal cost, bearing the name of "Dr. D. M. Sugob" which, spelled backwards, reads "Bogus, M. D." These prescriptions showed no BNDD number as required by law. The senior officer of the Norfolk, Va., Narcotics Squad told the subcommittee that his city is experiencing a steady increase in the illegal use and distribution of barbiturates. In fact, he predicted no less than a 100-percent increase in arrests for possession and distribution of barbiturates during the coming year.

Mr. Joseph P. Busch, district attorney of Los Angeles County, told the subcommittee that—

> Barbiturates have always played a major role in the illegal drug traffic in Los Angeles and in recent years they have become the growth drug.

He cited a recent survey of Los Angeles city schools showing barbiturates to be the No. 1 school drug problem. Mr. Busch described some of the typical barbiturate cases encountered by juvenile officers in Los Angeles County:

> An eight year-old child. Dropped a red every day after school. His parents eventually brought him to police. He said he enjoyed the feeling that the pills gave him.
>
> A sixteen year-old juvenile. Habit of eight or nine capsules a day. Booked under the influence. Began to convulse. Taken to General Hospital. Released the next day. Picked up the same night, overdosed on street. Not arrested. Taken to Daniel Freeman Hospital. Released.
>
> Picked up on the next day under the influence in a public park. Booked again.
>
> A fourteen year-old juvenile. Selling hash and pills in jars of 1,000. Using pills. Convulsed in juvenile hall going through withdrawal.
>
> A seventeen year-old juvenile. 30 cap a day habit. He was taking eight caps a day before bed. Underwent medical withdrawal.

Mr. Bryan Finkle, forensic toxicologist, department of district attorney, County of Santa Clara, San Jose, Calif., reported that his county was experiencing a secobarbital epidemic. He presented alarming data indicating that during the year July 1, 1969 to June 30, 1970, 45 percent of the 2,295 drug cases analyzed, or 75 percent of the 1,377 cases yielding positive results, involving the drug secobarbital; that 80 percent of these individuals were less than 26 years old; that 50 percent of the individuals involved in vehicle code offenses over a 2-year period resulting in accidents involved the drug secobarbital; and that the average blood concentration of secobarbital of those involved in these accidents was three times the maximum concentration found in persons taking secobarbital therapeutically under medical supervision.

A special assistant attorney general from New Mexico testified that every few weeks, 40,000 illegal barbiturates arrive in Santa Fe, a city with a population of 40,000. These dangerous drugs are sold on the streets, in school corridors, and even on playgrounds adjoining elementary schools. We learned that Santa Fe is averaging close to one barbiturate death every 3 days. The youngest fatality, a 30-day-old infant, born a secobarbital addict, failed to survive the violent convulsive consequences of its tragic entry into the world.

Many witnesses, including former barbiturate addicts and law enforcement officials, have told the subcommittee that barbiturates are obtained illicitly from friends, street dealers, physicians, pharmacies, or by pilfering abundantly supplied family medicine cabinets. Others have suggested that a significant percentage of the persons abusing barbiturates obtain them originally through legitimate channels and then resort to self-medication, nonmedical use, or illicit traffic. One youngster, age 16, remarked that it is less of a "hassle" to obtain "downers" than it is to purchase cigarettes.

I have learned how readily available and inexpensive these drugs are from personal experience. Several months ago I visited a number of barbiturate treatment programs in California. During the course of a "rap session" with several barbiturate addicts, one young counselor at the Haight-Ashbury Free Clinic in San Francisco, himself a former barbiturate addict, slipped out of the session unnoticed. In a matter of minutes he returned with the fruits of several minutes efforts: A handful of legitimately produced "yellow jackets," purchased for 25 cents a capsule from a local street dealer.

Although the specific numerical estimates differ, there is a consensus among those testifying to date, except for representatives of the drug industry, that a significant proportion of legitimately produced barbiturates find their way into the illicit market. Mr. John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs, recently told the subcommittee that "unlike the case of all other major drugs of abuse, it appears that barbiturates are supplied exclusively from what begins as legitimate production."

In order to bring a clearer focus on the issues of barbiturate abuse and illicit barbiturate traffic, I recently introduced two pieces of legislation relating to the production, distribution, and control of barbiturates. S. 3539 would provide for the rescheduling of several commonly abused shorter acting barbiturates from schedule III to schedule II of the Controlled Substances Act. This change would subject these particular barbiturates to stricter production and distribution controls. S. 3538 would require all manufacturers of solid oral form schedule II barbiturates to place identifying marks or symbols on their products. This bill would facilitate law enforcement efforts to determine the sources of diverted barbiturates. I appreciate the support of my 26 colleagues who have cosponsored these two measures.

Today, I am introducing the "Dangerous Drug Control Act of 1972" which will further assist law enforcement agencies in their investigations of the diversion of controlled substances. This measure also provides for the Attorney General to conduct a comprehensive study and analysis of the diversion of controlled substances.

My bill will require manufacturers to incorporate an inert tracer ingredient in all schedule II and schedule III stimulants and depressants, including the widely abused amphetamines and barbiturates. The presence of these tracers will assist law enforcement agencies in the identification of diverted controlled substances, whether seized in bulk form or in the form of illicitly manufactured or illicitly capsulized pills.

Such a tracer system has been recommended by numerous witnesses who have appeared before the subcommittee. Mr. Joseph P. Busch, district attorney of Los Angeles County, recommended that tracer materials be placed in all domestically produced barbiturate substances. Mr. Busch illustrated the usefulness of tracers in a recent heroin investigation, in which his office placed a tracer in chemicals being shipped to a Mexican laboratory believed to be producing heroin. When the tracer appeared in heroin sold in California, Mr. Busch was able to verify the origin of the heroin.

Tracers in stimulant and depressant substances would provide similar assistance in source identification. Considerable evidence supports the hypothesis that legitimately produced domestic drugs, in bulk and dosage unit form, are shipped to Mexico and eventually imported to illicit markets in this country. The Bureau of Narcotics and Dangerous Drugs and the Customs Bureau have seized 7,600,000 unmarked red secobarbital units in the past 24 months. In one case, an individual was arrested in possession of 2 million unmarked red secobarbital units and large quantities of amphetamines. The presence of a tracer would assist law enforcement officers in identifying the source of these drugs, even if the substances have been repackaged or recapsulized for illegal trade. Tracers would in no way impair the quality or the therapeutic value of these drugs.

Although "California reds"—also known as "'Mexican reds"—have been found in Denver, New Orleans, and New York City, it is important to emphasize that this is a special situation superimposed on a broader barbiturate abuse pattern affecting the entire Nation. The barbiturates seized in nearly all communities are legitimately produced domestic barbiturates in dosage unit form.

My bill authorizes the Attorney General to require the incorporation of tracer ingredients in other controlled substances as may be necessary to control the diversion and abuse of these substances.

My bill requires the Attorney General, after consultation with the Secretary of Health, Education, and Welfare and others knowledgeable in the manufacture, distribution, and monitoring of controlled substances, to determine appropriate methods for incorporating tracer ingredients in depressants and stimulants. The Attorney General is required to conduct research and educational programs to implement the tracer program; to develop rapid field and laboratory identification techniques; to train local, State, and Federal law enforcement personnel regarding the identification of tracer elements and investigation of diversion; and to establish standards to evaluate diversion and tracer control of other controlled substances.

There is an urgent need for a comprehensive information system for use in detecting and preventing drug diversion and in measuring the impact of enforcement and regulatory efforts. The Comptroller General in the April 17, 1972 report of the General Accounting Office entitled "Efforts to Prevent Dangerous Drugs from Illicitly Reaching The Public", made the following conclusions relative to reporting and identification of seized drugs by law enforcement agencies:

> ### Drugs Seized by State and Local Enforcement Groups Not Examined
>
> BNDD, the Bureau of Customs, and State and local enforcement agencies seize large quantities of drugs. BNDD strives to identify the manufacturer of drugs seized by its agents and the Bureau of Customs, since the manufacturers' identity can be valuable in BNDD's investigation to determine the source and significance of the diversion. We found however that, although it had made some efforts to identify manufacturers of drugs seized by State and local enforcement agencies, BNDD had no formal procedures for obtaining such information and that informal requests for samples of seized drugs had produced few results.
>
> Manufacturers of legally produced amphetamines and barbiturates can be identified by marking, such as trade names and trademarks, or by pillistics. Pillistics, a procedure similar to ballistics, identifies pills with the machines which produced them. BNDD has obtained samples (authentics) of pills from manufacturers which have been identified to specific machines. When the origin of seized pills is unknown, the pills can be compared with the authentics in an attempt to identify the manufacturers that produced them.
>
> BNDD officials expressed the view that more complete information on the origin of drugs seized by State and local groups would be a valuable aid in their investigation. The value of this information is illustrated in a case involving amphetamine pills seized in California. Through its examination BNDD identified pills smuggled in from Mexico as being manufactured by a drug firm in the Midwest. Subsequent investigations at this firm revealed that large quantities of amphetamines were en route to a fictitious address in Mexico. This shipment was seized.
>
> In our visit to 13 State and local enforcement groups in California, New Jersey, and New York, we learned that a number of large seizures had been made in the past year but that little attempt had been made to determine the origin of the drugs. Most officials were not aware of BNDD's efforts to identify manufacturers but were willing to cooperate with BNDD in establishing such a system.
>
> In one large metropolitan police department, we found that over 1,358,000 pills were seized during 1970. Three of the seizures consisted of about 270,000, 95,000, and 68,000 pills and accounted for over 30 percent of the total seized. No attempt has been made by the police department to determine the origin of these drugs nor had BNDD obtained samples for this purpose.
>
> In other enforcement agencies, we found also that no attempt had been made to determine the origin of many drug seizures ranging from 5,000 to over 100,000 pills. In addition, we found that none of the enforcement agencies had uniform procedures for recording statistics on drug seizures and in several cases, no data was maintained.
>
> We believe that BNDD should establish a procedure to obtain information on drugs seized by State and local enforcement groups. BNDD also should obtain samples of large drug seizures for its examination when the origin of the drugs is unknown. In addition, a uniform reporting format should be suggested to State and local enforcement groups so that data could be gathered systematically and uniformly and could be reported to BNDD.

The GAO report concludes that—

> Much more needs to be done by the Bureau of Narcotics and Dangerous Drugs, the States, local agencies, and the industry to reduce the diversion of legitimately manufactured drugs into illicit channels where they become easily available to young people and adults.

My bill provides for the systematic collection of data relevant to drug diversion and requires a thorough assessment of law enforcement efforts in this area. It requires the Attorney General to obtain comprehensive data from State and local agencies; to assess law enforcement efforts to control diversion; and to insure that State and local information systems are compatible with the Attorney General's diversion program.

Manufacturers, wholesalers and retailers registered under the Controlled Substances Act of 1970 have expressed concern that reports they have made to BNDD regarding possible diversion have not been systematically investigated and that when investigations are conducted they are infrequently informed of the outcome. My bill requires the Attorney General to establish uniform procedures to monitor and investigate all reports of dangerous drug purchases and orders of an unusual or suspicious nature and to systematically inform the reporting parties regarding the results of BNDD investigations.

To date there has been no systematic gathering of available data on the nature and extent of diversion. My bill requires the Attorney General to obtain from State and local law enforcement agencies all available information, including reports of thefts, seizures, and arrests involving controlled substances.

The military services purchase substantial amounts of dangerous drugs each year. The Defense Personnel Support Center in Philadelphia, Pa., purchased about 131 million pills and capsules of dangerous drugs during fiscal years 1970 and 1971. The possibility of diversion within the military supply system is considerable. Many witnesses testifying before the subcommittee have indicated that military bases, depots, and hospitals are common points of diversion for amphetamines, barbitarurates, and other dangerous drugs. The GAO report found that procedures for the military services to provide information to BNDD on thefts and other shortages of dangerous drugs are not adequate.

My bill requires the Attorney General to obtain information on thefts and shortages within the military supply system and to establish procedures for regular meetings with appropriate military officials on mutual problems concerning the diversion of controlled substances.

To assure that information regarding the diversion of controlled substances receives appropriate attention, my bill provides that the Attorney General shall submit a comprehensive annual report to the Congress on the diversion of controlled substances. The report will include an assessment of the nature and extent of diversion; an appraisal of the effectiveness of law enforcement efforts to curb diversion; and an evaluation of the tracer system provided in my bill in the investigation and prevention of diversion.

The Controlled Substances Act of 1970 requires that persons manufacturing, distributing, and dispensing controlled substances register with the Attorney General. In determining whether to register an applicant, the Attorney General is required to determine whether a registrant has failed to maintain effective controls against the diversion of any controlled substance, and whether he has failed to provide a standard of control consistent with public health and safety. Yet, under the 1970 act, the Attorney General is not authorized to revoke or suspend the registration of persons who abandon controlled substances.

My bill authorizes the Attorney General to revoke or suspend the registration of manufacturers, wholesalers, retailers, and others who abandon controlled substances, such as amphetamines and barbiturates, or who fail to provide controls consistent with public health and safety. Criminal penalties are provided for registrants who abandon controlled substances. Thus, the Attorney General can insure not only that prospective registrants meet standards necessary to curb the diversion of controlled substances into illicit channels, but also that those currently registered to manufacture, distribute, or dispense controlled substances continue to meet these same standards.

The abuse and diversion of legitimately produced dangerous drugs into channels other than legitimate medical, scientific, and industrial channels should be a primary concern for all citizens. The subcommittee, the Congress, and the public at large are all too familiar with the horrors of drug dependency and addiction and their attendant destructiveness and tragedy. While the current focus of concern today is on heroin addiction, it would be folly to overlook the present and prospective role of legitimately produced dangerous drugs.

My bills S. 3539, S. 3538, and the Dangerous Drug Control Act of 1972 which I am introducing today, provide the assistance necessary to aid the law enforcement agencies of this country in their efforts to deal more effectively with the diversion of controlled dangerous drugs.

We have learned from the experience of major urban areas, especially those on the west coast, that barbiturate abuse and addiction is a natural outgrowth of the abuse of psychedelic drugs and amphetamines and that many heroin addicts and methadone users are abusing or are addicted to barbiturates. Patterns of abuse experienced in California are emerging in cities and towns throughout our country. This "ripple effect" should clearly alert us to the need to control and monitor more adequately the production and distribution of dangerous drugs. I urge my colleagues to support the Dangerous Drug Control Act of 1972.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill, together with the bill itself, be printed at this point in my remarks.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 3819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dangerous Drug Control Act of 1972."

Sec. 2. Section 305 of the Controlled Substances Act (Public Law 91–513, 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

"(e) (1) It shall be unlawful to manufacture or distribute Schedule II or Schedule III depressant and stimulant controlled substances, including immediate precursors, unless such substances contain an inert, innocuous tracer ingredient identifying the manufacturer or manufacturers, as required by regulation of the Attorney General. (2) The Attorney General is authorized to require the incorporation of tracer ingredients in any controlled substance as necessary to maintain effective control against diversion into other than legitimate medical, scientific, and industrial channels."

Sec. 3. Section 502 of the Controlled Substances Act is amended by redesignating paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e), respectively, and by adding after (a) the following new paragraph:

"(b) The Attorney General, after consultation with the Secretary of Health, Education, and Welfare and with national organizations representative of persons with knowledge and experience in the manufacture, distribution and monitoring of controlled substances, shall determine appropriate methods for incorporating tracer ingredients in Schedule II and III depressant and stimulant substances in a manner that will facilitate the investigation of the illegal diversion of these substances. To carry out the purposes of section 305(e) and of this section the Attorney General shall conduct research and educational programs. Such programs shall include—

"(1) studies or special research projects designed to develop and implement a network of tracer elements to be incorporated in Schedule II and III depressant and stimulant substances so as to facilitate law enforcement efforts to identify the channels of illegal diversion of these substances.

"(2) studies or special research projects to develop rapid field and laboratory methods for identification of the tracer elements and manufacturers of Schedule II and III depressant and stimulant substances.

"(3) training programs for local, State, and Federal law enforcement personnel on the identification of tracer elements and the investigation of diversion of Schedule II and III depressant and stimulant substances. designed to establish standards to evaluate diversion of controlled substances other than depressants and stimulants in schedule II or schedule III and the necessity for incorporating tracer ingredients in such substances pursuant to section 305(e) (2)."

Sec. 4. (a) Part E of the Controlled Substances Act is amended by adding immediately after section 503 thereof the following new sections:

"INFORMATION ON DIVERSION OF DEPRESSANTS AND STIMULANTS

"Sec. 504. In order to meet the need for comprehensive information required to measure the extent of controlled substance diversion and the impact of efforts to curb such diversion the Attorney General shall—

"(1) Establish regulations to obtain from State and local law enforcement agencies information necessary to evaluate the diversion of controlled substances; to assess law enforcement efforts to control such diversion; and to insure that new State and local information systems are consistent with the Attorney General's diversion control efforts.

"(2) Establish a uniform information system for each region that will provide control over all reports of dangerous drug purchases and orders of an unusual or suspicious nature received from registrants and over the disposition of such reports.

"(3) Direct regional offices to obtain from State and local law enforcement agencies available information on the diversion of controlled substances, including reports of thefts, seizures, and arrests involving such substances.

"(4) Obtain information on thefts and shortages of controlled substances within the military supply system and establish a procedure for meeting with appropriate military officials on a regular basis to exchange information on mutual problems concerning the diversion of controlled substances.

"REPORT TO CONGRESS

"Sec. 505. Within one year after the effective date of section 305(e), and annually thereafter, the Attorney General shall submit to the Congress a comprehensive report on the diversion of controlled substances including, but not limited to, the following:

"(1) The nature and extent of controlled substances diversion;

"(2) The effectiveness of law enforcement efforts to curb diversion;

"(3) The operation of the tracer system provided for in this Act, and its effectiveness in the investigation and prevention of diversion of controlled substances into illegal channels.

(b) Sections 504 through 516 of Part E of such Act are hereby redesignated as sections 506 through 518, respectively."

Sec. 5. (a) Section 102 of the Controlled Substances Act is amended by adding immediately after clause (1) thereof the following new clause:

"(12) The term 'abandon' means to relinquish voluntarily possession or control of a controlled substance without vesting possession or control in another person authorized under this Act to have such possession or control."

(b) Clauses (12) through (26) of section 102 of such Act are hereby redesignated as clauses (13) through (27) respectively.

(c) Section 304(a) of the Controlled Substances Act is amended (1) by striking out "or" after the semicolon in clause (2); (2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "or"; and (3) by adding after clause (3) the following new clauses:

"(4) has abandoned or otherwise failed to maintain effective controls against the diversion of any controlled substance into other than legitimate medical, scientific, research, or industrial channels; or

"(5) has failed to provide a standard of control consistent with the public health or safety."

(d) That part of section 401(b) of the Controlled Substances Act which precedes paragraph (1)(A) thereof is amended by inserting immediately before the word "shall", a comma and the following: "or any person subject to the requirements of part C who violates subsection (d) of this section,".

(e) Section 401 is amended by adding at the end thereof the following:

"(d) It shall be unlawful for any person who is subject to the requirements of part C of this title to abandon a controlled substance.".

SEC. 6. (a) Except as otherwise provided in this section, all sections in this Act including this section shall become effective upon enactment.

(b) Section 305(e) shall become effective on the first day of the twelfth calendar month that begins after the day immediately preceding the date of enactment.

SEC. 7. There are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the next five years, such sums as may be necessary for carrying out this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1

This section contains a short title to reflect the amending of the Controlled Substances Act of 1970.

SECTION 2

This section amends section 305 of the Act making it unlawful to manufacture or distribute Schedule II or Schedule III depressant and stimulant substances unless they contain tracer ingredients. It also authorizes the Attorney General to require tracers in other substances as may be necessary.

SECTION 3

This section amends sections 502 of the Act by requiring the Attorney General, after consultation with the Secretary of Health, Education and Welfare and others knowledgeable in the manufacture, distribution and monitoring of controlled substances, to determine appropriate methods for incorporating tracers in depressants and stimulant controlled substances. This amendment of section 502 requires the Attorney General to conduct programs to implement the tracer program; to develop rapid field and laboratory tracer identification techniques; to train local, State and Federal law enforcement personnel regarding the identification of tracer elements and investiagtion of diversion; and to establish standards to evaluate diversion and tracer control of other controlled substances.

SECTION 4(A)

This subsection amends Part E of the Act by adding two new sections. The new section 504 requires the Attorney General to establish regulations to obtain comprehensive information from State and local law enforcement agencies in order to assess the nature and extent of diversion and the impact of efforts to curb diversion; to establish a uniform system for investigating and reporting the disposition of investigations regarding dangerous drug purchases and orders of an unusual or suspicious nature reported by registrants under the Act; to obtain from State and local law enforcement agencies all currently available information on the diversion of controlled substances, including reports of thefts, seizures and arrests involving such substances; and to obtain information on thefts and shortages of controlled substances within the military supply system and establish regular meetings with the military services regarding diversion of such substances.

The new section 505 requires the Attorney General to submit an annual report to the Congress on the nature and extent of controlled substances diversion; the effectiveness of law enforcement efforts to curb diversion of controlled substances; and the effectiveness of the tracer system.

SECTION 4(B)

This subsection redesignates sections 504 through 516 of the Act.

SECTION 5(A)

This subsection defines "abandon" as a voluntary relinquishment of possession or control of a controlled substance without vesting possession or control in another authorized person.

SECTION 5(B)

This subsection redesignates clauses 12 through 26 of section 102 of the Act.

SECTION 5(C)

This subsection amends section 304(a) of the Act by providing that abandonment or failure to maintain effective controls against diversion or failure to provide a standard of control consistent with the public health or safety are grounds for suspension or revocation of the registration required to manufacture, distribute or dispense controlled substances under the Act.

SECTION 5(D)

This subsection amends section 401(b) of the Act by providing criminal penalties for registrants who abandon controlled substances.

SECTION 6(A)

This subsection provides that all sections except section 305(e) shall become effective upon enactment.

SECTION 6(B)

This subsection provides that section 305 (e) of this Act, requiring the incorporation of tracer ingredients in certain controlled substances, shall become effective one year after the date of enactment.

SECTION 7

This section authorizes such sums as may be necessary to carry out the purposes of this Act for fiscal year 1973 and for each of the following five fiscal years.

By Mr. McGOVERN:

S. 3820. A bill to provide for payment of costs of pending litigation out of funds appropriated to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332-A. Referred to the Committee on Interior and Insular Affairs.

Mr. McGOVERN. Mr. President, the Yankton Sioux Tribe of South Dakota is one of the smaller, poorer tribes of the United States. Pursuant to the Indian Claims Commission Act, the tribe filed claims against the United States—a land claim for lands once owned by the tribe in Iowa, generally described as the Royce 151 claim, a claim for lands ceded by an 1858 treaty, generally described as the Royce 410 and Sioux Fort Laramie claims, and a suit for an accounting of funds and properties of the tribe by the United States. The Royce 151 claim was litigated as docket No. 332-A in the Indian Claims Commission. It resulted in a judgment for the Yankton Sioux Tribe in the amount of $1,250,000. Funds to satisfy the judgment were appropriated by the Congress by the act of July 22, 1969 (83 Stat. 49). Those funds, less attorney fees, expenses, and planning funds have been invested but are not available for use by the tribe until Congress approves their distribution.

Funds were borrowed by the Yankton Sioux Tribe from the "Expert Assistance Loan Fund" established by the act of November 4, 1963 (77 Stat. 301) with which to retain expert anthropologists to aid them in establishing their claim to aboriginal title of the Royce 410 area and to recognized title along with the Teton Sioux in the Sioux Fort Laramie lands. Those funds were repaid to the loan fund out of the award in docket No. 332-A.

In the land case still pending, which is Indian Claims Commission docket numbered 332-C, the Yankton Tribe alleged that it was paid an unconscionably low compensation for the lands which they gave up pursuant to treaty in 1858, ratified in 1859. To prove this, the tribe must establish the market value of those lands as of 1859 and further prove that the consideration which the Government actually paid for the lands was considerably less than the true value of the lands at that time. The experts will also have to study whether the consideration moneys appropriated by Congress actually were used for the benefit of the Yankton Tribe. The area involved covers at least 72 million acres, most of it in the Sioux-Fort Laramie area. Although the Commission determined that the Yankton Tribe owned only a 17-percent interest in the vast Sioux-Fort Laramie area, the entire tract must be appraised in order to determine the worth of a 17-percent interest therein.

This proof requires the assistance of expert appraisers experienced in the field of historical appraisal, a mineral appraiser to determine the value as of 1859 of then-known minerals in the area, and historians to receive the times. In the accounting phase of the case which is Indian Claims Commission docket No. 332-B, the tribe will need the aid of historians, anthropologists and accountants. When the claims have been determined, the tribe will need the aid of historians and accountants to defend against the Government's claim of offsets.

The valuation phase of the Yankton land claim has been set for hearing in November of this year and the Yankton Tribe's attorneys are making every effort to be prepared for trial on that date. As early as March 3, 1971, the General Council of the Yankton Tribe passed a resolution earmarking $150,000 of the funds due the tribe from their docket No. 332-A award to cover these necessary litigation expenses. No attorney fees will be paid from this litigation fund. The attorneys work on a contingent fee basis and will be paid if the pending claims are successfully concluded. The attorneys had earlier advised the tribe to file an application for additional funds from the expert witness loan fund. The application was granted—subject to availability of funds. To date, no additional funds are available for the Yankton Tribe's use. Appraisers, historians, and accountants undertook to do the work expecting funds to be available long before today either from the loan fund or from the tribe's own funds to pay their fees and expenses. The loan fund is exhausted and the tribe's funds are held up here in Congress because of a disagreement over how much of the funds may be distributed per capita.

The bill introduced today would release the $150,000 of Yankton funds, or as much as shall be necessary to pay fees and expenses of expert witnesses to avoid further delay in the litigation of claims before the Indian Claims Commission. Use of the balance of the award arising from docket 332–A can then be determined at a later time.

There is no disagreement concerning the establishment of this litigation fund to finance the tribe's remaining claims. If these funds are not made available for use in the litigation now, the November 16, 1972, trial date for docket No. 332–C—which is the Yankton's largest claim—will have to be postponed. No interest is generally paid to the tribe on judgment awards for lands taken where unconscionable consideration was paid. Therefore, if the Yankton Tribe is deprived of the use of its money at this time to prosecute its pending claims, there will be several hundreds of thousands of dollars lost to the tribe solely because of the delay in obtaining its judgment

In addition, the necessary experts have been retained and have commenced their work with the trial date of November 16, 1972, scheduled in their workload. If the litigation fund from docket No. 332–A is not made available, these experts will be forced to discontinue their work. Resumption of activity by these experts at a later date will only result in more required work, more compensation to be paid by the tribe and a rescheduling of a trial date in the future which must be mutually acceptable to the Indian Claims Commission and the experts—for both the tribe and the Government.

Therefore, denial of the use of this litigation fund at this time will result in delayed justice to the Yankton Tribe for claims now over 100 years old and, more important, definite loss of substantial moneys to the tribe.

Mr. President, I ask unanimous consent that the full text of he bill I am now introducing be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Yankton Sioux Tribal Business and Claims Committee is hereby authorized and directed, pursuant to a resolution adopted by the Yankton Genera. Indian Tribal Council at a meeting held March 3, 1971, to use not to exceed $150,000 of the tribal funds appropriated by the Act of July 22, 1969 (83 Stat. 49), and standing to the credit of the Yankton Sioux Tribe of Indians in the State of South Dakota arising from the judgment award on docket numbered 332–A, known as the Royce 151 claim and that this fund or so much thereof as may be needed shall be used to pay the expenses and compensation of the competent experts whose services are necessary in the completion of their litigation in the Indian Claims Commission, dockets numbered 332–B and 332–C.

By Mr. MILLER (for himself and Mr. HUGHES):

S. 3822. A bill authorizing the City of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State Highway Commission of the State of Iowa. Referred to the Committee on Public Works.

Mr. MILLER. Mr. President, I introduce, for myself and my colleague from Iowa, a bill to authorize the city of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at Clinton, Iowa, by the Iowa State Highway Commission.

The Clinton Bridge Commission was originally created under Federal law in 1944 to construct and operate bridges across the Mississippi River at Clinton, Iowa. The commission presently owns and operates two bridges, and in recent years has undertaken the construction of another bridge to replace one of the existing bridges which is inadequate. As a result of a limitation in the enabling legislation on allowable interest that could be charged on bonds to finance construction of bridges, and because of an unfavorable ruling on the tax exempt status of any bonds, the commission has been unable to raise funds to complete the new bridge.

Recently the Iowa State Highway Commission and the bridge commission agreed that construction of the bridge could best be completed by turning over the project to the highway commission. In order to facilitate this transfer and to insure the tax exempt status of the bonds, the highway commission has requested that Federal legislation be passed. Therefore, I am introducing this bill to authorize the transfer of the current bridges and assets of the Clinton Bridge Commission to the highway commission and to authorize the latter to complete construction of the new bridge. It is my understanding that the Iowa and Illinois Highway Commissions, and the Clinton Bridge Commission are all in favor of this legislation.

It is hoped that the Public Works Committee will act expeditiously on this matter and, if necessary to facilitate passage, will add the provisions of the bill to the Highway Act of 1972 or other legislation which will be acted upon this year.

A similar bill has been introduced in the House.

I ask unanimous consent that a copy of the bill and a background memorandum prepared by the attorneys for the Iowa State Highway Commission be printed in the RECORD at this point.

There being no objection, the bill and memorandum were ordered to be printed in the RECORD, as follows:

S. 3822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce by expediting the completion of interstate bridge facilities across the Mississippi River in the vicinity of the City of Clinton, Iowa, the City of Clinton Bridge Commission (hereafter referred to as the "Commission"), created and operating under the Act approved December 21, 1944, as revived, amended and re-enacted, is hereby authorized to sell, convey and transfer to the State of Iowa all of its real and personal property, books, records, money and other assets, including all existing bridges for vehicular traffic crossing the Mississippi River at or near the City of Clinton, Iowa, and the substructure constituting the partially constructed new bridge which has been designed to replace the older of the two existing vehicular bridges, together with all easements, approaches and approach highways appurtenant to said bridge structures, and to enter into such agreements with the State Highway Commission of the State of Iowa (hereafter referred to as the "Highway Commission"), and The Department of Transportation of the State of Illinois as may be necessary to accomplish the foregoing: *Provided, however,* That at or before the time of delivery of the deeds and other instruments of conveyance, all outstanding indebtedness or other liabilities of said Commission must either have been paid in full as to both principal and interest or sufficient funds must have been set aside in a special fund pledged to retire said outstanding indebtedness or other liabilities and interest thereon at or prior to maturity, together with any premium which may be required to be paid in the event of payment of the indebtedness prior to maturity. The cost to the Highway Commission of acquiring the existing bridge structures by the State of Iowa shall include all engineering, legal, financing, architectural, traffic surveying and other expenses as may be necessary to accomplish the conveyance and transfer of the properties, together with such amount as may be necessary to provide for the payment of the outstanding indebtedness or other liabilities of the Commission as hereinbefore referred to, and permit the dissolution of the Commission as hereinafter provided, less the amount of cash on hand which is turned over to the Highway Commission by the Commission.

SEC. 2. The Highway Commission is hereby authorized to accept the conveyance and transfer of the above mentioned bridge structures, property and assets of the City of Clinton Bridge Commission on behalf of the State of Iowa, to complete the construction of the new replacement bridge, to repair, reconstruct, maintain and operate as toll bridges the existing bridges so acquired until the new replacement bridge has been completed, to dismantle the older of the two existing bridges upon completion of the new replacement bridge, and to thereafter repair, reconstruct, maintain and operate the two remaining bridges as toll bridges. There is hereby conferred upon the Highway Commission the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, reconstruction or completion of any such bridges and for the operation and maintenance of any bridge and the approaches, upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes by said State. The Highway Commission is further authorized to enter into agreements with the State of Illinois and any agency or subdivision thereof, and with any agency or subdivision of the State of Iowa, for the acquisition, lease, or use of any lands or property owned by such state or political subdivision.

The cost of acquiring the existing bridge structures, of completing the replacement bridge and of dismantling the bridge to be replaced and paying expenses incidental thereto as referred to in Section 1 of this General Assembly of the State of Iowa, or through the use of any other funds available for the purpose, or both. The above described toll bridge structures shall be repaired, reconstructed, maintained and operated by the Highway Commission in accordance with the provisions of the General Bridge Act of 1946, approved August 2, 1946, and the location and plans for the replacement bridge shall be approved by the Secretary of Transportation in accordance with the provisions of said Act, as well as by The Department of Transportation of the State of Illinois. The rates and schedule of tolls for said bridges shall be charged and collected in accordance with said General Bridge Act of 1946 and applicable Iowa legislation and shall be continuously adjusted and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing and operating the bridges and approaches under economical management, to provide a fund sufficient to pay the principal of and interest on such bonds as may be issued by the Highway Commission as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity, and to repay any money borrowed by any other means in connection with the acquisition, construction, reconstruction, completion, repair, operation or maintenance of any of said bridge structures. All tolls and other revenues from said bridges are hereby pledged to such uses. No obligation created pursuant to any provision of this Act shall constitute an indebtedness of the United States.

SEC. 3. After all bonds or other obligations issued or indebtedness incurred by the Highway Commission or loans of funds for the account of said bridges and interest and premium, if any, have been paid, or after a sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the State of Iowa shall deliver deeds or other suitable instruments of conveyance of the interest of the State of Iowa in and to those parts lying within Illinois of said bridges to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same, and thereafter the bridges shall be properly repaired, reconstructed, maintained and operated, free of tolls by the State of Iowa and by the State of Illinois, or any municipality or agency thereof, as may be agreed upon.

SEC. 4. The interstate bridge or bridges purchased, constructed or completed under the authority of this Act and the income derived therefrom shall, on and after the effective date of this Act, be exempt from all Federal, State, municipal, and local property and income taxation.

SEC. 5. After all of the property, books, records, money and other assets of the City of Clinton Bridge Commission have been conveyed and transferred to the State of Iowa as contemplated by this Act, such Commission shall cease to exist, without the necessity for any hearing, order or other official action.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

MEMORANDUM MARCH 15, 1972

1. The City of Clinton Bridge Commission (the "Bridge Commission") was created under the provisions of Public Law 526—78th Congress, Chapter 633—2d Session, approved December 21, 1944, and pursuant to this legislation (as revived, re-enacted and amended from time to time) this Bridge Commission has constructed, owns and operates as a toll bridge the main vehicular bridge crossing the Mississippi River at Clinton, Iowa (commonly referred to as the "Gateway Bridge") and in more recent years has undertaken the construction of a second bridge (the "New North Bridge") lying north of the Gateway Bridge to replace an old and inadequate bridge structure (the "Old North Bridge") which also is presently owned and operated as a toll bridge by the Bridge Commission.

2. It is our understanding that at one time the Bridge Commission attempted to obtain a ruling from the Internal Revenue Service that interest on its bonds was exempt from federal income taxes, but that the Internal Revenue Service refused to issue such a ruling. Accordingly, bonds which have been issued by the Bridge Commission since its creation have been treated as bearing interest subject to federal income taxation. When the Bridge Commission undertook to finance the construction of the New North Bridge, it found itself unable to borrow enough money through the issuance of bonds bearing taxable interest to pay the whole cost of the new bridge within the applicable interest rate limitations and based upon revenues produced by its bridge operations. It therefore borrowed enough money to build the substructure for the New North Bridge with the plan that, after payment of this loan, it would try to borrow more money to pay for completing the bridge or for at least completing another portion of the bridge. The substructure was finished several years ago and the local people are understandably anxious to get this bridge completed.

3. The Bridge Commission has explored numerous avenues of approach to attempt to come up with a feasible financing plan for completing the New North Bridge, but has been unable to do so within its interest rate and bridge revenue limitations and it has now requested the State Highway Commission of the State of Iowa (the "Highway Commission") to take over the ownership and operation of its existing bridge structures, complete the New North Bridge, dismantle the Old North Bridge and operate the two surviving bridges as toll bridges until such time as the cost of carrying out this project has been paid.

4. It is feasible for the Highway Commission to finance the cost of carrying out this project because interest on its bonds will be exempt from federal income taxes and it will be able to sell its bonds at a lower interest cost than could the Bridge Commission. It is therefore important that the tax exempt status of the Highway Commission bonds be preserved, and the Highway Commission must operate in this area independently of federal legislation creating the Bridge Commission and not as a "successor" or as an "assign" of the Bridge Commission under that legislation.

5. Both the Bridge Act of 1906 and the General Bridge Act of 1946 contemplate the "construction" of bridges, as compared with the acquisition of existing bridges or the acquisition of partially constructed bridge structures, and do not contemplate the "completion" of a partially built structure. For example, paragraph (a) of Section 525, Title 33, USCA, provides that "the consent of Congress is granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States * * *". Section 527, Title 33, USCA, authorizes either of the states in which an interstate toll bridge is located, or any agency or political subdivision thereof, to acquire and take over such an interstate bridge and its approaches. However, this Section applies only to the acquisition of privately owned bridges "constructed by an individual, firm or corporation" and only after the "completion" of any such interstate toll bridge.

It is apparent that the Clinton situation is unique in that it involves the acquisition and operation of existing bridges constructed by a federal bridge commission, the completion of a partially built bridge structure and the dismantling of the old bridge which is to be replaced. Through the enactment of Chapter 172 of the Laws of the Sixty-fourth General Assembly, First Session, the General Assembly of the State of Iowa has amended the interstate bridge law of that State to specifically permit the Highway Commission to carry out a project of this type. It appears that the only way this project can be financed is by having the Highway Commission take over the assets of the Bridge Commission and complete the new bridge through the issuance of its bonds, the interest on which is not subject to federal income taxation. The existing general federal bridge legislation does not contemplate either the acquisition of the existing bridge structures by the State of Iowa or the completion of partially built structures. Since the consent of Congress is necessary for the completion of this interstate bridge project over navigable waters, the proposed Bill has been prepared which specifically covers the various phases of the problem and authorizes the Bridge Commission, the Highway Commission and The Department of Transportation of the State of Illinois to work out the solution. Every attempt has been made to keep the new legislation as brief as possible and it is hoped that because of the involved nature of this transaction the legislation can be enacted without change.

CHAPMAN & CUTLER.

By Mr. MAGNUSON (by request):

S. 3823. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize the Secretary to phase in motor vehicle safety standards by specified percentages over a period of time, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize the Secretary to phase in motor vehicle safety standards by specified percentages over a period of time, and for other purposes, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end thereof a new subsection (1) to read as follows:

"(1) (1) the Secretary may by order specify a series of effective dates for a Federal motor vehicle safety standard, on or after which a specified percentage of motor vehicles, to which the standard applies, manufactured by each manufacturer for purposes of sale in the United States shall conform to that standard. Each order specifying a series of effective dates should include a statement of the reasons for which the series of effective dates is found to be in the public interest.

"(2) The effective dates within any series specified by the Secretary shall be at one-year intervals. During each six-month period after an effective date the specified percentage of motor vehicles, to which a standard applies, manufactured by each manufacturer for purposes of sale in the United States shall conform to the standard. The final effective date in a series shall in all cases be not more than two years after the initial effective date, and all motor vehicles, to which the standard applies, manufactured on or after the final effective date for purposes of sale in the United States shall conform to the standard.

"(3) In the case where one or more manufacturers are wholly owned by another person or corporation, those manufacturers together with the owning person or corporation shall be considered as one manufacturer for purposes of this subsection. In all other cases each person or corporation that is a manufacturer shall be considered a separate manufacturer for purposes of this subsection."

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 20, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Transportation has prepared as part of the legislative program for the 92nd Congress, 2nd Session, the enclosed proposed bill:

"To authorize the Secretary to phase-in motor vehicle safety standards by specified percentages over a period of time, and for other purposes."

The relevant provisions of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.) by which the Secretary of Transportation or his delegate is authorized to set effective dates for motor vehicle safety standards are as follows:

Sec. 103(c): *"Each order establishing a Federal motor vehicle safety standard shall specify the date such standard is to take effect* which shall not be sooner than one-hundred and eighty days or later than one yeear from the date such order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reason for such finding." (Emphasis supplied.)

Sec. 103(f)(3): "In prescribing standards under this section, the Secretary shall . . . consider whether any such proposed standard is reasonable, practicable and *appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed* . . ." (Emphasis supplied.)

Sec. 108(a)(1): *"No person shall manufacture* for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States *any motor vehicle or item of motor vehicle equipment manufactured on or after the date any applicable Federal motor vehicle safety standard takes effect* under this title unless it is in conformity with such standard . . ." (Emphasis supplied.)

These provisions thus establish that motor vehicle safety standards shall set minimum performance standards for "particular types" of vehicles, that each standard shall specify an effective date, and that no nonconforming vehicles shall be produced after the effective date. There appears no reasonable construction of the language of the statute, and nothing in its legislative history, that would provide authority to require manufacturers to "phase-in" a percentage of their production of a particular type of vehicle to conformity with a standard. We therefore conclude that an amendment of the statute would be necessary to provide authority for such a regulatory action.

Therefore, under its present authority the Department has no choice, when imposing a new safety requirement on manufacturers of motor vehicles, but to order that requirement into effect for all of a particular type of car made on or after a specified date. Frequently, this creates an undesirable situation since many manufacturers change the body designs of various different car lines in successive years over a cycle of three or more years. Thus, the single effective date often either does not achieve the degree of safety improvement that is possible with part of the industry's production, or impose severe burdens with respect to a portion of production that has special problems.

The proposed bill would amend the National Traffic and Motor Vehicle Safety Act, so as to grant the Department phase-in authority whereby more realistic effective dates for safety standards could be established. Such authority would allow the Secretary, in his discretion, to specify a series of dates by which all motor vehicle manufacturers would have to bring into compliance with a standard specified percentages of their production manufactured for purposes of sale in the United States. For example, he could require a standard to be phased-in over a two-year period, so that after September 1, 1973, 25 percent of the manufacturer's production would meet the standard, after September 1, 1974, 50 percent, and after September 1, 1975, all of its production would conform to the standard.

We do not envision phase-in every safety standard. However, the phase-in approach could be used with respect to those standards which were determined to entail substantial start-up problems for the industry.

The desirability of this authority can be demonstrated by viewing it in connection with our rulemaking on direct fields of view. A notice of proposed rulemaking was issued this year for a standard that would require all passenger cars, multipurpose passenger vehicles, trucks, and buses to provide drivers with specified amounts of unobstructed view of the driving environment. The standard would accomplish this by limiting the size of vehicle structures, such as roof pillars that obscure the driver's view of other vehicles and the road. It appears likely that many of the manufacturers will experience difficulty in achieving compliance with the standard since they will need to do substantial redesigning and retooling. It may be practicable, therefore, for some of these manufacturers to achieve compliance only in accordance with their normal model changeover cycle. Under present authority, we would have to set the single effective date at a time when it was practicable for all manufacturers to achieve full compliance. Phase-in authority, however, would permit the Department to phase-in the standard over a several-year period. We thereby could require some portion of the manufacturers' production to meet this standard at the beginning, rather than the end, of the period. This approach would assure some improvement in motor vehicle safety at the earliest possible moment. Of course, the percentage of production selected would be applicable to all manufacturers.

In conclusion, we believe, as a general matter, that the gradual phase-in of an increasing percentage of a manufacturer's production to the requirements of a standard requiring major design changes would be beneficial to both manufacturers and the public. It would minimize a manufacturer's cost by permitting him to make the necessary changes in accordance with his normal model changeover, and the public would be afforded added vehicle safety earlier than otherwise possible.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN VOLPE.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Indiana (Mr. HARTKE) and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Indiana (Mr. BAYH), and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 2994, to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

S. 2995

At the request of Mr. KENNEDY, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2995, the Victims of Crime Act of 1972.

S. 3449

At the request of Mr. ROBERT C. BYRD (for Mr. JACKSON) the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. INOUYE), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 3449, a bill to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation thereof.

S. 3644

At the request of Mr. HUGHES, the Senator from Nevada (Mr. CANNON), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Georgia (Mr. GAMBRELL), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Colorado (Mr. DOMINICK), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), the Senator from Nevada (Mr. BIBLE), the Senator from Maryland (Mr. BEALL), the Senator from Arizona (Mr. FANNIN), and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 3644, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts, to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from New York (Mr. JAVITS), the Senator from Georgia (Mr. TALMADGE), the Senator from Tennessee (Mr. BAKER), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr.

Burdick), the Senator from Kentucky (Mr. Cook), the Senator from Mississippi (Mr. Eastland), the Senator from Arizona (Mr. Fannin), the Senator from Georgia (Mr. Gambrell), the Senator from Michigan (Mr. Griffin), the Senator from South Dakota (Mr. McGovern), the Senator from Pennsylvania (Mr. Scott), and the Senator from Oklahoma (Mr. Harris) were added as cosponsors of Senate Joint Resolution 228, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

DISASTER RELIEF—AMENDMENTS

AMENDMENT NO. 1329 (H.R. 15692)

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

AMENDMENT NO. 1331 (S. 3795)

(Ordered to be printed and referred jointly to the Committee on Banking, Housing and Urban Affairs, and the Committee on Agriculture and Forestry.)

AMENDMENT TO THE DISASTER ASSISTANCE LEGISLATION, H.R. 15692, AND THE AGNES RECOVERY ACT, S. 3795

Mr. JAVITS. Mr. President, in offering the Agnes Recovery Act, President Nixon has come to the Congress to request our approval of an enormous legislative effort unprecedented in our Nation's history. I am pleased to be a cosponsor of this legislation, S. 3795, and I believe it represents the highest and best combined effort of every Federal agency.

As President Nixon stated in his July 12 statement regarding his proposals for additional disaster relief:

> Confronted with so massive a disaster emergency, our response as a Nation must also be massive. Conscience commands it; humanity impels it.

Certainly the progress made to date has been impressive, and this legislation will respond to the challenge of rebuilding which the massive damage requires.

Although this legislation covers nearly every contingency, one serious problem has been brought to my attention which I feel deserves the most sympathetic consideration of the members of the Banking and Currency Committee. This problem concerns those aged and infirm victims of a disaster who are living on social security or other fixed incomes. What is to become of the aged and infirm who have poured the fruits of their life's labor into a home to provide for their retirement years. These are people who, living on fixed incomes or pensions of one sort or another cannot at this stage in their life borrow heavily to restore their homes, who will probably not live to see that debt repaid, and for whom attempted repayment during their lifetime would constitute an extreme hardship. They, indeed, will suffer the most.

My amendment would take these elderly or infirm into consideration. This proposal would amend the Small Business Act to provide that the Administrator may suspend the payment of principal on a disaster relief loan for the lifetime of any such borrower when such payments would constitute a substantial hardship.

Such loans made by the Small Business Administration will, of course, be subject to its security provisions to protect its investment, so that the SBA will recover the principal after the death of the recipient or his or her spouse.

Surely, such a special effort responds to the conscience and humanity which this situation demands. I hope that the committee will consider this amendment to both H.R. 15692, the permanent disaster relief legislation, as well as the President's proposal for the one-time Agnes Recovery Act, S. 3795, to assure help for the victims of Agnes as well as future victims of future disasters.

Mr. President, I ask unanimous consent that my amendment be printed in the Record at this point in my remarks.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

> On page 3, between lines 22 and 23, insert the following:
>
> "(C) may, in the case of a loan made under subparagraph (A) or a mortgage or other lien refinanced under subparagraph (B) in connection with the destruction of, or substantial damage to, property owned and used as a residence by an individual who by reason of retirement, disability or other similar circumstances relies for support on survivor, disability or retirement benefits under a pension, insurance, or other program, consent to the suspension of the payments of the principal of that loan, mortgage, or lien during the lifetime of that individual and his spouse for so long as the Administration determines that making such payments would constitute a substantial hardship."
>
> On page 3, line 23, strike "(C)" and insert "(D)".

MARINE MAMMAL PROTECTION ACT OF 1972—AMENDMENT

AMENDMENT NO. 1330

(Ordered to be printed and to lie on the table.)

Mr. SPONG submitted an amendment intended to be proposed by him to the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1332

(Ordered to be printed and to lie on the table.)

Mr. SCOTT (for himself and Mr. McGee) submitted an amendment intended to be proposed by them jointly to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1240

At the request of Mr. Gravel, the Senator from Massachusetts (Mr. Kennedy), the Senator from Rhode Island (Mr. Pell), the Senator from Missouri (Mr. Eagleton), the Senator from West Virginia (Mr. Randolph), the Senator from Montana (Mr. Metcalf), and the Senator from Nevada (Mr. Bible) were added as cosponsors of amendment No. 1240 intended to be proposed to the bill (S. 3410) to revise the special pay structure relating to members of the uniformed services, and for other purposes.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert E. Curran, of Pennsylvania, to be U.S. attorney, eastern district of Pennsylvania, vice Louis C. Bechtle, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, July 27, 1972, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON SENATE RESOLUTION 281

Mr. PELL. Mr. President, I wish to announce that the Subcommittee on Oceans and International Environment of the Committee on Foreign Relations has scheduled public hearings on Senate Resolution 281 on July 26–27. The hearings will be held in room 4221 in the New Senate Office Building beginning at 10 a.m. each day of the hearings. At the outset of the hearings the subcommittee will hear representatives of the administration; the subcommittee will then receive testimony from public witnesses. Persons wishing to testify should communicate with Arthur M. Kuhl, chief clerk of the committee.

NOTICE OF HEARING ON MUNICIPAL MINE DEMONSTRATION PLANT

Mr. MOSS. Mr. President, I announce for the information of the Senate that a hearing has been set on S. 2556, a bill to establish a municipal mine demonstration plant, for 11 a.m. on Wednesday, July 26, in room 3110, New Senate Office Building, before the Subcommittee on Minerals, Materials, and Fuels. The original hearing date of May 12 was postponed due to an emergency situation involving a witness.

This matter has been cleared with the majority leader and the minority leader in keeping with our present procedural policy to permit public hearings during the time the Senate is in session, only with acquiescence of the joint leadership.

ADDITIONAL STATEMENTS

VICTIMS OF CRIME

Mr. McCLELLAN. Mr. President, on December 11, 1971, I introduced on behalf of myself and a score of other Senators, S. 2994, the Victims of Crime Act of

1972. At present, the Subcommittee on Criminal Laws and Procedures, of which I am privileged to be chairman, is completing action on this measure, which I hope to bring to the floor sometime during the coming month.

Title I of S. 2994 which had its genesis in S. 750, introduced by our distinguished majority leader, would establish a two-level program to compensate the innocent victims of violent crime. On one level, a Federal board would directly compensate individuals who are victimized within Federal territorial jurisdiction. On the other, block-grant money would be made available through the mechanism of the Law Enforcement Assistance Administration to fund similar programs operating within the territorial confines of the States.

The first American jurisdiction to adopt the compensation principle was California—1965. Similar or related programs have also been established in New York, 1966; Hawaii, 1967; Massachusetts, 1967; Maryland, 1968; Nevada, 1967; and New Jersey, 1971.

I am pleased to report, now, that during the 1972 General Assembly of the State of Rhode Island, a bill relating to the compensation of victims of crime was enacted and became chapter 254 of the Public Laws of Rhode Island. The law is to take effect 120 days following the enactment of Federal legislation entitled "The Victims of Crime Act of 1972."

This legislation indicates that there is a real interest in S. 2994 on the part of responsible State governments and makes our responsibility in this regard even clearer.

I ask unanimous consent to have printed in the RECORD the text of the recently enacted Rhode Island statute.

There being no objection, the statute was ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND STATUTE

An act to provide for the compensation of persons injured by certain criminal acts

It is enacted by the General Assembly as follows:

TITLE I—SHORT TITLE AND DEFINITIONS

Short title

Section 1. This act may be cited as the "Criminal injuries compensation act of 1972."

Sec. 2. Definitions as used in this act—

(1) The term "Child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child;

(2) The term "Court" means a special session of the superior court called at least once a year, after the enactment of this act, by the presiding justice of the superior court.

(3) The term "Dependent" means a person wholly or partially dependent upon the income of the victim at the time of his death or would have been so dependent but for the incapacity due to the injury from which the death resulted and shall include a child of such victim born after the death of such victim.

(4) The term "Personal Injury" means actual bodily harm, mental or nervous shock, and a pregnancy resulting from a sexual attack.

(5) The term "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, half sister, and a spouse's parents;

(6) The term "Victim" means a person who is injured or killed by any act of a person or persons which is within the description of any of the offenses specified in title II section 2.

(7) The term "Pecuniary Loss" includes:

(A) for personal injury—

(1) medical expenses (including psychiatric care);

(2) hospital expenses;

(3) loss of past earnings; and

(4) loss of future earnings because of a disability resulting from the personal injury; and

(B) for death—

(1) funeral and burial expenses; and

(2) loss of support to the dependents of the victim. Pecuniary loss includes any other expenses actually and necessarily incurred as a result of the personal injury or death, but it does not include property damage.

TITLE II—AWARD AND PAYMENT OF COMPENSATION

Section 1. Awarding compensation—(a) In any case in which a person is injured or killed by any act of a person or persons which is within the description of the offenses listed in title II section 2 of this act, the court may upon application by the victim, his guardian, or in the case of his death, by a dependent relative or a legal representative, and after notice to the attorney general and the person or persons accused of committing said offense, order the payment of compensation in accordance with the provisions of this act, if such act occurs;

(1) within the physical confines of the state of Rhode Island; or

(2) within the maritime jurisdiction of the state of Rhode Island.

(b) The court may order the payment of compensation;

(1) to or on behalf of the injured person, or his guardian; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person; or

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents or to the legal representative of the victim.

(c) For the purposes of this act, a person shall be deemed to have intended an act notwithstanding that by reason of age, insanity, drunkeness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the court may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the court, supported by substantial evidence, finds that—

(1) such an act did occur; and

(2) the injury or death resulted from such act.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act, or if such act is the subject of any other legal action. Upon application from the attorney general or the person or persons alleged to have caused the injury or death, the court shall suspend proceedings under this act until such application is withdrawn or until a prosecution for an offense arising out of such act is no longer pending or imminent. The court may suspend proceedings in the interest of justice if a civil action arising from such act is pending or imminent.

(g) Upon certification by the court, the treasurer of the state of Rhode Island shall pay to the person named in such order the amounts specified therein and said payments shall be made from the Violent Crimes Indemnity Fund and from any federal monies available.

Sec. 2. Offenses to which this act applies. The court may order the payment of compensation in accordance with the provisions of this act for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to commit murder, robbery or rape;

(2) assault with a dangerous weapon;

(3) assault and battery;

(4) mayhem;

(5) indecent assault and battery on a child under thirteen years of age;

(6) arson, or statutory burning;

(7) kidnapping;

(8) robbery, or larceny from the person;

(9) murder;

(10) manslaughter;

(11) rape;

(12) the abominable and detestable crime against nature, or assault with intent to commit the same;

(13) and any other crime, excluding motor vehicle offenses, which results in personal injury or death.

Sec. 3. Nature of the compensation.—The court may order the payment of compensation under this act for—

(a) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(b) pecuniary loss to the dependents of the deceased victim;

(c) pain and suffering of the victim; and

(d) any other pecuniary loss resulting from the personal injury or death of the victim, the amount of which the court finds upon the evidence to be reasonable and necessary.

Sec. 4. Limitations upon awarding compensation—(a) No order for the payment of compensation shall be made under title II, section 1 of this act unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this act to the victim, or in the case of death to dependent relatives or to the legal representative, in a total amount in excess of $25,000.00.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death of the victim living with the offender as his wife or her husband or in the situations when the court at its discretion feels unjust enrichment to or on behalf of the offender would result. Compensation under this act shall not be awarded to any victim or dependent relative or legal representative if such an award would directly or indirectly inure to the benefit of the offender.

Sec. 5. Terms of the order.—(a) Except as otherwise provided in this section, any order for the payment of compensation under this act may be made on such terms as the court deems appropriate.

(b) The court shall deduct from any payments awarded under section 1 of this act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this act), the state of Rhode Island or any state or any of its subdivisions, for personal injury or death compensable under this act, but only to the extent that the sum of such payments and any award under this act are in excess of the total compensable injuries suffered by the victim as determined by the court.

Sec. 6. Attorneys' fees.—(a) The court shall publish regulations providing for the compensation of attorneys for appearances and efforts connected with application etc., and shall use the minimum fee schedule of the state of Rhode Island as a guide. At the conclusion of proceedings under this act, the attorney representing the applicant shall file a statement with the court setting forth the amount of fee charged in connection with his efforts and services rendered in such proceedings.

(b) After the fee information is filed by an attorney under (a) above, the court may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the court and the attorney fail to agree upon a fee, the court may, within ninety days after the receipt of the information required by (a) above, petition the Bar Association of the state of Rhode Island, and the Bar Association shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who charges, demands, receives, or collects for services rendered in connection with any proceedings under this act any amount in excess of that allowed under this section, if any compensation is paid, shall be subject to disciplinary action and other appropriate action to be taken by the Bar Association of the state of Rhode Island.

(d) Upon certification by the court to the effect that the fee has been established, the Treasurer of the state of Rhode Island shall pay to the attorney named in the certification the amount of the counsel fee which shall be paid from the Violent Crimes Indemnity Fund.

Sec. 7. Finality of decision. The orders and decisions of the court shall be final. However, the court may at any time, on its own motion or on the application of the attorney general, or of the victim or his dependents, or of the offender, vary any order for the payment of compensation made under this act in such manner as the court thinks fit, whether as to terms of the order or by increasing or decreasing the amount of the award or otherwise.

TITLE III—RECOVERY OF COMPENSATION

Section 1. Recovery from offender. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this act for a personal injury or death resulting from the act constituting such offense, the state of Rhode Island may institute an action against such person for the recovery of the whole or any specified part of the compensation in the superior court of the state of Rhode Island in any county, or in the state or federal court of any other state or district in which such person resides or is found.

(b) Process of the superior court for any county in any action under this section may be served by the sheriff of the county thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned.

(c) An order for the payment of compensation under this act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

TITLE IV—MISCELLANEOUS

Section 1. Reports to the senate. The administrator of the superior court shall transmit to the governor and to the legislature annually a report of the activities of the court under this act including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded.

Sec. 2. Appropriations. There are hereby authorized to be appropriated out of any money in the Violent Crimes Indemnity Fund not otherwise appropriated such sums as may be necessary to carry out the provisions of this act.

Sec. 3. This act shall take effect one hundred twenty (120) days following the enactment of federal legislation entitled "The Victims of Crime Act of 1972."

INTERNATIONAL VERIFICATION OF PRISONERS OF WAR

Mr. DOLE. Mr. President, one of the most important issues involved in winding down the war in Southeast Asia and the eventual end of U.S. involvement, concerns the fate of some 1,600 American servicemen who are missing in action and held as prisoners of war throughout Indochina. While a cessation of the fighting and withdrawal of U.S. forces is highly important, the overall goal involves much more. It is not simply a matter of "out now," or promising an end to the war in 30 or 60 or 90—or however many days. It is not a matter of one group or ideology attempting to atone for what it sees as past policy errors or actions, nor is it a matter of fixing blame.

What is at stake—in addition to the future of South Vietnam and its neighboring states, in addition to the position of the United States as a world power—is the fate of 1,600 U.S. servicemen.

Of course, it would be a simple matter for a President, whoever he might be, to say as Commander in Chief, "Withdraw everyone—lock, stock, and barrel. Bug out." The office clearly carries with it that authority, and by such action a President could, surely, end our involvement in Vietnam—or in Europe or the Mediterranean or anywhere else in the world.

But it is not simply a matter of physically removing troops, and anyone who urges this simplistic slogan is not only doing a disservice to the American people but jeopardizing the possibilities for the safe return of the men who are captured or missing.

Experience should be sufficiently persuasive to all but the most naive or self-deluding. When undertaking the safe return of its captured and missing military personnel, the United States cannot rely upon vague assurances or implied agreements or fuzzy understandings. It cannot give the enemy the slightest benefit of any doubt. It must have ironclad, absolute, and fully verified guarantees as to identities, deaths, disappearances, and escapes. Our experience after the Korean conflict shows clearly that international supervision of all exchanges and lists of detainees is essential. The French experience after Dienbienphu proves that the same North Vietnamese are totally untrustworthy when making exchanges of their captives. Our own experience with them to date in attempting to assure their compliance with the Geneva Conventions on prisoners of war shows them to be completely hostile to this code of civilized conduct. And their ruthless exploitation of our men for propaganda purposes—in flagrant violation of the Geneva agreements—clearly exemplifies their cold cynicism and disdain for these men and for the undertakings by which they are formally bound in international law.

The warning and the requirement is absolutely clear. We cannot take the enemy's word for anything. We cannot take their word that they will "discuss" the release of prisoners after our withdrawal. We cannot begin to accept even at this point their so-called lists of captives; the discrepancies are already so numerous as to raise the strongest warnings against dealing with the enemy on the basis of these lists.

On the point of these discrepancies I invite the Senate's attention to a brief list drawn up by Concern for POW's, Inc., of San Diego, Calif. It cites a half dozen instances where Hanoi's official list of prisoners is flatly contradicted by their own propaganda efforts and independent sources of information. These are only six examples, and they should give pause to anyone who thinks Hanoi can be trusted in these matters. As the statement points out, the Vietcong and Pathet Lao refuse to publish any prisoner lists. I ask unanimous consent to have this list of discrepancies printed at this point in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Some Apparent Discrepancies Concerning the Official Hanoi List of American POW's, November 1970

NAVY LT. RONALD DODGE OF CALIFORNIA

Shot down, May 17, 1967, over North Vietnam. When on ground, Dodge talked to Wingman on radio. As he was being surrounded by North Vietnamese, he said, "I am breaking up my radio." In September 9, 1967, issue of the *PARIS MATCH*, a photo of Dodge appears. He is between two North Vietnamese guards. Photo identified to be taken in Hanoi by Dutch free lance photographer. Much later the Defense Department obtained a movie of the same scene. In spite of this evidence, North Vietnam claims to have never heard of Lt. Dodge. Mrs. Jan Dodge, San Diego, wife.

NAVY LT. COMDR. MILTON VESCELIUS OF CALIFORNIA

Parachuted to ground after being shot down September 21, 1967. His Wingman saw him wave as being surrounded by North Vietnamese. Wingman says he had clear view of Vescelius waving him off. North Vietnam claims to have never heard of Lt. Cmdr. Vescelius. Mrs. Jean Vescelius, San Diego, wife.

AIR FORCE MAJ. WILMER N. GRUBB OF VIRGINIA

Shot down, captured January 26, 1966, over North Vietnam. Next day, New China News Agency reports U.S. jet pilot shot down, captured alive. February 3, Radio Hanoi broadcast statement attributed to Grubb. February 7, another broadcast, this time in Grubb's voice. Beginning February 10, photos of Grubb began appearing in newspapers and magazines in nations including Algeria, Cuba, Hanoi, France, Russia, and Japan. Photos used for more than a year. In ten photos collected, Grubb looks healthy, alert, with apparent slight wound in lower leg. Four years after capture, Hanoi says Grubb died nine days after capture, "as a result of injuries in crash." No proof, death certificate. Mrs. Evelyn Grubb, Virginia, wife.

AIR FORCE MAJ. DONOVAN LYON OF CALIFORNIA

Shot down with co-pilot, March 22, 1968, over Laos. Lyon co-captain football at Hollywood High and Occidental. Co-pilot, absent from official list, was twice sighted in a POW camp near Hanoi, by other prisoners. Lyon still unheard from. Mrs. Janice Lyon, Irvine, wife.

AIR FORCE CAPT. RICHARD H. VAN DYKE OF UTAH

Van Dyke was shot down in North Vietnam, September 11, 1968. When plane hit, he ejected safely from rear seat, pilot flew crippled plane to sea, ejected and was rescued. Observers saw Van Dyke's properly deployed chute, was seen to land in a rice paddy. Three days later in Hanoi, newspaper *NEAN DAN*, a story appeared, citing the downing of an American plane in the same area Van Dyke was lost—the only American plane shot down near there that day. The article says the "air pirate" from the plane came down slowly in a parachute and was captured as soon as he landed. Hanoi claims to have never heard of Captain Van Dyke. Unmarried. Mr. and Mrs. M. W. Van Dyke, Utah, parents.

NAVY LTS. WALTER ESTES OF MICHIGAN AND JAMES TEAGUE OF ARKANSAS

Shot down over Haiphong in single plane, November 19, 1967. A.P. monitored a Warsaw wirephoto three days later in which the I.D. card photos of Teague and Estes were printed and Hanoi claimed them captured. They've never been heard from since. Both unmarried. Mr. and Mrs. Walter Estes, Michigan; Mr. and Mrs. James Teague, Arkansas, parents.

These discrepancies deal with North Vietnam. Out of 469 missing in South Vietnam, and 260 missing in Laos, some have been heard from but Pathet Lao and National Liberation Front so far have refused to release any kind of list.

Mr. DOLE. Mr. President, wisely and with considerable personal courage, President Nixon has stanchly refused to risk the lives of our prisoners and missing men on Hanoi's callous propaganda and cunning exploitation of the public's war-weary desire for peace. It has not been easy or pleasant for him to follow this course, but he has made the hard choice and is sticking to it. He is determined not to jeopardize the ultimate chances for the release and return of all surviving prisoners and missing by accepting the tainted representations of Hanoi that they might discuss the return of some of the men it admits holding. The stakes are too high for any other course; the fate of these men is too important.

In the days and weeks ahead we will all look hopefully for success for the President's peace initiatives. There are some signs—some nuances, as Secretary of State Rogers has said—that Hanoi may be responding to these efforts. And certainly every Member of Congress, just as the President, hopes for the earliest possible settlement of the war.

But in the days and weeks ahead there will also be discussion of other proposals for ending the war—Hanoi's proposals, the proposals of public figures, and proposals by various groups and organizations. The Senator from Kansas would only hope that throughout these discussions everyone will keep foremost in his thoughts the responsibility we as a nation and as individuals have to the 1,600 prisoners of war and missing in action. Our responsibility demands that we deal with the enemy firmly and seriously and that we leave no question in their minds that under no circumstances will we accept anything but a full, verified and supervised accounting for the men who are under their dominion.

In an effort to bring this responsibility to the full attention of the American people the group I mentioned earlier, Concern for Prisoners of War, Inc., is sponsoring a cross-country "POW Mobile Museum." This museum is touring the Nation on a 4,000-mile campaign to alert Americans to the accountability issue and see to it that—regardless of individual views on the war itself—everyone understands the existence and importance of this issue.

I believe this is an outstanding nonpartisan, humanitarian effort. It deserves widespread recognition and support; for while we can and do disagree as Senators and citizens over the war, we must assure unified and strong support for the brave men who are missing and captured in the service of their country.

To provide a more detailed explanation of the POW Mobile Museum, I ask unanimous consent that a press release from Concern for Prisoners of War, Inc., be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Concern for Prisoners of War, Inc., Press Release

San Diego.—A unique "POW Mobile Museum" will start a bold 4,000-mile trek across the United States from San Diego, California, to the Congress of the U.S. in Washington, D.C., on Monday, June 26.

The "curator" of the museum is a lean, lanky Navy fighter pilot, Robert F. Frishman, who left 683 days of his life, his right elbow and 65 pounds behind him when he was released from a Hanoi prison camp in August 1969.

The POW Mobile Museum, a 25-foot, self-contained motorhome, donated by Amigo Motor Homes of San Marcos, California, will display proof of discrepancies in the official list of less than 400 American Prisoners of War that Hanoi released a year and a half ago and one million signed letters addressed to the Congress of the United States demanding positive assurance that *all* POWs and MIAs will be an integral part of any peace plan.

The POW Mobile Museum will make major stops, throughout the nation, at other POW/MIA offices. These organizations of concerned citizens and families of POWs/MIAs will add to the Museum's collection of letters, and "evidences": photographs, newspaper clippings, telegrams—which pinpoint discrepancies in the so-called official Hanoi list of captured men. This evidence proves that there were men alive in those prisoner of war camps which Hanoi now says they never heard of. Regardless of how one feels about the war, it must be considered intolerable that a nation would abandon men who may be alive. War guilt or fatigue will not be excuses to those prisoners who return alive when others they saw or heard of do not.

This single factor, the discrepancies in the list, will become one of the key issues of the wrap-up of the war.

A spokesman for Concern for Prisoners of War, Inc., in San Diego, sponsor of the trek, said the discrepancy element is the most crucial of the entire POW issue.

The arrival of the POW Mobile Museum at the nation's capitol will coincide with the delivery of some 30 million pieces of mail being shipped back from Paris. Mail from American citizens that was refused by the Hanoi Legation and has since been gathering dust in an obscure Paris warehouse.

Concern for POWs, Inc., will present these countless truckloads of mail to the Congress and ask them to change this expression of concern into tangible and meaningful action to insure the identification and return of all POWs and MIAs. Private citizens may only express concern. Only Congress has the power to act.

When the Korean War ended, our government left 389 known POWs behind. Since then, these men have been written off as dead.

Thirty million signatures scream out that this must not happen again. I guess that's what all the fuss is about. The return of 1700 men—not 400.

THE IRONIES OF MORE WEAPONS FOR PEACE—PENTAGON SOUNDS LIKE ORWELLIAN CHARACTERS

Mr. PROXMIRE. Mr. President, Erwin Knoll, the distinguished Washington correspondent for the Progressive magazine has written an article for the August issue entitled "More Weapons for the Generation of Peace," a commentary on the Pentagon demands following the SALT agreements.

Mr. Knoll points out that a few months ago the Secretary of Defense was demanding funds from Congress for the new weapons as "essential to national security in the event that the SALT talks collapsed."

Now that the SALT agreements have been signed by this country, the Pentagon is demanding the same new weapons on grounds that the successful SALT talks make them necessary.

This is a reminder of George Orwell's "double-think" in his "1984" and is reminiscent of the kind of double standard Orwell developed in "Animal Farm" that some animals are more equal than others. In our case, in its claims for the limited resources of the U.S. Government, the Pentagon is far more equal than others.

President Nixon's budget for fiscal year 1973 calls for new obligations authority—NOA—for the Department of Defnese—military—which is the Pentagon—of $83.4 billion. This is almost $7 billion more than the fiscal 1972 estimated outlays of $76.5 billion for the Pentagon.

In view of the vast increase in spending for the Pentagon now being asked for by the President and which will shortly be debated by Congress, I ask unanimous consent that Mr. Knoll's excellent article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

More Weapons for the "Generation of Peace"

(By Erwin Knoll)

"Three fifths of all the people alive in the world today have spent their whole lifetimes under the shadow of a nuclear war which could be touched off by the arms race among the great powers. Last Friday in Moscow we witnessed the beginning of the end of that era which began in 1945. We took the first step toward a new era of mutually agreed restraint and arms limitations between the two principal nuclear powers. With this step we have enhanced the security of both nations. We have begun to check the dangerous and wasteful spiral of nuclear arms. . . ."—President Nixon to a joint session of Congress, June 1

"This is no time for complacency. This is no time to cut back on those programs which are designed to maintain and preserve essential U.S. strength. We must continue such existing deployment programs as MIRV and SRAM, and those development programs we have in our fiscal 1973 budget such as Trident and the B–1 bomber. . . ."—Defense Secretary Melvin R. Laird to the House Appropriations Committee, June 5

President Nixon, meet Secretary Laird. Secretary Laird, meet President Nixon.

They tell a story in the mountains about the fellow who was walking down a dark, deserted road one moonless night when suddenly a huge and awful monster leaped at him out of the shrubbery. He started running, with the monster hot on his heels, and ran for miles and miles until his wind gave out. As he sank to the ground, the monster loomed over him, grinned a hideous grin, and said, "We've had quite a run, haven't we?" "You bet," gasped the mountaineer, "and as soon as I've caught my breath we'll have another."

It took Defense Secretary Laird no time at all to catch his breath; in fact, he hardly broke his stride. While his boss, the President of the United States, was still in Moscow, proclaiming the beginning of the end of "a wasteful and dangerous arms race," Laird was off again and running, announcing to all who would listen that the race was still on and the monster was gaining.

Three years ago, in a symposium that *The Progressive* published as a special issue on "The Power of the Pentagon," economist John Kenneth Galbraith commented on the Defense Secretary's remarkable propensity for scaring the hell out of everybody. It is a gift that will face its greatest challenge in the coming months, for while President Nixon accepts the applause of the nation and the world for slowing the mad momentum of the arms race, Secretary Laird has the mission of accelerating it. His task is to persuade his countrymen—and especially their representatives in Congress—that the Strategic Arms Limitation Treaty (SALT) agreements do not mean what they seem to mean; that arms limitation is really arms escalation; that peace is war. Some of us might have trouble with those formulations, but Laird won't. A man who can blandly assure Congress that the policy of "Vietnamizing" the Indochina war has been "astonishingly successful" should find it easy to prove that the way to disarm is to spend billions more for armaments. Indeed, testifying before the Senate Armed Services Committee, Laird went to the Orweillian length of threatening to torpedo the strategic arms limitation agreement negotiated by his chief if Congress did not agree to his new strategic arms expansion program—estimated to cost an additional $25 billion over the next decade.

In proper military terminology, Laird's approach might be called "flexible response." For years, while the SALT negotiators nodded through interminable bargaining sessions, the Secretary maintained that such major weapons systems as the Safeguard ABM, the Poseidon nuclear submarine, and the Minuteman III missile were indispensable as "bargaining chips" in the negotiations. The rationale was that the more we had, the less we would be compelled to "give away." What's more, Laird insisted, in Congressional testimony only a few months ago, that the advanced weaponry would be essential to the national security in the event that the SALT talks collapsed.

Under the doctrine of "flexible response," a new rationale was ready as soon as the SALT agreements were signed. It went this way in Laird's June 5 testimony to the House Appropriations Committee:

"Just as the Moscow agreements were made possible by our successful action in such programs as Safeguard, Poseidon, and Minuteman III, the future negotiations to which we are pledged can only succeed if we are equally successful in implementing such programs as the Trident system, the B–1 bomber, NCA defense, Site Defense, SLCM, and accelerated satellite basing of strategic bombers. We must also initiate certain other measures in areas such as intelligence, verification, and command, control, and communications."

Presumably, a second-stage SALT agreement would require still another round of arms to be stockpiled as "bargaining chips" for a third round, and so on well into the Twenty-first Century.

Even the veteran hawk who presides over the House Appropriations Committee, Representative George Mahon of Texas, was shocked to hear from Laird that there would be no military savings resulting from the SALT agreements. What the Secretary was saying, Mahon suggested, was that "if we don't continue the arms race, we are going to be greatly disadvantaged in the next five years." Such reasoning, Mahon feared, could only "encourage full speed ahead in Moscow" on development of more Soviet weaponry. Precisely.

Still, the House Armed Services Committee was persuaded on June 14 to grant the Administration an additional $1.3 billion for strategic arms, including $942 million to accelerate development of the Trident missile-launching submarine and $445 million for development of the B–1 supersonic strategic bomber. The vote in the Committee was an overwhelming thirty-seven to four.

Most members of Congress stand in awe of military "expertise." Even those who are not automatically disposed to rubber-stamp every spending request submitted by the Pentagon feel that they lack the facts to exercise independent judgment on matters of defense, and fear that by saying no to the military they may be condemning their constituents to the ultimate holocaust. Secretary Laird is not above fueling such Congressional ignorance, insecurity, and apprehension with an occasional bit of obfuscation or outright deception.

On June 8, Laird told a closed session of the Senate Armed Services Committee that the Soviet Union had begun flight-testing a multiple independently targetable missile—MIRV. The "disclosure" came as news to Ambassador Gerard C. Smith, the chief U.S. SALT negotiator and director of the Arms Control and Disarmament Agency, who on the same day was telling a group of businessmen that the Soviets were lagging so far behind the United States that they had not yet even tested the multiple warhead system. Lard's claim came as news to the State Department, too, and elicited a rather curt denial the next day from the Department's official spokesman:

"It is clear that the Soviet Union from all available evidence is carrying on a program to develop MIRV technology, although they are a long way behind the United States in this area. We know of no evidence that they have tested MIRV. That's what Ambassador Smith said yesterday. There is a difference between testing a missile that can carry a MIRV and testing MIRVs."

Such intramural squabbles are bound to occur in an Administration that is deliberately disseminating two contradictory propaganda lines. The President, traveling the high road, is presenting himself to a war-weary electorate as a man who has taken a long step toward peace. The Secretary of Defense and his associates at the Pentagon, traveling the low road, are assuring the patrioteers who fear any relaxation in the Cold War (and the contractors who fear any loss of war profits) that the arms race will continue.

"No power on earth is stronger than the United States of America today," Mr. Nixon told Congress and the nation on June 1. "None will be stronger than the United States in the future." Only five days later, Admiral Thomas H. Moorer, chairman of the Joint Chiefs of Staff, was telling a Senate Appropriations Subcommittee: "I feel that our relative military power throughout the world has peaked and is now declining. We no longer possess that substantial strategic superiority which in the past provided us with such a significant margin of overall power that we could, with confidence, protect our interests worldwide."

Admiral Moorer, have you met President Nixon?

Two basis arms limitation agreements between the United States and the Soviet Union were signed in Moscow. The first, a *defensive* treaty subject to ratification by the Senate, limits each nation to two anti-ballistic missile sites—one around its capital and one to protect a field of intercontinental ballistic missiles. Each ABM site may be equipped with no more than 10 missile interceptors. The effect of the treaty is to leave both superpowers quite vulnerable to massive nuclear attack—and therefore to preclude the possibility that either side will attempt to launch a first-strike against the other. This is a momentous achievement, for it means, first, that both nations will be spared the formidable costs of blanketing their territories with complex (but probably worthless) ABM defenses, and, second, that neither side must pursue the lunatic project of developing a preemptive first-strike nuclear force.

That, at least, is what the ABM treaty *ought* to mean, but Secretary Laird's scare tactics indicate it will mean quite the opposite. To begin with, the price tag on the two ABM sites permitted by the treaty has suddenly undergone mysterious but massive inflation. The Pentagon now estimates that it will cost $8.5 billion to complete the ABM site at Grand Forks, North Dakota, and build one to "protect" Washington, D.C. This is slightly higher than the $8 billion estimate issued by the Pentagon only four months ago for a four-site ABM system. No one has tried to explain why two ABM installations should cost more than four—and, considering the Pentagon's customary contracting procedures, perhaps no one needs to.

Much more worrisome than the cost of ABM, however, is Laird's campaign for the development of new nuclear weaponry. The second agreement signed at Moscow, covering *offensive* weapons and subject to approval by both houses of Congress, leaves ample room for such development. For the next five years, it would limit both the United States and the Soviet Union to the number of land-based and sea-based missile launchers now available or under construction—but it imposes no curbs whatsoever on the development of more powerful warheads, the installation of multiple warheads on existing launchers, or the procurement of new nuclear bombers. The objective of Laird's campaign is to take full advantage of every one of these openings.

The Soviet Union now has a total of 2,359 land-based and sea-based missiles, against the U.S. total of 1,710. When heavy bombers are added to these figures—140 for the Soviet Union and 457 for the United States—the Soviets still lead in "total delivery vehicles" by 2,499 to 2,167. These are the figures being used to arouse alarm over a Soviet nuclear "advantage"—but they are virtually meaningless.

MIRV is the key. With the multiple warheads now installed on U.S. missiles, the United States now leads the Soviet Union by 5,700 nuclear warheads to 2,500. The authoritative International Institute for Strategic Studies of London estimates that by mid-1977, when the offensive arms limitation treaty is due to expire, the United States will have 11,000 warheads and the Soviet Union 2,600. Even the Russians' lower number is quite sufficient to annihilate the planet. The United States, heading for what Laird calls "continued technological superiority," will soon be ready to devastate the entire solar system.

Laird is not only pressing for more MIRV's for B–1 bombers (which will cost almost $50 million per plane), and for Trident submarines (each of which will cost about $1 billion). The armed services have a full panoply of new weapons systems on their shopping lists—all of them exempt from the SALT agreements. The Army is seeking Congressional approval for a new attack helicopter, a new transport helicopter, a new heavy tank, and the complex gear to create "automated battlefields." The Navy wants a new, $1 billion nuclear-powered aircraft carrier, more than 300 carrier-based F–14 fighters, additional destroyers (cost: $90 million each), and more nuclear attack submarines. The Air Force eagerly awaits the F–15 "air superiority" fighter, the A–X attack planes for close support of ground operations, and a new short-takeoff-and-landing transport plane.

It shapes up as quite an arsenal for the "generation of peace" that will be a dominant pledge in Mr. Nixon's re-election campaign. As the new and ever lengthening shopping list for the Pentagon unfolds, it turns out that Mr. Nixon's "new era of arms limitation" plus the "peace dividend" resulting from "winding down" the war in Vietnam plus the "astonishingly successful" program of Vietnamization—that all these will add up to greater, rather than smaller, appropriations for the arms program. If he wins a second term, he will surely fulfill a pledge left over from 1968, one he hasn't mentioned much recently: a $100 billion annual military budget.

Now *there's* a monster to make a man head for the hills.

BASIC EDUCATIONAL OPPORTUNITY GRANTS

Mr. PELL. Mr. President, many people have written and called my office seeking information about the so-called Pell Grants, or to use the official name, the Basic Educational Opportunity Grants. This is the new Federal grant program for eligible postsecondary students of $1,400 minus a family contribution which is to be determined by the Office of Education.

Implementation of this grant program now depends on Presidential action, involving the request of money from the Appropriations Committee. Unfortunately, once a bill becomes law, it is up to the President working through the executive agency to implement it. I can assure the citizens of Rhode Island that all of us in Congress are urging the Department of Health, Education, and Welfare to expedite action on this legislation, so that the students' assistance will be forthcoming immediately.

It should also be remembered that after the President and the Department of Health, Education, and Welfare Act, the Appropriations Committees of both Houses of Congress must also take action. I hope that between now and the time of the August recess, both Appropriations Committees will make funds available for the grant program. But even then, I am deeply disappointed to say that Department of Health, Education, and Welfare has informed me that it will not be able to develop the guidelines and work out the necessary financing arrangements in time for implementation this coming fall semester. I am urging the Secretary to see if some way can be found to expedite the Department's procedures so that the program can become operable by the second semester of this academic year.

In any event, the Federal programs of student assistance all operate through the student financial aid officer at the college or university the student attends or plans to attend, and I would urge all students to contact that individual when they return to school.

I ask unanimous consent that a letter to me from the Secretary of Health, Education, and Welfare be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Secretary of Health,
Education, and Welfare,
Washington, D.C., July 14, 1972.

Hon. Claiborne Pell,
Chairman, Subcommittee on Education, U.S. Senate, Washington, D.C.

Dear Senator Pell: Since the President signed the Education Amendments of 1972 into public law on June 23, we have been examining all the provisions of the measure in terms of a possible timetable for implementation of each.

The most significant portion of P.L. 92–318, as far as millions of students are concerned, is that which authorizes Basic Educational Opportunity Grants. Your office has undoubtedly already received numerous requests for information concerning this program. In order to aid you in your responses, I should like to share with you our current thinking on this matter.

Section 411(a)(3)(A)(i) of the Higher Education Act of 1965, as amended, requires that the Commissioner of Education publish in the Federal Register a schedule of expected family contributions for the succeeding academic year not later than February 1. Thus, in order to operate the program this fall we would have to have published the schedule five months ago.

Besides publishing the schedule in the Federal Register, the Commissioner is also required to submit it to both houses of Congress. The Congress then has until May 1 to approve or disapprove the schedule.

In addition to the family contribution schedule, the Office of Education will, of course, be faced with an extremely difficult task of establishing new administrative procedures, putting a payment mechanism into place, educating financial aid officers, and conducting a public information effort before the Basic Grant program can begin operation.

Because of the magnitude of these tasks, as well as the fact that P.L. 92–318 was enacted too late in the year to allow us to meet the statutory requirement that the family contribution schedule be published by February 1, we will be unable to begin operation of the Basic Grant program before the 1973–1974 academic year.

During the 1972–73 academic year, students will continue to receive assistance under the Supplemental Grant, College-Work Study, and Direct Student Loan (formerly NDEA) programs. Institutions have already been notified of their 1972–1973 funds from these programs.

I trust that you will understand the necessity for this decision on our part and that this explanation will aid you in your responses to constituent inquiries.

Sincerely,

Elliot L. Richardson,
Secretary.

ILL-CONSIDERED PROPOSALS AND IRRESPONSIBLE STATEMENTS AID COMMUNIST NORTH VIETNAM

Mr. GOLDWATER. Mr. President, I am becoming more and more concerned every day over the amount of attention and importance the Communist enemy in Hanoi is paying to occurrences in the Senate and in American politics generally. I do not believe that some of our officials and political candidates actually understand how much they are doing to prevent a quick and honorable end to the war in Vietnam and the return of American POW's to this country.

Mr. President, only yesterday the newspapers carried a story from Hong Kong quoting the North Vietnam's Communist Party newspaper as stating that the nomination of Senator George McGovern "reflects, above all else, the strong and deep feelings of the American the Vietnam war."

The Hanoi newspaper went on to say that the selection of Senator McGovern reflects bitter discontent over what it termed "the continuous deceptions by so many past Presidents in conducting the Vitnam war."

The newspaper Nhan Dan said in an editorial broadcast by Hanoi radio that Senator McGovern favors a policy of seeking peace "without preconditions against the Vietnamese people." It further said McGovern's nomination demonstrated the discontent of the American people with the "economic failures of the Nixon administration. * * *"

Another Hanoi broadcast reported yesterday said that the Vietcong will not soften its peace terms, and that the United States must take the initiative if it wants progress at the Paris peace talks.

Mr. President, it is no wonder that the Communists will not soften their peace terms so long as Members of Congress continue to propose legislation that would accomplish what the enemy would like done. In this connection I should like to point out that the United Press International is calling Senator Cooper's proposal for a total withdrawal from Indochina if negotiations fail to end the war in 4 months "the most far-reaching antiwar legislation yet offered." The UPI pointed out that the Cooper amendment would, for the first time, eliminate the release of American prisoners as a condition for withdrawal. Senator Cooper has voiced the opinion:

> If negotiations are not possible . . . I see no possibility for the release of our prisoners or the end of the war without withdrawal.

Mr. President, every Senator has a right to propose legislation incorporating his views on the conduct of the war, and I do not suggest that this is not the case. However, I believe it is time for us to understand that the more legislation introduced, the tougher it is for our national leaders to bring about a cease-fire and a return of American prisoners. To put it bluntly, I think it is time for all of us to stop meddling in affairs which are better left to our President, his advisers, and our representatives at the Paris peace talks.

Mr. President, in driving to work this morning, I heard on the radio that movie actress Jane Fonda had reportedly gone on the radio in North Vietnam and urged American soldiers not to cooperate in the war effort. I also heard that some Members of the House have asked the Justice Department to take action against Miss Fonda if the reports of her activities are correct. However, I wonder if some of us right here in this Chamber are not doing more damage to the American cause in Vietnam by offering ill-considered proposals and making irresponsible statements.

PRESIDENT JOHNSON—A RECORD TO REMEMBER

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to a perceptive and revealing article by Mr. Jack Valenti, former assistant to President Johnson and now the president of the Motion Picture Association of America.

Mr. Valenti has properly noted the absence of any reference to President Johnson during the recent Democratic Convention. Also, he has factually documented the remarkable record of the Johnson administration on the domestic front, particularly in the fields of education, human rights, voting rights, medical care for the elderly, housing, and other areas that affect the human condition.

The years of the Presidency of Lyndon Johnson will be remembered for landmark achievements. Mr. Valenti's brief article states the case in a simple but eloquent manner. The Democratic Party in convention did not do honor to itself by ignoring the achievements of one of its leaders and a former President. Any fair and reasonable judgment of the Johnson administration will include not only the agony and the pain of Vietnam but also the hope and vision of a more just and humane America.

I ask unanimous consent that Mr. Valenti's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

. . . BUT "DEJOHNSONIZATION" MADE L.B.J. A NONPERSON

(By Jack Valenti)

As I watched the Democratic telethon, and then the convention that followed I kept waiting for someone to acknowledge that Lyndon Johnson was a Democratic President. But as the week ended it became clear that as far as the telethon and the convention were concerned (except for a late Thursday night speech by Senator Kennedy) President Johnson was a non-person, expunged from the Democratic Party with the same kind of scouring effectivness that Marxist revisionists use to rewrite Communist history. As a final petty insult, the managers of the convention made sure LBJ's picture was absent among the portraits of FDR, Truman, Stevenson and JFK.

It seemed odd that the party, so firmly fixed in its zeal to bring justice and hope to all Americans, turned its back on President Johnson, who more than any President in all U.S. history accomplished what had eluded all his predecessors in the area of human rights, education, health care, aid to the poor, conservation, and just plain caring about the powerless, the forgotten, and the uninvited.

It was an act of discourtesy, not to mention memory gone sour.

I cannot but believe that black people throughout this land understand with a fervor born of too much neglect that it was a President from the Southwest, of all places, who did more to lift the level of their living and to secure their pride than any other man. The first black on the Supreme Court, the first black in the Cabinet, the first black Assistant Attorney General. Have we forgotten? The Civil Rights Act of 1964, the Voting Rights Act of 1965, the Equal Housing Act of 1968 have fastened in conscience and legislation rights that belong to all U.S. citizens. But before Johnson these rights existed only in rhetoric. Lyndon Johnson gave human rights the covenant of national law.

Ever since Lincoln, Presidents have made the motions and gone through the ritual of putting human rights on the agenda. But not until Johnson came to command did aspirations transform into achievement. Charles Evers and every black elected official in the South know better than any of us that it was the Johnson human rights action that gave the vote to the black man, and with that vote he could now govern.

But in the convention no one wanted to remember, and no one seemed to care.

For years the Democratic Party talked and talked about bringing education to the masses, but federal aid to this educational advance always foundered and faltered and never happened. It was the Elementary and Secondary Education Act in the Johnson administration that burst the carapace of opposition and for the first time the poorest child in the bleakest ghetto or on the most remote rural farm now has a chance to get an adequate education. That Johnson legislation achievement was the beginning, the essential beginning, and all that now has taken place owes its life to that source-bed of educational aid. But in the convention, they all forgot.

To the aged and the sick, this blotting out of Johnson must have produced a peculiar torment. How long has the Democratic Party put Medicare in its platform But that is where it always stayed, in the platform, words without substance, promises undelivered, pledges without redemption. Medicare and all that it has meant to those to whom lingering sickness was a family financial disaster didn't just happen. It was the result of the Johnson determination that help for the poor sick aged was a right that had to be fulfilled and it was. This was an achievement worthy of hall-bursting applause. But in the convention, there was only a shameless silence.

The list of advances in human justice is endless, almost a hundred landmark pieces of legislation that aimed at caring about those who had many partisans and shouters but few achievers.

It was all very strange, a dimly lit Orwellian adventure in which nonspeak and nonmemory paraded the telethon and the convention like some ravaged ghosts.

There is an old French maxim which declares that if we were without faults we would not take so much pleasure in finding them in others. Perhaps it is possible, for those who suddenly found hindsight a splendid luxury, to erase their Vietnam guilts by devouring their former leader. Perhaps.

It was written of Lord Burleigh, adviser to English monarchs, that "he never deserted his friends till it was very inconvenient to stand by them."

There was a lot of inconvenience on display over TV last week.

THE CASE FOR GUN CONTROLS AS REPORTED IN THE CHICAGO TRIBUNE

Mr. KENNEDY. Mr. President, the debate on the subject of gun control has been carried on within this body and among the private citizens of our country for many years. The Senate will soon be called upon once again to vote on this issue, perhaps to decide the fate of thousands of unknown potential victims of gun violence. In order to make such a decision, Senators will want to have access to all information on firearms control and the effects of the present lack of control.

The Chicago Tribune recently published an excellent series of articles, examining into the role of firearms in the United States. I ask unanimous consent that this informative series be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THIRTY MURDERS A DAY—HANDGUNS TO SLAY 10,000 THIS YEAR

Gerald Carlisle tried to win the hand but lost his life.

The 30-year-old South Sider was playing poker at 6438 S. Drexel Blvd. He and another player began quarreling over who had won a pot.

Carlisle pulled a .32 caliber revolver he carried for his protection and fired a shot into the floor.

REACHES FOR CHANGE

"Be cool, man. Take the money," someone said.

Carlisle reached for the pile of change. It was the last thing he would ever do. The other player opened fire with a .38 caliber handgun killing Carlisle and another man, Joseph Guster, 52.

The murder of the two men did not make the newspaper, because 30 gun homicides occur every day in America.

Ten thousand persons are murdered yearly in the United States with handguns, shotguns, and rifles. For every American killed in Vietnam since 1970, two were killed by gunfire in this country.

Unlike those who died in war, most of the victims of this manmade plague did not die for a cause, or even a good reason.

A few died just because someone felt like killing and had a gun.

MOST SHOT IN QUARRELS

Others were slain defending their homes or shops against criminals, but the majority—7,000 out of the 10,000—were shot down in domestic spats, tavern brawls, or in disputes over a card game. Squabbles that might have ended at worst with a broken jaw ended in death for these people.

Like Carlisle, they lost their arguments to the murderous logic of the gun. That is why his death and Gusters are as important as they are commonplace.

They are flesh-and-blood examples of what gun control experts try to say with statistics: The vast number and the availability of guns, combined with the ease of their use, are escalating fights into murders and making murderers out of people who might otherwise never deliberately break the law.

NEVER BEFORE IN TROUBLE

According to the Federal Bureau of Investigation, the vast majority of gun killers are people who have never been in trouble before, ordinary people who pull a trigger in a moment of anger.

But this slaughter is producing more than the loss of life. Each death leaves a legacy of tragedy and pain that lives on in the families of the victims.

Altho the families of the victims knew better than anyone else the agony caused by the firearms plague not one of them has been invited to the gun control hearings which the House Judiciary Committee will begin Tuesday in Washington.

"NOT A SOAP OPERA"

Ben Zelinko, staff aide to Rep. Emanuel Celler [D., N.Y.], committee chairman, explained why:

"Congressional hearings are not a soap opera. Their testimony would be useful in mobilizing public opinion, but it would not be important for legislative background."

Nor will the committee hear testimony

from even one of America's walking wounded—the tens of thousands who have been scarred and crippled by gunfire.

Instead, it will listen to the same type of witnesses who have appeared at all the gun control hearings held in the last five years—senators, congressmen, mayors, governors, police chiefs, administration officials, and spokesmen for the National Rifle Association.

The committee will probably hear the oft-repeated fact that there are between 90 and 115 million firearms in the nation, 24 million of which are handguns, and that handguns account for about 80 per cent of all firearms murders.

It will not hear 10-year-old Pamela Banks tell them that she is too terrified to sleep without the light on. That fear is the emotional wound left by the .22 caliber handgun bullet that struck her in the head three months ago.

The committee, which is holding hearings in response to the shooting and paralysis of Alabama Gov. George Wallace, may also hear that in 1970 there were 9,960 murders, 139,000 robberies, and 80,000 aggravated assaults committed with firearms.

But it will not hear Peter Panas, 14, tell about the night of April 21, when a .38 caliber slug struck him in the cerebral spine, paralyzing him.

HAVE CONSTITUTIONAL RIGHT

The committee will probably hear the N. R. A. argue, as it has in the past, that Americans have a constitutional right to keep and bear arms.

But Mrs. Katherine Malone, a resident of the Cabrini-Green Homes housing projects, will not be there to describe how street gangs exercise that right by walking around her neighborhood with pistols dangling from their belts and carbines slung from their shoulders.

The Task Force interviewed numerous victims of gun crimes and their families. Miss Banks, Mrs. Malone, and Peter are three of them. If they could be at Tuesday's hearings, this would be their testimony.

The door leading to the Banks' family apartment at 1724 W. 66th St. is flanked by the names of two rival street gangs painted on the wall. Those proclamations symbolize the dilemma of the family. The Banks are the noncombatants in the urban warfare waged with guns nightly in their neighborhood. On the night of March 17, the war found them.

TAKES TARGET PRACTICE

Pamela and her mother, Mary, 29, were walking the family dog. Nearby, a group of gang members decided to start practicing with their .22 caliber revolvers.

Had they lived in the country, they might have shot at a rabbit or squirrel. But this was the city and the nearest moving animal was Pamela's dog, Uno. Mrs. Banks remembers it this way:

"I heard firecracker sounds and then I saw Pamela drop to the sidewalk. There were four or five teen-agers standing near her and Uno was running in circles with blood all over him. I ran toward Pamela screaming, 'Oh my God, my baby's hurt.' I thought she was dead."

A bullet lodged behind Pamela's right eye. She lay in the hospital for 33 days mumbling over and over, "No. No. Don't shoot my dog. Don't shoot Uno." Police theorized she was shot while trying to protect the dog from youths who had tortured the animal that summer by driving nails into its back and paws.

SHOOTING LEAVES MARK

Pamela survived the shooting without permanent injury, but the incident has left its mark on the entire family.

"We're always on edge," said Mrs. Banks. "Pamela can't sleep without a light on and she's afraid to sleep alone. I'm afraid myself. When I drive home, I get out of the car and I run into the building."

Now Uno growls at every stranger when Pamela's father, John walks him. "He'll charge at someone and I'll think 'Is that the one that did it?' "

The family also has strong views on gun control.

"It has to happen to one of your family before you really understand what these guns and shootings are all about," said John Banks. "I think the only thing they can do is stop manufacturing these small handguns and just make revolvers for the police and military. I don't think the police need small caliber guns, so why make them?"

GIVES ONE ANSWER

Ribert Meltzer, president of Criterion Die and Machine Co., a New York City firm that makes 100,000 .22 caliber handguns a year, provided at least one answer to that question:

"Because it's a profitable business," he told a Task Force reporter.

Regardless of caliber, handgun manufacturing is profitable. An estimated 2.5 million handguns are produced each year with annual sales exceeding 50 million.

Peter Pannos is one of the byproducts of that business.

Peter made the error of standing in front of a store at Evergreen Street and Washtenaw Avenue when the Latin Kings chose to terrorize their arch-rivals the Latin Disciples.

BRASS KNUCKLES OUT

Like all modern street gangs, the Kings do not use brass knuckles or chains. The availability of guns has allowed them to equip themselves with the firepower of a small army.

Peter knew about the gang rivalry, just as he knew that he was in Disciple territory and that the figure across the street was dressed in the uniform of the Kings—black coat, snap-brim hat, and maroon sweater.

He wasn't afraid, because being of Greek descent, the Puerto Rican gangs never bothered him. Then he heard the youth shout "Kings run it!" As he turned toward the sound, the figure raised a revolver and Pannos saw an orange flash.

"I guess he thought I was a Disciple," Peter said from his bed in Walther Memorial Hospital. "I heard the shot and felt a burning pain in my stomach because blood was bubbling out of my mouth. I tried to get back in the store. Then my legs crumpled and I was hanging onto the door handle with my hands.

"LEGS WOULDN'T MOVE"

"I shouted to the owner to let me in, but he was scared and locked the door on me. That's when I felt real tired like and rolled over on my back. I couldn't feel anything in my legs. My legs wouldn't move."

Peter's legs will never move. Neither will his hips, nor any part of his body below his chest. The bullet struck him in the mouth, then drilled through the lower part of his head to lodge in his upper spine. He shifts himself in bed by grasping a trapeze-like bar that hangs above him.

Peter firmly believes he will walk again and continue training to be an auto mechanic. He clings to that illusion as tightly as he clings to the reality of that bar.

However, after a costly but unsuccessful operation to restore use of his limbs, doctors say Peter will be lucky if he lives. The paralysis could creep into his lungs and bring on a fatal case of pneumonia.

PARENTS USE SAVINGS

His parents have emptied their savings for the $5,000 operation and are applying to public aid to pay for treatments at a rehabilitation center.

Mrs. Malone has become so accustomed to the daily shootings in her neighborhood that she now regards them in the way that farmers regard blizzards and droughts. She feels there is little she can do about them.

There is a bullet hole in her living room window, a reminder of the day three months ago when the Dictators shot at her son. The bullet narrowly missed striking her daughter, Linda, 13, in the head.

There is another bullet hole in her bedroom window, put there by some youths who were taking target practice one night.

FALLS OUT OF BED

"I was in bed and I'll never forget it," she recalls. "I fell right out of bed and stayed there the rest of the night. I have a high bed and lots of nights I sleep on the floor."

Firearms are so much a part of life in the projects, she said, "that kids walk around with them hanging out of their pockets. They have brand new carbines they're walking around with. I saw a 16-year-old kid walking upstairs with one like he's supposed to be carrying it. . . . It would be the best thing that could happen if they could get the guns out their hands."

With 20,000 gun control laws now on the books, how and why do guns get in the hands of the wrong people? In its investigation, Task Force reporters sought to answer this and other questions about the gun crisis. This is what they found:

The most prevalent means by which illegal firearms are obtained is thru home burglaries. As more people buy guns to protect themselves, more and more criminals become armed by stealing those guns.

SECURITY IS LAX

By a conservative estimate, the number of stolen guns in the nation is 500,000. Yet federal security regulations for the storage and transportation of firearms are so lax that amateur burglars can obtain guns with ease from shipments and sporting good stores.

A black market in firearms continues to flourish despite all the gun control laws. Gunrunners daily join with unscrupulous dealers to ship contraband weapons across state lines. To demonstrate this technique, two reporters lived the lives of interstate gunrunners in Florida, Virginia, and Iowa.

Another source is the pilferage of weapons parts from firearms manufacturers. A New York City firm lost enough parts in one year to make 10,000 handguns. The Task Force found how these stolen parts were assembled by gun "bootleggers," then sold on the streets of the Bronx and Harlem.

The nation's courts show an appallingly low conviction rate for persons charged with gun law violations. Statistics gathered from Chicago, Washington, and New York show that only about one of every eight defendants serves even a single day in jail.

Current laws are so fragmented and lacking in uniformity that weak laws in one jurisdiction often subvert strong laws in neighboring jurisdictions. For example, New York, and Chicago, which have tough gun registration laws are flooded with unregistered guns purchased in suburban areas with less stringent controls.

Contrary to popular myth, the manufacturing of the cheap handguns called Saturday Night Specials, is not a cottage industry, but big business. At least two such manufacturers are subsidiaries of prestigious firms.

Stolen Guns Land in Hands of Killers

(This article, the second in a series on the gun control issue, was compiled by The Tribune's Task Force team: George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad and Pamela Zekman.)

The Erie Lackawanna freight train rumbled out of the Westfield, Mass. railroad yard carrying a cargo that would spread a trail of bloodshed on the streets of Chicago.

It was midmorning, Sept. 26, 1969, when the train approached a curve at 61st and

Wallace Streets, just minutes from its long journey's end.

At the time, Chicago Policeman Kenneth Kaner, 33, was working a second job to earn extra money for his wife and two children. The former amateur boxer could recall some close shaves during his six years on the force. He flirted with disaster each time he climbed into his squad car alone to patrol high crime areas during the 11 p.m. to 7 a.m. shift.

As the train slowed for the curve, 20-year-old Rudolph Scott was sitting in a classroom of the Central YMCA preparing for a social worker's career. He had struggled thru the city's public schools, spurning the lure of gangs in his tough Englewood neighborhood, to realize his ambition.

CARRIES 1,000 SHOTGUNS

The fates of these two men rested with the destiny of that train. Sandwiched between cars loaded with consumer wares were 1,000 new Savage Arms Co. shotguns bound for the shelves of Faber Brothers, a Chicago sporting goods store.

Neither Scott, Kaner, nor the engineer knew that a pack of railroad car thieves were waiting at the bend of the tracks. The curve was notorious as an easy target for thievery.

The front of the train reached 63d Street before the engineer peered in his rear view mirror and saw the band of youths scramble aboard the flatbed car which bore the shotguns. Somehow they knew exactly which car to hit.

They quickly broke the flimsy seal on the "piggyback" trailer and with split second precision shoved off three cases of guns before the engineer could call for help. By the time police arrived, they had carried off their prize.

LOST IN STREAM

The 59 guns were lost in the steady stream of illegal weapons that floods the city. The story of their odyssey thru Chicago's back-alleys paints a grim picture of the country's gun crisis.

At the heart of the crisis are tens of thousands of firearms burglaries committed each year. At least half a million contraband weapons reported stolen were in circulation in April, 1972, nearly double the figure reported two years ago. But the statistics are gathered from only half the nation's police departments and law enforcement officials fear the figure is only a fraction of the number of stolen weapons that go unreported.

They complain that one of the great failures of federal gun control legislation is the total absence of laws requiring security for the shipment and storage of weapons. Unlike regulations relating to explosives, there are no laws that require even a padlock on the door of a store or trailer filled with guns.

That is why those 59 shotguns were so easily obtained. What took seconds to steal would take years to find, and they would be found the hard way—one by one as they were used in two murders, two armed robberies, three aggravated assaults, and 11 cases of unlawful use of a weapon.

SAW OFF SHOTGUNS

While Faber Brothers was making out it's $3,000 insurance claim for the stolen stock, the thieves were sawing the barrels to make them more concealable and hence more useful for urban warfare. Afterward, they distributed them into the network of illegal channels thru which criminals obtain their firearms.

Five months later, Rudolph Scott was walking along Stewart Avenue joking with a friend as they headed toward a party. He was going to celebrate his acceptance at Chicago State College. For the first time his life's goal appeared within reach.

He probably recognized the youth in the battered white car that skipped along side of him near midnight on the dark street. They had played together as children in the crumbled alleys of the westside.

But he had little chance to even nod at his boyhood friend. Without a word the youth leaned from the car, took aim and fired the stolen shotgun. Scott lay face down in the pool of blood, fatally shot in the head. "My child was not afraid to die. He would always say you are not going to die until your time," recalled his mother, Mrs. Audrey Brooks. "They buried my child on February 25 and I moved out of my house in two days. I was just so grieved. I lost my will to live. I only pray that one day in the resurrection I might meet my child again."

Scott's killer was testing the gun before launching an evening robbery spree. Minutes later he had netted $1.20 from a weary steelworker returning from the plant. A half-hour later he was shot himself fleeing from the police.

Fourteen months later, policeman Kenneth Kaner was sitting alone in his squad car at the corner of 71st Street and Union Avenue, writing a report on his fruitless search for a missing boy. It was 1:20 a.m. on June 19, 1971, and he had just asked two men a half block away if they knew of the child. As he pulled away, one of the men, Bruce Sharp, 24, suggested to his friend, "Let's off that pig."

Sharp slipped the stolen shotgun from beneath his jacket and strolled up to Kaner's car. He placed the barrel against the window and said, "Hi, officer."

As Kaner turned his head, Sharp's shotgun roared, killing Kaner instantly. Sharp's friend hit Kaner in the wrist from the passenger side of the car with a stolen pistol, the fruits of a home burglary 18 months before.

Police captured the pair three blocks away after they sped through a red light. The stolen shotguns, pistol, and Kaner's service revolver were in their car.

That ended the voyage of those two shotguns. Only 17 others have turned up in the last two years.

One found its way to the stockpile of a teenage gang leader who lent guns to his friends. In April, 1970, he lent the stolen shot gun to a youth caught entering an elevator of the Robert Taylor Homes with the weapon hidden up his coat sleeve.

Another became the final arbiter in a domestic quarrel between Roger and Evelyn Alexander. After her husband struck her several times, Mrs. Alexander ran to the kitchen, grabbed the stolen shot gun from a shelf and shot him as he burst into the door.

Still another was brandished by a youth robbing a south side dry cleaners on May 8, 1970. The robber was shot by the store owner before he completed his getaway with the $58.11 taken from the cash register.

40 of the shot guns were still missing.

Guns like these are a precious find and criminals will go to any length to get them. Gangleaders told reporters how they pay youngsters a pittance to rifle homes, sometimes their own, and bring back a gun they are not even big enough to carry.

"All the kids, they got guns," said one member of the Black Angels street gang. We get the little kids and they break into houses and we pay them $2 to $3 for the guns they bring back." I replenished the gang's arsenal when a woman, moving from her West Side home, carelessly left behind 150 pounds of .22 caliber ammunition in a trunk in her attic.

A Fagin-like leader of the Black P Stone Nation related how he entices children to steal for him and add to his personal arsenal:

"You meet them in the street and you talk to them about whether they're going to support the neighborhood . . .

"You tell a kid 'you'll be a big man if you do this.' You seek the little kids to do all the wrong because they'll get off if they get caught. And you kill them if they get caught, 'when you come out you'll be my man. You'll kill and do big things and be a big man.' A kid doesn't have a mind for himself after that. He's brainwashed. He just does it.

"They rob gas stations, and store owners, and security guards. They rob railroad passenger cars and hit freight trains. You can tell them what car has meat, flour or guns. The Main [Main 21, leadership of the gang] tells us what to hit. They know from someone in the railroad and you can tell by the markings . . . And then you tell them to burglarize homes, and you let them burglarize your own house. You tell them where to find the gun."

LINK IN SUPPLY

The National Commission on Causes and Prevention of Violence estimated that half the nation's 60 million households possessed at least one gun. Their owners may be law abiding citizens, but they frequently become the middleman, the key link in the chain, betwen the legitimate gun owner and the criminal.

As these citizens continue to arm themselves against crime, they become the targets of crime and arm those they are protecting themselves against.

"Say an addict needs some money to support his habit," explained one veteran Chicago gun trafficker. "He just breaks into a house and gets a gun. Hell, every house in the city's got at least one gun, maybe three or four. Then he takes the gun and he sells it on the street."

Large quantities of guns are obtained from interstate shipments and burglaries of gun stores that are frequently left unprotected by minimal security devices. The countless examples include:

One trucker en route to Alabama with a cargo of $1,200 cheap handguns left his trailer parked for four days in a New York City public lot. When he returned, two cases, containing 600 guns were gone.

Twenty-one guns stolen from a Manhattan, Kans., gun store that had no alarms, wound up in the Kansas City rent-a-gun operation of a drug peddler. He loaned them to addicts to commit robberies so they could buy narcotics.

Railroad security guards weapons. "They're not going to stop you if they're with you," explained one Chicago gang member.

STEALS MACHINE GUNS

One switchman stole three M–60 machine guns from armored personnel carriers while the flatbed car bearing the load was set aside for repair at the South Chicago switching yard. His accomplice solicited several gang members to buy the guns, but later sold them for $500 to an undercover policeman.

Laws designed to cope with the problem of gun thefts are a rarity.

By stubbornly refusing permits to persons who cannot show a compelling need for a gun, New York City cuts down on the number of honest citizens who become sources for contraband weapons. Thus, only one out of every 370 New Yorkers has a permit to carry a gun, compared with one out of every 11 residents of Illinois. Of the 23,000 persons holding gun permits in New York City, all but 600 are required to carry a gun for their employment.

Illinois' lenient legislation prohibits permits only to persons who have a felony conviction record or history of mental illness.

LAW CUTS THEFTS

Oakland, Cal., is one of the few Americans cities that has taken action to cope with commercial thefts of weapons. In 1964, the city enacted a burglary prevention ordinance. Security devices installed by stores to comply with the law have cut thefts by 13 per cent and thwarted 1,303 of the 1,932 burglaries attempted over the last five years, police said.

GUNRUNNING: AN EASY JOB

(Ten thousand Americans are shot to death each year. That means plenty of guns, lots of gun-racketeering. Here Tribune reporters tell of the inside of the gun traffic, in the third part of a Task Force series by George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman.)

The popular image of a gunrunner is that of a swashbuckler who flirts with danger and lives by his wits as he smuggles machine guns to a guerrilla band in some South American banana republic.

Perhaps such buccaneers exist somewhere in the world, but in the United States, a gunrunner is more likely to be a bartender, a manicurist, a machinist, or a housewife.

In other words, a gunrunner could be almost anybody. Almost anybody can become one. Thousands do every year, because it is incredibly easy to enter this lucrative racket.

NOTHING HIDDEN ABOUT IT

That is the lesson Task Force reporters William Currie and Robert Enstad learned when they became gunrunners in Florida, Virginia, and Iowa, and shipped their guns to Chicago.

Expecting to enter a sinister world of cloak-and-dagger intrigue, the reporters were shocked to find that the illegal purchase of firearms can be carried out openly and that shipping contraband weapons across state lines is no harder than doing the same with a carton of cigarets.

GETS NO BACKTALK

Their accomplices were licensed firearms dealers who, in their eagerness to make a sale, paid but token attention to the federal law that demands they sell guns only to residents of the state in which they do business.

One of the dealers Enstad encountered "seemed no different from a bartender who sees a young-looking kid come in and ask for a drink. The bartender asks the fellow if he's 21. The kid says yes, and he gets a drink without showing his identification."

Enstad was referring to the purchase he made of a .25 caliber automatic in Jay's Sales, a gun shop in the basement of the home of a Des Moines, Iowa, city councilman.

He is Russell LaVine, 61, a former radio announcer and an ultra conservative who once claimed he was "further to the right than the John Birch Society." LaVine is a federally licensed firearms dealer whose business grosses $40,000 a year.

SEES AD IN TABLOID

Enstad learned of the Shop thru Gun Week, a firearms tabloid in which LaVine was advertising concealable handguns. Altho LaVine claims he sells firearms only to police, no mention of that restriction was made in the advertisement.

Nor did the reporter have any difficulty in purchasing his palm-sized pistol for the discount price offered to police.

When Enstad entered the store, LaVine's wife, Callie, was behind the counter. The showcases were crammed with every type of handgun, ranging from tiny .22s to cannon-like .357 magnums.

The reporter mentioned that he wanted to buy the automatic for home protection. Mrs. LaVine then showed him the pistol, a wicked-looking weapon small enough to fit into a shirt pocket.

KIND USED ON WALLACE

His question prompted a conversation about the quality of guns, during which Mrs. LaVine extolled the merits of the gun used to shoot Alabama Gov. George Wallace.

"Now take that gun," she said, "that's the one Wallace got shot with. Now they say that's a 'Saturday night special'—a cheap gun. But that's made by Charter Arms. It's a good gun. It will fire off six good rounds."

Ironically the LaVines appeared to be Wallace supporters. A dollar bill bearing Wallace's face in place of President Washington's was displayed on a counter. The fact that someone had used a Charter Arms .38 revolver to shoot the Alabama governor did not seem to trouble Mrs. LaVine.

Enstad finally decided on the Colt automatic, but protested that the cost, $69, was too high. On the opposite side of the price tag was the figure $57.36.

"The lower price is what we charge law enforcement officers. I'll sell it to you for that price," she offered, altho Enstad never identified himself as a policeman.

QUESTIONS RESIDENCE

Enstad volunteered the information that he wanted the gun for protection because his home had been burglarized when he lived in Chicago.

She said:

"I can't sell you a gun if you're from out of state because that's against federal law. Are you a permanent resident of Des Moines?"

"Sure. Been here since April," Enstad replied.

"Oh, that's okay, State law says you have to be here 30 days to be a resident."

Mrs. LaVine then placed a federal firearm transfer form in front of the reporter, saying, "Fill those things out, and I will know as much about you as you do."

That statement was not entirely accurate. When Mrs. LaVine looked at the form, she knew the purchaser was Robert Enstad, that he was 33 years old, was born in Pine City, Minn., and had no criminal record.

BUT ADDRESS IS FALSE

All that information was true. She did not know that his Des Moines address was false. The reporter lives in Chicago.

Moreover, he could have falsified the entire form, because Mrs. LaVine did not ask him for one shred of identification. In the space marked "identification," she wrote SS, and instructed Enstad to fill in his Social Security number without even asking to see his card.

LaVine ran for his city council seat on a "safety on the streets" campaign, but his business practices are of the type that is making our streets more dangerous.

For all the care his wife took, the purchaser could have been an ex-convict bent on murder, an escaped mental patient, or a gunrunner planning to sell the weapon to a criminal.

TOUTS USE OF MACE

Enstad paid $60.08 and walked out of the store with the gun in its box. Mrs. LaVine told him to come back if he wanted to buy some Mace, a chemical disabling spray.

Jay's Sales was not unique in its lack of attention to federal firearms laws.

At Ted's Shooter's Supply, a saloon-cum-gun shop, which advertises firearms on a Hamm's beer sign, Enstad purchased a .22 caliber handgun for $36 using his Illinois Driver's License as identification.

"We can't sell to people from out of state," said the salesman. Enstad wrote down the same false Des Moines address. After glancing at the transfer form, the salesman asked Enstad for identification.

"Anything with your name on it," he said.

LICENSE ACCEPTED

Enstad displayed his Illinois license, expecting to be refused the sale. The salesman did not bat an eye when he looked at the out-of-state identification, as he handed Enstad a paper sack with the revolver inside.

Another contraband weapon was on the street. The next day, both weapons arrived in Chicago via parcel post.

In Florida, a licensed gun dealer gave reporter Currie his first lesson in the illegal purchase of firearms.

Currie entered Southern Gun Distributors, a huge armory-like firearms shop at 251 SW 22d Ave., Miami. Saying that he was from out of state, Currie asked the salesman how he could buy a gun in Florida.

"Why don't you get a friend's license from Florida? That's what they do," the salesman suggested.

BUYS NEW IDENTITIES

Taking the advice, Currie scoured the Miami docks in search of a new identity. For $30 he acquired a Virginia driver's license from the first mate of a charter fishing boat.

The license was issued to a Dennis G. Zimmerman, who did not resemble Currie and was nearly 40 pounds heavier.

The next day, he purchased for a few more dollars, a Florida license from a stubble-chinned derelict in Miami's seedy Bayfront Park. That one was issued to Fred Mullins, of West Palm Beach, who was 15 years older than Currie.

Returning to Southern Guns to make his purchase, Currie was told that he would have to wait 72 hours before he could pick up the weapon. He said he did not want to wait and was advised to go to Broward County, where no waiting period is required.

HITCHHIKER'S ADVICE

During the drive northward, a hitchhiker advised the reporter that Hollywood, Fla., was the best city in the country for buying guns.

"While I was driving toward Hollywood, I practiced signing the name of Fred Mullins at stop lights," Currie reported. "It was a waste of time because the gun dealer didn't even check the signature, and in fact some police officers told me I probably could have gotten away with a license issued to a black man," Currie is white.

The reporter finally arrived at Harris House Guns and Ammo, a shop located at the end of a middle-class residential street. Standing in front of a rack of carbines, second-hand shotguns, and AR–15 semiautomatic rifles was a plump, drab woman in her thirties.

TELLS OF BURGLARIES

Currie said he needed handguns because of a wave of burglaries in West Palm Beach. For $20, or less than half of what he paid for his false identification, Currie purchased two .22 caliber revolvers, a Valor and Viking.

Because of their cheapness, concealability, and frequent use in barroom quarrels, these handguns are known in Florida as "mayhem makers."

The woman copied the information from the license onto the transfer form, with no apparent reaction to the fact that it showed Currie to be 45 years old instead of his true age, 30.

Currie then deliberately called her attention to the birthdate on the license to see if he could arouse her suspicions.

"See where it says I was born in 1927," he said. "That's a mistake. I was really born in 1937."

Without a word, the saleswoman wrote 1937 on the federal form, then sprayed the guns with oil, placed them in a box, and handed them to Currie.

NO QUESTIONS ASKED

That was it. No questions asked. No comparison of signatures. No determination if this buyer was a possible criminal purchasing the tool of his trade or a gunrunner planning to sell his wares to a street gang. No concern if these guns might be used to take a life. Just take the money and give him his guns.

Later, Currie drove to Hopewell, Va. Using his false Virginia license, he purchaed a snub-nosed .22 caliber revolver from the Gun Rack firearms shop for $25. The saleswoman did not seem to notice that the photograph on the license hardly resembled the man buying the gun. The RG revolver was the same type used to kill Chicago Patrolman Robert Gallowitch last month.

Currie mailed the three weapons to Chicago.

SOUTH A MAJOR SOURCE

It is possible that Gallowitch's killer obtained his weapon in that way, or purchased it from a gunrunner. According to law enforcement officials, gunrunning is second only to firearms burglaries as a principal means by which criminals acquire guns they cannot acquire legally.

Each year, thousands of these contraband weapons, purchased mainly in the South, where gun laws are lax, pour into the streets of our cities. There are more than 160,000 licensed dealers in the nation, many of whom are willing to overlook the law, and only 1,600 federal agents to police them.

In New York, 65 per cent of the 10,158 illegal firearms seized in 1971 were traced to sources outside the city and state.

William Zapata, 25, of Flushing, New York, nearly added 240 .22 caliber revolvers to that supply when he unwittingly became a partner in a sophisticated interstate gunrunning racket. The damage that could have been done by those guns was averted when a New Jersey state trooper found the guns in the trunk of Zapata's rented car after Zapata fell asleep in a no parking zone along the turnpike.

The guns were purchased Oct. 9, 1970, in Chira's Gift Shop, Hialeah, Fla., by a Bernard Lino using a phony Florida address. Lino told the store-owner he wanted the weapons "to open a shooting gallery."

TRAPPED BY DEBT

Zapata was trapped into transporting the guns by a slickly dressed man wearing diamond rings named Sammy whom he met in a Manhattan discotheque. First Sammy bought Zapata a few drinks, then a radio and some food and even started paneling his family's kitchen. He first refused payment for all the gifts and then later informed Zapata that he owned him $800.

Not having the money, Zapata agreed to drive a car from Florida to New York's Kennedy Airport to pay off the debt. He had no idea the guns were packed in the trunk, he said. The judge who tried his case, believed the young Puerto Rican's bizarre tale and placed him on probation.

Reporters Currie and Enstad purchased only five weapons to demonstrate how easy it is to become a gunrunner. However, hundreds of ordinary citizens each year engage in the large-scale interstate trafficking of firearms.

And gunrunners can be the unlikeliest people—such as Mrs. M., a welfare mother of 12 who purchased 1,500 contraband guns over a two-year period for her son's South Side street gang. [She asked that her name not be disclosed for fear of gang retaliation].

Forced by the gang to obtain weapons, Mrs. M. made numerous trips to Milwaukee and Gary, meeting contraband gun dealers late at night in gas stations and at other prearranged locations. And she told of some bizarre methods of hiding the guns once they were in the city.

"Sometimes I'd slide them up my girdle—six at once. And I had a lot of them stashed in boxes of sanitary napkins, and sometimes I'd put them on babies. You get a kid with a snowsuit and stuff him up with guns, and you have a fat baby."

Then there was Mrs. Argentina Love, 59, a manicurist in the Monarch Barbershop, 339 E. 39th St., who boasted to an undercover police officer that she had "access to guns for black militants."

To prove it, she sold the policeman a revolver for $70, passing it under her manicurist's table. Her source was an ex-convict named Roy Williams, who later sold undercover federal agents several more guns. He obtained his supply from a Texas gun dealer, avoiding the residency requirement by having his sister, a local resident, make the purchases.

Stolen Guns Kill, Maim As Sellers Count Big Profit

(Guns kill 10,000 Americans a year. To study this epidemic of violence, Tribune reporters toured seven states. They found that one major source of weapons used in crime is pilferage from gun manufacturers' plants. This is the fourth in a series of Task Force reports by George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman.)

The Criterion Die and Machine Company on Manhattan's west side manufactures small engines of death called Saturday Night Specials—concealable handguns that sell for the price of a cheap pair of shoes.

It was in the dingy room where those guns are assembled that Vic "Chupa" Falcon and his band of gun bootleggers found a way to catapult their incomes from $1.65 an hour to more than $50,000 a year.

Their method had the beauty of simplicity. Falcon and his ring were employes of the firm, toiling each day in the assembly room for as low a wage as the law would allow.

THE SMUGGLING BEGINS

Noticing that the company president, Robert Meltzer, had failed to install even token security measures, they began smuggling weapons parts out of the loft building and assembling them into complete handguns in the basement of Falcon's Bronx apartment.

Cylinders, frames, handgrips, and barrels were stuffed into coat pockets, waist bands, and lunch pails until enough parts to assemble 10,000 weapons had vanished without a trace.

It was easy because Meltzer did not order his parts by a numerical accounting system, but by weight—sometimes a ton at a time.

ILLICIT PROFITS BIGGER

Unguarded, the parts lay about the plant in huge barrels and were filched easily. Because they arrived by weight, a few pieces could be lifted each day without being missed.

The bootleggers soon found that the illegal market for their lethal wares was twice as profitable as the legal market. Meltzer's guns sold for $12 each in stores, but the bootleggers peddled them for $25 to $30 apiece.

It cost Falcon and his pilferers nothing to steal the parts and only a few dollars to set up a make-shift assembly shop in his basement at 1478 Bryant Av.

That address is in the lower Bronx, one of New York City's worst slums, and the bootleggers found a thriving market among the people who lived in that neighborhood.

Drug addicts needed guns to commit robberies to support their habits; shop owners needed guns to protect themselves from robbers. Burglars needed guns to shoot startled homeowners, and homeowners needed them to defend themselves against burglars. Muggers needed them to threaten their victims, and their victims needed them to fend off muggers.

And so, out of that vicious circle of violence and fear, Falcon and his ring reaped huge profits. Men who had been subsisting on a minimum wage were now earning as much as $130 a day, thanks to Meltzer, who felt it was too expensive to install security precautions.

MELTZER'S INDIRECT AID

"It was strictly economics with him [Meltzer]," a federal agent said. "It did not make any difference to him if those stolen guns were being used to kill people. He just told us that it would cost him more to install security systems than he was losing thru pilferage. He said he could not search employes because it was a union shop."

As a result, Falcon's wing grew more brazen. Eventually almost all of the assembly room's 18 employes were involved in the racket. The bootleg weapons began selling in such wholesale quantities that "they were being sold by the sackful in Harlem," federal agents said.

Agents estimate that over a two-year period, the ring sold about half of the 10,000 weapons at a profit of about $125,000.

UNDAUNTED BY ARRESTS

The ring was so bold that it continued to operate following the arrest of three men in May, 1969, after the trio sold an undercover agent six revolvers for $195.

COUSIN IN RACKET

It was one of the arrested men, Jose Crespo, who told agents that CDM employes were pilfering the parts to supplement their meager incomes.

Using information supplied by the trio, an undercover agent, who shall be known in this account as Jose Carbone, His mission was to trace the obtained a job in the plant.

FALCON GOES FULL-TIME

By this time Falcon had been fired from his job—which suited him fine, because he could now devote full time to his prosperous enterprise.

"He couldn't afford to work anyway," commented a federal agent. "His job was interfering with his racket."

Carbone didn't have to wait long for the ring to approach him. On his first day on the job, Dec. 15, 1969, Carbone was asked by Jesus Paillo, 19, to smuggle a cylinder out of the plant. He did, noticing that Paillo and several other men were doing the same.

ENTHRALLED IN INTRIGUE

He quickly discovered the racket was the main topic of conversations among employes who discussed their daily plans while working, at lunch, and in the locker room. The racket had become a business within a business.

Three days after Carbone began work, Efrain Aponte, 17, told him he could sell Carbone a few weapons later in the month for $25 each. The undercover agent agreed to make the buy.

On Jan. 7, 1970, Carbone purchased a bootleg weapon from Aponte for $25, right in front of the CDM plant.

POSES AS REVOLUTIONARY

Posing as a member of a Santo Domingo revolutionary group, Carbone decided to make his move.

"Look," he said to Aponte, "I need more than one or two guns. The people back home are having trouble. I need at least a hundred guns.'

Excited by the prospect of doing business on a large scale, Aponte and Paillo arranged a meeting between Carbone and Falcon. Alcon said he would "be glad to do business" with Carbone and then asked Carbone to smuggle out some handgrips.

COUSINS IN RACKET

On Jan. 14, Carbone purchased two more revolvers for $50 from Aponte and handed over the pilfered pistol grips. It was then that he learned the racket was a family affair—Aponte, Paillo, and Falcon were cousins.

Two days later, Carbone met with Falcon and expressed impatience with the way the ring was doing business: "My people need two hundred guns at least, not two at a time," he told Falcon.

Falcon promised to deliver a shipment of 50 guns. As a sign of good faith, he had Jose Rosario, 19, sell Carbone a revolver for $15.

"We're giving you a $10 discount because you work at the plant," Rosario said.

AGENT BUYS 26 GUNS

Thru Rosario, Aponte, Paillo, and Falcon, Carbone purchased a total of 26 handguns, in addition to dozens of weapon parts, for more than $500. However, the 50-gun shipment was never delivered.

In February, 1970, the three youths and Falcon were arrested by federal agents, and one of the largest and most lucrative gun-bootlegging rings in New York City history had been broken.

The courts handled the case lightly. Rosario was acquitted on June 10, because the judge and jury said they did not believe Rosario was "in the business of selling guns."

FOUR YEARS FOR FALCON

Paillo received only a 3-month prison sentence and two years' probation, and Aponte was sentenced to one year in the reformatory. Falcon was sentenced to four years in federal prison.

The disclosures failed to move Meltzer to install security devices.

One year later, on June 24, 1971, CDM was burglarized. The thieves entered thru a loft in an adjoining building, chopped a hole in the plasterboard wall of the CDM factory wash room, then broke into a cage where assembled guns were stored. They made off with 454 .25 cal. automatics valued at $8,172.

It was the fourth burglary of the factory in four years.

It was only after this incident that Meltzer finally installed security measures costing $15,000. There are no laws that would compel him to install security devices in order to get his federal license to manufacture guns.

The cost of the security measures belied Meltzer's contention that such precautions were more expensive than the losses incurred thru pilferage and burglary. Between 1967 and 1971, he lost the equivalent of 11,500 weapons that would have netted him a profit of $40,000.

Pilferage is not confined to small manufacturers like CDM. Despite security measures surrounding Colt Firearms Co., Hartford, Conn., more than 60 highly dangerous M-16 rifles and 140 handguns were stolen from the plant between 1967 and 1971.

Gun Controls Too Hot for Most Politicians

(Guns kill 10,000 Americans a year, but political leaders remain paralyzed to act. This is the fifth in a series of Task Force reports by George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman.)

It is one of the most politically explosive issues in the country today, and that is why the Nixon administration, its predecessors, and political leaders have sat on gun control legislation for years.

That was the candid confession of a high administration official who described a "conspiracy of silence" between Congress and the White House "not to bring up the gun control issue," until at least after the election.

Pending bills, the official said, "are just window dressing to salve the national conscience," and no one has any illusions that they will pass into law. "The only solution to the nation's gun problem is total domestic disarmament, which is politically unacceptable and impossible at this time."

POLITICANS AFRAID TO ACT

So, as firearms violence stalks the country, most politicians remain in a state of paralysis, cringing at the mere mention of those two words . . . "gun control."

"The Congress is scared out of its wits because of public pressure on gun control," said Congressman Abner J. Mikva [D., Ill.], who has futilely requested hearings on his tough gun control bill for more than two years.

Political leaders see the powerful gun lobby, with its millions of supporters, flexing its muscles at the most casual suggestion of more firearms legislation.

"This is a very, very, potent political force," said Sen. William Proxmire [D., Wis.], who voted for the 1968 Gun Control Act and then said in his last campaign that he would vote to repeal it. "We have literally millions and millions of people who own guns and the intensity of their feelings runs high."

LAW USELESS: HRUSKA

"The people don't want their guns taken from them," said Sen. Roman L. Hruska [R., Neb.]. "There are 2.5 million handguns made each year. Are there 2 million criminals a year buying them? The consumer buys them, and you're not going to stop them by passing a law. This mania for passing laws and saying the problem is solved is foolishness."

Hruska has staunchly supported the position of the most powerful anti-gun-control force, the National Rifle Association [NRA]. He hopes the NRA will build its $25 million "mecca" for sportsmen in Nebraska, a Hruska aide confided.

Political leaders can also feel the stirrings of less vocal and unorganized urban dwellers who are demanding action to control gun sales.

FEAR LOSING SEATS

"Altho the big majority favors gun control, a strong and intense minority believes this issue and owning guns is all important," Proxmire said.

That is the dilemma of Washington leaders today.

Their minds are haunted by the shadow of former Sen. Joseph Tydings [D., Md.] and others whose political careers were supposedly crushed by the streamroller of the anti-gun control forces.

"The administration just doesn't want to deal with that political bru-ha-ha," said one legal adviser when asked if the White House favored bans on handguns. "Not at this time, in this administration. The political liabilities are fantastic. Let's face it. There are several former senators you can ask about that.

"Every Congresman who lost his seat in 1970 is convinced he lost because he voted for the gun control bill. The gun lobby takes credit for their defeat," Mikva said.

Some legislators like James Abourezk (D., S.D.], a freshman congressman, sit back hoping the issue will pass them by. Abourezk may have to vote on a gun bill for the first time after hearings held this week on House Judiciary Committee chairman Emanuel Celler's proposal.

CONSTITUENCY "EMOTIONAL"

"We were hoping there wouldn't be a bill to vote on," said David Voight, an aide to Abourezk who sits on the commitee. "Our constituency is very emotional about guns. Guns are a way of life and their attitude is if you take away my guns, you'll take way my wife next."

Stirring among the shadows of Tydings and the others are memories of more tragic events. More than a political career was lost when bullets killed the Kennedys and nearly took the life of Gov. George C. Wallace last month: It is events like these that periodically bolster the mounting clamor for gun control.

"But the administration reads all the polls of the rural states and ignores the cry of the urban areas," Sen. Edward Kennedy (D. Mass.) told Task Force reporters. "They think the guns are where the votes are."

There is some telling evidence to support this.

NRA, WHITE HOUSE TALK

The White House has opened its doors to the NRA and firearms proponents for at least two "mutually helpful" conferences on gun bills and enforcement problems, Treasury Department officials confirm.

"The doors are open for our views," said Gen. Maxwell Rich, NRA executive vice president and lobbyist. "I understand we weren't welcome during past administrations. Now we have been asked our opinion and we gave it. But we haven't written legislation and I don't suppose we'll be asked to."

But a comparison of positions taken by the admiinstration and the NRA belie that last disclaimer—they are one and the same on gun control.

Both oppose federal gun registration, licensing, and confiscation, contending they are unenforceable measures that should be left to the states and not the subject of federal control.

Both claim general support for the 1968 Act, but contend some provisions, like ammunition record keeping, are unenforceable and useless.

And both advocate a bill banning handguns that cannot pass a "safety and reliability" test rather than a "sporting purposes" test now applied to imported guns under the 1968 Act.

CONSPIRACY OF SILENCE

The administration promised to produce such a bill seven months ago, but it has yet to be seen. The history of this long-promised measure best reveals the administration's attitude on handgun legislation. A top administration official explained it this way:

"Before the Wallace shooting there was a conspiracy of silence between Congress and the administration. There was nothing spoken, but we got clear signals that no one wanted to bring up the gun control issues. Everyone from the top on down said 'Don't send that damn bill up here.' It wouldn't get anywhere and all it would do is result in tremendous exposure to editorial criticism before an election."

"When Wallace got shot, [Sen. Birch] Bayh [chairman of the juvenile delinquency subcommittee] and Celler broke the silence and started calling hearings and making noises about moving bills.

"They sensed the public tide turning and it became politically expedient to put up an appearance of advocating gun control. They are no more sincere now than before. They knew we were sitting on the thing and they didn't do a damn thing until Wallace got shot. Even now, no one has any illusions about those bills passing into law."

Bayh's bill would apply the same "sporting purposes" test to American-made handguns used on imported handguns. But his voting record and failure to push his own bill thru lends some credence to the accusations.

He voted for the 1968 Gun Control Act but voted to repeal it only a few months later.

"Did I vote that way?" he asked, incredulously, "Well, if I voted that way I voted wrong."

He voted against three other bills aimed at gun registration, but voted for one bill that called for licensing of firearms owners.

While a Presidential candidate last October, Bayh held hearings on his own handgun bill, leaving a tougher bill, proposed seven months earlier by Sen. Kennedy, languishing before the subcommittee.

After holding the hearings, he let his own bill sit for months, only pressing to report it out days after Wallace got shot.

IGNORE MIKVA BILL

Like Bayh, Celler refused to hold hearings on two tough gun control bills proposed by Mikva and Rep. John Murphy (D., N.Y.), claiming for years that the "climate wasn't right." The NRA's monthly magazine praised him in December, 1970, for "tieing up all major gun bills" in his committee.

After Wallace was shot, Celler announced hearings would be held on his own bill. Murphy wrote Celler that 9,000 people had been killed by handguns since he introduced his measure a year ago, and the bill would have banned the sale of the gun used to shoot Wallace.

William Dickey, deputy assistant secretary of the Treasury Department, denied the agency was deliberately stalling on the "safety and liability" proposal they promised to prepare by last November. "We just ran into extreme technical and legal problems in setting the criteria," he said.

STANDARDS RECOMMENDED

A $136,000 study of 150 handguns completed last September by the H. P. White laboratory concluded that standards can be set, "but they don't establish them," Dickey explained.

The report recommends a safety and reliability test of 3,000 firings and a modified drop test. The problem, Dickey said, is that some cheap handguns would pass and some expensive ones would flunk. The report notes that under this test procedure one gun priced under $20 would pass and eight guns over $100 would fail.

A close look at this safety and reliability proposal reveals it is really not a gun control measure at all, but a consumer protection bill. Experts, including Dickey, agree it would put safer more reliable guns in the hands of criminals as well as consumers.

In fact, the White laboratory only agreed to conduct the test after it was assured it was for a consumer protection bill and not gun control, said Donald Dunne, manager of the laboratory.

WOULD NOT CONTROL SALES

"When we were first asked to do it we saw a thinly veiled attempt to deprive citizens of a right to own a gun and we wanted no part of it. Then they explained to us that this was in no way a gun control matter but a product evaluation done against the background of consumer protection," Dunne said.

An administration legal adviser explained the strategy of this safety and reliability proposal this way:

"It was a perfect solution. It would get the job done of getting those Saturday Night Specials off the street without hitting raw nerves. The minute you talk to a sportsman about banning guns based on size or anything else, you start getting into all kind of insolubles."

PLAYING DEVIOUS GAME

He charged the Treasury Department was incompetent for failing to produce the bill by now and lamented, "Look where we are—trying to ram something thru in the second half of an election year when you're supposed to be cleaning house and getting things together."

Congressional criticism of the Treasury Department is also aimed at what some politely describe as its lack of enthusiasm about existing as well as pending gun laws.

"They are playing a devious game. Their heart just isn't in gun laws," charged Mikva. He recalled one department official remarking to him, "I sure hope your bill doesn't pass because they'd have to kill me to get my guns."

The Treasury Department has a chartered NRA gun club entitled the U.S. Rifle and Pistol Club, records show.

Rep. Murphy has had some of his more frustrating references with the agency. In April, 1971, he wrote to the Alcohol, Tobacco, and Firearms Department (ATFD) asking its opinion on the effectiveness of the 1963 Gun Control Act. He sought to learn if the act was unenforceable and ineffective, as the administration claimed.

CITES ARREST INCREASE

Acting ATFD director Ralph H. Alkire responded May 12 crediting the act with a 234 per cent increase in illegal gun sale cases and a 409 per cent increase in arrests over the 1934 act. The letter included an interdepartment memo detailing how the 1968 act was being circumvented by some gun dealers.

On June 3, 1971, Murphy wrote a letter thanking the Secretary of the Treasury for the quick response and asking for details on these unscrupulous dealers.

The July 14 response from the head of the Internal Revenue Service disavowed the ATFD report as the "opinion of its author only," and said a review showed Alkire's letter was incomplete and inaccurate. Murphy never received a reply when he asked for specifics on the inaccuracies.

PURCHASED AMMUNITION

In October Murphy asked for an ATFD agent to accompany his aides to Maryland gun stores to ask for their ammunition sales records. He wanted to learn if the provision of the 1963 act was unenforceable and useless, as the administration claimed Congressional investigation has done this before and in 99 minutes found that 37 per cent of the 177 ammunition purchasers taken at random from records of a Washington dealer, had criminal records.

"If we could do that, why can't the Treasury Department?" commented one of the investigators, Carl Perrian, now a Murphy aide.

But when Murphy sought to repeat what had been proven successfully in the past—that the records were valuable—the Treasury Department ignored his request.

"They sympathize with the gun people," Murphy said. "It's their political interest with the gun lobby that's been delaying everything."

How NRA Disarms Gun Control Efforts

(This is the sixth in a series of Task Force reports on the gun control controversy by George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman.)

A leather-tooled western holster and gun hang on the wall beneath a picture of their owner shaking hands with the President of the United States.

On the desk sits a bronze trophy awarded to Gen. Maxwell Rich: "Dedicated to Americanism."

The memorabilia scattered about the plush, wood paneled office atop the $2.7-million headquarters of the National Rifle Association (NRA) reveals a lot about the man and the organization he helps run.

With a triumvirate of clout, money, and the mystique of guns, the century-old NRA is the most potent political force against further gun control legislation.

FIGHTS GUN CONTROL

As the self-proclaimed "foremost guardian of the right to keep and bear arms," it has fiercely and successfully fought against nearly all federal and local gun control proposals, save those that would require mandatory prison sentences for gun-wielding criminals.

Their argument is that these measures will not curb crime and will only harass honest citizens.

Organized in 1871 by a few National Guard officers interested in improving marksmanship, the NRA last year boasted a membership of 1,101,652. Its assets were $19,387,324.

"The strength of the NRA and, therefore, its ability to accomplish its purposes, depends upon the support of loyal Americans who believe in the right to keep and bear arms," said the association's 1971 annual report.

TWENTY-SIX CONGRESSMEN BELONG

Its ranks contain 26 congressmen, hundreds of state and local political leaders, the firearms and munitions industry, thousands of target shooters, hunters, conservationists, and ordinary citizens who for one reason or another own guns.

It also gathers force from outside the membership, from those thousands who buy guns for protection and from the country's 16-million licensed hunters.

"Your future hunting rights are in jeopardy," warns one NRA poster soliciting new members. "Let the NRA help you protect them."

As NRA executive vice president and lobbyist, Rich is the highest paid full-time employee of the staff of 266.

UNLIKELY LEADER

Soft-spoken and mild-mannered, the former Utah National Guard officer seems an unlikely candidate to sit at the top of this pinnacle of power.

He smiled and shook his head when asked about his organization's political influence.

"When they say the 'powerful gun lobby;' they give the impression there are lots of people (lobbyists) crawling all over Congress. I'm it, and I only spent $400 of my $2,500 lobbying budget last year."

The NRA's vigorous opposition to most gun control proposals reflects the membership's attitude, he said, recalling one member writing: "You guys have to stand fast. Don't let anything thru."

FEARFUL OF RIGHTS

He explained: "Our people have a real fear—and I know they say it can't happen here—but they fear a move will come along to take all the guns away and disarm the country. I'm not worried about it personally, but I've seen too much of it where they say, 'This is as far as it goes,' and then it goes farther."

Rich claims the NRA's legislative work is secondary to its activities in conservation, organizing pistol matches, and firearms safety programs. Only $100,000 of their annual $7.7-million budget goes to legislative activities.

However, a November, 1971, editorial in the NRA's official magazine, the American Rifleman, commemorating the organization's accomplishments in its first 100 years, devotes only one paragraph to these other activities. The 18 remaining paragraphs discuss the association's past and continuing gun control fight, concluding:

"With more than a dozen antigun bills pending in Congress, there is little chance of any passing as long as NRA members and other gun owners stand firm and express themselves . . . we still face a noisy opposition that would disarm private citizens or wildlife preservation if given the chance. They must never be given the chance."

ACT AS MIDDLEMEN

The thrust of their legislative work, Rich said, is to keep Congress informed of NRA membership opinions and to keep members informed on the actions of Congress.

Thru the American Rifleman and letters to members, the NRA organizes massive mail campaigns urging people to write their congressman expressing their views against gun control measures. Congressional leaders estimate the NRA can generate 500,000 letters in 72 hours.

Some of them are venomous and are relegated to what some legislators jokingly refer to as their "commie-bastard-jew-file."

One recent writer called U.S. Rep. Abner J. Mikva [D., Ill.] a "communist admirer . . . You want to take away all American arms [his pending gun control bill does not propose confiscation] and I suppose then we would have the usual deal. We would be on a future national murder list. Well damn if we won't fight you and your kind . . . We will win or America will be lost to the free world."

As a tax-exempt organization, the NRA cannot, and does not, get actively involved in political campaigns, said Rich, but it "acts as a catalyst for grass roots organizations."

Its effectiveness as a catalyst makes the NRA one of the most feared groups in Washington today. Legislators on both sides of the gun control controversy agree with U.S. Rep. John D. Dingell [D., Mich.], an NRA board member, that "the gun control issue is the most important thing in the country today."

The American Rifleman regularly emphasizes this point with articles designed to encourage subscribers to political activism by detailing the impact made by antigun control forces on various elections.

A December, 1970, article entitled "Anti-Gun Leaders Toppled" gives the latest scorecard for firearms advocates detailing those who supposedly won or lost their last election battle because of their gun control stance.

DODD, TYDINGS LOSE

The article claims the greatest victory in the defeat of Joseph Tydings [D., Md.] and

Thomas Dodd [D., Conn.], two senators who fought vigorously for gun control. The article carefully notes that it was citizens' groups unaffiliated with the NRA who worked to defeat the two men and elect opponents of gun registration.

Three other U.S. Senate candidates reversed earlier stands favoring the 1968 Gun Control Act, and, as a result, "won with some support from firearms owners," the article claims.

These men were Senate Minority Leader Hugh Scott [R., Pa.], Sen. William Pxoxmire [D., Wis.], and Sen. Hubert Humphrey [D., Minn.].

Bob Heatherington, an aid to Scott, said Scott changed his stance after Sen. Joseph Clark [D. Pa.], a hard-line gun control advocate, was defeated. "Sports groups got together and campaigned heavily against Clark, and Scott got the readings back home. He changed his mind because he was in tune with his constituency," Heatherington said.

The article notes that former Sen. Albert Gore, a supporter of gun control, lost to Congressman William E. Brock, an opponent of the 1968 act, in their battle for a Senate seat. A Citizens for Brock Committee distributed fliers with the message "on gun registration Tennesseans said 'no' and Albert Gore voted 'yes.'" A Brock commercial pictured the aspiring senator walking with three hunters saying, "It doesn't solve crime to take guns away from decent people."

The article observes that gun owners lost one race to New York Gov. Nelson Rockefeller, "no friend of firearms," but won another with the reelection of California Gov. Ronald Reagan, a staunch opponent of gun control.

It credits Reagan with enacting the "most advanced piece of state legislation protecting firearms ownership . . . recommended as a model for other states." The legislation wiped out existing local gun control measures and preempted for state government the entire field of firearms regulation.

The NRA opposes gun registration and licensing, "because it's harassment of law-abiding citizens to get at the criminal element," Rich said. "And those laws won't curb crime."

It opposes gun confiscation because it would be impossible to take all the guns away and would stimulate a tremendous black market, he said, adding:

"Besides, I don't think anyone is naive enough to think we'll confiscate all the handguns and everyone will live happily ever after."

It claims to support a bill that would rid the market of cheap handguns commonly used in crime, but has opposed all pending proposals to deal with this problem, claiming they are too vague.

"That Saturday Night Special is a magic phrase, but I don't know what it means," complained Rich. "Is it a $9.95 gun? You ought to have a reliable firearm, but how do you define it? The proposals don't do it adequately. And if we ban unreliable guns, will that reduce crime?"

NRA BURGLARIZED

The NRA bases its antigun control stance on its oft-quoted version of the Second Amendment that "the right of the people to keep and bear arms shall not be infringed."

In rallying around this "Constitutional right," it conveniently drops the first phrase of the amendment, which explicitly states the right is associated with the need to keep "a well-regulated militia."

The United States Supreme Court has ruled several times that the amendment must be interpreted and applied with a view of "maintaining a militia." Hence there is no flat right to own and transport certain weapons, such as sawed-off shotguns, that could not be used by a well-regulated militia, the court held.

"We think the Constitution is broad enough," argued Rich. "You can analyze and analyze a statement and we think the amendment refers to the people."

"WAVE OF HYSTERIA"

Rich denies charges from gun control advocates that the NRA is systematically attempting to dismantle the 1968 Gun Control Act. But the organization's opposition to the law from beginning to end belies that claim.

Faced with what he called "a new wave of hysteria by the ragged fringe," U.S. Rep. Robert Sikes [D., Fla.], former board member and chief NRA spokesman in the House, found he could no longer fight passage of the act after Robert Kennedy's assassination.

"I have discussed this with the NRA and other organizations dedicated to the proper interests of law abiding sportsmen," he said. Because of recent events, "they interpose no objection under present circumstances to the adoption of this language by the House."

HUSBAND OR GUNS?

The American Rifleman has urged repeal of the act repeatedly, most recently calling it a "legal failure and a social indecency . . . diabolically designed to befuddle and entrap everyday citizens."

The magazine regularly includes articles by members describing how they have unjustly suffered under the act.

One of the contributors, Alicia K. Oprean, complained the law has forced her to choose between her husband and her guns. John Oprean was given probation on an illegal gun charge on the condition that he never touch guns again. In confiscating 12 weapons from the couple's home, the government took three of her guns, refusing to believe they weren't his.

"I can keep my husband or I can keep my guns. Unfortunately, I can't have both under the same roof. Is there anything in the 1968 act that says a wife must make a choice?" she asks.

CAN'T JAIL NICE PEOPLE: JUDGE—GUN FOES HIT COURTS AS LENIENT

(This is the seventh in a series of Task Force reports on the gun controversy by George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman.)

Last Feb. 26, John Averett was a patron in a neighborhood tavern at 7132 S. Racine Av. He was in one of those situations that occur thousands of times each day. Had some incident lit the flame of anger, someone in the tavern might have become a murder statistic.

Averett was brandishing a loaded gun, a .32 caliber revolver.

Two weeks ago Averett appeared in Rackets Court to answer charges of unlawful use of a weapon, and failure to register his revolver with the city. He was one of the 32,159 persons charged with unlawful use of a weapon by the Chicago police in the last four years.

GETS YEAR'S PROBATION

At a brief hearing before Judge Thomas Cawley, Averett pleaded guilty to the first charge and was sentenced to one year's probation. The registration charges were dropped.

Averett could have been sentenced to a year in jail. But he had no previous criminal record, supports five children, and has lived in Chicago for 18 years.

FIRST TIME IN TROUBLE

"Nine of ten people who come in here [on gun charges] have not been arrested before," said Judge Cawley, who may hear 30 gun cases a day. "All day long you see these nice people. I can't put these types of people in jail."

Ironically, most murders are committed by persons who have never before been in trouble. "The accessibility of guns causes murder where without a gun it might have been a good fight," said Judge Cawley.

Edward V. Hanrahan, Cook County States Attorney, agrees this statement pinpoints the gravity of having guns easily available. But he decries the concept that "nice people" carry guns and that the courts should treat them lightly.

"Was Arthur Bremer [accused of shooting Gov. George Wallace] a nice fellow?" Hanrahan asks. "Some nut judge [in Milwaukee where Bremer had previously been arrested on a firearms charge] reduced Bremer's gun charge to disorderly conduct and fined him $39.50. Here we charge a little more for such things—maybe $50."

PROBLEMS IN OTHER CITIES

It is not only in Chicago but also in New York City, Washington, D.C., and other large cities where there is a controversy over whether the courts effectively punish gun law offenders.

Court sentences on gun offenses make the penalty for carrying a handgun a "joke among people of criminal intent," said Patrick Murphy, New York City Police Commissioner, an outspoken proponent of gun control laws.

Chief Jerry Wilson, of the Washington, D.C., police said that no one in the criminal justice system realizes that "the unlawful possession of a firearm is a crime of the first magnitude." Tougher enforcement of his city's gun law, Chief Wilson asserts, would curtail gun-related crimes in Washington.

OPPOSES MORE LAWS

U.S. Rep. John D. Dingell [D., Mich.], vigorously has opposed additional gun control laws claiming the courts are not enforcing the 20,000 laws now on the books. "We apparently haven't yet passed a law that is enforceable and workable," said Dingell, a board member of the National Rifle Association. "It is high time we started enforcing the laws we have now."

Enforcing gun laws against persons who carry weapons in public is only part of the problem. Guns in cars, and homes, supposedly kept there to fend off robbers and intruders, are another factor.

Seventy per cent of the persons who kill with a gun, kill a friend, a relative, a suitor, or someone else they know, rather than a stranger. A seizure of passion can cause an otherwise rational person to kill by gun.

CITES EXAMPLE

Take the case of Bertha Dumas. In June 14, 1971, she was sitting in her living room at 121 N. Keeler, watching television and drinking beer when her boy friend, Collis Bridges, returned home unexpectedly.

"You should be at work," she yelled, then pulled an unregistered, cheap handgun from her purse and shot him in the face. He grabbed her, and in the following struggle the gun went off two more times, killing Miss Dumas.

Then there was LaFronzell Spight, 22, who shot at his sister Carolyn with his unregistered .22 caliber rifle after she became enraged with him for walking over a freshly-mopped floor. The shot struck the kitchen door, a foot down where she was standing.

STATISTICS PROVE CASE

Among the statistics to show nonenforcement of existing gun laws are the following.

During 1971, fewer than one in eight persons convicted of a gun charge in Chicago was sentenced to jail. Most were fined or placed on probation or under supervision. The majority of gun charges filed by police never came to trial.

The Washington, D.C. police department studied 361 gun cases heard in that city during a three-month period. Forty-five per cent of the cases were not tried. Of the 157 defendants who were convicted, 103—or 66 per cent—were fined, given a suspended sentence, or placed on probation. The chances of not getting jail time were better than five out of six.

The police department of New York City reviewed 156 gun cases, of which 136 were felony arrests for criminal possession of handguns. Not one of the 136 was convicted of the original felony charge.

SERIOUS FELONY OR NOT?

"Now is it a serious felony to carry an illegal handgun or is it not, according to law?" asks Police Commissioner Murphy. "If it is a serious felony, then how do we justify a record like this?"

Reporters found indications that the criminal on the street, the man who uses his .38 to rob or kill, knows he can flout gun laws.

"As a result of the low conviction rate, the word is out on the street 'don't sweat the gun,'" said Donald E. Santarelli, deputy attorney general of the United States.

GANG MEMBER TALKS

And a 22-year-old former street gang member who said he started peddling guns in Chicago at age 15, told Task Force reporters:

"If you're clean, you can register the gun with the police and everything's legal. Now say you get busted, and even if you're registered, you don't have no permit to be carryin' it around. But you know you'll just get a fine . . . you know the gun charges will be kicked off."

Some persons, such as Judge James M. Walton, who hears gun cases in Chicago's Rackets Court, maintain the police misuse gun laws.

JUSTIFY ILLEGAL SEARCH

"The confiscation of guns is used [by police] to justify an illegal stop and frisk," said Judge Walton. "Police operate on the theory that if they confiscate guns or narcotics and get them off the street they are doing their job. There is something to be said for that, but I am not going to say it. I don't think that gun laws are not being enforced, particularly against the blacks."

Concern about gun law enforcement also extends to the handling of gun charges in the federal courts and by juries.

Steven Ostrowsky, 29, of Homewood, was tried in Federal Court in Chicago for lying when he purchased guns from the Blue Island Gun Shop in 1970. He allegedly said he was not under indictment for a felony at the time, when in fact he was. Ostrowsky testified that he thought the question on the firearms transfer form meant being convicted of a felony rather than just being charged. A jury acquitted him.

"These cases are hard to prove," said Matt Lydon, an assistant United States attorney who prosecuted the case. "Some juries don't accept these cases. People think they are technicalities and they think people should be able to have guns."

Another controversial federal case in Chicago involved three Black Panther Party members, Merrill Harvey, Michael White, and Nathaniel Junior. They were accused of attempting to purchase machine guns from an undercover agent of the Alcohol, Tobacco, and Firearms Division of the Treasury department.

The three, two of whom jumped bond before trial, pleaded guilty and were placed on three years probation by Judge Joseph Sam Perry. The prosecutor, William P. Cagney, had asked for a stiff jail sentence, arguing that "granting them probation would be giving them a license to kill." Cagney noted that six days before the attempted purchase, Junior had spoken at a rally and called for violent revolution.

NOT CASE OF VIOLENCE

"This is not a case of violence," Judge Perry replied. "The charge is attempting to buy weapons. They could have bought the same weapons at Sears Roebuck and Co., if they had given their names. Except for their Black Panther affiliations they have no criminal record of consequence."

"I don't think it is in the best interests of society to throw the book at them," Judge Perry said.

A deciding element in many gun cases can be where a gun is found, if it was accessible, and whether it was concealed. Thus, if a pistol is on a seat next to the driver it is in unlawful use because it is accessible to the driver. "If the driver gets angry he can pick it up and shoot someone," said Judge Cawley. If the gun is in the car's glove compartment or on the floor in the back, the courts don't consider it accessible.

PENALTIES ARE TARGET

The major attack on the courts' handling of gun cases concerns the penalties meted out. Chicago's gun registration laws originally called for a mandatory penalty of $500 for not registering a gun. However, the judges were reluctant to impose such a fine, so last year the City Council amended the ordinance to set fines at between $100 and $500.

"Amazing, just amazing," says Hanrahan. "The City Council watered down a good ordinance to adjust to the sentimentalities and practices of judges who won't follow the law."

Judge Walton replied: "I try to temper justice with mercy. I think this is consistent with the pholosophy of law. Law-abiding citizens in the ghettos don't register their guns out of ignorance and negligence."

SEEK 60-DAY SENTENCES

Hanrahan's office routinely asks for a minimum 60-day jail sentence of anyone convicted of unlawful use of a weapon. It seldom gets it. Judge Cawley said his typical penalty is $100 and to confiscate the gun.

"This court is like Traffic Court," he said. "I don't consider most of these people criminals and would never give them 60 days. About half of the people who are brought here have made some effort to comply with gun laws."

As Judge Cawley, a trap shooter, sees it, the only real issue in the gun controversy is the sale and manufacture of handguns. "Everything else skirts that," he said. "After sitting here and seeing the confusion on guns and how they are handled I am coming to the view of outlawing the manufacture of handguns."

TELLS TALE OF YOUTH

While some courts have a propensity to treat gun offenders lightly, the policeman consider the carrying of a gun deadly serious business.

A Chicago policeman, David Ferguson, tells the story of a 16 year old gang member who pulled a .28 cal. revolver on him. The youth was charged and when they went to court, he got supervision.

"I told his father on the steps of the courthouse that he better watch his kid," Ferguson recalled. "I told him that the kid likes guns and one of these days he's going to kill or get killed. The kid sneered at me.

Three months later, the youth was killed during an attempted armed robbery.

GUNMAKERS DISCLAIM BLAME FOR VIOLENCE

(Firearms kill 10,000 Americans a year. In this article, eighth of a series, The Tribune Task Force describes the big business of firearms manufacturing. It was compiled and written by George Bliss, Task Force director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman.)

Robert Meltzer slapped a can of sardines on a paper plate in his small, cluttered New York City office as he asked a reporter for her opinions on his latest product—a pearl-handled derringer.

"How do you like it?" he asked reporter Pamela Zekman. "We want to see if it appeals to women."

Replying that the gun would fit into a purse, Miss Zekman handed back the weapon. Meltzer placed it in a filing cabinet, then volunteered this information:

"I hate guns."

"Then why do you manufacture them?"

"Because it's profitable," answered Meltzer, president of the Criterion Die & Machine Co. [CDM] the only firearms manufacturer left in New York City.

RELUCTANT TO TALK

Like most of the gun manufacturers interviewed by the Tribune Task Force, Meltzer was reluctant to discuss his business.

"There's been a lot of bad publicity about Saturday Night Specials," he said. "I just won't talk about it. We try to avoid publicity."

However, publicity is often thrust upon gunmakers, especially when one of their products is used to commit a violent crime.

New York City Patrolman Salvatore Morale, 29, hates guns as much as Meltzer. On July 9, 1970, while thwarting an attempted robbery of a Manhattan restaurant, Morale was shot in the stomach with a .22 caliber CDM revolver.

Tho seriously wounded, Morale pursued the gunman down the street, then tackled and arrested him. The young policeman spent 10 days in the hospital and five months convalescing at home.

"We've definitely got to get rid of these cheap handguns, but it's going to be a long haul. There are too many around now. It's gotten out of hand, but we've got to do something," he said.

Morale's assailant, Lavon Moore, said he purchased the unregistered weapon from a street trafficker in upper Manhattan.

Big firearms manufacturers avoid inquiries about their business as much as small-time operators like Meltzer.

Robert Early, public relations officer for the firearms division of Colt Industries, Hartford, Conn., told a reporter he would offer a perspective of his firm's business so long as the name of the company was not mentioned.

"It's nobody's business how much we produce," said a spokesman for Firearms International, 515 Kerby Hill Rd., Washington.

"Reporters are always asking that. They are always looking for something sensational. It's none of anybody's business how much we sell."

Determining how many guns there are in America and how many are being produced can be as trying as counting mosquitoes in a swamp. Jerry Racussen, editor of Gun Magazine, a well-known trade magazine, said even he does not know.

"You can believe this or not, but I get calls from the Commerce Commission asking me how many guns the manufacturers make," he said. "Now this is crazy. I'll bet if you call the commission right now and say you're looking for industry figures, chances are that the people over there will send you back to me."

IRS SHOWS STEADY RISE

The most accurate figures on gun production are kept by the Internal Revenue Service, which collects an excise tax on each firearm produced for private sale in the United States. IRS figures show a steady rise, beginning in 1962, in the sale of handguns, shotguns, and rifles.

In 1968, the last year for which complete figures are available, 5,299,062 domestic and foreign weapons were manufactured for private sale in the United States, a 250 per cent increase over the 2,066,368 made in 1962.

Handgun production during the period skyrocketed from 598,649 to 2,499,286. In the first 11 months of 1971, the IRS reports, domestic manufacturers alone produced 1,447,664 handguns for private sale.

Since the turn of the century, 102,386,813 firearms have been produced for private sale in America and have accounted for 750,000 deaths in murders, suicides, and accidents. By contrast, 653,000 Americans have been killed in all the nation's wars since the Revolution.

SALES ESTIMATED AT $441.4 MILLION

In terms of revenues, the United States Bureau of the Census estimates that the sales of small arms for civilian use reached $441.4 million in 1970.

What makes these figures even more alarming is that guns produced a year ago, five years ago, and even 50 years ago can last for generations. Unless it is a cheap model that is fired frequently, a gun does not wear out like an automobile. A revolver used in a recent West Side killing was made in Spain in 1924.

It is reliability like that makes a Colt pistol superior to the cheaper Saturday Night Specials, Early said. "The gun nut and law enforcement people will not buy the Saturday Night Specials because they are interested in a gun that works, that has reliability," Early said.

One of those cheap handgun manufacturers is an hour's drive away from Colt's bustling factory. It is the General Precision Corp. in Watertown, Conn., a tranquil community better known for its fine houses than as the home town of a Saturday Night Special.

NOT ALWAYS PROFITABLE

General Precision makes the Triumph .22 caliber revolver in an inconspicuous building at 27 Depot St. The only identification is a cardboard sign bearing the company's name on the factory door. The company is controlled by Joseph D. Ubaldi, 39, and his brother, Charles F., 33, both of nearby Waterbury, Conn.

Each owns 29.4 per cent of the corporation. Joseph Ubaldi, the president, is better known in Waterbury as a politician than a manufacturer of cheap handguns. In April, he was elected assistant treasurer of the Waterbury Democratic Town Committee.

Reports to the Securities and Exchange Commission show that General Precision is not finding gun manufacturing profitable. It reported losses of $163,827 for the nine-month period ending Jan. 31.

Wages paid by the company reflect its shaky financial standing.

Richy Roskosky, the factory foreman, quoted $1.85 an hour as the starting wage, the minimum wage allowed by Connecticut law, to a Task Force reporter applying for a job as a test firer.

"It's the toughest job in the factory," said Roskosky. "Tough on the thumb and forefinger. You'd be surprised how hard it is pulling triggers all day."

The foreman failed to mention that it was a dangerous job, too. A Task Force reporter examined one confiscated General Precision handgun which shattered after only one round was fired.

IMPORT BAN LEFT LOOPHOLE

Altho the 1968 Federal Firearms Act banned importing cheap, concealable handguns, it did not ban importing their parts. Domestic manufacturers rushed into that loophole by the dozen and began assembling Saturday Night Specials out of foreign-made parts. General Precision told the SEC that its guns contain 40 moving parts that are "stamped out by subcontractors to company specifications."

The majority of the imported parts are shipped from Germany, Italy, and Spain to more than 20 domestic firms.

America's gun manufacturers are centered on the East Coast, mostly in Massachusetts, Connecticut, and Florida.

Besides Colt, the big names include Smith & Wesson, Remington, Charter Arms, Rugar, and Savage Arms, General Precision, CDM, Firearms International RG Industries, and Firearm Import and Export, both of Miami, are among the lesser-known companies.

Whether large or small, the companies have one thing in common—they claim to manufacture guns only for sporting purposes and for law enforcement officials.

General Precision told the SEC that its guns "may be used for target practice and competition, small game hunting, starters at athletic events, and self defense."

Colt reported that its line of automatic pistols, revolvers, and rifles is "sold principally to law enforcement agencies, sportsmen, and collectors." Colt also produces the M16–A1 automatic rifle, described as "the standard United States military rifle," and a semi-automatic sportsman's model.

While old, established firms look upon Saturday Night Special companies the way aristocrats look upon the nouveau riche, two big firms have found it profitable to produce these guns, which persons on both sides of the gun control issue agree are useful for nothing but crime.

Rohm Tool Co. of West Germany, owns R. G. Industries, Inc., of 2485 N.W. 20th St., Miami, which manufactures the low-priced .22 caliber and 38 caliber Rohm revolvers.

An R. G. .22 revolver was used in May to kill Chicago policeman Robert Gallowitch during an armed robbery on the South Side. Made in Germany, the revolver began its fateful journey in 1967, when it was imported by Eig Cutlery in Miami [which has been bought by R. G.], then sold to Maurice's Gun Shop, 2701 W. Armitage Av. The next purchaser was Frank Yaeger, a West Chicago gun dealer who later went out of business and moved to Texarkana, Ark.

After Yeager, the trail of the gun vanished until it turned up in the hands of Gallowitch's killer. When asked for his comments on the slaying, Dietre Haege, 33, executive vice president of R. G., replied, "The problem is the criminal, not the gun."

Gun Curbs: Penalties for the Law-Abiding?

(There are an estimated 90 million guns in this country because Americans want them or feel they need them. This is the ninth in a series of Task Force reports by George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman.)

Wayne Baughman believes that gun control laws ultimately punish rural dwellers for the sins committed by those who live in the big cities.

A spokesman for the Illinois Agricultural Association, Baughman said that almost all of its 200,000 members own firearms and seldom, if ever, use them in crimes.

The Association represents three-fourths of Illinois' farmers, and it has opposed gun control proposals in the General Assembly. In the world of the farmer, a world far removed from the intense social pressures of the cities, guns have a place similar to the place they had on the American frontier—they are used in hunting and as an instrument in the rite by which a boy passes into manhood.

"There is a pride in gun ownership," Baughman said. I own three shotguns and a rifle and I have owned guns since I was a boy. Most of our people hunt. It's a generational thing, a boy and his father going out to hunt.

"Some of my fondest memories are of my Dad telling me on a fall morning, "Hey, son, let's go out rabbit hunting.' It's a father and son activity."

The rural argument against firearms legislation, Baughman said, is a philosophical one.

PENALIZED FOR CITY CRIMES

"The general feeling among rural people is that gun controls will penalize them for the crimes that are committed in the big cities. Our philosophy is that we have an inalienable right to the possession of all types of firearms. You can take the Bill of Rights and twist it around—make it read what you want. We read it [the 2d Amendment] this way: We have a right to possess and lawfully use firearms, period."

Baughman recognizes that the unlawful use of firearms is a serious problem in urban areas, and offers this solution:

"To resolve the question, you have to resolve the question of penalties. Our feeling is that the courts have not given the penalties they should have for those people who commit violent crimes."

CITIES ARE EXAMPLES

When gun control advocates argue for firearms legislation, their eyes are almost always on cities like Chicago, New York, and Detroit. They point out that guns are unnecessary in an urban, industrial environment.

Americans no longer need a Winchester rifle or Colt Peacemarker to kill game and defend themselves against hostile Indians, they say.

Marvin Dyer, 47, lives in an urban, industrial environment, and he vigorously disagrees with that contention. Dyer believes he needs a firearm as much as the pioneers of the past.

In Dyer's case, the hostile "Indians" are a tribe of teenage hoodlums called the 95th Street Black Outlaws, who have threatened his life, the life of his son, Daryl, 17, and have terrorized the South Side neighborhood where he lives.

CITES NEED OF GUNS

"Don't talk to me about gun control," Dyer said. "They say they want people to stand up to these gangs, but how can you stand up to the gangs without guns when they have guns. As far as these gun control laws are concerned, if they take those guns away from the people, 10 boys could come over here and beat you to death before the police came."

Dyer has stood up to the gangs and has used a gun to do it. His struggle began almost two years ago, when the Outlaws tried to recruit his son.

The younger Dyer, who aspires to be an attorney, resisted their offers. Consequently, gang enforcers beat him up in Euclid Park. The next day, the Dyers swore out an arrest warrant against the youth's assailants.

THEN THREATS BEGIN

That is when the threats began. Gang members began riding past the family's home shouting that they would burn down the house. Young Dyer was warned that the gang had marked him for death, and reportedly two Outlaws had been seen in the park displaying the carbine which they said they would use to kill him.

For self protection, Daryl Dyer armed himself with a .22 caliber handgun which his father had given to his sister. Hiding the gun in his jacket, Dyer carried it to classes at Harlan High School, where he knew that at least 10 of the 150-man gang were armed.

On Sept. 22, 1971, Marvin Washington, 19, a gang member, approached Dyer in the school lunchroom and gave him this warning:

"It would be disloyal of me to let you get away with fighting our chief. Don't go thru the park."

When the elder Dyer picked up his son that afternoon, Daryl told him of the incident. It was at that point, Dyer said, that he became "fed up" with hearing the threats.

Taking a .22 magnum derringer from his glove compartment, Dyer went into the school with his son to look for the security guard.

"He wasn't where he usually sat," Dyer said. "We went into the school and ran right into the gang. They were beating up a kid in the park, and Marvin [Washington] had just come back into the school after beating this kid up. The school assistant principal had his arm around his shoulder patting him like to say 'be a good boy.' Can you imagine that?"

Daryl pointed to Washington and said, "There he is, Dad."

PREPARE FOR FIGHT

Dyer then asked Washington why he was bothering his son, after which the gang member and his friends stripped off their shirts to prepare for a fight.

Daryl recalls that he thought they were going to kill his father.

"It seemed like a dream," he said. "It happened so fast. I saw the kids taking off their shirts and I shot. It was the first time I ever shot a gun."

Washington fell to the floor, wounded in the right side. His companions started screaming at the Dyers, "You're dead. You're dead."

In the aftermath, Daryl was charged with aggravated battery and unlawful use of a weapon, and his father with assault and unlawful use of a weapon. All charges, except the battery charge, were dismissed, for which Daryl Dyer received six months probation.

SURVIVES HIS WOUND

Washington, who was not charged, survived the wound. Altho the Outlaws have not relented on their death threats, the Dyers have refused to move from the neighborhood.

"We didn't move because we've lived here 13 years and where would we move to? There are gang problems everywhere," Dyer said.

Raymond Powell, 28, manages a drugstore in the tough Englewood District, and his opposition to gun controls is based on the violent realities of the neighborhood where he works.

"Guns are a necessity here," he said. "There is no police protection and a gun is the only thing that will do it. Why, 90 per cent of the people in this neighborhood carry guns."

This is why Powell feels that way:

ARRIVE, GUNS BLAZING

Two years ago three members of the Scufflers street gang burst into a drugstore Powell used to manage at 443 W. 63d St., their guns blazing in revenge for Powell's resistance to their extortion attempts.

"The bullets flew all around me," he recalls. "They went everywhere but in me."

Police later arrested the three gang members, who received only 45 days in jail after Powell made six court appearances.

Powell closed up the store and began operating a new store at 500 W. 59th St., but the gangs continued to rob his customers. It reached a climax last month when Powell kicked two of the hoodlums out of the store, breaking the arm of one of them in the scuffle.

The next day, Powell said, Charles Johnson, leader of the Scufflers, entered the store armed with a gun.

TELLS OF THREAT

I'm going to waste you," Powell quotes Johnson as saying. He called the police for help, warning them that Johnson and his friends were carrying guns. The police did not respond.

Fifteen minutes later, Mrs. Bobby Wallis, 37, left Powell's store after making a purchase. Powell heard several shots and Mrs. Wallis ran back into the store with blood streaming from her neck. Powell rushed outside with his gun and into the path of a bullet.

Wounded in the abdomen [the bullet is still there], Powell called police, but said they did not arrive for 20 minutes. An hour passed before he was taken to the hospital.

"Did I think I would die?" he responded to a question. "I've been shot so many times that I don't even worry about it anymore."

STILL AT LARGE

Johnson is still at large. According to police, the young gang leader was not even supposed to be in Chicago because a judge had ordered him out of the state as "punishment" for shooting six people a year ago.

Powell said his war with the gang is now at a savage kill-or-be-killed level. "I'm either going to have to waste Chuckie, or Chuckie will waste me," he said.

"I've just had to take it on myself to protect this place and our patrons. The police don't want to get involved because they've told me they feel they're handcuffed by the courts."

As for gun control laws, he said, "If you can assure the public that they will get the police protection they need, it would be all right. But not until then. I wouldn't turn my gun in until I felt sure of that. Otherwise, we wouldn't stand a chance."

FIRES AT TARGETS

Elwood Krueger fires several hundred rounds from his pistol every week—at paper targets.

The west suburban businessman is president of the Illinois Match Masters Pistol Club, and is the indoor and outdoor target pistol champion of four midwestern states.

Like most sportsmen, he believes that the problem with firearms control lies in the courts, not in the legislature.

"We should enforce the laws that are on the books and come down hard on people who commit crimes with guns, as they do in England."

Krueger had sharp words for the political furor that arose in Washington after the shooting of Alabama Gov. George Wallace.

"Those politicians don't care about some poor jerk on the street being shot, but they sure move when a politician is. I don't think anybody's death is more important than anyone else's."

Krueger said that he opposed measures that would ban the manufacture of all handguns, citing the distinction between a quality handgun and the cheap, concealable Saturday Night Specials.

"Target pistols can be compared with an Indianapolis racing car, and Saturday Night Specials with a 15-year-old junk automobile. They have four wheels and an internal combustion engine and that's it. Most fine target pistols cost $300 to $400.

Krueger's club is affiliated with the National Rifle Association [N. R. A.], which has 50,000 members who are competitive pistol shooters.

In 1971 there were 3,305 shooting tournaments in the United States which drew 106,821 entries, according to the N. R. A. annual report.

PENALIZE ALL PERSONS

A weapons instructor in World War II, Krueger said that strong gun control laws, such as those sponsored by Rep. Abner J. Mikva [D., Ill.] "will penalize people who use handguns for their own enjoyment and pleasure. Yes, you would reduce crimes of passion, but then they would just make a dive for a knife instead of a gun."

Mervin Olm, state President of the Citizens against Gun Confiscation [C. A. G. C.] agrees with Krueger, arguing that gun control advocates, "seem to be laboring under the idea that if you get rid of guns you will get rid of crime. They are saying half truths."

C. A. G. C. was formed in December, 1971 by a small group of Olney, Ill., residents. Olm said the organization now has more than 30,000 members in Illinois and 52 county chapters. The group wants the 1968 federal Gun Control Act and the Illinois state gun law repealed. They oppose all recent gun control proposals and want to go back to the old 1938 gun law, Ohm said.

GUN LAWS USELESS

"The gun laws we have are useless," Ohm explained. "They don't work and never will work. Only honest people are going to register their guns so why bother? They say we should register firearms like we register automobiles. What has registration of automobiles done to prevent accidents? Not a thing . . . We don't need gun laws. We need enforcement of the criminal laws we already have."

Ohm, an Olney motel owner, said he owns rifles, shotguns, and handguns. "I enjoy plinking around [shooting at cans], and I also have a few older firearms."

"Saying I don't have a right to have a gun is like saying I don't have a right to own a cat or a dog. No one has to have those things. But I don't want the federal government telling me what I can and can't own."

Identification Inadequate—Gun Registration Made Easy

(By Pamela Zekman)

(There are an estimated 90 million guns in this country because Americans want them or feel they need them. This is the last in a series of Task Force reports by George Bliss, director, and reporters Philip Caputo, William Currie, Robert Enstad, and Pamela Zekman.)

I am a registered firearms owner in the State of Illinois—or at least my face is.

The card issued June 24, 1972, by the Illinois Department of Law Enforcement bears a picture of me wearing a blond wig, but it says my name is Sally Wagner. I am not Sally Wagner.

Because the state's licensing law does not require an applicant's fingerprints, the department has no way of knowing that I am not the person I said I was, conceded Mario Costa, administrator of the Firearms Owners Identification Department.

IDENTIFICATION DIFFICULTIES

In fact, it has no way of knowing for sure if I am an ex-convict or a former mental patient, tho the state law prohibits such persons from obtaining firearms cards.

Altho the department routinely requests the Federal Bureau of Investigation to run a name check on an applicant, the bureau cannot confirm that the person has a history free of felony convictions, a Washington FBI official said.

And the state mental health department does not give out information on former patients' backgrounds, "So we have no way of checking that," said Costa. "We usually find out after the card has been issued and a man gets in trouble and a local law enforcement officer or a relative calls to find out why in the hell the man was given a firearms permit in the first place."

SOME 3,500 CARD DENIALS

Since the state law was enacted in July, 1968, 1,140,000 Illinois residents have received firearms identification cards, Costa said. Permits have been denied to 3,500 applicants found to have a felony record when a name check was made with the FBI or the state Bureau of Identification. The cards are required for any purchase of a firearm in Illinois.

I got my card thru Howard Ehrlich, 42, who placed an advertisement in a daily newspaper recently to sell an "enforcer" carbine. Reporters responded to the ad, as any citizen could have done, and found Ehrlich ready and willing to sell his "collection" of handguns. He had some 300 to sell, he said at one point, and was unloading them to buy new parts for his yacht.

Ehrlich is not a licensed gun dealer, but the 1968 federal Gun Control Act does not prohibit private citizens from selling their own weapons.

Ehrlich, who shares offices with his brother at 2726 W. Peterson Av., runs the H. Ehrlich Construction Co.; his brother operates several amusement companies that run X-rated movie theaters.

SURROUNDED BY GUNS

On May 19 I visited Ehrlich in his office and found him surrounded by an assortment of guns, model cars, cameras, and sheriff's badges. He had been a deputy for Sheriff Richard Elrod for three months and helped run Elrod's campaign, he said.

Ehrlich refused to sell me a gun until I got a state firearms card. I protested that it would take too long. I needed a gun soon, I said, because I was afraid of being mugged.

"We'll get you a card. It won't take long. I can take care of it," he said.

PROMISES TO USE CLOUT

He informed me that he was the 48th Ward secretary [he no longer is] and was "in heavy with the Mayor's office."

Taking care of a firearms permit meant he would have the application expedited by calling his "good friend" who is a former state official.

"I'll take the application down to him, and he'll push it thru. He's a friend of mine and he'll do it," said Ehrlich.

APPLICATION COMPLETED

With that settled, he filled out my application, using Sally Wagner's driver's license. [The firearms identification law does not even provide for revocation of a card when an applicant uses a name other than his own.]

To the questions Ehrlich read from the form, I responded: No, I wasn't an ex-mental patient, nor was I ever convicted of a crime.

LAPSES OF MEMORY

That was it. A week later Ehrlich told me his friend agreed to "expedite the matter." Three weeks later the card arrived in the mail. It usually takes four to five weeks, Costa said. The card enables me to buy any number of firearms at any gun shop in the state.

As Sally Wagner I later thanked the ex-state official for his assistance, and he responded: "You're welcome. I'm glad you got it. How long did it take?"

As Pamela Zekman, I asked the same man two hours later if he had helped expedite the permit as a favor to Ehrlich. "I can't recall," he said.

First he said he couldn't remember Ehrlich; then he said he could. Then he denied expediting the permit but admitted he had done such things in the past for deputy sheriffs and a handful of personal friends. "I can do it in three or four days," he said.

SEEKS SUITABLE WEAPON

While waiting for the card, Ehrlich and I negotiated about a gun. He pulled three handguns from his carved wood desk but then decided his supply didn't include a weapon suitable for me.

"I'll ask around and get the right kind," he said. "I have friends, and they have guns, and I'll ask them and we'll fix you up with the right thing."

Tho firearms laws are silent about a collector selling a personally owned weapon, Ehrlich now indicated his willingness to step into the role of a dealer, obtaining weapons from others to sell to a customer.

RULES OUT DERRINGERS

When I inquired if a small derringer would be best for me, he explained the disadvantages of owning such a weapon.

If assailants should come through the door, he said, "a derringer won't stop them. It'll just make them mad. But [with] one of these babies that I want for you, the bullet will jump around inside and really mess him up, and he'll know he's been hit."

Had I gone through with the transaction, I could have owned a weapon like that under an assumed name. It never could have been traced to me.

DETAILS GUN'S DRAWBACKS

Ehrlich displayed similar concern about owning the appropriate weapon when reporter Philip Caputo visited his office in response to the advertisement a week before my visit. Caputo said he wanted a good weapon for self-protection.

He should not buy a snub-nosed revolver, Ehrlich said, because "you might jam it into your belt, and you may be out with a broad some night, and some guy makes you mad and you shoot him. Then you're in trouble because you're not allowed to carry a gun. I am."

M. ELDON COLBY RETIRES

Mr. DOLE. Mr. President, it seems that often we in Congress fail to take note of the faithful and dedicated service performed by the men and women in the Government's many departments and agencies in Washington and throughout the Nation. Their work is often unsung and out of the headlines, but they are vital to the efficient operation of our Government.

On June 30, 1972, one such servant retired after 37 years of conscientious service in the Department of Agriculture. He is M. Eldon Colby, who, I am pleased to add, is a native of Smith County, Kans. Mr. Colby for the past 3 years has served as a congressional liaison officer for the Federal Crop Insurance Corporation. In his contacts with Members of Congress and their staffs he was always most cordial, cooperative, and helpful. His many years of experience in the FCIC, where he grew up, equipped him uniquely to assist Congressmen on legislation and on matters brought to them by their farmer constituents.

Eldon takes justifiable pride in having been born a Kansas farm boy and learning some of the hard lessons of farming when there were few conveniences. He gained widespread attention for being elected mayor of Falls Church, Va., more than 10 years ago; and, during the time his son and three daughters were growing to adulthood, he served in various offices. He is an active member of the Masonic Lodge and maintains his membership in Kansas.

Eldon's warmth and pleasant personality will be missed by all who have come to know him, but we wish him and Mrs. Colby a most rewarding retirement. It is my guess, however, he will turn up one day soon in some new occupation or activity to his liking, for it is not in the nature of this man to be idle for long.

I ask unanimous consent that an article from the July 6, 1972, Smith County Pioneer, concerning Eldon Colby's retirement, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELDON COLBY RETIRES AFTER 37 YEARS WITH USDA IN DISTRICT OF COLUMBIA

Eldon Colby, who was reared and educated here, retired in June after 37 years with the USDA. He says he went to Washington, D.C. in December 1934 as a correspondent for the Pioneer and a due bill from a bus company for which he paid $12.50. He sends regards to friends here and says he hopes to be out this way one of these days.

The Manager's letter (USDA Federal Crop Insurance Corp.) carries his picture and this article:

M. Eldon Colby, 63, FCIC's first employee, is retiring this month after 37 years with the U.S. Department of Agriculture. His last day on the job, as Crop Insurance Officer on the Manager's Staff, was Friday, June 9.

When Federal Crop Insurance started in 1938 through an Act of Congress, its first Manager was Roy Green (later to become President of Colorado State University at Fort Collins), and his first employee was Eldon Colby. Only the 16 months in 1943–'44 when Colby was an economist for AAA, kept him from being FCIC's oldest employee in length of service. Colby first came to Washington to work as a staff member for U.S. Sen. Geo. McGill of Kansas.

In recent years Colby has been FCIC's liaison man, working with Congressional liaison representatives of the Secretary's Office. Always in the thick of FCIC top-level activities, Colby traveled the "field" for many years before settling down to administrative jobs in Washington.

Eldon was born at Smith Center, Kansas, where he grew up on a farm and was graduated from high school in 1926. He got his A.B. degree from the University of Nebraska in 1931. Four years later he started work as an assistant clerk with USDA's AAA, where he worked up through a couple of promotions and on April 1, 1938, he came to Federal Crop Insurance as Asst. Marketing Specialist in Washington, D.C.

He was stationed successively in Chicago two years as Assoc. Statistician; in Spokane, Wash., 19 months ('41–'42) in Actuarial; then back to D.C. as Head Actuary in the Actuarial Div.—but worked 16 months for AAA (in '43–'44) while FCIC was inoperative) before returning to FCIC as an Actuary in Dec. 1944.

He continued in underwriting and writing Division in 1950. In 1961 he was transferred to the Manager's staff. He and Mrs. Colby (a Virginian) have a son, Eldon, with the Mormon church in Montana, and three daughters—Virgie, secretary to U.S. Rep. Ancher Nelsen of Minn.; Dr. Darilyn Colby with the State University of New York at Brockport, N.Y.; and Mrs. Jeanette Ott, whose husband is asst. prof. at Rutgers University, New Brunswick, New Jersey—and two grandchildren.

Some ten years ago Eldon was mayor of Falls Church, Va. He is a member of the National Press Club, and he and Mrs. Colby are active in the Episcopal church. They will continue to make their home at 3415 Blair Rd., Falls Church, Va. 22041.

ADDRESS BY J. PAUL AUSTIN BEFORE INTERNATIONAL ASSOCIATION OF FOOD DISTRIBUTION

Mr. TALMADGE. Mr. President, recently my attention was brought to a news release about an excellent address made in Vienna, Austria, by J. Paul Austin, chairman and chief executive officer of the Coca-Cola Co.

Addressing the International Association of Food Distribution on environmental protection and ecological problems, Mr. Austin called for international standards and controls to promote environmental renewal and to insure equitable competition in the world marketplace.

He urged cooperation between governments and private business and industry to set realistic and workable standards and to provide economic and legal sanctions to enforce them. Mr. Austin pointed out that in the absence of realistic international controls and cooperation, the environmentally irresponsible in government and the private sector would continue to damage the environment and, at the same time, gain a competitive advantage.

Mr. Austin also made a point with which I wholeheartedly agree—that we can have technological advancement and increased productivity and still insure environmental protection. In other words, I do not happen to be one of those who believe that it is necessary for our society to return to the Stone Age or to unreasonably fetter American industry in order to protect the environment. In short, in my judgment, Government and industry—working together—and I am confident will lick this problem.

Mr. President, I bring this news release to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, it was ordered to be printed in the RECORD, as follows:

ENVIRONMENT AND SURVIVAL

VIENNA, AUSTRIA, June 27—In an address here today to the International Association of Food Distribution, the Board Chairman of The Coca-Cola Company proposed that international standards and controls be devised "to prevent any further violence to the ecology of our planet," and to promote both environmental renewal and the survival of equitable competition in the world marketplace.

J. Paul Austin, Chairman and Chief Executive Officer of the multinational beverage firm, said that the solution to the ecological problems can only come out of a new dimension of partnership and cooperation among governments, enterprises, and the peoples of all nations.

Governments, he said in his address on the ecology crisis, can and properly should work with the private sector to determine and establish realistic standards. "A system of incentives and rewards must be combined with economic and legal sanctions to enforce these standards."

Unless there is global cooperation, Mr. Austin told the group, not everyone is likely to manage producing systems which do not pollute. Not everyone, he added, is likely to internalize the real costs, the true environmental price of their production.

When this is not done, he pointed out, pollution pockets are certain to be created—areas, including entire countries, where manufacturers can carry on "business as usual" with no regard to the damage they may be doing. Without true international controls and cooperation, the environmentally irresponsible would gain an unconscionable competitive advantage.

Citing the recent United Nations Conference on the Human Environment, Mr. Austin called on the food distributors to help in reinforcing a Conference conclusion that a better environment and an orderly, rational continuation of man's progress are not mutually exclusive goals.

As a first step, he said, "we must begin by insuring that our own houses are in order." We must accept and adopt environmental responsible standards ourselves, policing our own operations first.

"Having done that," he said, "we have the obligation to urge, to help, even to insist that others conduct themselves and their businesses with similar environmental responsibility.

"The solution to environmental problems," Mr. Austin said, "must enhance productivity rather than limit it." Creative solutions, he said, can produce profits, and for everyone involved.

As examples, Mr. Austin pointed to several projects The Coca-Cola Company had implemented in recent years which not only eliminated prior contributions to pollution but, in many instances, did so at a profit. In one of the firm's coffee roasting plants, he said, the particulate matter put into the air above the facility has been dramatically reduced, while eliminating all objectionable fumes and odors associated with the operation.

In a citrus-processing operation, he said, the installation of pollution-controlling devices is radically reducing the airborne discharge from the plant, by using excess heat as its energy source.

Mr. Austin also noted the efforts of Bottlers of Coca-Cola directed toward achieving a better environment. He cited such projects as recycling centers in the United States for the reclamation on one-way glass packages; the collection and recycling of aluminum cans by Bottlers of Coca-Cola in Australia; and the collection for recycling of aluminum bottle caps in South America, where almost all of the Company's products are sold in returnable packages.

Mr. Austin noted also the independent funding, by his Company, of a number of major studies into the total environmental impact of all its packaging designed to seek to determine their true cost, from the mining and extraction of raw materials to the disposal of waste products. That way, he said, "we'll be able to make even more intelligent decisions in the future."

Citing his Company's concern not only for the physical environment, but for the quality of life, Mr. Austin pointed to the Company's efforts toward the development of a protein-rich, nutritional beverage which could aid the undernourished, and to the Company's efforts in a program in its Florida citrus operations to upgrade the standard of living for the migratory-type wrokers who harvest the citrus.

The protein-beverage work, in progress for more than four years, is not altogether altruistic, Mr. Austin said, "We expect to profit from this venture. But so will those whose diets and lives are improved through our efforts. Those enterprises which succeed to the fullest are the very ones which enrich everyone involved."

The Company's farm labor reform project, Mr. Austin noted, did not contain the profit motive when it was inaugurated; but today, due to the continuing success of the activity, that factor is now a possibility.

With its individual components of better housing, better pay and benefits and improved health and educational facilities, the aim of the farm labor program is to stabilize the once migratory labor force and to raise the standard of living of the workers to a parity with other Company employees.

Even though Mr. Austin called the program "at the beginning of the beginning," he noted that with steady employment and normal incentives, the individual productivity rate is going up. The cost to the Company, he said, for equipment, supervisory personnel, transportation and other support requirements, have diminished surprisingly. "This translates quickly into a more profitable operation and a better return on investment."

PROHIBITION OF GEOPHYSICAL MODIFICATION ACTIVITY AS A WEAPON OF WAR

Mr. PELL. Mr. President, as chairman of the Subcommittee on Oceans and International Environment, I have been very much concerned over the unofficial and unconfirmed reports that the United States has attempted to modify weather conditions in Southeast Asia as an instrument of warfare.

During the recent Senate recess, a number of informative articles concerning this subject appeared in the press. Among these were articles writen by Bruce De Silva, in the Providence Journal and Evening Bulletin; Seymour M. Hersh and John Noble Wilford, in the New York Times of July 3, 1972; and by Victor Cohn, in the Washington Post of July 2, 1972.

These articles reinforce my belief that we must move quickly to ban the use of all geophysical warfare. In an effort to achieve this goal, I have scheduled hearings on July 26 and 27, 1972, to receive testimony on Senate Resolution 281 which I introduced earlier this year. This resolution, which was cosponsored by Senators BAYH, CASE, COOPER, CRANSTON, HART, HUGHES, HUMPHREY, JAVITS, KENNEDY, MCGOVERN, MONDALE, NELSON, STEVENSON, TUNNEY, and WILLIAMS expresses the sense of the Senate that the United States should seek the agreement of other governments to a proposed treaty prohibiting the use of any environmental or geophysical modification activity as a weapon of war, or the carrying out of any research or experimentation with respect thereto.

I believe that the articles referred to above will be of great interest to a number of Senators. I therefore ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

RAINMAKING IS USED AS WEAPON BY U.S.—CLOUD SEEDING IN INDOCHINA CONFIRMED—CHEMICAL ALSO EMPLOYED TO FOIL RADAR

(By Seymour M. Hersh)

WASHINGTON, July 2.—The United States has been secretly seeding clouds over North Vietnam, Laos and South Vietnam to increase and control the rainfall for military purposes.

Government sources, both civilian and military, said during an extensive series of interviews that the Air Force cloudseeding program has been aimed most recently at hindering movement of North Vietnamese troops and equipment and suppressing enemy antiaircraft missile fire.

The disclosure confirmed growing speculation in Congressional and scientific circles about the use of weather modification in Southeast Asia. Despite years of experiments with rainmaking in the United States and elsewhere, scientists are not sure they understand its long-term effect on the ecology of a region.

SOME OPPOSED PROGRAM

The weather manipulation in Indochina, which was first tried in South Vietnam in 1963, is the first confirmed use of meteorological warfare. Although it is not prohibited by any international conventions on warfare, artificial rainmaking has been strenuously opposed by some State Department officials.

It could not be determined whether the operations were being conducted in connection with the current North Vietnamese offensive or the renewed American bombing of the North.

EFFECTIVENESS DOUBTED

Beginning in 1967, some State Department officials protested that the United States, by deliberately altering the natural rainfall in parts of Indochina, was taking environmental risks of unknown proportions. But many advocates of the operation have found little wrong with using weather modification as a military weapon.

"What's worse," one official asked, "dropping bombs or rain?"

All of the officials interviewed said that the United States did not have the capability to cause heavy flooding during the summer in the northern parts of North Vietnam, where serious flooding occurred last year.

Officially, the White House and State Department declined comment on the use of meteorological warfare. "This is one of those things where no one is going to say anything," one official said.

Most officials interviewed agreed that the seeding had accomplished one of its main objectives—muddying roads and flooding lines of communication. But there were also many military and Government officials who expressed doubt that the project had caused any dramatic results.

The sources, without providing details, also said that a method had been developed for treating clouds with a chemical that eventually produced an acidic rainfall capable of fouling the operation of North Vietnamese radar equipment used for directing surface-to-air missiles.

In addition to hampering SAM missiles and delaying North Vietnamese infiltration, the rainmaking program had the following purposes:

¶Providing rain and cloud cover for infiltration of South Vietnamese commando and intelligence teams into North Vietnam.

¶Serving as a "spoiler" for North Vietnamese attacks and raids in South Vietnam.

¶Altering or tailoring the rain patterns over North Vietnam and Laos to aid United States bombing missions.

¶Diverting North Vietnamese men and material from military operations to keep muddied roads and other lines of communication in operation.

KEYED TO MONSOON

The cloud-seeding operations necessarily were keyed to the two main monsoon seasons that affect Laos and Vietnam. "It was just trying to add on to something that you already got," one officer said.

Military sources said that one main goal was to increase the duration of the southwest monsoon, which spawns high-rising cumulus clouds—those most susceptible to cloud seeding—over the panhandle areas of Laos and North Vietnam from May to early October. The longer rainy season thus would give the Air Force more opportunity to trigger rainstorms.

"We were trying to arrange the weather pattern to suit our convenience," said one former Government official who had detailed knowledge of the operation.

According to interviews, the Central Intelligence Agency initiated the use of cloud-seeding over Hue, in the northern part of South Vietnam. "We first used that stuff in about August of 1963," one former C.I.A. agent said, "when the Diem regime was having all that trouble with the Buddhists."

"They would just stand around during demonstrations when the police threw tear gas at them, but we noticed that when the rains came they wouldn't stay on," the former agent said.

"The agency got an Air America Beechcraft and had it rigged up with silver iodide," he said. "There was another demonstration and we seeded the area. It rained."

A similar cloud-seeding was carried out by C.I.A. aircraft in Saigon at least once during the summer of 1964, the former agent said.

EXPAND TO TRAIL

The Intelligence Agency expanded its cloud-seeding activities to the Ho Chi Minh supply trail in Laos sometime in the middle nineteen-sixties, a number of Government sources said. By 1967, the Air Force had become involved although, as one former Government official said, "the agency was calling all the shots."

"I always assumed the agency had a mandate from the White House to do it," he added.

A number of former CIA, and high-ranking Johnson Administration officials depicted the operations along the trail as experimental.

The state of the art had not yet advanced to the point where it was possible to predict the results of a seeding operation with any degree of confidence, one Government official said. "We used to go out flying around and looking for a certain cloud formation," the official said. "And we made a lot of mistakes. Once we dumped seven inches of rain in two hours on one of our Special Forces camps."

Despite the professed skepticism on the part of some members of the Johnson Administration, military men apparently took the weather modification program much more seriously.

According to a document contained in the Pentagon papers, the Defense Department's secret history of the war, weather modification was one of seven basic options for stepping up the war that were presented on request by the Joint Chiefs of Staff to the White House in late February, 1967.

The document described the weather program over Laos—officially known as Operation Pop-Eye—as an attempt "to reduce trafficability along infiltration routes."

AUTHORIZATION NEEDED

It said that Presidential authorization was "required to implement operational phase of weather modification process previously successfully tested and evaluated in same area." The brief summary concluded by stating that "risk of compromise is minimal."

A similar option was cited in another 1967 working document published in the Pentagon papers. Neither attracted any immediate public attention.

The Laos cloud-seeding operations did provoke, however, a lengthy and bitter, albeit secret, dispute inside the Johnson Administration in 1967. A team of State Department attorneys and officials protested that the use of cloud-seeding was a dangerous precedent for the United States.

"I felt that the military and agency hadn't analyzed it to determine if it was in our interest," one official who was involved in the dispute said. He also was concerned over the rigid secrecy of the project, he said, "although it might have been all right to keep it secret if you did it once and didn't want the precedent to become known."

The general feeling was summarized by one former State Department official who said he was concerned that the rainmaking "might violate what we considered the general rule of the thumb for an illegal weapon of war—something that would cause unusual suffering or dispropriate damage." There also was concern, he added, because of the unknown ecological risks.

A Nixon Administration official said that he believed the first use of weather modification over North Vietnam took place in late 1968 or early 1969 when rain was increased in an attempt to hamper the ability of antiaircraft missiles to hit American jets in the panhandle region near the Laotian border.

Over the next two years, this official added, "it seemed to get more important—the reports were coming more frequently."

It could not be learned how many specific missions were carried out in any year.

One well-informed source said that Navy scientists were responsible for developing a new kind of chemical agent effective in the warm stratus clouds that often shielded many key antiaircraft sites in northern parts of North Vietnam.

The chemical, he said, "produced a rain that had an acidic quality to it and it would foul up mechanical equipment—like radars, trucks and tanks."

"This wasn't originally in our planning," the official added, "it was a refinement."

Apparently, many Air Force cloud-seeding missions were conducted over North Vietnam and Laos simply to confuse or "attenuate"—a word used by many military men—the radar equipment that controls antiaircraft missiles. The planes used for such operations, C–130's, must fly at relatively slow speeds and at altitudes no greater than 22,000 feet to disperse the railmaking chemicals effectively.

A number of officials confirmed that cloud seeding had been widely used in South Vietnam, particularly in the north along the Laos border. "We tried to use it in connection with air and ground operations," a military officer explained.

One Government official explained more explicitly that "if you were expecting a raid from their side, you would try to control the weather to make it more difficult." This official estimated that more than half of the actual cloud-seeding operations in 1969 and 1970 took place in South Vietnam.

Much of the basic research was provided by Navy scientists, and the seeding operations were flown by the Air Weather Service of the Air Force.

By 1967, or possibly earlier, the Air Force flights were originating from a special operations group at Udorn air base in Thailand. No more than four C–130's, and usually only two, were assigned in the highly restricted section of the base. Each plane was capable of carrying out more than one mission on one flight.

One former high-ranking official said in an interview that by the end of 1971 the program, which had been given at least three different code names since the middle nineteen-sixties, was under the direct control of the White House.

Interviews determined that many usually well-informed members of the Nixon Administration had been kept in the dark.

In the last year, there have been repeated inquiries and publicly posed questions by members of Congress about the weather modification programs in Southeast Asia, but no accurate information has been provided to them by the Department of Defense.

"This kind of thing was a bomb, and Henry restricted information about it to those who had to know," said one well-placed Government official, referring to Henry A. Kissinger, the President's adviser on national security.

Nonetheless, the official said, "I understand it to be a spoiling action—that this was descriptive of what was going on north of the DMZ with the roads and the SAM sites."

Another source said that most of the weather modification activities eventually were conducted with the aid and support of the South Vietnamese. "I think we were trying to teach the South Vietnamese how to fly the cloud-seeding missions," the source said.

It was impossible to learn where the staffing and research for the secret weather operation were carried out. Sources at the Air Force Cambridge Research Laboratories at Hanscomb Field in Bedford, Mass., and at the Air Weather Service headquarters, while acknowledging that they had heard of the secret operation, said they had no information about its research center.

One Government source did say that a group was "now evaluating the program to see how much additional rain was caused." He would not elaborate.

Scientists Are Critical of Rainmaking in War

(By John Noble Wilford)

After years of rainmaking experimentation, scientists are still not sure they understand the short-term effects of cloud-seeding, much less the possible long-term impact on the ecology of a region or the entire world.

This uncertainty has led to increasing concern among scientists over the use of weather modification as an instrument of warfare.

Dr. Matthew Meselson, professor of biology at Harvard University, was quoted in the June 16 issue of the magazine Science as saying:

"It is obvious that weather modification used as a weapon of war has the potential for causing large-scale and quite possibly uncontrollable and unpredictable destruction. Furthermore, such destruction might well have a far greater impact on civilians than on combatants. This would be especially true in areas where subsistence agriculture is practiced, in food-deficit areas, and in areas subject to flooding."

ISSUE RAISED RECENTLY

The issue has also been raised in recent months by the National Academy of Sciences, on the floor of the United States Senate and at the international environmental meeting at Stockholm last month.

Recognizing the many potential problems, the national academy issued a statement last year urging the Nixon Administration to sponsor a United Nations resolution "dedicating all weather modification efforts to peaceful purposes and establishing, preferably within the framework of international nongovernmental scientific organizations, an advisory mechanism for consideration of weather-modification problems of potential international concern."

Senator Claiborne Pell, Democrat of Rhode Island, and 13 other Senators recently filed a resolution calling on the United States to join in a treaty outlawing "any use of any environmental or geophysical modification activity as a weapon of war, or the carrying out of any research or experimentation with respect thereto "

But, during the Stockholm conference, the United States delegation was instrumental in inserting a weakening clause in a recommendation calling for all governments to "carefully evaluate the likelihood and magnitude of climactic effects" from weather modification and to disseminate their findings.

U.S. SPONSORS STUDY

The weakening clause included the words, "to the maximum extent feasible." Officials later acknowledged that possible military use of weather modification was the basis for the amendment.

However, the Department of Defense's Advanced Research Projects Agency is sponsoring research to determine how much and what kind of tinkering with the atmosphere is required to disturb the climate on a global scale—an indication that the Pentagon is not sure of the ecological impact of weather warfare.

The Defense Department acknowledges that it conducted "precipitation augmentation projects" in the Philippines in 1969, in India in 1967, over Okinawa and the Mid islands in 1971 and in Texas last summer—all at the request of the governments involved.

The results were mixed—success in the Philippines and Texas, but not elsewhere. Other tests over the years have failed to increase rainfall, or else failed to convince meteorologists that the rains would not have fallen without human intervention.

But tests in Florida, in 1968 and 1970, led civilian scientists to conclude that clouds seeded with silver iodide crystals rained more than three times as much as unseeded clouds. The experiment, concluded by the National Oceanic and Atmospheric Administration, produced "explosive" growth of rain clouds.

CONTROVERSY REMAINS

While conceding that "there's still quite a bit of controversy over whether your seeding caused rain or not," Ferguson Hall of the agency's Office of Environmental Modification said yesterday in a telephone interview from his Rockville, Md., office: "We seem to be on the verge of having convinced ourselves rainmaking will work in certain cases."

Rainmaking research primarily involves experiments in seeding clouds with silver iodide, dry ice, common salt and other chemicals that can act as condensation nuclei. The Federal Government is spending about $20 million annually on weather-modification research.

There are two types of clouds, warm and cold, and thus two processes by which seeding is believed to trigger rainfall.

In 1946, the first American experiments in cloud seeding, by Vincent J. Schaefer of the General Electric Research Laboratory in Schenectady, were aimed at supercooled clouds. From an airplane, Mr. Schaefer dropped three pounds of dry ice (frozen carbon dioxide) into clouds to create billions of glistening ice crystals.

MOISTURE TO ICE

Dry ice—or silver iodide, which is more commonly used today—turns moisture in the clouds to ice crystals that grow larger and larger until they are heavy enough to fall as either rain or snow.

Silver iodide is ordinarily used as the seeding agent because its crystals are similar to those of ice and it is more effective in causing supercooled water drops to freeze.

In warm clouds, salt or silver iodide particles can cause moisture to coalesce into water droplets large enough to fall as rain. This would be the type of experiments that could be effective in tropical or semitropical areas, such as Southeast Asia.

The type of seeding agent that could cause a highly acidic rainfall, as reported in Southeast Asia, has not been disclosed. Civilian scientists are loathe to discuss the possibility, except to note that the method has a name—hygroscopic seeding.

Most cloud-seeding operations are conducted by airplane—the C–130 in Vietnam. But small rockets can also be used to deliver the seeding agent.

Weather War: A Gathering Storm

(By Victor Cohn)

Technological America, that accomplished laser-radar-electronic warrior, has been larning to use still another remote-control weapon: control of the weather for military purposes.

Indochina—by the evidence of a long-ignored passage in the Pentagon Papers—has been a test battleground, the site of purposeful rain-making along the Ho Chi Minh trails. Some accusers, going further, hold American rain-makers responsible for the flood disasters that struck North Vietnam last year.

How much there is past a hard kernel of truth behind an array of increasingly serious accusations is unclear. Yet the very possibility that there has been serious weather war—as well as the emerging fact that the Pentagon has been systematically developing a rain-making capability—is enough to chill many scientists.

These scientists include fearful prophets who warn of future "geophysical warfare"—wars waged by adjusting, changing, modifying and ultimately despoiling the air, water and earth.

They also include a growing number of weather-modifiers, scientists interested in the the peaceful users of seeding clouds, modifying hurricanes or preventing hail to help farmers and everyone else.

OPERATION POP EYE

The term "seeding" simply means making the proper clouds yield rain, or destructive force, by bombarding them with silver iodide particles. The particles act as condensation nuclei around which moisture can form. The would-be cloud engineers want to develop such programs through international cooperation, because both weather and weather modification ignore borders.

Weather modification, these men believe, is on the verge of huge advances, and needs only a period of concentrated research, in a framework of interstate and international rules.

But "if it turns out that the U.S. has militaristic uses for weather modification," one weather scientist maintains, "international weather programs would drop dead."

A prominent White House scientist, Dr. Gordon J. F. MacDonald, geophysicist-member of the President's three-man Council on Environmental Quality, is among those who believe it is important for nations to agree not to wage weather war—"before," as he put it, "it becomes a reality."

Sen. Claiborne Pell (D-R.I.) is prominent among members of Congress who believe it has become a reality. "There is very little doubt in my mind," he says. Rep. Gilbert Gude (R-Md.) states: "There's no doubt in my mind that it's going on in Vietnam."

"I think there's no doubt rain-making was used in Laos on the trail," says a Senate committee aide well versed in defense affairs. "And I think there's little doubt that it has been used fairly recently; that is, in 1971."

Such use, in 1971 or otherwise, may have been only sporadic, several sources believe. "Otherwise," said one, "a lot more people would have known about it long ago."

It is a "successful" pre-1967 use, sometime in the years of Vietnam escalation, possibly in 1966, that is documented in the "Senator Gravel" edition of the Pentagon Papers. In late February, 1967, this document discloses the Joint Chiefs of Staff prepared a list of "alternative strategies" for President Johnson.

One, titled "Laos Operations," read:

"Continue as at present plus Operation Pop Eye to reduce trafficability along infiltration routes . . . Authorization required to implement operational phase of *weather modification process previously successfully tested and evaluated in same area.*" (Italics added.)

In 1967—according to columnist Jack Anderson, who published the first allegation of Indochina rain-making—U.S. forces started secret Project Intermediary Compatriot "to hamper enemy logistics . . . (with) claimed success in creating man-made cloudbursts . . . (and) flooding conditions" along the Ho Chi Minh trails, "making them impassable."

"CLASSIFIED" WORK

Sen. Pell, most persistently, and Rep. Gude and Sen. Alan Cranston (D-Calif.), on behalf of Members of Congress for Peace Through Law, have showered the Pentagon with inquiries since Anderson published his charges in March, 1971. Defense Secretary Melvin Laird and Director of Defense Research and Engineering John Foster have repeatedly replied (to quote Laird): "Some aspects of our work in this area have a definite relationship to national security and are classified accordingly."

In April, Senate Foreign Relations Committee Chairman J. William Fulbright (D-Ark.), pressed further, asking Laird: "Why do you decline to discuss weather control activities in North Vietnam, yet you freely discuss B–52 flights over Vietnam?" Laird replied blandly, "We have never engaged in that type of activity over North Vietnam."

Fulbright failed to go on to ask Laird about Laos or Cambodia or the Gulf of Tonkin, where some Vietnam weather originates. "He just didn't follow up on that question," one of his staff explains. "He was trying to cover a whole range of things."

The Defense Department freely reports that it has "field capabilities" for making rain. It used them in the Philippines in 1969, in a six-month "precipitation augmentation project" at the Philippines request; in India in 1967, a a similar invitation; over Okinawa and Midway islands, and in June, July and August, 1971, over drought-stricken Texas, at the urgent request of Gov. Preston Smith.

Pierre Saint-Amand, head of earth and planetary sciences for the Naval Ordnance Laboratory at China Lake, Calif., led the Philippine Project, which that government considered highly successful. The India and Midway tries failed for lack of suitable clouds. But the Texas effort, by Air Force crews, was "remarkably successful," in Saint-Amand's view.

Navy rain-makers are currently involved in two long-range California programs—one over the Pacific off Santa Barabara, an attempt to increase rainfall over a national forest; the other over the Central Sierras to try to increase the snow-pack for electric utilities that depend on water power.

Air Force weather modifying is done by Air Weather Service, working out of Scott Field, East St. Louis, Ill., with participation by the Environmental Technology Applications Center at Suitland, Md. Operations over Indochina are flown out of Udorn Air Force Base, Thailand, says a Senate source.

"None of the weather research work in the entire DOD is classified," Saint-Amand adds—the word *research* should be noted here. "Our labs are open to anyone who wants to come and see what we're doing." Chief Scientist John N. Howard of the Air Force's Cambridge Research Laboratories at Bedford, Mass., made a similar statement. The Defense Department's Advanced Research Projects Agency (ARPA) likewise reports conducting only classified research.

An ARPA study called Nile Blue has been cited by some of the military's accusers as prime evidence of nefarious DOD rainmaking. Actually, Nile Blue is a study by computer of how purposeful or accidental man-made changes might affect the globe's year-to-year climate rather than the day-to-day conditions called weather.

Nile Blue has been funded this year at $2.5 million but will rise to $3.1 million in fiscal year 1973, with use of a new supercomputer, Illiac IV, designed at the University of Illinois and now being installed at Ames Research Center, Moffett Field, Calif.

Defending the project, ARPA Director Stephen J. Lukasik told the Senate Appropriations Committee in March: "Since it now appears highly probable that major world powers have the ability to create modifications of climate that might be seriously detrimental to the security of this country, Nile Blue . . . was established in FY 70 to achieve a U.S. capability to (1) evaluate all consequences of a variety of possible actions . . . (2) detect trends in the global circulation which foretell changes . . . and (3) determine if possible, means to counter potentially deleterious climatic changes . . ."

"What this means," Lukasik explains, "is learning how much you have to tickle the atmosphere to perturb the earth's climate. I guess we'd call it a threat assessment.

A VISION OF ECOCIDE

How might such changes be made by one country desiring to harm another?

The highly respected Dr. MacDonald, who will leave the White House soon to teach at Dartmouth, wrote a 1968 warning against geophysical warfare, titled "How to Wreck the Environment." On weather war in Indochina, he now says only, "I wouldn't know about that." But melting the Arctic cap by some means, he conjectured in 1968, might be one future way in which a land-locked equatorial country could flood the world's coastal cities while insuring itself a temperate climate with abundant rainfall.

"As economic competition among many advanced nations heightens," he warned, "it may be to a country's advantage to ensure a peaceful natural environment for itself and a disturbed environment for its competitors. Operations . . . might be carried out covertly . . . The years of drought and storm would be attributed to unkindly nature and only after a nation were thoroughly drained would an armed takeover be attempted."

Far-fetched? Short-term rain-making—which MacDonald in 1968 called only a "future" military possibility—already seems an easier, if capricious, weapon.

"When the proper meteorological conditions prevail (that is, when clouds capable of producing natural rain exist)," Laird told Sen. Pell in a November letter, "it is a relatively simple matter to increase the amount of rain which will fall. The amount of increase is frequently of the order of 30 to 50 per cent."

Laird carefully added: "Massive downpours have not been produced, and theoretical knowledge at hand indicates that this will probably always be the case." This, if oblique, seemed to quarrel with the allegations that the 1971 North Vietnam floods have been produced by the Pentagon. Pell, however, maintains that U.S. cloud-seeding produced the floods, which he says killed thousands.

"IT IS ENTIRELY POSSIBLE"

Robert M. White, the nation's chief weather man as director of the Commerce Department's National Oceanographic and Atmospheric Administration (NOAA), declined to discuss military matters in an interview. But to the question, "Could cloud seeding cause flooding?" he—unlike Laird—said, "Yes, it is entirely possible to get heavy rains out of certain clouds."

"In the past decade," White added, "there has been a considerable change of view in the scientific community on weather modification. I think most knowledgeable people would agree that we have primitive capabilities for modifying certain weather patterns. And it is reasonable now to look to possible development of more sophisticated ones."

Among patterns that can "predictably" be modified, he said, are: cold fog (which can be cleared from airfields); cumulus clouds (most common in the tropics—"In Florida," White said, "we have been able almost at will to make them grow explosively"); orographic clouds (moist air moving up over mountains—"At the right temperature you can begin thinking of milking them for water") and hailstorms (which can often be suppressed, according to recent claims by the Russians, who fire silver iodide into them from rockets and artillery).

Beyond these, there are storms like hurricanes—as Hurricane Agnes, for example—which cannot yet be reliably suppressed, "but for which we have some encouraging results," in White's view.

All in all, he sums up, "We're beginning to move from a situation where everything that happens in the atmosphere is an act of God to where some things are an act of man."

THE MORAL ISSUE

What perturbs many scientists is the morality of using such "acts of man" for military purposes.

The Navy's Saint-Amand emphatically does not see turning weather into a weapon as something inherently evil. "If you estimate the amount of damage done by impeding someone's transportation versus blowing or burning them up, I don't think it is so immoral," he told Science magazine.

Most scientists, left-wing and establishment, seem to disagree.

The Science for Vietnam, Chicago Collective—a radical anti-war group of scientists and students who first spotted the passage in the Pentagon Papers—charges: "The U.S. government has embarked on a totally new and insidious form of warfare . . . (that) could disrupt the economy and social structure of a small country; it could create famine . . ."

University of Connecticut Graduate Dean Thomas Malone, chairman of the National Academy of Sciences' Weather Modification Panel, likewise says: "I'm opposed to it." He urges a treaty that would not merely ban weather war but go on to encourage international weather modifications "in a positive way." A 1971 Academy study urged the United States to sponsor a United Nations resolution dedicating all weather modifying to peace.

Unless nations do this, Malone told Science, "we will face horrendous political problems—putting the genie back in the bottle."

Pell argues that present military activities "could very well lead to another international arms race." "The use of rain-making as a weapon of war can only lead to the development of vastly more dangerous environmental techniques," he says. "We must move quickly to place weather, climate and geophysical modification off limits."

Joined by 13 colleagues (McGovern, Humphrey, Case, Cooper, Cranston, Hart, Hughes, Javits, Kennedy, Mondale, Nelson, Tunney and Williams), he has proposed a Senate resolution urging that the United States seek a treaty to bar both weather war and research into it. As chairman of the Senate Foreign Relations Committee's international environment subcommittee, Pell will try to smoke Laird out further at upcoming hearings, perhaps this month.

LACK OF RESPONSE

The administration, too, may be considering the subject. But how seriously it is doing so is unsure.

The Pentagon's Foster told Gude that the National Security Council Under Secretaries' Committee "at the request of Dr. Kissinger is currently meeting to formulate a definitive national policy. Presumably this policy, when completed, will be announced to the nation in some appropriate fashion."

The NSC unit involved is headed by Herman Pollock, the State Department's director of international scientific affairs. He reports that it has considered only peaceful weather-making, not military.

Pell is undiscouraged by lack of administration response so far to the pleas that it support his proposed treaty, or that the President declare that the United States will never be first to wage weather war.

"I remember what happened five years ago when I first introduced a draft treaty to ban nuclear weapons from the seabed," he says. "I got rather unreal executive branch comment, just as we're getting now. But I knew very well that a strip of missiles along the Atlantic ridge and 'creepy crawlers'—tank-like underwater missile carriers—were on the drawing board at the Pentagon.

"I see the same process now. I think that given a few years, we'll get some sort of treaty here, too."

Of all fields of science, Dean Malone has said, none has produced more world cooperation than meteorology. "What a tragic reversal it would be if we started using our knowledge to beat one another over the head."

Pell Feels U.S. Wages Weather Warfare

(By Bruce DeSilva)

Washington.—The Pentagon has the power to change the weather and already may have used that power to kill and destroy in Southeast Asia.

"I strongly believe clouds have been seeded in Southeast Asia for military reasons. There is very little doubt in my mind," Sen. Clairborne Pell said during an interview in his Washington office last week.

David Kearney, a member of the professional staff of the Senate foreign relations committee, is less cautious. "I have no doubt at all," he said.

Senator Pell said he believes the military has been seeding clouds, perhaps beginning as early as 1966, to clear them away from bombing targets in North Vietnam. He said he also believes seeding with other chemicals has produced torrential rains. The rains have washed-out portions of the Ho Chi Minh Trail impeding the infiltration of supplies and men from North to South Vietnam and caused floods which killed thousands, he said.

Defense Department spokesmen had admitted that they have the capability to drastically increase rainfall, but in a sharp exchange of letters with Senator Pell and in a sharp exchange in a Senate foreign relations committee hearing with Sen. J. William Fulbright of Arkansas, they have refused to confirm, but carefully avoided denying, that such activities are under way in Southeast Asia.

Beginning in June of last year and lasting well into the normally dry season in the fall, North Vietnam was devastated by heavy rains, typhoons and floods.

According to reports by Pierre Darcourt, a French journalist, the heavy rains triggered mud slides, washed away or weakened roads and breached dikes.

The Associated Press reported that flooding destroyed 10 per cent of the country's rice crop and killed thousands.

North Vietnamese Premier Pham Van Dong, the Christian Science Monitor reported, said water levels in the entire Red River and Thai Binh River system rose to "unprecedented levels." He called the flooding the "worst disaster since the beginning of the war."

An act of God? Perhaps.

But Senator Pell said he believes the disaster was merely the most successful of Pentagon rainmaking efforts in the region.

The best evidence that the Pentagon is altering the weather is provided in brief remarks in the Pentagon Papers. The significance of th remarks apparently went largely unnoticed during the furor of other sensational disclosures in the documents.

According to the Gravel edition of the papers, Volume 4, Page 421, the Joint Chiefs of Staff presented President Lyndon B. Johnson with a memo in 1967 suggesting that modifying the weather in the region might be one way of widening the war without creating dissent at home.

The memo stated in part:

"Laos Operations—Continue as at present plus Operation Pop Eye to reduce trafficability along infiltration routes. Authority/Policy Changes—Authorization required to implement operational phase of weather modification process previously successful tested and evaluated in some areas."

Later that year, the President was presented with a list of escalation proposals, the Papers indicate. The list included the following item:

"Cause interdicting rains in or near Laos."

Other evidence concerning the rainmaking efforts are circumstantial.

In March of last year, Jack Anderson, a nationally syndicated columnist, claimed in his column that the Air Force has been seeding clouds over Laos and Cambodia since 1967. He said the project went by the code name of "Intermediary-Compatriot."

Unlike other Anderson columns, such as the one on the ITT memo or the disclosure of a secret U.S. posture during the India-Pakistan war, this column went largely unnoticed nationally.

Last Sept. 23, Senator Pell sent a letter to Rady Johnson, assistant secretary of defense for legislative affairs, inquiring about "the Air Force weather modification activities against the North Vietnamese."

The letter, and all subsequent communication, was made public by the senator and was inserted in the Jan. 26 Congressional Record.

The letter asked the following questions:

"1. What are the objectives of the project known by the code name 'Intermediary-Compatriot'?

"2. How long has this project been in existence? Would you provide a rather detailed description of this project?

"3. In what specific countries is this project conducted?

"4. What amounts have been spent on this project over the last three years?

"5. Is the Department conducting any similar offense-oriented weather modification programs? If so, what are the names of these projects and where are they being conducted?"

ANOTHER LETTER

The following day, Mr. Johnson replied, saying the questions had been referred to the director of defense research and engineering.

After waiting for a response for two weeks, Senator Pell sent another letter to Mr. Johnson, again asking for a reply to his earlier questions.

On Nov. 23, Mr. Johnson sent the senator a lengthy reply.

The reply stated in part that "the possibilities inherent in weather modification techniques to support military operations have been the subject of discussion for more than 20 years. For a number of these years, the Department of Defense has been conducting several modest research and development programs relating to various forms of weather modification."

In the letter, Mr. Johnson stated that research has been undertaken for "the suppression of hail and lightning (to reduce damage to military property and equipment and to increase safety of operations) and the dissipation of fog at airports and within harbors (to enhance operations of safety of aircraft and ships.)"

"RELATIVELY SIMPLE"

The letter added that "One example of fruitful field research has been the investigation of precipitation augmentation. . . . When the proper meteorological conditions prevail (that is, when clouds capable of producing natural rain exist) it is a relatively simple matter to increase the amount of rain which will fall. The amount of increase is frequently of the order of 30 to 50 per cent."

Mr. Kearney said some scientists have told him the increase could actually be ten or 20 times that. However, he noted, a 50 per cent increase in the monsoon rains of Southeast Asia can have a tremendous impact.

Mr. Johnson's letter noted that in 1969, the Department of Defense, at the request of the Philippines, conducted a six-month rainmaking project on the Philippine Islands to relieve a drought. "The Philippine government considered the undertaking so successful that they have subsequently taken steps to acquire an independent capability," the letter added.

"I trust," the letter closed, "that the foregoing information will be helpful to you and regret the delay in responding to your inquiry."

QUESTIONS UNANSWERED

But the letter did not answer a single one of Senator Pell's questions.

Senator Pell sent a letter to Defense Secretary Melvin Laird on Dec. 3 stating his dissatisfaction with Mr. Johnson's letter and requesting "a written response to the specific questions."

Mr. Laird referred the letter to John S. Foster Jr., director of defense research and engineering, who sent a written reply to Senator Pell on Dec. 16.

"Certain aspects of our work in this area are classified," Mr. Foster's letter said. "Recognizing that the Congress is concerned with the question of the military application of weather modification technology, I have, at the direction of Secretary Laird, seen to it that the chairmen of the committees of Congress with primary responsibility for this department's operations have been completely informed regarding the details of all classified weather modification undertakings by the department.

"RESPECTFULLY DECLINE"

"However, since the information to which I refer has a definite relationship to national security and is classified as a result, I find it necessary to respectfully decline to make any further disclosures of the details of these activities at this time."

Senator Pell said he understood the letter to mean that only Sen. John Stennis, D-Miss. and Rep. F. Edward Hébert, D-La. the chairmen of the Senate and House armed services committees, had been briefed on the matter.

The briefings were confidential and make it impossible for those two legislators to discuss the matter even if they want to.

Senator Pell said he has been offered a classified briefing but has declined to accept it because it would limit his ability to ask Defense Department officials probing questions about the project at future Senate hearings and limit his freedom to speak out on the subject.

LARGELY UNNOTICED

When Mr. Laird appeared before the foreign relations committee in April to testify concerning renewed bombing of the North, Senator Pell and Senator Fulbright questioned him briefly on weather modification. The exchange went largely unnoticed in the press.

Senator Pell asked Mr. Laird if the United States had engaged in rainmaking activities "for military reasons in Southeast Asia."

Mr. Laird replied, "I don't discuss the operating authority that we go forward with as far as Southeast Asia specifically, but I would be glad to discuss with you the techniques that have been used outside the battle zone."

Senator Fulbright asked, "Why do you decline to discuss weather control activities in North Vietnam, yet you freely discuss B–52 flights over North Vietnam?"

After a brief exchange between Mr. Laird and Senator Fulbright, Mr. Laird said.

"We have never engaged in that type of activity over North Vietnam."

Senator Pell said last week that Mr. Laird carefully limited his response to "activity over North Vietnam." It would be expected that clouds would be seeded over Laos or Cambodia or over the Tonkin Gulf, depending on the time of year, rather than over North Vietnam, Senator Pell added.

The senator said the Defense Department has been "extremely sensitive" to questioning about weather modification and that information about it has been difficult to get.

Such an operation is easy to keep secret, because three men in a small plane are all that is needed to carry it out. Large numbers of men need not be involved, the senator said.

Senator Pell said one indication that the Pentagon is involved in weather modification over Vietnam is the United States' decision to torpedo a resolution on weather modification at the United Nations Environmental Conference in Stockholm earlier this month.

A resolution on the question required that before taking any action that might have an effect on the climate, a government should evaluate the change that could occur and disseminate its findings.

"IT GIVES THEM AN OUT"

The United States succeeded in amending the agreement to say that information will be disseminated "to the maximum extent feasible."

"It gives them an out. They can say that dissemination is not feasible for security reasons," Senator Pell said.

Fearful that the Pentagon's tinkering with natural phenomenon may not be limited to making rain, Senator Pell has prepared a draft of a treaty that would ban all weather and climate modification activities as weapons of war.

On March 17, he introduced a resolution in the Senate stating that it is "the sense of the Senate" that such a treaty be negotiated. Among its 14 sponsors are Senators Edward M. Kennedy of Massachusetts, George McGovern of South Dakota and Hubert H. Humphrey, Minnesota.

"When I proposed the seabed treaty (banning nuclear arms from the ocean floors), a string of ABM's along the Atlantic Ridge and creepy crawlers (tank-like weapons that would crawl along the ocean floor) were on the drawing board at the Pentagon," Senator said.

"CAN LEAD TO DISASTER"

Weather modification is also "a weapon that can lead to disaster," he said.

If the Pentagon can make rain, is it also trying to develop ways to divert typhoons to the shores of other nations or cause earthquakes? the senator wondered.

Without a treaty banning such activities, an inland nation could melt the antarctic ice (which can be easily done by sprinkling soot on it according to scientists) and raise the level of the sea by 300 feet, he said.

Senator Pell referred to an article by Gordon J. F. McDonald, a member of the Council for Environmental Quality in the Nixon administration, which was printed in 1963 in a book titled "Unless Peace Comes."

In the article, Mr. McDonald said weather and climate modification "might be carried out covertly since nature's great irregularity permits storms, flooding, earthquakes, and tidal waves to be viewed as unusual but not unexpected."

"OR EVEN KOREA"

"Such a secret war will never be declared or ever known by the affected population. It could go on for years with only the security forces involved, being aware of it," the article stated.

"These are the kinds of weapons I don't want to see developed," Senator Pell said, adding that the Soviet Union is doing research on weather and climate modifications.

Senator Pell said he plans hearings on his resolution and treaty late next month or in August.

He said he expects to have "some exciting witnesses" for the hearings and hopes the hearings will "flush out" the truth concerning Pentagon weather modification activities.

POLITICAL SPYING

Mr. GOLDWATER. Mr. President, the whole subject of political spying is one that has intrigued my for some time. As a matter of fact, the whole pursuit has struck me as an exercise in futility from the first time it was ever brought to my attention.

In recent weeks, we have heard a great amount of inflated rhetoric about an alleged attempt to bug the telephones for an eavesdropping operation aimed at the Democratic National Committee headquarters in Washington, D.C. Quite naturally the suspected culprits in this fascinating caper were—you guessed it—the Republicans. Consequently, the Democratic Committee has brought a $1 million suit against officials of the GOP because of some alleged connection between the caperees and the campaign to reelect President Nixon.

Mr. President, needless to say it brought back interesting memories to a man who was once his party's presidential candidate and had the experience of having his campaign train boarded by a pretty 23-year-old Democratic spy who posed as a reporter but who actually worked for the Democratic National Committee.

I might have forgotten this interesting bit of cloak-and-dagger work in my own campaign had it not been for an amusing and informative and well written editorial in the Arizona Republic of June 24, entitled "Spymasters at Work." The Republic notes that when the Democrats were caught at the game of spying, the press reacted with light feature stories which compared the Democratic ploy with the exploits of James Bond. It added this incisive comment:

> But now that the Democratic campaign sanctuary has supposedly been breached by GOP functionaries—one of them a former CIA agent—a hue and cry against treachery and reprehensible political tactics has been echoed and reechoed by the Democrats at the expense of President Nixon and his supporters.
>
> For the Democrats, it is an obvious attempt to get some publicity and sympathy when their political fortunes are at an all-time low. And so far as press critics are concerned, Senator Goldwater probably put things into perspective when he said the Republicans are likely being blamed only because their spies are not "well-stacked."

Mr. President, it is my personal belief that you could bug the telephone lines of the Democratic National Committee for the next 50 years and hear nothing but demands that it make good on old debts. In all events, I ask unanimous consent that the Arizona Republic's editorial entitled "Spymasters at Work" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SPYMASTERS AT WORK

Sen. Barry Goldwater is understandably amused by the inflated rhetoric and $1 million suit against Republican officials by high-ranking Democrats because some people connected with the campaign to re-elect President Nixon were caught either installing or removing wiretap equipment designed to eavesdrop on business conducted at Democratic National Committee headquarters in Washington.

Senator Goldwater would be the last person to condone such political espionage. But his amusement obtains from his own experience as a presidential candidate eight years ago, when Moira O'Conner, a pretty 23-year-old Democratic spy, boarded his campaign train as a "reporter," and used her good looks and cover as a journalist to collect juicy tid-bits for the Democrats.

Miss O'Conner, who openly admitted connections with the Democratic National Committee, was paid by California Democratic strategist Richard Tuck to spy on the Goldwater campaign operation and publish an anti-Goldwater newspaper based on information she collected before she was discovered by the senator's associates.

The Democrats also tried in 1964 to fake an espionage attempt and blame the Republicans by informing the press that Louis Flax, night teletype operator in Washington for the Democrats' nationwide communications network, was being paid large sums of money by the GOP to furnish them with copies of Democratic teletype transmissions.

A trap was arranged by the Democrats, and reporters and photographers were on hand to witness a supposed clandestine meeting between Flax and his Republican contact, at which he was to be paid for his regular delivery.

When Flax arrived with the material, pre-screened by the Democrats, it was openly accepted by Republican National Committee executive director John Grenier in his office—hardly unusual under the circumstances. But there was no pay-off—indeed Grenier refused to pay for the information—and no proof that any prior arrangement existed between Flax and the Republicans to steal Democratic secrets.

Senator Goldwater knows as well as any political strategist, however, that intelligence gathering is a standard part of professional political operations. Undoubtedly, there are times when such surreptitious activities are conducted unlawfully. And they are often done without the knowledge or sanction of party leaders or those running campaign operations.

There is still much that we do not know about the alleged wiretapping of Democratic National Committee headquarters by James McCord, security chief for the Committee to Re-elect the President, and others. Former Atty. Gen. John Mitchell, head of the President's re-election campaign, has firmly denied that McCord was acting in the committee's behalf, and there is no reason to believe otherwise.

There is, however, a considerable difference in the way Democrats and the press have reacted to this latest political spy story. When Senator Goldwater and the Republicans were victims of beautiful spies and James Bond tactics of the Democrats, the stories were featured as light asides in an otherwise heated, issue-oriented campaign year.

But now that the Democratic campaign sanctuary has supposedly been breached by GOP functionaries—one of them a former CIA agent—a hue and cry against treachery and reprehensible political tactics has been echoed and re-echoed by the Democrats at the expense of President Nixon and his supporters.

For the Democrats, it is an obvious attempt to get some publicity and sympathy when their political fortunes are at an all-time low. And so far as press critics are concerned, Senator Goldwater probably put things into perspective when he said that the Republicans are likely being blamed only because their spies are not "well-stacked."

HUMAN RIGHTS AND THE CAPTIVE NATIONS

Mr. PROXMIRE. Mr. President, as we near the end of our 13th observance of Captive Nations Week, I would like to call the attention of my colleagues to the relationship between this event and the human rights legislation we have before us known as the Genocide Convention.

In 1959, Congress unanimously passed Public Law 86–90, declaring that the third week in June be observed by all Americans as Captive Nations Week. President Eisenhower enthusiastically endorsed this measure, stating at the bill's signing that the event would be marked "until such time as freedom and independence shall have been achieved for all the captive nations of the world." Since that time every President has annually issued a Captive Nations Week Proclamation, and has been joined in this action by Governors and mayors in 37 of our States. Since 1963, 17 allied countries have also joined in this observance.

Through our continuing observance of this week we are, in the words of Dr. Lev E. Dobriansky, of the National Captive Nations Committee, reflecting—

> The convictions of our citizenry that although for world peace we must negotiate with the Red totalitarian regimes, as Americans we cannot ever blemish our moral conscience and principles as concerns the captive nations. . . . Despite all the shifts in our policy, the stark reality of the 27 captive nations continues to challenge our national moral conscience.

Mr. President, through our observation of Captive Nations Week the United States has for 13 years publicly proclaimed its opposition to the oppression under which one-third of the world's population exists. Yet for 23 years we have let a measure languish in these Chambers a measure which would unite us with 75 of the world's nations in condemning a far more hideous reality, the crime of genocide. Recent world events painfully reveal that genocide does exist today. I urge Senators to speak out against this horrible crime by moving for the rapid ratification of the Genocide Convention.

EVIDENCE OF A WAR OUT OF CONTROL

Mr. SYMINGTON. Mr. President, believing that its contents would be of considerable interest to Senators, I ask unanimous consent that an article entitled "Lavelle's Strikes Are Evidence of a War Out of Control," written by the syndicated columnist Marquis Childs, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Lavelle's Strikes Are Evidence of a War Out of Control

(By Marquis Childs)

Washington.—While top brass in the Pentagon wish that it would dry up and blow away, the Lavelle affair is likely to make more headlines in the future than in the recent past. It even could become a campaign issue as one aspect of a war raging out of control.

Thanks to a concerned Air Force sergeant in Thailand, it became known that Gen. John D. Lavelle, commander of the 7th Air Force in Vietnam, ordered up to 147 sorties flown against North Vietnam contrary to top command orders specifying only "protective reaction" strikes. Reports of these sorties in General Lavelle's private air war were falsified. And they coincided with the efforts last November of Henry A. Kissinger, the President's national security adviser, to get high-ranking North Vietnamese to the peace table.

Senator Harold E. Hughes (D., Iowa) is determined that this violation of civilian command not be glossed over. A member of the Senate Armed Services Committee, he called on its chairman, John C. Stennis (D., Miss.), to hold public hearings on General Lavelle's nomination for permanent rank as lieutenant general and Senator Stennis has agreed. Relieved of his command after disclosure of the unauthorized sorties, General Lavelle was given a slap on the wrist by an order demoting him to major general on retirement.

The charges against General Lavelle are tied in with the nomination of Gen. Creighton C. Abrams to be Chief of Staff of the Army. When General Lavelle appeared before the House Armed Services Committee, he indicated that General Abrams, overall commander of American forces in Vietnam, knew of the unauthorized air strikes. Both General Lavelle's promotion and General Abrams' nomination to the Joint Chiefs of Staff must be confirmed by the Senate.

In two Senate speeches, Mr. Hughes, who was a combat infantryman in World War II, compared the falsification of the records to the Gulf of Tonkin incident in 1964 when North Vietnamese torpedo boats allegedly attacked American naval vessels. That episode, challenged later as false, was the basis for a congressional resolution adopted almost unanimously giving President Lyndon B. Johnson authority to use the armed forces at his discretion in Indochina.

"Whatever tactical benefits these decisions have had," Senator Hughes said of General Lavelle's action, "they have also contributed to the erosion of presidential control over the military aspects of the war. This erosion of control led to the situation where one commander could send his pilots on unauthorized strikes at the very time that secret and delicate peace talks were under way."

Dr. Kissinger's aides have been reported persuaded that the bombing kicked over the peace attempt. A Kissinger spokesman says there is no knowledge of such a view. But as Mr. Hughes points out, when the war machine and the peace machine are moving on contrary directions, the peace surely will be lost.

That great embodiment of the freedoms we cherish, the Constitution of the United States, places the military under civilian control. Violation of that control is a cause for the gravest concern as the Lavelle affair now shows. This suggests a bit of history that led up to World War II.

In the 1930's Japanese officers in Manchuria and China, operating at the end of the line in Japan's conquest of empire, repeatedly defied civilian authority in Tokyo. Super-patriotic staff officers precipitated incidents and took unauthorized military action which left the government with no way to retreat.

John Toland, author of the Pulitzer prize-winning "The Rising Sun," and other historians writing on the basis of documents available only since the end of the war, trace a disastrous pattern of military insubordination that was to leave the civilian government a hollow shell. Real power finally was taken over by the military. Mr. Toland and other historians believe this was perhaps the decisive factor in Japan's war with China and ultimately with the United States.

In one of the first incidents, in 1928, staff officers of the Kwantung Army in Manchuria blew up a train carrying a Chinese war lord, Chang To-lin, whom they considered uncooperative. The civilian government, backed by the Emperor, demanded that they be punished, on the ground that this would damage prestige and morale. The Army refused.

No one would suggest an analogy between the defiant Japanese who ultimately usurped complete authority and the single Lavelle episode. But that episode is a warning of the perils in an undeclared war where civilian control is uncertain to say the least.

RESOLUTIONS BY NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. FANNIN. Mr. President, the National Society of the Sons of the American Revolution is one of the fine organizations dedicated to the principles of our forefathers.

Last month the society held its 82d annual congress in Indianapolis. Twelve resolutions were adopted by unanimous vote, including resolutions backing President Nixon's efforts to end the Vietnam war and opposing amnesty for draft evaders and military deserters.

Mr. President, I ask unanimous consent that the resolutions be printed in the Record:

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolutions

RESOLUTION NO. 1

Whereas, President Richard M. Nixon's policy regarding the war in Vietnam is to continue to seek to negotiate a just and honorable settlement and a return of American prisoners held by the Communist forces, but not to participate in a surrender of the freedom of the millions of South Vietnamese citizens nor in a surrender of the honor of our nation;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled hereby affirms its support of these policies as stated by The President of the United States and urges that he take all necessary and responsible action to effect an end to the conflict, a prompt return of American prisoners held by the Communists and the reasonable assurance of the freedom of the South Vietnamese people whom we have befriended from future political and military aggressions.

RESOLUTION NO. 2

Whereas, the National Society, Sons of the American Revolution has noted a rapid rise in public proposals that the United States should grant amnesty to those young men who have fled their country to avoid military service and those who have deserted from military service, and

Whereas, we believe those young men who have fled or deserted have refused to fulfill one of the most essential duties of citizenship and that it would be a violation of faith with those hundreds of thousands of brave men who have honorably served their country, those who are prisoners of war and those who have given their lives, the ultimate sacrifice;

Therefore, be it resolved, that we express our strong opposition to such action; that we call upon our Senators and Representatives in the Congress and the President of the United States to resist the pressures being mounted for amnesty; and that the appropriate authorities prosecute those offenders swiftly and fully when and if they are apprehended.

RESOLUTION NO. 3

Whereas, truth constitutes the greatest weapon against communist falsehoods; and

Whereas, "Radio Free Europe" and similar agencies have done a commendable task, on a relatively modest budget, in penetrating the Iron Curtain and presenting essential and truthful news, thereby bringing a ray of hope and comfort to the enslaved masses laboring under the communist yoke;

Now, therefore be it resolved that the National Society, Sons of the American Revolution favors these programs and urges that they be continued.

RESOLUTION NO. 4

Whereas, many citizens are expressing concern for the moral decay, the spiritual dearth and the rise of destructive revolutionaries who are seeking to destroy the American way of life and undermine the principles of our Constitutional Republic; and

Whereas, every endeavor to make the fibre of our country stronger has little hope of success unless our citizens are inculcated with the need to observe the principles of love of country and our countrymen, justice and service; and

Whereas, the Chaplain General of the National Society in his report to this Congress has urged a National spiritual effort on the part of all Compatriots of the Society;

Now. therefore be it resolved that the National Society, Sons of the American Revolution at its 82nd Annual Congress assembled endorse the recommendation of the Chaplain General in said report and urgently ask all Chaplains of the State Societies and local Chapters of the Sons of the American Revolution and all Compatriots everywhere, to give earnest and active encouragement to all programs of the Society for a deepening of the spiritual motivations of our people.

RESOLUTION NO. 5

Whereas, for many years, certain agencies of the Judiciary and Executive Branches of the Federal Government have directed various local school districts to adopt courses of action which have encroached upon parental and local authority governing neighborhood schools; and

Whereas, such encroachment threatens to destroy our public schools and places in jeopardy the traditional control of Public Education by the States;

Now, therefore be it resolved that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled, urges the United States Congress to propose and the States to adopt a constitutional amendment which would assure the preservation of our neighborhood schools and promote the provision of a quality education to all children, and prohibiting any form of compulsory busing of students to achieve racial balance.

RESOLUTION NO. 6

Whereas, one of the most revered men in the United States, President Abraham Lincoln, directed that the song "Dixie" be played at events celebrating the end of the War Between the States; and

Whereas, "Dixie" is a most important part of Americana, and should be recognized as such by all patriotic citizens; and

Whereas, respect for America and its old and respected institutions and traditions, including the music which makes up a part of her history, should be displayed by all patriotic citizens;

Now, therefore be it resolved that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled endorses the right of all free citizens to freely play and sing the song "Dixie" and other music forming a part of our American heritage, and urges all civil authorities to preserve this right as one of those fundamental freedoms which are so dear to the hearts of true Americans.

RESOLUTION NO. 7

Whereas, the California Society, Sons of the American Revolution has taken appropriate action to support the establishment of the Patton family home in the City of San Marino, California as a memorial to the late, General George S. Patton, Jr.;

Now, therefore be it resolved by the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled that it endorses the action of the aforesaid California Society and urges the establishment and maintenance of the Patton Home in San Marino, California as a permanent memorial to the memory of General Patton.

RESOLUTION NO. 8

Whereas, the National Society, Sons of the American Revolution and the Indiana Society, Sons of the American Revolution lost a steadfast and valiant compatriot upon the passing of Compatriot James Arthur DeWeerd, D.D.; and

Whereas, upon the occasion of the 82nd Annual Congress being convened in his beloved State of Indiana, it is deemed fitting that a special tribute to our late Compatriot DeWeerd be adopted by this Congress;

Now, therefore be it resolved by the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled, that we express our deepest regret upon the passing of Compatriot James Arthur DeWeerd. We extend our sincere sympathy to his family and many friends; and we express our deep gratitude for all of the dedicated service he gave during his lifetime to the Society and to the preservation of the principles upon which our Republic was founded.

RESOLUTION NO. 9

Whereas, the National Society, Sons of the American Revolution has learned with deep regret of the recent death of F.B.I. Director J. Edgar Hoover; and

Whereas, the 81st Annual Congress by its Resolution #7 has strongly approved Mr. Hoover's policies, leadership and dedication to law and order; and

Whereas, Mr. Hoover was the first recipient of the National Society's Law Enforcement Commendation Medal being presented to him by the then President General, Walter Sterling;

Now, therefore be it resolved by the National Society of the Sons of the American Revolution at its 82nd Annual Congress assembled that we express our deepest regret upon the passing of Mr. J. Edgar Hoover and extend our sincere sympathy to his family and many friends and we express our deep gratitude to the dedicated service he gave during his lifetime to the people of the United States of America and to the preservation of the principles upon which our Republic was founded.

RESOLUTION NO. 10

Whereas, the United Nations General Assembly has expelled loyal member of the U.N. the Nationalist Republic of China, and

Whereas, this action by the U.N. violated the principles of its own Charter, and

Whereas, Nationalist China was a peaceful, dues paying member of the U.N. and a friend of the United States, and

Whereas, the U.N. has admitted Communist China, a government which has slaughtered millions of its own people, and has imposed a constant reign of oppression and slavery, and

Whereas, Communist China, having been given a seat on the Security Council, can now veto any action by the U.N. thereby making it totally impotent as a force for peace, and

Whereas, many of the United Nations proponents seek to grant a total Power of Attorney over the internal affairs of its members which would thereby deprive the United States of its Sovereign Powers and make it subservient to the will of multitudinous, foreign countries, and

Whereas, competent testimony shows that certain foreign nations are using their membership in the U.N. to bring in spies and subversion to attack the United States internally;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution again goes on record as opposing continuation of our membership in the United Nations.

RESOLUTION NO. 11

Whereas, it has been the policy of the National Society of the Sons of the American Revolution to re-affirm and re-adopt all previous Resolutions;

Now, therefore be it resolved, that the National Society does re-adopt and re-affirm all previous resolutions where applicable.

RESOLUTION NO. 12

Whereas, the 82nd Annual Congress of the National Society of the Sons of the American Revolution has been successful in every respect; and

Whereas, our appreciation should be extended to the individuals and groups that contributed to the success of this Congress;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution hereby expresses its grateful appreciation to President General Eugene C. McGuire and to his charming and devoted wife, Paula, for the faithful performance by him of the arduous duties of his high office and the gracious giving of their talents to his outstanding administration; and

Be it further resolved: that our appreciation be given to our Executive Secretary, Warren S. Woodward, and his lovely wife, Gisela, for their vital role in the arrangements for, and exection of, the Congress, and

Be it further resolved: that our grateful appreciation and thanks be extended to:

Compatriot Marshall E. Miller, Chairman of the Indiana Society Congress Arrangements Committee, and his attractive wife, Marilyn, and Compatriot Jack K. Carmichael, President of the Indiana Society and Co-Chairman of the Indiana Society Congress Arrangements Committee, and members of the Indiana Society and their ladies who assisted them, and in particular, Compatriot and Mrs. Cyril L. Johnson, Compatriot and Mrs. Albert T. Morris, Walter C. Bridgewater, Troy G. Thurston, Lowell C. Reed, Adam Riggin and Estel L. Allen.

The Honorable Edgar D. Whitcomb, Governor of the State of Indiana and The Honorable Richard G. Lugar, Mayor of the City of Indianapolis and The Honorable John W. Walls, Senior Assistant Mayor of the City of Indianapolis for their well-received greetings and remarks to this Annual Congress;

Compatriot Fred J. Milligen, Speaker at the Monday luncheon;

Mr. M. Stanton Evans, Speaker at the Tuesday evening banquet;

Colonel (and Compatriot) Charles M. Duke, Jr., USAF, the first member of the Sons of the American Revolution to walk on the Moon, and Speaker at the Wednesday evening banquet, and his lovely wife, Dottie, who charmed everyone;

Mrs. Donald Spicer, President General, National Society, Daughters of the American Revolution; Mrs. Roy D. Allen, Senior National President, National Society, Children of the American Revolution; Mr. Phillip F. Horne, National President, Children of the American Revolution; and to Mrs. Floyd H. Grisby, State Regent, Indiana Society, Daughters of the American Revolution, for their attendance at and greetings to this 82nd Annual Congress;

Past President General Charles A. Anderson, M.D., for arranging the display of Compatriot S. Hubbard Scott's collection of historical, State and Territorial flags belonging to the Ohio Society, Sons of the American Revolution;

The Staff of the Indianapolis Hilton for their cooperation and assistance in connection with this 82nd Annual Congress of the Society.

Be it further resolved: That the National Society, Sons of the American Revolution, in its 82nd Anuual Congress assembled, hereby expresses its sincere appreciation to all the many others whose efforts contributed to the success of this Congress.

GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

Mr. McGEE. Mr. President, the other day I received a letter from Mr. Sam Nakis, supreme president of the Order of Ahepa, a distinguished fraternal organization of Greek Americans. Mr. Nakis informed me that this year will be AHEPA's golden anniversary marking 50 years of success.

As Senators can attest, the American Hellenic Educational and Progressive Association, or AHEPA, is a respected organization in every community where they have a chapter. In Wyoming, for instance, the membership of the chapters in Cheyenne, Casper, and Green River have contributed greatly to the development of our State. The members of these groups are a living embodiment of the ideals upon which AHEPA was founded.

AHEPA's civic participation at the national level is also something for all Americans to be proud of. Their contributions range from relief for Florida hurricane victims and Mississippi flood victims to their support of the Roosevelt Memorial at Hyde Park and the Truman Memorial at Athens, Greece. The contributions to their fellow Ahepan, Dr. George Papanicolaou, at the Cancer Research Institute in Miami gave support to his development of the PAP test which today saves thousands of lives every year.

We can rest assured that the Order of Ahepa will continue its fine work and will remain one of the mainstays of American society.

GOLDEN ANNIVERSARY OF AHEPA ORDER OF AHEPA

Mr. JACKSON. Mr. President, the Order of Ahepa is celebrating its golden anniversary during the year of 1972. During the 50 years that this Hellenic educational organization has been active its membership in States throughout the country have made many contributions toward the betterment of American life.

In the State of Washington there are local Order of Ahepa chapters in Bellingham, Everett, Chehalis, Wenatchee, Port Angeles, Seattle, Tacoma, Aberdeen, and Spokane, nine in all. Thomas D. Lentgis and Gust P. Rakus, of Seattle, have both served as national officers. They have joined with other members in Washington State and throughout the country in calling attention to the contributions of this fine organization.

The Order of Ahepa was founded July 26, 1922, in Atlanta, Ga., and its jurisdiction extends to 49 States, Canada, and Australia, with 430 local chapters. The Order of Ahepa is a secret fraternal organization, which is nonpolitical and nonsectarian. The word "Ahepa" is an acrostic, and is derived from the first letters of the following: American Hellenic Educational Progressive Association.

Membership in the Order of Ahepa is open to men of good moral character who are citizens of the United States of America, or Canada, or who have declared their intention to become citizens.

The Ahepa family is composed of four separate organizations, all of which work in harmony on a local, district, and national level. They are: The Order of Ahepa; the Daughters of Penelope—senior women's auxiliary; the Sons of Pericles—junior young men's auxiliary; Maids of Athena—junior young women's auxiliary.

The objects of AHEPA include:

One. To promote and encourage loyalty to the United States of America;

Two. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind;

Three. To instill in its membership a due appreciation of the privileges of citizenship;

Four. To encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor;

Five. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation;

Six. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture;

Seven. To promote good fellowship, and endow its members with the perfection of the moral sense;

Eight. To endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness; and

Nine. To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

The Order of Ahepa has contributed financially to many worthy causes during its 50 years of existence, on a national and international level. These contributions do not take into account the many local activities of our chapters within the realm of their communities. Local AHEPA chapters have always given generously and vigorously supported local community undertakings in the fields of education, charity and civic improvement. The national and international contributions include:

Relief of Florida hurricane victims.

Relief of Mississippi flood victims.

Relief of Corinth earthquake victims.

For the war orphans of Greece.

Relief of Dodecanese earthquake victims.

For the fatherless children of refugees, through the Near East relief.

For the Hellenic Museum.

National scholarships to worthy students.

For the Theological Seminaries at Brookline and Pomfret.

AHEPA Franklin D. Roosevelt Memorial at Hyde Park.

Ypsilanti and Dilboy Memorials.

Sons of Pericles Memorial to the American Philhellenes of 1821, at Missolonghi, Greece.

Relief of Turkish earthquake victims.

For the Patriarchate of Jerusalem.

For the Patriarchate of Constantinople.

Ecuadorean relief.

Kansas City flood relief.

Greek war relief.

AHEPA hospitals in Athens and Thessaloniki, and seven health centers in Greece.

AHEPA Agriculture College in Greece.

Ionian Islands earthquake relief.

AHEPA Preventorium in Volos.

Penelopian Shelter Home in Athens.

AHEPA Hall for Boys at St. Basil's Academy.

The AHEPA School at St. Basil's Academy, Garrison, N.Y.

Sale of $500 million in U.S. War Bonds during World War II as an official issuing agency of the U.S. Treasury.

Truman Library.

Dr. George Papanicolaou Cancer Research Institute at Miami.

The AHEPA Truman Memorial, Athens, Greece.

The New Smyrna Beach, Fla., monument commemorating the first landing of Hellenes in the new world in the year 1768.

The AHEPA educational journey to Greece student program.

These are some of AHEPA's contributions to worthy causes during its 50 years of existence.

Members of AHEPA take justifiable pride in AHEPA's record of accomplishment. AHEPA has championed the cause of education—it has successfully fought for the freedom and self-respect of the minorities in its justice for Greece and justice for Cyprus programs, and AHEPA has always displayed its benevolence and generosity to the stricken victims of disaster both here and abroad.

A QUALITY EDUCATION FOR HANDICAPPED AMERICANS

Mr. PEARSON. Mr. President, last week I spent a most moving and rewarding day visiting the Kansas Cerebral Palsy Foundation Summer Camp, the Kansas Elks Job Training Center, and the Institute of Logopedics, each of which is located in the Wichita area. These facilities serve young Kansans who are physically or mentally handicapped.

This visit with courageous patients and the dedicated personnel reaffirmed my conviction that we must do more to reach each of the 40 million Americans afflicted with mental or physical handicaps. The Kansans served by these institutions are most fortunate; with their own courage and expert assistance, they can overcome some or all of their handicaps.

But too many other physically and mentally handicapped Americans are not so fortunate. Only 40 percent of the 7 million handicapped children in this Nation are receiving adequate educational services. One million of them are excluded from public schools.

Recently, Federal courts have held that if a State provides a free public education for all children, then it must, in fact, provide that education for all handicapped children. We can look, then, toward a time when physically and mentally handicapped children will receive the education from which all too many have been excluded. But we must also recognize that this requirement will place an even greater strain on the budget of our public schools.

I have often stated that we must increase Federal aid to education in order to relieve the heavy burden of property taxes and provide a quality education for all children. With these recent court decisions the need for increased Federal assistance is even more acute.

Mr. President, we have the medical knowledge and technological capability of improving the quality of the lives of most handicapped Americans. My visit last week took this problem from the abstract concepts of bill numbers and multimillion-dollar appropriations and put it into a very personal perspective. At times, handicapped Americans are forgotten, not intentionally perhaps, but the effect is the same. After my visit to Wichita last week and my year as honorary chairman of United Cerebral Palsy of Kansas, I have a very personal commitment to support legislation which will provide adequate care for each mentally and physically handicapped American.

FREEDOM IS IN SERIOUS PERIL

Mr. INOUYE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial written by an old friend, a former resident of Hawaii, Editor Richard L. Davis, and published in the Contra Costa Times, of Walnut Creek, Calif.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

To the Point: Reporters' Confidentiality—Your Freedom Is in Serious Peril

(By Dick Davis)

A number of months back, we proposed that the United States Congress enact a shield law, similar to California's, to protect the confidentiality of working newspaper reporters' news sources.

At that time, Rep. Jerome Waldie (D-Antioch) couldn't quite go along with the validity of our extensive and what we hoped would be persuasive arguments.

In light of the U.S. Supreme Court's latest action in declaring newsmen and women must testify before grand juries, we are repeating this request of Reps. Waldie, Ron Dellums. George Miller, along with some old friends, Lionel Van Deerlin, John E. Moss, Patsy Mink, Sparky Matsunaga, B. F. Sisk and Bob Wilson, and Senators John V. Tunney, Dan Inouye, Hiram Fong.

We strongly and urgently ask our sophisticated and keenly perceptive readers to write these congressmen urging them to support Sen. Alan Cranston's bill allowing newsmen the right to refuse to disclose confidential sources.

The Cranston bill, as we urged Representative Waldie many months back, is modeled on the California law to protect news sources. California is one of 14 states having such protection.

It is imperative that this safeguard be extended nationwide, particularly in today's shrinking world which finds reporters expanding their "beats" and stories into other states and even into other nations.

Putting it bluntly, the Supreme Court's ruling, by a vote of 5 to 4, means that you can no longer expect the confidences of "leads" you give newsmen to a particularly sensitive story to be kept. A grand jury can subpoena reporters and editors, and demand that they violate this confidence.

Reflected in this ruling is the controversy between the present administration and newsmen. It has grown and accelerated as newspaper and television reporters have been called increasingly before federal and state grand juries investigating the Black Panthers, Students for a Democratic Society, political dissenters, drug pushers and a mixed bag of law enforcement targets.

Reporters have been subpoenaed, usually after doing stories on these groups and individuals, because in many instances they have better access to these sources than police have been able to establish through informers.

The effect of the court's ruling is to turn newspapermen and women into an investigative arm of government, in addition to making informers of all of us in the newspaper business. Our alternative to this ruling is jail, and many dedicated, professional newsmen and women are certain to opt for this alternative.

To say this undermines the historic independence of newspaper men and women is putting it mildly. What it would do is literally dry up our news sources and make it all but impossible to keep the public informed about the actions of the instruments the people themselves have created—government.

Would you, for instance, tip even a close friend in the newspaper business about wrongdoing you suspect in government—particularly if you are an employe of government—if you knew that the newspaperman or woman would be forced to identify the source of his or her information to a grand jury under threat of jail?

What some justices, government officials and even our elected representatives fail to realize is that protecting the confidence of all news sources is not only vital but critical to the performance of a press attempting to keep the public as thoroughly informed as humanly possible.

Newsmen and women, of course, are not a privileged class. We would expect them to be—and they are—first of all good citizens of their communities, state and nation. We ask no special privilege, and hardly need a Supreme Court decision to "enlighten" us as to what is either right or wrong for our country.

No photographer is going to focus his camera on a child going down for the third time and drowning merely to take a dramatic picture for tomorrow morning's newspaper. First he's going to rescue the kid.

Likewise, no newspaperman or woman is going to allow a policeman to be murdered, a bank to be bombed or a plane to be skyjacked just for a news beat on the opposition.

Anyone who pictures professional journalists in this distortedly dim light simply doesn't know the type of dedicated, responsible people newspapers are attracting. Above all, and sometimes even to their editor's regret, they are extremely aware and careful. (We say regret because of the inclination at times of many newspaper people to enter the never-never land of advocacy reporting rather than factually informing the American public of precisely what is happening).

Perhaps, however, this is a legacy—and it was frequently a proud and fruitful one at that—which we inherited from the old "Front Page" journalism days of the 1920s and 1930s of hiding escapees or murder suspects in roll-top desks until we phoned the story to the city desk.

Quite frankly, we've never impeded law enforcement, the courts or government from doing the job society assigns. Quite the contrary. We've helped. But never have and never will reveal a confidential source.

Neither have we become an arm of law enforcement, the courts or government. Again, never have and never will.

But, and make no mistake, not only the historic principle of a free press but the public's right to know precisely what is going on in this country are in serious jeopardy due to this Supreme Court ruling.

Let your elected Representative and Senator know that you are demanding a national shield law for American newsmen and women throughout our 50 states by mailing this column, with your comments, to them today.

This is no time to be apathetic. One of your basic freedoms is in danger of going right down the tubes.

GOLDEN ANNIVERSARY OF ORDER OF AHEPA

Mr. GOLDWATER. Mr. President, I should like to remind Congress that the famous Order of Ahepa is celebrating its golden anniversary during July of 1972. This outstanding order of Americans of Greek descent has made so many contributions to the improvement and enrichment of American life that it is impossible for me to enumerate all of them. The best I can do is to place in the Record a partial list of accomplishments during 50 years of service.

Mr. President, I ask unanimous consent that the list be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Fifty Years of Service and Accomplishment

The Order of Ahepa was founded July 26, 1922, in Atlanta, Ga., and its jurisdiction extends to 49 states, Canada, and Australia, with 430 local chapters. The Order of Ahepa is a secret fraternal organization, which is non-political and non-sectarian. The word "Ahepa" is an acrostic, and is derived from the first letters of the following: American Hellenic Educational Progressive Association.

Membership in the Order of Ahepa is open to men of good moral character who are citizens of the United States of America, or Canada, or who have declared their intention to become citizens.

The "Ahepa Family" is composed of four separate organizations, all of which work in harmony on a local, district and national level. They are: The Order of Ahepa—The Daughters of Penelope (senior women's auxiliary)—The Sons of Pericles (junior young men's auxiliary)—Maids of Athena (junior young women's auxiliary).

OBJECTS OF AHEPA

1. To promote and encourage loyalty to the United States of America.

2. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

3. To instill in its membership a due appreciation of the privileges of citizenship.

4. To encourage its members to always be profoundly interested and actively participating in the political, civic, social and commercial fields of human endeavor.

5. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor and integrity of every nation.

6. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture.

7. To promote good fellowship, and endow its members with the perfection of the moral sense.

8. To endow its members with a spirit of altruism, common understanding, mutual benevolence and helpfulness.

9. To champion the cause of Education, and to maintain new channels for facilitating the dissemination of culture and learning.

AHEPA'S CONTRIBUTIONS TO WORTHY CAUSES

The Order of Ahepa has contributed financially to many worthy causes during its 50 years of existence, on a national and international level. These contributions do not take into account the many local activities of our chapters within the realm of their communities. Local Ahepa chapters have always given generously and vigorously supported local community undertakings in the fields of education, charity and civic improvement. The national and international contributions include:

Relief of Florida hurricane victims.
Relief of Mississippi flood victims.
Relief of Corinth Earthquake victims.
For the War Orphans of Greece.
Relief of Dodecanese Earthquake victims.
For the fatherless children of refugees, through the Near East Relief.
For the Hellenic Museum.
National Scholarships to worthy students.
For the Theological Seminaries at Brookline and Pomfret.
Ahepa Franklin D. Roosevelt Memorial at Hyde Park.
Ypsilanti and Dilboy Memorials.
Sons of Pericles Memorial to the American Philhellenes of 1821, at Missolonghi, Greece.
Relief of Turkish Earthquake victims.
For the Patriarchate of Jerusalem.
For the Patriarchate of Constantinople.
Ecuadorean Relief.
Kansas City Flood Relief.
Greek War Relief.
Ahepa Hospitals in Athens and Thessaloniki, and 7 Health Centers in Greece.
Ahepa Agricultural College in Greece.
Ionian Islands earthquake relief.
Ahepa Preventorium in Volos.
Penelopian Shelter Home in Athens.
Ahepa Hall for Boys at St. Basil's Academy.
The Ahepa School at St. Basil's Academy, Garrison, N.Y.

Sale of 500 Million Dollars in U.S. War Bonds during World War II as an official issuing agency of the U.S. Treasury.

Truman Library.

Dr. George Papanicolaou Cancer Research Institute at Miami.

The Ahepa Truman Memorial, Athens, Greece.

The New Smyrna Beach, Fla., monument commemorating the First Landing of Hellenes in the New World in the year 1768.

The Ahepa Educational Journey to Greece Student Program.

These are some of Ahepa's contributions to worthy causes during its 50 years of existence.

A CREDO BY ROBERT F. GOHEEN, RETIRING PRESIDENT OF PRINCETON UNIVERSITY

Mr. PELL. Mr. President, the retiring president of Princeton University, Robert F. Goheen, recently sent me a "Credo." I thought it the best credo that I have ever seen and for this reason believe it would be of interest to Senators. I ask unanimous consent that it be printed in the Record.

There being no objection, the credo was ordered to be printed in the Record, as follows:

A Credo

In the long history of civilization there are always strong pressures in favor of low-level sorts of conformity—pressures against unorthodoxy, individuality, and self-won responsibility. And all the while from left and from right aggressive voices proclaim that truth and virtue are theirs alone. But there is one place above all where it is (or should be) possible for men to think and act as their own reasoned judgment and best conscience dictate—namely, a university. Here it is that the willingness to think otherwise, to dream, to question, and to dare should flourish.

If an utter stranger to our civilization should ask: "Where in your society can a person disagree with impunity from accepted practices, dogmas, and doctrines?" the answer should be, "The universities. That is part of their being. Their role is to conserve the best of the past and to look forward from it. On both counts they are committed to freedom for the individual, the dignity of the human person, and tolerance toward dissent within broad and agreed upon limits."

RENOMINATION OF VICE PRESIDENT AGNEW ASKED

Mr. BUCKLEY. Mr. President, I ask unanimous consent to have printed in the Record a statement I issued yesterday asking that the Republican Party renominate Spiro Agnew for the office of Vice President.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator James L. Buckley

Spiro Agnew is a tremendous asset to the Nixon team and I am more convinced than ever that to drop him from the ticket would clearly hurt Richard Nixon's re-election chances.

The Vice President has brought many distinguished qualities to all of the offices he has held, and particularly to the high one he now holds. Two qualities, however, stand out as representative of the man: courage and character. He has the courage to say what he thinks; equally important—and even more rare—he has the kind of character that makes what he says worth saying.

Millions of forgotten Americans of every political affiliation feel that for the first time they have an effective and articulate spokesman. Mr. Agnew has talked in a common sense way about the issues that concern them most. He has had the courage to talk about subjects which have somehow come to be considered beyond the scope of honest debate. This is why he has such an enormous appeal among the growing ranks of traditional Democrats whom George Meany tells us are increasingly disenchanted with the leftward drift of their party's leadership.

Vice President Agnew has, in fact, become something of a folk hero to millions of middle Americans throughout the country. His strong popularity was seen in the New Hampshire Primary when he received more write-in votes than any candidate in that state's history and more votes than either Senators McGovern and Muskie. I know from my own extensive visits around New York State how strong his following is among New Yorkers.

I have said previously that with the support of those who supported me in 1970, Richard Nixon can and will carry New York State. I made that prediction on the assumption that the Republican Party would once again be fielding the Nixon-Agnew team. The same New Yorkers who made my election possible are the ones who most enthusiastically support the Vice President. If Spiro Agnew is not on the Republican ticket, in my judgment that ticket will be weakened nationally, Richard Nixon's chances for carrying New York would be placed in serious jeopardy.

THE MANSFIELD AMENDMENT

Mr. TUNNEY. Mr. President, little more can be said concerning the war in Indochina that has not been stated many times before. And I seriously wonder if anything more can be accomplished in the war in Vietnam, anything that has not been tried and failed before. We must extricate ourselves from the quagmire of Vietnam and the immense burden which it has placed upon our citizens.

I strongly support the distinguished majority leader (Mr. Mansfield) and the Senate Foreign Relations Committee in this effort to terminate U.S. involvement in the endless and winless war in Vietnam. The Senate must take the initiative. The American people wish to see our men come home—all of them. No nation can be expected to release prisoners of war when the war is still going on. One of the tragic aspects of our self-delusion is that those who talk about getting American prisoners of war back from Vietnam contravene that policy by supporting increased military activity. The continued bombing perpetuates the confinement of prisoners. As long as we have American troops stationed and fighting in Vietnam, we will not get our prisoners of war released. Yet some people persist in thinking that we can convince the North Vietnamese to release these men by stepped-up military pressure.

If we continue to pursue a policy designed to win the war for the corrupt South Vietnamese dictatorship, we are courting disaster. We are courting disaster not just for our men, but also for the people of South Vietnam. The President's "Vietnamization" plan has not succeeded. If the South Vietnamese cannot handle their own affairs, why should we continue to do it for them? Three months ago, I received a letter from an Air Force officer stationed in Taiwan, who flies missions over Vietnam. I would like to share a portion of that letter with my colleagues today, as an example of what this war is doing to the spirit of men in Vietnam as well as our citizens at home:

> I felt that I needed to write to someone who cares, someone who is concerned about the deplorable situation here in Vietnam. Fortunately, I am a native-born Californian and you are a Senator from there.
>
> Since the North Vietnamese invasion commenced a month ago, the South Vietnamese Army has done nothing but be destroyed, retreat, and then hold up wherever they can. Many of the places they are, there is no way to supply them except by airlift as the enemy controls most of the surrounding area plus the rivers and roads.
>
> The Vietnamese Air Force will not fly supplies to their own men because they keep getting shot down.
>
> Therefore it falls to the C130's flown by Americans to fly in all the supplies.
>
> The major problem is that the enemy is waiting with guns aligned on the DMZ, shooting down and up our aircraft. The enemy is smart. All they need to do is be there and wait and a C130 will keep flying in to drop. Every time they damage an aircraft they have scored a victory, because that aircraft is out of commission for awhile and can't perform its major role of cargo-hauling. The thing that really makes this bad is the reason for the need for the drops. Last night a Lt. Col. who works in the Aircraft Command Center told me when I asked him why we were risking and losing men and planes in these drops, that if these particular places fell, the psychological effect would be devastating. Well, to me and almost all the other crew members psychological reasons are not enough to daily risk our all.
>
> I surely wish you could come over here and look at the situation yourself. Don't talk to the Generals and backers. Come talk to the people who are working and hear their opinions. You'll be shocked, to say the least. I don't know why the leaders here make the statements that they do.

No one person should be blamed for the U.S. role in Indochina. But we must assess our position, realistically and honestly. We must get out of Vietnam now. Mr. President, the Mansfield amendment is one of the most important provisions of the Foreign Assistance Act. It is my sincere hope that all Senators will realize the need to retain this provision as we vote on S. 3390. The American people, whom we represent, must not be forced to accept another delay in our disengagement simply due to the hesitancy of the Congress to act on their behalf.

RAPID CITY, S. DAK., FLOOD RELIEF—STATEMENT OF ROBERT W. HIRSCH

Mr. SCOTT. Mr. President, Robert W. Hirsch, of South Dakota, yesterday testified in favor of the Disaster Relief Act of 1972, legislation which would provide additional relief to the victims of the Rapid City flood. The bill would increase the maximum amount which can be forgiven or canceled from the present $2,500 to $5,000 on loans made by the Farmers Home Administration or the Small Business Administration, and would reduce the interest rate on these loans from 5⅛ to 1 percent. Bob Hirsch is a strong and influential voice for the people of South Dakota. If this additional flood relief for South Dakota is successful, it will be in large part due to his fine efforts.

I ask unanimous consent that the statement by Mr. Hirsch be entered in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT W. HIRSCH, REPUBLICAN CANDIDATE FOR THE U.S. SENATE FROM SOUTH DAKOTA, JULY 19, 1972

Mr. Chairman, I am pleased to offer my comments in support of the Disaster Recovery Act of 1972. On the night of June 9, 1972, the greatest natural disaster to strike the state of South Dakota occurred when flood waters pouring out of the Black Hills destroyed much of Rapid City and surrounding communities.

The loss of lives, homes and property is unequalled in the history of our state. The plight of the homeless is even more compounded by the fact that the majority of people in Rapid City had no insurance covering the peril of flood.

Businessmen also find themselves in a situation where the insurance coverage is lacking and will not repay the loss. To these people we must offer the chance to rebuild their homes and businesses.

The Disaster Recovery Act of 1972 provides for an extension of disaster relief benefits which will be necessary for the rebuilding of Rapid City and its neighboring communities. The $5,000 forgiveness clause will give to the people of the stricken Black Hills area a new incentive to return to the task of placing their businesses in operation and making their homes liveable again. The implementation of the forgiveness provision from the first dollar of the loan and the reduction of the interest rate from 5⅛% to 1% will give new hope to these flood victims—the hope that they can again prepare for normal living and business activities without living under the shadow of a large debt that will hound them for life.

Some in the State have expressed the fear that those who have already applied for relief benefits will be excluded from the new provisions. This we know is not true, as any person in the area is eligible for the new relief benefits whether he applies before or after enactment of the Disaster Recovery Act.

As a South Dakotan and more importantly as a concerned citizen I ask this committee and the Congress for favorable consideration of this legislation. I would hope that the provisions contained in the bill could serve as a new basis for relief provided to victims of natural disasters in the future wherever and whenever they may strike.

I know to the people of Rapid City and the Black Hills area this legislation will mean new hope as they begin the long job of reestablishing their shattered homes, businesses and lives. I urge your support of this bill so that the Congress may offer the flood victims the help they need as they begin their return to normalcy. In addition, I would point out that the immediacy of this legislation is of the utmost importance because the time to begin rebuilding is now and the residents of this flood-ravaged area desperately need your support.

NATIONAL DEFENSE EDUCATION ACT, TITLE III

Mr. SPARKMAN. Mr. President, we note with interest that the Departments of Labor, and Health, Education, and Welfare appropriations bill, H.R. 15417 (S. Rept. No. 92–894), passed by the Senate on June 27, contains many provisions of benefit to Alabama schools.

Among these programs is title III of the National Defense Education Act of 1958. This program last year provided $1.2 million to my State on a 50–50 matching basis helping Alabama schools purchase audiovisual, laboratory, and other equipment and materials. This program has helped hundreds of Alabama school districts acquire the most modern and up-to-date teaching tools so that in my State today we have some of the Nation's best schools.

Despite all the progress we have made, however, much still needs to be done. As I have traveled around Alabama, too often do I hear the complaint that there is just not enough money available to buy the equipment and materials that are really needed for our children. Therefore, it is very important to my State and to the Nation that the NDEA III program be continued at an increased rate wherever possible. In many cases, NDEA III matching dollars are the only ones available to a school for modernization of classroom teaching and, if this program is cutoff, many schools will be denied the equipment and materials they need to do the best job.

Mr. President, the use of audiovisual technology is by no means the only answer to our education problems today. There can be no substitute for well-trained teachers and the best of school curricula. But many studies indicate that the use of audiovisual techniques has improved learning and has stimulated the interest of the student, while helping the teacher to do a better job. For example, in the area of reading, where we have a national right-to-read program designed to help hundreds of thousands of American youngsters who have severe reading problems, the use of audiovisual equipment and materials has repeatedly met with success. NDEA III funds have been used in a majority of local right-to-read projects.

Therefore, I commend the Senate Labor-HEW Appropriations Subcommittee for including NDEA III in its bill again this year, and urge the Senate conferees to do all they can to win adoption of the Senate-passed $75 million for this program. This amount would result in a modest increase in funds for Alabama schools and, based on the need, and the willingness of our schools to match the Federal dollars, this increase would be a worthwhile investment. Far too often in these Federal programs we provide a simple grant, with no incentive for local communities to bear a share of the burden. In the case of NDEA III, these local schools do their share on a dollar-for-dollar matching basis. This is a commendable procedure. As long as the local schools are willing to do their share, and as long as the current pressing need for this program continues, then I believe the Federal Government has a responsibility to do its share.

Mr. President, NDEA III is a fine program of benefit to Alabama and to all States, and I am hopeful that it will be continued during fiscal year 1973, as proposed by the Senate version of H.R. 15417.

INACCURACIES AND MISCONCEPTIONS IN NEW YORK TIMES EDITORIAL ON PESTICIDE LEGISLATION

Mr. ALLEN. Mr. President, the Committee on Agriculture and Forestry has worked well over a year on H.R. 10729. The objective of that bill is to protect man and his environment from the misuse of pesticides. I believe that all fair minded people are united in their desire to achieve this objective. Our progress has been impeded, however, by the complexity of this legislation, which has been compounded by misinformation, misunderstandings, and the hundreds of amendments that have been offered and considered in great detail. The Committee on Commerce, which has not made such an extensive study of the bill, has also been subjected to such misinformation. While I am sure the objective of that committee is the same as that of the Committee on Agriculture and Forestry, the Committee on Commerce has reported out a number of amendments which would defeat the purpose of protecting man and his environment.

As an example of the type of misunderstanding which has impeded the enactment of this legislation, I ask unanimous consent to have printed in the RECORD an editorial published by the New York Times on July 16, 1972, together with a letter that I have written to the editor of the New York Times concerning that editorial.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NEW LAW FOR PESTICIDES

Soon after its return this week the Senate is scheduled to take up a revised pesticide control bill, one of the most important—and controversial—items on its agenda. If the legislation is to serve the interests of the environment, at home and abroad, the Senate bill will have to prevail over its feeble counterpart in the House of Representatives. And if it is to be a really major contribution, it will have to include the strengthening amendments added by Senators Nelson of Wisconsin and Hart of Michigan.

Even the basic Senate bill is superior to the House version, which would require pesticide manufacturers to file only minimal information and would, in effect, relieve them of having to prove that a product is both safe and necessary before it can be registered. Even worse, it would indemnify manufacturers for financial loss, should the Government feel compelled to rule a noxious chemical off the market.

Among the Senate amendments, which await only formal approval by the Commerce Committee, three are outstanding. One would require a manufacturer applying for registration of a product to report all its test data to the Environmental Protection Agency and to insure that no pertinent information be hidden from public disclosure on the ground that it is a "trade secret."

Another would permit citizen suits against both the manufacturer and the E.P.A. for alleged failure to perform a mandatory duty in connection with the registration process. And a third would require that foreign nations and international agencies be fully warned of the danger of those pesticides which the United States bans at home but allows to be exported. A terrifying example is the fungicide used to treat grain shipments intended for seed, which has caused the deaths of hundreds of Iraqis who unwittingly used the seed for bread.

These and a dozen other strengthening amendments will be treated as a block on the Senate floor. If they are approved, opponents will have to chip away at them one by one, which should be difficult. If they are voted down *en bloc*, then their proponents will have to reintroduce them one by one, which will be even harder.

Congressional environmentalists will need all the public backing they can get for the floor fight and for the conference committee battle to follow.

U.S. SENATE, COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C., July 19, 1972.

EDITOR,
New York Times,
New York, N.Y.

DEAR SIR: On July 16 the Times printed an editorial entitled "New Law for Pesticides", which contained several statements which I believe are likely to create a false impression of the facts. The statements to which I refer and the facts concerning them are set out below:

1. Statement: "One would require a manufacturer applying for registration of a product to report all its test data to the Environmental Protection Agency. . . ." In context, it appears that this refers to one of the fifteen groups of amendments approved by the Commerce Committee on June 23 and set out in the committee print published on June 30 by that Committee, a copy of which is enclosed.

Fact: The Agriculture Committee amendment does this. The Commerce Committee amendment does not. The amendment proposed by the Agriculture Committee on this point requires each applicant for registration to file, if requested by the Administrator, a full description of "the tests made" and the results thereof upon which the claims are based. The Agriculture Committee would thus give the Administrator full power to obtain all test data which he needs to determine the efficacy and safety of the pesticide, both favorable and unfavorable.

The Commerce Committee amendment would strike this provision and in lieu thereof would require a full description of "any tests offered" in support of the application and the results thereof. The Commerce Committee would thus give the applicant the discretion as to what tests he will offer. If he offers only favorable test data, the Administrator would have no authority to require him to file unfavorable test data.

The Commerce Committee amendment further limits the Administrator's consideration of test data by providing that "the Administrator shall not rely on test results submitted pursuant to this subsection unless he determines that (i) the tests were conducted in accordance with applicable Federal, state, or local law and (ii) participation in the tests was the result of a free, voluntary, and informed choice by each participant." The Commerce Committee would thus prevent the denial of registration for an extremely dangerous pesticide if the Administrator's knowledge of that danger was obtained as a result of tests conducted in violation of Sunday or other laws, or if any participant in the test was not fully informed. The principal proponent of this amendment at the Agriculture Committee hearings inserted a statement in the record at page 325 to the effect that test data should be discarded for "imagined" coercion, or if the participant did not understand "technical concepts such as cholinesterase function, depression, and regeneration," or if it was explained by a person in an employer relationship to the participant. The Commerce Committee amendment would thus deny the Administrator essential information needed to protect man and the environment.

2. Statement: "And a third would require that foreign nations and international agencies be fully warned of the danger of those pesticides which the United States bans at home but allows to be exported."

Fact: The Agriculture Committee amendment would achieve this objective. The Commerce Committee amendment would prevent its achievement. The Agriculture Committee language provides: "Whenever a cancellation of the registration of a pesticide *becomes effective*, the Administrator shall transmit through the State Department copies of each notice of cancellation of a registration of a pesticide to the governments of other countries and to appropriate international agencies." Thus the Agriculture Committee provides for notification to foreign contries as soon as any pesticide is banned in the United States. The Commerce Committee amendment would strike out this language and instead require that "the Administrator shall furnish to the government of the foreign nations to which any pesticide may be exported . . . (3) all orders of suspension and all *notices of cancellation* or change in classification issued pursuant to section 6." Cancellation notices are required by the bill to be sent out automatically each five years, to be effective only if the registrant fails to request that the registration be continued in effect. Thus, under the Commerce Committee amendment foreign countries would receive cancellation notices with respect to pesticides whose registration was never cancelled, but would never be advised when the registration of any pesticide was actually cancelled.

3. Statement: "These and a dozen other strengthening amendments . . ." (apparently relating to twelve of the fifteen Commerce Committee amendments).

Fact: Among other things, these amendments which you describe as "strengthening" would deprive the Administrator of adequate funds to carry out the Act and authorize entry of American homes as well as other places using pesticides by Federal agents without a warrant or suspicion of crime. The main objection to the Commerce Committee amendments is that they add confusing surplusage and introduce errors into the bill. Such amendments cannot reasonably be called "strengthening" amendments. There is not room to discuss them all here but I am enclosing a copy of the hearings held by my subcommittee, and if you examine EPA's comments on similar amendments beginning on page 82, you will see that many of them do nothing but add or change language which has no substantive effect, but introduces errors.

4. Statement: "Congressional environmentalists will need all the public backing they can get for the floor fight and for the conference committee battle to follow."

Fact: This statement is absolutely true, and great newspapers like yours can assist by making it absolutely clear which amendments accomplish the results you deem desirable. I hope that you will examine the material enclosed and make it clear to your readers that it is the Agriculture Committee amendments, and not the Commerce Committee amendments, that accomplish the desirable objectives described above.

The Committee on Agriculture and Forestry today ordered the preparation of a supplementary report on this bill to point out the many ways in which the Commerce Committee amendments would weaken this bill and prevent it from achieving the specific objectives mentioned above and the general objective of protecting man and his environment. I hope that as soon as it is issued you will study it along with the Commerce Committee report supporting their amendments and most particularly the actual language of the amendments proposed by the two Committees. When you have done that I hope that you will advise your readers of your conclusions. The Congressional environmentalists on the Committee on Agriculture and Forestry need all the public backing they can get and need to have the issues studied carefully and presented clearly so that the public and the Senate will know which amendment meets their objective. The objectives mentioned in the statements quoted above are my objectives. They are the objectives of the Committe on Agriculture and Forestry. I believe that they are the objectives of the Committee on Commerce. But those objectives will stand for naught unless the legislation that is adopted provides for attaining them.

Sincerely yours,

JAMES B. ALLEN.

INDIANA VOLUNTEER TUTORS HELP CHILDREN LEARN TO READ

Mr. BAYH. Mr. President, teachers estimate that 43 percent of the children in the elementary schools of this Nation are experiencing critical difficulties with learning to read.

In a concentrated effort to alleviate this problem, my State of Indiana is cooperating with the National Reading Center of Washington, D.C., in training volunteers to become reading tutors.

Recently 153 Indiana citizen-volunteers, representing 51 city and county school systems throughout the State, participated in a 2-day training workshop held at Ball State University, Muncie, Ind., under the sponsorship of the Indiana State Department of Public Instruction.

The National Reading Center trained and provided the volunteers with materials on the various methods of tutoring primary grade children. Under the supervision of classroom teachers, the volunteers are now training others in their respective communities to be reading tutors.

Mr. President, on behalf of the State of Indiana, I commend these citizens for donating their time, talents, and hearts to the principle that every child in Indiana has a right to read.

To others in the State who wish to volunteer for training as reading tutors, I recommend they contact Mrs. Jo Lanham, reading consultant, State department of public instruction, 108 State Office Building Indianapolis, Ind. 46204. She is responsible for this fine program and would be able to provide additional information.

ANALYSIS OF LAWS PROHIBITING SEX DISCRIMINATION IN HIGHER EDUCATION

Mr. BAYH. Mr. President, the Higher Education Amendments of 1972, which were signed into law by the President on June 23, contain a comprehensive series of provisions designed to end discrimination based on sex in all aspects of higher education. I personally was pleased with the final results; most of the conference report's provisions were taken directly from an amendment I offered to the Senate bill. These provisions vitally affect many of our constituents and I think it important to let everyone know exactly what the law now requires.

Therefore, I ask unanimous consent to have printed in the RECORD a fine summary of these requirements, prepared by

Bernice Sandler and her staff at the Association of American Colleges.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SEX DISCRIMINATION PROVISIONS CONCERNING STUDENTS AND EMPLOYEES AS CONTAINED IN THE HIGHER EDUCATION ACT OF 1972

The Higher Education Act of 1972, effective June 23, 1972, contains provisions which:

1. prohibit sex discrimination in all federally assisted education programs;
2. amend certain portions of the Civil Rights Act of 1964;
3. extend coverage of the Equal Pay Act of 1963 to executive, administrative and professional employees, including all faculty.

1. *Sex Discrimination in Federally Assisted Programs Is Prohibited:*

A. *Basic Provisions:* Title IX of the Higher Education Act states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. . . ."

These sex discrimination provisions are patterned after Title VI of the Civil Rights Act which forbids discrimination on the basis of race, color, and national origin in all federally assisted programs.[1]

B. *Which Institutions Are Covered: All* institutions including public and private preschools, elementary and secondary schools, institutions of vocational, professional, undergraduate and graduate education, that receive federal monies by way of a grant, loan or contract (other than a contract of insurance or guaranty).[2]

C. *Provisions Concerning Admissions to Schools and Colleges:*

1. *Discrimination in admission is prohibited in:*

a. vocational institutions[3]

b. institutions of professional education

c. institutions of graduate higher education

d. public undergraduate co-educational institutions

This provision goes into effect on June 23, 1973.

2. *Exemptions from the admissions provision are as follows:*

a. private undergraduate institutions of higher education

b. single-sex public undergraduate institutions

c. elementary and secondary schools other than vocational schools

d. schools in transition from single-sex to coeducation. Such schools of vocational, professional or graduate education, or public undergraduate education which are about to begin or already have begun the transition to coeducation are exempt from the admissions provision, provided it is carrying out a transitional plan approved by the Commissioner of Education.

NOTE.—*These exemptions apply to admission only;* such institutions are still subject to all anti-discrimination provisions of the Act other than admission.

D. *Other Exemptions*

1. *Religious institutions:* institutions controlled by religious organizations are exempt if the application of the anti-discrimination provisions are not consistent with the religious tenets of such organizations.

2. *Military Schools:* those educational institutions whose primary purpose is the training of individuals for the military services of the United States or the Merchant Marine are exempt.

E. *Provision Relating to Living Facilities:* The Act allows institutions receiving federal funds to maintain separate living facilities for the different sexes.

F. *Who Enforces the Act?* The enforcement provisions are identical to those of Title VI of the Civil Rights Act. The federal departments empowered to extend aid to educational institutions have the enforcement responsibility. Reviews can be conducted regardless of whether or not a complaint has been filed.

G. *Who Can File Charges?* Individuals and organizations can challenge any unlawful discriminatory practice in a federal program or activity by filing with the appropriate federal agency. During the review process, names of complainants are kept confidential if possible.

H. *What Happens When a Complaint Is Filed?* An investigation is conducted, and if a violation is found, informal conciliation and persuasion are first used to eliminate the discriminatory practices.

I. *Formal Enforcement Procedures:* If persuasion fails, the Act provides for formal hearings conducted by the federal agency, which can result in the termination or withholding of federal assistance. In some instances, cases which have been terminated or withheld can seek judicial review of the final order issued by the agency.

J. *Preferential Treatment:* Institutions cannot be required to grant "preferential or disparate" treatment to members of one sex when an imbalance exists with respect to the number or percentage of persons of one sex participating in or receiving the benefits of federally assisted educational programs or activities. There are no restrictions in the Act, however, against affirmative action that is non-preferential.

K. *Provision Concerning Blind Students:* Students cannot be denied admission on the grounds of blindness or severely impaired vision to any federally assisted education program or activity. The institution, however, is not required to provide any special services for such persons.

11. *Amendments to the Civil Rights Act of 1964*

A. *Provisions Relating to Desegregation of Publicly Supported Schools* (including elementary and secondary schools and publicly supported institutions of higher education): Title IV of the Civil Rights Act, entitled "Desegregation of Public Education," and which previously applied only to race, color, religion and national origin, is amended to include sex in most of its provisions.

1. *Technical Assistance:* The Commissioner of Education is empowered to render technical assistance to public institutions preparing, adopting and implementing plans for desegregation.

2. *Training Institutes:* The Commissioner is authorized, through grants or contracts with institutions of higher learning, to operate short-term or regular session institutes for special training to improve the ability of teachers, supervisors, counselors and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation.

3. *Grants:* The Commissioner is authorized to make grants to pay, in whole or in part, for the cost of teacher and other school personnel inservice training in dealing with problems incident to desegregation and employing specialists to advise in problems incident to desegregation.

4. *Suits by the Attorney General:* Under certain circumstances, the Attorney General is empowered to *initiate legal proceedings* on behalf of individuals who allege that they have been denied admission to or not permitted to continue in attendance at a publicly supported institution by reason of sex or when the individual alleges that a public institution is depriving him or her of the equal protection of the laws under the 14th Amendment. Title IX of the Civil Rights Act is also amended to extend to cases of sex discrimination the Attorney General's power to *intervene,* on behalf of the United States, in litigation already begun by others claiming denial of the equal protection of the laws under the 14th Amendment.

III. *Extension of the Equal Pay Act of 1963*

A. *Basic Provisions:* Coverage of the Equal Pay Act is extended to executive, administrative, and professional employees.[4] The Act states that women and men performing work in the same establishment under similar conditions must receive the same pay if their jobs require equal skill, effort and responsibility. "Equal" does not mean "identical", but that jobs which are compared under the Equal Pay Act have to be *substantially similar.*

B. *Which Institutions and Employees Are Covered? All* employees in *all* private and public educational institutions at *all* levels: pre-school, elementary, secondary and institutions of higher education, regardless of whether or not the institution is receiving federal funds.

C. *Who Enforces the Act?* The Wage and Hour Division of the Employment Standards Administration of the Department of Labor.

D. *Compliance Reviews:* Reviews can be conducted regardless of whether or not a complaint has been reported. When a review is conducted the entire establishment is checked for compliance.

E. *Complaint Procedure:* There is no formal procedure for filing a complaint. Complaints may be reported to the nearest Wage and Hour Office of the Department of Labor by letter or telephone. Individuals or organizations may report violations.

F. *Anonymity of Complaints:* The identity of a complainant is kept in strict confidence by the Department of Labor. Unless court action is ultimately necessary, the name of an aggrieved employee need not be revealed. The same observance of confidentiality is extended to employers (and unions if involved unless court action is necessary.

G. *Power of Enforcement:* After investigation, if a violation has been found, the employer is asked to comply with law by raising salaries and awarding back wages to employee(s) who were underpaid. More than 95% of the equal pay investigations are settled without recourse to litigation. Should the employer fail to comply, the Officer of the Solicitor of the Department of Labor can bring suit in the appropriate District Court. Individual complainants may also file private suits under the law.

H. *Back Pay:* When a complaint is held to be valid, employers must raise the salaries of those employees who earned less by reason of their sex, and must compensate employees for the period in which they were being paid less. Generally speaking, the statute of limitations for back pay is two years.

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[1] Apart from admission coverage (see 1–C of this paper), the Higher Education Act differs from Title VI in that the sex discrimination prohibition is limited to federally assisted *education* programs and activities, whereas the race, color and national origin discrimination prohibitions are applicable to *all* federally assisted programs. Title VI also specifically excludes *employment* from coverage (except where the primary objective of the federal aid is to provide employment). There is no similar exemption for employment in the sex discrimination provisions relating to federally assisted education programs.

[2] Title IV of the Higher Education Act also prohibits lenders who use the Student Loan Marketing Association from discriminating against students on the basis of *sex,* color, creed or national origin.

[3] This includes vocational high schools.

[4] Coverage is also extended to outside salespersons.

I. *Other Provisions:* An employer cannot reduce the wage rate of any employee in order to eliminate an illegal wage differential. Labor organizations are also prohibited from causing or attempting to cause an employer to discriminate against an employee in violation of the equal pay provisions.

J. *Are Wage Differentials Allowed:* The law does *not* prohibit wage differentials based on a bona fide seniority or merit system, or a system measuring earnings by quantity or quality of production or any factor other than sex.

K. *Prevention of Harrassment:* Employers are prohibited from discharging or discriminating against any employee who has made a complaint or instituted any proceedings under the Act.

L. *Record Keeping:* All institutions must keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed. The Secreary of Labor or his designated representatives are empowered to request such information and review the records.

M. *Relationship to Other Federal Regulations and Laws Pertaining to Non-Discrimination:* Executive Order 11246, as amended, which prohibits federal contractors from discriminating, and Title VII of the Civil Rights Act which was recently amended to cover employees of educational institutions, are still in effect. Employees can file charges simultaneously under all or any of these laws and regulations.

MR. BROOKS McCORMICK SPEAKS ON U.S. INTERNATIONAL ECONOMIC POLICY AND CORPORATE RESPONSIBILITIES

Mr. PERCY. Mr. President, I invite the attention of the Senate to an article published in the Chicago Tribune on June 19, 1972. Mr. Brooks McCormick, president and chief executive officer of International Harvester Co., exemplifies the attitude of American corporate enterprise which has contributed so much to the economic strength and vitality of this Nation in international commerce.

International Harvester has shown the greatest respect for the principles of competition on which American enterprise and employment have flourished. Mr. McCormick's thoughts on the stability of the dollar, on the proposed Foreign Trade and Investment Act of 1972 and on assistance to developing countries deserve our thoughtful consideration.

I ask unanimous consent that the text of the Tribune article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. NEEDS SOUND DOLLAR TO COMPETE, McCORMICK AVERS

(By Nick Poulos)

The survivial of the United States as a viable competitor in the turbulent world of international trade depends upon a sound dollar, asserts Brooks McCormick, president and chief executive officer of International Harvester Co.

"The United States can't retain its leadership position with a second-rate currency," he said. "It can't be done. The chief trading currency has been the dollar. The moment it becomes the second best currency in the world, we will be in real trouble.

"Inflation is our big problem. American industry has demonstrated its ability to survive in the competitive jungle warfare that goes on constantly. But to continue to succeed, the United States has to get its fiscal and monetary problems under control."

APPLAUD NIXON PROGRAM

McCormick, whose company is one of the largest agricultural equipment manufacturers and a leading producer of trucks and construction equipment, asserts that "any thinking man" has to applaud the economic stabilization program President Nixon put into effect last August.

"It was the first fundamental step taken by the United States to combat the sword (of inflation) which is at the throat of the industrial health of this country," he said.

"To put a restraint on wage contract increases as well as on price increases by manufacturers was necessary, as abhorent as these measures are. But when the moment of truth comes, the survival of the United States as a going concern depends upon a sound dollar."

FAITH IN U.S. INDUSTRY

The International Harvester executive said he has faith in the ability of American industry to cope with the problems of competition; that it will prove flexible enough to increase exports to the European Common Market countries, provided government efforts continue to reduce trade barriers against United States goods.

"Of course, this government effort could be dashed by the passage of legislation such as the proposed Burke-Hartke bill," he warned.

"We also think we have the ability to compete in the Japanese market and to flourish in the Southeast Asian countries unless the United States decides to repeat the errors of the 1930s and leads us back to restrictive trade practices."

PROVISIONS OF BILL

The Burke-Hartke bill proposes increased restrictions on imported goods and curbs on operations of United States companies in foreign countries.

"We at International Harvester have always been for free trade," McCormick noted. "There has never been a tariff on farm equipment coming into the United States. And we have not only managed to survive but prosper.

"International Harvester believes that free trade is a two-way street and that further imposition of trade barriers will result in trade wars as devastating as physical wars.

"BARRIER BEGETS BARRIER

"No nation today can build walls around its borders and expect to survive. However, all nations ultimately must play by the same rules if we are to have true world free trade. Barrier begets barrier.

"Business and the United States government must work as partners in a vigorous campaign to promote both exports and foreign investment.

"We must provide tax incentives for export, adequate export financing, and competitive credit and political risk insurance.

"TRADE WITH REDS

"We must encourage trade with the Communist nations, and we also must welcome imports and direct and indirect investments in the United States by foreign-based enterprises.

"And as we are the world's largest exporting nation, we must have more direct American investments abroad and continue to win a greater share of the world markets."

McCormick noted that as a mature corporation, International Harvester has learned to adapt to changing competitive conditions abroad. As other American companies mature, they also will learn to adapt, he added.

CHANGE OVERSEAS TACTICS

"Over the years, we have had to change our entire philosophy of operating overseas from operating wholly owned subsidiaries to taking part in joint ventures and making licensing arrangements as the investment policies of foreign countries became more restrictive," he said.

"The purpose of all this, of course, was to continue to make money, retain our position in these markets, and enter new markets where feasible."

McCormick said that at the same time, his company increased its exports from the United States, supplying components and materials to support the manufacturing activities of the company's overseas installations.

DIRECTION OF EFFORTS

The International Harvester president added that his company is devoting much of its energy and efforts these days toward increasing business in the developing countries.

"The challenge is stickier in a developing country because of the problems a company can encounter regarding getting its dividends out, and surviving currency devaluations and political take-over of assets," he noted.

"But the opportunities are there. In the last year, for example, we sold more farm tractors in India than we had ever before, and we are quite new there as a manufacturer."

McCormick said it is a great tribute to American companies that they have been able to compete at all while having to bear labor costs some three times higher than foreign competitors.

"And while our labor costs are the highest in the world, higher material costs have contributed to making the United States even less competitive," he added.

"The average American may not realize it, but the United States is impoverished in many natural resources. We're short on oil, for example, and we have to import such materials as nickel, chrome, and bauxite.

"But we're not dead in the international marketplace. American companies have to employ that old frontier, pioneering spirit to make their way in the world. American prosperity depends upon our ability to compete in the global marketplace."

FORT HUNT HIGH SCHOOL SYMPHONIC AND MARCHING BAND, FAIRFAX COUNTY, VA., WINS FIRST PLACE AT INTERNATIONAL BAND FESTIVAL, VIENNA, AUSTRIA

Mr. HARRY F. BYRD, JR. Mr. President, the Fort Hunt High School Symphonic and Marching Band of Fairfax County, Va., has won first place in the International Band Festival at Vienna, Austria.

The Fort Hunt Band competed in a field of 31 bands at the Vienna competition. Its victory came after a series of successful competitions in the United States which led to the opportunity to take part in the Austrian Festival.

The Fort Hunt High School group has won numerous awards in the last 2 years. The members of the band and their director, Mr. Frank B. Wickes, have richly earned the congratulations of all Virginians—of all Americans—for their outstanding performance.

On July 19, the Alexandria Gazette published an editorial saluting the Fort Hunt Band for its newest achievement. The following day, the Washington Post published an article by Richard Homan recounting some of the experiences of some of the band members during the competition in Austria.

I ask unanimous consent that the texts of the editorial from the Alexandria Gazette and the article from the Washington Post be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Alexandria Gazette, July 19, 1972]

BRINGING HOME NEW HONORS

From Vienna, Austria, comes word that the Fort Hunt High School Symphonic and Marching Band has been awarded the top honors in the First Annual International Band Festival sponsored by the government of Vienna. The honor was announced at the end of a week of competition. It was awarded for both music and marching in a field of 31 bands, mostly from the United States but including several from Europe and one from Israel. The award was based on a series of serenades of Austrian officials, including the president of the Austrian Republic, and a marching competition on Friday.

The Fort Hunt High School band was invited to the international competition after a series of successful appearances in the United States and awards in a half dozen or more competitive performances. In 1971 it won the top honor in the George Washington Birthday Celebration parade, which, incidentally, was the last time the parade has been held. It has also given concerts at Fort Ward Park and at Market Square Plaza, so it is not unfamiliar to this city. Undoubtedly, after the European success it will be in even greater demand than in the past.

The distinction given the high school band, it must be noted, is only one of the accomplishments of this school. It has a record of public service. One of the most notable was the institution of a mineral waste reclamation program last spring that pioneered in that field in these parts.

The band members left the United States on July 7 by air from Dulles International Airport. They are due to give several other concerts in Europe before returning home. Although the summer vacation has dispersed the high school's student body, we trust that on the band's return, the members will be given the sort of warm welcome they deserve. They bring added honors to the community.

A NOSE GETS WHACKED, BUT FORT HUNT TRIUMPHS

(By Richard Homan)

The program said simply that the bands would have to play in concert and marching competition. It turned out that they had to play in cold, slashing rain, in humid, stifling sunshine, in baroque reception salons barely large enough for a string quartet and in concert halls unaccustomed to the booming percussion of an American marching band.

When it all ended last week, the judges of Vienna's first annual international youth orchestra festival decided that the Fort Hunt High School Band from Fairfax County had done all of this better than any of the other 30 participating orchestras.

"We did it, we did it, good God, we did it," the band chanted as it waited to board its buses after the presentation of the award Saturday night by the mayor of Vienna, and the usually stolid Viennese who shortly before were calling for encores from the Fort Hunt musicians at an impromptu street-corner concert cheered along with them.

The presentation of the City of Vienna Cup for the best overall performance in music and marching was clearly the high point of an already illustrious season for the Fort Hunt Band, many of whose members have graduated and will leave it when the current European tour ends in two weeks.

But the days of competition were wet and dreary for the bands, which included 25 from the United States, among them the Parkdale High School Symphony Band from Riverdale, and six from Europe and Israel.

The festival opened July 11 with a massed concert in a frigid downpour in the vast courtyard of the Schoenbrunn Palace on the outskirts of Vienna. The tone for the coming days was set when the conductor lifted his baton for the first trumpet blast of the fanfare and speared an umbrella being held over him.

The next day, with their uniforms still damp, the Fort Hunt Band, one of three chosen to serenade high Austrian government officials, played for Education Minister Fred Sinowatz.

The concert was to have been outside, but because of another rain storm it was moved into the 17th century Starhemberg Palace, which once housed Count von Starhemberg, who defended Vienna against the Turks in 1683, and now houses the Education Ministry.

With the 85-piece band, less a few drums and cymbals, jammed into his ornate gold and white reception salon, hung with red silk wall coverings and carpeted with thick woolen rugs, Sinowatz and his aides smiled at the music and warily eyed the whirling batons that menaced a huge, intricate chandelier.

But the only thing a baton hit was the nose of Majorette Heidi Stevenson. After whacking herself soundly while trying to adjust to the compact surroundings, she sat out one number, then came back to twirl again for "Stars and Stripes Forever."

When it was over, Sinowatz thanked the majorettes for sparing the chandelier, told Majorette Debi Lynch he thought she was pretty and inquired after Heidi Stevenson's nose. "Never before in this room has music been played so loud," Sinowatz said, by way of compliment.

The concert competition was held in the Concert Haus, one of Vienna's two major symphony halls, and the marching competition in the square in front of the Rathaus, Vienna's city hall. Both presented problems.

"This is the worst hall that anyone in this band has ever played in, bar none," Fort Hunt director Frank Wickes told his musicians in a pep talk before rehearsal at the Concert Haus. "It can make us or break us, and it's broken every band I've heard here so far."

His point was that the hall has exceptionally sensitive acoustics, designed for the subtle tones of small ensemble playing, and the big sounds of a brass band reverberate chaotically. The rousing music of some of the young bands had sounded like one constant tumult of percussion and tubas, with any melody smothered.

The astute adaption by the Fort Hunt Band to the exaggerated acoustics and the successful muting of its percussion section were, according to expert observers, a determining factor in the outcome of the competition.

The marching competition was to have been held in a suburban stadium which, after three weeks of prodding of Austrian bureaucracy and finally a direct order from a cabinet member, had been lined to resemble an American football field.

But a new rain storm Friday flooded the field and, when the rains stopped in mid-afternoon, Vienna Mayor Felix Slavik offered the use of the asphalt square in front of the city hall.

Soon, under the brooding neo-gothic spires of Vienna's 19th century landmark Rathaus, a football field had been painted—hash marks, end zones, yardlines and markers—by volunteers with brooms and buckets of whitewash. But shrubbery and sidewalks gouged out big chunks at the corners and, as a result, Fort Hunt, in order to enter the field from its accustomed point on the sidelines, had to arrange itself among trees and bushes.

"Well, we just blew the marching competition," Wickes, a pessimist as well as a perfectionist, groused glumly that night as the Fort Hunt Band ended an exceptionally good 10-minute routine featuring marches, a dance suite and "Old Man River" that brought cheers and lengthy applause from the crowd of 8,000. "The music might have been all right, but the alignment. . . ."

A few minutes later, french horn player Sally Weaver noted to those around her that "he's smiling, so we couldn't have been too bad."

Miss Weaver was one of five Fort Hunt seniors who won scholarships, ranging from $300 to $750, from the National Education Scholarship Foundation, the sponsor of the U.S. participation in the festival.

Other winners were Linda Baker, Mark O'Connell, David Finlayson, who doubles as trombonist and drum major, and David Kapec.

Parkdale, a young school that graduated its first senior class just two years ago, competed only as a symphony orchestra and did not take part in the march competition. Its two scheduled outdoor concerts were rained out.

SENATOR PERCY URGES ACTION ON HOMEOWNERSHIP COUNSELING PROGRAMS

Mr. PERCY. Mr. President, during the debate on the fiscal year 1973 appropriations bill for the Department of Housing and Urban Development, I participated in a colloquy with my distinguished colleagues, the senior Senator from Rhode Island (Mr. PASTORE), and the senior Senator from Colorado (Mr. ALLOTT), regarding funds for counseling programs for low-income homeowners.

I intended to offer an amendment at that time to appropriate a total of $12.5 million for counseling programs under sections 235 and 237 of the National Housing Act. I did not press my amendment after being given assurances in the colloquy with my colleagues that they would urge HUD to submit a budget request for these programs in time for the supplemental appropriations bill. I know the Department is seriously studying this possibility.

I wish to take note today of still another recommendation for a comprehensive homeownership counseling program. This one comes in a report entitled "Defaults on FHA-Insured Home Mortgages—Detroit, Mich.," issued by the Committee on Government Operations of the House of Representatives.

This report is the result of a year-long study of the Detroit situation made by that committee's Subcommittee on Legal and Monetary Affairs under the able leadership of the distinguished gentleman from Connecticut (Mr. MONAGAN). I quote the full text of the recommendation regarding homeownership counseling:

> The Committee recommends:
>
> 1. That without regard to executive "ceilings" on personnel levels—
>
> (e) The Secretary and OMB authorize all HUD area offices to increase their counseling and credit review staffs for the purpose of screening and counseling applications for home mortgage insurance under all HUD homeownership programs, not only applications for 235 home ownership assistance. Preferably HUD area offices should develop "in-house" counseling capabilities rather

> than rely on outside agencies for this purpose and should coordinate the activities of the counseling, appraisal, and credit review divisions within the area office to insure that home purchasers have the capability to pay for and maintain the homes they purchase.

Mr. President, I concur in this recommendation. I believe the overwhelming majority of the members of this body support the concept of counseling programs for families purchasing homes under our interest subsidy programs. I know the members of the Senate Appropriations Committee do. The report accompanying the HUD appropriations bill states:

> As the Housing Assistance Programs grow, the Committee recognizes that various counseling needs may expand. Therefore individuals of low and moderate income have a need for counseling in budget and debt management and in other responsibilities of home ownership. In addition, Housing Assistance recipients who are in default on their mortgages often can be assisted through counseling.

It is a fact, Mr. President, that no one opposes homeownership counseling programs. From the day I first proposed establishing the National Home Ownership Foundation to promote homeownership among low and moderate income families I have never heard anyone call into question the necessity for and efficacy of both pre- and post-purchase counseling. It is my firm belief that if the authorized programs had been fully and aggressively implemented from the outset, many of the problems we are witnessing today with our housing programs would have been avoided. It is regrettable that the NHOF which was to take the lead in encouraging these programs never was funded.

I do not believe that the Department of Housing and Urban Development opposes counseling programs. The Department's own auditors, as I have noted on several occasions, have made a strong case for a more fully developed program. Moreover, Secretary Romney frequently has pointed out, with considerable pride, what the Department is doing in the way of signing agreements for voluntary, unpaid programs as well as establishing research and demonstration projects in a number of cities.

But this is simply not enough. The time has come for the implementation of a permanent, inhouse counseling program as authorized by Congress in 1968. No reason exists for further procrastination. I trust that the Department of Housing and Urban Development will come forward with a creative proposal and that Congress will respond by providing all the necessary funds.

CAPTIVE NATIONS WEEK

Mr. BEALL. Mr. President, during this week, July 16 through 22, we in America solemnly mark a most meaningful occasion. Pursuant to Public Law 86–90, which Congress unanimously passed in 1959, the third week of July is known as Captive Nations Week. I join with many of my Senate colleagues in recognizing this significant week.

During the last few months, we have seen continued evidence of the unconquerable drive for freedom that the peoples of the captive nations throughout the world still nurture, in spite of years dictatorial suppression. The constant efforts of Soviet Jews to emigrate from the U.S.S.R., the massive cultural repressions in the Ukraine and other parts of the Soviet Union, and the recent riots in Lithuania, serve to clearly document the repression of the human spirit that is so much a way of life in these nations. Each day, 100 million people in 27 countries live under the shadow of tryanny, encouraged only by the hope that the free peoples of the world notice their plight and champion their cause.

We in this country, a bastion of human freedom and dignity, must not let this flame of hope flicker and die. We must not relax our efforts in behalf of the citizens of the captive nations until their thirst for liberty is quenched.

During this Captive Nations Week, I ask all of us in this body and all in this country not to forget those who live without the privileges of freedom that we so often take for granted. But beyond that, let us carry forward the principles of Captive Nations Week not just for a few days, but for the whole year. We are the focal point of those millions who live in suppressed societies. We must not forget them.

TRIBUTE TO AHEPA

Mr. GAMBRELL. Mr. President, we are celebrating this year throughout the United States the 50th anniversary of the American Hellenic Educational Progressive Association, known as AHEPA.

This association was founded on July 26, 1922 in my home city of Atlanta, Ga., and since then has grown to encompass 430 local chapters in 49 States, Australia, and Canada.

The mother lodge in Atlanta has 2,500 members with many others participating in related AHEPA activities such as the Daughters of Penelope, the Sons of Pericles and the Maids of Athena. Two other AHEPA lodges in Georgia, one in Savannah and one in Augusta, boast a combined membership of over 1,000. A list of local, district, and national officers of AHEPA, residing in Georgia is attached to this statement.

This association is dedicated to the encouragement of respect and loyalty to the United States and the responsibilities which U.S. citizenship implies. It seeks to promote understanding and appreciation of education and culture, especially Hellenic culture and the ideals of Hellenism.

Finally, AHEPA has been a lifeline of assistance to those victims of natural disasters, of wars, and of disease throughout the world.

I join my fellow Senators in congratulating AHEPA on its 50th anniversary.

I ask unanimous consent that a list of AHEPA officers be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Georgia

LOCAL CHAPTER OFFICERS

Augustus N. Parkes, President, Augusta.
Anest Vlachos, Vice President, Augusta.
George C. Nicholson, Secretary, Augusta.
Spyros J. Dalis, Treasurer, Augusta.
George T. Alexander, President, Atlanta.
James A. Alexander, Vice President, Atlanta.
George Moore, Secretary, Atlanta.
James Caras, Treasurer, Atlanta.
Charles Masterpolis, President, Savannah.
Harry G. Andris, Vice President, Savannah.
John Drakulis, Secretary, Savannah.
Chris P. Thomas, Treasurer, Savannah.

CURRENT NATIONAL OFFICERS

Nicholas D. Chotas, Ahepa Mother Lodge, Atlanta.
James Campbell, Ahepa Mother Lodge, Atlanta.
Harry Angelopoulos, Ahepa Mother Lodge, Atlanta.

CURRENT DISTRICT LODGE OFFICERS

Peter Rumanes, Advisor, Atlanta.

PAST NATIONAL OFFICERS

Charles A. Alexander, Past Supreme Lodge, Atlanta.
George J. Cotsakis, Past Supreme Lodge, Atlanta.

LEGISLATIVE RESOLUTION REGARDING VOTING RIGHTS ACT

Mr. THURMOND. Mr. President, the South Carolina House of Representatives, with the Senate concurring, recently enacted a resolution memorializing the Congress of the United States to take South Carolina from under the Voting Rights Act of 1965. The resolution also requests that the Justice Department retain jurisdiction of South Carolina's election laws in order to hear complaints concerning them.

Mr. President, as the resolution points out, it was almost impossible for South Carolina to vote over 50 percent of the registered electors in the 1964 general election because the registration books were cluttered with the names of many persons who had died or moved away. Since that time South Carolina has put into operation a central voter registration system in order to purge effectively the registration books.

South Carolina has acted in good faith to insure that all those who qualify to vote may be registered. Mr. President, it is time this blatantly political law, written to include those States which gave their electoral votes to Senator Goldwater, be repealed.

Mr. President, on behalf of Senator Hollings and myself I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

H. 3649

A concurrent resolution requesting the Attorney General to take such action as is necessary to take South Carolina from under the provisions of the Voting Rights Act of 1965

Whereas, the Voting Rights Act of 1965 has created differing standards in the few states to which it was infamously applied from those in all other states; and

Whereas, had the central voter registration system of this State been in effect for the 1964 general election process many officials in South Carolina are of the opinion that the 1965 Act, as it was written, would not have applied to South Carolina; that this conclusion is based on the fact that registration lists at that time were about eight years old and contained the names of many deceased persons, persons convicted of disqualifying crimes, persons who had moved from their precincts, a good number of whom were re-registered elsewhere in the State without surrendering their old certificates; that because there was no effective purge of the registration books it was almost mathematically impossible to vote over fifty per cent of the registered electors; and

Whereas, South Carolina has demonstrated that it is no longer necessary for it to be under the provisions of this act; and

Whereas, the General Assembly is desirous of having the Attorney General and each member of the South Carolina Congressional Delegation take all necessary action to take South Carolina from under the provisions of the 1965 Act but for the Justice Department to retain jurisdiction relating to South Carolina's Election Laws in order to hear complaints or any other grievances concerning the election laws of South Carolina.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring: That the Attorney General and each member of the South Carolina Congressional Delegation are requested to take such action as necessary to take South Carolina from under the Voting Rights Act of 1965 but the Justice Department is requested to retain jurisdiction relating to South Carolina's Election Laws in order to hear complaints or any other grievances concerning the election laws of South Carolina.

Be it further resolved that a copy of this resolution be forwarded to the Attorney General and each member of the South Carolina Congressional Delegation.

RADIO PERSONALITIES FRANK HARDEN AND JACKSON WEAVER, OF WMAL, AND ED WALKER AND WILLARD SCOTT, OF WRC, SHOW POSITIVE COMMITMENT TO VETERANS' EMPLOYMENT

Mr. BEALL. Mr. President, as a strong advocate of efforts to secure jobs for returning veterans, I am always heartened to learn of others who recognize this problem and seek to contribute to its solution. It is particularly encouraging to see those who carry the important responsibility and potential impact of the mass media exert their influence to make the public more aware of this situation.

Such is the case, I am proud to say, in Washington, D.C. Two teams of radio personalities, Frank Harden and Jackson Weaver, of WMAL's morning "Harden and Weaver Show," and Ed Walker and Willard Scott, the "Joy Boys" of afternoon radio on WRC, each day interrupt their entertaining antics to spotlight a separate veteran and his employment background and desires. Potential employees are urged to contact Mr. Charles Waters, Washington's job representative, with possible job openings they might have available. All indications show that the efforts of these publice-spirited announcers have been most successful, due no doubt in part to large audiences these shows attract.

I commend these men and their stations for this positive commitment to veterans' employment. So that Senators may have the opportunity to read of this fine project, I ask unanimous consent that the article entitled "Top Washington, D.C., Radio Programs Highlight Vet Job-Seekers to Commuters," published in the JFV Report of June 1972, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Top Washington, D.C. Radio Programs Highlight Vet Job-Seekers to Commuters

Commuters in the Washington, D.C. metropolitan area are hearing about Jobs for Veterans, coming and going.

Thanks to a pair or mirthful radio duos, notices about local job-seeking veterans are broadcast each weekday to large listening audiences when morning and afternoon rush hour traffic is at its peak. Carrying the a.m. messages is the team of Frank Harden and Jackson Weaver on WMAL's "Harden and Weaver Show." Ed Walker and Willard Scott, the zany "Joy Boys" on WRC, provide the veterans' announcements during homeward-bound periods. Both programs are considered to attract the bulk of listening audiences during their respective air times.

Charles Waters, Washington's National Alliance of Businessmen Veterans Job Representative, supplies the radio teams with five profiles every week. Each spotlights a separate veteran and lists his background, job qualifications, and employment desires. Employers are encouraged to contact Mr. Waters with possible job openings for a particular veteran or any other employment listings they may have available.

Since Harden and Weaver began broadcasting the morning veterans spots in March, Mr. Waters says the announcements have resulted in 228 job pledges and added 85 new companies to NAB's roll of potential employers. Statistics from the WRC afternoon ads are not yet available because Jobs for Veterans spots are a very recent innovation to the "Joy Boys" program. Mr. Waters says, however, he is expecting similar success due to the show's large following.

DECLARATION OF DEPENDENCE ON THE LIVING GOD, BY THE BIBLE BAPTIST CHURCH, SAVANNAH, GA.

Mr. GAMBRELL. Mr. President, I had the occasion on Sunday, July 2, 1972, to speak from the pulpit of the Bible Baptist Church in Savannah, Ga., in connection with their Independence Day services and celebration, preceding Tuesday, July 4. The Bible Baptist Church in Savannah, through the dedicated ministry being conducted by its pastor, staff, and members, has become one of the 10 fastest growing churches in the United States. The church is now 16 years old, and on July 4, 1976, it will celebrate its 20th anniversary, concurrently with the 200th anniversary of the proclamation of the American Declaration of Independence.

In order to rededicate themselves to their ministry, and to the principles and commitments of fundamental Christianity, members of this church have adopted, and by the thousands are signing the "Declaration of Dependence on the Living God."

May I say that the religious commitment, the patriotism, and the hospitality extended to my wife and myself, on the occasion of our visit was an inspiration to us. In these times of economic materialism, and moral permissiveness, it is heartening to find a dedicated group of Americans still are intensely committed to God and country.

I ask unanimous consent that their Declaration of Dependence on the Living God be printed in the Record.

There being no objection, the Declaration was ordered to be printed in the Record, as follows:

A Declaration of Dependence on the Living God

On July 4, 1976, the United States will celebrate its 200th anniversary as a nation. The leaders of our government in 1776 made the United States a reality by drafting and signing the Declaration of Independence. This nation was founded upon Christian principles by the pilgrims and others who came seeking freedom. Our founding fathers penned the words, "In God We Trust." In the best tradition, example and challenge of this spirit, we, the pastor, people and staff of the Bible Baptist Church, Savannah, Georgia, do hereby pledge and desire to carry out the command of the Lord Jesus Christ in the great commission by setting our determination to accomplish the following goals by July 4, 1976, the 200th anniversary of our nation and the 20th anniversary of our church, which goals Declare our Dependence on the living God.

Article one: To baptize 4,000 people in the next four years, attempting to get each person to become a working dedicated Christian in the Bible Baptist Church.

Article two: To build a New Testament Church according to the pattern of Scripture in discipline, doctrine, practice and outreach, trusting God to use the example of Bible Baptist Church to motivate others to the same function that a New Testament church should have.

Article three: To build the largest Sunday school in the southeastern United States as a testimony to the effectiveness of fundamental Christianity.

Article four: To provide $500,000 for missions in the next four years to carry the gospel around the world.

Article five: To graduate hundreds of young people from the Bible Baptist Day School with disciplined minds, trained hands and tender hearts who will be effective Christians.

Article six: To provide complete and continious Biblical ministry to the family, aiming at producing 1,000 families in Savannah that attend church together, have a family altar together and serve God together.

Article seven: To pray and plan for an enlarged Sunday school bus ministry, transporting 2,000 to Sunday school each Sunday.

Article eight: To work toward a Sunday school goal of 25,000 on July 4, 1976, on which 5,000 would be teenagers.

Article nine: To follow the Biblical pattern of stewardship taught in Scripture, aiming at a total budget of $1,500,000 by 1976 and 4,000 pledge tithers in the next four years.

Article ten: To intensify our efforts to minister to the handicapped, the retarded, the poor and the oppressed.

Article eleven: To produce 1,000 soul winners who are trained, motivated and organized to carry out the great commission, as Jesus Christ commanded, beginning at Jerusalem, which to us, is Savannah, Georgia.

THE MOSCOW AGREEMENTS

Mr. COOPER. Mr. President, the Foreign Relations Committee today held a hearing on the Treaty on the Limitation of Antiballistic Missile Systems and the interim agreement on strategic offensive arms, and on the military weapons implications of the treaty and agreement. Dr. Richard Garwin of Columbia University and the IBM Watson Laboratory, Dr. Marvin Goldberger, chairman of the Department of Physics, Princeton University, and Dr. Wolfgang Panofsky, director of the Stanford Linear Accelerator testified at the request of the committee.

The Senate will soon consider the SALT ABM treaty, the Interim Offensive Agreement, and the military procurement authorization bill which bears on the SALT treaty and agreements. The testimony of Dr. Panofsky, Dr. Garvin, and Dr. Goldberger, in my view, would be helpful to all Senators in their consideration of the treaty, interim agreement, and the military procurement authorization bill. Because of the outstanding quality of the testimony by these three distinguished scientists who have long served the security interests of this Nation, I ask unanimous consent that the texts of their prepared statements be placed in the Record at the conclusion of my remarks.

There being no objection, the statements were ordered to be printed in the Record, as follows:

THE MOSCOW AGREEMENTS TO LIMIT STRATEGIC ARMS—TESTIMONY OF WOLFGANG K. H. PANOFSKY

I am pleased to have the opportunity of testifying before this committee in support of ratification of the Treaty signed May 26, 1972, at Moscow on the Limitation of Anti-Ballistic Missile Systems and in support of approval of the Interim Agreement signed at the same time dealing with limitations of strategic offensive arms. I am testifying as a private citizen who in the past and at present has served in various consultative capacities to branches of the U.S. Government and who has a continuing interest in strategic matters in general, and in arms control in particular.

The Moscow agreements can constitute the largest advance in the control of arms which the world has as yet seen; it is essential that actions subsequent to the treaty and its ratification shall make fullest use of the unique opportunities these agreements could bring to reverse the arms race between the United States and the Soviet Union. This race is dangerous, is wasteful of our resources, and in my view is one of the real tragedies of the post war era.

There are many items in the Moscow agreements which are *precedent-setting*. Let me enumerate a few of these; obviously time does not permit here a complete analysis of the agreements.

1. *The treaty is equivalent to a joint declaration that mutual deterrence is the strategic policy of both the U.S. and U.S.S.R. and implicitly denies the usefulness of a nuclear war-fighting strategy.* It is explicitly stated in Article I that the parties will not deploy an ABM system for the "defense of the territory" of each country. This means that both nations agree not to adopt a "damage-limiting" strategy which would attempt to reduce the impact of nuclear war to each country. Once a nuclear war-fighting strategy at various levels of intensity is given up as a realistic objective of national policy there should be no need for either side to develop and deploy any nuclear strategic offensive weapons beyond those needed for deterring the other side from a first-strike attack or from a preemptive strike in case of crisis.

2. *The agreed prohibition of effective ABM defenses implies that each offensive strategic missile in the U.S. arsenal has a larger deterrent value.* The over-all deterrent value of the U.S. arsenal is enhanced above that before signature of the Moscow treaty; therefore signature of the SALT treaty implies a reduction in the required level of armaments relative to that justifiable before the SALT agreement was signed.

3. *We have agreed with the Soviets not to interfere with legal "national means of verification" presumably including data collection from satellite platforms.* This is an important agreement which attests to the fact that technology in general, and satellites in particular, have made this a more open world.

4. *The SALT treaty enters into technical matters of considerable detail.* It would have been considered impossible until a relatively short time ago to negotiate with our ideological opponents in as much technical detail as has been possible at SALT. As a result, some of the restraints agreed upon (such as limitations on the product of permitted radiated power and aperture for a radar) are quite detailed.

5. *The Moscow Treaty contains many important restraints on the growth of military technology.* The treaty not only forbids *deployment* of ABM systems in excess of the numbers and sizes of radar specified, but it also precludes such items as *testing* of air defense systems in an ABM mode, and prevents deployment of ABM systems using physical principles different from those now employed. Thus the treaty begins to demonstrate to the world man's willingness to control the growth of technology in directions which are considered undesirable to the overriding interests of humanity.

Technical products evolve through a long chain starting from new results in basic research (i.e. research not motivated by applications but by man's fundamental curiosity about the functioning of nature) and leading on through development, test and, finally, production and deployment. Table I illustrates this chain as it relates to the Moscow accords. The table indicates that the Moscow ABM treaty has applied some highly meaningful controls deep in the "technological chain" in order to prevent emergence of a clandestinely developed ABM system. You will note, however, from the table that the Interim Agreement on *offensive* missiles lags notably in terms of any constraints on qualitative evolution of military offensive strategic hardware; this is a defect which I hope will be remedied in the negotiations to follows.

The previous paragraphs describe what I believe to be the most important policy precedents achieved by the Moscow agreements, quite apart from their specific content. In place of a more complete analysis of the agreement themselves I have tried to summarize in Tables II and III some of the pros and cons of the Treaty and Interium Agreement from the point of view of the U.S. interest. These tables, which include the precedent-setting items enumerated above, contain three categories: (1) those items clearly enhancing the security of both nations; (2) those items in which the Soviets apparently enjoy an advantage; and (3) those items in which the U.S. apparently has benefited.

It is clear from these tables that the items agreed to which enhance the security of *both* countries and which should do so at lower cost to each, greatly dominate this summary. This is as it should be, since an arms control agreement can only achieve a durable objective if *both* parties believe they have gained in security. This observation contrasts with much of the debate which has been carried out before this committee and in the Press, which has focused largely on the question as to which side has gained from the Moscow agreements at the expense of the other. The truth of the matter is that the Moscow agreements have increased the security of *both* parties, and that a debate which tries to represent an arms control accord as a tug of war between opposing parties grossly misrepresents the situation. Table III contains items which appear to favor—and may indeed favor—either the USA or the USSR, but these items are reasonably well balanced against each other. A principal achievement of the SALT agreements has been stabilization on a very broad front of the strategic balance between the two countries; therefore small shifts in favor of either side should not obscure the basic truth of the strategic situation of the U.S. vis-a-vis the USSR: *Neither side can have the least hope of delivering a first strike against the other that would be sufficiently devastating to escape destruction of its own society in retaliation.*

On the surface, the much-publicized numbers which constitute the interim freeze on the number of offensive missile launchers provided for by the Interim Agreement appear to be in favor of the USSR. However, it should be recognized that there are many items not covered by the Interim Agreement; in particular the fact that the U.S. is in a position of leadership in the number of deliverable warheads and in numbers of strategic aircraft; *such leadership cannot reasonably be erased during the period in which a follow-on agreement must be negotiated.* In addition, the Interim Agreement on offensive missiles has achieved one goal that strongly favors the USA: The agreement halts those items of Soviet offensive deployment (construction of land-based missile silos and of missile carrying submarines) in which the Soviets currently have a very vigorous ongoing program, but it places no constraints on those programs with which the United States is actively proceeding (deployment of MIRV's and other upgrading measures of the U.S. strategic forces). Therefore within its limited scope the Interim Agreement is a well-balanced measure.

I consider the counting of missiles and warheads and the weighing of megatonnage to be a very naive means of assessing strategic standing. There are many other important factors such as differences in geography and qualitative performance and sophistication of the strategic forces which contribute to the over-all balance. However the single most important fact is that in the absence of meaningful ABM defenses of their territories each nation is now *vastly over-armed* for its primary mission of deterring an attack by the other.

No precise figures can be given as to what the minimum level of armament must be to deter the other from a first strike attack. "Deterrence," after all, is not a measurable physical condition but is a state of mind based on many factors other than sheer level of armaments. Many of those who talk about deterrence tend to lose sight of the enormity of the forces now at the command of the two super-powers and of the literally unimaginable destruction that these existing weapons can wreak. Debates about "sufficiency" of nuclear armament tend to become a political game of numbers rather than a consideration of the physical violence that these tools of mass destruction imply. Since, happily, nuclear weapons have not been used in anger since Hiroshima and Nagasaki, few of the current decision makers of either the United States or the Soviet Union have any firsthand experience with the use of these weapons; it is just this inexperience which tends to lend an unjustified abstractness to the debate. Let me remind this committee again about the incredible lethality of the threat to the future of civilization which the world's nuclear arsenal implies.

Here is a picture of the devastation brought to Nagasaki by a single weapon of approximately 20 kiloton TNT equivalent explosive power. Today, the Captain of a single Poseidon submarine has at his command roughly 150 nuclear weapons, each independently targetable, and each exceeding in explosive power that of the bomb delivered to Nagasaki! Multiply this by the number of submarines and add in the additional striking power available through land-based missiles and strategic bombers, and the result is a degree of devastation beyond any human comprehension.

It is all too easy for military strategists to ignore those horrors in their preoccupation with the numbers of casualties and weapons needed for deterrence. Moreover, all strategic calculations tend to estimate casualties only through what is known as "prompt" effects, that is the death and injury caused by the blast of a nuclear weapon and its immediate radiation effects; usually not even fallout is included in the damage prediction. What is totally ignored is the aftermath of a nuclear exchange: Fire, disease, lack of medical care, destruction or inaccessibility of food supplies, disorganization, unbalance of ecological chains, etc. Therefore chances are that eventual casualties resulting from nuclear war are very much higher than those generally used by Executive branch decision makers, or presented by strategic analysts to legislative committees. I therefore tend to agree with the opinion expressed by McGeorge Bundy in 1969 that any policy leading to the delivery of only a single nuclear weapon would be considered to be a catastrophic blunder and that the delivery of even a small number of nuclear devices would be a disaster of the first magnitude in the history of the world. In contrast those who plead for additional nuclear armament demand potential deaths in the many tens of millions, calculated naively as "prompt" fatalities, as a basis of "sufficiency" of our deterrent forces!

This brings me to the last part of my testimony which is the relationship of arms control measures in general, and the Moscow agreement in particular, to the level of military expenditures in those areas affected by the arms control agreement. Let me flag again three items which represent the cardinal achievements of the Moscow agreements.

1. *Each missile in the U.S. arsenal has a higher deterrent value as a result of the Moscow agreements than it had before as a result of the Treaty constraints on ABM.*

2. *The declaration in Article I of the Moscow Treaty that each nation will forego defense of its territory is equivalent to accepting a policy of mutual deterrence as the primary mission for its strategic forces; both the U.S. and the Soviet Union are now vastly over-armed for that mission.*

3. *The balance of terror implied by the strategy of mutual deterrence is very insensitive to even considerable changes in the current strategic armaments of both sides.*

Considering these circumstances it is contrary to all reason to use the Moscow Agreements as an argument for more and not less strategic weaponry. The conclusion that the SALT agreements have decreased the need for offensive weaponry is clearly substantiated on *technical* grounds. The only question that remains is whether one can justify further escalation of strategic weapons expenditures on a *political* basis, that is by the socalled "bargaining chip" argument applied to the forthcoming round of SALT.

It is indeed true that in spite of the far-reaching achievements of the Moscow agreements of May 26 a great deal remains to be done. Table IV lists some of the elements of the strategic arms race which remain unconstrained by SALT–I and which, unless controlled, might well in time negate much of what has been accomplished. In particular *qualitative* improvements of strategic missiles (be they through further additions of MIRV, through improvements in accuracy, or through other measures) could in time erode the significance of the limitation on offensive arms imposed by the Interim Agreement. However I would like to point out that the limitations of the ABM treaty will continue to stabilize the strategic balance and thus reduce the requiremens for offensive strategic armament, irrespective of the success of a follow-on agreement.

Control of some, if not all of the items listed in Table IV constitutes an ambitious agenda for the next round of SALT. Priority should be given to converting the Interim Agreement to a comprehensive limit on offensive strategic weapons, including both *numerical and qualitative constraints*. Moreover, in view of the vast excess of present armament, considering the openness of the population guaranteed by SALT–I, both nations should be able to negotiate reductions of strategic arms and so demonstrate to the rest of the world their commitment toward a saner policy.

The argument has been put forth that in order to lend urgency to these future negotiations the U.S. must *accelerate* its arms expenditures. To put it bluntly, the existence of these follow-on negotiations is being proclaimed by DOD spokesmen as a justification for strategic arms expenditures which under the ordinary budgetary process and Congressional review could not be justified.

I believe that this kind of argument is a mockery of the basic purpose of arms control, which is to achieve higher security at lower cost. Whether arms control negotiations are in progress or not, each country has to make decisions on its military expenditures taking into account both its internal priorities and its external security problems. What are the alternatives? One possibility would be for our nation to proceed with a policy of restraint, that is by cutting back military expenditures, taking into account the arms control agreement reached in the past, and demonstrating faith that arms control discussions of the future will achieve further constraints on the arms race. A second alternative might be to proceed on the basis of "business as usual"—ignoring the possibility of future arms control by making the "prudent" assumption that the discussions may fail. A third alternative is the "bargaining chip" or the "negotiation from strength" approach which means to buy more military strength in order to be able to give some of it away in the negotiations. Yet the result may be the opposite: The negotiating opponent may not propose that the "bargaining chip" be given up; rather he may demand an equal augmentation in armament.

Let me consider the lessons which can be learned from the history of U.S. and Soviet ABM deployments that culminated in the Moscow Treaty. The Soviets have deployed an ABM system around Moscow containing 64 "Galosh" type ABM interceptors; this system was built after several false starts and it is now agreed that it offers negligible resistance to the penetration of U.S. missiles targeted against Moscow. The U.S. Administration proposed the multiple purpose Safeguard ABM system for authorization to the Congress; this system was designed both to support an "area defense" mission and to provide for the defense of the Minuteman and strategic bomber deterrent forces. After receiving severe technical criticism of the system, the Congress denied authorization for the area defense component of Safeguard (which is now also prohibited by the Moscow Treaty) but in successive years it authorized deployment around three Minuteman sites. When the technical critics testified persuasively as to the exceedingly low effectiveness of the resulting Minuteman defense in relation to its cost, the Administration used the "bargaining chip" argument in support of authorization.

I cannot conclusively testify as to Soviet reaction to this deployment decision; although they must have been fully aware of the low effectiveness of the system they may well have been concerned about the future growth of Safeguard into a more comprehensive system. At any rate, as a consequence of the Moscow deployment and of the 80% completion of the Safeguard installation at Grand Forks, North Dakota, the SALT negotiations converged on an agreement which, to reflect the strategic parity between the two powers, permitted each side to copy the wasteful mistake made by the other: The agreement permits the U.S. to match the admittedly ineffective defense of Moscow as a defense of Washington, D.C. and it also permits the Soviets to imitate the Grand Forks Safeguard installation by protecting an equivalent force of missile silos east of the Ural Mountains. Thus our "bargaining chip" has resulted in an arms control agreement permitting (but not requiring!) some very ineffective but very expensive ABM installations on both sides.

The achievements of SALT–I have created an unparalleled opportunity to exercise some restraint in military expenditures and still meet the needs of national security. Contrary to some public statements I am aware of no evidence that in response to the Moscow agreements, the Soviets are accelerating their strategic military activity in order to divert and intensify their preparations into those directions not as yet constrained by the agreements. SALT–I gives us some time to watch what the Soviets will in fact do subsequent to the agreements and then to respond ourselves. Because of the very broad range of strategic stability reached by the elimination of meaningful ABM defenses there is no necessity for as high a rate of expenditure in anticipation of unseen threats as we sustained in the past. We must not confuse the weapons *permitted* under the Moscow Agreement with a *mandate to proceed* toward their procurement and deployment.

This testimony deals primarily with the merits of the Moscow strategic agreements, not with a detailed analysis of the strategic weapons authorization request of the DOD. I would, however, suggest that in view of the foregoing the Senate recognize that *technically* the agreements must necessarily lead to *lessened* strategic requirements and that the prospects for negotiation of a follow-on agreement to replace the Interim accords should not justify military expenditures which are otherwise not needed. On the contrary, the increased strategic stability achieved by the accords provides a safe opportunity for restraint in strategic military spending. For all these reasons I recommend that the Congress examine most critically the technical justification for such items as the accelerated programs for the Trident submarine and the B–1 strategic bomber, as well as the need for the ABM defense of Washington. I hope that the Congress will not support further escalation of the strategic arms race justified by proposed negotiating tactics rather than by fully demonstrated strategic need.

I consider the Moscow strategic accords to be a precedent-setting event which enhances the security of both the United States and the Soviet Union, and thus of the world. At the same time, it enhances the opportunity for *both* countries to shift their priorities from oppressive military expenditures to urgent civilian needs. I recommend that the Senate speedily ratify the treaty and that the Congress approve the Interim Agreement. I also hope that the Congress will be able to use the strategic agreements as a basis for increased dedication to the solution of the many pressing civilian problems at home and abroad.

TABLE I.—CONSTRAINTS ON ABM TECHNOLOGY, DEPLOYMENT, AND TRANSFER IMPOSED BY THE MAY 26, 1972 TREATY AND IMPOSED ON OFFENSIVE MISSILES BY THE INTERIM AGREEMENT

Basic research	Research applied to identified technologies	Development	Test	Production	Deployment	Transfer
		No ABM multiple warheads. No ABM reload or refiring. No adaptation of non-ABM systems to ABM use. No development of seabased, airbased, spacebased or mobile ABM.	Agreed test ranges, limits on launchers at test ranges. No test of ABM multiple warheads, or reload capable launchers. No testing of the non-ABM systems in an ABM role. No test of sea, air or space-based ABM or mobile ABM systems.	----------	ABM launchers limited in numbers and locations. Radar constraints. No ABM capabilities to be given to non-ABM systems. No ABM reload-capable launchers. No ABM multiple warheads. ABM system based no new physical principles not to be deployed. No deployment of sea, air or space-based ABM or mobile ABM system. No new starts of specified categories of land-based missiles and numerical limits on sea-based missile launchers. Limits on certain physical dimensions.	No transfer of ABM systems or components to other states.

TABLE II.—Some items in the agreements of May 26, 1972, of security benefit to both the United States and U.S.S.R.

a. ABM limits increase deterrent value of each offensive missile. Thus both nations can attain more deterrence at less cost.

b. Agreement on "no defense of the territory of each country" signals that mutual deterrence of attack is an agreed strategic policy and that the populations of *both* countries are "hostages for peace." Under these conditions peaceful coexistence is a necessity.

c. The momentum of the *offensive* arms race is reduced (but not halted!); an obligation is assumed to seek a halt and a reversal to the race through future agreements.

d. "New technology" ABM is prevented from deployment.

e. The world is a more open place since surveillance of satellites (national legal technical means of verification) is protected.

f. Future reduction of offensive weapons can be undertaken without impairing strategic stability.

g. A consultative commission to monitor compliance is established.

TABLE III.—Some items in the agreements of May 26, 1972, which might be considered to favor either the United States or the U.S.S.R.

IN FAVOR OF UNITED STATES

Momentum of that program in which the USA is active (MIRV's) is continuing, while momentum of that program in which USSR is active (Missile and Submarine Building) is arrested.

U.S. has *technical* superiority in many aspects of strategic submarines and has better access to ocean areas.

U.S. has numerical superiority in strategic bombers and numbers of warheads.

IN FAVOR OF U.S.S.R.

Freeze occurs at a larger number and size of USSR ICBM's and greater total megatonnage of all offensive systems combined.

Freeze occurs at a somewhat larger number of Soviet launch tubes on submarines.

TABLE IV.—Items of importance to the strategic arms race not controlled by the Moscow Treaty or interim agreement of May 26, 1972.

a. Strategic bombers.

b. *Qualitative* improvements through one-for-one replacement by better models.

c. Almost all strategic military Research, Development and Test.

d. MIRV.

e. Nuclear weapons improvements.

f. Production (in contrast to deployment) of hardware for strategic military offensive systems.

g. Anti-submarine warfare.

PREPARED TESTIMONY OF RICHARD L. GARWIN

I am honored by the Committee's request for my testimony in regard to the Strategic Arms Limitation Agreements now before the Senate, and I am pleased to have this opportunity to comment. The Committee surely recognizes that I can add very little to the excellent factual presentations which have been made by Ambassador Smith and others, and to the highly informative White House briefing by President Nixon and Dr. Kissinger on June 15, 1972. Furthermore, it must be recognized that I speak for myself alone in making these remarks. I hope that my views may be of some help to you.

Since 1950, I have been involved extensively in technical contributions to offensive and defensive strategic arms. Since that year, a substantial part of my time has been spent in helping to understand and to provide the background for policy decisions in the national security area. In particular, I have contributed extensively to the design of nuclear and thermonuclear weapons; to the command and control of such weapons; to the strategic air defense of the United States; to the formulation of various possible systems for antiballistic missile defense; to studies of arms control agreements, such as the Limited Nuclear Weapons Test Ban, and to agreements such as those which are now before the Congress.

My recent involvement with the government has included membership in the President's Science Advisory Committee from 1962 to 1965 and again from 1969 to the present time; membership in the Defense Science Board (advisory to the Secretary of Defense) 1966 to 1969; membership and chairmanship of several military panels of the President's Science Advisory Committee over these years; and the chairing of panels for the Defense Department and for other agencies in the national security area. In particular, it has been reported to the Congress by responsible officials that I chaired the Military Aircraft Panel and the Anti-Submarine Warfare Panel of the PSAC. Over the years, I have had deep and intimate contact with both strategic and tactical weapons programs, with the responsibility of assessing our technology in these specific areas in view of the potential and the capabilities of our possible adversaries. Another aspect of my task at various times was to assess the current military capability of certain of our forces. I have recommended at times that certain development or production programs be initiated or expedited, and I have judged at times that certain programs should be canceled or redirected.

I appear before you as an advocate of strong and real military capability, with substantial experience in observing programs through their life cycle from formulation through cancellation or deployment and obsolescence. I am quite conversant also with the opportunities and mechanisms of negotiation as a powerful tool for the enhancement of national security and the achievement of our national goals.

THE STRATEGIC ARMS LIMITATION AGREEMENTS

The Senate has before it for its action the ABM Treaty, the Interim Agreement on Offensive Weapons, and the associated Protocol, signed May 26, 1972. These were transmitted to the Senate June 13, together with twelve agreed interpretations initialed by the heads of the delegations on May 26, 1972, six common understandings, and eight unilateral statements. These supplementary statements amplify and in most cases extend the coverage of the agreements. The formal documents are models of brevity.

I regard these agreements as a historic achievement. They are indeed a step toward more complete limitation of strategic arms, but the limitations which they impose are of enormous significance in themselves. I do not suggest that the agreements coincide in every respect with those I would have advocated, but I believe they result in greater overall progress than I thought possible in arms limitation by this date.

For more than a decade the destruction of the US by the Soviet Union, or vice versa, has been prevented not by the traditional aspects of defense (i.e., a shield against the striking force) but by the certainty that each side possessed a thermonuclear force sufficiently numerous and survivable that it could be used in return to destroy the initiator of strategic warfare. During the decade, measures were taken on both sides to render the offensive forces more survivable and more controllable, so that this posture of mutual deterrence, apparently acceptable (even unavoidable) at any given time, could not be stolen or destabilized by sudden unilateral action on the other side. The technical possibility most destabilizing would have been a deployed defense against ballistic missiles (ABM), which it was felt by some could be developed and proliferated to ward off and hence to negate the reentry vehicles and warheads of the land-based ICBM force and of the submarine-launched ballistic missiles.

Of course, deterrence would still exist if the bombers could survive to take off and to penetrate to their targets. Although costly and heavy air defenses were deployed on both sides, it is clear that the present bombers on either side can penetrate. Furthermore, any ABM system which has thus far been proposed in detail has had no capability to prevent the overwhelming penetration by the ballistic missile forces of the other side. Still, the uncertainty as to the future possibility of ABM of some unknown type was an impetus for proliferation and improvement programs of the offensive forces, such as multiple reentry vehicles (MRV), multiple independently targeted reentry vehicles (MIRV), retention of bomber-delivered weapons, etc.

The other perceived threat to the stable deterrent was the possibility of destruction before launch. The public and even official circles often confused some eventual possibility of prelaunch vulnerability of the land-based ICBM with an overall destruction before launch of the offensive forces, although no combination of enemy ICBM warhead yield and accuracy can threaten the survivability of the bombers or of the submarine-launched missiles. The first are protected by their ability to be launched on detection of ICBM firing, and the second by the other side's ignorance of their specific location. This confusion was exploited by various individuals and groups for their own reasons.

Furthermore, many wished for a world in which the shield-like defense could replace the deterrent, and in which their own nation could yield the threat of ultimate destruction of the adversary. In fact, no proposal has ever been advanced which could seriously promise to repeal the technical facts. Between the reality and grudged acceptability of deterrence on the one hand, and the will-o-the-wisp of the permanent defensive shield (against all possible types of weapons) on the other, the responsible national leaders have chosen the reality of deterrence.

Thus, the ABM Treaty promises the permanent absence of effective ABM capability, either locally or nationwide. To enforce such an important promise, it has provisions to limit systems which act like ABMs or look like ABMs. Most importantly, it recognizes the use of national technical means of verification, and it includes the undertaking not to use deliberate concealment measures nor to interfere with the national technical means of verification of the other Party. Finally, it establishes a standing consultative commission to consider various questions, including details of compliance, etc. Furthermore, the agreed interpretations further limit ABM systems and specify, among other things, that specific limitations on ABM systems based on other physical principles, and on their components, would be subject to discussion and agreement. Among the articles of the treaty, Article V is an undertaking "not to develop, test, or deploy ABM systems or components which are sea based, air based, space based, or mobile land based." It is my judgment that this treaty and the auxiliary documents provide a firm, safeguarded, and verifiable elimination of the ABM as a threat to the effectiveness of our ICBM and SLBM force.

The interim agreement on the limitation of offensive missiles, together with the Protocol and the agreed interpretations, attempt to do for a period of five years what the ABM Treaty does for an unlimited duration. They attack the other possible threat to stable deterrence—i.e., the fear of destruction of the ICBM force before launch. Remember that the SLBM force is not threatened by accuracy or numbers of the opposing offensive warheads, and the bombers can be based and managed so that they can take off before being destroyed. Thus the offensive limitations constitute a further insurance to the certainty that an entire strategic offensive force cannot be destroyed in a pre-emptive strike. As has previously been stated many times in these hearings, the interim agreement and the Protocol freeze the number of ICBMs at the number presently operational or under construction, and the number of SLBMs at the number presently under construction, the Protocol spelling out the precise numbers. The US may trade 54 of its ICBMs for new construction SLBMs on not more than three submarines, and the Soviet Union can destroy 210 ICBMs and replace them with SLBMs. I can respond to questions regarding the details of these numerical limits, but I don't want to give them undue significance.

Various individuals have made much of the discrepancy between the number of missiles allowed the two sides—

United States:		
ICBM	1,054	(1,000)
SLBM	656	(710)
U.S.S.R.:		
ICBM	1,618	(1,408)
SLBM	740	(950)

(For each nation, the numbers in parentheses give the maximum permitted number of SLBM launchers on nuclear-powered submarines and modern SLBM launchers on any submarine. To reach this number, a nation must destroy ICBMs to the level indicated by the parentheses.)

TABLE OF MISSILE FORCES

Critics have argued that the Soviet Union, by virtue of these greater numbers, has some kind of strategic advantage. These arguments ignore the realities of deterrence, the fact that an ABM Treaty effectively increases the number of our missiles five or ten years hence by some unknown but large factor in comparison with what we regarded as satisfactory in the absence of such a treaty. It ignores the strategic advantage contained in the unilateral "statement of the Soviet side" submitted to you, regarding the "strategic imbalance" in the deployment of the nuclear powered submarines of the USSR and the US. Finally, it ignores the enormous growth potential permitted us under the terms of the agreements, which would allow us to replace each Minuteman missile in its existing silo by a new missile with at least three times as many warheads as the MIRVed Minuteman III. Of course, there is no necessity to do any such thing—in the absence of an ABM agreement, we felt no compulsion and had no program to increase our ICBM offensive force at all, let alone by that amount, but this offensive agreement (which in any case is limited to a duration of five years) allows us this enormous growth.

It is difficult to recollect that in May of 1972 we had no guarantee that these SALT agreements would be signed. Admiral Moorer testified to this Committee on June 21, 1972 that the Soviet Union was deploying annually 250 ICBMs and 128 SLBMs. Considering the expiration date of the interim agreement, 1977, during this five-year period the Soviet Union, without such an agreement, and without any acceleration in their programs, could have had 1250 more ICBMs and 640 more SLBMs, all of the most modern types. Even if the interim offensive agreement were not to be followed by further advances in arms limitation, I would regard it as a very major benefit to the United States to be facing a Soviet Force in 1977 little different from that which they have now, rather than one which could be far more than twice as large. I must admit that there is one way in which the Soviet Union benefits from these agreements more than the US—by having agreed to the termination of the enormous on-going programs to which Admiral Moorer alluded, they will save tens of billions of rubles.

We should be very clear that, had the SALT agreements not been reached, there was no program under way in the Defense Department to provide a larger offensive force by 1977. The ABM agreement has now guaranteed our ICBMs and SLBMs a free ride to their targets. Compared with conservative projections of Soviet ABM capability, our penetrating missile forces are enormously increased in capability in the late 1970s. Furthermore, the ABM Treaty, which eliminates effective ABM, does not limit air defense. Thus for the indefinite future, missiles are assured of penetration, whereas our bombers face an already heavy and potentially unlimited air defense. There is no doubt that the SALT agreements make a major change in the relative values and priorities of our existing strategic forces, in the needs for development, and in the relative balance between strategic forces and others.

The benefits of the agreements will become a reality only when the treaty has been ratified by the Senate and the Congress has approved the executive agreement. Therefore, I believe that it is urgent, as the President stated on June 22: "First, the arms limitation agreements should be approved on their merits." The President goes on to say that: "After the Congress moves [in approving the ABM Treaty and also the limited, temporary, offensive limitations curb], all Congressmen and Senators—and this would, of course, concern them all—who are concerned about the security of the United States should then vote for those programs that will provide adequate offensive weapons in the areas that have been recommended by the Secretary of Defense and by the Administration." I would like to give you my views on some of these programs.

FISCAL YEAR 1973 STRATEGIC PROGRAMS

It is important to recognize that the FY-73 programs must take into account the great impact of the ABM Treaty and the offensive limitations which the leaders of the United States and the Soviet Union have signed and which the Congress will soon affirm. Proposed programs, and on-going programs, should then be evaluated in terms of their contribution to our overall stable deterrent, their cost and hence their impact on other military and non-military needs, and their impact on future arms limitations agreements. The largest and the least sensible innovation in strategic weapons programs is ULMS or TRIDENT.

It must be clearly recognized that TRIDENT is an uneasy marriage of a useful sensible program and a premature, almost purposeless program. The TRIDENT-1 missile (that is, the Poseidon C–4) is a new development missile which will fit into the existing Polaris-Poseidon submarine and which, even if deployed in small numbers, would allow these submarines to contribute to deterrence soon after they left home port. Furthermore, these new missiles would greatly increase the submarine operating area from which Polaris-Poseidon could strike deterrent targets in the Soviet Union. I believe that the TRIDENT-1 missile is a good program and should proceed at a measured pace.

The Trident submarine, on the other hand, seemed to me unjustified even in the absence of any SALT agreements. There is no threat known or on the horizon which threatens the pre-launch survivability of our submarine deterrent. In particular, a proper response to some future unexpected development in antisubmarine warfare could almost certainly be met at lower cost by new construction, slightly modified, Poseidon boats carrying the Poseidon C–4 missile. In the *presence* of the ABM Treaty and the Interim Offensive Agreement, continuation and even acceleration of the Trident submarine program seems to me to compound folly. The ABM Treaty ensures the penetration of warheads launched from Polaris or Poseidon boats. There is no need to expand our force. Furthermore, there is no reason to believe that the ICBM's will in fact become vulnerable, since it would be illogical for the Soviet Union to build an expensive capability to threaten Minuteman when it has no way of effectively threatening Poseidon, and when it will now have no ABM system to ward off those missiles which may be launched.

In regard to the Trident submarine, you will remember that the Secretary of Defense testified before the Armed Services Committee, February 15, 1972, that:

"The continuing Soviet strategic offensive force buildup, with its long term implications, convinced us that we need to undertake a major new strategic initiative. This step must signal to the Soviets and our allies that we have the will and the resources to maintain sufficient strategic forces in the face of a growing Soviet treat. It would be diplomatically and politically unacceptable for the US to allow the Soviets to achieve a large numerical superiority in both land-based and sea-based strategic missiles . . . ."

I am at a loss to understand how an ULMS program which was "needed" in the face of a Soviet rate buildup of 250 IBMs and 128 SLBMs per year continues to be needed when this rate of buildup has been reduced to zero. I believe that the Trident submarine program ought to be redirected to be an exploratory submarine survivability program, at a level of about $50 million annually.

The B–1 bomber, in view of SALT, is considerably less valuable relative to missiles than had been the case. The ABM Treaty guarantees penetration to their targets for both ICBMs and SLBMs. It does nothing for the bomber. I believe that the B–1 must be justified, if at all, for its tactical uses. For the strategic force, if one believes that bombers are indeed a necessary component (and I remain unconvinced), one could better use the SCAD (subsonic cruise armed decoy) now planned for the B–52, launched from outside the borders of the Soviet Union by cargo-type aircraft, e.g. C–141, etc. There is no hurry to replace the B–52, and the B–1 could well proceed, if at all, at a slower pace. On the other hand, the SCAD program, in its armed version (not solely a decoy) could provide additional deterrent capability from many available vehicles.

The Department of Defense has included in its strategic programs the development of a new cruise missile to be launched from submarines. It notes that the Soviet Union has cruise missiles which can be launched from their submarines. I have long argued that such nuclear armed Soviet cruise missiles could in fact vitiate any coastal ABM system, but I believe that the Soviet submarine-launched cruise missile is generally regarded as an anti-shipping weapon. Surely, the Defense Department cannot seriously propose the *substitution* of cruise missiles on a one-for-one basis for SLBMs, which latter encounter no defenses, while the cruise missile will be subject to the general air defense system of the Soviet Union. If the Department of Defense is proposing to build large numbers of cruise missiles, simply because they are not limited by the precise text of the interim offensive agreement, it could better consider the payload enhancement of the Minuteman missile, to on the order of 10 of the present-type MIRVs, to which I have referred before. This program makes no sense.

The Safeguard ABM system is strictly limited by the treaty to the one ICBM defense site at Grand Forks and to a possible site at Washington, D.C. I believe that the site at Washington, D.C. was never worth the money and is far less desirable now. If the Soviet Union wished to deny us the small additional decision time which one might imagine to be provided by a 100-interceptor Safeguard site, it could well do that by targeting on Washington a very small fraction of their total stable of warheads. They could do it with far less expenditure by the use of decoys. They could deny us all warning in the case of this attack on the national capital (not in the case of an attack on the strategic offensive force) by other means. Simply because I am permitted by law to shred or burn my money, does not impel me to do so. Similarly, although the US is authorized under the ABM Treaty to deploy an ABM for Washington, D.C., there is no reason for us to proceed with this system of 100 interceptors together with radars at no more than 6 aim points, unless we believe it is in our interest to do so.

The Joint Chiefs of Staff are quoted by their Chairman in his testimony of June 21, 1972, as requesting three assurances in connection with their support of the arms limitation agreements. These are:

Assurance 1—"A broad range of intelligence capabilities and operations to verify Soviet compliance in a strategic arms limitation environment."

Assurance 2—"Aggressive improvements and modernization programs."

Assurance 3—"Vigorous research and development programs."

I agree with his statement of Assurance 1. I believe that the JCS statement of Assurance 2 is unrealistic and illogical—"maximize strategic capabilities within the constraints established by the ABM Treaty and the interim offensive agreements." This says to me that because we have arms limitation agreements, the normal budgetary controls no longer apply. It means that strategic capabilities must be maximized independent of their impact on tactical programs, or for that matter of their budgetary impact on Assurance 1 and Assurance 3. Furthermore, the second part of Assurance 2, "plan for rapid augmentation of strategic forces beyond the constraints of the treaty and agreement . . . to be made in the event of abrogation, withdrawal, or collapse of negotiations;" unless qualified, is a prescription for an arms race, for the development and creation of production capacity for systems which are unneeded now and which would be unneeded even in the event of collapse of negotiations.

Assurance 3, "continued testing to ensure the effectiveness of new and existing nuclear weapons systems," really begs the question as to whether nuclear testing is necessary to ensure the effectiveness of existing nuclear weapons systems. This is a point which deserves a good deal of discussion in its own right, rather than being stated as a condition for support of the arms limitation agreements.

In his remarks at a briefing for five Congressional committees June 15, 1972, President Nixon said:

"It is for that reason, without getting into the specifics as to what the level of defense spending should be, as to what the offensive programs should be, I am simply saying that if we want a follow-on agreement, we have to have two steps: We need first, of course, to approve these agreements; and second we need a credible defensive position so that the Soviet Union will have an incentive to negotiate a permanent offensive freeze. That is what we all want."

That is what I want, too. The Congress should act favorably on these agreements and should then look closely at what is required for a strong and credible defense program. I do not believe that the program proposed by the Department of Defense would lead to a credible and strong defense. I have no objection to spending the money requested, but I believe that far better uses for it can be found in the Defense Department than in the development of the TRIDENT submarine, in the construction of the Washington, D. C. Safeguard site, or in the development of the submarine-launched strategic cruise missile. I think that the historic achievement represented by the strategic arms limitation agreements, when endorsed by the Congress, should force a thorough review of the detailed programs for improving and maintaining our defense capabilities. I do not believe that hasty action on the defense budget is in the best interests of our national security or of our military capability.

TESTIMONY OF M. L. GOLDBERGER

Mr. Chairman, it is a privilege to be here today to discuss the Strategic Arms Limitation Treaty and the related Interim Agreement on Offensive Weapons. I have been concerned for many years with arms control issues related to strategic weapons and it is particularly gratifying to appear before you at a time when an important step has been taken to limit the strategic arms race; namely, the signing in Moscow of the SALT agreement. I strongly support this treaty and urge speedy ratification of it by the Senate.

While supporting the Treaty without reservation I think it worthwhile to draw attention to certain issues that naturally arise in connection with it which might have bearing on future actions taken by both sides and on the direction which future arms control agreements might take.

ABM TREATY

It has long been clear that ABM systems have been one of the most destabilizing elements in the arms race: They can create unwarranted confidence in their effectiveness for those who build such systems, which might promote reckless foreign policies and at the same time cause the other side to react violently to produce offensive weapons in quantities more than sufficient to compensate for the conjectured effectiveness of the defense. Although it would have been preferable in my opinion, if the Treaty had banned ABM's completely or limited them to the existing single site in each country, I feel that the two site provision in the Treaty is still quite satisfactory since it clearly precludes the acquisition of a nationwide defense by either side.

The Treaty, together with the supplementary understandings contain sufficient technical details so that not only are large ABMs banned but also the fears that air defenses could be upgraded to ABMs no longer can have any substance. The negotiators have successfully attacked the problem of ABM radars, the most critical element in an ABM system which must be controlled. While upgrading was always of very questionable technical feasibility, it was nevertheless used as an excuse by the U.S. for procuring additional offensive weapons such as MIRVs. This red herring can now be buried.

Before leaving the subject of ABMs, I should like to express my views on the future US ABM program in light of this Treaty. Should we proceed to deploy the Washington ABM which is specifically allowed? My answer to this question is clearly, No. Just because we have this option is no justification for proceeding to exercise it. Admiral Moorer stated on February 15, 1972 that the "Moscow (ABM) system even with improved radars and more and better interceptors, could still be saturated by a very small part of our total missile force." Why then should we proceed to deploy a Washington defense similar to such an ineffective Moscow system?

Neither Secretary Laird nor Admiral Moorer in testimony before this Committee have satisfactorily justified the need to proceed. They have argued that they might buy time for our Command and Control system, but they have so far avoided being specific on this score, probably because the time bought is extremely short even under optimum circumstances. Since the allowed system would permit only 100 defensive missiles, even if it were 100% effective, it could be overwhelmed by 101 incoming warheads. What time is then bought by the defensive system? Our current Command and Control system has been built to respond to the normal thirty minute warning of an ICBM launch or somewhat shorter for SLBMs; any small increment provided by a defense which could be measured only in seconds or at most minutes is clearly irrelevant.

Furthermore, the Washington ABM makes no sense for the secondary objectives originally put forth to justify the Safeguard system, i.e., defense against a Chinese attack or accidental launches. Since by Treaty the remaining population and industrial centers of the US outside of Washington must remain vulnerable, the Washington system cannot have any practical value against even a limited Chinese ICBM threat. Similarly, only a small proportion of the Soviet missiles would be targeted against Washington so that the probability that it could provide useful protection against an accidental Soviet launch is very small. Thus, the Washington ABM has virtually no value against accidents, the Chinese threat, or a Soviet attack. I would submit that we are carrying the concept of parity too far if we seek equality in Soviet mistakes.

The question of proceeding with the missile site defense at Grand Forks is more debatable since it has been announced that the system is already more than 80% completed. As I have stated previously before this Committee I do not believe that the Safeguard ICBM defense was either needed or effective since it could be overcome by a very small increase in the offensive forces needed to destroy Minuteman. This conclusion still holds good today; in fact the requirement for ICBM defenses has been significantly reduced by the ABM Treaty and by the ceiling on large ICBMs included in the Interim Agreement. The ABM Treaty would allow the construction of 18 additional radars as a part of the missile site defense and this does not remove the most obvious Achilles' heel in the Safeguard system, i.e., the vulnerability of the single MSR radar. However, with the limit of 100 interceptors, the system can still be easily overpowered. The addition at great expense of 18 radars to the system at this time is probably unwarranted. I recommend however that vigorous research be carried out on the so-called hard-site system as a hedge in the event that the Treaty and Interim Agreement are abrogated.

INTERIM AGREEMENT ON OFFENSIVE WEAPONS

I consider that the Interim Agreement on Offensive Weapons is of more limited value than the ABM Treaty since both nations already have large numbers of strategic missiles and since it includes few restraints on qualitative improvements. Two years ago when SALT was in its early stages, Dr. Herbert Scoville pointed out that a simple numerical limitation on missiles with few if any restrictions on replacement of existing weapons by new and different models could be a sham of arms control. Fortunately, the Interim Agreement does go beyond a simple numerical ceiling although only to a limited extent. It does prevent the replacement of small ICBMs by large ones and significantly increasing the size (10% to 15%) of the landbased launchers.

Thus, the Soviets are now frozen at 313 large (SS–9) ICBMs, significantly less than the 500 which Secretary Laird, predicted the Soviets would have by 1975 when justifying the Safeguard ABM and MIRV deployments. The Interim Agreement therefore should reduce fears on this score although in fact the Soviets had only started 25 new large ICBM launchers since August 1969. If Secretary Laird's original arguments were sound, then we should have reduced requirements for new strategic weapons now.

Apart from this restriction on large ICBMs, the numerical ceiling is of marginal value and indeed by specifically endorsing the concept of replacement of old models by new ones, it can provide an excuse for accelerating the qualitative arms race. I'm not concerned by the fact that the Soviets are allowed a larger number of submarine-launched ballistic missiles than the U.S. This disparity has no security significance since the U.S. has a tremendous qualitative and geographical advantage. Dr. Kissinger has pointed out that the Russians would require about 60 submarines to have the same capability as 40 U.S. ones because of the much longer time that their ships would have to take to reach operational stations. President Nixon pointed out in his State of the World Message this year that both our SLBMs and our Polaris submarines were superior to the Soviet systems. Secretary Laird in testimony before this Committee attempted to give the impression that the Soviet Y-class submarines together with the newly developed longer range SLBM was already equivalent to our proposed Trident, but I know of no facts which would justify such a comparison. The Polaris-Poseidon system is in my view still superior to anything that the Soviets are deploying today.

Since the Interim Agreement places so few restrictions on qualitative improvements, its true value and indeed that of the ABM Treaty as well will depend on the unilateral actions which the two nations now take in light of the present guaranteed state of mutual deterrence and on the vigor with which additional negotiations are prosecuted to secure restrictions on qualitative improvements and to reduce existing weapons. Our proposed strategic arms program should now be carefully re-examined in light of the new situation and only those items which have a real security need should be carried forward.

There is no reason for accelerating any offensive weapons programs at this time. Instead, if the agreements are to have any real value, then many proposed programs should be cut back. There is no security requirement for rushing ahead with the Trident submarine; in fact, prematurely freezing on the design of a large, faster vessel at this time could eventually lead to a reduction in our security.

Further deployment of MIRVs on either the Poseidon or Minuteman III is no longer warranted since the requirement for overwhelming a large Soviet ABM does not now exist and since the continuation of such programs can only make more difficult the achievement of a MIRV ban. The proposal to move ahead with a submarine launched strategic cruise missile at this time seems so absurd as to almost not warrant comment since the ABM Treaty has guaranted that our submarine launched ballistic missiles can reach their target within the USSR. I would recommend that the Congress look at these and in fact all other strategic weapons programs in light of the Moscow Agreements and fund only those which have a clearly justifiable security need.

The argument that weapons must be bought as bargaining chips for arms control negotiations is not very convincing. The Safeguard ABM bargaining chip only produced a Treaty which allowed the Russians to enlarge an ABM system which they were showing no signs of extending. The MIRV bargaining chip only has made more difficult the achievement of any limitation on MIRVs which in the long run can be a significant security loss to the U.S. The Trident submarine program request designed to demonstrate to the Soviets our intention to match their submarine construction program only resulted in an agreement which allowed the Soviets to build 50% more submarines than they already had under construction. This is not an impressive record for bargaining chips. We can no longer afford to let arms control negotiations be used as a cloak to procure unnecessary weapons.

Finally, I should like to make one further point relative to the verification aspects of the two agreements. I fully subscribe to the thesis that national means of verification are satisfactory to verify that significant violations of these two agreements are not occurring. The clandestine deployment of an ABM system or upgrading of air defenses to provide a significant ABM capability would have a very high probability of being detected by our national means. In this connection, the provisions of the Treaty relative to radars are particularly helpful since these are the most easily detectable and longest lead time items in an ABM system. The precedent established by these agreements in legalizing such national technical means of verification is excellent and is useful not only in connection with the present agreements but for future ones as well. It is particularly satisfying to note the provisions which make it illegal to interfere with such national technical means and to use deliberate concealment measures which impede such verification This is a major accomplishment in the field of arms control.

In conclusion if the two Governments act with restraint in their unilateral programs and if they move forward rapidly to attempt to reach agreement on qualitative restrictions, then the Moscow Agreements can be truly looked on as milestones toward the goal of limiting nuclear arms. With good will and restraint on both sides there will be many opportunities for further restrictions not all of which need to be carried out in the context of bilateral SALT negotiations. A Comprehensive Test Ban which could be negotiated at the CCD in Geneva would be a useful step in applying qualitative restraints and in reducing the risks of further proliferation of nuclear weapons. Mutual force reductions negotiated by the NATO and Warsaw Pact countries would be an important step in reducing the burdens of conventional arms. There is little question that there will be widespread support for efforts by the United States to ensure that the limitations on strategic arms now undertaken are followed up in a manner which ends the fruitless and expensive arms competition.

THE HOUSING MESS

Mr. BROCK. Mr. President, today, attempts to lay blame for the faulty structure of one housing program fly everywhere, while the real losers, the Nation's poor, remain without decent homes and adequate living environment.

I ask unanimous consent that an article, entitled the "Housing Mess," written by Diane K. Shah, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the National Observer, June 24, 1972]

Housing Mess

(By Diane K. Shah)

George W. Romney's house, sprawling gracefully in understated ($150,000) elegance atop a landscaped hill, is a showplace even on East Valley Road in the veddy exclusive Detroit suburb of Bloomfield Hills.

Romney's 44,540 other houses are mostly headaches.

These houses, which Romney would like to unload, were bought up by the Department of Housing and Urban Development (HUD) when mortgages were foreclosed. Many are like the tired-looking frame house at 2593 Drexel in a black neighborhood, 15 miles and several social strata downwind from Bloomfield Hills.

In Detroit alone Romney, as Secretary of HUD, owns 7,074 houses, making him the city's most titled—and most reluctant—landlord. What's more, in the last 3½ years Romney has picked up 5,000 houses in Philadelphia, more than 3,000 in New York City, and probably 1,500 in St. Louis.

It adds up to a national housing mess, if not a national housing scandal.

DREAMS BECOME DEBACLES

To date, four congressional subcommittees, five grand juries, five Justice Department task forces, and dozens of FBI agents have been investigating how HUD has come into so much property. Hearings continue this week before Sen. Philip A. Hart's antitrust and monopoly subcommittee.

Unlike the Bloomfield Hills estate, a glittering monument to Romney's personal financial success, the other houses are crumbling memorials to HUD and Federal Housing Administration (FHA) programs gone awry. The programs were intended to make it easier for low- and moderate-income Americans to buy houses. But through HUD and FHA administrative bungling and—so Federal indictments charge — occasional swindling, coupled with the fraud perpetrated by a supporting cast of villains, the dream of homeownership for many dwindled into debacle.

Thousands of persons have been saddled with hefty mortgage payments on disintegrating, FHA-approved houses. Thousands more have simply packed up and vanished, leaving their rotten lemons to decay entire neighborhoods and Romney to pay off the mortgages.

CAST OF VILLAINS GROWS

Observes Ralph Nader: "In some other countries with different traditions, the equivalent of Secretary George Romney would have resigned in disgrace after those indictments were handed down and after the evidence indicated fraud on such a widespread scale."

As investigations unfold, the cast of villains swells and the plot grows more complex [see story on Page 14]. Already under indictment are speculators, real estate brokers, mortgage companies, inspectors, appraisers, attorneys, and Dun & Bradstreet, the nation's largest collector and dispenser of credit information, which is accused of supplying FHA with false credit reports. And whether through complicity, neglect, or naivete banks, secondary money markets, and title companies are being scrutinized for their roles in what investigators are calling the nation's most outrageous scandal.

There's no telling how serious the housing mess is. Aside from the houses HUD now owns, indications are that double or triple that number are going into default. In Detroit alone, the General Accounting Office estimates, 23,000 houses are in default, owners having skipped from one to three payments. If all are foreclosed—and HUD predicts at least 6,559 will be by year's end—it could cost FHA $200,000,000. FHA has already shelled out $24,000,000 in New York City; the U.S. attorney's office in Brooklyn says the total may reach $200,000,000.

SOCIAL WEB DISINTEGRATING

Though both HUD and FHA officials avow that new administrative controls should cut losses, none can tell how soon. At any rate, FHA Commissioner Eugene Gulledge notes, "It hasn't cost the taxpayer a cent" because of FHA's well-endowed insurance funds.

Mere numbers, of course, do not tell the story. Abandonment is already rampant in many cities, and FHA foreclosures only exacerbate the problem. Cores of a half-dozen cities, like so many mini-Dresdens, are rapidly decomposing into garbage-strewn ghost towns, ripe for crime and vandalism. Entire neighborhoods, such as north Philadelphia, Detroit's lower east side, Chicago's Woodlawn area, and the Brownsville-East New York sections of Brooklyn, are all but uninhabitable.

Concedes Romney: "Vast central-city areas are experiencing such serious blight that the whole human social web that makes living possible is breaking down into a veritable jungle."

BETTER TAKE IT NOW

Predictably, housing experts are trying to analyze what has gone wrong and what to do about it. Their solutions range from closing loopholes in existing programs to throwing out all housing programs and starting over again. Either way, nobody sounds optimistic. Meanwhile, the situation worsens.

The scandal works like this: Speculators flood a racially changing neighborhood and coax or frighten white homeowners into selling cheaply. They then apply cosmetic repairs to the houses and secure—often with a bribe—an inflated FHA appraisal of the property. Next they sell to low-income, minority families who are led to believe they are moving into paradise.

"He showed us the place with a flashlight," recalls Nathan Wilkins of the Philadelphia speculator who sold him a house. "It was night and he said the electricity was shut off. He said it was a good house, that it had just been remodeled. He said somebody else wanted to buy it and we better take it now."

PLOT AND SUBPLOT

After moving in, Wilkins found the roof leaking, the upstairs basin emptying into the dining room, and paper peeling from the walls. Records show the speculator paid $1,750 for the house, which the FHA subsequently appraised at $9,000, the price Wilkins paid. The speculator bought 85 similar houses for a total of $222,000 and sold them for $603,000—an average markup of 172 per cent.

Selling a lemon is but the main story. A subplot, turned up by New York Secretary of State John P. Lomenzo's office two years ago, runs like this:

In April 1969 Mrs. Ortrud Kapraki, a Brooklyn real estate broker, allegedly sold a house to Enrique Perez for $22,000. To make sure the FHA would insure a mortgage, Mrs. Kapraki submitted with the mortgage application a 1968 income-tax return that identified Perez as the owner of an auto shop. The return, prepared by accountant A. E. Abad, showed that Perez grossed $15,286 that year repairing cars.

Perez in fact had earned only $6,224. He owned no auto shop. He never repaired cars. Furthermore, the signature on the fraudulent tax returned was not Perez's and he had never met Abad. Nevertheless FHA approved the mortgage. Mrs. Kapraki has since been indicted.

EVERYONE CHEATS THE BUYER

Other subplots involve mortgage companies offering short-term loans to speculators who then buy houses and bring in more mortgage business; mortgage companies charging the seller too many "points" and keeping the excess or splitting it with the speculator; mortgage companies selling bad paper to the Federal National Mortgage Association (Fannie Mae) and to banks; title companies overlooking obvious irregularities at closings to insure that the deal goes through; and everybody—mortgagees, speculators, lawyers, and title insurers—collecting his gratuity.

"Everybody is in bed with everyone else, indiscreetly cheating on the poor home buyer," one investigator sighs.

Conceivably such fraud has been speculator sport since 1967, when the FHA first agreed to do business in the inner city. But not until Congress passed the 1968 Housing Act did the fraud become the pastime of so many. Proclaimed by President Johnson as "the most far-sighted, most comprehensive, most massive housing program in all the American history," the 1968 act did in fact provide houses for thousands of persons—and free lunch for hordes of crooks and indigestion for FHA.

The act coupled the old 221(d)(2) program, which permitted FHA to insure "less-than-standard" houses, with a new special-risk fund to back mortgages in "less-than-standard areas." It created the 235 subsidized program, under which FHA insures mortgages up to $24,000 and HUD pays, at most, all but 1 per cent of the interest. And it created the 236 subsidized program, which works the same way for apartments.

To speculators the act meant wide new markets to exploit with on-the-spot payoffs from mortgage companies, which could always collect unpaid bills from Uncle Sam. To a reluctant FHA the programs meant trading the "economic soundness" test it had always applied to insuring suburban mortgages for one of "acceptable risk." To Romney it meant becoming godfather to another Administration's ill-conceived baby.

FHA EMPLOYEES INDICTED

Romney didn't like it. "The programs were enacted without having been adequately tested to determine whether they could work well, whether they would even work at all, or whether they were structured in such a way as to invited abuse," he complained.

Though Romney now contends he "began to realize there were some problems" in May 1969, he insists he didn't recognize the full scope of the scandal until a year later. Nevertheless, not until a barrage of grand jury indictments began capturing bigger headlines than Romney's record number of housing starts did he publicly confess that perhaps he hadn't been keeping his house in order.

Among the 10 corporations and 40 individuals named in a 500-count indictment by a Brooklyn grand jury in March were seven FHA employes, among them appraisers and one underwriter. A Philadelphia grand jury later indicted 46 persons, among them the former head of the Philadelphia insuring office of FHA, Thomas Gallagher, Jr., who is accused of taking $73,000 in bribes from a building contractor. (Romney had asked the Philadelphia office in the spring of 1970 if there had been any problems with FHA programs. He was told everything was fine. A high FHA official says this completely misled Romney as to the extent of the scandal.)

Johnson's Congress, may have enacted the housing legislation, but these were Romney's boys. Not surprisingly, lack of qualified personnel comprises a large chunk of Romney's apologia.

ROMNEY WANTS FIRING POWER

On the day of J. Edgar Hoover's burial, Romney, testifying before Rep. John S. Monagan's House Subcommittee on Legal and Monetary Affairs, noted: "Hoover refused to accept the job as FBI director unless he could hire and fire people like a corporation executive, without regard to civil-service qualifications or seniority. HUD's problems could be alleviated if I could do that too." But he also admitted, "While the staffing situation has unquestionably contributed to our problems, it is also obvious that the administration of housing programs, particularly in some cities, has been imprudent, negligent, and in some cases plainly corrupt."

Only two months earlier Romney had found out just how lax (his word) HUD and FHA administration had been. That was when he read for the first time the audit reports he had commissioned in early 1971 on the 235 and 236 programs. Among other things, the audit turned up 362 alleged violations of the 235 program involving falsification of applications and fraudulent certifications of repairs, plus 27 alleged violations of the 236 program involving fraudulent applications.

AUDITS TELL SAD TALE

The audit found that FHA appraisers, pressured by higher-ups to carry out Congress' mandate to approve as many houses as possible for the poor, were producing four appraisals a day; too many, said the auditors. Some made only "windshield" appraisals of houses as they drove by. Others accepted deficient houses with an attitude that, "This is good enough because it's better than what these people had before." Sometimes FHA called upon "fee" appraisers, local real-estate people who often had conflicting interests. And FHA field reviews, intended to turn up irregularities, were not being performed often enough, if at all.

More bad news came in the 236 audit.

The 236 program was designed to attract co-operative, nonprofit, or limited-dividend corporations to building apartments for the poor. They were baited with generous tax shelters, an annual return of 6 per cent on the initial investment, plus other incentive fees. With HUD paying most of the mortgage interests, down to 1 per cent, the owners could charge below-normal rents.

Generally they charged more. Because HUD wasn't overseeing the projects as it should, inconvenient locations were chosen, driving away tenants. Architectural fees were unduly high. Excess construction costs were allowed. Mortgage amounts were inflated. Unnecessary interest-subsidy payments were made. Operating costs were underestimated (to win quick HUD approval). Therefore rents were high. Another serious flaw: With tax shelters designed to offer the best benefits within a 10-year period, there was little incentive for long-term ownership and sound management.

Romney acted. He ordered the FHA in Philadelphia and Detroit to stop using fee appraisers and to tighten up appraisal procedures of their own staffs. He demanded that all appraisers file personal finance statements to weed out any who might have conflicting real-estate interests. He requested more careful screening of applicants' credit history. He implemented a computerized "early warning" system in Detroit to detect immediate defaults and coaxed FHA employees to counsel strapped families and seek forbearance from mortgage companies. He set up counseling programs for prospective home buyers. He ordered strict checking of housing values in speculator-dominated areas. And when finished he proclaimed eargerly, if not prematurely, "As is presently applied, this has ended speculator profiteering."

The Senate apparently didn't think so. Its version of the 1972 Housing Act prohibits kickbacks by lawyers, title companies, insurance companies, and others in closing costs on all FHA-insured houses. Minor alterations were also made in housing programs to curtail speculator activity in inner cities.

TOLL GATES COSTLY

Some housing experts say that's not good enough. Rep. Wright Patman, whose House Banking and Currency Committee turned up the first evidence of fraud two years ago, never liked the subsidy programs and still doesn't. "There's a little bit for the land speculators, the builder, the lender, the closing attorney, the title company, the insurance company, and on down the line," the Texas Democrat complains. "By the time the project reaches the end of the line it so top heavy that you can't be sure just who did get the subsidy."

Patman's remedy: A direct lending program to homeowners through a National Development Bank. The bank, he says, "could handle much of this financing without the costly procedure of financial toll gates."

Like Patman, many housing experts favor yet more Federal involvement. Says Samuel Kaplan, development director at the New York City Educational Construction Fund: "We can't leave it to private interests any more. They have abused the system, raped our landscape. We can't leave it to local politicians who have been dictated to by greed either."

In a radical departure from current thinking, Kaplan suggests that private developers should be required to meet Federal guidelines as to number of low-income units, schools, community services, etc. What the developer leaves out, the Government would subsidize and own. Additionally, private owners would be subject to strict profit margins and rent control.

Taking a softer though similar line, Simeon Golar, New York City Housing Authority chairman, suggests giving Washington power to override local zoning laws and other red tape that have impeded housing programs. "If municipalities fail to live up to their responsibility," Golar says, "HUD should have the power to move in and do the job."

"UPSIDE-DOWN FEDERALISM"

Bucking more Federal control, Congressman Thomas L. Ashley, an Ohio Democrat, favors a block-grant system under which local housing officials could spend lump-sum Federal money as they see fit. This, he says, would reverse the "upside-down federalism" where Washington makes the picayuane decisions on mortgage and income limits, and the private sector decides the fundamental questions of where to put the housing—and in fact whether to put it up at all.

Other solutions call for guaranteed minimum incomes and direct housing allowances.

Nobody, however, pretends to have the perfect solution. Romney asserts that no housing programs alone are going to solve inner-city housing problems anyway. "We need to find cures for other social conditions first," he notes, "chiefly poverty, crime, drug addiction, lagging education, poor health-care facilities, inadequate public services, soaring taxes, and unemployment."

On an equally gloomy note, Joseph P. Fried writes in his book *Housing Crisis U.S.A.* that, "The vision of an America acting to provide a decent home and a suitable living environment for all its citizens seems as realistic as the hope of a palace-studded Camelot suddenly arising out of the squalor and decay of Brownsville in Brooklyn."

A CLEAN AND SAFE ENVIRONMENT IN SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, in regard to the sometimes conflicting demands of a strong economy and a clean environment, my State of South Carolina finds itself in a very sensitive position, requiring a calm approach and policy. South Carolina is not a wealthy State, and we know we must better educate, better house, better feed, and better employ our people. There are some who tell us that, as a poor State, South Carolina cannot afford the luxury of this new fad of environmentalism. But the more farsighted know that it will little profit our people to provide them with new jobs if those same jobs eventually poison our now clean air and water supply.

For several successive governorships—my own included—South Carolina has aggressively recruited new industry. One of our biggest industries has been the Federal Government itself, which has located an Atomic Energy Commission nuclear powerplant at Aiken, S.C. Private companies in the nuclear power field have—or want to—follow the Government's lead in choosing South Carolina as a base of operations. In general, we have welcomed these industries. Our economy has profited, and we have been very, very fortunate that our environment has not suffered.

But South Carolinians are a cautious people. They are acutely more aware of the ecological risks they may face as the growing generation of nuclear power increases the problem of what to do with nuclear waste products. They have come to believe that while the State has often suffered because of slow industrial growth, this relatively slow progress may turn out to be the cloud with the silver lining; that is, our State has avoided the environmental crises that have plagued other more developed States.

We intend to profit by not repeating the mistakes and misfortunes we have observed elsewhere. I trust that South Carolina will never be confronted with anything like the smog alert which has hung over Washington, D.C., for the past several days. We will keep our State pollution free at the same time we make her richer in new jobs and industry. Those who think this is an empty boast or an unattainable goal do not understand the innate, commonsense attitude of the South Carolina people. We do not have many hysterical, environmental alarmists caught up in a new fad, nor do we have a great many money-hungry officials and developers. We do have conservationists and environmentalists and officials and industrialists who work together—or who confront each other—in a climate of scientific fact, reason, and civility.

I find all of these good attributes in a recent column in the Charleston News and Courier. With me, the writer, Mr. Frank Gilbreth, known as Arkley Cooper, is deeply concerned about the long-range hazards involved in the proposed permanent storage of atomic waste in the South Carolina bedrock. I have fought to have the AEC limited in the advancement of this idea because the commission is proposing to drill exploratory shafts in bedrock that is in an earthquake zone and also directly above the water supply that sustains much of both Georgia and South Carolina. But at the same time, I can applaud the AEC for the generally efficient, safe way it has run the Aiken facility. Neither I nor this columnist propose to brand the AEC as the "boogeyman" or some kind of monster out to destroy our State for selfish motivation. I ask unanimous consent that this column be printed in the RECORD both for the factual material it contains on this particular controversy and also as an example of the reasoned, balanced approach that the entire country must adopt if we are going to save the environment without strangling progress.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOING THE CHARLESTON

A few days ago, I journeyed with some colleagues to the Atomic Energy Commission facility—maybe better known as the H-bomb plant—near Aiken and Barnwell.

The officials there were good enough to give us a tour, as well as a briefing based primarily on environmental factors.

We visitors had solicited an invitation, so possibly a security check had been made in advance of our arrival. In any event, when we signed in at the main building, badges were awaiting for us. In addition to an identification badge, each of us also put on a badge containing some kind of sensitive paper. The paper is white—but if by any chance you should be subjected to radioactivity, it would turn red. Thank goodness it stayed white.

There aren't too many international secrets anymore, in regard to atomic reactors. Security, I gather, is aimed mainly at nuts and possible saboteurs. The principal secret, nowadays, is not how it's done but how much you're producing!

Well, the main thing that every South Carolinian wants to know about the facility, I suppose, is whether it's putting out any radiation, and whether the production process or its wastes constitute any sort of danger either now or in the future.

We came away absolutely convinced that there's no radiation problem. In fact there's never been any sort of serious accident at the facility, involving atomic energy. At the time we visited, there had been only one death in the whole history of the facility—and that occurred recently. Ironically enough, it was an "old-fashioned" kind of accident—nothing whatsoever to do with atomic energy. A blue-collar worker got crushed between two railroad cars that were moving coal.

It becomes apparent quite quickly that DuPont and the Atomic Energy Commission have done a smashing job in South Carolina. The plant is efficient and pleasant. And in some ways it has had really beneficial effects upon our environment.

Would you believe that in the cities of

Aiken and Barnwell—and indeed within the confines of the 'bomb plant' area itself—tests shows virtually no radioactivity at all from the plant.

Indeed, right here in Charleston there is more radioactivity from the atomic tests conducted by the big powers over the last 25 years than there is radioactivity from the "bomb plant" right at the site of the plant itself.

Have I made that clear? Imaging a graph of radioactivity at the bomb site. There'll be a smidgen of natural radioactivity which is every place, and a fairly good slice of radioactivity from the fall-out of bomb testings around the world, which is also everyplace—and then just a smigden of radioactivity caused by the bomb plant itself.

Now you can't forget, though, that the residue from a bomb which dropped in Spain after two of our Air Force planes colided in 1966 is buried at the plant site. Also, ice and wreckage from the vicinity of a B–52 crash in Greenland in 1960 are buried there.

Also, undeniably, there is dangerous waste from the reactors at Aiken, which is now stored in tanks buried below the surface of the ground. That waste certainly constitutes a danger. If we were at war, and a bomb—even a conventional, old-fashioned bomb—was dropped on those waste storage tanks, we'd be in deep trouble.

DuPont and the AEC think that possibly the best solution is to sink a shaft far into the bedrock below the plant, and to store the waste materials there.

But so far they have not been given the money to drill an exploratory shaft, to see just how feasible this would be.

The very thought of storing the materials forever in South Carolina has caused too many hackles to rise.

The people at the plant have heard every argument there is about possible dangers in deep rock storage. But they are inclined to dismiss them. They say earthquakes wouldn't be a factor, if exploratory shafts showed that you were in an area of rock where earthquake wouldn't occur. Their big complaint is that they haven't even been allowed to make a proper study of the whole business.

Everybody there concedes, though, that storage of the waste materials is the big problem. Obviously, no other states would want our waste shipped to them. And, of course, talk of shooting the whole business off into space—perhaps in a rocket headed toward the sun—is pretty far-out at this time. In the first place, it would take an awful lot of rockets to accommodate all the waste. And in the second place, if you had an abort, you might kill an awful lot of people with radiation. That thought frightens everybody!

The effects of thermal pollution have attracted scientists and botanists to the facilities. A whole river of water, used to cool the reactors, emerges steaming hot. The temperature is a secret, because a savvy scientist could use the temperature and somehow or other, figuring backwards, guess at production figures.

I guess it's all right for me to say, though, that the water is not too far below boiling. At any rate, you wouldn't dare put your foot in it.

As this water is cooled in open lakes, it's causing some interesting things. Bass and alligators thrive in it—not when it's boiling hot, but when it gets down to a temperature 10 or 15 degrees above normal for lakes in these parts. In some places, you can catch a fish swimming comfortably on the bottom, but he's scaulded to death by hot water as you pull him to the surface.

In fact, the whole area is becoming more and more popular for environmental experiments that have nothing at all to do with radiation. It's simply that here is a vast amount of acreage, completely controlled, so that study of such things as movement of snakes or how often lizards reproduce can be made, without human disruption of the experiments.

As you drive through the acreage, you see deer, raccoon and flocks of birds. Thus does the facility preserve a vast section of unspoiled, natural environment for South Carolina.

In summary, the production is safe. The water pollution—thermal or otherwise—is no problem. Water returned to the Savannah River is even purer than what's taken out. Radiation is virtually non-existent. But as for the atomic waste—it's potentially dangerous!

ORDER FOR THE CONSIDERATION OF S. 1991 TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order, at an appropriate time tomorrow, to temporarily lay aside the pending business and turn to the consideration of Calendar No. 904, S. 1991; and that the consideration of the unfinished business be resumed after the conclusion of action on that bill or at the close of business tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, would the majority leader give us the title of that measure?

Mr. MANSFIELD. That is a bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit utility holding companies to provide it.

ORDER FOR CONSIDERATION OF H.R. 15495, THE DEFENSE AUTHORIZATION BILL, ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday, if the pending business (S. 3390), an act to amend the Foreign Assistance Act of 1961, and only if the pending business is completed, it be followed by H.R. 15495, an act to authorize appropriations during the fiscal year 1973 for the Defense Department and that H.R. 15495 be made the pending business upon the disposition of S. 3390.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

The ACTING PRESIDENT pro tempore. The time of 9:40 a.m. having arrived, the Chair, under the previous order and pursuant to the unanimous-consent agreement lays before the Senate the pending business, which the clerk will state.

The legislative clerk read as folows:

A bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 17, after the period insert the following: "If the wages of a group of two or more employees employed by the same employer in the same class of work in agriculture are computed on piece rates and the aggregate of the piece rate earnings of such group of employees is, for any workweek, at least 25 percent higher than the aggregate of the wages such group of employees would have earned had they been paid for such work at the hourly rate provided by the first sentence of this paragraph, the employer shall be deemed to be in compliance with the minimum wage requirements of this Act with respect to such group of employees for that workweek. If the aggregate of the piece rate earnings of such group of employees is, for any workweek, less than 25 percent higher than the aggregate of the wages they would have earned had they been paid at such hourly rate, the employer shall, at his option for that workweek, either (A) pay wages at such hourly rate to each such employee whose piece rate earnings are less than such hourly rate, and pay to each such employee whose piece rate earnings equal or exceed the hourly rate, his piece rate earnings, or (B) pay to each such employee his adjusted piece rate earnings computed by increasing the piece rates for that workweek by the percentage which will cause the aggregate of the increased piece rate earnings of such group of employees to be 25 percent higher than the aggregate of the wages they would have earned had each been paid for such work at such hourly rate."

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement, the debate is limited to 20 minutes, the time to be equally divided between the Senator from Florida (Mr. Chiles) and the Senator from Ohio (Mr. Taft). Who yields time?

Mr. CHILES. I yield myself 5 minutes.

I ask unanimous consent that the name of the Senator from Georgia (Mr. Gambrell) be added as a cosponsor of my amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHILES. Mr. President, Senator Gurney and I are today offering an amendment to the minimum wage bill designed to provide an effective means by which individuals engaged in agricultural work can increase their earnings above the hourly rate provided by the bill, yet do so without increasing the cost of the foods which they are cultivating or harvesting.

Our amendment's use is strictly optional, not mandatory. It will allow individuals engaged in agricultural work to increase their earnings by requiring that the average of the piece rate earnings of any group of workers whose employer elects this option must be at least 25 percent higher than the hourly rate provided by the minimum wage bill. It will avoid increases in the cost of foods, because it bases wages on a piece rate so that unit costs are not increased.

The piece rate system would be strictly optional. It will not take the place of, or prohibit any of the present systems of pay, but simply provide an additional alternative. No doubt only some agricultural employers are better adapted to hourly pay than piece rates.

By assuring that the piece rates paid by employers who elect to use this system are high enough to make the average earnings of the group at least 25 percent higher than the minimum hourly rate, agricultural workers will be able to increase their earnings.

Our amendment will allow the average worker to always earn at least 25 percent more than minimum hourly wage. He will often earn more than that since the piece rate is not reduced when the average piece rate earnings are more than 25 percent higher than the hourly rate, and the below average worker, if he is below average only because of lack of experience, will be able to get a job for which he is not initially qualified, then be able to increase his earnings as he becomes proficient. If he is below average because of age, infirmity, lack of dexterity, or otherwise, it will still enable him to secure employment at which his work rate will be compatible with his capacity. Without a system like I am suggesting this individual will not be employed.

The approach I am describing has been tried with very successful results, in the Florida citrus industry between 1965 and 1967 which preceded the coverage of agricultural workers under this act. A Department of Labor wage survey of the wages paid in the Florida citrus industry during the third year of the program showed that the piece rates being paid under that system resulted in earnings which averaged $2.10 per hour. This was more than double the $1 minimum hourly wage which became effective for agricultural work the following year.

In this Department of Labor survey the citrus pickers who were being paid under this system were asked: "What do you like most about your job?" The second most frequent answer was "good earnings." The most frequent answer was "working out of doors." Another frequent answer was "can work at my own pace."

I believe the system our amendment would allow is beneficial to both employers and employees. It is an alternative which assures the worker a good wage, and more importantly it provides real incentive for the above average worker, while still protecting the below average worker. The employer can only use this if he is going to pay the average worker 25 percent more than the minimum wage.

I urge the Senate's support of this piece rate amendment because I strongly believe it would be a very important and worthwhile addition to the minimum wage law.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a series of questions and answers which, I believe, will help to further explain how the plan works.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

RE AVERAGE WAGE OPTION

PURPOSE

This amendment is designed to provide an effective means by which individuals engaged in agricultural work can increase their earnings above the hourly rate provided by this bill, yet do so without increasing the cost of the foods which they are cultivating or harvesting.

It accomplishes these objectives by an innovation system of piece rate pay.

Its use is strictly optional—not mandatory.

It accomplishes its first objective of increased earnings by a requirement that the average of the piece rate earnings of any group of workers whose employer elects this option must be at least 25% higher than the hourly rate provided by this bill.

It accomplishes its second objective—that of avoiding increases in the cost of foods—by basing wages on a piece rate so that unit costs are not increased.

Q. Is there any compulsion that this piece rate system be used?

A. No. It is strictly optional. Every agricultural employer can make his own personal choice, and, having done so, can change his mind at any time.

Q. Will it take the place of, or prohibit, any of the present systems of pay?

A. No. It is an additional system.

Q. Will all agricultural employers elect to use this system?

A. No. Many types of agricultural employment are better adapted to hourly pay than piece rates.

Q. How will it enable agricultural workers to increase their earnings?

A. By assuring that the piece rate paid by employers who elect to use this system are high enough to make the *average* earnings of the group at least 25% higher than the minimum hourly rate.

Q. Will foremen's wages be included in computing the average?

A. No. (All workers whose earnings are used in computing the average must be engaged in the "same class of work"—see line 2).

Q. Will the wages of a group engaged in highly paid piece rate work be averaged together with those of another group engaged in another class of work for which lower piece rates are paid?

A. No. (See line 2—"the same class of work").

Q. Will the earnings paid by a number of employers be averaged together?

A. No. (all must work for the same employer—see line 2).

Q. Will higher earnings from one week be averaged with low earnings from another week?

A. No. The average is subject to the "at least 25% higher than" requirement *every* workweek. See lines 4, 5, 11, 12 and 13).

Q. How will this benefit an *above*-average worker?

A. His earnings will be substantially more than 25% higher than the minimum wage.

Q. How will this benefit an average worker?

A. He will *always* earn at least 25% more than minimum hourly wage. *Oftimes he will earn more than that* since the piece rate is *not* reduced when the average piece rate earnings are *more* than 25% higher than the hourly rate. (Note the phrase "at least" on line 5).

Q. How will this benefit the below-average worker?

A. If he is below average only because of lack of experience, it will enable him to get a job for which he is not initially qualified, then enable him to increase his earnings as he becomes proficient. If he is below average because of age, infirmity, lack of dexterity, or otherwise, it will enable him to secure employment at which his work rate will be compatible with his capacity. Without this system he would be expected to work at a rate beyond his capacity. His inability to do so would otherwise result in his discharge.

Q. Has this system ever been tried?

A. Yes. Very successfully—in the Florida citrus industry during the three years (1965 through 1967) which preceded the coverage of agricultural workers under this Act. (the 1966 amendments became effective during 1967). (It was done under regulations issued by the Department of Labor at the request of the Florida citrus industry. Those regulations are found in part 602, Title 20, of the Department of Labor Regulations which were published in the Federal Register on Sept. 24, 1965, October 19, 1966, and March 28, 1967).

Q. What effect did its use have upon wages?

A. A Department of Labor wage survey of the wages paid in the Florida citrus industry during the third year of the program showed that the piece rates being paid under that regulation resulted in earnings which averaged $2.10 per hour. This was more than double the $1.00 minimum hourly wage which became effective for agricultural work the following year (1967).

Q. Does this amendment regulate piece rates?

A. Not directly, but it does require that they be adjusted upward for any week in which they fail to meet the "at least 25% higher than" requirement if the employer elects to use this piece-rate system.

Q. If this bill initially establishes $1.50 as the minimum hourly wage for agricultural workers, what will each worker be paid if the *average* of the piece rate earnings of a particular group of workers performing the same job is $2.25 per hour?

A. Under the average wage option, each would be paid an amount exactly equal to his piece rate earnings for that workweek since the $2.25 average of the piece rate earnings is more than 25% higher than the $1.50 minimum hourly rate (actually $2.25 is 50% higher than the $1.50 minimum hourly rate) (see lines 1 through 11).

Q. If the average piece rate earnings exceeds the minimum hourly wage by more than 25%, can the employer elect to reduce their wages so as to exactly equal the requirements of this proposal.

A. No. Piece rate earnings may be increased (see line 21), but never decreased.

Q. Suppose, instead, the *average* of the piece rate earnings of workers performing the same job is $1.65 per hour, then what will each worker be paid?

A. $1.65 is only 10% higher than the $1.50 minimum hourly rate. It therefore fails by 15% to meet the "25% higher than" requirement. Accordingly, the piece-rate earnings of each worker in the group must be adjusted upwards 15% in order to increase the piece-rate earnings to a level equal to the "25% higher than" requirement. (See lines 11 through 16 and 20 through 26.) This 15% increase applies to every workers—not just to those who earn less than the minimum.

Q. Suppose the employer does not wish to make this kind of adjustment in piece rates. Is he required to do so?

A. No, but he will then be subject to the present requirements of the Act. Under those provisions he will have to pay make-up pay to those workers who earned less than the minimum hourly wage, but none to those whose earnings exceed the minimum hourly wage.

Q. Why would any employer prefer to pay make-up pay to all of his workers rather than just to those whose earnings are below the $1.50 minimum hourly rate?

A. Because of its positive effects upon productivity, its positive effect upon the earnings of those workers who are really trying, and its positive effect upon workers who would otherwise be unemployable. (Some employers will not wish to do so. They may, at their option, elect the other alternative. See lines 16 through 20).

Q. Will one effect of the use of this pay plan be that there will always be some workers who will be paid less than the minimum hourly wage?

A. Not by any means. If all of the individuals are industrious and qualified for the job, all will earn more than the minimum hourly wage—in fact, all may earn more than the minimum average wage.

Q. Do workers like this system?

A. In the Department of Labor survey of the citrus pickers who were being paid under this system, these workers were asked: "What do you like most about your job?" The second most frequent answer was "good earnings." ("Working out-doors" was the most frequent answer.) Another frequent answer was "can work at my own pace."

The ACTING PRESIDENT pro tempore. The 5 minutes which the Senator yielded himself have expired. Who yields time?

Mr. GURNEY. Mr. President, will the Senator yield time to me?

Mr. CHILES. I yield my senior colleague such time as he may require.

Mr. GURNEY. Mr. President, I am pleased to join with my distinguished colleague from Florida (Mr. CHILES) in introducing this amendment to the substitute amendment to the minimum wage bill offered by the distinguished Senator from Colorado (Mr. DOMINICK). The objective of this amendment, and I am sure it is one we will all share, is to insure a fair level of pay for all agricultural employees while, at the same time, encouraging maximum productivity from our Nation's farms.

More specifically, what this amendment would do would be to insure that any group of employees engaged in the same class of agricultural work would receive, on average, at least 25 percent more than the minimum hourly wage if they are paid on a piece rate basis. It would also give the agricultural employer a choice of two ways to meet this requirement.

This flexibility is important to both agricultural employers and employees. For the average and above average worker, it will promise earnings of at least 25 percent more than the minimum wage; for the unskilled or handicapped worker it provides him an opportunity to keep a job he would otherwise lose while developing the skills needed to move into higher pay brackets.

This type approach has been tried before with great success. In my own State of Florida, the citrus industry used it for 3 years—1965 to 1967—and at the end of that time, it was found that earnings averaged $2.10 per hour, over double the minimum wage put into effect in 1967. Even now, such wages would be well above the minimum called for in this bill.

This approach also has another big benefit—it will help keep food prices down. By allowing the agricultural industry to utilize the piece rate system of pay, which often best suits its peculiar needs, the unit costs of production are not increased. This can only benefit the hard-pressed American consumer.

Mr. President, each of the minimum wage bills passed by recent Congresses—and this one is no exception—has recognized that agriculture has different problems and a different set of working conditions than just about any other industry. To change things now would hurt rather than help farmers and consumers alike.

If we are to keep farm prices from rising and farm productivity from falling, we need to provide both the flexibility and incentives contained in this amendment. This amendment would do just that, and would increase the earnings for a great number of farm workers in the process.

The important factor about the amendment is that it will encourage initiative and productivity and it will reward those who can and want to work better.

Our whole great economic process in this Nation is built on initiative and willingness to work. I think this amendment serves to encourage and not kill that initiative, and I hope the Senate will adopt it.

Mr. WILLIAMS. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator from Ohio wish to yield time? Time on this amendment is controlled by the Senator from Ohio and the Senator from Florida. The Senator from Florida has 9 minutes remaining, and the Senator from Ohio has 10 minutes.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield to the chairman such time as he requires.

Mr. WILLIAMS. Mr. President, I rise in opposition to this amendment. Let me take a moment to review the situation of farmworkers and their coverage under the minimum wage law. We all know that coverage of farmworkers was a long time in coming. They were not included in the early legislation, and they were not included subsequently at times of amendment. But finally they were covered, and for very good reasons. Farm work is one of the most hazardous occupations. It is some of the toughest, hardest, most difficult, and most demanding work. While people suggest that this is unskilled labor, after hundreds of hours of field trips throughout this country and on the farms of our land, it does not impress me as unskilled at all.

We should bring a floor of protection with a minimum wage. The farmworkers are still well behind industrial workers now. They come up over a period of years until ultimately it is our hope they will be in parity with all other workers. It will take years to get to that point.

This amendment, it seems to me, erodes the very basis of a floor for farmworkers, giving them to barest of minimums in terms of an hourly wage. Superficially, it might seem appealing. I know that when it was first offered some 6 years ago, it seemed appealing, and I stood here and I accepted it. We did not have a record vote. It went in. But then we discovered that it was hazardous, indeed, to put this into the bill, and it was taken out in conference.

This is what the amendment would permit: It would permit superior workers to raise, through piecework, the average well above the minimum. But for those who did not have this superior skill and the fast hands and the extra strong back, they would be working well below the hourly minimum wage.

Hypothetically, I can state—I know that this could be more than a hypothesis; it could be a fact—you could have a hundred workers out in the strawberry field. You could have workers with exceptional ability, and they could be picking at a rate that would bring them, on a piecework basis, $4 an hour. This, of course, would raise the level. So that if 50 percent of them were making $4 an hour, the others could be making only a dollar an hour; yet, the law would be complied with, if this amendment were accepted.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. PASTORE. I have been reading the explanation of this amendment, which has been offered by Senator CHILES and Senator GURNEY; and in the first paragraph, the concluding sentence reads:

> Its use is strictly optional, not mandatory.

Does this mean that the matter of being optional still preserves the floor—and what is the floor?

Mr. WILLIAMS. I would ask the Senators from Florida—at whose option?

Mr. CHILES. At the employer's option. If he were paying an average worker at least 25 percent more than the hourly minimum wage, he could go on a piece-rate basis—if he were paying an average worker at least 25 percent more.

Mr. PASTORE. After he exercises this option, what if some of those who come under the option, in doing their work, do not have the skill to meet this $2.10, or whatever the minimum is? What happens to them? Do they get less than the minimum?

Mr. CHILES. They would be paid on the piece-rate basis.

Mr. PASTORE. So they could end up making only a dollar an hour?

Mr. CHILES. That is correct.

Mr. PASTORE. I think it is a bad amendment.

Mr. WILLIAMS. I rest.

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield me 3 minutes?

Mr. TAFT. I yield 3 minutes to the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, as most of us know, I am in opposition to the committee bill and have been arguing and debating with my good friend, the Senator from New Jersey (Mr. WILLIAMS), on this matter for a long time, both in committee and on the floor.

The substitute will be coming up in approximately an hour, on which we will have a final vote.

I was reluctant to oppose the Senator from Florida with respect to his amendment, and I find myself once more in agreement with Senator WILLIAMS, as we were on two other amendments yesterday. I do it for this reason: It strikes me that if there is any good at all in a minimum wage, the purpose of it is to establish a floor beyond which wages cannot be lowered. I realize that the Labor Department, for a period of time, has had a similar type of regulation in effect. But, historically, it has been used only for foreign agricultural labor. It has not been used for anything else.

As I understand the amendment—and I hope the Senator from Florida will correct me if I am wrong—it would be possible for an employer who has 10 employees, we will say, to average their piecework rate. If one was doing piecework at the rate of $3.50 and one was doing it at the rate of about a dollar, they would meet the minimum wage requirements, as long as the average exceeded the minimum rate by 25 percent. But the person who was at the low end of the scale, either the unskilled, the uneducated, the handicapped, or whoever it might be, would be getting less than the minimum floor.

It does not seem to me that we ought to go that route. I say this realizing that there are all kinds of defects in the proposed committee bill.

But it seems to me that we, in the 20th century, and we in the Senate, with a concept of the dignity of mankind, should be trying wherever we can to enable people, whether they are unskilled or handicapped or whatever, to be guaranteed a minimum wage. Otherwise, there is no point in their working. They just go on welfare. They do not do anything, and we have the obligation at that point of trying to steer them again into a new channel of work. One of the great areas available for relatively unskilled labor is in agriculture.

I hope the amendment will be rejected.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. CHILES. Mr. President, it is unlikely that an appreciable number of workers will be making below the average wage. The amendment will allow some people—young people and perhaps aged people—to be able to go out and work on a piece-rate basis for part of a day during the citrus picking season, let us say, in Florida. They could work on a piecework basis part of a day and make those earnings. If you have an hourly minimum wage and then you have the number of hours you must pay, you are going to knock those people out of employment. It is very easy to say that you are doing something fine, but you are going to disqualify and keep those people from having any kind of earnings at all, if they are aged or if they are young people.

The ACTING PRESIDENT pro tempore. All time of the Senator from Florida has expired. The Senator from Ohio has 1 minute remaining.

Mr. CHILES. Mr. President, I understand that if we can have a rollcall vote it will come at 11 a.m.

The ACTING PRESIDENT pro tempore. The rollcall vote would precede the vote on the Taft-Dominick amendment at 11 o'clock.

Mr. CHILES. I should like to give notice that we will request the yeas and nays at 11 o'clock.

Mr. DOMINICK. I want to say for the record that my understanding is, under the regulations I have read from the Labor Department, the piecework rate is permitted at this time in agricultural labor. The only qualification to that is that each employee paid on a piecework basis must earn at least the minimum. In other words, if they go on a piece basis, they can earn considerably more than the minimum, but not less.

It is that distinction which the amendment would vitiate.

The ACTING PRESIDENT pro tempore (Mr. METCALF). All time has expired on the Chiles-Gurney amendment. The time from now until 11 a.m. today will be utilized for debate on the Taft-Dominick substitute, amendment No. 1204, with the time to be equally divided and controlled by the Senator from Ohio (Mr. TAFT) and the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. To be taken equally from the time?

Mr. WILLIAMS. Yes—equally divided.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from New Jersey is recognized for 5 minutes.

Mr. WILLIAMS. Mr. President, I oppose Amendment No. 1204 which is an amendment in the nature of a substitute to the bill S. 1861. This amendment would have the effect of undercutting the careful work of the committee in considering each of the provisions contained in S. 1861.

Adoption of the substitute would preclude Senate debate on matters of vital importance to the working poor of this country.

You know, Mr. President, the bill reported from the committee to the Senate followed well over a year of committee work. After its introduction, we had many days of hearings and many days of executive consideration. The bill, as introduced, was substantially modified in executive sessions both at the subcommittee level and at the full committee level.

The final product was reported to the Senate by a vote of 14 to 3. The pending amendment, the substitute, in one measure, would sweep this all away. It would not permit the careful consideration of the bill item by item.

We had limited debate and limited opportunity to amend the substitute. In the parliamentary situation, many of us thought the better and more acceptable and the far more prevalent approach to legislating here in the Senate was not to amend the substitute.

At 11 a.m. today, it is hoped to defeat the substitute, and then have an opportunity to deal with the bill, amendment by amendment, item by item.

The ranking minority Member and I have both indicated that some additional changes that have come to us informally during this debate come with certain merit.

For example, the very first amendment to be offered, in the event of defeat of the substitute, will be the Stafford amendment, which will preserve $250,000—the enterprise test. This is felt in the Small Business Committee to be of vital importance. Over this long period of discussion of the bill, it has come to me that they have a compelling case. I announced earlier and announce again that I will support that amendment. There will be others, too. The distinguished Presiding Officer of the Senate at this moment, the Senator from Alabama (Mr. ALLEN), has an amendment that, as manager of the bill, I will be glad to accept. And there will be other amendments offered if this one-shot approach of a substitute is defeated.

Mr. President, the long-suffering people on the lower rungs of the economic ladder are owed by us at least this opportunity of an open and free debate on all issues raised on the minimum wage bill reported by the committee.

As I see it, the substitute is deficient in two principal elements of legislation—the wage rate and expansion of coverage. In addition, the substitute incorporates a differential minimum rate for young people, a provision with the potential for undermining this country's longstanding policy of a floor on wages.

In the light of a 27-percent increase in the cost of living since 1966, when we last legislated in this minimum wage area, the increases called for in the substitute are wholly inadequate.

The PRESIDING OFFICER (Mr. ALLEN). The time of the Senator has expired.

Mr. WILLIAMS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 additional minutes.

Mr. WILLIAMS. Mr. President, the substitute provides only a 12.5 percent increase at this time in the minimum rate. This is legislating a further slippage in the battle against the rising cost of living for the working poor.

The committee reported bill provides a wage increase that will leave the minimum wage worker in the same position in which he was in 1966 with regard to the cost of living. Believe me, this is a modest approach. Really, the lowest wage earners are just about marking time with the committee reported bill. They would be falling behind if the substitute were agreed to.

Mr. President, in later years the committee bill promises an improvement in the cost of living position for these workers. I do not believe we can in good conscience legislate a minimum rate that totally fails to recognize that the lives and the plight of our working poor are affected.

If we accept the substitute, Mr. President, we will be accepting the proposition that welfare is an absolute substitute for a living wage.

Mr. President, in the committee reports—and, I believe, they are on the desks of the Senators—we show what welfare supplement would be needed at various hourly rates of a worker's earnings. This shows that when a worker gets to a point where he earns $2 an hour for 40 hours a week, he almost approaches that level where he will not need welfare supplement. But at any hourly rate that is lower than that, that wage earner has to be partially subsidized by the taxpayers of this country. These figures are all based in terms of welfare supplements on the provisions of H.R. 1, if that should become law. As a matter of fact, not until a worker makes $2.07 an hour for 40 hours a week has he reached through his own toil a level that will not require welfare supplements.

Mr. President, it seems to me that as concerned as this Nation is and as concerned as each Member of the Senate is about the tragedy and, in many cases, the travesty of welfare in our land, this is the surest way to honor the age-old American ethic of working for a living instead of having to be supported through a dole, through welfare, through supplements.

These people who are covered, when they reach $2 an hour or a little better than $2 an hour, will be off the backs of the taxpayers and will be standing on their own dignified rights and making their own living. That is what this minimum wage amendment in the pending bill is all about. And we will not reach this point if the substitute does prevail.

Mr. President, the substitute represents a reversal of trends in this country. It denies the protection of the Fair Labor Standards Act to millions of our workers who are given coverage under the committee bill. In many instances these workers are in dire need of such protection—for example, the domestic household workers of the country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WILLIAMS. Mr. President, I yield the floor.

Mr. TAFT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. TAFT. Mr. President, I doubt if any Senator with an understanding of the economic problems in this country seriously believes that poverty can be cured by drastically increasing the minimum wage. I am not satisfied at all with the fact that 25 million Americans are estimated to be below the poverty line. This figure for black Americans is especially alarming as it is estimated to be as high as 34 percent. The simple fact, however, is that minimum wage legislation is not the way to solve this problem. I believe a far better approach is that taken in H.R. 1, the President's welfare reform proposal.

The poverty level for a family of six is nearly $5,300. And for a family of seven, it is over $6,400. But to raise the minimum wage to meet the needs of these families an increase of $2.65 an hour and $3.20 an hour respectively would be needed. So, we are not going to solve their problems by going the route proposed by the committee bill.

Family income depends upon the number of wage earners in the family and the number of hours they work per year, more than on hourly wage rates. A large percentage of the poor receive no possible benefits from a higher minimum wage and expanded coverage because they have no family member employed. A great percentage of our Nation's poor families do not have a full year-round wage earner, and that is a major reason that they are poor.

Many of the beneficiaries of a higher minimum are not below the poverty level. They are the individuals with dependents or members of families without other wage earners. A higher minimum severely hurts those workers that it is intended to help by pricing them out of the labor market. There are many Americans whose income is not directly affected by the minimum wage. However, with the ripple effect of the wage increase, they will be affected. Unfortunately, this fact just does not come through to many Members of the Senate.

Prof. James Tobin, formerly a member of the Council of Economic Advisers of President Kennedy, and currently an economic adviser to one of the nominees for President, Senator McGOVERN, suggested the following regarding the impact of minimum wage:

> People who lack the capacity to earn a decent living should be helped, but they will not be helped by minimum wage laws, trade union pressures, or other devices which seek to compel employers to pay more than their work is worth. A likely outcome of such regulations is that the intended beneficiaries are not employed at all.

The Members of the Senate should seriously consider the increased concern of consumers of this country. Consumerism is a very important part of the so-called populism that is sweeping this country. We are indeed in an age of new consumerism. I believe many Members of the Senate will be hard pressed by their constituents to explain their irresponsibility in supporting a minimum wage bill that increases the minimum wage 37.5 percent in 26 months for nonagricultural workers and 69.2 percent for agriculture workers, as does the committee bill. I realize this is an election year and that spending programs may be very tempting politically. This country, however, is undergoing continuing inflationary pressures and is still suffering from sizable unemployment. President Nixon, with the help of Congress has attempted to attack both of these problems. The economic stabilization program has been a major step in the right direction. The Emergency Employment Act passed by the Congress and signed into law by the President also has been a positive step. The legislation before the Senate today, S. 1861, however, can only be interpreted as a negative and counterproductive step and I believe the Senate should be held both politically and economically responsible to the American public.

Mr. President, in this regard, the Director of the Cost of Living Council, Mr. Donald Rumsfeld, recently made some statements I would like to quote because I think they state the matter succinctly. This is a release dated May 23, 1972, when the committee was about to report the committee bill in the form now before the Senate:

> Any proposal which fails to take into account the upward pressure on prices, generated by an abruptly higher minimum wage, poses a threat to the national effort to stabilize costs and prices.
>
> Such a large and abrupt change in the minimum wage will lead to additional wage increases for some, which will be paid for by the low income wage earner in the form of lost employment opportunities, and by the American consumer in the form of higher prices.

We have distributed to all Members of the Senate a summary of S. 1861 as reported, and the provisions of the substitute, in comparative tabular form. The only changes not shown here are provisions relating to child labor which were amended in the substitute yesterday.

Mr. President, we are for a reasonable minimum wage increase but we believe minimum wage increases of 37.5 percent will cut into employment problems in this country and constitute an inflationary threat. The question is what is wise and consistent with sound economic policies. I think we can be fair, wise, and consistent in attacking this problem by adopting the provisions of the substitute, and I urge the Senate to do that.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield to me for 10 minutes?

Mr. TAFT. Mr. President, I am glad to yield to the Senator from Colorado for 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, the Senator from Ohio has done a very fine job with analyzing the problems that he and I and a great number of other Senators have had with the committee bill.

I was entertained to hear the distinguished Senator from New Jersey and the distinguished Senator from New York say today and yesterday that all of a sudden they thought the small business amendment was a pretty good idea. I say I am entertained because I brought this up in committee and specifically offered the amendment which the Senator from Vermont was discussing. The proposal received six votes, with 10 votes against, including the votes of the Senator from New York and the Senator from New Jersey. A change of heart is always welcome. But I might say this was one key issue in committee which led me to propose such a substitute on a strong basis. I did it because I thought the committee bill as reported was totally unrealistic, and unfair in this area. The substitute incorporated the so-called small business amendment which the Senator from Vermont talked about yesterday.

It seems to me that we have a number of points that should be made in discussing this matter. I note the chart which was distributed by the Senator from New Jersey referring to the administration income supplement program for a four-person family and then indicating a raise in the minimum wage eventually. As you raise the minimum wage you would not need any welfare supplement. The intent of the chart is to show that, as the minimum wage progressively increases, the need for welfare decrease.

Mr. President, as one goes back over the history of increases in minimum wages, it will be found we have not had any less welfare. As a matter of fact, the chart, if it contained a line showing welfare increases, that line would go off the upper right-hand edge of the chart because, as we have raised the minimum wage, the welfare situation has gotten worse and not better. So let us get away from the assertion that by raising the minimum wage we are going to take people off of welfare. The likelihood is, according to reports from people who have been there recently, the more you raise the minimum wage the more people go on welfare, because more people lose their jobs and they lose their jobs in the area where we have the highest number of unqualified people so far as modern skills are concerned.

Mr. President, we have another chart. I do not know what that proves one way or another except we have had significant and persistent unemployment since 1949, with dips and curves. I do not see how it relates to increases in the minimum wage but I am sure the Senator from New Jersey will explain that later.

The next thing that I think the proponents of the committee bill have to overcome is the obvious presumption that an increase in minimum wages of 37.5 percent in 14 months and 36.2 percent in 3 years, is not inflationary. They are either saying it is not, or, "if it is, we do not care."

I say that one of the most crucial problems we have is trying to control inflation. We would not find in times of relative peace a President imposing a freeze on wages and prices and then putting in phase II unless we had a very difficult situation so far as inflation is concerned, and undoubtedly this will make it worse, as seen by statements of Mr. Donald Rumsfeld, referred to by the Senator from Ohio (Mr. TAFT), and the letter of C. Jackson Grayson, a copy of which has been placed on the desk of each Senator.

For clarity, on page 2 of that letter dated July 17, 1972, he states:

> These developments will have significant implications for the regulations concerning permissible prices under the Economic Stabilization Program. For instance, wholesalers and retailers are permitted to adjust prices according to their customary initial percentage markup. However, they are not permitted to raise prices to reflect increased operating costs, such as would result from sharply increased wage costs.

So the wholesalers and retailers would be bound by existing regulations while the wages go sharply up and the only way they are going to be able to cut operating costs is by letting people go.

It is just that obvious. There is no other way to get at it. Then he goes on in the letter:

> Under current regulations, a hospital must apply for an exception in order to raise prices by more than 6 percent, or to raise prices to reflect labor costs more than 5.5 percent. This percentage limitation might also prove unrealistic if the bill is passed.

One of the things we are pointing out here is that this is not any 5.5-percent increase; this is a 37.5-percent increase in 14 months, as recommended by the committee, and a 69.2-percent increase in the agricultural field, which is probably as difficult a field for anybody to make a living in as there is, unless they are in the agribusiness at this time.

So I just say we would be dealing with something which is wholly unrealistic if we went along with the committee bill.

The next one I want to talk about is a provision in the committee bill which no one has mentioned, making it a crime to knowingly hire an illegal alien. No one has mentioned that in the whole debate. I have received a letter from the Spanish International Network, sent by Mr. Rene Anselmo, executive vice president, dated January 27, 1972, dealing with this situation as it was before the House, protesting vigorously against it and saying it was arrant discrimination to have that provision in the committee bill. We do not have the provision in the substitute we propose.

I ask unanimous consent that the letter be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. DOMINICK. The third point I want to make is on coverage. The Senator from New Jersey stated he wanted to cover domestics. I do not see any possible way we are going to get housewives, who, by and large, are not abiding—willingly or unwillingly I do not know—with the regulations on social security, to also start keeping all records and determining how much is being paid to domestics who come in to clean or cook or do laundry, or whatever it is.

Furthermore, it is beyond my comprehension to determine how a domestic, working in one place for a long time, would affect interstate commerce, which is the only constitutional basis for such legislation. If a domestic is in interstate commerce, I must say we might as well say that everything is going to be in interstate commerce, whether one is fly swatting or whatever he is doing. It makes no sense to me.

It will mean fewer domestics, rather than more. It would put a terrible burden on every housewife in the country. It would further reduce employment opportunities for those who have no alternative but welfare. It makes no sense as far as I am concerned.

As to local employees, how in the name of heaven do we have a right in the Federal Government to determine what wages are to be given to an employee of a local school disrtict? Where do we get the brains to determine what employees are going to get in sanitation districts or in other institutions or departments in the various States? How are we going to determine what every local jurisdiction is going to pay an employee in every local agency of the 50 States?

Mr. President, I oppose S. 1861 for a variety of reasons. Since I have expressed them in detail during the course of this debate over the last 3 days, let me just summarize them here in broad terms.

First, I think it would contribute substantially to inflation. And it could not come at a worse time. No better plan than the radical minimum wage increases and sweeping extensions of coverage it proposes could be devised to blow the Economic Stabilization Program right out of the water. You have on your desks copies of statements by the Director of the Cost of Living Council and the Chairman of the Price Commission saying essentially that, although in more restrained terms. A lot of dust has been raised by the conflicting arguments on the inflation issue during this debate. But I think the proponents of this bill clearly have the burden of overcoming the strong presumption that minimum wage increases of 35.5 percent within 14 months for most nonfarm employees, and 69.2 percent within 3 years for farm employees, are inflationary. I am confident that when the dust settles everyone will recognize that burden has not been met. If a majority of my colleagues do not see it, they will be reminded soon enough by their constituents, who will be complaining about even higher prices for virtually every consumer product. They will also be reminded by small businessmen and farmers, who would bear the brunt of the considerable increases in labor costs.

I am opposed to this bill because it clearly will not do what its supporters say it will. They pronounce that it will put an end to welfare for the working poor in this country. As I have said earlier, this is an undeliverable promise which amounts to nothing more than a cynical joke on the poor. The minimum wage would have to be increased immediately to $2.65 per hour to raise the income of a family of six with one wage earner to the poverty level. The figure for a family of seven is $3.20. Forty-six percent of the working poor are members of families of six or larger. To them, the realization that this promise was totally undeliverable from the start will not be a very funny joke.

Worse than not delivering on promises to the poor, the committee bill would actually harm them. Marginal workers who find themselves unemployed will wonder whether welfare is really a better alternative. They will have difficulty seeing why their "morale and dignity" should be "boosted," as the proponents of this bill suggest. The only workers whose morale will be boosted are those who least need help—well-paid, skilled workers with secure jobs. Due to the "ripple effect" from these large increases in minimum wages, they will receive disproportionate windfalls when, through the collective bargaining process or otherwise, previous wage differentials are restored.

I believe the substitute we have offered is a realistic alternative to the committee bill. A summary of the most important differences between it and the committee bill, along with a section-by-section analysis, are on your desks. It provides for substantial increases in minimum wage rates, but would minimize the inflationary and unemployment impact by confining such increases to presently covered employees. In an attempt to deal with the serious teenage unemployment problem ignored by the committee bill, it would establish a youth differential to replace the obviously unsuccessful present 85 percent certification system.

On this issue, it is a little ironic to observe how those who view themselves as forward thinking and progressive argue vehemently to preserve a very unsatisfactory status quo. All we are saying with the youth differential is, "Look, we have a problem—an alarmingly high teenage unemployment rate which has broad and harmful social implications. Let us try to do something about it. Here is our proposal." As legislators to whom the people of this country look for solutions to difficult problems, I think we should feel compelled to give this proposed solution a fair chance to stand or fall on its own merits. It is not going to cause any sudden disaster. It is not as if we would be making a decision which is irreversible for all time. If, after enough evidence is in, it appears to be ineffective, we can modify it or simply repeal it and look for something better. But let us do not just turn our backs on the teenage unemployment problem, as the committee bill would, because it is not likely to solve itself.

One other point I want to make this morning, before I reserve the remainder of my time, is the fact that this amendment, if adopted, will cut off all further amendments—the Senator from New Jersey referred to this—germane and nongermane. It will mean we will have a bill which can get through a quick conference with the House, which will give a very substantial raise in the minimum wage to the working people of this country, but will not be so excessively inflationary that we are going to hurt the consumers and producers and the very people we are said to be helping by the committee bill.

I see no advantage in encumbering the bill with nongermane amendments, which I have reason to believe may be offered if this amendment is not adopted. I see no point in having to go over each one of these items, one by one, when we have debated the whole thing, we have brought up the points, and we have made the specific points we have debated, and can avoid that whole process by adopting the Taft-Dominick amendment. I hope we can do that today.

EXHIBIT 1

SPANISH INTERNATIONAL NETWORK,
January 27, 1972.

DEAR CONGRESSMAN ERLENBORN: Spanish International is a network of Spanish language television stations throughout the United States with the audience of some 5 million people. Because our viewers sometimes have difficulties adjusting to American culture, our relationship with them is more personal than usual between a station and its audience. They often call us to aide them with individual problems and to assist the Spanish community as a whole. For this reason, we are disturbed beyond measure at the consequences that Sec. 214 Section 4(g) of H.R. 7130 ("Fair Labor Standards Amendments of 1971") will have on the minority groups in this country. This subsection of H.R. 7130 provides criminal penalties for employers who "knowingly" hire illegal aliens.

First, let us assure you that we are concerned about the situation with illegals. However, as we will demonstrate later in this letter, effective remedies exist under present law. The immediate question is if, in an attempt to protect American jobs, the Congress will approve legislation that turns life into a nightmare of identification, restriction and legalized discrimination, first for minority citizens and ultimately for all Americans.

If this amendment becomes law, it can only be enforced in two ways in a nation with the heterogeneous population of the United States:

(1) Spanish, Oriental and most other minority Americans as well as the millions of naturalized citizens who still retain accents in their speech or other characteristics which distinguish them from "Anglo" Americans will have to prove they are citizens when applying for a job. Since employers are clearly not going to go through the expense and bother of substantiating the national background of prospective employees, job opportunities for minorities will descend even lower than they are now. This legislation will also be a windfall for discriminatory employers. (Furthermore, there are still millions of people of working age in this country who did not have their births registered and thus have no readily available documents to substantiate their citizenship.)

Certainly, no Congressman would have dared propose a law that placed this discriminatory burden exclusively on white Americans. And yet, despite the terrible effects this approach will have on millions and millions of minority citizens, it will be of doubtful value in halting the employment of illegals. Dishonest employers need only to have aliens declare they are American citizens to get around the technicality of "knowingly" hiring an illegal.

(2) Since it seems unlikely the courts will ultimately allow any law to be enforced so discriminatorily, there is only one other method. Every citizen and legal resident of the United States will have to be identified and filed and given some document which proves he exists "legally" for the purpose of being employed. Most suggestions along this line center on making the Social Security card into what essentially amounts to an internal passport—and requiring that card applicants be investigated, fingerprinted or otherwise "nailed." In the age of computers, we are sure you must be aware of the extreme danger of instituting any system of this sort. Further, even the cost of administering this horrendous bureaucratic monster would be much more than the cost of deporting illegals.

Compared to H.R. 7130 Sec. 214 Section 4 (g), which is so expensive in terms of human dignity, personal freedom and administrative machinery, the government can take several rather simple steps to halt abuses in the employment of illegals.

1. The United States Code already provides severe penalties for smuggling illegals (5 years in jail and a $5,000 fine), harboring aliens, various passport and document forgeries and, most particularly, for willfully concealing information from any United States Department or Agency enforcing the laws under its jurisdiction. Since many of the worst employers either have their own smuggling operations or have devised elaborate techniques to protect themselves (we have even read of one farm in the Southwest that stations lookouts with walkie-talkies to warn of the approach of Immigration agents) a few major prosecutions would certainly make the point. We recognize that many of the people involved in these practices are well-connected politically. However, if the law enforcement agencies are sincere, there is no doubt that strict application of present law would minimize abuses.

2. There are a variety of ways in which visa procedures could be tightened. Just a few examples! The loose administration of undated border passes gives many aliens the means to enter the United States legally and then just disappear. Applicants for student visas could be checked to see that they have registered at an accredited institution in the United States and paid their tuition. Clearly, no one wishes to hamper visitors from foreign countries, but some of the current methods invite abuse.

In conclusion, this subsection of H.R. 7130, while potentially the most dangerous and discriminatory legislation before Congress, will not be as effective in stopping the problem as would be the enforcement of present law. We are particularly disturbed that this subsection was added to "The Fair Labor Standards Amendments of 1971" at a closed session of the Education and Labor Committee. Surely the Congress will not consider passing a law with such overwhelming implications without even opening it to public consideration. How can the Congress, in attempting to protect American jobs, undermine the very freedoms and dignity which Americans value above all else?

Sincerely,

RENE ANSELMO,
Executive Vice President.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I have a request for time from the Senator from Illinois (Mr. PERCY) for 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, I have not been here to listen to all the debate of the distinguished Senator from Colorado. I have a very high regard for him, for his reasoning, and his motivations, and I have studied the RECORD very carefully. I did not reach a final conclusion on this matter until the last 24 hours.

I do intend to vote against the Dominick-Taft substitute for S. 1861 as reported from the Senate Labor and Public Welfare Committee. I simply do not believe the substitute does what is necessary to be done to help low-income workers to achieve and maintain a decent standard of living within the free enterprise system, as I know it and understand it, having worked in it for many years.

The committee bill, though I do feel it requires certain amendments, and I intend to speak on and support certain amendments to it, comes closer to what I consider as a worthy objective for all of us to have.

I simply do not feel, further, that the place to wage the fight against inflation is among those below the poverty level. That is not the place to say to people, "Hold the line." That is not the place, when it is at a level that is not really sufficient to sustain and maintain a decent standard of living.

When the distinguished Senator asks the question, "What right do we have to intervene to raise wage rates that are paid out in the States and municipalities?" I say we have an inherent right, it seems to me. We have assumed an obligation and responsibility to try to bring everyone up to at least the equivalent of the poverty level. When people are being paid a wage that results in them being lower than the poverty level, that leaves us the obligation to improve that income so that people who are working, in order to maintain and sustain themselves, would not have to be put in the degrading position of being a full-time employee and yet having to become recipients of welfare because their salaries do not bring them up to the poverty level. The line of poverty has now been raised by inflationary forces to such a substantial level that there is a need for this increase since the last increase in the minimum wage occurred.

The present minimum wage of $1.60 an hour only yields a full-time worker $64 in gross income per week, or $3,200 a year—over $800 below the poverty level. A $2 minimum wage would only yield $4,000 a year—just at the poverty level for a family of four. Actually, for a family of four to escape the poverty level, a minimum wage of $2.08 would be necessary today.

What has happened is that inflation has so eroded the value of the dollar since 1966, the date the minimum wage law was last amended, that a substantial increase in the present rate is necessary just to permit low-income workers to earn enough to provide themselves and their families with the barest necessities of life. To not take this action will only continue to overburden public welfare, which business and individuals pay for out of tax revenues.

So the question is, Are you going to pay it to people who are working at jobs, who are able to work in full-time employment, or are you going to pay it for welfare? No one argues that they are not going to have enough to live on. All the reform bills that I know of try to bring people at least up to the poverty level. I am simply arguing, bring them to that level with people who are working, and let us not have a disincentive for working. That is one of the main and crucial points we are debating today.

In view of the over 25-percent increase in the cost of living we have experienced since 1966, I believe a raise in the minimum wage to $2 per hour, as now proposed in S. 1861, rather than $1.80, as proposed in the substitute, is fully justified.

We have spent a great deal of time during the past few years trying to reform our present welfare system and reduce the heavy burden it now places on our taxpayers. It seems obvious to me that one of the most important things we can do to alleviate this burden is to insure that an incentive exists for people to work. The committee bill would at least provide income sufficient to permit workers to escape eligibility for public assistance under H.R. 1; yet the substitute would not.

The committee bill also expands minimum wage coverage to an additional 8.4 million workers currently uncovered by the minimum wage, while the substitute does not provide any expanded coverage. It is really unfair to talk about the minimum wage being raised and the benefits it will bring and then exclude this many low-income workers, leaving some workers more minimum than others. The new workers covered by the committee bill include some of the most poorly paid workers in the country. For example, domestics now earn an average of $1,900 per year. Also the committee bill—unlike the substitute—eliminates a number of exemptions from the minimum wage which really can no longer be justified. Again this expanded coverage and elimination of exemptions is just a matter of economic and social justice.

The substitute also errs in establishing a youth differential with no effective provisions to guard against wholesale replacement of adult workers by youth paid subminimum wages. The youth differential could badly disrupt the structure of unemployment by causing wholesale replacement of adults by youths paid at subminimum rates. Present law has provisions which permit learners and students, under carefully controlled conditions, to be paid less than the statutory minimum. There has been no showing that the kind of blanket exemption which would be provided in the substitute is really necessary to preserve employment opportunities for young people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WILLIAMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 11 minutes. The Senator from Ohio has 8 minutes.

Mr. WILLIAMS. Can the Senator conclude with 2 minutes?

Mr. PERCY. I think so.

Mr. WILLIAMS. I yield the Senator 2 additional minutes.

Mr. PERCY. Finally, Mr. President, a most compelling argument for rejecting the substitute is involved in the parliamentary situation we as legislators are now in. If the substitute is accepted, it would be a substitute for the whole bill and no further amendments would be in order. Acceptance of the substitute would cut off any amendments dealing with individual provisions. I must candidly say that there are provisions of the committee bill that I would prefer to see changed. Rejection of the substitute would not foreclose changes in the committee bill. The Senate could still make selective changes in the bill but adoption of the substitute would be an all-or-nothing preempting any other amendment.

As a matter of fact, Mr. President, I intend later in the debate today, should the Dominick substitute fail to offer or support amendments stretching out somewhat the increase in the minimum wage and to restore the tip or gratuity credit to 50 percent.

For the above reasons, Mr. President, I will vote against the substitute offered by the distinguished Senator from Colorado (Mr. DOMINICK), but will reserve the right to vote for amendments to selectively modify the committee bill to put it in greater accord with what I feel is reasonable and fair under the circumstances.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Ohio has 8 minutes remaining.

Mr. TAFT. And how much time does the Senator from New Jersey have?

The PRESIDING OFFICER. The Senator from New Jersey has 9 minutes.

Mr. TAFT. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Oh, no, we have time. I just meant to ask the Senator if he would go ahead, because I am not quite ready.

Mr. TAFT. Mr. President, I yield myself 2 minutes.

The arguments made by the distinguished Senator from Illinois are arguments that we have heard before in this debate. I believe they have been more than answered already. I regret that the Senator from Illinois was not here to engage in colloquy on the positions that we have taken.

The point that I think I have made, and I believe it was made very clear, is that the poverty level is not going to be corrected by increasing the minimum wage, no matter what that increase might be. It is mainly a question of whether jobs are going to be available or are not going to be available. I believe we should do whatever we can do to bring all Americans above the poverty level. That is the principal purpose of many of the programs and many different approaches that we have made. But the fact of the matter is, as the Senator from Colorado has so ably pointed out just a very few minutes ago here on this floor, that a severe increase in the minimum wage forces a continual increase in the number of persons on welfare in this country. So the arguments made by the Senator in that respect to me simply do not make any sense.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TAFT. I yield myself 1 additional minute.

Mr. President, I also want to take issue with the Senator from Illinois on the matter of restrictions on the youth differential. I pointed out, I think right at the outset of the debate, in a colloquy with the Senator from New York, that there is a provision in the substitute that regulations shall be issued by the Secretary, a finding that the youth differential shall not be used to cut into employment opportunities for others. Rather, I think it is a matter of trying to do something about the tremendous increase in youth unemployment, and particularly minority youth in this country. Evidently the Senator from Illinois is not aware that employment opportunities would be hurt by the passage of this bill, or by the failure to pass the youth differential in the substitute. It seems to me the committee measure flies completely in the face of the facts, and I think it does not merit our support.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield me some time?

Mr. WILLIAMS. I yield the Senator 5 minutes.

Mr. JAVITS. Mr. President, we have now come to the end of the debate on the substitute, and what we expected to find we do find, that is, that the substitute as now before us, having been amended by its sponsors with such amendments as they chose to allow, is completely inadequate to deal with the situation which the bill was designed to correct.

Bearing in mind that the Senate will have the power, in a selective way, and will—not only will have the power, but will—work its will and, as my colleague the Senator from Illinois has very clearly set forth in his own position, act selectively on individual items in this total package, as to what the basic rates shall be and when they shall be applied. I have little doubt, because I am going to support one of those changes myself, that there will be many corrections in other aspects of the bill, including inventions of various kinds, expansions of coverage, et cetera.

The important points, however, that will be established by the vote on the substitute, are the following:

First, that the Senate wishes to keep its options open. That, to me, is prime point 1–A, and there I have a fundamental difference with the Senator from Colorado. I believe that what we should not do is package this up and lock ourselves out of any further effort to deal with it in a selective and specialized way, so that we can go to conference with the House of Representatives fast.

I have been in a lot of these conferences, and it is not going to be any faster or any slower. If that is what is to moderate our judgment with respect to the minimum wage, it is a mighty poor standard. We are going to get through with this conference in 3 hours or 10 hours, more or less, and it is going to come out of our hides, in that we may have to work nights; but it should not come out of the hides of the 53 million people who are under the minimum wage.

So I am not buying this argument, and I hope the Senate does not buy it, "Let us wrap this up quick and throw it into conference."

So what? On that basis there are a lot of things we could throw to the wolves.

Mr. President, this is a very profound matter of social justice, make no mistake about it. And interestingly enough, the letter which is supposed to crush us, from the chairman of the President's Price Commission to Senators TAFT and DOMINICK, actually makes this copper-riveted, because if it is a fact, as he says, that about 16 percent of workers in the service industries are currently earning less than the current minimum wage and about 40 percent of the workers in those industries earn less than $2 an hour, and if it is a fact, Mr. President, that in the retail sector 19 percent of the workers earn less than $1.60 an hour but over 50 percent earn less than $2 an hour, then they are the group in this country that is paying the price for what they want in terms of stabilization. I am all for the stabilization program. But I am not for that group paying the whole bill. If that is the evidence, it seems to me decisive in terms of the passage of this bill and not the passage of the substitute.

Finally, Mr. President, the argument is made that this will have an inflationary effect. Anybody who has administered business or administered anything knows that it is not what you owe or what you spend but what you get that determines an inflationary effect. There have been plenty of raises. We did not hesitate to raise the dockworkers in California and New York—not by a fraction of 1 percent, which is what is estimated here as the added annual wage bill, but by 15 percent in 1 year. So when we have to do so, we are not afraid of the inflationary effect. But it gets to be a big argument in this instance.

Again, I get back to the commonplace, matter-of-fact standard which every American can understand: The $2 minimum wage is $80 a week, and after deductions, that is $75 a week. What a big deal that is for any man who has any kind of responsibility.

So, Mr. President, the basic argument here, aside from the substantive details of the $2 or the $1.80, is the fact that we should not lock ourselves out of the ability to deal with each of these items in a specialized way by adopting the substitute. That, to me, is the basic and fundamental decision which the Senate is making now. I hope very much that, in common equity to that part of the population which is directly affected, we will defeat the substitute.

On the question of expanded coverage, the greatest group are the State and municipal employees—the largest group which now comes in for expanded coverage. It is shocking to me that we should even argue about that, that we should even think that a $2 minimum should not be established for anybody who works for any governmental unit, no matter what that unit might be.

As to the domestic workers, we hire them, as practically every Member does, in our own families. One of the great difficulties with the domestic worker field is its irregularity, the fact that there is still some kind of lingering question about whether they are "servants" in the old sense, so that you have kind of a chattel mortgage on them, rather than their being workers like anybody else.

I hazard the point that the more we regularize them in terms even of hours—though we do not do so in this bill—and of compensation and of other conditions of work, and give it dignity, and call that lovely cook "Mrs." or "Miss," instead of by her first name, and do not think she does not need any sleep because she is our servant, we will have more of them. The more the job becomes dignified and recognized as honorable employment, such as any other employment—working in a factory or working here—the better it will be from the point of view of getting that kind of service, which Americans so urgently need.

For all those reasons, I hope very much that the Senate will reject the substitute and will enable us to get on with the business of selectively dealing with the individual items of this bill.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, it has been loosely stated here by those who support the substitute that in an increase in the minimum wage will lead to unemployment. This is in direct contradiction of all our experience in this country with the minimum wage.

On six occasions following an increase in the minimum wage, not only has there been an increase in employment at three points in time when the minimum wage was raised, but also, there has been a decrease in unemployment, and the other two times employment has remained stable. This was true in 1949. Following that increase, unemployment decreased. That was true in 1955 and in 1961. In 1963, employment stayed stable, as it did in 1967 and 1968.

So for those who say that the minimum wage should not be increased to where the bill raises it now because it will cause unemployment, I point out that the record shows that this has not happened in the past. We have no reason to believe that it will happen in the future. The economics might suggest the contrary—that it will increase employment.

The PRESIDING OFFICER. All time of the Senator from New Jersey has expired.

Does the Senator from Ohio desire to be recognized?

Mr. TAFT. I yield 1 minute to the Senator from Vermont.

Mr. STAFFORD. Mr. President, I ask unanimous consent that a member of my staff, Mr. Michael Francis, may have the privilege of the floor during this vote and the consideration of the amendment I will call up immediately afterward.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I yield to the Senator from Colorado such time as he may desire.

Mr. DOMINICK. Mr. President, we are nearing the end of this debate. I just want to make two points again, for the benefit of the Senator from Illinois and the Senator from New York.

First of all, I invite the attention of the Senator from Illinois to a study which was made by Prof. John Peterson and Prof. Charles Stewart, both professors of economics, which was made in very careful detail. After they get through, they say on page 155:

> Within low-wage industries, higher-wage plants gain at the expense of the lowest-wage plants.

This is when you raise the minimum:

> Small firms tend to experience serious profit losses and a greater share of plant closures than large firms. Teenagers, nonwhites, and women (who suffer greater unemployment rates than workers in general) tend to lose their jobs, to be crowded into less remunerative noncovered industries, and to experience more adverse changes in employment than other workers.

The Senator from Illinois has had experience in the business world. If one is going to have a low-profit situation because of increased costs, he wants to get the most productive people he can, so he does not hire the marginal workers. He does not hire those who are unskilled. If one already employs them, he lets them go, in order to cut his costs wherever he can, in order to maintain a profits level.

Insofar as Mr. Jackson Grayson's letter is concerned, after citing the number who are below the minimum wage, he then goes on to say the following, which was not read by the Senator from New York:

> Clearly, such large increases—

Referring to the bill—

> Would generate strong upward price pressures and disruptive employment effects in that sector.

He goes on and on, showing the adverse effects of the committee bill.

We have changed that. We have given a minimum wage increase. We are not saying that they should all be treated like slaves, that we are going to take a whip and make everybody work whether they want to or not, and not pay them anything. We are giving a very substantial increase in minimum wages. We are not doing it to the excessive degree of 37.5 percent in 14 months and 69.2 percent in the agricultural field over 3 years.

We are doing less than that in order to try to help maintain some kind of brake on the inflationary cycle, to be able to give opportunities to young people to get into jobs which the committee bill does not do anything about at all. We are trying to do this on a basis that while we are taking care of the inflationary cycle that already has occurred, we are not increasing new inflationary pushes.

So far as I am concerned, we can defeat the committee bill, we can have a substantial minimum wage increase without increasing inflation, and, most important, we can provide job opportunities for young people in the area of a maximum unemployment situation as we have it now. These are the reasons why I think we should support the substitute.

I thank the Senator from Ohio for yielding.

The PRESIDING OFFICER. Is all time yielded back? One minute remains to the Senator from Ohio.

Mr. TAFT. I yield myself the remaining time.

The committee bill in sum certainly provides a bleak outlook for many of the Nation's working poor as they face: higher prices for food, products, and services, possible curtailment or abandonment of services including the closing of the neighborhood grocery and the loss of their only way to work—the bus; higher taxes due to increased burden of State and local governments; and most important, even face the potential loss of their jobs—but we suppose the ex-workers could say that if they had jobs they would have received a $2.20 minimum.

The PRESIDING OFFICER (Mr. TUNNEY). All time of the Senator from Ohio has now expired.

Mr. ROBERT C. BYRD. Mr. President, I ask for 30 seconds.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the amendment by the Senator from Florida (Mr. CHILES).

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the Taft-Dominick substitute.

The PRESIDING OFFICER. The Chair would inform the Senator from West Virginia that they have already been ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on S. 1991, which is scheduled for tomorrow.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I give my strong support to S. 1861 as reported by the Senate Committee on Labor and Public Welfare, and I urge the Senate to vote to reject the debilitating substitute that is being offered on behalf of the administration.

S. 1861 is one of the most important pieces of domestic social legislation that the 92d Congress will consider. Ever since President Franklin D. Roosevelt, when America as a nation first made a firm commitment "to provide enough for those who have too little," and to provide a decent living wage for Americans everywhere, Congress has been in the forefront of launching programs to meet that goal. The original Fair Labor Standards Act, enacted in 1938, was a principal cornerstone of President Roosevelt's New Deal for America, a key Federal program to help the working poor, and to protect all workers against the sort of sweatshop wage conditions that the Nation had endured for too long.

To be sure, we in Congress have not always kept the Fair Labor Standards Act as current as we should. But over the years, the act has been close to the heart of all our social programs to benefit American workingmen and women. For more than three decades, millions of workers in every State have enjoyed the benefits of the minimum wage, and have thereby been helped to attain a fair reward for their labor and a start toward a decent life for themselves and their families.

Now, we have the chance to bring the Fair Labor Standards Act into the sunlight of modern American life, to make it an effective tool for the financial protection of workers in the decade of the seventies. Congress last looked at the Act in 1966, when it established the $1.60 basic minimum wage still in force today. But no one who has lived and worked through the soaring inflation of the past 6 years can have any doubt that a $1.60 wage that was a viable minimum in 1966—or even in early 1968, when the $1.60 level actually went into effect for most workers—is not a viable minimum today.

Simply to enable millions of workers to stand still—or, rather, to recoup their losses since 1966—Congress must raise the minimum wage to the levels specified in S. 1861, as reported by the Senate Labor Committee. We need a new minimum wage of $2 now, and $2.20 a year from now. Surely, that is the smallest step we can in good conscience take today. If we are to keep faith with our promises over the years to make the minimum wage a decent living wage—if we are, in the current phrase to "keep on keeping on" with our effort to rid America of poverty, and to upgrade the lives of the workers who are least able to help themselves and who are therefore most vulnerable to exploitation and harassment in our modern society.

That is why those of us who give strong support to the committee bill have so little patience with the arguments of those who plead for cutbacks and delay in enacting this legislation. To me, the substitute now being offered on the Senate floor on behalf of the administration is yet another example of the administration's consistent and continuing attempt to relegate the working poor to the status of second-class citizens.

We have heard all these administration arguments before—they often come in different clothes, but their substance is the same. Whenever the sequence of national priorities is being established by the administration, it is always the poor and disadvantaged who ride the caboose. When the President's fiscal package was launched in the wake of the wage-price freeze last year, one of the most shocking aspects of the program was the decision to postpone welfare reform for many months—"for fiscal reasons" they said, while the poor were left to suffer. When Congress attempted to write an eminently reasonable exemption for the working poor into the President's phase II legislation last fall, in order to ease restraints on wage increases for American workers at the bottom of the pay scale, the administration came up with such a narrow and invidious interpretation of the law that millions of the working poor now fail to receive the benefits that Congress intended.

Fortunately, in recent days, the position of Congress on the working poor in the phase II legislation has now been vindicated by the Federal courts, but it is little comfort to those who have learned once again that their basic rights must be won in the courts instead of the councils of the executive branch of their Government.

Again and again, we have seen this sort of evidence—whenever the administration decides to postpone action, it postpones programs for the poor and disadvantaged. We shall never win the war against inflation if all we use as cannon fodder is the rights and lives and well being of those who are most in need and least able to speak with effective voices. We in Congress have a high obligation to speak out and act for them, to guarantee that the war against inflation is an evenhanded fight, and that the brunt of the battle is not borne too heavily by any single group within our population.

That is why I support the present legislation in the form approved by the Senate Labor Committee. I fully support the $2/$2.20 standard. I fully support the expansion of coverage in the bill, especially the extension to employees of State and local governments. I fully support the broad coverage of the bill for the Nation's youth. I fully support the bill's major extension of benefits to agricultural workers, and the welcome new restrictions imposed on child labor on the Nation's farms. I fully support the elimination of so many exemptions in the existing law, exemptions that have long outlived any possible rationale they might once have had, and that now persist as silent testaments to the special power of special interest groups in the Halls of Congress.

In sum, the legislation before us is an important opportunity for Congress to take another major step on the road to a decent society. It is an excellent and well-deserved tribute to Senator WILLIAMS, the chairman of the Senate Committee on Labor and Public Welfare, who has guided this complex and urgently needed bill through every stage of the legislative process. It deserves to be enacted. I hope the Senate will reject the substitute, and pass the bill the Nation needs.

Mr. President, one further point should be mentioned. In discussing the Fair Labor Standards Act, I wish to call the attention of the Senate to a growing problem caused by the fact that under section 13(a)(1), professional employees are exempted from the maximum hour standards of the act. I am especially concerned that, at a time when unemployment continues in our aerospace and other technical industries and when a large number of competent professional people are seeking employment, those who remain employed are forced to work long hours for no extra pay. Rather than spread available work and thus encourage more of our valuable, highly trained people to remain in the technical professions, industry has found it profitable, because of the FLSA professional exemption, to add many thousands of engineers and scientists to the unemployment lines and to concentrate the available work among a diminished professional work force.

This practice has resulted in many injustices among the engineering and technical professions. Additionally, it is a practice that is driving urgently needed technical talent out of the professions. These professional men and women represent a vital human resource for our Nation. A great deal of time and money have been expended in preparing them for their careers. Certainly, they should not be treated as second-class citizens. They are entitled to the same protection and benefits of the law that are enjoyed by other employed people.

At last, Congress is beginning to understand the plight of unemployed professionals. I believe that the problem deserves thorough exploration, and I hope that Congress will undertake an appropriate study of the issue, including the impact of the section 13(a)(1) exemption.

Mr. McGEE. Mr. President, the chairman and members of the Committee on Labor and Public Welfare have done an outstanding job in their deliberations on S. 1861, and I commend them for their efforts and the constructive provisions which are contained in the bill. I support most of the proposed amendments and consider them of the utmost importance in bringing equity to millions of workers in this country who have been working at substandard wages and, in many cases, have been forced into a poverty situation.

Mr. President, for this reason, I intend to vote against the proposed Taft-Dominick amendment which would eliminate virtually all of the progressive provisions which the committee has strived so hard to achieve.

There is one area of the committee bill which concerns me a great deal. It would reduce the dollar volume test for small business from $250,000 to $150,000 in annual gross sales. The small businessmen in my State and, I am sure, those across the Nation have been particularly hard pressed in recent years due to the increasing pressures of inflation. The small businessman is especially at a disadvantage under these circumstances in trying to compete with big business and chain operations which do not feel the pressures of inflation so severely. In 1966 the small business exclusion was reduced to the present $250,000 figure. Since that time, the Consumer Price Index has increased 24 percent. Therefore, the $250,000 exclusion today is equivalent to a gross volume dollar value of $190,000 in 1967 dollars. I have concluded that in the case of small business the committee's recommendation is unnecessarily harsh and that we should retain the $250,000 enterprise dollar volume test under the Fair Labor Standards Act.

For this reason, I have joined the Senator from Vermont (Mr. STAFFORD) in sponsoring amendment No. 1318, and I urge Senators to join me in supporting it.

Mr. DOLE. Mr. President, according to the majority report of the Committee on Labor and Public Welfare, the minimum wage bill is intended to eliminate the "labor conditions detrimental to the maintenance of the minimum standard of living necessary for the health, efficiency and general well-being of workers." This purpose is laudable and one which Congress has always attempted to achieve through legislation affecting virtually all aspects of the workingman's environment. But the provisions of this bill as reported by the committee ignore the fact that the well-being of the worker is advanced not only by higher wages but also by a slower rate of inflation and lower levels of unemployment. A high hourly rate of pay means little if a man has no job to earn it or if the dollars in his pay envelope are constantly being eroded by rising inflation.

I, therefore, rise in support of the substitute amendment offered by the Senator from Ohio (Mr. TAFT) and the Senator from Colorado (Mr. DOMINICK) which I feel takes into consideration all the complex factors involved in workers' well-being and succeeds in striking a responsible and progressive balance among these factors.

The effects of inflation on the wage earner are obvious and serious. He is faced with the problem of meeting the rising costs of living with a stabilized income. Obviously wages must be increased to meet inflation, but establishment of these increases must not ignore the fact that wage increases are, in part, the cause of the very inflation they are designed to counteract. It is a tight circle of interlocking forces in the economy, of action-reaction; and the best solution is the institution of gradual wage increases which can be absorbed in the economic process without stimulating a corresponding increase in prices. Excessive action—that is unreasonable wage increases—gives rise to excessive reaction—skyrocketing inflation that destroys the real benefits of the wage rate boosts.

The wage levels established in the committee bill would provide a 25-percent increase in the minimum wage within 60 days and a 37.5-percent increase over a period of 14 months. The direct increase in wages and the expanded coverage proposed by the bill will result in a $7.2 billion increase in the Nation's annual wage costs. This figure does not take into consideration the increased wages which will result from overtime costs, nor does it include the wage increases necessitated at higher wage levels to maintain the existing wage differentials when higher rates go into effect. The overall increases in wage cost under the proposed bill would be extreme and too sudden to be absorbed in the economic process without resulting in another round of price increases with a devastating impact on the Nation's entire effort to build a prosperous and stable peacetime economy.

Another highly undesirable effect of the committee bill will be a reduction in job opportunity for the poor, the young, and the unskilled—those who have found it most difficult to enter the mainstream of the American economy and who might at first blush be expected to benefit most from an increased minimum wage. It should be recognized that a large increase in the minimum wage will create an incentive for business to abolish marginal, low-paying jobs by increasing mechanization, reorganization, and reduction of services offered customers.

Reduction of marginal jobs will be most severe in business which will for the first time be included in the expanded coverage of the minimum wage bill. The specific factors which made it reasonable in the past to exempt domestic help, public transit employees, and employees of small retail businesses from the minimum wage requirements are now being overlooked. The result of this inclusion in the minimum wage coverage will be increased wages for some of these employees, but many others will face a loss of jobs or opportunities for employment because employers will be forced to eliminate marginal jobs in an attempt to compensate for increased overall wage costs.

Small farmers in Kansas and other States will face serious difficulties should the committee bill be adopted. At a time when per capita farm income is 25 percent lower than nonfarm income and small farms are being supplanted by big corporate farm operations as a result of the economic pressures, it seems totally unreasonable to require the farmer to absorb an additional $174 million in annual wage costs. The farm labor setting has been characterized by a close relationship between pay and productivity. To interfere with this highly beneficial and salutary relationship by imposing a 69.2-percent increase in minimum farm wage rates over a 3-year period will only accelerate the already too rapid decline of family farming and farm employment in this country.

The welfare of the wage earner is always of immediate concern to all Members of the Senate. I would ask at this time that my colleagues consider the entire range of factors involved in the well-being of all wage earners, not only their wages but also the effects of inflation, and their need for stable employment. When these factors are taken into its consideration, I feel the substitute amendment offers the most responsible and substantial benefits to all the wage earners, and I urge my colleagues to support this proposal.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Florida (Mr. Chiles).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson) and the Senator from Louisiana (Mr. Ellender) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) is absent on official business.

I also announce that the Senator from Arkansas (Mr. Fulbright) is absent because of illness in family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 20, nays 74, as follows:

[No. 279 Leg.]

YEAS—20

Allen
Bellmon
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Cotton
Dole
Eastland
Ervin
Gambrell
Gurney
McIntyre
Miller
Randolph
Spong
Stennis
Talmadge
Thurmond
Tower

NAYS—74

Aiken
Allott
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Cannon
Case
Church
Cook
Cooper
Cranston
Curtis
Dominick
Eagleton
Fannin
Fong
Goldwater
Gravel
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams
Young

NOT VOTING—6

Anderson
Baker
Ellender
Fulbright
Jordan, N.C.
Mundt

So Mr. Chiles' amendment was rejected.

The PRESIDING OFFICER. The question occurs on the substitute amendment offered by the Senator from Ohio (Mr. Taft) and the Senator from Colorado (Mr. Dominick). On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BURDICK (after having voted in the negative). On this vote, I have a pair with the Senator from Louisiana (Mr. Ellender). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson) and the Senator from Louisiana (Mr. Ellender) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) is absent on official business.

I also announce that the Senator from Arkansas (Mr. Fulbright) is absent because of illness in family.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Baker) if present and voting would vote "yea."

The result was announced—yeas 46, nays 47, as follows:

[No. 280 Leg.]

YEAS—46

Allen
Allott
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Jordan, Idaho
Long
Mathias
McClellan
Miller
Moss
Packwood
Roth
Saxbe
Sparkman
Spong
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Young

NAYS—47

Aiken
Bayh
Bible
Boggs
Brooke
Byrd, Robert C.
Cannon
Case
Church
Cranston
Eagleton
Gravel
Harris
Hart
Hartke
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Burdick, against.

NOT VOTING—6

Anderson
Baker
Ellender
Fulbright
Jordan, N.C.
Mundt

So the Taft-Dominick amendment (No. 1204), in the nature of a substitute, as amended, was rejected.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

Mr. DOMINICK and other Senators asked for the yeas and nays.

The yeas and nays on the motion to table were ordered.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. A "yea" vote on the motion to table is a vote against the motion to reconsider.

The PRESIDING OFFICER. That is correct.

The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Louisiana (Mr. Ellender), and the Senator from Louisiana (Mr. Long) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) is absent on official business.

I also announce that the Senator from Arkansas (Mr. Fulbright) is absent because of illness in family.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 48, nays 45, as follows:

[No. 281 Leg.]

YEAS—48

Aiken
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Cranston
Eagleton
Gravel
Harris
Hart
Hartke
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Tunney
Weicker
Williams

NAYS—45

Allen
Allott
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Jordan, Idaho
Mathias
McClellan
Metcalf
Miller
Packwood
Roth
Saxbe
Sparkman
Spong
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—7

Anderson
Baker
Ellender
Fulbright
Jordan, N.C.
Long
Mundt

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. MOSS. Mr. President, today I have voted to support the Taft-Dominick substitute amendment to the minimum wage bill. I did this with some reluctance, for I believe that the amendment could have been considerably improved. I made an attempt to do this through my perfecting amendment yesterday, but was not successful. I approve of an increase in the minimum wage, and the Taft-Dominick substitute does provide for a substantial increase in the minimum wage. Mine is not a vote against the minimum wage, but rather a vote for a more moderate position in the overall size of minimum wage increases and in the expansion of coverage of those brought under minimum wage.

I favor an increase in the minimum wage and expansion of its coverage to more employees. I believe, however, that the committee bill, S. 1861, moves too far and too fast. A 60-cent increase, from \$1.60 to \$2.20, seems rather large for businesses to absorb at the present time. This is one reason I supported the more moderate increase provided in the Taft-Dominick amendment.

The Bentsen amendment provides another reason for supporting Taft-Dominick. It was placed in their amendment yesterday by the Senate, and makes it unlawful for Federal, State, and local governments to discriminate against employees because of their age in matters of pay and related employment conditions. I attempted to bring Government employees under the minimum wage program in my amendment yesterday, and I am happy the Bentsen amendment is now a part of the Taft-Dominick amendment.

I believe that the bill finally enacted by Congress and sent to the President will be closer to my position than to either the committee bill or the Taft-Dominick substitute. I believe it is unfortunate that the Senate rejected the moderate compromise that I proposed yesterday, for I believe that it would have provided the essential elements of an increased wage, expansion to cover some new employees without going as far as the committee bill, and my amendment provided a fair formula for slowly increasing the minimum wage on a regular basis so that these periodic large adjustments could be avoided.

There should be an increase now in the minimum wage. There should be an expansion to include more employees under its coverage, but these steps should be taken in moderation, particularly when overall economic well-being, unemployment, and inflation may all be affected adversely if we move too rapidly in these areas.

I have seldom opposed the committee on minimum wage issues, and I would have gladly supported its efforts had the provisions of the bill been somewhat more moderate.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Chair recognizes the Senator from Vermont (Mr. STAFFORD).

AMENDMENT NO. 1318

Mr. STAFFORD. Mr. President, I call up my amendment No. 1318 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistan legislative clerk read the amendment, as follows:

> On page 18, strike out all after line 16, over to and including line 9 on page 19 and renumber subsection accordingly.

Mr. STAFFORD. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the names of the Senator from Georgia (Mr. GAMBRELL) and the Senator from Indiana (Mr. BAYH) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. STAFFORD. I am glad to yield.

Mr. RANDOLPH. Mr. President, it is my privilege to cosponsor with the Senator from Vermont (Mr. STAFFORD) this amendment to preserve the $250,000 gross sales test exemption for small businesses of our Nation, as contained in the present minimum wage law. I strongly endorse this proposal and I will vote for it.

The Senator and I have discussed this subject. We worked on it in the Committee on Labor and Public Welfare.

I want to express my genuine approval of the constructive effort that is being made by the Senator from Vermont. He seeks not to dilute this legislation—to make it less effective—but to bring into focus the realities of what small businesses actually are today and the problems involved in their operation. It is important that we recognize the value of the small business community to our country. I have always viewed such enterprises as not only vital to the economy and employment but also as a strengthening element in our society. We must insure that small businesses in every area have the opportunity to continue to serve the public.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STAFFORD. I appreciate the remarks of the Senator from West Virginia.

I yield to the Senator from New York.

Mr. JAVITS. I wish to supplement what the Senator has said by advising him that Senator WILLIAMS and I already have expressed our commitment to this amendment.

Mr. RANDOLPH. Mr. President, will the Senator yield further?

Mr. STAFFORD. I am happy to yield further.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate, so that Senators can be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. RANDOLPH. Mr. President, it is gratifying to know of the support of our distinguished chairman of the committee, Senator WILLIAMS, and of the distinguished ranking minority member, Senator JAVITS, for this amendment. It was in good purpose that we worked within the committee to bring to passage a reasonable, a fair, and a strong bill that will provide important improvements to the minimum wage law and strengthen our economy. We endeavor to recognize the realities of the dollar as it exists today and the size of a small business as contrasted to a large business, and the differing elements which now enter into the economic picture. While there were differing views on levels for the gross sales test, all members worked to bring forth a proposal under which a small business could operate. That is why the committee agreed to the phasing in of the $150,000 level in four steps. I am pleased that we are now advancing the proposal to preserve the $250,000 test—a position I supported in committee. This, in my opinion, further evidences our commitment to finalize a reasonable and fair measure.

I appreciate the general attitude of the members of our committee toward the support of the amendment that I am privileged to cosponsor with the able Senator from Vermont.

Mr. STAFFORD. I appreciate the remarks of the Senator from West Virginia.

Mr. President, this amendment is designed to restore the $250,000 gross sales test exemption for the small businesses of our Nation.

The committee bill S. 1861, would reduce the $250,000 gross sales test exemption in four steps of $25,000 each over a 3-year period. While I support most of the committee's decisions on this bill, I feel the action taken in regard to the small business exemption came without adequate consideration of the effects of inflation and other factors.

I do not believe, Mr. President, that it was the intention of the committee to be an instrument for the kind of action that would deal considerable and irrevocable damage to many small businesses of our Nation.

The amendment we have offered would specifically affect the small American retail and service merchants who employ more than 11 million persons and whose labor costs amount to two-thirds of their total operating expenses.

These small businesses are among the most competitive in our economy, and their margins of profit as well as their profit-per-worker are the lowest of any industry in our economy.

In addition, the rate of failure of these small businesses is already alarmingly high. Dun & Bradstreet has reported that 10,321 small businesses failed during 1971. Because of the nature of many small businesses, I am convinced that it is virtually impossible for these small businesses to absorb the impact of an increase in the minimum wage for their employees at this time.

This amendment is designed to give relief to the present problems and future operation of the so-called Mom and Pop neighborhood stores that continue to play such an important role in our society and economy.

Inflation and the competition of large chain stores are already taking their toll of these small businesses. Inflation has already automatically extended the coverage to many more small businesses since the $250,000 test was established by the amendments of 1966.

The Consumer Price Index has increased by 24 percent since 1966. That means that a small business that grossed $250,000 in 1967 would, without any real growth in volume, be grossing $310,000 at present. Likewise, in terms of 1966 dollars, the $250,000 exemption in the present law—and in our amendment—is equivalent to only $190,000 in 1972 dollars.

Inflation results in the gradual extension of minimum wage coverage of all workers, which is one of the goals of this legislation, although inflation is not. I am convinced it is more appropriate to have the workers employed by small businesses come under minimum wage coverage by this method, rather than through the drastic method proposed by S. 1861.

The amendment we have offered does not affect the committee's decision to eliminate the chain store exemption of the present law. Our amendment deals only with small businesses.

It should be noted that, during the discussion of this exemption in the committee, it was stated that each employee in a retail establishment was considered to generate $30,000 in gross sales of the business and that an employee in a service establishment would generate $11,-

000 worth of gross sales. These figures, provided by the Department of Labor, were in terms of 1967 dollars. When one looks at what inflation has done to the 1967 dollar, we see that the $30,000 per employee amount has increased to approximately $36,000 per employee in a retail small business and the service employee amount has jumped from $11,000 to $13,000-plus.

In view of the clear need for continuation of the present $250,000 exemption, I understand that the distinguished chairman of the committee, the Senator from New Jersey (Mr. WILLIAMS), and the ranking Republican member, the distinguished Senator from New York (Mr. JAVITS), may very well accept this amendment.

Mr. President, I urge its adoption.

Mr. WILLIAMS. Mr. President, we have had discussion of this amendment and it was understood that if the Taft-Dominick substitute was defeated, the Stafford amendment would be the first amendment to be taken up.

During today and the day before, I indicated, as manager of the bill, that I am supporting the move by the Senator from Vermont.

I think I should back up a little and explain what appears to be a change in position. The bill I originally introduced would have eliminated the small business exemption. Through the hearings and the executive committee consideration of the bill, I could see, with the inflationary forces at work, that the figure of $250,000, which is the law, in fact, in yesterday's dollars was being reduced and reduced and reduced so that the coverage, because of the factor of inflation, really was being expanded without any action by Congress.

We all know the struggles of small business, for a variety of compelling economic reasons. I have come to the point where I regret some employees will not be covered whom I would like to see covered but, on balance, this is, I believe, a wise answer and is in the best interests of the country.

So I do support the Senator from Vermont, not only support him but applaud him for his sensitivity to the needs of the small business communities, and certainly applaud him for his contribution during the hearings and executive sessions of the committee on the bill.

Mr. McGEE. Mr. President, will the Senator from Vermont yield me 1 minute?

Mr. STAFFORD. I am happy to yield 1 minute to the Senator from Wyoming.

Mr. McGEE. I want to say to the Senator from Vermont that those of us who come from low-population States with many small business communities owe him a great debt of appreciation for his leadership on this amendment. Those of us in the West try to understand the great problems that the urban areas of the country have. We try here to legislate for those problems, but very often the case, in fact, turns out to be that the solution to some of the problems creates new problems for us.

The consequences of the Senator's amendment will be to help us survive this new and laudable effort by the committee to make it possible for some of our small town businessmen in the small business communities to hang in there without suffering unfair setbacks in what is otherwise a noble intent so far as the committee bill is concerned.

I want to announce that I intend to support in every way, as a cosponsor, the efforts of the distinguished Senator from Vermont.

Mr. STAFFORD. Mr. President, I thank the Senator from Wyoming.

I ask unanimous consent that the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Idaho (Mr. CHURCH), the Senator from Kentucky (Mr. COOK), the Senator from North Dakota (Mr. YOUNG), the Senator from Nevada (Mr. CANNON), and the Senator from West Virginia (Mr. ROBERT C. BYRD) may be added as cosponsors of this amendment.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, will the Senator from Vermont yield?

Mr. STAFFORD. I yield.

Mr. THURMOND. Mr. President, I want to commend the able Senator from Vermont for offering this amendment. In my judgment, it is important for us to follow a course that will protect small business.

Every year we see business getting bigger and bigger. The little businessman is the backbone of this Nation. So I want to compliment the Senator from Vermont for offering his amendment and to ask him to add my name as a cosponsor of it.

Mr. STAFFORD. I shall be very glad to do so. Mr. President, I ask unanimous consent that the name of the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. BENTSEN), and the Senator from Florida (Mr. GURNEY) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I now yield to the distinguished Senator from Ohio (Mr. TAFT).

Mr. TAFT. Mr. President, I thank the distinguished Senator from Vermont for yielding. I want to commend him for the amendment he has proposed. As a member of the Senate Small Business Committee, I certainly am familiar with the problems of small business in this country during the past few years with inflation. Specifically as it has been pointed out, the change here would be in the opposite direction from what the tendency of the bill would be, because actually the net effect of inflation on a $250,000 business is to reduce the coverage, or reduce the level of exemption from coverage in any event. So, I think it is an appropriate amendment.

I would point out, it is one of the important provisions of the substitute on which we just had a close vote here in the Chamber—one of the very important provisions of it. I would note, however, while businesses with revenues under $250,000; are correctly exempted, domestics also should be. I do not believe we should go into every home and tell every housewife who wants to employ domestic employees that she will be covered even though a businessman who may be doing a business of $250,000 will not be covered.

I bring that up now because at a later time I expect to make that argument when we offer the amendment again and attempt selectively to eliminate the domestic coverage which is impractical and unfair.

I am happy to support the amendment and urge its adoption.

Mr. PERCY. Mr. President, I support amendment No. 1318 offered by the distinguished Senator from Vermont (Mr. STAFFORD).

The amendment would retain the current $250,000 gross sales exemption for small businesses in this country rather than reducing that level to $150,000 as the committee bill provides.

Adoption of this amendment will help prevent another hardship being placed on many small businesses which are already having a difficult time in today's economic climate.

I feel that this amendment is a responsible approach to helping to resolve the problems of many small businesses and I support its adoption.

QUORUM CALL

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. STAFFORD. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I am prepared to yield to the Senator from Illinois (Mr. PERCY) if he desires some time.

Mr. PERCY. Mr. President, I have no time to request on this amendment.

Mr. STAFFORD. Mr. President, in that event I am prepared to yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Vermont. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS) and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) is absent on official business.

I also announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent because of illness in family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER) and the Senator from Arkansas (Mr. FULBRIGHT) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT) is detained on official business.

If present and voting the Senator from Utah (Mr. BENNETT) would vote "yea."

The result was announced—yeas 91, nays 0, as follows:

[No. 282 Leg.]

YEAS—91

Aiken
Allen
Allott
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—9

Anderson
Baker
Bennett
Ellender
Fulbright
Harris
Jordan, N.C.
Mundt
Sparkman

So Mr. STAFFORD'S amendment was agreed to.

Mr. RIBICOFF. Mr. President, I urge the Senate to adopt S. 1861, the Fair Labor Standards Amendments of 1972 This legislation, which would raise the minimum wage to $2 an hour immediately and to $2.20 an hour 1 year from now, is of vital importance to millions of American workers.

We have heard a lot of discussion recently about welfare, workfare, and the fight against poverty in America. This bill—S.1861—would do as much to help end poverty as any proposal before Congress by bringing 6.1 million American workers, their families, and dependents out of poverty. Raising the minimum wage for working Americans is the best antipoverty program ever devised.

This landmark legislation would also extend the coverage of minimum wage protection to an additional 8.4 million workers including 1.2 million domestics and millions of workers in agriculture, retail, service, and manufacturing. In the past the income of these workers has often been so low that welfare has been their only alternative for subsistence.

The situation of domestics, not presently covered by any form of minimum wage law, illustrates the problem confronting the working poor.

In 1969, the median annual income for a full-time domestic, including all forms of public assistance payments, was $2,072. The poverty level that year was close to $4,000. Fifty-seven percent of all domestics had total cash incomes of less than $1,000.

Because the overwhelming majority of domestics are black females living in broken homes, the struggle to provide for their families is a desperate one. Their wages are so low that many of them must accept welfare to supplement their wages and some are forced to rely on welfare entirely. The total number of domestics decreased between 1960 and 1970 by almost a million.

By providing these and other Americans with a wage which pays at least a poverty-level income, we will reduce the welfare rolls and provide an adequate income through work. The taxpayer will be relieved of the burden of subsidizing substandard wages through the welfare system. Yet, while some 6 million workers would receive wage increases when S. 1861 becomes effective, the annual wage bill overall would be increased by only .4 of 1 percent. The increase represents less than .3 of 1 percent of the total gross national product.

No part of welfare reform is more important than enabling those already working to get off welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and purposes, with amendments, in which vaccination assistance and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6204. An act for the relief of John S. Attinello; and

H.R. 10012. An act for the relief of David J. Foster.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 473) to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bill.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the Judiciary:

H.R. 6204. An act for the relief of John S. Attinello; and

H.R. 10012. An act for the relief of David J. Foster.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.20 an hour, to provide for an 8-hour workday, and for other purposes.

Mr. PERCY. Mr. President, I send to the desk an amendment, which I call up.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment proposed by Mr. PERCY for himself, Mr. BOGGS, and Mr. PEARSON, as follows:

On page 21, line 16, strike out "year" and insert in lieu thereof "two years".

Mr. PERCY. Mr. President, earlier today I voted against the substitute and for the committee provisions which would increase the minimum wage to $2 upon the effective date of the act and to $2.20 1 year later. I believe that the desire to help low-income workers achieve and maintain a decent standard of living within the free enterprise system is best served by the committee bill.

The present minimum wage of $1.60 an hour only yields a full-time worker $64 in gross income per week or $3,200 a year—over $800 below the poverty level. A $2 minimum wage would only yield $4,000 a year—just at the poverty level for a family of four. Actually, for a family of four to escape the poverty level, a minimum wage of $2.08 would be necessary today.

What has happened is that inflation has so eroded the value of the dollar since 1966, the date the minimum wage was last amended, that a substantial increase in the present rate is necessary just to permit low-income workers to earn enough to provide themselves and their families with the barest necessities of life. To not take this action will simply continue to overburden public welfare which business and individuals pay for out of tax revenues.

Even at this new "higher" level, the minimum wage is a wage level so low that under existing law not a penny of Federal taxes would be paid by the wage earner.

However, Mr. President, although recognizing the need for an increase in the minimum wage, I am worried about the impact it would have on business adjusting to it. I think that employers generally are aware of and prepared for an increase in the minimum wage on the effective date of this bill. But I am not sure that a second increase a year later in employees covered prior to 1966 is wise. I think this might be putting too high a cost burden on business too soon.

For that reason, Mr. President, my amendment, although retaining the committee provision extending the minimum wage eventually to $2.20 would delay the jump from $2 to $2.20 for 2 years. The minimum wage would become effective 2 years after effective date of the bill, rather than 1 year.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to my colleague from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may have a brief quorum call, without the time being charged to either side, and that immediately after the quorum call the Senator from Illinois may resume the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 21, line 16 strike "year" and insert in lieu thereof "eighteen months."

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The matter of when the $2.20 should take effect has been a matter of considerable discussion, and I feel that the closeness of the vote on the substitute certainly shows that there is a considerable amount of concern on that score.

I have discussed this matter in detail with the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS), and we are willing, not that we thought there was any imperfection in our argument respecting the $2.20 or in the committee's action, under the circumstances, out of deference to the views of a number of our colleagues that the $2.20 comes too soon in terms of the size of the increase, to extend the effective date of that increase from 1 year to a year and 6 months later; and with that in mind, Mr. President, I have proposed this amendment for myself. I have not, as a matter of fact, asked my colleague the Senator from New Jersey as to whether he wished to join in it, but that is not material. I feel he is with me on it, and I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I concur in the logic of the able and distinguished Senator from New York, and I wish to join with him, if it is agreeable, as a cosponsor of his amendment.

Mr. JAVITS. Mr. President, I certainly appreciate that, and I ask unanimous consent that the names of the Senators from West Virginia (Mr. RANDOLPH and Mr. ROBERT C. BYRD) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am prepared to yield back the remainder of my time on this amendment, if the Senator from New Jersey will yield back the time in opposition.

Mr. WILLIAMS. I yield back our time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

Mr. PERCY. Mr. President, in lieu of the language proposed by the Senator from New York, I propose as a substitute the language which I now send to the desk.

The PRESIDING OFFICER. The substitute amendment will be stated.

The assistant legislative clerk read as follows:

In lieu of the language proposed by the Senator from New York, Mr. JAVITS, insert the following: on page 21, line 16, strike "year" and insert therein "two years."

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, in the comments that I made earlier in connection with my amendment, I gave the basic underlying reasons why I feel that it is necessary. I would simply like to expand on those reasons for an additional minute or two.

My amendment, now in the form of a substitute, although retaining the committee provision extending the minimum wage eventually to $2.20 would delay the jump from $2 to $2.20 for 2 years. The $2.20 minimum wage would become effective 2 years after effective date of the bill, rather than 1 year.

Mr. President, this amendment would not affect the phase-in of the minimum wage for nonagricultural employees covered by the 1966 or 1972 law for the first time, nor would it affect agricultural employees. It would affect only those employees covered prior to 1966 who are scheduled to go to $2 upon the effective date of the act and to $2.20 a year later. What this would mean in actuality is that all nonagricultural employees, both those covered prior to 1966 and those covered for the first time in the 1966 or 1972 acts, would get to a minimum wage of $2.20 at the same time, 2 years after the effective date of the act.

Mr. President, I feel that this amendment would enable employers to adjust somewhat more easily to the impact of the minimum wage and I recommend it to my colleagues. It is my hope that the managers of the bill might be willing to accept this amendment and will see its justice.

Mr. WILLIAMS. Yes. Mr. President, it impresses me that the amendment of the Senator from Illinois presents a realistic time frame. We are going, 60 days after the enactment, under the terms of the bill, to $2 for 1 year and the bill as presented brings it thereafter to $2.20. Extending the period of adjustment another year before reaching the $2.20, as a practical matter, suggests a great deal of merit to me as manager of the bill, and I support it.

Mr. BOGGS. Mr. President, I am most pleased to join with the distinguished Senator from Illinois (Mr. PERCY) in offering this amendment.

It strikes a reasonable middle ground, I believe, between the provisions of the committee bill and the provisions of the substitute which was just defeated. The bill, as it now stands, would provide an immediate increase to $2 an hour, with a further increase to $2.20 coming 1 year later, for most employees. Those employees newly covered by this bill and those newly covered by the 1966 act would have their minimums increased to $1.80 now, $2 next year, and $2.20 the year after.

This amendment would put all these covered employees on the same footing next year, instead of in 1974.

Mr. President, I believe we should strive in this legislation to correct inequalities that exist, but that we should be ever mindful of the specter of inflation which troubles our country. The increase from $1.60 to a $2 minimum very nearly matches the rate of inflation since the last minimum wage legislation was passed in 1966.

To be anxious to go far beyond that level at this point would be, I believe, courting inflation. We should provide equity now, and also provide more reasonable breathing space before the next increase.

This amendment would accomplish that. It is, I believe, good and responsible legislation taking into consideration both the needs of the working poor and the problems of inflation.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from New Jersey yield back the remainder of his time?

Mr. WILLIAMS. Yes.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Illinois. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), and the Senator from Louisiana (Mr. ELLENDER), are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) is absent on official business.

I also announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent because of illness in family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Utah (Mr. Bennett) is detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett) would vote "yea."

The result was announced—yeas 87, nays 6, as follows:

[No. 283 Leg.]

YEAS—87

Aiken
Allen
Allott
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—6

Case
Dominick
Goldwater
Harris
Kennedy
Stevens

NOT VOTING—7

Anderson
Baker
Bennett
Ellender
Fulbright
Jordan, N.C.
Mundt

So Mr. Percy's amendment to Mr. Javits' amendment was agreed to.

Mr. PERCY. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. JAVITS and Mr. STAFFORD moved to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Stevenson) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to sundry committees, and withdrawing the nomination of Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.20 an hour, to provide for an 8-hour workday, and for other purposes.

The PRESIDING OFFICER (Mr. Stevenson). The question now recurs on agreeing to the amendment of the Senator from New York as amended by the Senator from Illinois.

The amendment as amended was agreed to.

Mr. ALLEN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows :

Amend committee substitute as follows: On page 25, line 21 strike the following: "in such subsection" and insert in lieu thereof the following: "in subsection (b) of this section".

Mr. ALLEN. Mr. President, this is merely a technical amendment, because the bill as drafted does not carry into effect the intent of the committee.

The committee substitute would provide that any restaurant or any concern having a Government service contract would have to pay all of its employees, whether involved in Government service contract work or not, the full $2 minimum, starting with the effective date of the act, whereas all competitors of such business would be at the $1.80 level. The mere fact that a company has a portion of its business in Government service contract work would require that all employees, whether engaged in Government service contract work or not, would receive the full $2, whereas the competition in the restaurant business—and I will use that business as an example—would be paid at the $1.80 level.

Mr. President, I have in mind a company that has some 250 establishments and three of those are engaged in Government service contracts. Yet in 247 of those establishments there are no Government service contract employees. They would nevertheless be paid the entire $2 an hour, whereas the competition next door would be paid at the $1.80 level.

Mr. President, I have discussed this amendment with the distinguished chairman of the committee, the manager of the bill, and I believe he will state to the Senator that he is willing to accept the amendment.

Mr. WILLIAMS. Mr. President, the Senator is correct. The bill should reflect our intention to go to coverage at the rate that newly covered employees reach the maximum rate.

Mr. ALLEN. It would put all employees on the same basis that do the same type of work.

Mr. WILLIAMS. The Senator is correct. I express my appreciation to the Senator from Alabama for pointing out this inadvertence in the bill.

Mr. President, we accept the amendment.

Mr. JAVITS. Mr. President, we accept the amendment of the Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the Senators.

Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. PERCY. Mr. President, I send to the desk an amendment on behalf of myself, and Senators Mathias, Pearson, Boggs, Bentsen, and Stafford.

The PRESIDING OFFICER. The amendment will be reported.

The legislative clerk read as follows:

On page 17, line 15, strike "40" and insert therein "50".

Mr. PERCY. Mr. President, I yield to the distinguished Senator from Vermont.

Mr. STAFFORD. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Illinois.

The yeas and nays were ordered.

Mr. STAFFORD. Mr. President, I heartily support the amendment of the Senator from Illinois and urge its adoption.

Mr. PERCY. Mr. President, I thank the Senator from Vermont.

Mr. President, I offer the amendment to restore the tip credit from 40 percent as written in the committee bill to its current level in the law of 50 percent.

Under current law, an employer may determine the amount of tips received by a tipped employee and may credit that amount against the applicable minimum wage, but the amount so credited may not exceed 50 percent of the minimum wage.

The committee bill reduces the tip allowance against the minimum wage from 50 to 40 percent of the minimum wage, requires employer explanations to employees of the tip credit provisions, and requires that all tips received be paid out to tipped employees. In addition the committee bill establishes an overtime provision for the first time for restaurant employees. In current law there is no overtime provision of such employees. Overtime would be required from hours over 48 on the effective date of the bill, 44 hours after the first year, and 40 hours after the second year.

The combination of these committee actions imposes substantial new higher costs on restaurants and food service operations. The combination of the $2.20 minimum wage and the reduction in the tip credit alone—not even considering effects of the new overtime provisions—would increase restaurant employees' minimum wage 60 percent within the next year.

Mr. President, I feel this increase is too high. I do favor raising the minimum wage and feel that overtime provisions are justifiable for restaurant employees, but I believe that the additional requirement in the bill in changing the tip credit from 50 to 40 percent is too much of a burden for restaurants in 1 year.

Therefore, Mr. President, my amendment would simply keep the tip credit provision as it exists in current law—50 percent. This will still result in a first year minimum wage increase for restaurant employees of 37.5 percent, no slight amount, but it will not impose a 60-percent minimum wage increase.

Mr. President, I think this brief explanation of my amendment is sufficient. It is my hope that the managers of the bill would accept this amendment as I feel that it makes good sense and is justifiable.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. PERCY. I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I state to the Senator from Illinois that I favor his amendment. I think it is an excellent amendment. As I understand, it merely leaves in the 50-percent tip credit rather than reducing it to 40 percent.

Mr. PERCY. The Senator is correct.

Mr. ALLEN. However, it still provides the applicable minimum wage.

Mr. PERCY. The Senator is correct.

Mr. ALLEN. Mr. President, on behalf of myself and the distinguished Senator from West Virginia (Mr. Robert C. Byrd), I ask unanimous consent that he and I be added as cosponsors of the amendment.

Mr. PERCY. Mr. President, I am delighted to have the Senator from West Virginia and the Senator from Alabama as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JAVITS. Mr. President, does the Senator's amendment leave in that provision of the bill which requires that the tip benefits actually go to the employee. That provision was included by us in the bill. The Senator would raise the allowance figure back to what it is at the present time. We have in the bill a provision which required the actual delivery of the tip to the worker. The Senator leaves that provision in.

Mr. PERCY. The Senator is correct.

Mr. JAVITS. That is fine. Mr. President, I support the amendment and hope that the Senate will agree to it. I think again that it is one of those necessary corrections in the bill which develop when the detailed economic interests of individual States and under individual situations become clear and gives the manager of the bill a concept as to the broad field involved.

I deeply feel that the Senator had this interest in heart and I am in favor of the amendment and I support it.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. WILLIAMS. Mr. President, it is important, as the Senator from New York just noted, that the notice and the delivery provisions remain as they are in the bill. This amendment would restore the tip credit to 50 percent, although we had reduced it. I believe the most important aspects are retained, and I support restoring the tip credit to 50 percent.

Mr. PERCY. Mr. President, I commend the committee for what it did in that respect. I very much appreciate the support of the managers of the bill for my amendment. I feel it is a just provision. Certainly acceptance of this amendment was very important I felt. Although it was included in the substitute I did not feel that the Dominick substitute was acceptable as a whole.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. TAFT. Mr. President, I believe this amendment is very much in order and is very appropriate. From conversations I have had with employers I believe it is absolutely vital. I think it would be extremely disruptive of the entire industry.

For that reason, the Senator from Colorado and I proposed a change in committee. The substitute I would note included basically the provision that the Senator is proposing and I will support it.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. DOMINICK. Mr. President, the Senator from Ohio (Mr. Taft) said that this is another example of an amendment which we brought up in committee and tried to get through, as in the case of the small business test that the Senator from Ohio and I offered, and got voted down again.

I am happy to see that the managers of the bill are changing their minds. I wish they had done it earlier.

Mr. PERCY. Mr. President, I am aware of the fact that in committee the Senator thought this provision was important. In my remarks I commended him for the work he is carrying on and I stated why I felt the committee bill was not entirely acceptable, but I thought it was a better base from which to work than the Dominick substitute.

I appreciate the fact that the justice of this provision was fought for by the Senator from Colorado in committee and I appreciate his consistency in supporting this provision.

I have one last request to make. The three provisions I felt needed to be modified in the committee bill—one with respect to small businesses, one with regard to restaurant and food services, and one with regard to the 1-year stretchout so that the impact of the minimum wage would not be so severe—have now been provided for. I ask unanimous consent that my name be added as a cosponsor of the Stafford amendment which I supported on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Illinois. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Bible), the Senator from Louisiana (Mr. Ellender), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), and the Senator from Massachusetts (Mr. Kennedy) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) is absent on official business.

I also announce that the Senator from Arkansas (Mr. Fulbright) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Arkansas (Mr. Fulbright) and the Senator from Louisiana (Mr. Ellender) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Utah (Mr. Bennett) is detained on official business.

If present and voting the Senator from Utah (Mr. Bennett) would vote "yea."

The result was announced—yeas 89, nays 1, as follows:

[No. 284 Leg.]

YEAS—89

Aiken
Allen
Allott
Bayh
Beall
Bellmon
Bentsen
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Chiles

NOT VOTING—10

Anderson
Baker
Bennett
Bible
Ellender
Fulbright
Harris
Jordan, N.C.
Kennedy
Mundt

So Mr. Percy's amendment on page 17, line 15, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TAFT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 16, line 7, beginning with the word "including" strike all through the word "babysitter)" in line 8.

Mr. TAFT. Mr. President, this amendment which would strike the added coverage of the committee bill for domestic employees. It does so by taking out the language on page 16 which includes in the definition of employee as an individual employed by an employer, including any individual employed in domestic service other than a babysitter.

The arguments in support of this particular amendment have been made in connection with the substitute proposed by the Senator from Colorado and myself, and I do not intend to belabor them at any great length here. I do, however, intend to ask for a rollcall vote, and at this time I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, the question of the propriety and legality of covering domestic help was raised and discussed at great length in the committee, and I would like to address myself first to the question of the constitutionality of this particular provision. I believe the Senate does have a responsibility in this connection, and I think we ought to examine the question very carefully, for I feel that if the Senate acts in this case to include domestic employees under the commerce clause, there is absolutely no limit to which the commerce clause may go in regulating the lives of every American.

I think there is no legal basis for it. I think it is unconstitutional. I realize ultimately the constitutional question is up to the Supreme Court, but I do not see why we should burden the Nation's housewives with possible sentences until the question is decided.

I have cited, in the minority views, the case of United States against Oregon State Medical Society, which was affirmed by the Supreme Court in 1952, in which the Court said:

> The practice of medicine as conducted within the State of Oregon by doctors of Oregon, including defendants, is not trade or commerce within the meaning of Section 1 of the Sherman Anti-trust Law . . . nor is it commerce within the meaning of the constitutional grant of power to Congress "to regulate commerce * * * among the several states."

Well, if physicians who are using in their practice medicines and equipment that comes across State lines, cannot be said to be affecting interstate commerce, how in the world can we arrive at the conclusion that someone who comes in to help a houswife who needs some additional assistance and help in her own home be covered?

The arguments advanced by the majority report related to a case which arose under the civil rights law, and related to a restaurant. With regard to that case, *Katzenbach* v. *McClung,* 379 U.S. 294, the Court said:

> Of course, the mere fact that Congress has said when particular activities shall be deemed to affect commerce does not preclude further examination by this Court. Where we find that the legislators, in the light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce, our investigation is at an end.

I agree with that basic proposition. As a matter of fact, I was in the House of Representatives and was representing that viewpoint with regard to the application of the civil rights laws involved when we passed those laws, and I have backed that position since. But the question remaining, under this concept, is whether there is here a rational basis to extend coverage under the commerce clause.

In Katzenbach, there was an area of testimony that discrimination in restaurants had a highly restrictive effect upon interstate travel by Negroes. The restaurant in concern in the Katzenbach case, Ollie's Barbecue, was located only 11 blocks from a State highway. Additionally, 46 percent of the meats purchased by the restaurant were procured from outside the State. I think this is an open and shut case, and there is no question about its coming under the commerce clause. But that case has absolutely no relationship to the case we are talking about with regard to commerce.

Moving from the question of constitutionality, I think we have a number of other really serious practical questions involved here. I am sure all of us are familiar, as a matter of judicial notice or at least congressional notice, with the fact that the coverage of domestics under the social security law and under the Federal income tax law, which I approve of, and I think is desirable and necessary. Nevertheless the enactment of these laws have resulted in a very, very widespread degree of first, confusion; second, frustration; and third, avoidance of the tax entirely by many individuals. I believe the result of these laws have resulted in direct evasion in many instances, perhaps sometimes legal evasion, by virtue of the fact that the individual employee does not work for one employer long enough to qualify for coverage under the Social Security Act.

If we see a great degree of evasion and avoidance—there will be regulations, instructions, and bulletins, which the housewife will promptly put in the wastebasket and forget, and then feel greatly frustrated at not knowing whether she is obeying the law or whether she can or cannot hire an individual to provide services.

It is true, of course, that babysitters are excluded by the terms of the committee bill, and that is fine; they ought to be excluded. As a matter of fact, we should not even think about the situation with regard to bringing babysitters under coverage. The employment is transitory and infrequent, and I think in a way it is like that of newsboys, who also are continued to be exempted, although there is some question, I think, psychologically, whether if you cover domestics you should not cover newsboys as well.

Many of us may not realize that much of the domestic service in this country—I do not know what percentage of it—is directed toward taking care of older people, living in their own homes, who need additional help to have the proper nutrition. In this session of Congress, we have acted in our committees and on this floor to provide a hot meal program for the older citizens of America and to provide funds and encouragement for people to go into this type of activity. This would be domestic service, in large part. By adding to that cost today, we are going to increase tremendously the cost of taking care of our older people, perhaps force into nursing homes some of them who otherwise could be taken care of perfectly well in their own homes.

I feel sympathy for the domestic who is underpaid, but these problems have to be examined in balance. I think the answer, in the long run, for the domestic who is underpaid is to turn to other professions, which is what has happened. By enacting coverage of domestics, I do believe the Congress will have made a mistake.

We are talking about equitable considerations as balanced against the rights of the individual employee. Let us see how this would be discriminatory to the women of this country, because we are concerned about that. I cannot think of anything more discriminatory to the individual housewife, insofar as this is concerned, than when we say we are not going to cover establishments in which the business done is less than $250,000 a year; yet, we are going to cover every household in the country.

I think that the entire concept, while it pulls on the heartstrings, perhaps, is ill-considered and ill-timed and does not merit the favorable consideration of the Senate.

For that reason, I have offered this amendment today and have asked that the Senate vote upon it. It is not included in the House bill. I anticipate that it will be a major issue in conference, if it should remain in the Senate bill.

Mr. DOMINICK. Mr. President, will the Senator yield me some time on this amendment?

Mr. TAFT. I yield 10 minutes to the Senator.

Mr. DOMINICK. I want to start out by asking the distinguished Senator from Ohio if he would mind adding my name as a cosponsor on the amendment.

Mr. TAFT. I would be very glad to have the Senator from Colorado as a cosponsor.

Mr. President, I ask unanimous consent that the name of the Senator from Colorado be included as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I am not sure how many Senators are listening carefully to this debate, and I think that is unfortunate, because it is an extremely important amendment. It seems apparent that these problems are complicated by the other work of the Senate—work in the offices, work in committees. Yet, we are dealing with things which are really of vital concern to the American public.

We are dealing here with a subject which concerns not only the domestic workers themselves but also every household which finds a need for bringing people in to assist them either in cleaning once a week or in doing laundry once a week or whatever.

The question in my mind, as the Senator from Ohio brought up originally, is this: Where does Congress get the power to say that a cleaning woman is within the interstate commerce clause? That is the only constitutional basis for extending any Fair Labor Standards Act coverage to domestics. The committee report is very interesting in this respect, and I want to read from it. It says:

> The additional question of the constitutionality of coverage of domestics was raised.
>
> The committee found that domestics and the equipment that they use in their work are directly in interstate commerce. For ex-

> ample, vacuum cleaners are produced in only six States, laundry equipment is produced in only seven States, creating a tremendous flow of equipment of these items used daily by domestics.
>
> In addition, employment of domestics in household frees time for the members of the household to themselves engage in activities in interstate commerce.

Mr. President, I have heard some far-fetched statements in my career in the Senate, but I think that is about as far-fetched as anything I can think of. To say that someone who may come in with a mop, not even use a vacuum cleaner, and try to help a housewife clean, or whatever it may be, and say that because that housewife has a vacuum cleaner in her house, the maid is going to be in interstate commerce, goes beyond any possible stretch of the imagination. All I can say is that if domestic workers as such are in interstate commerce by virtue of the fact that a householder has a vacuum cleaner in her house, then the commerce power has no limits whatever and the Federal Government can do whatever it wishes. I think the committee report on this is totally unbelievable.

I would say in conjunction with the distinguished Senator from Ohio, therefore, that if this question should be tested in court, there is no doubt in my mind that the court would rule on the side of the Senator from Ohio and myself.

But let me put up another question, which I do not think was even considered by the majority of the committee. We have just started an organization in Colorado—started by older, retired people—called Home Sitters, Inc. It is an incorporated business. They go to people who are going away—in this day of trouble, with crime and burglary and the rest, people do not want to leave their houses unguarded—and they sit in the house. They call themselves home sitters. This is domestic service. What do they do? They stay in the home. They water the plants and flowers, such as there are. They are supposed to get $10 per day. They are there for 24 hours, or let us say they are there for only 12 hours. Actually, they will be there 24 hours. This is considerably less than any minimum wage.

Mr. TAFT. Mr. President, will the Senator yield on that?

Mr. DOMINICK. I am happy to yield.

Mr. TAFT. In my personal experience, I have known of a similar occupation such as a pet sitter or a dog sitter or a cat sitter.

Mr. DOMINICK. That is absolutely true. The Senator is correct. They are obviously performing a domestic service, because they are taking care of the pets or the house or whatever it may be.

They get $10 a day. This is much below the minimum. And they do not want to get any more than that. Why? Because if they do, they are beyond the limit of social security, and they are penalized in their social security payment.

So if we have to pay a retired group of people of this kind the minimum wage, they are going to get over the limit during the process of the year, and thereby the social security benefits, for which they have been paying all their working lives, will be cut back, and they will not have that income, even though they have in fact been providing a useful service to the people in the country.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. ERVIN. Does this bill bring all domestic employees under the coverage?

Mr. DOMINICK. Yes.

Mr. ERVIN. If a housewife does not keep the kind of records required by the regulations, she would be subject to criminal prosecution in the Federal courts or to a jail sentence.

Mr. DOMINICK. That is correct. I brought these points up in committee, and so did Senator TAFT. We got overruled again in committee, as we were on these fairly important amendments.

I am very much in favor of the amendment. We are totally outside our bounds in trying to include domestics within the interstate commerce clause. How anyone coming in to clean a household can be said to substantially affect interstate commerce is more than I can understand.

I urge support of the amendment.

Mr. TAFT. Mr. President, I have had called to my attention two conforming amendments which will be necessary if this amendment is to be adopted.

Therefore, at this time I ask unanimous consent to modify the amendment, to change it by adding the following language:

> On page 25, line 24 strike all through line 5 on page 26.
>
> On page 35 strike lines 3 and 4.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered. Will the Senator please send the amendments to the desk?

Who yields time?

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. I suggest that the time be without charge to either side.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 5 minutes in opposition to the amendment.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, this is really one of the key elements of the bill. With relation to those who need it the most, it is probably the key element of the bill insofar as extension of coverage is concerned.

There is no question about the fact that these are employees who are not considered like other categories of employees—unhappily for all of us, because I think it tends to diminish the supply of this kind of help which is so urgently needed—and have suffered in many ways. For a long time they were not on social security. They have not been under the minimum wage. Even now, we are not covering them for overtime. They have many difficulties.

Like many people in the country that hire the necessary domestic help, my own family does. It has been my conviction for a long time that we should realize that they are employees and make them feel that they were no different, but call them Mr., Mrs., or Miss, as the case may be, and treat them no differently from anyone who worked in a bank or anywhere else. It would be very nice if it were handled in that way. However, we demean their work otherwise.

This is a long and tortuous step in the progress of mankind to give dignity to a calling which has every right to have dignity. They are people in one's own home. They handle the food one's family eats. They should have as much dignity and be as elevated as any other profession. This measure is an attempt to do that. What are the objections to it?

The objection cannot be that the $2 minimum wage is too high. The fact is that they are grossly underpaid.

Everyone who knows the problem of hiring help realizes that a $2 wage is not too high when one considers the amount of work done. They run around the house and stand on their feet for 5 or 6 hours a day and are serving people and cleaning the house. It is not easy work. We wish people who do this work to have a presentable appearance and to be comfortable and not feel that they have to starve or eat the remnants of the family food in order to have a decent meal.

I cannot see any argument about the minimum wage as such.

The argument is made that it is inconvenient. We have tried to deal with this by exempting these workers from the overtime provision.

The argument is made that one has to keep a lot of records. Well, one has to keep a lot of records now for social security. The fact that people do not keep those records does not excuse them. It does not mean, because they are violating the social security law, that we should exempt them from the minimum wage law.

Therefore, I believe that unless we repeal the social security coverage, the argument that it is inconvenient for a housewife to keep records falls upon very questionable grounds.

To give the Senate the benefit of my own experience, my wife does not like to keep records either. We do not have too many people employed at home. I keep the records. And every 3 months my office is under the responsibility to find out what they are paid, to look at the check book. And my office will write up the return and send it up. Sometimes I have to hand carry it to get Mrs. Javits to sign it. This is a very human experience. It is not burdensome. It takes someone with a regularized practice to keep the records. A man with an ordinary job does his own income tax return.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Sen-

ator from New York is recognized for an additional 2 minutes.

Mr. JAVITS. Mr. President, it certainly is not fair to deny the benefits to the section of the population which needs it the most.

So, again I wish to repeat what I have said many times before. There is no question about the solicitude of the Senator from Ohio or any mover of such an amendment. These people go in homes and work there. The Senator from New Jersey and I and other Senators believe we should pay these people the minimum wage. We have this difference existing. That is why we have to vote. I believe that the case for coverage of these employees is very strong.

In the State of New York we have covered such employees under the minimum wage. When it was sought to cover them, the same fears were expressed concerning recordkeeping and other inconveniences. These employees have been covered for the last 2 years. I do not know of any upset or of anyone being prosecuted because the employees were not being paid inadequately or anything like that.

So, based upon experience, based upon need, and based upon practical human operations in the home, I believe that domestics should be written in under the provisions of this bill for minimum wage coverage.

I hope that the Senate will therefore reject the amendment.

Mr. WILLIAMS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 3 minutes.

Mr. WILLIAMS. Mr. President, I believe that the Senator from New York has addressed himself to all the compelling reasons for the rejection of this amendment and for the retention of domestics in coverage under this minimum wage bill.

Certainly every index of the income indicates that the people in these occupations are some of the lowest paid employees in our country today. This represents a group of people, the domestic workers, who without this legal protection added to their daily working life will increasingly become a national burden through their need to join the welfare roles.

The median income for a full-time domestic in 1969 was $1,926 a year. This is far below what an individual needs for just a minimum standard of living. Eighty-one percent of all domestics reported total cash incomes of under $2,000 a year.

In March 1970, more than 200,000 women—and I should point out that 97 percent of all domestic workers are women——

Mr. TAFT. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS. I yield.

Mr. TAFT. Mr. President, I would like to ask the chairman, with regard to that figure, whether there is any indication there as to the hours of work to which that relates. I note that in the committee report it mentions the figure of $1,900 and some-odd. However, there is no indication of the hours worked.

Mr. WILLIAMS. Mr. President, the figure I have is that it represents 1,500 hours a year. And that is well under the minimum.

Mr. President, as of March 1970, more than 200,000 women, and I should point out that 97 percent of all domestics are women, were the sole aides of their families. Almost three-fifths of the female heads of families, reporting for their families and holding such occupations during the year 1969, had incomes below the Federal established poverty level of $3,743 for a family of four.

Certainly we must know that the number of persons employed as domestics is going down. As a matter of fact, within the last 12 years the number of people who are in the employment market as domestics has been halved. This is at a period when there is an increasing demand for domestic help.

We know as we work here that the number of women we rely on to staff our committees and our offices in order to come to their employment must have some domestic helping them out back in their homes.

This is true throughout the country. I believe that half of the people employed in this country are women, and in order for women to go to their employment, they are in the market for domestic help to take care of their houses. I think that this is one of the compelling reasons why we should see the domestic employee as an integral part of our national economy.

We do not have to twist and turn and fabricate a tenuous relationship with interstate commerce. Our national economy in good measure depends upon the availability of domestic workers.

Certainly, the Senator from New York has fully described the need here to bring this legal protection to a group of workers who historically have not been given the full dignity they should have. This occupation of domestics, I think, can be lifted out of the servant category and into a recognition of employment that has dignity and value. Certainly anybody working in this employment as a domestic should have an opportunity to make a living wage.

For all these reasons I hope this historical step will be taken—for the very poor, for a group of people who are mostly women, whom we all rely on so much for the stability of our households in their employment as domestic workers.

Mr. DOMINICK. Mr. President, will the Senator yield to me for 2 minutes?

Mr. TAFT. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I listened with great care to the Senator from New York and the Senator from New Jersey. In effect what both of them were saying is, "We wish wages were higher for people." I do not think anybody would deny that. I cannot see any argument about that. An awful lot of people wish the same thing, including me. But the thing I think has not been resolved here is: What is to be done about retired people? Is it to be required that they be paid the minimum wage? They would be penalized in their social security benefits so they could not take on these jobs and pick up this extra money they need to supplement their incomes. Second, I think every housewife is going to have difficulty finding anyone who will work when they know the amount of their wages will be turned in and records kept. The Senator from New York may have an organization that keeps records and sends out checks, and many people in New Jersey are paying cash and not reporting anything. I have heard a great many of my friends say there is no way to get anybody if they paid by check because of the Internal Revenue Service.

The PRESIDING OFFICER. All the time of the Senator has expired.

Mr. DOMINICK. I urge support of the amendment.

Mr. WILLIAMS. Mr. President, S. 1861 would extend minimum wage coverage of the Fair Labor Standards Act to approximately one-and-a-quarter-million domestic service employees.

Babysitters are exempt from this coverage, and all newly covered private household domestics will be exempt from overtime coverage.

This aspect of S. 1861 is very straightforward.

It offers us an opportunity to assure a fair wage for Americans willing to work for a living, many of whom are forced to rely on welfare despite a full year's work.

It offers us a simple choice—a living wage or continued reliance upon public assistance for domestic service employees and their families; a fair and decent wage or the public dole.

In my judgment, coverage of domestics is needed as a reasonable alternative to the continuing blight of public assistance to thousands upon thousands of working Americans.

During the past 12 years, the number of domestic service employees in the country has been reduced by half at a time when the demand for domestic services rose by 33 percent.

If these trends continue, a much-demanded occupation will have been reduced to near oblivion.

In order to understand why household work is a dying occupation, all one needs is to consider the following:

The median income for a full-time domestic in 1969 was $1,926 per year.

Eighty-one percent of all domestics reported total cash incomes under $2,000 per year.

As of March 1970, more than 200,000 women—and I should point out that 97 percent of all domestics are women—were the sole heads of families.

Almost three-fifths of the female heads of families who reported private household employment as the job held longest during 1969 had incomes below the federally established poverty level of $3,743 for a family of four.

In addition, roughly 74 percent of all domestics work in urban areas where high costs of living further undercut their already meager pay.

Consider also that the fringe benefits taken for granted by most segments of the workforce are almost totally lacking for domestics.

Most fail to receive vacations, holidays, or sick leave with pay.

They have virtually no health insurance, unemployment benefits, or workmen's compensation.

Retirement plans are unheard of.

In fact, the only significant legal protection afforded domestics is minimum wage coverage in four States—Wisconsin, New York, Massachusetts, and Montana—and coverage under the Social Security Act.

The lack of nationally accepted standards of employment has also placed undue hardships on domestic employees.

Workloads and the expectations of employers fluctuate greatly from job to job.

Compounding the workers' problems is the lack of a third party intermediary to whom the workers can appeal when treated unfairly.

Faced with an employer who refuses to pay the full amount previously agreed to, or a family that forces her to accept a 3-week unpaid vacation because they have decided to take a trip to Europe, the only recourse the worker has is to quit unless, of course, as happens too often, the employer calls up suddenly in the morning and says, "we won't be needing you anymore."

Another factor of significance when talking about domestic employment is the dignity and respect that ought to come with honest work.

Many domestics are treated just as they were 150 years ago—that is, as slaves.

Two-thirds of all household workers are black and of the remaining one-third, many are Chicanos, American Indians, or members of other minority groups.

They are called "girl" and by their first names while they, themselves, must still address their employers and their employers' children as "Ma'am" or "Sir" or "Miss Jane."

In lieu of fair wages, they are often given second-hand clothing and leftover food.

The lack of respect accorded domestics is in many ways an unfortunate reflection of the value we place on the traditional role of women in our society.

The housewife's job has always been considered of secondary importance, even though it is the housewife who is entrusted with our most valuable resources and our most valuable material possession, our children and our home.

In hiring a domestic, most employers expect her to accept many of the responsibilities of the homemaker, thereby creating a situation in which a dollar value is being placed on her every day duties.

Considering the current wage for domestics, it would mean that we are placing an $0.80 an hour value on the work done by every housewife in America.

This hardly seems reasonable.

Also of significance is the fact that most household workers are blacks or members of other minority groups.

In failing to cover domestics under our basic wage and hour law, we would be turning our backs on these people.

Many who watch our legislative activities view the coverage of domestics as an effort to remedy racial and sexual discrimination.

I know that one can argue as a matter of law that these workers are not being discriminated against on a basis of sex, race, or national origin.

But the plain fact is that private household domestic workers are overwhelmingly female and members of minority groups.

I hope the Senate will respond to their legitimately felt needs.

Opponents of minimum wage coverage for these workers have presented a number of arguments.

They claim that domestics in no way affect the flow of interstate commerce.

Yet, one has only to look at the buses leaving the District of Columbia for the Maryland and Virginia suburbs every morning to see a perfect example of the flow of interstate commerce.

The Metropolitan Washington, D.C. area is in no way an exception.

Among other areas where domestics regularly cross State lines in traveling to and from work are:

The city of New York—Connecticut-New Jersey area; the Cincinnati-Kentucky locale; the St. Louis, Mo.-East St. Louis, Ill., area; and the Kansas City, Mo.-Kansas area.

In addition to the workers crossing State lines, the equipment and supplies they use are regularly distributed in interstate commerce.

Vacuum cleaners for instance, are manufactured in only six States.

Laundry equipment is produced in only seven States, creating a tremendous flow in commerce of these items used daily by domestics.

Also, it is common knowledge that every domestic handles such items as soap, wax, and other household cleaners which have moved in interstate commerce.

The employment of domestics in households also frees members of these households to engage in activities and businesses directly affecting the flow of interstate commerce.

Another argument used by those who oppose coverage for domestics is that of difficulty of enforcement, citing in particular the failures under the Social Security Act's coverage of all currently employed domestics.

There is, however, a very basic difference between social security and minimum wage coverage.

The concept of social security is one of deferring immediate gratification for later rewards.

To a woman trying to raise a family on $2,000 a year this is clearly an impossibility.

Thus, when presented by her employer with the choice of either having social security payments deducted from her paycheck or having a few extra dollars a week, the latter may be an understandably inevitable choice.

In large part, social security coverage of domestics has failed, because the wage scale is so low that the employee must operate outside of the law in order to provide for a family.

Providing workers with minimum wage coverage, however, in tantamount to directly increasing their daily earnings.

Should the domestic employer be unwilling to voluntarily adhere to the FLSA, it is unlikely that the workers would not take the necessary measures, as set forth by the law and regulations, to obtain what is rightfully theirs.

An additional reason for including domestics under FLSA coverage is that once their wages haven risen, many of them will cease to need welfare payments to supplement their income.

Raising the incomes of domestics will also have the salutory effect of increasing their buying power, thus helping to bolster the sagging economies of the inner cities where most of the workers reside.

One other factor bears noting because of its increasing importance—the fact that careers for women have become more and more common and that this occurrence is bound to lead to an increased demand for domestic help in the homes of employed wives and mothers.

If an effective and dignified domestic work force is to be developed, a living wage and respectable working conditions are vital.

Now that Congress has sent to the States the constitutional amendment guaranteeing equal rights to women, it would be hypocritical in the extreme to deny an appreciable segment of the female workforce, earning low wages, an opportunity to share in the rewards of more meaningful employment under the protection of the Fair Labor Standards Act.

Finally, the coverage of domestics involves the protection of poor women—often black—and their families.

To large numbers of these families, often fatherless; welfare, drugs, and crime have become sordid facts of life.

A fair wage for a day's labor could go a long way toward building a life for these families that is free of welfare and above the poverty standard.

There can be little doubt that the low wages now paid to domestics as a group have a substantial effect on the economy and the fiscal and tax policies of both the Federal Government and the State.

According to estimates of the Department of Labor, the minimum wage rates proposed for domestics in the committee bill will place in the hands of these low-income employees an additional $1.3 billion in each of the next 3 years.

That will represent a substantial increase in purchasing power which is bound to have salutary effects on the national economy, as well as the economy of our central cities, where many domestic employees live.

Furthermore, this additional income will serve to lessen welfare payments to this category of employees, and should also serve to upgrade the status and dignity of this type of work.

Over and above the direct impact on interstate commerce which results from the low wages received by this large group of employees there can be little doubt that the deplorably low wages received by domestics contribute substantially to the vicious poverty cycle which has created such chaos in our central cities.

Our inability to end poverty in America has already had a pervasive impact on the population characteristics of our cities, and this in turn has already resulted in profound changes in commercial, economic, social, and educational patterns throughout the country.

These changes, and the problems they have created, are not localized, and their solution demands Federal, not merely local action as Congress has already recognized in enacting a myriad of programs dealing with such matters as housing, welfare, education, transportation, manpower training, and public service employment.

Since domestic employment is one of the prime sources of jobs for poor and unskilled workers, it is clear that there is an important national interest at stake in insuring that the wages received for such work do not fall below a minimal standard of decency.

Mr. President, the coverage of domestics is one of the most important provisions in this bill.

It epitomizes the committee's concern for the working poor and most clearly demonstrates the relationship between the minimum wage and welfare.

An annual salary of $2,000 to a head of a family is no incentive to work, in my judgment.

Furthermore, I believe that America would be outraged to realize that many working poor who are receiving welfare payments must live on public assistance because their employers are free to pay substandard wages.

There is no valid reason for the American taxpayer to have to subsidize the payment of subminimum wages by an employer who can afford to hire a private household domestic employee.

Yet, that is the effect of failure to cover domestic employees under the Fair Labor Standards Act.

The typical household domestic employee works and travels long hours for exceptionally low wages in order to raise her children to a life of decency, to provide them with the barest opportunity to escape the cycle of poverty.

Then, because she only earns $1,900 a year for a full year's work, she must turn to public assistance.

We must not cheat these hardworking Americans.

We must not deprive them of their opportunity to obtain by honest work the bare minimum necessary for a decent living.

I hope my colleagues will reject this amendment.

Mr. CRANSTON. Mr. President, I wish to call to the attention of my colleagues section 2 of S. 1861, now under consideration by this body. Section 2 amends section 3(e) of the Fair Labor Standards Act to include under the definition of "employee" any individual employed in domestic service. This amendment would bring under the minimum wage provisions of the act all employees in domestic service except babysitters and would retain the overtime exemption.

There are about 1.2 million full-time and part-time household workers in America earning an average yearly wage of $1,800 to $2,000 a year, at least $1,200 less than the minimum wage guaranteed other employees by law. Almost three-fifths of women heads of families who reported private household work as their main job had incomes below the poverty level. Minimum wage coverage would remove, for the first time, many full-time domestic workers from the welfare rolls of our country. If S. 1861 is passed, domestic workers would receive $1.80 an hour the first year of coverage and $2 an hour thereafter.

It is shocking that domestic workers do not get paid vacation, paid holidays, or sick leave. I would expect that such items as paid vacations, holidays, and sick leave will eventually come through growth of unions and the collective bargaining process. This bill would be the first real legislative labor protection that domestics would have. Domestic workers are entitled by law to social security benefits. Yet only some of them receive them. The main problem is enforcement. Housewives do not like to bother with payment and workers do not like it deducted. They earn so little to begin with that they would rather not have more money taken out of their meager salaries. Many of them do not fully understand the benefits they would be getting under social security.

The minimum wage set under the Fair Labor Standards Act is the lowest wage which may be paid employees in activities covered by the act. It is based on the assumption that it will be paid to the unskilled, untrained, inexperienced worker who frequently is a member of a minority group.

The National Committee of Household Employment indicates that women constitute 98 percent of all workers in private household employment, and that 64 percent are black. The Bureau of Labor Statistics indicates that there are 90,514 domestics in the State of California; 62,338 are white, 22,667 are black, 13,098 are chicano, and 86,397 are women. Now that Congress has sent to the States the equal rights amendment, it would be even more hypocritical to deny an appreciable segment of the female work force an opportunity to share in the rewards of more meaningful employment with a living wage and respectable working conditions.

Twelve States have Wage Board programs under which regulations can be issued setting a minimum wage in an industry or occupation, or for a designated group of workers. It appears that six of these States, California, Colorado, New Jersey, North Dakota, Utah, and Wisconsin, could issue minimum wage and overtime orders covering private household workers. However, only Wisconsin has issued a minimum wage order covering domestics. In California, a wage board has recommended the issuance of a wage order covering women and minors who are domestic employees. Presently only four States, Arkansas, Michigan, Nebraska, and West Virginia, have laws that are broad enough to cover private household workers. And with the exception of four States, Wisconsin, Massachusetts, New York, and Montana, domestics are not covered by either State or Federal minimum wage laws. Minimum wage for domestic workers is an area clearly ignored by State laws.

The Secretary of Labor testified before the Labor and Public Welfare Committee against the inclusion of domestic service workers, giving two reasons, first, difficulty of enforcement, and second, possibility of adverse effect coverage might have on employment opportunities.

However, there are no facts to show that the administration of this provision would be more complex than any other provision under the act. Difficulty of enforcement is unacceptable as a reason for denying the benefits of the act to those most in need of such benefits. I am convinced that appropriate methods to insure compliance can be fashioned within the authority of the Secretary of Labor.

There can be little doubt that the low wages now paid to domestics as a group have a substantial effect on Federal and State budgets. According to the estimates of the Department of Labor, the minimum wage rates proposed for domestics will place in the hands of these low-income employees an additional $1.3 billion in each of the next 3 years. This will represent an immense increase in purchasing power which will bound to have an enormous effect on our economy. This additional income will serve to lessen welfare payments to this category of employees, and should also serve to upgrade the status and dignity of this type of work. Since domestic employment is one of the prime sources of jobs for the poor and unskilled worker, it is clear that there is an important national interest at stake in insuring that the wages received for such work do not fall below a minimal standard of decency.

Certainly the demand for domestics will increase as more and more women enter the work force and leave the home. Discouraged by poor wages and working conditions, the total number of domestics diminished between 1960 and 1970 from 2.5 million to 1.5 million, despite the fact that during the same period the demand for domestic services rose by 33 percent. We can only insure adequate supply of workers to meet the continuing demand for assistance in the home with legislation to improve existing wage and working conditions.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Ohio as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mr. ELLENDER), and the

Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) is absent on official business.

I also announce that the Senator from Arkansas (Mr. FULBRIGHT), is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent to attend the funeral of a friend.

The result was announced—yeas 40, nays 52, as follows:

[No. 285 Leg.]

YEAS—40

Allen
Beall
Bennett
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Cannon
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Long
McClellan
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—52

Aiken
Allott
Bayh
Bellmon
Bentsen
Bible
Boggs
Brooke
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Gravel
Hart
Hartke
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Smith
Stafford
Stevens
Stevenson
Symington
Tunney
Williams

NOT VOTING—8

Anderson
Baker
Ellender
Fulbright
Goldwater
Harris
Jordan, N.C.
Mundt

So Mr. TAFT's amendment, as modified, was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK's amendment is as follows:

On page 21, line 15, strike out "$2.00" and insert in lieu thereof "$1.80".

On page 21, line 18, strike out "$2.20" and insert in lieu thereof "$2.00".

On page 21, line 22, strike out "$1.60" and insert in lieu thereof "$1.50".

On page 21, line 24, beginning with the word "not" strike out through the word "thereafter" on line 2, page 22, and insert in lieu thereof the following: "and not less than $1.70 an hour thereafter".

On page 22, line 9, strike out "1.80" and insert in lieu thereof "1.70".

On page 22, line 12, strike out "$2.00" and insert in lieu thereof "$1.80".

On page 22, line 14, strike out "$2.20" and insert in lieu thereof "$2.00".

On page 22, beginning with line 15, strike out through line 11 on page 25 and insert in lieu thereof the following:

"(d) Section 6(c) of such Act is amended by substituting the following new paragraphs 2(A) and 2(B):

"'(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor, Standards Amendments of 1972, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"'(B) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C).'"

On page 25, between lines 11 and 12, insert the following new subsection:

"(e) Section 6(a) of such Act is amended by striking out the word "or" at the end of paragraph 4, by striking out the period at the end of paragraph 5 thereof and inserting in lieu thereof a semicolon and the word "or", and by adding at the end thereof the following new paragraph:

"'(6) if such employee is employed in the Canal Zone not less than $1.60 an hour.'"

On page 25, line 12, strike out "(e)" the first time it appears in such section and insert in lieu thereof "(f)".

On page 25, line 12, insert "of such Act" before the word "is".

On page 25, line 22, strike out "(f)" and insert in lieu thereof "(g)".

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, this is an important amendment, I shall explain it very briefly.

What it does is take the provisions of the substitute which establish new minimum wage rates for mainland employees, and employees in Puerto Rico, the Virgin Islands, and the Canal Zone, and offer them as a substitute package if you will, for the wage rates in the committee bill. In substance, that is what this amendment is about. I intend to use the full amount of time I have available, to try to explain this amendment at some length. I do not know how long the other side may take.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield to the Senator from New York.

Mr. JAVITS. Exactly the same as the language that was contained in the Taft-Dominick substitute, is that what the Senator is offering?

Mr. DOMINICK. It is exactly the same as we had in the substitute; the Senator from New York is correct.

Mr. JAVITS. I thank the Senator.

Mr. DOMINICK. What we have done here is try to say once again to our colleagues in the Senate that we feel, with the evidence that we have before us, the comments from Mr. Rumsfeld and the comments from Mr. Grayson, the comments that we have from the State Department and from the Department of the Army with respect to the Canal Zone and Puerto Rico, the evidence that was submitted to the House of Representatives and to our committee in behalf of the Puerto Rican situation, that this is far less inflationary, and it will make a very substantial increase in the minimum wage to the people who will be covered by it, but that we will not be breaking the cost of living index, we will not be creating problems for the Price Commission, any more than they already have, and that we will not be tending to decrease the opportunities for employment of those who are unskilled by putting their employment at a minimum; and for that reason we want to go over this matter in some detail.

If I may, Mr. President, I would like to take up, to start with, the problems with the committee bill insofar as the Canal Zone is concerned.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMINICK. Mr. President, these are the comments that were made by the Department of State insofar as the committee bill is concerned, with respect to the wage rates suggested in the committee bill:

S. 1861, a bill to amend the Fair Labor Standards Act of 1938, would increase the minimum wage in stages from the current $1.60 per hour to $2.20 per hour in the U.S. and in areas under U.S. jurisdiction, including the Canal Zone. A similar House bill, H.R. 7130, excludes the Canal Zone. Senator Dominick (R. Col.) has presented Amendment 1204 to S. 1861 which, *inter alia*, exempts the Canal Zone from the applicability of the minimum wage increase.

The Department of State supports the pertinent provision of Amendment 1204 for the following reasons:

A. Application of the minimum wage increase to the Canal Zone would *adversely affect the financial condition of the Panama Canal Company* and *increase the costs of operating U.S. military bases* located there. For example, an increase to $2.20 per hour would add $9 million to annual operating costs of the Panama Canal Company and would lead to consideration of canal toll increases with attendant adverse international, as well as domestic, repercussions. Such an increase could also *lead to work force reductions with consequent labor relations and political problems with the Republic of Panama.*

B. A minimum wage increase in the Canal Zone *would further accentuate the existing disparity between wage levels of better* *paid Panamanians working in the Zone* and *those in the Republic of Panama.* The minimum wage in Panama City and Colon is presently $0.50–$0.75 per hour. Present wage levels of unskilled Panamanians working in the Zone (about 7000) are already well above those that would be dictated by economic need, social policy and sound management and personnel practices.

As a matter of fact, they are getting $1.60 compared to 75 cents, which is what they get outside the Canal Zone; and this bill would increase that to $2.20, which obviously would increase the problem enormously for the Government of Panama, not to speak of the Panama Canal Co.:

C. A minimum wage increase would *complicate ongoing Canal treaty negotiations.* Such an increase, by adding to Panama Canal Company's operating costs, would reduce the amount available out of toll revenues for making annual compensation payments to Panama. Such a situation could not only force toll rate increases but also raise the possibility that appropriated funds may be required to fund compensation payments, depending on the amounts of such payments ultimately agreed upon with Panama.

In addition, we are discussing in treaty negotiations the transfer of certain U.S. Government-operated commercial activities to private enterprises under Panamanian jurisdiction. Because some 2,500 Panamanian employees of the canal agencies would be affected by this action, U.S. negotiators are attempting to obtain some form of employment and salary protection for them under a new treaty. *Inasmuch as the present high wages could not be sustained under Panamanian private operations, the difficulty of negotiating guaranties for these employees would be greatly increased* if the minimum wage is raised by the new legislation.

The Panamanian employee in the Canal Zone, from the standpoint of wages, is already in a class apart from his counterpart in the Republic. One of *our ultimate goals is to integrate the Zone with Panama economically, culturally, and politically* to the maximum extent possible without jeopardy to U.S. control and defense of the Canal. *An increase in the existing wage disparity between Panama and Canal Zone wages will make this more difficult.* We are convinced that further increases in the Canal Zone minimum wage are unnecessary and would markedly hinder the accomplishment of United States objectives in its relations with the Republic of Panama.

That is from the Department of State.

The Department of the Army shares this view. In letters to me, to the distinguished Senator from Vermont (Mr. Stafford), and to my distinguished chairman, Senator Williams. These letters were considered but apparently did not influence the committee.

I should like to go from here to Puerto Rico, which is equally important insofar as this amendment is concerned.

There was testimony before a committee of the House of Representatives at hearings in San Juan on May 8, 1971. Under date of June 29, 1972, a copy of the testimony of the Chamber of Commerce of Puerto Rico was sent to me. I think it is of interest and should be in the Record, so that we will be aware of the impact on the economy of Puerto Rico. This is the testimony:

My name is Héctor Ledesma. I am the President of the Chamber of Commerce of Puerto Rico . . .

Along with every public and private body in Puerto Rico, the Chamber of Commerce endorses higher wages for the working force. Our primary concern is that unduly sharp and rapid wage increases have greatly contributed to perpetuate rates of unemployment that should never be tolerated in any society, particularly one under the American Flag. You may protest that the object of the amendment is not to perpetuate unemployment nor to raise wages in general but only to correct inequities visited upon the poorest paid workers. But in Puerto Rico, this is what it would actually do. We respectfully submit that the proposed amendment—

That is what is in the committee bill—

Will almost certainly have these effects in Puerto Rico:

Increase almost all wages.
Reduce employment.
Discourage new investment.
Increase unemployment.
Stimulate migration to the States.

At the risk of repeating some of what may already have been presented to this Committee—

Talking about the House committee—

Permit me to explain the reasoning underlying these predictions. The differences between the U.S. economy as a whole and the economy of Puerto Rico are so wide that entirely different minimum wage treatment is mandatory. The U.S. Congress recognized this principle more than 30 years ago when it established Industry Committees to recommend a minimum wage geared to the ability of each industry to sustain it. Even those subsequent amendments which provided for automatic increases incorporated a mechanism for appeal in cases of hardship. For the first time since 1940, this principle of special treatment is violated by the proposed amendment.

It is worth noting some of these great differences between the two economies that indicate the need for the selective application to Puerto Rico of the provisions of the Fair Labor Standards Act.

In the U.S., average hourly earnings in 1970 in industry were $3.32 compared with $1.71 in Puerto Rico, only 52% as much. In relation to average hourly earnings in industry, 40¢ an hour would be 12% in the U.S., but 23% in Puerto Rico, almost twice as much. Even more powerful in its impact is the number of workers affected. No figures have been released by the U.S. Department of Labor but with an average of $3.31 it may be concluded that, as in former rounds, only a small minority of workers in the U.S. will be affected by a rise to $2 an hour. On the contrary, the vast majority of wage earners in Puerto Rico will be affected by a 40¢ an hour increase. A reasonable expectation is that the experience since 1967 will be repeated.

This is the point I am trying to make in connection with our substitute. What has been the experience on this?

Hourly earnings for all of industry rose 23% as a result of automatic increases of 28% in Puerto Rico. The percentage impact of a flat 40¢ may be much greater in that 62% of the wage classifications are below $1.60. For example, the current rate of 70¢ an hour applicable to filler tobacco processing will be raised alomst 60%. The irony of the flat 40¢ increase is that the industries previously determined as least able to meet the standard minimum will suffer the highest percentage rise.

The most important single employer on the Island is the wearing apparel industry which accounts for one third of all Fomento Manufacturing employment. Average wages are $1.62. An increase of 40¢ an hour will raise wages in Puerto Rico to the level prevailing in North Carolina. No new plants will establish here because it will be cheaper to locate in foreign areas or in the U.S. mainland where all cost factors are lower. Foreign imports will displace Puerto Rican shipments to the U.S.

It goes on. I am not going to read the entire thing. I ask unanimous consent that the entire statement be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

AMENDMENTS TO THE FAIR LABOR STANDARDS ACT (S. 1861)

San Juan, P.R.,
June 29, 1972.

Hon. Peter H. Dominick,
U.S. Senate,
Washington, D.C.

Dear Senator Dominick: The Chamber of Commerce of Puerto Rico is most concerned that the enactment into law of minimum wage legislation which does not take into consideration the basic differences between the United States economy as a whole and the economy of Puerto Rico will have a seriously adverse impact on the welfare of our Island.

We respectfully urge that every possible support be given to legislation which will maintain the flexibility of establishing increases in minimum wages in Puerto Rico through the present system of Special Industry and Review Committees, so that wages may be increased as rapidly as is economically feasible, without substantially curtailing employment and without giving any industry in Puerto Rico a competitive advantage over any industry elsewhere in the United States.

The enclosed copy of the testimony of the Chamber of Commerce of Puerto Rico before the General Sub-Committee on Labor of the Committee on Education and Labor of the United States House of Representatives at hearings in San Juan, Puerto Rico, in May 1971, is a succinct presentation of our position on this matter and is pertinent at this time.

We will greatly appreciate any effort you might make to help the economy of Puerto Rico continue to successfully achieve its goals under the close ties of association with the people of the United States.

Most cordially,

Raúl Buxeda,
President.

TESTIMONY OF THE CHAMBER OF COMMERCE OF PUERTO RICO TO THE GENERAL SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON EDUCATION AND LABOR OF THE U.S. HOUSE OF REPRESENTATIVES AT HEARINGS IN SAN JUAN, PUERTO RICO, MAY 8, 1971

Mr. Chairman, Members of the Committee: My name is Héctor Ledesma. I am the President of the Chamber of Commerce of Puerto Rico. Our organization is greatful for the opportunity to present its views on the amendment to the Fair Labor Standards Act sponsored by the Honorable Mr. Dent.

Along with every public and private body in Puerto Rico, the Chamber of Commerce endorses higher wages for the working force. Our primary concern is that unduly sharp and rapid wage increases have greatly contributed to perpetuate rates of unemployment that should never be tolerated in any society, particularly one under the American Flag. You may protest that the object of the amendment is not to perpetuate unemployment nor to raise wages in general but only to correct inequities visited upon the poorest paid workers. But in Puerto Rico, this is what it would actually do. We respectfully submit that the proposed amendment will almost certainly have these effects in Puerto Rico.

Increase almost all wages.
Discourage new investment.
Increase unemployment.

Reduce employment.

Stimulate migration to the States.

At the risk of repeating some of what may already have been presented to this Committee, permit me to explain the reasoning underlying these predictions. The differences between the U.S. economy as a whole and the economy of Puerto Rico are so wide that entirely different minimum wage treatment is mandatory. The U.S. Congress recognized this principle more than 30 years ago when it established Industry Committees to recommend a minimum wage geared to the ability of each industry to sustain it. Even those subsequent amendments which provided for automatic increases incorporated a mechanism for appeal in cases of hardship. For the first time since 1940, this principle of special treatment is violated by the proposed amendment.

It is worth noting some of these great differences between the two economies that dictate the need for the selective application to Puerto Rico of the provisions of the Fair Labor Standards Act.

AVERAGE HOURLY EARNINGS

In the U.S., average hourly earnings in 1970 in industry were $3.32 compared with $1.71 in Puerto Rico, only 52% as much. In relation to average hourly earnings in industry, 40¢ an hour would be 12% in the U.S., but 23% in Puerto Rico, almost twice as much. Even more powerful in its impact is the number of workers affected. No figures have been released by the U.S. Department of Labor but with an average of $3.31 it may be concluded that, as in former rounds, only a small minority of workers in the U.S. will be affected by a rise to $2 an hour. On the contrary, the vast majority of wage earners in Puerto Rico will be affected by a 40¢ an hour increase. A reasonable expectation is that the experience since 1967 will be repeated. Hourly earnings for all of industry rose 23% as a result of automatic increases of 28% in Puerto Rico. The percentage impact of a flat 40¢ may be much greater in that 62% of the wage classifications are below $1.60. For example, the current rate of 70¢ an hour applicable to filler tobacco processing will be raised almost 60%. The irony of the flat 40¢ increase is that the industries previously determined as least able to meet the standard minimum will suffer the highest percentage rise.

The most important single employer on the Island is the wearing apparel industry which accounts for one third of all Fomento Manufacturing employment. Average wages are $1.62. An increase of 40¢ an hour will raise wages in Puerto Rico to the level prevailing in North Carolina. No new plants will establish here because it will be cheaper to locate in foreign areas or in the U.S. mainland where all cost factors are lower. Foreign imports will displace Puerto Rican shipments to the U.S.

WELFARE PAYMENTS

Public welfare payments in Puerto Rico amount to 40% of estimated necessities. A family of six with an incapacitated husband receives $67.60 per month, plus $1.25 for each child of school age. A food supplement is also provided. If the husband is fit for work and has lost his job, the family is eligible for the food supplement up to a period of three months. A family of four with the husband absent receives $46.20 per month plus $1.25 for each child of school age and a food supplement. No comparison can be made with the U.S. because of the variation among states but it is obvious that welfare payments in Puerto Rico are far lower. In contrast to the U.S., the lowest wage paid in Puerto Rico substantially exceeds the amounts available from government welfare sources.

LABOR FORCE

In the US, 38.3% of the entire population were employed in 1970; Puerto Rico, only 27.2%, only 71% as many. This has profound implications in that each worker in Puerto Rico supports 2.7 dependents, compared with only 1.6 in the US. Only more jobs can reduce this burden. Migration is not the answer to this problem because the migrant population is heavily weighted by able bodied males who would ordinarily support the young, the old, and others unable to support themselves.

UNEMPLOYMENT

For the last 20 years the annual rate of unemployment in Puerto Rico has fluctuated between 11 and 14%. If participation in the labor force were at the same level as in the US, unemployment would approximate 30%. A new plant opening in Puerto Rico is generally swamped by eager job applicants. Only the hopelessness of finding jobs keeps about 200,000 people out of the labor force. A current unemployment rate of 6% in the US has stimulated extraordinary efforts to reduce unemployment. Given the full employment policy in the US, Puerto Ricans may legitimately raise the question whether the same policy is applied to all American citizens. We wonder whether the US Congress would be complacent if threatened with a potential loss of 30% of all manufacturing jobs in the US, yet this is the figure calculated by Fomento for Puerto Rico if H.R. 7130 is not modified.

COST OF LIVING

The Speaker of the US House of Representatives spoke eloquently in support of the bill in question, and I quote: "It has been five years since we raised the minimum wage to the prevailing $1.60 an hour. The Consumer Price Index has risen 23% in the meantime and completely wiped out any gain in real earning power". These remarks are addressed to the economy of the US. But in Puerto Rico, the cost of living has risen 17.5% in that time while hourly earnings rose by 38%. Unlike the US, then, earnings in Puerto Rico increased more than twice as fast as in the US. Obviously, an increase of 40c an hour in Puerto Rico would have to be justified on other grounds.

EXTERNAL TRADE

Merchandise external trade in 1969 amounted to 7.8% of US Gross National Product. The comparable figure for Puerto Rico in 1970 is 92.5%, or proportionately 12 times as high. Puerto Rico is an extremely open economy, and as such must maintain a competitive posture in order to survive. Puerto Rican producers are pitted against low price foreign competition to a much greater degree than in the US. The 40c an hour increase is well above the total hourly earnings of workers in competitive areas such as the Philippines, Japan, Taiwan, Haiti, and other low wage areas. Puerto Rico has been able to sustain previous increases in minimum wages only at the expense of profits. This conclusion is borne out by the steady decline in profits over the last decade, when Puerto Rico showed a decrease of 20% while profits in the US rose by 43%.

RETAIL SALES AND SERVICES

Perhaps most bewildering of all is the application of the contemplated wage increases to purely local activities such as retail operations. Per capita retail sales in Puerto Rico for 1970 were $656 compared with $1,576 for the US, substantially less than half. It is true that this is an area where increases in cost can be passed on to the consumer. The impact on the cost of living, nevertheless, is unduly severe for the low income population, particularly since 31% of total expenditures goes for food, a proportion one-third higher than in the US. Surely the concern about unfair competitive advantage vis a vis the US does not apply here.

Please bear in mind that Puerto Rico must compete for new investment as well as for markets. Of total gross domestic investment in fiscal 1970, 76%, or three-fourths, came from external areas, mostly the US. All costs of doing business in Puerto Rico are higher than on the mainland with the single exception of labor costs. When labor costs far exceed those in foreign areas, and approach too closely those prevailing in lower paying industries of the US, investment in Puerto Rico will dry up. Without investment there will be no jobs.

I could go on for hours noting significant differences between the two economies. For example, I could note legislative fringe benefits of 20% and the operations of the local minimum wage boards. I sincerely trust that I have presented enough to demonstrate that the consequences for Puerto Rico of H.R. 7130 as presently written do not conform to the purposes of the bill, however praiseworthy they may be for the US.

The Chamber of Commerce of Puerto Rico respectfully requests that the principle of selectivity be continued. This can only be accomplished by the restoration of Industry Committees empowered to establish the wage appropriate to individual sectors.

Mr. DOMINICK. In general, what we have done here is not to say that we will leave it just where it is. Sixty days after enactment, or 1 year after the most recent wage order in each industry, whichever is later, minimum wages in Puerto Rico would be raised 12½ percent, on an industry-by-industry basis. One year later they will be raised another 12½ percent for a total of 25 percent over 2 years. This, therefore, would insure that we are not, just trying to maintain a substandard level but we are trying to do something about giving them a level which will not increase unemployment, as previous raises have done, but that we will give that island an opportunity to continue development and keep it in line with the percentage increases we are giving on the mainland.

The increases in mainland wages under the amendment which I have offered would amount to 25 percent over 2 years. It goes from $1.60 to $1.80 in 60 days and then $2 a year later. It is a substantial increase in the minimum wage. To those people who are saying we need an increase, I am saying, "OK, I agree."

We have to take care of the inflationary factor which has occurred from 1966. It has not been more than 25 percent. This will take care of that over the next 2 years. If we go to $2.20, as the amendment in the committee bill and as the Percy amendment asks, then we have the situation where we are getting totally out of line insofar as the Cost-of-Living Council is concerned, insofar as the Price Commission is concerned, and insofar as the effort to control inflation is concerned.

The difficulty all the way through here is that a majority of the committee has apparently taken the position that if we raise the minimum wage what we do will be, thereby, to increase employment and to increase the level of earning.

However, history has shown over and over again that it does exactly like the opposite, and that those people who are least skilled, least employable, handicapped, do not get the jobs because they do not have the productivity to warrant higher wages. So we lose employment opportunities for the very people we want to employ.

Puerto Rican history in the 1966 raise is a classic example of this. If we do it now again to the degree we have in this bill, I believe it will be totally disastrous insofar as the Puerto Rican economy is concerned. I am sure it will insofar as the Canal Zone is concerned, and I am equally sure that it will be insofar as this country itself is concerned.

Mr. PASTORE. Mr. President, will the Senator from Colorado yield for questions?

Mr. DOMINICK. I yield.

Mr. PASTORE. As I understand it, the Senator's amendment applies only to the Panama Canal Zone, to Puerto Rico and the Virgin Islands; is that correct?

Mr. DOMINICK. It applies to those and also I put in figures for the mainland.

Mr. PASTORE. I mean when the Senator shapes up the reduction, does that apply to the mainland as well?

Mr. DOMINICK. Yes, it does.

Mr. PASTORE. Why does the Senator keep talking about the Canal Zone and Puerto Rico and the Virgin Islands when it involves Rhode Island, too; does it not?

Mr. DOMINICK. It involves Rhode Island, too.

Mr. PASTORE. Then what we are actually saying is that while we are dramatizing what will happen in the Canal Zone, the Virgin Islands and Puerto Rico, the same thing will happen in Colorado; is that not right?

Mr. DOMINICK. Yes; that is right—in Colorado and in Rhode Island—in both we will be giving a 25-percent increase in the minimum wage.

Mr. PASTORE. That is right. I understand what the Senator is saying. He was emphasizing the situation in Puerto Rico, the situation in the Virgin Islands and the situation in the Canal Zone; but he did not mention our own States on the mainland.

Mr. DOMINICK. Yes—I did not mention them by State but I said that minimum wage rate for the entire mainland would be increased to $1.80 in 60 days and to $2 1 year later.

Mr. PASTORE. Well the Senator has said there is a difference between the economic status of employees on the mainland as against the Canal Zone.

Mr. DOMINICK. Absolutely.

Mr. PASTORE. There is a difference.

Mr. DOMINICK. Absolutely.

Mr. PASTORE. Why then does the Senator from Colorado package them all together? Why does not the Senator make a distinction in the law? As I understand the letter he read from the State Department, we did do it with the Canal Zone——

Mr. DOMINICK. Absolutely correct——

Mr. PASTORE. And the information he got from the Defense Department, we did do it in the Canal Zone——

Mr. DOMINICK. Correct.

Mr. PASTORE. But the Defense Department is not complaining about the minimum wage.

Mr. DOMINICK. The Defense Department is not and neither is the State Department because this does not fall in their jurisdiction.

Mr. PASTORE. My next question is this: If the committee did consider making a distinction between the Canal Zone and let us say, the mainland——

Mr. DOMINICK. I offered an amendment in committee which would have retained the present $1.60 rate for Canal Zone employees. It was not accepted.

Mr. PASTORE. The Senator did try to make that distinction?

Mr. DOMINICK. The committee bill would increase the Canal Zone rate to $1.80 immediately, $2 a year later, and $2.20 thereafter.

Mr. PASTORE. Then why does not the Senator from Colorado shape up his amendment to conform with that argument which he made to the committee, by making an exemption as to the Canal Zone, Puerto Rico, and the Virgin Islands?

Mr. DOMINICK. If I may say to the Senator from Rhode Island, I not only talked about the Canal Zone, Puerto Rico, and the Virgin Islands in the committee, but I also talked about the wage rates which I am now proposing for the mainland. I am offering it as a package.

Mr. PASTORE. Well, from the standpoint of $2 an hour for 40 hours a week, that is $80 a week. When you pay your several taxes out of it, how much is left to pay for food, for shoes for your children? I mean, let us look at it realistically. The $2 an hour may be something in the Canal Zone, but it is nothing in Rhode Island. When you go to the market you have to spend $3.50 just to buy a morsel of steak, or you find that something that used to be 35 cents a pound is 59 cents a pound today. We can well imagine what happens to those people working for $1.60 an hour. They have to go on relief.

Mr. DOMINICK. That is exactly why I raise the minimum wage by 25 percent, as I said to begin with.

Mr. PASTORE. While 25 percent may sound impressive, I repeat, in the Canal Zone, it is minuscule in Rhode Island or wherever a low wage prevails at the present time. We are being unrealistic about this minimum wage. When we say $1.60 an hour, we are talking about slave wages—slave wages.

Mr. DOMINICK. Then what the Senator from Rhode Island is saying is that the rate should be somewhere in the neighborhood of $6 or $7 an hour. That is really what he is saying.

Mr. PASTORE. I am not saying that at all. I am saying $2.20 an hour. I did not say $6 an hour. The bill says $2.20 an hour, not $6 an hour. It is for this moderate bill I am speaking.

Mr. DOMINICK. Sure, I know it. It says $2 in mine, as opposed to the $2.20. I would say to the Senator, as I have said before—whether the Senator from Rhode Island does not agree or does not believe it—that if you take a look at the 37½-percent increase in minimum wage, we will have over $7.2 billion in direct costs added to the labor costs. Those are direct costs not counting the rippling effect.

All I can say to the Senator is that the poverty level is connected closely with the consumer price index. When the consumer price index goes up, the poverty level goes with it. So, as excessive minimum wage increases push up the cost of living; they make it more difficult for the working poor to stay above the line.

We are trying to stabilize prices now. And to the degree that we legislate a 37.5-percent increase in wages, it will break the cycle.

Mr. PASTORE. Mr. President, it all depends on who gets the 37.5-percent increase. If they are earning $30,000 a year, maybe that is too much. I am not arguing for them. However, if they are making $60 a week and we give them a 37.5-percent increase, I say God bless them. Does the Senator know what that means? It means that if they are getting $60 a week, we increase them to $80 a week. If the Senator is familiar with the rent costs today, he will know how these people are struggling—almost strangled by inflated prices over which they have no control.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Mr. President, is the Senator from Rhode Island speaking on his own time?

Mr. PASTORE. I do not care whose time it is, it is good time.

Mr. DOMINICK. Mr. President, I always enjoy talking with the Senator from Rhode Island. We have disagreements. I do not care how emotional the Senator wants to make the matter, it is better to have $2 an hour than not to have a job. If a person does not have a job, he is really in trouble. He is then locked into the welfare system.

Mr. PASTORE. What is wrong with having $2 an hour and having a job, too? I do not think we are going to put all of these people out of work if we give them an honest day's pay for an honest day's work. The simple fact—and authorities prove it—raising the minimum wage has never had a discernible adverse effect on employment levels.

All I am saying today is that when a married individual is only entitled to even $80 a week, we have no concept of what it costs to keep a family alive and together. I do not know about the Senator from Colorado, but I know that these people——

Mr. DOMINICK. Mr. President, I believe I have the floor. The Senator from Rhode Island can get the floor on his own time.

Mr. PASTORE. Mr. President, the Senator yielded to me.

Mr. DOMINICK. Mr. President, I will repeat once more what I have said over and over again. When we have a sharp increase in the minimum wage, what happens is that the teenagers, nonwhites, and women tend to lose their jobs and tend to be crowded out of the job market.

This is exactly what we are doing here. I have said it over and over again. Apparently I have not gotten through to the Senator.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Jersey has 1 minute remaining.

Mr. WILLIAMS. Mr. President, I think that the Senator from Rhode Island has certainly made crystal clear what the amendment is all about. What we are trying to do here is to just get the people up to the barest minimum. And as we reduce the amount in this bill, we do not reach our objective. People will still be working full time and getting wages that do not even get them up to the poverty level.

I am impressed with the fact that we have really had two opportunities to vote on this matter of hourly rates. Certainly this was a major concern in the substitute. And we voted on it.

The mainland rates were the substance of the Percy amendment. We stretched out the last stage for another year before they could go to $2.20.

If there were special treatments here that have not been taken care of, there should be a better way to do it than to blunderbuss through the whole business.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. PASTORE. Mr. President, the one thing that especially irks the Senator from Rhode Island is this. Some time ago it was brought to my attention that one of the major networks hired a new president. What does the distinguished manager of the bill think his salary is? It is $300,000 a year.

Yet, every time we try to give a 20-cent increase to a poor fellow who is working for $1.60 an hour the economy is in danger. It is said that we are breaking the price index. Every time we talk about giving a poor fellow a 10-cent-an-hour increase, we are said to be breaking the price index. Yet, when they hire someone in one of the major networks and pay him $300,000 a year, we do not break any price index.

This is what is happening in America. We are forgetting the plight of the poor. And I think that the time has come to look at this whole matter. It is not the poor who create the inflation. The inflation is creating the poor. We have to understand that. That is what we are trying to bring home.

We are trying to give a reasonable honest and decent pay to an individual who now is working for $1.60 an hour. The Senator can figure it out. Forty hours a week for $1.60 an hour. How much does a man bring home? What can he buy with it? Where and how is he supposed to live? The rents back in Rhode Island for a tenement house, I believe, are $145 a month. And everyone reckons that rent should require approximately one-fourth of the monthly wages.

What happens when a person goes to the supermarket—I do not know whether the Senator from Colorado goes, but I do—he should go and take a look at those prices. Every time they put a new can on the shelf, the price goes up. The Senator cannot tell me that the man making $1.60 an hour is doing that. He is not doing the marking up—but he has to pay up—or go without.

Consider some of the news commentators and the salaries they receive. Take a look at some of the salaries paid to the entertainers in Hollywood. They are the people who are creating inflation—not the poor people. The inflation is creating the poor. And I hope that today we do something about it.

Mr. WILLIAMS. Mr. President, I certainly could not agree more with the Senator from Rhode Island than I do. I have here a list of the highest paid U.S. manufacturing executives in 1971. And no one really is expressing great concern about the inflationary effect of Mr. James A. Roach making $550,000 in 1971, which is an increase of 123 percent. And it goes down through the various executive levels.

Again we do not hear this hue and cry about inflation with respect to the salaries at the executive level and we do not hear questions as to why they do not retrench. Their record is increasing on remuneration.

We are talking about a little struggling man with $80 a week.

Mr. PASTORE. The Senator is correct.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS. Mr. President, I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I would say that the Senator has proven a point. What I have said all the way through was that it is the consumer price index that determines whether we have inflation. It is not a question of whether we are raising minimum wages to a level where they can operate. I totally agree with the Senator. I do not think there is any right for the executives to be raising their rates of pay. In fact, it is my understanding that they cannot do it any longer, since the wage guidelines went in effect.

So I would ask why in the world are we doing it by raising the rate by 37.5 percent.

I do not know what the Senator from New Jersey did, but I voted against my own salary increase here. And I have done it every time.

Mr. WILLIAMS. Mr. President, I would say that we have made it legal in the Economic Stabilization Act and specified in that law a provision whereby we could do this.

And I will say that the executive that earns $100,000 a year under the guidelines should be permitted a 5.5 percent increase a year. That is $5,500 a year for that individual.

We feel the guideline of 5.5 percent is effective for those who are well above, so far above the poverty line. But under other provisions we have made it possible here to bring minimum wage working people up to the poverty level and that is what this phased-in approach does. We do not treat all citizens in the same way. Puerto Rico phases up to the mainland figure over a period of 7 years. The Canal Zone period is over a 3-year term in phasing up to the mainland figure. It seems to me we have had two votes already on this issue.

In my judgment, the minimum wage provisions of S. 1861 are both reasonable and necessary. Working Americans simply must be assured of a living wage for their daily efforts. Short of this, welfare will be the rule rather than the exception. Therefore, I strongly urge that the amendment be rejected.

The committee bill provides for a statutory minimum wage of $2.20 an hour for all covered workers but establishes different time schedules for achieving this standard for various categories of employment to ensure ease of adjustment. Fundamental to the committee's deliberations was the notion of parity—that all workers should be treated alike for purposes of minimum wage. However, mindful of the historical development of the Fair Labor Standards Act and in line with the need to mitigate the initial impact of expanded coverage, the committee provided for staged increases in the minimum wage depending upon when specific workers were first brought under the act. All mainland nonfarm workers covered prior to 1966 will attain a $2.20 minimum wage 1 year after enactment. An additional step is provided for nonfarm workers newly under the 1966 and 1972 amendments. They will reach parity with other workers at the $2.20 rate 2 years after enactment. Farmworkers will achieve parity at the $2.20 rate 3 years following enactment.

In addition, special provision is made for achieving minimum wage parity for workers in Puerto Rico and the Virgin Islands.

First. On the effective date—60 days after enactment—the bill requires that first, employees in activities covered prior to the 1966 amendment—and Federal Government employees covered by the 1966 amendments, other than employees of the Canal Zone—will be paid at least $2 an hour, second, nonfarm employees in activities covered by the 1966 and the 1972 amendments will be paid $1.80 an hour—including Federal Government employees in the Canal Zone—and third, farmworkers will be paid at least $1.60 an hour.

The implementation of the first stage of the proposed 1972 amendments will mean that 6.1 million workers or almost 12 percent of the almost 54 million covered workers—including workers who would be covered for the first time by the proposed 1972 amendments—are to receive wage increases on the effective date, although the annual wage bill will be increased by only eight-tenths of one percent—or $2.8 billion—in order to comply with the statute.

Second. One year from the effective date, the bill requires that first, employees in pre-1966 coverage activities and employees of the Federal Government—other than Canal Zone employees—will be paid at least $2.20 an hour, second, employees covered by the 1966 and 1972 amendments—except farmworkers will be paid at least $2 an hour, and third, farmworkers will be paid at least $1.80 an hour.

The second stage of the proposed 1972 amendments will mean wage increases for about 8.4 million workers but will require an increase in the annual wage bill of only seven-tenths of 1 percent—or $2.4 billion—1 year after the effective date.

Third. Two years from the effective date, the bill requires that the statutory minimum wage of $2.20 an hour applied to all employees—except farmworkers—covered by the act including employees in 1966 and 1972 coverage activities. Farmworkers are required to be paid at least $2 an hour.

This stage of the proposed 1972 amendments will require wage increases for more than 56 million workers and an increase in the annual wage bill of one-half of 1 percent—or $1.8 billion.

Fourth. Three years from the effective date the bill requires that a minimum wage of $2.20 apply to farmworkers. This stage will require increases for approximately 400,000 workers at an annual wage bill increase of only four one-hundreths of 1 percent.

Mr. President, many of the reasons for this increase have been stated previously during these debates. There is no need to reiterate the devastating effects inflation has had on the minimum wage worker.

It has been argued that the minimum wage increases and expansions of coverage will lead to increased unemployment. Frankly, I am shocked to hear economists arguing this issue. Although we all recognize that minimum wage increases may have short-term effects in localized areas, on the national basis, there has never been an increase in the unemployment rate following an increase in the minimum wage. To the contrary, as the chart at page 8 of the committee report and at the back of this Chamber reflects, the unemployment rate has decreased or remained stable after each minimum wage increase. I will say that I am tempted from this empirical data to draw the conclusion that minimum wage increases lead to declining unemployment. But I will not. It is incomprehensible to me, however, that some argue in the face of this proven history that minimum wage increases cause unemployment.

It has been argued that the increases will be inflationary. This argument I find to be the most disturbing morally. The head of the President's Cost of Living Council has put himself in the vanguard of those who make this charge. Well, let us look at the facts. Under the Economic Stabilization Act, as implemented by the Cost of Living Council and the Pay Board, a corporate executive earning $100,000 a year would be authorized a $5,500-a-year increase in salary; that is, a 5.5-percent increase.

Yet, we stand in this body arguing over whether to allow a $200 to $300 dollar a year increase to the Nation's low-wage workers. This is outrageous.

We allow 5.5 percent increases under phase II. Indeed, according to the Pay Board increases have been averaging 4.9 percent annually. But, under S. 1861, the annual wage bill increase required is only eight-tenths of 1 percent. And yet we argue about inflation.

Mr. President, I am not an economist. But I know the economists who argue against minimum wage increases. They are the same economists who gave this country the amazing phenomenon of a recession during a period of inflation. They are economists who have opposed the entire concept of minimum wage legislation for the past three and a half decades.

Mr. President, the provisions of S. 1861 seem neither radical nor unreasonable to me. I believe that they meet a pressing need in a manner that is economically and morally sound.

I support S. 1861 because it provides for a statutory minimum wage of $2.20 an hour for all covered workers. It provides different time schedules for achieving this standard for various groupings of employees, but it clearly sets forth a basic principle—one minimum wage for all covered workers. By phasing in the minimum, ease of adjustment is ensured.

I take particular pride in supporting S. 1861 because it gives all covered workers an equal start—whether they work in factories or on farms, whether they are old or young, black or white, men or women. The bill clearly sets forth a minimum wage for each and every covered job, regardless of whether the worker who is performing the job is white, black, brown, or red-skinned, old or young, male or female.

The bill does not require that all workers regardless of their ability or productivity must be paid identical wages. It does require however, that a decent floor be placed under the wages of all covered workers.

A review of the hearings on this bill indicates that witnesses before the Committee on Labor and Public Welfare were overwhelmingly in favor of an increase in the minimum wage at this time.

Most recognized that the minimum wage worker and his family could not live in decency on a wage of $1.60 an hour, while prices continue to climb at a rapid rate. Even elementary arithmetic indicates that an increase in the cost of living of 27 percent between 1966, when the $1.60 rate was legislated by the Congress, and April 1972, would require that the minimum wage be raised above $2 an hour.

This bill is moderate in that it sets a $2 rate on the effective date for most covered workers, even though a higher rate is easily justified. A rate of $2.20 an hour is set for 1 year later in order to insure that the minimum wage workers will not slide back into poverty.

A rejection of the pending amendment would signal the fact that the Senate of the United States refuses to fight inflation by relegating millions of workers to poverty. It will show the "forgotten little man," who is convinced that no one speaks for him, that Congress fully accepts responsibility for protecting his interests when laws are written.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables prepared by the Department of Labor relating to this matter.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Employees subject to FLSA prior to 1966 paid less than $2.00 an hour: 2,541,000.

Annual wage bill increase required to raise wage to $2.00 an hour: $622,000,000.00.

Average annual wage bill increase per employee: $244.79.

Average hourly increase per employee: 11.7 cents.

Based on statistics provided by U.S. Department of Labor.

SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Employees (other than household domestic) subject to FLSA as result of 1966 & 1972 amendments paid less than $1.80 an hour (or $1.60 an hour for farmworkers): 2,421,000.

Annual wage bill increase required to raise wage to $1.80 an hour (or $1.60 for farmworkers): $820,000,000.00.

Average annual wage bill increase per employee: $338.71.

Average hourly increase per employee: 16.3 cents.

Based on statistics provided by U.S. Department of Labor.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I thank the Senator from New Jersey for yielding.

If we are to pursue the line advocated by those who argue against the Dominick amendment, we can only come to the logical conclusion that in this country we should have a system of not paying a man according to his ability, but to pay each according to his need.

I do not think that is the kind of system we want in this country, Yes, corporate salaries are high and well they should be because, Mr. President, you pay for a great deal of managerial talent when you pay high corporate salaries.

It seems to me that clouds the issue and it should not actually be included in this debate.

The fact of the matter is in my State the raising of the minimum wage is going to result in a loss of jobs because there are some marginal businesses that simply cannot afford to pay the increase. Already industries in my State are moving to Mexico because of labor costs.

It occurs to me that we do not do any favor to a man making $1.60 an hour if his employer is compelled to pay him $1.80 an hour or $2 an hour and the employer then has to do away with his job because he cannot afford to pay that salary. In the case of marginal businesses, if the employee must be paid $2 an hour that may be the reason the employee cannot go to work. That is something that should be understood.

Mr. President, I support the amendment of the Senator from Colorado and I hope the Senate will agree to it.

Mr. WILLIAMS. Mr. President, it should be pointed out that under the Percy amendment the date for reaching $2.20 an hour was increased another year. So we have dealt with this subject matter of the rate specifically through the Percy amendment, and more generally in the substitute that was offered by the Senators from Ohio and Colorado for continuing the basic rate now that would go from $1.60 to $2 and then, an additional year thereafter, to $2.20.

I think that basically we have had this question twice and I gather that we are going to have the opportunity to express ourselves one more time.

The PRESIDING OFFICER. Does the Senator from New Jersey yield back the remainder of his time?

Mr. WILLIAMS. Yes.

The PRESIDING OFFICER. All time is yielded back or used. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr.

Anderson) and the Senator from Louisiana (Mr. Ellender) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) is absent on official business.

I also announce that the Senator from Arkansas (Mr. Fulbright) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 42, nays 52, as follows:

[No. 286 Leg.]

YEAS—42

Allen
Allott
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Jordan, Idaho
McClellan
Miller
Packwood
Roth
Saxbe
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Young

NAYS—52

Aiken
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Cranston
Eagleton
Gravel
Harris
Hart
Hartke
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—6

Anderson
Baker
Ellender
Fulbright
Jordan, N.C.
Mundt

So Mr. Dominick's amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMINICK. Mr. President, if the Senator from New Jersey will give me his attention for a moment——

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Who yields time?

Mr. DOMINICK. I would like to ask for some time from the Senator from New York on the bill, if I might have 10 minutes.

Mr. JAVITS. Mr. President, I yield the Senator 10 minutes on the bill.

Mr. DOMINICK. Mr. President, I bring up this question: In the committee bill as it now stands, there is an amendment which was sponsored, I believe, by the Senator from Illinois (Mr. Stevenson), making it a crime to hire knowingly an illegal alien.

There have been repercussions about this from all over the country, particularly from the Spanish-speaking people, who claim very strongly that it will be discriminatory in its effect, in that anyone is going to avoid hiring the Spanish totally, or try to avoid doing it at all. Second, it is very, very difficult, insofar as enforcement is concerned, to determine whether people do in fact know that a person is an alien when they hire him. Third, as all of us know, there are many citizens with no proof of birth who have great difficulty in establishing that they are in fact citizens.

I have here in my hand a letter dated January 27 from the Spanish International Network, signed by Mr. Rene Anselmo, who is the executive vice president, protesting very strongly against this procedure and this provision which is in the bill, from which I shall just quote a few sections. I have heretofore put the whole letter in the Record.

He says:

> For this reason, we are disturbed beyond measure at the consequences that Sec. 214, Section 4(g) of H.R. 7130 ("Fair Labor Standards Amendments of 1971") will have on the minority groups in this country. This subsection of H.R. 7130 provides criminal penalties for employers who "knowingly" hire illegal aliens.
>
> First, let us assure you that we are concerned about the situation with illegals.

I think this would be true of all of us.

> However, as we will demonstrate later in this letter, effective remedies exist under present law. The immediate question is if, in an attempt to protect American jobs, the Congress will approve legislation that turns life into a nightmare of identification, restriction and legalized discrimination, first for minority citizens and ultimately for all Americans. If this amendment becomes law, it can only be enforced in two ways in a nation with the heterogeneous population of the United States.
>
> Spanish, Oriental and most other minority Americans as well as the millions of naturalized citizens who still retain accents in their speech or other characteristics which distinguish them from "Anglo" Americans will have to prove they are citizens when applying for a job. Since employers are clearly not going to go through the expense and bother of substantiating the national background of prospective employees, job opportunities for minorities will descend even lower than they are now.

He goes on to say, in another sentence:

> Certainly, no Congressman would have dared propose a law that placed this discriminatory burden exclusively on white Americans.

Then he goes further by saying:

> The United States Code already provides severe penalties for smuggling illegals, . . . harboring aliens, various passport and document forgeries and, most particularly, for willfully concealing information from any United States Department or Agency enforcing the laws under its jurisdiction. Since many of the worst employers either have their own smuggling operations or have devised elaborate techniques to protect themselves . . . a few major prosecutions would certainly make the point.

He concludes:

> This subsection of H.R. 7130, while potentially the most dangerous and discriminatory legislation before Congress, will not be as effective in stopping the problem as would be the enforcement of present law.

As I say, this is in the committee bill at the present time, and I am concerned over the trend of the votes, and therefore do not want to bring this up and lock the Senate into position, because I am afraid that many Members who have not heard the debate will misunderstand what I am trying to do.

I know that I have heard from many members of the House Judiciary Committee, including my own Congressman, in opposition to the proposition, saying that it should have been a matter before the Committee on the Judiciary, and should never have been incorporated as a part of the Fair Labor Standards Act. I think we brought this up in committee, but no point was really made about it, and I would ask the chairman at this point what his viewpoint is about this particular provision.

Mr. WILLIAMS. Mr. President, the provision that the Senator from Colorado refers to, as he knows particularly as a member of the committee, was offered by the Senator from Illinois. This question of the employment of illegal aliens, of course, was not specifically germane to the minimum wage legislation that we have had before our committee for well over a year, that has had many days of hearings and many days of executive write-up sessions.

I believe it is fair to say that it was offered by the Senator from Illinois as an opportunity to express the concern that he felt and that many of us feel about the employment of aliens who are not legally in this country, with all of the hardships and problems that follow the fact of their employment. As chairman of the committee, I confess that I felt some discomfort because it is not our primary responsibility as the Labor and Public Welfare Committee. This is basically a matter of legislative jurisdiction for the Committee on the Judiciary, so, as I say, I felt some discomfort; but it was put in the bill, and it is here now.

I understand that those committees with primary responsibility, the judiciary committees here and in the other body, are fully aware of this interim action by the Senate Committee on Labor and Public Welfare, have had discussions, and it is my understanding are still considering ways that this issue can appropriately be brought before both Houses of Congress. It was suggested to me that it might be appropriate to leave this in the bill, not to excise it at this point, and to see whether, in the regular order, it might not be dealt with between now and final consideration.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. DOMINICK. I gather, in terms of a compromise matter, it may be taken to conference, using this as some kind of a position we could have in conference, is that right?

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS. I yield.

Mr. PASTORE. What does the provision actually do?

Mr. WILLIAMS. It makes it—well, let us read it. It is brief enough that I can read the whole thing:

> Any employer subject to this Act, including any person acting as an agent of such employer . . .

This is on page 20 of the bill. It is under the heading "Employment of Illegal Aliens," section 3. It makes it a misdemeanor upon conviction of knowingly employing aliens who are here illegally, and it imposes a $1,000 fine and imprisonment of not exceeding 1 year. This is basically an immigration question.

The PRESIDING OFFICER. The 10 minutes of the Senator from Colorado have expired.

Mr. DOMINICK. Mr. President, will the Senator yield me a little more time on the bill?

Mr. WILLIAMS. I yield to the Senator on my time.

Mr. DOMINICK. I hesitated to bring this matter up in the form of an amendment, because I was concerned, by the way the votes have ben going, about the possibility of it being agreed to, and I was afraid many Senators might misunderstand it.

I think that if we could take the position in conference that we would at least reconsider this—because it is not in the House bill, as I understand it—then I think we would be making a step ahead in favor of the jurisdictional problems of both committees and in favor of not discriminating against minorities in this country. It appears to be the reverse, but it really is not, that we eliminate this.

Mr. WILLIAMS. I would appreciate it if the Senator would withdraw the amendment, with the understandings we have developed in this colloquy.

Mr. DOMINICK. I say to the Senator that I have not offered an amendment on this matter. We are just talking on the bill.

My understanding is that Senator Tower would like to make a few comments on this matter, too, and I yield to him.

Mr. TOWER. Mr. President, the primary effect of this would be to deny many Mexican-Americans jobs, because small employers, having the prospect of a stiff fine and a prison sentence, simply would not employ Mexican-Americans, by virtue of the fear that the one they employed might be an illegal immigrant. This is the problem, because many of them are hired to work in agriculture, for nurseries, and for landscaping operations. I think of my brother-in-law who has a little nursery operation. He hires about 20 people. He said that if he were confronted with this, he would not hire any more Mexican-Americans, because he could not be sure whether there might be an illegal alien in the group.

I think the No. 1 effect of this is going to be to deny jobs to many Mexican-Americans.

Mr. DOMINICK. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I hope that at some time, at some place, the problems that will be originated by the language in the bill pertaining to this matter can be eliminated.

It is very easy for one to overlook the problems we face down on the Mexican border, where some of our States have as many as 20 percent of their people with Mexican names. Many of these people have never learned to speak English. Many of them find it difficult now to prove that they are American citizens. These people take jobs that many other people will not take. In the large cities of Los Angeles, San Diego, Las Vegas, Phoenix, and Tucson, you will find the majority of the workers in kitchens, doing maid work, and so forth. Menial type work which the white American more and more is refusing to take is being occupied by these people, whose origins stem from Mexico.

The employer really has no way of telling whether a man who speaks no English or speaks very poor English, broken English, or even perfect English, but carries a Mexican name, is in truth an American citizen.

As I say, many of these people would find it difficult to prove their citizenship, just as many of us would if we were confronted with the task of doing so very quickly. It would be very discriminatory on the Mexican border, where we depend upon these people not only for the types of jobs I have enumerated but also for many other jobs which they are capable of doing—and doing in an excellent way and a much better way than the Anglo brother who lives to the north.

I think, for example, of the areas of crops we grow along the border, such as lettuce—I understand they had quite a bit of trouble with lettuce in Miami, but that is beside the point—carrots, cantaloupes, and many other crops that the Anglo is more and more refusing to pick, because it is stoop labor, it is difficult labor, and I have to admit that the hourly wages are not the most attractive in the world. Yet, the crops have to be harvested, and many people out there will hire an applicant not knowing whether he is an American citizen, but being interested in getting the job done.

So I would hope, in order to prevent undue hardship on people who have no intention of violating the law, that we could eliminate this language or at least refer it to the Committee on the Judiciary, where it might be ironed out. I think that in its present form it will work a great deal of hardship on people on whom hardships should not be worked. At the same time, I recognize that we do have people who will willingly and knowingly hire an alien because most aliens will work for lower wages. So far as we can, we are trying to weed out that kind of employer.

Mr. DOMINICK. I thank the Senator. I share his concern.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. PASTORE. Following up what the distinguished Senator from Arizona (Mr. Goldwater) has said, it strikes me that we are putting the burden on the wrong people. After all, a businessman has a right to presume and to assume that any person who is here is here legitimately, and if a person is not here legitimately, it is somebody else's fault, not the businessman's. With respect to the idea that the businessman becomes responsible and is a guarantor that everyone he hires is here legally, and so forth, it strikes me that the burden is being shifted. I realize that the word here is "knowingly," but that can be stretched to mean almost anything.

A person knocks on your door, and you are looking for help, and he says, "My name is So-and-So." What kind of cross-examination is to be imposed upon the employer, to subject the prospective employee to, in order to determine whether or not the person is here legally?

I think it is in the wrong bill. I would hope that they would do something about this in conference to tone down this responsibility. I do not think that the cat ought to be put on the back of the businessman.

Mr. DOMINICK. I say to the Senator that with this series of different viewpoints from both sides of the aisle, perhaps we could get it stricken if we offered an amendment, but I have not offered one yet.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. BENNETT. To add to what the Senator from Rhode Island has said, these people can walk in and get a social security number, and they present themselves to the employer with a bona fide social security number. That makes it all the more difficult for the employer to insist on some kind of examination to determine whether or not they are here legally or illegally.

Mr. DOMINICK. The Senator from Utah is correct. There is not only the legal social security card but also quite a flourishing deal now in fraudulent social security cards, as I am sure the Senator knows, in order to cover the fact that they are working here, even though they are aliens. They get a fraudulent social security card and send in it, and it takes quite a while before the Social Security Administration can catch up with them by computer.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. TAFT. Mr. President, I think the points made by the distinguished Senator from Rhode Island are excellent. They are the same points I raised in committee when the measure was considered. I am not going to reargue the matter here.

I think it might be helpful, however, at this point to put in the Record certain documents that have come to my attention. I have a telegram from the Association of Immigration and Nationality Lawyers, a 600-member nationwide bar association, vigorously opposing this section. I also have a letter to the chairman of the House Judiciary Committee from the Acting Attorney General of the United States, dated April 12, vigorously opposing the measure and setting out the reasons for this. I also have a letter to the chairman of the House Judiciary Committee from the Assistant Secretary for Manpower of the Department of Labor. I ask unanimous consent to have the letters and the telegram printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

New York, N.Y.,
July 14, 1972.

U.S. Senator Robert Taft, Jr.,
Senate Office Building,
Washington, D.C.:

The Association of Immigration and Nationality Lawyers, a 600-member nationwide bar association, vigorously opposes the adoption of section 3 of S. 1861 (cal .805) which would make it a crime to knowingly employ certain aliens and which prohibits the Attorney General who administers the immigration laws, from exempting by regulation any class of employers or employees under any circumstances, including housewives. H.R. 14831, amended after extensive hearings by the House subcommittee concerned with immigration proposes no such drastic prohibition. Amendment 1204 would delete section 3.

We believe legislation of this serious nature should not be tacked on to a major minimum wage bill sponsored by the Committee on Labor. As to the minimum wage provisions of the bill we express no opinion.

LEON ROSEN, *President*.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., April 12, 1972.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I am responding to your request for comments on section 214 of H.R. 7130, which is now pending before the House Rules Committee. This Department has not previously been asked to comment on this bill.

Section 214 would impose sanctions on an employer who knowingly employs an alien who is illegally in the United States or is in an immigration status in which such employment is not authorized. The objectives of this legislation are sound and this Department has urged a similar proposal in section 26 of the Administration Immigration Bill, H.R. 2328.

I believe, however, the proposal in H.R. 7130 is defective in a number of respects. Most importantly its coverage is limited to employers subject to the Fair Labor Standards Act, and apparently this may exclude most of the illegal entrants who engage in agricultural employment. Moreover, I believe the bill has given inadequate consideration to the type of sanction, the manner of proving violations, and the employers who would be covered.

Subcommittee No. 1 of your Committee has been conducting extensive hearings on the problem of illegal aliens and is currently engaged in drafting a comprehensive bill. While I welcome any measure to deal with this urgent problem, I believe it preferable to await the comprehensive bill now being drafted by Subcommittee No. 1 of your Committee.

Sincerely,

RICHARD G. KLEINDIENST,
Acting Attorney General.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., April 12, 1972.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is an expression of our concern over a provision in H.R. 7130, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that Act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increase of imports from low-wage areas, and for other purposes. This bill is now pending before the House Rules Committee.

The provision that concerns us is section 214. It provides that any employer subject to the FLSA including any person acting as an agent for the employer who employs an alien in violation of the law or his immigration status is subject to criminal penalty.

It also provides that contracts subject to the Davis-Bacon Act, the Walsh-Healey Act or the Service Contract Act must contain a provision by which the contractor agrees not to employ in the performance of such contract any alien who is in the United States in violation of law or in an immigration status in which such employment is not authorized. Violation will be subject to penalties provided under these laws.

I favor the imposition of criminal sanctions against employers of five or more who knowingly employ aliens who are not authorized to work and against those who arrange such employment. Robert Brown, Associate Manpower Administrator for the U. S. Employment Service of the Department of Labor has indicated our strong support for such sanctions in the Immigration and Nationality Act when he testified recently before the Subcommittee on Immigration and Nationality of the House Judiciary Committee on H. R. 2328. It is noted that the criminal provisions of section 214 of H. R. 7130 apply only to employers subject to the Fair Labor Standards Act.

I seriously question the use of the Government procurement laws as a method of enforcement of our immigration laws. Such blacklisting of firms as prescribed by this provision would not effectively get at the root of the problem which involves law enforcement. It would be far more appropriate to enact the legislation that correctly deals with this problem within the context of the immigration laws.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

Mr. DOMINICK. Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter from the Spanish International Network protesting vigorously.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SPANISH INTERNATIONAL NETWORK,
January 27, 1972.

DEAR CONGRESSMAN ERLENBORN: Spanish International is a network of Spanish language television stations throughout the United States with an audience of some 5 million people. Because our viewers sometimes have difficulties adjusting to American culture, our relationship with them is more personal than usual between a station and its audience. They often call us to aid them with individual problems and to assist the Spanish community as a whole. For this reason, we are disturbed beyond measure at the consequences that Sec. 214 Section 4(g) of H.R. 7130 ("Fair Labor Standards Amendments of 1971") will have on the minority groups in this country. This subsection of H.R. 7130 provides criminal penalties for employers who "knowingly" hire illegal aliens.

First, let us assure you that we are concerned about the situation with illegals. However, as we will demonstrate later in this letter, effective remedies exist under present law. The immediate question is if, in an attempt to protect American jobs, the Congress will approve legislation that turns life into a nightmare of identification, restriction and legalized discrimination, first for minority citizens and ultimately for all Americans.

If this amendment becomes law, it can only be enforced in two ways in a nation with the heterogeneous population of the United States:

1. Spanish, Oriental and most other minority Americans as well as the millions of naturalized citizens who still retain accents in their speech or other characteristics which distinguish them from "Anglo" Americans will have to prove they are citizens when applying for a job. Since employers are clearly not going to go through the expense and bother of substantiating the national background of prospective employees, job opportunities for minorities will descend even lower than they are now. This legislation will also be a windfall for discriminatory employers. (Furthermore, there are still millions of people of working age in this country who did not have their births registered and thus have no readily available documents to substantiate their citizenship.)

Certainly, no Congressman would have dared propose a law that placed this discriminatory burden exclusively on white Americans. And yet, despite the terrible effects this approach will have on millions and millions of minority citizens, it will be of doubtful value in halting the employment of illegals. Dishonest employers need only to have aliens declare they are American citizens to get around the technicality of "knowingly" hiring an illegal.

2. Since it seems unlikely the courts will ultimately allow any law to be enforced so discriminatorily, there is only one other method. Every citizen and legal resident of the United States will have to be identified and filed and given some document which proves he exists "legally" for the purpose of being employed. Most suggestions along this line center on making the Social Security card into what essentially amounts to an internal passport—and requiring that card applicants be investigated, fingerprinted or otherwise "nailed." In the age of computers we are sure you must be aware of the extreme danger of instituting any system of this sort. Further, even the cost of administering this horrendous bureaucratic monster would be much more than the cost of deporting illegals.

Compared to H.R. 7130, Sec. 214, Section 4(g), which is so expensive in terms of human dignity, personal freedom and administrative machinery, the government can take several rather simple steps to halt abuses in the employment of illegals.

1. If the federal and state Departments of Labor would ever get around to enforcing the minimum wage, decent working conditions, fair labor practices and other things they are supposed to enforce, exploitative employers could not use illegals to undercut Americans.

2. The United States Code already provides severe penalties for smuggling illegals (5 years in jail and a $5,000 fine), harboring aliens, various passport and document forgeries and, most particularly, for willfully concealing information from any United States Department or Agency enforcing the laws under its jurisdiction. Since many of the worst employers either have their own smuggling operations or have devised elaborate techniques to protect themselves (we have even read of one farm in the Southwest that stations lookouts with walkie-talkies to warn of the approach of Immigration agents) a few major prosecutions would certainly make the point. We recognize that many of the people involved in these practices are well-connected politically. However, if the law enforcement agencies are sincere, there is no doubt that strict application of present law would minimize abuses.

3. There are a variety of ways in which visa procedures could be tightened. Just a few examples: The loose administration of undated border passes gives many aliens the means to enter the United States legally and then just disappear. Applicants for student visas could be checked to see that they have registered at an accredited institution in the United States and paid their tuition. Clearly, no one wishes to hamper visitors from foreign countries, but some of the current methods invite abuse.

In conclusion, this subsection of H.R. 7130, while potentially the most dangerous and discriminatory legislation before Congress, will not be as effective in stopping the problem as would be the enforcement of present law. We are particularly disturbed that this subsection was added to "The Fair Labor Standards Amendments of 1971" at a closed session of the Education and Labor Committee. Surely the Congress will not consider passing a law with such overwhelming implications without even opening it to public consideration. How can the Congress, in attempting to protect American jobs, undermine the very freedoms and dignity which Americans value above all else?

Sincerely,

RENE ANSELMO,
Executive Vice President.

Mr. ALLOTT. Mr. President, let me refer to the fact how concerned the people in the western part of the United States are, particularly those living in the two tiers of States above Mexico about this subject. If one walks down the street, he could not find one person out of 10,000 bearing a Spanish surname who could produce his birth certificate. I do not carry my birth certificate with me. It would be impossible to tell. What bothers me very much about this, and the Senator from Rhode Island (Mr. PASTORE) put his finger right on it, is that one would knowingly—because knowing can be either actual or constructive, and, God knows, what we will get into if they accuse a man and they are depending on him for constructive knowledge, the individual being an alien.

Actually, where the circumstances would arise the most would be among the fruit growers, the melon growers, and the vegetable growers. They go out and on a given morning their crop is ready to harvest. They let it be known at the labor or employment center that they need men. They go out there. They have got to move then, not next day, but they have to move then, if they are going to salvage their economic life for that year.

I really am sorry that the distinguished Senator from Illinois is not in the Chamber because I think if he heard this discussion—and people in all areas of the country do not have to deal with this specific problem, where much of the language is actually bilingual—he might be willing to join in striking this from the bill. It really should be stricken.

I will abide by the wishes of my colleague from Colorado, and others, but this is a nefarious scheme. It puts the responsibility on the wrong man. God knows, these people are bad enough off as it is.

Mr. PASTORE. The Senator from Illinois has drawn the distinction as to those individuals who are willfully or knowingly illegally in this country. This means that there are employers who would take advantage of those persons and pay them low wages. That is the fellow the Senator from Illinois is trying to pin down.

Mr. ALLOTT. There is no question about that.

Mr. PASTORE. The reason he has written this into the bill is that it could include anyone. A person who did not conduct a proper investigation could be accused of knowledge of the illegal employment. If this should remain in the bill, any employer would be subject to this act, including any person acting as an agent, who willfully employs any alien knowing him to be in the country illegally.

I mean, we are thinking of getting at someone actually trying to take advantage of these people who are here illegally. They pay them slave wages and the worker dare not complain. I guess that is the reason it was put in here. However, the Senator's amendment is much too broad. It could hurt the businessman who is inadvertently employing illegal labor.

Mr. ALLOTT. I want to thank my colleague from Colorado for allowing me to say these few words.

Mr. MONTOYA. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. MONTOYA. Mr. President, I want to express my agreement with the colloquy which is taking place at this moment with respect to this particular provision. It will create more injustice than it is designed to eliminate.

The usual case is where an alien comes into this country illegally and finds a job somewhere, and then the Immigration Office or its investigators contact the alien and ask him, "Now, did your employer know that you were in this country illegally?"

Invariably the alien, because of lack of educational attainment, will answer the question that the employer knew. So in almost every case under this provision, upon the testimony of that particular alien, the employer would be in violation of this particular provision of the law.

So I say that to allow this provision to remain in the bill is to enable the immigration office to file charges against almost every employer who employs aliens irrespective of whether he knew they were in the country illegally or not.

So I say that the particular provision of the law in this bill should be fully evaluated by the Judiciary Committee and under the immigration laws and amendments thereto should not belong in this particular bill, because right today we have over 300,000 aliens who are in this country illegally. They are working in this country. This provision would subject the employers to charges of violation of this particular provision and it would create an enormous injustice among the employers of this country.

Thus, I rise to voice agreement with the concern that is being expressed here today by the Senators from Colorado, the Senators from Arizona, and the Senator from Rhode Island.

I would hope that the committee, of its own volition, would move to strike this particular provision from the bill pending a thorough investigation by the Judiciary Committee as to what kind of wording should go into a specific law to take care of this specific problem so as not to perpetuate an injustice.

Mr. DOMINICK. I want to thank the distinguished Senator from New Mexico. I was intending originally to offer such an amendment, but I told the chairman that I would have a colloquy on this first to see what support we could get, because I do not want to lock the Senate conferees in, by being beaten.

Mr. GOLDWATER. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. GOLDWATER. I should like to point to one other problem that not many Members of the Senate may be aware of, that on the borders, on border towns such as Yuma, Mexicali, along the Mexican border, there are issued what we call green cards. This allows a Mexican national officially to move into the United States at a certain time each morning to work for an American company and return across the border into Mexico at a certain time. That worker is not a naturalized citizen of the United States. Nevertheless, he is legally allowed to work in the United States.

I can see all kinds of havoc being wrought by the language in the present bill which, in my opinion, would make the hiring of a green card user illegal and make the employer responsible and subject to penalties.

I might say that without the green card labor from Mexico, many businesses along the American border could not exist because we do not have sufficient labor of that kind along the borders to provide enough for the businesses there. It is getting so bad, in fact, that American businesses are building factories across the border in Mexico just to insure that they can get the kind of labor and the abundant labor pool they need to conduct their business.

So I wanted to mention this one fact which would add to the chaos that this bill would create with the language in it.

In passing, I might remind my good friend from Colorado that New York City is now the sixth largest Spanish-speaking city in the Western Hemisphere. And they have a lot of trouble.

Mr. DOMINICK. Mr. President, I had not thought of it in those terms. However, the Senator from Arizona is certainly right. I hope that before we get through with this measure that we can offer an amendment and have it stricken. However, I do not want to jump in and do it before talking to the chairman of the committee.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 20, 1972, he presented to the President of the United States the enrolled bill (S. 473) to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States.

INCREASE OF AUTHORIZATION FOR CONTINUING WORK IN THE UPPER COLORADO RIVER BASIN—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13435) to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BUCKLEY). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13435) to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the bill, and agree to the same.

HENRY M. JACKSON,
CLINTON P. ANDERSON,
FRANK E. MOSS,
QUENTIN BURDICK,
LEE METCALF,
GORDON ALLOTT,
LEN B. JORDAN,
CLIFFORD P. HANSEN,
Managers on the Part of the Senate.

WAYNE N. ASPINALL,
JAMES A. HALEY,
HAROLD T. JOHNSON,
CRAIG HOSMER,
SHERMAN P. LLOYD,
Managers on the Part of the House.

Mr. MOSS. Mr. President, the only difference between the Senate and House version of this legislation, the purpose of which is to continue the authorization for completing the development of the Upper Colorado River Basin, is that the House had limited the funds for the next 5 fiscal years. The Senate agreed with the request of the administration and amended the bill to grant the full amount requested to complete the project. The House has agreed to this position in conference. The joint statement of the conference committee explains the differences in detail.

Mr. ALLOTT. Mr. President, this conference report has been worked out satisfactorily between the House and Senate and those of us on this side of the aisle with respect to this particular problem. I think that it was worked out very ably by the Senator from Utah and the conferees.

Mr. MOSS. Mr. President, I thank the Senator.

Mr President, I move the adoption of the conference report.

The motion was agreed to.

The PRESIDING OFFICER. Does the Senator from Utah wish the conference report to be printed as a Senate report?

Mr. MOSS. Mr. President, I believe that the House has already had it printed as a report. Therefore we waive that request.

AUTHORIZATION FOR FOREIGN RELATIONS COMMITTEE TO FILE REPORT ON THE ABM TREATY BEFORE MIDNIGHT TOMORROW

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Foreign Relations Committee may have until midnight tomorrow to file a report on the ABM treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1972

The Senate resumed the consideration of the bill (S. 1861) to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes.

Mr. AIKEN. Mr. President, it has been represented to me that section 5 of the pending bill would delete provisions of existing law which permits the Secretary of Agriculture to designate industries of a seasonal nature and entitle the employers of seasonal labor to employ such labor for 10 to 14 weeks for not more than 10 hours per day or 50 hours per week without requiring overtime for such employment beyond 40 hours.

It has also been represented to me that this provision is vital to the agricultural industry and to unskilled and untrained employees. The retention of existing law will slow down mechanization of certain harvesting and processing of fruits and vegetables and other agricultural commodities, and would thereby maintain jobs for the unskilled and untrained labor.

Mr. President, that is as the situation has been explained to me concerning the language in section 5 from line 7 on page 26 through line 4 on page 27. I would like to have the manager of the bill, the Senator from New Jersey, make it clear as to just what the purpose of this change in the existing law means and whether it applies to the harvesting of crops. I have in mind particularly apple crops where harvesting is so dependent on weather conditions, and surely there are other crops as well.

Would the Senator from New Jersey explain for the record just what the changes provided for in section 5 of the existing law would do? As I understand, it is not intended to apply to the actual production or harvesting of crops.

Mr. WILLIAMS. The harvesting of crops is not to be disturbed in any way. That is currently under the law exempted from the overtime provisions. This bill does not disturb that overtime exemption at all.

Mr. AIKEN. It does not provide any allowance for crops which have to be processed almost immediately after harvesting or for people engaged in the processing or handling.

Mr. WILLIAMS. That is another question. Harvesting and processing are two different jobs. Processing is covered and phased into the overtime provisions. However, harvesting or, for example, the picking of apples in the apple orchards of the country is not subject to the overtime provisions.

Mr. AIKEN. That is what I had in mind. Now as to the processing of these commodities, I am not so familiar with that situation as I am with the production and harvesting of crops. I assume that this measure will go to conference and that if the Senator from New Jersey, the manager of the bill, finds that there is some provision in there that is unfair to agriculture, he will try to correct that.

Mr. WILLIAMS. Certainly I am fully aware of the needs of the farming community and the harvesting of the crops. That is why I have not made any move to change the overtime provisions. We do know that the workers who are included in the lower level under the minimum wage over a period of time will have their wages improved. In the processing, for many reasons, it was suggested to the committee originally by Secretary Shultz that the processing operation was more analogous to a factory operation and it was recommended that we not include those in any exemption as to overtime.

Mr. AIKEN. Mr. President, I do not know so much about certain other crops. There are some crops which have to be processed almost immediately after harvesting. Others can be kept for a rather long period of time. However, the Senator from New Jersey assures me then that this change will not apply to the harvesting of crops.

Mr. WILLIAMS. It certainly will not.

Mr. TAFT. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 28, beginning with line 9 strike all through line 21.

On page 31, line 20, beginning with "and" strike all through line 4 on page 32.

Mr. TAFT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, this is a so-called transit exemption for local bus operators and motormen presently in the law.

The Fair Labor Standards Act currently contains an overtime exemption for local bus operators and motormen. The committee bill reduces and ultimately repeals the local transit overtime exemption.

The committee completely ignores the economic realities of our Nation's mass transit system. Since 1954, 268 transit systems in this country have failed financially. The operating deficit for the American transit industry was $332 million in 1970, $427 million in 1971, and is projected to exceed one-half billion dollars this year. This estimate does not include the $30 million in additional costs imposed on the transit industry by the provisions of S. 1861.

We have considered various ways and we are engaged in various methods to subsidize the transit industry. Now, we would come along in this bill and despite the arguments here and the argument I made in committee—and we had a close vote which was 6 to 10—the bill still contains provisions which would bring the local transit industry under the coverage of the act.

What this is all about has nothing to do with minimum wages. Supporters of the committee provisions argue that transit workers need financial protection under the Fair Labor Standards Act. The Bureau of Labor Statistics indicates, however, that the average annual wage of transit employees was $10,014 on December 31, 1971.

Their average hourly wage on that date exceeded $4 an hour, without including fringe benefits. Additionally, wage rates for local transit employees rose 8.5 percent between July 1, 1970, and July 1, 1971. During this period the consumer price index rose only 4.5 percent.

The committee provisions regarding transit employees are defective in their consideration of charter work. The committee bill states that "voluntary" hours would not be included in a computation of overtime hours. This measure gives employees a financial incentive collectively to refrain from volunteering for charter work and thereby force the companies to pay time and a half for the same work. The bill provides that charter work would not be used in computation of overtime hours if such work was not a part of the employee's regular employment and he volunteered. This requirement is meaningless where charter work is a regular part of the employees business. In effect the bill may require transit companies to pay time and a half for nondriving time during a charter trip.

The committee did not consider the fact that a large number of bus companies have worked out by collective bargaining the concept of a standard workday and workweek. This establishes a range of hours without the imposition of overtime penalty. Often these agreements provide that report and turn-in—or pull-in—time at the beginning and end of a run is to be an arbitrary addition to the pay at straight time—irrespective of the active length of the run. Thus, if a run is only 7 hours in driving time, the employer must pay 1 hour of guarantee or make-up time to the 8-hour minimum plus the daily allowances for report and turn-in time.

The committee demonstrates an alarming lack of awareness of the financial problems facing our Nation's transit systems. If the committee provision were to be adopted, transit fares would be increased, additional transit firms would be forced out of business, and service would be greatly curtailed. These actions would most severely affect low income and minority group citizens who depend on transit services to go to work each day. The committee bill can only be interpreted as a severe blow to the Nation's goals of reducing auto pollution and channeling more commuter traffic into mass transit systems.

Mr. President, I will not belabor the matter further. I have placed in the committee report starting at page 104 a long list of transit systems which have been abandoned since January 1, 1954.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. TAFT. Mr. President, if this provision is not stricken from the act it will have the effect of accelerating the process of cutting down on transit service so necessary to the people of this country.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Taft). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from New Jersey yield me 1 minute?

Mr. WILLIAMS. I yield 1 minute to the Senator.

UNANIMOUS-CONSENT AGREEMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on all remaining rollcalls during this afternoon—this has been cleared with the leadership on both sides—there be a limitation of 10 minutes on each rollcall, with the warning bells to be sounded midway.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the first two amendments which the distinguished junior Senator from New York (Mr. Buckley), now presiding, will later call up this afternoon—he has four amendments, I understand—there being a time limitation on each of 10 minutes, to be equally divided between the distinguished mover of the amendment (Mr. Buckley) and the distinguished manager of the bill (Mr. Williams).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on an amendment which will be proposed by the distinguished Senator from Arizona (Mr. Fannin) later today, there be a time limitation of 20 minutes, to be equally divided between the distinguished mover of the amendment (Mr. Fannin) and the distinguished manager of the bill (Mr. Williams).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on an amendment to be proposed by the distinguished Senator from Ohio (Mr. Taft) this afternoon, there be a time limitation of 30 minutes, to be equally divided between the distinguished author of the amendment (Mr. Taft) and the distinguished manager of the bill (Mr. Williams).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I yield myself 5 minutes.

The amendment pending, as I understand it, strikes all of the provisions for overtime dealing with busdrivers. Is that what it does?

Mr. TAFT. The chairman of the committee is correct.

Mr. WILLIAMS. In other words, there are no overtime provisions at all. The Senator is mindful of the fact that we have, in bringing the busdrivers into overtime coverage, been mindful of the fact that they are not geared in at this time to the regular 40-hour week, and we have approached this matter on a phasing basis—that overtime provisions would begin at 48 hours, then go to 46, to 44, and ultimately to 40 hours.

Then, in response to the request of bus company operators, we included total exemption on overtime for charter work where the busdriver voluntarily agrees to come in and work extra time on charters.

I think, for a multitude of reasons—and I will deal with just one here and now, the safety factor—we would find that this is an encouragement not to have busdrivers overdriving to the point where it is tiring and unsafe. This is one way to do it.

I will say, before I yield, however, that it seems to me that if any work is entitled to extra compensation for longer hours, it is the driving of buses through traffic that the busdriver has to deal with today. It approaches me as unsafe and unsound to encourage busdrivers to be on the road for longer hours than what we would consider to be a regular working period.

Mr. TAFT. Mr. President, let me take a moment to respond to the chairman.

It seems to me that if we are going to regulate safety provisions as to transit companies—and I believe we should—where this is a matter within the jurisdiction of the Interstate Commerce Commission, regardless of what the pay provisions might be, the Interstate Commerce Commission, or some such regulatory commission, should have the duty of imposing safety precautions.

With regard to those regulated by State and local authorities, they have a duty to do that which has nothing to do with the compensation involved. Indeed, to bring compensation in as a factor to determine safety protections would be a complicating factor and would militate against what the safety provisions should be.

The chairman has talked about the incentive to work long hours with regard to overtime pay. I am sure the chairman is aware that there are many cases in which employees who have seniority sometimes beg their employers to give them overtime. Indeed, I wonder if that is not happening in view of the fact that, as I indicated earlier, the average employee involved here receives over $10,000.

I think the real question is whether we are going to interfere with the bargaining process. Most of these employees are organized. The working conditions are worked out in a bargaining situation. Under those circumstances I think it is wrong for us to say that they are going to be forced into a pattern that does not necessarily meet transportation patterns under the particular circumstances obtaining in a particular part of the country or the particular transportation functions being carried out.

That is why I feel that the arguments of the Senator from New Jersey on this point are not sound, and I would be glad to have his comments.

Mr. WILLIAMS. All I know is, you read the headlines and you hear about these busdrivers going over the bank and taking a lot of people to injury, after working far longer than 8 hours.

Mr. TAFT. But those are not local drivers, ordinarily. Nine out of 10 times they are directly engaged in interstate commerce.

Mr. WILLIAMS. Well, basic overtime is in there to encourage broader employment. The provisions were put in there for just that reason. In a period of high unemployment, it was felt that if there were, in a sense, a penalty on the employer for overtime, he would spread out the employment and more people would have jobs. That is still good theory and good practice.

The other part of it is that where you are working beyond the regular working period, I think you are entitled to extra compensation, and I do not think there is anything very profound about that.

The economics are there, the busdriver is going to stand there as a worker with the same opportunity and the same legal protection as other workers. I think in his job particularly he is entitled to it. I have often ridden in those buses through the traffic they have to contend with, through the hazards of the highways. It seems to me that they ought to be full citizens in terms of the minimum wage and overtime provisions.

Mindful of the fact that adjustment is difficult, we have legislated here in the bill 48 hours for the first year, 44 hours for the second year, and only then, thereafter, will they go to 40 hours.

I do not have anything further to state. If there are no other requests for time, I am prepared to yield back the remainder of my time.

Mr. TAFT. I have no further requests for time at this time. I might say, before I yield back my time, there is one point that the chairman has made that I might answer on my own time, and that is the question whether overtime really does result in spreading employment.

I know of no instance that would really indicate this. I participated in the double time overtime hearings which were held through long sessions in the House of Representatives several years ago, and we were unable at that time, after reviewing the entire history of the act, to show that the requirement of payment of overtime actually did anything to spread the work, which was the theory involved.

I do not think that theory has been carried out in practice, and as a matter of fact, as I have indicated, very often because of the seniority situations we run into within an employment situation where a union is involved, there is almost a requirement made by the employees and the unions themselves that overtime be paid and the advantages of overtime be provided; and often, as a matter of fact, from the standpoint of economics, from the point of view of the employer, considering the additional costs involved in hiring and training new men and paying the fringe benefits involved, it is often far more economical for the employer to pay considerable overtime rather than go to the expense of these additional fringe benefits and training problems, and the other additional expenses involved in employment.

From the point of view also of good labor relations, the employer will often feel, as a matter of policy, that he should go ahead and pay a good deal of overtime. So the argument that overtime is somehow going to be eliminated by making it a time-and-a-half matter, or double time, as some have proposed from time to time, does not add up. It has not worked out in the past, and I do not think it is going to work out in the future, as a method of providing additional jobs. The question is whether we are going to force a pattern upon the local transit industry, thus adding to the already heavy burden of those local transit companies.

I am prepared to yield back such time as I have remaining.

Mr. WILLIAMS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BUCKLEY). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Ohio. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from New Mexico (Mr. ANDERSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Nevada (Mr. CANNON) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) is absent on official business.

I also announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) is necesarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 24, nays 68, as follows:

[No. 287 Leg.]

YEAS—24

Allott
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, Idaho
Roth
Scott
Taft
Thurmond
Tower

NAYS—68

Aiken
Allen
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cook
Cranston
Eagleton
Eastland
Ervin
Fong
Gravel
Harris
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams
Young

NOT VOTING—8

Anderson
Baker
Cannon
Ellender
Fulbright
Jordan, N.C.
McGovern
Mundt

So Mr. TAFT's amendment was rejected.

Mr. FANNIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

> On page 43, line 11, insert the following:
>
> "SEC. 15. Section 13 of the Fair Labor Standards Act of 1938, is amended by adding the following new subsection:
>
> "(g) the amendments of this Act that are effected by the Fair Labor Standards Amendments of 1972 shall not apply to the Canal Zone."

The PRESIDING OFFICER. Time on this amendment is limited to 20 minutes, 10 minutes to each side.

Mr. FANNIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FANNIN. Mr. President, this is a very much-needed amendment, but it is not complicated.

The committee bill raises the minimum for Canal Zone employees to $1.80 per hour immediately, to $2 at the end of 1 year, and $2.20 at the end of the second year.

This amendment simply eliminates jobs in the Canal Zone from the proposed increases. It does not eliminate the present minimum wage standard in the zone, which was first applied in 1967 with a rate of $1, and progressively raised by FLSA to its present minimum of $1.60.

The employees affected are almost entirely Panamanians. Their present average minimum wage in the zone is already three times the minimum wage in Panama. I should emphasize that this does have a serious effect because, as I repeat, the present average minimum wage in the zone is already three times the minimum wage in Panama.

Because of the pay structure of the company, raising the legal minimum raises the effective minimum—due to seniority, and so forth—much higher. The present legal minimum is $1.60; the present average minimum is $2.19.

Canal Zone employees fall in two categories: Those paid in appropriated funds—such as employees of military agencies—and those paid from nonappropriated funds.

Under law, the Panama Canal Company must have a balanced budget based on income from tolls and services; it does not operate on appropriated funds. Hence the 75-percent increase in salary costs since the introduction of the minimum wage has meant a reduction in services and employees. This increase is entirely salaries paid to non-U.S. citizen employees. Seven hundred and seventeen semi-skilled and unskilled jobs have been eliminated since the introduction of the minimum wage. If the rate increase is passed, more jobs will be eliminated.

Mr. President, the distinguished Senator from Colorado (Mr. DOMINICK) brought out the position that has been taken by the military in regard to the situation. I have in my hand a letter from the State Department from David M. Abshire, Secretary for Congressional Relations, explaining the position. This is a letter to the distinguished manager of the bill.

Just to bring out one part of the position that they take as to the adverse affect it would have, I read the following excerpt:

> It would adversely affect the financial condition of the Panama Canal Company and might give rise to consideration of Canal toll increases with the attendant economic and political repercussions.

So, Mr. President, I think that we should consider just what is involved when the economy of that country is so tied to the Panama Canal. I feel that it would disrupt the economy to the extent that it would and if we proceeded with what is presently provided in the bill, it would be highly detrimental.

Mr. DOMINICK. Mr. President, will the Senator from Arizona yield?

Mr. FANNIN. I yield.

Mr. DOMINICK. As I understand this amendment, it deals with the situation in which the Canal Zone finds itself now; is that not correct?

Mr. FANNIN. That is correct.

Mr. DOMINICK. I incorporated that subject in some comments I made in my overall talk on the need for a different wage rate than we have in Puerto Rico, the Canal Zone, the Virgin Islands, and here.

I thoroughly support the amendment of the Senator from Arizona.

I see no possibility of making any progress in our treaty negotiations, or in trying to improve our relationships with Panama if we are going to put their economy still further out of gear. This is the position which the State Department and the Army have taken strongly, and I sincerely hope that the amendment will be supported.

Mr. FANNIN. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. MONTOYA). Five minutes remain to the Senator from Arizona and 10 minutes to the Senator from New Jersey (Mr. WILLIAMS).

Mr. FANNIN. I thank the Presiding Officer.

I suggest the absence of quorum and ask unanimous consent that the time for the quorum not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I ask unanimous consent to modify my amendment, to raise the minimum from $1.60 to $1.70 at the end of 1 year.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, reads as follows:

On page 43, line 11, insert the following:

"SEC. 15. Section 13 of the Fair Labor Standards Act of 1938, is a mended by adding the following new subsection:

"(g) the amendments of this Act that are effected by the Fair Labor Standards Amendments of 1972 shall not apply to the Canal Zone," except the minimum wage of $1.60 is to be raised to $1.70 at the expiration of 1 year.

Mr. JAVITS. Mr. President, on that basis, I think that the Senator has made a very desirable decision. I would support the amendment as modified.

The PRESIDING OFFICER. Is all time yielded back?

Mr. FANNIN. Mr. President, I yield back my time.

Mr. WILLIAMS. Mr. President, I yield back my time.

Mr. JAVITS. Mr. President, does the Senator still desire the yeas and nays?

Mr. FANNIN. Mr. President, I would like to have the yeas and nays.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Arizona (Mr. FANNIN), as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), and the Senator from Louisiana (Mr. ELLENDER) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) is absent on official business.

I also announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

The result was announced—yeas 69, nays 23, as follows:

[No. 288 Leg.]

YEAS—69

Aiken
Allen
Allott
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cook
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Inouye
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Miller
Montoya
Moss
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Scott
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—23

Brooke
Burdick
Case
Cooper
Cranston
Gravel
Harris
Hart
Hartke
Hughes
Humphrey
Jackson
Kennedy
McGovern
Metcalf
Mondale
Muskie
Nelson
Pell
Ribicoff
Schweiker
Smith
Williams

NOT VOTING—8

Anderson
Baker
Cannon
Ellender
Fulbright
Goldwater
Jordan, N.C.
Mundt

So Mr. FANNIN's amendment, as modified, was agreed to.

Mr. FANNIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Senators will please be seated so that we can get to the business of the Senate.

AMENDMENT NO. 1320

Mr. BUCKLEY. Mr. President, I call up my amendment No. 1320.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 38, line 1, strike out "and" the second time it appears.

On page 38, line 3, strike out the period and insert in lieu thereof the following: ", and (4) by inserting immediately after the first sentence the following: 'For the purposes of this subsection, the term "student hours of employment" means services performed at wages of not more than $1.05 per hour during the period specified in clause (1), (2), or (3) of the preceding sentence as appropriate.'."

Mr. BUCKLEY. Mr. President, this is an amendment which is technical in nature, and I hope very much that the sponsors of the bill will agree to accept it. It affects a situation in New York.

Section 14(b) of the Fair Labor Standards Act contains a provision for certification of full-time students for employment at a wage rate not less than 85 percent of the applicable minimum wage. Regulations to this section stipulate that only establishments that employed students during the base year from May 1960 to April 1961 at less than $1 an hour are eligible to receive these certificates. However, during this base year, the New York State minimum wage ranged from $1 to $1.05 an hour. Therefore, no student certificates can or have been issued in New York State.

My amendment No. 1320 would permit New York State to join with the rest of the States in providing an extra incentive to hire students.

This measure would not open the floodgates for student employees simply because the dollar base is raised. Student certificates have not been used extensively; a Bureau of Labor statistics study found that only 42 percent of the student man-hours certified under section 14(b) have been used.

However, I still feel that this means to reduce unemployment for our young people is of sufficient importance that students in New York State should be able to benefit from it.

Mr. JAVITS. Mr. President, I yield myself 2 minutes in opposition to the amendment.

This is by no means a technical amendment, with all respect to my colleague from New York. It will very materially open up the certificating proposition as far as youth employment is concerned, and goes to the essence of the fundamental question which we have to answer for ourselves here, as to whether or not we wish to open up the youth employment certification program materially beyond the point where we have it now. The Senate has turned down a number of amendments on that score.

As I understand it—and it is not easy to understand it, because I personally had no notice of this amendment—it is supposedly hinged to the New York situation. In the first place, I am not aware of any demand in New York for this particular provision. Perhaps my colleague is, but I am not. In any case, be that as it may, it would be universally applicable not only to New York but to every other State.

Under present law, in order to qualify for a youth differential certificate, one would have to have an antecedent history of having employed youth at a rate lower than the Federal minimum, and the date which has been chosen, to wit, the 1961 date, upon which these certifications are based in New York, relates to a time when we in New York had a dollar minimum, and so there was no justification for certification because there was a $1 minimum.

Now, if we raise that to $1.05, as proposed by this amendment though it does not seem to amount to anything, it immediately breaks itself so the jurisdictional qualification for giving certificates arises now, when it did not arise before. If it were made $1.01 or $1.02, it would have exactly the same effect.

I am unable, I must represent to the Senate, to say how many certifications would be implied or what is the ambit of this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 2 minutes.

So I must, at least until I can get a minute to look into the situation, rely upon the question of principle which is involved here, that this is a change. It is not a technical amendment; it is a substantive change in how many may be certified, and therefore opens up the question of youth differential. It does it in a kind of highly legalistic way, but it does it, and on that question of principle I must, for the moment, oppose the amendment.

If the Senator is willing, I shall be glad to suggest the absence of a quorum without time cost to either side in order to take a harder look at it, but I am giving the Senate my view on first impression. While it was put on the desk as a technical amendment, I do not so consider it for the reasons I have stated.

Mr. BUCKLEY. Mr. President, I have no objection to the suggestion of the absence of a quorum if it is not chargeable to either side.

Mr. JAVITS. I thank my colleague.

I ask unanimous consent that I may ask for a quorum call without its being charged against either side.

Mr. SYMINGTON. Mr. President, reserving the right to object, I would like to ask how long it will be.

Mr. JAVITS. Just a minute, I may say to the Senator, to look into this.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. My senior colleague and I have agreed that while he considers information which apparently is new to him, I may move on to my next amendment.

The PRESIDING OFFICER. Do I understand that the Senator now asks that his amendment be withdrawn?

Mr. BUCKLEY. I ask unanimous consent that my pending amendment be set aside, with the remaining time still available, with the privilege of calling it up later.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1324

Mr. BUCKLEY. Mr. President, I now call up my amendment No. 1324.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the further reading of my amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY's amendment (No. 1324) is as follows:

On page 37, strike out all after line 17, over to and including line 3 on page 38, and in lieu thereof, insert the following:

EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTHS

Special Minimum Wages for Employees Under 18 and Students

SEC. 8. Section 14(b) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(b)(1) Notwithstanding the minimum wage rate required by section 6(a)(1) or 6(b) any employer may, in compliance with applicable child labor laws, employ any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) 18 or 19 years of age and either in his first six months of full-time employment or a full-time student,

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.60 per hour, whichever is higher.

"(2) Notwithstanding the minimum wage rates required by section 6(a)(5), any employer may, in compliance with applicable child labor laws, employ in agriculture any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) 18 or 19 years of age and either in his first six months of full-time employment or a full-time student,

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.30 per hour, whichever is higher.

"(3) The special minimum wage for such employees in Puerto Rico, the Virgin Islands, and American Samoa shall be 80 per centum of the industry wage order rate otherwise applicable to them: *Provided*, That in no case shall such special minimum wage be less than that provided for under a wage order issued prior to the effective date of the Fair Labor Standards Amendments of 1972.

"(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable."

Mr. BUCKLEY. This amendment, Mr. President, is not one which was covered by the agreement to limit the debate to 10 minutes, so I believe the full hour is available. I hope we shall not use very much of that hour.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. BUCKLEY. I yield myself 10 minutes.

Mr. President, this amendment is an attempt to preserve a feature which I thought was one of the most important features of the Dominick amendment. I am conscious of the fact that that amendment was defeated by the narrowest of margins. On the other hand, it had so many parts to it that it is impossible to sort out the reasons why it was defeated, even if by one vote.

The amendment seeks to create a significant, meaningful differential for young people. As I said earlier, I think that this goes to one of the most critical social problems which we have at this time. We are faced with the certificable fact that hundreds of thousands of unskilled teenagers, particularly those from disadvantaged backgrounds, are seeking entry into the labor market for the first time, and are unable to find jobs. Jobs simply are not there at the wages which the existing minimum wage laws require be paid.

The effect of this is that these young people are unable to find employment and place themselves in a position where they can most effectively acquire the skills and the habits which will increase their productivity and enable them to take their full place in our labor force.

The specific effect of this amendment would be to make an exemption for young men and women below the age of 18, providing that they be paid at least $1.60 an hour or 80 percent of the applicable minimum wage rate, whichever is larger. As to students who are 18 years of age or 19 years of age, it would provide them an exemption for a limited time only—namely, 6 months—to give them access to a job, and to give them the time on the job to acquire those habits and skills which will enable them to join that particular work force.

The hard, well-documented facts demonstrate that since World War II, every rise in the minimum wage level has been accompanied by an increase in the gap between the teenage and general rates of unemployment, and between white teenage rates of unemployment and those for their nonwhite contemporaries. This steady deterioration has reached the point where, for the year 1971, teenage unemployment attained a level of 31.7 percent for nonwhites, and 15.5 percent for whites, while the general unemployment rate stood at 5.9 percent.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD two tables which demonstrate the extraordinary rate at which the employability of our youngsters, particularly those from disadvantaged backgrounds, has been deteriorating. The tables are taken from an article by Prof. Yale Brozen, entitled "The Effect of Statutory Minimum Wage Increases on Teenage Employment," which appeared in the April 1969 issue of the Journal of Law and Economics. The two tables appear on pages S. 11149 and S. 1150 in the RECORD of last Tuesday. I think that an examination of those tables will demonstrate far more effectively than I can in words the problem we are facing.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.– RATIO OF TEENAGE UNEMPLOYMENT INCIDENCE TO GENERAL UNEMPLOYMENT INCIDENCE [AVERAGES OF MONTHLY SEASONALLY ADJUSTED DATA; 1949-68]

12 months	Unemployment rates		Ratio	Minimum wage
	Ages 16–19	General		
February 1949–January 1950	13.9	6.2	2.2	$0.40
February 1950–January 1951	11.6	5.0	2.3	.75
March 1955–February 1956	11.0	4.2	2.6	.75
March 1956–February 1957	11.0	4.1	2.7	1.00
September 1960–August 1961	16.4	6.6	2.5	1.00
September 1961–August 1962	15.4	5.8	2.7	1.15[1]($1.00)
September 1962–August 1963	16.4	5.6	2.9	1.15 (1.00)
September 1963–August 1964	16.6	5.4	3.1	$1.25 ($1.00)
September 1964–August 1965	15.6	4.8	3.3	(1.15)
September 1965–August 1966	13.2	3.8	3.5	(1.25)
February 1966–January 1967	12.6	3.8	3.3	1.25
February 1967–January 1968[2]	12.9	3.8	3.4	1.40 (1.00)
February 1968–December 1968	12.7	3.6	3.6	1.60 (1.15)

[1] Minimum wage figure in parentheses is for jobs not covered prior to September 1961 and February 1967.

[2] Not comparable with earlier data because of the exclusion from the unemployment count of those seeking future jobs and not currently available for work.

Source: U.S. Bureau of Labor Statistics, Department of Labor, Employment and Earnings and Monthly Report on the Labor Force 14, at 25 (March 1968); id., 13, at 21 (March 1967); id., 15, at 53 (January 1969); A. Howard Myers, Labor Law and Legislation 774, 805.

TABLE II.—TEENAGE UNEMPLOYMENT RATIOS: NONWHITE/WHITE, BOTH SEXES 16–19, 1949–68

	Unemployment rate (Percent)		
	Nonwhite	White	Ratio
February 1949–January 1950	17.4	13.4	1.3
February 1950–January 1951	14.8	11.2	1.3
March 1955–February 1956	15.8	10.2	1.5
March 1956–February 1957	18.1	10.0	1.8
September 1960–August 1961	27.4	15.0	1.8
September 1961–August 1962	25.3	13.9	1.8
September 1962–August 1963	29.2	14.9	2.0
September 1963–August 1964	28.4	15.0	1.9
September 1964–August 1965	26.1	14.2	1.8
September 1965–August 1966	26.5	11.6	2.3
February 1966–January 1967	25.1	11.1	2.3
February 1967–January 1968[1]	26.3	11.0	2.4
February 1968–December 1968	25.4	11.0	2.3

[1] Not comparable with earlier data because of the exclusion from the unemployment count of those seeking future jobs and not currently available for work.

Source: U.S. Bureau of Labor Statistics, Department of Labor, Employment and Earnings and Monthly Report on the Labor Force 13, at 14–16 (March 1967); id. 15, at 51 (January 1969); Manpower Report of the President 225, 237 (April 1968).

Mr. BUCKLEY. Mr. President, there is nothing surprising in the fact that our teenagers find it more difficult to enter the labor market than do the more seasoned workers. They simply have not yet been exposed to the circumstances where they can learn the elementary work skills—the importance of turning up on time day after day, the importance of following instructions the first or second time instead of having to require total and continuing supervision.

Furthermore, it is not surprising, although it is lamentable, that there should be such a growing disparity between the employment of our nonwhite teenagers and the white teenagers. The fact is that as of the present time, nonwhites generally have lower levels of education than whites, and those from disadvantaged homes often are lacking some of the habits of punctuality, and so forth, which are essential to productivity and to making them attractive in the labor market.

Mr. President, I spoke on this subject at some length last Tuesday. Once again, I want to express the dimensions of the problem which the rigid application of minimum wage laws has created for young persons trying to cross the threshold into the ranks of the steadily employed. I review the cold statistics in my remarks on the floor of the Senate last Tuesday, and I want to touch again on the principal points I then made in order to emphasize the urgent need for a youth differential in our minimum wage legislation.

Mr. President, I recently came across a newspaper item that so impressed me with its insight into one of our Nation's most grave problems that I think it worth while to quote it in full:

> ADOLESCENTS HAVE LOST "ETHIC OF WORK"
>
> Dr. Francis Braceland, a distinguished psychiatrist and senior consultant at the institute to living in Hartford, Conn., said in an interview that it's twice as difficult to be an adolescent today.
>
> One of the signs of the troubled times is the change in the proportion of young people in the patient population at the institute, the world's largest, nonprofit mental hospital.
>
> Dr. Braceland said for the first time half the patients are under the age of 25. There are so many under the age of 20 that a regular secondary school has been set up at the institute.
>
> "The adolescents are in rebellion," Dr. Braceland says. "Many have cut loose all the moorings and are floating free in a world that is in a mess."
>
> Among the moorings that have been lost, Dr. Braceland cited these: the value of thrift, the ethic of work, the values of family, the worth of church, marriage, a belief in values handed down by parents.

The value of thrift, the ethic of work—how many times have we heard these derided by those who have assured us that such qualities were outmoded and perhaps even harmful? Yet we now see that what we learn by working is not just a trade but a way of looking at the world, a way that is totally necessary for the full development of our capabilities.

I mention this because there is considerable evidence to show that many young Americans are being denied the chance to work because minimum wage laws price them out of the market. A minimum wage law can guarantee higher wages—but only to those who are working. What of those who are not hired because, among other reasons, an employer no longer finds it economically possible to hire them? It is this situation I would like to discuss.

Authorities as diverse as Dr. Samuel Johnson and Karl Marx have reminded us that hell or the road to hell is paved with good intentions. This thought has become part of our accepted folk wisdom.

I mention it because in speaking of what I feel to be great harm that would stem from the pending revisions of the minimum wage law, I do not question the good intentions of those who propose them. I must however, point out that these good intentions in all probability will lead to the very private hell of unemployment for still larger numbers of young Americans who need a chance to learn basic work habits and the satisfaction and self-respect which comes with self-support far more than they need a higher starting wage.

The case which is made for an increased minimum wage without a meaningful youth differential is too well known to need amplification from me. Those who favor such legislation point to what most people would accept as an obvious—and highly desirable—benefit arising from an increased minimum wage: those at the beginning of their work careers or those in low-paying jobs would make more money. From this base point, it is argued, benefits would accrue to the economy as a whole. "To eliminate low wages without eliminating jobs" is the usual description of the goal of minimum wage laws.

Now as that argument stands, it is extremely attractive and displays an admirable compassion for the young and the poor. But, as I have pointed out, good intentions are not enough. The history and effects of minimum wage laws have been studied by many of the most prominent economists in our country and it seems evident that there is at the very minimum a large doubt in their minds concerning the benefits to be derived by the poor and the young from minimum wage laws. Indeed, in light of the documented experience of the past 20 years, a proposal for a significant increase in minimum wages during a period of high unemployment ought to be greeted with suspicion if not downright animosity by those who are supposed to benefit from it.

What must not be forgotten in any discussion of minimum wage laws is that pet economic theories or altruistic motives or idealistic conceptions of the economic world are not the main issue. Instead, the main issue is the impact such laws would have on individual human beings. The downcast look on the face of a black teenager who has been laid off or denied employment because a minimum wage law has priced him out of the market is infinitely more instructive than even the most sophisticated of theoretical economic arguments. That look speaks volumes, and all the good intentions in the world are not going to ease the frustrations and the rage which justifiably accompanies such a look.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired.

Mr. BUCKLEY. I yield myself 5 additional minutes.

What, then, are the arguments against

raising the minimum wage? They are as follows and, I believe, they combine good intentions with a good understanding of economic and social reality.

They are not in any sense meant to be dogmatic, but are meant to be arguments which must be considered when any raise in the minimum wage is proposed. In a field as complex as this, no arguments can claim to have answered all objections—yet it is precisely because the field is such a complex one that we must not dismiss such arguments simply because they appear at first glance to be contrary to prevailing attitudes.

The original Fair Labor Standards Act of 1938 fixed minimum wages at 25 cents an hour and overtime pay for hours worked in excess of 40 hours at one and a half times the employee's regular rate. Since then the Congress has raised the minimum four times: In January 1950 to 75 cents hourly; in March 1956 to $1 hourly. In 1961 amendments led to a $1.25 minimum wage by September of 1963 and in 1966 further amendments led to a $1.60 minimum by February 1968.

After a history of over 30 years, we have accumulated enough data to make the following conclusions concerning minimum wage laws:

First, according to an article in Business Week for May 15, 1971, it is widely held among a growing and diverse number of economists that the minimum wage eliminates marginal job opportunities.

Prof. Paul Samuelson put this argument most succinctly when he said:

> What good does it do a black youth to know that an employer must pay him $1.60 an hour if the fact that he must be paid that much keeps him from getting a job?

Tinnis Welch of the National Bureau of Economic Research, and Mann Kosters of the Council of Economic Advisors, conclude in a Rand study:

> Minimum wage legislation has apparently played an important role in increasing the cyclical sensitivity of teenage unemployment. As the minimum rises "teens are able to obtain fewer jobs and their jobs are less secure over the business cycle. This is disproportionate among nonwhite teens.

An article from a prominent monthly economic newsletter stated:

> Women, teenagers, nonwhites and particularly nonwhite teenagers are especially hard hit. Before 1956, when the minimum wage was 75 cents, the quarterly unemployment rate among nonwhite teenagers ranged between 13% and 18%, several percentage points above the rate for whites. However, within two years, after the minumum wage went up 33%, the unemployment rate for white teens rose to 14% while the rate for nonwhite teens jumped to 27%. Since then, three more increases in the minimum have been introduced. And the nonwhite teenage unemployment rate has risen to over 30%, more than twice that for whites.

Lest it be cited against me, let me turn now to the conclusion of a study made by the Bureau of Labor Statistics which states:

> Increases in the level of coverage of the Federal minimum wage may have contributed to the employment problems of teenagers, but it is difficult to disentangle such effects from numerous other influences.

It may seem that by inclusion of such a statement I am "weakening my case." Yet it by no means effectively rebuts the conclusions drawn by a host of serious economists.

If the Bureau of Labor Statistics study is not as unqualified in its rejection of minimum wage laws as other authorities I have quote, that in no way should imply that grave doubts are not warranted whenever legislation calling for a substantial increase in the minimum wage is proposed. On the contrary, the Bureau of Labor Statistics study seems to me to make almost compulsory an effort on the part of the Congress to disentangle those other effects before proceeding with another rise in the minimum wage applicable to teenagers. If minimum wage "may" have contributed to teenage unemployment there is distinct possibility that it does. I do not think we can afford to gamble the well-being of hundreds of thousands of teenagers and the future health of our society on the hunch that it does not.

Mr. President, lest my resistance to an increase in the minimum wage conjure up visions of youngsters returning to the sweatshop conditions of the 19th century, or lest I appear to be a 20th-century scrooge, let me hasten to point out that holding the line for teenagers at $1.60 per hour, as the Dominick amendment would have done, would hardly condemn them to subhuman earnings. The overwhelming majority of teenagers are single, and many, if not most, are living with their families. A youngster working at $1.60 per hour, 40 hours per week, and 50 weeks per year will earn $3,200 per annum or $1,200 more than the Government defined poverty line of $2,000 for single persons living in the city.

Under these circumstances, and at a time of unparalleled unemployment among teenagers, especially nonwhites, it is, to me, unthinkable that we should raise the barriers still higher which stand between them and employment by again raising the minimum wage which an employer is allowed to pay them. Our best intentions might work against our good sense and that "ethic of work" about which Dr. Braceland wrote might be irrevocably damaged precisely at a time when young people need it most—and when our Nation needs young people who embody the work ethics.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BUCKLEY. Mr. President, I reserve the remainder of my time.

Mr. President, I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER (Mr. McINTYRE). The Senator from Ohio (Mr. TAFT) is recognized for 2 minutes.

Mr. TAFT. Mr. President, I thank the Senator from New York for yielding me this time. I want to subscribe and give heartiest approval to the amendment which he has proposed and the statement he has made in support of it.

Certainly there is no single social concern that should be more seriously regarded today in America than the growing rate of unemployment among our youth, especially among our minority youth.

I do not think there is any consideration in the entire minimum wage bill that measures in comparison to the seriousness of this problem.

There are many other programs, as I have mentioned before in discussions on the substitute, which contain a provision with respect to this amendment but I believe that the Senator from New York has come up with a number of additional factors that perhaps are superior to the provisions of the youth differential included in the substitute.

I feel that some action along this line is absolutely vital unless we are to see a minimum wage bill under the Fair Labor Standards Act have the contrary effect of many other programs we are working on, trying to encourage American youth employment today.

This is an amendment that is worthy of full support and I hope that it certainly will receive the full support by the Senate tonight. I believe it can do much to move in this very difficult area of youth—unemployment.

Mr. DOMINICK. Mr. President, will the Senator from New York yield?

Mr. BUCKLEY. I gladly yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, the Senator's amendment, to me, makes great common sense. It is very difficult for young people to make the transition into the adult job world.

This is limited, as I understand it, to 6 months and then it goes to the regular minimum.

Mr. BUCKLEY. That is right, except for those under the age of 18.

Mr. DOMINICK. Except for those under the age of 18. In this connection, it would be interesting to recite one or two excerpts which I believe will be helpful.

This one comes from Nation's Business of September 1971, long before we started this debate—hope—I think.

It states in part:

> The Dean & Barry Co. paint store in Urbana, Ohio, doesn't hire part-time teen-age help any more.
>
> But it used to.
>
> So did all the other 39 Dean & Barry retail stores. Now only the larger ones do.
>
> "Most of our paint stores are in small, county-seat towns," says Robert S. McKay II, president.
>
> "In the summer, almost all used to hire high-school boys. They stocked shelves, swept up and did other chores.
>
> "We used to pay them $1 to $1.25 an hour.
>
> "Usually, they worked full time in summer. The rest of the year, they worked a few hours after school and on Saturdays. Maybe 10 to 15 hours a week. They were just extra, supplemental help.
>
> "Then the minimum wage law made us pay them $1.60 an hour. So we stopped hiring most of them. That took away about 15 to 20 jobs.
>
> "But the smaller stores just couldn't take the tab."
>
> In Chicago, the same law has helped dry up job opportunities for other young people.
>
> Carson, Pirie, Scott & Co., a giant Chicago department store, used to hire several hundred of them to fill summer jobs.
>
> "We hired girls for our College Boards, for example," says C. V. Martin, board chairman. "They were sort of assistant clerks,

models and fashion coordinators. We hired boys for jobs like stock boy or to work at our soda fountain.

"But we didn't have nearly as many this summer as we did before.

"One factor is the economy. But another is the minimum wage. It's just too high for these marginal, nonadult jobs."

This next excerpt comes from Business Week for May 15, 1971, before we started this debate:

A growing and politically diverse number of them are convinced that, by eliminating marginal job opportunities, the minimum wage is hurting people it is supposed to help, striking hardest at blacks and teen-agers.

Mr. President, I ask unanimous consent that both articles be printed in full in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Nation's Business, September 1971]

MAKING MORE JOBS FOR YOUNG AMERICANS

The Dean & Barry Co. paint store in Urbana, Ohio, doesn't hire part-time teen-age help any more.

But it used to.

So did all the other 39 Dean & Barry retail stores. Now only the larger ones do.

"Most of our paint stores are in small, county-seat towns," says Robert S. McKay II, president.

"In the summer, almost all used to hire high-school boys. They stocked shelves, swept up and did other chores.

"We used to pay them $1 to $1.25 an hour.

"Usually, they worked full time in summer. The rest of the year, they worked a few hours after school and on Saturday. Maybe 10 to 15 hours a week. They were just extra, supplemental help.

"Then the minimum wage law made us pay them $1.60 an hour. So we stopped hiring most of them. That took away about 15 to 20 jobs.

"But the smaller stores just couldn't take the tab."

In Chicago, the same law has helped dry up job opportunities for other young people.

Carson, Pirie, Scott & Co., a giant Chicago department store, used to hire several hundred of them to fill summer jobs.

"We hired girls for our College Boards, for example," says C. V. Martin, board chairman. "They were sort of assistant clerks, models and fashion coordinators. We hired boys for jobs like stock boy or to work at our soda fountain.

'"But we didn't have nearly as many this summer as we did before.

"One factor is the economy. But another is the minimum wage. It's just too high for these marginal, non-adult jobs."

He adds: "It's a tragedy, on two counts.

"Not only do young people lose the chance to earn some money. They also miss an opportunity to learn what it is to work in a department store—and perhaps decide they'd like to become merchants.

"It was kind of a vocational training."

OLD STORY FOR THE YOUNG

The unadjusted jobless rate for teen-agers has climbed to 19.7 per cent.

In inner city poverty areas, it has skyrocketed, from 23.2 per cent in the first quarter of 1971 to 28.5 in the second.

For those areas' black teen-agers, the rate was even worse—from 34.2 per cent in the first three months to 39.1 in the second. Nor is this just a recent phenomenon.

"This is a problem that goes back 40 years," says Secretary of Labor James D. Hodgson.

In 1930, he points out, the U.S. teen-age unemployment rate was one and a half times as high as the total unemployment rate. By 1948, it was two and a half times as high. In 1963, it was three times as high, and by 1969 four times as high.

Many economists, statisticians and social scientists are sure they know the reason why: The minimum wage law.

"It may help some workers," says Prof. Charles T. Stewart Jr., noted George Washington University economist.

"But it doesn't help the marginal people—the inexperienced, the unskilled or handicapped workers.

"It hurts them. And teen-agers make up the largest pool of marginal workers in the nation."

LIKE A SORE THUMB

He adds: "Look at the right statistics, and that fact sticks out like a sore thumb.

"Take the per cent of jobless teenagers in any year. Then compare that with the total per cent of all unemployed—mostly adults.

"That ratio is a sensitive index.

"Nearly every year the minimum wage goes up, that ratio goes right up with it."

Labor Department economists don't dispute the statistics, but say that they don't prove much.

Their view is reflected in a recent article, "Young Workers and Their Earnings," which appeared in the Department's *Monthly Labor Review*. Author Vera C. Perrella, a Labor Department economist says:

"According to one theory, minimum wages have unemployment and disemployment effects for the youngest workers because their productivity is low and employers are less willing to hire them than older, more productive workers, even when older workers have to be paid appreciably higher wages.

"The data neither support nor contradict this argument."

"But the Labor Department studies are faulty," says economist Stewart.

"Its statistics don't give an adequate 'before and after' picture.

"What happens in this country is that the economy—and employment—are usually growing. So if you look merely at employment figures, you find they're growing, even after the minimum wage goes up.

"But that doesn't prove the minimum wage has no impact.

"To find out if it does or not, you have to do this. Ask what would have happened if you didn't have a minimum wage. That's a harder question to answer. But it's the right one to ask.

"And many independent studies do show that federal minimum wage rates have an adverse effect on employment."

Arthur F. Burns, now chairman of the Federal Reserve Board, once made the same point. In his book, "The Management of Prosperity," he said:

"The ratio of the unemployment rate of teen-agers to that of male adults was invariably higher during the six months following an increase of the minimum wage than it was in the preceding half year."

Then he posed this question.

What would happen if the economy stayed on an even keel—and the minimum wage were boosted?

A 25 per cent increase would hike white teen-age unemployment by as much as 8 per cent, he estimated.

THE END OF THE LINE

Why does a law that promises more pay mean fewer jobs for some workers?

The National Commission on Technology, Automation and Economic Progress explains it this way:

"We have found it useful to view the labor market as a gigantic 'shapeup', with members of the labor force queued up in order of their relative attractiveness to employers.

"If the labor market operates efficiently, employers will start at the head of the line, selecting as many as they need of employees most attractive to them. Their choice may be based on objective standards relating to ability or on dubious standards of race, sex, or age; wage differentials may also be important; and formal education may be used as a rough screening device.

"The total number employed and unemployed depends primarily on the general state of economic activity.

"The employed tend to be those near the beginning and the unemployed those near the end of the line."

But that's true, it notes, only if those at the head of the line—and those at the end—all cost the same.

If the price is right, tail-enders stand as good a chance of landing the job as the front-runners.

"The choice between low-skill and high-skill manpower," it says, "is made on the basis of relative costs."

Lack of jobs for young, inexperienced workers hits black and white alike.

But it hits black young people hardest.

"Minority teen-agers, mostly black, suffer more than anyone," says Yale Brozen, professor of business economics, University of Chicago.

"In 1950, 1956, 1961, the minimum wage was raised by Congress. There were a series of increases between 1967 and 1971.

"Every time, black teen-age unemployment rose too.

"This year, it has reached a shocking level.

"It's not racial discrimination that's causing this. Otherwise, we'd have to argue that every time the minimum wage goes up, anti-black feeling intensifies, too."

Prof. Paul A. Samuelson of Massachusetts Institute of Technology is equally critical of the law's effect.

"What good does it do to a black youth to know that an employer must pay him $1.60 an hour—or $2.00," he asks, "if the fact that he must be paid that amount is what keeps him from getting a job?"

ANOTHER BOOST?

Congress is now considering raising that minimum to at least $2 an hour—for youngsters as well as adults—as soon as Jan. 1, 1972.

That would simply compound the felony, critics say.

Black unemployment may be one of the most explosive consequences of pricing "those near the end of the line" out of the labor market.

Earlier this year, a task force of The Twentieth Century Fund took a look at this "urgent problem," which, it says, "is daily growing more acute."

In a report called "Youth Unemployment: Crisis in the Cities," it took this grim look at the future:

"More young black people will enter the job market in the decade ahead, and they will represent a higher proportion of all new entrants than they did in the past. Teen-agers among blacks and other minority groups will increase from about 2.1 million in 1970 to 2.6 million in 1980—a gain of 24 per cent. . . .

"Only at the gravest peril to our society can the American people continue to ignore the growing frustration, despair and hostility that characterize more and more young black people. After a childhood and adolescence stunned by deprivation, rejection, and neglect, these young people want the opportunity to support themselves and live useful lives."

Jobs are the cure, it says, although a lower minimum wage for young workers is not one of the remedies.

Sar A. Levitan, one of the task force members who produced the report, feels differently. Mr. Levitan, head of the Center for Manpower Policy Studies, says:

"I tried to persuade the task force to come out for a dual minimum wage a lower minimum for young people, a higher one for adults.

"Our focus was on black youth.

"In lots of cases, the minimum doesn't help them. Sometimes they're beat out of jobs covered by the law—or pushed out into uncovered employment.

"I think it has a similar—if less severe—effect on white youths, too."

Would teen-agers work for $1.60 an hour or less?

As a mattter of fact, many of them do now. Or did at the time of the latest Labor Department survey in October, 1969.

More than half—51 per cent—of all working- and 17-year-olds made less than $1.60. Seventy-six per cent made less than $1.75. The median pay for all of them was $1.58.

Older teen-agers made more. Of employed 18- and 19-year-olds only 21 per cent made less than $1.60. But 41 per cent made less than $1.75. Their median pay was $1.87. Teen-agers without work evidently eyed jobs like these enviously. Of those 16 and 17 years old, nearly 6 out of 10—58 per cent—said they'd be glad to take one that paid less than $1.60 an hour.

Nearly 9 out of 10—85 per cent—were willing to work for less than $1.75.

Experts say the Labor Department's own statistics show that a boost to $2 an hour, as some bills in Congress propose, is unnecessary and probably harmful.

"I'm sure a dual minimum wage, pegged at $1.60, for teen-agers is not a cure-all for youth unemployment," says Mr. Levitan.

"But I think it's a worthwhile experiment."

HODGSON'S CHOICE

Labor Secretary Hodgson takes a similar slant. He has urged Congress to keep a $1.60-an-hour rate for workers under 18 and for full-time students under 20.

In his huge, panelled office on the third floor of the Labor Department building in downtown Washington, he discusses the issue.

"The man who is new on the job," he says, "is worth less than the man who is experienced."

"The worker who is skilled is worth more than the unskilled. And the mature adult who has disciplined himself to work is worth more to an employer than the youngster who hasn't. That's the way the world of work works.

"We want to give an employer an incentive to give these younger people their first job. And the way to do it is to have a wage differential that makes hiring them attractive.

"The Labor Department has figures which show that when there's pay differential of about 20 per cent, it will stimulate the hiring of youth."

"A youth differential," he says flatly, "will have the effect of encouraging employment opportunities for young people."

Many other countries have the kind of "youth differential" which Secretary Hodgson describes.

That's true, for example, in Western Europe and Japan.

There, youngsters have had far better luck at landing jobs than American teen-agers.

The latest period for which complete published figures are available is 1960–64. The table, below, from the Bureau of Labor Statistics, shows youth unemployment rates, at that time.

Is this cause and effect?

"The evidence from abroad," the Labor Department concedes, "indicates that low wages for youth are an inducement to employers to seek young workers eagerly. The relatively low youth unemployment rates abroad are partially a reflection of that fact."

Any questions?

[From Business Week, May 15, 1971]

WHEN MINIMUM WAGE MEANS NO WAGE AT ALL

Shortly before Christmas, 1929, Harvard University fired, without notice, Mrs. Katherine Donahue, Mrs. Hannah Hogan, and 18 other scrubwomen in the Widener Library rather than raise their pay from 35¢ to 37¢ an hour as demanded by the Massachusetts Minimum Wage Commission. To avoid paying the extra 2¢, Harvard replaced the women with men, who were not covered by the state's pioneering but weak minimum wage law.

As recounted by labor historian Irving Bernstein in *The Lean Years,* the case of the Harvard charwomen ended on a brighter note. Denouncing the university as "harsh, stingy, socially insensitive, and considerably short of the highest ethical standards of the time," a group of 268 students and alumni, headed by Corliss Lamont, raised $3,880 to compensate the discharged scrubwomen.

Minimum wage laws have come a long way since the early decades of this century, when they were first devised to halt exploitation of "the poor working girl." Now a federal minimum wage of $1.60 an hour covers some 46-million workers, and pressures are building to raise it to $2 and extend coverage to the rest of the labor force.

INFLATION AT WORK

On the basis on which the minimum wage has generally been debated, there are good grounds for an upward shift. Inflation has wiped out nearly 17% of purchasing power since the floor was last raised in February, 1968. Today's minimum wage is less than half of average hourly earnings and provides the full-time worker with an income substantially below the federal poverty line.

But the debate has shifted in recent years, particularly among economists. A growing and politically diverse number of them are convinced that, by eliminating marginal job opportunities, the minimum wage is hurting people it is supposed to help, striking hardest at blacks and teen-agers.

"What good does it do a black youth to know that an employer must pay him $1.60 per hour if the fact that he must be paid that amount is what keeps him from getting a job?" asks Paul A. Samuelson. And Milton Friedman refers to the Fair Labor Standards Act of 1938, the base of the minimum wage, as "the most anti-Negro law on our statute books—in its effect, not its intent."

WHERE IT HURTS

Samuelson's rhetorical question and Friedman's questionable rhetoric point up the kind of emotion generated by the minimum wage issue. But economists using the rigorously clinical, computerized techniques of econometrics come up with the same general idea. As Gene L. Chapin and Douglas K. Adie of Ohio University put it: "Increases in the federal minimum wage cause unemployment among teen-agers. The effects tend to persist for considerable periods of time. And the effects seem to be strengthening as coverage is increased and enforcement of the laws becomes more rigorous."

The techniques, language, and variables used in their mathematical models may vary, but most other econometricians get the same result: a strong correlation, confirmed by repeated observations in the 1950s and 1960s, between youth unemployment and the minimum wage.

Finis Welch of the National Bureau of Economic Research and Marvin Kosters, now a senior staff economist with the Council of Economic Advisers, concluded in a Rand Corp. study last year that "minimum wage legislation has apparently played an important role in increasing the cyclical sensitivity of teen-age employment." They found that as minimums rise, "teen-agers are able to obtain fewer jobs, and their jobs are less secure over the business cycle. A disproportionate share of these unfavorable employment effects accrues to nonwhite teen-agers."

The econometricians concede that the raw figures from the Bureau of Labor Statistics do not show these correlations. They note that the minimum wage usually has been raised when the economy has been swinging upward, which "washes out" much of the disemployment effect. Chapin adds that this phenomenon gives "politicians a chance to appear to be doing something the public wants with little cost." But a study by economists Jacob Mincer and Masanori Hashimoto at the NBER warns that many teen-agers are scared out of the labor force by lack of job opportunities and vanish into the gray area of hidden unemployment.

The BLS has shown deep concern about these findings and run its own econometric check of the results. In a Labor Dept. study titled "Youth Unemployment and Minimum Wages," Assistant BLS Commissioner Thomas W. Gavett notes that "while there is a significant relationship . . . where other variables are excluded, a look at the whole set of variables casts doubt upon the importance of minimum wages as an explanatory variable." But Gavett finds the lack of clear evidence "discouraging." He fears there is some basis for inferring that extensions of minimum wage coverage, not the rate itself, tended in the 1960s to offset benefits of federal manpower programs.

OPPOSING VIEWS

Not all econometricians, to be sure, subscribe flatout to the minimum wage-disemployment hypothesis. Ruth Fabricant of New York's City Planning Dept. found in a study at the Federal Reserve Board that the effect of minimum wage boosts on hours of work from 1954 to 1968 was "strongly negative," but the impact on the number of persons employed was "significantly positive" before the large increases in coverage and rates that took effect in 1967. Miss Fabricant explained that since minimum wage hikes are permanent and anticipated, "employers view them differently from other wage increases."

There is still another way to view minimum wage increases, and this is the approach taken by advocates. They find the econometric case unproven or too limited in scope. Gavett cites demographic changes that may far outweigh the wage factor.

The post-World War II baby boom, which swelled the teen-age civilian labor force by 49% between 1948 and 1968, compared with 30% growth in the entire work force.

A sharp decline in teen-age employment in agriculture from 734,000 to 394,000, with farm mechanization pushing large numbers of youths, especially blacks, into urban labor markets.

Of crucial significance are employers' own attitudes toward youth. A BLS survey in 10 metropolitan areas showed that employers shied away from hiring teen-agers because of limits on hazardous work, the military draft, and "undependability and lack of training." Others felt that youths have unrealistic wage expectations." But the most striking finding was that a majority of the employers in nine areas did not consider the minimum wage important in affecting their decisions" on hiring teen-agers.

Daniel H. Kruger, professor of industrial relations at Michigan State University, finds in his own experience as head of Michigan's Manpower Commission that if an employer needs additional workers, he hires them even at the going minimum wage." Kruger adds that the FLAS already allows a lower minimum for full-time students. But BLS figures show that in 1969 employers availed themselves of only 42% of the 36-million man-hours authorized at the 85% student rate.

SOLVING THE DILEMMA

Kruger proposes a wide array of manpower and educational programs for dealing with youth unemployment, but he insists that the problem cannot be solved without coping with over-all joblessness. And this, he says, requires changes in the nation's monetary and fiscal policies.

The same theme is resoundingly voiced by an old war-horse of the Roosevelt and Truman Administrations, Leon H. Keyserling, second chairman of the CEA. Keyserling, who wrote a study that provided the basis for the Employment Act of 1946, believes that higher minimums are essential to provide the consumer purchasing power needed to put steam in the present recovery.

Noting that House Ways & Means Chairman Wilbur Mills is said to be promoting the $2 minimum as an adjunct to President Keyserling says: "It is an anomaly and economically ridiculous to set a minimum wage for full-time employed people lower than what you are coming to accept as a national consensus of what people should get if they can't be employed. The $2 minimum is much better than paying people to do nothing."

Mr. DOMINICK. Mr. President, what I am saying in general is this: If we are really interested in trying to provide job opportunities for young people, we should give them an opportunity to acquire on-the-job training.

Mr. BUCKLEY. I thank the Senator from Colorado very much.

Mr. President, I yield myself 1 minute to say that I want to thank my colleagues from Ohio and Colorado for their remarks. They go directly to the point. The evidence, through study after study on this particular feature, is just too overwhelming to be ignored.

I, for one, do not want to be responsible for legislation which will have the direct and predictable effect of putting more teenagers on the streets looking for jobs and not finding them—especially those who need jobs, those in the inner cities, those from disadvantaged homes. These are the ones who will be affected most if we do not pass this amendment.

Mr. President, if we do not adopt this amendment, I predict that next year we will have requests for still more hundreds of millions of dollars to manufacture artificial jobs during the summers in the major urban cities for the same kids who could have had an opportunity of learning a job, so that they could put their feet on the first rung of the economic ladder.

Mr. President, I reserve the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. WILLIAMS. Mr. President, we had this question in substantially the same form yesterday or today. As I understand the amendment offered by the Senator from New York, it is the youth differential contained in the Dominick-Taft substitute. However, it goes further in permitting youth employment at subminimal levels. Is that correct?

Mr. BUCKLEY. The Senator is correct.

Mr. WILLIAMS. Mr. President, the same arguments apply here right now and with even greater force than that used before. In this period of high unemployment, we should, in my judgment, not jeopardize the employment of adults with subminimal wage rate employment by young people.

We have put the rifle shot at the need of the young people, students for example. The pending bill deals with the young people, the kids who are students, and permits a special lower rate for young people who are students, not only in repair and service establishments, but also in an area where they are needed the most.

We have heard in our hearings and have heard in so many ways, in the universities and in the colleges and in the educational institutions where they study, that they can work. And this is a key advantage if they are students. And these are people that require special attention.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. WILLIAMS. Mr. President, that young person in the job market who is not a student and is doing the work of a man should be paid the wages of a man. It is as simple as that.

Mr. BUCKLEY. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. BUCKLEY. Mr. President, I would like to call the attention of the distinguished chairman of the committee to the final clause of my amendment, which reads:

> The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable.

In other words, the older workers, will be protected.

The Senator from New Jersey spoke about the fact that we have a provision for students to have odd-time jobs. Students who are in jobs while in their teens and early twenties are young people learning skills which will enable them, when they come into the job market, to get jobs because their productivity will be sufficient to justify the minimum wage and more.

I think we should concentrate on the high schoool dropouts. There are hundreds of thousands of them in this country today. Among black teenagers, the unemployment rate is 31.5 percent. The unemployment rate of their white counterparts is 15.5 percent.

These facts cannot be ignored or shoved under the carpet. In my judgment, it is nothing less than irresponsible to ignore the institution of a theory which will have the effect of aggravating the already desperate situation of young citizens who need to take part in our society.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I am constrained to agree with the manager of the bill. We have been over this ground a number of times. The arguments have been heard pro and con. The difficulty we have in the committee is in drawing bounds between our solicitude for general employment and our concern for helping with the youth situation.

No one knows the situation better than I, having fought on the floor for years for money for the Neighborhood Youth Corps.

I support the manager of the bill in opposing the youth differential amendments. I cannot bring myself to draw the employment picture beyond the point where we have already allowed certification under the bill.

I deeply believe that the other things which we are doing in the various youth employment programs which we are carrying on, including the on-the-job training programs, poverty programs, Neighborhood Youth Corps, and the other programs, represent a reasonable balance between the requirement that we should not preempt jobs which would otherwise go to adult citizens not subject to the youth differentials. This is after all a labor bill, a Fair Labor Standards Act. It is not a bill dealing with youth problems especially. I am all for doing that in whatever bill we have. And I have demonstrated my good faith in that regard by being probably the hardest worker among the proponents of those measures on the floor.

Mr. President, it is for those reasons that while I deeply appreciate the views which have been expressed here, I must oppose the amendment. I would like also to make this point. I would like to hear those same views backed by votes when we are talking about increasing the Neighborhood Youth Corps $200 million or $250 million and when we are talking about increasing the manpower development programs, the poverty programs, and the other youth programs which come before us for authorization and appropriation. It seems to me that those are the proper channels in which to act.

I hope very much that my colleague, whom I greatly respect, and those others who use various guises, and this is one of them—the youth differential—will have this in mind when their turn comes to vote on legislation which will very materially promote the opportunities for youth without in any way prejudicing the opportunity of adults in terms of employment.

For those reasons I am constrained to join with the manager of the bill in opposing the amendment.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time.

Mr. BUCKLEY. Mr. President, I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. Mr. President, I just want to say to the senior Senator from New York that what he has just said exemplifies the problem we have. The Senator mentioned about the Neighborhood Youth Corps and the other programs. All of this comes directly out of the Treasury. Why are they necessary? They are necessary because they cannot get a job.

What the junior Senator from New York is trying to do is to let them get a job so that we do not have to put them in the youth program and spend a lot of the taxpayers' money on the other programs, but give them a chance to get employment. What in the world is the matter with that?

I do not know how many Senators have had their own children at the teenage level trying to get a job. I know from my own kids and so does everyone else. They can go and get a part-time job for 6 months or whatever period it may be in the summertime at less than the minimum wage. However, if they have to be paid the minimum wage, they cannot be hired because they do not know anything about the job or about the business, and cannot compete with adult workers. It is that simple.

Mr. President, for the life of me I cannot understand why we cannot get a grasp on this problem and move the kids into the working cycle instead of sending them to the Youth Corps and all the rest of the programs. We simply spend the taxpayers' money.

Mr. BUCKLEY. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I endorse wholeheartedly what the Senator from Colorado has said. It is just commonsense.

I agree with my distinguished colleague from New York and with the distinguished Senator from New Jersey that the arguments on both sides have been stated.

What has not happened until this moment is that we have not had a clear vote on this particular issue.

I therefore yield back the remainder of my time so that we will have a vote and get on with it.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. BUCKLEY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered, and the Clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), the Senator from Louisiana (Mr. Ellender), the Senator from Mississippi (Mr. Stennis), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) is absent on official business.

I also announce that the Senator from Arkansas (Mr. Fulbright) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from Tennessee (Mr. Baker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 36, nays 54, as follows:

[No. 289 Leg.]

YEAS—36

Allott
Beall
Bellmon
Bennett
Brock
Buckley
Byrd,
  Harry F., Jr.
Chiles
Cotton
Curtis
Dole
Dominick
Eastland
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Jordan, Idaho
Long
McIntyre
Miller
Packwood
Pearson
Roth
Saxbe
Spong
Taft
Talmadge
Thurmond
Tower
Young

NAYS—54

Aiken
Allen
Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Church
Cook
Cooper
Cranston
Eagleton
Ervin
Gravel
Hart
Hartke
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—10

Anderson
Baker
Cannon
Ellender
Fulbright
Goldwater
Harris
Jordan, N.C.
Mundt
Stennis

So Mr. Buckley's amendment (No. 1324) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on amendment No. 1320, proposed by the Senator from New York (Mr. Buckley).

Mr. BUCKLEY. Mr. President, I suggest the absence of a quorum——

Mr. JAVITS. Mr. President, I ask unanimous consent that we may have a very brief quorum call.

Mr. SYMINGTON. Mr. President, reserving the right to object, we are on a time limitation. It seems to me we ought to be able to handle this in the time limitation.

The PRESIDING OFFICER. A quorum call is in order at any time.

Mr. SYMINGTON. Why ask unanimous consent for it? Just suggest the absence of a quorum. I thought we were on controlled time.

Mr. JAVITS. We are.

Mr. SYMINGTON. Let us take it out of the controlled time.

Mr. JAVITS. If the Senator objects, that is entirely up to him.

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield myself 5 minutes in opposition to the amendment, and I yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from New York has 4 minutes.

Mr. JAVITS. I yield myself 5 minutes on the bill, and I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I realize this is a prerogative which usually rests with the minority leader when he has occasion to ask the majority leader about what the situation is and where we expect to be.

Is there any way we can determine at this juncture just how many amendments we are going to have and how many rollcall votes we are going to have so we can make plans as to whether or not we are going to be here until 10 o'clock or whether or not there is a possibility we can eliminate some of the charades that have been taking place and get down to actual business and really work on this legislation and pass on it one way or the other?

Mr. JAVITS. Mr. President, I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the Senator from New York.

In response to the able Senator from Rhode Island, the distinguished Senator from Ohio (Mr. Taft) has one additional amendment on which there is a time limitation of 30 minutes. The distinguished Senator from New York (Mr. Buckley) has one amendment on which there is a time limitation, but he has just told me he would be willing to reduce that to 40 minutes, to be equally divided.

There is another amendment on this side of the aisle, and I understand that the time on that amendment can be reduced.

The distinguished Senator from Colorado (Mr. Dominick) indicated he had one or two more amendments—maybe.

My distinguished senior colleague has an amendment, on which he would be willing to reduce the time thereon to perhaps 10 minutes, to be equally divided.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. Could we move from "maybe" to being sure?

Mr. ROBERT C. BYRD. Yes, we can, when the distinguished Senator from Colorado (Mr. Dominick) puts it on that basis, but when I last consulted with him, he was not sure.

So I would say, it now being 25 minutes of 7, 8:30 to 9 o'clock is a very fair guess.

Mr. PASTORE. That is again "maybe"?

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. Mr. President, I yield myself the 4 minutes I have in opposition to the amendment.

May I say that, analyzing the situation with respect to this amendment, which is highly complex legally and relates to the historical background of a given employer who justifies the number of employees he can get certificated to work for less than the minimum wage because of their youth, we come to the conclusion about this amendment that it does represent, in a rather subtle guise—and I am not speaking invidiously at all—another way to open up the youth differential question to a very large number of additional certificates.

My colleague the Senator from New York (Mr. BUCKLEY) believes, in good faith, that it would represent only a very small degree of the opening up of that question, especially related, he feels, to a unique situation which occurred in our own State because of the fact that our own State had a $1 minimum at the time the Federal Government had a $1 minimum, whereas, many other States did not, and therefore, historically, we were not entitled to any certificates based on the standards which were established under the Federal law.

My colleague has been very gracious and kind and has deferred to the Senate, and has said that if the Senator from New Jersey (Mr. WILLIAMS) and I would assure him that we would very carefully look into this question with the view that, if we found there was equity in it, would propose a remedy in another bill he would be glad to forego this amendment.

I give him that assurance and also, I know, what would be the appreciation of the Senate that we would have one less issue to deal with in this bill, which has already had so many issues in it. I hope that the Senator from New Jersey would do the same.

May I point out, too, that I believe, because the House has established a differential and the House authority broadened it, we could look at the matter in conference. I promise to consult with my colleague about the details and any suggestions he may have for a conference solution.

Under those cirumstances, and in the absence of the Senator from New Jersey (Mr. WILLIAMS), I know he would allow me to make the same commitment for him. I think my colleague will feel that that would accomplish the purpose, and would not press the amendment.

Mr. BUCKLEY. Mr. President, I want to thank my colleague for his consideration, and based on those assurances, I hereby withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1322

Mr. BUCKLEY. I have another amendment which I should like to call up at this time. I call up my amendment No. 1322.

The PRESIDING OFFICER. The clerk will read the amendments.

The second assistant legislative clerk read the amendment (No. 1322) as follows:

On page 19, beginning with line 17, strike out through line 7 on page 20.

On page 22, beginning with line 15, strike out through line 11 on page 25.

On page 25, line 12, strike out "(e)" the first time it appears in such line and insert in lieu thereof "(d)".

On page 25, line 22, strike out "(f)" and insert in lieu thereof "(e)".

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. BUCKLEY. I yield.

Mr. ROBERT C. BYRD. Is this the amendment which the distinguished Senator discussed with me a little earlier with respect to a time reduction?

Mr. BUCKLEY. That is correct.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment—and I am taking a little liberty here—be limited to 30 minutes, to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill.

May I say to the mover of the amendment that if 30 minutes is not enough, we can get time on the bill.

Mr. BUCKLEY. I certainly would not object to that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

How much time does the Senator yield himself?

Mr. BUCKLEY. Mr. President, I yield myself such time as I may require.

This amendment was involved in the original Dominick package, and concerns an issue which we never had an opportunity to really get the views of the Senate. It again involves an attempt to avert what could be economic catastrophe. What it does, in effect, is eliminate those sections in the pending bill which would, for the first time in history, bring Puerto Rico and the Virgin Islands under its umbrella. It seeks to accomplish what the Senator from Arizona (Mr. FANNIN) accomplished for the Canal Zone by his amendment which was approved by the Senate.

The situations in Puerto Rico, and also in the Canal Zone and the Virgin Islands, are simply too different from those which prevail here on the mainland to make it possible, without economic dislocations, to try to bring them under the same umbrella of legislation, even in gradual stages.

Matters concerning Puerto Rico are of particular interest to me. The large Puerto Rican population in New York is naturally vitally interested in any legislation that would affect their relatives and friends in Puerto Rico. The contact that I have had with Puerto Ricans both in New York and Puerto Rico has encouraged me to work to maintain Puerto Rico's current status with respect to our minimum wage laws.

In debating whether or not to extend the U.S. minimum wage to Puerto Rico, I cannot help but feel that we have the very future of Puerto Rico in our hands. When considering this legislation, there is one thing that we should not forget: Congress cannot legislate prosperity for an area like Puerto Rico. The most it can do is to provide an environment that will encourage economic development. My fear is that extending the mainland's minimum wage rate to Puerto Rico, even in stages over a number of years, will not stimulate its economy but rather retard it disastrously; it will not help Puerto Rican workers, but rather greatly aggravate the current excessively high rate of unemployment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. ROBERT C. BYRD. Does the Senator want the yeas and nays?

Mr. BUCKLEY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BUCKLEY. The chronic unemployment situation in Puerto Rico makes the mainland's problems seem insignificant. Puerto Rico's official unemployment rate in May 1972 was 11.6 percent. The actual situation is even more critical when one realizes that the unemployment pattern in Puerto Rico is similar to that on the mainland—that is, young people experience much higher rates than adults. Disemployment—the number of people able to work who do not have jobs—is 55 percent for men 16 to 19 years old and 13 percent for men 25 to 44. To have over half the youth unemployed threatens to create a culture of the unemployed—a culture that is out of touch with how a productive, meaningful life is led. This situation is tragic for those tens of thousands of people unable to find employment, and its implications for the economic future of the island are extremely grave.

Puerto Rico does not have mineral deposits or extensive forest or farmland—it is without the natural resources that could attract business investments. The one resource that Puerto Rico does have is its abundant labor supply. Therefore, Puerto Rico is interested in attracting industries that can utilize very labor-intensive methods of production.

Puerto Rico must vie with other areas of the world to keep and attract industry. It does not compete significantly with the United States mainland's highly trained labor force. However, it does compete with such extremely low-wage countries as Korea, Taiwan, Portugal, and the Dominican Republic. Puerto Rico has been feeling the bite of this competition quite acutely, and recently has been experiencing some difficulty in attracting new investments and even in keeping those industries which it has. For example, between 1969 and 1971, it lost 82 firms and a net of 4,641 jobs in the leather and textile industries to countries with lower wages than its own. Puerto Rico clearly cannot afford to lose more of its job-producing industry. Yet, this will be the result if it prices itself out of the low-skill labor market by having the minimum wage of the mainland United States forced upon it.

If the Senate decides to impose the Federal minimum wages on Puerto Rico, it will in effect be saying that the Puerto Rican Government has not been acting to attain the highest possible wages for its people compatible with high employment. Puerto Rico currently sets its own minimum wages industry by industry. Under this system, Puerto Rico's wages have risen significantly—by about twice the rate of the mainland's increases in the past 20 years. Careful industry-by-industry studies are conducted to determine the optimal wages, and there can be no doubt that these minimums are much better tailored to the situations in Puerto Rico than a wage selected with the continental United States in mind. We should also remember that Puerto Rico's industrial committees cannot be called organs of the business community. Each committee has three members each from management, labor, and the public. This prevents domination by any one interest.

The correspondence that I have had with those in Puerto Rico shows that the sentiment there is overwhelmingly in favor of maintaining its autonomy in determining minimum wages. Puerto Ricans of the major political parties and from all sectors of the economy are joining together in opposition to the provisions dealing with Puerto Rico in the Williams bill.

In his testimony before the General Subcommittee on Labor of the House Committee on Education and Labor at San Juan on May 7, 1971, Mr. Hernandez Colon, President of the Senate of the Commonwealth of Puerto Rico and of the popular Democratic party said:

> The position sustained by our party in regard to the application of the minimum wage provisions of the Fair Labor Standards Act of Puerto Rico has been expressed by our past administration and legislatures every time that proposals have been made to amend this law . . . We also feel that it is imperative for the protection and expansion of our industry and the availability of jobs, that these [minimum wage] rates continue to be set through the flexible system. Such system assures that the economic situation of each and every industry is carefully considered before its particular minimum rates are raised in order to protect the industry and workers from the evils of unemployment.

In addition, the House of Representatives of the Commonwealth of Puerto Rico in its session of May 21, 1972, adopted a resolution which included the following:

> Be it resolved by the House of Representatives of the Commonwealth of Puerto Rico: . . . to ask the President and the Congress of the United States that no change be made in the present provisions of the Federal Minimum Wage Act, and that the system of special industry committees be kept, as presently provided by the Act, in its applicability to the Commonwealth of Puerto Rico.

Finally, there is considerable union opposition in Puerto Rico to the Williams bill. An editorial entitled "Crisis in Puerto Rico" in the monthly publication of the Seafarer's International Union in June 1971 states in part:

> The simple fact is that Puerto Rico's economy at this stage of history cannot take the burden of the Federal minimum wage without very substantial loss of employment . . . to show the Puerto Rican situation in full context, it should be noted that 26 unions in a resolution fully supported the SIU [Seafarer's International Union] stand on the minimum wages in Puerto Rico. Those who spoke for the Dent bill represented only a small fraction of organized labor in the island.

The economic facts and the sentiments of the Puerto Ricans are very unambiguous on this point. Extension of coverage of the Federal minimum wage to Puerto Rico would have disastrous effects on the already too high unemployment rate in Puerto Rico. Those who wish to extend coverage to Puerto Rico are experiencing a serious misdirection of their concerns for the island. As Jorge L. Córdova, Resident Commissioner from Puerto Rico has stated:

> Puerto Rico's political leaders . . . are no less sensitive to labor issues, or to the labor vote, than political leaders here, hence their openly voiced concensus on this point [that is, against the Williams bill as it applies to Puerto Rico] seems to me particularly eloquent, and deserving of consideration by the Congress.

To vote to permit Puerto Rico to maintain autonomy in determining its minimum wages is to act in the best interest of both the workers and the economy of Puerto Rico.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, a letter I received from the Resident Commissioner of Puerto Rico, Mr. Jorge L. Córdova, under date of June 14, 1972, together with the attachments thereto, which document, although not specifically, the sentiment in favor of the provisions of my amendment by many responsible groups on the island.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, I reserve the remainder of my time.

EXHIBIT 1

WASHINGTON, D.C.,
June 14, 1972.

Hon. JAMES L. BUCKLEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BUCKLEY: In order that you may have before you Puerto Rico's position on the pending minimum wage legislation, I enclose copy of the letter I addressed on July 28, 1971, to Chairman Perkins of the House Education and Labor Committee on the subject, and of the enclosures which accompanied that letter. As you will see, these documents show that both Houses of the Legislature of Puerto Rico, both major political parties, and the Governor and I as the two top elected officials, agree on the position that the review committees which have provided flexibility to the application of the Federal minimum wage in Puerto Rico from the inception of this legislation, should be preserved in order to avoid the unemployment that would result from indiscriminate wage increases.

I also enclose a copy of the editorial of the Seafarers International Union's monthly publication in Puerto Rico for June 1971 entitled "Crisis in Puerto Rico". Also enclosed is copy of the cable sent to me by Keith Terpe, President of the SIU in Puerto Rico, and also Chairman of the labor council made up of the AFL–CIO unions in Puerto Rico.

I appreciate very much your readiness to cooperate with us in the matter of this very important legislation.

Sincerely yours,

JORGE L. CÓRDOVA.

WASHINGTON, D.C., *July 28, 1971.*

Hon. CARL D. PERKINS,
Chairman, Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR CHAIRMAN PERKINS: As you consider H.R. 7130, I wish to bring to your attention that both Houses of the Legislature of Puerto Rico, and both of the major parties in Puerto Rico, are agreed in opposing the indiscriminate wage increases provided in Puerto Rico by Section 104 of H.R. 7130.

I enclose copy of the resolution approved May 21 of this year by the Puerto Rico House of Representatives, controlled by the New Progressive Party which elected Governor Ferré. An identical resolution was approved May 25 by the Senate of Puerto Rico, controlled by the opposition Popular Democratic Party. I also enclose a portion of the testimony of Rafael Hernández Colón, President of the Senate of Puerto Rico and President of the Popular Democratic Party, before the General Subcommittee on Labor, which summarizes his position.

I respectfully submit to you that the position of the Legislature of Puerto Rico, and of the leadership of both major parties, insisting on the opportunity for a review of each industry in Puerto Rico before automatic increases are made applicable to that industry (as has always been done heretofore) deserves your careful and sympathetic consideration. Puerto Rico's political leaders are concerned about the threat to employment in Puerto Rico which Section 104 of H.R. 7130 poses. They are no less sensitive to labor issues, or to the labor vote, than political leaders here, hence their openly voiced consensus on this point seems to me particularly eloquent, and deserving of consideration by the Congress.

With best wishes.

Sincerely,

JORGE L. CÓRDOVA.

EXCERPT FROM TESTIMONY OF RAFAEL HERNANDEZ COLON BEFORE THE GENERAL SUBCOMMITTEE ON LABOR OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR AT SAN JUAN, PUERTO RICO, MAY 7, 1971

Mr. HERNANDEZ COLON. My name is Rafael Hernández Colón, and I am the President of the Senate of the Commonwealth of Puerto Rico. I am also President of the Popular Democratic Party, which was the majority party from 1941 to 1968, the period during which the economic development program that has transformed the economy of Puerto Rico was conceived and developed. I am here to testify in relation to the House Resolution 7130 whose purpose is to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under the act and to extend its coverage.

Both, the Senate of the Commonwealth of Puerto Rico and the Popular Democratic Party, believe in high wages and the protection of the rights of the Puerto Rican workers and of all workers. Our administrative and legislative history gives ample proof of this. Our labor legislation, including the Puerto Rico Minimum Wage Act, is one of the most liberal under the American Flag. However, we are also aware of the great incidence and persistence of unemployment among our people and for that reason the creation of an adequate number of jobs by our economy is of utmost concern to us.

The position sustained by our party in regard to the application of the minimum wage provisions of the Fair Labor Standards Act of Puerto Rico has been impressed by our past administrations and legislatures every time that proposals have been made to amend this law. This position can be summarized as follows: We favor increases in minimum wages by law. We also feel that it is imperative for the protection and expansion of our industry and the availability of jobs, that these rates continue to be set through the flexible system. Such system assures that the economic situation of each and every industry is carefully considered before its particular minimum rates are raised in order to protect the industry and the workers from the evils of unemployment. We reiterate this position again today because we believe that it is the only responsible alternative under the present system.

I, Pedro Torres Diaz, Secretary of the House of Representatives of the Commonwealth of Puerto Rico, hereby certify that the House of Representatives in its session of May 21 adopted the following Resolution:

RESOLUTION

To ask the President and the Congress of the United States to keep in effect the federal Minimum Wage Act provisions applicable to Puerto Rico, concerning the special industry committees, and for other purposes:

Whereas, the Congress of the United States is considering various proposals to amend the federal Minimum Wage Act which, if passed, would eliminate the special provisions applicable to Puerto Rico, concerning the Industry Review Committees, and would further impose automatic increases without the intervention of these Committees, thereby resulting in the loss of the necessary flexibility to establish wages in conformity with the proven maximum economic capacity of the different industries to pay them.

Whereas, these industry committees were wisely established by the Congress abiding the expressed wish of the legitimate representatives of the People of Puerto Rico and taking into account the obvious local needs of Puerto Rico, the state of its economy, and the need for wage standards which may not lead to greater unemployment or decrease the Puerto Rican capacity for development and production;

Whereas, the elimination of such Industry Committees and the establishment of rigid federal wage standards—which could be justified in a developed economy such as that of the United States, but not in Puerto Rico which is presently undergoing the process of developing its manufacturing industry—would have the actual effect of decreasing our production capacity, and result in the closing of factories, the discouraging of new investments and the creation of greater unemployment, bringing about an undesirable, dangerous situation of economic, social and political instability in Puerto Rico;

Whereas, it has always been the policy of the Commonwealth of Puerto Rico, already effected, to support the highest wage levels compatible with the economic capacity of the industries, for the purpose of achieving at the earliest possible moment a minimum wage that would be equal to that prevailing in the continental United States; and it being a fact that wages not conforming to this reality have the effect of closing factories and discouraging the industrial development which Puerto Rico needs so much to face its high unemployment levels and increase its living standards;

Therefore, be it resolved by the House of Representatives of the Commonwealth of Puerto Rico:

First: To ask the President and the Congress of the United States that no change be made in the present provisions of the federal Minimum Wage Act, and that the system of Special Industry Committees on Wages be kept, as presently provided by the Act, in its applicability to the Commonweilth of Puerto Rico.

Second: To ask the President and the Congress of the United States that no automatic increases be put in effect in the federal minimum wage applicable to Puerto Rico, which might be arbitrary, without being reviewed first by the Industry Committees created by the Act.

Third: The Resident Commissioner in Washington will be notified by cable of the approval of this Resolution, so that he likewise may notify the Chairmen of the Labor Committees and Subcommittees in the Senate and the House of Representatives, the Secretary of Labor and the President of the United States.

In testimony thereof, and to transmit to the Hon. Luis A. Ferré, Governor of Puerto Rico, I hereby sign and seal this document in my office, in the State Capitol of Puerto Rico, today, June 1, 1971.

PEDRO TORRES DÍAZ,
Secretary.

[Senado de Puerto Rico, 25 de Mayo de 1971]

R. DEL S. 345

Resolucion para requerir del Presidente y del Congreso de los Estados Unidos que mantengan vigentes las cláusulas aplicables a Puerto Rico sobre los comites especiales industriales de la actual Ley Federal de Salario Minimo y otros extremos

EXPOSICION DE MOTIVOS

Por cuanto: están bajo consideractión del Congreso de los Estados Unidos varias proposiciones de enmiendas a la Ley Federal de Salario Minimo que, de ser aprobadas, eliminacíon las cláusulas especiales aplicables a Puerto Rico sobre los Comités Industriales de Revisión e imponen, ademis, aumentos automaticos sin la intervención de estos comités resultando ello en in pérdida de la flexibilidad necesaria para fijar salarios conforme a la comprobade maxima capacidad económica de las distintas industrias para poder pagarlos;

Por quanto: estos Comités Industriales fueron sabiameine establecidos por el Congreso respetando la expresión de los legitmos representantes del Pueblo de Puerto Rico y teniendo en cuenta les obvias necesidades locales de Puerto Rico, la situación de su economia, la necesidad de un régimen de salarios que no conduzca a un mayor dessamplao y que no reduzca la capacidad de desarrollo y produció de Puerto Rico;

Por quanto: la eliminación de tales Comités Industriales y el establecimiento de salarios federales Rigidos, que pueden justificarse en una economia desarrollada como la de Estados Unidos, pero no en Puerto Rico que está actualmente en proceso de desarrollo manufacturero, tendria el efecto real de reduoir nuestra capacidad de producción, el cierre da fábricas, el desaliento de nueuvas inversiones y la creación de un mayor desemopieo, lo eual crearia una indeseable y peligrosa situación de inestabilidad económica social y politica un Puerto Rico;

Por cuanto: He sido siempre la politica del Estado Libre Asociado de Puerto Rico, in cual se ha ilevado a cabo, la de mantenerse los mas altos niveles de salarios compatibles con la capacidad economica de las industrias con el proposito de que pueda legrarse a la mayor brevedad posible un salario minimo ilgual al que rige en los Estados Unides Continentales. I que es un hecho que salarios que no se ajustan a una realidad tienan el efecto de cerrar fabricas y desalentar el deserrible industrial que Puerto Rico tauto necesita para afrontar sus altos niveles de desemple y para aumentar su nivel de vida;

Por tanto: Resulvasa por el Senado de Puerto Rico:

Primaro: Solicitar del Presidente y del Congreso de los Estados Unidos que no se cambien las actuales clauanlas de la Ley Federal de Salario Minimo y que se mantenga el sistema de Comites Industriales Especities sabre Salaries tal como ahore rigen dichas clausulan en su aplicabiliad al Estado Iibre Asociado de Puerto Rico.

Segundo: Solicitar del presidente y del Congreso de los Estados Unidos que no se pongan en efecto aumentos automaticos en el salario minimo federal aplicabla a Puerto Rico, que pueden ser arbitrarios, sin antes ser eslos revisados por los Comites Industriales que esiableca la ley.

Tercaro: Se notificara de esta resolucion por cable al Comisonado Residente de Puerto Rico en Washington para que este a su vez notifque a los Presidente de los Comitis y Subcomitis del Trabajo del Senado y de la Camara de Representates, al Secretario del Tarbajo y al Presidente de los Estados Unidos.

[From the La Voz da la SIU, June 1971]

CRISIS IN PUERTO RICO

Puerto Ricans have grown used to crisis in hundreds of years of constant struggle since Christopher Columbus first landed on this sunny island of the Caribe in 1493.

First, the Caribe Indians themselves all but vanished, leaving only their name by which our whole area is still remembered—The Caribbean.

Endless strife has taken place through all these islands in the long years since Columbus, but especially this has been true in Puerto Rico.

From 1863, when slavery was abolished in Puerto Rico, until 1952, the island was principally an agricultural economy with the emphasis on sugar. A most unstable economy we might add and one that earned Puerto Rico the title of "Poor House of the Caribbean". No more abject poverty could be found most anywhere in the world than that suffered by Puerto Rico in those years.

Realization came that if an ever-growing population were to be decently fed, housed, clothed, educated and employed in a country that was among the most densely populated on the face of the earth, it could be done by cutting cane alone.

So was born "Operation Bootstrap", Fomento—Puerto Rico's Industrial Development Agency coined the phrase—and using Puerto Rico's only natural resource, man and woman power, it went to work to produce an industrial economy. Tax freedoms, government constructed factories, special training programs, even modern resort hotels all went into the Fomento promotion to attract industrial investments concerns to Puerto Rico.

From often no wages at all to regular pay days is a big jump, but the benefits of employment brought by no means ended with a pay envelope. Illiteracy was wiped out totally in the first 10 years of the program. Puerto Rican life expectancy rose from 46 years in 1940 to 70 years for males in 1969. Broad social changes took place across the board—it was hoped that "the poor house of the Caribbean" would never be again.

However, history may yet record that Puerto Rico's valiant and dramatic battle to achieve the "good way of life" for its citizens in fact failed.

This can happen if an answer is not soon found in the current conflict over application of Federal Minimum Wages to Puerto Rico. This measure is being pushed by well-intentioned but very poorly informed, as it relates to Puerto Rico, individuals a few of whom we regret to say are among labor's leadership in Puerto Rico. Too frequently these poor souls are prone to be hypnotized by their own rhetoric without regard to the conditions prevailing in Puerto Rico.

The simple fact is that Puerto Rico's econonomy at this stage of history cannot take the burden of the Federal Minimum Wage without very substantial loss of employment.

We at the SIU of Puerto Rico are well acquainted with the scene in the island, having been in the area since 1938 and having won, in often times bitter struggle, good contracts for our members.

Indeed, it would be most desirable to have every worker in Puerto Rico get the full Federal minimum wage and we are diligently at work to achieve this. But we cannot insist as long as jobs would be cancelled out as a result of our success. We are in the business of improving the lot of workers and helping create new jobs, not in the business of creating unemployment.

Under present legislation, Special Industrial Review Committees set the wage standards for workers in Puerto Rico and it must be added that all SIU contracts in Puerto Rico provide for wages well above the minimum set for all categories in the island.

The Dent and Williams Bills would eliminate these Review Committees—and some less enlightened island labor leaders as well as other ill-informed officials back this bill. For those from off-island, we urge that they read up on the facts in Puerto Rico. For the handful of the less enlightened PR labor leaders, we suggest that they are covering up their own incapability to get good wages by clamoring for legislated wages.

To show the Puerto Rican situation in full context, it should be noted that 26 unions in a resolution fully supported the SIU stand on the minimum wages in Puerto Rico. Those who spoke for the Dent Bill represent only a small fraction of organized labor in the Island.

Our view is simply that of the AFL–CIO, namely that the Review Committees be abolished at a future date—and full Federal minimum wages extended to Puerto Rico—when Puerto Rico can afford it, and no jobs will be lost as a result of that action.

This is the only way that Puerto Rico can progress. Pulling the rug from under those trying to improve the lot of the people can only bring chaos.

We have to win this one to insure the continued upward spiral of the Puerto Rico workers. They deserve better than to be made the victims of stateside "experts," who come to the island to "solve" problems affecting the lives and wages of tens of thousands of workers from lush deluxe oceanfront cabanas. Or for that matter, victims of a few local headline-seeking demagogues. who, at that, may be politically motivated.

MINIMUM WAGES

MAY 14, 1972.

Hon. JORGE L. CÓRDOVA DIAZ,
Resident Commissioner in Washington,
House of Representatives
Washington, D.C.

DEAR DON JORGE: Congratulations on a job magnificently done. We know the substitute bill on federal minimum wages was created and passed Congress almost exclusively due to the hard work and vigorous efforts of yourself and your very fine staff. We feel sure that this will do more than anything else to revitalize industry and commerce in Puerto Rico, aid in creating new employment and abate further unemployment and finally, it will do more than anything else to help the working masses on this island achieve a $2 or higher Federal minimum at the earliest moment without creating further serious unemployment in Puerto Rico. Again our sincerest congratulations for a job well done and our pledge of our continued support you and your administration during the difficult and continuing struggle that lies ahead.

KEITH TERPE,
President, Siu de Puerto Rico and Central Labor Council of San Juan, AFL–CIO.

Mr. WILLIAMS. Mr. President, I yield myself 3 minutes.

The bill before the Senate in its provisions dealing with Puerto Rico deals with just the hard facts of life in Puerto Rico for wage-earning hourly workers.

The system that prevails in Puerto Rico is to set minimum wages on the basis of industry committees. With that method of arriving at the minimum wage, our committee records, our hearing records, reflect a situation that permits wages set by industry committees as low as 47 cents an hour; many, many hourly rates set below 90 cents an hour, in the range of 80 cents an hour.

These are hourly wages in a part of our land that has a cost of living that is equal to the cost of living on the mainland—a cost of living, in order words, that is high. In Puerto Rico, once you get out of the luxury area of San Juan, the standard of living is abominably low. It is no wonder that people must break up their families and leave Puerto Rico and come to the Northeast particularly, in order to make a wage that can support their families.

I have spent time down there with Puerto Rican workers. Incidentally I have received all the written communications—or most of them—that the Senator from New York has received. But when you go to the people in Puerto Rico, they want no part of large numbers of migration from the islands to the mainland to make a decent wage. They would rather stay home with their families and make a decent wage there. Frankly, under our bill it is not fully a decent wage, because we recognize that in transition it is going to take some time. In the bill before the Senate, the island people do not reach the mainland minimum wage of a bountiful $2.20 an hour for 7 long years.

To take the approach of this amendment, we would continue the sub-subminimum wages that would insure a subsubminimum standard of living.

I suggest to the Members of the Senate that it is a shame and a disgrace if this should be permitted to continue. These people deserve a promise to arrive at the minimum wage that is part of this bill.

So I oppose this amendment as to Puerto Rico as strongly as anything I have opposed with respect to this bill today.

Mr. BUCKLEY. I yield myself 1 minute.

Mr. President, my amendment would not incorporate the Dominick amendment. It would leave the status quo as it is.

I do suggest that what the distinguished chairman is saying is that the duly constituted, elected representative officials of the Commonwealth of Puerto Rico are not competent to judge the employment needs of their people. I think that is the necessary conclusion from his remarks.

I suggest that anyone living with meager employment would rather have that employment than have unemployment and higher prevailing wages. But if reality is that they cannot receive wages at a higher minimum wage level stipulated by law because they cannot contribute the productivity to justify such a wage, the net effect will be that they will not have employment, and other people who are presently employed will find themselves on the streets and on welfare.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. If I should have a perfecting amendment to the Buckley amendment, am I privileged to offer it now, or do I have to wait until all time has expired?

The PRESIDING OFFICER. The Senator would have to wait until all the time on the amendment has expired or has been yielded back.

Mr. BUCKLEY. Mr. President, I am prepared to yield back the remainder of my time, if the chairman of the committee is willing to do so, so that we can get to the perfecting amendment.

Mr. WILLIAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. DOMINICK. Mr. President, I send to the desk a perfecting amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 22, line 15, strike through page 25, line 11, and in lieu thereof, insert the following:

EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 4. Section 6(c) of such Act is amended by substituting the following new paragraphs 2(A) and 2(B):

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

Mr. DOMINICK. Mr. President, this is identical to the Puerto Rico-Virgin Island provisions in the previous amendment which also contained the mainland and Canal Zone rates.

Since that time, the situation with respect to the Canal Zone has been materially changed by Senator FANNIN's amendment, to $1.70; and now Senator BUCKLEY has an amendment pending on this specific question of Puerto Rico.

My perfecting amendment to his amendment would not keep them at the same level as they are now, and his would. Mine would give them a 12½ percent raise for 2 consecutive years, so that they would have an increase in the minimum wage of 25 percent over a period of 2 years. This is a pretty substantial increase, and I think what we ought to keep in mind in thinking of the Puerto Rican situation is that they have an entirely different economy, as I pointed out earlier, and as the Senator from New York has pointed out. The average wage in Puerto Rico is $1.72 per hour.

What we are doing, therefore, any time we raise the minimum is to raise everybody in that area, not just the minimum, because this is what the average is. So if you increase the minimum by the 25 percent I am talking about, we substantially take care of the problems raised by the Senator from New Jersey (Mr. WILLIAMS) and also from so totally disrupting their economy. It is for that reason that I have offered this perfecting amendment to the amendment of the Senator from New York, hoping that in this way we can get something which will be of assistance in the development of that island in providing employment and still prevent them from having runaway inflation. That is the reason I am offering the amendment.

Mr. BUCKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from New York will state it.

Mr. BUCKLEY. Am I able to accept the amendment offered by the Senator from Colorado as a perfecting amendment to my amendment?

The PRESIDING OFFICER (Mr. HUGHES). The Chair is advised by the Parliamentarian that the amendment of the Senator from Colorado is not in order as drafted. It would have to be redrafted in order to be in order.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that there be a quorum call so that we can change the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I ask unanimous consent to withdraw my amendment and to have my name added as a cosponsor of the amendment of the Senator from Colorado (Mr. DOMINICK).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senate from New York will state it.

Mr. JAVITS. Mr. President, what time remains for debate on the amendment?

The PRESIDING OFFICER. All time has been yielded back on the amendment. There is no time left on the Buckley amendment.

Mr. DOMINICK. Mr. President, not on my amendment. Time is not yielded back on my amendment which was offered as a perfecting amendment.

The PRESIDING OFFICER. No time has been yielded back on the new amendment. The new amendment has not been reported as a new amendment.

Mr. DOMINICK. Mr. President, my amendment was sent to the desk. It was a perfecting amendment to the Buckley amendment.

The PRESIDING OFFICER. But it was in improper form.

Mr. DOMINICK. Now the Senator from New York and I are offering it together.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Colorado yield?

The PRESIDING OFFICER. Will the Senator from Colorado please send his amendment to the desk.

Mr. DOMINICK. It is at the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Colorado yield?

Mr. JAVITS. Mr. President, I yield to the Senator from Colorado 2 minutes under the bill so that he can operate at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 22, line 15, strike through page 25, line 11, and in lieu thereof, insert the following:

EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 4. Section 6(c) of such Act is amended by substituting the following new paragraphs 2(A) and 2(B):

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, which ever is later.

"(B) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

The PRESIDING OFFICER. Thirty minutes are allotted to each side on this amendment.

Mr. DOMINICK. Mr. President, I can assure the distinguished acting majority leader that we will take only a brief time.

What I am trying to do here is to follow along with what the distinguished junior Senator from New York was doing, but at the same time give 12.5 percent per year, leaving a way toward determination still in for Puerto Rico, but requiring that they raise it at least 12.5 percent unless the wage board raises them more. We do this in 2 consecutive years so that the minimum wage would be increased by 25 percent in 2 years.

This is quite a substantial raise particularly when we compute that, at the present time, the average wage as I said, is only $1.71 in Puerto Rico and, therefore, raising the minimum will affect most employees in the whole State. It is for that reason, I think, that this is a worthwhile amendment without having to go all the way to the $2.20 which, to my mind, would be most excessive and would have a devastating effect on Puerto Rico's economy.

Mr. President, I want to express my thanks to the distinguished Senator from New York for letting me make this change. I want him to be the principal sponsor with me of this amendment, if I may, in reporting it in the RECORD.

Mr. BUCKLEY. Mr. President, I want to thank my friend from Colorado for his constructive intervention on my amendment.

I shall not keep the Senate waiting with any more remarks.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield myself 5 minutes in opposition.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, this matter of the Puerto Rican differential has a very long history. It goes back to 1938 when we first established a 30-cent minimum, and to 1940 when the special industry committees were created. Then it takes us into 1966 when we had a Commission to consider the relationship between the United States and Puerto Rico, a commission called the United States-Puerto Rican Commission on the Status of Puerto Rico, of which I had the honor to be a member. It submitted a comprehensive report.

The interesting thing about the history of this is that always the attitude was expressed that we wanted Puerto Rico to catch up and that all we were doing in making a wage board and similar arrangements was to give them a chance to catch up. That is set forth specifically in the law of 1940, going back all of that time, in which we said that the only reason we are engaging in these practices and giving them such a special break in the minimum wage is to give them catch-up time.

Puerto Rico became a Commonwealth in 1952 when it came very much under the control of its own people. We took cognizance of that in the Commission. In one of the parts of the report of the Commission it said the following, and mind you, Mr. President, this whole operation goes back at least 32 years to 1940—one of the statements in the Commission report said, in 1966:

> The majority of professional economists would agree, however, that a time horizon of about five years is the longest which would be considered valid for the statistical extrapolation of wage and productivity trends necessary for analyzing this problem.

To wit, the problem of bringing the economy of Puerto Rico abreast of that on the mainland.

Within the confines of everything we are doing here, it seems to me the time has come to recognize that Puerto Rico is coming of age, certainly in regard to the minimum wage. Somehow, somehow there has to be established a parity between the two if we are not to continue a situation of magnetic attraction for strictly economic reasons of the people of Puerto Rico to the mainland. They should have the right, if they wish, to stay at home without being under an economic constraint to move to the mainland because of some inadequacy in the basic protection to workers which is represented by the minimum wage law.

I can understand perfectly how the Puerto Rican Manufacturers Association and its officials are very anxious to have any one of these amendments, such as those offered by my colleagues, the Senator from New York and the Senator from Colorado, in order to continue to give them this specialized position respecting a lower minimum wage than on the mainland for comparable work. They have made very clear to me time and again, their unhappiness with the committee bill and their preference for the provisions in the House bill and the present amendment.

But it seems to me that the time has come for us to set some deadline for the island to reach parity with the mainland. And for the reasons stated in committee report there should be a gradual phasing in at the rate of 20 cents per hour per year until parity is obtained.

Even if we take the figure of the Senator from Colorado (Mr. DOMINICK) of $1.72 as the overall average—and remember that is the overall average and not the minimum wage—even on that figure we allow 20 cents a year for almost 3 years for phasing in. However, that is hardly the standard. The fact is that we have to take what is actually the minimum wage on the island. That is going to be increased.

And when we look at those figures, we find that today about 60 percent of all workers on the island are getting $1.60 an hour. And of the remaining 40 percent, almost one-half are getting between $1.45 and $1.59 an hour. The rest, in very small percentages, get lower figures until we get to those who get less than 75 cents an hour, and the figure there is 8.7 percent.

The island, based on its own economy, is very materially committed. All we are doing in this bill is adding the finishing touches so that if we take a broad mean average of all minimum wage rates which are in existence on the island today—let us say that that average in round figures comes to something like $1.40—we are giving in terms of a catchup 4 years. And that is what the Senate has done when we consider the situation before the committee.

Also, the fact is that this whole issue will be in conference, as the other body has adopted exactly the provision of the Senator from Colorado and the Senator from New York wish to adopt, that the question at issue will then be in conference before us. And for the very positive policy reasons which I have stated, I believe we should reject the amendment which was part of the substitute, which substitute was rejected, though not necessarily on this account. However, it was part of the same thing. The Senate rejected it in toto.

Mr. President, there is one last fact which is important. That is that the number of people employed in manufacturing has grown constantly in Puerto Rico up to the years 1970 and 1971.

I do not say that Puerto Rico is yet ready economically to be brought up to the economy of the mainland. Nor have we tried to do so in one fell swoop.

We are giving leeway of 3 or as much as 4 years in which to do this. And for those in the lowest wage category, it will be a much longer period than that. There are some 28,000 workers who are even under 75 cents an hour. They will have 6 years to reach parity.

It seems to me that this is properly an issue which should not be determined here if we adopt the pending amendment. We should let the parties go to conference and try to work out the best resolution of the House and Senate views and report back to the Senate. This would advance us much further along the line toward ultimate parity than the Buckley-Dominick amendment would permit.

So, for all of those reasons, I hope that the Senate will reject the amendment.

Mr. BUCKLEY. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. BUCKLEY. Mr. President, my senior colleague has stated he wants to look toward parity for Puerto Rico so as to slow down the flow of immigration to the mainland. I think the practical effect would be quite the opposite. I do not know whether the Rules of the Senate permit wagers on the floor of the Senate. However, if they do, I would be willing to wager with him a bet of $1.60, which I understand is the minimum wager allowed, that the net effect, if the amendment is rejected, would be to accelerate the flow of immigration from Puerto Rico to New York. And if it does, New York would become the fifth largest Spanish-speaking community in the country.

Mr. DOMINICK. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. DOMINICK. Mr. President, I find it passing strange that, just because the House has adopted a provision, the argument has been made that we should pass a different one. For the life of me, I cannot see how that would speed up anything either in the way of passing the legislation or getting it through conference.

So, with all due respect for my distinguished leader on the Labor and Public Welfare Committee, I cannot buy that argument as a valid one.

I really think we have a provision here which is worthwhile. I would earnestly hope that we can accept it.

Mr. WILLIAMS. Mr. President, I yield back my time.

Mr. BUCKLEY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from New York (Mr. BUCKLEY) and the Senator from Colorado (Mr. DOMINICK). On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), and the Senator from Louisiana (Mr. ELLENDER) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. JORDAN) is absent on official business.

I also announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent because of illness in the family.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Tennessee (Mr. BAKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 32, nays 60, as follows:

[No. 290 Leg.]

YEAS—32

Allen
Allott
Bellmon
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Gambrell
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, Idaho
McClellan
Miller
Packwood
Roth
Saxbe
Sparkman
Stennis
Stevens
Taft
Thurmond
Tower

NAYS—60

Aiken
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Fong
Gravel
Harris
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Spong
Stafford
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams
Young

NOT VOTING—8

Anderson
Baker
Cannon
Ellender
Fulbright
Goldwater
Jordan, N.C.
Mundt

So Mr. BUCKLEY's amendment was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. I will explain the purposes for which I offered the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be printed in full in the RECORD.

The amendment is as follows:

On page 39, line 18, insert after the number "12" where it first appears the letter "(a)", and after line 21, insert the following new subsection:

"(b) Section 9 of the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes,' approved June 30, 1936 (41 U.S.C. 43) is amended by inserting immediately before the period at the end thereof the following: 'or to certain transportation employees of private carriers of property by motor vehicle, as that term is defined in section 203(a) (17) and limited under section 203(c) of part II of the Interstate Commerce Act, where such employees are subject to regulation as to qualifications and hours of service pursuant to sections 6(e) (6) (C) and 6(f) (2) (A) of the Department of Transportation Act of 1966'."

Mr. RANDOLPH. Mr. President, the amendment which I offer to Senate bill 1861 is for the purpose of making a technical correction in the Walsh-Healey Public Contracts Act. That act, as we know, exempts from its provisions certain common carrier employees; for instance, those individuals who drive motor trucks, but private carrier truckdrivers were not exempted because we limited the act to Government contract business engaged in by such carriers when the Walsh-Healey Act became law.

Some of my colleagues may remember that it became law a long time ago—in 1936. I was one of those who not only voted for that measure in the House of Representatives when serving there in that year, but who helped to write that important legislation.

Private carriers are those companies, including manufacturers, processors, distributors, and farmers, who haul their own goods in their own trucks incidental to—and I stress this point—and in furtherance of their primary business.

Private carriers now, of course, do a considerable amount of Government contract work, and to exclude their employees from the common carrier exemption would seriously discriminate against the private carriers.

In conclusion, this amendment would bring equity to this circumstance by providing that all motor carriers, private, contract, and common, would be treated the same under the Walsh-Healey Act as they are treated under the Fair Labor Standards Act, which originally passed, as Senators will recall, in 1938.

The amendment would apply only to those private carriers who hold Government contracts and who are hauling freight for Government use.

Incidentally, since we are discussing minimum wages here today, I want to tell Senators that when we were working on that act in 1938 we were proposing a 25-cent-an-hour minimum wage in this country. So it can be seen that, as we move along, these wages have dramatically increased along with the complexity of our country.

I hope, Mr. President, that the able chairman of the Labor and Public Welfare Committee will accept the amendment which is presented. I believe, I can say to him, that I have checked the situation, and I believe that, from those who are affected, there is a unanimity of agreement that this is a valid amendment and is consistent with the public welfare.

Mr. WILLIAMS. Mr. President, will the Senator yield for one question?

Mr. RANDOLPH. I yield.

Mr. WILLIAMS. First, am I correct in understanding that this amendment will put local private carriers on a parity with ICC licensed or registered carriers?

Mr. MAGNUSON. The common carriers.

Mr. WILLIAMS. Common carriers? Is that the way the Senator expresses it? Is that one of the basic elements?

Mr. RANDOLPH. That is correct.

Mr. WILLIAMS.. It seems to me this brings an element of justice. They are both carriers, not common carriers so designated, but carriers, and it puts them on the same plane.

Mr. RANDOLPH. That is the purpose of the amendment, and I know that the chairman of our committee has constantly attempted to equalize the development of legislation from the standpoint of equity. I think this is one of the opportunities he and other Senators will have to do that by adoption of the amendment.

Mr. WILLIAMS. According to my understanding, it is acceptable to me.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. HUGHES. I would like to ask the Senator from West Virginia a question. He said it would put the private carriers on an equal parity with common carriers. To spell out what relationship this has to the agricultural industry in America, which has been exempted always from the class of common carriers in application filing, and so on, I want to understand from the Senator precisely what effect this would have on the so-called farm-to-market carrier in America.

Mr. RANDOLPH. There would be no limitation on their exemption. This is just for private carriers who haul and transport under Government contracts.

Mr. HUGHES. It would be those carriers that are noncertified, however?

Mr. RANDOLPH. That is correct.

Mr. HUGHES. Hauling under Government contract?

Mr. RANDOLPH. As defined in the Interstate Commerce Act—private carriers by motor vehicle.

Mr. HUGHES. Would the Senator be willing to say, so far as legislative history is concerned, that, in his opinion, at least, this does not equate to the so-called farm-to-market carrier as now exempted from the Interstate Commerce Commission regulations?

Mr. RANDOLPH. It does no violence to that condition. In fact, it preserves the situation as it now is in reference to carriers of agricultural products.

Mr. HUGHES. I thank the Senator.

Mr. MAGNUSON. Mr. President, if the Senator will yield, I may say to the Senator it would not affect the farm-to-market carriers unless they carried Government goods. It is as simple as that.

Mr. HUGHES. The Senator from Washington raises a question I am concerned about, and that is the emptying of storage grain, for example. At what point in the delivery of that grain—and I look at my distinguished colleague from Minnesota, who may know more about this than I do—does that grain come under the ownership of the Federal Government when it is delivered after the loan payment has been called? Are those trucks delivering grain under contract to the Federal Government?

Mr. MAGNUSON. If the Government made a contract, but that would be a very rare incident in the whole operation.

Mr. RANDOLPH. That is precisely the comment I was going to make.

Mr. MAGNUSON. Very rare. I think that hardly happens at all.

Mr. HUGHES. If the Senator will yield further for just a moment, as I understand the method of transaction when grain is sealed under Government loan, and then in the process 1 year or 2 years later, depending on the resealing, when it is delivered to be stored, it will be stored in an elevator, for example. In other words, the loan has been paid 2 years ago, but is called at that price, and the grain is, in effect, owned by the Government, and then the farm-to-market carrier delivers it for delivery, which may be to an elevator.

Mr. MAGNUSON. No. The farm-to-market theory type of operation is that the farmer delivers to a market. In this case he would not be a farm-to-market carrier; he would be under some kind of contract, which this amendment would protect. I think it is very proper that this amendment would do that, because they are not dealing with farm-to-market goods; they are dealing with some grain, in this particular case, that is delivered to a certain point under Government contract. Farm-to-market means literally what it says.

Mr. HUGHES. If the Senator from Washington will permit the Senator from Iowa, nevertheless farm-to-market carriers truck that grain, no matter what we may call them here. The same farm-to-market carriers that are exempted from Interstate Commerce Commission regulations are the same farm-to-market carriers under that exemption that are hauling the grain from that delivery point to a terminal delivery point. The question is whether this affects the whole farm-to-market industry on that segment of the haul.

Mr. MAGNUSON. I should not have involved myself in this, but I am so familiar with the farm-to-market exemption, which exists only for the purpose of the producer or the farmer bringing his goods to market, and he does it individually. Therefore, he is not subject to any ICC regulations or anything of that kind. But when the Government says, "Look, you, you have a truck, you have something to deliver some grain that we have already bought," he is under a Government contract, and we are not giving him a farm-to-market exemption. The market is already there; they have bought the grain, and he is just delivering it to a certain point.

Mr. HUGHES. The Senator from Iowa would like to point out that much of this grain has been stored right on the farm, that it has never left the farm. It is still stored there for long periods of time. It has never been delivered anywhere.

Mr. MAGNUSON. But then the Government buys it.

Mr. HUGHES. Well, the farmer got a loan on the grain.

Mr. MAGNUSON. Then the farm-to-market thing is over. Then the Government says, "We will contract with you to deliver this product to a certain point."

Mr. HUGHES. Then they come under regulations.

Mr. MAGNUSON. Then they come under regulations, and, therefore, they should come under the regulation of this bill.

Mr. HUGHES. If that is true, then we are bringing into regulation practically every farm-to-market grain carrier in the middle western part of the United States.

Mr. RANDOLPH. Mr. President, I would like to make a comment at this point. I appreciate the knowledge of the able Senator from Iowa as he addresses himself to this problem. From the very beginning, I have thought of the amendment as one, frankly, to make the Walsh-Healey overtime provisions inapplicable. That is really the basis, the point.

Mr. HUGHES. To make it what?

Mr. RANDOLPH. Inapplicable. That is my feeling; and I do not believe that there is any damage that would be done in connection with the movement of the grain which the Senator from Iowa has indicated is a matter of concern to him and the people he represents.

Mr. HUGHES. Will the Senator yield for a moment?

Mr. RANDOLPH. I am delighted to yield.

Mr. HUGHES. I wonder if the Senator from West Virginia would allow me to have the opportunity for a quorum call, just to read that amendment and study it for a moment.

Mr. RANDOLPH. Yes. I did not have the amendment read.

Mr. HUGHES. For a few minutes. I would like to have the opportunity to go over it.

Mr. RANDOLPH. That is agreeable to me.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. PASTORE. Could not this amendment be withdrawn, and we proceed to something else?

Mr. HUGHES. Give me 2 minutes.

Mr. RANDOLPH. Mr. President, I think a couple of minutes might clarify our problem.

Mr. PASTORE. I hope so. It is a quarter to eight.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I appreciate the opportunity that we have had to go over with the Senator from Iowa (Mr. HUGHES) and the Senator from Kentucky (Mr. COOK) certain matters that are of concern to them and to the Senator from Minnesota (Mr. HUMPHREY). I believe that perhaps the Senator from Iowa might wish to comment at this time.

Mr. HUGHES. If the Senator from West Virginia will yield, I would be happy to comment and state that as I read the amendment now, with understanding, it has absolutely no effect on the farm-to-market deliver of commodities. Actually, whether the point of ownership changes at the farm or at the point of delivery at the depot, the exemption still continues. So any fears I have had in connection with this amendment have been allayed with the opportunity to read it and discuss it with the distinguished Senator from Minnesota (Mr. HUMPHREY), who really wrote the law applying to agricultural commodities that I was personally concerned about.

I thank the Senator for yielding, and for the opportunity for discussion we have had, which clarifies it entirely.

The PRESIDING OFFICER (Mr. CRANSTON). The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. TAFT. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 15, line 23, beginning with "including" strike all through "but" on line 24 and insert in lieu thereof the following: "but shall not include the United States or any State or political division of a State, and also"

On page 16, line 8, beginning with 'and" strike all through line 24.

On page 27 beginning with line 7, strike all through line 8 on page 28.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. ROBERT C. BYRD. I ask unanimous consent that time on this amendment be limited to 20 minutes, to be equally divided between the Senator from Ohio (Mr. TAFT) and the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I shall not take a great deal of the time of the Senate on this amendment. Very briefly, the effect of it is to delete from the coverage that is extended by the committee bill under the Fair Labor Standards Act to Federal, State and local government employees. This deletion was proposed and has been discussed to some extent in connection with the Dominick-Taft substitute earlier in the debate, and I shall try not to repeat the arguments made at that time, but I do think that the Senate ought to be warned of some of the effects of these particular provisions.

Let us take, first of all, an area that was covered very lightly if at all in the committee report, that of the coverage of Federal employees. There was very little testimony by any Federal governmental officials, the Bureau of the Budget, for instance, or OMB, as to what the effect of this might be.

I do not believe any Federal employees are being paid below the minimum wage except in programs that are exempted by the committee bill. I am not sure, however, that we got them all, because the last day of executive session we found ourselves asking whether or not we were covering such groups as Federal prisoners.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. TAFT. On the last day of the full committee executive sessions these questions were raised. I believe there are many additional unanswered questions here.

One question is whether under the House rules this provision will be in order, because there are certain requirements in the House rules for at least having an estimate as to what the cost of the particular authorized change in the law might be, and that point of order may come up in connection with consideration on the House side.

I feel that the Senate should recognize that this is a very serious problem. It is not a problem that ought to be handled in this bill. It ought to be handled by the committees which deal with public employees and with civil service. It has no business being under the minimum wage law at all.

The mood of the Senate is such and the hour is so late that I do not intend to press this matter to a vote tonight, but I do intend to bring it up again in the conference committee, because I think it is an argument no one has considered to date. I want Federal employees treated as well as those in the private sector or better than those in the private sector, but let us do it right.

A great deal of harm will be done if this provision with regard to coverage of Federal employees is passed and becomes law without a great deal more study and consideration than has been given by the Senate. I raise that question at this time for the consideration of the Senate.

As to State and local employees, we have a different question. There is possibly some constitutional question involved as to some aspects of this matter, but I am not going to argue those at great length. I do not know how the courts will decide. I think it is an arguable proposition either way as to whether Congress has the authority to set wage, hour, and work rule requirements for State employees. But as to the wisdom of it, I think we ought to recognize, before we act on this bill, that there is a serious question as to the wisdom of taking the Federal power and imposing it on State and local governments. Many municipalities may desire to employ firemen requiring a very limited call on their services, or for a longer work week than would normally be granted to others, because they may spend a great deal of their time on other employment matters.

I think this is something the Senate ought to consider more seriously, and it ought to be considered separately from the overall consideration of minimum wage before we act on this bill. I hope this is something that can prevail in the conference.

These are the remarks I would like to make at this time. Having done so, I am ready to yield back the remainder of my time, unless someone wishes to comment on the bill. Having done so, I expect to withdraw the amendment and not require a vote at this time.

Mr. WILLIAMS. I yield myself 10 minutes.

Mr. President, this bill totally removes the State and local government exemption which was partially removed by the 1966 amendments. My committee did so for a variety of reasons discussed in the report which accompanies this bill.

There are two reasons for enacting this bill not fully discussed in the report which are of personal concern to me. First, it has long been established that the Federal Government may set guidelines for the use of Federal funds and that it may expect certain standards of performance will be met when Federal funds are given for any purpose. Federal civil rights legislation and nondiscrimination standards must be met if applicants for Federal assistance are to receive the funds they seek. The power of the Equal Employment Opportunity Commission was recently extended by legislation reported from my committee and this extension of authority was justified in part by the argument I am making here.

Federal regulations governing labor relations have long been applied under the Davis-Bacon Act to parties contracting with the Federal Government. Hatch Act restrictions on political activity are applied to persons not employed by the Federal Government but paid with Federal funds.

In 1970, according to the Book of the States 1972–1973, the Federal Government provided approximately $19 billion to State governments, almost a fourth of total State revenues for that year. And, Federal aid to State and local governments has greatly increased over the past several years, according to tables compiled and reprinted in the Congressional Quarterly. Since fiscal 1961, when over $7 billion in Federal aid was granted to the States, the amount has risen at least 10 percent each year through fiscal 1971, when State and local governments received over $29 billion from the Federal Government.

An excellent illustration of the magnitude of this aid can be found by tracing grants for specific programs over the past few years. In fiscal 1968, Federal aid to States for public assistance programs totaled almost $5.5 billion, ranging from a low of $4 million for Wyoming to a high of $934 million for New York State. In fiscal 1969, States received approximately $6.3 billion. In fiscal 1970, the total aid for public assistance amounted to over $7.5 billion.

In fiscal 1968, States and local governments received a total of more than $685 million in Federal funds for urban development and public works programs. By fiscal 1970, grants for such programs had jumped to almost $1.5 billion.

In fiscal 1968, State and local highway systems received the second highest amount of Federal aid, a total of over $4.2 billion. In fiscal 1970 these programs received almost $4.4 billion. The State of Texas alone received well over $200 million in Federal aid to highways during the fiscal years of 1968 and 1970.

Substantial funds have been allocated to State and local governments for child care programs: in fiscal 1968, over $260 million: in fiscal 1969 almost $200 million, in fiscal 1970, over $225 million.

Federal spending for conservation practices has increased. In fiscal 1968, State and local governments received more than $325 million for this purpose. In fiscal 1969, spending for this purpose was up to almost $350 million. In fiscal 1970, this total had risen to over $385 million, an increase of approximately $60 million during the past 2 fiscal years.

Approaching these statistics from another angle my home State of New Jersey received over $500 million in 1967, a per capita grant of $71. By 1970, this amount had risen to almost $620 million, a per capita grant of $86.

It is clear that the fiscal commitment of the Federal Government to State and local governments remains high. Without these substantial amounts of Federal aid, State and local governments would be hard-pressed to maintain services and develop new programs.

In view of this consistently high level of Federal assistance to State and local governments, I think it is not asking too much to require them to meet certain minimum standards and among them should be payment of a decent minimum wage.

Mr. President, there is an additional and I think crucial reason for extending Fair Labor Standards Act coverage to employees of State and local governments. I feel quite strongly that exclusion of this group of Americans from the act is a denial of equal protection of the law.

As my colleagues are aware, the Fair Labor Standards Act is now encumbered by a veritable maze of exceptions in the form of total exclusion of large classes of employees and of exemption of specific industries from wage or overtime provisions. Therefore, whether or not a citizen enjoys the full benefits of the act depends in large measure on who his employer happens to be.

And this fact is particularly true with respect to public employees as opposed to employees in the private sector because there is no rational reason for the separate classification under our wage and hour laws.

Right now, if a young man from New Jersey graduates from high school and goes to work for Standard Oil, he is fully covered by the Fair Labor Standards Act, but if he decides to go to work for the city of Newark, he is not covered.

The problem has in my opinion been magnified by the piecemeal way in which exemptions and exclusions have been made and lifted. If the young man I talked about decides to go to work for a city school in a nonsupervisory capacity, as opposed to the city itself, he will be covered because the 1966 amendment removed the State and local government exemption for employees of schools, hospitals, and other institutions.

Clearly then, Mr. President, we have in the Fair Labor Standards Act a law which does not equally benefit all Americans or even all American workers. Partially in recognition of this fact, my committee removed all exemptions except those for which there is a clear and overriding economic justification. If there is no such justification, there is no longer a need for an exemption.

It was wrong at the outset to pass a law which, in effect, benefits only certain groups of employees, which under the guise of preserving the federal system denies to the large and growing group of public employees benefits given their counterparts in the private sector. It was wrong in 1938 and it is wrong now. I think we should correct this obvious inequity in the law by passing S. 1861.

As the committee report on this bill indicates, Mr. President, it will have negligible adverse impact on State and local payrolls. Neither payment of the required minimum wage nor payment or overtime should place so severe a burden on States and cities that a final crisis will be precipitated or taxes will have to be raised.

Furthermore, it was demonstrated to my committee's satisfaction that coverage is justified from the employee's standpoint. One fact too rarely considered is that $2 an hour provides an annual income of barely $4,000 per year—below poverty level for a family of four. This bill insures that a significantly smaller number of Americans will face the disillusioning prospect of being "working poor."

Constitutional objections were raised against complete removal of the State and local government exemption. It has been established to my satisfaction, however, that these objections are not valid. In declaring constitutional the 1966 partial removal of the exemption, the Supreme Court, in *Maryland* v. *Wirtz*, 392 U.S. 183 (1968), laid to rest the notion that State sovereignty will prohibit Federal regulation of a State's dealings with its employees. Mr. President, I ask unanimous consent that the text of this opinion be printed in the RECORD following my remarks.

I wish to raise one further point in defense of coverage of State and local government employees under the Fair Labor Standards Act. It is in essence a moral argument that Government ought not demand of the private sector standards that it is unwilling to apply to itself. S. 1861 would resolve this paradox. It would help to establish by deed instead of by command the principle that government is to set a model for all employers in the treatment of its employees. Perhaps the best way to elaborate upon this point is to use the words of my colleague from Ohio (Mr. TAFT) with regard to coverage of State and local government employees under the recently-passed equal employment opportunity legislation. During debates on that legislation, Mr. Taft associated himself with some of my remarks with the following statement:

> I feel very strongly that there is another issue involved that he touched upon, one

that, it seems to me, is more important to this amendment, perhaps, than perhaps any other issue that is raised, and that is the exemplary nature of the amendment. In other words, how can we expect patterns of discrimination in private employment to be changed to promote full and equal employment of all Americans if Government itself does not set an example in this regard. It seems clear to me that that example should be set. In fact, I feel very strongly that if any truly effective progress is to be made in this area, it will be made more as a matter of example, than by means of compulsion, even though compulsion, or at least legal endorsement of the principle, may be necessary to effect progress.

I could not possibly make a better case for coverage of State and local government employees under the Fair Labor Standards Act. If a living wage is to become a reality for America's working poor, governmental units should, and must, lead the way.

Mr. President, the Senator from Texas (Mr. Bentsen) said what I think should be said and what I feel—that all employers expect governments to be model employers.

We are talking here about a basic standard of wages, a minimum wage. We are talking about an area that we have not reached with the Fair Labor Standards Act. We are talking about State and local governments.

It seems to me that we sit in the strongest position to ask those States or demand of those States that they be at least equal employers with industry. We have charts at the rear of the Chamber—I believe it is in the material before each Senator—showing that last year $29 billion went from the Federal Treasury to the States and to the communities. It seems to me that, following that money, we have every proper right to ask of those States and of those communities that they pay this minimum living wage. That is what this bill does.

I appreciate the statement of the Senator from Ohio, and I gather that he is not going to press the amendment at this time but will press our discussions in conference, which I look forward to at that time.

I yield back the remainder of my time.

Mr. TAFT. I yield back the remainder of my time.

Mr. President, I ask to withdraw the amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

At the end of the bill, add the following new section:

SEPARABILITY

Sec. 15. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—I have discussed this with the distinguished Senator—that the time on this amendment be limited to 10 minutes, to be equally divided between the Senator from Colorado (Mr. Dominick) and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMINICK. I yield myself 3 minutes.

Mr. President, I offer this amendment not because I would like to win one vote during the process of this debate all day, but because I think there are some very serious problems with this bill as it has been presented to the Senate today, and as it undoubtedly will pass.

Senator Taft just raised some very interesting constitutional questions with regard to our coverage of State and local employees. He and I together raised some questions as to the constitutionality of the coverage of domestic servants, the question of whether we have the power to do that. There are many other questions in the process of this bill which I think are fraught with real court problems on a constitutional basis. I do not think we have debated those, at least to the extent where people have fully understood them.

I will take particular note, as I said before, of the coverage of domestics. Trying to figure out how a domestic is in interstate commerce is beyond anything I can conceive of.

So far as State and local employees are concerned, as the distinguished Senator from Ohio has pointed out, we are covering all State and local government employees with minimum wages and overtime for the first time in the history of this country.

It is very difficult to determine how you are going to keep in existence a federation of States, the whole system of the Republic, as we have ever known it, as long as we continue to dictate from Washington what should be done in each little local area of the country, and that is what we are doing in this bill.

Anybody who is working for a school district or a sanitary district or a sewage district, as well as the most minor unincorporated village, will have his wages determined by what the Federal Government is doing. I cannot see why we should do that, and I cannot see how we have the power to do that under the Constitution. As a result, I offer the separability amendment so that if that portion should be declared unconstitutional, other portions will be retained. I trust that the manager of the bill will accept it.

Mr. JAVITS. On my own time, let me say that I should oppose this amendment, but it would give me great pleasure for the Senator from Colorado to win one here. I have, of course, been on the receiving end and lost many myself. But I think this is an entirely proper amendment, and most desirable, and that the bill should have a separability clause in it. I would like very much to see it in the bill. I certainly have no opposition to it.

Mr. DOMINICK. I thank the Senator from New York very much.

Mr. WILLIAMS. Mr. President, I yield myself 1 minute to say that there might be some nice legal questions whether it is really necessary, because this is an amendment to the Fair Labor Standards Act and the separability clause is in the basic act. Some academic legal arguments could be made that it is not necessary to achieve the purpose, but I certainly am not going to argue on any basis that we should withhold it. The only question is whether it is needed. I agree. I think there should be in the bill at this time a necessary separability clause.

Mr. DOMINICK. I thank the Senator from New Jersey. Mr. President, so far as I am concerned, I am willing to yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield back my time.

Mr. GAMBRELL. Mr. President, I would like to offer a perfecting amendment to the Dominick amendment and send it to the desk on behalf of myself and the Senator from Michigan (Mr. Griffin) and ask that it be stated.

The PRESIDING OFFICER (Mr. Moss). The amendment will be stated.

The assistant legislative clerk read as follows:

An amendment by Mr. Gambrell and Mr. Griffin to the Dominick amendment by inserting at the end thereof, add the following new section:

UNIFORM ENFORCEMENT OF CIVIL RIGHTS LAWS

Sec. —. Notwithstanding any other law or provision of law, until Congress shall have enacted legislation providing a plan for equal educational opportunities and for the elimination of racial segregation in public schools throughout the United States, to be equally and uniformly enforced throughout the United States among the local educational agencies thereof, the enforcement of any order of a court of the United States or of any desegregation plan submitted by a local educational agency to a department or agency of the United States pursuant to title VI of the Civil Rights Act of 1964, shall be stayed, suspended, and postponed to the extent it requires, directly or indirectly, a local educational agency—

(A) to transport a student who was not being transported by such local educational agency immediately prior to the entry of such order or the adoption of such plan; or

(B) to transport a student to or from a school to which or from which such student was not being transported by such local educational agency immediately prior to the entry of such order or the adoption of such plan:

Provided, That nothing in this section shall prohibit a local educational agency from voluntarily proposing, adopting, requiring, or implementing a desegregation plan, otherwise lawful, that provides for transportation as referred to in subsections (A) and (B) above, nor shall any court of the United States or department or agency of the Federal Government be prohibited from approving implementation of a plan that provides for such transportation, if the plan is voluntarily proposed by the appropriate educational agency.

The PRESIDING OFFICER. How much time does the Senator from Georgia yield himself?

Mr. GAMBRELL. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, will the Senator from Georgia yield briefly?

Mr. GAMBRELL. I yield.

Mr. GRIFFIN. I thank the Senator from Georgia for mentioning that I am a cosponsor of this particular amendment.

For purposes of identification and for the benefit of Senators now in the Chamber, I wish to make clear that the amendment before the Senate is printed amendment No. 1328, as introduced by the distinguished Senator from Georgia (Mr. GAMBRELL) except that the portion of the printed amendment relating to the Voting Rights Act has been deleted. The Senate is considering only that portion of printed amendment No. 1328 which relates to busing. Is that not correct?

Mr. GAMBRELL. That is correct. I appreciate that clarification offered by the Senator from Michigan.

Mr. President, this amendment is identical to the second portion of the amendment No. 1328 to S. 1861 which was introduced by myself. As the Senator from Michigan says, it eliminates the question of equalizing voting rights enforcement throughout the country. It deals only with the question of equalizing school-busing enforcement throughout the country.

Mr. President, my amendment would suspend enforcement of any court order on title VI plan requiring student busing until Congress enacts legislation providing for equal educational opportunities and for the elimination of racial segregation uniformly throughout the United States.

The country needs urgently to get on with providing for equal educational opportunity for our children. The false issue of busing has stood in the way of achieving that goal. Hardly anyone wants forced busing as such. I have opposed it in every possible way. Certainly no one should want forced busing for some when it is not to be applied to themselves. Laws and policies intended to provide equal protection of the laws should not themselves be applied and administered in a way that is discriminatory.

The amendment which I offer today eliminates a clear case of discrimination in civil rights enforcement. The enactment of my amendment will not prevent school desegregation enforcement. School desegregation may continue in all respects as it has in the past, except that forced schoolbusing may not be required as a means of school desegregation unless provided for under a School Desegregation and Uniform Education Opportunities Act which is equally applied and enforced throughout the land.

The provisions of this amendment are only fair. They constitute not a "rollback" but a "catchup" on civil rights enforcement. Extreme measures for civil rights enforcement, such as forced busing, should not be applied in some sections of the country when they are not being applied in others.

I might say, Mr. President, that the statistics produced by the Department of HEW clearly show that the South—the Southern States—in which forced school busing is being applied when not being applied anywhere else in the country, is way ahead of the rest of the country in school desegregation.

Mr. President, I urge adoption of my amendment and am very much pleased to have the cosponsorship of the distinguished Senator from Michigan (Mr. GRIFFIN).

Mr. President, I reserve the remainder of my time.

Mr. GRIFFIN. Mr. President, I yield myself such time as I may require.

As the distinguished Senator from Georgia (Mr. GAMBRELL) has already indicated, this amendment would only stay the enforcement of court orders which require busing.

It will be recalled that on several earlier occasions I offered an amendment which in some respects would be stronger than this one. The amendment I offered earlier would have taken away from the Federal courts their power or jurisdiction to issue busing orders.

The proposal now being offered would declare a moratorium on the enforcement of busing and, in many respects, it conforms with the moratorium prorosal adanced by the President.

Let me say that in my opinion, Senators who voted earlier to support my amendment withdrawing court jurisdiction should find it possible to support this amendment.

Mr. President, I could go on at great length about the urgent need to enact legislation such as this.

Needless to say, concern and emotion are intense in Michigan about one threat of forced court-ordered busing.

During the course of his remarks, the Senator from Georgia indicated that busing has been imposed primarily upon the South. Of course, I'm sure he realizes that busing has been ordered—and is in effect in such cities as Pontiac and Kalamazoo, Mich.

There is now pending before the Sixth Circuit Court of Appeals in Cincinnati an order by a Federal judge in Detroit directing the State of Michigan to purchase some 295 buses for the purpose of busing thousands and thousands of children in Detroit and 52 other communities in three counties around Detroit.

The amendment now before the Senate should be passed. The arguments have been stated over and over again, and I urge the Senate to adopt it.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I have had no requests for time on my side to speak in opposition to the amendment. At this time, after making a very short statement, I will move to table the amendment offered by the Senator from Georgia for what I trust are manifestly clear reasons. The pending bill deals with some of the basic economic issues that are close to home in this country, the wages under which people work and try to live. The minimum wage bill has had a long history. It has been a long struggle to use the Fair Labor Standards Act through amendments and through improvements in the bill over the period of years back to its inception when it was first passed with the help of some of the Senators who were here in 1938.

This is an economic issue that is before us. It is a dollar-and-cent issue. It is the hourly rate of pay and, of course, the accelerated features of overtime and the other provisions.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. PASTORE. Mr. President, I rise to agree with the distinguished manager of the bill not because I do not feel that there is merit to the amendment. I think that this matter of busing is very controversial. And there is merit on both sides of the issue. There is no question at all about that.

It all depends on where it happens, when it happens, and why it happens. I am one of those who feel that in many cases mass busing on a large scale has not accomplished the objective it was intended to accomplish.

I think we must all believe in equality of rights. And I think that a fair opportunity ought to be given to all of our children, no matter what their race, color, or creed. However, we are dealing this evening with a bill having to do with minimum wages. And I wonder if we are rendering a service or a disservice to whatever merit there might be to this amendment at this time.

Mr. President, first of all, the amendment is not germane to the bill. It would be subject to a point of order in the House because it is a rider to a bill having to do with minimum wages. I wonder if at this time, no matter what the reasons might be, whether we might be doing more damage than we hope to do good. And for that reason I hope that the matter will not be pressed at this time.

I know that a motion will be made to lay the amendment on the table. This is not the time nor the place to advance the amendment.

I say to my good friend, the Senator from Georgia, that I think there is merit in what he is trying to do here. The President of the United States has taken a strong position on this matter. There are people who disagree with the President of the United States. I myself am the father of three children. I have five grandchildren. I am very much interested in the matter of busing. In many ways we have gone too far on the busing proposition here and have subjected young children to an hour's ride in the morning and an hour's ride in the evening.

I wonder, to sum it all up, whether we are accomplishing what we tried to do when we initiated the program.

What I am saying is that this is not the proper place to do it. I would hope when the motion is made to lay the amendment on the table that this will not be construed as a move against anyone or as a decision on the merits of the matter one way or the other. I hope that it will be understood that the amendment does not belong in the bill.

Mr. WILLIAMS. Mr. President, I think the Senator from Rhode Island has contributed again of his wisdom in the pending debate and has been particularly helpful to all of us at this time. He has contributed greatly throughout the debate.

The PRESIDING OFFICER. The Sen-

ator from Georgia has 8 minutes remaining. So, a motion to lay on the table would not be entertained until after his time has been utilized or yielded back.

Mr. GAMBRELL. Mr. President, I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, the distinguished Senator from Rhode Island, whom we all respect so much, has argued that this amendment is not germane to the particular bill before us. However, I must ask: when is the Senate going to do anything about busing if we do not deal with it in this way?

It appears that offering this proposal as a rider is the only way we can get a chance to deal effectively with it.

If we had some assurance that within the near future the Senate would consider the busing threat in the regular way, those of us who are so concerned would be glad to bide our time. But we have no such assurance. There seems to be no other way for us to focus the Senate's attention on this serious, urgent problem.

Let me point out also that while the amendment may not be germane to this particular bill, this is a bill that has been reported by the Labor and Public Welfare Committee, which does have jurisdiction over bills dealing with education.

If our amendment was adopted as a rider to this bill, it would go to conference with the Education and Labor Committee of the House. It is in that committee where busing legislation very similar to this, close to the President's moratorium on busing, is now being considered. Indeed, a similar antibusing measure was approved yesterday by a subcommittee of that committee.

Let me recall that when the Senate saw fit to tack the nongermane 20-percent social security increase on the debt ceiling bill, it went sailing through. The House accepted that nongermane amendment—and the House could accept this busing amendment as well. I believe a majority of the Members of the House would favor this amendment; I hope a majority of the Senate will favor it as well.

Mr. PASTORE. Mr. President, if the Senator will yield, I hope the Senator is not trying to compare a 20-percent increase in social security with the controversy on busing.

Mr. GRIFFIN. Not at all, except that we do add nongermane amendments to bills in the Senate from time to time.

Mr. PASTORE. The Senator is correct. But the minority whip understands that this amendment is subject to a point of order in the House under its rules.

Mr. GRIFFIN. And so was the 20-percent social security increase.

Mr. PASTORE. I know. However, the 20-percent increase in social security was something that everyone was for. However, this is an entirely different question.

Mr. GRIFFIN. Mr. President, let me say to the Senator from Rhode Island that there are a great many of my constituents and a great many of his constituents and a great many of the constituents of all Senators who are very interested in the busing question.

Mr. PASTORE. But is the Senator trying to win the battle and lose the war?

Mr. GRIFFIN. We can win the battle and we can win the war.

Mr. PASTORE. But not if we put it on this bill. We can lose the case.

I am not getting involved in this matter. As I said before, I have serious misgivings on the question of busing. I do not think that anyone has agonized more than has the Senator from Rhode Island as to the answer. There are many answers and many points of view on this very sincere question. I know that it is not any longer a Southern question. I agree with the Senator. As a matter of fact, it is more of a burning question in Detroit than anywhere else. We all admit that. Perhaps it is in Providence also. However, the matter at issue is on the minimum wage. The matter of busing is a question that can be left to the future.

I agree with that. Many people are beginning to look at this matter differently. I do not think our children should become victims of all this controversy. I admit that. But all I am saying this evening is that this is a minimum wage bill and if the Senate begins to fool around with busing on this bill we will destroy the two.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. GRIFFIN. The Senator from Georgia has control of the time.

Mr. GAMBRELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. GAMBRELL. Mr. President, I yield 1 minute to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I wish to ask the Senator from Michigan a question. Under a recent amendment to the House rules the House can handle this matter expeditiously, because the House rules provide they can have a separate vote on any amendment added by the Senate. Is that true?

Mr. GRIFFIN. The Senator is correct.

Mr. ERVIN. Talking about making victims of little children, have not the courts and the Department of Health, Education, and Welfare made victims of little children?

Mr. GRIFFIN. I agree with the Senator.

Mr. GAMBRELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. GAMBRELL. I reserve the remainder of my time.

Mr. WILLIAMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 10 minutes remaining.

Mr. HART. Mr. President, will the Senator yield to me for 1 minute?

Mr. WILLIAMS. I yield to the Senator from Michigan.

Mr. HART. It is my understanding that a motion will be made to table. It is possible to interpret that as a vote which does not reflect the Senator's opinion on the merits. I shall vote to table, but I would much prefer a vote on the merits, and I would vote against this amendment. We win no battles by attempting to deny the Federal courts the means to correct the violation of the 14th amendment, and that is what we would do if we say, "You have found a violation of the 14th amendment, but do not fix it if you have to use busing."

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I am prepared to yield back the remainder of my time.

Mr. GAMBRELL. Mr. President, I would like to take some of my remaining time to offer a concluding remark.

First, I would like to say that if the Committee on Labor and Public Welfare would approach the solution of this critical and controversial problem we have in Georgia, in Michigan, and in a number of other States with the same enthusiasm and vigor that they approach the solution of the minimum wage problem, we would not be faced with the problem of having this measure before the Senate. The busing matter has been around here for years. Public polls show that between 75 and 85 percent of the people of this country are opposed to forced busing.

Senators who have busing in their States by and large oppose busing and consider it as much a problem as the minimum wage problem. I think we have to resort to any means we have to reach a solution. In the next 5 or 6 weeks we will be faced with a new school term. The children of this country need to know if they are going to be bused to school next year or not. This is the time to solve the problem. If we cannot get a bill from the committee we have to do it by amendment. This would cover busing now in effect; that has not been clear in past legislation.

I urge the Senate to relieve us of this problem and relieve us of the discriminatory application of the law through court enforcement. Congress should pass an equal opportunity law that applies to busing where needed and not let courts apply it all over the country willy-nilly.

Mr. GRIFFIN. Mr. President, in response to the statement made by my able and distinguished senior colleague from Michigan, let me say that the 14th amendment to the Constitution was on the books before buses were invented. The 14th amendment was—and can be—enforced without buses. Furthermore, to use buses to transport children over long distances, because they are white or because they are black, as required by some judges, is unreasonable, radical, and ridiculous; I believe such busing orders are discriminatory and actually violate the Constitution.

The PRESIDING OFFICER. All time of the Senator from Georgia has expired. Does the Senator from New Jersey yield back the remainder of his time?

Mr. WILLIAMS. Mr. President, I thought I had. I understand this measure would be referred to the Committee on the Judiciary, but I will not get into that argument.

For the reasons so completely stated by the Senator from Rhode Island, I believe it is timely to table the amendment, and I move to table the amendment of the Senator from Georgia.

The PRESIDING OFFICER. The Senator so moves and yields back his remaining time?

Mr. WILLIAMS. I so move and yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Georgia.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Georgia. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. PACKWOOD. On this vote I have a live pair with the Senator from Tennessee (Mr. Baker). If he were here and were at liberty to vote, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), and the Senator from Louisiana (Mr. Ellender) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) is absent on official business.

I also announce that the Senator from Arkansas (Mr. Fulbright) is absent because of illness in the family.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from Tennessee (Mr. Baker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The pair of the Senator from Tennessee (Mr. Baker) has been previously announced.

The result was announced—yeas 53, nays 38, as follows:

[No. 291 Leg.]

YEAS—53

Aiken
Bayh
Bellmon
Bible
Boggs
Brooke
Burdick
Case
Church
Cook
Cooper
Cranston
Eagleton
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NAYS—38

Allen
Allott
Beall
Bennett
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
Long
McClellan
Metcalf
Proxmire
Randolph
Roth
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Packwood, for.

NOT VOTING—8

Anderson
Baker
Cannon
Ellender
Fulbright
Goldwater
Jordan, N.C.
Mundt

So Mr. Williams' motion to lay Mr. Gambrell's amendment on the table was agreed to.

Mr. MANSFIELD. Mr. President, I understand that there may be some further amendments, but I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Harris). The question now recurs on the amendment of the Senator from Colorado (Mr. Dominick). All time on the amendment has expired.

All those in favor vote aye. Opposed, no. The noes appear to have it——

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), and the Senator from Louisiana (Mr. Ellender) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) is absent on official business.

I also announce that the Senator from Arkansas (Mr. Fulbright) is absent because of illness in family.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from Tennessee (Mr. Baker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 92, nays 0, as follows:

[No. 292 Leg.]

YEAS—92

Aiken
Allen
Allott
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—8

Anderson
Baker
Cannon
Ellender
Fulbright
Goldwater
Jordan, N.C.
Mundt

So. Mr. Dominick's amendment was agreed to.

Mr. HARTKE. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> At the end of the bill insert the following new section.
>
> "Section —. The first sentence of section 13 (f) of the Act is amended to insert after the words "sections 6, 7, 11, and 12 shall not apply" the words "until January 1, 1974."

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. HARTKE. As much time as I may require.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on this amendment be limited to 20 minutes, to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, the effect of this amendment is to remove a special exemption for multinational corporations. The purpose of my proposal is to provide equity treatment for the working man and woman who have been subjected to the export of jobs by the multinational corporations.

At the present time, an American corporation doing business in a foreign country can obtain the benefits of cheap labor at the expense of American jobs.

Presently, we have a balance of payments deficit which is continuing to skyrocket. For the first time in our history, we have a balance-of-trade deficit. Part of this is occasioned by the fact that many of our own plants have moved abroad. These American plants formerly produced such items as radios, televisions and electronic equipment. The shoe business has been practically eliminated, and the same is true with respect to textiles and garments. The case was similar in the steel industry until the advent of the voluntary agreements. As to automobiles, one need not be an expert to discern our present predicament.

In essence our laws have permitted a sharp reduction of U.S. productive power, employment, and tax base.

Let me give one example. It is so shocking that it has not received greater national attention. Lockheed Corp. has a contract to construct the Safeguard missile. They have subcontracted a part of the Safeguard missile to a company located in Hong Kong.

The Secretary of the Army stated that the reason for this action was that in Hong Kong the missile could be constructed for $600,000 while construction in the United States would cost six times as much. The net result is that we have a defense item manufactured by a corporation which has a guaranteed loan, subcontracting their business outside the United States, thereby depriving the U.S. wage earners of $3 million in wages and denying the U.S. Government of $600,000 in income tax on those wages.

I want to remove this discrimination against the American worker. I want to remove this special treatment which destroys the American economy. In essence, I want equality for the working man and woman.

It was for this reason that I opposed the Canadian automobile agreement. We all know that there is a significant difference between the earnings of an automobile worker in Detroit and his counterpart in Canada.

Yet, we provide special duty treatment when Canadian automobiles are brought into this country. In spite of the union efforts, the UAW has not been able to correct that deficiency. The continuance of such import policy cannot be in the best interests of this Nation.

That is why I offer this amendment.

Mr. WILLIAMS. I yield myself 1 minute.

Mr. President, it is my understanding that the Senator from Indiana is not going to press this amendment.

Mr. HARTKE. At this point I am not certain whether or not to ask for a vote.

Mr. WILLIAMS. It was my earlier understanding, in my conversation with the Senator from Indiana, in response to his statement that he is going to withdraw it, that I——

Mr. HARTKE. Let me say to the Senator that I do not intend to press this amendment for a vote. My purpose was to call this serious situation to the attention of the Senate. Mr. President, it is my hope the chairman of the Labor and Public Welfare Committee will give this matter some serious consideration in the very near future.

Mr. WILLIAMS. As chairman of the committee, I am grateful that the Senator raised this matter this evening and put a focus on a problem we all know exists—the problem of runaway jobs and runaway industry. This matter has a long history, going back to 1957.

The PRESIDING OFFICER (Mr. PASTORE). The time of the Senator has expired.

Mr. WILLIAMS. I yield myself 1 additional minute.

It has a long history. This is not in the bill; it is in the law. It is worthy of profound thought and discussion, and I am grateful that the Senator raised it. I appreciate, too, that, as a matter of dimension, it should not be pushed at this hour to final decision.

Mr. HARTKE. In conclusion, I should like to make two additional points. First, the Senate yesterday passed a bill which provides for U.S. participation in international voluntary standards activity. Unfortunately, that bill did not apply to the development of fair labor standards which should be an integral part of such activity. Second, the European Common Market at the present time is taking steps to develop uniform tax and wage policies. It is my opinion that we should pay close attention to that activity. Such action can have considerable impact on the United States.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

Mr. COOPER. Mr. President, after very serious consideration, I will vote against S. 1861.

This is the first time in my service in the Senate that I have voted against passage of a bill relating to minimum wages and coverage under the Fair Labor Standard Act. I recall that in my first year in the Senate in 1947, I introduced legislation to increase the minimum hourly wage.

But tonight, I believe that the bill reported by the Senate Labor Committee is not realistically related to this year and the problems of our country. I voted for the Taft-Dominick substitute, which follows essentially the bill passed by the House of Representatives, which I believe is better for the employees of our land, better for employment, better for employers, and better for the national economy, upon which both employer and employee must depend, and the Nation's strength.

This is a period of inflation, caused primarily by the war, and which the administration is striving to curb. This bill, as the minority report indicates, would create additional inflationary pressures, and would make more difficult the administration's efforts to halt inflation—inflation which hurts everyone, the poor, the old, and those on fixed incomes.

It is not certain that this bill will assist the unemployed or those employed. Weight must be given to testimony that it would cause the smaller marginal businesses to fail, to go out of business, or at minimum reduce the number of their employees.

I know that these arguments have been made before, and sometimes they have been proven wrong, but our economic situation today is very difficult. We must not force out of business the smaller and marginal employers and with them their employees.

There are provisions of this bill that concern me greatly—particularly its effect upon agriculture and farmers—so important in Kentucky and the Nation; the inclusion of State, county, and municipal employees, of Federal employees—already the recipient of recent pay raises.

I have voted this year to limit the extension of unreasonable pay raises for Federal employees—in order to curb inflation and to support the President's efforts for stabilization. I believe the committee bill leads in the opposite direction. I did vote for the 20-percent social security increase, because the beneficiaries represent the retired workers and their dependents, many of whom are in shortened circumstances.

I believe that the Senate-House conference can product a better bill, and if so I will be glad to vote for it, when it is returned to the Senate.

But I do not honestly believe that the Senate version is good for the employed, the unemployed, the employer, the economy, and the country and I must vote against it.

Mr. FANNIN. Mr. President, I am deeply troubled by the effect S. 1861 will have on our Nation's ability to compete in world trade. I am convinced that this proposal to raise our minimum wage by more than 37 percent will cause the exodus of more and more American industries, thus triggering increased unemployment, a deepening trade deficit and even larger balance-of-payment deficits.

What we are proposing here is to raise the minimum wage in America to $2 this year and to $2.20 next year. Wages are relative so we are talking about an escalation throughout the wage scale.

This means we are saying that the least productive worker in our Nation is entitled to $2 per hour now and $2.20 per hour in the near future. This does not include the cost of social security, unemployment compensation, and industrial insurance, and numerous other costs that employers must pay in addition to wages.

Compare this with the recent estimates of what workers in other countries earn.

In Japan, in 1970, the average total hourly labor cost per worker was 95 cents. This has gone up slightly, but it still is less than one-fourth of the hourly cost of labor in the United States.

By passing this minimum wage bill, we are saying that our manufacturers must pay the least productive worker better than twice as much as the average Japanese worker. And again, I point out that the figures I am using for Japan include fringes and benefits. The $2.20 figure we are proposing for American workers is without fringes, benefits, and various other costs.

We are saying that the least productive workers in American industry must receive $2.20 per hour, which is 60 cents per hour more than the average labor cost, including fringes, for Great Britain.

In Italy, the average hourly cost was $1.73;

In France it was $1.82; and

In West Germany it was $2.27.

What I am demonstrating here is that we are trying to force American manufacturers to pay wages to our least productive workers which are higher than any other nation pays to its average worker. In many cases our minimum wage will be several times the average hourly cost in other modern, competitive, industrial nations.

It also must be pointed out that we are considering a drastic boost in the minimum wage at the very time when our productivity is lagging badly in relation to other nations.

Reliable estimates show that American gross domestic production per person employed increased at an average annual rate of 2.2 percent between 1959 and 1969. Meanwhile, the figures are 9.7 percent for Japan, 5.4 percent for France and 4.7 percent for West Germany.

What we are doing in S. 1861 is ignoring reality. We are attempting to legislate in a vacuum, ignoring the harsh realities of the world marketplace.

Last year we had the most severe trade deficit in our history—more than $2 billion. The last last time we had an official trade deficit was in 1888.

President Nixon foresaw what was about to happen, and he took bold action last August 15 to set our Nation on a new path. He adopted new policies which were designed to scrap our antiquated programs and meet the realities of world trade in the 1970's.

The bill we are considering tonight, S. 1861, will sabotage the administration's trade program.

This bill will complicate—if not make impossible—the task of trying to get our Nation back in the running in international trade.

It is somewhat surprising to me that this proposal would be supported by organized labor on one hand or by proponents of free trade on the other.

This bill will guarantee an increasing flow of imports. It will mean that some products which we now export will no longer be competitive in the world market. So we will have a loss of jobs—both union and nonunion.

This bill is certain to increase the sentiment for protectionism. We simply will not be able to pay our workers inflated wages when products will be readily available from other nations where the wage scales are lower.

A vote for this bill is a vote to move one step closer to an end of free trade as the official policy of our Government.

The drastic increase in the minimum wage will have a domino effect throughout our industry. Obviously, the strong efforts by the administration to control inflation will be out the window. But, at this point, I want to concentrate on the foreign trade and unemployment problems this bill will cause.

I urge the Members of this Chamber to consider the industries in their States—perhaps small but important industries to certain localities. Ask yourself, just what this bill does to these industries.

How many small but important businesses will go under as a result of this legislation? How many industries will be lost?

Mr. President, it seems that we have learned nothing from recent history when it comes to foreign trade.

Consider what happened in just one industry—one very important industry—consumer electronics.

In 1966, imports accounted for less than 10 percent of the electronics products sales in the United States.

This increased to 21.5 percent in 1969. And for 1970 the imports took over almost one-third of the consumer electronics market. It would appear that the American electronics industry faces a very real threat of extinction.

Anyone who thinks this is a far-fetched idea should take a look at what has happened already to the manufacturing of radios.

In 1950, virtually all radios sold in America were made in the U.S.A. Only 6 years later, radio imports began an invasion of the American market. By 1960 more than half the radios sold in America were made overseas. At the present time, only a very small percentage of radios—less that 10 percent—are American made.

This not only can happen—but is happening—to other industries. It is happening to shoe manufacturing, to textiles, to instrument production, to ball-bearings, and to any number of other vital industries which were once among the keystones of American free enterprise.

Why has this happened?

It has happened because American unions have demanded more and more for less and less work, while foreign workers have produced increasingly more without excessive demands.

This has forced our businessmen and manfacturers to move to where the labor costs are more reasonable—to Korea, to Taiwan, to Hong Kong.

I have not talked to a single businessman or industry leader who wanted to take his plant out of the United States. I have worked with leaders of various industries in efforts to keep their plants, and their jobs, right here in the United States.

But eventually they have faced the facts of economic life and death—and this has forced plant after plant, and industry after industry, to abandon America.

In 1950 approximately $61 billion in foreign goods were imported. The 1968 figure was $238 billion worth of foreign-made goods.

Last year we had the $2 billion deficit.

This erosion will continue if Members of Congress continue to keep their heads in the sand. And that is exactly what is happening on this bill.

It will encourage the continued increases in high labor items such as shoes, textiles, clothing, ceramic tile, radios, television, leather goods, and the like.

Mr. President, I do have some selfish motives in arguing against this bill. I believe that if we were to take a realistic attitude on the matter of minimum wages and union policy, we could in Arizona, create thousands of new jobs for those who are on the bottom of the economic ladder.

Rather than passing this bill which will increase unemployment, and put more persons on welfare, we should be considering means of controlling our product costs so that Americans can get back to work and back into their rightful position of leadership in world trade.

I am thinking of the jobs that we could provide for the reservation Indians, for disadvantaged workers in the cities and rural areas, and for our young people who are finding it so difficult to find employment.

This drastic increase in the minimum wage will do great harm to the poor, the disadvantaged and the young. And it will hurt us as a nation in world trade. This bill is one of the most irrational pieces of legislation to come before the Senate this year.

Mr. STEVENSON. Mr. President, as we consider legislation to extend the coverage and benefits of our Nation's minimum wage law, I am reminded of the words of President Franklin Delano Roosevelt:

> I see one-third of a nation ill-housed, ill-clad, ill-nourished . . . the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

Those words should be repeated until this Nation has met that "test of progress"—are we responding to those "who have too little."

So far we have not done enough. There are still 26 million poor in this country. Two-thirds of those poor are members of families headed by a worker in the labor force. More than one-fourth of the poor and more than 30 percent of the children in poverty are in families headed by a full-time year-round worker. These are the working poor struggling to lead decent and dignified lives.

It is the working poor that we will fail if this bill is not passed, for the bill says that we mean what we say: Every wage-earning American deserves a living wage.

Those who complain that minimum wage increases are inflationary must know that inflation has already cost the worker a substantial part of his salary. Since the minimum wage was raised to $1.60 in February 1968, the Consumer Price Index has risen 21.4 percent. To deny workers a minimum wage increase to compensate for inflation because that increase is itself claimed to be inflationary, is to operate with an illogic that is perverse.

Neither must we be sidetracked by the issue of unemployment. No Labor Department study has shown an increase in unemployment after a raise in the minimum wage. We cannot deny the working poor sorely needed assistance, and then claim that we deny it for their own good.

This bill extends coverage of the Fair Labor Standards Act to an additional 8.4 million employees. An estimated 75,000 to 150,000 new farmworkers will be covered for the first time. Three million more Government employees are included. Domestic employees receive their first minimum wage protection. Overtime exemptions in the hotel, motel, and restaurant industries, motion picture theaters, and in agricultural processing are repealed. And by maintaining full minimum wage coverage for youth, with generous exemptions, it reasserts our belief that we will not allow our children to become underpaid replacements for adults in the working force.

As chairman of the Subcommittee on Migratory Labor, I am particularly encouraged by the advances reflected in the provisions relating to farmworkers. Increased numbers of farmworkers are covered, and over a 4-year period, the minimum wage for agriculture is put at full parity with that for industry. Moreover, with additional provisions concerning child labor, we reassert our belief that a 12-year-old child must be allowed to give his time to school and to play; that he shall not spend those precious years toiling in the fields.

The provision making it unlawful knowingly to hire illegals will, in addition, protect the American farmworker from the flood of persons who cross the border and make it difficult for the citizen farmworkers to find work in an already swamped labor market. These provisions represent real advances for the farmworker, a sign to him that he, too, is included in the promise of a decent life for all Americans. That is the promise of this bill for the American working man: a living wage for his labors. One year after its enactment, industrial workers will learn at least $2.20 an hour. One year after that, those covered by the FLSA for the first time in 1966 will also have a $2.20 minimum wage. Farmworkers must wait yet 2 more years. And $2.20 an hour is less than $400 a month, $4,400 a year. Can we promise the American worker less? We cannot.

> The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

MINIMUM WAGE PROTECTION FOR THE AMERICAN WORKER

Mr. HUMPHREY. Mr. President, I strongly support the Fair Labor Standards Amendments of 1972 (S. 1861), as amended, here in the Senate.

This is the fifth time Congress has amended the Fair Labor Standards Act to accomplish the objective of the act itself—the elimination of "labor conditions detrimental to the maintenance of the minimum standard of living necessary for the health, efficiency, and general well-being of workers." As has always been the case with the wages of American labor, the minimum wage has fallen behind the rise in the cost of living, and a "catchup" action is again demanded.

But the present legislation takes an important forward step, both in endeavoring to set realistic minimum wage levels in light of ongoing economic forces, and in extending coverage—for only the third time since the Fair Labor Standards Act became law in 1938—to major categories of American workers who have for too long been denied this vital protection. The 1972 amendments provide that within 2 years and 2 months after enactment, employees covered prior to 1966, including employees of the Federal Government, will be paid at least $2.20 an hour, and employees covered by the 1966 and 1972 amendments will be paid at least $2 an hour, and farmworkers will be paid at least $1.80 an hour—with further minimum wage increases scheduled for the latter two categories of workers until an across-the-board hourly rate of $2.20 is achieved.

Most importantly, approximately 8 million workers employed in retail and service industries, Federal, State, and local government activities, and in certain categories of farming and domestic employment will, for the first time, be protected under the Fair Labor Standards Act, in addition to 45.4 million currently covered employees.

This expanded coverage is essential. The July 1972 issue of the Monthly Labor Review, published by the Department of Labor, Bureau of Labor Statistics, documents the fact that nearly three-fifths of low-wage workers in America are in retail trade or service occupations; that workers on low hourly rates are also more likely than other workers to be on shorter hours; and that they receive substantially less supplementary benefits, such as health and life insurance, retirement plans, or vacations and paid holidays.

GOVERNMENT EMPLOYEES

The time has also come to end second-class treatment for State and local employees. We must establish the principle that government at all levels should be the model for equity and fair dealing with respect to its employees. The Nixon administration, in sharply opposing the minimum wage bill before the Senate while intensively enforcing the Economic Stabilization Act with respect to wage controls, fails to see the inconsistency in imposing a ceiling on pay increases for State and local government employees while not placing a floor under their wages. In only six States do minimum wage rates of $1.60 an hour apply to these employees—elsewhere the rate is lower or nonexistent. Based on estimates in a 1970 Department of Labor survey, we can expect that the average weekly wage bill for State and local government would be increased by less than 1 percent by applying a $2 hourly minimum for uncovered employees. Not only is it an insult to human intelligence to assert that this second stage of expanded minimum wage coverage could lead to governmental bankruptcy, but it is a denial of human justice as well when, for example, one-sixth of the 3 million women working for State and local governments on a full-time basis have had annual incomes below the poverty index for a family of four.

FARMWORKERS AND CHILD LABOR

Human justice also demands that minimum wage coverage also now be extended to a specific class of farmworkers, the local seasonal hand harvest laborer paid less for the same work only because he is hired for brief peak periods. And it is right that his labor should be counted in the 500 man-day test for determining which farms are covered under the act. There must be no further delay in establishing effective compliance enforcement, as one effective measure of addressing the abject poverty of migrant families. Nor should we tolerate any longer the employment of children under age 12 in agriculture who are not on farms owned or operated by their parents.

Representatives of the National Farmers Union and the National Farmers Organization have stated their support for the provisions of this bill that move toward parity of returns for farmworkers with other sectors of the economy, in line with the need to simultaneously improve the economic parity of family farmers who are also responsible and fair employers.

The provisions of the 1972 amendments are appropriately focused on more of the Nation's larger commercial farm operations. And it is here that a frequently expressed allegation, that with expanded minimum wage coverage will come sharply increased agricultural unemployment, must be met with the conclusion of a Labor Department study that the decline in farm employment has been far greater on noncovered farms than on covered farms.

JOB OPPORTUNITIES FOR YOUTH

The 1972 amendments would add to provisions of the present act that enable flexibility in the application of minimum wage rates to youth, a provision permitting educational institutions to employ full-time students under the special certificate system allowing a rate of not less than 85 percent of the applicable minimum wage. This provision expands the program of part-time job opportunities for youth initiated under the 1961 FLSA amendments. But it should be clearly stressed that the special certificate program continues to be designed to strictly prohibit the displacement of older workers.

There is no basis for the contention that a subminimum wage will expand youth employment. The fact is that no relationship has been established between the minimum wage and youth unemployment. As a 1970 Labor Department report concluded:

> In nearly all of the States covered by the study, differential minimum wage rates applicable to youth, including exemptions, appear to have little impact on the employment of youth in 1969.

Nor is there any economic sense in replacing youth unemployment with the unemployment of older workers, with the added impact that these jobless can and must obtain public assistance. An absolutely untenable situation is thereby achieved, where the welfare rolls are increased, while simultaneously no dent is made in youth poverty, and the nonrestrictive allowance of substandard wages creates a major setback in the long and difficult struggle to establish economic justice for American labor.

TO COMBAT POVERTY AND STRENGTHEN THE ECONOMY

However, the Nixon administration's failure to grasp these economic facts of life is compounded by its unawareness of economic history, in once again raising the specter of inflation through an alleged "ripple effect" of rising labor costs, and of increased unemployment, that it claims will result from the minimum wage legislation reported to the Senate.

Once again, this false contention must be answered with a basic economic fact of life, as stated in the committee report:

> Low wages do not produce additional jobs. Jobs are created when business is expanding and future prospects are promising.

Every study by the Department of Labor of the economic effects of a minimum wage increase has come to the same conclusion: That there is no discernible adverse effect on overall employment levels, and relatively little impact on overall wage or price trends.

But it is not enough to correct serious inaccuracies in the administration's allegations against a minimum wage increase and expansion of coverage that are essential today. We must also sharply confront this administration with the harsh realities of widespread poverty and a crisis level of unemployment that has continued for months on end as a result of administration policies that produced a pervasive recession, continued inflation, and extraordinary Federal budget deficits.

The Census Bureau recently reported that the number of Americans living in poverty remained essentially unchanged in 1971, after reversing a decade of steady decline in 1970 with a sharp increase to over 25 million. But the reality behind this profoundly disturbing statistic is thousands upon thousands of working poor families, where full-time labor for meager earnings leaves them trapped in destitution, while some 22 million more Americans struggle to make ends meet on an income that is just above the official level of poverty, and frequently prohibits them from applying for any form of public assistance.

Yet, it is precisely these people whom the Nixon administration would require to pay the price of controlling inflation. This is morally unconscionable and economically senseless.

The low-wage worker must be enabled to hope that his labor will count for something. He has seen the buying power of the $1.60 minimum wage adopted in 1966 all but destroyed—worth less in purchasing power today than the previous minimum wage of $1.25 could command 6 years ago. Just to meet the rise in the cost of living, he requires an immediate increase in the minimum wage to at least $2, as provided in the Senate bill.

It has been rightly stated that there is no single legislative route that Congress could take that would more effectively alleviate poverty than across-the-board improvements in the Fair Labor Standards Act. The governmental estimate of the poverty level income for an urban family of four is now approximately $4,200 per year. At the present minimum wage, a full-time worker's earnings fall far short of this level. And again, simply to correct this economic injustice, he would require an absolute minimum wage of just over $2 per hour.

But the Senate bill clearly takes the position that we can no longer continue with this bare minimum, catchup response. We must now enable all American workers to share in the benefits of increased productivity, currently projected at an average yearly rise of 3 percent in the coming decade. We must act constructively to get all people able and wanting to work off the welfare rolls. We must strengthen the economy, not by applying inflation controls that keep the income of millions of American workers below officially established poverty levels, but rather by enabling them to earn the purchasing dollars that inject a strong stimulant to the economy through increased consumer spending. And we must enable the continued expansion of job opportunities by closing certain gaps in overtime coverage, currently extended to only two-thirds of all nonsupervisory workers, who must receive time-and-a-half their regular rates of pay for all hours over 40 in a week.

TO PROTECT RESPONSIBLE BUSINESS AND STRENGTHEN LABOR JUSTICE

Finally, to correct any argument that the Senate minimum wage bill proposes an unwarranted, pervasive intervention in the various sectors of the economy, let it be clear that at least 90 percent of the Nation's farms will remain exempt from the act under the bill—these are family farms—as well as the substantial majority of retail and service establishments. And the extension of coverage to those in the retail and service industry is limited to those businesses with receipts above $250,000 thereby giving special consideration to the economic facts of small business. At the same time, small businessmen who are covered by the law, will be protected from being undercut by small stores of a large covered chain, which can pay subminimum wages under a special exemption, through provision made in the Senate bill to eliminate this special exemption.

EQUAL PAY FOR WOMEN

I strongly support two further provisions in this bill. First, it will enable the effective achievement of the objectives of the Equal Pay Act of 1963 and of title VII of the Civil Rights Act of 1964, by extending the prohibition of wage discrimination because of sex to executive, administrative, and professional employees, as well as elementary and secondary schoolteachers, academic administrative personnel, and outside salesmen. There is no justification for continuing to deny to women an equal salary level with their male counterparts in these job categories.

Second, this bill addresses an important category of older worker discrimination, by extending the coverage of the Age Discrimination in Employment Act of 1967 to include Federal, State, and local government employees. The vital contribution of these older employees, and the benefit of their extensive experience, must no longer be lost through arbitrary age tests for continued employment.

I am particularly gratified that the Senate version of the Fair Labor Standards Amendments of 1972 strengthens enforcement authorities of the Secretary of Labor as a deterrent to future violations where earned minimum wage compensation or overtime compensation are not paid. I have expressed my serious concern, in recent correspondence with the Secretary of Labor, that a vigorous enforcement program be maintained under this act, particularly in light of the expanded responsibilities of the Employment Standards Administration under the provisions of the Senate legislation.

Mr. President, a respect for human dignity and sound economic judgment require that the Senate take decisive action to provide for an effective increase in the minimum wage and expand its coverage to sectors of American labor where there is a vital need for this protection that only Government can provide. I urge the Senate to adopt the Fair Labor Standards Amendments of 1972.

MINIMUM WAGES SHOULD ELIMINATE THE "WORKING POOR"

Mr. CHURCH. Mr. President, I plan to vote for this minimum wage bill, as modified by the amendments adopted in the course of the debate. The two-stage increase in the minimum wage, going to $2 per hour and then to $2.20, has been stretched out over a 2-year period, rather than the 1 year contemplated by the original bill. The exemption for small business has been restored to $250,000 in gross annual sales, the same as under existing law, in place of the original committee recommendation that the figure be phased down to $150,000.

I supported both of these amendments, and I believe that they have materially improved the bill.

Nevertheless, even though I fully realize and expect the new minimum wage figures contained in this bill to be compromised downward when the conference committee reconciles the House and Senate versions of this legislation, the final increase will doubtlessly exceed the 5.5 percent annual pay increase guideline which the Pay Board has set in its effort to control inflation.

This disturbs me very much, and I was strongly tempted to vote for the lesser increase proposed in the substitute bill offered by Senator DOMINICK, but for another consideration which disturbs me even more.

That consideration has to do with President Nixon's proposal to establish a guaranteed minimum annual income for every American. The Nixon proposal will soon come before the Senate, when this body takes up the welfare bill. It represents, in my judgment, not only a radical departure from the free enterprise system, which is based upon the work ethic, but an enlargement of huge proportions upon both the scope and cost of the welfare program.

For President Nixon not only asks that a minimum annual income be guaranteed everyone presently eligible for welfare support, that is, everyone either unable to work or unable to find work, but he asks that supplementary welfare payments be made to the so-called "working poor." This multitude of employees, men and women who are presently working and now ineligible for welfare, but whose wages are so depressed that they are forced to live in poverty, are to be blanketed into the welfare system. Instead of their employers being required by law to pay a decent wage, President Nixon wants the taxpayers, through a greatly expanded welfare program, to supplement the indecent wages they now receive.

In a country as rich as ours, I do not believe we should tolerate such a class as the "working poor." That any person working 40 hours or more a week should have to accept poverty pay is a national disgrace. The disgrace is compounded when the taxpayers are asked to make up the difference, through welfare.

The remedy is to make the minimum wage a living wage. No employer covered by this act should be permitted to pay a wage that falls below the poverty level.

That is what the committee bill attempts to do, not only by providing for a jump in the minimum wage from $1.60 to $2.20 over a 2-year period, but by extending the scope of the covered employment as well.

In good conscience, I cannot oppose a guaranteed annual minimum income, accomplished through welfare at public expense—which I fully intend to oppose—and, at the same time, vote for a raise in minimum wages insufficient to lift the "working poor" above the poverty line.

As the Senate bill now stands, it barely accomplishes the purpose of raising the minimum wage above poverty levels, even in the unlikely event that the $2.20 goal remains in the final version of the bill.

Let me illustrate. I have prepared a chart showing what a wage earner receiving $2.20 an hour would net, after taxes. I ask unanimous consent that the chart appear at this point in the Record.

There being no objection, the chart was ordered to be printed in the Record, as follows:

Wage ($2.20 per hour, 40 hours per week, 52 weeks per year)	$4,576.00
FICA (social security payment at 5.5 percent)	251.68
Federal income tax (joint return with wife and two children)	39.00
Sales tax (assuming .03 with $286.32 spent on sales tax exempt items such as medicine)	120.00
Net income	4,165.32

Mr. CHURCH. Mr. President, Senators will note that the current poverty level, as determined by the Goverment itself, for a family of four is $4,113 a year in disposable income, barely below the net income figure in the chart.

For this reason, consistent with my opposition to putting working people on welfare, I am obliged to vote for the committee bill.

I recognize, in doing so, that some employers will be hard pressed. I was particularly concerned that an increase of this magnitude might prove a devastating blow to the small farmers of Idaho, at a time when big agribusinesses are displacing many a family farm.

But this bill excludes the small farmer, the reason why, no doubt, that it is supported by two national farm organizations, NFO and the Farmers Union. Under its provisions, a family farm with up to seven employees, will remain exempt from the act. This exemption covers 90 percent of the country's farms. The bill aims to reach only large operations, the employees of corporate farms, not family farms.

By the same token, the bill excludes small businesses doing a gross annual business of $250,000 or less. I cosponsored this amendment, which carried on the floor, because of the special hardships that small businesses face in complying with the many requirements imposed by legislation of this kind. Unless special allowance is made for the independent entrepreneur, he will be driven out of our economy.

For these reasons, I find it possible, indeed necessary, to vote in favor of this bill as amended on final passage.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 7130.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (H.R. 7130) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of H.R. 7130.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous order for the yeas and nays on the Senate bill be vacated and that we have the yeas and nays on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays were ordered.

Mr. WILLIAMS. Mr. President, I move that all after the enacting clause be stricken and that the language of S. 1861, as amended, be substituted therefor.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Jersey.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 7130) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), and the Senator from Louisiana (Mr. Ellender), are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan), is absent on official business.

I also announce that the Senator from Arkansas (Mr. Fulbright), is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon), the Senator from Arkansas (Mr. Fulbright), and the Senator from Louisiana (Mr. Ellender), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater), and the Senator from Tennessee (Mr. Baker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Tennessee (Mr. Baker) and the Senator from Arizona (Mr. Goldwater) would each vote "nay."

The result was announced—yeas 65, nays 27, as follows:

[No. 293 Leg.]

YEAS—65

Aiken
Allott
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cook
Cranston
Eagleton
Fong
Gambrell
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—27

Allen
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
Miller
Roth
Saxbe
Spong
Stennis
Taft
Thurmond
Tower
Young

NOT VOTING—8

Anderson
Baker
Cannon
Ellender
Fulbright
Goldwater
Jordan, N.C.
Mundt

So the bill (H.R. 7130) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title is appropriately amended.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO MAKE TECHNICAL AND CLERICAL CORRECTIONS IN ENGROSSMENT OF FAIR LABOR STANDARDS AMENDMENTS OF 1972, H.R. 7130

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the bill, H.R. 7130, as passed by the Senate and that the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I move that the bill, S. 1861, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I just wish to say a word about the bill that has just been passed. The Senator from New Jersey (Mr. Williams) I think was the original author of the bill. He piloted the bill through the committee. I know of no bill really that economically has more problems in it than this bill does with the infinite detail involved.

I know that we have gone a long way toward having the bill become law. I know that it will become law. However, we still have a conference and all the difficulties to go through.

The work of the Senator from New Jersey was of such extraordinary skill and he showed such gifted ability in working out the individually difficult situations that I feel the Senate should escially note and the country should especially note the signal services that have been performed by the Senator.

Mr. President, before I yield to the senior Senator from West Virginia, I would like to speak of the staff, those day and night workers who are literally our brains. And in the case of Gary Feder for the majority and Gene Mittelman for the minority, these men have every reason to feel that they have served magnificently the interest of the Nation in bringing this bill to passage in the Senate.

Mr. RANDOLPH. Mr. President, I am appreciative that the able Senator from New York, the ranking minority member of the Labor and Public Welfare Committee, has expressed his appreciation to the chairman of the Labor and Public Welfare Committee, the Senator from New Jersey (Mr. WILLIAMS). What he said, I think all members of our Labor and Public Welfare Committee, regardless of party affiliation, would strongly affirm.

I add my words of genuine commendation at this late hour not only to the chairman of the committee, the Senator from New Jersey (Mr. WILLIAMS), but also to the senior Senator from New York (Mr. JAVITS), and to members of the committee who have actively participated over a number of days on the important issues that we have been addressing ourselves to prior to the passage a few minutes ago of this landmark legislation.

I believe that what we have done is in the public interest. We have, I believe, approved a measure to benefit working people and to strengthen our economy. There are many areas of agreement and understanding between labor and management, despite the differences which have been the focus of debate on this bill.

I respect certainly the positions of Senators who have offered amendments—members of the minority as well as by the members of the majority. I have agreed and disagreed with those amendments.

I conclude by saying that I believe we have passed a fair bill, a strong bill, and a bill to strengthen the fabric of this country in its productive structure.

Mr. JAVITS. Mr. President, I thank the Senator.

Mr. President, I would be remiss in my duty if I did not express appreciation to those Members of the minority who helped especially with the legislation, Members such as the Senator from Vermont (Mr. STAFFORD) and the Senator from Pennsylvania (Mr. SCHWEIKER). However, I would also like to say that the Members who were in disagreement with us in many cases, Senators like the Senator from Ohio (Mr. TAFT) and the Senator from Colorado (Mr. DOMINICK) also helped to sharpen the issue and the fairness of debate with a willingness to, without in any way, consult any private interests in terms of hoping to keep us here until we get tired, but they agreed to a unanimous-consent agreement which brought this bill to such a successful conclusion. It is most commendable and is highly in the public interest. I commend them for it.

Mr. WILLIAMS. Mr. President, let me say personally that I greatly appreciate the thoughtful and generous comments made by my colleagues. On yesterday I expressed my full appreciation for the indispensable role the Senator from New York (Mr. JAVITS) has played in bringing this bill to the Senate and on the passage here in the Senate.

I thought I might say some other words tonight. However, I did not know it was going to be this late. I am sure that the Senator from New York knows that I feel so completely indebted to him for his competent and wise work on a measure of such great human need and such a complex piece of legislation. I am also particularly grateful to the Senator from Vermont (Mr. STAFFORD), for his invaluable efforts on behalf of this legislation.

Certainly to all of the other Members we worked with on both sides of the aisle in the Labor and Public Welfare Committee, I say that it is a pleasure and our good-will is always preserved.

We certainly have a tireless staff. We have mentioned some of them. However, I commend all of them who have worked with Gerry Feder and Gene Mittleman. They are all to be commended. It has been a long labor and a labor of love.

Mr. JAVITS. Mr. President, both the Senator from New Jersey (Mr. WILLIAMS) and I omitted—and I am sure that he would want me to say this—saying that we owe a great debt of gratitude to the Senator from West Virginia (Mr. ROBERT C. BYRD), who had a heavy responsibility and a great deal to do with contriving the unanimous-consent agreement which was the basis for our ability to pass the bill. It was one of the best jobs I have ever seen him do, and I have seen him do a great many.

We all owe him a great debt of gratitude and so does the country.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator is so generous and so very kind. I would say that, but for the great skill and ability and cooperation of Mr. JAVITS, Mr. WILLIAMS, Mr. DOMINICK, Mr. TAFT, and all other Senators who participated in the discussions leading up to the agreement, no agreement would have been reached.

NATIONAL HOUSING GOALS

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on an amendment to S. 1991 which will be called up by Mr. GRIFFIN tomorrow. He wants a rollcall vote on that amendment.

Mr. JAVITS. May we know what the amendment is?

Mr. ROBERT C. BYRD. Mr. President, I withdraw my request.

Mr. JAVITS. I have no objection, Mr. President. We ought to know what it is.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask for the yeas and nays on the amendment No. 1333 which will be offered tomorrow by the assistant Republican leader to S. 1991. Unanimous consent for this purpose has already been granted.

The yeas and nays were ordered.

SENATE JOINT RESOLUTION 254—AUTHORIZATION FOR PRINTING AND BINDING OF A REVISED EDITION OF "SENATE PROCEDURE"

Mr. MANSFIELD. Mr. President, I send to the desk a Senate joint resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 254) was read the first time by title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be printed and bound for the use of the Senate one thousand five hundred copies of a revised edition of Senate Procedure (originally prepared by Charles L. Watkins and Floyd M. Riddick), to be prepared by Floyd M. Riddick, Parliamentarian of the United States Senate, to be printed under the supervision of the author and to be distributed to the Members of the Senate.

SEC. 2. That notwithstanding any provision of the copyright laws and regulations with respect to publications in the public domain, such revised edition of Senate Procedure shall be subject to copyright by the author thereof.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 254) was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDER FOR RECOGNITION OF SENATORS WEICKER AND KENNEDY AND FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow immediately after the two leaders have been recognized under the standing order, the distinguished junior Senator from Connecticut (Mr. WEICKER) be recognized for not to exceed 15 minutes, that he be followed by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) for not to exceed 15 minutes; and that at the conclusion of those two orders, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF NATIONAL HOUSING GOAL ACT, S. 1991, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow at the conclusion of routine morning business the Chair lay before the Senate S. 1991, and that the unfinished business, S. 3390, be temporarily laid aside and remain in a temporarily laid-aside status until the close of business on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON GRIFFIN AMENDMENT TO NATIONAL HOUSING GOALS ACT, S. 1991

Mr. ROBERT C. BYRD. Mr. President, with the concurrence of the very able assistant Republican leader, I ask unanimous consent that time on the amendment No. 1333 to be offered tomorrow by the assistant Republican leader to S. 1991 be limited to 30 minutes, rather than 1 hour as previously agreed to, and that the time be equally divided and controlled as previously agreed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION ON TIME ON AMENDMENTS, DEBATABLE MOTIONS OR APPEALS ON S. 1991

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any other amendment, debatable motion, or appeal in relation to S. 1991 be limited to 20 minutes, the time to be equally divided between the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1991—MODIFICATION OF TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that instead of the 1½-hour limitation on S. 1991, as previously agreed to, there be a time limitation of 1 hour, with 30 minutes of that 1 hour to be under the control of the distinguished Senator from Montana (Mr. METCALF) and with the remaining one-half hour to be divided and controlled as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HOUSING GOALS—AMENDMENT

AMENDMENT NO. 1333

Mr. GRIFFIN. Mr. President, I send to the desk an amendment to S. 1991, to which reference has been made, and upon which there is a time limitation, and ask unanimous consent that the amendment be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY, JULY 21, 1972, TO 10 A.M. ON MONDAY, JULY 24, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Connecticut (Mr. WEICKER) will be recognized for not to exceed 15 minutes, after which the distinguished Senator from Massachusetts (Mr. KENNEDY) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, at the conclusion of which the Chair will lay aside temporarily the unfinished business, S. 3390, which will remain in a temporarily laid-aside status throughout the day until the close of business tomorrow.

At the conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate S. 1991, which deals with national housing goals, with a time limitation on the bill and amendments thereto. At least two rollcall votes will occur tomorrow, one on the amendment No. 1333 by Senator GRIFFIN and the other on final passage of S. 1991. This does not mean that there will be no other rollcall votes, but I say this to indicate that there will be at least two rollcall votes tomorrow. The first rollcall vote could occur as early as 11 a.m. and undoubtedly will occur not later than 11:30 a.m.

Following the disposition of S. 1991 no further yea and nays votes are expected tomorrow. I would venture a guess and go out on a limb to say that all rollcall votes should be completed by not later than 1:30 p.m. tomorrow, and hopefully earlier.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 9:25 p.m. the Senate adjourned until tomorrow, Friday, July 21, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 1972:

CORPORATION FOR PUBLIC BROADCASTING

Thomas B. Curtis, of Missouri, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1976, vice John Hay Whitney, resigned, to which office he was appointed during the last recess of the Senate.

U.S. ARMY

The Army National Guard officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. O'Neil James Daigle, Jr., [redacted] Adjutant General's Corps.

Brig. Gen. William John McCaddin, [redacted] Adjutant General's Corp.

Brig. Gen. Charles Arthur Rollo, [redacted] Adjutant General's Corps.

Brig. Gen. Dana Lee Stewart, [redacted] Adjutant General's Corps.

U.S. NAVY

Rear Adm. Frank H. Price, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Marvin L. McNickle, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

The following named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. William G. Moore, Jr., [redacted]FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be major

McCormack, John C., [redacted].

To be captain

Fly, Francis L., Jr., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Humphrey, Charles L., [redacted].

To be captain

Ballard, Joe N., [redacted].
Cox, Hubert D., [redacted].
Culver, David G., [redacted].

To be first lieutenant

Anderson, Frank H., III, [redacted].
Bareford, Jackson D., [redacted].
Barton, Curtis B., [redacted].
Becker, Garry G., [redacted].
Blackwell, Brendan P., [redacted].
Blake, Donald W., [redacted].
Boyd, Robert S., [redacted].
Buys, Albert P., [redacted].
Caddy, Nathan V., Jr., [redacted].
Callahan, Desmond R., [redacted].
Cannon, Carl H., [redacted].
Carlson, Robert E., Jr., [redacted].
Dismukes, William F., Jr., [redacted].

Dopler, Jack E., [redacted].
Ely, William J., Jr., [redacted].
Fisher, Robert A., [redacted].
Garwood, Paul A., [redacted].
Gary, William C., [redacted].
Girard, David L., [redacted].
Gschwendtner, Joseph G., [redacted].
Hardwick, Danny G., [redacted].
Harvey, Paul E., Jr., [redacted].
Hendrickson, Allen W., [redacted].
Johnson, David C., [redacted].
Jones, Robert A., [redacted].
Kay, Charles E., [redacted].
Kenison, Artha L., [redacted].
Knight J. Baxter, [redacted].
Krals, Lennart G., [redacted].
Kulhavy, Billy J., [redacted].
Larkin, Jude O., [redacted].
Larsen, Frank E., [redacted].
McArthur, Kathleen R., [redacted].
McIntire, Jon C., [redacted].
Mitrook, Ronald, [redacted].
Motes, Kenneth W., [redacted].
Moyer, Raymond, Jr., [redacted].
Nelson, Martin E., [redacted].
Norris, Roger H., Jr., [redacted].
Offineer, Gary W., [redacted].
Olson, Mary K., [redacted].
Oyloe, Myron C., [redacted].
Parker, Richard L., [redacted].
Peduzzi, Lawrence P., [redacted].
Perkins, Andrew M., Jr., [redacted].
Poole, Lonnie R., III, [redacted].
Rago, Louis B., [redacted].
Riddle, Stephen S., [redacted].
Riley, Ronald G., [redacted].
Ritchie, Charles A., [redacted].
Robertson, John K., [redacted].
Sears, George B., Jr., [redacted].
Shaltry, Mary J., [redacted].
Shooner, Robert J., Jr., [redacted].
Shooner, Robert J., Jr., [redacted].
Stokes, John P., [redacted].
Thompson, Marcia E., [redacted].
Torovsky, Richard H., Jr., [redacted].
Townsend, Steven N., [redacted].
Velte, Lawrence R., [redacted].
Williams, Floyd, [redacted].
Williams, Hugh N., [redacted].
Yuhas, Steven L., [redacted].
Zerull, Dietmar, W. L., [redacted].

To be second lieutenant

Baker, Robert E., Jr., [redacted].
Bald, James F., Jr., [redacted].
Berchak, Henry L., [redacted].
Bisol, Gene L., [redacted].
Brotnov, Bruce A., [redacted].
Cannaday, Gerald D., Jr., [redacted].
Carey, William F., III, [redacted].
Clausi, Enrico A., [redacted].
Cloney, Leroy V., [redacted].
Cofer, Duane D., [redacted].
Coleman, Jack R., [redacted].
Conrad, Stephen D., [redacted].
Davidson, James W., [redacted].
Davis, Edmund L., [redacted].
Demby, Joe H., [redacted].
Dodge, Richard L., [redacted].
Dominy, Matthew, [redacted].
Douglas, James E., [redacted].
Dudash, Steven A., [redacted].
Engelberger, Charles J., [redacted].
Ettner, Edward R., Jr., [redacted].
Fisher, Jerry W., [redacted].
Frey, Karen L., [redacted].
Garland, John T., [redacted].
Grant, Thomas J., [redacted].
Griffith, Michael C., [redacted].
Griggs, Richard W., [redacted].
Halliburton, Nick B., Jr., [redacted].
Hayes, Robert C., [redacted].
Herrick, Paul W., [redacted].
Huston, Michael L., [redacted].
Ihrke, Paul W., [redacted].
Jayjock, Anthony L., [redacted].
Johnson, James D., [redacted].
Keehan, Mark P., [redacted].
Kelly Chris P., [redacted].
Kind, Bruce A., [redacted].
Livingston, Gary D., [redacted].
McClinton, Nathaniel, [redacted].
McKnight Calvin C., III, [redacted].
McLean, William E., [redacted].
Massey, Raymon E., [redacted].
Mendis, Douglas D., [redacted].
Morgan, William F., [redacted].
Morrison, Terry L., [redacted].
Paris, Thomas F., [redacted].
Parker, Sarah H., [redacted].
Reichert, Lawrence W., [redacted].
Ricketts, Roger A., [redacted].
Samples, Jerry W., [redacted].
Sciba, Dennis G., [redacted].
Shaffer, Robert A., [redacted].
Shuffler, Jerry W., [redacted].
Slesinger, Victor E., [redacted].
Stephens, Dorothy M., [redacted].
Stiller, Roberta P., [redacted].
Stronach, James A., [redacted].
Swanson, Roger W., [redacted].
Thompson, Jerome C., [redacted].
Tsuneta, Jerrold Y., [redacted].
Tuttle, Larry F., [redacted].
Underwood, Timothy E., [redacted].
Walzak, Lawrence T., Jr., [redacted].
Washington, Alvin, [redacted].
Wolthuis, William D., [redacted].

The following named officers for appointment in the Reserve of the Army of the United States, under provisions of Title 10, sections 591, 593 and 594:

To be lieutenant colonel, Medical Corps

Mikhail, Samir F., [redacted].
Taylor, William J. Jr., [redacted].

WITHDRAWAL

Executive nomination withdrawn from the Senate July 20, 1972:

THE WHITE HOUSE,
July 20, 1972.

SUBVERSIVE ACTIVITIES CONTROL BOARD

Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board for the term expiring August 9, 1975, which was sent to the Senate on January 24, 1972.

RICHARD NIXON.

EXTENSIONS OF REMARKS

RETIREMENT OF "GUS" ROBINSON

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, July 20, 1972

Mr. THURMOND. Mr. President, I was saddened to hear recently that a good friend of mine, Mr. G. O. "Gus" Robinson was retiring as assistant to the manager of the Atomic Energy Commission's Savannah River plant. As an editorial in the Aiken Standard and Review points out, Mr. Robinson was one of the "original small nucleus of men who kept the secret of plans for the AEC to build the plant here (Aiken)."

During the period of his involvement with the Savannah River plant, Mr. Robinson witnessed all of the several variations of the intent of the project: The construction involving over 36,000 workers, the emphasis on defense production and its present development of peaceful uses of nuclear energy.

As a resident of Aiken, Mr. Robinson has made a host of friends and has performed many public services. Speaking of his retirement plans, the editorial reads:

> We are confident that, in retirement, his considerable energies merely will be differently channeled.

Perhaps sadness at this retirement is not in order but rather encouragement, for now that Mr. Robinson has served his State and country in his capacity with the AEC, he may now direct his abilities to other fields where they can be equally productive.

Mr. President, I ask unanimous consent that the editorial published in the Aiken Standard and Review of June 29, 1972, be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"GUS" ROBINSON RETIRING

Recent announcement of the retirement of G. O. (Gus) Robinson, assistant to the manager of the Atomic Energy Commission's Savannah River Plant, represents something of a milestone. He was one of the original small nucleus of men who kept the secret of plans for the AEC to build the huge facility here.

Mr. Robinson also was among the first of the AEC staff to come to Aiken before construction of the awesome plant started. He thus qualifies as one of the "plank owners" of the Savannah River Plant.

Over this period of time, Mr. Robinson has witnessed wide variations of activity. First, the construction stage when the area was literally over-run by about 36,000 workers; next the emphasis on defense production, and currently the emphasis on peaceful uses of nuclear energy and on research.

A former newspaperman, Mr. Robinson headed up the formidable public relations task of the AEC throughout this area, an undertaking that brought him a number of citations and awards. He has written three books, two of them relating to nuclear energy.

Mr. Robinson is widely known in the community and has a host of friends. We are confident that, in retirement, his considerable energies merely will be differently channeled. On whatever course he has plotted for himself, we wish him well.

SAFEGUARD OUR FREEDOMS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. JOHNSON of California. Mr. Speaker, a short time ago Mrs. Paul J. Tunkis was installed as president of the California Federation of Women's Clubs. One of those present at this ceremony, a longtime friend, Vonnie Eastham, who is chairman of status of women section, the Chico Women's Club, has called to my attention the inaugural address given by Mrs. Tunkis on this occasion.

As Mrs. Eastham commented her address contains many worthwhile suggestions which if followed by the individual citizens of this great Nation will help us safeguard our freedoms. These remarks were of such significance that I felt it appropriate to share them with my colleagues here in the Congress of the United States. Accordingly I insert in the Record at this point the inaugural address of Mrs. Paul J. Tunkis, president, California Federation of Women's Clubs:

SAFEGUARD OUR FREEDOMS

As I undertake the responsibilities of the office of president of the CFWC, I call for a reaffirmation of faith in our constitutional form of government, a kindling of the fire of faith in spiritual values, and a revitalization of our interest in community and public affairs.

I call on all federated clubwomen to bring to the attention of every American the privileges and accompanying responsibilities of living under a democracy. Being foreign born, and an American by choice, I did not—and I cannot—take for granted the many freedoms and privileges which the native born so often take for granted as their birthright. Today, we must be aware of the threats to this great country from the outside, and more tragically the attacks on our republic from within, by irresponsible persons who disregard human and divine love, mock a good day's work, and burn a beautiful flag.

The people of the United States of America have been one of the most generous on this earth. The founders were kind and loving, so we have in us a mixture of all the love a land can hold, and all the quarrels of a creative family. But we are fanatic about the word "freedom." We cherish the freedom to volunteer; freedom to live without fear; freedom from hunger; freedom to cast our ballot for representative or issue, without fear of reprisal. But if we do not safeguard our freedoms, we are not likely to enjoy them for long!

Today, our overindulgence and permissiveness have brought additional threats to our freedoms. Pollution, for example, is people made—innocently started, but deadly perilous if ignored. To combat these threats, our work is to alert, educate and act.

Let us put teeth into our resolutions to conserve our natural resources (without losing sight of the cost) and protect our historical landmarks and museums—the repositories of our cultural and spiritual past.

Some of our educational programs and facilities have become purposeless facades behind which our youth are not adequately prepared for the social responsibilities which lie ahead. As women, and especially in our dual roles as mothers and wives, we want our children prepared for a profession, trade, or vocation. As clubwomen, let us see that all schools have a cafeteria where children may get a hot meal for a nominal amount. You cannot teach a child to spell "apple" when he is hungry.

In public communication we must be ever alert to the dangers of thought control through the psychological effects of television, radio, as well as motion pictures and junk mail.

Family life must be strengthened to make the American home once again a haven of security, free from external strife. Especially important are consumer affairs, now the brunt of many bad jokes, inflation, short weight, and "gobbledegook" labels which must come under our study and scrutiny. No less important are care and respect for our aged, if we are to uphold the fifth commandment. "Meals for the Elderly," a pilot government program, is an ideal one for our clubwomen to administer. Already I am in contact with our legislators to find out how we can be of help.

In our international affairs, we should encourage our American youth to study foreign languages so that they can bridge the people-to-people gap of communication throughout the world.

Effective legislation for the physical and mental health problems of our people has never been more necessary. And, let us spur on and support researchers in their quest to conquer cancer, which claims so many women in their prime of life.

The upsurgence of drug addiction and crime has shocked us all. Women's rights become of secondary importance when a whole generation of youth is being destroyed by drugs. By the same token we must work to assure the victims of criminal action that we will not tolerate mockery of justice and failure to punish offenders; justice for the victim is equally important!

As a result of our work in highway safety many lives have already been saved, but the danger is ever present, so the demand for constant vigilance continues.

In the fine arts, alienation of the average citizen from the artists must be eliminated, for no matter what the school or medium, the artist must again reach the human heart, which is starving for aesthetic nourishment.

One does not have to be a visionary to see the warning signs piling up all about us. Our job is to hold fast our ideals and muster the courage to see reality. Because of our love for humanity, we women can—and will—be successful. And remember, we represent fifty-three percent of our nation's electorate!

For twenty-three years, ever since I became an American citizen, I have tried to say "thank you" through volunteer service. To do this effectively, I chose the medium of the General Federation of Women's Clubs, whose constructive and effective volunteer programs stood firm on basic democratic principles. Irrespective of the attempt of many new women's organizations to re-examine the value of what is, and is not, important in women's work, the GFWC's worldwide program has never lost its relevance.

Since the progress of our home life is inextricably tied to the cost of living, I recommend that one state project be a scholarship for a girl or woman to study consumer affairs, the details to be set by the incoming executive board.

Also, within all three divisions of our conservation department, let us promote a "Pennies for Poppies" project to plant our State flower as one of our contributions to the Bicentennial Celebration of 1976—and wherever this bright little flower blooms each spring, it will remind us of our many blessings, of our good fortune to live in this bountiful, beautiful land.

And so, tonight, let us re-dedicate ourselves to the objectives and responsibilities of our Federation; let us thrill to the excitement of the work ahead; let us anticipate the rewards and joys of achievement through volunteer service; and above all, let us safeguard our freedoms!

NEWSPAPER TAKES LEAD IN CAMPAIGN TO CLEAN RIVER BANKS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, July 20, 1972

Mr. RANDOLPH. Mr. President, a month ago, the Charleston, W. Va., Daily Mail began the publishing of significant and timely articles calling public attention to the deplorable condition of river banks in the Charleston area.

Rivers are important to the Charleston area. They were the means by which the first settlers entered the region more than two centuries ago. They were a stimulus to the development of the great industrial complex of the Kanawha Valley. They remain today a vital transportation link and are among West Virginia's foremost scenic assets.

The reports by the Daily Mail revealed that there has been widespread carelessness by the individuals and business firms in the river valleys around Charleston. Day after day, photographs showed that trash and junk of all sorts are haphazardly strewn along the banks of the Kanawha, Elk, Coal, and other rivers.

Mr. President, I have long believed and have encouraged concerned citizenry to act for the creation and maintenance of a clean environment. The Daily Mail has performed a commendable public service in bringing to the attention of its readers the degradation of river banks in the densely populated and highly industrialized Charleston area. I hope that the stimulus of this revelation will result in a massive and sustained effort to return river banks in the Charleston area to their natural beauty.

We have this problem in scores of streams in West Virginia, and it is a nationwide problem. In my hometown of Elkins, the banks of the Tygart River were littered, within the city limits, until the community was alerted to the unsatisfactory situation by schoolchildren who took snapshots of the ugly conditions along the Tygart. The Elkins Inter-Mountain, through the leadership of Editor Eldora Nuzum, commended the children and published their pictures. A cleanup of the stream banks was the result. It is important to keep that stream, and all bodies of water, clean.

The task apparently will not be easy in the Charleston area for a variety of reasons. Reporter John Hendrickson, of the Mail, has discussed some of the reactions to the newspaper's stories and the prospects for corrective action.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record as follows:

[From the Charleston (W. Va.) Daily Mail, July 14, 1972]

NEW LAWS MAY MAKE CLEANING RIVERBANKS EASIER

(By John Hendrickson)

Almost a month has passed since the Daily Mail brought to the attention of its readers the deplorable condition of the riverbanks in this area.

Since that time, only two organizations—the State Department of Natural Resources (DNR) and the St. Albans Flotilla of the U.S. Coast Guard Auxiliary—have indicated an interest in initiating action to clean up the mess.

Meanwhile, a second cruise along the rivers shows that private citizens and land owners have done little or nothing to eradicate the rubbish that litters the riverbanks.

Recent days of hard rain have not washed the debris into the river.

The junked automobiles, refrigerators, washing machines, and other trash continues to rest undisturbed.

There is one exception.

Except for mud deposited on leaves of trees along the banks of the Coal River during recent high water, there was less evidence of rubbish there than several days ago, although some spots still need attention.

During the second cruise, Daily Mail staffers met K. L. Painter of St. Albans, one of two DNR conservation officers assigned to Kanawha County.

Painter said several arrests have been made during the past five years for littering the river banks.

With a sweep of his hand toward a pile of rubbish, he said the only way anti-littering laws can be successfully enforced is to have more conservation officers.

He said the conviction rate of those arrested is not very high because of the burden of proof, but he feels this will change with new laws.

One problem Painter outlined is that property owners, when confronted by officers, deny that they dumped the trash on their property and blame the act on someone else.

"But with new laws, we can now arrest property owners and they have to clean up the trash," Painter said.

"If the property owners cooperate with us, we will try to see that they get a light sentence," he said.

Painter said anyone convicted of stream littering must clean the area.

"Coal River looks pretty clean," Painter said, adding that several places have been investigated and cleaned in the past.

One of those areas was Elk River when several years ago Painter said several conservation officers and other employes of DNR worked on their own time to clear trash from the river.

"The best thing that can happen is to make the public aware of the situation," Painter said.

The Daily Mail has done that, and will continue to focus attention on the condition of the riverbanks until they are cleared of debris, thereby making this area one of the most scenic in West Virginia.

What is needed now is for citizens to roll up their sleeves, and with the donation of a barge and crane for the heavier pieces of junk, get rid of the garbage.

THE INDEPENDENT BUSINESSMAN IS LOSING A MARKET

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. WALDIE. Mr. Speaker, the purpose of the General Services Administration is to facilitate the transport of goods, economize the need and cost of new materials, and to speed their procurement for the use of the Federal Government. It is a sharing program within the agencies of the Federal Government.

In 1969, the Intergovernmental Cooperation Act passed, to provide GSA's facilities to grantees of Federal assistance; these grantees included State and local governments in certain cases. The General Service Administration reinterpreted the congressional intent of GSA's establishment and the act, by attempting to handle procurement of all goods for these governments beyond those necessary for the Federal assistance programs. Although the General Services Administration was halted then by the Congress, the wording of the acts that prescribed the duties and jurisdiction of GSA has been vague enough to allow the GSA to again attempt to procure for Federal grantees. The General Services Administration was to procure and supply products for the Federal agencies only.

Congressman Wyman's bill can correct this misinterpretation of GSA jurisdiction.

The General Services Administration acts just as a private business by distributing catalogs, and sending salesmen to their buyers. This is in direct competition with small, independent businessmen when those buyers are recipients of GSA benefits through the grantee program. State and local governments, which I have mentioned, and school systems—which continually receive Federal assistance through national programs—are grantees which form a major part of the trade for local, independent businessmen. If GSA begins trade with these concerns, the local businessmen lose.

The direct-cost price for the buyers will be lower through GSA. The markup for GSA goods is 8½ percent, covering transportation, and breakage. Their overhead is handled by the taxpayers, who include the local businessmen. The overhead for these businessmen is naturally much higher, eliminating the chance to compete fairly. Let me give you an example of the damage that will come to small businessmen, plus the damage that could come also to the buyers in the long run, reducing the cost-advantage.

The National Audio-Visual Association (NAVA) would lose 90 percent of its business if the school systems were to receive its goods from the General Services Administration. Films accompany many of the federally funded educational programs. Projectors, complained one member of the National Federation of Independent Businessmen, would be covered by the grantee program as necessary technical equipment for the program, and his business would fail.

The schools that will discontinue buying from this gentleman, however will lose also. The dealer provides more than just the product. He is the link between the manufacturer and the buyer, always available since he is local, to aid the teachers and users of the equipment. He guarantees the product and checks for default when the goods are delivered. Through GSA procurement, the buyer must hope that the goods he received in crates are in perfect condition.

Mr. Kenton Pattie, vice president and educational director for NAVA, exemplified the problem of long run damage to the teachers and school with these following four points, in a bulletin dated May 1, 1972:

1. The local school loses control of what it can buy since the power to make up the GSA supply schedules rests with the Federal Government in Washington.

2. The local school loses the availability of a nearby dealer who can rapidly provide service, replacement parts, in-service training, and consultation . . .

3. The local school would probably be forced, against its will, to hire its own service and maintenance employees, maintain its own repair shop, store its own complete inventory of parts for each piece of equipment in the school . . .

4. Teachers and administrators alike would lose the availability of local representatives of the A–V (Audio-Visual) industry who are today available on a daily basis for demonstrating and explaining the latest developments in this rapidly changing field of education communication.

I endorse H.R. 15562 in order to insure that the duties of the General Services Administration are clearly outlined to remain within the Federal Government and leave those recipients of the Federal assistance programs, Federal grantees, to deal with both the local businessmen and the Federal Government through fair competition to determine which would be the most profitable to both parties.

I include with my remarks the following letter to Commissioner Meeker of the General Services Administration from executive vice president Harry McGee of the National Audio-Visual Association. This letter, dated June 26, 1972, explains their endorsement of the OMB's actions of stopping the GSA procurement policy for the grantees and why not only would the independent businessmen suffer, but also the local communities.

The letter follows:

National Audio-Visual
Association, Inc.,
Fairfax, Va., June 26, 1972.

Mr. M. S. Meeker,
Commissioner, Federal Supply Service, General Services Administration, Washington, D.C.

Dear Mr. Meeker: This letter shall constitute the official response of the National Audio-Visual Association (NAVA) concerning the proposed change in regulations printed in the *Federal Register* of Thursday, June 1, 1972, with respect to GSA "Use of Government Supply Sources by Grantees."

As the trade association of the audio-visual industry in the United States, NAVA represents more than five hundred local dealers and over two hundred and fifty manufacturers, suppliers, and materials producers. This whole matter has been thoroughly discussed throughout our industry and by the NAVA Board of Directors and the position I present to you represents the views of all of our members.

1. We fully support your decision to change Part 101–26 and to delete Part 101–33, thus ending the program officially begun on April 17, 1971 (as amended and expanded December 15, 1971), and unofficially conducted for many months prior to April, 1971.

By offering GSA supply sources to Federal grantees, GSA is placing the Federal government in direct and indirect competition with the members of this Association. In that most local dealer members of NAVA do 90 percent of their business with grantees (schools and other institutions which receive some Federal grant funds), our firms are today bearing the heaviest burden imposed by the "Grantee Program." Continuing the "Grantee Program," which offers alternative sources of supply for local grantees, involving prices typically below the normal discount offered by supplier to dealer, will force most NAVA dealers out of business or, at best, dramatically injure them.

At the same time these small audio-visual firms are sustaining total disaster or irreparable damage, the Federal government is becoming the sole source or sole intermediary for almost every public institution, state and local government in the country. This development is contrary to the best interests of small businessmen, none of whom can ever expect to compete successfully with the Federal government. It is also contrary to the best interests of free enterprise, a system which should not be destroyed by government competition with the private sector. It flies in the face of the stated policy of the Nixon Administration which said:

The above authorizations are not consistent with the purpose of the Administration's policy of reliance on the private enterprise system and is particularly objectionable in this sense because the burden of GSA competition falls more heavily on small businesses throughout the country. (Frank Carlucci, Associate Director, Office of Management and Budget, May 16, 1972)

Our NAVA projections show that by the end of the 1972–73 school year, virtually every grantee in America will be buying through the Federal government, unless the changes you propose in the *Federal Register* (June 1 1972) are begun immediately after the June 30 deadline.

We do not believe the Congress ever intended to allow GSA to offer its supply sources to the non-Government sector and certainly not to every grantee in the land. Our legal advisors have carefully researched the law and legal precedent on this problem and have concluded: There is no Congressional or legal authority for the "Grantee Program." Any program of this kind should be prohibited until specifically authorized by Congress. In fact, the law states clearly that GSA supply sources are to be available *only* to government departments, agencies and bureaus.

Small business would not suffer alone if the "Grantee Program" is allowed to continue. The losses to local communities under the "Grantee Program" will be immense:

Small firms, including hundreds of audio-visual dealers and suppliers, would close or shrink.

Local jobs would be lost.

Local tax revenues would dry up.

Leadership offered by local small businessmen would be diverted.

Local schools and other institutions would be denied the right to have local service from reputable dealers who devote extensive efforts to reliable service, warranty coverage, and product training. Instead, local grantees would be forced to secure alternative service and parts inventories. It is possible that GSA might have to offer this service, or that schools would be forced to institute their own service program at the cost of local taxpayers. We are certain that, with taxpayers' dollars, GSA itself would never be able to efficiently service what it sells or procure at anywhere near the real cost savings available through the competitive free enterprise system.

Local schools would be buying through the mail and would be cut-off from local industry representatives who are available at short notice to consult with schools on the latest developments in the field of educational technology. In the audio-visual field we have found that new ideas result from the direct local interchange of ideas and experience. Our dealers must have direct contact with the schools if our industry is to truly serve the real needs of education.

Cut off from the availability of a local A–V expert from industry, such as the NAVA member, teachers would have no way of communicating their real needs to the industry's producers and manufacturers. Thus the "Grantee Program" could freeze the audio-visual field in mid-stream, by cutting off the all-important two-way chain of communication. Such a development would destroy the goals of the very grants the "Grantee Program" is supposed to help.

Finally, we must state that the GSA prices in no way represent the real costs to the U.S. taxpayer. GSA is a subsidized government agency and the agency's total overhead is not figured into the "prices" charged to grantees. The old adage applies: "You can't get something for nothing." While the grantee gets totally unrealistic prices, the American taxpayer will be getting the bill in the form of Federal, state and local taxes for the unaccounted overhead.

No matter what price the government is able to offer, when all the real costs are totalled, it is extremely doubtful that the government could ever reach the level of efficiency offered by the private enterprise system. Why?

The government does not operate on a profit-and-loss basis and thus the expenses of the "Grantee Program" could not be under the pressure of competition.

Whereas NAVA dealers must bid against their competitors for all local school orders—thus being forced to keep real costs low—the government has none of the pressure applied by the open bidding process. We have witnessed some extremely high cost-overruns on federally funded programs where business competition was non-existent. Might not the same thing happen in the "Grantee Program?"

2. We have previously offered no comment on the proposals in the *Federal Register* with respect to Part 101–43, concerning surplus and excess property. We are concerned that a number of the public comments you have received from grantees do not properly distinguish between Parts 101–26 and 101–33, (the "Grantee Program" which threatens small business) and Part 101–43 (the surplus and excess property program). The comments you receive under 101–43 should be considered as entirely separate from comments on the "Grantee Program." We would be deeply concerned if you delay a decision with respect to 101–26 and 101–33 because of problems you face with 101–43.

Instead, we urge you to announce at the earliest possible time that you have in fact changed 101–26 as proposed and that you are deleting 101–33. Any delay in acting on provisions in 101–26 and 101–33 will result in continued economic losses for thousands of small businesses, including most NAVA members. The audio-visual industry is small and delicate and is being seriously harmed by the continuation of the "Grantee Program."

3. With respect to implementation of closing down the "Grantee Program" we must stress the need for rapid—

Rescinding of all authorizations, on a retroactive basis.

Notification to all Federal granting agencies which issue letters of authorization.

Cut-off of all grantee orders in the pipeline, with instructions that they be referred to attention of local dealers and that all vestiges of the "Grantee Program" be removed from GSA supplied contracts and computer systems.

Prohibition issued to all GSA Regional Offices directing that GSA shall not buy with Federal funds for a grantee. We frequently found GSA Regional Offices abusing the power of a Federal agency by buying for grantees and then having the goods shipped to the grantee. This practice must be stopped immediately.

Again we fully endorse the position to the Office of Management and Budget and subscribe entirely to the position of Frank Carlucci, as presented in his May 16, 1972 letter to former Acting Administrator, Rod Kreger.

May I just close by quoting from the Small Business Act of 1953:

> It is the declared policy of the Congress that the government should aid, counsel, assist and protect, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise . . . (15 U.S.C. par. 631, 1964)

This is essentially our view: that the government should help small businessmen whenever possible. You would help more than 40,000 small businessmen if you immediately move to stop the "Grantee Program" as proposed in the June 1, 1972 *Federal Register*.

Sincerely,

HARRY R. MCGEE,
Executive Vice President.

TRY JANE FONDA FOR TREASON

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. THOMPSON of Georgia. Mr. Speaker, I never cease to be amazed how people who grow up in a land of freedom and opportunity, such as the United States, can turn upon this their own country blindly taking the side of a totalitarian enemy. Actress Jane Fonda has made a trip to North Vietnam and has broadcast one or more times over Radio Hanoi directing her remarks to American servicemen. Obviously she is trying to demoralize them and attempting to get them to disobey orders. On July 17, 1972, she spoke over Hanoi radio and said in part:

> This is Jane Fonda speaking from Hanoi, and I'm speaking particularly to the U.S. servicemen who are stationed on the aircraft carriers in the Gulf of Tonkin, in the 7th Fleet, in the Anglico Corps in the south of Vietnam.
>
> I visited a hospital today, the Bach Mai hospital. I saw a huge bomb crater in the center of the hospital. It was obviously dropped there on purpose. With the kind of bombs, the kind of techniques that have been developed now, you know, particularly you pilots know, that accidents like that don't happen. This was no accident. It destroyed wards filled with patients. It destroyed hospital equipment. It killed some doctors. It is a terrible thing to see what has been done.
>
> Why? Why do you do this? Why do you follow orders telling you to destroy a hospital or bomb the schools.

Miss Fonda knows that there are no orders to bomb hospitals but to the contrary every effort is made to avoid them.

The thrust of her statements truly appear to be designed to cause the American troops to disobey the orders of their country. Frankly, I am astounded that an American, even Miss Fonda, would so overtly side with an enemy who has an officially announced policy of causing terrorism in South Vietnam. An enemy who have assassinated more than 30,000 schoolteachers, policemen, and civic officials through brutal ambush in South Vietnam. An enemy who have bombed school buses, cafes, indiscriminately, and who at every opportunity will lob a rocket into a city, caring not where it hits, only that it creates destruction and terror.

Clearly Miss Fonda is giving aid and comfort to the enemy and clearly she is closing her eyes deliberately and intentionally against the terror of the enemy. She is closing her eyes to the brutal mass executions by the North Vietnamese during the Tet offensive when 4,000 South Vietnamese were executed at Hue and then buried in a common grave by bulldozers.

Clearly Miss Fonda has chosen the enemy's side, the side of an enemy so brutal that when they have taken towns in South Vietnam they have systematically gone about murdering and executing civic officials who believe in democracy and the right of the South Vietnamese to determine their own destiny.

Some say Miss Fonda is making her statements to further her career as an actress, that publicity, good or bad, helps an actress' career. If this is her reason, her actions are all the more despicable. If her reason is to cry out against human suffering, why does she not decry the brutal terrorist tactics of the North Vietnamese. The fact that she only condemns her own country and not the enemy puts the lie to any statements she may make that she is concerned about human suffering. Jane Fonda by her failure to cry out against the terrorist tactics of the North Vietnamese is putting a lie to any statement she may make that her concern is for humanity.

It is obvious by her actions that Miss Fonda's concern lies in one of two realms. One, she desires to see a Communist dictator seize control over the people of South Vietnam by whatever means they desire to employ, or two, she is so cold and callous to human suffering that she would use the emotion of the Vietnam war as a vehicle by which she obtains publicity hoping that this will further her movie career and put green Yankee dollars in her bank account.

It is interesting that there has not been even one report in the press of any statement attributed to Miss Fonda where she has condemned the North Vietnamese for their massive land invasion against South Vietnam last spring. I wonder if she at any time mentioned to the North Vietnamese the slaughter of the thousands of South Vietnamese civilians, including children, women, and old men as they fled the ruthless North Vietnamese invader. I wonder if Jane Fonda ever asked the North Vietnamese why they had a deliberate policy of trying to cause terrorism through extremist actions in South Vietnam. I wonder if Jane Fonda ever brought up the question of American POW's and why the North Vietnamese will not adher to the Geneva Convention regarding the treaty of POW's.

In my opinion Jane Fonda is a despicable individual not deserving of any of the fruits of this country. The actions of Jane Fonda, as reported over Radio Hanoi, I sincerely believe constitute treason against this country and I have requested the Attorney General to fully investigate the matter with the aim of bringing treason charges against Miss Fonda. For me to do any less would be to neglect the duty I owe to all loyal Americans.

The full text of Jane Fonda's reported speech over Radio Hanoi of July 17, 1972 follows:

HANOI RADIO CARRIES TALK ATTRIBUTED TO JANE FONDA

Last week, actress Jane Fonda visited Hanoi's Bach Mai hospital which was seriously damaged by U.S. bombs during a recent air raid. After the visit she had this to talk to American servicemen still involved in the Vietnam war. [Follows recorded female voice with American accent]

This is Jane Fonda speaking from Hanoi, and I'm speaking particularly to the U.S. servicemen who are stationed on the aircraft carriers in the Gulf of Tonkin, in the 7th Fleet, in the Anglico Corps in the south of Vietnam.

You are very far away, perhaps, and removed from the country that you're being ordered to shoot shells at and bomb. And so it's perhaps very hard for you to, to understand in concrete human terms what the effects of, of these bombs and these shells are having.

I'm sure if you knew what was inside the shells that you're dropping, you would ask yourself as, as I have been doing for the last few days since I have seen the victims: What do the men who work for Honeywell and the other companies in the United States that invent and, and, and make these weapons—what do they think in the morning, at breakfast? What do they dream about when they sleep at night?

Yesterday, I went through the war museum in Hanoi, where there is a display of all the different kinds of antipersonnel weapons the different kinds of bombs, the guava bomb, the pineapple bomb, the spider bomb, different kinds of shells that contain toxic chemicals, the new kinds of napalm, combinations of napalm and phosphorus and thermite. The list is endless as are the, the victims from these weapons. And, it absolutely amazed me, the length to which man's mind—or at least some men in the United States—their minds have gone to create new ways of killing people. They must want to die very much themselves to think this much about new ways of killing people.

I don't know what your officers tell you that you are dropping on this country. I don't know what your officers tell you, you are loading, those of you who load the bombs on the planes. But, one thing that you should know is that these weapons are illegal and that's not, that's not just rhetoric. They are outlawed, these kind of weapons, by several conventions of which the United States was a signatory—two Hague conventions. And the use of these bombs or the condoning the use of these bombs makes one a war criminal.

The men who are ordering you to use these weapons are war criminals according to international law, and in, in the past, in Germany and in Japan, men who were guilty of these kind of crimes were tried and executed.

Now I know that you are not told these kind of things, but, you know, history changes. We've witnessed incredible changes for example in the United States in the last 5 years. The astounding victory that has just been won by George McGovern, for example, who, who was nominated by the Democratic Party, is an example of the kind of changes that are going on—an example of the overwhelming, overwhelming feeling in the United States among people to end the war. McGovern represents all that is good to these people. He represents an end to the war, an end to the bombing.

The women and the mothers in the United States are weeping for the damage and death and destruction that is being caused to the mothers of Vietnam. Very soon, very soon even the people in the United States who have not yet spoken out will be admitting that this war is the most terrible crime that has ever been created against humanity.

It may be very difficult for you who have been asked to fight it to, to think about the war in a new kind of way, to not think about it in an abstract way, to not think about it as some, sole land down there underneath your planes or beyond the sight of your guns, that is just sand or rubble or trees with a lot of gooks or Charlies or whatever you've been taught to call the people who live here.

This is a country that is 4,000 years old. It is a very rich country, it has a rich culture, it has a rich, a rich growth. The trees are lush, the flowers are beautiful. I've been in many countries around the world, I have traveled widely, I've been very fortunate. Never in my life have I been in a country of people that are so loving, and so nonalienated. They are truly at peace with their land and with each other. What do you see in the streets? You see people holding hands, arms around each other, helping each other, talking to each other, hugging each other, working together in the fields. These are peasants. These are people who are used to being part of their land. Their clothes are stained with the land, their houses are made with land.

There's an expression that is used to describe Vietnamese women, which says: Feet in the dust and hands in the mud. And you see all these beautiful Vietnamese women leaning over in the rice fields, with their hands in the mud planting the rice. Their pagodas are made of mud.

And their land is being destroyed. Why? Certainly not for anything that is in your interests, the soldiers of the United States, or in the interests of any of the people in the United States except the very few people who are determined to prevent the nation of Vietnam from achieving freedom and independence.

How this came about is an astonishing thing. How it is that a country like the United States of America, which fought for its own freedom and independence, has become a nation which will deprive another nation of freedom and independence is something that we will all have to answer one day. We'll all have to find out how this came about. But right now, we must, we must stop, we must stop dropping these bombs on the people of Vietnam.

I visited a hospital today, the Bach Mai hospital. I saw a huge bomb crater in the center of the hospital. It was obviously dropped there on purpose. With the kind of bombs, the kind of techniques that have been developed now, you know, particularly you pilots know, that accidents like that don't happen. This was no accident. It destroyed wards filled with patients. It destroyed hospital equipment. It killed some doctors. It is a terrible thing to see what has been done.

Why? Why do you do this? Why do you follow orders telling you to destroy a hospital or bomb the schools. Do you know what happens to the women when the napalm that you're dropping lands on them? You have no idea. Deformed hands, necks twisted out of shape, women with five children who were working women are used to working with their hands, who were lovely and alive and graceful—the way Vietnamese women are with the long black hair—twisted out of shape, not dead, not spared the pain and the misery of living as a mutilated person, forever in physical pain.

Why, why is this being done? The victims in the hospitals with thousands of holes in their body, from the steel pellets that are being dropped, and even worse now the Nixon administration has gone one step further from the Johnson administration—the steel pellets have been perfected, they're now plastic, rough-edged plastic. Why? Because plastic doesn't show up on X-rays, which means that these people spend the rest of their lives with their bodies filled with plastic pellets and every time they move, it causes excruciating agony.

The women that I have talked to who were not even under your bombs but came to help victims of the chemical bombs, and the chemical toxic gasses were so strong that even after the bomb, long after the bomb had exploded when these women came to save the other people, they got sick. And, and weeks and months later they still—they pass out, they have headaches, they are losing their memory. Women who, who were pregnant are, are, are giving birth to deformed babies.

How can it be that the people of the United States have caused this kind of terrible, terrible suffering on a nation so far away? On a nation that has caused us no harm? I mean, what do you think? That the Vietnamese people are going to row across the Pacific in canoes? So I ask you and I will continue to ask you as long as I am here and I ask you as an American and I ask you because I cry every night when I think of, of what these people are having to go through, and I cry every night, when I think of the danger that is being done to them because of the bombing of their dikes. And I say why? And I say that the time has come for us to stop it. [recording ends]

That was American movie actress Jane Fonda addressing U.S. servicemen involved in the Indochina war.

SALT TREATY FREEZES UNITED STATES AS A POOR SECOND

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. SCHMITZ. Mr. Speaker, the Republican Party in 1968 pledged itself to a comprehensive program to restore the preeminence of U.S. military strength. This has also been the goal of many Democratic Members of this body. Now many are willing to abandon it for the SALT agreements with Soviet Russia despite the virtually unbroken Communist record of treaty violations and scorn for the obligation of keeping their pledged word. The peace the SALT advocates think they are promoting may well turn out to be the peace of the grave of the American Republic.

Following is an outstanding analysis of SALT by Phyllis Schlafly, who has devoted years of study to the military threat to the security of the United States, appearing in her June 1972 report:

SALT Treaty Freezes United States as a Poor Second

"This was the week that changed the world." Those words of President Nixon about his week in Red China were not applicable then, but they surely apply to his week in the Soviet Union culminating with the signing of the SALT Pact.

For the first time in history, a great nation, at the peak of its economic and military strength, surrendered its military leadership without even a whimper to a nation having only half its productive capacity.

Anyone who thinks that this is ushering in a "generation of peace" has succumbed to the most fatuous delusion since Prime Minister Neville Chamberlain went to Munich in 1938, signed a treaty with Hitler, and announced that this would give us "peace in our time."

The acclaim of the SALT Treaty by the politicians is the biggest exercise in self-deception since the New Deal claque hailed the Yalta sellout of 1945 (in the words of Majority Leader Alben Barkley) as one of the most important steps ever taken to promote peace and happiness in the world."

The SALT Pact is the obituary of U.S. strategic power. It will guarantee the Soviet Union control of the free world on its own terms. It clearly freezes the United States into a poor second place so that we will have to accept any ultimatum the Kremlin bosses deliver.

Read what the SALT Pact will do—and weep for our lost military superiority, lost military parity, and supine acceptance of inferiority.

LAND-BASED ICBM'S

"The parties undertake not to start construction of additional fixed land-based intercontinental ballistic missile (ICBM) launchers after July 1, 1972." (Interim Agreement, Article I)

This section freezes the United States in a position of inferiority to the Soviet Union in the weapons which, because of their fantastic power, will rule the world.

This section freezes the United States to a figure of 1,054 ICBM's. The Soviets have 1,618 ICBM's. This means that President Nixon has guaranteed the Soviets a superiority of at least 53 per cent more land-based ICBMs than we have.

In addition to the 1,618 ICBMs, the Soviets now have "more than 90 large new missile silos . . . about a third larger than the SS–9, the biggest Soviet missile that has been deployed." (*The New York Times*, April 23, 1972, page 1. Other authorities have said the number is 100.) Since construction has already been started on these gigantic new missiles, the SALT Pact will permit the Soviets to complete them. The United States does not have a single additional ICBM under construction.

Completion of these new missiles will give the Soviets 62 per cent more ICBMs than the United States is permitted under the SALT Pact.

By making the cutoff date July 1, 1972, this one-sided agreement rewards the Soviets for having engaged in a rapid missile-building program during the past 3½ years—and punishes the United States for the Nixon Administration's fatal and secret decision to keep our country in a 3½ year missile freeze. The Soviets attained their great superiority over us in numbers of missiles during the Nixon years. The 3½ year Nixon missile freeze has done irreparable damage to the United States by allowing the Soviets to gain this big lead—and this new Soviet superiority is now made permanent by the SALT Pact.

The cutoff date of July 1, 1972 proves that the SALT Talks have been exactly what many of us have been predicting ever since they started 2½ years ago, namely, a Soviet stall to keep the United States from building weapons, while the Soviets raced ahead to reach the degree of superiority they feel is necessary to control the world.

Why aren't 1,054 ICBMs sufficient to protect America? Because, since we will never strike first, the real test of U.S. survival is not how many missiles we have in a peacetime inventory, but how many we will have left after a surprise attack. Our U.S. Director of Defense Research, Dr. John S. Foster, Jr., has testified that when the Soviets have "a little over 400 SS–9's," they can knock out all but a small fraction of our 1,000 Minuteman missiles. They have at least 300 SS–9's now. When the Soviets use their SS–9s to knock out nearly all our Minuteman missiles, they will still have 1,318 other land-based missiles to target on our cities. Then they can say, "Surrender—or else!" This is what their missile superiority means. We no longer have enough missiles to threaten a retaliation that is credible.

MISSILE PAYLOAD

The SALT Pact places no limit whatsoever on missile payload. This gives the Soviets such a tremendous advantage over us that it boggles the mind to contemplate it.

Missile payload means the explosive power of the missiles, which is measured by what is called "megatonnage." One megaton equals one million tons of TNT-explosive-equivalent. A direct hit by a one-megaton missile could destroy a fair-sized city.

At the present time, the Soviet land-based missiles carry payloads totaling about 9,400 megatons, whereas U.S. land-based missiles can deliver a total of only 1,270 megatons. This means that the Soviet missiles can deliver a payload of 9,400 million tons of TNT-explosive-equivalent to our 1,270. This Soviet figure is an estimate, and different experts variously estimate the Soviet missile-payload superiority over us as somewhere between 5-to-1 and 10-to-1. But any way it is figured, the Soviet missile megatonnage superiority over us is so tremendous that it approximates the superiority the United States had over the Soviets at the time of the Cuban Missile Crisis in 1962.

By placing no limit on missile payload, the SALT Pact guarantees that the Soviets can not only keep their tremendous present superiority, but they can increase it as much as they want in order to destroy or blackmail the United States. No one knows how much payload they will build into the 90 to 100 large, new missiles they have under construction. They can put a giant 25-megaton SS–9 in every one of those 100 holes.

Under the terms of the SALT Pact, the Soviets can, if they want to, replace their SS–9s with missiles carrying an even greater payload. Recent reports indicate that the Soviets are ready to deploy a missile of 50 megatons, twice the payload of the SS–9s.

Doesn't the SALT Pact permit the United States to increase its missile payload, too? No, it doesn't. By the terms of the SALT Pact which President Nixon signed, the United States is prohibited from increasing its missile payload by a single megaton. The pertinent section is Article II of the Interim Agreement which states:

"The parties undertake not to convert land-based launchers for light ICBMs, or for ICBMs of older types deployed prior to 1964, into land-based launchers for heavy ICBMs of types deployed after that time."

This section is rather obscurely written, but it clearly prohibits the United States from converting any of our ICBMs (because Minutemen are "light" and Titans are "older types") into more powerful missiles, while at the same time it does not prohibit the Soviets from increasing the power of their SS–9s, because they were deployed after 1964.

Furthermore, since we have no missiles whatsoever under construction, there is no way we can add multi-megaton missiles as the Soviets are doing.

SLBM'S AND SUBMARINES

"The U.S. may have no more than 710 ballistic missile launchers on submarines (SLBM's) and no more than 44 modern ballistic missile submarines. The Soviet Union may have no more than 950 ballistic missile launchers on submarines and no more than 62 modern ballistic missile submarines." (The Protocol, Article I).

This section freezes the United States in a position of gross inferiority to the Soviet Union in the Polaris-type missile-firing submarines, which we have been told up until a few months ago were our last best hope for the defense of the United States, President Nixon voluntarily and eagerly relinquished our superiority in Polaris-type submarines. He signed the SALT Pact by which we agreed that the Soviets will have the tremendous superiority of 34 per cent more submarine-launched ballistic missiles than we have, and the tremendous superiority of 41 per cent more Polaris-type submarines than we have.

Like the one-sided agreement on ICBM's, this section on SLBM's and submarines rewards the Soviets for having engaged in a rapid submarine-building program during the past 3½ years—and punishes the United States for the Administration's fatal and secret decision to keep our country in a 3½ year submarine freeze. The Soviets have many submarines under construction at the present time, and the SALT Pact permits them to complete this construction—whereas the United States has none under construction.

In addition to current construction, the SALT Pact permits the Soviets to keep on building Polaris-type submarines by substituting them for older-type submarines or older-type ICBM's. By the terms of the SALT Pact, the United States is permitted to add only 3 more modern Polaris-type submarines to a total of 44. The Soviets, however, are permitted to add 37, namely, the 17 now under construction, plus 20 more, to a total of 62. As *The Wall Street Journal* pointed out, the so-called SALT "limitation" allows the Soviets "to go on turning out submarines like sausages."

ABM'S

The SALT Treaty provides that the United States and the Soviet Union each may protect only two areas with anti-ballistic missiles, with each area containing 100 ABM missile launchers. Only one of these areas may protect an ICBM site. If ABM's are built in a second area, it must be the nation's capital.

By thus permitting each side to have 200 ABM launchers, the SALT Treaty has the superficial appearance of equality. Here are some of the many reasons why it is highly advantageous to the Soviet Union and grossly disadvantageous to the United States.

The United States has practically no weapons which are capable of destroying Soviet missiles. The Soviets, on the other hand, have their SS-9 missile force which is designed specifically to knock out our ICBMs, and in addition have more than 2,000 other missiles to target on our population.

The bare minimum ABM protection, which was voted by Congress in the spring of 1969, authorized two ABM sites to protect our ICBM missiles in North Dakota and Montana. By the terms of the SALT Pact, President Nixon accepted Brezhnev's demand that we dismantle our ABM at Montana. Within hours of President Nixon's agreement, and long before the Senate has even had a chance to consider ratification of the Treaty, Secretary of Defense Melvin Laird ordered work stopped on the Montana ABM.

Under the SALT Treaty, the Soviets are not required to remove any ABMs or stop work on any ABMs.

The two ABM sites permitted by the SALT Treaty, while equal in number, are grossly unequal in the percentage of population they will protect. Figures on this inequality have not yet been estimated, but you can get some idea by comparing the difference between the population of North Dakota and the population of Moscow or Leningrad.

The only other ABM site the United States is permitted to have under the SALT Treaty is Washington, D.C. What this means is that the Nixon Administration officials took care of protecting themselves and the other Washington, D.C. politicians from Soviet attack—but they left the rest of the 200,000,000 American defenseless against nuclear attack. Why are the Washington politicians any more worthy of protection than the men, women, and children in New York, Boston, Philadelphia, Pittsburgh, Baltimore, Atlanta, Miami, Detroit, Chicago, St. Louis, New Orleans, Dallas, Houston, Denver, Seattle, San Francisco, Los Angeles, etc.?

There is nothing equal about our protecting our nation's capital and the Soviets protecting theirs. The population of Moscow is 9 times that of Washington, and Moscow is vastly more important to the economic, military, and political life of Russia than Washington, D.C. is to the United States.

The most important inequality about the ABM SALT Treaty is that the Soviets have a long record of sneak, surprise attacks on defenseless countries, whereas the United States has never committed such an attack and no rational person believes it is in the realm of possibility. The Soviets do not need any defense against U.S. attack; but we do need a defense so we will not suffer the fate of Poland and Finland in 1939, Latvia, Lithuania and Estonia in 1940, Hungary in 1956, and Czechoslovakia in 1968.

When President Nixon signed the SALT Treaty, he pledged that we would never be able to defend ourselves against a Soviet missile attack (except for the Washington politicians and the North Dakota base).

The ABM SALT Treaty is just as one-sided as though Tiffany's made a pact with the head of the jewel thief syndicate, agreeing that neither side would have a burglar alarm system. Such an agreement obviously is for the benefit of the only side which indulges in burglary. It would leave Tiffany's defenseless.

The ABM is strictly a defensive weapon—it can never kill a single Russian; it can never knock out a single Russian missile unless it is in flight and heading for U.S. targets. Just as the burglar alarm system doesn't bother anyone except the burglar when he is trespassing on the premises, so American ABMs don't bother anyone except an aggressor who has launched an attack. The purpose of the ABM SALT Treaty is to stop the United States from defending itself against Soviet attack.

ABM'S IN WESTERN EUROPE

"To assure the viability and effectiveness of this Treaty, each party undertakes not to transfer to other states, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty." (ABM Treaty, Article IX)

Again, what superficially appears to impose an equal restraint is in reality completely one-sided. The purpose of this section is to prevent our defending Western Europe with ABMs.

The Soviets have 600 ballistic missiles (IRBMs and MRBMs) targeted on Western Europe—and Western Europe has no nuclear missiles capable of reaching the Soviet Union. The Soviets have no need of ABMs to defend themselves or their satellites from Western Europe. Thus, this SALT Treaty, which prohibits both sides from building ABMs in "other states," operates only to the advantage of the Soviet Union. It means that our 310,000 American troops in Europe are hostages to the 600 Soviet nuclear missiles targeted on Western Europe, against which we have no defense, and now by the SALT Treaty are prohibited from building any.

WHAT ABOUT WARHEADS?

The SALT Pact is now being sold to the American people on the Nixon Administration's claim that the United States has 5,700 nuclear warheads while the Soviets have only 2,500. "Warhead" is a word which conjures up visions of a fierce weapon and so, when the layman reads these palliatives, he comforts himself with the delusion that our alleged "warhead superiority" can somehow balance the Soviet superiority in land-based missiles, missile payload, submarines, submarine-based missiles, and ABMs.

To understand how the Administration is deceiving the American people, consider this scenario. You are discussing entering business with a potential partner. He proposes that you each make an investment in the business and share the profits equally. You ask, "What investment do you have in mind?" He replies, "I'll put up $50,000 and you invest $25,000,000." You demur, suggesting that this isn't equal. He replies, "Both sides are making an investment—and an investment is an investment." If you allow yourself to be conned into that kind of unequal business deal, you wouldn't stay in business very long. But the enormous inequality concealed under the word "investment" in the above scenario is *exactly* the same ratio of inequality concealed under the word "warhead" in the figures given out by the Nixon Administration.

When the Administration cites the figures of 5,700 warheads for the U.S. and 2,500 for the U.S.S.R., it is equating our 1/20th of a megaton with a Soviet 25-megaton warhead. That is, the Administration is asking the American people to equate 50 *thousand* tons of TNT-explosive-equivalent (in a MIRVed U.S. missile) with 25 *million* tons of TNT-explosive-equivalent (in a Soviet SS-9).

Since the Soviets have at least 300 SS-9s of 25 megatons each, the Administration is asking us to equate 300 U.S. warheads with a total of 15 million tons of explosive power with 300 U.S.S.R. warheads with a total of 7,500 million tons of explosive power. In other words, the Administration is asking us to believe that 15=7,500. By this trick of words, the Administration is trying to conceal from the American people the fact that, in this segment of warheads alone, the Soviets have an advantage over the U.S. amounting to 7,485,000,000 tons of explosive power.

Would you really go into partnership with someone who started out by deliberately attempting to deceive you this way? Would you trust a friend who tried to persuade you to go along with such a lopsided agreement?

President Nixon's own Blue Ribbon Defense Panel, in a Supplemental Statement released March 12, 1971 and largely written by Supreme Court Justice Lewis Powell, Jr., severely criticized what is called the "numbers game, namely, the mere counting of warheads without analysis of megatonnage" and other factors. This Blue Ribbon Statement specifically exposed the falsehood of "the illusion of abundant security" based on claims of U.S. warhead superiority.

The Blue Ribbon Statement concluded: "It would be difficult to conceive of a better way to mislead the public than to present—without precise definition and analysis—comparative figures of this kind. Those who present such distortions contribute to the confusion rather than enlightenment of our people."

THE MIRV TRICK

The other device by which the Administration is ramming SALT down the throats of the American people is to claim an advantage to us because the SALT Pact does not limit MIRVing, and to let the American public infer that we are ahead in MIRVs. MIRV stands for Multiple Independently-targeted Reentry Vehicle. The MIRV program is a technique of slicing up a missile warhead into smaller, separate warheads which can be separately targeted.

Consider this comparison. One suburban developer has a plot for subdividing which has a total area of one acre. A second developer has a plot for subdividing with a total area of 25 acres. Which one will get the larger number of useful lots out of the subdivision?

The answer is obvious. And it ought to be just as obvious that the Soviet ability to MIRV is 25 times greater than ours. We are MIRVing our Minuteman missiles which have a power of one megaton each. The Soviet SS-9s are 25 megatons each.

The claim that we are far ahead in the technology of MIRV is grossly exaggerated. Secretary of Defense Laird testified nearly two years ago that the Soviets would catch up with us in two years. The Blue Ribbon Supplemental Statement said that the Soviet Pacific Ocean tests of MIRVs showed they are ahead of schedule.

When a missile is MIRVed, this cuts the power of the missile dramatically because separate propulsion and guidance systems have to be built into each MIRV, thereby reducing its payload. The reason why we are MIRVing our Minuteman and Polaris missiles is that the Soviets have 64 ABM launchers already deployed around Moscow, and we adopted the MIRV program *in extremis* as a counter measure to preserve some credibility that some warheads would get through the Soviet ABM.

Since we have no deployed ABM, the Soviets have no need to run a MIIRV race. They can just hit our undefended country with their un-MIRVed weapons carrying the full payload.

But if the Soviets choose to run a MIRV race, they can outpower the payload of our MIRVs by a factor of 20. Take our most powerful missile against their most powerful one (that we know about). Our Poseidon could deliver a single 4-megaton warhead; but we are splitting it into ten 50-kiloton warheads, making a total of 500,000 kilotons or ½ megaton for the Poseidon missile. The Soviet SS-9 with a single warhead of 25 megatons can be split into ten one-megaton warheads with a total of 10 megatons per SS-9. Thus, in a MIRV race, the Soviets will have a superiority of 20 times the power of ours.

THE SALT TEAM

At the time of the Cuban Missile Crisis of 1962, the United States had a 5-to-1 nuclear superiority over the Soviets.

Between 1962 and 1968, Secretary of Defense Robert McNamara, Deputy Secretary of Defense Paul Nitze, and Secretary of the Air Force Harold Brown, carried out a program of nuclear disarmament which dismantled half of our once-great superiority. They did this by scrapping ¾ of our strategic bombers and ¾ of our multi-megaton missiles, abandoning our overseas missile and bomber bases, refusing to build the ABM, Skybolt, and other new weapons, cutting back our Minuteman missile program from 2,000 to 1,000, freezing our Polaris submarines at 41, and scrapping our most powerful weapon, the 24-megaton bomb. Meanwhile, the Soviets went into fullscale production of nuclear weapons.

On October 24, 1968, candidate Richard Nixon in a nationwide radio address, solemnly promised to "restore our objective of clearcut military superiority" and "do away with wishful thinking either as to the capability or the intent of potential enemies."

The 1968 Republican Platform, adopted by Richard Nixon and all the Delegates at the Republican National Convention in Miami, stated: "We pledge . . . a comprehensive program to restore the pre-eminence of U.S. military strength."

Instead of restoring U.S. military superiority as he promised, President Nixon continued the McNamara missile and submarine freeze for 3½ years. Meanwhile, the Soviets increased their ICBMs from about 1,000 to 1,618, and their submarine missile launchers from about 450 to today's total of 740.

The real clue to the policy of the last 3½ years is that President Nixon promoted McNamara's two principal assistants, Paul Nitze and Harold Brown, to the most sensitive positions in government: the SALT negotiating team. They drafted the SALT Pact which guarantees Soviet superiority in nuclear weapons.

On June 1, President Nixon solemnly told our nation: "No power on earth is stronger than the United States today. None will be stronger than the United States in the future." The facts presented in this *Report* prove that these words are not true. The Soviets are now 53 per cent stronger than we are in land-based ICBMs, and will be 62 percent stronger in the near future. The Soviets are now at least 500 per cent stronger than we are in missile payload, and will be 1,000 per cent as strong in the near future. The Soviets now have 42 Polaris-type submarines to our 41, and in the near future will have 62 to our 44.

The SALT Pact is being presented to us as a "limitation" on the spiraling arms race. Actually, *only* the United States is limited. The SALT Pact is a written authorization to the Soviets to continue their crash nuclear building program for the next five years. The President has been deceived by his advisers—and our country, by the President.

CONGRATULATIONS TO THE ORDER OF AHEPA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. HELSTOSKI. Mr. Speaker, today it is my pleasure to extend my congratulations to the Order of Ahepa, more formally known as the American Hellenic Educational Progressive Association, on the proud occasion of its 50th anniversary. This national fraternal organization has worked vigorously and tirelessly for the last half century to educate American citizens in the ideals and principles of the Hellenic culture that existed in ancient Greece. As it turned out, this culture later provided the very foundation of Western political and social thought as it evolved up to the present.

The service record of the Order of Ahepa is, indeed, remarkable. Ahepans have consistently carried the banner of improved education, have successfully fought for the freedom and self-respect of the minorities in its justice for Greece and justice for Cyprus programs, and members of the order have always worked for the relief of innocent victims of natural disaster at home and abroad. In light of these formidable accomplishments, it is quite evident that Ahepans are truly concerned with the conflicts that often frustrate the individual in society, as well as with the plight of discriminated minorities. These achievements, along with a membership that includes many distinguished American political figures of the past and present, stand out as proof that the truths of a 2,000-year-old culture are still irrefutably relevant to man in the modern industrial society of today.

I consider it my obligation to ask my distinguished colleagues in Congress and all the American people to join me in paying tribute to the Order of Ahepa on the occasion of its anniversary. Although the honor of the order's deeds will prove far more eternal than these words, I must once again assure my support for this admirable organization, and wish to its members long life and another 50 honorable years.

HON. WILLIAM WILLIAMSON

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. ABOUREZK. Mr. Speaker, I was deeply saddened to learn of the death of the Honorable William Williamson, a distinguished member of this body from 1921–33. Although members of different parties, I had the pleasure of knowing William personally and was a great admirer of his wisdom and wit. He not only represented the western district of South Dakota, as do I, but also was a resident of Rapid City, S.D., which is also my hometown. That tragedy-scarred city has suffered further loss by his death.

Although born in Iowa in 1875, he moved with his parents to Plankinton, S. Dak., in 1882. He attended the public schools in South Dakota and Wayne State College in Nebraska. After engaging in agriculture and teaching for several years, he entered the University of South Dakota and graduated from the law school there in 1905. While at the university, he was editor of both the school newspaper and the college annual.

He was prosecuting attorney of Lyman County, S. Dak., from 1905–11 and was circuit judge of the 11th judicial district from 1911–21 at which time he was elected to Congress.

In 1933 he resumed the private practice of law in Rapid City and later became a special assistant attorney general for South Dakota assigned specifically as general counsel for the public utilities commission and the Department of Insurance of South Dakota. He was also a member of the Mount Rushmore National Memorial Commission.

A GREAT SERVICE TO SAIGON

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. HAGAN. Mr. Speaker, in numberless ways the United States has given assistance to the South Vietnamese people in their struggle for the right to determine their own destiny. One of the most helpful services has been the training of the South Vietnamese helicopter pilots, some 1,436 in all.

A significant occasion was the graduation of 17 pilots on June 19, the last of the trainees at the Hunter Army Airfield-Fort Stewart complex, near Savannah. The people of the Savannah area will miss the fine young men who have been in their midst since March 1970.

Each of the cadets has been adopted by an area family and no doubt these men will return to their native land with a favorable and authentic estimate of American people. The pilots were required to spend a full year in their training course here, and a Hunter Airfield spokesman said:

> They're getting basically what any U.S. pilot gets.

The graduation and phaseout news account which appeared in the Savannah Morning News of June 20, 1972, follows:

GRACED BY TOP BRASS—300 ATTEND CEREMONIES FOR FINAL PILOTS CLASS

A trio of generals helped Hunter Army Airfield-Ft. Stewart bid farewell to its final class of South Vietnamese helicopter pilots Monday night.

The graduation ceremonies attended by about 300 officers, sponsors, cadets and guests marked the end of a program which began 1,416 cadets ago at Hunter in March, 1970.

"The sacrifice you have made cannot be measured in days, in weeks, and months, but in the centuries of peace," Ft. Stewart Complex commander Brig. Gen. Eugene M. Lynch told the graduates.

Other speakers were Army Chief of Chaplains Maj. Gen. Gerhard W. Hyatt, Air Force Maj. Gen. William W. Snavley and South Vietnamese military attache Col. Nyugen Linh Chieu.

Awards were presented to Chatham Countians who have sponsored the Vietnamese cadets.

MISSION ACCOMPLISHED

"In 1970 we were given the mission of transferring our expertise in flight training, to Vietnamese aviators." Lynch said. "Today, with pride, I can say, 'Mission accomplished, job well done'."

Lynch said the Vietnamese cadets compiled a record at Hunter that would be enviable to any U.S. Army training program.

He said, "In the past three months, the successes we have attained at Hunter have been demonstrated on the battlefields of Vietnam."

"In 1968 when we faced together the Tet offensive, American aviators did the job," Lynch said. "Today, those aircraft are piloted by graduates of Hunter."

Hyatt said he was proud to be at Hunter because he feels strongly about the Vietnamese people.

"If we truly believe in freedom, for ourselves, we cannot deny it to other peoples of the world," he said.

Hyatt said the United States, in its beginnings, faced the same type of problems now facing the Vietnamese.

"For a short 10 years, we have been struggling to help them develop themselves as a nation. It ill behooves us to be impatient," Hyatt said.

Snavley is assistant Air Force deputy chief of staff for systems and logistics.

Snavley speaking of the sponsorship of the cadets by Chatham families, said he was moved by the "family-oriented aspect of the program."

This program, undertaken in a very short period of time, has been an outstanding success," he said.

Chieu, after thanking Hunter personnel for training his countrymen, said some of the men trained at Hunter have already made "the supreme sacrifice of their lives."

"We are struggling, but we are confident of defeating the enemy even sooner, thanks to your excellent training," he said. "Please accept the heartfelt gratitude of the free Vietnamese people."

Lynch said the Vietnamese trained at Hunter came from every city in South Vietnam and "it seems only appropriate that they will return to protect every city."

AHEPA TO CELEBRATE GOLDEN ANNIVERSARY

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. GARMATZ. Mr. Speaker, one of the things which has made America a great nation has been the diversity of cultures and activities of our many citizens of all nationalities, races and creeds. And many of these individual citizens have found a vehicle for their efforts and energies in the many social and service organizations which have become such a part of the American way of life.

I am most anxious, Mr. Speaker, to see that proper recognition is given to one of the most outstanding organizations of its kind—the Order of Ahepa, which will celebrate its 50th anniversary on July 26, 1972.

The word AHEPA is an acronym, which means American Hellenic Educational Progressive Association, and AHEPA membership is available to any American citizen. Founded in Atlanta, Ga., on July 26, 1922, the Order of Ahepa is a nonpolitical and nonsectarian organization which has made countless national and community contributions.

In addition to making substantial economic contributions to the victims of floods, earthquakes, and other natural disasters, both in this country and abroad, local AHEPA chapters have given generously to and vigorously supported local community undertakings in the fields of education, charity and civic improvement. But the thing I admire most about this organization is the fact that it makes a conscious and persistent effort to instill into its youngest members a fierce love of freedom and a deep sense of loyalty to the United States of America.

If for no other reason, Mr. Speaker, the fact that this is an extremely patriotic organization that produces citizens who become the backbone of our Nation is reason enough to pay homage to AHEPA. But the fact is that the Order of Ahepa is producing young Americans who reflect the best of all the most admirable qualities found in humanity.

I am proud to wish the Order of Ahepa a happy golden anniversary this month—and I hope its next 50 years will be as successful as its first half century of accomplishments.

THE MANMADE DISEASE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. STOKES. Mr. Speaker, poor people in this country are being increasingly victimized by a disease for which a cure exists. Part of the cure lies in citizen education and in improving the products that consumers are forced to buy and to live with.

The disease is, of course, lead poisoning. It is an especially brutal disease because its targets are small children who are hungry. Thirty million dollars, spread over the next 2 years, would go a long way toward obliterating the disease. President Nixon seems to think, however, that $2 million will do the job. He is wrong.

Mr. Speaker, the Congressional Black Caucus is mobilizing to secure the maximum possible funding for lead poisoning prevention. I urge my colleagues to join us in this important effort.

Congressman WILLIAM L. CLAY has written a persuasive article on this dreadful manmade disease. It appeared in the Boston Globe on June 27, 1972. I hope that the Members of this Chamber will take his words seriously to heart:

FULL FUNDING VITAL FOR LEAD POISONING CONTROL

Lead poisoning can injure or kill any child—but in all likelihood the child who will contact this manmade disease will be poor, under the age of 3 and black.

He will most likely be a child who does not eat regularly, is not well supervised and will live in tenements, run-down apartments and dilapidated old houses.

More than 400,000 American children fitting this description will eat the sweet-tasting chips of paint containing lead this year. Over 3200 of them will suffer permanent brain damage and 200 will die.

In reality, no one knows precisely how many really will suffer or die from lead poisoning. The statistics cited are official US figures which, in the past, have tended to be underestimated. What a cruel indictment it is of America to needlessly subject helpless children to the misery and torture of brain damage, blindness and kidney malfunction.

The problem of lead poisoning, its prevention, treatment and cure cannot be met without funds. Congress passed a special law authorizing such funds but no money was appropriated for fiscal year 1971 and no money was requested by the White House for that period.

The law authorized $10 million for fiscal year 1971 and $20 million for the present fiscal year. The White House included in its budget, a request for a mere $2 million for fiscal year 1972. And, the White House had the gall to suggest that a request for that amount was a clear indication of the President's concern for the problem.

When Congress did battle with the White House for funds to implement the law, an amount of $7.5 million was obtained. Congress clearly did not do much better in appropriating an amount still less than half the authorization. Already, applications from cities now pending before HEW ask for more than $7.5 million and many cities haven't yet filed reports or requests.

Because the incidents and tragedies of lead poisoning are so prevalent in black neighborhoods, the Congressional Black Caucus of the House has introduced special legislation calling for full funding of the Lead Poisoning Prevention Act.

The Congressional Black Caucus also endorsed a proposal to lower the ceiling on lead content of household paint from the present 1 per cent to the figure supported by the American Academy of Pediatrics, 0.06 percent.

President Nixon says we must spend whatever is necessary to find a cure for cancer. But the cure for lead poisoning is known. It is a man-made killer of children and should not be considered less deadly.

It is appalling that no action has been taken by the Appropriations Committee on the request for additional funds. We are rightfully incensed that the general public, the Congress and the President seemed resolved to wait out lead poisoning—a man-made disease—which will eventually cure itself. In the meantime, suffer the little children.

NEW FEDERAL RETIREMENT LEGISLATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. WALDIE. Mr. Speaker, today I am introducing two bills which, I believe, will bring equitable treatment to thousands of Federal retirees, dependents, and survivors who are now struggling to exist on grossly insufficient income.

These bills will increase the minimum benefits to that of the social security minimum. As you know, the President recently signed into law the 20-percent increase in benefits for social security recipients. The new social security minimum is $84.50 a month and my bill will match that minimum and will provide for increases in the future to go into effect when social security increases are approved by the Congress and the President.

This minimum would apply to retired employees, to surviving widows and widowers, and to children.

Approximately 145,000 retirees, children, and survivors would be affected by the legislation and would receive increased benefits averaging some $31 a month.

Mr. Speaker, the second bill I am introducing today would bring direct relief to low-income Federal annuitants. This legislation would provide a $20 a month increase to most annuities below the $200 per month level.

The effect of this proposal is to grant a $20 per month increase to annuities of less than $181 to $199 per month bracket to bring them up to the $200 a month level.

We estimate, Mr. Speaker, that there are some 450,000 Federal annuitants, survivors and surviving children who are presently receiving benefits below the $200 a month level. This legislation would give these deserving Americans an average increase of $19 per month.

CONGRESSMAN BURKE ANNOUNCES RESULTS OF 1972 CONGRESSIONAL QUESTIONNAIRE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. BURKE of Florida. Mr. Speaker, I am happy to announce the results of my annual congressional questionnaire. which I sent to some 265,000 homes in the present 10th Congressional District.

More than 50,000 questionnaires were returned to me indicating views on a range of national issues.

It is heartening to see so many people take the time and effort to give me their views on important issues of the day. It certainly reflects the interest our citizens take in the affairs of our country.

Since I intend to continue this practice of reaching the people I represent by sending annual congressional questionnaires, I will certainly share the results of my annual poll with you.

The results of the 1972 poll by percentage follow, as well as the results by party preference and geographic area:

1972 BURKE QUESTIONNAIRE

	Results (percent)	
	Yes	No
1. Do you favor Federal legislation to promote the establishment of free day-care centers and nursery schools for working mothers?	46	54
2. Do you favor a constitutional amendment that would—		
(a) Extend the term for President from 4 to 6 years, with a one-term limit?	34	66
(b) Change the term of the Members of the U.S. House of Representatives from 2 years to 4 years?	52	48
3. Do you favor a larger share of responsibility for administering Government programs being delegated to regional offices rather than being centralized in Washington, D.C.?	79	21
4. Should Government employees be given the right to strike?	20	80
5. Should the news media be authorized to publish or broadcast secret Government information involving our security, without proper clearance?	12	88
6. In general, do you support the President's revenue-sharing proposal of Federal funds by direct payment to State and local governments, without Federal specifications as to their use?	48	52
7. Do you favor a national health insurance program?	77	23
8. Do you favor Federal legislation to legalize abortion?	64	36
9. Do you believe President Nixon's trip to China will lead to future security and peace in the world?	54	46
10. Should amnesty be granted to men who fled the country to escape the draft?	20	80
11. Do you favor stricter gun control laws?	70	30
12. If you do favor stricter gun control legislation, which of the following would you favor?		
(a) Stronger controls at the Federal level?	41	
(b) Stronger controls at the State level?	27	
(c) Stronger controls at the local level?	32	
13. Regarding the possession and use of marijuana, the Federal Government should—		
(a) Retain present penalties?	25	
(b) Reduce present penalties?	20	
(c) Increase present penalties?	38	
(d) Legalize its possession and use?	17	

1972 BURKE QUESTIONNAIRE

[In percent]

	Central Broward						South Broward						North Dade					
	GOP		Independents		Democrats		GOP		Independents		Democrats		GOP		Independents		Democrats	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1	35	65	42	58	52	48	40	60	44	56	59	41	43	57	60	40	63	37
2:																		
(a)	42	58	35	65	32	68	38	62	31	69	24	76	36	64	31	69	24	76
(b)	54	46	55	45	52	48	56	44	56	44	49	51	45	55	48	52	48	52
3	77	23	79	21	74	26	94	6	70	30	76	24	71	29	76	24	72	28
4	11	89	25	75	48	52	10	90	29	71	36	64	9	91	28	72	40	60
5	4	96	12	88	16	84	4	96	17	83	14	86	5	95	29	71	15	85
6	60	40	46	54	45	55	43	57	41	59	47	53	55	45	48	52	38	62
7	68	32	74	26	81	19	72	28	80	20	82	18	62	38	88	12	89	11
8	66	34	65	35	61	39	60	40	69	31	64	36	58	42	76	24	62	38
9	68	32	53	47	41	59	66	34	45	55	40	60	57	43	55	45	42	58
10	11	89	19	81	27	73	7	93	28	72	35	65	11	89	31	69	25	75
11	68	32	64	36	77	23	70	30	72	28	73	27	60	40	67	33	78	22
12:																		
(a)	40		41		43		44		42		45		43		41		35	
(b)	25		30		24		26		26		25		25		26		32	
(c)	35		29		33		30		32		30		32		33		33	
13:																		
(a)	26		31		20		30		22		16		27		23		17	
(b)	21		15		18		23		18		23		16		18		15	
(c)	32		34		44		40		41		43		48		31		48	
(d)	21		20		18		7		19		18		9		28		30	

PROMPT ACTION FROM THE U.S. POSTAL SERVICE

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I would like to insert into the RECORD, a letter I received from the news editor of the Pennsylvania Mirror, Mr. David G. Fay. I believe this letter indicates that the U.S. Postal Service endeavors to correct the many problems which it inherited from the Post Office Department. The letter is as follows:

A LETTER

Being in the newspaper business I can attest to the fact a reader will call immediately with the slightest complaint but readers are few and far between who will call to congratulate you on something well done.

With this in mind I wish to point out that my recent complaint to your office concerning special delivery mail service out of Philadelphia was corrected immediately and there has been no recurrence of late service. Mr. Roy Lutz of the Erie office handled the complaint for District Manager John F. McLaughlin.

I would like to thank you and the Postal Service authorities for the prompt and effective action.

SBA LENDING PROGRAM

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. RAILSBACK. Mr. Speaker, recently it was announced that a record-breaking $62,838,737 in loans were approved by the Small Business Administration in Illinois for fiscal year 1972. This amount exceeded by nearly 50 percent the previous record established in fiscal year 1971.

I am particularly pleased by the loans granted in my Congressional District. They are as follows:

County	Number of loans	Total amount
Henry	2	$320,000
Warren	2	41,000
Whiteside	1	33,000
Rock Island	15	1,212,000

I am convinced that these loans illustrate the fact that the Small Business Administration has become a highly effective tool in stimulating our economy, and I wish SBA and the people it serves every success in future endeavors.

NEWMAN CITES AMERICA

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. LANDGREBE. Mr. Speaker, this Nation is over 196 years old. Yet too often we forget what America is.

On the eve of this year's Independence Day celebration, a remarkable tribute to this greatest of all nations was penned by a Hoosier friend and fine compatriot. The statement by Don Newman, of Osceola, Ind., appeared in the July 3 issue of the Elkhart Truth. I include it here for the profit of my colleagues:

LEGACY OF STRENGTH YET COMPASSION

(By Don Newman)

America is a great country.

Great because her land is fertile and mineral-rich.

Great because her government of the people, by the people, and for the people, although not perfect, is the best yet devised which attempts to obtain for each and every citizen: Freedom, equality, and justice.

Great because her founding fathers left a legacy of strength yet compassion, ambition yet unselfishness, independence yet faith, and above all else, an abiding conviction in the supremacy of God. The sentence, "In God We Trust", on our money is a short statement which summarizes that founding principle.

I like America because of her efforts to guarantee everyone life, liberty, and the pursuit of happiness.

I like America because she is the best hope yet for the fullest development of individual potential.

I like America most of all because she is synonymous with opportunity. It is this individual opportunity which contributes uppermost to the greatness of our Nation. This, coupled with the fact that our people historically have assumed a measure of responsibility in discharging the obligations of citizenship, sometimes sacrificing their fortunes and their lives to further the cause of freedom, equality, and justice.

I love my country because of the deep sense of pride I hold for her accomplishments, for the bounty she has returned to my family and me through the opportunities afforded us, and for the liberty to select one's own destiny.

Where else could a citizen, just a small businessman, aspire to, and be nominated for an office as prestigious as that of a United States Congressman?

LOCAL AID STALLING MUST END

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. CHAMBERLAIN. Mr. Speaker, just before Congress recessed for the Democratic National Convention an editorial appeared in the State Journal of Lansing, Mich., entitled "Local Aid Stalling Must End," which commended the House for passing the revenue sharing bill and went on to urge the Senate to act favorably without delay. With both Houses back in session, I wish to bring this most timely June 27 editorial to the particularly attention of Members of the other body. The editorial follows:

LOCAL AID STALLING MUST END

After a couple of years of foot-dragging, a federal revenue-sharing bill finally edged forward one big step with the approval of a $5 billion measure last week in the U.S. House of Representatives.

The bill, which provides $1.8 billion to the states and another $3.5 billion for cities, counties and other local government units, and the actual support of Rep. Wilbur Mills and his Ways and Means Committee, a major factor in breaking the House deadlock.

Now it goes to the Senate. There it will face a tough fight from conservatives, who are always reluctant to give up control of the money strings, and from others who don't want to give any election year help to the administration that proposed the idea.

With the national political conventions closing in and the expected congressional recess to be followed by the national presidential campaign, time for a decision is very short.

It remains now to be seen whether the Senate will continue the do-nothing stall of the Democratic controlled Congress or finally endorse one measure designed to do something for the nation's hard pressed states and local units of government.

As recently noted by veteran Washington columnist David Broder, Democratic presidential candidates and leaders have acknowledged revenue sharing and a number of other domestic issues as having urgent national priority and have offered counter proposals of their own.

Yet, as Broder said, with time running out, they have done little with any of the President's proposals or their own alternative programs.

As for the argument that the federal government has no funds to help states and local governments via revenue-sharing, we suggest that just about any governor, mayor or private citizen could readily provide a list of waste areas where the money could be found.

It is clearly up to the Senate, that formidable center of Democratic presidential aspirants, to decide if it will convert some of the campaign trail oratory into reality or retreat again to the stalling tactics of the past two or three years.

The Senate should put aside the politics of paralysis and do something for the hard pressed cities, counties and states. They need help—and now.

TRANSPORTATION'S ROLE IN RECYCLING WASTE MATERIALS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. SHOUP. Mr. Speaker, the unsightly waste and scrap which litters and clutters the American scene is fast changing our beautiful landscape. The past accumulations of waste must be removed and methods must be developed to gather and reuse all of our future wastes. This is something which has been recognized and talked about with an increasing frequency. Recyclamation is a term which is being used by many people these days. Because of its importance we in the Congress should give the topic careful study. Recyclamation recently made news when the ICC was ordered by court action to reconsider transportation rates on waste materials which were being shipped to various points for recyclamation and reuse. Action such as this was instituted by Students Challenging Regulatory Agency Procedures—SCRAP. This group of George Washington law students has helped dramatize the far-reaching effects of these concept of reuse by recycling the valuable resources of this country.

The Department of Transportation had previously authorized a study of the transportation by railroads of recycled scrap. This report by Herbert O. Whitten & Associates is entitled "Recyclamation—Rail Transport Economics of Substitutability of Recycled Scrap or Waste for Basic Raw Materials." It is a case study of rail transport of scrap or steel vis-a-vis iron ore. While this study is one which takes a very deep and complex look into the economics of the area of the transportation of iron ore and scrap iron, it makes several general points. These points are worth our attention.

First it is important to realize that the successful implementation of a comprehensive recycling program will cause a major transformation of American industry. The customer will be merely one link in a continuous process of manufacturing not the last step or link. Collection of used items will become an important field, not merely one of getting waste out of sight, out of mind. The study recognized what a vast change in our society such a process will make.

It also recognizes, by looking in depth at one aspect of the transportation industry, what an important role the transportation industries will have in this entire process. It will be involved in the collection and gathering from initial points of reclamation to the point of preparation and processing. It will also be involved in the movement of processed wastes from the accumulation centers to points of productive reuse. The consultant said that a great deal of this shipment will be by rail.

In order that this might be accomplished, a comprehensive program for transportation must be established. Among all of the governmental bodies listed as being involved in the creation of such a large transportation system, it lists the Congress. The tasks which would be assigned to this body are:

Provide adequate funding; establish a materials exemption for highway and water movements; and establish a natural resources depletion tax to support the recyclamation program.

I believe what the country needs to do is to recognize that transportation will be a vital part of this effort to preserve our natural resources and reuse what we do have. What we in the Congress need do is to acquaint and instruct ourselves about the recycling process, a field which is soon to be one of great national importance.

CAPTIVE NATIONS WEEK

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mrs. GRASSO. Mr. Speaker, this week is the 14th anniversary of Captive Nations Week—a time for all freedom loving people to remember the ravage of past tyranny and to join together in outrage over the continuing plight of millions who still live amidst the terror and oppression of Communist domination.

We must never forget the enslaved peoples of the Baltic lands, the Ukraine, Hungary, Poland, Czechoslovakia, Armenia, and other lands that have fallen under the Communist heel.

The oppressed have made it clear to the world that they have not given up the struggle to be free. Many acts against oppression demonstrate the power and spirit of people who are unwilling to surrender to conquest. Recent examples include riots in Lithuania, cultural repressions and trials of intellectual nationalists in the Ukraine, resistance to continuing Russification of minorities in the Soviet republics, the Prague spring of 1968, and the 1970 Polish uprisings.

Abraham Lincoln warned us that:

> Those who deny freedom to others deserve it not for themselves, and, under a just God, cannot long retain it.

The people of the so-called captive nations persist in the struggle to retain their national identity and pride in the hope of a brighter tomorrow. The courage of these people is truly inspiring and deserves our continuing commendations and support.

How fortunate we are as Americans to be able to enjoy the liberties and personal rights of a democratic republic. How wonderful it would be if our fellow citizens throughout the world could realize the freedom and independence which is their birthright. The American people have not forgotten the plight of the captive nations—nor will we. Our history is founded on the struggle for freedom, and we stand with all the oppressed peoples of the world in their determination to be free.

ST. LUKE UNITED PRESBYTERIAN CHURCH OF INDIANAPOLIS ON CIVIL DISOBEDIENCE AND VIETNAM INVOLVEMENT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. BRAY. Mr. Speaker, last month the congregation of St. Luke United Presbyterian Church in Indianapolis took sharp dissent with pronouncement on American involvement in Vietnam as expresed by the General Assembly of the United Presbyterian Church in the United States.

The St. Luke congregation wrote the President, sending him a copy of their resolution. They also forwarded a copy to me. I was greatly impressed by their deep feelings, and their desire to make their own position clear on these vital matters.

I have secured their permission to insert both their letter and resolution into the RECORD, and it is an honor to do so:

ST. LUKE UNITED
PRESBYTERIAN CHURCH,
Indianapolis, Ind., June 19, 1972.

HON. RICHARD M. NIXON,
President of the United States,
White House,
Washington, D.C.

DEAR PRESIDENT NIXON: You and your staff no doubt are aware of the pronouncement on America's involvement in the Vietnam war approved by General Assembly of the United Presbyterian Church in the U.S.A. in its National Convention in Denver, Colorado, early this month. We attach a resolution passed by the governing board of our Church in response to the General Assembly's pronouncement.

We are a relatively small Congregation; however, we feel we speak the sentiment of hundreds of thousands of Presbyterians throughout the Nation. We wanted you to know that we are in sympathy with your efforts to disengage American troops from hostilities in Southeast Asia, and at the same time, to protect the South Vietnamese people from the holocaust which is sure to follow if their forces are ultimately defeated by the aggressors from the North.

As the attached resolution clearly attests, our Session is highly critical of our General Assembly's attempt to meddle in the diplomatic policies of our Nation, and its pronouncement from its recent convention in Denver.

Sincerely yours,
ROBERT W. DEMAREE,
Clerk of Session.

RESOLUTION

The Session of St. Luke United Presbyterian Church, 338 Union Street (Southport), Indianapolis, Indiana, convened with proper notice and in the presence of a quorum, has taken thoughtful note of the pronouncement of the 184th General Assembly of the United Presbyterian Church in the U.S.A. on American involvement in the Vietnam war, such pronouncement consisting of three parts, to-wit: "A Message to United Presbyterians," "Recommendations" and "Resolution."

Conscience compels us to speak out against the tenor of the pronouncement as a whole, and particularly to protest some of the innuendoes in its Recommendations and Resolution.

Our Session holds unanimously that the following be truths which in combination render the General Assembly pronouncement, no matter how sincerely conceived, indubitably improper, indiscreet, and detrimental to the purposes it was intended to serve:

1. It is fundamentally the mission of the United Presbyterian Church to preach the gospel of Jesus Christ; to be concerned for the unconverted, the unchurched, and the illiterate in the teachings of the Scriptures; to be benevolent to the poor, the widow and the orphan; and to foster brotherly love between neighbors and nations.

2. It is both the prerogative and the responsibility of Church members to join with peace-loving peoples everywhere in prayers for peace, for the safety and well-being of those who defend us in the far corners of the earth, and for our National leaders and elected representatives as they seek an end to hostilities in Vietnam and elsewhere. It is the part of every Christian to entreat the Almighty to touch the hearts of those who would enslave their brothers, that they might relent and that we might have peace and international brotherhood between all men and between all nations.

3. It is both the prerogative and the responsibility of every Church member, as a private citizen, led by the Holy Spirit, to take active interest in the affairs of his State and Nation, to participate in his right of suffrage, to make known his sentiments on National issues to his elected representatives, and himself to serve his country as a Christian citizen.

4. It is neither the responsibility, the prerogative, nor the business of the United Presbyterian Church as an integral national, state or local body (a) to militate against the political and diplomatic conduct of constitutional government, nor against the views of those elected to manage it; (b) to directly or indirectly support or oppose legislation under consideration by the Nation's legislative bodies; (c) to bring direct or indirect pressure on elected legislators to influence their votes on National issues; (d) to encourage civil action in our courts on National policies; nor (e) to solicit political contributions for or against candidates for election to public office. These are functions which must be relegated to the consciences of individual Church members.

5. The General Assembly's pronouncement has done violence to the peace and unity in Presbyterian churches in our area.

We protest most vigorously, as members of the United Presbyterian Church, to our highest ecclesiastical judicatory having issued a resolution encouraging "peaceful civil disobedience" of the laws of our land. To have done this is to abet lawlessness, and to give impetus to the disrespect for law and order which is already far too rampant among many segments of our society. To have done this is an irresponsible betrayal of the principles of freedom of person and of religion under which we as Americans live and move *and worship.*

CAPTIVE NATIONS WEEK

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. O'NEILL. Mr. Speaker, this week marks the 14th national observance of Captive Nations Week. Throughout this period, Americans across the country are expressing their concern for the millions of Eastern and central Europeans for whom subjugation under Communist rule has become a stark reality of life.

Mere words cannot convey the mental or physical anguish suffered by these people as they consciously suppress their creativity and their convictions in order to survive within the Communist societal framework. Captive Nations Week does serve, though, as a mechanism which challenges the individual and collective moral conscience of the American people.

It challenges us to empathize with those for whom freedom is an incomprehensible abstraction and to whom democracy is portrayed as menacingly anarchistic. Moreover, it challenges us to cherish and appreciate our own open society, where divergent ideas are permitted to vie for acceptance in the public marketplace.

During Captive Nations Week, I join with my colleagues in expressing the sincere wish that people in these captive nations will be permitted in the near future to enjoy those fundamental and inherent rights which have been denied to them for over 25 years. Already we have seen the force of world public opinion aid Soviet Jewry in emigrating to Israel, but the recent outbreak of self-immolations in Lithuania once again underscores the deep-seated frustrations experienced by those whose rights have been abrogated.

It is my belief that, through increased communication and dialog between the free nations of the world and the Communist countries, the captive nations will lose their fear of individual self-expression. It is my further hope that, as a result of this dialog, future Captive Nations Weeks will remind us of the past, not the present.

THE 50TH ANNIVERSARY OF AHEPA

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. ADDABBO. Mr. Speaker, I am proud to join with many of my colleagues in the House and citizens across the country in paying tribute to the Order of Ahepa—the American Hellenic Educational Progressive Association on the occasion of its golden anniversary. For the past 50 years, the Order of Ahepa has served as a fraternal focal point for individuals concerned about improving society by promoting basic ideals of good citizenship and education.

I have had firsthand experience with community leaders who are members of the Order of Ahepa and I have witnessed their dedication to civic, charitable, and educational causes. In Jamaica, N.Y., the officers of the Order of Ahepa are Mr. Stephen A. Vasaka, president; Mr. Ernest Kares, vice president; Mr. Stavros Z. Theodorou, secretary; and Mr. Kostas Zimaras, treasurer. I extend to them and to the members of the order in Queens and all across America, my congratulations on the golden anniversary of the organization and my best wishes for continued success in their important community endeavors.

SALUTE TO AHEPA

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. MINSHALL. Mr. Speaker, I have long admired the Order of Ahepa for its many good works and am proud to join in the salute to AHEPA—the American Hellenic Educational Progressive Association—on its golden anniversary.

This remarkable order was founded 50 years ago in Atlanta, Ga. During the last half century AHEPA has made a major contribution to educational, charitable, and civic endeavors. In time of disaster, AHEPA stretches out its helping hand here at home and across the seas, offering relief contributions to victims of flood, earthquake, hurricane, and war. AHEPA's generosity is evident, too, around the world, in the creation of medical and educational centers, including AHEPA hospitals in Athens and Thessaloniki and seven health centers in Greece, the AHEPA Agricultural College in Greece, the Penelopian Shelter Home in Athens, AHEPA Hall and AHEPA School at St. Basil's Academy, Garrison, N.Y., the Dr. George Papanicolaou Cancer Research Institute at Miami, Fla., and a program of national scholarships for young people.

I have touched on only a very few of the many benevolent activities that have made AHEPA one of the most highly regarded associations of its kind in the world. And, I would be remiss were I not to point out that during World War II, AHEPA as an official issuing agency of the U.S. Treasury, sold some $500 million in U.S. war bonds.

I think it is in order to mention the objectives of AHEPA, the foundations on which this splendid order rests:

(1) To promote and encourage loyalty to the United States of America.

(2) To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

(3) To instill in its membership a due appreciation for the privileges of citizenship.

(4) To encourage its members to always be profoundly interested and actively participating in the political, civic, social and commercial fields of human endeavor.

(5) To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor and integrity of every nation.

(6) To promote a better and more comprehensive understanding of the atributes and ideals of Hellenism and Hellenic Culture.

(7) To promote good fellowship and endow its members with the perfection of the moral sense.

(8) To endow its members with a spirit of altruism, comon understanding, mutual benevolence and helpfulness.

(9) To champion the cause of education asd to maintain new channels for facilitating the lissemination of culture and learning.

AHEPA has been achieving those objectives admirably for 50 years now and will continue to do so for many times 50 more. I know.

I am very proud of the active membership in AHEPA in the 23d Congressional District which I represent. John C. Conzaman, lieutenant governor of the district lodge, resides at 1243 Edwards, Lakewood; past supreme lodge officer, the Honorable John M. Manos, is a Bay Village resident. Officers of the Lakewood chapter of AHEPA are James Selos, president; Andy Maniatopoulos, vice president; Militiadis Sofianos, secretary; and Nic Tsarnas, treasurer.

It is an honor to pay tribute to AHEPA in general and to my many good friends in the Order of Ahepa, the Daughters of Penelope, the Sons of Pericles, and the Maids of Athena, good citizens and wonderful friends.

FICTION? NO, FACT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, in the June issue of Reader's Digest a brief reprint of a TV guide article describes an unusual use of space testing equipment for medical applications. This brief but significant article is a dramatic demonstration of the importance of continuing development of space technology. This particular medical procedure is a spectacular one. There are many, many more which are less dramatic but equally important which have been derived from our national space program. It is one more example why the growth of technology is so essential to our well-being as a nation. Our national space effort represents one of the cornerstones of this advancement of technology so necessary to man's future well-being. The article follows:

[From the Reader's Digest, June 1972]

FICTION? NO, FACT

In "The Doctors" segment of the popular TV series "The Bold Ones," the action centered on a patient who had a bullet fragment lodged in an inoperable portion of his brain. The patient was safe only as long as he lay flat on his back. Sitting or standing would cause the fragment to shift its position, causing death. Then the doctors got, well, a *brainstorm*—centrifugal force! They took the patient to NASA's Ames Research Center at Moffet Field, Calif., and put him in the cab of the centrifuge—a high-speed whirling device used to test astronauts. Carefully watching the patient on a closed-circuit monitor, the doctors spun him around twice, first at four and then at six times the force of gravity, to move the fragment into a safer area of the brain. After the second spin, the patient was miraculously cured, and there were handshakes all around.

Far out? A scriptwriter's wierd idea? Well, this story is actually a recreation of "centrifuge therapy" performed by a seven-man team in 1968—at the same place, and with similar success.

POLICY STATEMENT ON ENVIRONMENTAL EDUCATION OFFERED BY UNION SPRINGS HIGH SCHOOL

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. TERRY. Mr. Speaker, a desire to create a national concern for the environment has generated many different types of activities and programs. The Congress this year is developing a water quality program which hopefully will cleanse the waters of the United States in the next decade.

But all of the Government programs which have thus far been implemented cannot possibly solve the problem of environmental pollution without a positive commitment on the part of the American people to accomplish the same goal.

The question we should all be asking is, "How can public interest and understanding be generated?" The Union Springs Central School District in Cayuga County, New York State, has taken a position of national leadership in this matter.

On June 19, 1972, the board of education of the school district passed a "Policy Statement on Environmental Education." A member of that board, David G. Palmer, authored the statement after many hours of consultation with concerned environmentalists and educators.

Mr. Palmer, a member of the faculty of the State University College of Environmental Science and Forestry at Syracuse University, has received recognition from a variety of groups for the leadership he and the Board of Education have taken.

Included among the agencies and individuals lauding the policy statement have been the U.S. Department of Agriculture Forest Service; New York Governor Nelson A. Rockefeller; New York State Department of Environmental Conservation Commissioner Henry L. Diamond; and New York State Education Commissioner Ewald B. Nyquist.

Rather than establishing a rigid curriculum for environmental education, the purpose of the statement is to encourage an attitude of concern for environmental issues on the part of the teaching staff, and to support innovation in the development of new programs and broad new approaches to instilling an environmental awareness in the children of this forward-looking school district.

The task of equipping our young people with a true knowledge of environmental problems, an understanding of their complexity, and a commitment to their resolution is a responsibility of tremendous proportion, but one that offers the greatest of all possible rewards—a contribution to the enhancement of our quality of life in this great land and on this great earth. The philosophical commitment and sense of responsibility of this school board is evident, and hopefully will be an inspiration to others.

It is with great pride in the Union Springs Community District that I include with these remarks a copy of the policy statement on environmental education by the Union Springs Central School District Board of Education:

POLICY STATEMENT ON ENVIRONMENTAL EDUCATION

The Board of Education recognizes that conditions must be maintained in our nation and world by which man and nature can continue in future generations to exist in productive harmony. In an era of accelerating population growth, with growing demands for food production, come construction and consumer goods, solutions to the problems of concomitant growth in environmental deterioration will pose a major challenge to our graduates of the '70's. Students who have been sensitized to these problems and motivated to constructive, responsible action, however, hopefully will contribute to a quality of life improvement—rather than its desecration—in the last quarter of this century. In the words of Thomas Jefferson, "The face and character of our country are determined by what we do with America and its resources . . ." In cognizance of the need for responsible attention to the problems associated with resource use and abuse, the Board herewith commits itself to the support of Environmental Education in our school system.

The goal is to assure the learning of a set of values that will lead every student to accept responsibility toward his natural surroundings and view the primary role of man as being the steward, rather than master, of his natural resources and physical environment.

The following suggestions are offered as guidelines for the development of programs to implement this policy.

1. Each teacher of every subject at all grade levels is encouraged to reinforce his or her understanding and appreciation of conservation and environmental issues, through individual initiative and effort, and through Board of Education-supported in service programs.

2. Within the bounds of individual teaching style and subject choice preference, teachers of all subjects and levels are encouraged to weave environmental concerns into other subject matter in ways comfortable and satisfying to the teacher and meaningful and relevant to the students.

3. Students should be encouraged to interact with one another and their teachers, sharing their observations and opinions on the need for wise, compatible uses of our air, water, soil, forest, mineral, fuel, wildlife, and human resources, and, where appropriate, to develop their attitudes of awareness and concern into meaningful and constructive action. The need for both social sensitivity and technical competence should be kept clear, however, and students should be caused to respect the complex social, economic and political constraints on the dynamics of change. Emphasis should be on rational, constructive, and respectful problem analyses and solution syntheses.

The administration shall assist and support the teaching staff in developing and coordinating programs and activities relevant to Environmental Education and the district principal shall schedule for Board review in the month of October an annual report of past and planned programs and activities, drawing upon the school principals, teaching staff and students, as ever their participation may be judged desirable.

OPINION POLL

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. MINSHALL. Mr. Speaker, under leave to revise and extend my remarks I insert my July Minshall opinion poll in the RECORD.

MINSHALL OPINION POLL

1. Do you support the President's pledge to withdraw all U.S. forces from Vietnam within 4 months after a cease-fire and release of our POW's?

2. Do you approve of the Strategic Arms Limitation Agreements signed by the President with the Soviet Union?

3. Should the United States officially recognize Cuba?

4. Do you favor complete amnesty for all who refused to serve in the Armed Forces during the Vietnam War?

5. Do you favor a Federal "no fault" automobile insurance law?

6. Should price controls be placed on all food products, starting with controls on farm prices?

7. Do you support a "redistribution of income" program, giving Federal cash payments to assure minimum annual incomes for low-pay and welfare recipients?

8. Do you favor a Federal law legalizing abortion?

9. Should the sale and use of marijuana be legalized

10. Should the death penalty be abolished for all capital crimes?

11. Do you think charitable deductions should continue to be tax-free?

12. Should interest earned from state and municipal bonds be subject to Federal income tax?

13. Should business continue to receive a 7% incentive tax credit for new investments in plants and machinery?

14. Do you approve of a proposed $2.9 billion Federal child day-care program?

15. If the 1972 presidential election were held today, who would be your choice for President?

16. What is the most important issue facing the Nation today?______

______

______

Your Age:— Occupation:______

City and Ward:______

CONGRESSMAN ELWOOD H. HILLIS COMMENDS THE ORDER OF AHEPA ON THEIR 50TH ANNIVERSARY ON JULY 26, 1972

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. HILLIS. Mr. Speaker, the pride and success of the United States is attributed to many individuals, factions, and organizations. A government is of immense importance as an organization for the people. However, a nation must also be constructed of strong organizations within the people. In the United States, the Order of American Hellenic Educational Progressive Association is one such oragnization. Founded July 26, 1922, in Atlanta, Ga., the Order of Ahepa is celebrating its golden anniversary. With jurisdiction extending to 49 States, Canada and Australia, and 430 local chapters, AHEPA is dedicated to the improvement and betterment of social, moral, and family life in America.

During AHEPA's 50 years of existence, they have championed the cause of education, displayed benevolence and generosity to the stricken victims of disaster, and devoted themselves to civic responsibility and exemplary family men. The order awards scholarships to worthy students on local, district, and national levels. During World War II, they sold $500 million in U.S. war bonds. They also have participated in numerous relief programs for flood, hurricane, and earthquake victims.

The Order of Ahepa, promoting and encouraging loyalty to the United States of America, can be held partly responsible for the pride and success this Nation has achieved. All should unite in a celebration of their golden anniversary.

MORE ON WILFRED BURCHETT—WITH ALIASES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. SCHMITZ. Mr. Speaker, on July 17, 1972, I presented an item from Mr. Edward Hunter's Tactics, dealing with Wilfred Burchett, journalist for the international Communist conspiracy. Today I would like to enter more on the subject of Burchett that deals with the effect that this individual has had directly on the contemporary foreign policy of the United States. An article from Tactics follows:

DESECRATION OF WHITE HOUSE OFFICES: KISSINGER AND BURCHETT CONFER

Wilfred Burchett, deprived of a passport by his native Australia because of his aid to the enemy during the Korean War, who seduced captive Americans into treason in the North Korean p.o.w. camps, has just been secretly welcomed into White House offices for consultation. This constitutes unparalleled desecration of the White House, more reprehensible even than an invitation would have been to Lord Haw Haw to come to the Executive Offices for consultation.

Lord Haw Haw broadcast enemy propaganda, but did not personally lure his countrymen and allied soldiers into treason, as did Burchett.

No agent of the President—indeed, no President—has the right to desecrate the White House and the executive offices in this manner. If this is the sort of price we already have to pay for President Nixon to be received in Peking, it is much, much too dishonorable. Surely, American veterans of the Korean War would have been foremost among those protesting, if this obscene act had not been perpetrated in secrecy.

"YOU'LL HANG, YOU'LL HANG"

Burchett, as a communist operative with the Chinese Reds in the Korean War, exploited his Australian nationality and journalistic skills on behalf of the enemy. British p.o.w.'s, who soon detected this, sang, "You'll hang . . . you'll hang," dangling cords tied like hang-nooses, when he entered their prison camps. (See "Brainwashing: From Pavlov to Powers," a book by this writer, and Tactics of Mar. 20, 1970.)

This was treason in any language, of course. Perhaps his most despicable operation was against American captives, already weakened by physical and mental terrorism. He provided the carrot part of the pressure techniques, while the Chinese reds used the stick. Thus, germ warfare "confessions," edited or written out of whole cloth by Burchett, were spread world-wide through the mouths of the more or less brainwashed Americans.

He was persona non grata in Australia and not eligible for a U.S. visa after the war, of course, and dared not contest this for fear of persecution. He worked in propaganda warfare for both Peking and Moscow.

He sought this diabolical employment himself. Yury Visilevich Krotkov, who recruited agents for the KGB, gave the details to the Senate Internal Security Subcommittee, which it published in three volumes, entitled "Testimony of George Karlin," one of his cover names.

As U.S. News & World Report said Feb. 27, 1967, Burchett is "a highly dedicated communist propagandist. He has been working at it for more than 20 years. His goals are consistent: to make America and its allies look evil, and to make the communists look good. He has a knack of getting his views widely distributed in the non-communist world."

Of course! He had the behind-the-scenes help of the red network.

Although he authored some of the most vicious books against the United States, venting his spleen in characteristic communist manner, such papers as the N.Y. Times covered up for him, while giving him a prestige as simply an Australian journalist with good contacts among the communists. He sure had, as their bought and paid for operative!

SEDUCER OF FREE GOVERNMENTS

This processed prestige enlarged his image, at first to that of a knowledgeable contact on communist affairs, and then to a sort of semi-official spokesman for red regimes. The press initially gave him this reputation, by asking him the views of Moscow and Peking, as at Panmunjom and Paris.

This suited the purposes of Moscow and Peking on such crucial military maneuvers as inducing the United States to cease its bombing of North Viet Nam, on the implied promise that Hanoi then would engage in "meaningful" negotiations to end the war.

Burchett's primary role since the Korean War has been in that area, to lull the United States and other free nations into actions that diplomatically or militarily push them towards defeat. He is worth whole red army divisions in this role.

As Counterattack wrote as long ago as Aug. 27, 1965, "What makes him effective is that he understands the extent to which he can depend upon pro-Soviet elements in the State Department to help him achieve the results expected by the Kremlin from the coordinated efforts of its far-flung apparatus."

And, as it correctly added, "There was no excuse for the foreign editor of any press association or metropolitan newspaper not to know who Wilfred Burchett was."

And as might now be added, there is no excuse for Henry A. Kissinger or any other occupant of the White House not to know who Wilfred Burchett was. They certainly should know, too, that to permit him into its offices is an obscenity. To do so, in colloquial language, is to ask to be "taken for a ride." This we are doing.

Significantly, Paul Scott's column of Nov. 12, 1970 said Kissinger "has been deeply involved in secret talks with Hanoi since early 1967 when he set up his own communication link with the North Vietnamese." Two "mysterious" French friends of Burchett were named as go-betweens.

Burchett attended the red hemispheric conference in Montreal in late 1968, where delegates — including Salvador Allende, Chile's present President—competed in pouring vitriol on the U.S.

Burchett was traveling on a Red Cuban passport. Legally, he was ineligible to enter the U.S., but this was secretly maneuvered for him by the State Department and Ramsey Clark at Justice. They granted him a waiver on the basis of his convenient credentials as U.N. correspondent for communist papers.

This scandal in the closing days of the Johnson administration aroused such protest that his visa was not renewed. But Burchett remained in New York long enough to be glamorized by reds and the radical chic at a rock music and propaganda affairs attended by such as Pete Seeger, Rap Brown, Herbert Marcuse and Bernardine Dohrn.

Burchett also travels on North Vietnamese and Cambodian "passports." Such incriminating documentation focuses attention on his virtual outlaw status in his native Australia, and is an obstacle to his clandestine operations.

DOUBLE-BARRELED MANEUVER

British libel laws are thorny affairs for the press, much more so than in the U.S. The new generation that has been indoctrinated as much as educated is mostly ignorant about the recent past. So Burchett in 1969 took advantage of an accurate article about him by the Australian correspondent, Denis Warner, to sue for libel.

He brazenly used journalism as a cover, denying his communist connections, depending on the passage of years and the rise of an appeasement climate to deprive the defense of witnesses who could testify to his treason. If he could regain his Australian passport, his use as a red agent would be immensely increased. In addition, the whole, red network would be enormously benefited. If so obvious a communist operative could win a costly libel suit, an invaluable immunity would be conferred on red agents generally. No newspaper would dare identify any such enemy of the state. Indeed, the mere filing of such a suit has such an impact, for it puts the defense to great expense and inconvenience.

What Burchett had not anticipated was that a KGB officer who had participated in his recruiting would defect and lay the details out in the open for all the world to read. This is what Krotkov did. Also, enough ex-p.o.w.'s were located who had personal knowledge of Burchett's activities to verify the worst.

The expectation appeared well grounded that Burchett, confronted by such damning evidence, would not bring the case to trial, but let it fade away. Even a change in government in Australia was insufficient to alter this prospect. Burchett's last effort was a skillfully devised entry into Australia to provide the setting for a trial favorable to him. He wrote a book, "Passport," timed to help create the needed propaganda climate. But it all was to no avail; indignation and an adverse decision by the new Prime Minister, John Gorton, maintained intact the decision not to grant him an Australian passport. This obviously was Burchett's decisive defeat. He left Australia in a short while, his mission unsuccessful. No, there would be no use for him to press his libel suit.

Then President Nixon announced a projected trip to Peking. Kissinger was in Peking! And he went back to Peking when the United Nations was deciding if Free China were to be double-crossed, as it had been at Yalta. Kissinger certainly was saying something by his presence in the Red Chinese capital, and the United Nations clearly read the message.

Such cryptic symbolism can be overdone, or be difficult to control, and so it was in this case. Red China was to be let in, but the expulsion of Free China was to be delayed a year or so, anyway until after the American elections, so that the Machiavellian intrigue not show up so baldly as a deceit in our domestic politics and a betrayal in our international affairs.

The U.N. diplomats, friends and foes alike, reacted like school children when teacher leaves the room during a test. They copied not only the answers they were supposed to give, but some that belonged to a future examination. No wonder Nixon became indignant! The Red Chinese now held all the trump cards on his forthcoming visit to Peking.

HUSHED-UP S.I.S.S. TESTIMONY

Krotkov defected to the British, and told them plenty, although little was released to the press. He then went to the United States, where the alert Senate Internal Security Subcommittee subpenaed him. He was put under intensive questioning, also in secrecy, on Nov. 3, 4, 5, 6, 10, 13, 18, 24, 1969 and on Mar. 9, 1970. Early in January the next year, the testimony was published in three booklets, altogether 258 pages, along with 19 pages of indexes, in each of which Burchett's name appeared.

Burchett's lawyers, having heard of this, were giving every evidence of letting the case be quietly forgotten. But the scare created by the brazen suit was not being forgotten so easily, especially with a press that had been conditioned by the anti-anti-communist propaganda climate.

Krotkov's revelations about Burchett certainly were legitimate news for Australia in particular. A copy of the testimony had been promptly sent there and was in the hands of editors. Australian correspondents in Washington were informed. Yet nothing appeared in any Australian publication.

Nothing appeared in England, either. Burchett had sued there, too. But as the first suit was filed in the Supreme Court of Victoria, against Warner and the Melbourne Herald, the defense argued that the case first should be tried in Australia, and then in London. Burchett preferred London as a softer push, but the court disagreed with him.

Fortunately, one British paper—the Telegram in Toronto, Canada—was courageous enough to run a story about Burchett, revealing the Krotkov disclosures. The writer was Peter Worthington, one of the country's finest correspondence, with service worldwide, including assignment to Moscow.

Worthington pointed out that Burchett's "country won't let him come home, even to visit," because, as a succession of Australian governments declare, "he had 'severed all connections with Australia.' " Burchett managed a quick trip in early 1970, flying to Noumea, capital of French New Caledonia, where a maverick Australia publisher sent his own plane to bring him in, presenting the government with a fait accompli. Burchett's reception was such that he soon left, again without any Australian identity documents.

This is the man Kissinger honored by receiving him in the White House's executive offices.

No man has the right to thus dishonor our executive offices, irrespective of technicalities. It is an affront to the nation, especially to every man who saw service in Korea. Burchett had no right in the U.S.

Obviously, no Australian newspaper dared print the Krotkov testimony without it being accorded privileged status in that country, too. Finally, late 1971, it was read into the Australian Senate's Record, the Senate being less newsmaking and influential in that land than its House of Representatives.

But by then, Nixon stunned all of Asia by his behavior, and what would have had great impact only a while before caused hardly a ripple. One Sydney newspaper used a few paragraphs; every other daily in Australia ignored this important development.

What appeared particularly incomprehensible to the informed abroad was how the American President "seems to have turned his back on his own advice," to use the words of a knowledgeable Australian contact.

Nixon had talked to the Australian ambassador, Sir James Plimsoll, regarding how important it was to convince the Japanese that they had friends, then had forced Tokyo into circumstances where it could lose all faith in U.S. credibility. The contact wrote:

"Surely, no one in Washington can believe that a 'friendly' Communist China would be more valuable to the U.S. than a friendly Japan."

BURCHETT "INTERVIEWED" IN N.Y.

One letter from an Australian contact contained this startling statement: "Wilfred Burchett is now interviewed frequently in New York by the Australian Broadcasting Commission, the Australian equivalent of the B.B.C., as the distinguished Australian correspondent. He writes a regular weekly column for a widely read Sunday newspaper—no word, of course, about his past and present connections."

This sounded inconceivable at the time. Burchett did send dispatches regularly to The Guardian in New York, and these might have been meant. Surely some paper would have discovered his presence in the U.S. and reported it, as had been done in the Johnson administration.

Indeed, a Washington Post dispatch by Robert H. Estabrook from the United Nations, published Nov. 30, 1968, reported Burchett's requests for a visa to the U.S., pointing out that "his real purpose may be to establish contact with putative officials of the Nixon administration on behalf of North Vietnam." The dispatch added:

"It is suggested that he may have been encouraged by Ambassador Averell Harriman or other members of the American negotiating team in Paris.

"Speculation here holds that Burchett may attempt to be a contact man for the Vietnamese National Liberation Front, or Vietcong."

His appearance at the National Guardian rally "would plainly violate the terms of a restricted visa," the dispatch said.

But law, as is obvious nowadays, is merely a matter of doubletalk and semantics in Washington when communist "accommodation" is involved.

This obviously well-informed correspondent pointed out, too, that Burchett had credentials from the "leftwing Paris monthly magazine," L'Evenement, but: "Some authorities question, however, whether L'Evenement is in a financial position to pay the expenses of a special correspondent here." Of course, it wasn't. Whatever the channels, he was being paid by the red network.

COMMUNIST TAG EVADED

A curious sidelight into the conditioned extremes to which such papers go to avoid pinpointing communism is that this revealing article, in referring to Burchett, describes him merely as "an Australian-born journalist frequently in Hanoi." This fits into Burchett's doubletalk. He admits his pro-communism, but insists he is just a reporter. He is a reporter in the red sense. This is being put across as "advocacy reporting" in the United States, a cover for red propaganda.

When Burchett came, the N.Y. Times said he was "an Australian journalist often regarded as an unofficial spokesman for Hanoi, and that he possessed "a reputation for courage and resourcefulness . . ." No mention of his allout communism and his allout attacks upon the United States!

Confirmation of Burchett's sly entry into the United States, accorded the smooth secrecy by the Nixon administration that the Johnson administration was unable to give him, was not slow in coming. Combat, a semi-monthly newsletter put out by National Review, Inc., in its Nov. 15 issue, referred to Burchett as occupying table 56 at the Oct. 29 meeting in New York of the Fund for Peace. The State and Justice Departments had secretly waived the law that justifiably deprived him of a visa, while the press looked the other way.

Participation in such a program was an obscene act, but Sen. Edward Kennedy and former Chief Justice Earl Warren were among the speakers. Others attending included additional red agents and leading red propagandists from abroad, and—of course—the usual "sick" or knowledgeable coterie of the radical chic. The term used to be "fellow traveler."

KISSINGER THE KEY TO IT

An informed Australian contact on Nov. 24 sent a letter that solved the mystery of the red agent's trip to the United States, in spite of legal barriers. Kissinger wanted it!

The letter enclosed an article in the Melbourne Age of that day, written by Bruce Grant, "regarded as the leading commentator in this country . . . what he has to say has wide acceptance."

The information was leaked by the Department of Foreign Affairs in Canberra, where Burchett has a number of supporters. (How like our State Department!) The article is headlined, "What Did Dr. Kissinger Tell Wilfred Burchett?" Here is its start:

"A piquant incident to delight connoisseurs of the diplomatic game. On Oct. 19, the Australian journalist Wilfred Burchett, who is an outlaw in the eyes of the Australian government, met secretly with the architect of American foreign policy, Henry Kissinger.

"The meeting took place at Dr. Kissinger's invitation. Mr. Burchett was at the United Nations, with an American visa which confined his movements within a 25-mile radius of New York. He was told to forget the restriction and come to Washington. What has been described as 'a long and detailed talk' took place, over breakfast, in Dr. Kissinger's office.

"It is believed in diplomatic circles in Canberra, where accounts of the meeting are circulating, that a report of it was sent to the Department of Foreign Affairs, either from Washington or, as Mr. Burchett later mentioned his discussions with Dr. Kissinger in the presence of diplomats at a reception given by the Bulgarian mission to the UN, from New York. But inquiries at the department could not confirm this.

"The fact of the meeting, however, is established and, in itself, is interesting enough."

A SALUTE TO AHEPA ON ITS 50TH ANNIVERSARY

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. BAKER. Mr. Speaker, July is anniversary month for the order of Ahepa, the American Hellenic Educational Progressive Association. I join with my colleagues in paying tribute to this fine organization and its members as they mark a golden anniversary on July 26, 1972.

In its 50 years of service and accomplishment, AHEPA has become an established fraternal organization whose members of Greek descent have joined hands in their adopted land to promote patriotism, citizenship responsibility, and good fellowship through the common bond of their heritage and the strength of their family ties.

For its record of success, AHEPA deserves our highest respect and it is fitting that we extend every recognition on the occasion of this 50th anniversary. On the basis of the solid foundation it has laid in its first half-century of existence, it is normal to predict an even wider range of accomplishments in the years ahead.

Tennessee is the home of some strong local chapters and I especially want to pay tribute to the Chattanooga lodge and these officers: James Wilson, president; Paul A. Georgeson, vice president; Nicholas P. Mitchell, secretary; Gus Pete Gulas, treasurer, and Rev. Nikiforos Maximos, corresponding secretary.

My admiration for the sons and daughters of Greece is exemplified in my own personal secretary, Miss Ethel Dimopoulos and her fine family of Chattanooga. They are an example to all of us in love of family, devotion to God and country and abundant faith in the goodness of life.

REVENUE SHARING

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. FUQUA. Mr. Speaker, the House has recently passed the controversial program termed "revenue sharing."

It has been promoted as a means of helping local governments solve their problems. Naturally, it has been difficult to go against the tide of those who think they are getting something for nothing.

But the money for revenue sharing is going to come from somewhere.

Where? Either from increased taxes or increased Federal deficits.

I voted against and spoke against its passage. I hope it does not become law. In that regard, I would like to have reprinted a very thoughtful editorial from the Palatka Daily News of Palatka, Fla., that I think expresses the feelings of a great many Americans. The editorial is as follows:

REVENUE SHARING

To ask the nation's mayors if they favor a program to share federal revenue with the cities is akin to asking a youngster if he wants a candy bar.

So it is small wonder the mayors, have endorsed revenue-sharing.

They harbor dreams of federal money coming for them to spend without requiring additional or higher local taxes.

What could be sweeter?

To begin with, the term, revenue-sharing, is a misnomer.

The truth is, there isn't any federal revenue to share.

Congress is spending federal tax money faster than it can collect it.

The federal debt limit now is $450 billion.

Congress will be expected to increase this by at least $15 billion, bringing the total red figure to $465 billion.

What revenue-sharing really means today is share federal borrowing.

No city's mayor would be foolish enough to endorse that.

The U.S. House of Representatives responded to persistent pressure by many state and local officials by passing the so-called revenue-sharing bill by a vote of 274–122.

It was little more than a surrender to an election year.

If approved by the Senate and signed by the President in its present form, $1.8 billion would be distributed to states and $3.5 billion to cities and other local governments.

State shares would increase by $300 million in each of the next four years.

If the day ever comes when the federal government is solvent and the federal debt is being decreased, perhaps the program to share federal revenues with local governments will have some appealing merit—not mere political persuasion.

If the federal government has money to share, it would be better shared with the earning citizens of the county in the form of a sorely needed federal income tax cut.

SECRETARY-GENERAL ADDRESSES THE ORGANIZATION OF AFRICAN UNITY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. CONYERS. Mr. Speaker, since 1963 the Organization of African Unity has provided an extraordinary forum for the Pan Africanist aspirations of black and brown Africa. Despite regional and linguistic differences of the separate states, the OAU represents a constructive attempt toward the goal of continental cooperation in dealing with the economic and social problems of development.

Since its inception of the organization has been responsible for progressive programs in the field of education, culture, and the sciences. It has coordinated efforts to collectively defend the sovereignty and territorial integrity of the independent African states and has been outspoken in its denunciation of all forms of colonialism, the heinous systems of apartheid, and vestiges of racial discrimination. Indeed, the OAU continues to be a symbolic clenched fist for independence for third world nations and peoples.

The aspirations and achievements of the OAU have particular significance to those of us in the United States who share the rich and proud heritage of the African past. Because of our warm association with the African peoples, and the belief in and commitment to our mutual struggle for freedom, I submit for the RECORD the address of U.N. Secretary-General Kurt Waldheim to the historic ninth assembly of heads of state and government of the Organization of African Unity which was delivered in Rabat, Morocco, on June 12, 1972:

ADDRESS BY SECRETARY-GENERAL TO NINTH ASSEMBLY OF HEADS OF STATE AND GOVERNMENT OF ORGANIZATION OF AFRICAN UNITY

It is a great honour for me to be invited to address the Assembly of Heads of State and Government of the Organization of African Unity. I greatly appreciate this privilege which gives me an opportunity to strengthen the close and fruitful relations which have been established between the United Nations and the Organization of African Unity. I also wish to express my profound gratitude to His Majesty King Hassan II for the warm welcome and the generous hospitality which he has extended to us. The fact that this important meeting is being held at Rabat is concrete proof of the active and constructive role which Morocco is playing in the affairs of this great continent under the distinguished guidance of His Majesty.

As representative of my country to the United Nations, I took part for many years in discussions of African problems and in the decisions resulting from them. I was thus able to establish close contacts with the African Group and various missions enabled me to visit many of your countries. My first visit, shortly after my appointment to the post of Secretary-General of the United Nations, took me to Africa at the time when the Security Council held its historic session in Addis Ababa. Then I had the opportunity of establishing personal contact with His Excellency Mr. Moktar Ould Daddah, President of the Organization of African Unity. I wish to pay a tribute to him for having contributed so remarkably to the strengthening of collaboration between the OAU and the United Nations. Since my visit to Addis Ababa, I went a second time to Africa to fulfill a task entrusted to me by the Security Council and I was able to gather first-hand information about one of the most important problems of Africa: that of Namibia. Today, I find myself on African soil for the third time in less than six months, but this is the first time that I have the privilege of taking part in a meeting of Heads of State and Government of the independent countries of Africa.

I am very happy to have been long associated with African affairs for thus I understand so much the better the problems of this great continent. I have followed very closely the position of Africa in the United Nations, its hopes and its disappointments, which reflect certain of the main historical trends of our time.

The great changes which the world has undergone in the last twenty-five years from the point of view of political progress and human justice have all concerned Africa and have left deep marks upon it. Whether we are dealing with independence, racial equality, economic and social progress or international solidarity—in all these fields—the world and Africa have accomplished remarkable progress, but, in all these fields too, we have encountered obstacles and delays which are the cause of most of our present difficulties. The emergence of an independent African continent made up of sovereign States marks the culmination of a historical process in which the efforts of peoples have been decisive. This process has benefited from the general acceptance of the principles set forth in the Charter and from the aid and support provided through the United Nations.

Many countries have achieved independence by peaceful means but we still have the bitter memory of bloodshed and useless wars. What would be our joy and relief if I could state today that the whole of Africa is free and independent! The march of progress and independence has encountered several obstacles which today unduly retard, at the cost of much suffering, an inevitable historical development. I refer more particularly to the situation in Angola, Mozambique, Guinea (Bissau), Southern Rhodesia and Namibia. Sooner or later, this process will be completed by peaceful means or by force.

In our interdependent world there is no nation which can for ever resist the profound changes whose legitimacy is recognized by the international community. Whatever the impression which may be created by recourse to arms and to force, the chances are against those countries which persist in going against the current of history. Who does not rejoice today at the independence achieved in Africa in the last 20 years? Indeed, the relations of friendship of today are vastly preferable to the colonial links of yesterday, and it is a fact that in countries where independence has been acquired by peaceful means friendship and co-operation in economic and cultural matters have remained the most profound and the most fruitful.

Is it so impossible to draw a lesson from this example and to weigh the advantages of implementing similar policies? The aid of all countries is necessary to build a better and more peaceful world. Each country must make its contribution in order to benefit from the whole of the progress accomplished. There can be no splendid isolation but only miserable isolation.

Last February, the Security Council entrusted me with a mission concerning Namibia. In a resolution adopted at Addis Abada, the Security Council invited me, in consultation and close co-operation with a group composed of three representatives of members of the Security Council, to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia to exercise their right to self-determination and independence of their territory. In pursuance of this mandate, I established contacts with the South African Government and I also went to Namibia. During my stay in Namibia, I was able to hear the views of various groups of the population of that Territory. The contacts established with the Government of South Africa during my stay in Cape Town were continued recently during a visit to New York by the South African Minister for Foreign Affairs. I also established contact with a certain number of other interested parties. These meetings took place in close consultation with the group of three members of the Security Council. I have kept Mr. Ould Daddah, President of the OAU, informed of the contacts which I have had so far. In conformity with the Security Council resolution, I shall submit my report to the Council before the end of July 1972. I cannot now foresee the results of these moves, but I hope sincerely that these contacts will allow us to achieve the progress necessary for a peaceful solution of the question of Namibia based on the self-determination and independence of the people of that Territory.

During the last 25 years, considerable progress has been achieved with a view to achieving racial equality and justice, principles established in the United Nations Charter and the Universal Declaration of Human Rights. The moral pressure, the exhortations and the influence of the United Nations on world public opinion have played an essential role. The peoples of the world could not have received a better example than the qualities of statesmanship shown by the leaders and representatives of your countries both at the United Nations itself and in the performance of their numerous activities. Racial prejudice has lost ground considerably in the minds of many people because we have seen men and women from all continents and all races working together in conditions of perfect equality. What is more, instantaneous communications have made public opinion a powerful political force.

Today, public opinion is fully aware of and concerned about the vestiges of racism and *apartheid* which still persist in southern Africa. As in the case of colonialism, we are confronted with an irreversible tide of history. Racial equality will become a reality. If we are to prevent violence, whether at the national or at the international level, we must continue to call on those concerned to change their policies and to realize what stage mankind had reached in its history. This movement will also continue without losing force. The anxiety of world public opinion will increase. If no progress is made, the only outcome will be violence, isolation and ostracism.

It is, perhaps, in the economic and social field that the United Nations has best succeeded in helping your continent and that the achievements have been least disappointing.

It is heartening to think that the programmes of the United Nations, its humanitarian assistance and the efforts of the specialized agencies and the Economic Commission for Africa have made it possible to shorten considerably the period of apprenticeship and building-up of the new independent countries of Africa, which have been forced in so short a time to cope with so many problems.

Multilateral activities have lent you support in all aspects of economic and social development, from economic planning to education, from agriculture and industry to tourism and the preservation of your heritage. Much still remains to be done. I might mention in particular the additional economic progress and the increased strength which Africa could have if its last colonial territories were independent and if friendship, freedom, respect for the human person and co-operation extended to the entire continent.

The opportunities which lie before Africa are so great, and its independent role is so necessary to the world, that we must express our deep disappointment and our deep regret at the unnecessary obstacles still standing in the way of the unity of the continent. We have a duty to do all in our power to eliminate these obstacles.

Africa has done much to develop world solidarity through its attitude, its initiatives and the place which it occupies in the United Nations. The establishment of your Organization, nine years ago, undoubtedly brought significant support to the United Nations. Africa has achieved the lofty ambition of drawing up common arrangements and creating a common regional political organization for the 41 independent countries comprising the continent. From the standpoint of the United Nations Charter, your Organization is one of the most dynamic and most effective of the regional agencies. You have some remarkable achievements to your credit where the maintenance of regional peace and security is concerned, and your role in those activities through which the United Nations discharges its world-wide responsibilities with respect to the maintenance of peace and the pacific settlement of disputes merits due recognition.

Your Organization has been wise enough to resort to novel methods of negotiation, mediation, conciliation and arbitration which have thus far enabled it to make an active contribution to the pacific settlement of any disputes that may have arisen among its member States, whether in the form of frontier disputes, friction between neighbouring States, or domestic conflicts which could well have jeopardized regional or international peace. It has succeeded in carrying out its noble mission of maintaining peace in Africa and subsequently devising machinery of its own which should enable disputes between Africans to be settled peacefully and within an African framework.

In view of these achievements, it can be said that OAU has proved to be the best support of the United Nations for the maintenance of international peace and security in the African continent. Thus, the present session of OAU opened in an atmosphere of reconciliation, which is an excellent augury for the future. Your Organization has not restricted its activities to the solution of regional problems. Everyone knows the efforts you have made in connexion with the Middle East. I was particularly impressed by the spirit in which President Moktar Ould Daddah, Chairman of the Committee of Ten on the Middle East, and President Senghor, Chairman of the Sub-Committee, and their colleagues, carried out the mission entrusted to them. They spared no effort in seeking a solution, and I should like to render a cordial tribute to them.

If, however, the States of Africa have unreservedly accepted the objectives of the United Nations Charter and the rules of solidarity which it contains, there is cause to wonder whether the other countries of the world have displayed all the solidarity which they should towards their African brethren. The fact that we seem to be in an impasse with regard to the majority of the most burning problems of Africa is due not only to the failure of the Governments directly addressed in the relevant General Assembly and Security Council resolutions to implement them, but also to the failure of the international community to concert its efforts and mobilize effectively all the resources available to it.

Even the mandatory sanctions voted by the Security Council have not had the intended effect because certain Member States did not apply them. I should therefore like to appeal urgently to all the countries concerned to reconsider the position they have adopted with regard to the problems of Africa. Addressing myself first to the countries responsible for this state of affairs, I should like to urge them to change their outlook and their policies and to opt for the path of co-operation. This would be in the interests not only of Africans but also of those countries themselves and the entire world.

So far as the other members of the international community are concerned, I should like to impress on them that these problems do not concern Africa alone; they involve such fundamental concepts as trust in the United Nations, the credit which can be accorded to it and the faith which can be placed in its deliberations.

When taking up my duties as Secretary-General of the United Nations, I said that the Organization was at a cross-road and that its results in the political field had not brought it as much prestige as it might enjoy. Whenever there is conflict, suffering or injustice, whether in connexion with the bloody war in Viet-Nam, the unresolved conflict in the Middle East or the burning problems of southern Africa, we hear the question: "Why is the United Nations not doing anything?". I also said that I am determined to do everything in my power with regard to these problems, because I believe that the world community has a duty to shoulder its responsibilities, failing which it will be impossible to restore confidence in the Organization.

I shall work towards that goal and I shall untiringly offer my services in helping to resolve any problem, at any time and in any form. However, that alone cannot suffice. What we need more than anything is the co-operation and help of all Member States, their determination and their solidarity. I know that the problems which continue to arise in Africa are of the greatest importance to the United Nations, and you will therefore understand the priority which I attach to solving them.

The time has come for new and sustained efforts, and with renewed energy on the part of all of us we shall find the paths which lead to success.

The United Nations derives its strength from the collective support of all its Members. I am aware of the positive contribution which your Assembly had made to our common endeavour. I am sure that, given the necessary wisdom, courage and co-operation, we shall succeed in bringing peace and justice to the continent of Africa.

HIDE EXPORT LIMITATION UNWISE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. SCHWENGEL. Mr. Speaker, the recent imposition of limitations on the export of cattle hides in my opinion was unwise.

I have written a letter to Secretary

of Commerce, Peter Peterson, outlining my views.

The letter follows:

WASHINGTON, D.C., *July 20, 1972*.

Hon. PETER PETERSON,
Secretary, Department of Commerce, Washington, D.C.

DEAR MR. SECRETARY: The action taken last week to curb export of cattle hides, in my opinion, was a mistake. It was a mistake for several reasons.

First, my own deep commitment to what I call the fifth great freedom—the freedom of movement of men and goods, is offended by the export restrictions. Agriculture has prospered because of this important freedom. Agricultural exports are important to a strong rural economy. By limiting hide exports, farmers are penalized unfairly for their own initiative. When hide prices were low domestically, an extensive effort was made to develop overseas markets. This was encouraged by your own department. Now, because they have done such a good job, they are being penalized. Businesses get awards for export excellence—farmers apparently are being asked to sacrifice.

Second, the impact of the action on domestic shoe prices is likely to be minimal. You must be aware that in the average pair of men's dress shoes only 5% of the retail price is attributable to raw hide. As a result the cost per pair of shoes will probably not be reduced by more than five or ten cents. However, the impact on cattle prices, as seen already this week, will be more substantial.

Third, in view of our balance of payments and trades deficit, it is almost incredible to me that we are limiting exports. It seems to me that at this point in time we would be doing everything we could to expand our export markets. To restrict hide exports certainly will worsen our balance of payments problem.

It is my strong recommendation that you reconsider your decision and remove the hide export restrictions.

Thank you for considering my point of view.

Sincerely yours,
FRED SCHWENGEL,
Member of Congress.

"E-STAR" AWARD

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, I would like to extend my heartiest congratulations to Air-Sea Forwarders, Inc., of Los Angeles, and its president, Mr. Erwin Rautenberg, who recently were named to receive President Nixon's "E-Star" Award for export service in building U.S. foreign trade. Their work as international freight forwarders and customhouse brokers providing transportation, documentation, and advisory services for air and ocean freight export and import shipping operations is surely deserving of commendation.

Air-Sea Forwarders, Inc.'s record of steady growth and outstanding service has helped to make the export business more efficient, and in doing so, has helped to strengthen our entire economy. They have also greatly benefited the local economy by developing specialized handling techniques for the principal exports of the southern California area: Aircraft, electronics, aerospace, and related commodities. These new techniques have greatly enhanced the export market of these fortunate industries.

The "E-Star" Award, the second in the company's history, is something that Air-Sea Forwarders and Mr. Rautenberg can certainly be proud of. I hope that my colleagues will join with me in commending them and in wishing them the best of luck in the years to come.

CAPTIVE NATIONS WEEK

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. BROOMFIELD. Mr. Speaker, I rise in support of the observance of Captive Nations Week, a week when we here in Congress and Americans throughout the Nation pause to reflect upon the plight of over 100 million East and Central Europeans who live under the tyranny of communism.

The 1972 observance of Captive Nations Week, the 13th anniversary of this event, is of particular importance. In light of the recent riots in Lithuania, the driver for emigration to Israel by the Soviet Jewry, and the reported cultural and religious repressions in the Ukraine, there can be little doubt that the urge for freedom still burns among the captive people of Europe.

Consequently, Mr. Speaker, it is ever more important for those of us who are fortunate enough to live under freedom and liberty to stand today to give our encouragement and support to these brave people. In doing so, we reaffirm our traditional convictions in support of all oppressed people and in opposition to all forms of tyranny.

During the past 25 years since the end of World War II, many things have changed on the international scene. We have witnessed the dawn of the nuclear age; an age which has drastically altered the perceptions and the options of modern diplomacy.

However, even today, as we move toward improved relations with the U.S.S.R. on various fronts such as economic trade and military disarmament there is one thing which has not changed. That one thing is the hopes, dreams, and aspirations of millions of captive people who yearn to be free.

It is quite proper and indeed necessary that during this week of reflection we let it be known to the captive nations that there is one more aspect of international affairs that has yet to change. That is that the sympathy and support of the American people for the captive nations still remains true and strong.

I am confident that this conviction will continue to remain firm until that day when independence returns once more to East Europe.

McGOVERN: DECENT AND FORTHRIGHT

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. MOSS. Mr. Speaker, I take this opportunity to share with our colleagues a recent editorial in the Sacramento Bee praising Senator GEORGE McGOVERN and bringing to light the things that the Senator holds foremost in his bid for the Presidency:

McGOVERN'S TASK: TO BRIDGE GAPS, RECONCILE DIFFERENCES IN AMERICA

Decent and forthright are the adjectives most often used to describe Sen. George McGovern. And decency and forthrightness are what America saw in the Democratic nominee for president as he sought his party's endorsement in the primaries, and when he won it in Miami Beach.

McGovern has made a commitment to a better America. His candidacy encourages people heretofore ignored and forgotten by the political process. He has raised the right issues and asked the right questions. He has shown himself to be a part of a new awakening in America—the insistence on a direct approach, the demand for honesty in assessing the nature of the problems and in saying what needs to be done to solve them.

The 1972 nominee clearly indicated the kind of campaign he intends to conduct: He intends to take the fight to Richard Nixon and against government by decree, behind closed doors; against the use of the White House to intimidate opposition; and for the return of government "to the people." He entered the fight optimistically. To paraphrase, he said: Do not doubt the ability of Democrats to unite—the campaign now is against Richard Nixon. The issues, as he counted them off one by one: The ending of the war in Indochina; meaningful tax reform; the fullest employment opportunity; the end to privilege for the few; broader citizen participation in government; reconciliation of the divided at home and rebuilding within. Above all, he made it clear the biggest campaign issue of all will be Richard Nixon. And so did his young running mate, US Sen. Thomas Eagleton of Missouri.

The South Dakota senator fought hard for the nomination. When the final challenge for delegates came at the convention, McGovern met it with honor and with reasonableness. Once certain of victory, he was openly conciliatory toward the opposition. His conduct shows what we may expect from him as a candidate and, should he win, as a president.

There are, of course, sharp differences to be resolved in the Democratic party. Conflict is inevitable when a party tries to revitalize itself. But divided as the party is coming out of the convention, the great unifier for Democrats is Richard Nixon.

In the campaign ahead, McGovern will face a President who is a consummate politician ready to employ the prestige of the White House to the utmost. Consider the Nixon 1972 campaign slogan: "Re-elect the President."

To accommodate the various elements in McGovern's own party, there is certain to be some taming of his position-paper view. Large parts of his program on taxes, welfare, defense and foreign policy, as it has been unveiled on the dead run in the hectic primary campaign, are susceptible to serious misunderstanding.

McGovern must not let himself be a victim in the fall campaign of impressions and distorted images allowed to grow in the spring under the particular pressures of the various primaries.

To bring the country together, McGovern will have to bridge the jagged gap between the class and age groups and deal with the crucial problem of alienation of the people.

In his proposed solutions to problems McGovern is neither a radical ideologue nor a martyr. He is a pragmatic politician willing to readjust the details of his economic and social programs as long as their basic direction is not compromised.

The campaign ahead will test McGovern's ability to relate to a broad enough range of Democrats, Republicans and just plain voters to become the next president of the United States.

NINETY PERCENT FORGIVENESS OF DISASTER LOANS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. ABOUREZK. Mr. Speaker, in the not too distant future, the Congress will be considering disaster relief legislation stemming from the terrible tragedies in my hometown of Rapid City, S. Dak., and on the east coast in the wake of Agnes.

In Rapid City, we have completed the initial cleanup work. We now face the long, hard uphill battle to bring our community, our homes, our businesses and our lives back to normal.

We have borne the burden of grief, and we are now faced with another, lingering, long-term and damaging burden—the economic disaster brought about by the flood.

We had more than a thousand jobs, upward of 5,000 homes, and hundreds of businesses either completely destroyed or severely damaged.

When you consider that all of this damage fell on a population of fewer than 100,000 people, and when you consider that the area has been in something of an economic doldrum even without the flood, you begin to understand the proportions of need I am describing.

The flood cut a swath right through the middle of town—and right through the middle of our economy.

The bills which Congress will consider include lowering the interest rate of Small Business Administration disaster loans—more than likely to 1 percent.

So doing is essential, decent, sane and urgently needed.

In addition, the bills will contemplate some sort of grant or forgiveness of loans. Presently up to $2,500 of a disaster loan may be forgiven. That $2,500 is simply not enough. It is not enough for the thousands of homeowners who face the prospect of rebuilding in a depressed economy and shouldering a double mortgage. It is not enough for the businessman who had everything but his debts eliminated by the flood.

We are asking for up to 90 percent forgiveness of disaster loans. At first this seems wild and expensive. But I believe it is fully justified. In my own State, a 90 percent forgiveness feature would cost the Government roughly $45 million—not even a third of what we have given to foreign governments for disasters in the past 6 years.

More importantly, the people want it and need it.

Mrs. Ronald Guy is a typical homeowner from Rapid City who lost her home in the flood. I ask permission to insert a letter she sent to President Nixon describing her predicament.

I believe Mrs. Guy makes a persuasive case for passage of 90 percent forgiveness of disaster loans. Her letter:

RAPID CITY, S. DAK.,
June 17, 1972.

RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A week and a day has passed since the unbelievable flood hit our Rapid City. I am certain that you have followed the reports closely, and I will be seeing Mrs. Nixon at the Memorial Service tomorrow evening. My prime reason for writing is to let you know that I talked with Gov. Kneip on Thursday, and spent one half hour visiting with Mr. Ron Schreiner, his Sec. with him at the present time. These are a few points that he felt would be worthy of a letter to you.

We are the parents of six children, ranging in age from 5 years to 13 years. We were living in a home that still holds a mortgage of $25,000 and my husband is a Medical Representative for Lederle Labs, a division of American Cyanimid Co. We are alive, getting our children to dry land approximately seven minutes before the wall of water destroyed our home, cars (2), and all of our personal belongings. We are truly thankful for our lives, and the Wm. Westerdahl family, where we are now residing, until we find housing.

My husband and friends have worked 12 hours a day since last Saturday shoveling out 3 to 4 feet of mud and silt from every room of our four level home. The garage and utility room were pulled away from the house, all electrical wiring, water pipes, etc. gone. We live in an area where homes were selling for between $30,000 and $50,000 approximately 200 feet from the creek. For every 10 families that are working around the clock trying to salvage what we can, there are two or three that don't care, and won't do anything. Our home has been tagged with a Black and White card that says "Less than 50% damage to building, unsafe to live in, but can be repaired if you wish." Just because it is on the foundation they say less than 50%.

We are most grateful to the Red Cross, who has done a most remarkable job, and we know that your Representatives are here doing what they can. We also know that the Home Owners are needing help the most desperately, and as of now there is no federal program that can help me. Gov. Kneip's Secretary told us that grants have been given to replace the parks, roads etc., and I am in favor of that—but Mr. President, nobody can tell me that Canyon Lake Park is more important than a home for our six children, and the hundreds of others that are homeless. We have made application for H.U.D. housing, which is rent free for a year. Hopefully, we will get one and will be thankful. But what then?

As of today, after visiting with our banker, H.U.D. Reps., S.B.A. Reps., Insurance People, etc., this is the situation that we homeowners face. Of the 1200 homes damaged or destroyed, 40 homes carried flood insurance, as it was not available in Rapid City until last fall—at all. Our present payments on our mortgage are $297/mo. S.B.A. will loan us $25,000 to pay off this present mortgage, which we are 100 per cent responsible for, and $25,000 to build a new home (for 8 people). We would owe then $50,000 at 5⅛ % interest for 30 years. This would make our monthly payments approximately $610/mo. . . . No way can we do this on a salary of less than $1000 per month. We would then have payments, six children and no personal belongings. We still have a job but what good would it be? There are hundreds of people who had nothing to begin with, have nothing left, and still owe money on their mortgage. This is what they keep telling us on the radio is the federal funding that will help everyone who was in the flood area. Who are they giving money to? For every 10 of us that will try, and will be bound for the rest of our lives, there will be 25 who will walk away from it, claim bankruptcy and not care. Where is the Justice?

Thank you for your consideration. We must keep stressing the fact that we are very thankful that our family is safe. Many of our neighbors and friends are gone, so we have much. On behalf of the many homeowners in our immediate area, I am asking for your help.

Very respectfully,
MRS. RONALD E. GUY.

FOR A SPECIAL ORDER ON THE OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. GIAIMO. Mr. Speaker, this 13th observance of Captive Nations Week should remind each of us in this Chamber that we have responsibilities both as legislators and as Americans toward millions of people unwillingly subjected to Communist rule throughout the world.

In this era of summitry, of complex arms reductions pacts and of spectacular Presidential visits to China and Russia, it is incumbent on us to remember those people who are in but not of the Communist world, who are captive in a red world as much as their leaders are captive of a godless ideology, and who are as much our constituents as are our own free people.

This year we have seen some changes in the treatment of such peoples—in the particular case of some of the thousands of Jewish peoples wishing to leave the Soviet Union for Israel. Their departure—a testimony more to the power of concerted free world opinion than to the indulgence of Soviet leaders—gives hope for some behind the Iron and Bamboo Curtains but should not dull out sensitivity to the remaining masses who yearn to be free.

Captive nations, therefore, should be on the minds of each Member of this House, not only during the formal week of observance but during our consideration of spending for national defense, during our analysis and debate of SALT agreements, during our efforts to influence United Nations policy, and during our debate on other critical components of U.S. defense and foreign policy.

The work of the National Captive Nations Committee—in bringing to the public attention cold realities which we should never forget—is to be commended during this week of observance, as is the leadership of the gentleman and historian from Pennsylvania (Mr. FLOOD) in arranging a special order for Captive Nations Week. We cannot neglect the ultimate fate of the unhappy millions who live within captive nations—lest we neglect our conscience—nor can we disavow our national policy of speaking for them, being strong for them, working for their freedom—lest we lose our soul.

ADDRESS TO DISTRICT OF COLUMBIA POLICE WIVES ASSOCIATION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. GUDE. Mr. Speaker, my colleague and neighboring Congressman, Representative LAWRENCE J. HOGAN, of Maryland, shares with me a strong interest in defeating crime and in properly paying the men and women on the frontlines of this battle, our police men and women.

Last month, he reviewed the prospects for a just pay increase for the District of Columbia Police Wives Association. The following is his address:

ADDRESS BY REPRESENTATIVE LAWRENCE J. HOGAN, OF MARYLAND

I know the subject of the proposed pay raise for your husbands is much on your minds tonight. You, better than anyone else, know the sacrifices and contributions made by your men to the safety and well being of us all.

We owe a great debt of gratitude to our policemen today because current conditions make their job more dangerous and hazardous than ever before. These dedicated men deserve our trust, confidence and support in performing their duties, often without proper equipment and facilities, and nearly always without adequate compensation.

As you know, I have always supported all measures introduced before the Congress which would upgrade the law enforcement profession.

I'm sure you're also aware, caught as you are in the middle of the controversy, that there is little agreement about anything relating to crime today. Some say poverty causes crime, some say crime causes poverty. Some say our law enforcement is too aggressive, some say it is too lenient. The controversy is endless.

Yet there is standard agreement that we need to do our best to strengthen law enforcement. And one way to strengthen police forces and detain well-qualified men is obviously to make the salary a good one.

The need for higher police and firemen salaries *today* is a real and immediate problem.

The House of Representatives *may* act Monday on the bill to provide pay hikes for public safety officers. The issue of financing the raise has caused a great deal of discussion, and I believe that a generally satisfactory solution has been devised by the House District Committee. The committee's decision to raise the general sales tax from four to five percent and to raise the sales tax rate on liquor, meals and room rentals from five to six per cent was a wise one, I believe.

However, since the additional two-cent excise tax on cigarettes was eliminated in committee and the principle of retroactive pay back to January was also defeated. I think we can expect attempts to amend the bill on the floor of the House to restore the cigarette tax and provide retroactive pay. I wish I could be optimistic about the success of those amendments, but the House is generally very reluctant to override committee decisions.

In any case, one thing is certain. The bill will take starting salaries from the present $8,500 a year to $10,000 by July 1 for a 17 per cent pay raise. Unfortunately the Senate has not acted on the measure.

We simply have to keep the pressure on and keep the lobbying up. A number of police wives have been in my office—among them, Mary Gannon, Donna Rawley, Harriet Carmine, Betsy Beckman, Lynn Coppersmith, Mary Helen Rice and Andrea Thompson—and I wanted to say that I think they're doing an excellent job of lobbying. I also wanted to emphasize what I told them, "It goes without saying that you can count on me."

I believe this pay hike is desperately needed and that we should not delay a second. We must act immediately on the issue. To recruit and keep high quality police officers in the numbers we need, we must do more to support the police than merely spouting slogans that police work is a fine profession calling noble young men. We must pay them a decent wage.

A letter from Lt. Martin Hannon, which was published this morning in The Washington Post, makes it perfectly clear that we are not paying D.C. policemen a decent wage.

In his letter, which I'm sure many of you have seen, Lt. Hannon says, "I would like to point out that a young rookie police and fire officer who is married and has one child has to make do with take home pay of approximately $112 per week. Considering the cost of living in the Washington metropolitan area, do you honestly believe a professional police or fire department will emerge from this fiscal inequity?

"If, in the near future, when an extra child is added to his family, he will in fact have to use public housing, food stamps and the other services of public welfare, I ask that Congress reconsider the present fiscal policy toward public safety personnel, within the concept of a just, living pay wage comparable to the job we render."

I could not agree more with Lt. Hannon. We simply are not doing nearly enough for our police and firemen here or elsewhere across the Nation.

In few departments across the country are police salaries competitive with those in other occupations seeking men of ability and education. Why have we allowed this situation to prevail?

Median starting salaries for patrolmen range from $6,607 in smaller communities to $7,043 in cities of 250,000 to 500,000. By regions, they range from $5,214 in the South to $7,458 in the West. Maximums for patrolmen are only slightly higher.

At one time, many police departments had fringe benefits which were superior to those offered by private industry, and they assumed that benefits such as early retirement or lengthy vacation periods were a substitute for competitive salaries. But fringe benefits for the police service are no longer superior to those in private industry. Efforts to improve police performance will be futile until communities are willing to pay the price for major increases in police salaries.

We must get the salaries up, not only in D.C., but across the country, because in the next decade, the present police shortage appears certain to become more urgent. According to the Bureau of Labor Statistics, an estimated 15,000 opportunities will occur each year for qualified candidates to enter police work through the 1970s. This projection was based simply on maintaining the present police-population ratio and did not include forecasts for expanded police activity.

Recruitment needs obviously will be substantially greater. And to recruit competitively, the police force must be able to offer monetary benefits commensurate with the importance and responsibility of the job.

The President's Commission on Law Enforcement estimated that it would take 50,000 additional policemen simply to fill the positions authorized in 1967. To maintain the Nation's police forces at strength thereafter would require the recruitment of roughly 30,000 men annually. Even this estimate may be too conservative, in view of the likelihood that continued growth of urban populations, spiraling crime rates and racial and other social unrest will require improvement in the police-population ratio.

The President's Commission on Law Enforcement correctly observed, "The police cannot be expected to recruit competent personnel until communities are willing to pay the price for improved police performance . . . until salaries are increased to competitive levels, the police service will fight a losing battle in its efforts to upgrade the quality of its personnel."

The bill which is about to be considered by the House is a constructive step in that direction. With passage of the bill, the Metropolitan Police Department will rank No. 7 among cities with over 500,000 population and first among area police jurisdictions. Currently the District ranks last compared with other jurisdictions and 13th among cities nationally.

This legislation is sorely needed to correct a serious problem. In the last two fiscal years, 1100 patrolmen have quit the Metropolitan Police Force, with the majority citing low pay as the reason.

It is an unpleasant fact that between August, 1969, and last November the cost of living in Washington had risen by 10.6 per cent, with no increase in police or firemen starting salaries.

Now at least we are on the verge of easing the hardships for main line police officers through the 17 per cent increase in pay. Retirement pay would also be increased by 17 per cent.

With crime as one of our Nation's fastest growing industries, the police are called upon to be virtually superhuman in the face of extreme provocation. It was surprising to me to learn that the total annual cost of crime—both losses due to criminal activity and the costs of fighting crime—now matches the combined 1970 sales of our three largest nonfinancial corporations, General Motors, Standard Oil of New Jersey and the Ford Motor Company.

Contending with the growing menace of crime daily, the policeman cannot perform his job without the respect of his community. Just before his death, the late J. Edgar Hoover, for so long America's foremost peace officer, said:

"We must not ignore the steady improvement in police-citizen relations over the past half century. In the 1920's citizens had only minimal respect for law enforcement. Today, as never before, our profession is respected and supported."

I believe that the men and women of this nation's police forces deserve enormous credit for creating this trend. We must always make sure that the enforcement process and the laws themselves are worthy of respect. And, along with such respect, we should consciously realize the true value of the law man.

The hard working peace officer is certainly deserving of greater monetary rewards. Policing is no longer just a job but a highly trained profession. Behind the uniform is a qualified man. Now Congress has the opportunity to demonstrate to the nation how important we believe it is to provide good wages for our police and firemen.

All of us know that a key element in the success of the District of Columbia has had in reducing crime has been in the dedication and expertise of the men and women of the D.C. Police Department. Yet, despite their tremendous achievements and the great risks they take every day, they have not had a raise since 1969.

This seems so typical of our society today. We always seem unwilling to really commit ourselves to a goal, to really finish a job. We have success in our crime fighting efforts or whatever, so we stop and pat ourselves on the back and pretty soon people start saying, "Hey, what we've done is great. We don't need to do anymore than we're doing right now. Now that we've solved the problem, we can start concentrating and spending our money on something else."

You and I know that that attitude is more than merely ridiculous—it is terribly dangerous.

Recently I inserted into the Congressional Record a WMAL editorial which called on Congress to end the pay inequity. I agree wholeheartedly with WMAL in its call for the police raises. If I may, here is what the editorial said:

"We can't help but be impressed with the way in which the D.C. Police Department continues to chop away at the crime problem. According to the latest statistics, serious crime was down again in March, more than 27 per cent under March a year ago. That rolls the serious crime level back to where it was in 1966.

"All this in the face of rising crime just about everywhere else, including the Washington suburbs.

"And Police Chief Wilson predicts the rate will continue to drop here.

"Not bad when you consider that the District police, and firemen as well, have the lowest starting salary in this area. They haven't had a raise since 1969, while the salaries of Federal and D.C. workers were going up 17 percent. So that's what the police and firemen are asking Congress for now.

"The low pay has taken its toll. About 1,100 policemen with less than two years service have quit, many to join police units in the suburbs. Money was the major reason.

"It's time Congress put an end to this inequity at last."

I have always had the greatest admiration for men such as your husbands who have served the law enforcement profession so well. I will continue to fight hard in Congress to insure that his and your interests are not overlooked.

During testimony before the Knapp Commission investigating police corruption in New York City last fall, a New York City police sergeant gave an eloquent reason for taking pride in serving the public through the law enforcement profession.

He said, ". . . to me, being a cop means believing in the rule of law. It means believing in a system of government that makes fair and just rules and then enforces them. Being a cop also means serving, helping others. If it's not too corny, to be a cop is to help an old lady walk the street safely, to help a 12-year-old girl reach her next birthday without being gang raped, to help the storekeeper make a living without keeping a shotgun under his cash register, to help a boy grow up without needles in his arm. And, therefore, to me, being a cop is not just a job, but a way to live a life."

I know that right now, to make ends meet yet still serve in their chosen profession, many of your husbands must moonlight in such jobs as security agents, bank guards, taxi drivers, etc. It has been estimated that a third to a half of all patrolmen in the country hold second jobs.

I share your concern over the existing situation. And I want to help in whatever way I can. I know that it is difficult to feed and raise a family on a policeman's salary, and I salute the character of a man who, each day, must be a minister, a social worker, a diplomat, a tough guy and a gentleman. It would be impossible for him to perform his task without the love and support of his family so I salute you and him for the contribution you are making to your neighbors, our city and our country.

AHEPA

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. McKEVITT. Mr. Speaker, it would be inappropriate if, during the month of July, we failed to pay tribute to an organization which has made many contributions to the betterment of American life and on July 26, 1972, will celebrate its golden anniversary.

I am sure that many of my distinguished colleagues are aware of the organization of which I speak, The American Hellenic Educational Progressive Association, more commonly known as the Order of Ahepa. The order, which has 430 local chapters in 49 States, Canada, and Australia is nonpolitical and nonsectarian. Membership in the Order of Ahepa is open to men of good moral character who are citizens of the United States or Canada, or who have declared their intention to become citizens. AHEPA has nine objectives but I believe its first objective in this country is to promote and encourage loyalty to the United States.

The Order of Ahepa's good works have been legion over the years ranging from relief for victims of natural disasters to scholarships to worthy students. Actually, its impact has been felt around the world, from Turkey to Ecuador and, of course, in Greece, where its good works have included relief for war orphans to maintaining two hospitals and seven health centers.

One could go on and on citing the efforts of the Order of Ahepa to aid humanity. Suffice it to say that our Nation can be extremely proud of the order and its 50 years of accomplishment.

In paying tribute to the Order of Ahepa, I would at this time like to name the officers of local chapters in Colorado and extend to all members of the Order of Ahepa congratulations on the occasion of its golden anniversary:

COLORADO

LOCAL CHAPTER OFFICERS

Deno P. Dikeou, President, Denver.
James P. Damaskos, Vice President, Denver.
Menelaos Moutsos, Secretary, Denver.
Spero D. Cosmos, Treasurer, Denver.
James P. Dikeou, President, Denver.
George Daddis, Vice President, Denver.
John P. Dikeou, Secretary, Denver.
Tom Kostas, Treasurer, Denver.
Nick Frangos, President, Denver.
Alex Baker, Vice President, Denver.
James DeBerry, Secretary, Denver.
Theodore N. Morris, Treasurer, Denver.
Tom J. Koustas, President, Denver.
Gus Jimas, Vice President, Denver.
Nick Tsiouvaras, Secretary, Denver.
Harold G. Kallas, Treasurer, Denver.
Christ Kapantas, President, Colorado Springs.
George N. Argos, Vice President, Colorado Springs.
Gus J. Lambrose, Secretary, Colorado Springs.
Nick Ellis, Treasurer, Colorado Springs.
James G. Melonas, President, Walsenburg.
James Pappas, Vice President, Walsenburg.
P. K. Kallas, Secretary and Treasurer, Walsenburg.

CURRENT NATIONAL OFFICERS

George P. Dikeou, Supreme Board of Trustees, Denver.

CURRENT DISTRICT LODGE OFFICERS

George Wm. Athens, Lt. Governor, Denver.
Theodore G. Argeris, Treasurer, Denver.
Dr. Pete G. Frangos, M.D., Marshall, Denver.
John W. Toscas, Advisor, Denver.
James G. Damaskos, Athletic Director, Aurora.

PAST NATIONAL OFFICERS

Spero J. Cosmos, Past Supreme Lodge, Aurora.
Lee G. Rallis, Past Supreme Lodge, Denver.
Panayes G. Dikeou, Past Supreme Trustee, Denver.
Gus G. Gatseos, Past Supreme Trustee, Denver.

TRIBUTE TO MARVIN "LUCKY" MONDRES

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. KING. Mr. Speaker, I would like to join with my colleagues in paying special tribute to my friend Marvin "Lucky" Mondres, who is resigning this week as the Congressional Liaison Officer for the Department of Commerce.

Lucky was appointed to his position by President Nixon on February 20, 1969. Since that time he has diligently carried out his duties and responsibilities in an outstanding manner. I can honestly say that I have known few people in Government who have been more conscientious or dedicated in the performance of their duties than my good friend, Lucky Mondres.

It is my understanding that Lucky is returning to Florida next week and intends to file as a candidate for Congress from the newly reapportioned 13th Congressional District. While I personally regret to see this young man leave the Washington area, I fully recognize his ambition and desire to serve the people of the 13th Congressional District of Florida in a broader capacity. He has my best wishes for a truly rewarding campaign.

TELEPHONE PRIVACY—XXVI

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. ASPIN. Mr. Speaker, I reintroduced the telephone privacy bill on May 10, 1972, with a total of 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 24th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could, the need for this legislation.

These letters follow—the names have been omitted:

ROCHELLE, ILL., *July 15, 1972.*

DEAR SIR: Just wanted to drop you this note of encouragement for HR–14884, (controlling of solicitors use of phone).

I, like many other citizens, have been victimized by such calls in the form of untimely interruptions and their being what I believe is an invasion of privacy. They are definitely unwanted.

Good luck in your fight for such a needed piece of legislation.

Sincerely,

——— ———.

OAK PARK, ILL., *July 14, 1972.*

REPRESENTATIVE ASPIN: Please make every effort to keep nuisance phone calls from our home by having bill HR–14884 adopted—or better! SOON

——— ———.

CHICAGO, ILL.

I am all for H.R. 14884. Please count me as one who wants to keep the nuisances off the phone.

Thank you,

——— ———.

DES PLAINES, ILL.

DEAR LES ASPIN: My husband and I fully support your bill, HR–14884 to keep nuisances off our phone.

We, too, are disturbed quite frequently by solicitors who invade our privacy by calling on our phone.

Thank you.

Sincerely yours,

——— ———.

ELMHERST, ILL.

Please continue your efforts to prevent solicitors from calling by phone to interest us in resort property; dance lessons; health programs. My husband and I are both in our 70's and find these calls very annoying.

Sincerely yours,

——— ———.

BROOKFIELD, ILL.

REPRESENTATIVE LES ASPIN: I read of your bill HR–14884 pending, in the Chicago Trib, Action Express, column. My wife and myself back you and encourage you to work for the passing of this bill.

I am a policeman and calls such as these, especially when the caller requests to speak to "Mr. Jones", and when my wife or other member of the family advises I am not at home, the caller hangs up. It is then not known if this was a sales call or possibly a call wishing to know of my absence so that my family can be placed in danger.

Again my wife and I support you and the bill.

Thank you,

——— ———.

A STEP TOWARD GREATER UNITY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. FINDLEY. Mr. Speaker, an editorial appearing in the Denver Post of Denver, Colo., has just recently come to my attention. It concerns the Atlantic Union resolution, House Joint Resolution 900, which was first introduced in Congress 23 years ago.

This editorial is significant in several respects which many of my colleagues may find interesting. Primarily, it places in perspective the purpose of the Atlantic Union Convention, which is "to explore ways in which—nations might transform existing relationships into a more effective unity based on Federal principles."

This editorial emphasizes the fact that the resolution only makes the proposed Atlantic Convention exploratory in nature. Any proposal for action by this convention would have to be approved by Congress.

I submit this significant editorial as an important contribution to the discussions concerning international peace and prosperity:

A STEP TOWARD GREATER UNITY

We have been following with interest the recent progress in the U.S. Congress of House Joint Resolution 900—a resolution which, in substance, has been introduced seven times previously since the end of World War II, each time failing of passage.

Essentially, the measure—which faces its most critical fight later this month on the floor of the House of Representatives after favorable consideration in both Senate and House committees—would create a U.S. delegation to organize and participate in an international convention made up of similar delegations from other North Atlantic parliamentary democracies.

The purpose of the convention would be to explore ways in which these nations might transform existing relationships into a more effective unity based on federal principles.

From this, hopefully, we might be able to create a new political institution large enough to deal successfully with the supranational problems now confronting us.

The ultimate goal of the proponents of Atlantic union would be political union under a single government; if and when this stage is reached, the entire grand design might be scuttled by nations unwilling to surrender their sovereignty.

Fortunately—and this is an important consideration in our endorsement, the proposed Atlantic Convention would be exploratory in nature.

No concrete steps toward implementation of convention findings could take place until such time as the U.S. Congress might legislate its approval.

What, then, could be the positive results expected from such a convention? Might we not be creating another nebulous halfway house somewhere between NATO and the expanding European Economic Community, on the one hand, and the United Nations and the visionary concept of a single world government on the other?

We don't think so; quite the contrary, in fact.

For, despite the international organizations that presently exist, member nations of the North Atlantic Community are still unable to understand, let alone manage, many of the burgeoning problems which are rapidly becoming too great for any one country to deal with.

The world, for example, is confronted with ever-increasing numbers of people, ever-increasing depletion of natural resources, and an ever-increasing degradation of a common environment.

The resolution of these, as well as of other crucial problems, cannot be attained under any international arrangements or institutions now existing.

We strongly advocate the passage of HJR 900 if for no other reason than its promise of expanded international dialogue at new levels.

FIFTIETH ANNIVERSARY OF THE ORDER OF AHEPA

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. BOLLING. Mr. Speaker, on the happy occasion of the 50th anniversary of the American Hellenic Educational Progressive Association—the Order of Ahepa—I would like to offer some well deserved thanks and praise to this remarkable fraternity and its Supreme President Sam Nakis. Through 430 local chapters, including the Kansas City chapter headed by Paul Kastle, Chris Fotopoulos, Petro Harakas, and Pete Panos, AHEPA has served our country with the highest distinction. Through good fellowship, through the encouragement of civil participation on all levels and through the education of its members, the order has promoted patriotism and a spirit of altruism among its ranks. AHEPA's Treasurer Chris Ellis and Past Supreme Lodge Officer Michael Konomos, also of Kansas City, have contributed substantially to this cause.

AHEPA's public service, both at home and abroad, has embodied the highest ideals of the Hellenic tradition. For 50 years, its financial munificence to disaster victims, to war victims, to medical research, to the construction and preservation of public monuments, to education, and to many other worthy causes, has been tremendous. In addition, in countless ways, the order has maintained the cultural heritage of Greek people everywhere while simultaneously strengthening the bonds between the peoples, the spirit, and the tradition of Greece and America.

GUNRUNNING, A PROFITABLE BUSINESS: CHICAGO TRIBUNE TASK FORCE REPORT, PART III

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. MIKVA. Mr. Speaker, your local bartender, manicurist, gas station attendant, or neighbor could be a gunrunner. A gunrunner could be almost anybody, and almost anybody can become one. It is incredibly easy to enter this lucrative racket.

This is No. 3 in a series of task force reports, recently published in the Chicago Tribune. The purpose of this series is to study how it is possible that 10,000 Americans are shot to death every year.

In today's entry, task force reporters entered the gunrunning racket, and found it to be an easy job. They discovered that the illegal purchase of firearms can be carried out openly, and shipping contraband weapons across State lines is no harder than doing the same with a carton of cigarettes. Gunrunning is second only to firearms burglaries as a principal means by which criminals acquire guns they cannot acquire legally.

The article follows:

[From the Chicago Tribune, June 27, 1972]

Task Force Report: Gunrunning—An Easy Job

The popular image of a gunrunner is that of a swashbuckler who flirts with danger and lives by his wits as he smuggles machine guns to a guerrilla band in some South American banana republic.

Perhaps such buccaneers exist somewhere in the world, but in the United States, a gunrunner is more likely to be a bartender, a manicurist, a machinist, or a housewife.

In other words, a gunrunner could be almost anybody. Almost anybody can become one. Thousands do every year, because it is incredibly easy to enter this lucrative racket.

NOTHING HIDDEN ABOUT IT

That is the lesson Task Force reporters William Currie and Robert Enstad learned when they became gunrunners in Florida, Virginia, and Iowa, and shipped their guns to Chicago.

Expecting to enter a sinister world of cloak-and-dagger intrigue, the reporters were shocked to find that the illegal purchase of firearms can be carried out openly and that shipping contraband weapons across state lines is no harder than doing the same with a carton of cigarets.

GETS NO BACKTALK

Their accomplices were licensed firearms dealers who, in their eagerness to make a sale, paid but token attention to the federal law that demands they sell guns only to residents of the state in which they do business.

One of the dealers Enstad encountered "seemed no different from a bartender who sees a young-looking kid come in and ask for a drink. The bartender asks the fellow if he's 21. The kids says yes, and he gets a drink without showing his identification."

Enstad was referring to the purchase he made of a .25 caliber automatic in Jay's Sales, a gun shop in the basement of the home of a Des Moines, Iowa, city councilman.

He is Russell LaVine, 61, a former radio announcer and an ultra conservative who once claimed he was "further to the right than the John Birch Society." LaVine is a federally licensed firearms dealer whose business grosses $40,000 a year.

SEES AD IN TABLOID

Enstad learned of the shop thru Gun Week, a firearms tabloid in which LaVine was advertising concealable handguns. Altho LaVine claims he sells firearms only to police, no mention of that restriction was made in the advertisement.

Nor did the reporter have any difficulty in purchasing his palm-sized pistol for the discount price offered to police.

When Enstad entered the store, LaVine's wife, Callie, was behind the counter. The showcases were crammed with every type of handgun, ranging from tiny .22s to cannon-like .357 magnums.

The reporter mentioned that he wanted to buy the automatic for home protection. Mrs. LaVine then showed him the pistol, a wicked-looking weapon small enough to fit into a shirt pocket.

KIND USED ON WALLACE

His question prompted a conversation about the quality of guns, during which, Mrs. LaVine extolled the merits of the gun used to shoot Alabama Gov. George Wallace.

"Now take that gun," she said, "that's the one Wallace got shot with. Now they say that's a 'Saturday night special'—a cheap gun. But that's made by Charter Arms. It's a good gun. It will fire off six good rounds."

Ironically the LaVines appeared to be Wallace supporters. A dollar bill bearing Wallace's face in place of President Washington's was displayed on a counter. The fact that someone had used a Charter Arms .38 revolver to shoot the Alabama governor did not seem to trouble Mrs. LaVine.

Enstad finally decided on the Colt automatic, but protested that the cost, $69, was too high. On the opposite side of the price tag was the figure $57.36.

"The lower price is what we charge law enforcement officers. I'll sell it to you for that price," she offered, altho Enstad never identified himself as a policeman.

QUESTIONS RESIDENCE

Enstad volunteered the information that he wanted the gun for protection because his home had been burglarized when he lived in Chicago.

She said:

"I can't sell you a gun if you're from out of state because that's against federal law. Are you a permanent resident of Des Moines?"

"Sure. Been here since April," Enstad replied.

"Oh, that's okay. State law says you have to be here 30 days to be a resident."

Mrs. LaVine then placed a federal firearms transfer form in front of the reporter, saying, "Fill those things out, and I will know as much about you as you do."

That statement was not entirely accurate. When Mrs. LaVine looked at the form, she knew the purchaser was Robert Enstad, that he was 33 years old, was born in Pine City, Minn., and had no criminal record.

BUT ADDRESS IS FALSE

All that information was true. She did not know that his Des Moines address was false. The reporter lives in Chicago.

Moreover, he could have falsified the entire form, because Mrs. LaVine did not ask him for one shred of identification. In the space marked "identification," she wrote SS, and instructed Enstad to fill in his Social Security number without even asking to see his card.

LaVine ran for his city council seat on a "safety on the streets" campaign, but his business practices are of the type that is making our streets more dangerous.

For all the care his wife took, the purchaser could have been an ex-convict bent on murder, an escaped mental patient, or a gunrunner planning to sell the weapon to a criminal.

TOUTS USE OF MACE

Enstad paid $60.08 and walked out of the store with the gun in its box. Mrs. LaVine told him to come back if he wanted to buy some Mace, a chemical disabling spray.

Jay's Sales was not unique in its lack of attention to federal firearms laws.

At Ted's Shooter's Supply, a saloon-cum-gun shop, which advertises firearms on a Hamm's beer sign, Enstad purchased a .22 caliber handgun for $36 using his Illinois Driver's License as identification.

"We can't sell to people from out of state," said the salesman. Enstad wrote down the same false Des Moines address. After glancing at the transfer form, the salesman asked Enstad for identification.

"Anything with your name on it," he said.

LICENSE ACCEPTED

Enstad displayed his Illinois license, expecting to be refused the sale. The salesman did not bat an eye when he looked at the out-of-state identification, as he handed Enstad a paper sack with the revolver inside.

Another contraband weapon was on the street. The next day, both weapons arrived in Chicago via parcel post.

In Florida, a licensed gun dealer gave reporter Currie his first lesson in the illegal purchase of firearms.

Currie entered Southern Gun Distributors, a huge armory-like firearms shop at 251 SW 22d Av., Miami. Saying that he was from out of state, Currie asked the salesman how he could buy a gun in Florida.

"Why don't you get a friend's driver's license from Florida? That's what they do," the salesman suggested.

BUYS NEW IDENTITIES

Taking the advice, Currie scoured the Miami docks in search of a new identity. For $30 he acquired a Virginia driver's license from the first mate of a charter fishing boat.

The license was issued to a Dennis G. Zimmerman, who did not resemble Currie and was nearly 40 pounds heavier.

The next day, he purchased, for a few more dollars, a Florida license from a stubble-chinned derelict in Miami's seedy Bayfront Park. That one was issued to Fred Mullins, of West Palm Beach, who was 15 years older than Currie.

Returning to Southern Guns to make his purchase, Currie was told that he would have to wait 72 hours before he could pick up the weapon. He said he did not want to wait and was advised to go to Broward County, where no waiting period is required.

HITCHHIKER'S ADVICE

During the drive northward, a hitchhiker advised the reporter that Hollywood, Fla., was the best city in the country for buying guns.

"While I was driving toward Hollywood, I practiced signing the name of Fred Mullins at stop lights," Currie reported. "It was a waste of time because the gun dealer didn't even check the signature, and in fact some police officers told me I probably could have gotten away with a license issued to a black man." Currie is white.

The reporter finally arrived at Harris House Guns and Ammo, a shop located at the end of a middle-class residential street. Standing in front of a rack of carbines, second-hand shotguns, and AR-15 semiautomatic rifles was a plump, drab woman in her thirties.

TELLS OF BURGLARIES

Currie said he needed handguns because of a wave of burglaries in West Palm Beach. For $20, or less than half of what he paid for his false identification, Currie purchased two .22 caliber revolvers, a Valor and Viking.

Because of their cheapness, concealability, and frequent use in barroom quarrels, these handguns are known in Florida as "mayhem makers."

The woman copied the information from the license onto the transfer form, with no apparent reaction to the fact that it showed Currie to be 45 years old instead of his true age, 30.

Currie then deliberately called her attention to the birthdate on the license to see if he could arouse her suspicions.

"See where it says I was born in 1927," he said. "That's a mistake. I was really born in 1937."

Without a word, the saleswoman wrote 1937 on the federal form, then sprayed the guns with oil, placed them in a box, and handed them to Currie.

NO QUESTIONS ASKED

That was it. No questions asked. No comparison of signatures. No determination if this buyer was a possible criminal purchasing the tool of his trade or a gunrunner planning to sell his wares to a street gang. No concern if these guns might be used to take a life. Just take the money and give him his guns.

Later, Currie drove to Hopewell, Va. Using his false Virginia license, he purchased a snub-nosed .22 caliber revolver from the Gun Rack firearms shop for $25. The saleswoman did not seem to notice that the photograph on the license hardly resembled the man buying the gun. The RG revolver was the same type used to kill Chicago Patrolman Robert Gallowitch last month.

Currie mailed the three weapons to Chicago.

SOUTH A MAJOR SOURCE

It is possible that Gallowitch's killer obtained his weapon in that way, or purchased it from a gunrunner. According to law enforcement officials, gunrunning is second only to firearms burglaries as a principal means by which criminals acquire guns they cannot acquire legally.

Each year, thousands of these contraband weapons, purchased mainly in the South, where gun laws are lax, pour into the streets of our cities. There are more than 160,000 licensed dealers in the nation, many of whom are willing to overlook the law, and only 1,600 federal agents to police them.

In New York, 65 per cent of the 10,158 illegal firearms seized in 1971 were traced to sources outside the city and state.

William Zapata, 25, of Flushing, New York, nearly added 240 .22 caliber revolvers to that supply when he unwittingly became a partner in a sophisticated interstate gunrunning racket. The damage that could have been done by those guns was averted when a New Jersey state trooper found the guns in the trunk of Zapata's rented car after Zapata fell asleep in a no parking zone along the turnpike.

The guns were purchased Oct. 9, 1970, in Chira's Gift Shop, Hialeah, Fla., by a Bernard Lino using a phony Florida address. Lino told the storeowner he wanted the weapons "to open a shooting gallery."

TRAPPED BY DEBT

Zapata was trapped into transporting the guns by a slickly dressed man wearing diamond rings named Sammy whom he met in a Manhattan discotheque. First Sammy bought Zapata a few drinks, then a radio and some food and even started paneling his family's kitchen. He first refused payment for all the gifts and then later informed Zapata that he owed him $800.

Not having the money, Zapata agreed to drive a car from Florida to New York's Kennedy Airport to pay off the debt. He had no idea the guns were packed in the trunk, he said. The judge who tried his case, believed the young Puerto Rican's bizarre tale and placed him on probation.

Reporters Currie and Enstad purchased only five weapons to demonstrate how easy it is to become a gunrunner. However, hundreds of ordinary citizens each year engage in the large-scale interstate trafficking of firearms.

And gunrunners can be the unlikeliest people—such as Mrs. M., a welfare mother of 12 who purchased 1,500 contraband guns over a two-year period for her son's South Side street gang. [She asked that her name not be disclosed for fear of gang retaliation].

Forced by the gang to obtain weapons, Mrs. M. made numerous trips to Milwaukee and Gary, meeting contraband gun dealers late at night in gas stations and at other prearranged locations. And she told of some bizarre methods of hiding the guns once they were in the city.

"Sometimes I'd slide them up my girdle—six at once. And I had a lot of them stashed in boxes of sanitary napkins, and sometimes I'd put them on babies. You get a kid with a snowsuit and stuff him up with guns, and you have a fat baby."

Then there was Mrs. Argentina Love, 59, a manicurist in the Monarch Barbershop, 339 E. 39th St., who boasted to an undercover police officer that she had "access to guns for black militants."

To prove it, she sold the policeman a revolver for $70, passing it under her manicurist's table. Her source was an ex-convict named Roy Williams, who later sold undercover federal agents several more guns. He obtained his supply from a Texas gun dealer, avoiding the residency requirement by having his sister, a local resident, make the purchases.

FIFTY YEARS OF SERVICE—AHEPA CELEBRATES GOLDEN ANNIVERSARY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. SCHWENGEL. Mr. Speaker, on July 26, 1922, the Order of Ahepa was founded in Atlanta, Ga. This year, the organization is celebrating its golden anniversary, and I would like to take this opportunity to commend AHEPA's accomplishments in many areas of public service.

Since its inception, the American Hellenic Educational Progressive Association has contributed significantly to the betterment of American life through its programs of citizenship, education, civic participation, athletics, and international relations. The organization has been the cornerstone of financial support for numerous worthwhile causes. Victims of natural disasters, war refugees, needy students, orphans, and many others, owe a great deal to the membership of this fine group.

The Order of Ahepa also offers the opportunity of membership in an organization with an unexcelled reputation for good fellowship and family participation—an opportunity not often found in modern society.

In this time of rapid change and constant turmoil, it is reassuring to be able to recognize the consistency and dedication of a group like the Order of Ahepa. I hail the efforts of the national and 430 local chapters and wish them as much success in their next 50 years as they have had in their first 50.

A TIME TO BE REMEMBERED

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. DENHOLM. Mr. Speaker, there are some that may not agree that the photo published in the New York Times today is of great significance. It is a photograph of the profile of a leading American of our time against the backdrop of four stone faces commonly referred to as the "Shrine of Democracy" high on Mount Rushmore in the Black Hills of South Dakota.

The profile is that of the Honorable GEORGE S. MCGOVERN, Senator of the United States of America and nominee of the people for President in 1972.

There are some resemblances and some striking differences in the photo—and in reality. One face—the profile—is of a living man of our time. Four of the faces are the work of art carved in the mountain of granite—leaders of the past. The sculpture has artfully detailed the historic past and rightfully named his finished product as the "Shrine of Democracy." The faces of history are shown with beard and long hair—but all with a clear eye and determination for leadership in their time.

The profile of the living man against the granite faces of the past is symbolic of leadership of our time—clear of eye, keen of mind, and of a quiet, determined manner—he stands. He, like his predecessors, must stand on the convictions of right with an eye to the future. He must lead—or be led. And so did his predecessors.

There on the mountain is Washington—there is Jefferson—there is Lincoln—there is T. Roosevelt—there is the "Shrine of Democracy." Symbolic of the differences of their time that started with the birth of freedom and independence of a new nation. None of them popular in their time—but leaders. Men of determination. Men of a clear eye, Men of keen minds—all men of destiny.

The great obstacle to progress is human resistance to change. That was proven almost 200 years ago when General Washington sought the assistance of his countrymen and dissent was rampant—and Jefferson later experienced similar circumstances in seeking men to sign the Declaration of Independence. But nothing then—or now equalled the dissent of the times that followed and the history marked in the life of Lincoln. Teddy Roosevelt tried independently against all political odds to lead the land he loved. There is no easy course for leaders of their time. All have but one choice—to lead or to be led. And the determination to lead cannot be founded upon passive love or lust. It has roots in controversy, dissatisfaction, dissent, and determination. That is what leaders are born of—or they like others shall be led.

I am proud of the modest, mild-mannered man that stood today before the "Shrine of Democracy." He has a commitment in his time. He has stood alone in conviction for what his conscience conceived to be right. His attributes of leadership, like men of history, include emotional stability, honesty, integrity, and a vision of the future. He was born of poverty and knows the wants and comforts of life. He is compassionate but firm for what is right. He is GEORGE S. MCGOVERN, able, capable, ready and willing to be the next President of the United States of America. Like those great men of history—he merits the respect of all in his time. That is why "this is a time to be remembered."

RUMOR-MONGERING URBAN STYLE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. WYMAN. Mr. Speaker, just why the New York Times should indulge in worldwide misreporting implying White House—President Nixon as sponsor—initiation of rainmaking to hurt the people of Indochina is difficult to fathom. Not only does this unjustifiably injure the reputation and image of the United States abroad, but being published at a time when acts of God in the way of floods have inflicted staggering losses on unfortunate residents in various parts of the United States, it incites resentment against the administration at the domestic level.

This sort of thing is something this Congress should look into, as the following editorial from the New Hampshire Sunday News so well points out. This is not because it is unwarrantedly hostile to the President, but because it is a flagrant abuse of editorial privilege approaching outright misrepresentation of fact:

WHY RAINDROPS KEPT FALLING

The N.Y. Times claimed Monday to have been told in "an extensive series of interviews" with "government sources both civilian and military" that the Air Force and Navy have been drenching Indo-China with man-made rainfall.

In what has come to be recognized as a typical Times performance, the newspaper devoted nearly six columns of space to a report which identified by name not a single one of its "government sources."

The closest it came was a quote attributed to an employe of the National Oceanic and Atmospheric Administration who vacuously declared: "We seem to be on the verge of having convinced ourselves rainmaking will work in certain cases."

But the Times plunged forward with its anonymous horde of witnesses—"military sources said . . . said one former government official with detailed knowledge of the operation . . . one former CIA agent said . . . a number of former CIA and high-ranking Johnson administration officials depicted the operations . . ."

Predictably, the Times got around to indicting Richard Nixon as chief architect of the rainmaking. It couldn't cite even an anonymous source in this case, but said that "by the end of 1971 . . . the program was under the direct control of the White House."

There isn't a newsman alive who does not recognize this technique as the shabbiest form of lazy, shoddy, shameful journalism. It is incredible that the Times could not have got one of its scores of alleged interviewees, many described as now out of government employ and unsympathetic to the rainmaking, to have permitted the use of his name.

What the Times seems to do in these more and more frequent instances is pick up a choice piece of scuttlebutt and then create its own non-nameable and, perhaps, imaginary witnesses.

Not that scuttlebutt is always without a foundation in truth; quite the contrary. But a really smart, conscientious and aggressive reporter always finds a way to disclose enough provable fact, and identify sufficient flesh-and-blood witnesses, to make the story stand up.

And, when you make a story like this one stand up, you may deserve not only the Pulitzer prize—which is awarded mainly by members of the establishment club to one another—but also the gratitude of the national and, perhaps, the world citizenry.

The Times, in its account of the rainmaking, indicates that the experiments have been carried on not only in Indo-China but many parts of the world and the continental United States, including the Philippines, Okinawa, India, mid-Pacific Islands, Texas and Florida.

In some of these areas, it has dumped huge quantities of rain on unsuspecting populations. One experiment in Vietnam brought down "seven inches of rain in two hours."

This is the kind of rainfall which occurred this spring and summer in many parts of the United States, wreaking a heavy toll of death and destruction in such communities as Wilkes Barre, Pa., and Rapid City, South Dakota.

Right here in northern New England, we have had a series of drenching rainfall nearly unprecedented in history.

The Times articles are replete with "warnings by scientists," again quoted anonymously, who say they fear for the effects of the Air Force and Navy experiments on the "ecology" not only of localities and regions, but also of "the entire world."

Recalling the tragic consequences of some experiments in the development of death-dealing gases and bacteriological warfare methods, the public might be forgiven for reading the Times pieces and concluding that this year's unprecedented rains and floods in the U.S. were triggered somehow by the experiments in Indo-China.

Quite possibly the Times intended exactly this effect.

Just to make the picture more horrifying, it throws in the suggestion that the Navy and Air Force have gone far beyond the old cloud-seeding procedures with silver iodine or dry ice and now employ chemicals causing the artificial rains to damage heavy machinery, like tanks and trucks.

Congress owes it to the country to investigate fully these N.Y. Times accounts and let the people know the truth. But it also goes without saying that the Times promptly would run blubbering to the Supreme Court and be shielded from exposure and punishment—as in the Pentagon Papers—under the Free Press clause in the Constitution.

LEGAL SERVICES AND LEGAL ETHICS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. CRANE. Mr. Speaker, the role of the lawyer in the American society has been undergoing serious change in recent days. Once considered an advocate for his client, in many instances he has become an advocate for himself and his own ideological preconceptions, with the client merely a means to private or political ends.

Much of the current ambiguity has resulted from the involvement of lawyers paid by the Government in doing what lawyers have traditionally been barred by their own codes of legal ethics from doing—stirring up litigation.

The legal services program was initially conceived as an arm of the war on poverty. The program has never been clearly defined, for there was no statutory provision in the Equal Opportunity Act dealing with it. Consequently, as is the case with many governmental agencies, it has proceeded on paths of its own, with little concern for congressional intent.

In a recent address Vice President SPIRO AGNEW noted that—

> The Legal Services Program has gone way beyond the idea of a governmentally funded program to make legal remedies available to the indigent and now expends much of its resources on efforts to change the law on behalf of one social class—the poor. . . . We are dealing, in large part, with a systematic effort to redistribute societal advantages and disadvantages, penalties and rewards, rights and resources. As one distinguished commentator on the Legal Services has stated: "This is not simply related to politics; it is politics."

Discussing the implications of such a program, Vice President AGNEW declared that—

> To the extent that this is true what we have here is the Federal Government funding a program designed to effectuate major political changes. What we may be on the way to creating is a Federally-funded system manned by ideological vigilantes, who owe their allegiance not to a client, not to the citizens of a particular state or locality, and not to elected representatives of the people, but only to a concept of social reform.

To correct much of this problem Vice President AGNEW states that attorneys in neighborhood law offices should have as their function serving the needs of individual poor people and legitimate self-organized groups, "not the poor as a class—and they should take the cases which the people bring to them, not search for clients to fit a legal cause." In addition, states the Vice President:

> So long as individual attorneys conceive their role to be that of social engineers, they will continue to exacerbate community tensions and undermine the very purposes they were hired to accomplisn.

It is essential that the legal services program, as well as all other Government programs, be brought under the control of the Congress, which is elected by the people and responsible to them. It is the Congress, not the employees of Government bureaus, which is charged with the determination of policy. The situation described by Vice President AGNEW in his address to the Texas Bar Association on July 7, 1972, is one which demands our immediate attention.

I wish to share this address with my colleagues, and insert it into the RECORD at this time:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

Since the inception of the Legal Services Program, most members of the American Bar have demonstrated their continued and steadfast support for it. In a variety of ways, our profession has proven its sincere interest in providing legal assistance to the poor. This is indeed commendable.

The Legal Services Program has done a great deal of good by furnishing poor people with legal counsel and effective access to the courts. The lawyers in the program have generally reflected great credit on our profession through their dedication to the concept of justice and their willingness to sacrifice self-interest in order to help poor people.

I want to emphasize that I am very much in favor of providing legal services for the poor. Inability to afford counsel should not and must not affect one's right to justice. Furthermore, contrary to what you may have heard, I am not opposed to suits against government to redress grievances. Anyone with a legitimate grievance against a governmental agency or instrumentality should have the opportunity to obtain a resolution of that grievance.

But throughout this program's existence, there has been little serious examination of its philosophical underpinnings. We have tended to focus on the delivery systems—whether to praise or criticize them—and we have lost sight of the larger implications. We have been, in other words, more occupied with mechanics than with policy—more concerned with tactics than with strategy.

In fact, some idealogues, who seem to challenge every thread of our social fabric from the past, regard this program as too sacrosanct even to discuss, much less to question.

As a starting place, we might look to the President's repeated belief that the paramount goal of legal services should be to respond to the needs of individual clients. When the President vetoed the proposal to establish a Legal Services Corporation last year, he asked Congress to create an agency "which places the needs of low-income clients first, before the political concerns of either legal services attorneys or elected officials."

This scope and definition of service to the client is perhaps the most important and pervasive issue within the Legal Services Program today.

The Legal Services Program was conceived as an arm of the war on poverty. Initially, there was no statutory provision in the Equal Opportunity Act dealing specifically with such a program. Its statutory base was added later by Congress as one of the "National emphasis" programs of the EOA's Community Action Program, along with the Headstart project, Comprehensive Health Service and certain others. Because the program is not clearly defined, some visualize it as a program for social action, while others see it as a modern Federally-funded Legal Aid Program. This ambiguity has been well documented. As a result, the Legal Services Program has gone way beyond the idea of a governmentally funded program to make legal remedies available to the indigent and now expends much of its resources on efforts to change the law on behalf of one social class—the poor. We are not discussing merely reforming the law to rectify old injustices or correcting the law where it has been allowed to be weighted against the poor. We are dealing, in large part, with a systematic effort to redistribute societal advantages and disadvantages, penalties and rewards, rights and resources. As one distinguished commentator on the Legal Services Program has stated: "This is not simply related to politics; it is politics."

To the extent that this is true, what we have here is the Federal Government funding a program designed to effectuate major political changes. What we may be on the way to creating is a federally-funded system manned by ideological vigilantes, who owe their allegiance not to a client, not to the citizens of a particular State or locality, and not to the elected representatives of the people, but only to a concept of social reform.

The law reform efforts of the Legal Services Program may also be the undertaking of a change in the nature of the legal system itself. Through the imaginative use of ever-expanding constitutional concepts, the Legal Services Program has seized upon the idea of the law and the lawsuit as an offensive weapon to redress an alleged imbalance created by the political processes. While we must do everything we can to protect every American's constitutional rights, we must ask ourselves this: Isn't it possible that we have gone too far when the Federal Government constructs a program which encourages individual lawyers to test at public expense their own individual theories of how society should be structured and how the resources, rights and benefits of that society should be distributed among the population?

A second major problem area in the Legal Services Program is that it fundamentally alters the nature of the lawyer-client relationship.

We lawyers are justifiably concerned with preserving the privilege of the attorney-client relationship. It is indeed one of the cornerstones of our legal system. But in trying to protect the privacy of this relationship, must we be prohibited from inquiring into the bona fides of actions by Federally-funded attorneys—actions that in many cases bear little relevance to the client's interest but much pertinence to the attorney's ambitions.

It is incumbent on us as lawyers to resolve the dilemma created by conflict between the privacy of the attorney-client relationship on the one hand, and the intrusion of outside forces, such as Federal funding and direction, on the other. And such resolution is unlikely if we rigidly insist that the attorney-client relationship is so absolute that no goals or directions can be set by the Congress.

There are two major differences between the attorney-client relationship as it exists in the Legal Services Program and as it exists elsewhere. First, there is the question of who is in fundamental control, the attorney or the client. Second, there is the difference in representation because of the changed nature of the attorney-client relationship.

In the private attorney-client relationship, it is generally accepted that the client is in control. He comes to the attorney with his problem and the attorney lays out for him the strengths and weaknesses of the alternative courses of action open to him.

The attorney then usually recommends a particular course of action—normally the simplest one that meets the client's objectives. But it is the client who makes the decision. And that decision usually will be based on the alternative most likely to accomplish the desired end with the least expenditure of money and in the shortest possible time.

The law reform aspect of Legal Services, however, threatens to turn the relationship upside down. If a client with a problem comes to a Legal Services lawyer who is imbued with law reforming zeal, the lawyer sees a great deal more than the client's problem in the matter and often expands the case into the broadest legal principle supportive to his social philosophy it will sustain—a sort of Parkinsonion corollary. Instead of resolving the case at the lowest level and earliest opportunity satisfactory to the client, such a Legal Services lawyer would be inclined to take it to the highest level possible to win the legal issue and implant the empathic legal principle which he has perceived to be involved. In certain circumstances, such zeal is not only acceptable but commendable. However, it is naive not to consider the attendant consequences of this practice.

The whole law reform aspect of Legal Services is oriented toward the attorney taking the initiative. The attorney often starts with a preconceived notion of how the society should be structured and identifies those qualities of the community in which he is practicing which do not fit his beliefs. In an attempt—basically a political action—to change the law and alter the existing allocation of resources, he may be instrumental in forming a group of poor people—and perhaps not so poor—to bring pressure to bear in the community on a particular problem.

Is this simple advocacy? Or is it social engineering on a grand scale and without accountability to anyone? Because of the Code of Professional Responsibility, any efforts to control or restrict the activities of individual lawyers would be, and have been, vigorously opposed. But without some form of control at the top, you have a Federal Government project using public monies purportedly for public purposes but actually for whatever purpose the individual lawyer deems worth while. As it operates presently, it is a public project but without public direction or public accountability.

This tax-funded social activism transfers great power in community affairs from elected officials to self-appointed ones.

There is considerable evidence that this social orientation has led to a widespread attitude on the part of numerous program attorneys that they can take any action regardless of its relationship to the eradication of poverty. As a consequence, program attorneys are and have been heavily involved in every social issue of the day. In Evanston, Illinois, it's draft counseling; in Texas, California, Colorado, Florida and other places, it's underground newspapers; in Boston, it's women's rights; in California, it's the rights of penitentiary inmates; in numerous other places, it's students' rights, anti-war protests, free-speech movements. The list of causes is endless.

But the important thing to note is that they have little or nothing to do with poverty and the problems peculiar to the poor. And equally important, while most programs now turn away individual poor clients with routine legal problems, many nevertheless find time to engage in practically every cause celebre that comes along.

Is this right? Is this what Legal Services was meant to do? Did Congress in its enactment or the Bar in its support contemplate a program where a destitute mother of five can't get legal help with an eviction notice but a middle-class drop-out can get legal counseling in setting up his underground newspaper? Proponents of such activity by Legal Services attorneys suggest that these endeavors in fact do serve the interests of the poor in a large sense. I submit that the conclusion is open to serious doubt.

Another problem with the Legal Services Program is that it has had little or no central direction and no firmly established policies and procedures. Hence, the responsibility for directing and controlling the project is left to the local Board of Directors and the Project Director. Unfortunately, in too many cases, they either cannot or will not exercise the control over the project's policies and attorneys that is necessary to insure that the program's goals and not necessarily the individual attorney's are being pursued.

I have outlined here today what I perceive to be some of the problems with the Legal Services Program. I am disturbed that the recent Congressional debate surrounding the creation of a legal services corporation failed to examine fully or resolve the fundamental questions underlying this program. This Administration favors a responsibly structured corporation but the problems and importance of legal services are such that this whole issue deserves far greater attention and discussion by the Bar and other interested parties than it has to date received. If I can get the organized Bar's support merely for the proposition that there are some problems, I think we will have taken a giant step toward resolving them.

Now I would offer these suggestions which I believe are essential to resolving the problems.

First, for the attorneys in the neighborhood law offices—law reform should be the by-product of their legal assistance to the poor, not the major goal. Their clients should be individual poor people and legitimate, self-organized groups—not the poor as a class—and they should take the cases which the people bring to them, not search for clients to fit a legal cause.

Law reform as a specific goal should be the province of the national office and the various backup centers. It should be pursued through responsible professional representation before legislatures and governmental agencies and through amicus briefs or intervention in existing cases—not through demonstrations or other high pressure tactics.

Second, Legal Services headquarters should establish policies and priorities applicable to all projects including regulations on attorneys' private political activities, group representation and soliciting clients. The Bar could assist by taking a harder look at how the Code of Professional Responsibility applies to Legal Services attorneys. I suggest that the professional independence of the lawyer necessarily conflicts at points with the requirements of a Federally-funded social program—which must be responsible and accountable to the public. Furthermore, Legal Services lawyers operating without the normal economic restraints, and with the enormous resources of the Federal Treasury, must be better supervised by the Bar associations and held to a very high standard of conduct.

Third, we should insist upon professional control and discipline at the individual project level.

Finally, basic attitudes within this program should be changed. So long as individual attorneys conceive their role to be that of social engineers, they will continue to exacerbate community tensions and undermine the very purposes they were hired to accomplish.

This Administration is committed to furthering economic opportunity and guaranteeing justice for all. A more carefully defined Legal Services Program could help immeasurably in realizing that objective.

CAPTIVE NATIONS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. PUCINSKI. Mr. Speaker, this weekend Chicago will again mark Captive Nations Week with a huge parade down State Street and appropriate ceremonies in Grant Park.

This will be the largest Captive Nations observance in the United States. It is through the hard work of Mayor Daley and the Captive Nations Committee, whose General Chairman is Viktors Viksnins, that this annual observance is held as a reminder to freedom-loving people all over the world that mankind's conscience cannot rest until the captive nations of the world become free again.

It will be my privilege to be principal speaker at the Captive Nations observances this weekend.

I am placing in the RECORD today a Memorandum and the Proclamations of both Mayor Daley and Governor Richard B. Ogilvie.

I am also placing in the RECORD today the Resolutions which will be presented to the Chicago Captive Nations Week Observance.

Mr. Speaker, this annual observance is made possible by the hard work of many dedicated people and ethnic groups.

We are particularly grateful to Dr. Kazy's Bobelis, president of the Lithuanian-American Council, for providing one of the largest participating groups in the Captive Nations Week observance.

Dr. Bobelis is a source of inspiration to all of us because of his tireless efforts on behalf of the Baltic States—Lithuania, Latvia, and Estonia—whose independence has been brutally destroyed by the Soviets.

The Lithuanian-American Council serves as a constant reminder that the United States has never recognized the obliteration of Lithuania by the Soviets and so far as we Americans are concerned, Lithuania and her people continue to be recognized as a sovereign state.

I am also pleased to pay tribute to my own personal good friend, Aloysius Mazewski, President of the Polish-National Alliance and the Polish-American Congress, for his untiring efforts on behalf of freedom.

Mr. Mazewski is president of the largest Polish-American fraternal organization and is the highly respected spokesman for Americans of Polish descent in their continuing effort on behalf of the people of Poland.

We are particularly grateful to Viktors Viksnins who has provided the real stimulus for Captive Nations Observance in Chicago since its inception. Without his drive and hard work and dedication, Chicago could not boast of having the largest Captive Nations Observance in America.

The memorandum, the proclamations and the resolutions follow.

MEMORANDUM

The Captive Nations have not and will not be broken. The people aspire and wait for their freedom and do what they can under the circumstances to hasten the day of its arrival.

Last year to focus world-wide attention on and to bring redress from Soviet injustice and oppression, 17 Latvian Communists smuggled a memorandum out of Latvia which exposed the Soviet governments criminal colonial policies in Latvia. In this memorandum the 17 Latvian Communists asked for world help in stopping the colonization and Russification of Latvia.

Earlier this year 17,000 Lithuanians signed a petition asking for their rights and a stop to religious persecution in Lithuania.

Recently, thousands of Lithuanians demanded their rights and independence in Kaunas, Lithuania and battled Soviet police and paratroopers were sent to suppress them.

The Ukrainians are more vocal than ever in their demands for independence despite ever-increasing Soviet Repression. The other captive people hope and wait for their independence and the day they can live and build their future in their own sovereign lands.

We of the Captive Nations Committee choose this occasion to reaffirm the right to independence for all the captive people subjugated by the Soviet Union.

We commemorate this occasion as a remembrance of our oppressed countrymen and share in their sorrow.

We choose this occasion to remind the American people of the plight and aspirations of the Captive people of East Europe, Asia, and Cuba and to remind the American people that they can lose their rights and freedom also, if they abandon their vigilance.

To reiterate, we condemn the intervention and oppression of Cuba where 20,000 were shot to death, 100,000 taken prisoners, and 400,000 exiled.

We choose this occasion to remind that the captive people have a right to exist as free people, they have rights which are presently denied by force, but the exercise of which deserves to be and must be restored if we are to live in a just and peaceful world.

Finally, we choose this occasion to let Soviet Government know that its crimes do not go unnoticed, but are known to the world, that world opinion and common decency are on our side and that we'll let its crimes, present and future, against the Captive Nations, be known until such time as the Captive Nations are free.

PROCLAMATION

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuana, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, Slovakia, North Viet Nam, Cuba, and others; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe this week with appropriate prayers, ceremonies and activities expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence; and

Whereas, the City of Chicago, is closely linked to these captive nations through the bonds of family, since numbered among the people of Chicago are hundreds of thousands of our citizens who, through nativity of ancestry, treasure the heritage which is theirs; and

Whereas, these nations have been made captive by the imperialistic, aggressive and heartless policies of communism; and

Whereas, the peoples of these communist-dominated nations have been deprived of their national independence and their individual liberties; and

Whereas, it is appropriate and proper to demonstrate to the peoples of the captive nations the support of the people of the City of Chicago for their just aspirations for freedom and national independence; and

Whereas, the people of Chicago, as do all the people of the United States, want for the people of the world the same freedom and justice which is theirs;

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby proclaim July 17 through July 22 as Captive Nations Week in Chicago. I urge the people of Chicago to join in the programs arranged for the observance of this occasion and especially encourage everyone to concretely demonstrate their interest in the imprisoned people of the captive nations by their attendance at or participation in the parade to be held on State Street on Saturday afternoon, July 22 at 12 Noon.

Dated this twentieth day of June, A.D., 1972

RICHARD J. DALEY, *Mayor*.

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT—PROCLAMATION

Freedom-loving peoples from all over the earth have sought our shores; their diverse cultures have strengthened and enriched our nation.

Through the democratic process we, a people of many races, religions and national characteristics, have established a free society that recognizes the natural and economic interdependence of all peoples.

Family ties link many Illinoisans with oppressed people who yearn for the freedom and independence we enjoy. The third week in July is annually set aside as a time for the people of the United States to express their sympathy and support for the just aspirations of captive people everywhere.

Therefore I, Richard B. Ogilvie, Governor of the State of Illinois, proclaim July 17 through 22, 1972, CAPTIVE NATIONS WEEK in Illinois, and call upon all citizens to participate in community observances of the week.

In witness thereof, I hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol, in the City of Springfield, this ninth day of June in the Year of Our Lord one thousand nine hundred and seventy-second, and of the State of Illinois the one hundred and fifty-fourth.

RICHARD B. OGILVIE, *Governor*.
JOHN W. LEWIS, *Secretary of State*.

Chicago Captive Nations Week Committee—Resolutions

Whereas, the Senate and the House of Representatives have authorized the President of the United States of America to proclaim the third week of July as Captive Nations Week, and

Whereas, Russian and Chinese communism continue to expand their colonial empires and threaten the security and independence of the Free World, carrying out subversive conspiracies in Latin America, and even in our own country, conducting aggressive warfare in South Viet-Nam and Cambodia, the neighboring countries of Laos and Thailand, having made deep inroads into the Arab countries, on the Mediterranian and the surrounding area having succeeded in setting up a Russian-Ribbentrop-Molotov pact and which would seemingly legitimatize the unjust Soviet occupation and oppression of Central Europe, having developed a new threat in Asia against the Republic of China, and

Now therefore, be it resolved by the Chicago Captive Nations Week Committee to urge the United States Government to assume the role of leadership. The fact that one-third of mankind is already enslaved by communist imperialism necessitates a new policy, a policy that is able to cope with these ominous conditions, and

Be it further resolved, that in view of the indivisibility of freedom and peace, the restoration of the sacred rights of all nations, based on principles of democracy, self-determination, and sovereignty within their respective ethnic boundaries, must become the goal of this policy. This is of paramount importance to establish a lasting peace in the world, and

Be it further resolved, that we, at this critical period for the entire Free World, support the United States resistance to communist aggression in South East Asia and the building up of forces for freedom in that part of the Free World. In this spirit we salute the members of the United States Armed Forces. Our deepest respect and thanks belong to those who have laid down their lives for the victims of communist aggression, and to those who remain prisoners, and

Be it further resolved, that we appeal to the President and all governments in the Free World to stop the terrorizing practices of the communists upon the anti-communist political and national leaders of various immigrant groups, and to provide them with security which is desperately needed, particularly for those whose names have appeared on the MVD-KGB list of people scheduled for kidnaping and death. Kudirka's case is a tragic reminder as to what can happen in our own country, and

Be it further resolved, that our committee must issue the warning that "Ping-Pong diplomacy" will not mean any change in communist long range aims, and

Be it further resolved, that we deplore the ideas and policies which would endanger the sovereignty of the Republic of China. It would be a political and moral catastrophe if the people of the Republic of China were to be abandoned in this critical situation.

Be it further resolved, that we oppose one-sided friendships and the opening of additional Russian consulates in the United States; and

Be it further resolved, that the United States Government stop building up the communist empire, particularly Soviet military power, by selling it military equipment and other goods which strengthen its position and ability to oppress the people under its power and occupation; and

Be it further resolved, that the United States refrain from doing anything to strengthen the Communist regime in Chile; and

Be it further resolved, that special efforts be made by the United States leadership toward an awakening and strengthening of all moral forces. Utmost efforts must be made to protect the sacred values in cultural, social and educational institutions so vital to the preservation of freedom. It is appalling to see how free men let themselves be used in the portrayal of anarchism, defeatism and amoralism by the Red Empire; and

Be it further resolved, that the President of the United States at the forthcoming European Security Conference, request the Soviet Government to stop its Russification of and religious persecution in the countries under its occupation; and

Be it further resolved, that the President of the United States at the forthcoming European Security Conference, request the Soviet Government to restore the independence of these European nations and to grant true sovereignty to all the countries under its power; and

Be it further resolved, that the President of the United States actively seek the restoration of independence for these states and make it a condition for a large scale European settlement, and

Be it further resolved, that this committee reiterates its support for the establishment of the permanent Captive Nations Committee (House Resolution 211) and Freedom Academy. There is a desperate need for a forum to handle the issues of injustice against nations and crimes against humanity, and

When we think of the past failures of appeasement and of the present political climate which is becoming increasingly alarming, we appeal most urgently to the President and Congress, on behalf of the millions of human beings under the tyranny of the Communist Empire, to turn to the way which will grant security to America and will build confidence and respect for this country among the nations of the world; namely to turn firmly to the pursuit of God-given and therefore, sacred rights of self-determination and freedom for all nations, and this not only in declarations, but in deeds and actions.

LIST OF SIGNATURES

Viktors Viksnins, General Chairman, Chicago, Captive Nations Committee.

Ulana Celewych, Ukranian—Representative.

Rev. Anthony Cuvalo, Croatian—Representative.

Ivan S. Kralik, Slovakia—Representative.

Leon Lih-da-Hu, Chinese—Representative.

Joe C. Rodriguez, Cuban—Representative.

Leo Klidzejs, Resolution Secretary.

Hafizi Y. Azern, Albanian Representative.

Mykolas Pranevicius, Lithuanian—Representative.

Leonids Neimanis, Latvian—Representative.

Alex Koepp, Estonian—Representative.

Nick Zyznieuski, Bielarusian—Representative.

Juan Paneque, Resolution Committee.

Walther A. Kollacks, German, Member Resolution Committee.

Roksanda Panich, Serbian Representative.

Dr. Mikulas Feijencik, Czechoslovakia Representative.

1972 LEGISLATIVE QUESTIONNAIRE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. QUILLEN. Mr. Speaker, I would like to make available to readers of the RECORD the results of my 1972 legislative questionnaire. The survey was mailed in May to residents of the First Congressional District of Tennessee, including those in Grainger and Hamblen Counties, which will again become part of the district.

The 18.8 percent rate of response shows the people are concerned about the current issues. I made a concerted effort to reach college students by mailing my questionnaires to area campuses. The fact that 30 percent of the returns were received from persons reporting only for themselves indicates many students responded.

In a few days I will send a report from Washington to the postal patrons in my district giving the questionnaire results. The report follows:

JULY, 1972.

DEAR FRIENDS: The continued high interest of the people in the First District in our nation's affairs is indicated by the answers to my 1972 questionnaire, and I am pleased to present these returns to you in this special Report from Washington.

This year's survey was mailed to 197,000 postal patrons, including the residents of Grainger and Hamblen counties. I am delighted the two counties will again become part of the First Congressional District. Nearly 47,000 more questionnaires were mailed than in 1971. The 18.8% rate of response—also an increase over last year—shows the people are concerned about the current issues.

I made a concerted effort to reach college students by mailing my 1972 questionnaires to area campuses. The fact that 30% of the returns were received from persons reporting only for themselves indicates many students responded.

Nine issues were included in the questionnaire. I tried to use current questions which have provoked the most interest to all. Answers to this survey reveal a strong degree of unanimity in the District.

The question which received the most unanimous response was number five—"Do you favor forced busing of school children to achieve racial balance?" Responding in opposition to forced busing were 95.9% "His" and 95.1% "Hers." Also receiving a high degree of unanimity of opinion was the question, "Do you favor granting amnesty to draft dodgers and deserters?" There were 92% "His" and 90.2% "Hers" against granting amnesty.

Two questions, number two—"Should persons who voluntarily strike be entitled to food stamps?"—and number eight—"Do you favor eliminating the penalties for possession of marijuana?"—indicated a strong negative opinion. Opposing the distribution of food stamps to strikers were 85.3% "His" and 84.2% "Hers." For question number eight, there was a noticeable difference of opinion expressed by married couples as compared with persons reporting only for themselves, who probably represent a younger age group. Among the married couples, 84.5% "His" and 84.8% "Hers" were opposed to the removal of penalties for marijuana possession, but only 73.1% "His" and 77.2% "Hers," among the group reporting individually, were opposed to this.

Receiving the most favorable response was question number three—"Should the U.S. place a fixed limit on imports of agricultural products to aid our farmers?"—with 75.2% "His" and 75.4% "Hers" supporting these limits.

However, there was no clear-cut majority response shown to question number seven, which concerned lengthening the term served by U.S. Congressmen. In favor of extending the term were 52% "His" and 52.9% "Hers," while 43.9% "His" and 43.8% "Hers" opposed longer terms.

Question number nine—"Do you favor a value added tax ?"— produced the greatest undecided tally, with 10.7% "His" and 13.7% "Hers" unsure of their position. Answers revealed 59.3% "His" and 58.2% "Hers" opposed the value added tax, while 30% "His" and 28.1% "Hers" favored the tax.

Uncertainty was also evident in the responses to question number six—"Do you feel the present system of wage and price controls is working to end inflation?" Unsure of the success of the President's economic programs were 7.1% "His" and 9.9% "Hers." Persons responding who felt the present system is not working numbered 61.3% "His" and 63% "Hers," while 31.6% "His" and 27.1% "Hers" considered the system successful.

Residents were undecided about extending diplomatic and trade relations with Mainland China. Of the persons uncertain as to whether we should improve relations with China, 6.9% were "His" votes and 9.9% "Hers" votes. There were 61.5% "His" and 58.2% "Hers" in favor of developing relations between the two nations.

OVERALL DISTRICT RESULTS

[In percent]

	Yes		No		Undecided	
	His	Hers	His	Hers	His	Hers
1. Do you favor granting amnesty to draft dodgers and deserters?	5.9	6.0	92.0	90.2	2.1	3.8
2. Should persons who voluntarily strike be entitled to food stamps?	12.7	12.9	85.3	84.2	2.0	2.9
3. Should the United States place a fixed limit on imports of agricultural products to aid our farmers?	75.2	75.4	18.8	18.1	6.0	6.5
4. Are you in favor of the United States expanding diplomatic and trade relations with mainland China?	61.5	58.2	31.6	31.9	6.9	9.9
5. Do you favor forced busing of schoolchildren to achieve racial balance?	3.1	2.3	95.9	95.1	1.0	2.6
6. Do you feel the present system of wage and price controls is working to end inflation?	31.6	27.1	61.3	63.0	7.1	9.9
7. Do you favor changing the term of a Member of Congress from 2 to 4 years?	52.0	52.9	43.9	43.8	4.1	3.3
8. Do you favor eliminating the criminal penalties for possession of marihuana?	15.1	12.3	82.8	83.5	2.1	4.2
9. The so-called value added tax, in effect a national sales tax, is contemplated as a method to hold the line on property tax increases. Do you favor such a tax?	30.0	28.1	59.3	58.2	10.7	13.7

I am deeply grateful for your assistance in making it possible for me to have the views of my constituents on these matters. The response I have received to my questionnaire aids me greatly in representing you here in the Congress.

Sincerely,

JAMES H. QUILLEN.

ORDER OF AHEPA GOLDEN ANNIVERSARY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. DORN. Mr. Speaker, the Order of Ahepa is this month celebrating its golden anniversary, having been founded in Atlanta, Ga., on July 26, 1922. The word "Ahepa" is an acrostic for the American Hellenic Educational Progressive Association, and the order now includes 430 local chapters in 49 States, Canada, and Australia.

In saluting this outstanding fraternal organization on its 50th anniversary, I commend to the attention of the Congress and of the American people the following list of goals of the Order of Ahepa:

OBJECTS OF AHEPA

1. To promote and encourage loyalty to the United States of America

2. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind

3. To instill in its membership a due appreciation of the privileges of citizenship

4. To encourage its members to always be profoundly interested and actively participating in the political civic, social and commercial fields of human endeavor

5. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor and integrity of every nation

6. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture

7. To promote good fellowship, and endow its members with the perfection of the moral sense

8. To endow its members with a spirit of altruism, common understanding, mutual benevolence and helpfulness

9. To champion the cause of Education, and to maintain new channels for facilitating the dissemination of culture and learning.

Mr. Speaker, no organization or fraternity ever had better ideals, and the Order of Ahepa has made invaluable contributions in nearly every phase of American life. I congratulate its members on this golden anniversary and commend their outstanding service of half a century to our great Nation.

CONGRATULATIONS TO THE ORDER OF AHEPA

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. HASTINGS. Mr. Speaker, I wish to join with those who salute the Order of Ahepa, the American Hellenic Educational Progressive Association, on the 50th anniversary of its founding. Few organizations can be credited with the long-standing national and international reputation for dedicated service to the causes of education, freedom, and loyalty to America that the Order of Ahepa has established since 1922. The order recognizes that education is the foundation of good citizenship and seeks to instill in its members a sense of pride in their individual rights, encouraging not only an informed interest but also energetic participation in political, social, civic, and commercial spheres of human activity.

The membership of the order is highly diversified; it includes businessmen, laborers, professional men, and educators who are united by a common goal of fellowship and mutual understanding. Ahepans are recognized in their communities as men devoted to civic responsibility, as good neighbors, and as concerned parents. I am proud to pay special tribute to the Wellsville chapter of the Order of Ahepa in my district, whose officers are James Raptis, president; George Raptis, vice president; John Giopulos, secretary; and George Giopulos, treasurer.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

THE MOOD IN ISRAEL IN 1972

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. HAMILTON. Mr. Speaker, Ambassador Charles W. Yost, former U.S. Representative to the United Nations, recently undertook a trip to the Middle East during which he met with leaders in several Arab countries and in Israel. He has written several articles on his trip which have appeared in the Christian Science Monitor. His article on Israel, which appeared in the July 19 issue, is particularly interesting and his assessment of the mood in that country revealing. This article follows:

ISRAEL IN THE SUMMER OF 1972

(By Charles W. Yost)

Abba Eban, the experienced and perceptive Israeli Foreign Minister, pointed out to me here a few days ago that in 1972 Israel has only one insecure frontier—paradoxically that with Lebanon, the most pacific of its neighbors. Remarks of this kind by Israeli leaders, while emphasizing that they expect, indeed insist, that Lebanon remove the source of this insecurity, reflect the mood of exuberant and understandable optimism which one finds in Israel today.

On the military side, the Bar-Lev line along the Suez Canal has been almost completely quiet for nearly two years. Since King Hussein suppressed the guerrillas in Jordan, there has been no threat from that quarter. There have been occasional incidents on the occupied Golan Heights, but the Syrians are keeping their Palestinians on a tight rein and not risking any confrontation there which might involve their own forces. The Lebanese Government also does its best, not always successfully, to control the Palestinians on its territory. Consequently the strength of these once-feared organizations has declined rapidly since 1970 and they are forced to rely on outrageous but militarily inconsequential episodes such as the Japanese razzia at the Lydda airport.

As to the superpowers, the United States seems to have tacitly dropped the "Rogers plan," which in Israeli eyes smacked of an imposed settlement, and last December reaffirmed its unquestioning support of Israel with another substantial commitment of Phantoms.

It is not believed in Israel that the Soviet Union, in view of the priority it clearly attaches to better relations with the United States and Europe, will now encourage any serious violation of the cease-fire along the Suez Canal.

Israel, therefore, has every reason to be satisfied on the military score. Inside the country, while the cost of living is high and rising, the economy is booming. New housing is growing up everywhere, most of all in and around Jerusalem. Tourists abound, undeterred by threats of terrorism. Unemployment is practically nonexistent and the Arab occupants of the so-called 'administered zones," the West Bank and Gaza, share in this prosperity to the extent of having steady jobs and higher incomes than in the past. The Israelis are encouraged by what they feel to be a shift in sentiment "from hostility to indifference" among this population. A swelling stream of Arab visitors flows across the Allenby bridge from Jordan to visit relatives and friends on the West Bank.

Meanwhile new immigrants, chiefly from the Soviet Union and Romania, arrive in increasing numbers, many of them highly qualified people, teachers, engineers, architects, lawyers. They are processed through comfortable and efficient "absorption centers" where they are taught Hebrew and very rapidly prepared for productive assimilation in the life of the country. As one Israeli pointed out, "the melting pot is a pressure cooker."

It is not surprising that, in view of all these favorable factors, one finds a mood of quiet confidence, almost of euphoria, in Israel. Certainly Abba Eban continues to emphasize Israel's readiness to negotiate with its Arab neighbors, particularly Egypt, either on an interim or a permanent settlement, either directly or through "close proximity" talks as the United States has suggested.

To the argument that the Arabs feel that negotiation, under present circumstances, would merely amount to capitulation—since Israeli leaders have announced their firm intention to hold onto certain territories which the Arabs absolutely refuse to concede —Mr. Eban replies that the essence of real negotiation is concession by both sides, that recent German and Vietnamese experiences suggest that prior positions are not necessarily rigidly adhered to, that even small steps forward create a climate for larger steps, and that in any case negotiation is far better for both sides than fighting.

Among most Israelis with whom I talked, however, while I found a similar willingness to negotiate, I found two other states of mind predominant: First, the conviction that retention of a significant part of the "administered territories" is essential to Israeli security and that there is no reliable substitute for such territorial changes; second, the recognition that, in view of this fact and the profound psychological mistrust between the two sides, the gap between them is still too great to permit any negotiation to succeed in the near future. While the extent of the territories Israel would insist on annexing was not spelled out to me, it is apparent they would include Sharm el Sheikh and some assured access to it, former Arab Jerusalem and its surroundings, the Golan Heights, and presumably significant parts of the West Bank. These go far beyond the "insubstantial" changes Secretary Rogers proposed two and a half years ago.

In a sense this position or mood represents a substantial shift from that which prevailed immediately following the Six-Day war. At that time the emphasis was on a durable peace with the Arabs, "reciprocal, binding, contractual agreements" between them and Israel, an end to the insecurity of armistices, truces, and cease-fires.

When Egyptian President Sadat last year, however, offered "a peace agreement with Israel," plus international guarantees, it became apparent that this was no longer the main Israeli objective. The lapse of time had brought about a psychological evolution. It is now emphasized that Arab governments are unstable, that new ones might easily disavow agreements sincerely made by the present ones, that international guarantees proved valueless in 1967 and well might again.

To the generals in particular, but to most of public opinion as well, the present military lines—even though unaccepted by the other side—represent the best possible, the only certain assurance of Israel's security. The tacit hope in the back of most everyone's mind is that in the course of time the Arabs, once convinced they have no real alternative, will at last accept them, or at least accept new lines so drawn as to meet what Israel profoundly believes its security requires.

This is the Israeli point of view as I see it. After visits to one or two more Arab countries, an effort will be made in this column to sum up the situation throughout the Middle East and to estimate the chances for peace in the near and the more distant future.

CONCERN OF VETERANS ORGANIZATIONS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mrs. GRASSO. Mr. Speaker, during the recent congressional recess, the national veterans organizations held annual meetings in my State. These include the American Legion, Veterans of Foreign Wars of the United States, Disabled American Veterans, and the Italian American War Veterans of the United States.

The resolutions which were adopted gave expression to concerns of the membership for our beloved country, to which their contribution is manifest by their military service and personal commitment. The resolutions express as well their involvement and support for veterans programs, and serve as a continuing reminder of our enduring obligations and responsibilities to every veteran.

The positions which these organizations express encompass matters of vital concern to every American. I am proud to present to my colleagues the conclusions of their deliberations on a wide range of resolutions.

The American Legion, Department of Connecticut opposes "any attempt to grant amnesty or freedom from prosecution to those men who either by illegally avoiding the draft or desertions from the Armed Forces failed to fulfill their military obligations to the United States."

The American Legion also stated support for legislation to return Memorial Day to May 30 and Veterans Day to November 11 of each year. Important resolutions request from the Congress funds to provide vocational training and retraining for veterans of any war who need such training, with special attention to veterans who served before January 31, 1955.

The Veterans of Foreign Wars of the United States, Department of Connecticut, passed a resolution stating that "no form of general or selective amnesty be granted to all or any of the draft dodgers or deserters until, first, the U.S. combat role in Vietnam has drawn completely to a close; and, second, our prisoners have been returned to our shores and a valid accounting has been made of our 'missing in action'." This resolution further states that only after these conditions have been fulfilled "should a deliberate case-by-case review be undertaken."

In another resolution, the VFW asked the President to request that the Secretary General of the United Nations fully use the power of his office to secure inspections of POW facilities by the International Red Cross; immediate release of sick and wounded prisoners; proper food and medical treatment; regular exchange of mail between prisoners and families; immediate, accurate verification of names of all prisoners; and strict adherence to every provision of the Geneva Convention pertaining to the treatment of prisoners of war. The VFW further requested that the President of the United States "utilize all means necessary to insure the safety of POW's."

The VFW focused on the need to maintain the integrity of veterans programs, and gave considerable attention to the need to improve educational benefits and employment opportunities for veterans. The organization petitioned the administration and the Congress to establish a Veterans Employment Board composed of the Secretaries of Labor and Defense, and the Administrator of Veterans' Affairs. The Board "would establish policy and administer, insofar as Federal responsibility is concerned, the veterans job placement and job training program of the Federal-State Employment Service System."

The VFW asked Congress to allocate funds to the Department of Labor with specified sums set aside for each State employment service agency, based on the agency's estimate of veteran need and workload for the sole purpose of "providing fully adequate job placement and job training for all veterans seeking assistance through the public employment service, as intended by existing law." A further request recommended that the position of Director of the Veterans' Employment Service be elevated to Assistant Secretary of the U.S. Department of Labor or the equivalent, "with enforcement authority for all veterans rights and services within the U.S. Department of Labor and the Public Employment Service."

Another resolution called for adequate funding of the U.S. Department of Labor, the Manpower Administration, the Veterans' Employment Service, and the State employment services to furnish adequate personnel required to perform all mandated services to veterans effectively.

This resolution included requests for job retraining of older veterans, Federal funding to create additional skill developing jobs for veterans to insure placement of all those seeking jobs, recognition of the rehabilitation training needs of disabled veterans, and expanded programs and support for the President's Committee on Employment of the Handicapped as well as community and State level programs.

The VFW requests a Department of Veterans Affairs with elevation of the Administrator of Veterans Affairs to the position of Cabinet-level Secretary. Their resolution requesting vital program changes in the VA medical program to insure quality medical care for veterans includes numerous administrative changes and modifications in the present program.

Another resolution requested that in the consideration of legislation regarding national health insurance, the Veterans Administration and medical care system not be impaired. Other important resolutions request the VA to eliminate waiting lists at VA hospitals and liberalize social security benefits as well as compensation, pension, and insurance programs administered by the VA.

The VFW supports legislation to: Equalize military retired pay by recomputation on the military pay rates currently in effect for active duty personnel of the same grade or rank and length of service; provide for a military survivor annuity program identical to the civil service annuity; assure veterans rights in civil service employment, including extension of the Veterans Preference Act to agencies presently exempt or excluded from its provisions; to establish at least one national cemetery in every State and to transfer responsibility for operating and maintaining the national cemetery system to the Veterans' Administration. Other VFW resolutions include a recommendation for creating a suitable medal for prisoners of war to express our Nation's gratitude for "service of the highest order," and statements on maintaining a sufficient military capability, Middle East and Southeast Asia policy, and the Panama Canal Zone.

The Italian American War Veterans, Department of Connecticut, passed a resolution calling for the establishment of a national cemetery in every State. Another resolution requests that the Veterans' Administration provide adequate facilities for the care of drug addicted veterans.

The resolutions put forth by the veterans organization cover a wide range of important matters. They deserve the studied consideration of every Member of Congress.

ORDER OF AHEPA MARKS ITS GOLDEN ANNIVERSARY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. REUSS. Mr. Speaker, next Wednesday, July 26, the Order of Ahepa will celebrate its golden anniversary. Since the fraternal group was founded 50 years ago in Atlanta, Ga., it has drawn its membership mainly from among men of Greek ethnic heritage. Indeed, the name AHEPA is an acronym, derived from the initial letters of American Hellenic Educational Progressive Association.

But, while members of AHEPA have maintained a justifiable pride in their Hellenic heritage, they have taken a much broader role on the American scene. Thus, AHEPA has stressed that its key objectives are "to promote and encourage loyalty to the United States of America" and to foster participation by its members in the political, civic, social, and commercial fields. Besides undertaking a host of worthwhile projects at the local level, AHEPA nationally has contributed financially to such causes as the relief of Florida hurricane victims and Mississippi flood victims.

We in Wisconsin are proud to be the home of AHEPA chapters in Milwaukee, Racine, and Fond du Lac.

I salute a fine organization on its 50th anniversary, and take special note of these chapter officers in Wisconsin: Milwaukee—Frank Dionesopoulos, president; James Mahos, vice president; James Jatteris, secretary, and Steve L. Gineris, treasurer; Racine—George T. Mouzes, president; Harry Erriniades, vice president; Peter Dess, secretary, and George Conrad, treasurer; Fond du Lac—Peter Frank, president; Mike Poulos, vice president; Sam Bekearis, secretary, and Nick Frank, treasurer.

GEORGE M. MILLER

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. GUDE. Mr. Speaker, Takoma Park, Md., has lost its strong and active mayor, George M. Miller, a believer in cooperation between neighbors and between the communities that make up the Greater Washington area.

Takoma Park, which elected him to 10 consecutive terms as mayor, will miss him, as will many others who knew him through the National League of Cities and the Metropolitan Council of Governments, which he served as vice president and treasurer.

The following obituary from the Washington Post of July 18, lists some of the accomplishments of this excellent man:

> GEORGE M. MILLER
>
> (By Martin Weil)
>
> George M. Miller, 61, the mayor of Takoma Park since 1954, died of cancer last night at Holy Cross Hospital. He had been reelected in March to his 10th consecutive two-year term as mayor.
>
> In addition to serving as mayor, a part-time post that pays $1,200 annually, Mr. Miller held a full-time job as a budget officer for the Interior Department's Bureau of Reclamation.
>
> A native of Laurel, Mr. Miller had lived since 1939 in Takoma Park, a city of 20,000 with a two-square mile area that is two thirds in Montgomery County and one third in Prince George's County.
>
> "He was constantly trying to improve the city," city councilman and mayor pro-tem John D. Roth said last night. Roth was named mayor pro-tem by Mr. Miller in late June when he entered the hospital.
>
> In the nonpartisan post of mayor, Mr. Miller was credited with leadership in providing the city with its own public library and in the city's azalea-planting beautification programs.
>
> He was also a strong opponent of plans to route the proposed North Central Freeway through Takoma Park. Highly controversial, the freeway has never been built.
>
> In addition, Mr. Miller is credited with a major role in bringing about construction of a new $700,000 city office building recently opened in Takoma Park at Maple Avenue and Rte. 410.
>
> A past president of the Maryland League of Cities, Mr. Miller had also been a member of the board of directors of the National League of Cities, and had been secretary-treasurer of the Metropolitan Washington Council of Governments.

He was a graduate of St. John's College High School and of Benjamin Franklin University, where he studied accounting.

During World War II, he served in the Army in Europe.

Survivors include his wife, Charlotte, of the home, at 7505 Hancock Ave., Takoma Park, two sons, George M. Jr., of Silver Spring, and Charles of St. Mary's County, Md., and a daughter Susan of the home.

SOUTHERN AFRICA: CONSTANT THEMES IN U.S. POLICY

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. VANDER JAGT. Mr. Speaker, recognizing that the President's African policy has, on occasion, been misunderstood and misinterpreted, I would like to place in the RECORD an address by Mr. David D. Newsom, Assistant Secretary of State for African Affairs, entitled "Southern Africa; Constant Themes in U.S. Policy." Mr. Newsom's address clearly sets forth the convictions and policies of this administration as they concern southern Africa:

SOUTHERN AFRICA: CONSTANT THEMES IN U.S. POLICY

Interest here at home in a meaningful U.S. policy toward Africa has clearly been growing in recent years. We welcome this interest. We feel it should be accompanied by an accurate knowledge and an interested understanding of what our policy is.

I regret to say that our policy and actions have been misunderstood on occasion and misinterpreted. It is not my purpose here today to make a partisan speech. As the steward of our African policy over the past three years, however, I should like to take this occasion to set the record straight.

The growing interest in Africa in this country was manifested most dramatically during the last weekend in May when a conference of 400 black Americans at Howard University was followed by an impressive demonstration by over 10,000 persons in Washington on behalf of African liberation.

As is natural to an occasion totally directed to one area of policy, there were many critical of official policies—not always, however, with a full knowledge of what the policies are and of the complexities of making that policy. Charges ranged from "neglect" of Africa to assertions that present policies represented a shift from the past purposely in favor of the white-dominated regimes of southern Africa. Quite understandably, because of the identity with racial problems, the focus of attention of this surging interest in Africa is on the southern portion of the continent.

There have been other manifestations of both rising interest and serious misconception. The *New York Times* of April 2 highlighted what it called the deliberate increase of contacts and communication with the white-dominated regimes of southern Africa. A statement issued through the office of Congressman Diggs of the House Subcommittee of Africa spoke of "collaboration" with the white regimes.

There has also been criticism from those who dislike our policies on the grounds that these policies do not sufficiently recognize certain of our interests in southern Africa. Motivated by concern over strategic or economic considerations, by basic sympathies with the white populations of the area, or by reluctance to see us become involved in problems of distant regions, many express their disapproval of traditional U.S. restraint toward the regimes of southern Africa. Individual American attitudes toward this area vary widely. Those making policy are in the middle.

To set the record straight on what our policies can be and what they are, let us examine first those elements that have been constant in U.S. policy toward southern Africa since the late Fifties.

First, the United States Government has consistently supported the principle of self-determination for all peoples in Africa.

Second, we have strongly and actively indicated our abhorrence of the institution of apartheid.

Third, we have consistently favored peaceful change in southern Africa through supporting constructive alternatives to the use of force.

Our implementation of these principles has been governed, for more than a decade and through several Administrations, by our recognition of four realities:

One, as a nation, we have complex worldwide relationships. Our response to the needs of one area frequently is limited by our interests in another. For example, the difference between interests in Europe and in Africa has affected our position in both.

Two, we are dealing in southern Africa with governments which react strongly to outside pressures and are not easily susceptible to persuasion.

Three, we are dealing with complex societies, not with the interest of one race, but of many. Justice requires a consideration of the future of all.

Four, there are many real limitations on the extent to which we can influence the situation, both in terms of what might be supported domestically and of what we might be able to do in Africa.

The actions of the U.S. Government in this area over the past three years have been consistent with these general policy lines and limitations laid down in the years just after the emergence of independent Africa.

By the strict maintenance of arms embargoes toward both South Africa and the Portuguese territories, we have tangibly demonstrated our support for self-determination and our desire to avoid any support either for the imposition of apartheid or the continuation of colonial rule.

The maintenance of an arms embargo may sound like a passive act. It is not. It requires constant vigilance over shipments to the area. It means considerable sacrifice on the part of U.S. exporters who have seen substantial sales in southern Africa go to countries less conscientious about the embargo and less criticized by the Africans. It means a continuing effort on our part to explain to those in this country opposed to the embargoes the absolute necessity of maintaining them in terms of our wider interests in Africa. We believe this policy has been effective. No proof has ever been presented that any weapons have gone from the United States to southern Africa since the embargoes were established in 1963.

The maintenance of the arms embargo has been accompanied, particularly in the case of South Africa, by a strict limitation on contact with that country's military. Because we have not wished to risk subjecting our men to apartheid, we have since 1967 avoided U.S. naval visits to South African ports despite the frequent need for U.S. Navy transit of this area. This has added to logistical problems for the Navy.

The U.S. Embassy and the U.S. Consulates General in South Africa continue to constitute significant bridges between the races in that country. Multi-racial entertaining, contact with South Africans of all races, and the facilitation of such contacts for American visitors in the country leave little doubt as to where the United States stands with respect to apartheid. The record of the U.S. mission in this regard is in important respects a unique one.

We have, further, during the past three years sought to add new dimensions to these efforts.

We have expanded our contacts with all elements of the South African population. We have offered significant members of the South African majority the opportunity to visit this country. During the past three years, we have had 45 official visitors from South Africa, of whom 30 have been from the black, colored and Indian communities. Many of the white as well as the black and colored South Africans whom we have invited here have been persons deeply involved in seeking alternatives to apartheid.

It is, perhaps, pertinent that the Foreign Minister of South Africa felt obliged to point out to his parliament on May 5 that present U.S. policy did not accept the South African approach to evolution within that country, but sought, through persuasion, to bring about peaceful change.

We have begun to break down racial barriers regarding the assignment of American official personnel to South Africa. Black diplomatic couriers have now been placed on the runs to South Africa. Three black Foreign Service officers have, during the past year, been on temporary duty assignments in the Republic. Black Americans have been sent to South Africa under our official cultural exchange program.

In the case of Namibia, or South West Africa, we strongly supported the proposal at the United Nations to have the International Court of Justice take up the question of South Africa's continued administration of the territory. We accepted the Court's conclusions that South Africa's mandate over the territory was terminated and that South Africa's continued presence there is illegal.

We alone among major countries have taken the position of discouraging any new investment in the territory. We encourage U.S. firms already in Namibia to set the pace in improved employee relations. We consistently have supported the U.N.'s responsibility in the territory.

In our support for alternatives in southern Africa, we have increased our assistance dramatically to the smaller majority-ruled states of southern Africa: Botswana, Lesotho, and Swaziland. We will, in July, be signing a $12,000,000 loan agreement for the construction of a road linking Botswana to Zambia and providing alternative economic outlets for that nation. In 1971 for the first time, we appointed an Ambassador, a black American, to represent us in these three countries.

In the continuing interplay of U.S. interests, decisions must be made in which one set of interests may prevail—in any specific case—over another. In the region of southern Africa there are five areas in particular where conflicting interests have affected policies—in every administration. For southern Africa has in the past fifteen years presented particularly difficult policy problems: the Portuguese territories, relations with the liberation movements, pressures at the United Nations, Rhodesia, and investment in South Africa are some of these.

Critics of U.S. policies seek to take isolated decisions in these problem areas and read into them a basic change in the course of U.S. African policy. In doing so they tend to neglect decisions which with equal logic point in the opposite direction.

In the more extreme form, a few critics have claimed that there is a conscious effort on the part of the U.S. Government at this time to favor the white-ruled governments of southern Africa. I have had to deny both in Africa and in this country that we have chosen sides in the southern conflict, and that the U.S. would intervene on the side of the white regimes in the event of trouble.

There is no basis for such assumptions.

They ignore the large and growing U.S. interest in black Africa and, particularly, our interest in the majority-ruled states in southern Africa. They ignore the fact that our one major intervention in Africa, in close collaboration with the U.N., was to preserve the unity of the Congo—against efforts to dismember it supported by the white-dominated regimes. This intervention was ordered by President Eisenhower and fully supported and carried on by President Kennedy.

The most difficult area relates to our relations with Portugal. Portugal is an ally, a charter member of the North Atlantic Treaty Organization. For more than two decades, we have enjoyed the use of base facilities in the Azores, Portuguese islands in the mid-Atlantic. These base facilities are of great importance to our anti-submarine defenses in the face of a growing Soviet submarine presence in the area.

Although our last formal agreement to continue stationing forces in the Azores lapsed in 1962, the Portuguese permitted us to stay on. When a new Portuguese Government took office in 1968, it insisted that we formalize our presence in the Azores by renewing the lapsed agreement. We concurred and also agreed to a related request that we examine areas in which the United States could assist Portugal in economic and social development. The final agreement did not follow the usual pattern of granting military assistance for military bases, but was instead solely related to economic and educational development in metropolitan Portugal.

Now this base agreement has drawn a great deal of attention and has attracted substantial comment, both in the United States and in Africa. I am afraid that despite our best efforts at explaining the terms, it has been greatly misunderstood, and even misrepresented. Much of the confusion has concerned Export-Import Bank credits for American exporters competing for contracts in Portugal. In a letter to the Portuguese on this subject, the Secretary of State said that we had reviewed a number of development projects that they had in mind and that the Export-Import Bank would consider financing exports for those projects in accordance with the usual loan criteria and practices of the Bank. Export-Import Bank facilities have always been available for U.S. firms seeking business in Portugal and this agreement represented absolutely no change in that policy. No commitment was made to extend credits in any amount, only to consider applications as before.

The principal objection voiced against the agreement holds that it releases Portuguese resources for use in the African wars. But in fact, Portugal has large exchange reserves, as the result of conservative fiscal policies. Our refusal to grant credit would not lead others to do the same. There is no evidence to suggest that our withholding credit would in any sense deter the Portuguese from pursuing their present policies in Africa.

We recognize that the question of our relations with Portugal and with Portuguese Africa is becoming increasingly an emotional issue in this country. Closely related to this is the question of our relation with all liberation movements in Africa. Many in Africa and America judge one's attitude toward the southern African issues as a whole by the attitude taken toward the liberation movements and their leaders.

The African movements targeted against the several parts of white-ruled southern Africa vary widely in size, effectiveness, cohesion, and activity. Those targeted against the Portuguese territories appear to be militarily the most active. They are receiving help from the Soviets and Chinese. The leaders of the movements seek contacts with and help from the West.

The question of U.S. official relations with leaders of opposition movements in colonial territories has always posed a dilemma for American policy makers. It was true in the Fifties with respect particularly to North Africa. It has been no less true throughout the Sixties and today in that part of Africa still under colonial or white domination.

These movements are a political fact. On the one hand, the absence of contact or support from us leaves the leaders subject to certain other outside influences. On the other hand, the U.S. has traditionally been unwilling to recognize opposition elements in colonial territories until an internationally recognized transfer of power has taken place. That situation still prevails today. Nevertheless, in such areas, as in the past, both U.S. Government and private organizations seek opportunities to help with appropriate humanitarian and educational assistance to refugees affected by the conflicts.

The problem in the United Nations is particularly difficult.

We have a basic sympathy with the aspirations of the Africans to see an end to apartheid and colonial government, and to see a greater recognition of the need for racial justice and equality. Most African leaders understand and appreciate this. At the same time, because of our own traditions and historical experience, they expect more of the United States—more than they expect of others. We cannot always meet these expectations.

During 1971, if we take together General Assembly and Security Council votes on African issues, we voted for 15 specific African proposals, against 11, and abstained on 12.

Many Africans believe this record is inadequate. Yet, underlying the careful consideration given each vote, was a deep dedication to many of the same principles motivating African representatives and our desire, whenever possible, to vote with the Africans. Ironically, we could have voted for most of these proposals if only one or two extreme or unrealistic features had been eliminated. We were able to negotiate, however, in many cases, agreements on language changes so we could vote with the Africans. Many of the problems we had did not relate to Africa *per se*, but involved broader questions. They related to:

Our desire to avoid establishing world-wide legal precedents which could affect broader U.S. and U.N. interests;

The need to verify facts before condemning another state;

Our deep concern over increases in the budget of the United Nations.

With regard to Rhodesia, the U.S. Government has sought to support United Nations economic sanctions as an alternative to a violent solution and as a form of pressure on the Smith regime to negotiate a new basis for independence. We closed our Consulate in Rhodesia. We closed off all contact with the Smith regime. We enforced sanctions against Rhodesia as conscientiously as any nation, and more so than most.

This has not been a universally popular policy in this country. There are those who dislike the idea of sanctions against anyone, those who are aware of extensive violations by other countries, those whose own interests have in some way been affected, and still others who are disillusioned with the United Nations and opposed to the concept of United Nations mandatory action infringing on the United States.

There are those who deplore the fact that while other countries have been ignoring sanctions with impunity, the United States was forced to pay higher prices to the Soviet Union for strategic materials. These attitudes resulted in the action of the Congress last year to exempt strategic materials from Rhodesian sanctions and allow their importation into the United States unless there is a similar embargo on such materials from Communist countries. Efforts this year to obtain the repeal of the resultant legislation have not been successful.

This move has caused adverse reactions in Africa. It created a contradiction between our domestic and international obligations. It came at a time when Britain was seeking a settlement with Rhodesia and undoubtedly led the Rhodesians for a time to believe that sanctions as a whole were visibly crumbling. While there have been far more extensive sanctions violations by others, this open and official US act has made us appear the principal culprit, in New York and in Africa, condemned by resolutions both in the U.N. and in the Organization of African Unity. I dislike deeply seeing ourselves in this position.

Finally, there is the question of U.S. investments in South Africa. There are those who see the failure of the U.S. Government to seek to restrict such investments as an indication of sympathy for the policies of South Africa. There are those who assume that the presence of these investments automatically means that we will intervene in the event of trouble in that area. Neither assumption is correct.

Here again, the record needs to be set straight:

First, U.S. investment in South Africa represents only 16 per cent of total foreign investment in that country. It represents only a fourth of total U.S. investment in Africa—a ratio that is decreasing all the time. It is not likely that U.S. withdrawal of this investment—assuming this were feasible—would force change in South Africa. There is no valid basis for speculating that the U.S. would take extraordinary measures to protect this investment in the event of civil or other disturbance when, among other factors, more substantial investment in the rest of the continent would need to be weighed in the balance.

Secondly, much of this investment is linked with South African business interests; withdrawal would not be easy even if the U.S. had authority to force withdrawal by American companies. New U.S. investment in South Africa comes to a large extent from current profits of U.S. firms operating there.

Thirdly, the United States does not encourage investment in South Africa nor extend guarantees covering such investment. It is the economic situation in that country that attracts investment.

Fourthly, while there is debate in the U.S. and in South Africa on this point, our soundings indicate that the black and colored populations of South Africa do not want to see U.S. investment withdrawn. The majority see U.S. investment as a constructive force; they wish to see it remain and make an impact on that society.

The United States Government, therefore, neither encourages nor discourages investment in South Africa. It does encourage U.S. firms that are there to lead the way in upgrading the status of non-white workers and in contributions to social and educational improvement. It is a misleading oversimplification to suggest that the presence of that investment either draws us into the conflict of races in that area or commits us to a policy favorable to apartheid.

The southern African aspect, however, is not the only element in U.S. policy toward Africa. There are 41 independent African states other than South Africa. In many of them we have major interests and investments. We desire satisfactory relations with all.

Cliches exist about this aspect of our policy as well. People speak of "neglect," and "low priority." The facts do not bear this out.

With patient effort, we have established reasonably satisfactory relations with all but one of these states. We have, in the past three years, resumed diplomatic relations with Mauritania. We have strengthened our relations with Algeria and the Sudan, despite the continued absence of formal diplomatic ties. Of all the states in Africa, only in Congo

(Brazzaville) do we not have reasonable access to the leadership and a reasonably respected relationship.

African nations welcome the attention we have given to them and to their citizens as significant members of the world community. We have, from its inception, recognized the Organization of African Unity as a forward-looking institution representing the common interests and identities of Africans.

Through visits, correspondence, and the work of our diplomatic missions, we have established bonds of friendship and common interest which belie any suggestion of neglect. The Ambassador of one of the most militant African countries recently told one of our officers that he was preparing a memorandum for his government emphasizing the degree of attention given both personally to him and to the needs and interests of Africa by those in the U.S. Government. We are in continuing correspondence with several African heads of state, including one from another militant government who, while not agreeing with all that we are doing, emphasizes his appreciation for the attention we give to him and to the needs of his country.

In the last analysis, each African leader places the greatest emphasis on the needs of his own country, particularly in the desperate search for the means of development. Here, there is neither neglect nor low priority on the part of the United States.

During a period of increasing disillusionment with foreign aid and of declining overall appropriations, we have been able to maintain assistance to the African countries at a constant level. In 1972, in fact, the overall sum was the highest since 1968. Our role was part of an international effort which gives the African continent the highest per capita development aid in the world.

The United States follows policies in Africa today which are consistent with the main themes of that policy since the late Fifties. It follows policies which give us a meaningful relationship with a continent increasingly important in terms of both trade, investment, and its role on the international stage.

CAPTIVE NATIONS WEEK

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. SCHERLE. Mr. Speaker, the United States is known throughout the world for many things—military power, industrial technology, material abundance. These characteristics are most readily apparent to the rest of the world and provide the focus for envy and emulation by less developed nations. The American way of life is unique, however, for far more basic reasons than these. Ours is the only nation in history to have established a free republic, maintained our liberties inviolate, and escaped conquest by a foreign power.

This great good fortune carries with it attendant obligations. The United States is virtually the only country strong enough to defend the principles of freedom without regard to the threat of force. It is our responsibility to exercise leadership in the community of nations, to reassert our commitment to liberty and to speak out on behalf of people whom oppression forces to be silent. Captive Nations Week, established by President Eisenhower in 1959 and proclaimed anew every year since then, provides an opportunity to discharge that responsibility. The third week of each July in America is devoted to the recognition of Eastern Europe's servitude under the Soviet Union.

In the years since World War II, Russia has consolidated her power over her satellites by every means available, using military force and economic domination to insure that none of the captive nations strays too far from Moscow's party line. In the name of "the bonds of fraternal socialism," the Kremlin has cynically and, in some cases, brutally suppressed the stirrings of independent nationalism in the Eastern bloc. In the face of such naked aggression as the Russians showed in Hungary in 1956 and Czechoslovakia in 1968, the satellite peoples continue to struggle for some small measure of freedom from the Soviet stranglehold. Voices of protest are even heard from time to time from within Russia herself. They have not prevailed, they are repeatedly silenced, but they cannot be permanently obliterated.

Despite their failures, however, they are not forgotten. We celebrate their unquenchable hopes, their bravery and tenacity each year at this time, and we offer them the only true fraternal solidarity they are likely to find in the world. We will continue to remember their lost freedoms and to remind the rest of the world of their sufferings until they escape from captivity and are restored to the blessings of liberty.

CAPTIVE NATIONS WEEK

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. McKINNEY. Mr. Speaker, the commemoration of Captive Nations Week is, in contrast to many of our national observances, not a time for celebration. It is rather more appropriate that we take a sober look at the number of people throughout the world who are denied by their governments the basic freedoms we Americans accept so unquestioningly.

It is shameful that the economic and social progress which has made America preeminent among the nations of the earth cannot be more widely shared with them. It cannot be shared because of the unwillingness of many nations to communicate to their people information that might demonstrate the inadequacy, if not the outright lack, of safeguards to individual liberties provided by their governments. This is a most insidious form of communications gap.

President Nixon, by seeking to extend relations with the Soviet Union and the People's Republic of China, has taken the first positive step to close this gap. In supporting his efforts, I believe that his policy of increased communication with Communist nations can only help to insure that we need not observe Captive Nations Week much longer.

A GOOD REPUBLICAN MONTANAN COMMENTS ON SENATOR McGOVERN'S ACCEPTANCE SPEECH

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. SHOUP. Mr. Speaker, I would like to provide for the Record the following letter and comments by a fine American, Mr. Jacques Mangones, who is a proud citizen and a Republican. He wanted to refute Senator McGovern's acceptance speech. I believe he should have that right and a proper forum. Thus I am pleased to submit his statement for the benefit of my colleagues and others like him who have become U.S. citizens by choice:

Butte, Mont.,
July 15, 1972.

Hon. Richard Shoup,
Longworth Building,
Washington, D.C.

Dear Sir: As one of your constituents and a fervent admirer, and knowing your feelings for the people of your district and your country, I am taking the liberty of sending you something that I have written in rebuttal to Senator McGovern's acceptance speech. Please feel free to use it in any way you might see fit.

As you probably know I am proud, extremely proud, to be a man, a United States Citizen, and a Republican. I am proud to be a man of Afro-French and Spanish decent. I am doubly proud of my citizenship because I am a citizen by choice and not by accident of birth. I am proud to be a Republican because I believe in the leaders of my party from my Congressman to my President. And I will do all in my power to help re-elect them both.

Very truly yours,

Jacques Mangones.

Statement by Jacques Mangones

Although Senator McGovern is a Democrat, I had given him credit for a certain level of intelligence and dignity as an American citizen. However it appears that the Senator has not only taken leave of his senses, he wants the American people to do the same. He is emulating the ostrich, (which might very well become the motto of the "New Democratic Party), by sticking that apparently useless appendage above his shoulders into the sand. And he wants the American people to do the same. He does so by making promises that he knows damn well he cannot keep. Such as, promising the people to bring every P.O.W. home within 90 days of election. Is the Senator also running for the presidency of North Vietnam? He does so by promising a job for every American not working, even if the federal government has to hire them. How does the Senator propose to do this when within the same breath he promises tax reform which will give a break to the taxpayers. Is the Senator dreaming of Robin Hood methods where he intends to steal from the rich in order to give to the welfare people who have no intention of letting a "good thing" go by.

I submit to you that this kind of false hope building, that this sort of harrange to the people of the United States is an insult to every well balanced and well thinking American. The Senator's Platform is not going to unite the American people but divide us, by creating utter chaos. Let us rally behind our president and re-elect him in 1972. Stand behind the Republican Party.

For Richard M. Nixon does not support the gay liberation movement. Richard M. Nixon stands for proud Americans who believe in honorable peace. Richard M. Nixon does not believe in getting down on his knees and beg to anyone. Richard M. Nixon believes in talking man to man, nation to nation, about a long lasting peace without the subjugation of his or any other people, including South Vietnam.

Richard M. Nixon does not stand for draft dodgers or deserters. He doesn't stand for marijuana or abortion advocates. Richard M. Nixon stands for a people that will stand proud on their feet, with a clear head and a clear conscience. If the Democrats instead of passing the buck, would have stood behind their President, Richard M. Nixon would have done even more than what he had promised. For he has kept his promises to us to the best of his ability. Let us stand behind the Republican Party and elect a majority of our candidates to Congress and enable Richard M. Nixon to keep every campaign promise in his second term."

CONGRESS MORAL OBLIGATION TO DISASTER VICTIMS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. ABOUREZK. Mr. Speaker, with each passing day, I was increasingly convinced that this Congress will lend its sympathy and support to the thousands of families who have been brutally victimized by disasters this year.

I believe that the Congress sincerely wants to help. It is only human and natural.

The question remains, what kind of help?

The emergency needs have been met. What faces us now, at least in Rapid City, S. Dak., where 230 men, women, and children perished, is the massive job of rebuilding.

But we cannot rebuild under impossible conditions. We cannot ask the businessman who lost everything but his debts to start over without some kind of significant help.

We cannot ask the thousands of homeowners who lost everything to shoulder a new mortgage on top of the mortgage on a home which was destroyed in the flood.

The arithmetic of that asking is impossible. For the businessman, it means debt far in excess of what his modest revenues can assume.

For the homeowner, it means monthly payments double what they were, on a house that will be virtually unsaleable because of the mortgage against it, paid for by a job in a depressed economy.

We need to wipe the slates clean for these people. These families have endured grievous loss of life and property which stood for everything they had ever worked to get.

To ask them to step into debt far over their heads for the rest of their lives in order to continue to provide for their families is simply asking too much.

For that reason, I have submitted legislation which would provide up to 90 percent forgiveness of Small Business Administration disaster loans. It is not a wild-eyed, radical giveaway. It is a necessary step to get a flood-ravaged American community back to normal.

Mr. and Mrs. David Jacobs, a young family, lost their home in the flood. A recent letter they sent dramatizes their situation, shows what they face, and shows the encouraging spirit of hope which this Congress has a moral obligation to sustain.

Mr. Speaker, I insert Mr. Jacobs' letter at this point in the RECORD:

JUNE 30, 1972.

DEAR JIM: We would like to offer encouragement to your relief plans.

Dave, Teri, Tami and I all escaped from our home at 2932 West Florman the night of the flood. We bought our home in August, 1971, and upon returning June 10th, found our beautiful "dream" house in shambles. But, at least we had our lives. It was only as the days passed that we are beginning to realize what we have lost. Estimates to make our home livable range around $10,000, and this does not include such items as furniture, antique, and loving work we had done steadily since buying the house. Also, we still have approximately $17,000 left on our mortgage. For a family as young as ours, this is an overwhelming situation.

I know you have heard many people who are in the same situation. I only mention our particular situation so that you will know why we are so thankful for what you are trying to do for us.

Wednesday (June 28) we were moved into our HUD trailer. It is sheer heaven to have a place to call home again. Our two little girls are already starting to recover from the terrors of swirling water and homelessness.

With all of our hearts we thank you for your efforts. Please keep fighting for us.

Ted and Olive send their best to you and your family.

God Bless You,

DAVID and LINDA JACOBS and GIRLS.

PRESERVING A FREE PRESS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. WALDIE. Mr. Speaker, I have long held that one of the finest devices for ensuring an orderly system of change in our basic institutions is a free press.

Thus I was alarmed at a recent Supreme Court ruling that declared that newsmen could be forced to reveal their sources by the courts.

I can only consider that ruling to be a dangerous and serious inroad into the integrity of the first amendment of the Constitution.

Mr. Speaker, today I am introducing a bill that would exempt a person connected with or employed by the news media or press from being required by a court, the legislature, or any administrative body to disclose before the Congress or any other Federal court or agency, any information or the source of any information procured for publication or broadcast.

The interest of the public in having a free, unhampered press with the absolute ability to probe and reveal malfeasance and misfeasance at all levels, public or private, in American society, far outweighs any inconvenience accorded the enforcement branch of justice by this accorded privilege.

FLIGHT FROM THE CITIES

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. HAGAN. Mr. Speaker, this country over several decades has gradually moved from a rural to a predominantly urban society. This movement has caused many problems for the abandoned countryside.

Now the picture is changing rapidly as people by the thousands are fleeing the cities, leaving behind only the poor, who are not only unable to move, but not productive of sufficient revenue to support city services. These poorer people demand much in the way of food and health services which are bankrupting the already lean resources of the cities.

The fear of integration has stimulated many white people to leave the cities, but there are other important factors, such as the high taxes brought on by the encroachments of commercial property into formerly residential areas. The schools have developed a slow rot which has caused many to abandon them.

The fleeing city dwellers are not returning to the farms in large numbers, but are congregating in suburbia, which is itself becoming congested and is operating as a sort of parasite on the inner-cities. The workers drive in to earn their living and then retreat to suburban homes, schools, shopping centers, and banks that cash their city-earned checks. Once suburban dwellers reach the haven of their homes they forget the city until they have to go back the next day.

The Savannah News of June 12, 1972, gives an excellent analysis of what is happening in an editorial entitled "Flight From the City: The Major Problem," as follows:

FLIGHT FROM THE CITY: THE MAJOR PROBLEM

In a school desegregation decision last week two judges of the U.S. 5th Circuit Court of Appeals ruled against busing for the Atlanta system. In making this opinion the judges noted that white flight to the suburbs had created a de facto segregation atmosphere beyond control of the Atlanta school board, and that busing would only speed up the transition of Atlanta to an all-black school system."

The example is one not so much of the troubled school situation in Atlanta and elsewhere, but of a more major and broader problem. For "white flight" in the past decade has created a near-crisis condition not only in the schools but in the operation of entire cities.

The reasons for such moves by the more affluent segment of the population are many. Fear of desegregation is a major one, but people also move because the cities have formed them into it—either by the gradual decline of urban neighborhoods and the increased commercialization of residential areas or by the higher taxes such commercialization has brought. In turn, not only the schools but the cities themselves suffer from neglect and slow rot, and have become shelters for the poor in many areas whose increase in numbers merely forces out that many more taxpayers who help subsidize their meager existence.

This decline of the cities abetted by the move to the suburbs is probably the greatest problem facing modern American society, simply because it contributes to so many other problems. It is further complicated because the less affluent, unable to move out of a decaying urban neighborhood, cause a demand for services from resources the cities—in many cases—no longer have. What has happened is that the suburban population cares not about those matters from which it fled. What has happened—at least in some school decisions—is that it is being forced to again take part in urban life, and urban taxes.

Policies of "open housing" in the suburbs might, of course, speed the process of social integration. But the lines of separation are drawn not only on racial but economic grounds. A mildly affluent, integrated suburban neighborhood would not necessarily assure the elimination of poor schools or poor neighborhoods left behind in the cities.

National leaders have whittled around the problem, tackling side issues instead. And in some respects, it's difficult to blame them—when surveying the dilemma posed. But decisions cannot be put off forever, and what must be decided is whether the cities should become completely commercially oriented, supported either through suburban consolidation or federal taxes or both; or if there is a glimmer of hope of bringing suburbanites back into the central city. So far, some areas have attempted either method, and in their own peculiar surroundings perhaps both can work.

But it is still a trial-and-error arrangement, and the most common strategy has been to ignore the problem altogether, or come up with a series of compromises that, in the long run, only make it worse. Busing to an inferior school, for instance, solves nothing except to make others realize how bad their situation is; public housing in a shoddy neighborhood only leaves the impression that it is just a short matter of time before the whole area caves in.

In turn, suburban flight has created its own problems of taxes and services and overcrowdedness, and what has been left behind in several major cities is a climate of terror—where no one dares to venture at night except with a police escort. We are slowly creating a modern nightmare, which all the sunshine of suburbia cannot erase.

The integration of white and blacks may eventually become of secondary importance to the integration of the cities and the suburbs. For how one lives together also depends on how well one lives. It is vital to the future of any major nation that no breath should exist within its structure, and some form of economic consolidation must eventually be determined.

The cities and their remaining inhabitants cannot be left to sink together for in the process they will drag down the whole of society with them. Means must be found to re-humanize urban America, to keep it afloat through ways which encourage both progress and an atmosphere of living. People should have the choice of where they wish to live, based upon their ability to afford it; but they are eliminating any choice, and consequently are forced to endure busing plans and higher tax calls and a host of other problems dumped on their doorstep. The Atlanta case may, more or less, hit at busing, but it is yet another example of no solution being offered to a deeper problem which, sooner or later, all of us will have to face.

SALUTE TO THE ORDER OF AHEPA

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. UDALL. Mr. Speaker, ours is a nation of mixed heritages. The varied cultures and backgrounds that have immigrated to America over past centuries create a complexity and richness of society that enables us to call ourselves the land of opportunity for all.

As the United States has a responsibility to welcome and learn from its foreign visitors and citizens, so have they a responsibility to contribute of their cultures and good will to us. The Order of Ahepa, the American Hellenic Educational Progressive Association, is one fraternity that has lived up well to this expectation. AHEPA has contributed its time and energy to many needy organizations and projects, from its own war orphans of Greece to relief of American flood victims.

It is with respect and gratitude that we salute AHEPA on its golden anniversary.

MARKETING EXPERTS MISJUDGE POWER OF BLACKS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. STOKES. Mr. Speaker, in the course of the past year, the Congressional Black Caucus held hearings on a variety of subjects, including health, education, black enterprise, and the media. One of our conclusions was that the black community had more reliable data on itself than the white analysts, with all their sophisticated techniques and machinery, could ever hope to amass.

Our conclusion was particularly interesting, in light of the fact that the black community has been analyzed, examined, and dissected. Voluminous reports have been produced, and yet the information they contain is not always reliable. This is partly due to misconceptions and prejudice in the minds of the analysts.

Mr. Dexter Eure, director of the Boston Globe's Community Affairs Department, has done some research into the matter of faulty white analyses of minority communities. His concern is primarily the growing field of market analysis—a field which is unequipped to measure black purchasing power. He contends that, as a result, marketing executives' conclusions—and the advertisements or reports that are based upon those conclusions—reflect misconceptions and misinformation.

I commend Mr. Eure's column, as it appeared in the July 5, 1972, edition of the Globe, to my colleagues' attention. The article follows:

MARKETING EXPERTS MISJUDGE POWER OF BLACKS

(By Dexter D. Eure)

Too often when white officialdom talks about minorities, it uses error-laden assumptions and reaches conclusions tailored to protect a "special" interest.

In too many cases, many of the nation's blacks and Spanish-speaking citizens are victims of flimsy and inaccurate studies that prevent a change in the status quo.

According to the latest 1970 US census, the country has 23 million blacks. Some reputable sources estimate there are at least 28 million. In the 1960 census count, the bureau admits that it undercounted blacks and Spanish-speaking persons in urban areas by about 10 percent. A US Census Bureau spokesman acknowledged that a head count of Massachusetts' Spanish-speaking persons, could be in error.

Does this mean then that or more? Wasn't it generally known that the Census Bureau failed to have sufficient bilingual census takers to make head counts?

These inaccuracies are damaging to minorities as they affect the government's response to the need for services and assistance.

The social conditions involved in the plight of minorities are heavily influenced by the data compiled and published by the Federal government. This applies to the behavior of the business establishment as well.

Black leaders, in particular, are concentrating on economic rights and examining what response comes from businesses dependent upon the huge spending power of blacks.

An interesting challenge to one of these studies is being made by W. Leonard Evans Jr., president and publisher of Tuesday Publications. His organization recently bought nearly a full page ad in the New York Times, captioned "Fallacies in Evaluating Black Media," to protest a basic marketing error.

Evans pointed out that Young & Rubicams, one of the world's largest advertising agencies, prepared a black American Media Study for General Foods Corp. This report also appeared in Advertising Age's issues of April 3, 10, and 17. It argued that a disservice was done to a segment of media industry by claims that were not only unwarranted and inaccurate, but damaging and undocumented.

Evans said the study did not reflect racism or deliberate prejudicial evaluations, but an error in diagnosis of the market. He questions the method of designating all-black consumer purchases made outside the "Black Ghetto" as white or general market sales. This in itself prevents the usual methods of measuring just where and how blacks spend their money.

In a specific area, such as Boston's suburban towns of Sharon, Canton and Stoughton, there are approximately 400 black families. Ninety percent own their own homes and 80 percent own one or two automobiles. In essence, Evans argues that the evaluating method used ignores the spending power of these "middle-class" blacks, and categorizes their total spending as white or in the general sales category. Thus there is the inability to develop a proper method of measurement that will not restrict the black market's sales impact.

The study contained many generalities, such as the fact that 24 million blacks generate a gross national product of $45 billion annually, but it failed to state that the black buying power market for national advertisers is concentrated in approximately 40 major metropolitan areas in the United States.

Accepted estimates from the advertising industry are that at least 80 percent of black consumers make their purchases outside the so-called black-community areas. This is vital to the advertising industry. The whole new campaign of blacks to get a piece of the "action" directs its demand to the advertising complex for jobs within the industry, as well as to the images being created by Madison avenue. These ad images do not portray blacks in advertising in a fair percentage or to the degree of their spending power.

Blacks strongly feel that any misinformation, whether initiated by the Federal government or the private sector, has to be challenged for promoting faulty conclusions. Minorities cannot afford a burden that diminishes their fight for equal and just treatment.

CHARLES H. DOW DAY OBSERVANCE

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. STEELE. Mr. Speaker, I would like to bring to my colleagues' attention an event taking place in Norwich, Conn., to honor one of Connecticut's most prestigious historical figures.

One of America's most prominent and widely read newspapers is the Wall Street Journal, a paper of unparalleled depth in reporting the financial news of our Nation.

The founder and publisher of the Wall Street Journal was Charles Dow, born in Sterling, Conn., in 1851. I would like to salute this leader in American journalism by inserting into the RECORD an article written by Mathias P. Harpin, the editor-publisher of the Connecticut Almanac and president of the Sterling Historical Society, about Charles Dow:

CHARLES HENRY DOW

(By Mathias P. Harpin)

On Nov. 6, 1851, a birth was recorded among others in Sterling it was that of a male child. His name was Charles Henry Dow. He grew into boyhood on a small farm wanting to be a newspaper publisher. By hard work, he reached his ambition. He became not only the publisher of a great newspaper but also the originator of a stock market theory that was to be heard across the land every day. The newspaper that he founded was the Wall Street *Journal*, and the theory that he gave the world of finance is the Dow Jones Average as applied to the daily Stock Market Reports.

His parents had no money to send him to college, not even to the local academy after grammar school. His father was no special model to him for success. All Dow had was a spark—a spark that ignited a flame, the flame of ambition. That flame burned brightly within him his whole life. Each day that he left behind him in his life was a day that had brought him untold benefits, that had enabled him to move further ahead; to add more glow to an already brilliant name.

Ebenezer Dow (1692–1775) came into the area to settle at a time when the region now known as Voluntown and Sterling was set off to accommodate the volunteers in the King Philip War of 1675. He must have been in the area when Voluntown was created as a separate town in 1721.

In Cedar Swamp Cemetery on Cedar Swamp Road off Ekonk Hill is the grave of Dow's parents. They are Charles Dow who died Aug. 28, 1857, aged 41 years and Harriet White Dow who died Jan. 29, 1910, aged 86 years. Over the grave is a modern dark gray granite headstone put there by Dow and placed under perpetual care. In back of this are the graves of Dow's two brothers, Edward A. Dow, who died Aug. 6, 1861, aged five years and eight months and Henry A. Dow, who died Aug. 29, 1851, aged two years. As far as is known, this is the whole family of the man who gave America the Dow Jones average.

Charles Henry Dow was six years old when his father died. The family was left in straitened circumstances, and Dow had to turn his hand to all kinds of farm chores to get money as he grew into boyhood. He must have known, however, that he had to learn a trade, and it could have been his mother who reminded him of this.

There were then in the region several weekly newspapers. There was the newspaper at Danielson then called the Windham County *Telegraph*, founded in 1848 by Francis E. Jacques. Jacques was sent here by Horace Greeley, editor of the powerful New York *Tribune*, at the request of the founders of the weekly. The paper first appeared March 16, 1848. All the territory was safely in the hands of the *Telegraph* until 1851 when the Windham County *Gazette* was established. Soon afterwards it was merged with the *Telegraph* and the name was changed to the Windham County *Transcript*. Later John Quincy Adams Stone became the editor. In 1872 Stone established the *Patriot* at Putnam and placed his son, Everett C. Stone in charge. In West Killingly in 1848 the New England *Arena* appeared with George Whitman Danielson as editor. John Evans in that year also stated the Willimantic *Journal*.

It is not known how Charles H. Dow found his way into this newspaper world then in existence around him. He got a job as a printer's devil on one of the newspapers, perhaps the Windham County *Transcript*. Though we can assume that he was good at picking type and probably could keep up with the best of compositors, setting type was not his first love. He wanted to get out of the mechanical side of the newspaper publishing and develop a career in the editorial department. At 21, he must have thought that he was ready for the big time in journalism. He may have heard of an opening on the Springfield *Republican* and was confident enough in himself to feel that he could qualify for the Springfield, Mass., job. So in 1872 he applied for a job on the Springfield *Republican*, then at the height of influence in American journalism.

The editor of the Springfield *Republican* was no less a person than Samuel Bowles, a perfectionist in newspaper composition who, it is claimed, originated the modern summary lead or first paragraph in every news story—the structure of the four W's, Who, When, Where, What.

What did Dow look like? We have the words of men who worked with him. One was Thomas F. Woodlock, an associate on the Wall Street *Journal*: "Dow was tall, black-bearded, slightly stooped . . . a man with a grave air and the measured speech of a college professor." Another friend described Dow as of "large physical mold and sinewy frame". modest in dress, speech and manner.

It wasn't long before Dow was one of the best-liked member of the staff. Certainly as Dow became the shadow of the great Bowles watching, listening, reading all about the great issues which were then plunging the nation into the terrible business panic year of 1873, Dow must have learned a lot about high principles in journalism, for the Springfield *Republican* was never afraid to stand up for issues, including the Credit Mobilier scandal which it condemned.

From Springfied he went to Providence, Rhode Island, in 1875 to become night editor of the Providence *Star*. Also he wrote for the Providence *Evening Press*. The two newspapers, one a morning paper and the other an evening paper, were owned by the same company. The arrival of the business panic year of 1873, brought the *Star* and the *Press* to bankruptcy by 1877.

Dow could not be concerned in the fate of his employer. He sought a job in the Providence *Journal*. The man he went to see was George W. Danielson, one of the truly great newspaper editor of the day equal in prominence and editorial ability to Bowles of the Springfield *Republican*.

Danielson was a Danielson boy, a lifelong member of the Westfield Congregational church, whose career in the newspaper business ran a close parallel to that of Charles Henry Dow. Danielson was the man who had conceived the idea of the Providence *Evening Bulletin* as a companion to the morning *Journal*. He had begun his newspaper career at 14 in the very same newspaper field of eastern Connecticut through which Dow had passed. Dow was hired as a reporter on the Providence *Journal* and here he remained until 1879.

John W. Barney who was George Danielson's right hand man, never forgot Dow. Years later, recalling that day, Barney said: "He called on Mr. Danielson showing him his string of articles for a fortnight, told him what he had received for it and asked for a chance to work. Mr. Danielson said he had nothing he could give him to do. Mr. Dow said he didn't need to be given anything to do, that he knew news and wanted only a chance to go out and get it for the *Journal*. From that time until he left to go to work in New York his work was a strong feature of the *Journal's* columns."

The summer of 1879 saw the turning point in Dow's life. Leadville, Colorado, an insignificant dot in the high Canadian Rockies had leaped into the news. Starving prospectors down to their last grubstake struck paydirt in the silver-laden carbonates. From zero population, the town skyrocketed to 20,000 in as many months. Reports in general circulation said that the mines produced over $100,000 per month for five months. Eastern capitalists organized a mining company under the laws of New York state with capital of $20,000,000. Total stock of 200,000 shares sold at $100 a share. Newspapers called Leadville "The Magic City."

Some of the most influential men in the country were investors in the mines, thus giving stories out of Leadville the strength of authenticity. Among these men were: Brayton Ives, president of the Stock Exchange; James H. Chace of Providence, Prof. Marsh of Yale and B. Crowell of New Bedford. These investors and their friends fascinated by all the stories of new-found riches coming out of "The Magic City" decided to make a personal inspection of the premises. A special train was placed at their disposal. Host for the trip was David H. Moffatt, then cashier of the First National Bank of Denver.

To cover the event, the investors invited New York and New England newspapers to assign correspondents. Newspapers represented were: The New York Tribune, the New York *Herald*, the Boston Advertiser and the Providence *Journal*.

Again Barnes must be relied upon for an account of how Dow came to be chosen as the *Journal* correspondent on the trip. Barnes said: ". . . Mr. Dow was selected by persons identified with the management of the properties as the best equipped to write informingly about them and on their request to the editor of the *Journal* he was assigned to the work. Association on that trip with men of prominence in the financial world revealed to Mr. Dow a field for his efforts in financial journalism in which he could attain an importance and usefulness not to be hoped for in ordinary newspaper work."

Dow traveled from New York to Denver, then by narrow gauge to the boom town that was 10,200 feet above sea level at the foot of Mount Elbert which was 14,431. Dow's dispatches are filled with the history of that fabled land. No historian writing of that era and in that part of the country would dare produce a book without making great use of Dow's reports from Leadville for the summer of 1879.

On his return from Leadville, Dow must have felt that the remainder of his life must be spent in New York journalism. He sought a job on one of the dailies, presenting himself as an expert on mining stocks.

According to the Dec. 5, 1902 Wall Street *Journal* Dow "came down into Wall Street and sought employment as a reporter on mining stocks. He obtained a position at a small salary with one of the daily papers, his duties at once bringing him into intimate connection with the financial community."

Somewhere between his job on the Springfield *Republican* and the Providence *Journal*, Dow had picked up a knowledge of shorthand. His ability to reduce large segments of conversation and reading matter into a few signs helped him immensely. Though he carried note paper, he retained in his extraordinary memory much of what he heard and saw. Other than the notebook, there was always the cuffs of his starched shirts. The picture of the Sterling man making notes in shorthand on his shirt cuffs became a legend.

Not much space was devoted to Wall Street news in the newspapers of that day. Such news came from private agencies. One of the most prominent of these was the Kiernan News Agency. This firm engaged messenger boys to carry financial news bulletins to various subscribers in the financial district. John J. Kiernan was head of the firm.

Kiernan was not likely to overlook the reports that Dow was writing and easily recognized the quality of the man's analysis of financial progress in various stock deals and firms. With Dow on the Kiernan staff, the flow of activity in the Kiernan News Agency reached almost fever pitch. Demands for the service increased. Need for still another reporter was soon felt.

While in Providence, Dow had become acquainted with Edward Jones. Jones was editor of the *Star* and *Sunday Dispatch* and was a drop-out from Brown University. As the opening for still another reporter was announced on the Kiernan staff, Dow sent for his friend Jones.

Now the Kiernan agency had the two best men then known in the business. As a team they could not be beat. Dow and Jones must have had a good understanding otherwise they would not have formed the partnership of Dow, Jones & Company in November of 1882.

They opened for business in the basement of a building at 15 Wall Street, next to the Stock Exchange. They were in the back room at that, the front being given over to a soda fountain. At best, the Dow, Jones & Company quarters were dark and dingy. But the owners, Dow, 31, and Jones, 26, must have felt that the background reflected not on their high quality service.

A third man got into the picture at the same time. His name was Charles M. Bergstresser, then 23. He also was with Kiernan. Dow and Jones offered him a job as an employee in that first hour of organization, but he declined, saying if he became associated with the men it must be as a partner or not at all. Bergstresser was accepted in accordance with his terms.

It was agreed that Jones would be the desk man, leaving Dow and Bergstresser as reporters.

The system then in progress was for the reporters to bring the news to Jones who would edit the stories and dictate them to four or five so-called "manifold writers" who would write on "books of tissue paper with carbon paper betweeen them." In this way they produced up to 24 copies, using agateware utensils. Messenger boys delivered the bulletins to clients. A days' service, it is said, consisted of about 800 words.

On November 2, 1883, Dow, Jones & Company began publishing a "Customer's Afternoon Letter". These were a review of the bulletins issued during the day.

During the next four years, the firm picked up so many clients that a new method of transcription had to be found. At the same time the company hired its first out-of-town correspondent, Clarence W. Barron, owner of the Boston News Bureau, who was supplying the Boston finance district with the same kind of service as Dow, Jones was furnishing Wall Street.

Growth of the firm continued so that by 1889 there were 50 persons on the payroll. Dow, Jones and Bergstresser decided they had outgrown the letter and must transform their reports into a full-fledged newspaper. Accordingly on July 8, 1889, Vol. 1, No. 1 of the Wall Street Journal appeared.

The paper was printed on a Campbell flatbed press. It was four pages with four or five columns per page and carried advertising that sold for 20 cents per line and was distributed in the afternoon.

It must have been Dow who in his writing set the style and tone of the newspaper content that was to identify the newspaper as a unique institution in American life. Indeed, that the Eskimo in the frozen wastes of the Arctic as much as the sharp speculator on Wall Street was to recognize as the best source of truth regarding the financial affairs of the nation.

Jones remained with the firm until Jan. 9, 1899 when he returned to Providence.

In the winter of 1881 Dow met a striking brunette; her name was Lucy M. Russell. They were married April 9, 1881.

Everybody who knew Dow could never bring themselves to call him "Charlie" or "Chuck." For such a nickname was always beneath his dignity, and throughout his life and even now long after his death Dow is always spoken of as "Mr. Dow."

It is said that Dow came through the eastern Connecticut area once in a while, and never failed to make a call on Ekonk Hill to pay a brief tribute to the memory of his parents in Cedar Swamp cemetery.

Dow died in Brooklyn, N.Y. Dec. 4, 1902. His wife survived him by many years. His memory lives on not only in the Wall Street Journal but in the daily stock market reports when we hear the Dow Jones Stock Averages. That's a far cry from the little Connecticut town of Sterling on the Rhode Island border.

THE RUSSIAN DEPARTURE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. FRENZEL. Mr. Speaker, I view the departure of the Russian advisers from Egypt as a positive step toward peace in the Middle East. However, my optimism is tinged with caution.

In the first place, the Russian hegemony in the Middle East, and even in Egypt, is not necessarily over. Its principal purpose seems to be neither peace nor war, but only to keep things stirred up enough to keep all parties in the area uncomfortable.

Second, since the Russian influence over the past 3 years tended to keep tensions high without actual outbreaks of war, the Russian departure might cause a vacuum in which a more militant Egypt nationalism could flourish.

In any case, U.S. interests and efforts in the Middle East should be maintained no matter what the degree of our optimism or how highly we were pleased by the apparent departure of some of the Russians from Egypt.

WHO IS DESTROYING OUR ARMED FORCES?—I

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. SCHMITZ. Mr. Speaker, Maj. James N. Rowe, in "Five Years to Freedom," said:

> I could understand opposition to a war and a strong desire for peace. There was nobody who wanted peace more than a soldier because it was his life that was sacrificed in war, his blood that was shed. There couldn't be a protester at home who matched a soldier's sincere desire for peace. Dissent was a part of American life, but to support the enemy at the expense of another American was inconceivable. There was no other place the VC could have gotten some of that information except from the United States and I suddenly felt very sick.

Major Rowe, a Green Beret who spent 5 years under the most hellish conditions as a prisoner of the Vietcong, had first told them a "cover story" that he was only an engineering officer unfamiliar with the defenses of the Green Beret camp where he was taken prisoner, though in fact he was its executive officer and knew all about its defenses. That fact was given to his captors by traitors in the United States, thus assuring that he would be put to further torture.

The House Internal Security Committee on which I serve has been holding hearings on subversion of the military. I am in the process of arranging testimony for the committee from Major Rowe. We have already heard from four-star Gen. Bruce Clark, former commander of all Army ground troops in Europe, who called our attention to the fact that in 1966 and 1967 there were posters all over Europe, both in headquarters areas and individual unit day rooms, which identified communism as the enemy and reminded our troops that they were there to deter Communist aggression. But when General Clark returned to Europe 3 years later the posters were gone. When he asked why, he was told that they might annoy the Soviets.

As long ago as 1961, the Fulbright memorandum sounded the death knell to educational programs in the military explaining the real nature of the Communist enemy. Senator FULBRIGHT stated in that memorandum:

> Fundamentally, it is believed that the American people have little if any need to be alerted to the menace of the cold war.

FULBRIGHT sowed the seed; and in the Communist Daily World for January 28, 1971—10 years later—we find an update of his original memorandum, now entitled "The Pentagon Propaganda Machine," vociferously declared must reading for every Communist and fellow traveler in America. Senator FULBRIGHT opposed and continues to oppose any military instruction characterized by "talks from persons who stressed the Communist menace in this country."

He was also one of those who called for the bombing halt that has since doubled American casualties, while stating:

> We could resume bombing at any time if there is no response.

Ask the loved ones of the over 50,000 dead and the over 3 million veterans of the Vietnam war if there has been any response.

The official policy of our Government has become that of the Fulbright memorandum, creating a peculiar—to say the least—educational situation in the Armed Forces. The March 30, 1970, Contemporary Military Reading List of the U.S. Army—Circular No. 1-26—tells part of the story. The first book synopsis is the "Discipline of Power," by George W. Ball, who is indexed for 5½ pages in the congressional "military muzzling" hearings in opposition to educating our Armed Forces in the nature of communism. Ball was quoted as outlining official government policy in this way:

> Nothing must be done to endanger communications between this country and the Communists. No reference must be made to Communism as the enemy. Furthermore this country is not striving for victory in the Cold War. The United States should not under any circumstances refer to Communist tactics as "brutal" nor should the word "slavery" be used in referring to Communist takeovers of captive people.

At this point it is well to recall that Public Law 86-90, unanimously adopted by Congress in 1959, designates the third week in July of each year as Captive Nations Week—though there is nothing about captive nations in the Contemporary Military Reading List.

And it was George Ball who in 1968 had the job of persuading Congress "that U.S. trade with Russia and its satellites would promote peace, soften up Communist regimes behind the Iron Curtain and end the Cold War." Tell that to the widows of my fellow Marine officers who have been shot down by Soviet antiaircraft rockets made in the Soviet Union. Trade agreements with a nation which supplies so many of the weapons used to kill our fighting men surely fit the constitutional definition of treason as "giving aid and comfort to the enemy." Our troops who have been killed by the products of this trade can no longer cry out for justice against the likes of those who have forbidden them to learn about the enemy they have given their life's blood to fight. Nor do most Americans in high places seem ready or willing to do it for them.

GOVERNOR SHAPP SAYS NIXON FLOOD RELIEF IS INSUFFICIENT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. MOORHEAD. Mr. Speaker, there have been many eloquent descriptions of the destruction and calamity caused in Pennsylvania by Hurricane Agnes.

One of the most moving was the testimony of Pennsylvania's Governor Milton J. Shapp, when he appeared this morning before the House Banking and Currency Committee, which is considering the President's $1.8 billion flood relief proposal.

I agree with the Governor that the $1.8 billion which the President is asking for seems inadequate in the face of the monumental and widespread destruction in Pennsylvania alone caused by Agnes.

In his testimony before us, Governor Shapp made a strong plea for higher rates of forgiveness on new loans to Agnes' victims and a method to wipe away, or at minimum to turn into long term commitments, current mortgages and loans belonging to those who lost homes and business in Agnes' wake.

The Governor's full statement follows:

TESTIMONY OF GOVERNOR MILTON J. SHAPP

I welcome the opportunity to appear before you this morning to discuss the federal action necessary to aid victims of Hurricane Agnes.

I need not remind you of the enormity of the task facing the nation and Pennsylvania.

Four weeks ago today, the rains turned Pennsylvania, and other states along the Eastern seaboard, into a disaster area.

Early that Thursday morning, June 22, I proclaimed a state of extreme emergency in the Commonwealth, when we had already received reports of damage from 62 of our 67 counties. Subsequently, all 67 counties reported losses and ultimately the entire state was declared a federal disaster area.

The State Council of Civil Defense immediately went into action. The State Police went on duty around the clock. Key units of the National Guard were mobilized.

Within hours, it was apparent to me that the floods were the greatest single natural disaster ever to hit Pennsylvania.

On June 30th, the Pittsburgh Post-Gazette noted that "Pennsylvania is the victim of a devastation so widespread it boggles the mind."

Since the storm, the Government of the Commonwealth of Pennsylvania has exerted every effort and expanded every possible dollar to protect persons and property and to begin the process of rebuilding our state. Our efforts were matched by the local communities themselves and thousands of volunteers.

Initially, I estimated the damage in excess of one billion dollars.

Subsequently, I raised that figure to somewhere between 1½ and 2 billion dollars.

Recently, as more complete reports have been submitted, I have again raised my estimate to $2½ to $3 billion in Pennsylvania alone. Each day brings new reports of damage to both public and private sectors—to farms, homes, schools, roads, railroads and business establishments.

Before going into detail on the federal programs necessary, to help rebuild Pennsylvania and other states affected by Agnes, I would like to mention for the record the highlights of our state's participation in rescue, clean up and rebuilding programs.

I do so not for the purpose of self congratulation but because I know that you, as members of the federal Congress, want to know what the states are doing to help themselves as you go about trying to help us at the federal level.

At the peak of the flooding, 6,000 Pennsylvania National Guardsmen and 4,000 State Policemen were on duty around the clock.

The department and agencies of state government were on the job, in many instances before the dimensions of the disaster were fully appreciated.

As the Pittsburgh Post-Gazette again editorialized on June 27th, notification was out "as early as Thursday morning by the State's Department of Environmental Resources that river trouble was mounting. But the Weather Bureau's warning did not come until Friday morning."

I initially earmarked $1,750,000 in state funds for immediate assistance. More than 120 state flood information offices were established and the federal agencies were urged to join with us in these centers.

Members of my cabinet were on the scene throughout the flood areas. I personally spent many days and hours in the stricken communities and my Lieutenant Governor, Ernest Kline, who coordinates all state disaster activities, had to be ordered to bed personally by me because of the fatigue which followed days and nights of constant activity.

Subsequently, the Pennsylvania General Assembly passsed, and I signed, an appropriation bill for emergency and disaster relief in connection with flooding and tropical storm disaster in the Commonwealth.

A total of $150 million in state general operating revenues was earmarked for this purpose.

One hundred and thirteen million dollars was set aside for "emergency" use in the alleviation of human hardship and suffering and for the protection of property; for the reimbursement to various departments and agencies of the Commonwealth for the participation in disaster relief activities, including, but not limited to, materials, supplies, services, food, clothing, equipment, chemicals, drugs and medicines.

An additional $25 million was appropriated for the Department of Public Welfare, $10 million for the Department of Health and $2 million for the Department of Environmental Resources.

I would also remind you that our participation was not limited to this appropriation. To the best of my knowledge, no state has ever before made such a substantial and immediate commitment of its own revenues for direct relief purposes.

But that is not all.

In the near future, I will present to the Pennsylvania General Assembly a comprehensive program for rebuilding Pennsylvania which will include major efforts on the state level to aid in the rebuilding of private housing and also to restore schools and other public facilities, commerce, and farm lands.

On the basis of these facts, I think the record is clear that we in Pennsylvania are doing our job to help ourselves.

But you know, as well as I, that state government, even with the full cooperation of local government, private resources together with the level of the present effort of the federal government, will not suffice.

President Nixon himself last Thursday called the recent flooding "the worst natural disaster in the whole of America's history."

Clearly, what is called for is a massive commitment by the federal government to the rescue of our people and to the rebuilding of the flood areas.

The victims of this tragic flood are entitled to full support from their government, for they have contributed greatly to this nation. They are men who have long toiled in the mines and mills and women who have worked in factories and offices. They are farmers who have seen their crops, and, yes, even their soil contaminated or, worse, washed away.

Yes, they are doctors, dentists and lawyers whose valuable equipment, record and libraries have been destroyed.

And, too, they are our retired senior citizens who simply cannot refurnish their rooms or buy new clothes out of their meager Social Security payments.

They are women and men who have served in our armed forces when the nation needed their services.

Now if we cannot offer them more than token support as they try to rebuild their lives, this nation will indeed have failed them in their time of need.

If the United States could afford to have given Germany and Japan almost $100 billion of pre-inflated dollars to rebuild their nation at the end of World War II, we cannot afford not to give our own hard working citizens all the funds they need to rebuild their lives from this great disaster.

If the United States could afford to send billions overseas in foreign aid during the past 25 years, we cannot afford not to grant $4 to $5 billion in local aid to our own deserving citizens, if this is what it takes.

Perhaps more telling of all is the comment of Bill Ulicny of Forty Fort, Pennsylvania who told the Wall Street Journal last week: "Why doesn't the government call a moratorium for a week in Viet Nam and turn over all the money to the people around here who really need it."

American pride rose high as we spent whatever billions were needed to accomplish the Berlin Air Lift or to put a man on the moon.

Our American pride should not let us permit any of our citizens to have their lives ruined by events beyond their control.

Incidentally, no one spoke of half-way measures for these projects; for we also appropriated the funds to get our men back from the moon.

Our own communities, need rebuilding. We must help our people rebuild. Let us take pride in helping these needy Americans back on their feet.

Indeed, if we don't make this investment in making our people productive again, let's not kid ourselves. Nothing will be saved. They will end up on welfare. The choice is clear: either we invest in the victims of the flood or we will pay for long years of dependency.

Believing, therefore, that nothing but the most massive and decisive federal action is necessary. I have come here today to make the following suggestions for your immediate consideration.

First, I suggest that the members of this committee and other concerned members of both the Senate and the House, hold a joint hearing on flood problems in the worst hit area of them all, the Wyoming Valley of Pennsylvania.

The devastation must be seen to be believed. Veteran Red Cross officials who have spent over a quarter of a century working in disaster areas have told me they have never seen any catastrophe its equal. In all my personal experiences overseas during World War II, only in Italy did I see so much damage.

The statistics are all too familiar.

It is one thing to say that 350,000 people are homeless.

It is something quite different to see those people as flesh and blood individuals, whose lives have been wrecked by this natural catastrophe.

It is one thing to say that 100,000 persons are temporarily or permanently unemployed. It is something else to meet a jobless person on the street who doesn't know where his next paycheck is coming from because the company for which he worked no longer exists.

It is one thing to state that the farmlands of Pennsylvania have been subjected to staggering loss in excess of $300 million. It is much more compelling to meet one of those farmers whose entire livelihood depended upon crops which have been utterly destroyed or on livestock which was ravaged by the flood, or to talk to a farm family as I did who watched Agnes wash their farm's top soil into the river.

It is one thing to state that industrial and commercial loss in the Commonwealth exceeds the staggering figure of $1.1 billion. It is still another to receive a letter like I received last week from a small store owner in Wilkes-Barre who pleads that "my future in this city and the future of my employees is in your hands. I hope and pray that you can do something for me so I can re-open again."

Yes, it is one thing to think of this individual store owner in Wilkes-Barre, but it's also important to consider that in the Wilkes-Barre, Kingston and Forty Fort area of 100,000 people, almost 90 percent of the business establishments were washed away. There are few, if any, pharmacies, dry cleaning stores, auto or TV repair stations, hardware, clothing or appliance stores or other kinds of local business establishments we just take for granted in our modern urban centers. There is hardly a doctor, a dentist's office or even an insurance agency or law firm that did not suffer loss of equipment and records.

To put it bluntly, almost the entire infrastructure of this city's commercial and professional life was washed away by Agnes, and unless we make it financially possible for these shop owners and professional people in Wilkes-Barre area to re-establish themselves in business, the city will become a ghost town within a short time.

Few, if any, of the people in this area want to leave. They have simply been great so far in their effort to fight back and restore their community. But unless financial help is given to them on a major scale, and on a realistic basis, their morale will suffer and they will not accomplish the task of rebuilding. Yes, the statistics are unbelievable. But the human story is devastating. The statistics cannot bring home to you the homelessness, despair and mental anguish of so many of our people whose lives have been destroyed. The statistics will not detect the elderly who do not know how to get help. Nor will they tell the story of so many families who are still not reunited.

I urge you to go to the Wyoming Valley. Only then will you realize the full dimensions of the problem. See the people. Talk to them. Discover first hand what they need. Then return to Washington and enact the strongest possible measure to help them.

Last Thursday, I was pleased by the President's decision to seek $1.7 billion in flood relief measures.

However, on Friday, when I went to the White House Conference on Flood Relief, I was disturbed by three things:

First, I do not believe that the provisions for homeowners and businesses are flexible enough to help where help is really needed.

Second, I do not believe that $1.040 billion is sufficient to do the job in Pennsylvania. That is the figure which has been quoted to me as Pennsylvania's share of the total program.

And third, there is no discussion yet on the federal level for financing the rebuilding of our railroads. Pennsylvania lost over $50 million of railroad tracks and switching yards. Without restoration of these railroads, the future economic development of our state is jeopardized.

Yet all—I repeat—all of the railroads that operate in Pennsylvania are in bankruptcy. They are not eligible to receive any of the SBA or other types of federal financing to rebuild from the flood. They are already curtailing freight service to shippers.

Somehow the federal government must devise a financial plan to restore the damaged property of these railroads or else severe damage to the economy of Pennsylvania will result.

Pennsylvania was the victim of 80 percent of the total damage inflicted by Agnes. One billion, forty-one million dollars represents only a portion of the $1.7 billion figure and as I have indicated even this total is far too low to do the required job.

Clearly, a great federal effort must be made.

At the beginning of the disaster, I was not satisfied with the federal response.

It is, perhaps, understandable that officials in Washington did not quickly realize the dimensions of the tragedy.

Vice President Agnew, for example, claimed that I was "excitable" and said that my initial estimate of over $1 billion in damage and losses was "probably ridiculous."

However, as the impact was felt more deeply, the federal agencies did swing into action more quickly so that the situation is now greatly improved. I am pleased with the manner in which the Corps of Engineers tackled the project of cleaning up the debris in our state.

At the same time, I must reluctantly report that we are still receiving daily complaints that the Small Business Administration is not moving swiftly enough to get the money into the hands of the people. Indeed, in some instances, it is reported that slavish adherence to red tape rather than the spirit of the law is preventing instant relief to some of our citizens, particularly the elderly.

This is not only my opinion. In the same Wall Street article of July 17th which I quoted to you earlier, the following report of SBA activity is given: "The Small Business Administration has been able to dispense only 20 loans totaling $53,900 of the more than 14,000 applications it has received in its Wilkes-Barre office; it has, however, processed more than 4,200 loans."

On Tuesday, Mr. Frank Carlucci of the Office of Management and Budget, informed me that he was dispatching an SBA Ombudsman to Pennsylvania to clear up some of the problems and I hope that this will be done.

Now that the rescue and clean up operations have been completed, we face to immediate and pressing problems.

First, we must make sure that all who have been made homeless by the flood are placed quickly into temporary housing, which is fit for human habitation.

The second aspect of our immediate responsibility must be to get money—and get it fast—into the hands of people who are homeless; to help businessmen whose job-producing facilities have been destroyed, and farmers whose crops and livestock have been wiped out.

The President's proposal to set aside $1.3 billion the new loans for the Small Business Administration, to issue long-term loans at 1 percent interest, is a step in the right direction. But it won't solve the problem. His plan would be improved by adopting the proposals of Senators Schweiker and McGovern to raise the forgiveness level to 15,000, but even this will not handle all the requirements.

I fear that the SBA loan approach only meets a small part of the problem.

The essential fact is this.

Tens of thousands of home owners have suffered total or almost total loss of their properties. Yet they are still responsible for and must pay off existing mortgages on these merchandise.

Under the President's plan, 1 percent loans would be made by the SBA to help these home owners and businessmen rebuild. However; they would first repay existing mortgages and bank loans out of these new SBA loans. This is too much of a burden, even at 1 percent interest.

Take a specific case of a home owner who had a home valued at $20,000 with a $15,000 mortgage. To rebuild this home today would cost $30,000, and he would need a $25,000 mortgage. So to get a new $30,000 home, the individual winds up with a $40,000 mortgage on his property; the old plus the new. He has lost his equity in his old home and even with the $5,000 forgiveness he is farther behind the eight ball.

What happens if he wishes to sell the property, or for that matter could it be sold with such a large mortgage?

A businessman who owes $50,000 and now needs $75,000 to get back in business winds up owing $125,000, even though his after-flood net worth may be zero or below. Like many small businessmen, he was struggling to make ends meet before the flood. What expectation for profitable operation can he expect to be burdened with his new large loan?

Realistically, it is essential that the debt that existed on property washed away must be forgiven, or at least placed in a long-term subordinate position. The home owner or businessman should be concerned only with a mortgage on his new home or for new loans to support the re-establishment of his new business.

If we do not do this, there are many thousands of home owners and businessmen who will simply have no choice but to "walk away" from their present homes and businesses, leaving the banks to hold the present paper—for which there is no longer any collateral.

During the administration of Herbert Hoover, when banks and other institutions were suffering great losses due to foreclosures on property, the federal government established the RFC. The RFC picked up this paper from the banks and arranged long term repayment schedules.

We need a modern type of RFC, not just to protect the banks but to help victims of floods and other disasters in this Nation become self sufficient once again and not become paupers.

Hurricane Agnes by its very dimensions has highlighted a human and business problem that has been with us on a smaller scale many years. But who knows where or when the next great disaster may strike, and how many of our citizens in all of our 50 states can be made destitute overnight by a flood, hurricane, earthquake or some other catastrophe.

Therefore, I propose that Congress act boldly and adopt financial measures that would make it possible for our citizens to return to their normal life patterns as quickly as possible whenever a diaster strikes.

This can be done in one of three ways, or by using all of the methods suggested.

1. Establish a new RFC to pick up all the present bank-held mortgages and business loans on washed away properties. Turn this current debt into long term, no interest subordinate paper. This will permit all new SBA loans issued to be used for rebuilding purposes and still protect the lending agencies from losses on their previous loans. This will make it possible for people to finance new homes and refinance their new businesses without being hopelessly in debt.

2. Use provisions of the 1968 Housing Act and have the Federal Government condemn flood ravaged property at pre-flood prices. Restore relocation cost under this Act to pre-July 1st to 100 percent figure.

Appropriate sufficient funds to HUD to enable this department to condemn large tracts or even all of the flooded areas and then redevelop these areas as Urban Renewal projects. This plan would enable the local, state and federal agencies to develop major redevelopment programs that would prove greatly superior to house by house or business by business replacement.

3. To go along with the first two suggestions, we should also establish a National Catastrophe Fund, by collecting a small surcharge on every property damage insurance policy that is sold in the Nation.

Insurance Commissioner Denenberg of Pennsylvania has calculated that for each one percent surcharge on standard property damage policies sold in this country, $300 million could be put into the National Catastrophe Fund to provide complete protection for any type of damage, whether it be flood, hurricane, earthquake, subsidence gypsy moth infestation or other. Under such a plan, insurance surtax rates could be adjusted as needed in the future and no home owner or business enterprise would have to worry about future losses. It would be his right to collect on his insurance for these damages rather than have to come to government, hat in hand, asking for aid.

In short, while the SBA 1 percent loan approach recommended by the President is helpful, I strongly believe that you must find the means not only to recover past losses, but to help our people invest in the future. In connection with loans to business, it is essential that this Congress work into the law a firm requirement that any business which receives a Federal loan for reconstruction be required to relocate in the same labor market.

If a company that has suffered a loss in one area receives federal assistance funds and via these, funds to relocate in another area, that is certainly not helping the disaster area in its recovery efforts.

Other provisions of the President's program concerning flood control projects, temporary employment and public works development, are positive steps in the right direction.

I would also urge you to consider favorably the 7-point legislative program introduced on Tuesday by Senator Schweiker, which would include progress payments to those engaged in recovery work, disaster loans for working capital, Federal aid to private institutions of higher education and Federal tax reimbursement for other local taxes in addition to the property tax.

Beyond these measures, it is vitally necessary to place on the record the following points which directly involve Federal participation.

When considering the appropriation of new money, I strongly urge the Congress to impress upon the Administration the advisability of releasing billions of dollars of impounded funds which have already been appropriated by the Congress, but which the Administration had not seen fit to use.

There is money presently sitting in the Appalachian Regional Development Program, the Farmers Home Administration, the Department of Housing and Urban Development, the Department of Transportation and other agencies, for the purposes of economic development, sewer and water grants, highway construction, and numerous other relevant programs which could be in use today, if the President would release them.

It is not telling the whole story to ask for $1.7 billion in money for flood disaster programs when large amounts of funds already in the Federal Treasury can be made immediately available for many of these purposes.

I also urge the Congress to make sure that the Federal unemployment compensation coverage for disaster victims is being fully implemented.

The Federal Government is presently taking the position that only those flood victims who do not qualify for the State Unemployment Compensation Program will be compensated by the federal program.

It has been my understanding from reading the law that the Disaster Relief Act includes Federal unemployment compensation for all victims, unemployed due to the flood disaster, regardless of whether or not they qualify for the State program.

The State program, as you know sets tax rates on businesses through the unemployment experience of a particular firm. It is inconceivable to me that we must rely on the State program, thereby increasing the tax burden on businesses hit by the flood, and consequently compounding their own financial problems, when they should be getting our help instead of a future heavier unemployment compensation tax bill.

Time and again I have expressed a deep concern about the problems of the elderly in this disaster. Many of them have lost everything.

Large numbers of the elderly do not even have the ability to deal with Federal or State officials because of lack of transportation and lack of awareness for the Federal programs.

I believe it will be necessary for the Federal Government to join us in a combined effort to seek out the elderly victims of this flood and to do for them what they cannot do for themselves.

It may indeed be necessary to go door to door to make sure that the services we have to offer become available to them.

A few moments ago I endorsed Senator Schweiker's proposals to include private higher educational facilities under provisions of the Federal Disaster Relief Act. I am now urging you to make sure that private institutions on the elementary and secondary levels are also included.

Throughout the State of Pennsylvania many flooded communities and neighborhoods had their lives centered on the local church and school.

In some cases these buildings were the hardest hit. Their immediate rehabilitation will help greatly to restore the community to a full and rounded life.

Finally, we must make absolutely certain that the rains which are certain to happen again no longer contain the potential for flooding out an entire section of our country.

Massive public works programs for flood control must be undertaken by the Federal Government.

And with the undertaking of these projects, it is vitally important that the Federal Government make a decision as to what actually constitutes a flood plain. Thus far, I have been unable to get a clear and precise definition of a flood plain area from the Federal officials, nor has any decision been made as to what type of reconstruction can be initiated in the as yet undefined flood plain areas.

While we rebuild for the future, let's make sure that our people are protected from disasters like that which began four weeks ago.

As you can see, the task we face is enormous. But I have every confidence that, working together, the wealthiest nation that the world has ever seen can surely find it possible to help its own people in their hour of greatest need.

Thank you.

SENATE—*Friday, July 21, 1972*

The Senate met at 10 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father who at creation appointed the night for rest and the day for work, help us to work with gladness and singleness of heart. Enable each of us so to master our own talents and energies that we may better serve others. Whether our tasks be great or small may we perform them as an offering to Thee. Amid the busy hours of daily duty help us to take time for one another. Make each of us diffusers of Thy light and truth. May Thy spirit so pervade our common endeavors that we may participate with our fellow citizens in a revival of pure religion and refined patriotism which shall lead to a new national purpose worthy of our heritage and fit for this age. When our work is done grant us a place in Thy kingdom.

We pray in the name of the Master Workman. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 21, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 20 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (H.R. 15641) to authorize certain construction at military installations. and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15641) to authorize certain construction at military installations, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from Connecticut (Mr. WEICKER) is now recognized for not to exceed 15 minutes.

Mr. WEICKER. Mr. President, I yield to the distinguished senior Senator from Massachusetts (Mr. KENNEDY).

(The remarks of Mr. KENNEDY and Mr. WEICKER on the introduction of S. 3825, the Highways and Related Transportation Systems Improvement Act, and the ensuing debate are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, may we proceed with morning business?

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate go into executive session.

The motion was agreed to; and the Senate proceeded to consider executive business.

DEPARTMENT OF STATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nomination of Walter J. Stoessel, Jr., of California, to be Assistant Secretary of State.

The ACTING PRESIDENT pro tempore. The clerk will state the nomination.

The second assistant legislative clerk read the nomination of Walter J. Stoessel, Jr., of California, to be Assistant Secretary of State.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, another nomination will be called up shortly. In the meantime I ask that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

Mr. ROBERT C. BYRD. Mr. President, I yield to the able Senator from New York (Mr. JAVITS).

U.S. DISTRICT COURT

Mr. JAVITS. Mr. President, I call up the nomination reported by the Judiciary Committee of Robert L. Carter, of New York, to be U.S. district judge for the southern district of New York.

The ACTING PRESIDENT pro tempore. The clerk will state the nomination.

The assistant legislative clerk read the nomination of Robert L. Carter, of New York, to be a U.S. district judge for the southern district of New York.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. JAVITS. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate return to the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

PUEBLO DE ACOMA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 924.

The PRESIDING OFFICER. The bill will be stated by title.

The second assistant legislative clerk read the bill (H.R. 10858) by title, as follows:

A bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 3, after the word "That", insert "(a)"; on page 2, after line 2, insert:

(b) No portion of such judgment funds shall be distributed per capita, unless authorized by subsequent congressional action.

After line 5, strike out:

SEC. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

And, at the beginning of line 9, change the section number from "3" to "2".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-973), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

H.R. 10858 authorizes the distribution and use of a claims judgment recovered by the Acoma Pueblo. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of May 4, 1972, was $5,954,682. The money is currently invested in interest-bearing accounts.

NEED

The tribe has adopted a plan for the use of the money, which contemplates that the entire amount will be invested, and only the interest will be used for (1) aid to education, (2) tribal administration, (3) tribal law enforcement, (4) youth services, (5) land acquisition, (6) economic development, (7) matching funds for various Federal grant programs, (8) preservation of historic shrines, (9) emergency aid to the elderly, and (10) long-range planning.

During hearings on S. 2527, the Senate companion measure, before the Subcommittee on Indian Affairs on March 29, 1972, Interior Department witnesses failed to clarify specifics of the program plans or the amount to be allocated for this purpose.

On April 19, 1972, the Chairman of the Committee, Senator Henry M. Jackson, sent a letter to the Secretary of the Interior advising him that the Committee would defer further action on this measure until such time as the Department provided the Committee with definitive information on the tribe's proposed use of the judgment funds.

REDESIGNATION OF CAPE KENNEDY AS CAPE CANAVERAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 674.

The **ACTING PRESIDENT** pro tempore. The clerk will read the joint resolution by title.

The second assistant legislative clerk read the joint resolution (S.J. Res. 193) by title, as follows:

A joint resolution (S.J. Res. 193) to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral.

The **ACTING PRESIDENT** pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GURNEY. Mr. President, on July 10, 1969, the late Senator Spessard Holland and I introduced a joint resolution in an effort to bring about a change—perhaps reverse a change is a better phrase—in name for Florida's oldest landmark, Cape Canaveral. Restoring the name Cape Canaveral to the area now known as Cape Kennedy meant a lot to Senator Holland, as it does to most Floridians.

For that reason, Senator CHILES and I reintroduced the name-change joint resolution of February 1, 1972, in hopes that it could be passed at this session. On March 8, the Senate Interior and Insular Affairs Committee held hearings, and by virtue of the favorable report of that committee, the joint resolution was placed on the calendar and lies before us today.

Florida was first discovered by Ponce de Leon in the spring of 1513. During that epic voyage, Ponce came upon a spit of land jutting markedly out into the Atlantic from the Florida peninsula. He appears to have named it Punta de Arracifes, but a later explorer, probably Lucas Vasquez de Ayllon, renamed it Cape Canaveral sometime before 1536. The name Cape Canaveral appears on a map dated 1536 and on most every map thereafter. The cape—for good reason—had become a significant navigational landmark.

The importance of Cape Canaveral to early Spanish sailors and merchants was considerable. As early as 1526 the Spanish organized a convoy system for shipping the products of the New World back to Spain. These convoys would leave Havana and proceed north along the east coast of the Florida Peninsula. They would turn east for Spain only when they knew they had cleared the dangerous Bahama shoals. The point which became the marker for making that eastward turn was Cape Canaveral and so it remained throughout the entire colonial period. Even after the Americans took over, it remained a navigational guidepost; in 1847, a lighthouse was built there.

Until the coming of the space age, Cape Canaveral was never much inhabited. The French established a port there in 1564 or 1565 only to be driven out by the famous Spanish Adelantado Pedro Mendenez de Aviles. The Spanish subsequently built a fort in the general area, but never developed it. Neither did the British or the Americans, except for an occasional settler, until 1949 when the joint long range proving ground was opened on the cape. A year later, the first missile was launched and by 1956 the area became a major launch facility as the Vanguard, Atlas, and Jupiter missile programs were moved in, in preparation for launching our first orbiting satellite. By the time that came—in January 1958—the name Cape Canaveral had become a household word to many Americans.

On May 25, 1961, President John F. Kennedy appeared before Congress to ask the Nation to make landing on the moon a goal to be reached by the end of the decade. But unlike most Americans, the President realized, as did many Floridians, that the limited acreage and facilities available on the cape were inadequate for the purposes of a lunar landing mission. So, after detailed consideration of other areas, NASA announced, in August, of 1961, its decision to launch lunar flights from expanded facilities north and west of the cape and, concurrently, announced its intention to purchase some 80,000 acres of land for that purpose. These actions set in motion the chain of events which culminated in the move of NASA facilities from Cape Canaveral to Merritt Island—a move that was substantially completed by mid-1967. Two years later, two courageous astronauts were launched from the Merritt Island facility and on July 20, 1969, they made President Kennedy's dream come true by landing on the moon. Since then, all our lunar explorations have been launched from the Kennedy Space Center on Merritt Island rather than the cape. Perhaps, it was with a bit of nostalgia that many Americans recently read about the obtaining of bids to tear down two of the launch complexes on the cape itself. Perhaps this, better than anything else, underscores the fact that the Kennedy Space Center has been moved from Cape Canaveral to Merritt Island, thus eliminating whatever justification there was for renaming the cape and the facilities there after the late President. As I noted, President Kennedy realized that this move was both necessary and inevitable. In view of the fact that President Kennedy was a historian of some note, I think he would fully support such a change on historic grounds; and I also feel that his memory is best honored by continuing to name the NASA space facilities after him wherever they might move.

Mr. President, let me emphasize that this action in no way detracts from the memory of the late President, nor is it the intention of the Floridians that it should. Those of us in Florida hope that the Kennedy Space Center will forever remain a part of Florida and occupy a prominent place, along with Cape Canaveral, in the State's history. Now, since there is no geographical conflict between the name of the space center and the name of the cape, all the people of Florida want is the restoration of the historic name—Canaveral—to the State's oldest geographical landmark.

In 1969, a poll taken by the Gannett newspapers showed that 93 percent of the people in the area favored the name Canaveral. The Florida State Legislature and the prestigious Florida Historical Society came out in favor of the name change, as did many of the State's newspapers. Now that the proposal is before us again, there have been renewed expressions of support.

Newspapers from around the State have endorsed the change back to Canaveral; and just a couple of weeks ago, the Florida State cabinet also came out in favor of it. In short, the people of Florida, while revering the memory of the late President and the tremendous leadership he gave to the space program, would simply like the historic name Canaveral—changed in an understandable outpouring of emotion for the late President—restored to its rightful place in the State's lexicon of geographic names.

We would hardly think of changing the names of Cape Cod or Cape Hatteras, neither of which was discovered as early as Cape Canaveral, or has had the recent historical significance, to something else.

Yet, because of that historic significance, the name of Cape Canaveral was changed.

With the Kennedy Space Center no longer on the cape itself, now is an appropriate time to restore this name of great historic value to an area of great geographic and historical importance.

Mr. CHILES. Mr. President, a joint resolution very similar to Senate Joint Resolution 193, to redesignate as Cape Canaveral the area in Florida now known as Cape Kennedy, was introduced 2 years ago by the late Senator Holland and Senator GURNEY. It was strongly backed by the people of Florida at that time. In fact, in a statewide poll, 95 percent of Florida's citizens wanted the cape's old name back. I was happy to join with Senator GURNEY to introduce Senate Joint Resolution 193 in February of this year.

I believe it is a fitting tribute to the leadership that President John F. Kennedy provided in developing our space program that the space center be named and remain named after him. It was under President Kennedy that our manned space flight program was greatly expanded, and his leadership and great efforts were instrumental in the United States becoming the world leader in the exploration of outer space.

But I believe it is also fitting that the original name of this area, which played an important part in the history of our State and our Nation, be retained. Since earliest geographic recording, the area now known as Cape Kennedy has been called Canaveral.

There is no effort—nor do I believe there should be—to change the name of the space center itself. I strongly believe the center should retain its name and stature as a tribute to our late President. But I also strongly urge the Senate to restore the original name to the geographic area in which the center is located. Cape Canaveral is very likely the oldest known and continuously used landmark on the American Atlantic coast. Its name is recorded on maps even before that of the Mississippi River, Cape Hatteras, or Cape Cod.

Since the first introduction of this joint resolution, Mr. President, many newspaper editorials and articles have been written in support of the name change; and I have received resolutions approved by city commissions as well as letters from individuals. I was delighted to testify before the Committee on Interior and Insular Affairs on March 8, 1972. I believe that the statements of many distinguished Floridians who appeared before that committee make the record on this issue very clear: Floridians almost unanimously approve the change. In the past, seafarers placed a high value on Cape Canaveral, since it served as a welcome beacon to those sailing the east coast of the United States to the Bahama Islands and Central and South America, and for all ships sailing the sealanes north and south. Today, citizens of Florida place great historical and traditional value on that same area and would like to see it get back its original name.

I strongly urge the Senate's favorable consideration of the joint resolution now before it which would restore that original name.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the area in the State of Florida formerly known as Cape Canaveral and thereafter designated as Cape Kennedy is hereby redesignated as Cape Canaveral, and any law, regulation, document, or record of the United States in which such area is designated or referred to shall be held to refer to such area under and by the name of Cape Canaveral.

SEC. 2. The facilities of the National Aeronautics and Space Administration and of the Department of Defense referred to in Executive Order 11129, dated November 29, 1963, shall continue to be known as the John F. Kennedy Space Center.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–704), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of Senate Joint Resolution 193, which was cosponsored by Senator Gurney and Senator Chiles, is to restore the name of Cape Canaveral to that geographic area of the east coast of Florida which was designated as Cape Kennedy by presidential announcement on November 29, 1963. The joint resolution also provides that the John F. Kennedy Space Center be maintained as the name of the NASA and Department of Defense facilities located on the cape.

BACKGROUND

On November 29, 1963, President Johnson issued Executive Order No. 11129 designating the facilities of the National Aeronautics and Space Administration and the Department of Defense located on the Cape as the John F. Kennedy Space Center in honor of the late President. At that time the President also announced that the area in the State of Florida known as Cape Canaveral would be redesignated as Cape Kennedy.

The name Cape Canaveral is acknowledged by the U.S. Department of the Interior to be the "oldest continuously used place name on the American Atlantic Coast." The discovery of the Cape is attributed to Ponce de Leon around 1513.

Since the time of the name change, concern for the loss of the 400-year-old name of Canaveral has grown in the State of Florida. In June of 1969, the Florida State Legislature passed a joint resolution asking that the name Canaveral be restored to the Cape and that the John F. Kennedy Space Center be maintained as the name of the NASA facilities. On March 8, 1972, the Governor of Florida and his cabinet adopted a resolution endorsing the enactment of Senate Joint Resolution 193.

On March 8, 1972, hearings were held before the full committee to consider Senate Joint Resolution 193. At that time, members of the Florida congressional delegation and residents of the State presented testimony in support of the joint resolution. In addition, the committee has received a great number of letters and statements from past and present government officials, members of the academic community, and the people of Florida supporting the name change.

COSTS

Enactment of Senate Joint Resolution 193 will involve no additional appropriation of funds.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR CORPORATION FOR PUBLIC BROADCASTING

Mr. PASTORE. Mr. President, I send to the desk a bill and ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title.

The assistant legislative clerk read the bill (S. 3824) by title, as follows:

A bill to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities.

The ACTING PRESIDENT pro tempore. Is there objection to the bill's being read a second time and immediately considered?

There being no objection, the bill was read the second time, and the Senate proceeded to its consideration.

Mr. PASTORE. Mr. President, this is the authorization for the Public Broadcasting Corporation. Senators may recall that several weeks ago—that is, before the Democratic Convention—a bill came up on the floor for consideration, and at that time it had an authorization of $65 million for fiscal 1973, $90 million for fiscal 1974, and $25 million for constructional facilities for individual stations for fiscal 1973.

That bill was passed by the Senate by an overwhelming vote. It was a bill that came from the House, and no amendment was made to the House bill.

At that time I made it clear that my feeling was that it should not have been amended because it might have delayed the consideration of the HEW appropriation bill, which was going to conference—and I understand it is going to conference next Tuesday.

This bill is very much in conformity with what the President has requested. I do not think there will be any trouble with it at all. I think the President will be inclined to sign it, because it provides for $45 million, which he asked for.

There is also an increase of $10 million in the authorization for station construction facilities for fiscal year 1973, which is also in line with the spirit of the President's veto message, because he feels much of public broadcasting's activity should be on the local level.

I have cleared this matter with the Senator from Tennessee (Mr. BAKER), who was speaking for the administration at the time the bill was being discussed on the floor. I reached him, I believe in Tennessee, and he agreed to become a cosponsor of this authorization.

I cleared it with the ranking Republican member of the full Commerce Committee, the honorable and distinguished

Senator from New Hampshire, Mr. Norris Cotton.

As it stands now it makes it agreeable all around. This bill will facilitate our passing the authorization so it will be in time to be considered at the time we hold the conference on the Health, Education, and Welfare appropriation bill.

Mr. COTTON. Mr. President, if the Senator will yield, I will say that he is absolutely correct. This has been cleared with the ranking minority member of the subcommittee which is so ably chaired by the Senator from Rhode Island, and approved by the minority on the full committee, and I am sure it will be satisfactory to the Republican leadership.

Mr. PASTORE. I thank the Senator.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 3824) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 396(k) of the Communications Act of 1934 is amended to read as follows:

"Financing

"(k) There is authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1973, the sum of $45,000,000."

Sec. 2. Section 391 of the Communications Act of 1934 is amended by inserting before the last sentence thereof the following: "There is also authorized to be appropriated for the fiscal year ending June 30, 1973, the sum of $25,000,000."

EXTENSION OF TIME FOR FILING COMMITTEE REPORT ON S. 3726, THE EXPORT ADMINISTRATION ACT AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations have until the close of business on Monday to file its report on S. 3726, a bill to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3327. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes (Rept. No. 92-978). Referred to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PASTORE (for himself and Mr. Baker):

S. 3824. A bill to authorize appropriatons for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities. Considered and passed.

By Mr. KENNEDY (for himself, Mr. Weicker, Mr. Brooke, Mr. Humphrey, Mr. Mathias, Mr. McGovern, Mr. Pell, Mr. Ribicoff, Mr. Scott, Mr. Javits, Mr. Beall, Mr. Buckley, Mr. Pastore, and Mr. Hart):

S. 3825. A bill to improve the efficiency of the nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes. Referred to the Committee on Public Works.

By Mr. YOUNG:

S. 3826. A bill for the relief of Andrew Reid. Referred to the Committee on the Judiciary.

By Mr. GURNEY (for himself and Mr. Williams):

S. 3827. A bill to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS (for himself and Mr. Ervin):

S. 3828. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing the disclosure of information to government agencies. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN:

S. 3829. A bill to provide for crediting service as an aviation midshipman for purposes of retirement for nonregular service under chapter 67 of title 10, United States Code, and for pay purposes under title 37, United States Code. Referred to the Committee on Armed Services.

By Mr. JORDAN of Idaho (for himself and Mr. Church):

S. 3830. A bill to amend the admission act for the State of Idaho to permit that State to exchange certain public lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 3831. A bill to authorize the Secretary of the Interior to construct, operate and maintain the Marias-Milk Unit of the Pick-Sloan Missouri Basin program in Montana, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself and Mr. Weicker, and Mr. Brooke, Mr. Humphrey, Mr. Mathias, Mr. McGovern, Mr. Pell, Mr. Ribicoff, Mr. Scott, Mr. Javits, Mr. Beall, Mr. Buckley, Mr. Pastore, and Mr. Hart):

S. 3825. A bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes. Referred to the Committee on Public Works.

HIGHWAYS AND RELATED TRANSPORTATION SYSTEMS IMPROVEMENT ACT OF 1972

Mr. KENNEDY. Mr. President, today I am introducing, with the distinguished junior Senator from Connecticut (Mr. Weicker), the Highways and Related Transportation Systems Improvement Act of 1972 to take a first step this year toward meeting our Nation's transportation crisis.

It is a crisis that is demonstrated by the Department of Transportation's own assessment of the Nation's transportation system, an assessment which found basic structural inadequacies in our transportation planning and financing apparatus.

The elements of the transportation crisis continue to be urban congestion, severe deterioration of local public passenger service, airport and air traffic congestion, hazards to safety, environmental degradation and financial distress of important segments of the transport industry.

The essential weakness has been that separate programs requiring separate planning and providing separate funding have developed for each mode of transportation.

This forced Federal regimentation in the use of transportation moneys and the imbalance on the side of highways has produced serious consequences, particularly for those segments of the population which have the least mobility.

More than half of all households with incomes under $3,000 and nearly half of all households whose heads are 65 years and older do not own a car. Similarly, the teenager rarely has access to a car despite the image of an affluent society on wheels. It turns out to be the poor, the handicapped, the old and the very young—those who most need mobility to gain access to adequate education, health care, job opportunities and the other amenities of life—who have the least mobility.

The continued over-emphasis on the private automobile in transportation will only increase the plight of the disadvantaged.

In both the 91st Congress and in the previous session of this Congress, I had offered legislation to provide for a thorough-going restructuring of the transportation system. That measure, S. 295, would establish a single national transportation trust fund which would not be earmarked in any way but which would be available to carry out comprehensive transportation plans, including mass transit.

Ultimately, this legislation must remain our goal. But in an effort to obtain some immediate relief, I am joining with Senator Weicker in proposing a slightly more limited measure which hopefully can be enacted this year as part of the highway aid extension. The bill we are introducing today, with a bipartisan list of 12 cosponsors, makes significant strides toward matching Federal resources with Federal transportation needs.

I hope that it will be considered by

the Public Works Committee as part of its current review of highway aid legislation.

We already have endorsements from groups, including the Highway Action Coalition.

It would permit a portion of the highway trust fund monies to be spent for acquisition, construction, reconstruction, improvement, operation or maintenance of highway, traffic control or public transportation systems.

Although it does not affect the $3 billion per year estimated by the Department of Transportation to be necessary for the completion of the interstate system, it places all modes of transportation on equal footing in obtaining funding from the remainder of the trust fund.

For this purpose, the bill authorizes $2.3 billion in fiscal year 1974 and $2.8 billion thereafter to be made available from the trust fund for transportation projects, including the construction, operation and maintenance of mass transit systems.

The decision how to use the money would be based on a locally determined comprehensive transportation plan.

Also, the bill takes account of the wave of citizen dissatisfaction across the country with highway routes which have been selected long ago and which threaten homes or businesses or valuable natural resources. Some 32 citizen suits have been filed to block the continuation of these routes from Boston to Seattle.

Most of these sites involve urban segments of the system, which represented $17.5 billion of the $30.7 billion remaining to complete the interstate system. Some of these urban segments cost up to $100 million per mile to build and too often bring unacceptable environmental, social, and economic consequences in their wake.

Some of the cities in which interstate routes have been halted by the courts and citizen action include: Boston, Mass.; Atlanta, Ga.; New Orleans, La.; Duluth, Minn.; Detroit, Mich.; and Seattle, Wash.

In Boston, every interstate route has been stayed pending a full transportation restudy. In Kansas, citizens have stopped the Switzer Bypass because recreational land would be lost and the road itself is considered unnecessary.

In Rochester, N.Y., the proposed Genesee Expressway has been stopped because it would destroy 299 homes, mostly the residences of elderly persons who have nowhere to go.

In New Orleans, the courts have permanently halted an interstate route which was planned to bisect the Vieux Carre, one of the Nation's most distinctive architectural landmarks.

In all of these areas, present law prohibits money allocated for highway routes to be used for any other purpose. If it is not used to complete the original route, then it is reallocated to another area. The result is that local areas are unable to solve their transportation problems using the mode of transportation—auto, bus, railroad, mass transit, or airplane—they consider best for their own needs.

Recognizing that the interstate system was designed more than 15 years ago and that the transportation needs of the country have changed considerably since that time, this bill provides a review of those urban routes or segments approved by the Secretary before 1966 and not yet constructed. This review would be conducted in accordance with full planning procedures and all Federal requirements pertaining to secretarial approval of a new highway would be adhered to.

Should the review of any route or segment result in a decision by the Secretary not to build an urban segment, moneys which had previously been available for completion would continue to be available to the locality for mass transit or other transportation modes in solving its transportation problems.

The authorizations included in this bill are necessary to meet transportation needs, and fall within the projected revenues of the highway trust fund.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the highway trust fund revenues.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PROJECTED EXPENDITURES AND REVENUES FOR THE TRANSPORTATION TRUST FUND

[In millions]

	Revenues	Interstate	Chapter 6	Total	Balance[1]
Fiscal year:					
1974	6, 152	3, 000	2, 300	5, 300	1, 212
1975	6, 777	3, 000	2, 800	5, 800	977
1976	7, 038	3, 000	2, 800	5, 800	1, 238
1977	7, 324	3, 000	2, 800	5, 800	1, 434
1978[2]	7, 500	3, 000	2, 800	5, 800	1, 700
1979	7, 700	3, 000	2, 800	5, 800	1, 900
1980	7, 900	1, 275	4, 500	5, 757	2, 143

[1] Balance is indicated for each separate year and is not compounded.

[2] Exact figures for estmated revenues in 1978–80 are unavailable. Estimate based on continuing incremental increase of $200,000,000 per year. 1974–77 estimates are from the Treasury Department.

Mr. KENNEDY. Mr. President, the allocation formula embodied in the bill apportions 90 percent of the noninterstate funds to the States. Half of this amount would be administered by State Governors and the other half would be passed through by Governors directly to the planning agencies in standard metropolitan statistical areas—SMSA's—central cities of 50,000 or more and contiguous areas. The remaining 10 percent of the funds will be available for grants by the Secretary at his discretion for any of the purposes of the act. However, it is expected that priority will be given to regional planning assistance, construction and improvement of bridges, and emergency relief programs.

The money allotted to large urban areas would be apportioned to each of the 233 SMSA's on the basis of population. During the first year of operation, this amount would be $1,035 million. In 1976, the amount increases to $1,260 million. By 1980, as the interstate nears completion, the amount increases to $2,025 million. The apportionment of funds to metropolitan areas is designed to alleviate the pressing needs of regional concentrations of population. Eighty percent of the population now resides on 2 percent of the land. Census Bureau projections indicate that this figure will continue to climb, and we must prepare the way for urban growth.

The provisions made for cities smaller than SMSA's and rural areas are similar to those embodied in the administration bill.

Too often, present "comprehensive" planning requirements under title 23 have been ineffective. In part, this is due to the method of funding. Balanced transportation planning—that is, planning which has as its objective the solution of transportation problems by a multimodal approach—cannot develop in the absence of a general transportation fund. Without access to sufficient funding, transportation planning will remain an empty exercise for planners.

The planning section of this bill allows governmental jurisdictions and planning agencies to work on a balanced transportation plan covering various modes of transportation. In addition, this bill requires State and areawide planning, comprehensive review, and the preeminence of local planning agencies to develop an interstate transportation network.

States must develop comprehensive transportation plans biannually for cities smaller than SMSA's and rural area.

The State plan must be approved by the Governor of the State and administered by a single State agency. A prerequisite to DOT approval is consideration by the State of social, environmental, and economic impacts of various available alternatives.

Metropolitanwide planning will be done by an agency which represents at least 75 percent of the metropolitan area, including the largest city. Each year the agency will submit a program of projects to the Secretary for his approval. The plan will be developed on an areawide basis and take into account long-range needs for all forms of transportation.

Under the new planning process, elected officials and citizens will be involved in planning from its inception. Elected authorities will participate in the management of the planning agency and they will have voting power proportional to their population.

This legislation, if enacted, will go a long way toward solving our transportation difficulties. Adequate transportation is a necessity for the economic viability of this country.

In many places, automobiles and highways will continue to be the primary mode of ground transportation. These areas will have funds for building highways. What is equally important, and this cannot be overemphasized, is that there will be choices available for the expenditure of transportation funds in other areas where the answer to transportation needs is not more highways, but mass transit.

Mr. President, I send to the desk a copy of the bill and a section-by-section analysis and ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. KENNEDY. Mr. President, I ask unanimous consent that the names of the Senator from Massachusetts (Mr. Brooke), the Senator from Minnesota (Mr. Humphrey), the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from Pennsylvania (Mr. Scott), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Beall), the Senator from New York (Mr. Buckley), the Senator from Rhode Island (Mr. Pastore), and the Senator from Michigan (Mr. Hart) be listed as cosponsors of the measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I think that many of us who represent urban parts of this great country realize that a very heavy percentage of the resources that are accumulated in the highway trust funds are accumulated from urban residents who pay taxes on their gasoline. The great bulk of the funds actually raised for the highway trust fund is raised in similar ways.

What we are attempting to do with this proposal in part is to assure that those who live in the large urban areas and make their very heavy contributions to the highway trust fund will see it used to develop a balanced transportation system.

Those of us whom come from urban areas have been prohibited from doing this. As a result of the prohibition, those who live in the industrial parts of the country find that their transportation problems continue unabated.

We are attempting by this legislation to provide some flexibility in transportation financing to permit the development of a balanced transportation system which is so essential for the prosperity and the beneficial livelihood of the millions of people of this country.

Mr. President, I want to say how much I appreciate the opportunity to work with the distinguished Senator from Connecticut (Mr. Weicker), who has been so interested in this matter and who has made the issue of developing a balanced transportation system one of his most urgent concerns.

This is something which affects my own State and affects Connecticut. However, it also affects millions of people who live in the urban areas, more than 80 percent of the Nation's population, not only on the eastern seaboard, but also in the heartland of our country and in the western part of the Nation.

I think this matter is a genuine concern to those of us on both sides of the aisle. We are hopeful of making some progress along the lines outlined in this legislation this year. And if we are able to do this, I think that citizens in all parts of this country will benefit.

Mr. President, I yield the floor and yield such time as I have remaining to the distinguished Senator from Connecticut.

EXHIBIT 1

SECTION-BY-SECTION ANALYSIS OF "HIGHWAY AND RELATED TRANSPORTATION SYSTEMS IMPROVEMENT ACT OF 1972"

Sec. 1 cites this as the "Highway and Related Transportation Systems Improvement Act of 1972."

Sec. 2 sets forth findings that highway congestion, air pollution, and related safety problems are impairing the efficiency of the highway system; and declares that the level of efficiency can be improved by developing related systems, and that both highways and related systems can best be improved by giving States and local communities greater flexibility in the use of Federal highway funds.

Sec. 3 gives definitions including one for highway or related transportation service. It means (1) the acquisition, construction or reconstruction, improvement, operation or maintenance of highway, traffic control, or public transportation systems, including highway safety facilities; (2) planning, research, development, and demonstration of these functions, and (3) beautification, relocation, and environment of protection activities.

Sec. 4 reduces the present authorizations of $4 billion for the Interstate System of highways for fiscal years 1974, 1975 and 1976, to the sum of $3 billion for each of fiscal years 1974, 1975, 1976, 1977, 1978, and 1979 and the amount of $1,257 million for 1980.

Sec. 5 authorizes the Secretary of Transportation to make 1974 and 1975 Interstate System apportionments using the factors set forth in Table 5 of House Public Works Committee Print 92–29, A Revised Estimate of the Cost of Completing the National System of Interstate and Defense Highways.

Sec. 6 extends the time for completing the Interstate System by four years, moving the completion date forward from June 1976 to June 1980. The Secretary is required to continue to report to Congress the cost of completing the Interstate System every second year, using the estimate shown therein for making apportionments for the subsequent two-year period, upon approval of Congress.

Sec. 7 requires that segments of routes of the Interstate System approved before October 15, 1966, but on which construction of a significant proportion had not commenced as of July 1, 1972, be subject to review of the appropriateness and feasibility in the same manner as newly authorized routes. Where such a review results in failure to select a route, or segment, the Federal funds for such a project shall be reallocated to the particular State or metropolitan area concerned, on the prevailing ratio of 90 percent Federal to 10 percent State or local.

Sec. 8 extends the 10 percent penalty for failure to control outdoor advertising displays and devices for the period after January 1, 1973, and eliminates the restriction of 650 feet from the nearest right of way, and substitutes "which can be seen from the main traveled way."

The authorizations for carrying out outdoor advertising are extended as follows: $27 million for fiscal year 1972; $20.5 million for 1972; $50 million for each of 1973, 1974, and 1975.

For control of junkyards in areas adjacent to the Interstate System and Federal-aid primary system of highways, the authorizations are extended as follows: $3 million for each of fiscal years 1971 and 1972; $5 million for 1973; and $7 million for each of 1974 and 1975.

Sec. 9 adds a new Chapter 6 to Title 23, U.S. Code, bearing the title Highways and Related Transportation Services Improvement Program.

Sec. 601 authorizes the Secretary of Transportation to apportion money from the Highway Trust Fund to assist States and local governments to operate, maintain, and improve highways and other transportation services, including public transit, if sufficient funds are not available from other Federal sources.

Sec. 602 authorizes to be appropriated out of the Highway Trust Fund the following amounts: $2.3 billion for fiscal year 1974; $2.8 billion for each of years 1975, 1976, 1977, 1978, and 1979; and $4.5 billion for 1980. Ninety percent of these amounts are to be apportioned in accordance with a prescribed formula, and the remaining 10 percent shall be available to the Secretary as a discretionary fund.

The distribution formula contains three elements:

50 percent of the total in the ratio which metropolitan area populations of a State bear to the total population of all metropolitan areas in the United States;

25 percent of the total in the ratio of the State's population to the national population;

25 percent of the total in the ratio of the square root of area of each State to the sum of square roots of all State areas, but with the provision that no State's share under this element shall be less than one-half of one percent of the allocation of this element.

The metropolitan population allocation funds are, in turn, to be reallocated by the States on a similar ratio of population of metropolitan areas within the respective State. Also, these funds are to be apportioned directly to the transportation agency established in each metropolitan area. Where such agencies do not have the authority to fulfill these purposes, the Secretary shall file interim measures until the agencies in question have been given that authority.

Beginning with fiscal year 1974, the Secretary shall publish in the Federal Register the amounts apportioned to the States or to local authorities under each of the three formula elements.

Unwarranted reductions of allocations by States to local governments for transportation purposes may result in a reduction of a like amount of Federal funds to the State concerned.

Sec. 604 requires each State to have a comprehensive State and local transportation plan, subject to approval by the Secretary of Transportation. Such a plan must reflect transportation needs of the State and its communities, and take into consideration the social and environmental impact of the alternate means available, while providing an adequate platform for public expression. It must be administered by a single State agency with full authority for executing the State's plan.

Local governments must develop an areawide plan incorporating long-range plans for highway and related transport systems, with a schedule of projects to be undertaken annually. The local plan is to be developed by the local transportation planning agency, and be submitted to the Governor of the State, and to the Secretary of Transportation for review.

A local transportation agency shall be considered in existence when an allocation for transportation planning has been created by the general local government in a metropolitan area which represents at least 75 percent of the total population of the metropolitan area and includes the largest city. Each such agency shall have:

A. Representation in management of the highest appropriate elected official of each participating unit of general government, or in the case of the District of Columbia, representation of the Commissioner;

B. A citizen-advisory board composed of representatives of citizens' groups;

C. Planning authority for all urban surface modes of transportation;

D. Proportional voting based on population.

E. Authority to develop the program of transportation projects required under this section.

State and local plans must show how they comply with the Clean Air Act.

Where a State or metropolitan plan is rejected by the Secretary, the State or local unit shall be afforded an opportunity for hearing.

Planning and administrative costs of State or local units are not to exceed 3 percent of the respective allocation.

Sec. 605 provides for record keeping, audits, and reports.

Sec. 606 establishes legal machinery for the recovery of funds where a recipient has failed substantially to comply with the provisions provided herein.

Sec. 607 authorizes the Secretary of Transportation to prescribe rules, regulations, and standards to govern the conduct of implementation of this chapter.

Sec. 608 requires the Secretary to report annually to the President and Congress on the developments and effectiveness of these activities.

Sec. 609 applies the provisions of the Civil Rights Act of 1964 (42 U.S. Code 2000d) to this chapter.

Sec. 610 specifies that no Federal contribution in addition to funds herein allocated shall be provided for relocation payments and assistance for those replaced by transportation activities.

Sec. 611 provides that nothing in this chapter shall diminish the requirements respecting the establishment by States of highway safety programs approved by the Secretary of Transportation.

Sec. 612 requires action to insure that fair and equitable arrangements are made respecting labor.

S. 3825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Highways and Related Transportation Systems Improvement Act of 1972."

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that highway congestion, air pollution, and related safety problems are increasingly impairing the efficiency of the Nation's highway system; that the efficiency of the Nation's highway system can be improved by developing highway or related transportation systems which are tributaries to and supportive of highways; and that highways and related systems can be improved best by according to the States and local communities greater flexibility in the use of Federal assistance for highways.

DEFINITIONS

SEC. 3. Section 101(a) of title 23, United States Code, is amended as follows:

(1) After the definition of the term "forest highway," add the following new paragraphs:

"The term 'Governor' means the chief executive officer of the State.

"The term 'highway or related transportation service' means (1) the acquisition, construction, reconstruction, improvement, operation, or maintenance of highway, traffic control or public transportation systems, facilities, or equipment (including safety facilities and equipment); (2) planning, training, research, development, and demonstration activities for such activities, and highway safety program activities; and (3) beautification, relocation, and environmental protection activities associated with any activity set forth in clause (1) or (2) of this paragraph."

(2) After the definition of the term "maintenance," add the following new paragraphs:

"The term 'metropolitan area' means a standard metropolitan statistical areas designated and defined by the Office of Management and Budget.

"The term 'population' means the total resident population based on the most recent data compiled by the Bureau of the Census and referable to the same point or period of time.

"The term 'unit of general local government' means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State."

INTERSTATE SYSTEM ADJUSTMENTS

SEC. 4. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1965, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976" and inserting in lieu thereof the following: "the additional sum of $3,000,000,000 for each of the fiscal years 1974, 1975, 1976, 1977, 1978, and 1979, and the additional sum of $1,257,000,000 for fiscal year 1980."

INTERSTATE SYSTEM APPORTIONMENTS

SEC. 5. The Secretary is authorized to make the apportionment for fiscal year 1974 and 1975 of the sums authorized to be appropriated for such years for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, House Committee Print Numbered 92–29.

EXTENSION OF TIME FOR COMPLETION OF INTERSTATE SYSTEM

SEC. 6. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-four years" and by striking out "June 30, 1976" and inserting in lieu thereof "June 30, 1980."

(b) (1) The introductory phrase and the second and third sentences of section 104 (b) (5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1980."

(2) Section 104(b) (5) is further amended by striking out the sentence preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal years 1976 and 1977. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal years 1978 and 1979. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1978. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal year 1980."

RECONSIDERATION OF CERTAIN PORTIONS OF INTERSTATE SYSTEMS

SEC. 7. Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) (1) For those routes or segments of routes of the Interstate System selected and approved in accordance with this section which were selected and approved on or before October 15, 1966, but upon which construction on a significant portion of such projects has not commenced as of July 1, 1972, the Secretary shall order that before construction or any further action leading to construction begins there shall be a review of the appropriateness and feasibility of construction of such route which restudy shall be made in accordance with the same statutory provisions and regulations as would apply to a newly authorized route being considered for the first time.

"(3) Where the review authorized by paragraphs (1) or (2) result in a failure of the Secretary to approve a route or segment of a route, the funds which would have otherwise been allocated for construction of the Interstate System shall be reallocated to the State and metropolitan area in which the segment was to have been constructed for expenditure according to the procedures established in Chapter 6 of this Act, except that the Federal share of project funds shall be the same as for the Interstate System. The funds available for this reallocation shall be determined by the 1972 Cost Estimate for the Interstate System."

HIGHWAY BEAUTIFICATION

SEC. 8. (a) Section 131(b) of title 23, United States Code, is amended by inserting immediately preceding the penultimate sentence thereof the following: "Federal-aid highway funds apportioned to a State after the first expiration occurring after January 1, 1973, of a regular session of the State legislature shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to the State under section 104 of this title, until such time as the State shall provide for effective control, if the Secretary determines that the State has not made provision for effective control, of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices, the advertising or informative content of which can be seen from the main traveled way of the system."

(b) Section 131(d) of title 23, United States Code, is amended by striking out "within six hundred and sixty feet to the nearest edge of the right of way" by inserting in lieu thereof "at any location."

(c) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $2,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for each of the fiscal years 1973, 1974, and 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(d) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of the fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for fiscal year 1973, and not to exceed $7,000,000 for each of the fiscal years 1974 and 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

NEW PROGRAM AUTHORIZATION

Sec. 9. Title 23, United States Code, is hereby amended by adding at the end thereof the following new chapter.

"CHAPTER 6—HIGHWAYS AND RELATED TRANSPORTATION SERVICES IMPROVEMENT PROGRAM

"Sec.
"601. Creation of program.
"602. Authorization.
"603. Allocation formula.
"604. Comprehensive State and local transportation plans.
"605. Records, audit, and reports.
"606. Recovery of funds.
"607. Rules and regulations.
"608. Annual report.
"609. Application of Civil Rights Act of 1964.
"610. Relocation assistance.
"611. Highway safety programs.

"CREATION OF PROGRAM

"Sec. 601. There is hereby created a Highways and Related Transportation Services Improvement Program under which the Secretary of Transportation shall be authorized to apportion highway trust funds to States and local governments to aid them in operating, maintaining, and making improvements to highways and related transportation facilities, including public transportation services provided that sufficient funds are not available from other Federal sources. Recipients are authorized to use funds received in accordance with this section for the construction of facilities and the acquisition of public transportation equipment for highways and related transportation services within the responsibilities of governmental and quasi-governmental agencies in SMSA's if such activities are performed in accordance with a State or local transportation plan authorized in section 604.

"AUTHORIZATION

"Sec. 602. There are authorized to be appropriated for the Highways and Related Transportation Services Improvement Program, out of the Highway Trust Fund, $2,300,000,000 for the fiscal year ending June 30, 1974, the additional sum of $2,800,000,000 for each of the fiscal years 1975, 1976, 1977, 1978, and 1979 and the additional sum of $4,500,000,000 for fiscal year 1980.

"ALLOCATION FORMULA

"Sec. 603. (a) For each fiscal year beginning after June 30, 1973, and ending prior to July 1, 1980, the Secretary, after consultation with the Secretary of the Treasury, shall apportion 90 per centum of the funds authorized to be appropriated under section 602 among the States as follows—

"(1) 50 per centum in the ratio which the population in metropolitan areas in each State bears to the total population in metropolitan areas in all States;

"(2) 25 per centum in the ratio which the population of each State bears to the total population of all States and

"(3) 25 per centum in the ratio which the square root of the area of each State bears to the sum of the square roots of the areas of all States. No State shall receive less than one-half of 1 per centum of each year's total allocation to the States under this subsection.

"(b) The remaining 10 per centum shall be available for grants by the Secretary at his discretion for any highway or related transportation service he deems appropriate, but priority shall be given to assisting State, local and regional government entities in developing and implementing comprehensive transportation plans, constructing and improving bridges financing research, development and demonstration projects, and emergency relief repairs and reconstruction of serious damage resulting from natural disasters and catastrophic failures from any cause.

"(c) (1) Funds apportioned to a State pursuant to section 603(a)(1) shall be reapportioned by the State directly to metropolitan areas as within the State in the ratio which the population of each metropolitan area bears to the total population of all metropolitan areas within the State.

"(2) These funds shall be apportioned directly to the transportation agency established in each metropolitan area. Where such agencies do not have the authority to fulfill the purposes of this Act, the Secretary shall file interim measures until such agencies have that authority.

"(d) Funds granted or apportioned to a State or planning unit pursuant to this section shall be available for use by that unit of government for any highway or related transportation service performed in accordance with a State or local transportation plan approved under section 604.

"(e) Not less than three months prior to the beginning of any fiscal year commencing with fiscal year 1974, the Secretary shall publish in the Federal Register (1) the amounts apportioned to each State under sections 603(a)(2) and 603(a)(3), respectively; and (2) the amounts to be apportioned by States to units of general local government under section 603(c). All computations and determinations by the Secretary under this subsection shall be final and conclusive.

"(f) Where a State reduces its allocations to support highways or related transportation services of any local government below the level of assistance which the services within the jurisdiction of that local government received in the fiscal year ending immediately preceding the date of enactment of this section, that State shall have its allocations under section 603(a)(2) and 603(a)(3) reduced by a like amount, unless the State can demonstrate to the Secretary special circumstances which warrant such reduction in assistance. •

"COMPREHENSIVE STATE AND LOCAL TRANSPORTATION PLANS

"Sec. 604. (a) A State shall be eligible to receive its allocation pursuant to section 603(a) (2) and (3) for any fiscal year if it has a comprehensive State and local transportation plan approved by the Secretary under this section. Such plan shall:

"(1) provide for the development, maintenance, and operation of highways and related transportation services responsive to the needs of such State and its communities;

"(2) be coordinated with local community development plans and take into consideration the social, economic and environmental impact of the available transportation alternatives and assure adequate citizen involvement in the planning process through public hearings and related activities.

"(3) include a program of projects to be undertaken with funds appropriated under 603(a) (2) and (3), such program to be submitted annually to the Department of Transportation.

"(4) (A) be approved by the Governor of each State and (B) be reapproved with any recommended revision by a similiar procedure within a period of not more than two years from the previous approval or reapproval; and

"(5) be administred by a single State agency with authority for preparation and execution of such State's comprehensive transportation plan and for transportation policy and programs generally in such State.

"(b)(1) The units of general local government in each metropolitan area shall combine together to create a transportation agency to develop a plan for expenditure of funds allocated to the metropolitan area pursuant to this chapter. The plan shall be developed on an areawide basis and take into consideration long-range needs for all forms of transportation. The plan shall specify the projects needed to meet the long-range highway and related transportation system improvement objectives and shall consider any plans for the comprehensive development of the metropolitan area. Each year there shall be developed as part of, and in conformance with, the overall transportation plan a program of projects to be undertaken with the funds apportioned under this chapter. The plan and the annual program of projects shall be developed by the transportation planning unit and submitted to the Governor for his review and comment and to the Secretary for his approval in whole and in part.

"(2) A transportation agency shall be considered to exist when an allocation for the purposes of transportation planning has been created by the unit or units of general purpose local government within the metropolitan area which represent at least 75 per centum of the total population of the metropolitan area and include the largest city. In addition each transportation agency shall have (A) representation in its executive management of the highest appropriate elected official of each participating unit of general purpose local government or, in the case of the District of Columbia, representation of the Commissioner; (B) a citizen advisory board composed of representatives of citizen groups; (C) planning authority for all urban surface modes of transportation; (D) proportional voting based on population; and (E) authority to develop the program of projects required under this section.

(c) State and metropolitan transportation plans shall show how they comply with the Clean Air Act.

(d) The Secretary shall not finally disapprove any State or metropolitan plan submitted under this chapter, or any modification thereof, without first affording the State or metropolitan administering agency reasonable notice and opportunity for a hearing.

(e) Not to exceed 3 per centum of the allocation of each State or metropolitan area under this chapter may be expended for planning and administration of the planning program.

"RECORDS, AUDIT AND REPORTS

"Sec. 605. (a) All funds allocated under this chapter shall be properly accounted for as Federal funds in the accounts of the recipients.

"(b) In order to assure that funds allocated under this chapter are used in accordance with the provisions of this chapter, each recipient shall—

"(1) use such fiscal and accounting procedures as may be necessary to assure (A) proper accounting for obligations incurred and payments received by it, and (B) proper disbursement of such amounts;

"(2) provide to the Secretary, on reasonable notice, access to, and the right to examine any books, documents, papers, or records as he may reasonably require; and

"(3) make such reports to the Secretary as he may reasonably require.

"RECOVERY OF FUNDS

"Sec. 606. (a) If the Secretary determines after giving reasonable notice and opportunity for hearing that a recipient has failed to comply substantially with the provisions of this chapter he shall—

"(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action will be instituted; or

"(2) notify the recipient that if corrective action is not taken within sixty days from the date of notification, funds allocated to it will be reduced in the same or succeeding fiscal year by an amount equal to the amounts which were not expended in accordance with the provisions of this chapter; or

"(3) take such other action as may be provided by law.

"(b) When a matter is referred to the Attorney General pursuant to subsection (a) (1) of this section, the Attorney General may bring a civil action in any appropriate United

States district court for such relief as may be appropriate, including injunctive relief.

"(c)(1) Any recipient which received notice of reduction of funds allocated under subsection (a)(2) of this section may, within sixty days after receiving notice of such reduction, file with the United States court of appeals for the circuit in which such recipient is located or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in litigation.

"(2) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless the objection has been urged before the Secretary.

"(d) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

"(4) Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"RULES AND REGULATIONS

"SEC. 607. The Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this chapter.

"ANNUAL REPORT

"SEC. 608. The Secretary shall make an annual transportation report to the President and the Congress pertaining to transportation requirements and to the effectiveness of programs authorized under this chapter.

"APPLICATION OF CIVIL RIGHTS ACT OF 1964

"SEC. 609. Funds allocated under this chapter shall be considered as Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

"RELOCATION ASSISTANCE

"SEC. 610. Notwithstanding the provisions of section 211 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), no Federal contribution in addition to funds allocated under this chapter shall be provided for relocation payments and assistance for those displaced by transportation activities assisted under this chapter.

"HIGHWAY SAFETY PROGRAMS

"SEC. 611. Nothing in this chapter shall be interpreted as repealing the requirements in section 402 (a) of this title respecting safety programs approved by the Secretary. For the purposes of the sixth sentence of section 402 (c) of this title the phrase 'Federal aid highway funds apportioned' shall mean funds apportioned pursuant to section 104 (b) (5) of this title."

"LABOR STANDARDS

"SEC. 612 (a). The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors in the performance of construction work financed with the assistance of loans or grants under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not approve any such loan or grant without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

"(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276 c).

"(c) It shall be a condition of any assistance to mass transit systems under section 601 of this chapter that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interest of employees affected by such assistance. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5 (2) (f) of the Act of February 4, 1887 (24 stat. 379), as amended. The contract for the granting of any such assistance shall specify the terms and conditions of the protective arrangements.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I am delighted to join with the distinguished senior Senator from Massachusetts in introducing the "Highways and Related Transportation Systems Improvement Act of 1972."

Mr. President, I commend the distinguished senior Senator from Massachusetts for his long time interest in trying to resolve the Nation's transportation problems, which admittedly may have started in the northeastern part of the United States, but have now spread the length and breadth of the land.

I would also like at this time to express my appreciation to Senators SCOTT, BROOKE, MATHIAS, PELL, JAVITS, and BUCKLEY for their input into this legislation and for their cosponsorship.

The bill which Senator KENNEDY and I are introducing today establishes a "Highways and Related Transportation Services Improvement Program." This new plan would allow the use of nearly half of the total highway trust fund for all forms of public transportation subject to the important concept of metropolitan areawide transportation planning. The bill would also require a reappraisal of all interstate highways approved before October 15, 1966, on which no significant construction has taken place. This, to assure their compatibility with current circumstances and criteria.

In 1956 the highway trust fund was set up to build an interstate highway system. Then, highways were our first priority. The building of those highways became a national obsession, and we are still building them in 1972 as if it were 1956.

But the United States is no longer a rural Nation; 75 percent of our population lives in urban areas and endless new highways often do these people more harm than good. The young, the old, the poor, and the disabled in the cities are helpless because subways, buses, trolleys, and other more recent innovations in mass transit have been sacrificed on the altar of two- and three-car families. And now that the grass of the suburbs is giving way to one more highway—even the advantaged are getting nervous as they see the vertical concrete they left turning horizontal.

A few examples clearly illustrate the magnitude of our folly and the urgency for achieving rational balance in our national transportation policy.

I recall a morning in February 1969 when I picked up a copy of the New York Times and was confronted with the incredible spectacle of one of the Nation's greatest transportation hubs—New York's Kennedy International Airport—completely cut off from the rest of the world by a snowstorm. Runways and roads were buried and there was no people-way out because although all highways led to Kennedy, subways and rail lines did not.

On June 23, this year, a similar incident occurred in Washington, D.C., in the wake of Hurricane Agnes. A single major road was closed causing a monumental traffic jam. Walking beat everything on wheels. The Nation's Capital, America's urban example to the world trapped by its automobiles.

Over the past several years I have talked to hundreds of Connecticut citizens who are deeply concerned with the war in Vietnam. Then something occurred to me. Where was the concern, the horror, the demonstrators, the sit-ins to protest the slaughter of 55,000 people on our highways each year?

Fifty-five thousand men, women, and children killed—2 million disabled—$14.3 billion lost every single year. Any man who proposed a program to the American people of such disastrous consequences would and should be thrown out of office.

Mr. President, the idea of returning mobility, safety, and joy to transportation is for now.

People have had it with traffic jams and an irrelevant highway lobby.

They have had it with the noise, filth, and stench of endless streams of automobiles.

People are ticked off with losing parks and playgrounds, shops and jobs, neighborhoods and whole cities because Washington spends two-thirds of its total transportation budget on highways.

People are appalled at the staggering human losses on our highways.

Each person in this country is affected every day by transportation and deserves better than a death trap transportation concept.

This bill introduced by the senior Senator from Massachusetts and the junior Senator from Connecticut, and others, is today's model of moving America.

Mr. President, I ask unanimous consent to have printed in the RECORD an advertisement which was published in yesterday's New York Times by the Mobil Oil Corp. entitled "Let's Get Moving With a National Master Transportation Program," which focuses attention on the problem here, and a letter from Dr. Arend Bouhuys, professor of Medicine and Epidemiology, Yale University, New Haven, Conn.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LET'S GET MOVING WITH A NATIONAL MASTER TRANSPORTATION PROGRAM

Anyone in America who rides trains or buses or subways, or uses public transportation to get in and out of airports, know our mass transit is pitiable.

More and better mass transit could ease traffic jams, reduce air pollution, and conserve energy fuel. And make moving around a lot more civilized.

To achieve this, as we suggested in this space on October 19, 1970 ("America has the world's best highways and the world's worst mass transit"), we must have new and vastly better mass transit systems.

Instead of dealing with highway construction, railway needs, urban transit, airport improvement, and maritime requirements in separate pieces of legislation, we should approach them as part of an overall transportation plan. This would tie all forms of transportation together to move people and goods fast, safely, comfortably, on time, and at reasonable cost.

To carry out that plan, Congress should enact a National Master Transportation Program. The money should come from direct Congressional appropriation, based on clear and rational priorities. In the process, the Congress should review all special earmarked funds, including the Highway Trust Fund.

Mobile supported the Highway Trust Fund when it was enacted in 1956, as a logical way to raise and husband the money needed to build the Interstate Highway system. Now we believe a new look is needed at the whole question of transportation and transportation funding. Such a review may show that special earmarked funds are no longer the best possible approach.

Indefinite continuation of the Highway Trust Fund could deter construction of more urgently needed non-highway transportation facilities. Indefinite continuation also would encourage expansion of the fund's goals at a time when they ought to be cut back.

Completion of the Interstate Highway System should be reviewed. It now is apparent that some sections of urban areas (lower Manhattan, for instance, and South Philadelphia) would cost $20 million per mile to complete. It is not at all certain that the benefits from these sections would justify the outlay.

Highways are important to us, obviously. Highway travel builds sales for Mobil. But traffic jams, and a glut of cars using too much gasoline to haul too few passengers, waste many resources, including oil.

We want our products to help more people get where they want to go, with greater ease and less waste than is now possible.

In our view, that requires the establishment of a National Master Transportation Program as soon as possible.

YALE UNIVERSITY,
New Haven, Conn., July 18, 1972.

Senator LOWELL P. WEICKER, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WEICKER: As a member of the Senate Public Works Committee, I hope that you will use your influence to amend the Federal Aid Highway Act (The Highway Trust Fund) to provide for financing of alternate mass transportation systems and also to provide such changes that may help to give additional Federal aid to improve existing roads, in an effort to reduce the need for further interstate highway construction.

In addition, I would like to express strong support for an amendment to this act that would provide for review of plans for interstate highway construction by the Environmental Protection Agency, in the interest of the achievement of any air quality standards that may be applicable to the construction project proposed. My endorsements of such changes in the Federal Aid Highway Act stems from my personal as well as my professional concern for the need to prevent deterioration of air quality anywhere in the United States, but in particular in high density population areas. It is exactly in such areas that the alternate mass transportation systems that the amended act would provide for are needed for a variety of reasons and their beneficial influence on air pollutant levels would be just one of the desirable consequences of a decreased reliance on the automobile in such areas.

I hope you will consider this point of view in your deliberations.

Sincerely yours,
AREND BOUHUYS, M.D., Ph. D.,
Professor of Medicine & Epidemiology.

Mr. WEICKER. Mr. President, it is interesting to note that none of the communications I have received were in response to requests by the junior Senator from Connecticut in relation to this bill. I wish to read one letter which sums up the all-encompassing aspects of the problem we are dealing with, not just the mobility, not just the environmental aspect, but the health of all Americans. This letter came independently to my office. The letter is from the Respiratory Disease Association in Farmington, Conn., and is dated July 17, 1972. The letter reads:

RESPIRATORY DISEASE ASSOCIATION,
Farmington, Conn., July 17, 1972.

Senator LOWELL P. WEICKER, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WEICKER: It has come to our attention that the Public Works Committee, of which you are a member, will be considering the extention of the Highway Trust Fund in the near future. I would, therefore, on behalf of this Association like to stress the need for amending the Federal Aid Highway Act to eliminate the requirement that gasoline tax monies be used exclusively for highway expansion.

Connecticut, as well as many other urban states in this country, must become more creative in providing for the transportation needs of its citizens. As I am sure you are already well aware, the environmental impact of our existing highway programs is already being felt in urban centers such as Hartford, and unless Congress can assume a leadership roll in providing incentive to the states for integrated mass transportation systems, these problems will soon reach crisis proportion.

In this regard, we strongly urge that the Federal Aid Highway Act be amended to include the financing of mass transportation systems other than highways, as well as providing for a review by the Environmental Protection Agency of all interstate highway construction with regard to its environmental impact on the area involved.

The Hartford County Tuberculosis and Respiratory Disease Association is very much opposed to the continuation of the Highway Trust Fund as it now stands and, because of our interest in promoting respiratory health and an improved general health consciousness on the part of each community, we ask your support in amending of the Federal Aid Highway Act.

Thank you in advance for your consideration.

Sincerely,
PHILIP W. WOODROW,
Executive Director.

Mr. President, I think this gives an idea of the breadth of the problem with which we are dealing. I think the American public is owed a positive response by this Congress to give positive alternatives to a concept begun in 1956 and which clearly is out of date in 1972.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the distinguished senior Senator from Maryland (Mr. MATHIAS). The Senator from Maryland has long had a deep interest in bettering our national transportation system and he deeply regrets that he is unable to be present at this hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR MATHIAS

Mr. President, if there is any doubt as to the need for legislation of this sort, one need only go out of this chamber to the front door of the Capitol and take a deep breath. For the fourth consecutive day, this area and much of the rest of the northeastern United States are suffering under severe air pollution. Repeated warnings have been issued that this situation—aggravated in the Washington area by heavy motor vehicle exhaust—may be hazardous to the health of persons with heart or respiratory problems.

The beautiful vistas of our capital city are obscured by the blue-gray haze of atmospheric pollution. At times in recent days it has been impossible to see more than a mile.

An unusually stagnant weather system is blamed as the cause. But stagnant weather cannot be blamed for the chemical oxides and particles of dirt which bring about watery eyes, runny noses and some very specific threats to public health.

We must reduce the dependence of our major cities on motor vehicles—especially private cars—as a major means of transportation. We must encourage our great metropolitan areas to develop other means of transportation. We not only need to stop the growth of the number of cars seeking to crowd into our downtown areas, we need to start the trend in the opposite direction, reducing the volume of vehicle traffic. But if we are to do this, we must provide an attractive alternative means of transportation.

By calling for review of uncompleted sections of the Interstate Highway System, by authorizing the expenditure of funds for alternative modes of transportation, by requiring comprehensive planning for metropolitan transportation, this legislation offers an opportunity for America's cities to begin to free themselves from the traffic strangle. As we have seen demonstrated this week, and with increasing frequency in recent years, that strangle is not only on the clogged streets and highways, it is the strangle of every individual in struggling to breathe our dangerously polluted air.

Rivalries between the backers of various modes of transportation must be set aside. But the legislation introduced today contemplates the completion of the Interstate Highway system and the other roads and highway we need. We must move together to provide our cities and states with the opportunity to be free for each to develop the balanced transportation system it needs. The public health of our nation depends on it.

Mr. WEICKER. Mr. President, I yield 3 minutes to the distinguished junior Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I thank the Senator for yielding. I shall only need 1 minute.

I commend my colleagues, the junior Senator from Connecticut and the senior Senator from Massachusetts for the initiative shown in formulating this legislation. I frankly have serious reservations about a number of the specifics of their bill but I am delighted to associate myself with the need to dramatize this problem, especially today in the field of transportation, and to wean ourselves from the exclusive preoccupation with highways and automobiles. We need to focus attention at all levels of government to find more efficient, more economical, and less destructive means of moving people in and out of our major urban areas.

Mr. President, the time has come. We cannot postpone this concentration any longer. We need to examine the existing laws, as this measure would do. We need to study the desecration of our landscape and public parks by ribbons of concrete or asphalt; we need to take stock of the enormous drain on our energy resources which results from our preoccupation with the internal combustion engine.

This week we on the eastern seaboard are especially conscious of the contribution of emissions from automobiles to our environment. In a number of States motorists are being urged to keep their cars at home.

Mr. President, I wish to emphasize that my cosponsorship of the bill is not necessarily an endorsement of its specifics, but a most wholehearted endorsement of the principle that Congress must consider mass transit a first order of business.

By Mr. GURNEY (for himself and Mr. WILLIAMS):

S. 3827. A bill to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. GURNEY. Mr. President, I am today introducing legislation on behalf of myself and Senator WILLIAMS which would amend the Service Contract Act of 1965. This bill seeks to rectify a situation which is, by anyone's standards, intolerable. Today tens of thousands of loyal and industrious employees working for private employers who have received Government service contracts are faced with the very real possibility that their economic well-being, achieved by years and years of hard work and dedicated service to their employer and the U.S. Government will be wiped out in a single contract rebidding. This is a very real fear to these people and, under these circumstances, I cannot blame them for their concern and am appalled at what has transpired under the Service Contract Act of 1965.

Indeed, experiences at Cape Kennedy in my own State of Florida clearly indicate that regardless of how loyal or how hardworking or how skilled an employee is, regardless of how long he has been working under one of these service contracts, he faces the possibility every year or so that a new company will come in and successfully underbid his employer. When this happens he finds himself possibly out of work, definitely reduced in income, fringe benefits, seniority, and stripped of pension rights.

In service contract bids, the challenger to an incumbent contractor keeps his bid price low by undercutting the incumbent in the area of wages and fringe benefits. He wins the award not on the basis of the quality of the product or increased productivity but rather by knocking down the employees wages and fringes. Thus, men who may have worked 15 to 20 years, doing the best they can and fulfilling their jobs as well as could be expected of anyone, find themselves out on the streets with their homes in danger of foreclosure and their families torn apart by financial crisis.

Mr. President, the Service Contract Act of 1965 sought to protect the employee by permitting the Secretary of Labor to conduct wage determinations and to include the findings as part of the invitation to bid issued for service contracts. The law, as presently written, however, presents two major problems.

First, whether or not a wage survey is conducted is at the discretion of the Secretary of Labor. In a recent instance in Florida, it was only after the most intensive urging on my part that such a wage survey was entered into. The second problem with the act is that, all too often, wage surveys do not protect the employee. For example—again using the Cape Kennedy area of Florida—wage surveys conducted over a multicounty area resulted in the wage levels established for the purpose of contract bidding being placed at a level considerably lower than those which employees were currently receiving. To offer lower wages and reduced benefits to a man of perhaps 40-plus years of age who has worked hard all his life to build up some financial security and seniority—to literally pull the rug out from under him—is not only unjust, but unconscionable.

What my bill does is provide that where arms-length labor-management wage and benefit agreements have been entered into by the incumbent contractor and his employees, a new firm will not be able to come in, take over the contract and, as has happened all too often in the past, bludgeon the workers into financial disaster. It does this by requiring that any assuming contractor maintain the level of wages and fringe benefits which the workers have achieved.

Mr. President, this is an increasingly difficult problem and one which merits prompt action by the Congress and I am pleased to note that similar legislation has been introduced in the House of Representatives. I hope that both houses can act promptly on this matter and resolve this phoblem once and for all this year.

By Mr. MATHIAS (for himself and Mr. ERVIN):

S. 3828. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing the disclosure of information to government agencies. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. MATHIAS. Mr. President, I am introducing today a bill to protect constitutional rights of citizens to privacy in their banking business, including the cashing and issuing of checks. The purpose of this bill, and the purpose of similar legislation introduced by the Senator from California (Mr. TUNNEY) was discussed in statements made by us in the Senate yesterday, and I shall not repeat them today.

I do wish, however, to acknowledge the valuable help that my staff and I have received in the preparation of the legislation. I am especially grateful to the officers and members of the Maryland Bankers Association and to Hope Eastman and John Roemer of the Maryland Civil Liberties Union for their advice and counsel.

By Mr. BENTSEN:

S. 3829 A bill to provide for crediting service as an aviation midshipman for purposes of retirement for nonregular service under chapter 67 of title 10, United States Code, and for pay purposes under title 37, United States Code. Referred to the Committee on Armed Services.

Mr. BENTSEN. Mr. President, I introduce a bill to provide for the credit of certain service by aviation midshipmen.

I ask unanimous consent that the remarks of Representative McFALL delievered during the consideration of the companion bill in the House together with a letter from the Department of the Navy in connection with this subject be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUTHORIZING THE CREDITING OF AVIATION MIDSHIPMAN SERVICE FOR CERTAIN PURPOSES

Mr. McFALL. Mr. Speaker, I rise in support of H.R. 11265, a bill before the House today, to authorize the crediting of aviation midshipman service for pay and retirement purposes.

As was brought out during the hearings, a small group of men was covered by a 1946 act of Congress establishing the Navy aviation midshipman program providing for officer candidates serving 2 years in flight training, and then on flight duty in the status of midshipmen. Due to a legislative oversight, this small group was omitted from those whose periods of service could be credited for base pay and retirement.

The inequity is clear, and the Department of Defense sponsored the legislation to correct it. There is no opposition to its passage, and I hope that it can be enacted without delay, so that these worthy men, many of whom served in Korea, may be placed in the same position as others similiarly situated, and be able to claim the pay they did not receive over the years as the result of this legislative oversight, as well as future benefits.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPARTMENT OF THE NAVY,
Washington, D.C., September 24, 1969.
Hon. L. MENDEL RIVERS,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your request for comment on H.R. 11265, a bill "To provide for crediting service as an aviation midshipman for purposes of retirement for nonregular service under chapter 67 of title 10, United States Code, and for pay purposes under title 37, United States Code," has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

The purpose of section one of this bill is to authorize aviation midshipman service to be counted in determining eligibility for receipt of retired pay under chapter 67 of title 10, United States Code. That chapter provides for the payment of retired pay at age 60 to members and former members of the armed forces who have completed 20 years of satisfactory reserve or other non-regular service, active and inactive. Section 1332(b)(7) of title 10, United States Code, lists the type of service that may be credited. H.R. 11265 would add service as an aviation midshipman to this list. Section two of the bill would amend section 205(a)(1) of title 37, United States Code, so as to make aviation midshipman service creditable in determining an officer's rate of basic pay.

The Navy's aviation midshipman program was authorized by the Act of August 13, 1946, chapter 962 (60 Stat. 1057). It was discontinued after a brief trial, and authority for it has been repealed. Officer candidates in the program served two years in flight training and on flight duty in the status of aviation midshipmen. The Comptroller General has ruled that an officer's aviation midshipman service is service on active duty for the purpose of determining his eligibility for 20 year active duty retirement under section 6323 of title 10, United States Code (42 Comp. Gen. 669). It is therefore anomalous that reserve officers cannot count this service in determining their eligibility for retired pay at age 60. The subject bill would correct this discrepancy. It would also authorize service as an aviation midshipman to be creditable toward determining an officer's rate of basic pay by amending section 205(a)(1) of title 37, United States Code.

The records of this Department disclose that fewer than 100 persons are in a position to have their reserve entitlements affected by this legislation. Accordingly, the bill's enactment would not result in increased budgetary requirements for the Department of Defense.

The Department of the Navy, on behalf of the Department of Defense, supports the enactment of H.R. 11265.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on H.R. 11265 for the consideration of the Committee.

For the Secretary of the Navy.
Sincerely yours,
JOHN D. H. KANE, Jr.,
Captain, U.S. Navy, Deputy Chief.

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 3830. A bill to amend the Admission Act for the State of Idaho to permit that State to exchange certain public lands. Referred to the Committee on Interior and Insular Affairs.

Mr. JORDAN of Idaho. Mr. President, on behalf of myself and my distinguished colleague from Idaho (Mr. CHURCH), I submit for appropriate reference a bill to amend the Idaho Admission Act.

Under the 1890 act which gave statehood to Idaho, sections 16 and 36 of every township were assigned to the State for support of the public schools. In order to assure that these lands and the revenues from them would constitute a permanent school fund, the Congress provided for certain restrictions in the management and disposal of these lands and the revenues derived from them. One of the restrictions in section 5 of the act provided that:

> All lands herein granted for educational purposes shall be disposed of only at public sale.

Since 1966, the Idaho State Land Board has successfully conducted a program of exchanges with the U.S. Forest Service, which had the dual objectives of consolidating State lands for more efficient management and removing scattered State school sections from within the boundaries of the extensive national forest holdings in Idaho. Five separate exchanges have been conducted with three national forests and an extensive exchange for Stats lands within the expansive Dworshak Reservoir site in northern Idaho is about 90 percent complete.

However, a legal difficulty has arisen to hold up this most commendable exchange program and necessitate the legislation we introduce today. The Forest Service legal counsel recently ruled that section 5 of the Admission Act precludes such exchanges for Federal lands. Since that opinion was handed down, the national forest supervisors in Idaho have refused to proceed with further exchanges until the Admission Act is amended.

The bill which we are introducing today will permit exchanges to be consummated with Federal agencies. The land exchanges authorized in this amendatory legislation are to be made on an equal value basis, as required by section 58-138 of the Idaho Code. Lands acquired by the State under this process are assigned to the same endowment as those from which the exchange parcels are assigned.

Mr. President, this is a constructive proposal for improved land management on both State and Federal levels, and I hope that its passage can be expedited.

Mr. President, I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to provide for the admission of the State of Idaho into the Union", approved July 3, 1890 (26 Stat. 215), is amended to read as follows:

"SEC. 5. (a) Except as provided in subsection (b), all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. Such lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than ten years, and in the case of an oil, gas, or other hydrocarbon lease, for as long thereafter as such product is produced, and such lands shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

"(b) Such lands may be exchanged for other lands, public or private, of approximately equal value and as near as may be of equal area. If any such lands are exchanged with the United States, such exchange shall be limited to unreserved or reserved public lands within the State that are subject to exchange under the laws governing the administration of such lands. All such exchanges heretofore made with the United States are hereby approved."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3641

At the request of Mr. PEARSON, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 3641, to establish a National Energy Resources Advisory Board.

S. 3698

At the request of Mr. PEARSON, the Senator from Maryland (Mr. BEALL), the Senator from Tennessee (Mr. BROCK) and the Senator from Colorado (Mr. DOMINICK) were added as cosponsors of S. 3698, a bill to promote the development of an export trade among small businesses not now engaged extensively in exporting.

S. 3759

At the request of Mr. JAVITS, the Senator from Rhode Island (Mr. PELL) and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 3759, a bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, and for other purposes.

HANDGUN CONTROL ACT OF 1972—AMENDMENT

AMENDMENT NO. 1335

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. HART submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 2507) to amend the Handgun Control Act of 1965.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1302

At the request of Mr. MANSFIELD for Mr. HART, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of amendment No. 1302 intended to be proposed to the bill (S. 2871) to protect marine mammals to establish a Marine Mammal Commission, and for other purposes.

HEARINGS ON ACCESS TO BANK RECORDS

Mr. PROXMIRE. Mr. President, the Subcommittee on Financial Institutions of the Senate Committee on Banking, Housing and Urban Affairs has scheduled hearings on August 11 and 14 to review the regulations issued by the Department of the Treasury to implement the Currency and Foreign Transactions Reporting Act of 1970—Public Law 91-508. The hearings will also cover legislation introduced to amend Public Law 91-508 including S. 3814 by Senator TUNNEY, as well as other legislation which may be introduced on the subject. Persons desiring to testify at these hearings should contact Mr. Kenneth McLean of the commitee staff, room 5308, New Senate Office Building, 225-7391.

Mr. President, I fully support the objectives of the 1970 legislation which were aimed at restricting the illegal use of secret foreign bank accounts. The reporting and recordkeeping requirements contained in the legislation will give law enforcement officials an additional means for cracking down on tax chislers and other white collar criminals. At the same time, we need to be careful not to abridge a person's right to privacy or other rights guaranteed by the Constitution.

In approving the legislation, the Senate Banking Committee report states that subpenas would be required to obtain bank records and that the legislation in no way authorizes unlimited fishing expeditions into a bank's records by law enforcement agencies.

Unfortunately, this legislative intent may not have been fully realized in the proposed Treasury regulations. There is nothing in the regulations which prohibits a bank from releasing its records of the Government without a subpena. It may be that additional legislation is needed should Treasury lack the authority to limit access to a bank's records.

The charge has been made that Government investigators may try to use bank records in maintaining surveillance over political organizations. Such a practice would seriously undermine freedom of speech and association. We need to assure the public that their bank records will not be misused by overzealous Government investigators. Should additional safeguards prove necessary, I am confident that Congress will act.

NOTICE OF HEARINGS CONCERNING GRANT-KOHRS NATIONAL HISTORIC SITE

Mr. BIBLE. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the Subcommittee on Parks and Recreation has scheduled open hearings to be held on Thursday, July 27, on S. 2166, a bill to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes.

The hearing will begin at 10 a.m. in room 3110, New Senate Office Building.

ADDITIONAL STATEMENTS

QUALITY OF HEALTH CARE

Mr. KENNEDY. Mr. President, I ask unanimous consent that a newspaper article be included in the CONGRESSIONAL RECORD. It was written by Stuart Auerbach, Washington Post staff writer, and appeared in the Post last Tuesday, July 18, 1972. In the article, Mr. Auerbach reports that Pennsylvania Insurance Commissioner Herbert S. Denenberg has estimated that at least 2 million unnecessary operations are performed in the United States each year leading to—in his estimate—at least 24,000 patient deaths which could have been avoided.

I believe that this article, which I anticipate will be one of many to appear in coming months and years, emphasizes the need for increasing concern and increasing attention to the quality of health care services rendered in this country.

Today, I have filed the report of the Committee on Labor and Public Welfare to accompany S. 3327, the Health Maintenance and Resources Development Act of 1972, ordered reported by the full Labor and Public Welfare Committee late last month. Title IV of S. 3327 provides for the creation of a Commission on Quality Health Care Assurance. The purpose of the Commission is attended to be to develop criteria for quality health care assurance systems throughout the country. In developing these criteria, the Commission is directed to review and describe current health care practices, and to attempt to determine what constitutes quality health practices.

At the present time, no nationally agreed upon standards governing the processes of health care are existent. Instead, regional variations exist which demonstrate the absence of uniformity in health care practices in the United States. The rates of some common practices vary by as much as four times from one section of the country to another, and vary as much as 10 times between some parts of the United States and foreign countries such as Sweden and England. Specific documentation of these figures is contained in the report accompanying S. 3327.

I believe it is only through a national, coordinated effort such as that which would be made possible by the creation of the Commission on Quality Health Care Assurance, that we can begin to develop the capability for evaluating, establishing, and determining acceptable health care quality practices.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 18, 1972]

UNNEEDED SURGERIES PUT AT 2 MILLION A YEAR

(By Stuart Auerbach)

Pennsylvania Insurance Commissioner Herbert S. Denenberg asserted yesterday that American doctors perform at least two million unneeded operations a year. Other experts said these operations kill at least 24,000 patients.

In a "shopper's guide" that offers "14 rules on how to avoid unnecessary surgery," Denenberg advises the public to consider an operation only as "a last resort."

While acknowledging that "most surgeons are competent, conscientious, careful and conservative," Denenberg said, "there is a tendency for surgeons to do their thing—which is to operate."

In a telephone interview, he called his estimate of 2 million unnecessary operations a year "conservative," and said that such surgery costs the American public millions of dollars as well as unneeded deaths.

While he placed the number of operations performed annually at about 12 million, surveys by the Commission on Professional and Hospital Activities of Ann Arbor, Mich., indicate that more than 20 million Americans underwent surgery last year.

Dr. Virgil Slee, head of the CPHA, estimated that the overall death rate for operations is about 1.2 percent.

A West Coast surgeon using the pseudonym "Lawrence P. Williams, M.D." estimated in a book called "How to Avoid Unnecessary Surgery" that 20 per cent of the operations done in America are unneeded.

Members of the American College of Surgeons, however, denied in a poll taken last year that there is much unneeded surgery done in the nation's hospitals. Only 11 per cent said it was common while 46 per cent said it was very rare and 41 per cent said it is uncommon.

The problem of unneeded surgery—and the question of whether there are too many surgeons in the country—is coming increasingly into the forefront of the debate on how the nation's health care system should be shaped.

Sen. Edward M. Kennedy (D-Mass.) cites studies showing unnecessary surgery to bolster his argument for a national health insurance system. Even the American Medical Association has approved a new system of post-graduate medical education designed to control the number of doctors permitted to be trained in a specialty where they are not needed.

A number of studies have documented the relation between the number of surgeons in an area and the number of operations they perform.

Looking at the number of operations performed in different regions in Kansas, Dr. Charles E. Lewis of the Harvard Center for Community Health and Medical Care found "a medical variation of Parkinson's law: Patient admissions for surgery expand to fill beds, operating suits and surgeons' time."

"From the surgeon's point of view," Lewis reported in the New England Journal of Medicine, "most elective procedures are elective only in terms of the willingness of the patient to undergo surgery, his ability to pay for the operation and the availability of resources such as surgeons and surgical beds."

In his "shopper's guide," Denenberg cites a comparison reported by Stanford University anesthesiologist Dr. John P. Bunker on the proportionate number of surgeons in England and America, and the number of operations they perform.

"It is no mere coincidence," said Denenberg, "that in proportion to population, U.S. surgeons are not only twice as numerous as English surgeons, but also perform twice as many operations.

He said that his shopper's guide will help the public "avoid unnecessary surgery . . . help hold down the cost of health care and better utilize the health delivery system."

His rules include suggestions that the patient see an internist before accepting a surgeon's recommendation for an operation; making sure the surgeon is certified by a surgical board and belongs to the American College of Surgeons; going to an approved hospital, and learning the alternatives to an operation.

Consultations alone, he said, can cut the number of operations by 20 per cent to 60 per cent.

Denenberg also suggested that the patient discuss fees with the surgeon and consider one who works in a group practice setting.

Denenberg warned against surgeons who may be too busy to devote enough time to the patient and cautioned the public to watch for the most common unnecessary operations—hysterectomies, hemorrhoidectomies and tonsillectomies.

"It pays to look for a competent surgeon," said Denenberg. He cited an article by Dr. Eric W. Fonkalsrud in the AMA's Archives of Surgery indicating that half the operations in the nation are done by surgeons who are not board certified.

The AMA has reported that 90,000 doctors in the country specialize in surgery—more than any other specialty group including general practitioners. Of the surgeons, about 51,000 are board certified and about 28,000 have been elected fellows of the American College of Surgery.

This is the fourth "shopper's guide" that Denenberg has released and perhaps the most controversial. The others are on life insurance, auto insurance in Pennsylvania and hospitals in Philadelphia.

[From the Washington Post, July 18, 1972]

Fourteen Rules on Avoiding Unnecessary Surgery

(Note.—This is the text of a summary of Pennsylvania Insurance Commissioner Herbert S. Denenberg's 14 rules for avoiding unnecessary surgery.)

1. Don't go directly to a surgeon for medical treatment. There is a tendency for surgeons to do their thing—which is to perform surgery. Go instead to a general practitioner or internist, who tend to be more conservative than surgeons. They can serve as a countervailing force on any tendency of a surgeon to place too much faith in surgery.

2. Make sure any surgeon who is to perform surgery on you is certified by one of the American Specialty Boards. Your local medical society can tell you if a surgeon is board-certified. Also, the Director of Medical Specialists, which lists board-certified surgeons, is available at most good libraries. Osteopathic surgeon is board-certified. Also, the American Specialty Board in some states or by their own American Osteopathic Board of Surgery.

3. Make sure a surgeon is a fellow of the American College of Surgeons by consulting the Directory of Medical Specialists, calling the local medical society or writing directly to the American College of Surgeons, 55 E. Erie St., Chicago, Ill. 60611. The equivalent organization for osteopaths is the American College of Osteopathic Surgeons, 1550 S. Dixie Highway, Suite 216, Coral Gables, Fla. 33146.

4. Even if your family doctor and surgeon agree that surgery is necessary, consider getting an independent consultation or opinion before subjecting yourself to surgery. According to some studies, consultations reduce operations by as much as 20 to 60 per cent. Tell the consulting surgeon that he will not perform the surgery, if it is necessary, thus removing any financial interest he has in saying the surgery is necessary.

5. Make sure any surgery is performed in an acoredited hospital and, if possible, select a hospital that gives staff privileges (the right to practice in the hospital) to both your doctor and surgeon. To check for accreditation, you can write the Joint Commission on Accreditation of Hospitals, 645 N. Michigan Ave., Chicago, Ill. 60611 and the American Osteopathic Association, 212 E. Ohio St., Chicago, Ill. 60611.

6. Don't push a doctor to perform surgery on you. If you insist on surgery, even if it is unnecessary, you are likely to find a surgeon willing to perform it.

7. Make sure your doctor and surgeon explain both the alternatives to surgery and the possible benefits and complications of surgery.

8. Frankly discuss the fee for surgery with your doctor. Forget about the mistaken notion that it's somehow improper to inquire about the cost of surgery. Most surgeons prefer that the patient understand the cost of surgery in advance. If the surgeon seems unwilling to discuss fees, then he doesn't know much about his obligation to the patient. Also discuss all costs, such as surgeon's fees, any fees for his assistant, the anesthesiologist's fees, those of the hospital, special nursing and your own physician's fees. This will give you a better idea of the surgery as well as help you determine if fee-splitting, a form of illegal kickback, is taking place.

9. Check out the surgeon with those who know him or have used him.

10. Make sure the surgeon knows and is willing to work with your general practitioner or internist. If they can't work as a team, you may be the loser.

11. Consider a surgeon who is part of a group practice. In a group practice, doctors work together on all their cases. You are more likely to have a doctor available at all times who is familiar with your case if your physician is part of a group practice.

12. Select a surgeon who is not too busy to give patients enough time and attention. Surgeons who handle too many cases are bad news for the patient for obvious reasons.

13. Watch out with special care for these operations that are most often unnecessarily performed: hysterectomies, hemorrhoidectomies, and tonsillectomies.

14. The patient and not the doctor or surgeon is supposed to and is entitled to make the decision on whether to have surgery. Listen to the experts. But remember, it's still your decision. As the title of a television show goes—"This Is Your Life."

THE LEGACY OF PARKS PROGRAM

Mr. PEARSON. Mr. President, on July 5, after 87 years of Federal ownership, 15 acres of land were returned to the people of Leavenworth as part of the legacy of parks program. This tract was the first Federal land in Kansas converted to parkland under this new program.

At a time when land near urban areas is being gobbled up by roads and parking lots and housing developments, a green and quiet place to relax and enjoy the outdoors is a thing of real value for any community. Because the Federal Government is, moreover, our Nation's largest landowner, it is and should be possible to allow acres of trees and grassland which otherwise might go unused to be converted into parks for the people.

The fresh, clear morning at Leavenworth when we dedicated this land and put this idea to practice will be rather quickly forgotten, I imagine. But it opened a new place for residents of the area to enjoy and, for me, it renewed a commitment—more than any hearings or study could do—to examine our Federal recreational programs and land use policies to determine the extent to which we can make similar areas available in Kansas and across the Nation.

And finally, I would note for the interest of the Senate, the appropriateness of the fact that this first parcel of Federal land in Kansas to be converted and returned to the people of our State lies in an area where the first pages of Kansas history were written. More than a century after the days of Kansas' statehood, this land, I can report, is open again for the enjoyment of people in Leavenworth and Kansas.

PROF. CARLO PEDRETTI—COMMUNICATING THE LIFE OF LEONARDO DA VINCI

Mr. TUNNEY. Mr. President, a most unusual and noteworthy gentleman has recently come to my attention—a man who combines the highest aspects of scholarship with the ceaseless curiosity of a detective to produce some truly startling revelations. I refer to Signor Carlo Pedretti, currently teaching at the University of California at Los Angeles, and a distinguished authority on the life, times and works of Leonardo da Vinci.

Most of you have never heard Professor Pedretti's name, but in the academic world it is well known. Due to Professor Pedretti's efforts, an American institution of higher learning—UCLA—now has regularly offered seminars dealing exclusively with the greatest genius in mankind's history—Leonardo.

Life magazine has called Carlo Pedretti "the world's foremost authority on Leonardo's manuscripts," and the fact that he has published 12 books and more than 100 scholarly articles would seem to bear that out. But Professor Pedretti's uniqueness lies not in dry scholarship, but in bringing the full genius of Leonardo into fascinating and immediate focus.

He approaches his subject with all the enthusiasm of a detective, and to a large extent he works very much like an investigator. He is personally responsible for the discovery of the last work of Leonardo's life, the Royal Palace at Romorantin, France, and for Leonordo's architectural role in building of the fortress of Imola, best known as the headquarters of Cesare Borgia. For the latter discovery, I understand that Professor Pedretti received Italy's highest academic honor, the Gold Medal of the President of the Republic.

Many other honors attest to Professor Pedretti's scholarly accomplishments, including a Guggenheim Fellowship, and our own Government's National Endowment for the Humanities. But the highest tribute to his exceptional talent for making his subject come alive is the fact that UCLA has already awarded five Ph. D. and M.A. degrees in the study of Leonardo, and three of Professor Pedretti's students are teaching at other colleges in California, establishing a tradition of Leonardo study in America.

Most recently, the professor has been expending his inexhaustible energies on behalf of a five-part television biography of Leonardo which will air on CBS–TV this summer. Professor Pedretti is responsible for researching the drama and working with one of its sponsors, Eastman Kodak; he is attempting to alert millions of Americans to this in-depth study of the man who has been called "the beginning of the modern age." "The Life of Leonardo da Vinci" will be broadcast on five consecutive Sunday nights, beginning August 13.

Carlo Pedretti is giving his life to enrich the lives of others by acquainting them with the painter-sculptor-scientist-poet-musician-humanist who, in one single persona, encapsulated all that was unique about the boundless achievements of this incomparable genius, Professor Pedretti serves to remind us that our own limitations are perhaps more self-imposed and less real than we believe them to be. In an increasingly technological and bewildering society where many seem to wonder about the significance of an individual life that is a valuable service, indeed.

GEORGIA'S MULTICOUNTY REGIONAL COMMISSION—A MODEL FOR RURAL PLANNING AND DEVELOPMENT

Mr. HUMPHREY. Mr. President, in the course of our hearings on rural development last year, the Rural Development Subcommittee, of which I serve as chairman, traveled to the State of Georgia, where we had an opportunity to become acquainted with the organization and work of the State's multi-county—area—planning and development commissions. These commissions, now numbering 18 in the State, constitute a unique phenomena in the field of community development in this Nation. Many other States, and even the Federal Government, have designed area-wide community planning and development programs patterned after this pioneering effort.

It is no accident that the distinguished chairman of the Committee on Agriculture and Forestry, the senior Senator from Georgia (Mr. Talmadge), is also a leading national spokesman and champion of rural development. His efforts and knowledge of this important subject are based upon substantive and real accomplishments in his own State.

In the development of the Rural Development Act of 1972, the Georgia APDC approach to rural area planning and development was kept very much in mind. Anyone reviewing this legislation can clearly see the strong influence that this approach had on us in developing this historic piece of legislation.

For the spring 1972 issue of the Journal of the Community Development Society, Dr. Ernest E. Melvin, professor of georgaphy and director of the Institute of Community and Area Development of the University of Georgia, wrote a highly informative paper on the development and operation of these commissions. So that other Federal, State, and local officials, and others interested in area-wide community planning and development, can gain some insights into the Georgia experience, I ask unanimous consent that Dr. Melvin's paper be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

The Multicounty Regional Commission in Georgia

(By Ernest E. Melvin)

ABSTRACT

The evolution of Georgia's multi-county (area) planning and development commission has been and is a unique phenomenon in community development. Locally created within the framework of enabling state legislation, these commissions, by sharing local resources and augmenting these with state and federal funds, have operated effectively as a type of delivery system in a variety of ways for these constituent communities, cities, and counties.

In order to accomplish this overall mission, certain program elements have been observed in the work of area planning and development commissions: goal formulation, fact-finding and research, projects development and conduct, coordination, public information and education, technical assistance and advice, problem and opportunity and identification and citizenship participation.

In their efforts to operate effectively as community development entities, the APDC's are confronted with several issues of immediate moment: better formulation of strategy, degree of involvement in implementation, provision of governmental services, board make-up, boundary determinations and inter-APDC competition.

The purpose of this paper is to yield some insights into certain aspects of the area planning and development commissions in Georgia illustrative of a special type of community development.

INTRODUCTION

The experience in Georgia in implementing multi-county regional commissions is and has been unique, though similar organizations can be found in many of the fifty states. The beginnings of the regional commission idea in Georgia date back for more than two decades, but the area planning and development commissions (APDC's), as they are generally identified in Georgia, did not begin to assume their current state of organization and structure until the formation of the Coosa Valley Area Planning and Development Commission in 1960 in Rome, Georgia.[1]

The area planning and development commissions were initiated as and are creatures of the combined and cooperative efforts of incorporated municipalities and counties, the legal status and responsibilities being established within the enabling framework of Georgia Act 358, 1957[2] as amended and further defined by other Acts including Georgia Act 123, 1967[3] and Georgia Act 1066, 1970.[4] Although Georgia Act 358, 1957 does not appear to be addressed directly to the multi-county planning and development commission matter, the act was interpreted as legal authority to establish and organize these multi-county entities.

Government at the state level has continued to support the concept, function and organization of area planning and development commissions to a significant degree from the very beginning of the APDC movement in terms of financial and technical assistance, program development and in other ways. In addition, area planning and development commissions have been clearly identified for planning, programming, coordination and review purposes by numerous federal departments and agencies, such identification being strengthened by directives such as the Office of Management and Budget Circular A–95.[5]

These commissions have become vital and effective public service entities which have demonstrated their uniqueness and integrity. Furthermore, by sharing local resources and augmenting these with state and federal funds, they have operated effectively as a type of delivery system for services in a variety of ways both for their constituent communities, cities and counties and for various units of state government.

In carrying out their avowed obligations and current and proposed programs, the leadership of the area planning and development commissions has recognized the constructive and mutual benefits to be derived from establishing and maintaining general understandings and close working relationships with agencies and groups at all levels, especially in state government.

Given the foregoing background as to the area planning and development commissions, the remainder of this paper is devoted to a discussion of the overall purpose, program elements and selected issues or concerns of the APDC's.

PURPOSE OR OBJECTIVE

In general, the purpose of multi-county planning and development commissions appears to be twofold:

1. to direct and/or coordinate the utilization of natural and human resources toward the overall physical, economic and social development of the area to insure orderly and efficient resource use to the end that people in the area can live a fuller and more productive life; and
2. to help develop strategies and mechanisms to implement plans and programs designed to accomplish efficient and effective improvement in the area and its component communities.

The specific purposes and objectives (or sub-objectives) of an area planning and development organization cannot be regarded as fixed. They must be periodically reviewed and reassessed as long-standing objectives are accomplished and new programs are considered. Likewise, objectives may change as difficulties are encountered and as new information is received that sheds new light on local problems and potentials.

Moreover, each multi-county area with its component communities is somewhat unique, and therefore differing specific goals and programs may be expected. Differences exist in the quantity and quality of basic resources, in compositions of economic bases, in status of development, and in degrees of need for solutions to particular problems.

Although certain principles and parallels are evident among all area commissions, there is probably no single "correct" approach to successful program development. Each planning and development group must identify its own set of priorities, consistent with the legislation under which it operates and its own particular set of conditions. Above all, however, the common purposes and causes of area planning and development commissions must be kept in mind to assure high levels of cooperation and comparability while at the same time permitting ready individuality and flexibility.

PROGRAM ELEMENTS

In order to accomplish their general mission as well as specific objectives, certain major program elements have been observed in the work of area planning and development commissions. The following annotated list identifies what appear to be the most significant program elements as reflected by the experiences of area planning and development commissions, especially as they function in Georgia.

Goal formulation involves a clear definition of the general mission and sub-objectives or specific goals of an APDC. Goals give direction and substance to the organizational work program and provide a set of standards against which to measure achievement. The

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Footnotes at end of article.

recently completed "Goals for Georgia" program, taken to the people as a state-wide project, clearly suggests an approach to goal formulation and citizen participation. Although the "Goals for Georgia" program is addressed to problems and issues at the state level, many of the problems and issues facing multi-county areas parallel those at the state level; hence, the "Goals for Georgia" program offers a unique opportunity for a re-assessment of both general purpose and specific APDC goals.

Fact-finding and research involves periodic inventory and determination of present status and situation. Necessarily selective as to the kind of fact-finding and research undertaken, such work is essential.

(a) in goal formulation,

(b) as a basis for problem identification and analysis,

(c) for project development,

(d) for effective local planning assistance, and

(e) for assessment of area and local capabilities and needs.

Project development and conduct are concerned with the bundle of activities designed to attain specific goals. Individual projects are normally related to

(a) reasonably attainable specific goals,

(b) priority listing rankings,

(c) total program and other program elements and/or projects.

(d) appropriate administrative arrangements,

(e) community-wide support and understanding,

(f) financial capability to support the project,

(g) provisions for project continuation as appropriate, and

(h) supporting the primary mission of area commissions.

Proper coordination can help prevent duplication and help to assure program efficiency and is essentially a task of keeping "all the ducks in a row." The complexity and changing character of priorities, resources and assistance at all levels requires close coordination in order to

(a) stay abreast of new policies, guidelines and information,

(b) avoid duplication and develop mutual support and understanding,

(c) give or seek assistance, as appropriate,

(d) provide proper communication between and within program elements and projects,

(e) provide "feedback" opportunities, and

(f) keep all affected systems, agencies, institutions, etc., meaningfully related to the mission of the total program.

A well-planned *public information and education program* has proved vital in APDC experience in order to

(a) establish identity and an accurate image of the area planning and development organization,

(b) provide a general understanding of the mission and projects of an area planning and development program, thereby helping to prevent misunderstanding and allay fears which tend to arise when inadequate information is provided, and

(c) provide an information base for citizen participation, discussion groups, etc.

Providing *technical assistance and advice* on timely problems is a key function of planning and development groups. Knowledge about how to move to the next step in program or project development often requires technical information and professional advice for sound recommendations and subsequent decision-making. Professionally qualified staff often help clear up uncertainties that lead to further progress. Subject-matter areas where such help has been given include

(a) planning, housing and code enforcement,

(b) research and programming needs,

(c) public utilities,

(d) traffic engineering and safety,

(e) manpower development,

(f) tourism and recreation,

(g) industrial development,

(h) grant-and-loan and other assistance applications,

(i) criminal justice,

(j) comprehensive health planning,

(k) governmental structure and services and

(l) fiscal management.

Problem and opportunity identification is a continuing process which keeps area planning and development programs realistic and alive. Limited resources require carefully conceived strategy to resolve the most pressing short-range and long-range problems and to exploit opportunities. This in turn has required a discriminating sensitivity to problems and opportunities. The process of problem and opportunity identification is clearly related to

(a) precise goal formulation,

(b) fact-finding and research,

(c) project development, and

(d) a high degree of citizen participation.

Citizenship participation, especially by low-income and minority groups is definitely a public policy matter on that national level. Whether or not this policy is liked, understood, or accepted, the firm impact is being felt at the multi-county and local levels. A reasonably well assured participation of all kinds and classes of citizens is becoming more and more a part of the planning and development process which relates to

(a) voter decision-making,

(b) reliable assessments of all shades of public opinion,

(c) a greater degree of local involvement in the planning and programming process at all levels of the area, particularly among the principal leaders,

(d) closer identification with the community so that it becomes "our" program,

(e) the development of new leadership capabilities through citizen participation, and

(f) intra-community communication and cooperative arrangements.

This statement would be incomplete without recognizing a few of the major issues that most area planning and development organizations appear to be facing. The following diverse points are requiring serious deliberation, policy decisions, and action by planning and development groups in the next several years.

1. Better formulation of strategy

Many planning and development organizations have reflected some difficulty in the formulation of basic goals and strategies needed to guide and implement a successful program. There is concern that some programs have created symptoms of basic problems rather than the underlying causes responsible for underdevelopment.

A well-structured statement of basic functional relationships might help to relate the key determinants of development with statements of purpose. Such a "development framework" would enable the assessment and evaluation of activities and programs of the Commission in relation to other program components and provide a better basis to appraise the relative merits of each element. It might also suggest what types of new programs should be developed.

2. Degree of involvement

To what extent should area planning and development organizations participate in the implementation of the plans and programs which emerge? For example, should an APDC attempt to seek needed industry for the area? Should it engage in promotional programs designed to achieve growth but which at the same time might reduce its effectiveness as an objective planning body? To date, most planning commissions in Georgia have avoided this type of participation in community development projects, leaving the implementation of plans to private, civic and established governmental groups for such purposes. APDC's can, however, help provide basic tools and help to develop and organize strategy for resource utilization.

3. Provision of multicounty services

To what extent should multi-county planning and development organizations accept responsibility for services normally administered by operating units of county and municipal governments? In some cases, it has been shown to be economically and technically efficient to provide such multi-county services as building inspectors. Because this type of service ultimately involves a degree of enforcement, the planning organization would become in some degree a quasi-governmental body. Most planning and development organizations have avoided this role. But the issue, nevertheless, is quite real because the dividing line between the provision of conventional planning-type services and involvement in governmental operations is not always clear. One operational approach has been the provision of direct services on a pilot or demonstration basis with take-over eventually by a unit of local government or a combination of such units.

4. Area planning and development commission board make-up

The matter of the structure of boards of directors of the APDC's has been a matter of local choice, a great deal of leeway being recognized in the state law. Quite a large number of the APDC boards are made up of two members from each county, one representing municipal government and the other representing county government. A few commissions have proportionate representation.

Although additional types of representation, committee structures and adjustments have been made for particular purposes, the basic make-up of the boards of directors has remained stable, intact and effective. In very recent months, federal agencies involved in funding portions of some APDC programs have issued directives—conflicting directives—governing the makeup of APDC boards of directors. This is presenting a serious challenge. For one thing, the right of local determination of board make-up could be in danger of being abrogated. For another thing, there is a considerable divergence in board make-up requirements as between at least two federal agencies—the Economic Development Administration and the Department of Housing and Urban Development—so that APDC's utilizing both EDA and HUD funds may find it confusing or perhaps virtually impossible, to comply.

Thus, a critical issue now on the scene is the extent to which APDC autonomy may be weakened or penalized as a condition for their participation in federal assistance programs.

5. Boundary determinations

One of the issues of significant and current moment is the matter of determining the county make-up of specific APDC's. A brief review of factors affecting the groupings of counties as they worked toward the organizing of APDC's and as identified in the Northam study indicates

(a) "natural regions coincident with physical geographic regions,

(b) trade and service orientation with respect to dominant urban centers, and

(c) a combination of these factors.

Subsequent observation has yielded two additional and significant factors

(a) a broad-based need for overall planning and development in areas where the three elements mentioned are less important, and

(b) the will to work together on problems and opportunities of mutual interest. [1]

Thus, until comparatively recent times, what counties might choose to combine for areawide planning and development purposes was largely a local matter.

Boundary determination clearly became a matter of state concern as dealt with in Sections 11 and 12, Georgia Act 1066 of 1970. However, the right was reserved as provided for in Section 12, for any unit or units of local government to petition for amending or changing boundaries as established pursuant to section 11.[6]

On August 6, 1971, Resolution No. 2 of the State Planning and Community Affairs Policy Board, implemented Section 11, Georgia Act 1066 of 1970, with the result that some individual counties were "transferred" from one APDC to another.[7] A major effect was the "abolition" of the Georgia Southern Area Planning and Development Commission. Resolution No. 2 also implemental Section 12.

Acceptance of Resolution No. 2 has ranged from acquiescence to opposition with a basic concern as to the extent to which boundary determinations can be made locally. Section 12, Georgia Act 1066 of 1970, appears to provide at least a partial remedy, but it is evident that the base for decisions regarding APDC boundaries has shifted from local to state level. Whether this is good or bad is a moot point, but it is a serious matter in the minds of some APDC leadership. As of this writing, two or three approaches have been taken to make adjustments in implementing Resolution No. 2.

6. *Competition and/or cooperation*

One of the real problems of and challenges to the APDC movement has been the institutionalization of individual area planning and development commissions to the extent that it has been suggested in influential levels at state government that area planning and development commissions have become highly individualized and sometimes lacking in common purpose.

The leadership of the area planning and development commissions recognize that individuality, flexibility and compromise in terms of varying local (multi-county) conditions are essential, but they also recognize that they have vital common cause and the urgent need to establish and maintain cooperative relationships and working arrangements—between and among APDC's and between APDC's and departments of state government.

In a major effort to prove that the area planning and development commissions have common cause, the Georgia Regional Executive Directors' Association appointed a committee to evolve a program proposal setting forth areas of concern and recommended action. These areas have been agreed upon as common to and supportable by all eighteen area planning and development commissions. This is a very important and organized effort which can substantially benefit their collective image and understanding; it can also help to make more effective various departments of state government.

Therefore, one of the critical issues, perhaps better called an opportunity, for Georgia area planning and development commissions involves striking a reasoned and acceptable balance in competitive and cooperative relationships.

The purpose of this paper has been to yield some insights into certain aspects of the area planning and development commission movement in Georgia. Pioneering and unique in being, the eighteen area planning and develment commissions have both commonalities and distinctive personalities. Several program elements, which might be categorized as scope of the program and are common to a large degree to all area planning and development commissions, has been discussed as to their place in overall workings of APDC's. Six major issues facing area planning and development commissions have been identified as matters of urgency in the future of the APDC movement. It is in the successful meeting of these and other issues not yet so apparent that the area planning and development commission movement has a tremendous opportunity to continue a pioneering phenomenon in the multi-county development concept.

ACKNOWLEDGMENTS

The author acknowledges gratefully the contributions and suggestions of Dr. Gene A. Bramlett, Associate Director, the Institute of Community and Area Development, University of Georgia, and other staff members of the Institute of Community and Area Development as well as those of several executive directors of Georgia's area planning and development commissions.

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FOOTNOTES

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[1] The Atlanta Region Metropolitan Planning Commission was established soon after World War II under special legislation and under conditions different from the typical area planning and development commission (APDC) which is the subject of this paper.

[2] 1957 Ga. L. 420 [Ga. Code Ann. Sec. 69–1201 (Supp. 1970)].

[3] 1967 Ga. L. 252 [Ga. Code Ann. Sec. 40–2901 2–2907 (Supp. 1967)].

[4] 1970 Ga. L. 321 [Ga. Code Ann. Sec. 40–2901 2–2924 (Supp. 1970)].

[5] Circular A–95, Office of Management and Budget, Executive Office of the President. July 24, 1969.

[6] 1970 Ga. L. 321, *op. cit.*

Section 11. The State Planning and Community Affairs Policy Board, within 12 months, and in consultation with the Advisory Committee on Area Planning and Development, local governments and State Agencies, shall report to the Governor the boundaries for Area Planning and Development Commissions embracing the entire State. No county shall be divided in forming an Area Planning and Development Commission. The boundaries for existing Area Planning and Development Commissions shall be used if practicable.

Section 12. (a) At any time subsequent to the establishment of boundaries of any Area Planning and Development pursuant to Section 11 of this Act, any unit or units of local government may petition the State Planning and Community Affairs Board to amend or change the said boundaries.

(b) The Policy Board in consultation with the Advisory Committee shall create and promulgate policies and procedures for effective changes of boundaries.

(c) No unit of local government, until it joins an Area and Planning Commission by official action, shall be represented in the Area Planning and Development Commission.

[7] Resolution No. 2, Policy Board of the Bureau of State Planning and Community Affairs, August 6, 1971:

Whereas, acting pursuant to the authority provided for in Section 11 of Georgia Act 1066, Ga. Laws 1970, and pursuant to the direction of the Governor of the State of Georgia in accordance with OMB A–95 and related circulars, the Board on June 22, 1971 adopted tentative boundaries for the Area Planning and Development Commissions embracing the entire State and held a public hearing thereon on July 29, 1971; and after further consideration including consideration of testimony heard at the public hearing and the written comments submitted to the Board relating to the boundaries of the Area Planning and Development Commissions;

Now therefore, the Board acting in accordance with the authority and direction of the aforesaid does hereby resolve as follows:

1. That the map attached hereto marked Exhibit A be and the same hereby is adopted as the boundaries for the Area Planning and Development Commissions embracing the entire state of Georgia;

2. That changes in existing boundaries be fully implemented by no later than July 1, 1972, except that in the case of the Metropolitan Atlanta Area Planning and Development Commission, the counties of Rockdale and Douglas be included for purposes of Act 1066 by no later than July 1, 1972, but that for any other purposes of Ga. Act 5, (H.B. 84) Ga. Laws 1971, and in particular for purposes of defining the Area as provided for in Section 1 of Ga. Act 5, (H.B. 84) Ga. Laws 1971, the inclusion of Rockdale and Douglas Counties should be implemented by no later than July 1, 1973;

3. That all future plans involving local governments which are affected by boundary changes resulting from this resolution be effectuated as soon as possible through the Area Planning and Development Commission in which the local government is situated as a result of this resolution;

4. That the Governor is urged to use all the resources of his office to assist any local government which might be affected by reassignment so as to avoid or diminish any adverse economic or other consequence which otherwise might result from such reassignment;

5. That the Area Planning and Development Commission boundaries established by this resolution, or combinations or subdivisions thereof, be utilized insofar as possible as the State Regional Districts for delivery of services from and coordination with all State and Federal agencies and State and Federal programs administered or coordinated on a state/regional basis;

6. That recognizing that area services by State and Federal agencies may require the encompassing of larger areas in some instances than those provided for in the Area Planning and Development Commissions the Board recommends and urges that the combined area consisting of Area Planning and Development Commissions or combinations thereof as appear on the map attached hereto marked Exhibit B, be utilized and further recommends that the area Planning and Development Commissions establish regional cooperation within the area set forth in Exhibit B;

7. That the Board remain cognizant of its authority under Section 12 of Act 1066, Ga. Laws 1970, hereafter to amend or change the Area Planning and Development Commission boundaries established by this resolution.

Exhibits A and B are included as Figures 2 and 3, noted in text.

ADDRESS BY COL. BARNEY OLDFIELD, U.S. AIR FORCE, RETIRED, BEFORE CLASS 72–H GERMAN AIR FORCE — LUFTWAFFE — GRADUATION DINNER

Mr. GOLDWATER. Mr. President, in these days of expanded international cooperation in the interests of a peaceful world it is important that the men from other countries whom we have the privilege of training in this country should get some idea of what we believe in and what the future holds.

In this connection I invite the Senate's attention to a remarkable address delivered by Col. Barney Oldfield, U.S. Air Force, retired, of Litton Industries, Inc., before the class 72–H, German Air Force—Luftwaffe—graduation dinner at Luke AFB in my home State of Arizona on July 1. I quote just one paragraph from the colonel's speech to give Senators an idea of the approach taken by Colonel Oldfield. Here is what he said:

> As you graduate *here* tonight—not in your native land, but here in Arizona, a part of the United States—it is no mere symbolism but a real fact of international inter-dependence. Uniformed and in the military service of a country other than the one you are in, and have made your home for almost two years, part of your wonder about the future rests on the new attitudes which seem to be rising all about us. There is a great urge to exchange *stalemate* and *standoff* as defense policy, for *relaxation* and *reconciliation*.

Mr. President, I ask unanimous consent to have Colonel Oldfield's remarks printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Col. Barney Oldfield

Members of the Luftwaffe Class 72–H and friends: It was kind and generous of you to invite me to be with you on this important occasion in your life. It was 40 years ago that a like event, a similar occasion happened for me. It resulted in a reserve commission, which seemed very remote as an influence on the life style I had in mind. But as I did then, you look out ahead from this night, and naturally, you wonder what lies there. What are the things, the events—big and small, those moments of such great consequence, which await you?

Having the advantage of hindsight, I now know what lay there for me in terms of military life. And it was a wonderful, fulfilling career, more spent in peace by far than in war. This I offer as evidence that securing peace by strength is the best way of maintaining it, and negotiating from strength is the best way of insuring peace.

If I may use all this as a basis for prophecy for you, one of the important properties, or ingredients of a future can be excitement.

When I was commissioned in 1932, I had never been out of my own country before. Now, I have lived and worked and done assignments in sixty countries and the end is not in sight. The key to being on every continent was that military commission. It is natural to assume that your key to a similarly exciting span of life is by far the greatest of the graduation presents you are being awarded here tonight! The additional fact that it is an 'unknown', and can only be wondered about, gives it the additional dimension of anticipation. If we knew everything which lay ahead, life would be dull, indeed. So, on this night, this milestone occasion, savor that anticipation and take with you from here the assurance of impending excitement.

If one of your questions is *HOW* this will come about, it is only natural. To a young person committed to a military career—even if only partially so; surely, if totally for a full and active life; and particularly so, if it is a flying career—there is a tendency when young to assume that flying will always be a primary part of it all. Perhaps it will. But, be flexible in the face of your opportunities, and the assignments you are willing to take, and the *HOW* your excitement may come to you will be greatly expanded. Your *HOW* can be in schools you may be permitted or asked to attend, in exchanges with our or other countries, service on special boards, study groups, and interesting staff assignments, and in special projects. Never say NO! Take any and every offer that comes your way, even if the relationship with what you think military life should include may seem dim and obscure. An unusual experience may await you there, and one you will remember as long as you live.

If one of the things you wonder is *WHY* this excitement may border on the un-expected when it comes about, all one has to do is study the swirling forces in evidence around us. You were born and came to manhood in a country which has been at the crossroads of Europe for so long, whole generations of political leaders have always weighed the factor of Germany in contemporary as well as potential future situations. It is surely no different now. And the political leadership of Germany is equally aware of the patchwork of national differences—in ideologies, characteristics of peoples, and geographic locations and resources—which lie beyond its borders and must be considered. As you graduate *here* tonight—not in your native land, but here in Arizona, a part of the United States—it is no mere symbolism but a real fact of international interdependence. Uniformed and in the military service of a country other than the one you are in, and have made your home for almost two years, part of your wonder about the future rests on the new attitudes which seem to be rising all about us. There is a great urge to exchange *stalemate* and *standoff* as defense policy, for *relaxation* and *reconciliation*. Even if the latter are brought about, it hardly means that military establishments and presence will be abandoned. There should be stronger probabilities that the necessity for viligance and back-to-back operational missions to maintain that vigilance will be reduced in number, and this will give you other opportunities for participations which can broaden your outlook, making you nearer the whole man and less the specialized one. One need never lose his professionalism while broadening himself, and it will help you in this transitioning period to understand the *WHY* of all the directional changes in international affairs. Your professional antenna will help you sense what it takes to keep things *in balance*, and when *imbalance* brings on a degree of danger against which to be newly alert.

Another of the imponderables which are out there before you tonight is *WHEN* these excitements will present themselves. There, I can't be of much help to you. You will have to determine those things, when they confront you individually. You may feel them coming toward you. You can study the implications of what goes on around you. But only you will know *WHEN*. It is one of the marks of the professional that he is able to make appraisals, and sense significances before others. In America, at the start of the second decade of this century, we had a 3-star general who fixed the military specifications of an aircraft saying it should be able to fly at least three days' march ahead of an infantry column, and return, and when not in use, that it could be collapsed and hauled on an Army wagon! Fortunately, we had other officers, younger, more visionary, with lesser rank but of necessity seeing their futures stretching much further than his, and they saw the possibilities of air power more clearly. Later, the shortcomings of the general's thought processes were defended by those who said he was expressing the "contemporary view" of his time. No man who is a general, or in any other position of top executive responsibility, has a right to limit himself to the contemporary—he's entrusted with too much of the responsibility for man's security continuity, too much influence on man's thinking, too much leadership, and too much of the existence in safety of all the people he is assigned and sworn to protect to be allowed such a meager charter for his existence. For those of you who may become generals, I caution you to remember this especially. For those of you who do not, but who become top staff officers, I entreat that you give the generals you serve such bolstering and projecting advice.

One of the things inherent in flying is that the horizon is physically at a greater distance from you than it is for lesser men who see it only from ground levels. But, because it is farther away, and you have both wings and speed, plus the 20–20 vision to survey it, it can either bring on you a curse if you are short of the mark in your assessments of what you see ahead, or you can instill confidence in your superiors who will give you your succession of assignments if they feel you not only see better, but see whole vistas rather than just small things, and that you sense with growing perception the meanings of what you see.

The way and the attitude with which you approach things will be of utmost importance. In our highly complex society, it provides compensation for those who lead, and also, for those who mislead. We reward those who take the high ground, and those who deny it. More than 300 years ago, Sir Isaac Newton, as an example, had the famous apple fall on his head as he dozed under a tree in England. From that experience, and because he was possessed of an analytical mind, he deduced the famous and inexorable Law of Gravity. But such are the varying positions of Mankind, and attitudes of those positions, it is interesting to think about what might have happened if certain other people had witnessed it and had forced themselves into the act with him. If there had been some of our present day lawyers and legislators standing by, surely they would have rushed forward, counselling Sir Isaac to sit right there until a doctor could be sent for—not just any doctor, but a Doctor with the correct point of view. This Doctor would then be asked to verify physical damage to Sir Isaac, which when carefully and pointedly fabricated could be used as the basis for preventive legislation for the growing of apples as a hazard to human welfare, and for taking Sir Isaac into court where he could bring suit against the farmer who owned the apple tree—for damages and discomfort and mental stress and possible future physical impairment which would surely result from this awful accident!

Fate was with Sir Isaac, in that he was apparently alone at the time, and didn't need fame gotten in this manner, nor monetary damages, and such legislation was not the order of those days. Man was to go from Newton's deductions to build the machines with which he could escape gravity's relentless grip, could make gravity serve in earth orbit successes, and even when propulsion systems were invented to spring him beyond gravity's clutches to go exploring the universe, the certainty of its behavior could be relied on to pull him home to earth again.

Your period of professional life coincides with a time when there is a kind of war which must be won every day we live—it's what we call our technological war. Won by peace-oriented men, it can insure international serenity; but if it is won by the ambitious and power-hungry, it can only be viewed with concern. To some, a war is being waged on technological advance itself. You, who know so much of its meaning as it has touched you, will always have grave responsibilities in convincing people that technological advance is the key to advancing civilization and solving its problems, while technology restrained is a retreat into the primitive culture from which generations of men sweated, and thought, and conceived and built the bridges to a better life for all of us who enjoy and are shielded by the fruits of that technology today.

Therefore, on this significant night of your life, the excitements you have already known will probably seem pale alongside those which must surely await you after you leave Arizona. While I could never have known 40 years ago that there would be a North Atlantic Treaty Organization, a NATO; that it would be the means by which your country would be re-admitted as a full member into the family of great nations of the west, neither could I know that I would be on Order No. 1—1 as General Eisenhower's advance man when he made the original pre-command assumption survey of what were to be the militarily contributing nations to NATO. It is something now for me to recall a part in giving substance and meaning to that Treaty association, to have given confidence to the war-shattered leaderships of so many countries, to have participated in bringing about economic ties of great magnitude, and to have been there in the altering of the traditional face of Europe. Neither could I know that this occasion would be there for me to talk to young and dedicated people such as yourselves, who have the mission of protecting the extension of all these positive accomplishments.

Who knows what kind of similar milestones in history will know that you passed their way? When the time comes, give it everything you can. It will always be up to you to be ready for the size and challenge of whatever form it takes.

That's why I say the *promise of excitement* is the best of the graduation presents you receive tonight. How? Why? When? And of course, where will it come to you?

I hope when it does come I hope you will remember that I warned you this night that it would surely come, because I will always remember you and the fact that you asked me to join you this night. Good luck!

CAPTIVE NATIONS WEEK

Mr. HUMPHREY. Mr. President, I join Senators today in commemorating the 13th observance of Captive Nations Week, first observed by Congress in 1959. While hardly a festive occasion, this week can serve as a time for putting diplomatic events in their proper perspective, for recognizing the fact that persecution and the deprivation of human liberty is still the prevailing rule in Eastern Europe and within the Soviet Union itself. There are, indeed, nations and people which are held captive against their will and American foreign policy should seek peaceful ways of obtaining their release, and in so doing, improving their welfare. This goal has been a part of the American tradition since the foundation of this Republic, and we should not be so callous as to discard it now when the need for idealism in foreign policy is greater than ever before.

It is, therefore, in this somber spirit that I join others throughout the country in commemorating Captive Nations Week with all due respect to Americans of Eastern European descent and to their relatives, families, and citizens of these countries.

GUARANTEED JOBS

Mr. HARTKE. Mr. President, the past 2 years of Nixonomic stagflation have pointed up the failure of the traditional fiscal and monetary tools in achieving full employment with reasonable levels of prices.

The Hartke guaranteed jobs bill is specifically designed to break out of the current Keynesian trap and move toward a goal of zero long-term unemployment and stable prices.

Focusing on labor market studies, manpower training programs, efficient use of employment services, and judicious use of public employment, new policies can be forged to bring about steady prices and real full employment.

I have long pointed to the pioneering efforts in this field of Prof. Melville J. Ulmer, of the University of Maryland. In a recent article in the Washington Post, Professor Ulmer succinctly lays out the guideposts for a new national offensive on thc unemployment problem.

Mr. President, I ask unanimous consent that Professor Ulmer's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Keynesian Nostrums Rejected: Ending Job-Inflation Dilemma

(By Melville J. Ulmer)

Old ideas seldom fade away in economics. More commonly, they explode, with reverberations, sometimes strong enough to unseat governments.

Herbert Hoover was undone by his devotion to the theory that capitalism is self-equilibrating, that depressions can cure themselves. The man who assumes the presidency in January, whether Mr. Nixon, Sen. McGovern or someone else, may be holding another bombshell in the notion that modern economic instability—persistent inflation and unemployment—will yield to the conventional nostrum of Keynesian fiscal policy. All experience, in the United States and elsewhere, says that it won't.

Since the end of World War II, our economy has been rocking back and forth between excessive unemployment and excessive inflation, never succeeding in banishing both at the same time. Nor have the undulations shown consideration for either Republicans or Democrats. Despite superficial squabbling, both parties have used the same correctives, and with equal ineffectiveness, in a pattern by now familiar to all.

According to the accepted formula, when recession threatens, increase government spending, or reduce taxes, or both; then mix carefully with easy money. When inflation threatens, do just the opposite. It sounds simple, and is—too simple. For it turns out that the more the economy is pumped up to reduce unemployment, the more prices rise, as President Kennedy and Johnson found in the 1960s. Sharply rising prices, of course, need to be corrected. But then, the more the economy is dampened to fight inflation, the more unemployment spreads and deepens, as President Nixon discovered in 1970 and 1971. Similar experiments, in much the same way, were performed earlier by Presidents Truman and Eisenhower.

The net result of our roller coaster economic pattern is that unemployment over the past 23 years excluding the Korean War averaged more than 5 per cent of the labor force, although true, honest-to-goodness full employment would require a rate of not more than 2 per cent. Over the same period, the cost of living rose by 75 per cent. Meanwhile, our national efforts to alleviate poverty, improve health and education, or deal with other basic problems have been diverted and undermined by the endless cycle of dangerously rising prices and deepening recessions.

Ironically, it is predominantly the weaker, most defenseless sectors of society that take the brunt of the burden of instability. It is they—the poor, the black, the young, the unskilled and semiskilled and women whom we thrust into the front lines in our recurring wars against inflation. It is they, primarily, who are jobless a large part of the time, and for some, most of the time.

Nor is full employment without inflation impossible in our society. It is a hopeless goal only so long as we are tied exclusively to the conventional unwisdom of Keynesian fiscal policy. A first step in the right direction requires recognizing why we have been unable even to approach full employment without encountering intolerable inflation. One answer lies in the nature of the demand and supply for different types of labor.

It would be a miracle if industry's demands for labor, as the economy expanded, coincided exactly with the particular distribution of skills and experience in the available labor force. It never does. Even now, as our economy is just beginning to recover from a serious recession, unemployment rates are about as low as they can get, 2 per cent or less, for most types of skilled people such as professionals, technicians, administrators, machinists, mechanics or electricians. In contrast, unemployment rates range from 7 to 11 per cent for the unskilled and the semiskilled, who together account for four fifths of the jobless. Also among the unemployed, although relatively small in the national total, are young teachers, space engineers and some other highly trained men and women displaced by changes in technology, population trends or patterns of spending.

Since they do not meet industry's prime requirements, it has never proved possible to get many of the unskilled or the technologically displaced into jobs simply by pumping up aggregate demand. When the effort is made, and the nation's spending is expanded, demand soon exceeds supply for the sundry types of skilled workers for which industry's demands are keener. Then wages and prices spin into their familiar spiral, and thoughts turn to the need for a "corrective" recession. Even at the peak of the last inflationary surge, in 1968 and 1969, the unemployment rate remained as high as 7 per cent for industrial laborers, although it was 1 per cent or less for technical workers, and their salaries skyrocketed.

Hence, no matter what President Nixon or Sen. McGovern may promise, neither can move the economy into full employment in the foreseeable future, using the simple Keynesian techniques to which both are committed, unless they are willing to tolerate an inflation larger than any this nation has sustained in peacetime history.

The foregoing suggests that, instead of bluntly pumping up the economy, we ought to change the structure of the demand for labor so that it fits the supply. To do so in the easiest and most efficient way requires a more vigorous use of the federal government's prerogatives than either Republican or Democratic administrations have thus far been willing to make. The outstanding fact on the economic scene today is the nation's dire need for a variety of public goods and services ranging from mass transportation to pollution control. One way or another, these needs must be met in the future. What is more logical than for the federal government to use available, idle resources—that is, the unemployed—to provide such goods and services directly?

THE DEMOCRATIC PARTY AND ISRAEL

Mr. CHURCH. Mr. President, the Democratic Party and its new leadership solidly support the State of Israel.

Last week at the Democratic National Convention in Miami Beach, the Democrats reaffirmed their unequivocal commitment to the independence and security of Israel.

The convention delegates strengthened the platform plank on the Middle East. And Senator George McGovern, in his acceptance speech, pledged himself to keep America strong enough to shield old allies, including the people of Israel. This was the first time in convention history that a presidential candidate, in an acceptance speech, explicitly affirmed his support for Israel. Senator McGovern said:

> Now it is necessary in an age of nuclear power and hostile forces that we be militarily strong. America must never become a second-rate nation. As one who has tasted the bitter fruits of our weakness before Pearl Harbor in 1941, I give you my pledge that if I become the President of the United States, America will keep its defenses alert and fully sufficient to meet any danger.
>
> We will do that not only for ourselves but for those who deserve and need the shield of our strength—our old allies in Europe and elsewhere, including the people of Israel who will always have our help to hold their Promised Land.

In testimony before the party's platform committee, prior to the convention, several prominent Democrats submitted recommendations for a strong Middle East plank.

The distinguished Senator from Connecticut (Mr. Ribicoff) submitted the following recommendation:

> The recent massacre at Lod Airport and the undisguised glee expressed over this bloody event in Cairo and Beirut demonstrates the continuing threat to Israel. At the time, Soviet Military and economic penetration in the Middle East continues unabated. The Iraqi takeover of the British Petroleum Co. and Moscow's eagerness to exploit this seizure highlights the danger to vital American interests in the Mediterranean and Persian Gulf areas.
>
> The maintenance of a strong and secure Israel should be the cornerstone of American policy in the Middle East. Israel has proven its steadfastness, courage, and dedication to democracy. It deserves our continuing military, economic, and diplomatic support.
>
> Our platform should pledge to continue our diplomatic efforts to bring Israel and the Arab States to the peace table where they must negotiate directly. Any resulting peace treaty to be lasting must include agreement on secure and recognized boundaries.
>
> We should oppose any revival of the administration's Rogers Plan of December 1969 and any efforts by outside parties to dictate the terms of any settlement.
>
> In order to prevent a resumption of hostilities, we must maintain Israel's deterrent strength, providing it with the advanced planes and weapons essential to carry out this task. Israel must also have the appropriate economic supporting assistance to maintain the viability of its economy threatened by a crushing defense burden brought on by the Soviet Union's presence in the Middle East and its lavish military assistance to the Arab States.
>
> The Democratic platform should also support a strong and credible U.S. defense posture in the Mediterranean Sea and in the Persian Gulf to deter Soviet aggression in the area.
>
> We should oppose any efforts to divide Jerusalem and turn the clock back to former Arab misadministration of the Holy City. Under Israeli administration Jerusalem has been united and the holy places are now accessible to all faiths.
>
> We should support the movement of the American Embassy from Tel Aviv to Israel's capital, Jerusalem, as well as our position that the Suez Canal and the Straits of Tiran are international waterways which must remain open to the shipping of all nations.
>
> Large-scale assistance must also be provided to the Palestinian Arab refugees, along with U.S. cooperation in any international programs designed to facilitate their resettlement in Arab lands. The Arab States must begin to welcome Arab refugees in the same way that Israel resettled hundreds of thousands of Jews from the Arab countries.
>
> We must urge the Soviet Union to permit the emigration of Jews from the Soviet Union and express the hope that the Soviet Union will grant exit permits to those who seek to go in Israel and that they will cease the harassment and intimidation to those who have applied for visas. Israel should receive our assistance to cover a portion of the costs of absorbing these new emigrants.

When placing George McGovern's name in nomination, Senator Ribicoff referred to the survival of Israel as a major concern of the South Dakota Senator.

Abram Chayes, former legal adviser to the State Department, and now a professor at Harvard Law School, a McGovern adviser on foreign affairs, proposed to the platform committee that the party should provide unequivocal support of Israel's right to exist within secure, defensible borders. He said the United States should reject the Rogers' plan or any other scheme for an imposed settlement by outside powers. Mr. Chayes strongly recommended the maintenance of Israel's deterrent strength by providing, as needed and without conditions, the weapons to offset Soviet-supplied military equipment to the Arab countries. And like Senators McGovern, Humphrey, and other Democratic candidates, Mr. Chayes proposed the transfer of the U.S. Embassy from Tel Aviv to Jerusalem. He also called for the maintenance of a strong U.S. military posture in the Mediterranean and the Persian Gulf.

In my own statement, submitted at the request of the platform committee, I said the following:

> As for the Middle East, I am in full agreement with Senator George McGovern when he says "there is no common element between the lamentable role we have played in Indochina and the role we must continue to play in the Middle East . . . because we make a mistake in backing a corrupt dictatorship in Saigon is no reason at all to deny our economic, diplomatic and political help to the free and independent state of Israel."
>
> Our goal in the Middle East should be to encourage a secure peace between Israel and the Arab states, a peace not imposed artificially from without, but one based upon a realistic settlement reached by the adversaries themselves. Only such a peace will ever produce genuine reconciliation and mutual respect between neighbors.
>
> Meanwhile, we must pursue policies that discourage further bloodshed and improve the chances for eventual reconciliation. This means that we must see to it that Israel's deterrent strength is maintained, providing it with sufficient numbers of advanced aircraft and other weapons essential to its security.
>
> In this regard, it is noteworthy that the initiative to strengthen and support Israel has stemmed from the Democratic Congress, rather than the Republican Administration. Year after year, Congress has overridden Administration opposition, to both earmark for Israel and increase the amount of military assistance; ease the repayment terms on military sales; include additional money to help Israel cope with the new influx of Soviet Jews; and furnish financial support to Israel's overburdened economy which must maintain at the ready defending forces sufficient to counteract the Russian build-up of Arab military capability.
>
> The Democratic platform should also support the maintenance of a strong and credible U.S. military posture in the Mediterranean Sea and in the Persian Gulf, as long as the Russian presence there makes such a deterrent necesssary.
>
> * * * * *
>
> The Democratic Party should favor military assistance, whether by grant or credit policy, only in support of free governments, as in the case of Israel, or in those particular cases where the actual security interests of the United States plainly require it.

At the convention in Miami Beach, the Democrats debated an already strong Middle East plank in the draft platform, and reinforced it further on the floor, adding new language recommended by Senator Jackson. The plank originally included a provision to:

> Maintain a political commitment and a military force in the area amply sufficient to deter the Soviet Union from using military force in the area.

The revised plank now reads:

> Maintain a political commitment and a military force in Europe and at sea in the Mediterranean ample to deter the Soviet Union from putting unbearable pressure on Israel.

I ask unanimous consent that the planks of the Democratic Party platform, pertinent to Israel, be printed in the Record, along with commentary on the platform debate and related matters, including Senator Eagleton's views, as published in recent editions of the Near East Report, a Washington newsletter which focuses on U.S. policy in that vital part of the world.

There being no objection, the items were ordered to be printed in the Record, as follows:

. . . FOR THE PEOPLE

1972 PLATFORM OF NATIONAL DEMOCRATIC PARTY

Middle East. The United States must be unequivocally committed to support of Israel's right to exist within secure and defensible boundaries. Progress toward a negotiated political settlement in the Middle East will permit Israel and her Arab neighbors to live at peace with each other, and to turn their energies to internal development. It will also free the world from the threat of the explosion of Mid-East tensions into world war. In working toward a settlement, our continuing pledge to the security and freedom of Israel must be both clear and consistent.

The next Democratic Administration should:

Make and carry out a firm, long-term public commitment to provide Israel with aircraft and other military equipment in the quantity and sophistication she needs to preserve her deterrent strength in the face of Soviet arsenaling of Arab threats of renewed war;

Seek to bring the parties into direct negotiation toward a permanent political solution based on the necessity of agreement on secure and defensible national boundaries.

Maintain a political commitment and a military force in Europe and at sea in the Mediterranean ample to deter the Soviet Union from putting unbearable pressure on Israel.

Recognize and support the established status of Jerusalem as the capital of Israel, with free access to all its holy places provided to all faiths. As a symbol of this stand, the U.S. Embassy should be moved from Tel Aviv to Jerusalem; and

Recognize the responsibility of the world community for a just solution to the problems of the Arab and Jewish refugees.

Europe. We welcome every improvement in relations between the United States and the Soviet Union and every step taken toward reaching vital agreements on trade and other subjects. However, in our pursuit of improved relations, America cannot afford to be blind to the continued existence of serious difference between us. In particular, the United States should, by diplomatic contacts, seek to mobilize world opinion to express concern at the denial to the oppressed peoples of Eastern Europe and the minorities of the Soviet Union, including the Soviet Jews, of the right to practice their religion and culture and to leave their respective countries.

[Near East Report, June 28, 1972]

Platform Testimony

Professor Abram Chayes of Harvard University, who was counsel in the Department of State during the Kennedy and Johnson Administrations and who has headed a McGovern foreign policy task force, proposed unequivocal support of Israel's right to exist within secure, defensible borders; the rejection of the Rogers' plan or any other scheme for an imposed settlement; the maintenance of Israel's deterrent strength by providing, as needed and without conditions, the weapons to offset Soviet-supplied military equipment; and the transfer of the U.S. embassy from Tel Aviv to Jerusalem, Israel's capital.

Countering claims by McGovern's critics that his defense program would weaken the U.S. defense posture in the Mediterranean, Chayes called for the maintenance of a strong U.S. military posture in the Mediterranean and the Persian Gulf.

Similar proposals were made by Senators Abraham Ribicoff (D-Conn.) and Frank Church (D-Idaho).

In calling for the maintenance of Israel's deterrent strength, Church struck at Administration campaign documents emphasizing that U.S. aid to Israel has increased during the Nixon Administration.

"It is noteworthy that the initiative to strengthen and support Israel has stemmed from the Democratic Congress, rather than the Republican Administration," Church said.

"Year after year, Congress has overridden Administration opposition, to both earmark for Israel and increase the amount of military assistance, ease the repayment terms on military sales, include additional money to help Israel cope with the new influx of Soviet Jews, and furnish financial support to Israel's overburdened economy, which must maintain at the ready defending forces sufficient to counteract the Russian build-up of Arab military capability."

Representative Robert F. Drinan (D-Mass.) emphasized the differences between "the nature of our involvement in Indochina and the Middle East.

"The very reasons for our withdrawal from Indochina are reasons for our support of Israel," he said.

Drinan was at Lod Airport six hours after the massacre.

"What I saw at Lod Airport that horrible morning several weeks ago, and what I heard from the Arab nations in the days following the massacre gave me a visceral awareness of just how tenuous Arab-Israel relations are.

"The inflammatory, irresponsible statements of Arab leaders condoning and applauding the slaughter of innocent civilians in Israel aroused my conviction that when nations so act, we stand by silently at our peril.

"It deepened in me a sense of how real the danger of massive slaughter is. And it made me believe more intensely than ever that if American support—loans for military equipment and grant economic aid—is needed to inhibit the proliferation of violence of this kind, then we would be dead wrong if we withheld that support."

In his conclusion, Drinan declared: "We must assert a policy toward Israel which harmonizes our sometimes apparently conflicting desires for noninvolvement, for nonarrogance in our relations overseas, for an arms slowdown, with our wish to assure the survival of a nation which represents the best of many things in which we believe."

[Near East Report, June 28, 1972]

Congress Demands Action as Council Fails

The 124-nation body, a specialized UN agency with headquarters in Montreal, has amended its constitution to allow member countries to impose sanctions against nations which help or harbor hijackers. Under the new measure, a country could suffer sanctions if other ICAO members considered it to have cooperated with "airborne outlaws."

The resolution further calls for the immediate convening of a special subcommittee to begin drawing up a new international convention on air piracy.

CONGRESS ACTS

Congressional reaction against the recent wave of hijackings and terrorism mounted last week as Sen. Charles H. Percy (R-Ill.) introduced a resolution calling on both Houses to direct the President to seek agreements on uniform international standards for aircraft and airport protection "at the earliest practicable date."

A bi-partisan resolution calling upon President Nixon to convene a world conference to combat hijackings and airport violence, and restricting international flights to countries harboring or assisting hijackers was introduced by Sen. Abraham Ribicoff (D-Conn.) on June 14. Twenty-seven Senators have joined in co-sponsorship:

Brock, Cannon, Case, Church, Cranston, Dole, Gurney, Hansen, Hart, Hollings, Hughes, Humphrey, Javits, Kennedy, McClellan, McGovern, Moss, Pastore, Pell, Randolph, Scott, Stevens, Stevenson, Taft, Thurmond, Tower, Williams.

On June 8, a group of 36 Representatives led by Rep. Herman Badillo (D-N.Y.) introduced similar legislation in the House, as well as a resolution to terminate U.S. aid to any country harboring terrorist groups. The cosponsors include:

Abzug, Addabbo, Bingham, Blanton, Boland, Burton, Celler, Chisholm, Dow, Edwards (Calif.), Halpern, Hanley, Hathaway, Helstoski, Hicks (Mass.), Koch, Kyros.

Metcalfe, Mink, Mitchell, Murphy (N.Y.), Nix, Pepper, Pettis, Podell, Rangel, Reid, Riegle, Rodino, Rosenthal, Ryan, Scheuer, Seiberling, Symington, Whalen, C. Wilson, Winn, Wolff.

Rep. Robert L. Sikes (D-Fla.) took a different approach, introducing a resolution providing that payments made by airlines to hijackers "shall not be deductible."

On Friday, the Senate Commerce Committee, chaired by Sen. Warren G. Magnuson (D-Wash.) unanimously approved an amendment to the Federal Aviation Act, calling upon the President to suspend international flights to a foreign nation whose actions are inconsistent with the Hague Convention for the Suppression of Unlawful Seizure of Aircraft.

DEBATE ON AID

There was angry debate on the Senate floor last Friday when Sen. Hugh Scott (R.-Pa.), acting on behalf of the Administration, made an unsuccessful effort to restore $245 million of the $374 million which the Senate Foreign Relations Committee had cut from the Foreign Assistance Act.

Scott proposed to increase grant military assistance funds by $125 million and supporting economic assistance funds by $120 million, including an additional $20 million for Israel. He was strongly supported by Senators John J. Sparkman (D-Ala.), Bob Dole (K-Kan.) and Edward I. Gurney (R-Fla.).

But Senators Frank Church (D-Idaho) and Birch Bayh (D-Ind.) countered Scott's proposal with an amendment to restrict the entire increase to $35 million for Israel.

Scott protested the denial of additional aid to the other countries, which he listed as South Korea, Thailand, Cambodia and Jordan. He and his colleagues were especially concerned about Korea, for the United States, he said, is obligated to modernize Korea's equipment as U.S. forces withdraw.

Church and Bayh maintained that despite the committee cuts, the funds authorized were adequate, far exceeding the foreign military assistance voted in 1970. They were opposed to extending military assistance to reactionary regimes, which could not be equated with Israel, they said.

Each side in the debate charged that the other was bidding for support for its position by urging additional funds for Israel.

Scott moved to table the Church-Bayh amendment but lost, by a 38 to 35 vote. The amendment then carried, 54 to 21.

Thus, the Senate's foreign assistance bill now includes an $85 million grant earmarked for Israel. The bill now pending in the House Foreign Affairs Committee contemplates $50 million.

[Near East Report, July 19, 1972]

Democratic Assurances

MIAMI BEACH.—The Democratic Party's national convention and its presidential nominee, Senator George McGovern, have moved to allay fears that a Democratic administration would become isolationist, lower defenses and abandon international commitments.

The delegates strengthened the Middle East platform plank and McGovern, whose defense program has been criticized as inadequate, promised in his acceptance speech to keep America strong enough to shield "old allies" and Israel. He said:

"Now it is necessary in an age of nuclear power and hostile forces that we be militarily strong. America must never become a second-rate nation. As one who has tasted the bitter fruits of our weakness before Pearl Harbor in 1941, I give you my pledge that if I become the President of the United States, America will keep its defenses alert and fully sufficient to meet any danger.

"We will do that not only for ourselves but for those who deserve and need the shield of our strength—our old allies in Europe and elsewhere, including the people of Israel who will always have our help to hold their Promised Land."

Senator Abraham Ribicoff, who, as in 1968, nominated McGovern, also referred to "the survival of Israel" as a major McGovern concern.

Every national political convention since 1944 has included a pro-Israel plank. But this convention broke precedent. This was the first time that a presidential candidate reaffirmed it in his acceptance speech, and it was the first time that the plank was debated and revised on the floor.

The Middle East plank originally included a provision to:

"Maintain a political commitment and a military force in the area amply sufficient to deter the Soviet Union from using military force in the area."

The revised plank read:

"Maintain a political commitment and a military force in Europe and at sea in the Mediterranean ample to deter the Soviet Union from putting unbearable pressure on Israel."

That language, offered by supporters of Senator Henry M. Jackson, had been rejected by the platform committee in Washington on June 26, but it was offered anew as a minority report during the marathon platform debate on July 11–12. Earlier, McGovern had endorsed it.

The brief but sharp debate reflected a rift in McGovern forces.

The revised plank was opposed by those who decry any allusion to a possible Soviet-American confrontation. They urge that Israel be strengthened for they recognize that her cause is just, but they refuse to regard Israel as a component in the cold war. Moreover, they hope to reduce defense expenditures abroad to enhance domestic reforms at home.

On the other hand, Jack Tanner of Tacoma, Washington, a Jackson delegate, declared that NATO and the U.S. Navy in the Mediterranean must be maintained at "a realistic level."

"The very presence of the Russian military might in the Middle East together with their ability and tremendous armed forces create an intolerable pressure . . . [and a] constant aid daily terrible threat to the very existence of the Jewish people," Tanner said.

Robert Abrams, Borough President of the Bronx, endorsed the amendment as a spokesman for the McGovern delegates.

Fred Dietrich, of Utah, insisted that the Middle East plank sufficiently emphasized the justifiable need to support Israel and that the proposed amendment confused the issue "by urging the maintenance of overseas forces." This convention, he contended, was opposed to the continuation of a foreign policy based on military confrontation.

The plank was approved by a voice vote which sounded very close to most ears, but it was now 6:15 a.m. and exhausted delegates were in no mood for another hour-long roll call. Obviously, the combination of McGovern, Jackson and Humphrey delegates assured adoption and a large majority wanted to counteract the Republican campaign to win the "Jewish vote."

[Near East Report, July 19, 1972]

EAGLETON ON ISRAEL

Sen. Thomas F. Eagleton, the 42-year-old junior Senator from Missouri and the Democratic Party's vice-presidential nominee, is a staunch supporter of Israel. Since his first days in the Senate in 1969, he has called for a strong U.S. policy in the Middle East, advocating direct negotiations between Israel and the Arab states and the provision of military equipment to help Israel maintain her deterrent capacity.

A few days after assuming office in January 1969, the Senator declared in a letter to I. L. Kenen, editor of the Near East Report: "I believe unequivocally that the U.S. must reaffirm its moral and political commitment to the continued existence and independence of the State of Israel."

Eagleton's subsequent record has been consistent with that 1969 letter.

In January 1970 and October 1971 he cosponsored Congressional declarations calling on the Administration to further these objectives. In addition, he joined in a letter to Secretary of State Rogers and a subsequent letter to President Nixon, both of which urged a resumption of Phantom jet deliveries to Israel.

In September 1970, when an American plane was hijacked to Jordan, Eagleton cosigned a telegram to the President urging "that the United States not be a party to any agreement with terrorists that distinguishes between American citizens on the basis of race, religion or creed."

He has joined in Congressional action calling on the Soviet Union to permit Jewish emigration and he is a co-sponsor of the current bill which authorizes an $85 million grant to resettle Soviet Jewish refugees in Israel.

Eagleton has maintained that there is no contradiction between his support of the sale of jet planes to Israel and his opposition to U.S. involvement in Southeast Asia. On June 3, 1970, he told his Senate colleagues:

"I do not believe the war in Southeast Asia advances the national security of the United States; indeed it detracts from it in other parts of the world. I believe that the United States does have certain interests, and where they can reasonably be pursued, they should be. I believe the United States has an interest in the Middle East."

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, the Hartke Foreign Trade and Investment Act of 1972 (S. 2592) is designed to save both American jobs and American industry. Much attention has been focused on the labor support for this bill. Now affected industries have begun to rally to the Hartke-Burke banner.

In March of this year, the American Footwear Industries Association voted to support the Hartke-Burke bill. The Footwear Association is comprised of 90 percent of all American footwear manufacturers who, in turn, provide more than 300,000 American jobs at present.

Mr. President, I ask unanimous consent that the American Footwear statement of support of the Hartke-Burke bill be printed in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

AMERICAN FOOTWEAR
INDUSTRIES ASSOCIATION,
New York, N.Y., March 2, 1972.

The Board of Directors of the American Footwear Industries Association at a meeting today in La Costa, California, overwhelmingly voted to pass a resolution supporting the Burke-Hartke Bill (H.R. 10914 and S. 2592). The American Footwear Industries Association is comprised of 90% of all American footwear manufacturers and their suppliers who together employ over 300,000 workers in 42 states.

This action was taken, according to Harold B. Gessner, the Chairman of the Association and President of Oomphies, Incorporated, because unrestricted imports from Spain, Italy, Japan, Taiwan and other countries have been permitted to take one-third of the domestic market away from home base industries causing disruption in the domestic economy by replacement of jobs in this country with sub-standard wages paid workers abroad.

Mr. Gessner concluded with a statement that short of effective voluntary agreements with the key exporting nations which do not seem to be forthcoming, the enactment of this legislation is essential to provide relief necessary to maintain a viable American shoe industry and provide employment for thousands of semi-skilled and skilled shoe workers in small communities across the nation.

MINNEAPOLIS INDIANS MOBILIZE TO SPONSOR NONPROFIT HOUSING

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to the activities of an urban Indian community that has established a unique housing cooperative. It is the first of its kind in the Nation developed entirely by Indians.

The lack of a Federal Government program to provide adequate housing for urban Indians has resulted in this Minneapolis Indian community's rising to the challenge of making our Government more responsive. It has done this to the tune of a $5 million, 212-unit, housing complex.

As a former mayor of Minneapolis and the first to appoint an Indian to the City Human Rights Commission, I take special interest and pride in the success of this Indian enterprise. It is another impressive illustration that citizens can move the often times cumbersome Federal assistance programs to combat injustices in minority communities.

A recent article written by Mrs. Jane Silverman for the Journal of Housing describes what has taken place in the Minneapolis Indian community and what lies ahead for the attainment of the final goals of the Indian housing project.

I ask unanimous consent that the article, entitled "Urban Indians of Minneapolis Mobilize To Sponsor Nonprofit Housing," be printed in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

URBAN INDIANS OF MINNEAPOLIS MOBILIZE TO SPONSOR NONPROFIT HOUSING

In the fall of 1970, nine Indians came together to talk about housing. They met not in the pueblo or on the reservation, but in the center of an urban neighborhood in Minneapolis, Minnesota. Now as a result of that first meeting, steamfitters and carpenters are raising a 5 million dollar, 212-unit housing complex that the Minneapolis Indian community initiated, planned, sponsored, is helping to build, and eventually will manage. The South High Housing Development is the first project in the nation that has been conceived and developed entirely by urban Indians. Located in a Neighborhood Development Program (NDP) area, it is also the first Model Cities urban renewal project in Minneapolis.

In developing the housing, the Indians have made effective use of all the resources available to them and have brought together funds from an array of financing programs. The total cost of the project, $4,929,500 will be defrayed through a mortgage of $4,424,500 insured by the Federal Housing Administration. The housing will also use Section 236 interest reduction monies, as well as rent supplement funds. The Minneapolis Housing and Redevelopment Authority has made the land available as an urban renewal parcel, thus providing a substantial write-down on land costs. The authority has also agreed to supervise the placement of much of the underground utilities and to provide a cul-de-sac on the eastern edge of the project. They are also overseeing negotiations between the

Minneapolis traffic department and the state highway department to jointly fund a pedestrian bridge that will connect the two portions of the site.

The Indians have made especially creative use of Model Cities "bonus" funds, which are unearmarked dollars to be used for demonstration purposes and to provide "extras" that programs cannot afford through other means. The sponsors persuaded the Model Cities Policy and Planning Committee to authorize $505,000 in bonus funds to provide some of the amenities that will make this project a special place in which to live. The Indians are going to use the money to build a day-care center and to purchase higher quality construction materials for the interior and the exterior of the building.

The People Participate: Perhaps the greatest success story of the South High Housing Development is the Indians use of yet another resource—people. Local residents have been involved from the very beginning, when the idea of building a housing project was only that—an idea. Here are some of the things that community participation has helped to accomplish for the South High Housing Development: the project has received approvals and financing in less than a year, record time for a nonprofit group; the sponsors are negotiating with FHA on the details of an innovative self-management program; the group has persuaded the general contractor to implement an affirmative action program, so that unemployed Model Cities residents can be hired in the building of the project.

In short, the Indians in Minneapolis seem to have put together a formula to make community participation work . . . and to produce housing, too. This is partially because of the tradition of participation that goes back to the tribal council concept and also because of the fortuitous involvement of the South High Development in the Model Cities program.

When the original group of nine Indians met, their first step was to revive the dormant American Indian Housing Committee so that they could begin to alleviate the deplorable living conditions of Indians in Minneapolis. Hap Holstein, director of the Department of Indian Works of the Minnesota Council of Churches, and one of the nine, has said "We were tired of Indian organizations and white organizations taking bad housing as a means of raising money and not using it for that purpose." The group had reason to be concerned for the Indians, who make up around 1 percent of the Minneapolis population, are said to live in the worst housing in the city. Most of them reside on the near South Side, a neighborhood of dilapidated single-family homes, many over 100 years old.

The American Indian Housing Committee decided to sponsor a low- and moderate-income housing project. They learned from Dennis Wynne, who is with the Minneapolis housing authority, that the old South High School site was going to be available for urban renewal development and that the Model Cities Policy and Planning Committee would be reviewing proposal soon. The housing committee lost no time in interviewing architectural firms so they they, too, could submit a design. They choose the firm of Zejdlik, Harmala, Hysell, MacKenzie and Delapp, Inc., which had had extensive background in housing on North Dakota reservations.

The Indians now set about establishing a corporate organization to sponsor the development. "We were the brokest corporation," according to Mrs. Theresa Pindegayosh, the president of the group and one of the original nine, "but I was determined to get money for this housing because I knew money was there." The Indians organized the sponsorship around two principles. First, they tried to put together a circle of people that would be the community in miniature. Eventually, the 15-member housing corporation would include, nine Indians and three Model Cities residents and its composition would range from a black clerygman, to a white storeowner, to an Indian housewife. The other principle behind the sponsorship was to include representatives from the greater Minneapolis community. Early in their endeavors, the Indians were joined by three city organizations, all of which eventually held seats on the South High Nonprofit Housing Corporation when it was formally incorporated on April 7, 1971. The organizations were: the Urban Affairs Office of the Archdiocese of Minneapolis-St. Paul; the Minnesota Council of Churches; and the Greater Minneapolis Metropolitan Housing Corporation.

Role of Greater Minneapolis Metropolitan Housing Corporation: The participation of this third group, the Greater Minneapolis Metropolitan Housing Corporation, was to be especially important. The organization is a private, nonprofit group that was formed by local businesses to advocate and promote low-income housing in Minneapolis. The Indian project has been one of their first major efforts and their assistance has taken several forms. First, the corporation provided seed money so that the Indians could pay for preliminary plans and other start-up costs before they received permanent financing. Second, the corporation took onto its staff Harold LaRose, an American Indian with extensive experience in the anti-poverty program. Mr. La Rose's salary has been paid in full by the corporation but his sole job responsibility is to work on the Indian project and eventually he will manage the development. Third, the executive director of this organization, Charles Krusell has worked alongside the Indians at every stage and has provided them with valuable technical and organizational assistance.

The Indians were realistic. They saw from the beginning that no matter how enthusiastic they were about the housing idea, there were a lot of things they did not know. The active participation of Mr. Krusell, who later became vice-president of the sponsoring corporation, was helpful to them in many ways. He was an important link to the white establishment, to government agencies, and to many of the other professional people who would be involved with the project. He could also provide the technical advice on such things as mortgage financing and construction costs, which the Indians lacked. Perhaps most important, Mr. Krusell worked unrelentingly on the organizational details that made this nonprofit sponsor so effective. He would work out an agenda for each meeting so that the group could have a structured discussion on the most critical issues facing them at any one time, and he served as a troubleshooter for future problems.

The Nonprofit Process: Developing a nonprofit housing project is somewhat like climbing a mountain. Climbers rarely ascend straight up the mountainside; more often, they must take a circuitous trail around the slope to reach the top. Similarly, nonprofit sponsors must wind their way through bureaucratic routes to reach their goal. The Indians were the climbing team in this expedition and the professionals working with them were the guides who led them through and around the bureaucratic paths.

Similarly, mountain climbers have many crisis points when they are not sure they will make it all the way to the summit. The Indians' first cliff-hanger was in the vote of the Model Cities Policy and Planning Committee: who would be chosen as the developer for the school site? The South High group entered the competition late and they were one of many proposals submitted. The 15-member committee narrowed the field to three submissions; the Model Cities nonprofit housing proposal, the plans of a local black group, and the Indian design. The vote was stalemated between the Indian proposal and the plan of the Model Cities group. The stalemate was finally broken when supporters of the black group joined with the Indians. In January 1971, the American Indian Housing Committee was notified that the parcel had been assigned to them if they could come up with a feasible plan. Shortly thereafter, the Minneapolis Housing and Redevelopment Authority issued their letter authorizing the housing committee to hold exclusive rights to negotiate for the development of the land and its purchase. According to Mr. Krusell, this represents the first time in Minneapolis that a residents' committee selected the developer for one of the city's major development parcels.

In striving for the summit of a mountain, climbers reach many false peaks. Each is in itself a victory and is greeted with exhiliaration but the climbers know that there is still farther to go. The progress between these false peaks is often tense and precarious. The Indian group held their breath as they worked their way from one pinnacle to the next in the speedy expedition through their development program. There was excitement when William Mahlum, the attorney for the project, and the Shelter Corporation, the mortgagee, submitted the necessary feasibility forms to FHA and shortly thereafter FHA invited the group to submit an application for firm commitment. But this was only one of many false peaks. There were builder's cost estimates to be approved and final closing documents to be signed. Even with the groundbreaking on October 15, the Indians knew that their ascent was not finished, although the summit was indeed in sight: the project expects to open in the summer of 1973, with some units ready for occupancy as early as the fall of 1972.

The Participation Process: What has been especially notable about this particular housing expedition is that the team included not only the immediate sponsors but the whole community. From the beginning, when the Model Cities Policy and Planning Committee mandated the group to come up with a feasible plan, it was clear that "feasible" meant not only what would meet government cost and design specifications but also what would meet the approval of those who would be living in and around the project—the residents themselves.

With the cooperation of various Indian centers and service agencies, the sponsors held a series of local meetings so that residents could speak out on what should go into the building and what it should look like. Community groups, such as the Phillips Neighborhood Improvement Association, held public forums about the project. Community organizers, on loan from the Minneapolis Model City's Concentrated Employment Program, made door-to-door visits to talk to residents about the housing and to distribute pre-application forms as a market test for the units. Staff members of the Minnesota Housing and Redevelopment Authority who lived in the neighborhood gave many of their off-duty hours to promoting the project at other community meetings; arranging tours of existing housing developments for area residents; and acquainting the Indian housing committee with pertinent ordinances, zoning restrictions, and other technical information. Model Cities boards, such as the Policy and Planning Committee and the Physical Environmental Corp, both made up of local residents, spent long evenings working out details for the project and procedures to further involve the community.

The residents' active participation in the design of the project has resulted in architectural plans of high quality and, more important, a design that reflects the thinking of the people who will reside within. The development will consist of 212 family units, ranging from efficiency apartments to five-bedroom townhouses. It will also include a 7500 squart foot commercial area that will be leased to small business enterprises.

The Project Plan: Prospective tenants wanted the propect to act as a community, similiar to the larger neighborhood in which it is located. The architects' site plan organizes the townhouses and apartments into seven groupings, or neighborhoods, each with a recreation space at its center to be used for children's playing and "neighboring" opportunities for adults. The small groups are drawn together by the community facilities—commercial space, day-care center, laundromat, meeting rooms—located at the center of the development. Even though the residents desired a sense of community, they also wanted privacy. As a result, the units are shielded from their neighbors by an entry court, which functions as a private yard, storage space, and small play area for children.

Parents were concerned about adequate facilities for their children. The play areas at the center of each neighborhood group and two parks, one on the eastern portion of the site and the other on the western boundary, will provide recreation space. In addition, the sponsors have used Model Cities bonus funds to build a day-care center for 80 pre-schoolers. The building will be constructed so that it can easily be converted into a community activities center at the end of each day. It will also include playground equipment and an outdoor swimming pool.

Bonus funds have been used to accomplish another objective of the residents: that their project have as high an amenity level as possible. The bonus monies are helping to pay for patios off of each dining room, garbage enclosures conveniently located near the dwelling units, and attractive furnishings and surfacing in the neighborhood courtyards. To keep the project as a whole well maintained, the funds will buy equipment such as snow blowers and lawn mowers.

The site is bisected by a busy thoroughfare and parents were worried about the safety of the children in crossing from one portion of the project to another. The architects have designed a pedestrian bridge across active Cedar Avenue to link both sections of the site conveniently and safely * * *.

Participation in Construction, Management: Citizen participation has not ended with the design of the project. Unlike many nonprofit groups, the South High sponsors have not limited their discussions to wall colors and icebox sizes. They have addressed themselves to larger issues and have asked questions like "how are we going to get minorities onto the construction of this job," and "how will we have the project managed the way we want and by our people."

To answer the first question, the sponsors negotiated with the unions and persuaded the general contractor to create training and job opportunities for unemployed residents of the Model Cities area. As a result, the entire work force for the project—estimated at 70 members—will be personnel drawn from the community. The program will include high school equivalency classes, on-the-job training, and apprenticeship experience, so that workers of all levels can be advanced through the project.

To answer the second question, the corporation has devised plans for a resident cooperative management system. FHA usually requires that management specialists run projects such as the South High Development but the residents wanted monies normally lost on profits to private management firms to be available for additional or expanded services that the tenants might desire. Now, if FHA approves the plan, all the families in the building will have a vote in the management operations. Tenants will own the management company and will elect a board of directors, who will, in turn, hire a manager, directly responsible to the tenants.

Future Fears: The community participation approach of the South High Indians faces a stiff challenge in the future: the chief fear among critics and skeptics is that the project will become an Indian ghetto. "We'll really have to sell our project," says Mrs. Pindegayosh. It's her view that the big task for the corporation now is to insure that the housing has a diversity of residents. She feels there is another issue, too, which runs counter to the Indian ghetto worries. Ironically, a project conceived and sponsored by urban Indians may be beyond the reach of most Indians in Minneapolis. Members of this minority group are largely unemployed and on welfare; their annual incomes are far below the minimum set by federal law for such projects. From the start, however, the South High sponsors have been promoting housing for all people, not just Indians. They feel that the biggest benefit to the Indian community may not be the units at all but that the project has made it possible for Indians to prove that they can accomplish something as well as the White Man.

Lessons for Others: In fact, other nonprofit sponsors can learn a great deal from the South High experience. They can learn that no matter how interested local groups are, they can benefit from the expertise of outside technical staff, such as that provided by the Greater Minneapolis Metropolitan Housing Corporation. They can learn, too, that nonprofit sponsors that broaden their concerns to include areas such as employment and management will probably have more long-lasting success than those that don't. The main lesson from the project, however, is the importance of resident involvement. It extends from the design of the units to the formation of the housing corporation; from the construction of the project to the management of the buildings. A successful resident participation approach can bring together a fragmented community into a pattern of action and success. That is where the lesson really lies, according to Theresa Pindegayosh. "So many groups are burdened with inaction," she points out, but the South High Group has moved from discussions about buildings to the construction of actual units—tangible proof that this sponsor can do more than just talk. The lesson to be learned from the South High Housing Development, Mrs. Pindegayosh concludes, is not only that you build housing . . . but how you do it.

WISCONSIN DEMOCRATS SUPPORT CIVIL LIBERTIES

Mr. PROXMIRE. Mr. President, on June 17 the Wisconsin Democratic Party's State convention overwhelmingly approved a resolution calling on Congress to put an end to the Subversive Activities Control Board and the House Committee on Internal Security. I was especially gratified by the strong support for my amendment to cut off funds for the SACB which was recently adopted by the Senate. I hope the views of these more than 1,500 delegates representing Democrats all across Wisconsin will encourage us to stand by our decision on the SACB in conference and in future floor action. The Wisconsin Democratic Party's statement on civil liberties is certainly worth the Senate's serious attention. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"Whereas certain relics of McCarthyism like the so-called 'Attorney General's list of subversive organizations,' the Subversive Activities Control Board, and the Un-American Activities Committee (under its new name, the House Committee on Internal Security) threaten us today as they threatened us in the 1950s, putting the finger of suspicion on the dissenter and the activist, supplying the John Birch Society with its propaganda;

"Whereas the House Committee on Internal Security and the Subversive Activities Control Board are idle and expensive monuments to the spirit of Joe McCarthy, the one with no legitimate legislative function, the other put out of business by the Bill of Rights;

"Whereas 69 Members of Congress, including Messrs. Aspin, Kastenmeier, and Reuss in the Wisconsin delegation, have introduced resolutions whose effect would be to abolish the House Internal Security Committee entirely, transferring those of its functions which are legitimate to the Judiciary Committee;

"Whereas our own Senator Proxmire, along with Senator Ervin and others, has acted to cut off all appropriations for the Subversive Activities Control Board;

"Whereas the Chairman of the House Judiciary Committee has introduced legislation to repeal Title I of the so-called Internal Security Act of 1950 (the McCarran Act), which provides the legal basis for the Subversive Activities Control Board;

"Whereas President Nixon's attempt to put the Subversive Activities Control Board back in business, by assigning it the task of updating the so-called 'Attorney General's list of subversive organization," has no legislative foundation, and runs afoul of the United States Constitution to boot;

"Whereas this conjunction of reasons provides a reasonable expectation that important civil liberties objectives may be achieved in the next Congress; and

"Whereas the Democratic Party of Wisconsin is under a special obligation to support the good friends of civil liberties in the Wisconsin Congressional delegation: Messrs. Proxmire and Nelson in the Senate, and Aspin, Kastenmeier, Obey, and Reuss in the House of Representatives;

"Therefore be it resolved, that the Democratic Party of Wisconsin goes on record in support of three objectives: (a) the abolition of the House Committee on Internal Security; (b) the cutting off of all funds for the Subversive Activities Control Board; and (c) the repeal of Title I of the Internal Security Act of 1950; and urges the national party to incorporate these objectives in its platform likewise."

NEW COMMUNITIES AND URBAN GROWTH STRATEGIES

Mr. HUMPHREY. Mr. President, the subject of "new communities" is one which has fascinated many a planner, developer, and Government official in recent years. Some have viewed this approach as a panacea to our Nation's future urban growth and development. Others view it is an opportunity to experiment in developing new and alternative ways of designing, building and/or organizing urban service systems. Still others see it as mean of tapping private money markets to meet the ever-growing financial demands involved in meeting the community needs of people at acceptable quality levels.

Although Congress enacted a historic piece of legislation concerning "new towns" in 1970—title VII of the Housing and Urban Development Act of 1970—the administration has done little to implement it. Only a handful of new community projects have been authorized and funded and they have been penny-pinched to death. Also the administration has failed for the most part to relate and place the "new community" program in any "national growth and development" context.

At the American Institute of Architects' Conference on New Communities held in Washington, D.C., last November, Dr. Lloyd Rodwin, head of the department of urban studies and planning of the Massachusetts Institute of Technology and one of his colleagues of that same department, Dr. Lawrence Suskind, collaborated in presenting a paper on "New Communities and Urban Growth Strategies" which I found to be highly informative.

In their paper, Messrs. Rodwin and Suskind make several important observations about our Nation's new community efforts and what criteria they believe should be applied with respect to such efforts. They also identify a number of points for which political support must be mustered if such efforts are to achieve any degree of success in the future.

I wish to urge my colleagues in Congress and officials of the Department of Housing and Urban Development to take the time to review this important paper. I believe the many points made in this paper can serve all of us well as an important guide to improving the "new community" efforts in this country. I hope it also will serve to further stimulate Federal as well as private efforts concerning this worthwhile national effort.

Within the next 30 to 40 years we are going to be required to accommodate about 100 million more Americans. While we in no way can expect to accommodate all or even a large number of these new citizens in such communities, new communities can serve, as Messers. Rodwin and Susskind state:

> As another string in the planner's bow, another way of organizing growth and developing resources in the suburbs, in the central cities as well as in poorer regions . . .

And I would add: "and in rural America."

Mr. President, I ask unanimous consent that Messrs. Rodwin and Susskind's paper be printed in thet RECORD. I again urge that it be given careful study by those of us in Congress as well as in the executive branch of our Federal Government.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

NEW COMMUNITIES AND URBAN GROWTH STRATEGIES

(By Lloyd Rodwin and Lawrence Susskind)

Suppose that twenty-five years from now sixty federally assisted new communities have been built in the United States.[1] That would not be an unreasonable forecast. After all, it took the British just about twenty-five years from the inception of the New Towns Act of 1946 to build twenty-five new towns. With a population that is four times greater and a per capita national income that is more than twice that of Britain's, we ought to be able to build more. Of course, we won't do half as much; but why quibble about numbers, especially since it is the scale and quality of these towns that will be so important. Let us consider instead what the more articulate and perceptive critics may—and probably will—be saying about these communities, assuming they are built. This perspective might give us a lead as to what we can do now to forestall the criticisms which are otherwise likely to be levelled.

PROSPECTS FOR NEW COMMUNITIES

We venture to predict that more than half the new communities completed twenty-five years from now will be suburban-type new communities, closely dependent upon older urban centers. These communities, built in the style of Columbia, Maryland; Jonathan, Minnesota; and Lysander, New York, will all probably end up with populations of 100,000 to 200,000. Although most of these communities are presently being planned for somewhat smaller numbers of people, they are all in rapidly urbanizing areas and our expectation is that they will all exceed their population targets.

Less than a third will be self-contained cities with population levels between 50,000 to 100,000. Independent new communities in lagging areas are most often thought of as large, self-contained developments. This is dead wrong. Unless very special steps are taken, new communities designed as growth centers in lagging areas are likely to be smaller rather than larger. Lacking an existing economic base and being too distant from the central city to permit a substantial portion of the labor force to commute, such cities will face the difficult problem of attracting employers (because of the absence of a labor force and business and consumer facilities), and residents will be hard to attract unless jobs are available. Moreover, even with substantial federal support, such new communities will grow very slowly as they try to develop new markets.

Perhaps as many as ten new communities will be of the "new-town-in-town" variety. Cederal-Riverside (Minneapolis) and Welfare Island (New York City) are examples. Basically, such developments will seek to revitalize sagging inner city economies. They will also try to attract high-income residents back to the central city and to promote racial integration.

How will these communities fare? Some of them, financed largely by private investors, will be abandoned half-way through the development process because they fail to yield a handsome profit. They will go through the financial wringer and will simply fade into the usual pattern of speculative developments.

A few, as might be expected, will be straight-out economic failures. In some cases development costs will exceed the returns on the sale of housing units and the leasing of industrial and commercial properties. In other instances the pace of development will be too slow or the "turn-around" time on investment will drag out long beyond the point at which repayment of borrowed money is expected to begin.

What might be surprising, and sad . . . is that most of the new communities completed twenty-five years hence will not fail; they will succeed . . . in a moderate and dull way: they will yield a small profit; provide a modicum of low and middle income housing, manage to stick fairly closely to the original development plans (having overcome the objections of various pressure groups), and will present no particular threat to the natural environment. The way of life for residents of these new communities will not be too different from that of other suburban dwellers. More persons may live comfortably, walk to work, have easier access to assorted recreational facilities, and perhaps even feel a greater sense of "belonging" because of their participation in a "social experiment." What is far less certain, though, is whether these new communities will serve the poor and disadvantaged, achieve a much greater socio-economic mix, spur significant innovations or, even more importantly, serve broader ends: i.e., will these new communities have a significant impact on the larger population in areas outside the communities themselves?

The future of most new communities completed during the next twenty-five years will no doubt depend on their financial, political and social feasibility. In terms of financial feasibility, new communties will have been successful only if they have paid careful attention to a number of factors such as *location* (selecting a site easily accessible to growing markets); *front-end financing* (making sure that considerable financial support is available at the outset); *federal loans and grants* (working closely with federal, state and local governments to secure whatever supplementary funds are available); *reasonable tax agreements* (securing favorable assessments, easements, tax credits or other abatements if they can be arranged); and the *pace of development* (working to achieve as rapid a "turn-around" time and positive cash flow as possible).

The plans for most new cities completed twenty-five years from now will have run the gauntlet of various community groups and politicians. "Abutters" trapped between various parcels pieced together to form a new community will have expressed vociferous views about what the proposed development should like. So, too, will local, county, state, regional, and federal officials. Each will have exerted whatever influence he has over *zoning, tax rates, assessments, utility extensions, transportation plans,* and *industrial location* decisions. The first residents will also have demanded a significant *role in decision-making*. And, at some point, the developer will have been forced to turn over some of his decision-making authority to an elected body. With *authority* and *control* so fragmented, we can take for granted that the majority of new community projects will not have developed according to plan.

Successful communities, to be sure, will have benefitted from a managerial team able to gain *zoning and building code clearance*—by arguing for new approaches such as density zoning and planned unit development and able to deal with *political opposition*—by building a coalition of local, state and perhaps national supporters. The team will also have devised *an effective bargaining strategy*—by offering to be responsive to local needs and by offering something in return for local support. But there will few such teams; and, in retrospect, we will wonder why we ever thought that the home-builders and large-scale developers of the 1970's (even those with successful track records and support from diversified business enterprise) were equipped to manage the complex process of new community development.

To meet financial strains during the early stages of development, even the best-intentioned developers will decide to build a high percentage of high revenue producing housing first. Once the initial wave of high-middle and middle-middle income families has been served, however, resistance to the construction of housing and facilities for low and middle income families will heighten. And so, most new communities twenty-five years hence will have ended up catering to a clientele not much different from the customary suburban development. Glorified suburbs, they will have had a negligible impact on the problems of providing decent low-priced housing and easier access to new jobs for low and middle income families. This is likely to be true despite some low cost, and even public, housing tucked away behind or alongside industrial parks or a few scattered subsidized units physically in-

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distinguishable from the moderate cost-unsubsidized units.

To better cope with the problem of providing a greater economic mix, a few communities will have sought help from public entities (such as the Urban Development Corporation [UDC] in New York) which will have built housing for all economic classes by using a quota system.[2] not because quotas are desirable, but because they may be the only means of eliminating "de facto apartheid" housing patterns.

One could continue this accounting, but what it all adds up to is that some twenty-five years from now, we are likely to find critics of the new communities program arguing that public investment in these projects merely diverted resources from inner city redevelopment efforts and that our largest central cities are worse off than ever. They will be pointing out that our new communities accommodated a tiny fraction of our population growth over the last quarter of the 20th century, perhaps only 5 percent, possibly even only 1 or 2 percent.[3] Other critics will be reminding us that back in the early 1970's, it was pointed out that new communities would never provide us with significant alternatives to conventional urban development. And the more radical commentators will be asserting that new communities are not (and couldn't be) a solution to urban problems since fundamental shifts in the distribution of resources and power are prerequisites to effective social change, and the new communities program certainly does not imply a significant redistribution of money or power.

GOALS OF FEDERAL INTERVENTION

This scenario is not altogether fetching. But perhaps it may provoke a hard-boiled reconsideration of what governmental intervention in the design and development of new communities can be expected to achieve. Suppose we were in the non-enviable position of those federal decision-makers responsible for the administration of the new communities program.[4] How would we run the program to ensure that we get the kind of cities we need and want? There are at least seven criteria that would govern our decisions:

1) *New communities ought not to be built when the expansion of existing communities will serve the same purposes.* But they will be built when they shouldn't be if our principal focus is on new communities and not on the urban growth objectives that we are trying to achieve.

2) *New communities ought not to lose money.* Yet they are likely to unless a reasonable proportion of the appreciation in land values or of earned income (realized through the sale or lease of commercial properties and the rise in land prices) can be captured by the developers. This also holds true for new communities built by public development corporations.

3) *New communities must provide a choice of jobs for all primary and secondary wage earners.* But they won't unless the number of new community developments is restricted and each is large enough to support a diversified set of economic activities, businesses and social services.

4) *New communities have to be socially acceptable in the second half of the twentieth century.* But they won't be unless they serve a reasonable proportion of disadvantaged minorities and middle income families directly and also create reasonable economic and social opportunities for other disadvantaged groups in the surrounding metropolitan area.

5) *New communities should help to reduce congestion and slow down growth in our biggest cities and to reorganize development patterns in metropolitan areas.* They won't contribute much to meeting these objectives, though, unless they are consciously conceived as a means of achieving them. Until a special effort is made to relate new community development to such things as national, state and regional planning for transportation, capital improvements programming, welfare policy and industrial development strategies, metropolitan growth patterns and current development trends are unlikely to be changed much.

6) *New communities should help to encourage the development of growth centers in lagging regions, especially in regions with a large unemployed and underemployed population.* Clearly they won't begin to do this difficult job if undue emphasis is placed on maximum returns to the developer or if new communities are planned without full recognition of the forces which impel migration and the location of economic activities.

7) *Aside from the six aforementioned criteria, it would be wonderful* (*and astonishing*) *if we could somehow produce two or three brilliant showpieces: breathtaking examples of more responsive and elegant ways of organizing our physical environment.* For example, new communities might reflect the "educative city" of the future: i.e.,

a) they could demonstrate a number of ways in which client groups of all incomes and educational backgrounds might participate in the design of services and facilities, such as schools, health programs, day care centers, and possibly even shape the decisions affecting the financing and day-to-day management of programs at the neighborhood level;

b) they might provide unique educational workshops outside the traditional "classroom" (nature and wild life observatories, opportunities to observe building and planning processes, etc.).

c) they might even offer a number of opportunities to experiment with unusual building, highway, street or area designs, as well as alternative models of entire communities.

The hitch, however, is that it's incredibly difficult to ensure a brilliant performance. An unusual blend of initiative, rare ability and hard work (as well as a good measure of luck) will be required to produce two or three outstanding new communities. Pennypinched programs and a fear of anything too different or too out-of-the-ordinary will tend to wipe out even these slim chances.

Which leads us once again to wonder about the likelihood of realizing these aims, any of them—the prosaic or the extraordinary. We find ourselves in a dilemma. From the conditions we have set, it looks as if we are guilty of advocating the best and making it the enemy of the good ("le mieux est l'ennemi du bien") and in the process vitiating the entire new communities program. It's just not so. We want a program that will work and that we can be proud of. The conditions we have posed can not be met overnight; we acknowledge that. Nevertheless, the prospects for the future are uninspiring unless we can muster considerable political support for the following key ideas:

(1) the desirability of focussing on the expansion of existing communities as well as the building of new ones. Planners, designers, and politicians can not be allowed to use new communities as a shield to fend off the problems of the central city. They must collaborate with local, regional and state officials.

(2) the need for a limited but strategic increase in the public ownership of land to harvest the full economic and social value created by new community projects. Public land ownership is hardly a cherished institution in this country, but we have got to learn how to use the tricks of the private developer to serve the public interest.

(3) the importance of limiting the number and augmenting the size of new communities. Given our egalitarian system and the normal pattern of political pressures, it will be quite a feat to develop a significant program in which costs are shared nationally but the visible benefits to particular regions are sharply limited;

(4) the obligation of new communities to serve the needs of the disadvantaged elements of our population—both as consumers and producers which means reversing or over-riding prevailing suburban attitudes.[5]

(5) the immediate as well as the long term significance of relating new communities to the needs of the existing metropolis. Most new community planners and developers think their problems are harrowing enough without having to take on the burdens of existing central cities; but unless new community development on the metropolitan fringes and in lagging regions is linked to the depopulation or redevelopment of inner city neighborhoods, these efforts will be trivial.

(6) the reminder that new (or existing) communities must serve as chosen instruments to help spark the growth of selected urban centers in Appalachia or in the depressed areas of the deep South. Most planners rarely see the need, let alone the desirability, of getting entangled in the problems of lagging regions, for it is much easier to build new communities in high growth areas where there is a guaranteed market.

(7) the need to spend generously and imaginatively, even in the face of a tradition and a culture that tend to deplore a consistent and long term public policy in pursuit of the objectives implied in 1–6 above.

Finally, we are loathe to conclude without voicing some additional hopes and forebodings which ought to be inscribed in the minds of new community enthusiasts.

New communities will become odious symbols if they are identified as devices for diluting the power of emerging inner city majorities. There must be provisions for neighborhood government and local control over key public services in each new community if we expect to convince large groups of people to move from the inner city to new communities.

On the other hand, many new communities can become attractive territory for investment in minority enterprise. They can provide capital investment opportunities as well as guaranteed markets for goods and services. The vehicles by which this can be achieved are federal contracts and purchasing agreements which can encourage minority-run businesses, and ought in fact to do so. The lure should be the new markets for inner city entrepreneurs, not to entice them out of the inner city, but to allow them to generate additional resources for reinvestment.

TURNING THE PROGRAM AROUND

When goals are set too high, they must be trimmed down. In our case trimming goals means recognizing that new communities will simply serve as another string in the planner's bow, another way of organizing growth and developing resources in the suburbs, in the central cities as well as in poorer regions; and that we will be very lucky indeed if the tools are used well or at least not misused. We know that in a new program the language of hope is more appealing than the language of regret; but we would remind those whom we disappoint that the disillusioned generally suffer from illusions to begin with.

HUD officials have expressed a keen desire to ensure the finincial success of federally-supported new community development efforts, hoping that a few early successes will attract the long-term support and the involvement of the private money markets. At the same time, various administrative spokes-

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Footnotes at end of article.

men have encouraged new community developers to undertake socially and technologically innovative experiments designed to test new ways of designing, building and/or organizing urban service systems. It may well be, though, that these two objectives are incompatible; and, in the long run, a policy that pursues both objectives may be self-defeating. The factors which determine financial success may inhibit or even prohibit innovation, and the new communities most likely to be financially successful may also be those least suited to producing socially significant results.

It has taken almost ten years for the new communities program in the United States to evolve.[6] Along the way, many of its strongest advocates have felt obliged to embellish the potential advantages of new communities and to exaggerate the contribution they might make to the resolution of various urban problems. There will be a substantial mismatch between the claims of the most avid new community proponents and the actual results of our first round of development efforts under Title VII.

For this reason particularly, we caution against exaggerating or deluding ourselves as to the prospects for innovation. Not that we do not welcome or appreciate the need or apparent opportunity for such innovations. But, contrary to the conventional wisdom, we do not think the circumstances under which new communities are built are altogether conducive to innovation. The pressure to make a killing or to avoid a disaster drives out most high risk activities and provides powerful reinforcements for hard-boiled, conservative, not to mention backward and prejudiced judgements as to what will work. Despite this forbidding reality, we believe—or hope—that some public development corporations and even a few private ones will support limited risk-taking in a few areas. In one case, the focus may be on the design and delivery of novel health and educational services; in another it may be a disposition to experiment with new approaches to urban design and transportation; in still another it may involve innovative factory or site fabrication methods for building housing. In all of these cases the risks are real but the prospects for some success or for minimizing failure are real too, provided the experiments are few in number and that in each case a careful effort is made to monitor and evaluate the results.[7]

Another easy mistake we warn against is to assume that the government, because it is providing some backing for new communities, will guarantee the kind of benevolent and enlightened leadership that can sustain the program through periods of difficulty that might lie ahead. On the contrary, there is much disconcerting evidence to show that even in the short-run, changes in government policy and administration can cause perilous lurches and lags in patterns of development. Changes in leadership, values, and purposes can, as Charlie Abrams often reminded us, convert measures of reform into instruments of reaction. Without unremitting vigilance the new communities program is hardly likely to be the exception; and the danger is real that if new communities become the symbol for the government turning its back on the problems of existing cities, or diverting resources from lagging regions, then new communities will become as unpopular as public housing projects are today, and rightly so.

Finally, because the idea of new communities is becoming fashionable and national officials now intone many of the more euphonious phrases about what such communities are all about, we ought to point up the fact that the government still has no national urban growth policy.[8] We applaud—mildly to be sure—the current draft regulations accompanying the 1970 Urban Growth and New Community Development Act recently released by the Department of Housing and Urban Development—for the regulations outline a host of sensible criteria that will be taken into account in selecting projects for governmental assistance. We cannot quarrel with indices such as economic soundness; contribution to the social and economic welfare of the entire area affected; increasing the available choices for living and working; making provision for housing of different types and income ranges; serving a wide range of families; and taking account of the location and the functions of new communities in combating sprawl, reorganizing inner city development or helping lagging regions.

The size of the community, the adequacy of transportation connections and services, the quality of planning and the capabilities of the developer are additional considerations (among others) which are appropriately underscored, as indeed they should be, when administrative regulations have to be applied 'across the board'. But this facade of knowledgeable and comprehensive regulations is hardly adequate if the government has no sense of direction. Regulations in these circumstances are like the sky: they may cover everything and touch nothing; and meanwhile in an effort to get the program off the ground, the range and multiplicity of criteria can easily offer more rhetoric than results.

What is needed to change this situation is an unrelenting focus on the relationships between the reorganization of our inner cities and the organization of growth in our outer areas; between the slowing down of growth in our largest megalopolitan areas and the spurring of growth in a few key portions of our lagging regions. When we say that the program ought to be turned around, we mean that instead of building sixty new communities—mostly in suburban locations at somewhat lower densities, we ought to be building only about twenty or thirty new communities but much larger ones, with higher densities, designed to deal with inter-regional development problems. Instead of overemphasizing the financial feasibility of proposed new communities, we ought to be concentrating on the extent to which each new community will reinforce national urban growth objectives. Instead of funding mainly new communities under the control of private development groups, we ought to be favoring public development entities. Instead of supporting new communities that promise to test a great number of technological innovations, we ought to be encouraging efforts which will monitor only a few well designed experimental approaches to the delivery of services; and we ought to put a premium on experiments in citizen participation. Moreover, we ought to provide special assistance for those efforts which focus on the needs of the poor and the disadvantaged and which emphasize the processes and strategies by which the development of new communities can be more carefully controlled.

FOOTNOTES

[1] This does not include typical suburban tract developments, recreational or leisure communities, or large-scale urban renewal projects.

[2] *New Communities for New York*, a report prepared by the New York State Urban Development Corporation and the New York State Office of Planning Coordination, December, 1970.

[3] In the most recent hearings before the Senate Sub-Committee on Housing and Urban Affairs, U.S. population projections for the year 2000 included an estimated 75 million additional people. A somewhat lower projection has been offered by Anthony Downs who believes that the population increase in the next thirty years will be only 55 million. ("Alternative Forms of Future Urban Growth in the United States," *Journal of the American Institute of Planners*, January, 1970, pp. 3–11.)

[4] When we speak of the current program we are referring to Title VII of the Housing and Urban Development Act of 1970.

[5] A precedent for state override would be the "anti-snob zoning" bill passed several years ago in Massachusetts. Chapter 774 of the Act of 1969 (H5581) provides for the construction of low and moderate income housing in cities and towns in which local resistance hampers such construction. Should a local zoning board of appeals deny a permit to build subsidized low or moderate income housing and such housing does not exist in the community in a minimum quantity set by the General Court, then after a hearing into the facts and a review of the local decision, the State Housing Appeals Committee can issue a permit. For a complete summary of the regulations see Department of Community Affairs memo, *Summary of 774*, September, 1969.

[6] The program originated with Title X of the National Housing Act of 1965, which offered loan guarantees for land acquisition and development of large suburban-type developments. In 1966, Title X was amended to make the development of new communities eligible for these mortgages. As a further expansion of the original idea, the 1968 New Communities Act (Title IV) provided for Federal guarantee of bonds sold by private developers to finance new community development. Title VII of the Housing and Urban Development Act of 1970 is the most recent addition in this legislative history. Not only does it enlarge the new communities program to make public developers eligible for guarantees, but it also offers several new types of direct financial assistance in addition to the guarantees.

[7] A variety of experiments, possible innovations, and monitoring strategies are described in Lawrence Susskind and Gary Hack, "New Communities and National Urban Growth Policies" (forthcoming in *Technology Review*, February, 1972).

[8] Lloyd Rodwin, *Nations and Cities: A Comparison of Strategies for Urban Growth* (Boston: Houghton Mifflin, 1970), especially Chapter VII.

GENOCIDE: AS OLD AS MANKIND

Mr. PROXMIRE. Mr. President, although the word genocide is relatively new, the phenomen itself is as old as mankind; the history of the world offers us countless examples of wars of annihilation and extermination. From the genocide committed by the Pharaohs against the Jews in Old Testament times to the annihilation of the Carthaginians in 146 B.C. to the Saint Bartholomew Day massacres in 1572, the heinous crime of genocide has been an omnipresent force in the history of our race.

The term genocide was coined by Prof. Raphael Lemkin in a special report to the Fifth International Conference for the Unification of Penal Law in 1933, Lemkin maintained that the crime actually consisted of two separate acts: barbarity, which involved attacks against the lives or economic existence of the members of a racial, religious, or social group; and vandalism, which involved the destruction of a group's cultural values. Lemkin further held that genocide had two phases: the destruction of the national pattern of the oppressed group, followed by the imposition of the national pattern of the oppressor. He believed that "denationalization," the word previously used to describe this phenomenon, was inadequate, as it failed to denote the physical destruction of the group which occurred.

Scholarly work by Lemkin and others, and the painful memory of the atrocities committed by the Nazis against the Jews in World War II prompted the United Nations to take action against this crime. In 1946 the body adopted a resolution against genocide, which reads as follows:

> Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations . . . the punishment of the crime of genocide is a matter of international concern.

This resolution was followed, in 1948, by the International Convention on the Prevention and Punishment of the Crime of Genocide, which defined the act and sought to make it an international crime. In the past 23 years, 75 of the world's nations have ratified this treaty. Mr. President, I urge my colleagues to assert finally and publicly our opposition to this terrible crime, by moving for the rapid ratification of the Genocide Convention.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time allotted for the transaction of routine morning business having expired, morning business is closed.

TRIBUTE TO SENATORS WILLIAMS, JAVITS, AND OTHER SENATORS ON DISPOSITION OF MINIMUM WAGE BILL

Mr. MANSFIELD. Mr. President, the efficient manner in which the Senate disposed of the minimum wage proposal last evening was due in great part to the bill's expert management by the distinguished Senator from New Jersey (Mr. WILLIAMS), the chairman of the Senate Committee on Labor and Public Welfare. Guiding this highly important measure through to final passage was no modest feat; it was an arduous task and one for which the Senate, the American worker, and the public generally owe a deep debt of gratitude to Senator WILLIAMS.

His immense knowledge of the problems faced by the worker is matched by an abiding awareness of the worker's needs and ways and means to meet those needs. Such qualities contributed in no small way to the Senate's overall understanding of the various complicated aspects of this bill. Appreciated very much were the tireless efforts, the deep devotion, and the splendid skill and ability exhibited throughout the debate by the Senator from New Jersey. We are all profoundly grateful.

As always, the ranking minority member of the Senate Labor and Public Welfare Committee, the senior Senator from New York (Mr. JAVITS) played a very important role. With the greatest articulate skill, he enlightened all of us concerning the ramifications of the minimum wage measure. Once again, his superb advocacy and excellent documentation was unexcelled.

We are grateful.

The Senate is grateful as well for the cooperative efforts of the Senator from Colorado (Mr. DOMINICK) and the Senator from Ohio (Mr. TAFT). They are to be commended for the expression of sincerely held viewpoints with skillful advocacy and clarity. The distinguished Senator from Vermont (Mr. STAFFORD) is also to be singled out for his contribution. Senator STAFFORD demonstrated that he takes a back seat to no one when it comes to expertise and ability in presenting his own thoughtful views. Indeed, the Senate is indebted to all Senators who showed a particular interest in this measure by introducing their own amendments and urging their ideas. The Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Arizona (Mr. FANNIN) and other Senators fall into this category.

The Senate as a whole, I once again commend. I deeply appreciate the willingness to devote long, hard hours until final disposition. Such great cooperative efforts resulted in our completing action last night on a highly complex yet most significant legislative proposal.

NATIONAL HOUSING GOALS

The ACTING PRESIDENT pro tempore (Mr. BURDICK). Under the previous order, the Senate will proceed to the consideration of S. 1991, which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (S. 1991) to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 2, line 2, after the word "engaged", to insert "solely"; in the same line, after the word "of", to strike out "providing" and insert "constructing, owning and operating residential housing projects"; in line 13, after "1968" to insert "*Provided*, That no such acquisitions shall be approved except upon the following terms and conditions which the Secretary of the Department of Housing and Urban Development and the Commission or any successor agency are authorized and directed to impose prior to granting regulatory approval or financial or other assistance:

"(i) full original ownership of each housing project shall be retained for at least twenty years from the date of first tenant occupancy, provided that transfer prior to twenty years may be made if determined to be in the public interest by the Secretary of the Department of Housing and Urban Development and upon a showing to the Commission by such company of serious financial harm threatening the ability of the holding-company system to render satisfactory utility service;

"(ii) residential housing, construction, ownership and operation shall be financially separated so that they do not affect the holding-company system's utility operations;

"(iii) the heating and/or cooling system selected shall be that system which is most economical, considering all relevant factors;

"(iv) upon its organization each such company shall afford the opportunity to have on its board of directors at least one interim director selected by a local tenant association or group and following tenant occupancy, this director shall be replaced by a director selected, under the supervision of the Department of Housing and Urban Development, by the tenants of the housing project or projects owned and operated by such company;

"(v) each such company shall be subject to applicable State regulations promulgated by the appropriate State agency which regulates housing; and

"(vi) the holding-company system's investment in equity securities or other interests in such companies shall not exceed $2,000,000 per two-year period."; on page 3, line 24, after the word "such", to insert "additional"; in line 25, after the word "such", to insert "additional"; and, on page 4, line 4, after the word "consumers.", to insert "The authority granted under this paragraph shall terminate ten years from the date of its enactment, provided that the authority of the Commission, the Department of Housing and Urban Development and the terms of this paragraph shall remain in full force and effect with respect to all residential housing projects whose construction commenced prior to ten years after the enactment of this subsection."; so as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 9(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79i(c)) is amended—
>
> (1) by striking out "or" at the end of paragraph (2);
>
> (2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and
>
> (3) by adding at the end thereof a new paragraph as follows:
>
> "(4) (A) securities of a subsidiary company engaged solely in the business of constructing, owning and operating residential housing projects for persons of low and moderate income within the service area of the holding-company system under housing programs authorized by the National Housing Act or any Act supplementary thereto, or (B) securities of or interests in a company organized to participate in such housing programs within the service area of

a holding-company system which receives financial or other assistance from a company created or organized pursuant to title IX of the Housing and Urban Development Act of 1968: *Provided,* That no such acquisitions shall be approved except upon the following terms and conditions which the Secretary of the Department of Housing and Urban Development and the Commission or any successor agency are authorized and directed to impose prior to granting regulatory approval or financial or other assistance:

(i) full original ownership of each housing project shall be retained for at least twenty years from the date of first tenant occupancy, provided that transfer prior to twenty years may be made if determined to be in the public interest by the Secretary of the Department of Housing and Urban Development and upon a showing to the Commission by such company of serious financial harm threatening the ability of the holding-company system to render satisfactory utility service;

(ii) residential housing, construction, ownership and operation shall be financially separated so that they do not affect the holding-company system's utility operations;

(iii) the heating and/or cooling system selected shall be that system which is most economical, considering all relevant factors;

(iv) upon its organization each such company shall afford the opportunity to have on its board of directors at least one interim director selected by a local tenant association or group and following tenant occupancy, this director shall be replaced by a director selected, under the supervision of the Department of Housing and Urban Development, by the tenants of the housing project or projects owned and operated by such company;

(v) each such company shall be subject to applicable State regulations promulgated by the appropriate State agency which regulates housing; and

(vi) the holding-company system's investment in equity securities or other interests in such companies shall not exceed $2,000,000 per two-year period.

No such acquisitions shall be made except within such additional limitations and upon such additional terms and conditions and with due regard to other provisions of this title, as the Commission may, by rules, and regulations or order, permit as not detrimental to the public interest or the interest of investors or consumers. The authority granted under this paragraph shall terminate ten years from the date of its enactment, provided that the authority of the Commission, the Department of Housing and Urban Development and the terms of this paragraph shall remain in full force and effect with respect to all residential housing projects whose construction commenced prior to ten years after the enactment of this subsection.

The ACTING PRESIDENT pro tempore. The time is under control. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a quorum call may be suggested at this time, without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, will the Chair kindly advise me how the time is allocated on the bill?

The ACTING PRESIDENT pro tempore. Under the previous order, the time is limited over-all to 1 hour, to be divided and controlled as follows: On the amendment of the Senator from Michigan (Mr. HART) and the Senator from Michigan (Mr. GRIFFIN) each of the Senators from Michigan will have 15 minutes; the Senator from Montana (Mr. METCALF) will have the remaining 30 minutes.

Mr. GRIFFIN. Then, if I present an amendment, there will be additional time for it.

The ACTING PRESIDENT pro tempore. Limited to one-half hour; yes.

Mr. GRIFFIN. I thank the Chair. I yield myself 5 minutes on the time allocated to the bill.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, my senior colleague from Michigan (Mr. HART) is expected on the floor momentarily and, pending his arrival, I shall proceed with a brief statement on this legislation.

To a large extent, he and I agree concerning the merit of this legislation, although we do have some minor differences as to the degree of flexibility that might be appropriate in administering it.

But, Mr. President, the need for this legislation came to my attention after a utility company in Michigan sought to develop low-income housing in the inner city of Detroit, only to run into difficulty with the SEC concerning its authority to do so.

At first, legal experts were of the opinion that utility holding companies, such as the one in Michigan, had authority under the existing Public Utility Holding Company Act. Indeed, the SEC upheld that point of view. But later, on recommendation, the SEC reversed itself and decided that such authority is lacking.

Mr. President, I support this legislation because I believe it will help to stimulate more and better low-income housing projects in cities such as Detroit.

From time to time in Congress we pass housing measures to provide subsidized public housing, which costs billions of dollars and, yet, we still find very little progress and very inadequate progress being made to provide quality housing.

It is to the advantage of utilities to assist in preventing decay in the inner city because of the vast sums these companies have invested in energy distribution facilities. Providing better housing for the poor is perhaps the most significant contribution these companies can make to improving their communities.

Obviously, these utility companies have the financial resources to invest in low income housing if they so desire. Consequently, at the very least, Congress should not stand in their way so long as there are adequate safeguards to protect the public interest and the interest of utility ratepayers. The committee bill would provide these safeguards. Moreover, utilities have the management expertise to prevent housing projects from falling into disrepair.

As I understand it, and I am not an expert in this field, public utilities generally can build housing without SEC approval. But 20 percent of the gas and electric utility business in the Nation is conducted by holding company operations. This legislation would only make it possible—it would not automatically approve and certainly not require—for this 20 percent to engage in the development of low-income housing in metropolitan areas.

Mr. President, I believe that, generally speaking, this is not controversial legislation, although I realize that there is some objection to it.

The SEC in ruling against the authority of utility holding companies to build low-income housing all but expressed the desire that Congress should provide such authority by legislation.

If this legislation is passed, there will still be an abundance of control because any plan or program that would be undertaken by a utility company under this legislation would still have to be approved by the SEC as well as the Department of Housing and Urban Development.

I believe this legislation will help. It is not going to provide the ultimate solution, but it will help in the overall search for ways to provide better built and maintained housing in our urban areas.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the Senator from Tennessee.

Mr. BROCK. Mr. President, I have a great interest in the area of housing. I have supported virtually every program to encourage private industry to involve itself in providing housing in this country. Unfortunately, the Government has failed, and failed miserably, to do a good job. This is not due to malfeasance on the part of Washington executives. Federal housing programs have failed by virtue of the fact that there was too many programs, too rapidly done and done without sufficient management to make them work for the benefit of the people they were meant to help.

I am concerned about this measure for several basic reasons. First of all, these are holding companies. I assume that they will set up a corporate structure which would be involved in housing rather than doing the housing project as a utility.

Mr. GRIFFIN. The Senator is correct.

Mr. BROCK. If that is correct, can the Senator assure me that only those parts of the utility operations which directly relate to the supply of energy shall be used to determine their rate base?

The reason I ask that question is should we allow utilities to go into fields unrelated to energy delivery, then in effect we are taxing the recipients of their energy for the company's performance of services in those fields. And I am not sure that is exactly what we have in mind.

Mr. GRIFFIN. Mr. President, let me respond to the Senator by saying that I am advised by the staff that the Commerce Committee adopted an amendment specifically directed at that concern. In the bill there is a requirement that there be a complete separation in accounting insofar as the utility and housing operations are concerned to make sure that the housing activities would not affect the rate base.

Mr. BROCK. Mr. President, there is no way by which the acquisition of huge amounts of property could be added to the rate base on which they would receive in effect a double profit—first, a profit from the operations of a housing facility, and second from the rate percentage applied as a normal rate rather than on their total capital structure.

Mr. GRIFFIN. It is my understanding that that concern has been answered and that the burden to provide a satisfactory answer would be on the utility companies if that matter were in issue. I might refer to the committee report, which states on page 7 that—

> Accounts and records for housing activities are required to be maintained on a separate basis from utility operations—so that housing activities are financed by shareholders and not taxpayers.

Mr. BROCK. Mr. President, I hope that that is the case. I would like to be sure of it, because I do not think it is fair to ask the recipients of the utility services to pay more simply because a particular utility company is involved in a housing project on the other side of town or on the other side of the State.

I have one other question which concerns a direct conflict of interest. That is the question of the concentration of power in the utilities. These utilities have a monopoly granted by the Government. I would hope that the Senator could assure me that there are adequate safeguards in the legislation to prevent a utility owned by a holding company from using their interest in some housing project to require the use of their form of energy. For example, an electric utility builds a housing project, I do not think they should be allowed to require all-electric homes. That would be a flagrant abuse of the monopoly franchise granted to the electric utilities of this country.

Mr. GRIFFIN. Mr. President, let me answer the distinguished Senator from Tennessee by pointing out that on page 3 of the bill an amendment was added by the committee which reads as follows:

> The heating and/or cooling system selected shall be that system which is most economical, considering all relevant factors.

I would like to make a further point for the record that the legislation was reviewed by the Justice Department from the standpoint of antitrust and monopoly questions.

The Justice Department, by letter to the chairman of the committee (Mr. MAGNUSON), dated September 3, 1971, found that the bill is satisfactory in that regard and, not only do they not object, but they recommend passage of the legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I have referred, dated September 3, 1971, from Richard Kleindienst, who was then Deputy Attorney General, concerning this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, D.C., September 3, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1991, a bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income.

Under the terms of the Public Utility Holding Company Act of 1935, codified in 15 U.S.C. §§ 79 *et seq.*, registered public utility holding companies and their subsidiaries are prohibited from acquiring securities, assets or any interest in any business without the prior approval of the Securities and Exchange Commission. 15 U.S.C. § 79i(a)(1). Recently, the SEC has refused to allow such companies to acquire interests in enterprises organized to construct and operate low and moderate income housing projects. *Michigan Consolidated Gas Co.*, SEC Holding Company Act Release No. 16763. The United States Court of Appeals for the District of Columbia Circuit has agreed with the SEC that the terms of the 1935 Act did not permit the Commission to approve such acquisitions. *Michigan Consolidated Gas Co.* v. *SEC*, No. 24,564 (D.C. Cir., April 16, 1971). S. 1991 would amend the 1935 Act to authorize the Commission by appropriate rules and regulations or by order to permit registered public utility holding companies or their subsidiaries to acquire:

(A) securities of a subsidiary company engaged in the business of providing housing for persons of low and moderate income within the service area of the holding-company system under housing programs authorized by the National Housing Act or any Act supplementary thereto, or (B) securities of or interests in a company organized to participate in such housing programs within the service area of a holding company system which receives financial or other assistance from a company created or organized pursuant to Title IX of the Housing and Urban Development Act of 1968.

The enactment of S. 1991 would clearly serve the national interest by increasing the amount of private capital potentially available to help satisfy the housing needs of people of low or moderate income. The anticompetitive effects likely to come from removing the existing barriers to utility companies' entry into the low and moderate income housing market are insignificant. The possibilities for damage to utility company shareholders from their company's entry into this market can be minimized by appropriate exercise of the regulatory powers granted to the Commission by the bill.

Accordingly, the Department of Justice recommends enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

The PRESIDING OFFICER. All time of the Senator from Michigan on the bill has expired.

Mr. METCALF. Mr. President, I would like to have this colloquy continue and I yield 5 minutes to the Senator from Michigan from my time on the bill.

Mr. GRIFFIN. I thank the Senator.

Mr. BROCK. Mr. President, I notice that the Senator from Michigan and the Senator from Montana are in the Chamber. Perhaps we need to pursue this matter a little further. One of the distinguished members of the committee might tell me in regard to the abuses of the monopoly franchise, or potential abuse, if this language which the Senator from Michigan just pointed out is adequate then are we absolutely confident that other devices cannot be used to encourage it? For example, if a utility had a housing project in a given part of town, what would prevent them from offering more than competitive rate to that housing project to insure installation of their particular energy source, let us say electricity? What would prevent them from placing a bid at less than the going rate in connection with the project they are financing as a result of their being a public monopoly? Is that possible?

Mr. GRIFFIN. This bill would in no way preclude or interfere with the regulations of rates by State utility commissions. I cannot imagine, at least in my State, that such a preference or distinction would be approved or allowed, and it is certainly not intended.

Mr. BROCK. I do not make the point because I expect it to happen, but I think it is important for the legislative history.

Mr. GRIFFIN. I agree.

Mr. BROCK. It is important for the legislative history that we state the situation very clearly. This is something which would be inconsonant with the objectives of this legislation, which would be inconsonant with the franchise granted to the utility companies under the law, where they would have no competition.

Mr. GRIFFIN. I think the points made by the Senator from Tennessee are altogether appropriate and useful for purposes of legislative history.

I would like to make the further point that this bill does not provide authorization on an indefinite basis for utility companies to engage in this activity. There is a 10-year limit to this bill which I think the Senator would agree is a good thing, and after the 10-year period we would have to look at it to see if abuses have occurred and whether the authority should be continued. This review would be the very least that would be done and, of course, Congress could take action earlier to protect the public interest.

Mr. BROCK. If we were to find misfeasance 3 or 4 years hence, and that regulations adopted at HUD were not adequate, and that some companies engaged in practices that violated the spirit if not the letter of the law, is there any redress under the legislation as proposed?

Mr. GRIFFIN. Of course, Congress can change the law at any time, as the Senator is well aware. We would not have to wait 10 years, and the bill does amend the Public Utility Holding Company Act of 1935 which provides criminal penalties for violations of that act.

Mr. BROCK. But there is no other penalty?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BROCK. I thank the Senator.

Mr. METCALF. Mr. President, I yield myself 10 minutes. I would like to continue the discussion and respond to the Senator from Tennessee.

As the Senator from Michigan has said, this is special legislation. This is legislation that applies to 17 holding companies in the United States, 17 complex, financially structured, multistate holding companies, administered for the South up in New York and in other areas in Chicago or New York. These are not local companies.

The regulation the Senator from Michigan talks about is a tremendous, complex mess, when there is talk about regulation from the SEC, and local regulations from Michigan and adjacent States, and regulations by HUD.

The point the Senator from Tennessee is making is especially important when we are concerned with these multistate hugely structured organizations. This runs afoul of the program suggested that the private sector at the local area of government should go in and participate in these federally subsidized housing projects.

Mr. BROCK. I appreciate the Senator's comment. That is my concern. My concern is that the regulations are not adequate in these cases and in too many situations we have had very serious problems trying to administer these matters. We have a very special obligation in this body when we create a monopoly, to make sure it does not jeopardize the public interest. No one here can speak with greater affection for the public interest than I, but if we are going to maintain it, we must be terribly jealous of the safeguards we apply when we create a condition without normal restraints of the free market. That applies in the case of utilities.

We must be sure that such activities, even if they are desirable, and I think this is, do not impinge on the public interest. I think there is a danger of this in this legislation. I cannot help but express my concern about it.

Mr. METCALF. I thank the Senator. He does point out the cogent fact that these are not only monopoly utilities but multi-State monopoly utilities; they are above and beyond the regulation of each individual State. A local State utility, such as the Montana Power Co. in the State of Montana, is not subject to the Holding Company Act, so we are providing in a very complex situation a special exemption in revising the Holding Company Act for 17 monopoly corporations in America. I am opposed to the enactment of S. 1991.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. HUMPHREY. I have read the speech of the Senator from Montana in opposition to S. 1991, and I am very much moved by it, to be frank.

May I just ask one or two questions? What is the rationale of this legislation, what is the justification for a proposal like this that amends the basic law of the Public Utility Holding Act?

Mr. METCALF. I will say to the Senator from Minnesota, as far as I am concerned, it all starts from the same proposition that our housing situation for the poor and old is a national disgrace. The argument of many of my good friends in this body is, well, if we cannot get housing any other way, let us let the utilities go in and make 20 percent on its equity, as Niagara Mohawk said it did, and relax some of the regulations that we felt were necessary when we passed the Wheeler-Rayburn bill.

I do not think that the Wheeler-Rayburn Act is so engraved in stone that it is not subject to amendment, but the abuses with which we are confronted here have manifested themselves, and they have shown that utilities should be in the utility business and that alone. So they come in here and say, Well, we cannot build houses any other way, and this is a way we encourage them to build houses, by letting the utilities—which are supposed to be regulated monopolies—go in and make a 20- or 25-percent annual return just in order to get housing for the old and poor.

Mr. HUMPHREY. Simply because the utilities have the capital?

Mr. METCALF. Allegedly they have the capital. The problem, however, as stated in the report, is not a lack of capital on the part of the private sector. It is the failure of Congress to provide the necessary capital as our share for subsidizing low-income housing.

Mr. HUMPHREY. May I say that over a period of several years I have, with the cooperation of economists, banks, financiers, and others, proposed legislation called the National Investment Development Bank, which is a form of updating the Reconstruction Finance Corporation, to permit financing of public facilities and also to permit financing at less than going rates of interest for what are called socially desirable enterprises.

If we are going to give help to low- and moderate-income housing, where there is a need for capital or interest subsidies or a tax break on the construction of housing, I think the way to do it is by a separate entity, rather than doctoring up or tampering with a basic law which was put on the statute books because of the abuses for years and years of utilities of this country in the ratemaking structure, in stocks and bonds, and debentures, all of which had to be corrected back in the 1930's.

I am deeply concerned about the need for housing. I must say first this country has engaged in a kind of organized stupidity in not being able to provide a method of financing and providing incentives for the construction of housing. There is no reason why we cannot do it except that we are afraid of getting out of the conventional trough of the way we used to do it.

Second, when we have made ventures into housing we have had the regulations poorly enforced or we have had no regulations. We have seen abuses in housing that were nothing short of outrageous—where people have been literally robbed and where the Federal Treasury has been victimized under moderate- and low-income housing programs.

I think it is the duty of the Congress to get to this housing problem and to get to it on a crash basis and not to tamper with Public Utility Holding Act, because there is a desperate need for housing, particularly in the inner city. If we can give an inducement to industry to go into the inner city, that is what we should do. We should give an inducement for housing developments to get into the inner city. But it is going to take more than patching something here and there; it is going to take massive planning.

One thing this Government is unwilling to do, is plan. We always answer: Money. Every time we have a problem, we say, "Let us put money into it." That is the worst way to do it, unless we have a plan or program.

I am not about to vote for a bill that will put more money into the trough with no plan, no scheme, no proposal, but, instead, to just write another check. Supposedly this is the easiest way to meet the so-called problem. It is for Big Daddy, Uncle Sam, the U.S. Government, to write out a check. That is supposed to be the answer to the welfare problems and every other problem we have—just write out a check, instead of trying to figure out what the answers are.

Mr. METCALF. I could not agree with the Senator from Minnesota more.

The PRESIDING OFFICER (Mr. CHILES). The time of the Senator has expired .

Mr. METCALF. I yield myself 5 additional minutes.

We are trying, in this legislation, to erode a significant act that was passed in order to cure abuses of complex utilities that were defrauding the stockholders and overcharging the consumers, in order to secure housing. The Senator's plan for a bank or other subsidies or, as in the President's message, for the private local sector to come in, is overlooked. But this is not the private sector. This is a special kind of monopoly. This is a special private sector. There are 17 multi-State corporations, with a huge financial structure that embodies the whole Nation.

Mr. HUMPHREY. Why do not the utility companies do something about providing electrical energy which is needed right now, when we have brownouts and blackouts? All during the winter we saw advertisements asking us to buy air conditioners for the hot days of July. Come July, and they have ads on television, "Turn off your air conditioner because we are short of electricity." This Nation does not have a national grid system. It does not even have a regional grid system. There is no way of distributing electrical and gas energy, and we are short of gas supplies and electrical energy.

Mr. METCALF. And they are getting shorter.

Mr. HUMPHREY. And there is no plan for the future, Mr. President.

I think the Senator from Montana, once again, is serving a great and vital public interest here by raising questions about this legislation.

My tendency toward the legislation, until I read the Senator's speech, was to be for it, because I want housing, but it just seems to me that there are questions raised here.

Number one is the tax question. What is going to be done about that? Is this another tax loophole? The answer seems to be "yes."

Number two, What about regulation? The Senator from Montana has brought this out. According to what I read about the bill, there was no real evidence given that there could be regulation. When it is said that it can be regulated State by State or by the Securities and Exchange Commission or the Federal Power Commission—everybody regulating is nobody regulating.

I think the Senator from Montana's questions have to be answered before we can in good faith and in good conscience vote for this legislation. I think the intent of the legislation, the purpose, was sound, namely, to provide means and ways to involve the private sector in low and moderate income housing. I want to see it done as much as possible by the private sector. I have said repeatedly that just relying on public funds to do all the jobs never gets them done. Public funds should be a small part of the capital that is needed. We ought to get the private economy into it to get the job done, and our job here in the Congress ought to be to provide the incentives that will bring private capital into housing construction, under plans that will represent a real job of planning—not through fundamental changes in the Public Utilities Holding Company Act.

Mr. BROCK. Mr. President, I want to compliment the Senator from Minnesota for his statement about the tendency of Congress to put money into every plan and program. That is all too true and too tragic.

I would like to bring this point in terms of concentration of monopoly power by posing a hypothetical case to the Senator from Montana to see if it is possible under this bill. The rate base, the charges which are levied on utility customers, is predicated on a certain fixed portion of the investment of that utility. Let us say they have $100 million worth of investment, and the allowable rate base in that State is 8½ percent. That means they have to get $8.5 million net profit in order to meet the criteria under the law of that State.

So the rate base is terribly important. But what would prevent a utility from acting as a land base for its subsidiary corporation that was in the housing market, buying up 100 or 5,000 acres of land at a very high price, and holding it until such time as the housing development needed it? During the months and years that that $10 million worth of land is held in the utility to be available to the housing corporation, the consumers of that utility would be paying 10 percent more on their utility bills than would otherwise be the case. They could be paying that much more to provide a justifiable return on that investment. When the utility did not need it, or the housing company wanted it, they could sell it to the housing company, but meanwhile the utility company would have received a return on their investment. A rate of return maintained under monopoly conditions by law, and levied against the customers of the utility on an investment which provides them no benefit and over which they have no control.

Does the Senator agree that that would be possible?

Mr. METCALF. I would think it would be possible, and the consumers of the utility company would be paying the cost of carrying that, because the consumer pays rates which provide a return on investment of 8.5 percent, or whatever that regulated amount would be. But it would be very hard to find out what the rate actually would be, because these are quasi-State organizations, under the supervision of HUD, the SEC, and several State organizations, and it would be almost impossible to sort out this information.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. METCALF. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. METCALF. I would like to reserve the remainder of my time, and have the Senator from Michigan proceed.

Mr. HART. Mr. President, first, to get the horse before the cart here, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HART. I ask unanimous consent that a technical amendment which has been submitted, and which simply omits a comma and substitutes the word "act" for "subsection", be agreed to.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

The amendment will be stated.

The legislative clerk read as follows:

> On page 2, line 13, strike out "That" and insert "that".
>
> On page 3, line 4, strike out the comma after "housing".
>
> On page 4, line 11, strike "subsection" and insert "Act".

The PRESIDING OFFICER. Does the Senator yield back his time on this amendment?

Mr. GRIFFIN. Mr. President, I shall not object, but would the Senator indulge me at this point for 2 minutes, to read into the RECORD a statement made by the U.S. Court of Appeals for the District of Columbia, which it seems to me is very relevant and not only ought to be in the RECORD, but ought to be known by the Senators who are considering this bill.

The PRESIDING OFFICER. The Senator from Michigan has 10 minutes in opposition to the amendment.

Mr. GRIFFIN. Then may I speak on that time? Would the Senator indulge me?

Mr. HART. I have offered the amendment. There is time on the amendment, and I am sure that is agreeable.

Mr. GRIFFIN. I thank the Senator very much. The Court of Appeals for the District of Columbia said:

> Though in administering our judicial duties we have somewhat chastized petitioners—

Referring to the Michigan Consolidated Gas Co.—

> it is with great reluctance that we do so, for their only sin seems to have been an over-eager response to their social conscience as corporate citizens of the City of Detroit. It has become common knowledge that many of our inner city woes can be traced directly to the numerous dilapidated and run-down apartments and houses that, though unfit for human habitation, are the homes of far too many people. The efforts of companies like Michigan Consolidated to react positively to the need should be encouraged. If these companies show by example it can be done, there might well be brought about an exponential increase in interest among private industries willing to lend a hand. We as a court, however, are unwilling and unable to write the National Housing Act into the Public Utility Holding Company Act of 1935. This can only be accomplished by Congress.

I suggest this is very unusual language, for a court of appeals to go this far in prodding Congress to do what we are trying to do today.

The court continued:

> We have been informed that the United States Senate, on September 23, 1970, passed a housing bill which contained an amendment that would have permitted the type of acquisition Michigan Consolidated is seeking. The bill became law but the relevant amendment was rejected by conferees just before the last session of Congress terminated. Inasmuch as this amendment would seem to be an invaluable aid to the public and has the endorsement of the Secretary of HUD (116 Cong. Rec. S13850 [Daily ed. August 20, 1970] and the Commission—

Referring to the Securities and Exchange Commission—

> It is hoped that our decision today will inspire further consideration of this matter by Congress as soon as its busy schedule allows.

Obviously, we do not have to pay any attention to the court of appeals, and it is none of their business to tell us how to legislate, but it seems to me that that is a very strong statement for a court to make, and particularly the D.C. Court of Appeals which, I might add, is not exactly an ultraconservative body.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. GRIFFIN. If I have time, I yield to the Senator from Montana.

The PRESIDING OFFICER. Does the Senator yield on the amendment?

Mr. GRIFFIN. On the amendment.

Mr. METCALF. I just wish to make a comment on the court opinion that was read by the Senator from Michigan. That opinion was written by Mr. Justice Russell Smith, who is a district judge from the State of Montana, a former law-school professor of mine, and an opponent of mine at times in lawsuits.

Mr. GRIFFIN. I was not aware of that.

Mr. METCALF. I agree that it is a very unusual opinion. I would suggest that perhaps the presence of Mr. Justice Smith on the court of appeals as a visiting judge made it quite a conservative court.

Mr. GRIFFIN. But I am correct in my statement that it was the opinion of the U.S. Court of Appeals for the District of Columbia.

Mr. METCALF. Yes. I just wanted to remind the Senator that I know the author of the opinion, and regard him highly as a scholar.

Mr. GRIFFIN. I was not personally aware of who had written the opinion. I just wanted to point out that it was the opinion of the court of appeals.

Mr. HART. Mr. President, I yield myself another minute on the amendment.

Whether in praise or criticism, I think the record should reflect that the writer of that opinion was a circuit court judge by the name of Tamm, of the U.S. Circuit Court of Appeals for the District of Columbia.

Mr. METCALF. Also from Montana.

Mr. HUMPHREY. All of our problems seem to come from Montana.

Mr. HART. Mr. President, I am prepared to yield back the remainder of my time on the amendment.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. HART. I yield.

Mr. PASTORE. Do I understand that this housing function will be kept separate and apart from the utility's basic function of furnishing electricity? In other words, let us assume that a public utility company is given this authority by the legislation being proposed here. Does that mean that if they spend, let us say, $10 million in order to build these projects, that that $10 million, as an asset, constitutes a base for the rents that they will charge, or does it become a part of the general assets of the public utility company, that is, the rate base, and therefore come under the public utility rules providing for a fair return on the investment? Do I make myself clear to the Senator?

Mr. HART. Yes, Mr. President, I would invite the attention of the able Senator from Rhode Island to a comment that begins at the foot of page 7 of the committee report. This question concerned the committe, and we believe that with one of the committee amendments, subparagraph (ii), we made clear that the investments and the activities connected with the housing projects must be accounted for "below the line," as the public utility lawyers describe it.

In other words, the housing activities are not financed by the utility ratepayer at all. They are financed by utility shareholders. The housing projects which would be owned either through a limited dividend corporation or by participation in a national housing partnership venture would not constitute a part of the rate base of the utility; hence, it would not be reflected in the charge to the utility customer.

Mr. PASTORE. If the Senator would indulge me, I would like to make an observation on some of the things that have been said with reference to utility companies—and with the hope at this moment that I would not be called the devil's advocate.

As a Governor and as a U.S. Senator, I have been pretty much involved with the whole business of public utility regulation, the establishment of rates and return on the investment, and I think I have come to know of all the faults and I think I know of most of the virtues of public utility companies. The Senator from Minnesota, who is a very dear friend, made quite a castigation of the utility companies and the lack of energy at crucial times.

In 1961, at behest of President Kennedy, a very thorough and exhaustive investigation was made as to the projected need for more electricity and more energy by the year 2000. I am speaking now from memory. I believe it was said at that time that it will be a factor of 10 to 1; that we will need 10 times more electric energy by the turn of the century than we are demanding today. This would be not only because of the productivity and the expansion in the economy but also because of the increase of our population.

Yet, we are working today at cross purposes. It has been my experience—and I think I can document this—that we have approximately 13 atomic reactors that already have been constructed. that are ready to operate and provide substantial electric power. We happen to be living in an era of alert concern for ecology. With this I agree—but this concern has produced a tremendous amount of resistance on the part of people as to where these powerplants are going to be established. And this is true whether it is a nuclear plant or whether it is fossil fuel to be used in conventional generating plants. We have a shortage of electricity today for the simple reason that public utility companies that have the money and are ready and anxious to go just cannot get the licenses to build these plants. This is because of the public clamor and the resistance on the part of the people to powerplants especially in the proximity of their homes.

We find that the same people who resent and oppose the building of a plant are the first to complain when the lights go out. They are demanding the service at the same time they are denouncing the source.

I say very frankly that we have to begin to look at the whole problem very realistically. I do not want to carry the ball for the public utility companies this afternoon. But the fact remains that the fault has not been all theirs. We, in our Joint Committee on Atomic Energy, have seen to it that Congress has authorized more than $1.5 billion in a cooperative effort to build nuclear reactors. We find ourselves stymied by litigation. Judge after judge has held up construction on the ground that certain questions have been raised by certain ecology groups. We know what happens when the debate gets into court. The matter is stalled and stalled and stalled, and we never really get any firm decision. That is primarily the problem we have had. It has happened not only in my State but also in many other places.

Not long ago, a public-spirited group from Michigan came to see me, I think, at the behest and invitation of the Senator from Michigan (Mr. GRIFFIN). They said that they were going to lose a prospective industrial plant unless they could get permits to build a nuclear plant. They had been told that, unless they could provide energy, the plant would have to locate some place else.

Am I correct?

Mr. GRIFFIN. The Senator is correct.

Mr. PASTORE. That is exactly what you are up against.

I think that America will have to begin to become a little more pragmatic about the problem of electric power. We will have to weigh the elements of ecology and the economy—the comforts and conveniences we demand against the accommodations we must make in tolerating the construction essential to our needs.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HUMPHREY. I do not disagree completely with what the Senator has said. As a matter of fact, we had this problem in our State, and we reconciled it. The State's power company—I consider it a responsible utility—worked out with the community the location of a nuclear reactor.

Mr. PASTORE. But it was an agonizing experience and took a long time.

Mr. HUMPHREY. I have been of the opinion—and I think it is verified—that there was a failure of planning not only on the part of the electrical utilities but also on the part of the telephone utilities. The telephone company today, in many areas of this country—and I do not speak with any acrimony or in any words of demagoguery, because it performs a vital service—failed to plan in terms of the needs of the country; and today we have telephone service, particularly on the Eastern Seaboard, that is inadequate.

The PRESIDING OFFICER. The time of the senior Senator from Michigan has expired.

Mr. HART. Do I have time remaining on the amendment?

Mr. PASTORE. Is there any time at all?

The PRESIDING OFFICER. The junior Senator from Michigan has 6 minutes.

Mr. GRIFFIN. I yield time to the Senator from Rhode Island.

Mr. PASTORE. The reason why I look kindly upon the proposed legislation, knowing all the loopholes involved, is that customarily you have to build a generating plant either in the wide open spaces or in the slums. Let us face it. You do not find a plant up there at Foxhall Road. I am not too familiar with that very lovely neighborhood, but they tell me that they have million-dollar houses there. You do not see any generating plant there. You see them where the poorer people live. If we give the utility company a chance to build homes for people some place else, this may be a good thing, because perhaps we will begin to move the poor away from the smoke and the stacks and the smell and the threat to the environment. In the long run, we may be doing a good thing for the poor. That is why I look kindly upon the proposed legislation.

This does not exonerate the utility companies from any sins of the past. This does not exonerate them from any abuses in which they have indulged in the past. I am not here defending the utilities. But I am saying that if we can do anything to help the poor by allowing anybody to build homes for them, I am all for it.

Mr. HART. I am glad I yielded the additional time.

Mr. HUMPHREY. Mr. President, will the Senator yield to me for the purpose of interrogation and information—on the bill?

The PRESIDING OFFICER. Time from the bill cannot be taken on the amendment. The junior Senator from Michigan has 3 minutes remaining on this amendment.

Mr. GRIFFIN. I am glad to yield to the Senator.

Mr. HUMPHREY. Mr. President, I do not stand here in blind opposition to the proposed legislation. I am seeking information. As a matter of fact, my sympathy is for the purpose of the measure.

I have listened to the Senator from Tennessee, I have read the statement of the Senator from Montana (Mr. METCALF), and there are questions which I think have to be answered. The Senator from Rhode Island asked one in reference to the rate structure.

I say to the Senator from Michigan (Mr. HART), that Senator BROCK asked the same question in terms of a statement, that the rate structure might very well be affected by this new type of investment in housing by a public utility holding company.

Am I correct that we are talking about holding companies, not utilities?

Mr. HART. Mr. President, the bill, as the Senator from Montana explained, for the first time authorizes holding companies to engage in activities which the SEC at one time held were authorized by the utility holding company bill and later decided were not so authorized. We are talking about activities by holding companies.

Mr. HUMPHREY. Not by the local utility but by the holding company?

Mr. METCALF. Mr. President, will the Senator yield for a comment?

We are told, are we not, that there are 17 multi-State complicated holding company corporations in America?

Mr. HUMPHREY. Not the private utilities.

Mr. METCALF. Not the private utilities that the Senator from Rhode Island (Mr. PASTORE) was talking about—controlled by the Public Service Commission that served when he was Governor.

Mr. HUMPHREY. I wanted to get that point and I thank the Senator.

Second, on the rate structure, I have great respect, as the Senator from Michigan (Mr. HART) knows, for his personal integrity and for his knowledge of this legislation.

On the rate structure that the utility rate payer—the customers—has to pay, am I correct in assuming that the rate structure for electricity or for gas of a public utility in Michigan or Minnesota, let us say, would not be affected by any of the investments made by this public utility holding company in housing?

Mr. HART. I believe that it would not. I base that on subparagraph (ii) of the committee amendments which are intended to insure that the housing activities authorized by this bill would be maintained on a separate basis. We believe that the amendment precludes ratepayers from subsidizing housing activities.

Mr. HUMPHREY. If the Senator will indulge me for another moment, the Senator from Montana (Mr. METCALF) noted in his statement that utilities can make between 20 and 25 percent on their equity annually through depreciation of housing subsidiaries. In other words, a kind of tax windfall, a kind of profit windfall. What is the comment of the Senator from Michigan (Mr. HART) on that?

Mr. HART. I want to disassociate myself, on that one from the comment of the Senator from Minnesota that qualified me as an expert. I am anything but an expert in this area.

The PRESIDING OFFICER (Mr. ALLEN). All time on this amendment has now expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for 10 additional minutes, to be equally divided on the same basis.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I am advised that even though limited dividend housing corporations are restricted to a 6-percent dividend, a parent company can take advantage of a housing subsidiary's tax losses to reduce profits and end up with a return on investment as high as 20 percent.

May I add that this advantage is available to all housing sponsors. This was the incentive that Congress decided was needed to obtain the needed commitment from private enterprise for low-income housing. This return is available to all sponsors, whether utilities, or others. Utility participation does not cost the taxpayer any more than if another private sponsor participated. I state that on information and belief.

Mr. HUMPHREY. Would it not be desirable for the public utility holding company to put more and more of this equity capital into housing and less and less into the electrical and gas utility fields?

Mr. HART. The Senator speaks a concern that we on the committee felt. We believe that by limiting the investment permitted in any 2-year period to $2 million, we have built a wall that will prevent the exploitation of that tax advantage from going wild and, at the same time, we will have moved in a fashion which will encourage a utility company to go into the housing business.

Fairness requires me to say that we are not lacking in sponsors for low- and middle-income housing projects. It would be wrong to advertise this bill as a means of increasing housing consrtuction. The justification for the exemption is that this bill permits those utility companies which have expertise in management, to bring their talents into the low- and middle-income housing field.

All of the hearings that I am aware of, highlighting the disaster in which urban renewal and HUD are involved in, make clear the necessity for a management presence—not just the initial investment but a management presence which is skilled and responsible. The utilities, since they have to live in the neighborhood, if for no other reason, but hopefully because they want to do a decent job, will provide management supervision that will provide not more housing but better managed housing.

It is for that reason we require that the ownership be retained for a 20-year period.

Mr. HUMPHREY. Yes. I thank the Senator very much for his help and information.

Mr. METCALF. Mr. President, if the Senator has any time left, would he yield to me?

Mr. HART. I yield, if I do have the time.

Mr. METCALF. I am in complete accord with most of the statements made by the Senator from Michigan (Mr. HART), and I applaud the amendments put in the bill to provide the protection he has pointed out.

I emphasize, however, that these are multi-State corporations. They are not controlled in the local area. They are not even controlled in the States involved. These holding companies are controlled from financial centers in Chicago or San Francisco or New York. The argument the Senator is making for local people to participate in the development of housing in the ghetto areas or in the low income areas is the very argument that argues against permitting huge, financially structured corporations to participate in management, in managing from Michigan to Chicago, or in managing from Rhode Island to New York.

The PRESIDING OFFICER (Mr. ALLEN). All time has expired.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. All time on the amendment by the Senator from Michigan (Mr. HART) has expired. The Senator from Michigan (Mr. GRIFFIN) has 5 minutes remaining.

Mr. GRIFFIN. Mr. President——

Mr. HART. Mr. President, may I inquire what time remains to the two Senators from Michigan?

The PRESIDING OFFICER. No time remains on the amendment to the Senator from Michigan (Mr. HART). Five minutes remain to the Senator from Michigan (Mr. GRIFFIN).

On the bill itself, time is not transferrable to the amendments.

The Senator from Michigan (Mr. HART) has 15 minutes and the Senator from Montana (Mr. METCALF) has 8 minutes.

Who yields time?

Mr. HART. Mr. President, I have no time remaining on the amendment.

Mr. GRIFFIN. Mr. President, unless someone seeks recognition, I would yield back my time on the amendment so that the amendment may be agreed to.

The PRESIDING OFFICER. All time has been consumed or yielded back on the amendment.

The question is on agreeing to the amendment of the Senator from Michigan (Mr. HART).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HART. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Michigan (Mr. HART) is recognized for 7 minutes.

Mr. HART. Mr. President, this discussion has already, I think, highlighted the advantages that I believe are represented by the bill and the problems which it brings with it.

Permit me now to make a statement which was intended to be my opening statement and which I think is responsive to some of the concerns—at least it makes clear the purpose that is sought to be achieved by the committee in recommending enactment of the bill.

S. 1991 is designed to alleviate national housing problems by empowering the Securities and Exchange Commission to authorize public utility holding companies to construct, own and operate federally assisted low- and moderate-income housing.

They can do it in two ways. They can do it either through investment in a housing subsidiary of the holding-company system or through investment in individual housing projects in which the National Housing Partnership, organized under title IX of the Housing and Urban Development Act of 1968 participates. The Public Utility Holding Company Act of 1935 requires holding-company acquisitions to bear a functional relationship to utility operations. S. 1991 introduced at the request of the Department of Housing and Urban Development with the concurrence of the Securities and Exchange Commission would permit registered holding companies to provide housing for persons of low- and moderate-income housing within their service area. The bill contains numerous safeguards designed to regulate the extent and nature of this investment to assure protection of housing tenants, utility consumers, and investors.

Mr. President, the Nation is facing a housing problem of enormous proportion.

We all know about the housing shortage. The central residential cores of many cities are dying. Billions have been spent by the Government and private enterprise to reverse this alarming trend. In the last 2 years we have seen substantial improvement in the number of low- and moderate-income housing starts. Despite this effort it appears that national housing stock is continuing to decline faster in quality than it increases in quantity. Many housing projects are already in financial default and the number is rapidly growing. It has become clear that the challenge in meeting national housing goals is not in initial construction, but in the ability to manage and operate housing developments. The critical key in the achievement of national housing goals is to secure sponsors that can operate housing projects on an economic and socially successful basis over a long term. It appears to us that registered holding company utilities are capable of being such sponsors. Unless we enact this bill, they would nonetheless be precluded.

The committee had 3 days of rather full hearings. Testimony at the extensive Commerce Committee hearings indicated that utilities have a stake in the continuing economic health of their service areas, that they have managerial and financial resources needed for low- and moderate-income housing construction and that they are accustomed to substantial regulation similar to that present in housing programs. Consequently it appears that there is a substantial and real contribution that utilities can make toward solving the Nation's housing problems.

Mr. President, I am not, I think, labeled as an ardent advocate and supporter in the Senate of the causes of the utilities in this country. But I think that this bill provides the framework for harnessing the resources of holding-company systems to satisfy the national need for low- and moderate-income housing in the public interest.

I recognize that this bill, if enacted, would be the first amendment to the Public Utility Holding Company Act of 1935. The central policy of that act was to prevent utilities from utlizing their monopoly power to diversify into other areas. This bill should not be construed as evidencing a desire or intention to depart from this basic policy of the Holding Company Act. But the Nation's compelling housing needs, the utilities' potential capability to make a contribution, and the safeguards contained in the bill and committee amendments justify this modification to the Public Utility Holding Company Act.

The bill as amended contains many safeguards. Utility housing activities are limited to participating in federally assisted low- and moderate-income housing programs within the service area of the holding company system, and not new towns or industrial plants or real estate speculation. The Securities and Exchange Commission would retain discretion over whether to approve each low- and moderate-income housing activity. I have in mind the thought that if a utility's capacity to provide utility service might be jeopardized, the housing application would be denied. The holding-company system must retain ownership for at least 20 years thereby preventing it from becoming simply another land speculator; the utility and housing operations must be financially separated so that one does not subsidize the other; at least one member of the housing subsidiary's board of directors is to be selected by tenants; further State regulation is not preempted and the housing investment is limited to $2 million per 2-year period.

The **PRESIDING OFFICER**. The time of the Senator his expired.

Mr. **HART**. Mr. President, I yield myself an additional 3 minutes.

The **PRESIDING OFFICER**. The Senator from Michigan is recognized for an additional 3 minutes.

Mr. **HART**. Mr. President, in addition the authority granted by this bill shall terminate 10 years from the date of its enactment. The committee believes that it is desirable to have a trial period for utility participation in housing activities. Near the end of the 10-year period Congress will be able to examine housing activities, evaluate their impact and assist the success of the program. If holding company participation has had a substantial and beneficial impact on meeting national housing needs without counterbalancing adverse effects, then Congress may be ready and willing to renew this provision. If, on the other hand, the opposite is the case, then the authority for further holding company participation in new housing projects will cease.

Mr. President, I believe that with the safeguards the bill is a good bill. It would take the utility companies up on their argument that it is managerial skill that is important. That is really the principal justification for granting the exemption.

I am pleased to report that the bill, as amended, was reported by the Commerce Committee without a dissenting vote. Although he is necessarily absent today, the distinguished Senator from Washington (Mr. MAGNUSON) supports the bill as reported.

I believe that with the safeguards contained in the bill, Congress can responsibly and prudently grant this kind of an exemption, an exemption to a prohibition, which prohibition the passage of time has proved to be very helpful.

I would like to see what will happen. I think it is well worth the risk for a 10-year period to permit the management skill of these utility companies to be applied in meeting the low- and moderate-income housing needs in this country. Thus far the track record of most Federal housing for low-income families is wretched. It is wretched in part because Congress underfunded HUD. It is wretched in part because the suede-shoe boys saw opportunities that we did not anticipate, and they took advantage of them.

Also some very sincere investors simply lacked the management skill. In any event, given the track record, I would suggest that we add as available sponsors the skills and the commitments of these utility holding companies.

I would hope that at the end of the 10-year period our decision will have proven to be a wise one. If it is not, they are on notice that we will not continue this exemption.

Mr. President, I reserve the remainder of my time.

Mr. **GRIFFIN**. Mr. President, I ask unanimous consent that a letter dated August 12, 1971, by Gov. William Milliken, of Michigan, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR MOSS: I am delivering this letter to the Committee to emphasize my strong support for Senate Bill 1991, which would allow utility companies to engage in the business of development and managing low- and moderate-income housing.

There is a tremendous housing need in Michigan, which I estimate to be over 500,000 units, for families in the low- and moderate-income range. In response to this need, my administration has undertaken the planning of $1 billion of housing production in Michigan during the 1970's. We have already issued $150 million of Michigan State Housing Development Authority revenue notes and bonds to finance the construction and mortgages of the first phase of our program.

Last year I introduced, and the Legislature enacted, a statute which would encourage private companies to become sponsors and managers of low- and moderate-income housing financed by the Authority. To make these programs successful in redeveloping residential opportunities in our cities and expand new residential facilities across the state which all of our citizens can afford, it is imperative that the strongest sponsors be encouraged to participate.

I therefore strongly urge that Senate Bill 1991 be adopted by Congress so that these companies can sponsor low- and moderate-income housing under Federal and State production programs.

Sincerely,

WILLIAM G. MILLIKEN,
Governor.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a statement before the Senate Commerce Committee by William Rosenberg, executive director of the Michigan State Housing Development Authority, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIAM G. ROSENBERG

My name is William G. Rosenberg. I am representing Governor William G. Milliken of Michigan, and am the Executive Director of the Michigan State Housing Development Authority.

It is clear that a housing crisis exists in this country. In response to housing needs in the State of Michigan, the Michigan State Housing Development Authority was established as a state agency by the Legislature, at a time when Department of Housing and Urban Development Secretary George Romney was Governor, to finance housing production for low and moderate income families. Governor Milliken has directed the authority to finance 50,000 units of new construction at an investment of over $1 billion in this decade.

Last year, legislation was enacted to provide the Authority with revenue bonding capacity of $300 million for immediate construction of 15,000 homes and apartments. In addition, limited dividend entities were qualified as sponsors of Authority-financed housing as a means of encouraging the private sector-companies like Michigan Consolidated Gas to concentrate in rehabilitating housing in the inner city of Detroit. This program will not only add new housing, but will also create needed jobs for community residents. Since the 1970 state legislation, the Authority has undertaken the planning and construction of $150 million of housing for 8,500 families, which will either be occupied or under construction by the end of 1971. By the end of 1971 the Authority expects to be financing production of homes at an annual level approaching 10,000 units.

As the state, in many cases in conjunction with federal programs, becomes more involved in the housing area, we are beginning to see more clearly the tremendous difficulties and expense of dealing with this complex issue. Inflation has affected the residential construction industry more than most, causing labor, material and land costs to skyrocket; production techniques are archaic; local governments are often restrictive; interest rates on mortgages over the past three or four years have increased 20 to 30%; property taxes have increased almost 10% per year; utility costs for heating and appliances are also rising. Not only are the financial and production problems real, but the organization of housing production involves intricate local political arrangements, as well as attention to the human problems associated with making and keeping housing developments operational once the enormous investment of public and private capital is committed.

From our vantage point, it is very clear that even an enormous investment of public funds for housing will not necessarily assure that the housing needs of our citizens will be met. This is not to say, of course, that the problem can even be approached without major financial commitments, but is to emphasize the need to encourage greater involvement and responsibility on the part of those public and private organizations which have the resources and expertise to tackle one of our nation's most difficult and complex problems.

The public's commitment is reflected in a variety of state, local and federal efforts, and is very expensive. Subsidies are provided through a number of vehicles, including:

(i) direct payments to low and moderate income families to offset high interest costs under the Section 236 and 235 and rent supplement programs;

(ii) welfare payments for housing;

(iii) low-income public housing programs;

(iv) income tax exemption incentives on municipal bonds issued to finance low and moderate income housing programs;

(v) federal income tax depreciation write-offs which offset other taxable income;

(vi) urban renewal and community planning grants; and

(vii) sewer and water system grants and financing.

In addition, enormous sums are invested in new school and transportation systems to accommodate residential growth.

Notwithstanding all of this funding, our nation's record in meeting the housing crisis is not attractive. We may question, of course, whether the public commitment has been broad and imaginative enough. But even within existing programs, enormous problems remain to be solved—one of the most critical of which is the economically and socially successful operation of housing developments constructed with government assistance. On May 18, 1971 Norman J. Watson, Assistant Secretary for Housing Management at HUD, detailed the enormous operating problems that HUD was facing under its low and moderate income Section 236 program, first enacted in 1968. Mr. Watson reported that there were already 117 separate projects in financial default, containing 13,300 homes costing $160 million, and that the number was rapidly increasing. Mr. Watson stated that a major reason for the failure of these programs was poor property and financial management after construction was completed. I share HUD's concern about the future of these programs. In assessing the essential skills in shortest supply, I am forced to rank the ability to manage and operate these low and moderate income housing developments as the greatest deficiency.

As these developments are privately owned, the crisis in management and operation points up the need for more experienced and stable private sector involvement in publicly-assisted housing. As the public official responsible for directing Michigan's investment of $150 million a year to provide low and moderate income housing opportunities, I believe it is extremely important that government encourage—and perhaps even demand—that major private institutions familiar with matters affecting the public interest and real estate development bear their fair share of the responsibility to house our citizens. We must attract and retain the most stable organizations to this task and not rely on real estate speculators or tax gimmicks to do the job. It is because I believe that government's substantial investments in housing programs require strong organizations to sponsor and manage housing developments that I strongly support legislation to permit public utilities to sponsor low and moderate income housing projects financed under state and federal programs. I would request that the committee include in the enabling language, state and local programs, as well as federal programs, to reflect the growing commitment of state and local governments in addressing the housing crisis.

The record of Michigan Consolidated Gas Co. in Detroit has been admirable. During the time they were free, under earlier SEC rulings, to sponsor low and moderate income housing, Michigan Consolidated accounted for a substantial percentage of the production of such housing in the City of Detroit. The company has been among the most effective developers and has shown important skills in establishing relationships with inner city communities, complying with local, state and federal rules, maintaining fiscal soundness, and managing the developments. Its particular strength has been the ability to properly maintain the developments it sponsors.

In our judgment, utility companies are among the best sponsors of housing. Their concern is not only the general concern of a conscientious citizen, but reflects a financial desire to protect major permanent investments already made in the cities. They have the special skills to develop and manage housing because of strong experience in real estate and construction, and because of their expertise in dealing with government as a regulated business. Of equal importance, they have special real property management expertise due to the very substantial maintenance efforts that are already part of their business structure.

In closing, I wish to again recommend on behalf of Governor William G. Milliken, and on behalf of the Michigan State Housing Development Authority, that Senate Bill 1991 be enacted to permit companies like Michigan Consolidated Gas Co. to freely engage in the development, construction and management of housing for low and moderate income families under state and federal program.

WILLIAM G. ROSENBERG,
Executive Director, Michigan State Housing Development Authority.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. GRIFFIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 2, beginning on line 20, strike all down through line 3 on page 3 and insert in lieu thereof the following:

"(i) full original ownership of each housing project shall be retained for at least twenty years from the date of first tenant occupancy, provided that transfer prior to twenty years may be made (a) to a local nonprofit or cooperative organization if the Secretary of the Department of Housing and Urban Development certifies and gives the reasons therefor that such an organization is likely to operate the housing project equally well or in an improved manner, on a financially sound basis, and with provisions to assure satisfactory maintenance on a long-term basis, or (b) upon a showing to the Securities and Exchange Commission by such company of serious financial harm threatening the ability of the holding-company system to render satisfactory utility service and with the approval of the Secretary of the Department of Housing and Urban Development;"

The PRESIDING OFFICER. The chair inquiries of the Senator from Michigan if this is the amendment on which the yeas and nays have been ordered and on which the 30 minutes has been allotted.

Mr. GRIFFIN. It is, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, as the distinguished senior Senator from Michigan has pointed out in a very excellent statement, this legislation comes about as a result of the rulings made by the Securities and Exchange Commission and the U.S. Court of Appeals for the District of Columbia. At one point the SEC found that holding companies that seek to develop low income housing actually had authority to do so but later, on reconsideration, they reversed themselves on a question of statutory interpretation. If the SEC had not reversed itself, a company today would be able to transfer such a project before retaining it for 20 years to a nonprofit organization upon approval by HUD.

Now, in seeking to put adequate safeguards in this legislation, the committee under the leadership of the senior Senator from Michigan, has written in a number of safeguards which are addressed to several concerns raised on the floor today and during the hearings.

One of the so-called safeguards, written into this bill is that a utility company which exercises this authority would have to retain the project for 20 years and could not transfer its interest prior to the end of this time period unless utility operations were endangered.

My concern is that this restriction may go too far and inhibit companies which have the capital and expertise from going ahead and building low income housing. If this happens, then we are going through a futile exercise in passing this bill.

Because of certain tax considerations which have been alluded to, there is a built-in incentive for a utility company to retain control of housing projects for at least 10 years.

Incidentally, in connection with tax considerations and the earlier colloquy between the distinguished Senator from Minnesota and the distinguished senior Senator from Michigan, I would like to read into the RECORD a recommendation from the 1968 report of the National Commission on Urban Problems, which was appointed by President Johnson. That Commission's recommendation includes this statement:

> Prompt revision of the Federal income tax laws to provide increased incentives for investment in low- and moderate-income housing, relative to other real estate investment, where such housing is governmentally subsidized and involves a legal limit upon the allowable return on investor's equity capital. Specifically we propose that the Internal Revenue Code be amended to provide especially favorable treatment (whether through preferential depreciation allowances or through investment credits) for investments made under a governmentally aided limited-profit programs for the construction and rehabilitation of low- and moderate-income housing.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. GRIFFIN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. GRIFFIN. Mr. President, Congress followed that recommendation and better tax incentives for the construction of low-income housing have been provided, but unfortunately these programs have not always worked. There have been scandals and Detroit is an unfortunate example of an area where these programs have not worked.

As the distinguished senior Senator from Michigan indicated, one of the things that is needed is more expert management in many of these projects. Fortunately, the utility companies have an interest and they have the management which would help in making it possible to develop low- and moderate-income housing in the inner city.

But in order to see this management capability actually utilized, I believe we need to provide a little more flexibility in one provision of the committee bill. Under my amendment a utility which developed a housing project would be required to retain full original ownership for at least 20 years, provided that transfer prior to 20 years could be made only under the following limited circumstances:

> "(a) to a local nonprofit or cooperative organization if the Secretary of the Department of Housing and Urban Development certifies and gives the reasons therefore that such an organization is likely to operate the housing project equally well or in an improved manner, on a financially sound basis, and with provisions to assure satisfactory maintenance on a long-term basis, or (b) upon a showing to the Securities and Exchange Commission by such company of serious financial harm threatening the ability of the holding-company system to render satisfactory utility service and with the approval of the Secretary of the Department of Housing and Urban Development;"

Mr. President, I submit that a Senator who reads the language of this amendment will see that it is carefully worded and carefully limits the circumstances under which it would be possible for the tenants of a housing project, for example, to form an organization and to purchase or acquire ownership of their own housing project.

Under the present bill, as amended by the committee, they could not do that because the utility company would be required to retain ownership for 20 years. I believe that this proposed amendment would provide more incentive for utility companies to build housing without sacrificing the objective of providing well-maintained housing on a long-term basis.

Mr. President, I think the amendment is worthy of adoption by the Senate. I reserve the remainder of my time.

Mr. HART. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, in connection with this amendment, which I oppose, I rather agree with my colleague from Michigan that it would provide greater incentives for utilities to get in this business, but for the wrong reasons. The quicker they can turn it over the larger is the return to them. As they presented their case to us initially, in seeking this exemption, the strongest justification they cited was, "We can manage this property better than other housing sponsors—permit us to construct and to manage these low-income housing units and you will have much more satisfactory housing for poor people in this country."

Now, they cannot have it both ways. They cannot say the justification for the exemption is that "we will be skilled housing managers" and then say, "but if we can convince HUD that a tenant's cooperative will do as good or a better job, we will get out." But by putting these utilities on notice that they must retain ownership for 20 years, without any ands, ifs, or buts—unless the project is such a financial liability that the SEC is persuaded that it jeopardizes their ability to provide adequate utility service—a point on which the bill as reported agrees with this amendment—I believe, that initial construction will be of high quality and the utility will have a real incentive for proper management.

Again, the basic justification for this exception to the Public Utility Holding Company Act is the utilites' claim that they can do a better job on managing these projects.

This amendment would provide a means for the utilities to escape this continuing responsibility. It would not be difficult to find a nonprofit organization to take over a project. But most nonprofit organizations lack the resources or experience to properly manage a housing project. Nonprofit organizations have not had a good record of successful housing operation.

In the language of the amendment, the Secretary of HUD would have to make a finding that a tenant group or a nonprofit group could do as good or a better job than the utility.

In light of the large number of defaults in housing projects, I am not persuaded HUD has the capacity to make that judgment. At least, judging their record thus far, they have a difficult time making an accurate forecast of management ability. HUD certification is no assurance of successful housing operation of such a project in the future.

Consequently, Mr. President, though I am willing to concede that it will lessen the incentive of utilities to take advantage of the exemption we are providing, it will protect against some of the abuses that we are on notice occurred on these projects, and it will take them up on their representation that, above all else, it is their management presence which will insure better housing for the low- and middle-income families in this country. They have the skills. All right, if they want the exemption, let them operate housing at least for the time that the bill provides—20 years.

I hope the Senate will reject the amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I am prepared to yield back my time and vote.

Mr. METCALF. Mr. President, will the senior Senator from Michigan yield me 2 or 3 minutes?

Mr. HART. I yield such time to the Senator as he may want.

Mr. METCALF. Mr. President, I want to applaud the committee for holding thorough hearings, for listening to witnesses on both sides, and for adopting a series of amendments that the senior Senator from Michigan so ably and cogently described in his opening statement. Every one of those amendments is needed in order to protect certain areas that I had raised in my testimony in my opposition to this bill and that of other witnesses who appeared before the committee raised in opposition.

So I think the committee did an excellent job. I applaud the committee for the adoption of these amendments, and the adoption of this amendment which the junior Senator from Michigan seeks to strike.

I am not in complete accord with the senior Senator from Michigan that this is the way to find better managerial ability. I will have more to say about that later. But when we are passing this special interest legislation on behalf of 17 large, multi-State corporations, we must be very careful to be sure that in eroding an act that has been on the books as long as the Wheeler-Rayburn Act has been, we do have the protection that the committee decided was so necessary to surround this exemption.

Therefore, I urge the Senate to reject further erosion of the act and to support the committee in its series of amendments.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GRIFFIN. Mr. President, I yield back my time.

Mr. HART. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment is yielded back. The yeas and nays have been ordered. The question is on agreeing to the amendment offered by the junior Senator from Michigan (Mr. GRIFFIN). The clerk will please call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announced that the Senator from North Carolina (Mr. JORDAN) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Louisiana (Mr. ELLENDER) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK), the Senator from Kentucky (Mr. COOK), and the Senator from Ohio (Mr. SAXBE) are detained on official business.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea."

The result was announced—yeas 27, nays 44, as follows:

[No. 294 Leg.]

YEAS—27

Aiken
Allen
Allott
Beall
Bellmon
Bennett
Boggs
Buckley
Curtis
Dole
Dominick
Fannin
Griffin
Gurney
Hansen
Jordan, Idaho
Mathias
Packwood
Pearson
Roth
Stafford
Stevens
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—44

Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Eastland
Ervin
Fong
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Kennedy
Long
Mansfield
McClellan
McGee
McIntyre
Metcalf
Mondale
Moss
Nelson
Pastore
Proxmire
Randolph
Ribicoff
Schweiker
Smith
Spong
Stennis
Stevenson
Symington
Tunney
Williams

NOT VOTING—29

Anderson
Baker
Brock
Cannon
Cook
Cooper
Cotton
Ellender
Fulbright
Gambrell
Goldwater
Gravel
Harris
Hatfield
Hruska
Javits
Jordan, N.C.
Magnuson
McGovern
Miller
Montoya
Mundt
Muskie
Pell
Percy
Saxbe
Scott
Sparkman
Taft

So Mr. GRIFFIN's amendment was rejected.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TUNNEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 3, line 18, insert the folowing:

"(v) each such company shall assure that adequate housing opportunities are made available for the elderly in projects owned or operated by such company;".

Renumber succeeding clauses accordingly.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I am pleased that the Committee on Commerce has reported favorably S. 1991, in order to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income.

The basic purpose of the bill is to allow public utility companies to participate in programs such as the National Corporation for Housing Partnerships and to form "limited dividend" corporations authorized by the National Housing Act in order to assist local communities to provide adequate housing.

The bill was made necessary by a series of rulings by the Securities and Exchange Commission and the courts which currently prevent such participation.

In March of 1969, the SEC, by a divided vote, held that the participation by a holding company subsidiary in low- and moderate-income housing programs administered by the Department of Housing and Urban Development satisfied the statutory standards of the Holding Company Act.

However, in a later ruling on the same question the SEC again by a closely divided vote reversed its position. This decision was upheld by the District of Columbia circuit of the U.S. Court of Appeals on April 16, 1971. But in upholding the ruling the court praised the efforts of utility companies in reacting positively to the need for reconstruction of inner cities and suggested that Congress take appropriate action.

The Commerce Committee and the Department of Housing and Urban Development have met the suggestion of the court in drafting and developing S. 1991. I commend them for a job well done.

I believe that one additional change remains imperative. I believe that no legislation of this nature can ignore our senior citizens. I believe that every effort must be made to assure that, in programs such as this, adequate assurances are provided for the needs of the elderly.

It has long been evident that our Nation's senior citizens desperately need better housing. The inadequate and unacceptable housing conditions which plague the elderly of this land sharply discourage the elderly in their fight for respectability.

Dilapidated and frequently dangerous dwellings house almost 30 percent of America's senior citizens. In Los Angeles alone, over 20,000 elderly are living in outdated and unsafe housing. The problem is clear. There is not enough adequate housing available for America's citizens, and as a result, the elderly, because of their retirement incomes, are pushed into the only structures they can afford: Frequently, these are inner-city tenements and broken-down hovels.

Too few people realize that slum conditions too often characterize the housing for the elderly. The old are often just another group of the poor. Their houses are inadequate. Something must be done to help them.

Housing that can be afforded by the elderly must be made available. We cannot allow our older citizens to exist in dangerous dwellings that frequently house misery and loneliness. I am convinced that this Nation can provide safe and adequate housing for all its citizens if it would commit itself to that goal.

Accordingly, I believe that it is important to assure that adequate attention is focused in this bill on the housing needs of the elderly.

Therefore, Mr. President, I am offering this amendment to S. 1991. That amendment would add a provision to the bill which would assure that, in housing developed pursuant to the provision of this legislation, adequate opportunities are provided for the elderly. It would commit each company operating under the provisions of this bill to consider the housing needs of our senior citizens and to help respond to them.

Accordingly, Mr. President, I believe that this addition to S. 1991 will fill an important need. It will help the Nation to respond to the unmet and unsatisfied housing needs of some of her most valued and cherished persons, her older citizens.

I hope and expect that my colleagues will support this amendment.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. CHURCH. I simply want to say that I agree wholeheartedly with the argument of the distinguished Senator from California, and I hope the Senate will see fit to adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, the amendment proposed by the Senator from California and the Senator from Idaho makes excellent sense, in my opinion. I feel that it does reflect the unanimous sentiment of this body. After we have a reaction from my colleague from Michigan, I would suggest that it be accepted.

Mr. GRIFFIN. Mr. President, I certainly concur that this amendment would be an improvement on the legislation. I suspect and I would hope that senior citizens would be given consideration even in the absence of such a proposal, but I think that the amendment of the distinguished Senator from California (Mr. Tunney) certainly would carry out the intent of the legislation, and I believe that it should be accepted.

I wish to say, Mr. President, while I have the floor—and it will not be necessary to say later—that even though the amendment I offered would have provided greater flexibility and more incentive for the construction of low income housing in the inner city than will be the case now that the amendment has been rejected, I still will be for the bill. Moreover, I hope that after we adopt the amendment of the distinguished Senator from California relating to senior citizens, we will pass this measure. I am strongly for it and my amendment was only intended to be an improvement to provide greater incentive for housing participation by public utilities. It is unfortunate that it was not adopted, but this is still basically good legislation which should be enacted by Congress this year.

Mr. TUNNEY. Mr. President, I thank the Senators from Michigan for accepting the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from California (Mr. Tunney).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Is all time yielded back on the bill?

Mr. METCALF. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. METCALF. Mr. President, I rise in opposition to S. 1991.

The background of this proposed amendment of the Public Utility Holding Company Act is this: A similar amendment was added onto the 1970 housing bill, without hearings and so quietly that at least four members of the Senate Banking and Currency Committee told me they were unaware of it. It was passed the day after it was reported, by a Senate unaware of its implications. Thanks to efforts of Chairman Patman of the House Banking and Currency Committee and other Members of the House, where no hearings had been held, it died in conference.

My floor amendment to delete the amendment in 1970 lost by a division vote. Last year the identical bill was reintroduced and referred to the Commerce Committee, which did conduct thorough hearings.

Printed hearings became available only today. Therefore, Members probably have not read the strong testimony against abandonment of the principal which Congress established in the Wheeler-Rayburn Act. Senator Wheeler was floor manager of the bill and he stated the principle succinctly:

> Utility holding companies shall confine themselves to gas and electric service and not continue to mix into all manners of other businesses.

So Members probably have not read the testimony of Dr. Clay Cochran, executive director of the National Rural Housing Alliance, and his suggested housing alternative, employed by Duke Power Co. Members have not seen the charts regarding holding company subsidiaries prepared by Angus McDonald. Nor have they read the profound testimony of Prof. William Melody of the University of Pennsylvania, who spelled out the adverse effects of such an amendment on competition and regulation.

This bill has been merchandized as a method of assisting low- and moderate-income housing programs. As the hearing record will show, utility officials and regulators state that utilities can make between 20 and 25 percent on their equity annually, through depreciation of these housing subsidiaries. The committee amendment does not change that feature of the program. No one has yet been able to explain to me how decreasing utility taxes translates into low-cost housing.

Nor has there been any shortage of prospective sponsors for moderate- and low-cost housing. The shortage, as the committee report states, has been one of Government funds. And Government funds are decreased by broadening the area of allowed depreciation available to holding companies under the terms of this bill.

A "sweetener" added by the committee provides that a tenant may serve on the board of the holding company's housing subsidiary. I trust that all Members understand how all subsidiaries of holding companies are controlled from the top down.

Middle South runs its gulf coast subsidiaries from New York. American Electric Power runs its Midwest subsidiaries from New York. Central and Southwest, a Delaware holding company, runs its Texas, Oklahoma, and Louisiana subsidiaries from Chicago. Holding company ownership of housing subsidiaries will simply insure that the landlord is far removed and well insulated from the tenant.

The bill provides for three possible types of regulation, by State housing regulation agencies, of which there are few, by the Department of Housing and Urban Development and the Securities and Exchange Commission. That type of regulation is sufficiently diffuse to assure that there will be no regulation. And that nonregulation is underpinned by the amazing finding of the Commerce Committee, stated on page 9 of its report on the bill, that HUD and the SEC can administer the bill "without additional personnel or funding."

Mr. President, what this all means is that if we enact this legislation the utility will do the regulating. As the committee report points out, on page six:

> Utilities possess significant expertise in dealing with governmental regulators.

The utilities already have HUD under firm regulation in connection with this bill. You can see from my testimony and inserts at the hearing how the memorandum of Hugh C. Daly, executive vice president of Michigan Consolidated Gas Co., became the HUD memorandum, virtually word for word, complete with identical grammatical errors.

I can well imagine the difficulty which a fuel supplier, if not associated with the utility housing sponsor, will have under the terms of this bill. It provides that "the hearing and/or cooling system selected shall be that system which is most economical, considering all relevant factors."

Probably the most relevant factor is that the utility sponsor will be in on the project from the beginning. That utility subsidiary will be able to juggle costs so that it can appear to offer a better deal than a possible competitor. Additionally, the utility sponsor will have a day-to-day working relationship with his HUD "regulators"; a distinct advantage over an outside competitor. And HUD, of course, will not have any additional staff or funds for independent comparison.

Attorney General Kleindienst, in his favorable report on the bill, appearing on page 13 of the committee report, speaks bravely of the "appropriate exercise of the regulatory power grants to the Securities and Exchange Commission by the bill." More authority; and no money, for the Commission which only this year initiated divestiture proceedings against a utility holding company under authority it has had for 34 years, but which has not been used because of a shortage of funds.

I ask unanimous consent to have printed in the RECORD an editorial from Electrical World on this point. It may help the tenant member of the board of directors of some utility housing subsidiary understand the charade of meaningless regulation in this bill.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Electrical World, Aug. 1, 1972]

SEC EXPLORES DIVESTITURES

When the Securities & Exchange Commission ordered a hearing to determine whether Delmarva Power & Light Co should retain both its electric and gas operations, the Commission's Division of Corporate Regulation began to step up its enforcement of regulated public utility holding companies again.

Under the 1935 Public Utility Holding Co. Act, SEC has the power ot decide whether regulated holding companies may hold both gas and electric systems. According to the law, which has been in force since Jan. 31, 1938, a regulated interstate holding company may operate one utility system, either gas or electric. But it must have approval from the SEC to operate both. There are only four combined electric-gas SEC regulated utility holding companies that now are interstate—Delmarva; Northeast Utilities; Middle South Utilities Inc.; and New England Electric System, on an SEC order, divested four out of eight of its gas firms and is seeking to divest the rest.

It is fair to assume that SEC will look into the other two companies. Among the subjects the agency intends to explore is the question of conglomerates that own regulated gas and electric companies.

Following a number of conglomerate acquisitions, which SEC OKed, large companies have emerged which own subsidiary gas and electric companies, according to sources. SEC approval, however, was contingent on divesture of either gas or electric operations. If these conglomerates agreed, but they have been noticeably slow in acting out the agreements. Since Congress has now beefed up the SEC's Division of Corporate Regulation, conformity with the regulations is expected to be more quickly enforced.

Nevertheless, divesture hearings before the SEC have been very slow. Delmarva, for instance, admits that it has known for years that it would be subject to hearings. "We've known the company might receive consideration, and we've been expecting to hear," says James L. Hammond, Delmarva's financial vice president. "But we had no idea it would happen now. It's no surprise, but it's quite a shock." With a very small staff, it's taken the SEC 35 years to get around to Delmarva.

The last divestiture hearing before the SEC began in 1957 against New England Electric System. NEES was finally forced to divest itself of its gas activities to keep its electric operations. The case, though, went all the way to the Supreme Court and was not settled until 1969. SEC has never lost a case under the 1935 law. NEES still owns Mystic Valley Gas Co., North Shore Gas Co., Lawrence Gas Co., and Lynn Gas Co.

If Delmarva could prove, however, that it would lose substantial revenue if it were not to continue as a combined gas and electric system, it would survive the SEC test. It operates a gas system in Wilmington as well as electric transmission and generating operations on the peninsula formed by Delaware and parts of Maryland and Virginia.

Some 21% of Delmarva's 1970 operating revenues came from gas. If forced to divest, the company would be expected to rid itself of that operation. And it could be spun off easily.

It could still be some years before that happens. If the SEC rules against Delmarva, the company could appeal. If the appeal fails, it could go to court. If the company still loses, it would have a year to divest itself of its gas operations, and even then ask for a year of grace to complete divesture.

Mr. METCALF. Mr. President, on Wednesday, Representative VANIK of Ohio told the Joint Economic Committee how companies disregard SEC rules, refusing even to tell the straight story on taxes which they pay. And some Members may recall that a few weeks ago I placed in the RECORD a letter from Chairman Casey of the SEC who told me that his Commission did not even know who the top stockholders in major corporations are. My own studies have shown that banks have a greater concentration of stock in holding companies—and it is usually stock which banks vote—than is reported to Government regulators. I mention this in connection with the committee's argument, on page 6 of the report, that "utilities also have access to money, often at lower rates of interest than small construction companies."

The committee has stated a fact. But should the Senate increase the problems for small builders by permitting privileged and huge corporations to move into their business? Is that the direction in which the committee wants the Congress to go? If it is, Mr. President, I believe small businessmen and builders should become aware of this development prior to Senate action.

Mr. President, I remember how, 2 years ago, prior to the debate on the similar bill, I walked to the Senate Chambers that evening through corridors that were darkened because of the brownout. It was June, and the electric utilities were having great difficulty keeping their system going. Today we are in a similar situation. The Chairman of the Federal Power Commission and others are talking about the likelihood of brownouts and blackouts. Utility companies have plenty to do already. There is no need for them to engage in enterprises which may damage small competitors and make more of a mockery of regulation while depleting the Treasury through construction of tax-loss housing. I urge the defeat of this bill.

Mr. President, many of the issues in the proposed legislation already have been discussed as part of the amendment that was submitted and part of some of the previous statements that have been made.

I compliment and applaud the committee. Thorough hearings were held. Skilled, interested, and concerned persons presented testimony on both sides. Amendments that were prepared closed many of the doors and will prevent many of the abuses that could have occurred and were not anticipated under the original legislation. I am in full accord with the amendments and the contributions of the committee and the close study the committee made of this bill.

But I think it should be emphasized that this special legislation applies to only 17 multi-State corporations in America. It amends the Holding Company Act and applies only to holding company utilities. When former Senator Burton K. Wheeler handled the Holding Company Act on the floor, he pointed out that the primary purpose was to provide that utility holding companies shall confine themselves to gas and electric service and not continue to mix into all matters of public business. Operating utilities, under present law and under State regulations, if not part of a holding company can go into the housing business the same as any other business in many States.

All we are doing here is to provide special legislation for a special kind of monopoly interest; namely, a multi-State holding company.

That brings up the second point, the argument the senior Senator from Michigan made, that one of the ways to get better management and better control is to turn to the managers of public utility companies. Admittedly, they have some of the best businessmen in America, but if that were a logical argument, we would turn a modern-day Samuel Insull or someone of that sort who put together the holding companies and created the abuses which brought about the Wheeler-Rayburn Act way back in the 1930's.

Let me point out that some of the companies involved which would be permitted to go into the housing business are not local companies.

The Allegheny System is a holding company. It has the Allegheny Power Service Co.; the Potomac Edison Co.; the Pennsylvania, West Virginia, & Virginia Co.; the West Penn Power Co.; the Allegheny Pittsburgh Coal Co.; the West Virginia Power & Transmission Co.; the West Penn West Virginia Co.; the Water Power Co.; the Beech Bottom Power Co.; and the Monongahela Power Co.

The Appalachian area will be managed from New York. The management will come from New York. It will have to be the kind of skilled management that the Senator from Michigan was talking about that he wants for housing in the inner cities.

Mr. President, I ask unanimous consent to have printed from the hearings, some excerpts on holding companies and where a few of these multi-State holding companies are located.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE ALLEGHENY POWER SYSTEM

The Allegheny Power System, Inc., is a holding company. The territory served by its electric properties is located principally in Pennsylvania, West Virginia and Maryland, and also in adjacent sections of Ohio and Virginia. This territory has an area of approximately 29,100 square miles with a population of approximately 2,600,000.

Allegheny's subsidiaries include the Allegheny Power Service Corp., the Potomac Edison Co. (also a holding company), the Potomac Edison Companies of Pennsylvania, West Virginia and Virginia, the West Penn Power Co., the Allegheny Pittsburgh Coal Co., the West Virginia Power and Transmission Co., the West Penn West Virginia Co., Water Power Co., the Beech Bottom Power Co. and the Monongahela Power Co.

The Allegheny Power System is governed by a board of directors, all of whom have interlocks with outside companies and organizations. Only one board member of a subsidiary is linked with an outside organization.

COMPOSITION OF THE BOARD OF DIRECTORS OF THE ALLEGHENY POWER SYSTEM

Board Members interlocked with outside companies and organizations: Kammert, Lyon, May, McCardell, Newton, Nichols, Oliver, Rice, Taggart, Walworth, and Wilkerson.

Board Members with no outside interlocks: None.

Board Members of Subsidiaries with outside interlocks: McAlary.

Board Members of Subsidiairies with no outside interlocks: Cowherd, Hunter, MacMullen, and Sanders.

The Allegheny Power System has director interlocks with four banks including First National City Bank and Chemical Bank New York Trust Co. Allegheny is also interlocked with four other financial institutions.

First National City Bank, the third largest Bank in the U.S., ranked by deposits has one interlock with Allegheny. Chemical bank New York Trust Co., the sixth largest in the U.S., has three directors on its Board who are also directors of Allegheny.

According to a study made by the House Banking and Currency Committee, First National City Bank had common stockholdings with 25 major corporations and director interlocks with 81 major corporations. Chemical Bank New York Trust Co. had significant common stockholdings in 21 major corporations and director interlocks with 96 major corporations.

Directors of the Allegheny Power System are interlocked with two life insurance companies, 5 other electric utility groups (aside from its own subsidiaries), one supplier, 5 educational institutions including New York Univ. and the College of William and Mary. Allegheny is also linked with three foundations, 1 hospital and 11 other miscellaneous businesses including the Borden Co., American Sugar, Johns Manville and Allied Chemical.

ALLEGHENY POWER SYSTEM

1. Banks:
First National City Bank (Oliver)
Chemical Bank N.Y. Trust (Newton, Nichols, Rice)
Dry Dock Savings Bank (Lyon, May, Oliver)
Virginia Commonwealth Bank Shares (Newton)
2. Other Financial Institutions:
Discount Corporation of N.Y. (Lyon)
City Investing Mortgage (Lyon)
Wash. Co. United Fund (McCardell)
Niro Atomizer Financial (Nichols)
3. Insurance:
Savings Bank Life Ins. Fund (Lyon)
Institute of Life Ins. (Newton)
4. Other Electric Utilities and Utility Related:
Ohio Valley Electric (Kammert)
East Central Nuclear Group (Kammert)
Neptune Meter (Nichols)
Edison Electric Institute (Kammert)
Public Utility Ass'n of the Virginias (McCardell)
5. Other Suppliers: Windsor Power House Coal (Kammert)
6. Educational:
New York Univ. (Taggart, Nichols)
College of William and Mary (Newton)
Hagarstown Jr. College (McCardell)
Virginia Theological Seminary (Newton)
Colby Jr. College (Nichols)
7. Research and Professional:
Nichols Engineering (Nichols)
Nichols Engineering and Research (Nichols)
8. Other Non-Profit:
Nichols Foundation (Nichols)
Greenich House (Nichols)
Federal Protestant Welfare Agencies (Nichols)
9. Cultural: N.Y. Zoological Society (Nichols)
10. Health: Putman, Memorial Hospital, Bennington, Vt. (Nichols)
11. Miscellaneous:
Bordens (Oliver)
Duff Morton (Oliver)
Amer. Enka (Oliver)
Amer. Sugar (Oliver)
Polychrome Corp. (Oliver)
Johns Manville (May)
J. J. Newberry (Taggart)
Federal Paper Board (Taggart)
Tishman Realty and Construction (Taggart)
Hubbard Real Estate Investments (Taggart)
Allied Chemical (Nichols)

THE AMERICAN ELECTRIC POWER CO.

The American Electric Power Co. controls the Appalachian Power Co. which is engaged in the generation, purchase transmission and distribution of electric energy and its sale to the public in extensive territories in Virginia and West Virginia and in supplying of electric energy at wholesale to other electric utility companies and municipalities in those states and in Tennessee. The company serves 1,177 customers in a 19,260 square mile area having an estimated population of 1,919,000.

Subsidiaries of Appalachian are the Central Appalachian Coal Co., the Central Coal Co., the Central Operating Co., the Kanawha Valley Power Co. and the West Virginia Power Co.

AEP controls the Michigan Power Co., which provides electric service to 23,706 customers in southwestern Michigan and gas service to 44,892 customers in Southwestern Michigan and the upper peninsula of Michigan.

AEP controls the Ohio Power Co., which serves 557 communities and over 539,000 customers in a 7,372 square mile area in the Northwestern, East Central, Eastern and Southern Sections of Ohio, an area with an estimated population of 1,633,000.

Subsidiaries of the Ohio Power Co. include: Beech Bottom Power Co., Captina Operating Co., Cardinal Operating Co., Central Coal Co., Central Ohio Coal Co., Central Operating Co., and the Windsor Power House Coal Co.

The American Electric Power Company controls the Indiana and Michigan Electric Company which is engaged in the generation, transmission and sale of electric power to other utilities and municipals. It supplies 163 communities and over 358,000 customers in a 7,740 square mile area in northern and eastern Indiana and the southwestern part of Michigan having an estimated population of 1,522,000. Indiana and Michigan Electric owns the South Bend Manufacturing Co. and is acquiring the Indiana and Michigan Power Co.

The American Electric Power Co. controls the Kentucky Power Co., which serves 288 communities and over 105,000 customers in a 5,700 square mile area in the eastern section of Kentucky.

AEP controls the Wheeling Electric Co., which supplies electric service in 21 communities in West Virginia, the principal of which are Wheeling and Moundsville. Estimated population served is 102,000.

In April 1970 American Electric Power planned to enter into a housing development in Cambridge but was stopped by the Securities and Exchange Commission. The SEC rejected the housing proposal since utility holding companies are prohibited by the Holding Company Act of 1935 from engaging in unrelated utility activity.

The American Electric Power Co. and its subsidiaries are controlled by a board of 13. Eight members of the Board are interlocked with other corporations and organizations.

COMPOSITION OF THE BOARD OF DIRECTORS OF THE AMERICAN ELECTRIC POWER CO.

Board Members interlocked with outside companies and organizations: Aldrich, Boeschenstein, Brown, Cook, Cohn, Folsom, Menge, and Stanton.

Board Members with no outside interlocks: Amos, Dicke, Gavin, Patterson, and Rose.

Board Members of Subsidiaries with outside interlocks: Fourance and Prentice.

Board Members of subsidiaries with no outside interlocks: Baker, Bryan, Byler, Clapper, Flanigan, La Fon, Maloney, Pifer, Sampson, Sheats, Stark, Stewart, Tillinghast, White, Emler, and Kopper.

The American Electric Power Co. is linked with four banks including the Chemical Bank New York Trust and one other financial institution. American Electric has interlocks with three insurance companies including New York Life Insurance and the Equitable Life Assurance Society of the U.S.

American Electric has common directorships with the Southern Pacific Co., the Union Pacific Railroad and Pan-American Airways. It is linked with 5 professional organizations and 6 ostensibly non-profit groups. Its directors are also directors of two hospitals, the Columbia Broadcasting system and the American Broadcasting Co. American Electric Power is interlocked with 19 other businesses including Kroger, Borden and the Rand Corporation.

AMERICAN ELECTRIC POWER CO.

1. Banks:
Ohio Citizen's Trust (Boescheinstein)
Chemical Bank New York Trust (Brown
Troy Savings Bank (Folsom)
Lincoln National Bank (Kopper)
2. Other Financial: Diebold Technology Venture Fund (Stanton)
3. Insurance:
New York Ins. (Stanton)
Lincoln National Life Ins. (Menge)
Equitable Life Assur. Society of U.S. (Aldrich)
4. Other Utilities: Ohio Valley Elec. Corp. (Armstrong) (Cook)
5. Transportation:
Southern Pacific Co. (Aldrich)
Union Pacific RR (Brown)
Twin Branch RR (Cohn) (Cook) (Elmer) (Kopper) (Whitman)
Pan American World Airways (Stanton)
6. Business:
Ohio Chamber of Commerce Bd. (Boeschenstein)
National Industrial Conference Bd. (Boeschenstein)
7. Professional:
Rensselaer Poly Inst. (Folsom)
Nat'l Acad. Engineering (Folsom)
Amer. Soc. of Mech. Engineers (Folsom)
Amer. Inst. of Aeronautics (Folsom)
Carnegie Inst. (Stanton)
8. Non-Profit:
Amer. Assembly (Brown)
Farm Electrification Council (Dir)
Theodore Von Karnam Mem. Foundation (Folsom)
Water Resources Associated (Fournace)
Ohio Public Expenditures Council (Fournace)
Rockefeller Foundation (Stanton)
9. Health:
Presbyterian Hospital (Aldrich)
Toledo Hospital (Boeschenstein)
10. Media:
Columbia Broadcasting System (Brown) (Stanton)
Amer. Broadcasting (Cook)
11. Cultural:
American Museum of Natural History (Aldrich)
Metropolitan Museum of Art (Aldrich)

12. Miscellaneous:
Owens-Corning Fiber Glass (Boesnchenstein)
Kroger (Boescheinstein)
Assoc. Dry Goods (Brown)
Uris Bldg. (Brown)
Borden (Brown)
Franklin Real Estate (Cohn) (Cook) (White) (Kopper)
South Bend Mfg. (Cook) (Kopper)
Diebold Computer Leasing (Cook)
Lincoln National (Cook)
Air Reductions (Folsom)
Arthur D-Little (Folsom)
Bendix (Folsom)
Research Analysis (Folsom)
Potter Instrument (Folsom)
Ohio Valley Improvement (Fournace)
Magnavox (Menge)
Lincoln National (Menge)
Rand (Stanton)

THE COLUMBIA GAS CO.

The Columbia Gas System, Inc., is a holding company owning securities of its subsidiaries primarily engaged in the production, distribution and sale of natural gas. It services approximately 4,000,000 customers in an area of 18,000,000 population in the States of Kentucky, Maryland, New York, Ohio, Pennsylvania, Virginia and West Virginia, and the District of Columbia.

Columbia Gas controls the following subsidiaries:
United Fuel Gas Co.
Atlantic Seaboard Corp.
Big Marsh Oil Co.
Columbia Gas of Ky., Va., West Va.
Kentucky Gas Transmission Corp.
Columbia Gas of Ohio
Ohio Fuel Gas Co.
Ohio Valley Gas Co.
Columbia Gas of Pa.
Mfg. Light and Heat Co.
Columbia Gas of Md., N.Y.
Cumberland and Allegheny Gas Co.
Homes Gas Co.
Inland Gas Co.
Columbia HydroCarbon Corp.
Preston Coil Co.
Columbia Gas System Service Corp.
Columbia Gulf Transmission Co.
Columbia LNG Corp.
Columbia Gas Development Corp.
Columbia Coal Gasification Corp.

The Columbia Gas System is governed by a board of seventeen. Six of the Board are interlocked with outside companies and organizations. Eleven are not.

COMPOSITION OF THE BOARD OF DIRECTORS OF THE COLUMBIA GAS SYSTEM, INC.

Board Members interlocked with outside companies and organizations: Blair, Evans, Loomis, Partridge, MacNichol, Jr., and Roche.

Board members with no outside interlocks: Batten, Clarke, Clute, Crissman, Duemler, Durzo, Fletcher, Pringle, Stauffer, Sproul, and Hillenmeyer.

COLUMBIA GAS SYSTEM, INC.

1. Banks:
United National Bank of Pittsburgh (Livingstone)
First National Bank of Newcastle (Blair)
Chemical Bank New York Trust (Loomis)
Kanawha Valley Bank (Evans)
Morgan Guaranty Trust (Young)
2. Insurance: Home Life Ins. (Loomis)
3. Closely Related:
Carbon Fuel (Evans)
Quincy Coal (Evans)
Paga Mining (Evans)
4. Economic:
Industrial Relations Counselors (Baker)
Iron and Steel Institute (Roche)
Nat'l Industrial Confer. Bd. (Young)
5. Transportation:
Wyandotte Transportation (MacNichol)
Atlantic Seaboard (Loomis)
6. Education:
Morris Harvey College (Evans)
Duquesne Univ. (Roche)
Muskingum College (Young)
Princeton Theological Seminary (Young)
7. Health:
Providence Hosp. (Livingstone)
Toledo Hosp. (Livingstone)
Memorial Hospital (Evans)
8. Cultural: Toledo Museum of Arts (MacNichol)
9. Miscellaneous:
Babcock and Wilcox (Livingstone)
Sawhill Tubular Production (Livingstone)
E. A. Livingstone (Livingstone)
Fred F. French (Baker)
National Blank Book (Baker)
Thompson Weinman (Baker)
White Pigment (Baker (Evans))
Blair Strip Steel (Blair)
Southeastern Plastics (Blair)
Mat-Flo (Blair)
Tuscarora Plastics (Blair)
Wyandotte Chemicals (MacNichol)
Amer. Standard (MacNichol)
Libby Owens Ford (MacNichol)
Johns-Manville (MacNichol)
Atlas Chemical Industries (Partridge)
Va. Int'l (Partridge)
Dickson (Evans)
Pittsburg Brewong (Roche)

THE GENERAL PUBLIC UTILITIES CORP.

The General Public Utilities Corporation is a holding company controlling public utility operating companies located in New Jersey and Pennsylvania. Its subsidiaries include:

(1) Jersey Central Power and Light and New Jersey Power and Light which serve sections of New Jersey with a population of about 1.5 million people and comprising approximately 3,300 square miles or about 43% of the total area of the State.

(2) The Metropolitan Edison Co., which provides service to the eastern and central sections of Pennsylvania with a population of about 830,000 people and comprising approximately 3,300 square miles.

(3) The Pennsylvania Electric Co., which serves a portion of Pennsylvania extending from the Maryland-Pa. state line northerly to the New York State line, including, a population of 1.5 million people and aggregating approximately 17,600 square miles. The Ninevah Water Co. and the Waverly Elec. Light and Power Co. are subsidiaries of the Pennsylvania Electric Co.

(4) Waterford Electric Co. (Pa.).

The General Public Utilities Corporation is governed by a board of nine members, 8 of whom are interlocked with outside companies or organizations. Two Board members of subsidiaries are interlocked with outside groups. Seven have no outside interlocks.

COMPOSITION OF THE BOARD OF DIRECTORS OF THE GENERAL PUBLIC UTILITIES CORP.

Board Members interlocked with outside companies and organizations: Chapin, DeVitt, Henderson, Isaacs, Kuhns, Lanier Stauffacher, and Thun.

Board members with no outside interlocks: Tegen.

Board members of subsidiaries with outside interlocks: Bovier and Devorris.

Board members of subsidiaries with no outside interlocks. Dodson, Lumnitzer, Sims, Smith (Fred), Smith (Franklin), Verroch, and Schneider.

The General Public Utilities Corporation is interlocked with five banks and twelve other financial institutions. Included among the banks are Chase Manhattan, the second largest bank in the U.S. ranked by deposits and Marine Midland Grace Trust, the 23rd largest. According to a House Commerce Committee study, Chase Manhattan owned several years ago substantial blocks of common stock and had at that time interlocks with 79 major corporations.

Members of the Board of General Public Utilities hold directorships in four insurance companies, one other utility and one railroad (Southern Pacific). It is linked to three educational institutions, one film company (20th Century Fox) and 19 other businesses including Phelps Dodge and the Continental Can of the U.S. and Canada.

DIRECTOR INTERLOCKS OF THE GENERAL PUBLIC UTILITIES CORP. WITH OTHER COMPANIES AND ORGANIZATIONS

1. Banks:
Trust Co. National Bank (Bovier)
First National Bank of Pennsylvania (DeVitt)
Union Bank and Trust (Devorris)
Marine Midland Grace Trust (Kuhns)
Chase Manhattan Bank (Stauffacher)
2. Other Financial:
Massachusetts Investors Growth Stock Fund (Isaacs)
Massachusetts Investors Trust (Isaacs)
Fiduciary Exchange Fund (Isaacs)
Second Fiduciary Exchange Fund (Isaacs)
Leverage Fund (Isaacs)
Canada General Fund (Isaacs)
Depositors Fund of Boston (Isaacs)
Exchange Fund of Boston (Isaacs)
Diversification Fund (Isaacs)
Capital Exchange Fund (Isaacs)
General American Investors (Stauffacher)
Thun Investment (Thun)
3. Insurance:
Utilities Mutual Insurance (Bovier)
Home Life Insurance (Kuhns)
American Manufacturing Mutual Insurance (Stauffacher)
Lumberman's Mutual Casualty (Stauffacher)
4. Other Utilities: Central Vermont Public Service (Chapin)
5. Transportation: Southern Pacific (Isaacs)
6. Business: New Jersey Chamber of Commerce (Bovier)
7. Education:
Lehigh University (Isaacs)
Dexter School (Isaacs)
Pomona College (Stauffacher)
8: Media: 20th Century Fox Film (Henderson)
9. Health: Children's Hospital (Isaacs)
10. Non-profit: Turner Halsey Charitable Foundation (Lanier)
11. Research: National Industrial Conference Board (DeVitt)
12. Miscellaneous:
Coca Cola Bottling Co. of Miami (Chapin)
Cenco Instruments (Chapin)
Nova (Chapin)
Grow Chemical (Chapin)
Esterline (Chapin)
Realty Equities Corp. of N.Y. (Chapin)
Lora (Chapin)
Hammermill Paper Institute (DeVitt)
American Sterilizer (DeVitt)
American Paper Institute (DeVitt)
Small Tube Products (DeVorris)
Phelps Dodge (Isaacs)
Turner Halsey (Lanier)
Lanier Textile (Lanier)
Wehadkee Yarn Mills (Lanier)
Mt. Vernon Mills (Lanier)
Continental Can (Stauffacher)
Vulcan Materials (Stauffacher)
Continental Can Co. of Canada Ltd. (Stauffacher)

THE NEW ENGLAND ELECTRIC SYSTEM

The New England Electric System is a holding company. Its subsidiaries are principally engaged in the generation and/or the purchase and the distribution and sale of electricity and the distribution and sale of natural gas. Electricity is provided at retail in 194 municipalities; in Mass. 145; in Rhode Island, 27 and in New Hampshire, 22, for a total population of about 2,700,000. The Service Area covers about 4,500 square miles.

Subsidiaries include the following:
Granite State Elec. Co. (N.H.)
Mass. Elec. Co. (Mass.)
Narragansett Elec. Co. (Mass.)
New England Power Ser. Co. (Mass.)

Mass. Gas System (Mass.)
Central Mass. Gas Co.
Lawrence Gas. Co.
Lynn Gas Co.
Mystic Valley Gas Co.
Northampton Gas Light Co.
North Shore Gas Co.
Norwood Gas Co.
Wachusett Gas Co.

The New England Electric System is governed by a board of 15 members. Nine members have interlocks with outside companies and organizations. Eight board members of subsidiaries (aside from New England's directors) have interlocks with other groups. Forty-five board members of subsidiaries have no interlocks with other companies.

COMPOSITION OF THE BOARD OF DIRECTORS OF THE NEW ENGLAND ELECTRIC SYSTEM

Board Members interlocked with outside organizations and companies: Burr, Carter, Getman, Krause, O'Connell, Orr, Webster, Bennett, and Nichols.

Board Members with no outside interlocks: Tanner, Wiesher, Fletcher, Moore, Cole, and McCarthy.

Board Members of subsidiaries with outside interlocks: Allen, Murphy, Rogers, Goodnow, Martin, Ahern, Bourgeois, and Brightman.

Board Members of subsidiaries with no outside interlocks: Bailey, Bergstrom, Black, Bleiken, Bliss, Cadigan, Chane, Chaffield, Clark, Cole, Couser, Crabtree, Cutliffe, DeRose, Devitt, DiPrete, Eichorn, Fabiani, Fite, Fletcher, Haas, Hassenfield, Hodgman, Hough, Huxtable, Jaquith, Johnson, Joslin, Judy, Knight, Maguire, McCarthy, Marando, Moore, Morrison, Murray, Poist, Robinson, Sawyer, Schofield, Smith, Tanner, Tyler, Wiesner, and Williams.

Fifteen members of the Board of the New England Electric System and subsidiaries hold directorships in 18 banks and 12 other financial institutions. Among the banks are the Federal Reserve Bank of Boston and the First National Bank of Boston. First National is the 17th largest bank in the U.S. According to a House Commerce Committee study it held in 1967, 284 interlocks in 203 companies.

Seven directors of the New England Electric System and its subsidiaries hold 14 directorships in 13 insurance companies including Hanover Life. One individual is a director in seven of these companies. Two other directors each hold directorships in the remaining four companies.

Five directors are interlocked 11 times in 10 utilities other than the New England Electric System. Directors of New England are interlocked with six educational institutions, one broadcasting company, four hospitals or health institutions and 42 miscellaneous businesses. The businesses include First National Stores, Textron, Howard Johnson and Rand.

DIRECTOR INTERLOCKS OF THE NEW ENGLAND ELECTRIC SYSTEM AND ITS SUBSIDIARIES WITH OTHER COMPANIES AND ORGANIZATIONS

1. Banks:
Union Warren Savings Bank (Ahern)
Union National Bank of Lowell (Bourgeois)
Peoples Savings Bank (Brightman)
Old Colony Trust (Burr)
Warren Institute for Savings (Burr)
Fiduciary Trust of New York
Federal Reserve Bank of Boston (Carter)
Industrial National Bank (Getman)
Industrial Bancorporation (Getman)
First National Bank of Boston (Krause)
South Shore National Bank (Martin)
Shipbuilders Cooperative Bank (Martin)
First Bristol County National Bank (Murphy)
Peoples Savings Bank (O'Connell)
Merrimac County Savings Bank (Orr)
Bank of New Hampshire (Orr)
Essex County Bank and Trust (Rogers)
Lyn 5¢ Savings Bank (Rogers)

2. Other Financial:
Federal Street Capital (Ahern)
Jeanne d'Arc Credit Union (Bourgeois)
United Fund (Brightman)
State St. Investment (Burr) (Bennett)
Federal St. Fund (Burr) (Bennett)
New Hampshire Charitable Fund (Carter)
Amer. Group Companies Fund (O'Connell)
State St. Research and Management (Bennett)
Second Federal St. Fund (Bennett)
U.S. and Foreign Securities (Bennett)

3. Insurance:
Boston Mutual Life Ins. (Ahern)
MFB Mutual Ins. (Brightman)
American Employers Ins. (Burr)
Employers Fire Ins. (Burr)
State Mutual Life Assurance (O'Connell)
American Variable Annuity Life Assurance (O'Connell)
Guarantee Mutual Ins. (O'Connell)
Worcester Fire Ins. (O'Connell)
Hanover Ins. (O'Connell)
Hanover Life Ins. (O'Connell)
May Bay Ins. (O'Connell)
Merchants Mutual Ins. (Orr)
United Life and Accident Ins. (Orr)
John Hancock Mutual Life Ins. (Bennett)

4. Other Utilities:
Merrimack Essex Elec. (Bourgeois)
Buzzards Bay Gas (Bourgeois)
Gas (Bourgeois)
Vermont Yankee Nuclear Power (Webster) (Krause)
Maine Yankee Atomic Power (Webster) (Krause)
Conn. Yankee Atomic Power (Webster) (Krause)
Concord Gas (Orr)
Yankee Atomic Elec. (Webster)
Middle South Utilities (Bennett)
Florida Power and Light (Bennett)

5. Suppliers: Commonwealth Oil Refining (Bennett)

6. Transportation: American Airlines (Burr)

7. Education:
Massachusetts Higher Education Assistance (Ahern)
Family Counseling (Ahern)
Stonehill College (Ahern)
Walter E. Fernald State School (Ahern)
Dartmouth College (Orr)
Harvard Univ. (Bennett)

8. Media: State Mutual Broadcasting (O'Connell)

9. Cultural: Museum of Science (Krause)

10. Health:
Eunice Kennedy Schriver Center (Ahern)
Blue Shield (Bourgeois)
Rhode Island Hospital (Brightman)
Newton Wellesday Hosp. (Krause)

11. Charitable:
Rice Eventide Home (Martin)
Hordgreen Memorial Chapel (O'Connell)

12. Miscellaneous:
Amoskeag (Ahern)
Mass. Business Devel. (Ahern)
Westville Homes (Ahern)
Hewlett-Packard (Bennett)
Prince Macarone Mfg. (Bourgeois)
Mass. Business Devel. (Bourgeois)
Robinson Toy and Dyeworks (Bourgeois)
Educator Biscuit (Bourgeois)
Faulkner Textile (Bourgeois)
Sabal Palm Apts. (Bourgeois)
N. Billerina (Bourgeois)
Tilton (Bourgeois)
Swann Point Cemetery (Brightman)
Employers Group Associates (Burr)
Educator Biscuit (Burr)
First National Stores (Burr)
Nashua (Carter)
Nashua Canada Ltd. (Carter)
Copy Cat Ltd. (Carter)
Coygraph G. M. B. H. Vie (Carter)
Textron (Getman)
Machine Parts (Goodnow)
Hardward Products (Goodnow)
Wentworth Institute (Krause)
Howard D. Johnson (Martin)
National Tuberlow (Martin)
Standard Plastics (Murphy)
Pylon (Murphy)
Curtis and Marbee Mach. (O'Connell)
Downing Realty (O'Connell)
G. and W. of Worcester (O'Connell)
Lindquist Tool and Mfg. (O'Connell)
Smith Valve (O'Connell)
Val Aid Realty (O'Connell)
Donohue Industries (O'Connell)
Colonial Distributors (O'Connell)
Gurney Engineering (O'Connell)
Coy Paper (Orr)
T. W. Rogers (Rogers)
Rogers Realty (Rogers)
Huyck (Webster)
Rand (Webster)

THE SOUTHERN CO.

The Southern Company is a holding company. Its subsidiaries are the Alabama Power Co., which serves a population of 2,800,000; the Georgia Power Co., which serves a population of 4,300,000; Gulf Power (Fla.) which serves a population of 500,000 and Miss. Power (Miss.) which serves a population of 600,000. Southern serves a total of 1,492 communities and a population of 8,005,000 in an area of about 120,000 square miles.

Southern is governed by a board of 18 members 13 of whom are interlocked with outside corporations and organizations. Twelve Board members of Southern's subsidiaries (who are not members of Southern's Board) have outside interlocks; 41 members of the Board of Southern's subsidiaries have no outside interlocks.

COMPOSITION OF THE BOARD OF DIRECTORS OF THE SOUTHERN CO. AND ITS SUBSIDIARIES

Board Members with outside interlocks with company and organizations: Anderson, Branch, Cabiniss, Carmichael, Farley, Hatch, Jones, McGowin, Nelson, Shook, Vereen, Vogtle, and Watson.

Board members with no outside interlocks: Ellis, Lewis, Lilly, Radcliff, and Morris III.

Board Members of subsidiaries with outside interlocks: Craft, Crist, Bouldin, Faulk, Hand, Hardman, Moody, Plummer, Rushton, Seal, E. D. Smith, and F. M. Turner.

Board Members of subsidiaries with no outside interlocks: Barton, Bedsole, Bell, Bomke, Booker, Bowen, Brownlee Burnett, Burns, Burton, Crooks, Daniel, Dantzler, Dean, Ehrensperger, Ezell, Fickling Gasten, Hart, Hunter, Inzer, Jackson, Jaeger, Johnson III, Lane, Long, Lupberger, McCaim, McDonough, Miller, Murfee, Nelson, Parker, Pulley, Ruckel, Saunders, Scherer, W. B. Turner, Wainer, Wallace, and Wansley.

Members of the Board of Southern and its subsidiaries are interlocked 26 times with 19 banks. It is interlocked 4 times with the First National Bank of Birmingham. One director is interlocked with 4 ostensibly competing banks. Southern also has 16 interlocks with 10 insurance companies; 5 interlocks with four other financial institutions; 5 interlocks with 4 utility related organizations; 7 interlocks with 6 railroads; one interlock with Lockheed Aircraft and one with Eastern Airlines. Southern and its subsidiaries have 41 interlocks with other businesses including U.S. Steel, Jones and Laughlin. Mobile Steel, General Motors, Kroger and Winn Dixie Stores. It is also linked with four educational institutions including the University of Alabama and the Tuskegee Institute.

INTERLOCKS OF THE SOUTHERN CO. WITH OUTSIDE COMPANIES AND ORGANIZATIONS

1. Banks:
Trust Co. of Georgia (Craft) (Carmichael)
Allied Bank Int'l (Craft)
Citizens and Southern Nat'l. Bank (Anderson) (Hardman)
First Nat'l. Bank of Birmingham (Bouldin) (Cabiniss) (Farley) (Rushton)
Merchants National Bank of Mobile (Faulk)
First National Bank (Hand) (Hardman)

Federal Reserve Bank of Atlanta (Hatch)
First National Bank of Tuscaloosa (Moody)
Commercial Bank in Panama City (Nelson)
Springfield Commercial Bank (Nelson)
First National Bank of Montgomery (Plummer)
Hancock Bank (Seal) (Watson)
Bank of Wiggins (Seal)
First National Bank of Atlanta (Smith)
First Bank and Trust (Turner)
Bank of the South (Turner)
Bank of West Florida (Turner)
Barnett Banks of Fla. (Turner)
Citizens and Southern Bank of Colquitt (Vereen)
2. Other Financial:
Retail Credit (Craft) (Smith)
City Investing (Hatch)
Investment Co. of Amer. (Rushton)
3. Insurance:
Life Ins. Co. of Georgia (Craft)
General Reinsurance (Branch)
Georgia Int'l. Life Ins. (Carmichael)
Liberty Nat'l. Life Ins. (Farley) (Bouldin)
Foundation Life Ins. (Hatch)
Home Ins. (Hatch)
Standard Life Ins. (Seal)
Appalachian National Life Ins. (Shook)
Protective Life Ins. (Caviness) (McGowin) (Vogtle) (Hand) (Rushton)
4. Other Utilities and Utility Related:
National Assn. of Elec. Cos. (Bouldin)
Edison Elec. Institute (Vogtle) (Bouldin)
Thomas Alva Edison Foun. (Bouldin)
Anderson Elec. (Crist)
Southern Bell Tel & Tel (Smith)
Dayton Power & Light (Smith)
Edison Elec. Institute (Vogtle)
5. Transportation:
Georgia Southern and Florida RR (Anderson)
Alabama Great Southern RR (Bouldin) (Farley)
Lockheed Aircraft (Carmichael)
Seaboard Coast Line RR (Hatch)
Seaboard Coast Line Industries (Hatch)
Atlanta and St. Andrews Bay RR (Nelson)
Gulf Mobile and Ohio RR (Rushton)
Eastern Airlines (Smith)
Louisville and Nashville RR (Vogtle)
6. Educational:
Tuskegee Institute (Bouldin)
Alabama Academy of Science (Bouldin)
Univ. of Alabama (Bouldin)
Emory Univ. (Carmichael) (Smith)
7. Media:
Knight Newspapers (Anderson)
Macon Telegraph Pub. (Anderson)
Southeastern Newspapers (Morris)
8. Business: Alabama State Chamber of Commerce (Bouldin)
9. Research: Southern Research Institute (Bouldin) (Farley) (Rushton)
10. Health:
Alabama Mental Health Bd. (Moody)
Druid City Hosp. (Moody)
Children's Hospital (Shook)
11. Cultural: Birmingham Symphony Assn. (Bouldin)
12. Miscellaneous:
Genuine Parts (Craft)
Warrior-Tombigbee Devel. Assn. (Bouldin)
Coosa Alabama Improvement Assn. (Bouldin)
Amer. Ordinance Assn. (Bouldin)
General Motors (Branch)
Harps International (Cabiness)
Scripto (Carmichael)
Alabama Property (Farley)
Knox Devel. (Farley)
Harmony Grove Mills (Hardman)
Bibb Mfg. (Hardman) (Lane)
Canton Ga. Cotton Mills (Jones)
Jones Mercantile Co. (Jones)
Jones, Bird & Howell (Jones)
Citizens and Southern Holding (Lane)
Stone Mountain Grit (Lane)
Davison Mineral Properties (Lane)
Auto Soler (Lane)
Winn Dixie Stores (Lane)
Magic Chief (Lane)
Southern Pine Inspection (McGowin)
Union Camp (McGowin)
Geneva Cotton Mills (Morris)
Shook Fletcher Supply (Shook)
Birmingham Realty (Shook)
Kroger (Smith)
Moultrie Textiles (Vereen)
Riverside Mfg. (Vereen)
Riverside Industries (Vereen)
Bama Uniform Rentals (Vereen)
Riverside Uniform Rentals (Vereen)
Mississippi Business & Industrial Devel. (Watson)
Nelson Buick (Nelson)
U.S. Steel (Branch)
Mobile Steel (Plummer)
Jones and Laughlin (Plummer)

Mr. METCALF. Mr. President, so the whole proposition is, it is admitted we do not lack for sponsors to create housing. We will not increase the amounts of money to be contributed and spent by enactment of the bill. The only object is to get the multistate corporations involved in housing and to amend the Holding Company Act and to say, "Well, this is a way to get better management."

Mr. President, this is not an environmental bill. It will not provide more power. Probably it will develop less power. It will not necessarily provide more housing, either, because, as I say, there are an adequate number of sponsors applying who can provide this housing already without modifying the Holding Company Act for 17 special corporations.

So I agree with the sponsors of this legislation that the housing situation in America is a disgrace. It is a national scandal. But this bill is not going to alleviate it. This will just change the Holding Company Act so that special utilities can make a special profit at the expense of the public.

Mr. President, I reserve the remainder of my time.

Mr. HART. Mr. President, as the Senator from Montana (Mr. Metcalf) has indicated, in earlier discussion, I believe all the points were covered. I am prepared to yield back my time.

Mr. GRIFFIN. Mr. President, I yield back whatever time remains to me.

The PRESIDING OFFICER (Mr. Hughes). All time has now been yielded back. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. METCALF (when his name was called). On this vote I have a pair with the Senator from Washington (Mr. Magnuson). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), the Senator from Louisiana (Mr. Ellender), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), the Senator from California (Mr. Tunney), and the Senator from Louisiana (Mr. Long) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordon) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Louisiana (Mr. Ellender), and the Senator from Georgia (Mr. Gambrell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Kentucky (Mr. Cooper), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Nebraska (Mr. Hruska), the Senator from New York (Mr. Javits), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Percy), the Senator from Pennsylvania (Mr. Scott), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Pennsylvania (Mr. Scott) would vote "yea."

The result was announced—yeas 60, nays 11, as follows:

[No. 295 Leg.]

YEAS—60

Aiken
Allen
Allott
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Church
Cook
Curtis
Dole
Dominick
Eagleton
Eastland
Fannin
Fong
Griffin
Gurney
Hansen
Hart
Hollings
Inouye
Jackson
Jordan, Idaho
Kennedy
Mathias
McClellan
McGee
Moss
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—11

Brock
Chiles
Cranston
Ervin
Hartke
Hughes
Humphrey
Mansfield
McIntyre
Mondale
Nelson

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Metcalf, against.

NOT VOTING—28

Anderson
Baker
Cannon
Cooper
Cotton
Ellender
Fulbright
Gambrell
Goldwater
Gravel
Harris
Hatfield
Hruska
Javits
Jordan, N.C.
Long
Magnuson
McGovern
Miller
Montoya
Mundt
Muskie
Pell
Percy
Scott
Sparkman
Taft
Tunney

So the bill (S. 1991) was passed, as follows:

S. 1991

An act to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 9(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79i(c)) is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof a new paragraph as follows:

"(4) (A) securities of a subsidiary company engaged solely in the business of constructing, owning and operating residential housing projects for persons of low and moderate income within the service area of the holding-company system under housing programs authorized by the National Housing Act or any Act supplementary thereto, or (B) securities of or interests in a company organized to participate in such housing programs within the service area of a holding-company system which receives financial or other assistance from a company created or organized pursuant to title IX of the Housing and Urban Development Act of 1968: *Provided,* that no such acquisitions shall be approved except upon the following terms and conditions which the Secretary of the Department of Housing and Urban Development and the Commission or any successor agency are authorized and directed to impose prior to granting regulatory approval or financial or other assistance:

(i) full original ownership of each housing project shall be retained for at least twenty years from the date of first tenant occupancy, provided that transfer prior to twenty years may be made if determined to be in the public interest by the Secretary of the Department of Housing and Urban Development and upon a showing to the Commission by such company of serious financial harm threatening the ability of the holding-company system to render satisfactory utility service;

(ii) residential housing construction, ownership and operation shall be financially separated so that they do not affect the holding-company system's utility operations;

(iii) the heating and/or cooling system selected shall be that system which is most economical, considering all relevant factors;

(iv) upon its organization each such company shall afford the opportunity to have its board of directors at least one interim director selected by a local tenant association or group and following tenant occupancy, this director shall be replaced by a director selected, under the supervision of the Department of Housing and Urban Development, by the tenants of the housing project or projects owned and operated by such company;

(v) each such company shall assure that adequate housing opportunities are made available for the elderly in projects owned or operated by such company;

(vi) each such company shall be subject to applicable State regulations promulgated by the appropriate State agency which regulates housing; and

(vii) the holding-company system's investment in equity securities or other interests in such companies shall not exceed $2,000,000 per two-year period.

No such acquisitions shall be made except within such *additional* limitations and upon such additional terms and conditions and with due regard to other provisions of this title, as the Commission may, by rules, and regulations or order, permit as not detrimental to the public interest or the interest of investors or consumers. The authority granted under this paragraph shall terminate ten years from the date of its enactment, provided that the authority of the Commission, the Department of Housing and Urban Development and the terms of this paragraph shall remain in full force and effect with respect to all residential housing projects whose construction commenced prior to ten years after the enactment of this Act.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of Christopher M. Mould, of the District of Columbia, to be an Associate Director of ACTION, which was referred to the Committee on Labor and Public Welfare.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, JULY 24, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next immediately after the two leaders have been recognized under the standing order there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to three minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON CONSIDERATION OF THE MILITARY PROCUREMENT AND FOREIGN ASSISTANCE BILLS

Mr. ROBERT C. BYRD. Mr. President, I have been authorized by the distinguished majority leader to propound the following unanimous-consent request, and this is with the approval, authorization, and concurrence of the distinguished Republican leader. The request has also been concurred in by the distinguished assistant Republican leader, and by all Senators who are principal parties to the subject matter which will be involved.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. I yield.

Mr. STENNIS. Mr. President, if we may have quiet and order so that we can hear what the Senator is going to say we can save a lot of time. This is an important matter.

Mr. ROBERT C. BYRD. I thank the Senator for his observation. I will await the Chair's securing order.

The PRESIDING OFFICER. The Senate will be in order, please. The Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on Monday the Chair lay before the Senate H.R. 15495, the so-called military procurement bill, and that debate on that bill continue until not later than 1 p.m. on Monday; that at no later than 1 p.m. the distinguished majority leader or his designee be authorized to call up the unfinished business, S. 3390, the Foreign Assistance Act; that time on amendment No. 1334 by Mr. MANSFIELD be limited to 1 hour, and that it immediately begin running; that upon the disposition of the amendment No. 1334 by Mr. MANSFIELD the Senate proceed to the consideration of the amendment by Mr. CANNON, No. 1232, as modified and as amended, if amended, the time on the amendment by Mr. CANNON to be limited to 30 minutes; that upon the disposition of amendment No. 1232, by Mr. CANNON, as modified and as amended, if amended, the Senate proceed to the consideration of amendment No. 1325 by the distinguished senior Senator from Kentucky (Mr. COOPER); that time on the Cooper amendment be limited to 1 hour; that, upon the disposition of Amendment No. 1325 by Mr. COOPER, the Senate proceed to the consideration of an amendment to be proposed by the very distinguished Senator from Mississippi (Mr. STENNIS), on which there be a 3-hour time limitation; that time on any other amendment be limited to 1 hour; that time on any amendment to an amendment or amendment in the second degree, debatable motion, or appeal be limited to 30 minutes; that time on the bill be limited to 1 hour; ordered that a vote occur on the bill at no later than 9 p.m. on Monday; provided further that rule XII be waived; that no nongermane amendment be in order; and, with respect to the division of time, provided, that time on the amendment by Mr. MANSFIELD to the amendment by Mr. CANNON be equally divided and controlled between the distinguished majority leader and the distinguished Senator from Nevada (Mr. CANNON); that time on the amendment by Mr. CANNON, as modified and amended, if amended, be equally divided and controlled between the mover of the amendment (Mr. CANNON) and the majority leader (Mr. MANSFIELD); that time on the amendment by Mr. COOPER be equally divided between and controlled by the distinguished majority leader and the distinguished senior Senator from Kentucky (Mr. COOPER); that time on the amendment by the distinguished Senator from Mississippi (Mr. STENNIS) be equally divided between and controlled by the distinguished mover of the amendment (Mr. STENNIS) and the distinguished majority leader; that time on the bill be divided equally between the distinguished Senator from Alabama (Mr.

SPARKMAN) and the distinguished Senator from Vermont (Mr. AIKEN); that time on any other amendment, debatable motion, or appeal be divided equally between the mover of such and the majority leader or his designee; provided, finally, that all tabling rights be reserved.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object—I would like to indicate that this request has been checked with the distinguished ranking Republican member of the Armed Service Committee (Mrs. SMITH), and it is her expectation, let me say, that opening statements on the defense authorization bill will be made during that period of time, and that, again in expectation, there will probably be no votes, at least of any major consequence, on Monday.

I am also glad that at the end of the request it was made clear that tabling rights are reserved under the unanimous-consent request.

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. The request has also been cleared with the distinguished ranking Republican member of the Foreign Relations Committee, the Senator from Vermont (Mr. AIKEN), and, insofar as I know, there is no objection on this side.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. MANSFIELD. There was a request for the distinguished senior Senator from Kentucky (Mr. COOPER) to be on the floor when this request was made, but I am prepared to undertake the responsibility to speak for him, because I believe it fits in with the pattern he had in mind, and I believe he would be agreeable to the proposal. I have no doubt that is correct.

Mr. STENNIS. Mr. President, reserving the right to object—and I do not expect to object—I just want to be certain. As I understand, the Senator has enumerated these amendments by name, beginning with—I am talking about the Foreign Assistance Act now—the Mansfield amendment, the Cannon amendment, the Cooper amendment, and the amendment I have at the desk. This agreement, if perfected, would mean they would be taken in that order?

Mr. ROBERT C. BYRD. Precisely.

Mr. STENNIS. What is the situation about a motion to table, if I may inquire?

Mr. ROBERT C. BYRD. Motions to table would be in order.

Mr. STENNIS. But that would be only after the expiration of the allotted time or the yielding back of time?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. STENNIS. One more question, if I may.

Then, on Tuesday morning next, the first track of the program for the Senate would then go back to H.R. 15495. The bill we will be debating then would become the first track?

Mr. ROBERT C. BYRD. The Senator is correct. That will be included in the request.

Mr. President, if I may add to the consent request, provided that the unfinished business, the Foreign Assistance Act, when it is temporarily laid aside on Monday next, remain in a temporarily laid aside status until such time as the distinguished majority leader or his designee calls up the Foreign Assistance Act, and this, under the order, to be no later than 1 o'clock p.m.

The PRESIDING OFFICER. Is there objection to all the requests? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I further ask unanimous consent that at the close of business on Monday, the Senate return to the consideration of the military procurement bill, H.R. 15495, and that it be made the unfinished business and the first track item on Tuesday and the days following until that bill is disposed of.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

The text of the unanimous-consent agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That on Monday, July 24, 1972, at no later than 1 p.m. the Senate proceed to the consideration of the unfinished business, S. 3390, a bill to amend the Foreign Assistance Act of 1961, with debate on the pending amendment No. 1334, by the Senator from Montana, Mr. Mansfield, limited to 1 hour, to be equally divided and controlled by the Senator from Montana, Mr. Mansfield, and the Senator from Nevada, Mr. Cannon; to be followed by amendment No. 1232 by the Senator from Nevada, Mr. Cannon, limited to 30 minutes of debate, to be equally divided and controlled by the Senator from Nevada, Mr. Cannon, and the Senator from Montana, Mr. Mansfield. It will be followed by amendment No. 1325, by the Senator from Kentucky, Mr. Cooper, with debate limited to 1 hour, to be equally divided and controlled by the Senator from Kentucky, Mr. Cooper, and the Senator from Montana, Mr. Mansfield. The Senate will then consider an amendment to be proposed by the Senator from Mississippi, Mr. Stennis, limited to 3 hours of debate, to be equally divided and controlled by the Senator from Mississippi, Mr. Stennis, and the Senator from Montana, Mr. Mansfield:

Provided, That time on any other amendment in the first degree be limited to 1 hour, to be equally divided and controlled by the mover of the amendment and the majority leader or his designee, and the time on any amendment to an amendment or an amendment in the second degree, or debatable motion or appeal be limited to 30 minutes, to be equally divided and controlled by the mover of the amendment and the majority leader or his designee:

Provided further, That time on the bill be limited to 1 hour, to be equally divided and controlled by the Senator from Alabama, Mr. Sparkman, and the Senator from Vermont, Mr. Aiken.

Ordered further, That a vote occur on final passage of the bill no later than 9 p.m. on Monday, July 24, 1972.

Ordered further, That no amendment not germane shall be received and that all rights to table any proposition shall be preserved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 1682) to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ECONOMIC COMMITTEE COMMISSIONS STUDY OF 2.6 PERCENT UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, 26 years ago the United States made a commitment "to promote maximum employment" and to create economic condiitons under which there would be jobs for all those "able, willing, and seeking to work."

The Joint Economic Committee and the Council of Economic Advisers and the President's Economic Report were all designed for that purpose. That was why we had the Full Employment Act of 1946.

That was the promise and the commitment of the Employment Act of 1946. It is still our responsibility and duty to fulfill that promise.

While the performance of the economy under the act has been far better than before, significantly so in the fact that the country did not suffer from a depression after World War II, we still have a long way to go to satisfy the goals of the act.

Unemployment in June was 5.5 percent. It has hovered at the 6-percent level for the last year and a half. When part-time workers and discouraged workers are included in the figures, about 8 percent of the labor force is unemployed.

We have also done worse than a number of other industrialized countries.

This is a dramatic demonstration of how far we have fallen below what we should be doing in providing jobs.

Measured on the same basis as our monthly BLS figures, the unemployment rate in 1971 for Australia was 1.6 percent, for Japan it was 1.3 percent, and for Western Germany it was 0.7, or less than 1 percent. With unemployment at 5 to 6 percent, West Germany would probably have a revolution.

The rates in Sweden and France were only somewhat higher; namely, 2.6 and 2.7 percent respectively.

I am, therefore, announcing today that the Joint Economic Committee is beginning an investigation to determine whether unemployment can be reduced to 2 percent, and what the economic consequences of that action would be—especially the effects on government revenues, on income distribution, on poverty, and on welfare. The possible inflationary dangers will also be examined.

The study is being conducted by Data Resources, Inc. The first results of the study will be available in September. This study will be a preliminary one. We hope to follow up with others.

Somehow we have come to talk about a 4-percent unemployment rate as if it meant full empoyment. We have forgotten that a 4-percent unemployment rate means 3½ million persons out of work, plus possibly 2 million on involuntary part-time and 600,000 discouraged workers who have given up hope of finding work.

Some unemployment is inevitable. In a free society, people must be free to enter and to leave the labor force or to leave one job in search of another, better job. But 3½ million out of work is far too many.

For several years the Joint Economic Committee has held the position that the unemployment rate should be no higher than 3 percent. But 3-percent unemployment still means over 2½ million out of work. Now we want to study whether even lower levels of unemployment are not both practical and desirable.

Many will argue that such low unemployment rates would mean virulent inflation. I believe that in a genuinely full employment economy, in which nobody had to be afraid of losing his job, important structural reforms would become possible. Import controls could be relaxed, racial and sex discrimination in hiring would break down, new workers would get the on-the-job training they need. These changes would go far to control inflation. Furthermore, the benefits of really full employment may be so great as to justify the temporary use of strict price and wage controls.

We have them anyway, and if we could use them in order to achieve this objective, the benefits would be so great that the country would stand still even for rationing. At any rate, this is one of the fundamental questions our study will examine.

There are a multitude of benefits we could expect from getting unemployment down to 2 percent:

First, the most obvious and the most fundamental benefit would be that all who wish to work could find a job. Long-term unemployment would be virtually eliminated. No job seeker would feel rejected by our work-oriented society.

Second, opportunities to learn new skills and move up to better jobs would be vastly increased. In a labor-scarce economy, employers would have to provide effective on-the-job training. This is the best kind of training.

Third, the distribution of earned income would improve. The last time there was a major improvement in income distribution in the United States was during World War II, which was also our last extended period of truly full employment.

Fourth, our invaluable labor resources could be put to work producing the things we need so badly—decent housing, improved medical care, pollution control equipment, new recreation facilities.

Fifth, with fear of job loss virtually removed from our society, major structural reforms leading to dramatic productivity improvements would become possible. Skills could be upgraded, import barriers could be removed, and the composition of production could shift toward those things we produce most efficiently.

Finally, the Federal budget would be in a far stronger position. With unemployment at 2 percent, annual receipts might be some $50 to $60 billion higher than at present and $25 to $30 billion higher than at the 4-percent unemployment level which at present is used to calculate what is euphemistically identified as the "full employment" budget. A 2-percent unemployment rate may well present an alternative to the tax increases which may otherwise loom in the near future.

A 2-percent unemployment rate could also have adverse consequences. Those adverse consequences have been sufficient to make this proposal considered impracticable in the past. Despite structural improvements, inflation might be difficult to control. It may be that 2-percent unemployment is too low, in the sense it makes too little allowance for the voluntary changing of jobs which we need in a free society. All these questions need examining.

Too many people appear satisfied with the prospect of letting the unemployment rate settle down between 4 and 5 percent. People just have not thought enough about the benefits of lower unemployment. We hope to stimulate this thinking.

This country has been bitterly divided over the welfare problem. It seems highly unlikely that a welfare program—either a Nixon or a McGovern welfare program can win enactment into law. A very large proportion of our people—probably a majority are very much opposed to payments to Americans that are not directly related to need—that is they may accept relief or welfare payments based on a means test. But many Americans and many Members of Congress are deeply disturbed by proposals that would give hundreds of dollars a year to all persons or to all poor persons.

This is a grievous and nagging economic problem. The situation is greatly aggravated by heavy unemployment. First the cost of any income maintenance program to the taxpayer is much greater and I mean many times greater with unemployment of 6 percent for instance than with unemployment of 2 percent. Second, with heavy unemployment many of those who would receive large Federal grants would be able abodied—fully capable of working—but simply unable to find employment. Both the taxpayer and recipient understandably resent a situation that hands out hundreds of dollars to able-bodied persons and puts the willing to work in the position of being unwanted, useless leeches. Finally, such a system not only outrages our sense of the work ethic, it does not make any economic sense. There is so much that needs to be done in this country: houses that need to be built, sick who need to be cared for, polluted rivers, lakes, streams soil that need to be cleansed, cities that need to be rebuilt, persons who need to be trained, recreation opportunities that need to be developed—the list could go on and on. There is no reason for this country to run out of work and if we do, there are means available—in shorter work weeks and earlier retirement to share the work. There is no reason why we have to have 5 or 6 percent unemployment, or even 4 percent unemployment.

The one, big prevailing reason why we have accepted the immense personal tragedy of millions of idle Americans who want work unable to find it is because of a conviction that this is the one clear, practical way to hold down inflation. The conviction is almost universal that if we should provide an opportunity for almost all of those who wish to work to do so that the demand for labor in short supply would bid up wages and then prices.

Three or four or five million unemployed has been the price economists and government policymakers have accepted for reasonable price stability. It is a price most Americans have been willing to pay because most Americans have been employed. All the economists who support this theory have been employed. All the government policymakers who make the policy that keeps the theory as a working fact of life in America have been employed.

The millions out of work, by and large, have been inarticulate, poor, unskilled, powerless. They have been required to pay the full cost of fighting inflation. The situation is outrageously unjust. To my mind it is at the heart of our welfare problem and no system Nixon or McGovern approach is going to solve this problem without immense cost unless we first find a way to put most of these millions to work. Other countries have done it; as I have said, we can do it. The purpose of this study is to find out how to do it.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday, the Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will proceed to the consideration of the military procurement bill (H.R. 15495). Opening statements and debate thereon will continue until no later than 1 p.m., at which time the distinguished majority leader or his designee will call up the unfinished business, the Foreign Assistance Act, S. 3390. A time agreement has been entered into with respect to the Foreign Assistance Act which, in general, is as follows:

Immediately upon the resumption of consideration of the Foreign Assistance Act on Monday, the Mansfield amendment will be the pending question. It will be under controlled time, and there is a 1-hour limitation thereon.

Upon the disposition of the amendment by Mr. MANSFIELD, the Senate will proceed to the consideration of the amendment by Mr. CANNON, as modified and as amended, if amended, with a 30-minute limitation.

Upon the disposition of the amendment by Mr. CANNON, the distinguished senior Senator from Kentucky (Mr. COOPER) will propose an amendment on which there is a 1-hour limitation, upon the disposition of which the distinguished Senator from Mississippi (Mr. STENNIS) will propose an amendment upon which there is a 3-hour limitation.

There is a limitation on any other amendment of 1 hour, and limitation on amendment to amendments, amendments in the second degree, debatable motions, and appeals of a half hour, with respect to each.

The time for debate on the bill itself is 1 hour, and the Senate will complete action on the bill at no later than 9 p.m. Monday—hopefully earlier.

Mr. President, from what I have stated, it is evident that there will be at least five yea-and-nay votes on Monday, and of course there could be several more, because amendments to amendments, amendments in the second degree, motions, and appeals will be in order. So, as I have said, there will be at least five yea-and-nay votes. The first one, I would say, would occur somewhere between 1 and 2 p.m.

The distinguished majority leader could wait until 1 p.m. to call up the unfinished business; and if the 1 hour of time on the Mansfield amendment should be fully consumed, the first vote would occur at 2 p.m. But time on the Mansfield amendment could be yielded back, and of course the majority leader may wish to call up the unfinished business a little ahead of 1 p.m. So, I think it is safe to predict that the first rollcall vote will occur some time between 1 and 2 p.m., with the greater likelihood that it will occur more nearly around 1:30 to 2 p.m. on Monday.

Does the distinguished assistant Republican leader have any comment at this time?

Mr. GRIFFIN. No.

Mr. ROBERT C. BYRD. Mr. President, a final postscript. The military procurement will be the unfinished business and a main track item on Tuesday and subsequent days, until it is disposed of.

Various second track items will be cranked into the program structure as necessary and as decided upon by the leadership.

Mr. GRIFFIN. Mr. President, will the distinguished majority whip yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. On Tuesday, as I understand it, the defense authorization bill will be the track one item.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. GRIFFIN. Can the Senator give us any information now as to what could be the track two items, beginning Tuesday?

Mr. ROBERT C. BYRD. I thank the assistant Republican leader for this question, because it reminded me that I had forgotten to propose a unanimous-consent request on another bill which could very well be the second track item on Tuesday. That would be S. 5, a bill to promote the public welfare.

There is a time limitation which I would propose thereon, and it is as follows, the proposal having been cleared with the distinguished Senator from Minnesota (Mr. MONDALE), the distinguished Senator from Wisconsin (Mr. PROXMIRE), the distinguished Senator from New York (Mr. JAVITS), and others.

I ask unanimous consent that there be a 1-hour limitation on S. 5, to be equally divided between the distinguished Senator from Minnesota (Mr. MONDALE) and the distinguished Senator from New York (Mr. JAVITS); that time on any amendment thereto be divided between the mover of such and the distinguished Senator from Minnesota (Mr. MONDALE). That time on any amendment to an amendment, debatable motion, or appeal be limited to 30 minutes, to be divided between the mover of such and the distinguished manager of the bill (Mr. MONDALE).

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall have to object, at least for the time being—the Senator from Colorado (Mr. DOMINICK) and the Senator from Ohio (Mr. TAFT) have an interest in this bill, I am advised; and, unfortunately, I have not had an opportunity to talk with them.

The PRESIDING OFFICER. The Senator from West Virginia did not specify a time limitation on the amendments themselves in the unanimous-consent request. Did he intend to do so?

Mr. ROBERT C. BYRD. I thank the Chair. I meant to stipulate 1 hour on any amendment and 30 minutes on any amendment to an amendment. But I withdraw the request, because I think the distinguished Senator from Michigan (Mr. GRIFFIN) certainly has good reason to object for the time being. I should have cleared this with him in advance. I had forgotten it, inadvertently, and upon his making reference to a second track item, I sought to propose it without requesting a quorum call and discussing it with him. So I withdraw it.

On Monday, in all likelihood, an agreement can be reached, hopefully, on that measure, and that could then be a second track item for Tuesday.

On Wednesday, I would hope that the Senate could proceed to the maritime bill as a second track item; and I say this after having discussed that bill with the distinguished Senator from New Hampshire (Mr. COTTON), the distinguished Senator from Washington (Mr. MAGNUSON), the distinguished Senator from Louisiana (Mr. LONG), and other Senators.

That is as far ahead as I can safely venture. I should say, however, that the agriculture appropriation bill will also be ready for floor action by Thursday of next week, and at some point it could be brought in as a second track item—hopefully Thursday or Friday.

Mr. GRIFFIN. I thank the distinguished Senator.

Mr. ROBERT C. BYRD. I thank the distinguished assistant Republican leader.

ADJOURNMENT UNTIL 10 A.M. MONDAY, JULY 24, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and at 1:57 p.m., the Senate adjourned until Monday, July 24, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, July 21, 1972:

ACTION

Christopher M. Mould, of the District of Columbia, to be an Associate Director of ACTION (new position).

CONFIRMATIONS

Executive nominations confirmed by the Senate July 21, 1972:

U.S. DISTRICT COURTS

Robert L. Carter, of New York, to be a U.S. district judge for the Southern District of New York.

DEPARTMENT OF STATE

Walter J. Stoessel, Jr., of California, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

EXTENSIONS OF REMARKS

A HAVEN FOR WILDLIFE

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Friday, July 21, 1972

Mr. BOGGS. Mr. President, I was pleased to read an article concerning Sussex County, Del., that appeared recently in "Soil Conservation," the publication of the USDA's Soil Conservation Service. The article, written by James P. Gorman, a watershed planning specialist, discusses the experiences in land conservation of Otis Smith, who has made his land more productive for man and wildlife.

As I believe this article should be of interest to all Members of Congress, I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A HAVEN FOR WILDLIFE

(By James P. Gorman)

Delaware, like most Eastern States, is struggling to conserve its natural resources. Mushrooming land developments, with their usual people and pollution problems, are rapidly spreading south into the peninsula's fertile lowland. Competition for land and its natural resource assets becomes fiercer everyday.

Holding the line against this encroaching megalopolis is the land's number one conservationist, preservationist, ecologist—call him what you will—the farmer or rural landowner who understands well the lasting value of his natural resources.

An outstanding example of this close farmer-natural resource association is Otis Smith. In the mid-1950's Smith decided to go into the beef cattle business in his native Sussex County, Delaware. His first step was to find land that either was or could be converted into pastureland. Suitable land wasn't available, so Smith bought 800 acres of woodland that had been in cropland about 20 years before. He cleared 700 acres but left trees in a few selected spots to provide shade for cattle.

During a heavy rainy period in the late 1950's Smith found out why his land had been allowed to revert to woodland. A large part was poorly drained and under water. He immediately got in touch with the Sussex Soil Conservation District. The district, working with the Soil Conservation Service, helped Smith with his drainage problem. SCS gave technical aid in preparing a drainage plan that called for a minimum of channels to be constructed in conjunction with an extensive land-grading program.

Following excavation, spoil leveling, and grading, heavy rains again hit the area. Fresh, smooth channel slopes soon had numerous "blowouts." Heavy erosion, caused by surface water spilling over ditchbanks, filled channel bottoms with the highly erodible soil.

The near hopeless problem didn't stop Smith. He had the channels repaired and then constructed berms, having a maximum height of 18 inches and 3:1 back slopes, along both sides of all the channels. The berms diverted surface runoff laterally with the channels to selected spots where drop structures were constructed to ease the water into the channel.

As often happens, a drought followed the rainy period. Smith's pastureland became parched. But a wet perimeter in the lower third of the deep channels indicated that they were still drawing moisture from the subsoil. Smith and the SCS people set out to solve this problem.

They installed water-control structures designed to hold water levels above the critical moisture line. This equalizes the drainage effect of the channels when they are not needed. Water in the ditch bottoms also solves a channel maintenance problem. It prevents undesirable vegetative growth that decreases the effectiveness of the ditches. The small water-control structures are located so that nearly all channel bottoms are flooded when the top flash board is inserted.

It was obvious to Smith and the SCS men that the channel berms and slopes were going to require vegetative stabilization. Why not do so in conjunction with establishing a wildlife area along the channels, Smith asked?

A test area was set up that included 2,000 linear feet of ditchbanks where various varieties and combinations of stabilization and wildlife plantings were planted. The remaining berms and slopes were seeded to a temporary vegetative cover of Kentucky-31 fescue.

Next, all berms, slopes, and roadways were fertilized with generous applications of chicken manure. The wichura rose was sprigged on the top third of the berm 18 inches apart. Clusters or groups that consisted of a Japanese crabapple with autumn olive 15 feet on either side were planted on the lower third of the berm. Each cluster was 100 feet apart. In spots a redosier dogwood was used in place of autumn olive.

At selected areas on the ditchbanks and berms, reed canary-grass, crownvetch, weeping lovegrass, and bicolor lespedeza were planted.

By 1964, two things had happened. Otis Smith had converted his farm operation from cattle to field-crop farming, and it was evident that many of the wildlife plantings along his drainage ditches were going to be successful.

Smith decided to stabilize all channel slopes and berms with the wichura rose that normally does not exceed a height of 2 feet. He also decided to plant continuous plantings of autumn olive and flowering crabapple along one of the ditchbanks. A roadway on the opposite bank was seeded to a combination of sericea lespedeza and weeping lovegrass.

In the summer of 1971, state and federal conservation experts evaluated the area. Their report indicated that the wichura rose had stabilized slopes, berms, and other critical areas to the point that no evidence of erosion could be found. These areas have not needed maintenance in the 10 years since the original plantings were made. The rose plantings also offered valuable wildlife food and cover. The autumn olive, flowering crabapples, and redosier dogwoods were covered with fruit. Sericea lespedeza had become the dominant plant along roadways. Natural growth of pokeweed, sumac, cherry, pine, and cedar—all of high value to wildlife—were interspaced with the domestic plantings.

There are many ironic twists of fate. Smith started out to be a leader in the cattle industry but may well end up being a pioneer in wildlife conservation.

HARRY TRUMAN'S FINEST HOUR

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. PRICE of Illinois. Mr. Speaker, all of us recall the famous 1948 election victory of Harry S Truman. Many of us, including myself, consider it to be President Truman's finest hour. One of the most interesting sidelights of that great victory concerns my very good friend, Sam Muchnick.

Like Harry Truman, Sam Muchnick is a winner who is now recognized as the leading wrestling promoter in the Western Hemisphere. The fact that his and President Truman's paths crossed may be a matter of fate. Nonetheless I do not know of two more down-to-earth, decent human beings who made it the hard way and never forget where they came from.

Mr. Speaker, I would like to share with my colleagues the article written by Irvin Muchnick about his uncle Sam and Harry Truman. The real feature of this article is the fact that the writer is 17 years old. This is only one of the many fine articles he has written for the Globe-Democrat and for national publications, such as Sports Illustrated. It appeared in the July 1–2 edition of the St. Louis Globe-Democrat:

HARRY TRUMAN'S FINEST HOUR

(By Irvin Muchnick)

There is ample evidence to suggest that Sam Muchnick, the St. Louis wrestling promoter who also happens to be my uncle, is one of those American success stories. Through a combination of hard work and propitious circumstances, he managed to attain a position of stature that eluded the average Willy Loman. And back before television and wrestling became happy tag-team partners and business prospered to such an extent, he helped elect a president of the United States.

It was 1948, the year fellow Missourian Harry S Truman, after completing the final term of Franklin D. Roosevelt, sought to win one on his own. He put 31,000 railroad miles into a whistle-stop, underdog struggle against suave Thomas E. Dewey of New York.

The odds makers and pollsters weren't giving Mr. Truman a whit of chance. He was an 8 to 1 underdog in the betting and George Gallup and the American Institute of Public Opinion had Dewey leading is 31 states. The Crosley Poll assured Dewey of at least 274 electoral votes, safely over the necessary 266, and said that a total of 300 was not inconceivable. "The Truman-Barkley ticket, on the other hand, with every possible consideration, is unlikely to have more than 219," Crosley added.

The Democratic National Committee hardly panicked at these pronouncements, but it undoubtedly recognized a prodigious task and banked on one of Mr. Truman's few political strengths—his folksy pulling power. An engagement in his home state promised to afford an enthusiastic campaign climax. St. Louis being the logical site. The committee opted for Kiel Auditorium on Oct. 29, Friday night of the final weekend before the Nov. 2 elections.

At the same time another battle brewed, this one flavored with the equally intriguing politics of the wrestling world. The combatants: Sam Muchnick's St. Louis Wrestling Club and the rival Mississippi Valley Sports Club, which was run by Martin Thesz and his wrestler-son Lou. At stake: domination of the coveted St. Louis market, a wrestling citadel since the days when Strangler Lewis and Joe Stecher had matched grips into the wee hours of the morning at the old Coliseum on Jefferson and Washington. The Muchnick and Thesz groups alternated Friday evening shows as they grappled, figuratively, for the area mat dollar.

The son of a Russian immigrant, my uncle had graduated in 1924 from Central High School, and following a brief stint with the U.S. Postal Service, latched on as a sportswriter at the old St. Louis Times. After the collapse of the Times in 1932, the ex-reporter edited a newsletter for Tom Packs, the circus and wrestling impresario. Just prior to World War II and three years as an Army sergeant, he broke with Packs and started promoting on his own.

The Thesz family clearly held the advantage in the early going, but my Uncle Sam had a way of winning friends and influencing people. During his sportswriting days, for example, he had once obtained an exclusive interview with boxing great Jack Dempsey. The two drove off in Muchnick's rumble-seat Ford, leaving behind competitors who had much fancier cars. Now he was using that skill to gain valuable contacts.

"Why," Lou Thesz asked one day, "don't you move to Cincinnati? They're building a new arena there. It's going to be a great place and it will be ideal for wrestling. I can swing it for you."

"I like it here," replied one Sammy who wouldn't run. "Besides, by the end of the season you may prefer to move there yourself."

Thus, the lines were well established going into the fall of '48. In the allocation of dates my uncle had drawn Oct. 29—the same day on which Mr. Truman had hoped to close his campaign.

Early in September the Democratic National Committeeman from Missouri, the late John J. Nangle, contacted Muchnick.

"Who am I to stand in the way of the President?" my uncle was supposed to have said. "Tell Mr. Truman he can have the auditorium that night. I'll postpone my show until Saturday." With less than an hour to spare before some promotional material went to press, he inserted the change.

In a letter on White House stationary dated Sept. 10, Mr. Truman expressed his gratitude. "Dear Sam," the president wrote.

"John Nangle has just informed me of your generosity with regard to the Auditorium for Friday, October twenty-ninth. I can't tell you how very much I appreciate your courtesy in this matter. I hope to see you that evening. Sincerely yours, Harry Truman."

The letter is now framed and hangs in the den of Uncle Sam's two-story home in Olivette. He and his wife, Helen have three children, college students all. But our story isn't over yet.

"A couple of days later," my uncle recalls, "John Nangle called again. Mr. Truman was going to be in New York on the twenty-ninth. Also, he'd get greater radio exposure on a Saturday night. So I quickly agreed to move the wrestling card BACK to Friday."

He estimates the confusion cost him $1,000, no small sum in his 1948 operation. Even though the state political potentates offered a reciprocal favor, Uncle Sam says he never cashed in on the promise. But he did receive some helpful publicity.

"I'm an admirer and supporter of Harry Truman anyway, and anything I can do to help elect him will be a pleasure," he told the St. Louis Labor Tribune.

The Star-Times quoted him as saying, "I'm neutral when it comes to politics, but when the President of the United States asks me to do him a favor, I'll never refuse. And just to show I'm not taking sides, I'd give up my Oct. 29 date for Tom Dewey if he should want to use the auditorium."

The subject of this frenetic game of musical dates had other matters on his mind. By Oct. 30 Mr. Truman was coming off an unimpressive two-day stay in New York City and was happy to be headed for friendly territory. Thursday's Madison Square Garden appearance had gone well enough, but in Brooklyn on Friday, said the correspondents, Harry had been a bit sluggish.

Aides sent forth the word that handshakes that night would be out of the question; the clasping throngs of 36 states had left him with a tender case of Campaigner's Fingers. Speechwriters were busy altering, refining, juxtaposing fiery phrases; they applied a last spray of rhetoric scant minutes before the train carrying the presidential entourage arrived in St. Louis.

Meanwhile, a tired Truman was looking forward to a couple of quiet days in Independence, followed by a Florida vacation he and Bess were planning regardless of the election returns.

If the President needed inspiration, he certainly got it from a rousing reception at Union Station, where close to 10,000 people were lined six deep. Another 50,000 braved nasty wet weather and jammed the Market Street sidewalks along the five-block drive to the auditorium, while 21 aerial bombs saluted him from Aloe Plaza. Finally, when he entered the Kiel Convention Hall several minutes late, and the band broke into "Hall to the Chief," an estimated 13,000 loyalists produced a stentorian roar. Gorgeous George never heard one any louder.

"Cowbells and a siren, which had sounded mechanical when Forrest Smith, the Democratic nominee for Governor, addressed the packed house, took on the air of the real thing when the President stood in front of the microphones," wrote Paul W. Tredway, then a reporter and now Sunday editor of The Globe-Democrat.

"He did not give the impression of a man who thinks he is licked. Unless he can act as well as he can play the piano, Mr. Truman was not fooling."

Scanning the faithful during the four-minute ovation, the president dramatically discarded the script over which his subordinates had toiled and, as they say, proceeded to deliver from the heart. Although at best only a medicore speaker, he put it all together in his 271st and finest campaign-trail address.

"Give 'em hell, Harry!" many shouted, repeating his slogan.

"I'm giving it, I'm giving it!" he yelled back.

He lashed out vigorously at Dewey, the Republicans in general, the hostile media. He elicited cheers from the predominantly pro-labor crowd—including a large assemblage of AFL Steamfitters—by reiterating his desire to see the repeal of the Taft-Hartley Act, which Congress had passed over his veto.

Observed the Sunday New York Times: "Mr. Truman was in a fighting mood as he has never been in the campaign before."

Uncle Sam probably would have agreed ... if he had been there. It seems that he arrived at Kiel too late and couldn't fight his way into the overflow crowd. As a result, he never was able to see Mr. Truman, much less meet him, and had to be content with turning his collar to the cold and damp and listening over loudspeaker hookups by the 14th and 15th Street entrances.

The rest of the stuff is history. Dewey Defeats Truman, trumpeted that eggfaced Chicago Tribune bannerline, but when all the precincts were in, Harry had actually breezed to the political upset of the century.

He captured 28 states and 303 electoral votes—yes, better than 300 was possible—to Dewey's 16 and 189, with Dixiecrat candidate Strom Thurmond scooping up four southern states. The popular-vote margin was 2,136,525.

Blaming complacency, Republicans kicked themselves. Pollsters groped for apologia-explanation. "Mr. Truman," a Gallup spokesman concluded, "staged a strong upsurge in the closing days of the campaign." Many a head-scratching analyst cited the St. Louis speech as the turning point.

That brings us back to my father's Democratic brother. He too won the match after dropping the first fall.

For the Friday card he added a gimmick whereby kids from nine to 14, dressed in Halloween garb, were admitted free. Two popular St. Louis Hill natives and major league catchers—Yogi Berra of the Yankees and Joe Garagiola of the Cardinals—served as judges in an intermission costume contest. (A decade later Garagiola would become the first ringside voice of "Wrestling at the Chase" before moving on to New York and the "Today" show.)

Nevertheless, only 4,621 fans showed up to watch Orville Brown defeat Frankie Talaber. The next week Thesz and Son announced 10,102 for Lou's match against Wild Bill Longson.

However, Sam refused to say "uncle" and soon gained the leverage. His turnstile pulse coincidentally quickened with Mr. Truman's election. There were 5,237 on Nov. 11; 9,176 on Nov. 26; 7,593 on Dec. 10; and 10,110 on Jan. 7, 1949. He had his first sellout on Feb. 4, as 10,651 saw Buddy Rogers take the measure of Don Eagle.

Under the submission hold of comparatively sagging attendance, the Mississippi Valley Sports Club conceded and sold out to the St. Louis Wrestling Club.

By determination and defiance of the odds—by the Harry S Truman method—Uncle Sam had become the undisputed head of local grunting and groaning. "The Scheduling of the President 1948" had a happy ending.

CAPTIVE NATIONS WEEK

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, July 21, 1972

Mr. SCHWEIKER. Mr. President, during this week in particular we remember the world's captive nations. In a time when we are seeking to improve our relations with the Soviet Union and with the People's Republic of China, we must not allow ourselves to forget the aspirations for freedom and self-determination of peoples and nations under Soviet dominance, or absorbed into the Soviet Union. Albania, Byelorussia, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Poland, the Ukraine, and other peoples were subjugated by force of arms and are ruled with varying but substantial degrees of repression. Many fled these homelands. Many would leave now, if they could. Some manage to do so. But many would return, if they could, to their free and independent homelands.

The winds of change afoot throughout the world are not absent in the Soviet Union and Eastern Europe. Dissent against political repression, if anything, appears to be on the increase and even generations which have grown up under Communist rule have produced their share of dissidents.

In reflecting on Captive Nations Week, and the people of these nations, we must focus on their aspirations for freedom and self-determination, for these are the ideals upon which our own Nation is founded.

An enlightened diplomacy by the United States should be followed to work for and encourage increasing autonomy for the captive nations, and relaxation of internal repression.

During this week of commemoration for captive nations, let us rededicate ourselves to the ideals of freedom and the self-determination of nations, and to all persons and nations working together to achieve these goals.

ARAB DIPLOMACY—FIRST SOVIET DEFEAT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. RARICK. Mr. Speaker, the action taken by the government of Egypt in reasserting their freedom and independence from the military domination of the Soviet Union should not come as a surprise to any informed American. For the most part the Communist Party is uniformly banned throughout the Arab world and the Arab leaders had been delivered to the Communist world in order to seek armaments to counteract the armaments being provided their Middle East antagonist by the United States.

It must have become obvious even to the Arabs that the Soviet Union was using the Arab people as a pawn to trade off for power agreements with our government. Under such agreements, the Soviets were merely using the Arabs while in reality blocking them in any Middle East military endeavor.

Over all, the Arab action is consistent with that being taken by smaller nations the world over following the efforts of our country to create a new world leadership of three super powers; that is, the Soviet Union, Red China, and the United States.

In my remarks of April 19, "Abandonment of Non-Communist Allies Under the Foreign Policy of the American Revolution," page 13852, and my remarks of May 23, "United States Courts Communists While Losing Real Superpower," page 18610, I had documented the retaliation of our former U.S. friends and allies against our new "soft on communism" foreign policy. And, now we find even the Arab leaders awakening to the realization that they have been had. I ask that related newspaper clippings follow.

[From the Baton Rouge (La.) Morning Advocate, July 19, 1972]

Russian Military Men Ordered Out of Egypt

CAIRO.—President Anwar Sadat, who signed a 15-year treaty of friendship and cooperation with Moscow last year, anounced Tuesday he has ordered Soviet military advisers and experts withdrawn, the semi-official Middle East News Agency reported.

Sadat said the action was part of a series of moves aiming at a new stage in Egyptian-Soviet relations.

In a 90-minute speech before the Central Committee of the Arab Socialist Union (ASU), Sadat said the main aim of Egyptian foreign policy had been to achieve the best possible relations with the Soviet Union.

"This was a basic mistake in our policy," Sadat said, "because our main enemy is Israel . . .

Sadat, however, had high praise for the Soviet Union which he said "stood with us in all fields, political, economic and military." But he said Egypt now had to revise its policies.

The Middle East News Agency said the committee voted unanimously to support Sadat in his decisions.

The agency said Sadat announced that military installations and equipment installed by the Soviets was Egyptian property and would be operated henceforth by the Egyptian armed forces.

Sadat made his announcement before the Central Committee of the Arab Socialist Union (ASU), Egypt's highest political body, the agency said.

An estimated 20,000 Soviet military advisers and technicians have been helping to man Egypt's missile and air defensive system against Israel.

Sadat said that consultations are going on to decide the style of cooperation which will be most effective in the future.

EXODUS BEGINS

Sadat said termination of the Soviet military mission was at Egypt's request and was effective as of Monday, July 17.

"Our sons in the armed forces will replace them in everything they did," Sadat said.

Official Cairo sources said the evacuation has already begun and the Soviet advisers and experts were expected to be out of the country "in a relatively brief period."

The news agency quoted Sadat as telling the Central Committee during the two and one-half hour meeting in Cairo earlier in the day:

"After studying the position from all its angles and with full appreciation of the huge Soviet aid to us and concern for Soviet friendship, I found it appropriate at the outset of a new stage of that friendship to take these decisions:

"—A decision to end, with effect from July 17, the mission of the Soviet military advisers and experts who came at our request. Our sons in the armed forces will replace them in everything they did.

"—The military installations and equipment which were established on Egyptian soil after the June 1967 war are considered the private property of Egypt and are under the operation of our armed forces.

"—A call within the framework of the Egyptian-Soviet friendship treaty for an Egyptian-Soviet meeting at a level to be agreed upon later to hold consultations concerning the coming stage."

CUTS VISIT SHORT

Official sources said Sadat's demand for the termination of the Soviet military mission and withdrawal of the experts and advisers was conveyed to the Kremlin leaders by Premier Aziz Sidky last week.

Sidky flew to Moscow last Thursday for what was scheduled to be a three-day visit. But he returned to Cairo on Saturday, after only one day of talks with Soviet Communist party leader Leonid I. Brezhnev and Soviet Premier Alexei N. Kosygin.

Cairo sources said Sidky had demanded the withdrawal of the Soviet advisers during his talks with Kremlin leaders.

COMMITTEE SUMMONED

Political observers in Beirut and elsewhere described Sadat's action as the worst blow to the Soviet Union since it moved into the Arab world in a big way with the conclusion of an arms-for-cotton deal with the late President Gamal Abdel Nasser in 1955.

There were unconfirmed reports that Sadat was unhappy about Moscow's reported refusal to provide more offensive weapons to carry out his repeated pledge to recapture occupied Arab territory from Israel.

(Sources in Beirut said about 200 Soviet pilots were based in Egypt, which recently reported receiving the MIG23, the newest and most powerful in the Soviet arsenal.)

The semiofficial newspaper Al Ahram described the situation as an "emergency" and said the committee was summoned to discuss "one of the most important and serious subjects it has ever debated." Al Akhbar, another influential newspaper, said the "decisive resolutions are linked with the military situation and our international relations."

The Egyptians were known to have been pressing Moscow for more sophisticated offensive weapons. Sadat himself made two visits earlier this year to the Soviet capital. But reports said Moscow had urged restraint and that no major move to break the no-war no-peace deadlock in the Middle East could be expected until at least after the U.S. presidential elections in November.

[From the Evening Star and Daily News, July 20, 1972]

Egypt Tightens Grip on Russian Bases

(By Andrew Borowiec)

CAIRO.—The Egyptian army was reported today in full control of all military installations after President Anwar Sadat's decision to expel Soviet military advisers from the country.

Arab sources said the takeover of Soviet-operated bases was swift and smooth.

Defense Minister Gen. Mohammed Ahmed Sadek personally reported to the president that all weapons were not in Egyptian hands. It could not be immediately determined whether this included sophisticated missile sites and supersonic bombers hitherto manned by Russian crews.

However, there were reports that the Soviet Union was prepared to renegotiate its military relationship with Egypt in order to maintain its toehold in this vital Middle East nation.

East European diplomats said Russia was taken aback by Sadat's abrupt decision but was not losing hope of finding a way around it. There was talk that some key Soviet weapons instructors would remain in Egypt even after the departure of the bulk of Russian troops.

With secrecy shrouding all military movements, it was difficult to ascertain how many Russians have left Egypt so far. Diplomatic sources knew of only three planeloads of Russians departing yesterday, with others getting ready to move by ship. All Egyptian sources limited themselves to laconic references to Sadat's Tuesday speech in which he asked the Russians to leave.

Cairo itself felt no dramatic or visible change after Sadat's announcement. The Russians have never been conspicuous in the capital, being billeted mainly in desert bases.

However, a number of Soviet families living mainly in the Zamalek suburb were reported gone or preparing to leave.

Communist sources stressed the bitterness of the Soviet Union at Sadat's announcement, pointing out that "there were other ways" of handling the breakdown in Soviet-Egyptian miltiary cooperation.

The Russians appear to feel, according to these sources, that the Egyptian government purposely sought to give the operation international dimensions.

Yet observers in the Egyptian capital felt the government was doing everything to prevent the move from deteriorating into an anti-Soviet campaign. Sadat himself stressed that the basic principles of Soviet-Egyptian friendship will remain intact.

It was clear that the details of the new relations are yet to be worked out, and that some form of compromise was more than likely.

It was also obvious that the whole intricate relationship between Egypt and the Soviet Union was undergoing a sweeping change with the possibility of far-reaching repercussions.

While most Egyptians appeared to express satisfaction at Sadat's move, reaction from other Arab countries was mixed.

With most governments remaining silent, the Arab press from Kuwait to Casablanca gave vent to speculation and question marks.

There was an underlying fear that by cutting itself off from Soviet military aid, Egypt would risk undermining its military posture.

In Beirut the Al Nahar daily bluntly suggested that the Arabs would be naked in the face of the Israeli enemy without a viable substitute for Soviet military presence.

Sadat has asked the Russians for high-level talks to define a new relationship. As far as it could be ascertained here, the Russians were prepared for concessions in order to safeguard their huge military investment here, variously estimated at between $3 billion and $5 billion.

As one Communist official in Cairo put it, "The Russians are in a difficult position. They cannot simply dismiss Egypt. The stakes are too high."

This diplomat suggested that so far Soviet dividends after years of efforts in the Arab world have been extremely limited. "The Communist party is uniformly banned throughout the Arab world and popular sympathy for Russia is nil," he added.

There has been no official comment from the governments of Iraq, Syria and Libya, among governments who benefit from massive Soviet military aid. The Arab world is clearly waiting for the situation to crystalize.

The Egyptians themselves appeared baffled by the consequences. There was no sign of any unrest and the army—the best organized and most disciplined force in the country—appeared solidly behind the government.

The first concrete indication of further course of action would most likely come on Monday when President Sadat addresses the Congress of the Arab Socialist Union, the country's ruling party.

[From the Evening Star and Daily News, July 20, 1972]

SOVIETS EXPLAIN CAIRO PULLOUT

Moscow.—The Soviet government says the military personnel it sent to Egypt have done their job and now they're coming home.

The statement by the government news agency Tass last night was the first disclosure to the Soviet people of something President Anwar Sadat of Egypt announced 24 hours earlier. But while Sadat said he had told Moscow to get the Soviet military advisers out of Egypt because the Kremlin hadn't given him more advanced offensive weapons to use against Israel, the Soviet statement gave no hint of this.

Tass said a "number of Soviet military personnel" had been in Egypt at the request of the Cairo government, and they have finished teaching the Egyptians how to "master Soviet military equipment."

"Now the Soviet military personnel in the Arab Republic of Egypt have completed their functions," the news agency said. "With the awareness of this, after an exchange of opinions, the sides deemed it expedient to bring back to the Soviet Union the military personnel that had been sent to the Arab Republic of Egypt for a limited period."

"These personnel will shortly return to the U.S.S.R."

Tass said the advisers had been on temporary assignments "in accordance with the requests of the leadership of the Arab Republic of Egypt for help in ensuring its defense potential in the face of Israeli aggression."

It said these relations will be based on the 15-year friendship treaty signed last year, and the "joint struggle for the liquidation of the consequences of the Israeli aggression . . ."

Like Sadat's announcement, the Soviet statement gave no indication of the number of Russian personnel leaving Egypt or of the number which will remain. Sources in Cairo estimated that 10,000 to 20,000 military advisers would go, but nearly as many civilian advisers and experts would remain.

In Beirut, a key observation post for the Arab world, Sadat's expulsion of the Russians was generally regarded as a blow to Soviet prestige.

At the United Nations, the most common reaction was that Sadat's action gave the United States a big chance to regain lost influence in Egypt. Some diplomats predicted a joint reduction of U.S. arms shipments to Israel and Soviet arms shipments to Egypt.

ORDER OF AHEPA

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Friday, July 21, 1972

Mr. BOGGS. Mr. President, next Wednesday marks the 50th anniversary of the Order of Ahepa, the American Hellenic Educational Progressive Association. This eminent organization is celebrating its 50th year of national and international service.

On the international scale, the Order of Ahepa has proved its merits by such activities as relief work for victims of natural disasters in Turkey, Greece, Ecuador, and Corinth. Its work in health programs in Greece has been particularly outstanding.

The order's work in America has been equally meretricious. It has come to the aid of hurricane victims in Florida and of flood victims in Mississippi and Kansas City. The Order of Ahepa has also been active in the field of cancer research through its support of the Dr. George Papanicolaou Cancer Research Institute. Worthy of special praise is the order's work in the field of education; the order has awarded scholarships to worthy students for over 40 years. Each year it recognizes outstanding high school graduates with its award of the seven-volume "Greek Classics" set.

Mr. President, I would like to commend the Order of Ahepa for its considerable achievement over the past 50 years and wish it continued success in the 50 years to come. I have no doubts concerning this future success, for I am well aware of the high caliber of its members. In my own State, there are men like John M. Sitaras and James Micheals, the president and vice president of the Wilmington chapter. They are assisted in their work by Mr. Thomas G. Magiros, recording secretary; Mr. William H. Athan, executive secretary; and Mr. Tom Karras, treasurer. Also worthy of notice is Mr. Peter Andrianpoulos of Wilmington, who is the treasurer of the district lodge. With members like these, I feel certain that the Order of Ahepa will continue in its most worthy efforts for a long time to come.

SCHOOLBUS SAFETY BEFORE THE SENATE COMMERCE COMMITTEE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. ASPIN. Mr. Speaker, I would like to include in the RECORD today a statement I gave before the Senate Commerce Committee on Wednesday concerning the need for new schoolbus safety legislation. As you know, 80 Members of the House have cosponsored H.R. 11160, which would require the first comprehensive set of schoolbus construction standards ever. The time for legislation of this kind is, I believe, long overdue. I hope those of my colleagues interested in the other schoolbus issue—schoolbus safety—will be interested in my statement before the Senate Commerce Committee which follows:

STATEMENT BEFORE THE SENATE COMMERCE COMMITTEE ON SCHOOLBUS SAFETY, JULY 20, 1972

(By Les Aspin)

Mr. Chairman, thank you for the opportunity to appear before the Committee today concerning the issue of schoolbus safety and the legislation Senator Nelson and I have introduced in Congress.

When asked about schoolbus safety, probably the first thing that the Department of Transportation will point out is that schoolbuses are one of the safest form of transportation. This is true. There are only .05 fatalities per 100 million passenger miles of schoolbus travel compared to 2.1 deaths for auto travel. The reasons for this low fatality rate however are fairly simple: schoolbuses generally move at slow speeds, other drivers usually become cautious when they see a schoolbus, and schoolbus drivers are usually good, cautious drivers.

But while there may be relatively few accidents with schoolbuses, it is also true that the accidents which do occur are more serious than they need be because schoolbuses are extremely shoddily built vehicles. In fact, schoolbuses are probably the unsafest vehicles on the road. Passenger cars are generally better constructed, intra and inter city buses are often better constructed than schoolbuses. There is no question that far more has been done to assure the construction of safe cars than has been done to assure the construction of safe schoolbuses, which transport the nation's children. There is little excuse for DOT's apathy and, even antipathy, to requiring the construction of reasonably safe schoolbuses.

The identical bills Senator Nelson and I have introduced in Congress (S. 2582, H.R. 11160) would require the accomplishment of four very basic and very long overdue goals. First, our legislation would require the DOT to promulgate schoolbus standards in at least ten specific areas: emergency exits, interior protection for occupants (including restraint systems), floor strength, seat anchorages, crash worthiness of body and frame, vehicle operating systems, windows and windshields, fuel systems, exhaust system, and flammability of interior materials.

Why is this section of the bill necessary? Because DOT has steadfastly refused to promulgate effective and comprehensive standards for the construction of schoolbuses, even though they presently have the authority to do so. Yet, while the DOT has been unable to come up with meaningful schoolbus construction standards, the Vehicle Equipment Safety Commission—an interstate compact to which forty-six states belong—has come up with a generally excellent set of standards which have already been adopted by a couple of states. (VESC–6 minimum requirements for schoolbus construction and equipment) The VESC standards have been hailed by many experts as a giant step forward in building safer schoolbuses.

One schoolbus company, Ward Schoolbus Manufacturing, Inc., was so enthusiastic about the VESC standards that it constructed a prototype schoolbus which conformed to the VESC standards. The Ward prototype schoolbus is clearly far more advanced in terms of safety than schoolbuses presently on the road. As you know, the number and quality of rivets used in a schoolbus body is one of the most important factors in determining the safety quality of the schoolbus. The Ward prototype schoolbus has more than five times the total rivets as the average schoolbus presently in use. The Ward bus also has about half as many structural panels as the average schoolbus. By reducing the number of structural panels, and by overlapping them, as the Ward Company has done, the possibility of the bus becoming a "cookie-cutter" when it is involved in an accident and causing severe lacerations to the children on the bus, is greatly reduced. The Ward schoolbus is also superior to present schoolbuses in many other respects.

The Ward Company's efforts to build a better schoolbus are particularly important because they convincingly demonstrate that safer schoolbuses are quite practicable. The company estimates that the added cost to the consumer of these improvements would be a rather negligible $390 per bus. For a $10,000 bus, this is certainly not too much when one considers the extra safety it would provide for the children.

The second thing our legislation would do is require DOT to build at least one experimental prototype bus within three years of the bill's enactment. Considering the relatively low cost of building such a prototype schoolbus, it is somewhat curious that DOT has not already agreed to do so. Certainly, building a prototype is not a new concept to DOT. It has provided funds to build such prototypes as: electric power buses, steam power buses, experimental safety cars, track air cushion vehicles (trains), turbo trains, the Bay Area Rapid Transit System in the San Francisco-Oakland area, and Coast

Guard ice-cutters. Possibly, building a prototype safety schoolbus is simply too mundane a project for DOT.

I also understand that the Senate Commerce Committee is considering authorizing $1 million for the purpose of schoolbus crash worthiness tests. I strongly support such a proposal with or without acceptance by the Committee of our legislation. I believe the crash worthiness tests, however, would be far more beneficial if they were part of a larger plan including the construction by DOT of a prototype schoolbus.

A third provision in our legislation would require that each manufacturer and distributor of schoolbuses test drive each bus individually to insure that it is working properly and is in conformance with all applicable safety standards. At present, schoolbuses often get assembled at two or more different factories and no one is really responsible for the final product, which is not adequately tested, if it is tested at all. If anyone believes that thorough testing of schoolbuses is not important, I would refer him to an article by Coleman McCarthy entitled "The Faulty Schoolbuses" which appeared in the March 11, 1972 issue of the Saturday Review. In this excellent article about one schoolbus operator's frustrations with poorly constructed schoolbuses, Mr. McCarthy details: "clutches burning out . . . wheels wobbling . . . tires leaking . . . bolts falling out of motor mounts . . . power steering failing . . . accelerator springs snapping—a waking nightmare. With the Chairman's permission I would like to include this important article in the Committee's hearings record.

A fourth provision in the legislation would require that DOT investigate and publicly release a report of each schoolbus accident which results in a death. One important purpose of this provision is to obtain data from schoolbus accidents useful in determining the structural weaknesses of schoolbuses so that safer schoolbuses can be designed and built. While it does appear that DOT is now doing a better job of investigating schoolbus accidents than in the past, this provision would set a reasonable minimum standard for DOT investigations of schoolbus accidents.

In summary, this schoolbus safety bill is very moderate and long overdue legislation. The House bill has been cosponsored by 80 Congressmen. It has been endorsed by a wide number of groups, including: the National Education Association, the American Association of School Administrators, Physicians for Automotive Safety, Citizens for a safer Schoolbus, the Vehicle Equipment Safety Commission, the National Safety Council, the Ward Schoolbus Manufacturing, Inc., and the Prince Georges County Public Schools.

Coleman McCarthy, in another article called "The Other Busing Problem", which recently appeared on the editorial page of the Washington Post, probably put it best:

> As (schoolbus) crashes continue, alibies for inaction become thinner. The problems are known, the technology is available. The undecided question is whether the sources of money needed for safety—school boards, state houses and Congress—think that saving childrens lives is important. Meanwhile the busing issue gets more speeches than busing safety.

A TRIBUTE TO DR. WILLIAM T. PECORA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. RODINO. Mr. Speaker, it is with a deep sense of loss that I mourn the untimely passing of a dear friend and able public servant, Dr. William T. Pecora.

As Under Secretary of the Department of Interior, as Director of the Geological Survey, and throughout his career in Government, Bill combined the talents of an inquiring and knowledgeable scientist with a sensitivity to peoples' needs, not only with respect to the physical environment, but to man's whole quality of life.

His sense of personal and professional integrity, his selfless dedication and commitment to the public interest were hallmarks of his career. It was these qualities which marked his public service and won for him the respect and admiration of his colleagues, the scientific community, and Republican and Democratic administrations alike. More than they shall ever know, the people of this Nation owe him a debt of gratitude.

Those of us who knew Bill and knew of his contributions mourn for him—for our own loss and for the loss, which most of all, his family feels and bears. To them I wish to express my deep, immeasurable sorrow.

THE THIRD 6-MONTHS: A LEGISLATIVE RECORD, JANUARY–JULY 1972

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. MAZZOLI. Mr. Speaker, in keeping with my policy of providing detailed information to my constituents in the Third District of Kentucky, I am inserting in the RECORD the following summary of my legislative activities during the first 6 months of the second session of the 92d Congress:

THE THIRD 6-MONTHS: A LEGISLATIVE RECORD, JANUARY–JULY 1972

1. FISCAL RESPONSIBILITY

The Administration's projected budget deficits for the 1972 and 1973 fiscal years—possibly a record-shattering $57 billion—are feeding the fires of inflation, not dampening them.

Accordingly, I have tried to be responsible and realistic in my approach to matters affecting the budget. In seeking to lower the deficit, I have moved on two fronts: (1) sponsoring legislation to increase federal revenues; and (2) supporting selective cuts in federal spending proposals.

In March I co-sponsored tax reform legislation which, if enacted, would reduce the federal deficit by $7.25 billion a year, simply by limiting some of the exemptions or "loopholes" in our existing tax system.

I had hoped that a portion of this bill could be attached, as a "Fiscal Responsibility Amendment," to the important Revenue Sharing Bill which was passed by the House in June. Revenue sharing, which will cost the federal treasury more than $5 billion a year, should pay its own way.

Unfortunately, the revenue sharing bill was brought to the floor under a "closed rule"—a parliamentary tactic prohibiting amendments. I voted against this restrictive rule despite pressures from those who favored "revenue sharing regardless of cost." But the rule was adopted, and the amendment could not be considered.

Votes in favor of reduced spending are always difficult, since the proposals involved are usually popular and useful. However, I try always to measure my decisions against the test: "Is it really necessary?"

The War in Indochina, which has fueled the inflationary fires, is still costing the nation $7 billion a year.

I have voted consistently to seek an early end to this unfortunate and costly military adventure which has been so terribly wasteful of human life. The most recent vote came on June 27th, when I joined 151 of my colleagues in supporting a September 1, 1972, cutoff of funds for the war, provided our prisoners are released and our missing men accounted for.

Also in the area of Defense Department spending, I voted in June to trim the military procurement authorization by more than $800 million. I voted to reduce spending for development of the B-1 bomber and the Safeguard ABM system (including the dubious plan to deploy an ABM system around Washington, D.C.). The floor debates indicated clearly that elimination of these projects would not appreciably affect national security.

My concern about unmet domestic needs—further jeopardized by the Administration's budgetary deficits—convinced me that it would be wise to reduce our support of several international agencies, including the Inter-American Development Bank, the Asian Development Bank and the International Development Association.

I opposed some questionable spending proposals on the domestic scene, as well. These included the Transpo '72 Exposition held this spring at Dulles International Airport ($2 million) and the proposed construction of a new west front for the United States Capitol ($60 million). Proper respect for our nation's heritage can best be shown, in my opinion, by repair and rehabilitation of the existing west front—the last original exterior surface of this historic structure.

I also voted against funds for the Commission to plan for the American Bicentennial celebrations. I think we should celebrate our beloved nation's 200th birthday, not by a lavish expenditure of funds, but by thoughtful and fitting ceremonies such as the traditional reading of Washington's Farewell Address in Congress to mark the anniversary of our first President's birth. On February 21, 1972, I enjoyed the great honor of reading this moving Address in the historic House Chamber. It was one of the most memorable experiences of my life.

Other attempts on my part to put a brake on government spending include:

Co-sponsorship of a federal severance tax bill, to give all states an incentive to levy a tax of up to 5 percent on extracted mineral resources. Where state taxes are not imposed, the federal government would collect such a levy. In either event, governmental revenues would be increased.

Support of legislation to create a Congressional Office of Technology Assessment. This much-needed agency could result in immense savings to the taxpayers by giving Congress advice and information by which to judge more accurately the merit of proposals calling for massive spending in the fields of science and technology.

Co-sponsorship of three tax reform measures designed to correct inequities affecting specific groups. One of these measures simplifies the tax provisions applicable to small businessmen. The other two eliminate certain inconsistencies in the tax code based on the marital status of the taxpayer.

Opposition to legislation shifting the government's share of the cost of federal employees' health insurance permiums from 45% to 75%. I supported an alternative proposal to set the government share at 50 percent—a more equitable and less costly arrangement.

Vote for an amendment to reduce from $55,000 to $20,000 the amount an individual farmer can receive each year in federal crop subsidy payments.

Support of efforts to curb the spiraling costs of the Executive Office of the President, which in the past few years has become the fastest-growing federal bureaucracy. I voted to impose a ceiling on Executive salaries of $29 million, still some $12 million more than the final budget of the previous Administration.

2. ENVIRONMENT AND NATURAL RESOURCES

A number of extremely important public works projects affecting Kentucky's vital water resources won funding for the coming year. Citizens of Kentucky's Third District will be most benefited by the $500,000 appropriation to begin construction of the Southwestern Jefferson County Floodwall.

President Nixon's budget for fiscal 1973 contained no funds for this high-priority flood protection project, but Congress corrected this serious oversight, thanks to a cooperative and bi-partisan effort by the entire Kentucky Congressional delegation.

Also of particular importance to Kentucky is a bill to create mining and minerals research centers to seek new solutions to the many problems associated with this important industry. I supported this legislation and it passed the House in May.

The most significant environmental legislation, from a national viewpoint, which the House passed this year is the comprehensive Water Pollution Control Act of 1972. The bill is currently in conference but should soon be sent to the President for his signature. When enacted, it will firmly establish the year 1981 as our national target date for ending the discharge of industrial pollutants into our streams and waterways.

Another important action by the House was the passage, in February, of a major bill dealing with the abatement and control of noise pollution. As a co-sponsor of the Noise Control Act, I was heartened by the overwhelming majority (356 to 32) it received.

I also have sponsored a number of other measures dealing with critical environmental questions, including resolutions urging the negotiation of a treaty banning underground nuclear tests and the calling of an international conference to consider the environmental effects of supersonic aircraft.

Because we need to make more rational use of our vital energy resources, I have joined with many of my colleagues in sponsoring a bill to create a Federal Council on Energy Policy.

Also in the past six months, I supported bills to establish the Sawtooth National Recreation Area in Idaho, the Tinicum Tidal Marshland Environmental Center in Pennsylvania and the Seal Beach Wildlife Refuge in California. Another related measure of great importance is a bill, passed by the House in May, which establishes a fund for the accelerated reforestation of national lands which have been logged or burned.

In the area of wildlife conservation, the House in March passed the Marine Mammal Protection Act, which would impose a five-year moratorium on the killing of seals, whales, porpoises and other aquatic mammals without permit from the Secretary of Interior. I also voted for legislation to impose stricter penalties for the killing of bald eagles.

3. HEALTH AND WELFARE

Of major interest to our elderly citizens is the recently-enacted 20 percent increase in Social Security benefits. I supported this legislation because inflation has hit hardest at retired persons living on fixed incomes. However, I confess to some misgivings because these benefits will be financed by increased payroll taxes.

An important bill, enacted by Congress this spring, establishes a program providing nutritious meals to the elderly. I enthusiastically supported this legislation, both in committee and on the House floor. Also, I have sponsored legislation for federal assistance in purchasing equipment needed in nutrition programs for children.

Another major bill, which I sponsored, was the $100 million authorization for the fight against Sickle Cell Anemia, which was signed into law in May. I also sponsored legislation attacking the problem of lead poisoning among inner-city children.

Because of the very immediate need to establish an efficient ambulance program in the Louisville area, I have worked closely with the House Subcommittee on Public Health in developing the Emergency Medical Services Act of 1972. As a co-sponsor of this bill, I am hoping it will gain House passage sometime this summer.

In the realm of industrial health and safety, I voted against two recent floor amendments aimed at weakening enforcement of the new Occupational Safety and Health Act. I realize that many provisions of this law are highly controversial, but it deserves a full and fair test before amendments are proposed.

4. CONSUMER PROTECTION

The Motor Vehicle Information and Cost Savings Act was passed by the House on May 22 and sent to the Senate for further action. When enacted, this bill will require that new automobiles be designed and engineered so that crash damage is minimized. It should result in substantial savings in repair bills for American car owners.

I have co-sponsored a resolution which endorses the no-fault automobile insurance concept and gives warning to the states that federal legislation in this area will be forthcoming soon if the states, themselves, do not act.

I also have co-sponsored a resolution demanding that the Internal Revenue Service simplify its forms so that taxpayers are not forced to bear the expense of professional assistance in filing their returns.

5. THE LAW ENFORCEMENT SYSTEM

State and local governments will be able to fund expanded public safety programs with the enactment of the Federal Revenue Sharing bill, which gained House passage on June 22. Law enforcement is one of the "high priority" purposes for which these revenues are earmarked.

The relationship between drug abuse and crime continues to be of major concern in Congress. The House passed four bills so far this year seeking to intensify the war against drug sellers and to beef up rehabilitation and treatment programs for addicts. I supported all four of these measures.

I also co-sponsored a number of significant bills which will be considered either in this Congress or the next. These include proposals to grant financial assistance to crime victims, for a complete overhaul of our federal parole system and for the establishment of a commission to recommend reforms in the federal prison system.

Because so many youthful offenders turn into habitual criminals, I voted for a bill to establish an Institute for Continuing Studies of Juvenile Justice. To me, it is imperative that we find better ways to get these youngsters back on the right track.

Other measures receiving my support include efforts to improve the pay of prison guards and probation officers, and to target special federal assistance into high crime areas. I have co-sponsored bills to provide for anti-juvenile delinquency programs in our schools and to effect stricter controls over barbiturates and other drugs subject to abuse.

6. EDUCATION

The landmark Higher Education Omnibus Bill, signed into law June 23 is, in my opinion, the most significant legislative accomplishment of this Congress. It represents a comprehensive restructuring of federal higher education programs. The bill authorizes, for the first time ever, direct federal financial assistance to colleges and vocational schools, as well as to needy students. The law authorizes $19 billion through 1975, which should do much to alleviate the financial problems of our colleges and slow the rise of tuition rates

I have worked harder and spent more hours, since coming to Congress, on this important bill than any other. It initially received extensive consideration by my committee (Education and Labor). And, when the House and Senate adopted widely varying versions, I was appointed to the Higher Education Conference Committee which labored from March 15 to May 17 resolving the many differences. In retrospect, the conference was a grueling but very enlightening experience, especially for a freshman Congressman.

Also embodied in the Higher Education bill was a $2 billion authorization to assist desegregation in elementary and secondary schools, and a set of statutory provisions limiting the use of federal funds for busing to achieve racial balance and staying court-ordered busing pending final resolution of appeals. I supported these busing provisions.

Other important educational measures, which I supported, include the Public Broadcasting Act of 1972 (subsequently vetoed by President Nixon), the Vocational Rehabilitation Act and the Office of Economic Opportunity Extension Act, which would expand the Headstart early-education program. The last bill was necessitated by President Nixon's earlier veto of the Comprehensive Child Care legislation passed by the Congress last fall.

7. CONGRESSIONAL REFORMS

I have introduced a proposed Constitutional Amendment to increase the terms of Representatives to four years. It is my feeling that constituents would be better served if their Congressmen were not distracted every other year by the rigors of campaigning. A newly-elected Member scarcely has time to learn the job before it's time to start the re-election campaign.

In a related matter, the House completed work in January on the Federal Election Campaign Act, which greatly expands requirements for public disclosure of campaign gifts. This is a healthy development, which I supported wholeheartedly. It will help restore public confidence in "the system."

This year, as last, I published a full and complete financial disclosure of my family income and assets. I shall continue this voluntary practice so long as I occupy public office.

8. CIVIL LIBERTIES

Due to my concern about the over-all implications of wire-tapping and electronic surveillance, I voted in February for a measure that would have created a Select House Committee on Privacy, Human Values and Democratic Institutions. It is regrettable that we find it necessary to consider such legislation, but events over the past few years have indicated that our Constitutional rights of privacy is endangered.

Despite misgivings about some of its past activities, I voted to continue funding for the House Committee on Internal Security. I believe this Committee has proper legislative responsibilities which justify its continued existence.

I cannot say the same thing, however, for the Subversive Activities Control Board, which has virtually no record of achievement after more than 20 years of operation at a cost of $6.75 million in taxpayers' money. Accordingly, I voted against continued funding and against legislation to alter this agency's name and expand its mission. I don't think this leopard can change its spots.

In other matters of basic human justice, I supported legislation to make possible the reenfranchisement of rehabilitated former convicts, a Congressional expression of concern for the rights of Soviet Jews and the bill extending the U.S. Commission on Civil Rights for five more years.

9. EMPLOYMENT AND WORKING CONDITIONS

Another important House-Senate Conference Committee, to which I was appointed, resolved differences in the legislation which, for the first time, gives enforcement powers to the Equal Employment Opportunity Commission.

The bill, as worked out in conference, greatly expands the scope of the E.E.O.C.'s jurisdiction and permits it to go to court to enforce its orders banning job discrimination. Its passage was hailed by civil rights leaders, and I am pleased to have played a role in this historic conference.

In May, the House passed legislation to increase the federal minimum wage from $1.60 to $2.00 an hour. I voted against the amendment which inserted an intermediate "step" of $1.80 an hour, but it was approved by the House. I did not think that a delay in the $2.00 rate was called for. The legislation is now before the Senate.

The highly controversial question of whether strikers and their families should be entitled to qualify for food stamps was again debated in the House. Since food stamp aid is granted only in cases of demonstrated need—and only after the applicant has registered for available employment—I voted to continue the program in its present form.

I also voted in support of the budgetary appropriation for the Commerce Department, which provides funds to help minority-group citizens achieve economic independence through self-owned business ventures.

10. MILITARY AND VETERANS' AFFAIRS

To prevent future protracted involvements in "undeclared wars," I have co-sponsored a "War Powers Act" which defines Congressional prerogatives in questions of committing American fighting men to war. This legislation would permit the President to dispatch troops without prior Congressional approval, but would permit him to deploy these troops for no more than 180 days without a formal declaration of war by the Congress.

In a more hopeful vein, I supported legislation to authorize continued funding for the Arms Control and Disarmament Agency, to increase United States participation in the Hague Conference on International Law and to establish a Commission on United States Participation in the United Nations.

Important veterans legislation, for which I voted, includes measures to liberalize G.I. educational benefits, to increase housing grants for disabled veterans and to provide a $311.6 million supplemental appropriation for veterans' unemployment benefits. I also voted for legislation to establish a division within the Veterans Administration to supervise the operations of our National Cemeteries.

HEROIC GREECE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. SCHMITZ. Mr. Speaker, as each day goes by, I am constantly appalled at the fact that the very few friends we have left in the free world are constantly under attack, both directly and indirectly. Quite recently I received a letter from the Greek Ambassador to the United States calling my attention to a possible misunderstanding of the true history of that nation.

In view of the vast contributions that Greece has made on behalf of the free world, I am including, for clarification and understanding, the letter from the Ambassador:

Royal Greek Embassy,
Washington, D.C., May 12, 1972.

Hon. John Schmitz,
U.S. House of Representatives,
Washington, D.C.

My Dear Congressman: It was brought to my attention that, at the hearings on Foreign Aid for 1973, before the Foreign Affairs Committee the House of Representatives, on March the 20th, Congressman Wayne Hays (Democrat, Ohio), speaking in connection with the question of the sale of Phantom aircrafts to my country, stated, among other, the following:

"If those Greeks are as smart as those Greeks in my district they will get in those planes and fly like hell to Spain, because you know they are not going to do anything. If war breaks out those 36 Phantoms are going to be . . . not very useful.

"If I were the NATO Commander, I would put them back where I might have a chance . . ." .

This is a really astonishing text; not only for the uncustomary language used but mainly because of the total disregard for facts which are common knowledge.

The record of Greece during the wars that the United States and Greece have fought in the same side, is, I believe, well known. I am sure that without a special effort Congressman Hays will remember that when during the Second World War allied countries were in very difficult circumstances in the Western part of Europe and some of them had indeed been occupied, Greece—then under a dictatorial regime—entered the war joining the allies. He will also, I am sure, recollect that it was the Greek army which was the first of all the allied armies in that war to provide victories for our camp.

The way in which the Greek armed forces fought not only obliged the Nazi war machine to turn all its attention and effort on my small country but also, as my countrymen fought to the very last, to disrupt completely Hitler's timetable for his Russian campaign.

The results of that disruption are only too well known.

And it was the Greek armed forces again which went on to fight even abroad on the shores of Africa and Italy; offering tremendous sacrifices to the common cause and contributing to crucial allied victories.

In this context it is interesting to note what friends as well as foes had to say about the manner in which my countrymen fought:

"It is unnecessary to speak today for many countries. But there is one, a small but heroic country, to which our thoughts turn today with sympathy and admiration. It is brave Greece and her forces which are defending the fatherland. Among examples in this war, there will certainly not be many acts that will match the acts of self sacrifice and heroism of the Greeks".—Winston Churchill.

"If Hitler's Mediterranean plan—which failed thanks to the victorious resistance of Greece—had succeeded, Germany's attack on the Soviet Union would have had *entirely different results*. The heroes who have covered the sacred land of Northern Epirus with their blood, the fighters of Pindus and others, will together with the fighters of the Marathon, guide and shine mankind through the centuries".—Anthony Eden, British Foreign Secretary at the time.

"Greece's admirable struggle in Albania is one of the turning points of World War II".—George VI, King of England.

"The battle of Mt. Pindus changed the course of history".—Marshall Jan Smuts.

"We readily acknowledge that our Greek allies are the first who, through their superb victories in Northern Epirus paved the way and dealt decisive blows against Fascist Italy. The successes were not of local significance only, they *influenced the whole outcome of the war*. The defense of Crete saved Cyprus, Syria, Thrace and probably even Tobruk".—Field Marshall Wavell, Commander-in-Chief, British Forces, Middle East.

"I dare not think what Russia's position would be today, *had Greece not fought"*.—Field Marshal Alexander, October 1941.

"For the sake of Historical justice, I am to acknowledge that of all opponents who have faced us, the Greek soldier has fought with bold daring and supreme contempt for death".—Adolf Hitler.

Following what precedes, I cannot but protest in the most vigorous way, for the slandering of the Greek name, especially when this comes from a member of Parliament of a country, with which we are happy and proud to entertain and to have traditionally entertained brotherly relations.

I would appreciate it if you could make these views known to your Colleagues.

Sincerely,

B. Vitsaxis,
Ambassador.

SERVICEMEN SHOULD FIGHT AN UNDESIRABLE DISCHARGE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. CLAY. Mr. Speaker, with the change in our involvement in Vietnam from a ground war to an air war, many men are returning home to pick up where they left off, or to start anew for the future.

Almost all of them are facing the harsh realities of a tight job market, or the frustrations over a lack of a decent education from which they can build a career. Particularly difficult are the problems being faced by those servicemen who received a less than honorable discharge.

In a recent article in the Boston Globe, Congressman Louis Stokes discusses the problems created by an undesirable discharge, and the reason that many men accept or even request such a discharge, which in most cases will severely limit any chance for future economic and social development.

I would like to include this article in the Record of today's proceedings. I believe the advice contained therein will be of help to many young men who find themselves faced with the choice of a court-martial or an undesirable discharge.

The article follows:

[From the Boston Globe, July 11, 1972]

Serviceman Should Fight Undesirable Discharge

(By Representative Louis Stokes)

Today a disproportionate number of black servicemen are being awarded less than honorable discharges. The worse the discharge is the higher the percentage being given to blacks. Of great concern to me is the number of servicemen accepting, or even requesting, undesirable discharges.

Accepting a "UD" may get you home fast or may keep you from going to a court-martial, but what effect does it have on your life? Translated into reality, a less than honorable discharge is a sentence to confinement at hard labor for life. It is confinement to a life without hope or opportunity.

What happens to a young, black man from the inner city who has only a high school diploma and a less than honorable discharge to recommend him? He is entitled to no educational or training assistance from any government agency. The private sector will not help him in view of his discharge. He is virtually confined to a life in the inner city without any future opportunity to better himself by way of education, training or employment.

When a convicted felon is released from a Federal prison, he is able to enter community treatment centers, half-way houses, special rehabilitation and education programs. Yet a veteran with a less than honorable discharge is released to the community with no prospect of assistance of any kind.

Many of these veterans are only 18, 19 and 20 years old. Without education or training they do not have a realistic opportunity to advance economically or socially. For them, the current level of social and economic development is the highest they will ever reach.

It is not that they cannot do better. Nor is it that they do not want to do better. It is true they will never even be allowed to try. A piece of paper—8 by 10½ inches—is their confinement order, condemning them for life.

The psychological pressures a young man is confronted with when placed in the midst of a war few people understand or accept, the disillusionment he suffers as a result of the military's indifference to his personal problems, the mental anguish he endures when faced with the alternative of accepting a less than honorable discharge or facing a court-martial preceded by a lengthy pre-trial confinement all affect this man.

He will never truly understand or accept the fact that, to the military, he is just another number, that his life is of little consequence to anyone except himself and his family.

Yet, the day he accepts a less than honorable discharge may well affect him and his family more than any other day of his life.

Certainly, no one is pleased with the prospect of leaving his home and family to spend two years in the military. Yet, when called upon to do so, a man should attempt to do the job the best of his ability and to leave the service with an honorable discharge.

When asked to choose between the court-martial and the undesirable discharge, I would encourage a man to take the court-martial and to fight his case. Military attorneys are available without cost at nearly every installation. The American Civil Liberties Union and the NAACP have lawyers available for military defense work throughout the country. I keep a list of these attorneys in my Washington office.

Because a less than honorable discharge means the certain destruction of a veteran's future, I urge the serviceman to seek legal assistance whenever confronted with an administrative discharge or a court-martial proceeding.

MAN CAN USE INTERSTELLAR SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Dr. Krafft A. Ehricke, one of the country's most renowned experts on manned space flight and a true visionary, in the June 28 edition of the Los Angeles Times has outlined clearly the earth's unique place in the solar system and the importance of continued manned space flight. Because of the significance of Dr. Ehricke's article, I am including it in the RECORD for the benefit of my colleagues and the general public. The article follows:

MAN CAN USE INTERSTELLAR SPACE

(By Krafft A. Ehricke)

For millions of years, Man inhabited a seemingly infinite and indestructible Earth. Now, as this planet's true limitations become apparent, space technology is opening up new environments and new opportunities. It is just as once before, when life emerged from sea onto land and expansion into a new environment triggered fresh growth potential.

Ours is the first civilization to succeed in transferring the burden of production from slaves to machines. But in liberating Man, technology has caused a confrontation with the ecology of the biosphere. A technology which some contend is pushing man to his limits can, however, also provide a transition from a finite world inside the Earth's biosphere to a greater action world that is open to the universe.

Earth is unique in this solar system as the abode of Man, but not as a place for industrial production. Technological process can expand industry beyond Earth, a momentous process which could improve decisively the social, ecological and industrial scene in the next 100 years. Through our technological powers we can turn the specter of material limitations into an evolutionary challenge to assure both continued growth of civilization and preservation of Earth's unique environment.

This challenge is not primarily a materialistic but a spiritual one. It demands the growth in moral stamina that translates lofty rhetoric into practical accomplishments. The pitiful spectacle of today's world power politics, after two World Wars, emphasizes the urgent need for new opportunities to grow. Competing for advantages and resources in the limited world of our biosphere, in which there is not enough to go around for all, is futile and incompatible with global responsibilities. Now that a new opportunity is open to us, the resources spent in competition can and should be transferred to the common tasks of open-world development. Among the many new options provided thereby, one is particularly intriguing—disposal of nuclear waste in interstellar space.

As a means to meet future energy demands, atomic power plants have many advantages, but perhaps their most serious drawback is the generation of unwanted radioactivity. Two factors complicate the operation of nuclear reactors: fuel depletion and fission product poisoning. Each fission destroys a uranium-235 atom which detonates like a bombshell, hurling fission fragments in all directions. The fragments contaminate the reactor. They absorb neutrons necessary for continuation of the chain reaction and thereby interfere with continued power generation. Moreover, reactor materials are damaged by particle radiation, corrosion and heat.

Therefore, radioactive fuel must be added and fission products be removed. The strength and amount of high radiation level waste produced in this process depends on many factors, but its radioactive potency cannot be changed. While many fission products are short-lived and decay within a year, the most dangerous are the long-lived products that remain active for from tens to hundreds of centuries. Their accumulation on Earth can pose a significant threat to the biosphere and hundreds of future generations. It would be very costly to bury the waste sufficiently deep in the Earth's mantle to prevent radioactive pollution even of the deepest waters of the biosphere for millennia.

But once low-cost space transportation is developed, beginning with the space shuttle, we have the option to isolate the long-lived products and remove them from Earth. It has been suggested that they be sent into the Sun. This, however, is very costly. A far more economic option is to dispose the waste into interstellar space with the aid of the planet Jupiter.

The shuttle provides comparatively economic delivery into low orbit. From there the cargo must be launched into deep space with as little boost as possible, to minimize disposal cost. A boost of 6,800 m.p.h. sends an Apollo spacecraft to the Moon. A boost of about 8,000 m.p.h. sends the cargo into interplanetary space. But radioactive waste coasting in unknown orbits, due to planetary perturbations, would constitute a hazard long after vigorous interplanetary traffic has evolved. Disposal into the Sun would be very expensive, requiring a boost of at least 44,900 m.p.h.

On the other hand, a boost of 19,500 m.p.h. sends the cargo into interstellar space. Using Jupiter's gravity field as slingshot, the required boost can be reduced further to 15,000 m.p.h. This results in a cost of one-tenth or less of the cost of waste disposal into or very near the Sun where it would evaporate and be captured in the corona. It could become comparable to the cost of burial deep in the Earth's mantle.

Disposal into interstellar space renders radioactive waste harmless before three light years distance has been reached, which takes about 100,000 years. The nearest star system is 4.2 light years away. The waste is therefore harmless long before it might approach other galactic civilizations.

Thus, Jupiter could be the first among the planets to become of practical interest to an open-world development program whose premise is the operational indivisibility of Earth, space and other worlds. Future wealth of mankind would be measured not only in terms of energy and raw materials, but also of environments. With full awareness of Earth's limits, we would be freed to find better ways—freed to scale the level of human achievements closer to the infinite.

A BUSINESS WITHIN A BUSINESS: CHICAGO TRIBUNE TASK FORCE REPORT—PART IV

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. MIKVA. Mr. Speaker, home burglaries and gunrunning are two easy methods to obtain illegal weapons. A third way is through pilferage from gun manufacturers' plants.

Guns kill 10,000 Americans a year. The Chicago Tribune created a task force to study this epidemic of violence. This is the fourth in a series of 10 task force reports.

Criterion Die & Machine Co. manufactures "Saturday Night Specials." In today's article, reporters examined this company and found a business within a business. There were not even token security measures at the plant. Employees began smuggling weapon parts out of the building and assembling them elsewhere. The guns were then sold on the black market for twice the amount received on the legal market. It reached the point where almost all of the company's 18 employees were involved in the racket. However, the profitable ring was arrested by Federal agents. After a series of burglaries following this incident, the president finally installed security measures. Yet, there are no laws that would have compelled him to do this. Consequently, lack of security continues among gun manufacturers, as more illegal weapons enter our streets.

The article follows:

[From the Chicago Tribune, June 28, 1972]

Task Force Report: Stolen Guns Kill, Maim as Sellers Count Big Profit

The Criterion Die and Machine Company on Manhattan's west side manufactures small engines of death called Saturday Night Specials—concealable handguns that sell for the price of a cheap pair of shoes.

It was in a dingy room where those guns are assembled that Vic "Chupa" Falcon and his band of gun bootleggers found a way to catapult their incomes from $1.65 an hour to more than $50,000 a year.

Their method had the beauty of simplicity. Falcon and his ring were employes of the firm, toiling each day in the assembly room for as low a wage as the law would allow.

THE MUGGING BEGINS

Noticing that the company president, Robert Meltzer, had failed to install even token security measures, they began smuggling weapons parts out of the loft building and assembling them into complete handguns in the basement of Falcon's Bronx apartment.

Cylinders, frames, handgrips, and barrels were stuffed into coat pockets, waist bands, and lunch pails until enough parts to assembly 10,000 weapons had vanished without a trace.

It was easy because Meltzer did not order his parts by a numerical accounting system, but by weight—sometimes a ton at a time.

ILLICIT PROFITS BIGGER

Unguarded, the parts lay about the plant in huge barrels and were filched easily. Because they arrived by weight, a few pieces could be lifted each day without being missed.

The bootleggers soon found that the illegal market for their lethal wares was twice as profitable as the legal market. Meltzer's guns sold for $12 each in stores, but the bootleggers peddled them for $25 to $30 a piece.

It cost Falcon and his pilferers nothing to steal the parts and only a few dollars to set up a make-shift assembly shop in his basement at 1478 Bryant Av.

That address is in the lower Bronx, one of New York City's worst slums, and the bottleggers found a thriving market among the people who lived in that neighborhood.

Drug addicts needed guns to commit robberies to support their habits; shop owners needed guns to protect themselves from robbers. Burglars needed guns to shoot startled homeowners, and homeowners needed them to defend themselevs against burglars. Muggers needed them to threaten' their victims, and their victims needed them to fend off muggers.

MELTZER'S INDIRECT AID

And so, out of that vicious circle of violence and fear, Falcon and his ring reaped huge profits. Men who had been subsisting on a minimum wage were now earning as much as $130 a day, thanks to Meltzer who felt it was too expensive to install security precautions.

"It was strictly economics with him [Meltzer]," a federal agent said. "It did not make any difference to him if those stolen guns were being used to kill people. He just told us that it would cost him more to install security systems than he was losing thru pilferage. He said he could not search employes because it was a union shop."

As a result, Falcon's wing grew more brazen. Eventually almost all of the assembly room's 18 employes were involved in the racket. The bootleg weapons began selling in such wholesale quantities that "they were being sold by the sackful in Harlem," federal agents said.

Agents estimate that over a two-year period, the ring sold about half of the 10,000 weapons at a profit of about $125,000.

UNDAUNTED BY ARRESTS

The ring was so bold that it continued to operate following the arrest of three men in May, 1969, after the trio sold an undercover agent six revolvers for $195.

It was one of the arrested men, Jose Crespo, who told agents that CDM employes were pilfering the parts to supplement their meager incomes.

Using information supplied by the trio, an undercover agent, who shall be known in this account as Jose Carbone. His mission was to trace, he obtained a job in the plant.

FALCON GOES FULL-TIME

By this time Falcon had been fired from his job—which suited him fine, because he could now devote full time to his prosperous enterprise.

"He couldn't afford to work, anyway," commented a federal agent. "His job was interfering with his racket."

Carbone didn't have to wait long for the ring to approach him. On his first day on the job, Dec. 15, 1969, Carbone was asked by Jesus Paillo, 19, to smuggle a cylinder out of the plant. He did, noticing that Paillo and several other men were doing the same.

ENTHRALLED IN INTRIGUE

He quickly discovered the racket was the main topic of conversations among employes who discussed their daily plans while working, at lunch, and in the locker room. The racket had become a business within a business.

Three days after Carbone began work, Efrain Aponte, 17, told him he could sell Carbone a few weapons later in the month for $25 each. The undercover agent agreed to make the buy.

On Jan. 7, 1970, Carbone purchased a bootleg weapon from Aponte for $25, right in front of the CDM plant.

POSES AS REVOLUTIONARY

Posing as a member of the Santo Domingo revolutionary group, Carbone decided to make his move.

"Look," he said to Aponte, "I need more than one or two guns. The people back home are having trouble. I need at least a hundred guns."

Excited by the prospect of doing business on a large scale, Aponte and Paillo arranged a meeting between Carbone and Falcon. Falcon said he would "be glad to do business" with Carbone and then asked Carbone to smuggle out some handgrips.

COUSINS IN RACKET

On Jan. 14, Carbone purchased two more revolvers for $50 from Aponte and handed over the pilfered pistol grips. It was then that he learned the racket was a family affair—Aponte, Paillo, and Falcon were cousins.

Two days later, Carbone met with Falcon and expressed impatience with the way the ring was doing business: "My people need two hundred guns at least, not two at a time," he told Falcon.

Falcon promised to deliver a shipment of 50 guns. As a sign of good faith, he had Jose Rosario, 19, sell Carbone a revolver for $15.

"We're giving you a $10 discount because you work at the plant," Rosario said.

AGENT BUYS 26 GUNS

Thru Rosario, Aponte, Paillo, and Falcon, Carbone purchased a total of 26 handguns, in addition to dozens of weapon parts, for more than $500. However, the 50-gun shipment was never delivered.

In February, 1970, the three youths and Falcon were arrested by federal agents, and one of the largest and most lucrative gun-bootlegging rings in New York City history had been broken.

The courts handled the case lightly. Rosario was acquitted on June 10, because the judge and jury said they did not believe Rosario was "in the business of selling guns."

FOUR YEARS FOR FALCON

Paillo received only a 3-month sentence and two years' probation, and Aponte was sentenced to one year in the reformatory. Falcon was sentenced to four years in federal prison.

The disclosures failed to move Meltzer to install security devices.

One year later, on June 24, 1971, CDM was burglarized. The thieves entered thru a loft in an adjoining building, chopped a hole in the plasterboard wall of the CDM factory washroom, then broke into a cage where assembled guns were stored. They made off with 454 .25 cal. automatics valued at $8,172.

It was the fourth burglary of the factory in four years.

It was only after this incident that Meltzer finally installed security measures costing $15,000. There are no laws that would compel him to install security devices in order to get his federal license to manufacture guns.

The cost of the security measures belied Meltzer's contention that such precautions were more expensive than the losses incurred thru pilferage and burglary. Between 1967 and 1971, he lost the equivalent of 11,500 weapons that would have netted him a profit of $40,000.

Pilferage is not confined to small manufacturers like CDM. Despite security measures surrounding Colt Firearms Co., Hartford, Conn., more than 60 highly dangerous M–16 rifles and 140 handguns were stolen from the plant between 1967 and 1971.

NAVY DEFIES PENTAGON RULES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. ASPIN. Mr. Speaker, the Navy is defying specific Defense Department regulations in proceeding with funding requests for a half-a-billion-dollar hydrofoil patrol guided missile ship program.

The Navy is proceeding with its patrol hydrofoil program despite the fact that a review and study required by Pentagon regulations has not been done. These Pentagon regulations recommend intensive review of all major weapon systems including a series of top-level meetings by the Defense Secretary or his deputy before commitments to the development or production of a weapon are made by the Defense Department. None of the prescribed reviews have occurred, but Congress has been asked to fund the first two of an undisclosed number of these ships.

Mr. Speaker, I am today publicly calling upon Defense Secretary Melvin Laird to force the Navy to conform to Department regulations and conduct the required review of the program.

It is also interesting to note that according to a recent General Accounting Office report, the Navy is not even sure exactly what weapons it will be placing on the ship.

Despite these violations of Pentagon regulations and doubts about what the ship will look like, the Navy is seeking $46 million for the ships in this year's budget.

The 170-ton hydrofoil will theoretically skim across the water as fast as 50 knots and presumably carry some kind of missile to attack enemy surface ships.

In recent years the Navy has already spent more than $80 million on several ill-fated hydrofoil programs, lost at least one ship, and only built one decent craft which was considerably smaller than the planned 170-ton craft.

Mr. Speaker, Secretary Laird must require the Navy to subject its programs to review through a development concept paper—(DCP)—and a DSARC meeting like every other major weapon system. To do otherwise would create unnecessary risks that may result in delays, cost overruns and poor performance by the hydrofoil.

COMPARISON OF CONTRACTORS' LOW BIDS WITH WMATA ESTIMATES

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. GIAIMO. Mr. Speaker, in recent years we have witnessed a continued escalation of bid estimates and construction costs throughout the United States. It gives me pleasure to insert into the CONGRESSIONAL RECORD evidence of an exception to this rule of thumb: The Washington Metropolitan Area Transit Authority comparison of contractors' low bids with WMATA estimates:

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY—COMPARISON OF CONTRACTORS' LOW BIDS WITH WMATA ESTIMATES

Contract No.	Section No.	Description of work	Bid date	WMATA estimate	Contractors' low bid	Difference	Percent difference
1A0021	A-2	Cut and cover and earth tunnels	Dec. 2, 1969	$10, 367, 398. 95	$12, 349, 562. 00	+$1, 982, 163. 05	+19. 11)
1B0011	B-1	C. & C., Gallery Place, Judiciary Square stations	Dec. 3, 1969	28, 784, 798. 86	33, 741, 524. 00	+4, 956, 725. 14	+1]. 22)
1A0045	A-4	Park Police stables	Feb. 26, 1970	30, 000. 00	30, 370. 51	+370. 51	+1. 23)
1A0043	A-4	Cut and cover and rock tunnels	Mar. 3, 1970	9, 462, 568. 00	7, 119. 735. 00	(2, 342, 833. 00)	(24. 75
1B0021	B-2	Cut and cover line	Mar. 25, 1970	13, 190, 556. 40	12, 329, 784. 40	(860, 772. 00)	(6. 52
1Z4208	B-5d$_1$	Modification to PCT Co. electrical facilities	June 16, 1970	356, 375. 00	298, 073. 87	(58, 301. 13)	(16. 29
1A0011	A-1	Cut and cover and Metro Center Station	June 17, 1970	32, 201, 028. 50	37, 957, 343. 70	+5, 756, 315. 20	+17. 87
1A0031	A-3	Cut and cover and Farragut North Station	Sept. 23, 1970	20, 802, 967. 20	23, 042, 898. 87	+2, 239, 931. 67	+10. 76
1B0042	B-4	Excavation at Rhode Island Avenue Station	Nov. 18, 1970	894, 568. 00	351, 265. 99	(543, 302. 01)	(60. 67)
1Z420B	B-5b	Demolish existing W.T. Co. structures	Dec. 1, 1970	215, 000. 00	53, 970. 00	(161, 030. 00)	(74. 88)
1Z4206	B-5c$_3$	Alterations to W.T. Co. facility, step III	Dec. 16, 1970	2, 286, 338. 81	2, 425, 540. 00	+139, 201. 19	+6. 08
1B0032	B-3b	Cut and cover and South half Union Station	Feb. 3, 1971	7, 655, 503. 00	6, 377, 010. 00	(1, 278, 493. 00)	(16. 69)
1B0061	B-6$_1$	Franklin St. Bridge, WMATA and C. & O./B. & O	Feb. 17, 1971	1, 023, 775. 00	1, 060, 876. 00	+37, 101. 00	+3. 61
1Z4081	TW-1	Trackwork and contact rail, phase 1	Feb. 24, 1971	9, 108, 132. 00	8, 313, 862. 00	(794, 270. 00)	(8. 71)
1C0041	C-4	Potomac River tunnel crossing	Mar. 3, 1971	26, 930, 647. 00	23, 397, 053. 00	(3, 533, 594. 00)	(13. 12)
2Z1031	SSE-1	Procurement of substation equipment, phase I	Apr. 7, 1971	3, 610, 700. 00	1, 839, 949. 00	(1, 770, 751. 00)	(49. 04)
1A0044	A-4b	Rock tunnels and Dupont Circle Station	May 11, 1971	11, 603, 182. 00	11, 711, 697 00	+108, 515. 00	+0. 93
1B0051	B-5b	WMATA main line and yard	May 12, 1971	2, 820, 591. 00	3, 171, 060. 00	+350, 469. 00	+12. 44
1Z4203	B-5b$_1$	W. T. Co. East coach yard	do	4, 747, 932. 00	5, 592, 770. 00	+844, 838. 00	+17. 79
1A0048	A-4a	NPS hike-bike trail—Rock Creek Park	May 19, 1971	27, 049. 00	17, 300. 00	(9, 749. 00)	(37. 03)
1C0031	C-3	Cut and cover and Foggy Bottom Station	June 2, 1971	23, 032, 625. 60	25, 950, 597. 00	+2, 917, 971. 40	+12. 66
1C0051	C-5	Rock tunnels and Rosslyn Station	June 9, 1971	25, 986, 023. 00	25, 482, 364. 00	(503, 659. 00)	(1. 93)
1Z4101	OCCB	Operations control center building	June 30, 1971	15, 607, 667. 00	11, 674, 192. 00	(3, 933, 475. 00)	(25. 19)
1C0021	C-2	Cut and cover and Farragut West Station	July 21, 1971	31, 381, 650. 52	31, 043, 383. 50	(338, 267. 02)	(1. 08)
1A0047	A-4a	NPS permanent stables	July 28, 1971	270, 373. 00	311, 254. 00	+40, 881. 00	+15. 12
1Z2011	TSC	TSC-1,2,3 construction	Aug. 4, 1971	42, 046, 818. 00	42, 074, 675. 33	+27, 857. 33	
1Z4202	B-5a$_1$	WMATA major repair shop	Aug. 25, 1971	8, 015, 196. 00	5, 548, 000. 00	(2, 467, 196. 00)	(30. 78)
1Z4201	B-5a	WTC shop	Sept. 15, 1971	772, 400. 00	792, 000. 00	+19, 600. 00	+2. 54
1B004B	B-4	Aerial structure, Rhode Island Avenue Station	Oct. 13, 1971	9, 061, 582. 00	9, 849, 570. 00	+787, 988. 00	+8. 70
1B004A	B-4	Substation at Rhode Island Avenue Station	do	228, 111. 00	224, 335. 00	(3, 776. 00)	(1. 66)
1Z420A	B-5a$_2$	Hoist equipment	Oct. 20, 1971	1, 275, 900. 00	1, 458, 114. 30	+182, 214. 30	+14. 28
1B0031	B-3	WTC steam and air facilities	Oct. 27, 1971	1, 407, 650. 00	849, 800. 00	(557, 850. 00)	(39. 63)
1Z4051	ESC	Escalators phase I	Dec. 1, 1971	15, 451, 481. 00	12, 381, 521. 00	(3, 069, 960. 00)	(19. 86)
1C0063	C-6	Pentagon north parking lot	Dec. 22, 1971	474, 765. 00	397, 200. 00	(77, 565. 00)	(16. 34)
1C0071	C-7	C. & C. Earth Tunnel, Pentagon City Station	do	27, 127, 018. 50	23, 113, 984. 00	(4, 013, 034. 50)	(14. 79)
1C0062	C-6b	C. & C. Pentagon Station	Mar. 3, 1972	21, 103, 248. 70	17, 585, 776. 06	(3, 517, 472. 64)	(16. 67)
1Z2021	COMM	Communications—Phases I, II, III	Mar. 15, 1972	13, 512, 052. 00	5, 450, 845. 00	(8, 061, 207. 00)	(59. 66)
1B0033	B-3c	C. & C. and north half Union Station	Mar. 22, 1972	13, 351, 200. 70	13, 208, 001. 87	(143, 198. 83)	(1. 10)
1C0011	C-1	C. & C.—McPherson Square Station	Apr. 12, 1972	17, 460, 357. 00	18, 961, 838. 00	+1, 501, 481. 00	+8. 59
1C0064	C-6d	Pentagon Concourse shop relocation	Apr. 19, 1972	134, 648. 00	115, 164. 00	(19, 484. 00)	(14. 47)
2Z0061	VEH	Vehicles	May 3, 1972	119, 047, 369. 00	91, 607, 274. 00	(27, 440, 095. 00)	(23. 05)
1D0021	D-2	C. & C.—Smithsonian Station	May 10, 1972	19, 643, 500. 00	14, 747, 287. 00	(4, 896, 213. 00)	(24. 93)
		Total as of May 10, 1972		592, 510, 746. 74	544, 008, 821. 40	(48, 501, 925. 34)	(8. 18)

As you will note, this is an 18-month tabulation of construction costs. It is not a compilation of guesses. The figures represent all bids on construction costs and other expenditures for a first-class subway system for our Nation's Capital. I would emphasize that these figures do not include the subway design costs, but these were all negotiated and were under the estimates.

It is certainly to the credit of WMATA officials that they were able to adhere to their original price guidelines of construction costs, thereby making this, to my knowledge, one of the few major transportation projects that have not exceeded their original cost estimates. The 98-mile system, which will cost $3 billion upon completion, not only will provide a quick and relatively pollution-free mode of transportation to workers and visitors to and from the District of Columbia, but it will also be an inspiration to many cities in the United States and throughout the world to produce efficient mass transit systems in coordination with an overall balanced transportation network.

In summary, I applaud the financial astuteness of the WMATA in the cost estimates of the subway system and the construction companies' ability to construct this massive transportation system within their projections during this period of inflation and economic instability.

MAX STARCKE—BUILDER OF CENTRAL TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. PICKLE. Mr. Speaker, whenever we see economic and domestic growth in a section of our country we usually find that one of the leaders of the growth forces is a man who has been related to an electric or energy authority.

In central Texas, that leader was Mr. Max Starcke, Administrator of the Lower Colorado River Authority.

This is the granddaddy of river authorities in Texas. In the 1930's several counties banded together and got the approval of the State legislature to begin operations. Dreamed of by Max Starcke, pushed by men like Lyndon Johnson, the dream turned into a vast reality. For 20 years Max Starcke manned the helm of the LCRA turning the small river project into a $150-million giant that owns and operates six dams and powerplants and provides the sole power for 33 cities and rural areas in a 41,000-square-mile area of central Texas.

I have been privileged to work with this man professionally, personally, socially, for 30 years. Never have I known a more delightful, progressive person. He cared for people, so he built carefully. There are no blemishes on his record—only plusses, accomplishments.

Max Starcke proved that the various electric authorities could work together. Under his watchful eye, private companies, public, investor owned, or co-operative groups, distribution or G & T services, river authorities, municipal services all worked with each other. Competition was keen but healthy.

It is a perfect example of what can be accomplished if all the electric and energy forces help each other.

Max Starcke offered us strong leadership and fair leadership. We owe him more thanks than we can say for the good he did in his lifetime.

Mr. Speaker, I would like to place in the Record at this time a recent article from the Austin Statesman telling us about this great man of central Texas The article is as follows:

Former LCRA Manager Max Starcke Dies at 88

Max Hugo Starcke, the power behind the development of the chain of Highland Lakes and the massive hydro-electric plants of the Lower Colorado River Authority, died late Thursday at the age of 88.

Death came in St. David's Hospital, which he helped build in the late 1950's and where he spent the last months of his life. He was a life member of the board of the trustees of the hospital.

St. David's Hospital was only one of many projects for which he used his influence and money to make bigger and better. The influence extended into many spheres such as government, banking, politics, charities and, most of all, water conservation and electric power development.

Starcke was mayor of Seguin for 14 years, and in 1938 he left what appeared to be destined as a life term in the mayoral chair to come to Austin with the young Lower Colorado River Authority. He served as general manager of the huge complex of dams and power plants for 20 years.

In the first 16 years after he took the helm of the LCRA, the authority completed the series of dams above Austin to create a sole source of power for 33 cities and rural areas in a 41,000-square-mile area.

Under his guidance the $55 million LCRA project grew to a $150 million giant that owns and operates six dams and power plants.

One of the last dams to be dedicated, the one in the Marble Falls, was named in honor of Starcke.

Starcke was born in 1884 in a one-store village called York's Creek (now known as Zorn near Seguin, where a public park now bears his name.

He attended Texas A&M and in his youth worked as a law clerk, sold coal for an Eagle Pass mine and subdivided and laid out the towns of Sandia and Orange Grove.

He helped organize and manage the Farmers' State Bank of Seguin and served as its chief executive officer. He was vice president of the Seguin State Bank and Trust Company until he moved to Austin in 1938.

Starcke was mayor of Seguin for six consecutive terms. During his administration he helped create a hydroelectric plant and dam to bring the benefits of a low-cost, municipal-owned power system to that city and saw construction of Seguin's first water filtration plant.

The first completely air-conditioned city hall in the United States was built in Seguin during his tenure as mayor. He was instrumental in the general beautification and development of the entire city and in 1937 the city reciprocated by naming a municipal park in his honor.

One of the organizers of the Texas Water Conservation Association, he was elected president of that group in 1958.

In addition to the Texas State Parks Board, Starcke was active in the Texas Fine Arts Association, Texas Economy Commission, League of Texas Municipalities, South Texas Chamber of Commerce, Texas Good Roads Association and American Institute of Electrical Engineers.

He served as director of the Gonzales Warm Springs Foundation, Austin Symphony, Travis County Society for Crippled Children, and the American Public Power Association.

He was also involved with the Austin area Economic Development Foundation, Boy and Girl Scouts, St. David's Hospital, Salvation Army, Austin Yacht Club, Rotary, Elks, Knife and Fork Club, Masonic Lodge, Alpha Chapter of Pi Sigma Alpha, Red Cross, Austin Community Chest, United Fund, and Texas Pin Bowlers Association.

Starcke was president of the Guadalupe County Fair Association, Seguin Fire Department and Seguin Lions Club and was a deacon of University Presbyterian Church.

Survivors include his wife, Mrs. Evelyn Quinn Starcke of Austin and two daughters, Mrs. Maxine Strozier of San Antonio and Mrs. Margaret Woodruff of Austin.

Funeral will be Saturady at 10 a.m. at Goetz Funeral Chapel in Seguin. Dr. Robert Tate of the First United Methodist Church of Austin will officiate. Burial will be in Seguin Memorial Park.

THE UNITED NATIONS AND THE FREE PRESS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1972

Mr. RARICK. Mr. Speaker, the United Nations credibility has so deteriorated that its friends have now taken to romancing the American news media for better image building through the American press.

Such a U.N. news media seminar sponsored by the Stanley Foundation of Muscatine, Iowa, was held at the United Nations December 1 through 3, 1971, and was participated in by the representatives of some 20 American newspapers.

From the Stanley "slick paper" report, I insert the preface, the introductory remarks by the president of the foundation, and the list of the participants with my remarks:

Report of the Third News Media Seminar at the United Nations

PREFACE

The Third News Media Seminar at the United Nations was hosted by The Stanley Foundation December 1–3, 1971. Previous Seminars were convened in November, 1967 and December, 1970.

The News Media Seminar at the United Nations is designed for representatives of all branches of the news media. Participants are familiarized with news reporting procedures and practices at this world body and are briefed on United Nations problems and prospects by United Nations officials and officials of national Missions to the United Nations.

The following addresses have been edited by Dr. John R. Redick, Research Associate of The Stanley Foundation, in cooperation with the respective speakers. Due to the high interest and participation, a Fourth Seminar will be held in early December, 1972.

Views expressed in this report are those of the speakers and are not necessarily the views cf The Stanley Foundation.

Introductory Remarks by Mr. C. Maxwell Stanley, President, the Stanley Foundation

I welcome you to The Stanley Foundation's Third News Media Seminar at the United Nations. You are here to see how news is made at the United Nations and to learn about the United Nations. Many U.N. activities and problems will be discussed in addresses from members of its Secretariat and from members of Permanent Missions to the United Nations of several nations.

This seminar is one of the ongoing functions of The Stanley Foundation, a private operating foundation. We emphasize international matters and foreign policy, giving particular attention to the United Nations and world organization. This emphasis results from my longstanding belief that effective world organization is a prerequisite to secure peace with freedom, justice, and progresss. Such world organization should provide alternatives to the confused procedures that characterize the nation state system. Such world organization must enjoy some degree of sovereignty and bring to international relations the stability of rule by law rather than by men and nations.

You are at the United Nations during a time of strain; it is under serious attack, particularly within the United States. The U.N.'s rebuff to our position regarding Taiwan during the recent China debate has again released a chant of rancor against the United Nations. For this, and other reasons, the United Nations is criticized and harassed. But I suggest to you that it is also misunderstood. We are happy to have you here for all too often the press of the United Nations contributes to this criticism, harassment, and misunderstanding.

No doubt you have many questions about the United Nations. Are its proceedings empty words or is there substance? Is the United Nations performing useful functions or is it an unnecessary burden? Is it anti-United States, as so often stated? You will inquire about its successes and failures; it has some of both. Most importantly, you will ask why it is not more effective. Along the way, you will examine the posture of the United States towards the United Nations and perhaps question the wisdom of this posture. May I set forth some thoughts for you to consider as you listen to and question the speakers and formulate your own evaluation of the United Nations.

1. *The world has a grab bag full of global problems.* Peace and security properly belong at the top of the list for they affect life itself. Economic and social development of the less developed nations is a continuing global problem. Exploding population and rampant pollution threatening the quality of life, if not life itself, have more recently demanded the attention of the world. The current monetary crisis, a continuing controversy over tariffs, and the ever present complications of trade, commerce, travel, and communication illustrate other global problems. These problems, and others you may cite, make up an awesome and urgent order of business for the world.

2. *Global problems defy national solution.* Experience demonstrates this; the state of the world speaks for itself. Nation states have striven diligently since World War II to cope with our global problems. They have acted unilaterally, bilaterally, and multilaterally through all sorts of treaties, alliances, and conventions to resolve problems. But few have been solved and few are on their way to reasonable resolution.

3. *Global mechanisms are needed to handle global problems.* It is fundamental, I believe,

that the mechanism used to cope with any problem must be established on a level equal to the breadth of the problem. We see proof of this every day in industry and government. No business would seek to solve country-wide problems in its branch offices. Nor does the United States solve its national problems at the state level. The need for global mechanisms is supported both by logic and by the fact that nation states have not found lasting resolutions to global problems.

4. *Effective global mechanisms have a beginning in the United Nations.* It brings together 132 member nations and operates a host of specialized agencies under its umbrella. The United Nations has had a number of successes, mostly nonpolitical in nature. Conversely, it has recorded a number of failures, mostly political in nature. Despite its inadequacies, the United Nations exists and it is a significant foundation on which to build better world organization.

5. *The United Nations is what the nation states made it.* If it inadequate, it is because the nations decreed it so. If it lacks power to act, it is because the nation states have not endowed it with power. If its resources are too limited, it is because the nation states have not financed it adequately. To illustrate: the annual cost to the United States for the United Nations and all of its agencies is less than that of New York City's Fire Department. New York City alone reaps from the United Nations, its missions, and the tourists it attracts more revenue than the United States contributes to the United Nations.* If the voting system in the United Nations is unfair, it was so arranged by the nation states. If the United Nations is bypassed and ignored at times, it is because the nation states avoid it. The United Nations was given precious little sovereignty. Hence, the United Nations can act only when the nation states, particularly the great powers, want it to act and will concur with its action.

6. *The United Nations is the only global organization we have today.* It is better than nothing, but it needs substantial strengthening. If the nations of the world will make greater use of it and broaden its resources, the United Nations will gain some strength. But revisions and changes in organization and procedure are required for it to become fully effective as a mechanism to handle global problems.

If, during your visit here, you assess the situation similarly, what should we do about it? Stung by the Taiwan defeat, critics of the United Nations are offering many wild proposals: cut our contribution, withdraw, get the U.N. out of the U.S. and the U.S. out of the U.N.

Such reactions are quite irresponsible. It is my recommendation that we take stock and recognize the need for global problem-solving mechanisms that work. We must stop badgering the United Nations and start strengthening it and using it. To cop out or shrink back into isolation is no longer an alternative.

It is time for reform, not revenge. It is time to promote and achieve a United Nations more adequate to serve man as he faces the confusion of complex global problems.

The times call on us to think big, stand tall, and live up to our heritage. Until we do, there is little hope for a sane, sound world order that enhances secure peace with freedom, justice, and progress. To refer to a song from "The Man From LaMancha" seems fitting.

To dream the impossible dream
This is our quest
To strive with our last ounce of courage
To reach the unreasonable stars

An impossible dream? Yes—unless we strive mightily with our last ounce of courage to reach the unreachable stars.

PARTICIPANTS

Mr. Lloyd R. Armour, Associate Editor, The Nashville Tennessean, Nashville, Tennessee.

Mr. James P. Brown, Editorial Board, The New York Times, New York, New York.

Mr. Richard B. Childs, Editor of the Editorial Page, The Flint Journal, Flint, Michigan.

Mr. Robert Estabrook, The Lakeville Journal, Lakeville, Connecticut.

Mr. Krishna K. Gaur, Editorial Writer, News-Journal, Lakeville, Connecticut.

Mrs. Joy Gerville-Reache, Christian Science Monitor, Washington, D.C.

Mr. Willis Harrison, Assistant Editor, Evening and Sunday Bulletin, Philadelphia, Pennsylvania.

Mr. E. J. Hodel, Editor, Beckley Post-Herald, Beckley, West Virginia.

Mr. John B. Johnson, Editor and Publisher, Watertown Daily Times, Watertown, New York.

Mr. John J. Kerrigan, Associate Editor, Trenton Times Newspapers, Trenton, New Jersey.

Mr. Charles King, Associate Editor, The Ottawa Citizen, Ottawa, Ontario, Canada.

Mr. Meliton Luna, St. Louis, Missouri.

Mr. William Lyttle, Editorial Writer, The Spectator, Hamilton, Ontario, Canada.

Mr. Chuck Moore, Third World News, New York, New York.

Mr. Harold R. Piety, The Journal Herald, Dayton, Ohio.

Mr. Frank B. Rosenau, Editorial Writer, The New Haven Register, New Haven, Connecticut.

Mr. Charles Saterlee, Editorial Writer, The Tulsa Tribune, Tulsa, Oklahoma.

Mr. Joseph Shoquist, Managing Editor, The Milwaukee Journal, Milwaukee, Wisconsin.

Mrs. Adele Vincent, Associate Editor, The Courier-Journal and Louisville Times, Louisville, Kentucky.

Mr. Edward A. Walsh, Journalism Professor Emeritus, Department of Communications, Fordham University, Bronx, New York.

Mr. Robert J. White, Minneapolis Tribune, Minneapolis, Minnesota.

Mr. William J. Woestendiek, Editor and Publisher, Colorado Springs Sun, Colorado Springs, Colorado.

Mr. Jack M. Smith, Executive Director, The Stanley Foundation.

Dr. John R. Redick, Research Associate, The Stanley Foundation.

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* Kathleen Teltsch, "In Hard Times U.N. is Boon to the City," New York Times, Monday, November 22, 1971, p. 1.

HOUSE OF REPRESENTATIVES—*Monday, July 24, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord God is a sun and shield; the Lord will give grace and glory; no good things will He withhold from them that walk uprightly.—Psalm 84: 11.

O God and Father of us all, with the coming of a new day we again bow at the altar of prayer to offer unto Thee the devotion of our spirits.

"Spirit of God, descend upon our hearts;
Wean them from earth, through all our pulses move;
Stoop to our weakness, mighty as Thou art,
And make us love Thee as we ought to love."

May we go into the hours of this day with eager minds and earnest hearts, fortified by faith, heartened by hope, and alive with love.

We pray for our beloved country. With gratitude do we remember the faith and fortitude of our forefathers who worked so hard to make the dream of freedom a blessed reality in our land. May we with the same faith and the same fortitude continue to labor to make freedom and justice and good will living realities in our own day.

In the spirit of Him who set men free, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7130. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that Act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; and

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13435) entitled "An act to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior."

The message also announced that the Senate had passed a bill and point resolutions of the following titles, in which the concurrence of the House is requested:

S. 3824. An act to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities;

S.J. Res. 193. Joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral; and

S.J. Res. 254. Joint resolution to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

Washington, D.C., July 20, 1972.

Hon. CARL ALBERT,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the work plans transmitted to you by Executive Communication and referred to this Committee. The work plans are:

WATERSHED, STATE, AND EXECUTIVE COMMUNICATION

Big Creek, Kansas, 1735, 92d Congress.

North Sector Upper Walnut, Kansas, 1944, 92d Congress.

Red Lick Creek, Kentucky, 1735, 92d Congress.

Sweetwater Creek, Tennessee, 1944, 92d Congress.

Union Creek, South Dakota, 1944, 92d Congress.

West Carroll, Louisiana, 1944, 92d Congress.

Winnebago-Bean Creek, Nebraska, 1735, 92d Congress.

Yours sincerely,
W. R. POAGE, *Chairman.*

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 14108, NATIONAL SCIENCE FOUNDATION AUTHORIZATION

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint two additional managers on the part of the House to the conference on the disagreeing votes of the two Houses on the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Th SPEAKER. The Chair appoints as additional managers on the part of the House at the conference on the bill H.R. 14108 the following Members: Mr. SYMINGTON of Missouri, and Mr. MOSHER of Ohio.

The Clerk will notify the Senate of the action of the House.

CONFERENCE REPORT ON H.R. 11350, DUES FOR MEMBERSHIP IN INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Mr. EDWARDS of California submitted the following conference report and statement on the bill (H.R. 11350) to increase the limit on dues for U.S. membership in the International Criminal Police Organization:

CONFERENCE REPORT (H. REPT. No. 92–1233)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11350) to increase the limit on dues for United States membership in the International Criminal Police Organization, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$80,000"; and the Senate agree to the same.

DON EDWARDS,
JOHN CONYERS,
CHARLES E. WIGGINS,
Managers on the Part of the House.
JOHN L. MCCLELLAN,
SAM J. ERVIN, Jr.,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11350) to increase the limit on dues for United States membership in the International Criminal Police Organization, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The purpose of H.R. 11350 is to provide authorization for the payment by the United States of its dues for participation in the International Criminal Police Organization.

Since the passage of this measure by the House on November 15, 1971, the United States has fallen into arrears with respect to an additional year's dues. Senate amendments numbered (2) and (3) provide authorization for this additional year. Therefore the committee of conference recommend that the House recede from its disagreement to the Senate amendments numbered (2) and (3).

With respect to the dues for calendar year 1972 and for future years, H.R. 11350 as passed by the House amended the Act of June 10, 1938 (22 U.S.C. 263a) to increase the authorization for annual dues to $55,000. Senate amendment numbered (1) would have authorized annual dues of $100,000 in anticipation of future increases.

Subsequent to the passage on April 20, 1972, by the Senate of H.R. 11350 with amendments, the Executive Committee of the International Criminal Police Organization voted to recommend an increase of 38.57% in all member contributions. It is anticipated that this recommendation will be accepted by the membership. Under the provisions of the recommended increase, the United States contribution (at the current April official exchange rate of .2606 U.S. dollars to the Swiss Franc) would amount to $75,840. The Committee of Conference recommend that, to provide authorization for payment of these dues, while at the same time providing an additional cushion to account for international monetary fluctuations, the House agree to Senate amendment numbered (1) with the following change: in place of $100,000, insert $80,000.

DON EDWARDS,
JOHN CONYERS,
CHARLES E. WIGGINS,
Managers on the Part of the House.
JOHN L. MCCLELLAN,
SAM J. ERVIN, Jr.,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

INDIANA DUNES NATIONAL LAKESHORE

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I rise today to introduce a bill that would amend Public Law 89–761, "an act to provide for the establishment of the Indiana Dunes National Lakeshore and for other purposes." My amendment would simply change section 10 to increase the authorization ceiling by the amount necessary to complete purchase now 6 years after the initial authorization.

Earlier this year I intended to introduce this legislation, but the National Park Service was unable at that time to give me a definite figure as to the amount that would be needed to finish the purchase of the remainder of land authorized under the 1966 Indiana Dunes National Lakeshore bill—some 15 percent of the total. I am happy to report that I have today received confirmation of a specific figure in the amount of $4,636,500. Thus the authorization ceiling should be amended from $27,900,000 to $32,536,500. That is what this bill proposes.

It is very important and necessary that we make available to the Department of the Interior the funds that are necessary to carry out the mandate of the Congress to establish this unique urban-surrounded park and to fulfiill that 6-year-old promise to the people of the Midwest who are waiting for the completion of land purchase and the actual development of this national lakeshore.

I hope that action will be taken on this proposal as soon as possible, certainly before the closing of this 92d Congress.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 277]

Abourezk
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Badillo
Baring
Belcher
Biaggi
Blackburn
Blanton
Blatnik
Boggs
Bolling
Broomfield
Byrne, Pa.
Camp
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clay
Cleveland
Collier
Colmer
Conyers
Cotter
Davis, Ga.
Dellums
Devine
Diggs
Dowdy
Downing
Dulski
Edmondson
Erlenborn
Evins, Tenn.
Fish
Flynt
Ford, William D.
Frelinghuysen
Fulton
Gallagher
Gettys
Gray
Green, Pa.
Griffiths
Hagan
Halpern
Hanley
Harrington
Harsha
Hawkins
Hébert
Heinz
Helstoski
Hutchinson
Johnson, Pa.
Jones, Tenn.
Kastenmeier
Landgrebe
Landrum
Link
Long, La.
Lujan
McCloskey
McClure
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
Mailliard
Mathis, Ga.
Matsunaga
Mayne
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Monagan
Moorhead
Nedzi
Obey
O'Hara
Passman
Pelly
Pepper
Pettis
Podell
Powell
Price, Tex.

Pucinski
Purcell
Quillen
Railsback
Rarick
Reid
Riegle
Robison, N.Y.
Rodino
Rooney, N.Y.
Rosenthal
Rostenkowski
Roy
Roybal
Ruppe
Ryan
Sandman
Scheuer
Springer
Staggers
Steele
Steiger, Wis.
Stephens
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Vander Jagt
Whalley
Wolff

The SPEAKER. On this rollcall 304 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 15418, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington? The Chair hears none, and appoints the following conferees: Mrs. Hansen of Washington, and Messrs. Obey, Yates, Galifianakis, Mahon, McDade, Wyatt, Del Clawson, and Bow.

APPOINTMENT OF ADDITIONAL CONFEREE ON S. 635

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho (Mr. McClure) be excused as a conferee on S. 635 and that the Speaker be authorized to appoint a Member to fill the vacancy.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER. The Chairman appoints the gentleman from Michigan (Mr. Ruppe) to fill the vacancy, and the Senate will be notified of the action of the House.

CONFERENCE REPORT ON H.R. 13435, ADDITIONAL UPPER COLORADO RIVER BASIN AUTHORIZATION

Mr. ASPINALL submitted the following conference report and statement on the bill (H.R. 13435) to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior:

Conference Report (H. Rept. No. 92–1234)

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13435) to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the bill, and agree to the same.

Wayne N. Aspinall,
James A. Haley,
Harold T. Johnson,
Craig Hosmer,
Sherman P. Lloyd,
Managers on the Part of the House.

Clinton P. Anderson,
Henry M. Jackson,
Frank E. Moss,
Quentin N. Burdick,
Lee Metcalf,
Gordon Allott,
Len B. Jordan,
Clifford P. Hansen,
Managers on the Part of the Senate.

Joint Statement of the Committee of Conference

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13435) to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior, submit this joint statement in explanation of the differences between the House-passed bill and the Senate amendment in the nature of a substitute, and in explanation of the recommendation agreed upon in the accompanying conference report.

DIFFERENCES IN THE HOUSE AND SENATE VERSIONS

The Senate version is identical to the measure which was initially recommended by the Department of the Interior. It would authorize an increase in appropriations of $610 million to complete the work originally authorized by the Colorado River Storage Project Act of 1956 (70 Stat. 105). The House version incorporates revised language which has the substantive effect of limiting the increase in authorized appropriations to $352,195,000 for Fiscal Years 1973 through 1977 rather than providing the full authorization of $610 million estimated to be necessary to complete the work.

RECOMMENDATION

The conferees agreed to the Senate language. A detailed annual report to the Congress on progress on the construction and operation of the Colorado River Storage Project and Participating Projects is required by Section 6 of the 1956 Act. The Conferees believe that the annual report will provide an adequate occasion and basis for legislative oversight of the completion of construction. The provision in the House version, therefore, which would require an additional authorization of construction funds for Fiscal Years 1978 and beyond is not necessary to accomodate legislative oversight.

Wayne N. Aspinall,
James A. Haley,
Harold T. Johnson,
Craig Hosmer,
Sherman P. Lloyd,
Managers on the Part of the House.

Henry M. Jackson,
Clinton P. Anderson,
Frank E. Moss,
Quentin N. Burdick,
Lee Metcalf,
Gordon Allott,
Len B. Jordan,
Clifford P. Hansen,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 3284, FURTHER MISSOURI RIVER BASIN AUTHORIZATION

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 3284) to increase the authorization for appropriations for completing the work on the Missouri River Basin by the Secretary of the Interior:

Conference Report (H. Rept. No. 1235)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3284) to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"That there is hereby authorized to be appropriated the sum of $114,000,000 to provide for completion of work in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress, plus or minus such amounts, if any, as may be required by reason of changes in construction costs, as indicated by engineering cost indices applicable to the type of construction involved. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Pick-Sloan Missouri Basin program, whether or not included in said comprehensive plan; nor for prosecution of the Garrison diversion unit, reauthorized by the Act of August 5, 1965 (79 Stat. 433)."

And the House agree to the same.

Wayne N. Aspinall,
James A. Haley,
Harold T. Johnson,
Craig Hosmer,
John N. Camp,
Managers on the Part of the House.

Henry M. Jackson,
Clinton P. Anderson,
Frank E. Moss,
Quentin Burdick,
Lee Metcalf,
Gordon Allott,
Len B. Jordan,
Clifford P. Hansen,
Managers on the Part of the Senate.

Joint Statement of the Committee of Conference

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 3284, to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying Conference Report.

The House amendment consisted of striking all after the enacting clause and substituting in lieu thereof complete new text which varies from the Senate bill in two significant particulars. With respect to the first difference, the Committee of Conference accepted the Senate version which authorizes $114,000,000 to be appropriated for completing work in the Missouri River Basin, rather than the House language which would have authorized $94,000,000 with which to continue such work for a period of five years. The second difference between the House and Senate versions consists of language appearing in the House version to emphasize that the Garrison Diversion Unit, which has separately authorized appropriations authority, shall not participate in the funds authorized to be appropriated by this legislation. The Committee on Conference accepted the House language.

The House also amended the title of the bill. The Committee of Conference retained the original title as being more appropriate in light of the other conference actions.

Wayne N. Aspinall,
James A. Haley,
Harold T. Johnson,
Craig Hosmer,
John N. Camp,
Managers on the Part of the House.

Henry M. Jackson,
Clinton P. Anderson,
Frank E. Moss,
Quentin Burdick,
Lee Metcalf,
Gordon Allott,
Len B. Jordan,
Clifford P. Hansen,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 56, NATIONAL ENVIRONMENTAL DATA SYSTEM

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Policy Act of 1969, to provide for a National Environmental Data System, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees: Messrs. Garmatz, Dingell, and Pelly.

FRANCIS C. TURNER RESIGNS

(Mr. JONES of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JONES of Alabama. Mr. Speaker, the retirement of Mr. Francis C. Turner as Federal Highway Administrator is a great loss to the Government and the people of the United States.

Frank Turner is one of the most competent and capable administrators I have had the privilege of working with in the Federal Government. Years ago, he completely won me over with his thoroughness, his knowledge of road matters, his honesty, and his dedication to the highest aspirations of public service.

My opinion of his considerable abilities has been shared by others. He was appointed by Presidents of different political parties to highest stations within Federal highway programs.

He has been the recipient of numerous honors and awards. He has been a frequent participant and speaker at meetings of citizens involved in highway affairs. He has earned the respect and admiration of all who are acquainted with the Nation's roads programs.

Vast changes have resulted in the Federal highway systems during the 43 years that Frank Turner has been engaged in roads programs. The great advances of the past two decades have been guided to realization by his skills and efforts.

He is the foremost example of a dedicated and conscientious public servant.

Those of us who have worked with him in the shaping of legislation will miss his valuable counsel.

As he leaves the Federal Highway Administration for a more leisurely life, he has my sincere best wishes for every happiness in the years ahead.

THE HONORABLE WILLAM F. RYAN

(Mr. RANGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RANGEL. Mr. Speaker, I know that all Members of Congress join me in praying for the rapid recovery of our dear and distinguished colleague, William F. Ryan, who has just undergone surgery.

Bill Ryan has been one of the outstanding national leaders in the struggle to end the senseless war in Southeast Asia and to reorder our national priorities. In his 12 years in the House of Representatives, Bill Ryan has put his mark on some of the most important legislation of our times. The children of New York City in particular owe Bill Ryan a deep debt of gratitude for his fight for the Lead-Based Paint Poisoning Prevention Act which, for the first time, committed this Nation to ending a direct threat to the lives of millions of disadvantaged urban children. His energy, insight, and commitment have been major forces leading Congress to face its moral responsibilities.

Get well, Bill. We need you here.

POLICE SALARIES

(Mr. DICKINSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, last week the House of Representatives approved legislation raising starting salaries for District of Columbia policemen and firemen from $8,500 to $10,000 per year. I supported that bill, for I sincerely feel we ought to adequately compensate those men and women who daily risk their lives in defense of society.

However, it distressed me greatly last week to learn that the Pay Board had denied an application from the city of Montgomery, Ala., to raise the salaries of its employees—including policemen and firemen—by 13.4 percent. Instead, the Pay Board reduced the raises to 7 percent. The starting salary for a policeman in Montgomery, incidentally, Mr. Speaker, is $5,980 a year.

City employees of Montgomery—classified and unclassified—are among the most dedicated in the Nation, but they have not had a merit pay raise for 3 years—mainly because the city has faced severe financial hardships over the past few years—and must feel they have been shortchanged.

There are indications that the Pay Board did not have sufficient information to justify a 13.4-percent increase for Montgomery's employees and that the city will ask the Board to reconsider its decision. If this is the case, I hope the Pay Board will recognize the gravity of this situation and grant these modest increases. After all, Mr. Speaker, although public service has its rewards, we will not retain a dedicated civil servant force unless the compensation is adequate and just.

COMPENSATION FOR LOSSES RESULTING FROM THE BAN ON CYCLAMATES

Mr. SISK. Mr. Speaker, I call up House Resolution 1024 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1024

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13366) to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1024 provides an open rule with 1 hour of general debate for the consideration of H.R. 13366, compensation for losses resulting from the ban on cyclamates.

The purpose of H.R. 13366 is to authorize the court of claims to determine and enter judgment therefor the amount of losses sustained by growers, manufacturers, packers, and distributors resulting from the Government's ban on cyclamates in October 1969. Relief is restricted to U.S. claimants.

Imposition of the ban came without any warning and it is felt that the most equitable way of providing relief to those who suffered losses is by judicial determination of the claims.

Suits for relief must be instituted within 1 year after enactment of the legislation and judgments would be paid in the usual manner.

Potential cost of the legislation is estimated at between $100 million and $120 million.

Mr. Speaker, I urge the adoption of House Resolution 1024 in order that the legislation may be considered.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. DELANEY), a member of the committee, and I reserve the balance of my time.

Mr. DELANEY. Mr. Speaker, I am strongly opposed to this bill, strongly opposed to the rule, and I ask that the rule be defeated.

This measure would compensate industrial cyclamate users for losses claimed as a result of the chemical being removed from the so-called GRAS—generally regarded as safe—list.

This Federal list was never intended to be a guarantee that certain compounds were safe.

It served as a notice that the substances listed were not required to be tested by the Government, and those using them did so at their own peril.

Public warnings as to the hazards of the unrestricted use of this chemical were repeatedly announced by scientific experts long before it was removed from the GRAS list.

In 1962, the National Research Council stated:

> The priority of public welfare over all other considerations precludes . . . the uncontrolled distribution of foodstuffs containing cyclamates.

Similar additional warnings were sounded in 1967, 1968, and early 1969. Despite these warnings, the cyclamate industry increased production and use of these hazardous chemicals from 5 million pounds in 1963 to 17 million pounds in 1969.

Last year, the House Subcommittee on Intergovernmental Relations reported that cyclamates were being marketed and sold a year and a half after they were banned by the Secretary of Health, Education, and Welfare.

Not only did businesses using this substance fail to exercise prudent judgment in evaluating its safety, but they demonstrated a callous indifference to the health of the consuming public.

Cyclamate sweeteners were banned in 1969 because of the so-called Delaney anticancer law, which prohibits the use of food additives shown to cause cancer in man or animal, either when ingested, or after appropriate scientific tests.

Backers of this legislation estimate awards to industry would amount to some $120 million. In my view, it could be much greater.

Recently, the Environmental Protection Agency took action to bar further use of DDT, except for limited public health purposes. The Food and Drug Administration is moving against saccharin, and has begun an intensive review of the entire GRAS list.

If compensation is awarded to cyclamate users, businesses utilizing other outlawed chemicals can be expected to make massive claims against the taxpayers.

While the concern of this legislation is some monetary loss claimed by industry, we must keep uppermost the fact that cyclamates have been shown to cause perhaps the most devastating and deadly disease known to man.

At a time when we have just authorized a debt limit increase to $450 billion, we surely cannot approve this totally unjustified compensation to businessmen for endangering the consuming public. I urge you to vote down the rule.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. speaker, on the rule, House Resolution 1024 provides for 1 hour under an open rule for the consideration of H.R. 13366, a bill which is entitled "Compensation for Losses Resulting From the Ban on Cyclamates."

As I understand it, the purpose of the bill is to grant jurisdiction to the court of claims to render judgment upon any claim for losses sustained by domestic growers, manufacturers, packers, or distributors as a result of the Government's ban on cyclamates.

These claims arose out of the announcement by the Food and Drug Administration on October 18, 1969, that cyclamates would be removed from the list of products generally recognized as safe for consumption.

Under this bill the court of claims is the one that would determine the amount of loss. The claimants are to be reimbursed for direct and indirect costs and damages, but not for lost profits.

All claims would have to be initiated within 1 year after the enactment of the legislation.

The cost estimate in the report is given as between $100 million and $120 million.

Of the executive agencies commenting on similar bills, the Office of Management and Budget, the Department of Justice, and the Department of Health, Education, and Welfare have no objection to the legislation, as I understand it. The Department of Commerce and the Department of Agriculture favor the legislation.

Mr. Speaker, I understand there will be opposition, and a fight on the rule. Comment was made that this is similar to the bill on which the rule was defeated just shortly before the recess, referred to as the predator bill. In my opinion, there is quite a difference between the two bills, because this is a one-time bill for damage, where the court of claims will determine the damage, and the other bill, as to which we voted down the rule, was open end, with no amount, and, as we know, would have set a very bad precedent.

The comment was made that in this instance if the organization, the grower, the producer or the distributor, have written off the loss on his tax return, that if he were then paid, he would be getting back double indemnity so to speak. In my opinion, that is not correct. If the loss had been written off the tax return, if they had filled a claim and if they received money, it will then be profit, and they will have to pay on that profit the same as on any other profit.

Mr. Speaker, I urge the adoption of this rule and reserve the balance of my time.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, the minority report on this bill speaks of it as opening up a Pandora's box, but it does not say where Pandora's box is located. It is next door to the White House at 15th and Pennsylvania Avenues NW. The Treasury of the United States is Pandora's box. Once you open it up for a hundred million dollars, or perhaps several times that amount for indemnities to the food industry and other industries which used an ingredient found to cause cancer in animals, you are inviting every industry in this country to come in and ask to open the same cash box for them, too—whenever there is a product taken off the market as unsafe.

Just imagine the fiscal consequences this bill on the cyclamates losses invites:

For years, we have worried over the use of diethylstilbestrol—DES—in animal feeds. It causes cancer. The law says it cannot be used if residues of the hormone are found in the tissues or organs of the carcass of a meat animal. The Agricultural Department is now finding residues of DES in beef livers with increasing and alarming frequency. The use of DES may have to be stopped. Will we then have to pay for all of the beef cattle which have been fed with DES? Up to now, it has been used not with the Government's blessing but with its tolerance. The same was true of the cyclamates. No Government agency ever told the food manufacturers cyclamates were good for people and should be used. Instead, there was just no clear proof it was dangerous. Hence, as a food chemical in use before 1958, it was put on the list as "generally regarded as safe."

But it was never proved safe as all food chemicals introduced after 1958 must be proved safe. If it had been tested and approved under the 1958 act, the story might be different. It was tolerated as probably safe until careful testing established it was carcinogenic.

We once indemnified the mink raisers because they had—on advice of the Department of Agriculture—used hormone-injected chicken necks to feed their animals. The necks containing the stilbestrol pellets could not be sold as human food, but the Department of Agriculture advised mink raisers to use this product. It was a disaster. The Government in that case was at fault. The indemnifications was justified. But who in any Government agency ever issued any bulletins urging soft drink manufacturers or food manufacturers to use more cyclamates? No one.

The cyclamates were used as a competitive risk. The artificial sweetener turned sour. Why should the taxpayers pick up the tab—no pun intended?

This bill assumes that any product which the Government allows to be sold, while there is insufficient evidence it is unsafe, has therefore been held by the Government to be safe—an assumption which would make the Government financially responsible for losses to industry resulting from the subsequent banning of any product for safety reasons.

Are we to indemnify Detroit for repairing or rebuilding cars with previously undetected safety defects? Are we to indemnify a cosmetic manufacturer or distributor who puts out a product later found to be dangerous? How about the toy manufacturers or dealers who got caught by the Toy Safety Act with products they cannot now legally sell. Should they all be indemnified? Aren't they just as deserving? What about banned pesticides?

The Members should be warned, Mr. Chairman: more of the food ingredients on the generally regarded as safe list are likely to be delisted as testing methods improve. This has been the pattern ever since 1958, when the Food Additives Act was passed. Are you ready to open up Pandora's box next to the White House—the U.S. Treasury—every time this happens? Are you prepared to pay all losses resulting from the possible banning of DDT and products containing it? What if sacchrine is found unsafe? Do we repeat then what is being done in this bill?

I want to make one final point about the cyclamates. They gave diabetics a long-denied opportunity to enjoy sweets. No other artificial sweetener on the market has as good a taste. The others often leave an unpleasant aftertaste. Diabetics are truly disadvantaged by removal of the cyclamates. I am sorry about that. But I am amazed at how many people were buying cyclamate soft drinks and other foods for their children despite the clear warning on the label that it should be used only by those who must restrict their intake of ordinary sweets.

Industry promoted the cyclamates as a health food, with commercials extolling the good taste of the products even for those who did not have to reduce, including children. Now to anyone who thought about it that warning on the label should have meant something. It was a required warning, based on official government fears that maybe the cyclamates should not be used by those who could tolerate ordinary sweets. There was no proof, but there were those official fears, expressed in the form of a required label warning. The manufacturers who had to place that warning on their products knew they were using an ingredient which was under suspicion, even though "generally regarded as safe."

The ban on the cyclamates may have come as a shock to the industry—financial and otherwise—but it did not come as a complete surprise. Not out of the blue. They took their chances. Now after they have written off their losses on their taxes, this bill makes them a gift, only part of which will come back in the form of revised tax assessments. Knowing how industry accountants can figure, it is a sure thing the tax adjustments which would have to be paid out of the proceeds of this bill will not begin to equal the tax deductions which were claimed when the products were banned. Under the tax laws, the Government and the taxpayers have already underwritten about half of the losses to the cyclamate industry; this bill pays out the other half. The legislation should be defeated, unless we are prepared to do as much for every industry facing the prospect of a similar situation.

We probably can find enough money in the Treasury to pay everybody who suffers a loss by reason of governmental actions to protect the public from unsafe products, but it probably would not leave much for the Pentagon to spend. Today the cyclamates; tomorrow who knows what?

Mr. SISK. Mr. Speaker, I yield 4 minutes to the gentleman from New York, (Mr. CELLER).

Mr. CELLER. Mr. Speaker and Members of the House, I am opposed to this bill, and I therefore oppose the rule.

This is a case where businessmen skate on thin ice, and they tumble in, and then they expect the Government to fish them out. This is nothing but a boondoggle. It is very much like the bill we rejected about 10 days ago, the predator indemnities bill. There is no whit difference between this bill and that bill. Just as we rejected that bill, so we must reject this bill.

The Government is right in banning the use of cyclamates after laboratory testing established that they cause cancer in animals. There were numerous danger signals flashed upon the cyclamate users, yet they continued to use this sugar substitute, and they utterly disregarded them and thumbed their nose at these warnings. There were any number of these warnings, yet they paid not a jot nor jit of attention to these warnings, and continued to reap profits from the use of cyclamates.

The Government had to, and was compelled to take this ingredient off the market because there was manifest danger to human health in the use of cyclamates.

Now, are we going to reward these people for using something which has been banned by the Government, where the Government and other agencies, authentic agencies, indicated to these users time and time again that they were treading on dangerous ground? And they disregarded all these warnings and they said, "We will take action after the ban is issued only on condition that you reimburse us." Now, how are we going to reimburse them? The bill is most unusual, and as a lawyer I can tell you it is a most unusual method of payment. This is not an adversary proceeding, there is nobody appearing in opposition to the claimant. The claimant comes before the court of claims and says he relied on "good faith"—the words "good faith" are used, but no criteria in the bill itself tells us as to what is meant by good faith in the framework of the legislation, so they can prove everything.

Also the words "indirect costs" are used to describe the liability of the Government. "Indirect costs" are to be reimbursed by the Government. What are indirect charges? They could be warehouse costs, general overhead costs, advertising costs—it is breathtaking, the breadth of what is meant by "indirect costs"—everything almost but the kitchen sink can be put into the framework of indirect costs.

The claimant goes before the court of claims and says, "These are my damages." No one will be able to challenge Government liability. This bill settles that question.

This is simply and only a blank check that we give to these claimants to bring to the court of claims, and the court of claims then honors these blank checks. That is the sum and substance of this legislation.

I tell you this as a lawyer of many years of experience, from the reading of this bill, that it is a very dangerous precedent that we are calling for if we adopt this rule and pass this bill.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. MANN).

Mr. MANN. Mr. Speaker, should the taxpayers pay one, two, three, four or five hundred million dollars, or five cents, to get the food producers to stop putting a carcinogenic in our food supply? Must we pay industry to stop marketing a product that it has developed for good economic reasons, and inserted into our food supply for profit, and then turns out to be dangerous to health? Now let us explode a couple of myths. You know, the public is beginning to discover that this bill is pending here, and some of you will have received in the mail this morning, and will have time to read it perhaps before the final vote, the attitude HEW Secretary Robert H. Finch took in April 1970 when the bill was proposed. I have heard it said here that the ban came without warning. All you have to do is read the Federal Register—HEW took it off the GRAS list—they put it on and took it off. They gave 2½ months to the beverage people to dispose of their supplies. That was not without warning. They gave 3½ months to the food people and they gave 8½ months to the drug people to dispose of their supplies. That is in the Federal regulation. What are we beginning to discover here? Mr. Finch says that industry sources tell him the cost of this bill is a quarter to a half billion dollars. Industry sources told us in committee that it was one hundred million to one hundred twenty million dollars. So we have a situation where the Government is admittedly without fault—admittedly without fault. The propriety of the Government action removing this from the food supply is admitted and endorsed, even by the claimants—they have to—the law required it. Public health required it. But what do we hear about that? Oh, they were really not dangerous to health. The tests were not valid, because they used, it is contended, 300 times the amount of cyclamates that you would put in to a human being. The cold light of day comes and Robert Finch in his letter of April 1970, says that they used eight and one-third times as much in a rat as they might have put in a human being while 100 times is an accepted standard to determine the carcinogenic factor in food additives.

You know, some of us say that we really do not believe cyclamates are dangerous. A lot of people apparently feel that way. But that is not the issue. Let us get to the law and let us get to the facts. It is admitted that the law, specifically the Delaney amendment, required that FDA ban cyclamates.

The Government was without fault. It acted properly. It acted pursuant to its duty. As Secretary Finch said:

> In the absence of fault, the withdrawal of a Government clearance on safety grounds should be regarded, in our judgment, as a normal hazard of doing business.

Mr. Speaker, I wish to read into the RECORD at this point the entire letter written by Secretary Robert H. Finch on April 9, 1970, to the Honorable Robert P. Mayo, Director, Bureau of the Budget, Washington, D.C. 20503:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
April 9, 1970.

Hon. ROBERT P. MAYO,
Director, Bureau of the Budget
Washington, D.C. 20503

DEAR MR. MAYO:

This is in response to Mrs. Sweeney's request of March 10, 1970, for a report on a draft bill proposed by the National Canners Association to vest jurisdiction in the Court of Claims "to render judgment upon any claim for damages sustained by persons, associations, or corporations that had products, ingredients, packaging or labeling rendered unmarketable, unusable, or less valuable" as a result of the October 18 delisting of cyclamic acid and its salts. The delisting (that is, the removal of cyclamates from the so-called "GRAS" list of substances generally recognized as safe for use in food) was ordered by the Secretary pursuant to § 409(c)(3)(A) (the Delaney proviso) of the Federal Food, Drug, and Cosmetic Act, which prohibits him from deeming as safe for use as an additive to food any substance found to induce cancer in man or animal.

The implications of the bill are far-reaching and its enactment would inevitably be persuasive precedent for a damage claim whenever the Government, for safety reasons, were to require that a product previously generally recognized as safe or otherwise cleared for use be withdrawn or withheld from the market. If the Administration is willing to see Federal indemnification in this particular case, it should be willing to provide for it in analogous cases and develop general legislation to that effect. Enactment merely of this bill would be discriminatory as between its beneficiaries and others adversely affected by withdrawal of the Government's recognition or clearance.

In this regard, we understand that commercial users of cyclamates (of which the canners are but one category) claim to have lost between one-quarter and one-half billion dollars as a result of the delisting. The current review of the GRAS list, which the President noted in his October 30 Consumer Message (H.R. Doc. No. 91-188, p. 8) as having been undertaken at his request, may result in the delisting of additional additives to food, and thereby the generation of new losses to commercial interests.

However, in our view the case for Federal indemnification of these losses presented by the "National Canners Association Summary Position Paper" and the "Background Statement on Indemnification for Cyclamate Losses" accompanying the bill is not meritorious. As we understand that case it rests upon the proposition that, inasmuch as food processors have used cyclamates in "good faith reliance" on their GRAS listing (p. 5 of Background Statement), it "is totally inequitable for the industry to sustain the substantial out-of-pocket losses" that delisting has entailed (p. 7 of Background Statement). If delisting is required in the public interest "then it is only fair and equitable that the economic consequences of the actions be borne by the Government since industry's good faith reliance on the FDA's listing of cyclamate as safe and on the permitted use of cyclamate in some standardized food products was clearly justified." (p. 7, Background Statement). Supposed precedents for such indemnification are cited at pp. 8–9 of the Background Statement.

Before examining this position, we would point out one misconception of the Summary Position Paper and the Background Statement. Both documents were written under the misapprehension that cancer in test animals was produced only by their ingestion "of the cyclamates at very high levels". (p. 3, Background Statement). We presume that this misapprehension is based on the fact that the Secretary's decision of October 18, 1969 to take cyclamates off the GRAS list was based on cyclamate feeding tests on rats which showed bladder tumors when fed at a level said to be 50 times the maximum amount previously proposed for adult human consumption by the National Academy of Sciences and the World Health Organization. However, other cyclamates feeding tests on rats, analyzed thereafter, showed cyclamate-induced cancer on the bladder of a different strain of rats when fed at only ⅙ of the earlier dosage, *i.e.*, 8⅓ times the maximum tolerance level recommended for adult humans. (This was announced in a tape recording by Dr. Steinfeld, the Surgeon General, on which a story in the Washington Post for November 22 was based.) As of this writing, we are without information that a no-effect level has been found in cyclamate feeding tests for carcinogenesis. Were the Delaney proviso not law, a tolerance could, of course, be reasonably fixed only on the basis of a no-effect level. In the evaluation of the safety of noncarcinogenetic food additives, the usual safety factor is 100, although sometimes permitted to be in the 50–100 range, as applied to the maximum no-effect level.

With respect to the substance of the NCA position on indemnification, its principal weakness, in our judgment, is that the Government has taken no action which can reasonably be imputed to fault. This is recognized by the Background Statement, p. 9, where in connection with the discussion of a putative precedence for indemnification arising out of Federal compensation of dairy farmers for losses resulting from pesticide residues found in milk, it is observed that in "this situation, *as with use of cyclamates, losses clearly are not the 'fault' of* either *the Government* or the dairy farmers." (Emphasis added.) It is not suggested, for example, that the Government was in any way negligent in its original listing of the cyclamates upon which food processors have relied, or that such listing has been falsely represented by the Government as irreversible. In the absence of fault, the withdrawal of a Government clearance on safety grounds should be regarded, in our judgment, as a normal hazard of doing business.

The precedents cited by the National Canners Association are not apposite. Compensation paid by the Government in connection with the cranberry and stilbestrol incidents described on p. 8 of the Background Statement were by the Department of Agriculture under 7 U.S.C. § 612c, a program specifically enacted to encourage the exportation of agricultural commodities, the domestic consumption of such commodities, and the re-establishment of farmers' purchasing power. (See statement of purpose incorporated in the section.) No comparable programs exist, so far as we are aware, to support the food processing industry. The compensation of dairy farmers, referred to previously, occurred pursuant to section 331 of the Economic Opportunity Act of 1964 (42 U.S.C. § 2881), a section of that Act's title III, "Special Programs to Combat Poverty in Rural Areas." Compensation to the Mizokami brothers (Private Law 88-346, and *Mizokami* v. *United States*) involved a situation in which the Food and Drug Administration *erroneously* determined that spinach grown by the brothers was contaminated.

For the reasons stated, we would recommend that the bill not be approved for submission to the Congress.

Sincerely,

ROBERT H. FINCH,
Secretary.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I rise in support of this legislation.

I cosponsored this proposal when it was first introduced during the 91st Congress, and last year I joined Congressmen SISK and GUBSER, along with a number of our colleagues in reintroducing the bill.

In a few months we will be marking the third anniversary of the cyclamate announcement by FDA and HEW. Cyclamates had been used commercially since 1950 and were placed on the so-called GRAS list—generally recognized as safe—by the Food and Drug Administration following the enactment of the food additive amendments to the law. They were authorized for use in foods and in April of 1969 the Food and Drug Administration further approved their use by publishing in the Federal Register proposed maximum total daily intake levels. With this accumulation of assurances from the Food and Drug Administration, the food industry continued to use cyclamates, but then, of course, the ax fell.

I am reminded of the hearings we had before our agriculture and consumer protection subcommittee. Commissioner Edwards appeared on behalf of the Food and Drug Administration and in a colloquy with the gentleman from Illinois which appears on page 301 of our hearings, I quoted from a press release of January 28 by Dr. Edwards as follows:

> Saccharin has been widely used in the food supply for over 80 years without any evidence of human harm. The tentative adverse findings in rats occurred at a level roughly equivalent in humans to 875 bottles of a typical diet soft drink per day.

That points out how absurd a situation can develop from the Delaney amendment. I personally think it ought to be repealed and we ought to have something in lieu of it, probably spelling out some specific tolerances that are acceptable after research and an appropriate findings.

But here, as I have indicated to you, you have a Federal agency, the Food and Drug Administration, as late as 1969 publishing in the Federal Register what was permissible and it was on the strength of that that the food industry continued to do what they did.

So, personally, I think frankly we have an obligation here to indemnify those who suffered this loss.

When the announcement was made, the canning industry had just completed the annual seasonal pack, and they found themselves with an inventory for which they were unable to cover their costs. Bottlers and other manufacturers of dietetic and low-calorie products faced similar situations, and of course those food companies specializing in dietetic products were hit especially hard.

Many food industry people all across our country got caught in this pinch, from small grower cooperatives to the large, well-known food processors. And some of our Illinois companies suffered very serious losses.

The legislation before us would provide a basis for some of these people to seek financial relief from the Federal Government. The relief would be limited to recovery of the basic losses and damages sustained as a result of the Government's action, but would not provide for lost profits.

Very briefly, there are two points which I would like to especially emphasize here this afternoon. First, equity dictates that when the Federal Government, without warning, determines it necessary to protect the general public by taking an action such as that taken on October 18, 1969, the burden should be assumed by the general public and not solely by the adversely affected companies and farmers.

Second, there is ample precedent for indemnification of this kind. Many of my colleagues will surely recall the much-heralded cranberry incident, and then there have also been indemnities paid for poultry, milk producers, cheese processors and beekeepers. We are all familiar with the background of these indemnity programs.

I would just say, in conclusion, that this is equitable legislation, and deserves the support of my colleagues in the House.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Speaker, I want to at this time address myself to two issues that have been raised by the opponents to the bill. I am a supporter of the bill, a proponent of the bill. Those two issues involve the question as to whether or not the Government in fact has any liability in this instance in equity; the second issue involves the matter of damages, as to whether in fact there is an open door left to the claimants for any amounts that they seek to claim from the court.

The GRAS list was a voluntary act of the Government. It was not required by statute at all. The Government had no obligation whatsoever to step into this complex situation and represent to anybody that the substances on the GRAS list were generally recognized as safe.

Now, it has been suggested that what they really said was, "Use these substances at your peril." That simply is not so. There is absolutely no confirmation that the substances placed on the GRAS list were not placed there to give comfort and to give assurances to those who were using those substances that they were safe.

The hearing is replete with references by the Commissioner of the Food and Drug Administration, Mr. Edwards; by Mr. Gray, present Director of the Federal Bureau of Investigation who at that time was an Assistant Attorney General; and by the General Counsel for the Department of Commerce that says the GRAS list was compiled to give assurances to those who were relying on the use of those substances.

It is further said that although there were other motivations in the beginning, that was the primary, dominant motivation in including a substance on the GRAS list to give a user of that substance assurance that the Government at least believed it to be safe.

Well, once the Government without statutory duty involved itself in this position, the consequences of relying and misinforming or misleading anyone that followed its advice are consequences that in equity the Government ought to be required to assume.

Furthermore, the consequences are even more discernible than that. In April of 1969 when the Government was well aware that there was a problem with the use of cyclamates that did not involve the Delaney amendment at that moment in time, because it did not involve a carcinogenic condition; it involved a loosening of stools, a diarrhea condition, but they were so concerned with the use of cyclamates at that moment, in April of 1969, that they put out a warning that a 60-pound child should not have more than two bottles a day of soft drinks containing cyclamates.

Remember, they assumed the responsibility of representing to the public at large that substances contained on the GRAS list were reasonably safe and could be used without peril. They then went one step further when they found there was peril in the use of that substance, and they still left it on the GRAS list.

I asked the Commissioner of Food and Drugs why in God's name did they leave the cyclamates on the GRAS list when in April 1969 they knew there was a threat, although not a carcinogenic threat at that time, which was presented to the American people? The Administrator of the Food and Drug Administration said he was not there when it was done and he could not tell me why it was done. I asked him was it wrong? He said:

> Yes, it should have been taken off in April 1969.

Instead it was taken off in October 1969.

If it had been taken off in April 1969, the California claimants who represents 1,200 family farm growers who are in this bill to the extent of pressing a claim for $15 million would have assumed no loss whatsoever, because in April 1969 when the Government should have acted and failed to act, there was no crop being harvested. If the Government had acted in April 1969, before the harvest season that caught these canners and growers and cooperatives with 5 million cases of goods canned in cyclamates at the time of the ban on October 18, their claim would never have occurred.

Mr. Speaker, that was a concrete action of error in judgment on the part of this Government, and the consequences of that concrete action and error in judgment ought to be fully borne by the Government itself.

Damages are not subject to speculation. They must be carefully proven in court with no compensation for profits. In addition, Mr. Gray testified the FBI would audit every claim for accuracy.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from California (Mr. DON H. CLAUSEN) such time as he may consume.

Mr. DON H. CLAUSEN. Mr. Speaker, those of us of the California congressional delegation who are most affected and familiar with this situation have held a number of meetings with pear growers and other fruit growers and cooperatives who have conveyed to us the genuine emergency conditions associated with the sudden FDA cyclamates ban.

The uniqueness of the situation and the reason for our request for this legislation is the seasonality of the industry. Harvesting time is dictated by the product not by HEW decisions in Washington.

Prior to the canning season the cooperatives and the canners involved checked with Federal regulatory agencies having the responsibility for marketing guidelines and found that it was permissible for canners to include cyclamates. There is absolutely no question of those involved adhering to the legal requirements of the regulatory agencies and this has been completely verified.

As a result of the timing of the ban, the seasonality of the industry and the perishability of the product, these growers are in an entirely different position from that of the soft drink bottling industry and others affected.

These small farmers stand to lose an estimated $7,000 per family and in many cases this is the difference between their staying in business and their being forced out. Their loss would be tragic to the Government and to the marketplace.

Mr. SMITH of California. Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, I sincerely hope this rule will be adopted and the House will be allowed to hear the debate and work its will on the merits of the case which will be presented by both sides.

The statement has been made that this is similar to the predator bill. The Members will recall the rule on that bill was defeated just prior to our recent recess. As the gentleman from California (Mr. SMITH) has so succinctly stated the case, there is no similarity because the cyclamates bill now under consideration goes to an actual loss in the past sustained as a result of a Government action. The predator bill would have gone to future losses sustained in the future as a result of a Government action. This bill sets up an orderly process for determining the claims, namely access to the Court of Claims. The predator bill did not.

This bill has been stated as opening up a Pandora's box, the implication being that there will apparently be a precedent which will be sought many, many times in the future. Please let me read from page 112 of the hearings, wherein the Department of Health, Education, and Welfare states that they, on September 28, 1971, took action to see to it that in the future no one could ever again rely upon the GRAS list. They caused these words to be published in the Federal Register, of that date.

> (b) The decision to use a particular GRAS (generally recognized as safe) food additive, or prior sanctioned substance in a food, is a voluntary one. Proper economic planning for the decision should recognize that the substance and the food containing the substance may subsequently become unmarketable because the substance has become newly recognized as posing a hazard to the public health.

There can be absolutely no precedent set by this law for future reliance upon the GRAS list. It is taken care of already. It is a matter of public record.

Some people say that this is going to cost a fortune. I cannot tell the Members exactly what it is going to cost, but many potential claimants have already written this off and taken their tax losses. If they are indemnified, what they are paid will be taxable as income, and if it is for a corporation it will be at a rate of 48 percent. We have to take that into consideration.

Furthermore, I have serious doubt that the large companies, like Abbott Laboratories and the parent corporations of Coca Cola and Pepsi Cola, will actually file claims. As Commissioner Edwards says in the hearings, there is a major difference between the manufacturer and the grower in this instance. He clearly stated that the case of the manufacturers is weaker.

Some have said that the GRAS list was never intended to be relied upon. At the outset that is probably true, but if we want to apply equitable principles, it has been admitted time in and time out throughout the hearings that by usage it became something people depended upon, with the full knowledge of the Food and Drug Administration.

I read from page 80 of the hearings:

> Mr. WALDIE. Then the fact that it was put on the GRAS List was at least a stamp of approval from the agency; is that correct?

And Mr. Hastings, Chief Counsel for HEW, said:

> That is correct.

I read from page 87 of the hearings:

> Mr. WALDIE. So that only the FDA could make the determination for the public at large that cyclamates were generally recognized as safe?

The answer from Dr. Edwards, the Commissioner, was:

> That is correct.

And I read from page 111 of the hearings:

> Dr. EDWARDS. Let me say that in my own personal opinion, I think there is no particular reason why a canner or a grower would have had any particular knowledge of some of this scientific evidence that was accumulating on this particular food additive.

Another statement has been made that the canners of canned food had 3½ months warning. That is not true. They had 3½ months to dispose of the inventories which they had accumulated because they were not warned in advance.

God does not turn the maturing of fruit on and off like one can stop the bottling line of Coca-Cola or Pepsi Cola. It comes once a year. If they had told us about this in March we would not have canned the stuff, but it came in October, at the highest inventory level of the year.

It has been said that the businessmen were skating on thin ice, implying they knew all along that this was dangerous, and that they ignored the warnings.

I should like to point out that in April 1969 the National Academy of Sciences established informal tolerances for the ingestion of cyclamates by human beings. If we used that level of tolerance one would have had to eat from 25 to 35 servings of cyclamate-sweetened canned peaches each and every day for all of his life.

Now, as to these rats, the experiment that triggered this withdrawal. The rats were fed cyclamates at a proportionate level 50 times that recommended by the National Academy of Sciences. That meant one would have had to eat between 1,250 and 1,500 servings daily of cyclamate-sweetened fruit to equal what was fed the rats.

There is talk about the Secretary Finch letter, which says the rats received only 8½ times the level of human tolerance. All right. At that level one would have had to eat between 240 and 280 servings of fruit. Can you imagine eating 240 to 280 servings of canned fruit each day of your life?

The SPEAKER. The time of the gentleman from California has expired.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. GUBSER. I ask, is it defrauding the public, is it bad business judgment to rely upon the National Academy of Sciences and a fact sheet put out by the Food and Drug Administration, which said, just a year before, that there was not any question that cyclamates were safe for human ingestion?

They say that this will not be an adversary proceeding. Patrick Gray III, the Assistant Attorney General, testified and I paraphrase, "We will go into court. The Government will contest this, and every financial transaction will be subject to an FBI audit."

This will be an adversary proceeding. It is not open and shut.

Mr. Speaker, a couple of years ago we had a big argument on this floor about the Committee on Rules and its proper function. Some people felt that the Committee on Rules under the chairmanship of the gentleman from Virginia, Mr. Smith, was blocking legislation and was engaging in obstructionist tactics and was denying intelligent debate on the floor of the House. If I recall correctly, the gentleman from New York (Mr. CELLAR) voted to enlarge the Committee on Rules thinking that it should no longer be allowed to obstruct free and open honest debate in the typical American fashion.

I ask you now, are you afraid of the case that we are going to present today? What is so wrong with free and honest debate? If it was a good argument when we enlarged the Committee on Rules to the present membership of 15, then it is a good argument today.

We ask only that the prospective claimants under this bill have a chance to go to court. All we ask of you is the chance honestly to debate this question as to whether or not they should go to court. Is there any thing more fair? Is there anything more American? I ask you to vote for this rule.

Mr. SMITH of California. Mr. Speaker, I yield such time as he may use to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I rise in support of the rule which authorizes 1 hour of debate on the bill, H.R. 13366.

Mr. Speaker, I would like to call attention to my additional views in the report which the House Judiciary Committee submitted on this bill. As I stated there, cyclamates were in general public use for a period of almost 20 years. During that time, many persons benefited from their use by successful programs of weight control, and many others—who were physiologically prevented from consuming sugar—enjoyed the sweetness in food which most of us accept as an everyday fact. During those two decades—indeed, to the present date—there has been no evidence indicating that any human being, young or old, has contracted cancer of any kind as a result of ingesting cyclamates—even in excessive amounts—or over a long period of time.

For the greater part of the period in which cyclamates were in use, the Food and Drug Administration listed them on its "generally regarded as safe" (GRAS) list. Compensating manufacturers and distributors of these food additives for losses resulting from the FDA's abrupt decision to ban them strikes me as an equitable method for saving from financial loss—in some cases, ruin—those who, in good faith, relied on an explicit representation of the Federal Government.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I rise in support of this rule and, upon the adoption of the rule, I intend to support the bill. I take this time to comment upon one issue only, that is, the argument made by our distinguished chairman of the full committee that these would not be adversary proceedings. He said, as a lawyer, these claims would open up a blank check drawn on the Treasury of the United States by which claimants would go to court, and no one would resist their claim for damages against the Treasury.

Mr. Speaker, also as a lawyer, let me say that is simply not true. That is not a fact. The fact is that these claims are made against the United States. The United States will appear as a party before the court of claims. The claimant, the individual company or grower, will have to prove his claim by a preponderance of the evidence. The burden rests with him.

Moreover, that claimant must prove, among other things, good faith. If he does not sustain that burden, he is not entitled to compensation at all. Accordingly, Mr. Speaker, we are not dealing with a group of claimants who come into court with knowledge, forewarned that the product used by them is potentially hazardous to health. We are dealing solely with a group of claimants which, by this statute, must have relied in good faith.

Ladies and gentleman, given that kind of criteria, the bill before us is worthy of your support, and the rule also is worthy of your support.

To those of you who are concerned about the broader question that this bill raises, I suggest it can be framed as follows: In the case of an innocent claimant, who should bear the loss for damages sustained as a result of public action? Who should bear this loss? Is it a real loss? Should it be borne solely by the manufacturers and growers, or, since it was caused as a result of public action, should that loss be spread among the public generally? On that question I can understand reasonable men and women differing, but in the past we have not hesitated to say that the public itself should sustain the loss. Those of you from the Southwest, for example, have lived through the experience of cattle being slaughtered at public request because they contracted a particular disease, and those cattlemen had their losses paid.

Out on the west coast we had millions of chickens killed because there was a public health problem. That loss was not sustained by the chicken growers. It was sustained by the public. Now, probably the analogy is not as close as you would like, but it is a reasonable one.

I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker and my colleagues, some of you may recall that a few weeks ago I was here in vigorous opposition to what I called the coyote bill, the bill to indemnify sheepmen and cattlemen for the loss of their animals due to being killed by predators.

Let me say first that as far as I know I have no canners in my congressional district which would be affected at all by this bill. I have thousands of coyotes, and I have a cattle and sheep industry there of substantial importance. Nevertheless I think there is a real distinction between that bill and this one. That bill went to the future, and there would have been terrible administrative problems in deciding whether a sheep or a calf or a chicken or a turkey was or was not killed by a predator, but there was no provision requiring going to court.

This bill has to do with damages already suffered by persons who relied upon what they felt was the Government's assurance that they could safely use this particular chemical in the canning of their products. All they are asking for is the right to go to court. It does not have the administrative difficulties nor the other problems, to me, at least, that the other bill had. I think the bills are clearly distinguishable, and I do support this bill.

The SPEAKER. The time of the gentleman from California has expired.

Mr. SISK. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCCORMACK).

Mr. McCORMACK. Mr. Speaker, I rise in support of the rule. I would like to add only one point to those that have been made. That is that we have been talking here, in many cases, about small farmers. It is important for us to understand that we are not talking in all cases of indemnifying large corporations.

In my district many small farmers have joined together in co-ops to can their fruit such as pears. I went to one such warehouse of one of those co-ops and saw cartons of pears that had been legally canned with cyclamates. The stack of cartons probably would have filled this entire Chamber from the floor to the ceiling.

When I asked what would be done with them, the man simply turned away and said, "I do not know."

These farmers are, in many cases, the claimants we are discussing. They are small farmers who have been harmed, not large corporations.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I hope this rule is adopted and I hope the bill passes.

However, I would like to add and say that I hope along the line we will get some general legislation in this area.

We have in recent years created the Office of Environmental Protection and set up a man in that position who is doing the best he can, so far as I can tell. But we have given him as we have with the head of the Food and Drug Administration and many others, powers that I say a good man would not want and a bad man should not have and that 10 men could not handle.

This thing about damages by an act of the Government goes back to the cranberry case in which the then Secretary of what is now HEW made a public announcement that destroyed the cranberry industry just before Thanksgiving.

At that time the Government came in and paid the cranberry industry about $10 million, as I recall it, based on maintaining the income of those engaged in this production under section 32. This Congress has authorized and appropriated the money to pay those who had their milk poured out and saw their milk destroyed because of an announcement by the Government—milk that was all right until the Government did act and we did the same thing with beekeeping.

In this instance these folks had to go into the Court of Claims which goes much further than Congress required in other areas.

I say to you, when we have gone off as far as we have on this beekeeping that in some respects where they are testing devices that can measure one part in a trillion, the Delaney Act under which this occurs needs to be reviewed and we need to reach some kind of standard testing.

Otherwise every industry in this country could wake up tomorrow and read an attack by the head of the Food and Drug Administration or by Mr. Ruckelshaus and suddenly he is absolutely destroyed without recourse and without any place to turn.

I think certainly this is a start toward letting a man who is in that position go to the Court of Claims and prove the correctness of his views.

I hope later that this Congress will get busy and give us a forum where we can thrash these matters out so that we do not destroy the country.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I would establish my credentials first by saying—I did not support the predator indemnification bill because I thought it was premature. I know a lot of you from the cities might be concerned that we are going to be giving $25 million or $30 million to agriculture under this bill.

I would say—consider this.

The group that is going to recover under this bill generally does not recover a dime under the annual agricultural appropriation made by the committee of the gentleman from Mississippi.

Normally $6 billion go to cotton, wheat, dairy products and corn, but not one dime goes to specialty commodities. These people have been damaged by the action taken by the Food and Drug Administration.

I rise in support of the rule on the pending bill H.R. 13366 to allow jurisdiction in the Court of Claims to allow compensation to certain good faith victims of the cyclamate ban for their costs.

I do not think that this bill presents a consumer issue vote or a pro farmer issue vote or a Ralph Nader vote—this legislation is more in the nature of disaster relief. We have heard arguments on what actions of FDA could and could not be relied upon.

Since 1958, cyclamates have been included by the Food and Drug Administration on its list of substances "generally regarded as safe," acronymed "GRAS." These substances were considered so safe they were exempted from the usual regulatory testing.

The use of cyclamate sweeteners increased rapidly; in fact, it more than tripled between 1963 and 1969. In the late summer and early fall of 1969, the canners packed their cyclamate canned fruit in good faith, relying on the assurance of the GRAS list that cyclamates were safe.

Without warning—the laboratory work had been completed only 10 days earlier—the FDA announced it had found fantastically heavy doses of cyclamates to cause bladder cancer in rats and that, therefore, cyclamates could no longer be sold in general purpose foods under the the Delaney amendment. Various medical exceptions were allowed for a few months, but no cyclamate sale has been allowed since August 1970.

The banning of cyclamates cannot be disputed at this time. The Delaney amendment requires that any substance found to be carcinogenic cannot be added to food in any quality. However, I feel it is not fair to ask the canners and growers to bear the financial cost of the ban lest private industry be deterred from fully experimenting in this important area.

Announcement of the ban came at the

worst possible time: immediately after the crop had been canned. The canners' have made the sacrifice and submitted to the ban they recognize to be in the public interest. But it seems only reasonable that the public bear some of the burden with the farmers.

Under this bill, producers will sacrifice all profits. Unlike a defense contractor who fouls up, they do not consider themselves to have a God-given right to profit at the public expense. They are asking only to be protected from catastrophic loss of out of pocket expenditures.

Rather than polarize on this issue based on whether we are liberal or conservative—farmer or city representatives—I think we should fairly review the dispassionate reports made on the bill and by another committee, the Fountain Subcommittee on FDA Oversight in the Interstate and Foreign Commerce Committee.

Let us also abstract the important parts of the departmental reports on this bill:

> This definition naturally raised a widespread question over what substances were generally recognized as safe. The Department, as a public service, undertook to publish a list of these substances to be compiled by surveying, through questionnaire, appropriate experts. A GRAS list was published in the Federal Register as a proposal, and was mailed out to about 900 knowledgeable scientists, whose comments were solicited. Over 300 of them replied. The list was revised and publishd as a final order, and has been expanded from time to time.
>
> As this background summary illustrates, the list, both from a factual and a legal standpoint, is an administrative compilation of current scientific beliefs about the safety of substances for use in food. When the cyclamates were added to the GRAS list they *were* generally recognized as safe by the scientific community.
>
> Nevertheless, the list has at no time carried on its face the warning that the listed substances, although generally recognized as safe, could at any time be found unsafe and consequently delisted. And, indeed, the list appears to have been relied upon as an official assurance that listed substances were *safe in fact*.
>
> In order to avoid a recurrence of such reliance, I have asked that the GRAS list be amended to carry a suitable warning on the provisional character of its contents. This seems particularly appropriate at this time, not merely because of the losses suffered by food processors as an aftermath of the cyclamate action, but because an ongoing review of GRAS-listed substances initiated by the Administration, may cause the delisting of additional additives to food, and thereby the generation of new commercial losses.
>
> We recognize that reliance upon the GRAS list by individual growers, manufacturers, packers, or distributors, however unwarranted as a technical legal matter, may have caused or contributed to their losses. Therefore, in the unique circumstances of this case, we would not object to enactment of legislation.—*Secretary Elliot L. Richardson, September 1, 1971.*
>
> We believe it would be desirable to include a prefatory statement of legislative purpose making clear that the relief provided is to accommodate hardship to the enumerated persons occasioned by lawful action of the Commissioner of Food and Drugs on October 17, 1969, pursuant to §§ 201(s), 409 and 701(a) of the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. §§ 321(s), 348 and 371(a)) promulgated in the *Federal Register* of October 21, 1969 (34 F.R. 17063).
>
> As we understand the factual circumstances leading up to the administrative action in question, which resulted in removal of cyclamates from FDA's list of additives generally recognized as safe for their intended use (the "GRAS" list), the following sequence of events is pertinent:
>
> *September 6, 1958.*—Enactment of amendments to the Federal Food, Drug and Cosmetic Act providing, *inter alia*, for determination and regulation of unsafe food additives.
>
> *December 9, 1958.*—Notice of proposed rulemaking by the Commissioner of Food and Drugs, pursuant to the foregoing statutory amendments, to establish standards, criteria and procedures for determining whether a food additive is generally recognized as safe for its intended use. Subpart B of the proposed regulations contained a partial listing of such additives so recognized, including, in the category proposed for exemption from tolerance requirements, calcium cyclohexyl sulfamate and sodium cyclohexyl sulfamate. (23 F.R. 9511, 9517).
>
> *November 20, 1959.*—Promulgation by the Commissioner of Food and Drugs of final regulations, identifying food additives that are generally recognized as safe for their intended use (the "GRAS" list), reiterating calcium cyclohexyl sulfamate and sodium cyclohexyl sulfamate in the category for which no tolerance level was required. (24 F.R. 9368, 9369).
>
> *February 2, 1960.*—Notice of proposed rulemaking by the Commissioner of Food and Drugs, including addition of magnesium cyclohexyl sulfamate and potassium cyclohexyl sulfamate to the GRAS list with no tolerance level specified. (25 F.R. 880).
>
> *January 31, 1961.*—Promulgation by the Commissioner of Food and Drugs of a revised GRAS list, including the four salts of cyclamic acid referred to above without tolerance levels. (26 F.R. 938).
>
> *April 5, 1969.*—Notice of proposed rulemaking by the Commissioner of Food and Drugs to establish a food additives regulation for cyclamic acid and its salts, including (a) labeling requirements for cyclamate food additive content (milligrams) and maximum daily limit on ingestion (milligrams) for adults and children; (b) a limitation on the part per million of cyclohexylamine in any cyclamate food additive; and (c) analytical standards and procedures for determining cyclohexylamine content. (34 F.R. 6194)
>
> *October 21, 1969.*—Promulgation by the Commissioner of Food and Drugs of amendment to the GRAS list deleting the salts of cyclamic acid referred to above effective immediately, on the ground that cyclamates could "no longer be regarded as generally recognized as safe for use in food." Withdrawal of existing stocks of . artificially sweetened beverages for general use was to be effected by January 1, 1970, and phase-out of other artificially sweetened foods for general use containing substantially lower levels of cyclamates was to be accomplished by February 1, 1970. (34 F.R. 177063)[1]
>
> While we expressly do not wish to suggest that indemnification is generally warranted where lawful action by the federal government occasions economic detriment to a class or classes of persons, we do believe the circumstances enumerated above establish an equitable basis for relief in this particular case.
>
> Given the long history and widespread commercial use of cyclamates as an artificial sweetening agent for prepared food and drinks, the proposed (1958) and final (1959) inclusion of sodium and calcium salts of cyclamic acid in FDA's first GRAS list and the later proposed (1960) and final (1961) addition of magnesium and potassium salts of cyclamic acid to the list, and the April 5, 1969 notice which dealt with labeling and standards of limitation on ingestion and in additives, it appears that commercial users of cyclamates had little or no reasonable basis for believing prior to FDA's action in October 1969 that these additives would be declared to be unsafe for use in consumables. Acocrdingly, we favor legislation to afford the above enumerated parties relief as a matter of equity through judgments by the Court of Claims.—*William N. Letson, Department of Commerce, General Counsel September 7, 1971.*
>
> The list is set out in 21 C.F.R. 121.101. The word "safe" as used for the GRAS list was defined to mean "that there is convincing evidence which establishes with reasonable certainty that no harm will result from the intended use of the food additive." 21 C.F.R. 121.1(i). The effect of the order, dated October 17, 1969, of the Commissioner of FDA was to remove cyclamates from the GRAS list. In the order, the Commissioner stated that his removal action was taken on the basis of animal studies recently reported to the FDA by Abbott Laboratories . . . the claimants in this matter stress the importance of the GRAS list and their reliance on it; that they had no reason to expect and had no warning of the imminent possibility of the removal of cyclamates of foods containing these additives; that without such a warning or other reason to take preventive action, they were unable to foresee the Commissioner's order and, accordingly, while acting in good faith and in the normal course of business, built up their inventories and took other steps that led to the large losses for which the claims are now being made.
>
> In view of these special circumstances, and since present law does not appear to provide a basis of recovery for these particular claimants, the Department of Justice would not object.—*Richard G. Kleindienst, Deputy Attorney General, September 7, 1971.*
>
> Farmer members of many cooperative canners suffered severe losses as the result of the decision to prohibit the use of cyclamates. These growers generally have received no compensation for fruit delivered to their cooperatives which was subsequently packed in a cyclamate solution. While determined in accordance with statutory requirements, the prohibition in this case came at the worst possible time from the growers' standpoint, inasmuch as the 1969 fall canning season was just concluding and inventories of products containing cyclamates were at near peak levels. The Department knows that there has been severe hardship to these growers.—*J. Phil Campbell, Under Secretary Agriculture, September 3, 1971.*

On the question of reliance I would refer to the well-documented Fountain subcommittee report of late 1969 that concludes:

> It was evident at least as early as 1966 that there was a genuine difference of opinion among qualified experts as to the safety of the cyclamate sweeteners. Consequently, FDA had an obligation at that time to remove cyclamates from the GRAS list, to declare them to be a "food additive" within the statutory definition, and to ban their use until industry had established their safety. But despite the mounting evidence in the ensuing years, FDA did not act.
>
> The committee has received no satisfactory explanation for FDA's failure to act before the evidence of carcinogenicity was reported in October 1969.
>
> Lethargy appears to have played a role in FDA's inaction in this matter. The hearing record reveals that FDA's toxicological advisor stated on September 8, 1967, that "We cannot say today that the cyclamates are generally recognized as safe; however, removing them from the GRAS list and estab-

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Footnotes at end of article.

lishing tolerances in soft drinks, et cetera, will produce difficult problems."

Prompt and timely action by FDA to remove cyclamates from the GRAS list and containing foods, particularly carbonated beverages, might have produced "difficult problems" for the agency. However, it would have prevented far more serious problems, including unnecessary exposure of the public to possible hazards and substantial financial losses to industry.

I believe that the conclusion to be drawn is that growers, users, and handlers had a right to rely on the FDA's interpretation of its own laws and regulations, FDA was the primary Federal agency that was managing NAS–NRC research. It was the responsibility of FDA to determine limits on use under the law when the facts were reasonably available. The Fountain Committee found that the FDA at the very least should have acted on July 26, 1969, when a work was published in Nature—pages 406–407—describing myocardial lesions associated with cyclamates.

This was before the disastrous pack of October 1969.

The FDA in an effort to help the industry then further compounded its earlier errors last year which led the Fountain Committee to the following conclusions:

First. FDA failed for several years to protect the public against possible health hazards associated with cyclamates despite a clear legal obligation to do so.

Second. FDA aggravated the consequences of its inaction by permitting the use of cyclamates in food to reach massive proportions.

Third. FDA attempted to permit the continued marketing of cyclamate-containing products through illegal regulations and procedures.

Fourth. The decision to permit the continued marketing of cyclamate-containing products was made by the Secretary of Health, Education, and Welfare, not by FDA.

Fifth. HEW used an outside advisory body to make recommendations on matters that had already been decided, involving a basic issue which the advisory body was not qualified to decide.

Sixth. NAS–NRC panels that considered the safety of cyclamates in food were not asked to provide the basic information necessary for determining if cyclamates should remain on the GRAS list.

I submit that the legislation should be enacted.

GENERAL LEAVE TO EXTEND

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in connection with this resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Speaker, I yield myself the remaining 2 minutes on this side.

Mr. Speaker, I think the statements already made pretty well cleared the issue as to what is at stake here. In the first place, let me say we are not discussing the merits or demerits of cyclamates. I think that decision has been made. We are concerned about the wrong that many of us feel has been done to a small number of people in this country, and we simply seek a forum because they have had no forum whatsoever anywhere to present their case.

I am all for the protection of the American people from those types of foods or additives that are contrary to the best interests of the human body, but at the same time when we get to the point where we begin to literally bankrupt individuals here and there, that is, for the purpose of the public good, the public is going to have to foot the bill.

There is no question but what the testimony of the agencies was to the effect that there was arbitrary and capricious action on the part of the Federal Government in connection with this situation. All we seek is an opportunity to give these people the right to go into court and to see whether or not they acted, first, in good faith and, second, what their actual losses were—actually only their losses.

I urge you to vote for the rule and to permit the debate to go forth on this particular subject.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield briefly to the gentleman.

Mr. GUBSER. There was one point which was not brought out during this debate. I would like the gentleman to answer this question: The sanctity of the Delaney amendment is not at issue here today; is that correct?

Mr. SISK. That is correct; the Delaney amendment is not affected in any way by anything in connection with this question. This only deals with what we believe to be the rightful consideration of an individual who suffered tragic losses in connection with a decision that had to be made under existing law.

Mr. GUBSER. I thank the gentleman.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CELLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 270, nays 77, not voting 85 as follows:

[Roll No. 278]

YEAS—270

Abbitt
Abernethy
Abourezk
Adams
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Baker
Baring
Begich
Belcher
Bennett
Bergland
Betts
Biester
Bingham
Blatnik
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Conable
Corman
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Dorn
Downing
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffin
Grover
Gubser
Haley
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Leggett
Lennon
Lent
Lloyd
Lujan
McClory
McCollister
McCormack
McCulloch
McDade
McFall
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neill
Passman
Pelly
Perkins
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Quie
Railsback
Randall
Rees
Reid
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roncalio
Roush
Rousselot
Roy
Runnels
Ruppe
Satterfield
Scherle
Scheuer
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—77

Abzug
Archer
Ashbrook
Barrett
Bell
Bevill
Boland
Burke, Fla.
Burke, Mass.
Carney
Carter
Celler
Clark
Collins, Ill.
Collins, Tex.
Conover
Conte
Delaney
Dellums
Donohue
Dow
Drinan
Eilberg
Fascell
Fraser
Gaydos
Grasso
Gross
Gude
Hall
Hawkins
Hechler, W. Va.
Helstoski
Hogan
Ichord
Koch
Kyros
Latta
Long, Md.
Madden
Mann
Mazzoli
Minish
Mitchell
Murphy, N.Y.
Nix
O'Hara
Patman
Patten
Pike
Podell
Price, Ill.
Pryor, Ark.
Rangel
Reuss
Roe
Rogers
Rooney, Pa.
Ruth
St Germain
Sarbanes
Saylor
Schwengel
Seiberling
Shipley
Skubitz
Snyder
Stokes
Sullivan
Thompson, N.J.
Thone
Tiernan
Vanik
Whalen
Wilson, Charles H.
Yates
Yatron

NOT VOTING—85

Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Badillo
Biaggi
Blackburn
Blanton
Boggs
Bolling
Broomfield
Byrne, Pa.
Camp
Casey, Tex.
Chamberlain
Chisholm
Clay
Cleveland
Collier
Colmer
Conyers
Cotter
Davis, Ga.
Devine
Dowdy
Dulski
Edmondson
Erlenborn
Evins, Tenn.
Fish
Flynt
Ford, William D.
Fulton
Gallagher
Gettys
Gray
Green, Pa.
Griffiths
Hagan
Halpern
Hanley
Harrington
Hébert
Heinz
Hutchinson
Jones, N.C.
Landgrebe
Landrum
Link
Long, La.
McCloskey
McClure
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
Matsunaga
Melcher
Metcalfe
Mikva
Mills, Ark.
Mink
Monagan
Moorhead
Nedzi
Obey
Pepper
Pettis
Pucinski
Purcell
Quillen
Rarick
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Ryan
Sandman
Springer
Stuckey
Talcott
Terry
Whalley
Wolff

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Alexander for, with Mr. Rooney of New York against.

Mr. Matsunaga for, with Mr. Monagan against.

Mr. Pepper for, with Mr. Mikva against.

Mr. Stuckey for, with Mr. Addabbo against.

Mr. Colmer for, with Mr. Badillo against.

Mr. Edmondson for, with Mr. Biaggi against.

Mr. Boggs for, with Mr. Harrington against.

Mr. Pettis for, with Mr. Heinz against.

Mr. Chamberlain for, with Mr. McKevitt against.

Mr. Erlenborn for, with Mr. Blanton against.

Mr. Talcott for, with Mr. Halpern against.

Mr. McClure for, with Mr. Hanley against.

Mr.. Devine for, with Mr. Dulski against.

Mr. Hébert for, with Mr. Clay against.

Mr. Fulton for, with Mrs. Chisholm against.

Mr. Camp for, with Mr. Cotter against.

Mr. Sandman for, with Mr. William D. Ford, against.

Mr. Broomfield for, with Mr. Byrne of Pennsylvania against.

Mr. Blackburn for, with Mr. Green of Pennsylvania against.

Mr. McDonald of Michigan for, with Mr. Conyers against.

Mr. Cleveland for, with Mr. Nedzi against

Mr. Quillen for, with Mr. Ryan against.

Mr. Roybal for, with Mr. Pucinski against.

Mr. Rostenkowski for, with Mr. Gallagher against.

Until further notice:

Mr. Wolff with Mr. McCloskey.

Mr. Rosenthal with Mr. Collier.

Mr. McKay with Mr. Terry.

Mr. Link with Mr. Whalley.

Mr. Jones of North Carolina with Mr. Landgrebe.

Mr. Evins of Tennessee with Mr. Hutchinson.

Mr. Anderson of California with Mr. McKinney.

Mr. Dowdy with Mr. Fish.

Mrs. Griffiths with Mr. McEwen.

Mr. Purcell with Mr. Springer.

Mr. Anderson of Tennessee with Mr. Landrum.

Mr. Casey of Texas with Mr. Gray.

Mr. Rarick with Mr. Moorhead.

Mr. Melcher with Mr. Metcalfe.

Mr. Davis of Georgia with Mr. Mills of Arkansas.

Mr. Flynt with Mrs. Mink.

Mr. Gettys with Mr. Hagan.

Messrs. MITCHELL and SEIBERLING changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WALDIE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13366), to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13366, with Mr. ULLMAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. WALDIE) will be recognized for 30 minutes, and the gentleman from New York (Mr. SMITH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California.

Mr. WALDIE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I think the title of the bill is misleading in that it says it provides for the payment of claims to those who were damaged by the ban on cyclamates. In fact, the bill does not. It provides for the presentation of those claims to the Court of Claims. It confers jurisdiction on the court for citizens of the United States who believe they have been aggrieved by a wrongful action on the part of their Government to present that claim to a court and if successful to receive a judgment.

However, since the bill was first introduced much opposition has been expressed to the bill because it was believed the only responsibility of the Court of Claims was to pay the damages which the court has determined but the damages must be approved by the Court of Claims. The committee amended the bill in a substantial manner. It said the Court of Claims not only had jurisdiction to determine the amount of the damage the claimant would present but the Court of Claims also would determine whether the claimant acted in good faith in relying on the GRAS list. The court would determine whether the claimant would be permitted to recover. However, if there was intervening knowledge on the part of the claimant that in fact would not permit him to rely on the GRAS list, the claim would be denied.

Standing here before the Members now, I cannot say to the Members that every class of claimant that appears before the Court of Claims in fact will be able to sustain the burden of proof that they relied in good faith on the GRAS list.

For example, there is clearly a difference in the burden the claimant must submit to the court if he is a manufacturer of cyclamates with a very extensive laboratory engaging in ongoing testing of cyclamates and if he is a grower in the field in California that never even heard of the word cyclamates. It is much more believable to believe that a grower in the field in California had every reason to rely on the list or his agents relied on the list as containing those substances generally regarded as safe subtances, and intervening information would probably in my view not preclude the Court of Claims from entertaining his claim. But it is even conceivable that the Court of Claims might feel every case or reliance on the GRAS list was not in good faith.

The opponents to the bill have now said there was no possibility for anyone to have relied on the GRAS list because knowledge was pervasive throughout the community that cyclamates were damaging and dangerous. That is the contention of most of the opponents to the bill. The response to that is simple. If that is so, nobody can recover. If knowledge as to the dangers of cyclamates was as pervasive as the opponents claimed it to be, the mere presentation of that fact before the court would require the Court of Claims to make a finding that good faith reliance on the GRAS list could not occur, therefore no finding of fact.

Furthermore, there was a contention made that if we permit access to the Court of Claims by citizens who claim they were aggrieved by the Government—we take no position whatsoever by passage of this bill that in fact any citizen was aggrieved by the Government—if we give the citizen access to the Court of Claims so that he can maintain the case that he was aggrieved by the Government, it is said by opponents of the bill, we open the door to the Treasury. That is simply not so.

We require that they prove direct and indirect costs they incurred because of the action by their government, which they believe was improper and from which their incurred damage.

I believe the action of the Government in processing this cyclamate ban was improper. That is not the ban itself. I thoroughly concur with the ban. But the manner in which they processed the ban on cyclamates misled people, led them to a position in which they incurred losses.

The Government ought not to be immune from bearing the consequences of its actions. No one would suggest an individual citizen who caused damage to another American citizen should not have a day in court. To suggest that even though the Government did damage to an American it ought not be sued is a theory as to the power of the Government with which I do not concur.

Mr. SMITH of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and ladies and gentlemen of the committee, this bill recognizes a unique situation whereby domestic growers, manufacturers, packers and distributors of products using cyclamates suffered losses by reason of a sudden reversal of a long standing official listing of cyclamates as generally recognized as safe for use in food.

Under the provisions of H.R. 13366, those who allegedly incurred pecuniary losses following the Government's ban on further sales of products containing cyclamates will have their day in court. If they can meet the test provided in the bill—a good faith reliance upon that official listing—then they will have the opportunity to prove their actual losses.

The use of artificial sweeteners first received approval of the Federal Government in 1959. In that year, the Food and Drug Administration of the Department of Health, Education, and Welfare placed certain cyclamates on a list of food additives designated as the GRAS list. This action constituted notice to the public and the commercial community that cyclamates were generally recognized as safe for their intended use.

During the decade that followed, an unprecedented use and consumption of artificially sweetened products occurred. Wide popular acceptance of available products stimulated further product development. Cyclamates were used not only in carbonated beverages, fruit drinks and weight control preparations, but in canned fruits, jams, jelly, preserves, desserts, salad dressings, maple sirup, baked goods, candy—even as tablet coating for a variety of drugs.

All during the 1960's, when the use of cyclamates as a sweetener for dietary and other products was rapidly increasing, the FDA continued to list such sweeteners as "generally recognized as safe." It is also to be noted that twice, in 1962, and 1968, the National Academy of Sciences, upon FDA requests, studied cyclamates and stated that they were safe for use in foods if used within reasonable limits.

In October of 1969, however, after bladder cancer had been reported to have been induced in rats, HEW announced that such sweeteners were no longer "generally recognized as safe" for food purposes. The Federal Government ordered an immediate ban on the production of food and drink products containing cyclamates. This announcement caused immediate consumer rejection of a substantial portion of the products containing cyclamate sweeteners notwithstanding that the market ban imposed by HEW was not immediate. Overnight, goods containing such sweeteners became unsalable in this country.

It is to be noted, first, that when cyclamates were added to the GRAS list they were generally recognized as safe by the scientific community. Second, the list never carried any warning that the substances could, at any time, be found unsafe and removed from the list. Third, it is obvious that the GRAS list was relied upon by the industry as an official assurance that cyclamates were safe in fact.

Thus, the claimants who would be aided by this bill acquired and used large supplies of a product which was generally regarded as safe and useful in promoting public health and suddenly their market was eliminated by the HEW action of October 18, 1969, to protect the public health. The commercial users of cyclamates thus had little or no basis for believing that cyclamates would be found unsafe for use.

As a consequence of their justified reliance upon the GRAS list, the cyclamate users suffered a sudden and massive economic loss. Under these unique circumstances, it is inequitable that they should bear the burden caused by the Federal Government's action. It is only justice that they should be allowed to pursue their claims in court and to recover their losses if they can establish a good faith reliance upon the GRAS list.

HEW, by changes in its regulations, has made it impossible for a similar situation to develop in the future. Accordingly, we have a truly unique set of circumstances which created an equitable claim against the Government—but which can never occur again. It is these special circumstances which prompted the Justice and Commerce Departments, as well as HEW, to support H.R. 13366 as justifiable relief for growers, distributors, packers, and manufacturers who suffered losses as a result of good faith reliance upon a system of governmental regulation and supervision in the interest of public health.

Mr. Chairman, I urge favorable action upon this bill.

Mr. WALDIE. Mr. Chairman, I yield 5 minutes to the distinguished member of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, and members of the committee, I still maintain that really and truly this is not an adversary proceeding as to liability on the part of the Government as in a normal legal proceeding. We are as a forum here, as a court to fix that liability. We say that if you made or used cyclamates, you have a right to go to the Court of Claims. You have this right, because you have been damaged. We make that finding of liability like a judge would in a court. There is no adversary proceeding where the validity or legality of the Government's acting in banning cyclamates or could be put in question. We have no adversaries here except those who are opposed to the bill. In that sense I will say that this is not an adversary proceeding, and I still maintain in a real and genuine sense this is a blank check upon the U.S. Treasury. There is no sound basis for these claims, simply because cyclamates were included on the initial GRAS list.

There is no endorsement of the Government of safety because an item was included on the GRAS list. The Food and Drug Administration was under a duty to continue research because the GRAS list is purely a temporary arrangement. The Government cannot be barred from such research to protect the public. And at no time did the Pure Food and Drug Administration recommend, endorse or promote the use of cyclamates. To say that being on the GRAS list is promotion of cyclamates, endorsement of cyclamates or recommendation of cyclamates is a non sequitur. The GRAS list argument is a rather slender reed to lean on. Commonsense tells us that, even had the Pure Food and Drug Administration wished to guarantee safetly, it could not in law have done so.

Scientific knowledge never stands still. New evidence appears as toxicological techniques and inquiries advance.

To suggest that the U.S. Government should be bound on a tentative finding like the GRAS list as to so-called safety when the public health is involved is just pure folly.

I would like to read to you from the letter that the Members, or most of the Members received from the distinguished gantleman from New York (Mr. DELANEY), a member of the Committee on Rules, who was the author of the Food Additives Amendment Act of 1958.

He said:

> The Food Additives Amendment established a system for the pre-testing of all food additives. However, because of the impossibility of testing the many hundreds of additives then in use, the Act provided that those additives "used in food prior to January 1, 1958", and generally recognized as safe for their intended use would be exempt from the testing requirements. In order to advise the industry of the additives that were exempt from the testing requirements, the FDA developed and published a list of those items then in use and "generally regarded as safe". As can be seen, this GRAS list was really a list of those items that had not been tested, and all the government was saying by publishing the list was, "You are not violating the new law on additives by using these items without going through the testing requirements."

How in thunder you can derive from that kind of language an approval, I cannot see.

You are creating a very dangerous precedent. The Government for years permitted DDT and many pesticides. The approval by the Government over the many years might be deemed tacit approval, and this bill, if it is passed, might be cited as a precedent. The Government has, without any hindrance, without any interference over many, many years allowed pesticides and DDT to be used, now it says DDT and many pesticides are banned. If you allow this bill then you must allow damages for those who bought pesticides and DDT, and now cannot use them.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SMITH of New York. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, this is an easy bill to be against if it is misunderstood and an easy bill to be for if it is understood.

It would be easy to claim a vote for economy. It would not be difficult to vote "no" when so few people would benefit. But if fair play and simple justice are important to you then you should support this bill.

If you believe in fair play, then I beg you, please, please listen.

I argue for this bill, but I can only vote "present" because of a clearcut conflict of interest. I am a very small and rather insignificant member of an agricultural cooperative, the California Canners and Growers Association. Over the years $1,825.80 has been withheld from my crop payments as a capital retain and would be revolved back to me in the future. If this bill does not become law, I will personally lose $1,217.96 of money which is rightly mine and which other pear growers who are not members of a coop have already received. Last Friday, I sold my small pear orchard and so never expect to see the $1,217.96 with or without this bill. But nevertheless, I declare a conflict of interest and will vote "present."

My concern is for the 1,200 small, and I emphasize small farmers who belong to this co-op. The median average capital retain for each of these farmers is $10,150 and unless this bill becomes law each of them will lose $7,105.

Do not let them tell you this is a bill for big business. There are thousands of small farmers and small businessmen involved. The median average capital retain of $10,150 for California Canners and Growers 1,200 members represents about 10 percent of each grower's crop for 8 years. This amounts to an annual median crop average of $12,600. In the case of fruit farmers this is a farm of less than 30 acres.

I doubt seriously that Abbott Laboratories, the principal manufacturers of cyclamates, or the Coca Cola Corp., or the Pepsi Cola Corp., will be successful claimants if in fact they make claims. But there is absolutely no way for the small farmer and co-op member to establish his claim if you do not pass this bill and give him his basic American right of going to court to prove good faith and to have his claim established—a claim which may or may not be paid depending upon the will of a future Congress.

Let us not forget that the withdrawal of cyclamates came at the end of the fruit packing season. Fruit, thanks to God, matures once each year—nature's assembly line cannot be turned on or off like the bottling lines of Pepsi or Cola Cola.

The cyclamate withdrawal came at the end of the packing season when Cal Can's inventory was at its highest annual level. Had it come in March the co-ops losses would not have developed because the fruit would not have been packed.

Was it bad business judgment as Ralph Nader suggests for Cal Can not to recognize the dangers in cyclamates and decide against packing its "Diet Delight" brand of fruit.

Parenthetically speaking, let me say that I asked Mr. Nader to come to my office on last Friday so I could point out the glaring misstatements of fact in his circularized memorandum to House Members. He promised to come in or call me. He did neither even though he was on the Hill speaking to congressional interns.

At page 80 of the hearings Willmott Hastings, General Counsel of HEW told Congressman WALDIE that placing cyclamates on the GRAS list was a stamp of approval by FDA.

Commissioner Edwards of FDA states clearly at page 87 of the hearings that FDA and only FDA has made the determination for the public at large that cyclamates were generally regarded as safe.

In 1967 an FDA "Fact Sheet" said:

> There is no scientific evidence available now that shows that artificial sweeteners are a hazard to the health of man.

Though it is not offered as possible justification for indemnification, the claim by Mr. Nader and others that this bill will reward bad business judgment prompts me to refer to the published standards of identity.

A standard of identity is clearcut permission or license to pack and market according to certain standards.

Reference is made to section 27.14 for artificially sweetened apricots, the full text of which I insert in the RECORD at this point.

ARTIFICIALLY SWEETENED CANNED APRICOTS

(Promulgated March 19, 1959, Effective June 23, 1959)

§ 27.14 Artificially sweetened canned apricots; identity; label statement of optional ingredients.

(a) Artificially sweetened canned apricots is the food which conforms to the definition and standard of identity prescribed for canned apricots by § 27.10, except that in lieu of a packing medium specified in § 27.10 (c), the packing medium used is water artificially sweetened with saccharin, sodium saccharin, calcium cyclamate, sodium cyclamate, cyclamic acid, or any combination of two or more of these. Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose.

(b) (1) The specified name of the food is "artificially sweetened __________," the blank being filled in with the name prescribed by § 27.10 for canned apricots having the same optional ingredient.

(2) The artificially sweetened food is subject to the requirements for label statement of optional ingredients used, as prescribed for canned apricots by § 27.10. If the packing medium is thickened with pectin, the label shall bear the statement "thickened with pectin." When any organic salt or acid or any mixture of two or more of these is added, the label shall bear the common or usual name of each such ingredient.

Please note that official permission to pack with cyclamates was given. And there is a similar standard for nine other fruit products.

If a canner is required to comply with Standards of Identity, then is it not implicit that he has the right to rely on them?

In April 1969—at the beginning of the 1969 packing season—the National Academy of Science established an informal tolerance for human consumption of cyclamates. To reach this tolerance a human being would have to eat between 25 and 35 servings of cyclamate sweetened fruit each and every day.

In order to eat proportionately as much as the rats who triggered the cyclamate withdrawal, a human would be required to eat between 1,250 and 1,750 servings of fruit each day.

Was it bad business judgment to rely on a clear cut safety tolerance established by such a distinguished group as the National Academy of Sciences?

Remember that the study I have referred to was conducted with cyclamates and saccharin. Since then no study involving cyclamates alone has indicated that they cause cancer. Today there is a substantial weight of scientific opinion that cyclamates are not carcinogenic.

Mr. Nader is mistaken when he says that growers can be indemnified with Department of Agriculture section 32 funds. Cyclamate sweetened foods have been declared as unfit for human consumption. Obviously the Department of Agriculture will not buy them for distribution to the poor and for the school lunch program.

This bill will not establish a precedent. On September 28, 1971 FDA clearly warned in the Federal Register the processors can no longer rely on the GRAS list.

Mr. Chairman, under the laws of eminent domain where private property is taken for the public good the public pays the bill.

In our welfare program relief is given to individuals and are paid for by all taxpayers.

If disaster strikes individuals, relief is often given at public expense.

I don't cite these as being comparable to the instant case. But they are instances where actions in the public interest are paid for by all the public, not a small segment of the public.

In this case small growers through their co-op assert that they relied in good faith on a Government action. A subsequent Government action lawfully taken in the public interest injured them. Should they bear the full cost of an action in the public good, or should we all pay for it? I think the moral obligation is clear.

The Government's legal obligation must be proven in a court of law with the burden of proof on the claimant. All we do is give the injured the basic American right of having access to a court.

This bill is fair and in the spirit of fairness I ask you to support it.

Mr. STEIGER of Wisconsin. Mr. Chairman, will be gentleman yield?

Mr. GUBSER. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate very much the gentleman from California yielding.

Mr. Chairman, I associate myself with the remarks of the gentleman in his very extraordinarily clear, forthright, and concise remarks. I rise in support of the legislation.

Mr. Chairman, this bill to grant relief to farmers and processors who suffered losses due to the Government's ban on the use of cyclamates is indeed a legitimate authorization, and its indemnity process is closely guarded.

Cyclamate, prior to October 18, 1969, was listed on the Food and Drug Administration's generally recognized as safe—GRAS—list of substances. This designation has become to processors a governmental approval of the listed substances. Although this was not intended or stated in Agency policy on the working level in and out of Government, this was the case. In a letter to the distinguished chairman of the Judiciary Committee, Mr. CELLER, HEW Secretary Elliot Richardson stated:

> Indeed the list appears to have been relied upon as an official assurance that listed substances were safe in fact.

Testimony before the Judiciary Committee further documents the fact that processors and cooperatives relied on the list. This situation contributes to the unique nature of the situation in that, as a direct result of Federal action, farmers and processors were misled to think the Government tacitly approved of cyclamates. American farmers continue to suffer from the totally unexpected banning of the substance.

I must emphasize the significant safeguards in this bill to prevent abuse. Those suffering loss must prove their loss as a result of the Department's ban before the U.S. Court of Claims. Claims which are approved for $100,000 or more must gain a special congressional appropriation. This, too, is significantly different from other indemnity bills we have considered.

Action by the Federal Government has created this hardship for a large number of farmers in the Sixth District, the State of Wisconsin, and throughout this Nation. This is a very unique situation and affirmative action on this bill is required to correct this situation.

Mr. Chairman, I am proud to be a cosponsor of this legislation which answers a serious need and does so in a safeguarded manner. I urge my colleagues to join me in passing this bill.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I, too, want to join in commending the gentleman from California in the well for his leadership and the manner in which he has presented his case in behalf of the people of California and, in particular, the small growers and grower-owned cooperatives who are going to be so adversely affected. I want to verify the facts he is presenting and associate myself, fully, with everything he has said and will say on the subject of indemnification for people adversely affected by the FDA cyclamate ban order made in the public interest.

Mr. WALDIE. Mr. Chairman, I yield 7 minutes to the gentleman from South Carolina, a member of the committee (Mr. MANN).

Mr. MANN. Mr. Chairman, I believe I see two or three people out there whose minds are not made up. I appreciate their presence.

Mr. Chairman, I regard with some amusement the phrase "his day in court." We have heard from the House's No. 1 lawyer, the gentleman from New York (Mr. CELLER) that he thinks the court of claims procedure will be an exercise in assessment rather than the determination of liability. We have heard the opinion of the gentleman from California (Mr. WIGGINS). We have also heard the opinion of the gentleman from California (Mr. WALDIE). The Members will now hear mine.

How does one rely upon the GRAS list in bad faith? If Members will answer that for me, then I think we can all agree that maybe it is not just an exercise in assessment, because if I walk into that court of claims with a bill that says if I relied on the GRAS list I am paid my direct and indirect costs, I will say, "Your Honor, I relied on the GRAS list and certainly I relied on it in good faith." What kind of knowledge would have to be charged to me to make me not rely on the GRAS list in good faith? There is no such thing.

The bill is an automatic payment upon your appearance on your day in court and your proof of damages—and I assume anyone will know how to do that.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. MANN. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, is it not true the gentleman's point is that a great number of people knew there was something wrong with cyclamates prior to the time of the fact that it was taken off the market and there were a great many people doing research in this area? Is that not correct?

Mr. MANN. That happens to be a fact.

Mr. LEGGETT. So people were doing research in this area and if they had made discoveries concerning the carcinogenic properties of the commodity, then certainly they would not be in good faith and they could not come in under this act and make a claim. Would that not be a situation that would be differentiated from the example the gentleman recites?

Mr. MANN. I will say to the genman from California (Mr. LEGGETT), the record is clear, no one admits any knowledge of finding any damaging or carcinogenic qualities until October 1969. That is the fact.

Therefore, to charge anybody with knowledge prior to that time would be an exercise in futility.

Now that raises an interesting question with reference to the history of the carcinogenic nature of cyclamates. There were other problems, of course, with mutations and other things, but let us get down to the issue here.

Does all that really matter? It all bears on the equities, but the GRAS list was a creature of the FDA. The purpose of it was served when FDA said, "Based on newly discovered evidence you are no longer on the list." Then what do we have? Because they have been taken off of the list, they say, "You have to pay me." That is where we are.

Of course the GRAS list was not originally intended to insure perpetual marketability. We all agree with that. But the proponents say that by some intermediate course of conduct, because the FDA attempted to police that list, because they made an effort to police it, because they made an effort to update it, made an effort to determine whether that product that had not really been tested was safe, they are now estopped from being able to delist it, without paying those who are affected by that action.

I find that interesting.

I do not find the committee action in adding the words "good faith" very exciting, since I find in Secretary Robert Finch's letter of April 1970, in referring to the National Canners' bill, which is the one we end up with, those same words:

> As we understand that case it rests upon the proposition that, inasmuch as food processors have used cyclamates in "good faith reliance" on their RAS listing . . .

So this "good faith" was proposed by the National Canners Association in 1970. It really does not introduce any new congressional test. Let us not hoodwink ourselves into thinking because we are sending this case to court that the Congress is not assuming the full responsibility for this appropriation.

This means we are deciding that the equities here overcome the law. On what basis do we decide that those equities are there?

Well, in deciding that certainly one thing is sure. We are depriving the future marketers of food additives of any incentive to market safe products.

What equities were changed in September 1971? This is really very humorous, when we examine the disclaimer published by FDA in the Federal Register on September 28, 1971. What equities did that change? How about the man who had his millions invested in his production equipment? After FDA said, "Well, you can no longer rely on the GRAS list," what then? He has relied on the GRAS list. He is in business. Who will pay him?

We can read the disclaimer on page 113 of the testimony, which the gentleman from California, Mr. GUBSER, read. Let us read it again.

> The decision to use a particular GRAS (generally recognized as safe), food additive, or prior sanctioned substance in a food is a voluntary one. Proper economic planning for the decision * * *.

Was it ever intended that the Government relieve anyone of proper economic planning in the first place?

> Proper economic planning for the decision should recognize that the substance and the food containing the substance may subsequently become unmarketable.

Did the Government ever guarantee it would not?

> Because the substance has become newly recognized as posing a hazard to the public health.

"Newly recognized" is what happened in this case.

I conclude by again calling attention to the statement of Health, Education, and Welfare Secretary Robert Finch. It seems there has been a change of heart in certain circles about the bill.

> The implications of the bill are farreaching and its enactment would inevitably be

persuasive precedent for a damage claim whenever the Government, for safety reasons, were to require that a product previously generally recognized as safe or otherwise cleared for use be withdrawn or withheld from the market.

(Mr. ROBINSON of Virginia (at the request of Mr. Smith of New York) was granted permission to extend his remarks at this point in the Record.)

Mr. ROBINSON of Virginia. Mr. Chairman, I support the enactment of H.R. 13366 which would provide compensation to those who relied on good faith on the Government's approval of cyclamates for use in food. This bill would allow the growers, manufacturers, packers, and distributors of foods containing cyclamates, to seek indemnification in the court of claims for losses suffered when the use of cyclamates was banned on October 18, 1969.

Some have argued that compensation should not be granted because those who used cyclamates did so at their own risk, should have known that a ban was possible, and prepared for it. It is true that there were some allegations by scientists prior to the ban that cyclamates were unsafe. These allegations were not supported by solid evidence. The more respected scientific opinion represented by the National Academy of Science and the World Health Organization continued to approve the existing use of cyclamates in food up until the time of the ban.

The critical point, however, is that in the face of this scientific controversy, the users of cyclamates looked to the Food and Drug Administration for guidance. The Food and Drug Administration approved of the use of cyclamates in food in its published regulations, which were in effect up until the very day on which the ban on cyclamates was announced. The good faith reliance of the users of cyclamates on these regulations and on the judgment of the Government agency primarily responsible for the safety of foods was certainly the reasonable course.

Under the circumstances, the compensation of the persons so relying when the Food and Drug Administration was forced by operation of law to ban further use of cyclamates is only just and equitable.

Mr. SMITH of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Chairman, unlike Mr. Gubser, I have no personal interest or conflict of interest in this bill. I am here in the interest of fair play. In my opinion, when a responsible person makes a mistake costing another person money, he should be pleased to correct that mistake. I think most of us do. In this case, in my opinion at least, the Government made a mistake. Those who suffer because of this mistake should, at least, have their day in court.

Mr. Chairman, I have heard the name California Canners & Growers Cooperative Association used on several occasions during the debate here today. I happen to know something about it for this reason: I have in my district a good friend, a warehouseman, who happens to have 114,000 cases of this fruit banned for sale at the present time. It belongs to this cooperative association. He has had it for about 3 years, and it has cost this company about $60,000 which they have paid him for warehousing it. He tells me its value is somewhere around three-quarters of a million dollars. It appears very ironic to me—and I hope Members pay attention to this—and he told me this morning, that just recently he shipped 60,000 cases of this to two of our friendly countries overseas. I have their names, but I do not believe it will serve any useful purpose to give those names. I know where they are. If we can ship it overseas, why can we not use it here at home? It is very ironic to me. Apparently it does not matter if we harm people overseas. I am one who believes that the little amount of cyclamates in this product will not harm anyone, but I say if it is harmful to people here, why should we allow it to be shipped to our friends across the pond?

Mr. Chairman, I support this bill. I realize it is a spending bill, and I oppose money spending bills, but in this particular case I believe it is a legitimate expenditure of funds.

Mr. WALDIE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. Donohue), the chairman of the subcommittee.

Mr. DONOHUE. Mr. Chairman, this bill H.R 13366 does not specifically provide a means for reimbursement to the domestic growers of California alone. It provides reimbursement for manufacturers, the manufacturers of cyclamates, the packers, the distributors, all as a result, as they claim, because of the actions of the Food and Drug Administration. What are the duties and responsibilities of the Food and Drug Administration? It is to protect me and to protect you and to protect all of us in the matter of the food and in the matter of the drugs which we have to consume in order to sustain life and health.

This is a bill to reimburse commercial interests, business interests that have been going along since 1950 using cyclamates for profit—and you can be assured they made enormous profits—and they were making these profits when the Federal Drug Administration came out with this ban.

The question is: Is there any responsibility or any obligation on the part of a person that uses additives, be they chemical or otherwise, to food and drugs? Well, I assume that everyone is presumed to know the law. In 1958 this Congress passed the Delaney Act. To those of you who are not familiar with the Delaney Act let me read it to you.

It provides that no additives shall be deemed to be safe, whether it is on the GRAS list or not, if it is found to induce cancer when ingested by man or by animal, or if it is found after tests which are appropriate for the evaluation and the safety of the food additives to induce cancer in man or animals.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. Donohue) has expired.

Mr. WALDIE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Massachusetts (Mr. Donohue).

Mr. DONOHUE. Mr. Chairman, I submit to the Members of this House that the opposition is justified in opposing this legislation because it would compensate a specific group of claimants for business losses incurred after our Government took valid and necessary action as directed by law under the Delaney Act.

The bill H.R. 13366 would provide the means for reimbursing commercial interests for costs incurred when products containing cyclamates could not be marketed because the U.S. Government banned the use of cyclamates, a food additive, because of the danger they posed to the health of our citizens. I oppose this legislation because it would compensate a specific group of claimants for business losses incurred after the Government took valid and necessary action as directed by law. The law required the Government under the Delaney Act to act to protect the citizens of this country after cyclamates were proven to cause cancer in animals in laboratory tests.

While the bill is drafted in the form of a jurisdictional bill, its obvious purpose is to utilize the Court of Claims as the means to fix the amount of costs directly or indirectly attributable to products of claimants affected by the ban. It must be emphasized that there will be no occasion in those proceedings to test the validity of the Government's action. The validity of that action is in fact conceded. The court would merely be called upon to compute the amount under the somewhat vague standards of the bill and then to enter judgment.

The history of this matter discloses that many years before the ban questions were raised concerning the use of cyclamates and their safety for use in food. Almost throughout the history of their use, scientific reports indicated that cyclamates should be restricted to special diets.

Later, it was recommended that the indications of potential harm were such that the amounts of cyclamates consumed by children and others should be strictly limited. Disturbing indications as to serious effects on the human body were made well in advance of the 1969 ban on their use by the Government. In the face of all this, the widespread use of cyclamates by food processors in the period prior to 1969 can only be regarded as a situation in which commercial interests took an unwise business risk primarily prompted by prospects of profit. I do not feel that this history establishes the equitable basis for the Government to assume the responsibility to pay the many millions of dollars of compensation which would be authorized by this bill.

I say that this is not a matter of equity because I say that by permitting them to go into court under the circumstances provided in this bill they are going in merely on a question of damages, and the Government should not be required to pay damages unless it has committed a wrong, and I submit that our Government did not commit any wrong when it saw fit to place a ban on something that was most injurious to the health of the general public.

Mr. SMITH of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, in expressing my support for this legislation, H.R. 13366, I want also to question the wisdom of that governmental action which required the destruction of large quantities of products containing cyclamates—resulting in the losses which are sought to be reclaimed under this legislation.

Mr. Chairman, charges which have been made against this bill include claims that cyclamates in food products rendered those products contaminated and dangerous. My attention has been drawn to a charge by the Consumer Federation of America that products containing cyclamates are "contaminated"— and that cyclamates is cancer causing.

Mr. Chairman, except for the research conducted by Abbott Laboratories itself—which revealed no danger to humans whatever, there would be no basis for the FDA to order cyclamates withdrawn from the GRAS list. The experiments which resulted in developing a carcinogenic condition in the bladders of rats when injected with large amounts of cyclamate did not, in fact, establish proof that cyclamates constitute a contaminant in food, or are dangerous to humans. The fact that cyclamates were employed for a period of at least 20 years without any evidence of injury to humans is convincing proof that a contamination charge is without foundation.

Mr. Chairman, the charges revealed by the so-called National Health Foundation are even farther afield. It is claimed in a letter from that organization dated April 24, 1972 that "birth defects were caused by cyclamates." There is, of course, absolutely no evidence that any human birth defects of any kind or at any time were related in any way to human consumption of cyclamates.

A communication from Ralph Nader dated March 22, 1972, is replete with inaccuracies. For instance, on page 6 of his letter, he charges that "producers of cyclamate products escape paying charges for the harm inflicted on consumers."

Mr. Chairman, Ralph Nader should know if he has made even a cursory examination of the record that there is absolutely no evidence that any consumers were ever damaged by consumption of cyclamates. Quite the contrary, it is established that literally millions of Americans were able to carry out weight control programs by consuming products containing cyclamates instead of being damaged by overweight and suffering all of the consequences which result when sugar is employed as a sweetener instead of the calorie-free cyclamates which Abbott Laboratories developed and produced.

Mr. Chairman, it takes very little thought to recognize that excessive amounts of sugar can produce extremely critical health problems. Yet we are not condemning sugar as a contaminant, and we do not propose to subject it to the same requirements as cyclamates. Yet if we regard use of cyclamates fairly—on the basis of the scientific evidence which has been produced—we will conclude that cyclamates have never been known to cause any serious harm to a single human being, and the industry which developed and produced it should not today be criticized unfairly or inaccurately.

Mr. Chairman, let me state in its behalf that the scientific research which resulted in the withdrawal of cyclamates from the GRAS list was conducted by Abbott Laboratories itself. I am not here complaining about the action which the Food and Drug Administration has taken but I do defend Abbott and its customers, and the various producers of food and drink products who used cyclamates until prevented by the FDA. I support the case of those innocent victims of governmental action which this legislation seeks to remedy in order that they may be permitted to present their claims to the U.S. Court of Claims. I rather doubt that Abbott Laboratories itself will ever present such a claim. However, in equity and in justice, it should not be deprived of this right any more than any other company, large or small, should be deprived of the benefits of this legislation. In the final analysis, I believe for the most part it will be the small producer who will be protected by the action which I hope the committee will take today in the passage of H.R. 13366.

Mr. SMITH of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. Miller).

Mr. MILLER of Ohio. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I note on page 7 of the report it says that:

> At the hearings conducted on the legislation the potential cost was estimated at between one hundred million and one hundred and twenty million dollars.

My question is to someone on the committee because in the bill it states that "the claim is for losses sustained by growers, manufacturers, packers, or distributors."

Now surely we would have a list of how much would be claimed by each group and what they could collect because of damages to their organization. Does anyone have the particular information?

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I am glad to yield to the gentleman.

Mr. SISK. I thank the gentleman for yielding.

This breakdown simply goes to various segments, three segments, basically that would be affected by this.

The canners, according to the Department of Commerce—let me say that these figures are basically from the Department of Commerce and not as some have charged from some of the direct participants—and these figures would indicate the maximum in connection with the canners would be $35 million.

Now they indicate they do not think it will run more than $33 million, but at the outside the ceiling would be $35 million.

The soft drink manufacturers again in connection with this estimate, as you understand, assuming claims are filed, could run between $30 million and $35 million.

The third part where an estimate was encouraged has to do with the dietary food people. This is a more difficult area in which to estimate, but the best estimates of the Department of Commerce is that this figure would run as a ceiling from $40 million to $45 million.

You see, that brings you up to approximately $120 million that we considered as the absolute ceiling.

I would conclude by again thanking my colleague for yielding and state that based on the best estimates actually that we have on behalf of the industries affected themselves, I do not believe it will ever approach $100 million at this late date.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman.

Mr. CELLER. In the hearings, on page 41 we were told that the Department of Commerce has no estimate of what the losses will be.

Beyond that there is no one who can tell us the number of claimants who will claim damages in the Court of Claims. We do not know the number of claimants whatsoever.

It is like a blind man looking for a black cat in a dark room.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman.

Mr. GUBSER. On reading further on page 41, it says:

> Mr. Chairman, if you will note in our statement we say that is from industry sources. It is not an independent figure of ours. We have asked the bottlers, the canners, the people who produced the cyclamates, to give us an estimate of what their losses actually are. I would not put that figure forth as one which the Department has arrived at by any analysis.

These are estimates by people who incurred losses.

I might add further, if the awards are made, they will be subject to taxes and in the case of a corporation—a 48-percent tax.

So we should consider the net impact on the Treasury, which will be considerably less than $120 million.

Mr. WALDIE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Johnson).

Mr. JOHNSON of California. Mr. Chairman, on October 18, 1969, the then Secretary of Health, Education, and Welfare, Robert Finch, announced a ban on the use of cyclamates as an artificial sweetener. This action, though accompanied by assurances that there was no evidence of danger to humans, has had an estimated cost to canners in this Nation of approximately $100 to $120 million. The necessity for this cyclamate indemnity legislation was brought clearly to my attention by the specific inequity which occurred with respect to fruit canners and growers within my district and throughout California. The canners of fruit stand to lose $33 million if legislation is not passed to rectify their loss. This loss has been felt dramatically by not only the canner but also by the growers of fruit. This bill, of which I am cosponsor, would provide a fair and equitable means of helping to relieve the burden of this loss.

The loss, after all, was incurred as a consequence of the action of Government. The food producers and canners affected operated entirely in good faith and within the law in relying on the Food and Drug Administration's generally regarded as safe—GRAS—list. The losses were taken through the market, but were caused by Federal intervention rather than the natural forces of the market. The Federal Government has a moral obligation to reimburse losses which result from official Government actions.

It has been contended that this reimbursement would set precedent which would, in turn, serve as a stimulus to or a reprieve from bad management and health practices on the part of the food and drug industry. I cannot concur with this position.

There are several existent precedents for taking such action. In 1959, the Agriculture Department paid $10 million to compensate cranberry growers when they took losses as the result of an announcement by the Secretary of HEW destroying public confidence in cranberries. Shortly after that, compensation was similarly made in a case involving the use of stilbestrol on certain poultry products. In 1964, dairy farmers were compensated for dairy products removed from the market because of residues from chemicals which were registered and approved for use by a Federal agency. The precedent is clear—the enactment of H.R. 13366 would only extend to those food growers and canners hurt by the cyclamate ban the same kind of indemnity the Federal Government has previously given to others in similar cases.

In addition, all executive departments involved support this legislation. The Agriculture Department, the Department of Commerce, the Department of Health, Education, and Welfare, the Department of Justice, and the Office of Management and Budget have all expressed their approval in letters to the Committee on the Judiciary. Furthermore, on the basis of all the facts, the bill was approved in subcommittee and by better than a two to one margin in full committee. The wide support this legislation has attests to its fairness and merit.

This legislation is not a give-away bill. Reimbursement for lost profits are specifically barred and all claims must be justified. Ample safeguards have been provided in the legislation against unreasonable claims. Any judgment in excess of $100,000 must be submitted to Congress for its approval through the appropriations process. Any claims of less than $100,000 will come under the jurisdiction of the U.S. Court of Claims. Indemnification will be dependent on a finding by the Court of Claims that claimants relied in good faith on the Federal Government's listing of cyclamates as a "generally recognized as safe" substance.

I would like to commend the Committee on the Judiciary for its intensive examination of and eventual affirmation of H.R. 13366. The action of the committee in relation to this bill has contributed to my high esteem for the Committee on the Judiciary as a whole and for its members as individual legislators.

In the name of equity I respectfully urge your support.

Thank you.

Mr. WALDIE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I am opposed to H.R. 13366, the cyclamates ban compensation bill now before us. I think a better title for this measure would be the "cyclamates bailout" bill, to borrow from another Government giveaway to big business of recent memory. Here, however, unlike the Lockheed situation, no arguments of national security can be advanced, nor can it be argued that the Government was at fault.

When a bill comes before us which, by the admission of its proponents, would cost the Federal Government substantially more than $100 million in cash payments to profitmaking corporations, for which the Government and the people would receive nothing in return, I think we have a special duty to examine it carefully.

The theory of this bill is that, first, there were some manufacturers, packers, and distributors who relied on a Food and Drug Administration list which at one time included cyclamates among the substances considered to be food; second, they were entitled to rely on this list; third, when the FDA banned cyclamates as dangerous to human health those corporations were taken by surprise; and, fourth, the Government has a duty which, although not embodied in any existing law, requires it to indemnify all businesses which suffered losses as a result of their commerce in this dangerous substance.

Mr. Chairman, the evidence before our Judiciary Committee simply does not justify any of these conclusions. The evidence disproves all four conclusions. That evidence is, of course, contained in the hearings and report which are available to every Member. I urge you to review those documents carefully before voting on this giveaway. An impartial study of the evidence will lead you, as it has led me, to conclude that there is no factual basis or legal basis for such an extraordinary dole of taxpayers' money to these claimants, a dole which may cost more than $300 million, which will cost at least $100 million by the most conservative estimate, and which will be of no benefit to the citizens of this country.

There is an issue presented by this bill which is much larger than $300 million or the profit statements of soft-drink manufacturers, however. That issue is whether the Government should be expected to indemnify corporations which have engaged in commerce in products which Government agencies conclude pose a danger to public health or safety.

Have we suddenly reversed the entire basis of commercial judgment and business risk upon which our free enterprise system is predicated? Have we determined that the Government is an insurance company holding a policy on misjudgment by businessmen? Have we considered the likely consequences if businessmen can rely on the Government to reimburse them for investments in products which cause injury and disease?

Such a policy would be against the public interest by any measurement of that interest.

Cyclamate merchants knew for years that this substance had safety risks. If we vote to reimburse them for ignoring their independent foreknowledge we will be inviting businesses to ignore their own better judgment, make as much money as they can selling dangerous products, and finally seek indemnification from the Government when the evidence of danger becomes so overwhelming that the Government takes the drastic step of flatly forbidding commerce in the dangerous substance.

Even if these claimants had not known cyclamates are dangerous, it would be wrong to indemnify them. Our policy should be to encourage businesses to conduct research into the safety of the products they sell, not to discourage them.

Ralph Nader has said:

> The government must rely on businessmen for their part in assuring the safety of their products. The food industry is a $125 billion-a-year industry. The FDA has only $43 million this year to police food hazards, 1/3000 the scope of the industry.

It seems to me that if we put this massive indemnification program into effect the inevitable corollary will be a massive increase in the size and budgets of regulatory agencies. Without traditional self-regulation and self-restraint on the part of businesses, we will need a vastly increased Federal bureaucracy to take up the slack.

We must also ask ourselves how free and forthcoming will be the conscientious scientists and administrators of our regulatory agencies if they know that their decisions to protect public health will cost the Government hundreds of millions of dollars?

There is no merit whatsoever in the argument that this bill would merely bring those who believe themselves injured before the court of claims for adjudication. As we pointed out in the dissenting statement in the report on this bill:

> It can clearly be seen that the only real function of the Court of Claims will be to assess damages.

The right to collect those damages being conclusively established by this bill.

If we pass this bill, Mr. Speaker, I hope the proponents will support an increased budget for the Sergeant at Arms of the House, because we are going to need a lot of assistance in controlling the long line of claimants from every industry and every walk of life which will form at the door of the Judiciary Committee.

I insert at this point in the RECORD Ralph Nader's well-reasoned letter of opposition to this bill:

MARCH 22, 1972.

The Honorable EMANUEL CELLER,
Chairman, House of Representatives, Committee on the Judiciary, Washington, D.C.

DEAR REPRESENTATIVE CELLER: Last week, Subcommittee Number Two of the House of Representatives Committee on the Judiciary approved legislation that allows reimbursement of alleged losses that manufacturers and distributors of cyclamates incurred when the substance was banned in 1969.

This bill, H.R. 13366, is a serious injustice to the nation's consumers and a serious threat to public health policy. Its enactment would be crass precedent for reimbursing other alleged economic losses from reasonable government exercise of the police power, and a deterrent to effective federal agency action on environmental hazards.

For the above reasons, I direct your attention to H.R. 13366, asking that the Committee on the Judiciary fully explore its ramifications, a course of action which should persuade the Committee to decisively reject this ill-conceived legislation.

The bill authorizes the U.S. Court of Claims to indemnify losses that growers, manufacturers, packers, and distributors suffered in "good faith reliance on the safety" of cyclamates by virtue of "its inclusion and continuance on the list of substances that are generally recognized as safe . . ." It has been supported by the National Canners Association, which wrote the bill, the Soft Drink Industry, the Glass Container Manufacturers Institutes, Abbott Laboratories, and others.

The cyclamate industry justifies its pleas for indemnity of losses by raising the spectre of sudden, arbitrary governmental action in banning cyclamates. There is no such spectre here. Like most cases of government safety regulation, signals of a cyclamate hazard have been developing gradually over many years. Strong clues were available to a sensible businessman to contract rather than expand his cyclamate market, and to develop alternative "diet" products.

The industry was first put on warning in 1951, when FDA scientists published a study of artificial sweeteners which reported unexplained tumors in their cyclamate-test rats. In 1955, the Food and Nutrition Board of the NAS/NRC, in a public report, warned that cyclamate use should not be expanded, since its long-term safety was unknown and since it exhibited impressive physiologic activity. In 1962, the Food and Nutrition Board reiterated its warning: "The priority of public welfare over all other considerations precludes . . . the uncontrolled distribution of food stuffs containing cyclamate."

These warnings were repeated by the NAS board in 1968. In 1966, Japanese scientists reported that cyclamates could, passing through the body, create a different chemical called cyclohexylamine (CHA) a chemical so dangerous that the FDA had, in 1958, established a tolerance level of 10 parts per million of CHA in certain food-processing procedures. A scientist at the University of Pittsburgh reported that in persons whose systems converted cyclamates into CHA, CHA was introduced in amounts of from 20–500 ppm or more. A packet of artificially sweetened Kool-Aid converts to 3,200 ppm of CHA in a significant portion of the population.

In 1967, the World Health Organization recommended a restriction of cyclamate intake. In March 1968, an FDA scientist reported a firm relationship between cyclamate injected into chicken eggs and deformities of embryos taken from the eggs. She found that cyclamate is a "specific teratogen, having the ability to produce phocomelia and similar defects in the [chicken] embryos".

In the same year, 1968, the year before the ban, a respected FDA cell biologist received wide publicity when he reported his finding that small amounts of cyclohexylamine produce chromosome breakage. Other danger signals available to the food producers before the ban included these:

1. A study showed that regular use of cyclamates might disrupt effects of anticoagulants in humans, perhaps through inhibiting Vitamin K effectiveness, an effect that would cause bleeding problems.

2. Cyclamates affect the intestinal tract, causing softening of the stool.

3. Cyclamate use causes a change in the way the body absorbs certain drugs by, for example, affecting the way substances bind themselves to plasma, probably altering drug effectiveness.

4. Cyclamate absorption into the body is increased by consumption of caffeine, fats, citric acid; cyclamates are distributed through breast milk and the placenta.

In addition, it was discovered that a significant proportion of food grade cyclamates contained CHA, so that even those people who do not convert cyclamate to CHA are likely to be exposed to it.

In 1968, the NAS committee issued another report, again warning that the long-term safety of cyclamate was unknown and cautioning against the unrestricted use of cyclamates. In April, 1969, the FDA announced that no adult should consume more than 3.5 grams and no child more than 1.2 grams cyclamate daily. In the fall of 1969, a new study showed conclusively what earlier studies had suggested—that cyclamate caused bladder cancer in rats. In October, 1969, FDA banned all cyclamates in food, a ban which was partially rescinded and then reinstated in September, 1970.

Virtually all of the industry's testimony to the Judiciary subcommittee emphasized the element of surprise at the cyclamate ban. This was the basis of their argument that the ban was arbitrary, and that they should be paid because the government was at fault. In view of the scientific hazard signals apparent for over 15 years before the ban, these arguments for indemnity can only be called fatuous. Further, food products containing cyclamate during all those years were required to bear the label: "should be used only by persons who must restrict their intake of ordinary sweets." How could the producers of such products NOT know that safety doubts had arisen?

Moreover, most of the manufacturers were prepared for the ban. Pepsi-Cola had readied a new diet drink without cyclamates one year before the ban. Coca-Cola told the New York Times that it was equally well prepared. "Taking out insurance" was the way Coca-Cola President Charles Adams described the readiness of Coke's new diet product when the ban was announced. "We've been working with [alternative] artificial sweeteners since the early sixties." These companies had diet drinks without cyclamates on grocery shelves inside of a week, as did Cott and No-Cal. One cyclamate grocery producer, the Alberto-Culver Company, stated: "We made a prudent decision months ago to develop a reformulation of our product without cyclamate content. This we have done and we will begin distribution of the reformulated product before the government deadline."

Now the cyclamate industry is hustling indemnities on the basis of the suddenness of the ban, waving a banner of arbitrary governmental action in spite of the long years of warning. Tests since the ban have further amplified the evidence of danger available in 1969.

The industry also claims the government owes it money because cyclamates were in the Generally Recognized as Safe List. GRAS status for a food additive is not, and never has been, a guarantee by FDA of perpetual marketability of a product, much less a free insurance policy. The FDA has never represented it as such. It is a technical category of substances exempted by the 1958 food additives amendment to the Food, Drug, and Cosmetic Act of 1938 from the necessity of filing food additive petitions before marketing. It constitutes no stamp of approval whatsoever. The government has never encouraged any manufacturer to use GRAS substances or manfacture foodstuffs using cyclamates. By exempting a substance from filing food additive petitions, the government does not solicit the marketing of any substance on the GRAS list. That the food industry has used GRAS status as a sales gimmick in marketing their additive products must not obscure its legal meaning or the lack of negligence or misrepresentation on the part of FDA. An FDA determination that a substance need not file a food additive petition is not government endorsement of a product. It is a determination that at that point in time, evidence of possible hazard does not exist. The principle at stake here is extremely broad. If the government puts itself in the position of guaranteeing a product in its routine product safety surveillance, the industry is completely absolved of responsibility for its products. Some degree of self-restraint by industry is essential to the public health. Th government must rely on businessmen for their part in assuring the safety of their products. The food industry is a $125 billion-a-year industry. The FDA has only $43 million this year to police food hazards, 1/3000 the scope of the industry. There is, given the limited scope of any Federal agency, no way to completely assure the public health unless the private sector assumes a prudent responsibility itself.

Indemnities deprive manufacturers of all incentives to market only safe products. Under ordinary market conditions, a manufacturer is compelled to keep up to date on all the latest literature on the subject of safety. Should doubts arise, he has financial reason to improve his product to erase safety doubts, or to find alternative products, lest he be burdened with unsalable goods if the product is restricted. The availability of indemnities destroys self-control by members of the industry. A government act to protect the public health is always preceded by the duty of the company to have acted voluntarily or be subject to the risks of negligence or of the marketplace. Indemnities make the entire responsibility for product hazards rest upon the government and the taxpayer.

How can the Congress refuse to indemnify manufacturers of other products once the cyclamate industry has been indemnified? Won't a Congressman be charged with discrimination against all other industries if their products are withdrawn from the market and he refuses indemnities for them? Indemnities are, once started, an unending demand. Since Lockheed, industry has begun to pressure the House for them, as witnessed by the blanket indemnification provision for all pesticides banned because of "imminent hazard" to the public health in the Pesticide Control Act presently under Congressional consideration.

The indemnity principle pays industry to stop marketing poisonous products. Do we really want to pay a businessman who has inserted into our food supply a product which may result in serious disease? Is this not like covering income losses that a criminal will suffer when we convict and imprison him? Are not indemnities virtually encouraging disregard for the public health? Do they not ensure that the level of marketplace hazards will soar upward?

Expected claims under this bill amount to over 100 million dollars. Should taxpayers pay $100 million to industry just because it had to stop putting a carcinogen, teratogen and mutagen in their food supply? If any bill provokes a taxpayer revolt, it will be this raid on the Treasury. Imagine any member of this Committee having to explain this monstrous special interest bill to his taxpayers, citizen constituency. Really, how could he justify it against a thousand infinitely more just ways such as supplying kidney machines to save the lives of over 7,000 Americans a year who die because these machines are too limited in number.

Industry representatives at the hearings, with one exception, refused to state for the committee exactly how much money they would claim. California Canners and Growers did state they would claim about $15 million. But the massive interests, Abbott Laboratories, the Soft Drink Industry, and the National Canners Association, did not even estimate for the record the amount of money they wanted. The reluctance of the large claimants to state their sum further confirms the suspicion that the $100 million estimate is just for starters.

If it is determined that small farmer groups suffered losses which they should not bear, there appear to be two appropriate remedies available, which would meet their burden without enlarging the pockets of the large industries. First, the U.S. Department of Agriculture under 7 U.S.C. § 612C(3) has authority to make payments to farmers in distress. This provision was used to aid cranberry growers when FDA issued contamination warnings in 1959. Second, the Congress could provide an explicit cause of action by buyers of bulk chemical products whose products are unsalable against the manufacturers of the chemicals. Such a cause of action would increase the incentive for primary manufacturers to assure the safety of their goods. It should be noted that all buyers of Abbott Laboratories bulk chemical products, including cyclamate, sign contracts which have Abbott expressly disavowing warranties of safety.

Finally, the Committee should recognize that this bill, if passed, would constitute significant and ominous precedent for government assumption of a new obligation to recompense for economic injury resulting from reasonable exercise of the police power. Traditionally, the Congress has adhered to the constitutional distinction between reasonable police power and a "taking". This enormous obligation should not be taken lightly. It certainly should not be undertaken in the case of the cyclamates, products replete with potential hazards to the estimated 75 million innocent consumers who ingested them, for sellers who for years ignored blatant safety questions. Sell now, worry about consumer health later, can hardly be a basis for government indemnification. Not only do the producers of cyclamate products escape paying damages for the harm inflicted on consumers, but they want the taxpayer to pay them for their negligence. What a brazen presumption.

H.R. 13366 is one malodorous rhetorical question, to which there can only be one answer, whether in an election year or not. That answer is a resounding no!

Sincerely,

RALPH NADER.

CONSUMER FEDERATION OF AMERICA,
Washington, D.C., July 21, 1972.

DEAR CONGRESSMAN: Consumer Federation of America must oppose HR 13366, providing indemnification to the cyclamate industry. We do not believe that such financial losses should be paid by the Federal Treasury.

Consumers suffered risks to their health for many years because food manufacturers added cyclamate before they had adequately tested its long-range effect. Cyclamate was produced at a rate of 17 million pounds annually, according to one survey, reaching 76% of all families in the U.S., without adequate testing.

This chemical was pumped into the food supply even though, as the National Academy of Sciences Food Protection Committee reported, cyclamate was cancer-causing, was suspected of causing gene mutations, and caused birth defects in animals.

The cyclamate industry should not be rewarded for adding a substance with these serious risks to our food. If they are reimbursed with taxpayers' money, Congress will be rewarding incomptent business decisions and disregard for consumers' health.

Paying the cyclamate industry will establish a precedent for government obligation to pay all manufacturers when the government restricts products because they are dangerous. Congressmen will be unable to refuse other constituents asking for like favors.

The Federal government covered cranberry growers and milk losses in 1959 under the Agriculture Department's authority to assist small farmers (7 USC § 612 c(3)). The cranberry industry was not the beneficiary of special legislation. In that case, some cranberries which were contaminated with a cancer-causing weed killer, aminotriazole, were mixed with safe cranberries. FDA had to warn consumers not to buy any cranberries, because it could not isolate the safe crop from the unsafe.

The cyclamate indemnification bill would set a precedent for paying those whose products were *contaminated* by cyclamate, not those whose products contained no risk to health.

Sincerely,

ERMA ANGEVINE,
Executive Director.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. Yes, I will yield to the gentleman from California.

Mr. GUBSER. I think the gentleman is very confused when he brings cranberries into the situation. In the situation he refers to the cranberries were not tainted generally. A small lot of them were tainted, but the publicity about that small lot tainted the marketability of the remainder. The Department of Agriculture used section 32 funds to buy untainted cranberries for distribution to the poor and to the school lunch program, but they could not by law purchase cyclamate sweetened fruit.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SMITH of New York. Mr. Chairman, I yield the gentleman one additional minute.

Mr. DRINAN. I suggest that the distinguished gentleman from California has not sufficiently researched the precise section, title VIII of the United States Code, section 612. There is a reference to this matter in the dissent of the Judiciary Committee. A remedy for farmers does already exist. I suggest that the other three groups who, if this bill passes, will have their day for collection—the manufacturers, the packers, and the distributors—are behind this bill. That is one of the many reasons why Secretary Robert Finch, who opposed it as Secretary of HEW, is now in favor of it.

Mr. GUBSER. Will the gentleman yield further?

Mr. DRINAN. If I have the time; yes.

Mr. GUBSER. The farmers who are hurt belong to a co-op. This is a corporate entity, and they happen to own the co-op, but they, as individuals, cannot come to the Department of Agriculture and secure indemnification.

It can only be secured through the corporate entity so the situation which the gentleman is describing is totally different from the type of relief which is given to farmers under agricultural law.

Mr. WALDIE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Chairman, I wish to commend to the Members of the House, the bill under consideration today, H.R. 13366, which would provide the legal framework and machinery to expeditiously correct a great error of timing of the Food and Drug Administration's ban on products containing cyclamates.

The cyclamate ban was announced on October 17, 1969, and put into effect on September 1, 1970. I do not quarrel with the substance of the cyclamate ban itself, as the FDA acted with propriety to protect the American consuming public from a health danger.

But, I do question the timing of the ban, which came after the harvest and canning cycle was underway and for the most part finished. The October announcement left thousands of growers, manufacturers, packers and distributors holding large inventories of processed foods containing cyclamates. Though the ban provided a grace period during which these products could be marketed, the buying public was warry of purchasing these products—even at sometimes discount prices.

As a result of the ban's timing, which came without sufficient warning, a great economic harm was placed upon the agribusiness community across the Nation and in the 15th District of California, which I have the privilege to represent.

National estimates show that there were $111 million in direct losses which include $32 million to the canning industry, $34 million to the soft drink industry, and $45 million to all others, including individual growers.

Some of these losses were sustained by corporations, which have tax writeoff benefits, though such losses cannot fully be recovered by tax adjustments.

Nonprofit agricultural cooperatives, which form a key element of the economy of this Nation and quite profoundly in the 15th District of California, have no writeoff privileges and must fully sustain losses resulting from the ban.

Not only have the cooperative organizations sustained losses, but the individual farmer-members have been hit hard by the ban, with an average direct loss of $7,000 each.

For example, one of my cooperatives has advised me that the cyclamate ban resulted in about 530 growers in northern California sustaining $1.4 million in losses over and above $2 million in additional losses in 1969 due to other factors.

One constituent, out of many who wrote me about their economic hardships because of the ban, said that it resulted in a direct $3,000 loss for his family which operates a 90-acre peach ranch.

These examples briefly indicate the type of the losses which have occurred to the growing-processing-distributing community in the 15th District and the Nation.

Once again, I must emphasize that the

ban was ill-timed and because it was an action of a Federal agency, we in the Congress have a duty to provide for the correction of this error.

H.R. 13366 would perform this task. It provides that claims for losses can be submitted to and processed by the Court of Claims under procedures already provided by statute and policy.

These claims would be for direct economic losses and not for profit losses.

The bill also provides that suits can only be brought before the Court of Claims within 1 year from enactment. This provision is important for it would allow for the most expeditious resolution of the claims.

I am also encouraged by the fact that various administrative agencies have either supported this legislation or have not raised objections to it in reports to the Judiciary Committee. These agencies include: the Department of Commerce, Department of Agriculture, Department of Health, Education, and Welfare, the Department of Justice, Office of Management and Budget, and Department of the Treasury.

I believe that H.R. 13366 is an important measure designed to provide for a responsible method to correct an economic injustice to many in the agricultural community and I urge its favorable consideration by my colleagues in the House.

Mr. WALDIE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, all I can suggest to the preceding speaker is that if the farmers were entitled to recover from any source other than this form, the gentleman can rest assured that is where they would be seeking to recover. That was the first bit of advice given them, assuming that this was similar to the cranberry situation. They did inquire of the Department of Agriculture and were told there was no possibility of recovery under that act. It is entirely possible that the Department of Agriculture was incorrect, but that is the advice they had to take from the Department, and that their lawyers confirmed, so they are here not as a cover or as a front for some special interest. They are here because they were damaged and had no other place to go.

The gentleman also suggested businessmen for 15 years ignored the warnings about cyclamates. If the businessmen ignored the warnings about cyclamates, what did the Government do? If business is culpable in this instance, then Government is even more culpable. Government is the one that persisted in maintaining this item on the GRAS list, as generally recognized as safe.

Members can say what they like about the GRAS list. They can place it wherever they want to place it in terms of the importance of things, but the fact is that the Commissioner said and the counsel for the Department of Commerce and the Department of Justice all said that the GRAS list was such that the people who were using cyclamates did in fact rely on it.

So if all this volume of knowledge were available to the business community, it just as certainly was available to the Government and the Government is culpable.

Why do we shrink from accepting the fact that the Government can be culpable? Why do we suggest there is something wrong about suing the Government? We are hung up on the old medieval concept that the Government can do no wrong. The sovereign has done something wrong. The sovereign did a great deal of wrong and caused a great many people to be damaged. If the claimants knew of this vast body of knowledge, as the gentleman from Massachusetts claims, they cannot recover.

It has been suggested by far more knowledgeable legal minds in their body than I possess, that good faith is something that cannot be proven in court. That is nonsense. In the case of a negotiable instrument one is required to go into court and the presumption is that one obtained it as a bona fide purchaser acting in good faith. The presumption is it was a reliable instrument because one is a good faith purchaser. Then one is subject to the disability of being disproven as having been a bona fide purchaser, and they can show intervening evidence that shows one purchased the negotiable instrument with knowledge of its defect, and then one cannot recover on that negotiable instrument.

That is what we have provided by the committee amendment. We go in presumably as a good faith claimant and relying on the GRAS list, and we do as the gentleman from South Carolina (Mr. Mann) suggested, and we say, "Mr. Commissioner of the Court of Claims, I relied on the GRAS list and therefore I am presumptively a good faith claimant." Then the burden shifts to those who are contending we are not in fact good faith claimants, the Government, and the Government must show we had this vast body of knowledge everybody talks about. If they show it, we have no business whatsoever relying on the GRAS list. Even though the Government was very, very defective in its responsibility to keep the GRAS list current in terms of its warranties to the people, they relied upon it. We ought to permit the citizens who have been injured by their Government to go into court and seek redress for that injury.

Mr. SMITH of New York. Mr. Chairman, at this time I have no further requests for time, and I reserve the balance of my time.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I am glad to yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I should like to associate myself in support of this bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I am glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I should like to associate myself with the remarks of the gentleman from Massachusetts (Mr. Drinan) in opposition to the bill.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I am glad to yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I should like to agree with my colleague from California and particularly to point up that the Fountain committee found out in October 1970 that the Food and Drug Administration had failed for several years to protect the public against possible health hazards associated with cyclamates despite a clear obligation to do so, and that is the basis on which we make this claim.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. President, I wish to associate myself with the remarks of the gentleman from California (Mr. Waldie) and urge approval of the bill.

My fellow colleagues: There is an old saw in the law that says "hard cases make bad law." I am not certain of the verity of that homily, but I do know that we are certainly faced—no less than the courts—day in and day out with hard cases.

On the fact of it, H.R. 13366 may appear to be a hard case, but I do not subscribe to any theory it will create bad law. You are not being asked by your support of this bill to make the determination whether or not these potential claimants have a good and valid claim; you are not being asked by your support of this bill to even appropriate any specific sums of money in the event they do have a valid claim and provable damages. You are being asked by your support of this bill to allow these claimants access to the U.S. Court of Claims where they may then have the opportunity to prove their claims and sustain their damages.

This bill specifically provides that to sustain their claims, the claimants will have to prove to the court's satisfaction, that the claimants relied in good faith and to their detriment on the confirmed official listing of cyclamates as generally recognized as safe for use in food.

Inherent in this provision is the fact that the court can, in the absence of sufficient evidence to the contrary, rule adversely to all of the claimants, if it were to find that the reliance, was either not in good faith or misplaced or not to the detriment of this group of claimants. That is one of the possible results. The court could find that reliance on the GRAS list per se was sufficient to then determine whether each particular claimant did in fact rely in good faith and to their detriment. Assuming, that the court makes this finding, the claimant will then be required to sustain his claim of damages by adequate evidence. The claim of damages will not include any lost profits, only direct and indirect costs and damages. Now, again assuming the claimant has met this burden of proof and a judgment is rendered by the U.S. Court of Claims, in the event the judgment is in excess of $100,000, the claimant will be required to come back to this body for an appropriation. Adequate safeguard indeed, it seems to me, to protect against any massive giveaways of huge sums to private interests.

The salient and interesting question

however, is that this bill is the only avenue of redress open to these claimants and failing to allow them access to the Court of Claims forecloses them entirely and forever. I am persuaded by the equities that this foreclosure would be unfair. Our support of this bill provides a forum of these claimants to present their case. It provides a forum where the merits of the claims can be determined.

We are after all, not a court of law nor are we well equipped to carefully and at some length take testimony, and examine into the legal and factual bases for these claims. It seems to me that one of our responsibilities as legislators is to represent the interests of our constituents in the matter of redress against our Government. This could range from the interest of one person failing to get their social security check. An individual's complaint of discrimination in hiring by the Government. A claim of damages for negligence or, as in this case—a claim of good faith reliance on confirmed official listing of cyclamates as generally recognized as safe for use in food.

In short, I believe that this group of claimants is at least entitled to their day in court.

The claimants I am most familiar with are members of a cooperative called the California Canners and Growers. This is a processing and marketing cooperative owned by 1,145 farmers in California and Wisconsin. These are small family farms not huge conglomerates. Each of these small growers stands to lose $7,500 to $10,000 which they have built up in a capital retaining account with the cooperative over the past 8 years. Before ordaining that loss, I propose they be given the opportunity to prove their case, if they can, before the court.

I have purposely refrained from reciting or arguing the facts which have led us to this point and decision because I believe the issue is whether these claimants should have the opportunity to present their claims, not how we would rule, decide or judge on the facts of their claims. In this instance I believe the U.S. Court of Claims is the proper forum for that debate. We will again be called on to judge, but after the hearings, on the relative merits of the claims and amounts which seem appropriate as damages.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the bill. The question before us is whether certain parties should be reimbursed, and the single point at issue is resolving this question is whether or not the Federal Government, acting through the Food and Drug Administration, was at fault in banning cyclamates.

If FDA did act in such a manner as to cause fault on the part of the Government, then indeed those parties involved should be reimbursed. If not, then the Government is not at fault and has no obligation.

The Food and Drug Administration has not, since its ruling banning cyclamates, found any scientific evidence that their original position was in error. This drug has been found to be carcinogenic; that is, it causes cancer.

There has been and there will continue to be discussion of precedents, but only one is of substance. In 1964, the Food and Drug Administration erroneously determined that spinach grown by the Mizokami brothers was contaminated. After the FDA determined that its decision was faulty, the Government reimbursed the Mizokami brothers for losses incurred as a result of the erroneous determination of contamination. Mizokami brothers versus the United States, Private Law 88-346. In the case of cyclamates, there has been no such determination of fault on the part of the Government.

Other cases cited concerning raw agricultural products under the control of the Department of Agriculture are not at issue in this situation. In each of those cases, including the cranberry, the chicken, and the milk contamination situations, there was existing law promoting the consumption of these products with provisions calling for the restoration of the farmer's purchasing power. This is not the case with the cyclamate issue.

It would be an error to penalize the American taxpayer through passage of this legislation when the Food and Drug Administration did what the law required it to do—ban any product or substance which is found to be cancer causing.

I find it somewhat ironic that this legislation asks for payment of more than $100 million—indeed the minority views filed in the report indicate the amount could run double or triple that—when the entire budget for the operation of the Food and Drug Administration in fiscal year 1972 was only a little over $118 million.

FDA has done its job in protecting the American consumer from a hazardous agent. There is no fault in this action and there is no grounds to compensate those who manufactured or used this agent and I hope this measure will be defeated.

Mr. VANIK. Mr. Chairman, I oppose H.R. 13366, a bill to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors of cyclamates as a result of the banning of the use of cyclamates. As the dissenting members of the Committee on the Judiciary noted, this legislation would signal a new and dangerous departure in governmental responsibility; it would mean that the Government was now prepared to guarantee or indemnify business against losses that occur from changes in the ruling of regulatory agencies. If this precedent should be adopted in other fields, such as environmental rulings, the cost to the Federal Government would be staggering.

Compensation is particularly unwarranted in this case because of the circumstances surrounding the banning of cyclamates. Although cyclamates were on the Food and Drug Administration's GRAS—generally regarded as safe—list, the safety of cyclamates was, as noted by the minority view, "publicly, officially, and increasingly being questioned over the two decades of its public use." In fact, despite the 1951 FDA requirement that all cyclamate products bear the warning "should be used only by persons who must restrict their intake of ordinary sweets," those in the weight-control market vigorously promoted the use of cyclamates for nondiabetics.

Thus, those in the cyclamate market experienced years of prosperity, and, because they were well aware of the potential hazards of cyclamates, they took a calculated business risk by continuing to produce cyclamates. In our free, capitalist economy, when a loss results from a business risk, the businessman, not the Government, ought to suffer the loss, and I can see no reason to make an exception in this instance.

Mr. LLOYD. Mr. Chairman, the Delaney amendment which governs food additives legislation requires the FDA to order the removal of food from public sale under the circumstances which existed in this case.

As a result, canners using cyclamates have suffered clear and serious damage which equity requires we recognize.

It is true that certain warnings were issued, but the reasonable man would be justified in concluding that with hundreds of items on the GRAS list, including cyclamates, it would be appropriate and prudent to continue to accommodate public demand for dietary foods.

In this country, we do not follow the principle that "the king can do no wrong." We render equitable treatment toward those whose proper actions have resulted in damage to them due to action by Government reasonably beyond the control of the person damaged. On balance, I conclude the canners are entitled to file claim for actual damages suffered, but not to include compensation for lost profits.

Mr. DON H. CLAUSEN. Mr. Chairman, I have already spoken briefly on the legislation before us but I want to take this time to reiterate my strong support for the bill I have coauthored to permit a Court hearing on possible indemnification for those who suffered extensive financial losses due to a sudden ban on cyclamates that was promulgated by the Department of Health, Education, and Welfare without warning.

I believe that the circumstances surrounding the ban on cyclamates clearly requires congressional attention and our favorable consideration of the pending legislation.

It is for a court to determine, through the usual course of litigation, whether or not these circumstances do, in fact, substantiate just cause for those adversely affected and I urge the Members of this body to approve the bill so a "day in court" can be granted.

The Food and Drug Administration of HEW had assured growers and distributors that cyclamates would continue to be listed as "generally recognized as safe." Then, without advance notice, FDA announced that the artificial sweetner would be banned from general consumption.

While this was a setback for the large producers and distributors, the impact was most devastating to small and medium farmers and small distributors. Those who are struggling hardest to survive faced a tremendous loss and are finding recovery from the initial setback extremely difficult and, in some cases, impossible.

The impact of the cyclamate ban has been made even more severe by other, unrelated, problems such as the fundamental problems facing family farms and the major west coast dock strike. In an appeal for relief, one farmer in my district described his situation as "going down for the last count."

Mr. Chairman, in my judgment these growers and others involved should have the opportunity to show that they were acting in good faith when they put up the 1969 crop of canned dietetic fruits with the assurance of the FDA that they had met all existing regulatory standards.

There is no alternative or legal recourse available to those adversely affected, and if a great many of the small, independent, and family farms involved are going to survive, this legislation must be passed.

Mr. BOLAND. Mr. Chairman, I oppose this bill. Its provisions would reward a broad swath of the American food and soft drink industry—growers, manufacturers, packagers, even distributors—for their own lack of foresight, granting them what is tantamount to a blanket indemnification against losses that can be traced to the legitimate exercise of Federal regulatory authority. Advocates of this legislation point out that cyclamates, like scores of other additives routinely used in food processing, have long been cited on the Food and Drug Administration's GRAS list—that is, its list of substances "generally regarded as safe." Industry "relied" on this list, trusting it as if it were akin to Holy Writ. Therefore, the argument concludes, industry should be allowed to recover any losses it suffered when the FDA reversed its position and banned cyclamates.

I disagree, Mr. Chairman.

I disagree emphatically.

What the bill's supporters are saying, in effect, is that the mere citation of a substance on the GRAS list divests industry of its responsibility to exercise prudent business judgment and safeguard the consumer's interests. The food and soft drink industry was given ample warning about the potential toxicity of cyclamates. Time and time again, throughout the two decades of their public use, cyclamates have been challenged. In 1951, for example, the FDA itself stipulated that cyclamate products must bear a statement cautioning consumers that cyclamates "should be used only by persons who must restrict their intake of ordinary sweets." Four years later, to cite just one more example of the scores that could be arrayed here, the National Research Council of the National Academy of Sciences expressed alarm about the "physiologic activity" of cyclamates—a warning the council reiterated in 1962.

The GRAS list itself was never intended to give FDA endorsement—or even imply such endorsement, for that matter—to any chemical substance. The 1958 Food Additives Amendment, calling for rigorous testing of additives of unknown or uncertain toxicity, exempted any substance that is "generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been shown—to be safe under the conditions of its intended use." To determine precisely what constitutes such an additive, the FDA polled 900 scientists and food experts. Fewer than half of them—355—responded to the poll. Using what data it had, a "consensus" of less than the 50 percent of experts consulted, the FDA then drew up a list of substances "generally regarded as safe."

This list was simply a notice to industry—and to the public, as well—that the 600 substances were exempt from the testing demanded by the food additives amendment.

It did not award FDA sanction to any of these additives.

On the contrary, the list should have been interpreted as a warning to industry and consumer alike—a warning that special vigilance should be exercised in using any of the 600 GRAS substances since they are beyond the reach of the 1958 testing law, even though within the definition of "generally regarded as safe." In no way did this list relieve industry of its responsibility to protect the consumer's interests. Yet, Mr. Chairman, enactment of the bill now before us would be equivalent to a congressional determination that mere "reliance" on the GRAS list invests industry with the right to press for recovery of its losses in the U.S. Court of Claims. Such recovery would cost the Federal Government an estimated $100 million to $120 million—perhaps twice as much, even three times as much, once every facet of the food and soft drink industry has its day in court.

The minority views in the Judiciary Committee's report on this bill point out that:

> In our system of justice, losses lie where they fall, unless there is culpability on the part of someone else. Certainly no culpability can be charged to the FDA in this case.

Passage of this bill, Mr. Chairman, would open up a veritable Pandora's box—rewarding industry for its poor business judgment in failing to anticipate FDA restrictions on cyclamates, encouraging industry to neglect its responsibilities in private research and self-regulation, establishing a precedent of indemnifying industry against the wholly proper actions of Federal regulatory agencies.

Again, Mr. Chairman, I urge the defeat of this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims shall have jurisdiction to render judgment upon any claim for losses sustained by domestic growers, manufacturers, packers, or distributors as a result of the actions taken by the United States under the Federal Food, Drug, and Cosmetic Act on October 18, 1969, and thereafter relating to cyclamic acid and its salts upon a finding that the claimant relied in good faith and to his detriment on the safety of cyclamic acid and its salts as a food additive by virtue of its inclusion and continuance on the list of substances that are generally recognized as safe for their intended use (21 CFR 121.101) promulgated in accordance with sections 201(s), 409, and 701(a) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 321 (s), 348, 371 (a); 52 Stat. 1055; 72 Stat. 1784, 1785, as amended). Such court shall determine the amount of loss resulting from such claimants good faith reliance, including direct and indirect costs and damages, but not including lost profits resulting, to the grower, manufacturer, packer, or distributor from said actions by the United States and render judgment in favor of such claimant and against the United States in the amount determined. Payment of such judgments shall be in the same manner as in the case of claims over which such court otherwise has jurisdiction as provided by law. Suits under this Act must be instituted within one year after enactment hereof.

Mr. WALDIE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, although we have heard a great deal about going into court, and I am not a lawyer, the whole thrust of this bill seems to be an instruction to the court of claims to pay claimants regardless, perhaps, of the validity of the claims.

We read, for instance, beginning on page 2, line 15:

> Such court shall determine the amount of loss resulting from such claimants good faith reliance, including direct and indirect costs and damages, but not including lost profits resulting, to the grower, manufacturer, packer, or distributor from said actions by the United States and render judgment in favor of such claimant—

That is mandatory. The bill further states:

> and render judgment in favor of such claimant and against the United States in the amount determined.

I emphasize again that I am not an attorney, but this seems to me to be a claimant's bill, mandating that the claims be paid.

I do not read in this bill any provision for the real adjudication of a claim.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. WALDIE. The language to which the gentleman refers is precisely the language of any claim bill. When it says "to render judgment" it does not say to render judgment in favor of the claimant. It says to render judgment, which could be very readily against the claimant.

Mr. GROSS. It states: "render judgment in favor of such claimant."

Mr. WALDIE. That is in the event the claimant is able to satisfy the good faith reliance on the GRAS List.

Mr. GROSS. It does not say that.

Mr. WALDIE. That is precisely why the committee amendment requiring good faith reliance on the GRAS List was included.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the distinguished chairman of the Judiciary Committee, the gentleman from New York.

Mr. CELLER. I believe the gentleman from Iowa is absolutely correct. We act as a court here and say that if a man has purchased cyclamates he then automatically has a claim against the Government.

He does not have to prove anything more than that as far as his claim is concerned. Then he presents his bills stating as to how much he paid for it, for the warehousing and advertising costs, and then the Court of Claims passes on those amounts. However, there is no adversary who challenges those statements. I said that before, and I was countermanded by the gentleman from California who said that the U.S. Government is a party. Well, the U.S. Government may be a party, but there is nothing in the bill that seems to indicate they can challenge either the amount or the claim.

Mr. GROSS. That is right.

Mr. CELLER. We established the claim right here. We, in effect, issue a finding that if he purchased cyclamates and if he has them, then he automatically has a claim against the Government.

Mr. GROSS. I thank the gentleman.

Mr. DRINAN. Will the gentleman yield?

Mr. GROSS. Let me first yield to the gentleman from Massachusetts.

Mr. DRINAN. I think you are precisely right. The very title of the bill says that the bill is designed to provide for the payment of losses incurred by these four categories; namely, growers, manufacturers, packers, and distributors. So it is precisely as the gentleman from Iowa (Mr. Gross) has stated. It is a giveaway. They do not have to prove anything that good faith, and no one would be in bad faith. Anyone, as the distinguished Chairman of the Committee said, who has any claim whatsoever who proved he was damaged in any way can come in, and he will, in fact, recover. This is a mandate to pay him.

Mr. GUBSER. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. GUBSER. I will remind the gentleman from Massachusetts that the title also mentions good faith reliance and also at the top of page 2 it says——

Mr. GROSS. I am not an attorney. What is good faith reliance?

Mr. GUBSER. I think I can explain it in just a moment, although I am not an attorney either. At the top of page 2 it says that "the Court of Claims shall have jurisdiction to render judgment," and I delete the rest," upon a finding that the claimant relied in good faith and to his detriment." In other words, the Court of Claims makes a finding on which they relied. Is that not correct?

Mr. GROSS. Let me get to another point where I find trouble with this bill. It says that "such court shall determine the amount of loss resulting from such claimant's good faith reliance" and indirect costs.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Gross was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Now let me ask the gentleman before my additional time expires, what do you mean by "indirect costs?"

Mr. GUBSER. Well, if the gentleman will yield, I would like to refer that to the gentleman from California (Mr. Waldie). I think he can give you a more succinct answer than I can, but before doing so, will the gentleman let me answer his last question, and I will get more time for him if necessary. First of all, the Court must make a finding that there was good faith reliance, and the bill does say the amount of damages shall be determined, but it does not say pay them. He has to come back to the Committee on Appropriations if it is in excess of $100,000.

Mr. GROSS. We are dealing with the authorizing bill here and now. The appropriations is separate and comes later. I have heard that story before with all due respect to the gentleman.

Mr. DRINAN. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. DRINAN. I would like to ask the gentleman from California, if I may, is there any other possible reason why they could continue to use cyclamates except that it is on the GRAS list? All of the individuals and agencies said this is dangerous and should not be continued. The only thing on which they could have relied in order to make the profits that they want to recover now is the GRAS list. It seems to me they do not have to prove good faith, because there is nothing else on which they could have relied in order to make the profits that they wanted to make.

Mr. WALDIE. Will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. WALDIE. You asked a question about the direct and indirect costs.

Mr. GROSS. What I am specifically referring to is "indirect costs."

Mr. WALDIE. I am about to respond to that. The committee testimony and the transcript of the hearing reveals that the direct and indirect costs are costs that the Court of Claims uses in the determination of damage claims before the Court of Claims.

Mr. Gray, of the Department of Justice, in describing the kind of damages that would be included under such a category of indirect costs, said that the labels and containers——

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

(By unanimous consent, Mr. Gross was allowed to proceed for 1 additional minute.)

Mr. WALDIE. Mr. Chairman, if the gentleman will permit me to continue, he said that the labels and containers that are no longer in use because "cyclamates" are included in the label and therefore had to be destroyed, that picking up the inventory from the markets to which it had been delivered are costs attributable in this particular case to indirect costs, and that digging the holes in which the inventory of this cooperative, for example, had to be buried, was an indirect cost that was directly attributable.

Mr. GROSS. Would lobbying or the hiring of a public relations firm be an indirect cost?

Mr. WALDIE. It would not.

Mr. GROSS. In order to lobby Congress for support of this legislation, would that be an "indirect cost"?

Mr. WALDIE. It would not.

Mr. GROSS. Would advertising be so considered?

Mr. WALDIE. Advertising, according to Mr. Gray's description in the committee transcript, if a brochure had been published that had not been able to be distributed, using cyclamates, and was on hand, they could get the cost of that brochure, but not advertising that they had done prior to the banning of cyclamates.

It does not involve profits or anything else.

And in further response to the question asked by the gentleman from Iowa (Mr. Gross) the amendment to which I have referred——

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment to which I have made reference when I was attempting to explain what I construed to be the gentleman's misunderstanding of the language here, was added to the bill by the committee. Prior to the committee amendment, the bill did precisely what the gentleman has described it as doing. As a matter of fact, that is why the title of the bill says "To provide for the payment of losses incurred." When I made my remarks on the floor you will recall that I said the bill was improperly titled, and that it should have been titled "To provide for the submission of claims to the Court of Claims for the payment of losses." But that only became the case when the committee responded to the opposition on the bill essentially put forth by the Nader group, they said just as these gentleman are now saying, and in order to avoid that it be so construed, we said we are not directing the Court of Claims to make judgments paying for losses unless those losses were incurred as a result of a claimant being wronged by the Government by acting in good faith on the GRAS list for which there was no statutory requirement on the part of the Government to compile.

The language that the gentleman read was the language that was included to accomplish precisely that which you believe it did not accomplish. At least, those on the committee, the majority by a long, long way, 17 to 6, I believe, believes that that was accomplished. And it was our intention, if there is any question in the record of the hearings or in the legislative record, it is our intention that any claimant who comes before the Court of Claims who says, "I relied on the GRAS list," has to have established whether he or they or it had independent knowledge that cyclamates were in fact damaging in terms of a consumer item, and if they did they should not be able to recover.

It certainly was my intention in moving in this particular matter, and it was the intention of the majority of the committee. That is what I said when I was discussing it in the well of the House, that the bodies of claimants, the categories of the claims will vary in terms of their ability to prove, in my view, good faith reliance when they come before the Court of Claims. I think that some will not, and some will.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Chairman, I hold in my hand a soft drink bottle that I just picked up in the cloakroom. At the bottom of the bottle, it says among other things:

> Contains * * * calcium cyclamate and non-nutritive artificial sweeteners which should be used only by persons who must restrict their intake of ordinary sweets, etc.

Is it not true that this soda pop company, which has continued to use this labeling for 3 years past the date of the ban, would have its recovery, if any, diminished by the fact that they continued to use these bottles for some 3 years and, therefore, suffered a proportionately lesser loss?

Mr. WALDIE. That is my understanding of the intention of the committee, and it is my personal understanding.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman.

Mr. DENNIS. The gentleman will agree, will he not that once a claimant comes in under this bill and asserts that he relied in good faith, he has done all that he has to do at that point and the burden then falls on the Government to prove affirmatively that he did not act in good faith; is that not correct?

Mr. WALDIE. Essentially, that is correct. It is just the same as when a claimant comes in in a case involving a negotiable instrument and claims he purchased it in good faith.

Mr. DENNIS. That is true, of course, in the case of negotiable instruments. But in the ordinary case in proving a claim in a lawsuit, of course, the burden is the other way round. The gentleman would agree to that; would he not?

Mr. WALDIE. I will agree. In any case I know of, when any claimant comes in and makes his case, then once he makes his case, the burden shifts to those opposing it. In this instance, the claimant comes in and says—this is my case and I suffered these losses and I relied on the GRAS list. Then the burden shifts to the Government to say that they should not have relied on the GRAS list when you people have a laboratory employing 4,000 people and who are spending 365 days a year examining cyclamates and you have no business relying on an incompetent Government.

Mr. DENNIS. Mr. Chairman, will the gentleman yield further?

Mr. WALDIE. I yield to the gentleman.

Mr. DENNIS. I do not think we are really in discord; in this particular case all you have to do is to assert your claim and say I relied—then the entire burden of proving the contrary shifts to the Government, which I say is an unusual sort of situation.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask the gentleman from California a question.

Suppose I buy this cyclamate after the ban was placed on cyclamates—can I still recover in the Court of Claims?

Mr. WALDIE. You could not. You could not show that you relied in good faith on the GRAS list.

Mr. CELLER. So far as I can see—it must be on page 2, line 1—let us examine that a minute.

As I understand it, the ban was issued in 1970 and for 6 months prior thereto there were all kinds of modified bans with reference to labeling—that the cyclamates, for example, within that 6-month period could be used and sold as a drug.

Now suppose I bought a vast quantity of cyclamates within that 6-month period? Would I still have a right to make a claim before the Court of Claims?

Mr. WALDIE. If you bought cyclamates after the ban, you deserve a lot of help. I agree with you there—if you were that foolish to buy cyclamates after it was banned.

Mr. CELLER. I do not see that language—where is that language to be found?

Mr. WALDIE. The fact of the matter is—it was my intent, and I speak only for myself—but I speak also for what I assume to be the intent of the committee—the situation you presume would clearly not permit even the assertion of a claim. If you do not read that in the language, then let us be clear that that at least is the legislative history which I understand to be the case.

Mr. CELLER. I think the language is extremely unclear and it could be difficult to deny a claim if the purchase were within that 6-month period that I stated to you and it could be very difficult to establish bad faith by the Government to counter the alleged good faith on the part of the claimant.

I do not know how you can prove bad faith. You have to prove something that is inside the mind of the man who is the claimant. How in thounder can you prove bad faith? That is the only way I think you can counteract the so-called good faith language that is in the bill.

For that and other reasons, I think the bill is quite faultily worded, and on that ground alone there should be a "no" vote on this bill.

Mr. DONOHUE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. DONOHUE. I would like to make this point clear—that we are talking about these people who use cyclamates having a claim against the Government.

Do I understand from the gentleman from California (Mr. WALDIE) that the Government goes into court presumed to be wrong?

Mr. WALDIE. Mr. Chairman, I do not presume the Government to be wrong; I think the Government was wrong in two instances. In the first instance, they were wrong in assuming a duty that was not their statutory responsibility by even publishing the GRAS list. The second time they were wrong was in April of 1969 when they had knowledge that ingestion of cyclamates should be limited and they did not take that substance off the GRAS list. So I do not presume they were wrong; I am stating they were wrong, very wrong.

Mr. DONOHUE. Let me ask the gentleman this question: In the event we pass this bill, do we not establish that the Government was wrong in their action?

Mr. WALDIE. No, Mr. Chairman; we do not. If I were going to represent a claimant before the Court of Claims, I would seek to so argue, but we in Congress are not. We in Congress say that given these circumstances, an injustice has occurred. Whether it meant that it was intentional or negligent in terms of its inception, an injustice has occurred causing a change in position and damage to Americans, and Americans ought to be able to sue the Government.

Mr. DONOHUE. As the chairman of the Judiciary Committee points out, this will not be an adversary proceeding in the sense that the claimant goes in and be entitled to damages unless the burden of proof shifts to the Government, and the Government will then have to show that he acted in the use of these cyclamates in bad faith.

Mr. WALDIE. That is exactly right. The Government will have to show that he had intervening knowledge that should not have caused him to rely on a list that was defective.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in order to further clarify the record, I would like to ask the gentleman from California a few more questions.

As I understand it, it is your position that if in fact, let us say, a manufacturer of cyclamates knew that they would cause cancer in mice, the fact that the FDA had not yet removed this substance from the GRAS list would not exculpate him and allow him to make a claim under this bill; is that correct?

Mr. WALDIE. He should not be able to recover.

Mr. SEIBERLING. All right. If, in fact, he knew that the substance could produce cancer in animals, and nevertheless continued to sell it to users, would the latter not have a cause of action against him, or might they not have a cause of action against him under State law?

Mr. WALDIE. In my view not might; they would if in fact he knew. If he suspected, there might be a different resolution of the question.

Mr. SEIBERLING. Then should not the proper remedy in this case be the provision of a cause of action on behalf of innocent users, not against the Government of the United States, but against the manufacturers who knowingly continued to sell this product after they knew it was in violation of Government regulations?

Mr. WALDIE. The manufacturers did not knowingly, to my knowledge, continue to sell, once they knew it was carcinogenic. The question is, Was there sufficient information available at that time to cause their reliance on the Government as an authority as to what substances are safe and legitimate, and that does not require reliance that would constitute knowledge on the part of the manufacturer that there were carcinogenic substances available.

Mr. GUBSER. Will the gentleman yield?

Mr. SEIBERLING. I will yield to the gentleman in 1 minute.

Then a manufacturer who could not be sued by such customers after the particular dates in question here will himself have a claim under this bill; is that not so?

Mr. WALDIE. Not in my view, because, you see, you predicated your first question to me upon the phrase that he had certain knowledge that it was carcinogenic and continued to market it, and I responded:

> Yes, he could sue, but if he did not have certain knowledge that it was carcinogenic, but under all the circumstances available should have been suspicious of it, then in my view he could not recover.

If I were on the Court of Claims, I would not permit it, and if I were a Government attorney arguing it, I would be very, very careful not to permit a manufacturer of cyclamates to present a claim of that type to the Court of Claims.

I do not think they have much standing, personally.

Mr. SEIBERLING. Is it your position that the users who purchased from the manufacturers have no other cause of action unless this bill is enacted?

Mr. WALDIE. That is not my position. It is my position that I have accepted the judgment of those people more knowledgeable in this field than I. All of them have told me, and that was one of the first questions that I asked, why do you not go after the manufacturers of cyclamates, he ought to have known this was a dangerous substance? The answer is that was first thought of as to where they should go, but the answer is now no recovery from that source could be had.

Mr. SEIBERLING. Then I find it very difficult to believe the manufacturers of cyclamates would not themselves have a claim under this bill. They would have a claim.

Mr. WALDIE. They would have a claim but not the same claim and probably, not a provable claim.

Mr. SEIBERLING. Then it seems to me that the gentleman fom Iowa, though not a lawyer, is entirely correct in his interpretation. I am a lawyer, and I concur with him.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California.

Mr. GUBSER. I am not seeking to interject myself in the colloquy between the two gentlemen, but I did want to bring out facts about the principal manufacturer of cyclamates Abbott Laboratories, Inc. It is significant that it was their test and their experiment, which they immediately reported to the Food and Drug Administration, which actually caused the withdrawal of cyclamates from the market.

Mr. SEIBERLING. And yet did they not continue to sell cyclamates thereafter?

Mr. GUBSER. No, they were immediately withdrawn. It was their experiment which caused the withdrawal, and I think they certainly acted in extreme good faith in conveying that information to the FDA.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent Mr. SEIBERLING was allowed to proceed for 1 additional minute.)

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I thank the gentleman for yielding.

I would like to say I concur with the gentleman from Ohio. If the gentleman from California is right that the state of the knowledge was such—that it was so doubtful—that there is no liability which a purchaser can assert against the manufacturer, then it seems to me to follow, almost as the night the day, that every manufacturer is home free under this bill; because we cannot prove he did not act in good faith, just as we cannot prove a liability case against him. I think the gentleman is correct.

Mr. SEIBERLING. I must confess that is the way it comes out for me.

Mr. CONTE. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I had seriously hoped that after the supplemental appropriations bill and the agricultural appropriations bill to pay beekeepers for dead bees, I would not have to rise on this floor again to combat subsidies to private business. But apparently more and more drones are being attracted to the honeycomb of Government subsidies. It now appears that soft drink manufacturers believe that because of the ban on cyclamates, the FDA stole their fizz.

I have some questions to address to those who believe that taxpayers should support companies who claim losses suffered under the FDA ban.

First of all, many major soda industries were prepared for the ban before October 1969. Some companies had new diet products ready for marketing before the cyclamate ban. Some companies even experienced an increase in profits immediately after the ban.

For example, the net income of Coca-Cola Bottling Co., of New York, Inc., jumped from $5.2 to $5.5 million between 1969 and 1970. My first question is: Why did other companies ignore warnings dating back over 15 years concerning the uncertain safety of cyclamate additives?

Mr. Chairman, in 1951, the FDA required that cyclamate products bear the following label—"Should be used only by persons who must restrict their intake of ordinary sweets." Similar warnings were repeated in 1954, 1955, 1956, 1962, and modified in 1968, by both the National Academy of Sciences and the FDA. Some companies simply refused to adjust their course.

Mr. Chairman, please examine the financial records of just one company which seeks Federal funds for its folly. Chesebrough-Ponds, not a bottler, but a pharmaceutical firm, used cyclamate products to sweeten its cough syrup.

It claimed losses of $88,000 because of the cyclamate ban. But in 1971, the net income for Chesebrough-Ponds totaled $23,438,000. I shudder to think of a major pharmaceutical firm, preparing drugs for so many patients, ignoring the uncertainties of cyclamates while steering so persistent a course to profit.

Mr. Chairman, why did only three business executives testify as to their companies' losses before the House Judiciary Committee in September 1971? Did other executives prefer to let trade association members represent them so they could avoid the spotlight? Or were they less confident about making such irregular claims before that distinguished committee? The evidence indicates that even executives of the same company have disagreed as to the extent of their supposed losses resulting from the cyclamate ban.

The saying goes, "Dollars don't grow on trees." It appears that the supporters of this bill believe the opposite.

The House report on the bill placed its cost between $100 million and $120 million. Why should the taxpayers pay this burden to absolve another's mistakes? When TV cigarette advertising was banned, did the Government provide subsidies to advertising agencies?

Are we going to dole out tax dollars to private enterprise every time legitimate Government action, taken in the interest of the public, results in a loss of profit?

Mr. Chairman, the distinguished gentleman from Iowa (Mr. GROSS) has often warned us of the camel's nose under the tent. I have attempted to put the spotlight on that nose myself on several occasions. Because the warnings were too often ignored, the camel has grown braver. His hump is now in view.

If we are ever to expect the camel to go away, we are going to have to deny his access to the public trough. Turn off the spigot and he will have to go elsewhere to satisfy his thirst. Today we have that opportunity. I urge my colleagues to join me in voting against this bill—this latest attempt to raid the taxpayer's pocketbook.

I know that, despite my protests, we have subsidized private business in the past. I am not going to ask you to cry over spilt milk. But I do exhort you—"let not the taxpayer cry over spilt cola."

Mr. MAILLIARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and my colleagues, I was a cosponsor of this legislation and became interested in it because I was convinced of the equities of the small growers who are members of cooperatives, who had no possible way of having advance notice that their entire year's pack at the peak of inventory would suddenly become virtually valueless.

However, more recently I have learned of a possible claimant. I believe the colloquy and conversation which took place between the gentleman from Iowa and the gentleman from California point this out. Larger corporations may have very questionable claims for any compensation under this act, but it does happen there is a possible claimant, a large corporation in which I am a stockholder, and therefore I will be required by the rules of the House to vote "present" on this bill.

Mr. CONABLE. Mr. Chairman, I also am a sponsor of this bill, and I would usually support it under the facts as I understand them. In the course of this debate I have learned of possible claims by two companies of which I or members of my family own stock. For this reason I must vote "present," rather than give rise to any possible implication of personal benefit from the exercise of my vote.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

I shall take only 1 minute. I take this time for the purpose of correcting an implication which I believe was left in the RECORD by the gentleman from Massachusetts (Mr. CONTE).

If I interpret his remarks correctly, his implication was that bottlers—I believe he mentioned Coca-Cola—were ready with an alternative to cyclamate-sweetened drinks. I believe a few facts ought to be pointed out.

The Food and Drug Administration historically, for a long period of time, had a prohibition against the mixing of organic and inorganic sweeteners. Under that ruling it was not possible to combine saccarin and sugar. If I remember correctly, the cyclamate ban came on a Friday night. It was not possible to substitute saccharin and sugar immediately. But on Monday morning the bottling companies did go to the Food and Drug Administration, told them of the problem, and asked if they could have a temporary permit, which later became permanent, to use saccharin and sugar.

All kinds of nonnutritive sweeteners had been under experimentation for many, many years, just as all types of innovations in the food industry are always under experimentation. So this was not something ready. It was something which was not even legal the night of the cyclamate ban, but it was made legal 2 or 3 days later.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair (Mr. ULLMAN), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 13366, to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes, pursuant to House Resolution 1024, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 177, nays 170, answered "present" 4, not voting 81, as follows:

[Roll No. 279]

YEAS—177

Abbitt
Abernethy
Abourezk
Anderson, Ill.
Andrews, Ala.
Arends
Aspin
Aspinall
Belcher
Bergland
Betts
Blatnik
Bow
Brademas
Brasco
Bray
Brinkley
Brown, Mich.
Broyhill, Va.
Burleson, Tex.
Burton
Byrnes, Wis.
Cabell
Carlson
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Collins, Ill.
Colmer
Corman
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dent
Derwinski
Dickinson
Dorn
Downing
Duncan
Eckhardt
Edwards, Calif.
Eshleman
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Frey
Fuqua
Garmatz
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Heckler, Mass.
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Kluczynski
Kuykendall
Kyl
Leggett
Lloyd
McClory
McCollister
McCormack
McCulloch
McDade
McFall
McMillan
Mahon
Martin
Mathias, Calif.
Mayne
Meeds
Michel
Miller, Calif.
Mills, Md.
Minshall
Mizell
Mollohan
Moss
Murphy, Ill.
Natcher
Nelsen
O'Konski
Passman
Pelly
Poage
Price, Tex.
Purcell
Quie
Railsback
Rhodes
Roberts
Robinson, Va.
Runnels
Ruppe
Schmitz
Schneebeli
Sebelius
Shoup
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Wright
Wyatt
Young, Tex.
Zablocki
Zion

NAYS—170

Abzug
Adams
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Ashley
Baker
Baring
Barrett
Begich
Bell
Bennett
Bevill
Biester
Bingham
Boland
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Byron
Caffery
Carey, N.Y.
Carney
Carter
Celler
Chappell
Clark
Collins, Tex.
Conover
Conte
Coughlin
Culver
Curlin
Delaney
Dellums
Dennis
Diggs
Dingell
Donohue
Dow
Drinan
du Pont
Dwyer
Edwards, Ala.
Eilberg
Esch
Evans, Colo.
Fascell
Findley
Fisher
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frenzel
Galifianakis
Gaydos
Grasso
Griffin
Gross
Grover
Gude
Haley
Hall
Hamilton
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Henderson
Hogan
Ichord
Jarman
Kemp
Koch
Kyros
Latta
Lennon
Lent
Long, Md.
Lujan
Macdonald, Mass.
Madden
Mallary
Mann
Mathis, Ga.
Mazzoli
Miller, Ohio
Minish
Mitchell
Montgomery
Morgan
Mosher
Murphy, N.Y.
Myers
Nichols
Nix
O'Hara
O'Neill
Patman
Patten
Perkins
Peyser
Pickle
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Roush
Rousselot
Roy
Ruth
St Germain
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schwengel
Scott
Seiberling
Shipley
Shriver
Skubitz
Snyder
Spence
Springer
Stanton, J. William
Stanton, James V.
Steele
Stokes
Sullivan
Symington
Thompson, N.J.
Thone
Tiernan
Udall
Vanik
Whalen
Widnall
Wilson, Charles H.
Winn
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zwach

ANSWERED "PRESENT"—4

Conable
Gubser
Mailliard
Pirnie

NOT VOTING—81

Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Badillo
Biaggi
Blackburn
Blanton
Boggs
Bolling
Broomfield
Byrne, Pa.
Camp
Casey, Tex.
Chamberlain
Chisholm
Clay
Cleveland
Collier
Conyers
Cotter
Davis, Ga.
Devine
Dowdy
Dulski
Edmondson
Erlenborn
Evins, Tenn.
Flynt
Fulton
Gallagher
Gettys
Green, Pa.
Griffiths
Hagan
Halpern
Hanley
Harrington
Hays
Hébert
Heinz
Hutchinson
Landgrebe
Landrum
Link
Long, La.
McCloskey
McClure
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
Matsunaga
Melcher
Metcalfe
Mikva
Mills, Ark.
Mink
Monagan
Moorhead
Nedzi
Obey
Pepper
Pettis
Powell
Pucinski
Quillen
Rarick
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Ryan
Sandman
Stuckey
Talcott
Terry
Whalley
Whitten
Wolff

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Boggs for, with Mr. Rooney of New York against.

Mr. Alexander for, with Mr. Addabbo against.

Mr. Matsunaga for, with Mr. Casey of Texas against.

Mrs. Mink for, with Mr. Wolff against.

Mr. Pepper for, with Mr. Mikva against.

Mr. Fulton for, with Mr. Monagan against.

Mr. Dowdy for, with Mr. Dulski against.

Mr. Hébert for, with Mr. Hanley against.

Mr. Edmondson for, with Mr. Rostenkowski against.

Mr. Stuckey for, with Mr. Rosenthal against.

Mr. Pettis for, with Mr. McKevitt against.

Mr. Chamberlain for, with Mr. Heinz against.

Mr. Erlenborn for, with Mr. Ryan against.

Mr. Devine for, with Mr. Biaggi against.

Mr. McClure for, with Mr. McKinney against.

Mr. Blackburn for, with Mr. Green of Pennsylvania against.

Until further notice:

Mr. Hays with Mr. McDonald of Michigan.

Mr. Badillo with Mr. McCloskey.

Mr. Harrington with Mr. Hutchinson.

Mr. Roybal with Mr. Halpern.

Mr. Pucinski with Mr. Broomfield.

Mr. Moorhead with Mr. Talcott.

Mr. Link with Mr. Camp.
Mr. Anderson of Tennessee with Mr. Terry.
Mr. Blanton with Mr. Cleveland.
Mr. Byrne of Pennsylvania with Mr. Sandman.
Mrs. Chisholm with Mr. Nedzi.
Mr. Evins of Tennessee with Mr. Quillen.
Mr. Gallagher with Mr. Clay.
Mr. Cotter with Mr. Conyers.
Mr. Anderson of California with Mr. Metcalfe.
Mr. Landrum with Mr. Collier.
Mr. Long of Louisiana with Mr. Whalley.
Mr. Davis of Georgia with Mr. Landgrebe.
Mr. Gettys with Mr. Powell.
Mr. Flynt with Mr. Rarick.
Mrs. Griffiths with Mr. Hagan.
Mr. McKay with Mr. Melcher.
Mr. Whitten with Mr. Mills of Arkansas.

Messrs. HARSHA, LLOYD, DICKINSON, MOLLOHAN, STAGGERS, and BRADEMAS changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates after extensive inventories containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 13366.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL PROGRAM FOR THE INSPECTION OF DAMS

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15951) to authorize the Secretary of the Army to undertake a national program of inspection of dams, and ask that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the unanimous-consent request

Mr. JONES of Alabama. To take up the bill H.R. 15951, which is the bill to give the Corps of Engineers the right to make inspections on non-Federal reservoir dams.

Mr. GROSS. Is this the original consideration of the bill?

Mr. JONES of Alabama. Yes, it is.

Mr. GROSS. Was this bill programed for today?

Mr. JONES of Alabama. No. I consulted with the gentleman from Ohio (Mr. HARSHA) and thought the matter should be brought up for immediate action. It is a noncontroversial matter and we do not anticipate any difficulty.

We are seeking that it be considered in the House as in Committee of the Whole so that there will be a full and complete discussion of the entire subject matter contained in the bill.

Mr. GROSS. What is the nature of the bill?

Mr. JONES of Alabama. The nature of the bill is to provide for the inspection of dams and reservoirs to see that we do not have a recurrence of what took place in West Virginia, South Dakota and other areas where there may be frail dams that may endanger the lives and property of the people in the affected areas.

Mr. GROSS. Does the gentleman anticipate that it will take a period of time to dispose of the bill this evening?

Mr. JONES of Alabama. No, I do not think we will use over 5 or 10 minutes at the most.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill as follows:

H.R. 15951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "dam" as used in this Act means any artificial barrier, including appurtenant works, which impounds or diverts water, and which (1) is twenty-five feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or (2) has an impounding capacity at maximum water storage elevation of fifty acre-feet or more. This Act does not apply to any such barrier which is not in excess of six feet in height, regardless of storage capacity or which has a storage capacity at maximum water storage elevation not in excess of fifteen acre-feet, regardless of height.

SEC. 2. As soon as practicable, the Secretary of the Army, acting through the Chief of Engineers, shall carry out a national program of inspection of dams for the purpose of protecting human life and property. All dams in the United States shall be inspected by the Secretary except (1) dams under the jurisdiction of the Bureau of Reclamation, the Tennessee Valley Authority, or the International Boundary and Water Commission, (2) dams which have been constructed pursuant to licenses issued under the authority of the Federal Power Act, (3) dams which have been inspected within the twelve-month period immediately prior to the enactment of this Act by a State agency and which the Governor of such State requests be excluded from inspection, and (4) dams which the Secretary of the Army determines do not pose any threat to human life or property. The Secretary may inspect dams which have been licensed under the Federal Power Act upon request of the Federal Power Commission and dams under the jurisdiction of the International Boundary and Water Commission upon request of such Commission.

SEC. 3. As soon as practicable after inspection of a dam, the Secretary shall notify the Governor of the State in which such dam is located the results of such investigation. The Secretary shall immediately notify the Governor of any hazardous conditions found during an inspection. The Secretary shall provide advice to the Governor, upon request, relating to timely remedial measures necessary to mitigate or obviate any hazardous conditions found during an inspection.

SEC. 4. For the purpose of determining whether a dam (including the waters impounded by such dam) constitutes a danger to human life or property, the Secretary shall take into consideration the possibility that the dam might be endangered by overtopping, seepage, settlement, erosion, sediment, cracking, earth movement, earthquakes, failure of bulkheads, flashboard, gates on conduits, or other conditions which exist or which might occur in any area in the vicinity of the dam.

SEC. 5. The Secretary shall report to the Congress on or before July 1, 1974, on his activities under the Act, which report shall include, but not be limited to—

(1) an inventory of all dams located in the United States;

(2) a review of each inspection made, the recommendations furnished to the Governor of the State in which such dam is located and information as to the implementation of such recommendations;

(3) recommendations for a comprehensive national program for the inspection, and regulation for safety purpose of dams of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

SEC. 6. Nothing contained in this Act and no action or failure to act under this Act shall be construed (1) to create any liability in the United States or its officers or employees for the recovery of damages caused by such action or failure to act; or (2) to relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam.

Mr. JONES of Alabama. Mr. Speaker, it is estimated that there are over 28,000 non-Federal dams in the Nation. No comprehensive assessment of the actual number, or of their condition, has been undertaken. The State programs for the licensing and inspection of non-Federal dams vary greatly in scope and effectiveness. The failure of a dam or other water impounding structure can have disastrous results, as evidenced by the recent tragedies in Rapid City, S. Dak., and Buffalo Creek, W. Va. In addition, tropical storm Agnes serves as a frightening reminder that flood conditions far greater than anticipated can occur over wide areas of the country, posing a threat to a large number of dams, the failure of which would add immensely to the damage otherwise caused by the flooding.

H.R. 15951, as reported, authorizes the Secretary of the Army, acting through the Chief of Engineers, to carry out a national program of inspection of dams for the purpose of protecting human life and property. The Secretary is directed to inspect all dams in the United States except: First, dams under the jurisdiction of the Bureau of Reclamation, the Tennessee Valley Authority, or the International Boundary and Water Commission; second dams which have been constructed pursuant to licenses issued under the authority of the Federal Power

Act; third, dams which have been inspected within the 12-month period immediately prior to the enactment of this legislation by a State agency and which the Governor of the State requests be excluded from inspection; an fourth, dams which the Secretary of the Army determines do not pose any threat to human life or property.

The Secretary would be authorized to inspect dams licensed under the Federal Power Act upon request of the Federal Power Commission and dams under the jurisdiction of the International Boundary and Water Commission upon its request.

For the purposes of the bill, a dam is defined as any artificial barrier which impounds or diverts water and which is 25 feet or more in height or has an impounding capacity of at least 50 acre-feet. It is not the intention of the committee to preclude the Secretary from inspecting, upon appropriate request, smaller dams which do not meet this definition where such dams pose a threat to human life and property.

The Secretary is directed to furnish the results of the dam inspections as completed to the Governor of the State in which the dam is located, and during the inspection to notify the Governor immediately of any hazardous conditions found.

The Secretary is also directed to report to the Congress on or before July 1, 1974, on his activities under the legislation including: First, an inventory of all dams located in the United States; second, a review of each inspection made, the recommendations furnished the appropriate Governor, and the implementation of the recommendations; and third, recommendations for a comprehensive national program for the inspection and regulation of dams of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

Given the very large number of dams in the Nation, we realize that in the time allowed for this report it will be impossible for the Secretary to inspect all of them. It is expected, however, that inspection of at least those dams posing a serious threat to human life and property should they fail be completed prior to submission of the study. The Secretary should continue, until completion, however, the inspection of all dams as contemplated by the legislation. Upon completion of such inspection, the authority granted under this legislation will expire.

With the large number of dams in this country, and the growth of industry and urban areas below the dams, together with recent failures, it has become an urgent matter that these structures raise no questions as to their safety. Yet there is no present understanding of the scope and nature of the problem, and therefore no way to determine the type of remedial action to take and the proper roles of Federal and non-Federal interests.

This legislation will, for the first time, provide an accurate assessment of the scope of the problem which the Nation faces with respect to unsafe dams. It will also provide for a study and recommendations for a comprehensive national program for the inspection and regulation for safety purposes of dams of the Nation, and for an appropriate sharing of responsibilities between Federal, State, and local governments and public and private interests.

I urge the enactment of H.R. 15951.

Mr. GROSS. Will the gentleman yield?

Mr. JONES of Alabama. Yes; I yield.

Mr. GROSS. What does the gentleman say is the life of the bill; that is, over how many years?

Mr. JONES of Alabama. There is no time limit under the bill. However, the work authorized under the bill should be completed within 6 years.

Mr. GROSS. Six years.

Mr. JONES of Alabama. We would expect that the Corps of Engineers will submit its report by July 1, 1974. This report should cover the priority dams which should be first inspected.

Mr. GROSS. What would be the cost of the bill? I notice the bill is open ended, or at least it appears to be an open end bill.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. Yes; I yield to the gentleman from California.

Mr. DON. H. CLAUSEN. As contained in the report, the estimated cost over the next 6 years would be $5 million in fiscal year 1973; $15 million for 1974; $15 million for 1975, and tapering off $5 million for each of the next 3 years.

Mr. GROSS. So the bill is open ended; is it not?

Mr. JONES of Alabama. Yes; the report represents our best estimate.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. JONES of Alabama. Yes; I yield.

Mr. GROSS. Does the bill provide for construction costs?

Mr. DON. H. CLAUSEN. No.

Mr. JONES of Alabama. No construction costs.

Mr. GROSS. No construction costs. This is simply for a survey of existing dams?

Mr. JONES of Alabama. The gentleman is eminently correct. That is the purpose of the bill.

Mr. GROSS. Why would it cost this kind of money?

Mr. JONES of Alabama. We have approximately 28,000 non-Federal dams that have been constructed all over the country. Had we had this inspection method heretofore in operation, we probably would not have lost the lives and fortunes of the people in West Virginia and South Dakota.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

This bill does not contemplate an inspection of all the dams, for instance, in the Mississippi River?

Mr. JONES of Alabama. No, it does not. Section 2 lists certain dams which are exempt.

Mr. GROSS. What is it limited to?

Mr. JONES of Alabama. If the gentleman will refer to the bill, in the first section—

> The term "dam" as used in this Act means any artificial barrier, including appurtenant works, which impounds or diverts water, and which (1) is twenty-five feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or (2) has an impounding capacity at maximum water storage elevation of fifty acre-feet or more. This Act does not apply to any such barrier which is not in excess of six feet in height, regardless of storage capacity or which has a storage capacity at maximum water storage elevation not in excess of fifteen acre-feet, regardless of height.

Mr. GROSS. And it is anticipated that this survey will cost $90 million?

Mr. JONES of Alabama. It could cost that amount if all the dams eligible under this act were in fact inspected. We do not expect it to come anywhere near that because not all the dams actually require inspection.

Mr. GROSS. Then the Corps of Engineers simply guessed at a figure of what it would cost. Is that correct?

Mr. JONES of Alabama. No; the corps did not guess. The committee tried to make that estimate.

Mr. GROSS. Then the committee guessed that amount?

Mr. JONES of Alabama. Yes, sir; because we were required to place some figure in the report. We had those figures. We figured an estimated cost of approximately $7,500 per dam for major dams, $3,000 for intermediate dams, and $1,500 for small dams.

Mr. GROSS. I am sure none of us want a recurrence of what has happened with respect to some dams in the country, but I still think this is a great deal of money. I regret that the bill is open ended in that respect, and I hope the Appropriations Committee will make available a greatly reduced amount.

Mr. JONES of Alabama. The committee took note of that in the report and I invite the gentleman's attention to page 3 of the report on estimated cost. I will read to the gentleman the language of the committee report:

> It is extremely difficult to arrive at an accurate estimate of cost. This difficulty is brought about because of the lack of specific knowledge as to how many of the total number of dams in the Nation are in need of inspection by the Secretary of the Army. There are several good State inspection programs which could eliminate the need for additional inspection of many dams. It is also conceivable that the Secretary will determine after an examination that a detailed investigation is not required. Considering all these factors, it is the committee's best judgment that if all dams were inspected the probable cost would be approximately $90 million. However, it is anticipated that the actual costs will run considerably less.

After that we say:

> It should be noted that the report required in 1974 would include recommendations as to the appropriate roles of the Federal Government, States, local governments, and private parties, including cost sharing. Thus, by the end of fiscal year 1974, the Congress

> would have an opportunity to reexamine the entire situation based on the first 2 years of reliable experience.

That is what we are seeking to do.

The SPEAKER. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Speaker, is it proposed under the terms of this legislation that the Federal Government embark upon the reconstruction or construction of dams in areas and in places where they are now under the jurisdiction of or were constructed by the States?

Mr. JONES of Alabama. No; this is not the intention. The intention of the committee is to see where there are in fact problems and to advise the Governors accordingly. It does not authorize the Federal Government to extend itself into any program of construction, reconstruction, or repairs.

Mr. GROSS. So the bill in no way is to be construed as embarking the Federal Government on construction or rebuilding of dams?

Mr. JONES of Alabama. No, it does not.

Mr. GROSS. I thank the gentleman.

Mr. ROUSSELOT. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I direct my question to the gentleman from Alabama. If this legislation, H.R. 15951, had been in effect prior to the disaster which occurred with the dam in West Virginia, what would it have done with respect to that situation; or would this legislation have applied to that dam?

Mr. JONES of Alabama. Yes, it would have applied to that dam. It would have applied, and the faults and the probabilities as to what took place there would have been pointed out to the Governor of the State of West Virginia. He could have taken immediate action to see either that they discontinued the use of it or that the project be abandoned until such repairs as necessary were made to take it off the danger list.

Mr. ROUSSELOT. I assume the gentleman means the Governor of West Virginia?

Mr. JONES of Alabama. The Governor of West Virginia.

Mr. ROUSSELOT. In the committee report on page 3, as I read it, it is indicated there is an estimated cost by years, 1973 to 1978. According to my addition, the accumulated estimated costs come to $50 million. Why is the committee request for $90 million? Why not come back and ask for more at a subsequent time?

Mr. JONES of Alabama. We have not requested any amount. As the gentleman from Iowa pointed out, these are just general estimates made by the committee. We cannot say with any degree of certainty that that will be the cost.

Mr. ROUSSELOT. Then why could there not be a limitation of $50 million, and then come back for whatever additional is needed?

Mr. JONES of Alabama. It is in the report. It is not in the bill. How can we amend the report?

Mr. ROUSSELOT. The reason that I raise the question is that this type of situation has become a problem in the Congress. We go ahead and spend money like we have it. We do not. We are in debt. I just do not understand why, if there is a base cost of $50 million, we do not just put that limitation in the legislation.

Mr. JONES of Alabama. This will go before the Appropriations Committee. These estimates are required by the rules of the House. They are the best figures we could make on the calculations. We are not wedded to the figures.

Mr. ROUSSELOT. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague from California.

Mr. DON H. CLAUSEN. In partial response to the question directed to the gentleman from Alabama relating to the Buffalo Creek, W. Va., I visited that area after the fact, after the disaster. It was tremendously devastated.

That was not an engineered or designed dam. It is what they call tailings from the mining. They had been impounding water behind it. As a result, no one was doing the job.

After the fact, of course, the Governor ordered all these slag piled "dams," which are not engineered or constructed dams, per se, by any construction firm, drawn down. That resolved the problem.

Had this legislation been in effect at that time it would have avoided the problem.

The reason why the committee moved with such dispatch, and why we do not have an accurate estimate, is on the question of holding someone responsible for these kinds of disasters, to protect innocent people.

Mr. ROUSSELOT. I assume the gentleman means when these dams are determined not to be safe, et cetera.

Mr. DON H. CLAUSEN. That is correct. We want to move with dispatch to inventory the total problem in this area where we do not have specific jurisdiction or inspection programs now underway.

The Corps of Engineers and the Soil Conservation Service in the Eastern States have a good track record, in that there were no losses as a result of structures engineered and designed. But in those areas under no degree of inspection we are trying to get at the problem.

If a State agency will certify to the fact and assume responsibility for the fact that they have done the job of inspection, to protect the lives of people, of course that will be taken into account by the Corps of Engineers.

Mr. ROUSSELOT. I thank the gentleman.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I am glad to yield to the gentleman from Louisiana.

Mr. WAGGONNER. I do not believe the gentleman from California (Mr. DON H. CLAUSEN), meant to say that the purpose of the legislation was to be able to hold somebody responsible for actions like this. I believe the purpose of the bill is to pinpoint those dams in the United States which might be dangerous, so that the people who do have responsibility for them will have time to do something about it. Is that not correct?

Mr. DON H. CLAUSEN. I would agree with that.

Mr. Speaker, I rise in support of H.R. 15951 to authorize the Secretary of the Army to undertake a national program to inventory and inspect dams throughout the United States. This legislation is urgently needed as a result of the recent devastating floods experienced in the West Virginia, South Dakota, and the eastern States hit by the rains of Hurricane Agnes. In Rapid City, S. Dak., and Buffalo Creek, W. Va., the failure of impoundment facilities, some of which have never been designed or engineered, produced disastrous results. Many lives were lost and millions of dollars of damage were sustained. Some facilities failed in the States affected by Agnes, and many more which nearly failed threatened downwater residents.

It is interesting to note that those dams designed, engineered and constructed by the Corps of Engineers and Soil Conservation Service in these eastern States actually held and provided the flood protection and security to the people for which the projects were designed and built.

Earlier this year, I joined my colleagues from West Virginia and Iowa in an inspection of the devastation of the Buffalo Creek flood. The mute testimony of the wrecked homes, destroyed property, and the loss of lives impressed upon me the urgency and need to press for legislation to prevent future disasters. Although the impoundment at the headwater of Buffalo Creek which burst and caused the devastation was not a conventional dam as we know them, impoundments such as these need inspection and recommendations are needed to control future potential disasters.

I also call the committee's attention to the report in which the Committee on Public Works notes that it will be impossible for the Secretary of the Army to inspect all of the dams under this legislation and report to Congress under the time constraint of July 1, 1974. It is expected, however, that inspection of at least those dams posing a serious threat, as determined by the Secretary, to human life and property, should they fail, be completed prior to submission of this study. The committee believes this legislation is necessary and urgent to make an accurate and comprehensive study of these non-Federal dams and to make recommendations for a comprehensive national program for the inspection and regulation for safety purposes of all dams of the Nation, and for an appropriate sharing of responsibilities between Federal, State and local governments and public and private interests.

There are several good State inspection programs which could eliminate the need for additional inspection. However, in view of the recent flood disasters and the suffering that resulted, the committee feels that this legislation, at a cost of $90 million over the next 6 fiscal years, will prove valuable in establishing proper and adequate roles of the Federal, State and local governments, and private parties, including cost sharing.

Mr. JONES of Alabama. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

HIGHWAY EMERGENCY RELIEF

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15950) to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill as follows:

H.R. 15950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 125 of title 23, United States Code, is amended by adding a new subsection at the end thereof as follows:

"(d) In addition to the sums authorized to carry out subsection (a) of this section, there is hereby authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973. Sixty per centum of the expenditures under this section are authorized to be appropriated from the Highway Trust Fund and the remaining 40 per centum of such expenditures are authorized to be appropriated only from any moneys in the Treasury not otherwise appropriated. Such sum shall be available for expenditure during the next three succeeding fiscal years in addition to amounts otherwise available to carry out this section in such years. Funds authorized to be appropriated under this subsection shall be available for obligation immediately upon enactment in the same manner and to the same extent as if such funds were apportioned under this chapter."

With the following committee amendment.

Strike out all after the enacting clause and insert: "That clause (1) of the second sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: '(1) Not more than $50,000,000 is authorized to be expended in any fiscal year ending before July 1, 1972, and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after June 30, 1972, to carry out the provisions of this section and an additional amount not to exceed $100,000,000 is further authorized to be expended in the fiscal year ending June 30, 1973, to carry out the provisions of this section, except that, if in any fiscal year the total of all expenditures under this section is less than the amount authorized to be expended in such fiscal year, the unexpended balance of such amount shall remain available for expenditure during the next two succeeding fiscal years in addition to amounts otherwise available to carry out this section in such years, and'."

Mr. JONES of Alabama. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of H.R. 15950, which amends section 125 of title 23, of the United States Code. That section specifically provides an emergency fund for the repair or reconstruction of highways on the Federal-aid highway systems, and forest highways, forest development roads and trails, parkroads and trails, parkways, public lands highways, public lands development roads and trails and Indian reservation roads, which the Secretary of Transportation shall find have suffered serious damage as the result of natural disasters. Existing law authorizes $50 million per year to carry out this section of the law and provides that unexpended funds may be carried over to the next 2 fiscal years.

Recent experience has indicated to the committee there is a need to upgrade the authorization for this particular section. The bill before you increases the authorization on a permanent basis from $50 million to $100 million a year beginning with fiscal year 1973. In addition an additional $100 million is also authorized for fiscal year 1973 to take care of the recent damages that have hit highways in the five Eastern States as a result of Hurricane Agnes and other recent disasters.

This is simple legislation. It is an increase in funding for a needed program. I recommend its passage.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I am happy to yield to the gentleman.

Mr. HARSHA. Mr. Speaker, recently the President requested Congress to take action to provide relief for damage suffered by our highways as the result of Hurricane Agnes and other recent disasters.

The need for the President's request demonstrated to the Public Works Committee that our existing provisions in the law under section 125 of title 23 of the United States Code for the repair of disaster damaged highways is inadequate. The law now provides for $50 million a year authorization for the repair or reconstruction of highways on the Federal-aid highway systems, forest highways, forest development roads and trails, park roads and trails, public lands highways, public lands development roads and trails, and Indian reservation roads existing which the Secretary of Transportation shall find have suffered serious damage as the result of natural disasters. Existing law provides that unexpended funds may be carried over to the next 2 fiscal years.

When this provision was enacted into law, we believe that such a fund would be adequate to establish a permanent program of highway repair.

The year 1972 has demonstrated that we did not go far enough. Hurricane Agnes, the Buffalo Creek disaster in West Virgina, and the Rapid City, S. Dak., floods combined to make this a special year.

In addition, a study of the projects relating to 1972 shows that when all those projects are obligated there will be no carryover into fiscal year 1973. Indeed, the estimates that our committee has received indicate that there may be a deficit of approximately $7 million.

Mr. Speaker, I believe that the need for this legislation is manifest. I also believe that the best way to handle this problem is to provide a permanent program. It is for this reason that the committee chose to report to this House a bill that will provide adequate funds if only to accommodate the repairs necessitated by Hurricane Agnes and other recent disasters but in addition to provide a cushion against future disasters.

I urge the support of this legislation to the Members of this body.

Mr. KLUCZYNSKI. Mr. Speaker, within the past month, we have seen new and tragic evidence that the forces of nature are unpredictable, that, in spite of all our modern safeguards, they can turn against man with uncontrollable fury.

The torrential June rains that flooded Rapid City, S. Dak., and a vast area of the Northeastern United States, with a terrible loss of life, are past and all but forgotten by those who were fortunate enough to live outside the disaster areas. But the almost unbelievable devastation wrought by those floods remains as a reminder of our helplessness in the face of natural catastrophe.

Mr. Speaker, we know we cannot avert such natural disasters; they are beyond man's control. But we can and must be prepared to cope with their effects, to bring emergency help to the victims, to repair the havoc they leave in their wake.

The purpose of H.R. 15950 is to establish a permanent, continuing emergency relief fund to deal with one of the major crises brought on by such disasters—the destruction of our essential highway and road systems.

I am convinced, Mr. Speaker, that, while we may hope fervently that such catastrophes will be few and far apart, we must be prepared to cope with them at any time. We must have an emergency relief program of sufficient scope to eliminate the need for special legislation to deal with each new disaster as it occurs.

That is the purpose of H.R. 15950, Mr. Speaker, and I congratulate the Members of the House for their endorsement of this long-needed legislation.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. JONES of Alabama. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 13089, OF TREES ON NATIONAL FOREST LANDS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. FOLEY, BURLISON of Missouri, VIGORITO, KING, and KYL.

DEMOCRATIC PLATFORM SUPPORTS STRONG ACTION AGAINST CONCENTRATION OF ECONOMIC POWER

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, much of the bombast about support and nonsupport for the Democratic ticket has obscured some very significant positions taken in the platform adopted at Miami Beach last week.

Mr. Speaker, all Democrats should be pleased that our party has returned to a very strong position against concentration of economic power. The platform plank on this question is one of the best statements to ever come out of a Democratic Convention and I hope that when Democrats get over their petty differences, we will unite in an effort to carry out this plank.

Mr. Speaker, I want to quote the lead paragraphs from the Democratic platform under the heading, "Toward Economic Justice":

> The Democratic Party deplores the increasing concentration of economic power in fewer and fewer hands. Five percent of the American people control 90 percent of our productive national wealth. Less than one percent of all manufacturers have 88 percent of the profits. Less than two percent of the population now owns approximately 80 percent of the nation's personally-held corporate stock, 90 percent of the personally-held corporate bonds and nearly 100 percent of the personally-held municipal bonds. The rest of the population—including all working men and women—pay too much for essential products and services because of national policy and market distortions. 'The Democratic Administration should pledge itself to combat factors which tend to concentrate wealth and stimulate higher prices.'

The platform goes on to pledge the party to support programs to spread economic growth among workers, farmers, and small businessmen and to step up antitrust action "to help competition, with particular regard to laws and enforcement curbing conglomerate mergers which slow up efficient small business and feed the power of corporate giants."

The Democratic Party also calls for a strengthening of antitrust laws and a deconcentration of monopolies such as auto, steel and tire industries "which administer prices, create unemployment through restricted output and stifle technological innovation."

Mr. Speaker, there are other equally strong statements against the concentration of economic power and a return to vigorous antitrust action. And it is regrettable that this section has not received more attention in the press.

There are many sections of the platform on which Democrats can debate their differences but this section on economic justice is basic to the party and to the segments of our society which have traditionally supported Democratic presidential candidates.

Mr. Speaker, I hope that the Democratic presidential candidate and his running mate and the Democratic candidates running for election to the House and Senate will do their utmost to publicize the need for strong action against economic concentration in the coming months and that the new administration will embark on immediate steps to implement this section of the platform.

NOMINATION OF SENATOR THOMAS F. EAGLETON AS VICE PRESIDENTIAL CANDIDATE ON THE DEMOCRATIC TICKET

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, the State of Missouri has again been honored with the nomination of one of its Senators for the high office of Vice President. With the record Senator Harry S. Truman made upon his election as Vice President and later as President, we Missourians are proud to have Senator THOMAS F. EAGLETON similarly honored.

I would share with you the statement he made to his Missouri constituents upon his nomination:

THE NEXT FEW MONTHS

> Last Thursday I was honored, privileged, and flattered to be nominated for the office of Vice President of the United States.
>
> To say the least I was surprised. But it was with deep humility in the face of the responsibility I was asked to assume—and with profound gratitude—that I accepted the nomination. With God's help and with that of the people of Missouri I committed myself to the difficult task that lies ahead.
>
> I accepted with confidence . . . because I think all the surprises of 1972 have shown us something important about ourselves as Americans.
>
> We are learning to live with some of those surprises . . . even to like them.
>
> We are learning to find opportunity in them . . . not just uncertainty and fear.
>
> We are learning the importance of bold vision . . . vision to provide the guidance denied us in these uncertain times.
>
> START UP AMERICA
>
> Friends, America has been stalled for four years . . .
>
> Stalled in the senseless war in Vietnam . . .
>
> Stalled economically here at home . . . with millions and millions of Americans idled by needless unemployment.
>
> Stalled in the desperate fight to save our beleaguered cities . . .
>
> Stalled in providing adequate funding for our schools . . .
>
> Stalled in the efforts to preserve our precious and vanishing environment . . .
>
> Stalled in its deeply felt need to find a new direction for its citizens . . .
>
> NO CONFIDENCE
>
> From the people who promised to "bring us together," we have gotten deception and more mistrust.
>
> From the people who promised "the lift of a driving dream," we have a sodden mound of trampled hopes.
>
> And so we have an electorate so jaded by gimmickry that their healthy skepticism about politics . . . and about politicians . . . has escalated into a total lack of confidence in the current administration.
>
> RETURN TO BASIC PRINCIPLES
>
> John Kennedy taught us to ask not what our country can do for us, but what we can do for our country. And, indeed, what we have learned since then is one of the hard and bitter lessons of our time, is that there are limits to what even a great and mighty nation can do.
>
> For four years . . . with cosmetic diversions and callous disregard for the intelligence and the conscience of our citizenry . . . Richard Nixon has tried to make us forget what our nation should do . . . and, if we are to be true to our heritage, what our nation must do.
>
> George McGovern has offered us the opportunity to return to the principles upon which America was founded . . . to ask what we can do for one another . . . and, together, what we can do for our country and for mankind.
>
> In Richard Nixon we have a President who has traveled to the far reaches of our globe . . . who tells us that his greatest thrill comes from sending Americans to distant planets . . . but who has yet to study the mood and spirit of his own countrymen.
>
> LOST OUR LEADERSHIP
>
> You and I know that mood and that spirit. All is not well . . . and we know it. But it is not because, as some would have us believe we Americans have lost our way. We have not lost our way. All we have lost is the leadership to show us the way.
>
> We can regain that leadership this fall. 1972 can be the year, not when America lost its way, but the year when America found its conscience.

TRIBUTE TO DR. WILLIAM T. PECORA

(Mrs. HANSEN of Washington asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. HANSEN of Washington. Mr. Speaker, I wish to join my colleagues in paying tribute to the memory of Dr. William T. Pecora, Under Secretary of the U.S. Department of the Interior who died at the George Washington University Hospital on July 19.

It has been my pleasure to have been associated with Dr. Pecora for many years. He first appeared before the House Subcommittee on the Department of Interior and Related Agencies Appropriations which I chair, as Director of the U.S. Geological Survey. He also represented the U.S. Department of the Interior in his role as Undersecretary.

Dr. Pecora was one of the most expert witnesses who ever appeared before the committee. His limitless knowledge and deep concern for the natural resources of this country combined with his sense of humor and his ability to translate intricate scientific activities into layman's terms always made the hearing session interesting and edifying.

Dr. Pecora's achievements in the scientific world were many and impressive. He was held in highest esteem by his peers. Despite the active life he lead, he was never too busy to be a friend.

The Nation has lost a faithful servant, and our people have lost a fine humanitarian.

I extend my utmost sympathy to his wife and two children.

ASSISTANCE TO RURAL AMERICA

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I rise at this time to announce my intention of offering an amendment to the bill establishing a new Cabinet-level Department of Community Development, if that bill is reported to the floor by the Committee on Rules.

This bill in its present form seems not to place strong enough emphasis on rural problems and rural development. This lack of emphasis stands in sharp contrast to the forceful influence and active concern which the existing Department of Agriculture has consistently demonstrated for rural America throughout its long history.

Thus, my amendment will seek to insure that at least the same level of funding which we are now providing for rural America through the many USDA programs now in existence will be maintained in any new department which the Congress might establish.

We are now at a point where a great many legislators, including myself, are seeking to provide even greater assistance to rural America through a variety of new legislative proposals. My amendment will guarantee that we advance toward the goal of more comprehensive rural development, rather than retreating from that goal, as this legislation in its present form seems to demand.

RECENT INVESTIGATION OF SUPREME COURT JUSTICE WILLIAM O. DOUGLAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 60 minutes.

(Mr. WAGGONNER asked and was given permission to revise and extend his remarks and include extraneous material).

Mr. WAGGONNER. Mr. Speaker, I rise on this occasion to address this body to a matter that has caused great concern to me in the past year. I rise not in a posture of pleasure for having been proven correct, as will later be demonstrated, but rather reluctantly wishing for the sake of our Republic, that my thoughts during the past year might have been in error and that the occasion to offer the following address would never have occurred.

But, in fact, they have and I must, in good conscience, report them. I speak of the peripheral recent investigation by a Special Subcommittee of the Committee of the Judiciary of Justice William O. Douglas.

On September 17, 1970, the special subcommittee, following a so-called extensive investigation into the fitness of Justice Douglas to remain on the bench of the highest Court in this land, concluded, among other things, that the special subcommittee had "no evidence that Justice Douglas was involved in any way, directly or indirectly, with organized crime"—page 77 of the report of the special subcommittee. This conclusion was believed by me and others at the time to be premature, and contrary to the historic investigative traditions of this body. I have maintained silence following its publication, while harboring the quiet belief of its error, I can report that the subcommittee's conclusion has been refuted by unimpeachable documentation.

Although it is axiomatic that all persons strive for the day when their earlier repudiated beliefs are proven to be accurate, I continue to caption as "unfortunate" the revelations of Justice Douglas' direct involvement in organized crime.

It is unfortunate for at least two reasons. They are: First, that a member of the highest judicial body in this land knowingly associated himself with individuals who are notoriously involved with the cancer that spreads our land known as organized crime. Second, that when this great body undertook on behalf of the American citizens to explore the credibility of that charge over 1 year ago, and an investigative committee of this body charged with that responsibility chose rather than to investigate, to evaporate the charges while, by inuendo, to attack the credibility and motives of those individuals who would raise such questions.

I was, and continue to be to this day, one of those individuals who raised the charge of organized crime influence, I do not shirk, recount, or retract this charge. Rather, my intuitive belief has been reinforced with facts. Facts and evidence discovered by others than the subcommittee. Facts which clearly and unambiguously place the finger of organized crime involvement on a Justice of the Supreme Court of the United States.

What are these facts? By way of background I would respectfully remind this body that on August 1, 1970, I wrote the chairman of the committee who chaired the special subcommittee charged with the responsibility of investigating Justice Douglas. At the time of that writing, the so-called investigation had been in being for approximately 3 months. A self-serving interim report had been filed by the subcommittee describing its work to date as being "energetically pursued," as performing "(a) vast amount of work" and supportive of its earlier premise that "no stone would be left unturned." I believed differently and urged for a "full, fair, and factual inquiry conducted in a normal means for which Congress uses its broad powers to inform itself and the American people." I was particularly concerned with the absence of any subpenas having been issued and the total absence of any information gathered by subcommittee staff under oath.

I had obtained information reasonably calculated to cause belief that Justice Douglas had direct ties with the organized crime syndicate. A special counsel retained by me diligently pursued this matter concurrent with the so-called investigation of the subcommittee and reported regularly of his progress. Based on information received, I compiled in my August 1, 1970, letter to the chairman of the subcommittee a listing of 14 individuals, urgently requesting that these men be subjected to extensive cross-examination under oath, in order to find the link or links between the organized crime syndicate and Justice Douglas. None of these men were called. In fact, no witnesses were ever subpenaed.

The first two names on my list of 14 were Messrs. Albert Parvin and Meyer Lansky. That in August 1970 the name Meyer Lansky should not be synonymous with organized crime, should not conjure up a 1960 counterpart of the infamous Al Capone and should not register immediately in the minds of the citizens of this great Nation as the chief source of cancerous crime, was unfathomable to me. In every sense of the word, Meyer Lansky is a notorious syndicate chief. Not only was Lansky not subpenaed and not subject to perjury under oath, rather, he was avoided by the subcommittee. Page 177 of the final report of this subcommittee acknowledges that—

> No investigation was made . . . of Meyer Lansky . . . other than to the extent necessary to establish the relationship, if any, to (Justice Douglas).

As earlier stated, the subcommittee found no relationship existed.

It is sad to note that not only has a fully documented relationship been shown to exist, but that information was developed and published by two young reporters for the Journal Herald, Dayton, Ohio, named Andrew Alexander and Keith McKnight.

On June 12, 13, and 14, 1972, the Dayton Journal Herald published three articles revealing that nearly $200,000 was paid to mobster Meyer Lansky throughout the period from March 1961 through September 1967, from funds of the Albert Parvin Foundation while Justice Douglas served as its president and chairman of the financial committee.

The Albert Parvin Foundation was allegedly established as an eleemosynary foundation whose stated corporate purpose was to promulgate and promote better relations with other nations of the world through education. This laudatory purpose was converted during Justice Douglas' tenure, to pay $200,000 to America's No. 1 mobster in quarterly payments during a 6-year period. The payoff was disguised as a payment of compensation to Lansky for the rendered service of locating a buyer of a Las Vegas, Nev., casino that the foundation held no interest in. Albert Parvin himself, a friend and confidante of Justice Douglas, is cited in the articles as being "connected for more than 20 years with the financial interests of the internationally known mobster Meyer Lansky."

What hidden compensation, if any, Justice Douglas received for his role in this activity is unknown, but it is the subject of legitimate inquiry. Why an alleged philanthropic foundation dealt in the sale of a Las Vegas casino which it never owned and paid $200,000 of foundation funds to the Nation's, if not the world's, biggest mobster is unknown, but it too should be the subject of a legitimate inquiry. Why the U.S. Department of Justice has incorporated Lansky's receipt of this money from the Albert Parvin Foundation, authorized by its president, Justice Douglas, into a criminal indictment in the U.S. District Court for the District of Nevada—U.S. v. Lansky, Criminal No. 2408, Count 3—too should be the subject of legitimate inquiry.

Why is it, Mr. Speaker, that two reporters working without subpena power, without staff and without the full investigative force of the executive and legislative branches of the Federal Government should uncover this information, after a special subcommittee of this House failed to do so?

I am troubled by these and other questions, as are other Members of this body. I believe the American public is equally troubled. At a time in our history where national confidence in the Federal Government appears to be eroding, is it not incumbent on the Congress to step forward and announce that an error has been made by its investigative body?

Documented information has been developed and substantiated by the U.S. Department of Justice, which information was apparently unknown to the subcommittee. But, why did the subcommittee refuse to heed the warnings of its honorable Member from New Hampshire, LOUIS WYMAN, whose record of achievement includes the position of State attorney general, when he pleaded with the chairman in a letter on August 12, 1970:

> I am informed that the Subcommittee has not yet called a single witness, nor taken a single word of testimony under oath, nor held a single hearing.

Congressman WYMAN wrote the chairman again on August 14, 1970, reinforcing his desire to have testimony under oath and provided a listing of 16 prospective witnesses recommended to be subpenaed before the subcommittee.

Thus, in all, two Members of this body who were not privileged to be seated on a select subcommittee, suggested the names of 30 different witnesses to be subpenaed and interrogated under oath. None were called. No records were subpenaed. No cross-examination occurred.

I am convinced that had that suggested course been followed, that committee would have uncovered the $200,000 Lansky payoff by the Albert Parvin Foundation while Justice Douglas served as its president and chairman of its finance committee. I am further convinced that had that information been developed by the subcommittee their conclusion and recommendation would have differed and that this body would have thereafter acted accordingly.

But all of that is too late to do anything about it now. Or is it? There remains the glaring question of what we can do to erase this dual embarassment. A Supreme Court Justice who compensates a Meyer Lansky and a committee of the Congress that fails to properly discharge its duties.

Mr. Speaker, I ask unanimous consent of the House, notwithstanding the estimated cost by the Public Printer of $1,360 to publish in the CONGRESSIONAL RECORD the June 12, 13, and 14, 1972, articles appearing in the Dayton Journal Herald by Messrs. Alexander and McKnight, along with a copy of the indictment in United States against Lansky referred to earlier.

The SPEAKER pro tempore (Mr. MCFALL). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The information referred to is as follows:

[From the Dayton (Ohio) Journal Herald, June 12, 1972]

JUSTICE DOUGLAS WAS PRESIDENT: FOUNDATION PAID MOBSTER LANSKY

(By Andrew Alexander and Keith McKnight)

Nearly $200,000 paid to mobster Meyer Lansky was diverted from funds of a foundation headed by U.S. Supreme Court Justice William O. Douglas, according to Justice Department sources.

The Journal Herald, following a lengthy investigation, had the information confirmed by separate sources with Justice Dept. ties.

Douglas has denied knowledge of the payments.

The payments to the internationally known mobster were apparently drawn as the result of an encumbrance upon money which was earmarked for the foundation.

During virtually all of the period the payments were being made—from March, 1961, through September, 1967—Douglas was the president and only paid officer of the organization, the Albert Parvin Foundation.

Douglas was also chairman of the foundation's finance committee during part of the time Lansky was receiving payments.

The basic allegation that money was channeled to Lansky from foundation funds is contained in an indictment returned last Oct. 22 by a federal grand jury in Las Vegas.

That indictment charges that Lansky and three other persons conspired to conceal and distribute about $36 million in unreported income from the Flamingo Hotel and Casino in Las Vegas.

It further states that the $200,000 was paid to Lansky from proceeds of the operation of the Flamingo "through Hotel Flamingo Inc. and the Albert Parvin Foundation.

Douglas, through his Washington attorney David Ginsburg, declined to be interviewed.

Albert B. Parvin, a wealthy Los Angeles-based financier who created the foundation, failed to respond to a written request for an interview. Parvin has numerous connections to underworld figures.

Attempts to reach Lansky in Israel, where he took up residence with his wife in 1970, failed.

Last week, Lansky and another associate—Dino Cellini of Youngstown—were indicted by a federal grand jury at Miami for conspiring to avoid paying taxes on money received from gamblers on junkets to George Raft's Colony Club in London.

Two days later, Lansky was again indicted by a federal grand jury at New York on charges of filing false tax returns in connection with the money he allegedly received from the gamblers.

Lansky is widely recognized as the financial genius of organized crime. A report by Interpol, the international criminal police organization, describes Lansky as "one of the top Jewish associates in a syndicate of high-ranking hoodlums of Italian extraction, who control the major rackets in the U.S. and Canada."

Lansky's sudden departure for Israel preceded by eight months his indictment by a Miami federal grand jury in March of last year on charges of conspiring to violate gambling laws and to conceal proceeds from the Flamingo.

The Miami indictment was later replaced by the Oct. 22 Las Vegas federal grand jury indictment. Lansky has refused to return to face the charges—even though the government has offered to pay for his trip home.

The 69-year-old mobster is appealing to the Israeli High Supreme Court against an Interior Ministry ruling denying him permission to stay in that country. He had been granted a temporary tourist visa until the Israeli government last September decided he was a threat to public peace and not eligible for Israeli citizenship because of his criminal connections. The court's decision is expected soon—possibly this month.

The $200,000 was awarded to Lansky as a "finder's fee" in connection with the sale of the Flamingo in 1960 for $10,465,000 to a group of Florida-based investors headed by hotelmen Morris S. Lansburgh and Sam Cohen.

Lansburgh and Cohen failed to respond to written requests for interviews.

Both men were named as defendants with Lansky in the Oct. 22 indictment and both are considered by Justice Dept. officials as significant figures in organized crime.

The Flamingo—Before the 1960 sale—had been owned by Hotel Flamingo Inc., a company whose president was Albert Parvin.

On March 21, 1960, the stockholders and directors agreed to liquidate the company assets within a year.

Eight days later company directors voted unanimously to sell the hotel and casino to the Lansburgh-Cohen group. Parvin presided over the meeting as chairman.

Then, less than two months later—on May 12—an agreement was signed between Lansky and Parvin (on behalf of Hotel Flamingo Inc.) awarding Lansky the $200,000 "finder's fee" and stating that "it has been solely through the information and advice supplied by Lansky" that the sale to the Lansburgh-Cohen group could be made.

The federal government, in its Oct. 22 indictment reiterates that it was Lansky who was responsible for bringing the buyer and seller together.

The government is contending that the sale of the Flamingo helped pave the way for the Lansky-Cohen-Lansburgh conspiracy to collect and distribute millions of dollars in unrecorded gambling proceeds.

The government charges the conspiracy led to the illegal "skimming" of Flamingo casino income by concealing from Nevada gambling authorities and the U.S. Treasury Dept. the real receipts from the casino through understating its income by about $4.5 million a year.

On July 25, 1960—several months after the sale of the Flamingo and the contract to pay $200,000 to Meyer Lansky—Albert Parvin wrote a letter to Justice Douglas.

Both men have since said it was the first communication between them.

Parvin said he had just read "America Challenged," a book based on lectures by Douglas.

"So moved and impressed was I by its contents," Parvin wrote, "that it gave spark to an idea that has emboldened me for many years.

"It is my desire to endow a trust or foundation for the sole purpose of promulgating and promoting better relations amongst nations through education," he continued.

"I would be highly honored if you would aid in establishing and directing the functional and administrative policies of the foundation."

Douglas agreed and by the end of the year the foundation was incorporated in California and eventually received tax-exempt status.

Its incorporators were Parvin, Douglas and

William J. Campbell, who was chief federal judge of the Northern District of Illinois.

Throughout the 1960s, the foundation maintained at several well-known American universities fellowship programs for students from underdeveloped countries.

The board of directors of the foundation during most of that time—in addition to the incorporators—included such notables as Harry S. Ashmore, the Pulitzer Prize-winning journalist; Robert M. Hutchins, chairman of the Center for the Study of Democratic Institutions, and Robert F. Goheen, president of Princeton University.

But despite the prestige of some of its board members, critics of the foundation point out the numerous links between Parvin and organized crime.

Federal agents, congressmen and congressional aides have told The Journal Herald they believe Parvin has used the philanthropic activities of the foundation to provide a legitimate front for underworld activities.

Regardless of those charges, it was Parvin who set up the vehicle for payments to be diverted from foundation funds to Lansky.

Between December, 1960, and March, 1961—shortly after the foundation was incorporated and after the decision to sell the Flamingo—Parvin donated to the foundation 2,085 shares of stock in Hotel Flamingo Inc. Market value of the stock at the time was estimated at $1.6 million.

Then on March 10, 1961, as part of the liquidation of Hotel Flamingo Inc., the shares donated by Parvin to the foundation became part of a "custodian" or "trust" account maintained by the Bank of America in Beverly Hills, Calif.

Thus, through the shares donated by Parvin, the foundation quickly became the largest of 18 stockholders in Hotel Flamingo Inc. who were to receive the proceeds of the Flamingo sale.

Purpose of the "custodian account" was to allow the Bank of America to handle the distribution of funds from the sale to the various stockholders since Hotel Flamingo Inc. was being dissolved.

The donation of Flamingo shares by Parvin allowed the foundation and other shareholders to collect large monthly payments from the Flamingo Hotel liquidation.

It also provided the avenue for nearly all of the $200,000 finder's fee payments to be paid from the share due the foundation to Lansky, who was known as the "money boss" of organized crime.

Lansky began receiving the $200,000 on Jan. 2, 1961, with an initial quarterly payment of $6,250.

According to an Internal Revenue Service memorandum of early 1963, this first $6,250 was paid through Hotel Flamingo Inc. since the company had not yet been dissolved and the custodian account was not yet opened. The IRS memorandum was made public in a report issued by a House judiciary subcommittee which in 1970 investigated possible grounds for impeachment of Douglas.

The remaining $193,750, the IRS memorandum said, was to be paid from the custodian account at the Bank of America.

This point is confirmed, according to the 1963 IRS memorandum, by a trust officer of the bank.

He told the IRS that the bank maintained a custodian account opened March 10, 1961, and identified as "SMP–521–Parvin."

The trust officer, according to the memorandum, confirmed that the account contained a "fixed liability" of $193,750.

A source has confirmed for The Journal Herald that the money for Lansky was drawn only on the foundation's share of the custodian account.

In other words, the foundation paid almost the entire "finder's fee," rather than having it paid proportionally by the other stockholders or sellers.

Officials of the Bank of America refused to discuss the custodian account with The Journal Herald.

However, exhaustive inquiries by and for The Journal Herald have produced only two persons who dispute the claim of the Oct. 22 indictment that payments were made to Lansky from foundation funds.

One is Alex Bellows, a Los Angeles accountant who served as an accountant for the foundation. He flatly denied the allegation.

The other is Kenneth R. Harkins, who headed the staff of the special House judiciary subcommittee which investigated possible grounds for impeachment of Douglas in 1970.

Harkins said he believed he had—in the course of the investigation—viewed the checks to Lansky, but he wasn't sure.

He claimed the foundation had nothing to do with the payments.

However, representatives of the IRS and Justice Dept. maintain the accuracy of the claim in the indictment.

The Journal Herald conducted interviews with federal agents in Miami, Los Angeles and Washington, in addition to several former IRS "special agents" who had—in the last 10 years—been involved in various investigations of Parvin and Lansky. It was agreed that the agents would not be further identified.

In most cases, the agents said they could not discuss the payments to Lansky or any other aspect of the Oct. 22 indictment.

But several agents conceded intimate knowledge of the subject and, under questioning, did not deny knowledge that payments to Lansky were made from funds of the foundation, as alleged in the indictments.

One source claims that regardless of the checks subcommittee investigator Harkins believes he saw, those checks will give no indications the money came from the foundation.

He said that payments were made on Bank of America checks, and were signed by a bank officer.

Confidential bank records would show that the payments were drawn only upon the foundation's percentage of the custodian account, he said.

In addition, the allegation was confirmed for The Journal Herald through a high Justice Dept. official, who maintains the accuracy of the Oct. 22 indictment.

The quarterly payments of $6,250 were made to bank account No. 23151 at the First National Bank of Hollywood, Fla., near Lansky's residence at the time.

Bank officials in Hollywood declined a written request to verify details of the payments, or that account No. 23151 was held in Lansky's name.

However, a personal letter to Parvin from New York attorney Benjamin Messinger, dated Sept. 7, 1960, would seem to verify that Lansky got the money.

Messinger, who refused to be interviewed about his role in the Flamingo sale, wrote: "Enclosed herewith please find signed contract for your records. The checks are to be made out to the First National Bank of Hollywood, Account No. 23151, and mailed to the First National Bank of Hollywood, Hollywood, Florida. They will be credited to Meyer's account."

Regular quarterly payments of $6,250 were made to Lansky until late in 1966.

Final payments totaling $50,000—according to the Oct. 22 indictment—were made Dec. 30, 1966, and March 31, June 30 and Sept. 8, 1967.

The September payment was the final portion of the $200,000.

Whether or not the foundation directors—with Douglas as president—knew money was being paid to Lansky from foundation funds has never been conclusively established.

In October of 1969, when the Parvin-Lansky agreement was first made public, Douglas issued a statement saying: "I never had anything to do with the transaction and I never knew anything about it. I had no information whatever about it."

But at that time, has not been alleged publicly that Lansky was receiving the money through the foundation.

The question now likely to be raised is whether Douglas—as a fiduciary through his role as paid foundation president, a director and chairman of the finance committee—should have known, or made an attempt to know, about all financial transactions involving the foundation, including payments to an internationally known mobster.

The fact is that Parvin—virtually unchecked by Douglas or other directors—was allowed to maintain almost complete control over the foundation's financial dealings during most of the period Lansky was receiving payments.

From the foundation's inception until April of 1967, Parvin served as chairman and sole member of the finance committee.

Parvin's only assistance during that time came from Harvey L. Silbert, a Beverly Hills attorney and gambling figure who was treasurer of the foundation for four years prior to April of 1967, when he was elected a director as well.

Silbert, who is chairman of the board and a major stockholder of the Riviera Hotel in Las Vegas, would not allow a telephone interview.

He has been connected with Las Vegas hotel and gambling operations for more than 15 years and was also a vice president, director and stockholder of Parvin's furnishing and kitchen supply company, the Parvin-Dohrmann Co.

He also served as attorney for hotelman Milton Prell and was instrumental in arranging for the Parvin-Dohrmann Co. in 1968 to swallow the Prell Hotel Corp., which owned the Las Vegas Aladdin Hotel and Casino.

Silbert was no stranger to Douglas. They had met frequently through their work with the foundation, and in March of 1963, Silbert accompanied Parvin and Douglas to the Dominican Republic—purportedly to check on a foundation literacy project.

Parvin and Silbert held a tight grip on the foundation's financial affairs until late in 1966.

At that time, Douglas and several other directors learned of a massive investigation by the IRS into the financial interests of Parvin and the Parvin-Dohrmann Co.

The IRS probe, known as "Operation Complex," involved 41 agents and reached into eight states. The IRS claims its agents examined 200 individual tax returns and about 300,000 documents.

The investigation was concluded in April of 1967 with the recommendation, in a confidential IRS report, that no criminal action by taken against Parvin and that he be deleted from the Organized Crime List.

By that time the directors of the foundation had already hired the prestigious Washington law firm of Arnold & Porter to make certain the foundation's financial transactions were within the law.

The Arnold & Porter attorney who represented the foundation was Carolyn Agger, wife of the former Supreme Court justice, Abe Fortas.

As one of her first suggestions, she urged that Parvin be completely divorced from matters involving the foundation's finances.

In a Nov. 17, 1966 letter to director Harry S. Ashmore, Parvin strongly objected to the suggestion:

"Honestly, Harry, what is wrong with me? And frankly, what does Miss Agger think I am? I am certain that the financial and investment program of the Foundation, if handled by anyone but me, would result in a loss of income to the Foundation of perhaps $50,000 to $100,0000 per year."

But despite Parvin's protests, the foundation moved to at least diminish his control over the finances.

At a directors meeting April 12, 1967, in

Washington, it was decided that in addition to Parvin, Douglas and Robert Goheen should serve on the finance committee.

And it was also decided to hire a professional investment firm to take over Parvin's job of handling the foundation's stock portfolio.

And the minutes of that meeting also reflect that Harvey L. Silbert was elected a director and "as Treasurer, was authorized to sign checks on behalf of the Foundation."

But despite these changes—presumably because the Bank of America, and not the foundation, was handling the payments to Lansky—according to the Oct. 22 indictment—the money continued to flow to him.

And with Douglas serving as a member of the finance committee as well as foundation president and a director, Lansky received the final two payments of his $200,000 fee on June 30 and Sept. 8 of that year.

[From the Dayton (Ohio) Journal Herald, June 12, 1972]

Probe: No Hearings, No Affidavits, No Sworn Testimony

(By Andrew Alexander and Keith McKnight)

In September 1970, a special House Judiciary subcommittee announced the findings of its investigation to determine if William O. Douglas was fit to be a member of the U.S. Supreme Court.

The report concluded he was fit.

The special subcommittee had been formed earlier that year after the House minority leader, Gerald R. Ford, R–Mich., blasted Douglas on the House floor.

In addition, Rep. Louis C. Wyman, R–N.H., had authored a resolution—signed by more than 100 members of the House—calling for an investigation of Douglas.

Ford and other congressmen had accused Douglas of everything from supporting violent revolution in America to peddling articles for erotic magazines.

But the thrust of Ford's attack centered on Douglas' connections—however tenuous—with the underworld.

And it came as no small shock to them when the special subcommittee reached the conclusion that it had "no evidence that Justice Douglas was involved in any way, directly or indirectly, with organized crime."

Rep. Joe D. Waggonner Jr., D–La. who was not a member of the investigating subcommittee, branded the probe a "whitewash."

At its organizational meeting, the special subcommittee (according to its first report) agreed to "elicit all relevant information and materials from every source" and the subcommittee staff was directed to "leave no stone unturned in its efforts to obtain a full disclosure of all pertinent information."

While the subcommittee, under the supervision of the Judiciary Committee chairman, Emanuel Celler, D–N.Y., says it viewed thousands of documents supplied by federal agencies, it never exercised its power of congressional subpoena.

No hearings were held.

No depositions were taken.

No affidavits were sought.

In short, in its effort to "elicit all relevant information," the subcommittee took no information under oath, nor did the subcommittee ever talk directly to Justice Douglas.

Subcommittee staff members stress that they were given complete access to Douglas' personal files, although they grant damaging documents could have been removed before they began their search.

But any information the subcommittee desired directly from Douglas came through his attorney, a former New York Federal District judge, Simon H. Rifkind.

Rifkind told The Journal Herald he had offered to allow the subcommittee to take sworn testimony of his client, but the offer was never accepted.

Furthermore, Daniel Levitt, another member of Rifkind's firm, said that in September of 1970 a formal offer was made to the subcommittee to proceed with public hearings to "clarify the charges and clear the air."

However, Levitt told The Journal Herald: "I was told by a (subcommittee) staff member after the investigation was over, several months after it was over, that (Congressman) Ford had indicated to the subcommittee that he was not interested in having it proceed to hearings."

Ford, when informed of Levitt's statement to The Journal Herald, termed it an "unequivocal lie."

In one of its interim reports, the subcommittee apparently reasoned that testimony under oath was not needed because "thus far all potential witnesses have been cooperative."

But as Ford later protested: "How can the appearance of cooperativeness ensure that the potential witness is telling the truth, much less the whole truth. The purpose of the subpoena power . . . is to produce testimony under oath and subject to the penalties of perjury."

Since Ford's protest, there have been claims that the decision not to take testimony under oath was that of the Democratic chairman, Celler.

Attempts to interview Celler failed.

However, Harkins—the subcommittee investigator who says he wrote the final report—said "it was my decision, it was my recommendation" to the subcommittee not to take testimony under oath.

"If you want to know who to blame, blame Ken Harkins," he said.

Harkins said sworn testimony "wasn't necessary."

What's the sanctity of the oath as far as accuracy is concerned?" he asked. "There's no more penalty for being under oath and making a false and misleading statement than there is not being under oath and making a false and misleading statement."

Dougald D. McMillan, chief of the Miami Justice Dept. Strike Force, disputes that view.

Following testimony last year by Albert Parvin before a Miami grand jury, McMillan took the rare step of going into open court to indicate that Parvin had told the special subcommittee something quite contradictory to what he told the grand jury.

McMillan confirmed for The Journal Herald that he could not prosecute Parvin on charges of perjury because the special subcommittee had failed to take sworn testimony.

Harkins, when confronted with this situation, admitted that "if he (Parvin) had submitted a written statement and signed his name to it" or if sworn testimony had been taken, "that would be better evidence than our recollection of what he said, you're absolutely right."

In December 1970, the special subcommittee concluded there were no grounds to impeach Douglas and the possibility of congressional censure was not pursued.

The three Democrats on the subcommittee voted to accept the final report.

One Republican voted against it.

Another Republican abstained.

When it was all over, Chairman Celler said: "I am sure all fair-minded people, after studying the material in the final report, will agree there is no basis for impeachment of Justice Douglas."

Douglas resigned from the foundation in May of 1969, a week after Justice Abe Fortas was forced to resign from the Supreme Court following revelations he had accepted money from a foundation sponsored by a convicted stock swindler, Louis E. Wolfson.

Douglas, however, vowed to remain on the court.

[From the Dayton (Ohio) Journal Herald, June 13, 1972]

Douglas' Friend Has Mobster Ties

(By Andrew Alexander and Keith McKnight)

A close friend of U.S. Supreme Court Justice William O. Douglas has been connected for more than 20 years with the financial interests of internationally known mobster Meyer Lansky.

The "friend" is Albert B. Parvin, a wealthy Los Angeles financier with deep ties to organized crime figures other than Lansky.

Parvin in 1960 created the Albert Parvin Foundation, which Douglas headed during the 1960s.

The Journal Herald has obtained the confidential U.S. Justice Dept. report of an interview with an employe of one of Parvin's enterprises—Albert Parvin & Co.—which details some of the Parvin-Lansky connections.

Douglas' close relationship to Parvin through the foundation provided part of the basis for an unsuccessful impeachment attempt against the 73-year-old justice in 1970.

Federal agents, congressmen and congressional aides have charged privately that Parvin simply used the foundation and Douglas to provide a "legitimate" front for organized crime activities.

Douglas served the foundation—at Parvin's request—as director, president, and its only paid officer from its first directors meeting in February, 1961, until he resigned in May of 1969.

During that time Douglas collected over $100,000 through his $12,000-a-year salary. He also served on the foundation's finance committee from April of 1967 until his resignation two years later.

Through their work with the foundation, Parvin and Douglas became close friends and—according to a special Congressional Subcommittee report released in September of 1970—occasionally exchanged gifts.

And in late 1964 and early 1965, Parvin—as a favor—helped Douglas furnish his new home in Goose Prairie, Wash., by ordering more than $3,000 worth of furniture and draperies for Douglas through Albert Parvin & Co. Douglas paid for the items ordered.

It has never been conclusively established whether or not Douglas knew of Parvin's involvement with Lansky or that Parvin, for nearly 25 years, has maintained a constant interest in licensed gambling.

Douglas, through his Washington attorney David Ginsburg, refused to be interviewed by The Journal Herald.

Parvin has also failed to respond to a written request for an interview.

Attempts to reach Lansky, who is presently under indictment by federal grand juries in Las Vegas, New York and Miami, have failed. He has been living with his wife in Israel since July of 1970.

Lansky and three other persons are charged in Las Vegas with conspiring to conceal and distribute about $36 million in unreported income from the Flamingo Hotel and Casino in Las Vegas.

Last week, Lansky and another associate were indicted by a federal grand jury in Miami for conspiring to avoid paying taxes on money received from gamblers on junkets to George Raft's Colony Sporting Club in London.

Two days later, Lansky was again indicted by a federal grand jury at New York on charges of filing false tax returns in connection with the money he allegedly received from the gamblers.

One of Parvin's first business deals involving a Lansky-controlled enterprise resulted from Parvin's purchase of the posh Flamingo in the mid-1950s.

The Flamingo was constructed immediately following the end of World War II by a company called Nevada Projects Corp.

Lansky, whose personal fortune is estimated at $100 million to $300 million, was not listed as a stockholder of record in the company, according to the files of the Nevada Gaming Control Board.

However, several federal agents and persons initially involved, all of whom asked not to be identified, have told The Journal Herald they are convinced Lasky maintained a "hidden" control through stockholders in the company.

And the Las Vegas federal grand jury indictment of Lansky last October describes him as "one of the original controlling interests" in the Flamingo.

Among other gangsters in the company was Lansky's life-long hoodlum friend, Benjamin "Bugsy" Siegel.

Siegel, who had grown up with Lansky as a co-leader of the notorious "Bugs and Meyer Mob," originated the idea of the Flamingo and first headed the operation.

On the night of June 20, 1947—with the Flamingo open less than a year—Siegel was murdered as he sat in the Beverly Hills home of his mistress, Virginia Hill.

Hank Messick, author of a detailed biography of Lansky and his underworld influence, claims it was Lansky who made the final decision that Siegel should be murdered after he learned Siegel planned to sell most of his interest in the Flamingo and retire with his mistress in another country.

One of those Lansky aides who allegedly knew about and condoned the Siegel assassination was Phoenix-based mobster Gus Greenbaum.

Greenbaum later took Siegel's place as head of the Flamingo.

On Dec. 3, 1958, more than a decade after Siegel's death, Greenbaum and his wife, were found in Phoenix with their throats cut. The murders were never solved.

According to an IRS memorandum; written in January of 1963, Parvin and a group of investors purchased the Flamingo from Greenbaum and the old Nevada Projects Corp. (renamed Flamingo Hotel, Inc.) in 1955.

Parvin purchased the Flamingo when the hotel and casino allegedly could not meet payments to a furnishing company Parvin controlled.

According to Louis Wiener Jr., a Las Vegas attorney and close friend to Siegel, Parvin had substantial interest in the Flamingo from the day it opened.

Wiener said Parvin's company was granted a contract to furnish the plush resort almost completely.

In purchasing the Flamingo, Parvin formed a company called Hotel Flamingo, Inc. and he owned at least 30 percent of the firm's stock.

Hotel Flamingo, Inc. records do not list Lansky as a stockholder.

And according to the report of an interview with Parvin conducted by the IRS in the early 1960's, published in the final report of the special subcommittee investigation of Douglas in 1970, Parvin stated that "Meyer Lansky was neither a stockholder nor associate" in Hotel Flamingo, Inc.

Federal agents, on the other hand, have told The Journal Herald they believe Lansky maintained his "hidden" financial interest in the Flamingo from its inception until at least 1967.

They contend he held this interest during the five-year period (1955–1960) that Parvin—at least for the record—controlled the resort.

The Flamingo was sold by Parvin to a group of Lansky's associates in 1960.

As reported yesterday, Parvin sold the Flamingo in 1960 for $10,465,000 to a group of Florida-based investors headed by hotelmen Morris Lansburgh and Sammy Cohen.

Both Cohen and Lansburgh have been identified by Justice Dept. agents as long-time Lansky associates and both were named as defendants with Lansky in the October federal grand jury indictment in Las Vegas.

Both men have failed to respond to written requests for interviews. A secretary, by telephone, said they would not be interviewed.

In addition, Parvin—on May 12, 1960—signed an agreement with Lansky awarding Lansky a $200,000 "finder's fee" in connection with the sale of the Flamingo to the Lansburgh-Cohen group.

The agreement states that "it has been solely through the information and advice supplied by Lansky" that the sale could be made.

It was also reported yesterday that almost all of Lansky's $200,000 was paid in quarterly payments to him from funds of the Albert Parvin Foundation between 1961 and 1967, while Douglas was president and a director of the foundation.

The foundation, through the donation by Parvin of a large amount of Flamingo stock in 1960 and early 1961, became the largest of 18 Flamingo stockholders.

When the hotel and casino was sold and it was decided to liquidate, the assets, a "custodian" or "trust" account was set up at the Bank of America in Beverly Hills to handle distribution of the proceeds of the liquidation to the 18 stockholders, including the foundation.

A high Justice Dept. source has confirmed for The Journal Herald that the payments to Lansky were drawn upon only the foundation's share of the custodian account.

Douglas has publicly denied any knowledge of the Parvin-Lansky agreement.

On June 9, 1970, staff members of the special Congressional Subcommittee investigating Douglas' conduct interviewed Parvia.

Parvins' statements—like those of all persons interviewed by the subcommittee—were not taken under oath.

According to their report, Parvin said that Lansky "did not participate in the negotiations for the sale (of the Flamingo), Parvin said that the buyers of the Flamingo after the purchase price had been negotiated, directed that the $200,000 fee be added."

Whatever the reason for the $200,000 fee for finding his friends, the Oct. 22 indictment states that the government believes the sale of the Flamingo by Parvin helped pave the way for Lansky, Cohen and Lansburgh to conspire and "skim" millions of dollars of unreported proceeds from the hotel and casino.

About the time Parvin purchased the Flamingo in the mid-1950's, Lansky had already expanded his gambling enterprises to include control of a number of hotels and casinos in Cuba.

Lansky had gained special favors in Cuba through his close friendship with Fulgencio Batista, who had been re-elected Cuban president in 1952.

According to New York Times reporter Nicholas Gage, in his book "The Mafia is not an Equal Opportunity Employer," Batista's campaign received heavy financial backing from Lansky's crime syndicate.

Lansky quickly established a monopoly in the Cuban gambling industry by using Batista to pass a law that made gambling legal only in hotels worth at least $1 million. Subsequently, Lansky and his friends proceeded to build or gain control of the only hotels that would qualify.

To further solidify his position, he used Batista to realign Cuban immigration regulations so that casino pit bosses and other key workers would be classified as "valuable technicians," making it possible for them to stay longer than regular visas would allow.

Again, Parvin was hooked-up with the mob leader's hotels and casinos in Cuba, helping to build Lansky's gambling paradise.

According to statements made to The Journal Herald by Justice Dept. agents, IRS special agents, and long-time organized gambling figures who asked not to be identified, the Albert Parvin & Co.—which Parvin controlled—supplied the "fixtures" (furnishings, slot machines, etc.) for the Lansky-run Cuban hotels and casinos.

A confidential Justice Dept. report of an interview with a key employe of Albert Parvin & Co. supports this claim.

The interview was conducted Jan. 26, 1970, with Irving J. Marcus, comptroller for Albert Parvin & Co. for more than 10 years.

Marcus did not respond to a written Journal Herald request for an interview.

A copy of the interview with Marcus was supplied to the special congressional subcommittee investigating Douglas. However, the subcommittee did not make its contents public.

The Journal Herald obtained a copy of the interview from a source who was not connected with the Justice Dept.

The Justice Dept. interview with Marcus was held in the offices of Marcus' attorney Justin L. Goldner, in Beverly Hills, Calif.

At the time of the interview, Marcus was no longer with the Parvin firm, but has since been rehired.

According to the final report of the special Congressional Subcommittee investigating Douglas, Goldner has instructed Marcus not to be interviewed by anyone until the Justice Dept. furnishes Marcus with a copy of the report of the interview.

According to the interview report, there were numerous meetings held by officials of the Parvin firm and Lansky.

Marcus, who said he joined Albert Parvin & Co. on March 11, 1957, said his first association with persons "whom he knew were involved in organized crime" (according to the report) was when he met Lansky in that same year.

According to the report, Marcus confirms that Albert Parvin & Co. was doing work for Lansky in Cuba by "decorating the Havana Riviera," which was financially controlled by Lansky.

Marcus also said, according to the report, that he met Lansky throughout 1957 because he (Marcus)—the report says—"was an expert in export matters and slot machines and other furnishings had to be exported in accordance with federal procedures to Cuba."

The report claims Marcus said Albert Parvin & Co. had so many meetings with Lansky that "The Albert Parvin Company rented an apartment in Miami and most of the meetings occurred in that apartment."

It also says that some of the meetings were held with Lansky in a hotel suite which was rented by the company.

The interview report does not contain the locations of those apartments, nor does Marcus list the meeting dates.

The Parvin firm's interest in Lansky's Cuban operations quickly ended in 1959 when the country came under the control of Fidel Castro.

According to author Nicholas Gage in his book on organized crime, Lansky was so furious when Castro refused to allow his gambling operations to continue that he put up a $1 million bounty for Castro's murder. This reward was later withdrawn, but it caused more than slight concern for U.S. officials when Castro later visited New York and shunned elaborate security precautions taken on his behalf.

The Justice Dept. report of the Marcus interview does not deal with the Castro take over. Nor does it contain the topics or content of discussions held between Parvin Company officials at meetings with Lansky.

The report does, however, support the claim of many organized crime investigators that Parvin has for years operated as a "front" for Lansky-controlled businesses.

As one federal investigator said, the Lansky-Parvin ties are "just too deep" to be denied.

[From the Dayton (Ohio) Journal Herald, June 14, 1972]

How Did Foundation Get Crime-Tied Stock?

(By Andrew Alexander and Keith McKnight)

"A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life should be beyond reproach."—Canon 4, Canons of Judicial Ethics.

The Albert Parvin Foundation—headed for nearly a decade by U.S. Supreme Court Justice William O. Douglas—held more than 31,000 shares of stock in a company with numerous ties to organized crime.

And despite th fact that the stock reached a top market value of nearly $2 million, those connected intimately with the financial affairs of the foundation seem not to know—or will not say—how the block got into its investment portfolio.

The stock was held in varying amounts from 1961 through 1969 in the Parvin-Dohrmann Co., (known until 1963 as Starrett Corp.) a Los Angeles based firm which specialized in furnishing and outfitting hotels and restaurants.

The company was sold in 1969 and now is called Recrion Corp.

Like Parvin-Dohrmann, Recrion is traded on the American Stock Exchange.

The Parvin-Dohrmann Co. was headed during most of that nine-year period by Los Angeles financier Albert B. Parvin, who created the Albert Parvin Foundation in 1960 and persuaded Douglas to serve as an incorporator, director and its president.

Throughout the 1960's the foundation maintained at several well-known American universities fellowship programs for students from underdeveloped countries.

The results of a lengthy Journal Herald investigation would seem to support the claims made privately by Douglas' critics that it was used simply as an "honest" front for Parvin and those associated with the Parvin-Dohrmann Co., in their dealings with underworld figures.

Those findings include:

The claim by the comptroller of a Parvin-Dohrmann subsidary—in a confidential Justice Dept. report of an interview, a copy of which has been obtained by The Journal Herald that certain employes of the subsidiary were forced to donate Parvin-Dohrmann stock to the foundation;

The Parvin-Dohrmann Co., while the foundation held stock in the firm, employed two well-known organized crime figures in $100,000-a-year positions to manage the company's Las Vegas hotel and casino operations;

A vice president of the company, who also served with Douglas as a director of the foundation, has been under continuing scrutiny by organized crime investigators;

The Parvin-Dohrmann Co. and some of its officers—primarily Parvin—have been the subject of almost continuous federal investigation and litigation for nearly a decade.

Through his Washington attorney, David Ginsburg, Justice Douglas declined to be interviewed by The Journal Herald.

Douglas has denied knowledge of any connection between Parvin, the Parvin-Dohrmann Co., and the underworld.

And he has held that his work with the foundation in no way interfered with his work on the high court.

His critics, including House minority leader Gerald R. Ford and other congressmen, have argued that his moonlighting activities with the foundation have tainted the image of the Supreme Court and that he has not maintained the "good behavior" expected of sitting justices.

They contend there is no excuse for Douglas' professed ignorance of the many links between his friend, Parvin, the Parvin-Dohrmann Co., and organized crime.

They point out that Douglas collected more than $100,000 over a nine-year period as the only paid officer of the foundation.

Further, they point out that Douglas should have been aware of the foundation's financial affairs—not only as president, but also through his service as chairman of the foundation finance committee which he served from April 1967, until his resignation in May, 1969.

Douglas is a former chairman of the Securities and Exchange Commission.

Despite the fact that the total of more than 31,000 shares of Parvin-Dohrmann Co. stock represented the largest single holding in the foundation's investment portfolio in the 1960s, how it got there is a mystery.

Those close to the foundation's financial affairs who would allow themselves to be interviewed said they didn't know.

And those others who presumably would know wouldn't talk.

Parvin failed to respond to a written request for an interview.

Harvey L. Silbert, who served the dual role of Parvin-Dohrmann Co. director and vice president, as well as treasurer and director of the foundation, would not grant a telephone interview. He maintains a law practice in Beverly Hills, Calif.

Foundation accountant Alex Bellows, who now heads a Los Angeles accounting firm, expressed intimate knowledge of foundation finances, but said he didn't know who donated the Parvin-Dohrmann stock.

Former New York federal district Judge Simon H. Rifkind, who represented Douglas during a congressional impeachment attempt in 1970, also could not explain who gave the stock.

He said he was under the impression Parvin had provided all the foundation's financial resources, including the stock.

While the source of the stock is still a mystery, correspondence made public following a special congressional probe into possible grounds for impeachment of Douglas indicates that at least one foundation director tried to determine the generous benefactor of the stock.

He is Harry S. Ashmore, the Pulitzer prize-winning journalist, and he wrote to Silbert in December of 1969—months after Douglas had resigned—and asked "when the Foundation acquired by gift from (Albert) Parvin shares in the Parvin-Dohrmann Company."

An associate of Silbert's law firm responded several days later:

"Mr. Parvin has never donated to the Foundation shares of stock in the Parvin Dohrmann Company. Those shares which the Foundation did acquire were donated by persons other than Mr. Parvin."

But the associate did not name those "other" persons.

A year after Ashmore's letter, following what was billed as an extensive investigation of Douglas and the foundation by the special congressional subcommittee, there was no public answer as to who gave the stock.

Nowhere in the subcommittee's final 924-page report does it specify who donated the shares.

A Confidential report of a Justice Dept. interview obtained by The Journal Herald is pertinent.

The interview was conducted Jan. 26, 1970, with Irving J. Marcus, comptroller for Albert Parvin & Co. for more than 10 years. Albert Parvin & Co. was a subsidiary of Parvin Dohrmann Co.

Marcus failed to respond to a written request by The Journal Herald for an interview.

The Justice Dept. interview was held in the Beverly Hills offices of Marcus' attorney, Justin L. Goldner.

At the time, Marcus had left the company but since has been rehired.

Marcus reportedly recalled the merger in the early 1960s of Albert Parvin & Co. with the Starrett Corp.

According to the confidential report of the interview, Marcus recalled that certain employes of Albert Parvin & Co. were allowed to maintain a "minimum amount of stock" in the company.

However, he reportedly said, when the merger took place, these minority stockholders then automatically acquired stock in the new company—the Parvin-Dohrmann Co.

Marcus, according to the report, recalled "there was a certain amount of grumbling at the time" by several of these minority stockholders because after they received their stock in the new company "to which they were entitled, they were forced to give some to the Parvin Foundation."

Marcus did not expand upon his allegation, and the confidential report does not specify who "forced" the minority stockholders to make contributions, or why.

One possible reason the origin of the stock has remained a mystery is that from 1961 until April, 1967, the foundation's investment portfolio was handled only by Parvin and by Silbert, who assisted him for several years as foundation treasurer.

Together they operated virtually unchecked by foundation directors and Douglas, who was president during the entire period.

Parvin and Silbert—and presumably foundation accountant Bellows—were the only ones who knew who gave the stock.

In late 1966, when it became known to Douglas and the other directors that the Internal Revenue Service was investigating Parvin and his many financial interests—including the foundation—outside legal counsel was hired.

The counsel immediately recommended that steps be taken to eliminate Parvin's control over foundation financial matters.

In April, 1967, Douglas and another director were elected to what had previously been a one-man finance committee.

Yet even after the formation of this new finance committee—which Douglas subsequently served as chairman—the question of who gave the stock was apparently never pursued.

Regardless, the foundation—by means of its Parvin-Dohrmann investment—maintained a large interest in a company with connections to organized crime at the highest levels.

Many of these connections were through the purchase by Parvin-Dohrmann of three Las Vegas hotels and gambling casinos. They include the Fremont (in 1969), the Aladdin (in 1968), and the Stardust (in 1969).

For example, the Parvin-Dohrmann Co. in 1966 employed two well-known organized crime figures to $100,000-a-year positions running the Fremont operation.

The men are Edward Levinson and Edward Torres, and both were awarded five-year contracts in connection with the Fremont acquisition.

Levinson gained national attention in 1964 when he invoked the 5th Amendment privilege against possible self incrimination before the Senate Rules Committee which was looking into the business dealings of convicted former Democratic Senate secretary Bobby Baker.

Levinson has for years been connected with gambling enterprises controlled by international mobster Meyer Lansky.

These have included Lansky-controlled operations in Newport, Ky.; hotel and casino operations in Las Vegas; as well as Lansky's Havana (Cuba) Riviera hotel and casino which reportedly showed large profits until Lansky lost control of Cuban gambling concessions when Fidel Castro took control of the country in 1959.

Levinson, along with Torres and two other defendants, was charged in a 1967 Las Vegas federal grand jury indictment with conspiracy, filing false tax returns and aiding and assisting in submitting a false tax return for the Fremont Hotel.

Levinson eventually pleaded no contest and was fined $5,000 on one of the charges.

The government dropped the other charges against Levinson and dropped all charges against Torres and the other defendants.

Federal agents, who asked not to be identified, have told The Journal Herald Torres is also considered to be a significant contributor to organized crime. He held 63,000 shares of stock in Parvin-Dohrmann Co. at the same time the foundation also held its interest in the firm.

According to Securities and Exchange Commission records, Torres was retained by Parvin-Dohrmann to manage the Fremont and Aladdin hotels and casinos and later was hired as a consultant for the company in its management of the Stardust operation.

As a sidelight, the Justice Dept. confidential report of the interview with Irving J. Marcus states that Albert Parvin & Co. decorated Torres' Home.

Marcus, who said he had extensive dealings with both Levinson and Torres, mentioned in the interview "how extremely difficult it had been to get Torres to pay for the work done in his home" by the Parvin company.

Douglas has denied ever meeting or dealing with Levinson or Torres, and they have claimed the same—although all three were at the same time connected with the financial interests of the same company.

But while Douglas has denied dealings with these two organized crime notables, his association for more than seven years with a man of continuing interest to organized crime investigators is documented.

He is Harvey L. Silbert—the foundation treasurer and a fellow director.

Silbert, in addition to his position as a Parvin-Dohrmann vice president and director, is closely tied to Torres in another business interest.

Silbert is chairman of the board and a major stockholder in the Las Vegas Riviera hotel and casino. Torres, also a large stockholder, is president of the Riviera.

Silbert and Douglas became acquainted through Parvin when the trio in 1963 traveled to the Dominican Republic for the reported purpose of checking on a foundation literacy project.

Parvin—for the period Douglas headed his foundation—has been under almost constant investigation by federal agencies.

The largest of these, known as "Operation Complex," was conducted by the IRS in the mid 1960s.

The IRS probe was centered on the financial interests of Parvin and the Parvin-Dohrmann Co., which included the Parvin Foundation through its stock interest in Parvin-Dohrmann.

The investigation reportedly reached into eight states and the District of Columbia, and involved 41 IRS agents, who, according to the service, examined at least 200 individual tax returns and about 300,000 documents.

"Operation complex" was concluded in April, 1967, with the recommendation (according to the confidential IRS report prepared at the time and made public in 1970 by the special subcommittee investigating Douglas) "that this case be closed in the files of the Intelligence Division and that Mr. Parvin's name be deleted from the Organized Crime Drive List."

While no criminal action was pursued, the IRS report indicates that a "civil adjustment" was sought with Parvin for the years 1961, 1962 and 1963.

The confidential Justice Dept. report of the Marcus interview indicates that Parvin was, at the time of the interview, once again under scrutiny by the IRS.

Much of the report deals with the manner in which Parvin and his associate, Harry A. Goldman, handled travel and expense vouchers.

Goldman served as chairman of the board of Parvin-Dohrmann Co., and president of Albert Parvin & Co., of which Marcus was comptroller. Goldman was also the subject of close scrutiny in "Operation Complex."

Goldman failed to respond to a written request by The Journal Herald for an interview.

The Marcus report reads:

"Up until 1962 very meager records (of travel and expenses for Albert Parvin & Co.) were kept. Although Parvin and Goldman each had credit cards, it was their normal practice to pay the airline tickets and entertainment expenses with cash. Approximately once a month they would bring in a slip of paper to (Marcus) with an amount listed on it and ask him to draw a check to him which either they or their secretary would cash. This left no trail for (Marcus) or anyone else to follow as to where they had been or whom they had entertained."

Marcus said he knew "no specific instance in which Justice Douglas' travel was paid out of company funds or by Parvin."

The report states that the practice of submitting un-itemized expense accounts was restricted in 1962 when the IRS "placed a maximum $25 per day limitation on expenditures without itemization."

The report also states that the IRS, in the course of an investigation of Parvin, had uncovered "large sums involving unexplained travel and expenses in the Dohrmann Company," another Parvin-Dohrmann subsidiary controlled by Parvin.

Parvin in recent years has been involved in a number of major scandals.

Prominent among them was a Securities and Exchange Commission suit filed in federal court in the southern district of New York in October, 1969. The civil suit was against Parvin, The Parvin-Dohrmann Co., and 16 other defendants.

It charged the defendants with numerous violations of securities regulations in the sale of Parvin-Dohrmann stock, and centered on the fact that Parvin-Dohrmann stock increased in market price nearly 300 percent in less than a year.

Many of the alleged securities law violations involved transactions leading up to the sale of Parvin-Dohrmann in January of 1969.

Also named as co-defendants with Parvin were Edward Torres and convicted congressional influence peddler Nathan Voloshen, who died last August. Voloshen, a Washington lobbyist, pleaded guilty in 1970 to using the office of the former House Speaker John W. McCormack to gain favors for Voloshen's clients, and then lying about it to a grand jury. McCormack testified he knew nothing of Voloshen's activities.

SEC officials said they have reached settlements with all of the defendants except Parvin, but refused to discuss the issues on which the two parties are still negotiating.

The SEC suit against Parvin and the others has produced much less excitement than another case involving another Supreme Court justice, another foundation, and another wealthy financier.

In October of 1966, Parvin was named a co-conspirator—but never tried—in an SEC stock fraud case which sent Florida financier Louis E. Wolfson to prison for violation of securities law in selling unregistered stock.

Following Wolfson's conviction, it was revealed that then-Supreme Court Justice Abe Fortas had in 1966 accepted a $20,000 fee from the Wolfson Family Foundation for serving as an advisor.

Fortas reportedly kept the money for 11 months and returned it after Wolfson was indicted.

Parvin, according to a 1969 New York Times report, said he was a long-time acquaintance of Wolfson.

Douglas resigned from the Parvin Foundation a week after Fortas resigned his high court seat on May 14, 1969, after the fee was revealed.

Douglas cited poor health and an increasing court workload as reasons for his resignation.

A foundation statement released at the time said he had planned to step down for more than a month.

There were differences between the two justices' relationships to their respective foundations. Wolfson was convicted and went to jail for nearly a year, while Parvin has only been named in civil and criminal suits but has not been a central figure.

Fortas' $20,000 fee was returned after Wolfson was indicted and before he was convicted, while Douglas' $100,000 income from the Parvin Foundation was salary and has not been returned.

Correspondence from Douglas made public following the House investigation in 1970 suggests that Douglas was wary of the foundation's interest—through Parvin-Dohrmann—in Las Vegas gambling operations, but that he made no attempt to force the foundation to immediately dispose of the stock.

Nor do foundation minutes or correspondence show that Douglas ever attempted to determine the possibility of organized crime connections by the Parvin-Dohrmann Co., which would automatically implicate the head of the firm, Albert Parvin.

Government documents indicate that Douglas knew of the Las Vegas interests as early as 1966 when federal agents informed him of the ties between Parvin and organized gambling operations through the Parvin-Dohrmann Co.

Douglas, however, continued to head the foundation, and subsequently became chairman of its finance committee, while Parvin-Dohrmann went on to acquire two additional hotels and gambling casinos.

Douglas' failure to determine adequately the financial interests of the Parvin-Dohrmann Co. is viewed by his critics, including U.S. Rep. Joe D. Waggonner Jr. of Louisiana and U.S. Rep. H. R. Gross of Iowa, as an oversight unbecoming a justice of the Supreme Court.

And the congressmen have charged that his connections also have tainted the image of the Supreme Court.

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEVADA

(United States of America, Plaintiff versus Meyer Lansky, Samuel Cohen, Morris Lansburgh, Jerry W. Gordon, Samuel Ziegman, Steve Delmont, and Harry Goldberg, Defendants; Criminal No. 2408)

COUNT I

The Grand Jury charges:

1. That commencing prior to May 31, 1960, and continuing up to, and including the date of this indictment in the Judicial District of Nevada, and elsewhere, MEYER LANSKY, MORRIS LANSBURGH, SAMUEL COHEN and JERRY W. GORDON, hereinafter referred to as defendants, and Rubin Zerlin, Lou Poller, Chester Simms (now deceased), Samuel Belkin, co-conspirators but not defendants herein, and divers other persons to the grand jury unknown, all of which persons, named and unknown, other than the defendants themselves, will hereinafter be referred to as co-conspirators, did unlawfully, willfully and knowingly combine, conspire, confederate and agree together with each other and divers other persons to the grand jury unknown:

To travel in and use facilities in interstate and foreign commerce between the Southern District of Florida, Nevada, New York, Switzerland and elsewhere with the intent to establish, promote, manage and carry on and facilitate the establishment, promotion, management and carrying on of an unlawful activity and to distribute the proceeds of the operation and sale of said unlawful activity, that is a business enterprise involving gambling in violation of the laws of Nevada, specifically Nevada Revised Statutes 463.160, 463.200, 463.300, 463.360, 463.370 and 463.400 and their predecessor statutes, and thereafter to perform acts of establishment, promotion, management and carrying on and distribution of proceeds from said unlawful activity in violation of Section 1952, Title 18 United States Code.

2. At all times mentioned in this indictment and specifically during the years 1960 through August of 1967, except as otherwise indicated herein:

A. *Samuel Cohen*, a resident of Miami Beach, Florida, was the President of the Flamingo Company and owned 48.8 percent of its stock.

B. *Morris Lansburgh*, a resident of Miami Beach, Florida, was the Secretary-Treasurer of the Flamingo Company and owned 11.3 percent of the corporate stock.

C. *Jerry W. Gordon*, a resident of Las Vegas, Nevada, was the Vice-President of the Flamingo Company and had an undisclosed ownership of .8 percent of the corporate stock.

D. *Samuel Belkin*, a resident of Las Vegas, Nevada, was a shift boss and assistant casino manager of the Flamingo Hotel and Casino.

E. *Chester Simms* (now deceased), was a resident of Las Vegas, Nevada, and was the casino manager of the Flamingo Hotel and Casino and owned 4.75 percent of the Flamingo Company stock.

F. *Rudin Zerlin*, a resident of Miami Beach, Florida, was a partner with SAMUEL COHEN in many business ventures.

G. *Lou Poller*, a resident of Miami Beach, Florida, was a financier and business man.

H. *Flamingo Company*, was a Nevada corporation which owned and operated the Flamingo Hotel and Casino, located in Las Vegas, Nevada, from May 31, 1960, to August 17, 1967.

I. *Meyer Lansky*, a resident of Miami Beach, Florida, was a stockholder of record in the Nevada Projects Corporation which constructed the Flamingo Hotel in 1947 and then sold it to the Flamingo Hotel, Inc. on August 16, 1947.

3. The grand jury further charges that said unlawful conspiracy, combination, confederation and agreement was to be accomplished by the means and methods and in the manner following:

A. Defendant Meyer Lansky, one of the original controlling interests in the Flamingo Hotel and Casino, Clark County, Nevada would cause defendants Sam Cohen and Morris Lansburgh to purchase the Flamingo from Hotel Flamingo, Inc., and Albert Parvin in or about May 1960, and thereafter caused payments totaling $200,000 to be made from the proceeds of the Flamingo operation during the continuation of the conspiracy through Hotel Flamingo, Inc., and the Albert Parvin Foundation to Meyer Lansky.

B. Defendants Samuel Cohen, Morris Lansburgh and other named and unknown co-conspirators would apply for and receive gambling licenses and renewals thereof from the State of Nevada for operation of the Flamingo Hotel and Casino and would conceal from state authorities the interests and right to receive proceeds from the Flamingo of Meyer Lansky and others.

C. Defendants Samuel Cohen, Morris Lansburgh, and Jerry Gordon and unindicated co-conspirators Sam Belkin, Chester Simms, and others unknown to the grand jury would operate the gambling casino of the Flamingo and conceal from the Nevada gambling authorities and the United States Treasury Department the true casino receipts by understating approximately $4,500,000 or more of casino income yearly.

D. During the course of the conspiracy the aforesaid defendants would invite large groups of people (hereinafter referred to as junketeers) from various parts of the country to the Flamingo Hotel and Casino, Las Vegas, Nevada (hereinafter called the Casino), and would defray all expenses for transportation, room, food and beverage for periods up to four days.

E. During the course of the conspiracy the aforesaid defendants would extend substantial credit to the junketeers at the Casino gaming tables, and the junketeers would sign markers or IOU'S indicating the amount of the credit extended.

F. During the course of the conspiracy the aforesaid defendants would cause some of the junketeers IOU'S to be unrecorded on the Casino records and would cause the unrecorded IOU'S to be forwarded to junket collectors for collection.

G. During the course of the conspiracy the aforesaid defendants would cause currency received in payment of the unrecorded IOU'S to be accumulated in the New York office and periodically delivered to the Casino in Las Vegas, Nevada.

H. During the course of the conspiracy the aforesaid defendants would cause the Casino cashiers to omit the issuance of credits slips for the payments received in currency for the unrecorded IOU'S and would thereby cause an understatement of the Casino's income.

I. During the course of the conspiracy the aforesaid defendants would substantially underreport the amount of currency on the daily casino game worksheets and thereby causing a substantial understatement of the taxable income and tax liability of the Flamingo Company, Inc.

J. During the course of the conspiracy the aforesaid defendants would cause the unreported income of the Casino to be distributed among the owners of the Flamingo Company corporate stock and the key personnel of the Casino.

K. Defendants Lansburgh and Cohen and unindicted co-conspirators Rubin Zerlin and Lou Poller would negotiate the sale of the Flamingo on behalf of the named defendants and conspirators and other unknown co-conspirators and in order to secure a higher price would reveal that approximately two million dollars yearly in unreported proceeds from the Flamingo would be available for distribution after the defendant Lansky had been paid his portion of the sale price in cash.

Overt acts

In pursuance of the aforesaid conspiracy and to effect the objects thereof, the following overt acts were done and performed by the defendants as indicated below:

1. On or about September 7, 1960, Meyer Lansky executed an agreement requiring Hotel Flamingo, Inc., to pay Lansky $200,000.

2. At quarterly intervals beginning on or about January 2, 1961, and continuing through 1966, Meyer Lansky received payments in Hollywood, Florida, of $6,250 per quarter from Flamingo Company proceeds through the Albert Parvin Foundation.

3. During the months of January and February, 1965, in Dade County, Florida, and Clark County, Nevada, Morris Lansburgh, Sam Cohen, Rubin Zerlin and Lou Poller engaged in negotiations with a potential purchaser of the Flamingo Hotel and Casino.

4. On or about March 29, 1965, Morris Lansburgh sent correspondence from Clark County, Nevada, to the Flamingo New York office concerning unrecorded gambling debts owed to the Flamingo.

5. On or about December 30, 1966, and March 31, June 30 and September 8, 1967, Meyer Lansky received payments in Hollywood, Florida, totaling $50,000 from Flamingo Company proceeds through the Albert Parvin Foundation.

6. At approximately monthly intervals during the period from May 1960, to September 1967, the exact dates being to the grand jury unknown, Morris Lansburgh, Chester Simms and unknown co-conspirators received large amounts of currency from employees of the Flamingo's New York office.

7. On various dates during the continuation of the conspiracy, Sam Cohen, Morris Lansburgh, Rubin Zerlin, Lou Poller and unknown co-conspirators caused the deposit of large amounts of currency to the account of Exchange and Investment Bank of Switzerland at Miami National Bank, Miami, Florida and the transmittal to Switzerland of proceeds of the Flamingo operations.

In violation of Title 18, United States Code, Section 371.

COUNT II

The grand jury further charges:

1. That on or about May 31, 1960, the exact date being to the grand jury unknown, and continuously thereafter, up to and including the date of December 2, 1968, in the Judicial District of Nevada, and elsewhere, Morris Lansburgh, Samuel Cohen, Jerry W. Gordon, Samuel Ziegman, Steve Delmont and Harry Goldberg, hereinafter referred to as defendants, and Chester Simms (now deceased), Samuel Belkin, Bud Banner, a/k/a Sam Trachberg, Arthur Newman, and Bernard Cohen, co-conspirators but not defendants herein, and divers other persons to the grand jury unknown, all of which persons, named and unknown, other than the defendants themselves, will hereinafter be referred to as co-conspirators, did unlawfully, wilfully, and knowingly combine, conspire, confederate and agree together with each other and divers other persons to the grand jury unknown:

A. To defraud the United States by impeding, impairing, obstructing and defeating the lawful governmental functions of the Internal Revenue Service of the Treasury Department of the United States in the ascertainment, computation, assessment, and collection of the revenue, to wit: income taxes; and

B. To wilfully attempt to evade and defeat a large part of the income taxes to be due and owing to the United States of America by the Flamingo Company for the fiscal years ending March 31, 1966, March 31, 1967, and March 31, 1968.

2. At all times mentioned in this indictment, and specifically during the years 1960 through August 1967, except as other wise mentioned herein:

A. Steve Delmont, a resident of Las Vegas, Nevada, was an employee of the Flamingo Hotel and Casino.

B. Harry Goldberg, was a resident of Las Vegas, Nevada, and employee of the Flamingo Hotel and Casino.

C. Samuel Ziegman, was a resident of Las Vegas, Nevada and a stockholder of the Flamingo Company, Inc.

D. Bud Banner, a/k/a Sam Trachberg, a resident of Las Vegas, Nevada, was a shift boss of the Flamingo Hotel and Casino.

E. Arthur Newman, a resident of Las Vegas, Nevada, was a floorman of the Flamingo Hotel and Casino.

F. Bernard Cohen, a resident of Fort Lee, New Jersey, was the manager of the New York office of the Flamingo Hotel and Casino.

3. The grand jury further charges that said unlawful conspiracy, combination, confederation and agreement was to be accomplished by the means and methods and in the manner following:

A. During the course of the conspiracy the aforesaid defendants would invite large groups of people (hereinafter referred to as junketeers) from various parts of the country to the Flamingo Hotel and Casino, Las Vegas, Nevada (hereinafter called the Casino), and would defray all expenses for transportation, room, food and beverage for periods up to four days.

B. During the course of the conspiracy the aforesaid defendants would extend substantial credit to the junketeers at the Casino gaming tables, and the junketeers would sign markers or IOU's indicating the amount of the credit extended.

C. During the course of the conspiracy the aforesaid defendants would cause some of the junketeers IOU's to be unrecorded on the Casino records and would cause the unrecorded IOU's to be forwarded to junket collectors for collection.

D. During the course of the conspiracy the aforesaid defendants would cause currency received in payment of the unrecorded IOU's to be accumulated in the New York office and periodically delivered to the Casino in Las Vegas, Nevada.

E. During the course of the conspiracy the aforesaid defendants would cause the Casino cashiers to omit the issuance of credit slips for the payments received in currency for the unrecorded IOU's and would thereby cause an understatement of the Casino's income.

F. During the course of the conspiracy the aforesaid defendants would substantially underreport the amount of currency on the daily casino game worksheets and thereby causing a substantial understatement of the taxable income and tax liability of the Flamingo Company, Inc.

G. During the course of the conspiracy the aforesaid defendants would cause the unreported income of the Casino to be distributed among the owners of the Flamingo Company corporate stock and the key personnel of the Casino.

Overt acts

In pursuance of the aforesaid conspiracy and to effect the objects thereof, the following overt acts were done and performed by the defendants as indicated below:

(1) At various times during the course of the conspiracy, the exact dates being to the grand jury unknown, Morris Lansburgh, Chester Simms, and unknown co-conspirators received large amounts of currency from employees of the Casino's New York Office.

(2) Between March 31, 1966, and June 13, 1966, the exact dates being unknown to the grand jury, the aforesaid defendants caused the United States Corporation Income Tax Return of the Flamingo Company for the fiscal year of 1966 to be prepared in Los Angeles, California.

(3) Between March 31, 1967, and June 13, 1967, the exact dates being unknown to the grand jury, the aforesaid defendants caused the United States Corporation Income Tax Return of the Flamingo Company for the fiscal year 1967 to be prepared in Los Angeles, California.

(4) Between March 31, 1968, and December 2, 1968, the exact dates being unknown to the grand jury, the aforesaid defendants caused the United States Corporation Income Tax Return of the Flamingo Company for the fiscal year 1968 to be prepared in Los Angeles, California.

(5) On or about June 13, 1966, Jerry Gordon signed the United States Corporation Income Tax Return of the Flamingo Company for the fiscal year ending March 31, 1966.

(6) On or about June 13, 1967, Jerry Gordon signed the United States Corporation Income Tax Return of the Flamingo Company for the fiscal year ending March 31, 1967.

(7) On or about December 2, 1968, Morris Lansburgh signed the United States Corporation Income Tax Return of the Flamingo Company for the fiscal year ending March 31, 1968, in Los Angeles, California.

(8) On or about June 14, 1966, the United States Corporation Income Tax Return of the Flamingo Company, for the fiscal year 1966 was filed and caused to be filed with the District Director, Internal Revenue Service, Reno, Nevada.

(9) On or about June 15, 1967, the United States Corporation Income Tax Return of the Flamingo Company, for the fiscal year 1967 was filed and caused to be filed with the District Director, Internal Revenue Service, Reno, Nevada.

(10) On or about December 3, 1968, the United States Corporation Income Tax Return of the Flamingo Company, for the fiscal year 1968 was filed and caused to be filed with the District Director, Internal Revenue Service, Reno, Nevada.

In violation of Title 18, United States Code, Section 371.

COUNT III

The grand jury further charges:

That on or about the thirteenth day of June, 1966, in the Judicial District of Nevada, Samuel Cohen and Morris Lansburgh, residents of Miami Beach, Florida, and Jerry Gordon, a resident of Las Vegas, Nevada, hereinafter called the defendants, did knowingly aid and assist in, and counsel, procure, and advise the preparation and presentation to the District Director of Internal Revenue for the Internal Revenue District of Nevada at Reno, Nevada, of a United States Corporation Income Tax Return of the Flamingo Company for the fiscal year 1966, which was false and fraudulent as to be a material matter in that it represented that the gross receipts or gross sales were $17,080,017.00, whereas as the said defendants then and there well knew and believed the gross receipts or gross sales were $21,659,517.00.

In violation of Section 7206(2), Internal Revenue Code; 26 U.S.C., Section 7206(2).

COUNT IV

The grand jury further charges:

That on or about the thirteenth day of June 1967, in the Judicial District of Nevada, Samuel Cohen, and Morris Lansburgh, residents of Miami Beach, Florida, and Jerry Gordon, a resident of Las Vegas, Nevada, hereinafter called the defendants, did knowingly aid and assist in, and counsel, procure, and advise the preparation and presentation to the District Director of Internal Revenue for the Internal Revenue District of Nevada at Reno, Nevada, of a United States Corporation Income Tax Return of the Flamingo Company for the fiscal year 1967 which was false and fraudulent as to a material matter in that it represented that the gross receipts or gross sales were $16,891.00, whereas, as the said defendants then and there well knew and believed the gross receipts or gross sales were $21,751,878.00

In violation of Section 7206(2), Internal Revenue Code; 26 U.S.C., Section 7206(2).

COUNT V

The grand jury further charges:

That on or about the thirteenth day of June 1968, in the Judicial District of Nevada, Samuel Cohen and Morris Lansburgh, residents of Miami Beach, Florida, and Jerry Gordon, a resident of Las Vegas, Nevada, hereinafter called the defendants, did knowingly aid and assist in, and counsel, procure, and advise the preparation and presentation to the District Director of Internal Revenue for the Internal Revenue District of Nevada at Reno, Nevada, of a United States Corporation Income Tax Return of the Flamingo Company for the fiscal year 1968, which was false and fraudulent as to a material matter in that it represented that the gross receipts or gross sales were $7,087,411.00, whereas, as the said defendants then and there well knew and believed the gross receipts or gross sales were $8,164,861.00.

In violation of Section 7206(2), Internal Revenue Code; 26 U.S.C., Section 7206(2).

Mr. WAGGONNER. Finally, I shall caucus with my colleagues on the question of this serious breach of judicial ethics and consider the feasibility of authoring a resolution calling for the formation of a new special select committee of the House to explore all of the disclosures made herein.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to my friend, the gentleman from New Hampshire.

Mr. WYMAN. In the earlier portions of the gentleman's remarks on this special order, the gentleman referred to evidence of the fact that the subcommittee investigating the question of the possibility of impeachment of Mr. Justice Douglas reported to this body in a formal report that there was no evidence to justify the charges. He has also repeatedly stated that no witnesses were subpenaed.

Does the gentleman mean to say that the subcommittee investigating these rather serious charges never took any testimony under oath and subject to the penalty of perjury?

Mr. WAGGONNER. I am saying to this body that the subcommittee charged with the responsibility of this investigation not only did not subpena any of the suggested witnesses, but they failed at any point or any time to ever take a single word of testimony under oath, nor did they receive testimony from any individuals in writing which could, had their signatures been attached to that testimony, have perjured themselves.

Mr. WYMAN. If the gentleman will yield further, if they took no testimony under oath, then no witness was subject to cross-examination, is that correct?

Mr. WAGGONNER. The gentleman is exactly right.

Mr. WYMAN. What did they do? How did they conduct the investigation?

Mr. WAGGONNER. The gentleman is aware of the fact that certain members of the staff made a rather hasty trip into the Middle West and on to California in a matter of just days; came back and said that there was nothing to worry about, that they had conducted an investigation of all the people involved and all their files, but they spent most of their time traveling.

Mr. WYMAN. Did any member of the subcommittee, to the gentleman's knowledge, ever ask any questions of the witnesses?

Mr. WAGGONNER. To my knowledge, no member of the subcommittee ever asked anybody a pointed question.

Mr. WYMAN. Were any subpenas issued, whether duces tecum or otherwise?

Mr. WAGGONNER. No subpenas were issued. This was, as I said then, a whitewash job done primarily by the staff of the subcommittee.

Mr. WYMAN. Will the gentleman permit, was Meyer Lansky ever questioned by the subcommittee going into Mr. Justice Douglas?

Mr. WAGGONNER. To my knowledge Mr. Meyer Lansky has never been questioned by anybody, including a member of the subcommittee or the subcommittee staff with regard to this matter.

In fact, through his counsel he has been invited by the Federal Government and refused an invitation; he is no longer in this country. The Federal Government has offered to pay his travel back to this country, but he will not come.

He has been ordered by the Prime Minister in Israel expelled from that country, and that expulsion order is under appeal to the highest court of Israel.

Mr. WYMAN. If the gentleman will yield further, the subcommittee investigating these charges, of course, central to this investigation was Mr. Justice Douglas. Did any member of the committee at any time ever ask Mr. Justice Douglas any questions about these charges?

Mr. WAGGONNER. To my knowledge nobody, neither a member of the committee nor a staff member ever had any direct communication through the mail or in person, verbally, with Mr. Justice Douglas. All communications involving Mr. Justice Douglas were handled by his attorney, Mr. Rifkin.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, when the gentleman says there is no record of the subpena, does the gentleman know whether or not the subcommittee examined the Internal Revenue records of the principal parties under investigaton for the periods involved or the tax returns?

Mr. WAGGONNER. I do not know or cannot speak with total assurance as to whether they examined the Internal Revenue records or not, but I have every reason to believe that they did not.

Mr. WYMAN. Of course some of the financial transactions involved in the indictment to which the gentleman from Louisiana makes reference are materially influenced in their adequacy by the moneys that are shown, as to whether they were reported as income or as deductions or otherwise treated on their tax returns for the Flamingo Hotel and the Albert Parvin Foundation and all the rest.

Mr. WAGGONNER. I will say to the gentleman I am convinced had the corps' suggestion been followed it would have uncovered the $200,000 payoff by the Albert Parvin Foundation while Justice Douglas served as president and chairman of its finance committee.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from New Hampshire.

Mr. WYMAN. What do these articles develop that was neither known nor available to the Celler subcommittee investigating the so-called impeachment question?

Mr. WAGGONNER. First of all, they developed that the Albert Parvin Foundation, while Mr. Justice Douglas served on the U.S. Supreme Court, and more another hat as president of the Albert Parvin Foundation, paid a finder's fee to Meyer Lansky of $200,000 illegally from the foundation funds, and that Mr. Justice Douglas had to have some knowledge of this, because the last two installments of these payments of this finder's fee were made after an investigation by IRS was begun in 1966 and after Mr. Justice Douglas became chairman of the finance committee.

Mr. WYMAN. The gentleman said in his remarks earlier that Mr. Justice Douglas made some payments. Did he make the payments, or did somebody else connected with the foundation make the payments, according to these articles?

Mr. WAGGONNER. The foundation made the payments, but Mr. Justice Douglas was chairman of the finance committee. Surely, if he is capable of serving on the U.S. Supreme Court he had to know, as chairman of the finance committee, what these payments were being made for.

Mr. WYMAN. Why were the payments illegal, or unlawful in any way?

Mr. WAGGONNER. Of course, this was reported to be a finder's fee paid by the foundation, which had no interest in this casino, none whatever, to Meyer Lansky for his role in the bankruptcy proceedings, wherein they participated in the purchase of this hotel.

Mr. WYMAN. What would have been the interest of Mr. Justice Douglas in this matter, other than being president of the foundation?

Mr. WAGGONNER. That is exactly what I want to know, and that is what the people of this country deserve to know, and that is what a thorough investigation would reveal.

In closing, my colleagues, let me say the question is whether Mr. Justice Douglas, as a salaried president, a director and finance committee chairman, should have known or made an attempt to know about all financial transactions of the foundation, including those involving internationally known mobster Meyer Lansky.

And further the question is, will Mr. Justice Douglas reveal now his relationship with Meyer Lansky, and will he, to clear his name, if indeed it can be done, ask Mr. Lansky to return from Israel to face the Federal indictment which has been leveled against him and which I have placed in the RECORD?

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the special order today by the gentleman from Louisiana (Mr. WAGGONNER).

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

LIMITATION ON SOCIAL SERVICES

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 15 minutes.

Mr. MICHEL. Mr. Speaker, tomorrow we are scheduled to go to conference with the Senate on the Labor-HEW appropriations bill for the fiscal year 1973 and one of the controversial differences has to do with a limitation of $2.5 billion imposed by the Senate Appropriations Committee on the social services portion of the Social and Rehabilitation Service appropriation. In their report on the Labor-HEW appropriation bill for fiscal year 1973, the Senate committee devotes more than a page to this proposed limitation on fiscal year 1973 social services payments to the States—pages 94–95. The Senate language is as follows:

> This Committee has included in the appropriation for Grants to States for Public Assistance a maximum limitation of $2,500,000,000 for Federal participation in social services under titles I, IV–A, X, XI, XV and XVI of the Social Security Act. The Committee has come to view with some alarm the phenomenal growth in Federal financing of social services during the past several years. A few years ago Federal matching for services amounted to a few hundred million dollars. In FY-1971 the Federal Government spent $750,000,000 for services and our 1972 appropriation was over $1,295,000,000. This included a $500,000,000 supplemental appropriation required by the incomprehensible growth in Federal financing of this program.
>
> The latest state estimates submitted to the Department of Health, Education, and Welfare in May 1972 indicate that the states will require a total of $2,162,000,000 in Federal financing of services during FY-1973. If this estimate is correct, this would represent a nearly three-fold increase in services during the past two years and an increase over $865,000,000 in just one year.
>
> The Committee is not convinced that these funds are being spent prudently and effectively, in all cases.
>
> This Committee is concerned that the use of this source of Federal financing is out of any reasonable control: The Department of Health, Education and Welfare cannot even describe to us with any precision what $2,000,000,000 of taxpayer's money is being used for.
>
> In order to afford the Department an opportunity to improve its management of this program, this Committee recommended and the Congress approved in the fiscal year 1972 supplemental appropriations bill a substantial increase in SRS manpower. The Committee wishes to reemphasize its intent to provide the SRS with whatever staff is necessary at a sufficiently high civil service grade level to attract the best people into this effort. The Committee believes this latter point is pivotal to the entire effort and will not tolerate any bureaucratic excuses in this regard. The Committee included the full budget request for this special management effort in the fiscal year 1972 supplemental appropriation bill. If the SRS finds these resources to be inadequate to the task, the Committee will entertain a supplemental request for additional resources. The Committee fully intends to hold the Administration to its claim that this management initiative will save over $400 million in Federal funds during fiscal year 1973 without curtailment of benefits and useful services to those persons eligible for those benefits and services. In order that this Committee can assure itself that the necessary management improvements are being accomplished and that the allocations to each state relates to the needs of that state, the Committee will expect the Department to provide a comprehensive analysis of this program in the fall of this year. However, until these improvements are accomplished, this Committee believes that the Congress must limit the Federal liability for this largely unknown, undefined, and open-ended financing mechanism.
>
> Our proposed limitation for FY–1973 of $2,500,000,000 is over $350,000,000 higher than the amount requested by the states for FY–1973. In other words, every state will receive at least the amount they have estimated as required—and in most cases this requirement includes a significant increase in Federal funds for each state. Our reason for establishing a ceiling that is significantly higher than the amounts the states estimate they need, is to take into consideration the possibility that some states may have submitted faulty estimates or have under-estimated their genuine requirements. On the other hand, this Committee believes that it is its responsibility to prevent the continuing uncontrolled and open-ended Federal liabil-

ity for this program until the Congress has been convinced that these funds are being spent prudently and effectively.

The House bill does not contain such a limitation.

ORIGIN OF PROGRAM

The social services program is authorized by the Social Security Act (49 Stat. 620) and finances numerous forms of assistance to recipients of aid to families with dependent children—AFDC—and persons who qualify for welfare in the aged, blind, or disabled adult categories.

Between 1956 and 1967, Congress approved three major amendments to the Social Security Act. The 1962 and 1967 amendments set forth the basic purpose of public assistance social services in broad terms and provided liberal definition of eligible social services.

The 1967 amendments authorized 75–25 percent Federal-State matching for State and local costs of providing social services, specified in an approved State plan, to public assistance recipients, and former recipients.

Also approved in 1967 was a "purchase-of-service" provision, providing that State welfare agencies could purchase services from other public or private agencies, and qualify for the 75–25 percent matching reimbursement rate.

The objective of the social services program, as outlined by the Department of Health, Education and Welfare, is to assist States to:

First. Provide social services to needy children and their parents or relatives with whom they live; maintain and strengthen family life; foster child development; prevent and reduce illegitimacy; encourage family planning; protect children as needed; and help the parent, relatives and caretakers to attain or retain capability for maximum self-support and personal independence; and

Second. Provide services to help aged, blind, and other handicapped adults to attain or retain capabilities for self-care, self-support, and personal independence.

TYPES OF SERVICES PROVIDED

Some of the major services provided, with respect to AFDC are homemaker services, counseling services, family planning services, family life education, services to assist in child rearing, home and financial management services, day care, in-home child care, help in obtaining and utilizing health services, legal services, housing services, self-support services, education services, and programs to maximize the educational and social development of children.

With respect to the adult programs, some of the major services provided are health care services, protective services, home maintenance services and services to improve financial functioning.

It has been estimated by HEW that in fiscal 1972, some 664,600 adults and 12 million children will be the recipients of these services.

PROGRAM COSTS

Federal costs for the social services program are skyrocketing as States are finding new ways to qualify for reimbursement. Outlays amounted to about $354 million in 1969. By 1970, they had risen to $522 million and they reached $750 million in fiscal 1971.

Although the HEW budget estimated fiscal 1972 costs at $1,710 million, it is possible that they could reach $3.5 billion or higher, depending upon the action taken by the Conference Committee.

Costs for fiscal 1973 are currently estimated by HEW at $2,162 million—May estimate—but recent State projections indicate a possible $4.8 billion cost figure.

THE PROBLEM

This program is simply out of control.

There is an almost complete lack of accountability in the present system. We do not know how the money is being spent, nor how effective the funds are in reducing dependency.

For instance, I find that on the purchase of services provision, there is no accountability requirement whatsoever, so there is no way to tell if the people who are supposed to be receiving the services are actually getting them.

We find that States can contract away their responsibilities to other State or private agencies without those other agencies being subject to the same standards as the State welfare department.

We also find that some contracts did not require any progress reports by the contractors, and some failed to specify who has title to equipment or supplies purchased under the contract.

Contracts are not awarded on a competitive basis, with no documentation available to determine whether or not the negotiated amounts were reasonable.

An investigation will disclose open-end contracts with provision for funding increases without any corresponding change in the number of people served or the time period covered by the contract.

There are contracts calling for lump-sum payments with no minimum performance requirements.

Many cases can be cited where ineligible clients are served because the contractor has beer given the responsibility of determining eligibility, and has used very liberal standards. And on top of that, families with excessive income receiving services because the contractor did not verify or update the income information it had on those families.

It is very clear to me that many States are using purchased services as a means of multiplying funds. And, it looks as though about 80 percent of the increase in this whole social services item for fiscal 1973 will be in purchased services.

This is the only service program not subject to congressional control, accountability, and limitation. It is so wide open that about the only real limit on it is the ingenuity of the States in identifying social programs which meet the broad requirements of the law, and in finding ways to fit them within the Federal regulations.

It is possible now for the States to finance almost anything under this system. For example, did you know that one State financed a half million dollar TV documentary with social services money?

In another State, social service funds have gone into the State highway department.

Did you know that in one State program funds are going for advice on personal grooming to potential parolees from the State prisons?

Another State is financing a pre-kindergarten education program with these funds.

And the list goes on and on. In many States as much as 80 percent of their Federal funding under this program is going for refinancing of what were formerly State-financed services. State welfare departments, who are supposed to exercise control over these expenditures, are becoming little more than fiscal conduits. Some States have even gone so far as to formally appropriate private funds—like UGF, and so forth—so they will qualify for Federal matching money.

A big part of the problem, too, is that there is no formula for insuring an equitable distribution of social services money among the States. What we have done is open up a wild chariot race among the States for Federal funds, with the strongest and most aggressive getting the lion's share.

You have Alaska, for example, spending nearly $1,400 per welfare recipient for social services, compared with $242 in New York, $237 in Florida, $35 in Texas, and $7 in Mississippi.

And, of course, that is why we have this tremendous pressure against a limitation of any kind. Because every State wants an equal chance to get a piece of the action.

But, that is just exactly why we must get a handle on this thing, because this is a race that has no finish line—it just goes on and on with the only real limit being the size of the U.S. Treasury.

This is revenue sharing at its worst. We are not even sure that the social service programs into which the States are pouring money to get the extra Federal dollars have any real value to the recipients. I have notes on four different studies here which indicate that social services have very little impact on the lives of welfare recipients.

We are nullifying our own budget decisions, our own priorities by allowing this to continue, because the social service programs become the place where programs can be financed that are not successful in competing for Federal dollars in other Federal programs.

If we are going to have revenue sharing, then let us set it up on an equitable basis, so that every State will have an equal opportunity, and there will be a rational basis for distribution of the funds.

I am sorry to say that indications are that when we get into conference that we will probably end up with the House version with no limitation on expenditure of these funds. But I think that, notwithstanding the fact that the Senate made an attempt which called for an overall $2.5 billion limitation, that we have got to expose these facts to the light for the Members of the Congress, so conceivably we can take some affirmative action by amending the Social Security Act—and of course that would depend upon action taken by the Committee on Ways and Means.

A LONG STEP TAKEN TOWARD FULL ECONOMIC RECOVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Edwards) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, we all received some very encouraging news about the economy last Friday. In separate reports by the Departments of Commerce and Labor, it was reported that the economy expanded at a faster rate during the last 3 months than in any quarter since the end of 1965. The rate of real growth was 8.9 percent.

An equally encouraging note was struck in the area of inflation. For the same 3 months, the rate of inflation was only 2.1 percent, the second lowest of any quarter since 1965.

Consumer prices rose only 0.1 percent last month while food prices went up only 0.2 percent. The average wages of working men went up faster than prices last month. The gross national product increased at an annual rate of 11.2 percent in the last 3 months.

A person can get lost in the sea of statistics contained in these reports, but their net effect is obvious: President Nixon's positive program of economic leadership is paying off. Certainly much remains to be done in providing relief to the housewife and the working man. But these figures prove that a long step has been taken toward full economic recovery. Last Friday's reports are good news for all Americans.

SALUTE TO MORMON PIONEERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Idaho (Mr. Hansen) is recognized for 10 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, today we commemorate the 125th anniversary of Mormon pioneers entering the Salt Lake Valley after one of the most difficult and remarkable journeys in the history of the American West.

This rugged band of pioneers—who were characterized by courage, dedication, energy, and a boundless faith—settled not just a community, but gave life to a religious movement vitally important to the social and economic development of the West and new strength and meaning to the heritage of freedom won by our Founding Fathers in 1776.

Since 1847, July 24 has been celebrated as Pioneer Day in Utah and Idaho and throughout Mormondom and is the greatest Mormon holiday. But Pioneer Day means something to all the people of America, because the spirit of these pioneers was an example to other pioneers who went on through the remainder of the West.

The early Mormon pioneers endured many months of hardship and privation as they crossed the mountains and plains. Coming into the valley was, indeed, an occasion for dreaming dreams and seeing visions. Since the founding of the church 17 years previously, the Mormons had suffered great religious persecution, but here in the Great Basin the Latter-Day Saints would find the isolation that would let them establish a distinctive community based upon their own beliefs and values. If they could not attain their perfect society in this isolated mountain haven, then perfection was not within mortal reach.

A new era in the history of Brigham Young and his people had begun. A Mormon empire began to grow, with Salt Lake as the center. Despite continued hardship and great sacrifice, the pioneers overcame seemingly insurmountable problems through their energy, resourcefulness, a willingness to help one another, and their deep faith in God.

Within 10 years, 95 Mormon communities were established, stretching from the Salmon River in the north in my own State of Idaho to the Grand Canyon in the south, and from Fort Bridger in the east to San Bernardino, Calif., in the west. Not since the original Puritan settlement had such wholehearted cooperation marked a centrally directed group effort in American colonization. During the 30 years following the Mormons' arrival in Salt Lake City, more than 350 communities were established in Idaho, Utah, Nevada, Arizona, Wyoming, and California. They truly made "the desert blossom as the rose," and built a civilization out of the wilderness.

Today the Church of Jesus Christ of Latter-Day Saints has grown to a membership of more than 3 million people. As we honor their forebears on this Pioneer Day, let us pay special tribute to Joseph Fielding Smith, 10th president of the Mormon Church who died earlier this month. Harold Lee, the new "prophet, seer, and revelator," said—

> Smith's death closed a chapter of history when the leadership of the church has been in the hands of great men who were acquainted with the earliest leaders of this dispensation.

Smith's father, Joseph F. Smith, was the church's sixth president. His grandfather, Hyrum Smith, was a brother of Joseph Smith, founder of the Mormon faith. President Smith was a leader of great wisdom, vision, and conviction who helped provide fulfillment and direction for the church's growing membership.

A new era is perhaps opening for the church as Dr. Lee assumes his position of leadership. To one member of the church's Council of Twelve Apostles—

> It is as if the Lord called him at the precise right time. We are face to face with problems of streamlining and growth, and Harold B. Lee is the right vehicle.

The bold pioneers of 125 years ago set an example that can serve as an inspiration to all of us as we face the challenges and crises of the future. Today, on Pioneer Day, let us remember the pioneer spirit and pay tribute to the courage and devotion of those who helped build our Nation.

AN URGENT PLEA TO THE CONGRESS OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, as the Members of the House and the Senate know, late last month the eastern part of the United States was hit with a horrendous hurricane, Hurricane Agnes, with unbelievable devastation to homes, businesses, highways, bridges, farmland, public utilities, schools, colleges, and many other vital things that comprise our way of life.

One cannot believe the damage done unless it is witnessed, and even then it is difficult to comprehend.

My congressional district was really smashed and the consequent grief and heartbreak to literally thousands of my constituents who, in many cases, lost in homes, businesses, and personal belongings a lifetime of work and dedication, is most difficult to put into words. It would challenge the literary and descriptive capabilities of even our greatest writers.

The damage in my congressional district alone has been set around $500,000,000 for homes. One-half billion dollars for business and industry. Hard to imagine, but true. Today, I will distribute to each Member of the Congress a graphic account of the devastation suffered in my district. This account is in the form of a full-page message and plea by the Northeastern National Bank of Pennsylvania which appeared in the Washington Post on Friday, July 21, 1972. I wish to extend my warmest congratulations to Chairman of the Board John F. Murphy, President Carl A. Propes, to the officers, members of the board of directors, and employees of the Northeastern National Bank for this outstanding demonstration in the public interest. It was a fine move on their part and I am sure it will prove to be a most helpful and constructive one.

As the saying goes, we need all the help we can get. And, we need it now.

I respectfully suggest that each Member of the Congress read carefully the message sent to us by Northeastern. It is a plea that cannot be ignored or set on the back burner for attention at a later time. Last night was too late—the need is now and in great abundance. I join Northeastern in its plea and message to the Congress which follows:

An Urgent Plea to the Congress of the United States: Wilkes-Barre Is on the Come-Back Trail—But Its People Can't Make It Without Your Help

During the early morning hours of June 23, the city of Wilkes-Barre and its surrounding communities, like five states and the District of Columbia, were ravaged by the effects of Hurricane "Agnes", the worst flood in history. 120,000 people were driven from their homes by the rampaging Susquehanna River, suddenly as much as 6 miles wide. In the Wyoming Valley alone, there was $500 million worth of damage to homes and ½ billion dollars loss to business and industry, almost all of it uninsured. Schools, roads, bridges, water and sewer systems, other community services were wiped out.

25,000 homes were damaged. In suburban Kingston, all but 20 of 6600 homes were flooded.

This is the story of how the people of Wilkes-Barre and its surrounding communities are fighting back. It is also the story of the efforts being made to help the flood victims across the nation and of how you can aid them.

Eddie Chernesky, a foreman in a textile plant, looked at his house as soon as civilians were allowed back to the flood area. His household goods, his furniture, the family clothing and a life-time accumulation of memories had washed through the house and into the thick mud that covered everything. Chernesky and his wife moved in with friends in a neighboring community spared by the flood, borrowed shovels and flashlights, carried jugs of water and started to work.

"I was born and grew up in the Valley," says Chernesky. "My job is here, my kids grew up here. We'll manage." But for Chernesky and thousands of other wage earners, it won't be easy.

Hospitals were flooded and forced to evacuate their patients. Wilkes-Barre's Mercy Hospital moved patients to a nearby Veteran's Administration Hospital and a convalescent home. Patients from Nesbitt Memorial Hospital in Kingston were evacuated to College Misericordia in suburban Dallas, Pa. Nuns from the college worked alongside hospital personnel to treat 3,000 emergency patients. 31 babies were delivered, 300 medical and surgical patients were admitted and discharged, and 25 intensive and coronary care patients were treated while the hospital operated out of the women's college facilities.

Llewellyn & McKane is a small printing plant trying hard to be a bigger one. Three young brothers—Guy, Jack and Denny Llewellyn—had taken over the business from their father and a partner and had built a brand new, modern plant, a mile away from the Susquehanna's banks. Now the plant looked as if a giant had reached down and shaken its contents like dice. The big new presses would have to be taken apart, cleaned piece-by-piece and painfully, expensively re-assembled. Guy Llewellyn says, "We've got a small press back in operation and we're going to lick this thing. I hope to God we can get some help."

Some industries were wiped out. Some other businesses will probably never re-open. But they're the exception.

Chernesky and the Llewellyns represent the dominant spirit in the flood area. Their town was hard-hit by the Depression and by the loss of the Anthracite Coal industry, which had built it but they're tough and they're coming back. And, fortunately, much of the new industry brought to replace the dying coal mines is located on high ground and was safe from the flood, so a base of industrial employment gives them reason for hope.

In the hours and days immediately after the flood, government and civilian organizations and thousands of individual volunteers mobilized to keep the loss of life to a minimum and to provide emergency services. Congressman Daniel J. Flood of Wilkes-Barre and Joseph McDade of neighboring Scranton asked for, and received, forces from the Armed Services, the Office of Emergency Preparedness, the Small Business Administration, the Department of Housing and Urban Development, from every possible government source.

Pennsylvania Senators Hugh Scott and Richard Schweiker pitched in to help. Governor Milton J. Shapp flew in and, shocked by the damage, began to mobilize state agencies. The Luzerne County Civil Defense organization, headed by retired General Frank Townend, a lawyer, served to coordinate activities and maintain communications. (The ordinarily fiercely-competitive radio stations, almost without exception, pooled their broadcasts in an emergency network that kept a steady stream of factual information available and prevented the spread of false rumors.) Scranton and Hazleton newspapers helped Wilkes-Barre papers to resume publishing. A flood TV station moved to its mountain-top transmitter and, helped by the other stations, maintained broadcast service.

The Pennsylvania National Guard, the Red Cross, the Salvation Army—all stepped in and worked.

When Wilkes-Barre Mayor Con Salwoski's government could no longer function, Mayor Eugene Peters of Scranton and the Scranton Chamber of Commerce led a mammoth volunteer effort that contributed food, health services, clothing and hard physical labor to help their neighboring city.

The United Fund has raised hundreds of thousands of dollars for flood relief. But frankly, all of this work, all of this fighting spirit, all of this help won't be enough to help the six-state flood area come back. It needs your help.

President Nixon has proposed to Congress the most sweeping flood-relief program in history.

You can make sure that this program becomes law to assist the fighting people of Wilkes-Barre and countless towns and cities in six states to come back with grants and low-cost loans for their homes and businesses and with grants to replace their destroyed schools, roads, bridges, sewer systems and other community facilities.

Six states and the District of Columbia were hurt this time. But the next disaster might strike anywhere.

We urge prompt "YES" votes for the "Agnes" Disaster-Relief legislation to help a determined people to help themselves.

(Northeastern National Bank of Pennsylvania is headquartered in Scranton, with 13 offices throughout the Pocono-Northeast Region. Our Wilkes-Barre office was flooded, and we have opened a temporary office to serve the area's banking needs, with special assistance for all of the flood victims. We publish this advertisement in the hope that prompt, compassionate consideration will be given to the needs of the flood victims throughout the affected six-state area.)

RESCUING STRANDED U.S. CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Adams) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, Pan American World Airways is to be commended for its efforts to assist thousands of U.S. citizens in returning home from Europe after being left stranded there by the business failure of a European air carrier.

Upon learning of the plight of some 5,000 passengers scheduled to return to Seattle, Wash., between June 25 and July 29 from London, Amsterdam, and Frankfurt on the bankrupt firm's planes, PanAm immediately asked the Civil Aeronautics Board for permission to carry our citizens home. Permission was granted by the CAB and PanAm is currently returning them on a space available basis to their homes here.

I am informed that other U.S. carriers have joined in this fine endeavor of rescuing stranded U.S. citizens abroad.

I place in the Record the following statement by PanAm dated June 22, 1972, relating to this subject:

Pan Am Aids Passengers Stranded by Charter Airline

Pan American World Airways today asked the Civil Aeronautics Board for permission to carry home American passengers stranded in Europe by the failure of a charter airline.

"Pan Am desires to do all it can in the next few weeks to facilitate the return of the stranded citizens to the United States," the airline said.

About 5,000 passengers were scheduled to return to Seattle, Washington, between June 25 and July 29 from London, Amsterdam, and Frankfurt, aboard a charter airline that went out of business in the past week.

APPOINTMENT OF MR. E. V. "PETE" DORSEY AS REGIONAL POSTMASTER GENERAL FOR EASTERN REGION IN PHILADELPHIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Henderson) is recognized for 5 minutes.

Mr. HENDERSON. Mr. Speaker, it is with pleasure that I inform my colleagues of Postmaster Klassen's appointment of Mr. E. V. "Pete" Dorsey as regional Postmaster General for the eastern region in Philadelphia.

The eastern region covers the States of Virginia, Maryland, West Virginia, District of Columbia, Delaware, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Pennsylvania, and portions of New York, New Jersey, and Connecticut.

Mr. Dorsey will be responsible for policies and operational directives for 9,800 post offices, and labor-management relations for approximately 150,000 postal employees.

Pete Dorsey's appointment brings to the U.S. Postal Service the needed postal management experience of a top career postal employee. His postal career is one of progression, from the position of postmaster at Upper Marlboro, Md., to department headquarters as branch director in the former Postmasters and Rural Carriers Division, Special Assistant to the Deputy Assistant Postmaster General in the Bureau of Operation; appointment as Deputy Assistant Postmaster General, in this bureau, and finally being named as Acting Postmaster General.

On his retirement, he joined NAPUS, the National Association of Postmasters of the United States as their executive director. He was brought out of retirement by Postmaster General Klassen as his special assistant, and his recent appointment as Regional Postmaster General for the Philadelphia region will be well received.

I am confident Pete Dorsey's appointment and outstanding postal background and experience will contribute substantially to the postal management structure.

SPEECH BY JAMES E. CLYBURN TO SOUTH CAROLINA FEDERATION OF WOMEN AND GIRLS' CLUBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. Davis) is recognized for 20 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I rise to call attention to a recent speech made by James E. Clyburn, assistant to the Governor for human resource development in the State of South Carolina. Mr. Clyburn has captured, I feel, the mood of our country. In his speech to the South Carolina Federation of Women and Girls' Clubs, he has brought into sharp focus the problems and he has also proposed the answer to these problems. I submit his speech to this august body and urge all my colleagues to give their consideration to his words:

Remarks by James E. Clyburn

"These are the times that try men's souls, 'summer soldiers' and 'sunshine patriots' will in this crisis shrink from the service of their country, but he that stands it now deserve the love and thanks of men and women—for tyranny, like hell, is not easily conquered. Yet, we have this consolidation with us that the harder the conflict, the more glorious the triumph." The preceding is an excerpt from *The Crisis*, written by Thomas Paine in 1776. Yet it is just as true today as then. These are the times that try men's souls. These are times of contradiction and contrast. For some it is a time of trouble, suffering and grief; for others a time of joy, prosperity and triumph. These are times of despair and deprivation for many; and yet these are times of magnificience and affluence for others. These are times of precarious peace and the reality of continuing war. Three outstanding aspects of today's times are common to all who inhabit the globe, regardless of what aspects of the present may affect them. The paramount aspects are these: They are times of change, times of risk, and times of opportunity.

No one alive today can escape the pace of modern society. Old ideas are changing, new moralities are emerging, old civilizations are dying and new ones arising. Attitudes are being challenged and old answers are being questioned. Leaders speak out, urging us—first one way, and then another. some men of the cloth say God is dead. Young people demonstrate against the war in Viet Nam. School busing has become the foremost political issue today and everybody find themselves engulfed in the emotionalism of rhetoric. Jet engines loom overhead while sharecroppers walk behind sway-back old mules in rural southern communities and under-developed countries.

New worlds are being discovered by science. Some ten men have walked on the moon and others explore the bottom of the sea. The farthest corners of the earth have become accessible to the average human being. Scientists speak of determining the sex of unborn children and of altering their inherited characteristics.

How does an individual live in such a changing and confusing world? Everything is bigger and faster and we see ourselves shrinking in contrast. There is little time to stand for hours before a mirror to ask, "who am I?" We sometimes see ourselves as members of a faceless crowd. We lose the sense of our own special worth, becoming instead insecure or afraid.

This insecurity takes many forms. Some of us cannot face this world and retreat into a world of mental illness, alcoholism, or drugs. Others of us attempt to find security by building bigger houses, buying more things, and seek to compete with our friends in an effort to establish who we are. We deny our families and are jealous of our friends. We refuse to see our poor. We climb so high and move so fast that we sometimes push our neighbors off the social ladder in an effort to get there first.

We know that to live in this changing world we must work together for the common good of all, yet we watch our leaders bicker and our friends disagree. We see betrayals and "sunshine patriots" motivated by pride or greed or self esteem. We see ourselves in a whirlwind and forget we are not the only ones affected.

All of this contributes to the individual's feeling that he doesn't count and is not needed; that he cannot cope effectively. One person's efforts seem futile and hopeless. Is it any wonder the individual feels insecure?

What is a sunshine patriot? I submit to you that a sunshine patriot is one who loves his country when it is sunny and bright; one who supports its authority when the time is right; who has an interest when the situation is safe. But, when the rains come, when time doesn't seem right, when it seems to be a little dangerous, he forgets his patriotism. . . . One begins to wonder! Now . . . I ask you, what is this crisis? What is this crisis that is prevailing itself upon our community that is causing so-called men to become summer soldiers and sunshine patriots?

The second aspect of today's times, common to us all, is that we live in a time of risk. In many parts of the world the risks have different faces. Nations and men are marching to the rhythm they hear—but all of it containing risk.

With some, it is in the increasing tempo of trade, production, profit; with others it is the pursuit of knowledge, of leisure, or of pleasure. But in too many places of the world today it is the drumbeat of war, of revolution and violence.

We have paid a high price for new frontiers, sometimes even bloodshed and cruelty. The world balances between hot wars and cold wars. There are violent struggles in economics, in race, in religion, and in politics. Violence erupts in the Middle East, in Harlem, in Atlanta, in Africa, in Laos, and in Vietnam.

Even here in South Carolina we have not solved all our problems. But why? I submit to you that it is only because we fear risk. These fears may be very real fears . . . losing a job . . . being ostracized . . . not losing with the in-crowd . . . going against the whims of the power structure . . . and other problems which may be peculiar to your own situation.

There are still inequalities in courts, in schools, in jobs and in social privileges. These are realities that we must face or become as "summer soldiers." What is a summer soldier?

A summer soldier is one who will fight as long as the weather is pleasant. He will fight as long as the fight is not too hot. He will fight as long as his innermost being tells him it is safe. But when the hard cold weather of winter comes . . . or when the hot breezes of the battle raises . . . or when danger shows its presence, these so called men, these male species of human beings, these summer soldiers will stop fighting, lay down their arms, sit back and wait until times are once again pleasant.

All of this leads us to that third outstanding element of these times—that is that we live in a time of unprecedented opportunity. In spite of the negative elements, these are times of new hopes, new dreams, and new visions. We have hopes for the individual and for his well-being; and hopes for a world of peace and just advancement.

Since we are fortunate enough to be living in this era, for our own sakes, as well as those close to us, and for that of the community, it is imperative that we operate in our times.

Each individual in the world today owes it to himself, his contemporaries, and to society to exercise in so far as possible, what has been called the fifth freedom of man—the freedom to be one's best; to realize his full potential. For what does it matter to to each youth the four basic freedoms of man—freedom of religion, freedom of speech, freedom of the press, and freedom to petition for redress of grievances—then send him off to college where all of these things are suppressed and very little effort is put forth to develop that fifth freedom—the freedom to be one's best; to realize his full potential.

We need to care about what is happening today. We need to feel that we matter to it, and the consequences of it. And we need to feel that what we do will matter; that even though as only one individual, our efforts will make a difference on the plus side.

From there we take another step. As an individual, you must admit and accept responsibility. Now is the time to speak out, to act, to work for the things we care about. Now is the time to align ourselves with others who also care. And we must remind ourselves that admitting and accepting responsibility is not enough. We must also fulfill it

We go about fulfilling our responsibilities first by serving ourselves, than others. When Shakespeare wrote, "to thine own self be true," did he not mean that we need to serve ourselves by developing ourselves physically, mentally, and spiritually to be our best? For only then can we realize our full potential and thereby serve others, and make our best contribution to our world and our time.

It is a strange and wonderful thing that in the process of such development and growth we find ourselves caught up, and involved in attitudes, and actions, which make each of us a participant in these times, rather than a mere spectator. When we do so—when we become participants—our capacities for growth are greatly enriched, and our lives become meaningful and brighter.

We move to act with others who, in similar process, are participating, learning together, cooperating and achieving together. For an individual cannot be a real person until he is related to another person, a community of persons. In realizing his best potential, he becomes open to others, communicates himself to another, to a community of persons; and they react in communication with him.

In this process we discover our own increased powers and significance, and realize the strength and impact which the contributions of many working together can make.

We must learn to work with others and the federation of women and girls' clubs offer the type of atmosphere necessary. For more than sixty three years, you have kept abreast of the times. You are available for the whole community, but especially for women and girls. Your prime purpose is the physical, mental and spiritual development of the individual.

You provide many opportunities for becoming an effective person and for working with the community. You offer the chance to work toward constructive solutions to some of the critical issues before us today. Along the way you make new friends with others; some like yourselves, and others, unlike yourselves—friends of different origins and backgrounds; you learn to win and to lose; to fail and to succeed; you learn to give and to receive, to share, and to serve. And just as important to every person, you have fun.

In this process and in its receptive setting, you acquire skills and knowledge, which will help to equip you to cope with our present times, and with the times to come, times of even greater change, risk, and opportunity.

We have come a long way but we have many more miles to travel and if we are to be successful, we must travel them together.

I should hope that we will move forward in 1972—working together—mapping solutions, developing plans and reordering priorities.

In order for you to adjust to this society, you must learn to speak its language and learn to manipulate the many obstacles which are designed to impede your progress.

You must be willing and anxious to fend for yourselves. You should have no infallible party, no iron creed, no all-purpose blueprint, because you should not propose to chain people to a system of false logic and empty loyalties. You should have faith in your own human intelligence, human will, human decency and courage, for I believe that these remain, the real forces of change.

It is your responsibility to effect that change. But you must continue to be wise, you must continue to be humane, you must continue to affect its character. We are a young nation, we are a growing nation. We are making progress, but as Robert Kennedy so ably stated at Chicago in 1963, "Progress is a nice word, but change is its motivator, and change has its enemies." Change is always painful and those of us who advocate it will be criticized, but we must not be afraid of criticism. We will be labeled with some of the less acceptable labels in our society. But if attempts to feed a hungry child is militant, so may it be. If it is radical to call for efforts to rid our state of its substandard housing units, so may it be. So if its "Uncle Tomism" to urge increased communication between blacks and whites, be not afraid. Plato wrote, "A life without criticism is not worth living," but breathing is not living, it is only a sign of life. To live is to be free . . . to live is to move through time and space . . . changing the world . . . making all things new . . . discovering fire . . . inventing the wheel . . . developing blood plasma . . . and searching for new mountains to climb . . . other valleys to span and more bridges to build.

TREASURY UNDER SECRETARY TESTIFIES ON TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, last Friday the Joint Economic Committee began its third day of hearings on tax reform with testimony by Edwin S. Cohen, now Under Secretary of the Treasury. In his prepared statement, the Under Secretary lauded the existing tax system as "the most efficient revenue device in the history of the world." Under questioning, however, he conceded that the "adjusted gross income" figures on which he based his conclusions had "great defects" as a measurement of income distribution. He further acknowledged that he would "not try to defend the efficiency on the minimum tax."

Excerpts from Under Secretary Cohen's statement and the debate follow:

Mr. Cohen. At the other end of the income scale, much has been said in the heat of a political campaign year to indicate that the rich somehow manage to avoid paying income taxes. In the face of political rhetoric, it is important that we keep a proper perspective and consider the need for further reform of the tax structure with a calm and deliberate appraisal.

It is true that a small number of taxpayers with high "adjusted gross income" showed no net "taxable income" on their tax returns for 1970. But if we look at the data as a whole it is clear that persons with high adjusted gross incomes are paying heavy federal income taxes. The Preliminary Statistics of Income for 1970—and our final statistics will be available in a few weeks—show the following.

I shall not try to read the table, Mr. Chairman. But if you will notice two of the five lines that I have comment on when three persons out of a group of 624 with adjusted gross income above $1,000,000 pay no tax, it is pertinent to inquire why this might occur. But in making the inquiry, one should not lose sight of the fact that 621 of this group paid an average tax of about $985,000, for a total of $612 million. This represented an effective tax of 46.4 percent of their adjusted gross income and 65.3 percent of their net taxable income.

Similarly, for the 15,323 with adjusted gross incomes above $200,000, the data shows 112 persons paying no tax, but it shows that 15,211 persons paid an average tax of $177,161, for a total of $2.7 billion. This represented an effective tax of 44.1 percent of their adjusted gross income and 59.5 percent of their taxable income.

We should be slow to condemn a federal income tax system that produces by voluntary assessment these huge amounts of tax on high adjusted gross income groups merely because a fraction of one percent of the cases report no tax due.

I might add, Mr. Chairman, that late yesterday afternoon I saw some of the first runs from the computer model of the 1970 tax return, which is just becoming operational. And this involves the minimum tax which some persons have said has been largely ineffective, but it certainly has been effective in some cases, because there was the case of one individual who paid no regular income tax but a minimum tax of over $600,000. At least for that individual a minimum tax enacted in 1969 had a substantial impact.

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Representative Reuss. You point out on pages 3 and 4 that for people with adjusted gross incomes above $200,000, which number 15,323, almost all of the 15,211 paid an average tax of $177,161, and that "this represented an effective tax of 44.1 percent of their adjusted gross income, and 59.5 percent of their taxable income."

Well, that sounds reassuring to somebody who doesn't know what adjusted gross income is. But is it not a fact that adjusted gross income is one of those lovely Treasury terms which deliberately excludes the very loophole income we are talking about—capital gain, oil depletion, tax exempt bonds, interest on life insurance savings, and so on? So that these people did make millions, taken together, on which they paid no tax whatever, and this 44 percent figure merely relates to that portion of their income which wasn't loophole income, isn't that so?

Mr. Cohen. Mr. Chairman, I could not agree more that the use of adjusted gross income as a measurement here has great defects.

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Now, you are perfectly right in saying that adjusted gross income does not include tax exempt state and local bond interest, for example, it is calculated after reduction of a percentage depletion in excess of cost depletion. It includes only 50 percent of net long term capital gains. And all of these defects I not only agree with you on, but I insist on them in collaboration with you.

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Representative Reuss. Let me suggest that I don't think the real question which gets us tax reformers outraged is so much, as you suggest it is on page 2, that the rich manage to avoid paying income taxes entirely. That gives rise to endless witty diversities about the 109 and what they actually did, and I am really not particularly interested in. What does concern me is that a great number of very well to do people pay a pittance in federal income taxes while the average working person pays much more.

For example—and I don't think this is disputed—back in March, when you released your Internal Revenue Service publication 198–2–72—that was the one that related to the 18,000 wealthy people who theoretically were subject to the minimum tax, the 10 percent minimum tax—we found that the average tax they paid on their tremendous income was 4 percent.

Well, that is just half of what a $7,000 a year working man pays. He pays at the rate of 8 percent. Doesn't this disturb you?

Mr. Cohen. Yes, Congressman.

Representative Reuss. But there is not a word of it in your presentation. All you do is laugh off the 108 who seemingly achieved the mission impossible, escaping without paying a dime of taxes. Well, in many cases I would agree with you, there is good reason for that. But put them to one side. It is just indisputable that these 18,000, that is a lot of people, all of whom made very large incomes averaging well over $30,000 a year, paid at the effective rate of 4 percent, whereas a $7,000 a year worker pays at the rate of 8 percent. I don't see how we can tell our constituents that they should stop their taxpayer's revolt, that all is well, while that is going on.

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Mr. Cohen. With respect to the minimum tax, I shall not try to defend the efficiency of the minimum tax. (. . . . .) I think we ought to do a good hard look at it.

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Representative Reuss. You state in your paper, Mr. Under Secretary, that the President has stated that he will submit to the Congress for action next year recommendations for tax reform. That certainly sounds good. But how do you reconcile that with the fact that at the hearings last year on the Economic Report I asked the Secretary of the Treasury, Mr. Connolly, what the Administration's attitude was on the nine or ten leading loopholes—I mentioned them—oil or gas percentage depletion, intangible drilling expense, capital gains on property transferred at death, unified gift and estate tax, generation skipping trusts, capital gains holding period, stock options, state and local bond interest—he was militantly opposed to closing every one of those.

And then, as if that was not said from on high, just a couple of months ago Mr. Connolly had Mr. Nixon down to his ranch, and they had all of the leading industrial and banking and oil interests of Texas, or at least a good share of them, at the barbeque. And at that meeting, according to the press release issued by the White House which I have, President Nixon said to this audience:

"As far as I am concerned, I strongly favor not only the present depreciation rate, but going even further then that, so we can get our plants and equipment more effective. That is why, in terms of depletion, rather than moving in the direction of reducing the depletion allowance, let us look at the fact that all the evidence now shows that we are going to have a major energy crisis. To avoid that, we have to provide incentives rather than disincentives for people to go out and explore for oil. That is why you have depletion, and the people have got to understand it."

Well, in the light of those statements, what can I tell my constituents in the event that Mr. Nixon is re-elected? Is there going to be any help from the average workingman taxpayer, or is he going to continue to be confronted with the fact that even at the bottom of the working spectrum he has to pay an 8 percent effective rate, while the loophole enjoyers pay one-half of that, 4 percent? What hope can I give him?

Mr. Cohen. Mr. Chairman, I think you can give him the hope that the President, as I understand it, at the press conference—at which I was not present, but it was also reported in the papers more recently than that—has specifically stated that he will present to the Congress recommendations with respect to tax reform.

Representative Reuss. Would you consider a national sales tax like the value added tax, tax reform? Would that satisfy the commitment to recommend tax reform?

Mr. Cohen. It is not my understanding that that is my instruction. You are asking me about politician and governmental decisions to be made at a level above mine, Mr. Chairman, as I am sure you realize. All I know is that I am hard at work, and our staff is hard at work, in a review of the Federal tax structure from stem to stern.

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With respect to the value added tax or a sales tax, or what other form of expenditure tax or consumption tax might be considered, the Treasury has considered this problem, as I understand it, for some 30 years, and we have reviewed this, and the President has asked the Advisory Commission on Intergovernmental Relations to make a report to him with respect to the advisability of using a value added tax, a sales tax, or any other form of tax in conjunction with the need to improve the property tax problems, particularly in relation to filling the need for education.

You are aware of the court decisions that will require, if those cases are sustained, some change in the property taxes in relation to education. That matter is under study by the ACRI.

Representative Reuss. Then your answer would be that, speaking for yourself, and just as a matter of philosophical definition, the value added tax could be comprised under the general rubric of tax reform?

Mr. Cohen. But it certainly could be an incentive, and it is used, as I am sure you know, to a very large extent in European nations.

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Representative Reuss. The Treasury has been, I would assume, reviewing those tax laws for the last three years since 1969. Have you got anything to report to us this morning, any improvements, closing a loophole or two, any break for the average wage earner, any good news?

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Mr. Cohen. We are trying at full speed to get available the data for the effect of the 1969 Act. We are just in the process of getting operational the computer models of the '69 returns and the '70 returns, and in the process of updating those for economic data for 1972 and 1973.

Now, we do not yet have the computer data, the statistical data from corporation returns for 1970. So, it is not yet possible to measure the effect of the 1969 Act on corporations until we have that data. But that data will be available within the next few weeks.

Now, we are making, as I indicated to you, this full review, and the President will make the recommendations to the Congress, as he said, for action next year. I think it would be inappropriate and presumptious of me to indicate what those recommendations are, because at this stage I don't know, and even if I did, they should be made by him, and not by me.

Representative Reuss. That is entirely proper. And we can expect those Presidential recommendations, then, in the next few weeks?

Mr. Cohen. No, that is all the President said, the President said that he would have his recommendations, according to my recollection of the press conference, by the end of the year.

Representative Reuss. Not before the election?

Mr. Cohen. My recollection of this is that he said by the end of the year. I would assume that that would mean in time for Congressional action next year. And whether that means the latter part of December in his budget message or State of the Union message—assuming, of course, his reelection.

Representative Reuss. You couldn't induce him to accelerate that date? I was just thinking that the average working taxpayer might get a better break if the Presidential recommendations came before the election than after. Is that a thought forbidden under the rule of calm and deliberate appraisal that you and I have adopted?

Mr. Cohen. I would think, Mr. Chairman, that, recognizing the tight schedule of the Congress and the matters that are pending before the committees that require action between now and the close of the Congress, that it is pretty clear that there is no opportunity for tax legislation this year.

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Representative Reuss. Turning to another point you made earlier, Mr. Under Secretary, you stated that tax changes since 1969 have by no means helped or preferred corporations as against individuals.

Let me ask you this question.

Is it not a fact that the revenues yielded by the corporate income tax in 1969 were some 20 percent of total federal revenues, and that the percentage will decline to something like 16 percent in this year, 1973? In other words, that the corporate income tax has declined in its revenue raising proportion?

Mr. Cohen. Mr. Chairman, may I make two comments in relation to that.

One, if you compare one year's tax with another year's tax, there is a great difference in corporate profits in one year as compared to corporate profits in another year. I don't at the moment know the relationship of corporate profits in 1969 to corporate profits—did you say in 1971?

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Now, the second point that I would make is that Social Security taxes are constantly rising, and Social Security benefits are constantly rising. And they are assuming a larger and larger proportion of the total budget. I take it you are using unified budget figures. And therefore as Social Security taxes go up and benefits go up, they force downward the percentage of all the other taxes in the total revenue.

I understand from a brief summary that Mr. and Mrs. Ott referred to this circumstance in their testimony yesterday.

Representative Reuss. What you have said about Social Security taxes, which are, of course, a relatively regressive tax, brings up another question which is very much in the area of public discussion today, the question of income shares in which taxation is partially but by no means wholly involved. Still I would like to ask you about it.

I am disturbed by the comparison of the figures from the Federal Reserve—they are the best figures we have—of the shares in the national income in 1963 and 1970—that is the most recent comparison we have. Whereas for a generation before 1968, the income shares of the five-fifth of the American people were getting more egalitarian, the discrepancy between rich and poor was decreasing. Something happened in 1968 and thereafter, so that in 1970, the last year for which we have figures, according to the Federal Reserve, the percentage shares for the top one-fifth of American families went up a whole percentage point, from 40.6 percent to 41.6 percent.

The next to the top went down from 23.7 to 23.5 percent. The middle one-fifth went down from 17.7 percent to 17.4 percent.

The next to the bottom one-fifth went down from 12.4 percent to 12 percent. And the bottom one-fifth went down from 5.7 to 5.5 percent.

In other words, what happened was, the top fifth, the wealthiest families, went up a whole percentage point in their shares, and the other four-fifths of the American families went down in their shares, with the man in the middle hurt the worst.

Until somebody demonstrates to the contrary, I think what has been happening in this country—and I suspect it has gotten worse since 1970—is that between 1968 and 1970 unemployment almost doubled, inflation greatly increased in its rate, and the share of total taxes paid by the progressive Federal income tax was going down, while regressive local property and state sales and Social Security payroll taxes were increasing.

You put all of those together, and you have what to me is something very alarming, namely, a reversal of the beneficent trend that we had for a generation. If we keep on this way long enough, not only are there going to be some of the taxpayers revolts that we are talking about, but could just be that we are going to run out of purchasing power in the economy to take the product off the market in a given period.

And that is no way to run a free enterprise economy.

Now, this goes much beyond taxation, but fortunately, you and your concerns do, too. So, I would like your response to those Federal Reserve revelations.

Mr. Cohen. I am not familiar with the precise data, Mr. Chairman, I don't know exactly how that data is calculated. And I would like to examine it.

I can say with respect to the tax side that this is one of the matters that I have been very anxious to proceed to examine. And our computer models of the 1970 tax returns in relation to 1969 and 1968, the preliminary indications are that the 1969 Act did significantly increase the effective tax rate in the upper brackets in relation to that in the middle and low income brackets.

But we will not know that in detail for some weeks as yet.

But I agree with you that that is a matter that should be considered.

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I am not that familiar with the Federal Reserve figures to be able to comment beyond it. But I don't believe that the tax law changes in 1969 contribute to that. Indeed, if it took place it took place in the face of the changes in the tax law in 1969.

Representative Reuss. I would have just one more question, Mr. Under Secretary.

Congressman Vanik in his testimony before this committee earlier this week told us that a number of very large corporations, among them Continental Oil, McDonnell-Douglas, Gulf and Western Industry, Aluminum Company of America, Signal Company, had large amounts of income in 1971, yet paid no federal income taxes.

Is that true?

Mr. Cohen. Congressman, as I am sure you will recall, I am forbidden by law to state what any individual taxpayer or corporate taxpayer has paid.

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Now, he [Congressman Vanik] has used in this taxable income for 1971. I don't see how he could possibly have known the taxable income for 1971 because most large corporations don't file their tax returns until September 15, if they are on a calendar year basis, they generally file estimated returns in March and get six months extension. So, we wouldn't know their taxable income, and I don't understand how Congressman Vanik could know it. He may have guessed at it from trying to use financial accounting statements. But financial accounting and tax accounting are widely different concepts, for a variety of reasons which I will not trouble you with.

But the biggest problem is that he is using the U.S. income tax in relation to world wide income. I think if you make a comparison you should either use total income taxes paid world wide in relation to world wide income, or you should use the U.S. tax in relation to the U.S. income.

COMPREHENSIVE TEST BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. Abzug) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, on December 9, 1971, I introduced a resolution for a Comprehensive Test Ban Treaty. In support of my resolution, I noted that in signing the Nonproliferation Treaty in 1968, the United States pledged to work for a total test ban. As the House knows, many of the signers of the NPT agreed to do so only with the understanding that the nuclear powers would make serious progress toward disarmament and reduction of world tensions caused by the nuclear arms race.

On February 22, 1972, I inserted into the Record an article from the bulletin of the Sierra Club, which stated that the damage done to the environment by the 5-megaton underground nuclear test at Amchitka, known as Cannikin, was far greater than originally predicted by the AEC. Recent surveys have demonstrated that as many as 1,000 sea otters—four times the highest number predicted by AEC—were killed as a result of this blast. Other long-term environmental damage may still come to light.

I insert two articles on this subject which appeared in the press last weekend:

[From the New York Times, July 23, 1972]

Halting Nuclear Spread

By 1976 about one-fourth of the countries in the world will have large nuclear reactors in operation for the production of electric power and thus a significant potential for making atomic weapons. Apart from today's five nuclear weapons nations—the United States, Russia, Britain, France and China—some 27 other countries will be producing plutonium as a by-product of electric power generation, enough of it to make at least 900 Hiroshima bombs a year.

The growing cost and mounting shortage of other forms of energy—the American electric power industry alone is planning to expand from 26 to 300 power reactors by 1990—has brought the advent of the long-delayed nuclear power era. With it has come the long-feared danger that possession of nuclear weapons will spread around the globe.

It was this danger that the United States, the Soviet Union and Britain sought to head off in the 1968 Non-Proliferation Treaty (NPT). But four years later, although 102 non-nuclear weapons countries have signed, only 71 have ratified the treaty. Only two of the eight so-called "threshold" or "near-nuclear" countries have ratified the NPT, Canada and Sweden. The NPT signatories that have not yet ratified the treaty include four threshold countries—West Germany, Japan, Italy and Switzerland—and such other important nations as Egypt, Turkey and Australia. Nonsignatories include two near-nuclear countries, India and Israel, as well as Pakistan, Brazil, Argentina, South Africa and Spain.

It is becoming clear that the treaty as it now stands is unlikely to gain the adherence of many of these countries unless the United States and the Soviet Union can agree on a number of collateral measures designed to attract them. This is the conclusion that has emerged from an unusual project of parallel studies by the United Nations Associations of the United States and the Soviet Union. The reports of the two U.N.A. policy panels, just published in both countries, point the way to the measures most needed.

Action by the United States and the Soviet Union to make more credible their security assurances to nations that take the pledge against becoming nuclear powers are at the top of the list of such collateral measures. For Japan, India, Pakistan, Israel and Egypt, security is the central concern.

But most important, perhaps, is the tone in world relationships and arms control set by the superpowers. On the heels of the historic SALT I agreements, a move to extend the 1963 nuclear test-ban treaty to underground tests could make a major contribution to nonproliferation. The U.N.A.-U.S.A. report points out that virtually all the countries now hesitant about adhering to the NPT signed and ratified the limited test-ban treaty and are on record as favoring an underground test ban.

The United States and the Soviet Union spent more than four years negotiating the Non-Proliferation Treaty. They will have to move vigorously over the next few years if the dangers they foresaw, which now are becoming a reality, are to be contained.

[From the Washington Post, July 23, 1972]

Amchitka Otter Kill Held 1,000

(By Dennis Cowals)

Amchitka Island, Alaska.—A month-long survey on this remote Aleutian island has convinced biologists that shock waves from last November's underground test of a prototype anti-missile nuclear warhead killed as many as 1,000 sea otters.

But Alaska State game Biologist Karl Schneider, a sea otter specialist, who had claimed earlier that the five megation hydrogen bomb killed more otters than the Atomic Energy Commission admitted or had predicted before the Nov. 6 blast, says there is "no significant long-term damage" to the island's otter population.

Scientists believe 6,000 to 8,000 sea otters inhabit this rocky, treeless island, 1,200 miles southwest of Anchorage, Alaska.

Schneider said recently completed population surveys "didn't change our opinions of what happened a great deal."

AEC CLAIM CHALLENGED

A week after the detonation of project Cannikin more than a mile underground, Schneider and other state biologists challenged the AEC's claim that only 18 otters died, suggesting instead that 800 to 1,000 had been killed along a seven-mile stretch of Bering Sea beach.

Dr. Melvin R. Meritt, the AEC's top environmental effects scientist for Cannikin and the island's 1969 Milrow test, doubted the charge, saying he "couldn't believe 800 otter were killed." A month before the blast, AEC scientists had predicted that perhaps 240 otters would die as a result of the test.

But a savage, 100-mile-an-hour Aleutian storm swept the island the night before the test. Its dying gusts would have removed the evidence, carrying away nearly all of the otters that were killed by the blast, Schneider and others countered.

Only comparison studies requiring a new otter census this year would settle the matter, scientists agreed.

From the Las Vegas test headquarters of the AEC, an agency, spokesman admitted the discrepancy between otter counts made this summer and last.

The highest otter tally along the area "this year the highest area showed 1,215 animals in the area, "this year the highest count was 452," the spokesman said. "It is assumed there are fewer sea otters there because of Cannikin," he allowed.

An official report is expected this fall, he said, following yet another autumn otter census which will be compared with a similar study made a month before the test.

This summer's work, involving researchers from federal, state and university laboratories under contract to the AEC, revealed "a clear pattern of otters coming into the area from both sides," said biologist Schneider.

PREPARING TO LEAVE

While the otters are moving into reclaim their feeding and rearing grounds, the AEC's 300-man work force is packing up and preparing to move off the island the agency has occupied for more than five years and in which it has invested more than $200 million leading up to the Cannikin test.

This month, workmen had begun dismantling the trailer camps which once housed 700 men, reeling in more than 1,000 miles of cable stretched across the tundra, and generally trying to clean up the debris left from AEC's tenancy.

The 200-man camp from which scientists triggered the controversial blast has already been dismantled and trucked 42 miles along the spine of the barren island to Constantine Harbor, where it now awaits shipment to an Air Force radar station at Shemya, 225 miles farther down the Aleutian chain.

But team of biologists and other scientists will keep coming back to Amchitka over the years to check for leaking radioactivity at the AEC's two test sites and another used by the Defense Department in 1965.

MRS. "BUNNY" SEXTON: GREAT FRIEND OF PARALYZED VETERANS

The SPEAKER prc tempore. Under a previous order of the House, the gentleman from California (Mr. Danielson) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, spinal cord injury patients at the Long Beach Veterans' Administration Hospital now will have access to hemodialysis units, thanks to the nearly single-handed efforts of Mrs. Gwendolyn "Bunny" (Mrs. Charles) Sexton. This pioneering effort in hemodialysis treatment at the VA hospital in Long Beach, Calif., is a 5-year research effort to investigate the benefits of hemodialysis for the spinal cord injured.

One patient has already started in this new program, and another will be going on it soon. The 5-year protocol calls for a capacity of 40 patients over the 5-year period, or eight patients a year. Four beds are called for, and four or five machines. The 5-year costs projected in protocol are around $900,000, nearly half of which is to be raised through the efforts of Mrs. Sexton. She is responsible for certain costs for remodeling the rooms, et cetera, and for assuring $406,040 over the 5-year period. This money will go primarily for wages of doctors, technicians, and nurses, and other costs of the hospital's operation of the hemodialysis units. The Veterans' Administration is responsible for contributing approximately $486,798 over the 5 years to pick up the tab on the home-care aspects of the program.

Planning for this hemodialysis program began 2 years ago, and the 5-year research protocol was started soon afterward. First-year funding calls for the donor, Mrs. Sexton, to raise around $65,000. Of this amount, Mr. and Mrs. Sexton have already contributed around $50,000 toward this goal. Mrs. Sexton has been working diligently to raise the additional $15,000 to assure the full funding of this program in its first year. The remodeling has been essentially done, and it is the costs of personnel and equipment that must be met to assure the successful operation of this first year of the program.

Dr. A. Estin Comarr, chief of the spinal cord injury service, has said of Mrs. Sexton's contribution:

> A goodly portion of our spinal cord injury patients over the years have succumbed to uremia, secondary to kidney infection. Because of the limited number of hemodialysis

> units over the country, both in federal and civilian hospitals, our spinal cord injury patients never had priority for the use of these machines. Mrs. Sexton has seen our patients succumb who perhaps could have had their lives perpetuated at least for some time had these hemodialysis machines been available. Essentially she as a "one man team" set out to see what she could do about having hemodialysis for spinal cord injury patients. Through her efforts, the national consultants group for spinal cord injury to the Veterans Administration assigned me the duty to set up a protocol for a five-year research effort to investigate whether hemodialysis would or would not be beneficial for these patients. . . . Mrs. Sexton and her husband have been the greatest financial supporters but Mrs. Sexton has worked enthusiastically to have other people and organizations to donate such as the Paralyzed Veterans of America and the California Paralyzed Veterans Association, the Veterans Assistance League locally and others.
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> Prior to the construction of this unit, Mrs. Sexton visited many hemodialysis units both Veterans Administration and private in order to become very knowledgeable. This knowledge helped tremendously in the construction of the present unit. She spent countless hours during the period of its construction with her "know-how". In fact, one would have thought that she was a paid employee. As Chief of the Spinal Cord Injury Service, I do not feel that she can be thanked enough. Most of us feel that at the end of the five years it will have been shown that this undertaking was well worthwhile for our patients but above all the morale among our patients which has been so uplifted, in itself has proven the worthwhileness of this tremendous project which I reiterate was undertaken by a "one man team".

The hemodialysis unit was dedicated on Monday, February 7, 1972, with approximately 300 persons in attendance. After Mrs. Sexton cut the ribbon, the unit was open for investigation by those attending.

The development of this pioneering service for the spinal cord injured is only the most recent contribution by Mrs. Sexton to the veterans in the Los Angeles area. She has been working with spinal cord injury patients for more than a quarter of a century—first in the Birmingham Veterans' Administration Hospital in Van Nuys, Calif., since 1946, and later at Long Beach when that VA hospital was established in 1950. Much of her service has been through the Veterans Assistance League—VALS—an organization of volunteers that has assisted in providing programs and parties for the spinal cord injured as well as gathering money to obtain scientific apparatus for the spinal cord injury service and for related research efforts within the hospital.

The hemodialysis program protocol calls for up to eight patients a year to be trained in the Long Beach VA hospital and to then go home and be able to take care of themselves. The training process involves watching others, observing the hemodialysis treatment for perhaps a period of several months, before a patient is himself put on a machine. Once the process is begun, it must be maintained. Once the decision is made to go on a machine, there is no turning back. If any problems should develop after a patient has gone home that would necessitate his return to the hospital, there would be an extra hemodialysis machine at the hospital and provisions made for his return. These facts point up the essential nature of realizing the funding goals for this program year by year. Donations are still being accepted, payable to the California Paralyzed Veterans Association Hemodialysis Fund, Box 15327, Long Beach, Calif. 90815.

The people of this country and everyone specifically concerned about veterans affairs are greatly indebted to the vision and dedication of Mrs. "Bunny" Sexton, to her husband, and to the faithful service of Dr. A. Estin Comarr with the spinal cord injury service, and I would like to take this opportunity to thank them for all of us.

THE DISTINGUISHED CAREER OF RUSS BLANDFORD

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, for many years John R. Blanford has been a well-known and highly respected figure in the Halls of Congress. As a result of very capable service to the Committee on Armed Services, he became its chief counsel. Now he has retired. We wish him well in retirement but we shall greatly miss his valuable counsel and services.

Russ has been one of the guiding hands in shaping America's military defense posture since he first joined the Armed Services as counsel in 1947. Earlier, he had distinguished himself as an officer in the Marine Corps during World War II and he has continued his active interest in the corps, presently holding the rank of major general, U.S. Marine Corps Reserve.

In his role as chief counsel to armed services, a position he has held since 1963, Russ Blandford, like so many other dedicated Americans, has consistently sought to make America the strongest nation on the face of the earth and to uphold America's ideals despite the efforts of those working from within who would destroy America's traditions as well as take away its military strength.

Russ Blandford has given diligent, unselfish, and patriotic assistance to the committee and Congress throughout his service.

Russ would have been an outstanding leader no matter what career he might have pursued. He is a graduate of the Yale Law School and is admitted to practice before the New York State Bar, the District of Columbia Bar, and the U.S. Supreme Court. Had he elected to stay in the private practice of law he no doubt would have enjoyed the material gains attendant to a lucrative law practice.

But Russ chose instead to enlist in the service of our Nation. He is a man who knows how to make decisions and stand on them, and by dedicated service he emerged as one of Capitol Hill's strong and respected figures.

The value of his service is, of course, measured by the high esteem in which his colleagues held him. However, it is notable that he was awarded the Air Force Distinguished Civilian Service Award in 1972, the Army Legion of Merit, and the Navy Distinguished Public Service Award, also in 1972. He also was presented the Rockefeller Public Service Award in 1966.

Those of us who have enjoyed the honor of working with him have long been aware of the merits possessed by Russ Blandford. We know also of the wonderful help given him through the years by his lovely and talented wife Barbara. For both of them we wish the very best for all that they undertake in the years ahead.

The magazine, Naval Affairs, which is published by the Fleet Reserve Association, carried in its July issue an excellent tribute to Russ Blandford. I submit it for publication in the RECORD:

A TRIBUTE TO A SHIPMATE

> To paraphrase "A Tale of Two Cities," our present era is the best of times and the worst of times for military personnel. But presently, military personnel and their families are receiving more earned entitlements than ever before. It is because of this that all military personnel sincerely regret the retirement of John Russell Blandford, Chief Counsel of the House Armed Services Committee on 1 July 1972.
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> "Russ," as he is known by his associates, joined the House Armed Services Committee staff in January 1947. One need only to look at the increase in military pay and benefits since then to measure his contributions to the welfare of the Armed Forces. No one person can take full credit for all of these personnel compensation improvements. But as knowledgeable people know, Congressional Committee staff personnel research, analyze, document and recommend improvements to the Administration's proposals thus, developing the final legislation the Congress enacts. In fulfilling this role, "Russ" usually improved and increased the benefits of personnel legislation proposed by the Executive branch and then shepherded the amended proposal through House passage.
>
> Shipmate "Russ" (he is an Honorary Member of Annapolis Branch 24) went far beyond the requisites of his job. As a Reserve officer in the Marine Corps, with more than his share of active duty, he knew firsthand the needs of the military man and his family. He labored constantly to assure the needs were more than adequately filled. "Russ" has the rare attributes of being able to plant the seed of an idea, nurture it and ultimately bring the idea to fruition. With the patience of Job he would pursue an idea's growth into a reality and America's servicemen would gain another new benefit.
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> If we were to list every detail and accomplishment of his ceaseless and beneficial endeavors in our behalf over the past twenty-five years, this magazine would have to be double in size. It is not mere coincidence that under his leadership and direct responsibility active duty basic pay and allowances have increased dramatically since he became the Committee's Chief Counsel in 1963.
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> Many career government officials are recognized for their dedicated contributions to America. Shipmate "Russ" was so honored in 1966 when he received the coveted Rockefeller Public Service Award for Law and Legislation. To that signal honor Shipmate Blandford can add the sincere appreciation and grateful thanks of millions of military personnel for originating the philosophy "the American Serviceman should enjoy a standard of living equal to that which he defends for others."
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> This philosophy was the cornerstone of the late Chairman L. Mendel Rivers' personnel policy. Shipmate "Russ" played a key role in assuring the philosophy's transition into "take home" reality.

A wise man once said, "You have not lived a perfect day, even though you have earned your money, unless you have done something for someone who will never be able to repay you."

By that standard, the vast majority of Shipmate Russ' days as a member of the Armed Services Committee's staff were perfect days.

FIFTY YEARS OF SERVICE BY THE ORDER OF AHEPA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, 50 years ago, the Order of Ahepa was founded in Atlanta, Ga., on July 26, 1922.

Since that time, this outstanding organization has been recognized and is widely respected as one of the leading patriotic organizations in the United States. Although it continues its close ties with the people of Greece through war orphan, war relief, and health programs in that beautiful country, the members of the Order of Ahepa have concentrated on programs of direct help to Americans of all national origins. Flood relief in Florida, Missouri, and Mississippi, theological seminaries in the United States, a school for boys in New York, and the Truman Library are just a few of the magnificent programs undertaken by the Order of Ahepa.

The aims of the order are simple: To promote loyalty to the United States, to oppose corruption and tyranny, to promote understanding, and to support education. These are goals worthy of us all.

I am especially proud that in my own congressional district in Florida there are active chapters of AHEPA. In Pensacola, John A. Lioillo is president of the chapter and Petros G. Petrelis is vice president, Demetrious N. Magoulas is secretary, and Michael Gauallas is treasurer. James Petrandis of Panama City is also a local chapter officer. Patric J. Blanos of Pensacola is secretary of the district lodge.

The Order of Ahepa always is due recognition not only for its service to America but because of the close ties it provides between our own country and that stalwart friend, Greece, a nation which has been so loyal to America through all its trials. It is particularly fitting now that the Order of Ahepa be recognized during this golden anniversary year. I am happy to congratulate the leadership and members of AHEPA for their contributions and in particular the fine people of Florida's first district for their own participation in the work of AHEPA.

OVERSEAS MILITARY CREDIT UNIONS SAVE SERVICEMEN MORE THAN $43 MILLION IN INTEREST CHARGES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, prior to the latter part of 1967, U.S. servicemen stationed abroad who had to borrow money from commercial lending companies were forced to pay interest rates that ranged as high as 70 percent. The most common interest charge was 36 percent a year, even if the loan was fully collateralized.

These were some of the shocking facts uncovered during an investigation by the House Banking and Currency Committee of the financing problems faced by servicemen. As soon as the committee completed its findings it began a campaign to correct the abuses and the first step was to provide servicemen stationed overseas with a low-cost, on-the-spot source of credit. The committee, through the help of the Department of Defense and the then Bureau of Federal Credit Unions, was successful in getting a number of military credit unions in the United States to open suboffices in Germany, England, Italy, Korea, and the Philippines.

In the past, I have reported to the House the success of these credit unions. But, I think the greatest measure of their success can be determined in the amount of money that servicemen have saved by dealing with the credit unions instead of the high-rate finance companies. At the end of October 1971 the 10 overseas credit unions had lent nearly $182 million. By law, these credit unions can charge no more than 1 percent a month on the declining balance, which is equal to an annual percentage rate of 12 percent. However, many of the credit unions charge less than the 12-percent rate, particularly on new car financing. If we consider that all of these loans were made at the 12-percent interest rate, it would mean that the servicemen paid $21.8 million in interest. But, if they had borrowed the same amount of money from the finance companies which charge an average of 36 percent, they would have paid $65.5 million in interest. In simple arithmetic, the credit unions have saved servicemen $43.7 million in interest charges. It should also be remembered that that savings is an annual savings and must be multiplied by the 4-year period that the credit unions have been in operation.

And, of even more significance, is the fact that these credit unions are lending to servicemen from the highest ranking officer to the lowest ranking enlisted man. Overall, the loss experience of the credit unions has been good, although, because of some technical problems in military payroll offices, there have been a number of delays in starting repayments.

Mr. Speaker, while there still are some high-rate finance companies operating overseas, most of them have stopped operation or, because of the competition from the credit unions, have lowered their rates drastically. It is rare now that the Banking and Currency Committee, which at one time received hundreds of letters a month from servicemen complaining about financing problems, receives a letter from a serviceman overseas with such a problem. This can be laid directly to the job being done by the overseas credit unions.

While these credit unions have directly helped the servicemen, they have also indirectly been of great benefit to our military services. As Members of this body know, there is a push to establish an all-Volunteer Army. But a serviceman who is deep in debt is not a good prospect for reenlistment. The overseas credit unions have helped a great many servicemen to get out of debt and increase their likelihood of reenlistment. While we have no figures to show exactly how effective the credit unions have been in the reenlistment program, we can only surmise that because of the lack of complaints from servicemen about financing problems, that the credit unions have been extremely effective in controlling debt problems and thus increasing the likelihood of reenlistment. Mr. Speaker, every month Gen. Evert Thomas, executive secretary of the Defense Credit Union Council, sends to me and several other members of the Banking and Currency Committee a report on the operations of the overseas credit unions, including a listing by rank of the number of loans made by each credit union during that month. I am including in my remarks the latest report which clearly shows the credit unions are providing service to everyone and that this service is being used.

The report follows:

DEFENSE CREDIT UNION COUNCIL,
Washington, D.C., December 20, 1971.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The following progress report concerning the operations of credit union sub-offices in Germany, England, the Philippine Islands, Korea, and Italy is submitted for your information.

Andrews Federal Credit Union began operations at Wiesbaden on 11 March 1968. As of 30 November this sub-office had acquired 31,288 members, made loans in the amount of $41,401,293.26, and received share deposits in the total amount of $21,209,128.15. During the month of November, 1,032 loans were made to military personel. These loans were distributed by pay grade as follows:

E–2	1
E–3	80
E–4	250
E–5	345
E–6	161
E–7	60
E–8	16
E–9	7
W–1	1
W–2	8
W–3	1
O–1	6
O–2	23
O–3	52
O–4	15
O–5	5
O–6	1

Fort Belvoir Federal Credit Union began operations at Wurzburg on 1 February 1968. As of 30 November this sub-office had acquired 4,857 members, made loans in the amount of $6,614,783.51, and received share deposits in the total amount of $471,909.27. During the month of November, 205 loans were made to military personnel. These loans were distributed by pay grade as follows:

E–3	8
E–4	39
E–5	74
E–6	49
E–7	11
E–8	5
O–1	1
O–2	7

O-3	10
W-2	1

Pease AFB Federal Credit Union began operations at Ramstein on 15 January 1968. It has since opened sub-offices at Baumholder, Bitburg, and Pirmasens. As of 30 November these sub-offices had acquired 38,532 members, made loans in the amount of $34,397,484.00, and received share deposits in the amount of $13,675,406.00. During the month of November these sub-offices made 1,010 loans to military personnel. These loans were distributed by pay grade as follows:

E-2	11
E-3	195
E-4	261
E-5	252
E-6	187
E-7	48
O-1	41
O-2	15

Lackland AFB Federal Credit Union began operations in Berlin on 26 December 1967. As of 30 November this sub-office had acquired 2,461 members, made loans in the total amount of $887,748.22, and received share deposits in the amount of $2,432,847.82. During the month of November this sub-office made 200 loans to military personnel and these loans were distributed by pay grade as follows:

E-3	27
E-4	67
E-5	47
E-6	30
E-7	13
E-8	1
O-1	2
O-2	4
O-3	6
O-4	2
O-5	1

Redstone Federal Credit Union began operations in the Mannheim-Stuttgart area on 15 February 1968. It has since opened a sub-office at Heidelberg. As of 30 November these sub-offices had acquired 24,578 members, made loans in the amount of $28,319,516.00, and received share deposits in the amount of $6,013,906.00. During the month of November these sub-offices made 359 loans to military personnel and these loans were distributed by pay grade as follows:

E-3	11
E-4	57
E-5	139
E-6	67
E-7	28
E-8	4
W-2	9
W-3	2
W-4	1
O-1	5
O-2	9
O-3	17
O-4	8
O-6	2

Finance Center Federal Credit Union began operations at Furth on 15 February 1968. It has since opened sub-offices at Bamberg and Ansbach. As of 30 November these sub-offices had acquired 14,590 members, made loans in the amount of $9,957,683.65, and received share deposits in the amount of $3,371,471.65. During the month of November these sub-offices made 212 loans to military personnel and these loans were distributed by pay grade as follows:

E-3	6
E-4	25
E-5	53
E-6	45
E-7	15
E-8	4
W-2	8
O-1	5
O-2	19
O-3	28
O-4	3
O-5	1

Keesler AFB Federal Credit Union began operations at Lakenheath, England on 15 November 1968. It has since opened sub-offices at South Ruislip, Bentwater, RAF Alconbury, and Upper Heyford. As of 30 November these sub-offices had acquired 12,471 members, made loans in the amount of $17,493,306.04, and received share deposits in the amount of $2,221,167.57. During the month of November these sub-offices made 995 loans to military personnel and these loans were distributed by pay grade as follows:

E-2	27
E-3	128
E-4	292
E-5	270
E-6	130
E-7	55
E-8	12
E-9	5
O-2	10
O-3	50
O-4	12
O-5	3
O-6	1

Barksdale AFB Federal Credit Union began operations at Clark Air Base in the Philippine Islands on 20 December 1968. As of 30 November this sub-office had acquired 23,007 members, made loans in the amount of $19,076,826.87, and received share deposits in the amount of $13,682,158.77. During the month of November this sub-office made 1,009 loans to military personnel and these loans were distributed by pay grade as follows:

E-1	1
E-2	24
E-3	181
E-4	299
E-5	280
E-6	103
E-7	43
E-8	7
E-9	1
O-1	4
O-2	11
O-3	42
O-4	10
O-5	3

San Diego Navy Federal Credit Union began operations at Seoul, Korea on April 1, 1969. It has since opened sub-offices at Taegu, Camp Casey, Osan AFB, 2d Division, and Kunsan. As of 30 November these sub-offices had acquired 34,782 members, made loans in the amount of $15,710,507.99, and received share deposits in the amount of $6,395,743.36. During the month of November these sub-offices made 984 loans to military personnel and these loans were distributed by pay grade as follows:

E-2	18
E-3	194
E-4	261
E-5	198
E-6	88
E-7	82
E-8	32
E-9	3
W-1	1
W-2	15
W-3	2
W-4	1
W-2	15
W-3	2
W-4	1
O-1	2
O-2	16
O-3	41
O-4	22
O-5	7
O-6	1

Fairchild AFB Federal Credit Union began operations at Aviano Air Force Base, Italy on May 19, 1969. It has since opened sub-offices at Vicenza and Camp Darby. As of 30 November these sub-offices had acquired 5,562 members, made loans in the amount of $8,077,840.55, and received share deposits in the amount of $3,137,862.05. During the month of November these sub-offices made 371 loans to military personnel and these loans were distributed by pay grade as follows:

E-2	3
E-3	71
E-4	107
E-5	91
E-6	39
E-7	28
E-8	10
E-9	2
W-1	3
O-1	3
O-2	2
O-3	8
O-4	3
O-5	1

As of 30 November 1971 the sub-offices had signed up 192,128 members, received share deposits in the amount of $72,611,600.58, and made loans in the amount of $181,936,990.09.

Respectfully,

EVERT S. THOMAS, Jr.,
Brigadier General U.S. Army (retired),
Executive Secretary.

IMPORTANT EFFORT TO CURB BANKS' COLLECTION OF UNFAIR INTEREST

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in the most recent issue of the new magazine World is a very interesting article dramatically illustrating what one highly principled, courageous and concerned person can do to stop an outrageous business practice which costs the American people millions of dollars a year in overcharge.

This particular case involves the use of a misleading and long outdated practice for calculating interest rates which many banks have used to extract interest payments beyond what they state the interest rate is, and what they are entitled to.

Unfortunately, there are many other devices being practiced against the American people today that should also be eliminated. Hopefully, Harold Perlman's example will inspire other public spirited individuals to undertake vigorous efforts such as his to stop such nefarious practices.

I include at this point in the RECORD the article concerning Mr. Perlman's legal efforts as it appears in the July 18, 1972, issue of World magazine:

WHAT CAN ONE PERSON DO?

(By Richard L. Tobin)

INTEREST: COMPOUND FRACTURE

Early in July 1970, Harold Perlman, a Chicago lawyer and businessman, received, paid, but questioned an interest bill from his bank. This was the beginning of what has since become a one-man crusade that could save the American people hundreds of millions of dollars in their dealings with banks.

Very simply, what Mr. Perlman discovered was that many banks have a double standard in computing interest. When they *borrow*, they *pay* interest on a 365-day year. When they *lend*, however, they *collect* on the basis of a 360-day year, increasing their profit about .014 per cent per year.

Perlman asked the bank what justification it had for arbitrarily computing his annual interest on a 360-day year. The bank replied that this was the way banks had always done business—and always would.

When the bank offered to refund the overcharge on condition that he cease doing business with it, Perlman, a Harvard-trained lawyer, decided to do battle. On August 31, he filed an historic action in the Circuit Court in Illinois in behalf of himself and other borrowers from the First National Bank of Chicago, one of the ten most powerful banks in the country.

This overcharge had come about by the bank's simply, and without disclosure, substituting a 360-day year in the basic mathematical formula for computing interest.

This is the way the banks work. The formula for computing interest is this. Interest = Principal × Rate × Time, time being the number of days money is borrowed ($I=P\times R\times T$). Assume, for example, a loan of $7,300 for one year with a promissory note providing that interest is payable at the rate of 5 per cent perannum. The exact interest equals P or $7,300 × R or 5/100 × T or 365 days money is used/365 days in calendar year.

By substituting, without disclosure, a bobtailed year of 360 days in the denominator of the formula 365/360, instead of 365/365 or $370.11, banks, not as dramatically but more effectively than Dillinger, have snatched a nickel here and a dollar there, aggregating millions of dollars a year. This formula substitution always costs the borrowers more, but curiously, when banks are borrowers, as from a Federal Reserve Bank, or from depositors, and are paying instead of collecting interest, they shift from a 360-day year to the normal calendar year of 365 days.

Although the Supreme Court of Vermont, as far back as 1829, called this practice "evil," it had seldom been seriously contested until August 31, 1970, when Perlman filed his action. In October 1970, Congressman Wright Patman, Chairman of the House Committee on Banking and Currency, was shocked when he was informed by Perlman of this banking practice and requested the Federal Reserve System to conduct a survey of banks and their methods of computing interest. When Mr. Patman issued the results of the survey and a statement in connection therewith, the American Bankers Association at first denied the facts in Patman's statement, but later formally apologized.

What has Perlman accomplished so far in eliminating a shabby practice which Congressman Patman estimates takes $145-million a year from the American public? Here are four specific results:

1) On April 20, 1972, Judge Donald J. O'Brien, head of the Chancery Division of the Circuit Court of Cook County, sustained Perlman's class action by denying the bank's motion to dismiss on the pleadings. The case will be appealed, but already many banks in Chicago and elsewhere have since either eliminated the practice or disclosed its intended use.

2) In December of 1971, an Oregon case was won in the Federal Court. The decision of Judge Alfred T. Goodwin too, is on appeal, but the First National Bank of Oregon and other banks in Oregon have given up the practice.

3) Suits, with Perlman's cooperation, have been filed in the states of Washington, California, and Arizona, and counsel in many others are contemplating same.

4) Legislation is being planned by Congress.

The elimination of this unfair practice has a deeper significance to Perlman than the dollars and cents involved. Perlman is an exceptionally active lawyer and entrepreneur. In 1955, in the famous case of *Perlman v. Feldmann*, he helped establish the law declaring it illegal to sell a controlling block of corporate stock at a premium unless the same price was paid to minority shareholders.

He is currently building the Perlman Institute of Chemical Sciences, a $3-million project at the Weizmann Institute of Science, in Israel, in memory of his parents. The transmission facilities for educational television in Chicago are known as the Perlman Transmission Center. He has been the chairman of many fund-raising campaigns and is on numerous boards, industrial and charitable.

What is the deeper significance to this busy man? He is intrigued, for example, as to why U.S. banks have engaged in this practice and Canadian and European banks have not. Do our banks have less rectitude and are they less professional? The practice originated more than 175 years ago when mechanical tabulating equipment was nonexistent, and the 360-day year enabled the banks' bookkeepers to compute interest for small loans more quickly, for periods of time shorter than a month. Why did the practice spread in the United States but not in other countries, to larger loans and longer periods of time long after the development of mechanical and electronic calculating equipment? Is it an inevitable attribute of power, whether exercised by banks, labor unions, car manufacturers, or political leaders, to sanction shoddy quality and productivity? Perlman does not think so.

To Perlman, his particular case with the First National Bank of Chicago is a classic example of how the rarefied atmosphere of unbridled power vested in or usurped by any executive, whether it be a bank or a country, creates an aura of infallibility that blurs basic concepts of fairness and impairs good judgment.

And to Perlman, this particular case has its humor, too, for if the bank had acknowledged the overcharge of $145.83, he would not have been precipitated into the investigation and elimination of a practice that currently takes $145-million a year from the American public, and that in the course of 175 years must have taken billions.

PRESIDENT NIXON SHOULD RELEASE IMPOUNDED WATER AND SEWER FUNDS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I challenge President Nixon to release $500 million impounded by the Budget Bureau for water and sewer plants.

After the Republican-engineered defeat of our committee's $5-billion community facilities bill last Wednesday, it is imperative that the President take some kind of positive action to assure local communities that there is some hope left that they can build the necessary water and sewer treatment plants to protect the health of their citizens. The President should release the $500 million which has been impounded by his Budget people to correct the serious and politically inspired actions of the Republican leaders in the House of Representatives in killing the legislation last Wednesday night.

Mr. Speaker, the charge of "politics" leveled against the community facilities bill by the Republican leaders was a "gross insult" to the thousands of local communities that have filed applications for funds under the water and sewer programs at the Department of Housing and Urban Development.

These mayors and city councilmen and county officials are Republicans and Democrats and in many cases, nonpartisan officeholders, and I do not think that their applications represent "politics" as charged by the Republicans on the floor last Wednesday. These applications, which represent a backlog of $12 billion of needs for water and sewer plants, were filed by these local officials to correct serious health and economic problems and I challenge the Republican opponents of this legislation to show a single application which is based on politics and not need.

It is ironic that one arm of the administration—the Environmental Protection Agency—is filing suits against local communities for failure to meet water standards while President Nixon and his Republican leaders in the House are opposing legislation to provide the funds necessary for these communities to comply with the law.

On the one hand, the President is in the position of claiming great action against pollution, while, on the other hand, withholding funds and actually impounding the money at the Bureau of the Budget. This is outright political deceit which destroys the faith of people in their Federal Government.

Mr. Speaker, the environmental lawsuits filed against New York and New Jersey cities last week plainly establish the tremendous health hazards being created by untreated sewage. New York City is discharging at least 350 million gallons of raw sewage a day into the Hudson River, N.Y., Harbor and adjoining waters. Similar situations exist in New Jersey and there have been no major improvements in the Newark sewage treatment plant since 1924. These are the kinds of conditions which the Republican leaders in the House endorsed through their actions of last week in killing the water and sewage bill.

These conditions exist all over the Nation in small and large communities and the very health of the Nation is threatened by political game playing on the floor of the House. Economic revitalization of local communities is also threatened by the defeat of the bill. Many local communities cannot attract industry and cannot retain existing businesses without the development of water and sewage treatment plants.

Mr. Speaker, this means that unemployment and underemployment will further increase in many of these communities as well as the health hazards. In addition to providing important pollution abatement, this bill would have created hundreds of thousands of jobs in the construction of new facilities and hundreds of thousands of other jobs in allied industries. This fact did not impress our Republican friends.

It was absurd for the opponents of the bill to argue that there were adequate funds available to local communities for water and sewer facilities.

These statements were based either on abysmal ignorance or were a deliberate attempt to throw up a smokescreen to defeat the bill. The Republican leaders ignored the fact that the hearing record on this legislation contained 929 pages of applications from local communities for the very funds which were defeated last week. Do the Republican leaders believe that these are false applications and that these communities are filing them just for the fun of filling out another form?

If the funds were available from other programs, as the Republicans had stated on the floor, then surely these local communities would not be filing these applications with HUD, and HUD would not be turning them down for a lack of money.

Mr. Speaker, I have been besieged by local communities all over the Nation with requests for help and the hearing record was filled with testimony from city and county officials attesting to the need for legislation which was defeated.

I hope that President Nixon will review the situation immediately and, despite the potential embarrassment to the Republican leaders in the House, take action to help these local communities.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Roybal (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Camp (at the request of Mr. Gerald R. Ford), for July 24–25, on account of official business.

Mr. Heinz (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Pepper (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Rooney of New York (at the request of Mr. O'Neill), for the week of July 24, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Michel, for today, for 15 minutes, to revise and extend his remarks, and to include extraneous matter.

(The following Members (at the request of Mr. Whitehurst) to revise and extend their remarks and include extraneous material:)

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Hansen of Idaho, for 10 minutes, today.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous material:)

Mr. Flood, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Adams, for 5 minutes, today.

Mr. Henderson, for 5 minutes, today.

Mr. Davis of South Carolina, for 20 minutes, today.

Mr. Reuss, for 60 minutes, today.

Mrs. Abzug, for 10 minutes, today.

Mr. Danielson, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden, and to include an editorial.

Mr. Don H. Clausen to extend his remarks on House Resolution 1024.

(The following Members (at the request of Mr. Whitehurst) and to include extraneous material:)

Mr. Terry.

Mr. Burke of Florida.

Mr. Keating in five instances.

Mr. Steele in six instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Springer.

Mr. Derwinski in two instances.

Mr. Wyman in two instances.

Mr. Buchanan in two instances.

Mr. Hosmer in two instances.

Mr. Whitehurst in two instances.

Mr. Brown of Ohio in two instances.

Mr. McKinney.

Mr. Bray in three instances.

Mr. Lloyd.

Mr. Bob Wilson in two instances.

Mr. Broomfield.

Mr. Esch.

Mr. Goldwater.

Mr. Zwach.

Mr. Wyatt.

Mr. Fish.

Mr. Wydler.

Mr. Duncan.

Mr. Halpern in three instances.

Mr. Schmitz in five instances.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous material:)

Mr. Blanton.

Mr. McCormack.

Mr. Reuss in six instances.

Mr. Badillo in three instances.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Pucinski in 10 instances.

Mr. Stokes in two instances.

Mr. Griffin in two instances.

Mrs. Hicks of Massachusetts in two instances.

Mr. Fisher in three instances.

Mr. Edwards of California in two instances.

Mr. Albert.

Mr. Waldie.

Mr. Rees.

Mrs. Grasso in five instances.

Mr. Abourezk in five instances.

Mr. Hungate in two instances.

Mr. Fuqua.

Mr. Symington.

Mr. Wolff in three instances.

Mr. Jacobs.

Mr. Slack.

Mr. Murphy of Illinois in two instances.

Mr. Dent.

Mr. de la Garza in six instances.

Mr. Bennett in two instances.

Mr. Rogers in two instances.

Mr. Hicks of Washington.

Mr. Murphy of New York.

Mr. Rosenthal in five instances.

Mr. Brasco.

Mr. Thompson of New Jersey.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3824. An act to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities, to the Committee on Interstate and Foreign Commerce.

S.J. Res. 254. Joint Resolution to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author; to the Committee on House Administration.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p.m.) the House adjourned until tomorrow, Tuesday, July 25, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2189. A letter from the Assistant Secretary of Defense(Comptroller), transmitting a listing a contract award dates for the period July 15 to October 15, 1972, pursuant to section 506 of Public Law 92–156; to the Committee on Armed Services.

2190. A letter from the Secretary of Transportation, transmitting the annual report on the financial condition of the Central Railroad Co. of New Jersey, pursuant to section 10 of the Emergency Rail Services Act of 1970; to the Committee on Interstate and Foreign Commerce.

2191. A letter from the Governor of the Canal Zone, transmitting a draft of proposed legislation to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act; to the Committee on Merchant Marine and Fisheries.

Received From the Comptroller General

2192. A letter from the Comptroller General of the United States, transmitting a report on the theory and practice of cost estimating for major acquisitions in the Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EDWARDS of California: Committee of conference. Conference report on H.R. 11350; (Rept. No. 92–1233). Ordered to be printed.

Mr. ASPINALL: Committee of conference. Conference report on H.R. 13435; (Rept. No. 92–1234). Ordered to be printed.

Mr. ASPINALL: Committee on conference. Conference report on S. 3284; (Rept. No. 92–1235). Ordered to be printed.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15550. A bill to convey to the city of Alexandria, Va., certain lands of the United States, and for other purposes; (Rept. No. 92–1236). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public

bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY (for himself, Mr. St Germain, and Mr. Rees):

H.R. 15989. A bill to establish a Council on International Economic Policy, to extend the Export Administration Act of 1969, and for other purposes; to the Committee on Banking and Currency.

By Mr. BENNETT:

H.R. 15990. A bill to amend the Internal Revenue Code of 1954 to eliminate the oil and gas depletion allowance; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 15991. A bill to provide for procedures to expedite the issuance and payment to officers and employees of the Federal Government of substitute pay checks in replacement of lost, stolen, destroyed, mutilated, or defaced pay checks originally issued to such officers and employees; to the Committee on Post Office and Civil Service.

H.R. 15992. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15993. A bill to amend the Internal Revenue Code of 1954 to subject Federal land banks and Federal land bank associations to the taxes imposed by such code; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia (for himself and Mr. Hogan):

H.R. 15994. A bill to exempt bus companies in the District of Columbia from payment of the motor vehicle fuel tax; to the Committee on the District of Columbia.

By Mr. HARSHA:

H.R. 15995. A bill to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 15996. A bill to provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik); to the Committee on Banking and Currency.

By Mr. KING (for himself, Mr. Stratton, Mr. Teague of Texas, Mr. Kyl, Mr. Saylor, and Mr. Aspinall):

H.R. 15997. A bill to designate the Federal office building to be constructed in Albany, N.Y., as the Leo W. O'Brien Federal Building; to the Committee on Public Works.

By Mr. McCLURE (for himself and Mr. Hansen of Idaho):

H.R. 15998. A bill to amend the admission act for the State of Idaho to permit that State to exchange certain public lands and to use the proceeds derived from public lands for maintenance of those lands; to the Committee on Interior and Insular Affairs.

By Mr. PATMAN:

H.R. 15999. A bill to authorize construction to develop heavy airlift capability in support of Red River Army Depot, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Illinois (for himself, Mr. Anderson of Illinois, Mr. Arends, Mr. Brademas, Mr. Derwinski, Mr. Bray, Mr. Collins of Illinois, Mr. Pucinski, Mr. Shipley, Mr. Kluczynski, Mr. Metcalfe, Mr. Gray, Mr. Erlenborn, Mr. Railsback, Mr. Landgrebe, Mr. Winn, Mr. Thone, Mr. McCollister, Mr. Collier, Mr. Hillis, Mr. Mayne, Mr. Carlson, Mr. Schwengel, Mr. Springer, and Mr. Carney):

H.R. 16000. A bill granting the consent of Congress to the Midwest Interstate Nuclear Compact, and for related purposes; to the Committee on the Judiciary.

By Mr. QUIE:

H.R. 16001. A bill: Newsmen's Privilege Act of 1972; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Ware, Mr. Morgan, Mr. Saylor, Mr. Nix, Mr. Coughlin, Mr. Gaydos, Mr. Schneebeli, Mr. Johnson of Pennsylvania, Mr. McDade, Mr. Flood, Mr. Barrett, Mr. Yatron, Mr. Dent, Mr. Byrne of Pennsylvania, Mr. Moorhead, and Mr. Heinz):

H.R. 16002. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSH:

H.R. 16003. A bill to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 16004. A bill to transfer to the Secretary of Commerce certain functions of the Secretary of the Interior relating to encouraging, promoting and developing travel within the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON (for himself and Mr. Randall):

H.R. 16005. A bill to amend the Strategic and Critical Materials Stock Piling Act and for other purposes; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HICKS of Washington:

H.R. 16006. A bill for the relief of Day's Sportswear, Inc.; to the Committee on the Judiciary.

H.R. 16007. A bill for the relief of Day's Sportswear, Inc.; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 16008. A bill to authorize R. Edward Bellamy, Ph. D., a retired officer of the Commissioned Corps of the U.S. Public Health Service to accept employment by the Canadian Department of Agriculture; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

261. The SPEAKER presented a petition of the Board of County Commissioners, Palm Beach County, Fla., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

SENATE—*Monday, July 24, 1972*

The Senate met at 10 a.m. and was called to order by Hon. Frank E. Moss, a Senator from the State of Utah.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of mankind, in Thy presence and with glad hearts we welcome the duties and challenges of the new week. In this hallowed moment, when all hearts are hushed before Thee, prepare us to approach our tasks with high vision, quiet confidence, and clear minds. Into Thy hands we commit our spirits beseeching Thee to work Thy will in and through us.

Quicken our love for America, that above all defects and failures, we may see the shining glory of our heritage and the bright promise of a new and better age for the Republic.

Grant us here a full measure of Thy grace that we may be just and kind and true, workmen for Thee, and servants of the common good.

Through Jesus Christ, Master Workman, and ever present Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., July 24, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Frank E. Moss, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. MOSS thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of July 20, 1972, Mr. Sparkman, from the Committee on Foreign Relations, reported favorably, without amendment, on July 21, 1972, the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics, and submitted a report (No. 92–979) thereon, which was printed.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of July 20, 1972, Mr. Sparkman, from the Committee on Foreign Relations, reported favorably, without reservation, on July 21, 1972, Executive L, 92d Congress, second session, a treaty between the United States of America and the Union of Soviet Socialist Republics on the limitation of antiballistic missile system—ABM Treaty—signed in Moscow on May 26, 1972, and submitted an executive report thereon (No. 92–28), which report was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 21, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT—CONTROL OF TIME ON COOPER AMENDMENT

Mr. MANSFIELD. Mr. President, under the time limitation agreed to last Friday, time in opposition to the Cooper amendment was placed in my hands.

I wish at this time to shift that responsibility to the distinguished Senator from Alabama (Mr. Sparkman) who is acting as manager of the bill.

The ACTING PRESIDENT pro tempore. That will be the order.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, in accordance with the policy announced last week, the following committees have requested permission to meet for the indicated purpose during the session of the Senate today:

The Committee on Foreign Relations to consider nominations and the Committee on Armed Services to receive testimony from Secretary Laird on the question of SALT.

No other committees have requested permission to meet and at this time I ask unanimous consent that such permission be accorded only to the Committee on Armed Services and the Committee on Foreign Relations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 926, 927, and 928.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ACQUISITION OF A VILLAGE SITE FOR THE PAYSON BAND OF YAVAPAI-APACHE INDIANS

The Senate proceeded to consider the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That (a) a suitable site (of not to exceed eighty-five acres) for a village for the Payson Community of Yavapai-Apache Indians shall be selected in the Tonto National Forest within Gila County, Arizona, by the leaders of the community in cooperation with the Secretary of the Interior and the Secretary of Agriculture.

(b) Upon the transfer of the land referred to in section 3, the lands selected under subsection (a) for the cillage site are hereby eliminated from the Tonto National Forest and all right, title, and interest of the United States in and to such lands are hereby declared to be held by the United States in trust as an Indian reservation for the use and benefit of the Payson Community of Yavapai-Apache Indians.

Sec. 2. The Payson Community of Yavapai-Apache Indians shall be recognized as a tribe of Indians within the purview of the Act of June 18, 1934, as amended (25 U.S.C. 461–479, relating to the protection of Indians and conservation of resources), and shall be subject to all of the provisions thereof.

Sec. 3. There are authorized to be appropriated such sums as may be necessary for the acquisition (within the boundaries of the Tonto National Forest) by the Secretary of the Interior (after consultation with the Secretary of Agriculture) of lands (or interests in lands) for the purpose of transfer to the Secretary of Agriculture as additions to the forest in lieu of the lands to be eliminated from the forest by the first section of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–975), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

The purpose of H.R. 3337, as amended, is to convey to the Payson Band of Yavapai-Apache Indians not more than 85 acres of land in the Tonto National Forest for use by the Indians as a village site. The land, which is located in Gila County, Ariz., will be held in trust for the Indians as an Indian reservation.

Under section 2 of the bill, as amended, the band would be recognized as a tribe of Indians within the purview of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). Section 3 authorizes appropriations for the Secretary of the Interior to purchase land and transfer it to the Secretary of Agriculture as an addition in lieu of the land eliminated from the national forest for the Indian reservation.

This bill, as amended, would provide for the creation of a new Indian reservation for a group of Indians not now recognized as a Federal responsibility, and to extend to them the many benefits extended generally to reservation Indians under the provisions of the Indian Reorganization Act and benefits provided by other Federal laws administered by other Federal agencies.

NEED

The Department of the Interior for several years has been aware of the need for a village site for the Payson Band residing on national forest land less than one-half mile from the business section of Payson, Ariz. During the past 10 years, officials of the Forest Service, the Gila County Health Department, and the Bureau of Indian Affairs have studied the situation and have explored alternative means of correcting the unsanitary and hazardous conditions existing within the Indian community. The county health department has recommended that the conditions be corrected or that the Indians be evicted.

From the best information available, it appears that these Indians are known as the Tonto Apaches, comprising a segment of the San Carlos Apache Tribe, with which they have maintained contact. However, they have been separated and have lived apart from the tribe for over 70 years. Accordingly, the Department has not heretofore assumed the responsibility for these Indians.

COMMITTEE AMENDMENT

The committee amended H.R. 3337 by striking out all after the enacting clause and inserting in lieu thereof the text of S. 2422, the Senate companion measure, which was sponsored by Senator Goldwater and Fannin.

COST

The bill, as amended, provides for appropriations for the Secretary of the Interior to purchase in-lieu land to be transferred to the Secretary of Agriculture. The estimated purchase price of the land available for this transfer is $60,000.

JUDGEMENT IN FAVOR OF THE YAVAPAI-APACHE TRIBE

The Senate proceeded to consider the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai-Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 3, line 5, after the word "Interior.", insert "Title to land purchased in the State of Arizona and within Coconino, Yavapai, Navajo or Gila Counties with funds apportioned to the Payson Band, may be taken in the name of the United States in trust for the Payson Band."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXTENSION OF AUTHORITY OF AGENCY HEADS TO DRAW CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS TO OTHER CLASSES OF RECURRING PAYMENTS

The bill (H.R. 8708) to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–977), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

Under existing law, Federal agency heads, subject to regulations prescribed by the Secretary of the Treasury, are required to draw wage or salary checks of agency employees in favor of financial institutions designated by such employees, upon their written request, for credit to their accounts. This authority was originally extended to recurring payments, other than wages and salaries, made by Federal agencies to other classes of payees, by a 1965 statute, but was inadvertently omitted from a 1968 amendment to that statute. H.R. 8708 would exend their authority, on a permissive basis, subject to the same procedures, to all other classes of recurring payments, such as social security, veterans' benefits, civil service and railroad retirement annuities.

The House of Representatives approved H.R. 8708 on December 6, 1971, with a technical perfecting amendment.

BACKGROUND

Over a period of many years, Federal agencies have followed a practice of mailing payroll checks to financial institutions designated by their employees, In each instance the check was made payable to the employee, and sent to the bank for deposit in his account, following execution by him of a power of attorney to the bank.

In 1965, Public Law 89-145 (31 U.S.C. 492) authorized Federal agencies making recurring payments to employees, or to other persons to whom such payments are made to (1) draw checks in favor of financial institutions designated by such persons for credit to their account; and (2) if more than one person on a given roll designated the same bank, to draw a single composite check in favor of the bank in the aggregate amount due, accompanied by a list showing the individual accounts to be credited. The procedures provided for were made subject to regulations prescribed by the Secretary of the Treasury and were entirely voluntary on the part of both the agency concerned and the employee or other payee. These procedures also obviated the necessity for the employee to execute a power of attorney.

Following enactment of this statute, the Treasury Department, in December 1965, issued Treasury Circular 1076 which covered the application of the new procedures to Federal civilian and military payroll operations. Although the direct-deposit system was implemented, in a few instances, with respect to payees other than employees, the composite check procedures were not implemented by the Treasury Department with respect to this class, pending further consultation between the department and other Federal agencies.

Both the direct-deposit and the composite check procedures were found to result in eonomy and convenience to the Government and safety and convenience for the payees covered.

In 1968, the statute was further amended by Public Law 90-365 which provided for a system of savings allotments for Federal civilian employees, Although the savings allotment system was not relevant to the direct-deposit authority, in rewording section 492 of title 31 U.S.C., two changes were inadverently made in the law. First, the direct-deposit procedure was made mandatory upon all Federal agencies with respect to employee checks so that if an employee so requests, the agency is required to honor the request for direct-deposit; and second, the application of both the direct-deposit and the composite check procedures to all other payees was omitted from the amended statute. H.R. 8708 would correct this commission on a permissive basis.

AGENCY COMMENTS—HEARINGS

The Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations held hearings on H.R. 8708 on September 29, 1971, and received testimony from representatives of the Treasury Department and the Social Security Administration, and a communication from the Office of Management and Budget, favoring enactment of the legislation. The American Bankers Association, comprising 97 percent of all the commercial banks in the United States, in letters to the Secretary of Health, Education, and Welfare and the chairman of the House subcommittee also supported enactment of the bill.

The hearing record also contains communications from the U.S. Civil Service Commission, the Department of Health, Education, and Welfare, the Veterans' Administration, and the Railroad Retirement Board, indicating certain administrative problems which enactement of the legislation would cause, but stating that these could be overcome and that they had no objection to enactment.

The administrative problems referred to would result from loss of direct contact with the beneficiaries concerned with respect to those whose checks were sent dirctly to designated banks. It was noted that direct contact through monthly check mailings is the agency's primary means of (1) keeping informed of the current addresses of beneficiaries; (2) reaching them wtih prompt notice of changes in their status; (3) obtaining prompt notice of death of a beneficiary; and (4) learning of departure of beneficiaries from the country. In addition, there would be a loss of certain advantages in compliance with the provisions of existing law on continuing eligibility for benefits, which, under present methods, is accomplished by the individual's endorsement of his check which attests to his continuing eligibility.

Despite these problems, the agencies concerned stated that the potential benefits derived from these procedures, in the form of potential economies to the Government and improved service to beneficiaries, were greater than the administrative problems involved. They stated further that the basic problem of direct contact could be overcome by maintaining two address systems—one for check writing and deposits, and the other for official correspondence.

COMMITTEE ACTION

According to information before the committee, the Government issues approximately 600 million checks each year. Of this number, 336,900,000 checks represent recurring payments to retirees, annuitants, pensioners, and beneficiaries of Federal programs, other than employees, broken down as follows: 264 million social security checks; 60 million Veterans' Administration checks; 12 million railroad retirement checks; and 900,000 civil service retirement checks.

Experience with direct-deposit and composite check procedures for the Federal payroll has demonstrated that they can and do result in substantial economy and increased efficiency and convenience. The committee believes that the extension of authority to institute these procedures for all other recurring payments will have a similar result. In addition, it would serve to eliminate, to a large extent, losses by beneficiaries caused by looting of mailboxes and street robberies of elderly persons, difficulties in cashing checks, and the need for regular bank visits by persons who are either not physically able to get to their banks, or to withstand long waiting periods when they arrive.

The committee is mindful of the fact that implementation of these procedures will necessitate administrative adjustments by agencies concerned. However, since implementation is permissive and not mandatory, the agencies will have ample opportunity to work out the details with the Treasury Department, and the ultimate benefits to be derived by both the Government and the payees should more than justify the additional effort required to institute these procedures.

In view of the foregoing, the committee recommends favorable action on this measure.

COST ESTIMATES

At the outset, there will be certain costs involved in changing the payment systems of the agencies concerned. Since the authority conferred is permissive, rather than mandatory, it is not possible at this time to determine which agencies will implement the new procedures, how many payees will desire to be covered, or what costs will be involved. However, once the systems are converted and the new authority is implemented, substantial savings can be expected from the elimination of large numbers of individual checks and mailings which should more than offset the initial conversion costs.

AGNES RECOVERY ACT BILL

Mr. SCOTT. Mr. President, last week I introduced the Agnes Recovery Act proposed by the President. It is before the Senate Banking Committee. Public hearings have been held. It appears that the greatest amount of damage was caused in my Commonwealth of Pennsylvania. I visited the Wilkes-Barre area and saw for myself the devastation. I talked to the people there and was struck by the fact that nearly the entire equity of the city of Wilkes-Barre was destroyed.

Mr. President, I ask unanimous consent that an Associated Press article entitled, "Slime and Grime Blanket City," and a full page advertisement paid for by the Northeastern National Bank of Pennsylvania and appearing in the Washington Post entitled, "Wilkes-Barre is on the Come-Back Trail," be included in today's RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SLIME AND GRIME BLANKET CITY

(By Gerald Storch)

WILKES-BARRE.—The dust, the dirt, the filth are still everywhere.

Walk in any low-lying area of this hilly city of 60,000, and you get a choice, depending on whether it's dry or raining. The choice is between becoming engulfed with dust that mixes with sweat and pastes clothing to skin, or being slopped with mud.

A full month after one-third of this eastern Pennsylvania city was inundated by floodwaters from tropical storm Agnes, the community retains the appearance of a disaster area.

Lawns, sidewalks, shrubs, walls and just about anything else left standing are blanketed with a coat of tannish grime, the residue of 20-foot flooding by the Susquehanna River.

In the city's well-to-do residential section along Riverside Drive, homes lie scattered. One house sits in the middle of a street, swept there by the waters. Others tilt precariously, their foundations and plumbing innards exposed.

The hub of downtown, a grassy diagonal known as Public Square, is filled with information trailers and Salvation Army food trucks. Of some 50 retail establishments that surround the square, just two—a newsstand and a drug store—have reopened. Heaps of boards, rubble and slime adorn the curbsides.

In the narrow streets feeding into the hub, the traffic lights aren't operating, so National Guardsmen fulfill their two weeks' annual active duty requirement by waving on a single-file procession of cars and trucks.

No doubt about it, Wilkes-Barre looks awful.

And yet . . . amidst all this, a bustling spirit of renewal is undeniably in evidence.

A lot of the city's dirt, for example, happens to be encrusted on the arms and faces of people who have determinedly shoveled four to six inches of mud from their floors.

The mud is piled in the streets, soon to be joined by the soggy, ruined belongings of a lifetime.

You see the spirit of renewal in the eyes of people like 81-year-old William Jayne, hosing down an old American Flag that was defaced when three feet of water lapped into his second floor bedroom on the flood night of June 23.

You see it as well on scores of homes and stores bearing signs that vow, "Rebuild We Will."

Indeed, Nicholas H. Souchik, Luzerne County's executive director of civil defense, says the flood-stricken sections of the city are now 70 to 75 percent back onto their feet.

"Not as nice as before," he remarks, "but we're recovering."

Souchik gave this status report:

Homeless—The biggest problem. Temporary Red Cross shelters are accommodating about 2,300 persons, with perhaps double that number staying with relatives. Some 9,500 trailers have been requested for one year's use as residences while repairs are made. About half the requests have been approved by the federal government, and the vehicles are starting to trickle in.

[From the Washington Post, July 21, 1972]

Wilkes-Barre Is on the Comeback Trail—But Its People Can't Make It Without Your Help

An Urgent Plea to the Congress of the United States:

During the early morning hours of June 23, the city of Wilkes-Barre and its surrounding communities, like five states and the District of Columbia, were ravaged by the effects of Hurricane "Agnes", the worst flood in history. 120,000 people were driven from their homes by the rampaging Susquehanna River, suddenly as much as 6 miles wide. In the Wyoming Valley alone, there was $500 million worth of damage to homes and ½ billion dollars loss to business and industry, almost all of it uninsured. Schools, roads, bridges, water and sewer systems, other community services were wiped out.

25,000 homes were damaged. In suburban Kingston, all but 20 of 6,600 homes were flooded.

This is the story of how the people of Wilkes-Barre and its surrounding communities are fighting back. It is also the story of the efforts being made to help the flood victims across the nation and of how you can aid them.

Eddie Chernesky, a foreman in a textile plant, looked at his house as soon as civilians were allowed back to the flood area. His household goods, his furniture, the family clothing and a life-time accumulation of memories had washed through the house and into the thick mud that covered everything. Chernesky and his wife moved in with friends in a neighboring community spared by the flood, borrowed shovels and flashlights, carried jugs of water and started to work.

"I was born and grew up in the Valley," says Chernesky. "My job is here, my kids grew up here. We'll manage." But for Chernesky and thousands of other wage earners, it won't be easy.

Hospitals were flooded and forced to evacuate their patients. Wilkes-Barre's Mercy Hospital moved patients to a nearby Veterans' Administration Hospital and a convalescent home. Patients from Nesbitt Memorial Hospital in Kingston were evacuated to College Misericordia in suburban Dallas, Pa. Nuns from the college worked alongside hospital personnel to treat 3,000 emergency patients. 31 babies were delivered, 300 medical and surgical patients were admitted and discharged, and 25 intensive and coronary care patients were treated while the hospital operated out of the women's college facilities.

Llewellyn & McKane is a small printing plant trying hard to be a bigger one. Three young brothers—Guy, Jack and Denny Llewellyn—had taken over the business from their father and a partner and had built a brand new, modern plant, a mile away from the Susquehanna's banks. Now the plant looked as if a giant had reached down and shaken its contents like dice. The big new presses would have to be taken apart, cleaned piece-by-piece and painfully, expensively reassembled. Guy Llewellyn says, "We've got a small press back in operation and we're going to lick this thing. I hope to God we can get some help."

Some industries were wiped out. Some other businesses will probably never re-open. But they're the exception.

Chernesky and the Llewellyns represent the dominant spirit in the flood area. Their town was hard-hit by the Depression and by the loss of the Anthracite Coal industry which had built it but they're tough and they're coming back. And, fortunately, much of the new industry brought to replace the dying coal mines is located on high ground and was safe from the flood, so a base of industrial employment gives them reason for hope.

In the hours and days immediately after the flood, government and civilian organizations and thousands of individual volunteers mobilized to keep the loss of life to a minimum and to provide emergency services. Congressmen Daniel J. Flood of Wilkes-Barre and Joseph McDade of neighboring Scranton asked for, and received, forces from the Armed Services, the Office of Emergency Preparedness, the Small Business Administration, the Department of Housing and Urban Development, from every possible government source.

Pennsylvania Senators Hugh Scott and Richard Schweiker pitched in to help. Governor Milton J. Shapp flew in and, shocked by the damage, began to mobilize state agencies. The Luzerne County Civil Defense organization, headed by retired General Frank Townend, a lawyer, served to coordinate activities and maintain communications. (The ordinarily fiercely-competitive radio stations, almost without exception, pooled their broadcasts in an emergency network that kept a steady stream of factual information available and prevented the spread of false rumors.) Scranton and Hazleton newspapers helped Wilkes-Barre papers to resume publishing. A flooded TV station moved to its mountain-top transmitter and, helped by the other stations, maintained broadcast service.

The Pennslyvania National Guard, the Red Cross, the Salvation Army—all stepped in and worked.

When Wilkes-Barre Mayor Con Salwoski's government could no longer function, Mayor Eugene Peters of Scranton and the Scranton Chamber of Commerce led a mammoth volunteer effort that contributed food, health services, clothing and hard physical labor to help their neighboring city.

The United Fund has raised hundreds of thousands of dollars for flood relief. But frankly, all of this work, all of this fighting spirit, all of this help won't be enough to help the six-state flood area come back. It needs your help.

President Nixon has proposed to Congress the most sweeping flood-relief program in history.

You can make sure that this program becomes law to assist the fighting people of Wilkes-Barre and countless towns and cities in six states to come back with grants and low-cost loans for their homes and businesses and with grants to replace their destroyed schools, roads, bridges, sewer systems and other community facilities.

Six states and the District of Columbia were hurt this time. But the next disaster might strike anywhere.

We urge prompt "YES" votes for the "Agnes" Disaster-Relief legislation to help a determined people to help themselves.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanmous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE ON GOVERNMENT OPERATIONS TO MEET TODAY

Mr. MANSFIELD. Mr. President, at the request of the distinguished Senator from Arkansas (Mr. McClellan) and after consultation with the distinguished Republican leader, I ask unanimous consent that the Committee on Government Operations be allowed to meet today for the purpose of marking up the consumer protection bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CUMBERLAND ISLAND NATIONAL SEASHORE, GA.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 923, S. 2411.

The ACTING PRESIDENT pro tempore. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 2411) to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 6, after the word "Federal", strike out "Register." and insert "Register, but the total acreage within the boundaries of the seashore shall not exceed forty thousand five hundred acres."; on page 3, at the beginning of line 8, strike out "only by donation" and insert "by any means authorized in section 2"; on page 4, line 1, after the word "residential", strike out "purposes, or agriculture purposes, for a definite term to exceed forty years, or, in" and insert "purposes for a definite term not to exceed twenty-five years, or, in"; in line 9, after the word "owner:", strike out *"Provided, however,* That when acquiring lands and interests from the National Parks Foundation, its succors and assigns, the Secretary shall acquire such lands and interests subject to the written terms and conditions on which the National Parks Foundation acquired the lands from prior owners thereof, and that such previous written rights and interests shall prevail over provisions of this paragraph." and insert *"Provided, however,* That when acquiring lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters and interests, subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to October 1, 1972, and that such previous written rights and interests shall prevail over provisions of this paragraph: *And provided further,* That whenever an owner of property elects to retain a right of use and occupancy as provided for in this Act, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniformed Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act."; on page 5, line 12, after the word purposes,", strike out "or agriculture purposes,", in line 18, after the word "mean", strike out "either (1)"; at the beginning of line 20, strike out "February 1, 1970" and insert "August 3, 1971"; on page 6, line 2, after the word "so," strike out "designated, or (2) any property used exclusively for agriculture thereto" and insert "designated"; on page 7, after line 24, insert:

(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, riding and other recreational activities of similar nature, which shall be developed for such as needed, the seashore shall be to the maximum extent possible preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

On page 8, after line 11, strike out:

Sec. 7. (a) There is hereby established a Cumberland Island National Seashore Advisory Commission. The Commission shall terminate ten years after the date of enactment of this Act.

(b) The Commission shall be composed of ten members, each appointed for a term of two years by the Secretary, as follows:

(1) One member appointed from recommendations of the Board of Commissioners of Camden County;

(2) Four members appointed from recommendations of the Ocean Science Center of the Atlantic Commission;

(3) Two members appointed from recommendations of the Governor of Georgia;

(4) Two members designated by the Secretary; and

(5) One member appointed from recommendations of the Georgia Coastal Area Planning and Development Commission.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon the presentation of vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the seashore and, in particular, with respect to (1) the provision and adequacy of passenger ferry service, and (2) the desirability of or necessity or bridges or causeways to Cumberland Island.

On page 9, at the beginning of line 20, change the section number from "8" to "7"; at the top of page 10, insert a new section, as follows:

Sec. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

And, in line 11, after "Sec. 9.", strike out "There are hereby authorized to the appropriated such sums as may be necessary to carry out the provisions of this Act" and insert "There are authorized to be appropriated not to exceed $10,500,000 for acquisition of land $19,010,000 (August 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS-40,000B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage within the boundaries of the seashore shall not exceed forty thousand five hundred acres.

Sec. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by whatever legal method available to him such as, but not limited to, donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. The Secretary may also acquire not to exceed one hundded acres of lands and interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

Sec. 3. For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right-of-way, together with adjacent or related sites for public noncommercial recreational use and for interpretation of scenic and historic values, of not more than one thousand acres of lands, waters, and interests therein. The Secretary is authorized to acquire by any means authorized in section 2 those lands and interests therein, and other property comprising such right-of-way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards, including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the parkway shall be administered as a part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

Sec. 4. (a) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition retain for themselves and their successors or assigns a right of use and occupy of the property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided,* however, That when acquired lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters, and interests subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to October 1, 1972, and that such previous written rights and interests shall prevail over provisions of this paragraph: And provided further, That whenever an owner of property elects to retain a right of use and occupancy as provided for in this Act, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniformed Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

(b) A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before August 3, 1971 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated.

(d) (1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of two years from the date of enactment of this Act, except as specifically otherwise provided herein.

(2) In the event that the owner of land on Little Cumberland Island shall have created an irrevocable trust or other method of preservation of the resources of Little Cumberland Island which in the judgment of the Secretary provides for the protection of the resources in a manner consistent with the purposes of which the seashore was established, the Secretary's authority to acquire such lands shall be suspended for such time as the trust is in effect, and the lands are used and occupied in accordance therewith.

(3) If, at any time during the two-year period following the date of enactment of this Act, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 2 of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

SEC. 6. (a) The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be to the maximum extent possible preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

SEC. 7. Nothing in this Act shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

SEC. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

SEC. 9. There are authorized to be appropriated not to exceed $10,500,000 for acquisition of land and $19,010,000 (August 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Mr. BIBLE. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments are considered and agreed to en bloc.

Mr. BIBLE. Mr. President, this is an area of unusual beauty. It is an area that lies in the southeastern section of the great State of Georgia, which I visited together with the distinguished senior Senator from Georgia, about 5 or 6 weeks ago for a personal inspection of the area.

I ask unanimous consent that a statement on the purpose of the bill, the location and description of the area, the background, the proposed development and use, and the cost, all of which are very carefully set out in detail in the committee report, be printed in the RECORD at this point.

There being no objection, the excerpt from the committee report was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

As amended, S. 2411 would establish a Cumberland Island National Seashore off the coast of Georgia, to consist of approximately 39,500 acres, providing for the use and enjoyment of significant shoreline lands and waters and to preserve related scenic, scientific, and historical values. Within the boundaries of the seashore, the Secretary of the Interior is authorized to acquire lands and interests in lands, and he is authorized to acquire not more than 100 acres for access to an administrative site on the mainland.

Authorization is included for a Cumberland Island Parkway on the mainland, and for owners of improved properties to retain rights of use and occupancy for residential purposes.

LOCATION AND DESCRIPTION

Cumberland Island is the southernmost of the Sea Islands of Georgia, bounded on the east by the Atlantic Ocean, on the north by St. Andrews Sound, across which lies Jekyll Island State Park, on the west by the Cumberland River and Sound, and on the south by St. Marys Entrance at the mouth of St. Marys River. Beyond is Amelia Island, in Florida.

Cumberland Island is 18½ miles long, varies from a half mile to six miles in width, and comprises some 2,000 acres of upland. About half the island is less than 10 feet above sea level, most of this consisting of about 5,600 acres of salt marshes, primarily along the Sound side of the island. The balance, ranging in height up to 50 feet above sea level, consists of forested uplands of sandy soil. A magnificent beach of fine sand extends along the entire ocean side of the island, more than 1,000 feet wide at low tide and backed by dunes, often in double ranks that range from 20 to 30 feet in height. The beach slopes gradually into a mild ocean surf.

Little Cumberland Island, to the north of Cumberland Island across salt marshes and the channel to Christmas Creek, comprises 1,300 acres of high ground and 800 acres of salt marshes, and has nearly three miles of beach.

Climate in the Cumberland Island area is mild, with average minimum temperatures around 40 degrees and highs in the upper 80's or low 90's, with good breezes. Rainfall averages 53 inches per year, with summer afternoon thundershowers making up about half the total.

BACKGROUND

The Seashore area is the southern end of the chain of islands and marshes known as the Golden Isles. These islands have been almost continuously inhabited for ten thousand years. Here a pottery-making culture existed 3,800 years ago, and over four centuries ago, Spain established a chain of outposts which became the military frontier between the territories of the Spanish and English.

After the new Nation gained its independence, the Island became one of the plantation islands specializing in raising long staple cotton. The Civil War left the plantations unable to survive without slave labor, and the Island became a hunting and pleasuring ground for wealthy business leaders, with about 80 percent of the Island owned by the Carnegie family and the remaining 20 percent by the Candler family. Mansions were built as vacation homes, and for the most part the plantation lands reverted to forest cover.

The Great Depression again forced change on the islands. Some of the great families could no longer hold the vacation estates, and large holdings were sold or were conveyed by inheritance to later generations. It finally became apparent that Cumberland Island would continue to be subdivided with ultimate development of small-lot homes, the type of development which the Island could least absorb and still retain its special fragile, and beautiful environment.

Several years ago, using a generous grant from the Andrew W. Mellon Foundation, the National Park Foundation began a program of land acquisition to forestall further subdivision of the Island by developers and to preserve the Island's special qualities pending enactment of legislation to authorize a Cumberland Island National Seashore. This action has been extremely successful, and all except about 4,700 acres of upland has been acquired to date.

DEVELOPMENT AND USE

Development of Cumberland Island National Seashore for visitor use must be undertaken with a determined sensitivity toward preserving the fragile natural values of the Island. The beach areas can absorb heavy concentrations of visitors, but the other portions of the Island would swiftly lose their charm if uncontrolled visitor access and use were permitted. The committee has been informed that the Interior Department does not intend to permit visitors to bring their automobiles onto the Island. The visitor will be greeted at a mainland contact point, told the story of the Island, and if he wishes to visit the Island he may gain access only by using one of the passenger ferries shuttling to and fro or by using his personal boat.

Since personal boat use will never result in great numbers of visitors on the Island, by controlling the number of passenger ferries the Department can effectively control the volume of visitors.

Once the visitor goes on the Island, he would be conveyed to the beach use areas by way of a minibus, or jitney, system. Also the Department envisions a net of biking-hiking trails, hiking paths, bridle trails, and nature trails in the inland portions of Cumberland Island. The three beach use areas, characterized by gentle and predictable surf condititons, will be at Stafford, High Point, and Dungeness Beaches.

On the northwest portion of the Seashore is Little Cumberland Island. The Department states it has no intention of using this area for visitor services, but is concerned that the land uses there not intrude upon the environment of the Seashore. Subsection 4(d) of the bill provides that the Secretary cannot acquire land on Little Cumberland without the consent of the owner for two years, that within two years the owners must enter into an irrevocable trust to protect the aesthetics of the area, and that once the trust is effective and so long as its conditions are being lived up to the Secretary will not acquire lands without consent of the owner. These conditions would not preclude the Secretary buying land from a willing seller or from acquiring lands which are being subjected to adverse development either before or in spite of establishment of the trust. Inasmuch as environmental protection, rather than public use, is the objective for Little Cumberland, this subsection of the bill is adequate if proper controls are placed on the land by the owners.

COST

The Department estimates that land acquisition costs could be as much as $10.5 million, if all privately owned properties within the boundary were required to be purchased. Indications are, however, that the Little Cumberland Island properties may not have to be purchased, as referred to earlier, and that donations may be forthcoming with respect to properties on Big Cumberland and on the mainland.

Development costs, based on August 1971 prices, are estimated to be $27,840,000 and annual operating costs are estimated to be $639,500 by the fifth year. The Committee amended S. 2411 to limit the amount to be authorized for development to $19,010,000, the sum estimated to be needed for programming over the first five years after enactment.

COMMITTEE AMENDMENTS

1. On page 2, line 6, change the period to a comma, and add "but the total acreage within the boundaries of the seashore shall not exceed 40,500 acres." This amendment will limit the overall acreage within the boundaries of the seashore.

2. On page 3, line 6, delete the words "only by donation" and substitute therefor the words "by means authorized in section 2". This amendment will enable purchase (if necessary) of the right-of-way for a parkway, rather than limiting its acquisition to donation only. Every effort should be made to acquire these lands by donation.

3. On page 3, lines 24 and 25, strike the words "or agriculture purposes, for a definite term not to exceed forty years," and insert in lieu thereof "for a definite term not to exceed twenty-five years,"; on page 4, line 17 and 18, strike the words "or agriculture purposes".

4. On page 4, lines 6 through 12, delete the proviso and insert the following in lieu thereof:

"*Provided, however,* That when acquiring lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters, and interests subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to October 1, 1972, and that such previous written rights and interests shall prevail over provisions of this paragraph."

This amendment would require the Secretary of the Interior to honor the terms of retained use and occupancy negotiated by the National Park Foundation when it acquired lands with funds donated by the Andrew W. Mellon Foundation, and it would require the Secretary to honor the terms of retained use and occupancy agreed to in options obtained from landowners until October 1, 1972. In addition, for so long as a right of use and occupancy remains in effect, by the donors of land of 100 acres or more, the Secretary shall not, with respect to such lands, develop any public use facilities, except for trails, road access and utilities. The Committee believes that owners with whom the Foundation has options to buy prior to October 1, 1972, should not be accorded a lesser term of use and occupancy merely because they entered into agreements only recently.

On page 4, line 23, delete "either (1)"; and on page 5, line 8, change the comma after "designated" to a period and delete the remainder of the sentence through line 9.

On page 4, line 12, change the period to a colon, and add the following: "*And Provided, further,* That whenever an owner of property elects to retain a right of use and occupancy as provided for in this Act, such owner shall be deemed to have waived any benefits or rights accruing under section 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act."

These amendments limit the statutory right of retention for use and occupancy to the lifetime of the owner or his spouse or a term of not to exceed twenty-five years, and with respect to residential property, as the Congress has specified in similar recreation area legislation. The Committee added a further proviso to waive the application of certain provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if property owners decided to retain such possessory interests to which the act entitles them. The Committee believes that when landowners take advantage of the so-called "Cape Cod" formula which allows them to remain in possession of their property within a park area, they or their heirs and successors should not also receive the same benefits for relocation which accrue under existing law for those whose homes are taken immediately for some public purpose such as for highway construction or urban renewal programs. Parks are unique in this regard and the Committee believes the government's acquisition policy should reflect this difference. Of course, if a person sells his home outright and must move, he would be entitled to all benefits accruing to a similar person under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

5. On page 5, line 1, change "February 1, 1970" to "August 3, 1971". The committee believes that the date of the introduction of the first Senate bill should not be the "cut-off date" for improved properties.

6. On page 6, redesignate "Sec. 6" as "Sec. 6(a)" and insert the following new subsection after line 4 on page 7:

"(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be to the maximum extent possible preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or th physiographic conditions now prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed."

The committee believes that Cumberland Island should be managed in a manner which will preserve its existing wild state and its relatively unspoiled natural values. This amendment inserts language directing that this be done. The language is virtually identical to section 4 of the Act of August 17, 1937 (50 Stat. 670), which established Cape Hatteras National Seashore in North Carolina. The amendment specifically prohibits construction of any road or causeway between Cumberland Island and the mainland.

7. On page 7, delete lines 5 through 24, and on page 8, delete lines 1 through 13. This amendment deletes section 7 of the bill, which would create a separate advisory commission for the seashore. General legislation approved August 18, 1970 (84 Stat. 825), already authorizes the creation of such bodies, and specific authority applicable only to this area is unnecessary.

8. On page 8, line 14, renumber "Sec. 8" to "Sec. 7".

9. On page 8, after line 19, insert the following new section:

"SEC. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development."

This amendment adds language similar to that contained in the legislation authorizing Assateague Island, Fire Island and Cape Lookout National Seashores, and which is identical to the language approved by the Senate for the Gateway National Recreation Area. The amendment assures that any undertakings for shore erosion control and similar works must be in accordance with a plan mutually acceptable to the Secretary of the Interior and the Secretary of the Army.

10. On page 8, delete lines 20, 21 and 22, and insert in lieu thereof, the following:

"There are authorized to be appropriated not to exceed $10,500,000 for acquisition of land and $19,010,000 (August 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs in executive session on June 28, 1972, unanimously recommended the enactment of S. 2411, as amended.

Mr. BIBLE. Mr. President, I yield now to the distinguished senior Senator from Georgia who brought this bill before the Senate about a year ago. He has been most insistent and urgent that we consider this legislation without delay. I am happy to yield. I think the measure should be enacted into legislation at this session. I hope we can complete action today and that action by the House will follow.

Mr. TALMADGE. What will be the effect of the bill on the owners of improved residential properties on Big Cumberland Island?

Mr. BIBLE. As reported by the committee, the bill adopts a formula which the Congress has developed over many years beginning with Cape Cod National Seashore in 1961—whereby the owners of residential properties constructed before a certain date may elect to retain a right of use and occupancy. This right may extend for a fixed term of up to 25 years or for the life of the owner or his spouse.

Mr. TALMADGE. My concern is directed to the interpretation of the word "owner." My question is prompted by the case of Mrs. Lucy Ferguson, whose late husband, The Honorable Robert W. Ferguson, served several terms in the Georgia General Assembly. For many years, Mrs. Ferguson was the only year-round resident of Cumberland Island.

Specifically, Mrs. Lucy Ferguson and her children are shareholders in a corporation whose sole assets are the land and residence on Big Cumberland Island. The residence was constructed well before the "cutoff date" in the bill of August 3, 1971. However, the property is legally "owned" by the corporation and not a natural person.

My question is, therefore, will the National Park Service, in acquiring Mrs. Ferguson's property, treat her and her children as natural persons or as a corporation?

If the corporation were treated as a natural person, it could elect to retain a right of use and occupancy of the existing residence for 25 years or the lifetime of thep resent stockholders who are Mrs. Ferguson and her three children.

Mr. BIBLE. I have been assured by the Park Service that Mrs. Ferguson and her children will be treated as natural persons. The Park Service is willing to offer use and occupancy rights as to the existing residence, for a period ending at the death of the last surviving of Mrs. Ferguson and her three children. This right under the bill will extend to the residence, together with so much of the surrounding land as is reasonably necessary for the noncommercial residential use of the residence.

Mr. TALMADGE. I desire to express my deep appreciation to the able chairman for his prompt and expeditious handling of the bill. This is a great resource and it will mean much to future generations of American people.

Mr. BIBLE. I thank the Senator. I agree with his analysis that this is a great resource. I am happy that we are attempting to preserve this resource through this legislation.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

PRESERVATION OF HISTORIC MONUMENTS

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1152.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1152) to facilitate the preservation of historic monuments, and for other purposes which were on page 2, line 17, after "subsection", insert "or the Surplus Property Act of 1944 as amended,".

On page 3, line 3, strike out all after "for" down to and including "purposes." in line 4, and insert "public historic preservation, park, or recreational purposes."

Mr. BIBLE. Mr. President, the House has made two minor amendments to this legislation which was submitted to the Congress by the executive branch and is designed to facilitate the Nation's program of preservation of historic monuments and other sites for park and recreation areas.

The amendments of the House are minor in nature, and are consistent with the purposes of the bill as reported by the Senate Interior and Insular Affairs Committee and passed by the Senate. The bill has been cleared on both sides of the aisle and, therefore, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in adjournment until 10 o'clock a.m. tomorrow.

The ACTING PRESIDENT pro temporte. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Moss) laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation Providing Special Pay for Certain Members of the Naval Service

A letter from the Secretary of the Navy submitting proposed legislation to provide special pay to certain nuclear-trained and qualified enlisted members of the naval service who agree to reenlist, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Proposed Expansion of Authority of the Canal Zone Government

A letter from the Governor, Canal Zone Government, transmitting a draft of proposed legislation to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act (with an accompanying paper); to the Committee on Armed Services.

Proposed Transfer of Certain Authority to the Federal Power Commission

A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to provide for the transfer to the Federal Power Commission of all functions and administrative authority now vested in the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935 (with accompanying papers); to the Committee on Commerce.

Report of the Central Railroad Company of New Jersey

A letter from the Secretary of Transportation submitting, pursuant to law, a report on the financial conditions of the Central Railroad Company of New Jersey (with accompanying report); to the Committee on Commerce.

Proposed Legislation to Increase Teachers' Salaries in the District of Columbia

A letter from the Commission of the District of Columbia submitting proposed legislation to amend the District of Columbia Teachers' Salary Act of 1955 to increase salaries, to provide certain revisions in the retirement benefits of public school teachers, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

Report of the Comptroller General

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entiled "Theory and Practice of Cost Estimating for Major Acquisitions" (with accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Moss):

A resolution adopted by the Board of County Commissioners of Palm Beach County, Florida, in support of the Gurney amendment to the General Revenue Sharing Bill (S. 3651); to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 736. A bill to designate certain lands in the Cedar Keys National Wildlife Refuge in the State of Florida as wilderness (Rept. No. 92-980).

By Mr. SPARKMAN, from the Committee on Foreign Relations, with amendments:

S. 3726. A bill to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes (Rept. No. 92-981).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 1729. A bill to supply general service freight cars to meet the needs of commerce, users, shippers, national defense, and the consuming public (Rept. No. 92-982), together with additional views.

By Mr. McGEE, from the Committee on Appropriations, with amendments:

H.R. 15690. An act making appropriations for Agriculture-Environmental Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92-983).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry:

S. 3840. An original bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for emergency loan disaster relief, and for other purposes. (Rept. No. 92–984).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HART:

S. 3832. A bill to supplement the antitrust laws, and to protect trade and commerce against oligopoly power or monopoly power, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. Scott):

S. 3833. A bill to revise title 28 of the United States Code. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 3834. A bill to provide for the dissemination and use of criminal record information, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 3835. A bill for the relief of Reynaldo Canlas Baecher. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3836. A bill to amend section 701 of title 18, United States Code, to prohibit the sale of simulated police badges in interstate commerce. Referred to the Committee on the Judiciary.

S. 3837. A bill to provide equitable treatment of veterans enrolled in vocational education institutions. Referred to the Committee on Veterans' Affairs.

By Mr. STEVENS:

S. 3838. A bill to amend the Federal Aviation Act of 1958, as amended. Referred to the Committee on Commerce.

By Mr. EAGLETON:

S. 3839. A bill to provide for the national improvement of reading skills. Referred to the Committee on Labor and Public Welfare.

By Mr. TALMADGE, from the Committee on Agriculture and Forestry:

S. 3840. An original bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for emergency loan disaster relief, and for other purposes. Ordered to be placed on the calendar.

By Mr. HANSEN (for himself, Mr. Bible, Mr. Burdick, Mr. Cotton, Mr. Ervin, Mr. Hatfield, Mr. Hruska, Mr. Hughes, Mr. Thurmond, Mr. Tower, and Mr. Young):

S. 3841. A bill to amend the Internal Revenue Code of 1954 to provide for an estate tax charitable deduction in the case of certain charitable remainder trusts. Referred to the Committee on Finance.

By Mr. BAYH (for himself, Mr. Randolph, Mr. Cooper, Mr. Schweiker, Mr. Taft, and Mr. Williams):

S. 3842. A bill to authorize the Secretary of the Army to undertake a national program of inspection of dams and to authorize $200 million for highway emergency relief program. Referred to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. Buckley, Mr. Javits, and Mr. Schweiker):

S. 3843. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972. Referred to the Committee on Commerce.

By Mr. RIBICOFF (for himself and Mr. Bible):

S.J. Res. 255. A joint resolution designating Wednesday, February 21, 1973, to honor the American Academy of Forensic Sciences. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HART:

S. 3832. A bill to supplement the antitrust laws, and to protect trade and monopoly power, and for other purposes. Referred to the Committee on the Judiciary.

INDUSTRIAL REORGANIZATION ACT

Mr. HART. Mr. President, admittedly, with some effort, I shall resist a flowery and overdone introduction for the bill which I offer today.

It is called the Industrial Reorganization Act. It seeks to bring closer to reality what this country has pretended to have for years: a competitive economy.

It grew out of years of study by the Antitrust and Monopoly Subcommittee, partly under the chairmanship of Senator Kefauver and partly during my tenure.

It is not a perfect bill.

But it does represent perhaps the greatest effort which has been put to finding a solution for economic concentration. And it may bear the seeds for producing an economy in which inflation and high unemployment are not a way of life.

If it lives up to my expectations, it also could be a giant step toward eliminating some of the feeling that opportunities no longer exist for the individual and that the economic life of the Nation will always be dominated by a few. We all recognize that too much power in too few hands is bad for social and political reasons, as well as for economic reasons.

Trotting out the spector of excessive economic power is not a new game. The Pujo Committee was at it before World War I and various other groups have been chewing on the problem since. The TNEC—1938–41—reached essentially the same conclusions as to the need for restructuring the economy. However, its effects were aborted by the advent of World War II, when we centralized our economy through the War Production Board to meet the demands of our Armed Forces.

Despite all this knowledge, we have taken no significant steps to remodel the economic structure of our country. Perhaps we lacked the courage—or the vision—or the patience to wade through the problem to the point of remedies.

Or perhaps the dangers never really seemed that imminent.

If such delay and turning away from the problem was ever wise, I do not believe it any longer is.

For there are really only two choices for a country: a regulated economy or a free economy.

It is perfectly clear which road we are now on. We are operating under phase II of government regulation.

It is showing no spectacular success—and because it is not, many persons in and out of Government now tell us that only far more pervasive regulation of wages, prices, and profits will straighten out the Nation's economic problems.

What a dangerous road that is to follow! Once we start with limited controls, and they do not work, it is a little too tempting to add some more controls, and eventually to end up with an economy based on big business, planned and controlled by the Federal Government.

This bill offers an alternative to Government regulation and control. It is a difficult choice. It involves changing the life styles of many of our largest corporations, even to the restructuring of whole industries. It involves positive Government action, not to control but to restore competition and freedom of enterprise in the economy.

Government regulation is not the way for a democracy. The tradeoff—less power in the hands of a few citizens for more power in the hands of government—to me is a bad bargain.

How much better if we could have an economy where the marketplace is the regulator, the rules are fair for all, and the more efficient and more diligent do the best.

Under this system, freedom prevails—freedom for companies to succeed and fail—freedom of movement for employees—freedom for beginning new companies—freedom for government from the will of superpowerful corporations—freedom for consumers to make companies respond to their desires.

This is the type of freedom that has been the traditional goal of the antitrust laws, beginning in 1890 with the Sherman Act, the granddaddy of them all. This law sought to wipe out the power over men's lives—as well as the economy—exercised by the trusts.

By the time the Clayton Act was passed in 1914, Congress had recognized that economic power in and of itself was a thing to fear. The Clayton Act was designed to prevent the acquistion of monopoly power, not merely its abuse. In 1950, Congress reiterated its intent to prevent concentration brought about by mergers which tend to substantially lessen competition or to create a monopoly in any line of commerce in any section of the country.

Unfortunately, the philosophy of Congress—thrice stated—was generally ignored in enforcement of the antitrust laws. In most cases, the Government sought chiefly to prove that the power was or could be used to harm competition. Seldom were the laws applied so as to wipe out monopoly or obligopoly power just because it was there.

Indeed, the laws were not even vigorously applied as Congress had intended to prevent the development of monopoly power. The Sherman Act was followed by the first great wave of mergers in our economy, beginning around the turn of the century. DuPont put together nearly 100 companies to get a near monopoly on the explosives industry. United States Steel put together 180 companies. United States Rubber, General Motors, American Can, International Harvester and a host of other giants were products of this era. The merger movement was halted not by the antitrust authorities but by a 1903 stock market crash and financial panic.

The Clayton Act was followed by the second great merger wave in the 1920's. This too was halted by the stock market crash of 1929 and the Great Depression, not by the Antitrust Division or the Federal Trade Commission.

We have just experienced the third great merger movement in our history, from the mid-1950's through the 1960's. Again it was more the stock market than the antitrust agencies which, hopefully, halted it or at least slowed it down considerably.

While I still believe that the antitrust laws could go a long way toward eliminating much of the concentrated economic power, I have given up hope that—absent a new congressional mandate—any attorney general will bring the necessary cases to undo the concentration which has already taken place.

We seemingly are caught in our own web: Popular reasoning is that while dismantling some of these corporations is theoretically in the public interest, the effect of the dismantling would be too disastrous.

To accept that is to accept that we must allow Government to be increasingly the handmaiden of the corporations and must sit back while we watch public government be replaced by private.

Mr. President, I sincerely hope we will not buy that theory.

The Industrial Reorganization Act offers a reasonable approach to getting ourselves out of this problem.

It is really a very simple bill. It outlaws monopoly power, establishes a special commission—which dies in 15 years—to devise means of eliminating economic concentration and establishes a special court to handle the cases resulting from the Commission's work. The Commission is also to determine the effect of collective bargaining practices on competition in designating industries and make recommendations to Congress for action.

Top priority is given to reorganizing seven industries: First, chemical and drugs; second, electronic computing and communication equipment; third, electrical machinery and equipment; fourth, energy; fifth, iron and steel; sixth, motor vehicles; and seventh, nonferrous metals.

These industries were selected because—based on our research and all available to us—we determined that they have the greatest impact on the persistent inflation eating away at the Nation and contribute most to the unemployment problems.

The seven industries account for nearly 40 percent of the total value created in U.S. manufacturing.

One hundred and forty of the top 200 corporations participate in these industries.

Concentrated industries not only display little price competition but tend to maintain or increase prices as demand falls—in order not to erode profits. Thus, Government steps to halt inflation by cutting demand tends in these industries to backfire. Cuts in demand too frequently result in higher prices—and more layoffs—as the companies seek to make the target profits.

Mr. President, the situation has been all to familiar the past 4 years. Government used all the traditional tools in its arsenal to fight inflation, but inflation and high unemployment have flourished.

I suggest this is because we were applying medication designed for a competitive enterprise system when concentrated industries had wiped out much of the competition.

Competition must exist before fiscal and monetary policies can work effectively.

That is the best road to controlling inflation and easing unemployment.

Price controls may have had some impact, although it might be hard to convince consumers of this.

But what the control system overlooks is that the prices which have been frozen in concentrated industries were too high in the first place. Price ceilings tend to become price floors, in the absence of competitive pressures to bring prices down.

Worse, price controls do little to encourage efficiency or productivity improvements. On the contrary, today a company in a concentrated industry with a chance to raise its efficiency and cut its costs may either turn the chance down or indulge in other, wasteful expenditures which help to keep it from bumping into the Price Commission's limitation on profit margins—which would require it to cut prices.

Competition would make prices and profits the variables—not production and employment.

Some workers will be concerned that restructuring of industries may cost jobs. I believe that this will not be the case. The evidence is clear that firms in concentrated industries faced with a slackening of demand cut output and employment rather than prices. Competition will improve both the stability and the growth of jobs.

It is true, however, that restructuring of major industries could lead or even require some alterations in existing collective bargaining relationships. The Commission is specifically directed to study collective bargaining practices in the industries designated, to determine the effects of those practices on competition, and to report its findings and recommendations to the Congress.

Mr. President, I do not wish to burden the record with an elaborate explanation of this bill. I ask unanimous consent that its text, along with a section-by-section analysis be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HART. Mr. President, I would like to attempt to field some of the more obvious questions that can be anticipated.

Why create a special mechanism to enforce what you claim to be the traditional philosophy of the antitrust laws?

In the past, the enforcement agencies have built a poor record for attacking existing concentration. In a way that is understandable because even if an existing agency could find the time and personnel to present the big case—of which there may have been only 10 in the history of antitrust—they would not likely face a court equipped to handle the case.

To quote from a man who has lived through the experience, Judge Wyzanski who handled the United Shoe case:

> Judges in prescribing remedies have known their own limitations. They do not, ex officio, have economic or political training. Their prophecies as to the economic future are not guided by unusually subtle judgment. . . . Judicial decrees must be fitted into the framework of what a busy, and none too expert, court can supervise.
>
> That considerations of this type have always affected antitrust courts is plain from the history of the Standard Oil, American Tobacco and Alcoa cases. To many champions of the antitrust laws these cases indicate judicial timidity, economic innocence, lack of convictions, or paralysis of resolution.

But more important, because proving abusive use of economic power—or the positive potential for such abuse—was uppermost in the agencies' minds, little thought was given to remedies. A look at the cases will show that proposed remedy was often boilerplate language.

Under the Industrial Reorganization Act, the remedy is the major goal of the Commission—and the court. Each is equipped with means to gather sufficient information and expert testimony to guide them to just and reasonable outcomes for the cases. Further, companies involved are themselves allowed to make suggestions.

Isn't the approach of this bill extremely radical?

No. It merely restates the philosophy which has been the bedrock of the antitrust laws for 82 years: Monopoly power is a danger to the public interest.

Second, the instructions are to put competition back in each industry in the best possible way. Several different steps might be taken—of which divestiture is the most drastic.

Divestiture itself is not unheard of for this country. It was the keystone of the Public Utility Holding Act of 1935 and was imposed with a heavy hand on Japan by the United States after World War II.

In both cases, experience was good.

Will not deconcentration result in further unemployment?

Yes—and no. But more no than yes. As I said, concentration itself tends to cut employment because a company that dominates its market can get higher prices per unit on less production. Also, mergers—which created much of this concentration—cut employment.

If the industries became competitive, it is likely that companies would be forced to increase production at lower prices. To do this, they obviously need more—not fewer—workers.

Also, under competitive conditions there is a better chance for new companies to start up—which would add to employment. Further, if we get to a competitive economy, fiscal and monetary policies can work so they could be used to hold down the overall rate of unemployment.

Are you not penalizing firms for greater efficiency? What about the innocent parties—such as shareholders?

It is true that reorganization would take away the benefits firms got from controlling markets to their own advantage—and to the detriment of the public.

Success in retraining trade would be penalized but efficiency definitely would not.

In fact, if the Commission should file a "monopoly power" complaint that company could escape sanction if it could show that this power came either from legal use of valid patents or that reorganization would not make economic sense.

In truth, many companies would be treated better under this approach than under existing antitrust law. There are many who feel several companies in the target industries should be sued criminally for monopolization. This stature, however, is not a criminal one—nor would it open up the companies to treble damage claims from customers or competitors.

In that sense, it is an amnesty stature. There is no accusation of wrongdoing—just the goal of establishing competition.

As for stockholders, clearly if they have been with the company long they have been enjoying what some might call "ill-gotten gains" of monopoly. Those we need not be fearful for.

But stockholders who bought into these companies just before enactment of the act need not be hurt. Again, the Public Utility Holding Act has led the way. Here, divestiture in general was accomplished by stock swaps—generally to the benefit of the stockholder.

Just what would happen under the bill? What sort of remedies would be imposed?

Let me start by saying I do not expect any remedy to be as simplistic as one that has constantly come up for years when talk turned to eliminating concentration: Break up General Motors into two, three or even eight separate auto companies.

The Commission's remedies should grow out of the sort of sophisticated search which thus far has been conducted by no one. I expect the remedies to reflect this sophistication.

Several types do now come to mind.

A company could spin off subsidiaries—or replace long-term supply contracts with frequently negotiated contracts—or alter its financial backing commitments—or eliminate exclusive dealerships—or alter its advertising expenditures—or license patents and trademarks—or actually divest.

The remedy could be one, several, or all of the above—or many others which the Commission may recommend.

No matter what plan the Commission proposed, it would be subject to full hearings before the Industrial Reorganization Court, which would make the final decision. At the hearings, the company would have a chance not only to attack the Commission's plan but to make its own proposal.

Why didn't you go the Federal charter route?

The idea is very appealing—and some people whom I admire very much have embraced it. The basic idea here, generally is that a federal charter would be necessary to do business in this country. Such a charter would have conditions attached to granting it.

I have not gone that route for several reasons.

First. The threat to withhold the charter if the conditions are not met is not credible. We have reached the point where in a standdown between a giant multinational corporation and the Government, the Government would have to withdraw.

Realistically, as the world now is, we do not feel we can allow a major company in this Nation to go out of business. Any doubters need only review the record for Lockheed or Penn Central.

Second. Under the chartering approach, the companies generally would reorganize themselves. Human nature being what it is, I would expect that reorganization to be good for the company, but question whether it would produce the most competitive structure possible.

Third. A permanent regulatory structure would be required. Based on past experience, we could expect it would too soon be paying homage to those it regulates rather than the public interest. So one evil would replace another.

We understand that the Commission is charged with prosecuting companies which have monopoly power—and to draft reorganization plans in the designated industries. But what about other industries, or industries it can't reorganize for some reason?

The Commission is indeed a prosecutor. But it has another—equally important function as a meaningful investigator and thinktank.

Indeed, it must every 2 years report to Congress on the status of its studies and reorganization plans. But more important, it must make recommendations on how labor practices should be altered, on how Government itself, by law or practice, may be hampering competition and on what legislation may be needed in order to improve competition generally or specifically.

In this way, it is sort of a revival of the Temporary National Economic Commission.

Question: In view of the fact that business insists that our present antitrust laws impede the foreign trade efforts of American business, is it not true that this bill will make matters even worse?

Answer: To the extent that other nations adopt policies which encourage barriers to trade or restrictive business practices among their own firms, for example, cartels, I believe our country should attempt to negotiate these barriers and restrictive practices down to promote competition on an international basis. In other words, we should handle restrictive trade practices much in the same way that we attempted to negotiate the removal or reduction of tariffs.

There have been attempts in the past to negotiate some sort of international ground rules on restrictive business practices. Among architects of the United Nations there had been hope for a third specialty agency alongside of the International Bank for Reconstruction and Development and the International Monetary Fund, the International Trade Organization. The opening article in chapter 5 of the proposed International Trade Organization reads in part as follows:

> Each member agrees to take appropriate measures to work with the International Trade Organization to prevent business practices which might restrain competition, limit access to local and foreign markets, or foster monopoly control whenever such practices may be harmful to production and trade.

This approach was tried by our Government on a couple of other occasions after World War II. First, in 1951, the United States introduced a resolution in the Economic and Social Council of the United Nations calling for a committee to make recommendations on the prevention and regulation of private combines and cartels in international trade, and second, in 1958, under leadership of Norway and the Federal Republic of Germany, the GATT organization decided to appoint a group of experts to consider what role, if any, it should play in this field. Each time, our efforts were blocked not necessarily by stubbornness of foreign nations but in great measure by the united opposition of American business.

Much of this argument appears to stem from a mistaken belief that the United States is the only country in the world with strong antitrust policies. This might have been true prior to World War II when most other nations not only permitted, but encouraged cartels and restrictive business practices. But today 24 countries, including Europe, Japan, and most of the developed countries of the world have their own antitrust laws—and what is unlawful for U.S. firms may well be unlawful for foreign firms.

Let me give you a specific example. Professor Edwards mentions a case described to the Antitrust Subcommittee a few years ago by Arthur Dean, of the Sullivan & Cromwell law firm. The case involved a U.S. firm which could not—read that, "refused to"—enter into an agreement to export its product to a French firm, because it could not include in the trade agreement a clause which would prevent the French buyer from shipping the U.S. item back to the United States as a component of his own product. I agree that such a clause would run afoul of the Wilson Act. But the latest issue of the European Community's news bulletin describes an action by the Community's antitrust authorities to void agreements entered into by three automobile firms, said to be Peugeot, BMW, and Ford-Germany, to import certain products subject to the restriction that these products could not be reexported. In other words, the case described by Mr. Dean as a horrible example of the U.S. antitrust laws in action was not only illegal under U.S. law—it violated the European Community antitrust law as well.

The Common Market Commission has also taken action against Continental Can for abusing its "dominant firm" position in the European container market, and a case has been filed against Commercial Solvents for refusal to supply the basic chemical ingredient of a tuberculosis drug to anybody but its Italian subsidiary.

On July 14 the Community's Court of Justice issued a landmark decision upholding the Commission's fines against 10 major chemical companies for parallel pricing. The court held that any following of the same pricing policies by companies is illegal, even in the absence of an agreement, if it "knowingly substitutes a practical cooperation between them for the risks of competition." Further, a foreign parent corporation can be fined for activities of its subsidiaries within the Common Market.

The point I would make is that antitrust policies are no longer an American monopoly, and a company is likely to run into antitrust problems wherever it does business in a developed country market. It may be true that there are differences among these laws—so that some types of behavior prohibited in the United States are permitted elsewhere, but it works both ways, and some things companies can get away with here are illegal elsewhere. Companies run into the same problems with a lot of other customs, ranging from weights and measures to tax laws.

I feel very uneasy with this question, because I am not really sure what business spokesmen mean when they say that our antitrust laws hinder their efforts to engage in foreign trade. Now I am not alone in my ignorance. The former head of the Antitrust Division, Mr. Walker Comegys, touched on this in his farewell press conference a few weeks ago; he said that business is always talking about how the antitrust laws interfere with foreign trade, but they have never come to the Justice Department with any specific examples or evidence as to how the antitrust laws hurt trade. Prof. Corwin Edwards made the same point in the July-August 1969 issue of the Columbia University Journal of World Business. In other words, this charge against antitrust is hard to handle because it is always made in exceedingly vague and imprecise terms.

Still, I want to make the effort. With respect to my own bill, I honestly do not see why a price-competitive American industry would not be far better able to compete in foreign markets than a concentrated industry which avoids price competition like the plague. When the foreign market is dominated by a cartel, the case is even clearer. The only reason for a cartel is to raise prices. American firms which entered this market on a price basis should not only compete amazingly well but would probably wreck the foreign cartel in the process.

Mr. President, I do not offer this legislation lightly. Certainly, I know the discontent and uncertainness merely discussing it can cause for many. It does propose reformation of a basic—our economic structure. This is nothing to be taken on hastily.

However, the need to move is great. This bill may not be the answer. But it can start us talking responsibly of solutions to a problem that must be solved.

The Antitrust and Monopoly Subcommittee will begin hearings later this year on this bill—along with a similar proposal introduced by Senator HARRIS.

As we now see it, those hearings will go industry-by-industry, covering the ones given priority for the Commission. We will be seeking the counsel of experts on each industry, including, of course, participants.

While I understand the time burden each Member of this body has, I nevertheless would like to extend an invitation for all who can attend at least some of these hearings to do so.

This may not be the most important problem facing us, but it ranks high on the list.

I see it as a question not only of economic—but human—freedom.

EXHIBIT 1

S. 3832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Industrial Reorganization Act". The Congress finds and declares that (1) the United States of America is committed to a private enterprise system and a free market economy, in the belief that competition spurs innovation, promotes productivity, preserves a democratic society, and provides an opportunity for a more equitable distribution of wealth while avoiding the undue concentration of economic, social, and political power; (2) the decline of competition in industries with oligopoly or monopoly power has contributed to unemployment, inflation, inefficiency, an underutilization of economic capacity, and the decline of exports, thereby rendering monetary and fiscal policies inadequate and necessitating government market controls subverting our basic commitment to a free market economy; (3) the preservation of a private enterprise system, a free market economy, and a democratic society in the United States of America requires legislation to supplement the policy of the antitrust laws through new enforcement mechanisms designed to responsibly restructure industries dominated by oligopoly or monopoly power; (4) the powers vested in these new enforcement mechanisms are to be exercised to promote competition throughout the economy to the maximum extent feasible, and to protect trade and commerce against oligopoly or monopoly power.

TITLE I—POSSESSION OF MONOPOLY POWER

SEC. 101. (a) It is hereby declared to be unlawful for any corporation or two or more corporations, whether by agreement or not, to possess monopoly power in any line of commerce in any section of the country or with foreign nations.

(b) There shall be a rebuttable presumption that monopoly power is possessed—

(1) by any corporation if the average rate of return on net worth after taxes is in excess of 15 per centum over a period of five consecutive years out of the most recent seven years preceding the filing of the complaint, or

(2) if there has been no substantial price competition among two or more corporations in any line of commerce in any section of the country for a period of three consecutive years out of the most recent five years preceding the filing of the complaint, or

(3) if any four or fewer corporations account for 50 per centum (or more) of sales in any line of commerce in any section of the country in any year out of the most recent three years preceding the filing of the complaint.

In all other instances, the burden shall lie on the Industrial Reorganization Commission established under title II of this Act to prove the possession of monopoly power.

(c) A corporation shall not be required to divest monopoly power if it can show—

(1) such power is due solely to the ownership of valid patents, lawfully acquired and lawfully used, or

(2) such a divestiture would result in a loss of substantial economies.

The burden shall be upon the corporation or corporations to prove that monopoly power should not be divested pursuant to paragraphs (1) and (2) of the above subsection; *Provided, however,* That upon a showing of the possession of monopoly power pursuant to paragraph (1), the burden shall be upon the Industrial Reorganization Commission to show the invalidity, unlawful acquisition, or unlawful use of a patent or patents.

TITLE II—INDUSTRIAL REORGANIZATION COMMISSION

DEFINITIONS

SEC. 201. As used in this title, the term—

(1) "industry" means all extractive, processing, smelting, refining, transporting, manufacturing, assembling, fabricating, constructing, financing, distributing, or other economic activity carried on in closely related parts of commerce;

(2) "registered corporation" means a firm required by the Commission to file a registration statement under section 205;

(3) "Commission" means the Industrial Reorganization Commission established under section 202;

(4) "Commissioner" means the Commissioner of the Commission;

(5) "person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, or an unincorporated organization; and

"security means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferrable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

ESTABLISHMENT OF COMMISSION

SEC. 202. (a) There is an independent agency to be known as the Industrial Reorganization Commission.

(b) The Commission shall be under the direction and supervision of a Commissioner who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of seven and one-half years. Any individual appointed to fill a vacancy in such office occurring due to the death, resignation, or removal of the Commissioner shall serve only for the remainder of the term of his predecessor. The Commissioner shall continue to serve after the end of the term to which he was appointed until his successor has qualified. The Commissioner shall not engage in any other activity while holding office. The Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c) The Commissioner shall appoint and fix the compensation of an Executive Director and such other officers, agents, and employees as he deems necessary to assist him in carrying out the duties of the Commission. The Executive Director shall be the chief administrative officer of the Commission, and he shall perform his duties under the direction and supervision of the Commissioner. The Commissioner may delegate any of his functions, other than the making of regulations, to the Executive Director.

(d) The Commission shall have an official seal which shall be judicially noticed.

(e) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(59) Commissioner, Industrial Reorganization Commission."

(f) The Office of Management and Budget shall not inspect, examine, audit, or review the records or work of the Commission or comment on any budget request made by the Commission. The Comptroller General shall conduct such reviews, audits, and evaluation of the Commission as he deems necessary. All accounts, budgets, and records of the Commission shall be submitted to the General Accounting Office from time to time as the Comptroller General may require, and the Commission shall maintain, preserve, and make available for inspection by the General Accounting Office such records as the Comptroller General may require.

(g) Section 3502 of title 44, United States Code, is amended by inserting in the first paragraph (defining "Federal agency"), ", the Industrial Reorganization Commission" after "the General Accounting Office".

(h) The Commission shall terminate its operations 15 years after the date of enactment of this Act, and the functions, jurisdiction, powers, and duties of the Commission shall be transferred to the Federal Trade Commission. Upon transfer, the Federal Trade Commission shall succeed the Commission as a party in any legal proceedings, and any judgment or decree of any court of the United States applicable to the Commission, shall, at the discretion of that court, be applicable to the Federal Trade Commission.

DUTIES OF THE COMMISSION

SEC. 203. (a)(1) In order to determine whether or not any corporation, or two or more corporations, are in violation of title I of this Act, and develop a plan of reorganization to make competition more effective within each industry, the Commission shall study the structure, performance, and control of each of the following industries:

(A) chemicals and drugs;

(B) electrical machinery and equipment;

(C) electronic computing and communication equipment;

(D) energy;

(E) iron and steel;

(F) motor vehicles; and

(G) nonferrous metals.

(2) The Commission shall develop a plan of reorganization for each such industry whether or not any corporation is determined to be in violation of title I. In developing a plan of reorganization for any industry, the Commission shall determine for each such industry—

(A) the maximum feasible number of competitors at every level without the loss of substantial economies;

(B) the minimum feasible degree of vertical integration without the loss of substantial economies; and

(C) the maximum feasible degree of ease of entry at every level.

(3) The Commission shall study the collective bargaining practices within each industry named in paragraph (1), and determine the effect of those practices on competition within that industry.

(4) The Commission shall report to the Congress not later than June 30 in each odd-numbered year with respect to the status of each study undertaken under paragraph (1), (2), or (3) and each plan to be developed under paragraph (2), together with such recommendations, including recommendations for legislation as it deems necessary. Such legislative recommendations may include, but are not limited to, amendments to the antitrust laws, the Internal Revenue Code, the Patent laws, and the National Labor Relations Act. The Commission may also report to Congress upon the effect on competition of the policies of executive or regulatory agencies of Government together with such recommendations, including recommendations for legislation, as it deems necessary.

(5) The Commission shall prosecute violations of title I of this Act.

(b) The Commission shall enforce the provisions of title I of this Act by filing a complaint and proposed order of reorganization with the Industrial Reorganization Court, established under title III of this Act, in accordance with the provisions of that title.

(c) Whenever the Commission obtains information under this title which furnishes a reasonable basis for inferring that any corporation or person has acted in violation of any law of the United States other than title I or of any State relating to trade or commerce, it shall notify the appropriate law enforcement official. The Commission shall furnish information obtained under this title to the Attorney General of the United States, the Federal Trade Commission, the Federal Power Commission, the Securities and Exchange Commission, and any other Federal regulatory or administrative body upon request, and whenever the Commission obtains information under this title which furnishes a reasonable basis for inferring that a corporation may act in violation of section 7 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914, as amended (38 Stat. 731; 15 U.S.C. 18), it shall notify the Attorney General of the United States and the Federal Trade Commission, and furnish to them the information upon which that inference is based.

POWERS OF THE COMMISSION

SEC. 204. (a) The Commission shall have power—

(1) to conduct studies of the structure, performance, and control of any industry and its collective bargaining practices directly or by contract or other arrangement;

(2) to require corporations in industries named in section 203(a), or any person who the Commission shall have reason to believe affects the structure, performance, or control of any such industry, to file registration statements in such form as the Commission may require in order to carry out the provisions of section 203(a);

(3) to require periodic and special reports and such other information of corporations, from time to time, as may be necessary to carry out the provisions of this Act, including but not limited to reports by product or line of commerce;

(4) to inspect and examine accounts, procedures, correspondence, memoranda, papers, books, and other records under section 205;

(5) to require interlocking relationship reports and securities control reports by officers, directors, or persons, directly or indirectly, controlling, exercising, or executing the right to vote of 1 per centum or more of any class of securities for any registered corporation under section 206;

(6) to furnish information to the appropriate Federal or State law enforcement official whenever the Commission determines, on the basis of information received by it, that there may be or has been a violation of the Federal or State law;

(7) to sue and be sued in its own name and appear by its own counsel in any legal proceedings brought by or against it;

(8) to request and obtain from any executive department or agency any information or assistance it deems necessary to carry out the duties under this title;

(9) to prosecute complaints before, and submit proposed orders of reorganization to, the Industrial Reorganization Court established under title III of this Act;

(10) to carry out such investigations as may be appropriate to determine whether there is any violation of any provision of this Act;

(11) to sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, and documents as it deems advisable, to administer oaths or affirmations to witnesses appearing before it;

(12) to disclose by publication, or otherwise to make available upon request, any information (other than trade secrets or processes) it deems appropriate for public disclosure, subject to the provisions of section 207;

(13) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $125 a day for individuals;

(14) to issue such regulations, orders, and reports as may be necessary to carry out the provisions of this title; and

(15) to take such other actions as may be necessary to enable it to carry out its duties under the provisions of this title.

(b) Each executive department and agency is required to the extent permitted by law, to furnish information and assistance to the Commission, with or without reimbursement therefore, upon request by the Commission.

(c) Subpenas shall be issued under the signature of the Commissioner or Executive Director and may be served by any person designated. In the case of contumacy or refusal to obey a subpena issued under paragraph (11) of subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or an employee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of such person to obey any such order of the court may be punished by the court as a contempt thereof.

REGISTRATION STATEMENTS; REPORTS; RECORDS

SEC. 205 (a) Any corporation or any person required by the Commission to register under section 204(a)(2) shall file with the Commission a registration statement and such additional reports and information as the Commission may require from time to time.

(b) Each registration statement shall contain—

(1) a copy of the corporate charter, articles of incorporation, partnership agreement, or other agreement or document under which that corporation is organized and doing business;

(2) a copy of such related documents, including, but not limited to, by-laws, indentures, mortgages, trust indentures, underwriting agreements, and voting trust agreements, as the Commission may require; and

(3) (3) such additional information and documents as the Commission may require, including, but not limited to—

(A) a statement of the organizational and financial structure of the corporation and the nature of the business in which the corporation is engaged;

(B) a statement of the terms, position, rights, and privileges of each class of security which the corporation has authorized and/or outstanding;

(C) a statement of the underwriting arrangements, and copies of the underwriting agreements, under which the corporation's securities have been offered to the public or otherwise during the preceding five years, and a statement of the relationship of the underwriters of the securities to the corporation and/or to its officers or directors and the interest of those underwriters in the corporation.

(D) a statement of the names and addresses of the directors and principal officers of the corporation, the compensation paid to them directly or indirectly, their interest in the securities of, their contracts with, and their borrowings from, the corporation;

(E) a list of the name and address of, and amount of each class of securities held by each shareholder of the corporation;

(F) a statement of the corporation's bonus profit sharing, and stock option plans;

(G) a copy of any contract to which the corporation is a party; and

(H) a copy of any balance sheet, financial statement, profit and loss statement, or any other report for any product or line of commerce in any section of the country or with foreign nations for any of the preceding seven years, in such form as the Commission may require, and certified, if required by the Commission, by an independent public accountant.

(c) In addition to the registration statement, the Commission may require the filing with it of additional reports of a periodic or special nature necessary to enable it to supplement or bring up to date information contained in registration statements, including, but not limited to, answers to questions raised by the Commission, the minutes of directors', stockholders', or other meetings, and additional information on the financial condition, security structure, security holdings, and assets of a corporation.

(d) Each registered corporation shall keep and preserve such records, accounts, and other documents as the Commission may require, and shall make all of its records, documents, memorandums, correspondence, accounts, and cost accounting procedures available for inspection at reasonable times by Commission employees.

REPORTS BY OFFICERS, DIRECTORS, AND OTHER PERSONS

SEC. 206. (a) Any person who is a director or officer of a registered corporation shall file a report under this section with the Commission in such form and at such times as the Commission may require. The report shall contain—

(1) a list of the name and address of, and amount of securities held beneficially and/or of record in any other corporation by any officer or director;

(2) if required by the Commission, a report of changes in the securities ownership in any other corporation; and

(3) a list of the name and address of each other corporation of which that person is an officer, director, or employee.

(b) Any person who, directly or indirectly, through one or more persons, owns beneficially or of record or controls, exercises, or executes the right to vote, 1 per centum or more of any class of security or any security convertible into or exchangeable, with or without additional consideration, for 1 per centum or more of any class of security of any registered corporation or if the aggregate percentages of the classes total 1 per centum or more, shall file a report under this section with the Commission in such form and at such times as the Commission may require. The percentage is to be calculated on the basis of the number of shares of, or for debt securities the face amount of, any class of security actually outstanding. If not a natural person, the Commission shall require such additional information as may be necessary to carry out the purpose of this subsection.

PUBLIC DISCLOSURE OF INFORMATION

SEC. 207 (a) When the public disclosure of information obtained under this title would be in the public interest as determined by the Commission, the Commission may, after notice to the appropriate corporation or person, make that information available to the public, under such charges and conditions as the Commission may prescribe.

(b) Any person filing a registration statement, report, notification, or other document with the Commission may object to public disclosure of any or all of the information by filing a petition with the Industrial Reorganization Court established pursuant to title III of this Act, in accordance with the provisions of that title.

(c) It shall be unlawful for any officer or employee of the Commission—

(1) to disclose any patent application, trade secret, or secret process contained in any document filed with the Commission or obtained under this title except as necessary to carry out his duties under this title; and

(2) to disclose to any other person any information contained in any document filed with the Commission or obtained under this title, except as provided in this title or in order to carry out his duties under this title, or to use any such information for personal benefit, unless that information has been made available to the public under subsection (a), for a reasonable period of time prior to such use.

PENALTIES

SEC. 208. Any person who violates any provision of this title shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding $500,000, if not a natural person, or if a natural person, $100,000 or by imprisonment not exceeding one year, or both.

AUTHORIZATION OF APPROPRIATIONS

SEC. 209. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE III—ESTABLISHMENT OF INDUSTRIAL REORGANIZATION COURT

ESTABLISHMENT OF COURT

SEC. 301 (a) Part I of title 28, United States Code, is amended by inserting after chapter 11 thereof the following new chapter:

"Chapter 12—INDUSTRIAL REORGANIZATION COURT

"Sec.
"271. Appointment and number of judges.
"272. Precedence of judges.
"273. Tenure and salaries of judges.
"274. Sessions.
"275. Division of business.
"276. Single judge trials.
"277. Three judge trials.
"278. Vacant judgeship.
"279. Publication of decisions.
"280. Bias or prejudice of judge.
"281. Report of court proceedings.

"§ 271. Appointment and number of judges.

"The President shall appoint, by and with the advice and consent of the Senate, a chief judge and 14 associate judges who shall constitute a court of record known as the United States Industrial Reorganization Court. Such court is hereby declared to be established under Article III of the Constitution of the United States.

"272. Precedence of judges.

"The chief judge of the Industrial Reorganization Court shall have precedence and preside at any session of the court which he attends.

"The other judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"§ 273. Tenure and salaries of judges.

"The chief judge and associate judges of the Industrial Reorganization Court shall hold office during good behavior. Each shall receive a salary of $40,000 per year.

"§ 274. Sessions.

"The Industrial Reorganization Court may hold court at such times and places as it may fix by rule.

"§ 275. Division of business.

"The business of the Industrial Reorganization Court shall be divided among the judges as provided by the rules and orders of the court.

"The chief judge of the Industrial Reorganization Court shall be responsible for the observance of such rules and orders and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

"§ 276. Single judge trials.

"Except as otherwise provided in section 277 of this title, the judicial power of the Industrial Reorganization Court with respect to any case, suit or proceeding, shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

"§ 277. Three judge trials.

"(a) Upon application of any party to a civil action, or upon his own initiative, the chief judge of the Industrial Reorganization Court shall designate any three judges of the court to hear and determine any civil action which the chief judge finds—

"(1) raises an issue of the constitutionality of an Act of Congress, a proclamation of the President, or an Executive order; or

"(2) has broad or significant implications in the administration or interpretation of the Industrial Reorganization Act.

"(b) A majority of the three judges designated may hear and determine the civil action and all questions pending therein.

"§ 278. Vacant judgeship.

"When the office of a judge becomes vacant, all pending process, pleadings and proceedings shall, when necessary, be continued by the clerk until a judge is appointed or designated to hold such court.

"§ 279. Publication of decisions.

"All decisions of the Industrial Reorganization Court shall be preserved and open to inspection. The court shall forward copies of each decision to the Industrial Reorganization Commission.

"§ 280. Bias or prejudice of judge.

"Whenever a party to any proceeding in the Industrial Reorganization Court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding on such petition and affidavit.

"The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

"§ 281. Report of court proceedings.

"The Industrial Reorganization Court is authorized to contract for the reporting of all proceedings made in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed including the terms under which transcripts shall be supplied by the contractor to the court and other persons, departments, and agencies."

(b) The chapter analysis of part I of such title is amended by inserting after the item relating to chapter 11 the following:

"12. Industrial Reorganization Court . . . 271."

(c) Section 451 of such title is amended by inserting—

(1) in the first paragraph (defining "court of the United States")," the Industrial Reorganization Court" after "the Customs Court";

(2) in the third paragraph (defining "judge of the United States")", Industrial Reorganization Court" after "Customs Court".

OFFICERS AND EMPLOYEES

SEC. 302. (a) Part III of title 28, United States Code, is amended by inserting after chapter 55 the following new chapter:

"Chapter 56—INDUSTRIAL REORGANIZATION COURT

"Sec.
"911. Clerk and employees.
"912. Marshal and deputy marshals.
"913. Bailiffs and messengers.

"§ 911. Clerk and employees.

"The Industrial Reorganization Court may appoint a clerk and such assistant clerks, stenographic law clerks, clerical assistants, and other employees as may be necessary, all of whom shall be subject to removal by the court. The clerk shall pay into the Treasury all fees, costs, and other moneys collected by him.

"§ 912. Marshal and deputy marshals.

"The Industrial Reorganization Court may appoint a marshal and deputy marshals, who shall be subject to removal by the court.

"The marshal and his deputy marshals shall attend court at its sessions, serve and execute all process and orders issued by it, and exercise the powers and perform the duties concerning all matters within such court's jurisdiction assigned to them by the court.

"Under regulations prescribed by the Director of the Administrative Office of the United States Courts, the marshal shall pay the salaries, office expenses, and travel and subsistence allowances of the judges, officers, and employees of the court, and shall disburse funds appropriated for all expenses of the court.

"On all disbursements made by the marshal of the Industrial Reorganization Court for official salaries, the certificate of the payee shall be sufficient without verification on oath.

"United States marshals for other districts where sessions of the court are held shall serve as marshals of the court.

"§ 913. Bailiffs and messengers.

"The Industrial Reorganization Court may appoint necessary bailiffs and messengers who shall be subject to removal by the court.

"Each bailiff shall attend the court, preserve order, and perform such other necessary duties as the court directs."

(b) The chapter analysis of part III of such title is amended by inserting after the item relating to chapter 55 the following:

"56. Industrial Reorganization Court___911".

(c) Section 610 of such title is amended by striking out "and the Customs Court" and inserting "the Customs Court, and the Industrial Reorganization Court."

JURISDICTION

Sec. 303 (a) Part IV of title 28 is amended by adding at the end thereof the following new chapter:

"Chapter 96—INDUSTRIAL REORGANIZATION COURT

"Sec.
"1591. Powers generally.
"1592. Jurisdiction.
"1593. Restoration of effective competition.
"1594. Enforcement of competitive orders; appointment of trustees; disposition of assets.
"1595. Time for complying with orders.

"§ 1591. Powers generally.

"The Industrial Reorganization Court and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence.

"§ 1952 Jurisdiction.

"(a) The Industrial Reorganization Court shall have original jurisdiction to hear and determine all complaints and proposed orders of reorganization filed by the Industrial Reorganization Commission under Title I of the Industrial Reorganization Act.

"(b) After the Industrial Reorganization Commission has filed a complaint and proposed order of reorganization, the Industrial Reorganization Court shall enter a judgment determining whether a corporation or two or more corporations possess monopoly power in any part of trade or commerce among the several states or with foreign nations.

"(c) The Industrial Reorganization Court shall also have original jurisdiction of petitions filed pursuant to section 207 of title II of this Act and of such other proceedings under that Act as the Court shall deem necessary and appropriate to effectuate its purposes.

"§ 1593. Restoration of Effective Competition.

"(a) Any corporation or two or more corporations may, within sixty days from the entry of judgment pursuant to section 1592 (b), file an alternative proposed order or orders of reorganization.

"(b) Prior to the entry of an order or reorganization, the Industrial Reorganization Court shall conduct a proceeding to determine whether or not the proposed order or orders of reorganization would restore effective competition. In making its determination, the court may call witnesses in accordance with the provisions of sections 2652 and 2653 of this title.

"(c) The court shall enter an order of reorganization appropriate to effectuate the purposes of this Act. The order of reorganization may require a corporation or two or more corporations to take such action as the court shall find necessary to restore effective competition. The order may include—

"(1) a requirement that a corporation modify any contract to which it is a party, terminate any agreement with another corporation, or modify its methods of distribution;

"(2) a requirement that a corporation grant licenses (with or without provision for the payment of royalties) under any patent, copyright, or trademark owned by that corporation, share technical information with others, or dispose of any such patent, copyright, or trademark;

"(3) a requirement that a corporation divest itself of particular assets, including tangible and intangible assets, cash, stock, securities, accounts receivable, and other obligations; and

"(4) such other requirements as the court may find necessary to restore effective competition.

"(d) Any order entered under this section shall be subject to judicial review as provided in section 2114 of this title.

"§ 1594. Enforcement of orders of reorganization; appointment of trustee; disposition of assets.

"The Industrial Reorganization Commission may apply to the Industrial Reorganization Court to enforce compliance with any order issued under section 1593 of this title. In any such proceeding the court as a court of equity may, to such extent as it deems necessary for purposes of enforcement of such order, take exclusive jurisdiction and possession of the corporation or any portion thereof, and the assets, or any portion thereof, wherever located; and the court shall have jurisdiction, in any such proceeding to appoint a trustee, and the court may constitute and appoint the Commission as sole trustees to hold and administer under the direction of the court, the assets so possessed. In any proceeding for the enforcement of an order of the court issued under section 1593 of this title, the trustee, with the approval of the court, shall have power to dispose of any or all of such assets and, subject to such terms and conditions as the court may prescribe, may make such disposition in accordance with the order to restore effective competition, which shall have been approved by the court after opportunity for hearing.

"In any proceeding under this section, the court shall not appoint any person other than the Commission as trustee or receiver without notifying the Commission and giving it an opportunity to be heard before making any such appointment.

"§ 1595. Time for complying with orders.

"Any order under section 1593 of this title shall be complied with within 2 years from the date of such order and the Industrial Reorganization Court shall, upon a showing (made before or after the entry of such order) that the corporation has been or will be unable in the exercise of due diligence to comply with such order within such time, extend such time for an additional period not exceeding 2 years, if it finds such extension necessary or appropriate in the public interest."

(b) The chapter analysis of part IV is amended by inserting after the item relating to chapter 95 the following:

REVIEW OF DECISIONS

SEC. 304. (a) Part V of title 28 is amended by adding at the end thereof the following new section:

"§ 2114. Review of Industrial Reorganization Court Orders.

"(a) In any proceeding brought in the Industrial Reorganization Court, an appeal from the final order of the Industrial Reorganization Court will lie only to the Supreme Court.

"(b) The scope of review on appeal of any Industrial Reorganization Court order to the Supreme Court under this section shall be limited to: (1) whether or not the Industrial Reorganization Court proceeded correctly under the provisions of this title; and (2) whether or not the findings of fact of the Industrial Reorganization Court are supported by substantial evidence".

(b) The table of sections of chapter 133 of such title is amended by adding at the end thereof the following:

"2114. Review of Industrial Reorganization Court orders."

PROCEDURE

SEC. 305. (a) Part VI of title 28, United States Code, is amended by inserting after chapter 169 the following new chapter:

"Chapter 170—INDUSTRIAL REORGANIZATION COURT PROCEDURE

"Sec.
"2651. Rules of procedure.
"2652. Expert witnesses.
"2653. Other witnesses.

"§ 2651. Rules of procedure.

"Proceedings of the Industrial Reorganization Court shall be conducted pursuant to the Federal Rules of Civil Procedures in effect at the time, subject to such additional rules (which may supersede or supplement the Federal Rules of Civil Procedure) as shall be adopted by the Court for the purposes of proceedings before it under this title.

"§ 2652. Expert witnesses.

"In any proceeding before it under this title, the Industrial Reorganization Court may designate one or more economists or other persons to serve as expert witnesses to be called by the court. Such witness or witnesses (a) may be furnished with all the evidence introduced by any party; (b) may offer additional evidence subject to objection by any party; (c) may offer an analysis of issues with particular reference to orders proposed to restore effective competition; (d) may recommend appropriate provisions for orders proposed to restore effective competition; and (e) shall be subject to cross examination and rebuttal.

"§ 2653. Other witnesses.

"In any proceeding before it under this title, the Industrial Reorganization Court may call as witness any person it deems necessary to effectuate the purposes of this Act. Such witnesses may include, but is not necessarily limited to, competitors, suppliers, customers, sources of capital, creditors, consumers, employees, or shareholders."

(b) The chapter analysis of part VI is amended by inserting after the item relating to chapter 169 the following:

"170. Industrial Reorganization Court procedure .... 2652".

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS

This bill is divided into three titles. Title I makes the possession of oligopoly or monopoly power unlawful. Title II establishes an Industrial Reorganization Commission whose function is to prosecute violations of title I, study certain concentrated industries, study collective bargaining practices therein, and make legislative recommendations and reports to Congress. Title III establishes a special district court, the Industrial Reorganization Court to try cases and devise remedies under this act.

TITLE I

Section 101(a) is the violation section which makes the possession of oligopoly or monopoly power illegal. Under the existing case law, monopoly power is defined as the power to control prices or exclude competitors. The phrase "two or more corporations, whether by agreement or not," is designed to reach oligopoly power; namely, where firms collectively possess the power to control prices or exclude competitors. In choosing the above language, care was exercised in avoiding words such as "combination." The above language is aimed at prohibiting oligopoly structures in which an appearance of competition exists, but in which prices and employment decisions are made in an environment of mutual self-interest by a small number of powerful firms. It is assumed that because there are but a few firms, these decisions are not made pursuant to any agreement.

Under the current interpretation of section 2 of the Sherman Act, the mere possession of monopoly power is not an offense. A firm must at least exercise, and more often abuse, that power in order to fall within the purview of the statute. The present status of section 2 is characterized by Carl Kaysen in his book, *U.S.* v. *United Shoe Machinery Corporation* at page 335 as follows:

"This criticism of the trial process in antitrust 'big cases' with their thousands of exhibits and ten thousands of pages of testimony taken in hundreds of days of hearings is certainly justified. The problem, however, lies not in the procedural limits imposed by a trial in a court, which, as the United case has shown, are as flexible as an imaginative judge can make them. It lies rather in what the Government typically tries to show, and what defense counsel, therefore, must refute or cast doubt on, in the big antitrust trial. This in turn, reflects the state of the law, as it is now interpreted by the Courts. The typical 'big case' involves a complaint under Section 2 of the Sherman Act; frequently, to be sure, in addition to complaints under Section 1. In proving monopolization, the Government typically relies heavily on evidence of 'intent', and defendants, correspondingly, strive to show the purity of purpose of their business practices. The law of monopolization under #2 requires a showing that the defendant has power over price or power to exclude competition, and something more—'an element of deliberateness.' Evidence pro and con, on the existence of 'something more' occupied a disproportionately large part of the United Shoe trial. Much of the government documentary evidence consisted of individual letters, reports, and like papers from United's files, selected more to show United's evil intentions than to depict the pattern of United's business practices. Indeed, it is no exaggeration to say that an overall view of the market and United's position in it hardly emerged from the Government's presentation of its case at all, so heavily was it pointed toward 'intent.' United, likewise used most of its presentation for material of the same kind."

Under the bill, there is no "something more." The mere possession of monopoly power, either collectively or individually, is an offense.

Section 101(b) sets up three rebuttable presumptions for proving the possession of oligopoly or monopoly power.

Section 101(b)(1) is aimed at an individual corporation possessing monopoly power. There is a presumption that monopoly power is possessed if the average rate of return on net worth after taxes is in excess of 15 percent over a period of five consecutive years. In effect, the bill uses consistently high profits over a long period of time as an indication of excessive market power. The issue to be focused upon is why such consistently high profits have not attracted new entrants.

Section 101(b)(2) is aimed at two or more corporations possessing oligopoly power. There is a rebuttable presumption that such power is possessed if there has been no substantial price competition for a period of three consecutive years. In effect, the bill looks to parallel or administered pricing as an indicator of excessive market power. It is anticipated that the Commission would focus upon markets in which there has been a period of reduced demand but in which prices have failed to drop or have risen. The phrase "no substantial price competition" is designed to focus upon those situations where prices do not respond to fluctuations in supply and demand.

Section 101(b)(3) is aimed at two or more corporations possessing oligopoly power. There is a rebuttable presumption that oligopoly power is possessed in a market in which any four or fewer corporations account for 50 percent or more of sales. In effect, the bill uses market share as an indicator of such power.

The above three criteria have all been used in the past by the government as evidence to prove the possession of monopoly power under section 2 of the Sherman Act. In effect, the bill codifies these criteria and switches the burden of proof where those conditions exist. It is hoped that this will have the effect of speeding up the litigation on whether or not there is a violation and of shifting the focus of the litigation to remedy. It is anticipated that the Commission may rely upon more than one of the presumptions in alleging the existence of monopoly power.

Section 101(b) contains an additional sentence which reads as follows:

"In all other instances, the burden shall lie on the Industrial Reorganization Commission established under title II of this Act to prove the possession of monopoly power."

The bill recognizes that oligopoly or monopoly power is not necessarily limited to situations covered by the rebuttable presumptions. For example, firms may be vertically integrated to the point where competitors are excluded or prices controlled. In these instances, however, it is felt that the burden should be on the government to spell out how oligopoly or monopoly power is possessed.

Section 101(c) recognizes that there may be situations where a corporation possesses monopoly power, but has a valid explanation for it. A corporation may thus possess monopoly power and escape sanction nonetheless if "(1) such power is due solely to the ownership of valid patents, lawfully acquired and lawfully used, or (2) such a divestiture would result in a loss of substantial economies." This section places the burden upon the defending corporation to persuade the court that monopoly power should not be divested pursuant to either of the above exceptions. However, in the event a defendant relies upon the first exception, namely the patent defense, the burden shall then be on the Commission to prove the invalidity, unlawful acquisition, or unlawful use of a patent. The language "loss of substantial economies" is similar to that of section 11(k) of the Public Utility Holding Act of 1935. In effect, divestiture should not be required if the economies of scale in that industry are such that it does not make sense to do so.

The proposed statute contemplates that four issues may be litigated before the Industrial Reorganization Court. First, whether or not a corporation falls within the rebuttable presumptions set forth in section 101(b). Second, assuming a corporation does fall within one of those presumptions, whether or not the defendant actually possesses monopoly power, i.e., the power to control prices or exclude competitors. Third, assuming the defendant does possess such power, whether or not that power is due solely to a valid patent, lawfully acquired and lawfully used. Fourth, assuming the defendant does possess such power, whether or not it makes any economic sense to have a unit of lesser size efficiently produce such a product. It is anticipated that litigation on the latter two issues should be instructive to the court in fashioning an appropriate remedy in the event the defendant is unsuccessful in escaping sanction.

TITLE II

Section 201(1) defines "industry" as "all extractive, processing, smelting, refining, transporting, manufacturing, assembling, fabricating, constructing, financing, distributing, or other economic activity carried on in closely related parts of commerce." The definition is worded in a broad fashion in order to enable the Commission to study all facets of the industries named in section 203(a)(1) in order to focus upon remedies which would make such industries more competitive. The definition recognizes that the Commission may be dealing with a number of completely different situations in the industries it has been instructed to study and make more competitive.

Sections 201(1) through 201(4) are self-explanatory. Section 201(5) defines "person" as "an individual, a corporation, a partnership, an association, a joint stock company, a business trust, or an unincorporated organization." This language is essentially similar to that contained in the Securities Act of 1933.

Section 201(6) defines "security" in a very broad fashion, similar also to the language of the Securities Act of 1933.

Section 202 establishes the Industrial Reorganization Commission. Since there is no judicial function vested in the Commission, the statute provides for one commissioner to be appointed by the President subject to the confirmation of the Senate for a term of 7½ years. It is hoped that the establishment of a separate agency and the length of term of office will result in the enforcement of a difficult and complex task free of political influence.

Section 202(e) amends section 5314 of title 5, United States Code, to provide that the Industrial Reorganization Commissioner may be compensated at level 3 of the executive pay schedule.

Section 202(f) is designed to permit the Commission to submit its budget request directly to the appropriate committees of Congress without the supervision of the Office of Management and Budget. All accounts, budgets, and records of the Commission are subject to review and audit of the Comptroller General and the General Accounting Office.

Section 202(g) amends section 3502 of title 44, United States Code, by inserting "Industrial Reorganization Commission" after "the General Accounting Office" in paragraph 1 of that section. This amendment is designed to exclude the Commission from the supervision of the Office of Management and Budget with respect to information needed by the Commission from business enterprises.

Section 202(h) provides that the Commission shall terminate its operations 15 years after the date of enactment and that its functions shall then be transferred to the Federal Trade Commission. This section reflects the belief that the Commission exists to solve a specific problem; namely, undue economic concentration either by prosecuting cases or conducting studies and making recommendations for legislation to Congress. The Commission is not intended to be a regulatory body; and when the problems of economic concentration is solved, it should go out of existence.

Section 203(a) sets forth the duties of the Commission. Subsection (1) provides that the Commission shall study the structure, performance, and control of seven industries: chemicals and drugs, electronic computing and communication equipment, electrical machinery and equipment, energy, iron and steel, motor vehicles, non-ferrous metals. Such studies shall be made in order to determine whether or not there are violations of title I and also to determine how each industry could be reorganized in order to make competition more effective.

The obligation to develop a plan of reorganization is not intended to be case oriented. Rather, it is intended to be industry oriented. In other words, although the Commission might find that one or two firms within an industry possess monopoly power, it may also find that competition could best be made more effective by passing a specific piece of legislation applicable to the entire industry. Without necessarily endorsing these particular ideas, it might find that divorcement of refining from non-refining activities in the petroleum industry, or the prohibition of the exclusive franchise dealership in the auto industry provide the best means of both restoring competition and dissolving monopoly power. Naturally, if cases are brought against firms within these seven industries, it is hoped that this study provision will prove beneficial where the Commission seeks to impose a remedy on a particular defendant.

In this regard, subsection (2) makes it clear that the Commission's duty to develop a plan of reorganization exists irrespective of whether or not firms in these seven industries are found to be in violation of title I. In the course of developing such a plan, the Commission is directed to make judgments with respect to how many competitors are feasible, how much vertical integration is necessary, and how the entry of new competitors could be encouraged.

Subsection (3) provides that the Commission shall study the collective bargaining practices within each of the seven industries listed in subsection (1) and determine the effect of those practices on competition. There have been allegations made that the structure and performance of many of our major industries are due to the pressures of collective bargaining. If this is so, the Commission is directed to report back to Congress wtih appropriate legislative recommendations.

Subsection (4) provides that the Commission shall report to Congress every other year with respect to the status of each study undertaken pursuant to the above subsections and with respect to each plan of reorganization to be developed pursuant to subsection (1). Such reports are to include legislative recommendations which would make our economy more competitive. In addition, the Commission is to report to Congress and make recommendations with respect to changes in policies of either the Executive Branch or independent regulatory agencies of government which would assist in making our economy more competitive.

Subsection (5) is designed to make it clear that the Commission has the duty to prosecute all violations of title I, and not necessarily those of firms within the seven industries enumerated in subsection (1).

Section 203(b) requires the Commission to file a proposed order of reorganization when it prosecutes a complaint pursuant to title I of this Act. It is hoped that this requirement, in conjunction with the study provision, will force the Commission to have a meaningful remedy in mind before going to court. Both the defendant and the court are then put on notice at the earliest stage in the proceeding as to what remedy the Commission has in mind. The deficiencies in the present system are characterized by Carl Kaysen, *U.S.* v. *United Shoe Machinery Corporation*, at pages 343–344 as follows:

"The natural tendencies of courts to be cautious in their approach to antitrust remedies is reinforced by the ill-considered and poorly presented plans which are often the contribution of the government on relief. . . .

"In part, the poor preparation of the Government arose from the fact that intent and conduct were uppermost in the minds of the lawyers who tried the Government case. Proof of liability in terms of an inappropriate standard, rather than the underlying economic situation, was the focus of the Government's efforts in the case. And again, this is typical. But this is not all. Resource limitations are also of great importance. The transcript suggested that the Department of Justice attorney who presented the arguments for dissolution really had not had time to prepare himself thoroughly on the record of the case, no doubt because of other commitments. Moreover, an effective remedy presentation requires more than legal skills alone; the skills of economists and industrial engineers should also be drawn upon.

"But even a large increase in the budget of the Anti-Trust Division, spent on the hiring of appropriate professionals, will not remedy the problem of the drafting of effective relief decrees. In general, the kind of working knowledge of a business which is prerequisite to the succesful and efficient performance on it of more or less drastic surgery is possessed mainly by the personnel of the firm itself, and the problem of making this knowledge available to the Court or other authority presiding over them. The present procedure of anti-trust trails does nothing toward this end. Again, if the standards of the law were revised to focus on situations rather than conduct, then a step in the right direction would be taken. Trials could then focus on an examination of the operations of the firm in its market context, rather than an attack on and defense of its aims in the transaction of a series of specific dealings with customers, suppliers, rivals, and thus the trial would stimulate the parties to produce the kind of information on which a decree could rest.

"This same change in the law, if made explicit by legislation, would also do something to remove the judicial inhibitions on remedial action. If Congress were to tell the Courts that it was their function to change business situations whenever they permitted a firm or group of firms to have substantial market power, Courts would feel freer to exercise their discretion than they do now, when their concern is so much with the wrongfulness of business conduct."

Section 203(c) provides that whenever the Commission obtains information that any person may have violated any federal or state law, it shall transmit that information to the appropriate official. That section also provides that when the Commission obtains information that a corporation is contemplating an acquisition which may violate section 7 of the Clayton Act, it shall transmit that information to both the Attorney General and the Federal Trade Commission.

Section 204(a) enumerates in 15 subsections the powers of the Commission. Generally, the subsections are self-explanatory.

Section 204(a)(1) gives the Commission the power to study "any" industry and the effect of the collective bargaining practices on competition. In other words, the Commission is not limited in its study function to just the industries listed in section 203(a)(1).

Section 204(a)(2) gives the Commission extremely broad powers with respect to requiring the registration not only of corporations in industries listed in section 203(a)(1), but also "any person who the Commission shall have reason to believe affects the structure, performance, and control" thereof. The key words in this phrase are "any person" and "affects." For example, the Commission may compel the registration of a lender, supplier, distributor, or anyone else who, through a registered corporation, affects the structure, performance, or control of that industry.

Section 204(a)(3) specifically empowers the Commission to require product line reporting.

Section 204(a)(5) specifically authorizes the Commission not only to require interlocking directorship and stock ownership reports of directors and officers in other corporations, but it also empowers the Commission to require reports from those persons who actually control, or exercise control over, the voting rights of the stock of registered corporations.

Section 204(b) requires each executive department and regulatory agency to provide information and assistance to the Commission unless it is prohibited by law from doing so.

Section 204(c) provides for the issuance of subpoenas. The Commission is given the power to enforce its own subpoenas in the district courts of the United States wherein the person to be served resides is found or transacts business. Failure to obey an order of the district court with respect to the enforcement of a subpoena is punishable as a contempt thereof. It is felt that this is a more expeditious manner for the enforcement of subpoenas than to require this function to be performed by the Industrial Reorganization Court.

Section 205 relates to the registration statements, reports, and records which the Commission may require of corporations in industries enumerated in section 203(a)(1), or of persons whom the Commission shall have reason to believe affect the structure, performance, or control of those industries.

Section 205(a) requires that any person or corporation so designated by the Commission shall file a registration statement and such additional reports and information as the Commission deems necessary.

Section 205(b) describes what the registration statement shall contain. The language of this subsection is essentially similar to that of section 10(e) of the Public Utility Holding Act of 1935. It includes a copy of the corporate charter, articles of incorporation, partnership agreement or whatever document pursuant to which the firm does business.

Section 205(b)(2) provides that the Commission may require such related documents as by-laws, indentures, mortgages, trust indentures, underwriting agreements, and voting trust agreements.

Section 205(b)(3) describes additional information and documents which the Commission may require such as a statement of the financial structure of the corporation, its organization and the nature of its business; a statement of the terms, position, rights, and privileges of each class of security, and a statement of its underwriting arrangements and related documents. Section 205 (b) (3) (D) may require the corporation to divulge information relating to its directors and principal officers, including their compensation, their ownership in and borrowings from the corporation. Section 205(b) (3) (E) may require the corporation to disclose the names and addresses and the amount of securities held by each of its shareholders. Section 205(b) (3) (H) may require the corporation to file a copy of its balance sheet, financial statement, profit and loss statement, or any other report for any product line for any of the preceding seven years. The Commission may require such report to be certified by an independent public accountant. The language relating to product line reporting is not contained in section 10(e) of the Public Utility Holding Act of 1935. This language was added in the belief that this is the kind of information which may be absolutely necessary for the Commission to have in order to devise meaningful remedies to make competition more effective.

Section 205(c) provides that the Commission may have access to other information in addition to the registration statement. The Commission may require additional reports of a periodic or special nature to supplement the registration statement and to related information such as the minutes of directors' and stockholders' meetings.

Section 205(d) provides that each registered corporation shall keep such records, accounts, and documents as the Commission may require. The corporation shall also keep copies of those records, memoranda, correspondence, accounts, and cost accounting procedures available for reasonable inspection by the Commission.

Section 206(a) relates to information which the Commission may require an officer or director of a registered corporation to disclose. This information includes any stock and the amount thereof which the director or officer may hold, beneficially or of record, in any other corporation. The Commission may also require a report of any changes in the ownership of such stock. It is anticipated that a director or officer of a registered corporation will also have to disclose any other interlocking relationships which may exist; namely, any other corporations which that individual may serve as a director or officer.

Section 206(b) requires a person to disclose whether or not it, directly or indirectly, controls the right to vote one percent or more of any class of security of any corporation. The subsection is drafted in an all-inclusive fashion in order to resolve all doubts in favor of disclosure. The language adopted recognizes that the decision as to how a corporation's stock is to be voted may be diffused among a number of different persons, namely, the owner of record, the beneficial owner, or a financial intermediary. The key words are "directly or indirectly, through one or more persons," and "controls." The intent of the subsection is to enable the Commission to know the constituencies of one percent or more of shareholdars to which the directors of each registered corporation are responsible. This language is adopted in the belief that such information is absolutely necessary if the Commission is to do a meaningful job in devising remedies to make competition more effective.

Section 207(a) provides for the disclosure of information obtained by the Commission. The Commission is given the responsibility of determining whether or not such disclosure is in the public interest. It is then required to give notice to the appropriate corporation or person from whom the information was obtained that it intends to make such information available to the public.

Section 207(b) provides that any person may object to the disclosure of any or all of the information by filing a petition with the Industrial Reorganization Court. The court would then decide whether or not such disclosure would be in the public interest.

Section 207(c) makes it unlawful for any officer or employee of the Commission to disclose any patent application, trade secret or secret process contained in any document filed with the Commission unless such disclosure is necessary to perform that individual's duties under this title. This section also makes it unlawful for any officer or employee to make use of any information filed with the Commission for personal benefit unless that information has been made public for a reasonable period of time.

Section 208 provides that any person that violates any provision of title II shall be guilty of a misdemeanor. Upon conviction such person shall be punishable by fine not exceeding $100,000 or imprisonment not exceeding one year or both. If not a natural person the defendant is subject to a fine not to exceed $500,000. It is envisioned that section 208 would apply to violations of sections 205, 206 and 207.

Section 209 authorizes the necessary appropriations to carry out the provisions of title II of this Act.

TITLE III

As previously indicated, title III establishes a special District Court to try cases and devise remedies under this Act. It consists of five sections, sections 301 through 305. Each section adds a chapter to a different part of title 28 of the U.S. Code.

Section 301(a) adds chapter 12 which provides for the establishment of the Industrial Reorganization Court and consists of 11 new sections, sections 271 through 281.

Section 271 provides for the appointment by the President with the advice and consent of the Senate of a chief judge and 14 associate judges. It also provides that the Industrial Reorganization Court is established under Article III of the Constitution of the United States.

Section 272 provides that the chief judge shall have precedence and preside at any session of court which he attends. It further provides that the associate judges shall have precedence and preside according to their seniority.

Section 273 provides that each judge shall hold office during good behavior and receive a salary of $40,000.

Section 274 gives the court the discretion to be in session as its rules shall prescribe.

Section 275 empowers the court to divide its business according to its own rules. The chief judge of the court is given the responsibility to see that the rules of the court are observed.

Section 276 provides that the business of the court is to be conducted by a single judge.

Section 277 provides that any party may petition the chief judge for a three-judge trial or hearing if the issue to be litigated raises the constitutionality of an act of Congress, a proclamation of the President, or an Executive Order. A second ground for such a petition is provided if the issue to be litigated "has broad or significant implications in the administration of the interpretation of the Industrial Reorganization Act."

Section 278 provides that when a judgeship becomes vacant, all pending proceedings shall be continued by the clerk until a new judge is appointed or designated.

Section 279 provides that all decisions of the court shall be made public. A copy of each decision shall also be forwarded to the Industrial Reorganization Commission.

Section 280 provides that a party may file an affidavit alleging that a judge before whom the matter is pending has a personal bias or prejudice. That judge shall then assign the petition and affidavit to another colleague. The second judge shall then conduct a hearing on the merits of such petition and affidavit. It is felt that this procedure will insure confidence in the ultimate outcome of the proceedings where an allegation of bias or prejudice has been made.

The affidavit is required to set the grounds for the belief that bias or prejudice exists. It is further provided that such an affidavit must be filed ten days before the beginning of the term at which the proceeding is to be heard or good cause must be shown for any delay. It is further provided that a party may file only one such affidavit in any case. This language is similar to section 144 of title 28 of the U.S. Code dealing with an allegation of bias or prejudice against a U.S. District Court judge.

Section 281 authorizes the Industrial Reorganization court to contract for the reporting of all proceedings, and to fix the terms and conditions under which such reporting services shall be performed.

Section 301 (b) adds the appropriate chapter analysis of part I of title 28 of the U.S. Code.

Section 301(c) amends section 451 of title 28 of the U.S. Code by making the appropriate insertions in paragraphs one and three.

Section 302(a) adds chapter 56 to part III which provides for the appointment of appropriate court personnel and consists of three new sections, sections 911 through 913.

Section 911 provides for the appointment of a clerk and such assistant clerks, law clerks, clerks and necessary employees.

Section 912 provides for the appropriate appointment for a marshal and a deputy marshal. The marshal is given the responsibility for paying salaries and disbursing funds for the court's expenses.

Section 913 provides for the appointment of the necessary bailiffs and messengers.

Section 302(b) adds the appropriate chapter analysis of part III of title 28 of the U.S. Code.

Section 302(c) amends section 610 of title 28 of the U.S. Code by making the appropriate insertions.

Section 303(a) adds chapter 96 to part IV which provides for the jurisdiction of the Industrial Reorganization Court and consists of five new sections, sections 1591 through 1595.

Section 1591 provides that the court shall possess all the powers of a U.S. District Court for preserving order, compelling the attendance of witnesses and the production of evidence.

Section 1592 establishes the jurisdiction of the Industrial Reorganization Court; namely, that the court shall hear and determine all complaints and proposed orders of reorganization. Ultimately, the court shall determine whether or not a defendant possesses monopoly power. The court is also given jurisdiction of petitions filed objecting to the public disclosure of information filed with the Commission pursuant to section 207 of title II.

Section 1593(a) provides that after a corporation or two or more corporations have been found to possess monopoly power, they may file an alternative proposed order of reorganization. Such an alternative order must be filed within 60 days within the entry of judgment.

Section 1593(b) provides that the court shall litigate the issue of whether or not the proposed order or orders of reorganization would restore effective competition. This provision, in conjunction with section 1593 (a), is intended to make it clear that the court is to litigate the issue of what is the best remedy. This requirement exists irrespective of whether or not the defendant corporation has filed an alternative proposed order of reorganization pursuant to section 1593(a).

In the course of this aspect of the litigation, the court may call expert witnesses pursuant to sections 2652 and 2653 of this title. These witnesses may include economists, competitors, suppliers, customers, sources of capital, creditors, consumers, employees or shareholders. The procedure adopted in this subsection reflects the belief that traditionally the present system of antitrust enforcement has been deficient in the area of remedy. These deficiencies are vividly described by Judge Wyzanski in *U.S.* v. *United Shoe Machinery Corporation,* 110 F. Supp. 295 (D.C. Mass 1953) as follows:

"Judges in prescribing remedies have known their own limitations. They do not ex officio have economic or political training. Their prophesies as to the economic future are not guided by unusually subtle judgment. They are not so representative as other branches of the government. The recommendations they receive from government prosecutors do not always reflect the overall approach of even the executive branch of the government, sometimes not indeed the seasoned and fairly informed judgment of the head of the Department of Justice. Hearings in court do not usually give the remote judge as sound a feeling for the realities of a situation as other procedures do. Judicial decrees must be fitted into the framework of what a busy, and none too expert, court can supervise. Above all, no matter with what authority he is invested, with what facts and opinion he is supplied, a trial judge is only one man, and should move with caution and humility.

"That considerations of this type have always affected anti-trust courts is plain from the history of the Standard Oil, American Tobacco and Alcoa cases. To many champions of the anti-trust laws these cases indicate judicial timidity, economic innocence, lack of conviction, or paralysis of resolution. Yet there is another way of interpreting this judicial history. In the antit-trust field the courts have been accorded, by common consent, an authority they have in no other branch of enacted law. Indeed, the only comparable examples of the power of judges is the economic role they formerly exercised under the Fourteenth Amendment, and the role they now exercise in the area of civil liberties. They would not have been given, or allowed to keep, such authority in the anti-trust field, and they would not so freely have altered from time to time the interpretation of its substantive provisions, if courts were in the habit of proceeding with the surgical ruthlessness that might commend itself to those seeking absolute assurance that there will be workable competition, and to those aiming at immediate realization of the social, political, and economic advantages of dispersal of power."

This subsection is designed to empower a court to adequately deal with the admittedly enormous complexities which are involved in devising an appropriate remedy.

Section 1593(c) provides that the court shall enter an order to effectuate the purposes of this act, i.e., to promote competition to the maximum extent feasible. This section is designed to make it clear that the court may take whatever action is necessary to restore competition. The order may include but is not necessarily limited to modification or termination of a defendant's contracts, mandatory patent licensing, a requirement that the defendant share technical information or a requirement that the defendant dispose of a patent, copyright or trademark. The court is also specifically empowered to require a defendant to divest itself of tangible and intangible assets, cash, stock, and to take such other action as the court may find necessary. The intent of the previous subsection, namely, section 1593(b), was to generate litigation on the issue of remedy and to provide the court with necessary expertise. By making explicit the kind of remedies which may be imposed, the intent of this subsection is to remove the natural judicial inhibitions which have existed in the past.

Section 1593(d) provides that any order entered under this section shall be subject to review by the Supreme Court of the United States pursuant to section 2114. The intent of this section is to make it clear that review by the Supreme Court is not to take place until an order of reorganization has been entered. The judgment that a defendant possesses monopoly power and the feasibility of the order of reorganization are likely to be related questions. It is felt that cases in which there is error as to whether or not a firm possesses monopoly power are likely to be far fewer than those in which such an appeal would merely cause delay.

Section 1594 provides for the enforcement of orders of reorganization issued pursuant to section 1593(c). The Industrial Reorganization Commission may apply to the court to enforce compliance with an order of reorganization. If necessary, the court may take possession of the defendant corporation or any portion thereof and may appoint a trustee to either run the business or dispose of the assets. If the court is about to appoint a trustee other than the Commission, it must notify the Commission and give it an opportunity to be heard. The trustee may not dispose of the assets without the approval of the court or subject to such terms and conditions as the court may prescribe. No such disposition shall take place until there has been an opportunity for hearing before the court. The language of this section is essentially similar to that of section 10(k)(d) of the Public Utility Holding Act of 1935.

Section 1595 provides that a defendant shall have two years to comply with an order of reorganization issued pursuant to section 1593(c). Upon a showing that the defendant has diligently attempted to comply with such order, the court shall grant an additional two years. The court must find, however, that such an extension is in the public interest.

Section 303(b) adds the appropriate chapter analysis of part IV of title 28 of the United States Code.

Section 304(a) adds a new section, section 2114, to part V of title 28, United States Code.

Section 2114(a) provides that an appeal from a final order of the Industrial Reorganization Court will lie only to the Supreme Court of the United States. This section is designed to ensure that there are only two stages: (1) a decision by the Industrial Reorganization Court and (2) a decision by the Supreme Court. This is to be contrasted with the present procedure in a Federal Trade Commission case: (1) a decision by the hearing examiner, (2) an appeal to the Commission, (3) an appeal to the U.S. Circuit Court of Appeals, and (4) a decision by the U.S. Supreme Court.

Section 2114(b) provides that the scope of review on appeal shall be limited to (1) whether or not the court proceeded correctly under the provisions of this title, and (2) whether or not the findings of fact are supported by substantial evidence. The rationale for a limited scope of review is well put by Carl Kaysen and Donald F. Turner in their book, *Antitrust Policy,* as follows on page 262:

"And we would narrowly confine the scope of review for the same reasons that it has been confined in similar cases in the past, reasons adding up to the proposition that appellate courts are ill-equipped to remake substantive determinations of highly complex factual questions by judges or agencies who through special knowledge or time have acquired a familiarity with the case that appellate judges, save in cases of obvious error, cannot surpass."

Section 304(b) amends the table of sections of chapter 133 of title 28, United States Code, by making the appropriate addition at the end thereof.

Section 305(a) adds chapter 170 to part VI, which provides for the establishment of rules of procedure, and consists of three new sections, sections 2651 through 2653.

Section 2651 provides that the proceedings of the Industrial Reorganization Court shall be pursuant to the Federal Rules of Civil Procedures to the extent the court does not see fit to adopt its own rules.

Section 2652 provides that the court may call either economists or any other individuals as expert witnesses. These witnesses may be furnished with evidence or analysis of the issues involved. Naturally, they will be subject to cross-examination and rebuttal. It is the intent of this section that such witnesses be made available to the court both on the issue of whether or not a firm possesses monopoly power and on the issue of remedy.

Section 2653 provides that the court may call as a witness any person it deems necessary. These may include competitors, suppliers, customers, lenders, consumers, employees, or shareholders. It is the intent of this section that these witnesses also be available to the court on both the issue of whether or not monopoly power is possessed and on the issue of remedy.

Section 305(b) amends the appropriate chapter analysis of part VI of title 28 of the United States Code by making the appropriate insertion.

By Mr. HRUSKA (for himself and Mr. Scott):

S. 3833. A bill to revise title 28 of the United States Code. Referred to the Committee on the Judiciary.

TO REVISE COURT REVIEW OF HABEAS CORPUS PETITIONS UNDER SECTIONS 2253–2255, TITLE 18

Mr. HRUSKA. Mr. President, for myself and for the senior Senator from Pennsylvania (Mr. Scott), I send to the desk a bill relating to Federal court review of habeas corpus petitions from State and Federal prisoners pursuant to sections 2253, 2254 and 2255 of title 28 of the United States Code. I ask that the bill be appropriately referred.

It should be stressed that this bill and its sponsors in no way seek to lessen the legitimate constitutionally required use of habeas corpus procedures to test the validity of criminal convictions. The purpose of this bill is to limit resort to this writ to traditional and proper cases only and to reduce the number of frivolous and dilatory petitions now being filed which unduly hamper the work of Federal courts and unnecessarily delay the finality of criminal actions. The bill is not designed to trespass upon the rights, limitations, and bases contained in the Constitution guaranteeing the applicability and availability of this form of legal relief. It is not a repeal of the great writ.

For our system of criminal justice to work effectively we must insure that those citizens charged with crimes are afforded a fair and prompt trial, that the innocent are acquitted, that the guilty are convicted, and that the process for making this determination is one which begins and ends within a reasonable time frame. It is in this context that we must examine this and other proposals to reform our Federal habeas corpus procedures.

As Attorney General Kleindienst recently said:

> One of the chief factors that has slowed and frustrated the justice process has been the interminable collateral attacks made possible by the post-trial use of the Federal writ of habeas corpus. While I recognize the

place of collateral attack in the justice process, I do deplore the abuse of it that has mushroomed in the last 20 years. I am told of instances in the Federal courts in which prisoners have filed as many as 40 or 50 petitions. It is no problem to cite cases in which the post-trial review has dragged on for a dozen years.

One result is that the State or Federal prisoner never reaches the point of accepting his own guilt so that he can begin the process of rehabilitation.

The other result has been to clog the trial system with a mountain of collateral attacks which drains the system's resources away from its regular work. Federal courts have become flooded with *habeas corpus* petitions. State prosecutors are staggered with the burden of answering these petitions, many of them frivolous. And as District Attorney Frank Hogan of New York has said, "Our old cases come back in a great wave, threatening to engulf the gasping trial courts, already up to their chins in current business."

Thus a device originally intended to insure justice is now threatening a breakdown of justice.

The "mushrooming" in the last 20 years and the resulting draining of the trial "system's resources away from its regular work" are firmly and adequately demonstrated by the following statistics:

Prisoner petitons under U.S.C. 2254 and 2255: 1950, 672; 1960, 1,184; and 1970, 10,792.

The increase from 1960 to 1970 represents a gain of nearly 1,000 percent.

It means that about 20 percent of the appeals to the circuit courts are from decisions on collateral attack petitions. A large expenditure of the circuit court's time is spent in this exercise which is not required by the Constitution. This added time is taken away from the court's ability to concern itself with the demands and needs of those accused but not yet tried. It is an exercise which undermines any effort toward rehabilitation.

The effort in this bill is to extend to everyone convicted all of his constitutional rights but will at the same time deny him the opportunity to abuse the great writ to the detriment of the administration of justice and of the public good.

Through the cooperation of the National Association of Attorneys General—NAAG—representing the several States and the Department of Justice representing the Federal Government a mutually satisfactory solution has been found to the problems outlined by the Attorney General.

The Habeas Corpus Committee of NAAG drafted legislation which would restrict collateral attacks in the Federal courts on State court proceedings. This proposal would require that collateral attacks be primarily presented in the State courts, rather than in the lower Federal courts, subject to review by the U.S. Supreme Court.

The Department of Justice, working independently on the habeas corpus question, drafted a proposal to restrict the use of collateral attacks to alleged violations of a constitutional right that involves the integrity of the fact-finding process or of the appellate process. All other legal objections on behalf of the defendant were to be restricted to the time of the trial or to consideration on direct appeal following the trial. Under the Department's proposal, they could not be subject to collateral attack thereafter. That route would be limited to factors, such as perjured testimony, which show a flaw in the fact-finding process.

These two approaches have now been brought together and are embodied in the bill we introduced today. It is my understanding that this measure has the full support of both NAAG and the Department of Justice. This is an excellent proposal which I am pleased to support The changes it proposes are necessary, workable, moderate, and legally sound. All who have had a hand in its development should be congratulated for the very real service they have rendered for justice and judicial effectiveness in this Nation.

It is late in this Congress for the introduction of such an important measure.. However, I hope that the Judiciary Committee can give this proposal prompt and careful consideration.

Mr. President, the House Judiciary Committee has had the general subject of habeas corpus reform under consideration for some time. For this reason, when the drafting work on this bill was concluded, the Attorney General sent the bill and a covering letter to Chairman CELLER. Mr. Kleindienst's letter is an unusually scholarly and comprehensive review of the history and present status of Federal habeas corpus. It supplies all the information needed to understand this proposal. I believe it will be of great interest to my colleagues.

Therefore, I ask that the text of the bill and the Attorney General's transmittal letter be printed at this point in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 153 of title 28 of the United States Code is amended

(a) by amending sections 2253 to 2255 to read as follows:

§ 2253. Appeal; State and Federal custody.

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right to appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may be taken to the court of appeals from the final order in a habeas corpus proceeding or a proceeding under section 2255 of this title only if the court of appeals issues a certificate of probable cause: *Provided, however*, That the certificate need not issue in order for a State or the Federal Government to appeal the final order.

"§ 2254. State custody; remedies in State courts.

"(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the grounds that either:

"(1)(i) he is in custody in violation of the Constitution of the United States, and

"(ii) the claimed constitutional violation presents a substantial question—

"(aa) which was not theretofore raised and determined, and

"(bb) which there was no fair and adequate opportunity theretofore to raise and have determined, and

"(cc) which cannot thereafter be raised and determined in the State court, and

"(iii) the claimed constitutional violation is of a right which has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction:

Provided, That insofar as any constitutional claim of incompetency of counsel is based on conduct of the counsel with respect to constitutional claims barred by the previous language of this subsection, the claim of incompetency of counsel shall to that extent be likewise barred, and

"(iv) the petitioner shows that a different result would probably have obtained if such constitutional violation had not occurred;

or

"(2) he is in custody in violation of the laws or treaties of the United States.

"(b) A copy of the official records of the State court, duly certified by the clerk of such court to be a true and correct copy of a finding, judicial opinion, or other reliable written indicia showing a factual determination by the State court shall be admissible in the Federal court proceeding.

"§ 2255. Federal custody; remedies on motion attacking sentence.

"(a) A prisoner in custody under sentence of a court established by Act of Congress may move the court which imposed the sentence to vacate, set aside or correct the sentence, if

"(1)(A) he is in custody in violation of the Constitution of the United States, and

"(B) the claimed constitutional violation presents a substantial question

"(i) which was not theretofore raised and determined, and

"(ii) which there was no fair and adequate opportunity theretofore to raise and have determined, and

"(C) the claimed constitutional violation is of a right which has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction: *Provided,* That insofar as any constitutional claim of incompetency of counsel is based on conduct of the counsel with respect to constitutional claims barred by the previous language of this subsection, the claim of incompetency of counsel shall to that extent be likewise barred and

"(D) the petitioner shows that a different result would probably have obtained if such constitutional violation had not occurred; or

"(2) he is in custody in violation of the laws of the United States; or

"(3) the sentence was imposed in violation of the laws of the United States; or

"(4) the court was without jurisdiction to impose such sentence; or

"(5) the sentence was in excess of the maximum authorization by law; or

"(6) the sentence is otherwise subject to collateral attack.

"(b) A motion for such relief may be made at any time.

"(c) Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States Attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by law or is otherwise open to collateral attack, or that there has been a denial or infringement of the constitutional rights of the prisoner as described in subsection (a) of this section, the court shall discharge the prisoner or resentence him or grant a new trial or correct the sentence as may appear appropriate.

"(d) A court may entertain and determine such motion without requiring the production of the prisoner at the hearing.

"(e) The sentencing court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner.

"(f) An appeal may be taken to the court of appeals for the order entered on the motion in accordance with section 2253 of this title.

"(g) An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention."

(b) by amending the analysis at the beginning of the chapter by deleting "2253. Appeal." and inserting in lieu thereof "2253. Appeal; State and Federal Custody."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 21, 1972.
Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 11441, a bill "To amend section 2254 of title 28, United States Code, with respect to Federal habeas corpus." This report will be addressed primarily to the provisions of H.R. 13722, which we understand is a substitute for H.R. 11441.

The Department of Justice recommends enactment of H.R. 13722, amended to include provisions relating to appeal from habeas corpus orders and to motions by prisoners attacking sentences of Federal courts. We have attached an appendix incorporating our proposed amendments with the provisions of H.R. 13722 (with some editorial changes in the provisions of H.R. 13722). A substantially similar draft bill was submitted to the Senate Judiciary Subcommittee on Constitutional Rights by letter from then Assistant Attorney General William H. Rehnquist to Senator Ervin dated October 19, 1971. Following is a discussion of the need for Federal habeas corpus reform, the constitutionality of such reform, and the specific provisions of H.R. 13722 and the recommended amendments of the Department of Justice. In using the term "habeas corpus" in this report, we refer to the concept of collateral attack in its broadest sense, to include all remedies under chapter 153 of title 28, United States Code, and also common law writs of collateral attack, such as *coram nobis*.

I. THE NEED FOR FEDERAL HABEAS CORPUS REFORM

"A procedural system which permits an endless repetition of inquiry into facts and law in a vain search for ultimate certitude implies a lack of confidence about the possibilities of justice that cannot but war with the effectiveness of the underlying substantive commands. Furthermore, we should at least tentatively inquire whether an endless reopening of convictions, with its continuing underlying implication that perhaps the defendant can escape from corrective sanctions after all, can be consisitent with the aim of rehabilitating offenders." Bator, *Finality in Criminal Law and Federal Habeas Corpus for State Prisoners,* 76 Harv. L. Rev. 441, 452 (1963).

Collateral attack in the Federal courts on State and Federal criminal judgment has become the ultimate outgrowth of the endless search for certitude in our criminal justice system. Americans, as a people, are well aware, and justly so, of the serious nature of an ultimate decision of a government, through its criminal justice system, to impose a final criminal sanction on a defendant. We hesitate, at that last instance before sending our convicted criminals to prison, and wonder if we have indeed "done justice." As a result of this laudable concern, however, we have countenanced a system of collateral attack on these final criminal judgments which literally staggers the imagination. Issues of law, issues of fact relating to people, places, and things may all be raised and relitigated time and time again through the mechanism of collateral attack. Concern for the search for ultimate justice, however, must nevertheless at some point be met with the realization that at some time, at some place, the decision of someone must be regarded as conclusive. We are hopefully not so uncomfortable with or unsure of our system of criminal justice that we cannot bring ourselves to tell a defendant that at some point his conviction is final and not thereafter open to attack. Nearly 200 years of experience with what, for all its imperfections, is surely the most equitable system of justice ever conceived, teaches us that at some points the interest in finality must be regarded as paramount.

There are two reasons why the system of collateral attack that exists today seriously impairs the operation of our system of criminal justice. A system that allows an endless inquiry into the finality of criminal judgments cannot but undermine any effort it makes to rehabilitate its criminals. In addition, that system will also be forced, in allocating available judicial time, to choose between the demands of the accused but not yet tried, and the demands of those already convicted.

Penologists seem virtually unanimous in their conclusions that speed and certainty of punishment, even more than its severity, are crucial factors in its efficacy as a deterrent to crime. Professor Bator has examined the impact of the lack of finality upon the rehabilitation process. He concludes that what is needed is "a realization by the convict that he is justly subject to sanction, that he stands in need of rehabilitation; and a process of reeduction cannot, perhaps, even begin if we make sure that the cardinal moral predicate is missing, if society itself continuously tells the convict that he may not be justly subject to reeducation and treatment in the first place. The idea of just condemnation lies at the heart of the criminal law, and we should not lightly create processes which implicitly belie its possibility." Bator, *supra,* at 452.

The lack of finality under the present system of habeas corpus has also been decried by more than one member of the Supreme Court:

"No one, not criminal defendants, not the judicial system, not society as a whole is benefitted by a judgment providing a man shall tentatively go to jail today, but tomorrow and every day thereafter his continued incarceration shall be subject to fresh litigation on issues already resolved." *Mackey* v. *United States,* 401 U.S. 667, 691 (1971) (opinion of Harlan, J.). See also Friendly, *Is Innocence Irrelevant? Collateral Attack on Criminal Judgments,* 30 U. Chi. L. Rev. 142 (1970).

Our present habeas corpus practice is unwise not merely because it prevents a final adjudication of criminal cases in either the State or Federal courts, but also because it must inevitably require the expenditure of valuable judge hours to dispose of its progeny. In 1950, the number of petitions for habeas corpus filed annually in the Federal courts was 672. By 1960 that number had reached 1184. By 1970 petitions had reached the staggering number of 10,792. The following table will give some idea of the problem:

Year	Total civil filings	Motions to vacate sentence by State prisoners under 28 U.S.C., sec. 2254	Motions to vacate sentence by Federal prisoners under 28 U.S.C. sec. 2255	Total prisoner petitions
1950	(1)	560	112	672
1960	59,284	871	313	1,184
1970	87,321	9,063	1,729	10,792

[1] Unavailable.

These figures include only motions by State and Federal prisoners to vacate sentences under 28 U.S.C. §§ 2254 and 2255 respectively. They do not include habeas corpus petitions challenging such matters as the conduct of prison officials, or petitions seeking United States Parole Board review. Thus in 1960, petitions to vacate, by State and Federal prisoners, accounted for about 5 percent of the total civil filings. By 1970, the percentage has grown to about 13 percent. The increase in the number of petitions from 1960 (1,184) to 1970 (10,792) represents a gain of nearly 1,000 percent.

Eighteen years ago, Justice Jackson, in his concurring opinion in *Brown* v. *Allen,* 344 U.S. 443, 532, 536 & n. 8 (1953), expressed deep concern over the "floods of stale frivolous and repetitious petitions [for Federal habeas corpus by State prisoners which] inundate the docket of the lower courts and swell our own." The petitions at that time totalled 541. As Chief Judge Friendly of the Second Circuit has noted:

"If 541 annual petitions for federal habeas corpus by state prisoners were an 'inundation,' what is the right word for 7,500 (the 1968 figure)?" Friendly, *supra,* at 144.

Chief Judge Friendly also has raised various other problems thrust upon the criminal justice system by the glut of habeas petitions. He notes that approximately twenty percent of the appeals from Federal district courts are from decisions on collateral attack petitions. A petition may require a large expenditure of time by district and circuit judges even if no evidentiary hearing is held. Since the Federal courts in many cases can dispense with such a hearing only because of *State* post-conviction proceedings (due to the requirement in 28 U.S.C. § 2254 that a State prisoner exhaust available State collateral remedies before filing a Federal petition), the burden in terms of the whole system, State and Federal, is tremendous. See Friendly, *supra,* at 144 & nn. 9–10. Indeed, if such a volume of filings did *not* impose a severe burden on the Federal courts, it would be an indication that these petitions have acquired a status as "second-class" litigation which is not taken seriously—a fact which by itself would be strong evidence of the need for reform.

We do not, of course, advocate a complete abolition of habeas corpus relief, but we think an examination of the history and the aims of our criminal justice system strongly suggests that rational reform of existing Federal habeas corpus practice is both desirable and necessary.

II. CONGRESS CAN, WITHIN THE LIMITS OF THE SUSPENSION CLAUSE, AMEND THE HABEAS CORPUS STATUTES

It is only in the so-called "Suspension Clause" of the Constitution that the framers mention the privilege of habeas corpus:

"The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require it." U.S. Const. art. I, sect. 9, cl. 2.

Since this clause forms the entire constitutional basis for the exercise of the privilege, it is imperative that its exact implications be investigated.

It is clear that the writ protected by the Suspension Clause "is the writ as known to the framers, not as Congress may have chosen to expand it or, more pertinently, as the Supreme Court has interpreted what Congress did." Friendly, *supra,* at 170. Therefore, the nature of the writ at the time of the Constitution becomes extremely important in order to elicit the scope of the protected privilege as conceived by the framers.

A. The writ of habeas corpus at common law.

The writ of habeas corpus originated as a means process by which the courts compelled the attendance of parties whose presence would facilitate the proceedings. The subsequent development of the writ as an independent remedy was along two classical lines.

First, habeas corpus was a weapon whereby the Court of King's Bench sought to establish its jurisdictional supremacy over the other courts. The writ became the appropriate process for checking illegal imprisonment by the inferior courts. Collings, *Habeas Corpus for Convicts—Constitutional Right or Legislative Grace?*, 40 Cal. L. Rev. 336 (1952); Oaks, *Legal History in the High Court—Habeas Corpus,* 64 Mich. L. Rev. 451, 459 (1964). This jurisdictional check was of an extremely limited nature, because of the principle of the "incontrovertibility of the return." At common law, a petitioner could not controvert a return filed in response to a writ of habeas corpus; it was sufficient that the return stated a valid explanation for the confinement, such as the judgment and sentence of a court. Oaks, *supra,* at 453. Thus, at common law, a person could not attack the final judgment of a court of competent jurisdiction. Second, habeas corpus functioned as a remedy "to assure the liberty of subjects against detention by the executive or the military without any court process at all." Bator, *supra,* at 475. See Collings, *supra,* at 336.

These principles were firmly embedded in the Habeas Corpus Act of 1679, which clarified, but did not enlarge, the types of confinement for which the writ could be issued. The Act specifically exempted from the benefits of the writ persons committed for "felony or treason plainly expressed in the warrant of commitment" and "persons convict[ed] or in execution by legal process." Bator, *supra,* at 466; Collings, *supra,* at 337; Oaks, *supra,* at 460–61. Subsequent interpretation of this Act by the English courts, until the time of ratification of the Constitution of the United States, did not expand the writ. Collings, *supra,* 337–38; Oaks, *supra,* at 461.

B. Habeas corpus in the early United States.

Habeas corpus as above described, then, was the writ that existed at the time of the Constitutional Convention. The framers mandated that the privilege of that writ should not be "suspended." An examination of English laws shows that a suspension was conceived to be a legislative enactment which denied the privilege of habeas corpus, allowing confinement without bail, indictment, or other judicial process. Collings, *supra,* at 340. Similar views of suspension were taken by members of the House in 1807, when suspension was proposed by President Jefferson following exposure of the Burr conspiracy. 16 Annals of Congress 807–20 (1807).

"These historical incidents all lead to the conclusion that to suspend the privilege of habeas corpus in the constitutional sense is to deprive persons accused of crime of their right either to be speedily accused and tried or to be set free. Certainly nowhere is there any hint that it would be suspension to postpone the right of a convicted prisoner to habeas corpus. Suspension statutes were aimed at suspects, never at convicts." (Collings, *supra,* at 340–41.

The original statutory authorization for the writ was contained in the Judiciary Act of 1789, which merely gave the courts of the United States the "power to issue writs" of habeas corpus. Act of Sept. 24, 1789, ch. 20, § 14, 1 Stat. 81.

"It is thus not surprising that we soon find the Supreme Court accepting the black-letter principle of the common law that the writ was simply not available at all to one convicted of crime by a court of competent jurisdiction. Ex parte *Watkins* [28 U.S. (3 Pet.) 193 (1830)] is the great case. . . . The principle [of *Watkins*] is clear: substantive error on the part of a court of competent jurisdiction does not render a detention 'illegal' for purposes of habeas corpus, because, to use Chief Justice Marshall's striking phrase, 'the law trusts that court with the whole subject.' " Bator, *supra,* at 466.

This strict jurisdictional principle was overwhelmingly adhered to in the nineteenth century by the Supreme Court.[1]

The Habeas Corpus Act of 1867 (Act of Feb. 5, 1867, ch. 28, § 1, 14 Stat. 385) was the first legislative expansion of the traditional limits of habeas corpus as understood by the framers. It not only broadened the application of habeas corpus to Federal prisoners, but also made it applicable to State prisoners:

"[The Federal courts], in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases where *any person* may be restrained of his or her liberty in violation of the constitution, or any treaty or law of the United States." *Id.* (Emphasis added.)

Congress thus decided that any constitutional violation could be the basis for the exercise by the Federal courts of habeas corpus jurisdiction.

C. Present status of habeas corpus

It was in construing the 1867 Act that the Supreme Court thereafter also began to broaden the concept of habeas corpus.[2] At no time did the Court, in interpreting the 1867 Act, indicate that its decisions resulted from any constitutional mandate. Collings, *supra,* at 356–57. The only constitutional basis for the decisions was that the Act specifically allowed relief to persons held in violation of their constitutional rights. While it is implicit in the due process clause that some corrective process should be supplied for such violations, nothing in the decisions indicated that the process need be habeas corpus.

Habeas corpus thus exists today in its expanded state primarily as a matter of statutory construction, and not as a matter of constitutional requirement. The limited common law writ was the one that the framers knew at the time of the drafting of the Constitution. As late as 1952, the Supreme Court in *United States* v. *Hayman,* 342 U.S. 205, recognized that at common law a judgment of conviction rendered by a court of general criminal jurisdiction was conclusive proof of the legality of the confinement. Although the Court in *Fay* v. *Noia,* 372 U.S. 391, 405 (1963), said that at the time of the adoption of the Constitution, "there was respectable common-law authority for the proposition that habeas was available to remedy any kind of governmental restraint contrary to fundamental law," it has been convincingly argued by various commentators that this historical analysis was incorrect. *E.g.,* Friendly, *supra,* at 170–71; Oaks, *supra,* at 456–68. See also the dissenting opinion of Justice Harlan in *Noia,* 372 U.S. at 448. It is therefore Congress, through the Act of 1867, which gave the courts the opportunity to broaden the scope of habeas corpus. The writ is not constitutionally *required* to be any broader than it was in common law. Congress can amend the law dealing with habeas corpus if it so chooses.

The only intimation from the Court that constitutional problems are raised is found in a dictum, by Justice Brennan, in *Sanders* v. *United States* 373 U.S. 1, 11–12 (1963): "If construed to derogate from the traditional liberality of the writ . . . § 2244 [dealing with finality of determinations on prior applications] might raise serious constitutional questions." We do not believe that this tentative dictum in a case in which the Court even at that time was divided, should be regarded as an obstacle to amendment of the statute.

III. H.R. 13722 AND PROPOSED AMENDMENTS OF THE DEPARTMENT OF JUSTICE RELATING TO PETITIONS BY FEDERAL PRISONERS

H.R. 13722 would amend section 2254(a) of title 28, United States Code, to limit the constitutional claims which could be raised on collateral attack in Federal courts by State prisoners to those (1) which were not theretofore raised and determined in a State court, *and* (2) which there was no fair and adequate opportunity theretofore to have raised and determined in a State court, *and* (3) which could not thereafter be raised and determined in a State court. The effect of this provision would be to add a significant degree of finality to the determinations of State courts on the merits of constitutional claims, and to require the defendant to raise in the State proceedings all claims reasonably available to him at that time.

The effect of two Supreme Court cases in the habeas area would be limited by this provision. Neither case is based upon a constitutional interpretation, since both decisions involved statutory construction. Prior to the Court's decision in *Brown* v. *Allen, supra,* Federal district courts would not provide review on the merits of constitutional claims fully litigated in the State courts. Since the decision in *Brown,* however, Federal courts have routinely reviewed the merits of final State court decisions. Under H.R. 13722, final decisions on the merits by the State courts on Federal constitutional issues would be entitled to conclusive effect subject only to ultimate Supreme Court review. In *Fay* v. *Noia, supra,* the Court held that a State petitioner for Federal habeas corpus need only have exhausted the remedies available to him at the time he makes his petition. Prior procedural defaults, such as a failure to appeal, could not be regarded as constituting a waiver of the right to petition for habeas corpus, said the Court, unless they could be characterized as a "deliberate by-pass" of the State procedures. H.R. 13722 would compel the petitioner to raise in the State proceedings, at trial or on appeal, all claims reasonably available to him at that time. If a claim had not been raised and could not have been raised, H.R. 13722 would still preclude Federal habeas corpus if there was an adequate collateral remedy available in the State courts. This final requirement would, of course, encourage the States to continue to provide adequate collateral remedies in their courts.

H.R. 13722 would delete subsection (b) and (c) of present section 2254. These subsections deal with exhaustion of available State remedies (as interpreted by *Fay* v. *Noia, supra*) as a prelude to Federal habeas corpus for State prisoners. We favor deletion of these subsections for two reasons. First, proposed subsection (a)(1)(ii) of section 2254 would effectively state a new concept of exhaustion of remedies that would apply to State prisoners, *i.e.,* the only time the exhaustion of State remedies would be controlling would be if the claim were one which was not raised and could not have been raised. In this instance, the determination would still have to be made that the claim could not thereafter be raised and determined in State court before Federal habeas corpus may be obtained. Second, the

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elimination of the existing exhaustion provisions would also eliminate certain exceptions to those provisions which are stated in existing subsection (b) of section 2254, *i.e.*, that "there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner." Proposed subsection (a) (1) (ii) of section 2254 would allow the use of Federal habeas corpus by State prisoners only if they are unable to raise collaterally in the State courts the constitutional issue involved.

Proposed section 2254 (a) (1) (iii) would limit the type of claim that could be raised on Federal habeas corpus to violations of the Constitution where the right violated "has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction." It would also provide that a claim of incompetency of counsel would be barred to the extent that it is based on conduct of counsel with respect to the type of constitutional claims barred by the previous language.

The concept of the "reliability" of trial and appellate processes, on which H.R. 13722 is based, is derived from principles developed by the Supreme Court of the United States in another context. In order to determine whether newly enunicated constitutional rights of criminal defendants should be applied retroactively, the Court has drawn a distinction between those constitutional rights which primarily protect the reliability of the trial and appellate processes, and those which do not.

The criteria that the Court has evolved to make the retroactivity decision have been stated as follows:

". . . (a) the purpose to be served by the new standards, (b) the extent of reliance by law enforcement authorities on the old standards, and (c) the effect on the administration of justice of a retroactive application of the new standards." *Stovall* v. *Denno*, 388 U.S. 293, 297 (1967).

It is in deciding what purpose the new standard is to serve that the Court looks to the reliability of the process used to convict the defendant. Since the Court has recognized that "whether a constitutional rule of criminal procedure does or does not enhance the reliability of the factfinding process at trial is necessarily a matter of degree," *Johnson* v. *New Jersey*, 384 U.S. 719, 728–29 (1966), it is the extent of the effect on the reliability that becomes important.

The impact of the criteria of reliance by law enforcement officials and of the burden on the administration of justice seems to be less crucial to the ultimate determination of the Court, with regard to retroactivity, than does the purpose criterion:

"It is to be noted also that we have relied heavily on the factors of the extent of reliance and consequent burden on the administration of justice only when the purpose of the rule in question did not clearly favor either retroactivity or prospectivity." *Desist* v. *United States*, 394 U.S. 244, 251–52 (1969) (footnote omitted).[3]

Thus the Court looks initially and primarily at the purpose criterion to decide retroactivity. The degree of the required effect on the factfinding process is perhaps best described in *Linkletter* v. *Walker*, where the Court indicated that retroactive application is justified where the new rule affects "the very integrity of the factfinding process." 381 U.S. 618, 639 (1965).

That the Court regards the purpose criterion as one of degree is further emphasized by the following language in *Johnson* v. *New Jersey, supra*:

"We are thus concerned with a question of probabilities and must take account, among other factors, of the extent to which other safeguards are available to protect the integrity of the truth-determining process at trial. . . . The problem presented here is whether *Escobedo* and *Miranda* should be applied retroactively. . . . Thus while *Escobedo* and *Miranda* guard against the possibility of unreliable statements in every instance of in-custody interrogation, they encompass situations in which the danger is not necessarily as great as when the accused is subjected to overt and obvious coercion." 384 U.S. at 729–30 (refusing retroactive application of *Escobedo* and *Miranda*).

In describing the types of constitutional violation for which the habeas corpus remedy would be available, therefore, the language, "one which has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction," has been used. This language makes it clear that the types of violations with which the bill is concerned are those which do not allow a fair trial or appeal, i.e., those which cannot be corrected through these processes. We think that this language fairly reflects the approach of the Court to the retroactivity problem, and identifies the types of constitutional violation we believe should be excluded from habeas corpus.

The counsel limitation would preclude the use of an allegation of incompetent counsel as a vehicle to raise and have decided the very issues the bill seeks to bar on habeas corpus. To the extent that an allegation of incompetent counsel is based on either a failure to raise or an incompetent raising of a claim which does not have as its primary purpose the protection of the reliability of the trial or appellate process, it too would be barred.

Finally, H.R. 13722 would require, in proposed subsection (a) (1) (iv) of section 2254, that the petitioner show that a different result would probably have obtained if the violation of the constitutional right had not occurred. The petitioner would only have to show a probability of acquittal on the actual charge on which a verdict was returned, or that without the violation he would have been convicted only of a lesser included offense. He would not need to show that he would also have been acquitted of all lesser included offenses or that he was in fact innocent. This provision is a modification of the principle, as evolved by the Court, that some constitutional errors occurring at trial can be characterized as "harmless." See *e.g.*, *Chapman* v. *California*, 386 U.S. 18 (1967); *Fahy* v. *Connecticut*, 375 U.S. 85 (1963). The requirement of some showing of prejudice to the petitioner would have the effect of eliminating frivolous petitions, in order that those of true merit might be more conscientiously reviewed.

The proposed amendments to section 2254 which would be made by H.R. 13722 are an alternative formulation of concepts originally proposed in H.R. 11441, which provides that a Federal judge could not issue a writ of habeas corpus on behalf of the State prisoner unless he found (1) that the applicant suffered a substantial deprivation of his constitutional rights at his trial, *and* (2) that this deprivation was not harmless, *and* (3) that there is substantial doubt as to the guilt of the applicant.

The language of H.R. 11441 requiring "substantial doubt of the guilt of the applicant" would introduce into habeas corpus a concept which should not be a focus of inquiry, and the Department of Justice therefore supports its omission from the language of H.R. 13722. The basic purpose of the factfinding process approach is to limit cognizable claims on habeas corpus to those which go to the basic fairness of the trial and appeal. The basic fairness of the procedures used to convict the defendant, without reference to his guilt or innocence, should remain the primary focus of Federal habeas corpus. Similarly, we think the replacement in H.R. 13722 of the language of H.R. 11441 requiring a "substantial deprivation" of constitutional rights with language requiring the petitioner to show that a "different result would probably have obtained if such constitutional violation had not occurred" is a considerable improvement.

We feel that H.R. 13722 in combining the "finality" and factfinding process approaches is a necessary and desirable reform of habeas corpus with regard to State prisoners. We suggest, however, that similar changes be made by H.R. 13722 in section 2255 of title 28. relating to collateral attacks on Federal convictions, the statutory substitute for Federal habeas corpus for Federal prisoners who seek to vacate a Federal court judgment and sentence pursuant to which they are in custody.[4] See *United States* v. *Hayman, supra*. Thus Federal prisoners would also not be able to raise claims on habeas corpus which were determined or could reasonably have been raised in the original proceedings. Additionally, the Federal prisoner would have to allege a violation of a constitutional right which has as its primary purpose the protection of the reliability of either the trial or appellate processes, and that, but for the alleged constitutional violation, a different result was probable.[5]

As outlined above, the Department supports the language of H.R. 13722 with regard to State prisoners (section 2254), and we recommend its combination with the Department's language with respect to Federal prisoners (section 2255) to accomplish a significant reform of Federal habeas corpus both by providing uniform treatment of State and Federal prisoners and by substantially alleviating the major problems caused by the present expansive system of Federal habeas corpus.

IV. EFFECT OF H.R. 13722 AND OF THE PROPOSED DEPARTMENT AMENDMENTS RELATING TO PETITIONS BY FEDERAL PRISONERS

While H.R. 13722, amended as we have suggested, seeks to substantially adopt for purposes of habeas corpus the decisions of the Court in the retroactivity area, we think a description of the types of constitutional claims that would be cognizable and those that would be barred only on collateral attack under the suggested approach would be helpful.

There are three principal types of claims that the "reliability" approach would bar on habeas corpus, following decisions of the Court that such claims would not be retroactively vindicated: First, claims objecting to the admissibility of voluntary confessions because of the lack of constitutionally prescribed warnings could not be alleged. The Supreme Court has held that the *Miranda* decision will not be given retroactive effect. *Johnson* v. *New Jersey, supra*. Second, claims objecting to the admissibility of evidence gained as a result of an alleged illegal search and seizure could not be raised collaterally. The Court has held that the exclusionary rules of *Mapp* and *Katz* will not be applied retroactively. *Linkletter* v. *Walker, supra*; *Desist* v. *United States, supra*.[6] Third, any claim objecting to the admissibility of identifications made in lineups conducted without counsel would also not be cognizable on habeas corpus. The Court has held that the *Wade* requirement of counsel at lineups does not apply retroactively. *Stovall* v. *Denno, supra*.

The endless relitigation of claims based on the decision in *Miranda*, *Mapp*, and *Wade* presents a poor image of our system of criminal justice. It is generally agreed by those who have studied the subject that the exclusionary rule, based on these and other cases, is designed not to insure the fairness of the trial, but rather to discipline police officers. The extent of the impact of the rule in such discipline is certainly open to ques-

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tion. Oaks, *Studying the Exclusionary Rule in Search and Seizure,* 37 U. Chi. L. Rev. 665 (1970).

But assuming that the rule has some impact on the conduct of police officers when recently seized evidence is excluded, it is impossible to assume that the exclusion of evidence illegally obtained years earlier by a police officer will have any appreciable deterrent effect on present police conduct.

In addition, various other types of claims would not be cognizable on habeas corpus: (1) claims that there was a denial of a request for jury trial in serious criminal cases or that there was a right to jury trial in a trial for serious criminal contempt, see *De Stefano* v. *Woods,* 392 U.S. 631 (1968) (per curiam); (2) although not a claim involving a constitutional rule, the new standards governing guilty pleas, as set forth in *McCarthy* v. *United States,* 394 U.S. 459 (1969), which have been held to be nonretroactive in *Halliday* v. *United States,* 394 U.S. 831 (1969) (per curiam). In addition, we note one other nonconstitutional claim that could not be alleged under this approach. The Court held in *Boykin* v. *Alabama,* 395 U.S. 238 (1969), that before State courts can accept a guilty plea of a defendant, there must be an affirmative showing that it was intelligently and voluntarily given. On the basis of the *Halliday* decision, we do not think the Court would apply this new standard retroactively to pleas accepted before the date of the decision in *Boykin.*

The legislation would not, however, tie habeas corpus inflexibly and invariably to retroactively. Unless a habeas corpus petitioner could show that a holding was designed to protect the reliability of the factfinding process at the trial or of the appellate process on appeal from the judgment of conviction, he would not be entitled to have a writ issue.

There are various constitutional claims that would continue to be available on habeas corpus. Claims that the Court was without jurisdiction to try the case and sentence the defendant are a traditional basis for habeas relief. Other classic claims requiring habeas corpus relief are those relating to prejudicial publicity or mob-dominated juries. Cognizable claims that relate to the "very integrity" of the trial and appellate process would be the right to counsel at trial for an indigent, and the right of an indigent to a transcript and to counsel for an appeal. The lack of appropriate confrontation rights at trial, or the use of perjured testimony by the prosecution would also be cognizable under our amendments. Similarly, a prisoner could claim that a confession was in fact coerced.

H.R. 13722, amended as we have suggested, would be a moderate solution to limiting the availability of collateral attack in the Federal courts. The more limited availability of habeas corpus relief in the Federal courts would aid in solving both court congestion and problems in rehabilitating convicted criminals. The result of H.R. 13722, amended as suggested, would be that the basic fairness of the trial and appellate process would remain subject to collateral attack. But claims of constitutional deprivation not related to the basic fairness of the trial or appellate process, which the defendant had already had an opportunity to litigate at trial or an appeal, would no longer be cognizable on Federal habeas corpus.

V. DEPARTMENT OF JUSTICE PROPOSED AMENDMENTS RELATING TO APPEAL OF HABEAS CORPUS ORDERS

We note finally that H.R. 13722 does not deal with the appeal of final orders in habeas corpus proceedings. In terms of effect on the resources of the entire criminal justice system, the impact of appeals of habeas corpus orders is significant.

The Department of Justice suggests that H.R. 13722 include amendments to section 2253 of title 28 to: (1) provide that Federal prisoners must obtain a certificate of probable cause to appeal a denial of habeas corpus by the Federal court, as is presently required only of State prisoners (see *In re Marmol,* 221 F. 2d 565 (9th Cir. 1955)); (2) in order to achieve uniformity in the various circuits, provide that for the State or Federal government to appeal the issuance of the writ, no certificate need issue; and (3) provide that the certificate may only be issued by the court of appeals instead of by either the district judge or a single judge of the court of appeals, as is presently allowed.

Chief Judge Friendly's article, *Is Innocence Irrelevant? Collateral Attack on Criminal Judgments,* 38 U. Chi. L. Rev. 142, 144 (1970), indicates that "despite the safeguard intended to be afforded by the requirement of a certificate of probable cause, there were over twice as many appeals by state prisoners in 1969 as there were *petitions* in 1952." (Emphasis original.) In 1969, 20 percent of all appeals from district courts were from final orders in collateral attack proceedings by state and Federal prisoners. Most importantly, Chief Judge Friendly notes that:

"For most circuits the state prisoner figures do not include unsuccessful applications by state prisoners for the issuance of certificates of probable cause. On the other hand, they do include cases where the district court has issued a certificate and, under Nawakowski v. Maroney, 386 U.S. 542 (1967), the court of appeals has been obligated to hear the appeal although it believed the certificate was improvidently issued. See Garrison v. Patterson, 391 U.S. 464, 465–67 (1968)." *Id.* at 144 n. 9

While the affirmance rate is exceedingly high in all types of State prisoner cases, Chief Judge Friendly informs us that the experience of the Second Circuit is that it is particularly so in cases where the certificate has been issued by the district judge rather than by a panel of the court of appeals. He additionally points out that the time that will be spent by the panel of the court of appeals in deciding whether to issue the certificate is small "as compared to the time spent in hearing an appeal and the burden on assigned counsel of having to argue a hopeless case." *Id.*

There also exists an additional problem with the construction of the certificate requirement in 28 U.S.C. § 2253. The question is whether the certificate requirement applies to the State or to the warden of the prison against whom the writ is issued, if they seek to appeal the issuance of the writ, or only to the prisoner. While the language of the statute is ambiguous, and seems to require that the State or warden obtain the certificate, four circuits have held that the requirement does *not* apply to the State or warden, but only to the prisoner. *Texas* v. *Graves,* 352 F.2d 514 (5th Cir. 1965); *United States ex. rel. Calhoun* v. *Pate,* 341 F.2d 885 (7th Cir. 1965), *cert. denied,* 382 U.S. 1002 (1965); *Buder* v. *Bell,* 306 F.2d 71 (6th Cir. 1962); *United States ex. rel. Tillery* v. *Cavell,* 294 F.2d 12 (3d Cir. 1961), *cert. denied,* 370 U.S. 945 (1962). The *Tillery* case emphasizes that the legislative history of the provision clearly indicates that the purpose of the certificate requirement was to insure that State *prisoners* could not use appeals as a delaying tactic to avoid the execution of their sentences.

Only the Second Circuit requires that the State or warden obtain a certificate of probable cause in order to appeal. See *United States ex rel. Carrol* v. *LaVallee,* 342 F.2d 641 (2d Cir. 1965). Chief Judge Friendly informs us, however, that the certificate is almost always issued to the State or warden. We propose, therefore, to add a provision to the appeal provisions clarifying that neither the State (nor the warden) nor the Federal Government (under our suggested amendment that the certificate requirement apply to Federal prisoners also) be required to obtain a certificate of probable cause in order to appeal the granting of an application or motion for habeas corpus. This would insure uniformity in each of the circuits, and would adopt the approach of the *Tillery* case, *supra.*

The proposed amendatory language to section 2253 is also set forth in the attached draft bill.

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The increasing volume of habeas corpus petitions is one of the causes of the overall problem of court congestion and trial delays in the Federal courts. Through habeas corpus reforms like those in H.R. 13722 and those suggested in this report, this problem can at least be partially alleviated. Our system of justice will thereby be advanced in its striving for fair and speedy adjudication of guilt or innocence.

The Department of Justice urges early consideration and approval of H.R. 13722, amended as we have suggested.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Attorney General.

FOOTNOTES

[1] There were two narrow exceptions: (1) where there was an allegation that the conviction was had under an unconstitutional statute, *Ex parte Siebold,* 100 U.S. 371 (1879); this was a doctrine necessitated by the fact that Federal criminal convictions were not appealable throughout most of this period, and when appropriate statutory appeal routes were later given, the Supreme Court repudiated the doctrine of *Siebold.* See, *e.g., In re Lincoln,* 202 U.S. 178 (1906); (2) where the court reviewed the problem in terms of illegality of sentence rather than that of judgment, *e.g., Ex parte Lange,* 85 U.S. (18 Wall.) 163 (1873) (imposition of two sentences where statute authorized only one). See Bator, *supra,* at 467–74.

[2] It has been argued that it was not the purpose of the Act to give to the Federal courts jurisdiction to redetermine the merits of all Federal questions decided in State litigation, contrary to the feelings of Justice Frankfurter in *Brown* v. *Allen,* 344 U.S. 443, 488 (1952) (concurring opinion). Professor Bator says that to so reason would fly directly in the face of the "deeply embedded" principle that a detention pursuant to the judgment of a competent tribunal is not illegal or subject to attack even if error occurred. This principle retained its vitality into the 1870's, and indeed, it was not until the *Lange* case, *supra,* that its strictness began to be lessened. The sparseness of the legislative history of the Act lends credence to a likelihood that Congress did not intend such a drastic departure from the existing status of the writ. See Bator, *supra,* at 475–76.

[3] See, *e.g.,* Haddad, *"Retroactivity Should be Rethought": A Call for the End of the Linkletter Doctrine,* 60 J. Crim. L.C. & P.S. 417, 436 (1969); Mallamud, *Prospective Limitation and the Rights of the Accused,* 56 Iowa L. Rev. 321, 347–54 (1970). Many opponents of prospective limitation argue that the *only* criterion should be the effect on the reliability of the factfinding process and not reliance and burden.

[4] Our suggested amendments to section 2255 are not intended to limit the ability of a Federal prisoner to seek the actual writ of habeas corpus to challenge executive detentions or prison conditions, which is allowed by the last sentence of present section 2255. That sentence allows the Federal prisoner to seek the actual writ if it appears that the remedy by motion for section 2255 relief "is inadequate or ineffective to test the legality of his detention." It is intended that our suggested amendments to section 2255 preclude a Federal prisoner, who had sought by a 2255 motion to vacate his sentence, from thereafter again *attacking the sentence* by

applying for a writ of habeas corpus, claiming the section 2255 relief was "inadequate" to test the legality of his detention.

[5] It should be noted here that one of the arguments that has been made in favor of the expanded state of habeas corpus today, as it relates to *State* prisoners, is that the vindication of Federal constitutional rights requires consideration in a Federal forum. Obviously, this argument does not apply to persons who are tried (and therefore appeal) in the Federal courts, and is questionable as it relates to State prisoners since ultimate Supreme Court review is available to them through a writ of certiorari.

[6] We note, of course, that the Supreme Court has held that claims of illegal search and seizure may be raised by both State and Federal prisoners on habeas corpus. See *Kaufman* v. *United States,* 394 U.S. 217 (1969); *Whiteley* v. *Warden,* 401 U.S. 560 (1971).

By Mr. HRUSKA (by request):

S. 3834. A bill to provide for the dissemination and use of criminal record information, and for other purposes. Referred to the Committee on the Judiciary.

AUTHORIZING USE OF CRIMINAL RECORD INFORMATION ON INDIVIDUALS

Mr. HRUSKA. Mr. President, over a year ago, Judge Gesell of the United States District Court for the District of Columbia rendered his decision in the case of *Menard* v. *Mitchell,* 328 F. Supp. 718. He ruled that the FBI could no longer exchange criminal record information on a given individual, commonly called "rap sheets", with State or local officials for the purpose of employment security or licensing. The Judge held that the statute authorizing the exchange of these records—5 U.S.C. 534—permitted the dissemination of such records only within the Federal Government or to State or local law enforcement agencies for law enforcement purposes. Judge Gesell stated further that additional legislation would be necessary before the prohibited exchange could be reinstated.

This court ruling had as one of its principal objections the incompleteness and noncurrent status of such "rap sheets" in that they often and usually listed arrests, indictments, or charges of criminal conduct without giving up-to-date and full information as to disposition of such arrests, indictments or charges. This deficiency was considered unfair and faulty to a point of calling for invalidating the practice. The proposed bill is designed to overcome the results of this court action.

After the decision, it was necessary for the FBI to curtail the service of providing such records—a service which it had undertaken in good faith for many years. The curtailment affected many public and private institutions which had come to rely on receiving criminal record information for employment security or licensing purposes. Notable among that group were financial institutions, which could no longer adequately screen their job applicants.

In addition, many states had enacted statutes over the years requiring a fingerprint check with the FBI before issuing certain licenses or permits. Requests for such checks, could no longer be honored.

Temporary legislation—section 902 of Public Law 92–184 enacted last December—provided for a continuation of this "non-federal applicant" service by permitting the expenditure of fiscal year 1972 funds for the exchange of records with officials of certain federally connected banking institutions as well as with State and local officials for employment and licensing purposes if authorized by State statute and approved by the Attorney General.

The temporary nature of this authorization highlights the need for permanent legislation dealing with the problem. The bill I introduce today would provide such permanent authority, and at the same time would protect the individual by establishing stringent requirements for dissemination.

There can be no doubt that there are many legitimate uses for criminal record information at the State and local level for other than law enforcement purposes.

It is difficult to see the wisdom of denying local authorities access to potentially vital information when they are reviewing the qualifications of, for example, teachers, who must educate our children; lawyers, who may handle our financial affairs; or pharmacists, who deal with drugs. Nor does this Senator think it wise to forbid financial institutions the access to criminal record information since it is well within the public interest for them to determine if their employees will faithfully fulfill their responsibilities.

On the other hand, we all recognize that a system of unrestricted dissemination can lead to abuses which can have detrimental effects on the individual. A person may be denied a job on the basis of erroneous information which he has no opportunity to correct. Or the information may fall into the hands of someone who has no legitimate reason for seeing it. The possible consequences of this, of course, are obvious.

What is needed is a law that would achieve a balance between the need of certain authorized public and private officials to obtain criminal record information, and the right of the individual to be protected from the harms that may be caused by erroneous or incomplete information or the uncontrolled dissemination of such information. The bill I introduce today strikes this balance.

First of all, the legislation places an affrmative duty on those agencies that submit criminal record information to the FBI to assure that it is accurate and complete, and periodically revised as necessary. Those that do not comply run the risk of having the FBI cancel the exchange service.

In addition, the bill states specifically to whom criminal record information may be dissseminated. Such information may be sent to authorized officials of the Federal Government for official purposes and to officials of foreign governments for a limited number of reasons. In addition, officials of certain financial institutions may directly obtain such information for reasons of employment security. Furthermore, dissemination is permitted to officials of State and local law enforcement agencies for law enforcement purposes, and for "such additional purposes as necessitated by State statute which the Attorney General may approve by regulations."

Concerning this last category, however, there would have to be a prior determination by the Attorney General that there is a need for the information to maintain or promote security within the requesting agency, or within a business, industry, profession or labor organization fulfilling a vital public need, or to protect other vital public interests.

It should be clear from this discussion that information will be denied to all agencies and employers except where they meet very strict statutory standards. This should go a very long way towards keeping this sensitive information out of the wrong hands.

Another important feature of the bill is that which permits the individual to review the information when it is disseminated to a State or local law enforcement agency for other than law enforcement purposes. The Attorney General would establish the procedures for the review through regulations, which would provide for notice to the individual and the waiver of fees in appropriate cases. Thus, a person would no longer run the risk of being denied employment because of incorrect, inaccurate or misleading information. If the information was erroneous, he would be given the opportunity to correct it.

The legislation has an additional safeguard to insure that criminal record information is handled properly. The bill provides for both a civil and criminal cause of action against persons who violate its provisions.

I believe that the bill sufficiently balances the competing interests of those who have a valid need for criminal record information and those individuals about whom the information pertains. It will, of course, be instructive to hear the views of those interested in all aspects of the matter. While this Senator feels that the Department of Justice has submitted a workable and fair proposal, it should be indicated that the members of the Judiciary Committee will welcome hearing from any of our colleagues or any citizen generally who may have suggestions on ways to strengthen and improve this bill. We approach this subpect with an open mind intent on seeking the fairest solution to a problem which must be solved if the FBI, those agencies which need access to criminal record information, and the individual citizens involved each are to be treated equitably. I introduce this bill for the purpose of providing the committee a vehicle to be used to begin the exploration for a permanent solution to the problem posed by the decision in Menard against Mitchell. It is hoped the committee can undertake this task at an early opportunity.

Mr. President, I ask unanimous consent that at the conclusion of my remarks there be printed in the RECORD the transmittal letter from the Attorney General, a brief section-by-section summary of the bill, and the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3834.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title 28, United States Code, is amended as follows:

§ 534. Acquisition, preservation, exchange and use of identification information and records; appointment of officials; regulations

(a) The Attorney General shall acquire, collect, classify and preserve identification information, criminal record information, and other information and records. Except as otherwise limited by this section, the Attorney General is authorized to disseminate such information and records in accordance with regulations issued under this section. For the purposes of this section, "identification information" means information including fingerprint classifications and other personal descriptive data which may be used for identification purposes; "criminal record information" means information of arrests and subsequent dispositions, including convictions, submitted by law enforcement and other governmental agencies; and "other information and records" means statistical data relating to crime and compiled for research and informational purposes which do not identify an individual.

(b) Agencies submitting criminal record information to the Attorney General or his designee shall assure that the information is accurate and complete, and regularly and accurately revised to include subsequent information. The Attorney General is authorized to terminate the dissemination of criminal record information authorized by this section for failure to comply with this subsection.

(c) The Attorney General is authoribed to disseminate criminal record information to (1) authorized officials of the Federal Government for official use; (2) authorized officials of foreign governments for visa, security, law enforcement and employment purposes; (3) officials of financial institutions the accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or other Federal agency to promote or maintain the security of such institutions; and (4) state and local law enforcement agencies for (A) law enforcement purposes or (B) such additional purposes as necessitated by state statute which the Attorney General may approve by regulations issued under this section. For the purpose of this section, "law enforcement" means any activity pertaining to the reduction, control or prevention of crime or the enforcement of criminal laws. A "law enforcement agency" is a public agency whose primary function is law enforcement and includes but is not limited to police or any other agency authorized to make arrests courts with criminal jurisdiction, prosecutors' offices, and penal and other correctional or criminal rehabilitation institutions. For the purposes of this section, "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) The dissemination of criminal record information authorized by this section is subject to cancellation by the Attorney General if it is used or disclosed in violation of this section.

(e) Whenever criminal record information is disseminated to a State or local law enforcement agency for other than law enforcement purposes, the individual about whom the information pertains shall be permitted to review the information upon satisfactory verification of his identity, and in accordance with regulations stating the time, place, fees, and procedure to be followed. If, after the review of the information, the individual disputes its accuracy or completeness, he shall apply to the agency or agencies responsible for the information for correction or revision, and the agency or agencies shall make any necessary correction or revision, and shall notify the Attorney General of the correction or revision.

(f)(1) A person with respect to whom criminal record information willfully has been disseminated or used in violation of this section shall have a civil cause of action against the person responsible for the violation and shall be entitled to recover from such person actual damages and reasonable attorney's fees and other litigation costs reasonably incurred.

(2) Whoever willfully disseminates or uses criminal record information knowing such dissemination or use to be in violation of this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(3) A good faith reliance upon the provisions of this section or of applicable law governing dissemination or use of criminal record information, or upon rules, regulations, or procedures prescribed thereunder, shall constitute a complete defense to a civil or criminal action brought under this Act.

(g) The Attorney General may appoint officials to perform the functions authorized by this section and may prescribe regulations to effectuate its provisions. Such regulations issued with respect to subsection (c)(4)(B) may authorize dissemination of criminal record information thereunder only upon a determination that a need exists for the use of such information for (1) maintaining or promoting security within that agency or within a business, industry, profession, or labor organization, fulfilling a vital public need, or (2) protecting other vital public interests.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 18, 1972.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to provide for the dissemination and use of criminal record information, and for other purposes. The proposal is in response to the decision in *Menard* v. *Mitchell,* 328 F. Supp. 718, which greatly circumscribed the dissemination of FBI fingerprint and arrest information and records under 28 U.S.C. § 534.

The *Menard* decision limited the dissemination to agencies within the Federal Government and to state and local law enforcement agencies for law enforcement purposes. It held that section 534 did not authorize dissemination of this type of information to law enforcement agencies for non-law enforcement purposes, or to other state or local agencies or institutions for purposes of employment security and licensing.

Public Law 92–184, approved December 16, 1971 provided a temporary continuation of this "non-federal applicant" service, by authorizing the expenditure of Fiscal Year 1972 funds to exchange identification information with officials of certain Federally-connected banking institutions, and, if authorized by state statute and approved by the Attorney General, with officials of state and local governments for purposes of employment and licensing. Permanent authorization, as well as legislation dealing with certain individual privacy issues raised by the decision, are nevertheless required.

The attached legislative proposal is intended to meet the issues outlined in the *Menard* case by incorporating the necessary sanctions and safeguards, while at the same time providing specific authorization for the dissemination and use of criminal record information for legitimate purposes.

The important provisions of the proposal in this respect are as follows:

First of all, the bill would place the burden upon the agencies submitting criminal record information to the Attorney General to insure that the information is accurate, complete and current. Non-compliance could result in the termination of the dissemination of this information to the delinquent agency.

Dissemination of criminal record information would be permitted outside of the Federal Government for non-law enforcement purposes, but only for such purposes as necessitated by a state statute and approved by the Attorney General in regulations. Moreover, all the information would be channeled through the state and local law enforcement agencies. Again, this dissemination could be cancelled if the information is used or disclosed in violation of the provisions of the proposal.

When such information is intended to be used for other than law enforcement purposes, the subject individual would be permitted to review the information and insure that it is corrected or reviewed, if necessary.

The proposal also would authorize both civil and criminal actions against persons who disseminate or use criminal record information in violation of the bill's provisions.

Finally, the proposal would establish guidelines to be followed by the Attorney General in establishing regulations to govern dissemination for non-law enforcement purposes. A determination would have to be made that the information was necessary to promote or maintain security within an agency, or within certain areas of the private sector filling a vital public need, or to protect other vital public interests.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal.

Sincerely,
RICHARD G. KLEINDIENST,
Attorney General.

SECTIONAL ANALYSIS

The title of section 534 would be expanded to include identification "information" in addition to identification "records". The section itself is primarily concerned with certain types of identification information, and the identification records are relevant only insofar as they contain that information.

The title would also include "regulations". As will be noted below, the Attorney General would be authorized to issue regulations to effectuate the provisions of the legislation.

Subsection (a) has been reworded to emphasize the Attorney General's responsibility to acquire, collect, classify and preserve certain types of information. The second sentence of the subsection is intended to permit the Attorney General to disseminate any information or records where the dissemination is not otherwise limited by section 534. (The limitations are enumerated in subsection (c) dealing with the dissemination of criminal record information). As an example, this would allow the dissemination of identification information, as opposed to criminal record information, for assistance in emergencies or missing person cases, and would also permit the release of crime statistics and reports. This type of information would not infringe upon the rights of individuals, and, therefore, its dissemination would be controlled only by regulations.

Subsection (a) also includes definitions of "identification information", "criminal record information" and "other information and records".

Subsection (b) deals with criminal record information, and is designed to place the burden upon agencies submitting that information to the Attorney General to assure that it is correct and current. At present, there is no such assurance and, in fact, a great deal of relevant information is not forwarded to the Attorney General. This problem is particularly acute concerning ultimate dispositions of cases handled at the State and local level, with the result that the information is often incomplete or inaccurate when subsequently disseminated. Agencies that are delinquent in this respect would face the possibility that dissemination of this information would be terminated.

Subsection (c) would authorize the Attorney General to disseminate criminal record information to authorized officials of the Federal Government for official use and to state and local law enforcement agencies for law enforcement purposes. Disseminations of this type are presently permitted by the *Menard* decision. The Attorney General further would be authorized to disseminate the information to officials of foreign governments for visa, security, law enforcement and employment purposes, and to officials of financial institutions the accounts of which are insured by the FDIC or the FSLIC or other federal agency in order to promote or maintain security within such institutions.

Moreover, dissemination would be authorized to law enforcement agencies for non-law enforcement purposes, but only when necessitated by state statute and approved by the Attorney General in regulations. This provision would permit the ultimate use of criminal record information for such purposes as employment security or licensing at the state or local level, but only in well defined circumstances.

Subsection (c) also includes definitions of "law enforcement", "law enforcement agency", and "state".

Subsection (d) would permit the Attorney General to cancel the dissemination of criminal record information if it is used or disclosed in violation of the section.

Subsection (e) would allow an individual to review and correct any criminal record information which pertains to him which is disseminated to a state or local law enforcement agency for non-law enforcement purposes. Thus, an individual need not be jeopardized by inaccurate or incomplete criminal record information when applying for employment or a license. The Attorney General would outline the procedures by regulations for the review of the information. The regulations would contain provisions relating to notice of the subject individual, and the waiver of fees in appropriate cases.

If the individual believes that the information is inaccurate or incomplete and wishes to have it corrected, he will be required to apply to the agency responsible for the information, and that agency will be required to make any necessary changes and notify the Attorney General of such changes. The intent of this provision is to place the burden upon the local agency responsible for any misinformation to make the correction, rather than upon the FBI, unless the FBI itself is responsible.

The provisions of subsection (e) would not apply to records which are disseminated within the Federal Government or to law enforcement agencies for law enforcement purposes.

Subsection (f)(1) would provide for a civil cause of action for willful dissemination or use of criminal record information in violation of the section.

Subsection (f)(2) would provide criminal penalties of one year in jail or $1,000 fine, or both, for willful and knowing violations of the section.

Subsection (f)(3) provides a complete defense against any civil or criminal action for anyone acting pursuant to the section or applicable laws or to regulations issued thereunder.

Subsection (g) allows the Attorney General to appoint officials to carry out the provisions of the legislation and to promulgate regulations to effectuate the proposal. The legislation would provide guidelines to the Attorney General in issuing regulations concerning the dissemination of criminal record information to state and local law enforcement agencies for purposes other than law enforcement. This is the area where the greatest potential for abuse exists and the area where a well defined policy is required by the *Menard* decision. The regulations, therefore, would specify under what circumstances the use of the information is authorized. Use would be authorized only to maintain or promote security within the requesting law enforcement agency or within defined areas of the private sector which fulfill a vital public need, or where other vital public interests require. As required by subsection (c)(4)(B), any of these uses would have to be necessitated initially by state statute.

It is also contemplated that the regulations would require state or local law enforcement agencies that desire criminal record information to submit their requests through a centralized state agency where such a centralized agency exists. Furthermore, such regulations probably would require that the local, state or Federal agency or official be responsible for taking and providing fingerprints and supplying other necessary material to the FBI before dissemination of criminal record information. The states also would be required to share responsibility in processing non-federal fingerprints by first checking them through the state identification bureau or local files. Additional regulations would be issued as required.

By Mr. MONDALE:

S. 3836. A bill to amend section 701 of title 18, United States Code, to prohibit the sale of simulated police badges in interstate commerce. Referred to the Committee on the Judiciary.

Mr. MONDALE. Mr. President, today I am introducing legislation which would prohibit the sale of simulated police badges in interstate commerce.

At a time when many of our established institutions—including our police departments—are under fire, many of these same institutions are making a serious effort to restore the public's faith and trust.

The seemingly harmless sale of badges that closely resemble a police badge could cause a great deal of apprehension and negative publicity if this identification were used to mislead or harm an innocent and trusting victim. These very official looking badges can easily be ordered from catalogs or advertisements in many magazines.

The legislative chairman of a St. Paul PTA group brought this situation to my attention recently when she wrote:

> Our children have been taught that in an emergency the place to turn is to a policeman. Also, if anything were to happen to one of their parents and someone had to reach them they can trust the man with the badge.
>
> The situation becomes alarming when you realize that badges and cases for these badges are so easily obtained by anyone for a small investment. Many of these are extremely realistic and someone with a twisted mind could easily dupe a child or an adult into trusting the quickly flashed badge and going with the bearer of said badge.

Since the police are doing their part to restore public trust and faith, we must do what we can to facilitate their efforts. We can act to insure that only trained policemen and policewomen are allowed to possess official police badges. Then when someone is in trouble, he will know that the person with a badge is there to help.

By Mr. MONDALE:

S. 3837. A bill to provide equitable treatment of veterans enrolled in vocational education institutions. Referred to the Committee on Veterans' Affairs.

Mr. MONDALE. Mr. President, thousands upon thousands of veterans attending vocational and other noncollege degree programs depend for their livelihood on educational assistance allowance payments from the Veterans' Administration. At the present time, however, many of these veterans are suffering from reductions in the size of their benefit checks because of circumstances beyond their control.

There is little doubt that veterans attending noncollege degree programs must meet standards stricter than those for college degree programs in order to receive their educational assistance checks. Limited to a set number of days allowable for absence, these vocational school vets find their payments diminished because of a snowstorm, a scheduled vacation, or other causes totally beyond their control. Veterans attending college courses, on the other hand, need meet no such attendance requirement.

The entire area of educational benefits for veterans attending vocational schools urgently needs reexamination. There have been in the past abuses in some segments of the private vocational school industry. These should not be forgotten, but they should also not allow us to fail to take remedial action where needed to free vocational school veterans from unduly burdensome requirements originally enacted many years ago.

A comprehensive reexamination of the vocational school problem will require time, however. In the interim, veterans attending vocational schools should not continue to lose vitally needed dollars because of unrealistic requirements.

The legislation which I am introducing would amend the present statute to broaden the categories of absence for which a veteran attending vocational school would not be penalized. Prescheduled vacations, teacher meetings, and weather emergencies will no longer be cause for reduction in benefits, which many of us believe are inadequate to begin with. At the same time, this legislation provides safeguards to ensure that the veteran attending vocational school will receive the instructional year which is his due.

Our primary task must be to raise veterans' benefits to levels which allow those who have sacrificed for our Nation to live decently. We must also, however, ensure that the benefits legislated are not arbitrarily reduced because of factors over which the veteran has no control. This legislation will greatly aid in pursuance of this latter, and important, goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1681(b)(2) of title 38, United States Code, is amended to read as follows:

"(2) to any veteran enrolled in a course which does not lead to a standard college degree (excluding programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title) for any days of absence in excess of thirty days in a twelve-month period, exempting from being counted as absences.

"(A) weekends or legal holidays established by Federal or State law during which the institution is regularly not in session;

"(B) days when instruction is unavailable to the veteran by reason of prescheduled vacations or teacher meetings; or

"(C) days when instruction is unavailable to the veteran by reason of emergencies caused by weather or other natural conditions; except that for purposes of computing such exemption pursuant to clause (B),

"(i) for any institution covered by this subsection which enrolled eligible veterans during the 1971–72 school year, no number of days greater than the number of days during which instruction was unavailable to students enrolled in such institution during the 1971–72 school year shall be allowed; and

"(ii) for any institution covered by this subsection which did not enroll eligible veterans during the 1971–72 school year, no number of days greater than the average number of days during which instruction was unavailable to students enrolled in all institutions covered by this subsection which enrolled eligible veterans during the 1971–72 school year in the state in which such institution is located shall be allowed; or".

By Mr. STEVENS:

S. 3838. A bill to amend the Federal Aviation Act of 1958, as amended. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, I am today introducing a bill to assure continued air service to points receiving neither highway service nor railroad service. This would make it clear that air service to points in the United States, including Alaska and Hawaii, receiving neither highway service nor railroad service shall be maintained on air routes. It will also insure that subsidy payments necessary to provide such air service will be allowed.

The bill will specifically accomplish two things. First, it will permit no term or condition limiting the maximum subsidy amount payable to be written into any certificate with respect to service to or from points receiving neither highway nor rail service. It will also require that any such condition now in any certificate must be deleted without further requirement for a hearing.

Second, the bill will require that in determining the need for such a subsidy, the Civil Aeronautics Board and the Secretary of Transportation must consider air service to be a requirement for points that receive neither highway service nor rail service.

This amendment is intended to prescribe guidelines in determining the payment of the subsidy and is not intended to increase the amount of subsidy paid.

I ask unanimous consent that the bill be printed in its entirety in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3838

A bill to amend the Federal Aviation Act of 1958, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

The Federal Aviation Act of 1958, as amended, is hereby further amended as follows:

SEC. 1. By adding the following sentence to Subsection (b) of Section 406 (49 U.S.C. 1376):

"In the exercise of their powers and duties under this subsection, the Board and the Secretary of Transportation shall consider as required for the commerce of the United States, the Postal Service, and the National Defense, air service to points in the Continental United States which shall include Alaska and Hawaii receiving neither highway service nor railroad service."

SECTION 2. By adding a paragraph (7) to Subsection (e) of Section 401 (49 U.S.C. 1371) that shall provide as follows:

"No term or condition in any certificate shall limit the maximum subsidy amounts payable with respect to service to or from points that receive neither railroad service nor highway service. The Board shall, without hearings, alter, modify or amend any existing certificate term or condition in contravention of this requirement so as to bring such term or condition into conformity therewith."

By Mr. EAGLETON:

S. 3839. A bill to provide for the national improvement of reading skills. Referred to the Committee on Labor and Public Welfare.

NATIONAL READING IMPROVEMENT ACT

Mr. EAGLETON. Mr. President, I send to the desk a bill entitled the National Reading Improvement Act of 1972, and ask that it be read twice and appropriately referred.

Mr. President, we think of America as a land of opportunity, as an advanced Nation with sophisticated technology, as a highly developed and complex society. The term backward nation is scarcely applicable to the United States. And yet in many areas of our country there are individuals who must truly be called backward in that they lack a fundamental skill, a survival skill, if you will: They cannot read. They do not have the ability necessary to survive in the increasing complexity of American life.

Mr. President, the country is facing serious problems related to illiteracy and reading deficiencies. Recently released test scores from the Office of Education reveal that both inner city and rural schools face a decline in reading scores. Throughout the country, some 10 million elementary and secondary children are severely deficient in reading.

Moreover, the most recent information indicates that 18 million adults, that is, those above the age of 16, are functionally illiterate. They are without the skills to perform the tasks necessary to function in our society. They cannot take driver's license tests, write checks, read newspapers, or help children with homework, thus perpetuating the illiteracy cycle.

America's future largely depends on the capability of the American people for mature and rational decision making. Literacy, defined as the ability to read, write, understand, and integrate information, is essential to educational achievement, and therefore essential to the country in terms of an enlightened society. The present information explosion and extraordinary complexity of social and political problems intensify the need for the highest possible level of literacy.

Inability to function in the society because of illiteracy contributes substantially to our social and economic problems. Many delinquents and criminal offenders have a history of reading difficulties. Our welfare rolls are filled with people whose lack of adequate reading ability renders them virtually unemployable. As reported by the White House Conference on Children, only 25 percent of the jobs now available can be described as unskilled or fit for the low-achieving reader. By the end of this decade, the figure is expected to dwindle to less than 5 percent. Without significant improvements in literacy and reading ability, the rolls of the unemployable will certainly continue to grow.

The endless facts and statistics which document the results if illiteracy on society cannot adequately express the human suffering experienced by the individuals involved. We have achieved nearly universal elementary and secondary school attendance. We have come a long way toward making opportunities for higher education available to all. Now we must turn our attention to the quality of the education provided by focusing on one of the most serious problems facing our educational system—the one school child out of four who suffers serious reading difficulties.

Mr. President, we hear a great deal about accountability of the Federal dollar these days—and we should. Of all the subjects taught in the classroom, reading is perhaps the best to incorporate in an incentive problem based on the principle of accountability. Pupil performance in reading and, correspondingly, teacher performance can be measured with reasonable objectivity by standardized tests. We can see what progress is being made, and what needs to be done to achieve our goal.

For 3 years we have heard this administration's rhetoric about its "Right to Read" program. You may recall that this program was first announced in October 1969, by the late Dr. James Allen, then U.S. Commissioner of Education.

Dr. Allen spoke of the 10 million American children and teenagers with serious reading difficulties who were, as he called it, "denied a right—a right as fundamental as the right to life, liberty, and the pursuit of happiness." He committed the administration to a far-reaching program of educational support for these youngsters to enable them to enjoy their right to read.

Not long thereafter, in May 1970, President Nixon added his endorsement in a message to Congress on education reform. The President said:

> I propose new steps to help States and communities to achieve the Right to Read for every young American. I will shortly request that funds totaling $200 million be devoted to this objective during Fiscal 1971. The basic ability to read is a right that should be denied to no one, and the pleasures found in books and libraries should be available to all.

The President's $200 million reading program was largely illusory. Buried deep in his education message was the news that the $200 million in question was not new money but was actually the amount he was requesting for two existing programs, titles II and III of the Elementary and Secondary Education Act. In fact, this amount proved to be about $23 million less than Congress ultimately appropriated for titles II and III. Most of these funds were subject to previous commitments for ongoing projects and very little was available for the right to read program.

Almost 3 full years have now passed since this ambitious and far-reaching program was announced. Dr. Allen, the main proponent of the program, and an outstanding educator, was forced to leave the administration after he publicly criticized the military thrust into Cambodia and the administration's handling of racial problems at home. His dream of a right to read for every American became a game of educational politics.

In the last fiscal year the right to read program had allotted to it—not the $200 million promised by President Nixon—but a total of $10 million siphoned off from eight other programs. Thus, $1.2 million of the $10 million allocated to the right to read program could only be spent in bilingual education activities. Another $1 million, obtained from the title III program of the Elementary and Secondary Education Act, could be spent only in eight States that had unencumbered title III allotments. Nearly $500,000 could be spent only for evaluation. And so it went. And so it goes.

For fiscal year 1973, the administration recommended only $12 million for the right to read program. Certainly, the administration cannot believe that such a paltry sum can accomplish the right to read goal of insuring that, by 1980, 99 percent of the 16-year-olds in the United States and 90 percent of the people over 16 shall be functionally literate. The Senate appropriations committee increased the amount of the budget request and the House allowance by $10 million. But a total of $22 million, if the full Senate recommendation is agreed to in conference, is sadly inadequate in terms of need.

The right to read program, sadly, appears to be just another chimera—a Flying Dutchman born in the nether world of Presidential promises and fated to wander from one island of the Federal bureaucracy to the next. Despite the dedicated efforts of a few concerned officials in the U.S. Office of Education, the program continues to founder.

At the outset of his administration, Richard Nixon warned America of the threat of a "precipitous decline in public confidence." The cause of this crisis, he said, was:

> The chronic gap that exists between the publicity and promise attendant to the launching of a new federal program—and that program's eventual performance.

It has become obvious that Mr. Nixon's warning was in fact a self-fulfilling prophecy. He should have heeded his own words.

The bill which I am introducing today moves to fulfill the unmet promises made long ago by the present administration. The bill would:

Establish within the Office of Education an Office for the Improvement of Reading programs which would be responsible for administering the programs provided herein and for coordinating them with the other offices and agencies whose programs deal with instruction in reading.

Authorize the Commissioner of Education to make contracts with the States to develop improved reading programs, to encourage the establishment and expansion of improved reading programs for adults.

Authorize funds for the training and retraining of personnel involved in the teaching of reading and for the acquisition of instruction materials.

Authorize the National Institute of Education to conduct research on the use of educational technology in reading programs.

Mr. President, I hope that this legislation will receive thorough review from Congress, from organizations representing educators and parents, and from all interested parties. I know that contributions from these sources will lead to the development of strong, comprehensive legislation.

I ask unanimous consent that the text of the National Reading Improvement Act of 1972 and a section-by-section analysis may appear at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 3839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Reading Improvement Act of 1972".

SEC. 2. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"READING IMPROVEMENT PROGRAMS

"SEC. 812. (a) It is the purpose of this section—

"(1) to provide for the strengthening of reading instruction programs in the school systems in the Nation;

"(2) to provide financial assistance for the development of instructional and other educational staff for reading instruction programs; and

"(3) to develop a means by which measurable objectives for reading programs can be established and a means by which progress toward such objectives may be assessed.

"(b)(1) There is established in the Office of Education an Office for the Improvement of Reading Programs (hereafter in this section referred to as the "Office") which shall be responsible for—

"(A) the administration of the programs authorized by this section; and

"(B) the coordination of education programs as provided in subsection (e).

"(2)(A) The Office shall be headed by a Director who shall be placed in grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(B) In addition to the position created by subpargraph (A), there are created for the purpose of assisting in carrying out the provisions of this section, three positions to be placed in grade 16 of such General Schedule.

"(C) The positions created by this paragraph shall be in addition to the number of positions placed in the appropriate grade under section 5108 of title 5, United States Code.

"(c)(1) The Commissioner shall, in accordance with the provisions of this subsection make contracts with the States in order to encourage and assist elementary and secondary school systems—

"(A) in planning, developing, and operating improved reading programs; and

"(B) in identifying exemplary reading programs in the schools of the States and encouraging and assisting the replication of such programs in other schools; and

"(C) in encouraging the establishment and expansion of improved reading programs designed to eliminate illiteracy among adults.

"(2)(A) For the purpose of assisting the States under contracts entered into under this subsection, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $200,000,000 for the fiscal year ending June 30, 1974, and $250,000,000 for the fiscal year ending June 30, 1975.

"(B) Sums appropriated pursuant to subparagraph (A) shall be allotted among the States on the basis of the relative population of the States. Amounts allotted among the States under the preceding sentence shall be available for reallotment under such terms and conditions as the Commissioner shall prescribe by regulation. Such terms and conditions shall be specially designed to achieve the purposes of this subsection.

"(3)(A) Any State desiring to receive assistance from its allotment under paragraph (2) shall enter into a contract with the Commissioner which contract shall provide that—

"(i) either the State educational agency or the State library administrative agency (or both) shall be the State agency responsible for the execution of the contract;

"(ii) the State agency shall establish and operate a State reading program which meets the requirements of paragraph (4); and

"(iii) the State agency will comply with such other requirements as the Commissioner may establish by regulation in order to achieve the purposes of this section and to protect the financial interests of the United States.

"(4)(A) A State reading program shall provide for the establishment of and the means of achieving the goal of eliminating illiteracy in the State within ten years from the date the State enters into a contract under paragraph (3). Such program shall make provision for—

"(i) the establishment and operation of comprehensive reading programs in the schools of the State which are designed—

"(I) in the case of pupils in attendance at elementary and secondary schools whose reading achievement is less than that which could normally be expected for pupils of comparable ages and in comparable grades of education, to provide remedial reading instruction and related services, and

"(II) in the case of persons who are not in regular attendance at such schools but who lack basic reading skills, to provide them with reading instruction necessary to enable them to achieve at least functional literacy;

"(ii) in connection with such comprehensive reading programs, the participation of the entire school population in reading related activities designed to facilitate the achievement of the purposes of this section;

"(iii) to the extent that there are a number of pupils or adults (as the case may be) in the area served by a reading program who are of limited English-speaking ability, the use of bilingual education methods and techniques;

"(iv) the training and retraining of instructional and other educational staff for such program (including the development of new or specialized training programs specifically designed for such program);

"(v) special reading projects for pupils who do not succeed in regular school programs:

"(vi) the establishment of measurable objectives and the use of such evaluation devices as may hold significant promise in indicating the extent to which those objectives are being achieved; and

"(vii) such other components as may be agreed upon by the Commissioner and the State.

The Commissioner shall, by regulation, establish criteria for the evaluation of reading programs under this paragraph.

"(B)(i) The Commissioner shall not approve a State reading program under this paragraph unless he finds that the State agency and the schools of the State have assessed the reading problems of the pupils in such schools and of the persons in the areas served by such schools and that the activities proposed to be conducted under the State reading program hold reasonable promise of helping to solve those problems.

"(ii) The Commissioner shall not approve a State reading program until he has received the advice of a panel of experts who are not regular full-time employees of the Federal Government.

"(5) Funds appropriated and allotted to the States under paragraph (2) may be used only in accordance with the terms and conditions of the contracts entered into under this subsection and then for—

"(A) the recruitment, hiring, and training of instructional and other educational staff (including the development of training programs);

"(B) the acquisition of instructional and related materials, books, supplies, and equipment; and

"(C) the acquisition and dissemination of information related to the teaching of reading.

"(6) Terms and conditions of any contract entered into under this subsection shall be specifically enforceable in an action brought by the United States.

"(d) In addition to the funds made available to the States under subsection (c), the Commissioner is authorized, in accordance with regulations and consistent with the provisions of subsection (c), to make incentive awards to local educational agencies which he determines, in accordance with criteria and procedures established by regulation, are making substantial progress toward achieving the goals of their reading programs. There is authorized to be appropriated for the purposes of this subsection for any fiscal year an amount not to exceed 25 percent of the sums appropriated for such fiscal year for the purposes of subsection (c).

"(e) The Commissioner is authorized, in accordance with criteria and procedures established by regulation (which criteria and procedures shall be consistent with other law) to direct the coordination of the uses of funds under the following programs with the programs authorized by subsection (c):

"(1) those which are carried out under title I of the Elementary and Secondary Education Act of 1965:

"(2) those which are authorized by titles II, III, and V of this Act;

"(3) that which is authorized by section 222(a)(2) of the Economic Opportunity Act of 1964;

"(4) those which are authorized by the Adult Education Act; and

"(5) those which are authorized by the Emergency School Assistance Act."

(b) The National Institute of Education shall conduct research on, and support research, demonstration, and pilot projects related to the use of educational technology in reading programs. For such purpose there is authorized to be appropriated to the National Institute of Education $5,000,000 which shall remain available for obligation and expenditure until expended.

(c) In the case of any position placed by statute in grades 16, 17, and 18 of the General Schedule set forth in section 5332 of title 5, United States Code in the Office of Education or the National Institute of Education after June 30, 1972, such positions shall be without prejudice to the placement of other positions placed in such agencies under section 5108 of title 5, United States Code.

SEC. 3. Clause (8) of section 306(a) of the Adult Education Act is amended to read as follows:

"(8) provide that, unless such needs can be shown to have been met, priority shall be given to programs and projects designed to meet the needs of adults who are not functionally literate."

THE NATIONAL READING IMPROVEMENT ACT OF 1972

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title: This section provides that the Act may be cited as "The National Reading Improvement Act of 1972".

Section 2: Amends title VIII of the Elementary and Secondary Education Act by adding a new section 812.

Subsection 812a.: This subsection states three purposes of the Act:

1. To provide for the strengthening of reading instruction programs in the school systems in the Nation;
2. To provide financial assistance for the development of instructional and other education staff;
3. To develop a means by which measurable objectives for reading programs can be established and a means by which progress toward such objectives may be assessed.

Subsection 812b: Office for the Improvement of Reading Programs:

This subsection authorizes an Office for the Improvement of Reading Programs in the Office of Education which is responsible for the administration of this program and the coordination of other reading programs in the Office of Education.

Subsection 812c: Contracts authorized, authorizations, State requirements: First, this subsection directs the Commissioner of Education to make contracts with the States to encourage and assist in reading programs in elementary and secondary schools. This subsection authorizes the appropriation of $100 million for fiscal year 1973, $200 million for fiscal year 1974, and $250 million for fiscal year 1975. Sums appropriated are to be allotted among the States on the basis of the relative population of the States. This subsection provides that any funds freed by the non participation of a State may be reallotted under terms and conditions prescribed by the Commissioner.

Secondly, this subsection provides that any State entering into a contract with the Commissioner shall provide that:

1. Either the State educational agency or the State library administrative agency (or both) shall be the State agency responsible for the execution of the contract.
2. The State agency shall establish and operate a State reading program in accordance with the provisions of this Act.
3. The State will comply with any other requirements the Commission may establish.

Thirdly, the State reading program shall provide for the establishment of and the means of achieving the goal of eliminating illiteracy within 10 years from the date the State enters into a contract with the Commissioner. The program shall:

1. Establish and operate a comprehensive reading program in the State.
2. Include participation of the entire school population in reading related activities.
3. Make use of bilingual education methods and techniques where appropriate.
4. Provide for the training and retraining of instructional and other education staff.
5. Provide for special reading projects.
6. Establish measurable objectives and use such evaluation devices as may hold significant promise in indicating the extent to which those objectives are being achieved.
7. Provide any other components agreed upon by the Commissioner and the State.

This subsection further provides that the Commissioner shall not approve a State reading program unless he finds that the State agency and the schools have assessed the reading problems of the State and that the program holds reasonable promise of helping to solve those problems. The Commissioner may not approve a State reading program until he has received the advice of an outside panel of experts.

This subsection also provides for additional use of funds after initial requirements are met:

1. Recruitment, hiring, and training of instructional and other educational staff.
2. Acquisition of instructional and related materials.
3. Acquisition and dissemination of information related to the teaching of reading.

The terms of any contract entered into by a State shall be specifically enforceable in an action by the United States.

Subsection 812d: Incentive awards:

This subsection authorizes the Commissioner to make incentive awards to local agencies which he determines are making substantial progress toward achieving their goals of their reading program. An amount not to exceed 25 percent of the sums appropriated for subsection 812c is authorized.

Subsection 812e: Coordination

The Commissioner is authorized to direct coordination of this program with other programs in the Office of Education related to reading.

Section 2b: Research:

The National Institute of Education shall conduct research on the use of educational technology in reading programs. $5 million is authorized for that purpose.

Section 3: The Adult Education Act is amended to give priority to programs for functionally illiterate adults.

By Mr. HANSEN (for himself, Mr. BIBLE, Mr. BURDICK, Mr. COTTON, Mr. ERVIN, Mr. HATFIELD, Mr. HRUSKA, Mr. HUGHES, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG):

S. 3841. A bill to amend the Internal Revenue Code of 1954 to provide for an estate tax charitable deduction in the case of certain charitable remainder trusts. Referred to the Committee on Finance.

Mr. HANSEN. Mr. President, I am today introducing legislation on behalf of myself and my fellow colleagues, Mr. BIBLE, Mr. BURDICK, Mr. COTTON, Mr. ERVIN, Mr. HATFIELD, Mr. HRUSKA, Mr. HUGHES, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG, which would amend the Internal Revenue Code of 1954.

Under the law prior to the Tax Reform Act of 1969, decedent's estate were entitled to a Federal estate tax deduction for the present value of a contribution of a charitable remainder in trust. As a result of the enactment of section 664 to the Internal Revenue Code in 1969, no estate tax charitable deduction is available for such bequests in trusts, unless it is in the form of a charitable remainder annuity or unitrust. The new rule was aimed at preserving and protecting a charity's interest in such trusts. It has resulted, however, during this transitional period, in the prospect of recognized charities and colleges actually losing funds.

Many public charities today are beneficiaries of nonconforming charitable remainder trusts created by decedents after the effective date of the act, and which are outside the scope of any existing transitional rules. By failing to conform to section 664, these trusts deplete the principal which eventually passes to charity. This is caused by a loss of the charitable estate tax deduction for the value of the trust remainder. If the trusts are permitted under State law to retrospectively change their governing instrument to conform to section 664, our proposed bill would assure the estate of being able to preserve the charitable deduction and thereby increase the funds eventually available to public charity.

This proposed legislation authorizes the same treatment presently permitted by Treasury Department regulations, and merely extends the period allowed to accomplish the desired result. While Treasury regulations allow conforming amendment to such trusts until 90 days after the section 664 regulations are finalized—probably sometime in August—our proposal would further extend the time for this cut-off date. Such a transitional rule assists in the implementation of a complicated statutory change so as to reduce the prospects of hardship to public charities and colleges during the changeover period.

Mr. President, I am pleased to note that similar legislation has been introduced in the House of Representatives and hope that both Houses will act promptly to pass this legislation which will assist public charities and colleges.

By Mr. BAYH (for himself, Mr. RANDOLPH, Mr. COOPER, Mr. SCHWEIKER, Mr. TAFT, and Mr. WILLIAMS):

S. 3842. A bill to authorize the Secretary of the Army to undertake a national program of inspection of dams and to authorize $200 million for Highway Emergency Relief Program. Referred to the Committee on Public Works.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill which would authorize a national program for the inspection of dams and would also increase the emergency highway relief fund from $50 million to $200 million. These changes are essential if we are to meet needs which have become evident during recent major disasters.

First, the bill seeks to remedy a serious problem which has become tragically apparent in the last few years—that of the potential destruction which could be caused by the failure of manmade impoundments of large quantities of water.

For example, the California earthquake in 1971 severely weakened a dam in the San Fernando Valley situated just above a densely populated area. Engineering surveys later revealed that a calamity of major proportions was averted only by a narrow margin. If the earth tremors had lasted a few seconds longer, the lives of 60,000 or more people would have been placed in great jeopardy.

This year the Nation has suffered two catastrophes caused by the failure of dams releasing huge quantities of impounded waters at Buffalo Creek, W. Va., and Rapid City, S. Dak. There is no need to recall here the terrible losses, both in lives and property, attributable to the breaching of these structures. While devastated property can be measured in dollars and destroyed homes and businesses can be restored or replaced, there is no way to evaluate lives lost or to minimize the terrible suffering inflicted on helpless, innocent victims. Suffice it to say that this Nation should take every possible step to help avoid similar tragedies in the future.

The bill I am introducing today would require the Secretary of the Army, through the Corps of Engineers, to direct a national program for inspecting those dams—with certain exceptions—which impound water 25 feet or more in height or have an impoundment capacity of at least 50 acre-feet. Dams under 6 feet in height would not be included for inspection purposes. Also exempted would be those which are under the jurisdiction of the Bureau of Reclamation, the Tennessee Valley Authority, or the International Boundary and Water Commmission, those which were constructed under licenses issued according to the Federal Power Act, those which were inspected during the previous year by a State agency, those excluded by gubernatorial request, and those determined by the Secertary not to constitute any threat to human life or property.

State Governors would be provided with the results of investigations of dams located in their State which have been inspected under this program, and the Secretary would be required to report to Congress on or before July 1, 1974. His report would have to include an inventory of all dams, a review of the inspections completed, and recommendations for a comprehensive national program of inspection and regulation of those dams for safety purposes.

Secondly, the bill would amend the emergency relief fund, section 125 of title 23, United States Code, to provide an increased authorization for the repair or reconstruction of Federal-aid highways damaged by a major disaster. For many years the present $50 million authorization has been sufficient to meet the demands for such emergency assistance, but the destruction wrought by Hurricane Agnes is so widespread and costly that it is necessary to increase this authorization. Although it is too early to establish an accurate amount for the overall cost of repairing and restoring highways and bridges which were damaged by this unprecedented storm, estimates clearly indicate the need for a substantial increase.

Mr. President, in view of the urgency of both of these matters, I hope that Congress will be able to expedite action and act quickly on them.

By Mr. SCOTT (for himself, Mr. BUCKLEY, Mr. JAVITS, and Mr. SCHWEIKER):

S. 3843. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972. Referred to the Committee on Commerce.

EMERGENCY RAILROAD RELIEF

Mr. SCOTT. Mr. President, I introduce the "Emergency Rail Facilities Restoration Act," legislation to authorize up to $40 million in long term Federal loans for the restoration or replacement of essential railroad facilities damaged or destroyed during last month's severe floods.

This proposal is endorsed by the administration. It is the result of careful consultations between railroad and business officials, President Nixon, Secretary of Transportation John Volpe and Federal Rail Administrator John Ingram. This bill is intended to provide a realistic and workable approach to a problem that is truly of an emergency nature requiring expeditious action by the Congress.

I am pleased to have joining me in this effort the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER) and the distinguished Senators from New York (Mr. JAVITS and Mr. BUCKLEY).

Mr. President, we are all by now familiar with the widespread disaster which followed Tropical Storm Agnes on the eastern seaboard, and heavy flooding in South Dakota a short time earlier. Congress has already acted to provide substantial relief to private individuals and other affected sectors of the economy. Additional, comprehensive flood relief legislation has been proposed by the administration and is now before committees in both Houses of Congress. Yet the success of these programs will depend ultimately on the ability of the railroads to provide a vital transportation link for goods and services. Total recovery from widespread flood devastation will be possible only when—and if—full railroad service is restored.

Unfortunately, the railroads hardest hit included five major carriers already in bankruptcy receivership, others that are on the verge of imminent financial collapse, and numerous short line carriers which are also in poor financial condition. These railroads simply do not have the funds which are needed for replacements and repairs to restore essential rail services; nor, is there any existing Federal program under which assistance to these railroads to meet this unexpected—and unpreventable—emergency situation can be extended.

The gravity of this problem is underscored by the two-fold nature of the dilemma which these railroads now face: on the one hand, railroads are unable to provide full revenue service because of losses of track, rolling stock, and other related operating facilities; on the other, major industries which normally provide customer revenues to the railroads are themselves shut down, some perhaps permanently.

The overall economic picture is further complicated by the fact that a number of industries, not directly affected by the flooding themselves, have nevertheless had to suspend or curtail production because of interrupted rail services. Losses of payroll and tax revenues—although difficult to estimate—may well run into millions of dollars, adding greatly to the burden already suffered as the result of property destruction.

To alleviate this situation, my bill authorize the Secretary of Transportation to grant up to $40 million in long-term Federal loans when he determines such loans are necesary to insure the provision of essential rail services. Railroads in section 77 bankruptcy reorganization, or those which have experienced a deficit net income for either of the last 2 calendar years, would be eligible to make application.

Security requirements, if any, conditions of repayment and other related details would be left to negotiation between the Secretary and the railroads, depending on the circumstances which the Secretary finds applicable in each individual case. No outright grants, however, would be authorized; nor could the Secretary make any loan unless assured that the railroad in question would act "without undue delay" to complete needed repairs or replacements.

Mr. President, I know that administration witnesses and representatives of the railroads are anxious to testify in order to present full data justifying this proposal. It is my hope that hearings can be scheduled promptly; this week if at all possible.

In my opinion, the title of this bill—the "Emergency Rail Facilities Restoration Act"—speaks for itself. I repeat my strong belief that this is indeed an emergency situation which requires action by the Congress on an emergency basis. I urge consideration in that light.

Mr. President, I ask that the full text of the "Emergency Rail Facilities Restoration Act" be printed at this point in the RECORD:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Rail Facilities Restoration Act".

SEC. 2. For the purpose of this Act—

(1) "Secretary" means the Secretary of Transportation.

(2) "Railroad" means any common carrier by railroad subject to part I of the Interstate Commerce Act (49 U.S.C. 1–27).

SEC. 3. The Secretary is authorized to make loans, upon such terms and conditions as he deems appropriate, in an aggregate amount not to exceed $40,000,000 to railroads undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), and to railroads which have reported to the Interstate Commerce Commission on the Railroad Annual Report Form A a deficit net income for either of the last two calendar years for the purpose of restoring or replacing railroad facilities, equipment, or services which are determined to be essential to public service (including, without limitation, bridges, track, track structures, signal and communication systems, and rolling stock) damaged or destroyed as a result of the natural disasters which occurred during the month of June 1972. There are authorized to be appropriated to the Secretary, to remain available through June 30, 1975, such sums as are necessary to carry out the purposes of this Act.

SEC. 4. Loans shall be made upon application of a railroad in such form and substance as the Secretary shall prescribe and upon satisfactory proof of the costs incurred or to be incurred in the restoration or replacement of essential railroad facilities, equipment or services. No loan application shall be approved under this Act after six months have elapsed from its date of enactment and unless the Secretary receives satisfactory assurances that the restoration or replacement to be accomplished with funds made available under the loan shall be completed without undue delay.

SEC. 5. Any loan made under this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of 10 to 12 years reduced by not to exceed two percentum per annum. In no event shall any loan made under this Act bear interest at a rate in excess of six percentum per annum.

SEC. 6. Whenever he determines it necessary to ensure the provision of essential transportation services of a railroad, the Secretary may in his discretion provide in the terms and conditions of a loan under this Act for—

(1) deferral of the payment of principal and interest on the loan for a period not to exceed ten years from the date the loan is made;

(2) such security, if any, for the loan as he deems to be appropriate; and

(3) notwithstanding section 3466 of the Revised Statutes (31 U.S.C. 191) or any other law, any priority or subordination of the interest of the United States he deems to be appropriate in relation to the claims of any other creditors of the railroad or its trustees, except that the Secretary may not accept a position lower than that of a pre-bankruptcy unsecured creditor of the railroad.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2161

At the request of Mr. HARTKE, the Senator from New Jersey (Mr. CASE), the Senator from Vermont (Mr. STAFFORD), the Senator from Ohio (Mr. SAXBE), the Senator from Wyoming (Mr. HANSEN), and the Senator from Georgia (Mr. TALMADGE) were added as cosponsors of S. 2161, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2837

At the request of Mr. Pell, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2837, the Museum Services Act.

S. 2909

At the request of Mr. HARTKE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2909, the National Blood Bank Act.

S. 3083

At the request of Mr. HARTKE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3083, a bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods.

S. 3472

At the request of Mr. ANDERSON, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 3472, a bill to authorize Federal cost sharing in promoting public safety through elimination of hazardous open canals by converting them to closed conduits or by fencing.

S. 3614

At the request of Mr. WILLIAMS, the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. CRANSTON), the Senator from Illinois (Mr. PERCY), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 3614, the Education for All Handicapped Children Act.

S. 3659

At the request of Mr. WILLIAMS, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Montana (Mr. MANSFIELD) were added as cosponsors of S. 3659, a bill to establish a commission to develop a plan leading to the conquest of multiple sclerosis.

S. 3758

At the request of Mr. NELSON, the Senator from North Carolina (Mr. ERVIN), the Senator from New York (Mr. JAVITS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3758, a bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails.

S. 3802

At the request of Mr. HOLLINGS, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 3802, to promote commerce and establish a Council on Energy Policy in the Executive Office of the President, and for other purposes.

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from Virginia (Mr. SPONG) was added as a cosponsor of Senate Joint Resolution 228, to pay tribute to law-enforcement officers of our country on Law Day, May 1, 1973.

SENATE JOINT RESOLUTION 243

At the request of Mr. MATHIAS, the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Ohio (Mr. SAXBE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Senate Joint Resolution 243, providing U.S. support for the United Nations Office of Disaster Relief Coordination.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from California (Mr. TUNNEY) was added as a cosponsor of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—AMENDMENTS

AMENDMENT NO. 1336

(Ordered to be printed and to lie on the table.)

Mr. SAXBE submitted an amendment intended to be proposed by him to the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component of the Armed and for other purposes.

AMENDMENT NO. 1337

(Ordered to be printed and to lie on the table.)

WAR DISCLOSURE AMENDMENT

Mr. HUGHES. Mr. President, several weeks ago I introduced as a separate bill S. 3729, the Air War Disclosure Act. Since the pending defense authorization bill deals directly with the subject matter of this legislation. I believe that now is an appropriate time to consider what information about our military activities should be made available to the American people. Therefore, I am offering the substance of that bill as an amendment.

Now that the major U.S. military activity in Indochina is an air war, I believe that the American people deserve to be fully informed as to its nature and extent. Instead of incomplete dribbles of data, they need regular reports.

The old yardstick of U.S. troop strength in Vietnam is no longer meaningful, for there are now nearly twice as many Americans fighting the war from outside Vietnam as from inside. The number of Americans launching attacks from offshore has been more than doubled since January; the number of Americans in Thailand has increased by 50 percent, including some units transferred directly from bases in Vietnam.

Nor is the weekly death toll any longer an appropriate measure of the severity of the air war, despite the fact that during the past 3 months one American has been killed each day, on the average, and one more American has been added to the list of those missing in action.

A better measure of the air war is that, during the same period, one American has been captured every 3 days. And the estimated cost of the planes and helicopters lost is $539 million.

These indicators are useful and already available, but I believe that we need a new, regular, and consistent yardstick in order to measure how much the war is escalating or, if we ever reverse the trend, how much it is winding down.

At the present time, the only unclassified information on the air war consists of monthly figures on U.S. air sorties inside South Vietnam. Monthly bomb tonnages for all of Indochina are available only after persistent calls to the Pentagon, rather than from periodic news releases.

These figures are hardly adequate. According to the recent "Staff Report on Vietnam," prepared for the Foreign Relations Committee, only 8 percent of U.S. air sorties are now flown in South Vietnam. In other words, the bulk of the air war—92 percent—is conducted within the shrouds of secrecy.

The American people do not know how often or how heavily we are bombing Laos, Cambodia, and North Vietnam. These sortie and tonnage figures are provided to the Armed Services Committee, but are labeled "secret." And despite the passage of time and the revelations of documents on the Vietnam war, we still have not been told the sortie and tonnage figures, by country, for the early years of this conflict.

I find it inconsistent and beyond explanation that the Defense Department can declassify the total sortie figures by country for 1970 and 1971 and yet refuse my requests to declassify the monthly and yearly figures for previous years. Yet that is what happened with another staff report for the Foreign Relations Committee, this one on Thailand, Laos, and Cambodia.

When I pointed out this inconsistency and repeated my request for declassification, Assistant Secretary Doolin wrote back:

> Unfortunately, there are no classified Department of Defense records of Southeast Asia tactical air sorties, other than those which were finally approved for publication in the Senate Foreign Relations Committee Report.

This was only the most recent exchange in a continuing effort I have made to get the facts about this war before the American people.

In hearings several months ago before the Armed Services Committee, I asked the Defense Department:

> Since enemy intelligence is assumed to know the level of bombing, what reason is there for continuing to keep these figures classified?

The official answer was:

> The enemy may be developing precise data concerning our air activity in sea through his own system. But public release of such information would tend only to fill the gaps and eliminate errors in the enemy's system and we do not believe it prudent to provide confirmation and validation to the enemy. This policy applies as well to after-the-fact discussions of specific numbers of aircraft, sortie rates in specific target areas, and other specific or air tactics. The disclosure of this detailed information would enable the enemy to confirm trends, patterns and capabilities and would greatly aid enemy air defense planners.

I find that answer difficult to accept, Mr. President. Information on years prior to 1972 certainly can have no bearing on "enemy air defense planners" now. And as for current data, I wonder if the daily announcements out of Saigon—such as "350 missions yesterday against targets in North Vietnam just above the DMZ" or "20 B–52 missions near Kontum"—might not be far more valuable to the other side than monthly figures for each country. The trouble with the daily figures is that they are not comprehensive or complete. Only monthly figures would provide the necessary yardstick without jeopardizing the men involved in these activities.

I would have preferred that this matter of declassification be settled without resort to legislation. But after weeks of letters, questions, and phone calls from my staff, the Defense Department remains unmoved.

No issue of executive privilege is involved here, since the information in question is already furnished to the Congress. But until we strip away the "secret" label, we cannot discuss the signifiance of the figures and what they reveal.

Both the Congress and the people need to know by how much the war is escalating or winding down. Monthly figures are necessary if we are to measure, for example, this year's response to the dry season offensive compared with previous years. The figures are also useful if we are to check the level of bombing along the trails against the level of infiltration. Breakdowns by country are necessary if we are to judge whether existing legislative restrictions on U.S. involvement and commitments are being observed.

What I propose, Mr. President, is an amendment declaring that certain information now given the Congress is unnecessarily classified and that public disclosure would not be harmful to the national defense or foreign relations of the United States. This measure would then direct the President to remove the security classification from this information back through 1965 and to begin regular monthly disclosure of the number of aerial combat sorties conducted by U.S. aircraft against targets in North Vietnam, South Vietnam, Laos, Cambodia, and Thailand as well as the tonnage of munitions expended in each country.

I include Thailand, Mr. President, so that we will not be guilty of an oversight—or kept in the dark about a new war, if the current insurgency in that nation should ever prompt combat air involvement by American forces.

In order to provide a timelag necessary to insure that no tactical benefit will accrue to our opponents, the law would provide that figures need not be released until 10 days following the end of each month.

I recognize, Mr. President, that the figures which would be required under this amendment would not tell us all we really want to know. They would not tell us whether some of the strikes are unauthorized, nor whether dams and dikes are actually being bombed, nor whether the targets struck are military rather than civilian.

But if we are to have a yardstick by which to measure this war, these figures must be open to public scrutiny and debate. Instead of partial leaks or unauthorized disclosures of such classified information, I believe that the Congress can legislate a determination that public disclosure of these facts is not harmful to—and on the contrary is necessary for—the American national interest.

AMENDMENT NO. 1338

(Ordered to be printed and to lie on the table.)

Mr. BEALL submitted an amendment intended to be proposed by him to the bill (H.R. 15495), supra.

AUTHORIZATIONS FOR CERTAIN MARITIME PROGRAMS—AMENDMENT

AMENDMENT NO. 1339

(Ordered to be printed and to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill (H.R. 13324) to authorize appropriations for fiscal year 1973 for certain maritime programs of the Department of Commerce.

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE—AMENDMENTS

AMENDMENT NO. 1340

(Ordered to be printed and to lie on the table.)

Mr. STEVENS (for himself and Mr. MAGNUSON) submitted an amendment intended to be proposed by them jointly to the bill (S. 945) to require no-fault motor vehicle insurance as a condition precedent to operating a motor vehicle on streets, roads, and highways or other lands open to automobile use by the public in order to promote and regulate interstate commerce.

AMENDMENTS NOS. 1341, 1342, AND 1343

(Ordered to be printed and to lie on the table.)

Mr. STEVENS submitted three amendments intended to be proposed by him to the bill (S. 945), supra.

MARINE MAMMAL PROTECTION ACT—AMENDMENTS

AMENDMENT NO. 1344

(Ordered to be printed and to lie on the table.)

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

AMENDMENT NO. 1345

(Ordered to be printed and to lie on the table.)

Mr. HARRIS (for himself, Mr. WILLIAMS, Mr. BAYH, Mr. CASE, Mr. CHURCH, Mr. CRANSTON, Mr. HUGHES, Mr. MCINTYRE, Mr. NELSON, Mr. PERCY, Mr. RIBICOFF, Mr. STAFFORD, Mr. STEVENSON, and Mr. TAFT) submitted an amendment intended to be proposed by them jointly to the bill (S. 2871), supra.

HIGHWAY EMERGENCY RELIEF—AMENDMENT

AMENDMENT NO. 1346

(Ordered to be printed and to lie on the table.)

MINNESOTA DISASTER RELIEF

Mr. MONDALE. Mr. President, 1972 has been a painful year of natural disasters throughout the Nation. Just this weekend a second round of disastrous flooding hit my home State of Minnesota.

Last Friday night more than 12 inches of rain fell across central Minnesota, causing devastating floods in 10 counties. Rivers overflowed their banks destroying bridges and roads. Ditches and dry washes suddenly became turbulent rivers flooding homes, farms, and fields. Damage estimates are indefinite at this point. Early estimates, however, are that damage to public roads and other facilities runs into millions of dollars in each of the devastated counties. And at this moment, several communities are without roads, sewer and water facilities.

This latest tragedy is particularly heartbreaking in view of the massive flooding which struck farmers in 23 Minnesota counties earlier this spring and summer. For 8 weeks these counties experienced floods comparable to the storm last month here in Washington. But because those farmlands are flat, no dramatic flash floods occurred. The water just saturated the soil and flooded the fields.

Farmers could not work their land. Some planted the crops; the crops drowned out. Many farmers never did get their crops completely planted. What got planted was very late and will bring only a fraction of the yield needed to make a profit. Those farmers need assistance desperately. Without emergency assistance many farm families will be forced to sell out. Others will go bankrupt. Small communities and businesses will suffer greatly.

Today Senator HUMPHREY and I have joined in requesting that President Nixon declare the 10-country area most recently stricken a major disaster area. Such a declaration would render these counties eligible for immediate aid, and for broader relief under legislation now pending before the Congress. We earlier joined in a similar request with respect to the 23 counties stricken last month.

We have asked the President to join those of us under the leadership of Senator HUMPHREY and Senator MCINTYRE, who are working to expand the administration's request for aid to victims of Hurricane Agnes, in order to cover all those devastated by major national disasters.

And we are joining to submit an amendment adding $25 million to S. 3796, which will provide emergency highway relief to disaster victims. Although precise damage estimates are not yet available, we wish to assure that adequate funds will be available, on the basis of need, to meet the needs of Minnesota's recent disasters, as well as those of other areas.

Mr. President, I respectfully request that the text of the letter from Senator HUMPHREY and myself to the President, together with the text of our amendment, may be printed at the conclusion of my remarks.

There being no objection, the letter and amendment were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 24, 1972.

Hon. RICHARD M. NIXON,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: On Friday, July 21, 1972 a tremendous rain storm swept across central Minnesota bringing about floods and severe devastation in at least 10 counties. Roads and bridges have been washed out; farms and homes flooded. Many villages and cities are stranded.

We respectfully urge you to promptly declare that area a major disaster and bring to bear every available means of Federal Assistance for speedy recovery to normal. And we respectfully urge you to support expansion of your emergency flood relief request to include not only victims of Hurricane Agnes, but all areas in this country which suffered natural disasters.

Both because of the great needs of victims of recent natural disasters, and because the Congress is currently considering legislation to meet these needs, we would deeply appreciate your prompt action on this matter.

We deeply appreciate your consideration.

Sincerely,

WALTER F. MONDALE.
HUBERT H. HUMPHREY.

AMENDMENT No. 1346

On page 1, line 7, strike out "$200,000,000" and insert in lieu thereof "$225,000,000".

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1302

At the request of Mr. ROBERT C. BYRD (for Mr. HART) the Senator from Wisconsin (Mr. NELSON), the Senator from Indiana (Mr. BAYH), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of amendment No. 1302 intended to be proposed to the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

NOTICE OF HEARINGS ON CRIME AND LACK OF SECURITY IN HOUSING FOR THE ELDERLY

Mr. WILLIAMS. Mr. President, as Chairman of the Subcommittee on Housing for the Elderly, I would like to announce that the subcommittee will hold hearings on July 31, August 1, and August 2, 1972, on crime and lack of security in housing projects with elderly tenants.

The hearings will be held in room 4232 of the New Senate Office Building, beginning at 10 a.m.

Initial hearings on this subject were held here in October of last year as part of the continuing series on "Adequacy of Federal Response to Housing Needs of Older Americans." The seriousness of the crisis that many elderly face on a daily basis has convinced me that this inquiry must be continued. In far too many housing projects, elderly tenants are the No. 1 target for criminal attack and theft. Not only are many elderly afraid to leave their apartments, but in some cases they feel no safety even behind locked doors.

Persons wishing to submit statements for the record should write to the Senate Committee on Aging, room G–233, New Senate Office Building.

NOTICE OF HEARINGS ON U.S. MAGISTRATE SYSTEM

Mr. BURDICK. Mr. President, I wish to announce that open public hearings have been scheduled before the Subcommittee on Improvements in Judicial Machinery relating to the operation of the U.S. magistrate system, including an amendment to the statutory ceiling on magistrates' salaries as proposed by H.R. 7375.

The magistrates system was enacted by the 90th Congress as Public Law 90–578 and contemplated the establishment of as many full-time magistrate positions as was feasible and desirable. Implementation of the act by the administrative office of the U.S. courts and the Judicial Conference has resulted in the appointment of 528 magistrates, only 16 percent of which are full-time positions. H.R. 7375, which will be considered at these hearings, would increase the maximum salary for a full-time magistrate from $22,500 to $30,000 in order to bring this office in line with comparable offices which have statutory maximum salaries of $30,000 to $36,000.

Hearings will be held on August 3, 1972, in room 1114 and on August 10, 1972, in room 2228; both hearings are in the New Senate Office Building and will commence at 10 a.m. each day.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the subcommittee staff, 6306 New Senate Office Building, extension 5-3618.

ANNOUNCEMENT OF CHANGE IN DATE OF HEARINGS ON THE RED-TAPE BURDEN

Mr. McINTYRE. Mr. President, I wish to announce a new hearing date of Wednesday, August 2, 1972, at 10 a.m. in room 318 of the Old Senate Office Building, for a continuation of hearings of the Subcommittee on Government Regulation of the Senate Select Committee on Small Business into the Federal paperwork burden.

The witness at this session will be Mr. Paul F. Krueger, Deputy Chief, Statistical Policy Division, Office of Management and Budget, as previously scheduled.

Further information may be obtained by calling the subcommittee staff on 225-5175.

ADDITIONAL STATEMENTS

AN INCREDIBLE STATEMENT

Mr. SCOTT. Mr. President, the Daily Review of Clifton Forge, Va., on July 11, 1972, published an editorial entitled "A Menace." The editorial refers to what it terms as an "incredible statement" attributed to the Senator from South Dakota, Mr. McGOVERN. The statement was made in a news interview with a reporter from Life magazine. The statement is what I call shocking. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A MENACE

With Senator George McGovern's victory last night in getting the 151 California delegates back in his camp, a win Wednesday night during the Democratic National Convention looks almost certain.

An incredible statement by the South Dakota Senator appears in the latest edition of Life magazine, which makes us wonder, even more, about his candidacy.

"When J. Edgar Hoover died everyone went into long eulogies. I couldn't bring myself to do that. I don't welcome anybody's death, but Hoover had lived beyond the normal years so I couldn't feel the pathos I would for a young man.

"I could feel nothing but relief that he was no longer a public servant. I thought he had become a menace to justice."

We wonder in what way was this man a menace?

Because he built and maintained the world's best and most efficient crime fighting force? Because he vigorously protected the security of the United States? Why?

We think that maybe the Senator is a menace to our American way of life.

THE RESOLUTIONS OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. ALLEN. Mr. President, in Indianapolis, Ind., a few weeks ago at the 82d annual Congress of the Sons of the American Revolution, 12 resolutions were adopted by the unanimous vote of the members present.

The positions taken and the principles endorsed by the members of the National Society of the Sons of the American Revolution will, I am sure, be of great interest to the Members of the U.S. Senate and to citizens throughout the entire country.

I therefore ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS

The National Society of the Sons of the American Revolution, at its 82nd Annual Congress, assembled June 11th through June 14th, 1972, at the Indianapolis Hilton, Indiana, adopted by unanimous vote, the following resolutions:

RESOLUTION NO. 1

Whereas, President Richard M. Nixon's policy regarding the war in Vietnam is to continue to seek to negotiate a just and honorable settlement and a return of American prisoners held by the Communist forces, but not to participate in a surrender of the freedom of the millions of South Vietnamese citizens nor in a surrender of the honor of our nation;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled hereby affirms its support of these policies as stated by The President of the United States and urges that he take all necessary and responsible action to effect an end to the conflict, a prompt return of American prisoners held by the Communists and the reasonable assurance of the freedom of the South Vietnamese people whom we have befriended from future political and military aggressions.

RESOLUTION NO. 2

Whereas, the National Society, Sons of the American Revolution has noted a rapid rise in public proposals that the United States should grant amnesty to those young men who have fled their country to avoid military service and those who have deserted from military service, and

Whereas, we believe those young men who have fled or deserted have refused to fulfill one of the most essential duties of citizenship and that it would be a violation of faith with those hundreds of thousands of brave men who have honorably served their country, those who are prisoners of war and those who have given their lives, the ultimate sacrifice;

Therefore be it resolved, that we express our strong opposition to such action; that we call upon our Senators and Representatives in the Congress and the President of the United States to resist the pressures being mounted for amnesty; and that the appropriate authorities prosecute those offenders swiftly and fully when and if they are apprehended.

RESOLUTION NO. 3

Whereas, truth constitutes the greatest weapon against communist falsehoods; and

Whereas, "Radio Free Europe" and similar agencies have done a commendable task, on a relatively modest budget, in penetrating the Iron Curtain and presenting essential and truthful news, thereby bringing a ray of hope and comfort to the enslaved masses laboring under the communist yoke;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution favors these programs and urges that they be continued.

RESOLUTION NO. 4

Whereas, many citizens are expressing concern for the moral decay, the spiritual dearth and the rise of destructive revolutionaries who are seeking to destroy the American way of life and undermine the principles of our Constitutional Republic; and

Whereas, every endeavor to make the fibre of our country stronger has little hope of success unless our citizens are inculcated with the need to observe the principles of love of country and our countrymen, justice and service; and

Whereas, the Chaplain General of the National Society in his report to this Congress has urged a National spiritual effort on the part of all Compatriots of the Society;

Now, therefore be it resolved that the National Society, Sons of the American Revolution at its 82nd Annual Congress assembled endorse the recommendation of the Chaplain General in said report and urgently ask all Chaplains of the State Societies and local Chapters of the Sons of the American Revolution and all Compatriots everywhere, to give earnest and active encouragement to all programs of the Society for a deepening of the spiritual motivations of our people.

RESOLUTION NO. 5

Whereas, for many years, certain agencies of the Judiciary and Executive Branches of the Federal Government have directed various local school districts to adopt courses of action which have encroached upon parental and local authority governing neighborhood schools; and

Whereas, such encroachment threatens to destroy our public schools and places in jeopardy the traditional control of Public Education by the States;

Now, therefore be it resolved that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled, urges the United States Congress to propose and the States to adopt a constitutional amendment which would assure the preservation of our neighborhood schools and promote the provision of a quality education to all children, and prohibiting any form of compulsory busing of students to achieve racial balance.

RESOLUTION NO. 6

Whereas, one of the most revered men in the United States, President Abraham Lincoln, directed that the song "Dixie" be played at events celebrating the end of the War Between the States; and

Whereas, "Dixie" is a most important part of Americana, and should be recognized as such by all patriotic citizens; and

Whereas, respect for America and its old and respected institutions and traditions, including the music which makes up a part of her history, should be displayed by all patriotic citizens;

Now, therefore be it resolved that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled endorses the right of all free citizens to freely play and sing the song "Dixie" and other music forming a part of our American heritage, and urges all civil authorities to preserve this right as one of those fundamental freedoms which are so dear to the hearts of true Americans.

RESOLUTION NO. 7

Whereas, the California Society, Sons of the American Revolution has taken appropriate action to support the establishment of the Patton family home in the City of San Marino, California as a memorial to the late General George S. Patton, Jr.;

Now, therefore be it resolved by the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled that it endorses the action of the aforesaid California Society and urges the establishment and maintenance of the Patton Home in San Marino, California as a permanent memorial to the memory of General Patton.

RESOLUTION NO. 8

Whereas, the National Society, Sons of the American Revolution and the Indiana Society, Sons of the American Revolution lost a steadfast and valiant compatriot upon the passing of Compatriot James Arthur DeWeerd, D.D.; and

Whereas, upon the occasion of the 82nd Annual Congress being convened in his beloved State of Indiana, it is deemed fitting that a special tribute to our late Compatriot DeWeerd be adopted by this Congress;

Now, therefore be it resolved by the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled, that we express our deepest regret upon the passing of Compatriot James Arthur DeWeerd, we extend our sincere sympathy to his family and many friends; and we express our deep gratitude for all of the dedicated service he gave during his lifetime to the Society and to the preservation of the principles upon which our Republic was founded.

RESOLUTION NO. 9

Whereas, the National Society, Sons of the American Revolution has learned with deep regret of the recent death of F.B.I. Director J. Edgar Hoover; and

Whereas, the 81st Annual Congress by its Resolution #7 has strongly approved Mr. Hoover's policies, leadership and dedication to law and order; and

Whereas, Mr. Hoover was the first recipient of the National Society's Law Enforcement Commendation Medal being presented to him by the then President General, Walter Sterling;

Now, therefore be it resolved by the National Society of the Sons of the American Revolution at its 82nd Annual Congress assembled that we express our deepest regret upon the passing of Mr. J. Edgar Hoover and extend our sincere sympathy to his family and many friends and we express our deep gratitude to the dedicated service he gave during his lifetime to the people of the United States of America and to the preservation of the principles upon which our Republic was founded.

RESOLUTION NO. 10

Whereas, the United Nations General Assembly has expelled loyal member of the U.N. the Nationalist Republic of China, and

Whereas, this action by the U.N. violated the principles of its own Charter, and

Whereas, Nationalist China was a peaceful, dues paying member of the U.N. and a friend of the United States, and

Whereas, the U.N. has admitted Communist China, a government which has slaughtered millions of its own people, and has imposed a constant reign of oppression and slavery, and

Whereas, Communist China, having been given a seat on the Security Council, can now veto any action by the U.N. thereby making it totally impotent as a force for peace, and

Whereas, many of the United Nations proponents seek to grant a total Power of Attorney over the internal affairs of its members which would thereby deprive the United States of its Sovereign Powers and make it subservient to the will of multitudinous, foreign countries, and

Whereas, competent testimony shows that certain foreign nations are using their membership in the U.N. to bring in spies and subversion to attack the United States internally;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution again goes on record as opposing continuation of our membership in the United Nations.

RESOLUTION NO. 11

Whereas, it has been the policy of the National Society of the Sons of the American Revolution to re-affirm and re-adopt all previous Resolutions;

Now, therefore be it resolved, that the National Society does re-adopt and re-affirm all previous resolutions where applicable.

RESOLUTION NO. 12

Whereas, the 82nd Annual Congress of the National Society of the Sons of the American Revolution has been successful in every respect; and

Whereas, our appreciation should be extended to the individuals and groups that contributed to the success of this Congress;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution hereby expresses its grateful appreciation to President General Eugene C. McGuire and to his charming and devoted wife, Paula, for the faithful performance by him of the arduous duties of his high office and the gracious giving of their talents to his outstanding administration; and

Be it further resolved: that our appreciation be given to our Executive Secretary, Warren S. Woodward, and his lovely wife, Gisela, for their vital role in the arrangements for, and execution of, the Congress, and

Be it further resolved: that our grateful appreciation and thanks be extended to:

Compatriot Marshall E. Miller, Chairman of the Indiana Society Congress Arrangements Committee, and his attractive wife, Marilyn, and Compatriot Jack K. Carmichael, President of the Indiana Society and Co-Chairman of the Indiana Society Congress Arrangements Committee, and members of the Indiana Society Congress Arrangements Committee, and members of the Indiana Society and their ladies who assisted them, and in particular, Compatriot and Mrs. Cyril L. Johnson, Compatriot and Mrs. Albert T. Morris, Walter C. Bridgewater, Troy G. Thurston, Lowell C. Reed, Adam Riggin and Estel L. Allen;

The Honorable Edgar D. Whitcomb, Governor of the State of Indiana and The Honorable Richard G. Lugar, Mayor of the City of Indianapolis and The Honorable John W. Walls, Senior Assistant Mayor of the City of Indianapolis for their well-received greetings and remarks to this Annual Congress;

Compatriot Fred J. Milligen, Speaker at the Monday luncheon;

Mr. M. Stanton Evans, Speaker at the Tuesday evening banquet;

Colonel (and Compatriot) Charles M. Duke, Jr., USAF, the first member of the Sons of the American Revolution to walk on the Moon, and Speaker at the Wednesday evening banquet, and his lovely wife, Dottie, who charmed everyone;

Mrs. Donald Spicer, President General, National Society, Daughters of the American Revolution; Mrs. Roy D. Allen, Senior National President, National Society, Children of the American Revolution; Mr. Philip F. Horne, National President, Children of the American Revolution; and to Mrs. Floyd H. Grigsby, State Regent, Indiana Society, Daughters of the American Revolution, for their attendance at and greetings to this 82nd Annual Congress;

Past President General Charles A. Anderson, M.D., for arranging the display of Compatriot S. Hubbard Scott's collection of historical, State and Territorial flags belonging to the Ohio Society, Sons of the American Revolution;

The Staff of the Indianapolis Hilton for their cooperation and assistance in connection with this 82nd Annual Congress of the Society.

Be it further resolved: That the National Society, Sons of the American Revolution, in its 82nd Annual Congress assembled, hereby expresses its sincere appreciation to all the many others whose efforts contributed to the success of this Congress.

THE HAUSKNECHT-SHIELDS CLINIC TO AID DRUG ADDICTS

Mr. BUCKLEY. Mr. President, one of the unique attributes of our country is the extraordinary range of public good which is accomplished by private citizens acting in a purely voluntary capacity. The great majority of our most innovative and effective programs in the social area are financed and organized not by government, but by individuals motivated by a deep desire to help others less fortunate than they.

Last week I came across a particularly striking example of this application of private generosity and private concern to one of the most urgent of our domestic problems—drug addiction. It involves the establishment of a methadone clinic which has as its ultimate objective the weaning of addicts from dependence on methadone as well as on heroin.

The Hausknecht-Shields clinic is the result of a fortuitous meeting between a very dedicated physician, Dr. Allan Hausknecht, and a very generous businessman, Mr. Abe Margolies. The story is told in an article published last Friday in the New York Post. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Post, July 21, 1972]

METHADONE: THE NEW BREED OF CLINIC

(By Robert Garrett)

When a doctor and a jeweler sat for dinner together more than 18 months ago, neither knew their casual conversation about drug addiction would result in one of the city's best methadone maintenance clinics.

But by early the next morning, Dr. Allan Hausknecht had convinced Abe Margolies, a jeweler with factories here and in the Caribbean, that city and state methadone programs—although "helpful" in stopping "heroin addiction and its accompanying crime—could be improved.

Said Margolies to his doctor-neighbor: "If you believe you can do it right, I'll help you."

DIDN'T COME CHEAP

Dr. Hausknecht and a colleague at the Bronx State Hospital methadone program searched for a vacant building and soon found an old mansion at 15 W. 190th St., near Bronx Community College. They warned the jeweler it would be expensive.

But Margolies bought the property for $100,000, spent another $30,000 to "put it together," and asked the doctor to hire a staff.

"I was paying $3000 a week before we had our first patient," the jeweler said a few days ago. "But I wanted to prove it could be done, without government money, at a price the patient could afford."

The clinic, now more than a year old, boasts a staff of 54, with 800 methadone patients.

And the staff is proud that the operation is now self-supporting and that enough money has come from patients to open a second clinic in Manhattan, at 301 W. 37th St.

But patients pay only according to their ability; the cost averages $15 weekly, substantially less than most private ventures in methadone maintenance.

Included in the weekly fee for the synthetic drug, which eliminates a craving for heroin in many addicts and permits them to function nearly normally in society, is a required, extensive therapy program. This, too, is unusual among most private methadone programs, which are often described as "legal drug pushers." Methadone, while aiding heroin addicts, is itself addictive.

The reasons for the apparent success of the Hausknecht-Shields clinic are difficult to pinpoint, even among top staff members. The clinic claims a 97 per cent success rate, compared to just under 80 per cent among most government clinics.

"NO WAITING"

Paul Kordas, a psychiatrist with 20 years experience in group therapy, says his coworkers are "simply concerned with the rehabilitation" of the addicts. "We don't just give out pills," he said. Karen Hess, responsible for organizing education programs for the patients, said, "It's the staff, a very dedicated staff."

"In a city program," Miss Hess added, "I could earn $50 a week more. But I don't ever want to work in a bureaucratic office."

Robert Fagan, a former addict and now counselor at the clinic, pointed to several fans still crated in the corner of his office.

"We bought those this morning . . . We just walked into a store and bought them, with no requisitions, no waiting. If we were affiliated with the city or state, who knows when we would have received them.

"And that's just the fans," he said. "We work with people, trying to get them jobs, helping them relate to their families, their schools. If something comes up, we don't have to go through red tape."

Probation officer Gerald Aptaker, who has 20 cases in the clinic's program, agrees red tape is minimal, and added that the clinic stood alone, among three he regularly visited, in producing no probation violators. "I see that this program works, and I feel a part of it," he said.

"WE CAN MATCH THEM"

Although both city and state methadone program officials are enthusiastic in private about the Bronx clinic, they prefer not to praise it "too highly" in public. As one city program director said, "If a private group can do so well, there should be no reason we can't match them. They're right, though, our program is too bureaucratic."

One city Health Services Administration official, while warning that "the clinic is still pretty new, so we'll have to keep a close watch on it," said he "had not heard one bad thing" about the Hausknecht operation since it opened, "even though the private clinics come up in conversation" at HSA "quite often."

Among the clinic's procedures, the orange juice in which methadone is dissolved is dyed an unappetizing green to discourage potential illicit street buyers, should a patient somehow sneak a quantity of the drug out of the building.

And if any doubt exists about the results of twice-weekly urine samples, which would show a continuing heroin use, a clinic worker acompanies the suspected patient into the sample room to assure the urine is freshly provided.

PARENTS HELPED, TOO

The clinic has established counseling sessions for the parents of addicts, people usually ignored by government programs. Also, the clinic runs electroencephelograms when patients begin treatment, and again months later, to determine whether brain wave patterns have altered under methadone maintenance.

The clinic's goal, according to Dr. Hausknecht, is to eliminate dependence even on methadone. Its first patient to totally detoxify, 40-year-old Howard Jackson, had been hooked on heroin for 16 years, somehow managing to continue his printing business.

"In this program," Jackson said, "methadone is just a small part of rehabilitation." He criticized other programs for "just dispensing methadone and nothing else." Before being weaned of drugs two months ago, he was hired as a clinic counselor and given 12 of the "most unresponsive patients" to work with.

After successfully "altering the thinking patterns" of several of the "dirty dozen," as they were called, he was put in charge of the clinic's methadone detoxification program.

"THE BEST AROUND"

Several other patients, following a recent group therapy session, said the Hausknecht-Shields clinic was "the best around, the only one where the people care what happens to us." Many had been in the program since its beginning, or had stopped taking methadone at other facilities "because they weren't doing anything for my problems."

Peculiar to the clinic is the absence of a waiting list. Dr. Hausknecht said his staff could handle "up to 2000" patients at their Bronx and Manhattan locations. But "professional ethics" prevent him from advertising

Because it is private, "just like a doctor's office, only larger," few government agencies refer addicts to the clinic. At a time when heroin addiction touches an estimated 150,000 New Yorkers or more, Dr. Hausknecht hopes others will follow the lead of Abe Margolies, the jeweler, and finance similar clinics throughout the nation.

GEN. W. C. WESTMORELAND

Mr. SYMINGTON. Mr. President, recently it was my privilege to attend the retirement of Gen. W. C. Westmoreland, Army Chief of Staff.

His short talk at that time was one of the finest addresses of its kind it has ever been my privilege to hear.

Those of us who know the problems he faced, his character, courage, and unflinching loyalty to his superiors, were saddened to view the departure from active duty of this superb soldier and outstanding American.

May he and his gracious and lovely wife have many happy and rewarding times in the years to come.

I ask unanimous consent to have printed in the RECORD the inspiring words of General Westmoreland on the day of his retirement.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY GEN. W. C. WESTMORELAND

Secretary Laird, Secretary Froehlke, Distinguished Guests, Friends, Fellow Soldiers.

I appreciate the courtesy and the distinction accorded me today. By your presence, I am reminded of the responsibility and trust which have been reposed in me, of old friendships which have warmed and sustained me, and the comradeship in arms which I have shared with American soldiers for more than thirty-six years.

Most especially, the ladies who are present remind me once again of the very great debt I owe to my own Army wife for her abiding support, grace, and inspiration. This last parade is at once a moment of recollection, gratitude, renewed faith, and pride—

And pride in an Army that has defended our country and met our commitments with dedication and selflessness,

And pride in an Army that has played a significant role in building our country and in meeting the needs of our society,

And pride in an Army that has given total loyalty to the leadership of our country and to the people it supports.

As I bid farewell, I say to the American soldier who stands tall today around the world: The country you serve is the greatest on earth—whatever its present problems and whatever its present torments. The ideals of our great land—its history and its leadership today—remain the guiding light and standard for mankind.

Be proud of your service to your country. You are soldiers in the service of a democracy.

Stay knowledgeable, for knowledge is power.

Stay strong, for strength is peace.

Stay firm in devotion to duty, for the people of our country need you.

Stay obedient—always—in spirit, mind, and purpose to the authority that commands you in this democracy.

The professionalism and service you demonstrate is our country's best weapons system—and in the final analysis, it is our Nation's true security.

As I look back on my life, I thank God for the opportunity that was given to me to be a soldier. If given that opportunity again, I would—with the same pride and with even greater humility—raise my hand—and take once again—the soldier's oath.

Goodbye and Godspeed.

UTAH CELEBRATES ARRIVAL OF PIONEERS IN SALT LAKE VALLEY

Mr. BENNETT. Mr. President, coming from a Mormon heritage, I am proud to recognize that today the State of Utah is celebrating the 125th anniversary of the arrival of the first group of Mormon pioneers into Salt Lake Valley. The journey was not an easy one. Driven from their homes, they crossed the banks of the Mississippi in the middle of February 1846, taking with them only the barest necessities. Led by Brigham Young, the people were organized into groups of 10, 50, and 100, for the westward journey. It was not easy to organize so many people and get the supplies, such as grain and farm equipment, which were necessary for a new life, and so it was decided to make the journey in two parts.

The pioneers camped at Winter Quarters, Nebr., for the winter. That was the hardest winter the hearty settlers had to endure. There was a shortage of food and scurvy broke out. The little medicine available was soon used up, and many died. Not one family escaped the sorrow that comes when a loved one dies. But uppermost in their minds was the desire to find a place where they could live in peace and harmony.

In the spring of 1847, a group of 147 left Winter Quarters. After much hardship, the group arrived at the Rocky Mountains, and, on July 20, Erastus Snow and Orsen Pratt were sent ahead to prepare for the others. On July 21, they arrived in the valley and that day planted 5 acres of potatoes. On July 23, the main group arrived at Big Mountain and looked out onto the Salt Lake Valley. Brigham Young saw the valley and said:

"This is the place. Drive on."

Entering the valley on July 24, the pioneers began the monumental task of building a home out of the desert. It would take years to fulfill the promise made by Brigham Young that the desert would blossom like a rose. But all that was in the future. The pioneers had finally found a home.

I take this opportunity to pay tribute to those pioneers and those that came after them, who had the courage to face the unknown and continue on when all seemed impossible. This is the type of courage that we need today.

GOLDEN ANNIVERSARY OF AHEPA

Mr. SAXBE. Mr. President. July 26, 1972, marks the golden anniversary of the Order of Ahepa. I would like to congratulate this fine society on its contributions to American life and recognize the day.

Under the leadership of such men as George Fotos, of Cincinnati; Nick Polites, of Columbus; Gust J. Herouvis, of Akron; and Angelo Kallipolitis, of Zanesville, this order functions for man's betterment on local, district, and national levels.

Let us all be grateful for their efforts to impress the honor and responsibility of being American citizens who wish to promote good fellowship and moral sense. The American Hellenic Educational Progressive Association emanates a comprehensive understanding of the attributes of Hellenism and Hellenic culture, but offers opportunities to participate in education, sports, civic affairs, and international relations.

Again, congratulations to this esteemed fraternity.

BIRMINGHAM, ALA., AND BIRMINGHAM, ENGLAND

Mr. ALLEN. Mr. President, through the years the people of Birmingham, Ala., and Birmingham, England, have built a strong bridge of understanding between their two cities, both of which are major steel and commercial centers.

In April of this year, John Whybrow, of Birmingham, England, visited Birmingham, Ala., and on June 10, 1972, the Birmingham, England, Post published a picture and word story of his visit, entitling it "The Other Birmingham." Mr. Whybrow gives his impression of the Alabama city, which has just reached its 100th year.

Mr. Whybrow viewed Birmingham, Ala., with the objective eye of an outsider, unmarred by clouds of publicity which so often deceive Americans in our understanding of one another. I find Mr. Whybrow's comments a positive approach to my home State's largest city, and I believe they will also be of interest to others. Therefore, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OTHER BIRMINGHAM

The truck driver next to me at the coffee bar asked: "What do you want to come here for?"

He was pleased—and curious. He could have understood a tourist going to, say, New York or Miami, but why Birmingham, Alabama?

I explained that I came in peace and that I was from Birmingham, near Stratford-upon-Avon, England. I gave further details. I had come, I said, to gather information on the origins and growth of Birmingham, Alabama, for a book I was editing. I was also hoping to finance my trip with pre-sales of the book.

His opinion of me took a sharp upwards turn. He approved of this motive. In America selling is as honourable as buying. From that moment we got along fine.

I had other reasons, too. These, however, I did not offer because they were disjointed even to myself. For example, my business had been founded the same year as his Birmingham. That is in 1871. And as regards Alabama and the other States of the South, Churchill had written of the closing stages of the 1861–1865 Civil War: "Nothing crumbled, no one deserted: all had to be overpowered, man by man, yard by yard." I wanted to meet these Southerners who had taken our name for their city. How could I fail to be interested in Birmingham, Alabama?

SEMIPARADISE

Alabama is bigger than England, 12,000 square miles bigger. Alabama's population is under four million, one million of which is in Jones Valley in the Midlands.

Jones Valley is seven miles wide, 70 miles long and 600 feet above sea level. In April, when I was there, the temperature was in the eighties. Birmingham rests in the valley. About 100 years ago, or a little earlier, there were deer and bears. It is still a semi-paradise.

From the ridge of the valley you can see the whole of Birmingham. There are some fine buildings. The population is above 300,000. Birmingham links with nearby towns and suburbs making a conurbation of almost a million souls. Trees camouflage the sprawl.

As an English visitor, goodwill towards me abounded. After a few days friends sprang up like mushrooms. Food, motel accommodations and services were excellent. TV and radio less so; be smart, save money was the all-too frequent advertising theme. By English standards I was spending money like water; I did not need this perpetual reminder that I was a fool.

Birmingham, Alabama—planned in 1871 before motor-cars were thought of—owes its existence to four factors: minerals, war, railways and private enterprise.

THE CHOSEN SITE

In the 1840s iron ore, and later coal and limestone were found in Jones Valley. These minerals were adjacent and abundant. By 1860 railroads to exploit this wealth had been surveyed. One track was to come down from Chattanooga in the north; and the other to ascend from Montgomery in the South. The junction would be in Jones Valley. Here, surely, must be the site of an industrial city?

In the Deep South slavery was a special institution and provided labour for the cotton plantations. Indeed "slavery had become so necessary that it had ceased to appear evil." The North thought otherwise.

Civil war broke out in 1861. Railroad plans were pigeon-holed. When the war ended in 1865, the North was victorious but heavily in debt. The South was crushed; but the spirit of independence—a sense of difference—still lingers.

By 1870 the construction of the railroads was resumed. A year later the junction crossing was pin-pointed and the surrounding area bought by a private corporation, the Elyton Land Company. Plots were advertised and auctioned.

It is difficult for us in crowded England to imagine a private company acquiring land to build a city. But however much self-interest prompted the speculation it was none the less inspired. Spaces were reserved for churches of all kinds, parks were planned, and the streets were to be a hundred feet wide.

Altogether there are 12 Birminghams. Nine are in the United States, one in Canada, and one (New Birmingham) in Eire. The other, the original, is in Warwickshire. The folk in Alabama considered it "the best workshop in all England" and so took our name for their own. I must add that this seems too calm a reason. Were there no personal links? I am still trying to discover them.

"The City to be built in the County of Jefferson, State of Alabama, shall be called BIRMINGHAM." Thus the land company decreed. By December 19, 1871, the newborn City received its charter. There were then about 1,000 inhabitants, mostly young, mostly ex-servicemen, determined to start life afresh and make their city go.

Forward it went. In 100 years it has become the industrial and medical capital of the South. In 1969, in comparison with the rest of Alabama, Birmingham was described as "an island of racial amity in a troubled sea of racial conflict."

In 1971, Birmingham was named an "All American City" because of racial and cultural progress.

Before my visit to Birmingham, Alabama, I had tried to do some homework. Not much material was available. I met only a discreet silence based on vague memories of distant riots. There was a generous amount of dull interest in my proposed trip.

WELCOME

Ald. Victor Turton, the then Lord Mayor, was different. He gave me encouragement and sent a letter of introduction to his counterpart, Mayor George G. Seibels, Jr. He was different, too. Back came his welcoming reply. I made my preparations with the help of Mr. T. G. Downes, the Lord Mayor's secretary.

I did not go to Birmingham, Alabama, on a civil rights fact-finding tour. I had neither the background nor training to make an authoritative appraisal. And I was only going there for five minutes, so to speak. But naturally I was involved. No man is an island. On the other hand it wasn't my business. I didn't find this contradiction a handicap. Over there they accepted me as I was, warts and all.

TURNING POINT

As late as 1930, convicts in Alabama worked in chains. In 1963 there were riots in Birmingham and people were killed at the time when integration was enforced. That was the turning point. Since 1963 the two communities, two-fifths black and the rest white, have lived in almost unbroken peace beneath the shield of a progressive city. More than that, they are working together for a better future. Mutual respect and trust is growing. Certainly that is the official line. Do I believe it? Yes.

I went on no conducted tours. My visit wasn't like that. As a private individual I spoke to anybody I pleased. By chance I talked to a Reserve Deputy Sheriff, a volunteer who pays for his own uniform. He wore a revolver on his hip; a full cartridge belt, carried a torch and a bright pair of handcuffs.

I asked him why he joined. He told me that he had become a part-time policeman because law enforcement is not easy and he wanted to prove to himself that he could do it. He believed in persuasion. Talking to people was better than shouting at them. Of course it didn't always work. Sometimes advantage was taken of a reasoned approach, but he was convinced it was the lasting way. He had been a Reserve Deputy Sheriff for four years.

I inquired if he had ever used his gun? "Never. I half-drew it once. It was enough. But I wished I hadn't done even that."

I spoke to a negro who, not by choice had been involved in the 1963 riots. He had suffered grievously. I do not use the word lightly. I asked him if he still felt bitter? "No," he said. I don't think so. At least I tell myself I'm not. I can't be sure."

He went on to say how his father had taught him never to be a slave to prejudice. Since then he had disciplined his mind to be free. Freedom was what you thought about other people—not what they did to you.

Democracy in Birmingham, Alabama, seems to mean that you can approach authority direct. I went to the City Hall and asked the clerk at the injuiry desk if I could speak to the Chief of Police. He picked up the telephone. "Is that you. Chief? There's a Mr. John Whybrow here from Birmingham, England. He wonders if you could spare him a few minutes? . . . Yes, *Sir!*"

He put the telephone down. "The Chief will be very pleased to see you, Mr. Whybrow. Just go right through that door." It would be misleading to pretend that earlier arrangements had not been made. They had. But the receptionist didn't know and no time had been fixed.

COMPARISONS

I had their annual police report. I handed the chief a copy of ours. He called in some of his senior colleagues and they compared identical breakdowns of two cities 4,500 miles apart. Murder, rape, robbery, assault, and so on. In 1963 their figures were divided into whites and coloureds. No longer

Most of the senior officers, like me, were around 50 and had been in the second World War Between ex-Servicemen there is often a close and immediate bond. Nationality seems irrelevant. I could have asked any question I liked, and did.

I came from that discussion knowing that keen brains were peering beyond my vision to protect the spirit of racial co-operation. The problems to be solved are profound, but I am sure they have the strength to tackle them. I was reminded of Edward Grey's remark that the United States is like "a gigantic boiler. Once the fire is lighted under it there is no limit to the power it can generate."

Integration is part of the civic jigsaw puzzle. Birmingham is building a new civic centre and accommodating a vast medical campus; and sorting out pollution and striving to become "Great Birmingham" to increase the revenue in order to do many more things efficiently. I had time to see only some of the projects and to meet just a few of the people involved. Then I had to return home.

At the airport was Mr. Bob Olson, already a friend, the Mayor's executive secretary. He had come to wish me farewell. He handed me a packet. The plane took off.

Inside the packet was a three-page letter from Mayor Seibels. He had been in hospital throughout my visit recovering from a heart attack. We had exchanged messages through Mr. Olson. But quite apart from those I had been conscious of his mayoral thrust wherever I went.

SYMBOLIC KEY

From the intensive care unit he had dictated his letter and had included a batch of reading material. He enclosed, for my wife, a symbolic key to the city. There was a book for me. On the fly-leaf he had written: "It is a bitter disappointment not to have a chat with you and shake your hand. Excuse my lengthy letter, but I did want you to get the full picture of our 'moving' City. My regards to the Lord Mayor and Lady Mayoress. With every good wish to you—please come back again. Sincerely yours. George G. Seibels, junior, Mayor, Birmingham, Alabama."

One day I will return, in the meantime a couple of the friends I made are to come here to visit "the best workshop in all England." What will they think of our Birmingham? what's in a name?

CAPTIVE NATIONS WEEK

Mr. BUCKLEY. Mr. President, on Thursday, July 6, 1972, page 3 of the New York Times carried two news stories concerning Eastern Europe. The headlines to those stories are as follows:

British Data Point to Soviet Guilt in Katyn Deaths.

A Third Lithuanian Protest Suicide Reported by Soviet Dissidents.

There is a kind of ironic justice to the fact that these two stories should appear on the same page of the Times. The Katyn story refers, of course, to the massacre of 11,000 Polish prisoners of war, mostly officers, after the Russian conquest of part of Poland in 1939. Secret British papers made public on July 5, 1972, said that the Soviet Union was almost certainly responsible for this slaughter, a finding in keeping with the most scholarly investigations of the subject.

The story about the protest suicide told of the self-immolation of a Lithuanian worker in protest against the Soviet occupation of the Lithuanian Republic.

A massacre in a forest, over 30 years ago, and a suicidal protest only a few days ago: What do they have in common? Only this: They both remind us of the fate of those who became victims of Communist imperialism.

Thirteen years have passed since President Dwight D. Eisenhower issued the first Captive Nations Week proclamation. We are told by some that the current geopolitical reality is such that the mention of captive nations is inappropriate. It is considered to be somewhat gauche to remind Americans that there are—according to figures prepared by AFL–CIO—172,107,000 subjugated by the Soviet Union and the Chinese Communists. It is not intellectually or politically fashionable to speak as President Eisenhower did of the "imperialistic and aggressive policies of Soviet communism."

Yet it would seem that the current intellectual fashion has not penetrated the minds or souls of those who, as captives, have firsthand experience of what it means to be a victim of communism's imperialistic and aggressive policies.

The men and women who watched Russian tanks roll over their dreams of freedom in Czechoslovakia know what a captive nation is.

The Polish workers who rioted against the Communist regime in 1970 know what a captive nation is.

The Lithuanians who cry out to the world for political justice and freedom of religion know what a captive nation is.

The Tibetan refugees all over the world know what a captive nation is.

Mr. President, this year the commemoration of Captive Nations Week is of special significance. It is especially significant because it must be viewed against the background of our new efforts to achieve detente between the United States and the Soviet Union. And against this background of detente stands a dwindling resolve to reaffirm our commitment to provide truth and hope to the people of the captive nations who live in a world of lies and despair. It is a commitment, I submit, which we cannot permit to falter.

But the tendency to abandon that commitment has been great indeed. Consider for a moment some of the debate we have had this year on issues vitally important to the world's captive nations. The USIA faced unprecedented and potentially crippling budget cuts in the Foreign Relations Committee. Voice of America, the broadcast arm of USIA, was nearly silenced despite the compelling testimony of Soviet author and Nobel Prize Winner Alexander Solzhenitsyn who said of the VOA broadcasts:

> If we learn anything about events . . . it comes from there.

Radio Free Europe and Radio Liberty, whose broadcasts provide for millions the only source of uncensored news in their native tongue, also faced extinction early this year.

The point which must be borne in mind while considering these and other similar ill-advised attempts to emasculate America's commitment to keep the hope for freedom alive is that they were conceived and promulgated on the basis of a new world order of detente; an order suddenly so friendly and conciliatory that operations as vital to our commitment to human freedom and dignity as the USIA, Voice of America, Radio Free Europe, Radio Liberty, and captive nations groups active in the United States for many years, became mere "relics of the cold war."

Let us take a brief look at some of the events which have taken place in this year of 1972, which may for some be a year of detente but for others—those captured within the totalitarian Communist power structure—has been a year of repression.

From the very beginning of this year, throughout the entire of the Soviet Union, there has been an intensified police crackdown following a secret central committee resolution to silence the human rights movement and especially its sturdiest offspring, the underground Chronicle of Current Events. Despite a sweeping series of arrests which followed, the Chronicle published its 24th issue in March, and its 25th issue began circulating in June. However, there has been much speculation that the Chronicle cannot long survive under this pressure as dissidents continue to be arrested. Moreover, the recent arrest of Pyotr Yakir—a leading dissident considered immune from persecution, because of the stature of his father who was executed under Stalin—implies a repression far greater than expected even by the most pessimistic of the Sovietologists.

In the Ukraine, the Soviet secret police, the KGB, have been conducting a series of arrests of nationalists since January. According to the Chronicle of Current Events, the numbers of those arrested on charges stemming from "bourgeois nationalism" now exceed 100. Reports reaching the West just this week state that already three of those arrested have been given sentences at hard labor.

In Lithuania, on the eve of the President's Moscow summit, 2 days of rioting broke out in Kaunas, the second largest city, as several thousands of Lithuanians—mostly youths—fought police with sticks and stones. Reports of the incident mentioned that young Lithuanians roamed the streets chanting, "Freedom, Freedom," and "Freedom for Lithuania."

In order to put down the upheaval, the Soviet authorities had to dispatch units of the tough, heavily armed internal security forces to Kaunas.

This outburst followed the funeral of the first of these young Lithuanian factory workers to immolate themselves this spring in protest of the Soviet Union's continued occupation and forced Russification of that once proud republic.

In the Soviet Republic of Latvia, like Lithuania and Estonia, a once proud nation conquered by the Red army in 1940 under the terms of the secret protocol of the Hitler-Stalin pact, 17 "national Communists" resorted to a public appeal last February addressed to the leaders of the Western Communist parties. In this appeal, they documented in detail Moscow's policy of Russification, forced assimilation, and physical repression. Russification has been so severe that even in Riga, the capital, only 40 percent of the population is now Latvian.

Just this past week in Czechoslovakia, we have witnessed the completion of the first of three trials directed against prominent Czech reformists. In this trial, the three defendants were convicted of subversion for having advocated in clandestine leaflets that their fellow citizens exercise their constitutional rights in the parliamentary elections which were held last November. The two other trials will begin at the end of this month and in mid-August.

In the first trial, the defendants were all supporters of the former Czech Communist Party leader, Alexander Dubcek. Dubeck's policies were not those simply of another Communist liberalizer, but rather those of a democratizer. He, and he alone out of the parade of different Communist leader, offered a possibility of a true detente—he attempted reforms so fundamental that they threatened the all-pervasive control of the Communist Party itself. And because of this, his reforms, and the only real hope for detente, were met by the crushing military weight of the Soviet Union supported by its neo-Stalinist satraps of East Germany, Poland, Bulgaria, and Hungary. And now, almost a full 4 years later, Dubcek's supporters are being brought to trial as "class enemies."

Since last November, approximately 300 Czechs have been arrested in an attempt to intimidate the more outspoken survivors of 1968 and stifle any lingering tendencies toward dissent. Western press reports confirm the success of this intimidation as the flow of underground publications has dried up, and those dissidents with former reputations for outspokenness are now shunning all contacts with Westerners.

The most bitter irony, however, was the resolution passed by the Czechoslovak trade unions at the end of their Congress held in Prague last month. The resolution expressed "comradely thanks" for the Soviet-led invasion of 1968. This resolution marked the formal recantation of the trade union movement, which by the end of 1968 had become a stronghold of support for Mr. Dubcek's reforms and bitterly opposed the invasion.

In Yugoslavia—the showpiece of Communist liberalization programs—four army personnel were killed early this month as a guerrilla group of Croatian nationalists entered Yugoslavia secretly and penetrated as far as Bugojno, a small town in western Bosnia, before they were rounded up. Although this attempt at setting up a guerrilla liberation movement has apparently failed, it demonstrates the strength of conviction which Croatians, as well as other minority groups in Yugoslavia, hold in desiring their liberation.

Many Westerners have looked to the forthcoming European Security Conference as an arena for the discussion of a freer flow of information between East and West. But even here, it seems clear that these hopes will meet frustration.

In mid-May, as the world prepared for the coming fruits of the Moscow summit, the First Deputy Foreign Minister of Hungary discussed the projected security conference at a Budapest meeting. He stated that the prospects of detente would not be served by discussing a free exchange of information and the free flow of ideas. The free flow of ideas was characterized as an attempt to smuggle hostile ideas into the Socialist States.

A similar policy line is also emerging in Czechoslovakia, Poland, and East Germany, and there is now little hope that a discussion on the free flow of information will even be put on the agenda of the security conference.

Mr. President, 13 long years have now elapsed since Dwight D. Eisenhower reminded the world that Soviet-dominated nations have been "deprived of their national independence and their individual liberties." During these long years, the fires of hope have stayed alive in the hearts of tens of millions of men and women who dream only of achieving the freedom which we Americans take so much for granted, and which some benighted Americans hold in such disdain.

As we commemorate Captive Nations Week this year, let us pray that the hopes of these captive peoples will one day be realized; and let us also pray that we will never forget the priceless blessings which we in this land enjoy, or of the price which we must always be prepared to pay in order that we and our children may continue to enjoy them.

LOCKHEED-GEORGIA TOP BLOOD DONORS

Mr. HARTKE. Mr. President, it is a fact of life that the safest blood available today is volunteer donor blood. One provision of the National Blood Bank Act, S. 2909, calls for a vigorous national recruitment campaign for volunteer donors.

The American National Red Cross has had tremendous success in this area through their bloodmobile program. Red Cross bloodmobiles go out daily across this country to groups of citizens willing to save a life.

The Metropolitan Atlanta Red Cross recently paid tribute to the thousands of employees of the Lockheed-Georgia Co. for their generosity in giving blood since the very inception of the industrial bloodmobile program 20 years ago.

Shortly after the Atlanta Regional Red Cross Blood Center went into operation some 24 years ago, leaders in the community were called upon to help set up bloodmobiles in industry and business. Daniel Haughton, then president of the Lockheed-Georgia Co., was instrumental in developing the blood program and is considered by the American National Red Cross to be one of the pioneers in the bloodmobile operations. Mr. Haughton is a member of the board of governors for the American National Red Cross and is chairman of the board for Lockheed Aircraft.

Since the beginning of the Red Cross blood program at Lockheed-Georgia, employees had contributed 156,439 units—almost a pint each—of blood by June 6, 1972. During a 12-hour bloodmobile visit held at the Marietta plant on June 7, an all-time high of 754 units of blood was donated in a single day.

This outpouring of generosity to provide lifegiving blood for patients in civilian, military, and Veterans' Administraton hospitals is but one example of outstanding corporate citizenry that we all depend on and must support. I personally admire and applaud their contribution.

GEN. WILLIAM WESTMORELAND

Mr. PERCY. Mr. President, Gen. William C. Westmoreland, the distinguished Army Chief of Staff, retired on July 1, 1972. During his 36 illustrious years in uniform, General Westmoreland took an active role in initiating many reforms to help keep the Army in step with a changing nation.

Throughout his career, the general took pride in the U.S. Army and its achievements in keeping with its distinguished history.

On June 25, the New York Times published General Westmoreland's interesting reflections upon his years of service and upon the Army. I ask unanimous consent that the general's article and a recent interview he had with the board of editors of U.S. News & World Report, that appeared in their June 19, 1972, issue, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

A SOLDIER LOOKS BACK

(By W. C. Westmoreland)

WASHINGTON.—I will put away my uniform on the first of July, 36 years after pinning on the bars of a second lieutenant. This leads me to reflect, not without some nostalgia, upon the Army I have known and served. In so doing, I find certain constants—truths and principles which have determined the character of the United States Army throughout its proud history. I also find marked evidence of change as the Army responded over the years to the changes in our society and the challenges to our national security. Both—the immutable character, and the change and growth—have opened the way to far greater opportunities for young men entering the Army today than were open to me long ago.

If there was ever doubt, one simple truth has been reaffirmed beyond question during the time I have been a soldier; the United States must have an Army if is to remain free and great. A healthy skepticism of all things military has been woven into the fabric of our nation since its birth, but no reasoning person can proceed from this skepticism to a conclusion that we do not need armed forces. In a world peopled with imperfect human beings, a world forever in ferment and often threatening, our armed forces are indispensable to our freedom and, indeed, to human progress.

There is another constant etched indelibly in the character of the Army, and that is the code of ethics by which the American soldier lives, works, and fights if need be. The code is best expressed in the credo of West Point: "Duty, Honor, Country." In reflecting on the long reach of American history, I am deeply impressed by the way the Army as a whole has lived up to this code—as an institution, and man by man.

Related to the foregoing, one other constant which I would emphasize is the total loyalty which the American Army has given to the nation and the society it serves. This willing and proper subordination of military force to the leaders, principles and purposes of our civilian society is in itself one of the greatest successes achieved by those who charted our original course nearly 200 years ago.

On the other hand, the Army is a dynamic organization that has changed dramatically during any term of service. Its size has ranged from a Depression level of 165,000 men to a World War II peak of nearly six million. Even at this moment, we are contending once again with the turbulence and manifold difficulties of reducing the Army in size by nearly a half, all the while being required to remain vigilant and competent to carry out our missions.

The changes in Army equipment have been equally striking. The technological revolution has provided materiel far more effective than that with which the Army of the thirties was equipped. The horse and the mule have entered history's stables, to be supplanted by the jeep, the tank and the helicopter. Electronic miracles are commonplace. And of critical importance, the gear of the soldier himself has been markedly improved.

Some other changes come to mind. On a personal note, my monthly base pay as a second lieutenant was $125, which itself was generous indeed compared to the $21 a month paid to a new private. The Depression-era civilian populace, resentful of even the imprudently inadequate military budgets of those days, had little use for the man in uniform and virtually no use for spending money on him. In those days, the very word "soldiering" was a demeaning term implying that some one was slacking on his job. Along with this, troop units were so short of money and equipment that they often were able to do little more than go through the motions of drill without any sense of real purpose or achievement.

Fortunately for the Army and the nation, there were corps of officers and noncommissioned officers in that long-ago Army who understood why they existed, and who had such a sense of mission that they used the time available to prepare themselves professionally for the challenges which came. They understood—in peacetime—the need for an Army. Since their time, neither the nation nor its armed forces have been free to idle in the backwaters again.

The Army to which young men come in 1972 offers certain enduring opportunities; first of all, the opportunity to belong to an institution which remains essential to our survival and well-being and has as its first mission the preservation of peace through preparedness; and secondly, the opportunity to work at something which puts duty, honor and country above self—a chance to serve other men.

Along with these, there are other circumstances far more attractive than those I remember when I first took my oath. The base pay of a recruit has advanced more than fifteenfold since 1936, with N.C.O. and officer salaries now competitive in most cases with those found in industry. Given the time, the resources and public support, the Army will soon be able to offer young men adequate housing, exceptional training facilities, and almost unparalleled chances for men of all ranks to advance themselves vocationally and academically. Many strides have already been taken in these directions.

There is room within the Army of today for men of many backgrounds, talents, skills and interests. There is equal opportunity to advance on merit. There is interest and meaning in what they do. There are open doors through which they can communicate ideas aimed at improving the Army's effectiveness. And with all this, there remain the mental and physical challenges to the modern soldier.

A look back, then, confirms for me the enduring truths and principles on which the United States Army is based. It reaffirms for me the great pride I have always taken in wearing the khaki and the Army green. It puts in astonishing perspective the strides which have been taken by the Army during my lifetime and the challenging opportunities—personal and professional—which lie before the soldiers of today and tomorrow. If I were able to stand on the Plain at West Point once again and take the same oath, I would do so with equal pride, and even more anticipation.

BIG CHANGES IN THE ARMY

Interview with Gen. William C. Westmoreland, Chief of Staff:

Q. General Westmoreland, people hear a lot of talk about the "new Army." Just what is so different about it?

A. For one thing, it's shaping up as the smallest Army this country has had in a quarter century, since before the Korean War. It's shrinking in size, but it is going to be the highest-quality Army we've ever had.

We're keeping our best officers and noncommissioned officers. We are teaching those we keep to be more sensitive to the feelings of their men. We are screening out needless Army policies and practices—what some people refer to as "Mickey Mouse stuff." We're improving our recruiting—using better recruiters and setting higher entrance standards. And, perhaps most important, we are working on what we call "personnel turbulence," which is really the basic disease the Army has suffered from during the last seven years.

Q. What do you mean by "personnel turbulence"?

A. In the business world, you'd call it too rapid turnover of people in their jobs. During the last several years we have had one third of our trained people in short-tour areas—that is, either in Korea, where we have a 13-month tour of duty, or in Southeast Asia, where we have a 12-month tour.

To replace those who finished their tours or who were casualties in Vietnam, every month we had to deploy thousands of officers and men with the proper skills from the United States, Europe, Panama, Alaska and even Korea on occasion. The result worldwide was astonishing: a 100 per cent turnover in personnel every year. Specifically, in the United States the turnover rate has been 120 per cent, and in Europe, about 80 per cent. Now, can you imagine running a business organization where executives, foremen and workers are turning over almost 100 per cent a year? We did it. I'm not sure any other organization could have done it as well as we did, but we paid a price for it.

Q. In what ways?

A. For one thing, a lowering of unit morale and *esprit*. For another, a feeling of insecurity by the individual. And still more, a lowering of professional standards. A company commander would be transferred before he got to know his officers and men. Squad leaders could never really get to know their squads—the troops were coming and going all the time. In this type of environment, we found ourselves with a criminal element, making matters even worse.

Q. Are you saying the Army, with all its discipline, was infested by criminals?

A. Not infested, but, unhappily, during the peak periods of the build-up in Southeast Asia, the Army got more than its share of the criminal element. Waivers were made rather liberally for men with police records. Unfortunately, some officials were dropping criminal charges if a man joined the military forces. This was a great detriment to us. The Army cannot be an institution for the dregs of society. We have to be very careful to avoid taking into our ranks men with criminal records. To protect the Army from this element, we have started taking extraordinary steps to try to screen the records of prospective volunteers.

Q. Is this still much of a problem—this criminal element?

A. It is still a problem. We are eliminating it as rapidly as we can, but, of course, there has been a crime wave in the U.S., and this is reflected in the Army. This doesn't excuse us. And as we stabilize personnel turbulence, improve the standards of men getting into the Army, and rid our ranks of marginal performers, we will be better able to handle the problem.

Now that we have withdrawn a division from Korea and we are withdrawing from Vietnam, for the first time in several years we can stabilize our ranks. We started with our commanders. A year ago we made division, bridgade and battalion commanders, sergeants major and first sergeants all 18-month tours at least. And we are continuing to proceed in that direction as the situation will permit.

Q. How are you improving the standards of the men you are taking into the Army?

A. For one thing, we are emphasizing the enlistment of high-school graduates. We are doing this by not giving credit to a recruiter for the enlistment of certain nongraduates. Of course, we still enlist qualified non-high-school graduates, but we don't spend as much time soliciting them as we used to. We are also tightening up on mental tests, aptitude tests and physical examinations.

A great percentage of those who volunteer do not qualify. But we can't afford to lower our standards. If it is to be a small Army, it must be an Army of high quality.

Also, we have authority from Congress, for the first time in history, to discharge a recruit if we find he is not good enough to promote. We can send him back to civilian life after four months of training, rather than to a unit where he will be a headache to his noncommissioned officers and officers.

ENDING "OUTMODED" PRACTICES—

Q. Is there much you can do to make the Army more attractive to the higher-quality recruit you are looking for?

A. We are taking innumerable steps. Let me just name a few:

We analyzed what had happened to the Army when it was carrying the major burden of the Vietnam war—when it was taking two-thirds of the casualties and becoming the focal point of the emotion in a country that seemed vocally against the war. From these studies, we isolated certain problem areas and proceeded to develop programs for these areas specifically.

We concluded, for instance, that a lot of Army practices were outmoded. The young man we have to deal with today is a fine young man, but he is a man who asks "Why?" The American soldier has always questioned, but today's young man is more prone to do that than his predecessors. And policies and practices that are not "relevant"—to use his language—"turn him off." So we have screened out the needless irritants where they have been identified.

We also concluded that our leadership standards were lowered during the Vietnam build-up. We had turned into a huge training organization with the mission of training men and officers and sending them to Vietnam. During this period our leadership practices suffered. So we have sent special teams of officers all over the country to conduct leadership seminars and discussions.

Q. What kinds of faults are you trying to correct among your officers?

A. A lack of sensitivity to the feelings of the individual; arbitrary handling of the individual; a lack of appreciation that every individual is different, and his strengths and weaknesses should be known by his leader—and that he should be handled accordingly.

We also found that there was a break in communications between our lower-grade enlisted men and our noncommissioned officers, caused by the "generation gap." In the Army, this generation gap, which civilian society is also experiencing, has been exacerbated by the student draft-deferment policy. A lot of young men stayed on the campus until they got their baccalaureate, master's and even doctorate degrees, then were drafted.

Last year, as an example, about 14 per cent of the men received through the Selective Service System were college graduates, and many had advanced degrees. This meant they were better educated than their noncommissioned officers and as well educated as their officers. It was, therefore, sometimes very difficult for the sergeant, who perhaps had a high-school education or less, to communicate with this highly educated private. Some of today's privates have educational qualifications of such caliber that they could, and perhaps should, be officers.

Q. How are you bridging this gap?

A. We have organized enlisted councils and junior-officer councils. These councils are basically a temporary measure. But they have already served a worthwhile purpose, letting officers know what the enlisted ranks have on their minds without usurping the chain of command, that is, without going around the noncommissioned officers.

If the commander uses the information he gains from these councils properly, he can, in fact, actually strengthen the chain of command—and this is being done.

Q. Are other improvements being made?

A. The Army is trying to take better care of its people. For the first time in years we are putting more money into construction of family quarters and barracks. Do you realize that half of our enlisted barracks in the U.S. now are World War II barracks that were built for five years of occupancy and now have been occupied for over 30 years?

We are also improving community facilities at our bases—schools, recreation facilities and the like. We are taking better care of our people when they report to a post. We've revitalized community-service organizations—with the help of base wives—to help new families get relocated.

We've left no stone unturned. We have looked at every aspect of the Army. We've analyzed our present practices and initiated a whole spectrum of new programs. And these programs are working.

"MORALE IS ON THE UPWARD SWING"

Q. What results have you seen so far?

A. All our indexes of discipline, morale and professionalism are on the upward swing. I'm extremely pleased by the results. This is partly because there is more stability and less personnel turbulence, but it is also because of the multiple programs that we have started.

Q. General, just how big is the Army today?

A. From a peak build-up of 1,570,000 men in late 1968 and early 1969, the Army is now being reduced to 861,000 men by June 30, 1972.

This is the most drastic reduction in the size of the Army since World War II. In this year alone, the Army is being reduced 21 per cent. And we have been told to reduce the Army another 20,000 men by June 30, 1973—making it the smallest Army since before the Korean conflict.

Q. Isn't this normal following a war?

A. It varies. The build-up during Vietnam was generally comparable, for instance, to the build-up during the Korean conflict, but there was a great difference in the way this was done. During the Korean conflict we called up 380,000 Reservists, including eight divisions. During Vietnam we called up a handful of Reserves in 1968. We made up the difference by increasing the draft and expanding officer-candidate schools. We had to lower our qualitative standards to get the manpower and the leadership we needed.

After Korea, it was a simple matter to take the Reserves off active duty. But this time it is not quite so simple, so we are having to thin our leadership ranks in a rather traumatic way.

Q. How many divisions will you have?

A. We will have 13 divisions, which I consider the minimum essential to meet our commitments.

Q. Where are most of these divisions going to be?

A. We will retain 4⅓ divisions in Europe, which we feel is very important to deter war in Western Europe. The one-third division is a brigade from the First Infantry Division, and the remaining two thirds of this division is stationed at Fort Riley, Kans., but is earmarked for Europe and is really part of the NATO-committed force.

We will also have a division in Korea and a division in Hawaii. The remainder of our forces will be stationed in the United States, prepared to reinforce our troops overseas or to react in response to any worldwide contingency.

Q. How do you compare the state of the Army today with what it was four years ago?

A. When I took over as Army Chief of Staff four years ago, the Army was composed of 19⅔ divisions. Of this total, eight divisions and four independent brigades or regiments were fully manned and fighting in Vietnam. The remaining units in Europe, in the U.S. and elsewhere were undermanned and stripped of their equippment to support the Vietnam effort.

By July 1 of this year, we will have 13 divisions, almost seven less than when I took over. Some of these divisions will not yet be fleshed out to their proper strength. We plan to build up these divisions to their proper manpower level, during the 1973 fiscal year.

Q. How many divisions are ready for action today?

A. The readiness of our troops in Europe and in Korea today is better than it was in 1968. On the other hand, it is not as good as we would like, and we intend to improve on it in the year ahead.

The readiness of our troops in the U.S. is generally comparable to what it was in 1968, but, of course, we plan to have a larger number of divisions based at home. Today, the 82nd Airborne Division is in a state of full readiness. The other divisions fall short, but we expect them to be progressively improved over the next year.

As far as equipment is concerned, I would say we are in better shape today than we were in 1968. This is especially true for the Reserve forces. The Reserve forces are in a better state of readiness as far as equipment is concerned than they have been in 20 years.

Q. What about manpower strength of the Reserves?

A. Their manpower strength is somewhat less favorable than in 1968. We hope, through a strenuous recruiting campaign, that it will improve.

Recruiting for the Reserves is a matter of some concern for me. It may take some special incentives to keep their strength up. And this is important, because with a smaller Army we must rely more heavily on the Reserves.

Q. How many men are in the Reserves now?

A. The mandated annual average strength of the Army Reserve and Army National Guard is 660,000 men, and they are running about 40,000 men short. But we believe recent new recruiting methods will arrest this decline and hopefully attract enough men to return to full strength. Some additional incentives may be required, however, to attract the quality of Reserves we want.

Q. What kinds of incentives do you have in mind?

A. The Department of Defense has prepared a package of incentives and emoluments which were presented to Congress.

Without the inducement of the draft, it is going to take a major recruiting effort by both the active and Reserve forces to attract the numbers of men we need and the quality of man we want.

Q. Do you see an end to the draft law entirely?

A. I feel personally that it's extremely important that the draft laws stay on the books as a matter of national insurance, as an incentive to volunteer in the Regular or Reserve forces, and to keep the draft machinery ready. If this machinery is dismantled, it would be very detrimental to our national security.

Q. Can you maintain your planned active and Reserve forces without a draft?

A. We hope so. As you know, President Nixon has decided as a matter of national policy that we will move to a voluntary military force. We are making rather good progress in moving in that direction. But our recruiting objectives still are not being met. We feel that during the spring and summer months we will achieve the 18,000-to-20,000-man monthly volunteer rate we need to recruit a volunteer Army.

In the first four months of this year, we fell short, though these are traditionally poor recruiting months. In January we had 15,500 volunteers. In February this dropped to about 12,000, in March to 11,500—and then in April to 9,600. And as I pointed out earlier, the Reserves also have been losing ground.

Q. Is pay high enough in the Army to attract young men as volunteers?

A. The new pay scales are the most favorable we have ever had. They compare quite favorably with what a young man 17, 18, 19 or 20 years of age could get in civilian life.

Of course, we hope to attract a high quality of young man, a man who will not only be attracted to the service by the pay but also, and more importantly, because he is interested in taking advantage of what the Army can offer a young man.

I find as I travel around the country that Army recruiters are motivated by the realization that they are really helping out the young men in their community when they enlist them in the Army. They are providing them an opportunity to get into an organization where they can break out of the local environment, where they can get good pay, where they can meet other young men from other parts of the country, where they can travel in the United States and serve overseas, where they can learn a skill or trade, where they can improve their education, and where they can advance according to their demonstrated ability.

Our recruiters are motivated by this realization—that they are in a position to open a door to opportunity for a young man who doesn't want to go to college—perhaps he is not interested in college at this time of his life, or is not yet prepared for college or just doesn't have enough money. This young man, if he stays in his local area, may get a job, but the job probably may not offer any great opportunity for advancement.

Q. What else are you doing to encourage volunteers?

A. We are developing a completely modern recruiting system. We have expanded our recruiting force, and we are putting the very best people on recruiting duty. We have expanded our recruiting service from 3,000 to 6,000 men. Recruiting stations have been increased by 60 per cent. These recruiters are in the vanguard of the modern volunteer Army, and they are a highly motivated group doing an excellent job.

We also are introducing new techniques that are working. We will take a man who has finished his training and send him back to his hometown to work for the local recruiters. This is after he has been in the Army for only four months. He knows the young men in the area, and he is a great help in contacting them and telling them what it is all about. And what he says is credible. They listen to him.

We also send teams from posts to the surrounding areas to attract volunteers, with a commitment that they will get advance training and a 16-month tour near their home.

An example of this program is the 101st Airborne Division at Fort Campbell, Ky. Vice President Agnew and I visited this unit in April. The division commander has developed a comprehensive recruiting campaign in a radius of 300 miles from the base. The division calls for 16,000 men, but at present is only 4,000-men strong. The manpower is there, and by working with the young men and advertising what the Army service provides, I believe that they will be successful in recruiting an all-volunteer division. It is going to be interesting to see if they succeed.

Q. As you move toward an all-volunteer Army, are you finding that it is going to have a preponderance of blacks?

A. I don't think so. The number of blacks that we're getting is not more than 3 percentile above the national average.

Q. Does any young man ever come in the Army any more just out of a sense of patriotism?

A. We have that type of young man in this country still. There are more young men with this attitude than you would suspect. You don't read too much about them, but they're around—men who want to serve for service's sake, men who feel that they can serve and at the same time profit by getting into uniform.

Q. What are the dangers of replacing the conscript Army we've known with an all-volunteer Army?

A. I joined a volunteer Army when I was commissioned in 1936. It was very small. We had a little over 150,000 men and 12,000 officers. But it was composed entirely of volunteers.

The quality of our enlisted men left something to be desired, and this is something that I'm very sensitive to. The danger of an all-volunteer Army is we may not be able to maintain a level of military strength compatible with our security requirements and our international commitments.

But I do not believe there are any political or social dangers. The school of thought that a professional Army separate from society would become a danger to our type of democracy is specious, in my opinion. It's not within the tradition of the Americal military.

Q. How much is it going to cost to have an all-volunteer Army?

A. It's going to be far more costly. But it should be a high-quality Army. It should be an Army that is more professional, with a higher *esprit de corps*, because the officers and men in the Army will be there because they want to be.

Q. Does that mean we are in for constantly increasing military spending?

A. Of course, the pattern of defense budgets is well known to you. I would say that the percentage of the military budget devoted to pay and personnel costs is destined to go up, but perhaps not to the extent that you might suspect. As an example, comparing the fiscal 1963 budget with the 1973 budget, there has been only a 3 per cent increase in the funds devoted to pay and personnel costs, both military and civilian. That 3 per cent increase, of course, represents a considerable amount of money.

ECONOMIES IN A VOLUNTEER FORCE—

Q. Can you cut costs in other areas to make up the difference?

A. If we can get all our men for a three-year enlistment as a minimum and we improve our quality, we're going to have fewer men in our training base. Once we train a man, we will have him for a longer period of time, and this represents a saving.

We should also have a higher level of motivation, so we should get greater productivity out of the individual soldier, particularly in the administrative and industrial areas.

We should have fewer men who are absent without leave. We should have fewer men in the stockade. We'll have fewer men in what we call the "pipeline" who are moving, because we're going to have a more stable Army. We won't have to transfer people around to the extent that we've had to in the past.

All these changes in the Army cannot help but produce savings that will replace—in part, at least—the higher costs of maintaining an all-volunteer Army.

Q. Does the low regard in which some segments of the general public hold the military hurt efforts to restructure the Army?

A. Without any question. To achieve a volunteer Army we have got to have public support.

Unhappily, antiwar attitudes have become antimilitary attitudes in some sectors of our society. I believe that steps must be taken to develop an understanding of the raison d'etre for military forces, so that the average American citizen will have an understanding and appreciation of why we have people in uniform.

If we can create an attitude of understanding and respect, we can fill up our ranks without the draft. But to continue to demean or disparage the man in uniform is working against eliminating the draft.

The American public can't have it both ways.

Q. Has there been any improvement at all since you have been back from Vietnam?

A. The pendulum is beginning to move in the direction of better understanding and respect. I cannot document this precisely, but it is a feeling that I receive as I travel around the country and talk to civilian groups.

The one bit of specific evidence is the fewer number of demonstrations we have on campus and the attitude of students toward the military and specifically the Reserve Officers' Training Corps. The number of ROTC incidents we've had in the past year have been very few, in contrast to the number that we had in the previous two years.

Q. Is there any difference in the way recruiters are received on campus now?

A. This is still a problem, but we've made some headway. There are still a number of campuses that will not allow recruiters. But I am more concerned about high schools than I am colleges. We're making some real progress at high schools, though a number of high-school principals still will not let our recruiters on high-school grounds.

As far as ROTC is concerned, we have had 11 colleges drop out of the program. Three were eliminated because they didn't meet the criteria for maintaining ROTC units. Eight others dropped it because of the attitude of the college staff and students.

We replaced those colleges with 11 new colleges last September, and this year we will add another nine new ROTC units. This September we'll have 294 colleges and universities with Army ROTC.

We have a backlog of colleges that want ROTC, but we do not have a requirement for them at this time.

Q. Has ROTC enrollment held up during this period?

A. The number of young men enrolled in ROTC has dropped substantially, but the officer production has remained fairly stable. My feeling is that during the coming year the number who choose ROTC will increase.

One reason for the decline in ROTC enrollment is, of course, the antiwar attitude. Another reason is that there has been a reduction in the number of colleges that make ROTC mandatory

Although we are moving toward a voluntary Army, we will need an ROTC generally comparable to what we have now, to produce second lieutenants for both the active and Reserve forces.

LESSONS LEARNED FROM VIETNAM

Q. General, looking back over your Vietnam experience, what lessons were there for the Army in all those years of conflict?

A. From a military standpoint, we've learned much about guerrilla warfare. We have developed on the battlefield new techniques to capitalize on sensors and other new equipment provided by technology. The helicopter came of age in Vietnam, not only as a troop carrier but as a gunship, to provide support for infantry.

We have learned a lot in working with a foreign ally that was not under our command. We developed a rather unusual command structure—one tailored to the military, political and psychological considerations involved.

We also learned that in fighting an undeclared war, there is no censorship of the news. The battlefield is going to be covered by the media to an extent unprecedented in the past. And this has involved a public-relations dimension which was rather new. In fact, it added another dimension to war. If it had been a declared war, perhaps it would have been different.

We have learned that a limited war involving limited objectives and fought with limited means—a war in which military forces are not used to achieve victory in the traditional manner—is probably destined to be a long war; and a long war is going to try the patience of our people—which, indeed, this war has done.

This is the first war ever covered by television, where the horrors of war and some of the extremes on the battlefield have been piped into the living room and into the bedroom. This dramatic coverage of the war has apparently had a marked psychological impact on our people.

All of these are facts of life, and lessons that we have learned from the Vietnam war.

Q. Was it the wrong war for American fighting men?

A. For me as a military man to pass judgment on a question that broad, which is basically political, would be extremely difficult. Besides, it is too early to do so. I think history will have to decide.

CONGRESS ON A SPENDING SPREE

Mr. ROTH. Mr. President, the encouraging economic news for the second quarter of 1972 might lead one to think we are "out of the woods." With real growth at 8.9 percent and a 2.1-percent inflation rate, casual observers may well be lured into an unrealistic economic euphoria.

The fact is that, although the private sector has been showing welcome signs of recovery, Congress has been off on a spending spree of unprecedented proportions. This glut of Federal outlays for fiscal year 1973 is approaching the point at which major increases in taxes will soon become necessary if we are to avoid renewed runaway inflation.

In yesterday's Washington Post, Mr. Hobart Rowen laid the fiscal cards on the table. Only a month ago, we were thinking about fiscal year 1973 outlays of some $250 billion. Mr. Rowen astutely observes the figure may reach $258 billion before this Congress adjourns.

Mr. President, we must put a stop to irresponsible spending, or else face the unpleasant, and perhaps crippling, economic and political consequences of across-the-board tax increases. I have twice introduce legislation which would bind both Congress and the Executive to a "no-holes" expenditure ceiling. If we had taken such action 4 to 6 months ago, this impending crisis would not be facing us today.

I would strongly urge every Senator to heed the fiscal warnings which will be presented in a series of hearings this week presided over by the Senator from Wisconsin (Mr. PROXMIRE). The Joint Economic Committee, under his leadership, should be commended for bringing to the Hill the top administration economic spokesmen, and women, as well as several of the country's most noted independent economists. Their testimony should be required reading for all of us.

I ask unanimous consent that Mr. Rowen's article be printed in the RECORD, to be followed by the schedule of witnesses for this week's JEC hearings.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BUDGET DRIFTING OUT OF CONTROL, NIXON ORDERS CUTBACK FOR 1974

(By Hobart Rowen)

You're going to hear an awful lot about budget deficits in the next few days.

To be specific about it, the top brass of the Nixon administration, accompanied by Federal Reserve Chairman Arthur F. Burns, are preparing to go before the Joint Economic Committee to confess that the deficit for fiscal 1973—which began July 1—will be well in excess of $30 billions.

They won't say so directly, but the fact is that the federal budget is out of control. Unless the Nixon administration finds some way of chopping it down, the fiscal 1973 deficit could in fact hit $40 billions.

Over the weekend, cabinet members were given ceilings for their departments for fiscal 1974—the year that starts July 1, 1973—and the screams to be heard in Washington on Monday will suggest how sharp a knife is being wielded by OMB Director Caspar Weinberger.

"We don't want to get into any more fiscal stimulation," Weinberger told The Washington Post. If Congress would co-operate, Weinberger says, the federal budget posture could be made a lot more respectable.

The economic case for reduced spending will be made with especial force by Burns, who will tell Congress that unless budget cuts are enforced, the nation will be faced with a tax increase of meaningful proportions.

Financial markets, Burns feels strongly, need some reassurance that the Nixon administration can bring the budget under control. Without that, Burns has told friends, international monetary markets will continue to be jittery.

But the Nixon administration's record of budget management is rather dismal. For fiscal 1971, the President forecast a $2 billion surplus, and wound up $23 billion in the red.

Then a deficit of about $12 billion was forecast for fiscal 1972, revised to $38.8 billion last January, and now appears to have shrunk to about $23 billion because of bad estimates on spending and on tax withholding.

And instead of the $25.5 billion deficit originally forecast for fiscal 1973, the number is clearly somewhere in the $30 billion, at a time when the economy is expanding. Moreover, in 1973, wage settlements are likely to be on the upswing again, adding to inflationary pressures.

Despite appeals to cabinet officers to pare their spending requests, it now appears that federal spending for fiscal 1973 will run $255 to $258 billion, or well over the administration's hoped-for ceiling of $250 billion.

Delay on revenue sharing has shifted about $2.5 billion from fiscal 1972 into fiscal 1973. New benefits for disease-stricken coal miners will add another $1 billion. The cost of the new Social Security package (benefits will be boosted 20 per cent beginning Oct. 1) will be $6.5 billion, or nearly $2.5 billion more than Nixon originally budgeted. (The benefits will be even more costly in fiscal 1974 and beyond.)

And that's not all. An analysis by Goldman, Sachs of New York shows that military spending could go $1.5 to $3 billion over the target, and that health-education spending is likely to mushroom by $1 billion (a popular heart-lung research bill alone could add $500 million).

When you add potential spending for even more liberal Social Security-medical coverage; for pollution control, flood relief, school lunch subsidies, and veterans medical care, you can see why Cap Weinberger, as a budget balancer by profession, risks a daily heart attack.

Thus, what may be in store is a boom for 1973, but one with an inflationary bust and high interest rates at the end of it.

The Nixon administration has desperately tried to avoid tax-increase talk during this election year, promising instead expenditure control. But it's easier said than done, as every man in the Office of Management and Budget knows.

What's worse, if a tax increase is needed, the political strategists know that even if they propose a value added tax, they probably couldn't get it through Congress for 2 or 3 years.

So what's left that could be made effective some time during calendar 1973? Loophole-plugging? The Nixon people insist there's not much money there. Cut the investment credit or slow accelerated depreciation? That's McGovern talk.

So if the Nixon crowd wants to reclaim the "fiscal integrity" tag, it will either have to cut the budget or propose straight increases in corporate and/or individual tax rates. Wall Street, which isn't as dumb as it sometimes likes to sound, figured it out some time back.

THE CHANGING COMPLEXION OF THE 1973 FEDERAL BUDGET

(Billions of dollars)

RECEIPTS	
Official Estimates—January, 1972	$220.8
Official Adjustments:	
Individual income taxes	+1.6
Corporation income taxes	+0.3
Social Security taxes	+0.2
Other	+0.1
Total Official Adjustments	+2.2
Revised Official Estimate—June, 1972	223.0
Additional adjustments	
Postponement of Social Security Income base increase from January, 1972, until January, 1973	−2.2
Increase in Social Security tax rate effective Jan. 1, 1973	+0.5
Personal income higher than administration estimate	+0.6
Corporate profits lower than administration estimate	−2.0
Total Adjustments	−3.1
Revenue Estimate	$219.9
EXPENDITURES	
Official Estimates—January, 1972	$246.3
Official Adjustments:	
Revenue sharing delay	+2.2
Coal miner benefits	+1.0
Interest on public debt and other	+0.5
Total Official Adjustments	+3.7
Revised Official Estmiate—June, 1972	250.0
Additional adjustments	
Social Security benefit increase 20%	+2.3
Additional cost Vietnam	+1.5
House and Senate passed health and education programs	+1.0
House and Senate passed water quality control	+0.5
Minimum total additions	+5.3
Expenditure Estimate	255.3
Possible further additions	
Liberalization of Social Security and Medicare coverage contained in H.R. 1	+2.0
Defense—Vietnam	+1.5
Heart and lung research	+0.5
School lunch subsidies	+0.1
Flood relief	+1.3
Veterans medical care	+0.1
Assumed Expenditure Range	$255–258
Deficit Range	$35– 38

Joint Economic Committee Hearings on the Mid-year Review of Economy will be held on July 24, 25, 26 and 27, 1972 in Room 1202 of the New Senate Office Building, beginning each day at 10:00 a.m.

Monday, July 24—Council of Economic Advisers: Herbert Stein, Chairman; Ezra Solomon, Member; and Marina v.N Whitman, Member.

Tuesday, July 25—George P. Shultz, Secretary, Department of the Treasury; and Caspar W. Weinberger, Director, Office of Management and Budget.

Wednesday, July 26—Arthur F. Burns, Chairman, Board of Governors, Federal Reserve System

Thursday, July 27—John Kenneth Galbraith, Professor of Economics, Harvard University; Walter Heller, Professor of Economics, University of Minnesota; Paul A. Samuelson, Professor of Economics, Massachusetts Institute of Technology.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, in an effort to put important public policy issues before the public, "The Advocates" a debate series in the Public Broadcasting Service, has discussed the role of the transnational firm in the modern world.

In every case, "The Advocates" attempts to present a balanced view of both sides within the adversary process which characterizes our judicial system. Their March 14 show—"Should There Be Federal Regulation of the Overseas Operations of U.S. Corporations?"—revolved around portions of my own Foreign Trade and Investment Act of 1972 (S. 2592).

Although "The Advocates" has traditionally attracted what I would term a "free trade" audience, only a bare majority voted against regulations. Undoubtedly, the facts attested to by the two witnesses in favor of the Foreign Trade and Investment Act—Paul Jennings, president of the International Union of Electrical Workers, and Stanley Ruttenberg, former Assistant Secretary of Labor—must have brought these thoughts to many viewers' minds.

Mr. President, because of the importance of trade and investment policy, I ask that a news release indicating the response of the viewers of The Advocates television program be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

VIEWERS DIVIDED ON MULTINATIONAL ISSUE

Slightly more than one-half of viewers responding to the March 14 debate of The Advocates say they are against having the government place tougher restrictions on giant multinational corporations.

Of the 2,716 responses to the KCET-produced program, 1,428 were opposed to a labor-supported Congressional move to impose heavier taxation and stiffer regulations on U.S.-based global firms.

Secretary of Commerce Peter G. Peterson disputed claims by labor leaders on the program that the multinational firms are siphoning jobs out of this country and have a detrimental effect on U.S. trade and balance of payments. "U.S. employment of these companies has been in growing on the average about twice as fast as that of that of other U.S. companies," Peterson said.

On the other side, Stanley Ruttenberg, former assistant secretary of labor, charged that 900,000 American workers have lost their jobs since 1966 as the result of trade policies governing the multinationals. He said foreign investments by U.S.-based companies are important, but should only be encouraged "when they don't replace workers."

THE PRICE OF INDEPENDENCE

Mr. ALLEN. Mr. President, on July 2, 1972, Dr. R. Elmer Nielsen, pastor of the Capitol Heights Baptist Church, Montgomery, Ala., preached a sermon to his congregation on "The Price of Independence."

This sermon is a challenging one which I believe will be of interest to each Member of the Senate and to every American. For that reason, I ask unanimous consent that the sermon text and a brief biographical sketch of Dr. Nielsen be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE PRICE OF INDEPENDENCE

(Sermon preached by R. Elmer Nielsen, Th. D., Pastor)

Text: Psalm 33:12—"Blessed is the nation whose God is the Lord." Proverbs 14:34—"Righteousness exalteth a nation but sin is a reproach to any people."

God's hand in American history is unmistakable. The pillars of our Country were laid deep in granite foundations of God. His foothills echo through our valleys. His heart pulsates in our lives. His voice is heard in our land. Faith in God hung the lanterns on the prow of the *Mayflower* as it charted the unknown Atlantic. That vessel was laden with deathless destiny—devotees of a new order, the heralds of a new freedom, the trail blazers of a new epoch in human history. It carried Pilgrims, not passengers.

Christian principles were woven into the fabric of our government. Our most cherished documents acknowledge God as the author of this republic.

A noted Frenchman came to America over 170 years ago. He wrote, "I sought America's greatness. I found it not in her fields and forests; I found it not in her mines and factories; I found it not in her Congress and tribunals. It was only when I entered her churches and heard her pulpits thundering against sin and preaching righteousness that I discovered her greatness. America has been great because she is good. If America ceases to be good, she will cease to be great."

It was Alexander Blackburn who expressed it in a poem entitled "What Makes a Nation Great?"

Not serried ranks with flags unfurled,
Not armored ships that gird the world,
Not hoarded wealth nor busy mills
Not cattle on a thousand hills,
Not sages wise, nor schools, nor laws,
Not boasted deeds in freedom's cause—
All these may be, and yet the state
In the eye of God be far from great.

That land is great which knows the Lord,
Whose songs are guided by His Word;
Where justice rules 'twixt man and man,
Where love controls in art and plan;
Where, breathing in his native air,
Each soul finds joy in praise and prayer—
Thus may our country, god and great,
Be God's delight—man's best estate.

On this July 4th, 196 years ago a group of brave and dedicated men signed a historic document which we prize as our "Declaration of Independence". It began ". . . and for the support of this declarataion, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor".

It was signed on July 4, 1776 by 54 men, "in the name and by authority of the good people" of the 13 original colonies which stretched from New Hampshire to the North and Georgia to the South.

The men who signed "the Declaration of Independence were not wild-eyed, rabble-rousing ruffians. They were men of culture and education. Twenty-four of them were lawyers and jurists. Eleven were merchants. Nine were farmers and large plantation owners. All were well educated men of means.

Many of the signers soon were called upon to pay the price they had pledged for liberty.

At the Battle of Yorktown, Thomas Nelson, Jr. noted that British General Cornwallis had taken over the Nelson home for his headquarters. The owner quietly urged General George Washington to open fire. The home was destroyed, and Mr. Nelson died in bankruptcy.

Carter Braxton of Virginia, a wealthy planter and trader, saw his ships swept from the seas by the British Navy. He was forced to sell his home and properties to pay his debts. He died penniless.

The home and properties of Francis Lewis were destroyed, and his wife was jailed.

Five signers of this grant document were captured by the British as traitors and tortured before they died. Twelve had their homes ransacked and burned. Two lost their sons in the Revolutionary Army, and another had two sons captured. Nine fought and died from wounds or the hardships of the Revolutionary War.

Before the signing of the Declaration of Independence each of these men had security, but they valued liberty more. Our forefathers paid a high price for this country's independence, but we were born free.

Even so, there is a price we must pay for the independence we were born to. Eternal vigilance is the price of liberty.

Today we are the heirs of the freedom which they purchased. A sad fact of human nature is that people seldom fully appreciate things that they do not personally earn, pay for, or involve themselves in a direct way. This is so apparent today in relation to the precious heritage that has been handed us by the past. Abundant example is seen in the attitudes of many youth about us in their rebellion and so-called "counter-culture." Too many have down-graded patriotism and show base ingratitude for their material blessings as well as their heritage of freedom and liberty, purchased at so great a cost by others.

A sign of our times is a documentary recently released by NBC television in which young blue collar workers are venting their frustration at having to work 8 hours a day for 5 days, many times at boring, production line work. The dignity of labor and the necessity to contribute to production for compensation is lost in a cry to be free from all monotonous labor.

If they could only remember how their forefathers and fathers only a generation or so ago worked 12 to 15 hours a day and were paid so very much less.

They overlook the fact that there are 166 hours in a week. Productive labor is honorable.

Think of the things those patriots of the past were turning their backs on in order to be independent from England.

English citizenship
British trade. Money and banking
British protection
British prestige
The culture and social life of England
Ties of family and friends

The traditional British laws that guaranteed certain rights to its people.

But the kind of people who fled Europe did not come here to settle for a life of dependency. Their creed coincided with that of an unknown author who wrote: "I do not choose to be a common man or woman. It is my right to be uncommon . . . if I can. I seek opportunity—not security. I do not wish to be a citizen, humbled and dulled by having the state look after me. I want to take the calculated risk; to dream and to build, to fail and to succeed. I refuse to barter incentive for a dole. I prefer the challenges of life to the guaranteed existence; the thrill of fulfillment to the stale calm of Utopia. I will not trade freedom for beneficence nor my dignity for a handout. I will not cower before any master nor bend to any threat. It is my heritage to stand erect, proud and unafraid; to think and act for myself, enjoy the benefit of my creations and to face the world boldly and say: this, with God's help, I have done. All this is what it means to be an American. . . ."

Several things have characterized our nation over its history.

1. A belief in and dependence upon God.

2. A belief in and dependence upon our fellow citizens to rally to the call for defense of our liberty.

3. A belief in and dependence upon the Constitution to guide and protect us.

4. A concern for freedom and justice wherever it is threatened.

5. A desire for liberty and justice for all of our citizens.

Some time ago Ronald Reagan in a stirring speech gave an inspiring characterization of our true governmental function when he said: "The Founding Fathers—that little band of men so advanced beyond their time the world has never seen their like since—created a government based on the theory that you and I have the God-given right and ability to determine our own destiny.

"Here took place the only revolution in all history that didn't just exchange one set of rules for another. They shaped a government, bound it with a Constitution and said its only function was to be a watchdog over man's freedom. They never planned that it should become a cow to be milked.

"Here for the first time the individual genius of man—every man—was unleashed. Six percent of the world's population on seven percent of the earth's land surface created and owns more than fifty percent of the world's wealth, and that wealth has been distributed more widely among our people than in any other society since time began.

There were no fringe benefits at Valley Forge. The West was won without an area redevelopment program.

Now you and I must answer once again whether life is so dear and peace so sweet as to be purchased at the price of chains and slavery. If we are unwilling to pledge our lives, our efforts and our sacred honor, then we must one day spend our sunset years telling our children and our children's children what it once was like in America when men were free."

A most impressive fact is that independence is to a large extent an illusion, and not necessarily an ultimate goal to be desired by anyone. Freedom—yes. Free to make and shape our destinies, to choose our way of life, to walk about free from harm and danger, free to own and control property—real and personal; freedom of choice, to live where one pleases, work where one chooses, associate with those of his choice, to be free as long as that freedom does not infringe upon the basic right and freedom of someone else.

So, "Let Freedom ring," but remember that "Independence Day" simply marked the time when the colonies ended their dependence upon England and had to begin to depend upon themselves. They exchanged British government for their own, British authorities for American authorities, British law for American law, British taxes for American taxes, British garrisons for American garrisons. They exchanged one set of rules for another.

This has been a sad lesson for some of the small emerging nations of this generation that has severed ties with colonial powers. Countries like India, Pakistan, Bangladesh and Nigeria have found that all of their problems were not solved simply by independence. The Congo found that killing and running out the Belgians did not solve all of their problems. So in America we are so aware of the past that the price of independence comes high. We must depend now on ourselves to solve our problems rather than an outside force.

"No man is an Island". The life of the hermit, the recluse, the "Robinson Crusoes" is the scarce and abnormal exception. Even the loner must come to town for supplies produced and sold by someone else. He finds the going it alone route to be almost impossible. Ray L. Smith expressed it well when he said: "No man has ever been independent: every man has leaned upon the past."

Every liberty we enjoy has been bought at the cost of martyrs blood; every achievement of the race has been made at the cost of incredible toil.

There is not a privilege nor an opportunity that modern society grants to us that is not the product of other men's labors.

We drink every day from wells we have not dug; we warm by fires we have not kindled; we live protected by institutions we have not set up.

Our churches are built upon rocks put in place by martyrs of the ages past.

Our government rests upon the foundations cemented in place by the blood of soldiers who tracked their way, barefoot thru icy battlefields or over burning sands.

Our courts are reared upon the bodies of those who died for freedom.

No man liveth unto himself; all the past has invested in him."

One of our greatest dangers today is in independent type action and thinking which ignores the best interests of our country as a whole and seeks short term solutions to long range problems. When some minority groups scream out for their "rights", he often goes far beyond what was ever considered a right, but rather a privilege, a grant, or a gift, and one which called for some responsible action. The most blatant current example is a group of militant welfare recipients angrily demanding a minimum of $6,500 per year in benefits for doing absolutely nothing.

Someone has noted the cycle of the great civilizations of the past, most of which have lasted about 200 years or less.

From Bondage to Spiritual Faith
From Spiritual Faith to Great Courage
From Courage to Liberty
From Liberty to Abundance
From Selfishness to Complacency
From Complacency to Apathy
From Apathy to Dependency
From Dependency back again into Bondage.

In 4 years the United States of America will be 200 years old.

Will Americans follow the path of past civilization . . . or will they face up to the challenge that confronts them today?

Largely through our militant and ideological struggle with Communism we see our country proliferated fully into many hostile camps; political groups, economic groups, labor vs. management, racial groups, ethnic groups, religious divisions, social groups, poor vs. affluent, youth against age, education vs. uneducated. Criminals and reformers against law enforcement, revolutionaries against the establishment. All of this has been taken by a largely hostile press at the national level, feeling as though they should be "the devil's advocate" in trying to air every force and crackpot arrayed against us, and shown to the world in the worst light. Our image has suffered while outsiders have looked in on an apparent family squabble here while ignoring their own shortcomings.

The average citizen and his views are lost in headlines which herald the release of avowed Communist militant Angela Davis, who it was proved at least purchased and furnished guns which later were used in a courtroom shootout. We see unprecedented action in which she goes home that night to join in a victory celebration with the jury, and now night after night is renting great halls in our largest cities haranging Communist sympathizers to tear our country apart.

How frustrating to see the *Today* show from New York recently furnishing Jane Fonda a forum to spew out her venom against our president, our country, and everything we hold dear, while the interviewer carefully avoids bringing out that this brazen, spoiled, youth has been jailed many times for violating the laws of the land in her militant actions in protests of all kinds, arrested for smuggling in drugs, and well known for her attitude on traditional morals of our country.

The terrible price of our dependence is still a bargain today for what we have. But whether we keep this priceless heritage increasingly becomes a question of how much we are willing to become involved and pay a personal price for continued freedom and liberty.

The most pertinent spiritual application is that we can never be independent of God. Some are trying, but only the love, grace, mercy and long-suffering of our God allows so much of our country to ignore Him, break His laws with impunity as we see today. The wheels of Judgment and justice grind slowly but surely.

Every breath we breathe, every heartbeat is dependent upon God.

Being dependent is not wrong, nor necessarily undesirable. It is being dependent upon the wrong things. If we are independent upon our own shrewdness, subtlety and trickery to get us by, or upon our loudness and bombast, even our muscle hard work and material accumulations we will find sooner or later that this is insufficient. Many are dependent upon alcohol and other drugs to get them by and shield them from the realities of life.

We must depend upon God. He must be our last line of defense. "If the Son shall make you free ye shall be free indeed."

With prophetic accuracy Rudyard Kipling wrote many years ago concerning his beloved England in the Recessional:

"God of our fathers, known of old,
  Lord of our far flung battle line,
Beneath whose awful hand we hold
  Dominion over palm and pine,
Lord God of Hosts, be with us yet,
  Lest we forget, lest we forget!

If drunk with sight of power we loose
  Wild Tongues that have not Thee in awe,
Such boastings as the Gentiles use,
  Or lesser breeds without the law,
Judge of the nations, spare us yet,
  Lest we forget, lest we forget!"

May God grant that we in our great but endangered country not forget the God who has loved us and brought us safe thus far.

Arthur Brisbane expressed it so well some time ago when he said: "We may sweep the world clean of militarism. We may scrub the world white of autocracy. We can carpet it with Democracy and drape it with the flag of republicanism. We may hank on the walls the thrilling pictures of freedom—Here the signing of America's Independence, there the thrilling portrait of Joan of Arc, yonder the Magna Charter, and on this side the inspiring picture of Garibaldi. We may spend energy and effort to make the world a paradise itself, where the lion of capitalism can lie down with the proletarian lamb. But if we turn into that splendid room mankind with the same old heart, "Deceitful and desperately wicked," we may expect to clean house again not many days hence. What we need is a peace conference with the Prince of Peace."

If you have not had the experience of a personal experience with Christ in which you have committed yourself in an experience of repentance and faith to become His follower, I urge you to make that decision even now.

You can give your country, your community, your family and yourself no greater gift than new life in Christ.

BRIEF BIOGRAPHICAL SKETCH—R. ELMER NIELSEN

Born and Reared in Montgomery, Alabama.

AB—Samford University, Birmingham, Alabama.

BD and ThD—New Orleans Baptist Theological Seminary.

Prior to 1948—Business and Layman in Montgomery.

1944–45—Served in U.S. Marine Corps, 4th Division in Pacific Theater.

1948–50—Pastor of Memorial Heights Chapel, Montgomery, and Oakdale Baptist Church, Ramer, Alabama.

1950–52—Pastor, Ferris Hill Baptist Church, Hattiesburg, Mississippi.

1958–67—Pastor, First Church, Cullman, Alabama (9 years, 7 months).

1967–70—Executive Secretary, The Alabama Council on Alcohol Problems, Birmingham, Alabama.

Since May, 1970—Pastor, Capitol Heights Baptist Church, Montgomery, Alabama.

Member—of Alabama Baptist Convention Executive Board, 1958–61, 1964–67.

Member—of Administration Comm., Alabama Baptist Convention Exec. Board, 1966–67.

Member—Board of Directors, Alabama Temperance Alliance 1962–67.

Member—Board of Trustees, Judson College, 1961–64.

President—Montgomery Baptist Minister's Conference 1971—Present.

Civic—Active in Civic affairs wherever his ministry has led him, Civic Clubs, Red Cross work, American Legion, Radio broadcasting, and school affairs. In 1968 he was appointed to the Governor's Committee on the Study of Alabama's Educational System. President, Montgomery Leased Housing Corporation (non-profit, low income).

Travelled and Spoke—Europe, 1950 and 1955; Central and South America 1960; South Europe and Holy Land, 1963; Europe, 1965 and 1966. Has had voluntary association in Billy Graham Crusades in New York, 1957; New Orleans, 1955; Charlotte, 1959; Birmingham, 1965; Montgomery, 1965; Tuscaloosa, 1965; Huntsville, 1963; London, 1955; Buenos Aires, 1960; Copenhagen, 1965; Berlin, 1966. Has preached in 7 foreign countries and conducted more than 95 revivals in the United States. Attended the Baptist World Alliance, Tokyo, 1970. Toured in Turkey, Syria, Lebanon, Syria and Israel, 1973.

Has Written—"An Appraisal of the Ministry of F. B. Meyer," and for several Baptist publications, including the Encyclopaedia of Southern Baptists. Vol. I and II.

Wife—Annie Lee Mullis of Charlotte, N.C.; one daughter, three sons.

JAROSLAV MASARYK KIDNAPED BY COMMUNIST CZECHOSLOVAK BORDER GUARDS

Mr. PERCY. Mr. President, more than 2 months have passed since Jaroslav Masaryk became one of the more recent victims of the continuing tragedy of Czechoslovakia. For it was on May 3 that young Masaryk was kidnaped on the Austrian-Czechoslovak frontier, as he attempted to see his parents at the border.

Jaroslav Masaryk had left Czechoslovakia in 1968, as did so many other young Czechs and Slovaks, in the wake of the brutal Soviet invasion, because he refused to live under a puppet regime supported by an occupying army. He made a new life abroad, but always had a deep desire to see his parents again. Hoping to get close enough to at least touch his parents' hands, Masaryk ventured to the very edge of the border. While still on Austrian soil he was, without warning, seized by Communist border guards and dragged into Czechoslovak territory. He has not been heard of or seen since.

The Austrian Government has protested strongly against this flagrant violation of international law and is continuing to press vigorously for Masaryk's release and his return to Austrian soil. I have written to Secretary of State William P. Rogers, asking that the United States offer every possible assistance to the Austrian Government in this matter.

A REAFFIRMATION OF THE BELIEF IN THE INHERENT RIGHTS OF MANKIND

Mr. PROXMIRE. Mr. President, by failing to ratify the convention on the prevention and punishment of the crime of genocide, the Senate has implied that the rights that U.S. citizens enjoy by virtue of the Constitution and the Bill of Rights are not to be construed as belonging to the rest of mankind.

In 1776 the founders of this country dedicated themselves to the self-evident-truth "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." Is it not ironic that we, who have been in the forefront in promoting freedom for individual and human rights for all groups, fail to ratify the convention on the prevention and punishment of the crime of genocide?

How many Americans have ancestors who were immigrants to this country? How many Americans have relatives who are still living abroad? Do we not care about those who were not born on American soil?

Our ratification of the Genocide Treaty will be an affirmation of the fact that all men, not just Americans, are created equal. It will be an acknowledgement of the fact that all men, not just Americans, are endowed with certain inalienable rights.

I call upon the Senate to reaffirm our belief in the inherent rights of mankind. I ask the Senate to ratify the convention on the prevention and punishment of the crime of genocide.

JAMES J. KILPATRICK RECONSIDERS: SAYS LET THE SACB GO

Mr. ERVIN. Mr. President, James J. Kilpatrick is a journalist and commentator whose analyses of current issues and constitutional questions command the Nation's interest and respect.

On June 22 of this year, Mr. Kilpatrick taped for delivery on station WTOP a statement concerning the Subversive Activities Control Board in which he pointed out that a year or so ago he had joined in urging that funds be provided to continue the SACB, but that he has since changed his mind. Mr. Kilpatrick now agrees with my own conclusion that the time has come to abolish the SACB.

Mr. President, in the near future, a House-Senate conference committee will meet to consider whether funds should be appropriated to continue the SACB. In view of the timeliness of Mr. Kilpatrick's commentary, I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMENTARY BY JAMES J. KILPATRICK

A year or so ago, when the President proposed that new duties be assigned to the Subversive Activities Control Board, I went along with the idea, and I joined then in urging that funds be provided for the SACB for Fiscal '72.

Well, I think I was wrong then; and I think the Senate was right the other day, when it voted 45–12 to abolish the board by wiping out its appropriation for Fiscal '73.

Many conservatives, if I am not mistaken, have been deeply troubled about this issue. There was a tendency to stick by the board as a symbol—a symbol of continuing resistance to Communist subversion, an official manifestation of national vigilance against the overthrow of cherished institutions by an ideological imperialism that never lets up. We felt the board was not to be blamed for administrative defects in the law; and at a time when new revolutionary groups were developing, we saw some rational role for an agency whose sole function would be their surveillance.

But we have had many misgivings also. There were the constitutional objections pressed by Senator Sam Ervin, not merely on the matter of the President's executive order, but more gravely on the serious First Amendment questions involving rights of association and rights of free speech. Finally, there was a conservative's instinctive hostility to the sheer waste of the taxpayers' money. The hamstrung board was not doing anything—there was no prospect of amending the law to give the board new duties—and $450,000 is no trivial sum. The need continues for a vigilant eye on revolutionary groups, but perhaps that need can otherwise be met. Let the board go.

THE PRESTIGIOUS ORDER OF AHEPA

Mr. ALLEN. Mr. President, the prestigious Order of Ahepa was founded on July 26, 1922, in Atlanta, Ga. Thus, this highly respected organization will celebrate the golden anniversary of its founding on Wednesday of this week.

Mr. President, I consider it timely and most appropriate for the Senate to use this occasion to give recognition and pay our respects to this exceptionally fine fraternal organization. It is a pleasure for me to express my personal appreciation for its enviable record of civic and patriotic contributions to worthy causes in the United States and in the international area of humanitarian concerns. Those of us who are familiar with the Order of Ahepa are acutely aware of its long record of generous financial and personal support of a wide variety of community projects in local areas such as education, charity, and civic improvements.

Mr. President, the objects of AHEPA speak for the order far more eloquently and persuasively than can I, and for this reason I commend these objects to the thoughtful consideration of Members of the Senate and the public in general. They are:

First. To promote and encourage loyalty to the United States of America.

Second. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

Third. To instill in its membership a due appreciation of the privileges of citizenship.

Fourth. To encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor.

Fifth. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation.

Sixth. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture.

Seventh. To promote good fellowship, and endow its members with the perfection of the moral sense.

Eighth. To endow its members with a spirit of altruism, common understanding, mutual benevolence and helpfulness.

Ninth. To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

Mr. President, in honoring AHEPA on the occasion of the golden anniversary of its founding, I cannot but point with pride to the contributions to the order of outstanding Alabama citizens who serve as officers on national, district, and local chapter levels. I ask unanimous consent that the list of Alabama officers be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORDER OF AHEPA

ALABAMA

Local chapter officers

Nick Sfakianos, President, Fairfield.

Constantine Sfakianos, Vice President, Fairfield.

Nick Glenos, Secretary, Fairfield.

Angelo Petelos, Treasurer, Fairfield.

John Diamantakos, President, Birmingham.

Demetrios Nakos, Vice President, Birmingham.

Constantine Koutroulakis, Secretary, Birmingham.

Anthony Boulgaris, Treasurer, Birmingham.

John A. Cookorinis, President, Montgomery.

William Manning, Vice President, Montgomery.

James Klonaris, Secretary, Montgomery.

John C. Costopoulos, Treasurer, Montgomery.

Current national officers

Sam S. Nakos, Chairman, Educational Foundation, Birmingham.

Current district lodge officers

John Cookorinis, Lt. Governor, Montgomery.

Tony Voulgarides, Marshall, Montgomery.

John Diamantakos, Admin. Ass't to District Governor, Fairfield.

Past national officers

Gregory J. Despinakis, Past Supreme Lodge, Birmingham.

THE 50TH ANNIVERSARY OF AHEPA

Mr. PERCY. Mr. President, on July 26, 1922, the Order of Ahepa was founded in Atlanta, Ga. In the 50 years that have followed, the American Hellenic Educational Progressive Association has expanded to 430 local chapters in 49 States, Canada, and Australia. Its membership has included Presidents, Cabinet members, Senators, and Representatives, and today the Order of Ahepa counts as one of its distinguished members the President of the Senate and Vice President of the United States, Hon. SPIRO T. AGNEW.

Over the years the Order of Ahepa and its affiliated organizations have repeatedly demonstrated their active interest in America by contributing to a wide variety of charitable causes. Ahepa members have long championed the cause of education and have participated in civic affairs, helping to promote a better and more complete understanding of Hellenism and Hellenic culture.

I congratulate the members of the Order of Ahepa on the 50th anniversary of the founding of their fraternity. They have reason to be proud of their organization's achievements and of themselves as fine, creative, hard-working Americans.

SALUTE TO THE ORDER OF AHEPA

Mr. HARTKE. Mr. President, after 50 years of service and accomplishment, the Order of Ahepa—American Hellenic Educational Progressive Association—an international fraternity of men of good moral character deserves recognition. This organization has contributed its time and resources to many international causes in the hope of achieving worldwide brotherhood and love.

Within the past 50 years, the organization has promoted loyalty to the United States and has made American citizens more aware of their rights and obligations through its 450 local chapters.

Mr. President, the members of AHEPA have a justifiable pride in their record of accomplishment and I am pleased to take this opportunity to salute a fraternity that exemplifies the true spirit of the United States.

SUPREME COURT UNDERMINES FREEDOM OF THE PRESS

Mr. ERVIN. Mr. President, on June 29, 1972, the Supreme Court announced its decision in three consolidated cases which involved an interpretation of the first amendment respecting newsmen's confidential sources of information. In Branzburg against Hayes, a majority of five Justices determined that there is no first amendment privilege for newsmen to refuse to answer questions of a grand jury even if those questions require the disclosure of confidential sources and information.

Justice White's opinion for the majority rejects the analysis of the Ninth Circuit Court of Appeals in the case of United States against Caldwell, one of the consolidated cases, which had recognized a first amendment newsmen's privilege against compulsory disclosure of confidential sources and information in certain circumstances. Justice White wrote:

> Fair and effective law enforcement aimed at providing security for the person and property of the individual is a fundamental function of government and the grand jury plays an important, constitutionally mandated role in this process. On the records now before us, we perceive no basis for holding that the public interest in law enforcement and in ensuring effective grand jury proceedings is insufficient to override the consequential, but uncertain, burden on news gathering which is said to result from insisting that reporters, like other citizens, respond to relevant questions put to them in the course of a valid grand jury investigation or criminal trial.

On previous occasions I have stated that the Ninth Circuit Court's decision and the analysis upon which it was based constituted a wise and true reading of the first amendment's guarantee of freedom of the press. I am deeply concerned and greatly disappointed over the majority opinion in Branzburg against Hayes, which reversed the Ninth Circuit's decision in the Caldwell case. I must agree with Justice Stewart, writing in dissent, that—

> The Court's crabbed view of the First Amendment reflects a disturbing insensitivity to the critical role of an independent press in our society.

In protecting New York Times reporter Earl Caldwell from appearing before a Federal grand jury in California investigating the Black Panthers, the Ninth Circuit Court emphasized the vital role which a free press plays in a free society. It correctly observed that the first amendment was adopted to preserve an "untrammeled press as a vital source of public information." Judge Merrill wrote for the Court of Appeals:

> The need for an untrammeled press takes on special urgency in times of widespread protest and dissent. In such times the First Amendment protections exist to maintain communication with dissenting groups and to provide the public with a wide range of information about the nature of protest and heterodoxy.

He warned about the threat to freedom of the press which comes from fear of Government interference with the newsman's investigative process. He cautioned:

> To convert news gatherers into Department of Justice investigators is to invade the autonomy of the press by imposing a governmental function upon them. To do so where the result is to diminish their future capacity as news gatherers is destructive of their public function.

It is important to understand that neither the district court nor the Court of Appeals in the Caldwell case purported to establish a sweeping, unlimited privilege for newsmen. The general rule set forth by the Court of Appeals requires a balancing of the interests of the first amendment and the interests of law enforcement. It would simply require that where the public's first amendment "right to be informed"' would be jeopardized by a journalist's submitting to secret grand jury interrogation, the Government must demonstrate a compelling need for the witness' presence before he can be subpenaed. The Ninth Circuit opinion emphasized that its rule was a narrow one. It specifically noted:

> Not every news source is as sensitive as the Black Panther Party has been shown to be respecting the performance of the "establishment" press or the extent to which that performance is open to view.

Quite clear, the Court of Appeals decision resulted from a careful consideration of both the first amendment and law enforcement interests at stake. The decision struck a wise balance between these interests under the circumstances of this particular case.

I am compelled to say that the Supreme Court's reasons for rejecting the ninth circuit's decisions are neither impressive nor persuasive. The majority opinion does not take into account the practical effect of its holding on newsmen and the public's right to be informed. At one point the majority opinion naively describes the consequences of its decision as not "forbidding" or "restricting" the use of confidential sources by the press. It states:

> Reporters remain free to seek news from any source by means within the law.

Of course, it would be absolutely unprecedented and unconstitutional for the Government to "forbid" or "restrict" newsmen from using confidential sources in their effort to enlighten Americans on matters of public concern. That is not the problem raised by the subpenas to Earl Caldwell and other reporters. The problem for them and for the public is how a reporter can continue to gather news and to report to the public from and about sensitive persons and issues when that reporter can be compelled by the Government to disclose these confidential sources and information in secret grand jury interrogations.

Aggressive and curious newspaper reporters have always been a tempting and easy source of information for Government. Nevertheless, whatever short-term benefits may flow from Government's reliance upon newsmen as a substitute for its own investigations, the long term threat to the public's right to be informed about the controversial as well as the routine is too great a risk to take in a free society.

Justice Stewart's dissenting opinion in Branzburg against Hayes, declares:

> A corollary of the right to publish must be the right to gather news. The full flow of information to the public protected by the free press guarantee would be severely curtailed if no protection whatever were afforded to the process by which news is assembled and disseminated.

The right to gather news, Justice Stewart correctly observes:

> Implies a right to a confidential relationship between a reporter and his source.

Several affidavits filed with the Ninth Circuit Court by some of the country's outstanding newsmen underline the practical importance of protecting newsmen's confidential sources. They uniformly warn that without some protection from zealous law enforcement, sensitive sources for news about controversial subjects will quickly "dry up."

In one of these affidavits, Mr. Walter Cronkite of CBS News stated:

> In doing my work, I depend constantly on information, ideas, leads and opinions received in confidence. Such material is essential in digging out newsworthy facts and, equally important, in assessing the importance and analyzing the significance of public events. Without such materials, I would be able to do a little more than broadcast press releases and public statements.
>
> The material that I obtain in privacy and on a confidential basis is given to me on that basis because my news sources have learned to trust me and can confide in me without fear of exposure. In nearly every case their position, perhaps their very job or career, would be in jeopardy if this were not the case. There are almost daily examples of this. For example: A member of the staff of a United States Senator advised me, far in advance of the announcement, that his employer did not plan to run for reelection. Another person in a similar position tipped me to his employer's intention to seek a higher office. An officer high in Pentagon circles recently offered evidence of pressure high in the military command structure to get the President to cut back on his Viet Nam withdrawal commitments. A bartender told me of fraud in restaurant inspection in New York City. A scientist asserted that the Atomic Energy Commission's safety standards for atomic energy installations were not adequate. None of these persons would have volunteered this information if they thought they would be exposed as the source of the information. In short, I would be unable to obtain much of the material that is indispensable to my work if it were believed that people could not talk to me confidentially. I certainly could not work effectively if I had to say to each person with whom I talk that any information he gave me might be used against him.

Mike Wallace, an outstanding reporter, declared in a similar affidavit:

> In my experience in investigative news gathering, the ability to establish and maintain the confidence of people who may be willing to suggest leads and divulge facts and background information to me has been essential. If such people believed that I might, voluntarily or involuntarily, betray their trust by disclosing my sources or their private communications to me, my usefulness as a reporter would be seriously diminished.

An examination of the Supreme Court's decision in Branzburg against Hayes, must be made in the context of the importance of a free press to any free society. The rationale for protecting newsmen from Government inquiry is not to protect them individually, but to insure that the public has access to that free flow of information so vital to a democracy. The first amendment, including its guarantee of a free press, was designed to make Americans politically, intellectually, and spiritually free. Its prohibition against Government suppression and intimidation of the press is couched in sweeping language. In my judgment, the Founding Fathers intended the first amendment's protection of the press to be liberally construed.

In this decision, the Supreme Court's majority has overlooked the philosophy of the first amendment's guarantee of a free press. The five-justice majority has casually dismissed the practical effects of its holding which will certainly undermine the ability of reporters to search out the truth for the American people. The majority has apparently forgotten the historic dangers always implicit when Government, even for the most noble of purposes, interferes with and restricts the operations of the press. And, I am sadly compelled to believe, it has not fully understood the grand and hopeful assumptions which underlay our Founding Fathers' conviction that men have nothing to fear from freedom of thought, speech, and press as long as truth is free to combat error.

I believe that Justice Stewart in his dissent has accurately perceived the relationship of the news gatherer and the confidentiality of his sources to the purposes of the first amendment. He wrote:

> The reporter's constitutional right to a confidential relationship with his source stems from the broad societal interest in a full and free flow of information to the public. It is this basic concern that underlies the Constitution's protection of a free press, because the guarantee is "not for the benefit of the press so much as for the benefit of us all."

Concern over Government interference with the journalist's function was manifested during recent hearings of the Senate Subcommittee on Constitutional Rights on the state of freedom of the press in America. Representatives of news organizations and publisher associations and individual newsmen expressed their alarm over Government's sudden increased subpenaing of newsmen over the last few years. A 20th century fund task force on Government and the press studied in detail this problem and has published its findings in an impressive report entitled "press freedoms under pressure." A number of professional news associations have advocated enactment of legislation to protect newsmen's confidential sources.

Responding to this growing concern over Government interference with the operation of a free press, the Senator from Kansas (Mr. PEARSON) has introduced S. 1311, widely known as the "newsmen's privilege" bill. Referred to the Constitutional Rights Subcommittee, this bill has received considerable support and was the subject of discussion during the subcommittee's hearings. More recently, following the Supreme Court's reversal of the Caldwell decision, the Senator from California (Mr. CRANSTON) introduced another version of a "newsmen's privilege" bill, S. 3786. Similar legislation has been introduced in the House of Representatives. This legislation is designed to do what the Supreme Court refused to do—to protect newsmen's confidential sources and information in certain circumstances from compulsory disclosure to governmental bodies.

In the course of our hearings on freedom of press, I expressed my hope that the Supreme Court would affirm the wise holding of the Ninth Circuit Court of Appeals in the Caldwell case. It was my view that, once having established a constitutional basis for a newsmen's privilege, the courts could best balance the competing interests between the press and Government on a case-by-case basis without the need for any legislation. Inasmuch as the Supreme Court has rejected a constitutionally based privilege for newsmen, proposed legislation establishing a privilege for newsmen deserves renewed consideration.

Mr. President, there has been considerable editorial commentary on the Supreme Court's decision in this case. Because I consider the issues involved to be of fundamental importance to the freedom of our country, I ask unanimous consent that several of the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Charlotte Observer, July 3, 1972]

Court Chills Reporter's Role

It may be a minor point to some, but the Supreme Court's decision requiring newsmen to provide confidential information to grand jury investigators knocks a sliver from the bulwark that has separated the press and the government for 200 years.

The court determined that as a citizen a reporter has a responsibility to aid such investigations under certain circumstances. But does he? A lawyer is a citizen, but no one questions the confidential lawyer-client relationship. A priest is a citizen, but he is bound by secrecy in the confessional. A reporter has similarly unique relationship with his source.

Historically, the role of the American press is to keep a watchful eye on the government—not to rescue it when it fails in its law-keeping function. Reporters are not in the business of doing the legwork for grand juries or other government bodies. They generally assume that law enforcement agencies have more efficient methods of criminal investigation than their own. All a reporter has is his integrity and his access to a publisher. Requiring him to divulge sources chills his access to information.

The decision may not stop many newsmen, although they may find it more difficult to win the confidence of a source. Earl Caldwell of The New York Times, one of three principals in this ruling, has indicated that he would go to jail before disclosing confidential information about the Black Panthers. We suppose there are many others willing to become martyrs to freedom of the press.

Will the larger public suffer as a result of the court's ruling? We think so. Investigations by reporters lend insight about all aspects of community life and frequently bring about reforms. Sometimes things are worse than local politicians or police officers or even grand juries would have us believe. Any impediment to the reporter's ability to find out is a curtailment on the public's right to know.

[From the Charlotte Observer, July 17, 1972]

The Caldwell Case—Revisited

Last month, the Supreme Court struck a major blow against our civil liberties. In the case of New York Times reporter Earl Caldwell, the Court ruled that a reporter can be required to reveal confidential sources to a grand jury. We warned then that the ruling could have dire consequences. Last week in federal court in Washington, D.C., the results were worse than we had imagined.

On Thursday, a young attorney, Douglas Caddy, was jailed by a federal judge for refusing to answer a grand jury's questions about a client. The grand jury was investigating the recent arrests of five men inside the Democratic party headquarters. The jury asked Caddy the name of the man who retained him as counsel for the five men. They also queried him about the whereabouts of E. Howard Hunt Jr. Mr. Hunt, who disappeared recently, is sought because his name and phone number were found on two of the five.

Judge John J. Sirica's ruling that Mr. Caddy was in contempt would, if upheld, open the door to still further infringements of our civil liberties. At issue here is the confidentiality of the attorney-client relationship. Prominent local lawyers say they could not recall a precedent for such a ruling.

Obviously the grand jury is on a fishing expedition for information which it does not have. The tenor of its questioning suggests "guilt by association." In either case, it is wrong to force a client's lawyer to testify against the client.

The Supreme Court's ruling in the Caldwell case aroused little fear among members of the public especially the legal profession. With the Caddy case however, perhaps lawyers and the public will join in the fight against the government's further undermining of our basic liberties.

[From the Washington Post, July 1, 1972]

The "Nixon Court" and the First Amendment

If there was one resounding note in the welter of opinions from the Supreme Court Thursday, it was the low value the Court's new majority places on the flow of information. In three cases involving a newsman's right to protect confidential sources, the Court brushed aside claims that forced disclosure of confidential information and of the identity of sources would lessen substantially the flow of news to citizens. In another case involving an aide to Senator Gravel, the Court denied the existence of any constitutional link between the legislative duties of a Congressman and the information he receives or sends to his constituents. In still another, this one involving Senator Brewster, the Court said that among the things which are not purely legislative activities of Congressmen are "preparing so-called 'news letters' to constituents, news releases, speeches delivered outside the Congress." All these decisions, taken together, indicate that the new majority on the Court is remarkably insensitive to the First Amendment to the Constitution and to what we had always thought were two fundamental principles of a republican form of government—the need of the public to know what is going on in and out of government and the need of the public's representatives to communicate freely with it.

We would begin with the question of the reporter's privilege, perhaps because it cuts to the heart of our business. (The related matters involving the Court's peculiar understanding of the legislative process is also of great importance to the way this country works, or doesn't work, and we will turn to it at a later time.)

The issue that divided the Court, five to four, in the reporter's privilege cases was not that of whether newsmen should have an absolute right to refuse to provide the government with information they have received in confidence. It was, instead, the question of whether the government, when calling a reporter before a grand jury, should have to provide in advance a special need for the particular information the reporter desires to keep to himself. The Court's majority says the government does not have to do that and its holding, we believe, will be costly to the nation in terms of the stories that will never be written about the hopes and plans of political dissenters, the corruption and political deals made inside the government and the activities of organized crime.

Stories of this kind—the leaking of secret government documents or even of non-secret ones to newsmen by bureaucrats fed up with coverups; the inside tales of the Black Panthers and other such organizations; the exposes of links between government and organized crime—are often obtainable only on the assurance of newsmen that they will not reveal their sources. Whether such information will still be forthcoming, now that the Court has said such assurances do not need to be respected, is an issue of substantial substance to you as well as to us. In this town, for example, will the middle-level public servant who has an honest difference with the official line, or something to say about wrongdoing within the bureaucracy, be as ready in the future to talk frankly in confidence to a newsman? We doubt it. Or will it be possible in the future as it has been in the past for the public to learn as much about the goals and plans of groups like the Black Panthers? We doubt that, too.

The Court's majority, of course, escapes these hard questions by focusing on crime and turning the argument of the press on its head by calling it "the theory that it is better to write about crime than to do something about it." No one we know of has contended that it is better to write about crime than to act against it. The contention of the news media, at its heart, is that it is better for both the public and the government to learn *something* about the forces loose in our society than to learn *nothing*, a contention set out forcefully by Justice Stewart in his dissent, extracts from which appear elsewhere on this page.

The Court's majority also attempts to reassure newsmen that its rejection of their position does not mean a total end to confidential information. It notes that a grand jury's questions must be related to the commission of crime. But it also quotes with approval this description of what a grand jury is:

"It is a grand inquest, a body with powers of investigation and inquisition, the scope of whose inquiries is not to be limited narrowly by questions of propriety or forecasts of the probable result of the investigation, or by doubts whether any particular individual will be found properly subject to an accusation of crime.

Given this concept of a "grand inquest," there is little solace in the Court's comment that grand jury investigations conducted in other than good faith would pose "wholly different issues" than those in these cases. Nor is there much comfort in its remark that a prosecutor may not insist on answers if a reporter raises the issue of confidential sources. This is not what you would call a firm position, given the antagonism in recent years between the press and some parts of government.

It is true, no doubt, that the press, as the Court suggests, "has at its disposal powerful mechanisms of communication and is far from helpless to protect itself from harassment or substantial harm." But it would have been far better, and far more in line with the Constitution's commands, for the Court to have brought about an accommodation between the legitimate claims of government prosecutors and the equally legitimate claims of newsmen. Instead. it has chosen to throw them into open conflict. Even while asserting that news gathering is protected by the First Amendment and that "without some protection for seeking out the news, freedom of the press could be eviscerated," the Court has left the news media to protect that freedom as best they can without much help from the First Amendment. We do not believe that is what was intended by the men who wrote that Amendment.

[From the New York Times, July 15, 1972]

Loss for the Public

A subtle trend toward erosion of the Bill of Rights is among the points of concern raised by the shift in the Supreme Court. Specifically, the decision denying reporters the right to refuse to reveal their sources of confidential information to a grand jury reflects, as Justice Stewart pointedly observed in his sharp dissent, "a disturbing insensitivity to the critical role of an independent press in our society."

In the cases involving three newsmen—including a reporter for The New York Times—who maintained their right to protect their sources of information, the Court's majority seemed oblivious of the chilling effect of its decision on the press's freedom to investigate, to expose, and to report without fear of governmental sanctions. The decision is an assault on the public's right to know. By forcing newsmen to reveal their sources of information to a grand jury, the Court is in fact undermining the whole basis of the confidential relationship between a reporter and his sources, which is the only basis on which much information of vital importance to the public can ever be revealed.

It is the public, rather than the media or the reporters, that will be the principal victim of this amazingly constricted viewpoint of the Court. For it will be infinitely more difficult henceforth to obtain and publish information involving criminal matters that, perhaps for ulterior motives, governmental bodies may wish to conceal. "As the years pass, the power of government becomes more and more pervasive," Justice Douglas noted in his dissent. "It is a power to suffocate both people and causes."

The newsmen did not claim "an absolute privilege against official interrogation in all circumstances"—after all, newsmen do have the normal obligations of citizenship—but they did claim, and are now denied, protection against grand jury questioning except when there was special reason to believe that they possessed relevant information for which there was "compelling" need. In eighteen states including New York, reporters have this special and needed right to the privacy of communications; and Justice Powell's "enigmatic" opinion, concurring with the majority, specifically notes that newsmen do have constitutional rights "in safeguarding their sources," and that governmental authorities are not free to "annex" the news media as "an investigative arm of government."

Yet the purport of the prevailing opinion raises exactly this danger, especially insofar as two of the three cases themselves involved reportorial activities with such an unpopular and suspect group as the Black Panthers, and the third was concerned with the equally unpopular and generally suspect "drug culture." **Obviously the decision opens a way to fishing expeditions on the part of grand juries and prosecuting attorneys, at the expense of newsmen's ability to maintain independent and confidential relationships with persons in possession of useful information who fear loss of jobs, harassment or other reprisals if their identity is disclosed.**

It seems evident that Federal legislation to restore to reporters some reasonable protection from grand juries of their right to confidentiality—along the lines proposed by Senator Cranston of California and Representatives Koch and Reid of New York—is now essential.

[From the Chicago Tribune, July 8, 1972]

A Blow to Press Freedom

The United States Supreme Court last week solemnly acknowledged the virtues of a free press and the need to protect it, and it then just as solemnly declined to do so.

The 5 to 4 opinion involved three cases in which newspaper reporters had been subpenaed to divulge the nature and sources of information which they had gained in confidence. The most notable of the cases was that of Earl Caldwell, a New York Times reporter who established a confidential relationship with the Black Panthers in California and was then ordered by a grand jury to tell it what he had learned about the Panthers and their plans.

The majority opinion, written by Justice White, cited case after case in which the courts have recognized the dangers which unrestrained power in the hands of officials can create for a free press. The Court held that these dangers were not present in the cases before it; it then went on to minimize the dangers in general and to criticize what it seems to regard as a journalistic theory "that it is better to write about crime than to do something about it." It wound up by sidestepping the whole issue, leaving reporters completely at the mercy of prosecutors and grand juries. To define the conditions under which a reporter might be subpenaed, it said, would involve "a long and difficult journey."

"In each instance where a reporter is subpenaed to testify," the court said, "the courts would also be embroiled in preliminary factual and legal determinations with respect to whether the proper predicate had been laid for the reporter's appearance: Is there probable cause to believe that a crime has been committed? Is it likely that the reporter has useful information gained in confidence? Could the grand jury obtain the information elsewhere? Is the official interest sufficient to outweigh the claimed privilege?"

For heaven's sake, these are precisely the sort of questions the courts must undertake to answer if the First Amendment is to mean anything at all. The reporters involved, and their employers, were not demanding absolute immunity, even tho some editors and some politicians [such as California's liberal Sen. Alan Cranston] have proposed it. They were not putting the interests of a free press above the interests of justice. They were merely asking the Court to acknowledge that the power of subpena can be abused and that the courts have a duty to prevent such abuse.

As for the suggestion that newspapers are more interested in printing stories about crime than in doing anything about it, it is so naive as to be astonishing. The type of crime most often involved in the confidences we're talking about is corruption in government. Who would ever stop it if it were not exposed in the press? How would the press be able to expose it without the help of confidential informants who were willing to tell what they knew to reporters whom they trusted? The Supreme Court's blanket ruling will certainly make these people think twice before they talk to a reporter, and to that extent the Court has turned itself into the protector of corruption and incompetence in government. Any reputable newspaper's purpose in exposing corruption is precisely to see that something *is* done about it.

In a concurring opinion, Justice Powell offered the hollow consolation that "no harassment of newsmen will be tolerated" and that the courts "will still be available" to them. In view of the majority opinion, it is hard to see what the courts will be able to do about it.

In the main dissenting opinion, Justice Stewart deplored that the Court had overlooked the precedent of prior cases and had "failed to recognize that under the guise of 'investigating crime' vindictive prosecutors can . . . explore the newsman's sources at will, with no serious law enforcement purpose" and can demand information about informants "who have neither committed crimes nor have information about crime."

So where do we go from here? We have to go someplace, because if the present opinion stands, it will promote neither justice nor freedom of the press. Legislation might help, but the task of interpreting any laws is going to fall to the courts anyway. The better solution is to see that another case is brought before the Supreme Court, one in which there is less justification for a subpena. Justice Powell, for one, would presumably then have to change his position. Last week's dissenters would become the new majority, voicing a doctrine upholding both justice and the First Amendment.

[From the Los Angeles Times, July 2, 1972]

The Supreme Court's Press Decision

The Supreme Court of the United States has struck a heavy blow at the independence of the press of this nation. And, striking at the press, the court has diminished the right of the American people to a free flow of information about their government and about all other significant events that affect our lives.

In a 5-to-4 decision, the court ruled that newsmen can be called before grand juries and compelled to divulge the names of their news sources and to answer any and all other questions that a jury decides is relevant to matters under investigation. To refuse means the risk of going to jail.

While much of the public's—and the court's—attention has been focused on the protection of a criminal news source, the truth is that the bulk of sources needing protection are honest businessmen and public officials who could lose their jobs or their livelihoods if they were publicly identified.

These are the people who made possible the many prize-winning stories by this and other newspapers in recent years involving dishonesty and mismanagement in public agencies.

But the court did not stop with the grand jury question. In an opinion by Justice Byron R. White, it reached far beyond the issue in question to sanction unprecedented restrictions on the press. Justice White declared, "Newsmen have no constitutional right of access to scenes of crime or disaster when the general public is excluded, and they may be prohibited from attending or publishing information about trials if such restrictions are necessary to assure a defendant a fair trial before an impartial tribunal."

Justice White's opinion breathed with hostility to the function of a free press in this country as we have known it for two centuries. He declared it would be frivolous to hold that the First Amendment gave news reporters the right "to violate otherwise valid criminal laws."

That is wholly a false argument. Never has it been asserted that a news reporter or a newspaper is above the law or had a right to violate the criminal statutes.

What was at issue in the cases before the court, and what will continue to be an issue, is the constitutional right of a free people to be adequately informed. It is not the press that is primarily protected by the First Amendment. The First Amendment is the guardian of the people's right. To cast the argument in any other light, is to deceive the American people.

As the late Justice Hugo L. Black said, "The press was to serve the governed, not the governors. . . . The press was protected so that it could bare the secrets of government and inform the people."

This is an old doctrine which has guided this country from its inception. Thirty-six years ago, the Supreme Court said that the purpose of the First Amendment is "to preserve an untrammeled press as a vital source of public information . . . and since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgement of the publicity afforded by a free press cannot be regarded otherwise than with grave concern."

The court has now acted to subvert this historic position by deciding that a news reporter has no constitutional right to protect his sources of news. Justice Potter Stewart, in his strong dissenting opinion, said, ". . . Not only will this decision impair performance of the press' constitutionally protected functions, but it will . . . in the long run harm rather than help the administration of justice."

Justice White argued that it would be wrong to grant newsmen before a grand jury "a testimonial privilege that other citizens do not enjoy." Here again, Justice White blurred the great principle involved. Immunity from compelled revelation of news sources is not sought for the protection of newsmen but for the protection of their function. Justice White might as well have argued that the right of an ambulance driver to run a red traffic light conferred upon him a special privilege not enjoyed by other motorists.

The decision, in a most fundamental way, will have a crippling effect upon news gathering. The right to publish is dependent upon access to news. One, without the other, is rendered useless. Compelled testimony by newsmen will impair their access to news sources.

In the past five years, this newspaper has exposed widespread corruption in government. These revelations depended heavily on the trust placed in Times reporters by hundreds of news sources.

In 1967, an investigation of a proposed World Trade Center on Terminal Island led to a grand jury inquiry and the indictment of four commissioners.

In 1968, an investigation of the Recreation and Parks Commission resulted in the indictment and conviction of a commissioner.

In 1968, an investigation of the Rapid Transit District led to the indictment of two men who had arranged the sale of surplus equipment at a cut-rate price.

In 1969, an investigation disclosed that a Los Angeles city planning commissioner and the city planning director had joined a group of developers and had bought land for speculative purposes on the site of a proposed airport at Palmdale.

In 1969, an investigation disclosed irregularities in the Beverly Ridge Estates development financed by Teamster Union pension funds in the Santa Monica Mountains.

In 1971, an investigation disclosed waste and mismanagement in the development of the Queen Mary as a maritime museum.

And last month, an investigation disclosed speculative land investments based on inside information by Anaheim's city manager and public works director who played key roles in planning public works that boosted the value of their property.

These revelations, like similar revelations by other newspapers, were conducted in the interest of the public, and they were successful, in great part, because of the trust imposed in Times reporters by their news sources. Such investigations are always difficult, but they will be doubly so now under the Supreme Court's grand jury decision.

Justice Stewart went to this point in his dissent. He held that "the right to publish is central to the First Amendment and basic to the existence of constitutional democracy," but that right, as Justice Stewart recognized, depends on the right to gather news. He stated, "The full flow of information to the public protected by the free press guarantee would be severely curtailed if no protection whatever were afforded to the process by which news is assembled and disseminated . . . for without freedom to acquire information the right to publish would be impermissibly compromised."

Justice White's opinion that newsmen may be prevented from attending or publishing information about a trial is an even more radical step in denying the press access to the news. The opinion will stimulate the already growing tendency in the lower courts to issue a variety of gag orders and in some cases to close off trials to the public. Unchecked, this tendency can lead to secret trials.

The issue here lies not fundamentally between the press and the government. The issue here lies between the government and the people. Restrictions sanctioned today by the Supreme Court are restrictions on the people of this country.

FUNDS FOR PUBLIC AND EDUCATIONAL BROADCASTING

Mr. FULBRIGHT. Mr. President, on July 21 the Senate passed a bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities.

While I understand and appreciate the need for prompt action on this legislation in view of the President's veto of the earlier bill on this subject, I think it is most unfortunate that the Senate has, in effect, yielded to the President's position. The vetoed bill would have authorized $65 million for fiscal 1973 and $90 million for fiscal 1974. The new bill provides a 1-year, $45 million appropriation, as favored by the President.

I am, of course, pleased that the new legislation does retain the provision authorizing an increase of $10 million for Federal matching grants for educational broadcasting facilities. This $25 million authorization was contained in the original bill.

Mr. President, public and educational broadcasting are among the most important and worthwhile activities receiving Government assistance, and the President's veto of the bill passed by the Senate on a vote of 82 to 1 represents still another indication of his tragically misplaced priorities and another example of the administration's efforts to influence and control the media.

The amount President Nixon has apparently succeeded in cutting from public broadcasting funds for fiscal 1973 is about the equivalent of the cost of one—just one—of the highly questionable F–14 aircraft which we will be asked to approve this week. The total the bill would have provided for this year—$65 million—is less than we spend every 5 hours for military and related activities. It is indeed ironic that on the same day he vetoed the public broadcasting legislation, President Nixon requested an additional $2.79 billion for military activity in Southeast Asia.

Mr. President, on June 22 I spoke at some length on the importance of public broadcasting to my State and to the Nation. The vetoed legislation would have provided some significant increases and expansion of service in Arkansas. I am hopeful that the new legislation will allow at least some of this expansion to be carried out.

As one of my State's leading newspapers, the Arkansas Democrat in Little Rock, pointed out in an editorial on July 15, the veto "is a blow to educational television in Arkansas."

The Democrat continued:

> Actually, no one was fooled by the Presiident's announced reason for the veto. . . . although the public statements indicate otherwise, people who have been following the matter feel that the veto is a form of political censorship.

Mr. President, I ask unanimous consent to have the Democrat editorial and an editorial from the Northwest Arkansas Times of July 11 printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Arkansas Democrat, July 15, 1972]

Money for Public TV

President Nixon's veto of the public television money bill is a blow to educational television in Arkansas. If it stands, it could delay expansion of coverage and conversion to color for local programs. The extra money the bill would have provided would have doubled the local station's budget, allowing for construction of four new stations, at Fayetteville, Mountain View, Jonesboro and Arkadelphia.

Mr. Nixon said he vetoed the bill because it gave too much control to the Corporation for Public Broadcasting over the 200 local stations. The result, however, will be that local stations not only will have less money to produce their own programs but also that they will have fewer network programs to fill their time with. Most of the $39 million in the legislation would have gone to local stations.

Actually, no one was fooled by the President's announced reason for the veto. For months before the legislation cleared Congress there were reports from administration sources that the White House was unhappy with the public affairs programming sent out by CPB. It was clear that the President and his aides felt it was biased against them. So, although the public statements indicate otherwise, people who have been following the matter feel that the veto is a form of political censorship.

That's too bad, too, because the CPB public affairs programs have been a welcome addition to the television choice. To begin with, there are not near enough informational programs on commercial television. Furthermore, the CPB programs are often more detailed than the commercial offerings. That's one of the benefits of being freed of the need to seduce viewers to please commercial sponsors. At the same time, news and public affairs amount to only 2 per cent of public television programming.

Mr. Nixon may not have the final word. The legislation passed the House 256–69 and the Senate 82–1, so there is a chance that Congress might override his veto when it returns after the Democratic National Convention. It should. There is the principle of his attempt at censorship. And there is the practical loss to an educational medium that is just beginning to come of age. Either would be reason enough to reinstate the money.

[From the Northwest Arkansas Times, July 11, 1972]

ETV Zapped

Richard Milhous Nixon (our President) suffers from an almost constant insensitivity to areas outside the field of foreign affairs. If the nation's economy and the ranks of the jobless aren't evidence enough of this the roster of his all-time major league baseball favorites should be. (Ernie Lombardi, the catcher?)

Cruelest blow of all in domestic affairs isn't Phase II, Lombardi, or even the pass play he gave the Miami Dolphins for the Super Bowl. The clincher on the President's record is his veto of appropriations for expansion of Educational Television.

In explaining his veto, the president said it is time to return programming to the local stations. The White House also has indicated that the administration isn't at all happy with ETV's political commentary.

Granting the President his pique over a few newspapers and writers who offer criticism of his administration (the vast majority of the nation's press is staunchly Republican and pro-Nixon, which somehow doesn't seem to mollify him), how does that justify the virtual elimination of such splendid ETV programs as "Civilization," "Film Oddessy", and the Boston Pops series?

To be sure, the Presidential veto won't wipe out ETV. But congressional sponsors of the bill had envisioned an expansion of programming, with an emphasis on fare that is unavailable on commercial tv . . . such things as opera, jazz and art.

To the Senate's credit (where the appropriation passed 82–1) considerable indignation has been expressed over the veto. Sen. Frank Moss, D-Utah, calls the veto "Outrageous." In the House, too, there is disappointment in Mr. Nixon's action. Rep. Torbert MacDonald, D-Mass., declares pointedly that the administration in this veto has apparently decided that "its interests would be best served by muzzling the voice of public broadcasting and that plans to create new programs . . . will have to be abandoned . . ."

There is some hope that the veto can be overridden following the conventions. It is worth a try, and we urge the Arkansas delegation's support in such an effort.

ETV isn't a "gut" issue in this area by any means, but part of the reason for this is that it has yet to be expanded to this corner of the state. At the present time Northwest Arkansas gets moderately fair reception of Oklahoma ETV, but none from the Arkansas station at Conway. The presidential veto assures that this corner of the state will remain isolated from this potentially valuable means of in-state communication.

The tragedy is that while ETV's costs are not so very high—not in comparison with a load of "smart" bombs—it is being sacrificed for pure, unadulterated political expediency.

By coincidence, at about the time the President was putting his zip mark on the ETV bill, Public Broadcasting Corporation was airing a program from the footsteps of the Washington Monument in the nation's capital, not far from the presidential desk.

The program recorded portions of events from "Roberta Flack Day" in the District of Columbia, along with brief glimpses of Miss Flack's private view of things. It was a unique program and one which could hardly be imagined through any medium other than Public Broadcasting.

An irony in the juxtaposition of the presidential veto with the broadcasting of the Flack ceremony, in which she received the key to D.C. along with a bust of the late John F. Kennedy, thus is to be found in Miss Flack's plea for an annual "Human Kindness Day."

No more of that nonsense. No siree.

ORDER OF AHEPA

Mr. CHURCH. Mr. President, this month the Order of Ahepa—the American Hellenic Educational Progressive Association—celebrates its 50th anniversary.

The Order of Ahepa was founded July 16, 1922, in Atlanta, Ga., as a fraternal organization which is both nonpolitical and nonsectarian. Over the past 50 years, the organization has supported many worthy charitable causes which deserve the praise of all Americans.

These activities include relief for victims of natural disasters, support for refugees, student scholarships, support for two hospitals, seven health centers and a college in Greece, and many others. I might add that Idaho has two chapters of the Order of Ahepa—in Boise and Pocatello—which have contributed significantly to the well-being and betterment of our State.

Mr. President, I am pleased to add my voice to that of many others in wishing the Order of Ahepa well on its 50th anniversary.

THE NEW YOUNG VOTERS

Mr. FONG. Mr. President, an excellent editorial on our new young voters and the need for U.S. citizens to exercise their franchise has been written by Richard L. Davis. editor of the Contra Costa Times, published in Walmut Creek, Calif.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Honor America By Voter Signup

Across the country today, while most of us in the East Bay, Contra Costa and Alameda counties relax with our families, political candiates are skirmishing with more than the usual fervor at this stage of an election year.

The professionals are motivated by the knowledge that in 1972 the election process is being opened to new major elements.

People from all walks of life—young and old—the rich and the not-so-rich—men and women of all races and creeds—are climbing into the political arena with firm ideas of their own about shaping this country's destiny. This is their right, protected by our Constitution of 200 years.

To our traditional electorate will be added in 1972 over 11 million young adults, 18 to 20 years of age, now enfranchised by the 26th Amendment. Additionally, some 14 million Americans who have turned 21 since 1968 will be eligible to participate, for the first time, in a Presidential election.

This 25 million potential could have a decisive impact on the outcome.

Candidates are pressing hard for this vote. Party bosses who traditionally met in smoke-filled rooms and handpicked by their states are finding their powers eroded. Pollsters are having difficulty charting the political pulse of this youthful electorate. Incumbents and candidates alike are concerned over the effect of this new voting element.

These first voters comprise a massive force for accomplishment. The newcomers are turned on and eager to become involved in such problems as peace in Vietnam, disarmament, inflation, joblessness, education, minority rights, housing, health care, dangers to life from air and water pollution, and countless other problems. Undoubtedly, many of these young adults can help the United States remedy its national and international illnesses.

As an essential first step, they should be aided and encouraged to register and vote. If they should fall victim to the apathy which already exists among their elders toward the electoral process, the nation will continue to suffer.

The dismaying truth is that only 73 million citizens cost ballots in the 1968 Presidential election. Then only 60.2 per cent of the 121.5 million eligibles went to the polls. 47 million stayed away. Here in the world's greatest democracy, a smaller percentage voted in a major election than in any other nation of the free world.

Of the 47 million non-voters, some 15 million qualified to vote passed up the opportunity. Another 10 million could have qualified but didn't bother. Many, of course, were prevented by harsh state residency requirements, or by illness or disability, or by being unexpectedly away from home or overseas on election day. Thanks to the Voting Rights Act Amendments of 1970, the right to register and vote by absentee, process for President and Vice President, regardless of where one may be in the world on election day, now belongs to those who take the initiative in exercising that right.

Perhaps you are one of those who asks, "Does my vote really count among all the millions eligible to vote?"

In the 1960 Presidential election, Richard Nixon lost to John Kennedy by less than one vote per precinct out of a total exceeding 69 million votes.

In 1968, Mr. Nixon won over Hubert Humphrey by less than three votes per precinct out of more than 73 million votes cast.

A shift of 64,000 votes or 1.2 per cent of the 5,573,810 ballots cast in Illinois and Missouri in 1968 would have thrown the Presidential election into the U.S. House of Representatives for decision. There, 26 votes—one from each of 26 states—is the maximum needed to elect the President.

Do you still wonder whether your vote counts? Hopefully, you are prepared to make it count.

Begin today to familiarize yourself with your precinct's requirements for registration and voting. Mark these important dates on your calendar and rearrange your daily timetable to meet these deadlines.

Undoubtedly, you have opinions about our country's major political issues, and our national and international problems. Read, listen to and think more intently about current events. Seek out reliable information on important issues. Study both sides of a question. And find out whether candidates share your views; if not, why not?

Many issues today present a challenge to the electorate. But America didn't become strong and free because her people turned their backs on challenge. Today, as in past years, there are disturbing conflicts that must be confronted and resolved.

You—and every other American citizen—can take the first important steps toward answering today's challenges:

Register to vote.

On each individual rests the responsibility for implementing this right. No one can do it for you. Start today. Become informed. Register. Make your vote count!

You can honor America, and yourself, by your action.

OVERESTIMATING OUR WEALTH AND OUR POWER

Mr. CHURCH. Mr. President, Mr. Marriner S. Eccles, currently chairman of the board of the First Security Bank N.A. and former assistant to the Secretary of the Treasury in the Franklin D. Roosevelt administration, as well as for many years chairman of the Board of Governors of the Federal Reserve System, recently delivered an address on American national security to the World Trade Club at San Francisco in acceptance of the club's 1972 international achievement award. What this most famous and important banker had to say deserves the attention of the Senate. He wisely warns:

> No matter how much we spend for armaments, there is no safety in arms. Our security is wholly the product of economic, intellectual, and moral strength. Our national policy of relying on military power primarily, as in Vietnam, to solve the political problems, breeds violence everywhere and ultimately destroys the foundations of our Republic.

I ask unanimous consent that Mr. Eccles' significant statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[From the Lewiston (Idaho) Morning Tribune, June 11, 1972]

"We Have Overestimated Our Wealth and Our Power"

(By Marriner S. Eccles)

The dilemmas we find ourselves in today were quite apparent on the horizon as long as ten years ago. And through two administrations, we have taken the wrong road every time we had a chance to alter our course. Through these years, our record for unwise and reckless action is bad. We are now—in the present world crisis—confronted with the sum total of our mistakes:

We have completely ignored our domestic needs so that we have a frustrated and angry society. Explosive and dangerous rebellion simmers just below the surface.

We have overestimated our wealth and our power and spread ourselves too thin around the world. We are just now realizing that we cannot dominate the world militarily and take care of our domestic needs as well.

We took no steps to reverse the balance of payments deficiency—but just watched the dollar depreciate. Now it is a floating currency of indeterminate value.

We have never faced up to the monopoly of labor, the favoritism toward big business, and the inequities of the tax structure. These and other developments have made the control of inflation impossible.

We have allowed the military to become blown up into such a force that it is now our master instead of our servant. Far from being a department of defense—which we do need—it has become a political arm of the President and the delineator of our foreign policy. As a result, we have wrecked our credibility in the world to such an extent that we are neither believed nor trusted. The sleight-of-hand and secret conduct of our foreign affairs has cost us our friends and made us new enemies. The Vietnamese debacle is the best "proof of the pudding."

The war is destroying American system. It is drawing upon resources which need to be put to work solving increasingly critical social and economic problems facing the nation.

Our annual defense budget has increased from $49 billion in 1965 to approximately $80 billion at the present time. This is almost entirely due to the war in Southeast Asia which has cost about $150 billion. The federal deficit during the period was approximately $90 billion. Without Vietnam, there would be a budgetary surplus of around $60 billion. The U.S. has already spent well over a trillion dollars on the military since 1946. The accumulated deficiency in our international balance of payments through 1971 was approximately $73 billion. We had a deficiency last year in our trade balance for the first time in 77 years of more than $2 billion, with an increasing deficiency this year. Previously, for a number of years this country had a trade balance surplus averaging about $5 billion.

In a financial sense, a war is never over since the cost of war does not end with the cessation of hostilities. During the war period since 1965, there have been over 50,000 boys killed and more than 250,000 wounded or missing. We are spending approximately $11 billion a year for veterans' benefits, and nearly $2½ billion for veterans' hospitals and medical expenses. The annual interest on the public debt is about $20 billion. This debt and high taxes are entirely due to the present and past wars. These problems cannot be brought under control until our national defense expenditures are reduced by at least $20 billion to the pre-Vietnam level of $50 billion. This makes the ending our stupid involvement in Southeast Asia imperative.

We have become great in world affairs because of economic strength, and not because of military strength; but we have allowed the defense establishment to overwhelm with military might. By mid '72, the U.S. will have more than 5,000 long-range nuclear weapons; the Soviet Union 2,500. Each one can destroy a city, and yet the U.S. is now proposing to substantially increase its nuclear arsenal. When is enough enough?

American bombs since 1965 have produced 21 million craters in South Vietnam. In this period, we used 26 billion pounds of explosives; that is twice what the United States used in all of World War II. Of this 26 billion pounds, 21 billion were exploded in South Vietnam. In that small country—one we are supposedly there to save—all of these rained down on a country the size of Missouri.

NO SAFETY IN ARMS

No matter how much we spend for armaments, there is no safety in arms. Our security is wholly the product of economic, intellectual, and moral strength. Our national policy of relying on military power primarily, as in Vietnam, to solve the political problems, breeds violence everywhere and ultimately destroys the foundations of our republic. We must leave the politics of Asia to the Asians.

To have world trade, you have to have a climate of peace. You have to have a stable currency, and perform responsibly on the world scene. You can't have 2,300 military bases around the world. You can't ring China and Russia with nuclear installations as we have done. World trade and world friendship go hand in hand. Neither self-isolation nor aggression can solve the acute problems that each nation shares with the rest of the world. It is one world—or no world. The raw materials of the world belong to the people of the world and must be shared through international trade and finance.

We are told we have to have a victory in Vietnam or there will be a "blood bath." What do you consider over 700,000 Vietnamese troops killed by us and our ally—not to mention the appalling civilian toll? Isn't that a blood bath? A parallel situation in the U.S. would figure out to about 6½ million young men dead. What do you think that would be called in the U.S.?

So—we have to face it. There already is a "blood bath"—and it is our doing. We are guilty. And no amount of rhetoric about "a generation of peace" will make it go away. It will never be forgotten—or forgiven. Nor should it be.

AT ALL COSTS

What we have now actually done in our mining of the Haiphong harbor and bombing of the railroads is to tell Russia and China and the rest of the world that they cannot send anything to Vietnam, but we can. Win or lose this immediate challenge, we have demonstrated to the Communist world, Russia and China, with whom we are hoping to trade and establish good relations, that we are dictatorial and inflexible, and that we must win at all costs. What permanent confidence and trust can we expect to establish in our future with them by this recent action?

I am sure the irony of the situation is lost on no one—when it is to Russia we must turn for restraint, cool-headedness and responsibility in world affairs. If this confrontation with Russia, which we have precipitated, does not result in a global conflict, it will be because of the wisdom, judgment and restraint of the Communists whom we hold in such scorn.

One thing is certain, we have learned some important truths about ourselves in these difficult years. We have learned that we can be influenced erroneously; that our judgment and fairness can be overwhelmed. We can be fooled and made uncertain.

We are pathetically at the mercy of our political leadership, which determines the image we project in the world. No king or dictator in modern times has anything remotely like the power of an American president.

Deep down in our hearts we know we have strayed far afield from the ideals on which this country was founded. We know that killing and carnage do not bring us honor. We know the quiet of a shattered country is not peace. We know that the prestige of the presidency and the honor of our country are enhanced in the world by integrity and stability, and we are appalled at the savagery we have unleashed on a small Asian country which has in no way offended us.

NOT MONEY ALONE

Oddly enough, it was a military man who most tellingly put into words the folly and tragedy of war. It was General Eisenhower who said: "This world in arms is not spending money alone; it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. The cost of one modern heavy bomber is this: A modern brick school in more than 30 cities; it is two electrical power plants, each serving a town of 60,000 population; it is two fine, fully-equipped hospitals. We pay for a single fighter plane with a half million bushels of wheat. We pay for a single destroyer with new homes that could have housed more than 8,000 people."

And, finally, from my beloved countryman, Robert Burns, a closing thought that seems to me to fit our moment in history:

"Oh wad some Power of the giftie gie us
To see ourselves as others see us!
It wad fra monie a blunder free us,
An' foolish notion."

NEW CONCEPTS OF POSTAL SERVICE

Mr. TAFT. Mr. President, when Ben Franklin designed the Nation's first postal system, he had no idea that it would last 200 years.

While man has made astounding progress in the areas of space, medicine, communications, and atomic power, until now, the Postal Service continued to play peek and poke with this Nation's 80 billion pieces of mail a year.

The Postal Service has now entered into a dynamic modernization process, and I am pleased that my hometown of Cincinnati has been chosen as the systems simulation test center. In less than 3 months, what has been 3 years in the planning and 2 in testing will be presented as the prototype post office of the future. I have visited the test prototype and am most impressed with what I saw.

The core of the new concept in mail is the preferential mail system and the code sort concept. These concepts might confuse the average American in the highly mechanized, computerized terms. But what it will mean to the average American is faster handling of their letters.

The average post office productivity increase per year from 1956 to 1966 was 0.23 percent, far lower than other industries such as communications—6.2 percent, transportation—4 percent manufacturing, and wholesale—over 3 percent.

To add to those figures, rising wages, rote work and unpleasant job surroundings deal yet another blow to any remaining possibility of efficient operations.

Comparatively, the new code sort concept can read and print 35 letters a minute, can read 10 letters a second and print them at 36,000 an hour.

Sometime this fall, Pat Hanes, Program Director for Letter Mail, will go before the U.S. Postal Service Board of Governors for approval of this system and the go-ahead for national deployment. If so granted, it will take, approximately, 6 years and $4 billion for total national implementation.

For its $4 billion investment the Postal Service stands to get a 25-percent return on their money or $1 billion a year in savings. This will not result in a man replacing machine syndrome, but rather, will reduce the increase in employment, and will produce more selective and sophisticated jobs for postal employees.

Hopefully, the new system will curb the rising costs lines for mailing a letter.

I am extremely encouraged and excited about the Cincinnati prototype mail handling system. I would like to congratulate the postal workers on having been chosen to test the new equipment, and congratulate the U.S. Postal Service for their innovative approach to this staggering problem.

I ask unanimous consent that an article on this subject be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Government Executive, July 1972]

POSTAL SERVICE LOOKS TO THE FUTURE IN CINCINNATI

(By John Wilpers)

HIGHLIGHTS

1. The Post Office, ultimately not unlike Ben Franklin's prototype, was floundering under 80 billion pieces of mail a year.
2. Reorganization hit and the new quasi-corporate status has bred new ideas and unprecedented R&D.
3. The heart of the new Postal Service is Cincinnati. Here a "hands off" mail system is being developed, installed and tested.
4. Someday soon, mail will be touched only by the neighborhood carrier as computers process it between origin and destination.

When Ben Franklin designed this Nation's first postal system, he had no idea that it would last 200 years.

While man has progressed from horse and buggy to Apollo craft, quill and scroll to communications satellites and candlelight to atomic power, the Post Office still uses the "peek and poke" system. Ultimately, a man, not unlike Ben's colonial contemporaries, still sits in front of 49 little boxes, peeks at a letter address and pokes it into a small box.

However, man has finally overcome petty politics and some misguided priorities so as to dispel myopia and see the quagmire into which he has stumbled.

Winton M. Blount, Postmaster General of the United States, while lightly referring to one of these irrational priorities has underscored the potential disaster into which the U.S. was careening. In Pat Hanes' words (who is Program Director for Letter Mail), "Red Blount said he hoped that President Nixon would end the war pretty soon and end the draft of people because if we keep up the way we're operating today with the increased volume of mail, we're soon going to have to start drafting postal employees to serve the mail."

The real dilemma is not quite so facetious. Although keeping with the humorous tone set by his boss, Pat Hanes, in his own words, gave *Government Executive* a view of the Postal service's dilemma. "When we first came into the Postal Service, we thought it was amazing that you could drop a letter anywhere in the U.S. for eight cents and it would go any other place in the U.S. in a day or two and be delivered. After working in the Office for a while and looking around, it was a miracle."

There are approximately 37,000 different post offices around the country handling over 80 billion pieces of mail a year. Hanes points out that "when you think that we deliver 80 billion pieces of mail a year and we have to handle every one of them four to seven times to get it from mom to home, just give us the benefit of the doubt and say the average is five—that's 400 billion handlings!

"And give us the benefit of the doubt and say we're as good as the space system who are shooting men to the moon and we've got a confidence level of 99.9 percent accuracy. That's one-tenth of one percent error. Multiply one-tenth of one percent times 400 billion and you flat out got a lot of unhappy customers, a lot of letters that just didn't go to the right place. And there ain't NOBODY that's 99.9 percent accurate!"

Besides the sheer mass to be handled, there are more deep seeded problems. There has been almost no money put into research and development for many years. Capital investment in terms of net fixed assets per employee average around $1,145 for postal workers. This suggests a serious lack of capital equipment when compared to leading companies and selected industries such as the power utilities companies which have a net fixed asset average of $151,710 per employee.

Just in terms of operating costs and meeting expenses, the Postal Service is hard pressed. "The average direct labor dollar for us in the Post Office," says Hanes, "probably runs about $6. Now you take that $6 and realize that we have to make stamps, sell stamps, do all the services, go pick up your letter, sort your letter four to seven times and deliever your letter and do it all for six to eight cents.

"You can see that at $6 an hour, that's 10 cents a minute on your letter, if you walk up and buy a 10 cent stamp from us and there's no way we can ever make that money back."

Productivity has also been affected by the right budget, the absence of capital investment and the allergy to research and development. The average Post Office productivity increase per year from 1956 to 1966 was .23 percent, far lower than other industries such as communications—6.2 percent, transportation—4 percent manufacturing, and wholesale—over 3 percent.

On top of all that, rising wages, rote work and unpleasant job surroundings deal a coup de grace to any remaining possibility of efficient operations.

Hanes concludes that "at 80 billion letters a year you are almost at the breaking point of an old antiquated system. If we continued under the system we have today, we would have a catastrophe."

Fortunately the Postal Service is painfully aware of its situation, conscious of its mission and engaged in remedial work and far reaching R&D.

Pat Hanes makes it very clear that the Postal Service knows why it's here. "There are many things that we do in the Post Office that are not for dollars. If the Postal Service was merely here to make money, we'd run it a lot differently than we do today. We tease, that if we wanted to make money we would take anything east of the Rocky Mountains and west of the Mississippi and we wouldn't deliver mail there. There's no money in it.

SAME SERVICE FOR ALL

"But the Postal Service, by name, is a service organization. It is just as important to a farmer in Montana to get a letter from his son in Vietnam as it is to a businessman in New York. And it's easier for us to get it to a businessman in New York than it is a farmer in Montana. But, by nature we have to try to provide the same service for everybody.

"In fact, we are probably more critical of the farmer in Montana getting along than maybe the businessman in New York, because we're probably his means of ordering his clothes, getting his plants in and certainly his baby chickens.

"And bear in mind, there is no way you are going to make money on that. Take our competitors, the United Parcel Service. They won't deliver there. They look at it and say there's no way I'm going to deliver baby chickens in Montana; there's no profit in it.

"So they can take the cream of the crop. There's not a doubt in the world that there's cream. But there's some regular milk and then there's skim milk down there, and we have to take it all."

So now the Postal Service has aggressively entered into the modernization process.

The core of the work is made up of two basic concepts—the Preferential Mail system and the Code Sort Concept. After the development of these ideas Cincinnati was chosen as the systems simulation test center. In less than three months, what has been three years in the planning and two in testing will be presented as the prototype Post Office of the future.

Kent Comegys, Manager of the Coded Letter Mail System Division, outlined just what the future holds for the Postal Service. "When we talk about the Preferential Mail System we are talking about mass mailing into a few number of points and then highly mechanizing those points."

"All mail originating in a geographical area would be brought into the center for processing. If slated for delivery outside the area, it would be placed on the best available transportation. Mail from outside and mail originating in the area for delivery in the area—and there could be 200 individual post offices in the area—would be processed in the center down to the way the carrier is going to walk his route and sent out to the local.

"In order to determine those centers we developed a computer networking program in order to determine where were the best points in the U.S. to mass mail to. In the program we allowed 588 areas in the U.S. to be candidates for preferential mail centers. We had the accurate data for mail volume flow between each one of these 588 locations.

"We developed a 588 unit matrix of origin and destination volumes. We then added in the transportation between each of the 588—scheduled air routes, surface routes—buses, trains, trucks, and so on. We also added our service constraints; we want to develop a network any part of which will provide next day service from one preferential mail center to any other.

"The computer answered 179 points in the U.S. We have that information out to our regions letting them take a human and local look at it."

The Code Sort Concept is based on the extraction of certain characteristics from the address that will uniquely identify the address from any other address. The crux of the concept is to transform those extracted characters into a computer language and put those on the mail piece as bars and half bars. After this is done, all other sorting operations can be automated. Three to six sorts can be eliminated by automatic handling by very simple, inexpensive code readers.

There are simple and never-changing rules, regardless of the locale, for the extraction of characteristics. The code would contain the zip code, the house number, the first, third, fourth, next to last and last letter of the street name, the first letter of any direction associated with the street and the first letter of any designation of that street name.

"To really show you that we're not talking about a goose in a new world type of concept here," continues Kent Comegys, "most well developed countries in the world are all utilizing some form of coding of letter mail. Some of the most advanced are Germany, England, Australia and Canada.

SIXTY LETTERS A MINUTE

"Looking at our own system. We said, let's invest a little more at the time we first read the mail piece and apply a machine readable code that we can use to automate further sorting operations."

Presently there are machines in operation which can key in the zip code at 50 to 60 letters a minute. But these are based on the ability of the operator to memorize codes for close to 300 zip codes and they can only key in the zip codes. With the new system the operator can key in the house number, street name and the zip code.

Although these operations only produce 30 to 35 letters a minute, Pat Hanes explains that "we're losing money on the peanuts but we're going to make it up on the popcorn. The first time we see the mail piece, it's going to cost us a little bit more than it did originally, but from there on nobody will ever have to read that letter again. It will be done with a machine."

Comegys continues: "Having developed an extraction code and having seen that it was feasible, we than took to lay out a system and simulate that system to determine what the economics would be if we were to install that system.

"Our next step was to validate these simulations. We did that by constructing here in Cincinnati a minimum cost, minimum investment system to test these concepts and validate these simultations."

In September of 1970, work got underway in Cincinnati.

Mail comes into the test center in two ways, either the average private letter or in bundles of letters from major mailers (business or government). Both must reach the coding desk and beyond. The individual letter is sent through an automatic culling process which cancels the stamp, distinguishes sizes and weights, turns them all the same way and stacks them up at the head of the primary transfer conveyor. Major mailer mail often arrives in trays ready to be placed at the primary transfer point.

The primary transfer conveyor, twin belts moving at 600 feet a minute, moves the letters out in a "shingle-ated" fashion to the stacker on one of the code desks. This is done in response to an automatic call from the code desk to replenish the desk's supply.

At the coding desk, the operator keys in the information using those never changing rules. The computer prints a bar code on the letter and simultaneously makes a decision as to which of the 30 channels flowing underneath the code desks to put it in.

Beyond this point there are a number of sequences that can be in operation. If, for example, the sequence in operation is for the north side of Cincinnati, then any letters going elsewhere in Cincinnati and all letters going outside of Cincinnati will be directed into one of these 30 channels. They will then be either sacked for delivery to certain high volume areas such as Columbus, Cleveland and so on outside the city, or placed in trays to await their sequence on the next piece of equipment.

Meanwhile, letters in the operational sequence go by means of secondary distribution conveyors, again pinch belts, from the coding desks to code readers. Here the code applied is read and the computer decides into which of some 305 pockets of the letter sorting machine to put the letter into.

Soon, hopefully in September, the final piece of equipment will be installed at this point in the operation. A carrier Sequencer will take mail that is broken down according to carrier in the Letter Sorting Machine and sort it according to the manner in which the carrier is actually going to walk his route.

Two other pieces of hardware have been installed very recently. One, a Bar Code Detector, was put into the stream at a point prior to where the mail reaches the code desks. It will detect any pre-coded mail, take it out of the system, and with a small 100 pocket sorter and code reader, process it right there.

Currently, in cooperation with the Postal Service, 80 major mailers in Cincinnati have placed about 1.5 million pre-printed return envelopes in circulation and have had significant initial success.

A Code Sort Optical Character Reader was installed in the middle of June. This is an optical character reader combined with a high speed printer so that as the OCR reads the addresses on the mail pieces, it interfaces with a computer that drives a printer to print a code, presorts it and sends it over to the letter sorting machine in the same manner as if it had been done at the coding desk. "The code desk operator can read and print 35 letters a minute," says Hanes. "The machine is reading at 10 letters a second and printing them at 36,000 an hour. It gobbles up mail just—ssschlooop!"

With all of these pieces in operation from automatic culler to carrier sequencer, the total functional operation of the Letter Mail Code Sort System will be complete, all the basic prototype components will have been installed and tested.

Sometime this Fall, Hanes and his people will go before the U.S. Postal Service Board of Governors for approval of the system and the go-ahead for national deployment. If so granted, it will take, optimally, six years and $4 billion for total national implementation and deployment.

For its $4 billion investment the Postal Service stands to get a 25 percent return on their money or $1 billion a year in savings. Most of this will come from employment reduction. It will be a reduction however only in the terms that there won't be any increase in the staff. The attrition rate will reduce the rolls and the jobs will become more selective and sophisticated.

Hanes did not want any misunderstanding on this point. "One thing I wouldn't want you to go off with is the opinion that we are going to go out and abolish a whole bunch of people's jobs and put them out on the labor market. That's not going to happen because of two things. We have many people quitting every year and you won't see many more employees coming aboard to handle the increase in volume."

The Postal Service, by doing all this, is trying to improve service and dependability and hold the cost line. Hanes: In some three years, costs have risen from six to eight cents a letter. We're trying to bend that curve. We can't say we'll stop it from climbing but at least we'll provide the service we are now providing or better.

A lot of people don't especially want to pay more to get faster service but they sure as hell would like to know that if they mail a letter it's going to take three days every time, not six one time and one the next. They would like consistent service."

Hanes believes that the success of modernization is due to the drastic reorganization of the Postal Service into a free and quasi-owned corporation where we can now chart our own course through these troubled waters. We operate as a corporation. We have a profit-and-loss sheet, we can buy buildings, own property, negotiate with our employees. We now have the characteristics of a corporation, but as a matter of fact we are Government.

"I used to live in Midwest City," recalls Hanes, "only four miles from Oklahoma City. I used to call either way and it would cost me a dime or a quarter long distance. But you can still send a letter anywhere in the country for a dime."

And in terms of the Cincinnati prototype, Hanes assuages any fears that might be lingering from other episodes of corporate irresponsibility. We don't go nationwide with it until we develop and make the equipment stand up on its own. We have to have a reliable piece of equipment.

"If there's any one thing that we don't want, and I guess you can quote me on this, we don't want a C-5A or an F-10 whatever-it-was that didn't fly. We don't want to put this system out until we are confident that it will fly, that it will accomplish what we say it should."

EXPANSION OF EXECUTIVE POWER

Mr. McGEE. Mr. President, the world has undergone immense changes since the cold war days of the 1950's. And in the midst of this change, the United States must begin a reassessment of the role it is to play in the future course of international affairs.

The Washington Post, of Sunday, July 23, contains an article written by Seyom Brown, a senior fellow at the Brookings Institution. Mr. Brown notes that—

> The new American world role will require the most difficult and complicated set of foreign policies ever attempted by this country. More than at any time in the past, the capacity of America to sustain rational statesmanship will be tested. The post-Cold War period—characterized by a diversification of friendships and rivalries, overlapping and issue-specific coalitions, and a plethora of powerful nongovernmental actors such as multinational corporations and interest groups—is likely to require greater executive flexibility rather than less. For the United States to function effectively as the guardian of the general public interest against specialized interests, it will have to be vigorously represented on multifarious international matters in a bewildering array of international forums. Foreign affairs officials will require considerable leeway for maneuvers, unencumbered by the need to come back to the Congress for approval of every detail.

Mr. Brown's analysis comes at a particularly significant state of our political development in the area of foreign affairs. It comes at a time when there is much debate and increasing attempts at limiting the use of executive power in the foreign policymaking processes of our Government. As Mr. Brown so rightly points out, there will be a greater need in the future for expanding executive power than for a curtailment of its use in the area of foreign policymaking.

I ask unanimous consent that Mr. Brown's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Foreign Policy: Outdated Issues

(By Seyom Brown)

The prospect that the defense budget will be a central issue in the presidential election should be welcomed by those who believe that questions of war and peace are too important to be left to generals and national security experts. But if the McGovern-Humphrey primary election debates and recent exchanges between Defense Secretary Laird and Sen. Proxmire before the Joint Economic Committee are any sign, the issue is likely to be fought with concepts that are now becoming obsolete.

Rather than clearing the way for a fresh American approach to world affairs, the airing of the defense issue runs the risk of artificially extending the life not only of rickety military notions but also of basic foreign policy assumptions whose demise is long overdue. The Vietnam issues aside, a great debate on foreign policy does not appear to be in the offing this fall. We are sure to hear charges and denials of "isolationism," but paltry little examination of the external interests of the United States and the best means of sustaining them.

The in-party will insist that its projected military spending is the minimum required to protect U.S. vital interests. The out-party will charge that these levels are purchasing wasteful overkill. The Pentagon will subject the budget reductions proposed by the outs to detailed analysis and solemnly conclude that, if they were enacted, by the late 1970s the United States and its allies would be hopelessly outclassed by the Soviet Union and its allies in military power, and therefore, that "our side" will be forced to surrender to Soviet demands all over the globe. The opposition will produce its own computer print-outs to show that its recommended American defense posture easily could ride out the largest possible nuclear attack and still have enough lethal capability left to incinerate all major Soviet cities. *Kaffeeklatch* hostesses and doorbell ringers will be expected to converse credibly about "assured destruction," "strategic sufficiency," "realistic deterrence," the "theatre conventional threat," the "naval balance in the Med," and to keep up to date on the alphabet soup of advanced weapons.

Such defense concepts and many of the weapons systems derived from them made sense in the Cold War world of two hostile camps with incompatible territorial objectives. Many of them still need to be taken seriously, to the extent that:

1. The military balance between the United States and the Soviet Union remains the dominant element in the criss-crossing webs of conflict and cooperation among the numerous actors in world politics.

2. The forces deployed by the United States and the Soviet Union continue to be bargaining chips of overriding importance for most of their bilateral conflicts of interest and negotiations.

But the time has come to look critically at even these underlying assumptions of U.S. national security programs.

A DEPOLARIZED SYSTEM

The disintegration of the Cold War coalitions, the muting of the intense animosity between the superpowers over spheres of influence, the expansion of commercial "bridge-building" between Communist and non-Communist nations, the dramatic increase in kinds and numbers of actors influential in world politics, and the rising prominence of non-security issues—all of these trends point toward a depolarized international system in which:

Alignments over specific issues, rather than highly elaborated military alliances, will be the order of the day.

Coalition partners on one issue may be opponents on another.

Military deployments will have little if any utility as bargaining chips for most of the issues among countries, private groups, and political movements.

Helping to reinforce these tendencies should be what American foreign policy is all about at this juncture of world history.

But to make the defense budget per se a major issue in the presidential election sustains a world view in which the military balance among the great powers is central to the issues in world politics rather than peripheral to them, and sustains foreign policies that give primacy to military considerations. It can also stimulate others to imitate our apparent continued faith in the utility of a massive military force.

The emergence of a depolarized and demilitarized system of international relations in Asia will depend crucially on Japan continuing to sense that her prestige derives from her socioeconomic dynamism, and that any revival of Japanese militarism would lessen her usable power. But recent fuzzy talk in Washington about a five-power, or "pentagonal," balance conjures up images of a revival of the classical 18th and 19th Century balances of power when peace was supposed to be assured by a visible distribution of military power among the major states and by the prospect of rapid shifts in alliance in order to balance destabilizing changes in the distribution. If Japan were to take the new balance-of-power talk seriously, and to interpret America's current China policies through Congress of Vienna lenses, she would have to act rapidly to acquire her own set of nuclear weapons.

NIGHTMARES FROM THE PAST

Continued progress in depolarizing and demilitarizing great-power politics will also be effected negatively or positively by the stance of the United States on the relation of force to politics in Europe. Backsliding could occur if the issue of U.S. troops in Germany is inflated way out of size, and if in the process we revive the anachronistic notion that what keeps the lid on the European caldron is the submersion of European national rivalries within two hierarchically organized military coalitions.

These military coalitions and the fears and ideologies on both sides that support them interfere with the ability of East and West Europeans to deal with the real European issues of the 1970s: the terms by which peoples and goods will be allowed freer access across the great peninsula.

The problem with most prominent arguments for and against a unilateral halving of the American military presence in Europe is that they are couched in the war and military deterrence scenarios of the 1950s.

Some unilateralists fail to understand how the fact that the function of the troops today is almost entirely political does not mean they ought to be facilely redeployed back to the United States, regardless of the sentiments of the Europeans. In the first place, the way the troop issue is handled can either undermine or support West Germany's Ostpolitik, based as it is on the premise that improving relations with the East does not mean severing the special connection with the United States. Secondly, the troops, being an increasingly irrelevant military asset, are—partly because of their military dispensability—an important ingredient of the negotiating pot with the Soviets as efforts to effect mutual arms reductions continue.

On the other hand, many whose careers have been closely associated with the establishment and maintenance of NATO fear that any admission that the troops are virtually without a credible military role will lead to an unravelling of the whole Atlantic alliance. To avert this "catastrophe," they tend to summon apocalyptic nightmares out of the past. Instead of helping to educate the unilateralists and the American public to the new complications of world politics, the stand-patters entrap themselves and the opposition into arguments over the best way to fight World War III.

MIDDLE EAST MYTHS

Similarly, it is most unlikely that this election season will do much to advance the necessary decoupling of global balance-of-power issues from the Arab-Israeli conflict in the Middle East. The Middle East is, of course, Exhibition A for champions of the myth that the distribution of military capabilities is the final arbiter of conflicts among nations. The local balance between Israel and her neighbors may well be the temporary arbiter of their conflict, but it is precisely in Israel's interest, ultimately in the larger interests of the Arabs as well, and certainly in the interest of the United States to keep the global geopolitical rivalries between the United States and the Soviet Union removed from the Arab-Israeli conflict.

The process of decoupling the super-power rivalry from the local conflict there could be accelerated if the current withdrawal of Soviet military personnel from Egypt means that the Kremlin is reassessing its overcommitment to the Arab side. The danger of World War III that has hung over the Arab-Israeli conflict in recent years emanated precisely from the possibility that the U.S.S.R. would allow a marginal geopolitical interest in the area's oil resources and water routes (which need not be incompatible with the geopolitical interests of the United States) to be inflated into a "vital security interest" through too close an identification with its own prestige with Egyptian successes or failure.

But America, too, may need to reassess its stance. To the extent that either superpower postures as though it believes that the United States and the Soviet Union are engaged in a contest for all-out dominance of the Mediterranean area, and that their coming to blows over Israel would only be a symptom of this geopolitical rivalry, its actions will only stimulate greater posturing by its opponent. Specious debates over the American defense budget, in which a direct connection is asserted to exist, between the survival of Israel, fine alternations in the overall U.S.-Soviet strategic balance, and whether or not the United States retains one or two carriers in the Mediterranean, are for this reason dangerous.

FALLING-DOMINO FANTASIES

Defenders of budget-vulnerable programs of military assistance to Third World countries also are prone to resort to old falling-domino fantasies: "If we don't keep our commitment to the Government of Colonizia to protect them against the insurgency aided and abetted from the Peoples Autocracy of Milkomagnesia, then our large enemies will be tempted to attack even our large friends." The corollary to this argument is that, when the chips are down, only the fear of counter-intervention by U.S. forces will forestall our large enemies from intervening on behalf of this or that "liberation movement." The objective of an advantageous balance of military power against all possible opponents, in all categories of military force—from long-range bombers to flame throwers—is given artificial respiration. Force-matching comparisons between the United States and the Soviets and the Chinese are revived.

Thus, at the very time when the military balance of power should be relegated to a distant backdrop to the main action in world politics, it is brought center-stage and spotlighted by the exigencies of the American election campaign. It may be good campaign theatrics, but it leaves much to be desired as statesmanship.

Hopefully, after the big binge of election polemics is over the construction of post-Cold War foreign policies can proceed, and the global balance of military power can be put in proper perspective. Fashioning the new American world role, like previous major demarches by this country—the construction and leadership of the grand alliance against Hitler, the organization of a coalition to contain Soviet expansion—will again require politicians to rise above partisanship.

The profound adaptation needed in national habits of reacting to world events will not be helped by appeal to either jingoistic or isolationist impulses. For over a quarter century now, the maintenance of an advantageous balance of military power against the Soviet Union and its allies has been the *sine qua non* of American foreign policy. Originally only a policy to protect and extend American values, military superiority became itself the most valued of vital interests. The means turned into the end.

CONFUSED CRITICS

The militarization of foreign policy affected the whole process of decision-making in this country. The primacy of military security considerations as reflected in the relative insulation of executive agencies responsible for national security affairs from popular and legislative oversight. It is not surprising, therefore, that those who want to demilitarize U.S. policy and reorder national priorities to tend to neglected domestic tasks should take out after executive dominance in the making of foreign policy.

But here it is the critics of Cold War policies who show signs of confusing means with ends.

The new American world role will require the most difficult and complicated set of foreign policies ever attempted by this country. More than at any time in the past, the capacity of America to sustain rational statesmanship will be tested. The post-Cold War period—characterized by a diversification of friendships and rivalries, over-lapping and issue-specific coalitions, and a plethora of powerful nongovernmental actors such as multinational corporations and interest groups—is likely to require greater executive flexibility rather than less. For the United States to function effectively as the guardian of the general public interest against specialized interests, it will have to be vigorously represented on multifarious international matters in a bewildering array of international forums. Foreign affairs officials will require considerable leeway for maneuvers, unencumbered by the need to come back to the Congress for approval of every detail.

The nation will have to learn again that foreign policy is more than defense policy, that there is more to participation in world politics than tending to the military balance of power. Those who have become attached to the military instruments of power will find the learning process painful. But many critics who have made the military-industrial complex their *bête noire* have yet to face the complexities of politics beyond the water's edge.

A national election is a great simplifier. And in this, there is often a healthy catharsis. But we should not delude ourselves that the debate over the defense budget is, in fact, the deeply cutting re-examination of American priorities, grand strategy, and policy-making that is needed.

EULOGY OF DR. WILLIAM T. PECORA, UNDER SECRETARY OF THE DEPARTMENT OF THE INTERIOR

Mr. STEVENS. Mr. President, Friday morning a memorial service was held for Dr. William Thomas Pecora, Under Secretary of the Interior, who passed away last Tuesday, July 19, here in Washington, D.C., at the age of 59.

Dr. Pecora was one of the foremost geologists in this country. He served for many years with the U.S. Geological Survey until becoming Director of the Survey and then Under Secretary of the Interior Department.

Dr. Pecora was born in 1913 in Belleville, N.J. He attended Princeton, majored in geology, and was graduated with honors in 1933. He received his doctor of philosophy degree in geology at Harvard University in 1940. He subsequently received honorary degrees from Franklin and Marshall College in 1969 and from the Colorado School of Mines in 1970.

Dr. Pecora joined the U.S. Geological Survey in 1939. He rose to become the Survey's eighth Directory in 1965. He was nominated as Under Secretary of the Interior on April 20, 1971, and his nomination was confirmed by the Senate on May 3.

I came to know Dr. Pecora both personally and professionally. He was an outstanding gentleman and a world renowned scientific leader in his field.

At the time he appeared before the Interior and Insular Affairs Committee for confirmation as Under Secretary, I was privileged to serve on that committee. He expressed to us his scientific philosophy. I believe portions of it are so important that they are worth repeating now:

> One must look at the role of man on this earth. If he is to survive as a species, and a thriving species, he does, in fact, need more resources. But, on the other hand, he must adopt good housekeeping.
>
> Therefore, all of his attention must be not only to the science and technology for seeking and developing earth resources, but at the same time maintaining a careful balance with the environment so that his trade-offs and judgment values do not destroy the very environment upon which he calls for his subsistence.
>
> I do believe sincerely that with the application of rational, good judgment and deep investigation we can provide for the material resources man needs and at the same time provide for a high quality of the environment.

Mankind would do well to adopt such a philosophy.

In his lifetime, Dr. Pecora authored more than 50 scientific publications. He received international recognition in a number of geological fields. He studied the rocks of this earth throughout the United States and in many parts of Latin America. He spent considerable time and contributed greatly to the study of geology in Brazil. As the results of his research in that country, nine new minerals were identified for the first time. Few people can lay claim to such scientific accomplishments.

The Geological Survey, of which he was Director, assumed leadership of the earth resources observation systems—EROS. He also established in this Survey the National Center for Earthquake Research at Menlo Park, Calif.

Of particular interest to my State of Alaska, Dr. Pecora coordinated and led the preparation of the highly complex environmental statement on the trans-Alaska oil pipeline proposal.

I came to know Dr. Pecora for his work in the Department of the Interior when I was in the legal department there, and also later when I joined the Senate and served first on the Senate Interior Committee and later on the Interior Subcommittee of the Senate Appropriations Committee. Dr. Pecora has ably testified before us on a number of occasions on different measures. He has always provided sound, factual basis for his conclusions and displayed keen insight.

I have also dealt with him on the trans-Alaska pipeline issue. His work on that issue has been thorough and extremely well done.

One measure of the extent of Dr. Pecora's wide interests is the fact that he was U.S. Intercollegiate Fencing Champion in 1933, and won a place on the U.S. Olympic Team of 1936.

To his wife, Ethelwyn Elizabeth, and his son, William, and his daughter, Ann, I extend my condolences.

I ask unanimous consent to have printed in the RECORD Dr. Pecora's biography as it appeared in the Department of the Interior's news release dated Wednesday, July 19, 1972.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

DR. WILLIAM T. PECORA, UNDER SECRETARY, DEPARTMENT OF THE INTERIOR

Dr. William Thomas Pecora, 59, Under Secretary of the Interior, died today, July 19, 1972, at George Washington University Hospital, Washington, D.C.

The Interior official had undergone surgery for diverticulitis on June 6, but was unable to survive post-operative complications that required additional surgery.

Interior Secretary Rogers C. B. Morton said that he was deeply shocked and saddened by the death of Dr. Pecora, who as the number two man in the Department was Morton's chief assistant and the Acting Secretary in his absence.

"Our Department—and the Nation—has lost a singularly talented and energetic scientist and administrator," Morton said. "Few men possess the leadership qualities which Dr. Pecora showed in the quest for balance and harmony in resource development and conservation.

"Dr. Pecora understood conservation in the true sense. As a scientist, he recognized that nature's forces are neither angry nor benign; they operate on laws and principles of matter, motion, physics and chemistry. He felt strongly that man must not seek to subdue these forces, but to understand them, work with them, and live in harmony with them.

"Dr. Pecora was an optimist, and I believed him when he said that man's ingenuity, coupled with his humanity, can achieve the solutions needed in an age when, within three decades, our uses of both energy and water will triple. We at Interior have lost a dedicated leader and a friend."

Dr. Pecora's appointment as Interior Under Secretary was confirmed by the Senate on May 3, 1971, following his nomination by President Nixon on April 20, 1971.

At his confirmation hearing before the Senate Interior Committee, Dr. Pecora expressed his scientific philosophy in these words:

"One must look at the role of man on this earth. If he is to survive as a species, and a thriving species, he does, in fact, need more resources. But, on the other hand, he must adopt good housekeeping.

"Therefore, all of his attention must be not only to the science and technology for seeking and developing earth resources, but at the same time maintaining a careful balance with the environment so that his trade-offs and judgment values do not destroy the very environment upon which he calls for his subsistence.

"I do believe sincerely that with the application of rational, good judgment and deep investigation we can provide for the material resources man needs and at the same time provide for a high quality of the environment."

A decisive and frequently colorful administrator, Dr. Pecora proved unusually effective at advancing programs and policies he strongly believed in. Longtime associates credited him with a blend of precision, wit, and personal warmth that made him a memorable figure in the Federal bureaucracy. He was recognized for his adeptness in explaining complex and puzzling scientific phenomena in layman's terms.

A widely acclaimed expert in mineralogy, petrology and geochemistry, with special emphasis on determinations of scientific principles as guides in the exploration of mineral fuel, and water resources, Dr. Pecora was a career scientist with the U.S. Geological Survey since 1939, and was the Survey's eighth Director from 1965 until he became Under Secretary.

Born February 1, 1913, in Belleville, N.J., Dr. Pecora attended public schools in Newark, N.J. He graduated with honors in geology from Princeton University in 1933, and received his Ph.D. in geology at Harvard University in 1940. Honorary degrees were conferred upon him by Franklin and Marshall College in 1969 and by the Colorado School of Mines in 1970.

The author of more than 50 scientific publications, Dr. Pecora received international recognition for his work in a number of geologic fields such as rare minerals and volcanic regions. His research studies were made throughout the United States and in many parts of Latin America. As the result of his work in Brazil, nine new minerals were identified for the first time.

In 1965, Dr. Pecora was elected to the National Academy of Sciences for "distinguished and continuing achievements in original research." That same year, he was elected a Fellow in the American Academy of Arts and Sciences. In 1968, he received the Interior Department's highest honor, the Distinguished Service Award, and in 1969, was a recipient of the Rockefeller Public Service Award for career civil servants.

Under his direction, the Geological Survey assumed leadership of the Interior Department's EROS (Earth Resources Observation Systems) program. He also established the Survey's National Center for Earthquake Research at Menlo Park, California. Most recently, Dr. Pecora coordinated and guided the preparation of the massive environmental statement on the trans-Alaskan Oil pipeline proposal, and helped Secretary Morton formulate the Department's position on numerous and complex problems relating to development of the Nation's mineral water, and energy resources.

Dr. Pecora's numerous professional affiliations included the Geological Society of America (Fellow and Councillor); Mineralogical Society of America; American Association of Petroleum Geologists; American Institute of Professional Geologists; Mining and Metallurgical Society of America; Society of Economic Geologists, the Cosmos Club of Washington, D.C. (President, 1968); and the American Philosophical Society.

He was a President of the Geological Society of Washington (1964); served on the Executive Committee, National Research Council, Division of Earth Sciences; on the Advisory Committee for Graduate Records Examination to Geology, Educational Testing Services, Princeton, N.J.; was Chairman, U.S. Civil Service Commission's Board of Examiners for Geology; Honorary Member of the Rocky Mountain Association of Geologists; and a Foreign Member of the Brazilian Academy of Sciences.

Dr. Pecora won the title of U.S. Intercollegiate Fencing Champion in 1933, and was on the U.S. Olympic Team of 1936.

He is survived by his wife Ethelwyn Elizabeth, 4572 Indian Rock Terrace, N.W., Washington, D.C., a son, William Carter (born 1949), and a daughter, Ann Stewart (born 1953).

Funeral arrangements are pending.

PIONEER DAY 1972

Mr. CHURCH. Mr. President, today marks a memorable occasion in the hearts of the people of my home State of Idaho for today is the 125th aniversary of the coming of the Mormon pioneers to the mountain valleys of the West.

It is a memorable occasion because these early pioneers brought with them the virtues of hard work, integrity, and determination to make the western desert "to blossom as a rose."

Their saga is a heartbreaking tale of misery and suffering for these brave people left warm and comfortable homes in the dead of winter to endure the terrible hardships of travel by foot and wagon across the wide expanses of the Rocky Mountains. Yet, because of their perseverance and their foresight, the lands that they settled have become verdant and productive—evidence enough that this was indeed the "promised land" spoken of by early Mormon leaders.

In commemorating the achievements of these pioneers, it is not surprising to know that they were led by men of great vision.

> I have a double anxiety for the happiness of all men.

These were the words of Joseph Smith, first president and founder of the Mormon Church, in a statement of his views on the Government and policy of the United States.

> The wisdom, which ought to characterize the freest, wisest, and most noble nation of the nineteenth century, should, like the sun in his meridian splendor, warm every object beneath its rays: and the main efforts of her officers, who are nothing more or less than the servants of the people, ought to be directed to ameliorate the condition of all.

Such words, uttered during the infancy of this great Nation, bespeak the profound compassion that Joseph Smith accorded his fellow man. Often the victim of cruel injustices, he remained steadfast in his commitment to the dignity of the human spirit and the equality and nobleness of all men.

Possessed of great wisdom and foresight, his pronouncements remain astonishingly relevant even to this day:

That there should be equal justice for all regardless of power and wealth.

That the general interest should have precedence over "local prejudices and attachments."

That individual morality was the basis for national morality.

That all men should be engaged in the cause of doing good for their fellow man.

As with so many of our Nation's great leaders, Joseph Smith died a martyr, felled by a mob. Yet his noble heritage can be seen today in the church which he founded. More than 3 million members of the Church of Jesus Christ of Latter-day Saints today strive to follow the counsel of this remarkable man as set forth in the 13th Article of Faith of the Mormon Church:

> We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul—We believe all things, we hope all things, we have endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things.

It is only proper that we observe Pioneer Day 1972 as an occasion to honor this great man and his followers. Their sacrifices deserve our deepest admiration and their accomplishments our deepest respect. I am sincerely proud to join with the people of my State in paying tribute to their memory.

DECISION ON USE OF DDT

Mr. GOLDWATER. Mr. President, the entire country has had its attention called to the decision made on the use of DDT and I imagine that the majority of Americans look upon this chemical as one concocted by the devil. While I recognize that DDT in some areas has caused some damage, I can also recognize that it has been a great bonus to people in all parts of this country.

I have also been concerned that chemicals recommended to replace DDT might not be as good and might even be more dangerous.

Arizona State University has long been interested in these chemicals, because it is located in a region of the United States infested by the type of bug and insect that is harmful to crops, distasteful to citizens and difficult to get rid of.

Dr. J. Gordon Edwards, of Arizona State University, has reviewed the decision not to use DDT in a complete and interesting way and has also been critical of the decision. I have read his paper with great interest, and I feel that anyone who lives in an area that requires insect control should read this paper to have a better understanding of what we are faced with in this field. Dr. Edwards has also appended a suggestion on the bottom of his paper. I ask unanimous consent that the entire matter be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE INFAMOUS RUCKELSHAUS DDT DECISION

The recent Ruckelshaus decision regarding DDT restrictions is an abject capitulation to professional environmental extremists and a tremendous defeat for science and mankind. Most concerned persons are mindful of the waste of holding seven months of federal "hearings" on DDT and then ignoring or rejecting all evidence which did not support the preconceived decision of this EPA Administrator. If Mr. Ruckelshaus was determined not to be influenced by any factual data, he should not have implemented such a costly, time-consuming legal charade! A major consequence of his ignoring the scientific record and rendering this fatuous decision on DDT will be the *increased* destruction of the environment which his Environmental Protection Agency (EPA) is supposed to defend! The "substitutes" recommended most highly by Mr. Ruckelshaus to replace DDT will needlessly destroy thousands of honeybee colonies and millions of birds and mammals . . . which would NOT be injured by DDT applications. (Audubon Magazine reported more than 10,000 robins killed this spring by just one of those "substitutes" in one small area of Florida, and in one year California lost more than 83,000 colonies of honeybees to such "substitutes" which had been used on cotton after DDT was prohibited).

Another ill consequence of importance will be the certain death or injury which always follows the shift from harmless DDT to more toxic "substitutes", which Ruckelshaus has recommended. Hundreds of farm workers have already been killed and hundreds of thousands made ill by those chemicals, but the EPA and the EDF (Environmental Defense Fund) obviously do not object. Dr. Charles F. Wurster, Chairman of the Scientists Advisory Council of the EDF stated in a 1970 speech that ". . . the organo phosphate acts locally and only kill farm workers and most of them are Mexicans and Negroes" and that "People are the cause of all the problems. We have too many of them. We need to get rid of some of them and this is as good a way as any." (See the published record of Hearings before the Congressional Committee on Agriculture, Serial No. 92–A, 1971, pages 266–67.) It was Wurster's EDF with which Ruckelshaus sided so eagerly during the EPA hearings, in opposition to witnesses representing the U.S. Dept. of Agriculture, the U.S. Public Health Service, the World Health Organization, the United Nations Food and Agricultural Organization (FAO), and other concerned groups. The ultimate goals of the EDF have been explained as far back as 1969, in *Bioscience*

19: 809, by one of their leading spokesmen, as follows: "If the environmentalists win on DDT they will achieve, and probably retain in other environmental issues, a level of authority they have never had before. In a sense, then, much more is at stake than DDT." Perhaps that *is* an understandable goal for professional environmental fund-raising groups, but what justification can there be for the already-powerful Environmental Protection Agency to aid them so obsequiously?

For seven months the EPA hearings exposed the insincerity of anti-DDT cultists and the incredibility of their allegations. The hearings firmly established the facts that DDT: does *not* normally persist long in the environment; is *not* normally transported great distances from points of application; does *not* eradicate all beneficial insects; does *not* threaten birds, mammals, fish, or estuarine invertebrates; is *not* "magnified" to dangerous levels in food-chains; does *not* continue to persist or build up in living tissues; does *not* cause wild birds to form thin eggshells; and has *not* beeen shown to pose any health hazard to man or domestic animals.

For seven months, EPA/EDF witnesses who testified in the Washington hearings admitted to experimental bungling, ineptitude, shameless obfuscation, and the deliberate publication of errors and distortions in their "scientific" and pseudoscientific articles. The patient cross-examination of dozens of those "authorities" gradually revealed the enormity of the lucrative anti-DDT conspiracy. Under oath, there were a great many confessions of citing false information and deliberately omitting or altering significant data. The "authorities" repeatedly feigned ignorance of extremely significant details which are well-known to most scientists and students with a sincere interest in the DDT controversy. Some biologists employed in federal wildlife research on birds, for example, disclaimed knowledge of the results of annual Audubon Society bird counts, disclaimed knowledge of the results of the Hawk Mountain Sanctuary counts of migrating hawks, and disclaimed knowledge of details of articles which are the major source of DDT residue data in birds, water, soil, and other environmental components. These disclaimers were especially strong when the "unknown" knowledge was in strong disagreement with the "authorities". Dr. Philip Butler claimed ignorance of the research results of his own colleagues at Gulf Breeze, Florida (U.S. Dept. of Interior laboratory), who had found in 1969 that over 92% of all DDT, DDD, and DDE disappeared in 38 days from sea water. (Dr. Butler's 1971 National Academy of Sciences panel publicized the frightening propaganda that "As much as 25 percent of the DDT compounds produced to date may have been transferred to the sea." (page 1, in "Chlorinated Hydrocarbons in the Marine Environment").

It is obvious that Mr. Ruckelshaus did not attend the EPA hearings, and that he even failed to read the transcript of the testimony and cross-examination. His official "opinion" indicated no awareness of hundreds of *very* significant points that were clarified during those seven months of testimony or of the forced retractions of untruths by his EDF/EPA "experts". Also, he appeared unaware of the possibly perjury in the testimony of some of his greatest "authorities"!

Hearing Examiner Edmund Sweeney, however, *was* present every day. He considered *all* of the testimony and evidence presented, was aware of the incriminating retractions brought about during cross-examination, and obviously studied the 9,300 pages of hearings transcript. His conclusion was that the benefits derived from DDT use far outweigh any hazards. "In my opinion, the evidence in this proceeding supports the conclusion that there is a present need for the essential uses of DDT . . .", stated the Examiner, and added: "DDT is not a carcinogenic hazard to man. DDT is not a mutagenic or teratogenic hazard to man. The uses of DDT under the registrations involved here do not have a deleterious effect on freshwater fish, estuarine organisms, wild birds or other wildlife", and that "necessary replacements would in many cases have more deleterious effects than the harms allegedly caused by DDT." It seems remarkable that EPA Administrator Ruckelshaus, without attending the hearings and without reading the transcript, was able to decide that Mr. Sweeney (a federal examiner with 40 years of legal experience) was wrong in all of his major conclusions and probably erred in his handling of the case. Evidently Mr. Ruckelshaus in his wisdom did not *need* those seven months of testimony to aid him in divining a decision . . . in fact, it appears that EPA hearings are simply an expensive sham! If Ruckelshaus agrees with the decision he "approves" the results, but if he disagrees he ignores the evidence and issues his own ultimatum, regardless of the facts established during the hearings.

On 10 November 1971 Deputy General Counsel for the EPA, Mr. Alan Kirk, appeared at the hearings. He admitted (p. 4583 of transcript) that he had not read the transscript of the previous day's proceedings (during which Mr. R. G. Heath contemptuously refused to answer a vital question and refused to provide data upon which he based his allegations), nevertheless Mr. Kirk had rushed over to criticise Mr. Sweeney's handling of the recalcitrant witness. While there, Mr. Kirk also stated (p. 4580) that the role of the EPA "is not that of an adversary, our role is as a representative of the 207 million American people . . ." It soon because evident that, on the contrary, the EPA was working in collusion with the EDF, and the Ruckelshaus "decision" on DDT frequently indicate the close association between EDF and EPA in this action, revealing the strong advocate position of the EPA. In the "Opinion of the Administrator" (page 4) it is stated: "The case for cancellation has been presented by counsel for the Pesticides Office of the Environmental Protection Agency and attorneys for the Environmental Defense Fund which is an intervenor." Later (page 8) Mr. Ruckelshaus writes that the *EPA and EDF* filed exceptions to the Examiner's report, challenging his findings of fact and his conclusions of law! That doesn't sound like the EPA maintained its non-advocate position very long!! It seems most unusual that this wealthy, tax-exempt anti-DDT lobby (the EDF), which legally forced the EPA to engage in a lengthy review procedure, ended up working hand-in-glove *with* the EPA in that action and even helped frame the EPA "decision" ruling that they (the EDF) were "right" about DDT (despite the evidence and facts to the contrary) and the Hearing Examiner was "wrong" about it!

Obviously, very few people will receive copies of the official "Opinion" by Mr. Ruckelshaus, therefore I shall discuss it very briefly here. The total document consists of a 40-page "Opinion", a 6-page outline of "Factual Findings", two paragraphs entitled "Conclusions of Law", and a 3-page "ORDER" which is based on "the foregoing opinion, findings, and conclusions of law". The ORDER is dated June 2, 1972, but was not released to most news media until June 14th. An appeal was filed just 30 seconds later in the 5th Circuit Court of Appeals, in New Orleans, so there will be several months in which scientists can point out the errors and dispute the conclusions in the Order, and the unbiased judges on that Court may be expected to reach the same sort of conclusion earlier held by Hearing Examiner Sweeney. The ORDER decrees that "Cancellation for uses of DDT by public health officials . . . and by USDA and the military . . . and use in prescription drugs is lifted." The ORDER also permits continued use of DDT for "control of weevils on stored sweet potatoes, green peppers in the Delmarva Peninsula (Delaware) and cutworms on onions. . . ."

The Opinion is jammed with errors and misstatements, but I shall only include a small number of them here. Surely the others will also play an important role in the subsequent review of the decision by the Circuit Court judges.

1. What is DDT?

Ruckelshaus statement (page 1): "DDT is the familiar abbreviation for the chemical (1,1,1-trichlorophenyl ethane), which was for many years . . ."

Correction: DDT is not the chemical Mr. Ruckelshaus thinks it is, but is instead 1,1,1-trichloro-2,2-bis (p-chlorophenyl ethane). This error on the first page unfortunately is a harbinger of worse errors yet to come.

2. What does DDT break down into?

Ruckelshaus statement (page 4): "DDT has three major breakdown products, DDA, DDE, and DDD; separate registrations exist for TDE (DDE)."

Correction: TDE is the chemical that is also known as DDD, not DDE. These are entirely different compounds, and DDE is not even an insecticide! This fact is well known to most entomology students and to practically every grower and orchardist. Mr. Ruckelshaus must have been misadvised by someone who had heard about DDE because of allegations that it inhibits carbonic anhydrase, thus causing thin eggshells to form (an EDF theory which was refuted by at least five research teams last year). It might also be of interest to point out here that DDD does not even break down into DDE.

3. What substitutes will be used for DDT?

Ruckelshaus statement (page 37): "Such a program can also introduce farmers to the less acutely toxic organophosphates, *like carbaryl*, which may be satisfactory for many uses." (Emphasis added)

Correction: Carbaryl is a carbamate insecticide, not even remotely related to the organophosphates! This fact is well known to most entomology students and to practically every grower and orchardist.

4. What substitutes for DDT are recommended by the EPA Administrator?

Ruckelshaus statements: (page 36): "The record before me leaves no doubt that the chief substitute for most uses of DDT, methyl parathion, is a highly toxic chemical and, if misused, is dangerous to applicators."

(Page 37): "Other testimony noted the increase in non-fatal accidents and attributed almost one-half reported pesticide poisonings to the organphosphate group."

(Page 37): "I am accordingly making this order effective as of December 31, 1972, insofar as the cancellation of any particular use is predicated on the availability of methyl parathion as a substitute."

Comments: Why discard DDT as a "potential hazard", despite its marvelous record of human safety and lack of environmental damage, and recommend a replacement which Ruckelshaus states is likely to cause so much poisoning?

5. Will substitutes cause environmental damage?

Ruckelshaus statements: (page 25): "Indeed, it may be that the same tendency of a chemical to persist or build up in the food chain is present but not known about substitute chemicals."

Comment: We know exactly what happens to DDT in the environment and in plants and animals. Why leap into the unknown unnecessarily and use great amounts of compounds about which he admits very little is known?

Ruskelshaus statements (page 21): "While they are toxic to beneficial soil insects and non-target species, particularly birds alighting on treated fields, these organophosphates break down more readily than DDT."

Comments: Because they break down so readily, they must be applied much more often, also. When less toxic insecticides will control the pests, why outlaw them and use more toxic compounds? Who will get the blame for killing the birds and beneficial ininsects? It should be Mr. Ruckelshaus!

6. Did DDT kill off the fish and birds? (Is that why it is being phased out?)

Ruckelshaus statement: (page 16): "The Petitioner-registrants' assertion that there is no evidence of declining aquatic or avian populations, *even if actually true*, is an attempt at confession (sic!) and avoidance." (My emphasis added.)

Comments: Ruckelshaus admits that even if there *has been no decline*, his mind is made up! What kind of justice is that?? Hundreds of pages of transcript prove that there *was* no decline which could be attributed to DDT use, and indeed that there have been practically no declines of birds or fish at all during the "DDT years". Such proof obviously has failed to impress Mr. Ruckelshaus even though he evidently believed it.

7. Does DDT actually cause thin eggshells?

Ruckelshaus statement (page 18): "Viewing the evidence as a total picture, a preponderance supports the conclusion that DDT does cause eggshell thinning. *Whether or not* the laboratory data above would sustain this conclusion [it does not] *is beside the point*. For here is laboratory data and observational data, and in addition, a scientific hypothesis, which *might* explain the phenomenon." (My emphasis added.)

Comments: The laboratory data do *not* sustain the allegation. Why doesn't that fact deserve consideration by Mr. Ruckelshaus? The observational data do *not* sustain the allegation. Why doesn't that fact deserve consideration by Mr. Ruckelshaus? And of what value or significance is a "scientific hypothesis" that has already been proven wrong during seven months of EPA hearings and three years of scientific investigations by independent biologists whose salary is not linked to the anti-DDT hypothesis?

8. Is DDT mutagenic?

Ruckelshaus statement (page 13): "Mutagenic effects will be apparent *only* in future generations." (My emphasis added.)

Comments: This is the old "for all we know" thesis. Obviously, after five or ten generations without any mutations, we will be told that "for all we know" mutations may be apparent only after another five or ten generations. The same scare tactics could be applied equally well to dangers from most modern medications, to vaccines, to drugs, to enriched vitamins, etc. It seems incredible that the Administrator of the Environmental Protection Agency would be this naive, for the substitutes he is recommending to replace DDT are just as open to the ridiculous charge as DDT, and they have not been tested nearly as long as DDT already has!

9. Is DDT carcinogenic?

Ruckelshaus statement: (page 29): "The possibility that DDT is a carcinogen is at present remote and unquantifiable;"

Despite this statement, Mr. Ruckelshaus was able to imply elsewhere that there IS *no* proof that at some future time any substance might not cause cancer. Thousands of mice and other experimental animals have already been exposed to incredibly great, long-sustained diets of DDT, but *nobody* with any expertise in cancer research will state definitely that DDT causes cancer. Unfortunately, some news media seemed to think this "decision" was based in part on the unknown future possibility that DDT might pose some hazard to man. Ironically, DDT is the only insecticide that has actually been ingested by man in massive daily doses for months or even years . . . with no ill effects whatever. No substitute will be able to make that record!

10. What is the function of the Hearing Examiner?

Ruckelshaus statement: (page 24): "Whatever extra weight, then, that might be due findings based expressly on a credibility judgment is not appropriate in the case before me."

Comments: Mr. Ruckelshaus evidently means that if the witnesses fail to tell the truth, and are proven to have perjured themselves, it will have no effect on his decision against DDT. As a matter of fact, that is exactly what did happen during the hearings, and the Administrator seems to feel it necessary to explain why the lack of credibility of his witnesses has not affected his decision.

Ruckelshaus statement: (page 24): "The precedents, moreover, make clear that the Agency (EPA) is free to make its own findings and that the Examiner's findings and report only comprise part of the record *which a court will then evaluate*." (My emphasis added.)

Comment: If the Examiner's findings and report were supposed to be evaluated by a court, why did Mr. Ruckelshaus do it? If Mr. Ruckelshaus was supposed to evaluate the Examiner's findings and report, why does he then state here that "a court will then evaluate" them? Certainly if a court evaluated the report by Mr. Sweeney (the Hearing Examiner), they would not arrive at a decision that was in direct opposition to his on every point, as was done by Mr. Ruckelshaus! Perhaps *that* is the only way to obtain justice from EPA?

This capricious act by the Environmental Protection Agency administrator is a matter of great importance to the average American. . . . It will directly affect his environment, his food supply, his personal health and safety, and his cost of living. He has long been upset by extremists in the environmental movement and by unreachable bureaucrats, but he seldom knows what to do about it. THIS time there IS something he can do. He can send letters and telegrams to the Environmental Protection Agency, with copies of all letters also sent to the U.S. Department of Agriculture, in Washington D.C., and copies to his federal legislators. If public concern matches that of the agriculture officials, the public health service, the world health authorities, and the legislators, constructive action certainly *will* be taken to correct this latest injustice!—J. Gordon Edwards.

ORDER OF THE AHEPA

Mr. MONDALE. Mr. President, this month the Order of Ahepa—American Hellenic Educational Progressive Association—is celebrating its 50th anniversary of service to communities across our Nation. The 430 chapters of this fraternal organization have achieved a record of accomplishment which all its members can look to with pride and satisfaction.

Over the past 50 years, AHEPA has time and time again shown its deep commitment to humanitarian causes. The list of people which AHEPA has aided includes the victims of many of the great natural disasters over the past half century; Florida hurricane victims, Mississippi flood victims, Turkish earthquake victims, Kansas City flood victims, and countless others. The unfortunate people caught in nature's destructive path have been able to count on AHEPA to aid them in overcoming the effects of these disasters.

However, AHEPA's list of accomplishments goes far beyond this impressive list. AHEPA's members have also shown their commitment to aiding those in need by aiding fatherless children of refugees in the Near East, by providing national scholarships for worthy students, and through the sale of over $500 million of U.S. war bonds during World War II.

The goals which this worthy organization pursues—loyalty to the United States, active interest in civic and political affairs, championing the cause of education and assisting in eliminating political corruption—speak highly of its basic concern for democratic ideals and practices. And AHEPA's record of accomplishment is the best evidence that it has translated these basic concerns into effective and long-lasting action.

In my State of Minnesota, AHEPA has been active in implementing the worthy projects which the organization as a whole has set as its top priorities. The current Minnesota local chapter officers, President Peter Canellos in Rochester; President John Regas in Duluth; President Mannie Nicolopoulos in St. Paul; and President Peter G. Brown in Minneapolis, are ably carrying on the tradition of service in Minnesota set by such past national officers as John W. Mercury and James P. Demos.

In saluting these men, and in also saluting the men who will be heading up the district lodge activities over the next year—Gov. George N. Patronas and treasurer John Regas—I am pleased to congratulate all who have and will continue to contribute to the important work which the Order of Ahepa is undertaking, both in Minnesota and throughout the Nation.

THE NATURAL GAS SHORTAGE

Mr. STEVENS. Mr. President, at the end of last month the Columbia Gas System, Inc., placed advertisements in the Washington Post—June 27, 1972, and the New York Times—June 29, 1972—concerning the natural gas shortage facing our Nation today and including several recommendations as to methods for alleviating this problem. These advertisements were responsible and farsighted efforts on the part of natural gas spokesmen to convey to the American public the difficulties we face in obtaining additional supplies of energy resources.

The fact that our Nation is facing a drastic shortage of natural gas can be seen after only a cursory glance at a few statistics. At the same time that demand for natural gas is increasing year by year, our domestic supplies are going down. Thus, there is an ever-increasing gap between our natural gas requirements and supply. Statistics from the Federal Power Commission state that the demand for gas in the "Lower 48" States is projected to increase from 22.6 trillion cubic feet annually in 1970 to 34.5 trillion cubic feet in 1980, and 46.4 trillion cubic feet in 1990. However, domestic production of gas in the same year is expected to decrease from 21.8 trillion cubic feet in 1970 to 20.4 trillion cubic feet in 1980 to 17.8 trillion cubic feet in 1990. This difficulty was dramatized during the last winter of 1971 to 1972, when seven major pipelines, all of which served the Eastern and Midwestern regions of the country, were required to curtail services. In addition, to date, 27 interstate pipelines have filed curtailment plans with the Federal Power Commission. Eighteen pipelines made emergency gas purchases in order to maintain customer service.

Because of the increasing shortage of natural gas, our Nation must find additional supplies of gas to meet our requirements. Unfortunately, the importation of foreign liquefied natural gas and the manufacture of synthetic gas are processes which are both expensive and still developing technologically.

In its advertisement, Columbia Gas has listed several recommendations as a part of its action program which it believes the Federal Government must adopt to enable the gas industry to deal effectively with the growing gas supply crisis. Among these various proposals is the recommendation that the construction of the trans-Alaska oil pipeline be permitted to move forward at the earliest possible date. Not only would the high quality oil from the North Slope help to supplement the presently dwindling domestic oil supplies, but the great natural gas reserves associated with this oil would help alleviate the gas shortages in the "lower 48." Indeed, the estimated natural gas reserves of Alaska total 327 trillion cubic feet—28 percent of the total estimated U.S. gas potential. Therefore, the great natural gas resources of Alaska will be of great assistance in helping to alleviate the shortages in the "lower 48."

Columbia Gas also points out the often forgotten fact that natural gas reserves of Alaska's North Slope cannot be recovered until oil production begins. This is so, because the gas there is associated with the oil and will be reinjected into the ground in order to keep up pressure upon the oil reserves. This will allow for the full production of the oil reserves on the North Slope as opposed to its incomplete production were the natural gas supplies immediately tapped.

In short, an early production of North Slope oil will also hasten the delivery of natural gas to the American East and Midwest, the area of greatest natural gas shortage in our Nation. Likewise, increased delays in the construction of an oil pipeline for the delivery of North Slope oil will add to the delays that will be encountered in the delivery of North Slope gas to the "lower 48."

The U.S. Department of the Interior has estimated that delays associated with a trans-Canada pipeline could involve up to 5 years. I believe that this is, if anything, a conservative estimate, due to the intergovernmental coordination which should be necessary for a trans-Canada pipeline, the unsettled claims of Canadian Natives, and the necessary engineering and design analysis which would be necessary on a Canadian route. These are all factors which would add to the delay associated with Canadian oil. On the other hand, none of these factors are present with the trans-Alaska oil pipeline route. The design analysis has been finished, the aboriginal land claims of Alaskan Natives have been settled, and required environmental analysis through the filing of an impact statement has been completed. Therefore, it can be completed much sooner than a trans-Canada route and, consequently, will hasten the delivery of urgently needed natural gas to the American Midwest.

Mr. President, Columbia Gas System has performed a real service by paying for these informative advertisements in national newspapers. The American public must be informed of the energy crisis which it faces if it is to properly plan for the future. In addition to discussing the energy crisis facing our Nation, the Columbia Gas System has formulated an action program with specific recommendations for the Federal Government. These are well-considered recommendations which deserve careful analysis and thought.

PIONEER DAY

Mr. MOSS. Mr. President, today is a statutory State holiday in Utah. This day, July 24, Utah celebrates the 125th anniversary of the arrival of the Mormon pioneers into the Salt Lake Valley in 1847.

Pioneer Day is celebrated not only in Utah but in towns and cities throughout the Rocky Mountains, because the settlement of the Mormon pioneers in the Salt Lake Valley began the colonization of the entire Mountain States area.

Pioneers first entering the valley of the Great Salt Lake found it nearly void of vegetation and with but one solitary tree which seemed to accentuate the inherent desolation of the area. Now, one looks across a verdant valley with beautiful homes, churches, schools, and industry; with beautiful trees and flowers. These are a tribute to the diligence of these early settlers.

The settling of the valley by courageous pioneers is a result of their desire to worship God according to their belief. Their faith stemmed from the teachings of Joseph Smith, the founder of the Church of Jesus Christ of Latter-day Saints. After a humble beginning in New England, the church moved to Ohio, to the city of Kirtland. But within a short time, the persecution they had experienced in New York was again manifest in Ohio.

A new beginning was sought in Missouri, where the Saints settled the western part. Once again, discord developed between the Mormons and their neighbors which made it apparent that a further rooting up of homes and families had become necessary.

This time, the members of the church moved to Illinois to be free from the threats that had plagued them in Missouri. Here they established the city of Nauvoo on the Mississippi River. This city witnessed the death, in nearby Carthage, of the Mormon prophet, Joseph Smith. It was from Nauvoo, that the church initiated its historic westward trek to the "land of the everlasting hills."

The story of that movement of the church to the Rocky Mountains is a worldwide legend which is familiar to us all. It deeply etched in the annals of our national history, a saga of heroism and sacrifice.

The pioneer display of courage and devotion encouraged other Mormons from far-away lands to join with the members of the church in their newly established mountain home. My own grandparents, Thomas and Fanny Goodman Moss, were born in England, where they were converted by Mormon missionaries. They, too, experienced the desire to travel to Utah to be with the main body of the Mormon Church. They could not afford both to travel to America, so in 1862, my grandmother set sail from Liverpool, bound for the New World with her baby in her arms. After arriving in New York, grandmother made her way by train to Winter Quarters on the banks of the Missouri River, where she joined a company of pioneers about to travel west by wagon train. She was assigned to walk every second day to help preserve the strength of the oxen pulling the wagon. Only because of her babe in arms she was enabled to ride on alternate days.

It was a long and difficult journey that lasted 6 months, for it was October 15, 1862, when she arrived in Great Salt Lake City. She went to work as a domestic servant shortly after her arrival in the valley, saving all she could to help pay the passage of her husband. After 1 year, the two of them were able to save enough to purchase a passage for him to come to Salt Lake City.

By the time grandfather arrived in 1863, the city was a thriving community, greatly changed from the scene which greeted the first pioneers who arrived in 1847. Mormons in large numbers had crossed the plains to join the members of their church that settled in the valley. When he first arrived, their new leader, Brigham Young, had pointed out across the barren valley and declared, "This is the place." This was prophetic for the Mormons who set about making their desert bloom.

Throughout the Mountain West, parades, rodeos, and official ceremonies will commemorate this day celebrating the arrival of the pioneers in Utah. All Utahans will join in this holiday and mark another year in the progress and development of our beloved Mountain West.

THE TRANS-ALASKA PIPELINE: STATEMENT OF SECRETARY MORTON

Mr. STEVENS. Mr. President, on June 22, the Joint Economic Committee held the last of its 4 days of hearings on the subject of the proposed trans-Alaska pipeline. I believe that that day's hearings were most enlightening and worthwhile, since various proponents of the trans-Alaska pipeline presented many important points apparently ignored by the committee in its previous consideration of this most complex issue.

Among those who testified was the Honorable Rogers C. B. Morton, Secretary of the Interior. I personally found his testimony both instructive and persuasive. I believe that he presented information and material which prove beyond a doubt that the trans-Alaska oil pipeline is the best route for such a line economically, environmentally, and for reasons of national security. In the Secretary's own words:

> The decision to grant the trans-Alaska pipeline is in the highest public interest.

In his testimony, the Secretary enumerated the numerous public hearings which were held to provide for full public hearings which were held to provide for full public discussion of this most involved issue. In addition, the Secretary outlined the stringent regulations imposed by his Department upon oil tanker transport from Valdez to west coast ports.

Secretary Morton also summarized the various factors involved with a Canadian route which would involve substantial and unacceptable time delays. These include the problem of constructing a line four times longer than a trans-Alaska line, the necessity for preparation of two additional impact statements for the 300 miles in Alaska and the 900 miles south of the international border through which an Alaska-to-Chicago route would pass, the possible delays associated with the settlement of the land claims of Canada's native population and the great difficulty that would be posed in raising the required $6 billion for a Canadian oil pipeline.

In conclusion, Secretary Morton stated:

> The nucleus of my decision to grant the Alaska route is based on the urgent need to bring North Slope oil and gas into the American marketplace as rapidly as possible. Our studies have clearly articulated the need for these petroleum resources and the costs of delay. The trans-Alaska route presents the only feasible means of transporting Arctic oil within an acceptable time frame.

In summary, I believe that Secretary Morton ably defended his decision to grant the permit for construction of the trans-Alaska pipeline. He made it clear why construction on this important project must, in the national interest, begin as soon as possible.

Mr. President, I ask unanimous consent that Secretary Morton's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE ROGERS C. B. MORTON

Thank you for the opportunity to appear before this Committee to discuss my decision to approve the proposed trans-Alaska pipeline.

Mr. Chairman, the United States urgently needs the oil from Alaska's North Slope in American markets to satisfy a growing gap between domestic demand and supply. We need that oil as quickly as an environmentally safe delivery system can be developed.

My decision is based on an exhaustive and unprecedented three-year study of the ways to safely transport these valuable petroleum resources from the Alaska Arctic.

In this period, the Federal Task Force on Alaskan Oil Development, established by the President in May of 1969, has completed the following tasks:

(a) It has prepared a six-volume Environmental Impact Statement, which is thought to be the most comprehensive and detailed study ever conducted under the National Environmental Policy Act. Preparation of this Statement required 18 months, and involved consultation with and contributions from over twenty Federal and State agencies.

(b) It has closely examined other alternatives, including possible Canadian routes, other transport systems, and other sources for the needed energy.

(c) It has prepared, in three detailed volumes, an analysis of the economic and security aspects of the system.

(d) It conducted a sweeping geologic and engineering analysis of the proposed pipeline system across Alaska.

(e) It has developed the strictest environmental and engineering stipulations ever drafted to safeguard a project of this nature.

(f) It has organized a professional Federal surveillance team to enforce the Stipulations, to impose strict quality control of the system and to insure maximum environmental protection.

Three significant and separate groups of public hearings have been held on the proposed pipeline.

The first was held on August 29 and 30, 1969, by former Under Secretary Russell E. Train in Fairbanks, Alaska.

A second series of hearings, nine in number, was held by the House and Senate Interior and Insular Affairs Committees, and by the Fish and Wildlife Subcommittee of the House Merchant Marine and Fisheries Committee between August and December of 1969.

The third series of hearings, seven days in length, in February of 1971, was held on the preliminary environmental statement in Washington, D.C. and Anchorage, Alaska. They resulted in over 12,500 pages of transcripts.

Mr. Chairman, the Department's examination of this project has been penetrating and thorough. After months of searching consideration, I am totally convinced that the decision to grant the trans-Alaska pipeline is in the highest public interest. I am convinced that my decision fully reflects the letter and spirit of the National Environmental Policy Act of 1969, to which we are deeply committed.

Let me turn to the substantive points of our long examination.

THE CANADIAN ALTERNATIVE

Perhaps the most frequent question is why didn't I pursue the Canadian alternative.

Many people asking this question are genuinely motivated by environmental concern. Others are motivated by regional, economic, and other interests. I have carefully weighed the environmental, economic, social and security considerations from a National, rather than a parochial perspective.

Let me explain briefly the status and the disadvantages of the Canadian alternative.

INFORMATION ABOUT THE CANADIAN ROUTES

Most immediately, no right-of-way through Canada has been established and thus there is no "Canadian Route". Our environmental impact statement examined six possible routes through Canada, but clearly there has been no single route determined and quite obviously we have no set of detailed route studies comparable to our comprehensive TAPS analyses.

Contrary to the testimony of Mr. David Anderson, a Member of the Canadian Parliament, before your Committee, the United States did formally request information of Canadian authorities to assist us in the preparation of the TAPS environmental statement. This information was requested in a United States Aide-Memoire of July 9, 1971.

The 30 environmental and social studies of northern pipelines being pursued by Canada were not announced in Canada by Minister Macdonald until April 18, 1972, three weeks after the publication of the TAPS environmental statement and nine months after our request. Not one of the studies, as far as we know, has been completed and we have not received any substantive information from the Canadian Government on any pipeline route through their country.

RELATIVE ENVIRONMENTAL CONSIDERATIONS

While specific information on a Canadian route is not available, we have had enough general knowledge to reach some important conclusions.

There are two types of environmental impacts that must be considered in comparing the Alaskan and Canadian routes; *unavoidable impacts* and *potential impacts*. A major conclusion with respect to terrestrial impact is that because the Canadian route is longer, crosses more permafrost and more major rivers and necessitates much more gravel extraction, it involves a greater degree of *unavoidable* environmental damage than does the Alaskan route.

On the other hand, the Alaskan route involves a maritime leg to the West Coast which is likely to involve small chronic discharges from the ballast treatment plant at Port Valdez. We were unable to determine the extent of environmental impact, if any, that might result from these discharges.

An Alaskan pipeline would have *potential* seismic risks along three zones in the southern half of the route. These zones have been identified and the system designed to accommodate the largest earthquake on record. The system is being engineered to withstand ground movements of from 5 to 20 feet, and all seismic zones will be continuously monitored to determine crustal movements.

In addition to these unprecedented seismic safeguards, containment dikes and remotely controlled block valves will further insure against environmental damage from the remote possibility of earthquake damage.

The marine leg of the Alaska route also involves *potential* pollution from oil tanker collisions and groundings, and from accidental spills during loading and unloading.

It is pertinent to observe here that the pipeline will have a throughput of only 600,000 bbd. for the first 1–2 years of operation, then an increase to 1,200,000 bbd. in the third year with 1,500,000 bbd. planned by the 6th or 7th year. While the system is being designed for a maximum throughput of 2 million bbd. it is uncertain when that capacity will be attained. Consequently, the number of ships entering Valdez and other West Coast ports, and the accompanying risks of polluting accidents, will be proportionately reduced during the first 6–7 years of operation.

NEW AMERICAN INITIATIVE

Nonetheless, I am convinced that we must seize this opportunity to set new and exacting standards to govern the marine transport of American oil. This goal is worth accomplishing by itself; but if our standards can set an example for solving the broader problems of international oil movements, we will have accomplished a task of long range significance for mankind. I have discussed this matter with Secretary Volpe, and we are now studying the implementation of the following steps:

All tankers, foreign and domestic, operating in the TAPS trade will be prohibited from discharging oil into the ocean, including oil contaminated ballast, tank cleaning waste, or bilge effluent. The facilities at Port Valdez will not be allowed to deliver oil to tankers that have violated this prohibition. Newly constructed American flag vessels carrying oil from Port Valdez to United States ports will be required to have *segregated ballast systems, incorporating a double bottom,* which will avoid the necessity for discharging oily ballast to the onshore treatment facility. All other tankers will be required to discharge oily wastes into the treatment facility at Port Valdez. That facility will be required to eliminate as much oil from these wastes as technologically practicable. In no instance will the discharge exceed 10 ppm of oil, and the standard will be upgraded as improved technology becomes available.

Vessel Traffic Systems will be required for Port Valdez and the West Coast ports. These systems will incorporate traffic separation schemes and will be geographically situated so as to avoid the fishing grounds and ecologically sensitive areas off Canada, Alaska and our West Coast. The Coast Guard will increase its staff and equipment as necessary to implement these schemes. Aids to navigation will also be modified as required to implement these systems.

New United States flag vessel designs will be evaluated, looking toward improving their maneuverability with regard to stopping distance and turning characteristics.

All accidental discharges during loading and unloading will be eliminated to the fullest extent possible and if they occur, will be subject to substantial penalties. Coast Guard regulations scheduled to become effective late this summer are being reviewed to assure their adequacy for Alaskan operations. Construction specifications and required manning and equipment standards are also being reviewed to provide further insurance against accidental discharges during loading and unloading operations.

Contingency plans for cleaning up oil spills must be continually reviewed and proven to minimize the damage in the event any accidents occur. These will be kept current in the light of new technology to assure their maximum effectiveness. The Coast Guard will augment its personnel and equipment to insure a maximum capability in this regard.

A continuing environmental monitoring system will be required during the lifetime of oil movement in American coastal waters.

Discussion of the marine leg should not blind us to the grave environmental problems that would be involved along a Canadian route.

First, it is important to stress that the large number of river crossings constitute significant potential risks along a Mackenzie route. The wider the river crossing, the greater the risk to the environment of a pipeline system. The only crossing of as much as one-half mile width on the Alaskan route is at the Yukon River. At least twelve major river crossings of this width or greater are involved between Prudhoe Bay and Edmonton on a route up the Mackenzie River.

Second, guidelines adopted by Canada in 1970 require that oil and gas pipelines be located within a *common corridor*. However, a recent study by Canada's Federal Environmental Agency recommends that *gas* pipelines should be built in the west side of the Mackenzie River and *oil* pipelines on the east.

This study by the project leader of Canada's Northern Pipeline Project indicates that for engineering and environmental reasons the two quite different types of lines should be constructed a considerable distance apart. If the recommendations of this Canadian study are observed, then the environmental and economic savings from a common corridor are materially diminished. With your permission, Mr. Chairman, I would like to offer for the record, an account of the study prepared by Mr. C. T. Hatfield, Fisheries Service, Department of the Environment, Winnepeg.

Third, a Canadian oil pipeline alone, 3200 miles in length, could require as much as 320 million cubic yards of gravel, involving over 1,000 excavation pits. The uncertain availability of this material and the impact of its extraction on the environment of the Mackenzie Valley constitute most serious questions.

I have not made these points in an effort to convince you or the American people that the Alaskan route is environmentally superior to a Canadian route. Rather, I have attempted to show that the environmental question is not as simple as some believe, and that we cannot avoid the tough environmental problems involved in this massive project by sweeping them under the rug of our Canadian neighbors.

In fact, it is by no means clear which route will produce more environmental damage over the long run, because no one can predict with certainty which potential risks will actually be realized. My authority does not run to Canada, so I can give no assurances with respect to a Canadian route similar to the exacting environmental stipulations and strict environmental surveillance that we have developed for Alaska.

DETERMINING THE NATIONAL INTEREST

While environmental concerns have been among our highest priorities, a project of this magnitude compels the consideration of the broadest framework of issues in determining the national interest. One of the most critical issues is the time frame in which oil can move to market.

CAUSES OF DELAY ON CANADIAN ROUTE

Selection of a Canadian alternative would involve substantial and unacceptable time delays. In my May 11 announcement, I estimated the delay to be 3 to 5 years; it might be even greater—possibly as much as seven years. There is no objective justification for the view that the delay could be as short as 1 to 2 years.

1. *Longer Line.* The first, and most obvious, point is that the Canadian route to Chicago would involve a 3200 mile pipeline, four times as long as the Alaskan route of less than 800 miles. As a matter of logic, a longer line takes longer to build because of increased requirements for material, logistics and manpower.

2. *Drilling in Permafrost Terrain.* The second point is not so obvious, but it is equally important. During the past three years, the Department has required the drilling of 3,300 core holes in permafrost terrain, to ascertain optimum pipe location and construction modes. This drilling is essential both to the safe construction of any oil pipeline system in the Arctic and sub-Artic and to the preparation of adequate impact analyses. Since very little of this engineering feasibility work has been done for a Canadian oil pipeline route, the companies and the Canadian Government would be starting nearly from scratch. It is reasonable to assume that if two years were required to core-hole 700 miles of permafrost along the defined Alaska route, then at least two years and probably three would be required to drill the 1,200 miles of permafrost along a Canada route, which has yet to be chosen.

3. *Environmental Statement.* While the Canadians have no National Environmental Policy Act, it is important to realize that *any* Canadian route would require the preparation of a comprehensive environmental statement because of the 300 miles in Alaska and the plus 900 miles south of the international border under United States jurisdiction. To comply with American law, this statement must provide a detailed examination of the entire 3,2000 miles of the route. It would entail the careful drafting of a preliminary statement; the preparation of comments by Federal, State, and in this instance, Canadian authorities; the conduct of public hearings in both countries, and the careful assessment of all alternatives, before the final document could be completed.

A reasonable length of time to allow for this preparation is 18–24 months, realizing that an adequate study could not be finished until a route is selected, and the core-drilling and other scientific and environmental studies completed.

4. *Canadian Government Action.* The fourth point, the issuance of a Canadian permit, is somewhat delicate because it involves very good neighbors; but nevertheless it is important to understand this issue.

According to our best information, the Canadian Government has not been, and it is not now, even prepared to accept an application for a permit. Minister Macdonald has explained to us that an application can be accepted by the end of the year. We received Alyeska's application on June 10, 1969, three years ago. There is little reason to believe that the Canadian Government will be able to resolve their environmental and Native Claims issues in any less time.

CANADIAN NATIVE CLAIM DELAYS

Our Congress solved the Alaska Natives claims problem by adopting the Alaska Native Claims Settlement Act of 1971. It provided 40 million acres, an area larger than the State of Wisconsin, and nearly one billion dollars. Canada is just beginning her consideration of this problem and indeed it is pertinent to note that *none* of the 30 Canadian studies addresses this problem specifically.

I bring to your attention, and offer for insertion in the record, Mr. Chairman, press accounts of recent activities of Canada Natives with the headlines "No Settlement—No Pipeline" and "Stopping the Pipeline is Northern Native Cause". They indicate that Native groups will "use every weapon at their disposal and are building an arsenal that will include everything from environmental protest to exercising a form of squatters rights" . . . to achieve their aboriginal land rights.

My point here, Mr. Chairman, is that the Canadian Native Claim issue is now at an incipient stage and time for its resolution must be properly considered. The American Congress took several years to determine and act upon this critical issue.

In view of the United States record, it would be unwise, and indeed ill serve the cause of social justice, to ignore the possibility of delay from Canadian Native Claims in the interest of expediting pipeline construction.

CANADIAN ENVIRONMENTAL DELAYS

Likewise, there are no grounds to assume that environmental groups in Canada will not demand of their government an important voice and a most cautious and deliberate approach to a project of this magnitude.

As an example, the Canadian Arctic Resources Committee, an environmental group of scientific and northern experts, has recently recommended that exploitation of the Arctic should be delayed for approximately a *decade* to allow for the completion of basic research and environmental management procedures. It is certain that this Canadian group, among others, will seek a close participation in discussions for any proposed pipeline through Canada.

CANADIAN APPLICATION REQUIREMENTS

Finally, it is important to clearly assess the demanding requirements for filing a pipeline application in Canada. The Canadian National Energy Board requires in effect that a full Project Description accompany the application together with a detailed map of the route and specific information regarding markets, reserves, growth trends, capital costs, accrued depreciation, throughput contracts, projected revenues and expense, construction schedules, and disclosure of financial matters.

I insert in the record, with your permission the Rules of Practice and Procedure of the National Energy Board pertinent to the filing of applications for oil pipelines.

For comparison, it took Alyeska 18 months to comply with our mapping requirements and three years to file a satisfactory Project Description.

Once an application might be filed and approved, further time must be allowed for the conduct of hearings, the review of comments and for Parliamentary debate. These debates certainly, would involve discussion and possible enactment of pending Canadian environmental legislation which in turn could have significant effects on the timing of a pipeline permit.

5. *Financing.* Let me turn now to problems whose solution would be as difficult as any of the engineering or administrative issues—the problem of financing.

The TAPS route is estimated to cost $2.8

billion for the pipeline and $1.7 billion for tankers—a total of $4.5 billion. Its costs have the advantage of being shared between the petroleum and maritime industries.

The Cost of a Canadian oil pipeline is unknown but we estimated it at $6.0 billion. Canadian authorities have indicated that they must control 51% of any system through their country. We enter here, Mr. Chairman, a most uncertain and difficult area. Let me bring to your attention some questions of critical importance about the feasibility of a Canadian route:

1. Could the Canadian industry raise from their own money markets the $3.1 billion necessary for 51% of equity financing for an oil pipeline?

2. Could they raise an additional $2.3 billion necessary for 51% of a gas pipeline through Canada . . . making a total of over $5 billion of Canadian financial resources?

3. How long would these financial arrangements take, and can an application be filed before agreements are completed?

4. Would not agreements on financing and an elaborate corporate structure be necessary before route feasibility studies and a Project Description could start on a specific Canadian route?

5. How much of the throughput capacity would the Canadians demand and what effect would this have on raising American capital, and on the financial structure of American companies?

6. Would a pipeline system of shared capacity and ownership require treaty arrangements, and if so, how long would these take?

7. If the Canadians are given any percent of throughput, how long would trade negotiations over oil import quotas require?

The answers to these administrative and financial questions bear most directly on the time frame of a Canadian system. The great uncertainty of their resolution in time as well as substance makes it clear that our 3-5 year delay may well *underestimate* the actual time required. Under the most optimistic assumptions, I do not personally see how oil could flow through a Canadian system earlier than 1981.

IMPACT ON THE UNITED STATES

In concluding my statement, let me outline the more significant impacts that a Canadian route would have on the United States:

1. While the Canadians have offered to increase oil exports to us during the period of delay, it is most uncertain whether they can guarantee the equivalent of the TAPS capacity *above* the Canadian import increases which we have already assumed in our calculations.

2. If 50% of the capacity of the line were reserved for Canadian oil, royalty revenues to the State of Alaska and to Alaska Natives would be cut by 50%.

3. A Canadian route would deny to the United States the substantial employment benefits resulting from construction and operation of a pipeline in Alaska.

4. The denial of an Alaskan route, with the accompanying reduction of State and Native royalties, would most seriously affect the economy in the State of Alaska.

5. A Canadian route would deny to the United States and the State of Alaska the construction of a vital transportation artery to its own Arctic.

6. To the extent that a Canadian route involved shared capacity, the resource cost savings and balance of payments of the United States would be adversely affected.

7. A Canadian route would deny to this country the substantial benefits that otherwise will occur to our maritime industry.

TRANSPORTATION OF ARCTIC GAS

The Department's examination has indicated the growing need for gas in the United States and the economic efficiencies which would be realized by transporting Prudhoe Bay gas by a pipeline through Canada. Throughout our analysis, we have recognized the clear benefits that a Mackenzie Valley route would have for this gas and we welcome a close working relationship with the Canadian Government on this matter.

We also recognize the severe burdens that will be imposed on the Canadian economy should the funding of a $6 billion oil pipeline and a $4.3 billion gas pipeline, at 51% Canadian equity, be sought from their domestic money markets.

Because of the staggering, perhaps insuperable difficulties involved with financing both systems with Canadian capital, we propose that the trans-Alaska pipeline proceed now under American financing, and that we join together with Canada in pursuing a Mackenzie route for the gas.

It is pertinent to add here, Mr. Chairman, that United States gas pipeline companies advised the Department on May 4, 1972, that the adoption of a Canadian route for North Slope oil would be "disastrous" inasmuch as the construction of a gas line would be delayed until the mid-1980's. This delay, they indicate, would cast doubts on its economic feasibility. With your permission, I enclose for the record their comments on the Department's final environmental statement.

THE TAPS DECISION

Mr. Chairman, the nucleus of my decision to grant the Alaska route is based on the urgent need to bring North Slope oil and gas into the American market place as rapidly as possible. Our studies have clearly articulated the need for these petroleum resources, and the costs of delay. The trans-Alaska route presents the only feasible means of transporting Arctic oil within an acceptable time frame. This route avoids the delays and uncertainties inherent under Canadian control and Canadian law. District V provides an important American market where the full capacity of the pipeline is needed and can be readily absorbed.

Every year of delay will increase the gap between our demand for crude oil and production from secure sources.

Every year of delay increases our vulnerability to arbitrary price changes and supply interruptions.

Every year of delay will materially weaken our bargaining positions in the continuing negotiations with oil producing and exporting countries, and add complications to our foreign relations.

By the far-reaching steps that Secretary Volpe and I announced today to combat marine pollution, and by the unique stipulations and enforcement that we have developed for the Alaska pipeline, its cautious construction and operation will proceed under the most rigorous environmental protection.

Mr. Chairman, the Alaska route is right for the interests of the State of Alaska and of Alaskan Natives.

It is right for our shipbuilding, maritime banking and petroleum industries.

It is right for the interests of American labor.

And it is right for the economic security and the National interest of this country.

This completes my statement and I am happy to answer questions from the Committee at this time.

THE PLATFORM OF GOVERNOR WALLACE

Mr. SPARKMAN. Mr. President, recently it was my privilege to meet with the distinguished Governor of Alabama, the Honorable George Wallace, in Birmingham shortly after his arrival from Miami, Fla. I am pleased to report that his spirits are good and his resolve continues undimished.

We Alabamians are proud of the determination and courage which brought Governor Wallace from the almost fatal bullets of a would-be assassin to the floor of the Democratic Convention in a few short weeks to return and fight for a platform which represents the views of millions of his fellow citizens.

It is a platform which I regret to say was rejected at the Democratic Convention, but it is one that the American people have not rejected and will not reject. It is a platform upon which Americans can stand whatever their political persuasion. It includes provisions for which I have worked over the years—a strong defense force, tax reform, a quality education for our children, and fair treatment for all Americans.

It is a platform that I commend to the Senate, the President of the United States, and political leaders throughout the country. I ask unanimous consent that the platform be printed at this point in the RECORD.

There being no objection, the platform was ordered to be printed in the RECORD, as follows:

MINORITY REPORT NO. 3

I. INTRODUCTION

This Platform represents the attitude, policy, position, judgment and determination of this Party with respect to the major problems confronting America.

We believe that our analysis of the nature of these problems is in keeping with the feelings of the great majority of our people. We further feel that our approach to solution of these matters is sound, logical, practical and attainable and in keeping with the basic, inherent good judgment of the American people.

Among other proposals, we offer:

Opportunity for early peace to a nation at war;

A program of job opportunity for the jobless;

A return to respect for the law and an opportunity for every citizen to pursue his daily activities in safety and security;

To relieve our citizens, their businesses and institutions from harassment and intimidation by agents of the federal bureaucracy;

To return to the officials of local government those matters rightly and properly falling within their scope of responsibility;

The laboring man and woman an opportunity to provide for himself and his family a better and fuller life and a greater democratic freedom in the management of the affairs of his organizations, free from intrusion by the federal government;

To the farmer an opportunity to regain a place of prominence in the economy of this nation, a fair price for the products of his labor and less dependence on federal subsidation;

To restore the dignity, strength and prestige of this nation to a level commensurate with its position as acknowledged leader of the nations of the free world;

A national defense designed to assure the security of this nation and its citizens; and

Above all, we offer to each individual citizen a system of government recognizing his inherent dignity and importance as an individual and affording him an opportunity to take a direct hand in the shaping of his own destiny and the destiny of this nation. Under such a system, we are convinced, America will reach new heights of greatness.

II. JOBS, PRICES AND TAXES

National economy

The national economy must be restored to and maintained in a healthy, viable posture under conditions assuring to each individual American the opportunity to participate in and enjoy the benefits arising from a real prosperity, as distinguished from the false, inflationary conditions presently existing. As a first step, the nation's business, industry and other agencies and organizations of production must be freed from the ever-increasing intrusions of government into the affairs of these institutions and organizations. This nation achieved its economic greatness under a system of free enterprise, coupled with human effort and ingenuity, and thus it must remain. This will be the attitude and objective of this Party.

There must be an end to inflation and the ever-increasing cost of living. This is of vital concern to the laborer, the housewife, the farmer and the small businessman, as well as the million of Americans dependent upon their weekly or monthly income for sustenance. It wrecks the retirement plans and lives of our elderly who must survive on pensions or savings gauged by the standards of another day.

We will take immediate, affirmative steps to bring these conditions to an end through selective decreases in the lavish expenditures of our federal government and through the institution of efficiency into the operation of the machinery of government, so badly plagued with duplication, overlapping and excesses in employment and programs. Bureaucracy will cease to exist solely for bureaucracy's own sake, and the institutions and functions of government will be judged by their efficiency of operation and their contribution to the lives and welfare of our citizens.

We will support and assist business and industry, particularly small business, where and when needed and desirable.

We will enforce those laws designed to protect the consumer and wage earner, but will eliminate those programs and agencies serving only to harrass and intimidate our business community.

We will review and propose revisions to our present tax structure, so as to ease the burden upon lower and middle income citizens and to place upon all their rightful share of the tax burden.

We will work toward a reduction in the tax burden for all our citizens, using as our tools efficiency and economy in the operation of government, the elimination of unnecessary and wasteful programs and reduction in government expenditures at home and abroad.

We will eliminate the favorable treatment now accorded the giant, non-taxpaying foundations and institutions and require these organizations to assume their rightful share of the cost of operations of our government.

To achieve these goals and objectives, we would use government for the strengthening of the free enterprise system rather than the replacement of the free enterprise system by government. We believe that strength and confidence in the American political and economic system will tend to encourage domestic private investment and prosperity in our economy.

We would propose that effective use be made, during our Administration, of economic advisors dedicated to the preservation and strengthening of our economic freedoms in the areas of enterprise, labor and marketing that have contributed so much to the strength of the American system.

Our Administration will be dedicated to the maintenance of prosperity and price stability in our economy. We will institute a strong anti-inflationary fiscal, monetary and debt management policy in our nation as the first requirement to solving international problems.

We propose to rely heavily upon a competitive market structure rather than upon prices administered or fixed by bureaucratic procedures.

We feel little is done to curb inflationary trends in the nation's economy merely by taking from the taxpayer in order to enrich the spending programs of big government. We propose, rather, a stabilized and equitable tax base affording fair treatment to those of small income and designed to cause all persons, organizations and foundations to assume their rightful financial responsibility for government coupled with selective and prudent reductions in the wasteful expenditures of government.

We commit to the American people a return to fiscal responsibility and a conscientious and diligent effort toward a balancing of the Federal budget, now operating at a record deficit, and a reduction of the huge national debt with which the nation is burdened. Fiscal sanity must be restored.

The present effort at control of wages and prices has proven ineffective. Prices continue upward in a never-ending spiral, while wages fail to keep pace. The basic fallacy is the fact that government has failed to control itself. Federal spending must be reduced in order for there to be any measure of adjustment in our economy. This we pledge to do.

Job opportunity and the poor

We feel that the matter of our citizens in need and the existence of job opportunities are closely related as to warrant concurrent consideration.

We are convinced that the average American believes in the inherent dignity of gainful employment, preferring this method of attaining a livelihood to any welfare grant or benefit not earned through his own efforts. For this reason, we consider the solution to the problem of our needy citizens, capable of gainful employment, to be the provision of job opportunity. This will be the goal of our Party and our Administration.

Our first consideration will be the inclusion of private industry in this program and effort. We believe that the private sector of our economy has the will and capability of providing a solution to the problem of poverty much more promptly and efficiently than any or all governmental programs of indiscriminate welfare contributions. Based on this premise, we will work in partnership with private industry in a program mutually beneficial to each to provide these job opportunities. We propose to make this program economically attractive to industry through tax incentives and other means of economic benefit, believing fully that the answer to this problem lies in the vigor and capability of our tremendous free enterprise system.

We would propose that the federal government aid and assist in a well-designed program of job training or re-training for those in need thereof. This will be at the vocational school and lower level, depending on the needs of the trainees. We will encourage and assist the states in programs of job training or re-training through realistic productive efforts in this respect, including assistance to the establishment and maintenance of vocational trade schools and other like institutions designed to provide skilled and semi-skilled personnel for industrial employment, as well as means whereby "in-training" programs can be carried out by private industry in cooperation with government.

In the event a public works program becomes necessary to provide employment for all employable Americans, we will provide such a program, assuring, however, that these programs be needful and productive and that the participants engage in labor beneficial to the nation and its economy rather than becoming wards of the government and the recipients of gratuitous handouts.

For those unemployable by reason of age, infirmity, disability or otherwise, provision will be made for their adequate care through programs of social services based on the requirements and needs of these persons. We hold that all Americans are deserving of and will have the care, compassion and benefits of the fullness of life.

Labor

America achieved its greatness through the combined energy and efforts of the working men and women of this country. Retention of its greatness rests in their hands.

Through the means of their great trade organizations, these men and women have exerted tremendous influence on the economic and social life of the nation and have attained a standard of living known to no other nation. In the meantime, American labor has become a bulwark against the intrusion of foreign ideology into our free society. America must be eternally grateful to its working men and women.

The concern of this Party is that the gains which labor struggled so long to obtain not be lost to them either through inaction or subservience to illogical domestic policies of our federal government.

We propose and pledge:

To guarantee to and protect labor in its right of collective bargaining;

To assert leadership at the federal level toward assuring labor its rightful reward for its contribution to the productivity of America;

To propose and support programs designed to improve living and employment conditions of our working men and women;

To prohibit intrusion by the federal government into the internal affairs of labor organizations, seeking to direct and control actions as to seniority and apprentice lists and other prerogatives.

To provide for and protect the working men and women in the exercise of democratic processes and principles in the conduct of the affairs of their organizations, free from threats, coercion or reprisals from within or without such organizations;

To support programs and legislation designed to afford an equitable minimum wage, desirable working hours and conditions of employment and protection in the event of adversity or unemployment;

To add efficiency and dispatch to the actions and activities of the National Labor Relations Board, resulting in more prompt decisions by this agency;

To pledge and assure that labor will be adequately represented in all deliberations of this Party and its administration of the affairs of government; and

To cause all agents of government to refrain from any coercive action in strike settlements, serving in the role of counselor and advisor only, believing that good faith bargaining between the parties concerned is the best solution to any settlement.

Social services

The people of this land are the fiber of our nation. Their well-being is essential to a strong America. Unfortunately, many of our citizens are unable to earn an adequate living, due to no fault of their own. Our aged, our blind and our disabled who are unemployed are the concern for us all.

In every area of social welfare, rehabilitation should be of paramount concern. This includes physical restoration where possible, rating to develop new skills, adult education in many instances and broad cooperative endeavors between government and private industry to develop jobs that the less skilled can fill. We believe that every American prefers independence and a wage earned. For those whose infirmities, age or other problems prevent such independence, welfare services should be adequate to provide a living with dignity and honor.

Dependent children become the responsibility of government when they lack the care and support of parents or guardians. Every effort should be made to provide support by responsible persons rather than the government, where possible. However, when children are separated permanently, by death or other cause from their families, all facilities of government should safeguard, protect, serve and care for them.

In every area possible, federal grants should be administered through existing state and local government agencies, thus eliminating additional federal offices and agencies which merely duplicate efforts of existing state and local agencies.

We will review and examine the administration of these programs with a view to the elimination of waste and duplication and thereby better serve the purposes and people designed to be assisted. We subscribe to the principle of block grants administered by state agencies as a possible solution to these problems.

We will direct the appropriate agencies of the federal government to institute a process of evaluation and screening of welfare recipients to assure that those in the welfare rolls are eligible and deserving of the assistance they request or receive. We will insist that all found to be qualified and deserving receive the assistance to which they are entitled. By like token, we will assure that those guilty of abuse and misuse of the programs designed to grant assistance are denied opportunity to thus defraud the American taxpayer.

Senior citizens

Social Security is basically an old age, survivors and disability insurance plan. It provides for citizens to pay into the trust fund during their working years and is designed to replace part of the earning capacity of the participant, or his family, lost due to retirement, death or disability. During past Administrations, the Social Security Trust Fund has been depleted and current payments are being made from current revenues. Social security cannot be financed from current revenues or from the federal treasury without raising taxes or jeopardizing other essential programs of government. Such a policy is irresponsible.

We pledge to restore the Social Security Trust Fund to a sound financial basis and, by responsible fiscal policies, to ensure the following:

An immediate increase in Social Security payments, with a goal of a 60 percent increase in benefits;

Restoration of the 100 percent income tax deduction for drugs and medical expenses paid out by people 65 and over;

Removal of the earnings limitation on people 65 and over in order that they may earn any amount of additional income.

Our goal is to make all senior citizens first-class citizens; to restore their dignity, prestige, self-respect, independence and their security, without intrusion into their private lives by federal bureaucrats and guideline writers.

HEALTH CARE

In some areas involving matters of life or death, we leave nothing to chance. For real or potential military conflict, every nuance is carefully considered; every movement meticulously planned. In our space program, the very best brains and the most sophisticated hardware are combined to assure safe and fruitful voyages into outer space. Both operate under an umbrella of national commitment and national purpose. Both are lavishly financed.

On matters of health care for its citizens, however, America very nearly leaves everything to chance. There is no national health care strategy. There is no nationally inspired commitment or sense of purpose.

Americans are rightly preoccupied with health care problems—the doctor shortage, the high cost of medical attention, the low quality of facilities, the inaccessibility of even rudimentary health care and medical attention for a very large segment of our population. The situation is deplorable.

There is a desperate need to change the economics in national health care policy. We favor the use of the Social Security Administration as a payment mechanism while the states would handle the delivery system.

A national health care policy, in effect, a national strategy for health care delivery, is the essential beginning toward providing all Americans with adequate medical attention and assuring our people that the ability to finance needed health care will be provided under a National Health Insurance System.

This proposed national health care strategy would be directed toward stabilizing the spiraling costs of all health care services. It would attack the severe manpower shortages in the health care field by devising workable financial incentives for encouraging talented young men and women to enter the medical profession as doctors, nurses, pharmacists, paramedical personnel and allied health field specialists.

The national health care policy would strengthen the federal government's financial support of graduate education in the medical field. It would encourage, with appropriate incentives, young men and women to train for family practice and to take up their medical careers in areas of the country having the greatest need for proper medical facilities.

A national health care policy would include setting up strict national standards for licensing of health care facilities and providers, with the states monitoring and administering the implementation of the licensing standards.

A national health care policy would develop more economical alternatives to the very expensive institutional care which comprises the bulwark of our fragmented health machinery.

A national health care policy program would investigate and encourage new and quicker methods for the training of all medical personnel. It would urge the development of new criteria for the acceptance or rejection of potential medical school trainees. It would undertake to adequately finance existing medical schools, the development of new medical schools and assist in devising new plans beyond traditional modes and facilities for the education of medical personnel.

The national health policy program would develop active participation by the medical consumer in the planning of health care delivery system programs. It would also introduce a medical consumer education program and, most important from the viewpoint of the consumer, the national health care policy program would install accountability procedures to which medical consumers could address their grievances.

In summary, under the proposed national health care policy program, a health care delivery strategy would begin to put order and rationality into a non-system of medical care, which clearly is not now in the best interests of the American public.

National sales tax

We oppose the proposed hidden national sales tax (value added tax), which shifts the burden to the average wage earner and raises prices of virtually everything ordinary people buy.

V. EDUCATION

Replacement for section on Page V–4:

Equal access to quality education

We believe in equal access to quality education for all students, regardless of race. When transportation of students is consistent with quality education, when parents consent, and where time and distance are not detrimental to the welfare of students, we do not oppose it. But we are unalterably opposed to busing to achieve racial balance irrespective of the guise under which busing may be ordered.

The American people want immediate relief from busing to achieve racial balance in the schools. We urge Congress to give the people this relief through the exercise of its constitutional power to limit the jurisdiction of the federal courts. We urge the Chief Executive to give the people this relief through the exercise of its constitutional power to limit the jurisdiction of the federal courts. We urge the Chief Executive to give the people this relief through directives to the Justice Department and the Department of Health, Education and Welfare to actively oppose the use of busing to achieve racial balance.

For long range protection to the people against forced busing to achieve racial balance, we favor the adoption of an amendment to the Constitution of the United States outlawing busing for such purpose.

Addition to Education:

Prayer in schools

We urge the adoption of an amendment to the Constitution of the United States to permit prayer in the public schools.

VI. CRIME, LAW, AND JUSTICE

Substitute for paragraph 1 on Page VI–5:

Preventing crime

The Constitutional right of the people to keep and bear arms must remain inviolate. A disarmed citizenry would soon lose its liberty and freedom. But persons who use guns in the commission of crimes should be punished.

Substitute for paragraph 10 on Page VI–8:

The quality of justice

By respecting the constitutional rights of the states to impose capital punishment as a deterrent to crime.

VIII. FOREIGN POLICY

National defense

Nothing is of greater importance to the American people at this time than the state of our National Defense, and, sadly, there is no area of our national structure so fraught with misrepresentations and inconsistencies, so much so that it is often difficult, if not impossible, for the nation to ascertain the true state of its defenses.

It is imperative that America remain safe and secure. We can pledge no less to the nation. Without this strength and security America cannot enjoy her right place of leadership in the family of nations. We must guarantee to our people that adequate means and resources will be provided to assure the continued safety and security of our country. Failing in this, little else matters.

We propose an intensive and immediate review of the policies, practices and capabilities of the defense agency with a view to reestablishing sound principles of logic and reasoning to the decisions and directives relating to our national security.

We are in accord with civilian control of our defense establishment but will insist that the civilian authorities work in partnership and harmony with which this country is blessed.

We will require our civilian and military leaders of defense to establish a reasonable relationship between defensive and offensive capabilities and provide our services with the proper arms, munitions, and equipment to afford a proper mix of both weapons and munitions.

We will place increased emphasis on research and development in the area of space, weaponry and mobility, as well as other areas vital to our national security.

We will assure to our services the best attainable weapons, equipment, machines and munitions.

We will guarantee to the services and to the nation that American troops will never be committed with less than full support of available resources.

We will seek efficiency in the collection and evaluation of vital intelligence throughout the services.

We will never permit a static situation to develop wherein America stands still while her potential enemies continue to advance in all areas of development.

We will hasten the reconstitution of an adequate and efficiently organized reserve force throughout the several states of the nation. We will accept these reserve component forces into full partnership with the regular military establishment and will assure stability to their organizational structure and operation.

We will take all steps necessary to return our Merchant Marine fleet to its rightful place among the maritime nations of the world. This is not only vital to our national security but to the economic progress and viability of the nation. Maritime shipping has been, and will once again become, a vital part of the nations economy and trade activity.

We will take steps to make military service more attractive to the enlistee, the inductee and career personnel at all levels. We will support programs for better pay; better housing and living conditions, both on and off the post; more realistic programs of promotion potential so that merit and performance may be rewarded; equitable sharing of hardship assignments; an increase and more uniform retirement benefit to correct serious inequities now existing; a pay scale commensurate with that of private employment, with provisions for periodic increases measured by the cost of living index; improved and expanded medical and hospital benefits for dependents, and a restoration of the dignity and prestige rightfully due those engaged in the defense of our nation.

With military services becoming more attractive the requirement for involuntary inductions through the Selective Service System is reduced. However, we favor retention of such a system for so long as there is a need for manpower being acquired by this means. We would approve any changes to such system designed to eliminate inequities in the selection of inductees.

We would hope that eventually manpower requirements may be met on purely voluntary basis. In such an event, a fair and equitable system of civilian induction will be kept in existence, on standby basis, for use in the event of national emergency.

Foreign policy

One of the greatest needs of our country at this moment in history is a strong, realistic, well defined policy to guide our relationship with the other nations of the world. The policy developed to govern our actions in foreign affairs must be one well stated and well understood, first by our own people and, equally as important, by friends and foes alike throughout the world. The absence of any such well defined and consistent policy throughout the past two decades has contributed immeasurably to the chaotic world conditions now existing.

Our foreign policy will be one designed to secure a just and lasting peace. We feel that such a situation can best come to exist when nations deal with one another on a basis of mutual trust and understanding. If this be lacking, as is so often the case in today's world, the only alternative is complete frankness and determination to adhere to stated objectives and courses of action. If a nation, as is the case with an individual, will only say what it means and mean what it says, it will gain the respect, if not always the admiration, of its sister nations. It is in this regard that we have failed, so often equivocating in such a manner as to cause friendly, as well as unfriendly, nations to have grave doubt as to our stability, determination and reliability of purpose.

We feel that the road to peace lies through international cooperation and understanding. We will pursue this goal to the limits consistent with our own national interest. We will become participants in international programs of aid and development from which all member nations, including our own, derive benefit.

We will not abandon the United Nations Organization unless it first abandons us. It should be given fair opportunity at resolving international disputes, however, we will not subordinate the interest of our nation to the interest of any international organization. We feel that in this organization, as in any other, participating members should bear proportionate shares of the cost of operation and we will insist on financial responsibility on the part of the member nations. We also feel that the officers and officials of such organization must conduct themselves with an abstract air of objectivity and impartiality, and we will so insist. We will give this organization every opportunity to succeed in its purpose but should it fail, we will reappraise our relationship with it.

Foreign aid

Foreign aid and assistance, both of an economic and military nature, will be granted on a basis of what is in the best interest of our own nation as well as the receiving nation.

We will deny aid and assistance to those nations who oppose us militarily as well as those who seek our economic and military destruction by giving aid and comfort to our avowed enemies. This must be so in order to protect the economic welfare and national security of this country.

We will continue aid to those countries who need, deserve and have earned the right to our help. This will be done freely and willingly with every effort directed to elimination of waste and dishonesty from such programs.

Foreign aid must become an instrument of foreign policy and be used in such manner as to further the interest of this nation.

Export-import

We believe strongly in the free enterprise system for America, internally as well as in its trade relations with other nations. However, should the increasing inflow of imports from low-wage nations endanger employment or marketing by American industry, we will approve reasonable quantitative limits on these imports. We feel that our home industry is entitled to a fair share of the present market and of future growth. Before seeking additional legislation in the import field all efforts will be exerted toward securing negotiated agreements that would fully protect American industry.

We will insist on equitable tax treatment for any industry adversely affected by foreign imports, in the area of depreciation allowances for plants and equipment and in like measure.

We will cause the Department of State and other interested agencies of government to work toward the lowering of trade barriers against American goods in a manner consistent with the policy of our administration on controlling imports into the American market.

In the event certain segments of our industrial economy are adversely affected by foreign imports to such as extent as to cause economic harm, we will sponsor and develop programs of re-training and re-employment for those so affected.

Balance of payments

A serious situation now exists in our balance of payments and this must be ended.

We feel that the adoption of the programs and proposals set out in this Platform will result in a more favorable balance of payments situation. Specifically, we feel that the relief we so badly need in this respect may be achieved through reductions in spending for foreign aid, more efficiency in the use of funds for international programs, and more reliance on our allies in meeting heavy military expenditures abroad.

We have earlier proposed that foreign aid be granted on a basis of need and in a manner consistent with the best interest of this country and that it be denied those who aggressively seek our destruction. We strongly advocate efficiency in operation and the elimination of waste and corruption from expenditures under international programs, and we will insist that our allies assume their proportionate and rightful share of the burden of defenses in those areas in which we have mutual interest.

Our export-import situation remains in reasonable balance but our disastrous situation as to balance of payments is caused by excesses in our foreign aid program and other international gratuitous expenditures.

We will work to reduce our military expenditures overseas, not by lessening our military strength and preparedness, but by causing our allies to assume and bear their proportionate share of the burden.

Middle East

The Middle East remains a source of high potential danger to world peace. In the interest of securing a stable peace in this part of the world, we will take the initiative in seeking mutual cooperation between the adversaries in this area in reaching agreement in their age-old dispute. We will encourage the initiation of multilateral discussons to arrive at the best possible terms of settlement. This will mean resolving and stabilizing boundaries and the free use of water and land routes throughout this area. Binding non-aggresssion agreements must be developed and we must seek the mutual respect of both Israel and the Arab nations.

First and foremost is the need for sincere negotiations between these two parties. Until this is accomplished we must assure that no imbalance of force comes to exist in this area, nothing could more endanger the peace.

Should arms continue to be introduced into this area by foreign powers to such an extent as to endanger the peace in this part of the world, we must take steps to assure that a balance of force is brought to exist. We will join with other nations of the free world in providing the means whereby this balance of force will continue and the threat of aggression of one nation against another is made less likely. More importantly, this nation will strive in every way to merit and receive the friendship of all parties to this dispute and to earn the respect and good will of Israel and the Arab nations alike. The road to peace in the Middle East lies in this direction rather than in the continued use of military might.

Europe

We continue to regard Western Europe as an area of vital importance to America. In our concern with the interminable conflict in Southeast Asia we must not lose sight of the strategic importance of our relationship with our European allies. We must retain a posture of strength in this area and must work with and for our allies to assure that they remain economically and militarily strong.

We will continue to support the North Atlantic Treaty Organization and seek to strengthen it through the cooperative efforts of all member nations. We will retain the necessary troop strength in this vital area and will insist that our allies and member nations do likewise.

We will remain concerned for the captive satellite nations of Eastern Europe and share with them their hopes and aspirations for their eventual and inevitable return to the family of free nations.

Latin America

The interests of the nations of Latin America are closely related to those of this country, economically, geographically, securitywise, socially and politically.

We must and will provide aid and assistance to these nations to enable them to achieve political and economic stability and to better prepare them to resist the threat of communist infiltration and subversion from the Red satellite, Cuba.

We will develop a program of assistance to these countries designed to relieve the conditions of economic and social poverty existing in some segments of these nations and to provide for their less fortunate citizens a better condition of life.

We will assist in the development of the agricultural and industrial potential of these nations and the development and proper utilization of their tremendous natural resources rather than the exploitation thereof, to the end that the nations of this hemisphere may live in peace, prosperity and harmony with one another and that the principles of the Monroe Doctrine may once again become a corner-stone of our national policy.

We will work with and support the Organization of American States.

Africa and Asia

The emerging nations of Africa and Asia desiring assistance and demonstrating a capability of reasonably assimilating such help and assistance will be aided. We will not aid in the replacing of one form of despotism with another, nor will we become concerned with the internal quarrelings of dissident groups and factions.

We disagree with present economic sanctions and pressures applied to Rhodesia and the Union of South Africa and will seek to have these removed and eliminated. We consider these to be nations friendly to this country and they will be respected and treated as such.

Vietnam

The Vietnam conflict must be resolved at the earliest possible moment. America has been involved far too long in this nagging, disruptive war. The decision has obviously been made for disengagement. This being so, withdrawal should proceed without delay.

This conflict should be resolved by mutual negotiations, if possible. It not, withdrawal should proceed on a basis affording safety to our departing forces. In either event, this nation should conclude this affair in a manner consistent with national honor and integrity, being ever mindful of the tragic situation of our American prisoners held by the enemy and the unaccounted missing in action personnel. Their safety, well-being and return to home and family must be conditions precedent to any final termination of this tragic affair.

Once disengaged from Southeast Asia our diplomatic and military policy should be such as to prevent any recurrence of the events that led us to this involvement in Vietnam, and care must be taken to assure that this country does not again find itself drawn by design or circumstance into such a national posture.

Disarmament and arms control

The Democratic Party stands for keeping America strong; we reject the concept of unilateral reductions below levels needed for adequate military defense. But effective international arms control and disarmament do not threaten American security; they enhance it.

The last Democratic Administration took the lead in pressing for U.S.-Soviet agreement on strategic arms limitation. The recent SALT agreement is an important and useful first step.

The SALT agreement should quickly be ratified and taken as a starting point for new agreements. It must not be used as an excuse for new "bargaining chip" military programs or the new round of the arms race.

A Democratic Administration should:

Carry on negotiations to expand the initial SALT agreement to other areas, especially to seek limits to the qualitative arms race and to begin reducing force levels on each side;

Seek a comprehensive ban on all nuclear testing, verified, as SALT will be, by national means;

Press for wide adherence to the Non-Proliferation Treaty, signed in 1968, and for extension of the concept of nuclear-free regions;

Seek ratification of the Protocol on Chemical Warfare without reservations;

In concert with our allies, pursue with the USSR mutual force reductions in Europe; and

Widen the range of arms control discussions to include new subjects such as mutual budget cuts, control of arms transfer to developing countries, restrictions on naval force deployments and other measures to limit conventional forces.

General

We will conduct the foreign affairs of this country on a basis of aiding, assisting and cooperating with our friends and recognizing and treating our enemies and adversaries as such. We feel that foreign affairs can be conducted effectively only when there is respect of our nation and this respect is best engendered by attaining a position of strength and adopting an attitude of firmness and fairness. This we will do.

We feel that when this nation again becomes a strong and determined nation, dedicated to a fixed national and international policy many of our existing difficulties throughout the world will become resolved and new difficulties are less likely to arise.

We will oppose aggression and subversion, Communist or otherwise, whenever it infringes upon the national interest of this country or its friendly allies through means appropriate to the situation.

We do not propose, nor does this or any other nation have this capability, to police the entire world. We will avoid unilateral entanglement in situations not vital to our national interest and will seek the cooperation of our allies at every opportunity.

IX. THE PEOPLE AND THE GOVERNMENT

Addition to Section IX:

The Federal judiciary

Our forebears, in building our government, wisely provided and established, in the Constitution of the United States, that the federal government should consist of three branches, the Legislative, represented by the Congress, whose duty and responsibility it is to enact the laws; the Executive, represented by the President, whose duty it is to enforce the laws enacted by the Congress; and the Judicial, whose duty and responsibility it is to interpret and construe those laws, not to enact them.

The Constitution of the United States provides that the judicial power of the United States shall be vested in a Supreme Court and in such inferior courts as the Congress shall from time to time ordain and establish; and, further, that the judges of the federal courts shall hold their offices for life, during good behavior.

In this Republic, there is a dual system of government, national and state. Each within its own domain is supreme, and one of the chief functions of the Supreme Court is to preserve the balance between them, protecting each in the powers it possesses and preventing any trespass thereon by the other.

In the period of the past three decades, we have seen the federal judiciary, primarily the Supreme Court, transgress repeatedly upon the prerogatives of the Congress and the rights of the states and exceed its authority by decreeing judicial legislation, in the form of decisions based upon political and sociological considerations. We have seen them, in their solicitude for the criminal and lawless element of our society, shackle the police and other law enforcement agencies; and, as a result, they have made it increasingly difficult to protect the law-abiding citizen from crime and criminals. The federal judiciary, feeling secure in their knowledge that their appointment is for life, have far exceeded their Constitutional authority, which is limited to interpreting or construing the law.

It shall be our policy and our purpose, at the earliest possible time, to propose and advocate and urge the adoption of an amendment to the United States Constitution, whereby each member of the federal judiciary at district level be required to face the electorate on his record at periodic intervals; and, in the event he receives a negative vote upon such election, his office shall thereupon become vacant, and a successor shall be appointed to succeed him by the appropriate original appointing authority.

With respect to the Supreme Court and the Courts of Appeals, we propose that this amendment require the re-confirmation of the office holder by the United States Senate at reasonable intervals.

THE GOVERNMENT AND THE RED CROSS

Mr. JAVITS. Mr. President, at the recent annual convention of the American Red Cross, Frank L. Kellogg, Special Assistant to the Secretary of State for Refugee and Migration Affairs, described the tragic plight of the more than 8 million international refugees and the dedicated efforts of the Red Cross to extend aid and comfort to these unfortunate lonely wanderers.

The increasing cooperation between the United States and the Red Cross, and Washington's "increasing support of and reliance on" Geneva as the new look of the future are stressed by Mr. Kellogg.

I commend the full text of the statement, entitled "The Government and the Red Cross," to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REFUGEES, THE GOVERNMENT AND THE RED CROSS

(By Frank L. Kellogg)

Let me begin by noting that among all the privately-supported agencies dedicated to preserving human dignity and assisting human beings in need of help—and there are scores of these organizations with which your Government deals—it is the Red Cross, with its international bodies and its national societies, which is the most widespread and which carries the broadest range of responsibilities.

In Washington, with its unique relationship to the Government, the American National Red Cross has manifold programs with agencies other than the Department of State. But there are important matters which do bring your organization and the Department together, and these keep me in continuing touch with your able Director for International Relations, Samuel Krakow.

The chief of my office in Geneva, James L. Carlin, is so deeply involved with your organizations that he labors under the official title of "Counselor of Mission for Refugee, Migration and Red Cross Affairs."

So directly or indirectly, we work with the Red Cross in a number of programs. It is our inter-connected operations, in Washington and Geneva headquarters and in the field, on fronts around the world—particularly in refugee and migration matters—which I wish to discuss with you this morning.

First, I think, I should acquaint you with the world refugee situation as we see it today.

All of us here have lived through the refugee problems of recent years—some of us back to the displaced-person tragedies of World War II, a few of us all the way back to the Armenian and other relief programs of the World War I era. We all are aware, I am sure, of the continuing, large-scale relocations of people, in Europe and elsewhere, over the years. We might assume that in this eighth decade of the enlightened 20th Century, man has been able finally to reduce this age-old by-product of persecution and violence at least to minimum proportions.

Alas, this is not the case. Relief and resettlement programs of the recent past indeed have re-established large numbers of people in new homes. But somewhere in the world, with dismaying frequency, new tragedies continue to occur, creating new refugees as fast as, sometimes faster than, the old ones can be resettled.

There are in the world today—and this is a current count—nearly 8 million men, women and children in refugee status, human beings who have fled from their homes in fear of life or safety because of civil strife, political or other oppression, or actual war.

The largest numbers, as you might expect, are in Asia. Africa has many hundreds of thousands. There are refugees on every continent, including among others in our own country nearly 230,000 Cubans. Had I been talking here only a few months ago, I would have had to more than double the world total—to almost 18 million people—in order to account for the tragic drama in South Asia. Almost 10 million refugees, Bengalis who fled from East Pakistan into India, were involved in that disaster.

South Asia this morning is the domain of another speaker—Miss Noreen Minogue of the Australian Red Cross Society. But I do have a few observations on that subject which I think are pertinent.

First, it was your Government which was the earliest and largest donor of food, supplies and cash in the vast United Nations relief operation to support India's care of the refugees. In coordinating U.S. assistance, I had the guidance and the benefit of the experience of your president, George Elsey, who with five other distinguished Americans was appointed by President Nixon to his Advisory Panel on South Asian Relief.

Tribute must be paid to the Indian Red Cross Society, whose workers performed a principal role in the immediate, on-the-ground refugee care in all the myriad camps. And to ICRC and the League of Red Cross Societies, and the national societies of more than a hundred countries, who supported the sub-continent's Red Cross and Red Crescent relief operations. American National Red Cross aid alone so far amounts to a million dollars. An invaluable contribution was your loan of 17 American disaster-relief experts, some of whom still are there.

Relief and resettlement in the sub-continent, as the result of events of the last year, remain severe problems not only for the countries concerned, but for the international humanitarian community as well. Many millions of human beings are involved—returned refugees in Bangladesh; displaced persons in Bangladesh and Pakistan; Biharis, Pakistanis and other minorities in Bangladesh; Bengalis in Pakistan; prisoners of war in Pakistan and India. Not only relief operations are involved, but also immense responsibilities for ICRC under the Geneva Conventions.

There are other areas of unusual current interest to those concerned with the welfare of refugees. In the Southern Sudan, scene of civil strife for seventeen years, there has been a recent accord between rebel leaders and the government. The United Nations currently is preparing to assess considerations which will be involved should it mount an international effort to assist in repatriation of perhaps 200,000 refugees who have fled into adjoining countries as well as about 500,000 displaced persons within Sudan. A program, if it eventuates, undoubtedly will involve the U.N. High Commissioner for Refugees, Prince Sadruddin Aga Khan, who in our opinion performed incomparably in the South Asia crisis and who has much experience in other African refugee operations. I understand LICROSS already is working with the Sudan Red Crescent Society to help resettle the displaced persons, and develop health and welfare programs on their behalf.

The exodus of refugees from Cuba has slowed to a trickle. Of more than a half-million Cubans who have sought refuge in the United States over the years, about 95,000 have become U.S. citizens and 282,000 have acquired permanent-resident status. The rest remain refugees. About 10,000 Cuban refugees are in other Latin American countries. Later this month I will be visiting Spain, to look into possible assistance for some 21,000 Cubans who are refugees in that country.

Departure of Jews from the Soviet Union continues at an accelerated pace. About 14,000 were permitted to leave during 1971, another 10,000 so far this year—the rate presently is running about 2,000 persons a month. In addition to voluntary agency help, they have government assistance under the U.S. Refugee Program. Almost all are going to Israel. But under an arrangement we concluded last September, some are eligible to come to the United States under the Attorney General's immigration parole authority.

With regard to Eastern Europe, I should record here a word of praise for the quiet work of the American National Red Cross—in cooperation with societies in the Communist countries—in arranging movement to the United States of members of families already in this country. To reunite young children with their parents, aged parents with their children, to my mind is one of the warmest forms of humanitarian good work.

Well, I will not further detail global refugee problems to you. The point I want to make is that these problems still are with us, they are going to continue to be with us, they are worldwide, and they involve at any given time the welfare of very large numbers of human beings. They constitute a present and future challenge to the Red Cross along with all the other national and international organizations, government and otherwise, dedicated to the cause of assisting humanity in trouble. It is a challenge your government—backed by compassionate public opinion and a sympathetic Congress—will strive to meet. But it is a challenge which cannot be faced at all without the mainstays of all relief operations—the Red Cross organizations and the voluntary agencies whose people do the actual work, face to face and person to person, for and among those who need help.

I'll turn now briefly to other, allied matters in which Red Cross organizations and the State Department concern themselves together. I was particularly pleased last year to have a meeting in my office with Marcel Naville, President of the ICRC, when he came to Washington to see President Nixon. Events continue to demonstrate the indispensability of ICRC, the oldest member of the Red Cross family.

ICRC's strict neutrality, its reputation for prompt and dependable action and unswerving devotion to principle—especially the principles laid down by the Geneva Conventions—continue to enable its delegates to operate in situations of upheaval where hostilities or political tensions bar the presence—even that of the League or the U.N.—of any other organization.

This has been demonstrated on many occasions—in Hungary in 1956, in Nigeria, in the Middle East, and, as I expect we will hear during the ICRC discussion this morning, in South Asia. It was to ICRC mediation that the U.N. Secretary General turned at the time of the Cuban missile crisis. It was ICRC delegates who performed invaluable negotiating services which helped free 400 passengers on three airplanes hijacked to Jordan in 1970. It is ICRC which in South Vietnam is providing invaluable assistance in carrying out the provisions of the Geneva Conventions on protection of war victims. And which, we all fervently hope, may yet be permitted to perform the same function in North Vietnam. IRCS's efforts to locate missing persons, in many devastating conflicts, is a primary service in the cause of humanitarianism.

Within your Government, it is my Office of Refugee and Migration Affairs which has a primary responsibility for relations with ICRC. The modest but regular U.S. contribution of $50,000 a year for ICRC comes from our budget, and occasionally, we are able also to make special contributions. Last year, for example, the State Department supplied an additional $1 million to help ICRC make up a deficit resulting from its operations in Nigeria and Vietnam. Another $1 million, for South Asia operations, came from the Agency for International Development.

Our working relationships with ICRC are conducted through your national headquarters in Washington, or directly by my office at Geneva. I know I speak for the entire Government when I say, without equivocation, that the world cannot do without the International Committee of the Red Cross.

A matter of current interest to us is the Conference of Experts on Humanitarian Law, which tomorrow begins a month-long second session in Geneva. The U.S. Government delegation is made up of representatives of the State and Defense Departments. The project, which grew out of the 21st International Conference of the Red Cross in Istanbul three years ago, is to strengthen and bring up to date the Geneva Conventions on prisoners and victims of war. We already are planning our participation in the 22nd International Conference of the Red Cross at Teheran next year.

Our relationships with the League of Red Cross Societies have been fruitful—both in disaster relief and in refugee assistance programs. LICROSS, among non-governmental international organizations, played a leading role in the South Asia refugee operations. Its important programs in Europe, the Congo, Nigeria, the Middle East and elsewhere have made outstanding contributions to the cause of humanity. People in the Department still talk about the late William H. S. Dabney, who progressed from Sam Krakow's office in your Washington headquarters to become Under Secretary General of LICROSS, and who handled major relief programs in Africa. And about Raymond T. Schaeffer of your organization, who was loaned by LICROSS to the Government of Algeria and did a great job running one of the greatest relief and reconstruction programs of modern times.

It needs to be said, I think, that in refugee and disaster relief, the U.S. Government steadily is growing away from the direct operations of the past into increasing support of and reliance on international organizations, ICRC and LICROSS among them. This is the practical approach in view of national sensitivities, and it is the mood of public opinion, of Congress, and of the present Administration. We in government look on refugee-relief and other humanitarian operations as essential support elements in attainment of American foreign policy goals. For the relief of human suffering and protection of the dignity of the individual are basic American objectives.

Furthermore, these operations tend to ease tensions and, in many situations, promote prospects for peace. These are among the many reasons why our Government is deeply involved in relief programs.

And, of course, this is why we regard the work of the Red Cross as so important—not only the programs of your international organizations abroad, but also the backstopping material assistance and public support provided here in this country by the American National Red Cross.

Thank you.

CHILD NUTRITION LEGISLATION TO INCREASE GOOD NUTRITION FOR OUR NATION'S YOUNG

Mr. HUMPHREY. Mr. President, the importance of good nutrition to the physical and mental development of our Nation's young, especially those in their infant and preschool years, has long been a subject of much discussion and concern. Although more research is needed concerning this subject, I am convinced that enough evidence is in to clearly conclude that lack of good nutrition among our Nation's young does adversely affect their physical and mental development.

Florence P. Foster, director of Early Childhood Education at the New Jersey State Department of Education, authored an article entitled "Nutrition and Educational Experience: Interrelated Variables in Children's Learning," which appeared in the June, 1972, issue of Young Children addresses itself to the subject of good nutrition and the ability to learn. I wish to commend this important article to the attention of my colleagues here in Congress and others interested in improving the development of our Nation's young.

The Birch & Gussow study of these questions in 1970 concluded that the most important factor in determining a child's resistance to disease and his growth and functioning is probably nutrition. Furthermore this study concluded that malnutrition and hunger, if not responsible for permanent impairment to intellectual functioning, do produce certain discernible behaviors which interfere with learning.

The Democratic Congress, over the past several years, has provided the major impetus in combating hunger and malnutrition in this Nation. Our national school lunch and breakfast programs have been greatly expanded as have our summer child feeding programs. Although Congress has clearly gone on record in committing itself to end hunger in this Nation, a continuous struggle has ensued between it and the executive branch of our Federal Government in trying to fulfill that commitment. While Congress has been generous with its appropriations for these purposes, the administration time and time again has subjected these program efforts to budgetary politics. They have often tried to substitute what I call cold promises for hot lunches. They have tried to hold down expenditures for our child feeding programs by manipulating eligibility standards, holding down reimbursement rates to States and deliberately delaying fund disbursements to mention only a few of their bureaucratic tricks in this regard.

Last year, State and local school administrators opened their school year in a state of confusion concerning the funding status of school lunch and breakfast programs. This, of course, was due to the battle that ensued between Congress and the administration over the administration's attempts to penny-pinch these important programs.

Another battle similar to last years may be in the making again this year. The administration is now trying to get Congress to enact the President's child nutrition bill in time for its application beginning with this school year. With school opening the latter part of September there is simply not enough time left for Congress to conduct the kind of overall review of the entire child feeding programs that the President's legislation would require. I and many other Members of Congress have many reservations and questions about the President's proposal that will require time to get resolved. Furthermore, the Senator from South Dakota (Mr. McGovern) and I have our own proposals relating to the overhaul of these programs which deserve to be considered along with the President's proposal. Therefore, I have asked that the child feeding programs for this next school year be considered immediately, followed later by a more comprehensive and thorough review of these more comprehensive proposals as they relate to future years.

In line with my request, the Senator from Alabama (Mr. Allen) chairman of our Subcommittee on Agriculture, Research, and General Legislation has agreed to proceed immediately with hearings and action on Representative Carl D. Perkins' bill (H.R. 14896), which has already passed the House, and my bill (S. 3691) relating to this year's program. He plans to consider the more comprehensive bills that have been introduced later this year which will include my proposed Universal Child Nutrition and Nutrition Education Act.

Hearings have been scheduled on H.R. 14896 and S. 3691 for next Friday, July 28, 1972. These hearings will be held in the Senate Committee on Agriculture and Forestry's hearing room 324 of the Old Senate Office Building beginning at 9:00 a.m.

At that time I will be testifying on an amended version of my bill, S. 3691, which will contain several improvements in the Perkins House-passed bill, H.R. 14896. One of the amendments I will be offering will provide for the establishment of a national infant feeding program to attack malnutrition among young children in their infant and preschool years. It is during these early for formative years that adequate nutrition is most critical.

As I indicated earlier, it is during these years when malnutrition causes its most serious damage—both as it relates to a child's ultimate physical and mental development. Several pilot programs have been undertaken in cities such as Baltimore and St. Louis to combat infant malnutrition through supplying manufactured formulated foods, which have proven most successful. What I proposed to do in my amendment is to provide a $20 million program to conduct a similar program nationwide.

Officials operating the Baltimore pilot program tried early this year to get additional funding for their program from the U.S. Department of Agriculture, but were turned down. Other cities may have had similar experiences in this regard.

The importance of combating malnutrition among the very young is not only important to the individual children involved but to the Nation as a whole. If we fail to combat malnutrition at this critical stage of human development, we are encouraging the development of physically and mentally deficit citizens who will not only be denied the opportunity to achieve their rightful potential in life but will be destined to become drains on their families and society generally. Therefore, the program I will be recommending should be viewed as a sound investment in human development, both, as I have said, as it relates to the individual child, and to the society in which he or she lives.

Miss Foster's article speaks well of the point of my proposed program. I urge both the Committee on Agriculture and Forestry and Congress as a whole to adopt the program this session.

Mr. President, I ask unanimous consent that Miss Foster's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NUTRITION AND EDUCATIONAL EXPERIENCE: INTERRELATED VARIABLES IN CHILDREN'S LEARNING

(By Florence P. Foster)

Over the years there has tended to be an arbitrary and false distinction between day care as a care and protection type of service and other programs of young children which have education as their principal purpose. Advocates of quality day care maintain that all young children have the right to education *and* sound nutrition *and* a safe, healthful environment. Day care priorities are not single-focused but multifaceted and interacting.

Until recently the interrelatedness of program components and the need for day care centers to provide what a child should receive in a good shcool, as well as a good home have been insufficiently acknowledged. However, long-awaited support for comprehensive quality child care is emanating from a variety of sources. "Comprehensive family-oriented child development programs including health services, day care, and early childhood education" topped the list of concerns of the 4,000 delegates to the 1970 White House Conference on Children a year ago last December.

The great proliferation of studies at the early childhood level has made the public and professionals from other disciplines aware of what early childhood educators have always believed; that is, a child's early educational experiences can affect his attitudes toward learning and later school performance. Research regarding the effect of malnutrition and hunger on intellectual development is producing a substantial body of evidence that a direct relationship exists between inadequate diet and reduced learning power. It is in the context of its interrelatedness with other aspects of day care, especially the educational component, that the food program of the child care center is approached.

NUTRITION AND INTELLECTUAL FUNCTIONING

How does nutrition or its converse, malnutrition, affect intellectual functioning? It is suspected that chronically and acutely malnourished children may be retarded in their intellectual development. The degree to which this might occur would depend on the duration, severity and age at which malnourishment was experienced. Because the human brain is almost complete by age four and after that time seems to have tremendous stability despite malnutrition, permanent effect on brain size and composition would be most likely during the period of greatest growth; that is, the last three months of pragnancy through the first years of life, with the most critical time the period before the first birthday (Birch & Gussow, 1970; Winick, 1969). Simonson and Chow (1969) go so far as to suggest that maternal deprivation of adequate nutrition may contribute to the wide range of differences in human intellect. As might be surmised, definitive research of this nature is very difficult because scientists obviously cannot experiment with human beings, because control populations are difficult to identify, and because malnutrition occurs in combination with other factors.

Among children of some of the underdeveloped countries, severely restricted protein intake during the early years has had particularly adverse effects on intellectual functioning. Early results from the National Nutrition Survey suggest protein-calorie malnutrition is an important form of malnutrition in the United States (Latham, 1970). It is manifested by retarded physical growth and development in mind and moderate cases. Effects on subsequent intellectual development have yet to be determined. Several studies are now underway in Mexico, Guatemala, Colombia, and elsewhere which may make it possible to establish factually which is now surmised about the relationship of malnutrition to intellectual development.

Day care centers in the United States are not likely to enroll children in advanced stages of malnourishment. Why then are we concerned? In the first place, our society is committed to the concept of positive health, which makes possible optimal development and functioning, rather than the negative definition of health as the absence of disease. The most important factor in determining the child's resistance to disease and his growth and functioning is probably nutrition (Birch & Gussow, 1970). Second, malnutrition and hunger, if not responsible for permanent impairment to intellectual functioning, do produce certain discernible behaviors which interfere with learning. For example, apathy and lack of initiative accompanied by irritability are a syndrome of nutritional stress (Birch & Gussow, 1970).

Early childhood educators try hard to foster intellectual curiosity, exploration and experimentation because these are the ways that young children learn, yet unresponsiveness is characteristic in malnourished children, so much so that in clinical settings renewed interest in the environment is used as evidence that the child's nutritional state is improving. After a complete analysis of the research, Birch and Gussow (1970) concluded, "There is no question that the child's ability to respond appropriately to significant stimuli in his envronment is retarded during the period of chronic malnutrition; and that continued malnutrition is accompanied by progressive behavioral regression."

Experiments with animals have shown that physical development of the brain and learning capacity are affected when they are deprived of opportunities to explore a rich and challenging environment. Studies of children seem to indicate that this probably holds true for human beings as well. However, it is also known that undernourished, tired, apathetic children are unable to utilize the environment, no matter how rich and inviting. This suggests that the end effect on learning may be similar for the malnourished child in a stimulating learning environment and for the well-nourished child in an intellectually barren environment.

It is very difficult to identify at which point a person can be labeled as undernourished. All centers probably have some children who arrive without breakfast, whose families have irregular eating habits for a variety of reasons, whose intake of proper nutrients is inadequate, who may suffer from any number of debilitating conditions such as iron-deficiency anemia or vitamin shortage. Day care centers have a great opportunity to correct these situations in the course of the long day.

Of particular interest to day care center sponsors should be findings related to the importance of the breakfast program. In a study conducted by the Tulane University Early Childhood Research Center, one group of children was provided with lunch; the second group was served breakfast as well as lunch. After six months medical tests revealed marked nutritional improvement among those who had both breakfast and lunch as compared with little improvement among those who had received only lunch (Office of Economic Opportunity, 1971).

One of the recommendations of the 1969 White House Conference on Food, Nutrition and Health was provision by day care centers of 80 percent of the child's total nutritional requirement daily. Breakfast, a hot lunch, and nutritious snacks will not only raise the child's resistance to disease, which in turn will prevent loss of learning time, but can help bring about motivational and behavioral changes by increasing his responsiveness to people, materials and ideas, his curiosity, initiative and desire to learn, and his ability to attend and persist with learning tasks. These "learning-to-learn" behaviors form the foundation for academic success during the later school years.

NUTRITION EDUCATION FOR PARENTS

How can the day care center assist parents to provide better diets and establish good eating habits in the home? Studies by Neff and Pontzer (see Birch & Gussow, 1970) have shown that women with limited education, inadequate kitchens and little experience with new foods for following recipes will not utilize unfamiliar foods, regardless of economy or nutritive value, even though their families may be hungry. It is also important to note that, while improved financial conditions in the home seem to result in better diets, income is not the sole determinant of proper diet. That is, more education appears to be associated with a better diet even among families with equal incomes. Therefore, programs of nutrition education for parents can further the goal of the day care center to see that children and their families are provided with nutritionally adequate and balanced diets on a long term basis.

Teachers who have received some help in furthering their own understanding, not only of good nutrition but of the social and economic realities of the families with whom they work, can be of help in indirect ways as they work with the children. For example, in the book *Schools for Young Disadvantaged Children,* it is suggested that they may occasionally utilize powdered milk instead of whole milk as a recipe ingredient during a classroom cooking activity. "It may be a practical way to influence the diet of children from homes without adequate refrigeration, or scanty funds, or lack of time for regular milk purchases. Certainly the common refrain of teachers telling children to drink a certain number of glasses of milk each day has driven more than one wedge between families and school" (Hamlin, Mukerji & Yonemura, 1967).

Nonworking parents and those who visit on their days off can eat with the children or help as volunteers during the lunch hour and learn first hand about the diets of young children and good meal patterns. Posting weekly menus or sending copies home is another way of involving parents in nutrition education.

FOOD IN THE DAY CARE CURRICULUM

In what ways can activities with foods be utilized as learning experiences? The long day makes it possible to integrate food preparation, classroom cooking activities and mealtime into the total day care curriculum from which children can not only incorporate the facts of good nutrition but other learnings associated with math, science, social studies, language and reading readiness. Sensory and perceptual awareness, motor skills and eye-hand coordination are promoted as children measure, sift, stir, knead, peel, slice, cook, bake, taste, touch, smell and observe physical and chemical changes during food preparation. They learn to follow directions as they cook with the teacher and assistant. Social skills and cooperation are encouraged. Children begin to develop sound food habits, positive attitudes toward food, an acceptance of a variety of foods, and some understanding of the relationship of food to growth and health. Language expression, vocabulary, and intellectual understanding are furthered by discussion during and following the cooking process and especially at mealtime. Introducing recipes of different ethnic groups as well as their own can help children understand and appreciate their own individuality and worth and that of others.

It is revealing that in an applied service project in South Side Chicago with eight groups of four-year-olds, the group which made the highest educational gains was the one that was described as "food-oriented," in which there was "a great deal of ritual connected with the warm noonday meal" (Hamlin, Mukerji & Yonemura, 1967). In short, the food service program of a day care center can provide a laboratory for learning if the adults—director, dietitian, cook, teachers, assistants, etc.—understand child development and early childhood education as well as nutrition and use food as a means for providing and extending learning experiences on a day to day basis.

SUMMARY

Quality day care should be the right of every child who needs this service. The best centers provide what is offered in good schools together with what is found in good homes. This paper has focused primarily on the nutrition component and its relationship to learning while noting that priorities in day care as a living-learning environment are multiple and interdependent in terms of meeting the total needs of the developing child and in making the difference between school success and failure.

To the researchers can be left the question of whether permanent intellectual damage will result from severe malnutrition. Day care center personnel need to be concerned with ways in which proper diet can affect the child's health and learning here and now. There is substantial evidence that improved nutrition carries with it many benefits and, combined with appropriate educational experiences, will enable children to become more fully functioning and involved in the learning process.

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WIRETAPPING AND THE ORGANIZED CRIME CONTROL ACT OF 1972

Mr. McCLELLAN. Mr. President, the Subcommittee on Criminal Laws and Procedures, of which I am privileged to be chairman, has received a most informative letter from the Department of Justice on the effectiveness of organized crime prosecutions under recently passed gambling statutes and the role which court-ordered wiretaps have played in such prosecutions.

The subcommittee is presently engaged in a monumental effort to revise the substantive criminal laws of the United States, using the final report of the National Commission on Reform of Federal Criminal Laws as a "work basis." In May, the Association of the Bar of the city of New York testified, submitting to the subcommittee a report, which must be characterized as a major and valuable effort, even where disagreement with the policy conclusions of the association is present.

One controversial assertion made by the Bar Association was that the code's proposed sections on gambling, sections 1831 and 1832, be eliminated. According to the report:

> The Committee feels that state anti-gambling policies are on the way out and are destined for eventual disappearance, but whatever the accuracy of its predictions in this regard, it believes that the question of criminal sanctions against gambling is essentially a matter of state and local, *not* federal, concern. A majority of the Committee recommends that the Code's gambling provisions be dropped.

In oral testimony, the association responded to a question which asked if the antigambling laws might not be a necessary tool in the fight against organized crime by declaring that the Department of Justice has not been successful in using such statutes as a means to strike at organized crime, particularly in its leadership positions.

As a result of the testimony of the bar, the subcommittee decided to ask the Department of Justice for its views in this area and the chief counsel was directed to obtain such a report.

The Assistant Attorney General for the Criminal Division, Mr. Henry E. Petersen, has now reported to the subcommittee that the Government has been increasingly successful and that the "gathering momentum of the Federal assault on syndicated gambling" is bearing fruit. Specifically, he indicated that 1971 and so far in 1972, the Department has convicted 18 known or suspected organized crime figures, including the head of the New Jersey syndicate and high-ranking members of the Genovese and Detroit syndicates. Twenty-eight more such figures have been indicted, including the leaders of the Brooklyn, Kansas City, and Florida syndicates and two high-ranking members of the Cleveland syndicate. In obtaining these convictions and indictments, he indicated that court-authorized wiretaps under the 1966 Crime Act and title VIII of the Organized Crime Control Act of 1970, both legislation that I sponsored in this body, have played important roles in the emerging record of success in the organized crime drive.

Mr. President, I ask unanimous consent that Mr. Petersen's letter and tables be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

June 29, 1972.

Mr. G. Robert Blakey,
Chief Counsel, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Mr. Blakey: Thank you for your letter of June 7. As you might expect, I disagree strongly with the allegation by the Association of the Bar of the City of New York that Federal anti-gambling policies have been ineffective against organized crime. I also feel that it would be unwise, at least at the present time, to embark on a policy of decriminalization in the gambling field.

It is unclear to me just why the Association believes Federal anti-gambling policy to be ineffective. However, the group appears to have emphasized the alleged failure of the Department to convict "men in leadership positions in the major national syndicates."

The Department has prosecuted several leading organized crime figures under the anti-gambling statutes. (See Table I, attached.) During calendar year 1971 and thus far in 1972 the Criminal Division's Organized Crime and Racketeering Section has convicted at least eighteen known or suspected organized crime figures, including the head of the New Jersey syndicate and high-ranking members of the Genovese and Detroit syndicates. Twenty-eight more such figures, including the heads of the Brooklyn, Kansas City, and Florida syndicates and two high-ranking members of the Cleveland syndicate, have been indicted during this time.

However, the conviction of organized crime leaders is only a secondary aim of Federal anti-gambling policy. The primary aim is to reduce the amount of revenue which flows from illegal gambling enterprises into organized crime. According to a survey made by a member of the Organized Crime and Racketeering Section, during fiscal year 1971 the Section indicted gambling rings doing an estimated annual business of over $867 million. (See Table II, attached.) The figure is likely to be even higher for the current fiscal year since 1,686 defendants have been indicted for gambling violations during the first ten months of this fiscal year as compared with 1,351 defendants during fiscal year 1971. During the first ten months of fiscal year 1972 the Federal Government has convicted operators and key members of at least twelve major gambling rings whose estimated annual business ranged from $1 million to $50 million. (See Table III, attached.)

The Federal assault on syndicated gambling is only now reaching full intensity. The use of court-authorized wiretaps, the enactment of legislation permitting the Federal Government to prosecute large intrastate gambling operations, and the expansion and redeployment of the Organized Crime and Racketeering Section are all comparatively recent developments; yet each has been crucial in the fight against syndicated gambling.

Title III of the Omnibus Crime Control and Safe Streets Act of 1968 permitted the Federal Government to use court-authorized wiretaps where certain gambling violations were suspected. The Department began to authorize the use of the wiretap in early 1969, and since that time it has proved particularly helpful in the enforcement of the anti-gambling laws. During fiscal year 1971 Federal wiretaps played a part in the indictment of gambling rings doing an estimated annual business of over $766 million. During fiscal year 1972 Federal wiretaps aided in the prosecution of eight of the twelve major gambling rings mentioned above. From the beginning of calendar year 1971 to present the wiretap has aided in the indictment or conviction under the anti-gambling laws of thirty-four known or suspected organized crime figures. Perhaps the most convincing testimony as to the wiretap's effectiveness came from Martin Sklaroff, a convicted Miami gambler, who said: "You can't work without a telephone . . . Federal wiretaps are going to put us all out of business."

Title VIII of the Organized Crime Control Act, effective October 15, 1970, empowered the Government to prosecute, among other things, intrastate gambling operations of such size that they could be expected to affect interstate commerce. Title VIII provided for the enactment of Section 1955, Title 18, United States Code, which prohibits the operation of a gambling business which is a specified minimum size and which is illegal under State law. Despite its recent enactment, Section 1955 has already proven to be the most potent weapon in the Federal anti-gambling arsenal. During fiscal year 1971 gambling rings doing an estimated annual business of over $440 million were indicted under the section. Court-authorized wiretaps were used in the vast majority of these cases. During fiscal year 1972 eight of the twelve major gambling rings mentioned above were prosecuted under Section 1955. From the beginning of calendar year 1971 to the present time the section has accounted for the indictment or conviction of eighteen known or suspected organized crime figures.

Since early 1969 the manpower of the Organized Crime and Racketeering Section has increased one hundred percent. The number of the Section's strike forces—units of attorneys and Federal agents working in metropolitan areas through the country—has risen from six to eighteen. This enlargement and redeployment of the Organized Crime and Racketeering Section has insured that all the anti-racketeering laws, including those aimed at gambling, will be vigorously enforced.

The gathering momentum of the Federal assault on syndicated gambling is perhaps best illustrated by the increasing number of persons indicted and convicted under the anti-gambling laws. The number of persons indicted for gambling violations has risen from 174 in fiscal year 1969 to 1,351 in fiscal year 1971; during the same time span the number convicted has risen from 104 to 299. During the first ten months of fiscal year 1972 the Federal Government has indicated 1,686 persons under the anti-gambling laws and has convicted 328. Here, as in other cases, Section 1955 deserves special mention. The Federal Government indicted 591 persons and convicted 106 under the statute during fiscal year 1971. Section 1955 has accounted for the indictment of 1,391 defendants and the conviction of 181 during the first ten months of fiscal year 1972.

The Association has recommended a "general policy of decriminalization in the gambling field." This recommendation has apparently been made without awareness that the Congress, with the Department's support, has already provided for the establishment of a commission to explore the very issues which the Association now purports to resolve. Title VIII of the Organized Crime Control Act establishes a Commission on the Review of National Policy Toward Gambling which is to come into existence two years after the effective date of the Act. The Commission is to "conduct a comprehensive study" of existing Federal, State, and local policy towards gambling and "to formulate and propose such changes" as it deems appropriate. The creation of this Commission is only a few months away.

In summary, the Association's evaluation of the Department's success under the anti-gambling laws is inaccurate. Its recommendation that gambling be legalized seems, at best, premature. Though the Federal assault on syndicated gambling has only begun to reach its full momentum, it has already made serious inroads on the forces of organized crime. To alter Federal anti-gambling policies at this time could prove a most serious mistake.

Sincerely,

HENRY E. PETERSEN,
Assistant Attorney General.

TABLE I.—KNOWN OR SUSPECTED ORGANIZED CRIME FIGURES PROSECUTED UNDER FEDERAL ANTI-GAMBLING LAWS, 1971–72 [1]

INDICTMENTS, 1971

Name, district and comments

[4] Michael Astarita [2], [4] Gaetano Musto, D.N.J.

[6] Arthur Belli, [6] Anthony Astore, [6] Raffael Sabbato, D.N.J.

[4] Eugenio Stephano Campo, D.N.J.

(*U.S.* v. *Nicholas Nardone, et al.*)[3]

[5] Frank Joseph Caracci, [5] Vincent J. Marcello, [5] Salvadore J. Marcello; E.D.La.

(*U.S.* v. *Bally Mfg. Co.*)

[4] Nicholas Civella, [4] Anthony Thomas Civella,, [4] Frank Tousa; W. D. Mo.; Boss of the Kansas City Syndicate.

[6] Joseph Colombo, Sr., [6] Thomas Amato; E. D. N.Y.; Boss of the Brooklyn Syndicate; Colombo has been incapacitated by an assassin's bullet.

[6] Albert Di Stephano, S.D.Ohio; Later committed suicide.

[6] Jack Herman, S.D.Fla.

(*U.S.* v. *Sam Winer, et al.*)

[4] John James LaGorga, W.D. Pa.

(*U.S.* v. *Irwin Charles Ager, et al.*)

[6] Joseph Louis Lanza, N.D. Fla.

[4] John Nardi, N.D. Ohio; Nardi and Delsanter are high-ranking members of the Cleveland Syndicate.

(*U.S.* v. *Joseph James Lanese, et al.*)

[6] Frank Thomas Narducci, E.D. Pa.

[4] Louis Ruggirello, [4] Anthony Imbrunone; E.D. Mich.

[6] John Pasquale Tronolone, S.D. Fla.

(*U.S.* v. *David Marder, et al.*)

INDICTMENTS, 1972

[6] Frank Cerone, N.D. Ill.

[6] Alexander "Pope Dee" Dalessio, E.D.N.Y.

[6] Henry Trafficante, M.D. Fla.; Boss of a large Florida syndicate.

[6] Peter Valente, S.D.N.Y.

(*U.S.* v. *Ernest Marro, et al.*)

CONVICTIONS, 1971

[4] Samuel Rizzo De Cavalcante, D.N.J.; Boss of the New Jersey Syndicate.

[4] Charles Majuri, [4] Joseph Ippolito, [4] Anthony De Pasque, [4] Alessio Barrasso, [4] Nick Zarro, [4] Ralph Masciola, and [4] Joseph Anthony Ferrarra, D.N.J.

[4] Pasquale Monzelli, E.D.Pa.

James Michael Pignetti, S.D.N.Y.

Nicholas Ratteni, S.D.N.Y.; high-ranking member of the Genovese Syndicate.

(*U.S.* v. *William Alter, et al.*)

CONVICTIONS, 1972

[6] Nicholas Fino, W.D.N.Y.

(*U.S.* v. *Joseph Fino, et al.*)

Jack Anthony Lucido, Peter Cavataio, E.D. Mich.

(*U.S.* v. *Donald Dawson, et al.*)

Francis Santo, S.D.Fla.

(*U.S.* v. *Al Mones, et al.*)

Anthony Joseph Zerilli; Michael Santo Polizzi; C.D.Calif.; Zerrilli and Polizzi are high-ranking members of the Detroit Syndicate.

Anthony Giardana, C.D.Calif.

FOOTNOTES

[1] This list does not include persons who have been acquitted or persons whose convictions have been reversed on appeal.

[2] Persons named in the same indictment are listed together.

[3] Unless otherwise noted, the defendants listed were also the defendants named in the title of the indictment, e.g., the case in which Michael Astarita was prosecuted was filed as *U.S.* v. *Astarita.*

[4] Case involved utilization of court-ordered electronic surveillance.

[5] Case involved violation of 18 U.S.C. 1955.

[6] Case involved both the utilization of court-ordered electronic surveillance and a violation of 18 U.S.C. 1955.

TABLE II.—GAMBLING OPERATIONS INDICTED BY ORGANIZED CRIME AND RACKETEERING SECTION DURING FISCAL YEAR 1971

INDICTMENTS AND ESTIMATED ANNUAL BUSINESS

Total Gambling—Operations Indicted; 129; [1] and $867,465,000.

Indictments Involving—Use of Court-Ordered Electronic Surveillance; 89; and $766,871,000.

Gambling Indictments—Involving Violations of 18 U.S.C. 1965; 55; and $440,160,000.

Gambling Indictments—Involving Both the Use of Court-Ordered Electronic Surveillance and Violations of 18 U.S.C. 1955; 45; and $420,565,000.

FOOTNOTE

[1] This total includes only the indictments of gambling operations doing a significant annual business; the total comprises 76% of the 169 indictments returned by the Section during fiscal year 1971.

TABLE III.—CONVICTIONS OF PERSONS INVOLVED IN MAJOR GAMBLING RINGS, FISCAL YEAR 1972

UNITED STATES VERSUS—

Case, number of defendants convicted, and size of operation

William Alter, et al., S.D.N.Y. (1971); 6; handled over $50 million annually.

[3] David Marder, et al., S.D.Fla. (1971); 2; handled $150 thousand a week.

Sol Titkin, et al., N.D.Ohio (1971); 2; records showed $200,000 business in a five-day period.

Raul Jimenez, et al., S.D.N.Y. (1971); 7; handled $5 million a year.

[3] Joseph Colombo, et al., E.D.N.Y. (1971); 14; annual gross of $10 million.

[3] Peter Tenore, et al., S.D.N.Y. (1972); 5; handled $10 thousand a day.

[3] Vincent Cafaro, et al., S.D.N.Y. (1972); 4; handled $65 thousand a week.

[1] Vincent Peter Pisancano, et al., S.D.N.Y. (1972); 6; handled $2.9 million annually.

[2] Earl Benton, et al., S.D.N.Y. (1972); 7; handled $5 thousand a day.

[3] Norman Simon, et al., C.D.Calif. (1972); 6; grossed $10 thousand a day.

[3] Richard Becker, et al., S.D.N.Y. (1972); 7; grossed approximately $125 thousand a day.

[3] Ronald Sacco, et al., N.D.Calif. (1972); 13; annual gross of over $15 million.

FOOTNOTES

[1] Court-ordered electronic surveillance used in investigating the case.

[2] Case involved violation of 18 U.S.C. 1955.

[3] Prosecution of case involved the utilization of court-ordered electronic surveillance and a violation of 18 U.S.C. 1955.

THE PUBLIC, THE PRESS, AND THE PENTAGON PAPERS

Mr. HARTKE. Mr. President, long after the Indochina war has ended we shall have to live with its consequences. These include, most obviously, the human costs in dead and maimed and the economic costs in veterans' benefits and interest on the national debt.

Less obvious, but no less real, are the profound shifts in public mood and temper in relation to our National Government, epitomized, perhaps, by the alienation of so many of our young people. Less obvious still, but no less consequential, is the altered relationship of Government and the news media—epitomized, though no means comprehended, by the upheaval over publication of the Pentagon papers.

Earlier this year, the University of Chicago magazine published a remarkably insightful two-part article on this theme by Prof. George Anastaplo, of the University of Chicago and Rosary College. Dr. Anastaplo has the rare gift, among commentators on public affairs, of being able to see beyond the immediate event, of being able to place the tempest of the present into the context of past and future.

I ask unanimous consent that his article, "Preliminary Reflections on the Pentagon Papers," be printed in the RECORD. I urge all readers of the RECORD to give it their thoughtful attention.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRELIMINARY REFLECTIONS ON THE PENTAGON PAPERS

(By George Anastaplo)

O, it is excellent
To have a giant's strength; but it is tyrannous
To use it like a giant.—

—*Shakespeare, Measure for Measure*

I gave to the wife of a friend a few years ago, on the occasion of her naturalization, a bronze plaque depicting the stratagem employed by Odysseus to rescue his men from the cave of the blinded but still deadly Cyclops: it shows, of course, a man lashed to the underside of a ram. I explained that my gift illustrated a fundamental principle of constitutionalism which Americans should take to heart, a principle which helps decent citizens avoid despair and curb desperation. The principle is that "there's always a way out": that is, there are legitimate means provided within our constitutional system for dealing with each of the dangers we are likely to face and with the various inequities we should attempt to remedy.

Among the lessons needed to make and keep citizens and their country decent is one taught by still another "Odysseus." Thus, General Ulysses S. Grant instructs us in the second chapter of his *Memoirs:*

> . . . *Ostensibly* (*our regiments*) *were intended to prevent filibustering into Texas, but really as a menace to Mexico in case she appeared to contemplate war. Generally the officers of the army were indifferent whether the annexation was consummated or not; but not so all of them. For myself, I was bitterly opposed to the measure, and to this day regard the war, which resulted, as one of the most unjust ever waged by a stronger against a weaker nation. It was an instance of a republic following the bad example of European monarchies, in not considering justice in their desire to acquire additional territory.*
>
> *Texas was originally a state belonging to the republic of Mexico. . . .* (*Its*) *occupation, separation and annexation were, from the inception of the movement to its final consummation, a conspiracy to acquire territory out of which slave states might be formed for the American Union.*
>
> . . . *It is to the credit of the American nation, however, that after conquering Mexico, and while practically holding the country in our possession, so that we could have retained the whole of it, or made any*

terms we chose, we paid a round sum for the additional territory taken; more than it was worth, or was likely to be, to Mexico. To us it was an empire and of incalculable value; but it might have been obtained by other means. The Southern rebellion was largely the outgrowth of the Mexican war. Nations, like individuals, are punished for their transgressions. We got our punishment in the most sanguinary and expensive war of modern times.

ARCHIVES AND EDITORS

The publication of excerpts from the "Pentagon Papers" archives began in the *New York Times* on June 13, 1971, continued for 2 more installments before being enjoined in the federal courts until June 30, at which time it resumed again for 7 more installments. In the meantime, publication started in the *Washington Post*, the *Boston Globe*, and the *St. Louis Dispatch*, all of which evidently drew extensively on copies of the Top Secret archives (of some 2½ million words) originally made available to the *Times* and all of which were similarly enjoined as they appeared in print with the story. The Supreme Court decision of June 30 permitted newspapers with access to the archives to publish what they chose. (Perhaps as many as 14 journals printed firsthand revelations from the secret documents.)

These archives, as probably every reader of this magazine knows, dealt with the history of American involvement in the Vietnam War. Subsequent to the lifting of the injunction, the *New York Times* version of the Pentagon Papers was collected (and rearranged) for publication by Bantam Books. There were appended to the 10 articles which had appeared in the *Times* 5 editorials of that newspaper published during and immediately after the litigation as well as the opinions of the Supreme Court in what became the *New York Times* and *Washington Post* case. The articles, as they appeared in the *Times*, included materials drawn from the Top Secret archives as well as commentaries by *Times* reporters on the archives materials (materials which consisted both of government operational documents and of analyses by some 3 dozen anonymous scholars of those documents and of the government's conduct of the war). There appeared in the other newspapers many references to and quotations from documents in the archives which were never used by the *Times*. (Indeed, it seems that the *Times* could use no more than 10% of the archives material made available to it. Even so, the Bantam paperback edition which has been published, and to which citations in this article are made, comes to 677 pages. In addition, the Government Printing Office has published a 12-volume set of the Pentagon Papers and the Beacon Press a 4-volume set. I have not yet examined either of these sets. The complete classified study, of 47 volumes, was officially entitled, *History of U.S. Decision-Making Process in Viet Nam Policy*.)

The operational documents are the most important materials in the newspaper collections. But it is difficult for even the informed reader to understand them properly without the aid of the analysts' discussion. The three dozen analysts evidently studied many more documents than they included in their 47-volume archives, with the result that the typical reader needs the additional help provided by the press. The press has culled the documents and analyses and placed them in context. That such culling and interpretation depend on one's experience and presuppositions may be seen upon comparing what has appeared in the different newspaper accounts which has drawn directly upon the archives. (Much of what appeared in various newspapers can be conveniently gotten by combing the *Congressional Record* for June and July of 1971.) Thus, care should be exercised by the citizen lest any particular newspaper's interpretative account be taken as authoritative, especially when the intentions of government officials are reconstructed and assessed.

The care with which all these press accounts should be approached is suggested as well by what one knows to have happened to the opinions of the Supreme Court (which we can check in their entirety in the Supreme Court Reports) in their republication by the *New York Times* and in the Bantam paperback. The footnotes for those opinions, which include not only citations to and quotations from relevant statutes and precedents but also observations and comments by members of the Court, have been omitted. Indeed, the failure of the editors to include the footnotes, which were immediately available upon the release of the opinions, means that certain perhaps significant qualifications by the justices of what they said in the body of their opinions have been neglected.

It should be noticed that it is implied by the *Times* that the opinions are reprinted in their entirety: certainly, there is no indication either that there were more than two dozen footnotes or that they have been omitted. It should also be noticed that editorial decisions about the opinions seem to have been made by someone not familiar with the operations of the Court. Thus, for example, the opinions have been reprinted in what a student of the Court would have known was the wrong order. Is similar editorial judgment, with its consequent adverse effect upon precision and depth of understanding, evident as well in the selection and publication of the Pentagon Papers? Is there, in fact, something about the pressures upon the daily press which distorts what is done by editors? Is there not something about the limitations of public opinion which hobbles even our best newspapers?

We have heard much in recent months about the right of citizens to know. But a corollary to that right is the duty of citizens to think. Indeed, a citizen cannot really begin to *know* what is going on if he does not think about the information made available to him. Among the pitfalls to be avoided by the inquiring citizen is that pitfall into which the men who "brought us Vietnam" fell, that which is concealed by one's failure to assess properly the actions and motives of others. We should, that is, resist the temptation to make mere villains of the men who *were* responsible for the costly mistakes of the United States in Southeast Asia. (Would it not have set things in better perspective, and been fairer in assessing government actions, if there had been reprinted with the *Times* collection some of the early editorials of that newspaper supporting the policy of our government in Vietnam?) We should also resist the temptation, as we perform the citizens' duty of concerning ourselves primarily with American decisions, to forget the shortcomings of the callous men in Hanoi, Peking and Moscow who also contributed (perhaps even more than the American government) to the slaughter of hundreds of thousands of men, women and children in Indochina. Consider, for example, the many lives ruthlessly sacrificed for the dubious victory of the 1968 Tet Offensive. (See General S. L. A. Marshall's review, in *Book World* of October 24, 1971, of Don Oberdorfer, *Tet! The Story of a Battle and Its Historic Aftermath*.)

REVELATIONS AND CONFIRMATIONS

It may be a matter of chance that the appearance of the Pentagon Papers was as dramatic and hence as instructive as it was. The timing was such that nothing else of considerable interest competed in the news with the publication of these papers: campuses had been quiet for a year; Congress was between battles; the opening toward Peking had not yet been announced. The papers appeared at a time when dissatisfaction with the war in Vietnam was mounting, when (it is salutary to believe) more and more respectable Americans were expressing, and looking for opportunities to express, serious reservations about what had been done there in our name. It was evident the war had long lost serious "Establishment" support: after all, an eminently cautious university president had been obliged to say publicly (even though still ambiguously) in November 1968, "The outrage of this war continues." (See Anastaplo, *The Constitutionalist*, p. 817, line 1, p. 822, line 45.)

The institutional source of the Pentagon Papers—there might have been less public interest in them if they had had to have been labelled the "State Department Papers"—probably contributed to the glamour of the journalistic enterprise, as did the considerable effort and space that so prestigious a newspaper as the *Times* was prepared to devote to them. In addititon, there was the promised pleasure of looking at forbidden documents, a pleasure intensified by the efforts of the Attorney General to suppress publication of the series. These efforts of the Attorney General to secure such "prior restraint" seem to have insured that other newspapers would go looking for copies of the archives and that they would publish at considerable length whatever they found. Once the Supreme Court permitted resumption of publication by the *Times* and *Post*, the American press lost much of its interest in the Pentagon Papers. (No doubt, interest would be revived if the Department of Justice should be so imprudent as to insist upon prosecuting Daniel Ellsberg for releasing the papers to the press. Will it not be awkward to prosecute him without indicting and prosecuting as well the *New York Times* reporters and editors who received and retained possession of these papers? But it would be even more awkward in an election year to convict men who seem to be destined to receive a Pulitzer Prize for journalism. See *Congressional Record*, vol. 118, pt. 2, p. 1289.)

(And now the columnist Jack Anderson has published a series of "papers" of his own. His inconclusive series of papers on American policy toward India and Pakistan was only a few weeks old at the time of publication and may be much more "sensitive" than the Pentagon Papers were when they were published. When informed that an assistant attorney general was investigating him, Mr. Anderson replied, "I'm going to investigate him. I have an idea I'll know more about him than he knows about me. He can take his [information] to a grand jury, and I'll take mine to the public." *Chicago Sun-Times*, Jan. 5, 1972. Cf. *Congressional Record*, vol. 118, pt. 1, p. 551. But see *ibid.*, vol. 118, pt. 1, p. 868. Mr. Anderson opened an article on his right and duty to publish classified documents with the question, "Do you feel as an American citizen that you have the right to know about an impending war?" *Parade*, Feb. 13, 1972.)

The Attorney General could have said, as the series began in the *Times*, that there was really very little new in the Pentagon Papers, little which had not been revealed before or which informed citizens had not long suspected. Certainly, anyone who needed these papers to enable him to understand what the United States did in Vietnam should reconsider what he reads or how he thinks about such matters. That which may have been new in the papers fit in so well with what we had previously suspected that it seemed as if we knew it all the time. We did not know, of course, of specific "covert" operations and plans of the government, but we did know *of* such things: learning the specific names and dates is not necessary for us to understand what has been going on.

It has been noticed that the papers, whether or not new, are somewhat fragmentary. We are not given everything we could have, but only materials which happened to be in the files opened to the Pentagon analysts.

But, it should also be noticed, the conformity of successive revelations in recent years to what we already knew suggests that further revelations (no matter what files should be drawn upon hereafter) will not add anything critical to what we already know about the information and arguments relied upon by our government in reaching decisions about Vietnam. When something like this war has been going on as long as it has, with the extended debate we have had in a free press, during politial campaigns and in Congress, it is highly unlikely that data and reasoning believed by officials to have been significant would not have become public knowledge by this time. Thus, we should not expect from any future memoirs of former officials much in the way of either information or argument not already familiar to us. What we *can* expect from time to time is an extended self-justification, reflecting the personality of its author and buttressed by excerpts from classified documents. (Thomas B. Ross observed, in his review in the *Chicago Sun-Times* of November 7, 1971 of Lyndon B. Johnson's *The Vantage Point*, "The chapters on Vietnam are a breathtaking exercise in rewriting history."

With no fear of following Daniel Ellsberg into the dock, Mr. Johnson quotes extensively from the same top secret documents that provided the basis of the Pentagon Papers. A few weeks later, Jack Anderson reported in his *Chicago Daily News* column of November 30, 1971, "Lyndon Johnson is $1.2 million richer for selling his presidential memoirs, while Daniel Ellsberg faces a possible jail term for giving away a different version of the same story. LBJ's book . . . contains a detailed account of precisely the facts which government lawyers contended would imperil the national security if published in the Pentagon Papers. . . . Both Lyndon Johnson and Daniel Ellsberg made public secret documents, including some of the same documents about the Vietnam War. Johnson quoted only the selected passages that made him look good. Ellsberg released uncensored documents, which gave an objective, unvarnished account of the war." It should be noticed that Mr. Johnson's book was set in type before the Pentagon Papers appeared.

But to say all this is not to say that publication of the Pentagon Papers has served no useful purpose. It did bring things together, in a not uninteresting way, thereby inducing citizens once again to consider as a whole our Vietnam misadventure and providing them still another occasion to collect their thoughts about that war. Such accounts may also provide means to the community for purging itself of some of the passions stirred up by the war. There is about this story—about how and why the United States did what it did and about the effect of that action on this country—something of a morality play. Even the language and moral tone of our officials (which the Pentagon Papers *do* expose to view in a novel manner) lead the alert reader to dread the calamities which flow from arrogance, imprudence and gross miscalculation.

In addition, it can be argued that these papers are valuable in large part precisely because there is *not* much in them really new. Would it not raise even more serious questions about our regime than are usually raised if vital considerations in the making of public policy should not be, in the normal course of things, available in due time to public inspection? Thus, there should be something reassuring about the oppressive familiarity of the Pentagon Papers.

But there might be about this lack of revelation something disappointing as well: for the patriot might have hoped that his country's leaders did know something, and did think of something, which he was not aware of and which justified what seems to some to have been, in its essentials, a thoughtless campaign to which thousands of lives have been recklessly sacrificed. Thus, we are induced by the publication of this series to reconsider not only the war itself but also our very form of government. Perhaps even more important, reflection upon these papers permits us to notice certain things about the modern world which transcend both the Vietnam War and the United States.

"EXPERTS" AND POLITICIANS

The cast of public officials in the story told in the Pentagon Papers is made up of intelligent, conscientious, hardworking men. There is about them a devotion to duty and to the national interest which is worthy of commendation. They are men who could honestly say, as did the Joint Chiefs of Staff in a memorandum of October 14, 1966, "Certainly, no one—American or foreigner—except those who are determined not to be convinced, can doubt the sincerity, the generosity, the altruism of U.S. actions and objectives [in Vietnam]" (p. 552). The experts who advised the President—civilian and military experts alike—considered their country, to say nothing of freedom and dignity in the modern world, to be threatened by a barbaric, armed and ruthless creed; they were determined to do what they could to protect humanity both from piecemeal enslavement and from the nuclear holocaust which the prospect of eventual complete enslavement might precipitate.

Much has been made by newspaper commentators upon the Pentagon Papers of the deception of the American public practiced by the Executive during the election campaign of 1964. But it is far from clear to me, upon reading carefully through everything which appeared in the *Times* and through much of what appeared elsewhere, that it *was* certain during the summer and fall of 1964 that the President had definitely decided to raise significantly the American stake in the Vietnam War. I get, instead, the impression of a President who was putting off as long as he could the decision being urged upon him by his principal advisors. But there *was* the appearance of deception; thus, it can now be taken for granted, as it was last year in a House of Commons debate, that the American government demonstrated a "shameless" lack of candor at the outset of the Vietnam war. (*Economist*, July 31, 1971, p. 11.)

Not too much, it seems to me, should be made of contingency planning, that sort of thing must go on all the time. Thus, we can read in the Pentagon Papers of many contingency plans which were never used, including plans which forsaw recourse to nuclear weapons. Such plans must often be, in the nature of things, rather fanciful. One might even say that public servants would be derelict in their duty if they did not plan for all kinds of contingencies, some of them highly unlikely and even bizarre. They would also be derelict, of course, if they did not do what they could to make certain that most of the contingencies anticipated never materialized.

The impression of deliberate deception in 1964 is no doubt intensified in this instance because of the character of the President, a man who liked to play his cards close to his chest and, indeed, preferred not to have to play them until the last possible moment, if at all. The serious problem was not precisely that of deception but rather of the failure of the administration to honor the explicit and repeated assurances it gave us during the 1964 campaign: so far as we knew then, and so far as any document revealed since shows, the circumstances at the time of escalation in early 1965 were essentially those anticipated during the period when the reassuring campaign promises were made to the electorate. There is no indication in the documents, however, that anyone stood firmly in presidential councils for what had been promised to and ratified by the American people. It is sad to realize that the officials who made so much of their toughness, in their memoranda to one another, did not have the courage of our conviction and of the President's pledges.

Still another defense can be made against the much publicized charge of deception. However much our officials might have wanted to deceive us, they faced one difficulty which made deception virtually impossible for them to carry off, whether in 1964 or subsequently. Deception, strictly speaking, implies that the deceiver really knows, at least up to a point, what he is doing. But it is far from clear that these officials ever did know what they were really doing. And, even more serious, they did not seem aware that they did not know. (See Plato, *Republic*, 350, 414–415, 516.)

Of course, the official experts believed they knew all kinds of things. They knew, for instance, how the "dominoes" would fall if South Vietnam came under Communist domination. Their accounts of what could be expected to happen were graphic. When they got all wound up, in memoranda to one another, they saw, following upon the loss of Vietnam, the subversion of all of Asia and even Africa, with Europe and North America imperilled as well. At least, that was how their accounts ran in the early years. Later, after repeated setbacks suggested the prospect of their failure in Vietnam, they modified considerably these forebodings, some of them even going so far as to concede that it would have been better for the United States never to have gotten involved at all. (Cf. Harold W. Rood, "Distant Rampart," *U.S. Naval Institute Proceedings*, March 1967.)

Thus, the experts' speculations were both excessive and flexible, tailored somewhat to their prospects and to the mood of their superiors. Their main defect may have been their insistence that they "knew" things they could not have known. Indeed, one is obliged by their performance to wonder what expertise means in these matters. One sees again and again in the operational documents shoddy argument and an inadequate grasp of fact. The officials who liked to believe they ran the war were obliged on various occasions to dismiss the consistently accurate forebodings of those intelligence agencies which had been reformed because of the Bay of Pigs debacle. It was almost as if these officials were determined to have themselves a war to be remembered by. Their self-righteous confidence should warn their critic against similar failings of his own.

One wonders again and again upon reading through the operational documents, what did our public officials and their experts consider "the enemy" to be like? They had some general notions about global communism, perhaps even some notions about the Russians and the Chinese in particular. But their understanding of the Vietnamese, whether north or south, was primitive. The character of the enemy was, for practical purposes, irrelevant. It seems to have been thought that all that was needed for the United States to get its way in Vietnam was more and more military power. In short, were not American planners essentially materialistic? They did not, in considering how to oppose this manifestation of worldly Communism, take sufficient account of things of the spirit. It was only late in the war that we, having been forced to become aware of our miscalculations, began to think seriously about what the Vietnamese were like. The occasional fiery self-immolation of Vietnamese monks should have made us wonder from the beginning whether we understood that people.

Not only did our public officials not know their enemy, neither did they know their own experts. For instance, they should have realized, much earlier than they did, that their military subordinates could never get enough of what they asked for. Failure in campaigns was repeatedly explained away as due to the lack of this or that: something more could have been, even should have been, done. When much more had been expended in the war than anyone ever had dared at its inception to suggest might be necessary, there did remain the legitimate question whether it had been expended efficiently. (See Stefan T. Possony's critique of how the war was conducted by the United States. *National Review*, Aug. 24, 1971, pp. 916–917.) It would always be conveniently forgotten what expectations had been conjured up for each phase of the escalation, expectations which took adequate account of neither Vietnamese resiliency nor the scruples of the American public. Also forgotten would be the concerns there had had to be about the open intervention of the Chinese if we went too far or too quickly.

But, it should be emphasized, our failings in Vietnam were not military but rather political. Civilian officials misled their military subordinates in the most decisive respect: they deprived the military of the guidance and discipline provided by firm, realistic political principles. (See *Congressional Record*, vol. 117, pt. 16, p. 20709.) That is, the military were working in a political vacuum—and so they were reduced simply to prescribing "more of the same." How else but as a "political vacuum" should one characterize our overriding desire, confirmed again and again in the Pentagon Papers, to preserve American prestige and to avoid humiliation? The national test became primarily whether the United States government could bend others (allies, enemy and its own public) to its will.

By 1966, we were reduced to insisting, in effect, that we would not be driven from a place where we did not really want to be anyway. It was as if Odysseus had insisted upon attempting to fortify himself in the Cyclops' cave.

PRAGMATISM AND MORALITY

Even more striking for the reader of the Penatgon Papers than confirmation of the realization that our public officials did not know what they were doing are the many indications that conventional ethical considerations were, for practical purposes, considered irrelevant.

Officials simply took it for granted that they were the only ones intellectually and emotionally equipped to decide anything, not merely that they were the ones constitutionally empowered and obliged to decide for the community. It was also taken for granted by them that what was really happening, and what was planned, did not need to be shared with the American people and in Congress. Public opinion, whether in the United States or abroad, did have to be reckoned with, but merely as something to be lulled, circumvented or reshaped. Only the men behind the scenes knew what was "really" going on. Even more important, only what went on behind the scenes mattered. Everything out in front was merely for show (for the "audiences" referred to again and again in the memoranda), not to be taken seriously by men who know what power is and how to get and to use it. One need not say that they *wanted* to deceive the American public; rather, they seemed to believe that the public could not be counted upon to understand such matters even enough to be truly deceived. But they did recognize that political power in this country still depends ultimately on public opinion and they conducted themselves accordingly.

Thus, public opinion was "respected"—in the way that weary parents move quietly through a house so as not to wake the troublesome infant who has finally fallen to sleep. World opinion was considered hopeless from the beginning; but even the babied American opinion threatened from time to time to become bothersome. What is wrong with any public opinion, it was evidently assumed by our public officials, is that it is far too likely to be permeated and hence softened by morality than is the opinion of experts. Thus, they could disparage "the breast-beating in Europe or at home" (p. 587); they insisted that, just as other countries acted in their self-interest, so should the United States, instead of "conduct[ing] all its affairs on the basis of a world popularity contest" (pp. 369–370).

I do not recall a single passage in the operational memoranda reprinted in the press from the Pentagon Papers in which officials expressed explicitly any concern about the morality of what they were doing. No doubt some of them *were* troubled, but they evidently did not consider it relevant or manly to show such concern in their day to day exchanges. They could sympathize with the "agony" of their colleagues, but it was agony not at being obliged to kill thousands of innocent people but rather at being kept in suspense as to whether they *could* go ahead and bomb their favorite targets (p. 478). They could tell one another that they wanted the United States "to emerge from [the Vietnam] crisis without unacceptable taint from [the] methods used" (p. 432). But the concern was about the "taint," not about the character of the methods. That is, it is again and again evident that they were far more concerned with the appearance of and reputation for morality than with morality itself. The nearest thing to an explicit statement of moral principle, as something to be directly acted upon, may have been the concern expressed by General Paul D. Harkins in 1963 about the impending betrayal by the United States of President Ngo Dinh Diem, a betrayal capped by the shameless hypocrisy exhibited in the final telephone conversation between our ambassador and the doomed South Vietnamese president (pp. 221, 232).

All this is not to say that there are not in the documents a number of indications of moral concern—*but they almost always appear implicitly as the problem of public opinion*. It seemed to be assumed by officials, when manipulating public opinion, "It is *their* morality, not ours!" Insofar as there was for them any ethical imperative, it was transformed into "loyalty" (and, ultimately, loyalty to the man who happened to be President of the United States). When high government officials became disenchanted, they might surrender their offices, but without any explanation to the public of what had happened to them or of what they had learned, thereby leaving it to lower echelon officials to expose what was going on by running the risk of illegally leaking documents to the press. Indeed, the disenchanted may not have been able to tell even themselves what had happened to them: that is, they may never have realized what was really troubling them, but they could have at least tried to make public their concerns.

Consider, for example, the memorandum opposing a proposed escalation of the bombing of North Vietnam which was prepared by the Secretary of Defense for the President in May 1967 (p. 580):

The primary costs of course are U.S. lives: The air campaign against heavily defended areas costs us one pilot in every 40 sorties. In addition, an important but hard-to-measure cost is domestic and world opinion: There may be a limit beyond which many Americans and much of the world will not permit the United States to go. The picture of the world's greatest superpower killing or seriously injuring 1,000 noncombatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed, is not a pretty one. It could conceivably produce a costly distortion in the American national consciousness and in the world image of the United States—especially if the damage to North Vietnam is complete enough to be "successful."

The most important risk, however, is the likely Soviet, Chinese and North Vietnamese reaction to intensified US air attacks, harbor-mining, and ground actions against North Vietnam.

It seems that the troubled author of this memorandum or his intended reader, or perhaps both, had become insensitive by this time to straightforward ethical discourse. The emphasis is still upon the "picture" and the "image." The effect on world opinion is a "hard-to-measure cost" (the known, and it would seem real, costs are American lives). Nothing is said explicitly of that which makes the picture "not a pretty one" or of that which might adversely affect world opinion. Nothing is said explicitly, that is, of ethical standards which do not depend, ultimately, on what others can be induced to believe about us. Thus, nothing is said of the problem of using as callously as we have for a decade another people (in both the south and north of Vietnam) to protect ourselves from dangers we anticipate years from now (p. 434). Indeed, it was insisted upon again and again that the Vietnamese should be prevented by their American benefactors from attempting among themselves to resolve their differences by any negotiations or coalitions. (See e.g., pp. 244, 310, 324–25, 584.)

One must wonder whether the fear both of China and Russia and of world opinion saved us from even worse misdeeds than we were guilty of in Vietnam just as the existence of our tremendous power as well as of world opinion kept the Russians from behaving even worse than they did the past quarter century. However that may be, we have become to a distressing extent like the enemies we would "contain"; indeed, "containment" has become literally that, in that we have all too often incorporated into ourselves the worst of them. It is difficult to think of anything Americans disapprove of in the enemy in Vietnam which we have not been guilty of as well, sometimes to a greater, sometimes to a lesser extent. It is ironic, therefore, that our 1965 escalation was heralded by an emphasis upon "the simple fact that at this stage of history we are the greatest power in the world—if we behave like it" (p. 422). What, one might ask, does "behave" mean?

When we notice that world opinion was with respect to Vietnam a more reliable guide to proper action than calculations of our self-interest, we should not do so without noticing as well the limitations of world (or, indeed, any public) opinion. These limitations are particularly acute with respect to the conduct of foreign policy. There *are* legitimate concerns of a community which the generality of mankind cannot be depended upon to appreciate, there are fine points of global politics and of diplomacy which only the disciplined and experienced mind can understand. Thoughtful men have always known that most people are not likely to be equipped to assess properly the foreign and military policy of a community. Serious men have long been aware of the difficulties posed for the conduct of foreign policy by the enthronement in democracies of public opinion.

One can concede such difficulties even as one recognizes that the United States would have been better served during the 1960s if a decent respect had been paid by us to the opinions of mankind. This continues to be true with respect to our callous bombings in Southeast Asia and our curious policy toward India, Pakistan and Bangladesh. (See, also, *Congressional Record*, vol. 117, pt. 36, p. 47905.)

It is evident throughout the Pentagon Papers that influential civilians in the government fancied themselves not only rough-minded but scientific as well. One expects, and even requires, roughness from generals. (Thus, an American general counseled in 1964 against the "danger of reasoning ourselves into inaction" p. 251.) The toughness in generals should be balanced, however, by the deliberative element in others. But "science" has taken the place of "deliberation," and with it the adoption of new terms which conceal old sins. Not only are deliberation and serious argument neglected; they are disparaged as merely "noise level" (p. 297), "public noise" (p. 424), and "heat" (p. 430).

With the depreciation of the deliberative element in man—the transformation of the rational into the merely calculating—there has come a depreciation of that serious morality which depends upon reason. Morality, as our Vietnam officials saw it, was something which the public was saddled with even crippled by; morality fetters one's ability to understand how things really work; it is something which reveals and insures a naive grasp of the affairs of this world. They themselves were liberated from such old-fashioned restraints. That is, they praised as "pragmatism" what would once have been recognized and hence condemned as "Machiavellianism."

It was Machiavelli himself who observed that the people in their naivete tend to be morality-minded in their concerns: while the nobles can be depended upon to want more and more, not caring how they get it, the people are content to be left with the little which is their own. Educated men recognized long before Machiavelli the limitations of public opinion to which I have referred; they considered it one of their duties to try to shape public opinion in a useful manner. But those men, in refusing to go along fully with the simple pieties and naive moralism of the public, did not consider themselves liberated from the demands of morality. Rather, they recognized themselves as best equipped and thereby obliged to serve and realize the very same ethical standards and aspirations which public opinion vaguely, fitfully (sometimes even erotically) but definitely pursues.

But what happens in an age when the teachings of Machiavelli have prevailed, when they have ensnared the more gifted men? (See, on those teachings, Leo Strauss, *Thoughts on Machiavelli*. Glencoe, Ill.: The Free Press, 1958.) The "educated" continue to recognize the limits, as well as the power, of public opinion (and hence public morality), but they themselves (unlike their predecessors) are not guided by anything really higher or finer. Instead, they become eminently cautious, if not even fearful, as they sacrifice principle and good judgment (to say nothing of the good itself) to the demands of ambition: Plato's Thrasymachus and then his Callicles become their models of sensible men. Thus, the educated modern is not likely to be moved by anything but a morality keyed to success and appearance. Indeed, he is apt to be persuaded that it is expected of him that he should keep even natural compassion well in check. If there is to be, in such circumstances, any significant ethical restraint upon the exercise of power by the more gifted men it has to come from the sentimental, even backward, public, at least until Machiavellian man can be shown what he does and does not know.

It is the success of Machiavellianism (with its persuation of bright men that they *should not* be concerned about conventional morality) which helps legitimate the modern constitutional elevation of freedom of speech and of the press in public life. For it is freedom of speech—which never had to have in ancient (that is, pre-Machiavellian) times the status it enjoys today—which can help the public become as informed as it is capable of becoming. It is freedom of speech (with all its risks and banalities) which makes it possible for the deepest moral sense of the community, however crudely it may be expressed at times, to make itself felt in the conduct of foreign affairs. It is also freedom of speech which permits and even obliges citizens in private life to speak on public affairs, those private citizens who are as informed and intelligent (and sometimes even as experienced) as the men who happen to be in high office. Thus, it is freedom of speech and public opinion which help make it possible for us to live humane lives in an age in which even the most respectable among the sophisticated and ambitious have been so taken by Machiavelli as to permit themselves to do terrible things with "a good conscience." (See Garry Wills, "Are all of us war criminals?", *Chicago Sun-Times*, Jan. 11, 1972.)

LESSONS AND PROSPECTS

When we are obliged to rely upon public opinion to keep the educated modern at least outwardly respectful of common morality, we should do so with the limitations of public opinion clearly in view. For such opinion *is* crude, susceptible to demagoguery and to transient passions and in constant need of informed guidance. Consider, for example, the passionate Mr. Ellsberg's perceptive observation, "One senator told me that the American public doesn't care about Vietnamese dying. I said that's because no President or senators have told them they ought to care." (*Chicago Sun-Times*, Aug 14, 1971.)

Two reform measures should, in our circumstances, be considered, one which would make public opinion as good as it can be (even while its limits are recognized), another which would do something about what passes for education today. That is, both public opinion and the wayward educated are badly in need of reform. (A third measure has to do with institutional checks and balances: thus, for instance, one faction among the educated should be countered by another. But one difficulty with checks and balances is the disturbing tendency we have of requiring partisan politics to "stop at the waterfront.")

The measure which looks to the reform of education is the more fundamental, for it affects not only the quality and character of our leaders but, indirectly, the calibre of public opinion as well. When we reflect upon for instance, that ethical considerations are what the civic education of our future leaders should include. It should be recognized, for instance, that ethical considerations are a vital part of any political judgment, just as sound political judgment is at the core of any serious military strategy. It should also be recognized that the enduring basis of American reputation (and of a proper sense of self-confidence) is not mere power, nor the willingness and ability to use that power efficiently, but rather the use of great power sensibly and hence humanely. That is, we should make an effort to rediscover what the ancients thought they knew about the nature of man and of the universe which kept them from taking the fateful step which Machiavelli took ushering in modernity and its righteous callousness.

The other reform measure I have mentioned addresses itself (in various forms) to making public opinion as good as it can reasonably be expected to be. A healthy community can be depended upon to retain a conventional moral sense—and that sense, when properly informed and guided, is not likely (except in special circumstances) to diverge outrageously or for long from what natural right prescribes or at least permits. (See Anastapio, "Natural Right and the American Lawyer," *Wisconsin Law Review* [Spring, 1965], "Law and Morality," *Wisconsin Law Review* [Winter, 1967].) A somewhat refined public opinion, but not "refined" in such a way as to suppress the moral sense of a people, may still be found in Congress, among the men and women there who have time and information and experience and sanctions which permit them to learn things that the public may not or perhaps should not learn at once. That is, Congress should be encouraged to insist, with its tax powers as the critical sanction, on its constitutional prerogatives with respect to the establishment and informed supervision of national policy. Furthermore, Congress should, in order to preserve its influence, discipline those of its members who so abuse their privileges as to place all congressional prerogatives under a cloud. A responsible Congress is certainly to be preferred to irresponsible journalism. Does not the former make the latter less likely?

The President's Vietnam advisors, it should be noticed, were far less likely than the public, Congress and the press normally are to succumb to demagoguery: that which kept them hardened to moral concerns tended to protect them against obvious demagoguery as well. On the other hand, people can learn, and Congress can confirm, from the Pentagon Papers how the Executive conducts our affairs: most important, perhaps, everyone can learn (both from the Papers and from the war) the limits of experts. (This, by the way, seems to be something that experienced politicians are likely to be aware of. It is not insignificant, I believe, that there was not among the President's immediate advisors on Vietnam anyone who had campaigned for and served in elective office. That is, the political touch was missing—and the political touch is, at its roots, ethical. Nor is it insignificant, I believe, that Lyndon Johnson was never able, on his own, to become a national politician: there was too much of Texas and the frontier in him, something which the Eastern intellectuals who served as his advisors exploited in pushing him to go further than his common sense may have wanted him to go. One may even detect here the inception of the kind of resentment of intellectuals by politicians which the late Senator Joseph McCarthy exploited.)

We have seen in the Vietnam war, and this the Pentagon Papers point up, that various key assumptions of the Cold War have to be reconsidered if the public is not to be led astray again. Thus, we find ourselves again and again relying upon the sense of restraint of the Russians and even of the Chinese. In a way, this practical reassessment, if not repudiation, of the Cold War has been gotten relatively cheaply. That is, things could have been even worse than they were the past decade. Indeed, we can expect our next international involvement to be far more serious than Vietnam has been, if only because the more belligerent among us will be inclined to argue (unless they can be set straight beforehand) that our principal difficulty in Vietnam was that we did not strike at the foreign source of our enemy's power from the outset.

We have also seen as a result of the Vietname war that a people cannot continue to subscribe indefinitely to the errors we have cherished without being seriously hurt from time to time. There is, perhaps, some reassurance and hope in this: it is good to be reminded that there is (as General Grant indicated) a natural order of things which one ignores or transgresses at one's peril. These errors have been partly responsible for the illusions and passions which have been permitted to build up and survive and which move the extremists among us. A concern about such extremists may have interfered with the development by the Johnson administration of a sensible foreign policy: concern was expressed on several occasions about what the effect would be at home if the administration backed down in or even got out of Vietnam. Memories of the domestic debacle which followed upon the "loss" of China twenty years before were still vivid. Thus, the Cold Warriors, even when they personally came to see that the national interest called for withdrawal from Vietnam, were obliged to cater to the continued belief by a significant minority of their constituents in the myths which had been gospel for a generation. And in the process they inadvertently succeeded in misleading other constituents of theirs into believing that various truths upon which American foreign policy has relied for a generation are in fact outmoded myths. (See *Congressional Record*, vol. 117, pt. 21, p. 28130.)

Perhaps there have been provided, by the experience in Vietnam, an incentive and an opportunity to refurbish the dogmas we have lived with since the Second World War, dogmas which (whatever their usefulness at one time) have come to paralyze rather than to sustain and to guide us. Consider, for example, the significance of John F. Kennedy's supposed intention to withdraw from Vietnam in 1965. That is, we have been given to understand, Mr. Kennedy did not dare withdraw before the election and Mr. Johnson did not dare escalate until after it. Can each be understood to have catered to different impassioned elements in the country? Such a state of affairs conceals deadly perils and requires correction.

Because of our experience in Vietnam, we have been obliged to recognize the limits of even a superpower's power. The irresponsible gamble we seemed to take and win during the Cuban missile crisis, in response to that of the Russians, threatened to mislead us about what we could and should do. Did *that* gamble lead to an accelerated modernization of the Russian navy as well as to the consequent weakening of our ability to provide the gallant Israelis the assurances they are in need of? Perhaps we have come to a better idea of what China is and is not, having been obliged to "rely" upon her close up. (It would be useful to study the many tacit agreements entered into between the Americans and the Chinese during the Vietnam war.) Perhaps, also, the Chinese have come to a better idea of what we are not. That is, perhaps the "confrontation" in Vietnam has made possible something of a rapprochement between the two countries. We should have now a better idea as well of how our own people behave in such circumstances, of what can be expected of them and of what should be guarded against, what we are capable of and what we are not and indeed should not be capable of.

Even more serious a problem than the Cold War and its dogmas is the problem of the language by which we live, a problem which antedated the coming of the Cold War and which is intimately related to the difficulty of engaging in serious discourse today. I have already noticed, in the language employed in the Pentagon Papers, the absence of explicit ethical concern. This deficiency is accentuated, if not even made possible, by the mechanical descriptions and awful jargon that our public officials used day in and day out to explain to (or perhaps to conceal from?) one another what they were trying to do. It is as if everything could be reduced to formulate and slide rules and tables, emptied of tradition and human content, and then simply manipulated. All this contributes, along with simple moral obtuseness, to the depressing effect of reading these memoranda, the same kind of effect the sensitive reader should get from exposure to rank obscenity, a saddening of the spirit at the sight of the corruption and exploitation of something good. (See my essay, "Obscenity and Common Sense: Toward a Definition of 'Community' and 'Individuality'," to be published by Swallow Press in the Spring of 1972 as a part of Robert E. Meagher's collection, *Toothing Stones: Rethinking the Political*.)

Has there ever been a time when men in high office in this country wrote such godforsaken prose as these men put to paper? (The memoirs of General Grant do provide a refreshing antidote.) The very least a President should require of his subordinates are memoranda which employ complete sentences and real words. To be caught up with jargon suggests that one has no mind of one's own, that one likes to be fashionable, that one has no serious respect for language. The debasement of language contributes to the impairment of thought, which contributes in turn to the weakening of moral judgment. (See Richard M. Weaver, *Ideas Have Consequences* [Chicago: University of Chicago Press, 1948].) A cable from Harold Wilson provides a welcome interlude among the Pentagon Paper documents (pp. 448–49). (It is evident, in his carefully worded message to a President desperate for reassurance from allies in Europe, that Mr. Wilson considered our Vietnam involvement quite dubious indeed.) There was, even in so devious a politician as that British prime minister, a sense of grace of language which the toughminded men close to the President were professionally incapable of.

The language of the Pentagon Papers suggests, perhaps more than anything else about them, the facile shallowness of the intelligent men upon whom the President relied. I return, with this observation, to what should be at the root of our concerns, the problem of the education of Americans. The educated man—the man who has some idea about what the world is like and about the limits not only of man's knowledge of the world but even more of man's ability to control it and himself—*is* open to the age-old case for moderation and for self-restraint. That is one reason why the truly educated man tends to be conservative and pacific. (See Joseph Cropsey, "Radicalism and Its Roots," *Public Policy* [Spring 1970].)

There is no substitute for a civic education which fosters understanding of and hence respect for all the virtues, particularly those of prudence and justice. (See Laurence Berns, "Aristotle's *Poetics*," in the collection of essayists, *Ancients and Moderns* [New York: Basic Books, 1964]. See, in the same collection, my essay on Plato's *Apology*.) It is only prudent to insist, not merely because fashions in "villains" change, that the intellectuals who have been high in the councils of a discredited president should not be denied, upon their return to private life, posts in the better universities. Much can be learned if serious students should be exposed to them. In addition, they themselves can learn from having to try to teach to the skeptical young what they believe themselves to know.

PREVIEW OF COMING ATTRACTIONS

To talk of serious reform in education is to talk of "the long run." It is not prudent to consider, along with the possible benefits of the publication of the Pentagon Papers, the immediate adverse effects of such publication upon "the security of the United States"? One should consider, among other things, the purposes, effects and abuses of our system of classifying documents as well as the centuries-old Anglo-American press tradition of "no prior restraint."

Both the risks and the safeguards of a regime such as ours, for which a free press is vital, remain to be considered, as do the implications of "no prior restraint." Thus, I propose to discuss in the second part of this essay the prudent "ways out" available to both citizen and government in circumstances such as those attending the preparation and publication of the Pentagon Papers.

PART II

I discussed in the previous issue of this publication what may be learned from the Pentagon Papers about the way our government conducts our affairs and about how our public servants conceive of our limitations—and hence of their duties. The chairman of the Senate Foreign Relations Committee has recently observed that the preparation, disclosure and publication of the Pentagon Papers "are unprecedented in the history of our country."

"Also unprecedented," he added, in a comment reflecting the passions aroused among us by the war in Vietnam, "is the extent to which the executive branch misled both Congress and the public." (Were not the deceptions of the Woodrow Wilson and Franklin Roosevelt administrations even more extensive and far more serious?)

Now we turn to what may be learned from the unprecedented litigation attending the publication, in June, 1971, of the Pentagon Papers. In doing so, we should keep in mind an editorial observation made in 1851 by the eminently respectable *Times* (of London):

"The first duty of the press is to obtain the earliest and most correct intelligence of the events of the time and instantly, by disclosing them, to make them the common property of the nation. The statesman collects his information secretly and by secret means. He keeps back even the current intelligence of the day with ludicrous precautions. But the press lives by disclosures."

Echoes of the English editor's sentiments may be detected in a statement made on June 19, 1971, by a *Washington Post* editor. He said that a desire to demonstrate to the Justice Department that silencing the *New York Times* would not "kill the story" was one of the reasons why the *Post* decided to publish what *it* could from the Pentagon Papers archives.

The publication of the Pentagon Papers raised, among other constitutional questions, that of whether the government of the United States may impose a "prior restraint" upon the press. That is, should the government (either through the courts or otherwise) be able in the normal course of events to prevent newspapers from publishing materials in their possession, the revelation of which the government sincerely believes to be harmful to the national interest? This question was addressed, and in part dealt with, in the litigation which quickly found its way up to the Supreme Court in June, 1971, when the government attempted to stop first the *New York Times* and then the *Washington Post* from publishing "top secret" materials from the Pentagon Papers.

The strength of the American tradition against "prior restraints" is reflected in the open defiance by even so law-abiding a newspaper as the *Chicago Tribune* of the massive efforts of the government to stop publication of the Pentagon Papers. Thus, the *Tribune* observed in an editorial of June 25, 1971:

"We want to play it square with our readers and explain why we have not printed something exclusive about the background of the war in Vietnam that would get us enjoined by a federal court.

"The primary reason, we must confess, is that no disaffected, ex-government employe has handed us copies of the top secret purloined Pentagon Papers.

"We tried to get copies of the Pentagon Papers last week after the courts shut off the stories in the *New York Times* and the *Washington Post*. We dropped the word in places where we thought it might be picked up by disaffected former Pentagon and State Department officials.

"As indicated, we probably would have accepted the handout ourselves, because we believe that much of the material which has been printed should be made known to the American public. This was the reason why last Sunday we devoted most of our Perspective section to a summary of the material printed in the first three chapters of the *New York Times* story. . . ."

On July 1, 1971, the morning after the Supreme Court announced its decision in the *Times* and *Post* case, a *Chicago Tribune* editorial included these judgments (despite the dissenting opinions of those members of the Court which the *Tribune* is usually most sympathetic with):

"The Supreme Court has probably reached the most sensible conclusion it could reach under the circumstances—namely that the so-called Pentagon Papers do not contain material which would so jeopardize the national security as to justify prior restraint by the government against their publication.

"If the decision is a rebuke to anyone, it is to the succession of bureaucrats who have undermined the security system by overclassifying documents, often only to protect their reputations, and by failing to declassify them or lower their classification when this should have been done. . . .

"The court ruled for a free press."

In this article I consider the effect upon the United States of the security breaches seen in the Pentagon Papers revelations, and what the government may do (particularly by recourse to the courts) to prevent or to repair such breaches in security. But it is important to emphasize that my inquiry is not primarily into the question of what the government may conceal from the public, but rather of what should happen when the press does get something the government has (perhaps even legitimately) tried to conceal from public view.

It was agreed by most of the judges involved in the Pentagon Papers litigation, and evidently by all the lawyers representing the two newspapers, that the prior restraint sought by the government may be in some circumstances legitimate. It was for them "a question of fact" whether irreparable harm to the United States would be done on "this occasion" if the intended public should be permitted. I analyze the situation, accepting for much of this article their assumption that the constitutional prohibition upon prior restraints is not absolute.

Even so, an examination of the facts of such cases has led me to the unorthodox conclusion that the prohibition on "prior restraints" among us is and should be for all practical purposes absolute. (A useful discussion of the Pentagon Papers opinions of the justices of the Supreme Court, written from the orthodox point of view, may be found in the informed article by Harry Kalven, Jr. in Volume 85 of the *Harvard Law Review*. See, for the jurisprudential, or rather the rhetorical, underpinnings of the orthodox position, the article on "legal reasoning" by Edward H. Levi in Volume 15 of the *University of Chicago Law Review*.)

My principal argument (which is developed below) can be summed up in this manner: The seeming availability to the government of the remedy of prior restraint does not provide (in ordinary constitutional circumstances) serious protection for the United States, but only an illusion of protection, which illusion can have several bad side effects. One bad side effect is that it provides an opening for unscrupulous exercises of government power in more repressive times. Another bad side effect is that it immediately encourages more reckless publication than we should like. Thus, for example, the press is encouraged (under the orthodox view) to try to "beat the government to the punch." If, on the other hand, it should be generally recognized that there is (in ordinary constitutional circumstances) no possibility of prior restraint, a publisher is aware that he cannot be kept from publishing if he should consult the government about the national security consequences of what he intends to publish from secret documents in his possession. (Even the way the *New York Times* released its Pentagon Papers, by recourse to serial publication, did give the government an opportunity to reason with the *Times* while the series was in process of being published.)

A realistic view of the effect of an acknowledged absolute prohibition of prior restraints should promote (although, of course, it cannot guarantee) a responsible approach to the use of sensitive information by properly instructed and conscientious editors.

If a prior restraint *seems* to be available in the courts on any ground, the governments will eventually be tempted to believe it can do better than it did in June, 1971. As the law is presently understood, the government can usually get a temporary restraining order if it makes a serious effort to do so. And—human nature being what it is—governments will from time to time consider doing so, in the expectation that *they* can organize better the required allegations and evidence in *their* effort to make the temporary injunction permanent. Thus, both government officials and newspaper publishers are likely to conduct themselves differently from the way they would if they were not affected respectively by such expectations and fears.

In the event the government happens to learn of an impending publication of catastropic proportions (the extreme case which is sometimes conjured up in discussions of these matters), there are provided in our constitutional system (as we shall see) extraordinary measures which can be employed (independent of judicial injunctions) to forestall such publication. (Various kinds of persuasion, to say nothing of less police measures, may also be available.) In less than catastrophic circumstances, on the other hand, the government has available (as we shall also see) many mundane measures to discourage the misuse of sensitive information.

The fundamental question raised by the entire Pentagon Papers controversy bears upon the character of the constitution under which we live. The underlying and perennial problem about the relation between a concern for a sometimes useful secrecy and a desire for democratic rule may be discerned in what Plutarch reports of an episode in Athens during the lifetime of Aristides the Just:

"Themistocles once declared to the people of Athens that he had devised a certain measure which could not be revealed to them in public, but which was most important for the advantage and security of the city. They ordered that Aristides alone should hear what it was [that Themistocles proposed] and pass judgment on it. So Themistocles told Aristides that his purpose was to burn the naval station of the Greek confederates [of Athens], for in this way the Athenians would be greatest, and lords of all. Then Aristides came before the people and said of the deed which Themistocles purposed to do, that none other could be more advantageous and none more unjust. The Athenians, hearing this, gave Themistocles order to desist; such was the love of justice felt by the people [at that time], and such the credit and confidence they reposed in Aristides."

Can responsible members of Congress and publishers of newspapers be brought to appreciate and respect their Aristidean opportunities and duties? Is not this our most prudent "way out" as a people, to be able to discern and to trust the Aristides among us on those occasions when we should not insist upon knowing all that could be known about whatever is proposed by the government to be done on our behalf and in our name? But to *be* able to defer to an Aristides, do we not need as well a Themistoclean government, one which deals with us in good faith by alerting the public and its Congress when something truly questionable is being considered?

However that may be, it was fortunate for American constitutionalism that the dramatic struggle in 1971 between the government and the press found the contenders obliged to acknowledge and to respect each other's patriotism. It was fortunate, that is, that the issues I discuss below did not first reach the courts in, say, the 1950s, with hypothetically, the Communist *Daily Worker* preparing (on the basis of classified documents in *its* possession) to expose for public examination "the inside story" of General MacArthur's disastrous advance to the Yalu River and his subsequent insubordination. We might then have had really dangerous precedents of repression of the press to reckon with for generations to come.

It is partly to head off such dangerous precedents, as well as to guard against self-defeating reliance upon illusory protection, that it seems to me prudent for us to insist upon the absolute prohibition, "no prior restraints." (Constitutional government and the rule of law mean that there are often good reasons why one can be put in jail *for* doing something which one cannot be legally stopped *from* doing. Of course, the prospect of such jailing should have a restraining effect in ordinary circumstances.)

Whatever may be done to an offending publisher and his informant *after* publication, we as a community at least retain for our consideration the information they run the risk of providing us. We can then consider as well whether they were right or wrong, gallant or foolish, just or unjust in having dared to run for us the risk they did.

NEW ORTHODOXY AND OLD

Had there been more than was truly new than there was in the Pentagon Papers, the adverse effect of publication upon security might have been more of a problem for the courts than it was. But it would be rash to insist that no possible harm has resulted from the massive publication we have seen. The *Times* did insist in its editorials that it would not have made its decision to publish "if there had been any reason to believe that publication would have endangered the life of a single American soldier or in any way threatened the security of our country or the peace of the world." I do not believe that this is a prudent test: any course of action (ranging from rigorous censorship to uninhibited publication) runs risks and endangers lives. What must be determined is which course is most likely, in our circumstances, to serve the common good: a "body count" does not suffice.

It should be noted that the government was obliged to concede during the Pentagon Papers litigation that it is, strictly speaking, irrelevant to consider as a cause of harm, and hence as a basis for suppression by injunction, the fact that the documents in question might have been stolen. Indeed, American newspapers frequently publish, and are even expected to publish, purloined papers.

It should also be noted that the government was also obliged to concede during the litigation that the fact that a document has been designated a state secret does not settle the question of whether publication of it may be enjoined, not even if the designation seems to be both authorized and reasonable. Atfer all, our form of government is such that the press is obviously left free, in ordinary constitutional circumstances, to publish materials which may indeed (and all too often do) harm the national interest. Yet the government's case and the concessions made by the newspapers would tend to permit Congress to provide for suppression by injunction of *any* publication which is likely to cause some serious damage to the country. The orthodox opinion, with respect to these matters, does not seem to me to realize that it permits, *in principle*, press censorship in the national interest, irrespective of whether the materials involved happen to have been classified.

We see here the fundamental questions under the First Amendment touched upon by this litigation, questions which should indicate why the orthodox opinion against "absolutes" (and in favor of selective prior restraint by injunction) conceals genuine dangers to our form of government. (I am reminded, by this orthodox opinion, of the damage done to "freedom of speech [and] of the press" since 1919 by the "clear and present danger" test.)

That is, it seems to me constitutionally improper for the government, in an effort to suppress by injunction the intended publication of secret documents, to rely upon any standards or reasons which would justify, as well, the suppression of publications based not on secret or classified materials but on what someone may figure out from unclassified material to be happening in the United States or abroad. The latter publications, without reliance on any classified materials, may be in a particular instance much more damaging to the national interest than the former. But would not "everyone" agree that analytical publications, not based on classified materials, should be beyond the reach of the law? Still, if the test is that agreed to by the government and the newspapers in the Pentagon Papers litigation, why should not Congress be able to act against such publications, even though they are not based on classified materials? This is one reason I suggest the orthodox opinion with respect to these matters does not appreciate what it opens the door to.

What, then, one might ask, *is* the purpose of classifying documents if newspapers cannot be prevented by injunction (at the option of the government) from publishing whatever may come into their possession? Classification is justified with a view to how the government tries to control the information it considers important to the national interest to keep secret, not with a view to what the government may do to recapture information it has lost control of. For if the government is permitted to recapture or immobilize by injunction information it has lost control of, it can only do so on the basis of legal principles and standards which would undermine and endanger that freedom of the press upon which our form of government so much depends to keep the sovereign public informed.

Thus, I am obliged to argue on this occasion—despite the insistence of the currently orthodox opinion on this subject—that the government can have no authority, in ordinary constitutional circumstances, to secure even in the national interest a prior restraint upon publication of any materials (classified or unclassified) which happen to be in the possession of the press. This argument seems to me not only to be doctrinally sound (echoing as it does the genuine orthodoxy of Milton's *Aeropagitica*) but also to be in accord with contemporary journalistic practices. (See Anastaplo, "Due Process of Law," *University of Detroit Law Review* [Dec., 1964].)

SECURITY AND WISDOM

We need not assume, in making these preliminary observations about the legal merits of the Pentagon Papers case, that American journalistic practices today are necessarily the best way of ordering things. Any realistic effort to justify suppression must take these practices, as well as the character of our form of government, into account. Lest too much be made of the harm that may be caused by publication of classified material—is it not obvious that harm can result from such publication, as well as from the publication of unclassified material?—it should be kept in mind that leaks of classified documents and of high level military decisions were expected and experienced throughout the Vietnam War. Indeed, such leaks were even promoted and exploited by our government (including high officials in the Pentagon), for political as well as for military (including propaganda) purposes.

There have been, it should be remembered, more important revelations about the conduct of the war published in newspapers in recent years than anything exposed in the Pentagon Papers, revelations which did not have their news value dramatized by massive publication or by the Attorney General's efforts. (Something should be said, in passing, about the usefulness of having potential enemies know a good deal about each others' capabilities, intentions and modes of solving problems. Ours has become a world in which surprise and the erratic should be minimized, lest things get completely—and permanently—out of hand.)

There was probably little in the Pentagon Papers that the Viet Cong and the North Vietnamese did not already know. Indeed, it is evident in these papers that all too often the primary "security" concern of our government was not to keep information (say, about air strikes or about offensives) away from the enemy (for the enemy had already experienced them and may sometimes have known of them in advance) but away from the American public, and even from Congress.

It seems to be common knowledge in Washington that many government documents (some experts have testified to as many as 95 percent of those which are restricted) should not be classified. It seems that the use of the "secret" classification is often exploited either to prevent political embarrassment or to make a document or the official classifying it seem worthy of serious attention. Is it not obvious that the best way to improve security, and to enlist the necessary cooperation of publishers in such an effort (for government employees will, for good as well as for bad motives, supply publishers classified documents from time to time), is to scrupulously reserve the "secret" classification for appropriate documents?

It is also said—to continue this review of arguments about the possible adverse effects on security as a result of the publication of the Pentagon Papers—that the prospect of more such revelations inhibits our private discussions with foreign governments. Once again, one has to examine cases and our circumstances. Curiously enough, it is suggested by the Pentagon Papers that it was secrecy, rather than exposure, which often inhibited negotiations *on this occasion*. One sees again and again that our governments pretended in public during the course of the Vietnam War that it was open to negotiations even while it worked in private to prevent them.

However that may be, there is relatively little in the papers I have seen which reports conversations with any foreign government other than that of South Vietnam. Certainly, there is nothing so dramatic and so troublesome as the recent unilateral disclosures by our President of secret negotiations in Paris, disclosures which some of his critics are so uncharitable as to consider to have been dictated by domestic political concerns.

The lack of conversations with foreign governments in the published documents is, we are told, in part due to the fact that the supplier of the material to the newspapers retained four volumes of the Pentagon Papers archives dealing with negotiations. That is to say, *he* also evidently tried to take the interests of the United States into account, as did the publishers who drew upon the materials they did receive. This should point up the fact that improper publication should not be the primary concern of the government, but rather whether truly sensitive materials come, in the first instance, into the possession of someone inimical to the interests of the country. Such a possessor of sensitive materials is not likely to send them to American newspapers for publication, but rather to foreign governments; and this he is likely to do in secret, not giving our government an opportunity either to intervene before he acts or to apprehend him afterward.

I go one step further concerning our dealings hereafter with foreign governments. Has not the publication of the Pentagon Papers improved rather than damaged our standing abroad? That is, has it not helped the American people begin to repair the damage done by our government (because of Vietnam) to our standing, and hence our interests, among civilized people everywhere? Has there been any serious criticism of publication from communities with a form of government similar to ours? I suspect, instead, that many governments are relieved to learn that a country as powerful as ours has begun to pay greater respect than in recent years to what an informed world opinion thinks about how we use our power.

Critics of the press have said that publication of operational documents inhibits discussions among the President's advisers. One is *tempted* to reply, "Well and good, let's have more such inhibition. Let's have it understood that it *can* become known within a few years what considerations are taken into account in the making of public policy. Perhaps this will make our leaders take old-fashioned morality more seriously and 'realistic' power politics less seriously than they have heretofore." In any event, we simply cannot tolerate a dispensation under which public information about what goes on in government councils is limited (as would be the case with a tame press) to what the government chooses to disclose.

One would be more concerned about inhibiting discussion among presidential advisers if one saw that that discussion with respect to Vietnam had indeed been frank, full and varied rather than narrow-minded and at times even obsequious. The secrecy of the 1960s did not liberate presidential advisers to question the morality of the war, rather, it permitted the reliance by these advisers on arguments which could not bear the light of day.

Even Under Secretary of State George W. Ball, who (according to the Pentagon Papers) tried to argue against our Vietnam effort all along, seems to have moved within strictly defined limits. This unreconstructed Cold Warrior must have thought he could continue to get a hearing with the President only if he spoke primarily in terms of costs, never in terms of moral judgments. If he was a "dove," he was one with clipped wings. Neither he nor the CIA (which is revealed by the Pentagon Papers to have consistently expressed a skeptical view of our Vietnam policy from the Truman to the Nixon administrations) said outright, so far as we know, that the United States did not have the right to do in Vietnam and to the Vietnamese people what it was doing.

What, then, should the press *not* be "legally" entitled to print? Most orthodox students of this subject would agree that tactical information and decisions should be, if the government wishes, kept secret (with the use of injunctions) until the immediate *military* advantage of keeping them secret passes. But such a rule, even these students would say, should not apply to debates on national policy, and certainly not when there is no declared state of war. Should there not be a presumption *against* keeping secret either what the enemy already knows or discussions of the over-all purpose of what our government is doing?

There does remain the problem of morale, but suppression of publications with a view to morale (which recalls the eighteenth century offense of "seditious libel") presupposes there should be no substantial question open to the community about the purpose of what the government is doing and for which the maintenance of morale is needed. (It should be noticed that if the government may suppress with a view of morale, the government's powers would extend far beyond control of secret documents: even, for example, the listing of food or stock market prices in the press can affect morale adversely.)

Thus, our concern for security and for breaches in security always brings us back to the question of the kind of regime ours is and should be. What is the effect on the public, including on the competence and morality of our people and its Congress, if it does not have, and believe itself to have, a pretty good idea of what is going on? The President observed recently, in ordering new procedures to be used in classifying information, "Fundamental to our way of life is the belief that when information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies."

The more complicated our community becomes, the less is the kind of secrecy sought by our government with respect to Vietnam likely to be useful. Such secrecy is more apt to hurt us than is exposure apt to help any potential enemy. Thus even our current economic difficulties can be traced back to the unwillingness of the Johnson administration to tell Congress what it planned to do about the war. The refusal of the administration to face up publicly to what we were doing and what we were likely to do meant that our vast expenditures for Vietnam could not be financed properly. Such secrecy is also apt to hurt us when it raises fundamental doubts for a generation about the good faith of any government of the United States.

Still, it is realistic to recognize explicitly—even as we attempt to confine legitimate government secrecy to the narrowest possible extent—that any regime in which public opinion is critical does have serious limitations. It is no doubt better to be ruled by wise men than it is to be dependent upon what the public may happen to believe from time to time. Wise men can safely determine, for example, what it is salutary to reveal to the public. But, unfortunately, there are far fewer wise men among us than there are experts; and there are far fewer experts than there are men who believe themselves, or are believed by others, to be experts.

It must be recognized as well that it is rare when the genuinely wise man (who must be distinguished from the ideologue) is permitted to rule, even if he should be willing to do so. Indeed, it may be a mark of practical wisdom for us to recognize that we must settle for far less than the best possible regime. And, considering the dreadful alternatives we have been offered this century, constitutional government—especially when tempered by a sense of its own limitations, by a people's sense of natural justice, and by tradition—may be the best kind of government available in our time.

Justice Black, in his concurring opinion in the Pentagon Papers litigation, observed that "paramount among the responsibilities of a free press is the duty to prevent any part of the Government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell." There is about his "foreign fevers and foreign shot and shell" something archaic. It was appropriate, in the course of unprecedented litigation which touched upon questions about the very nature of our regime, that one of the oldest justices ever to sit on the Supreme Court of the United States should have, in his last official pronouncement, instinctively reached back, in language as well as in thought, to the very foundations of this republic.

COURTS AND PRECEDENTS

I believe it salutary that it be generally believed today that both the Supreme Court and the press have begun to redeem American honor and to restore the faith of Americans in their institutions, especially at a time when many have become resigned to mindless violence. It is important for our civic health that the United States diligently expose its own misdeeds and that it be generally understood that it is likely to do so.

Thus, it is important to notice that although the three dozen analysts who prepared the Pentagon Papers were selected by Department of Defense officials, they were nevertheless willing and able to *begin* a serious assessment of the mistakes of our government in Vietnam. It is also important to notice that the district court judge in New York, who ruled for the *New York Times* after hearing the government's case, had just been appointed to his post by the very administration bringing before him its unsuccessful suit for permanent injunctive relief.

One can see both in the press and in the courts, when drawn from and served by a high-minded bar, the institutionalization of a respect for reason and for ethical judgment in public affairs. On this occasion, the Supreme Court ratified, in effect, what the press had done. And it did so at a time when the public was prepared to be assured that its mounting ethical concerns about the war were in fact justified. I suspect that the fact that the Court did not forbid the *Times* and the *Post* to continue publishing may be far more important in this case than what the Court said in acting as it did.

What the Supreme Court did hold depended on two propositions: first, that there has always been a presumption in American constitutional law against any restraint upon a publisher prior to publication, except in the case of immediately impending irreparable harm to the security of the United States; second, that the government did not show on this occasion that there *was* "irreparable harm" threatening the country as a result of the intended publication of the Pentagon Papers.

It should be evident, in the light of the comments I have just made about the security aspects of this matter, why the government could not measure up to the "heavy burden of showing justification for the enforcement of such a restraint" as it had asked for. The sort of evidence which might have been persuasive to the Supreme Court, but which the government could not provide, would have described impending publication, in time of war, of information about troop movements, weapon development and strategic planning and perhaps impending publication of materials which would seriously interfere with negotiations vital to the very survival of the country.

The three justices who dissented in the Pentagon Papers case did *not* claim that the government *had* made the required showing but argued instead that the government should have been given a further opportunity to show what it could in the federal district courts. (In fact, the Supreme Court was, on certain fundamental issues, unanimous.) Complaints were registered in the dissenting opinions about the lack of sufficient time to make the kind of record needed for proper consideration of the issues.

There is something to the complaints of undue haste in June, 1971. Thus, it was pointed out in a dissenting opinion that the Times was pressing for an immediate disposition of the case, in the name of its readers' "right to know," when it itself had held back the documents and its story for months. On the other hand, is it relevant how long a publisher has been contemplating publication? When he moves, he is constitutionally entitled to be able to publish immediately, unless there is a clear legal prohibition.

But it should be said that if the government's argument (to the effect that injunctions may be secured to prevent "irreparable harm" to the country) is accepted to the extent it was accepted by the newspapers, then I do not see why the government should not have been given more time to make its case at the trial court level—even to change if necessary its original allegations and to introduce new evidence as it became more familiar with the voluminous record. In such circumstances, it is unrealistic to expect the everyday rules of civil procedure and of evidence to be scrupulously observed.

Even if there should be (as I have argued) an absolute prohibition upon prior restraints of the kind sought on this occasion in the courts, the government still has "a way out." In fact, it has several ways out, including the power (in the event of certain truly critical emergencies) of recourse to martial law or to the suspension of the writ of habeas corpus. Such emergency measures would permit, for example, effective control for the moment of any publisher regarded as likely to attempt to publish anything (classified or not classified) the government believes should not be published in the immediate circumstances. Thus, extraordinary remedies are available which permit our people and its government to set aside temporarily our traditional constitutional privileges and practices. But such remedies are of so obvious a magnitude that no sensible people will permit them to be invoked except in the most extraordinary circumstances.

Nor does an absolute prohibition upon prior restraints mean that the government cannot take, in circumstances far less than the most critical emergencies, vigorous measures to prevent newspapers from acquiring government documents which, once they have them, they cannot be prevented at law from publishing. Thus, to illustrate, the government can make it evident that it will (pursuant to legislation) discipline all who transmit documents they are not supposed to transmit; the government can from time to time discipline anyone responsible for such unauthorized transmission (without being obliged to show "irreparable harm"); the government can guard carefully the documents it is most concerned about; the government can be careful also about the people to whom it entrusts such documents; and the government can attempt to "persuade" newspapers not to publish certain documents which do happen to come into their possession.

Such persuasion (which can take various forms, some of which it may be better to leave veiled) depends, in part, on the government being able to show publishers that it is serious and know what it is doing; that its classification system is reasonable; and that it is dealing in good faith with both the press and the public. The most important measure available to a besieged government is, of course, to redress the long-standing grievances which (in a healthy community) usually lie at the heart of such open defiance of the government—and such repudiation of the Vietnam War—as we saw in the Pentagon Papers episode.

It should be evident, from what I have said about emergency measures properly available to the government, that the case I make in this article for an absolute prohibition upon prior restraints of the press (in ordinary constitutional circumstances) cannot rest simply upon a sentimental desire to see freedom "maximized." Rather, we are obliged to consider what *among us* promotes and serves human excellence, genuine freedom, and hence the common good.

ILLUSIONS AND ABSOLUTES

It can be argued that the *New York Times* did "freedom of the press" a disservice by not publishing in one issue, as it could have done, all it intended to publish from the Pentagon Papers, thereby preventing the Attorney General from even attempting to secure an injunction and from establishing certain dubious precedents. True, the Supreme Court ruled that the injunctions in this case could not be made permanent—but no majority of the Court said that they should never have been issued even on a temporary basis. I believe it would have been safer, as well as a sounder reading of the Constitution, if the Court had lifted the remaining restraining orders immediately upon reading the lower courts' opinions after each case had been filed on its docket.

Instead, it may seem to have been established by what the Court did (and did not do) that a temporary injunction may be properly secured merely upon an allegation by the government of grave danger to national security. In a sense, such a remedy can be said to have been always available for the government—for it did secure this remedy the first time it was moved to seek it. But it may have been better for us not to have had such a "first time." It took a massive, even unprecedented, stimulus to prod the government into an attempt this "first time." Far less may suffice next time, now that the wall has been breached. It remains to be seen whether we will remember this litigation primarily for what it confirmed about the extent of freedom of the press or primarily for what it suggested about previously unsuspected powers in the government to abridge (if only temporarily, as on this occasion) that freedom. To suggest that the government has powers which, in practice it cannot really benefit from makes it likely that we will lose sight of the rationale for the powers the government does have and can benefit from. (The powers it does have for ordinary circumstances permit it to rely upon such measures as I have provided a half dozen illustrations of.)

The relevant constitutional doctrine, *concerned as it is primarily with the ability of citizens to discuss freely and fully all matters necessary for making political judgments*, is itself reflected in everyday practice. That practice is quite revealing about the character of our regime. Support, for example, that the government had succeeded in preserving its injunctions, if only until extended hearings had been conducted in the district courts. Precisely what would such hearings, or even the entering of permanent injunctions thereafter, have meant both in these circumstances and as precedents? It appears that nothing would have prevented publication of the Pentagon Papers by *some* newspapers in the United States.

That is, the permanent injunctions sought for by the government against the *New York Times* and the *Washington Post* would not have applied to other newspapers even in this country until the government had moved specifically against them as well (as it had already moved against the *Boston Globe* and the *St. Louis Post-Dispatch*). But the government would have had no basis for thus moving until such other newspapers had published, or had indicated that they were about to publish, articles based on the same or similar top secret archives. A "victory" by the government in the *Times* and *Post* cases would have meant that the enterprising publisher of another newspaper with access to the same material should, if he desired to publish without government interference, have brought out in one edition everything he intended to publish. This he could have done, it should be noticed, without the special liability (psychological as well as legal) which would follow upon deliberate defiance of an injunction.

It should be noticed in this connection that no sensible judge wants to issue an important decree. The Supreme Court obviously realized that it would not do much good to maintain restraints upon the *Times* and the *Post*, in order to give the government time to make whatever case it could, when newspapers all over the country were appearing almost daily with their own gleanings from the secret documents under review. There is something to be said for having court orders conform to what people are going to do anyway.

Thus, one result of all this litigation may be to induce dedicated publishers to print immediately hereafter all that they have which they believe the government might be disposed to challenge in court (unless they decide that they or the community might benefit from the publicity attendant upon an attempted suppression). By printing immediately everything which they intend to publish, and taking their chances on criminal prosecution thereafter (in which the question of their intent to harm the country may become vital; in which a jury is available; and in which the burden of proof remains the government's—assuming there *is* a constitutional statute governing what may be published), publishers can avoid the inconvenience and sometimes considerable expense of even a temporary injunction. These are contingencies which they will be well advised to assess hereafter.

It should now be apparent why it is that everyday practice, as well as our constitutional doctrine (as I understand it), makes prior restraint an illusory remedy for the government to rely upon. When a newspaper has unauthorized possession of any material, the first the government usually knows of it is when it *is* published—and then no injunction is useful. *This does not mean, of course, that the conscientious publisher should not, in certain instances, consult with responsible government officials before he uses the material that may happen to come to hand.* He is not bound *to publish* whatever he cannot be legally prevented *from* publishing.

Will, however, the memory of government efforts with respect to the Pentagon Papers tend to discourage publishers from consulting government officials before publication (as, it seems to me, it would sometimes be patriotic for publishers to do)? Should not the government now say something to counter such a tendency, something disavowing recourse by it to injunctions when consulted voluntarily by publishers?

It also should be now apparent from what I have said that (whatever the illusions and dangers of certain precedents) there cannot be among us an effective system of prior restraints upon publication through the use of specific injunctions. Prior restraint requires, except in those rare circumstances calling for the proper suspension of some constitutional processes, a comprehensive system of censorship which insures that all prospective publication must be reviewed by the government. Since this is highly unlikely to be established in this country in the foreseeable future, what could the Attorney General have hoped to accomplish in June, 1971?

Was the integrity of the classification system for documents somehow to be defended? If that was intended by the Attorney General, it was misconceived, for it has now been made even clearer than it had been that particular classifications can be legitimately examined and reassessed by publishers and by courts. Was it expected that the *Times* and the *Post* might be intimidated into consulting (or encouraged to consult) with the government about what they should publish on this or on a future occasion? Instead, the government action and its seeming failure in court stimulated other newspapers to publish whatever they could get hold of. Or was it expected that it would be "shown" to the country that the government had "tried" but that "the Eastern press" had once again misbehaved?

What *was* shown to the country? The government seems to have misread the discontent that there is among both the press and the public about the war and about how the country was maneuvered into it. The government may have demonstrated that it is still for "law and order." But in doing so this way, the government made law and order look less attractive than it should be. It also imprudently identified the Nixon administration with its predecessors' war, something which the current desperate bombing of North Vietnam is also doing.

Of course, the government may simply have set out to "win" without stopping to consider just what the cost, form and effects of such a victory would be. Surely, one might respond, this cannot be so, since the hollowness, the price and even the danger of victory must have been apparent to the Attorney General from the outset or at least from the moment the Pentagon Papers began showing up elsewhere after the *Times* was silenced. But has not our observation in recent years of how the previous administrations proceeded in Vietnam alerted us to the dearly-bought follies which intelligent men are capable of in conscientious pursuit of what can really be little more than an empty success?

There is in this respect something disturbingly fitting about what the government attempted to do to the *Times* and the *Post*, for it was repeating in miniature what was done on a grand scale in Vietnam. That is, there was here still another mistaken appraisal both of our people's concern and of the powers available to the government to succeed in what it attempted to do. It is significant how little criticism there has been of the Supreme Court's decision in *this* case: this, too, can be said to reflect a deep appreciation among us of the character of our regime and of the role among us of a truly free press.

Unfortunately, there was not available ten years ago "a court of last resort" which could promptly call a halt to our Vietnam "litigation." (One cannot help but wonder whether the government we are finally obliged to leave behind in South Vietnam will be able to make permanent the "injunction" we have insisted upon there against coalitions and neutralization. One cannot help but wonder, that is, whether we have misjudged the nationalistic aspirations of the Vietnamese people.) The only reliable "court of last resort" available in disputes among nations is that which appeals to the natural sense of justice in civilized peoples. Perhaps that Aristidean sense of justice will permit this country to become united, as it never was on the prosecution of the Vietnamese war, in the great work of reconstruction to which our repentance, wealth and talent can contribute in Indochina.

But, to return to our immediate concern in this article, what *should* the press do with the virtually unlimited right it has been shown still to have (at least in everyday practice) to publish what it chooses to publish without prior restraint? The *Post* and the *Times*, government spokesmen have conceded since the Pentagon Papers litigation, acted responsibly in selecting what they did publish from the achieves in their possession. This cannot be the last word, however, for publishers will make serious mistakes—if not this time, then next. Indeed, publishers do publish, almost every day, things which they should not publish, things which need not have anything to do with classified documents to make their publication questionable.

But we should not exaggerate, even as we recognize and provide against, the risks a free community runs in permitting its press to publish freely. Private citizens, whether publishers' informants, have far to go even to begin to match, either in scope or in effect, the deadly misjudgments the past decade with respect to Vietnam by the government of the United States.

EPILOG

I gave, in May, 1966, on the campus of the University of Chicago a talk entitled, "Vietnam and the First Amendment: The Presumption of Citizenship," in which I expressed my longstanding reservations about what we had been doing in Indochina. I recognized on that occasion that it would be good for the United States to get out of Vietnam immediately, adding the observation "that we should *not* do so without offering to take with us anyone who would be thereafter endangered because of his association heretofore with us." I recognized as well the folly of (to use Kipling's words) "making mock of uniforms that guard you while you sleep." The concluding section of my May, 1966, talk (copies of which are available from me) suggests what can be said (when the fighting is at its height) about a misconceived war:

"The public servant is obliged by circumstances to use his opportunities: he cannot be irresponsible; he must make an effort. Whether we citizens make use of *our* opportunities is another matter. Our attention shifts easily: those interested in civil rights yesterday are interested in Vietnam today and will be interested in poverty tomorrow and perhaps even religion the day after tomorrow.

"One problem we have, as we use our opportunities as citizens with respect to the war in Vietnam, is to do so in such a way as to prevent or at least to restrain the emergence of bitterness. There are citizens defending the war who are as patriotic, as sensitive and as well-intentioned as any critic of the war. One must be reminded of, and thus be moderated by, the broader issues to which the artist, the religious man and even the philosopher [discussed earlier in the talk] would direct our attention. All three aspire for eternal things, as does in his way the citizen as well . . .

". . . We must take care lest the families that have made sacrifices should feel betrayed by whatever we now do in Vietnam. We see here the ultimate test both of the Administration's position and of public criticism of that position: we do not want to disparage sacrifices already made—we *have* learned something important because of the sacrifices made in Vietnam as well as in Korea; we do not want to see additional sacrifices made without purpose and effect; we do not want so to conduct ourselves now that our people will not respond properly hereafter when the country faces genuine dangers which legitimately require great sacrifices.

"Our primary concern as citizens should be with what we do to, with and for ourselves. I was recently told by two Swiss visitors that our public discussion of the war was disturbing the friends of America abroad, that when the President and his experts decided on a policy, the people should simply obey. I have elaborated this evening the response I made on that occasion: 'In America there are no experts in political matters, but only sovereign citizens.' Besides, I asked our visitors in the spirit of the First Amendment, should not foreigners be assured rather than disturbed to see the most powerful country in the history of the earth subject its governmental policies and decisions to public discussion and, it is to be hoped, to rational correction? Indeed, is this not the measure of the superiority of life under this kind of regime to any other available elsewhere today?"

ALTERNATIVES TO PRISON

Mr. BURDICK. Mr. President, I invite the attention of Senators to an article in Time magazine of July 24, 1972, which speaks of efforts which are being made by Federal, State, and local correctional officials to find alternatives to prisons which are less costly to the taxpayer and will provide the public with greater protection from the recidivistic criminal.

The article gets at the basic truth of crime and corrections—that the public is better protected when the offender changes his behavior than it is by only separating him from society, allowing him to return under circumstances that increase the likelihood that he will commit another crime.

Incarceration is obviously the only answer for some offenders, but it is the wrong answer for other offenders, and I am pleased to note that the Subcommittee on National Penitentiaries has, over the years, been active in recognizing this, and in putting these concepts into legislation.

It is from this subcommittee that has come legislation relating to work release, furloughs, and halfway houses. I am pleased to note that the subcommittee now has under consideration legislation to authorize a Federal program of pretrial diversion, which is also discussed in the article. I invite attention to S. 3309 and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALTERNATIVES TO PRISON

The south block of San Quentin prison, once the largest cell block in the world, now houses only a few dozen sparrows. The prison's clothing factory has shut down, and so has the mattress plant. San Quentin today contains only 1,500 convicts, as compared with 6,000 ten years ago; by 1975 the century-old fortress will be closed forever.

The decay of the antique buildings provides part of the reason, but San Quentin is also the victim of a spreading view that prisons simply do not work. Over the past two years, judges in Arkansas, California and Pennsylvania have ruled that certain local jails are so bad they violate the Constitution's ban on cruel and unusual punishment. One federal judge in Wisconsin, taking a slightly bolder view, recently wrote. "I am persuaded that the institution of prison probably must end." At last month's meeting of the National Association of Attorneys General, California Deputy Attorney General Nelson Kempsky gave a prosecutor's reaction: "Every time a judge starts thinking about due process for prison inmates, we're in trouble.

Aside from the question of "prisoners' rights," a growing number of penologists believe that prisons have proved unable to reform or rehabilitate their inmates. A task force for the Governor of Wisconsin recently recommended that all adult prisons in the state close by 1975. Says Harvard Law Professor James Vorenberg: "You just have to close prisons down, but you've got to develop some real alternatives."

In fact, several imaginative efforts to establish alternatives are under way:

HOMES AND BUDDIES

The treatment of youthful offenders is a particularly fertile field for experiment, and Massachusetts is leading the way. When Jerome Miller became commissioner of the state's department of youth services in 1969, a reformatory official asked him what his position was on "gagging and binding." He answered that he wanted such practices stopped. Says Miller: "Training schools are so bad that the average kid would be better on the street." Accordingly, he began closing prison-like training schools, which housed about 1,000 youngsters up to 17 years old. Next month he is shutting the last major one, in Lancaster, leaving only 20 juveniles locked away.

Some of the former inmates have been moved to group homes, where eight to twelve youths live with an adult couple under supervision by local agencies. Such a home for twelve delinquents costs the state $85,000, compared with $250,000 for the same number under the old system. Other juveniles have been placed in foster homes. Still others live in their own homes under a buddy system, in which a college student spends 20 to 25 hours a week with the delinquent. This year 600 young offenders are participating in a program of cleaning up parklands and going on pack and survival trips.

JOBS AND COUNSELING

Five years ago in Manhattan, the private Vera Institute of Justice got official permission to help a certain number of offenders before they came to trial. Now known as the Court Employment Project Inc., and funded by New York City, the program gives counseling to accused criminals (and usually their families) and finds them jobs (some 400 employers are cooperating). If all goes well for 90 days, the agency recommends that criminal charges be dropped. "The question of guilt is not relevant," says Director Ennis ("Joe") Olgiati, 42. "Only behavioral change matters." The program excludes heavy drug users and those accused of major crimes (a separate program for 300 addicts will be tried experimentally next month), but Vera representatives in city courtrooms pick any other offender they think might respond.

"The guts of the program is group counseling," says Olgiati. Each arrested person has two counselors—all ex-addicts or ex-cons, at least one of whom is available all week round, "in the first year, we really didn't know what the hell we were doing," admits Olgiati. Now, three-fifths of those in the program succeed in having the charges against them dropped, only 6.6% of the "graduates" during one ten-month period have been rearrested. The project has prompted imitation in "around 20 other states," says Olgiati, and a Senate subcommitte will start hearings this week on a bill to establish a federal version of the program.

COMMUNAL CENTERS

The converted Southern mansion near downtown Atlanta looks like a good boardinghouse, but the 61 residents are all convicts involved in the most controversial of the proposed alternatives to prison. On the theory that the isolation of prisons is one of their biggest weaknesses, many critics have proposed putting groups of convicts into relatively small quarters in ordinary residential area. Florida now has 28 such community corrections centers—and has had a predictable difficulty in adding others. "Everybody likes the program," says Community Services Administrator Don Hassfurder. "They think there should be community corrections centers—some place else." Washington, D.C. now has 15 such such centers, but the program nearly foundered initially because of local resistance. A center is scheduled to open in September near Bethlehem, Pa., and the summer is being spent in persuading neighbors that it presents no threat.

The community centers have a relatively relaxed atmosphere, and officials help the inmates get full-time jobs. In the Atlanta experiment, the men average $3.49 an hour at jobs ranging from heavy-equipment operator to gas-station manager, and they each pay $4 a day for their room and board. Every man participates in group-therapy sessions, shares the clean-up chores and lives in a double room, most of which have air conditioners and TV sets. Visitors of either sex are allowed every evening until 10 p.m., and all day on weekends. The idea may seem to some like "coddling criminals," but the centers can point to a long-term success: North Carolina pioneered in such centers 15 years ago, now has 63, and they boast a recidivism rate of less than 2%.

There are other, less radical alternatives. Furloughs, for example, are becoming common. Pennsylvania has granted 6,200 of them in the past 18 months. Last year California sent only 549 of 11,688 first-conviction felons to state prisons or juvenile facilities; the remainder were fined, sent for a time to local jails, or put on probation.

Total abolition of prison still remains somewhat fanciful. As Illinois Psychiatrist Marvin Ziporyn observes. We have some wolves among the human population. The prison system still contains 50% aggressive criminals." Some would quarrel with his percenage, but no expert argues that all the walls should come down. The point, says Harvard's Vorenberg, is that the emphasis should shift: every prison administrator ought to be saying: "How many of them need to be here?"

THE DECLINING TREND IN EXPLORATION FOR OIL AND GAS

Mr. JACKSON. Mr. President, the declining trend in exploration for oil and gas, and its causes, effects, and implications, will be the subject of hearings, by the Committee on Interior and Insular Affairs on August 8 and 9. These hearings are a part of the national fuels and energy study authorized by Senate Resolution 45 and conducted by the Committee on Interior and Insular Affairs with ex-officio participation from the Commerce, Public Works, and Joint Atomic Energy Committee. Representatives of Government agencies, the academic community, industry, and other groups will be asked to appear in response to the questions and issues set forth in the accompanying lists. Time will not permit the appearance of all members of the public who might wish to testify, but the committee will accept for the hearing record, statements addressed to these questions.

Attachment A provides a background to the topics to be covered at the hearings and sets out the general questions and issues of fact, analysis, and policy to be investigated. Witnesses and persons submitting statements for the record are requested to address their statements to some or all of these nine questions and policy issues. The more detailed list of 50 questions and policy issues—attachment B—is included as a guide to preparation of supporting materials by witnesses and others. It will be noted that some of the questions in attachment B refer to problems of coal and uranium development, as well as oil and gas. The supporting materials and specific answers to the detailed questions requested in attachment B will be due on September 15, 1972, and will be printed as an appendix to the hearing record.

I ask unanimous consent that the two attachments be printed in the RECORD.

There being no objection, the attachments were ordered to be printed in the RECORD, as follows:

BACKGROUND PAPER AND QUESTIONS AND POLICY ISSUES DECLINING EXPLORATION FOR OIL AND GAS

U.S. consumption of petroleum and petroleum products has increased in recent years (1966–71) at an annual rate of about 4.5 percent, and natural gas consumption has grown at about 6.5 percent per year. Domestic production of oil and gas, however, has not kept pace with the growth of consumption, and the deficiency is now being filled by imports. As a result, imports may account for about half of the total supply of petroleum products (including gas) by 1985.

Some indicators of the decline in domestic oil and gas exploration and development activity are the following:

1. Proved reserves of crude oil and natural gas liquids have been declining since 1967:

2. Domestic production of crude oil and natural gas liquids increased at only about 3.1 percent per year between 1966 and 1971 (1.4 percent less than consumption), and has actually declined since 1970;

3. Proved reserves of natural gas have been declining since 1967;

4. Domestic production of natural gas increased at only 5.4 percent per year between 1966 and 1971 (1.1 percent less than consumption), and is expected to decline after 1972.

The major factors contributing to this situation appear, on the basis of the Committee's hearing record, to be the following:

1. Resources of fossil fuel are finite, and many of the most easily discovered and most cheaply developed reserves have already been produced. Geologists agree that the volume of recoverable oil and gas still in the ground may be several times the amount that has already been removed, but the concern is how fast and at what price these reserves can be discovered and made available as energy resource supplies. Much of the remaining stock can be discovered and produced only at substantially higher cost than that of past supplies.

2. Increasing pressure upon the finite and non-renewable resource base has been offset by improvements in exploration and production technology. As a result of these improvements, the constant dollar costs of finding and producing oil and gas have actually tended to fall. But this trend of falling costs clearly has come to an end with respect to onshore natural gas, and there is little confidence that it can be sustained for crude oil.

3. Some of the most promising acreage for oil and gas (particularly offshore) remains unexplored by industry, because it has not been made available for leasing. Other acreage remains out of production because of the lack of transport facilities (as on Alaska's North Slope).

4. A number of economic factors have combined to reduce the expectations of profit from domestic oil and gas exploration:

a. Crude oil price rises have been restrained by federal action, particularly by increases in import quotas and by federal assumption of control over rates of OCS oil and gas production.

b. Price increases for natural gas sold in interstate commerce have been restrained by the Federal Power Commission (FPC). It is relevant here that low prices for both oil and gas not only discourage exploration but also encourage increased consumption. Moreover, uncertainty about future FPC gas price policy may have led to a postponing of the development of known or inferred gas resources under lease or private ownership.

c. High interest and capital costs generally have tilted investment incentives away from ventures, such as exploration for new oil and gas fields, that offer potential payoffs only in the distant future.

d. The Tax Reform Act of 1969 reduced the tax preferences applicable to oil and gas production.

There is little, if any, dispute that each of the foregoing factors is in some part responsible for the reduction in domestic exploration and development activity for oil and gas. However, the relative importance of each of these factors in contributing to current supply constraints, and their policy implications, are not obvious or beyond debate. (For example, there is little dispute that the higher depletion allowance was an incentive to oil and gas exploration, but there is disagreement as to whether the allowance is a cost-effective or socially desirable form of incentive.

Additional factors which have been advanced by some parties as explanations of declining oil and gas exploration are disputed by others. These propositions include the following:

5. Large cash bonuses paid to the government in competitive oil and gas leasing are claimed to absorb investment funds that might otherwise be devoted to exploration.

6. Rapid increases in crude oil demand and in prices outside the United States are said to have combined with lower operating costs outside the United States and more favorable Federal tax treatment of foreign ventures, to encourage industry to shift its exploration emphasis abroad.

7. Natural gas producers may be delaying development of known resources, or delaying the sale and production of proved reserves, in anticipation that a growing gas shortage will result in much higher prices for gas in the future.

At the hearing the Committee will examine each of these accepted for argued factors contributing to the decline in domestic discovery and development, and explore their implications for formation of a national energy policy. The questions and issues to be explored fall into the following general categories.

QUESTIONS AND POLICY ISSUES

A. National oil and gas resource base

1. What are the best estimates of the total volume of liquid and gaseous hydrocarbons in place in the United States? (Separate estimates should be provided for the "lower 48" onshore, Alaska, and the Outer Continental Shelf. *Where this information has been furnished to the Committee in connection with previous hearings in this Congress, it may be incorporated by reference to the earlier submissions.*)

2. What are the best estimates of the total volume of liquid and gaseous hydrocarbons that can be found and produced with current or near-term technology (including secondary and tertiary recovery)?

3. What are the best estimates of the maximum rates of domestic production, and maximum rates of growth of production that could be sustained until 1980? . . . until 1990?

4. To what extent does an acceleration of domestic oil and gas discovery and production today imply a greater shortage in the future? In how many years in the future will production inevitably peak out under various assumptions about current rates of increase?

B. Economics of exploration and development

5. To what extent, if at all, has the recent decline in oil and gas exploration activity and in reserve additions reflected each of the following factors: (Wherever possible, quantitative relationships should be specified.)

a. Restraints on domestic crude oil prices?

b. FPC regulation of interstate gas prices?

c. Increases (or decreases) in the real cost of discovery and development per barrel or per daily barrel of producing capacity? (To what extent are these cost changes the effect of a declining resource base, to what extent are they offset by new technology, and to what extent are they a matter of changed labor and material costs?)

d. Unavailability of lease acreage (particularly on the OCS)?

e. Increases in interest rates and other capital costs?

f. Reduction of tax preferences for oil and gas production?

g. Elements of the mineral leasing system (such as cash bonus bidding)?

h. Incentives in favor of foreign investment in oil and gas exploration?

i. Withholding of gas development or sales in anticipation of higher prices?

j. Other significant factors?

6. How responsive are future domestic oil exploration activity, reserve additions, and productive capacity expected to be, to:

a. The amount of new acreage available for leasing and exploration (particularly on the OCS)?

b. The domestic price of crude oil (in 1972 constant dollars)?

c. The domestic price of natural gas (in 1972 constant dollars)?

d. The domestic prices of petroleum products (in 1972 constant dollars)?

e. The real cost of capital?

f. The rate of percentage depletion?

g. Overseas exploration expenditures?

(The foregoing relationships should be specified in quantitative terms to the extent possible. Also, the time period over which the relationships are expected to prevail should be specified.)

C. Policy options

8. What package(s) of incentives and federal policies, if any, would be necessary and sufficient to:

a. Maintain current (1972) levels of domestic oil production until 1980? . . . until 1990?

b. Maintain historic (1960–70) rates of growth of domestic oil production until 1980 . . . until 1990.

c. Maintain current (1972) rates of domestic natural gas production until 1980 . . . until 1990.

d. Maintain historic (1960–70) rates of growth of domestic natural gas production until 1980 . . . until 1990.

9. What would be the consequences of each of the policy packages set out in response to question 8, for:

a. consumer costs of energy?

b. oil and gas import requirements?

c. capital requirements for exploration and development? And,

d. other significant aspects of the energy economy and the public interest (general efficiency of the economy, equity of the tax system, etc.)?

It is requested that witnesses at the hearings and persons submitting statements for the hearing record (100 copies are required) center their testimony on the questions and issues listed here. A more detailed list of questions and policy issues (Attachment B) follows, to be used as a basis for preparation of supporting materials and documentation which may be submitted by September 15, 1972, for inclusion in the Appendix to the Committee's hearing record of August 8 and 9. (Ten copies are required.)

DETAILED LIST OF QUESTIONS AND POLICY ISSUES—DECLINING DOMESTIC EXPLORATION FOR OIL AND GAS, AND OTHER PROBLEMS IN DEVELOPMENT OF PRIMARY ENERGY RESOURCES

The following questions are prepared as a guide to witnesses and persons submitting statements for the record at the hearings of August 8 and 9, in preparing supporting materials to be included in the Appendix to the hearing record. Witnesses should, however, direct their actual testimony to the questions in Attachment A.

I. THE RESOURCE BASE

A. Size of the resource base

Questions 1 through 4 should be answered for crude oil and natural gas liquids; natural gas; coal, oil shale; tar sands, heavy oils and other hydrocarbons; and uranium.

Answers may be grouped by resource or by questions as convenient. *Where this information has been furnished to this Committee in connection with previous hearings in this Congress, it may be incorporated by reference to the earlier submissions.*

1. What are the estimated volumes of proved domestic reserves and ultimate resources in place (Reserve and resource concepts used here and in subsequent questions should be defined and explained.)?

2. What are the estimated volumes that could ultimately be found and produced with current or near-term technology (including secondary and tertiary recovery)?

3. What are the best estimates of the maximum rates of domestic production and maximum rates of growth of production that could be sustained until 1980? . . . until 1985 or 1990? What are the factors limiting production or growth over these periods (e.g., the physical resource, demand, technology, government regulatory policy)?

4. To what extent will an acceleration of production in the short run reduce supplies in the foreseeable future? In how many years must production inevitably peak out under various assumptions about current rates of increase?

5. What is the approximate volume of sediments in the United States (including the OCS) as yet untested by exploratory drilling?

B. Technological problems

6. What relationship, if any, exists between the technological efficiency of the recovery of the resource and the rate of exploration and development?

7. In what areas will improvement in the technology of resource recovery improve the incentive to increase domestic exploration and development, and what, if any, obstacles are there to developing and using such new technology?

II. DOMESTIC EXPLORATION FOR OIL AND GAS

A. Indicators of oil supply and demand trends

8. What has been the trend in rates of U.S. oil consumption over the past fifteen years (bbl. per day) and what is the estimated future consumption of oil through the year 1985 or 1990?

9. What part of the demand for oil has been satisfied by domestic sources and what part of the estimated future demand through 1985 is expected to be satisfied by domestic sources?

a. From what sources, by country, has foreign oil been imported?

b. From what sources and in what quantities will foreign oil be imported in the future?

B. Gas supply and demand

10. What has been the trend in rates of U.S. gas consumption over the past fifteen years (MCF per year) and what is the estimated future demand for gas, through the year 1985 or 1990?

11. What part of the demand for gas has been satisfied by domestic sources and what part of the estimated future demand through 1985 or 1990 is expected to be satisfied by domestic sources?

a. What part of the estimated future supply of domestic gas will be in the form of conventional sources and what part will be synthetically derived?

b. What part of the gas and in what form, and what part of the synthetic gas feedstocks, are expected to be obtained from which foreign sources?

C. Indicators of exploration trends

What have been the trends over the past fifteen years in:

12. Days of geophysical crew time?

13. Acreage under lease (private, state, federal onshore and offshore)?

14. Number of wells drilled?

a. New field wildcats.

b. Exploration in known fields.

c. Development wells.

(In each of the foregoing cases, indicate the number of oil well completions, gas well completions, and dry holes.)

15. Footage of wells drilled?

a. New field wildcats.

b. Exploration in known fields.

c. Development wells.

16. Number of rigs operating in the U.S.?

17. U.S. owned rigs operating abroad?

18. Additions to reserves of oil and natural gas liquids:

a. New field discoveries.

b. Extensions.

c. Revisions.

19. Additions to reserves of natural gas:

a. New field discoveries.

b. Extensions.

c. Revisions.

20. Additions to reserves of oil and natural gas liquids (barrels) and to producing capacity (daily barrels) per foot drilled?

21. Additions to reserves of natural gas (MCF) and to producing capacity (MCF/day) per foot drilled?

22. Cost in current and constant dollars (inclusive and exclusive of lease acquisition costs) per barrel of oil and natural gas liquids reserves and per new daily barrel of producing capacity?

23. Cost in current and constant dollars (inclusive nad exclusive of lease acquisition costs) per new MCF of natural gas reserves and per new MCF per day producing capacity?

24. Number of persons employed in domestic exploration and development?

25. Proved reserves in relation to production and consumption?

26. Producing capacity?

a. Reserve producing capacity?

b. Excess reserve producing capacity?

IV. ECONOMIC FACTORS

A. Historical statistics

35. What has been the annual level of investment in exploration and in development for each of the primary energy fuels over the past fifteen years?

36. What have been the price trends in current and constant dollars of oil and gas (wellhead prices), coal, and uranium concentrate during each of the past fifteen years?

37. a. What have been the average rates of return before and after taxes on investment in exploration and development for each primary energy fuel over the past fifteen years?

b. How does this trend compare with the rates of return in all manufacturing and with that of market rates of interest?

38. a. What has been the trend of cash flow, gross and net profits against sales and investment for each primary energy industry during each of the past fifteen years and what future trends are expected?

b. How do these profitability trends compare with all manufacturing and with market rates of interest?

39. What has been the relationships of costs for exploration, development and production of oil and gas, as shown by indicators (like those of questions 20 and 21), to their prices during the past fifteen years?

40. What has been the trend during the past fifteen years regarding the relationship between the amount of investment in domestic exploration and development in each primary energy fuel and the size of enterprise involved?

B. Analysis

Questions 41–44 are a restatement of the issues raised in section 8 (questions 5–7) of Attachment A. Respondents may choose to respond here in detail to those questions in lieu of the following. In either case, however, the response here should be in quantitative terms, and should be accompanied with at least an abstract of the analyses, together with references to primary sources.

41. What is known about the relationships of investment in oil and gas exploration, development, additions to reserves (new field discoveries, revisions and extensions), increased producing capacity, and production, to:

a. the price of crude oil;

b. the price of natural gas;

c. new acreage available for lease (particularly on the OCS);

d. the cost of capital; and

e. the rate of percentage depletion?

(If possible, the foregoing relationships should be expressed in terms of elasticities or incremental rates of change.)

42. What are currently the relationships of domestic crude oil prices, to:

a. domestic crude oil supply and demand;

b. the price of competing fuels;

c. policies of the Price Commission;

d. the world market price of crude oil;

e. U.S. oil import policies; and

f. other factors?

43. What are currently the relationships of domestic natural gas prices in intrastate and interstate markets, to:

a. interstate and intrastate demand for natural gas;

b. the price of competing fuels;

c. policies of the Price Commission;

d. wellhead price regulation by the Federal Power Commission;

e. other policies of the FPC?

44. (This is an elaboration of 41e above.) What was the incidence in 1970 and/or 1971 of the Tax Reform Act of 1969 upon

a. oil and gas industry tax liabilities and government revenues (i.e., how much did it increase the industry's taxes);

b. investment in exploration, development, and secondary and tertiary recovery; and

c. additions to oil and gas reserves and to producing capacity (in daily barrels or MCF) attributable to investment in that year?

45. To what extent and how has Federal public land (including the OCS) leasing or mining policy affected investments in domestic exploration and development of primary energy fuels?

46. To what extent and how have health, safety and environmental laws and regulations affected investment in domestic exploration and development of primary energy fuels?

47. To what extent and how has Federal expenditures for energy related research and development affected investments in domestic exploration and development of primary energy fuels?

48. What evidence or analysis is there to indicate that funds that would otherwise be devoted to exploration and development of primary energy resources have been—

a. absorbed by high land acquisition costs;

b. diverted to investment in overseas energy ventures as a result of U.S. tax, trade, or monetary policies, or

c. diverted to other domestic investment?

V. POLICY OPTIONS

Questions 49 and 50 are identical with the issues raised in section C (questions 8 and 9) of Attachment A. Responses to these questions here should be accompanied by at least an abstract of the supporting evidence and analyses, and by references to primary sources.

49. What package(s) of incentives and federal policies, if any, would be necessary and sufficient to:

a. Maintain current (1972) levels of domestic oil production until 1980? . . . until 1990?

b. Maintain historic (1960–70) rates of growth of domestic oil production until 1980? . . . until 1990?

c. Maintain current (1972) rates of domestic natural gas production until 1980? . . . until 1990?

d. Maintain historic (1960–70) rates of growth of domestic natural gas production until 1980? . . . until 1990?

(Responses to this question should be as specific and quantitative as possible.)

50. What would be the consequences of each of the policy packages set out in response to question 50 for:

a. consumer costs of energy;

b. oil and gas import requirements;

c. capital requirements for exploration and development; and

d. other significant aspects of the energy economy and the public interest?

AGENDA FOR THE NATION IN THE 1970'S

Mr. MANSFIELD. Mr. President, at the Democratic Convention in Miami earlier this month the convention analyzed, amended, and finally approved a document entitled "For the People—Platform of the 1972 Democratic National Convention." The document in its final form represents a year of work and significant input from every segment of our society from every part of the country. It represents more than the usual platitudes that are associated with party platforms. It represents an agenda for the Nation in the 1970's.

I ask unanimous consent that the platform, in its final form, with the amendments as adopted at the convention, be printed in the Record.

There being no objection, the platform was ordered to be printed in the Record, as follows:

For the People—Platform of the 1972 Democratic National Convention

NEW DIRECTIONS: 1972–76

Skepticism and cynicism are widespread in America. The people are *skeptical* of platforms filled with political platitudes—of promises made by opportunistic politicians.

The people are *cynical* about the idea that a rosy future is just around the corner.

And is it any wonder that the people are skeptical and cynical of the whole political process?

Our traditions, our history, our Constitution, our laws, all say that America belongs to its people.

But the people no longer believe it.

They feel that the government is run for the privileged few rather than for the many—and they are right.

No political party, no President, no government can by itself restore a lost sense of faith. No Administration can provide solutions to all our problems. What we can do is to recognize the doubts of Americans, to speak to those doubts, and to act to begin turning those doubts into hopes.

As Democrats, we know that we share responsibility for that loss of confidence. But we also know, as Democrats, that at decisive moments of choice in our past, our party has offered leadership that has tapped the best within our country.

Our party—standing by its ideals of domestic progress and enlightened internationalism—has served America well. We have nominated or elected men of the high calibre of Woodrow Wilson, Franklin Delano Roosevelt, Harry S Truman, Adlai E. Stevenson, John Fitzgerald Kennedy, Lyndon Baines Johnson—and in the last election Hubert Humphrey and Edmund S. Muskie. In that proud tradition we are now prepared to move forward.

We know that our nation cannot tolerate any longer a government that shows no regard for the people's basic needs and no respect for our right to the truth from those who lead us.

What do the people want?

They want three things:

They want a personal life that makes us all feel that life is worth living;

They want a social environment whose institutions promote the good of all; and

They want a physical environment whose resources are used for the good of all.

They want an opportunity to achieve their aspirations and their dreams for themselves and their children.

We believe in the rights of citizens to achieve to the limit of their talents and energies. We are determined to remove barriers that limit citizens because they are black, brown, young or women; because they never had the chance to gain an education; because there was no possibility of being anything but what they were.

We believe in hard work as a fair measure of our own willingness to achieve. We are determined that millions should not stand idle while work demands to be done. We are determined that the dole should not become a permanent way of life for any. And we are determined that government no longer tax the product of hard work more rigorously than if taxes inherited wealth, or money that is gained simply by having money in the first place.

We believe that the law must apply equally to all, and that it must be an instrument of justice. We are determined that the citizen must be protected in his home and on his streets. We are determined also that the ordinary citizen should not be imprisoned for a crime before we know whether he is guilty or not while those with the right friends and the right connections can break the law without ever facing the consequences of their actions.

We believe that war is a waste of human life. We are determined to end forthwith a war which has cost 50,000 American lives, $150 billion of our resources, that has divided us from each other, drained our national will and inflicted incalculable damage to countless people. We will end that war by a simple plan that need not be kept secret: The immediate total withdrawal of all Americans from Southeast Asia.

We believe in the right of an individual to speak, think, read, write, worship, and live free of official intrusion. We are determined that our government must no longer tap the phones of law-abiding citizens nor spy on those who have broken no law. We are determined that never again shall government seek to censor the newspapers and television. We are determined that the government shall no longer mock the supreme law of the land, while it stands helpless in the face of crime which makes our neighborhoods and communities less and less safe.

Perhaps most fundamentally, we believe that government is the servant, not the master, of the people. We are determined that government should not mean a force so huge, so impersonal, that the complaint of an ordinary citizen goes unheard.

That is not the kind of government America was created to build. Our ancestors did not fight a revolution and sacrifice their lives against tyrants from abroad to leave us a government that does not know how to listen to its own people.

The Democratic Party is proud of its past; but we are honest enough to admit that we are part of the past and share in its mistakes. We want in 1972 to begin the long and difficult task of reviewing existing programs, revising them to make them work and finding new techniques to serve the public need. We want to speak for, and with, the citizens of our country. Our pledge is to be truthful to the people and to ourselves, to tell you when we succeed, but also when we fail or when we are not sure. In 1976, when this nation celebrates its 200th anniversary, we want to tell you simply that we have done our best to give the government to those who formed it—the people of America.

Every election is a choice: In 1972, Americans must decide whether they want their country back again.

II. JOBS, PRICES AND TAXES

"I went to school here and I had some training for truck driver school and I go to different places and put in applications for truck driving but they say, 'We can't hire you without the experience.' Now, I don't have the experience. I don't get the experience without the job first. I have four kids, you know, and I'm on unemployment. And when my employment runs out, I'll probably be on relief, like a lot of other people. But, being that I have so many kids, relief is just not going to be enough money. I'm looking for maybe the next year or two, if I don't get a job, they'll probably find me down at the county jail, because I have to do something."—Robert Coleman, Pittsburgh Hearing, June 2, 1972.

The Nixon Administration has deliberately driven people out of work in a heartless and ineffective effort to deal with inflation. Ending the Nixon policy of creating unemployment is the first task of the Democratic Party.

The Nixon "game plan" called for *more* unemployment. Tens of millions of families have suffered joblessness or work cutbacks in the last four years in the name of fighting inflation . . . and for nothing.

Prices rose faster in early 1972 than at any time from 1960 to 1968.

Today there are 5.5 million unemployed. The nation will have suffered $175 billion in lost production during the Nixon Administration by election day. Twenty percent of our people have suffered a period without a job each year in the last three.

Business has lost more in profits than it has gained from this Administration's business-oriented tax cuts.

In pockets of cities, up to 40 percent of our young people are jobless.

Farmers have seen the lowest parity ratios since the Great Depression.

For the first time in 30 years, there is substantial unemployment among aerospace technicians, teachers and other white-collar workers.

The economic projections have been manipulated for public relations purposes.

The current Nixon game plan includes a control structure which keeps workers' wages down while executive salaries soar, discourages productivity and distributes income away from those who need it and has produced no significant dent in inflation, as prices for food, clothes, rent and basic necessities soar.

These losses were unnecessary. They are the price of a Republican Administration which has not consistent economic philosophy, no adequate regard for the human costs of its economic decisions and no vision of what a full employment economy could mean for all Americans.

Jobs, income, and dignity

Full employment—a guaranteed job for all—is the primary economic objective of the Democratic Party. The Democratic Party is committed to a job for every American who seeks work. Only through full employment can we reduce the burden on working people. We are determined to make economic security a matter of right. This means a job with decent pay and good working conditions for everyone willing and able to work and an adequate income for those unable to work. It means abolition of the present welfare system.

To assure jobs and economic security for all, the next Democratic Administration should support:

A full employment economy, making full use of fiscal and monetary policy to stimulate employment;

Tax reform directed toward equitable distribution of income and wealth and fair sharing of the cost of government;

Full enforcement of all equal employment opportunity laws, including federal contract compliance and federally-regulated industries and giving the Equal Employment Opportunity Commission adequate staff and resources and power to issue cease and desist orders promptly;

Vastly increased efforts to open education at all levels and in all fields to minorities, women and other under-represented groups;

An effective nation-wide job placement system to enhance worker mobility;

Opposition to arbitrarily high standards for entry to jobs;

Overhaul of current manpower programs to assure training—without sex, race or language discrimination—for jobs that really exist with continuous skill improvement and the chance for advancement;

Economic development programs to ensure the growth of communities and industry in lagging parts of the nation and the economy;

Use of federal depository funds to reward banks and other financial institutions which invest in socially productive endeavors;

Improved adjustment assistance and job creation for workers and employers hurt by foreign competition, reconversion of defense-oriented companies, rapid technological change and environmental protection activities;

Closing tax loopholes that encourage the export of American jobs by American-controlled multinational corporations;

Assurance that the needs of society are considered when a decision to close or move an industrial plant is to be made and that income loss to workers and revenue loss to communities does not occur when plants are closed;

Assurance that, whatever else is done in the income security area, the social security system provides a decent income for the elderly, the blind and the disabled and their dependents, with escalators so that benefits keep pace with rising prices and living standards;

Reform of social security and government employment security programs to remove all forms of discrimination by sex; and

Adequate federal income assistance for those who do not benefit sufficiently from the above measures.

The last is not least, but it is last for good reason. The present welfare system has failed because it has been required to make up for too many other failures. Millions of Americans are forced into public assistance because public policy too often creates no other choice.

The heart of a program of economic security based on earned income must be creating jobs and training people to fill them. Millions of jobs—real jobs, not make-work—need to be provided. Public service employment must be greatly expanded in order to make the government the employer of last resort and guarantee a job for all. Large sections of our cities resemble bombed-out Europe after World War II. Children in Appalachia cannot go to school when the dirt road is a sea of mud. Homes, schools and clinics, roads and mass transit systems need to be built.

Cleaning up our air and water will take skills and people in large numbers. In the school, the police department, the welfare agency or the recreation program, there are new careers to be developed to help ensure that social services reach the people for whom they are intended.

It may cost more, at least initially, to create decent jobs than to perpetuate the hand-out system of present welfare. But the return—in new public facilities and services, in the dignity of bringing a paycheck home and in the taxes that will come back in—far outweigh the cost of the investment.

The next Democratic Administration must end the present welfare system and replace it with an income security program which places cash assistance in an appropriate context with all of the measures outlined above, adding up to an earned income approach to ensure each family an income substantially more than the poverty level ensuring standards of decency and health, as officially defined in the area. Federal income assistance will supplement the income of working poor people and assure an adequate income for those unable to work. With full employment and simpler, fair administration, total costs will go down, and with federal financing the burden on local and state budgets will be eased. The program will protect current benefit goals during the transitional period.

The system of income protection which replaces welfare must be a part of the full employment policy which assures every American a job at a fair wage under conditions which make use of his ability and provide an opportunity for advancement.

H.R. 1, and its various amendments, is not humane and does not meet the social and economic objectives that we believe in, and it should be defeated. It perpetuates the coercion of forced work requirements.

Economic management

Every American family knows how its grocery bill has gone up under Nixon. Every American family has felt the bite of higher and higher prices for food and housing and clothing. The Administration attempts to stop price rises have been dismal failures—for which the working people have paid in lost jobs, missed raises and higher prices.

This nation achieved its economic greatness under a system of free enterprise, coupled with human effort and ingenuity, and thus it must remain. This will be the attitude and objective of the Party.

There must be an end to inflation and the ever-increasing cost of living. This is of vital concern to the laborer, the housewife, the farmer and the small businessman, as well as the millions of Americans dependent upon their weekly or monthly income for sustenance. It wrecks the retirement plans and lives of our elderly who must survive on pensions or savings gauged by the standards of another day.

Through greater efficiency in the operation of the machinery of government, so badly plagued with duplication, overlapping and excesses in programs, we will ensure that bureaucracy will cease to exist solely for bureaucracy's own sake. The institutions and functions of government will be judged by their efficiency of operation and their contribution to the lives and welfare of our citizens.

A first priority of a Democratic Administration must be eliminating the unfair, bureaucratic Nixon wage and price controls.

When price rises threaten to or do get out of control—as they are now—strong, fair action must be taken to protect family income and savings. The theme of that action should be swift, tough measures to break the wage-price spiral and restore the economy. In that kind of economic emergency, America's working people will support a truly fair stabilization program which affects profits, investment earnings, executive salaries and prices, as well as wages. The Nixon controls do not meet that standard. They have forced the American worker, who suffers most from inflation, to pay the price of trying to end it.

In addition to stabilizing the economy, we propose:

To develop automatic instruments protecting the livelihood of Americans who depend on fixed incomes, such as savings bonds with purchasing power guarantees and cost-of-living escalators in government social security and income support payments;

To create a system of "recession insurance" for states and localities to replace lost local revenues with federal funds in economic downturns, thereby avoiding reduction in public employment or public services;

To establish longer-term budget and fiscal planning; and

To create new mechanisms to stop unwarranted price increases in concentrated industries.

Toward economic justice

The Democratic Party deplores the increasing concentration of economic power in fewer and fewer hands. Five percent of the American people control 90 percent of our productive national wealth. Less than one percent of all manufacturers have 88 percent of the profits. Less than two percent of the population now owns approximately 80 percent of the nation's personally-held corporate stock, 90 percent of the personally-held corporate bonds and nearly 100 percent of the personally-held municipal bonds. The rest of the population—including all working men and women—pay too much for essential products and services because of national policy and market distortions.

The Democratic Administration should pledge itself to combat factors which tend to concentrate wealth and stimulate higher prices.

To this end, the federal government should:

Develop programs to spread economic growth among the workers, farmers and businessmen;

Help makes parts of the economy more efficient—such as medical care—where wasteful and inefficient practices now increase prices;

Step up anti-trust action to help competition, with particular regard to laws and enforcement curbing conglomerate mergers which swallow up efficient small business and feed the power of corporate giants;

Strengthen the anti-trust laws so that the divestiture remedy will be used vigorously to break up large conglomerates found to violate the anti-trust laws;

Abolish the oil import quota that raises prices for consumers;

Deconcentrate shared monopolies such as auto, steel and tire industries which administer prices, create unemployment through restricted output and stifle technological innovation;

Assure the right of the citizen to recover costs and attorneys fees in all successful suits including class actions involving Constitutionally-guaranteed rights, or rights secured by federal statutes;

Adjust rate-making and regulatory activities, with particular attention to regulations which increase prices for food, transportation and other necessities;

Remove artificial constraints in the job market by better job manpower training and strictly enforcing equal employment opportunity;

Stiffen the civil and criminal statutes to make corporate officers responsible for their actions; and

Establish a temporary national economic commission to study federal chartering of large multinational and international corporations, concentrated ownership and control in the nation's economy.

Tax reform

The last ten years have seen a massive shift in the tax burden from the rich to the working people of America. This is due to cuts in federal income taxes simultaneous with big increases in taxes which bear heavily on lower incomes—state and local sales and property taxes and the payroll tax. The federal tax system is also still grossly unfair and over-complicated. The wealthy and corporations get special tax favors; major reform of the nation's tax structure is required to achieve a more equitable distribution of income and to raise the funds needed by government. The American people neither should nor will accept anything less from the next Administration.

The Nixon Administration, which fought serious reform in 1969, has no program, only promises, for tax reform. Its clumsy administrative favoring of the well-off has meant quick action on corporate tax giveaways like accelerated depreciation, while over-withholding from workers' paychecks goes on and on while the Administration tries to decide what to do.

In recent years, the federal tax system has moved precipitously in the wrong direction. Corporate taxes have dropped from 30 percent of federal revenues in 1954 to 16 percent in 1973, but payroll taxes for Social Security—regressive because the burden falls more heavily on the worker than on the wealthy—have gone from ten percent to 29 percent over the same period. If legislation now pending in Congress passes, payroll taxes will have increased over 500 percent between 1960 and 1970—from $144 to $755—for the average wage earner. Most people earning under $10,000 now pay more in regressive payroll tax than in income tax.

Now the Nixon Administration—which gave corporations the largest tax cut in American history—is considering a hidden national sales tax (Value Added Tax) which would further shift the burden to the average wage earner and raise prices of virtually everything ordinary people buy. It is cruel and unnecessary to pretend to relieve one bad tax, the property tax, by a new tax which is just as bad. We oppose this price-raising unfair tax in any form.

Federal income tax. The Democratic Party believes that all unfair corporate and individual tax preferences should be removed. The tax law is clogged with complicated provisions and special interests, such as percentage oil depletion and other favors for the oil industry, special rates and rules for capital gains, fast depreciation unrelated to useful life, easy-to-abuse "expense-account" deductions and the ineffective minimum tax. These hidden expenditures in the federal budget are nothing more than billions of "tax welfare" aid for the wealthy, the privileged and the corporations.

We, therefore, endorse as a minimum step the Mills-Mansfield Tax Policy Review Act of 1972, which would repeal virtually all tax preferences in the existing law over the period 1974–1976, as a means of compelling a systematic review of their value to the nation. We acknowledge that the original reasons for some of these tax preferences may remain valid, but believe that none should escape close scrutiny and full public exposure. The most unjustified of the tax loopholes should, however, be closed immediately, without waiting for a review of the whole system.

After the implementation of the minimum provisions of the Mills-Mansfield Act, the Democratic Party, to combat the economically-depressing effect of a regressive income tax scheme, proposes further revision of the tax law to ensure economic equality of opportunity to ordinary Americans.

We hold that the federal tax structure should reflect the following principles:

The cost of government must be distributed more fairly among income classes. We reaffirm the long-established principle of progressive taxation—allocating the burden according to ability to pay—which is all but a dead letter in the present tax code.

The cost of government must be distributed fairly among citizens in similar economic circumstances.

Direct expenditures by the federal government which can be budgeted are better than tax preferences as the means for achieving public objectives. The lost income of those tax preferences which are deemed desirable should be stated in the annual budget.

When relief for hardship is provided through federal tax policy, as for blindness, old age or poverty, benefits should be provided equally by credit rather than deductions which favor recipients with more income, with special provisions for those whose credits would exceed the tax they owe.

Provisions which discriminate against working women and single people should be corrected. In addition to greater fairness and efficiency, these principles would mean a major redistribution of personal tax burdens and permit considerable simplification of the tax code and tax forms.

Social security tax. The Democratic Party commits itself to make the Social Security tax progressive by raising substantially the ceiling on earned income. To permit needed increases in Social Security benefits, we will use general revenues as necessary to supplement payroll tax receipts. In this way, we will support continued movement toward general revenue financing for social security.

Property Tax. Greater fairness in taxation at the federal level will have little meaning for the vast majority of American households if the burden of inequitable local taxation is not reduced. To reduce the local property tax for all American families, we support equalization of school spending and substantial increases in the federal share of education costs and general revenue sharing.

New forms of federal financial assistance to states and localities should be made contingent upon property tax reforms, including equal treatment and full publication of assessment ratios.

Tax policy should not provide incentives that encourage overinvestment in developed countries by American business, and mechanisms should be instituted to limit undesirable capital exports that exploit labor abroad and damage the American worker at home.

Labor-management relations

Free private collective bargaining between management and independent labor unions has been, and must remain, the cornerstone of our free enterprise system. America achieved its greatness through the combined energy and efforts of the working men and women of this country. Retention of its greatness rests in their hands. Through their great trade union organizations, these men and women have exerted tremendous influence on the economic and social life of the nation and have attained a standard of living known to no other nation. The concern of the Party is that the gains which labor struggled so long to obtain not be lost to them, whether through inaction or subservience to illogical Republican domestic policies.

We pledge continued support for our system of free collective bargaining and denounce any attempt to substitute compulsory arbitration for it. We, therefore, oppose the Nixon Administration's effort to impose arbitration in transportation disputes through its last-offer-selection bill.

The National Labor Relations Act should be updated to ensure:

Extension of protection to employees of non-profit institutions;

Remedies which adequately reflect the losses caused by violations of the Act;

Repeal of section 14(b), which allows states to legislate the open shop and remove the ban on common-sites picketing; and

Effective opportunities for unions, as well as employers, to communicate with employees, without coercion by either side or by anyone acting on their behalf.

The Railway Labor Act should be updated to ensure:

That strikes on a single carrier or group of carriers cannot be transformed into nationwide strikes or lockouts;

Incentives for bargaining which would enable both management and labor to resolve their differences without referring to government intervention; and

Partial operation of struck railroads to ensure continued movement of essential commodities.

New legislation is needed to ensure:

Collective bargaining rights for government employees;

Universal coverage and longer duration of the Unemployment Insurance and Workmen's Compensation programs and to establish minimum federal standards, including the establishment of equitable wage-loss ratios in those programs, including a built-in escalator clause that fairly reflects increases in average wage rates; and

That workers covered under private pension plans actually receive the personal and other fringe benefits to which their services for their employer entitle them. This requires that the fixed right to benefits starts early in employment, that reserves move with the worker from job to job and that re-insurance protection be given pension plans.

Labor standards

American workers are entitled to job safety at a living wage. Most of the basic protections needed have been recognized in legislation already enacted by Congress.

The Fair Labor Standards Act should be updated, however, to:

Move to a minimum wage of $2.50 per hour, which allows a wage earner to earn more than a poverty level income for 40 hours a week, with no subminimums for special groups or age differentials;

Expand coverage to include the 16 million workers not presently covered, including domestic workers, service workers, agricultural employees and employees of governmental and nonprofit agencies; and

Set overtime premiums which give an incentive to hire new employees rather than to use regular employees for extended periods of overtime.

The Longshoremen and Harbor Workers' Compensation Act should be updated to provide adequate protection for injured workers and federal standards for workmen's compensation should be set by Congress.

The Equal Pay Act of 1963 should be extended to be fully effective, and to cover professional, executive and administrative workers.

Maternity benefits should be made available to all working women. Temporary disability benefits should cover pregnancy, childbirth, miscarriage and recovery.

Occupational health and safety

Each year over 14,000 American workers are killed on their jobs, and nine million injured. Unknown millions more are exposed to long-term danger and disease from exposure to dangerous substances. Federal and state laws are supposed to protect workers; but these laws are not being enforced. This Administration has hired only a handful of inspectors and proposes to turn enforcement over to the same state bureaucracies that have proven inadequate in the past. Where violations are detected, only token penalties have been assessed.

We pledge to fully and rigorously enforce the laws which protect the safety and health of workers on their jobs and to extend those laws to all jobs, regardless of number of employees. This must include standards that truly protect against all health hazards, adequate federal enforcement machinery backed up by rigorous penalties and an opportunity for workers themselves to participate in the laws' enforcement by sharing responsibility for plant inspection.

We endorse federal research and development of effective approaches to combat the dehumanizing and debilitating effects of monotonous work.

Farm labor

The Sixties and Seventies have seen the struggle for unionization by the poorest of the poor in our country—America's migrant farm workers.

Under the leadership of Cesar Chavez, the United Farm Workers have accomplished in the non-violent tradition what was thought impossible only a short time ago. Through hard work and much sacrifice, they are the one group that is successfully organizing farm workers.

Their movement has caught the imagination of millions of Americans who have not eaten grapes so that agribusiness employers will recognize their workers as equals and sit down with them in meaningful collective bargaining.

We now call upon all friends and supporters of this movement to refrain from buying or eating non-union lettuce.

Furthermore, we support the farm workers' movement and the use of boycotts as a non-violent and potent weapon for gaining collective bargaining recognition and contracts for agricultural workers. We oppose the Nixon Administration's effort to enjoin the use of the boycott.

We also affirm the right of farm workers to organize free of repressive anti-labor legislation, both state and federal.

III. RIGHTS, POWER AND SOCIAL JUSTICE

"We're just asking, and we don't ask for much. Just to give us opportunity to live as human beings as other people have lived."—Dorothy Bolden, Atlanta Hearing, June 9, 1972.

"All your platform has to say is that the rights, opportunities and political power of citizenship will be extended to the lowest level, to neighborhoods and individuals. If your party can live up to that simple pledge, my faith will be restored."—Bobby Westbrooks, St. Louis Hearing, June 17, 1972.

"We therefore urge the Democratic Party to adopt the principle that America has a responsibility to offer every American family the best in health care, whenever they need it, regardless of income or any other factor. We must devise a system which will assure that . . . every American receives comprehensive health services from the day he is born to the day he dies, with an emphasis on preventive care to keep him healthy."—Joint Statement of Senator Edward M. Kennedy and Representative Wilbur Mills, St. Louis Hearing, June 17, 1972.

The Democratic Party commits itself to be responsive to the millions of hard working, lower- and middle-income Americans who are traditionally courted by politicians at election time, get bilked at tax-paying time, and are too often forgotten the balance of the time.

This is an era of great change. The world is fast moving into a future for which the past has not prepared us well; a future where to survive, to find answers to the problems which threaten us as a people, we must create qualitatively new solutions. We can no longer rely on old systems of thought, the results of which were partially successful programs that were heralded as important social reforms in the past. It is time *now* to rethink and reorder the institutions of this country so that everyone—women, blacks, Spanish-speaking, Puerto Ricans, Indians, the young and the old—can participate in the decision-making process inherent in the democratic heritage to which we aspire. We must restructure the social, political and economic relationships throughout the entire society in order to ensure the equitable distribution of wealth and power.

The Democratic Party in 1972 is committed to resuming the march toward equality; to enforcing the laws supporting court decisions and enacting new legal rights as necessary, to assuring every American true opportunity, to bringing about a more equal distribution of power, income and wealth and equal and uniform enforcement in all states and territories of civil rights statutes and acts.

In the 1970's, this commitment requires the fulfillment—through laws and policies, through appropriations and directives; through leadership and exhortation—of a wide variety of rights:

The right to full participation in government and the political process;

The rights of free speech and free political expression, of freedom from official intimidation, harassment and invasion of privacy, as guaranteed by the letter and the spirit of the Constitution;

The right to a decent job and an adequate income, with dignity;

The right to quality, accessibility and sufficient quantity in tax-supported services and amenities—including educational opportunity, health care, housing and transportation;

The right to quality, safety and the lowest possible cost on goods and services purchased in the market place;

The right to be different, to maintain a cultural or ethnic heritage or lifestyle, without being forced into a compelled homogeneity;

The rights of people who lack rights: Children, the mentally retarded, mentally ill and prisoners, to name some; and

The right to legal services, both civil and criminal, necessary to enforce secured rights.

Free expression and privacy

The new Democratic Administration should bring an end to the pattern of political persecution and investigation, the use of high office as a pulpit for unfair attack and intimidation and the blatant efforts to control the poor and to keep them from acquiring additional economic security or political power.

The epidemic of wiretapping and electronic surveillance engaged in by the Nixon Administration and the use of grand juries for purposes of political intimidation must be ended. The rule of law and the supremacy of the Constitution, as these concepts have traditionally been understood, must be restored.

We strongly object to secret computer data banks on individuals. Citizens should have access to their own files that are maintained by private commercial firms and the right to insert corrective material. Except in limited cases, the same should apply to government files. Collection and maintenance by federal agencies of dossiers on law-abiding citizens, because of their political views and statements, must be stopped, and files which never should have been opened should be destroyed. We firmly reject the idea of a National Computer Data Bank.

The Nixon policy of intimidation of the media and Administration efforts to use government power to block access to media by dissenters must end, if free speech is to be preserved. A Democratic Administration must be an open one, with the fullest possible disclosure of information, with an end to abuses of security classifications and executive privilege, and with regular top-level press conferences.

The right to be different

The new Democratic Administration can help lead America to celebrate the magnificence of the diversity within its population, the racial, national, linguistic and religious groups which have contributed so much to the vitality and richness of our national life. As things are, official policy too often forces people into a mold of artificial homogeneity.

Recognition and support of the cultural identity and pride of black people are generations overdue. The American Indians, the Spanish-speaking, the Asian Americans—the cultural and linguistic heritage of these groups is too often ignored in schools and communities. So, too, are the backgrounds, traditions and contributions of white national, ethnic, religious and regional communities ignored. All official discrimination on the basis of sex, age, race, language, political belief, religion, region or national origin must end. No American should be subject to discrimination in employment or restriction in business because of ethnic background or religious practice. Americans should be free to make their own choice of lifestyles and private habits without being subject to discrimination or prosecution. We believe official policy can encourage diversity while continuing to place full emphasis on equal opportunity and integration.

We urge full funding of the Ethnic Studies bill to provide funds for development of curriculum to preserve America's ethnic mosaic.

Rights of children

One measure of a nation's greatness is the care it manifests for all of its children. The Nixon Administration has demonstrated a callous attitude toward children repeatedly through veto and administrative decisions. We, therefore, call for a reordering of priorities at all levels of American society so that children, our most precious resource, and families come first.

To that end, we call for:

The federal government to fund comprehensive developmental child care programs that will be family centered, locally controlled and universally available. These programs should provide for active participation of all family members in the development and implementation of the program. Health, social service and early childhood education should be part of these programs, as well as a variety of options most appropriate to their needs. Child care is a supplement, not a substitute, for the family;

The establishment of a strong child advocacy program, financed by the federal government and other sources, with full ethnic, cultural, racial and sexual representation;

First priority for the needs of children, as we move toward a National Health Insurance Program;

The first step should be immediate implementation of the federal law passed in the 1967 Social Security Amendments providing for "early and periodic screening, diagnosis and treatment" of children's health problems;

Legislation and administrative decisions to drastically reduce childhood injuries—prenatal, traffic, poisoning, burns, malnutrition, rat bites and to provide health and safety education.

Full funding of legislation designed to meet the needs of children with special needs: The retarded, the physically and mentally handicapped, and those whose environment produces abuse and neglect and directs the child to anti-social conduct;

Reaffirmation of the rights of bilingual, handicapped or slow-learning children to education in the public schools, instead of being wrongly classified as retarded or uneducable and dismissed;

Revision of the juvenile court system; dependency and neglect cases must be removed from the corrections system, and clear distinctions must be drawn between petty childhood offenses and the more serious crimes;

Allocation of funds to the states to provide counsel to children in juvenile proceedings, legal or administrative; and

Creation by Congress of permanent standing committees on Children and Youth.

Rights of women

Women historically have been denied a full voice in the evolution of the political and social institutions of this country and are therefore allied with all under-represented groups in a common desire to form a more humane and compassionate society. The Democratic Party pledges the following:

A priority effort to ratify the Equal Rights Amendment;

Elimination of discrimination against women in public accommodations and public facilities, public education and in all federally-assisted programs and federally-contracted employment;

Extension of the jurisdiction of the Civil Rights Commission to include denial of civil rights on the basis of sex;

Full enforcement of all federal statutes and executive laws barring job discrimination on the basis of sex, giving the Equal Employment Opportunities Commission adequate staff and resources and power to issue cease-and-desist orders promptly;

Elimination of discriminatory features of criminal laws and administration;

Increased efforts to open educational opportunities at all levels, eliminating discrimination against women in access to education, tenure, promotion and salary;

Guarantee that all training programs are made more equitable, both in terms of the numbers of women involved and the job opportunities provided; jobs must be available on the basis of skill, not sex;

Availability of maternity benefits to all working women; temporary disability benefits should cover pregnancy, childbirth, miscarriage and recovery;

Elimination of all tax inequities that affect women and children, such as higher taxes for single women;

Amendment of the Social Security Act to provide equitable retirement benefits for families with working wives, widows, women heads of households and their children;

Amendment of the Internal Revenue Code to permit working families to deduct from gross income as a business expense, housekeeping and child care costs;

Equality for women on credit, mortgage, insurance, property, rental and finance contracts;

Extension of the Equal Pay Act to all workers, with amendment to read "equal pay for comparable work;"

Appointment of women to positions of top responsibility in all branches of the federal government to achieve an equitable ratio of women and men. Such positions include Cabinet members, agency and division heads and Supreme Court Justices; inclusion of women advisors in equitable ratios on all government studies, commissions and hearings; and

Laws authorizing federal grants on a matching basis for financing State Commissions of the Status of Women.

Rights of youth

In order to ensure, maintain and secure the proper role and functions of youth in American government, politics and society, the Democratic Party will endeavor to:

Lower the age of legal majority and consent to 18;

Actively encourage and assist in the election of youth to federal, state and local offices;

Develop special programs for employment of youth, utilizing governmental resources to guarantee development, training and job placement; and

Secure the electoral reforms called for under "People and the Government."

Rights of poor people

Poor people, like all Americans, should be represented at all levels of the Democratic Party in reasonable proportion to their numbers in the general population. Affirmative action must be taken to ensure their representation at every level. The Democratic Party guidelines guaranteeing proportional representation to "previously discriminated against groups" (enumerated as "women, young people and minorities") must be extended to specifically include poor people.

Political parties, candidates and government institutions at all levels must be committed to working with and supporting poor people's organizations and ending the tokenism and co-optation that has characterized past dealings.

Welfare rights organizations must be recognized as representative of welfare recipients and be given access to regulations, policies and decision-making processes, as well as being allowed to represent clients at all governmental levels.

The federal government must protect the right of tenants to organize tenant organizations and negotiate collective bargaining agreements with private landlords and encourage the participation of the tenants in the management and control of all subsidized housing.

Rights of American Indians

We support rights of American Indians to full rights of citizenship. The federal government should commit all necessary funds to improve the lives of Indians, with no division between reservation and non-reservation Indians. We strongly oppose the policy of termination, and we urge the government to provide unequivocal advocacy for the protection of the remaining Indian land and water resources. All land rights due American Indians, and Americans of Spanish and Mexican descent, on the basis of treaties with the federal government will be protected by the federal government. In addition we support allocation of Federal surplus lands to American Indians on a first priority basis.

American Indians should be given the right to receive bilingual medical services from hospitals and physicians of their choice.

Rights of the physically disabled

The physically disabled have the right to pursue meaningful employment and education, outside a hospital environment, free from unnecessary discrimination, living in adequate housing, with access to public mass transportation and regular medical care. Equal opportunity employment practices should be used by the government in considering their application for federal jobs and equal access to education from pre-school to the college level guaranteed. The physically disabled like all disadvantaged peoples, should be represented in any group making decisions affecting their lives.

Rights of the mentally retarded

The mentally retarded must be given employment and educational opportunities that promote their dignity as individuals and ensure their civil rights. Educational treatment facilities must guarantee that these rights always will be recognized and protected. In addition, to assure these citizens a more meaningful life, emphasis must be placed on programs of treatment that respect their right to life in a non-institutional environment.

Rights of the elderly

Growing old in America for too many means neglect, sickness, despair and, all too often, poverty. We have failed to discharge the basic obligation of a civilized people—to respect and assure the security of our senior citizens. The Democratic Party pledges, as a final step to economic security for all, to end poverty—as measured by official standards—among the retired, the blind and the disabled. Our general program of economic and social justice will benefit the elderly directly. In addition, a Democratic Administration should:

Increaase social security to bring benefits in line with changes on the national standard of living;

Provide automatic adjustments to assure that benefits keep pace with inflation;

Support legislation which allows beneficiaries to earn more income, without reduction of social security payments;

Protect individual's pension rights by pension re-insurance and early vesting;

Lower retirement eligibility age to 60 in all government pension programs;

Expand housing assistance for the elderly;

Encourage development of local programs by which senior citizens can serve their community in providing education, recreation, counseling and other services to the rest of the population;

Establish federal standards and inspection of nursing homes and full federal support for qualified nursing homes;

Take the needs of the elderly and the handicapped into account in all federal programs, including construction of federal buildings, housing and transportation planning;

Pending a full national health security system, expand Medicare by supplementing trust funds with general revenues in order to provide a complete range of care and services; eliminate the Nixon Administration cutbacks in Medicare and Medicaid; eliminate the part B premium under Medicare and include under Medicare and Medicaid the costs of eyeglasses, dentures, hearing aids, and all prescription drugs and establish uniform national standards for Medicaid to bring to an end the present situation which makes it worse to be poor in one state than in another.

The Democratic Party pledges itself to adopt rules to give those over 60 years old representation on all Party committees and agencies as nearly as possible in proportion to their percentage in the total population.

Rights of veterans

It is time that the nation did far more to recognize the service of our 28 million living veterans and to serve them in return. The veterans of Vietnam must get special attention, for no end of the war is truly honorable which does not provide these men the opportunities to meet their needs.

The Democratic Party is committed to extending and improving the benefits available to American veterans and society, to ending the neglect shown by the Nixon Administration to these problems and to the human needs of our ex-servicemen.

Medical care.—The federal government must guarantee quality medical care to ex-servicemen, and to all disabled veterans, expanding and improving Veterans Administration facilities and manpower and preserving the independence and integrity of the VA hospital program. Staff-patient ratios in these hospitals should be made comparable to ratios in community hospitals. Meanwhile, there should be an increase in the VA's ability to deliver out-patient care and home health services, wherever possible treating veterans as part of a family unit.

We support future coordination of health care for veterans with the national health care insurance program, with no reduction in scale or quality of existing veterans care and with recognition of the special health needs of veterans.

The VA separate personnel system should be expanded to take in all types of health personnel, and especially physician's assistants; and VA hospitals should be used to develop medical schools and area health education centers.

The VA should also assume responsibility for the care of wives and children of veterans who are either permanently disabled or who have died from service-connected causes. Distinction should no longer be made between veterans who have seen "wartime," as opposed to "peacetime," service.

Education.—Educational benefits should be provided for Vietnam-era veterans under the GI Bill at levels comparable to those of the original Bill after World War II, supplemented by special veteran's education loans. The VA should greatly expand and improve programs for poor or educationally disadvantaged veterans. In addition, there should be a program under which servicemen and women can receive high school, college or job training while on active duty. GI Bill trainees should be used more extensively to reach out to other veterans who would otherwise miss these educational opportunities.

Drug Addiction.—The Veterans Administration should provide either directly or through community facilities, a comprehensive, individually tailored treatment and rehabilitation program for all drug- and alcohol-addicted veterans, on a voluntary and confidential basis, and regardless of the nature of their discharge or the way in which they acquired their condition.

Unemployment.—There should be an increase in unemployment compensation provided to veterans, and much greater emphasis on the Veterans Employment Service of the Department of Labor, expanding its activities in every state. There should be a greatly enlarged effort by the federal government to employ Vietnam-era veterans and other veterans with service-connected disabilities. In addition, veterans' preferences in hiring should be written into every federal contract or subcontract and for public service employment.

Rights of servicemen and servicewomen

Military discipline must be maintained, but unjustifiable restriction on the Constitutional rights of members of the armed services must cease.

We support means to ensure the protection of GI rights to express political opinion and engage in off-base political activity.

We should explore new procedures for providing review of discharges other than honorable, in cases involving political activity.

We oppose deferential advancement, punishment assignment or any other treatment on the basis of race, and support affirmative action to end discrimination.

We support rights of women in the armed forces to be free from unfair discrimination.

We support an amendment of the Uniform Code of Military Justice to provide for fair and uniform sentencing procedures.

Rights of consumers

Consumers need to be assured of a renewed commitment to basic rights and freedoms. They must have the mechanisms available to allow self-protection against the abuses that the Kennedy and Johnson programs were designed to eliminate. We propose a new consumer program:

In the Executive Branch.—The executive branch must use its power to expand consumer information and protection:

Ensure that every policy-making level of government concerned with economic or procurement decisions should have a consumer input either through a consumer advisory committee or through consumer members on policy advisory committees;

Support the development of an independent consumer agency providing a focal point on consumer matters with the right to intervene on behalf of the consumer before all agencies and regulatory bodies; and

Expand all economic policy-making mechanisms to include an assessment of social as well as economic indicators of human well-being.

In the Legislative Branch.—We support legislation which will expand the ability of consumers to defend themselves:

Ensure an extensive campaign to get food, drugs and all other consumer products to carry complete informative labeling about safety, quality and cost. Such labeling is the first step in ensuring the economic and physical health of the consumer. In the food area, it should include nutritional unit pricing, full ingredients by percentage, grade, quality and drained weight information. For drugs, it should include safety, quality, price and operation data, either on the label or in an enclosed manual;

Support a national program to encourage the development of consumer cooperatives, patterned after the rural electric cooperatives in areas where they might help eliminate inflation and restore consumer rights; and

Support federal initiatives and federal standards to reform automobile insurance and assure coverage on a first-party, no-fault basis.

In the Judicial Branch.—The Courts should become an effective forum to hear well-founded consumer grievances.

Consumer class action: Consumers should be given access to the federal courts in a way that allows them to initiate group action against fraudulent, deceitful, or misleading or dangerous business practices.

Small Claims Court: A national program should be undertaken to improve the workings of small claims courts and spread their use so that consumers injured in economically small, though individually significant amounts (e.g. $500), can bring their complaints to the attention of a court and collect their damages without self-defeating legal fees.

The quality and quantity of social service

The new Democratic Administration can begin a fundamental re-examination of all federal domestic social programs and the patterns of service delivery they support. Simply advocating the expenditure of more funds is not enough, although funds are needed, for billions already have been poured into federal government programs—programs like urban renewal, current welfare and aid to education, with meager results. The control, structure and effectiveness of every institution and government grant system must be fully examined and these institutions must be made accountable to those they are supposed to serve.

We will, therefore, pursue the development of new rights of two kinds: Rights to the service itself and rights to participate in the delivery process.

Health care

Good health is the least this society should promise its citizens. The state of health services in this country indicates the failure of government to respond to this fundamental need. Costs skyrocket while the availability of services for all but the rich steadily decline.

We endorse the principle that good health is a right of all Americans.

America has a responsibility to offer to every American family the best in health care wherever they need it, regardless of income or where they live or any other factor.

To achieve this goal the next Democratic Administration should:

Establish a system of universal National Health Insurance which covers all Americans with a comprehensive set of benefits including preventive medicine, mental and emotional disorders, and complete protection against catastrophic costs, and in which the rule of free choice for both provider and consumer is protected. The program should be federally-financed and federally-administered. Every American must know he can afford the cost of health care whether given in a hospital or a doctor's office;

Incorporate in the National Health Insurance System incentives and controls to curb inflation in health care costs and to assure efficient delivery of all services;

Continue and evaluate Health Maintenance Organizations;

Set up incentives to bring health service personnel back to inner-cities and rural areas;

Continue to expand community health centers and availability of early screening diagnosis and treatment;

Provide federal funds to train added health manpower including doctors, nurses, technicians and para-medical workers;

Secure greater consumer participation and control over health care institutions;

Expand federal support for medical research including research in heart disease, hypertension, stroke, cancer, sickle cell anemia, occupational and childhood diseases which threaten millions and in preventive health care;

Eventual replacement of all federal programs of health care by a comprehensive National Health Insurance System;

Take legal and other action to curb soaring prices for vital drugs using anti-trust laws as applicable and amending patent laws to end price-raising abuses, and require generic-name labeling of equal-effective drugs; and

Expand federal research and support for drug abuse treatment and education, especially development of non-addictive treatment methods.

Family planning

Family planning services, including the education, comprehensive medical and social services necessary to permit individuals freely to determine and achieve the number and spacing of their children, should be available to all, regardless of sex, age, marital status, economic group or ethnic origin, and should be administered in a non-coercive and non-discriminatory manner.

Puerto Rico

The Democratic Party respects and supports the frequently-expressed desire of the people of Puerto Rico to freely associate in permanent union with the United States, as an autonomous commonwealth. We are committed to Puerto Rico's right to enjoy full self-determination and a relationship that can evolve in ways that will most benefit both parties.

To this end, we support equal treatment for Puerto Rico in the distribution of all federal grants-in-aid, amendment of federal laws that restrict aid to Puerto Rico; and we pledge no further restrictions in future laws. Only in this way can the people of Puerto Rico come to participate more fully in the many areas of social progress made possible by Democratic efforts, on behalf of all the people.

Finally, the Democratic Party pledges to end all Naval shelling and bombardment of the tiny, inhabited island of Culebra and its neighboring keys, not later than June 1, 1975. With this action, and others, we will demonstrate the concern of the Democratic Party to develop and maintain a productive relationship between the Commonwealth and the United States..

Virgin Islands, Guam, American Samoa and the Trust Territories of the Pacific

We pledge to include all of these areas in federal grant-in-aid programs on a full and equitable basis.

We praise the Democratic Congress for providing a non-voting delegate to the House of Representatives from Guam and the Virgin Islands and urge that these elected delegates be accorded the full vote in the committees to which they are assigned.

We support the right of American Samoans to elect their Governor, and will consider methods by which American citizens residing in American territories can participate in Presidential elections.

IV. CITIES, COMMUNITIES, COUNTIES AND THE ENVIRONMENT

> "When the Democratic Platform is written and acted on in Miami, let it be a blueprint for the life and survival of our cities and our people."
>
> —Mayor Kenneth A. Gibson
> U.S. Conference of Mayors
> New Orleans
> June 19, 1972

Introduction

Always the vital center of our civilization, the American city since World War II has been suffering growing pains, caused partly by the change of the core city into a metropolitan city and partly by the movement of people from towns and rural areas into the cities.

The burgeoning of the suburbs—thrust outward with too little concern for social, economic and environmental consequences—has both broadened the city's limits and deepened human and neighborhood needs.

The Nixon Administration has failed to meet most of these needs. It has met the problem of urban decay with tired, decaying "solutions" that are unworthy of the name. It could act to revitalize our urban areas; instead, we see only rising crime, fear and flight, racial and economic polarization, loss of confidence and depletion of community resources.

This Administration has ignored the cities and suburbs, permitting taxes to rise and services to decline; housing to deteriorate faster than it can be replaced, and morale to suffer. It actually has impounded funds appropriated by a Democratic Congress to help cities in crisis.

The Administration has ignored the needs of city and suburban residents for public services, for property tax relief and for the planning and coordination that alone can assure that housing, jobs, schools and transportation are built and maintained in suitable locations and in needed numbers and quality.

Meanwhile, the Nixon Administration has forgotten small-town America, too, refusing to provide facilities that would make it an attractive alternative to city living.

This has become the American crisis of the 1970's. Today, our highest national priority is clear and precise: To deal effectively—and *now*—with the massive, complex and urgent needs of our cities, suburbs and towns.

The federal government cannot solve all the problems of these communities. Too often, federal bureaucracy has failed to deliver the services and keep the promises that are made. But only the federal government can be the catalyst to focus attention and resources on the needs of every neighborhood in America.

Under the Nixon Administration, piecemeal measures, poorly funded and haphazardly applied, have proved almost totally inadequate. Words have not halted the decline of neighborhoods. Words have not relieved the plight of tenants in poorly managed, shoddy housing. Our scarce urban dollars have been wasted, and even the Republican Secretary of Housing and Urban Development has admitted it.

The Democratic Party pledges to stop the rot in our cities, suburbs and towns, and stop it now. We pledge commitment, coordination, planning and funds:

Commitment to make our communities places where we are proud to raise our children;

Coordination and planning to help all levels of government achieve the same goals, to ensure that physical facilities meet human needs and to ensure that land—a scarce resource—is used in ways that meet the needs of the entire nation; and

Funds to reduce the burden of the inequitable property tax and to help local government meet legitimate and growing demands for public facilities and services.

The nation's urban areas must and can be habitable. They are not only centers of commerce and trade, but also repositories of history and culture, expressing the richness and variety of their region and of the larger society. They are worthy of the best America can offer. They are America.

Partnership among governments

The federal government must assist local communities to plan for their orderly growth and development, to improve conditions and opportunities for all their citizens and to build the public facilities they need.

Effective planning must be done on a regional basis. New means of planning are needed that are practical and realistic, but that go beyond the limits of jurisdictional lines. If local government is to be responsive to citizen needs, public services and programs must efficiently be coordinated and evolved through comprehensive regional planning and decision-making. Government activities should take account of the future as well as the present.

In aiding the reform of state and local governments, federal authority must insist that local decisions take into account the views and needs of all citizens, white and black, haves and have-nots, young and old, Spanish and other non-English-speaking, urban, suburban and rural.

Americans ask more and more of their local governments, but the regressive property tax structure makes it impossible for cities and counties to deliver. The Democratic Party is committed to ensure that state and local governments have the funds and the capacity to achieve community service and development goals—goals that are nationally recognized. To this end:

We fully support general revenue sharing and the principle that the federal income tax should be used to raise more revenues for local use;

We pledge adequate federal funds to halt property tax increases and to begin to roll them back. Turning over federal funds to local governments will permit salaries of underpaid state and local government employees to climb to acceptable levels; and it will reduce tax pressures on the aged, the poor, Spanish and other non-English-speaking Americans and young couples starting out in life;

We further commit ourselves to reorganize categorical grant programs. They should be consolidated, expanded and simplified. Funding should be adequate, dependable, sustained, long-term and related to state and local fiscal timetables and priorities.

There should be full funding of all programs, without the impounding of funds by the Executive Branch to thwart the will of Congress. And there should be performance standards governing the distribution of all federal funds to state and local governments; and

We support efforts to eliminate gaps and costly overlaps in services delivered by different levels of government.

Urban growth policy

The Nixon Administration has neither developed an effective urban growth policy designed to meet critical problems, nor concerned itself with the needed re-creation of the quality of life in our cities, large and small. Instead, it has severely over-administered and underfunded existing federal aid programs. Through word and deed, the Administration has widened the gulf between city and suburb, between core and fringe, between haves and have-nots.

The nation's urban growth policies are seen most clearly in the legitimate complaints of suburban householders over rising taxes and center-city families over houses that are falling apart and services that are often non-existent. And it is here, in the center city, that the failure of Nixon Administration policies is most clear to all who live there.

The Democratic Party pledges:

A national urban growth policy to promote a balance of population among cities, suburbs, small towns and rural areas, while providing social and economic opportunities for everyone. America needs a logical urban growth policy, instead of today's inadvertent, chaotic and haphazard one that doesn't work. An urban growth policy that truly deals with our tax and mortgage insurance and highway policies will require the use of federal policies as leverage on private investment;

A policy on housing—including low- and middle-income housing—that will concentrate effort in areas where there are jobs, transportation, schools, health care and commercial facilities. Problems of over-growth are not caused so much by land scarcity, as by the wrong distribution of people and the inadequate servicing of their needs; and

A policy to experiment with alternative strategies to reserve land for future development—land banks—and a policy to recoup publicly created land values for public benefit.

The cities

Many of the worst problems in America are centered in our cities. Countless problems contribute to their plight: decay in housing, the drain of welfare, crime and violence, racism, failing schools, joblessness and poor mass transit, lack of planning for land use and services.

The Democratic Party pledges itself to change the disastrous policies of the Nixon Administration toward the cities and to reverse the steady process of decay and dissolution. We will renew the battle begun under the Kennedy and Johnson Administrations to improve the quality of life in our cities. In addition to pledging the resources critically needed, we commit ourselves to these actions:

Help localities to develop their own solutions to their most pressing problems—the federal government should not stifle or usurp local initiative;

Carry out programs developed elsewhere in this Platform to assure every American decent shelter, freedom from hunger, good health care, the opportunity to work, adequate income and a decent education;

Provide sufficient management and planning funds for cities, to let them increase staff capacity and improve means of allocating resources;

Distribute funds according to standards that will provide center cities with enough resources to revitalize old neighborhoods and build new ones, to expand and improve community services and to help local governments better to plan and deliver these services; and

Create and fund a housing strategy that will recognize that housing is neighborhood and community as well as shelter—a strategy that will serve all the nation's urban areas and all the American people.

Housing and community development

The 1949 Housing Act pledged "a decent home and suitable living environment for every American family." Twenty-three years later, this goal is still far away. Under this Administration, there simply has been no progress in meeting our housing needs, despite the Democratic Housing Act of 1968. We must build 2.6 million homes a year, including two-thirds of a million units of federally-subsidized low- and middle-income housing. These targets are not being met. And the lack of housing is particularly critical for people with low and middle incomes.

In the cities, widespread deterioration and abandonment are destroying once sound homes and apartments, and often entire neighborhoods, faster than new homes are built.

Federal housing policy creates walled compounds of poor, elderly and ethnic minorities, isolating them in the center city.

These harmful policies include the Administration's approach to urban renewal, discrimination against the center city by the Federal Housing Administration, highway policies that destroy neighborhoods and create ghettoes and other practices that work against housing for low- and middle-income families.

Millions of lower—and middle-class Americans—each year the income level is higher—are priced out of housing because of sharply rising costs.

Under Republican leadership, the Federal Housing Administration (FHA) has become the biggest slumlord in the country. Some unsophisticated home buyers have purchased homes with FHA mortgage insurance or subsidies. These consumers, relying on FHA appraisals to protect them, often have been exploited by dishonest real estate speculators. Unable to repair or maintain these houses, the buyers often have no choice but to abandon them. As a result, the FHA will acquire a quarter million of these abandoned houses at a cost to the taxpayers of billions of dollars.

Under the Republican Administration, the emphasis has been on housing subsidies for the people who build and sell houses rather than for those people who need and live in them. In many cases, the only decent shelter provided is a tax shelter.

To correct this inequity the Democratic Party pledges:

To overhaul completely the FHA to make it a consumer-oriented agency;

To use the full faith and credit of the Treasury to provide direct, low-interest loans to finance the construction and purchase of decent housing for the American people; and

To insist on building practices, inspection standards and management that will assure quality housing.

The next Administration must build and conserve housing that not only meets the basic need for shelter, but also provides a wider choice of quality housing and living environments. To meet this challenge, the Democratic Party commits itself to a housing approach that:

Prevents the decay and abandonment of homes and neighborhoods. Major rehabilitation programs to conserve and rehabilitate housing are needed. Consumers should be aided in purchasing homes, and low-income housing foreclosed by the FHA should be provided to poor families at minimal cost as an urban land grant. These houses should be rehabilitated and lived in, not left to rot;

Provides federal funds for preservation of existing neighborhoods. Local communities should decide whether they want renewal or preservation. Choosing preservation should not mean steady deterioration and inadequate facilities;

Provides for improved housing quality for all families through strict enforcement of housing quality standards and full compliance with state and local health and safety laws;

Provides effective incentives to reduce housing costs—to the benefit of poor and middle-income families alike—through effective use of unused, undeveloped land, reform of building practices and the use of new building techniques, including factory-made and modular construction;

Assures that residents have a strong voice in determining the destiny of their own neighborhoods;

Promotes free choice in housing—the right of all families, regardless of race, color, religion or income, to choose among a wide range of homes and neighborhoods in urban suburban and rural areas—through the greater use of grants to individuals for housing, the development of new communities offering diversified housing and neighborhood options and the enforcement of fair housing laws; and

Assures fair and equitable relationships between landlords and tenants.

New towns

New towns meet the direct housing and community needs of only a small part of our populations. To do more, new towns must be developed in concert with massive efforts to revitalize central cities and enhance the quality of life in still growing suburban areas.

The Democratic Party pledges:

To strengthen the administration of the New Towns program; to reduce onerous review requirements that delay the start of New Towns and thus thwart Congressional mandates; to release already appropriated monies and provide new planning and development funds needed to assure the quality of life in New Towns; and

To assure coordination between development of New Towns and renewed efforts to improve the quality of life in established urban and suburban areas. We also promise to use effectively the development of New Towns to increase housing choices for people now living in central and suburban areas.

Transportation

Urban problems cannot be separated from transportation problems. Whether tying communities together, connecting one community to another or linking our cities and towns to rural areas, good transportation is essential to the social and economic life of any community. It joins workers to jobs; makes commercial activity both possible and profitable and provides the means for expanding personal horizons and promoting community cultural life.

Today, however, the automobile is the principal form of transportation in urban areas. The private automobile has made a major contribution to economic growth and prosperity in this century. But now we must have better balanced transportation—more of it public. Today, 15 times as much federal aid goes to highways as to mass transit; tomorrow this must change. At the same time, it is important to preserve and improve transportation in America's rural areas, to end the crisis in rural mobility.

The Democratic Party pledges:

To create a single Transportation Trust Fund, to replace the Highway Trust Fund, with such additional funds as necessary to meet our transportation crisis substantially from federal resources. This fund will allocate monies for capital projects on a regional basis, permitting each region to determine its own needs under guidelines that will ensure a balanced transportation system and adequate funding of mass transit facilities.

Moreover, we will:

Assist local transit systems to meet their capital operating needs;

End the deterioration of rail and rural transportation and promote a flexible rural transportation system based on local, state and regional needs;

Take steps to meet the particular transportation problems of the elderly, the handicapped and others with special needs; and

Assist development of airport terminals, facilities and access to them, with due regard to impact on environment and community.

Environment, technology and resources

Every American has the right to live, work and play in a clean, safe and healthy environment. We have the obligation to ourselves and to our children. It is not enough simply to prevent further environmental deterioration and the despoilation of our natural endowment. Rather, we must improve the quality of the world in which we and they will live.

The Nixon Administration's record on the environment is one of big promises and small actions.

Inadequate enforcement, uncertain requirements, reduced funding and a lack of manpower have undercut the effort commenced by a Democratic Administration to clean up the environment.

We must recognize the costs all Americans pay for the environmental destruction with which we all live: Poorer health, lessened recreational opportunities, higher maintenance costs, lower land productivity and diminished beauty in our surroundings. Only then can we proceed wisely, yet vigorously, with a program of environmental protection which recognizes that, although environmental protection will not be cheap, it is worth a far greater price, in effort and money, than we have spent thus far.

Such a program must include adequate federal funding for waste management, recycling and disposal and for purification and conservation of air and water resources.

The next Administration must reconcile any conflicts among the goals of cleaner air and water, inexpensive power and industrial development and jobs in specific places. These difficulties do exist—to deny them would be deceptive and irresponsible. At the same time, we know they can be resolved by an Administration with energy, intelligence and commitment—qualities notably absent from the current Administration's handling of the problem.

We urge additional financial support to the United States Forest Service for planning and management consistent with the environmental ideal stated in this Platform.

Choosing the right methods of environmental protection

The problem we face is to choose the most efficient, effective and equitable techniques for solving each new environmental problem. We cannot afford to waste resources while doing the job, any more than we can afford to leave the job undone.

We must enforce the strict emission requirements on all pollution sources set under the 1970 Clean Air Act.

We must support the establishment of a policy of no harmful discharge into our waters by 1985.

We have have adequate staffing and funding of all regulatory and enforcement agencies and departments to implement laws, programs and regulations protecting the environment, vigorous prosecution of violators and a Justice Department committed to enforcment of environmental law.

We must fully support laws to assure citizens' standing in federal environmental court suits.

Strict interstate environmental standards must be formulated and enforced to prevent pollution from high-density population areas being dumped into low-density population areas for the purpose of evasion of strict pollution enforcement.

The National Environmental Policy Act should be broadened to include major private as well as public projects, and a genuine commitment must be made to making the Act work.

Our environment is most threatened when the natural balance of an area's ecology is drastically altered for the sole purpose of profits. Such practices as "clear cut" logging, strip mining, the indiscriminate destruction of whole species, creation of select ocean crops at the expense of other species and the unregulated use of persistent pesticides cannot be justified when they threaten our ability to maintain a stable environment.

Where appropriate, taxes need to be levied on pollution, to provide industry with an incentive to clean up.

We also need to develop new public agencies that can act to abate pollution—act on a scale commensurate with the size of the problem and the technology of pollution control.

Expanded federal funding is required to assist local governments with both the capital and operating expenses of water pollution control and solid waste management.

Jobs and the environment

The United States should not be condemned to the choice between the development of resources and economic security *or* preservation of those resources.

A decent job for every American is a goal that need not, and must not, be sacrificed to our commitment to a clean environment. Far from slowing economic growth, spending for environmental protection can create new job opportunities for many Americans. Nevertheless, some older and less efficient plants might find themselves in a worse competitive position due to environmental protection requirements. Closely monitored adjustment assistance should be made available to those plants willing to modernize and institute environmental protection measures.

Science and technology

For years, the United States was the world's undisputed leader in science and technology. Now that leadership is being challenged, in part because of the success of efforts in other countries, and in part because of the Nixon Administration's neglect of our basic human and material resources in this field.

As Democrats, we understand the enormous investment made by the nation in educating and training hundreds of thousands of highly skilled Americans in science and technology. Many of these people are now unemployed, as aerospace and defense programs are slowly cut back and as the Administration's economic policies deprive these Americans, as well as others, of their livelihood.

So far, however, the Nixon Administration has paid scant attention to these problems. By contrast, the Democratic Party seeks both to increase efforts by the federal government and to stimulate research in private industry.

In addition, the Democratic Party is committed to increasing the overall level of scientific research in the United States, which has been allowed to fall under the Nixon Administration. And we are eager to take management methods and techniques devised for the space and defense programs, as well as our technical resources, and apply them to the city, the environment, education, energy, transportation, health care and other urgent domestic needs. We propose also to work out a more effective relationship between government and industry in this area, to stimulate the latter to a greater research and development effort, thus helping buoy up the economy and create more jobs.

Finally, we will promote the search for new approaches in science and technology, so that the benefits of progress may be had without further endangering the environment—indeed, so that the environment may be better preserved. We must create a systematic way to decide which new technologies will contribute to the nation's development, and which will cause more problems than they solve. We are committed to a role for government in helping to bring the growth of technology into a harmonious relationship with our lives.

Energy resources

The earth's natural resources, once in abundant and seemingly unlimited supply, can no longer be taken for granted. In particular, the United States is facing major changes in the pattern of energy supply that will force us to reassess traditional policies. By 1980, we may well have to depend on imports from the Eastern Hemisphere for as much as 30 to 50 percent of our oil supplies. At the same time, new forms of energy supply—such as nuclear, solar or geothermal power—lag far behind in research and development.

In view of these concerns, it is shocking that the Nixon Administration still steadfastly refuses to develop a national energy policy.

The Democratic Party would remedy that glaring oversight. To begin with, we should:

Promote greater research and development, both by government and by private industry, of unconventional energy sources, such as solar power, geothermal power, energy from water and a variety of nuclear power possibilities to design clean breeder fission and fusion techniques. Public funding in this area needs to be expanded, while retaining the principle of public administration of public funds;

Re-examine our traditional view of national security requirements in energy to reconcile them with our need for long-term abundant supplies of clean energy at reasonable cost;

Expand research on coal technology to minimize pollution, while making it possible to expand the efficiency of coal in meeting our energy needs;

Establish a national power plant siting procedure to examine and protect environmental values;

Reconcile the demand for energy with the demand to protect the environment;

Redistribute the cost of power among consumers, so that all, especially the poor, may be guaranteed adequate power at reasonable costs;

Develop a national power grid to improve the reliability and efficiency of our electricity system;

End the practice of allowing promotional utility advertising as an expense when rates are set; and

Find new techniques to encourage the conservation of energy. We must also require full disclosure of the energy needs of consumer products and home heating to enable consumers to make informed decisions on their use of energy.

The oceans

As with the supply of energy, no longer can we take for granted the precious resources we derive from the oceans. Here, too, we need comprehensive national and international policies to use and protect the vast potential contained in the sea. In particular we must:

Agree with other nations on stopping pollution of the seas, if they are not one day to become one large sewer, or be filled with dangerous poisons that will deprive us of vital food resources;

Agree with other nations on the conservation of food resources in the seas and promote the use of management techniques that will end the decline of the world's fish catch on the continental shelf through international cooperation for fishing gear regulations and species quota and preserve endangered species;

Agree on an international accord for the seas, so resources can be shared equitably among the world's nations. We must be prepared to act constructively at next year's Conference on the Law of the Seas;

Begin to reconcile competing interests in the future of the seas, including our national security objectives, to protect ocean resources in cooperation with other nations; and

Support strongly the protection of ocean mammals (seal, whale, walrus) from indiscriminate destruction by both foreign and tuna fishing industries, but specifically exempting those native Americans whose subsistence depends completely on their total use of the ocean's resources.

Ninety percent of all salt water fish species live on our continental shelves, where plant life is plentiful. For this reason, we support monitoring and strict enforcement of all safety regulations on all off-shore drilling equipment and on environmentally-safe construction of all tankers transporting oil.

Public lands

For generations, Americans have been concerned with preserving the natural treasures of our country: Our lakes and rivers, our forests and mountains. Enlightened Americans of the past decided that the federal government should take a major role in protecting these treasures, on behalf of everyone. Today, however, neglect on the part of the Nixon Administration is threatening this most valued heritage—and that of our children. Never before in modern history have our public lands been so neglected and the responsible agencies so starved of funds.

The Democratic Party is concerned about preserving our public lands, and promoting policies of land management in keeping with the broad public interest. In particular, it is imperative to restore lost funds for land, park and forest management. It is imperative that decisions about the future use of our public lands be opened up to all the people for widespread public debate and discussion. Only through such an open process can we set ground rules that appropriately limit the influence of special interests and allow for cohesive guidelines for national land-use planning.

We are particularly aware of the potential conflicts among the use of land, rivers, lakes and the seashore for economic development, large-scale recreation and for preservation as unspoiled wilderness. We recognize that there are competing goals, and shall develop means for resolving these conflicts in a way that reflects the federal government's particular responsibilities as custodian for the public. We need more National Seashores and expansion of the National Park system. Major steps must be taken to follow up on Congressional commitment to scenic riverways. Recreation areas must be made available to people where they live. This includes the extension of our national wilderness preserves to include de facto wilderness areas and their preservation free of commercialization. In this way, we will help to preserve and improve the quality of life for millions of our people.

With regard to the development of the vast natural resources on our public lands, we pledge a renewed commitment to proceed in the interests of all our citizens.

V. EDUCATION

"The American people want overwhelmingly to give to our children and adults equitable educational opportunities of the highest possible quality, *not* predicated on race, *not* predicated on past social accomplishment or wealth, except in a compensatory way to those who have been deprived in the past."—Governor Jimmy Carter, Atlanta Hearing, June 9, 1972.

Our schools are failing our children. Never, more than now, have we needed the schools to play their traditional role—to create a sense of national unity and to reconcile ethnic, religious and racial conflicts. Yet the Nixon Administration—by ignoring the plight of the nation's schools, by twice vetoing funds for education—has contributed to this failure.

America in the 1970's requires something the world has never seen: Masses of educated people—educated to feel and to act, as well as to think. The children who enter school next fall still will be in the labor force in the year 2030; we cannot even imagine what American society will be like then, let alone what specific jobs they may hold. For them, education must be done by teaching them how to learn, how to apply man's wisdom to new problems as they arise and how to recognize new problems as they arise. Education must prepare students not just to earn a living but to live a life—a creative, humane and sensitive life.

SCHOOL FINANCE

Achieving educational excellence requires adequate financial support. But today local property taxes—which do not keep pace with inflation—can no longer support educational needs. Continued reliance on this revenue source imposes needless hardship on the American family without supplying the means for good schools. At the same time, the Nixon recession has sapped the resources of state government, and the Administration's insensitivity to school children has meant inadequate federal expenditures in education.

The next Democratic Administration should:

Support equalization in spending among school districts. We support Court decisions holding unconstitutional the disparities in school expenditures produced by dependence on local property taxes. We pledge equality of spending as a way to improve schools and to assure equality of access to good education for all children;

Increase federal financial aid for elementary and secondary education to enhance achievement of quality education anywhere, and by fully funding the programs passed by the Congress and by fully funding ESEA Title I;

Step up efforts to meet the special needs and costs of educationally disadvantaged children handicapped by poverty, disability or non-English-speaking family background;

Channel financial aid by a Constitutional formula to children in non-public schools;

Support suburban-urban cooperation in education to share resources and expenses;

Develop and implement the retraining of displaced black and other minority teachers affected by desegregation; and

Continue with full federal funding the breakfast and lunch programs for all children and the development of other programs to combat hunger.

Early childhood education

Our youngest children are most ignored by national policy and most harshly treated by the Nixon Administration. President Nixon's cruel, irresponsible veto of the Comprehensive Child Development Act of 1971 indicates dramatically the real values of the present Administration.

That legislation struck down by President Nixon remains the best program to bring support to family units threatened by economic and social pressures; to eliminate educational handicaps which leave disadvantaged children unable to compete in school; to prevent early childhood disease before it results in adult disability; to interrupt the painful, destructive cycle of welfare dependence, and, most important, to allow all children happy lives as children and the opportunity to develop their full potential.

We support legislation for positive and preventive approaches to early childhood education. These approaches should be designed to help eliminate educational handicaps before they require remedial treatment. A Democratic President will support and sign a program for universal comprehensive child development.

We should give reality to the right of mentally retarded children to adequate health care and educational opportunities through such measures as including necessary care under national health insurance and federal aid to assure an opportunity for education for all retarded persons.

Equal access to quality education

The Supreme Court of the United States in Brown v Board of Education established the Constitutional principle that states may not discriminate between school children on the basis of their race and that separate but equal has no place in our public education system. Eighteen years later the provision of integration is not a reality.

We support the goal of desegregation as a means to achieve equal access to quality education for all our children. There are many ways to desegregate schools: School attendance lines may be redrawn; schools may be paired; larger physical facilities may be built to serve larger, more diverse enrollments; magnet schools or educational parks may be used. Transportation of students is another tool to accomplish desegregation. It must continue to be available according to Supreme Court decisions to eliminate legally imposed segregation and improve the quality of education for all children.

Bilingual education

Ten percent of school children in the United States speak a language other than English in their homes and communities. The largest of the linguistic and cultural groups—Spanish-speaking and American Indians—are also among the poorest people in the United States. Increasing evidence indicates an almost total failure of public education to educate these children.

The drop-out rates of Spanish-speaking and Indian children are the worst of any children in the country. The injury is compounded when such children are placed in special "compensatory" programs or programs for the "dumb" or the "retarded" on the basis of tests and evaluations conducted in English.

The passage of the Bilingual Education Act of 1967 began a commitment by the nation to do something about the injustices committed against the bilingual child. But for 1972–73, Congress appropriated $35 million—enough to serve only two percent of the children who need help.

The next Democratic Administration should:

Increase federal support for bilingual, bicultural educational programs, pre-school through secondary school, including funding of bilingual Adult Basic Education;

Ensure sufficient teacher training and curriculum development for such schools;

Implement an affirmative action program to train and to hire bilingual-bicultural Spanish-speaking persons at all levels in the educational system;

Provide inventories for state and local districts to initiate bilingual-bicultural education programs;

Require testing of bilingual-bicultural children in their own languages; and

Prohibit discrimination against bilingual-bicultural children in school.

Career education

Academic accomplishment is not the only way to financial success, job satisfaction or rewarding life in America. Many young Americans think that college is the only viable route when for some a vocational-technical career offers as much promise of a full life. Moreover, the country desperately needs skilled workers, technicians, men and women who understand and can handle the tools and equipment that mean growth and jobs. By 1975 the need for skilled craftsmen will increase 18 percent while the need for college-trained persons will remain stable.

Young people should be permitted to make a career choice consistent with their interests, aptitudes and aspirations. We must create an atmosphere where the dignity of work is respected, where diversity of talent and taste is encouraged and where continuing opportunity exists to keep pace with change and gives a saleable skill.

To aid this, the next Democratic Administration can:

Give vocational-technical education the same priority in funds and emphasis previously given academic education;

Support full appropriations for the recently-passed Occupational Education Act;

Strengthen the career counseling programs in elementary, secondary and post-secondary education so that young people are made aware of all of the opportunities open to them and provide special kinds of vocational-technical education and experience to meet specific area needs;

Develop and promote a climate conducive to free, rational choice by young people, dispelling the current prejudices that influence career decisions for most young people almost from birth;

Establish a lifetime system of continuing education to enhance career mobility, both vertically and laterally, so that the career choice made at 18 or 20 years of age does not have to be the only or the final choice; and

Grant equal representation to minorities and women in vocational-technical education.

Higher education

We support universal access to opportunities to post-secondary education. The American education system has always been an important path toward social and economic advancement. Federal education policy should ensure that our colleges and universities continue as an open system. It must also stimulate the creative development and expansion of higher education to meet the new social, economic and environmental problems confronting society. To achieve the goals of equal opportunity in education, to meet the growing financial crisis in higher education and to stimulate reform of educational techniques, the next Democratic Administration should:

Support guaranteed access for all students to loan funds with long-term repayment based on future earnings. Not only the poor, but families with moderate incomes must be provided relief from the cost of a college and professional education;

Grant supplements and contingent loans to institutions, based on enrollment of federally-aided students;

Provide research funds to stimulate a partnership between post-secondary, secondary and primary education, in an effort to find new patterns for learning and to provide training and retraining of teachers, especially in urban areas;

Develop broad opportunities for lifelong learning including encouragement for post-secondary education throughout adult years and permit "stopping-off" during higher education;

Develop affirmative programs in universities and colleges for recruitment of minorities and women for administrative and teaching positions and as students; and

Create incentives for non-traditional education which recognize the contribution of experience to an individual's educational status.

Acts and humanities

Support for the arts and humanities is one of the benchmarks of a civilized society. Yet, the continued existence of many of

America's great symphonies, theatres and museums, our film institutes, dance companies and other art forms, is now threatened by rising costs, and the public contribution, far less than in most advanced industrial societies, is a fraction of the need.

We should expand support of the arts and humanities by direct grants through the National Foundation for the Arts and Humanities, whose policy should be to stimulate the widest variety of artistic and scholarly expression.

We should support long-range financing for public broadcasting, insulated from political pressures. We deplore the Nixon Administration's crude efforts to starve and muzzle public broadcasting, which has become a vital supplement to commercial television.

VI. CRIME, LAW AND JUSTICE

"I think we can reduce crime. Society has no more important challenge because crime is human conduct and more than any other activity of people it reflects the moral character of a nation."—Ramsey Clark, Washington Hearing, June 23, 1972.

We advocate and seek a society and a government in which there is an attitude of respect for the law and for those who seek its enforcement and an insistence on the part of our citizens that the judiciary be ever mindful of their primary duty and function of punishing the guilty and protecting the innocent. We will insist on prompt, fair and equal treatment for all persons before the bar of justice.

The problem of crime in America is real, immediate and fundamental; its costs to the nation are staggering; nearly three-quarters of a million victims of violent crime in one year alone; more than 15,000 murders, billions of dollars of property loss.

The indirect, intangible costs are even more ominous. A frightened nation is not a free nation. Its citizens are prisoners, suspicious of the people they meet, restricted in when they go out and when they return, threatened even in their own homes. Unless government at all levels can restore a sense of confidence and security to its people, there is the ever-present danger that alarm will turn to panic, triggering short-cut remedies that jeopardize hard-won liberties.

When law enforcement breaks down, not only the victims of street violence suffer; the worker's health and safety is imperiled by unsafe, illegal conditions on the job; the society is defenseless against fraud and pollution; most tragically of all, parents and communities are ravaged by traffic in dangerous drugs.

The Nixon Administration campaigned on a pledge to reduce crime—to strengthen the "peace forces" against the "criminal forces." Despite claims to the contrary, that pledge has been broken:

Violent crime has increased by one-third, to the highest levels in our history;

Fueled by the immense profits of narcotics traffic, organized crime has thrust its corruption farther and farther, into law enforcement agencies and the halls of justice;

The Depatment of Justice has become the handmaiden of the White House political apparatus, offering favors to those special interests which buy their "law" in Washington.

The Justice Department has failed to enforce laws protecting key legal rights, such as the Voting Rights Act of 1965;

Nixon and Mitchell use federal crime control funds for political purposes, squandering $1.5 billion;

To reverse this course, through equal enforcement of the law, and to rebuild justice the Democratic Party believes:

The impact of crime in America cuts across racial, geographic and economic lines;

Hard-line rhetoric, pandering to emotion, is both futile and destructive:

We can protect all people without undermining fundamental liberties by ceasing to use "law and order" as justification for repression and political persecution, and by ceasing to use stop-gap measures as preventive detention, "no-knock" entry, surveillance, promiscuous and unauthorized use of wire taps, harrassment, and secret dosiers; and

The problems of crime and drug abuse cannot be isolated from the social and economic conditions that give rise to them.

Preventing crime

Effective law enforcement requires tough planning and action. This Administration has given us nothing but tough words. Together with unequal law enforcement by police, prosecutors and judges, the result is a "turnstile" system of injustice, where most of those who commit crime are not arrested, most of those arrested are not prosecuted, and many of those prosecuted are not convicted. Under this Administration, the conviction rate for federal prosecutions has declined to one-half its former level. Tens of thousands of offenders simply never appear in court and are heard from again only when they commit another crime. This system does not deter crime. It invites it. It will be changed only when all levels of government act to return firmness and fairness to every part of the criminal justice system.

Fear of crime, and firm action against it, is not racism. Indeed the greatest victims of crime today—whether of business fraud or of the narcotics plague—are the people of the ghetto, black and brown. Fear now stalks their streets far more than it does the suburbs.

So that Americans can again live without fear of each other the Democratic Party believes:

There must be equally stringent law enforcement for rich and poor, corporate and individual offenders;

Citizens must be actively involved with the police in a joint effort;

Police forces must be upgraded, and recruiting of highly qualified and motivated policemen must be made easier through federally-assisted pay commensurate with the difficulty and importance of their job, and improved training with comprehensive scholarship and financial support for anyone who is serving or will contract to serve for an appropriate period of police service;

The complex job of policing requires a sensitivity to the changing social demands of the communities in which police operate;

We must provide the police with increased technological facilities and support more efficient use of police resources, both human and material;

When a person is arrested, both justice and effective deterrence of crime require that he be speedily tried, convicted or acquitted, and if convicted, promptly sentenced. To this end we support financial assistance to local courts, prosecutors, and independent defense counsel for expansion, streamlining, and upgrading, with trial in 60 days as the goal;

To train local and state police officers, a Police Academy on a par with the other service academies should be established as well as an Academy of Judicial Administration;

We will provide every assistance to our law enforcement agencies at federal and local levels in the training of personnel and the improvement of techniques and will encourage mutual cooperation between each in its own sphere of responsibility;

We will support needed legislation and action to seek out and bring to justice the criminal organization of national scope operating in our country;

We will provide leadership and action in a national effort against the usage of drugs and drug addiction, attacking this problem at every level and every source in a full scale campaign to drive this evil from our society. We recognize drug addiction as a health problem and pledge that emphasis will be put on rehabilitation of addicts;

We will provide increased emphasis in the area of juvenile delinquency and juvenile offenses in order to deter and rehabilitate young offenders;

There must be laws to control the improper use of hand guns. Four years ago a candidate for the presidency was slain by a handgun. Two months ago, another candidate for that office was gravely wounded. Three out of four police officers killed in the line of duty are slain with hand guns. Effective legislation must include a ban on sale of hand guns known as Saturday night specials which are unsuitable for sporting purposes;

A comprehensive fully-funded program is needed to improve juvenile justice, to ensure minimum standards, to expand research into rehabilitation techniques, including alternatives to reform schools and coordinate existing programs for treating juvenile delinquency; and

The block-grant system of the Law Enforcement Assistance Administration which has produced ineffectiveness, waste and corruption should be eliminated. Funds should go directly to operating agencies that are committed to change and improvement in local law enforcement, including agencies concerned with research, rehabilitation, training and treatment.

Narcotic drugs

Drug addiction and alcoholism are health problems. Drugs prey on children, destroy lives and communities, force crimes to satisfy addicts, corrupt police and government and finance the expansion of organized crime. A massive national effort, equal to the scale and complexity of the problem, is essential.

The next Democratic Administration should support:

A massive law enforcement effort, supported by increased funds and personnel, against the suppliers and distributors of heroin and other dangerous drugs, with increased penalties for major narcotics traffickers;

Full use of all existing resources to halt the illegal entry of narcotics into the United States, including suspension of economic and military assistance to any country that fails to take appropriate steps to prevent narcotic drugs produced or processed in that country from entering the United States illegally, and increases in customs personnel fighting smuggling of hard drugs;

An all-out investigative and prosecutory effort against corruption in government and law enforcement. Where corruption exists it is a major factor in permitting criminal activity, especially large-scale narcotic distribution, to flourish. It also destroys respect for the law in all who are conscious of its operation. We are determined that our children—whether in the ghetto or in a suburban high school—shall no longer be able to see a pusher protected from prosecution, openly plying his trade;

Strict regulation and vigorous enforcement of existing quotas regulating production and distribution of dangerous drugs, including amphetamines and barbiturates, to prevent diversion into illegal markets, with legislation for strong *criminal* penalties against drug manufacturers engaging in illegal overproduction, distribution and importation;

Expanded research into dangerous drugs and their abuse, focusing especially on heroin addiction among the young and development of effective, non-addictive heroin treatment methods;

Concentration of law enforcement efforts on major suppliers and distributors, with most individual users diverted into treatment before prosecution;

Immediate placement in medical or psychiatric treatment, available to any individual drug abuser without fear of disclosure or harrassment. Work opportunities should be provided for addicts in treatment by supported work and other programs; and

Drug education in schools based on fact, not scare tactics to teach young people the dangers of different drugs, and full treatment opportunities for youthful drug abusers. Hard drug trafficking in schools must be met with the strongest possible law enforcement.

Organized and professional crime

We are determined to exert the maximum power and authority of the federal government to protect the many victims who cannot help themselves against great criminal combinations.

Against the organized criminal syndicates, we pledge an expanded federal enforcement effort; one not restricted to criminals of any particular ethnic group, but which recognizes that organized crime in the United States cuts across all boundaries of race, national origin and class.

Against white-collar crime, we pledge to enforce the maximum penalties provided by law. Justice cannot survive when, as too often is the case, a boy who steals a television set is sentenced to a long jail term, while a stock manipulator who steals millions is only commanded to sin no more.

At least where life or personal injury are at stake, we pledge to seek expanded criminal penalties for the violation of federal laws. Employers who violate the worker safety and health laws, or manufacturers who knowingly sell unsafe products or drugs profit from death and injury as knowingly as the common mugger. They deserve equally severe punishment.

Rehabilitation of offenders

Few institutions in America are as uniformly condemned and as consistently ignored as our existing prison system. Many prisons that are supposed to rehabilitate and separate, in fact train their inmates for nothing but brutality and a life of further crime. Only when public understanding recognizes that our existing "corrections" system *contributes* to escalating crime, will we get the massive effort necessary for fundamental restructuring.

Therefore, the Democratic Party commits itself to:

Restoration, after release, of rights to obtain drivers licenses and to public and private employment, and, after completion of sentence and conditions of parole, restoration of civil rights to vote and hold public office;

Revision of sentencing procedures and greater use of community-based rehabilitation facilities, especially for juveniles;

Recognition of the constitutional and human rights of prisoners; realistic therapeutic, vocational, wage-earning, education, alcoholism and drug treatment programs;

Making correctional personnel an integral part of the rehabilitative process;

Emergency, educational and work-release furlough programs as an available technique, support for "self-help" programs; and

Restoration of civil rights to ex-convicts after completion of their sentences, including the right to vote, to hold public office, to obtain drivers' licenses and to public and private employment.

The quality of justice

Justice is not merely effective law enforcement—though that is an essential part of it. Justice, rather, expresses the moral character of a nation and its commitment to the rule of law, to equality of all people before the law.

The Democratic Party believes that nothing must abridge the faith of the American citizens in their system of law and justice.

We believe that the quality of justice will be enhanced by:

Equal treatment for all citizens in the court without fear or favor—corporations as well as individual offenders;

Swift trials for accused persons;

Equitable pre-trial release systems and the elimination of plea bargaining abuses;

Ending subversion of the legal system for political gain in court appointments, in anti-trust cases and in administration of law enforcement programs;

Administering the laws and funding enacted by the Congress;

Respecting and abiding by Constitutional protections of due process; and

Abolishing capital punishment, recognized as an ineffective deterrent to crime, unequally applied and cruel and excessive punishment.

VII. FARMING AND RURAL LIFE

"A blight hangs over the land caused by misguided farm policies."—Tony Dechant, Sioux City hearing, June 16, 1972.

For many decades, American agriculture has been the envy of the world; and American farmers and American ranchers have made possible a level of nutrition and abundance for our people that is unrivaled in history, while feeding millions of people abroad.

The basis for this success—and its promise for the future—lies with the family-type farm. It can and must be preserved, in the best interests of all Americans and the nation's welfare.

Today, as dwindling income forces thousands of family farmers into bankruptcy each year, the family-type farm is threatened with extinction. American farming is passing to corporate control.

These trends will benefit few of our people, while hurting many. The dominance of American food production by the large corporation would destroy individual enterprise and links that millions of our people have with the land; and it would lead to higher prices and higher food costs for everyone.

Major efforts must be made to prevent this disaster for the fabric of rural life, for the American farmer, rancher, farm worker and for the consumer and other rural people throughout our nation:

Farm income must be improved to enable farmers, ranchers and farm workers to produce a steady and dependable supply of food and fiber products in return for full parity; and

We must recognize and fulfill the social contract that exists between the family-farm producers of food and the non-farm consumer.

The Democratic Party understands these urgent needs; the Nixon Administration does not and has failed the American farmer. Its record today is consistent with the Republican record of the past: Low prices, farm surpluses that depress the market and callous disregard for the people in rural America.

This Administration has sold out agriculture to interests bent on eliminating family-type farmers and bent on delivering agriculture to conglomerates, agribusiness giants and rich investors seeking to avoid taxes.

Its policies have driven farm income as low as 67 percent of parity, unequalled since the Depression. Between 50,000 and 75,000 farm families are driven off the land each year. Hundreds of thousands of demoralized people are being forced into overcrowded cities, emptying the countryside and bankrupting small business in rural towns and cities.

The Nixon Administration tries to hide its failures by misleading the people, juggling the parity formula to make prices look higher, distorting reports to make corporate farming look insignificant and trying to break up the U.S. Department of Agriculture and still the farmer's voice.

The Democratic Party will reverse these disastrous policies, and begin to recreate a rural society of widespread family farming, individual opportunity and private and co-operative enterprises, where honest work will bring a decent income.

We repudiate the Administrator's set-aside program, which pushes up the cost of farm programs while building huge surpluses that depress prices.

We repudiate the Report of the USDA Young Executives Committee which would eliminate the family-type farm by ending price support, loan and purchasing programs on all farm commodities and which would put farm people on the welfare rolls.

We repudiate a Presidential commission report recommending that future federal investment in many small towns and cities should make their decline merely more bearable rather than reverse it.

In place of these negative and harmful policies, the Democratic Party pledges itself to take positive and decisive action:

We will replace the 1970 Farm Act, when it expires next year, with a permanent law to provide fair prices to family-type farm and ranch operators. This law will include loans and payments to farmers and effective supply management to raise family farm income to 100 percent of parity, based on the 1910–14 ratios:

We will resist a price ceiling on agriculture products until farm prices reach 110 percent of parity, based on the 1910–14 ratios, and we will conduct a consumer education program to inform all Americans of the relationship between the prices of raw commodities and retail prices;

We will end farm program benefits to farm units larger than family-size; and

We will work for production adjustment that will assure adequate food and fiber for all our people, including low-income families and individuals whose purchasing power is supplemented with food stamps and that can provide enough commodities for export and for the Food for Peace Program.

Exporting our abundance

For many years, farm exports have made a major contribution to our balances of trade and payments. But this benefit for the entire nation must not be purchased with depressed prices for the producer.

The Democratic Party will ensure that:

Prices for commodities sent abroad as exports or aid return the cost of production plus a profit for the American farmer;

We will negotiate international commodity agreements to include prices that guarantee prices to producers based on cost of production plus a reasonable profit;

We will require U.S. corporations producing commodities outside the country for consumption here to pay duties high enough to prevent unfair competition for domestic producers;

We will assure that the same rigid standards for inspection of domestic dairy products and meat will be applied to imports; and

We will create a strategic reserve of storable commodities, insulated from the market, rotated regularly to maintain quality and stored to the extent possible on farms.

Strengthening the family farm

These policies and actions will not be enough on their own to strengthen the family farm. The Democratic Party also recognizes that farmers and ranchers must be able to gain economic strength in the marketplace by organizing and bargaining collectively for the sale of their products. And they need to be free of unfair competition from monoply and other restrictive corporate practices. We therefore pledge:

To remove all obstacles to farm bargaining for the sale of products;

To extend authority for marketing orders to all farm commodities including those used for processing;

To prohibit farming, or the gaining of monopolistic control of production, on the part of corporations whose resources and income derive primarily from non-farm sources;

To investigate violations and enforce antitrust laws in corporation-agriculture-agribusiness interlocks;

To prohibit corporations and individuals from setting up tax shelters or otherwise engaging in agriculture primarily for the purpose of tax avoidance or tax loss;

To encourage and support the use of cooperatives and membership associations in all areas of the country, which we pledge to protect from interference, punitive taxation or other hindrances; and

To assist small rural cooperatives to promote projects in housing, health, social services, marketing, farming, employment and transportation for rural areas with such things as technical assistance and credit.

Guaranteeing farm people a voice

None of these policies can begin to work unless farmers, ranchers, farm workers and other rural people have full rights of participation in our democratic institutions of government. The Democratic Party is committed to seeing that family-type farmers and ranchers will be heard and that they will have ample opportunity to help shape policies affecting agriculture and rural America. To this end:

We support the appointment of a farmer or rancher as Secretary of Agriculture;

We oppose all efforts to abolish or dismantle the U.S. Department of Agriculture;

We will require that decisions relating to dams and other public land-use projects in rural areas involving federal funds be considered at well-publicized public hearings. Government is not now giving adequate protection to individual rights in condemnation procedures. It must set new and better procedures and requirements to assure individual rights;

We supported the United Farm Workers in their non-violent efforts to gain collective bargaining recognition and contracts. We also support unemployment insurance compensation benefits, workman's compensation benefits and delivery of health services for farm workers; and

We support the removal of sugar workers from the custody of the U.S. Department of Agriculture.

Revitalizing rural America

Sound rural development must start with improved farm income, which also promotes the prosperity of the small businesses that serve all rural people. But there must be other efforts, as well, to ensure equity for farm and rural people in the American economy. The Democratic Party pledges:

To support the rural cooperative electrification and telephone programs and to implement rural transportation programs as explained in the section Cities, Communities, Counties and the Environment of this Platform. We will extend the agricultural exemption in the Motor Carriers Act to products and supplies and ensure rural areas an equitable share of Highway Trust Funds;

To apply general revenue sharing in ways that will permit state and local taxation of family farm lands on the basis of value for farm use rather than value for land speculation;

To guarantee equal treatment of rural and urban areas in the provision of federal funds for schools, poverty programs, health facilities, housing, highways, air services, pollution control, senior citizen programs and employment opportunities and manpower and training programs;

To provide loans to aid young farm families and small businesses to get established in rural areas; and

To ensure agricultural research toward an examination of the social and economic consequences of technology.

The prime goal of land grant colleges and research should be to help family farms and rural people.

VIII. FOREIGN POLICY

"The Administration is continuing a war—continuing the killing of Americans and Vietnamese—when our national security is not at stake.

"It is our duty as the opposition party to point out the Administration's errors and to offer a responsible alternative."—W. Averell Harriman, New York Hearing, June 22, 1972.

Strength in defense and wisdom in foreign affairs are essential to prosperity and tranquility. In the modern world, there can be no isolationism in reality or policy. But the measure of our nation's rank in the world must be our success in achieving a just and peaceful society at home.

For the Nixon Administration, foreign policy results have fallen short of the attention and the slogans:

After four years of "Vietnamization," the war in Southeast Asia continues and Nixon's plan is still a secret;

Vital foreign policy decisions are made without consultation with Congress or our allies; and

Executive secrecy runs wild with unparalleled efforts to intimidate the media and suppress those who seek to put a different view before the American people.

The next Democratic Administration should:

End American participation in the war in Southeast Asia;

Re-establish control over military activities and reduce military spending, where consistent with national security;

Defend America's real interests and maintain our alliances, neither playing world policeman nor abandoning old and good friends;

Not neglect America's relations with small third-world nations in placing reliance in great power relationships;

Return to Congress, and to the people, a meaningful role in decisions on peace and war; and

Make information public, except where real national defense interests are involved.

Vietnam

Nothing better describes the need for a new American foreign policy than the fact that now, as for the past seven years, it begins with the war in Vietnam.

The task now is still to end the war, not to decide who is to blame for it. The Democratic Party must share the responsibility for this tragic war. But, elected with a secret plan to end this war, Nixon's plan is still secret, and we—and the Vietnamese—have had four more years of fighting and death.

It is true that our involvement on the ground has been reduced. Troops are coming home. But the war has been extended in Laos and Cambodia; the bombing of North Vietnam has been expanded to levels of destruction undreamed of four years ago; North Vietnam has been blockaded; the number of refugees increases each day, and the Secretary of Defense warns us of still further escalation.

All this has accomplished nothing except to prolong the war.

The hollowness of "Vietnamization"—a delusive slogan seeming to offer cheap victory—has been exposed by the recent offensive. The Saigon Government, despite massive U.S. support, is still not viable. It is militarily ineffective, politically corrupt and economically near collapse. Yet it is for this regime that Americans still die, and American prisoners still rot in Indo-China camps.

The plight of these American prisoners justly arouses the concern of all Americans. We must insist that any resolution of the war include the return of all prisoners held by North Vietnam and other adversary forces and the fullest possible accounting for the missing. With increasing lack of credibility, the Nixon Administration has sought to use the prisoners of war as an excuse for its policies. It has refused to make the simple offer of a definite and final end to U.S. participation in the war, in conjunction with return of all U.S. prisoners.

The majority of the Democratic Senators have called for full U.S. withdrawal by October 1, 1972. We support that position. If the war is not ended before the next Democratic Administration takes office, we pledge, as the first order of business, an immediate and complete withdrawal of all U.S. forces in Indo-China. All U.S. military action in Southeast Asia will cease. After the end of U.S. direct combat participation, military aid to the Saigon Government, and elsewhere in Indo-China, will be terminated.

The U.S. will no longer seek to determine the political future of the nations of Indo-China. The issue is not whether we will depose the present South Vietnamese Government, rather when we will cease insisting that it must be the core of any political settlement. We will do what we can to foster an agreement on an acceptable political solution—but we recognize that there are sharp limits to our ability to influence this process, and to the importance of the outcome to our interest.

Disengagement from this terrible war will not be a "defeat" for America. It will not imply any weakness in America's will or ability to protect its vital interests from attack. On the contrary, disengagement will enable us to heal domestic diversions and to end the distortion of our international priorities which the war has caused.

A Democratic Administration will act to ease the hard transitions which will come with the end of this war. We pledge to offer to the people of Vietnam humanitarian assistance to help them repair the ravages of 30 years of war to the economy and to the people of that devastated land.

To our own people, we pledge a true effort to extend the hand of reconciliation and assistance to those most affected by the war.

To those who have served in this war, we pledge a full G.I Bill of Rights, with benefits sufficient to pay for an education of the veteran's choice, job training programs and the guarantee of employment and the best medical care this country can provide, including a full program of rehabilitation for those who have returned addicted to dangerous drugs. To those who for reasons of conscience refused to serve in this war and were prosecuted or sought refuge abroad, we state our firm intention to declare an amnesty, on an appropriate basis, when the fighting has ceased and our troops and prisoners of war have returned.

Military policy

We propose a program of national defense which is both prudent and responsible, which will retain the confidence of our allies and which will be a deterrent to potential aggressors.

Military strength remains an essential element of a responsible international policy. America must have the strength required for effective deterrence.

But military defense cannot be treated in isolation from other vital national concerns. Spending for military purposes is greater by far than federal spending for education, housing, environmental protection, unemployment insurance or welfare. Unneeded dollars for the military at once add to the tax burden and pre-empt funds from programs of direct and immediate benefit to our people. Moreover, too much that is now spent on defense not only adds nothing to our strength but makes us less secure by stimulating other countries to respond.

Under the Nixon stewardship of our defense policy, lack of sound management controls over defense projects threatens to price us out of an adequate defense. The reaction of the Defense Department to exposure of cost overruns has been to strike back at the critics instead of acting to stop the waste.

Needless projects continue and grow, despite evidence of waste, military ineffectiveness and even affirmative danger to real security. The "development" budget starts pressures for larger procurement budgets in a few years. Morale and military effectiveness deteriorate as drugs, desertion and racial hatreds plague the armed forces, especially in Vietnam.

The Democratic Party pledges itself to maintain adequate military forces for deterrence and effective support of our international position. But we will also insist on the firm control of specific costs and projects that are essential to ensure that each defense dollar makes a real contribution to national security. Specifically, a Democratic Administration should:

Plan military budgets on the basis of our present needs and commitments, not past practices or force levels;

Stress simplicity and effectiveness in new weapons and stop goldplating and duplication which threatens to spawn a new succession of costly military white elephants; avoid commitment to new weapons unless and until it becomes clear that they are needed;

Reject calls to use the SALT agreement as an excuse for wasteful and dangerous acceleration of our military spending;

Reduce overseas bases and forces; and

Rebuild the morale and military tradition of our armed forces through creative programs to combat drug abuse, racial tensions and eroded pride in service. We will support reforms of the conditions of military life to restore military service as an attractive career for men and women from all segments of our society.

By these reforms and this new approach to budgeting, coupled with a prompt end to U.S. involvement in the war in Indo-China, the military budget can be reduced substantially with no weakening of our national security. Indeed a leaner, better-run system will mean added strength, efficiency and morale for our military forces.

Workers and industries now dependent on defense spending should not be made to pay the price of altering our priorities. Therefore, we pledge reconversion policies and government resources to assure jobs and new industrial opportunities for all those adversely affected by curtailed defense spending.

Draft

We urge abolition of the draft.

Disarmament and arms control

The Democratic Party stands for keeping America strong; we reject the concept of unilateral reductions below levels needed for adequate military defense. But effective international arms control and disarmament do not threaten American security; they enhance it.

The last Democratic Administration took the lead in pressing for U.S.-Soviet agreement on strategic arms limitation. The recent SALT agreement is an important and useful first step.

The SALT agreement should be quickly ratified and taken as a starting point for new agreements. It must not be used as an excuse for new "bargaining chip" military programs or the new round of the arms race.

The next Democratic Administration should:

Carry on negotiations to expand the initial SALT agreement to other areas, especially to seek limits to the qualitative arms race and to begin reducing force levels on each side;

Seek a comprehensive ban on all nuclear testing, verified, as SALT will be, by national means;

Press for wide adherence to the Non-Proliferation Treaty, signed in 1968, and for extension of the concept of nuclear-free regions;

Seek ratification of the Protocol on Chemical Warfare without reservations;

In concert with our allies, pursue with the U.S.S.R. mutual force reductions in Europe; and

Widen the range of arms control discussions to include new subjects, such as mutual budget cuts, control of arms transfer to developing countries, restrictions on naval force deployments and other measures to limit conventional forces.

U.S. and the world community

A new foreign policy must be adequate for a rapidly changing world. We welcome the opportunity this brings for improved relations with the U.S.S.R. and China. But we value even more America's relations with our friends and allies in the Hemisphere, in Western Europe, Japan and other industrialized countries, Israel and the Middle East, and in the developing nations of Asia and Africa. With them, our relations must be conducted on a basis of mutual trust and consultation, seeking to strengthen our ties and to resolve differences on a basis of mutual advantage. Throughout the world, the focus of our policy should be a commitment to peace, self-determination, development, liberty and international cooperation, without distortion in favor of military points of view.

Europe.—Europe's increasing economic and political strength and the growing cooperation and self-confidence of its people have made the Atlantic Alliance a partnership of equals. If we face the challenge of this new relationship, our historic partnership can endure.

The next Democratic Administration should:

Reduce U.S. troop levels in Europe in close consultation with our allies, as part of a program to adjust NATO to changed conditions. What is essential in our relations with the other NATO nations is not a particular troop level, but our continued commitment to collective defense;

Pledge to work in greater cooperation with the European economic communities to ensure that integration in Europe does not serve as a formula for discrimination against American goods and enterprises;

Cease American support for the repressive Greek military government; and

Make the voice of the United States heard in Northern Ireland against violence and terror and against the discrimination, repression and deprivation which brought about that awful civil strife.

We welcome every improvement in relations between the United States and the Soviet Union and every step taken toward reaching vital agreements on trade and other subjects. However, in our pursuit of improved relations, America cannot afford to be blind to the continued existence of serious differences between us. In particular, the United States should, by diplomatic contacts, seek to mobilize world opinion to express concern at the denial to the oppressed peoples of Eastern Europe and the minorities of the Soviet Union, including the Soviet Jews, of the right to practice their religion and culture and to leave their respective countries.

Middle East.—The United States must be unequivocally committed to support of Israel's right to exist within secure and defensible boundaries. Progress toward a negotiated political settlement in the Middle East will permit Israel and her Arab neighbors to live at peace with each other, and to turn their energies to internal development. It will also free the world from the threat of the explosion of Mid-East tensions into world war. In working toward a settlement, our continuing pledge to the security and freedom of Israel must be both clear and consistent.

The next Democratic Administration should:

Make and carry out a firm, long-term public commitment to provide Israel with aircraft and other military equipment in the quantity and sophistication she needs to preserve her deterrent strength in the face of Soviet arsenaling of Arab threats of renewed war;

Seek to bring the parties into direct negotiations toward a permanent political solution based on the necessity of agreement on secure and defensible national boundaries:

Maintain a political commitment and a military force in Europe and at sea in the Mediterranean ample to deter the Soviet Union from putting unbearable pressure on Israel.

Recognize and support the established status of Jerusalem as the capital of Israel, with free access to all its holy places provided to all faiths. As a symbol of this stand, the U.S. Embassy should be moved from Tel Aviv to Jerusalem; and

Recognize the responsibility of the world community for a just solution to the problems of the Arab and Jewish refugees.

Africa.—The central feature of African politics today is the struggle against racism and colonialism in Southern Africa. There should be no mistake about which side we are on. We stand for full political, civil and economic rights for black and other nonwhite peoples in Southern Africa. We are against white-minority rule. We should not underwrite a return to the interventionism of the past. But we can end United States complicity with such governments.

The focus of America's concern with Africa must be on economic and social development. Economic aid to Africa, without political conditions, should be expanded, and African states assured an adequate share of the aid dollar. Military aid and aid given for military purposes should be sharply reduced.

All military aid to Portugal should be stopped and the Nixon $435 million deal for unneeded Azores bases should be canceled.

U.N. sanctions against the illegal racist regime in Southern Rhodesia should be supported vigorously, especially as they apply to chrome imports.

The U.S. should give full support to U.N. assertion of its control over Namibia (South West Africa), in accordance with the World Court's ruling.

The U.S. should make clear its opposition to the racial totalitarianism of South Africa. The U.S. government should act firmly to press U.S. businesses in South Africa to take measures for the fullest possible justice for their black employees. Blacks should be assigned at all levels to U.S. offices in South Africa, and throughout Africa. The South African sugar quota should be withdrawn.

No U.S. company or its subsidiary should be given U.S. tax credit for taxes paid to white-minority-ruled countries of Africa.

Asia

Japan.—Our relations with Japan have been severely strained by a series of "Nixon shocks." We must restore our friendship with Japan, the leading industrial nation of Asia and a growing world power. There are genuine issues between us and Japan in the economic area, but accommodation of trade problems will be greatly eased by an end to the Nixon Administration's calculated insensitivity to Japan and her interests, marked by repeated failures to afford advance warnings, much consultation over sudden shifts in U.S. diplomatic and economic policy that affect Japan.

India, Pakistan and Bangla Desh.—A Democratic Administration should work to restore the damage done to America's friendship with India as a result of the Administration's folly in "tilting" in favor of Pakistan and against Bangla Desh. The alienation by the Nixon Administration of India, the world's largest democracy, and the continued suspension of economic aid to India have seriously damaged the status of the United States in Asia. We pledge generous support for the essential work of reconstruction and reconciliation in Bangla Desh. At the same time, we will maintain friendship and developmental assistance to the "new" Pakistan which has emerged from these sad events.

China.—The beginnings of a new U.S.-China relationship are welcome and important. However, so far, little of substance has changed, and the exaggerated secrecy and rhetoric of the Nixon Administration have produced unnecessary complications in our relationship with our allies and friends in Asia and with the U.S.S.R.

What is needed now is serious negotiation on trade, travel exchanges and progress on more basic issues. The U.S. should take the steps necessary to establish regular diplomatic relations with China.

Other Asian Countries.—The future of Asia will be determined by its people, not by the United States. We should support accommodation and cooperation among all Asian countries and continue to assist in economic development.

Canada.—A Democratic Administration should restore close U.S.-Canadian cooperation and communication, respecting Canada's nationhood and pride. In settling economic issues, we should not compromise our interests; but seek mutually advantageous and equitable solutions. In areas such as environmental protection and social policies, the Americans and Canadians share common problems and we must act together.

Latin America.—The Good Neighbor policy of Franklin Roosevelt and the Alliance for Progress of John Kennedy set still-living goals—insulation from external political conflicts, mutual non-interference in internal affairs, and support for political liberty, social justice and economic progress. The Nixon Administration has lost sight of these goals, and the result is hostility and suspicion of the U.S. unmatched in generations.

The next Democratic Administration should:

Re-establish an inter-American alliance of equal sovereign nations working cooperatively for development;

Sharply reduce military assistance throughout the area;

Strive to deepen the exchange of people and ideas within the Hemisphere;

Take account of the special claims of democratically-elected governments on our resources and sympathy;

Pursue a policy of non-intervention by military means in domestic affairs of Latin American nations;

Recognize that, while Cuba must not be permitted to become a foreign military base, after 13 years of boycott, crisis and hostility, the time has come to re-examine our relations with Cuba and to seek a way to resolve this cold war confrontation on mutually acceptable terms; and

Re-establish a U.S.-Mexico border commission, with Mexican-American representatives, to develop a comprehensive program to desalinate and eradicate pollution of the Colorado River and other waterways flowing into Mexico, and conduct substantial programs to raise the economic level on both sides of the border. This should remove the economic reasons which contribute to illegal immigration and discourage run-away industries. In addition, language requirements for citizenship should be removed.

The United Nations. The U.N. cannot solve all the great political problems of our time, but in an increasingly interdependent world, a world body is essential and its potential must be increasingly relied upon.

The next Democratic Administration should:

Re-establish the U.N. as a key forum for international activity, and assign representatives with the highest qualification for diplomacy;

Give strong executive branch leadership for U.S. acceptance of its obligations for U.N. financing, while renegotiating arrangement for sharing U.N. costs;

Abide by the binding U.N. Security Council decision on Rhodesia sanctions, and support U.N. peace-keeping efforts;

Work for development of enforceable world law as a basis for peace, and endorse repeal of the Connally Reservation on U.S. acceptance of World Court jurisdiction; and

Work to involve the U.N. increasingly on the complex technical and social problems such as pollution, health, communication, technology and population policy, which are worldwide in scope and demand a worldwide approach, and help provide the means for these U.N. efforts and for U.N. economic development functions.

International economic policy

In a prosperous economy, foreign trade has benefits for virtually everyone. For the consumer, it means lower prices and a wider choice of goods. For the worker and the businessman, it means new jobs and new markets. For nations, it means greater efficiency and growth.

But in a weak economy—with over five million men and women out of work—foreign imports bring hardships to many Americans. The automobile or electrical worker, the electronics technician, the small businessman—for them, and millions of others, foreign competition coinciding with a slack economy has spelled financial distress. Our national commitment to liberal trade policies takes its toll when times are bad, but yields its benefits when the economy is fully employed.

The Democratic Party proposes no retreat from this commitment. Our international economic policy should have these goals: To expand jobs and business opportunities in this country and to establish two-way trade relations with other nations. To do this, we support the following policies:

End the high-unemployment policy of the Nixon Administration. When a job is available for everyone who wants to work, imports will no longer be a threat. Full employment is a realistic goal, it is a goal which has been attained under Democratic Administrations, and it is a goal we intend to achieve again;

Adopt broad programs to ease dislocations and relieve the hardship of workers injured by foreign competition;

Seek higher labor standards in the advanced nations where productivity far outstrips wage rates, thus providing unfair competition to American workers and seek to limit harmful flows of American capital which exploit both foreign and American workers;

Adhere to liberal trade policies, but we should oppose actions and policies which harm American workers through unfair exploitation of labor abroad and the encouragement of American capital to run after very low wage opportunities for quick profits that will damage the economy of the United States and further weaken the dollar;

Negotiate orderly and reciprocal reductions of trade barriers to American products. Foreign nations with access to our markets should no longer be permitted to fence us out of theirs;

Support reform of the international monetary system. Increased international reserves, provision for large margins in foreign exchange fluctuations and strengthened institutions for the coordination of national economic policies can free our government and others to achieve full employment;

Support efforts to promote exports of American farm products; and

Develop ground rules for pollution controls with our industrialized trading partners so that no country gains competitive advantage at the expense of the environment.

Developing nations

Poverty at home or abroad is part of a common problem. Great and growing income gaps among nations are no more tenable than such gaps among groups in our own country. We should remain committed to U.S. support for economic and social development of countries in need. Old ways of providing aid must be revised—to reduce U.S. involvement in administration; to encourage other nations to contribute jointly with us. But funding must be adequate to help poor countries achieve accelerated rates of growth.

Specifically, the next Democratic Administration should support:

Provision of more assistance through international organizations, along with measures to strengthen the development agencies of the U.N.;

A curtailment of military aid;

Improved access to the markets of industrial nations for the products of the developing countries;

A greater role in international monetary affairs for poor countries; in particular distributing the new Special Drawing Rights in support of the poor countries; and

A fair share for poor countries in the resources of the seabeds.

The methods and structures of U.S. foreign and military policy

The needed fundamental reordering of U.S. foreign and military policy calls for changes in the structure of decision-making, as well as in particular policies. This means:

Greater sharing with Congress of real decisions on issues of war and peace, and providing Congress with the information and resources needed for a more responsible role;

More honest information policies, beginning with a fundamental reform of the document classification system and including regular press conferences by the President, his cabinet and senior advisors;

Ending the present drastic overbalance in favor of military opinion by redefining the range of agencies and points of view with a proper claim to be heard on foreign and military policies;

Subjecting the military budget to effective civilian control and supervision;

Establishing effective executive control and legislative oversight of the intelligence agencies;

Ending political domination of USIA's reporting and Peace Corps dedication and, in general, making it clear that the White House understands the crucial distinction between dissent and disloyalty; and

Urging the appointment of minority Americans to top positions of ambassadors and diplomats, to let the world know that America is a multi-racial nation and proud of it.

IX. THE PEOPLE AND THE GOVERNMENT

"Our people are dispirited because there seems to be no way by which they can call to office a government which will cut the ties to the past, meeting the challenge of leadership and begin a new era of bold action.

"Bold action by innovative government—responsive to the people's needs and desires—is essential to the achievement of our national hopes."—Leonard Woodcock, President, United Auto Workers New York Hearing June 22, 1972.

Representative democracy fails when citizens cannot know:

When public officials ignore or work against the principles of due process;

How their public officials conduct the public's business;

Whether public officials have personal financial stakes in the very matters they are legislating, administering or enforcing; and

What special interest pressures are being exerted on public officials by lobbyists.

Today, it is imperative that the Democratic Party again take the lead in reforming those practices that limit the responsiveness of government and remove it from the control of the people.

Seniority

The seniority system is one of the principal reasons that party platforms—and parties themselves—have lost meaning and importance in our political life. Seniority has weakened Congress as an effective and responsive institution in a changing society. It has crippled effective Congressional leadership and made it impossible to present and enact a coherent legislative program. It has permitted the power of the Democratic majority to be misused and abused. It has stifled initiative and wasted the talents of many members by making length of service the *only* criterion for selection to the vital positions of Congressional power and leadership.

We, therefore, call on the Democratic Members of the Congress to use the powers inherent in their House and Senate caucuses to implement the policies and programs of the National Democratic Party. It is specifically not intended that Democratic members be directed how to vote on issues on the floor. But, in order that they be responsive to broad party policies and programs, we nonetheless call upon Members of Congress to:

Choose committee chairmen as provided in existing caucus rules and procedures, but by separate open ballot; chair-people should be chosen who will carry out party polices and programs which come within the jurisdiction of their committees;

Assure that Democratic programs and policies receive full and fair consideration and are brought to a vote in each house;

Discipline committee members, including chairpeople, who refuse to comply with caucus instructions regarding the reporting of legislation from their committees; and

Withhold any seniority benefits from a Member of Congress who fails to overtly identify with the Democratic organization in his state which is recognized by the National Democratic Party.

Secrecy

Public business should be transacted publicly, except when national security might be jeopardized.

To combat secrecy in government, we call on the Democratic Members of Congress and state legislatures to:

Enact "open meetings" legislation, barring the practice of conducting the public business behind closed doors. This should include so-called mark-up sessions by legislative committees, but should allow for exceptions involving national security and invasions of privacy. To the extent possible, the same principle should apply to the Executive Branch;

Assure that all committee and floor votes are taken in open session, recorded individually for each legislator; record caucus votes, and make all of these votes available to the public;

Urge reservation of executive privilege for the President alone;

Urge that the judgment in the U.S. Senate in a contested election case be rendered in open Senate session;

Immediately strengthen the Federal Freedom of Information Act. Congress should improve its oversight of Executive secrecy by requiring federal agencies to report annually on every refusal to grant information requested under the Act. Citizens should have full recourse to the courts to deal with violation or circumvention of the Act. It should be amended to allow courts to review the reasonableness of a claim of executive privilege; and

Administer the security system so as to limit the number of officials who can make a document secret, and provide for frequent declassification of documents. Congress should be given the means to obtain documents necessary to fulfill its responsibilities.

We also call on the Democratic Members of the House of Representatives to take action through their caucus to end the "closed rule," which is used to prevent amendments and votes on vital tax matters and other important issues, and we call on the Democratic Members of the Senate to liberalize the cloture rule, which is used to prevent votes in that body, so that after full and extensive debate majority rule can prevail.

Administrative agencies

There is, among more and more citizens, a growing revolt against large, remote and impersonal governmental agencies that are not responsive to human needs. We pledge to build a representative process into the Executive Branch, so that individuals affected by agency programs can be involved in formulating, implementing and revising them. This requires a basic restructuring of procedures—public hearings before guidelines and regulations are handed down, the processing of citizen complaints, the granting of citizen standing and the recovery of litigation fees for those who win suits against the government.

We recommend these specific changes in the rule making and adjudication process of the federal government:

There should be no non-written communication between an agency and outside parties about pending decisions. All written communications should promptly be made a part of the public record;

All communications between government employees and outside parties about possible future action should be made a part of the public record;

All government employees involved in rule-making and adjudication should be subject to conflict of interest laws;

The Justice Department should make available to the public any consent decree 90 days prior to its submission to court, to allow any interested party to comment on it to the Court; and

The Justice Department should report to Congress each year, to explain its action on major suits.

In addition, we must more effectively protect consumer rights before the government. The consumer must be made an integral part of any relationship between government and institutions (public or private) at every level of proceedings whether formal or informal.

A Democratic Administration would instruct all federal agencies to identify American Indians, Asian Americans and Spanish-speaking Americans in separate categories in all statistical data that note racial or ethnic heritage. Only in this way can these Americans be assured their rights under federal programs.

Finally, in appropriate geographical areas, agencies of the federal government should be equipped to conduct business in such a fashion that Spanish-speaking citizens should not be hampered by language difficulties.

Conflict of interest

The public interest must not be sacrificed to personal gain. Therefore, we call for legislation requiring full disclosure of the financial interests of Members of Congress and their staffs and high officials of the Executive Branch and independent agencies. Disclosure should include business directorships held and associations with individuals or firms lobbying or doing business with the government.

Further, Congress should forbid its members to engage in the practice of law or to retain association with a law firm while in office. Legislators serving on a committee whose jurisdiction includes matters in which they have a financial interest should divest themselves of the interest or resign from the committee.

Campaign finance

A total overhaul of the present system of financing elections is a national necessity. Candidates should not be dependent on large contributors who seek preferential treatment. We call for Congressional action to provide for public financing of more election costs by 1974. We recommend a statutory ceiling on political gifts at a reasonable limit. Publicly owned communications facilities such as television, radio and the postal service should be made available, but on a limited basis, to candidates for federal office.

Regulation of lobbyists

We also call upon Congress to enact rigorous lobbying disclosure legislation, to replace the present shockingly ineffective law. There should be full disclosure of all organized lobbying—including names of lobbyists, identity of the source of funds, total receipts and expenditures, the nature of the lobbying operation and specific target issues or bills. Reports should be filed at least quarterly, with criminal penalties for late filing. Lobbying regulations should cover attempts to influence both legislative and Executive Branch decisions. The legislation should specifically cover lobbying appeals in subscription publications.

As a safeguard, we urge the availability of subpoena and cease-and-desist powers to enforce these conflict of interest, campaign financing and lobby disclosure laws. We also affirm the citizens' right to seek enforcement through the courts, should public officials fail in enforcement.

Taking part in the political process

The Presidential primary system today is an unacceptable patchwork. The Democratic Party supports federal laws that will embody the following principles:

Protect the opportunity for less-known candidates to build support;

Establish uniform ground rules;

Reduce the cost of primary campaigns;

Promote maximum voter turnout;

Ensure that issues are clarified;

Foster the selection of nominees with broad popular support to assure the continued viability of the two party system;

Ensure every citizen the ability to take part in the Presidential nomination process; and

Equalize the ability of people from all income levels to participate in the political decision-making processes of the Democratic Party, by providing financial assistance through party funds for delegates, alternates and standing committee members to state and national conventions.

We also call for full and uniform enforcement of the Voting Rights Act of 1965. But further steps are needed to end all barriers to participation in the political process:

Universal voter registration by post card;

Bilingual means of registration and voting;

Bilingual voter education programs;

Liberalized absentee voting;

Lower minimum age requirements for service in the Senate and House of Representatives;

Minimum residency requirements of 30 days for all elections, including primaries;

Student voting where they attend school;

Study and review of the Hatch Act, to see what can be done to encourage good citizenship and reasonable participation by government employees;

Full home rule for the District of Columbia, including an elected mayor-city council government, broad legislative power, control over appointments, automatic federal payment and voting representation in both Houses of Congress;

No discriminatory districting;

We favor a Constitutional change to abolish the Electoral College and to give every voter a direct and equal voice in Presidential elections. The amendment should provide for a run-off election, if no candidate received more than 40 percent of the popular vote;

Early ratification of the equal rights amendment to the Constitution;

Appointment of women to positions of top responsibilities in all branches of the federal government, to achieve an equitable ratio of women and men;

Inclusion of women advisors in equitable ratios on all government studies, commissions and hearings; and

Laws authorizing federal grants on a matching basis for financing state commissions of the status of women.

These changes in themselves will not solve the problems of government for all time. As our society changes, so must the ways we use to make government more responsive to the people. Our challenge, today, as always, is to ensure that politics and institutions belong in spirit and in practice to all the people of our nation. In 1972, Americans are deciding that they want their country back again.

1972 DEMOCRATIC PLATFORM COMMITTEE MEMBERS CERTIFIED BY THE SECRETARY, DNC (11 A.M., JUNE 27, 1972)

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- Alaska, Jennifer Wilke.
- Arizona, Anna Chavez.[1]
- Arizona, George Baca.
- Arkansas, Tom Sparks.
- Arkansas, Martha Gillham.
- California, Phillip Burton.[1]
- California, Alvina Carrillo.
- California, Ed Epps.
- California, Helen Emmerich.
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- California, James Stewart.
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- Colorado, Janet Blakely.
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- Illinois, Adlai Stevenson.
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- Iowa, Edris Owens.
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- Maine, Nancy Hill.[2]
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- Massachusetts, Antonia Chayes.[1]
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- Massachusetts, James D. Pitts, III.[2]
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- Michigan, E. Forrest Chapman, M.D.
- Michigan, Tom Roach.[1]
- Michigan, Kenneth Hylton.
- Michigan, Marion Anderson.
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- Minnesota, Coleen Risk.
- Minnesota, Alpha Smady.
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Washington, D.C.—May 15—"The Economy".

Boston—May 31, 31—"Rights, Power, Social Justice"; "Education".

Pittsburgh—June 2—"Jobs, Prices, Taxes".

Houston—June 7—National Governors Conference

Atlanta—June 9—"Cities, Suburbs, Towns".

San Francisco—June 12—"Corporate Responsibility and Consumers".

Albuquerque—June 14—"Rights, Power and Social Justice".

Sioux City—June 16—"Farming and Rural Life".

St. Louis—June 17—"Health and Welfare"; "Rights, Power, Social Justice".

New Orleans—June 19—U.S. Conference of Mayors.

Denver—June 20—"Resources, Technology and Environment".

New York—June 22—"Peace and War".

Washington, D.C.—June 23—"Crime, Law and Justice"; June 24—The Presidential Candidates; June 25—"Government and the People"; "Counties".

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MAKING DULL JOBS INTERESTING INCREASES PRODUCTIVITY

Mr. PERCY. Mr. President, an article in the July 17 U.S. News & World Report on "The Drive To Make Dull Jobs Interesting" in American industry is of special importance. Describing the successful efforts now being made by many companies to enrich jobs through a number of techniques, the article makes clear that job enrichment is one of the best ways to solve the problem of lagging American productivity, and create more satisfying and rewarding jobs for millions of American working men and women.

The companies reported by U.S. News have all realized that they must find creative answers to costly problems of high rates of absenteeism and turnover.

> The idea, in simplest form, is to inject interest and incentives into daily chores that have become monotonous and frustrating.

At Corning Glass Works' Medfield, Mass., plant, the institution of a job enrichment program had the effect that:

> In the six months following the change, controllable rejects dropped from 23 percent to 1 percent; absenteeism from 8 percent to 1 percent.

Corning's manager of organization research and development said:

> In the past, we have vastly underestimated what a person was capable of . . . This concept . . . may be an answer to the whole question of productivity.

At Donnelly Mirrors, Inc., in Holland, Mich., the team concept has been fully employed.

> All 460 employees are assigned to task oriented teams serving under a foreman who, in turn, is one of a team of foremen.

At Donnelly, workers decide their own pay increases, then plan how to pay for the increase through higher production, reduction of costs, elimination of needless jobs. * * *

Mr. J. F. Donnelly, president of the company, said:

> American business is in a hell of a crunch. We've got to come to grips with the problems of productivity.

His successful answer is job enrichment through productivity teams.

Chrysler and Monsanto are both experimenting with job enrichment. GE is constructing a massive facility to employ a total of 10,000 people at Columbia, Md., where it is "setting out to try and prove that there is gold in the idea that employees are 'a very precious resource.'" Incoming employees are "assigned to work crews of 25, headed by a supervisor whose job it is to give meaning to the employee's role in the operation of the entire plan, not just to his job."

At a General Foods Corp., plant in Topeka, the work force is divided into three teams—processing, shipping, and office duties. According to the plant manager:

> Production costs are down 10 percent to 48 percent below normal, with productivity up 10 percent to 40 percent a man-day.

In the service industries, where productivity gains are notoriously difficult to achieve, the team concept based on job enrichment principles has been embraced wholeheartedly by the Marriott Corp., and by MacDonald's Corp. The results have been higher quality of work, more enthusiasm and work satisfaction, and better profits.

Mr. President, I also call attention to the joint labor-management productivity committees now being formed in the steel industry. The steel industry's use of this technique was prompted by the urgent need to generate much faster productivity growth in order to beat foreign competition. In other companies, such as those reported by U.S. News, the motivation has been mainly one of trying to cope with the new attitudes toward jobs and work of a younger, less disciplined work force. The point is that the underlying technique of engaging the interest and talent of the people who actually do the jobs has been used with very substantial success. I suggest that these examples be very carefully studied by all American companies and by unions, and I strongly commend these companies and unions which have been willing to pioneer in applying these new concepts.

I would also call the attention of labor and management to a provision now being implemented by the Pay Board providing that pay increases that result from the operation of productivity plans are exempted from pay controls under the so-called Percy amendment to the 1971 Economic Stabilization Act amendments. This exception means that companies that want to reward increased productivity that results from a productivity incentive plan can obtain exemption for such payments from wage controls.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE DRIVE TO MAKE DULL JOBS INTERESTING

Picking up momentum is a drive to make jobs in offices and factories less monotonous and more appealing for millions of workers.

Signs of this trend toward "job enrichment," still experimental in many areas, show up in a survey by staff members of "U.S. News & World Report."

Among the innovations—

An auto-parts plant in Holland, Mich., lets workers decide how fast to run the production line, and when to shut it down for a rest period. Employes also determine the size of their own pay increases.

Textile-machine operators in a Pensacola, Fla., mill can move from one job to another from day to day.

Each worker at an instrument plant in Medfield, Mass., used to install a separate part in products on the assembly line. Now, to make jobs more challenging, the individual worker assembles complete instruments.

Employes in a huge new appliance factory near Columbia, Md., participate in give-and-take sessions with management on job-related questions and problems.

At a food-processing plant in Topeka, Kans., workers on production, office and shipping teams shift jobs on a rotating schedule—a system that has boosted output and cut production costs sharply.

THE ENEMY: MONOTONY

All these developments and others that turned up in the survey suggest that a time of change has arrived in many lines of business, with far-reaching implications for both workers and their bosses.

The idea, in simplest form, is to inject interest and incentives into daily chores that have become monotonous and frustrating.

By-products of this "humanizing" process, it's hoped, will be happier employes and a reduction in the high rate of turnover that has plagued many industries in recent years.

Things are happening at many companies to take account of a changing life style, and distaste for the "treadmill," particularly among younger people. For example:

Production lines are being redesigned, with fewer layers of supervisory employes.

Authority and responsibility are being distributed downward from the management level.

Factory and office environments are being made more attractive.

In some instances, opportunities are being opened up for faster promotions.

Behind the evolution taking shape, says Jerome M. Rosow, former Assistant Secretary of Labor, now a management planner for Standard Oil Company (New Jersey), lies "a change in expectations of younger workers, because of rising education levels and changing values in the society. . . ."

Secretary of Commerce Peter G. Peterson told the Business Council at its recent spring meeting that business must concentrate more of its attention on the young worker.

"He has different expectations and attitudes than workers in the present generation," Mr. Peterson said. "Business must take account of that, look into the work environment it is providing. It must consider sharing profits, joining with workers in a mutual commitment to boost production instead of squaring off and fighting."

Case histories that follow are drawn from this magazine's nationwide survey.

ASSEMBLY LINE BLUES

"I stuck gears in a clock. That's all I did, all day long. I felt like a robot. My number on the assembly line was five. That number seemed to come up every two seconds. I got to hate the sight of that number coming by. I just couldn't make myself go to work. Sometimes, I would lay off for several days."

That is how Mrs. Frances Richards, an electrode assembler at Corning Glass Works in Medfield, Mass., remembers her job as it used to be. Now, she does a complete assembly job on the electrodes—even the testing—and says:

"I feel like a human being. I am definitely treated as an individual. There is no unusual stress or strain. You know what you have to do and you push to get it done."

What is involved at the Corning plant is a "job enrichment" program. In essence, that gives the worker a clearly defined area of responsibility, rather than a simple but repetitive task. It is called the "whole-job concept."

All of the Medfield plant's workers have specific responsibilities to live up to. They are rewarded for success, and held accountable for failure. They have been compared to small businessmen.

Corning Glass Works has about 50 operations, most of them in the Northeastern part of the United States. Some are restricted to glass manufacturing. Others concentrate on electronic equipment with little or no use of glass.

The Medfield unit makes instruments for the biomedical trade. It has 90 production workers and only 2 supervisors. The employes are not unionized.

The first success story at Corning-Medfield was on the hot-plate assembly line. There, a half dozen women had put together hot plates for laboratory use. In 1965–66, the assembly-line technique was abandoned. Each worker was given the job of putting an entire hot-plate together, taking about 30 minutes for the task. Then she plugged it in and checked it out. There was no further inspection.

The employees were given freedom to schedule their work as a group to meet weekly objectives, and were urged to suggest refinements and improvements and to devise individual techniques. Their initials of the final product made them accountable for quality.

In the six months following the change, controllable rejects dropped from 23 per cent to 1 per cent; absenteeism from 8 per cent to 1 per cent. Productivity increased, despite some turnover of personnel judged by management as incompatible.

Now, the entire plant is guided by these principles, except for assembly of some of the more complicated instruments. In the latter case, a team approach is used, with members switching about on assembly tasks.

"I prefer the whole-job concept," says Mrs. Rita Kopeski, an instrument assembler at Corning for seven years. "It is a challenge to plug in the meter and have it work and know you have done it all yourself."

Donnelly Mirrors, Inc., of Holland, Mich., has been experimenting with variations of an incentive plan for years. It assumes that if responsibilities and trust are shared with employes, production and profits will show gains.

At Donnelly, all 460 employes are assigned to task-oriented teams serving under a foreman who, in turn, is one of a team of foremen. All workers are paid a salary, with bonuses related to production. A foreman can grant a worker a day off with pay for any reason that he deems suitable. He does not have to justify it to the front office.

The workers decide each year how much of a salary increase they will receive. This year, it was 5.5 per cent. In the two prior years, it was 10 per cent annually. After deciding on the increase, the employes must find ways to pay for it—through higher production, reduction of costs, elimination of needless jobs, or any other reasonable means. Company officials say it has worked each year since the plan went into effect in 1970.

Donnelly work teams decide how fast the assembly lines should run, and they have the authority to stop the line for a break when they feel like it—not when a bell rings. Some workers say the line runs faster than competitors'.

Salary scales average about $4 an hour. Bonuses, paid according to gains in productivity, have reached as high as 25 per cent of base pay but average about 12 per cent a year, the company says. Quality is a factor in the bonus.

"If they don't produce good stuff here, we're out of work," notes Ron Kolean, 27, an assembly-line worker. "They trust us. The foreman used to come through once an hour to check up. The game then was to outwit the guy. I kept a tray of good mirrors in reserve, just in case."

PRESSURE FROM BELOW

Now, Mr. Kolean and his co-workers are their own inspectors. They are described as demanding bosses. Homer McFarland, Mr. Kolean's foreman, says that the greatest amount of job pressure on him originates from below, explaining:

"If I'm in a meeting somewhere for an hour, they want to know where I've been. At first, there was a temptation to tell them it's none of their business—the old method—but they've got a point."

The system admittedly is not perfect. A complaint made by some foremen is that top management tends to be too idealistic—"they get to thinking the guys in the shop are capable of more than is reasonable." But others say policy "is not chiseled in stone." A technique that is successful in one department or with one team is not forced upon another.

John F. Donnelly, company president, says his firm is not in the business of operating a philanthropy.

"We get value received for all these benefits," he says. "It is the big car companies and the giants of steel that are the philanthropists. They give escalator clauses, guaranteed annual pay . . . and get nothing in return."

Mr. Donnelly sees more and more companies bringing the workers into management.

American business is in a hell of a crunch," he says. "We've got to come to grips with the problems of productivity. We're not going to do it by putting in a bigger machine."

Donnelly Mirrors "must be doing something right," many management experts say. It now supplies upward of 70 per cent of all mirrors for U.S. cars and has opened a plant in Ireland to make mirrors for European cars. Wages, costs and profits all have increased during the past few years, even as the company has lowered its prices.

CHRYSLER'S EXPERIMENTS

Eyeing Donnelly, Chysler Corporation inaugurated its own "job-enrichment program" in January, 1971. Shepherded by Eugene Cafiero, a vice president and No. 3 man in the company, its progress has been kept under wraps for the most part.

Chrysler had seen its productivity and profits erode year after year. Many methods were tried to reverse the trend—intense inspection, greater supervision, discipline, even trading stamps at one plant beset by absenteeism and turnover. Nothing seemed to work.

Mr. Cafiero says it's too soon to say whether the new plan is working, but concedes he is "pleased."

DRAWING EMPLOYES OUT

Monsanto Textiles Company, near Pensacola, Fla., described as this country's largest nylon-manufacturing operation, is traveling another road seeking job enrichment for its production employes.

The basic idea, again, is to get the hourly worker to realize that he is not an extension of a machine, and to draw on his abilities to think, plan and innovate for the good of all. But Monsanto starts with a "classroom" approach toward this goal.

The Pensacola plant covers 18 acres and produces 150 million pounds of nylon yarn annually. With 6,000 employees in its plants and technical center, Monsanto ranks second among employers in Florida.

In recent months, Monsanto has inaugurated what it calls an "analytic troubleshooting" program for its production workers in the nylon plant. A four-day classroom course attempts to involve them in solving problems and contributing their know-how, instead of performing their duties routinely.

Frank Robertson, plant personnel supervisor, says Monsanto Textiles has made measurable progress in involving workers more deeply in their jobs, in thinking as well as doing, in setting goals and seeing their jobs as meaningful and important, thus gaining new pride—and increasing efficiency. But he disclaims any "overwhelming success."

Tom Wood, 29, a yarn operator, feels that the classroom instruction has helped him to put to new use the knowledge he had gained in eight years on the job.

"Before this," he says, "a lot of times when something went wrong, I'd say, 'Let the engineer fix it.' Now, I look for the cause."

Another yarn operator, John Worley, 27, recalls what happened after he got into the job-enrichment program:

"It made me think. We had about six machine positions that wouldn't run. And we'd had men down from St. Louis to check. Then we found that air flow from air-conditioning ducts was causing the trouble. All I had to do was move the louvers of the duct and it worked like a charm."

Plant manager C. E. Hieserman comments: "We're drawing on the wealth of information employers have—we make them feel they're having part in policy and how we're doing things."

"It has to be something real. If it's puffery, an employe can see through it."

For the company, the cost of the program more than pays for itself in higher productivity through fewer idle machines, and lower repair costs. It could mean a gain of more than 100,000 pounds of tire yarn a year, a company official says.

For the employees, Mr. Hieserman says, the program means "humanized" working conditions through a free-flowing rotation of jobs from one day to another, and company benefits that include reimbursement of all their costs of education if they earn a college degree while employed.

So far, there has been no incentive pay linked to productivity, but company officials say that pay rates "compare very favorably" with other industries in the area. Typical scales, after one year, include $3.32 an hour for drawtwist operators and $4.72 an hour for maintenance mechanics.

"WORKERS' LIB" AT GE

About halfway between Washington, D.C., and Baltimore, near the new town of Columbia, Md., General Electric Company is setting out to try and prove that there is gold in the idea that employes are "a very precious resource."

The company is building eight major plants, a huge warehouse and support facilities on a 1,100-acre site called Appliance Park East. When completed, it will employ more than 10,000 people.

If present plans jell, GE management hopes innovations at Appliance Park East will put an end to the apathy, frustration and absenteeism among blue-collar workers that cut production and hurt profits.

The new program in labor-management relationship already is being tested in two plants making air-conditioning units and electric ranges. Employment has reached 2,100. Key elements in the GE plan: recognition and participation.

Incoming employes are given a 3½-day orientation course, wear name tags during the first few months on the job. They are assigned to work crews of 25, headed by a supervisor whose job it is to give meaning to the employe's role in the operation of the entire plant, not just to his job.

"Each employe is the supervisor's responsibility," says David J. Dillon, manager of GE's Relations and Utilities Operation. "He gives them recognition; he rewards them, counsels them and coaches them."

Assembly-line workers meet with their foreman once a month to talk over problems, complaints and suggestions. No decisions are made, but it "gives employees a way to sound off, and plant managers the chance to pick up fresh ideas," says a company official.

At Appliance Park East, plant workers can dress just about as they please—long sideburns and hair, Afro haircuts, bell-bottom jeans, T-shirts—even sandals when it's safe to do so. For women, hot pants and the braless look are permitted—as long as supervisors feel the mode of dress is not distracting.

Women work as truck and fork-lift drivers and heavy-machine operators, making the same scale as men—as high as $3.82 an hour for a stack-crane operator. Opportunities for advancement are good in an expanding work force, especially for women and blacks.

"I spent eight years at my previous job but there was no planned advancement," says Mrs. Maxine Gardner, a black woman from Baltimore. "It pays well here, and the work is interesting."

Employes voted in April not to have three unions represent them. Top GE officials believe they are on the right track, but admit the system could fall to pieces if the workers on the assembly lines and operating the machines do not function at peak efficiency.

JOB ROTATION

There's a whole new look about the way things are done at Gaines pet-food plant in Topeka, Kans.

Gaines, a division of General Foods Corporation, divided its work force into three teams—processing, shipping and office duties. Members of each team rotate jobs, with each getting a share of the "soft" and "hard" chores.

First-year results, according to Ed Dulworth, plant-operations manager, include:

Production costs are down 10 per cent to 48 per cent below normal, with productivity up 10 per cent to 40 per cent a man-day.

Absentee rate has been cut to one half of 1 per cent, compared with an industry average of 10 per cent.

Theft and property misuse have dropped almost to zero.

Product quality is uniformly high.

Physically, the plant has been redesigned to make everything more open. There is one set of doors for all to enter and leave, a common lunchroom—no executive dining room—and a parking lot with no reserved spaces.

The plant manager's office is described as a "goldfish bowl" his every action open for observance by passers-by.

Fran Boruff, leader of the packaging team, notes one employe response that he says is quite untypical of industrial plants: Most of the team members now are on the job and ready to go 20 minutes before shift time.

THE SERVICE INDUSTRIES

The Marriott Corporation has grown from one root-beer stand in Washington, D.C., to a 419-unit international operation—restaurants, hotels and airline-catering kitchens.

Marriott officials say their experience leads to this conclusion:

If you want "a team of turned-on employes" allow them to share in the decision-making process as much as possible. Also, expand responsibilities.

With 27,000 employes and a wide range of pay scales in its far-ranging network, Marriott, headquartered in Bethesda, Md., has had a full share of turnover problems in an industry where tempers flare quickly and steady patronage can be a fickle thing.

Now, the company believes it has found remedies for some of its biggest headaches. Briefly, the answers break down this way:

Work teams headed by a supervisor hold regular "rap" sessions to express their complaints.

Housekeepers, assigned to clean 15 rooms a day, are allowed to set their own pace, If one finishes in six hours, she can take it easy—or earn extra pay by tackling additional rooms.

In hotel restaurants, a committee of waitresses, hostesses and cooks decides on the theme for decorations that dress up the weekly buffets.

In some departments, uniforms are chosen by vote of those who have to wear them.

When a new Marriott hotel opens, personnel from other facilities of the firm move in to get it started—a procedure sometimes relished as a "holiday" in another city at the company's expense.

"Dirty" work is abolished as quickly as new equipment comes on the market.

Formal education takes a back seat to ability to handle a job. This gives black applicants a better break, say company officials. Salaries on all levels are based on performance, not seniority.

Marriott programs have their boosters and detractors.

"I really enjoy a job where I'm my own boss," says Priscilla Walkschleger, manager of a pool-side snack bar at one of the firm's Washington hotels. "It's really tough, because I do it all—wait on tables, clear them off, even do the paper work. Nobody gives me a hard time—not the management, not the other workers. I've never enjoyed work so much, and I've had part-time jobs since I was 13."

Joe Corbett, a 21-year-old bellman at the same hotel for four years, is not so sure he has a future with Marriott.

"People are easy to get along with, all right. They listen to your opinion, but every decision has to go through so many levels that it takes forever to get anything done."

As a career hedge, Mr. Corbett is studying photography in night school.

GOOD OLD SUMMERTIME

Every Friday during daylight-saving time, most employes at the headquarters of McDonald's Corporation in Oak Brook, Ill., show up for work dressed in casual clothes—slacks, hot pants, sport shirts, sandals. At noontime they take off for a two-and-a-half-day week-end.

Breakdown of standards? Not at all, says Fred L. Turner, president of the quick-food hamburger chain.

It's all part of an effort to make working enjoyable, according to Mr. Turner. The idea seems to work. Company officials say labor turnover has dropped sharply since the firm moved from downtown Chicago to the suburb.

The physical design of the new offices is monolithic. There are no private offices for executives, with engraved nameplates, no impersonal rows of desks for secretaries, no cubbyholes for attorneys or draftsmen. The only segregated areas with doors are the rest rooms.

Each desk is set off by a semicircular partition, shoulder high, covered with brightly colored padding, that mutes noise. Employes may decorate the inner side of the partition with paintings from the McDonald collection or art work of their choice. Beside each desk is an arrangement of plants and, often, a piece of sculpture.

McDonald's material offerings include "highly competitive pay," says a company official, plus insurance, medical benefits, stock options, profit sharing and cash-award fringe inducements.

About that four-and-a-half-day week: Employes report for work half an hour early each day to earn their long weekends.

CONCEPT ABOUT TO SNOWBALL?

All these developments indicate that radical changes are in the offing in labor-management relations. Many businessmen are taking hard looks at the old policy of breaking down a job into its smallest possible components and hiring alienated people at low pay, ignoring the eagerness of many workers for recognition and challenge. The swing now is toward making day-to-day chores interesting and rewarding.

Dr. Michael Beer, manager of organizational research and development at Corning Glass Works, sums up the trend:

"This is an effort to deal with the changing needs of the work force. We have to manage to fit those needs, adapt to change in fast-changing industries. In the past, we have vastly underestimated what a person was capable of. Now we give them an opportunity to grow into the job. Not all employees can do it, but I think a large percentage probably can. I think this concept will snowball. It may be an answer to the whole question of productivity."

TERMINATION OF HARTKE-ROUDEBUSH SENATORIAL RECOUNT PROCEEDINGS IN INDIANA

Mr. CANNON. Mr. President, the recount in the State of Indiana of the votes cast in 1970 for candidates for election to the office of U.S. Senator has ended.

According to available reports and a letter from the attorneys for Senator VANCE HARTKE, the result of the recount in 11 counties is a net change in Senator HARTKE's plurality of 48 votes.

Thus the plurality is reduced from 4,532 to 4,484.

On June 13, 1972, the Circuit Court of Pike County, the last of the 11 counties selected for recount, granted a motion to dismiss the recount petition in Pike County on the grounds that—

> Regardless of the recount requested in said petition, the outcome of said election will not be changed.

Mr. President, since the legal proceedings pursuant to the opinion of the U.S. Supreme Court dated February 23, 1972, and before the circuit courts in the relevant 11 Indiana counties have now been terminated, it is proper to announce to the Senate that VANCE HARTKE is the duly elected Senator from the State of Indiana and is entitled without reservation or qualification to his seat in the Senate.

I ask unanimous consent to have printed in the RECORD a letter from John J. Dillon, attorney for Senator HARTKE, and the motion to dismiss the last recount petition.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JUNE 30, 1972.

Re Roudebush vs. Hartke, et al., Supreme Court of the United States.

Hon. HOWARD CANNON,
Chairman of the Subcommittee on Privileges and Elections, Senate Office Building, Washington, D.C.

DEAR SENATOR CANNON: Pursuant to the mandate of the United States Supreme Court, the recounts petitioned for by Congressman Richard Roudebush have been completed in 10 of the 11 counties in which a recount was sought. As far as we can ascertain, the results of these recounts have indicated a net change of 48 votes subtracted from Senator Hartke's plurality of 4,532. In the 11th country in which a recount was sought, Pike County, Indiana, Congressman Roudebush's attorneys have petitioned the court to dismiss the recount petition stating that "regardless of the result of the recount requested in said petition the outcome of said election will not be changed." On June 13, 1972, the Pike Circuit Court sustained this motion thereby dismissing the last of the recount petitions sought by Congressman Roudebush. A copy of this motion is provided with this letter.

In view of the action of Çongressman Roudebush in the Pike Circuit Court, it is obvious to the undersigned attorneys for Senator Hartke that any question of a change in the results of the senatorial election held in Indiana in 1970 is now moot. We felt nevertheless it was necessary to advise you of the posture of this matter for two reasons. First, your committee provided watchers at the recount, and secondly, at the time of Senator Vance Hartke's swearing in and seating in the United States Senate on January 21, 1971, by unanimous consent of the Senate, the oath was administered to Senator Hartke without prejudice to the outcome of an appeal pending in the Supreme Court of the United States, and without prejudice to the outcome of any recount which the Supreme Court might order. In conjunction with this unanimous consent motion, a statement on the status of the Roudebush vs Hartke recount case in the form of a letter signed by Gordon K. Durnil was placed in the Congressional Record of that date.

In view of the facts which we have stated in this letter I ask that a similar entry on the status of this case be made in the Congressional Record through the channel of your subcommittee showing that this matter is effectively concluded thereby indicating to the citizens of Indiana that the recount had in 10 counties and the dismissal of the recount petition in the 11th county brings this matter to a conclusion and Senator R. Vance Hartke is the duly elected, qualified and seated senator from Indiana.

Very truly yours,

John J. Dillon,
David W. Mernitz,
James L. Tuohy,
John J. Dillon,
Attorneys for Senator Hartke.

Motion of Petitioner To Discuss Petition for Recount

[In the Pike Circuit Court, 1972 Term]

State of Indiana, County of Pike, ss:

Richard L. Roudebush, Petitioner, vs. R. Vance Hartke, Defendant, Cause No. C–70–118.

Comes now the petitioner, Richard L. Roudebush, in the above action, by counsel, and moves and requests the Court to dismiss his petition for recount of votes and for contest of election for recount of votes heretofore filed by petitioner on November 18, 1970 and for grounds for said motion and request respectfully says: That regardless of the result of the recount requested in said petition, the outcome of said election will not be changed.

Wherefore, petitioner requests that the Court dismiss his said petition for recount of votes and for all other proper relief.

Dated this 12th day of June, 1972.

Edward L. Waddle,
Attorney for Petitioner, Richard L. Roudebush.

CERTIFICATION

The undersigned hereby certifies that he mailed a true and complete copy of the foregoing motion and request of petitioner via ordinary United States Mail with sufficient postage prepaid at the United States Post Office at Petersburg, Indiana, prior to the filing of the same and to each of the following parties and addresses to-wit:

(1) Mr. R. Vance Hartke, 850 Dexter Street, Evansville, Indiana;

(2) Mr. Donald A. Schabel, % Buschmann, Carr, and Schabel, 111 Monument Circle, Indianapolis, Indiana 46204; and

(3) Mr. David W. Mernitz, Attorney at law, 710 Guaranty Building, Indianapolis, Indiana.

Dated this 12th day of June, 1972.

Edward L. Waddle,
Attorney for Petitioner.

THE ILLINOIS AGRICULTURAL ASSOCIATION IS HELPING MEET THE RURAL DOCTOR SHORTAGE

Mr. PERCY. Mr. President, at a time when Congress has been so deeply involved in a discussion of national health insurance and the medical care crisis, I invite the attention of Senators to a program in Illinois that is helping to solve our health manpower need in rural areas.

In 1948, the Illinois Agricultural Association and the Illinois State Medical Society joined together in a very innovative and farsighted program to increase the supply of doctors to rural Illinois. The IAA established a medical student loan program with the understanding that a student who receives a loan must agree to practice medicine in an Illinois town for 5 years after the conclusion of his formal training. Such loans can amount to as much as $7,500 over a 5-year period and are repaid at an interest rate of 2 percent. In addition to loan assistance, the program recommends students for admission to the University of Illinois College of Medicine in Chicago.

In the life of the program, more than $300,000 has been made available in student loans. Approximately 70 doctors are now practicing in Illinois as a result of this assistance. For 1972, 24 students have been accepted by the University of Illinois for medical training through the IAA program.

Mr. President, I wish to commend the Illinois Agricultural Association for its strong leadership in the health care field. We know that several towns in central and southern Illinois today have been unable to obtain a doctor. Many others simply do not have enough doctors, nurses, and allied health personnel to meet the needs of an expanding population. The IAA student loan program will continue to make it possible for well-qualified, dedicated young men and women to enter medical school and later spend a period of time in service to the areas of our State where they are clearly and desperately needed.

I ask unanimous consent that an article entitled, "Farm Bureau's Concern About Rural Doctor Shortage Led to Successful Student Loan Program," published in the July, 1972, volume of the IAA Record, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Farm Bureau's Concern About Rural Doctor Shortage Led to Successful Student Loan Program

(By Roy E. Will)

The medical student loan fund program was launched a number of years ago as a result of Farm Bureau's concern about the growing shortage of physicians in rural Illinois.

In November of 1947 the voting delegates of the Illinois Agricultural Association adopted a resolution which authorized the IAA board to use funds for a trial period for loans to medical students who would agree to practice in rural areas in the state. Both the Illinois State Medical Society and the Illinois Agricultural Association agreed that they would match funds and name personnel to form a Medical Student Loan Fund Board.

In 1948, the First National Bank of Chicago was authorized to establish a trust fund account to handle the financial matters of the loan fund program. Each of the sponsoring organizations began depositing money in this trust fund account for the purpose of medical student loans.

During a loan fund board meeting in 1948, Dr. Harlan English of Danville proposed the idea of urging the University of Illinois Medical School to accept medical students with an intent to serve as rural doctors. These students may or may not have the same high academic records of students that the university would normally admit.

Members of the medical loan fund board later presented their plan to the Illinois General Assembly. As a result, a House Joint Resolution was adopted in 1949 which authorized the recommendation privilege of the Medical Student Loan Fund Board to seek placement of certain students in each freshman class at the University of Illinois Medical School.

As the program developed during the years, each sponsoring organization continued to make financial contributions. Student interviews were held annually. Approximately ten students per year were recommended for admission to the University of Illinois Medical School.

The Medical Student Loan Fund Program was originally formed with the idea of producing doctors to establish a general practice. During the years of operation, the trend in medical education changed and a greater stress was placed on research and specialization. The loan fund board studied these changes and in 1965 agreed that students may specialize before establishing a family practice in a rural area.

The total loan amount per student has varied from $625 per semester to the present amount of $750 per semester. These loans are issued at 2 per cent interest. At present students are asked to begin repayment of the principal amount on January 1 of the fifth year following graduation from medical school. During the life of the program, only two students have defaulted on their loan contracts.

In 1969 an effort was made to increase the number of students on the program by contacting out-of-state premedical schools. With a reduction in federal funds available to medical students, there was a greater demand for loans from the Medical Student Loan Fund Program. Since the program had funds available for loans, financial assistance was granted to 14 students entering medical school in 1969 and to 11 students entering medical school in 1970. By accepting these students and providing loans for those already on the program, the loan fund was completely utilized in April of 1971 and the two sponsoring organizations agreed to contribute $20,000 each to the loan fund in order to finance eight freshman students who were entering medical school in 1971. Consideration was also given by the sponsoring organizations to seek additional financial aid to continue the loan program in future years.

The loan fund now totals $282,000. Loan commitments are more than $300,000, if all students take what they are authorized to borrow.

To date, 266 students have been participants in the program.

The Medical Student Loan Board recently met with University of Illinois Medical School officials to review preliminary results of an in-depth study of the effectiveness of the program. The university personnel felt that the program was effective and indicated their desire to continue their cooperation.

In 1969 the State Legislature approved a Joint Resolution which urged the Board of Trustees of the University of Illinois to continue their efforts to place doctors in rural areas in Illinois by doubling the allocation of places in medical school for Medical Student Loan Fund applicants. Eleven students were accepted in the class entering in 1971 and 24 students have been accepted for the class entering in 1972.

FIGHTING CRIME IN BLACK COMMUNITIES

Mr. FANNIN. Mr. President, one of the great problems we face today is that of fighting crime in our black communities. Statistics show us that the victims of such crime most usually are the blacks themselves.

No community or city can grow when crime is rampant. Constant fear of being robbed or beaten, or worse, is not conducive to the building of a strong economic base which is necessary for social progress.

Government programs which seek either to enforce or encourage law and order within a community will fail unless the people within that community take it upon themselves to fight crime and reject violence.

In the July 6, 1972, edition of the Arizona Tribune, this problem is discussed briefly but forcefully by Joe Black, a vice president of the Greyhound Corp. The Arizona Tribune, which is published by a very fine lady, Mrs. Eloise Banks, is an outstanding weekly which serves the black population of my State.

Mr. Black, incidentally, recently produced a booklet which shows how many other black Americans have achieved success in many fields of endeavor.

Mr. President, I ask unanimous consent that Mr. Black's column from the Arizona Tribune be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BY THE WAY

(By Joe Black)

If our Black communities have realistic plans to improve living conditions, one thing is perhaps more important than anything else.

Our Black communities need to grow.

By growing, I don't mean in population. Or in area. Or in new building starts. Our communities must begin to grow, economically.

The reason for economic growth is simple. We must establish and attract business to our communities.

But, to attract new business, we are faced with some nasty, old business we have to take care of first.

The business of curbing crime in our communities.

We must all begin to give greater respect to law and order, and stop remaining silent when we see it being broken. We must stop excusing Black crime, and turning our eyes away from it when we see it happening.

Black robbing, and extorting from Black business is not beautiful. We need to weed out that insidious element from our neighborhoods, soon. We have to stand together and stamp out the parasites who call us brother to our faces, then rob us blind when our backs are turned.

I simply can't believe that Black crime is the result of years of deprivation and oppression. If so, why aren't we all stealing and killing?

Let us stand strong against crime. All of us. When we do, we will make our neighborhoods far more attractive to business. Which, in turn, will create more jobs. And reduce insurance rates. And add millions of dollars to our spendable income.

Consider for a moment: Can crime do as much for all of us?

STEEL PRODUCTIVITY DRIVE: THE EXPERIENCE AT INLAND STEEL

Mr. PERCY. Mr. President, on August 1, 1971, steel labor and management made what was heralded as a groundbreaking agreement to create labor-management productivity councils to increase the productivity, and the world competitiveness, of the steel industry.

The agreement was based on the shared belief that the future of the industry—"will rest heavily upon the ability of the parties to work cooperatively to achieve significantly higher productivity trends than have occurred in the recent past." Thus the agreement called for joint advisory committees on productivity to be established at each steel plant, to be composed of equal numbers of union and company members, and to meet no less than once a month. The purposes of the joint committees were—

> To advise with plant management concerning ways and means of improving productivity and developing recommendations for stimulating its growth . . . but also to promote orderly and peaceful relations with employees, to achieve uninterrupted operations in the plants, to promote the use of domestic steel and to achieve the desired prosperity and progress of the Company and its employees.

The steel labor-management agreement was greeted both with enthusiasm and skepticism. Enthusiastic observers called it a major break with the tradition of hostile, adversarial labor-management relationships which had precluded any real cooperative effort to meet the objectives of both sides by making the industry more competitive. Skeptics said the agreement was window dressing created in order to make a substantial wage settlement more palatable to those, including Government officials, who were concerned about the effect of the settlement on the effort to stop inflation. Other skeptics said the joint committees could never work because the tradition of labor-management hostility would be too strong to overcome.

What has been the result of these councils to date? Within the past several months a productivity committee has been set up in virtually every plant in the basic steel industry. It is thus too early to have any clear account of the actual usefulness of such committees in increasing productivity. But the fact that they have been created is itself important.

An account by Mr. Michael Tenenbaum, president of Inland Steel Co., at its annual stockholders meeting on April 26 this year throws light on one steel company's response to the creation of such committees. Mr. Tenenbaum said:

> With mutual trust and confidence, it is entirely realistic to expect novel and important concepts to emerge from the joint productivity committee deliberations. With both parties involved in the design of new productivity approaches, the likelihood of useful implementation of such program is greatly enhanced. These committees have met at our plants and have already undertaken useful studies. In the course of their deliberations, a wide variety of items were brought up which conceivably could be considered as areas of significant productivity improvement.

I regard this statement as exceptionally encouraging. I have strongly advocated the creation of department by department, plant by plant productivity councils as one of the major steps American labor and management can take to increase the Nation's international competitiveness, dampen inflation, and end economic controls. I have cited our experience with war-time productivity councils as proof that such a technique can actually work to produce greater output. The steel industry, I thought, would prove to be a good test, and the first tentative signs now are that the committees in the steel industry may be very valuable in making the industry more productive and thus more competitive.

The kinds of results that Mr. Tenenbaum expects from the effective operation of joint productivity committees are: quicker installation and full operation of new processes; increased product yield by reducing the amount of defective material; improved quality and customer service; better equipment maintenance; and perhaps most important of all, "redesign of assignments to increase understanding of work functions and objectives—to lead to greater employee morale, motivation, efficiency, and improved attendance."

It is a tribute to the leaders and members of the United Steelworkers of America under the outstanding leadership of Mr. I. W. Abel that they are willing to work jointly with management and have recognized that their own best interest will be served by accelerating the efficiency of American steel production. Labor's wholehearted participation in the joint productivity committees is, of course, absolutely indispensable if they function as intended. I would hope that this joint cooperative effort would bring substantial rewards both in terms of greater job satisfaction for the men themselves, and higher rates of pay reflecting their units increased productivity. Certainly labor's willingness to help make the joint productivity effort work is appreciated by all of us who want to see the industry become strongly competitive in world markets.

Joint productivity committees hold substantial potential both for the steel industry and other industries. If steel companies can look forward to the realization of substanial gains in productivity and worker satisfaction, only good can come from adoption of the same technique in other industries.

I ask unanimous consent that the labor-management memorandum of agreement on productivity committees, and the text of Mr. Tenenbaum's remarks on April 26, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

Memorandum of Understanding on Committee on Productivity

The parties recognize that for their joint benefit, increases in wages and benefits should be consistent with the long term prosperity and efficiency of the steel industry.

The parties are concerned that the future for the industry in terms of employment and return on substantial capital expenditures will rest heavily upon the ability of the parties to work cooperatively to achieve significantly higher productivity trends then have occurred in the recent past. The parties are acutely aware of the impact upon the industry and its employees of the sizable penetration of the domestic steel market by foreign producers. The parties have joined their efforts in seeking relief from the problem of massive importation of foreign steel manufactured in low-wage countries. Thus, it is incumbent upon the parties to work cooperatively to meet the challenge posed by principal foreign competitors in recent years. It is also important that the parties cooperate in promoting the use of American made steel.

In order to implement this expression of purpose, a joint advisory Committee on Productivity shall be established at each plant. The Union representation on this Committee shall be two members of the Union in addition to the Local Union President and the Chairman of the Grievance Committee. The Union members shall be certified to plant management by the Union and a corresponding number of Company members shall be certified to the Union. The Company and Union members of the Committee shall meet at mutually agreeable times, but no less than once each month. The function of the Committee shall be to advise with plant management concerning ways of improving productivity and developing recommendations for stimulating its growth so as to promote the purpose of the parties as set forth above and also promote orderly and peaceful relations with the employees, to achieve uninterrupted operations in the plants, to promote the use of domestic steel and to achieve the desired prosperity and progress of the Company and its employees.

The Works Manager or the Local Union President may from time to time suggest to the Committee areas of special concern consistent with the purposes of this Committee and the provisions of this Agreement. The functioning of this Committee shall not affect the existing rights of either party under any other provision of this Agreement.

Remarks on Productivity by Michael Tenenbaum, Annual Meeting of Stockholders, April 26, 1972

INTRODUCTION

The subject of productivity received recognition by the federal government with the publication of a Department of Labor study of causes of unemployment in the 1890's. Since then, this concern has reappeared intermittently, sometimes seeking causes of unemployment, other times because of concern about utilization of scarce labor, and, more recently, in search of effective means of combatting inflation and meeting foreign competition.

In the early sixties, President Kennedy's Council of Economic Advisers emphasized the need to consider the rate of productivity growth in developing guidelines for wage and price increases. This emphasis has been highlighted again in the aspects of President Nixon's economic program which led to the creation of the National Commission on Productivity and which established productivity as a factor to be considered in determining the allowable level of wage and price increases. In this brief report, I would like to enlarge on the concept of "productivity" as it applies to the steel industry, to give some examples of opportunities for improving productivity, and to report briefly on the Labor-Management productivity councils currently active in Inland Steel Company.

Recent Bureau of Labor Statistics show that while the overall productivity in the domestic steel industry is still slightly higher than that of the closest foreign competitors, Japan and West Germany, the rate of productivity improvement in the United States during the past decade has lagged behind that of the major foreign steel producers.

The manhour-per-ton-of-mill-products-shipments advantage over other major steel producing countries that the domestic industry enjoyed ten years ago has been almost eliminated. This unfavorable trend reflects the fact that large plants all over the world have become equipped with similar modern facilities and are being operated from the same technical base. This situation has been particularly pronounced in Japan where massive new plants have been built on totally new sites—thus affording maximum opportunity for productivity improvement through capital investment.

Since the foreign mills are favored with lower labor rates, it is important that productivity in the domestic steel industry be increased substantially so as to compete in the international marketplace. The greatest international marketplace for steel is in the United States, and it is in this market that the combined effect of high wage rates and retarded productivity growth is felt most seriously.

The inability to offset rising employment costs with proportionate productivity improvements contributes to rising labor costs per ton of product. With this situation in the American steel industry, prices have risen, profits have fallen, and the rate of expansion and modernization has been retarded.

Productivity

Steel industry productivity is most often expressed as product output per manhour-of-work input. In this context, productivity may be measured as tons shipped from a mill, tons refined in a steel furnace, number of chemical analyses made, amount of electrical energy generated, gallons of water pumped, volume of gas produced, and in numerous other ways. Because of the broad range of steelplant activities, "productivity" is sometimes difficult to measure and quite often misunderstood. Even more serious, there is often misunderstanding about the long-range objectives of productivity improvement programs. In the absence of a rigorous definition, it should be useful to state three things that productivity improvement programs do not encompass.

1. They are not directed at worker speed-up.
2. They do not seek greater individual physical effort.
3. They are not aimed at manpower reduction.

Productivity, in the broadest sense, refers to the efficient use of all corporate resources to manufacture high-quality products in an economic and responsible manner, to promote growth, and to usefully serve customers, employees, stockholders and general public.

Opportunities for change

Within this broad definition, it can be recognized that productivity improvement can come from many sources, such as:

1. Improved steelmaking technology
2. Effective use of capital to provide improved tools and equipment
3. Development of greater management skill
4. Intelligent procurement of raw materials
5. Adoption of marketing strategies which generate order patterns conducive to the most efficient use of steel manufacturing equipment.

Despite the general trend described earlier, there have been some striking recent examples where opportunities for productivity improvements have been exploited at Inland. I would like to summarize several of these, since they provide insight into the resources that can contribute to such improvement. They also demonstrate how such changes serve to expand operations, create jobs, and improve our competitive position.

1. The Indiana Harbor Works has eight blast furnaces. By today's standards, even the largest of these units is regarded as small. The largest of these furnaces which was originally designed to make about 1,000 tons of molten iron per day now can produce between 2,500 and 3,000 tons per day. This improvement was accomplished through better understanding of process fundamentals, intelligent application of this knowledge, substantial capital expenditures, and impressive improvement in the raw materials quality. Of equal importance is the fact that operating costs on these units are competitive with those of the largest of the most modern units. As a result, new mines have been opened, new pellet plants have been built, the iron supply to the Harbor works has grown, steel refining operations have increased, finishing mills have operated additional turns, and more people have been hired to fill the added jobs created in all these areas.

2. Our two oxygen steelmaking furnaces were originally designed to produce around 300 tons per hour. The productivity of these furnaces now approaches 500 tons per hour. This striking increase has resulted from improved maintenance of the furnace proper, improvements in gas cleaning facilities, the development of better refractories, the introduction of rapid systems for conveying process control information to the operators, and the use of novel measuring devices. The added productivity has provided more raw steel for further processing, supported more operating turns in the finishing mills, improved service to our customers, and created additional jobs for our people.

3. Our high-speed 80'' Hot Strip Mill was designed originally to roll about 300 tons per hour. Over a six-year period, productivity from this mill has been increased to about 450 tons per hour. The improvement resulted from the intelligent use of computer process control systems, the rapid processing of orders to allow preparation of efficient rolling schedules, the improved understanding of factors affecting product quality, the development of improved techniques for guiding steel through successive high-speed rolling mills, and the provision of additional slab heating capacity. The additional hot-rolled coils so produced have allowed other mills to schedule additional turns, providing important market opportunities and creating additional jobs.

In varying degrees and in diverse ways, many other significant productivity improvements have been achieved throughout the company. A number of common features can be identified with such improvements:

1. They often emerge as a result of capital expenditures for new equipment.
2. They represent effective use of resources available to the people operating the process concerned.
3. The improvements usually are the product of innovative contributions by individuals who understand the process and are stimulated by the opportunity to improve its performance.

There will always be programs aimed at improving technology through capital expenditures for new equipment. On the other hand, the structuring of work assignments so as to stimulate innovative contributions that lead to improved productivity represents a serious challenge to both management and labor. This challenge received special recognition in the 1971 agreement with the United Steelworkers which provided that Union-Management committees would be formed, "to work cooperatively to achieve significantly higher productivity trends to meet the challenge of foreign competition."

Productivity must be the joint concern of both Management and Labor. With mutual trust and confidence, it is entirely realistic to expect novel and important concepts to emerge from the joint productivity committee deliberations. With both parties involved in the design of new productivity approaches, the likelihood of useful implementation of such programs is greatly enhanced. These committees have met at our plants and have already undertaken useful studies. In the course of their deliberations, a wide variety of items were brought up which conceivably could be considered as areas of significant productivity improvement. It is of interest to comment on some of these.

1. There is a need for techniques to accelerate the rate at which new processes and new equipment are brought to their potential operating levels. The aim would be to reduce the delay that has characterized the introduction of much new equipment in the past. The rapid attainment of full productivity capacity on new equipment would encourage authorization of additional capital programs for modern production equipment, and this succession would multiply opportunities for productivity growth.

2. Increases in product yields are always possible when organized, intelligent programs are directed toward this objective. Reductions in the amount of defective material are immediately transformed into productivity gains, since more prime product is manufactured with the same overall input. Yield improvement has the added advantage of avoiding the waste of time and effort in reclaiming and reprocessing questionable material.

3. Improved quality and customer service in itself generates a continuous flow of orders for our products. The inevitable result is the higher utilization of available capacity on which productivity is so dependent.

4. It is likely that concepts that lead to more flexibility and improved efficiency in equipment maintenance will be suggested in the council meetings. Such improved maintenance would avoid breakdowns, operating delays, material damage, and physically demanding repair efforts. The net effect would be to reduce time lost in unscheduled repair work and to gain time for productive output.

5. A troublesome area affecting productivity has been the loss of efficiency because of excessive absenteeism. Redesign of assignments to increase understanding of work functions and objectives could well lead to greater employee moral, motivation, efficiency, and improved attendance.

6. Inevitably, there will be increased ingenuity introduced into new capital programs and increased creativity in recognizing solutions to the operating problems that continuously challenge all of our workers.

In the long run, the creativity of our people represents our most effective tool in the campaign to increase productivity. Programs that enrich the jobs of our people will unquestionably lead to significant productivity improvement.

As progress is made and productivity improves, higher wages can be justified, and we will be in a more favorable position to compete against foreign steel. Moreover, additional resources will be generated which can be used to support new capital programs, a greater effort can be made to improve the environment inside and outside our plants, the industry can expand, more jobs will be created, employee task assignments will become increasingly stimulating, and within the framework of socially responsible operating programs, profit margins will increase.

THE SECRETARY OF AGRICULTURE AND FOOD PRICES

Mr. ALLOTT. Mr. President, I do not suppose there are many of our citizens who do not recognize that we now have a Secretary of Agriculture in this country who is unequivocal in his stand on the side of farmers and rural America. Recent developments have proven this fact again and again, ranging from the Russian grain sale of $750 million to his actions in blunting the effect of restrictions by various other governmental departments on producers of livestock.

Few persons outside the agricultural leadership of this country seem to realize the misguided pressures that have mounted to impose price controls on all food and fiber at the farm level.

Leaders of the cattle industry have been particularly apprehensive over the continuing movements designed to cut back the price of beef. They did not protest too much the first decision of the administration to import an additional 120 million pounds of beef this year, because they understand that plans of our domestic producers to provide consumers with more beef has created a temporary shortage. The only means of increasing the beef herd is to hold back heifers. This starts the nearly 3-year cycle required before more beef can begin coming on the market. They are holding back heifers, thus bringing about the eventual desired additional production of beef. Meanwhile, the domestic slaughter level is slowed down, at the same time that many countries of the world are demanding more of the foreign beef which formerly found a ready market only in the United States.

Secretary Butz was in Fort Collins, Colo., last week talking to the producers at the American Cattlemen's Conference—an annual national event held in my State. He met with a group of leaders, talked at length to the entire assemblage, and then was confronted by the news media of the major farm publications of the Nation, in addition to local newspaper and TV reporters.

It was his first opportunity to fully explain what has been happening in his fight to bring commonsense to the emotional atmosphere surrounding the current beef controversy.

As usual, the other side of the news story was not carried to the general public beyond the borders of Colorado and a neighboring State or two. I want to call attention of my colleagues to the factors involved in worldwide beef demands and the Secretary's analysis of the situation which he has faced as revealed at his press conference at Fort Collins.

Secretary Butz told the news media that the holdback of heifers has created a temporary beef shortage that resulted in prices rising as much as 4 or 5 cents a pound per carcass. However, even these U.S. prices are less than two-thirds the price of beef carcasses in Europe. At this time, he said, there are 11 percent more cattle on feed in this country than a year ago and these will begin coming on the market in late August to temper the price situation somewhat, coupled with a bit more imports.

The Secretary pointed out that because of the increasing worldwide demand for beef there is little additional supplies available at this time—Australia being virtually the only source to draw upon. I might add that this would probably be at the expense of Australian people's diets, who even with plentiful supplies in the past have eaten considerably less pounds of beef per capita than Americans due to the export-dollar needs of that country.

In discussing each phase of recent developments affecting the beef industry of this country, the Secretary admitted to the news media:

> I partially lost the battle, but even on hide exports we won a high enough quota that its not going to have very much impact.

The Secretary said:

> They were moving toward using the base of 1970–71 on hide export quotas but we got that changed to 1971—the highest period of exports in the last six years.

I interject a comparison here between the hide export embargo so precipitously imposed under the Johnson administration in 1966. That complete embargo resulted in chaos that depressed cattle prices disastrously. Hides immediately backed up at the packing plants, in the warehouse and at the wharfs. Under the current restraints, orderly exports and marketing will continue without interruption—and at the high level mentioned by the Secretary. For this reason, as he stated, there should be minimal impact on cattle prices, while still providing additional hide supplies to our domestic industries.

Relative to the State Department's efforts to encourage beef exporting countries to ship larger supplies this year, the Secretary said that ministers from the embassy of 12 countries that normally export beef to this country presented the facts of life to the Department on the world situation. Secretary Butz said this meeting proved what he had predicted earlier that—

> We can anticipate an increase of perhaps 10 percent, which will bring us to about the quota we had set initially. In the absence of the original quota action indications were that we were going to have a shortage of about 60 million pounds.

Returning to the hide situation, the Secretary answered an inquiry in which he said:

> I think that in the case of hides it does guarantee a minimum level of hides for the domestic shoe manufacturing and leather industry in this country; it really preserves for them the increase we're going to have in the months ahead in the number of hides . . . due to the heavier feedlot numbers.

The Secretary defended the price of cattle, which he said were just a few cents above 20 years ago while cattlemen's costs had increased by more than 60 percent during the 1960's. He said that under the American system it is necessary to make a profit or production of any product will decline—including beef. He said that this profit inducement is mandatory, and that "cattle prices right now are at an inducement level."

When the Consumer Price Index comes

out later this month, Secretary Butz predicited that—

> It's going to show an increase in food prices over last month. We know that because a month ago the wholesale price index showed an increase and it takes about six weeks for that to move through the channels.

This statement was made as an explanation of why anticipatory measures were taken to hold beef prices in line with current fair levels. He added:

> I don't want to see cattle prices go back to where they were 2 or 3 years ago. They were too low then. We're increasing production now by about 2 percent a year which is a healthy rate of increase—one we can absorb. If, say we get to a 4 percent increase that's too rapid an increase. I think we'd be in trouble pricewise.

In response to a final question concerning the source of attacks on farm prices, the Secretary said:

> They're coming from people who think there's something sinful about paying for their food; and from politicians who play on that.

He then reminded the news media that—

> This Administration has mounted a massive effort to fight hunger among people at the lower end of the income spectrum. The President has said he doesn't want any American or American child to go to bed hungry . . . and I subscribe to that. But, having said that I'm just as adamant that under the American system, Americans who can afford to do so should pay for their food in the market place just like they pay for their automobiles or their TV sets. We want that food for them as economically as possible, and we are taking steps to control margins in the processing and distribution phases. We're taking steps to keep every marketing phase as efficient as possible, but having done that, cheap subsidized food priced below cost of production is not the birthright of citizens who can afford to pay for it any more than cheap automobiles is their birthright.

I believe the Secretary of Agriculture has summed up the existing food situation clearly, nonemotionally and succinctly. I commend this commonsense approach to my colleagues and to the American people during this period when we are attempting desperately to control inflation for the benefit of every citizen.

THE OMBUDSMAN EXPERIMENTATION ACT

Mr. JAVITS. Mr. President, as the principal sponsor of S. 2200, the Administrative Ombudsmen Experimentation Act of 1971, I wish to call Members' attention to a very excellent article by Bernard Frank, Esquire, chairman of the Ombudsman Committee of the American Bar Association, who has been a leader in this field.

The article, which appeared in the May 1972 issue of the National Civic Review, published by the National Municipal League, is entitled "The Ombudsman Concept Is Expanding in the United States."

The article describes in some detail the growing interest and action by governments at all levels throughout the world in respect to the creation of machinery to handle complaints against administrative abuse.

Mr. Frank notes that ombudsmen have been established at the State level in four jurisdictions and that in 1971 proposals were pending in no less than 26 States, as well as Guam and Puerto Rico.

At the local level, complaint-handling mechanism of various types exist in at least 44 cities, school districts, and counties of the Nation.

A project funded by OEO in Buffalo, N.Y., in my own State during the period August 1967 to August 1969 was the model for many of these ombudsmen offices.

Mr. President, the American Bar Association has passed recently a resolution recommending the establishment of State and local ombudsmen, with experimentation on the Federal level.

S. 2200, which I have proposed, with Senators KENNEDY, BAYH, TAFT, and TUNNEY, is currently the only bill before the Senate which would provide such experimentation.

It would establish in the legislative branch an Office of Administrative Ombudsman to conduct demonstration ombudsman programs on a regional basis to deal with individual complaints against Federal administrative action, particularly affecting the poor.

The bill would also establish an Ombudsman Foundation to fund programs at the State and local level.

It is my hope that the bill will be considered later this session by the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare, of which latter I am the ranking Republican member, and that consideration will result in an advance in implementation of the concept on the Federal level, to an extent comparable to the significant progress made upon the State and local level.

I ask unanimous consent that there be printed at this point in the RECORD the article by Mr. Frank, together with a section-by-section analysis of S. 2200 and the recent report of the American Bar Association section of the Administrative Law Ombudsman Committee.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OMBUDSMAN CONCEPT IS EXPANDING IN THE UNITED STATES

(By Bernard Frank) [*]

Throughout the world governmental and nongovernmental organizations are giving serious thought to the creation of machinery to handle complaints against government. A few of these are the International Commission of Jurists, the World Peace Through Law Center, the United Nations division of human rights, the American Bar Association, the legal division of the British Commonwealth Secretariat, the Administrative Conference of the United States, the Office of Economic Opportunity and the University of California.

Three presidential commissions have dealt with the subject in the past four years. The President's Commission on Law Enforcement and Administration of Justice, in its report *The Challenge of Crime in a Free Society*, recommended that "Every jurisdiction should provide adequate procedures for full and fair processing of all citizen grievances and complaints about the conduct of any public officer or employee." The National Advisory Commission on Civil Disorders recommended establishment of formal mechanisms for processing grievances, many of which will relate to the performance of city government, independent of the local administration. The National Commission on the Causes and Prevention of Violence recommended that the federal government allocate seed money to a limited number of state and local institutions to establish citizens' grievance agencies.

The question as to how grievances may best be redressed has come about because government has become "big government," almost everywhere assuming a multitude of functions in education, medical care, housing, welfare and social security. Income tax and draft laws affect all segments of the population; extensive powers are given to all types of boards, agencies and departments; lives and property are directly affected by government in a manner and on a scale not previously experienced.

A citizen affected by mistakes and abuses of executive or administrative power began to believe there was no way to deal with big government. All too often he accepted injustices when he found existing mechanisms inadequate. If he turned to the legislator he found a public servant willing to help but limited by insufficient funds, lack of staff and inability to obtain direct access to files. The legislator had to rely on an explanation from the agency against which complaint was made. In the case of the executive, on any level, he was being asked to investigate his own administration. Politics also may be a factor.

If the citizen turned to the courts he found a system that plays a major role in correcting abuses, but he also found that litigation is an adversary process which is costly, moves slowly, creates tension and is ringed about with complex rules and procedures.

A gap remained in the machinery for the redress of grievances. This is the gap filled by the ombudsman. He is an independent official who receives complaints against government agencies, investigates, and, if the complaints are justified, makes remedial recommendations. The ombudsman concept originated in Sweden in 1809. It came to Finland in 1919 and Denmark in 1955 and since then has spread rapidly.

The classic Scandinavian ombudsman office is an external instrument created by the legislature as a safeguard against the abuse of power by governmental officials. Independence from the executive and even from the legislature is fundamental to the concept. The ombudsman receives complaints from the public or acts on his own initiative. There is no expense in filing a complaint and once filed the ombudsman takes over. He generally conducts an impartial investigation, calls on all persons for information, requires production of documents and has access to government records. He generally has no power to punish, or order, reverse or impose sanctions, but can only make recommendations and issue reports.

The system has been easily transplanted and been changed to suit particular characteristics and needs. On a national level there are government ombudsmen in Sweden (three), Finland, Denmark, Norway (two: civil and military), New Zealand, Guyana, Tanzania (board of three), Great Britain (where complaints come only through members of the House of Commons), Mauritius, Northern Ireland (two: for central government and local government) and Israel. West Germany and Switzerland have military ombudsmen. The Fiji and Ghana constitutions provide for the creation of the office. Legislation is pending in the Netherlands. In Canada five of the 10 provinces have ombudsmen: New Brunswick, Quebec, Alberta, Manitoba and Nova Scotia. In Newfoundland legislation passed by the Parliament is awaiting proclamation. Two cities outside of the United States—Jerusalem and Zurich—also have ombudsmen.

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[*] Bernard Frank is chairman of the Ombudsman Committee of the American Bar Association and Federal Bar Association. This is his address, November 15, 1971, at the National Municipal League's 77th National Conference on Government in Atlanta.

The concept is expanding in the United States. Two bills are pending in Congress: one provides for an office of constituent assistance which will receive only complaints sent through members or committees of Congress; the other is an amendment to the economic opportunity act of 1964 which would establish an office of administrative ombudsman and set up three demonstration projects. Complaints would be received from any person, or member or committee of Congress, but are limited to the health, education, anti-poverty, and employment and manpower training programs of the departments of Labor, Health, Education and Welfare, and Housing and Urban Development, and the Office of Economic Opportunity. The experiment is to continue until 1974 when final recommendations are to be made for adoption of the ombudsman concept by the federal government. The bill also provides for an American Ombudsman Foundation to initiate and support research and demonstration projects and make grants to states and municipalities.

On the state level there are ombudsmen in Hawaii and Nebraska (created and appointed by the legislature) and in Iowa and Oregon (created and appointed by the executive). In 1971 bills were introduced or were pending in 26 states, Guam and Puerto Rico.

In Hawaii the ombudsman, Herman S. Doi, took office on July 1, 1969 (see the Review, February 1970, page 81). During the first fiscal year, ending June 30, 1970, the office received 983 inquiries and during the year ending June 30, 1971, 1,758 inquiries. During this second year it was found that 19 percent of the complaints were unjustified and 16 percent were justified. This conforms to the pattern in all of the systems throughout the world in that most complaints are unjustified.

The range of complaints was wide. The major categories were public housing, environment, pollution, highways and highway safety, public education, personnel or public employment, taxation, workmen's and unemployment compensation, payments to vendors and employees, and regulatory boards and commissions.

The Hawaiian ombudsman has jurisdiction over local government, unlike Nebraska, and most state proposals. He is appointed by the legislature and serves a six-year term but may be reelected for two more terms. He receives complaints by visit, letter and telephone, or may investigate on his own initiative. As a service to the outer islands, he or a member of his staff travels a circuit once a month. No fees or charges can be made. He may obtain information as he sees fit, inspect the premises of an agency and hold private hearings. He has the right to compel the attendance of witnesses and the production of papers and documents. After investigation he may make a recommendation to an agency and may request a reply as to action taken. After a reasonable period of time he may present his recommendation to the governor, the legislature and the public. Letters to him from any person in custody must be forwarded immediately, unopened. The ombudsman inspects prisons, jails and other institutions.

On the local scene complaint-handling mechanisms of various types exit in at least 44 cities, school districts and counties. Most of them operate as part of the executive office, with a variety of titles, handling information as well as complaints. Only two local governments have offices which can be considered as in line with the ombudsman concept. The city of Dayton-Montgomery County-Dayton school board, and King County-Seattle.

King County provided in its home rule charter for the office of citizen complaints which came into being on January 1, 1970. Subsequently the county and Seattle established in 1971 a joint office of citizen complaints funded by the OEO. Lee Walton was appointed last May.

By agreement among the Dayton school board, the city and Montgomery County, the joint office of citizen complaints was created, funded by the OEO and a foundation with some community funds. Theodore C. Bingham took office as director on March 1, 1971. His report for the first six months shows 1,029 inquiries.

Mention should be made of the citizen's administrative service project in Buffalo sponsored by the State University of New York and financed by the OEO (see the Review, July 1969, page 297). In operation for 71 weeks, in 1967 to 1969, it received 1,224 complaints. Also the American Bar Association has passed a resolution recommending the establishment of state and local ombudsmen, with experimentation on the federal level.

The name ombudsman has been applied to a great variety of governmental and nongovernmental institutions and persons in the United States. We have prison ombudsmen, hospital, newspaper, radio, TV, Department of Commerce, Navy, Navy Wives, business, college and school, environmental ombudsmen, etc., etc., etc. Obviously the ombudsman has arrived. The uniqueness of the office in a world where government has become big and distant may tend to overglamorize it.

The ombudsman does not provide the magic cure-all for society's problems. His role is to supplement existing mechanisms for redress—the courts, the legislature, the administrative court, the administrative agency. These institutions must be strengthened and made more responsive to the grievances of the citizens. The ombudsman functions as an expert, impartial, independent and easily accessible servant who can move faster and informally, without cost to the citizen, without the tension of litigation, without the necessity of counsel or influence.

Many legislators, councilmen, commissioners, mayors and governors are not overwhelmed with enthusiasm for the concept. This is due to a combination of lack of understanding and distaste for a possible competitor.

But the ombudsman must of necessity be on the agenda of federal, state and local governments for serious consideration. Its adoption will be slow. It is one of the remedies which will guarantee those rights which are essential to a society in which fundamental rights and human dignity are respected.

AMERICAN ASSOCIATION OF RETIRED PEOPLE

Mr. ALLOTT. Mr. President, I was pleased, just prior to our recent recess for the Democratic Convention, to be invited to attend a portion of the biennial convention of the American Retired Persons Association, and the National Retired Teachers Association, being held in the District of Columbia.

I was especially pleased that the invitation was extended to me by members of the association from my State of Colorado and that it was possible for a number of those members and their families to be here for that convention.

I ask unanimous consent that a summary of the "14 Years of Achievement" of the American Association of Retired Persons be included in the Record at the conclusion of my remarks.

An article by Hubert Pryor, the editor, in the June–July publication of this organization, Modern Maturity, says:

> Those who join AARP are brought together by the compelling need in today's culture for an identity and purpose that others would deny them or only pay lip service to. They know that working together, they can develop the activities and interests they could not develop alone.

The article concludes with a quotation from Robert Louis Stevenson which Mr. Pryor denominates as one signifying, in its deepest connotations, the aspirations of the American Association of Retired People:

> So long as we love, we serve; so long as we are loved by others I should say we are almost indispensable and no man is useless while he has a friend.

With this philosophy, I am sure the accomplishments of the AARP, and the NRTA, will continue to grow during its 15th year and those which follow.

The organization's publication also contains an article about the centennial of the national park system being celebrated this year and it includes a description of how our senior citizens can enjoy the camping facilities in our national parks. Particularly, in view of this, it gave me pleasure to convey the report to the Colorado people present at the Dr. Ethel Percy Andrus memorial dinner on June 14 that on the day before, the conference on the Golden Eagle passport program bill, out of the Senate Interior and Insular Affairs Committee, of which I am the ranking minority member, had finally agreed on a provision in the Senate-passed bill, introduced by Senator Allan Bible, which is of great benefit to persons 62 years of age or over. Under the terms of that provision, such persons are entitled to free admission to all units of our national parks as well as recreation areas administered by the Forest Service. They also are granted a 50-percent reduction of charges for the use of camping and similar facilities.

I was happy to cosponsor Senator Bible's bill and commend him not only for the bill but also for his leadership as chairman of the Parks and Recreation Subcommittee, acting chairman of the full Senate Interior Committee, and chairman of the conference, in all of which capacities he guided the bill to enactment.

For their contribution, I thank the AARP and all of its members in Colorado including those who were here from Colorado for the convention, Miss Olga Hellbeck, Pueblo; Mrs. M. Z. Joiner, Denver; Mrs. Ida Crockett, Clark; Mrs. Myrtle Jones, Grand Junction; Noralf Nessett, Colorado Springs; Arnold Johanson, Colorado Springs; and Julian Ebersold, Park.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Fourteen Years of Achievement

1958

AARP is founded and incorporated under the laws of the District of Columbia as a voluntary, nongovernmental, nonprofit and nonpartisan organization, with a membership of mature men and women, proudly self-reliant who see in their retirement years a great opportunity for self-expression and self-fulfillment.

Modern Maturity, a bimonthly magazine, is published with full colored illustrations. It is dedicated to satisfying the social and cultural needs of mature individuals by providing a picture window on the world about. It also portrays to that world the true story of older folk as men and women of action: artists, writers, sportsmen, travelers, civic servants and welfare volunteers—first issue October-November.

AARP Health Insurance Plan, a special group policy underwritten by one of the leading insurance companies of the United States, makes its appearance as the first nationwide health insurance for all persons 65 and over. The U.S. Department of Health, Education and Welfare named this accomplishment a significant social achievement.

AARP Travel Service offers the Grand Circle Tour of Europe geared to the interests of the mature, personally conducted with cost all-inclusive.

1959

AARP Services are inaugurated, among which are the following:

AARP Drug Service with its first unit in Washington, D.C., offers drugs, prescriptions, vitamins, medical appliances, and other health aids at substantial savings to members.

Veterans Administration Volunteer Service welcomes AARP participation.

AARP News Bulletin makes its appearance.

AARP Geriatric Nursing Home, the Acacias, is established and opens in September.

AARP Hospitality House opens in St. Petersburg, Florida.

Executive Headquarters are located in Washington early in the year and staff increased.

AARP testifies at the House Ways and Means Committee and Senate Subcommittee Hearings.

1960

AARP Health Insurance offices and programs expand, due to membership demand.

AARP President named to National Advisory Committee for White House Conference on Aging.

AARP conducts, in St. Petersburg, an Open Forum called the "Little White House Conference on Aging" at which 2,000 persons in attendance discuss "Aging with a future," with national leaders as speakers.

AARP opens the second drug service, the Florida Retired Persons Pharmacy in St. Petersburg.

AARP testifies at the Congressional investigation of the Drug industry and its rate of profit.

AARP explores housing problems of older persons.

AARP presents, "Ever Since April," a play written for the Association to depict the tragedy of chronologically enforced retirement and the hero-victim's restoring his self-respect through concern for others.

The Social Security Information Officer, begins a page report for each issue of *Modern Maturity*.

AARP's Executive Staff conducts a week of lectures and discussions at Chautauqua on "Modern Maturity for a Brighter Tomorrow—A Positive Approach for Enriching the Later Years."

AARP's First Chapter is organized.

AARP Drug Service, in Washington, D.C., expands, necessitating removal to more commodious quarters.

AARP absorbs the membership and obligations of the Journal of Lifetime Living.

1961

AARP participates in White House Conference on Aging, a national forum called to consider fact-finding from all the States, recommending: the development of plans for action to assure older persons equal opportunity to engage in gainful employment; to provide housing suited to their needs at a price they can afford to pay; assistance in developing studies and interests to make aging a period of reward and satisfaction.

AARP co-sponsors Freedom House with Douglas Fir Plywood Association.

AARP cooperates with the U.S. Treasury Department in developing a pre-retirement program for its employees.

AARP and NRTA members express interest in the goals of the newly organized Retirement Research and Welfare Association, a philanthropic association whose report on Retirement Conditions was presented at the White House Conference on Aging.

AARP Travel Service adds Southern, Mediterranean and Scandinavian Tours to its popular Grand Circle Tour.

AARP announces the founding of its 100th Chapter.

AARP expands its Health Insurance Program with a new history-making Out-of-Hospital Major Medical Plan.

AARP and NRTA appoint a Legislative Council of twenty-one persons.

1962

AARP, in conjunction with NRTA, holds its first series of Area Conferences.

AARP's and NRTA's Denver Convention is remarkable for the inspirational message of Estes Kefauver, the crusader for purity of drugs, consumer protection and freedom of economic choice, and for the adoption of the AARP Blue Print on Aging, advocating the establishment of National, State and Local Commissions on Aging and a Senior Service Corps.

AARP makes available for its members a low-cost Testamentary Life Insurance.

AARP plans and conducts a week-long Chautauqua Institute on "The Changing Image of Aging."

AARP Travel Service adds British Isles Tour to its European Tours.

AARP dedicates a Hospitality House in Long Beach, California.

AARP's growing family of chapters continues to expand.

AARP Members respond to questionnaire regarding "Employment After Retirement." The Report by Retirement Research and Welfare Association is published in *Modern Maturity*.

AARP initiates pilot demonstration projects in counseling, training and placing older workers, in cooperation with the Department of Labor and State Employment Offices.

AARP Drug Service has expanded, requiring additional office space in Washington, D.C.

AARP continues to keep vigil on National Legislation and Social Security developments; continues to offer Congressional Committees considered testimony and statements on matters affecting older people; and keeps the membership currently informed through the columns of AARP publications.

1963

AARP Travel Service inaugurates its first Around-the-World by air tours and offers its first European Air-Tour and Caribbean Cruise.

AARP begins its hearing aid service for members at reduced prices (discontinued in 1965).

AARP with NRTA announces it will participate at the New York World's Fair 1961–65 and their officers and Fair officials break ground for the Association's Dynamic Maturity Pavilion.

AARP International is organized in Copenhagen and expansion to other lands begins.

AARP Hospitality House in Washington, D.C., is officially opened in August.

AARP establishes its Institute of Lifetime Learning and Every Wednesday Morning Lecture Series in the Dupont Circle Building in Washington, D.C., in September.

AARP in conjunction with NRTA holds nine Area Conferences thus establishing the plan of Area Conferences to be held during the odd numbered years and alternating with National Biennial Conventions on the even numbered years.

AARP's third drug outlet, the California Retired Persons Pharmacy, opens in Long Beach.

AARP and NRTA receive Freedom Foundation Awards for their publications *Modern Maturity* and the NRTA *Journal* with a third award to their Editor.

1961

The Dynamic Maturity Pavilion is opened at the New York World's Fair on April 22, 1964, with its Hall of Fame, picturing AARP's and NRTA's officers nationwide and illustrating the accomplishments of the Associations.

Hospitality Centers are busily welcoming members in St. Petersburg, Long Beach and Washington, D.C.

AARP Chapters now number 300.

Institute of Lifetime Learning program has growing popularity and adds new courses.

Drug Service in Washington, D.C. moves to a new and larger location, and expands its Drug Service in Long Beach, California, into new and more adequate quarters.

Grand Circle Part II Tour, Swiss Holiday and Tour, American Heritage Tour, are all added to the expanding Travel program.

AARP holds its first independent Biennial Convention in Rochester, New York, June 14–18.

AARP Membership Division moves into its larger and more functional building, newly constructed in Ojai, California.

AARP story in *Reader's Digest* on "Dynamic Retirement is Their Goal" results in 100,000 inquiries.

1965

AARP membership participation in Retirement Research and Welfare Association enables it to conduct its own projects related to the health and welfare of the aging and also contribute financially to outside philanthropic projects.

Travel Service offers its first World Cruise and Tour.

Drug Service extends mail order service in the states of California and Florida from its Long Beach and St. Petersburg locations.

AARP and the American Medical Association cooperate in health information program and AARP introduces its emergency Medical Alert and identification card.

AARP highlights its Church and Industry Programs.

New Hospitality Lounge and Institute of Lifetime Learning quarters are opened in Long Beach, California. The Every Wednesday Morning Lecture Series is inaugurated.

AARP enters the pre-retirement field with the publication of *Dynamic Maturity*, a bimonthly magazine focused on the needs of persons approaching retirement and needing help to build a satisfying rewarding maturity.

AARP Travel Service adds a Western Division and tours to its expanding program.

AARP nation-wide organization plan is established through the appointment of nine Area Vice Presidents, nine Area Associate Vice Presidents and State Directors for the majority of the states.

Dynamic Maturity Pavilion closes October 17, having had a total attendance of 450,000 persons for 1964–65.

AARP with NRTA holds a third series of nine Area Conferences, the theme being "For What Do We Strive in '65?"

1966

AARP introduces its new "Coordinated-Care" ® Group Health Insurance program to supplement Medicare, underwritten by one of the leading insurance companies of the United States.

AARP requires Chapters to adopt standard bylaws and assists them to become incorporated under the laws of their own states.

AARP opens three centers for Consumer Information: Washington, D.C.; Long Beach, California; St. Petersburg, Florida.

AARP's Presidential, Editorial and Chapter Offices are now located in Long Beach, California.

AARP maintains in Washington, D.C., the offices of the Executive Vice President, the Executive Director, the Federal and Legislative Relationships, the Church, Industrial and Community Divisions and the Institute of Lifetime Learning with Hospitality Lounge and Every Wednesday Morning Lecture Series.

AARP breaks ground for the building expansion of the geriatric nursing home, Acacias, in Ojai, California.

AARP completes months of earnest study exploring the problems of hearing aids. Conclusions indicate that it is not possible to obtain an adequate price-saving hearing aid for members.

AARP Travel Service expands travel get-together program and offers increased number of tours.

AARP legislative staff prepares an informative pamphlet, "Tax Facts for Older Americans," available at cost of printing and mailing.

AARP International officials participate in the 7th International Congress of Geronotology in Vienna, Austria, and present awards for significant contributions to retirement living.

AARP holds its Biennial Convention in Salt Lake City, Utah, September 7-9, with an exciting and stimulating program of inspiration, business, tours and entertainment.

AARP offers radio 13-week courses entitled "Let's Listen to Lifetime Learning," recorded on tape by the Long Beach Institute of Lifetime Learning and made available upon request to radio stations on a loan basis.

AARP's *Modern Maturity* begins presentation of a Home Study Course, "The World's Great Religions."

AARP's Public Relations Department inaugurates a Speaker's Bureau to coordinate speakers from national headquarters, elected and appointive officers and representatives of the services.

1967

AARP's Western Headquarters moves to a new location, Times Building, Long Beach, California, where the California Retired Persons Pharmacy, Travel Service, Western Division, Insurance Plan offices, Institute of Lifetime Learning and Hospitality Lounge can have more adequate space and be located in the same building.

AARP Insurnace Plan Headquarters transfers to Philadelphia, to expanded facilities and program, but still maintains offices in Washington, D.C.

AARP Travel Service, Western Division, offers greatly expanded program and increases its staff to service tours and cruises from the West Coast.

AARP with NRTA conducts its fourth series of nine Area Conferences with "Pride in Participation" being the theme of each conference.

AARP aids in the development of an automobile insurance program, Driver-plan 55 Plus®, introduced by states and underwritten by American Maturity Insurance Company of Philadelphia, Pennsylvania.

AARP co-sponsors with the National Safety Council a Defensive Driver Improvement Course to be offered to members in states where Driverplan 55 Plus insurance is available.

AARP's Board of Directors adopts necessary revisions in the Bylaws to strengthen management affairs of the Association and officer progression. The post of Executive Director is divided into five areas of responsibility with an Executive Director assigned to each: National and International Relations; Services; Membership and Publications; Field Operations and Development; Business Management.

AARP expands its Standing Committees to include Public Affairs Committees with greater emphasis on local and national community involvement.

AARP's Drug Service adds a line of convalescent supplies to its service to members.

AARP and NRTA complete the construction of addition to Acacias Nursing Home which increases the capacity to 50 patients. A new approach to nursing care is inaugurated in the Andrus Apartments—eight semicare units.

AARP's philanthropic interest, Retirement Research and Welfare Association, moves from the Washington, D.C., Eastern Headquarters to the Western Headquarters in Long Beach, California.

AARP with NRTA establishes Regional Offices in Atlanta, Georgia; Kansas City, Missouri; New York City; Toledo, Ohio; and Long Beach, California. The responsibilities of these offices are assigned to Regional Representatives.

AARP's Founder and President, Dr. Ethel Percy Andrus, suffers a heart attack and expires July 13, 1967. Mr. George W. Schluderberg succeeds her as President.

AARP with NRTA holds a National Memorial Service in memory of Dr. Andrus in Washington, D.C., on August 23 and a Western Memorial Service at Lincoln High School in Los Angeles, California, on September 17.

1968

AARP's Modern Maturity presents a Memorial Edition in commemoration of its Founding Editor, Dr. Ethel Percy Andrus.

AARP's publications' editorial responsibilities are assumed by a new editor and additional members are added to the editorial staff.

AARP with NRTA appoints the Dr. Andrus National Memorial Committee for the purpose of research and recommending an appropriate memorial to their Founder.

AARP's Group Insurance Program now has offices in St. Petersburg, Florida; Washington, D.C.; Chicago, Illinois; Denver, Colorado; Los Angeles, Long Beach and San Francisco, California; in addition to the home office in Philadelphia, Pennsylvania.

AARP's Travel Service now offers group tours everywhere in the world from its two locations, New York City and Long Beach, California.

AARP's Institute of Lifetime Learning offers consultant service to AARP Chapters interested in founding an Institute as a service to their members. The radio series is expanded with two additional series, "Let's Listen to Our Executive Directors" and "Let's Listen to Our Instructors." These tapes are available on a loan basis from the Institute of Lifetime Learning in Long Beach, California.

AARP continues to keep members informed of legislation affecting older Americans and frequently testifies at hearings of both Senate and House committees.

AARP Chapters now number 500.

AARP's Executive Committee of the Board of Directors holds quarterly meetings during the year. The Board of Directors meets twice, in January and in September.

AARP arranges with the Sheraton Hotel Corporation of America for special reduced rates for members on presentation of a valid membership card for week-end reservations.

AARP is awarded a National Safety Council citation in recognition of its nationwide Defensive Driving Program.

AARP holds its third Biennial Convention in Pittsburgh, Pennsylvania, September 4-5-6 with a delegate assembly of 250 members conducting business sessions and programs of inspiration and entertainment and tours of the city. Attendance exceeds 1,000.

AARP Biennial Convention reports include one by the Dr. Andrus Memorial Committee on its research and evaluation of more than 200 suggestions of an appropriate memorial to its founder. The recommendation to establish the Ethel Percy Andrus Gerontology Center at the University of Southern California in Los Angeles as a memorial in keeping with Dr. Andrus' humanitarian philosophy is approved by the Board of Directors and delegates.

AARP and *Modern Maturity* receive Freedom Foundation awards.

AARP establishes a Regional Office in Salt Lake City, Utah, to serve Area VIII.

AARP and NRTA approve changing the name of the Western Headquarters from the Times Building to the Andrus Building.

AARP and NRTA publish a collection of Dr. Andrus' selected editorials in a book entitled "The Wisdom of Ethel Percy Andrus."

AARP members, chapters and business friends send contributions to Retirement Research and Welfare Association in memory of the late Dr. Andrus, Founder of AARP and RRWA. The sum of these contributions constitutes the first donation to the Dr. Ethel Percy Andrus Memorial Fund, established for the purpose of receiving tax exempt contributions toward the total pledge of $2,000,000 made by AARP and NRTA for the construction of the Ethel Percy Andrus Gerontology Center.

AARP membership is over 1,250,000.

1969

AARP Chapters, planning to conduct an Institute of Lifetime Learning, are offered a guidebook, "Formula for Success" by the Institute of Lifetime Learning, Washington, D.C. The Institute introduces its "Home Study" program making available the first three courses.

AARP Board of Directors approves changes in titles to establish one Executive Director and three Directors: Services, National Affairs, Membership Processing and Publications.

AARP's Legislative Staff prepares the 1969 edition of "Tax Facts for Older Americans" and the Legislative Council holds its annual meeting to plan legislative objectives to benefit older Americans.

AARP Insurance Service offers a Nursing Home and Nursing Care Plan to members.

AARP with NRTA holds the fifth series of nine Area Conferences, the theme being "Our Proud Heritage and You." The Associations' film, "Dynamic Maturity," is shown at each Conference. Total attendance at the nine Conferences reached 10,000.

AARP's fourth drug outlet, Missouri Retired Persons Pharmacy, opens in Kansas City, Missouri to serve all states.

AARP Travel Service adds four U.S. tours to its ever increasing world-wide program providing tours for every month of the year.

AARP members contribute to the purchase of more than 10,000 copies of the book, "The Wisdom of Ethel Percy Andrus" thus placing it on the best-seller list.

AARP booklets on topics of interest to members are published during the year.

AARP and NRTA serve as the delegate agency to administer Project Work (Wanted: Older Residents with Know-how) for the Office of Economic Opportunity in Long Beach, California, through a matching grant from O.E.O.

A second O.E.O. program, "Project Late Start," is also administered from Washington, D.C. by the two Associations. AARP and NRTA are awarded a grant by the U.S. Department of Labor to administer the "Community Aides Project" in six cities.

AARP establishes Regional Offices for Area VII in Dallas, Texas; for Area III in Washington, D.C., for Area I in Boston, Massachusets. It now has a Regional Office in each of the nine areas.

AARP announces the availability of temporary employment for members through the services of Mature Temps, Inc. in two major cities with plans for extending the service nationwide to 20 other cities.

AARP Book Buying Service arranges with book publishers to offer titles at a reduced price to members through its introductory catalog.

AARP membership totals 1,800,000.

1970

AARP Membership Division expands to larger quarters by moving from Ojai to the Andrus Building, Long Beach, California.

AARP announces the generousity of contributions made to the Dr. Ethel Percy Andrus Memorial Fund as it passes the half-way mark toward the pledged goal of $2,000,000.

AARP's Legislative Counsel and staff conduct the annual meeting of the Legislative Council to outline the legislative objectives and priorities for the year and hosts members of Congress and leaders of allied organizations.

AARP co-sponsors a pilot project "Income Tax Help for the Elderly by the Elderly" under the auspices of the Institute of Lifetime Learning with volunteer personnel trained by the Internal Revenue Service to assist members in 18 cities with their Income Tax Returns.

AARP with WPIX, New York City, co-produces a color television series "The Golden Years" for nationwide distribution.

AARP's pre-retirement program makes available to business and industry a series of publications as well as subscriptions to *Dynamic Maturity* and membership in AARP.

AARP chapters over 700 in number necessitate the appointment of additional volunteer directors in many states.

AARP members in Washington, D.C., may now attend Institute of Lifetime Learning Classes, without cost of travel, under the newly inaugurated decentralized plan of holding classes in several locations in the area.

AARP members are offered a life insurance policy, "Coordinated Life" in addition to health and automobile insurance plans.

AARP holds its fourth Biennial Convention in Oklahoma City, Oklahoma, at the Skirvin Hotel, May 19–20–21, with "Action in the 70s" as the theme. The delegate assembly elects national officers for the two-year term, 1970–1972, and members of the Board of Directors for the class of 1976. Mr. Fred Faassen becomes the Association's third president.

AARP News Bulletin becomes a monthly publication beginning with the June issue.

AARP officials attend the site dedication ceremony, June 2, for the Ethel Percy Andrus Gerontology Center on the Campus of the University of Southern California.

AARP contributes to the planning for the 1971 White House Conference on Aging through a financial donation and the assignment of the services of one of the Washington, D.C., full-time staff members.

AARP–NRTA Pharmacy, Washington, D.C., adds a "walk-in" department to its nationwide mail order service.

AARP Travel Services include off-season tours for members who prefer to travel in the fall and winter months.

AARP's two-millionth member visits the nation's Capital where he and his wife are welcomed to the White House by President Richard M. Nixon and to the Washington Headquarters by AARP's president and staff.

AARP's first chapter, Youngtown, Arizona, celebrates its tenth anniversary on the first day of October.

AARP-recommended Individual Scheduled Benefit Accident Policy is made available to all members.

AARP membership exceeds 2,211,000.

1971

AARP elected and appointed officers and staff members attend the groundbreaking ceremonies for the Ethel Percy Andrus Gerontology Center at the University of Southern California, Los Angeles, on January 20.

AARP Legislative Council's annual meeting to outline the legislative objectives for the year is highlighted by a visit to the White House to meet President Richard M. Nixon.

AARP with NRTA plans to hold nine area conferences during the year. The theme for this sixth series is "Developing Strategy for Aging in the 70s".

AARP with NRTA launches the expansion of their "Consumer Information Desk" program designed to help older Americans avoid frauds and stretch the shopping dollar.

AARP–NRTA Regional Office is established in St. Petersburg, Florida, with an Assistant Regional Representative assigned to the State of Florida.

AARP and NRTA members attending the Area VII Conference in Dallas, Texas, witness the presentation of the first Institute of Lifetime Learning Charter to the sponsoring groups, San Antonio AARP Chapter #95 and San Antonio RTA.

AARP News Bulletin is enlarged to tabloid size beginning with the June issue and will continue to be published monthly, with the exception of a combined issue for July-August, and will be edited by a Washington, D.C., staff, independent of the editorial staff of *Modern Maturity*.

AARP with NRTA inaugurates a new Vacation-Holiday program to be held in five different locations.

AARP and NRTA members attending the Area V Conference in Chicago at the Pick Congress Hotel are honored by the personal appearance of President Richard M. Nixon to deliver a major address to more than 3,000 members.

AARP's pre-retirement planning program now has more than 760 business and government employers providing gift subscriptions to Dynamics Maturity magazine for employees near retirement age.

AARP Travel Service now offers nine motorcoach tours for those members who prefer to travel in the United States. Six new 14-day tours to Europe are added to its ever expanding travel program.

AARP Insurance Plan Headquarters in Philadelphia move to new and expanded offices.

AARP and NRTA officials, four in number, appear on a nationally televised show to discuss the activities and services of the Association.

AARP-NRTA Pharmacy Service establishes a fifth location in Hartford, Connecticut.

AARP establishes a new division known as Action for Independent Maturity (AIM) structured for persons 50 to 64 years of age and still employed. Dynamic Maturity, enlarged in size and edited by an independent editorial staff, becomes the official bimonthly membership publication for AIM with its November issue.

AARP-recommended Lifetime Income Plan, designed for members with sufficient financial means to consider annuities, is offered to members.

AARP members and staff, numbering 26, are official delegates attending the White House Conference on Aging, November 28-December 3. Deeply involved since its inception the Association prepared and published four booklets for distribution to the more than 3,500 delegates.

AARP-NRTA Area IX Conference in December, brings the total attendance during 1971 to over 18,000 Area Conferences have been held in 47 different cities since the first series in 1962.

AARP membership totals 3,137,293.

1972

AARP announces the successful achievement by the Dr. Ethel Percy Andrus Memorial Fund of its pledged goal of $2,000,000.

AARP-NRTA Legislative Council holds its annual meeting to determine the priorities and legislative objectives for the year.

AARP members in 43 states may have free assistance from the more than 1,000 volunteer tax counselors, trained by the Internal Revenue Service, through the Tax Aid program administered by the Institute of Lifetime Learning.

AARP with NRTA inaugurates a health education program. Vigor in Maturity (VIM), to be made available to local groups.

AARP members may participate in Vacation-Holiday programs in 10 different locations this year.

AARP honors its three-millionth member at a ceremony in Boston, Massachusetts.

AARP arranges special rate privileges for Association members with Marriott Hotels, Inc. and Rodeway Inns of America in addition to the Sheraton Hotels and Inns.

AARP's 1,000 chapter, Media, Pennsylvania, receives its Chapter Charter.

AARP secures special rate privileges for members through arrangements with Avis Rent-A-Car System, Inc. and Hertz Rent-A-Car.

AARP holds its fifth Biennial Convention in Washington, D.C., at the Sheraton Park Hotel, June 12–15. The delegate assembly elects national officers for the two-year term, 1972–74, and members of the Board of Directors for the class of 1978. Mr. Foster J. Pratt becomes the Association's fourth president.

FLOOD DAMAGE IN PENNSYLVANIA

Mr. SCOTT. Mr. President, the magnitude of recent flood damage often is not appreciated until it is viewed on a more personal level. Farmers in the northeast area of the Commonwealth of Pennsylvania were particularly hard hit and are having an extremely difficult time planning their 1973 crop.

The Berwick Vegetable Cooperative sustained enormous flood damage, losing nearly 2,000 acres of vegetables and potatoes valued at a half million dollars. In addition, more than 1,000 additional acres of land were damaged, at a value of almost $60,000. For the 35 farmers who deeply felt this loss, the Congress ought to respond by passing quickly the Agnes Recovery Act which I introduced last week. Among other things, the bill will enable the Farmers Home Administration to get farmers back into a position to earn their livelihoods as soon as possible.

Mr. President, I ask unanimous consent to place in the Record an accounting of the damage sustained by the Berwick Vegetable Cooperative's farmers.

There being no objection, the table was ordered to be printed in the Record, as follows:

	Acres lost, vegetables and potatoes	Dollar value	Acres lost, other crops	Dollar value	Land damaged	Dollar value of buildings lost
1	40	18,000			25	760
2	5	2,000	4	3,000	2	
3	1½	175	3½	300	1½	400
4	3	800	1	4,000	2	600
5	4					
6	5	1,500	10	2,000		
7	45	9,000			16	10,000
8	5	5,000	2	500	15	
9	4	2,000	2	400	5	
10	10	1,200			3	
11	4		7	198	1	
12			30	3,000		4,000
13	167	20,000	37	1,850	19	
14	6	300				
15	69	8,500	15	2,000	15	
16					2	
17	23	4,000	½	500	14	400
18	8	5,000			25	
19	17	6,800	35	2,450	55	
20	1½	300	5	250	2	
21	20	10,620			7	25,000
22	30	15,000			100	
23	100	8,000	40	2,000	175	
24	65	13,000	5	20,000	20	5,000
25	22	2,000	10	5,000	3	
26	100	24,000	20	1,000	3	500
27	3	550			3	
28	112	60,000			48	500
29	28	8,000	12	1,200	30	
30	40	22,000			40	4,000
31	145	87,000	350	65,625	425	7,500
32	69	17,250	150	12,600		
33			50	3,000		
34	35	21,500	60	3,000		
35			3	500	10	
Total	1,187	373,495	852	136,773	1,055½	58,660

PRESERVATION OF FAMILY FARMS

Mr. MILLER. Mr. President, the Saturday Review of July 29 contains an article entitled "The Family Farm Is Not Dead," written by Seth King, Chicago correspondent for the New York Times.

Written in Dallas County, Iowa, much of the article centers around two of Iowa's best family farmers, Richard Ellis, who farms 400 acres with his brother, Robert.

It notes that in my State of Iowa only 8 percent of the State's total agricultural output is produced by nonfamily farms. Although I wish the article had underscored the fact that there can be diminishing efficiency with the enlargement of farms, it makes interesting reading—particularly for those who wish to see the family farm preserved as both a way of life and a way of business.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FAMILY FARM IS NOT DEAD

(By Seth S. King)

DALLAS COUNTY, Iowa.—Between now and election day Richard Ellis of Dallas County, Iowa, and the rest of the nation's voters are going to hear both presidential candidates solemnly dedicate themselves to saving the family farm from the grasping clutches of Big Agribusiness. While such assurances may sound comforting, Mr. Ellis will no doubt be amused, in his own cautious way, at the assumption that the family farm is on its way out. But, like the great political scramble in the 1950s over what share of parity a farmer should have, the death of the family farm is a nonissue that the candidates will puff into prominence because it's about the only purely agricultural matter they can find.

Mr. Ellis is a family farmer. So, too, are 91 per cent of the other farmers in Iowa, which is still the nation's largest producer of meat and corn. True, there are fewer family farms in any state than there were last year, or five years ago, or a decade ago. But that's because each year family farms in the great meat, corn, and wheat areas of Middle America have grown larger, while many small family farms, no longer viable, have been broken up, their land sold or rented to the larger family farmers.

Mr. Ellis—a stocky, deliberate man who has spent his forty-five years down on the family farm—can lead you out onto his well-trimmed front yard and, in any direction, point to the rooftops of half a dozen farmsteads that no longer house active farmers. The neighbors he grew up with, and who once worked the land, still live in these farmhouses. Now, however, they are commuters to Des Moines or its suburbs, where they hold jobs in small factories. Their land is still being intensively farmed—but by Mr. Ellis or some other family farmer who rents it from them.

"We really become small factories," Mr. Ellis explained to me. "Some are more efficient than others. It's true a lot of people have been forced off the farms, just like small businesses have gone under. But it's not been any doing of what they call 'agribusiness.' It's simply that small acreages sure won't work any more. They're economically dead."

Mr. Ellis and his brother, who inherited their land from their father, are at the moment farming 400 acres of lush, 120-bushel-to-the-acre corn land and forty-bushel soybean land. Until recently Mr. Ellis rented and farmed an additional 500 acres of corn and soybean land near neighboring Nevada, Iowa. How much does running such an operation cost? Mr. Ellis figures that the average midwestern grain farmer has more than $50,000 invested in farm machinery. To debug, deweed, and fertilize his crops costs him at least $25 an acre. Seed comes to about $7 an acre, and this year taxes in Dallas County will top $10 an acre.

"Figuring the man-hours you put in," Mr. Ellis said, "as almost all of us do, then you've got a cost, by the time the crop's in the ground, of at least $60 an acre. So a farmer with 500 acres has got $30,000 tied up before the crop even starts growing, not counting machinery or land."

To be eligible for price supports and set-aside payments, which will total more than $4 billion this year, a 500-acre farmer would have to "idle" part of this corn acreage. But with corn supports already set at $1.05 a bushel, if his yield reaches the Dallas County average of 100 bushels to the acre he's assured of grossing $105 on each acre of corn. With soybean prices hovering around a record $3.50 a bushel, he can expect a gross of $140 an acre on this crop. In addition, the government will pay him $80 an acre to set aside corn land, and the only expense involved is in keeping the land free of weeds.

With income prospects like these, land in Dallas County is going today for more than $700 an acre to buy, or $55 an acre to rent, and very little is available—as Mr. Ellis, who needs acreage to replace the 500 he had to give up, can attest.

These salubrious conditions, of course, do not safeguard a family farmer from the hazards of the weather or sudden outbreaks of animal diseases. A bad hailstorm at the wrong time or prolonged drought can be just as devastating as they were in the dust-bowl days. But the time when a diversified farmer would look at rising hog or beef prices and cheap corn and run out to put more animals on feed, causing another downward swing in the market, appear to have ended. Today's large family farms are having a profitable, stabilizing effect on corn-belt agriculture. This year the grain farmers stayed in grain, and the hog and cattle raisers were wise enough to keep the size of their herds in line with demand.

This profitable balance between supply and demand can, however, in unusual circumstances, be thrown off with a frightening jolt. When this occurs, the politicians quickly revive the mythology of family farming. Last fall, when Richard M. Nixon's political radar detected clear signs of spreading discontent among traditionally dependable Republican farmers, the President responded by dumping Secretary of Agriculture Clifford Hardin and bringing forth Earl L. Butz to replace him. Hardin's career had been quite literally blighted. In the spring of 1971, a year after the southern cornleaf blight had devastated part of the country's corn crop, Mr. Hardin wanted to offset this reduction, which was forcing corn prices out of sight. So he increased the number of acres a farmer could plant in corn and still be eligible for the insurance of government price supports. The big corn farmers joyfully responded by planting the largest crop in recent memory. Last fall, after a near-perfect growing season, there was no blight, and they were harvesting a 5.5-billion-bushel crop. Corn prices plummeted. This, in turn, raised the traditional fear that cheap corn meant a rush to raise more hogs and beef cattle, which would soon have sent prices downward again.

The farmers knew Mr. Hardin had done what he had to do. But they were looking for a scapegoat, and Mr. Hardin—a diffident college professor who had been an undistinguished secretary—was a natural. When he was discarded in favor of Mr. Butz, however, the felony appeared compounded. Also a professor (at Purdue University), but aggressive and politically ambitious, Butz was known to the farmers as chief assistant to the unlamented Ezra Taft Benson, the Mormon elder who, in the Eisenhower years, had fought unimaginatively to reduce the great crop surpluses then threatening to destroy the farm market. Worse, Butz was a director of several large farm products companies—the big agribusiness firms that buy so much of what farmers produce. Would he not favor agribusiness, allowing it to take over more of the farming itself, thus giving it sufficient control over the markets to force family farmers off the land?

Senator George S. McGovern deemed the

Butz appointment a "catastrophe" for American agriculture, another Republican nail in the family farm's coffin. Senator Hubert H. Humphrey, who considers himself a champion of the small farmer, warned that Butz was clearly in league "with the forces within agriculture that are pushing it toward big, integrated agribusiness." Mr. Butz, for his part, gravely assured the Senate Agriculture Committee that he would be a "vigorous spokesman" for those who would preserve the family farm and solve the economic and social problems besetting rural America.

Both Butz and the senators who questioned him in the committee hearing room knew that the days when the Midwest was won with eighty acres and a mule were as dead as free silver and the Townsend Plan. In today's age of enormous farm machinery it is nothing for one corn and soybean farmer to work a thousand acres or more, almost entirely by himself. For wheat farmers a thousand acres is only a starter. Even in the wondrously rich black earth of Mr. Ellis's Dallas County, a grain farm of less than 200 acres simply cannot yield enough to finance the capital investment in it.

The great debate over the health of the family farm and the threat of an agriculture dominated by huge corporations has induced extensive study by the Department of Agriculture. Its findings unequivocally refute the assertion that the family farm is moribund. The department defines a family farm as one in which the operator is a risk-taking manager, who, with his family, does most of the farm work and performs virtually all of the complicated management tasks. On that basis, family farms still make up 95 per cent of the nation's 2,831,000 farms and produce 62 per cent of all the farm products sold. These percentages have remained remarkably stable over the past twenty years.

Only in California. Florida, and Arizona—where colonial traditions of vast, almost baronial, land holdings have prevailed from the time these states entered the Union—is the larger-than-family-sized farm the rule. Eighty-nine per cent of Arizona's farm products come from these larger farms, as do more than 80 per cent of Florida's products and 79 per cent of California's. The large-scale farming operations in these states are concentrated in certain crops, such as fruits, vegetables, poultry, or cotton. But in the states that produce most of the country's feed grains, hogs, and fattened beef, the production of non-family farms is minute: In Iowa it accounts for only 8 per cent of the state's total agricultural output, in Illinois 13 per cent, and in Wisconsin's highly organized dairy belt, again, only 13 per cent. Even the raising and fattening of livestock is still largely the business of family farms. When one thinks of livestock, one tends to think of huge corporately owned ranches and feed lots in Texas and the Far West. Yet roughly half of the fattened cattle are still on family farms, as are nearly 90 per cent of the nation's hogs.

Politicians who want to express their anguish over the supposed disappearance of the family farm generally resort to two clichés: the spector of big agri-business controlling production and setting market prices at whatever level it chooses, and the blow to the nation's morality when so many hard-working. God-fearing sons of the soil are forced off the land and into the wicked cities.

But today the market is as free as ever—and family farmers are as much its creatures as their fathers were. As for morality, all you need do is to talk with a few rural sheriffs to discover that they, like their big city colleagues, are having increasing troubles with break-ins, thefts, and drag-racing, pot-smoking youngsters. What the enlargement of the family farm has meant is more efficiency, a much better balanced market, and whopping capital investments.

The alarm that spread through the corn belt last fall—and that toppled Hardin—was ended with surprising speed by the new secretary. Mr. Butz was prescient enough to buy just enough corn for the government last winter to hold the market above $1 a bushel. This move convinced many previously wary farmers that they finally had a Secretary of Agriculture who dared to favor them over the more numerous consumers, who might have benefited slightly from the lower corn prices.

Mr. Butz knows that today's family farmers need only one thing to continue their well-being: a healthy national economy in which the housewife has enough income to buy the farmers' products and in which their costs and taxes aren't inflated out of sight. The only bona fide farm issue left to the politicians, then, is that of rural development—the new term for the promotion of small industries in farm towns that will employ farmers and their children who have stopped tilling the land. The hitch here, for campaigners if not for rural Americans, is that both parties agree on the need for such development.

But the politically astute Mr. Butz also knows that the family farm remains an agrarian shibboleth not likely to be laid to rest this fall.

"We've demagogued the family-farm issue in this country," he recently conceded to Julius Duscha, a Washington, D.C., journalist. The politicians, Butz said, had a nostalgic penchant for viewing the family farm in terms of a small unit "out there" with a family on it. His own concept, he said, was a farm unit that could be operated by a farmer and his family but would be big enough to survive and provide a decent income.

"There are a lot of people who think there's something inherently good about a nation with a lot of small land owners out there," Secretary Butz said. "That's not true if they don't have enough land to made a decent living."

Mr. Butz would agree.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If there be no further morning business, morning business is closed.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on tomorrow, the distinguished Senator from Iowa (Mr. Hughes) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate H.R. 15495.

The Clerk will report the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strengtn for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, what is the pending order of business?

The ACTING PRESIDENT pro tempore. The pending order of business is H.R. 15495, which has been placed before the Senate.

Mr. STENNIS. Mr. President, I ask unanimous consent, with regard to H.R. 15495, that the committee amendment in the nature of a substitute be agreed to, and as agreed to, be considered original text for the purpose of further amendments.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears no objection, and the committee amendment is agreed to.

The committee amendment, in the nature of a substitute, is as follows:

Strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

Sec. 101. Funds are hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, $121,800,000; for the Navy and the Marine Corps, $2,930,400,000, of which not to exceed $570,100,000 shall be available for an F–14 aircraft program of not less than 48 aircraft subject to (1) not increasing the ceiling price for the lot V option in the F–14 contract between the Navy and the primary contractor except in accordance with the terms of such contract, including the clause providing for normal technical changes; (2) the Navy exercising the option for lot V on or before October 1, 1972; (3) meeting the delivery schedule in accordance with the terms of such contract: *Provided*, That in the event the Secretary of the Navy determines that any condition prescribed in clause (1), (2), or (3) is not met, he shall report such fact to the Congress within 90 days after such determination together with his recommendations regarding the future of the F–14 program; for the Air Force, $2,141,100,000.

Missiles

For missiles; for the Army, $700,400,000; for the Navy, $769,600,000; for the Marine Corps, $22,100,000; for the Air Force, $1,745,300,000.

Naval Vessels

For naval vessels: for the Navy, $3,165,200,000.

Tracked Combat Vehicles

For tracked combat vehicles: for the Army, $186,500,000; for the Marine Corps $54,500,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $194,200,000.

OTHER WEAPONS

For other weapons: for the Army, $57,800,000 for the Navy, $2,500,000; for the Marine Corps, $900,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,885,786,000;

For the Navy (including the Marine Corps), $2,708,817,000;

For the Air Force, $3,272,777,000, of which $48,100,000 is authorized only for the A-X program; and

For the Defense Agencies, $505,987,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1973 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

TITLE III—ACTIVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1972, and ending June 30, 1973, each component of the Armed Forces is authorized an average active duty personnel strength as follows:

(1) The Army, 843,932;

(2) The Navy, 591,684;

(3) The Marine Corps, 198,391;

(4) The Air Force, 706,510;

except that the ceiling for any armed force shall not include members of the Ready Reserve of such armed force ordered to active duty under the provisions of section 673 of title 10, United States Code, members of the Army National Guard or members of the Air National Guard called into Federal service under section 3500 or 8500, as the case may be, of title 10, United States Code, or members of the militia of any State called into Federal service under chapter 15 of title 10, United States Code. Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, on the first day of the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six-month period thereafter, so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate.

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1972, and ending June 30, 1973, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 402,333;

(2) The Army Reserve, 261,300;

(3) The Naval Reserve, 129,000;

(4) The Marine Corps Reserve, 45,016;

(5) The Air National Guard of the United States, 87,614;

(6) The Air Force Reserve, 51,296;

(7) The Coast Guard Reserve, 11,800.

SEC. 402. The average strength prescribed by section 401 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION—LIMITATIONS ON DEPLOYMENT

SEC. 501. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

(1) Military family housing, two hundred and eighteen units, $6,004,000:

Grand Forks Safeguard site, North Dakota, two hundred and eighteen units.

(b) There are authorized to be appropriated for the purposes of this section not to exceed $6,004,000.

(c) Authorization contained in this section (except subsection (b)) shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1973, in the same manner as if such authorizations had been included in that Act.

SEC. 502. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of continuing or initiating deployment of an anti-ballistic missile system at any site except Grand Forks Air Force Base, Grand Forks, North Dakota. Nothing in this section shall be construed as a limitation on the obligation or expenditure of funds in connection with the dismantling of anti-ballistic missile system sites or the cancellation of work at Whiteman Air Force Base, Knob Noster, Missouri, Francis E. Warren Air Force Base, Cheyenne, Wyoming, and Malmstrom Air Force Base, Great Falls, Montana.

(b) Section 403(a) of Public Law 92-156 (85 Stat. 423, 426) is hereby repealed.

TITLE VI—GENERAL PROVISIONS

SEC. 601. (a) Effective April 1, 1972, (1) subsection (a)(1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended by section 501 of Public Law 92-156 (85 Stat. 427), is hereby amended by deleting "$2,500,000,000" and inserting "$2,700,000,000" in lieu thereof, and (2) section 738(a) of Public Law 92-204 (85 Stat. 716, 734) is amended by deleting "$2,500,000,000" and inserting "$2,700,000,000" in lieu thereof.

(b) Effective as of July 1, 1972, subsection (a)(1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a)(1) Not to exceed $2,100,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos; and for related costs, during the fiscal year 1973 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

SEC. 602. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be expended in any amount in excess of $360,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1973.

(b) In computing the $360,000,000 limitation on expenditure authority under subsection (a) of this section in fiscal year 1973, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos, but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(c) No additional expenditures in excess of the limitation prescribed in subsection (a) of this section may be made for any of the purposes described in such subsection in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1973, unless such expenditures have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall expenditures in any amount in excess of the amount authorized by law for any fiscal year be made for any such purpose during such fiscal year.

(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the expenditure of funds to carry out combat air operations in or over Laos by United States military forces.

(e) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purposes for which such funds are to be used in such fiscal year.

(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, a written report showing the total amount of expenditures in, for, or on behalf of Laos during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purposes.

SEC. 603. The amount of $107,600,000 authorized to be appropriated by this Act for the development and procurement of the

C-5A aircraft may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime airframe contractor under a contract entered into with the United States to carry out the C-5A aircraft program. No part of such amount may be used for—

(1) direct costs of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $107,600,000 may not be allocated to other portions of the C-5A aircraft contract or to any other contract with the United States, but payments to C-5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(b) Any payments from such $107,600,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(c) The restrictions and controls provided for in this section with respect to the $107,600,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

SEC. 604. In order that all appropriate means may be available to the Department of Defense in furthering its efforts to achieve an all volunteer military force at the earliest practicable date, nothing in this or any other Act shall be construed as prohibiting any branch of the Armed Forces of the United States from expending funds for the purpose of advertising in any type of news media, if the purpose of such advertising is to attract eligible persons to enlist or accept commissions in such Armed Forces and the funds used to pay for such advertising were appropriated for recruiting or advertising purposes.

Mr. STENNIS. I thank the Chair. As it is always understood, this request in no way limits further amendments to the committee substitute. Let me state that for the record.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. STENNIS. Mr. President, my remarks relate to H.R. 15495, which is the military procurement authorization bill for the fiscal year 1973. The bill has been passed by the House. It has been considered by the Senate Armed Services Committee after hearings, and is before the Senate now in the form agreed to and recommended by the committee.

AMOUNTS AUTHORIZED AND PERCENTAGE REDUCTION

Mr. President, the annual military authorization bill now before the Senate represents the minimum program essential for our national defense for fiscal year 1973, and I say here with emphasis, which I will do many times, that this bill is largely cast into the future and concerns what we may need 7, 8, or 10 years from now. A great part of the larger items in the bill are weapons that take from 4 to 5 to 6 to 7 years to have in operation.

The committee is recommending a total authorization of $20,521,671,000. This is a reduction of $2,751,300,000, or 11.8 percent below the amended request by the administration of $23,272,971,000.

EXCLUSION OF THE SOUTHEAST ASIA AMENDMENT FROM PERCENTAGE

I should also like to set forth two other percentages. Among the elements eliminated from the bill was a procurement funding request of $973,400,000 which is referred to as the Southeast Asia amendment. If this $973,400,000 is excluded from the computation, the percentage of reduction from the request would be 8 percent rather than 11.8 percent. This request was received in the committee only June 27, which was too late for committee consideration prior to our voting out the bill on June 28. Even though these items were deleted, this amount should be considered as deferred without prejudice.

In other words, they were not voted out of the bill on the merits; they were just taken out of the bill without prejudice because of the time element.

EXCLUSION OF BOTH SOUTHEAST ASIA AMENDMENT AND R. & D. SALT ADD-ONS

Mr. President, the committee also received an amendment to the bill totaling $110,000,000 which is known as the SALT R. & D. add-ons. This amount covered four separate items which the Secretary of Defense has urged the Congress to fund as a means of maintaining our qualitative strategic sufficiency within the concept of the SALT agreement. As in the case of the Southeast Asia add-ons, this amendment did not arrive in time for committee consideration. Hearings are now being conducted on the $110,000,000 request and it may be that a committee amendment will be offered on the floor with respect to all or part of these items.

I say with emphasis that there was no voting down of that amount, or voting not to allow it; there just was not time to give it the consideration that it deserved. Two or three items concerned far-reaching weaponry, the development of which will reach into future years and involve a great sum of money. So, we were not satisfied to make a recommendation to the Senate until we had had indepth hearings. Those hearings are being conducted now by the Senator from New Hampshire in his very fine Subcommittee on Research and Development.

If both the Southeast Asia amendment and the $110,000,000 R. & D. request are excluded from the computation, the committee reduction would be 7.5 percent.

I would observe, Mr. President, that the committee's overall reduction last year was 5.3 percent.

SCOPE OF BILL

At the risk of repetition, I will set forth the scope of this legislation.

First. Military hardware procurement.

This item relates to a few items which I shall specifically name, but it also includes all items that are in the nature of hardware. About 65 to 70 percent of all weapons procurement is authorized in each year's authorization bill. In the pending bill there are thousands of items ranging from one nuclear aircraft carrier to 33,396 grenade launchers from the M-16 rifle; so it goes from the largest item to the smallest. The total procurement authorization being recommended is the amount of $12,092,000,000.

Second. Research, development, test, and evaluation effort within the Department of Defense constitutes the next major item in the bill. The total for this purpose is $8,423,000,000 which is the figure in the pending bill.

Third. Authority for active duty military strength for each of the military departments for fiscal year 1973. Totals are 2,340,517 persons, which is a reduction of 56,000.

Fourth. Authority for each of the Selected Reserve strengths for fiscal year 1973.

All these manpower items have been authorized in this bill only for this year, and the same was true last year, I believe. In other words, that is the new policy, to require authorizations for manpower each year. It has to be passed on annually by Congress. That proviso was written into the bill as a result of a Senate floor amendment approved 2 years ago.

Fifth. The next item is the separate funding authority for free world forces in Southeast Asia, which recommends a ceiling of $2,100,000,000, although as a part of the Southeast Asia amendment which has not been heard, a new ceiling of $3,200,000,000 has been requested.

As to that item, the request came in so late that it could not be fully considered before we felt that we had to report the bill. The proposed increase is based on the stepped-up quality of the war within the last few months. It will be considered by the committee, and something will have to be done about it later by Congress.

Sixth. The next item consists of various other legislative limitations including those relating to the Safeguard, F-14, spending on Laos, and others.

COMMITTEE VOTE

Mr. President, as one might reasonably expect when a bill of this magnitude is as thoroughly analyzed and considered as this one was, there were differences of opinion within the committee on some of the major issues in the bill. I want to emphasize, however, that the committee vote on reporting this bill was unanimous—that is 16 in favor and none opposed.

I think this vote speaks for itself in terms of endorsing this basic legislation which I hope will be acted on speedily by the Senate.

Mr. President, I think that some difference of opinion that way—freely expressed—is a wholesome thing. I think it really strengthens the bill in this way: It shows that the committee has gone into these items and has considered them, and that each member felt that he had enough information to pass an intelligent judgment on the item. If there is going to be unanimity about everything in a bill of this kind, there would not be much in the bill. So I think it adds great strength to the bill for it to come here after having been as thoroughly considered as this one has, following extensive hearings by the full committee and also very extensive hearings by the Tactical Airpower Subcommittee and the Research and Development Subcommittee.

SUBCOMMITTEE CONTRIBUTIONS

Mr. President, I would like to recognize the vital assistance rendered to the full committee by both the Tactical Air Power Subcommittee, of which Senator CANNON is chairman, and the Research and Development Subcommittee, of which Senator McINTYRE is chairman. The in-depth hearings of both of these subcommittees were crucial to the determination of the full committee with respect to the subject matter within their purview.

Both Senator CANNON and Senator McINTYRE will discuss in some detail the work of their subcommittees as we proceed with the consideration of the bill. All members of each subcommittee deserve credit for their work.

I want especially to warmly thank the Senator from Maine Senator SMITH, the ranking member, for the consistent attention to work that she has devoted to this legislation. She has not only been diligent in her day-to-day attention to this matter, but I must say that she attends to it with a high sense of responsibility and a high sense of obligation to the Senate. She is a Member who is devoted to her job and her responsibilities. Without her assistance throughout, my task as chairman would have been much more difficult, and the task of the members of the committee would have been more difficult, also.

PRELIMINARY OBSERVATIONS ON BILL RELATION TO HOUSE BILL

Mr. President, as a procedural matter, the Senate is now considering the House bill. I point out, however, for the purpose of clarity and for the Record, that the House did not pass its version of the Procurement bill until June 27, which was too late for the Senate committee to consider all provisions of the House bill on their merits. What the Armed Services Committee did after reaching its judgment on the Senate bill was to strike out all after the enacting clause in the House bill and substitute the Senate version. Therefore, as our committee report indicates, the various differences with the House bill are for informational purposes only. All differences, of course, will be in conference and resolved in the customary way. It will be noted that the large items we have before us which came in at the last moment were of such magnitude that they were left out, but with a special obligation by the committee and a special promise to the Senate that we would continue to consider most of the major items and perhaps would have a recommendation as to some of them some time later.

RELATION OF BILL TO SALT

Mr. President, just a word as to relation of this bill to what is ordinarily called the SALT treaty or the SALT agreements. That includes, of course, the treaty and the 5-year offensive agreement that was negotiated for several years and was consumated in Moscow recently. These proposed arrangements mean many things to many people insofar as their possible effect on our national defense. The question at hand is what direct relationship these agreements have on the pending procurement bill.

There are only two major elements in this bill, Mr. President, which are directly affected by these proposed agreements.

The first is the Safeguard ABM system which, as we know, has been limited under the treaty to two sites—one at Grand Forks and the other at or near the National Capital. The authorization request was reduced by the SALT amendments from $1,492,900,000 to $800,500,000. Furthermore, as I shall discuss later, the committee has deleted, but at the same time deferred without prejudice, the national command authority site, for a further saving, for the time being, of $239 million. When the official request came over for that item, it was very near the time we had set to mark up the bill finally, and it was too late to get enough information—that is, what we thought was essential information—to really pass on it and make a recommendation. We did defer that item, however, without prejudice.

The only other element of this bill affected is the so-called R. & D. add-ons totaling $110 million, which have been requested as a means of maintaining a sufficient qualitative position in strategic arms. These items are not in the committee bill at the present time, and should they be recommended as a committee floor amendment, we will, of course, be prepared to discuss them at the appropriate time. I should point out that the bill, as passed by the House, does include the full $110 million for the R. & D. items.

All other items in this bill, Mr. President, were recommended in the original budget request before there was any SALT agreement, and they should be considered as essential to our national defense, regardless of SALT. There may be some argument about that, but I am pointing out now that what is in this bill was already recommended before there was any SALT agreement, except the items I have noted.

There may be some, Mr. President, who will contend that the acceleration of the Trident program has a direct relationship to the SALT agreements. This program was recommended in the original budget of this year as a part of the long range program for replacing a portion of our Polaris fleet. I will discuss the Trident program in some detail later on. I would emphasize, however, that the Trident program was recommended in the original budget this year. Furthermore, in the numbers now discussed, the program would not exceed the number of submarines which we are permitted under the offensive agreement. I do not think it is accurate, therefore, to say that the accelerated Trident program derives from the SALT agreement.

Certainly, it did not originate from it—it did not derive from it—even though I think that, in some logic, the rate of development is made more important by the SALT agreement. The SALT agreement makes a stronger case, as I see it, for the Trident program than existed before the SALT agreement, so far as the time acceleration is concerned. I will say more about that later.

COMMITTEE REPORT

Mr. President, there is before each Member of the Senate, Committee Report No. 962, totaling 177 pages, which discusses in detail all aspects of the pending legislation. I urge each Senator and his staff to refer to this report with regard to the detailed aspects of the bill. In the meantime, I will cover some of the major systems that are recommended.

Mr. President, I think the document to which I have just referred is an outstanding and remarkable Senate committee report. A great deal of work has gone into it, work that was started by our staff a year ago—that is, started before the debates were over on the comparable bill of last year. It represents a great deal of hearings of competent witnesses in their fields, pro and con, and a great deal of work not only by the staff but also by the individual members of our committee. I believe it will be a repository of factual information with respect to weapons, to problems of the Department of Defense, and to policy questions that will be worthy of consideration by the membership and the public at large who are interested.

MAJOR WEAPON SYSTEMS IN BILL SAFEGUARD ANTI-BALLISTIC-MISSILE SYSTEM

With regard to the Safeguard ABM system, the committee bill limits by specific language the deployment of this system to one site—Grand Forks, N. Dak. Funding for this site would be authorized in the amount of $561,500,000, consisting of $255,500,000 for research and development, $300 million for procurement, and $6 million for family housing for this location. I point out that the committee bill also permits the dismantling and cancellation of work at other ABM sites. This additional work is required by the SALT treaty that this body will be considering as a separate matter. The figure being recommended should be compared to the initial authorization request for fiscal 1973 of $1,492,900,000. This amount which was requested would provide for deployment at four sites, justified in past years for protection of the Minuteman deterrent. In addition, this provided for advance site preparation at the NCA—the National Command Authority—site in the vicinity of Washington, D.C.

The administration, in connection with the agreement on the limitation of ABM, amended the budget on June 27 of this year to provide for the reduced amount of $800,500,000 for Safeguard authorization. The reduced amount was for two sites: Deployment at Grand Forks, N. Dak., to protect a part of the Minuteman deterrent and advance site preparation for the NCA site there in Washington, D.C. This is consistent with the treaty which would limit each nation to two ABM sites.

I should point out at this time that neither the amended request nor the initial request contained statutory limitations on the number and location of sites. The descriptions that I have just given were provided in explanation to the committee upon request.

The committee decided in its consideration to eliminate, without prejudice, the National Command Authority. It was the opinion of the committee that planning for this site was in the very earliest stages and there was simply not enough definitive information at this time on which to base a decision for approval. When additional information is available, the committee may have a further recommendation to make to this body.

Mr. President, as I stated earlier, the bill contains $561,500,000 for continuation of the ABM deployment at Grand Forks. Construction at this site is about 90 percent completed and equipment will be installed starting this year. The site will be finished and operational in late 1974 as presently estimated. So, Mr. President, I relate here that we made those reductions since the request did not get full consideration. It is a lot easier to reduce—strike out funds—than it is to add them and adjust later. We left the matter wide open concerning the other requests.

TRIDENT

The committee bill recommends an authorization of $906,400,000 for the Trident submarine and missile program. This amount is only $20,000,000 less than the authorization request which amount was subsequently found unnecessary for the fiscal year 1973 program. Of this total, some $545,400,000 will be used for R. & D. purposes on this program, $361,000,000 will be utilized for Navy shipbuilding procurement to provide the long lead components for four of the submarines plus $10,000,000 for long lead effort on the missile.

The earliest that this submarine with its new missile system can be available is 1979—7 years away. At that time the oldest of the existing Polaris submarines will be 20 years of age. While it is probable that these submarines will provide safe and economic operation for 25–30 years, there is no way of being positive that this will happen. We must assure a vigorous Trident program now to guard against all eventualities.

Mr. President, there is no estimate at this time of the total number of Trident submarines that will be required. However, in order to provide some indication of costs, the Navy currently estimates that it will cost $13,500 million to develop and build a fleet of 10 Trident submarines each equipped with 24 Trident I missiles, not including AEC warhead cost.

There are absolute limits beyond which the Polaris submarine cannot be improved. The current conversion of 31 submarines to the Poseidon missile has provided for increased capability in the fleet. However, for practical and economic reasons, only modest improvements can be made in submarine quieting, improved sonar, and other electronic equipment. Introduction of the Trident I missile in the Poseidon submarines will use all of the missile growth potential. I should emphasize that 10 of the Polaris submarines will not be converted to the Poseidon type of submarine. That is exactly the same number that this bill contemplates of the Trident type.

We can expect our potential enemies to continue their effort and improve their ability to detect and destroy our submarines. To assure the survivability of the sea-based strategic forces in the face of these antisubmarine warfare improvements, requires the Trident program. The longer range Trident missile will greatly increase the operating area of the submarine and greatly enhance its survivability. Added to this will be qualitative improvements in submarine quietness.

In summary, this Trident program is imperative to assure a modern and survivable sea-based strategic deterrent force. To me, it is clear that we should move with all reasonable dispatch to complete this Trident program. It is, I believe, our most defendable deterrent.

Mr. President, before I leave this subject, I should identify the Trident program as I have referred to it here. It is the old ULMS program renamed. That is certainly some improvement because the name is more descriptive, in a way, and easier to identify. The Trident program could also be described as being our sea-based missile of the third family. Polaris was first, Poseidon second, and Trident third.

B–1

The committee bill contains $444,500,000 for continued development of the B–1 program. This program is still in the research and development stage and the fiscal year 1973 authorization does not constitute a commitment to production.

Mr. President, Congress has repeatedly recognized the need to develop a new and advanced strategic bomber to replace the aging B–52 fleet. The committee believes that the B–1 bomber program is still required. The development of the B–1 is proceeding according to schedule; there are no major technical problems; and the development costs are still within the estimates given in the past.

It is worthy of note that the SALT agreement imposes no restriction on the manned strategic bomber, the third element of the strategic triad. The B–1 bomber will provide a capability for flexible response that is not matched in other strategic systems.

CVN–70 NUCLEAR-POWERED AIRCRAFT CARRIER

The committee strongly supports the authorization request of $299,000,000 for the funding of long leadtime components for the CVN–70. This carrier will be the fourth nuclear-powered carrier in the Navy fleet. The total cost of CVN–70 is estimated now to be $951,000,000.

Mr. President, the basic issue posed by the CVN–70 is whether we will be assured modernity for the U.S. carrier fleet by 1980—8 years from now—when this vessel joins the fleet. By 1980, only five of the carriers will be less than 15 years of age, and only three carriers, including the CVN–70—this carrier—will be less than 10 years of age. In 1980 when the CVN–70 is added to the fleet, the carrier force will consist of eight conventionally powered *Forrestals* and four nuclear-powered carriers. This number of 12 modern and capable carriers will be only three-fourths of the number in service today.

Mr. President, I think that is an important point in justifying this particular kind of carrier. We have 16 carriers in service today. In a projection into the years in the future, the best estimates that can be made by the responsible authorities show that if we have a modern fleet of carriers, the number can be reduced to 12, which would be a tremendous saving in itself. And if we are going to reduce the number to 12, it seems clear to me that we ought to have a modern fleet having all the capabilities of science and technology, including avionics, power, and all the things that go to make up this remarkable instrument as a deterrent in the world today. We ought to make certain that we have the best in 1980. And, as I say, the only way to have it with reference to those 12 carriers is to start now. This is a large sum of money. However, it is spread out over this 8-year period for expenditures. The only way to have it in 1980 is to start now.

There are few who would disagree that the carrier forms the backbone of a powerful Navy force.

Control of the seas is mandatory if the United States is to engage in world commerce, uphold our treaty obligations, and aid our allies when necessary.

Mr. President, I say that with emphasis. I think that everything considered, of all kinds of deterrents needed in the world today and at all places, the modern idea of a carrier force has more influence as a deterrent and is as capable as any instrument should an emergency arise. No weapon is perfect. There is no place where all conditions are favorable. However, the idea of a floating airfield with effective power, ready to move at a moment's notice, with power in the air that can sweep from one side of the world to another or from one sea to another in a little more than overnight is a powerful argument in itself. It is a continued deterrent throughout a troubled and uncertain world. And it has been so largely since World War II.

In substance, without a modern and broadly capable, carrier force, the Navy would not have a chance to assure supremacy of the seas.

The CVN–70 is required in order to maintain this modern force and the resulting supremacy of the seas. It was recently submitted. It had to be first authorized in calendar 1970. At any rate, we have deferred this matter for 2 or 3 years now because of priorities. However, to reach the point of a need for a completely modern fleet of carriers in 1980, we have to start now.

F–14

The committee approved the administration's request for $732,700,000. This includes $570,100,000 in procurement funds for 48 aircraft and $162,600,000 for F–14 research and development.

The committee bill also contains language which requires that the 48 aircraft in lot V—which is the lot in question—be procured within the existing contract.

Mr. President, in view of the importance of this program, the committee conducted a thorough review of the entire F–14 program. The Senator from Nevada (Mr. Cannon), chairman of the Tactical Air Power Subcommittee, will speak in more detail, as doubtless other members of that subcommittee will, on the findings of the subcommittee.

I would like to emphasize that the Navy is in urgent need of this aircraft in order to modernize its present carrier aircraft inventories and gradually replace the F–4, which even though a fine aircraft, is of the technology of the sixties.

In addition to authorizing the funds for the 48 aircraft, the committee has added specific language which will guarantee that the validity of the existing contract will be upheld as a matter of law. The funds cannot be obligated except in accordance with the terms in the existing contract with respect to the prices, delivery schedules, and other provisions. The addition of the proposed language should remove any fear that there could be a price increase outside the present contract for this fighter, which is well on in procurement.

ADVANCED AIRBORNE NATIONAL COMMAND POST

Mr. President, the committee bill is recommending a total of $120,000,000 for four aircraft and associated research and development costs for what has been termed the Advanced Airborne National Command Post—$100,000,000 for aircraft and $20,000,000 for R. & D. The original authorization request was for six aircraft with additional R. & D. costs for a total of $256,800,000. The request included, in addition to the basic cost of the aircraft which is approximately $25,000,000 each, substantial amounts of advance electronic equipment to be located in the aircraft.

The committee determined that four aircraft were sufficient for the fiscal year 1973 program and that most of the electronic equipment should be deferred until development effort has been completed. The House approved the entire authorization as requested.

The purpose of the Airborne Command Post is to provide the President with an alternate and survivable means of command and control when an attack appears imminent or is committed against this continental United States. This is not to assure the survival of someone overseas or of some of our allies. This is directed toward our own survival. It provides this command post for the Commander in Chief who, under the terms of our Constitution, is the President of the United States. The essentiality of survivability of Presidential authority is self-evident.

The command and control system now available to the President was sufficient through the 1960's but is now insufficient. The present EC–135 aircraft are insufficient in size and will not accommodate either the equipment or the number of personnel required to adequately support the command and control function. The aircraft which will be procured for this mission will be sufficient to accommodate the growth in the sophisticated electronics gear for at least the next 10 years.

There has been nothing hasty in committee on this matter. This is a considerable sum of money and we declined to put a super rush order on this in January in the form of a supplemental bill. We declined until we could get all the proof and go into the matter thoroughly, and that is what has been done.

As I have said, and I say again for emphasis, this involves the survivability of the President of the United States, not as an individual, not as just a person alone, but it involves the survivability of the whole command structure of our Government, including the military, and of course, the President's close advisers, without which he cannot function; and it provides the most modern equipment that can be had by science and technology in its field.

The new airplane can remain in the air for much greater periods of time than the current EC–135. This is an extremely important consideration with respect to the ability of the airplane to survive and remain in operation.

Because of the shorter takeoff and landing distances required for the new aircraft, about twice as many airfields can be utilized. That means airfields in this area. This provides much greater flexibility in operation and contributes to survivability.

Mr. President, this is a matter for which we can allow no margin of error. Without a President who can exercise command and control, the weapon systems for which we have spent billions will be without effective direction. Of course, to be effective, a President must have with him sufficient competent administrators and the best possible equipment.

CLOSE AIR SUPPORT PROGRAM (A–X, CHEYENNE AND HARRIER AIRCRAFT)

With respect to the close air support program, Senator Cannon, chairman of the Tactical Air Power Subcommittee, will speak in some detail. In summary, the committee approved $48,100,000 for continuing the competitive prototype effort for the A–X aircraft, deleted $53,600,000 in R. & D. funds for the Cheyenne, and denied the authorization request of $133,100,000 for procurement of 30 VTOL Harrier aircraft and related spares.

SUMMARY OF PROCUREMENT RECOMMENDATIONS

Mr. President, the report discusses in detail all of the procurement actions being recommended.

By way of summary, however, I will set forth the total procurement funding being recommended by category.

Aircraft for all services $5,193,300,000, involving 489 aircraft plus the usual support, modification, and spares, and so forth, for the total aircraft inventory.

Missiles for all services—$3,237,400,000.

Naval vessels, $3,165,000,000, which includes six new ships, nine ship conversions, and six new attack submarines.

Naval torpedoes—$194,200,000.

Combat track vehicles—$241,000,000.

Other weapons, mainly small types—$61,200,000.

Mr. President, this totals $12,092,300,000.

RESEARCH AND DEVELOPMENT

Mr. President, the committee is recommending the authorization of $8,423,400,000 for research and development for fiscal year 1973, which results in a reduction of $348,400,000 or 4 percent of the amount requested.

Senator McIntyre, chairman of the Research and Development Subcommittee, will discuss the R. & D. program in detail. I would, however, make several observations on this element of the bill. First, the amount being recommended is the largest amount ever provided for R. & D. for the Department of Defense.

I emphasize that this portion of the bill has been gone through and curried with a fine-tooth comb. This has been done for several years by this subcommittee, which is something new in the history of Congress. These sums have grown to such enormous proportions that I consider this review one of the most important things the committee does.

The committee reduction falls largely into two categories. First, there were adjustments in some 15 major programs which total $319,400,000. There is a further category of reductions which might be termed excess requests for funding; that is, beyond the needs required for fiscal year 1973 which approximates $91,700,000. The program being recommended by the committee is a sound one and is essential in order that we maintain a sufficient technological base.

ACTIVE DUTY MANPOWER AUTHORIZATION

Mr. President, turning to active duty military manpower—this is the second year that we are authorizing active strengths. In the past 2 years we have found that manpower, in many respects, is more difficult to deal with than weaponry. Last year the Congress legislated a manpower reduction of 56,000 based primarily on an accelerated Vietnam withdrawal of Army personnel. We also expressed our concern with the rapidly rising costs of manpower and weapons on the one hand and the growing Federal deficit on the other.

Even in the light of these trends, further Vietnam withdrawals, and the probable difficulty of meeting an all-volunteer service at current strength levels, the administration's military manpower request for fiscal year 1973 showed an end strength reduction from fiscal year 1972 of only 33,000 personnel—a little over 1 percent of the total.

With manpower costs continuing their rapid rise—primarily as a result of the pay legislation last year—the committee took an especially hard look at the military manpower picture. With 56 cents of every defense dollar going to manpower costs, our aim this year was to make sure that the services were provided adequate numbers for national security but, at the same time, make our forces more efficient. For this reason we concentrated on what is called general support manpower. This was particularly appropriate in view of the fact that the Army took the entire 50,000 reduction that we legislated last year, out of its combat and combat support forces—and none out of general support.

This was an unsound approach and not in keeping with the spirit of the ordered reduction. We expect better planning for fiscal year 1973. We focused primarily on identifying possible reductions in headquarters, base operating personnel, and people in a travel status. Although we did not attempt to designate, by law, specifically where the reductions were to be made, we suggested areas that we think will provide a potential for greater efficiency—all of which are set forth in the report. The committee is convinced that the 56,000 average strength reduction can be met without risk to our national security.

Mr. President, the committee also feels that additional emphasis needs to be placed on having our NATO allies share more of the defense burden. Further, it would appear that additional offset agreements to cover the cost of our maintaining forces overseas could be negotiated.

I know NATO is a foreign relations matter in addition to being a military consideration. It is not to be treated cavalierly or lightly in any way but we think more emphasis should be placed on these burdens where we have been carrying too much of the load.

The foregoing are a few of the examples where the services should seek to reduce manpower costs.

This reduction of 56,000 in average strength should yield savings of about $500,000,000 in the fiscal year 1973 defense budget, less certain one-time costs associated with making the manpower reductions.

The committee has been very moderate and modest with reference to these manpower reductions, but if the facts of life remain substantially as they are now and the services do not do a better job in distributing the reductions that the law may order, and in making reasonable ones wherever they can, on their own, I think they may just as well prepare for a sweeping investigation that will go into the question in great depth throughout all of their units as to whether or not they are acting prudently in the use of their manpower and, after all, just how much of this manpower is actually necessary.

AUTHORIZATION OF SELECTED RESERVE STRENGTHS

Mr. President, as the Senate knows, existing law requires that there be an annual authorization of the strengths of each of the Selected Reserves as a prior condition to the appropriation for these components.

This year the committee is recommending the strengths as contained in the budget. These are as follows:

First, Army National Guard, 402,333; second, Army Reserve, 261,300; third, Naval Reserve, 129,000; fourth, Marine Corps Reserve, 45,016; fifth, Air National Guard, 87,614; sixth, Air Force Reserve, 51,296; and seventh, Coast Guard Reserve, 11,800.

Mr. President, the Reserves are an increasingly essential element of our national defense. As I have stated on previous occasions, one means of reducing our active duty manpower costs should be in a greater reliance on our reserve forces.

I do want to emphasize, however, that the Reserves, like all other elements that make up our defense budget, must be able to justify their mission in view of the increasing budget dollars they require.

The President's budget for fiscal year 1973 contains a grand total of $4,050,100,000 in support of the Regular Reserve components and the Federal part for the National Guard.

I note that for fiscal year 1972 the comparable cost was $3,090,000,000.

The Reserves are an essential element of our national defense. I have said on previous occasions one means of reducing our active duty manpower costs should be a greater reliance on our reserve forces.

FUNDING AUTHORITY FOR FREE WORLD FORCES IN SOUTH VIETNAM AND LAOS

Mr. President, for a number of years the military authorization bill has authorized the merged funding of U.S. military functions and U.S. military assistance in South Vietnam and Laos. Until last year this arrangement was also permitted with respect to local forces in Thailand.

The pending bill in section 601 continues this authority. The specific provisions are as follows:

$2,100,000,000 LIMITATION

First the bill, in authorizing the support of Vietnam and other free world forces and in the support of local forces in Laos, imposes a limitation of $2,100,000,000 on the funds that may be used for this purpose. In addition, the same language limitations that were finally enacted in the defense appropriations bill for fiscal year 1972 are also proposed. These related to the use of these funds with regard to the pay of free world forces and the limitation on the use of these funds with respect to providing assistance for the Governments of Cambodia and Laos.

That is one item that I believe we have covered this time in such a way as will satisfy the body generally and eliminate a great deal of the long and tedious debate we have had here for the last few years. I am not critical of that debate, but I believe there has been worked out a limitation here that will be found to be generally satisfactory.

THE PENDING REQUEST FOR INCREASE OF LIMITATION TO $3,200,000,000

As a part of the Southeast Asia budget amendment received by the committee on June 27, 1972, there was included a request to increase the limitation on free world forces in Southeast Asia from $2,500,000,000 as contained in the budget request to $3,200,000,000. This request was received too late to be considered by the committee prior to reporting the bill on June 28. The basis for this request was the spring invasion by North Vietnamese forces which disrupted the original fiscal year 1973 planning. The figure of $2,100,000,000 contained in the pending bill represents estimates based on anticipated activity prior to the offensive. After the offensive, however, the Department of Defense indicated an increase in spending which will necessitate an increase in the estimated ceiling to $3,200,000,000.

I wish to observe to the Senate that the increased level of activity in that area of the world is a fact of war and, in all probability, the committee will attempt to hold some hearings even during the course of this debate on this bill and possibly report a floor amendment on this matter.

It is just something that is going to have to be met at some time. I think we ought to face the facts. Our committee would have on that occasion except for this time limitation.

INCREASE IN THE FISCAL YEAR 1972 CEILING FROM $2,500,000,000 TO $2,700,000,000

Mr. President, the committee adopted a provision identical to that in the House bill which increases the fiscal 1972 ceiling for free world forces in Southeast Asia from $2,500,000,000 to $2,700,000,000. That is for fiscal year 1972, which has just closed.

This increase was necessary due to the spring offensive by North Vietnam which, of course, resulted in an increased level of activity during the final 3 months of fiscal 1972.

A $360,000,000 CEILING ON ACTIVITY IN LAOS

Mr. President, the committee is recommending for fiscal year 1973 a provision similar to that adopted in fiscal year 1972 with respect to a statutory ceiling for all activity in Laos except for U.S. combat air operations. A ceiling has been imposed in the amount of $360 million, which is slightly above the level authorized last year at $350 million. There are also provisions similar to those contained in last year's bill relating to the evaluation of excess and surplus supplies and to certain reporting requirements with respect to expenditures.

This is an item that has been of concern. We have had extended debate on the floor, and we have dealt with amendments. This time we were able to wrap up an amendment which I believe was satisfactory to, or at least was agreed to by, every member of our committee. I hope and believe it is entirely satisfactory to the membership of this body.

SPECIAL PROVISION ON ADVERTISING MEDIA

Mr. President, I would also like to observe that the bill contains specific language which is intended to insure that the Armed Forces will not be prohibited from expending funds for the purpose of advertising in any type of media, where this advertising is intended to attract volunteers to the Armed Forces. If all available methods are to be utilized to achieve an all-volunteer force, the committee sees no reason to prohibit the Armed Services from using TV for the puropse of attracting volunteers. The Senator from Pennsylvania (Mr. SCHWEIKER), who sponsored this provision, will speak in some detail on the provision.

REPORT ON SPECIALTY STEELS

Mr. President, I would also observe that the committee incorporated, as a part of its report, a position urging the executive branch to consider the role of the specialty steel industry with regard to its essentiality for national defense.

The committee's views on this matter have already been printed as a separate Senate Report No. 962 on this matter.

AMENDMENTS CONSIDERED BY COMMITTEE

Mr. President, there were several amendments introduced some weeks so that they could be offered when the bill became pending business.

The record should reflect that the committee did not recommend these amendments. One by Senator HATFIELD would terminate the induction authority for selective services on July 1, 1972.

The other three amendments, introduced by Senator Buckley, relating to providing additional R. & D. funds either for the Minuteman or for the Poseidon program. The committee did not recommend them in view of the Department of Defense's position that technology improvements were in process and additional funds would not be needed for these programs at this time.

All of these amendments were considered by the committee, and each was tabled. The amendments are, nevertheless, eligible to be offered on the floor, but will be opposed by the committee.

CONCLUDING STATEMENT

Mr. President, as I have indicated, this bill was reported by the committee by a vote of 16 to 0. It represents the largest cut recommended by the committee at least in the last few years. At the same time, it provides the minimum needs for our national defense.

I urge the Senate to act favorably on this measure.

I want to say this now about the debate: The Senator from Mississippi has never complained about every Senator getting all the chance he may wish to debate matters that he thinks are of importance. At the same time, the rule of reason has to be applied. The committee is going to be prepared now to enter into consent agreements freely and willingly with reference to reasonable time for debate upon any amendments that may be offered. We will be open for such consideration early, and I want to assure the leaders and all Senators, including those who will offer amendments, that we will do what we can to expedite these matters and will make agreements freely and willingly on a time limit for debate. Of course, it always has to be said that we must have Senators here. We have to have knowledge of the prospects of their being here which is fairly accurate when we go to agreeing to important votes.

That is a matter beyond the control of the leaders and the floor manager, and those who are supporting the floor manager on the bill. We are ready to start early entering into these agreements, provided there is evidence that the membership will be present.

I renew my special thanks to the Senator from Maine for her usual splendid cooperation, counsel, and work on this bill, and I hope that she will see fit to seek the floor and give the Senate the benefit of her views, if she wishes to at this time, or if not now sometime soon.

Mrs. SMITH. Mr. President, I thank the distinguished chairman of the Armed Services Committee for his most kind remarks with respect to me and my participation in the Senate activities on this bill. I deeply appreciate all that he has said.

I rise in support of H.R. 15495, which is the House-passed bill and companion to S. 3108 which, as ranking minority member of the Armed Services Committee, I cosponsored by request.

First I wish to commend the distinguished chairman of the Armed Services Committee for his diligent efforts and hard work and for his comprehensive presentation. He has stated clearly the actions of our committee which has devoted long hours over the past several months to the consideration of this essential legislation.

This bill which authorizes the procurement of major weaponry and defense research and development is one of the most important legislative items on the Senate Calendar and I urge its passage.

My support of the bill is based entirely on what I consider to be our national security needs in the 1970's and beyond. During the debate we will hear much about the rising cost of weapons and the high cost of military manpower. I will agree that it takes a great deal of money to equip and maintain our Armed Forces. Mr. President, I, too, am apprehensive about the soaring costs associated with defense procurement. I, too, am apprehensive about the viability of our economy. I, too, condemn waste and poor management whether it be in the Pentagon or any agency of Government. But, Mr. President, I am also a realist.

We have pending in the Senate the treaty and the agreements coming out of the SALT talks. We have made some progress from these talks, and I would be among the happiest to see real progress in the future, and in the early future. The objective of reducing strategic nuclear arms is an endeavor that I strongly support and I urge that every effort be made in this area. But we have made only a beginning; and in my opinion, the time has not yet come to let down our guard.

In pressing for passage of this bill I urge my colleagues to consider the realities of 1972. As the chairman has said, the committee has worked hours, days, and months on this bill. Every item has been scrutinized, and I would call to the attention of my distinguished colleagues in the Senate that the items in the bill have already been subjected to a long and tedious debate in the committee mark-up. Every Member of the Senate should read the committee report. I commend the members of the staff under the direction of the Director, Edward Braswell, for their effort and efficiency in preparing this most readable report. I want to join the chairman in commending the subcommittees, who worked tirelessly and saved the full committee a great deal of time.

Mr. President, I did not support every item in the bill nor did I support some of the reductions which have been recommended. Specifically, I did not support some of the reductions in research and development. My reason for this is that I cannot in good conscience support a relinquishment of our technological position.

Mr. President, I have been brief because of the thorough and fine explanation that the chairman has given the Senate. I ask unanimous consent at this time to have printed in the Record following my remarks my article on defense which appeared in the March 1972 issue of Reader's Digest.

There being no objection, the article was ordered to be printed in the Record, as follows:

It's Time To Speak Up for National Defense

(By Senator Margaret Chase Smith)

For some time now, I have been growing increasingly concerned over a matter of public business which, it seems to me, ought to alarm all Americans. Yet, amazingly, I have heard little from my constituents or my Senate colleagues on the subject. Considering what is at stake—nothing less than America's ability to assure the future security and freedom of its people—the situation is incredible. Obviously, far too many Americans remain unaware of the frightful danger that is rising. As senior Republican member of the Senate Armed Services Committee, I feel I must speak out.

To put it as plainly as possible, there simply is no question that, if present trends continue, the Soviet Union will attain clear military superiority over the United States within the next very few years, perhaps as early as 1975 or 1976. Even now, in fact, the U.S.S.R. has far more land-based nuclear firepower than we have. It will equal or surpass us in submarine-based nuclear firepower by the middle of next year. It is embarked on an anti-submarine warfare program that may eventually succeed in neutralizing much of our missile-carrying submarine fleet. It has an extensive ABM (anti-ballistic-missile) deployment. It has been developing space weapons systems, as we have not. It has been modernizing and expanding its air and maritime forces, while we have allowed our own virtually to atrophy. And the modernized Red Army may now well be at its best.

FROM SUPREMACY TO PARITY

Thus, today, our previously unchallengeable military supremacy has gone.* And although we are in a state of rough strategic parity—equality—with the U.S.S.R., even that is eroding at a fast clip. In short, we are on the threshold of a world that will be unimaginably different from any that Americans have ever known—a world in which our President will not be able confidently to demand, for example, that the Kremlin remove its nuclear missiles from Cuba. Or that it refrain from constructing a missile submarine base on that island, or from establishing air bases there for its strategic bombers. Nor will the President be able to press credibly for equitable resolutions of problems at other points of vital interest, such as the Middle East or Berlin. Our President, whoever he is, will have to negotiate as best he can from a position of weakness—if he gets a chance to negotiate at all.

For, make no mistake, we are rapidly approaching a day when the United States will be subject to all sorts of diplomatic blackmail and a strategy of terror waged by the Soviet Union. That is what the U.S.S.R.'s hugely expensive, decade-long military buildup is all about. There is no other logical reason for it. Moreover, as military ascendacy passes to the Soviet Union, the danger will increase that an overconfident Kremlin leadership will miscalculate, will try to impose its will somewhere in some way that will prove intolerable to the American people and will trigger nuclear war.

Unfortunately, this is not mere Pentagon propaganda, aimed at silencing opposition to defense spending and scaring Congress into apportioning a larger slice of the federal budget to the military. No one would be more delighted than I if we could safely eliminate military spending altogether and turn our full attention to improving the quality of American life—to refurbishing our cities, eradicating poverty, disease and crime, and solving our environmental problems. But first things must come first. As President

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*See "U.S. Strategic Superiority Has Ended," The Reader's Digest, July '71.

Nixon has pointed out, if we are less strong than we should be, there soon may be no domestic society to look after.

SAFETY IN WEAKNESS?

Many Americans may be shocked to learn that we are in such serious and fast-increasing danger. But our military decline did not come about overnight. In fact, it has been ten years in the making. Briefly, here is how it happened:

The Soviet Union did not demobilize as we did after World War II. Having swallowed Eastern Europe, the Russians secured their newly conquered lands by maintaining and strengthening their military posture. The stronger they became, the more menacing became their behavior toward the free world—the United States in particular. But they always backed away when confronted with forceful resolve.

For example, a nearly successful communist takeover of Lebanon in 1958 failed only when President Eisenhower moved strong American forces onto the country's beaches in a dramatic display of U.S. determination to protect a friendly free nation. The Russians mounted a number of crisis over West Berlin, but always backed off when America made clear that it firmly intended to keep the city free. In 1962, when President Kennedy ordered the Kremlin to remove its nuclear missiles from Cuba, he was standing under the umbrella of military security that had been raised during the Eisenhower 1950s.

Yet, in the face of such history, the Kennedy Administration was persuaded by a powerfully influential anti-defense clique that we Americans were largely to blame for Soviet behavior. The theory was that the military strength we had built to prevent a communist takeover of the world was fostering a paranoia in the Kremlin that could lead the Soviet leadership to launch a pre-emptive first strike against the United States. In effect, the anti-defense lobby warned, safety lay in weakening ourselves.

It's difficult to believe that such rubbish could have been accepted by responsible men. Yet it surely was accepted—by President Kennedy's Secretary of Defense, Robert McNamara, for one. McNamara decided that a balance of terror, where each side was capable of destroying the other, was preferable to American supremacy. He believed that a military equal Kremlin would be a less aggressive Kremlin. The cold-war lessons, which clearly demonstrated that peace and freedom hinged on American strength and the will to use it, were discarded.

Some of us in Congress were on record early as opposed to this line of thought. It was disturbing that those who presided over our defenses should really believe that we could more effectively deter the Soviets by preparing to do less against them if they launched a war! Certainly it should have been clear, to the McNamara Defense Department as well as to the Kremlin, that the United States had no intention of launching a war. After all, there were a good many years when we enjoyed nuclear supremacy and could have put an end to the communist world at no real risk to ourselves.

But the anti-defense clique prevailed, and ever since we have been engaged in what has amounted to a one-sided disarmament program. Since the Cuban missile crisis, we have withdrawn all of our overseas-based nuclear missiles—from Turkey, Italy and the United Kingdom. We have drastically reduced the size of our strategic-bomber force; starved our military research-and-development programs of funds and talent, thereby retarding development of our military technologies; and canceled a number of promising new weapons-systems proposals.

FROZEN ADVANTAGE

We may well have lost one of the crucial battles of the cold war when we entered into the 1963 Nuclear Test Ban Treaty with the Soviets. I was one of 19 in the Senate who voted against the treaty. Now, after nearly nine years of reflection, my only regret is that the American people still have not been told the whole story about how the treaty worked to the Russians' tremendous advantage and to our own vast detriment.

Senators who voted against the treaty were not popular, but we who did so acted on the basis of information that was—wrongly, I still believe—classified secret and given to us behind closed doors. This was the background:

In 1958, the United States and the Soviet Union entered into a moratorium on atmospheric nuclear testing. U.S. test teams were largely disbanded, and our expertise flagged. In 1961, however, the Soviets suddenly and without warning ended the moratorium with the most extensive and sophisticated nuclear-test series ever mounted. The American response was to conduct some hastily organized tests, but these were ended before anything important could be accomplished.

Then, communist propaganda drummed up a tidal wave of specious sentiment for a treaty banning atmospheric testing, and got plenty of help from our home-grown anti-defense clique. The argument ran that a well-organized American nuclear-testing program would trigger a new round in the arms race; that the United States ought to be satisfied with having enough nuclear weaponry to blow up the Soviet Union several times over; and that we would contaminate the world's atmosphere with radioactive fallout. Having advanced their nuclear technology well beyond ours, the Soviets were naturally anxious to freeze their advantage.

To our great peril, they succeeded. Their tests enabled them to develop the kinds of monster warheads that they have since installed on their giant SS–91 ICBMs. And they learned how the electromagnetic radiations of high-yield nuclear detonations might affect our retaliatory ICBMs; never having fired such high-yield shots, we could not know what these weapons' effects might be, and the treaty prohibits us from learning so that we can move to counter them.

All this should have been clearly explained at the time to the American people. But President Kennedy and Secretary McNamara classified the information secret, prohibiting us from presenting it to the people. The treaty was then rammed through and hailed as a great peace breakthrough. In reality, it was a disaster for the American people and a great victory for the Russians who, with their superior nuclear technology, were soon embarked on a military buildup that has no parallel.

THE NEED FOR REALISM

Now, nearly a decade later, we are again involved in arms-control negotiations with the Soviets. I share the hope that the SALT talks will produce some meaningful agreements, and that the world can start to stop arming. Meanwhile, however, we must be realistic. Although, since the SALT talks began in 1969, the Russians have continued to arm at a quickening pace, the United States has virtually been standing still. One reason is fear that any dramatic American move to redress the growing imbalance might jeopardize the chances of success in the SALT talks. Never mind the Kremlin's supreme indifference to the possibility that we might take exception to Russia's continuing military buildup!

A second, more understandable reason for our continued arms-development inertia is rooted in the Vietnam war. We are sick to death of war, defense spending and all things military. We are disgusted with and weary of the vilification that has been heaped upon us, at home as well as abroad, for our attempts to block communist enslavement in Southeast Asia. We yearn to turn away from foreign entanglements and to begin making our own house a better place to live in. We feel so strongly about this that President Nixon will risk his political life if he embarks on any new weapons-development programs requiring major expenditures. But if he fails to do so for much longer, he will gravely risk our national future!

The key to security is public information. There is no doubt whatever in my mind about the will and determination of the American people to safeguard their freedom and the future security of their children. But it is essential that we understand what has happened and is happening: that the Soviets have demonstrated that they have no intention of settling for parity with us, but are hell-bent on achieving across-the-board superiority. And we need only recall the Soviet slaughter in Hungary in 1956, Russia's brazen attempt in 1962 to place nuclear missiles in Cuba, and its ruthless suppression of Czechoslovakia in 1968 to imagine what kind of world it will be if we allow a dominance of Russian arms.

WANTED: A MANDATE

Elementary prudence dictates that we revitalize our defenses. Unfortunately, however, we have now lost so much time waiting futilely for the Soviets to rein in their arms programs that there seems no way to avoid becoming at least temporarily militarily inferior, perhaps sometime in mid-decade. Recognizing this, Sen. James Buckley (C.-R., N.Y.) last October suggested some steps we can and should take immediately to see us through the dangerous years ahead.

First, he says, we must improve the accuracy of both our land-based Minuteman III ICBMs and our submarine-borne Poseidon missiles to the extent that, in an emergency, the President could attack the U.S.S.R.'s land-based ICBM force with reasonably high confidence of destroying a significant portion of it. At present, the President's only option is to attack Soviet population and industrial centers.

Senator Buckley also sensibly proposed that we begin research and development that by 1974 would enable us, if we deem it necessary, to rapidly replace an additional 450 Minuteman II ICBMs with a like number of Minuteman IIIs, each of which has the capability of striking a number of separate targets. And he suggested an additional three-year research-and-development program to improve the guidance systems in our submarine-launched Poseidon missiles.

Senator Buckley's good ideas all could have been implemented by adding $42 million to the defense-research-procurement authorization bill of $21 billion—a relatively modest increase, especially in view of what would have been accomplished in terms of national defense. I encouraged him to introduce them in the Senate as amendments to the bill, and supported him when he did so. But the Administration did not support the Buckley amendments; nor did many of my Senate colleagues, some of whom have been strong advocates of national defense. The amendments were rejected—mainly, I believe, because too many in the Senate have neglected to inform themselves of the reality of our growing peril, and are preoccupied with politically appealing domestic-welfare schemes they hope to finance with funds stripped from the defense budget. Also, I fear, too many who should be exercising leadership have been cowed by the anti-defense atmosphere that pervades the country.

I hope I have made it clear that we are running out of time. While many in Congress continue to do their best on behalf of national security, they need to know that they have the support of the people. For enormous opposing pressures continually are being brought to bear. The anti-defense lobby is well organized, articulate and effective. The time is long overdue for Americans who believe that our future safety lies in strength, and not in weakness, to make themselves heard, to let those who represent them in the House of Representatives and the Senate know how they feel. A ringing public mandate for a sensibly revitalized defense posture would be the clearest signal we could send the Kremlin that America's will to survive in freedom has not diminished.

Mr. THURMOND. Mr. President, I rise in support of the fiscal year 1973 military authorization bill as presented to the Senate today by the distinguished committee chairman, the Senator from Mississippi (Mr. STENNIS).

This legislation authorizes military procurement, research and development, and other defense spending. It is the result of intensive and lengthy hearings which were initiated last January. The administration requested funds of $23.2 billion in this bill, and the committee is recommending to the Senate an amount of $20.5 billion, a reduction of 11.8 percent.

If the Southeast Asia amendment of $973.4 million for replacement of items expended during the Communist invasion is excluded from the bill, the authorization request would be $22.2 billion with a committee cut of $1.7 billion, or 8 percent.

As my colleagues know, the House did not have an opportunity to consider the Southeast Asia amendment prior to passage of that bill which amounts to $21.3 billion.

Mr. President, this legislation now before the Senate contains a number of strategic programs which are vital to the national survival of this country. Chief among these programs are the B-1 advanced bomber and the Trident nuclear submarine.

The acceleration of the Trident submarine, as approved by the Senate Armed Services Committee, is critically important to the strategic credibility of this country.

This program, as well as others, is essential if the Senate is to adequately respond to the new circumstances brought about by the recent strategic arms limitations talks.

While the Trident was in the budget before the SALT agreement was reached, its acceleration is important in improving the U.S. position resulting from the talks.

If SALT is to work out in the best interests of this country, then it is essential that the President and the Congress support those programs necessary to insure the strength of our remaining defense forces.

The President has initiated new requests because of the changing military balance. It is now up to the Congress to support these steps and add any additional ones to assure the United States does not fall into a position of strategic or conventional inferiority in the years ahead.

Thus, this bill comes before the Senate at a significant moment in our history. Will the Senate support the essential programs authorized in this legislation? That is the question.

Mr. President, in my judgment the answer will be "Yes."

Moving from the strategic to the conventional aspects of this bill, Mr. President, the Senate's attention should also be drawn to what is not in this legislation as well as what it contains.

Because of various reasons too involved to discuss here but adequately explained in the committee report, there is no money in this bill for the Army's two top-priority programs—the new battle tank and an attack helicopter.

The reasons for these omissions are explained in the report, but it is my hope and expectation that, once the Army concludes various attack helicopter evaluations and gets its new tank program underway, these programs will be funded.

Finally, Mr. President, I wish to commend the committee chairman, Mr. STENNIS, and the ranking minority member, Mrs. SMITH of Maine, for the splendid work and leadership they provided in developing this bill. It is my hope the Senate will consider this legislation carefully, and in so doing I believe the conclusions will be affirmative to the committee's recommendations.

Mr. McINTYRE. Mr. President, I would like first to speak briefly in support of the fiscal year 1973 military procurement authorization bill as reported by the Armed Services Committee. Following that, I will discuss in detail the research and development portion of that bill which was the specific responsibility of the Ad Hoc Subcommittee on Research and Development, which it is my privilege to chair.

I would like to compliment my chairman, the distinguished junior Senator from Mississippi, for the highly commendable work that the committee accomplished under his very able leadership and guidance. Senator STENNIS, in his most dedicated and determined manner, pinpointed the major issues, focused the attention of the committee on those problems of highest national concern, and brought them to a vote with resolution and dispatch. The record of the committee bears this out. The committee report was unanimously approved by its members despite the diverse views and arguments and the close voting on several major issues.

Mr. President, the delicate balance which must be struck between our military and domestic needs is no less elusive now than in the past. A nation that is militarily strong but economically weak does not in fact achieve national security. Economic bankruptcy is as unacceptable as military inferiority. However, in a world fraught with hostility and mistrust, where basic ideologies continue to be in direct conflict, the attainment of initial agreements with the Soviets is a ray of light in the darkness. It is a necessary and critical first step which promises, but does not guarantee, a lessening of tension and a reduction in military spending. Yet, we cannot relax our vigilance. We cannot weaken our military forces to any degree which would threaten our survival as a nation. What, then, must we spend on our Armed Forces?

The committee hit this problem head-on, and the recommendations reflected in the report on the bill clearly illustrate the positive and constructive manner in which the committee arrived at its position. In providing for the essential needs of the Defense Establishment, the committee was still able to reduce the amount requested substantially more than it did last year.

In my opinion, the bill as recommended by the committee is sound, austere, and will provide for those requirements of our military forces which must be supported. I strongly endorse the bill as reported.

Mr. President, turning now to the research and development part of the bill, it has been my privilege for the fourth straight year to serve as chairman of the Ad Hoc Subcommittee on Research and Development of the Armed Services Committee.

Serving with me on the subcommittee have been the senior Senator from Virginia (Mr. BYRD), the junior Senator from Texas (Mr. BENTSEN), the junior Senator from Colorado (Mr. DOMINICK), and the junior Senator from Arizona (Mr. GOLDWATER). The work of the subcommittee was greatly enhanced by the collective broad knowledge and experience of its members concerning military equipment and research and development.

I should like to take this opportunity to express my appreciation to all of the members of the subcommittee for their fullest assistance during the time of my illness in continuing the activity of the subcommittees in its review of the fiscal year 1973 authorization request for the R.D.T. & E. appropriation. I would like to extend my special appreciation to Senator BENTSEN for the comprehensive review which he conducted of the Trident program and Project Sanguine, both of which were programs of special interest to the committee.

During the 4 years of my chairmanship of the Research and Development Subcommittee, I have acquired a layman's grasp of the philosophy and concept which underlies the Defense Research and development program. I have gained a high degree of respect for the caliber, technical competence, and dedication of those military and civilian personnel in the Department of Defense who are directly charged with providing this Nation with those weapons which are essential to the survival of our country. It is not an easy task to deny any funds which the leaders of the Department of Defense state to Congress are needed to guarantee the defense of the United States. The complexity of this problem is greatly magnified when such a judgment is required in the area of research and development.

This program does not lend itself to a quantitative evaluation based on simple arithmetic. Because it takes up to 10 years to develop and deploy a major weapon system, the decision to initiate development must necessarily be based not on hard facts, but upon assumptions and judgments, both technical and political, as to what the threat will be a decade from now.

On the other hand, the Department of Defense has made great strides in its assessment of Soviet technological capabilities and achievements to provide a more meaningful basis for determining the character and direction of our own research and development efforts. However, even these achievements are judgmental to a degree because of the closed society which the Soviet leaders maintain. But it is the best judgment of our Defense leaders that the momentum of the Soviet technological efforts exceeds ours and constitutes a real threat to our future military posture. This is the essence of the challenge which must be met.

I have now set the scene. Our total national resources are limited, but the Department of Defense has requested the largest amount of money for research and development in its history. The national trend clearly is in the direction of diverting a larger portion of our national resources to domestic needs which must necessarily impact on the total defense program. The budget deficit grows each year. It does not diminish.

With these conflicting realities and pressures, the subcommittee undertook once again to examine the major programs included in the authorization request solely on the basis of their respective merits. The recommendations which were made to the full committee reflect this overriding objectivity in arriving at a research and development program which is considered adequate to the needs of this Nation.

In the performance of its duties, the subcommittee devoted some 61 hours to hearings of Defense Department officials in support of the R.D.T. & E. authorization request. These include the Director of Defense Research and Engineering; the Army, Navy, and Air Force Assistant Secretaries for Research and Development; the military department Deputy Chiefs for Research and Development, and the heads of the various Defense agencies. The subcommittee, because of the wide concern regarding the environmental implications of Defense programs, held open hearings on the Department of Defense environmental organization and programs. This involved the appearance of the Assistant Secretary of Defense for Health and Environment. I am pleased to report that adequate emphasis is being given by the Department of Defense to this matter.

The new submarine-based ballistic missile system, Trident, consumed more of the subcommittee attention than any other single program. This was not only because of its importance as a weapon system, but also because it involves almost $1 billion in the bill and includes two other appropriations in addition to R.D.T. & E.

It is apparent from these facts, Mr. President, that the subcommittee applied its total energies to as large and broad a coverage of the research and development program as possible within the time available.

In addition to the hearings conducted by the Research and Development Subcommittee, other major programs with R.D.T. & E. funding requirements were covered in hearings conducted by the Tactical Air Subcommittee and the special Subcommittee on Close Air Support, which were under the able chairmanship of my colleague from Nevada, Senator CANNON. I understand that his statement includes coverage of the major of these items.

The fiscal year 1973 authorization request for research and development, with the SALT-related items totaling $110 million, amounts to $8,771,767,000. This is the largest amount ever requested for this program. The $110 million amendment was deferred without prejudice by the committee because the request was received too late for committee consideration. As indicated in the committee report, pending the results of the current review of these requirements, these items may be covered by committee amendment on the floor.

The committee recommends authorization of $8,423,367,000, which is $348,400,000, or 4 percent less than the amount requested. It is $51,478,750 higher than the amount authorized by the House. The reduction of $348.4 million reflects decreases totaling $441.4 million, which are partially offset by two increases totaling $93 million. These represent transfers from the Air Force aircraft procurement account of $83 million for AWACS and $10 million from the Navy shipbuilding and conversion account for contract design of a new sea control ship. Both of these requirements were determined to be more properly chargeable to the R.D.T. & E. account.

The committee recommendation is the largest amount ever authorized for the R.D.T. & E. appropriation. It is $630 million more than was authorized and $901.8 million more than was appropriated for fiscal year 1972. Measured in absolute dollars, these represent substantial increases. However, when adjusted for inflation, the amount recommended is 8.6 percent higher than the amount authorized and 12.5 percent more than was appropriated for fiscal year 1972. It is significant that the Trident program consumes $430 million or almost 50 percent of the total increase recommended by the committee.

The committee did not act on the House bill because it was received too late for committee consideration. However, for the purpose of information, the House authorized $8,371,888,250, which includes the $110 million for SALT-related items that is still pending committee action. The House did not make reductions to specific items but imposed an overall 5-percentage cut amounting to $432,288,350 and a 10-percent reduction in military sciences amounting to $50,590,400. The House report provides no explanation of the basis for the overall reduction of 5 percent.

The reduction of $441.4 million recommended by the committee involves 46 separate programs as well as the Federal Contract Research Centers. Within this total amount, $91.7 was reduced because these funds were determined to be excess to fiscal year 1973 requirements due to program slippage, unrealistic schedules, or required for work to be performed after the end of the fiscal year.

The bill as recommended by the committee, will provide for the support of major programs such as:

$535.4 million to accelerate development of the Trident submarine-based ballistic missile system;

$454.5 million to continue the development of the F-15A Air Force air-superiority fighter;

$444.5 million to continue development of the B-1 advanced strategic bomber;

$255.5 million for the revised Safeguard program;

$233 million to continue engineering development of the airborne warning and control system, AWACS;

$171.4 million for continued engineering development of the Army air defense missile, SAM-D;

$162.6 million for the later stage of development of the Navy F-14 fighter, which is in production; and finally,

$151.7 million for development of continued improvements to the Minuteman force.

The fiscal year 1973 R.D.T. & E. program consists of almost 400 separate programs, which include literally thousands of individual projects and tasks. They represent in a real sense a cross section of all other appropriations of the Department of Defense. For example, they include the pay of the scientists, engineers, and technicians, as well as the maintenance people, who operate and maintain the defense research and development in-house laboratories, test centers, and other activities. Included is the minor construction incident to the fabrication and installation of technical equipment and instrumentation. Also included is the procurement of specialized supplies and equipment needed for the conduct of research and development.

Because of the constraints of time and limited number of subcommittee staff, we concentrated on programs which fell into the following general categories:

New programs proposed for fiscal year 1973;

Programs for which large dollar amounts were requested;

Programs which reflected substantial increases over fiscal year 1972; and

Programs of special interest.

The programs and subjects which were examined by the subcommittee and which are the subject of special treatment in the committee report include the following:

Trident.

B-1.

Tank prototype.

V/STOL for sea control ships.

Advanced medium STOL transport.

Harpoon missile.

Surface effect ships.

Project Sanguine.

Federal contract research centers.

Electronic warfare.

Utility tactical transport helicopter.

Heavy lift helicopter.

Prototype approach to weapons development.

Changes in R.D.T. & E. program structure.

Independent research and development.

Chemical and biological warfare.

Human resources research and development.

Two year limitation on obligation of funds.

Incremental programing.

In-house laboratory directors fund.

Let me select one of these subjects, Mr. President, which I consider to be of the greatest importance to the development of future weapon system with a minimum of cost and a reasonable measure of austerity in design. This, of course, refers to the concept of prototyping. Properly applied, prototyping promises to substantially eliminate unnecessary complexity and sophistication as well as unwarranted concurrency between development and production. Time and again these have been the root cause of cost overruns and high Defense budgets. The basic benefits which can be obtained from technical as well as cost competitions through the use of prototypes are the very essence of our industrial system. But I am concerned that this concept may founder in its newborn acceptance by the Defense Department.

I urge my colleagues to read carefully pages 105 through 107 of the committee report which traces the recent history of this subject and discusses it in some detail. Although prototyping is no panacea, it holds out the hope of establishing a new threshold of efficiency and economy in the weapons systems acquisition process. Judicious application of prototyping will conserve precious resources so that we may be able to get a real dollar's worth of value for every dollar spent. In this way, important programs and weapons which we presently are unable to afford will not have to be set aside at some risk to our national defense capability.

In conclusion, Mr. President, let me paraphrase from the committee report. The Director of Defense Research and Engineering has restated his concern of last year regarding the disparity between Soviet and United States military technology. He has stated that, and I quote:

> The increase represented by the fiscal year 1973 request is sufficient to eliminate the remaining apparent divergence in the relative efforts of the two countries; and it would help restore the momentum needed to maintain our security.

I am convinced that the selective reductions recommended by the committee will still provide the level of research and development required to achieve this goal. If the Department of Defense is unable to accomplish this end, it would not be due to a lack of money. It is more a matter of their sound judgment in the selection of weapon systems for development and the efficiency with which their programs are managed.

Mr. STENNIS. Mr. President, will the Senator from New Hampshire yield to me?

Mr. McINTYRE. I am very happy to yield to the Senator from Mississippi.

Mr. STENNIS. I first want to thank the Senator from New Hampshire and his subcommittee, on behalf of the full committee, especially including myself as its chairman, for the very fine work that it has done in the course of the year.

The work of the Senator from New Hampshire and his comembers on the subcommittee has greatly strengthened our R. & D. program. The Senator has put it all to the proof, so to speak, as we say in the courtroom. They have brightened up a lot of their presentations and have known that they will be called on for full justification.

The Senator has skillfully passed on those justifications with all the liberality that anyone could wish for, at the same time keeping an eye on the dollars that the taxpayers have to pay.

So, in addition to saving money, the Senator's efforts have undoubtedly strengthened the program this year. This is one of the outstanding years of the subcommittee's work.

Let me say this to the Senator from New Hampshire: that, when his illness overtook him, there was a feeling throughout the subcommittee and the full committee that we must move and carry on the work of the chairman, as his work was attracting a great deal of attention and he was doing a lot of good work.

The Senator's explanation of the work is splendid. I endorse all of it, including the stress put on prototyping. That is certainly one of the things that can be done in most cases. I think we usually have to follow that procedure, although there are times when other circumstances justify it being laid aside for the purpose of some other weapon.

I commend the chairman.

Mr. McINTYRE. Mr. President, I thank the chairman of the Committee on Armed Services. The illness that I referred to laid me up for, I believe, 6 or 8 weeks.

The other members of the subcommittee, Senators BENTSEN, GOLDWATER, DOMINICK, and HARRY F. BYRD, Jr. all came forward.

I must also mention the excellent work of the staff, Mr. Hyman Fine who performed excellent work and burned a lot of midnight oil and worked with great ability.

By asking hard questions, we have in the past 4 years brought some harder thinking to the matter of research and development work. We talked about currency. We talked about combining two or three services along the same line and working together under a common aegis. And I certainly hope that we have tried to apply the same old things that I was taught when I was the mayor of Laconia. I did not agree with the fire chief merely because he wanted to buy a new fire truck. I know it always bothered me that we had to have a 120-foot ladder when we did not have a building that high.

I thank the chairman and the members of the Committee on Armed Services.

Mr. CANNON. Mr. President, today I will present a summary of the Tactical Air Power Subcommittee's review of its programs in the fiscal year 1973 military authorization bill. Also, I will report on the subcommittee's recommendations as adopted by the Armed Services Committee.

This is the fourth year that this ad hoc subcommittee has reviewed weapons programs in the tactical warfare area of the military budget, and this is the fourth year that the distinguished chairman of the Armed Services Committee (Senator STENNIS) has been kind enough to appoint me to chair the subcommittee. I might add that it has been a distinct pleasure to serve this task, and I also would add my thanks to my colleagues who aided me this year on the subcommittee: Senators SYMINGTON, JACKSON, HUGHES, THURMOND, TOWER, and GOLDWATER. Their participation and counsel have been most helpful again this year.

SCOPE OF THE SUBCOMMITTEE REVIEW

The subcommittee made detailed reviews of 32 separate weapons programs this year, 15 aircraft programs and 17 missile programs—the latter total including an antiaircraft gun system, the Vulcan. Our coverage was expanded over last year, when we examined 24 separate weapons. The most noteworthy addition this year was to add coverage of the Army tactical air defense systems. These missile and gun systems have a great similarity with the tactical aircraft missiles and guns, and in many cases common items are used for air defense as for air-to-air combat. Therefore, it seemed appropriate for the subcommittee to consider them together.

These 32 programs represented budget requests totaling $3.64 billion for aircraft and $901 million for missiles. These are the amounts in the R. & D. and procurement lines for these programs and do not include other program costs given "below the line" in the spares, modifications, or other accounts. The $4.5 billion total is roughly one-fifth of the military budget request requiring authorization.

FORCE STRUCTURE REVIEWS

In order to provide a perspective for the subcommittee's examination of each individual weapon system, the services were asked to start their presentations on their fiscal year 1973 budget requests with a review of their current 5 year force structure planning. The subcommittee has found this review to be most useful when considering how each individual procurement, or development effort, will fit into both the present force level and also the longer term modernization and capability improvement programs of the services. This year the subcommittee also received a thorough briefing from the Defense Intelligence Agency on the tactical air threat, both offensive and defensive, of potential adversaries around the world. I might add that this threat briefing provided a sense of urgency to our own consideration of modernization and improvement efforts in this tactical air power area.

The transcripts of the subcommittee's force structure reviews and also of the major tactical weapons programs hearings have been printed in part 6 of the armed services authorization hearings on the fiscal year 1973 budget. The threat briefing by the DIA could not be printed because of security classification.

PROGRAM REQUESTS APPROVED

Turning now to the specific weapons programs reviewed by the subcommittee, first I will list the requests for which we recommend approval, then summarize the programs for which we recommend changes, and finally present a detailed summary of our findings and recommendations on the F-14 program. I would like to note that these recommendations all relate to the budget request as presented in January and do not include items requested in the so-called SALT and Southeast Asia amendments, which were received at the end of June after the committee reported out this bill.

The following programs are recommended for approval as requested in the budget:

AIRCRAFT PROGRAMS

Navy:
A-6E, 12 aircraft, $93.1 million.
A-7E, 24 aircraft, $105.8 million.
E-2C, 8 aircraft, $162.8 million.
EA-6B, 7 aircraft, $138.4 million.
F-14, 48 aircraft, 732.7 million.
Air Force:
F-15, 30 aircraft, $876.1 million.
F-111, 12 aircraft, $165.3 million.
A-X, R&D, $48.1 million.
Lightweight Fighter, R&D, $24.0 million.
Tactical Jamming Program, R&D, $35.2 million.
Army: COBRA/TOW, (modifications), $5.3 million.

The following missile programs are recommended for authorization as requested in the budget:

Navy:
Agile, R&D, $26.1 million.
Harm, R&D, $5.1 million.
Condor, procurement, $19.1 million.
Harpoon, R&D, $58.3 million.
Walleye (E/R), procurement, $4.8 million.
Air Force: Maverick, procurement, $69.5 million.
Army:
Hellfire/Hornet, R&D, $11.0 million.
Redeye II, R&D, $18.0 million.
Tow, procurement, $40.9 million.
Dragon, procurement, $59.9 million.
Sam-D, R&D, $171.4 million.
Joint Procurement:
Sparrow, procurement, $115.0 million.
Sidewinder, procurement, $47.8 million.
Improved Hawk, procurement, $132.2 million.

RECOMMENDED PROGRAM CHANGES

The S-3A Viking is a Navy antisubmarine warfare airplane. The budget request is for 42 airplanes and $617.9 million. The committee believes that the 42-aircraft request is warranted but reduced the request by $10.2 million for what it believed to be an excess stockage of spares early in the production program.

The F-5E international fighter is being bought for the South Vietnamese Air Force. The budget request was for $110.4 million for 57 airplanes. The committee reduced the request by $2.3 million because additional foreign sales of the F-5E have reduced the overhead on this Air Force procurement.

The committee deleted all of the $15.2 million requested to buy 63 additional Vulcan antiaircraft guns. The reason for this rejection is that the Army already has a large supply of these guns in their field forces, and the gun itself is of limited effectiveness as an antiaircraft weapon against modern jet attack aircraft. The Army has requested research and development funds this year to start a prototype program on a larger caliber antiaircraft gun with a better fire control system than the Vulcan, and the committee strongly supports this effort. I want to make it clear that the committee is not opposed to equipping the field Army with antiaircraft guns but believes that the emphasis should be placed on improvement over the Vulcan system.

AWACS PROGRAM

The budget request for the AWACS, the airborne warning and control system, included procurement of three AWACS aircraft, and funding of $160 million in research and development plus $309.9 million in the procurement account. These three airplanes were called initial-production aircraft, and the $309.9 million was the total needed to fully fund these first three airplanes.

When the committee examined this request, we found that these three airplanes actually will be used as prototypes for design, development, test, and evaluation purposes on the AWACS radar and control system. These airplanes clearly were to be used for R. & D. on the AWACS, and indeed a decision to go into production of the AWACS is not scheduled to be made until January of 1975, some 2½ years from now. The committee did not believe that a request for full funding of these AWACS aircraft, required for production-line procurements, was justifiable in this case.

The R. & D. program on the AWACS is following the fly-before-buy competitive prototyping philosophy. Two radar subcontractors now are flight testing their so-called brassboard, or prototype, radar systems, utilizing two Boeing-modified 707 test aircraft. The winner will be selected later this year, to continue development work prior to the production decision. The committee recommends that the test aircraft that contains the losing brassboard radar should be converted and used as one of the three prototypes test models, which will reduce the need for new aircraft in this budget request from three to two and will effect a substantial dollar savings.

The AWACS program can be incrementally funded in the R. & D. account this year; $83 million is sufficient to support the effort on the two new prototype aircraft and the conversion of the third test model. The committee also determined that the $160 million requested for basic R. & D. could be reduced by $10 million. The total funding that the committee is recommending for AWACS this year is $233 million, all in R. & D. This is a reduction of $236.9 million from the budget request for AWACS.

AV-8A HARRIER

The committee has recommended deleting the budget request for 30 Harrier aircraft at a total cost of $133.1 million. This action has the effect of limiting the Harrier program to the 60 airplanes already ordered, in lieu of the Marines' planned procurement of 114 Harriers.

The AV-8 is the first operational V/STOL combat airplane in the world. Its vertical takeoff and landing capability is unique and provides an operational flexibility that the Marines believe is extremely important for their amphibious-landing warfare. The airplane already is operational in the Royal Air Force, and the Marines have received approximately their first 16 aircraft, which they are using for pilot and operational training and for support of the Navy's sea-control ship trials.

The ad hoc Close Air Support Subcommittee, which I chaired and which issued its report in June 1972, criticized the Harrier's very short operating radius when used in the vertical takeoff mode. This radius is only 50 miles, and that with a relatively small bomb load of 3,000 pounds. The Close Air Support Subcommittee recommended limiting the Harrier buy to the 60 planes already ordered, stating that the Harrier program was viewed as an operational experiment with V/STOL aircraft. In fairness, I must add that the subcommittee was divided on this issue, with some members supporting the 114-airplane program.

The full committee, in recommending limiting the Harrier buy to 60, has stated in the report on the bill that we are not opposed to the use of VTOL aircraft as an operational concept, but believe that further large-quantity procurement should await improvements in capability as a result of advancements in VTOL technology.

AH-56 CHEYENNE

The budget request for the Cheyenne program submitted in January 1972 was for $53.6 million in research and development. An additional request for $5 million to support the Army's attack helicopter flyoff was submitted in March, making the total request for the Army's attack helicopter program $58.6 million. This $5 million subsequently was reprogramed from internal Army funds and no longer is required, so the committee deleted the $5 million from the bill.

This budget was based on completing engineering development of the Cheyenne, at a cost of $17.1 million, and completing three prototypes of the production Cheyenne configuration at a cost of $36.5 million. Work on these prototypes was not going to begin until after the attack helicopter flyoff was completed and only if the Cheyenne was the winner.

The reason for the flyoff is the existence of two other candidates for the Army's advanced attack helicopter mission. These are the Sikorsky Blackhawk and the Bell King Cobra, both of which were developed with company funds. Having these three potential candidates for this role gives the Army a real choice for the first time on which helicopter should be the follow-on to the present Cobra gunship. The Army is performing a weapons effectiveness evaluation of these three aircraft at this time and had planned to complete the evaluation by the end of this month.

The committee reviewed this attack helicopter program, and the plans for the flyoff, quite carefully and then recommended deleting all the funds in the budget request. This action taking in deleting the $53.6 million for the Cheyenne program applies only to that specific aircraft and indicates the committee's concern with the cost and anticipated manpower support requirement of this weapon system. Assuming that questions regarding helicopter vulnerability are resolved successfully, the committee believes that there is a valid requirement for a more capable attack helicopter.

I also would add that the Close Air Support Subcommittee also stated its belief in the requirement for a more capable attack helicopter.

SUMMARY OF TACTICAL AIR POWER RECOMMENDATIONS

To recapitulate the recommendations of the Tactical Air Power Subcommittee, as approved by the full committee, we considered budget requests totaling $4.5

billion. We recommended reductions which add up to $453.3 million, approximately 10 percent of the request considered.

I believe that the programs which we recommend in this bill are worthy of authorization, and I recommend to the Senate that they be approved. Now I would like to turn to a special review of the F–14 program.

F–14 PROGRAM

Mr. President, in view of its importance, the committee conducted a thorough review of the F–14 program. The Tactical Air Power Subcommittee held several days of hearings, receiving testimony from Admiral Zumwalt, the Chief of Naval Operations, and leading officials of the major companies involved.

The need for a thorough inquiry was also dictated by a letter from the Grumman Aerospace Corp., to the Navy, dated January 20, 1972, which stated the company could not proceed with lot V of its contract without the contract being restructured.

The committee approved the administration's request for $732.7 million. This includes $570.1 million in procurement funds for 48 aircraft; $58 million in F–14A R. & D. to continue flight testing; and $104.6 million for F–14B R. & D.

The procurement funds request of $570.1 million includes funds for 48 aircraft in lot V of the existing contract between the Navy and the Grumman Aerospace Corp. The 48 aircraft represents the minimum buy. If the Navy ordered a lesser quantity, the option would be voided and the contract constructively broken. This is so because the base quantity for lot V was 96 aircraft and the Navy is permitted to increase or decrease the base quantity by 50 percent on any given lot.

If the contract options were broken, it would be necessary to negotiate new prices for each annual purchase.

CURRENT BILL REQUIRES ADHERENCE TO EXISTING CONTRACT

The committee concluded the best solution was to maintain the integrity of the existing contract between the Navy and Grumman. Consequently, while approving the authorization of funds requested, it inserted specific language in the bill requiring that not less than 48 aircraft shall be procured for not more than $570.1 million. In addition, the Navy and Grumman are not permitted to mutually increase the contractual ceiling price of $197.7 million for lot V except in accordance with the terms of the existing contract.

The precise language adopted by the committee provides that:

> * * * not to exceed $570,100,000 shall be available for a F–14A aircraft program of not less than 48 aircraft subject to (1) not increasing the ceiling price for the lot V option in the F–14 contract between the Navy and the primary contractor except in accordance with the terms of such contract, including the clause providing for normal technical changes; (2) the Navy exercising the option for lot V on or before October 1, 1972; (3) meeting the delivery schedule in accordance with the terms of such contract: Provided, that in the event the Secretary of the Navy determines that any condition prescribed in clause (1), (2), or (3) is not met, he shall report such fact to the Congress within 90 days after such determination together with his recommendations regarding the future of the F–14 program.

We believe this language is quite clear and precise and represents the wisest course of action. If the committee did not fund the program or reduced the number requested below 48, the contract would be broken. The committee did not feel it should be the one to unilaterally break the contract. We also rejected restructuring Grumman's contract as there is no request from the Navy to take such action.

The committee believes we should work within the integrity of the existing F–14 contract. This includes the Navy exercising the lot V option on or before October 1, 1972. If Grumman fails to honor the contract when the Navy exercises the lot V option then it will be in default and the Government can pursue its remedies thereunder.

CURRENT F–14 PROGRAM

The current program calls for 313 aircraft. Its cost is $1.463 billion for R. & D. and $3.804 billion for production—a total of $5.267 billion. This covers the 48 F–14s in fiscal year 1973—lot V; 88 in fiscal year 1974—lot VI; and 91 in fiscal year 1975—lot VII.

In prior years 86 F–14 aircraft have been authorized; namely, six in fiscal year 1969; six in fiscal year 1970; 26 in fiscal year 1971; and 48 in fiscal year 1972. This constitutes lots I–IV under the contract. Total prior year funds approved are $2.9 billion.

HISTORICAL BACKGROUND

The Navy and Grumman Aerospace Corp. signed the F–14 contract on February 3, 1969. It was a fixed price incentive contract. It provided for research and development as well as firm fixed price production options over an 8-year span.

The basic contract quantity was 469 aircraft. The Navy could legally increase or decrease any annual buy by 50 percent.

Grumman submitted its original F–14 proposal in the fall of 1968 with a ceiling price of $2.852 billion. In January 1969, prior to receiving the contract award, it reduced its bid price $474 million to $2.378 billion. Many people believe this constituted a buy in. Grumman vigorously denied this. Possibly the best statement on this point was the testimony of former Deputy Secretary of Defense Packard last year when he said:

> There is no doubt that competition for major contracts that come along infrequently tends to drive the bids to the lowest level. It is difficult to determine in advance the difference between the lowest possible viable bid and one that is too low to perform. This is a business risk that normally is assumed by the competitors in a free enterprise environment.

It is important to realize that Grumman was still not the low bidder after reducing its bid price by $474 million.

In the committee's view Grumman seriously underestimated its subcontractor costs, which represent about 50 cents of every F–14 dollar to Grumman. Actual contract awards to the subcontractors were nearly $300 million over Grumman's estimates.

GRUMMAN LOSSES SO FAR

Last year Grumman wrote off a $65 million loss on the F–14 program. After taking into account profits on other programs and recovering tax refunds from Internal Revenue on prior year profits, its corporate equity was reduced by $18 million.

In doing so, Grumman wrote off actual and projected losses on lots I–IV. Lot III is to be produced in 1972 and lot IV in 1973. Grumman stated it anticipated the corporation would be profitable in calendar years 1972 and 1973.

INFLATION AND BUSINESS BASE

Grumman contends that unanticipated inflation and loss of business base are the two reasons for its projected financial losses. It tended to ignore the cost of design changes.

Grumman contemplated a 3-percent annual inflation rise in labor costs when it bid the F–14 contract and has realized an actual rate more than double that amount. Under its contract it will not be reimbursed for abnormal inflation until lot VI.

Grumman projected a business base of over $1 billion annually in bidding the F–14 contract. This is important as it determines what the company's overhead costs will be. Subsequently, it did not receive some programs it thought it would, and reductions were made in other existing programs. Consequently, its business base dropped substantially, causing a dramatic increase in F–14 overhead rates.

Grumman contends both it and the Navy are responsible by virtue of "mutual mistake" in long-term pricing.

DESIGN CHANGES

The Navy required Grumman to meet certain performance specifications for the F–14, namely it shall fly so high, so fast, et cetera. Hence, Grumman had a relatively free hand in designing the F–14 aircraft and could generally make design changes as required to meet the performance specifications. To do this, the most important ingredient was to stay within the weight limitations established.

Numerous design changes were made in 1969 for many reasons but principally to keep the weight down. We do not criticize the contractor for his design changes because they were instrumental in achieving a higher performance aircraft. However, the costs are the contractor's responsibility unless the Navy approves them. The cost of Navy approved design changes is relatively small and totals $37 million.

F–14 UNIT COSTS

The F–14 has experienced only a modest cost growth to the Government providing the integrity of the existing contract is maintained.

The Navy testified the cost growth to date is from $16.6 million—the program cost for 293 aircraft in September 1969—to $16.8 million today.

I hasten to add that if the existing contract is broken, there is no question that the cost to the Government will jump dramatically. The contractor will realize significant additional reimbursable costs, over and above the present contract ceiling price. Obviously, he would desire to be reimbursed for these costs.

The most popular misconception is a so-called cost overrun on the F-14 from $11.4 to $16.8 million each. The $11.4 million was the estimated program unit cost for 722 aircraft. The program unit cost for 469 aircraft is $13.6 million, and the program unit cost for 313 aircraft is $16.8 million. The reason is quite simple. With reduced quantities the unit price goes up. A major factor is that the fixed research and development cost is averaged over fewer airplanes.

It is also important to understand other unit costs that are discussed. The current F-14 flyaway costs is $9.4 million each. The production cost is $12.6 million each, which includes the spares and ground support equipment. The $16.8 million program unit cost is arrived at by including a proportionate share of the research and development costs.

The important point is that under the existing contract the F-14 has only had a modest increase in price to the Government. If the contract is broken, then substantial cost increases would be incurred by the Government.

TECHNICAL STATUS

Technically, the aircraft is performing extremely well. There had been over 550 flights on 12 aircraft totaling nearly 1,100 hours. It has flown in excess of Mach 2 with 14 hours flown at supersonic speeds. It has had numerous inflight refuelings.

The Navy preliminary evaluation No. 1 with Navy pilots flying the aircraft for the first time was considered a substantial success. The next series of tests by Navy pilots is currently underway.

TESTIMONY BY CHIEF OF NAVAL OPERATIONS

Admiral Zumwalt testified there is a valid binding contract between the Navy and Grumman. The Navy will exercise the lot V option on October 1 if the Congress provides the funds. He recommended sticking with the contract and no other course of action. He believes there is insufficient evidence that Grumman would lose $105 million on lot V. He did not believe Grumman would close its doors. He believes the contractor would remain financially viable in the forthcoming year.

MAJOR POINTS BY THE CONTRACTOR

Grumman officials testified that the Government and the company were both wrong in the long-term pricing of the F-14 by virtue of mutual mistake in projecting national economic conditions. Therefore, it believes the contract must be restructured for future procurements. Grumman agreed its loss was $65 million on the F-14 on lots I-IV and that it would not attempt to recoup this from the Government.

Grumman testified it estimated a loss of $105 million over its contract ceiling price on lot V. It added that if it produced lots V-VII of 227 aircraft it could lose $405 million in costs over contract ceiling prices.

Grumman confirmed that it would complete the 86 F-14's ordered on lots I-IV even if the Navy does not order lot V or subsequent aircraft.

CONCLUSION

In conclusion, Mr. President, the Tactical Air Power Subcommittee attempted to explore every pertinent fact and issue concerning this vital program. I felt it was essential to establish a thoroughly documented record. We made every effort to do so in our extensive hearings, which were printed as part of the authorization hearings and are available to any interested member and the public as well.

Let me say there is no magic or easy solution. Maintaining the integrity of the contract as long as possible is the best solution in the interest of the Government and the taxpayer.

Our committee has no desire to place this large contractor in a position of jeopardy or potential bankruptcy.

The F-14 is an essential program for preservation of our national security interests.

Our committee maintains an open mind. If the Navy or the Department of Defense subsequently believes that additional or alternative actions are required by the circumstances, we would certainly listen most earnestly to their presentation. However, that has not been done up to the present time, and the existing facts lead me to the clear conclusion that we should maintain the integrity of the contract at this time.

Mr. President, that concludes my report on the recommendation of the Tactical Air Power Subcommittee for the fiscal year 1973 military procurement bill.

Mr. STENNIS. Mr. President, I closely followed, with the greatest interest, the work of the subcommittee headed by the Senator from Nevada, as well as the work of the other members of the subcommittee. I know they did the finest kind of hard work and did an excellent job in considering all these matters, digging into them, and presenting them to the full committee.

Much of their testimony is carried forward in our printed hearings, and also their work is reflected fully in the report. The Senator from Nevada had a splendid explanation, too, of these various activities in the speech he has just given us, and I thank him gratefully for all the members of the committee, and also in behalf of the Senate. I think this is the most extensive and the most thorough analysis and in-depth consideration of the great number of planes and missiles and related matters—the most intensive and perhaps the best we have had—since I have been active in the consideration of these bills. It means a great deal, I think, for the strengthening of the Department of Defense.

It places that Department, too, on notice that they will have to prove their case and justify their requests, and I think it makes some headway toward a more prudent manner of spending the money. So I thank the Senator very much.

Again, he will be well prepared, as will be the other members of his subcommittee, to take further part in the debate, and I want to tell him now that we will certainly be calling on him in connection with the discussion of these activities on which he has so ably reported, as well as on the other members of the committee.

Mr. CANNON. I thank the Senator very much for his kind comments.

Mr. PROXMIRE. Mr. President, at a later time I shall have some questions to ask the Senator from Nevada, but first I would like to comment generally on the bill.

Mr. President, as we begin debate today on another military procurement authorization bill, I would like to comment briefly on the bill as reported by the Armed Services Committee and to help set the stage for the debate which lies ahead.

Let us note at the outset that the bill before us is one of the most important bills we will consider during the entire year.

It determines the number of men we will have in uniform during the next 12 months. It authorizes procurement of the new weapons systems which will determine our ability to defend ourselves in the latter years of this decade. And it provides funds to maintain the strong technological base which is the best protection we have against longer term technological surprise.

Let us remember, as we proceed to differ over the specific issues presented by this bill, that we are all united in our commitment to a strong defense for the United States. Let us admit, too, that not all defense expenditures contribute automatically to that goal.

I. THE COMMITTEE BILL IN PERSPECTIVE

As reported by the Armed Services Committee, the bill authorizes appropriations in the amount of $20,521,671,000, a reduction of some $2,751,300,000, or 11.8 percent, from the amended budget request of $23,272,971,000. The bill as reported is also $797.1 million below the $21.3 billion authorized by the House.

REDUCTIONS OVERSTATED

It should be fully recognized, however, that these official figures significantly overstate the real magnitude of the budget reductions made by both the Senate and House committees.

Included in both the Senate and House reductions is a request for $973.4 million in Southeast Asia related funds which was not submitted until June 27, 1972, too late for consideration in conjunction with committee debate. These funds were deleted without prejudice, however, and will be considered later, either in a supplemental bill or a committee floor amendment to this bill. If these funds are excluded from consideration, the total committee reduction comes to $1,777.9 million, or 7.6 percent of the total budget request.

In addition, $239 million in funds for a National Command Authority ABM site and $110 million in funds for new strategic R. & D. programs were also deleted without prejudice. These funds, totaling $349 million, may also be considered later in the form of a committee floor amendment to this bill. If they are excluded from consideration now, the total firm committee reduction comes to $1,428.9 million, or only 6.1 percent of the total budget request. And since these funds are already in the House bill, the total firm committee reduction comes to only $48.1 million more than the reduction approved by the House.

I do not cite these figures in order to criticize the size of the overall reduction recommended by the Armed Services Committee. I cite them only to dispel the illusion that the committee itself has cut as deeply into the budget request as its talk of an 11.8 percent reduction might imply. In fact, for the first time in several years, the committee's reduction goes very little beyond the reduction made by the House Armed Services Committee.

R. & D. FUNDS SKYROCKET

I feel that I should criticize, however, the size of the committee's reduction as it applies to the research and development, or R.D.T. & E., portion of the bill. The R.D.T. & E. budget request was $8,771.8 million, a full $1,250.2 million, or 16.6 percent, higher than the $7,521.6 million appropriated last year. Yet the committee reduced this huge request by only $348.4 million—$51.5 million less than the House Armed Services Committee reduction—for a recommended authorization of $8,423.4 million. This final recommended authorization is itself almost one quarter of a billion dollars higher than any previous R.D.T. & E. budget request ever submitted to Congress.

I appreciate the impact of inflation, increased Trident funding, and the transfer of $83 million of AWACS procurement funding on this final figure. Even if these factors are recognized, however, the fact remains that the committee has supplied seed money for many programs which will significantly expand the size of other portions of the defense budget in the years ahead. I hope that the two appropriations committees will review carefully whether all this money is really needed.

WHERE IS THE R. & D. GAP?

Such a review is especially justified in light of a significant but little noticed change which has occurred in the past year in Defense Department statements about comparative levels of military-related R. & D. funding in the Soviet Union and the United States. Last year we were told that the Soviet Union was spending $3 billion, or 40 percent, more each year than the United States for military-related R. & D. This Defense Department analysis was reviewed by the General Accounting Office, which concluded:

> Although we believe that the DOD methodology with its limited data base *may* be useful in indicating trends and the apparent magnitude of the Soviet Union military R&D threat, we have reservations as to its usefulness in quantifying relative efforts or spending gaps between the countries.

We have heard much less about an alleged R. & D. gap during the past several months. In fact, according to the Armed Services Committee's report on this bill:

> The Director of Defense Research and Engineering, in discussing United States vs. Soviet technology, stated that the fiscal year 1972 approved budget arrested the downward trend in purchasing power of the several prior years. He also said that the increase represented by the fiscal year 1973 request is sufficient to eliminate the remaining apparent divergence in the relative efforts of the two countries.

This statement raises in my mind some interesting questions, which I hope will be answered by the committee during the course of this debate:

First, if there ever was a $3 billion R. & D. gap, what has happened to it? Even if Soviet expenditures have leveled off during the past 2 years, a $3 billion gap could not be eliminated by the $1.7 billion increase in the Defense Department's R.D.T. & E. budget from the appropriated fiscal 1971 level of $7 billion to the requested $8.7 billion level for fiscal 1973.

Second, if there never was such a gap, what mistake did the Department make in preparing earlier estimates? Or was the alleged gap simply a contrived device for boosting this part of the budget?

Third, finally, if there never was such a gap, how do we know that this year's large increase is needed to bring United States and Soviet spending into balance? Are current estimates any more reliable than last year's?

II. COMMITTEE ACTIONS ON SPECIFIC PROGRAMS COVERED BY THE BILL

Turning to specific programs, the committee took a number of welcome actions during its deliberations on this bill:

CLOSE SUPPORT AIRCRAFT AND NCA DEFENSE

First, it came to grips at least with some of the problems posed by the simultaneous development of three new close support aircraft—the A–X, the Harrier, and the Cheyenne. As the Senator from Arizona (Mr. GOLDWATER) has so aptly stated: "The country does not, nor can it afford, the unnecessary luxury of duplicating combat capabilities among the services" in this close support area. The committee recommends full funding for the best of the three planes—the A–X, and it deletes all funds for the Harrier and the Cheyenne. I hope that the committee will fight for this position in conference with the House and that we will not see happen again what occurred 2 years ago. The committee voted then to terminate Cheyenne development but was persuaded by the House in conference to keep the program alive.

Second, the committee deleted, albeit without prejudice, the $239 million requested for work on a National Command Authority ABM site. This is a most welcome development indeed. Costs for such a site are officially projected even now at anywhere between $2.1 and $4.1 billion. Yet doubts have been expressed, even by ardent supporters of an ABM defense for Minuteman, regarding the likely effectiveness of any NCA defense.

OTHER SIGNIFICANT COMMITTEE ACTIONS

I commend the committee most highly for these two important actions. In addition, the committee took several other significant steps to limit the extent of our commitment to other dubious or trouble-plagued programs:

It reduced the Air Force request for its new airborne warning and control system—AWACS—from $469.9 million to $233 million, denying in the process the production commitment for this new bomber defense program which the Air Force has requested.

It placed restrictions on the F–14 procurement funds authorized by the bill, thus insuring that there will be no Grumman bailout without the express prior approval of Congress.

It cut funding for the new Presidential command post program from $256.8 million to $120 million, thereby limiting the program to four aircraft until more progress has been made and several questions answered.

And it followed the lead of the House in reducing the DD–963 request from $610 million to $247 million, thereby protecting the integrity of the present contract for DD–963 procurement but avoiding a commitment to the seven destroyers requested in the bill. If problems at Litton develop as feared in the next 12 months, the long lead items procured with the $247 million approved now "can, to a very substantial degree, be utilized in other shipbuilding programs." (Mr. HÈBERT).

Finally, I wish to commend the committee also for its modest cut in our personnel strength, and especially for its insistence that the cut be taken from support forces and not from combat strength.

III. PROSPECTS FOR FLOOR AMENDMENTS AND DEBATE

I trust that we will have, this year as in the past, a lively and informative debate on this bill.

There may be floor amendments on several different issues:

The Army's SAM–D system, which is experiencing cost increases and schedule slippages of staggering proportions, and which was opposed in Committee by the Committee chairman (Mr. STENNIS) and the Chairman of the Subcommittee charged with its review (Mr. CANNON);

Project Sanguine—in which the present occupant of the chair is interested—which is of concern because of its environmental impact, and which has generated considerable controversy in the past; and

Programs such as the DD–963 and AWACS where the committes own constructive action may not be deemed sufficiently decisive.

TRIDENT AND CVN–70 ARE KEY ISSUES

There will be floor amendments on two extremely important issues—the proposed acceleration in the Navy's ULMS, or Trident, program and the Navy's request for funds for a new CVN–70 aircraft carrier. Speaking only for myself, I hope we will be able to keep other weapon system amendments to a reasonable minimum and to focus our attention on these two key issues, both of which entail final, irrevocable decisions in fiscal year 1973.

The accelerated Trident request includes initial procurement funds for the first four Trident submarines and for a new Trident base (these boats will be too large to use existing Polaris/Poseidon facilities). Its approval would freeze our design options and commit us once and for all to a crash 10-submarine construction program already projected to cost almost $14 billion.

The CVN–70 request is for $299 million in advance procurement funds for a new nuclear aircraft carrier. If this request is approved, approval next year of the $652 million needed to complete construction, to say nothing of the $2 billion which will be needed eventually for the new carrier's escort ships and air wings, will follow as a matter of course.

That is why these two issues are so important and require long, thorough debate at this time. I hope that the debate will proceed for several days, as other issues are disposed of, before final rollcall votes are arranged.

Let me say just a word or two about what will be at issue in the Trident and CVN–70 debates.

It is not a question of whether we are for or against a strong Navy. It is not even a question of whether we support or oppose a replacement for our Polaris/Poseidon force and new aircraft carriers. It is no secret that the real issues are much less ideological than this and that they have given rise to heated controversy even within the Navy itself.

ONLY THE PACE OF TRIDENT, AND ITS DESIGN, ARE AT ISSUE—

In the case of Trident, the issue is whether we should move forward at the accelerated pace now proposed by the administration or at the more orderly place originally approved by Deputy Defense Secretary Packard last year. In dollar terms, the choice is between $906.4 million or $398 million in fiscal 1973, between a ninefold or a fourfold increase over last year's appropriation of $104.8 million.

The Armed Services Committee never really made a choice of its own. An amendment to set funding at the $398 million level was defeated only technically on an 8 to 8 tie vote.

There are good reasons why a traditionally "hawkish" committee should be so divided on this issue. There are no persuasive arguments for a highly accelerated Trident program. And such a program would entail serious risks.

Do we not realize, even now, that development—production concurrency almost always leads to cost growth and schedule slippage? Given the many unresolved technical issues remaining and the planned tenfold increase in funding, the Navy would find it exceedingly difficult to negotiate well-defined Trident contracts, with realistic cost and schedule goals, during fiscal year 1973. Must we once again content ourselves with mild retrospective criticism after burying our heads at the outset?

In addition, do we really want to commit ourselves to building huge new submarines with 24 missiles each while the Soviets are modifying their existing Yankee submarines to hold only 12 missiles each? As the Armed Services Committee's report so aptly notes:

> The committee observed that the plan to build the submarine with 24 launch tubes will limit the number of Trident submarines under the SALT agreement. This is because the initial replacement of even the 10 oldest Polaris ships could be accomplished with only 8 Trident, for a reduction of 2. . . . The fact that the Soviets appear to be building their submarines with 12 instead of 16 launchers each, as on the Yankee class, raises serious questions regarding the different values the two countries place on the advantage of a greater number of submarines to enhance survivability.

Under the specific terms of the new SALT agreement, we could replace our 10 oldest Polaris submarines with either eight submarines carrying 24 missiles each or as many as 13 new submarines with 16 missiles apiece. And if we built a force eventually composed exclusively of Tridents with 24 missiles each, the SALT agreement would allow us no more than 29, compared to a probable Soviet force of 62 Yankee I and Yankee II class submarines. Do we really place a lower priority than the Soviet Union on the survivability of our sea-based nuclear deterrent?

TRIDENT COULD ENCOURAGE SOVIET NUMERICAL EDGE

It would be ironic indeed if an accelerated Trident program, designed originally to prevent a large Soviet numerical advantage in ballistic missile submarines, helped bring such an advantage into being. The Armed Services Committee report urges the Department of Defense "to weigh this matter very carefully before freezing the design of Trident" and actually spending the funds which the committee approves. Congress could act much more responsibly by denying a portion of those funds outright and by returning the Trident program to a less dangerously accelerated schedule.

I hope that we will seriously consider these and other issues posed by the accelerated Trident program. I hope, too, that committee members will participate in the debate and that they will make known on the floor the convictions expressed in committee deliberations.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a Trident funding summary, which shows the Navy request for the program, the committee recommendation, and the proposed amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

THE CVN–70 DEBATE

Mr. PROXMIRE. Mr. President, at issue in the CVN–70 debate is the role of carriers and submarines, respectively, in the general purpose force structure of the Navy. And we are speaking here of attack submarines, such as the SSN–688 class, and not strategic ballistic missile submarines, like the Polaris, Poseidon, and Trident.

We need aircraft carriers in the Navy, but do we need 12 or more? Are carriers as important as they once were, or is their role being superseded by that of the submarine?

These are the kind of questions to be discussed in the CVN–70 debate. Some interesting answers are set forth in an article which has just appeared in the July 1972, proceedings of the U.S. Naval Institute. It is written by U.S. Navy Comdr. Roy Beavers and it poses the question with which the Senate will have to grapple in the next few days:

> Is it going to take a war at sea to prove that the aircraft carrier is ill-suited to contest command of the seas against challenges emanating from the capital ship of the Soviet Navy, the attack submarine?

Mr. President, I ask unanimous consent that the portion of Commander Beavers' article, entitled "A Navy for the New Era," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PROXMIRE. In conclusion, Mr. President, I commend the Armed Services Committee once again on the numerous constructive actions it took in its deliberations on this fiscal year 1973 procurement authorization bill. I myself intend as of now to offer no specific floor amendments to the bill, though I do wish to speak further on the F–14, the new Presidential command post, and one or two other issues.

EXHIBIT 1

ULMS (TRIDENT) FUNDING SUMMARY

	Fiscal year 1972 appropriated	Fiscal year 1973 budget [1]	Senate Armed Services Committee action [2]	Proposed amendment [3]
R.D.T. & E.:				
ULMS–1 missile (including advanced reentry vehicle)	60.6	330.7	310.7	310.0
Submarine development	38.3	110.6	110.6	76.3
Submarine-related subsystems	5.9	114.1	114.1	11.7
ULMS–2 missile	—0—	—0—	—0—	—0—
Subtotal	104.8	555.4	535.4	398.0
Procurement:				
SCN (shipbuilding and conversion, Navy)	—0—	361.0	361.0	—0—
PAMN (procurement of aircraft missiles, Navy)	—0—	10.0	10.0	—0—
Subtotal	—0—	371.0	371.0	—0—
Total subject to authorization	104.8	926.4	906.4	398.0

Footnotes at end of table.

EXHIBIT 1—Continued

ULMS (TRIDENT) FUNDING SUMMARY—Continued

	Fiscal year 1972 appropriated	Fiscal year 1973 budget [1]	Senate Armed Services Committee action [2]	Proposed amendment [3]
Not authorized in this bill:				
OPN (other procurement, Navy)	—0—	23.5	23.5	—0—
MILCON (military construction)	—0—	27.3	27.3	—0—
O. & M.N. (operations and maintenance, Navy)	—0—	3.0	3.0	—0—
Subtotal	—0—	53.8	53.8	—0—
Overall total	104.8	980.2	960.2	398.0

[1] The fiscal 1973 budget request would permit deployment of the ULMS-1 missile in Polaris submarines in December 1977 and deployment of the first Trident submarine in December 1978. It provides long-lead procurement funds for the first four Trident submarines and funds for the procurement of a new site at which the Tridents would be based.

[2] The Armed Services Committee action deletes $20,000,000 in research funds for advanced reentry vehicle work. The Navy stated that these funds will not be needed during fiscal 1973. This deletion would not affect the deployment dates for either the ULMS-1 missile or the Trident submarine.

[3] The proposed amendment would reinstate the unaccelerated ULMS program originally approved by Deputy Defense Secretary Packard in September 1971. It would permit the same December 1977 deployment date for the ULMS-1 missile but would defer Trident deployment until some time in 1981. This amendment was defeated in the Armed Services Committee on an 8 to 8 tie vote.

EXHIBIT 2

A NAVY FOR THE NEW ERA

(By Comdr. Roy Beavers)

(NOTE.—Commander Beavers received his commission in 1952 via the NROTC at the University of Missouri. He received his M.A. in Political Science from the University of Maryland in June 1970, and is continuing his studies toward a Ph.D. His last sea duty was as Executive Officer of the USS *George K. Mackenzie* (DD-836). For the past three years he has been assigned to OpNav, and is presently attached to the Arms Control and Disarmament Agency in Washington, D.C.)

The readers of this journal will recognize that Brezhnev, as well as Arbatov and Brzezinski in quotations cited earlier, is highlighting a world in which the decisive edge in military power will go to the most versatile and flexible projection at the "limited" and "cold" war levels—in essence, naval power. Additionally, the Nixon Doctrine shift in the U.S. military posture worldwide—the cutback of American troops and bases overseas, accompanied by a shift in much of the military manpower burden away from the United States—places added emphasis upon naval power for the welding together and sustenance of the Western alliance.

Not surprisingly, then, the Soviet Union is now embarked upon a naval expansion program that is rapidly overtaking the United States. The Soviet submarine force—nearly three times the U.S. Navy's in number of boats—is improving in quality, and may already pose a challenge to U.S. command of the seas, i.e., capacity for assuring the use of the seas as required by the United States and its allies. Other dimensions of Soviet naval power are also being dramatically expanded. The newest surface-to-air missile (SAM) armed Soviet surface combatants are proving that they are capable of independent operations in a moderately hostile air-war environment. Prior to the introduction of these SAM missile combatants, the Soviet surface navy had traditionally confined its operations to waters contiguous to its own shores. Simultaneously, the Soviets have gained the right to use naval and air facilities at key strategic locations in the Mediterranean and India Ocean regions. The rapid growth and Indian Ocean regions. The rapid time when the U.S. merchant fleet is aging faster than it is being replaced, completes a total picture which suggests that Arbatov's description of Soviet policy, as one which seeks to limit U.S. global freedom of action, is well on its way to fulfillment.

Primary military responsibility for meeting this Soviet challenge falls upon the U.S. Navy. This statement can be modified by whatever extent the Nixon Doctrine succeeds in reviving naval power elsewhere in the Western Alliance.

The U.S. Navy has begun to rebuild to meet this challenge, but it is rebuilding along the traditional lines of the past. New ships are replacing old ships of like type, better armed, many times more costly, marginally more seaworthy—still essentially on a type-for-type basis that is leading in the end to a navy that promises to look very much like the U.S. Navy after World War II.

Principal reliance for command of the seas still evolves upon carrier air power, screened by missile-armed surface units,[1] yet it is uncertain that our carriers will confront any significant surface or air challenge. The Soviets are circumventing that challenge via their emphasis on the submarine. This prospect of a minimal surface or air challenge would be fortunate if it gave the U.S. command of the seas by default—but it does not. One to two hundred modern Soviet submarines, nuclear-powered and armed with the latest missiles, can deny command of the seas to the U.S. Navy's surface forces. This appears to be the direction the Soviets are taking. The Soviet Navy now has some 400 submarines, and they are building—both SSNs and SSBNs—at a rate surpassing present U.S. submraine construction capabilities. The majority of present Soviet submarines are not "modern." Only a few are equipped with the advanced missiles. Thus, there is still time. But many readers will share the uneasiness felt by this writer and expressed by the question: Will the navy we are now building prove to be ill-conceived, in terms of its force configuration, for meeting the Soviet challenge cited above?

The investment in new destroyers will not meet that challenge. Yet destroyers continue to be designed and produced on the basis of, and charged with, the primary mission of countering the forthcoming Soviet submarine force. A recent, now famous, article appeared in this journal and brought to light some serious misgivings about the ASW inadequacies of the U.S. Navy's most modern destroyers and destroyer escorts.[2] Possibly that author dwelt upon the wrong issue. He might better have asked: Why are we building destroyers for ASW?

The U.S. Navy's investment in air ASW is only marginally more hopeful. The well known CVS (ASW carrier) issue is perhaps enough of a dead horse that it need not be flogged further here. But, in that matter, also, the issue is the same. The present state of air and surface ASW technology, combined with pressing cost considerations, raises uneasy feelings and grave questions about the inordinate portions of our limited rebuilding budget and manpower resources which are being invested in such marginally effective programs.

The point here is not to point the finger of guilt at some hard-working and much maligned project officer—or at any of the Navy's vested interests. We are all in this Navy guilty of refusing to abide by the dictum of the most intolerant taskmaster of all—the technological state of the art. The well known fact is that the advance of submarine technology (operating characteristics, armament and sonar capabilities) since World War II has put the modern submarine out of combat reach by known or foreseeable surface and air ASW techniques. This conclusion may still be disputed by some, but the record—of futile and costly surface and air ASW programs—is a lengthy one that speaks for itself.

Naval warfare has been so dramatically altered by the advance of submarine technology over the past 25 years as to have essentially reversed the role of the submarine from one primarily of interdiction to that of representing the ship of the line in terms of command of the seas. The modern, nuclear-powered, fast, quiet, long-endurance, deep-diving, perhaps cruise missile-armed attack submarine not only promises to drive from the seas those surface units that dare to oppose it; the submarine is also proving to be the best of all platforms for ASW.

Is it going to take a war at sea to prove that the U.S. Navy's capital ship—the aircraft carrier, though defended by its costly retinue of escorts and umbrella of manned aircraft—is ill-suited to contest command of the seas against challenges emanating from the capital ship of the Soviet Navy, the attack submarine? The history of warfare confirms the dictum that technology cannot be defied with impunity. As a consequence of World War I, the French learned that the *élan* of attack—the offense—was not adequate to overcome the technology of the then dominant defense—the machine-gun. Applying that lesson to their policies between the wars, the French came to rely for their national security primarily on the defense fortification of the Maginot Line. But, in the meantime, the technology of land warfare had changed. The offense had become dominant in the shape of the fast, armored warfare which comprised *blitzkrieg*. This misplaced French confidence, in a technology of warfare that was out of date for its task, led to Vichy.

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[1] "We control the seas with our aircraft carriers, capable of sinking surface ships, surfaced submarines, shooting down aircraft and, with our F-14 aircraft, shooting down the missiles from any one of those enemy sources," Admiral Zumwalt said in the 13 September 1971 issue of *U.S. News & World Report*.

[2] *See* Robert H. Smith, "A United States Navy for the Future," U.S. Naval Institute *Proceedings*, March 1971, pp. 18-25. Captain Smith's most pregnant observation seems to have been overlooked in the ensuing controversy: ". . . we have clung to the fiction of a primary, and even offensive, ASW role for the surface ship long after it has become obvious that it cannot fulfill that role against the modern submarine." (p. 22)

The U.S. Navy could be making a similar mistake. We won command of the seas at Midway, the Coral Sea, and the Philippine Sea with the aircraft carrier task force. We opposed a similarly configured navy, and there was no doubt that naval carrier air warfare was the dominant reality of that time. But carrier air warfare is not the dominant reality of present naval warfare, and the U.S. Navy is being challenged by a foe whose navy is not similarly configured. On the contrary, the Soviets are building a navy which is in closer conformity with the prevailing dominant reality of naval warfare—the combat superiority of the submarine.

There is a case to be made for carriers and destroyers in our naval program, but it is not the one most often advanced, and it does not support the "Cadillac" versions of those ships the U.S. Navy now seeks, certainly not so long as the higher priority, submarine, "command of the seas" requirement is unfulfilled. (It may also make a better case for the Marines and the "amphib" Navy than is currently in fashion.) It is the cold/limited war case as articulated above by Brezhnev Arbatov, and Brzezinski.

While the cold/limited war scenarios of East-West conflict are not the worst case assumptions, the mutual balance of terror that makes general war a non-option, leads rather obviously to the cold/limited war scenarios being the most probable kinds of conflict. That is where the action is almost certainly going to be. The issue is access to the world's resources; and the contest is, first, one of command of the seas, and second, projection of power and influence in the Mahan tradition when political decisions so dictate. Ultimate victory can be lost or won without a general war ever taking place.

Given current fiscal limitations, the latter dimension of naval planning may require greater compromise than the command of the seas (submarine) role vis-a-vis "ideal" ships and hardware. Remembering that nuclear general war has become a non-option through mutual deterrence, the command of the seas task will merit next highest priority, for it preserves survival against the ultimate limited war challenge—the physical isolation of America from its allies.

Thus the third priority, the U.S./power projection navy, is the logical area for compromise of "Cadillac" ambition in favor of economy and more units at less unit cost—rather than to stint our command of the seas submarine forces—if funds provided by the Congress are not adequate to legitimate needs in both areas. We can take some comfort that the power projection task by surface forces is the task wherein the most support from the remainder of the maritime alliance can be expected. The Nixon Doctrine highlights that aspect as well. Imaginative programs, like the "Personnel Exchange Program" with allied navies, recently instituted by the U.S. Navy, can fortify the Nixon Doctrine on this score.

The new era of American diplomacy, the Nixon Doctrine, derives from a forthright recognition of the changes that have taken place in the world since 1945—the new realities that now govern the domestic and international political environments. America's new naval policy must start with a clear understanding of those same realities.

In addition, America's new naval policy must—as forthrightly—acknowledge the technological realities that now govern naval warfare, and proceed from the premises dictated thereby. To paraphrase the President's words, quoted at the beginning of this essay: No single sudden upheaval or technological event has marked the end of the World War II era of naval warfare in the way that world wars often shatter pre-existing assumptions about warfare. But the cumulative changes in naval warfare since 1945 are profound nonetheless.

We are indeed at the end of an era—in the technology of naval warfare as well as in foreign policy. The question is: Are we now building a new navy that is as realistic as our new foreign policy?

WHAT DOES THE ARMED SERVICES COMMITTEE PROPOSE TO DO ABOUT FUNDS DELETED WITHOUT PREJUDICE AND FUNDS INCLUDED ONLY IN THE HOUSE BILL?

Mr. PROXMIRE. Mr. President, I spoke earlier to review the most important issues raised in the Armed Services Committee report on the fiscal year 1973 military procurement authorization bill.

I would like to raise now two other matters on which I hope the committee will respond later:

NCA DEFENSE, HARD SITE, AND ABM

First, a total of $349 million in funds for strategic programs has been deleted from this bill without prejudice. These funds are already included in the House bill and will, therefore, be a subject of negotiation in conference.

I personally oppose the bulk of this funding—the $329 million for a national command authority ABM defense, the $60 million increases for hard-site ABM research, and the $20 million sought for work on a submarine-launched strategic cruise missile. I do not think that an NCA defense is worth a fraction of its likely cost. And while I do favor work on hard-site ABM research, I believe that the $80 million provided for this purpose and already included in the bill as recommended will be sufficient for fiscal 1973; in fact, the only reason I can see for a $60 million increase in this figure is a belief that we should push hard-site research along so fast that new hard-site components would be available for use in an NCA defense. Finally, I think it foolhardy to develop an expensive and ineffective submarine-launched cruise missile when the Air Force continues to ignore the committee's own suggestion in its report on last year's bill that the SCAD program be restructured toward the development of an aircraft-launched cruise missile of reasonable range and accuracy.

Because I oppose these programs, I would hope that a Senate position with a fair amount of prejudice toward them might be formulated during debate on this bill. Accordingly, I ask the distinguished chairman of the Armed Services Committee whether he intends to offer a floor amendment designed to restore funds for any of these programs. If such a committee floor amendment is contemplated, I would appreciate being informed of the fact a reasonable amount of time prior to its introduction. And if no such amendment is introduced, I would hope that the Senate's conference position of these programs would be as firm as the Senate position on the other matters covered by this bill.

A–7'S, C–130'S, AND F–5B'S

Second, I hope that the committee will comment also on this one additional point. On April 27, 1972, Secretary of Defense Laird wrote to the House Armed Services Committee to inform its members that he accepted a proposed $226.9-million reduction in fiscal year 1973 AWACS funding and to request that they apply a portion of the funds saved to procure additional A–7, C–130, and F–5B aircraft not requested in the original budget. In fact, when that budget was drawn up, it had been determined that the production lines for these aircraft could be allowed to close. In compliance with Secretary Laird's request, the House Armed Services Committee provided $92 million—for use with $60 million in funds which Mr. Laird proposed to transfer from prior year A–7 programs—to procure 24 A–7D's, 12 C–130's, and seven F–5B's.

This $92 million is not included in the Senate bill now before us. Nor is this $92 million cited in the Armed Services Committee's report on the bill as one of that committee's proposed deletions. It is simply not referred to, for the Department of Defense formally requested these funds only of the House. No budget amendment was ever presented to the Senate. I would like to ask the committee the following questions in this regard:

Why, if these funds are needed, was no formal budget amendment requesting them ever submitted to the Senate?

Does the committee believe it proper for the Defense Department to request funds from one body of Congress but not the other?

Is formal committee approval required of Secretary Laird's proposed use of $60 million in prior-year A–7 funds to keep open these three aircraft production lines? If not, why not? If yes, has such approval been given by the committee or is it contemplated?

What position does the committee intend to take on this $92 million in conference with the House?

It is my own feeling that the course of action followed by the Defense Department to obtain these funds is most inappropriate and that it should be resisted strongly by the Senate. I also believe that the decision to keep these lines open was dictated much more by election year political decisions than true military needs. Need for these aircraft was found lacking in the original budget review.

I would be quite grateful if the distinguished chairman of the Armed Services Committee (Mr. STENNIS) would address himself to these questions during the course of floor debate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. NELSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

AUTHORIZATION FOR SECRETARY OF THE SENATE TO MAKE CERTAIN TECHNICAL AND CLERICAL CORRECTIONS IN THE ENGROSSMENT OF S. 1991 AND TO REPRINT THE BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make certain technical and clerical corrections in the engrossment of S. 1991, the national housing goals bill, which passed the Senate on Friday, July 21, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Michigan (Mr. HART), I ask unanimous consent that S. 1991, as passed by the Senate on Friday, July 21, 1972, be reprinted.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON AGRICULTURE AND FORESTRY TO MEET IN EXECUTIVE SESSION TODAY TO CONSIDER S. 3795

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be permitted to meet in executive session this afternoon to consider S. 3795, the disaster loan program in connection with Hurricane Agnes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO MEET TOMORROW IN EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be permitted to meet tomorrow, Tuesday, July 25, 1972, in executive session, in order to consider the disaster loan legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. NELSON). Under the previous order, the hour of 1 p.m. having arrived, the Chair lays before the Senate the unfinished business, S. 3390, which the clerk will state.

The legislative clerk read as follows:

> S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana (Mr. MANSFIELD), No. 1334.

Mr. STENNIS. Mr. President, I do not see the manager of the bill on the floor at this moment and I, therefore, ask unanimous consent to suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the amendment pending before the Senate at this time would change the date for the withdrawal of all U.S. ground troops, combat and noncombat, from South Vietnam, by October 1, 1972, rather than August 31, 1972.

The Senate is aware that it has been on this pending legislation, the Foreign Assistance Act of 1972, S. 3390, for over a month. The delay has been caused because of the fact that we are unable to face up to the so-called Mansfield amendment which is contained in the bill and on which only recently we obtained, along with other amendments to that amendment, a time limitation.

It appears to me that what we should keep in mind is that subsection (a) of section 12 places no conditions on the continuation of the removal of U.S. ground forces from South Vietnam. In fact, it will require their total extrication by October 1, 1972. It will separately require, under subsection (b) of section 12, an agreement for the return of all prisoners of war and recoverable MIA's and a cease-fire only—I repeat the word "only"—between U.S. forces and those arrayed against our forces in North Vietnam as a condition for the complete withdrawal of U.S. forces from the hostilities in and over Indochina.

It is interesting to note that according to the Pacific Community, an Asian quarterly review for July 1972, there is an article by Earl C. Ravenal entitled "The Strategic Balance in Asia." In this article, Mr. Ravenal states that:

> South Vietnam is by far the largest historical recipient of United States military assistance and arms transfers. Entirely aside from expenditures in the direct deployment of United States forces, the United States will, by 1973, have endowed South Vietnam with about $20 billion of arms (at least three times as much as the Soviet Union and China have given North Vietnam). With this, South Vietnam has built and is supporting an armed establishment that consists of 16 equivalent regular army divisions, 414,000 men; a Marine Corps of 15,000 men; Regional Forces organized into companies, 285,000 men; local Popular Forces organized into platoons, 250,000 men; and armed police, 20,000, for a total of 984,000 men. Its air force has 275 combat aircraft, including, however, only about 20 modern jets.

The Vietcong are said to number about 140,000 men in North Vietnam.

> North Vietnam has an army equivalent to about 21 divisions, amounting to 408,000 men. Of these, 75,000 are deployed in Laos, 40,000 in Cambodia, and before the full-scale invasion of March 1972, 90,000 to perhaps over 115,000 in South Vietnam, at the height of the battle in May, 1972. North Vietnam may have no more than three divisions equivalents within its own territory. The North Vietnamese air force has 165 combat aircraft, of which 65 are modern jets and 10 are light bombers.
>
> Its navy consists mostly of torpedo boats and gunboats.

And the navy of South Vietnam is composed of vessels most of which have been turned over to it on the order of the President by the U.S. Navy.

Mr. President, it appears to me that we are becoming inured to what has been going on in Vietnam for so many years and in so many instances. We sort of shrug our shoulders and accept it as a matter of course. We do not seem to be aware of the disasters, the devastation, the loss of life, the destruction of a culture, the displacement of vast numbers of people and other factors which, under ordinary circumstances, this country would shudder just to think about.

As I have said before, I think this is basically a civil war between South Vietnam and the Vietcong with the North Vietnamese coming in later.

We have had an 11-year war in which we have been engaged in Vietnam. And we have a situation for which there seems to be no end in sight at the present time. It is a war in which, according to professors of the University of Montana and Windham College in Vermont, there has been created 26 million, repeat, 26 million craters by our bombing.

It is a war in which more than three times the total tonnage of bombs dropped in World War II in all theaters and in Korea has rained on Indochina. It is a war which has created hundreds of thousands of refugees. As a matter of fact, it has created millions in South Vietnam, certainly millions including Laos and Cambodia.

It is a war in which on the basis of the most recent information new weapons have been experimented with and new ideas of warfare such as rainmaking and fire storms, the latter, unfortunately, having its origin in my home State because the facilities there of the Forest Service have been used in Vietnam.

There have been casualties to 355,000 Americans in rough numbers, a cost of $136 billion for the war, a cost which is still going up.

There has been a buildup of B–52's to three times the number before the President's May 8 speech.

Drug addiction is a concomitant to the war in Southeast Asia. Disease is another.

The increase in the number of POW's and missing in action is still another. It has caused troubles at home.

While I give the President every credit for what he is trying to do to bring about an end to this war, I think that the time is long overdue. I think that the hour is late. And I would hope that the Senate would see fit to take at least this first step to sever the dependent relation with the Government of South Vietnam. With that as a base, perhaps we might be able at a more expeditious rate to bring this tragedy to a close.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I do not think there is much more to be said on the amendment.

I do have two interesting editorials published in the Washington Post. One is dated Friday, July 21, and the other is dated Monday, July 24. I ask unanimous consent that these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 21, 1972]

THE MANSFIELD AMENDMENT

At Senator Mansfield's initiative, the Foreign Relations Committee wrote into the military aid authorization bill a provision categorically cutting off funds to maintain "any" American forces in South Vietnam after Aug 31, that is, to preclude a residual force; Mr. Mansfield indicates he would slip the date a month. The administration opposes this particular "Mansfield amendment," which differs from earlier versions, on grounds that the President alone should direct policy on Vietnam and that passage would deprive him of an important bargaining chip—the threat of indefinitely maintaining a residual force—which he is using at the Paris talks. (The amendment further states that all American military operations in Indochina should end after the United States and Hanoi agree to a cease-fire and after the prisoners are released, but this part of the amendment is simply a declaration without the force of a fund cutoff behind it.) A vote could come as early as today.

The issue is more complex than the debate on it has so far made out. To start, we would reiterate our judgment that it is unfortunate and gratuitous for the President to keep contending that Congress has no role in foreign affairs beyond ratifying his own decisions. The Congress—in this instance, the Senate—has ample constitutional and institutional claim to try to affect war policy. And although the onset of the political campaign undeniably complicates the matter, the issue posed by the Mansfield amendments should not be regarded as one to be treated on party lines.

But neither can the amendment be taken simply as an index of whether a given senator is "for" or "against" the war, regardless of the tendency of some of its supporters to call it an "end-the-war" measure. In no conceivable sense could the removal of American forces from South Vietnam alone "end the war," or even the Amercian role in the war. American planes based outside of South Vietnam could still be bombing, American prisoners would still be captive, and the American-supported government in Saigon—whose leader's removal is Hanoi's dominant war aim—would still be in power. Passage of the amendment would no doubt be taken by many as a triumph for the "peace" movement. It would be politically embarrassing to the President, though surely he could find a political riposte by accusing his supporters—and fairly so—of undercutting his negotiating strategy in Paris. But none of these results, however they are evaluated, should be confused with ending the war.

The core truth is that the denial of funds for a residual force would indeed undercut the President's negotiating strategy. That being so, we submit that the only basis on which a responsible vote can be cast for the Mansfield amendment is the belief that Mr. Nixon's strategy is not going to work by November anyway and that he will then be defeated by Senator McGovern. Mr. McGovern has pledged, of course, not only to pull all forces out of South Vietnam within 90 days of taking office but—a step not contemplated at all by the Mansfield amendment—to stop the bombing on Inauguration Day. That is to say, before taking a crucial card out of Mr. Nixon's bargaining hand, legislators must be persuaded that the President's policy and political career alike are bankrupt. Without such a dual conviction, a vote for the Mansfield amendment would be capricious in the extreme. And even with those two convictions, those who vote for the Mansfield amendment must take upon themselves the responsibility for bringing Congress into the act not only far too late in the day but in a way which would threaten to undermine or even scuttle the Paris negotiating process which, whatever its promise, is now so clearly under way.

[From the Washington Post, July 24, 1972]

THE COOPER AMENDMENT

Senator Cooper's amendment to the military aid bill, due to be voted on today as an alternative to a new and revised Mansfield amendment, poses to the Congress for the first time the stark issue of whether it will take unto itself the responsibility for imposing a quick and unconditional end to American involvement in the Vietnam war. As we noted the other day, the latest version of Senator Mansfield's amendment, which would cut funds for a residual force in Vietnam but allow the President to continue bombing, is a tentative gesture: it could undercut the President's negotiating strategy but it would not bring about an end of the war. By contrast, the Cooper amendment, while it could undercut the President's strategy, would do so with the additional and transforming effect of ending American combat participation. By means of a fund cutoff, it would compel the withdrawal of all American forces and an end to the bombing if the war did not end by negotiation in four months.

But what about the prisoners? The uniqueness of Senator Cooper's approach lies in the fact that previous war-policy amendments have conditioned an end to American military activity upon an agreement to release the POW's, or upon their actual release. "On the one hand these amendments have provided that all funds shall be denied except for the withdrawal of our forces," said Mr. Cooper last week. "Then in contradiction, they provided implicitly that funds for our participation in the war shall continue, that the United States will continue to fight in Vietnam from other countries, from the air, or from the seas, until our prisoners are released." This is, of course, the approach the President is now taking at Paris, so far as is publicly known. His offer to withdraw and stop bombing is conditioned upon a release of POWs (and presumably upon Hanoi's acceptance of a cease-fire as well).

The demonstrable fact is that this approach has yet to produce results. Barring success in four months, Mr. Cooper would act on the expectation that the prisoners will be freed—and that other nations will urge Hanoi to free them—only when the United States withdraws and halts the bombing. "I do not believe that this amendment or any amendment can promise absolutely the release of our prisoners of war," said the senator. "I do not believe that any individual can promise the release of our prisoners of war. I can only say that, in my view, negotiations and withdrawal offer the best chance to secure their release." That he mentioned "negotiations" at all can probably best be put down to his reluctance to embarrass his fellow Republican, President Nixon. It seems plain that Mr. Cooper believes "withdrawal" is the only way.

So finally the Senate has the occasion to vote directly and forcefully (by a fund cutoff) on the President's strategy of negotiating from strength. By this vote, it has the further occasion to assert its constitutional responsibility to direct the use of funds and its constitutional right to bring its influence to bear—as best it can—in the shaping of foreign policy.

Frankly, we cannot conceive of a more serious and difficult vote for conscientious legislators. For one thing, they are being asked to second-guess the President in a matter of the greatest national import—in a matter, moreover, where the President has in train a secret negotiation which conceivably could succeed and which might be torpedoed by the challenge to it which they are now requested to endorse. What makes it more difficult is that conscientious legislators are also being asked to make this momentous intervention after Congress, for years, has gone along with successive Presidents and enabled them, if not encouraged them, to develop the very policies which the Cooper amendment would now suddenly reverse.

We would agree with those who argue that the flabbiness of Congress from the first debate on the Tonkin Resolution in 1964 is no argument by itself for compounding crimes of omission that stretch back over eight years or more. Nor has President Nixon earned, by his performance, much sympathy or consideration from Congress. Repeatedly he has rudely scorned opportunities to make Congress his partner in a genuinely national, bipartisan war policy—opportunities which would have taken nothing away from his own concepts of how we ought to proceed. Last November he loudly denounced as no part of his policy an earlier Mansfield amendment which was actually written into law, only to reveal in January that almost its precise terms had been secretly offered to the North Vietnamese by Dr. Kissinger the previous May. For the resulting frustration of congressional war critics and the subsequent hardening of their position, he has himself, in large measure, to blame; more than one senator, seeking some accommodation with the White House on a Vietnam peace plan, has been bluntly told that this is to be Mr. Nixon's show.

So we can sympathize with those who will vote with Senator Cooper to impose a four-month time limit, once and for all, on American involvement in Vietnam. But we nonetheless doubt the wisdom, and still more the practical purpose, of such a vote. For one thing, whatever the outcome in the Senate, the measure is almost certain to fail in the House. In any case, in reality it cannot amount to more than a shattering vote of no confidence in a difficult and delicate effort, now presumably under way, to translate weeks of pulverizing bombing attacks into a negotiated settlement.

The Senate cannot undo the bombing and the mining and the Cambodian and Laotian "incursions" and all the rest of Mr. Nixon's three-and-a-half-year performance in the conduct of our Vietnam war effort—including some 20,000 American dead. It can only undermine the last chance he has to make good, before election day, on four years of promises to end American participation in the war. He does not need Congress to tell him that the great majority of Americans expect that promise to be kept. And if he fails to deliver on it by November, the American electorate will have an opportunity at that time to render a more meaningful judgment upon his record than any that could be made in the United States Senate today.

Mr. MANSFIELD. Mr. President, I agree with the distinguished Senator from Nevada that there is not much more that can be said. However, if I may sum it up briefly, what the Senate is confronted with is the question of whether or not it desires a residual force to remain in South Vietnam.

The President has indicated that the number of American military personnel in South Vietnam will be reduced to 39,000 by September 1. As of today the number is 46,500.

What this amendment seeks to do is to carry on the same pattern which the President established shortly after he assumed office, at which time he began to reduce the number of 550,000 American military personnel in South Vietnam in stages down to its present figure.

The question is whether we want to be

tied to the apron strings of South Vietnam and have them determine what we should do or whether we want to sever those strings after giving a certain amount of notice to that effect.

Mr. President, I would point out that Mr. Henry Kissinger, on his return from his last visit to China, made the following statement:

> We expect that when the war is finally settled, it will be through direct negotiations between the North Vietnamese and American negotiators.

This, I think, fits in with the tenor of what I propose to do. I would hope that the amendment which I have offered will be acceded to. And I hope that all of section 12 would remain in the pending bill.

Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. Mr. President, as I have said, I think this matter has been entirely covered. But I cannot agree with my distinguished friend, the majority leader, that the issue is whether or not we want a residential force in South Vietnam. That is by no means the issue for this entire debate and the so-called Cannon amendment.

The issue is whether or not we want to abandon the prisoners of war who are in Southeast Asia today and pull out our troops and leave those men who went there, not of their own choosing, but under orders to represent our country.

I happen to feel very deeply about this matter. I am one of those persons who wears a bracelet of a missing prisoner of war, a man who has gone there, because I think we should do something about getting those men back, and the way to do that is not to pull our troops back and leave those boys over there to rot.

Mr. MANSFIELD. May I say if the Senator would read subsection (b), section 12, we face up to that problem of POW's because subsection (b) reads as follows. All we are considering at this time is subsection (a), but subsection (b) reads:

> (b) The involvement of United States military forces, land, sea, or air for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after—
>
> (1) an agreement for a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front, and
>
> (2) the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government, and
>
> (3) an accounting for all Americans missing in action who have been held by or known to such Government of such forces. An accounting for such American personnel referred to above shall be subject to verification by the International Red Cross or any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

So I would say that severing ourselves from the cord which ties us to South Vietnam, which we have supported with our casualties and our Treasury for 12 years, would in no way infringe the possibility that the POW's and recoverable MIA's would be released. Subsection (b) faces that problem, not subsection (a).

TO SAVE THE LIFE OF THE UNKNOWN SOLDIER

Mr. HUGHES. Mr. President, work has begun at Arlington Cemetery on a tomb for an unknown soldier of the Vietnam war. At the present time, however, all 45,810 Americans killed in this war have been identified. If the Congress approves the Mansfield amendment to end this war by October 1, I fully expect that tomb to remain empty.

Instead of escalating the war and maintaining a residual force in Vietnam under the dubious rationale of saving American lives, I believe that we should save those lives by acting now to bring our military involvement to an end.

If that tomb at Arlington remains empty, it will be tragically symbolic of this war, for our intervention has been drained of any noble purpose by our prolongation of the slaughter in order to preserve the shell of a corrupt regime in Saigon.

According to the most recent opinion poll, nearly eight out of every 10 Americans want all of our ground, naval, and air forces brought home. This overwhelmingly consensus for an end to our involvement has been nearly this high for several years, during which thousands of additional people have met their deaths.

Nearly two-thirds of our people now say quite openly that it is morally wrong for the United States to be fighting in Vietnam. The brave reasons for which we entered this conflict have now been tarnished by unfulfilled promises of peace, by revelations of deceit, by the brutalization of war which produced My Lai and other atrocities, and by the accumulated horror at the devastation of the land and suffering of the people we sought to defend.

Those who have died are known, and their supreme sacrifice is justly honored. But the many survivors in our own country remain unknown, unhonored, and unrelieved.

Over 300,000 men have been wounded; many are disabled for life. Countless others have been scarred from within by the memories of combat which haunt their dreams. Thirty thousand widows and orphans must try to make new lives for themselves. Eighty thousand surviving parents, 80,000 surviving brothers and sisters, and 60,000 surviving grandparents must learn to live without their loved ones.

Bitter veterans return to a society which offers them no jobs.

In spite of all this suffering, in spite of the distortions to our economy which have diverted over $150 billion into the Indochina quagmire, in spite of the repeated promises of peace, the war continues with unrelenting fury.

Once again we hear hopeful predictions. "Just a little longer," we are told; just a few more months, a few more secret trips to Paris, and of course several hundred thousand more tons of bombs."

I have had enough; the American people have had enough.

The people of Indochina have certainly had enough. Yet even today, after more than a million military in this war and several hundred thousand civilian deaths, the war continues.

American casualties have been mercifully reduced. But that is little comfort to the Cambodians, who have been suffering casualties at a rate for that small country which would be equivalent to over 300 deaths per day for a nation the size of the United States.

Nor has the war ended for the people of Laos, who suffer the equivalent of nearly 900 American deaths per day. None of these figures includes estimates of enemy deaths.

Since the end of March, South Vietnamese military forces have suffered nearly as many deaths as in all of 1971—at a rate equivalent to 2,200 Americans dying every day.

In addition to the military casualties is the terrible suffering of civilians. Thousands of civilians have been killed in the recent fighting—perhaps 25,000 in South Vietnam alone. Officially acknowledged refugees total over 300,000 in Laos, perhaps a like number in Cambodia, and 1.2 million in South Vietnam.

These facts speak for themselves. They literally cry out for an end to this bloodshed.

Under the Guam Doctrine, this is supposed to be their war, and it certainly is in terms of the suffering. But it is also our war in many unfortunate ways.

We have paid for this war for the past 22 years. We gave the French billions to preserve their empire, and when the first Indochina war ended in 1954, we then trained and equipped the armies of the supposedly independent nations.

No one can ever know whether the fighting would have gone on so long, or been so ferocious, or led to a worse outcome for America's long range global interests, if we had not foot the bill and encouraged our allies to fight for more than two decades.

But we do know that the war and its tragic consequences will continue so long as we fuel its flames with the billions of dollars provided by the foreign aid and defense bills.

The war is our war in Laos, even though we technically have no combat forces there, because we give Laos 20 times more in military aid than it spends on its own defense—an amount 40 percent larger than its GNP.

The war is our war in Cambodia, even though our only military personnel are on an equipment delivery team, because we provide more than one and one-fourth as much military aid as the Cambodians spend on their own defense—more even than the total Cambodian Government budget.

And the war is still our war in Vietnam, since we still give the Thieu regime over three times as much in military aid as it spends for its own defense—an amount equal to 70 percent of Vietnam's GNP.

In fact, of course, Americans are still heavily and personally involved in this conflict, despite the fact that nearly twice as many U.S. military personnel are now fighting the war from outside as from inside Vietnam.

Last year we were told that the war

was winding down, but this year even that claim cannot be made.

Since January we have doubled our Air Force fighter-bomber strength in Southeast Asia. We have tripled our carrier strength. We have quadrupled the number of B-52's bombing in Indochina—and now have diverted about half of our entire B-52 fleet to this war.

Having ended much of our involvement in the ground war, we have now launched a major air war—more frightening and devastating than ever before.

Our virtually unrestrained bombing in North Vietnam has created what the defense reporter for the Evening Star recently called "a human disaster of historic proportions for the people of North Vietnam."

If our bombing of allegedly military targets continues to damage dikes and dams, as reported by on-the-scene observers, we may compound that human disaster even more.

Only this week, the Christian Science Monitor reported from Saigon that U.S. pilots seem to be running out of new worthwhile targets in the North—

> Although virtually all conceivable military targets already have received a thorough pummeling, it nevertheless is still hard to assess the result.

If this report is true, and the military impact of this new escalation has not yet been felt, we may be on the brink of even more terrifying decisive military actions.

This new air war is still costly for the United States. If sustained for the indefinite future, which seems likely under the current administration's policy, it would cost $2 to $4 billion every year, over and above whatever direct military aid we provide, according to the Cornell air war study.

Already, the administration has asked for an additional $3.5 billion to pay for the increased costs of the war in the current fiscal year. If news reports are correct, this amounts to a doubling of the planned extra cost of the war this year.

Current policy offers us no assurance of an end to this war. On the contrary, it prolongs the imprisonment of our POW's and the anguish of the families of those missing in action.

The heavy price we have paid during the first 3 months of our escalated air war is now of record. U.S. bombing in June was the heaviest for any month in 2½ years, since January of 1970. The total tonnage of bombs dropped was 112,460—double the rate in January of this year when an offensive was said to be imminent. During the months of April, May, and June, American servicemen died at a rate higher than one per day; an equal number of Americans were added to the rolls of those missing in action and every 3 days another American joined his compatriots in North Vietnamese prison camps.

U.S. planes have also been lost at a rate above one per day. Using the unit costs given in the Cornell air war study, the cost from aircraft and helicopter losses alone for this 3-month period is over half a billion dollars.

We can stop this simply by agreeing to and then implementing the Mansfield amendment.

We can end our involvement in this tragic war and bring all of our troops and prisoners home.

And then, as a united people, we can devote our energies and resources to fill in the craters of neglect in our own society.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum on the time of both sides.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MANSFIELD. I take it on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from North Carolina (Mr. Jordan), the Senator from South Dakota (Mr. McGovern), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. McGovern) is paired with the Senator from Georgia (Mr. Gambrell).

If present and voting, the Senator from South Dakota would vote yea and the Senator from Georgia would vote nay.

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson), and the Senator from Alaska (Mr. Gravel) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. Griffin) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 60, nays 32, as follows:

[No. 296 Leg.]

YEAS—60

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Eagleton
Fulbright
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Spong
Symington
Thurmond
Tower
Tunney
Williams
Young

NAYS—32

Allen
Baker
Bellmon
Bentsen
Brock
Buckley
Cannon
Cook
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Jackson
Long
McGee
McIntyre
Packwood
Roth
Saxbe
Smith
Sparkman
Stafford
Stennis
Stevens
Taft
Talmadge
Weicker

NOT VOTING—8

Ellender
Gambrell
Gravel
Griffin
Jordan, N.C.
McGovern
Mundt
Stevenson

So Mr. Mansfield's amendment (No. 1334) to Mr. Cannon's amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Nevada (Mr. Cannon) as amended. On this amendment, there is a time limitation of one-half hour. Who yields time?

Mr. MANSFIELD. Mr. President, I yield back whatever time I have.

Mr. CANNON. Mr. President, at this point I am not sure whether I am in control of the time in favor of the Cannon amendment, because I would have to oppose the Cannon amendment as it is now amended. I cannot go along with the majority of the Senate in abandoning our prisoners of war in Southeast Asia. But if I have control of the time, I am willing to yield it back.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. CANNON. I yield 5 minutes to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, for several years now I have believed, as most Americans have, that there are no goals left in Southeast Asia which can justify the death of one more American. I have, therefore, steadfastly voted this way, again and again, on the series of end-the-war amendments before the Senate in recent years. For the same reason I expressed my skepticism about the wisdom of invading Cambodia after personally reviewing the situation there at the request of the President. For the same reason I strongly opposed the mining of Haiphong and so stated at the time.

In every case my consistent position has been—

First. That we must withdraw as soon as possible from Vietnam.

Second. That this withdrawal should depend only on the condition that POW's be returned and our MIA's accounted for.

Third. That this is not President Nixon's war. We got into this war together as a Nation and that we must do our best to rise above partisan and ideological politics to make sure that we get out of it together; that our goal must be peace, not politics.

Fourth. That, since the President and the Congress share the responsibility under the Constitution for achieving such a peace, the Congress must legislate to this end.

However, I am confronted today, along with my colleagues, with a most difficult dilemma. My views on this war remain unchanged. My sense of constitutional responsibility for realizing such a peace remains as strong as ever. My conviction that the President and the Congress must work together in a nonpartisan way remains as intense as ever.

But our dilemma is that at this exact point in time the President is engaged in the most delicate and direct negotiations to end this war. I realize that honest, responsible men will differ on whether amendments before us today will help or hinder these negotiations.

Of course, I realize that again and again Presidents in both parties justified their opposition to congressional end-the-war efforts on the grounds that they would disturb Presidential negotiations. How many times—how many times have we all been disappointed?

I realize, too, that Presidents of both parties have not recognized the degree to which the Constitution charges both branches of Government with the responsibility for peace and have therefore failed to involve the Congress properly. In particular I was painfully disappointed by President Nixon's disdain for the Mansfield amendment which was in ever so respectful and mild language simply stated as a matter of national policy our ardent desire to withdraw from this war.

With all these reservations and painful memories in mind I have nevertheless concluded that I cannot in good conscience vote for the amendments before us today however much I agree with them; because I fear they could indeed disturb the negotiations now underway.

But unless I be misunderstood or my intent misconstrued let me make clear to the Senate and the President that this is only a temporary moratorium as far as TOM MCINTYRE is concerned. If in my judgment the present peace negotiations break down, this Senator will, at the first opportunity, again vote as he has for years for a legislative solution.

The President well knows that he is accountable to the people of this Nation to fulfill his pledge to end this war by the end of his term. I will do all I can to help him. And he is accountable.

I must say in all candor that this is one of the most difficult decisions in the 10 years that I have been in the Senate, but I cannot in good conscience act today for peace in Southeast Asia in any other way, and I must do what I think is right.

The PRESIDING OFFICER. Does the Senator from Nevada yield back the remainder of his time?

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HUGHES). All remaining time having been yielded back, the question recurs on agreeing to the amendment of the Senator from Nevada (Mr. CANNON) as amended by the amendment of the Senator from Montana (Mr. MANSFIELD).

Mr. CANNON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alaska (Mr. GRAVEL), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 44, nays 49, as follows:

[No. 297 Leg.]

YEAS—44

Anderson
Bayh
Bible
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Fulbright
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McClellan
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stevenson
Symington
Tunney
Williams

NAYS—49

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Hruska
Jackson
Jordan, Idaho
Long
McGee
McIntyre
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—7

Ellender
Gambrell
Gravel
Griffin
Jordan, N.C.
McGovern
Mundt

So Mr. CANNON'S amendment (No. 1232) was rejected.

Mr. AIKEN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MILLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROCK. Mr. President, at this point in time, we are almost certainly witnessing the most decisive stage in the anguished history of Vietnam. The final outcome is now in tenuous balance. What the Congress does now can tip that balance negatively—at best to a prolongation of the struggle. The passage of the Mansfield amendment to S. 3390 could be just that fatal action. Its approval could, in actuality, assure the continuance of those hostilities or termination on the basis of defeat. I feel compelled to explain, because so much is at stake. So much in past expenditure of American blood, effort, and resources. So much in present prospects for an end of hostilities and the release of American prisoners of war. So much in future hopes for the establishment of the rule of law as the foundation for durable world peace. To lose this stake through ill-considered congressional action, however well intended, would be tragic.

Let us look objectively, dispassionately at the current scene in Vietnam. We see 12 North Vietnamese divisions, almost all of Hanoi's armed strength, engaged across the borders of North Vietnam in a total effort—indeed, an all-out invasion—to take over South Vietnam by force of arms. This is unprovoked aggression in contemptuous violation of international law, of the Charter of the United Nations, of the Geneva Accords, and of understandings with the United States. It is an outright resort to war as an instrument of national policy. These North Vietnamese divisions are attacking South Vietnam from the northern and western approaches in accordance with a preplanned strategy. These divisions have been forearmed with sophisticated, offensive weapons received from outside sources. In what well may be a final gamble, these divisions are aimed at negating the right of the people of South Vietnam to determine their own fate.

We also see the armed forces of South Vietnam fighting alone on the ground to resist this invasion. These defenders, still of uneven caliber and motivation, are putting to the acid test the training and equipment received under our Vietnamization program—a program aimed at enabling the South Vietnamese to defend themselves and permitting the simultaneous withdrawal of U.S. forces. Under that program over 500,000 American troops have been withdrawn. The process is continuing. Thus, no U.S. ground troops are fighting at the side of our Vietnamese allies. We are giving them all the air and naval support we can. They deserve that support in their resistance to the enemy. Above all what they need now is a show of U.S. confidence and support in this time of their testing. With the assurance that we are not letting them down at the moment of greatest need, the South Vietnamese have a chance to repel the invader to convince Hanoi that the negotiating table and not the battlefield is the place to seek an honorable settlement to this long and terrible struggle. Without this assurance, however, South Vietnamese determination and ability to prevail will undoubtedly be weakened. That faltering can only result in the prolongation of hostilities or the victory of the force of arms over the rule of law, the defeat of self-determination by aggression. The passage of an unqualified end-the-war amendment would be a vote against this assurance that the South Vietnamese need and that we have led them to believe they can count on.

On the American side in Vietnam, we see American air and naval power employed to interdict the flow of supplies and material fueling the enemy offensive—employed to give air support to the South Vietnamese defenders. We also see a continuing drawdown of U.S. forces despite this offensive. There still remain, however, some 49,000 American troops stationed throughout Vietnam. These forces are not engaged in ground fighting in support of the South Vietnamese. The President has made it clear that they will not be. American casualty lists remain low. There is no way the North Vietnamese invasion does not put our men in jeopardy.

Similarly endangered are the lives of a large number of American military and civilian advisers. There are also private American citizens. All of these Americans are now behind the shield of the South Vietnamese forces. So is a vast amount of American property. Their ultimate protection is the responsibility of the President of the United States. Does the Senate wish to act to weaken this shield, or to undermine the President's ability to carry out this responsibility? The passage of this amendment would have just these undesired results. It would embolden the enemy to press his attack. It would damage the confidence of the South Vietnamese to meet the attack. It would undercut the Vietnamization process at the very time it is being put to the test. It would jeopardize the schedule for the orderly disengagement of the U.S. military role in Vietnam.

Moving from Vietnam itself to Paris, how do things stand with the negotiating route as a means of ending the Vietnam conflict? Here, too, the situation is in precarious balance between some hope for progress and a continuation of the stalemate. While its forces were mounting a general offensive, Hanoi professed willingness to resume the Paris talks, stalled because there was nothing new to say. We saw little reason to meet to talk when the real dialog was opened by enemy guns in Vietnam. Because, however, the President does not wish to foreclose any opportunity that might lead to productive negotiations, we have resumed the talks.

We now hope Hanoi will have something new to say that can lead to an acceptable settlement and there is reason to believe this may now be the case. Hanoi may now be balancing the pros and cons of pursuing the path to genuine negotiations. If so, Hanoi will be sensitive to the signals from the United States as to the support of the President's Vietnam policies.

Passage of the amendment before us would be an unmistakable signal of lack of support. It would certainly offer Hanoi no incentive to move away from its obdurate insistence on terms that demand surrender rather than an equitable settlement.

Its approval, therefore, could well snuff whatever chance exists for an acceptable political solution that would include not only the release of American prisoners, but the preservation of the basic principle for which we have fought and bled—that aggression is an unacceptable and unrewarding instrument of national policy. Upon the maintenance of that principle depends the establishment of a stable world order. Viewed against this background of crucial decision both on the battlefield and at the negotiating table, the amendment could not come at a worse time for a favorable outcome in either area.

It signals despair and defeat. It signals an unwillingness on the part of the United States to stay the course when the crunch is on. It renders meaningless the loss of the thousands of American lives in Vietnam. It renders meaningless the thousands of dreary hours spent by American prisoners of war by offering only the pious hope of advancing the hour of their release. At a time of deep crisis, it undercuts the position of the President of the United States on all fronts.

Mr. President, the logic of my arguments is shared by many in this body and in the press. I was pleased to read an editorial in the Washington Post on Friday, July 21, entitled "The Mansfield Amendment," which sustains my predicate. I ask unanimous consent that the editorial be printed in the RECORD. The final determination, however, rests here in the Senate. I urge my colleagues to reject any proposals which undercut the U.S. position to conclude this war.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MANSFIELD AMENDMENT

At Senator Mansfield's initiative, the Foreign Relations Committee wrote into the military aid authorization bill a provision categorically cutting off funds to maintain "any" American forces in South Vietnam after Aug. 31, that is, to preclude a residual force; Mr. Mansfield indicates he would slip the date a month. The administration opposes this particular "Mansfield amendment," which differs from earlier versions, on grounds that the President alone should direct policy on Vietnam and that passage would deprive him of an important bargaining chip—the threat of indefinitely maintaining a residual force—which he is using at the Paris talks. (The amendment further states that all American military operations in Indochina should end after the United States and Hanoi agree to a cease-fire and after the prisoners are released, but this part of the amendment is simply a declaration without the force of a fund cutoff behind it.) A vote could come as early as today.

The issue is more complex than the debate on it has so far made out. To start, we would reiterate our judgment that it is unfortunate and gatuitous for the President to keep contending that Congress has no role in foreign affairs beyond ratifying his own decisions. The Congress—in this instance, the Senate—has ample constitutional and institutional claim to try to affect war policy. And although the onset of the political campaign undeniably complicates the matter, the issue posed by the Mansfield amendment should not be regarded as one to be treated on party lines.

But neither can the amendment be taken simply as an index of whether a given senator is "for" or "against" the war, regardless of the tendency of some of its supporters to call it an "end-the-war" measure. In no conceivable sense could the removal of American forces from South Vietnam alone "end the war," or even the American role in the war. American planes based outside of South Vietnam could still be bombing, American prisoners would still be captive, and the American-supported government in Saigon—whose leader's removal is Hanoi's dominant war aim—would still be in power. Passage of the amendment would no doubt be taken by many as a triumph for the "peace" movement. It would be politically embarrassing to the President, though surely he could find a political riposte by accusing his supporters—and fairly so—of undercutting his negotiating strategy in Paris. But none of these results, however they are evaluated, should be confused with ending the war.

The core truth is that the denial of funds for a residual force would indeed undercut the President's negotiating strategy. That being so, we submit that the only basis on which a responsible vote can be cast for the Mansfield amendment is the belief that Mr. Nixon's strategy is not going to work by November anyway and that he will then be defeated by Senator McGovern. Mr. McGovern has pledged, of course, not only to pull all forces out of South Vietnam within 90 days of taking office but—a step not contemplated at all by the Mansfield amendment—to stop the bombing on Inauguration Day. That is to say, before taking a crucial card out of Mr. Nixon's bargaining hand, legislators must be persuaded that the President's policy and political career alike are bankrupt. Without such a dual conviction, a vote for the Mansfield amendment would be capricious in the extreme. And even with those two convictions, those who vote for the Mansfield amendment must take upon themselves the responsibility for bringing Congress into the act not only far too late in the day but in a way which would threaten to undermine or even scuttle the Paris negotiating process which, whatever its promise, is now so clearly under way.

Mr. BEALL. Mr. President, in considering the situation in Southeast Asia, I suspect that each of us has his own personal frame of reference. My public involvement with this problem began with the assumption of my seat in the House of Representatives in January 1969, which was, incidentally, the same time President Nixon took office. At that time, our country had been deeply involved in the conflict in Southeast Asia for almost 8 years, and there were 549,000 American fighting men in that part of the world, with casualties running in excess of 300 per week. That was also the time when no one had proposed a policy that would allow our Government to disengage American forces from active involvement in this war.

After fully examining this situation, the President recognized that the quickest and most desirable way to bring about a cessation of hostilities in Southeast Asia was through a negotiated settlement. In his May 1969 address to the Nation, President Nixon set forth a new set of negotiating points which, in my opinion, offered a realistic foundation from which negotiations could begin. As we are all well aware, the North Vietnamese have not, until recently shown any inclination to negotiate in good faith.

In the absence of meaningful progress at the negotiating table, the President developed the program of Vietnamization. Recognizing that it was no longer desirable to have American ground combat forces involved in the hostilities in Southeast Asia, the President embarked upon a policy of gradual disengagement. While the withdrawal of our forces was taking place, the South Vietnamese were developing the ability to defend themselves from North Vietnamese aggression. As we are all aware, the American troop level has been dramatically reduced from 549,000 men in 1969 to the approximately

40,000 American military personnel that are presently on duty in Vietnam. But the disengagement of American forces has not, in fact, ended the war. The war continues today for the same reason it began over a decade ago. The North Vietnamese have been, and are, an expansionist power. One obvious point that has not received much discussion and consideration is the pure and simple fact that there are no South Vietnamese, Laotian, or Cambodian forces fighting in North Vietnam. Two-thirds of Laos is occupied by North Vietnamese units, not indigenous Communist forces. The Government of Cambodia is not threatened by Cambodian Communist's, but it is, like Laos, a victim of North Vietnamese aggression. In South Vietnam, the once formidable Vietcong no longer appear to be a serious threat to the military, economic, or political stability of the Saigon government. There is aggression taking place in Southeast Asia, but the responsibility for it should be laid where it belongs, at the doorstep of the government of Hanoi. The continuation of this aggression will prolong this conflict and continue the killing regardless of unilateral actions of the United States.

In fact, it is important to note, that during the last 3 years, South Vietnam has been a scene of diminishing combat, political stability, economic recovery, a restored sense of national well-being, and a far greater degree of personal freedom than is enjoyed by their fellow countrymen north of the 17th parallel. This progress toward nation building is now receiving a severe test as a result of the March 30 offensive.

When we study the various proposals pending before the Senate today, we find that they all purport to end the hostilities in Indochina. Their supporters assure us that we should end the war and their amendment is designed to achieve that end. The proposition is tantalizing, but suffers from a very basic defect—it ignores the fact that an end to the war requires a cessation of hostilities by both sides. We cannot alone end this war—no matter what course of action we follow. In spite of the language in these amendments. The propositions do not have the extraordinary ability to unilaterally end the war.

Today, there is new hope that our Nation may stand on the threshhold of significant developments in our efforts to negotiate a reasonable and responsible solution to this conflict. The South Vietnamese have accepted the additional burdens of fighting this war without the massive American support upon which they had previously depended. I do not believe, that while they are fighting for their very lives, we should undercut them in a fashion that might well seal their fate. The heroic response of the South Vietnamese people as well as the courage shown by the Army of the Republic of Vietnam, have perhaps laid the groundwork upon which a negotiated settlement can be based. Representatives of the governments involved have just renewed, in earnest, private negotiations in Paris. At this critical moment, the President needs both time and a free hand in order to work out a just settlement. This view has been substantiated by several recent articles from which I should like to quote:

> The Morning Sun, July 21, 1972, entitled "Spinning Wheels in the Senate"—It is probably much too late in the game for Congress to play any effective role in ending the war in Vietnam. If the Senate had been more assertive in the early 1960's the agony of Vietnam might have been avoided.
>
> In any event, the Senate ought to stop "spinning its wheels," as Mansfield put it, and dispose of the amendment and the bill quickly in order to get on with its other pressing business.
>
> The Washington Post, July 21, 1972, entitled "The Mansfield Amendment"—The core truth is that the denial of funds for a residual force would indeed undercut the President's negotiating strategy. . . . That is to say, before taking a crucial card out of Mr. Nixon's bargaining hand, legislators must be persuaded that the President's policy and political career alike are bankrupt. Without such a dual conviction, a vote for the Mansfield amendment would be capricious in the extreme. And even with those two convictions, those who vote for the Mansfield amendment must take upon themselves the responsibility for bringing Congress into the act not only far too late in the day but in a way which would threaten to undermine or even scuttle the Paris negotiating process which, whatever its promise, is now so clearly under way.
>
> The Morning Sun, July 21, 1972, entitled "Nixon's Odds Improve as Hanoi Bets Lives in Deadly War Gamble"—The first reaction to Henry A. Kissinger's talks in Paris ". . . considerably reinforces the view of other exceedingly astute government analysis, outside the White House, that President Nixon has at least a 50-50 chance of ending the Vietnam fighting on honorable terms before the end of the autumn."
>
> On the same authority it can be stated that the Russians and Chinese have also warned that President Nixon, once reelected, will be immeasurably harder and harsher to deal with.
>
> " 'Make the best bargain you can, while the bargaining is good' is the essence of what the Hanoi leaders have been told."

Mr. President, the Congress must not position itself in such a way as to repudiate President Nixon's negotiating position. We must not take any action which will enable Hanoi to determine that it is clearly in their best interest to extend this war for an additional period of time. I would ask Senators: How can the President of the United States possibly negotiate a solution to this conflict if the Senate tries to pull the rug from under him?

One other point that we should not lose sight of, was raised by the distinguished Senator from Nevada (Mr. CANNON) during his recent statement on the floor of the Senate. In his remarks, he noted that the North Koreans were unable to adequately account for 389 American servicemen who were believed to be in their custody. This does not mean that these men are still held captive by the North Koreans, but it would tend to indicate that the POW/MIA question is not going to be easily resolved by merely setting an arbitrary date.

Mr. President, all of us are concerned about the continuing level of combat in Southeast Asia. I desire to see this conflict brought to an honorable conclusion at the earliest possible date. I want to see the 18 million people of South Vietnam freed from the continuing horrors of war, but also free from the prospect of brutal and totalitarian rule from Hanoi. As we withdraw the American military presence from Southeast Asia, let us make sure that we leave the South Vietnamese in a position to determine their own fate. A negotiated settlement alone holds out the prospect for a just and honorable peace in Southeast Asia. This is the goal of President Nixon, and I think that it is important for the American Government to speak with one voice during this critical moment in the history of Southeast Asia. I would, therefore, hope, Mr. President, that the Senate will reject the various proposals pending before it that would allegedly terminate our involvement in Southeast Asia.

Mr. President, I ask unanimous consent that the complete text of the articles from which I quoted be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

SPINNING WHEELS IN THE SENATE

The Senate still does not show any signs of being in a hurry to do its work. The foreign aid authorization is still before that body, six weeks after it was introduced. Many full days of debate have been devoted just to this bill, which while important, is hardly that important, relatively speaking. A principal reason for delay has been the partisan maneuvering over the so-called Mansfield End-the-War Amendment to the bill. The amendment would prohibit the use of funds to keep American forces in South Vietnam after August 31 and also cut off funds for air and naval forces in Indochina after a cease-fire and return of prisoners. Other senators have introduced slightly different versions.

It is probably much too late in the game for Congress to play any effective role in ending the war in Vietnam. If the Senate had been more assertive in the early 1960's the agony of Vietnam might have been avoided. Certainly the Senate knew what the country was getting into in Vietnam. Senator Mansfield led a study group of senators to Asia in 1965. The group formally reported to the Senate that unless there was a negotiated settlement, a long and costly war was in the offing. But the Senate did nothing to pressure President Johnson into the only sort of settlement that was possible.

In any event, the Senate ought to stop "spinning its wheels," as Mansfield put it, and dispose of the amendment and the bill quickly in order to get on with its other pressing business.

NIXON'S ODDS IMPROVE AS HANOI BETS LIVES IN DEADLY WAR GAMBLE

(By Joseph Alsop)

WASHINGTON.—The official White House view continues to be that the Hanoi leaders will surely prolong the Vietnamese war until after Election Day.

It is a logical view, with the candidate of one of the two great American parties publicly committed to abject surrender, plus traveling to . . . release of the American prisoners.

The fact remains, however, that ill-concealed encouragement has been the first reaction to Henry A. Kissinger's talks in Paris.

This considerably reinforces the view of other exceedingly astute government analysts, outside the White House, that President Nixon has at least a 50–50 chance of ending the Vietnam fighting on honorable terms before the end of the autumn.

Cold-blooded analysis supports the view

of these other analysts, who can weigh the facts without the White House's inevitable political bias.

To begin with, no one can tell, at this distance, exactly how the McGovern-Nixon contest is affecting the leaders in Hanoi.

They know in Hanoi, of course, that George S. McGovern is determined to give them the victory, on a moralistic golden platter, that has been proved utterly beyond their reach in any other way.

But there are some other things they know, too, at least if they pay the smallest attention to the Soviet and Chinese Communist allies.

It can be stated on unquestioned authority that both the Soviet and Chinese governments have warned the Hanoi government that President Nixon's re-election is close to a certainty.

On the same authority, it can be stated that the Russians and Chinese have also warned that President Nixon, once re-elected, will be immeasurably harder and harsher to deal with.

"Make the best bargain you can, while the bargaining is good," is the essence of what the Hanoi leaders have been told.

This is not the kind of advice that any sane government could lightly ignore, yet if you read the public crowing in Hanoi over Senator McGovern's nomination, you cannot be sure.

In the same fashion, you cannot be sure of Hanoi's response to what has been happening in the war itself. But once again, no sane government could lightly ignore the fate of Hanoi's great 1972 offensive.

At any rate, the North Vietnamese field headquarters are not ignoring it. The Central Office for South Vietnam documents now being picked up in many parts of South Vietnam are entirely novel in character.

The disaster of Tet in 1968, for instance, was portrayed in similar documents in terms of "surging victories," combined with grave "shortcomings" that needed to be corrected.

This time, instead, the Hanoi high command is admitting to its cadres that the great offensive has fallen far short of expectations. The only exception made is for northern Binh Dinh province—which is like the Democrats saying, next November, "Well, we still won in Rhode Island."

These grim admissions are further combined with admonitions to the Communist cadres to dig in as deeply as they can. And it is specifically stated that this is needful in order to be ready for an eventual cease-fire.

This should astonish no one, either. The truth is that every week that passes makes this year's great offensive into a greater catastrophe.

The units that were first engaged—the great majority of divisions in Hanoi's regular Army—are now known to have lost from 60 to 90 per cent of their effectiveness, without exception.

Hanoi's total loss in dead has pretty certainly passed 60,000 men already—with nothing whatever to show anywhere in South Vietnam except for two little districts in Binh Dinh, above-noted.

Because of the dreadful losses, the offensive has ground to a halt everywhere except on the extreme northern front. Even here, it has been transformed into a defensive—a desperate, hideously costly effort to hang onto a toehold in Quang Tri.

Laos has been stripped, and so have the recruits' training camps in North Vietnam, to provide about a division and half's worth of reserves. But only these are left.

War being war, this does not mean that very bad luck in the Hue-Quang Tri fighting is now beyond the realm of possibility. Bad luck is always possible in any battle.

But with North Vietnam's ports closed, and all transport in the north hopelessly crippled, all this unquestionably means that the Hanoi leaders may find it inordinately difficult to ignore the advice of the Russians and Chinese.

Such, then, is the nature of President Nixon's 50-50 chance. As this reporter signs off until the Republican convention, it may be in order to add a prayer that the chance works.

THE MANSFIELD AMENDMENT

At Senator Mansfield's initiative, the Foreign Relations Committee wrote into the military aid authorization bill a provision categorically cutting off funds to maintain "any" American forces in South Vietnam after Aug. 31, that is, to preclude a residual force; Mr. Mansfield indicates he would slip the date a month. The administration opposes this particular "Mansfield amendment," which differs from earlier versions, on grounds that the President alone should direct policy on Vietnam and that passage would deprive him of an important bargaining chip—the threat of indefinitely maintaining a residual force—which he is using at the Paris talks. (The amendment further states that all American military operations in Indochina should end after the United States and Hanoi agree to a cease-fire and after the prisoners are released, but this part of the amendment is simply a declaration without the force of a fund cutoff behind it.) A vote could come as early as today.

The issue is more complex than the debate on it has so far made out. To start, we would reiterate our judgment that it is unfortunate and gratuitous for the President to keep contending that Congress has no role in foreign affairs beyond ratifying his own decisions. The Congress—in this instance, the Senate—has ample constitutional and institutional claim to try to affect war policy. And although the onset of the political campaign undeniably complicates the matter, the issue posed by the Mansfield amendment should not be regarded as one to be treated on party lines.

But neither can the amendment be taken simply as an index of whether a given senator is "for" or "against" the war, regardless of the tendency of some of its supporters to call it an "end-the-war" measure. In no conceivable sense could the removal of American forces from South Vietnam alone "end the war," or even the American role in the war. American planes based outside of South Vietnam could still be bombing, American prisoners would still be captive, and the American-supported government in Saigon—whose leader's removal is Hanoi's dominant war aim—would still be in power. Passage of the amendment would no doubt be taken by many as a triumph for the "peace" movement. It would be politically embarrassing to the President, though surely he could find a political riposte by accusing his supporters—and fairly so—of undercutting his negotiating strategy in Paris. But none of these results, however they are evaluated, should be confused with ending the war.

The core truth is that the denial of funds for a residual force would indeed undercut the President's negotiating strategy. That being so, we submit that the only basis on which a responsible vote can be cast for the Mansfield amendment is the belief that Mr. Nixon's strategy is not going to work by November anyway and that he will then be defeated by Senator McGovern. Mr. McGovern has pledged, of course, not only to pull all forces out of South Vietnam within 90 days of taking office but—a step not contemplated at all by the Mansfield amendment—to stop the bombing on Inauguration Day. That is to say, before taking a crucial card out of Mr. Nixon's bargaining hand, legislators must be persuaded that the President's policy and political career alike are bankrupt. Without such a dual conviction, a vote for the Mansfield amendment would be capricious in the extreme. And even with those two convictions, those who vote for the Mansfield amendment must take upon themselves the responsibility for bringing Congress into the act not only far too late in the day but in a way which would threaten to undermine or even scuttle the Paris negotiating process which, whatever its promise, is now so clearly under way.

ENDING OUR MILITARY INVOLVEMENT IN INDOCHINA

Mr. MOSS. Mr. President, today, as clouds of smoke rise over Hanoi, because of our renewed bombing, we again search our consciences for a solution to the war in Vietnam.

The President entered office 4 years ago with a mandate to end the war. Instead, he has carefully orchestrated our involvement to fit an election year timetable scheduled to remove our ground troops just in time for the 1972 elections. What have we gained in the 4 additional years of our involvement? What benefits will accrue by waiting until November to withdraw our troops completely that would not occur if we remove ourselves immediately?

The Washington Post, in its editorial today, has said that the issue is more complex than the current debate has so far reflected. In many ways, this has always been true of our discussions of Vietnam—Vietnam has always been a complex issue, yet the administration has only offered palatives. A total cure may not be possible in this rather unstable area of the world, but steps toward an eventual solution will require decisive action making significant changes in our policy. We have the opportunity of taking such action by our votes today on the Mansfield and Cooper amendments. We can and should move to cut off funds for further U.S. military activity in the Indochina theater.

But what about the prisoners? We have tried the administration's plan to return prisoners—we have tried bombing our prisoners home—we have tried invading neighbor countries—we even have tried to whisk up our prisoners with night flights to POW camps—yet none of these efforts have brought our prisoners home.

Does not the burden of proof now rest with those who have said that continued war will release our men held by Hanoi? Is it not probable that an inconclusive "sputtering out" of the war as planned by President Nixon will leave the prisoner of war issue unsettled?

Historically, POW's have been returned after the end of the war. The Nixon plan is actually a plan for continuing a low-profile war for many years through the use of U.S. advisers, bombers, naval forces, and aid to the Thieu regime. Will Hanoi release our POW's under such a plan? I doubt it. A direct end to U.S. involvement is a more probable route to bring home our captured Americans.

No action can promise the return of our POW's, but does the present approach merit any additional years beyond the more than 8 that have already been consumed? I believe it does not. New ground should be broken. I shall support the Mansfield and Cooper efforts to bring our POW's home through completely ending our involvement.

But what about undermining secret

negotiations? The President has already revealed the ineffectiveness of these "secret channels" in his address to the Nation last winter. The risk of undermining the secret efforts must be weighed against the risk of continued involvement. We have risked too much for too long by our presence in Vietnam, and we have done little to reduce the risk South Vietnam will face when we eventually leave under the President's plan.

In reality, what is that plan?

The United States is now following a plan for "investing" in a renewed wave of bombing and mining against North Vietnam in the hope that such "investment" would yield an end to the war. This is not a "new" plan. It is a plan that has aged for more than 8 years. The only "new" element is the closeness of the presidential elections, which clearly establishes the impression that the President has slanted his whole approach on this issue to a timetable of election years, rather than to an understanding of the fundamental nature of the Indochina conflict and the creation of stable solutions.

Indochina will smolder for years whether or not the United States continues to exert its military force. But withdrawal of U.S. forces cannot be blamed for the turmoil of the area, which may continue for some time to come. We can and should reduce the extent of conflict caused by the presence of our military forces and the use of our heavily destructive weapons. Such a withdrawal of U.S. forces will necessitate a political solution to the war, a solution that our military presence merely postpones. The longer we delay such an arrangement, the longer we extend the conflict in Indochina. Let us vote today to do our part in bringing an end to the military activities that have torn Southeast Asia for so many years.

Mr. PELL. Mr. President, the war in Southeast Asia has been a calamity, both for our country and for the people of Vietnam. It has been a disaster, measured in death, injury, and mutilation and by a costly drain on the economic strength of our country.

Not so measurable has been the awful toll this war has taken in dividing the American people and in undermining the American spirit of pride, determination, and confidence.

I have talked with many of my fellow Rhode Islanders about the war in Southeast Asia, and I sense among them a new and growing sense of unity. Whatever the past differences, there is emerging a common determination that we should end our involvement in this tragic war. A people who have been divided by this war are joining in a unified belief that our men should come home, our planes should come home, and our ships should come home.

As a Member of the Senate, and as a member of the Senate Foreign Relations Committee, I have supported every reasonable legislative effort to bring the war to an end, and to assure the safe return of Americans held as prisoner of war.

And today, I will vote in support of the Mansfield amendment, with the fervent hope that its enactment will relieve the American people of the continued agony of this war.

AMENDMENT NO. 1325 AS MODIFIED

Mr. COOPER. Mr. President, I call up my amendment. I had proposed it as an amendment to the section 12 of the bill, known as the Mansfield amendment. But I can say I think I will speak only 10 or 12 minutes. I ask Senators to read amendment No. 1325 I offer to S. 3390, which reads as follows:

> On page 10, beginning with line 18, strike out all down through line 18 on page 11, and insert in lieu thereof the following:
>
> SEC. 12. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam. Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act.
>
> (b) It is hereby declared to be the policy of the Congress that negotiations be continued with the Government of North Vietnam for a cease-fire, to secure the return of all United States prisoners of war held by the Government of North Vietnam and its allies and an accounting of those missing in action, and to seek an end to all hostilities in Indochina.

This is the change: On page 10, beginning with line 18, strike out all down through line 18, on page 11, and insert a new section, section 13, and new language. Then the language remains the same as in the amendment which I offered on July 19, 1972.

The PRESIDING OFFICER (Mr. HANSEN). The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 10, beginning with line 18, strike out all down through line 18 on page 11, and insert in lieu thereof the following new section 13:
>
> SEC. 13. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act.

Mr. COOPER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, my amendment, No. 1325, as modified, to S. 3390, was submitted on July 19. Its text and the statement I made at the time are printed in the RECORD on pages 24317–24318. I ask unanimous consent that it again be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

FOREIGN ASSISTANCE ACT OF 1972

Mr. COOPER. Mr. President, I send to the desk an amendment to S. 3390 and ask unanimous consent that the reading of the amendment be dispensed with, but that the amendment be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 1325) reads as follows:

"On page 10, beginning with line 18, strike out all down through line 18, on page 11, and insert in lieu thereof the following:

"SEC. 12. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act.

"(b) It is hereby declared to be the policy of the Congress that negotiations be continued with the Government of North Vietnam for a cease fire, to secure the return of all United States prisoners of war held by the Government of North Vietnam and its allies and an accounting of those missing in action, and to seek an end to all hostilities in Indochina."

Mr. COOPER. Mr. President, I have sent to the desk, an amendment to section 12 of S. 3390, the section known as the Mansfield amendment.

I offer the amendment with some regret for I can recall only one occasion when I have been separated from Senator MANSFIELD on the war in Vietnam. He has been consistent, utterly conscientious, and without any partisan consideration in his efforts to enlist the Congress in its necessary and constitutional duty to assist in bringing the war in Southeast Asia to a close. He has believed, as he has said so often, that the Congress and the Executive should work together to that end.

But, Mr. President, I have held always and have so stated on the Senate floor in speeches and by way of amendments that the participation of the United States in the war can only be ended by negotiation, or by the total withdrawal of U.S. forces, without conditions, except that they must be protected as they are withdrawn.

What I say now is not intended to question in any way the purposes of those who have introduced and fought for legislative enactments to deny funds for our continued participation in the war. I have never questioned their purposes.

But amendments have been introduced and which have received a great deal of popular support in the country have included a condition precedent—the condition that our forces shall not be withdrawn until there is an agreement to release our prisoners of war or until their release is actually accomplished.

On one hand these amendments have provided that all funds shall be denied except for the withdrawal of our forces. Then in contradiction, they provided implicitly that funds for our participation in the war shall continue, that the United States will continue to fight in Vietnam from other countries, from the air, or from the seas, until our prisoners are released.

I can understand that it is difficult for the Congress to support an amendment which does not have the usual prisoner-of-war condition. It can be said that an amendment without such a provision indicates a lack of concern for those who have fought and who are held by North Vietnam in violation of the Geneva Convention and human decency.

But we must face this issue—how can the release of our prisoners be brought about?

Our continued fighting has not secured their release. It is evident that we cannot by force, cause North Vietnam and its allies to release the prisoners. We must look for other ways. It seems to me that there are, at minimum, two prospects for their release.

The first prospect, is that their release will be secured by negotiations. President Nixon has made a serious and responsible proposal to North Vietnam to end the fighting, for the withdrawal of all our forces in 4 months, and the release of prisoners of war. North Vietnam, if it truly desires peace, ought to negotiate seriously and substantively so that agreement will be reached.

If negotiations are not successful, I see no hope of the release of our prisoners and the ending of the war except by the withdrawal of our forces. When our forces are withdrawn, I think it reasonable to believe that, as has 'occurred in past wars, our prisoners will be released. With our forces withdrawn, the good offices of many countries and of world opinion will urge upon North Vietnam this international and humane duty. Experience has shown that no country will intervene in a serious way on behalf of our prisoners as long as American forces are fighting in Vietnam.

These are the means, as I see it, to move toward the release of the prisoners and the ending of the war. First and most important is negotiations and the success of the negotiations now taking place in Paris. The second way I suggest for which my amendment calls, is the assurance of withdrawal of our forces.

The amendment establishes a period of 4 months from its enactment for withdrawal of U.S. forces and the end of our participation in the war. This is the same period of time which the President proposed in his speech of May 8. It would give time for safe and orderly withdrawal. It would give time for the necessary adjustments and preparation that South Vietnam must make. If this can be accomplished earlier, it will be all for the good.

It will be argued that to propose such an amendment, or to approve it, may undercut or hinder negotiations now taking place in Paris. I do not think this is correct. The amendment presents to North Vietnam the assurance that the Congress can give, as the President has given, that our forces will be withdrawn. No reason would remain for North Vietnam to hold our prisoners as hostages.

The amendment I offer is more direct than the amendments which have been proposed in past years. They have provided for the withdrawal of all our forces conditional upon the release of the prisoners. It is a condition which North Vietnam can accept or reject, one which enables them to hold our prisoners as hostages upon their terms.

This amendment is consistent with the national commitments resolution which the Senate adopted by a large majority. It is consistent with the War Powers Act initiated by Senator JAVITS and which the Senate approved by a large majority. I think it is clearly constitutional.

The amendment is consistent with amendments which, with others, I have introduced in the past. All but one were approved by the Senate. None of these amendments carried any conditions which would nullify its purpose.

I want to say that it is my desire to assist President Nixon in his continuing efforts to withdraw American forces, to bring the war to a close, and to secure the release of our prisoners of war. He has reversed past policies. He has done his best. As I said earlier in this statement, he has made an exceedingly fair proposal to North Vietnam, and if North Vietnam desires peace and will negotiate seriously, the war can be ended.

I do not believe that this amendment or any amendment can promise absolutely the release of our prisoners of war. I do not believe that any individual can promise the release of our prisoners of war. I can only say that, in my view, negotiations and withdrawal offer the best chance to secure their release.

The purpose of this amendment is to propose to the Congress such a course of action. It expresses a view that the Congress and the President should join in the policy of withdrawing our military forces completely from South Vietnam, Laos, and Cambodia, and cease military action from other countries and from the sea. It would give the people of those countries a chance to live in some kind of peace, and an opportunity to establish their own governmental systems and relations. It will save lives and provide a better chance for the release of our prisoners of war and their return to their families.

Mr. COOPER. Mr. President, if the amendment is approved, it will strike out the language of section 12, on pages 10 and 11, known as the Mansfield amendment, and insert in lieu thereof the language of my amendment.

As I said on July 19, it is with regret that I differ with the distinguished majority leader, as we have seldom disagreed on issues concerning the war in Vietnam, have joined in amendments, and I hold his views in the highest respect.

But we have come to the critical time, when a fundamental question concerning U.S. participation in the war, must be squarely faced and voted upon. It is the question whether we shall support amendments whose language and purpose call unconditionally for ending our participation, or continue the support of so-called end the war amendments, whose conditions actually prescribe continued U.S. participation in the war.

A number of conditional amendments, some termed "end the war" amendments, have been offered, and voted on in the Senate and some have received wide support throughout the country. I do not question the purpose of anyone who has offered or fought for these amendments. They have had value, certainly symbolic value, but I have come to the conclusion that they have held out hopes to the people of our country, which by their very terms could not be realized.

These amendments provide on one hand that our forces must be withdrawn by a certain date, and deny the use of funds except for withdrawal. But, conversely, and in contradiction, they include conditions precedent which must be accepted by the North Vietnamese and their allies.

Among these conditions is the condition that a cease fire must be agreed to by North Vietnam, or that an agreement to release, or the actual release of all American prisoners of war, must be accomplished. Some have added other conditions such as that satisfactory arrangements must be made for the evacuation of South Vietnamese who fear for their safety in the event of a North Vietnamese occupation.

Mr. President, I must say that I assume that the fear of the South Vietnamese is justified.

Mr. PASTORE. Mr. President, will the Senator yield for a question? I have to go to the markup session of a bill.

Mr. COOPER. Mr. President, I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, in reading the amendment, particularly with reference to section 12(b), I do not see that as a condition precedent to section 12.

Mr. COOPER. The Senator is talking about my amendment?

Mr. PASTORE. That is correct.

Mr. COOPER. Section (b) would express the sense of the Congress.

Mr. PASTORE. But does the Senator mean by the amendment that we will shut off the money and withdraw our troops?

Mr. COOPER. We would withdraw in 4 months and end all participation in the war.

Mr. PASTORE. Whether or not the prisoners of war are withdrawn?

Mr. COOPER. Yes. I will address myself to the question of the Senator from Rhode Island later.

Mr. PASTORE. Mr. President, that is all I want to know.

Mr. COOPER. Mr. President, these conditions are humane in purpose. But amendments including them do not call absolutely for the cessation of U.S. participation. They leave to North Vietnam the decision to accept or reject the conditions and upon North Vietnam's terms, and thus whether U.S. participation shall continue.

The McGovern-Hatfield, the Case-Church, the Cannon amendments, and others have prescribed one or more of these conditions. Paragraph (a) of section 12, of the amendment offered by the majority leader, Senator MANSFIELD, provides for absolute withdrawal of U.S. forces by a time certain without any condition. But I oppose the Mansfield amendment because its paragraph (b) would authorize and I emphasize "authorize," the continued shelling, strafing, and bombing of South and North Vietnam by U.S. forces from the seas, and by aircraft flying from territories outside Vietnam, unless and until North Vietnam and its allies agree to a cease fire, and the release of U.S. prisoners of war.

These amendments are a prescription for continuing U.S. participation in the war. They are not "end the war" amendments.

I will now address myself to the question which the Senator from Rhode Island raised, and I think very properly.

I know it is very difficult for any Member of the Congress to support an amendment which does not include the usual provision that agreement for the release, or the actual release of American prisoners must be secured. It can be said, and believed, that without such a provision, that we have no corner for, and that we are forsaking our fellow Americans held by North Vietnam under conditions in violation of the Geneva Convention and elemental human decency.

I face that problem because I have received letters upon that very issue. I want to face it today and ask the Senate to face it also.

We must face the question of our responsibility to assist in ending the war and the question of finding the best means to secure the release of American prisoners. We must ask what are the opportunities for their release and what is humane for them. I have said always that negotiations are the best means to secure their release for the ending of all fighting and for settlement of the problems of Indochina. President Nixon has made a serious, a responsible and a humane proposal to North Vietnam to end the fighting. North Vietnam, if it truly desires peace—and in the whole course of the war, I have seen no evidence on its part that it desires peace—can negotiate seriously so that an agreement will be reached.

But absent such an agreement through negotiations, I see no prospect for the release of American prisoners and the ending of the war except by ending our participation in the war.

As for the release of American prisoners, continued fighting has not accomplished and will not accomplish their release. It only results in more American prisoners of war held by North Vietnam. It is more reasonable that when the war is ended, when our participation is ended, that as in past wars, our prinsoners will be released. The help of many countries and of world opinion would urge upon North Vietnam this international and humane duty. As I said on July 19, this amendment and no other amendment can guarantee the release of our fellow Americans. No individual, no candidate for President can promise their release. I only urge that unless negotiations are successful, the end of our participation in the war offers a better chance for their release than exists today.

It is argued that this amendment will undercut the negotiations now taking place in Paris. I do not think so. If the North Vietnamese desire to end the war on the very favorable terms offered by President Nixon, they will do so, amendment or no amendment. If they have determined to withhold a decision until after the coming election, they will do so. I do not want my statement to be political, but I must say that the platform of the Democratic Party is ambiguous and ambivalent on the prisoner of war provision, and suggests that the ending of U.S. participation and the release of American prisoners shall be concurrent—the usual condition, which means nothing. I do not know the exact position of its nominee except that his past amendments provide that the release of prisoners of war must be accomplished if the U.S. participation in the war is to be ended. The argument that an amendment will undercut negotiations can always be used and could be a prohibition against ever debating or supporting such amendments.

I do know that Senator McGOVERN in his speech in Miami, the Democratic nominee said:

> Within 90 days of my inauguration, every American soldier, every American prisoner will be out of the jungle and out of the cell and back home in America where they belong.

That does not state a clear-cut position. And as I have said earlier, no individual, no candidate for President can promise or guarantee that the prisoners will be released.

I must say that I have voted for past amendments of the majority leader, Senator MANSFIELD, which included the prisoner-of-war condition. But I have determined that this condition will never accomplish the end of our participation in the war. I could not and will not vote for the current Mansfield amendment because its paragraph (b) would authorize the continuance of our participation in the war.

After the massive invasion of South Vietnam by North Vietnam in March of this year, I opposed any amendments concerning Vietnam except with conditions proposed by President Nixon because I considered that our forces were in grave danger and that President Nixon alone could act to protect our forces and negotiate. But that time has passed and I suggest that the 4 months—the same period proposed by the President but under different conditions—provides time for orderly and safe withdrawal of our forces and for South Vietnam to prepare for our withdrawal.

The President has reversed past policy. He has removed practically all U.S. forces from South Vietnam. I hope very much that his negotiations will succeed.

But the Congress has its responsibility to assist in bringing the war to a close.

We have the awesome task of determining the best way to secure the release of our prisoners of war. We have not been able to secure their release. We will not be able to secure their release by continuing the fighting.

For this reason, Mr. President, to bring this issue to a decision, I have offered my amendment.

Mr. SPARKMAN, Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I have felt for a long, long time we should get out of Vietnam, lock, stock, and barrel. There is no question about its urgency. But we have this very difficult question of American prisoners of war. As I read this amendment, the release of our prisoners of war is not a condition of the withdrawal of American troops.

What is going to happen here if we withdraw all of our troops in 4 months, as the first part of this amendment provides, and only then we enter negotiations. Suppose we meet the same situation we have met over the past years in Paris, where they talk and talk and talk and those prisoners rot in their cells.

Mr. President, I cannot buy this kind of an mendment.

Mr. SPARKMAN. I yield 1 minute to the Senator from Massachusetts.

Mr. BROOKE. I submitted an amendment to provide for the withdrawal of all American troops from Indochina, conditioned upon the release of American prisoners of war. This is a perfecting amendment to the amendment offered by the senior Senator from Kentucky. I offer it because I agree with the distinguished senior Senator from Rhode Island that we should not be placed in position of having to ask for our prisoners of war after the fact. Under the amendment of the Senator from Kentucky, we would have no guarantee that we would get our prisoners of war back.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, will the Senator yield to me for 2 additional minutes.

Mr. SPARKMAN. I yield 2 minutes to the Senator from Massachusetts.

Mr. BROOKE. My amendment to the Cooper amendment would strike out section (b) of the Cooper amendment and insert in lieu thereof,

> Provided there has been a release of all American prisoners of war held by the Government of North Vietnam or any government allied with them.

Mr. PASTORE. That condition is satisfactory but this idea that we are going to take the North Vietnamese on good faith and after we have withdrawn our forces have them tell us to go straight to Hades and have those American prisoners of war rot in those North Vietnam cells—I would be the last one to vote for this amendment.

Mr. BROOKE. To my knowledge, we have never had an antiwar amendment that did not provide for the return of our prisoners of war, and I do not think we should have one now. As I stated, I have submitted my amendment to the amendment of the Senator from Kentucky.

Mr. COOPER. Mr. President, the Senator from Rhode Island and the Senator from Massachusetts have, by their arguments, confirmed the issue I have presented to the Senate. It is a fact that previous amendments with conditions have not ended the war. They are not end the war amendments; they are amendments which by their terms continue the war.

They have not been able to secure the release of American prisoners of war. I was in World War II for 4 years, and spent nearly 2 years in Europe, American prisoners were released after the war.

I would like someone to explain how we will secure the release of American prisoners when the bombing, strafing, and shelling of North Vienam and the war continue.

Mr. PASTORE. Mr. President, the Senator is talking about World War I and World War II. But we won those wars. We have not won this one. If we follow the course that is suggested here these prisoners will rot in those cells. The Senator cannot make that comparison.

Mr. COOPER. Let us not continue the pretext that we are trying to end the war, by these contradictory, conditional amendments then, and raise false hopes among our people.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield 3 minutes to the Senator from New York.

Mr. BROOKE. Mr. President, will the Senator yield to me for one question?

Mr. COOPER. I yield.

Mr. BROOKE. I just ask the question in reverse. How are we going to get our prisoners out of Vietnam prison camps if we pull out of Southeast Asia?

Mr. COOPER. Does the Senator think we secure their release by continued fighting? All I am saying is that the record shows prisoners are released after a war is ended, and my amendment offers a better chance.

Mr. BROOKE. But the incentive for them to release American prisoners of war is removed once we pull all our troops from Southeast Asia. As long as we have the troops there, they will have an incentive to release American prisoners of war as a quid pro quo. It is something to be worked out between the two governments, but once we march out, sail out, or fly out, leaving our prisoners in those camps, what assurance do we have that they will release them?

Mr. COOPER. What does the Senator propose we do?

Mr. BROOKE. I propose we say to the North Vietnamese that we will take all of our troops from Southeast Asia, as my distinguished colleague proposed in the amendment, provided there is a release of all prisoners of war.

Mr. COOPER. We passed the Mansfield amendment with similar language and nothing happened—no prisoner has been released.

Mr. BROOKE. We never passed it.

Mr. COOPER. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I understand the difficulty Senators have with an amendment like the amendment of the Senator from Kentucky, and I understand the grave problems we have as Senators with the deep, humane feelings that animate so many breasts in our country, including the Senator from Kentucky and me, with regard to prisoners of war.

But I think the amendment which the Senator from Kentucky (Mr. COOPER) offered is an honest amendment because he recognizes facts instead of illusions and theories.

The fact is that we have always been ruined on the rocks of prisoners of war. Ever since the President put us on that wicket we have been stalemated.

The President made a liberal offer for settlement but it has not brought about a settlement or the release of our prisoners of war. The North Vietnamese themselves have said that if we would withdraw our forces they would release our prisoners of war, so it is one contract they have made in advance which the world has a good chance to observe.

Second, I say to Senators again that we have had 50,000 killed and over 250,000 casualties, we have had this country disrupted as never before, we have had tremendous inflation, seriously imperiling the economic foundations of our country, all because of the Vietnamese war.

There must be in the consciences of Senators who are not running in 1972—as the Senator from Kentucky and I are not running in 1972—some evaluation as to the total future position of our country in terms of our security everywhere. Where do Senators think those enormous armaments are coming from? From other parts of the world? Where do Senators think the enormous defense bill is coming from?

We have stretched the fabric so it will cover the responsibility of the United States.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I shall yield to the Senator shortly, but not yet.

Therefore, it seems to me we have to evaluate our position, as deeply troubled as we are, as deeply troubled as all of us are, and as to whether this is not the only way to face it.

The PREISIDING OFFICER. The Senator's 3 minutes have expired.

Mr. COOPER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. COOPER. Mr. President, I yield 3 additional minutes to the Senator from New York.

Mr. JAVITS. Mr. President, what we have to do is to evaluate our position. I am trying to evaluate now whether we can face this position in the approximate future in any other way or whether we lose so much time going on forever, and whether Senator COOPER's proposal might not be as good as the suggestion of the Senator from Rhode Island or the Senator from Massachusetts on prisoners of war.

This may not be the only way to do it in the proximate future. I think we all owe a debt of gratitude to Senator COOPER because of his unique situation at a time when we are discussing this matter and he is making us face the true reality. The true reality is that, running the risk which Senator PASTORE in his usual, eloquent, colorful way pictured, the super responsibility of the United States is nonetheless to get out because of what Vietnam has done, is doing, and will continue to do in this country.

In my judgment I shall vote with the Senator from Kentucky because I think at long last we are at the moment of truth.

Mr. President, you either want to win the Vietnam war and stop giving illusory conditions that it can be ended on conditions, or you do not. I know what my decision is, but I do not quarrel with any Senator who thinks the other way. I hope he is right. I think we are facing the moment of truth and the greater responsibility of the United States is to get out of Vietnam. I believe that serves everybody—the prisoners of war, their families, and our country.

Mr. BROOKE. Mr. President, the Senator knows I have the greatest respect for him and for the Senator from Kentucky. I know that the amendment of the Senator from Kentucky is an honest amendment, as my distinguished colleague from New York has said. He has said that this is the moment of truth. But the truth is that there are perhaps thousands of American prisoners of war restings in North Vietnamese prison camps at this time. The Senator's amendment would ask us to pull out all of our troops from Southeast Asia——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BROOKE. May I have 2 minutes?

Mr. SPARKMAN. Mr. President, I will yield 2 minutes, but I will have to stop at that point.

Mr. BROOKE. Pull out all of our troops in Southeast Asia with the hope that the North Vietnamese would release our prisoners of war. He says it is an illusion if we do anything else other than adopt the Cooper amendment at this time.

Now, the fact is that the U.S. Government is being asked to take, on good faith, what the North Vietnamese will do after we have removed our American troops from all of Southeast Asia. It very well may be that the North Vietnamese may release our prisoners of war, but if they do not release our prisoners of war, what is our option? What is our alternative? What have we got left? We have absolutely nothing left with which to deal with the North Vietnamese other than, as the distinguished Senator from New York has said, world opinion. We do not know that world opinion means that much to the North Vietnamese.

I have voted for every antiwar amendment that has come on the floor of the Senate. I have sponsored some. I have cosponsored others. It grieves me to have to vote against an antiwar amendment, but I cannot, in good conscience, vote for an antiwar amendment which leaves it to good faith on the part of the North Vietnamese to release American prisoners of war. I just cannot do it. And I do not think it is the question as put by my distinguished colleague from New York at all. It is not an illusion. We are not asking too much to say to them, "Return our prisoners of war and we will pull all of our troops out of Southeast Asia." I think it is a good bargain, and I think it is a bargain which they woud expect the U.S. Government, in all good conscience, to make.

Mr. PASTORE. Mr. President, will the Senator yield me some time?

Mr. SPARKMAN. Mr. President, will the Chair advise me how much time I have left?

The PRESIDING OFFICER. The Senator from Alabama has 24 minutes remaining.

Mr. SPARKMAN. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the Senator from Massachusetts asks what we have left. We have something left—the shame of America. The argument is made that this is an honest amendment. I do not dispute its honesty; it is the judgment that I dispute. The Senator from New York said the President made a very generous offer. Yes, but in his offer he has always proposed a cease-fire. When the offer has been made it has been conditioned on the release of American prisoners of war.

That is what we are trying to do with the amendment of the Senator from Massachusetts.

I am for withdrawing from Vietnam. I am for withdrawing from Vietnam tomorrow. But make the condition, not upon a cease-fire, but upon the release of American prisoners of war. Why? Because this is not America's war. It is the war of the Vietnamese; since it is their war, it is a civil war. If North Vietnam wants to fight South Vietnam, let the North fight the South, but American boys should not die in the process.

All I am saying is that if we want to rescue our American prisoners of war, then make the withdrawal solely and strictly conditioned on the release of American prisoners of war.

Mr. SPARKMAN. Mr. President, I yield 2 minutes to the Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, I think everyone here knows how much I would like to cooperate with my colleague from Kentucky, because we have both been consistent in wanting our disengagement in Southeast Asia at the very earliest opportunity and at the very earliest feasible moment.

It appears that 4 years ago we had in South Vietnam 543,500 military men. Today we have 43,500. Last week there were eight Americans killed in South Vietnam. There were 57 Americans murdered in New York City. So it looks to me as if we have something to do here at home.

Last Friday a dispatch that I fear many people did not see came over the wires. The substance of this report was to the effect that Hanoi authorities had stated the United States would be permitted to withdraw from Indochina only after we had thrown out the government in Saigon and helped establish one which was more compatible to the policies of North Vietnam.

Although this dispatch was only a news report, I have some reasons to believe it was a correct statement of the Hanoi position. There is no question in my mind that the North Vietnamese intend to hold American prisoners hostage until we have complied with their demand, which is to overthrow the government of Saigon and disarm the people of that country, or leave it to the government which we would establish there, suitable to them, to disarm the people of that country.

I think they have been encouraged by the prospects that if they can continue the war possibly as much as 90 days after the inauguration of the next President, they will then be able to secure compliance with their terms. I do not think we should encourage any prolongation of the war or give them false encouragement.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. SPARKMAN. Mr. President, I yield 1 minute to the Senator from Vermont.

Mr. AIKEN. We have had different statements from the candidates for the Presidency so far. About 15 minutes ago I read a United Press news item that:

> Senator GEORGE MCGOVERN today said his pledge to keep a residual force in Thailand if North Vietnam refuses to release U.S. prisoners is only a "gesture and he acknowledged that it probably would not force Hanoi to release the POWs.

I do not think we should encourage the continuation of the war in this way. I think there is a possibility that if the Senate stands firm there will be some more feasible way of bringing our involvement over there to an end. I do not think we can stop the fighting among them over there. They have been doing it for 200 or 300 years and I do not think we can stop it now. Regardless of who the next President may be, I do not think we will be able to do it then.

I believe that our best recourse now would be to leave the situation with our Government, which I understand will have another secret meeting with the North Vietnamese within the next few days. Let us see what will happen. But I feel very strongly that unless this country does back our Government at this time, there is no prospect for success at a secret meeting or any other kind of meeting, and that the North Vietnamese will hold our prisoners not only until next spring but for an indefinite period beyond, if they think that by so doing they can get all their terms complied with. I believe these are much better prospects of ending our involvement if we can end this encouragement to continue the war.

Much as I would like to support Senator COOPER I do not feel that approval of his amendment would enhance the coming of peace in Indochina.

Mr. SPARKMAN. Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I believe that the pending amendment requiring complete and unconditional withdrawal from Vietnam within 4 months if the war has not been brought to an end by negotiation is an extremely unwise and irresponsible proposal. I urge my colleagues to consider all the implications of this amendment most carefully as I believe that sound reasoning based on the best interest of the United States in securing a lasting peace in Southeast Asia will lead this body to reject this amendment. In my judgment, rejection of this amendment by the Senate is imperative for the following reasons.

First, this amendment completely undercuts the President's well thought out and thus far successful program to achieve a just peace in Vietnam. In 1968, American troops in Vietnam reached a level of 549,000. By August of this year there will be 39,000 American troops in Vietnam. The President has succeeded in removing more than one-half mililon men from Vietnam.

In addition, the United States is now spending less than one-third of the 1963 budget figure for our Vietnam effort. It is also noteworthy that no draftees are currently being sent to Vietnam and that draft calls for 1972 have averaged less than 5,000 men a month. It is also gratifying that American casualties have been drastically reduced. Even with the present North Vietnamese invasion considered, our casualties have been reduced by 95 percent from the level we reached in 1968. This outstanding record of reducing American involvement in Vietnam deserves the support of the Congress rather than an irresponsible attempt to second guess the President and thus torpedo his extremely effective program for Vietnam.

Second, the pending proposal has no guarantee whatsoever that American prisoners of war now held by North Vietnam will be returned. The President has pointed out that even though the French withdrew completely from Vietnam, there are still thousands of French servicemen completely unaccounted for. Neither the President nor the Congress can afford to leave the fate of our POW's up to the discretion of the North Vietnamese Government.

Third, this amendment would have our loyal allies, the South Vietnamese, completely at the mercy of an aggresive, cruel and totalitarian enemy. We are fighting in Vietnam to prevent Communist aggression from succeeding. The sacrifices of the American people on behalf of this important goal must not be in vain.

Fourth, President Nixon has stated time and again that the goal of his administration is to create a lasting and just peace. Were we to merely bring an end to any American involvement in military hostilities in Vietnam, yet create a situation which results in new aggression, new wars, and new demands on the American people and the American conscience to halt these new acts of Communist expansionism, we would have sacrificed much and gained nothing. Peace requires strength and the willingness to use that strength to defend world peace against those who would disturb it. Peace requires that an end to the Vietnam war discourages new aggression in its wake.

Fifth, and last, this amendment would signal a new and dangerous retreat into isolationism and away from the position of leadership of the forces of liberty and of peace in today's troubled world. If the United States heeds the voices of those who counsel retreat, surrender, and acquiescence then the entire free world will be at the mercy of powerful totalitarian and imperialistic nations. Our retreat from world leadership would create a vacuum which would not go long unfilled. A stable peace for the world and an optimistic future for the humanitarian ideals for which the United States has always stood require our leadership and our sacrifices. Vietnam has put us to the test. I believe our Nation has the mettle to survive this test.

Mr. SPARKMAN. Mr. President, I yield 3 minutes to the Senator from Ohio.

Mr. TAFT. Mr. President, I think the position in which the Senate finds itself today demonstrates the unwisdom of putting conditions upon the event of peace in Vietnam. I want to commend the distinguished Senator from Kentucky for, I think, a very honest approach to the problem. I think it is not surprising also that the Senator from Massachusetts has indicated that if we go the direct route or the absolute route that is proposed by the amendment of the Senator from Kentucky, the enemy would feel that they absolutely must go ahead and start to prescribe conditions.

The distinguished Senator from Vermont, with whom I find myself very much in agreement, has indicated that he feels that an additional condition may well be put upon any termination of the war, and he certainly is in a position to know as well as any of us whether or not that is the case. Very delicate negotiations are going on. The President wants to end this war as much as anyone does. Unfortunately, the circumstances of our own political life seem to indicate that the chances of that perhaps may not be too good because of the way in which the issues have been drawn between the parties in this country and in the current political situation.

I wonder why the North Vietnamese would settle at this time, if they felt that there is a chance for the success of the opposition to the President getting into office, and that under those conditions they would be able, perhaps, to demand such conditions as the removal of the Saigon government with our cooperation and our support.

I feel that we have to act, in these circumstances, with great restraint in the Senate, leaving the President the broadest unconditional power to try to work for peace. That is the direction in which I think success lies, and the only direction in which I think success lies at this point. Creating doubts and encouragement in the heart of our enemy by the debate in this body today, I think, is a disservice to the prospects of peace, and I hope we will end up with no such encumbrance in this bill whatever.

Mr. COOPER. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I intend to vote for the Cooper amendment, as I have voted for every amendment in an attempt to bring an end to American military involvement in the Vietnam war. In good conscience I cannot do otherwise. The war continues to take its toll of American lives. The number of Americans taken prisoner continues to rise. Thousands upon thousands of Vietnamese civilians are added to the rolls of the war dead and the war wounded every month. Despite the best efforts of President Nixon to end the war by negotiation, no end is yet in sight.

Negotiations between the North Vietnamese and the United States have been underway since May 9, 1968. Since that time officials of two administrations have counseled that Congress should not act to end American involvement in the war, because congressional action might hamper the executive branch in negotiating a settlement. But it is now 4 years later. Twenty thousand more Americans have died in Vietnam. No settlement has been achieved. Therefore Congress has a duty to share responsibility and to do what it can, and more than it has done before, to bring our men home.

I share the concern of all Americans that the prisoners should be released and the missing fully accounted for. But we have seen that having more than 500,000 American troops in Vietnam did not secure their release and accounting and it is highly unlikely that having 46,500 American troops—our current strength—in Vietnam will accomplish what 500,000 troops could not accomplish. Nor can we be optimistic that the bombing of North Vietnam today will be any more effective in obtaining prisoner release than did the bombing from February 1965 through March 1968.

Our best hope of obtaining the release of our imprisoned men and an accounting of the missing must be in ending American involvement in the war. Then the North Vietnamese and the Vietcong would have no reason to deny further these simple humanitarian actions. To do so would bring the condemnation on Hanoi of the entire world community.

Since July 4, 1966, I have worked for peace in Vietnam. After an in-depth, on-the-ground assessment of the American involvement in Vietnam in December 1967, I said:

> I am more firm than ever in my conviction that we cannot win this war *for* the South Vietnamese. We can help, but ultimate victory—military, economic, political and social—must be won by them.

Last year I voted that the American military involvement should be ended by December 31, 1971. Today, by my votes, I reaffirm my conviction that the United States should end this tragic involvement and that Congress has an obligation to help bring this about.

Mr. SPARKMAN. Mr. President, I yield 30 seconds to the Senator from California.

PRIVILEGE OF THE FLOOR

Mr. CRANSTON. Mr. President, I ask unanimous consent that two members of my staff, Mr. Murray Flander and Miss Ellen Frost, be permitted the privilege of the floor during the consideration of all Vietnam amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COOPER. Mr. President, I intend to yield back the remainder of my time in a few moments, but first I will respond to some arguments against my amendment that have been made.

First, I speak to the argument made by one of my closest and dearest friends in the Senate, Senator AIKEN, for whom I have the greatest respect: He believes that negotiations may be successful this time, and therefore we should not do anything which might upset those negotiations. I hope with all my heart—as all of us do—that negotiations will be successful, because that is the best way to end the war, stop the fighting, and get the prisoners home. I support the President's efforts, but I have pointed out that if the North Vietnamese desire to end this war, the amendment will not influence them.

When we make an effort to discharge our constitutional duty, we are faced with the argument that it will upset negotiations. If we accept this argument for all times, we will have placed upon ourselves a condition, a prohibition which would forbid us from ever exercising our constitutional responsibility.

I will not spend much time answering Senator THURMOND's suggestion that somehow this may be giving some service to the North Vietnamese. I have never believed that North Vietnam desired peace. They are the aggressors. I have no sympathy or support for them in any way. But I have sympathy for our own prisoners of war and concern for this country.

To my good friend, the Senator from Massachusetts (Mr. BROOKE), who proposes to offer an amendment, to my amendment which, if approved, would weaken it, with his condition, to the same amendments we have had throughout the years, and which have accomplished nothing. I have this to say to inform him of its purpose, because it seems to be misinterpreted: My amendment would stop the fighting in every area—from the sea, on the land, from the sky—it would withdraw our forces within 4 months, the time which the President has suggested, from Cambodia, Laos, and South Vietnam. It does not provide for withdrawing our fleet from the seas or our forces from Southeast Asia, other than South Vietnam, Laos, and Cambodia.

If after our withdrawal, the prisoners were not released the President and Congress should decide to take action to secure the release of the prisoners, there is nothing in my amendment to prevent that from being done. I make this point, however: If action were taken, it would be done constitutionally, with the assent of Congress, and not by the determination of the Executive alone.

I have presented the case. I hope that the Senator will not offer his amendment. I would like to see the Senate vote up or down my amendment. I hope that it would approve, and say that, so far as the Senate can have an influence, we want to end participation in the war, to bring our forces out within 4 months, in a reasonable and secure time, and with a better opportunity of security the release of American prisoners. Past amendments have never secured the release of prisoners and never will, in my opinion. I have said that my amendment and no amendment can guarantee their release. No man, no candidate for President, and no President can guarantee it. My amendment has the strength of saying that, after all these years, the loss of life, the divisions in our country, we will look the issue in the face and we will make a decision on my proposal.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BROOKE. I think that the distinguished Senator from Kentucky has made a great contribution by offering his amendment. Very honestly, Mr. President, I want to vote for the Senator's amendment. As I have said, I have voted for every antiwar amendment that has come to the floor of the U.S. Senate. But I propose my amendment to the Senator's amendment because I do not believe that we should leave the return of our prisoners of war to the good faith of the North Vietnamese.

The Senator's amendment has made a contribution. It is the first time we have had any amendment on this floor which has called for the withdrawal of American forces not only in Vietnam but also in Thailand, Laos, and Cambodia.

Mr. COOPER. Not Thailand.

Mr. BROOKE. Cambodia and Laos. For the first time. So it is an extension of all the amendments that heretofore we have been asked to vote upon. That, in itself, is something for which we in the Senate should be grateful and for which I am sure the American people would be grateful, because it would speed up not only an end to the war in Vietnam but also a disengagement of American forces in Laos and Cambodia as well.

Mr. COOPER. Mr. President, can the Senator secure time from the other side? The time remaining is almost gone.

Mr. BROOKE. May I have 1 minute?

Mr. SPARKMAN. I yield 1 minute to the Senator from Massachusetts.

Mr. BROOKE. The only fault I find with the Senator's amendment is that it does not provide for the return of American prisoners of war. I think the Senator's amendment would have a greater chance of adoption by this body if it did provide for the return of American prisoners of war.

I do not know how many of my colleagues will vote for the Cooper amendment. I do not know how many would vote for the Cooper amendment as amended. But I certainly believe that more Senators would vote for the Cooper amendment with the provision that there be a return of American prisoners of war than not. So the voice of the Senate would be loudest if it did have in the amendment a provision for the return of American prisoners of war. I think that is what the distinguished Senator from Kentucky wants, and I quite agree with him that the legislative branch of the Government does have a joint responsibility with the executive branch of the Government in the conduct of this war. We have been saying that time and time again—with the McGovern-Hatfield amendment, with the Mansfield amendment, with the Cooper-Church amendment with all the amendments we have been asked to vote upon. But all of them, to my knowledge, have contained some provision for the return of American prisoners of war.

Mr. COOPER. The Cooper-Church amendment had no such condition, either with respect to Cambodia or the one we voted on last year for withdrawal from Vietnam.

Mr. BROOKE. I stand corrected, if the Cooper-Church amendment did not have a provision for the return of American prisoners of war. But the other amendments certainly did. I think that the amendment I proposed, Mr. President, would strengthen the Cooper amendment. I hope that, rather than asking me to withdraw my amendment or not offer my amendment, the distinguished Senator from Kentucky (Mr. COOPER) would accept it, because I do not think it differs much from the spirit and the letter of the amendments he has sponsored, cosponsored, and voted for in the past.

Mr. PASTORE. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I yield.

Mr. PASTORE. Does the distinguished Senator from Massachusetts know of anything new at the peace talks whereby an official proposal was made by the U.S. Government to withdraw by a time certain which withdrawal was predicated solely and strictly on the release of our American prisoners of war?

Mr. BROOKE. I do not.

Mr. PASTORE. Is that not what we are trying to do with this amendment?

Mr. BROOKE. That is it exactly.

Mr. PASTORE. And that is the reason why, then, this is a new thought. We get the argument that we have tried everything—but not this. So I say, try this.

Mr. BROOKE. I agree with my colleague from Rhode Island. The Senator from Kentucky has misunderstood the purpose of my amendment when he says that it completely wipes out the force of his amendment. It does not do that at all. His amendment will be strengthened by it. I hope that he will seriously consider accepting my amendment to provide for the return of the American prisoners of war. If North Vietnam has good faith and if we have good faith, certainly the executives of those two Governments can get together and work out the logistics of the return of our prisoners of war and the withdrawal of our forces from Cambodia, Laos, and Vietnam. This is a matter of logistics. We do not need to worry about those negotiations. But we do have to make it a condition precedent to withdrawal of our forces that we make provision for the return of our American prisoners of war.

Mr. KENNEDY. Mr. President, will the Senator from Kentucky yield me some time?

Mr. COOPER. I promised to yield to the Senator from New Jersey——

The PRESIDING OFFICER (Mr. HANSEN). The Chair would inform the Senator from Kentucky that 2 minutes remain to him.

Mr. COOPER. How much time have I got remaining?

The PRESIDING OFFICER. Two minutes.

Mr. KENNEDY. Mr. President, will the manager of the bill be willing to yield me some time?

Mr. MANSFIELD. Mr. President, I will be glad to yield 3 minutes to the Senator from Massachusetts under the bill after the Senator from Kentucky (Mr. COOPER) has completed his remarks.

Mr. COOPER. Mr. President, I promised to yield first to the Senator from New Jersey (Mr. CASE).

Mr. KENNEDY. Mr. President, after the Senator from New Jersey has been recognized, I will be entitled to 3 minutes as yielded to me by the distinguished majority leader—is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. CASE. Mr. President, I thank the distinguished Senator from Kentucky for yielding me this time. He has rendered a great service to all of us. He has caused us again to consider what American policy in Indochina should be. I shall support his amendment and I shall also vote against the amendment which the Senator from Massachusetts (Mr. BROOKE) is considering introducing if he has not already done so.

Mr. President, it is true that the Case-Church amendment did include the prior condition of an agreement for release of prisoners of war. But I want to say frankly to the Senate that the purpose of this precondition was to prevent the absence of such a condition from being used as an argument against an amendment which people wanted to vote against for fundamental reasons. We did not include the precondition because we thought it was necessary to bring the war to an end. I do not think any preconditions are necessary. I have come to the conclusion that the Cooper amendment gives me a chance to vote for what I have always thought was the purest expression of my own views.

Now We shall be considering an amendment offered by the distinguished Senator from Massachusetts (Mr. BROOKE). In consideration of his amendment, we shall see whether Members of the Senate want a precondition, and whether the absence of such a precondition would be disabling insofar as passage of the Cooper amendment itself goes.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. CASE. Mr. President, may I have 1 more minute from whoever has some time?

Mr. SPARKMAN. I yield to the Senator 1 minute.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 additional minute.

Mr. CASE. The Senator from Kentucky is absolutely right when he says we are not abandoning our prisoners of war or those missing in action. If they are not released when our troops are withdrawn from the three Indochinese countries, we shall still have forces in that region which can be, so far as the Senator from New Jersey is concerned, and should be applied in whatever manner and in whatever degree and to whatever extent necessary to accomplish the release of our prisoners of war and the accounting for those missing in action. But, in the meantime, we will no longer be sanctioning the slaughter of innocent people. That is the primary advantage of the course of action that the Cooper amendment would bring about.

It is time we took this action in Congress because it seems it will not be taken otherwise.

I am very grateful to the Senator from Kentucky for giving us this chance.

Mr. SPARKMAN. Mr. President, may I say that the Senator from Massachusetts is recognized on my time. How much time did the Senator want?

Mr. KENNEDY. Three minutes.

Mr. SPARKMAN. I yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, I think the Senator from Kentucky has explained fully and adequately the reasons for his amendment. For many years, he has been one of the most articulate, sensitive, and outspoken opponents of the war in Vietnam. I commend him for the important amendment he has brought before the Senate today, and I hope that it will be accepted.

Mr. President, although there are perhaps few times when I have disagreed with my distinguished colleague from Massachusets, I disagree with him here this afternoon.

By voting for the Cooper amendment, I do not vote to turn my back on the hundreds of American prisoners of war in North Vietnam. To the contrary, I believe the amendment offers the best opportunity we have to bring them home. I believe that the amendment offered by the Senator from Kentucky will bring our American prisoners back home far more rapidly than the conditions which have been established by the administration for a Vietnam settlement—conditions like a guarantee that the Thieu government will remain in power, or a cease-fire throughout Indochina, or many of the other conditions the administration seeks to impose.

Mr. President, I do not see how we advance the cause of the American prisoners of war by killing more Americans in Vietnam.

The President says he wants to end the war. He says he is concerned about our American prisoners of war. There are over 450 American prisoners in North Vietnam. But in the first 3 years of this administration, 20,000 Americans have been killed in Vietnam. The casualty toll is climbing every day. Thousands more Americans have been wounded, and hundreds of thousands of Vietnamese civilians have been killed or maimed. And each day the killing goes on, more American fliers are taken prisoner.

We need a new avenue to end the war and bring the American prisoners home. For nearly 4 years, we have been negotiating in Paris to reach these goals, and we have not succeeded. I believe the amendment offered by the Senator from Kentucky offers us the most hopeful chance we have to reach our goals. As he has clearly stated, if this step does not succeed, we will still have at our disposal whatever steps the Senate and Congress and the President wish to take to insure that our prisoners will actually be released.

No one can be sure that the Cooper amendment will succeed in bringing the prisoners home, but it offers us a new and hopeful opportunity. One thing we do know, however, our American prisoners of war are not coming home under the present policy. The Cooper amendment will stop America's involvement in the killing in Indochina, and it will give us a very real chance to bring the prisoners home. I hope that the amendment of the Senator from Kentucky will be adopted.

Mr. TUNNEY. Mr. President, I support the amendment of my able colleague from Kentucky. That amendment poses to the Congress for the first time the stark issue of whether we in the Congress will take unto ourselves the responsibility for imposing a quick and unconditional end to the American involvement in the Vietnam war.

We must accept that responsibility. We have tried through almost every conceivable means to end this ghastly war We have voted upon a variety of measures. We have protested the bombing. We have decried the destruction. But we have not succeeded in ending this military adventure.

We should enact the strongest legislation possible. It must be unequivocal and unambiguous. We must create still any effective laws which will force the President to get the message that the American people want out of Vietnam.

The Washington Post this morning editorialized against the Cooper amendment. It stated that:

> The Senate cannot undo the bombing and the mining and the Cambodian and Laotian "incursion" and all the rest of Mr. Nixon's three-and-a-half-year performance in the conduct of our Vietnam war effort—including some 20,000 American dead. . . . He does not need Congress to tell him that the great majority of Americans expect that promise [to end the war] to be kept.

It appears, however, that the President does need the Congress to tell him that America wants out of Vietnam. It appears that the President, in the absence of legislation forcing him to act will not make good that promise.

While the Senate admittedly cannot undo the tragedy of Indochina, it can act effectively to deter more of the same. What can we expect in the future from a policy which has ordered in the past 3 years more bombs dropped upon Indochina than have ever been dropped in any other presidential term in history? Congress must act to stop that policy.

I for one, Mr. President, have little confidence that, in the absence of strong congressional action, the policy will soon be changed. It is imperative that the strongest possible action be taken. The Cooper amendment provides us with that opportunity. I shall support it.

Mr. TOWER. Mr. President, what the amendment before us seeks to achieve—an end to our involvement in the Vietnam war and the release of American prisoners of war held by Hanoi is unexceptionable. We all want that. But it is imperative that we consider carefully how likely this unilateral legislative approach is to achieve these purposes.

It may be helpful for us to try and put ourselves in the other side's place—to consider the view from Hanoi. How do the North Vietnamese see the situation that now confronts them?

First of all, Hanoi must feel deeply disturbed by the strength of South Vietnamese resistance to their vaunted offensive. The massive invasion is in deep trouble—despite the fact that no U.S. forces are now engaged in ground combat. Hanoi has been forced to commit almost its last reserves to hold Quang Tri, the only provisional capital it succeeded in seizing.

Beyond this, Hanoi must see the measures we have taken to interdict movement of military supplies into the north and from the north to the battlefields as casting serious doubt on their ability to continue their offensive with any hope of achieving military success. Hanoi must also, as a result, be impressed with U.S. determination to continue to support South Vietnam's resistance to their military initiatives.

Looking to their own resources for continuing this increasingly useless bloodletting, the leaders in Hanoi must find further cause for doubt and concern. Neither Moscow nor Peking gives any evidence of being willling to continue unlimited support to Hanoi's ambitions in the South. Indeed, there seems to be some reason to believe both are counseling a negotiated end to hostilities.

Under these circumstances, what can be running through the mind of Le Duc Tho, Hanoi's principal negotiator in Paris? Where can he see prospects for achieving a breakthrough for his masters in Hanoi? I regret to say that he can see those prospects only in the deliberations of this body. Only if we decide to give him unilaterally what he is in Paris to negotiate can he possibly see a light at the end of the tunnel.

And this, I fear, would be precisely the effect of our passage of the amendment before us. Hanoi would suddenly be guaranteed the very aims it seeks. The abrupt unconditional departure of U.S. forces from Vietnam and the inevitable demoralization of South Vietnam. What impulse to negotiate would still motivate Le Duc Tho? None that I can see.

Is it likely that, following this incredible achievement of their main aims by our decision in this Chamber Hanoi's leaders would, as the sponsors of this amendment apparently believe, then magnanimously release our prisoners? I rather doubt it. It is far more likely that the desire to humiliate a beaten foe would prevail.

Does anyone seriously believe that Hanoi would do any less than return joyfully to the assertion of its maximum demands now that victory had fallen so unexpectedly in its lap? I, for one, do not. And I am not prepared to abandon the prospect of a serious negotiation of an end to the war and to rely upon an incredibly naive prospect of North Vietnamese generosity.

I shall vote for the Stennis amendment to strike the Mansfield provision and I believe every sensible and thoughtful Member of this body should join me in support of it.

Mr. SPARKMAN. Mr. President, I yield back my time.

AMENDMENT NO. 1327 AS MODIFIED

Mr. ALLEN. Mr. President, I call my amendment and ask that it be stated and that it receive immediate consideration.

The PRESIDING OFFICER (Mr. WEICKER). The amendment will be stated.

The legislative clerk read the amendment as follows:

> In lieu of language proposed to be inserted by the Senator from Kentucky (Mr. COOPER), insert the following:
>
> That it is the sense of the Congress that at a time certain, not later than four months following the establishment of an internationally supervised cease-fire throughout Indochina and the return of all American prisoners of war and an accounting of Americans missing in action in Indochina, a complete withdrawal of all American forces from Vietnam shall be accomplished.

Mr. ALLEN. Mr. President, I submitted this amendment last week. It was printed as amendment No. 1327. It has had to be changed on account of the change in the parliamentary situation.

I yield myself 7 minutes.

The PRESIDING OFFICER. The Sen-

ator from Alabama is recognized for 7 minutes.

Mr. ALLEN. Mr. President, this language is, in effect, the President's language in his speech and offer of May 8.

I do not favor the amendments that the distinguished Senator from Massachusetts (Mr. BROOKE) plans to offer. I do not favor the language of the amendment of the distinguished Senator from Kentucky (Mr. COOPER), nor do I favor the language of the committee substitute which embraces the original Mansfield amendment.

Mr. President, let us analyze the language of the committee substitute which is the original Mansfield amendment as to the withdrawal from South Vietnam. No preconditions whatsoever are set. Withdrawal must be made by August 31. How in the world is that going to be done? They would have to fight their way out of South Vietnam if they ever were to come out of there.

Mr. President, as to the second phase of the Mansfield amendment—and I call it that even though it comes to us as a part of the committee substitute—there is a provision for withdrawal from all of Indochina. There is a cease-fire proposal, not on the entire front, but a cease-fire as between American troops and the troops of North Vietnam and of the Vietcong. In effect, that is a separate peace. And I could not support that proposal.

We are not engaged in a war with the South Vietnamese. We owe it to the South Vietnamese to see the matter to a successful conclusion.

If we have a cease-fire with North Vietnam and with the Vietcong, what else could we expect than that the South Vietnamese would turn on us if the battle were to continue between North Vietnam and South Vietnam.

Then we have the condition about the release of the prisoners of war and the accounting for the missing in action. I call attention to the fact that these conditions apply, not to the withdrawal from South Vietnam, not to cessation of hostilities in South Vietnam, but both of those conditions are predicated upon or have to do with the withdrawal from all of Indochina.

Now as to the amendment of the distinguished Senator from Kentucky which this language is offered as a substitute to, that amendment provides for a withdrawal from Vietnam, from Laos, and from Cambodia within 4 months without any preconditions whatsoever. It does provide for going on with the efforts to get a cease-fire and to go on with the efforts to achieve peace and to go on with the efforts to get the return of our prisoners of war. However, that is not a precondition. And if we withdraw from South Vietnam and have not been able to accomplish or obtain a peace and have not been able to get a cease-fire, with our troops there and not being able to get our prisoners of war with our troops there, how in the world will we get them released after we have pulled out?

If there was ever a time when unity in this country was absolutely essential, now is the time. We are engaged in a presidential election, and there is certainly a tendency on the part of many to seek to divide some of our people. However, here is an opportunity for the Senate to stand behind the President and not to run off in three or four different directions as the Mansfield effort, the Cooper effort, and the Brooke effort would do.

Mr. President, by the adoption of this amendment we stand foursquare behind the President of the United States in the offer he has made to the North Vietnamese.

If this amendment is adopted as a substitute for the Mansfield amendment, which is now incorporated in the substitute, it would follow that the people of the United States, and certainly the Senate, itself, are united behind the President.

This exact language was adopted by the House Foreign Relations Committee in the military authorization bill, I believe, just before the recess for the Democratic Convention. This would be in line with the sentiment of the House. It would be in line with the President's recommendations. It would show unity on the part of the Senate and unity on the part of Congress behind the President.

I believe it would contribute a great deal toward the success of the secret and open peace negotiations now underway in Paris.

Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, may I have 4 or 5 minutes?

Mr. MANSFIELD. Mr. President, I yield the Senator from Rhode Island 5 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, I think we are losing sight of the very root of this controversy. The question here is, is it America's war or not America's war? Apparently the administration has decided that this is not America's war, because we have had a policy of withdrawing.

Some people have been critical of the fact that the withdrawal has been too slow. Other people have been critical of the fact that the withdrawal has not been completed. However, presumably—and I think it has to be understood by all—the American policy with respect to Vietnam is to withdraw our troops.

The reason we mined Haiphong and began the bombing of the north again is the incursion of the north into the south. That was the justification for it. Now, whether that judgment was wise or unwise is not the question before us today.

What is it we are met with? We are met here with two extremes. One extreme is on the amendment of the Senator from Kentucky who is saying: "Let us withdraw all of our troops in 4 months in the hope" and that is what it is, "that through negotiations we can get a general cease-fire and can bring our prisoners of war back home."

I do not know who is looking into what crystal ball. I do not know how it is that all of a sudden we can trust the North Vietnamese in this month of July more than we could have a month or a year or 2 years ago.

All we know is that we have been in Paris trying to negotiate peace on the terms of the President. And those terms have not worked. The terms of the President are contained in the sense of the Senate resolution now being proposed by the Senator from Alabama. That has not worked up to now. It is my judgment that it will not work in the future.

Against that we have the proposition of the Senator from Kentucky who goes to the other extreme. He says: "Let us forget any conditions precedent. Let us agree to withdraw and maybe through negotiations—maybe through negotiations—we can get a cease-fire or at least we will get the return of our American prisoners of war."

That is where we stand now. What does the Senator from Massachusetts try to do? He is trying to innovate he has new propositions. It is new because this administration has never said that we will withdraw completely from Southeast Asia if our prisoners of war are returned. To date we have never made that proposition.

We have always tied our deal with a cease-fire. What is wrong with a cease-fire? We all hope that we can get a cease-fire and that the conflict can come to an end. However, Thieu and Ky have told us time and time again: "You Americans won't stop us. We are going to keep on fighting." So we are at the mercy of Saigon and the Government of South Vietnam as to whether we will continue.

What are we being told by North Vietnam? North Vietnam has told us time and time again: "You will get out lock, stock, and barrel, or it is no soap."

That is what we are up against. What does this all amount to? Take a good look at it. Here we are. We are hoping and praying that if we withdraw our troops in 4 months, maybe through possible negotiations the North Vietnamese will release our prisoners of war.

What does that do to that poor woman whose husband has been agonizing in a North Vietnamese jail? What will she think of us? The minute she picks up the paper tomorrow morning, she finds out that our American Government, the Senate of the United States, is saying: "Let's get out of South Vietnam and let's take our chances on whether or not North Vietnam has compassion enough to send our prisoners of war back."

Why, if I had a son in a prison in North Vietnam, I would think America had betrayed him, in doing such a dastardly thing.

That is all we are saying here today, that is all we are saying: let us trust North Vietnam to return our prisoners of war in the hope that the North Vietnamese are people of good faith—that they are people of conscience and that they will return our imprisoned Americans home.

That may be all right for you and for me. We have no one immediately at stake. But I wish we could take a plebiscite among wives whose husbands are there and mothers whose sons are there. I wish we could see their reaction when they pick up the paper tomorrow and read that we declared in the Senate this afternoon. "Go ahead and withdraw the troops and maybe Hanoi will be kind enough to send the prisoners home." That would bring a shadow of shame on the conscience of America.

Mr. COOPER addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky has no further time remaining.

Mr. ALLEN. The Senator from Montana is in control of the time in opposition on my amendment.

The PRESIDING OFFICER. The time is to be controlled by the mover of the amendment or the majority leader.

Mr. MANSFIELD. Mr. President, I yield 15 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I oppose the amendment proposed by the distinguished Senator from Alabama. He is very forthright in his statement. But for the same reasons I have given before I oppose it.

I also say to my friend from Rhode Island that he is very eloquent and he touches our hearts, as he intends to touch the hearts of the American people.

The Senator asks what we gain. We gain an end to the fighting. We gain, as the Senator from New Jersey Mr. CASE, has said, the opportunity to save American lives. We would gain a foreclosure of more prisoners of war being taken. We would gain an end of the slaughter of human life in Indochina. We could gain again the unity of the American people.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I appreciate the remarks of the distinguished Senator from Rhode Island in pointing out the need to defeat the Cooper amendment. He did not say he was for the substitute amendment that has been offered by the junior Senator from Alabama, but one might conclude that.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLEN. If I may, I would like to finish, and then I shall be glad to yield to the Senator from Rhode Island.

Mr. PASTORE. Very well.

Mr. ALLEN. But he did make a great argument in favor of the adoption of the substitute amendment because it is quite obvious from the remarks of the distinguished Senator from Rhode Island that the amendment offered by the distinguished Senator from Kentucky does not fill the bill.

This language that is being substituted is going to boil down, in effect, to a sense of the Senate Resolution, no matter what language is agreed to. We know that is true from a practical point of view. So what we are doing, if we do adopt the substitute amendment is to adopt the proposals of the President of the United States in this matter which gives us an opportunity not to go off and chase every will-o'-the-wisp that Senators think of as conditions to impose or nonconditions not to impose.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLEN. But it gives us an opportunity to stand foursquare behind the President of the United States. In my mind at this time that is something this Senate should do.

I, therefore, urge the Senate to agree to the substitute amendment.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. ALLEN. I yield the Senator such time as may be required.

Mr. SCOTT. Mr. President, I express my appreciation to the distinguished Senator from Alabama for having offered this amendment. It is representative of what the President has offered in good faith. It is representative of what we are presenting through negotiators in Paris. It is representative of the American will to get out of Vietnam, and to get out as soon as we can, consistent with our obligation to our prisoners of war and our missing in action.

It is an amendment which expresses the belief of the country and I would, therefore, like to see it as the sense of the Senate, as it has been expressed as the sense of the House. In this way we are expressing a unifying desire on the part of the American people. They desire that we move together, both executive and legislative, to perform that which is our clear duty, namely, to find the most feasible way by which opinion can be mobilized and by which action can be implemented to remove us from involvement in a war which has gone on too long, and which all Americans want us to bring to an end as honorably as we can.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the Senator from Arkansas.

Mr. McCLELLAN. The last two lines of the amendment referred to a complete withdrawal of all American forces from Vietnam shall be accomplished.

Mr. ALLEN. That is what the President said, with these two conditions.

Mr. McCLELLAN. That includes the Air Force?

Mr. ALLEN. Yes.

Mr. McCLELLAN. It does not include a withdrawal of them from Indochina. They could be stationed anywhere else and be engaged in the fighting over there.

Mr. ALLEN. That is what the amendment provides and that was the subject of the President's address to the Nation.

Mr. McCLELLAN. Is that identical to the previous Mansfield amendment passed here?

Mr. ALLEN. I do not believe the previous Mansfield amendments have called for a cease-fire. I could be mistaken. This is, in effect, as far as the President has ever gone in this regard.

Mr. McCLELLAN. I wish to say to the distinguished Senator from Alabama that I support generally this amendment. I do not know that I would want to go further, though, and withdraw all of our forces from Indochina. Under the proper conditions I would want to withdraw our forces. I think I shall support the amendment.

Mr. ALLEN. I thank the Senator.

Mr. President, I yield such time as I have remaining to the distinguished Senator from Mississippi.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. STENNIS. Mr. President, I hate to use all of the Senator's time. I understand this is a complete substitute for the Cooper amendment.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. I have consistently opposed all of these amendments. Last year we had one voted on the draft bill and the Military Procurement Act. I was opposed to it but I represented Senator MANSFIELD as best I could in conference and brought back something.

The basis for my opposition is that Congress has no negotiating power. That power rests with the President. We have no negotiating team.

This does express the sense of Congress. It is not an invasion of the executive branch. It is counsel and advice. Certainly it is near enough to what the executive has proposed so as not to cripple, hinder, embarrass, or blockade him in these sensitive, delicate negotiations going on now.

No one knows what they will bring, but we all pray they will bring something.

So in that sentiment, as a chance for the Senate to express itself within the confines of what I think are its powers, and not derogating or in any way limiting or embarrassing the Executive or encouraging the enemy. I am going to vote "Aye" for the substitute for this amendment.

Mr. ALLEN. I thank the distinguished Senator from Mississippi.

The PRESIDING OFFICER. There are 8 minutes remaining to the majority leader or his designee.

Mr. BROOKE. Mr. President I have a perfecting amendment to the Cooper amendment which I think takes precedence before a vote on the substitute amendment.

Mr. ALLEN. Mr. President, a point of order. I believe this substitute is not amendable.

Mr. BROOKE. Mr. President, I have a perfecting amendment to the Cooper amendment, which I think takes precedence over the substitute amendment.

Mr. CANNON. Mr. President, a parliamentary inquiry. Has all time expired?

The PRESIDING OFFICER. No, it has not. The point the Chair has been trying to make is that there are 7 minutes remaining to the majority leader or his designee. Is all time yielded back?

Mr. ALLEN. Mr. President, a point of order. I ask for the yeas and nays.

Mr. PASTORE. Mr. President, will some Senator yield me some time for a parliamentary inquiry?

Mr. MANSFIELD. Ask the Senator from Kentucky. He has the time.

Mr. PASTORE. Will the Senator yield?

Mr. COOPER. I yield.

Mr. PASTORE. Mr. President, is it true that the amendment of the Senator from Massachusetts would be a perfecting amendment and therefore would take precedence over the substitute?

Mr. ALLEN. Mr. President, a point of order.

The PRESIDING OFFICER. If the Senator from Massachusetts offered a perfecting amendment to the amendment by the Senator from Kentucky, then it would be in order and would take precedence over the amendment of the Senator from Alabama.

Mr. ALLEN. Mr. President, a point of order. This is not a perfecting amendment which I have introduced; it is a substitute amendment. If it were a perfecting amendment, the amendment could be perfected, whether it be a perfecting amendment or a substitute to the Cooper amendment, but in my judgment it could not be because it is not a perfecting amendment.

The PRESIDING OFFICER. That is exactly the reason why the perfecting amendment to the amendment by the Senator from Kentucky would take precedence over the amendment of the Senator from Alabama.

Mr. ALLEN. It is not a perfecting amendment, I may point out.

The PRESIDING OFFICER. The Chair is discussing the amendment of the Senator from Massachusetts.

The Senator has the right, in other words, to bring about perfecting language prior to the vote on the substitute amendment by the Senator from Alabama.

The Chair recognizes the Senator from Nevada.

Mr. CANNON. Mr. President, I send to the desk a perfecting amendment to the amendment of the Senator, on behalf of myself, the Senator from Minnesota (Mr. HUMPHREY), and the Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER. If the Senator from Nevada will suspend, does the Senator from Kentucky yield back his time?

Mr. COOPER. I would like to ask if this amendment is offered to the amendment 1325, which I offered. I yield myself 2 minutes. Is this an amendment to the amendment 1325, which I offered?

Mr. CANNON. I would like to have the amendment stated. Then I shall be glad to explain it.

The PRESIDING OFFICER. The Chair understands that the Senator from Kentucky has not yielded back all of his time, so the amendment of the Senator from Nevada would not be in order until such time.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Is the amendment of the Senator from Nevada an amendment to the amendment I offered, amendment No. 1325?

The PRESIDING OFFICER. The Senator from Kentucky is inquiring as to whether the amendment of the Senator from Nevada is an amendment to his amendment. Would the Senator from Nevada care to respond?

Mr. COOPER. I made a parliamentary inquiry. Is it?

The PRESIDING OFFICER. There has been no amendment offered yet by the Senator from Nevada. The Senator from Kentucky has control of the time. He still has some 4 minutes remaining.

Mr. CANNON. Mr. President, if the Senator from Kentucky would yield me some time, I shall be glad to explain it.

The PRESIDING OFFICER. The Senator from Kentucky has 4 minutes.

Mr. COOPER. I yield 3 minutes to the Senator from Nevada.

Mr. CANNON. Mr. President, the perfecting amendment which I propose to offer to the amendment of the Senator from Kentucky would strike out section 13(a) of the Senator's amendment No. 1325 and insert in lieu thereof the following:

> Notwithstanding any provision of this or any other Act, all United States military forces, including combat and support forces, stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam 90 days after the date of enactment of this act. No funds shall be authorized, appropriated, or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam 90 days after the date of enactment of this act. The provisions of this subsection shall not be effective unless there shall have been entered into an agreement providing for the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

That issue has not been voted on today during the parliamentary maneuvering. I may say this gets to the point the Senator from Rhode Island was making and gives us an opportunity to vote on whether we want to provide for the prisoners of war by an agreement to get them back rather than turning around and saying we are going to walk off.

I am remaining firm on the POW language; I cannot support legislation to bring the war to an end that does not provide effective protection for our prisoners of war and those missing in action. Once before this country made the mistake of not demanding a full accounting of our men prior to the cessation of hostilities in North Korea. This failure resulted in the nonaccountability of 389 men. Eighteen years later North Korea still refuses to discuss the fate of these men, although evidence exists that they were prisoners from that conflict. We must not become so impatient and propose withdrawal legislation that offers no measure of protection for the release of prisoners and the accountability of those missing.

The amendment that I offer here today makes our withdrawal from South Vietnam contingent upon an agreement for the release of our prisoners and accounting of our missing.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired. The Senator from Kentucky has 1 minute remaining.

Mr. COOPER. I yield the 1 minute to the Senator from Montana.

Mr. MANSFIELD. Mr. President, it is my intention when the opportunity offers itself to vote for the substitute offered by the Senator from Kentucky. I think he has faced up to the issue in a clearcut fashion. If we want to end the war, this is the ultimate step for doing it and goes beyond anything which we have attempted to do in this body up to this time.

There always have been precedents, there always have been conditions, but the prisoners of war are increasing, the number of casualties is increasing, the costs are increasing and there is no end in sight.

It has been said that the Congress has no negotiating power. That is right. But the distinguished Senator from Kentucky said, "But the Congress has the responsibility to assist in bringing the war to a close," and for this reason I am glad the Senator has offered this amendment.

The purpose of these amendments, substitutes, perfecting, secondary, or whatnot amendments, is not to embarrass the President, is not to impair his ability or to hinder his efforts, but to work, if we can, in tandem with him. After all, in the field of foreign policy there is a duality of responsibility between the executive and the legislative.

I shall support the substitute offered by the Senator from Kentucky because I believe he is facing up to this issue honestly and squarely.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. CANNON. Mr. President, I offer a perfecting amendment, which is at the desk, in behalf of Senator HUMPHREY, Senator CRANSTON, and myself. I ask unanimous consent that the amendment not be read—I have already read it—and that I may yield to the Senator from Rhode Island.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendment will be printed in full in the RECORD.

Mr. CANNON'S amendment is as follows:

> Strike Section 13 (a) of Amendment 1335 and insert in lieu thereof "Notwithstanding any provision of this or any other Act, all United States military forces, including combat and support forces, stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam 90 days after the date of enactment of this act. No funds shall be authorized, appropriated, or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam 90 days after the date of enactment of this act. The provisions of this subsection shall not be effective unless there shall have been entered into an agreement providing for the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government of such forces.".

Mr. PASTORE. Mr. President, the amendment of the Senator from Nevada meets the objection I had raised, and I would be honored to have my name added as a cosponsor.

Mr. CANNON. I thank the Senator very much. I will be delighted to have the Senator from Rhode Island as a cosponsor.

Mr. PASTORE. This is conditioned on an agreement that the American prisoners of war will be released and that that agreement is carried out?

Mr. CANNON. The Senator from Rhode Island is correct. I am delighted to have him as a cosponsor.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. CANNON. I yield.

Mr. MILLER. The thing that disturbs me about the Senator's amendment is that it is operative on the basis of a mere agreement. What happens if the agreement is not carried out promptly?

Mr. CANNON. Well, I must admit that this does not go so far as the actual release, which some people would desire; but at least we have to have some good faith in negotiating, to try to get our people out. We have said to them, "If this amendment goes through, we will get out in 90 days' time, if you will enter into an agreement for the release of our prisoners."

This is much more conservative than the position of the Senator from Kentucky, who would have us withdraw and hope we will get some kind of agreement at a later date. This makes it contingent upon an agreement. That is a point that does not satisfy everyone, I must say, but we must have some attempt to make some movement in the face of the impasse which lies before us.

Mr. MILLER. Will the Senator yield further?

Mr. CANNON. I yield.

Mr. MILLER. I understand this is something more meaningful than merely an outright withdrawal, but my question still is, what happens if the agreement to which the Senator's amendment refers is not carried out? That gets us into the amendment that the Senator from Alabama was seeking to put in here as a substitute, which means that not only is there an agreement, but it is carried out.

This is the trouble that I have: What happens, may I ask my friend from Nevada, if the agreement is not carried out?

Mr. CANNON. Mr. President, this is simultaneous. If we get an agreement, we remove our troops. I think we would have the body of world opinion with us. We have the opportunity to get some movement in a very difficult situation, in which there is no movement now, simply because we say, "You must make the release now."

Mr. MILLER. But what happens if that agreement is not carried out?

Mr. CANNON. Then the provisions here for ending the expenditure of funds and the withdrawal of our troops would not be self-executing. It is concurrent.

Mr. MILLER. May I suggest that I do not believe there is any contingency in the Senator's amendment which indicates that if the agreement is breached all bets are off. That is what I am getting at; if the agreement is breached does the Senator say the intention then is that the appropriation is contingent?

Mr. CANNON. I think the statement is quite clear. The amendment says:

> The provisions of this subsection shall not be effective unless there shall have been entered into an agreement providing for the release of all United States prisoners of war held by the government of North Vietnam and forces allied with such government.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. CANNON. I yield.

Mr. PASTORE. If we can withdraw all our troops, air, land, logistic, combat, what have you, in 90 days, to be sure they can release our prisoners in 90 days. If they slow down, we slow down. After all, we are not fools.

Mr. MILLER. And what happens, may I ask, if that agreement is not carried out?

Mr. PASTORE. We are still there.

Mr. MILLER. That is not what the amendment says.

Mr. PASTORE. That is implied in this arrangement.

Mr. MILLER. Then I think it would be well to make it clear, as a matter of legislative history and preferably in the amendment, that if that agreement for the return of the prisoners is breached, the troops will not be out and the appropriations will not cease. That is not what I understand is in the amendment.

Mr. CANNON. I think that is what is implied in the amendment.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. McCLELLAN. If it is implied and intended that way, why not say so?

Mr. CANNON. This is a perfecting amendment, which is not subject to amendment at this point, as I understand the parliamentary situation.

Mr. McCLELLAN. The Senator would have a right to amend his own amendment.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. KENNEDY. Following the line of reasoning the Senator from Rhode Island has suggested, where are we going to draw the line? What if North Vietnam does not release the last 10 American prisoners? Are we going to say that where we had three aircraft carriers there before we will keep just one cruiser there in the future? Suppose they fail to give an accounting for the Americans missing in action in Laos? Will we keep bombing with one jet from Thailand? How can we talk realistically about a phased withdrawal from Indochina, keyed to the return of the prisoners?

This is a point that demonstrates the wisdom of the amendment of the Senator from Kentucky. It is a clear statement of policy by Congress, free of the confusing conditions we have tried to impose for too long.

Mr. PASTORE. Mr. President, if the Senator will yield, this shows how confused we are getting. We are beginning to talk out of both sides of our mouths. A short while ago we said we were willing to act even without an agreement. Now we have an agreement put in there, and they say this is not safe enough.

Mr. KENNEDY. The question is whether we are establishing the best way to end the killing and get the prisoners back. The administration insists that there must be major conditions for American withdrawal. The President says we need three conditions; a cease-fire, a guarantee of survival for the Government of South Vietnam, and the return of the prisoners. We have lost 20,000 Americans trying to achieve that. We have spent $70 billion trying to achieve that, and we have not ended the war, we have not brought the prisoners home.

Now the question comes down to the proposal of the Senator from Kentucky. Since years of conditions have not worked, why not try the amendment he is proposing? If that does not bring the prisoners home, we shall still have whatever opportunities exist, but at least we can stop American involvement in the killing.

Several Senators addressed the Chair.

Mr. CANNON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nevada has 8 minutes remaining. There are 15 minutes remaining to the majority leader or his designee.

Mr. CANNON. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, in answer to my distinguished friend from Massachusetts, there is no one on this floor who has more admiration and respect for him than I have. The fact remains that the fly in the ointment has always been the condition of a cease-fire. I do not think Saigon wants a cease-fire. I do not think Hanoi wants a cease-fire, and they have us caught in the middle. The minute the President takes that proposition out of his proposal, I think he will get somewhere. We keep saying "cease-fire," but Thieu does not want to end the war. Hanoi does not want to end the war. We ought to get out, and not be caught in the middle.

Mr. CANNON. We took the cease-fire out of this.

Mr. PASTORE. Yes we took the cease-fire out of it.

Mr. CANNON. The second part of the amendment of the Senator from Kentucky states our policy with respect to the attempt to negotiate a cease-fire.

I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, we also have removed from this amendment any reference at all to the composition of the Government of South Vietnam, and the cease-fire provision has been eliminated. The composition of the Government of South Vietnam has been eliminated. The whole purpose of this amendment has been for us at least to indicate, as the Congress of the United States, two things; number one, our total withdrawal from South Vietnam; second, that that be conditioned on the release of the prisoners.

It seems to me Congress has that much of an obligation to those men who are prisoners of war through no fault of their own, and this is a reasonable proposition. It does not go as far as many would want. It goes far enough, at least, to indicate a policy on the part of this body.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. CANNON. I yield for a question.

Mr. BROOKE. Mr. President, I think

the perfecting amendment of the Senator from Nevada answers the objection I had to the Cooper amendment, namely, that it provides for the release of the American prisoners of war. Does the Senator include the withdrawal of American forces from Laos and Cambodia as well as from South Vietnam?

Mr. CANNON. My amendment, as such does not. The Senator from Kentucky states, in his second paragraph, which is not changed by my perfecting amendment:

> It is hereby declared to be the policy of the Congress that negotiations be continued with the Government of North Vietnam for a cease-fire, to secure the return of all United States prisoners of war held by the Government of North Vietnam and its allies and an accounting of those missing in action, and to seek an end to all hostilities in Indochina.

Mr. BROOKE. But it does not include Laos and Cambodia?

Mr. CANNON. It does not specifically. The Senator from Kentucky can answer that better.

Mr. BROOKE. Does the Senator's amendment include sea and air forces as well as land forces?

Mr. BROOKE. All forces, but it is limited to Vietnam?

Mr. CANNON. Limited to South Vietnam.

Mr. McCLELLAN. Mr. President, will the Senator from Alabama yield me 2 minutes?

Mr. SPARKMAN. I yield 2 minutes to question of the Senator.

We are talking about what the Senator's amendment implies. Does it in any way imply that we will retain any forces over there until this agreement is carried out?

Mr. CANNON. The amendment says that we would get our forces out and we will not provide funds for our forces after a period of 90 days, "provided you enter into an agreement for the release of our prisoners."

Mr. McCLELLAN. Suppose there is an agreement but no prisoners have been released at the end of 90 days. Then what happens? We are out?

Mr. CANNON. Then this provision would not apply.

Mr. McCLELLAN. We are already out.

Mr. CANNON. I do not think we are going to get completely out if we do not have some movement toward an agreement.

Mr. McCLELLAN. I do not know. That requires them to get our forces out if they have an agreement.

The point I am making is that you can have an agreement. I do not have a great deal of confidence in their promises. I do not take their word for it. I cannot.

If they promise it, then we are bound—the President is bound—by the Senator's amendment to take the forces out within 90 days, whether they perform anything or not, and I cannot agree with that.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. HUMPHREY. This only applies to the forces of South Vietnam. Other forces are in the area, but this relates to the forces of South Vietnam, in relation to the prisoners of war.

Mr. McCLELLAN. I would like to get all our forces out, if we are going to make a deal. I think we all want to get out of there. But this only confuses it, in my judgment.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, will the Senator from Alabama yield to me?

Mr. SPARKMAN. How much time does the Senator desire?

Mr. McGEE. Two minutes.

Mr. SPARKMAN. I yield 2 minutes to the Senator.

Mr. McGEE. Mr. President, I cannot fail to observe, as I listen to all sides how really spasmodic and confused we have become as a body. We are not in Paris; we are not in Hanoi; we are not in Saigon. We have a negotiating team there. The problems that even the negotiators on the spot have must be compounded many times over by the ambiguities that have pervaded this body during this dialog.

I think it ought to say one thing to each of us in turn, and that is we, the Members of the United States Senate, are not going to negotiate anything. The very most we are going to do is to confuse and compound the simple effort that is underway.

We are all hoping to get out of there. We want to get out of there with all the honor we can retain. But we are not achieving it with the kind of shotgun approach we are trying here this afternoon. I say that with respect to all my colleagues, with all the perfecting and imperfect amendments we have submitted.

For that reason, I think we ought to do better by the kind of leadership we require in a Republic as diverse and as complicated as ours, with our size and our responsibilities, and at this very late date in this question, to try to be more restrained while we hope desperately and urgently that we will arrive at a successful termination. We are not going to end it here on this floor, and for that reason we ought not complicate the problems of those who are trying to end it.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield 2 minutes to the Senator.

Mr. BROOKE. Mr. President, when I offered a perfecting amendment to the Cooper amendment, I did so only for the purpose of including in that amendment a provision for the return of all American prisoners of war. I applauded and was very grateful for the fact that Senator Cooper had extended the withdrawal area of all American forces from Southeast Asia not only to South Vietnam but to Laos and Cambodia as well.

This is the first time that the Senate has been called upon to vote on that particular issue. It is an important issue, because we are concerned with more than South Vietnam. We are concerned with Laos and Cambodia as well. That is the great contribution that I think the distiguished senior Senator from Kentucky has made in his amendment.

In good conscience, I could vote for that amendment if only it provided for the return of American prisoners of war. It does not matter to me whether it is upon release or upon an agreement, as the Senator from Nevada has stated. But I do believe that we should have a vote on that particular issue as framed by the Senator from Kentucky.

I would like to support the Senator from Nevada, but I would prefer to see us stand up and vote affirmatively for the withdrawal of all American forces from Southeast Asia, which would include Laos and Cambodia as well as South Vietnam. That is contained in the Cooper amendment. The only addition that I would suggest thereto is that we provide for the return of American prisoners of war.

I do not question the good faith of the North Vietnamese. I do not know what they will do. But neither do the opponents, who say that we should give good faith to the North Vietnamese. I do not believe that we should say that we are going to bring back our forces, until we are assured that we have the return of the American prisoners of war. Therefore, I offered a perfecting amendment to the Cooper amendment which I think would be the strongest amendment we could vote upon in this session of the Senate.

I would like to support the amendment of the Senator from Nevada. But I am concerned that it restricts itself to South Vietnam, and I think we are beyond South Vietnam at this time.

If the Senator from Nevada would accept an amendment to his amendment—if he can do it—to include Laos and Cambodia as well, coupled with the agreement on the return of the prisoners of war, then I think it is an amendment that should be accepted by the Senate.

Mr. TUNNEY. I cannot support an amendment which will impose more stringent conditions upon American withdrawal from Vietnam.

The way to insure the release of our prisoners is to terminate our involvement in Vietnam. Attaching conditions upon our withdrawal will not enhance the goal of the return of our POW's and MIA's.

Accordingly, I shall oppose the change suggested by my distinguished colleague from Nevada. It will weaken the congressional mandate to leave Vietnam. Accordingly, I am convinced that it will prolong the ultimate return of our POW's. I believe that it is a counterproductive suggestion.

Mr. SPARKMAN. Mr. President, I am prepared to yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, will the Senator yield me a minute and a half?

Mr. SPARKMAN. I yield.

Mr. MAGNUSON. I am a little confused about whether the purpose of this amendment, as amended, deals only with ground troops.

Mr. CANNON. If the Senator is directing that statement to me, no, the amendment does not deal only with ground troops.

Mr. MAGNUSON. It deals with the Navy and the Air Force?

Mr. CANNON. U.S military combat and support forces.

Mr. MAGNUSON. Because "withdrawing the Navy" is a pretty loose term. It depends upon where the President orders the Navy to be. The Navy may be cruising up and down the coast of South Vietnam, perhaps not doing anything, unless we stop the appropriation from being used for any purpose of bombardment. This is what bothers me. You can get the ground troops out, every last one of them. But what about the Air Force and the Navy? You cannot move them out. You can just stop any appropriation from being used for bombardment. Is that correct?

Mr. CANNON. Under this amendment, it would be possible, if the forces were not in South Vietnam, to have troops in other areas.

Mr. MAGNUSON. I am talking about the Navy and the Air Force.

Mr. CANNON. The Navy is in international waters.

Mr. MAGNUSON. The Navy could be any place they wanted to be. The Senator is not going to abolish the bases for the Air Force in the Philippines or in Guam.

Mr. CANNON. No.

Mr. MAGNUSON. That is what I wanted to get clear.

Mr. CANNON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, will the Senator yield me 10 seconds?

Mr. SPARKMAN. I yield 30 seconds to the Senator.

Mr. COOPER. Mr. President, I oppose this amendment, for the reasons I have stated before.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Nevada. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative desk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from North Carolina (Mr. Jordan), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 40, nays 55, as follows:

[No. 298 Leg.]

YEAS—40

Anderson
Bayh
Bentsen
Bible
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Chiles
Cook
Cranston
Fong
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Long
Magnuson
Metcalf
Mondale
Montoya
Muskie
Packwood
Pastore
Pearson
Pell
Randolph
Ribicoff
Schweiker
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Williams

NAYS—55

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Byrd, Harry F., Jr.
Case
Church
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hruska
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McClellan
McGee
McIntyre
Miller
Moss
Nelson
Percy
Proxmire
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Thurmond
Tower
Tunney
Weicker
Young

NOT VOTING—5

Ellender
Gambrell
Jordan, N.C.
McGovern
Mundt

So Mr. Cannon's amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Alabama.

Mr. BROOKE. Mr. President, I call up my perfecting amendment to the Cooper amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Strike out paragraph (b) and insert in lieu thereof the following:

(b) provided that there has been a release of all American prisoners of war held by the Government of North Vietnam or any Government allied with them.

Mr. BROOKE. Mr. President, this is a very simple amendment. The amendment provides that the American prisoners of war be released prior to the withdrawal of all American Forces from Vietnam, Laos, and Cambodia.

We have debated this amendment, even though the amendment has not been called up, for a good part of the afternoon. And I believe that my colleagues are well aware of what the amendment does.

Mr. President, let me first say that I commend the distinguished Senator from Kentucky for having introduced his amendment which calls for the withdrawal of all American Forces from Vietnam, Laos, and Cambodia within 4 months after enactment.

Mr. President, we have had many dates set in the amendments offered before the Senate. The first, I believe, was the Hatfield-McGovern amendment which called for a withdrawal of American Forces in the fall of 1971.

I believe the second was another amendment calling for withdrawal of forces by December 31, 1971.

The first Mansfield amendment called for withdrawal of American Forces by August 31, 1972; the modified amendment set a date of October 1, 1972.

The Cooper amendment provides for withdrawal of all our forces within 4 months after enactment. If we had enactment in the latter part of August, which is realistically the first that we could have enactment, it would mean that the American forces would not be withdrawn from Vietnam, Laos, and Cambodia until the beginning of 1973, long after the campaign is over, long after the election is over, and many, many years too long after the start of this war in South Vietnam and Southeast Asia.

Mr. President, the only fault I found with the Cooper amendment was that it did not provide for the withdrawal of American prisoners of war. I do not believe that we can afford to allow our American prisoners of war to stay in North Vietnamese prison camps dependent upon the good faith of the North Vietnamese to permit their release. It is as simple as that. Maybe they are acting in good faith. Maybe they will return the American prisoners of war. However, the risk is just too great to take.

I do not believe that the North Vietnamese expect us to take such a risk. I believe that they would expect us more if there were a provision included in the measure, so that the leaders of the North Vietnamese could get together with our President and negotiate as to how we would withdraw the troops and how many prisoners would be let out, and so forth.

The fact is that once we give up the presence of our troops in Southeast Asia, we have nothing to bargain with and nothing to negotiate for. And we cannot be assured that the American prisoners will be returned to us.

As my very able and distinguished friend, the Senator from Rhode Island, said on the floor, I do not want to see the Senate go on record as voting to withdraw our forces and leave husbands, fathers, and sons of American wives, mothers, and children in North Vietnamese prison camps dependent upon the good faith of the North Vietnamese.

Mr. President, that is the sole reason for perfecting amendment to the Cooper amendment. I ask the distinguished Senator from Kentucky to consider it, because I think he has a good amendment if he would only provide for the release of American prisoners of war.

My amendment does not call for an agreement nor any negotiations. It sets as a condition precedent that we will get back our prisoners of war before we withdraw all of our forces from Southeast Asia.

I want to make this clear. My amendment provides for withdrawal from South Vietnam, Laos, and Cambodia, as set forth in the amendment of the distinguished Senator from Kentucky. If there are any questions on the amendment I will be pleased to answer them. I think we have had enough debate on it. All I am asking is that the Senate vote favorably on the withdrawal of our forces, conditioned on returning American prisoners.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, we are

back at the very point where we were when I called up the amendment about 2½ hours ago.

The Senator is correct in his statement as to the purpose of the amendment. The amendment I have offered has no condition. It provides that in 4 months after the enactment of the bill all U.S. forces in Laos, Cambodia, and South Vietnam would be withdrawn, and our participation in the war, whether from the air, from other territories, or from the sea, or from the land would end. The issue is drawn clearly. I am sure every one of us has great concern for the prisoners of war, for their families, their fathers, mothers, wives, and children. All of us have been visited by them and all of us have talked to them. Many live in my State.

I offered the amendment, as I argued in my opening statement, for two purposes. One purpose was to determine whether the Senate was ready to vote for the ending of the war, the end of our participation in the war. We have never done so. Always a condition precedent has been included in an amendment, which denied the objective which the amendment proposed. I thought we should face that issue by an amendment without conditions.

The second issue is the release of prisoners of war. We can move in this circle for years by saying we will not withdraw until our prisoners of war are released, and the fighting goes on, the slaughter goes on, and the killing goes on, and more and more prisoners of war are taken.

I did not see anything about the good faith of the North Vietnamese. I do not have any regard for them. I have considered them the aggressors in the war from the very beginning. I do not have any regard for the Government of North Vietnam, that many in this country have expressed.

But, Mr. President, there are, as of July 8, 518 prisoners of war, according to the Department of Defense, and 1,243 missing in action. The prisoners have not been released and they will not be released and no accounting of the missing will be made while we are engaged in war. It is a matter of commonsense.

Is it inhumane to seek some other way to secure this release? I have said negotiation is the best way and I support the President. The North Vietnamese will do what they want to do. If this fails, I think moving out is the only chance we will have to get our prisoners of war back. We cannot guarantee it.

But what we have done has not brought them back to their families and children. We should know that as long as we are shelling, strafing, and bombing, they will not be returned.

I urge the defeat of this amendment. I thank Senators JAVITS, CASE, PERCY, KENNEDY, and MANSFIELD for supporting me in this matter.

Mr. BROOKE. Mr. President, I am certainly aware that the distinguished senior Senator from Kentucky is as much concerned about the lives of the American prisoners of war as any man or woman in the Senate, or in the United States, or elsewhere. That is not the question at all. We are concerned about the return of American prisoners of war. The question before us is: What is best? What can we do to assure that American prisoners of war will be returned? Do we take all of our troops out of South Vietnam, Laos, and Cambodia, and then say that because we have done that the North Vietnamese are duty bound to return our prisoners? Maybe they are; maybe they will; but do we want to leave it to chance? Should we leave it to chance? Can we take this chance with the lives of those men who are resting in North Vietnamese prison camps? Can we in good conscience do that?

My able colleague from Rhode Island said it is not a question of honesty; it is a question of judgment. Is that the best judgment?

I have heard many other Senators argue today, and my own senior Senator from Massachusetts said, "What can we do? It has not worked so far."

Maybe it has not, but that does not mean that it will not work. This is the first time, as pointed out today, that we have ever said to the North Vietnamese that we would withdraw all American forces from South Vietnam, Laos, and Cambodia if they will return every American prisoner of war. It is the first time. We do not know whether they will accept or not. But why should we give up everything we have, until we have explored the possibility of such an agreement?

We always talk about our good faith. Why do we not ask about the good faith of the North Vietnamese? Both parties must have good faith. We could not ask for a better quid pro quo than that.

This amendment states "all land, all sea, and all air forces." That is everything—out of three countries, South Vietnam, Laos, Cambodia. It does not say anything about the Thieu government, or a ceasefire. It says all we want is the return of all, every American prisoner of war.

Mr. President, I ask: Is that too much to ask of the enemy, the North Vietnamese? I think the answer is obvious. Of course it is not too much to ask. It is just a question of judgment.

If my distinguished colleague could give us assurance that if we pull out all of our forces from these three countries we could have a return of our prisoners of war, I would not be arguing for my perfecting amendment. But he cannot. I cannot give him an assurance either that we will get our prisoners of war back based on the offer contained in my amendment.

I agree with my distinguished colleague. We have a responsibility, as well as the Executive, to make known our views on this war. I think we should have done so long ago. I think we should have been out of Vietnam a long time ago. As I said earlier, and some Senators present now were not then in the Chamber, I have voted for every antiwar amendment that has been on the floor of the Senate. I just voted for the Cannon amendment even though I did not think it went far enough, because I thought it might have a chance of passage, and at long last the Senate would have gone on record stating its position on this disastrous war in Southeast Asia.

But this is a simple amendment. As I said in my opening remarks, if we agree to the Cooper amendment, and I hope and pray we do, and I will vote for it. I hope it will have added on to it the simple provision for the return of American prisoners of war.

I think my distinguished colleague voted for a similar amendment before, because that amendment was contained in the McGovern-Hatfield amendment. I cannot see how the distinguished Senator from Kentucky can fail to vote favorably on this amendment when consistently he, himself, has called for the return of American prisoners of war.

I cannot understand it, Mr. President. I hope he changes his mind, because I would like to see him support this amendment. I would like to see him accept this amendment. But be that as it may, I trust the Senate will accept this amendment, because I think the Senate wants to go home tonight having said to all the American people that we will not at any time pull out all of our forces until we are assured that every American prisoner of war has been returned.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. HUMPHREY. Is it not true that the bill, as reported by the Committee on Foreign Relations, on page 11, reminds us that the involvement of the U.S. military forces, land, sea, or air for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after—line 8—"the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such government?"

So the Senator's amendment relates to what was the considered judgment of the Foreign Relations Committee itself. It also relates to practically every move we have approved in the Senate, including the Mansfield amendment a year ago, including the so-called Vietnam Disengagement Act. So the Senator's amendment is consistent with determined efforts in this body to get a cessation of our involvement in all of Indochina on the one hand, and the removal of all our forces, but also a release of our prisoners of war?

Mr. BROOKE. I thank the distinguished Senator from Minnesota for calling the attention of the Senate to that provision of the Foreign Relations Committee bill. I do not recall any time when the Senate has acted otherwise. I would like to see us get out of Southeast Asia—land, sea, and air. But we have never voted to do so without first getting assurances that we would have the return of our prisoners of war.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. ALLEN. I notice that in the question that the Senator from Minnesota propounded to the Senator from Massachusetts it was with respect to section 12(b), providing that one of the conditions for withdrawal of U.S. military forces from Indochina would be the release of U.S. prisoners of war; but he neglected to mention that it also contains two other conditions. One is a cease-fire between U.S. forces and the Vietcong and North Vietnam, and the other is an accounting for all Americans missing in action who have been held by or known to such government of such forces. But the amendment offered by the distinguished Senator from Massachusetts does not contain these two additional preconditions to withdrawal from Indochina; does it?

Mr. BROOKE. I thank the Senator from Alabama for calling that to my attention. I think the Senator from Minnesota was merely addressing his remarks to the amendment before us. The language of the committee bill does go further, and includes conditions not included in my amendment. The Senator from Minnesota was only calling attention to the fact that the Foreign Relations Committee did include in the bill a reference to the return of all prisoners of war.

Mr. ALLEN. Plus the two other preconditions.

Mr. BROOKE. Yes; but that is not before us in this amendment.

WHY MUST WE SNATCH DEFEAT FROM THE JAWS OF VICTORY?

Mr. DOLE. Mr. President, I rise to express my opposition to the pending amendment. This provision is in conflict with the much broader proposals advanced by our President, proposals which, if accepted, would provide a cessation of killing and warfare throughout Indochina. However, the pending amendment offers no solution for the peoples of Southeast Asia. It merely requires unilateral American withdrawal from Vietnam, and cessation of all support for our friends in Indochina—giving Hanoi no incentive whatsoever for the release of American prisoners of war and MIA's.

Mr. President, we have seen this plan presented on several occasions in recent years, but never has it appeared at a more unfortunate time than today. It is presented to this body in the place of a generous and comprehensive peace offer set forth by our President. In this context, the amendment has the appearance of an attempt to embarrass the President at the expense of orderly American disengagement from Vietnam.

LET US CONSIDER THE CONSEQUENCES OF OUR ACTIONS

Mr. President, crucial to our discussion of legislation requiring American withdrawal from Vietnam and Indochina are consequences which the legislation will have upon both American policies and the area in question. Permit me to analyze the consequences which will most likely arise if we follow the course set by our President on one hand, or that set by the pending amendment on the other.

President Nixon intends to bring about complete American withdrawal from Vietnam in the context of a peace settlement extending to the entirety of Indochina. He has offered Hanoi attractive terms in exchange for a cease-fire. He has committed himself to withdraw American troops within 90 days of the cease-fire and return of our prisoners. The return of our prisoners and accounting for our MIA's would be a crucial element to such a settlement. This accounting and cease-fire would be confirmed by an international agency or organization.

The acceptance and compliance with these modest terms would leave the North Vietnamese and South Vietnamese free to negotiate a political settlement to the war. The outcome of these negotiations would be an essentially Vietnamese solution to a Vietnamese problem. President Thieu has acted to assure South Vietnamese self-determination by pledging to step down from the Presidency, permitting the South Vietnamese people to exercise a fresh mandate as to who will be his successor and deal with the North in the development of an Indochinese political settlement.

What would be the effect of the amendment before us? It would have us withdraw our remaining forces unilaterally, a simple act, requiring no commitment whatsoever of the Communists in return. Having deserted the South Vietnamese at the very point when they have held a vicious and massive invasion by a more numerous and heavily armed foe, we would then proceed unilaterally to negotiate a cease-fire with that foe's puppet representatives. We would not feel worthy to look to Hanoi as the source of overt aggression, but rather to that small band of "chicken thieves" in the South, their Vietcong supporters, who are now so weak as to have been quite inactive during the present invasion. Indeed, they were so weak as to have even given the lie to General Giap's vaunted doctrine of revolutionary warfare, which calls for the "people" to rise up in the cities during "set piece battles." Failure of this doctrine will have caused some wonderment among the faithful of General Giap. But, nevertheless, we would somehow find these pillars of popular strength and in effect make our peace with them.

Our prisoners would be truly made hostages by this amendment. But, that is not all. The amendment would not insure our prisoners' release, even after our men had been withdrawn. That is to say, the amendment assumes they would be released. The pending amendment would gratuitously terminate all American air-sea activity in the entirety of Indochina, giving the North Vietnamese "open season" in Cambodia, Thailand, Laos, Malaysia, and South Vietnam. This amendment proposes that we abandon our allies on a subcontinent, and not content with this, it proposes that we desert our prisoners and MIA's in return for a nonexistent commitment that Hanoi would negotiate the issue. Why should they do so? They would have us on the run, but not by military prowess. They lost that throw decisively. But they know that if the United States gives in at the very point that our allies appear to be within reach of self-sufficiency, why could they not suppose that we would not give in to further demands?

One needs to look no further than the plight of 85,000 Pakistani prisoners of war, who are being held "ransom" to a political settlement today, more than 9 months after the "cease-fire" in that war. The Senator from Kansas is not persuaded that we could expect the North Vietnamese to be any more magnanimous than the Indians. Indeed, they would be much less so. We cannot remove all incentives from our position at the negotiations in Paris. If we did, the American prisoners in Hanoi and elsewhere would then truly be deserted hostages, left utterly at the mercy of an enemy whose respect for prisoners of war and the obligations of international law is virtually nonexistent.

THIS IS A POOR ALTERNATIVE TO THE PRESIDENT'S PROPOSAL

The pending amendment comes as an alternative to the President's own comprehensive peace plan. Its timing is close enough to the deliberations on the strategic arms limitations agreements to create uneasiness among those nations whose security is linked to our policies. Finally, the amendment comes before us at a time when the North Vietnamese are still pressing a massive invasion upon the people of the south, an invasion which has been supplied with overwhelming amounts of heavy, sophisticated offensive Russian equipment, equipment which is far more powerful than what we had provided the South Vietnamese.

THIS BILL WEAKENS THE POLITICAL FRAMEWORK FOR "SALT"

We are now at a stage in our dealings with the Russians when it is more important than ever that we act responsibly. A move such as is proposed here, which would undercut the President's withdrawal policy in Vietnam, could hardly contribute to the credibility of our diplomacy in the eyes of the Russians.

Our President has taken tremendous strides in his quest for a more peaceful world. He has achieved increased understanding and agreements with nations which have been our adversaries for the past 25 years. This body has given him every encouragement in these undertakings. It has thereby helped him to take first steps toward healing problems which he inherited from recent history. The Senator from Kansas is disturbed by the apparent unwillingness of many Members of this body to encourage our President in his efforts to terminate a war, which he also inherited. Particularly, since he has demonstrated his determination to eliminate direct American involvement.

THIS AMENDMENT WOULD BE AN INVITATION TO FURTHER DEMANDS

Mr. President, the pending amendment would weaken the negotiating position of the United States in Paris and in other forums. If we were to unilaterally withdraw, we would be showing weakness to an enemy which respects only strength. We would be opening wide the door for further unilateral concessions and demand for such concessions. Perhaps Hanoi's next demand will be for "war crimes" trials of American officers, or reparations. We cannot permit ourselves to be maneuvered into such a position.

THE CREDIBILITY OF OUR FOREIGN POLICY WOULD BE UNDERMINED

The language of the pending amendment would have serious consequences for the conduct of American foreign policy far beyond Vietnam. It would set a precedent which would undermine the commitments of the United States and undercut the Nixon doctrine, which is the basis of our future relationships with friendly nations of the developing areas of the world. The Nixon doctrine in Asia and throughout the world must be sustained by the credibility of our policies in Vietnam. If we are forced to cut short our effort to sustain the South Vietnamese in their struggle against a powerful, Soviet-supplied invasion, how are we to convince other nations of the region or the world that we will honor our commitments to them? In so much as Russian armaments have provided the North Vietnamese invaders with superior firepower and force, the United States is bound by the spirit of the Nixon doctrine to equalize the contest by the use of our air and sea forces, until the South Vietnamese can meet the new threat, through their continued improvement, and the attrition of the enemy's advantages in the area of heavy armaments.

THE WORLD IS WATCHING OUR POLITICAL WILL TO ACHIEVE PEACE

The world is watching carefully as we choose our course in Vietnam. Our choice on the pending amendment is between orderly application of our declared foreign policy and departure from this policy in favor of short-term domestic political expediency.

The Russians will be watching us, weighing our resolution to remain strong in the post-summit environment. They will be watching for advantages which could serve their interests in the longer run. Weakness in Vietnam could suggest to them the likelihood of dispute and indecision in the event of future local conflicts in which our interests are involved. The proxy war which the Russians have sustained against us has been a political windfall for them.

The Japanese, now at a cross-roads themselves, will be watching our behavior, thinking of their own defenses and political and economic interests. Our performance in Vietnam will suggest the value and consistency of our commitments to them.

The Chinese are watching us with cool anxiety, for they, more than many nations, believe they have cause to fear the Russians. They would be discomforted by inconsistent American behavior and weakness, perhaps almost as much as they would welcome a Communist victory in Vietnam itself.

In the Middle East, too, the consistency and resolve of the United States will be examined. For if we lack the internal resolve to pursue an honorable and orderly withdrawal from Vietnam, what comfort could the moderate Arabs or Israelis draw from our assurances?

Europe, and especially Germany, will also be watching our behavior on the Vietnam withdrawal question. If we choose the path set forth in this amendment, it will not be lost on the Europeans that the Members of this body who now press to undercut the President's policies in Southeast Asia also are the persistent advocates of unilateral American withdrawal of forces from NATO. The Europeans have seen the pall of isolationism fall over the United States before. They would sense the erosion of our political resolve. They would foresee the possibilities of trade barriers and protectionism. At a time when Germany has made dramatic moves toward better relations with the Soviet Union and the nations of Eastern Europe, a strong sign of inconsistency and weakness on the part of the United States would have disasterous effects. The memories of America's isolationist past would be evoked, and prospects for Russian concessions leading to mutual, balanced, force reductions—MBFR—in Europe would be reduced accordingly. "Ostpolitik" in Europe is a policy based upon calculated risk and strong American support. Should Germany sense a weakening of American resolve, her position will be dramatically weakened vis-a-vis the U.S.S.R., and the political reactions will scarcely be to our liking.

The nations of the world are watching the United States, for the stability of the international scene depends to a large extent upon the consistency of our foreign policy. The Senator from Kansas strongly believes that the pending amendment is clearly inconsistent with our foreign policy and that it would be harmful to American interests in Asia and elsewhere. The advances of modern technology have boosted communications to an extent to which the actions of a major nation anywhere on earth can have serious repercussions. We live on a shrinking planet and no longer can afford the luxury of capricious behavior.

STRENGTH AND CONSISTENCY ARE INDISPENSABLE COMPONENTS OF A SUCCESSFUL FOREIGN POLICY

The lesson of history is that success favors the nation which behaves with consistency of purpose. It also shows us that political consensus and a will to use strength when necessary are also consonant with national survival and success. The language of the pending amendment departs from our policy by giving an enemy something for nothing. It removes our troops while asking nothing in return. Further, it would leave the subcontinent at the mercy of Hanoi by pulling out our aid, sea, and air support for the free nations of the region, while not even requiring that they release our men held as prisoners of war and account for those who are missing in action.

The perils of such a policy reach even beyond the question of deserting our POW's or our friends on a subcontinent. The pending amendment would undermine the overall credibility of U.S. foreign policy by undercutting the President's own proposals and directly strengthening the hand of the enemy in Hanoi.

Mr. President, the language of the amendment before this body comes at a most unfortunate time. We have just begun to resolve our adversity with the Russians. Our friends in South Vietnam show signs of vast improvement and of turning back the invasion from the North. We have enjoyed a year of unprecedented successes in establishing a credible foreign policy for both now and the foreseeable future. These successes have, at least in part, been due to respect which our erstwhile adversaries in the international picture have shown for President Nixon's consistency of purpose and credibility. And in no small measure, the respect shown to President Nixon has arisen from his capacity to keep the United States strong in both a political and military sense. Strength and resolution of purpose made the President's journeys for peace possible. They led to arms limitation agreements. We cannot afford to be weak in the face of seeking a settlement to the Vietnam war. The pending amendment would be no less than an admission of weakness and a declaration of no confidence in our President at a time when he most deserves our confidence.

Mr. BROOKE. Mr. President, I would like to take this opportunity to clarify one point regarding my amendment to the Cooper amendment. Questions have been raised, by my colleagues and by members of the press, as to when the Cooper amendment, as amended, would take effect.

I intended to change nothing in section (a) of the original Cooper amendment. As I said in debate on the amendment, the 4-month period during which funds could be used only for withdrawal, or protection of the withdrawal, of American forces from Indochina, would begin on the date of enactment. I have only imposed the condition that, during the time when our troops were being withdrawn, comparable provision should be made for the return of American prisoners of war.

As I explained earlier in the colloquy on my amendment, the details of the return of our prisoners and the withdrawal of our troops could be worked out by the executives, the leaders, of the United States and the North Vietnamese, and their allies. But I want to make it absolutely clear that my intent in proposing the amendment, was that the troops would be withdrawn and the prisoners returned simultaneously.

Mr. SPARKMAN. Mr. President, I yield back my time.

Mr. BROOKE. Mr. President, I yield back my time.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having expired or having been yielded back, the question recurs on the amendment of the Senator from Massachusetts to the amendment of the Senator from Kentucky. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana, (Mr. ELLENDER), the Senator from Georgia, (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "Yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 63, nays 32, as follows:

[No. 299 Leg.]

YEAS—63

Allott
Anderson
Baker
Bayh
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Hartke
Hatfield
Hollings
Humphrey
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
McClellan
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Williams
Young

NAYS—32

Aiken
Allen
Beall
Bellmon
Case
Church
Cooper
Eagleton
Eastland
Ervin
Fulbright
Goldwater
Gravel
Harris
Hart
Hruska
Hughes
Javits
Kennedy
Mansfield
Mathias
McGee
McIntyre
Nelson
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Tunney
Weicker

NOT VOTING—5

Ellender
Gambrell
Jordan, N.C.
McGovern
Mundt

So Mr. BROOKE's amendment to Mr. COOPER's amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Alabama.

Mr. ALLEN. Mr. President, I ask unanimous consent that the amendment be read again.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

In lieu of language proposed to be inserted by the Senator from Kentucky (Mr. COOPER) insert the following:

That it is the sense of the Congress that at a time certain, not later than four months following the establishment of an internationally supervised cease-fire throughout Indochina and the return of all American prisoners of war and an accounting of Americans missing in action in Indochina, a complete withdrawal of all American forces from Vietnam shall be accomplished.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. As in the first reading of the amendment, the clerk mentioned "the amendment of the Senator from Kentucky (Mr. COOPER)." Does that mean the amendment of the Senator from Kentucky as amended by the Brooke amendment?

The PRESIDING OFFICER. That is correct. It would be the amendment of the Senator from Kentucky as amended by the amendment of the Senator from Massachusetts (Mr. BROOKE).

Mr. HUMPHREY. Mr. President, a further parliamentary inquiry.

Tre PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. As I understand, the Allen amendment is a substitute for the Cooper amendment as amended.

The PRESIDING OFFICER. That is correct. As amended by the amendment of the Senator from Massachusetts.

The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 45, nays 50, as follows:

[No. 300 Leg.]

YEAS—45

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jackson
Jordan, Idaho
Long
McClellan
McGee
Miller
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Stafford
Stennis
Taft
Talmadge
Thurmond
Tower
Young

NAYS—50

Bayh
Bentsen
Bible
Brooke
Burdick
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—5

Ellender
Gambrell
Jordan, N.C.
McGovern
Mundt

So Mr. ALLEN's amendment was rejected.

The PRESIDING OFFICER (Mr. CHILES). The question now recurs on agreeing to the amendment, as amended, of the Senator from Kentucky (Mr. COOPER).

All those in favor will say "aye"——

Several Senators requested the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Lousiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 50, nays 45, as follows:

[No. 301 Leg.]

YEAS—50

Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

NAYS—45

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jackson
Jordan, Idaho
Long
McClellan
McGee.
McIntyre
Miller
Packwood
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Taft
Thurmond
Tower
Weicker
Young

NOT VOTING—5

Ellender
Gambrell
Jordan, N.C.
McGovern
Mundt

So Mr. COOPER's amendment, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVENTION FOR THE SAFETY OF LIFE AT SEA—REMOVAL OF INJUNCTION OF SECRECY

Mr. SPARKMAN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the amendments to the Convention for the Safety of Life at Sea, 1960—Executive O, 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the amendments with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

I herewith transmit for the advice and consent of the Senate 11 amendments to the Convention for the Safety of Life at Sea, 1960.

Three of these amendments were adopted on November 26, 1968, by the Assembly of the Intergovernmental Maritime Consultative Organization (IMCO) at its fourth extraordinary session held in London November 26–28, 1968, and are annexed to the enclosed certified copy of Resolution A. 146 (ES. IV). The other eight amendments were adopted on October 15–29, 1969, and are annexed to the enclosed certified copy of Resolution A. 174 (VI).

The three amendments adopted in 1968 are the outcome of studies undertaken by IMCO in 1967 following the *Torrey Canyon* tragedy. They are preventive measures designed to avoid the repetition of such disasters by requiring that specified navigational equipment be carried aboard certain vessels, specifying conditions of operation that must be met by vessels using automatic pilot, and requiring that all ships subject to the Convention carry adequate and up-to-date nautical publications.

The 1969 amendments are designed to improve requirements for firemen's outfits and personal equipment in cargo ships as well as requirements for lifebuoys, lifejackets, radio installations, and shipborne navigational equipment.

For the information of the Senate, I am also transmitting the report of the Department of State with respect to the amendments.

I recommend that the Senate give swift and favorable consideration to all of these amendments.

RICHARD NIXON.

THE WHITE HOUSE, *July 24, 1972.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that Mr. Ruppe had been appointed as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 634) to amend the Mining and Minerals Policy Act of 1970, vice Mr. McClure, excused.

The message also informed the Senate that the Speaker had appointed Mr. SYMINGTON of Missouri, and Mr. MOSHER of Ohio, as additional managers on the part of the House at the conference on the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a national environmental data system; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mr. DINGELL, and Mr. PELLY were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mrs. HANSEN of Washington, Mr. OBEY, Mr. YATES, Mr. GALIFIANAKIS, Mr. MAHON, Mr. McDADE, Mr. WYATT, Mr. DEL CLAWSON, and Mr. BOW were appointed managers on the part of the House at the conference.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. STENNIS. Mr. President, I call up my amendment No. 1229 and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will please come to order.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

Mr. STENNIS. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will please come to order. Attachés will please take their seats and Senators will please take their chairs.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the status of subsection (b) to section—what is the status of section 12 in its entirety at the present time? Is it as appears in the original bill or has there been a change in the meantime?

The PRESIDING OFFICER. The amendment of the Senator from Kentucky as amended by the Senator from Massachusetts has stricken the entire section and substituted new language for section 12.

Mr. MANSFIELD. In other words, section 12, subsection (a) and subsection (b) as appear in the bill on pages 10 and 11 as originally introduced, has been knocked out of business.

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. There has been a unanimous-consent agreement here to vote on this amendment that I have called up, amendment No. 1229, wherein the Senate commits itself to a vote on section 12, or whatever it was, or whatever section 12 might become. I make that point of order, as to whether the amendment is still applicable and I ask that there be consideration of and a vote upon this amendment. I ask for a ruling.

Mr. PASTORE. Mr. President, may we have order.

Mr. STENNIS. Mr. President, if I may make a further point, if the Chair would read the agreement we have been operating under all day, that agreement would make very clear what the Senate already has done. It becomes part of the procedure, it is locked in, and it cannot be deviated from.

The PRESIDING OFFICER. The unanimous-consent agreement does not specify what the amendment of the Senator from Mississippi would be. It simply states a unanimous-consent agreement to consider an amendment from the Senator from Mississippi.

Had the unanimous-consent agreement specified an amendment numbered so-and-so, then the matter would be locked in, as the Senator intimated.

Mr. STENNIS. If I may, I make this further point of order. There is no other amendment here in all these considerations, except this one amendment with my name on it, that I am connected with in any way. It was on the table then and under control of the Senate when the unanimous-consent agreement was made. It could not have been referring to any other amendment except the one to which I now refer. It was here with a number on it. There was no other amendment then nor has there been since that time.

It certainly will set a bad precedent if the Senate could abandon its original order just because something happened here to a section of the bill and a substitution was made.

I respectfully submit this is something that is highly important. It would set a bad precedent and it would not be easily amended.

The PRESIDING OFFICER. Under the rules the amendment has no status until the amendment is called up. The Senator would have been free to substitute any amendment for the amendment that was at the desk, or to have withdrawn the amendment that was on the desk, the amendment having really no effect until it was called up.

Mr. STENNIS. I respectfully submit that that is a far-fetched reason; that some Senator could come here, put in an amendment, get an agreement to vote on it, then come back and put in another amendment and claim that the original agreement applied to his second amendment. Senators rely on what happens on the floor of the Senate. They rely on the promise of one Senator, much more the promise of 99 Senators. Here is a written promise that we are going to take up these amendments consecutively. There is no question about that. Everyone was here and heard the leader call them out. There is no question about that. It is in the RECORD of July 21, 1972. Everyone went his way and made preparations and we came back here and lived up to this agreement. We have gotten down to this point and said that it should apply to some other amendment somewhere else that the Senator from Mississippi introduced.

I respectfully submit that in effect it is saying, "We did not mean what we said yesterday. By a substitute or something else the Senator from Mississippi could have brought up some other amendment." That would not have been tolerated for 1 minute. Such an attempt would have been repudiated and the Senator from Mississippi would have been reprimanded for having tried to pull such a stunt. After having agreed to vote, the Senate is ruling out a Senator's amendment, just because a different situation has resulted as to the state of a section in the bill.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STENNIS. I would be glad to yield if the Senator would say what amendment the Senator had in mind when he made the unanimous-consent request.

Mr. ROBERT C. BYRD. I was under the impression at the time the agreement was offered that the amendment which the distinguished junior Senator from Mississippi would offer would be an amendment to strike—I did not know the number of the amendment. I went to the journal clerk prior to proposing the agreement and asked the number of the amendment. I was able to secure the number of the Mansfield amendment and the Cannon amendment, but the Journal Clerk could not supply me, at that time, with the number of the amendment by Mr. STENNIS.

So I simply say that it was my impression at the time—and I think it was the impression of every one present—that the amendment which was being referred to as the amendment by Mr. STENNIS was the one amendment to strike. I had no other way of identifying the amendment at that time. I simply say this, hoping it will help resolve the situation fairly to the Senator.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. It was my recollection that it was for the purpose of striking section 12.

Mr. STENNIS. Of course, section 12 was the only thing in the bill at that place at that time. We could not have anticipated anything else being there but the substance of the bill—to strike section 12 or anything that was in the place of section 12.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ALLEN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Would it not be possible for the distinguished Senator from Mississippi to accomplish the same purpose by offering at this time a substitute to the committee substitute which would incorporate all the provisions of the committee substitute save and except section 12?

The PRESIDING OFFICER. A substitute to the committee substitute would not be in order unless there were various other differences and substantive changes—not just that one difference.

Mr. ALLEN. How many substantive changes would it take, the Senator from Alabama will ask the Chair?

The PRESIDING OFFICER. The purpose of the substitute would have to be that it was not just intended to get to that provision, and to do indirectly what could not be done directly.

Mr. ALLEN. Suppose we left out more than one section or incorporated another section.

The PRESIDING OFFICER. The Senator is asking the Chair to rule on hypothetical questions now.

Mr. ALLEN. Very well. I suggest the absence of a quorum——

Mr. MANSFIELD. Mr. President, will the Senator withhold that?

Mr. STENNIS. Mr. President, who had the floor?

The PRESIDING OFFICER. The Senator from Mississippi was making a parliamentary inquiry of the Chair. The time is under control. The Chair needs to know who is yielding time.

Mr. STENNIS. Mr. President, who has control of the time?

Mr. MANSFIELD. Mr. President, I think the Senator from Alabama has control of the time.

Mr. SPARKMAN. Mr. President, if I have control of the time, I yield 2 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. President, I yield 1 minute to the Senator from Montana (Mr. MANSFIELD).

Mr. MANSFIELD. Mr. President, my recollection on the one agreement is as I stated it. The distinguished Senator from Mississippi had in mind offering a motion to strike all of section 12, including subsections (a) and (b). The situation now has changed somewhat because the original section 12 in toto, as contained in the pending bill, has now been knockled out and been replaced by the Cooper substitute, as amended by the distinguished Senator from Massachusetts (Mr. BROOKE).

Therefore, Mr. President, even though there is this change, I ask unanimous consent—and I hope the Senate will agree—that it may be in order for the Senator from Mississippi to call up his amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Mississippi may offer his amendment to strike.

Mr. STENNIS. Mr. President, I thank the magnanimity of the Senator from Montana and the magnanimity of the other Senators. I think we have avoided setting a very injurious precedent that would plague us for a long time with reference to getting unanimous-consent agreements.

Very quickly now, for the information of the body, there are 3 hours reserved on the motion to strike.

The PRESIDING OFFICER. Does the Senator call up his amendment at this time?

Mr. STENNIS. Yes, I thank the Chair.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> On page 10 strike all of section 13, as amended.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield myself 15 minutes on the amendment.

Mr. HARTKE. Mr. President——

Mr. STENNIS. Mr. President, I want to be certain that the amendment now applies——

Mr. PASTORE. Mr. President, may we have order so we can hear?

Mr. HARTKE, Mr. President——

The PRESIDING OFFICER. As the bill has been amended, it would be section 13.

Mr. STENNIS. Mr. President, I ask unanimous consent, then, that the amendment be allowed to apply to section 13.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I do not propose to take over 10, 12, or 15 minutes to argue the proposition of the motion to strike. If any other Senator wants to speak on it, if he will just speak up now, we can put the time together. Then I shall be glad to yield the remainder of the time back, and we will take just 20 or 25 minutes.

The Senator from Colorado indicated he wanted 5 minutes. There will be some debate. I would like to have 20 minutes.

Mr. MANSFIELD. Mr. President, would the Senator agree to a 40-minute limitation?

Mr. STENNIS. Not to exceed 1 hour, and we will probably yield it back, or some of it, at least.

Mr. AIKEN. Mr. President, is the Senator including more than the striking of section 12 in his amendment?

Mr. STENNIS. The parliamentary situation is that my amendment would really now apply to section 13, under the unanimous-consent agreement. I asked that it be amended to that effect.

Mr. AIKEN. But the old section 12 on page 10——

The PRESIDING OFFICER. The Chair cannot hear the Senator from Vermont.

Mr. STENNIS. Frankly, I do not understand how section 12 got out. Has it been totally eliminated already?

The PRESIDING OFFICER. Will the clerk please report section 13 as amended?

Mr. ALLOTT. Mr. President, will the Senator yield to me for a parliamentary inquiry?

Mr. STENNIS. Mr. President, I think we ought to straighten out this parliamentary situation here so that it will be certain.

Mr. ALLOTT. I think this will do it.

The PRESIDING OFFICER. If Senators will withhold, we will have the clerk report section 13 as amended.

The legislative clerk read section 13, as amended, as follows:

> (2) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act.
>
> (b) Provided that there has been a release of all American prisoners of war held by the government of North Vietnam or any government allied with them.

Mr. STENNIS. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. My amendment now, under the parliamentary situation, is a motion to strike which applies to section 13 as read. Is that correct?

The PRESIDING OFFICER. Under the unanimous-consent agreement, it does.

There will be 3 hours of debate, equally divided.

Mr. STENNIS. One other parliamentary inquiry, Mr. President. I still want to know what becomes of section 12 under the bill that we have been debating.

The PRESIDING OFFICER. Under the amendment, the bill was renumbered and section 12 became section 13.

Mr. STENNIS. And the language of section 12 as in the bill as printed and on our desks no longer is in the bill?

The PRESIDING OFFICER. The language in section 12 as it appears in the printed bill was replaced by the amendment of the Senator from Kentucky as amended by the amendment of the Senator from Massachusetts, which became section 13.

Mr. STENNIS. Very well.

Mr. MANSFIELD. Mr. President, I ask that there be a time limitation on the pending Stennis amendment of not to exceed 1 hour, the time to be equally divided between the distinguished Senator from Mississippi and the distinguished senior Senator from Idaho, the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. That is not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 10 minutes or so much time thereof as I may use, and I ask the attention of the Senate on this matter.

The PRESIDING OFFICER. The Senate will be in order. Senators will please give the Senator from Mississippi their attention.

Mr. STENNIS. Mr. President, those who wish to speak for the amendment I propose will please let me know.

We have debated this subject matter this afternoon, and have had a very fine exchange of thoughts and heard many expressions here by individual Senators of their positions. I do not think that a majority of the Members is yet fully satisfied with the bill in its present form on this subject matter. I think there ought to be a clearcut vote now as to whether or not this language, as substituted for what we have been calling the Mansfield amendment, should actually become law.

My position on this issue has been clear all the way through. I have engaged in these debates by virtue of having been floor manager of some bills last year, and now we are in the subject matter again. I am fully convinced, in my own concept of the Constitution of the United States, particularly as to the responsibility of the executive branch of this Government to carry on negotiations. Certainly we have responsibility, but to carry on the negotiations that power and that responsibility are vested and placed with the President of the United States.

If I may have the attention of the Senate just a few minutes, this provision we are now discussing, the first part of it, goes to the very heart of cutting off—and it does cut off—all the funds from any bill for all of this war we are unfortunately engaged in over there, without any limitations, without any conditions or anything else, save the mere one point of the release of our POW's. Of course, that is a point we are all interested in, and it is one of the primary reasons for continuing the war, to get those prisoners released.

But, Mr. President, there is much more involved. I want to make it clear, I think Congress has the full authority to cut off the money. This is not, however, the question at issue. Congress has tried faithfully to deal with this thorny problem in similar legislation for well over a year. Little has really been accomplished; certainly real results have not been obtained.

I believe the reason is, or at least the hard facts are, that these amendments that we have passed in years past, last year, and this year, and are considering today, are purely negative positions. This amendment has no affirmative value under the circumstances existing now. Congress has no negotiating team and has no negotiating authority whatsoever to deal with North Vietnam. And no one knows that any better than they do. Congress has no authority or power to create a team of negotiators to represent our Nation in an effort to get our POW's and MIA's released and otherwise terminate this war. That authority is not vested with us. And, as I say, they know that.

We are expressing opinions here. We are expressing consensuses here. We are expressing the sense of Congress, and so forth, but we are not dealing with authority. That authority rests only with the executive branch in our Government, which is headed by the President, who is now Mr. Nixon.

Senator McGOVERN, the nominee of the Democratic Party for President of the United States in the forthcoming November election, has a very definite position on this question, of course, but he has no power whatsoever to form a negotiating team to represent us in dealing with Hanoi and other nations toward ending the war and getting our POW's and MIA's back. He cannot speak for us nor bind us on these or any other grounds.

Who, I repeat, has the power to negotiate, to make agreements binding on us and on them? The President of the United States has that authority, to make such agreements that are binding on them and on us. The present President has every reason that a President could have to be doing his very best. I believe he is doing his best. But regardless of my opinion about that, on whether or not he is doing his best, this is now a question of power. And all the binding personal pressures and pressures of official duty are bearing down on him now.

I am talking about the President of the United States. He has made promises to do everything that he humanly can to achieve this end, and within about 100 days from now he will be coming up for review before the people—all the people—to whom he personally made these repeated promises. So this man, who has the power, the responsibility, the obligation, and the direct accountability, Richard Nixon, is the man in a position to get results if they can be had.

I warn, now: Do not try to take that power away from him, directly or indirectly. Let us not relieve him of that responsibility by a purely negative act like passing this section, section 13, as now constituted. Especially should this be true at a time when there may be something brewing and the parties may be moving closer together. This amendment puts the pressure on the wrong party. The pressure should be put on Hanoi, not on the President of the United States. The fact is, though, that this amendment would tend to take the pressure off of Hanoi. No one intends to help them. Of course, we do not. But I say it would tend to take the pressure off of Hanoi, and I do not believe anyone can successfully deny that statement.

I believe this is an extremely delicate time to be dealing with this subject. All the evidence shows that it is. That is not disputed. It is not denied. No one discounts, in this debate, at least that there are sensitive, tender, delicate things going on, movements occurring, that may have a substantial bearing upon the successful termination of this war. Who would want to disturb that? No one, I think, would willfully do such a thing.

But just as certainly, as great as the temptation may be here to pass something, that is exactly what we are doing: Taking some of the pressure off of Hanoi and putting more pressure on the President of the United States.

But beyond question, Hanoi is hurting now. The blockade and the recent bombing have changed the picture. They are hurting in North Vietnam, and North Vietnam is hurting in South Vietnam. The South Vietnamese are successfully taking the initiative, sustaining an initiative from week to week, in major engagements there in South Vietnam. This seems to be reflected in Paris, where dual negotiations are underway, one publicly, in charge of Ambassador William Porter, and the other in charge of Dr. Kissinger.

Let us not give away any bargaining point of any kind. Let us keep the responsible head of our Government responsible.

This amendment, I think, would imperil the negotiations. It could undercut and destroy the President's bargaining power to a great proportion. Thus, it would relieve the President of his responsibility and give him an excuse, if he wants an excuse, for no results. Moreover, Congress would have solved nothing, in my humble opinion, by this move, and this language just ought not to happen.

So I hope, Mr. President, that, on consideration and second thought and deliberation and a clearcut issue here, we will drop this section from the bill.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield back whatever time I did not use, Mr. President.

Mr. CHURCH. I yield 5 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, I rise in opposition to the motion to strike.

This is the first time since the war in Vietnam began that the Senate has ever voted on a true end-the-war amendment. It is a historic occasion. It is an occasion long overdue. We started many years ago debating the war in Vietnam. Unfortunately, the Senate passed the Gulf of Tonkin Resolution. Those who voted in favor of it, in the main, have regretted that they voted for that resolution.

We saw the war grow and grow until at one time we had 543,000 or more American troops in Southeast Asia. I believe the American people think we made a mistake in going into Southeast Asia. Our President inherited the war. I have given him credit for what he has done to reduce the violence, and the deaths of American men. I have been critical of the continuation of the war, of the bombing, of the loss of life, not only of our own American men, but also of the Vietnamese people themselves. No one fails to give President Nixon credit for what he has done, though some of us have differed with him as to how best to extricate ourselves from Southeast Asia.

I have also differed with the President in that he has taken the position of so many Presidents that the war is an issue which is reserved practically to the executive branch of Government. I do not believe that. I do not believe the Constitution says that. I think it would be bad for the country if that were the fact. And, as I said earlier, I have voted against every antiwar amendment that has come before the Senate of the United States.

I think that the Senate—Congress—has a very grave responsibility, first, to declare war and, second, to determine the location and the level of the conflict.

Now, Mr. President, at long last, the Senate has expressed its will. It has voted for an amendment which was proposed by my distinguished colleague, the senior Senator from Kentucky (Mr. COOPER), a man who has not always believed that the legislative branch of Government should act in this war. I think I quote him correctly when I say that he has believed that the President was responsible in the main for the conduct of the war; and the Senator from Kentucky has voted against certain antiwar amendments because of that very strongly felt belief. But he has offered, at this time in our history, a most significant amendment, an amendment which goes further than any amendment to which we have ever addressed ourselves before. In his amendment he said that we should withdraw from South Vietnam, from Laos, and from Cambodia all American forces—land, sea, and air—and that this should be done within 4 months from the enactment of the legislation. It is a simple amendment on its face, but a very powerful amendment, a very important amendment. It is important not only to the United States of America, but also to the peace of the entire world.

I want to support that amendment, and I do support that amendment. But I did not feel that my colleagues would support that amendment without a provision thereto that we would be assured of the return of all American prisoners of war.

Mr. President, I do not intend at this time to restate all the arguments I have made in behalf of the amendment to the Cooper amendment. But I think we should not, in good conscience, end this day, now that the Senate has voted in favor of this amendment, by allowing this amendment to be stricken, as proposed by the distinguished chairman of the Committee on Armed Services.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BROOKE. I ask for 2 additional minutes.

Mr. CHURCH. I am happy to yield 2 additional minutes to the Senator.

Mr. BROOKE. Now that we have come to this point, at long last, I hope and pray that every Member of this august body who voted for the Cooper amendment, as amended, will vote against the motion to strike. I go further, Mr. President: I ask some of those who voted against the amendment, as amended—for very honest reasons of their own, I am sure—including the distinguished senior Senator from Kentucky, to vote against the motion to strike and to say to the American people that the Senate of the United States had the courage of its conviction and voted to bring an end to this war, at long last. And it is at long last, for even under this amendment, the troops do not have to be out before 1973, for all practical purposes.

So I think the motion to strike should be defeated, and I urge its defeat.

I thank my distinguished colleague, Senator CHURCH, for giving me this time.

Mr. CHURCH. The Senator is most welcome.

Mr. President, I yield 3 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, this amendment has now fallen into the care and custody of 50 Senators, half the Senate. I regret, as does Senator BROOKE, that the Senator from Kentucky (Mr. COOPER) did not feel that he could accept the proviso put on by Senator BROOKE. I could not do so, either, and I voted against the original Brooke proviso. But now, having the opportunity to effectuate a massive step forward, I could not see it rejected, and so voted to sustain the amendment, as amended. I hope very much that the Senate will do the same, including my beloved colleague, Mr. COOPER. It is only fair to him. But from now on, 50 Senators are in charge.

The major question to be answered is this: In respect of the constitutionality or the lawfulness of a funds cutoff, the McGovern-Hatfield, the Church-Case amendments to the Cooper-Church amendments proceeded on the same basis. That is the way to do it in the absence of a war powers bill or some other effective legislation such as I and others are sponsoring.

But one question I should like to answer is: Why now? Why act now? Someone said there were eight killed in Vietnam last week but 57 were killed or murdered in New York last week.

So, why now?

The answer is that the Vietnam war continues to be the single most disruptive and unsettling factor in this country, whether it is because we spend $1 billion a month, whether it is because we have an enormous amount of alienation in this world, whether it is because our young people are thinking that we are immoral, or whether it is because we are building a heritage in Asia of bombing innocent civilians, for these reasons, to be able to say that every day we delay we jeopardize the future of this country.

So the answer is now.

Perhaps it is like that old slogan, "Eventually, why not now?"

The President's negotiations, creditable as they are in drawing down our troops, still does not take away the double veto of Hanoi, with its hands on our prisoners of war, and Saigon with its hands on self-determination. So we still have a built-in double veto.

This is a big step forward so that we may break it. As the distinguished Senator from Rhode Island (Mr. PASTORE) said, this is the first time we have had a funds cutoff and determination to end the war with only one condition and that is the release of our prisoners. So we are trying something new. We are trying, because only Congress can do it. The President is too deeply involved now, with all the caveats and provisions and all the other commitments he has undertaken, including his own reelection, to do it himself.

What 50 Members of the Senate have to determine is that the time has come to stop the most improvident, the most profitless, the most disruptive commitment this country has ever undertaken in its history.

Charles de Gaulle, with all his other attributes, showed one thing with regard to Vietnam, that the way to end is to end, and it did not do anything for France except to make her stronger and better and more effective and more stable and easier to govern.

It will do the same thing for the United States.

It was not our war to start with. We were there to help other people get self-determination, which is a laudable and moral aim. But there comes an end to that. That end was reached some years ago. It certainly has been reached now.

So, Mr. President, for all these reasons, now that our hand is on the throttle, let us not release it.

Mr. AIKEN. Do I understand the Senator from New York correctly to say that the amendment which the Senator from Mississippi seeks to strike provides for a cutoff of funds?

Mr. JAVITS. No. I said that he seeks to strike the whole thing. We have enacted it.

Mr. AIKEN. As I understand the Brooke amendment, it would delete paragraph (a) of the old section 12 which provides for a cutoff of funds after a certain date.

Mr. JAVITS. As I read the amendment,

the cutoff of funds reads, in 13(a)—and the proviso is tacked on to the funds cutoff—that is, provided that there has been a release of all American prisoners of war held by the Government of North Vietnam or any government allied with them. That becomes a proviso to the funds cutoff and the mandatory termination of our involvement, not only in Vietnam but also in Laos and Cambodia. That is now 13(a).

Mr. BROOKE. The Senator is correct. The amendment I have proposed does not change the language of the original Cooper amendment with the exception that it strikes out what was then paragraph (b).

Mr. AIKEN. Paragraph (b)?

Mr. BROOKE. It leaves paragraph (a) intact.

Mr. AIKEN. Leaves paragraph (a) of section 12 on page 10 intact? Which deletes all funds which would be available for the withdrawal of our troops or any other military use we might have?

Mr. JAVITS. Except withdrawal.

Mr. BROOKE. Except withdrawal and except provided that there has been the release of all our prisoners of war held by the Government of North Vietnam or any government allied with them.

Mr. AIKEN. Do I understand correctly that the Senator from Massachusetts means there would be no stopping of funds until 4 months after the release of all our American prisoners of war?

Mr. BROOKE. That is correct.

Mr. AIKEN. That there would be no stoppage of funds then, until 4 months after the release of all American prisoners; is that correct?

Mr. BROOKE. That is correct.

Mr. STENNIS. Mr. President, I now yield 5 minutes to the distinguished Senator from Wyoming (Mr. McGEE).

The PRESIDING OFFICER (Mr. NELSON). The Senator from Wyoming is recognized for 5 minutes.

Mr. McGEE. Mr. President, I am hesitant to rise at this late hour because I know that everyone has his mind made up and the lines have been pretty well formed. However, I feel compelled to share my many misgivings about what we are striving to do in the Senate today.

For the record and for the legislative history, regarding the history we may make tonight, let me say that anyone reading the record of this body over the past few days or longer, in hindsight must be impressed by the babble of voices that seem to have dominated the dialog and the discord with a great measure of uncertainty in most directions.

I believe that we should get out of Southeast Asia now. I think the sooner the better. I would hope that, somehow, that miracle could be pulled off by tomorrow morning and the President would be able to announce it tonight.

But, Mr. President, I am personally convinced also that we are not helping to get us out of there by doing and saying what we are indulging in in this Chamber now.

We can be sure that the President of the United States, as much as anyone else, would like for us to be out of Southeast Asia now or sooner. He would have every kind of incentive. We all must admit to each other that whatever we do here in the terms in which we are discussing this right now will not affect what is going on in the negotiations in the informal dialogs and conversations and whatever else there may be, except to complicate or to prolong them, that there is nothing we are doing right now that will offer any prospect of shortening them in the short run, that is, in the immediate weeks ahead of us before November.

What this says to me, Mr. President, is that we should think twice and we should look again at ourselves as responsible Members of the Senate with a role of responsibility in the national interest of the United States. A great many of us are much wiser than we were a few years ago. We all learned the hard way, at least, how not to do some of these things in the future. We have also learned, I hope, some better ways in which to approach them in the future.

But, surely, at this late hour, in the sequence of events that concerns us now, we are not inspiring confidence, we are not providing a rallying point for our countrymen to believe that our representative system of government is meeting a national crisis in a responsible way. All we can be doing is to confuse and hinder or obfuscate the efforts of whatever negotiations are taking place.

Mr. President, I would think we would serve ourselves and our country much better and much more wisely if we would address ourselves once more to the much larger question of where we go from here.

Our Constitution envisages the misgivings of our people and requires that we as gracefully and as expeditiously and as forthrightly as possible disengage. However, that prerogative still, under our system, belongs to the President of the United States.

As Thomas Jefferson was wont to remind us in the early days of our Republic, in the field of foreign crises it is imperative that we speak with one voice. And we designated that that voice be the voice of the President. However, that does not brush aside the very legitimate and very properly questions raised here about the role of the Senate in the initial decision. However, we are in the process of getting out. We are in the process of withdrawing.

All I am trying to say, Mr. President, is that what we are contributing now to these desperate efforts on the part of those of us in the Senate can at most compound the problems of withdrawal soon and, at the least, make certain that they are not successful in the shortest possible time.

So, Mr. President, my petition is that the Members of the Senate think carefully, as all of us have striven to do, as we come to grips with the central question of what is in our national interest, that we lower our voices, that we hold our impulses, and that we strive, if we can, to give the President a chance. God knows it is a thankless job. He is going to be loved by no one, however it might come out.

The point is that we are only assuring that his task becomes far more difficult than it is even now.

Mr. President, for that reason I intend to support the measure of the Senator from Mississippi to strike.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SCOTT. Mr. President, I agree with the statements made by the distinguished Senator from Wyoming. I think that we ought to be realistic enough to know that this expression of the Senate is only that and nothing more in the long run as much as all of us are of one mind regarding the prisoners of war and vary only as to the most rapid way of securing their return.

What this amendment would do, as now offered, is first of all to provide that no funds shall be authorized or appropriated except for the purpose of withdrawing our forces providing that there has been a release of all prisoners of war held by the Government of North Vietnam or any Government alined with them.

It does not provide for a cease-fire. It does not do anything to end the war itself between North Vietnam and South Vietnam.

Practically speaking, there is another and maybe a more persuasive argument here against those who have advanced these original proposals, and that is an argument in favor of a motion to strike this section.

First of all, we have been here since early June offering amendments and debating this matter. It will go to the other body. It is most unlikely to return this fall. If it does return this fall, I would suspect—and I do not speak for the administration now—that this bill will not be permitted to become law by the Executive. If that is the case, we have to start the long, weary process of hearings, reconsideration, and legislation through the House and Senate one more time, and all because the Senate, out of an understandable desire to have its own input into the ending of the war, has said to the President, "We are not going to let you end the war. We are not going to let you end it your way. We are not going to let you end it by an internationally supervised cease-fire, by negotiations at Paris, or by your conditions as to the prisoners of war. We are going to propose conditions which remove from you as the President and Commander in Chief the authority which you need to speak to North Vietnam."

Mr. President, the attempt to do that, in my judgment, cannot be acceptable to this or any other President because it removes from him the right to negotiate a peace at Paris.

I do not see how we can arrive at that peace by sending 100 Senators over there and having them enlarge the table or by sending 535 Members of the Congress over there to bring this about.

I think it is unfortunate. I think we are only delaying the passage of this bill after the long and weary course it has taken. We are only jeopardizing the bill itself.

Senators have now gone on record as expressing their concern about the prisoners of war. However, that action is not going to bring the prisoners of war home 1 minute sooner. It is not going to accomplish this perfectly desirable purpose, upon which we all agree. It is not going to have any effect except to delay the bill, tie it up in the other body, tie it up in conference, and possibly cause it to fail.

Therefore, a motion to strike would be perfectly in order.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I rise to support the amendment of the distinguished Senator from Mississippi.

Mr. President, the U.S. Government is committed to bringing a just peace to Southeast Asia. The President has steadily and consistently lessened American involvement in Vietnam. In addition, it is clear that this administration has left no diplomatic stone unturned in its efforts to hasten an end to the war through negotiation. President Nixon, in addition to his historic visits to Peking and to Moscow, publicly announced most generous terms to the North Vietnamese in a serious effort to bring an end to the war. The negotiations have resumed in Paris and the President's top foreign affairs advisers, the Honorable Henry Kissinger, has participated in efforts to negotiate a settlement.

In my judgment, the President is sincere, dedicated, and determined to end the Vietnam war as soon as possible, and in an honorable manner. For those who share this view, it should be apparent that the language in this bill dealing with the war is not only untimely but seriously weakens the President in his efforts to bring this war to a speedy close. If the Senate attempts to run U.S. foreign policy, we must recognize that in neither constitutional nor historical nor practical terms are we as prepared as the executive branch to bring this war to an honorable close. The Congress has no authority or power to appoint a negotiating team to deal with the enemy nor are we as fully informed on a day-to-day basis as is the President.

The power and authority to end this war properly rests with the President and the language in this bill can only have the effect of weakening the President, strengthening the enemy's position in the negotiations, and, in the long run, lengthening rather than shortening the very hostilities we seek to bring to a halt.

Mr. President, it has been apparent that North Vietnam has suffered severe setbacks in its most recent invasion of the South. The communist forces have definitely lost the initiative and are now on the defensive. There are also indications that our air strikes in the North, coupled with the mining of the North Vietnamese harbors, have put additional pressure on Hanoi. North Vietnam's hopes now rest not with her military efforts but on the discontent and frustration which many Americans feel over this war.

The most effective thing this body can do to hasten an end to this war on conditions acceptable to the American people and necessary for the security of the free world would be to allow the President the free and unfettered exercise of his authority to bring this war to a close.

Mr. President, I urge my colleagues to support the pending amendment so that the United States might present a strong and unified approach to the enemy and hasten the day when this tragic war can be brought to an end with a just, honorable, and lasting peace.

Mr. CHURCH. Mr. President, I yield 2 minutes to the Senator from New Jersey (Mr. CASE).

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. CASE. Mr. President, I rise not to make an extended argument. I rise merely to point out that today's votes are a most interesting replay of a scenario that was almost exactly played on the 16th day of May of this year. The only difference was on that day the amendment of the Senator from West Virginia (Mr. ROBERT C. BYRD), carried, whereas its almost exact counterpart, the amendment of the Senator from Alabama (Mr. ALLEN) today failed. The Case-Church amendment then was the central subject whereas the Cooper amendment as amended took its place today.

There were 47 yeas for the amendment of Mr. BYRD of West Virginia and 43 nays. Today there were 50 yeas against the amendment of the Senator from Alabama (Mr. ALLEN) and 45 votes in favor.

I am now engaged in the interesting comparison of votes by individual Senators on the two occasions. This will prove nothing in particular but it is a matter of interest and curiosity to see who did change and to speculate why. That is light treatment of a most serious subject, Mr. President.

I was the cosponsor with Senator CHURCH of the amendment which unfortunately was defeated on May 16, by having added to it a requirement for a cease-fire. It was practically identical to the amendment which we are in the process of adopting today.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. CHURCH. I yield.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 additional minute.

Mr. CASE. I think today's Senate action is most timely. I am not going to repeat my oft-stated views on why the Senate should vote an end to American participation in the war. I hold the same views just as strongly as ever.

Today's vote is a most responsible action. It will be helpful in bringing this war to a conclusion and it will help the President to have Congress share with him responsibility for this action.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. CHURCH. Mr. President, I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, every day someone tells us new stories about what is happening in Indochina, and every other day someone else denies them. We are being asked to vote funds for the war, but we have no way of knowing whether the stories are true. For evidence we see nothing but a Punch-and-Judy show of charges and countercharges.

For example, the Swedish Ambassador to North Vietnam, Jean-Christophe Oberg, charged in June that the United States has deliberately bombed dikes in North Vietnam. A correspondent from Agence France-Presse, Jean Thoraval, recently made this same accusation. Both men based their reports on firsthand observation. Hanoi claims that between April 10 and June 10, U.S. warplanes dropped 665 bombs in 68 different raids against dikes.

Mr. President, no less than 15 million people live on the plain of Tonkin. Their lives and their livelihood depend on dikes. In all, 75 percent of the population of North Vietnam lives in areas susceptible to flooding. So the charge of dike-bombing is very serious.

The Pentagon denies that dikes have been assigned as specific targets. But on July 12, the Assistant Secretary of Defense for Public Affairs agreed that there was "always a possibility" that dikes might be hit anyway. And if they are? Well—just chalk it up to the war. So we are told.

But there is more to the story than that. Military sources already agree that pilots are free to attack military targets which happen to be located on top of dikes. In a new conference on July 6, Secretary Laird stated:

> Some of the dikes and dams may be on roadways that are being used or they may be in a position where antiaircraft weaponry is placed, and, of course, our pilots are given the opportunity and they should have this capability to attack North Vietnamese gun emplacements.

At the Connally ranch last April, President Nixon asserted that bombing dikes "is something we want to avoid. It is also something we believe is not needed."

But suppose another General Lavelle feels differently?

Can we say for sure that we are innocent?

To take a related example of the Punch-and-Judy show, just suppose that "accidental" dike-bombing just happens to coincide with deliberate rainmaking. The Foreign Relations Committee plans to hear evidence on this subject this week.

According to New York Times reporter Seymour Hersh, the United States has been seeding clouds in North Vietnam, Laos, and Cambodia ever since 1963. Pentagon spokesman Jerry Friedheim refuses to enlarge on the subject, but he has pointed out at the same time that weather modification is not prohibited by international law. Mr. Hersh claims that the charge of rainmaking has been privately acknowledged and admitted.

Mr. President, for centuries the people of Vietnam have struggled to control the devastation of floods. In rice-growing areas near Hanoi, the river rises on a mud bed that is often 5 or 6 feet above the level of the fields. An elaborate dike system, first mentioned in Chinese chronicles in the 11th century, has grown to approximately 2,500 miles of earthen dikes with sluice gates, repair centers, and dams. Apparently, this system has become fair game at a time when the danger from flooding has reached its annual peak.

Here in the Washington area we recently had a small taste of the kind of floods which threaten the people of Vietnam every year. Perhaps we should ask the residents of Rapid City, S. Dak., what flooding is like. It has even been suggested that the flooding there was triggered by experiments with cloud-seeding. If this is true, it is the first time that we as a nation have experienced what we are wreaking on Indochina every day.

The next act in the Punch-and-Judy show center on that politically belabored subject of the POW's. The daily suffering of these brave men has been overshadowed by the babbling tower of charges and denials.

In a letter dated June 1, the distinguished minority leader stated that:

> Out of 36,709 French POWs and MIAs, only 10,754 were ever released. Hanoi never accounted for the rest.

Mr. President, this is a very serious accusation. It is so serious, in fact, that Mr. David Marr of the Indochina Resource Center here in Washington thought he should ask the French for their comment. In a letter dated June 23, the First Secretary of the French Embassy wrote as follows:

> I wish to confirm to you that the rumors according to which some French prisoners of the first Indochina War would still be detained unduly by North Vietnam do not rest on any ground.
>
> The French authorities have, in the past conducted intensive research on this matter. The conclusion of this research is that the last French prisoners were returned by the North Vietnamese less than three months after the conclusion of the Geneva agreements in 1954.
>
> We therefore consider this question as definitely settled. To the best of our knowledge, there does not exist any member of the French Expeditionary Corps in the Far East unwillingly kept in North Vietnam.

I might add that part of the discrepancy stems from the nationality of members of the French Expeditionary Corps. Some, for example, were Algerians who chose to stay in North Vietnam to learn how to wage guerilla warfare. Other non-French prisoners were returned directly to their homeland.

Mr. President, one of the most persistent stories circulating in the country these days is that the White House is winding down the war. It is true that the number of troops left in South Vietnam is dwindling. But I can see no reason for keeping any of them there. Given our enormous transport capacity, they could be airlifted out within a week. Between December 11 and December 15, 1950, not counting casualties evacuated earlier by air, the United States evacuated the entire 1st Marine Division plus 91,000 civilians from Korea. In other words, well over 100,000 people were evacuated in 4 days. We could do it again if we wanted to.

Meanwhile, in one of the most sensational Punch-and-Judy sequences of all, Alfred McCoy, a Ph. D. candidate in Southeast Asian history at Yale, has produced records of on-the-spot interviews showing not only the prominent members of Southeast Asian governments are actively involved in the opium trade, but also that the United States deliberately tried to cover up this involvement. The Army's own provost marshall has reported that high-ranking members of South Vietnam's Government are at the top of a trafficking pyramid, and an official of the Bureau of Narcotics and Dangerous Drugs confirmed that a leading magnate is none other than the former chief of staff of the Royal Laotian Army. Meanwhile, a State Department spokesman calls Mr. McCoy's accusasons "sensational and, as far as we can ascertain, unsubstantiated."

Mr. President, today's New York Times quotes a Cabinet-level report concluding that:

> There is no prospect of stemming the flood of narcotics from Southeast Asia under any conditions that can realistically be projected.

The paper also reports that Mr. McCoy's charges have been intensely and publicly rebutted by the CIA, which Mr. McCoy accuses of monitoring the drug flow. But the evidence is deeply disturbing. Meanwhile, thousands of GI's have returned home as heroin addicts, and thousands more addicts are threatening safety in our streets. Can we say for sure that we are innocent?

President Nixon has said:

> Foreign policy must be a whole fabric. If it is rent, it will fail. We can't take one position in Vietnam, another in the Mideast, another in Europe, and another in the rest of Asia.

I say that our problem in Vietnam lies right there in that statement. What the White House is trying to tell us is that Vietnam is a kingpin of American foreign policy and that prolonging the carnage will serve to stem aggression elsewhere.

But the fabric of world politics is not woven like that. What takes place in Vietnam is quite different from what takes place in Europe or in Israel. When we support Israel we are supporting a democratically elected government whose citizens fight their own battles. Our aid to Israel flows through legal and constitutional channels and expresses the will of the overwhelming majority of Americans. Our aid to Vietnam lacks such a legal basis and runs counter to the powerful antiwar sentiments sweeping this Nation.

Mr. President, for more than 15 years the United States has tried to distort the reality of Vietnamese politics to fit Washington's mold.

The final declaration of the Geneva Conference, issued in July 1954, declared that the military demarcation line "should not in any way be interpreted as constituting a political or territorial boundary." In his address at Gettysburg College in 1959, President Eisenhower stated that:

> Vietnam is a country divided into two parts. . . . A line of demarcation running along the 17th parallel separates the two.

But somehow, in the course of the speech, "south Vietnam"— with a small "s"—turns into a nation:

> While the Government has shown real progress in cleaning out Communist guerrillas, those remaining continue to be a disruptive influence in the nation's life.

A 1961 exchange between Presidents Kennedy and Diem revealed that it was the United States that was pushing for the notion of an independent South Vietnam. Whereas President Diem spoke of the "reunification of our nation" and referred to North Vietnam as the "northern part of our country," President Kennedy spoke of "North Vietnam's efforts to take over your country" and pledged to "preserve its independence."

What is the meaning of these phrases? Simply that it was American leaders who initiated and perpetuated the illusion that Vietnam is two nations. In Washington's scenario, the government of one of these nations was Communist, and therefore by definition alien and aggressive. The other was non-Communist, and therefore by definition indigenous and peace loving.

Mr. President, more than 55,000 American fighting men have paid for this myth with their lives.

By 1963, the preservation of this myth had been woven into the fabric of our so-called national interest. A White House statement on October 2, 1963, issued the now-familiar notion that:

> The security of South Vietnam is a major interest of the United States as other free nations. We will adhere to our policy of working with the people and Government of South Vietnam to deny this country to communism and to suppress the externally stimulated and supported insurgency of the Vietcong as promptly as possible.

In a pathetic footnote to this blueprint for destruction, Secretary McNamara and General Taylor reported their judgment that the major part of the U.S. military task could be completed by the end of 1965.

Mr. President, 1965 was 7 years and 1 million deaths ago.

Mr. President, how can it be in our national interest to try to recreate the world in our own image at the cost of our men and our principles? How can we continue to believe that any corrupt militarist who proclaims his opposition to communism is serving our national interest? What is our national interest if not to work for peace on the basis of political realities rather than political myths?

It would be one thing if we kept our myths to ourselves. But we insist on going halfway around the world and spreading them with the sword, and the bayonet, and the bomb.

We have already paid for these myths with 55,000 American lives. Before we lose another American pilot to Hanoi, before we tell another wife that her husband is missing in action, before we count any more victims of a helicopter crash, before any more advisers die in defense of the South Vietnamese Army, let us stop and think: Where are we going from here? Where can we go from here?

If a new government emerges out of the shambles with Vietcong representation, President Nixon may well repeat his timeworn phrase about not "imposing" a Communist government in South Vietnam. Apparently this phrase refers to every alternative other than a regime of handpicked generals.

The President is certainly capable of a dramatic 180-degree switch. But in any case, assuming he wins in November, this switch will apparently not take place until after the election. That is a long time to wait—and a long chance at that. And if Senator McGovern wins in November, he will not have a chance to put his peace plan into effect until January 20.

We have a chance to erase the question marks and put a final end to our involvement. We must not let another chance slip through our fingers and spill over into more blood. If we do not, the Punch-and-Judy show will go on. The carnage will continue. And we in the Senate are a trapped audience, witnesses to our own inaction.

Mr. President, the President of the United States has engaged in seemingly successful negotiations with China and the Soviet Union. I think all of us are delighted he has accomplished that. He has not yet proven he is a successful negotiator on the matter of the Vietnam war and in direct negotiations with the other side in that war. He has not yet achieved any effect in regard to the war by his negotiations in Moscow or Peking, or by what Mr. Kissinger has done.

After 3½ years or more of President Nixon's presidency, a presidency during which he pledged to end the war, we do not see any concrete results. This war has still not been brought to a conclusion.

Ever since I have been in the Senate, I have heard that we cannot press now for a congressional end of the war because negotiations are going on. Yet we see no sign that these negotiations are succeeding.

For more than 1,000 days—and many more than 1,000 days, ever since President Nixon became our President—we have heard that we cannot act because negotiations were underway. We have heard on the floor just now that we are in the process of withdrawing from the war. The ground troops have been withdrawn. Perhaps all ground troops and all military personnel will be withdrawn from South Vietnam before Election Day.

But we are not withdrawing from the war; we are increasing our air and naval combat in that war. Pentagon figures show that the increase in American air strike forces aboard ship off Vietnam and at land bases in Thailand considerably exceeds the number of U.S. troops withdrawn from South Vietnam since the North Vietnamese offensive was launched on March 30.

Someone who has recently returned from there has told me that the buildup in Thailand makes it look like the 51st American State.

What is developing now in this air and sea war is a more ruinous and destructive war for South Vietnam because the President seems to be seeking to subdue the other side until they accept his terms.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON. Mr. President, will the Senator yield to me further?

Mr. CHURCH. I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, continuing the war means more and more POW's captured when our planes are shot down, and no POW's released.

If President Nixon is reelected and retains his options on bombing, even though our troops are out of Vietnam, we could have 4 more years of bloodshed, not to mention division at home and destruction in Indochina.

In the upcoming election we have a choice between a man who has said he will end the bombing on Inauguration Day and who has said he will get the POW's out 90 days later, and a man who has had an open-ended prescription with no end in sight. The Cooper-Brooke provision would help to end this war by setting a date when the war must end, provided that we get the POW's out. It leaves this decision to 100 Members of this body and 435 Members of the House, and not just to President Nixon or George McGovern.

I urge the Senate to keep these provisions in the bill to assure that we have our voice. We must exercise our responsibility in determining when America shall be out—and totally out—of combat in Southeast Asia.

Mr. MOSS. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I yield.

Mr. MOSS. I wish to ask the manager of the bill if I understand correctly that the amendment now offered by the Senator from Mississippi is to strike out the language of what would be section 13 of the bill, as amended, and secondly if section 13 of the bill, as amended, is not the precise language which the Senate just voted on by a vote of 45 to 50, with 95 Senators voting.

Mr. CHURCH. The Senator stated it correctly.

Mr. MOSS. If the Senate now accepts the amendment of the Senator from Mississippi it would within 1 hour make a turn-around and vote the opposite to the way it voted approximately 1 hour ago.

Mr. CHURCH. The Senator is precisely correct.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, on behalf of the distinguished Senator from Mississippi and myself, I ask unanimous consent that the time for argument be extended by 10 minutes on each side.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. STENNS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I do not think I shall use the 5 minutes to make my position clear. I shall vote for the motion of the Senator from Mississippi. I have spoken on this issue on several occasions today. I had hoped be able to get a vote straight up or down or the proposal I made, which was for unconditional withdrawal from Vietnam in 4 months and ending participation in the war. I was not able to do so because of the amendment of the Senator from Massachusetts.

I hold in the highest regard the conscience, views, and opinions of every Member of the Senate. I have never challenged them in any way. I also have respect for my conscience, my views.

The Senator from California, a very able man, and we have been associated on Vietnam issue, said a minute ago that we are voting to get out. We are not. We are voting, just as we have always voted on these conditional amendments—amendments which have not ended our participation in the war.

I do not say my position will never change, but today, I cannot vote for such a conditional amendment.

The question may be asked, "Well, then, what are you for?" My views have not changed—I am for the ending of the war. I am for ending our participation in the war. Rather than relying on conditional amendments at this juncture, I would rely on the present negotiations. The President has the arm of negotiations. We do not. He is in negotiations and has the opportunity to bring the war to a close. Not for the same reasons, but for the same result, as the Senator from Mississippi, I intend to vote for his motion to strike.

Mr. JAVITS. Mr. President, will the Senator yield me 1 minute?

Mr. CHURCH. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I think in all fairness to those of us who supported the Cooper amendment and voted against the Brooke amendment, and then voted for the Cooper amendment as amended by the Brooke amendment, there ought to be a word said. We have had two vetoes locked into everything that has been tied into everything we have done. One was Hanoi's and one was Saigon's. At the very least, this strips one veto away, and the only one we face is Hanoi's.

If it is true, as we have argued, that the weight of world opinion will bear down on Hanoi once our troops are withdrawn, then I think, while this is not the optimum solution, it is a big step forward that we ought to take.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. Mr. President, I yield

myself such time as may be required to give a summation.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CHURCH. First of all, I concur in the comments of the Senator from New York. I have great respect for the Senator from Kentucky; he and I have been parties to many alliances in the past. It always grieves me to have to part company with him, but it seems to me that we are faced with a very clear proposition. It is this: Does the Senate wish to implement what it long ago declared to be the policy of the Senate with respect to the termination of this war? When the first Mansfield amendment was adopted, that policy was enacted into law.

Let me remind the Senate what the policy was in the words of the law:

> SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

A year ago, then, it was decided by Congress that this was congressional policy with respect to terminating further American participation in this misbegotten war, but the language was cast in such form that it prompted the President to say, when he signed the bill, the following:

> I have today signed H.R. 8687, the Military Procurement Authorization Act of 1971.
>
> To avoid any possible misconceptions, I wish to emphasize that section 601 of this act—the so-called "Mansfield amendment"—does not represent the policies of this administration. Section 601 urges that the President establish a "final date" for the withdrawal of all U.S. forces from Indochina, subject only to the release of U.S. prisoners of war and an accounting for the missing in action.
>
> Section 601 expresses a judgment about the manner in which the American involvement in the war should be ended. However, it is without binding force or effect, and it does not reflect my judgment about the way in which the war should be brought to a conclusion. My signing of the bill that contains this section, therefore, will not change the policies I have pursued and that I shall continue to pursue toward this end.

That is how the President threw down the gauntlet, and we having worded the proviso in such a way as to permit him to cavalierly dismiss it, even though it was a part of the law, have since been faced with the question of whether we meant it or whether we did not. Now we must pass on that question, for the very same proposition is now before us in a form which clearly invokes the power of Congress. In its present form, the proposition reads as follows:

> (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act; (b) *Provided*, That there has been a release of all American prisoners of war held by the government of North Vietnam or any government allied with them.

Mr. President, the question we face is to determine, by a vote of the Senate, whether or not we meant it a year ago when we said this was the congressional policy for terminating our involvement in the war.

If we meant it, here and now is the time to vote to retain this provision in the bill, for we are within our constitutional authority in placing such a limitation upon the expenditure of public funds. The junior Senator from Mississippi himself has conceded in his opening argument that this is within the authority of Congress.

Of course, we are always told that now is not the time. There has never been a proper time, according to the opponents of congressional action, for invoking the power of Congress to bring this war to a close, and there never will be a proper time for those who believe that Congress should play no part in the ending of this war. They have always argued against the timing of the action.

We have been told that it would interfere with the prerogatives of the President as Commander in Chief. We have been told that it would undermine negotiations which are always on the brink of success. We have been told that, because of pending summit meetings, Congress should withhold this action. And now we are told that it should take no action because of impending elections.

Mr. President, there will never be a time that will satisfy the opponents of this proposal, but there is not likely to be another time in the life of this session when the Senate will have an opportunity to cast its vote to answer the question that has been hanging in the air ever since the President disregarded the Mansfield amendment last year. That question is: Did we mean it? Are we willing to stand up and say we are prepared to invoke the power of Congress to enforce the law—through use of the power of the purse?

If we back down now, then all of our effort, through the years, has amounted to so much empty talk. If we back down, we negate the action that Congress took a year ago, and we acquiesce in the supremacy of the President to make all decisions with respect to bringing American involvement in this mistaken war to a close.

Let us not back away. Let us not go down in defeat at the moment of victory. Let us seize hold of the challenge, and vote to uphold the decision of the Senate, taken less than an hour ago. Let us send a message to the other House and to the President that this is still a representative government, that Congress still has a role to play, and that at last it has found the resolution to play it.

So I appeal to the Senate: Now is the time. There will come no other time. Let us not back down. Having already decided to place this provision in the law, let us stand up to our responsibility. Let us accept the duty imposed upon us by the Constitution of the United States.

We will be answerable to the people for our actions here, and they have told us, if the polls are any indication of public opinion, that three-quarters of the American people favor the proposition contained in this provision of the bill; that three-quarters of the American people favor the withdrawal of all American troops from further participation in this war, upon the release of our prisoners and a full accounting for those missing in action.

In this fashion, we would not only uphold our duty as the Constitution fixes it upon us, but we would do it in a manner consistent with the wishes of the vast majority of the people we represent. For these reasons, I urge the Senate to vote down this motion to strike this end-the-war provision from the bill.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 14 minutes remaining.

Mr. STENNIS. I thank the Chair. I yield 5 minutes to the Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. STENNIS. Five minutes. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLOTT. Mr. President, in rising to support the amendment of the Senator from Mississippi, I am not unaware of all the arguments that have occurred upon this floor in the last 4 years about the constitutionality or unconstitutionality of this particular move or that particular move. I daresay that either side could amass as many constitutional lawyers as the other, as many to say that those of us who support this particular action are correct as they could amass to say that we are not correct; and many of us, being lawyers ourselves, think that we have a right to and are capable of forming our own judgments as to that matter.

During the course of the debate on the Brooke amendment this afternoon—and I am glad that the Senator is in the Chamber—there was one statement made, not by him, which I think should be brought into this particular matter, and that was the statement, repeated two or three times, that there had never been made an offer to withdraw the troops merely upon the release of the prisoners of war and an accounting for the missing in action.

That is true. But the only thing that this administration, or the administration preceding it, ever added on to that was a cease-fire; and therein, in this particular matter, Mr. President, lies the reason why no one on this floor should vote against the amendment of the Senator from Mississippi. Because as I read this subsection (a) as it was originally proposed, it reads that the withdrawal of all U.S. Forces from Vietnam, Laos, and Cambodia shall be carried out within 4 months after the date of this act. There is no provision for a cease-fire.

In my opinion, if we pass that provision, if that amendment stays in this bill, what we are really doing is almost guaranteeing a withdrawal under fire. I can see no other course nor any other result, if this should become law.

For 4 years now we have had the pressure on the wrong man. Three, four, five, six, seven, or eight times a year, in one way or another the Senate has taken up amendments similar to this, and the pressure in every instance has been upon the President of the United States to act speedily.

At the same time, we have had Members of the Senate running to Paris to talk not only with the representatives of North Vietnam, but with the representatives of the National Liberation Front. How in God's name do we expect the President, the President of my party or the President of the other party who preceded him, to bring the war along successfully or to bring it to a successful termination with that situation going on? Every step toward world stability that has been taken in the last 4 years has been taken despite the divisiveness that has been raised in this body and in this Congress. It has been said during the debate today that no end to the war is in sight. Let me remind Senators that in 4 years more than ten-elevenths of all the troops have been withdrawn from Vietnam, and that there is not now a single American combat unit in Vietnam. We have made big strides, but believe me, we will never make an agreement at that negotiating table if this proposal is passed, because this is a guarantee to keep them negotiating until hell freezes over.

One final thing: There is another discrepancy, I believe.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ALLOTT. May I have 1 more minute?

Mr. STENNIS. Mr. President, I yield the Senator 1 additional minute.

Mr. ALLOTT. That is that in the amendment of the distinguished Senator from Massachusetts (Mr. BROOKE) there is no mention of the missing in action. I am willing to predict, Mr. President, that no matter how this vote comes out tonight, whether or not this should become law as it is, that we may sometime, perhaps, get our prisoners back, but I am confident that if we omit mention of the missing in action it will be not many weeks or many months, but many years before we ever get an accounting.

So for those reasons, first that this provision almost guarantees that we will get out of Vietnam under fire, and second that we have omitted the missing in action, I fully and wholly support, and I hope the President will support, the amendment of the Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the distinguished Senator from Idaho spoke with considerable exultation about victory. Well, if victory is mentioned on this floor, as a rule it is cause for finger wagging or shame. Therefore, I wonder, whose is the victory? It was presented as a victory of the Senate over the President of the United States.

What will be happening in Hanoi when this news gets over there is to my mind more important than whether or not the Senate of the United States has been able to achieve a victory over the President.

It seems to me that this action, unless it is reversed by sustaining the motion to strike this section, is sending word to Hanoi, beyond the peradventure of a doubt, that "You do not need to negotiate at Paris. You do not need to lift a finger. The Senate of the United States is going to do your work for you." That is what it means.

I think it is time we became realistic about it.

If this remains in the bill, I am going to ask the President to veto the bill, because this section should not be here; we will be here until Christmas, if we have to. If we are going to be here for a long session, we will have to make up our minds about it.

We have struggled and fought with this bill for weeks and months, and now it comes out what the fight was all about—an effort to achieve a victory over the President. Well, there are higher and better reasons than that for legislation.

So, unless the other body exercises a rationalizing influence over the actions of this body, or unless we do strike this section, I do not see how the President of the United States will retain the authority to negotiate with Hanoi within his hands.

Let Jane Fonda do it from now on, if that is what the Senate wants. Let Jane Fonda take over. She can do as good a job as the hundred Members of the Senate, I imagine. Some people certainly would argue so. Or let the French newspapermen or the Swedish observers do it.

We have taken a position here that what we want is a victory over the President. A victory over the President can be a defeat for America in more ways than one. It certainly can be a defeat for the attitude of all of us, the desires of all of us, to find a way to end this war and to get the prisoners home.

In my view this action, this afternoon, may have undone everything we have done for weeks here, and we will all have to come back and do the whole thing over again.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. CHURCH. Mr. President, I cannot let the remarks of the distinguished minority leader go unanswered, though I do not intend to spend much time in rebuttal.

I have not called for a victory over the President of the United States, a victory of the Senate as against the President. I have called for a victory for constitutional government.

The Constitution never intended that wars should be fought on the decision and authority of the Chief Executive alone. I know of no constitutional basis for this war, certainly not since the repeal of the Gulf of Tonkin resolution. This is an unconstitutional war.

The only victory I am urging upon the Senate is a victory for the Constitution of the United States. I think that is a victory this Republic sorely needs.

Our problem is not that there is insufficient Executive power; our problem is runaway Executive power. Our problem is not that Congress is too dominant; but that Congress is too acquiescent, abdicating away its own authority, and allowing it to be concentrated in the hands of one man. Such has been the steady trend for the past 40 years.

Here, in the Senate, when we finally woke up to it, during several years, we have been attempting to collect back some of the power we have given away. It is very difficult to do. For the time is never right. It never will be right. We are constantly warned that any move to restore constitutional government will cause celebrations in Hanoi. That misses the point. If the Senate stands up to its duty, in my opinion, it would be cause for a celebration in the streets of this country, a celebration in which the American people could participate, knowing that at last the Senate had stood up and insisted upon its right to share with the President the responsibility for ending our involvement in this war. That is why I appeal to the Senate. Turn down this motion of the Senator from Mississippi. Turn it down. Turn it down.

The PRESIDING OFFICER. All time of the Senator from Idaho has expired. The Senator from Mississippi has 5 minutes remaining.

Mr. STENNIS. I yield 2 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, there are those who speak for the constitutional powers of the Senate and those who talk about prolongation of the war. Is it not possible that these debates have in fact promoted the war, with the challenge, the divisiveness, the refusal to support the peace offers of our own President? President Nixon's withdrawal terms have been magnanimous to an incredible degree. But the Senate's efforts to legislate an end to war have made it very difficult for us to negotiate a peace. I think the case today is that we can negotiate a peace. We have a strong position. We have made an enormously generous offer. For this Nation to stand united behind the President would insure the success of that offer. For us again to provide fodder for those who have opposed us as we have so many times during the past 3 years, I think almost assuredly insures the failure of the effort to negotiate a peace. We cannot legislate peace, but we can win it, and I think that is what we are trying to do.

I, for one, question whether or not any political figure can promise the return of our prisoners of war. Some have tried. But I question whether they can do so legitimately. And if they do not explain how they can make such a promise, then perhaps the people will judge accordingly. We still have 17,000 missing in action in Indochina. Has anyone promised their return?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, just at the time when it seems that the hard evidence is that Hanoi is hurting and really wants relief—I do not know how close, how near; I have no inside information, but the evidence is unmistakable that things are moving and the prospects are at least somewhat better—we are going to move in here with this amendment, if it is left as it is, without the slightest chance of this affecting or influencing Hanoi one iota.

Who really believes that this amendment, which is a restriction or an impediment on the President of the United States, is going to be persuasive with Hanoi to release these prisoners or to come to any other kind of terms? There has been talk about jubilation in the streets. The jubilation is going to be in the minds of those who are carrying the responsibility for the other side.

As I said earlier this afternoon, this puts the penalty, the handicap, on the wrong man, on the wrong group, on the wrong country. I say, with all deference to everyone, that to think that it is really going to do any good is just downright folly. To the contrary, if all this negotiating falls through and nothing can be done, the present President of the United States will have a chance to say, "If you had just kept quiet a little while"—I do not say he will say this—but just have a little more patience and a little more effort, all pulling together, and we will turn that tide. I know it is not the purpose of anyone to put our country at a disadvantage.

I hope that this amendment to strike will be agreed to.

The PRESIDING OFFICER. All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from Mississippi (Mr. Stennis).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from North Carolina (Mr. Jordan), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), and the Senator from South Dakota (Mr. McGovern) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 46, nays 49, as follows:

[No. 302 Leg.]

YEAS—46

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jackson
Jordan, Idaho
Long
McClellan
McGee
McIntyre
Miller
Packwood
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Taft
Thurmond
Tower
Weicker
Young

NAYS—49

Bayh
Bentsen
Bible
Brooke
Burdick
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—5

Ellender
Gambrell
Jordan, N.C.
McGovern
Mundt

So Mr. Stennis' amendment was rejected.

Mr. BROOKE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHURCH. Mr. President, I move to lay that on the table.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. (Mr. Inouye). The Senator will state his parliamentary inquiry.

Mr. STENNIS. Mr. President, on a motion to table the motion to reconsider, those who favored the amendment would vote "no." Is that correct?

The PRESIDING OFFICER. This is a motion to table the motion to reconsider.

Mr. STENNIS. Will the Chair state the parliamentary situation?

The PRESIDING OFFICER. This is a motion to table the motion to reconsider. Those desiring to lay that motion on the table will vote "yea."

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from North Carolina (Mr. Jordan), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would have voted "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 49, nays 46, as follows:

[No. 303 Leg.]

YEAS—49

Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

NAYS—46

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Jackson
Jordan, Idaho
Long
McClellan
McGee
McIntyre
Metcalf
Miller
Packwood
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Taft
Thurmond
Tower
Weicker
Young

NOT VOTING—5

Ellender
Gambrell
Jordan, N.C.
McGovern
Mundt

So the motion to lay on the table the motion to reconsider the vote by which the Stennis amendment was rejected was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Foley, Mr. Burlison of Missouri, Mr. Vigorito, Mr. Teague of California, and Mr. Kyl were appointed managers on the part of the House at the conference.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment. The Chair recognizes the Senator from Minnesota.

Mr. MONDALE. Mr. President, I send to the desk an amendment and I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

"ILLEGAL INTERNATIONAL NARCOTIC TRAFFIC STUDY

"Sec. 17. (a) It is the sense of the Congress that the control of illegal international narcotic traffic is essential to the well-being of the United States; that illegal international narcotic traffic is now a major enterprise involving complex operations in numerous countries in all parts of the world; and that such traffic continues to take place in countries which receive economic and military assistance from the United States, including assistance to carry out anti-narcotic drug programs.

"(b) On or before the expiration of the one hundred and eighty day period following the date of the enactment of this Act, the Bureau of Narcotics and Dangerous Drugs shall prepare and submit to the Congress a report, in two parts, concerning the illegal international narcotic traffic.

"(c) The first part of such report shall include a survey of (1) the cultivation and processing of narcotic drugs (which are illegal in the United States) in each country where these operations are known to, or believed by, the Bureau of Narcotics and Dangerous Drugs to occur; (2) the routes of transport of such drugs to the United States; (3) the means by which such drugs are brought into the United States; (4) the financial and banking arrangements which support such illegal international narcotics traffic; (5) changes in the international patterns of cultivation, processing, and shipping of such drugs for the United States markets which, in the opinion of the Bureau of Narcotics and Dangerous Drugs, have occurred since calendar year 1969, and an evaluation of those changes.

"(d) The second part of such report shall include—

"(1) a list of the countries which, in the opinion of the Bureau of Narcotics and Dangerous Drugs, are currently major centers in illegal international narcotic traffic;

"(2) a summary of the programs and other actions undertaken by such countries for the suppression of such traffic; and

"(3) an evaluation by the Bureau of Narcotics and Dangerous Drugs of the effectiveness of such programs and actions, including reasons for their effectiveness or ineffectiveness.

"(e) Each Federal department or agency having the responsibility for the conduct of the foreign affairs of the United States, or for programs and other actions related to the suppression of the illegal international narcotic traffic, shall, upon the request of the Bureau of Narcotics and Dangerous Drugs, make available to the Bureau such information and other assistance as may be requested."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 10-minute time limitation on the pending amendment, the time to be equally divided between the manager of the bill, or whomever he may designate, and the author of the amendment. I understand it has to do with a report on international drug traffic through the Narcotics Bureau.

Mr. GOLDWATER. I did not hear the Senator.

Mr. MANSFIELD. I understand it has to do with a report on international drug traffic through the Narcotics Bureau.

The **PRESIDING OFFICER.** Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, this amendment is, I think important, and yet uncomplicated. It would require the Bureau of Narcotics and Dangerous Drugs to submit to Congress within 6 months a comprehensive survey and analysis of the illegal international narcotics traffic.

I shall not go into details of all the reasons why this amendment is needed. I think the Senate is quite aware of the growing seriousness of the illegal international narcotics traffic. This amendment would require the Bureau of Narcotics and Dangerous Drugs to submit a report to Congress which would contain information, which would then be available to the Congress and to the public in two general categories: The first, it would report a survey of the cultivation and processing of narcotics drugs in each country where these operations are known to, or believed by, the Bureau of Narcotics and Dangerous Drugs to occur; the routes of transport of such drugs to the United States; the financial and banking arrangements which support such illegal international narcotics traffic; changes in the international patterns of cultivation, processing, and shipping of such drugs for the United States markets which, in the opinion of the Bureau of Narcotics and Dangerous Drugs, have occurred since 1969, and other information in this general area.

The second part of the report would include a list of the countries which, in the opinion of the Bureau of Narcotics and Dangerous Drugs, are currently major centers in illegal international narcotic traffic; a summary of the programs and other actions undertaken by such countries for the suppression of such traffic; and an evaluation by the Bureau of Narcotics and Dangerous Drugs of the effectiveness of such programs and actions, including reasons for their effectiveness or ineffectiveness.

Last year we adopted an amendment which I offered, which, among other things, authorized this Government to terminate foreign aid to any country which was known to be willfully involved in the production or sale of illegal drugs and which ultimately ended up in the United States.

It is estimated that the amount of illegal heroin entering this country will be nearly 40 percent greater than that brought into this country a year ago.

A front-page story in the New York Times describes a secret Cabinet level report that concludes "There is no prospect" of eliminating the smuggling of narcotics in Southeast Asia "under any conditions that can realistically be projected."

I ask unanimous consent that the article appearing in the New York Times appear at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. This amendment will help the public and the Congress better understand the essential elements of this vicious problem so that we know better what to do.

I am hopeful that the distinguished floor manager will accept this amendment.

EXHIBIT 1

REPORT TO UNITED STATES SEES NO HOPE OF HALTING ASIAN DRUG TRAFFIC

(By Seymour M. Hersh)

WASHINGTON, July 23.—A Cabinet-level report has concluded that, contrary to the Nixon Administration's public optimism, "there is no prospect" of stemming the smuggling of narcotics by air and sea in Southeast Asia "under any conditions that can realistically be projected."

"This is so," the report, dated Feb. 21, 1972, said, "because the governments in the region are unable and, in some cases, unwilling to do those things that would have to be done by them if a truly effective effort were to be made."

The report, prepared by officials of the Central Intelligence Agency, the State Department and the Defense Department, noted that "the most basic problem, and the one that unfortunately appears least likely of any early solution, is the corruption, collusion and indifference at some places in some governments, particularly Thailand and South Vietnam, that precludes more effective suppression of traffic by the governments on whose territory it takes place."

The report sharply contradicted the official Administration position and Government intelligence sources say its conclusions are still valid today. In May, Secretary of State William P. Rogers told a Senate subcommittee that "we think all the countries are cooperating with us and we are quite satisfied with that cooperation."

Similarly, Nelson G. Gross, Senior Advisor to the Secretary of State and Coordinator for International Narcotics Matters, testified before Congress in June on the subject of narcotics smuggling that "the governments of Thailand, Laos and Vietnam have already joined us in the fight and, while we have a long way to go, we feel that during the past year some real progress has been achieved."

All officials concerned with the drug problem acknowledge that the United States agencies, under personal prodding from President Nixon, have begun an intensive effort to stem the international narcotics traffic. But critics contend that the effort is far less effective today than Administration officials say it is.

CRITICS' CHARGES BACKED

Two leading critics of what they allege to be the Government's laxness in stopping the flow of narcotics are Representative Robert H. Steele, Republican of Connecticut, and Alfred W. McCoy, a 26-year-old Yale graduate student who has written a book on narcotics in Southeast Asia. The New York Times reported Saturday that Mr. McCoy's allegations concerning the C.I.A. and the drug traffic had been the subject of an intense and unusually public rebuttal by the agency.

The Cabinet-level report, made available to The Times, buttressed many of the charges made by the two critics, particularly about the pivotal importance of Thailand to the international drug smugglers. Thailand is also a major Air Force staging area for the United States.

In a report on the world heroin problem last year, Mr. Steele wrote that "from the American viewpoint, Thailand is as important to the control of the illegal international traffic in narcotics as Turkey. While all of the opium produced in Southeast Asia is not grown in Thailand, most of it is smuggled through the country."

Mr. Steele's report, filed with the House Committee on Foreign Affairs, noted that many American citizens had established residence in Bangkok, and had moved into the narcotics trade. The report added that the inability of the United States to have a few notorious smugglers deported had led some intelligence officials to conclude that the men were paying Thai officials for protection.

Mr. McCoy said in testimony before Congressional committees last month that hundreds of tons of Burmese opium passed through Thailand every year to international markets in Europe and the United States and that 80 to 90 per cent of the opium was carried by Chinese Nationalist paramilitary teams that were at one time paid by the C.I.A.

There are a number of opium refineries along the northern Thai border, he said, and much of the processed high-quality heroin is shipped by trawler to Hong Kong.

"Even though they are heavily involved in the narcotics traffic," Mr. McCoy testified, "these Nationalist Chinese irregular units are closely allied with the Thai Government." He said that Thai Government police units patrol the northern border area and collect an "import duty" of about $2.50 a pound of raw opium entering Thailand. All this activity, he said, is monitored by United States intelligence agencies.

THAI-U.S. AGREEMENTS CITED

Mr. Gross, the State Department's adviser on international narcotics, said in his Congressional testimony that "during the past year the Thais have increased their efforts in the drug field with United States and United Nations assistance." He cited two agreements, signed in late 1971, calling for more cooperation and more long-range planning between Thai and United States officials to stamp out the trade.

"Based on all intelligence information available," Mr. Gross testified, "the leaders of the Thai Government are not engaged in the opium or heroin traffic, nor are they extending protection to traffickers." He added that the top police official in Thailand had publicly stated that he would punish any corrupt official.

The cabinet-level report, submitted to the Cabinet Committee on International Narcotics Control, asked "highest priority" for suppression of the traffic by Thai trawlers, noting that each trawler "would represent something like 6 per cent of annual United States consumption of heroin."

The report said that the trawler traffic should have priority because "it is possible to attack the Thai trawler traffic without seeking the cooperation of Thai authorities and running the attendant risks of leaks, tip-offs, and betrayals."

After such a seizure, the report said, the United States Embassy in Bangkok could "repeat with still greater force and insistence the representations it has already often made to the Government of Thailand" for more effective efforts "to interdict traffic from the north of Thailand to Bangkok and also the loading of narcotics on ships in Thai harbors."

At another point in the report, a general complaint was voiced. "It should surely be possible to convey to the right Thai or Vietnamese officials the mood of the Congress and the Administration on the subject of drugs," the report said. "No real progress can be made on the problem of illicit traffic until and unless the local governments concerned make it a matter of highest priority."

Representatives Steele, Lester L. Wolff, Democrat of Nassau County, and Morgan F. Murphy, Democrat of Illinois, have sponsored legislation that would cut off more than $100 million in foreign aid to Thailand unless she took more action to halt the production and traffic of heroin. Their measure cleared the House Foreign Affairs Committee on June 21 and is included in the Foreign Assistance Act, now pending.

During a Congressional hearing into drug traffic last month, Representative Wolff disputed the Administration's contention that it was making "real progress" in stemming the narcotics flow and said, "we think the trade has got so much protection in high places in Thailand that the Administration is afraid they'll tell us to take our air bases out if we put too much pressure on them."

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes.

I have discussed this amendment with the Senator from Minnesota and other members of the committee, including the ranking minority member of the committee, the Senator from Vermont (Mr. Aiken). I have discussed it with the chairman of the committee and other members. I think it is a good amendment, and I am willing to accept it.

Mr. MONDALE. Mr. President, I ask unanimous consent that my request for the yeas and nays be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Do Senators yield back their time?

Mr. MONDALE. I yield back my time.

Mr. SPARKMAN. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from North Carolina (Mr. Jordan), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Illinois (Mr. Percy) is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 91, nays 0, as follows:

[No. 304 Leg.]

YEAS—91

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—9

Anderson
Eagleton
Ellender
Gambrell
Jordan, N.C.
McGovern
Mundt
Muskie
Percy

So Mr. Mondale's amendment was agreed to.

Mr. HUGHES. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

At the end of the bill add a new section as follows:

Sec. 15. Section 104(c) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the semicolon at the end of such section and inserting in lieu thereof a comma and the following: "except that no agreement may be entered into under this subsection (c) unless such agreement has been specifically authorized by legislation enacted after the date of enactment of the Foreign Assistance Act of 1972.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the pending amendment, the time to be divided 15 minutes to the author of the amendment, the distinguished Senator from Iowa, and the other 5 minutes to the manager of the bill, the distinguished Senator from Alabama.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the Scott-McGee amendment, which will come up, I believe, following this amendment, there be a time limitation of 10 minutes, to be equally divided between the distinguished Republican leader (Mr. Scott) and the manager of the bill, the distinguished Senator from Alabama.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of not to exceed 20 minutes on the two Hartke amendments, the time to be equally divided between the sponsor of the amendments and the manager of the bill. I understand that that will take care of all amendments.

The PRESIDING OFFICER. Does the majority leader ask for 20 minutes on each amendment or 20 minutes on both amendments?

Mr. MANSFIELD. Twenty minutes on each amendment.

Mr. President, I withhold the unanimous-consent request with respect to the Hartke amendments.

I think the Senate should be on notice that the rollcall votes from now on will be for a 10-minute duration rather than the usual 15 minutes. I hope the staffs and the cloakrooms will notify all Senators accordingly.

Mr. HUGHES. I yield myself such time as I may need.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Minnesota (Mr. Humphrey) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUGHES. Is the section 15 mentioned in this amendment now in order in line with the changes already voted by the Senate in this bill?

The PRESIDING OFFICER. Will the Senator repeat his parliamentary inquiry?

Mr. HUGHES. Is the section 15 mentioned in this amendment now a properly numbered section, in view of the changes already made in the proposed legislation before the Senate today?

The PRESIDING OFFICER. Will the Senator ask unanimous consent that the amendment be properly numbered?

The Parliamentarian informs the Presiding Officer that that will take care of the problem of the Senator from Iowa.

Mr. HUGHES. Mr. President, I ask unanimous consent that the amendment be properly numbered to conform with the changes already made in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD FOR PEACE VERSUS FOOD FOR WAR

Mr. HUGHES. Mr. President, I was startled to read an article in this morning's paper citing the latest report on the food-for-peace program and noting that in some instances about 80 percent of the payment received for agricultural commodities is funneled back to the local governments for military equipment and facilities.

On further investigation, I discovered that this activity is perfectly legal under section 104(c) of Public Law 480, which permits agreements to use these repayments "To procure equipment, materials, facilities, and services for the common defense including internal security."

Perhaps, Mr. President, I am singularly naive in supposing that this fine program—which I have long supported and which has done so much to help share America's abundance with the hungry and undernourished people of the world—would be used only for peaceful activities.

After all, the declaration of policy at the start of this law declares a major purpose:

> To use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in the developing countries, with particular emphasis on assistance to those countries that are determined to improve their own agricultural production.

But there is another declared purpose, one which has apparently become a blank check for many activities abroad:

> To promote in other ways the foreign policy of the United States.

This catch-all clause has permitted the U.S. Government to return nearly three-quarters of a billion dollars to the government of South Vietnam in the form of military aid, nearly $600 million to the government of South Korea, and now we are doing the same in Cambodia. Over the years since 1954 we have returned over $1.7 billion in defense-related aid.

Although this amounts to only 13 percent of total Public Law 480 assistance, the figure is about 80 percent for Vietnam and Korea.

Perhaps Congress would approve such provisions if given the opportunity. But I believe that we should be given that opportunity.

Otherwise, we may again be drawn into military arrangements without our full knowledge and consent.

Personally, I consider the use of food for peace as food for war to be a perversion of the basic intent of Congress. I also believe that it does our credibility no good at home or abroad to have these funds rechanneled for war under the label of food for peace.

For too long we have learned, after the fact, of unauthorized funds going for foreign aid—the under-valued excess defense articles, the CIA money for Laos which has been channeled through the AID budget, and the quiet reprograming which leads to mushrooming commitments without the prior consent of Congress.

This is merely another example of such concealed aid.

In order that Congress can advise and consent to such agreements, I am today offering an amendment to the pending bill which would provide simply that no agreement for common defense purposes under Public Law 480 shall be entered into unless authorized by further affirmative legislation by Congress.

Since the hour is late and the time on this bill is short, I believe that this provision would give Congress the opportunity to step back and look at these disguised military aid programs—and then accept or reject them as we choose.

Mr. President, as I have stated, this amendment, very simply, would give Congress and the proper committees the right from this point on, after the passage and signing into law of this bill, to review these matters if our Government wants to rechannel the food for peace funds into military channels.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HUGHES. I yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, will the Senator yield me 3 minutes?

Mr. HUGHES. I yield.

Mr. HUMPHREY. Mr. President, I am very pleased to join the Senator from Iowa (Mr. HUGHES) in offering this amendment.

I was very much disturbed this morning to read reports indicating that the United States had funneled $78 million into South Vietnam's war budget from the surplus agriculture commodities under the terms of Public Law 480. The report was brought to our attention this morning in the press. I ask unanimous consent that the AP story on the White House report, entitled " 'Food for Peace' Funds Arm Saigon" on food-for-peace operations in Indochina last year, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"FOOD FOR PEACE" FUNDS ARM SAIGON

A White House report shows the United States funneled $78 million last year into South Vietnam's war budget under the Food for Peace foreign-aid program.

The disclosure came in a report to Congress on Food for Peace operations last year. It was signed by President Nixon on June 29.

According to the report, South Vietnam through 1971 received $919.8 million worth of U.S. farm commodities under Food for Peace. Of that, $742.7 million was kicked back to the Saigon government to use for "common defense" purposes.

Authority for the expenditures is provided in Section 104–C of the Food for Peace law.

Further, the report shows, Korea last year received $20 million Food for Peace aid to help pay military bills, and Cambodia got $7.4 million.

Through 1971, Korea had received $593.1 million in "common defense" funds under Food for Peace out of a total aid under the program of $752.2 million. Cambodia began receiving the aid last year.

Under a typical arrangement, the United States agrees to provide South Vietnam with farm commodities, to be paid for with local currencies. About 80 per cent is then kicked back for "common defense" purposes.

The report says: "The major uses . . . are for personnel equipment, mostly clothing, construction and construction materials, and local services provided for the United States Military Assistance Command—Vietnam."

Over-all supervision of the "common defense" money is handled by the U.S. Department of Defense and the Agency for International Development, the report says.

In the case of Korea, the study says the money is used "to help offset the increasing defense costs" which are being transferred from U.S. military aid mission to the Korean defense budget.

The money in Cambodia is used "for military pay and allowances," the report says.

"Although 1971 was the last year local currency arrangements will be signed, it is anticipated that 104–C grants will continue to be made to Vietnam and Cambodia out of funds generated under credit agreements," the report says.

Since Food for Peace was enacted in 1954, more than $1.7 billion has been spent on "common defense" arrangements. The report shows that about $12.9 billion in total aid, the military kickbacks have amounted to 13 per cent.

Although Vietnam, Korea and Cambodia are the only current recipients, many countries over the years have shared in the "common defense" benefits.

Mr. HUMPHREY. Mr. President, last year, you may recall, the Presiding Officer now in the chair (Mr. PROXMIRE) I am sure will, introduced an amendment sponsored by the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Montana (Mr. MANSFIELD), the Senator from South Dakota (Mr. MCGOVERN), and myself to the Foreign Assistance Act of 1971, designed to repeal the wording in Public Law 480 which in practice had become a means for the U.S. Government to provide additional military assistance beyond the amounts authorized or appropriated by Congress. The amendment was designed to restore the original purpose of Public Law 480 of which I was one of the earlier sponsors.

Public Law 480 is the Food for Peace Act. Its purpose is to promote international trade in agricultural commodities, to combat hunger and malnutrition, and to further economic development.

Putting $78 million into South Vietnam's defense budget hardly fulfills the spirit of the Food for Peace Act. It is hardly in keeping with the amendment introduced last year, the Proxmire-Humphrey-Mansfield-McGovern amendment, written into law as Public Law 92–226. This amendment attempted to close a loophole and to prohibit any use of Public Law 480 funds for military purposes. That was its intent, and that was the intent of this body when it voted to accept the Foreign Relations Committee recommendation and when Congress voted it into law. The proposal of the distinguished Senator from Iowa (Mr. Hughes) will now close the loophole that we find in the law.

Again, one of our Departments of Government knew what our intention was here but, despite that intent, because the legislative history points this out unmistakably, the Department has pursued a course which violates the intent of our amendment.

Therefore, what the Senator from Iowa is proposing now is to make sure that any use of these supplies will have to be under formal agreement, so that there can be no way in which there can be any slippage or loophole used to add Public Law 480 surplus commodities as another element in the war chest or in military operations or in military assistance to any country.

The distinguished Senator from Iowa (Mr. Hughes) has rendered us a great service and I am very much pleased to join him and hope that the Senate will adopt his amendment.

Mr. SPARKMAN. Mr. President, I was chairman of the Agriculture Committee at the time Public Law 480, as it has come to be known around the world, was passed.

Mr. AIKEN. Mr. President, I have had no report until this morning that it was used for military purposes. The question is, What is a military purpose? We expected that if the countries we helped could gain by devoting funds to that country for hospitals and highways and airports and things of that nature, that would be its purpose. But no one intended that it could be used for paying military personnel.

I am wondering, since we have had no report at all on this, whether we might not be acting precipitately. However, I realize that the bill has to go to conference, and in the meantime we could find out quite a lot. The bill became law in 1954. Does the Senator from Iowa know how long this so-called misuse of funds which has only been reported by a newspaper today, has been in effect?

Mr. HUGHES. Let me say to the Senator from Vermont that ever since 1954 there have been various agreements ranging back to that time with various countries. An example has been reported today. As the Senator has pointed out, there is no claim that this is illegal under existing law.

About 80 percent has been kicked back for common defense purpose, the report states. The major uses are for personnel equipment, mostly clothing, construction, construction materiel, and local supervising for the U.S. Military Assistance Command in Vietnam. Overall supervision of common defense money is handled by the U.S. Department of Defense and AID, the report says.

Mr. AIKEN. That has been going on almost since the inception of——

Mr. HUGHES. With many countries. There were only three agreements last year. One with Vietnam for $78.2 million; one with Cambodia for $7.4 million; and one with South Korea for $20 million even. These agreements are apparently worked out each year. There now exists under 104(c), the common defense section, only one agreement—with Cambodia—which would be 80 percent of $14.2 million, which will be returned for defense; and another one is expected with Vietnam.

Mr. AIKEN. I do not know about this. Who issued the report?

Mr. HUGHES. The report is by the food for Peace program——

Mr. AIKEN. It is entirely possible that out of the $2 billion a year programs, which we have been running for quite a while, it is not surprising that perhaps 5 percent of that would have been spent indirectly for military purposes. I would suggest that since this has been going on ever since the program was authorized, perhaps we could get some information from the junior Senator from South Dakota who was the supervisor of the Public Law 480 program for a few years in the early 1960's.

I do not mind taking this to conference but, in the meantime, before the conferees take action, we should find out more about the facts and perhaps have someone come before our Agriculture Committee, or some committee anyway, to determine whether they have been using——

Mr. HUGHES. About $100 million.

Mr. AIKEN. That would be only about 5 percent a year of the total.

Mr. HUGHES. Over the years, 13 percent has been used for these purposes.

The PRESIDING OFFICER (Mr. Proxmire). The time of the Senator has expired.

Mr. TALMADGE. Mr. President, as the distinguished Senator from Vermont (Mr. Aiken) has just pointed out, since the inception of the food for peace program there has been authorized surplus food to be used for the common military defense. Since 1954 we have appropriated and spent countless billions of dollars of the tax money of the American people for defense purposes throughout the world. I see no reason why we should preclude the utilization of surplus foods when we have to use the same tax dollars that we take from the American people for the same purpose.

I do not say that all of that money has been wisely spent, but if we do have surplus food that we are going to use for common defense, it seems to me it would be much better to use that surplus food than to add to our deficit spending by taxing the American people yet more money that we do not have, using dollars in lieu thereof.

As I recall, this bill expires next year. It will be one of those matters we will have to consider at that time. At that time, I would appreciate it if the Senator from Iowa (Mr. Hughes) and others who are interested would come in and testify before our committee as to whether it is wise to use surplus food for common military defense.

It seems to me to be the better part of wisdom to use surplus food that we want to get rid of, rather than trying to utilize deficit dollars that we do not have. It is really that simple.

Mr. HUGHES. Mr. President, how much time remains to the Senator from Iowa?

The PRESIDING OFFICER. The Senator from Alabama has no time remaining. The Senator from Iowa has 5 minutes remaining.

Mr. HUGHES. I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, the argument is not over whether this can be used. The argument is over whether we enter into a formal agreement on the utilization of it. What has been happening is that under the general authority under section 104(c), the foods have been put into what is known as the common defense. And they have not been tallied up in terms of what is known as military assistance.

It seems to me that what we are really asking for is a legitimate accounting of how these funds are to be used. These funds are turned into local currencies. And the local currencies are then used in the military and other budgets, health, education, construction, and roads. We know the many uses there are for them.

What the Senator from Iowa is attempting to do is what we have been attempting to do, to have accountability. It seems to me that accountability is desirable. It seems to me that a food for peace program ought to be directed essentially toward that objective.

Mr. HUGHES. Mr. President, the Senator from Minnesota is exactly correct. This amendment is not an attempt to shut off negotiations under the common defense clause of the law. What it simply does is to say: Except that no agreement may be entered into under this subsection (c) unless such agreement has been specifically authorized by legislation enacted at the date of enactment of the Foreign Assistance Act of 1972. I offer this amendment so that the Congress may in each case have an appropriate share in the advice and consent capacity under the original terms and purposes ordered by the law—

> To use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic growth in the developing countries with particular emphasis on those countries who are determined to improve their own agricultural production.

The Senator comes from a State that abounds in agricultural commodities, agricultural technology, and sometimes in agricultural surpluses. I do not intend that the people of Iowa labor under the apprehension that food for peace is used for peaceful purposes at all times.

Mr. SPARKMAN. Mr. President, will the Senator yield for a moment? The time is about up.

Mr. HUGHES. I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, it happens that right now the Senator is speaking of two countries, Cambodia and South Vietnam. Next year or even before this year is out, it may be Bangladesh. The Senator must remember that it is for common defense, including internal security. This is what the law says.

That is what the Committee on Agriculture and Forestry put into law. This may be of a wider scope than the Senator believes.

Mr. HUGHES. The Senator from Iowa is not precluding broadening the scope at all. I am simply requesting that the appropriate committees of Congress have the right to express their will when such negotiations take place.

Mr. SPARKMAN. Mr. President, let me say that I agree with what the Senator from Vermont has said and with what the Senator from Georgia has said. As a matter of fact, I mentioned to the Senator from Iowa that this was a matter that the Committee on Agriculture and Forestry had handled and that they ought to be consulted.

I wish that we had a great more information regarding this matter. I will be very glad, as far as I am concerned, in accord with the Senator from Vermont, and agree to take the amendment to conference. However, I do want to say that before we take it to conference, I want to learn a great deal more about it.

Mr. HUGHES. Mr President, if the distinguished Senator is willing to take the amendment to conference, I am satisfied.

Mr. SPARKMAN. I am willing to take the amendment to conference.

The PRESIDING OFFICER (Mr. PROXMIRE). All time has expired on the amendment (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SCOTT. Mr. President, I call up my amendment No. 1332 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 10, strike out line 6 and all that follows through line 10, and insert in lieu thereof:
>
> "(1) In section 31(a), relating to authorization, strike out '$400,000,000 for the fiscal year 1972' and insert in lieu thereof '$435,000,000 for the fiscal year 1973'.
>
> "(2) In section 31(b), relating to aggregate ceiling on foreign military sales credits, strike out '$550,000,000 for the fiscal year 1972' and insert in lieu thereof '$600,000,000 for the fiscal year 1973'.
>
> "(3) Section 33(a) of the Foreign Military Sales Act, relating to aggregate regional ceilings, is amended by striking out '$100,000,000' and inserting in lieu thereof '$150,000,000'."

The PRESIDING OFFICER. On this amendment there is an agreement for 10 minutes, 5 minutes to the side.

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, the amendment increases the new obligational authority for the foreign military sales credit program from $400 million to $435 million and the overall authorization from $550 million to $600 million.

In addition, my amendment increases the ceiling on sales to Latin America from $100 million to $150 million.

FOREIGN MILITARY SALES CREDITS

As my colleagues know, an important development is taking place in one element of what we have come to call broadly "foreign aid." I am sure it is realized by all that the requirements for grant military assistance throughout the world are much reduced relative to those of the 1950's. In those days free world security required a contribution measured in some billions of dollars from the United States each year. Some grant requirements still exist in countries such as Turkey, Korea, and China but the executive branch request for fiscal year 1973 is now reduced to $780 million.

What may not be so widely realized is that the transition from grant military assistance to self-help has been enormously facilitated by the half-way house of credit. Back in the 1950's, U.S. military credits helped European countries, Japan, Australia, and New Zealand move into the now well established era of self-sufficiency. Later, countries such as Iran and the Latin American countries also began to move out of grant programs into self-sufficiency—but again with the assistance of U.S. "foreign military sales" credit.

The tempo of such transition has accelerated. Last year the U.S. Government used the $550 million FMS credit authorized by this Congress to finance transactions with 19 countries—including substantial amounts for those three countries I mentioned, Turkey, Korea, and China, that are just moving into their eras of self-sufficiency. My colleagues will recall that we also provided $400 million in new obligational authority for the FMS credit program—the difference between the $550 million and the $400 million figures reflecting that part of the program, $220 million of it, which was financed by private credit supported by a DOD guarantee. Since such guarantee of private credit requires only a 25-percent guarantee reserve instead of the full use of appropriated funds, the executive branch used only $384.6 million of the fiscal year 1972 $400 million appropriated for FMS credits. It is fair, I believe, to commend the executive branch for such prudent use of congressional appropriations.

During the past 20 years the U.S. Government has provided about $2.6 billion in credits. A little over $1 billion has already been repaid. During fiscal year 1972, repayments on principal on past credits will total about $200 million and interest payments on past credits will total about $50 million. This is a businesslike program with every dollar, with interest, returning to the Treasury of the United States.

We must take every care to provide authorization and funding for this program for fiscal year 1973. The President requested $629 million in authorization and $527 million in funding to cover the requirements for Israel, for several countries in the Middle East where an arms balance is essential, for several Latin American countries where modernization of obsolete equipment is unavoidable, and for those critical countries I mentioned that are transitioning out of the military grant program. After a reduction proposed by the Senate Foreign Relations Committee, and after rejection of an amendment designed to restore the value to those requested by the President, it is the position of the executive branch that it can continue the most vital parts of this program with an authorization of $600 million and a new obligational authority of $435 million. This still represents a reduction from the President's request of $29 million in authorization and $92 million in funding. I urge my colleagues to support this reasonable request.

REGIONAL CEILING—LATIN AMERICA

Some years ago, this Congress passed legislation limiting U.S. sales and grants of military equipment to the Latin American region to $75 million a year. The currently effective ceiling is $100 million and the President has authority to waive it up to a maximum of 50 percent. While our intentions at the time were impeccable, namely, to urge a region in which we perceive little external military threat to spend its scarce resources on schools and hospitals instead of military equipment, I think it might be useful to review what has actually happened.

During the combined fiscal years 1970 and 1971, U.S. sales to Latin America, cash and credit, totaled about $130 million. Military material grants to the region added another $14 million. During the same period, Latin American countries have purchased military equipment in the amount of at least $900 million from European suppliers.

It is one thing to hope that our Latin American friends will make prudent decisions about their national priorities and quite another to stand aside and allow the Latin American market, indeed, force the Latin American market, to go to European suppliers.

I am not talking about selling anything to anybody for the sake of making a sale. I am talking about such things as the Brazilian purchase of a $60 million air traffic control system from France in competition with high-quality U.S. equipment—a transaction for which the U.S. firm found it difficult to compete because it had to be squeezed into the regional ceiling imposed by U.S. law. I am talking about French sales of the Mirage aircraft to five Latin American countries—sales totaling one quarter of a billion dolars during the last 4 years—when they really would have preferred a U.S. aircraft. These are orders which the buyers wish to place in the United States and for which U.S. equipment is superior. Such orders have immeasurable impact in terms of jobs in the United States, balance-of-payments receipts, and tax receipts. We should not deliberately exclude them from U.S. suppliers.

I could argue that we should depend upon the executive branch to manage foreign military sales on a case-by-case basis, without the imposition of an artifiscial regional ceiling. I am only proposing however, that we modify the current ceiling in a commonsense way. Since the Latin American countries have clearly established a pattern of decisions with regard to military modernization, and have clearly established that they are going to acquire such equipment from Europe if it is not available from the United States, the ceiling should be raised to the more reasonable level of $150 million annually, with continuation of the current provision that the President be allowed to raise that ceiling up to an additional 50 percent if he considers it necessary in the U.S. national interest. If Latin American countries are going to exercise their sovereign rights to modernize their military forces, I think it would be sufficient for the United States to assess their requests on a case-by-case basis—rejecting purchase proposals with which we do not wish to associate ourselves, but honoring those that are clearly valid, and doing so without stumbling over an inappropriate regional ceiling.

I do not mind a U.S. decision to refuse to make a proposed sale if such a judgment is made on the merits of the case. I do mind being laughed at by European suppliers when such refusal arises out of an excessively limiting provision of U.S. statute.

Mr. President, I yield to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, the foreign policy of the United States has as its fundamental purpose the meeting of our responsibilities as a world power. Needless to say, we do not propose to perpetuate the cold war confrontations of the past, but neither do we propose to discontinue our aid and support to allied and friendly governments. Rather, we believe in the need for mutual efforts and the need to call on those who can assume more of the burden of their own defense. A key instrument in accomplishing this objective of responsibility is the foreign military sales credit program.

It is within this context that I am cosponsoring an amendment with the distinguished Senator from Pennsylvania (Mr. SCOTT) to S. 3390.

This amendment—No. 1332—is important to our balance-of-payments situation—and to our employment situation. It is not a foreign trade bill.

In the past few years, we have placed excessive limitations on the ability of American companies to sell military equipment abroad. As a result, in the last year alone, and in Latin America alone, American companies and their employees were deprived of at least $250 million in sales, which went instead to French and other European manufacturers. During fiscal year 1970–71, Latin American countries purchased $900 million of military equipment from foreign suppliers, and only $130 million from the United States. This trend is continuing and perhaps accelerating.

In short, experience has made clear that excessive limits on our military sales do not accomplish their purpose of discouraging poorer countries from purchasing the military equipment they consider necessary. Instead, the limitations merely deprive American firms of the ability to compete effectively.

The amendment is desirable for two other important reasons. First, the United States has been moving as quickly as possible from grant military assistance to sales. Such an emphasis is clearly desirable. But the switch from grants to sales can obviously not be made unless some flexibility is given the executive branch in the amount of credit sales it is allowed to make. Secondly, we are making increased use of private American financing of military sales. Again, the desirability of using private, rather than public funds, is clear; but it cannot be achieved unless the executive is given a considerably higher ceiling for aggregate sales than the amount of money provided for Governmnt financing of military sales.

Specifically, the McGee-Scott amendment does three things:

First. It raises from $400 to $435 million the fiscal year 1973 funds provided for military credit sales. The administration requested $527 million.

Second. It raises from $550 to $600 million the overall ceiling on military credit sales. The administration requested $629 million.

Third. It raises from $100 to $150 million the ceiling on military sales to Latin America.

As you can see, these increases are modest, and far short of the higher amounts requested by the administration. I consider amendment No. 1332 to be a minimal adjustment to the realities of the foreign military sales situation, and a significant contribution to the U.S. balance of trade and employment problems.

The demand for foreign military sales assistance was clearly demonstrated in fiscal year 1972 when the full amount of the program authorization—$550 million—was provided to our friends and allies. The demand for fiscal year 1973 funds will, if anything, be even greater. We must continue to support Israel at the fiscal year 1972 level of $300 million, as well as provide the means for our other friends to meet their defense modernization requirements. This is particularly true for the modernization of the Greek and Turkish air forces.

In view of the progress that has already been made toward self-reliance on the part of many of our friends and allies, and the clear requirements they face in providing for their own security, I believe the Senate should support the $435 million figure in new obligational authority and the $600 million program ceiling.

Further, Mr. President, I believe that the administration's request for an upward revision in the military assistance ceiling for Latin America to $150 million in fiscal year 1973, together with retention of Presidential waiver authority, is fully warranted.

My support for this is predicated on the view that the period of paternalism in United States-South American relations has come to an end, and that the foundations for cooperation can only be erected if we accept the principle of partnership. To perpetuate past restraints is to maintain a costly anachronism reflecting our unwillingness to come to terms with the new realities of the Western Hemisphere.

As I mentioned earlier, U.S. sales to Latin America have declined over the past several years, while agreements with European suppliers have multiplied. Latin American nations have made it clear to us that they fully intend to modernize their forces. They have made equally evident their irritation with American paternalism which is viewed, in many circles, as intervention in their domestic affairs. What has not been understood is the profound inconsistency of our approach—most particularly, the utter disregard we have shown for the Charter of the Organization of American States. Over the decades, the United States has argued strenuously in favor of more effective collective security action within the OAS while, at the same time, we have passed legislation which hobbles the efforts of member states to strengthen their roles.

It is argued by some that to increase our military assistance ceiling would be to feed the appetites of local military leaders. The facts, Mr. President, do not support this view. In a recent study on the military expenditures of six leading South American nations—Argentina, Brazil, Chile, Colombia, Peru, and Venezuela—one leading authority found that military spending took about the same proportion of their gross domestic product—GDP—in 1970 as in 1940, and generally absorbed a smaller share of central government expenditures.

Certain subjects seem quite clear as long as we leave them alone. Arms for Latin America is such a subject. It is one on which much has been said and written that seems self-evident until examined more closely. For example, the fear is often expressed that scarce resources are being expended in large quantities for military weapons acquisitions. If we examine the situation carefully, we will find that such fears are grossly exaggerated. In 1970, the ratio of defense expenditures to gross national product for Latin American nations was among the lowest in the world.

Mr. President, I believe that self-imposed regional ceilings are as contentious as they are ineffective. The present occasion probably is not appropriate for a complete repeal of this restraint. I do believe, however, that an increase in the regional ceiling is essential if the United States is to make sales of military equipment which are both reasonable and justified.

Consequently, I urge my colleagues to support amendment No. 1332 to S. 3390.

Let me say that the wisdom of this amendment derives from our shifting emphasis of our approach to military assistance around the world, and that it is to get out of the grant military assistance into the credit sales where we are not giving a free load to so many of the countries as we have of necessity in times past.

Once we start with this new emphasis, we then have to face up to the question as to why we are stopping the extension of military assistance. The answer is that we do not have a monopoly on any military assistance, that any nation that does not get it from us will get it from somewhere else. For example, in the preceding fiscal year, in Latin America they purchased $900 million in military supplies from other sources than the United States, and only $150 million from us.

This has three negative consequences.

One of those is that once they are making purchases outside the United States, we have much less to say about keeping it in low key and in nonaggressive areas.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPARKMAN. Mr. President, I yield the Senator 1 additional minute.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 additional minute.

Mr. McGEE. Mr. President, as a result they are not cutting back on military. They are simply making purchases from other sources. As a consequence, the American businessman suffers if we raise the ceiling on supplies and compromise the figure.

We increase the income for American businesses, lowering the deficits we have been experiencing in trade, and likewise we implement the assistance in holding jobs in this country.

On all three grounds, if we are to be responsible in this body in shifting our military emphasis and going into a less sharply construed program, I suggest we increase the authority on the military credit sales.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Arizona.

Mr. GOLDWATER. I wish to ask a question about this amendment. I wanted to ask if anyone knew why the Republic of China has been cut.

Mr. McGEE. I am sorry. I was unable to hear the Senator.

Mr. GOLDWATER. Why was the Republic of China cut?

Mr. McGEE. I yield to the chairman of the committee to respond.

Mr. SPARKMAN. My understanding is that the amount going to Taiwan is not cut. The overall request was reduced, but it is up to the administration to determine the country allocations.

Mr. SCOTT. It has the effect of cutting what is going to Taiwan.

Mr. GOLDWATER. If we ever need a friend over there now, it is Taiwan. I do not understand that reduction in the amendment.

Mr. SPARKMAN. The committee did not cut by countries.

Mr. GOLDWATER. They are mentioned in there. If that is not cutting, I do not know what is.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. AIKEN. I might have voted in opposition to this amendment, except that the effort to change the Public Law 480, the food-for-peace program, was as ridiculous a proposal as I have seen on this floor. There was absolutely no evidence, and no report to go on except a news story and possibly a political inspiration. The Senate was asked to vote without having information before us.

Mr. SPARKMAN. Mr. President, I was going to yield to the Senator from Arkansas (Mr. FULBRIGHT). Personally I am not in a position to oppose this. I believe it is needed. I was hopeful that the Senator from Arkansas would be here to present the opposition viewpoint.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. SPARKMAN. We have tried to locate him.

Mr. President, the Senator from Arkansas had a prepared statement, which I read:

STATEMENT BY SENATOR FULBRIGHT

The Senate has already considered and rejected amendments similar to that proposed by the Senator from Pennsylvania.

His amendment would increase:

(1) the authorization of appropriations for the military credit sales program from $400,000,000 to $435,000,000;

(2) the ceiling on credit sales from $550,000,000 to $600,000,000; and,

(3) the annual ceiling on military aid, government sales, and ship loans to Latin America from $100,000,000 to $150,000,000.

On June 19, by a vote of 32 to 47, the Senate rejected an amendment offered by the Senator from Texas (Mr. TOWER) to increase the authorization and ceiling for the military credit sales program. On the same day the Senate rejected a second Tower amendment which would have increased the effective ceiling on military aid and sales to Latin America by approximately the same amount proposed by the amendment of the Senator from Pennsylvania. The same reasons which persuaded the Senate to reject the previous proposals apply to the amendment before us today. Let me discuss them briefly.

Only six months ago, Congress appropriated $400 million for the 1972 fiscal year foreign military credit sales program and established an overall credit ceiling of $550 million, of which $300 million was earmarked for credit sales to Israel. The Committee on Foreign Relations recommended the same amounts for the 1973 fiscal year.

The Committee believes that the Executive Branch has not made a persuasive case for increasing the amounts above the level for the current fiscal year. The Committee weighed the amount requested against economic conditions here at home—conditions which, to say the least, are far from encouraging. Our Government faces a $38 billion-plus budget deficit for this fiscal year, another record-breaking balance-of-payment deficit, continuing inflation, and high unemployment. The economic indicators show that we simply cannot afford to underwrite a larger military credit sales program. Yet the Senator from Pennsylvania would have us add $35,000,000 more to the $436,000,000,000 federal debt—the highest in our history—to do just that.

I hope my colleagues will also bear in mind that, other than Israel, for which special provision is provided, the countries which purchase military equipment under this program are the poor countries of the world. These countries cannot afford to meet their pressing economic and social needs. Their debt burdens are growing far faster than their ability to pay. The United States should not be in the position of encouraging them to purchase bigger and better armaments on easy credit terms. The Senate should not endorse a "hard-sell" policy for peddling arms to the poor nations; arms which will be paid for at the expense of economic and social development.

Now, to the second part of the amendment of the Senator from Pennsylvania. The Foreign Military Sales Act imposes a ceiling on the amount of U.S. Government military aid and sales and the value of ship loans that can be furnished to Latin America and Africa each year. The ceiling was initiated by the Foreign Relations Committee a number of years ago in an effort to limit United States encouragement of unnecessary spending on arms by the nations of Latin America and Africa. The ceiling does not cover commercial sales or government grants for training. Before the enactment of the foreign aid bill for the 1972 fiscal year, the annual ceiling was $75,000,000 for Latin America.

At the Administration's urging, the Committee last year approved an increase in the ceiling for Latin America from $75,000,000 to $100,000,000. In the conference agreement was reached to allow the President to waive the ceiling up to 50%—for a total allowable ceiling of $150,000,000 a year—if he found that "overriding requirements of the national security" justify an increase in the ceiling. That is the state of the law today. The President has made such a finding for the 1972 fiscal year, and I am sure that he will do so for 1973 when the total nears the statutory ceiling.

The Senator's amendment would make the ceiling meaningless. According to the information furnished to the Committee by the Department of Defense, only $147,000,000 in military grants (excluding training), government sales, and ship loans are scheduled for Latin America in the 1973 fiscal year. This is $3,000,000 less than the allowable total if the President again exercises the waiver authority available. The Senator's amendment would add an additional $50,000,000 to the ceiling which, with use of the waiver authority, means an *effective* ceiling of $225,000,000—$78,000,000 more than what the Administration listed in its program.

There is nothing to prevent the countries of Latin America from buying as many planes or tanks here as they want—as long as they do it through regular commercial channels. The ceiling applies only to transactions by the U.S. Government. The Committee believes that these countries already spend too much on arms. Although we cannot prevent their diverting even more of their scarce resources to useless military spending, at least Congress can impose some practical restraints on our government's involvement in this waste of their resources.

Mr. President, the Committee believes that the restrictions in the law concerning military sales and grants to these poor countries are already too generous. It would prefer to see them tightened, not made meaningless as the Senator from Pennsylvania's amendment would do.

I urge the Senate to reject the amendment.

Latin America, fiscal year 1973

[In millions]

Miltiary assistance grants	$20.3
Military credit sales	75.0
Government cash sales	60.0
Excess defense articles	2.5
Ship loans	.9
Total	158.7
Less MAP training	10.9
Cover by ceiling	147.8
Commercial sales	43.5

Mr. President, I wish to emphasize that the foregoing is the statement of the Senator from Arkansas (Mr. FULBRIGHT) and not my statement.

Mr. BROCK. Mr. President, the pending amendment is worthy of the support of every Member of this body. Each of us is all too familiar with the shortcomings of direct grant weapons programs. The pending amendment on Foreign Military Sales Credit extends the administration's authority to foster the goals of reduced U.S. profile overseas and transition of friendly nations from grant weaponry programs to cash sales.

By raising Foreign Military Sales program's new obligational authority for fiscal year 1973 to $435 million and increasing the program level to $600 million for the same period, we can realize yet another advantage to the United States. This is in the area of improving our balance-of-payments deficit. As a member of the Banking, Housing, and Urban Affairs Committee, I am particularly interested in this third benefit. While we are certainly not in the business of selling arms and equipment to improve our balance-of-payments position, it is clear that an increased credit program will have a salutory effect on our economy. If we fail to make arms available to our allies, through such a program, we run the distinct risk of losing a good portion of this market.

It cannot be denied that this country's excellence in military technology has had significant effect not only on our own domestic economy with all the direct spinoffs that have been used to benefit the civilian sector, but also on our international payments deficit. Unlike traditional foreign military assistance programs, we stand to gain on any number of counts through expansion of the FMS program. While FMS has existed as a tool of foreign policy, it has never been fully utilized by any previous administration.

President Nixon has made a compelling case for foreign military sales credit. As an integral part of the administration's security assistance program, credit sales is an essential vehicle for insuring the success of efforts by friends and allies to assume an increased share of their own defense burden. For those of my colleagues who are anxious to see the termination of grant military assistance to many nations, I must point out that credit sales also is an extremely useful tool for insuring that the transition is both orderly and coherent.

As I stated earlier, FMS is not a new instrument of foreign policy. It has been used throughout much of the past decade to move a number of countries out of the grant military aid category. Iran, Greece, Taiwan, Morocco, Zaire, and a host of Latin American countries rely heavily, if not entirely, on our foreign military sales program. Others, including Turkey, Korea, and Jordan also rely on credit arrangements to upgrade the effectiveness of their armed forces. In the case of Israel, foreign military sales is one of the most effective means available for the maintenance of the delicate military balance in the Middle East.

To cut as deeply into the administration's request as has been proposed is exceedingly imprudent. The President had originally requested $527 million in NOA for fiscal year 1973, and a program ceiling of $629 million—for which $300 million is to be reserved for Israel. The pending bill would reduce these amounts drastically. What I am supporting today is a partial restoration of funds—at a level that proportionately is closer to the amount approved by the Congress for fiscal year 1972.

Given the demonstrated success of the FMS credit programs in the past, given the increasing number of countries willing to make the effort toward self-help, given the interest of the United States in progress toward free world security, a modest increase in the FMS credit program is wholly warranted. The program is well managed; the needs of our friends and allies for new aircraft, ships, and ground force equipment are readily apparent. The importance of exporting the products of American industry, together with the impact of these exports on our employment levels and balance of payments, is equally evident.

As for the second part of the proposed amendment, I believe the Senate should take action to approve the President's request to raise the Latin American ceiling for military assistance and sales to $150 million in fiscal year 1973. The reasoning supporting this move is persuasive both in terms of U.S. interests and Latin American convictions as to defense needs.

From a U.S. point of view, it is clear that a number of Latin American nations are deciding to modernize their equipment inventories with the only real question being the source of supply. Furthermore, our Latin American allies have made clear their dislike at being told that they cannot acquire certain military equipment from the United States, even when they pay cash, because a U.S.-imposed ceiling will not permit it. Such an arbitrary ceiling appears overly restrictive and paternalistic. During 1972, the present statutory ceiling of $100 million caused a continuation of the pattern of Latin American countries turning to European suppliers. A large part of these purchases were for air defense equipment the sale of which were in direct competition with U.S. suppliers.

It is reasonable to expect our Latin American neighbors to wish to replace outdated, largely World War II, military equipment. Not only will the old items not meet the need today, but they are both difficult and costly to maintain. Decisions to abandon such obsolete equipment are to be expected, both as a consequence of sound fiscal policy and prudent management. It is one of the tenets of U.S. policy to encourage friends and allies to make their own decisions on military matters with the United States in a supportive role. The present ceiling appears to impose our judgments rather than theirs.

Of course, the United States is not compelled to sell everything that is requested. It is intended that we continue to carry out a program of controlled sales. In sum, the establishment of a revised ceiling of $150 million in lieu of the present $100 million, and with a continued Presidential waiver authority of 50 percent would:

Allow the United States to make those sales that are reasonable and justified.

Permit the United States to become more competitive with foreign suppliers in meeting sound needs.

Allow the United States to exercise valuable and appropriate influence in an important region so politically and geographically proximate to the United States.

Mr. President, I urge the adoption of this amendment. The President's request for additional authority in these two areas is justified and necessary if we are to realize our desire to alter defense burdens and continue our commitment to world peace.

The PRESIDING OFFICER. The question is on agreeing to the Scott-McGee amendment No. 1332. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. ANDERSON), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGOVERN) and the Senator from Georgia (Mr. GAMBRELL), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is necessarily absent, and, if present and voting, would vote "nay."

The result was announced—yeas 48, nays 42, as follows:

[No. 305 Leg.]

YEAS—48

Aiken
Allen
Allott
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cook
Cotton
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hollings
Jackson
Long
McGee
McIntyre
Miller
Montoya
Packwood
Ribicoff
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—42

Bayh
Bellmon
Burdick
Case
Chiles
Church
Cooper
Cranston
Curtis
Fulbright
Goldwater
Gravel
Harris
Hart
Hartke
Hatfield
Hruska
Hughes
Humphrey
Inouye
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
Metcalf
Mondale
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Spong
Stevenson
Symington
Tunney
Williams

NOT VOTING—10

Anderson
Eagleton
Ellender
Gambrell
Jordan, N.C.
McGovern
Moss
Mundt
Muskie
Percy

So the Scott-McGee amendment (No. 1332) was agreed to.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, I send an amendment to the desk, which I call up.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following: Chapter 4 of part 2 of the Foreign Assistance Act of 1961, relating to securities supporting assistance, is amended by adding at the end thereof the following new section:

"SEC. 535. CENTER FOR PLASTIC SURGERY IN SAIGON.—Of the funds appropriated pursuant to Section 532 of the Fiscal Year 1973, not less than $715,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon."

Mr. SPARKMAN. Let the Senator explain the purpose of his amendment. I am prepared to accept the amendment, but I want an explanation of it in the RECORD.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I am offering an amendment today which would earmark funds for the furnishing of assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

I first became acquainted with the Children's Medical Relief International—CMRI—through an editorial in the Gainesville Sun newspaper. Later, in an article in Time magazine, I learned that the center was the only facility in South Vietnam dedicated to providing plastic and reconstructive surgery for children. I met with the executive director of the hospital, Mr. Tom Miller, and was delighted to introduce him when he appeared recently before the Senate Subcommittee on Foreign Aid Appropriations.

Mr. President, I wish every Member of this body could have seen the film I showed last May in the Senate auditorium. The movie told the story of some of the children in South Vietnam, the innocent victims of war who desperately need our help. The photographs of youngsters unable to close their eyes, without ears or limbs or with large portions of facial tissue destroyed due to noma, the disease that attacks malnourished children, were gruesome to look at. And they linger in your mind, long after the film is over—the outstanding work the center accomplishes gives us some ray of hope—some channel for the expression of something positive, constructive.

In 1967, Arthur J. Barsky, M.D. and Thomas R. Miller established Children's Medical Relief International, a nonprofit New York-based agency. In 1968, in cooperation with the South Vietnamese Medical Community, they founded the center to care for Vietnamese civilians. At first patients were seen in an apartment building in Saigon, but with the dedication of the new, modern structure in 1969, full scale operation of the hospital began. During the first year 400 children were served. Today the center treats more than 1,200 children annually and has already taken care of nearly 5,000 patients. The average patient's age is 8.

Rather than give a more technical description, let me quote from a letter Tom Miller received recently from American plastic surgeon, Richard Dakin, who served there:

> Nothing in my training prepared me for the shock of my first visit to the center for plastic and reconstructive surgery. It's like going to the pound, where the puppies cluster around the visitors, playful but shy, and very appealing in their attempts to be chosen—but these puppies are really children and they are asking, they are really asking, for operations! Then one notices that eyes and noses and ears and cheeks are missing. And one sees the incredible burn contractures, heels fused to buttocks, and ears plastered down onto shoulders, and fingers locked back onto little wrists. Keloids are part of nearly every burn injury, and mountains of scar tissue cascade from forehead to chin to breast bone and across brown bellies. Old skin graft donor sites look like deep burns that had never been grafted.
>
> They are so confident that the surgeons can help them, and their quiet brown eyes follow us as we make rounds. And I wish that I had memorized every text book I had ever read and could repeat flawlessly everything my teachers had ever shown me.

AID has signed a contract to give the center $163,000 this year, but more help is needed. Burns are a major problem in Vietnam, not only from the war but from war-related causes. Yet, in all of South Vietnam there is no adequate burn treatment facility. The Ministry of Health has repeatedly and urgently requested Children's Medical Relief International to help it establish a burn treatment facility. Even now, in spite of the fact that the center is not equipped to treat severe fresh burns, the present medical emergency has forced it to accept many fresh burn cases, forcing it to discontinue its other important work. Construction of a burns facility could begin immediately and be completed in 9 to 12 months. Badly needed burn treatment equipment could be ordered and used immediately.

I am sure most of you saw the pathetic photograph that was plastered on nearly every front page across the Nation of a little girl caught in a raid of South Vietnam planes that missed their targets and mistakenly dropped napalm on civilians and their own soldiers. The picture showed the girl who had ripped off her burning clothes and with others in the village fled down the road in terror. Ten-year-old Samkin Toc will live to remember that awful day. In fact, her third-degree burns and serious complications are being treated now at the center. She has already undergone one operation and faces more. But with all her suffering, Samkin Toc is still one of the lucky ones who at least is getting some treatment—and still has a chance to survive. Walter Cronkite's news report on June 27, 1972, put it well when it said:

> The people who run this hospital will not even estimate how many children die every week because they cannot get to this place or because there is no room for them. The motto Dr. Barskey chose for his hospital comes from the old testament: "Better to light a candle than curse the darkness."

We all know only too well by today's votes that viewpoints continue to vary on what our course of action should be in Vietnam. But I do not believe that concern for these unfortunate children is any matter for debate among men of compassion. CMRI deserves our support because it is an organization bent on repairing, rebuilding, and healing—on the activities man performs when he is really most human.

I strongly urge the Senate to give my amendment its strong support. As Mr. Miller put it:

> Now we have decided we should not be fighting there. Is it right to leave before helping to pick up the broken pieces of so many innocent lives?

Mr. President, I would like to add that this amendment was put into the House version of the Foreign Assistance Act in executive session this afternoon. Accepting this amendment in the Senate version of the bill will be an aid in eliminating any unnecessary differences between the House and Senate versions of the bill.

Mr. SPARKMAN. Mr. President, the amount involved is $715,000; is that correct?

Mr. CHILES. Yes.

Mr. SPARKMAN. A few days ago we accepted the Kennedy amendment for humanitarian assistance in South Vietnam and earmarked $70 million. This project could be funded from that earmarking. Is that correct?

Mr. KENNEDY. Mr. President, the Senator is correct, and I hope it would be. It is terribly important.

Mr. SPARKMAN. Mr. President, I am willing to accept this amendment, but with the understanding that it does not call for any additional earmarking, that it will be taken out of the funds already earmarked. Is that correct?

Mr. CHILES. Yes.

Mr. SCOTT. Mr. President, will the Senator yield me 1 minute?

Mr. SPARKMAN. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, in view of the state that the bill now is in, in view of the action of the Senate this afternoon, for the first time since I have been in Congress I am going to be impelled to vote against a Foreign Assistance Act.

I hope it will come back differently from conference, but I am personally convinced that unless the action of the Senate today is reversed before it comes back, it is inviting a veto.

I want to make it perfectly clear that I think the bill has been made unacceptable and has been put into a condition whereby it cannot help chances for peace or the negotiations toward peace in Paris.

Therefore, very reluctantly, I am going to vote against the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. HARTKE. Mr. President, for the information of the Senate, I have two amendments. One deals with the suspension of all economic and military help to Thailand.

I ask unanimous consent that the reading of the amendment, which I now call up, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 7, strike out "subsection" and add in lieu thereof "subsections";

On page 9, line 14, strike out the quotation marks;

On page 9, line 14, add the following:

"(y) No assistance shall be furnished under this Act (other than chapter 8 of part I, relating to international narcotics control), and no sales shall be made under the Foreign Military Sales Act or under title I of the Agricultural Trade Development and Assistance Act of 1954, to Thailand. This restriction may be waived when the President determines that the government of Thailand has taken adequate steps to carry out the purposes of chapter 8 of part I of this Act, relating to international narcotics control."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment be limited to 5 minutes, 3 minutes to be under the control of the Senator from Indiana (Mr. HARTKE) and 2 minutes under the control of the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, a parliamentary inquiry.

Mr. HARTKE. Mr. President——

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator from Indiana yield for a parliamentary inquiry?

Mr. HARTKE. I would except for the time situation. If I could have a clarification of that on the part of the manager of the bill, I will yield. Otherwise I want to proceed.

Mr. MILLER. Mr. President, could we have an explanation of the amendment, before the Senator asks for the yeas and nays?

Mr. HARTKE. Mr. President, this amendment cuts off all military and economic aid to Thailand, because of its role in the international narcotics traffic.

The only assistance which would be permitted under the terms of this measure would be funds appropriated under the international narcotics control program.

This amendment which was originally introduced in the other body by Congressman WOLFF, of New York, has already been adopted by the Foreign Affairs Committee with only one dissenting vote and will be reported to the floor as part of this bill. Furthermore, 85 Members of the other body had previously cosponsored Congressman WOLFF's resolution to suspend aid to Thailand.

This kind of support certainly indicates a commitment on the part of many legislators to act against the increasing traffic in heroin which is originating in the Far East. Despite a provision in the current Foreign Assistance Act which allows the President to suspend aid to any nation which does not take adequate steps to interdict the flow of narcotics, no action has been taken by the Executive in the face of hard evidence that Thailand serves as the major conduit for the transshipment of opium produced in Southeast Asia, the largest opium growing in the world. It now falls to the Congress to adopt legislation which would bring constructive pressure to bear upon the Thai Government to make a serious and effective effort to control the massive traffic in drugs.

Let us look briefly at the situation in Thailand. Several congressional study missions have returned to the Congress with reports that Thailand serves as the major conduit for drug traffic in the Southeast Asia region. As a result of these investigations, we have learned that opium-bearing caravans continually bring substantial amounts of raw opium and some refined morphine derivative down to Bangkok for shipment to Hong Kong. An NBC camera crew photographed such a caravan within the past 4 months.

After the opium reaches the port of Bangkok, it is placed aboard Thai-registered fishing trawlers. These trawlers can carry about 3.3 tons of opium per voyage. Until last year, these trawlers operated only during the summer months. Currently, they carry their deadly cargo year round. There is enough opium on each ship to supply 6 percent of the annual United States demand for heroin.

From Bangkok, the 11 trawlers fleet sails to Hong Kong where they unload the opium onto junks in Chinese Communist waters. These junks are then able to slip into Hong Kong unmonitored. The opium is then refined and shipped to the United States. This has come to be known as the Thai connection.

I am informed that American intelligence and narcotics personnel are aware of high level official complicity in the Thai drug trade. Not only do our people have the names of those involved, but they also have positive identification on the Thai trawlers which carry the opium to Hong Kong.

I find it shocking that with this kind of hard evidence and with the so-called cooperation of the Thai Government and its security personnel only 97 pounds of heroin and 645 pounds of opium were seized during all of 1971.

I ask my colleagues to compare this to the burning of some 26 tons of opium in one night by the Thai Government which the Thais said was in "response to a New York Congressman's charge that Thailand is not doing enough to stop illegal drug traffic." The amount of opium destroyed if refined into heroin would have been worth $1 billion and would have supplied nearly half the U.S. market for 1 year. This remarkable incident clearly demonstrates that we need to make the strongest possible representations to Thailand to win their true cooperation.

Unfortunately, while the Congress has been attacking the ever-increasing traffic from this area, the administration has been giving plaques to the Thai Government for its cooperation. No wonder we have not been able to stem the traffic. Only by the kind of direct action which my amendment proposes will we serve notice, not only to Thailand, but to other nations of the world as well, that halting the flow of heroin into this country is our No. 1 priority.

Mr. President, I am deeply troubled that our Government seems to be satisfied with telling the people that progress is being made, when it is not, and that not enough of an effort is being made to achieve progress in our antidrug efforts.

An article which appears in today's New York Times merely confirms the accuracy of Congressman WOLFF's findings and the necessity for congressional action in this matter. According to the Times account, a high-level report by a study team dispatched to study the drug problem in Southeast Asia is being kept under wraps, because it indicates that corruption and indifference are preventing any serious action against drug smuggling.

Such efforts to hide the truth from the American public on the critical issue of heroin traffic is not without precedent. During hearings of the Foreign Affairs Committee on this bill, this same kind of attitude was evidenced when Secretary Rogers responded to a query by Congressman WOLFF:

From my standpoint, I would appreciate, when you have information of this kind, let us have it privately.

I think it is time to make this public and to put the necessary pressure on the Thai Government to take definitive action against drug smuggling.

Knowing of the widespread suffering which heroin addiction causes in our society, both for the user and the victims of drug-related crimes, and understanding the necessity of cutting off the supply at its source, I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARTKE. All I ask, Mr. President, is that I think the Government of this Nation should go on record and simply say——

The PRESIDING OFFICER. The Senator from Alabama has 2 minutes.

Mr. SPARKMAN. Mr. President, just last week the President signed into law a measure that we put through the Senate here, which says the President shall suspend economic and military assistance furnished under this or any other act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development Assistance Act with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent illegal trade in narcotic drugs.

The President signed that measure just last week. There was also a similar provision in the law last year designed to meet this issue.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. SPARKMAN. It says he shall cut it off, as I read it, and shall suspend sales under all of these different acts, and shall not let aid resume until he is convinced that they have straightened up and are taking care of things.

I will say we have acted on this—there is a provision in the law concerning this problem. I do not believe we ought to come along now and put another law on the books saying virtually the same thing, except just changing it around a little.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SPARKMAN. Well, if I have time I will.

Mr. ALLOTT. Thirty seconds.

Apropos of the subject the Senator from Indiana has raised, in the last 3 weeks two cases have come to my attention. One of them was given 20 years and the other 30 years for drug traffic violations in Thailand. I suggest that the law on the books now is sufficient to handle the situation.

The PRESIDING OFFICER. All time has expired.

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The question is on agreeing to the amendment of the Senator from Indiana (Mr. HARTKE). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 22, nays 68, as follows:

[No. 306 Leg.]

YEAS—22

Bayh
Bible
Burdick
Byrd, Robert C.
Cranston
Fulbright
Gravel
Harris
Hartke
Hughes
Humphrey
Mansfield
McIntyre
Metcalf
Mondale
Montoya
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff

NAYS—68

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Boggs
Brock
Brooke
Buckley
Byrd,
Harry F., Jr.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
Miller
Packwood
Pearson
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—10

Anderson
Eagleton
Ellender
Gambrell
Jordan, N.C.
McGovern
Moss
Mundt
Muskie
Percy

So Mr. HARTKE's amendment was rejected.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. HARTKE. Mr. President, I have another amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add the following new section:

PROHIBITION AGAINST FINANCING DEFENSE ARTICLES FOR FOREIGN GOVERNMENTS AND PERSONS

SEC. 17. (a) Unless specifically authorized by law enacted on or after the date of enactment of this Act—

(1) neither the Export-Import Bank of the United States or any other agency of the United States Government shall lend, guarantee, insure, extend credit, or participate in the extension of credit with respect to the purchase of any defense article by or on behalf of any foreign government or any person; and

(2) financial assistance provided by the United States Government to any business entity shall be terminated if that entity engages in providing or servicing any defense article to be used in any foreign country unless such article is to be used directly and exclusively by the United States Armed Forces.

(b) For purposes of this section, the terms "defense article" and "agency of the United States Government" have the same respective meanings given those terms by section 644 of the Foreign Assistance Act of 1961.

Mr. HARTKE. Mr. President, I realize the lateness of the hour, but I do want a yea and nay vote on this amendment, and I ask for the yeas and the nays.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, could we have an explanation of the amendment?

Mr. HARTKE. I will be glad to explain it.

Mr. ALLOTT. Before we get the yeas and nays.

Mr. HARTKE. Mr. President, I asked for the yeas and the nays. Have they been ordered?

The PRESIDING OFFICER. The yeas and the nays have been ordered.

Mr. HARTKE. Mr. President, I wish I had more time. I have been waiting all day, too, as has everyone else.

This amendment to the Foreign Assistance Act of 1961 is designed to close yet another loophole through which taxpayers' funds have poured in violation of the expressed will of Congress.

In recent years, Congress has increasingly undertaken to fulfill its constitutional responsibilities in the field of foreign affairs by carefully delimiting the uses of money appropriated for foreign military and economic aid. It has shown a special interest in making certain that such aid shall promote, rather than hinder, the preservation of those conditions of international peace and freedom which must remain the essential goals of American policy. And it has sought to prevent the frustration of these goals by short-sighted decisions anonymously reached and irresponsibly implemented somewhere within the executive department.

Yet, in many instances Congress ability to exercise its authority over the use of appropriated funds has been undermined by the existence of autonomous agencies whose allocation of Government funds, granted for the implementation of ostensibly nonpolitical goals, has not been subject to the restrictions which it was the intent of Congresss to impose. Funds from such agencies have been diverted to purposes incompatible with the expressed will of Congress, taking the place of funds which Congress has expressly refused. Similar results have followed from the misuse of funds supplied to private companies under various programs intended to achieve specific limited goals. Indeed, in some cases one must wonder whether the executive department is using these indirect devices to circumvent the will of Congress, or whether it has itself lost control of the use of public funds by autonomous Government agencies and the corporate beneficiaries of Government assistance.

Thus it was recently announced in Athens that a consortium consisting of Lockheed, the French aircraft manufacturer Dassault, and Olympic Airways was to construct a factory for military aircraft in Greece. Financing of the construction of this plant was to be done in part with a loan of approximately $50 million from the Export-Import Bank. One of the major purposes of this facility was to service the Libyan Air Force, whose pilots are already being trained in Greece—indirectly with funds supplied to the Greek junta under the U.S. military aid program. A subsidiary purpose is to perform work for the U.S. Air Force which is now being done in the United States.

Is it really the intent of the Nixon administration to assist the Libyan regime with U.S. Government funds in its efforts to develop an air force which Libya has made abundantly clear has only one purpose—use against Israel? Certainly Congress has left no room for doubt that it considers the defense of Israel to be an integral part of American policy. Yet this proposed project involves the use of Government funds directly through the Export-Import Bank and indirectly through Lockheed, whose capital deficiencies have been supplied through Government assistance, in a way that can only undermine that defense.

Another aspect of this project is also worth looking at. The major argument for assistance to Lockheed was that it was necessary in order to preserve jobs in this country which would otherwise cease to exist. Certainly one purpose of the Export-Import Bank is also the expansion of employment within the United States. Yet this project actually involves the use of funds supplied for this purpose to diminish employment opportunities in the United States by constructing facilities for the performance in Greece of work for the U.S. Air Force which is now being done in this country. Under certain circumstances, such a sacrifice of the interests of American workers might be required by the necessities of national defense; but no such claim has ben advanced or could be supported in this case.

Another case in which the United States is involved, through the use of the funds of an autonomous agency, in activities hard to reconcile with its professed policies, is that of Middle East Airlines. It will be remembered that when Israel attacked planes of that airline in reprisal for the hijacking of a plane, the U.S. Government hastened to arrange for TWA to lend Middle East Airlines planes to take the place of those which had been damaged. To what extent was that U.S. action whose political implications were obvious, a reflection of the fact that Middle East Airlines is approximately half-owned by Intra Bank of Lebanon—and that the U.S. Commodity Credit Corporation, with about a fifth of the stock of Intra Bank, is much the largest stockholder of that bank?

These two examples are not isolated instances, but they are sufficient to demonstrate that it is necessary to bring the use of Government funds by autonomous agencies and by the corporate beneficiaries of Government assistance under the same controls which already apply to funds directly appropriated for foreign aid. Otherwise policies determined by Congress will be merely meaningless expressions of opinion, subject to frustration at the hands of any administration so inclined, or even of some anonymous bureaucrat or private entrepreneur operating with Government funds.

Mr. President, the amendment I offer today will restore Congress' ability to control at least this aspect of foreign policy uses to which its appropriations have been put. I strongly urge its adoption.

This amendment would prohibit utilization of American funds, and the answer to this is that it would interfere with some of our defense projects. Very simply, this amendment says that any money directly or indirectly coming from the United States shall not be used in foreign countries for the purpose of building military equipment which is not going to be used for the United States of America directly or indirectly. Certainly, no one can disagree with that.

I recognize the lateness of the hour, and I yield the floor at this time.

Mr. SPARKMAN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Alabama has 3 minutes.

Mr. SPARKMAN. Mr. President, the Senator from Indiana has presented something here that is completely new to us. This is the kind of proposal that ought to come before the committee to be analyzed, to be studied.

While it is true that the Senator from Indiana has pointed out an example that perhaps would be objectionable to all of us, this amendment is much broader than that. It provides, in part, as follows:

> (2) financial assistance provided by the United States Government to any business entity shall be terminated if that entity engages in providing or servicing any defense article to be used in any foreign country unless such article is to be used directly and exclusively by the United States Armed Forces.

Remember, this applies to every country, not just to Greece, not just to a single project to which he objected. Had the Senator wanted to take care of that, he should have couched his language in different words, so as to cover that particular and peculiar situation.

He cuts off Export-Import Bank assistance from the United States or any other agency of the U.S. Government, everywhere in the world.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. SPARKMAN. No. I do not have time to yield. The Senator had more time than I, and I want to explain this matter.

It covers the whole world and says that for these articles to be used in any foreign country, unless they are also used for the Armed Forces of the United States, we cannot lend any assistance. I do not believe that is good policy. Certainly, we ought not be called upon to enact that kind of legislation at the last moment, on the floor of the Senate, without any reference to the committee to give us a chance to consider it.

Mr. HARTKE. Mr. President, the Senator has not pointed out a single case in which this would be detrimental to the interests of the United States.

The Senator says it should be brought before the committee. It is impossible to bring something before the committee unless one knows about it. I have had it here all day. I talked to the Senator about it before. He said, "Why not bring it up sooner?" It is impossible. I could not bring it up sooner, because I could not get the floor, even though I had assurances from the Chair at 11 o'clock that I would have the floor. That is not my fault.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). All time has now expired.

The question is on agreeing to the amendment of the Senator from Indiana (Mr. Hartke).

On this question the yeas and nays have been ordered——

Mr. ALLOTT. Mr. President, I move to table the amendment of the Senator from Indiana (Mr. Hartke) and ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Indiana (Mr. Hartke).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from North Carolina (Mr. Jordan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Illinois (Mr. Percy) is necessarily absent, and, if present and voting, would vote "yea."

The result was announced—yeas 66, nays 24, as follows:

[No. 307 Leg.]

YEAS—66

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd,
  Harry F., Jr.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Mathias
McClellan
McGee
McIntyre
Miller
Mondale
Montoya
Packwood
Pearson
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—24

Bayh
Burdick
Byrd, Robert C.
Church
Cranston
Fulbright
Gravel
Harris
Hart
Hartke
Hollings
Hughes
Long
Magnuson
Mansfield
Metcalf
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Stevenson
Symington

NOT VOTING—10

Anderson
Eagleton
Ellender
Gambrell
Jordan, N.C.
McGovern
Moss
Mundt
Muskie
Percy

So the motion to lay Mr. Hartke's amendment on the table was agreed to.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

Mr. SPARKMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPARKMAN. Mr. President, is this vote on final passage?

The PRESIDING OFFICER. No. The question is on agreeing to the committee amendment in the nature of a substitute, as amended. [Putting the question.]

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. SPARKMAN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

VOTE ON MILITARY ASSISTANCE

Mr. CHURCH. Mr. President, the total tab that American taxpayers will pay during fiscal year 1973 for military and military-related assistance, together with subsidized arms sales to foreign governments, will amount to more than $7½ billion. Approximately a third of this huge expenditure is to be authorized for appropriation in the bill (S. 3390), on which the Senate will soon vote.

In recent years, whenever the opportunity presented itself, I have voted against the military assistance parcel of our foreign aid package. Our indiscriminate donation of arms, whether of grants or by subsidized credit sales, has not only involved the United States with governments that have little or no relevance to our national security, but has also identified us with many dictatorial regimes that represent the very antithesis of everything we stand for as a nation. As long as a foreign government was "anti-Communist," it automatically qualified for the gift of arms from the United States.

This kind of military assistance, doled out on a global scale, is a remnant of the cold war. With President Nixon's summit talks in Peking and Moscow, and with a changing world alinement underway, the program has become obsolete. It should be reviewed and revised.

The administration, apparently, while testing the winds of change, has not yet managed to adapt old programs to new realities. The fact is that much of our military aid should be terminated outright. Other parts should be phased out in an orderly way, with military assistance retained only in those cases where it is given in support of free governments, like Israel, or where the actual security interests of the United States plainly require it.

This assessment would normally lead me to vote against this year's military assistance bill, and I would do so but for certain provisions in the bill which I regard as having overriding importance.

The first of these is the "end the war" amendment, the final version of which was proposed by Senator BROOKE of Massachusetts, and retained by a vote of 46 to 49. This amendment, the bill would furnish a legislative formula for terminating American participation in the Vietnamese war. Just 2 weeks ago, the Democratic Party nominated for the highest office in the land, our eminent colleague from South Dakota, Mr. MCGOVERN, a man who stands unequivocably opposed to the further participation on our part in that tragic and mistaken war. Enactment of the Brooke amendment, even at this late date, would restore Congress to its rightful role in ending our part in the hostilities, and help assure the prompt withdrawal of our remaining forces in South Vietnam. It would offer to Hanoi an end to our part in the war in exchange for our prisoners of war and an accounting for Americans missing in action. Inasmuch as the Brooke amendment has been affixed to this bill, I feel obliged to vote for it on final passage.

Another consideration which leads me to this decision, relates to Israel, a country which respects civil liberties and upholds political principles similar to our own. The military support we extend to Israel, necessary to defend its independence against hostile neighbors, is consistent with our own beliefs and national values. Because Israel continues to be threatened and must of necessity support an adequate military posture. American aid is essential in maintaining a viable Israeli economy and in deterring any military threat posed from without. The committee thus earmarked certain security-aid programs for Israel, $300 million in military credit sales and $50 million in supporting assistance programs.

On June 23, I sponsored an amendment increasing the supporting assistance level to Israel to $85 million, which the Senate approved by a vote of 54 to 21. The Israeli example pledges our military assistance in support of a free government, and is thus consistent with my personal views as to the way we should administer our overall military assistance program in the future. It therefore constitutes another reason why I have decided to vote in favor of the bill on final passage.

The third reason relates to section 7 of the bill which bars both military grants and subsidized credit sales to the nations of South Asia. Commercial transactions between private American munitions industries and the governments of the area are not prohibited. The Senate upheld this important policy revision, which I authored, and I hope that the House will do likewise, thus ending an 18-year military disbursement policy toward the subcontinent that has proved an utter failure. Such an embargo on weapons supplied by our Government may help to discourage a new arms race between Pakistan, India, and Bangladesh, where inflated defense budgets and periodic warfare have taken a high and tragic toll. The arms ban also coincides with the new spirit displayed by the leaders of India and Pakistan at the recently concluded Simla Summit, whereby both governments denounced the use of force and pledged themselves to respect each other's sovereignty. The failure of the past and the hope of the future make it pertinent, then, to end our part in furnishing weapons of war to the nations of the subcontinent. The fact that the bill retains this arms embargo constitutes still another reason why I shall vote for it.

Finally, I am encouraged by the fact that, apart from the adoption of my own amendment increasing our aid to Israel by $15 million, the Senate has generally refused to overturn the committee's recommended cuts in the size of the overall military assistance program. The Senate version of the bill is about $500 million below the amount requested by the administration. Such a cut is not only fully justified, in my judgment, but nighly appropriate in a year when our projected budget deficit may reach a staggering $40 billion.

For these reasons, then, and with the hope that a MCGOVERN administration will make possible a new approach to the whole question of military assistance next year along the lines I have suggested, I will cast my vote in favor of S. 3390, the military assistance authorization bill.

Mr. SPONG. Mr. President, during the course of the debate, another $170 million has been authorized, and no reductions have been made.

Accordingly, despite many features of the bill which I support, I must vote against it.

I ask unanimous consent that my additional views in the report on S. 3390 be printed in the RECORD.

There being no objection, the additional views were ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF SENATOR WILLIAM B. SPONG, JR.

I voted against reporting the Foreign Aid Authorization Bill for Fiscal 1973. The bill, as reported from Committee, carries an authorization of $1.7 billion, most of which is for military assistance programs. I recognize the need for some of these programs, including the military sales credits and supporting assistance for Israel. I do, however, believe that in view of the projected budget deficit of $25 billion for this year we cannot afford a large-scale foreign aid program.

My vote is consistent with votes cast last year. In 1971 I voted against reporting H.R. 9910, although I did support the Committee version of S. 2819 which authorized $1.2 billion for military assistance type programs. I believed then and believe now that that was the maximum amount which should be spent on these programs in a time of financial difficulties for our country.

Our nation is overcommitted in many parts of the world. As I have noted a number of times, we cannot be the world's financier or the world's policeman, especially at a time when there are so many pressing domestic needs.

On the other hand, I do not believe we can withdraw from the world or that we should pursue a neo-isolationist policy. Indeed, we cannot do that. As a result I have supported the regional development banks, certain programs to provide humanitarian assistance and selected aid programs, including the amendment to the State Department-USIA authorization bill expanding our participation in international narcotics control programs.

What we need at this time in our history is a middle course between our present overcommitment and a potentially dangerous policy of isolation. Instead of representing such a balance, however, the reported bill represents only a continuation of the current policy of overcommitment.

Mr. BUCKLEY. Mr. President, I strongly favor the underlying purposes of the bill, but I cannot support it so long as it contains the Cooper amendment, as amended. As it now stands, it will severely undercut the President's efforts to negotiate a peaceful settlement of the Vietnam conflict. I will therefore vote against the bill on final passage.

Mr. MANSFIELD. Mr. President, may I ask that the well be as clear as possible so that the rollcall can get underway?

The PRESIDING OFFICER. The Senate is not in order. The vote on final passage cannot be taken until the Senate is in order.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. Moss) would vote "yea."

I further anounce that if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 42, nays 48, as follows:

[No. 308 Leg.]

YEAS—42

Allott
Bayh
Bentsen
Boggs
Brooke
Cannon
Case
Chiles
Church
Cooper
Cranston
Ervin
Fong
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Mathias
McIntyre
Mondale
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Smith
Sparkman
Stafford
Stevenson
Taft
Tunney
Williams

NAYS—48

Aiken
Allen
Baker
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Fannin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hartke
Hruska
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
Metcalf
Miller
Montoya
Packwood
Roth
Saxbe
Scott
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—10

Anderson
Eagleton
Ellender
Gambrell
Jordan, N.C.
McGovern
Moss
Mundt
Muskie
Percy

So the bill (S. 3390) was rejected.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the bill was rejected.

Mr. DOLE. I move to lay that motion on the table.

Mr. BROOKE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

Mr. MANSFIELD. Mr. President, will the Senator reconsider that action? Some Senators have gone home on the reassurance there would be no further votes.

Mr. COTTON. Mr. President, if we are going to go home after this, with a vote as close as this one, unless permission is given by the majority leader, we should vote from our seats and the Senate is entitled to hear our votes.

Mr. BROOKE. Can we vote tomorrow?

The PRESIDING OFFICER. There is a sufficient second. The yeas and nays have been ordered. The question is on agreeing to the motion to table the motion to reconsider. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is the vote on the motion to table?

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "nay."

I also announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would note "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is necessarily absent and, if present and voting, would vote "nay."

Also, the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. SAXBE), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 37, nays 30, as follows:

[No. 309 Leg.]

YEAS—37

Aiken
Allen
Baker
Beall
Bellmon
Bennett
Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cook
Cotton
Curtis
Dole
Dominick
Fannin
Fulbright
Griffin
Hansen
Hartke
Hruska
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
Montoya
Packwood
Roth
Scott
Smith
Spong
Stevens
Thurmond
Tower
Young

NAYS—30

Boggs
Brooke
Case
Chiles
Church
Cooper
Cranston
Ervin
Fong
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Inouye
Javits
Mathias
Metcalf
Nelson
Pastore
Pearson
Proxmire
Randolph
Schweiker
Sparkman
Stafford
Taft
Tunney
Williams

NOT VOTING—33

Allott
Anderson
Bayh
Bentsen
Brock
Buckley
Cannon
Eagleton
Eastland
Ellender
Gambrell
Goldwater
Gurney
Humphrey
Jackson
Jordan, N.C.
Kennedy
McGovern
McIntyre
Miller
Mondale
Moss
Mundt
Muskie
Pell
Percy
Ribicoff
Saxbe
Stennis
Stevenson
Symington
Talmadge
Weicker

So the motion to lay on the table the motion to reconsider the vote by which S. 3390 was rejected was agreed to.

Mr. SCOTT. Mr. President, would the distinguished majority leader state what is the next order of business?

Mr. MANSFIELD. Yes. The military procurement bill.

Mr. METCALF. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. Will the majority leader delay until order is restored?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, on the first track this morning, until about 1 o'clock, was Calendar No. 917, H.R. 15495, an act to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the selected reserve of each reserve component of the Armed Forces, and for other purposes.

I anticipate we will be some days on that bill, which will be managed by the Senator from Mississippi (Mr. STENNIS). Hopefully, that will be followed by the SALT Treaty. Hopefully, that will be followed by the revenue bill, and hopefully, that will be followed by H.R. 1.

Mr. SCOTT. What about the interim agreement on offensive weapons?

Mr. MANSFIELD. That will come in there somewhere. We will operate on at least a couple of tracks, maybe a multiple track basis, to try to clear the Calendar and dispose of as much of the President's program as possible.

Mr. SCOTT. We disposed of some of it a few minutes ago. [Laughter.]

I thank the distinguished majority leader. Is there any more business tonight, or any more rollcalls tonight?

Mr. MANSFIELD. As of this time, no.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BROOKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I ask unanimous consent that the bill just rejected be printed as an amendment to the pending military procurement bill.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

Mr. MANSFIELD. Just printed?

Mr. ROBERT C. BYRD. I shall not object, but I wonder if the Chair will lay before the Senate the unfinished business.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Chair lays before the Senate H.R. 15495, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFICER. H.R. 15495 will become the unfinished business beginning tomorrow.

Is there objection to the unanimous-consent request of the Senator from Massachusetts?

Mr. GRIFFIN. Mr. President, reserving the right to object, what is the request?

The PRESIDING OFFICER. Will the Senator restate it?

Mr. BROOKE. Mr. President, I ask unanimous consent that the Cooper amendment, as amended by the Brooke amendment, be printed as an amendment to the pending bill.

Mr. MANSFIELD. Just printed.

Mr. GRIFFIN. No objection.

Mr. MANSFIELD. The reason for that is that this is within the jurisdiction of the Foreign Relations Committee, and I think that is a matter we have to go into quite carefully.

I would have no objection to having the bill as it was finally rejected printed.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BROOKE. I did not ask for a printing of the entire bill that was defeated. I asked only for a printing of the Cooper amendment as amended by the Brooke amendment. I asked that that be printed as an amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that the bill as rejected be printed.

The PRESIDING OFFICER. First, is there objection to the unanimous-consent request of the Senator from Massachusetts?

Mr. MANSFIELD. Mr. President, would the distinguished Senator just have the Cooper substitute, as amended by the Brooke amendment, printed, without asking that it be printed as an amendment? It can be offered later as an amendment.

Mr. BROOKE. I have tried to take it out of the jurisdiction of the Foreign Relations Committee. I thought that was the intention.

Mr. MANSFIELD. That was talking about the whole bill.

Mr. BROOKE. Yes.

Mr. MANSFIELD. But I ask that the Senator not ask that it be printed as an amendment until the appropriate Senate amendment is considered.

Mr. BROOKE. Even the Cooper amendment as amended?

Mr. MANSFIELD. Yes. Just printed.

Mr. BROOKE. All right. Since the majority leader so requests, I amend my unanimous-consent request to ask that the Cooper amendment, as amended by the Brooke amendment, be printed.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, just to determine the intention of the Senator, does he intend to offer it as an amendment to the pending bill?

Mr. BROOKE. Yes.

Mr. DOLE. I do not know what is pending; probably that is my problem.

Mr. MANSFIELD. The military procurement bill.

Mr. DOLE. Military procurement?

Mr. BROOKE. I intend to offer it as an amendment to the military procurement bill.

Mr. DOLE. And if so offered, of course, it will be open to amendment and modification?

Mr. BROOKE. Oh, yes, open to amendment and debate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that the foreign assistance bill just rejected be printed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

What is the will of the Senate?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS 1973—AMENDMENT

AMENDMENT NO. 1347

(Ordered to be printed and to lie on the table.)

Mr. BROOKE submitted the following amendment intended to be proposed by him to the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes:

AMENDMENT NO. 1347

At the end of the bill insert a new section as follows:

SEC. 13. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act: *Provided*, That there has been a release of all American prisoners of war held by the government of North Vietnam or any government allied with them.

ADDITIONAL COSPONSOR OF A BILL

S. 3759

At the request of Mr. JAVITS, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 3759, a bill to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, and for other purposes.

ORDER FOR RECOGNITION OF SENATOR HUGHES ON TOMORROW VACATED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order previously entered recognizing the distinguished Senator from Iowa (Mr. HUGHES) for not to exceed 15 minutes on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES ON WEDNESDAY, JULY 26

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order recognizing the distinguished Senator from Iowa (Mr. HUGHES) be reinstituted for the day after tomorrow, immediately following the remarks of the two leaders under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY BEFORE THE SENATE THE MILITARY PROCUREMENT BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on tomorrow, the Chair lay before the

Senate the unfinished business, H.R. 15495.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON S. 2871, A BILL TO PROTECT MARINE MAMMALS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 2871 is called up and made the pending business before the Senate, there be a time limitation on the bill of 1 hour, to be equally divided between the distinguished manager of the bill and the distinguished Republican leader or his designee.

Mr. ALLEN. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. This is the bill to protect marine mammals.

Mr. ALLEN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON THE BILL MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Department of Agriculture is called up and made the pending question, there be a limitation thereon of 3 hours on the bill, 1 hour on any amendment, and one-half hour on any amendment to an amendment, debatable motion, or appeal, provided that the Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR S. 2871, A BILL TO PROTECT MARINE MAMMALS, TO BE MADE THE SECOND TRACK ITEM TOMORROW, AND FOR THE MILITARY PROCUREMENT BILL TO BE TEMPORARILY LAID ASIDE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow it be in order, no later than 5 p.m., for the distinguished majority leader to be recognized to call up S. 2871, a bill to protect marine mammals, making it the second track item, and that the then unfinished business, H.R. 15495, the military procurement bill, be temporarily laid aside and remain in a temporarily laid-aside status until the close of business on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I wish to present a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. With reference to S. 2871, a bill to protect marine mammals, will the Chair inform me as to whether or not some days ago an order was entered agreeing to time on any amendments, the time to be limited to 1 hour on any amendment and one-half hour on any amendment to an amendment, debatable motion, or appeal?

The PRESIDING OFFICER. On July 20, an agreement was entered into providing for 1 hour on the bill, and 1 hour on the amendments and amendments in the second degree, debatable motions, and appeals.

Mr. ROBERT C. BYRD. I thank the Chair.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m.

Immediately following the remarks of the two leaders under the standing order, there will be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the then unfinished business, H.R. 15495, the so-called military procurement bill. Debate will continue on that bill, amendments will be in order, and the leadership expresses the hope that Senators who have amendments will be prepared to call up their amendments.

At no later than 5 p.m. tomorrow, the distinguished majority leader or his designee will temporarily lay aside the military procurement bill; and the Senate will proceed to the consideration of the so-called marine mammals bill, S. 2871, for the second track, on which there is a time agreement. Rollcall votes on amendments thereto and on the bill itself undoubtedly are in the offing.

So there will be yea-and-nay votes tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 9:56 p.m. the Senate adjourned until tomorrow, Tuesday, July 25, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, July 24, 1972:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. For permanent promotion:

To be medical director

Henry V. Belcher
Charles H. Boettner
George G. Browning
Claude R. Garfield
Marilyn K. Hutchison
Leon R. Jellerson
Robert Y. Katase
William S. Lainhart
Louis Levy
David P. Michener
William Pollin
Alan S. Rabson
Paul J. Schmidt
David J. Sencer
Nicholas P. Sinaly
Eleanor F. Smith
Paul G. Smith
Robert J. Trautman
James L. Wellhouse

To be senior surgeon

David L. Aronson
Jacob A. Brody
Peter G. Contacos
Charles L. Donaldson
H. Bruce Dull
Arvo B. Ederma
Robert R. Fletcher
William B. Fergerson, Jr.
John R. Gill, Jr.
Ferdinand R. Hassler, Jr.
Jimmie D. Hawthorne
Edward J. Hinman
Axel W. Hoke
Isao Hoshiwara
Robert C. Hoye
Albert Z. Kapikian
Kurt W. Kohn
Robert E. Markush
Philip R. B. McMaster
Robert E. G. Norton
Joseph P. O'Malley
Harold E. Ramsey
James A. Richardson
Saul W. Rosen
Robert E. Streicher
Norman C. Telles
Fred E. Tosh
James R. Warbasse

To be surgeon

David A. Cooney
Laurence S. Farer
William T. Friedewald
James B. Halligan
Ralph H. Henderson
Barry J. Hoffer
Luverne A. Husen
Donald R. Jasinski
Michael J. Kinney
Howard E. Kulin
David M. Neville, Jr.
Gary R. Noble
Robert F. Read
Kenneth C. Schneider
Robert W. Sullivan
Stephen P. Swersie
Gerold V. Vandervlugt

To be dental director

C. Larry Crabtree
Winston W. Frenzel
Kenneth C. Potter
Jack D. Robertson

To be senior dental surgeon

Ray W. Alcox
George L. Crocker
Reginald N. Edwards
Clair L. Gardner
Russell O. Glauser
Stanley B. Heifetz
James R. Hull
Wayne R. Jameson
Richard S. Law
Thomas E. McClellan
Richard B. McDowell
James W. Miller
Jerry D. Niswander
John W. Vitamvas
Keith G. Winkler

To be dental surgeon

Thomas L. Austin
Louis F. Cannavale
William P. Hussman
Francis Y. Kihara
James E. Standifer
Henry J. Vanhassel
Richard G. Weaver
Richard L. Webber
William E. Wright

To be nurse director

Dolores R. Basco
Mary L. Brown
Evelyn A. Eckberg
Janet L. Fitzwater
Jane W. Hay
Marie M. Lech
Ruth J. Metka
Ann C. Rooney
Doris A. Tansley

To be senior nurse officer

Alice E. Duncan
Marcella R. Dwyer
Patricia P. Grimaila
Alice M. Haggerty
Alice R. Harmon
Carol M. Larson
Margaret M. Resnick
Virginia K. Saba
Billee Vonfumetti

To be nurse officer

Ray Cameron
Sandra J. Eyres
Sidney S. Louis
Richard A. Morris

To be sanitary engineer director

Ralph J. Black
Clarence E. Cuyler
Theodore C. Ferris
Raymond R. Goldberg
Lawrence C. Gray
John L. S. Hickey
Theodore Jaffe
Herbert H. Jones
Edwin M. Lamphere
Ralph I. Larsen
Roger D. Lee
Donald J. Nelson, Jr.
Donald T. Townley

To be senior sanitary engineer

Perry C. Brackett
Julius J. Sabo

To be sanitary engineer

Robert L. Ajax
William E. Barkley
Peter Y. Bengtson
David E. Bernhardt
Denis E. Body
Richard F. Boggs
Jerry L. Butler
George A. Carson
John K. Carswell
Robert M. Clark
Ronald F. Coene
William D. Conroy
Charles F. Costa
William A. Felsing, Jr.
Barry L. Johnson
Herbert F. Klein
Kenneth J. Kronoveter
Robert E. Landreth
Pong N. Lem
Howard D. Metz
Thomas M. Moore
Donald G. Myer
James L. Oser
Allen H. Palmer
George L. Pettigrew
Charles R. Phillips
Maris Pubulis
Stanley J. Reno
Marvin Rosenstein
Fred G. Rueter
John L. Russell
William L. Ryan
Francis L. Schulte
Keith R. Sherer
Morris G. Tucker
William J. Wandersee
James V. Waskiewicz
Robert B. Weidner
Charles H. Wentworth III
Richard F. Wromble

To be senior assistant sanitary engineer

Joseph F. Harrison
David C. Sanchez
Gale A. Wright
Gary D. Young

To be scientist director

Thomas E. Anderson
Frank P. Brancato
Samuel L. Buker
Rias H. Majors
Richard E. Marland
James V. Smith

To be senior scientist

Kenneth A. Borchardt
Frank L. Bryan
Malcolm D. Hoggan

To be scientist

Pantelis G. Rentos

To be sanitarian director

Bayard F. Byornson
Francis J. Goldsmith
Robert P. Hayward
Arthur E. Kaye
John W. Kilpatrick

To be senior sanitarian

George J. Brittain, Jr.
Norman A. Geiger
Robert A. Kay
Arthur L. Kenney
Richard A. Moats
Roger O. Olmsted
James L. Shoemake
Lee W. Smith
Richard E. Stedman
Dale H. Treusdell
Calvin C. Vaughn

To be sanitarian

Theadore H. Ericksen, Jr.
Larry O. Garten
Edwin O. Goodman
Edwin J. Heidig
Thomas C. Jones
James F. Lawler
James M. Stewart
Charles J. Wells

To be senior assistant sanitarian

Royce L. Gragg
Thomas J. Hartrich, Jr.

To be senior pharmacist

Mark H. Barnett
John H. Herath
Thomas H. Hodges
Gene G. Knapp
Paul J. Lesage
M. Thomas Wagner, Jr.

To be pharmacist

Richard R. Ashbaugh
Robert L. Ashmore
Thomas S. Bozzo
Edward C. Brennan
Robert Brotman
Robert L. Childress
James V. Christian
George E. Conley
Raymond J. Farkas
Paul T. Farrell
Daniel Hausman
William P. Heffernan
Walter Jakubowski
Michael J. Kopcho
Edward L. Kruger
Philip G. Lawrence
Dan Y. Miura
Laurence D. Sykes
Jeremiah R. Toomey
Leighton H. Tooms

To be senior assistant pharmacist

Earl L. Wunder.

To be veterinary director

Joe W. Atkinson.

To be senior veterinary officer

Everette F. Baker, Jr.
Fritz P. Gluckstein
Gerald A. Jacobson
William T. London
Richard A. Tjalma
Gordon D. Wallace

To be veterinary officer

Richard A. Mason
James D. Small

To be dietitian director

Alice M. Stang
Letitia W. Warnock

To be senior dietitian

Louise L. Boyer
Jane A. Davidsaver
Molette M. Jacobson

To be dietitian

Carol J. Bresley

To be senior therapist

Melvin Bader
Vincent J. Barbato
Riley B. Bingham
William E. Cox
Martha M. Lasche
Mario L. Salvanelli
Lawrence Sidel
Lennes A. Talbot

To be therapist

Maurna E. Complito
Neil O. Hartman
Robert N. Parrette
Dale E. Swett

To be senior assistant therapist

Gerald L. Rogers

To be health services director

Rebecca C. Chavez
Roy L. Davis, Jr.
Alice B. Frazer
Henry P. James

Delbert L. Nye
James G. Paine
Gloria M. Russo
Harry V. Spangler
Joel Vernick

To be senior health services officer

Robert M. Beauregard
Paul Blank
Gloria S. Burich
Charles P. Froom
Clifton R. Gravelle
Paul E. Jones
Robert J. Mahon
Kenneth R. Nelson, Jr.
Robert Sullivan

To be health services officer

Erich W. Bretthauer
Neil S. Goldstein
Kenneth D. Howard
Thomas J. Keast
Stanley J. Kissel, Jr.
David N. McNelis
Charles W. Roach
Joseph Scotto
Ralph E. Shuping
Robert F. Swiecicki
Elizabeth S. Trever
John B. Wiggins, Jr.

To be senior assistant health services officer

Joseph E. Brantley, Jr.
George B. Elder
William J. Gregory, Jr.
Joan E. P. Holloway
William H. Oates, Jr.
James J. Polkabla
Richard A. Tell
David T. Tingey
Peter K. Vaslow

U.S. ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Herbert Eric Wolff, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Kirk Singlaub, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Sam Sims Walker, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Roy Wolfe, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Robert Myer, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Gordon James Duquemin, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Everett Emerson, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Herbert Ardis Schulke, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles James Simmons, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Echols Spragins, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Magoun Wallace II, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. DeWitt Clinton Smith, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Jonathan Rowell Burton, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Aaron, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Wilbur Henry Vinson, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Royster Thurman, III, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Banks Cooper, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Peter George Olenchuk, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Maurice Hall, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Daniel Orrin Graham, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Murphy Dunn, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig Gen. Eugene Priest Forrester, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. William Johnston Maddox, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Howard Tackaberry, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. George Anthony Rebh, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Homer Duggins Smith, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Richard Edward McConnell, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Patrick William Powers, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Corbett McDonough, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Donn Albert Starry, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Cecil Walton Hospelhorn, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. James Frank Hamlet, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Chester M. McKeen, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Sylvan Edwin Salter, [redacted] Army of the United States (colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. John Kirk Singlaub, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Anthony Rebh, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John Louis Klingenhagen, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Jonathan Rowell Burton, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Aaron, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. James Joseph Ursano, [redacted] Army the United States (colonel, U.S. Army).

Maj. Gen. Jeffrey Greenwood Smith, 257–30–8277, Army of the United States (colonel, U.S. Army).

Maj. Gen. Harold Arthur Kissinger, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Harold Burton Gibson, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Cecil Walton Hospelhorn, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. George Monroe Bush, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard Hulbert Groves, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John Charles Bennett, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Patrick William Powers, [redacted]

[redacted] Army of the United States (colonel, U.S. Army).

Maj Gen. Thomas Edward Fitzpatrick, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Magoun Wallace II, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Neale Mackinnon, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Harold Gregory Moore, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Echols Spragins, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John Terrell Carley, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Peter George Olenchuk, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Frank Anton Hinrichs, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Curtis Wheaton Chapman, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Chester M. McKeen, Jr.; [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Dean Van Lydegraf, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Banks Cooper, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Dennis Philip McAuliffe, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Edward McConnell, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Carter McAlister, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Herbert Joseph McChrystal, Jr., [redacted] Army of the United States (colonel, U.S. Army).

EXTENSIONS OF REMARKS

SPEEDY TRIAL

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. KEATING. Mr. Speaker, last November I introduced a bill designed to insure the prompt disposition of criminal cases arising in Federal district courts, and this legislation was drawn up in light of evidence of increasing time intervals between the arrest of criminals and their trials.

Nevertheless, steps are being taken in many areas throughout the country to correct the problems caused by backlogs in courtroom dockets. An article recently appearing in the Cincinnati Enquirer helps to illustrate what is being done in my own congressional district, where judges are under strict orders from Chief Justice C. Williams O'Neill of the Ohio Supreme Court to expedite the disposition of criminal cases.

Mr. Speaker, it is highly gratifying to note this kind of response from State and local officials to insure the guarantee of criminal defendants to a "speedy and public trial." Properly implemented across the land, speedier trials will certainly help to reduce the overall crime rate, as well as help to restore a measure of lost confidence in the ability of our judicial institutions to deliver a fair and prompt application of the law to all offenders.

Mr. Speaker, I insert this article from the Cincinnati Enquirer into the RECORD at this point:

JUDGES REDUCE BACKLOG OF CASES

Under the watchful eyes of the Ohio Supreme Court, local Common Pleas Court judges have reduced their backlog of pending cases this year.

Cases awaiting final disposition dropped from 6089 in January to 5546 in June, according to statistics released by the Supreme Court this week. During this period, 3424 new cases were filed.

The figures used by the high court were supplied by the 11 local judges, who, for the first time, are individually accountable for all matters before them.

Previously, the 11 judges combined their figures into a single report which was submitted to the Supreme Court.

Ohio Supreme Court Chief Justice C. William O'Neill believes the new system making each judge responsible for his docket has speeded up case disposition throughout the state.

Many local Courthouse observers agree and say Hamilton County Common Pleas Court judges are working harder and disposing of more cases than ever.

According to the figures, in the first six months of his year, judges disposed of an average of 362 cases, including 145 criminal cases. They had an average 504 cases pending, including 76 criminal cases. During this time there was an average of 311 new cases filed per judge.

Here are the actual figures released by the Supreme Court showing cases disposed of during the first six months of 1972 and cases pending as of June 30:

Judge Gilbert Bettman, cases disposed, 381; cases pending, 439.

Judge Lyle Castle, cases disposed, 407; cases pending, 486.

Judge Frank Gusweiler, cases disposed, 296; cases pending, 552.

Judge John Keefe, cases disposed, 292; cases pending, 589.

Judge Ralph Kohnen, cases disposed, 302; cases pending, 499.

Judge Robert Kraft, cases disposed, 441; cases pending, 510.

Judge William S. Matthews, cases disposed, 321; cases pending, 496.

Judge William R. Matthews, cases disposed, 463; cases pending, 601.

Judge William Morrissey, cases disposed, 409; cases pending, 470.

Judge Melvin Rueger, cases disposed, 387; cases pending, 424.

Judge Robert Wood, cases disposed, 290; cases pending, 480.

EFFECTS OF NUCLEAR TEST AT AMCHITKA, ALASKA, A YEAR AGO

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Monday, July 24, 1972

Mr. GRAVEL. Mr. President, the data and evidence of the effects of the AEC underground nuclear test at Amchitka, Alaska, a year ago are still trickling in. At the time I opposed the test on the grounds that it was unnecessary from a weapons standpoint, it was hurtful to our international relations and was unduly destructive environmentally. A news story in the Washington Post of July 23, 1972, presents further information on the ecological damage reported. The number of sea otters killed in that blast was at least 1,000 as opposed to the AEC claim that only 18 otters died. In the interest of sharing this information with Senators who may have missed the informative news item, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMCHITKA OTTER KILL HELD 1,000

(By Dennis Cowals)

AMCHITKA, ISLAND, ALASKA.—A month-long survey on this remote Aleutian island has convinced biologists that shock waves from last November's underground test of a prototype anti-missile nuclear warhead killed as many as 1,000 sea otters.

But Alaska State game Biologist Karl Schneider, a sea otter specialist who had claimed earlier that the five megaton hydrogen bomb killed more otters than the Atomic Energy Commission admitted or had predicted before the Nov. 6 blast, says there is "no significant long-term damage" to the island's otter population.

Scientists believe 6,000 to 8,000 sea otters inhabit this rocky, treeless island, 1,200 miles southwest of Anchorage, Alaska.

Schneider said recently completed population surveys "didn't change our opinions of what happened a great deal."

AEC CLAIM CHALLENGED

A week after the detonation of project Cannikin more than a mile underground, Schneider and other state biologists challenged the AEC's claim that only 18 otters died, suggesting instead that 800 to 1,000 had been killed along a seven-mile stretch of Bering Sea beach.

Dr. Melvin R. Meritt, the AEC's top environmental effects scientist for Cannikin and the island's 1969 Milrow test, doubted the charge, saying he "couldn't believe 800 otter were killed." A month before the blast, AEC scientists had predicted that perhaps 240 otters would die as a result of the test.

But a savage, 100-mile-an-hour Aleutian storm swept the island the night before the test. Its dying gusts would have removed the evidence, carrying away nearly all of the otters that were killed by the blast, Schneider and others countered.

Only comparison studies requiring a new otter census this year would settle the matter, the scientists agreed.

From the Las Vegas test headquarters of the AEC, an agency spokesman admitted the discrepancy between otter counts made this summer and last.

The highest otter tally along the area showed 1,215 animals in the area. "This year the count was 452," the spokesman said. "It is assumed there are fewer sea otters there because of Cannikin," he allowed.

An official report is expected this fall, he said, following yet another autumn otter census which will be compared with a similar study made a month before the test.

This summer's work, involving researchers from federal, state and university laboratories under contract to the AEC, revealed "a clear pattern of otters coming into the area from both sides," said biologist Schneider.

PREPARING TO LEAVE

While the otters are moving in to reclaim their feeding and rearing grounds, the AEC's 300-man work force is packing up and preparing to move off the island the agency has occupied for more than five years and in which it has invested more than $200 million leading up to the Cannikin test.

This month, workmen had begun dismantling the trailer camps which once housed 700 men, reeling in more than 1,000 miles of cable stretched across the tundra, and generally trying to clean up the debris left from AEC's tenancy.

The 200-man camp from which scientists triggered the controversial blast has already been dismantled and trucked 42 miles along the spine of the barren island to Constantine Harbor, where it now awaits shipment to an Air Force radar station at Shemya, 225 miles farther down the Aleutian chain.

But teams of biologists and other scientists will keep coming back to Amchitka over the years to check for leaking radioactivity at the AEC's two test sites and another used by the Defense Department in 1965.

PROPOSED CHANGES IN OCCUPATIONAL SAFETY AND HEALTH RECORDING REQUIREMENTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, in order to carry out the purposes of the Williams-Steiger Occupational Safety and Health Act, employers are required to keep and make available to the Secretary of Labor records on certain activities under the act. Employers are also required to maintain accurate records and periodic reports of work-related deaths, injuries, and illnesses.

The Department of Labor's recent proposal to exempt businesses of fewer than eight employees from certain record-keeping requirements is a sensible move. This proposal would serve to reduce the amount of paperwork now required of the small businessman. As you know, the Department continues to want to develop, even with this exception, a capability of judging the hazards in those businesses. This, it seems to me, is vital to our effort to begin to pull together the kind of accurate data which we now lack about the extent of accidents at the worksite.

I am pleased to share with my colleagues the following proposal to amend the recordkeeping requirements under the Occupational Safety and Health Act, as published in the Federal Register for Wednesday, July 10, 1972:

[Department of Labor, Occupational Safety and Health Administration, 29 CFR Part 1904]

SAFETY AND HEALTH RECORDS AND REPORTING

SMALL EMPLOYERS

Pursuant to section 8 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657) and Secretary of Labor's Order No. 12–71 (36 F.R. 8754), it is hereby proposed to amend 29 CFR Part 1904 by establishing a new § 1904.15 to read as set forth below to facilitate compliance with recording and reporting requirements by employers with fewer than eight (8) employees. As used in the proposal, the term "employee" is used without limitation. Therefore, the term is intended to include all employees, whether full-time employees, part-time employees, or seasonal employees.

The proposal is in furtherance of section 8(d) of the Act providing, among other things, that information obtained by the Secretary be obtained with a minimum burden upon employers, especially those operating small businesses.

Written data, views, and arguments concerning the proposal may be submitted to the Office of Occupational Safety and Health Statistics, Bureau of Labor Statistics, Room 3818, 441 G Street NW., Washington, DC 20212, within 30 days after the publication of this notice in the FEDERAL REGISTER. The data, views, and arguments will be available for public inspection and copying at that office.

The new § 1904.15 would read as follows:

§ 1904.15 Small employers.

Any employer who had no more than seven (7) employees at any one time during the calendar year immediately preceding a current calendar year, shall meet his obligations under this part by: (a) Complying with any reporting obligations under § 1904.8 concerning fatalities or multiple hospitalization accidents, and (b) meeting any obligations for maintaining a log of occupational injuries and illnesses under § 1904.2 and for making reports under § 1904.21 upon being notified in writing by the Bureau of Labor Statistics that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses.

(Sec. 8, 84 Stat. 1598; 29 U.S.C. 657)

Signed at Washington, D.C., this 10th day of July 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72–11105 Filed 7–18–72;8:53 am]

OIL IMPORT CARGO PREFERENCE AMENDMENT

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Monday, July 24, 1972

Mr. COTTON. Mr. President, later this week it is expected that the Senate will begin consideration of H.R. 13324, the maritime authorization. Included in the bill is a provision requiring that 50 percent of oil imports, excluding residual fuel and No. 2 fuel oil, be carried on costly U.S.-flag tankers.

On three separate occasions—June 13, 29, and 30—I have placed in the CONGRESSIONAL RECORD correspondence between myself and each of several Cabinet officials concerning the oil import cargo preference amendment. To date the responses from these officials, including the Special Assistant to the President for Consumer Affairs, Mrs. Virginia Knauer, have been unanimous in their opposition to this amendment.

I further invite attention to the letter which I received from the General Counsel of the Department of Defense, Mr. J. Fred Buzhardt, dated July 21. It is the opinion of the Department that:

> The enactment of Section 3 of H.R. 13324, as reported in the Senate, *would be inimical to the nation's security.* (emphasis added).

In addition, Mr. President, I have received a memorandum on the cargo preference amendment in H.R. 13324, prepared by the economists Oscar and Edna Gass. Their conclusions concerning the effect of such an amendment include, among others, the following:

> The added costs of the more expensive U.S.-flag tanker operations will . . . in time, be borne by the whole body of Americans, partly as taxpayers and partly as consumers of oils.
>
> We would expect a U.S.-flag "cargo preference" program to contribute significantly to the already-ongoing "export" of petroleum refinery capacity from the United States.
>
> The balance of reasoning and of experienced judgment stands *against* the proposition that "cargo-preference" for commercial import tankers will contribute to the National Security of the United States.

Mr. President, these statements speak for themselves as to the undesirability of imposing for the first time a restrictive cargo preference requirement on the carriage of private commercial cargoes. I ask unanimous consent that copies of my correspondence with the Department of Defense and a summary of the memorandum by Oscar and Edna Gass be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JUNE 16, 1972.

Hon. MELVIN R. LAIRD,
Secretary,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: The Senate Committee on Commerce recently reported the bill, H.R. 13324, to authorize appropriations for fiscal year 1973 for certain maritime programs of the Department of Commerce.

In reporting this bill the Committee amended it by inserting a new section 3, the effect of which is to require that at least 50% of all oil imported on a quota basis, allocations or licenses, other than residual fuel oil to be used as fuel and No. 2 fuel oil, be carried on higher-costing U.S. flag tanker vessels. I and several of my colleagues opposed this amendment when it was considered in Committee and presently intend to move to strike it at such time as the Senate considers this bill.

Enclosed is a copy of the bill, H.R. 13324, and the report of the Committee accompanying it (Rept. No. 92–841). You will observe that a considerable portion of this report is devoted to trying to justify this oil import cargo preference amendment on such grounds as national security (see pages 12 and 13) and the alleged unavailability of vessels of the so-called "Effective U.S.-Controlled Fleet (EUSC) (see pages 17–19). Knowing that your Department does conduct continuing studies on our national sealift requirements, and that such matters as national security come within the particular expertise of the Department of Defense, I would appreciate receiving your comments on those portions of the Committee's report which seek to justify section 3 of the bill, H.R. 13324, on these grounds.

With best wishes.

Sincerely,

NORRIS COTTON,
U.S. Senator.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., July 21, 1972.

Hon. NORRIS COTTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COTTON: This is in response to your letter of June 16, 1972, requesting comment with respect to certain portions of the Committee report on H.R. 13324, 92d Congress, a bill "To authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce." The portions of the report to which you make reference are those justifying the bill's oil import cargo preference amendment on the grounds of national security and the unavailability of vessels of the so-called "Effective U.S. Controlled Fleet (EUSC)."

The growing dependence of the United States on foreign oil is a matter of great concern to the Department of Defense. That dependence poses a threat to the security and well being of the nation, in the event that availability of foreign oil is denied, whether through political, economic or military actions.

A key factor in insuring our capability to move oil over hostile seas, or to provide flexibility of source, is an adequate tanker fleet which can be relied on for delivery of whatever oil is available during periods of political or economic stress of war. U.S. flag vessels with American crews are the most reliable source of ocean transport. Availability of Effective U.S. Controlled (EUSC) vessels or other foreign flag vessels is of course less assured. However, in view of the probable denial of some oil sources, a possible reduction in world civil consumption in times of stress, and the surplus in world tanker tonnage, it does not appear that non-availability of tankers, although of concern, would be the only problem in some future crisis. From a security standpoint, we believe the oil problem centers heavily on the availability of the oil itself, and in time of war, the ability to provide adequate protection for tankers on the high seas.

Even if it were to be concluded that a substantial portion of our oil import should move in U.S. flag vessels for security reasons, we do not believe that H.R. 13324 would accomplish that purpose. By exempting fuel oil from its provisions the bill would leave the East Coast totally dependent on foreign vessels for a vital segment of its oil supply. And by financially penalizing the U.S. refiner of fuel oils who would be required to import half his crude oil in U.S. flag vessels, it would discourage increases in domestic fuel oil refining capacity, already in critically short supply, and encourage expanded offshore construction of refineries with attendant security risks.

The bill would lend further encouragement to the already developing trend towards the construction of offshore transshipment terminals, and do much to eliminate the economic pressure for construction of deep water ports in the U.S. In the process, the 50% U.S. flag rule would apply to a declining volume of direct shipments from oil sources to the U.S., and to an increasing volume of short haul relay movements. The total U.S. flag tonnage likely to result from application of H.R. 13324 under those circumstances would be only a small fraction of the total tonnage involved in the delivery of oil to the United States.

The degree of improved security which might accrue from the relatively small gain in U.S. flag vessels would be more than offset by likely developments resulting from application of similar legislation by foreign nations on which we depend for oil. A growing percentage of our imports might then depend on the availability of giant crude carriers wearing the flag of oil supplying nations instead of the third party nations now providing flags of convenience. Thus, a nation which chose to deny supply of its oil, could simultaneously deny us the means to transport replacement oil from other sources.

In view of the foregoing, it is the view of the Department of Defense that the enactment of Section 3 of H.R. 13324, as reported in the Senate, would be inimical to the nation's security

Sincerely,

J. FRED BUZHARDT.

MEMORANDUM

Preliminary Observations on the Proposal to Accord Legal Preference to US-Flag Tankers in the Carriage of 50% of Imports of Oils (with certain exceptions)

SUMMARY OF CONCLUSIONS

1. If not offset by substantial export of US refinery capacity, the proposal to pre-empt 50% of all US imports of oils (excepting residual and no. 2), through US-flag "cargo-preference", would require the construction, in US shipyards, of something like 3,600,000 deadweight tons of ocean-going tankers, in each of the next 12 years.

2. This building of tankers, on a steady schedule, would give rise to perhaps 50,000 to 60,000 permanent manufacturing jobs, in the shipyards and in the establishments of the shipyards' suppliers.

As these new tankers came into service, the permanent operating jobs afforded, to US seafaring men, would gradually cumulate to a total, toward 1985, of perhaps 5,000 to 10,000—the exact number depending both on the characteristic ship-size adopted and on the degree of continued overmanning on US ships.

3. The construction subsidy cost, to the Treasury of the United States, of this program of pre-empting tanker import cargo would be a minimum of $110 per deadweight ton. This would mean a minimum subsidy cost of $400 million annually or a total subsidy in the range of $5 billion for the 12-year program.

The US Treasury would then be paying a subsidy of some $7,000 each year for every job this program created in US manufacturing.

4. We do not have any reliable way to estimate how much more will be charged, on import carriage from the increasingly distant origins of oils, by US-flag tankers, under conditions of 50% monopoly, than would be charged by fully competitive foreign-flag tankers. We merely report the opinion, now current in Washington, that US-flag vessels are likely to charge, on the average, something like 50¢ per barrel *more*.

Such a 50¢ additional charge would yield, toward 1985, on oils "eligible" for cargo-preference, something like $2¼ million per day or more than $800 million per year! We do not characterize this total as probable or improbable. We *do* however urge that every reasonable step of policy and administration be taken to prevent the emergence of such a monstrous development of the current US maritime idealogy of "operating-differential" subsidies.

Were this 50¢ added charge indeed to be paid, it would amount (on the basis of 10,000 additional seafaring jobs) to an additional burden of $80,000 each year for each additional American seafaring man afforded employment by this program.

5. In the very short run, where the U.S. general price level of oils does not move, we anticipate that higher import costs for crude oils (whether arising from added tanker charges or any other cost) will operate to diminish the profitability of U.S. refining and marketing.

In the long-run, however, when capital must be attracted into U.S. oils to permit expansion, there is no presumption that higher materials import costs will operate to reduce the rate of profit in American oil refining and marketing. It is therefore to be anticipated that these higher costs will be "passed on" to others.

The added costs of the more expensive U.S.-flag tanker operations will then come, in time, to be borne by the whole body of Americans, partly as taxpayers and partly as consumers of oils.

6. We would expect a U.S.-flag "cargo-preference" program to contribute significantly to the already-ongoing "export" of petroleum refinery capacity from the United States. This export involves especially a near-circle of offshore territories, for whom the long-haul foreign-flag carriage *precedes* refining. The location of these refineries abroad might involve, in the next decade, a multi-billion dollar outflow of capital, together with the export from the United States of the related skilled employments. These would be employments both in petroleum refining and in other industries which are advantageously located when they can receive short-distance deliveries from refineries.

7. U.S.-flag "cargo-preference" would operate, like any other factor which increases the cost of foreign oils delivered to U.S. ports, to facilitate the raising of the prices of domestically produced American crude oils.

8. The burden of "cargo-preference" will fall unevenly on various groups of firms in U.S. petroleum refining and marketing.

(a) The smaller refiners will be more damaged than the larger. The smaller refiners now receive a relatively larger share of crude import quotas, and they will correspondingly lose more when import rights (burdened by "cargo-preference" costs) lose some of their value.

(b) The "independent" refining companies (who produce in the U.S. little of their own crudes) will be more damaged than the "integrated" companies (who largely produce in the U.S. the crude oils they refine here).

(c) The companies already positioned in ocean-going tanker operations *may* be less damaged than others.

9. The balance of reasoning and of experienced judgment stands *against* the proposition that "cargo-preference" for commercial import tankers will contribute to the National Security of the United States. One element in the current pattern is large (about 25%) American ownership and control of the worldwide commercial tanker fleet, though dominantly through economical (and non-controlling) "flags of convenience".

This pattern has proven compatible with nearly worldwide (fully 90%) tanker cooperation in "crisis management" whenever the ocean-going oil supply has been threatened with disturbance. "Cargo-preference" would breach this cooperation, through segmentation and counter-segmentation of world tanker carriage. For the National Security of the US, the consequence would more probably be loss than gain.

10. A substantial alleviation of the burden and damage of "cargo-preference" would result if, in the basic enactment, the initial experience of preference were limited to the carriage of tanker cargo originating in the Western Hemisphere. This limitation would reflect recognition that there are not, at present, the US-flag tankers which would be required for a responsible 50% participation in worldwide tanker movements to the US. The regional limitation would reduce—though not eliminate—the "scalping" of importers by tanker operators. Properly formulated, such a limitation would also provide for a review by the Congress, after a term of years, when the experiment could be abandoned or enlarged.

11. An even more fundamental alleviation would be constituted by a provision, in the enabling legislation, that no requirement of "cargo-preference" should operate to bar any US refining company from using the cheapest import transportation it could find, including foreign-flag tankers, to carry to the United States a minimum of 25% of all the crude oil the company must purchase for refining in the US, after deducting from its total refinery runs the full amount of crude oil this refining company itself produces in the US. This alleviation would give recognition to the fact that, on present trends, imported crude oils from overseas are likely to become, in the next decade, fully as important an element in US crude oil supply as the entire production of crude and field

condensate of the "lower 48" States. It would reflect recognition also that, in the measure that a refiner needs to make net purchases of crude oils for his own US refining, he is not benefited by the crude import quota system which operates to raise the prices of domestic US crudes. This net buyer of crude oils for refining needs competitively, in proportion to his crude buying requirements, to have access to the cheapest crude imports—supported by the cheapest tanker transportation—anywhere available.

12. "Cargo-preference" belongs to the profoundly defeatist camp of public economic policy. Such defeatism regularly looks, in international transactions, toward curtailing US expenditures on (cheap, competitive) imports of goods and services and then substituting for these imports more expensive domestic production of equivalent things. A US economic policy not permeated by this defeatist outlook would look rather toward increasing US incomes by expanding American exports of those goods and services in which US production is most competitive.

It is of the nature of the defeatist approach to arise from an initial weakness and to deepen the weakness from which it springs.

OAKLAND NATIONAL ALLIANCE OF BUSINESS DOES GREAT JOB

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. WALDIE. Mr. Speaker, at this time I would like to express my appreciation for the magnificent efforts of the Metropolitan Oakland Area National Alliance of Businessmen, and especially their former chairman, Mr. Edward J. Daly.

Under the inspired 4-year leadership of Chairman Daly, the Oakland NAB energetically pursued the development of jobs for the hard-core unemployed and the returning veteran. The Oakland NAB has proven itself to be of invaluable aid to the community by activity engaging business participation in combating the crisis in unemployment.

During the tenure of Mr. Daly, 8,256 deserving persons found full-time employment in over 351 companies, both large and small; 9,800 young people found summer jobs; and 38 companies loaned 90 executives to help in the organization and operation of the JOBS program.

These figures alone, however, only provide a measure of progress, they are not a final analysis of result. They are but the indicators of an on-going commitment by aware private industry and concerned individuals, such as Mr. Daly, to solving one of the major problems facing America today.

The response of these men and their companies to the often heard call for involvement in civic affairs has been honest and unhesitating. Those who work to further the goals of the National Alliance of Businessmen unselfishly give of their time and energy because they know how desperately their services are needed by this Nation's underprivileged.

Mr. Edward Daly, as president and chairman of the board of World Airways, is an outstanding example of a man who has been willing to add to the burdens of his position and do whatever he can to end the pressing problem of unemployment in the Oakland metropolitan area. His selfless devotion to the NAB and its purposes should not only serve as an example to us all, it should reassure us of the value—not to mention the necessity—of individual involvement for the good of the community.

In closing, Mr. Speaker, I again wish to state my deepest appreciation for the fine service rendered the people of the Oakland area by Mr. Daly and the National Alliance of Businessmen.

AHEPA CELEBRATES ITS GOLDEN ANNIVERSARY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. WHITEHURST. Mr. Speaker, the American Hellenic Educational Progressive Association celebrates its golden anniversary this month. It was 50 years ago that the order was founded, on July 26, 1922, in Atlanta, Ga.

The aims of this fine organization reflect a highmindedness worthy of every American. In addition to the good fellowship which one finds in the order loyalty to the United States and respect for its institutions and laws are paramount objectives.

The educational goals have found tangible expression in the form of financial support for scholarships and institutions of higher learning both here and abroad.

Few fraternal organizations have contributed so much to aid the victims of national disaster than the Order of Ahepa.

I am proud to be able to count myself as a member, and I cherish the friendships which I have found there as much as I do the ideals for which it stands.

Mr. Speaker, I would like to take this opportunity to salute this great order on its 50th anniversary, and I am appending the names of our local chapter officers in the Commonwealth of Virginia:

ORDER OF AHEPA

VIRGINIA

Local chapter officers

John Samos, President, Newport News.

Theodore Takis, Vice President, Newport News.

Mickey Markos, Secretary, Newport News.

Peter Savrides, Treasurer, Newport News.

George Zambos, President, Fredericksburg.

Mike G. Kontounadis, Vice President, Fredericksburg.

James Govenides, Secretary, Fredericksburg.

Mitchell P. Raftelis, Treasurer, Fredericksburg.

Arthur Craten, President, Alexandria.

Nicholas Collasanto, Vice President, Alexandria.

Emanuel Psarakis, Secretary, Alexandria.

Nicholas Charuhas, Treasurer, Alexandria.

Stephen Andrews, President, Williamsburg.

Dr. Pete N. Poulos, Vice President, Williamsburg.

Col. Christopher L. Pappas, Secretary, Williamsburg.

John Baganakis, Secretary, Williamsburg.

Constantine A. Anthony, President, Arlington.

Harry Brown, Vice President, Arlington.

Chris A. Varellan, Secretary, Arlington.

Michael P. Pappas, Treasurer, Arlington.

Pano Liatos, President, Richmond.

Frank Yannis, Vice President, Richmond.

G. T. Georges, Secretary, Richmond.

X. Morris, Treasurer, Richmond.

Theodore Boyce, President, Norfolk.

Joseph Mandeleris, Vice President, Norfolk.

Stanley C. Passaris, Secretary, Norfolk.

George Pahno, Recording Secretary, Norfolk.

N. G. Theodisious, Treasurer, Norfolk.

Paul C. Flegas, President, Roanoke.

James V. Mallis, Vice President, Roanoke.

John G. Peroulas, Secretary, Roanoke.

James Tames, Treasurer, Roanoke.

George Kolidakis, President, Hopewell.

Dean Vonetes, Vice President, Hopewell.

James Matthews, Secretary, Hopewell.

James Basis, Treasurer, Hopewell.

Milton Sarris, Secretary, Arlington.

Ken Bellas, Treasurer, McLean.

Current national officers

Col. Peter N. Derzis, Chairman, Supreme Trustee, Arlington.

John Angelopoulos, Ahepa Mother Lodge, Danville.

Current district lodge officers

George Johnson, Lt. Governor, Arlington.

Milton Sarris, Secretary, Arlington.

Chris A. Varellan, Athletic Director, Falls Church.

Past national officers

Alfred G. Vonetes, Past Supreme Lodge, Hopewell.

John P. Angelson, Past Supreme Lodge, Norfolk.

PENNSYLVANIA ANALYZES STATE INSURANCE PROBLEMS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. HUNGATE. Mr. Speaker, the State of Pennsylvania is taking what may be a leader's role in analyzing State insurance problems.

The following article should be of interest to all who purchase life insurance:

VARIATION IN SURETY COST CITED—CHARGES CAN DOUBLE FROM FIRM TO FIRM

(By Bob Woodward)

A national shopper's guide for life insurance shows that some major companies charge more than twice as much as others for similar policies, and that some of the best known firms charge the most for coverage.

Among the life insurance firms doing business in the Washington area, for example, average annual cost for the same $10,000 straight life policy from Connecticut Mutual Life is $22.40 compared to $53.10 a year from Travelers Insurance Co.

This means that over 20 years it takes to pay off such a policy, the Counnecticut Mutual subscriber would pay $448, compared to $1,062 paid by a subscriber of Travelers.

The national shopper's guide was released this month by Pennsylvania's crusading insurance commissioner, Dr. Herbert S. Denenberg, as an outgrowth of a shopper's guide released in April for firms selling life insurance in Pennsylvania.

The national guide shows the actual cost of insurance after the insured person has paid premiums and deducted the ultimate cash value of the policy and the money paid back by the company in dividends.

This method of arriving at the average annual cost was developed by a committee of insurance industry representatives and is generally considered the best way to compare policies and show true cost to the subscriber.

Spokesmen for the Life Insurance Association of America and the Institute of Life Insurance said yesterday that the method is probably the best.

However, both noted that there are other ways to compare policy costs and take into consideration such factors as the desire of some policyholders to pay less of a premium in the years when they are young.

The chief conclusion of the national guide is that the firms charging the lowest premium are not necessarily the best buys.

The Connecticut Mutual annual premium, for example, is $135 a year, compared to $118 for Travelers. But the guide calculates interest, dividends and cash value and concludes that the ultimate cost of the Connecticut policy is $614 less over 20 years.

The comparisons were done on the $10,000 straight life policy because it is the most popular and representative of life insurance offerings. It is popular because it provides both life insurance coverage and return on investment.

Ranking on the national guide is for the 30 largest life insurance firms in the nation. They hold more than half of all life insurance policies nationally, and all have offices in the Washington area.

The large firms with higher than average costs include Metropolitan, Prudential, John Hancock, Travelers, Connecticut General, Occidental Life of California, Lincoln National and Mutual of New York.

The guide says that the best buys are Bankers Life, Connecticut Mutual, The Northwestern Mutual, Massachusetts Mutual, New England Mutual, New York Life, and Sun Life Assurance Co. of Canada.

Denenberg does not conceal his purpose in publishing the guide: "We will continue to publish the list of the highest cost companies in order to put pressure on all life insurers to lower their premiums," he said in a recent speech.

In a telephone interview yesterday, Denenberg said that the life insurance industry "hasn't tasted the lash of competition."

He said he will periodically publish a list of the ten firms with the highest life insurance cost and the lowest. "It will be like the FBI's 10 most wanted list, only we'll have a 10 least wanted list also," Denenberg said.

The national guide, he said, should cause the 450,000 agents selling life insurance to put pressure on their companies to make their prices competitive.

Denenberg said that the guide could easily save consumers $3 billion a year in premiums if they shop for the best buys, and the publicity forces rates down in the entire industry. Total payments for life insurance in 1970 were about $37 billion.

About 7 of every 10 people in the nation have a life insurance policy. The average family has $20,900 in coverage. Total life insurance in force is now more than $1.4 trillion.

The national shopper's guide was compiled from a $25 book called "Cost Facts on Life Insurance," which is published by the National Underwriter Company of Cincinnati. Denenberg has also issued shopper's guides on automobile insurance and hospitals in the Philadelphia area. Both have been followed by a storm of protest from those involved.

In issuing the national guide on life insurance, Denenberg emphasized that a person with a higher cost life insurance policy would probably make a mistake to switch to another company.

He said this was because cash value and dividends increase sharply as the policy gets older, making a switch a mistake.

The ranking of the companies is based solely on cost and does not take into account the overall financial conditions of the company and the service provided by the agent.

Denenberg said his insurance department has already received about 50,000 requests for copies of the life insurance shopper's guide. He predicted that millions of copies of the guide would soon be in circulation.

George K. Bernstein, the federal insurance administrator, and Edward P. Lombard, superintendent of the D.C. insurance department, both said yesterday that the guide is an excellent aid for anyone shopping for a new life insurance policy.

PREMIUMS AND INSURANCE COST FOR A $10,000 STRAIGHT LIFE CASH-VALUE INSURANCE POLICY SOLD BY THE 30 LARGEST COMPANIES (3)

	Male Age 20 or Female Age 23 (4)			Male Age 35 or Female Age 38 (4)			Male Age 50 or Female Age 53 (4)		
		Average (6)			Average (6)			Average (6)	
COMPANY (5)	Annual Premium	Yearly Cost of Insurance	Ranking At Age 20/23	Annual Premium	Yearly Cost of Insurance	Ranking At Age 35/38	Annual Premium	Yearly Cost of Insurance	Ranking At Age 50/53
1. Bankers Life Company (Iowa)	$149.70	$24.70	2	$229.10	$42.00	1	$400.30	$119.20	1
2. Connecticut Mutual Life Ins. Co	135.00	22.40	1	218.50	46.70	3	397.70	132.70	6
3. The Northwestern Mutual Life Ins. Co	157.40	28.70	3	234.80	45.50	2	405.40	129.40	3
4. Massachusetts Mutual Life Ins. Co	156.30	29.50	5	236.10	50.00	4	407.90	131.40	5
5. New England Mutual Life Ins. Co	155.20	31.70	6	232.50	50.50	6	398.80	129.70	4
6. New York Life Ins. Co	152.40	32.50	8	233.40	52.40	8	400.50	127.70	2
7. Sun Life Assurance Co. of Canada	153.30	29.10	4	234.00	50.10	5	409.00	137.90	7
8. Great-West Life Assurance Co. (Canada)	131.30	31.90	7	206.00	52.20	7	366.80	140.70	8
9. The Equitable Life Assurance Society of the U.S. (NY)	152.70	33.60	10	233.20	56.60	12	404.50	141.10	9
10. The Manufacturers Life Ins. Co	127.80	37.10	19	197.00	56.00	10	343.70	142.50	11
11. The Penn Mutual Life Ins. Co	153.00	35.60	14	235.40	58.30	15	412.70	144.10	13
12. State Farm Life Ins. Co. (2)	146.10	32.60	9	227.40	53.60	9	409.20	152.80	18
13. Mutual Benefit Life Ins. Co	158.00	34.90	12	238.70	58.00	14	412.30	147.60	15
14. Aetna Life Ins. Co	160.60	42.00	25	239.50	56.40	11	408.50	142.30	10
15. John Hancock Mutual Life Ins. Co	157.00	35.70	15	242.10	61.60	19	415.70	144.90	14
16. Continental Assurance Co	155.70	36.00	16	241.20	59.10	18	419.90	147.90	16
17. The Prudential Ins. Co. of America (2)	157.10	36.40	17	244.40	63.20	21	438.10	143.90	12
18. The Canada Life Assurance Co	141.20	35.00	13	214.00	56.80	13	384.60	153.00	19
19. The Mutual Life Ins. Co. of N.Y. (2)	152.00	34.20	11	234.10	58.50	16	416.20	152.60	17
20. The Lincoln Nat'l. Life Ins. Co. (Ind.)	155.20	36.60	18	235.60	58.90	17	408.60	153.00	19
21. Occidental Life Ins. Co. of California	153.30	42.10	26	233.50	65.80	22	401.30	156.30	21
22. The Minnesota Mutual Life Ins. Co. (2)	156.40	39.70	23	238.90	62.50	20	414.80	162.10	22
23. Metropolitan Life Ins. Co. (2)	158.60	37.20	20	248.10	66.80	23	427.10	165.80	23
24. Connecticut General Life Ins. Co	139.40	39.50	22	220.40	70.70	24	398.80	175.30	24
25. American National Life Ins. Co. (2)	155.80	38.40	21	239.70	71.30	26	423.50	180.20	25
26. The National Life & Accident Ins. Co. (1)	116.50	40.30	24	190.80	73.60	27	343.70	180.60	26
27. The Western and Southern Life Ins. Co. (2)	156.60	43.60	28	246.30	73.80	28	426.30	184.40	27
28. Allstate Life Ins. Co. (1)	109.00	42.50	27	176.00	71.10	25	343.00	194.80	30
29. Provident Life and Accident Ins. Co. (Tenn.) (1)	108.80	48.10	29	177.30	77.30	29	328.70	184.70	28
30. The Travelers Ins. Co. (1)	118.00	53.10	30	190.90	84.70	30	348.10	194.40	29

(1) Policies that pay no dividends, but guarantee premium rate.

(2) Policy includes waiver of premium for disability at no extra cost. Costs have been adjusted to remove the estimated charge for this benefit.

(3) Largest by volume of total life in force. Only companies licensed in the United States are shown.

(4) Usual premiums for a female are the same as those for a male three years younger.

(5) Listed according to the average of the costs at the 3 ages.

(6) Ranked at each age according to the average yearly cost of insurance over a 20-year period.

RESOLUTIONS OF NATIONAL SOCIETY OF SONS OF THE AMERICAN REVOLUTION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, July 24, 1972

Mr. HARRY F. BYRD, JR. Mr. President, the National Society of the Sons of the American Revolution held its 82d Annual Congress at Indianapolis from June 11 to June 14.

At the Congress, this patriotic organization adopted 12 resolutions, some dealing with national and international affairs and others commending officials of the society.

The SAR is to be commended for its firm adherence to patriotic principles and its service to the Nation.

I ask unanimous consent that the text of the 12 resolutions adopted at the SAR Congress be included in the Extensions of Remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS

The National Society of the Sons of the American Revolution, at its 82nd Annual Congress, assembled from June 11th through June 14th, 1972, at the Indianapolis Hilton, Indianapolis, Indiana, adopted by unanimous vote, the following resolutions:

RESOLUTION NO. 1

Whereas, President Richard M. Nixon's policy regarding the war in Vietnam is to continue to seek to negotiate a just and honorable settlement and a return of American prisoners held by the Communist forces, but not to participate in a surrender of the freedom of the millions of South Vietnamese citizens nor in a surrender of the honor of our nation;

Now, therefore be it *Resolved*, that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled hereby affirms its support of these policies as stated by The President of the United States and urges that he take all necessary and responsible action to effect an end to the conflict, a prompt return of American prisoners held by the Communists and the reasonable assurance of the freedom of the South Vietnamese people whom we have befriended from future political and military aggressions.

RESOLUTION NO. 2

Whereas, the National Society, Sons of the American Revolution has noted a rapid rise in public proposals that the United States should grant amnesty to those young men who have fled their country to avoid military service and those who have deserted from military service, and

Whereas, we believe those young men who have fled or deserted have refused to fulfill one of the most essential duties of citizenship and that it would be a violation of faith with those hundreds of thousands of brave men who have honorably served their country, those who are prisoners of war and those who have given their lives, the ultimate sacrifice;

Therefore be it resolved, that we express our strong opposition to such action; that we call upon our Senators and Representatives in the Congress and the President of the United States to resist the pressures being mounted for amnesty; and that the appropriate authorities prosecute those offenders swiftly and fully when and if they are apprehended.

RESOLUTION NO. 3

Whereas, truth constitutes the greatest weapon against communist falsehoods; and

Whereas, "Radio Free Europe" and similar agencies have done a commendable task, on a relatively modest budget, in penetrating the Iron Curtain and presenting essential and truthful news, thereby bringing a ray of hope and comfort to the enslaved masses laboring under the communist yoke;

Now, therefore be it resolved that the National Society, Sons of the American Revolution favors these programs and urges that they be continued.

RESOLUTION NO. 4

Whereas, many citizens are expressing concern for the moral decay, the spiritual dearth and the rise of destructive revolutionaries who are seeking to destroy the American way of life and undermine the principles of our Constitutional Republic; and

Whereas, every endeavor to make the fibre of our country stronger has little hope of success unless our citizens are inculcated with the need to observe the principles of love of country and our countrymen, justice and service; and

Whereas, the Chaplain General of the National Society in his report to this Congress has urged a National spiritual effort on the part of all Compatriots of the Society;

Now, therefore be it *Resolved* that the National Society, Sons of the American Revolution at its 82nd Annual Congress assembled endorse the recommendation of the Chaplain General in said report and urgently ask all Chaplains of the State Societies and local Chapters of the Sons of the American Revolution and all Compatriots everywhere, to give earnest and active encouragement to all programs of the Society for a deepening of the spiritual motivations of our people.

RESOLUTION NO. 5

Whereas, for many years, certain agencies of the Judiciary and Executive Branches of the Federal Government have directed various local school districts to adopt courses of action which have encroached upon parental and local authority governing neighborhood schools; and

Whereas, such encroachment threatens to destroy our public schools and places in jeopardy the traditional control of Public Education by the States;

Now therefore be it *Resolved* that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled, urges the United States Congress to propose and the States to adopt a constitutional amendment which would assure the preservation of our neighborhood schools and promote the provision of a quality education to all children, and prohibiting any form of compulsory busing of students to achieve racial balance.

RESOLUTION NO. 6

Whereas, one of the most revered men in the United States, President Abraham Lincoln, directed that the song "Dixie" be played at events celebrating the end of the War Between the States; and

Whereas, "Dixie" is a most important part of Americana, and should be recognized as such by all patriotic citizens; and

Whereas, respect for America and its old and respected institutions and traditions, including the music which makes up a part of her history, should be displayed by all patriotic citizens;

Now, therefore be it *resolved* that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled endorses the right of all free citizens to freely play and sing the song "Dixie" and other music forming a part of our American heritage, and urges all civil authorities to preserve this right as one of those fundamental freedoms which are so dear to the hearts of true Americans.

RESOLUTION NO. 7

Whereas, the California Society, Sons of the American Revolution has taken appropriate action to support the establishment of the Patton family home in the City of San Marino, California as a memorial to the late, General George S. Patton, Jr.;

Now, therefore be it *resolved* by the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled that it endorses the action of the aforesaid California Society and urges the establishment and maintenance of the Patton Home in San Marino, California as a permanent memorial to the memory of General Patton.

RESOLUTION NO. 8

Whereas, the National Society, Sons of the American Revolution and the Indiana Society, Sons of the American Revolution lost a steadfast and valiant compatriot upon the passing of Compatriot James Arthur DeWeerd, D.D.; and

Whereas, upon the occasion of the 82nd Annual Congress being convened in his beloved State of Indiana, it is deemed fitting that a special tribute to our late Compatriot DeWeerd be adopted by this Congress;

Now, therefore be it *resolved* by the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled, that we express our deepest regret upon the passing of Compatriot James Arthur DeWeerd we extend our sincere sympathy to his family and many friends; and we express our deep gratitude for all of the dedicated service he gave during his lifetime to the Society and to the preservation of the principles upon which our Republic was founded.

RESOLUTION NO. 9

Whereas, the National Society, Sons of the American Revolution has learned with deep regret of the recent death of F.B.I. Director J. Edgar Hoover; and

Whereas, the 81st Annual Congress by its Resolution No. 7 has strongly approved Mr. Hoover's policies, leadership and dedication to law and order; and

Whereas, Mr. Hoover was the first recipient of the National Society's Law Enforcement Commendation Medal being presented to him by the then President General, Walter Sterling;

Now, therefore be it *resolved* by the National Society of the Sons of the American Revolution at its 82nd Annual Congress assembled that we express our deepest regret upon the passing of Mr. J. Edgar Hoover and extend our sincere sympathy to his family and many friends and we express our deep gratitude to the dedicated service he gave during his lifetime to the people of the United States of America and to the preservation of the principles upon which our Republic was founded.

RESOLUTION NO. 10

Whereas, the United Nations General Assembly has expelled loyal member of the U.N. the National Republic of China, and

Whereas, this action by the U.N. violated the principles of its own Charter, and

Whereas, Nationalist China was a peaceful, dues paying member of the U.N. and a friend of the United States, and

Whereas, the U.N. has admitted Communist China, a government which has slaughtered millions of its own people, and has imposed a constant reign of oppression and slavery, and

Whereas, Communist China, having been given a seat on the Security Council, can now veto any action by the U.N. thereby making it totally impotent as a force for peace, and

Whereas, many of the United Nations proponents seek to grant a total Power of Attorney over the internal affairs of its members which would thereby deprive the United States of its Sovereign Powers and make it subservient to the will of multitudinous, foreign countries, and

Whereas, competent testimony shows that certain foreign nations are using their membership in the U.N. to bring in spies and subversion to attack the United States internally;

Now, therefore be it *resolved*, that the National Society, Sons of the American Revolution again goes on record as opposing continuation of our membership in the United Nations.

RESOLUTION NO. 11

Whereas, it has been the policy of the National Society of the Sons of the American Revolution to re-affirm and re-adopt all previous Resolutions;

Now, therefore be it *resolved*, that the National Society does re-adopt and re-affirm all previous resolutions where applicable.

RESOLUTION NO. 12

Whereas, the 82nd Annual Congress of the National Society of the Sons of the American Revolution has been successful in every respect; and

Whereas, our appreciation should be extended to the individuals and groups that contributed to the success of this Congress;

Now, therefore be it *resolved*, that the National Society, Sons of the American Revolution hereby expresses its grateful appreciation to President General Eugene C. McGuire and to his charming and devoted wife, Paula, for the faithful performance by him of the arduous duties of his high office and the gracious giving of their talents to his outstanding administration; and

Be it further *resolved:* that our appreciation be given to our Executive Secretary, Warren S. Woodward, and his lovely wife, Gisela, for their vital role in the arrangements for, and execution of, the Congress, and

Be it further *resolved:* that our grateful appreciation and thanks be extended to:

Compatriot Marshall E. Miller, Chairman of the Indiana Society Congress Arrangements Committee, and his attractive wife, Marilyn, and Compatriot Jack M. Carmichael, President of the Indiana Society and Co-Chairman of the Indiana Society Congress Arrangements Committee, and members of the Indiana Society and their ladies who assisted them, and in particular, Compatriot and Mrs. Cyril L. Johnson, Compatriot and Mrs. Albert T. Morris, Walter C. Bridgewater, Troy G. Thurston, Lowell C. Reed, Adam Riggin and Estel L. Allen:

The Honorable Edgar D. Whitcomb, Governor of the State of Indiana and The Honorable Richard G. Lugar, Mayor of the City of Indianapolis and The Honorable John W. Walls, Senior Assistant Mayor of the City of Indianapolis for their well-received greetings and remarks to this Annual Congress;

Compatriot Fred J. Milligen, Speaker at the Monday luncheon;

Mr. M. Stanton Evans, Speaker at the Tuesday evening banquet;

Colonel (and Compatriot) Charles M. Duke, Jr., USAF, the first member of the Sons of the American Revolution to walk on the Moon, and Speaker at the Wednesday evening banquet, and his lovely wife, Dottie, who charmed everyone;

Mrs. Donald Spicer, President General, National Society, Daughters of the American Revolution; Mrs. Roy D. Allen, Senior National President, National Society, Children of the American Revolution; Mr. Philip E. Horne, National President, Children of the American Revolution; and to Mrs. Floyd H. Grigsby, State Regent, Indiana Society, Daughters of the American Revolution, for their attendance at and greetings to this 82nd Annual Congress;

Past President General Charles A. Anderson, M.D., for arranging the display of Compatriot S. Hubbard Scott's collection of historical, State and Territorial flags belonging to the Ohio Society, Sons of the American Revolution;

The Staff of the Indianapolis Hilton for their cooperation and assistance in connection with this 82nd Annual Congress of the Society.

Be it further *Resolved:* That the National Society, Sons of the American Revolution, in its 82nd Annual Congress assembled, hereby expresses its sincere appreciation to all the many others whose efforts contributed to the success of this Congress.

THE 13TH OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. HICKS of Washington. Mr. Speaker, this past week, we have been marking the 13th observance of Captive Nations Week. It's a sad anniversary for it reminds us that, in spite of the latest discussions with the People's Republic of China and the Soviet Union, vast areas of the globe and a vast portion of humanity still do not know the freedom and independence we sometimes take for granted.

Lands with great pride and ancient heritages have fallen before the juggernaut of the armed doctrine of communism. Regimes imposed on these lands persecute religion, stifle individual freedom, and reduce citizens to serfs in their own country.

A good example, one I have often talked about, is the country of Lithuania. This is a nation of freedom-loving peoples who have struggled under the yoke of communism since 1940 when Lithuania was forced into becoming a part of the Soviet Union.

Lithuania's history goes back to the 12th century. For more than 600 years her people repeatedly were compelled to fight in defense of their national sovereignty. By a peace treaty in 1919, however, the Soviet Government recognized the rights of Lithuania over its territory and people. During this period of independence Lithuania made progress in many areas such as agriculture, industry, education, and social reforms.

Although Lithuania had established a firm basis for a free and self-sufficient nation, at the end of the second decade of independence she was swallowed up in the grasping clutches of the Soviet Union along with her stout hearted Baltic neighbors, Latvia and Estonia. The fires of freedom, which once burned so brightly, were extinguished.

Another, more recent example of the repressive hand of communism, is the treatment the Soviet Jews are now receiving in their own country. Many have made attempt after attempt to migrate to Israel only to be thwarted by the Soviet Government.

The great courage of these people—and people all over the world now under the iron hand of communism—will serve as a warning that freedom cannot be suppressed forever. Thus, Mr. Speaker, I am proud to join with my colleagues in commemoration of this great time of rededication to the ideal of freedom and justice for all.

GOLDEN ANNIVERSARY OF AHEPA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BRAY. Mr. Speaker, the Order of Ahepa is observing its golden anniversary this year, and it can look back on its first half-century of existence with well-earned and well-deserved pride. Its contributions to the betterment and enrichment of social, moral, and family life in the American Republic through its civic works and programs are famous. I believe, however, that one of its most important and significant roles is that expressed by Ahepa itself, as one of its objects:

> To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture.

Peoples, cultures, nations, societies, are all too often prone to forget that from which they sprung, and to which they owe so much. Still, from time to time, they return to these things; as Longfellow noted, "Cato learned Greek at eighty," and this is one indicator of how much classical Rome realized its debt to Greece.

The legacy of Greece to the rest of the Western World is beyond compare and value. Hellenism sparked the Renaissance; from there the spirit of "the glory that was Greece" permeated so thoroughly into the mainstream of the Western World that Sir Henry Maine's classic remark is not too far off the mark:

> Except the blind forces of nature, nothing moves in this world which is not Greek in origin.

Our present-day political system has reached a point that would seem strange to the classical Greek, it is true. Yet, the idea of a government answerable to the governed, trial by jury, civil liberty of thought, speech, writing, assemblage, and worship have all had major stimulation from Greek beginnings. These things set off the Greek from his Oriental neighbor. They gave the Greek an independence of spirit and initiative that the Greek, in turn, has passed on to us.

Ahepa has among its members the lineal and spiritual descendants of the men and minds who began these things and to whom the Western World owes so very much of its heart and soul. Here, then, is a factor of Ahepa's existence sometimes forgotten, but always present: to preserve these ideals and serve as a constant reminder of the rock from which we are hewn.

As Will Durant put it, in the concluding lines of his book "Our Greek Heritage":

> Greek civilization is alive; it moves in every breath of mind that we breathe; so much of it remains that none of us in one lifetime could absorb it all. . . . those who cherish freedom, reason and beauty . . . will hear behind the turmoil of political history the voices of Solon and Socrates, of Plato and Euripides, of Pheidias and Praxiteles, of Epicurus and Archimedes; they will be grateful for the existence of such men, and will seek their company across alien centuries. They will think of Greece as the bright morning of that Western civilization which, with all its kindred faults, is our nourishment and our life.

THE ADMINISTRATION'S VIETNAM BUDGET "EXCUSE" FOR NEW WEAPONS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. ASPIN. Mr. Speaker, the Nixon administration is using the $2.2 billion Vietnam supplemental budget request as a convenient excuse to purchase some military equipment which has nothing to do with Vietnam or the recent North Vietnamese offensive.

The Nixon administration has used as a principal justification for its supplemental budget request the need to replace weapons including aircraft lost during the recent fighting. But the administration is simply wrong. There is in this supplemental budget $161 million for 200 new aircraft sought by the administration which is not to replace aircraft lost during the offensive but to buy brand new equipment.

Among the items sought by the administration are more than 40 F–4 Phantom jets, 132 big Huey helicopters, and 93 A–37 attack jet fighters.

Some of these are for replacements for planes lost in the fighting, but others are simply additions to our forces. To date absolutely no justification for putting this $161 million purchase into the supplemental budget has been offered.

Mr. Speaker, most of the planes would not be available until at least 1973 or 1974 and will have no effect on the current offensive. Maybe the administration is counting on the war continuing until 1973 or 1974? If the administration feels that it needs these 200 new planes, then it should request them in its regular budget next year with full justification.

I am calling upon the Nixon administration today to revise the supplemental budget request to include only the real cost of the war.

The supplemental budget which totals $2.2 billion is an addition to the $83.6 billion sought by the Nixon administration for defense spending this year.

Mr. Speaker, the Vietnam supplemental budget should only contain those items needed to fight the present offensive.

NEGOTIATED SETTLEMENT PROSPECTS SHOULD NOT BE HINDERED

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. FISH. Mr. Speaker, I commend the July 21, 1972, lead editorial in the Washington Post for the thoughtful consideration of my colleagues. Many of us want the Congress to play a far more active role in sharing responsibility with the Chief Executive in foreign policy and military decisions. We are concerned with the erosion of powers during this century, clearly vested in the Congress by our Federal Constitution.

The Post editorial considers the latest attempt to legislate an end to the war, and concludes that a vote for it at this time would be "capricious." It questions the aptness of even calling a fund cutoff an "end the war" amendment. It points out that, if passed, the war would continue; our POW's would still be hostages; and the present Saigon regime would still be in power.

The editorial recognizes the basic risk in passage of the Mansfield amendment—that it would undercut the Paris negotiations, in no way assist the negotiating process and only hamper the present hopeful signs of a negotiated settlement.

The editorial follows:

[From the Washington Post, July 21, 1972]

THE MANSFIELD AMENDMENT

At Senator Mansfield's initiative, the Foreign Relations Committee wrote into the military aid authorization bill a provision categorically cutting off funds to maintain "any" American forces in South Vietnam after Aug. 31, that is, to preclude a residual force; Mr. Mansfield indicates he would slip the date a month. The administration opposes this particular "Mansfield amendment," which differs from earlier versions, on grounds that the President alone should direct policy on Vietnam and that passage would deprive him of an important bargaining chip—the threat of indefinitely maintaining a residual force—which he is using at the Paris talks. (The amendment further states that all American military operations in Indochina should end after the United States and Hanoi agree to a cease-fire and after the prisoners are released, but this part of the amendment is simply a declaration without the force of a fund cutoff behind it.) A vote could come as early as today.

The issue is more complex than the debate on it has so far made out. To start, we would reiterate our judgment that it is unfortunate and gratuitous for the President to keep contending that Congress has no role in foreign affairs beyond ratifying his own decisions. The Congress—in this instance, the Senate—has ample constitutional and institutional claim to try to affect war policy. And although the onset of the political campaign undeniably complicates the matter, the issue posed by the Mansfield amendment should not be regarded as one to be treated on party lines.

But neither can the amendment be taken simply as an index of whether a given senator is "for" or "against" the war, regardless of the tendency of some of its supporters to call it an "end-the-war" measure. In no conceivable sense could the removal of American forces from South Vietnam alone "end the war," or even the American role in the war. American planes based outside of South Vietnam could still be bombing, American prisoners would still be captive, and the American-supported government in Saigon—whose leader's removal is Hanoi's dominant war aim—would still be in power. Passage of the amendment would no doubt be taken by many as a triumph for the "peace" movement. It would be politically embarrassing to the President, though surely he could find a political riposte by accusing his supporters—and fairly so—of undercutting his negotiating strategy in Paris. But none of these results, however they are evaluated, should be confused with ending the war.

The core truth is that the denial of funds for a residual force would indeed undercut the President's negotiating strategy. That being so, we submit that the only basis on which a responsible vote can be cast for the Mansfield amendment is the belief that Mr. Nixon's strategy is not going to work by November anyway and that he will then be defeated by Senator McGovern. Mr. McGovern has pledged, of course, not only to pull all forces out of South Vietnam within 90 days of taking office but—a step not contemplated at all by the Mansfield amendment—to stop the bombing on Inauguration Day. That is to say, before taking a crucial card out of Mr. Nixon's bargaining hand, legislators must be persuaded that the President's policy and political career alike are bankrupt. Without such a dual conviction, a vote for the Mansfield amendment would be capricious in the extreme. And even with those two convictions, those who vote for the Mansfield amendment must take upon themselves the responsibility for bringing Congress into the act not only far too late in the day but in a way which would threaten to undermine or even scuttle the Paris negotiating process which, whatever its promise, is now so clearly under way.

BUYING POWER OF CORN AND WHEAT NOW A SMALL FRACTION OF 1952 VALUE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. ZWACH. Mr. Speaker, ever since I have been in Congress, I have been working for 100 percent of parity prices for our agricultural producers. They need these prices because everything they buy has advanced greatly in cost.

This tremendous increase in farm production costs over the last 20 years was dramatized in a recent analysis prepared by the Congressional Research Service of the Library of Congress.

Walter W. Wilcox, senior specialist in agriculture, was asked to determine how many bushels of wheat and corn it took to buy a selected list of production items in 1952 and 1971.

He found, for example, that it took almost three times as many bushels of wheat to buy a half-ton pickup in 1971 as it did in 1952. It took more than four times as many bushels of corn and more than five times as many bushels of wheat to pay real estate taxes on farm land.

This is the selected list of production items and the number of bushels of wheat and corn required for both years:

Production item	1952 bushels	1971 bushels
30–39 HP tractor:		
Wheat	1,283	3,074
Corn	1,659	3,291
12' self-propelled combine:		
Wheat	2,483	8,051
Corn	3,210	8,622
½ ton pickup truck:		
Wheat	792	2,324
Corn	1,024	2,488
4-door standard-size automobile:		
Wheat	943	2,882
Corn	1,220	3,087
Real-estate taxes per 100-acres farm land:		
Wheat	36	195
Corn	46	209
All machinery repairs per tractor on farm:		
Wheat	56	138
Corn	72	148
Building repairs per farm:		
Wheat	68	191
Corn	88	205
10-hour day of farm labor:		
Wheat	3	11
Corn	4	12

THE CONGRESS PROJECT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BOB WILSON. Mr. Speaker, I know that many of my colleagues are pondering over the ponderous questionnaire prepared by the Nader organization and delivered to Members of Congress. As Members of this body, we are constantly being asked to give our opinions or explain our voting records—so questionnaires themselves are not new to us.

The length of the Nader survey, however, involves considerably more than just filling in information. The Wall Street Journal of June 29 comments on the size of the job Mr. Nader expects of Congress and the unlikely aspects of the survey really receiving the attention from Congress that Mr. Nader demands. The text of the editorial is as follows:

THE CONGRESS PROJECT

It will be, says Ralph Nader, "probably the most comprehensive and detailed study of the Congress since its inception." Some 800 people, mostly volunteers, are arriving in Washington to gather the statistics, conduct interviews and write studies. "The project is by far the largest undertaken by Nader," says an associate. "There's no other major project going on now—this is the whole ball game."

The project's scope is indeed awesome, perhaps as ambitious as the building of the pyramids, if not the filming of "Gone With The Wind!" There is a report that one Nader volunteer drove 450 miles in Wyoming to conduct a single interview. Ultimately, the research will yield a 3,000-page study on congressional committees and a similar volume or volumes on the legislative process. Mr. Nader promises recommendations for reforms in "excruciating detail." And there will be 35 to 40-page profiles on each of the 535 members of Congress, which he hopes to publish well before this November's elections.

We can hardly wait, yet we suspect the venture may take Mr. Nader and his crew a bit longer than they at first imagine. The heart of the research appears to be a questionnaire that has been sent to each member of Congress. There are 633 questions, each of which would easily require a half-hour of a Senator's or Congressman's time, in addition to the research services of his staff. Working nonstop during a 40-hour week, with time out for an occasional coffee break and to change the ribbon on his typewriter, a Congressman could have the questionnaire in Mr. Nader's hands by mid-September.

Some members of Congress might wish to take more than a half-hour for each question, to make the Nader project truly meaningful. The questions are fairly sweeping, after all. Consider the first three:

"1. Since becoming a member of Congress, what have been your three greatest accomplishments for your district? Your reasons?

"2. Since becoming a member of Congress, what have been your three greatest accomplishments for the country? Your reasons?

"3. Overall, do you believe the Congress today has more ability or less ability to solve contemporary problems facing this country than it did a generation ago to solve the country's problems then? Your reason?"

Surely it would be more reasonable of Mr. Nader if he only required that one question a day be answered. Each member of Congress could then plan to get up a little earlier, and while his mind was still fresh, answer a question before breakfast. Or, he could spend the day contemplating that day's question and put his thoughts to paper just before bedtime. True, the project would then take just under two years, but the pyramids weren't built over the weekend. And the study would be ready by the 1974 elections.

Given a little extra time, members of Congress might even be willing to answer a few more probing questions that the Nader people somehow failed to include in their questionnaire. Question No. 634, for example, could be: "How did you spend your summer vacation?" Then again, we realize that Mr. Nader had to draw the line somewhere. If he didn't, Congress would not be eager to assist him.

IT IS TIME WE WERE HEARD AGAIN

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. ABOUREZK. Mr. Speaker, there is a feeling of mistrust and fear building in our land. Nothing seems to work the way it should anymore. Things are strangely out of control.

Government is bigger than ever before. But it cannot be trusted and it cannot perform.

Business is richer than ever before. But its products are shoddy and its concern seems only with private profit and ever higher prices.

Labor is stronger than ever before. But it is powerless to keep its members' wages ahead of rising costs and is too often blind to the rights of the country as a whole.

For all our bigness and power, things as simple as a job for every citizen, food at prices a family budget can stand, or even a clean flowing little stream, seem beyond our ability to create.

The root cause of this powerlessness in the midst of great strength is not hard to find. It is the direct result of big organizations whose very power blinds them to the needs of the common citizen.

When you are mighty, as Government and big business and labor surely are, it is all too easy to use your might instead of your commonsense.

For example, if you are Government, and you are all powerful, why bother asking the average guy if he thinks it is worth it to spend $150 billion to pulverize a little country in far-off Asia? Your foreign policy experts tell you you have to do it, and your computers tell you you can win, so what more advice do you need?

Or if you are a giant corporation, and you are rich, why bother asking the working farmer what it will mean if you move in, buy up land, and monopolize agriculture from seed to supermarket. Your analysts tell you land is a good investment, and your tax lawyers tell you if you lose on farming you can write it off on taxes anyway, so why ask anyone else if you should do it?

Of course, if Government had bothered to ask the average guy about Vietnam before it was too late, he might have said he would rather have his tax dollars used for schools and hospitals and drug abuse clinics. But nobody asked.

Or, if business had asked the farmer what he thought of conglomerate farming, he might have said it would break millions of family farmers and drive them into the crowded cities where they would be forced onto welfare. But nobody asked that question either.

I believe those are the questions that have to be asked. And if Government, or business, or labor will not ask them, then the people must give their answers without being asked.

The elected representatives of the people are supposed to speak for them. They are supposed to be the ones who question the powerful on behalf of the people. They are supposed to be the ones who stop pointless wars before they get started, control the appetite of profit blind corporations, and remind big labor that its responsibilities extend beyond an extra dollar for its members.

Too often the elected representatives of the people have done just the opposite. Instead of controlling the big and the rich, they have been controlled by them. Instead of questioning the arrogant expert, they have bought his advice and laughed at the plain ideas of the average citizen.

It is time to put a stop to this sort of thing. It is time to look at the simple wisdom of the average American.

We know that we need jobs. Let us make it our business to insist that Government put us to work when we need it. And let us end this foolishness that there is not anything to do when we need better schools, curbs on pollution, new hospitals, drug abuse clinics, recreation facilities, and a hundred other things.

We know that inflation is robbing us blind. Let us end it with a program that asks equal sacrifice of all, instead of putting the whole burden on the wage earner who can least afford it.

We know that our tax system is a bad joke. Let us insist that the rich and the corporate giants pay their fair share. And let us use their share, once they start paying it, to relieve the crushing property tax burden on the average family.

Finally, we know above all that our country is in real trouble. Let us face that fact by demanding that foreign wars, exotic weapons, and multiple moon shots wait until we have put our own house in order. We pay the taxes. We have desperate needs of our own. Let us take care of those needs and worry about outer space later.

This, then, is the basic outlook I have brought to my work in the U.S. Congress. I deeply believe that the average American, as an individual, has much of value to offer his country. His voice has been drowned by the loud demands of the rich, the big, and the well organized.

It is time we were heard again.

COMMERCE LIAISON JOB OUTSTANDING

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. FUQUA. Mr. Speaker, I would like to join those colleagues who have paid tribute to the fine work which Marvin "Lucky" Mondres has done as the congressional liaison officer of the U.S. Department of Commerce.

I had a particular interest in the appointment of Mr. Mondres as he is from my great State, coming here in 1967 to serve as administrative assistant to Congressman Herbert Burke.

In the past 3½ years, serving with the Commerce Department, I have had numerous occasion to call on Lucky and I have always found him to carry out his assignments with thoroughness and dispatch. The Department will have a difficult time in finding someone as conscientious in the performance of these duties.

Establishing some liaison between the huge bureaucracy of the Federal Government is a continuing problem. Those of us in the Congress have to count on men such as Lucky Mondres to get us through to the right officials when we are working on projects to help our constituencies.

There is a corresponding responsibility to advise on the part of congressional liaison officers to inform their respective heads of departments of congressional attitudes and proposals.

In both instances, Lucky Mondres has been outstanding and I join with my colleagues in expressing our appreciation for a job well done.

CAPTIVE NATIONS WEEK

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. DULSKI. Mr. Speaker, each year since I came to Congress in 1959, the Congress has joined with private individuals and organizations throughout our Nation in marking Captive Nations Week.

The observance allows all of us an opportunity to speak with a collective voice of the plight of the peoples of the captive nations.

The oppression of these individuals is hard for many Americans to understand because it is so foreign to their way of life. Yet for so many, many years the peoples of the captive nations have been under the whip and restrictions of their Communist leaders.

Our Federal Government has made overtures to the Soviet Union, and our Chief Executive recently was entertained by the Russian leaders. But there has been no apparent defrosting of the cold war as it applies to the captive nations.

During the past year, 17 Latvian Communists smuggled a memorandum out of Latvia which exposed the criminal colonial policies of the Soviets in Latvia. In this memorandum the Latvians asked for world help in stopping the colonization and Russification of Latvia.

Earlier this year, 17,000 Lithuanians signed a petition asking for their rights and a halt to religious persecution in Lithuania. More recently, thousands of Lithuanians demanded their rights and independence in Kaunas and battled the Soviet police and paratroopers who were sent to suppress them.

The Ukrainians are more vocal than ever in their demands for independence despite ever-increasing Soviet repression. The other captive people hope and wait for their independence and the day they can live and build their future in their own sovereign lands.

Mr. Speaker, we in the Congress must continue our support for peaceful efforts to bring freedom and a better way of life for these oppressed peoples.

As part of my remarks I include the text of the proclamation issued by Governor Rockefeller of New York designating Captive Nations Week.

PROCLAMATION OF THE STATE OF NEW YORK

The United States Congress, in enacting Public Law 86–90, has called for annual observance throughout the country of Captive Nations Week.

It is a basic American principle—shared by all New Yorkers—that everyone should be able to choose the type of government under which he would prefer to live.

Many residents of our state are linked by ties of birth, culture, family, and principle with those in foreign lands who have lost their national independence directly or indirectly to foreign powers.

These New Yorkers—many of whom have themselves found asylum in America from captive nations abroad—have deep convictions about the political oppression of their homelands. It is fitting that we express our sympathy with the aspirations of liberty which they hold so dear.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim the week of July 16–22, 1972, as Captive Nations Week in New York State.

CENTER FOR INTERNATIONAL BUSINESS CONFERENCE ON CHINA TRADE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. REES. Mr. Speaker, last June 12 and 13, the Center for International Business sponsored a conference in Los Angeles concerning trade and investment in Taiwan and the People's Republic of China. At this assembly, senior government officials and business leaders of many nations joined together to discuss the many aspects of international business activities. I submit the text of a newsletter I received regarding this conference:

UNITED STATES-CHINA TRADE CONCLAVE CONCLUDED—INTERNATIONAL BUSINESS OUTLOOK CONFERENCE FORESEES SELECTIVE GROWTH OF TRADE WITH CHINA

LOS ANGELES.—Growth of trade with China is foreseen as slow and selective, yet very significant.

This was among the general conclusions reached at a major, two-day conference held June 12–13, 1972, at Los Angeles. The conference, attended by some two hundred domestic, as well as international business and government leaders, was sponsored by the Los Angeles-based Center for International Business. The Center is an affiliate of Pepperdine University.

"Focus of the conference was necessarily on the People's Republic of China because that is the area we know least about," said Richard C. King, executive director of the Center. King noted, "With regard to Taiwan, we as U.S. businessmen are certanily aware of their 'economic miracle' with substantial GNP growth of approximately 10% annually, which provides attractive investment and trade opportunities for many foreign countries."

"Most likely opportunities for U.S. businessmen are in high technology areas that relate to economic development, such as aircraft, heavy equipment, turnkey industrial installations including petrochemical plants and hydro-electric generating facilities." "However," King continued, "We have ignorance and misunderstanding to overcome, and we lack experience in trading with the People's Republic of China, since we are, after all, the last major country into that market."

"On the one hand," King concluded, "we have the People's Republic of China looking inwardly and relating their trade and investment policies to the goal of sustaining an economic system built on self-sufficiency. On the other hand we have Taiwan, externally oriented, building an economic destiny based on trade and investment and reaching out from a viable economic base. Common to both is the great Chinese asset of capability being admirable applied to two different systems."

The "China Conference," is the second annual International Business Outlook Conference principally sponsored by the Center for International Business. The first conference in this continuing series was the highly successful program, "Japan's New Role in the World Economy," held in Los Angeles, October 18–19, 1971.

Conference speakers included the Honorable Herman H. Barger, Deputy Assistant Secretary of State for East Asian and Pacific Affairs, Department of State, Washington, D.C.; B. T. Rocca, Jr., former President and Chairman, and currently a Director, Pacific Vegetable Oil Corporation, San Francisco, California; Pat Clever, President, Canadian Manoir Industries, Limited, Toronto, Canada; Dr. Robert F. Dernberger, Professor of Economics, University of Michigan; Kenneth D. Gott, Managing Director, Business International Asia/Pacific, Hong Kong; Dr. Stanley Lubman, Professor of Law, University of California at Berkeley, California; Wilford Welch, Senior Staff Member, Arthur D. Little, Inc.; Dr. David Wilson, Editor, *China Quarterly*, London, England; and Dr. Yuan-Li Wu, Professor of Economics, University of San Francisco, President, Asia Science Research Associates, San Francisco, and former Deputy Assistant Secretary of Defense, International Security Affairs, Department of Defense, Washington, D.C.

The Center for International Business is a non-profit, international research organization. Its purpose is to study economic and political issues basic to the formulation of policies affecting the international business environment and to develop objective analyses which can be translated into practical courses of action by the business community and other decision-makers in the private sector.

The Center also serves as a focal point for the dissemination of information and ideas of value to international businessmen in their policy- and decision-making activities; and provides information and guidance in the field of world trade through it's World Trade Libraries Division, in San Francisco, California.

AHEPA CELEBRATING GOLDEN ANNIVERSARY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. FISHER. Mr. Speaker, this year marks the golden anniversary of the American Hellenic Educational Progressive Association. I extend my congratulations to this great patriotic and philanthropic organization.

Their achievements and their contributions to worthy causes are well known and appreciated. Ahepa can point with pride to a half century of noteworthy progress. They have made an outstanding record of which they have good reason to be justly proud.

GUN CONTROL

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. MURPHY of Illinois. Mr. Speaker, I am inserting an article from today's Christian Science Monitor which I believe is a timely analysis of myths which prevent any reasonable discussion of the need for gun control legislation.

As the article points out, there is exaggeration and misunderstanding on both sides of the gun control issue. Only a rational as well as factual discussion, however, will result in legislation beneficial to us all.

In an effort to promote a calm and rational approach to the issue of gun controls, I am submitting the article written by Franklin E. Zimring, a professor of law at the University of Chicago and associate director of the university's Center for Studies in Criminal Justice. It is as follows:

GUN CONTROL

At times of violence or assassination, Americans tune in to the hopeful optimism of those who see the end of violence around the next corner of gun legislation. Even more regularly, gun-owning groups assure us that the 30 million handguns in the nation have nothing to do with violent crime in the United States. Each side is convinced that it is absolutely right, and nobody bothers to get his facts straight. Sadly, our national debate over gun control is often a battle of empty slogans.

Before we get suitably serious about the gun problem in this country, it will be necessary to clear away some of the rhetorical excesses that have marked the gun-control debate. The first step is a few basic facts.

There are about 100 million guns in this country—more than two-thirds of them shotguns and rifles, the traditional sporting weapons in American life. The other 30 million or so are handguns owned more in cities than in rural areas, rarely used in sport and nine times as likely as long guns to be involved in crime.

The vast majority of all guns are not violently misused, but guns are involved in a quarter of a million violent episodes each year, and our millions of guns—again particularly handguns—contribute to the crime problem by making robbery easy and serious assault more deadly. The real difficulty in the present debate over gun laws is that half of the participants underestimate the problem while the other half underestimate the time, money, and loss of liberty that will probably be necessary to solve it. The best way to illustrate this theme is by examining eight myths about guns—four from each side.

Myth No. 1: "We have a crime problem, not a gun problem."

This refrain, often heard from anti-gun control groups is true to the extent that 100 million guns would pose no problem in this country if nobody fired one. The problem is that robbers, angry husbands, and barroom debaters use them hundreds of thousands of times each year.

And when guns are used, they increase the chance that death will result by a factor of four. We have both a crime problem and a gun problem, and each makes the other worse.

Myth No. 2: "The handgun is a useful tool of household self-defense."

Millions of Americans (myself included) live in some fear of robbers and burglars invading their homes. About 25 percent of all households have acquired handguns in the belief that they provide an effective defense against the criminal stranger, and this is why we have 30 million privately owned handguns.

Yet the homeowner's gun rarely protects him against burglars, who seek to elude him, or the occasion robber, who counts on surprise and a weapon of his own to render the homeowner helpless. The loaded handgun in your home is much more likely to accidentally kill someone in the family than to save his life.

Perhaps if this were fully understood, most domestic handguns, and most of our gun problems, would go away by themselves. But that is unlikely.

People seek guns for a sense of security and will resist heeding any information that undermines that sense of security.

Myth No. 3: "Legitimate citizens are not part of our gun problem."

Since crime is caused by criminals, many people argue that our many million gun-owning families have nothing to do with the gun problem.

Yet the truth is that the majority of all gun homicides are committed by persons without serious prior criminal records. And even more important, without registration and license laws it is very difficult to keep 30 million handguns in legitimate hands while still preventing potential criminals from buying guns secondhand or stealing them.

Even registration of guns and licensing of their owners might not stem the flow from legitimate to illegitimate owners with so many millions of guns in circulation.

So it appears that we will have to bring many millions of guns under control to get at the violent quarter of a million gun episodes.

Myth No. 4: "Gun laws can't work since criminal don't obey laws."

There is a grain of truth to this argument, but it is nonetheless a dangerous oversimplification.

In fact, the agument proves a bit too much since it suggests that all criminal laws are futile, because all the people who violate them are, indeed, criminal. The more complicated truth is that laws do not work automatically. They must be enforced and they must deal with the reality of gun use in this country. But laws that cut down the transfer of guns from legitimate to illegitimate owners or dramatically reduce our domestic handgun supply, can cut down on the role of guns in violence.

Myth No. 5: "Gun laws can reduce crime in the United States to the same levels experienced in countries like Britain and Japan."

If the anti-control partisans tend to forget the gun part of our crime problem, some of the pro-control people seem to forget that guns are only a part of the set of special problems that make violent-crime rates higher in this country than in the rest of modern Western society.

We often hear that the United States has a gun-killing rate 38 times as high as England, which presumably means that we could reduce killing to the English rate if we adopted stern gun controls. Unfortunately, our violent crime rate will remain much higher than that of other developed countries no matter how much we do about guns, because Americans rob and attack one another with all weapons at greater rates than do the English or Japanese.

Reducing the proportion of attacks by guns will reduce the death toll from attack because other weapons are less dangerous. But it is not a cure for crime, and those who oversell gun control in this way only add to our profound national confusion over guns and violence.

Myth No. 6: "Gun laws would not result in much cost or inconvenience to lawabiding citizens."

There are, to be sure, some gun-control laws that won't cost much—the problem is that they might not achieve much either.

If we really want to keep guns out of the hands of the irresponsible, we must put all owners to the inconvenience of getting licenses and registering guns. If we want to dramatically reduce handgun violence, we probably have to reduce the total number of such guns.

This is really a simple corollary to Myth No. 3, because if legitimate gun ownership is part of the problem, loss of freedom and inconvenience to legitimate gun owners is part of the solution.

Myth No. 7: "Only the National Rifle Association stands between this country and effective gun laws."

Just as gun-owning groups see the call for more controls as an evil conspiracy, many pro-control citizens think that the only real opposition to gun regulation is the National Rifle Association. But opposition to compulsory licensing and schemes to cut down on handgun ownership has its roots much deeper in American culture.

People in this country are afraid of crime, and having guns makes them feel better. It is also difficult for legitimate gun owners to see themselves as any part of the problem, since 99 percent of all our guns are used responsibly and everyone sees himself as part of that 99 percent. It is thus difficult to convince him that there should be gun laws that inconvenience him.

Myth No. 8: "All that is needed to solve our gun problem is strict legislation."

American experience with prohibition of alcoholic beverages suggests that new laws, alone, are not any guarantee of significant social change.

Public support for law must be high for if a law cuts against the grain of public sentiment, too many people will disobey it. Police and court support are necessary if legislation is to be more than a hollow shell. Also, it should be clear by now, with as many thousand gun laws scattered around this country as gun deaths, that passing the right laws under the right conditions is much more important than passing another law.

We need to know more than we do about guns and the effect of gun laws. We need to change attitudes and values.

Clearing away a few of the myths surrounding the gun debate is only a first step in choosing the appropriate national gun policy. Once it is known that gun controls will be expensive, might take many years to accomplish, and are not the final solution to the crime problem, we must address the question of whether various types of control are worth their costs.

In relation to mild steps such as firearm registration, the answer is easy to find. Even if the effect of such laws is modest, the failure to try them can only mean that we are not serious about curbing violence.

A campaign to remove the handgun from civilian ownership raises harder questions. In a nation dedicated to individual freedom, in an era when we are finding that the criminal prohibition of things like marijuana and abortion may not be worth the cost, there is a special irony in hearing liberal politicians urge a criminal prohibition of handguns.

Yet the handgun is a special problem.

With the possible exception of heroin, never has a product cost so much and given so little to the quality of American urban life.

A strategy as unstylish as prohibition may be the appropriate solution to the handgun problem. It may not. But before we can make intelligent choices in this area, we must face the real issues.

VIEWS ON GUN CONTROL: CHICAGO TRIBUNE TASK FORCE REPORT PART V

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. MIKVA. Mr. Speaker, gun control has become an explosive issue in Congress. As many fight for strong controlling laws, others fight for no fire arm restrictions. Still others try to remain out of the issue, but as public pressure increases, they find it harder to avoid.

This is the fifth in a series of 10 articles recently written for the Chicago Tribune. The task force was created to study the role of the handgun in the epidemic of violence throughout America.

Today's entry is based on interviews and statements made by various Congressmen. It expresses the dilemma of many Members of Congress—caught in a crossfire between the gun lobbyists and public pressure for gun control legislation. The views of those violently opposed to restrictions and those desperately trying to get legislation passed are portrayed.

The article follows:

GUN CONTROLS TOO HOT FOR MOST POLITICIANS

It is one of the most politically explosive issues in the country today, and that is why the Nixon administration, its predecessors, and political leaders have sat on gun control legislation for years.

That was the candid confession of a high administration official who described a "conspiracy of silence" between Congress and the White House "not to bring up the gun control issue," until at least after the election.

Pending bills, the official said, "are just window dressing to salve the national conscience," and no one has any illusions that they will pass into law. "The only solution to the nation's gun problem is total domestic disarmament, which is politically unacceptable and impossible at this time."

POLITICIANS AFRAID TO ACT

So, as firearms violence stalks the country, most politicians remain in a state of paralysis, cringing at the mere mention of those two words . . . "gun control."

"The Congress is scared out of its wits because of public pressure on gun control," said Congressman Abner J. Mikva [D., Ill.], who has futilely requested hearings on his tough gun control bill for more than two years.

Political leaders see the powerful gun lobby, with its millions of supporters, flexing its muscles at the most casual suggestion of more firearms legislation.

"This is a very, very, potent political force," said Sen. William Proxmire [D., Wis.], who voted for the 1968 Gun Control Act and then said in his last campaign that he would vote to repeal it. "We have literally millions and millions of people who own guns and the intensity of their feelings runs high."

LAW USELESS: HRUSKA

"The people don't want their guns taken from them," said Sen. Roman L. Hruska (R., Neb.). "There are 2.5 million handguns made each year. Are there 2 million criminals a year buying them? The consumer buys them, and you're not going to stop them by passing a law. This mania for passing laws and saying the problem is solved is foolishness."

Hruska has staunchly supported the position of the most powerful antigun control force, The National Rifle Association (NRA). He hopes the NRA will build its $25 million "mecca" for sportsmen in Nebraska, a Hruska aide confided.

Political leaders can also feel the stirrings of less vocal and unorganized urban dwellers who are demanding action to control gun sales.

FEAR LOSING SEATS

"Altho the big majority favors gun control, a strong and intense minority believes this issue and owning guns is all important," Proxmire said.

That is the dilemma of Washington leaders today.

Their minds are haunted by the shadow of former Sen. Joseph Tydings (D., Md.) and others whose political careers were supposedly crushed by the steamroller of the antigun control forces.

"The administration just doesn't want to deal with that political bru-ha-ha," said one legal adviser when asked if the White House favored bans on handguns. "Not at this time, in this administration. The political liabilities are fantastic. Let's face it. There are several former senators you can ask about that."

"Every Congressman who lost his seat in 1970 is convinced he lost because he voted for the gun control bill. The gun lobby takes credit for their defeat," Mikva said.

Some legislators like James Abourezk (D., S.D.), a freshman congressman, sit back hoping the issue will pass them by. Abourezk may have to vote on a gun bill for the first time after hearings held this week on House Judiciary Committee chairman Emanuel Celler's proposal.

CONSTITUENCY "EMOTIONAL"

"We were hoping there wouldn't be a bill to vote on," said David Voight, an aide to Abourezk who sits on the committee. "Our constituency is very emotional about guns. Guns are a way of life and their attitude is if you take away my guns, you'll take away my wife next."

Stirring among the shadows of Tydings and the others are memories of more tragic events. More than a political career was lost when bullets killed the Kennedys and nearly took the life of Gov. George C. Wallace last month. It is events like these that periodically bolster the mounting clamor for gun control.

"But the administration reads all the polls of the rural states and ignores the cry of the urban areas," Sen. Edward Kennedy [D., Mass.] told Task Force reporters. "They think the guns are where the votes are."

There is some telling evidence to support this.

NRA, WHITE HOUSE TALK

The White House has opened its doors to the NRA and firearms proponents for at least two "mutually helpful" conferences on gun bills and enforcement problems, Treasury Department officials confirm.

"The doors are open for our views," said Gen. Maxwell Rich, NRA executive vice president and lobbyist. " I understand we weren't welcome during past administrations. Now we have been asked our opinion and we gave it. But we haven't written legislation and I don't suppose we'll be asked to."

But a comparison of positions taken by the administration and the NRA belie that last disclaimer—they are one and the same on gun control.

Both oppose federal gun registration, licensing, and confiscation, contending they are unenforceable measures that should be left to the states and not the subject of federal control.

Both claim general support for the 1968 Act, but contend some provisions, like ammunition record keeping, are unenforceable and useless.

And both advocate a bill banning handguns that cannot pass a "safety and reliability" test rather than a "sporting purposes" test now applied to imported guns under the 1968 Act.

CONSPIRACY OF SILENCE

The administration promised to produce such a bill seven months ago, but it has yet to be seen. The history of this long-promised measure best reveals the administration's attitude on handgun legislation. A top administration official explained it this way:

"Before the Wallace shooting there was a conspiracy of silence between Congress and the administration. There was nothing spoken, but we got clear signals that no one wanted to bring up the gun control issues. Everyone from the top on down said 'Don't send that damn bill up here.' It wouldn't get anywhere and all it would do is result in tremendous exposure to editorial criticism before an election."

"When Wallace got shot, [Sen. Birch] Bayh [chairman of the juvenile delinquency subcommittee] and Celler broke the silence and started calling hearings and making noises about moving bills.

"They sensed the public tide turning and it became politically expedient to put up an appearance of advocating gun control. They are no more sincere now than before. They knew we were sitting on the thing and they didn't do a damn thing until Wallace got shot. Even now, no one has any illusions about those bills passing into law."

Bayh's bill would apply the same "sporting purposes" test to American-made handguns used on imported handguns. But his voting record and failure to push his own bill thru lends some credence to the accusations.

He voted for the 1968 Gun Control Act but voted to repeal it only a few months later.

"Did I vote that way?" he asked, incredulously. "Well, if I voted that way I voted wrong."

He voted against three other bills aimed at gun registration, but voted for one bill that called for licensing of firearms owners.

While a Presidential candidate last October, Bayh held hearings on his own handgun bill, leaving a tougher bill, proposed seven months earlier by Sen. Kennedy, languishing before the subcommittee.

After holding the hearings, he let his own bill sit for months, only pressing to report it out days after Wallace got shot.

IGNORE MIKVA BILL

Like Bayh, Celler refused to hold hearings on two tough gun control bills proposed by Mikva and Rep. John Murphy [D., N.Y.], claiming for years that the "climate wasn't right." The NRA's monthly magazine praised him in December, 1970, for "tieing up all major gun bills" in his committee.

After Wallace was shot, Celler announced hearings would be held on his own bill. Murphy wrote Celler that 9,000 people had been killed by handguns since he introduced his measure a year ago, and the bill would have banned the sale of the gun used to shoot Wallace.

William Dickey, deputy assistant secretary of the Treasury Department, denied the agency was deliberately stalling on the "safety and reliability" proposal they promised to prepare by last November. "We just ran into extreme technical and legal problems in setting the criteria," he said.

STANDARDS RECOMMENDED

A $136,000 study of 150 handguns completed last September by the H. P. White laboratory concluded that standards can be set, "but they don't establish them," Dickey explained.

The report recommends a safety and reliability test of 3,000 firings and a modified drop test. The problem, Dickey said, is that some cheap handguns would pass and some expensive ones would flunk. The report notes that under this test procedure one gun priced under $20 would pass and eight guns over $100 would fail.

A close look at this safety and reliability proposal reveals it is really not a gun control measure at all, but a consumer protection bill. Experts, including Dickey, agree it would put safer more reliable guns in the hands of criminals as well as consumers.

In fact, the White laboratory only agreed to conduct the test after it was assured it was for a consumer protection bill and not gun control, said Donald Dunne, manager of the laboratory.

WOULDN'T CONTROL SALES

"When we were first asked to do it we saw a thinly veiled attempt to deprive citizens of a right to own a gun and we wanted no part of it. Then they explained to us that this was in no way a gun control matter but a product evaluation done against the background of consumer protection," Dunne said.

An administration legal adviser explained the strategy of this safety and reliability proposal this way:

"It was a perfect solution. It would get the job done of getting those Saturday Night Specials off the street without hitting raw nerves. The minute you talk to a sportsman about banning guns based on size or anything else, you start getting into all kind of insolubles."

"PLAYING DEVIOUS GAME"

He charged the Treasury Department was incompetent for failing to produce the bill by now and lamented, "Look where we are—trying to ram something thru in the second half of an election year when you're supposed to be cleaning house and getting things together."

Congressional criticism of the Treasury Department is also aimed at what some politely describe as its lack of enthusiasm about existing as well as pending gun laws.

"They are playing a devious game. Their heart just isn't in gun laws," charged Mikva. He recalled one department official remarking to him, "I sure hope your bill doesn't pass because they'd have to kill me to get my guns."

The Treasury Department has a chartered NRA gun club entitled the U.S. Rifle and Pistol Club, records show.

Rep. Murphy has had some of the more frustrating experiences with the agency. In April, 1971, he wrote to the Alcohol, Tobacco, and Firearms Department [ATFD] asking its opinion on the effectiveness of the 1968 Gun Control Act. He sought to learn if the act was unenforceable and ineffective, as the administration claimed.

CITES ARREST INCREASE

Acting ATFD director Ralph H. Alkire responded May 12 crediting the act with a 234 per cent increase in illegal gun sale cases and a 409 per cent increase in arrests over the 1934 act. The letter included an interdepartment memo detailing how the 1968 act was being circumvented by some gun dealers.

On June 3, 1971, Murphy wrote a letter thanking the Secretary of the Treasury for the quick response and asking for details on these unscrupulous dealers.

The July 14 response from the head of the Internal Revenue Service disavowed the ATFD report as the "opinion of its author only," and said a review showed Alkire's letter was incomplete and inaccurate. Murphy never received a reply when he asked for specifics on the inaccuracies.

PURCHASED AMMUNITION

In October Murphy asked for an ATFD agent to accompany his aides to Maryland gun stores to ask for their ammunition sales records. He wanted to learn if the provision of the 1968 act was unenforceable and useless, as the administration claimed. Congressional investigators had done this before and in 90 minutes found that 37 per cent of the 177 ammunition purchasers taken at random from records of a Washington dealer, had criminal records.

"If we could do that, why can't the Treasury Department?" commented one of the investigators, Carl Perrian, now a Murphy aide.

But when Murphy sought to repeat what had been proven successfully in the past—that the records were valuable—the Treasury Department ignored his request.

"They sympathize with the gun people," Murphy said. "It's their political interest with the gun lobby that's been delaying everything."

AMERICAN SPIRIT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. DUNCAN. Mr. Speaker, recently I had the pleasure of attending the 1972 Volunteer Girl's State Convention in Murfreesboro, Tenn. The young ladies who were delegates to this convention impressed me with their dedication of purpose and boundless enthusiasm. Highlighting the convention was an address by Cathy Campbell, this year's Girl's State Governor. Cathy expressed in her speech many thoughts which can best be described as exemplifying the "American Spirit." Miss Campbell's speech tells of a young Tennessean's love for her country tempered only by a devotion to her God.

I would like to share Cathy's address with my fellow Congressmen as they should hear the true voice of our young people ringing out loud and clear:

ADDRESS BY HON. CATHY CAMPBELL

Live each day to the fullest. Get the most from each hour each day and each year of your life. Then you can look forward with confidence and backward without regret.

As we arrived here at Girl's State Sunday many of us were in a sense poor because we had not experienced what Girl's State had to offer. But as the week progressed we too progressed from poor to rich.

We have opened our eyes and hearts with love for our fellow man. We learned to share our thoughts. Working side by side taught us the true meaning of love and everlasting friendships.

Girl's State has given us a great pride in our country, America. We have learned hand in hand to express our feelings of love for our great country without being ashamed. Many of us have learned God plays an ever more important part in our American life.

Sunday when looking at quite a few faces we couldn't see how we would ever get the Girl's State spirit. But we did and now we know what past Girl Staters know, that the loving spirit of Girl's State will never die but will continue in our hearts as we tell others of our adventures.

We are not afraid to express our feelings of love. We are not ashamed to be seen crying for our country and fellowman.

If we have put our best foot forward here at Girl's State this week we will leave tomorrow with a lot of love for our fellow citizens, a greater pride in America, not afraid to shed a tear of love and have a great spirit of Girl's State forever.

If we have become rich in these ways then we have succeeded at Girl's State.

What's to come tomorrow? What about the people back home and in school who need our help? Will they ever know what it's like to stand hand in hand with 475 girls and sing the song "America"?

It is our duty to go back to our homes and show just what Girl's State has taught us. We are the people who will teach them.

Remember as Girl's State has taught us this week:

Be yourself—be your best self. Dare to be different and to follow your own star.

And don't be afraid to be happy. Enjoy what is beautiful. Love with all your heart and soul. Believe that those you love, love you.

Forget what you have done for your friends and remember what they have done for you. Disregard what the world owes you, and concentrate on what you owe the world.

When you are faced with a decision, make that decision as wisely as possible, then forget it. The moment of absolute certainty never arrives.

And above all, remember that God helps those who help themselves. Act as if everything depended upon you and pray as if everything depended upon God!

HUSAK TURNS THE SCREW

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. DERWINSKI. Mr. Speaker, lest we again be misled as to the mellowing of the Communist regimes, an editorial commentary in yesterday's Washington Star on the latest developments in Czechoslovakia is a clear indication of the oppression which continues behind the Iron Curtain.

It must be noted that while Communist regimes have made certain diplomatic adjustments primarily for economic purposes with the free world, there is very little, if any, lessening of control as exercised over their own subjects.

The editorial follows:

HUSAK TURNS THE SCREW

When he came to power three years ago, in the aftermath of the Russian invasion of Czechoslovakia, Communist party leader Gustav Husak, who himself spent more than 15 years in Stalinist prisons or as an "unperson," promised that no one would be persecuted for what he had done or said during the 16-month reformist regime of Alexander Dubcek.

Although many Czech and Slovak liberals, including Dubcek himself, lost their party membership, their jobs and their homes, Husak for many months at least stopped short of trying those who sought to give communism " a human face."

But Husak gave way to the hardliners in the fall of last year and there followed a wave of arrests, with perhaps 500 prominent liberals being picked up. Last week, several of these men and women were sentenced to prison terms of up to 2 years, other trials are underway and still more are expected to start next month.

Hardest hit have been the journalists, writers, actors and intellectuals who were the spearhead of the "Prague spring" of 1968. Those who refuse to recant, and to express their gratitude for the "fraternal" rape of their country by the Soviet Union, risk never being able to send their children to high school, to hold a job which is other than menial, to publish their works or to perform in public.

As a consequence of this conspiracy of silence, not a single new word of Czech fiction was published in one recent year, the vibrant film industry is in shambles and the world-famous Prague theater. "Behind the Gates," has been closed. The Czechs, who retain their capacity for wry humor, maintain that the Prague subway now under construction has the most artistically distingushed work force ever assembled for such a project.

The recent trials and those now in progress have been closed to the public and the press. Nor have the sentences been announced to the Czechoslovak people. It's a pity that Communist party member Angela Davis, who has vowed to continue her fight on behalf of "oppressed people everywhere," cannot stop in Prague during her tour of Eastern Europe to see how the Red establishment treats dissenters.

HOW MUCH IS A BILLION DOLLARS?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. WYMAN. Mr. Speaker, a Democratically controlled Congress—which it has been for most of the last 30 years—persists in overspending the revenues of the Nation and forcing us further and further toward the precipice of national bankruptcy. Despite the alarming fact that the Nation is operating in the red to the tune of nearly $30 billion this year, the Congress is appropriating additional billions upon billions without providing matching revenue.

As the interesting editorial from yesterday's Sunday Star-News points out:

> The consequences are bound to be painful. The government will have to raise taxes—the more Congress and the Administration spend beyond what is prudent, the more inevitable a truly large tax increase becomes.

And as the Star-News also interestingly points out, if one were to start today to count a billion dollars at the rate of one bill per second it would take until November 24, 1978, working an 8-hour day, 7 days a week.

I commend the editorial to the thoughtful consideration of all who realize that the No. 1 problem this Nation faces is not crime, not Southeast Asia, not education, not pollution, not drugs. Rather, it is a fiscal situation in which years of fiscal irresponsibility theaten to destroy our national ability to provide the funds with which to protect the United States and attend to its urgent problems both foreign and domestic:

> TODAY'S ASSIGNMENT: COUNT UP TO A BILLION
>
> President Nixon, the reports say, is considering a special message on what Congress is doing to his budget and what, if the spending binge continues, is certain to follow: Higher taxes and renewed inflation.
>
> These are hot-weather days, a time when the mind tends to turn away from heavy subjects. These are times, too, when it has become fashionable to pooh-pooh any suggestion of fiscal discipline on the grounds that it is somehow gauche and unprogressive. And we are in an election year, meaning that anything the President says about the Democratic Congress will be construed as wholly political.
>
> But we hope the President goes ahead and, in addition, grabs for as much public attention as he can get, for the issues involved are truly crucial. He would be wise to remain objective and to put his case in terms that the average man, wrestling with his own budget, can understand. What we have partly in mind is a refresher course in sixth-grade arithmetic, something that for many members of Congress—and also the administration—is long overdue. It could start something like this:
>
> A billion is not, as many people may be led to believe by the numbers that fly around this town, another word for a million. Neither is it on the order of, say 10 million. It is a thousand million. A million one-dollar bills, laid end to end, would stretch one and a half times around the Capital Beltway. A billion one-dollar bills laid end to end would reach around the world four times. Columnist Art Buchwald recently suggested that Melvin Laird or Elliot Richardson or anyone else who wants to spend a billion dollars or more be obliged to go to the bank and count it out in tens and twenties. An engaging idea. Let no one try it, though. For starting today, working an eight-hour day and a seven-day week at the rate of one bill per second, the job of counting $1 billion in equal numbers of ten and twenty-dollar notes would take until November 24, 1978.
>
> All this is by way of saying that the concept of a billion defies easy comprehension, so that to toss the number around casually is usually to operate in an air of unreality. It also points up the fact that when the President asks for an extra billion dollars, or when Congress tacks on to an appropriation bill an extra billion, an enormous amount of money is involved.
>
> The Nixon budget, presented in January for the fiscal year that has just begun, calls for taking in about $220 billion and spending about $245 billion. Knock off seven zeroes in each of those figures, and a picture can be drawn of a man who will earn $22,000 while planning to spend $24,500 in the year ahead. Once again, the million-billion contrast is instructive. A million dollars to the federal budget is the same as a dime to our $22,000 wage earner, or the price of a small cup of coffee. A billion dollars, though, is the same as $100 to that wage earner. A taxpaper in the $22,000 bracket would give a good bit of thought before putting out an extra $100, and another $100 after that. He might defend it if he were in good financial shape, but not if he were already thoroughly overcommitted.
>
> Now the congressional spenders might reason that federal revenues are constantly on the increase. So they are, by about $20 billion a year. The trouble is that automatic spending obligations—meaning those Congress has no control over, such as interest on the debt, public welfare and farm subsidies—are rising about $12 billion a year.
>
> That leaves about $8 billion in what might be considered newly disposable income if the government were on an even fiscal keel. But it is not on an even keel. A big deficit is inevitable. And knowing that, even before this fiscal year got underway, Congress added $6 to $7 billion to the '73 budget. A good part of this represented the 20 percent Social Security increase. And that, along with much of the other increases, reflects what now has become standard and somewhat cynical operating procedure on Capitol Hill: Whatever the budget request for a politically visible and attractive program, pile on more money and dare the President to veto it. This is an upsmanship game that has been played in the past, but with millions and not billions of dollars.
>
> Congress cannot be called entirely oblivious to the government's fiscal plight. Just last week, knowing full well a presidential veto was certain, enough Democrats and Republicans teamed up in the House to defeat a completely irresponsible $5 billion public-works bill. But that does not mean true fiscal responsibility has set in, nor that the budget-deficit problem will come under control. The problem, in fact, is almost certain to get much worse. The President's budget managers are desperately trying to convince themselves they can keep the 1973 deficit under $30 billion, for they know that beyond that figure, further red ink will have a decidedly inflationary impact.
>
> But all the forces are going in the wrong direction. For one thing, Tropical Storm Agnes came along, and the President has proposed, and Congress will certainly agree, to spend $2 billion to aid the flood victims. And the war goes on, with the cost of air and naval bombardment certain to cost billions above what the budget men calculated for military spending in January. Then comes the legislation still pending—the big water pollution bill is a good example—already carrying a price tag billions above the budget figures. Finally, another debt ceiling bill must be enacted by October 30, one week before the election, and nobody knows how many billion-dollar goodies Congress will seek to attach to it. At any rate, this year's deficit could well run to $40 billion and beyond. With the economy now on the upswing, this is precisely the wrong time for that to happen. If it does happen, though, the President and Congress will have to share responsibility and the next President, whoever he is, will be forced not only to raise taxes but to raise them on a very large order.
>
> Another look at our $22,000 wage earner is in order. He makes good money and gets a raise every year. But months ago he knew that even if he grew cautious, he would spend $2,500 more this coming year than he would make. He has not been cautious. In the first six months of the year, he obligated himself for a further $600 to $700. Now he is preparing to spend hundreds more. Between now and next July, he may well have spent $26,000 or more, adding to his debts by at least $4,000.
>
> There are such people, of course, and they usually suffer painful consequences. Their only recourse is to rein in on spending, or make more money or both. For the federal government—and, ultimately, for all of us—the consequences also are bound to be painful. The government will have to raise taxes. And sooner or later, it will have to recapture a sense of reality about expenditures. In the meantime, the more Congress and the administration spend beyond what is prudent, the more inevitable a truly large tax increase becomes.
>
> As a nation, we are very much in the position of the man who is making more money than he ever made before, possibly more than he ever dreamed of, but who is so undisciplined in his spending and so overcommitted that he cannot do the things he wants to do, and should do. Congress by and large has ignored this lesson. The President should speak out on it. So should the public.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

THE TROUBLE WITH JUDICARE EVALUATIONS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. HUNGATE. Mr. Speaker, in the continuing consideration of Judicare and legal aid, this article from the July 1972 American Bar Association Journal is analytically helpful:

THE TROUBLE WITH JUDICARE EVALUATIONS

(By Samuel J. Brakel)

In the May issue of this *Journal* (page 476) there was an article by Messrs. Goodman and Feuillan entitled "The trouble with Judicare". In my view, that article was more a convincing demonstration of the trouble with judicare evaluations than of any deficiencies of judicare as a legal services system. There are three basic problems with the article: (1) It relies exclusively on statistical information. (2) It uses defective statistics. And (3) it applies defective analysis to the defective statistics.

Having been involved in the study of judicare since June, 1971, I believe I am in as good a position as anyone to discuss the difficulties posed by the Goodman-Feuillan article. I am not a judicare proponent or a staff attorney proponent. I do believe, however, that on the whole judicare has not been given a fair shake in the evaluative literature which has accumulated over the recent years. The Goodman-Feuillan article is a case in point, and with that assertion I risk being labeled "biased", "reactionary" or even a "shoddy researcher". Such is the degree of polarization that characterizes the legal services debate in which academics and politicians participate with equal vigor and polemics. It is a risk I am willing to take.

The Goodman-Feuillan article comparing Wisconsin Judicare to the Upper Peninsula Legal Services in Michigan (and occasionally to the staff attorney programs of Colorado and Maine) made four main points:

1. That Wisconsin Judicare performs less adequately than the staff programs in reaching the "more rural" (the more isolated, "poorer") poor.

2. That Wisconsin Judicare performs less adequately than the staff programs in numbers of cases handled relative to the total eligible population (ratio of families served to families eligible).

3. That the delivery of legal services under Wisconsin Judicare is more costly than under the staff programs.

4. That the presumed inadequacies of Wisconsin Judicare stem from and are inherent in the judicare concept, its "voluntaristic" set-up.

All four conclusions are highly questionable.

SERVICE TO THE "MOST RURAL" POOR

The authors conclusion that Wisconsin Judicare performs more "poorly" (their pun) in this respect than staffed programs is based on several distinct errors in both their data and their analysis.

1. Failure to analyze the caseloads sufficiently—Goodman and Feuillan have compared the judicare performance in twenty-eight different Wisconsin counties to the staffed office performance in Upper Peninsula's six strategically preselected areas, each served by a regional office. Obviously the authors would find, as they did, that the performance judged by volume of cases relative to number of eligible families varies only slightly (1:6 to 1:9) among the six U.P.L.S. regional offices, whereas a greater disparity in performance exists among the twenty-eight Wisconsin counties.

The problem is that Goodman and Feuillan have failed to make the relevant inquiry of where within the six U.P.L.S. regions the cases come from. The fact is that the situation within the regions in Upper Michigan is quite similar to that in Wisconsin: a disproportionate amount of service goes to the poor in the urban areas, especially in towns where the regional office (the private lawyer in judicare) is located and areas immediately surrounding these towns, to the disadvantage of the poor in the more rural counties, the more isolated areas removed from the urban centers. The director of U.P.L.S. voluntarily and candidly admitted to this problem.

A brief and sketchy analysis of the U.P.L.S. caseload reveals that those counties not favored with the location of a regional office receive about 25–30 percent less service—proportionate to population—than the counties where the regional offices are situated. More significantly, however, within each county a strongly disproportionate number of clients are residents of one or two of the larger towns, the county seat where the regional office is located or to which staff attorneys travel one day a week and perhaps a neighboring town or two.

This is not a criticism of U.P.L.S., but a neutral exposition of the fact that the difficulty of serving the more rural poor is attributable to a variety of factors neither Wisconsin Judicare nor U.P.L.S. has been able to overcome entirely. By definition, the "more rural" the poor the more isolated they are from social services generally and from legal services specifically, whether supplied by private lawyers or through neighborhood offices. There not only are physical problems of distance and lack of transportation, but also the psychological obstacles of lack of awareness of the nature and function of service resources, lack of perception of problems as meriting legal or other professional attention, and so forth. Among the more rural poor there seems to exist even a culture of self-reliance and voluntary isolation.

Goodman and Feuillan are correct in recognizing elements of the problem in Wisconsin. They are wrong in concluding that it has been overcome in Upper Michigan. What the authors have demonstrated about U.P.L.S. is analogous to the following hypothetical situation: If Wisconsin Judicare had central recording offices in Green Bay, Rhinelander, Ashland, Eau Claire, and two in Superior, then the distribution of its cases would be relatively even.

2. Use of inaccurate statistics for Wisconsin—Apart from failing to make a genuine comparison, Goodman and Feuillan base their distribution conclusion on statistics that are defective and greatly exaggerate the problem in Wisconsin. Because the authors use "lawyer" statistics in analyzing the distribution of cases in the Wisconsin counties, they fail to take notice of the fact that Wisconsin Judicare clients (and sometimes lawyers) cross county lines to obtain (deliver) services. This constitutes a particularly serious error for the more rural, poorer counties with few lawyers—the counties about which the authors make their basic point. For example, more than 65 per cent of the caseload in Forest County, Wisconsin, which has only one resident attorney, is handled by a lawyer from Oneida County who practices two days a week in an office in Forest County. None of the Forest County clients represented by this attorney show up as part of the Forest County caseload in the Wisconsin Judicare records. An even more drastic example is Menominee County, which has no lawyers and where the entire caseload is handled by Shawano County lawyers and recorded as Shawano County cases. In short, the Goodman-Feuillan analysis completely breaks down precisely in the counties of concern.

SERVICE TO THE POOR GENERALLY: VOLUME

The Goodman-Feuillan conclusion that Wisconsin Judicare compares unfavorably to the staff programs in number of cases handled in proportion to the number of eligible families is unsupported by the facts and based on several fundamental analytical errors of commission and omission.

1. Undercounting—For reasons I shall speculate about a little later, Goodman and Feuillan have missed counting about one third of the Wisconsin Judicare caseload. The ratio of one case for every thirty-two eligible families derives from their "finding" that there were 922 closed cases (excluding initial conferences) in 1970. The official Community Services Program Progress Reports (known as "MIS Reports") reveal, however, that Wisconsin Judicare produced 1,425 closed cases (still excluding initial conferences) in 1970 for a ratio of 1:20.7 rather than 1:32.[1] But there are additional problems with the Goodman-Feuillan analysis.

2. Unrepresentativeness of the period selected—Goodman and Feuillan choose the year 1970 to make their quantitative statements about Wisconsin Judicare and the staff programs. But 1970 was not at all a typical or average year in terms of the performance of the various programs. During all of 1970, due to insufficient funding, a restriction on divorce intake was in effect for Wisconsin Judicare that reduced the number of divorces handled by about 50 per cent. Since divorces constituted about 35 per cent of the judicare caseload in years when the restriction was not operative (1966 through the middle of 1969 and part of 1971), the trouble with selecting 1970 as the comparative twelve-month period becomes clear. To illustrate: the number of closed cases (excluding initial conferences) in 1969 was 1,895, a ratio, per eligible family, of 1:15.6. For an "average" twelve-month period during the life of the Wisconsin program the ratio is about 1:16.5, rather than 1:20.7 in 1970, and far from the 1:32 per Goodman-Feuillan.

The year 1970 is also highly unrepresentative of the U.P.L.S. performance. Its total caseload for 1970 is about double of what it was for each of the first two years of the program, 1967 and 1968. It is also considerably (about 25 per cent) higher than the total volume in 1969. While a good deal of the increase in the 1970 U.P.L.S. caseload is taken up by initial conferences, the ratio of closed cases, excluding initial conferences, is also strongly affected. Rather than the 1:8.0 ratio arrived at by Goodman-Feuillan, the "average" annual ratio for U.P.L.S. is about 1:11.0. The comparison now becomes Wisconsin Judicare, 1:16.5; U.P.L.S. 1:11.0; Pine Tree Legal Assistance of Maine, 1:16.1; Colorado Rural Legal Services, 1:14.6. Very little difference really, especially when additional distorting factors are taken into consideration.

3. Statistical incomparability: Problems of definition, recordkeeping and significance—In the above paragraphs I have played along with Goodman and Feuillan to show that if they had played their game correctly they could not have reached the conclusions they did. I want to go beyond this now and demonstrate the futility of the game itself, to prove that statistics alone are meaningless, that they can be manipulated to support just about any point the "analyst" desires to prove a priori. Absent an understanding of what the statistics mean, what they refer to and an exposition of the extent to which they are or are not comparable, the entire effort is spurious at best.

For example, Goodman and Feuillan chose to exclude initial conferences from their computations of volume. I suspect that this led them to their initial serious error when they wound up excluding "advice plus" cases from the Wisconsin Judicare caseload but only "advice only" cases from the other programs.[2] But the problems go deeper.

WHY EXCLUDE "ADVICE ONLY" CASES?

Why exclude "advice only" cases at all, when these are often final and effective dispositions? What effect does this exclusion have on the case per eligible family ratio? Can one simply ignore the fact that under judicare approximately 10–15 per cent of the caseload (mostly "advice only" cases) never is recorded? More serious are the classifications under which the various programs record their cases at all comparable? Is a "referred" case, an "advice only case" or an "advice plus" case under Wisconsin Judicare anywhere near the same thing as under staffed programs? An analysis of hours spent per case under judicare compared to staffed programs suggests that the classification schemes are not at all comparable. Should one then only compare cases "litigated"? Or should one look at the total number of hours spent per program? If so, what about efficiency, impact, quality?

This only hints at some of the many complexities inherent in doing a fair and meaningful comparison. Even avoiding the more obvious errors of differential exclusion or incomparable comparison, one can tilt the case in favor of one program over another by mere selectivity of presentation. For example, one could emphasize that the Wisconsin Judicare performance surpasses the U.P.L.S. performance as measured by the volume and ratio of cases litigated (the only truly comparable cases?). In 1969 Wisconsin Judicare litigated 1,207 cases; in 1970, 649. U.P.L.S. produced only 367, 466 and 526 litigations in 1968, 1969 and 1970, respectively. But is this a meaningful way of comparing programs? Should Wisconsin Judicare litigate less or U.P.L.S. more? The answer to that depends on a variety of factors and value judgments. In short, mere statistics, whether reflecting total volume less initial conferences or cases litigated only or whatever, mean very little even if statistically accurate and "comparable".

The crucial point to be made is that there is simply no basis in the limited information presented by Goodman and Feuillan for the inference that there is "trouble" with judicare and none with staff offices. Wisconsin Judicare in the first five years and three months of its existence has handled about 12,500 cases, including initial conferences but excluding unrecorded cases and cases handled by the Madison office, for a ratio of one case for every 2.36 eligible families. This ratio is surpassed slightly by U.P.L.S. over its life but not quite attained by the Maine and Colorado staffed programs.

NO PROGRAM CAN BE ADJUDGED ON BASIS OF MINOR VARIATIONS

But no program can be adjudged to fail or succeed on the basis of minor variations in volume of disputable significance. In any attempt to draw conclusions from volume, certain factors relating to the finiteness of legal need or demand must be considered. Goodman and Freuillan have not done this. What portion of volume computed reflects service to new clients or multiple service to families previously served? How many legal problems does one "typical" eligible family have over a period of, say, five years? How many of these merit the time and energies of the program attorneys? Does the demand for legal services run in cycles or is it constant? Has Wisconsin Judicare peaked? Can U.P.L.S. be expected to maintain its 1970 pace? What are the inhibitions posed by limited funding and limited staff? And so forth.

COST ANALYSIS PROVES SELECTIVE

Goodman and Feuillan conclude—somewhat by implication—that judicare is more costly than the staff attorney method of delivering services, but only a very selective analysis produces this conclusion.

FUNDING BY DOLLARS PER ELIGIBLE FAMILY

	Wisconsin judicare	Upper Peninsula legal services	Pine Tree legal assistance	Colorado rural legal assistance
Total annual funding	$240, 181 $289, 792	$222, 712	$440, 052	$274, 816
El.gible families	29, 537	14, 547	39, 547	14, 726

1. Fairness of "the only fair calculation"—The authors begin by asserting that costs can be compared fairly only for particular types of cases—divorce and bankruptcy. Their calculations lead to the result that these cases under Wisconsin Judicare are handled at anywhere from three to seven times the cost for which the staff programs handle these cases. Assuming the calculations are correct, which is doubtful in view of the erroneous statistics on the volume of cases, they only prove the obvious—that a staff attorney program may make some savings in some areas because of economies of scale. The same could be demonstrated about a private Wisconsin lawyer in Superior or Eau Claire, with an office half a block from the bankruptcy court and a potentially large urban caseload, who probably could handle bankruptcies more cheaply than the lawyer whose office is in Glenwood City, population 822 and forty miles from the nearest courthouse.

2. Less selective statistics—The Goodman-Feuillan implication that judicare is excessively costly is negated by facts and figures other than the divorce-bankruptcy comparison of dubious accuracy and validity.

The table demonstrates that Wisconsin Judicare is funded at a level considerably below the staff programs in dollars per eligible family. This gives credence to the Wisconsin Judicare complaint that reductions in caseload (divorce) have had to be made owing to lack of sufficient funding. More significantly, however, why has Wisconsin been funded at a lower level? Where do the funds go under the staffed programs, reportedly so much less costly than judicare? What is the validity or meaning of the "fair" cost comparison offered by Goodman-Feuillan?

Our re-examination of the question of volume shows that the larger annual costs of the staff programs cannot be attributed to the greater volume, either absolute or proportionate, handled. Wisconsin Judicare, Maine and Colorado are very close in volume. Only U.P.L.S. is distinctively higher in volume, but the cost-saving implications of this do not remotely resemble the ones proffered by Goodman-Feuillan in their cost-per-case comparison. Moreover, the straight volume focus is of marginal usefulness in any event. It ignores the fact that there is a larger amount (proportion) of litigation under judicare. It also ignores the greater amounts of time spent per case by judicare lawyers than by staff attorneys.

It could be argued that these are the advantages of the staff attorney system. Perhaps. One can also debate at length whether a "typical" divorce merits closer to two than to ten hours of attorney time. It is more difficult to argue, however, as Goodman and Feuillan do, that the comparison of Wisconsin Judicare divorces averaging 10.5 hours of attorney time versus staff office divorces averaging 2.25 hours of attorney time (including travel and court time!) constitutes one of the "only fair" comparisons.

The greater costs of the staff programs must come from elsewhere. Perhaps "overhead". Or perhaps the significant expenditures go into law reform, or what Goodman and Feuillan might call other "noncomparable" cases or activities. The proper data and analysis are lacking here. Quite probably, Wisconsin Judicare has done more "law reform"—whatever that may be worth—than U.P.L.S. Most of this work emanates from the Madison central office, although the private Wisconsin lawyers also make some contributions. Legislative lobbying is also an element in Wisconsin Judicare's tactics. Perhaps the Wisconsin activities are equaled by Maine and Colorado. No evidence exists, however, that these staff programs greatly surpass the Wisconsin performance in these areas.

In sum, there is absolutely no basis for the conclusion that the cost of delivering legal services generally under judicare is greater than under staffed office programs.

JUDICARE AS A "NONSYSTEM"

Goodman and Feuillan conclude their article with a sweeping statement that the trouble with judicare is inherent in the judicare concept, in the "voluntaristic principle" that gives individual attorneys a measure of control over their caseloads. Judicare is labeled an "uncontrollable system", "a nonsystem", with whatever negative implications accompany that labeling.

This is mere sociological name-calling. Since the authors have failed to demonstrate by facts that there is any particular "trouble" with judicare, applying a derogatory label to the concept hardly helps the case. At any rate, if the authors felt it to be profitable to engage in a conceptual critique, they should at least have focused on the following questions: Is the judicare attorney's control—individually or collectively—over caseload any different from the staff attorney's? If so, to what effect? Would judicare be a workable system if attorneys were compelled to take all cases brought? Could a staff program operate on that basis? Is there something to be said for the "non-system" which appears to result in the more dedicated and public-spirited attorneys handling most of the cases? Or is the implication necessarily and exclusively negative?

The main point which should emerge from this response is that an analysis of program statistics only is not likely to yield much in the way of fair and comprehensible comparisons. Too many operative factors remain unknown or unaccounted for in looking at statistics only. Unwarranted selections are made; crucial data are ignored because not easily available or dismissed as irrelevant; comparisons are made among elements that are not comparable. Without a knowledge and understanding of program operations, it is impossible to do a meaningful evaluation and the sequence of statistical analysis becomes inevitable.

The trouble with the Goodman-Feuillan article, however, is not just that what they have done is inadequate, that they have missed the mark. Rather, in missing the mark, they have contributed to the distortion of legal services realities that characterized the earlier evaluative literature. They have not simply failed to perform a much-needed service; they have done the academic and political community concerned with this field a disservice.

There are now no grounds for conclusions that judicare is either "better" or "worse", cheaper or more costly than staffed programs in either rural, urban, semiurban, most rural or superurban areas. The data to support these conclusions have not been gathered; the analysis has not yet begun.

J. HAROLD MOORE RETIRES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to take note of the civic activities of a man who will be retiring this September after 42 years with Western Electric Co. J. Harold (Hal) Moore has not only been valued employee of Western Electric, he has dedicated himself to civic-spirited endeavors and the betterment of the community in which he lives.

In past years, Hal Moore has served as chairman of the youth employment project of the Sunnyvale Chamber of Commerce. The project encouraged commerce and industry to hire potential dropouts from high school and directed its special efforts toward those youngsters who most needed help. He has been involved in other capacities with the Sunnyvale Chamber of Commerce and has also served as metro chairman for the National Alliance of Businessmen in Santa Clara County. He is chairman of the U.S. Industrial Savings Bond Campaign in Santa Clara County and is also a director of the Santa Clara County United Fund. He has also been a fund raiser for the junior achievement organization in the county. He has also assisted such groups as the Opportunities Industrialization Center, Skills Center, Goodwill Industries, and Hope for the Retarded.

I know that Mr. Moore will be sorely missed by his associates, but I am sure that we will continue to see him involving himself in community work. I must commend Mr. Moore for his past efforts and I join his friends, family, and associates as well as the entire community in wishing him well in his much-deserved retirement.

GOLDEN ANNIVERSARY OF ORDER OF AHEPA

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. SYMINGTON. Mr. Speaker, this week the American Hellenic Educational Progressive Association, the Order of Ahepa, celebrates its golden anniversary. At this appropriate time, I would like to express briefly my gratitude to AHEPA for its countless contributions to society at home and abroad.

Through the able leadership of Supreme President Sam Nikis, whom I am honored to have as a member of my constituency, and with the assistance of the officers of the two St. Louis chapters, Ollie S. Aslan and Alex Tsimires, presidents, George Margos and Chris Magdalin, vice presidents, George J. Bouras and Petro Harakas, secretaries, James Tsichlis and Pete Panos, treasurers, AHEPA has continued its fine tradition of patriotism and humanitarianism.

The list of AHEPA's good works could go on and on. AHEPA's worthy causes cover a broad range on the national and international level from hospitals, aid to disaster victims, orphans and refugees, scholarships to needy students and memorials to some of those who have exemplified AHEPA's purpose. On the local level, AHEPA chapters are responsible for numerous civic activities for the betterment of their communities.

It is with great appreciation that I bring this to the attention of my colleagues today. It is because of such fine organizations as AHEPA that the spirit of brotherhood remains a part of the American scene.

WAYNE GUTHRIE WRITES ON MEANING OF FOURTH OF JULY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BRAY. Mr. Speaker, my good friend Wayne Guthrie of the Indianapolis News wrote the following in the News on July 4, 1972. I am happy to include it in the RECORD:

4TH ALSO HONORS TODAY'S PATRIOTS

(By Wayne Guthrie)

Since childhood many Americans have thought of Independence Day, which for many years they knew only as the Fourth of July simply in terms of jollification.

They have been wont to regard it solely as a time to boast of what our forebearers did and to give vent to their feelings in celebration, such as speeches, parades, martial music, song, flag waving, fireworks, picnics, shouting or pleasurable entertainment.

That was fitting, of course, because Americans have a right to be proud of their heritage and their freedoms, liberties and opportunities that are the envy of the rest of the world.

But somehow, one can't shake the feeling that the times and existing conditions in America and the rest of the world call for something more than that. It is a feeling that if we be content simply to spend our energy, talents and substance in jollification and entertainment we would not be true to those colonial forebears who risked their all, including their lives, to give us the Declaration of Independence and the Constitution or to those men and women who, in every age since, have taken the same risks to defend, protect, preserve and perpetuate the countless blessings with which those two great documents have endowed us.

In other words, let us not forget the patriots of today—in the armed services, in official position, in civic life and in the daily mart—who have consecrated their lives, actions, thoughts and services to the task of preserving and perpetuating the freedoms and blessings we enjoy as a free people but, alas, too often are prone to take for granted.

Our heritage came from people in whose hearts and souls burned a belief in social freedom, dignity of the individual, independence of action, personal freedom, civic responsibility, obedience to law and constituted authority and spiritual dedication that astonished a world that scarcely could believe what it heard and saw.

They gave us a government in which the highest officeholder was considered the servant of the people—not the reverse—with an obligation to report to them on and be responsible for his acts.

It was a nation giving just courtesy to those chosen to serve or represent the people but never relinquishing power over them or exhalting them above their office.

Obviously they did not think the time ever would come when conditions and affairs would become so complex that actually there would be a tendency to relax or let go of their original conception of dignity, liberty and responsibility.

Nor, did they dream that in the future there might develop a trend toward letting powers and forces that should be the servants become the masters and take over the power and right to think, plan and decide for the people and to tell them what they must do or not do.

Many who see such inclinations as fraught with grave peril, if permitted to continue and grow unchecked, feel it is high time people resolve that not one fragment be removed from the bedrock which supports our great heritage.

They are concerned that we not sit nonchalantly by and permit a Federal bureaucracy in Washington to usurp the powers originally meant to be vested exclusively in the states or to reach the point where each citizen loses his or her identity and becomes simply a number in a vast computer.

They fear the ever-creeping and widening paralysis of paternalistic welfare, however well-intentioned, which guarantees every person a living from the cradle to the grave without turning a hand, could destroy the basic principles on which our forebears established this nation—industry, self-reliance and initiative.

Mindful of what happened in the wake of World War I when we lived up to our pledge of disarmament while other parties to the agreement, to the contrary, increased their military and naval might, many folks are concerned that we do not fall into that or a similar trap again in any agreement with Communists who have a record of not keeping promises or pledges.

MARYLAND FAMILY AIDE PLAN

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. GUDE. Mr. Speaker, on Monday we passed in the House H.R. 15657, legislation to strengthen and improve the Older Americans Act. This bill is designed to continue on-going programs, as well as to develop new and expanded services for the elderly. One of our deepest concerns is that our older citizens be able to continue to lead productive lives in dignity and comfort during their retirement years. The isolation of older Americans from the rest of the community is a shameful waste of one of our Nation's greatest resources.

I am pleased to call the attention of my colleagues to a program of useful employment for older citizens which has been in existence in my district since 1966. Part of the Over-60 Counseling and Employment Service of the Montgomery County Federation of Women's Clubs, which is aided by grants from the Montgomery County Council and under title III of the Older Americans Act, from the Maryland Commission on Aging, this is a family aide program which trains and places older women in full or part-time jobs as companions for the elderly or as "mother substitutes" for young children. The family aide program has been so successful to date that it has just published a "how-to" booklet on organizing and operating this type of community outreach program to assist those who wish to establish such a service in their locality. A report on the activities of the project, from the July 1972 issue of "Aging" follows:

MARYLAND FAMILY AIDE PLAN PUBLISHES "HOW TO" BOOKLET

Because inquiries have been received from agencies and individuals in 36 States, a how-to-do-it booklet has been issued on how to organize and operate a family aide program employing women over 50.

Entitled *Good Neighbor Family Aide Program: Outreach to the Unreached,* the 30-page booklet was written and edited by Emogene Kirk Baxter, who was one of the founders in 1961 of the Over-60 Counseling and Employment Service of the Montgomery County, Md., Federation of Women's Clubs (*Aging*, Mar. '71, p. 10) and who was instrumental in setting up the family aide program in 1966.

The family aide project is a part of the Over-60 program, which is aided by grants from the Montgomery County Council and, under title III of the Older Americans Act, from the Maryland Commission on Aging. It trains and places older women in full or part time posts as companions for the elderly or "mother substitutes for the young."

From June 1966 to September 1971 the program trained 215 home aides, 167 of whom are working. During that period 6,000 requests were received for such workers, 60% of them for women to act as companions to the elderly.

During the last 3 months of 1971, a stepped up program trained 243 aides, of whom 132 now are working, 107 of them as companions to the elderly. During the same period 435 requests for aides were received, only one in four of which could be filled.

The training course of 12 hours—3 hours on each of four successive days—is given by experts, including Red Cross nurses, a home economist, and a psychiatrist. After graduation, for pay of $1.60 to $2 an hour for part time work, the aides may assist with feeding, bathing, planning and preparing meals, shopping, and tidying a client's quarters. They are not required to do heavy housework or laundry.

General Federation Clubwoman, official GFWC magazine, carried an article on the program in its April issue.

"Goals of the program are to meet two crucial needs," says Mrs. Baxter. "To provide a source of help in the private home and to provide a job opportunity for the older woman for whom job placement in the business world is very difficult because of her age."

Designed to assist those who wish to establish such a free community service, using the cooperation of both voluntary and official agencies, the booklet discusses program components, training methods, obstacles to be overcome, and even furnishes sample forms essential to operation.

The manual is free, but for postage and handling a fee of 35¢ a copy is charged. It is available from the Over-60 Service, 4700 Norwood Drive, Chevy Chase, Md. 20015.

CONGRATULATIONS TO AHEPA

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. SLACK. Mr. Speaker, I am pleased to join the many Members who have taken special occasion to note the 50th anniversary of the founding of the American Hellenic Educational Progressive Association, the fine group known around the world as AHEPA.

This is a fraternity of good fellowship with an enviable record of accomplishment in the fields of education, charity, and civic improvement. When disaster strikes, AHEPA is ready to help the victims through the generosity of its members. When a civic improvement needs organized working support, the city can count on the people of AHEPA.

But, first and foremost, the objective of this organization is to "promote and encourage loyalty to the United States of America." The members of AHEPA are foremost among the groups who know the value of American citizenship and appreciate its privileges.

They are all of the order of Americans on whom we can rely under all conditions. They never fail to carry their share of the load. Our country can never have too many like them.

Congratulations to them all and best wishes for another successful span of 50 years.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the RECORD the July 24, 1972, edition of the news bulletin of the American Revolution Bicentennial Commission. I take this action to help my colleagues be informed of developments across this land preparing for our 200th anniversary in 1976. The bulletin is compiled and written by the staff of the ARBC Communications Committee. The bulletin follows:

In a Press Conference at ARBC Headquarters on Thursday, July 20, Chairman David Mahoney with Coins and Medals Advisory Chairman, George Lang, announced that as of Mid-July 665,900 PNC's have been sold through the U.S. Mint with a gross of $3,165,000 and a return of approximately $2,365,000 in net revenue to the ARBC. Chairman Mahoney told the assembled press, "While our appropriation pending in Congress is a prerequisite to State Commission grants, staffing, implementing and organizing, the funds derived from the sale of this item and other planned commemorative medals will allow us to finance many other special projects without asking the taxpayer to pay for the entire Bicentennial."

George Lang, Chairman of the ARBC's Festival USA Committee, has announced that the Committee's three Advisory Panels on the Performing Arts, the Creative and Visual Arts, and an Invitation to the World Panel held meetings at ARBC Headquarters last week and have submitted specific recommendations to the full Committee regarding the arts, travel and hospitality for the Bicentennial. The Panel's recommendations will now be channelled through the full Festival USA Committee.

The next meeting of the ARBC Executive Committee will be on Monday, July 24, 9:00 a.m. at ARBC Headquarters in Washington, D.C.

Clifford M. Clarke, vice-chairman of the Georgia Commission for the National Bicentennial Celebration was elected chairman of the Bicentennial Council of the 13 Original States at a recent meeting in Princeton, N.J. Gov. William T. Cahill opened the meeting with a call for restoring America's "Spirit of '76" as the major Bicentennial goal. The council voted to recommend to the ARBC that the song "America the Beautiful" be adopted as the official Bicentennial hymn.

Our ARBC Commission Member Thomasine Hill will be keynote speaker at the National Student Council's National Leadership Training Conference held in Hot Springs, Arkansas, July 23 to 28. The National Association of Student Councils (NASC), the only national youth organization representing student leaders in America's secondary schools (32,000 schools), and the National Honor Society is sponsoring the leadership conferences as a forum for exploring the meaning of leadership and its techniques. Miss Hill challenged the delegates to realize their positions of leadership during the time of the Bicentennial. She urged them to become Bicentennial communicators and to carry the message back to their schools that there is to be a national renaissance between now and 1976 and that students, as the Citizens of Century III, should be in the forefront.

Mr. James Biddle, Chairman of the ARBC Heritage '76 Committee opened a two-day "think tank" Heritage '76 Advisory Panel meeting July 18 & 19 stating that the three panels, Historic Conservation, Commemoration and Convocations and Publications and Research had assembled to review proposals for recognition by the ARBC that relate to the heritage area and to offer comments and advice to the Commission. Mr. Biddle told those assembled, representatives of major national heritage societies and organizations, that the ARBC looked to them for guidance in setting guidelines for the next 4 or 5 years. He suggested that they should bring to their individual sessions their own organization's ideas for the Bicentennial and devise the mechanisms which might be established through which those ideas might be translated into ARBC programs.

John C. Chapin, Chairman of the Philatelic Advisory Panel has outlined the Panel's broad program of Bicentennial awareness being generated throughout the channels of the philatelic and non-philatelic communities. He commented at the Panel's quarterly meeting held at ARBC Headquarters July 17 that the group's awareness campaign is moving simultaneously on several fronts: through stamp shows, organizations and stamp clubs, department stores, overseas, and the planning for the next series of Bicentennial stamps.

Rep. Thomas Downing was the guest speaker at the York County (Va.) Fair on July 3. Congressman Downing commented that the battlefield where British General Cornwallis was defeated during the American Revolution should have a permanent monument. He joined those recommending a cyclorama so that visitors could more easily grasp the significance of that decisive battle.

At the first meeting of the Wisconsin ARBC, Governor Lucey stated, "Our Bicentennial celebration should not be a mere spectacle of form or a mere commemoration of dust, but a reaffirmation of the living spirit and timeless vision of the revolution." In an editorial, the Madison Times commented, "The guidelines set forth at its first meeting will serve the Commission well. It is not merely to be a commemoration of the past, but a chart as well for the future."

In an interview with the New Brunswick (N.J.) Home News, Dr. Richard P. McCormick (ARBC Commission Member) said the Commission's job "is to create an awareness about the Bicentennial. We must make this observance nationwide in scope, and not just on the Eastern seaboard. McCormick added, "If there's going to be a successful Bicentennial, it's not going to be done by the Commission, but by the thousands of communities across the nation."

The Gallup, N.M., Inter-Tribal Ceremonial Association suggested that New Mexico develop three U.S. Bicentennial centers for each of the state's three cultures. The Association sent a request to Gov. Bruce King proposing one Bicentennial center for Spanish-American culture, another for Indian and a third for Anglo.

Rock Island County (Ill.) recently formed a new chapter of the Illinois Bicentennial Commission, and Otto Schweinberger, Dean of Community Relations at Black Hawk College, was named Chairman. Schweinberger assured the persons present that all community, industrial, fraternal, educational and minority groups would be invited to participate in the group's programs.

Dr. J. Duane Squires, Chairman of the New Hampshire ARBC, recently filed a report with Gov. Walter Peterson. In the first two years of its existence, the N.H. ARBC has formed task forces to organize an observance of the seizure of Fort William and Mary; to plan for a fitting commemoration of New Hampshire's important part in the Battle of Bunker Hill; for an observance of the anniversary of the state's first constitution; and to plan for an appropriate observance of New Hampshire's vital part in the victory at Bennington.

VOCATIONAL EDUCATION IN MISSISSIPPI

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. GRIFFIN. Mr. Speaker, the industrial development of the State of Mississippi has been important to the building of a strong economy and a better future for all people of our State. For such industrial growth to occur it is necessary to provide trained manpower. The development of an outstanding vocational and technical training program in Mississippi has made a significant contribution in providing the manpower and stimulation for rapid industrial growth.

Mississippi is proud to be one of the Nation's leaders in vocational and technical training programs. Under the direction of Dr. Garvin Johnston, State superintendent of education, and Troy V. Majure, director of vocational education, Mississippi's vocational education and technical training programs have continued to expand and contribute greatly to the economic development of our State.

The success and importance of Mississippi's vocational and technical training programs was the subject of a recent article in the Changing Middle South magazine and has been reprinted in the Mississippi Vocational News. I include a copy of that article in my remarks:

SATISFACTION GUARANTEED

(NOTE.—The following article was mentioned in the May issue of this publication. It appears in the current issue of "The Changing Middle South". Many people have requested a copy of the story to see what others are saying about vocational education in Mississippi. For the many who have requested a copy of the story, we re-print the article in its entirety.)

"The best we've found . . . Overly impressed with your efficient and competent manner . . . They're progressing at a fast rate . . . We're impressed with their attitude and willingness . . . Your help will greatly reduce the problem."

Obviously, the above comments are from satisfied customers, all. They are unsolicited and emanate from the offices of Mississippi manufacturing executives who are praising their individual experiences with the vocational and technical training programs offered by the Mississippi State Board of Education through its division of vocational-technical training.

These, and scores of other Mississippi industrialists, have discovered the solution to one of the thorniest problems faced by manufacturers anywhere: the problem of training new manpower to staff a newly established or expanded manufacturing plant and, when trained, the problem of re-training this manpower to keep abreast of the newest technological improvements in machinery, equipment, materials and techniques.

Best of all, Mississippi manufacturers have found that all this can usually be accomplished at little or no cost to them inasmuch as local, state and federal funds are available to underwrite the cost of training for employees in new or expanding Mississippi manfacturing and processing plants. A large number of Mississippi plants are currently taking advantage of this program, including such bluechippers as Ingalls Shipbuilding Division of Litton Industries, St. Regis Paper Company, Baxter Laboratories, Inc. and American Bosch Electrical Products, to name a few.

The Magnolia State probably has the most unique vocational-technical administrative setup of any in the nation, for the 23 vo-tech training centers in Mississippi are lodged in the state's public junior colleges, located strategically throughout the state. Every county in the state is in a junior college district and junior college administrators long have boasted that any student can attend the JC nearest him by day and sleep in his own bed that night.

Mississippi got a head start on most of the states when, in 1963, Congress passed the Vocational Education Act making federal funds available for the establishment of vocational education training centers. Mississippi education officials reasoned that the JC's would be ideal as vo-tech centers inasmuch as they already had a built-in administrative organization. Further, in every case, existing junior colleges had land available on their campuses for the construction of vo-tech shops, labs and classrooms. Thus, Mississippi was "in business" from a vo-tech standpoint, while many other states were shopping for land and rounding-up administrative personnel to staff their institutions.

For the 1971–72 school year there are more than 29,000 industrial trainees enrolled in these vo-tech centers preparing themselves for gainful employment in Mississippi manufacturing plants.

These modern vo-tech educational facilities—significantly, none were in existence prior to 1963, so the buildings and equipment are first rate—currently offer more than 100 different occupational training programs.

Each of the 23 vo-tech centers operates independently, but all perform, essentially, the same basic function in catering to Mississippi industry. Each of the centers offers to provide programs for preparatory skills for employees of newly established manufacturing plants in the district in which the JC is located. This is called startup training. Additionally, each of the centers is equipped to offer programs to provide rapid re-training of workers in existing plants to meet their changing needs. Further, the centers provide courses—usually when ten or more persons request a course—designed to upgrade the skills of already employed workers.

Under the guidance of Dr. Garvin H. Johnston, state superintendent of education, and Troy V. Majure, director of vocational education, Mississippi's vocational-technical training centers have demonstrated to industrial leaders from within and from without the state their firm commitment to train the state's industrial workers. This means that the vo-tech centers will assist new and expanding industries in the recruitment of labor, counsel with the manufacturer in developing meaningful training programs, then train the applicants utilizing the standards established by the employer.

Furthermore, these applicants can be trained on the vo-tech center's premises using state-furnished equipment, if available, or on the plant site using the manufacturer's equipment and material. One of the centers, Hinds Junior College's Jackson Center, even goes an extra step in this regard. This center, now in its third year of operation, has provided in its gleaming new facility a 6,400-square-foot room which is dedicated and set aside expressly for industry's use. A new industry can establish special training programs in this room, move in its own specialized machinery and tailor its courses of instruction to its own specifications and needs. Several training operations can be carried on in this room at the same time, each representing a different industry. Here, as throughout the JC vo-tech system, instructional costs are paid by the local community and reimbursed by the state. In some cases, the locating industry furnishes its own instructors, who then become temporary faculty members of the junior college.

In addition to the vocational-technical facilities at the state's junior college centers, Mississippi recently has constructed, equipped and staffed 28 area county vocational training centers for the state secondary schools, with 10 more in various stages of construction. These facilities are being utilized in the same manner as those at the JC centers, and many thousands of high school students and adults are equipping themselves for good paying jobs.

At present the State of Mississippi is utilizing a number of federally funded programs which are helping manufacturers find and train industrial workers. The Manpower Development and Training Act provides funds for initial and turnover work forces for institutional training and for on-the-job training. Trainees under MDTA projects can receive stipends while trainnig, and employers utilizing the on-the-job training concept can be reimbursed by the U.S. Department of Labor for a portion of the wages paid to its trainees. The JOB 70 program for expanding industries, which provides supportive training, orientation and counseling at no cost to the employer, is coordinated through the Mississippi Employment Service and the Vocational Education Division.

It should be pointed out that Mississippi's vocational-technical training centers, both those ensconced on the junior college campuses and those located in the state's secondary schools, are not established solely to provide employees for new and expanding industries. The more than 100 programs currently being taught at the centers run the occupational gamut from Airplane and Engine Mechanics to X-Ray Technology. In between are comprehensive programs for such trades and occupations as Commercial Art, Data Processing, Dental Assistant, Electronics Technician, Fire Service Technology, Horticulture, Law Enforcement Technology, Registered and Practical Nursing, Operating Room Assistant, Tool and Die, Television Production, and even such obscure occupations as Horology and Saw Filing (an absolutely essential calling in the timbered regions of the Magnolia State).

While Mississippi already can claim one of the premier vocational-technical educational programs in the United States, there's a movement afoot there to cement its position in this field and place even greater emphasis on occupation-oriented education.

This new and unique concept, which educators have dubbed the "Career Centered Curriculum," got its start in Mississippi when the Jones County School system undertook the pilot program at the beginning of the 1970–71 school year. The program has met with such success that it has expanded into six other school systems for the current school year.

Basically, the program is designed to teach every child in the school system, beginning in the first grade, everything that it is possible to teach about the world of work—the skills required, the financial rewards, the place in society of the occupation, the advantages and drawbacks and the personal traits required of a particular occupation.

As put into practice in Jones County, the program consists of a course of study beginning in the first grade and continuing through the twelfth. Grades one through six are devoted to teaching the child to become aware of the world of work. Reading, writing and arithmetic are taught through study of various occupations rather than reading about Dick, Jane and Sally.

Beginning in the seventh grade, the student enters an in-depth survey of the world of work, and the eighth and ninth grades are devoted to an intensive occupational orientation program where the students are exposed to as many occupations as is possible. This is accomplished through team teaching, field trips, films and other teaching aids, all pointing toward helping the child make a meaningful choice of an occupation.

Tenth grade students in the Jones County program are taught the basic principles and skills of a cluster of occupations in which they show an interest, and in the final two years of high school the students are transported to a central vocational complex where they are taught and drilled in the occupation they have selected.

Upon graduation from high school the Jones County student has a choice of continuing his education in a four-year college, going into employment, or entering Jones Junior College for more specialized study in trade or technical courses.

At the completion of the first full year of the program, Jones County educators and school patrons alike, were enthusiastic about a curriculum which will enable any child in the system to complete his high school education with a saleable skill or have the preparation for further academic education in college.

One thing is certain: With its splendid system of junior college and secondary school facilities for vocational-technical training, and with educational concepts like the Jones County program, Mississippi has a head start on the rest of the nation in preparing its young citizens to meet the challenges of this century, and, perhaps, the next.

CAPTIVE NATIONS WEEK

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. RHODES. Mr. Speaker, since the passage of Public Law 86–90 in 1959, the third week of July has been observed as Captive Nations Week.

The intent of the act is to draw our attention to the plight of millions of individuals less fortunate than ourselves, who are prisoners to the enslaving tennacles of communism. Captive Nations Week provides us with an opportunity to proclaim our solidarity with the people of the world's captive nations.

These nations and their citizens did not see their Communist regimes come to power by legal or democratic processes. The Soviets invaded these nations and claim them by brutal force of arms. We must not forget this.

While we must leave no avenues unexplored in the search for a lasting peace, we must keep in mind the facts of oppression. The Hungarian revolution, the invasion of Czechoslovakia, the riots in Poland and Lithuania, and the cultural repressions in Ukraine are all examples of the tragedies bred by Soviet tyranny. If we are to find peace it will have to be accompanied by freedoms for our fellow individuals in the captive nations.

Let us not allow ourselves to forget these strong-willed people who look to us for support.

DR. J. H. JACKSON'S PEACE PLAN FOR THE VIETNAM WAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. STOKES. Mr. Speaker, based upon the recommendations of 6 million members of the National Baptist Convention, USA, Inc., Dr. J. H. Jackson, its president, has written a peace plan for the Vietnam war. I believe that his plan deserves unqualified attention—in the White House, in Congress, and in Paris.

Dr. Jackson is a distinguished and brilliant member of the American religious community. His clarity of thought and his overriding compassion are seen in his peace plan. The plan was sent to President Nixon; Premier Kosygin; Prime Minister Trn Thein Kheim of South Vietnam; and Prime Minister Pham Van Dong of North Vietnam.

Its six principles do not contain moral judgments of any sort. It is not Dr. Jackson's purpose to blame either side; instead he creates a fabric of peace woven from the fibers of war-weariness and the need to rebuild two countries that have been utterly destroyed by war.

Perhaps the central theme of the plan is that people are capable of self-determination—they do not need a superpower to dictate what they should want from life. Dr. Jackson also believes that the people in Indochina genuinely want peace or, as he puts it, "bread instead of bombs and bullets."

Dr. Jackson's peace plan for the Vietnam war has my full endorsement. I urge my colleagues to stand with me behind his humanistic plan.

The full text follows:

THE J. H. JACKSON PEACE PLAN FOR THE VIETNAM WAR

(Drawn April 27, 1972 and Announced to the General Public in an Address at Las Vegas, Nevada, Friday Evening, April 28, 1972.)

INTRODUCTION

A military victory of North Vietnam over South Vietnam would still leave North Vietnam related to the surrounding nations as she is now. She would still be dependent on the more powerful nation as she is now.

If South Vietnam should conquer the North by the strength of allied forces, the South would still be a dependent country relying upon her stronger allies. The economic strength of Russia and the United States would not be materially increased by the military victory of either of the Vietnams, but would in some cases remain an economic burden to be borne by either one of the two great powers. It is not enough to sit in judgment on the persons involved in trying to settle the Vietnam question. It is not sufficient to blame any one statesman or leader for the complex and complicated conditions that have made the Vietnam question a national and international one. There is a responsibility that the heads of the respective governments must carry. There is also a responsibility that citizens ought to take in trying to create an atmosphere in which an open and frank discussion can take place, and any conference on peace may have a fair chance of succeeding.

I therefore wish to offer a plan for peace that could bring the Vietnam war to an immediate end and save further loss of human life and property. It is a plan that rises above conflict and does not destroy the autonomy of either one of the Vietnams, but would leave open the door for future unification of the country and the people.

The following are the principles of the Plan:

I. Permit and encourage all of the people in South Vietnam who believe in, and who have accepted the ideology, the philosophy and practice of the government of North Vietnam to be located in, and become a part of North Vietnam.

II. All people in North Vietnam who have embraced the ideology and philosophy of the government of South Vietnam should be allowed to go to South Vietnam without opposition or hindrance.

III. We suggest that Russia and all of the supporting allies of North Vietnam would encourage the government of said country to accept the peace principles offered in Articles One and Two.

Then petition Russia to aid North Vietnam in acquiring all the needed agricultural implements and all of the necessary equipment to improve the life both in the rural areas of the country as well as in the villages and towns. Let there be tractors and plows made available instead of tanks and guns. There should be more bread instead of bombs and bullets.

IV. We would petition the United States of America to do in South Vietnam what we would request of Russia in the Article above.

V. Let all prisoners of war be released immediately and returned to their families and their homes.

VI. Let there be open friendship between North Vietnam and South Vietnam in spite of the differences in ideology. And if they choose to win, or try to win one another to their ways of thinking, let them do it by discussion, friendly debate, goodwill, and fellowship. For we must remember that a nation in reality, is based on, and held together by the ideology that its peoples embrace and not by the landed areas alone that they occupy, the language they speak, or by the color of their skin or the texture of their hair.

The big powers must remind themselves that the fires of war started by igniting the fields and homes of weaker nations (militarily), and fed by the broken bodies of the old and the young among them, if not checked, are sure to spread to the shores of the greater powers.

In the name of humanity, and for the welfare of the innocent, and for the protection of all the nations of the world, we urge that the ideas and attitudes expressed in this plan will become a part of the thinking of all the parties involved.

This Peace Plan was written by Dr. J. H. Jackson, President of the National Baptist Convention, U.S.A., Inc., based on peace principles that had been adopted by the six million member organization in several of its past annual sessions.

Copies of this Plan were sent to the following persons on April 27, 1972:

President Richard M. Nixon, USA.

Prime Minister Alexei N. Kosygin, USSR.

Prime Minister Tran Thein Kheim, Republic of South Vietnam.

Prime Minister Pham Van Dong, People's Republic of North Vietnam.

ORDER OF AHEPA CELEBRATES ITS GOLDEN ANNIVERSARY

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BLANTON. Mr. Speaker, the Order of AHEPA was founded July 26, 1922, and now, as the order prepares to celebrate its golden anniversary, it is well for us to recognize the achievements this civic fraternity has already performed and its bright future as well.

AHEPA is an acrostic for American Hellenic Educational Progressive Association which from the first chapter in Atlanta, Ga., has grown to 430 chapters in 49 States, Canada, and Australia. National AHEPA offers its members everything from a sports program and insurance, to numerous civic projects such as scholarship funds and relief aid to disaster areas. The order also maintains a number of hospitals, schools, and memorials in America and Greece, and in addition, the local chapters have numerous projects of their own. Such activism has attracted a large membership over the past 50 years including such famous men as Presidents Franklin Roosevelt and Harry Truman, Vice President SPIRO AGNEW, and many Cabinet members, U.S. Senators and U.S. Representatives.

The purpose and true worth of the Order of Ahepa is spelled out in the nine objects of AHEPA which serve as philosophical guidelines which the group tries to instill in its members. The nine are: First, to promote and encourage loyalty to the United States of America; second, to instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind; third, to instill in its membership a due appreciation of the privileges of citizenship; fourth, to encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor; fifth, to pledge its members to do their utmost to stamp out any and all political corruption, and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation; sixth, to promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture; seventh, to promote good fellowship and endow its members with the perfection of the moral sense; eighth, to endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness; and ninth, to champion the cause of education and to maintain new channels for facilitating the dissemination of culture and learning.

Truly this worthy organization has made itself a friend to both its members and the public. In viewing the growth, accomplishments, and purpose of the Order of Ahepa in its first 50 years I sincerely wish this group continued growth and enthusiasm.

CAPTIVE NATIONS WEEK

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. WAGGONNER. Mr. Speaker, on this 14th celebration of Captive Nations Week it is perhaps very significant to look back over the past few weeks. What I refer to precisely are the President's recent efforts in foreign policy as manifested by the trips to Peking and Moscow. These have inspired a great deal of comment and debate, but one can only speculate as to what will be their effect on our commitment, which we today affirm anew, to sustain the hope of freedom for the more than 100 million people in some 30 captive nations throughout the world. We can only hope to benefit from what appear to be improved communications. At the same time we must be extremely careful not to offer our complicity to the subjugation of those who are currently oppressed in exchange for the right to free communications with their oppressors. This annual Captive Nations Week is held in order to inspire in all America and the world the recollection of our commitment to this principle.

We are forced to remind our fellow Americans, because whether we take for granted those freedoms provided by the bill of rights or become concerned with the so-called oppression within the United States itself it is all too easy to forget those who not only lack the same advantages but also lack the opportunity to complain about their absence. It is our obligation to keep in mind those who are less fortunate even to the point of not knowing of the freedoms they lack. We must sustain our efforts to bring unbiased information through media like Radio Free Europe to those who have no opportunity to obtain it otherwise. But, primarily we must keep in mind the plight of these captive peoples in order that we may do them justice when the time arises.

We remind the rest of the world that they may know our resolve to assist such peoples in any way possible. It must be common knowledge in order that all oppressors know that regardless of what turn our foreign policy may take the citizens of the United States will retain their commitment to those peoples who are denied the freedom we hold so dear.

If we can be reasonably certain that we can assist them in attaining such freedom by improving our relations with Red China and the U.S.S.R. then perhaps we should explore that possibility. But, if we choose that course we must do so with a complete sense of determination to aid the people of the captive nations, not compromise them. We must do it with one fact firmly in mind. That our strength is our freedom and today we acknowledge our obligation to make every effort to let others share in it.

NURSING HOME SAFETY

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. KEATING. Mr. Speaker, on August 6, 1971, President Nixon addressed the Nation about the problems of fire safety in our country's nursing home facilities. In that address, the President stated his intention that Federal funds not be used to subsidize substandard nursing homes. In the words of the President:

> But let there be no mistaking the fact that when facilities fail to meet reasonable standards, we will not hesitate to cut off their Medicare and Medicaid funds.

In response to this mandate, the U.S. Department of Health, Education, and Welfare recently denied Federal subsidies to 579 skilled nursing homes throughout the country. These homes have either been decertified or have withdrawn from the medicaid program entirely because of their inability to meet tough Federal fire safety standards.

The Cincinnati area was affected by the closing of five nursing home facilities, four of which are in my own congressional district. Nevertheless, I believe the recent action by the Department of Health, Education, and Welfare, is a necessary step to insure that nursing homes all across the country provide adequate safety measures for the elderly who reside there.

I support the action of the President, and the action of the Department of Health, Education, and Welfare.

Furthermore, I call upon the Congress to enact three bills on this subject which I introduced on February 29 of this year. These bills would require all nursing home facilities to meet the same Federal fire safety standards, these bills would permit Federal loan guarantees to those facilities which require funds to install adequate fire safety devices, and these bills would insure that no Federal funds are awarded to contractors for the construction of nursing homes unless these facilities are built in conformity with the same Federal fire safety regulations.

Mr. Speaker, I include the article appearing in the Cincinnati Enquirer regarding the decertification of five skilled nursing homes in the Cincinnati area be printed in the RECORD at this point:

FIVE AREA NURSING HOMES DENIED MEDICAID FUNDS

WASHINGTON.—Five Cincinnati area skilled nursing homes were listed Wednesday among the nation's such facilities denied Medicaid funds for alleged failure to meet tough new federal safety and care standards.

The homes were identified by the Ohio Welfare Department after John G. Veneman, under secretary of Health, Education, and Welfare (HEW), released a breakdown showing 39 of the facilities decertified in Ohio by state investigators.

Cincinnati area homes listed by a state welfare spokesman are Avon Convalescent Center, Inc., 6922 Ohio Ave., Deer Park; Restview, 3550 Washington Ave., Avondale; Vivian D. Tepper Nursing Home, 3103 Fairfield Ave., Evanston; Madeline Marie Nursing Home, No. 1 Upland Place, Walnut Hills; and the Extended Care Facility of the Middletown Hospital Association, 105 McKnight Dr., Middletown.

The state spokesman said the Vivian Tepper Home went out of business after it was decertified last November. Veneman's breakdown showed that counting those which voluntarily withdrew from the Medicaid program, 579 homes had dropped out since the new standards went into effect last November 30.

"Although the president has exercised bold leadership, frontline responsibility for nursing homes under the law still rests with states, local governments and nursing home operators," Veneman said after he and his aides met with President Nixon to review program in the drive for improved care of the aged poor.

He said new federal standards for intermediate care facilities will be announced soon. "We are also developing joint Medicare-Medicaid regulations that will simplify and standardize the program for long-term care facilities," Veneman added.

ORDER OF AHEPA

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. HALPERN. Mr. Speaker, the order of AHEPA has long been one of America's outstanding organizations. In fact, the 26th of this month marks the 50th anniversary of the founding of the American Hellenic Educational Progressive Association in Atlanta, Ga. From that setting, the organization expanded to the point at which today, comprising 430 local chapters, it spans 49 States, Canada, and Australia.

A nonpolitical, nonsectarian organization, AHEPA stipulates that its members be men of good moral character who are citizens of the United States of America or Canada, or who have declared their intention to become citizens. Its objectives include the promotion of loyalty to the United States, the instruction of its members in the fundamental principles and tenets of government, and the hope of endowing its members with a spirit of altruism, common understanding, and mutual benevolence.

Mr. Speaker, AHEPA does not do mere lipservice to these goals: It has relieved victims of hurricanes, floods, earthquakes; it has provided scholarships to worthy students; it has hospitals in Athens and Thessaloniki and seven health centers in Greece. During World War II, AHEPA was an official issuing agency of the U.S. Treasury, effecting the sale of $500 million in U.S. war bonds.

On this, its golden anniversary, it is only fitting that we extend our best wishes to AHEPA. Such organizations, by setting humanitarian goals and high standards for membership, have helped keep America strong and great through some of the most troublesome years in its history. In the atomic age, we especially need responsible men to be active through such organizations, for it is they who have the willpower and determination to make this a better world. So, not only should we commend AHEPA for its past achievements, but wish it well in its future endeavors.

IRISH-AMERICAN JAILED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. WOLFF. Mr. Speaker, I wish to express to the House and its Members my distress over the jailing of Thomas Laffey, an Irish-American and a constituent of mine.

Mr. Laffey, and four other Irish-Americans, were jailed in Fort Worth, Tex., for refusing to answer questions from a grand jury concerning alleged gun-running to Northern Ireland.

Not only were they jailed, but in addition bail was denied—although they have been accused of no crime.

In short, Mr. Speaker, accused slayers can walk out of jail on bond; alleged bank robbers can be set free; those charged with having committed sex crimes can be released, but these five Irish-Americans can be kept in bondage simply because they refuse to answer a grand jury in Texas.

In protest of this fact I had asked the Attorney General of the United States for permission to go to Fort Worth to see and to visit with Thomas Laffey. That permission was denied. Mrs. Laffey had asked that I go to make sure that her husband and the other men were being accorded their rights under the Constitution, but now the assurance she had sought cannot be given by me.

Mr. Thomas E. Marum of the Justice Department had told my office that I would not be allowed to see Mr. Laffey because of a contractual arrangement with the Tarrant County, Tex. officials. He did say that if I wanted to go anyway, the sheriff of Tarrant County would be happy to show me around the jail, but that I would not be allowed to see Mr. Laffey.

The sheriff's offer was not enough, for my interest lies not in seeing his jail, but rather in seeing my constituent. I believe that I should have that right, as indeed I believe every Member of this body should have that same right under similar circumstances.

My concern in this matter, Mr. Speaker, is very great and it has in no way been lessened by the Justice Department's refusal.

I make no judgment, Mr. Speaker, as to the guilt or innocence of Tom Laffey, but I do judge the Justice Department guilty of having made a most unwise and unwarranted decision—and perhaps even an unlawful one.

What must be remembered is that Thomas Laffey has been charged with no crime, has been accused of no wrongdoing, has not been implicated in any unlawful actvity, save that of refusing to answer questions from a grand jury.

The treatment thus far received by Thomas Laffey and the other men is not unlike that meted out to those held in the internment camp of Northern Ireland, a camp that I recently visited under an assumed name in order to see for myself what manner of justice the British give out.

The circumstances surrounding both the proceedings and the sentencings in this case seem somewhat suspect to me. While I am not willing to charge, as some have, that a conspiracy is involved, I do feel that a better explanation by the Department of Justice is in order. These men are entitled to the full protection of the law. If guilty, they should be given a definite sentence. If innocent, they should be freed. In any event, they deserve justice in the American tradition, not a new form of justice that seems to be restyling our rights as Americans.

It is my hope, Mr. Speaker, that by bringing this matter before the House some form of justice may be realized. It appears that the effort by the Justice Department to change the proceedings to some locale where little note would be taken have thus far succeeded, but the larger question of whether justice has been served is very much open.

THE 22D BIENNIAL NATIONAL CONVENTION OF THE JAPANESE AMERICAN CITIZENS LEAGUE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. EDWARDS of California. Mr. Speaker, on June 29, my colleague from the state of Hawaii, the Honorable Spark Matsunaga, called for a special order to allow the Members of the House the opportunity to take note of the 22d Biennial National Convention of the Japanese American Citizens League here in Washington. I want to take this opportunity to add my comments to those of my colleagues and to express my appreciation for the JACL and for those American citizens of Japanese descent. Several members of the JACL from San Jose were in attendance at the convention: Richard and Barbara Tanaka, Kathy Taoka, Sharon Uyeda, Dr. Tak Inouye, Stan and Virginia Tanaka and, of course, Mayor Norman Mineta, his wife, Mae and son, David.

Japanese American citizens have played a vital and important role in the positive elements of our national culture since their arrival as a group on the American continent. It has been just recently, however, that barriers have begun to fall and members of this important ethnic group have begun to take a powerful political role here on the mainland. That Mayor Mineta was the keynote speaker at the convention banquest is, I feel, a significant event. Mayor Mineta is the first American of Japanese descent to be elected mayor of a major American city on the mainland and, as all those who are familiar with California know by now, he has done a magnificent job in giving San Jose progressive and intelligent leadership.

Our country has come a long way since those dark days of World War II, when loyal citizens of the United States, who happened to be of Japanese descent, were summarily rounded up and interned in concentration camps. In fact, Mayor Mineta himself was the victim of this discriminatory action. No other ethnic group in our country has been so treated and it is to the eternal credit of Japanese American citizens and our good fortune that these citizens did not choose the path of bitterness and hatred for this vile act, but instead dedicated themselves to proving their outstanding patriotism and loyalty as a group.

By their lives, Japanese American citizens have made the motto of the JACL live, "Better Americans in a Greater America." These citizens have taught us the true meaning of loyalty to one's country and good will toward their fellow man. The dedication of Japanese-American citizens to democracy serves as a model for us all. Their tolerance of the shortcomings of their fellow citizens in the pursuit of the ideal of a democratic society can only be admired.

The repeal of the Emergency Detention Act of 1950, which I cosponsored, had the strong support of the Japanese American Citizens' League. Naturally, the memories of the detention camps during World War II spurred the group to forceful action on this issue.

The horror of the wartime concentration camps has enabled Japanese American citizens to more clearly understand the nature of political and racial prejudice, but it has led them not just to be concerned with the protection of their own ethnic group. Through this tragic experience, I believe that Americans of Japanese descent have come to understand and value democracy and liberty perhaps more than any other ethnic group in our country. The JACL is in the forefront of the fight to preserve the liberties of all Americans as outlined in the Bill of Rights. Significantly, they have been active in their opposition to certain actions of the House Internal Security Committee and the Subversive Activities Control Board.

I want to join my colleagues who spoke so eloquently on the 29th of June in saluting a group of Americans who were the victims of blatant repression and to honor this group of Americans who have such an outstanding record of citizenship and contributions to our country.

LABOR NEWS CONFERENCE

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. DENT. Mr. Speaker, I commend to the attention of all Members the following summary and transcription of a broadcast involving Mr. Ray Denison, an AFL–CIO legislative representative, and expert in the field of international trade. Mr. Denison's points are compelling and in essential agreement with what I have been saying about the subject for the past several years. They deserve special consideration from each Member.

The news item follows:

LABOR NEWS CONFERENCE

Growing numbers of U.S. corporations are exporting not only their factories to low-wage countries, but also the newly-developed methods and technology that would boost the productivity of American workers, an AFL–CIO spokesman declared today.

Denied "new technological equipment" developed in U.S. laboratories, "the United States worker, regardless of how much he wants to increase his output during an eight-hour day, is simply unable to do so," declared AFL–CIO Legislative Representative Ray Denison, on the network radio interview Labor News Conference. He said that "many experts in the field" hold that view, pointing out that one recently wrote Senator Vance Hartke (D-Ind.) that "'the United States has exported so much of its technology to Japan, that Japan has bought one of the most incredible technological bargains in history . . . with 90 million Japanese, using $10 billion worth of U.S. technology, for which they paid only $1 billion.'"

Denison laid major blame for the worsening U.S. position in international trade on outdated U.S. policies and laws—including tax incentives—that encourage U.S. companies to maximize their profits by manufacturing in low-wage countries, then they ship that production into U.S. markets and sell it here at high prices that reflect America's high standards of wages and working conditions. He turned aside the contention that imports mean lower consumer prices.

"They usually mean that the retailer and the importer receive a much higher markup—a much greater profit," he declared, "but the customer in the store pays virtually the same price he would have paid, if the product had been made in the United States." He cited the example of side-by-side displays of mens' shirts made in Taiwan and Korea—where wages are as low as 15 cents an hour—with shirts made in the U.S., yet all three selling at just about the same price.

Denison warned that outdated U.S. overseas trade and investment policies have already wiped out nearly a million American job opportunities—at a time when unemployment hangs at 6% nationally, and as high as 18% in such hard-hit areas as New England. He renewed the call for passage of the Burke-Hartke Trade Bill, stressing that its three-pronged approach of "taxation, capital control and quotas on imports" is the only effective way to deal with the mounting problem.

Reporters questioning Denison were James Flanigan of Forbes magazine and Paul Steiger of the Los Angeles Times' Washington bureau. The AFL–CIO produced interview was broadcast Tuesday at 9:35 p.m. (EST), over the Mutual Broadcasting System.

LABOR NEWS CONFERENCE—MUTUAL BROADCASTING SYSTEM

Subject: Updating US Trade and Overseas Investment Policies

Guest: Ray Denison representative of the AFL–CIO's Department of Legislation

Reporters: Paul Steiger of the Los Angeles Times Washington bureau James Flanigan, Washington correspondent for Forbes magazine

Moderator: Frank Harden

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking representatives and ranking members of the press. Today's guest is Ray Denison, a legislative representative for the AFL–CIO.

Evidence that United States overseas trade and investment policies are badly outdated by the realities of today's international trade continues to mount. Between 1966 and 1971, nearly a million American job opportunities vanished, as U.S. firms shifted production to low-wage foreign countries and imports flooded U.S. markets. Last year, the U.S. suffered its first trade deficit in nearly 80 years—and the gulf between U.S. imports and exports continues to widen. The AFL–CIO is convinced that thorough overhaul of present U.S. trade and investment laws—including the tax laws—is one of the most urgent tasks facing the nation. Here to question Mr. Denison about America's worsening world trade problems, why the labor movement believes that the Burke-Hartke bill now before Congress is the best solution to those problems, and changes that Congress will adopt the measure this year, are James Flanigan, Washington correspondent for Forbes magazine, and Paul Steiger of the Los Angeles Times' Washington bureau. Your moderator, Frank Harden.

And now, Mr. Flanigan, I believe you have the first question?

FLANIGAN. Mr. Denison, the Burke-Hartke bill has aroused a great controversy, especially among businessmen. What are labor's principal objectives in supporting this bill?

DENISON. Well, we think the bill is a much-needed remedy for many of the economic woes confronting the United States today.

As you know, we have had 6% unemployment for a considerable length of time.

We are not developing new industries in this country—we are not developing new technology. Rather, much of this is developing abroad—primarily, with United States ownership and control.

So, what is happening to the United States is that a great deal of our productive capacity is going abroad—and both American corporations overseas and those of foreign nations—the Common Market and Japan, in particular—are sending huge amounts of goods into this country, which is seriously affecting our domestic production.

In the face of this, the Burke-Hartke bill attempts—through three specific procedures—taxation, capital control and quotas on imports—to deal with this problem.

The solutions, we believe, are in the Burke-Hartke bill, and that's why we support it.

STEIGER. Mr. Denison, do the quota provisions in this bill mean that consumers would have to face shortages of things like Sony television sets and Volkswagens if the bill were enacted?

DENISON. A base period of 1965–1969 would be established, and the volume of goods coming into this country during that period would be established as a minimum for importation.

That would allow the badly effected U.S. industries to recover.

However, there are certain flexibilities in this quota aspect—such as voluntary agreements—which could involve the automobiles you speak of.

There are provisions that if a commodity is not manufactured or grown in this country, it would not be subject to the quotas—for example, bananas.

Also, if the final form of the product could not be made in this country without importation of a part, then it would be allowed in.

So, I cannot say that by enactment of the bill, goods would be cut off, or that anyone would be denied some of the imported products he has today.

The purpose is to get U.S. manufacturing on its feet and restore jobs in the United States.

FLANIGAN. Well, imports are traditionally thought to keep the price levels down on goods in the stores. I believe you debate this and say that they don't keep price levels down. But would we—if we had these quotas—be faced with television sets that cost $750, because they were produced domestically?

DENISON. No, I don't think so.

We believe—we would hope, at least—that we still have a competitive society here in the U.S.—that "Company A would compete with Company B," and seek to put the product on the shelf at the lowest possible price.

Now, if they're not doing that, and they get into administered prices, or price-rigging, then, I think, they're in an area that could be in violation of the law. That would happen whether you have imports or not.

But actually, as to the matter of imports, our studies indicate that imports, by themselves, do not mean lower prices. They usually mean that the retailer and the importer receive a much higher mark-up—a much greater profit—but the customer in the store pays virtually the same price he would have paid, if the product had been made in the United States.

I think that if you go into the stores these days and look at men's shirts, for example, you will find shirts—side by side—made in Taiwan, made in Korea, made in the United States—and all retailing at just about the same price.

It merely means that the retailers are making more on the foreign-made shirts.

STEIGER. Mr. Denison, Arthur Burns, the chairman of the Federal Reserve Board, in a recent letter, objected to the tax provisions of the Hartke-Burke bill, on the grounds that they would, in his words, "eliminate the neutrality of the present tax system, as it regards foreign investments by domestic corporations." What's your view on this?

DENISON. Well, we think that far from being "neutral," the present tax provisions are certainly an incentive for an American corporation to go abroad.

What you have is a far better tax position for a corporation doing business in Italy, let us say—where it receives a tax credit—than doing business in Indiana, where it receives only a tax deduction for the same amount. And, as you know, a deduction is far less desirable, from a corporate standpoint, than a tax credit.

We don't think there is a "neutral" position at all, when you give that kind of advantage to a corporation.

FLANIGAN. The tax issue—where you're comparing a credit abroad to a deduction at home—seems to be, at least to a business observer, the strongest issue labor has. Yet it doesn't seem to be the one that you're pushing the strongest. Why would that be? Is it because it's too hard to understand?

DENISON. Well, it's always interesting for us to learn what observers tell us we are doing, because we're pushing each aspect of this bill equally hard.

It's also interesting to hear United States corporations tell us we're anti-multi-national. We're not.

It's merely that the multi-nationals have screamed the loudest, apparently because they have felt the sting the greatest.

Perhaps the corporations are merely indicating that there are areas of the bill in which they feel they're most vulnerable. And, indications to date certainly are that in many parts of the Administration—in many parts of the Congress—and among economists and academicians—there is strong feeling that this is an area—the tax area—that does need to be remedied immediately.

The debate still goes on over other provisions of the bill. But there seems to be rather broad feelings that this is one area that needs legislative attention.

Perhaps that's why the corporations are showing such great sensitivity.

STEIGER. Mr. Denison, opponents of the bill contend that by erecting quotas we would, it is true, protect some domestic jobs. But we would be losing the jobs that result from increased exports by the United States, because other countries would react by erecting new quotas and other trade barriers of their own. What's your view of this?

DENISON. Our view of this is the same as the President of Dupont, who said, sometime back. "The world is always in a trade war."

We feel that a trade war goes on, whether there's a Burke-Hartke bill or not. The fact is, at this moment, nations all over the world are erecting barriers to United States exports. They erect them on the basis of their own personal self-interest. If they feel they want a U.S. product, they will import it. If they feel they do not need it anymore, or it competes with something that's developed locally, they will halve imports of that product.

India, for example, recently added 100 items to its "forbidden list." Those items are now either grown or manufactured in India, and therefore, they're no longer allowed to be imported into the country.

Preferential agreements are being made within the Common Market all the time. North African nations are being given advantages, in citrus fruits and agricultural products, over American goods. The Japanese are also very quick to impose non-tariff barriers whenever they see that a particular U.S. export is, in their estimation, not to their advantage.

So, while the Burke-Hartke bill does establish specific quotas on imported goods, these things—quotas and similar non-tariff barriers—are being imposed all the time by nations throughout the world.

Opponents of the bill argue that somehow, we have free trade in the world today, and that this bill will stop that and inhibit U.S. exports. That is just simply not true.

Those nations will continue to buy our goods as long as they need them, and as long as they're cheaper than elsewhere.

But, when that situation changes, they will stop buying our exports.

FLANIGAN. On just that point—about being in a constant trade war, and that other nations will buy our goods when they're cheaper—the business producers in this country say that their main problem—or one of their main problems—is labor productivity. They keep talking about productivity as if this is pricing us out of the market. I know you have a contending position on that. What about the business charge on labor's productivity in the American economy?

DENISON. First of all, the United States has never been able to compete with low-wage foreign nations.

We have never been able to compete with Hong Kong labor, Singapore labor, Taiwan labor. We never have and we never will be able to compete with it.

We'll never be able to work for 15¢ or 20¢ an hour.

And we never expect to.

We have a high standard of living. We buy the goods. Workers in Hong Kong cannot buy color television sets—we in the U.S. buy them—where people make sufficient enough wages to enjoy these products.

So the problem of high wages has always been there. Yet, that is our very wealth.

On the matter of productivity, the problem is very simple. If the new technology, and the highly efficient machinery, and methodology are exported—as they are developed in the laboratory—then the United States worker, regardless of how much he wants to increase his output during an eight-hour day, is simply unable to do so, if he doesn't have the new technological equipment to work with.

This is pointed out by many experts in the field, one of whom recently wrote to Senator Hartke (D.-Ind.), pointing out that the United States has exported so much of our technology to Japan, that Japan has bought one of the most incredible technological bargains in history, and consequently, the opponents of the bill in this country like to blame the unions for the problems.

He said—and this is a quote—"In Medieval Europe, witches and devils would have been singled out, and in the Soviet Union, it would have been capitalist counter-revolutionary forces of reaction. So I suppose, this economist says, "Mr. Meany and his men will just have to accept the scapegoat's role. This, despite the fact that wages in the U.S. have risen at less than half the rate of Japanese or German wages in the past decade. It is foreign productivity," he says, "which has overtaken us—a term which simply translates into 90 million hard-working Japanese, using $10 billion worth of U.S. technology for which they paid only $1 billion. The fault, Dear Brutus, lies not in our unions," he says, "but in ourselves."

I think that's very appropriate in this whole argument of technology and productivity.

FLANIGAN. Well now, Burke-Hartke would set up controls on the export of technology. This seems to me to be somewhat untraditional. If you invent something, you can go ahead and license it, or get paid for your patent or something, when somebody uses it. How would these controls work and, why are they desirable?

DENISON. I think they're desirable because we have to think in terms of national well-being, not merely in terms of one individual's profit, or one corporation's profits—particularly when those corporations have no allegiance whatsoever to the United States.

The Ford Motor Company, for example, now says that it is not an American company, it is a multi-national company. So, therefore, if the Ford Motor Company develops a particular patent and exports it abroad, it is for that corporation's own profit, not for the well-being of the United States.

All the bill says on that is that it is possible to restrain the export of either capital or technology, where it would adversely affect employment in the United States. If it does not adversely affect employment in the United States, there would be no restraints whatsoever.

This is not unique. It's going on in many of the Western European nations today. Furthermore, we have the same thing taking place now in capital controls. When you send your money abroad, you're also able to buy technology and productivity. And recently, capital controls were put on in West Germany and Switzerland, and they're now thinking of doing it in Britain and other nations. The dollar is taking a beating around the world, as you know, and much of the blame is being put on multinationals. They're saying that these corporations are speculating with the dollar; they're driving it down for their own patricular advantage.

This is a case in which international speculation in money is hurting the United States. We say the same thing applies to the export of technology and productive means.

STEIGER. Isn't there a danger that if we attempt to control the spread of technology, we may ultimately suffer a brain drain? In other words, if we can't export the technology, our scientists might be lured abroad.

DENISON. Well, I think something like that is happening anyway.

As a matter of fact, not only are some managerial people lured abroad, as they set up production abroad—but as you know, there's a tax break if you stay out of the country 17 of 18 months. So the United States government—you and I—are subsidizing some of the exports of managerial, technical and research personnel.

But, beyond that—actually—I think the opposite is more likely to happen. If they can find low-cost production workers abroad—in Taiwan, and Singapore and Hong Kong—they can also find low-cost engineering personnel abroad and they are doing so.

I know of instances where engineering on American projects in the Middle East is being done in England and in Japan, because engineers are a lot cheaper abroad than they are here.

Steiger. It's been argued that as our exports increase, the jobs that we lose to imports will be made up by increased jobs in export and export-related industries. The problem is, in many cases, these jobs may be service industry jobs, rather than production jobs. What's wrong with this?

Denison. Well, first of all, you don't automatically develop more jobs with more exports.

You have to look at the animal. In exporting grain, you don't have as many workers involved as you have in exporting radios, let's say—a manufactured product. The dollar volume doesn't really have any relationship to the number of jobs involved.

But, secondly—you talk about a service economy—some economists today, and academics, feel that the United States can become a service nation. We heard that argument after World War Two, when in the maritime industry, we were told that the United States is not a service nation—we're a manufacturing nation—and, therefore, we should give up our merchant marine to those nations that deal in services.

We did—and we do not have a merchant marine in this country today.

Now we're told that we should not be a manufacturing nation, we should be a service nation. So we look at the services they're talking about. Take, for example, the punchcards in IBM computer operations, are certainly a "service." Yet, throughout the United States, tapes are put on 747 airplanes every night, and flown around the world—to Bombay—to Hong Kong and elsewhere—where the service operation—the punching of the cards—is done by low-paid workers.

These cards are then re-imported into the United States and the operation is completed.

There is a service industry that we are already in the process of exporting.

Secondly, I'll give you another case in point. British Overseas Airways Corporation recently called in the heads of Trans World Airlines and Pan American and told them they were not going to restrict their landing rights in Great Britain, but they thought it would be a good idea if they curtailed their flights into that country. The American airlines got the point immediately; they reduced their flights. BOAC took up the flights that had been cancelled. As a result, you now have more BOAC flights running into the United States than do Pan Am or TWA.

That is a service industry.

Yet, Great Britain decided it was to its advantage, in this service area, to restrict the servicing operations of another nation, and they did so in its own self-interest.

So, we can't just say that we're going to become a service industry nation. The course of events will be just as compelling as it is in the manufacturing area. Nations will continue to operate in their own self-interest, corporations will do likewise—unless there is some restraint.

All we say in this bill is that decisions are going to be made as to what kind of a nation we're going to have.

The question is whether the United States Congress makes these decisions, or multinational corporations make the decisions, or foreign nations make the decisions.

We believe that it's in the United States best interests for the Congress to make decisions in an area that we feel will best serve the American working man and the consumer.

Flanigan. The American working man—how many jobs have been lost because of foreign investments, do you estimate? And, is American labor—its rank-and-file—up-in-arms over this issue—will it become a major issue in the Presidential campaign.

Denison. Well, first of all, we estimate—and this is based on Labor Department figures—we estimate that nearly one million job opportunities have been lost as a result of imports into the United States, and the export of U.S. technology. This is shown most heavily in electronics, footwear, apparel and many similar industries.

We do not make radios, we do not make bicycles; we do not make many, many manufactured items—office equipment and so forth—in this country. The job losses are severe. In some parts of New England, we are suffering as much as 18% unemployment. Our members are very much involved in this, and they are very much concerned.

We've established a task force.

We're undertaking teach-ins throughout the country.

We've established regional staff to help educate affiliates of the AFL–CIO and member unions about these problems.

As time goes on, the effects of this problem will be felt, more and more, in the communities, and we feel that there will be even more interest and knowledge on the part of our members on this subject.

Yes, we do feel it will be an important issue at the conventions and in the elections.

For example, in the Democratic Platform, there is an item that says we will require U.S. corporations producing commodities outside the country for consumption here to pay duties high enough to prevent unfair competition for domestic producers.

We do not agree totally with that statement but we feel they're at least looking in the right area.

There is a real problem in U.S. corporations operating outside the country. And something must be done to halt it.

Harden. Thank you, gentlemen. Today's Labor News Conference guest was Ray Denison, a legislative representative for the AFL–CIO. Representing the press were Paul Steiger of the Los Angeles Times' Washington bureau and James Flanigan, Washington correspondent for Forbes magazine. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

Mutual Announcer. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

LABOR SHORTAGE ADDS TO SOVIET FARM PROBLEM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. DERWINSKI. Mr. Speaker, when the announcement was made 2 weeks ago of the massive Soviet grain purchase from the United States, it should not have come as a surprise to anyone who was aware of the major complications facing the Soviet agricultural sector.

A column by Dumitru Danielopol, the distinguished international correspondent of the Copley Press, in the July 8, San Diego, Calif., Union, painted in a very timely manner what I believe to be a very accurate picture of the Soviet agricultural situation.

The editorial follows:

Labor Shortage Adds to Soviet Farm Problem

(By Dumitru Danielopol)

Who's going to feed Russia 10 years from now? Uncle Sam?

New Soviet agriculture reports provide an interesting backdrop to the recent summit conference. Collectivized Soviet farm production has been sputtering for decades. Now it is faced with a labor shortage.

The Kremlin is already dickering for large quantities of grain and soy beans from the United States. It faces increasing consumer demands.

The prospects are nil for agricultural self-sufficiency in the near future.

"If during the ninth five-year plan (1971–1975) the birth rate doesn't increase, after 1985 we can expect not an increase but a decline in the quantity of labor," says Dr. E. V. Kasimovsky, director of the central research laboratory for labor resources of the U.S.S.R.

Between 1960–1970 the natural increase of population has declined by half from 18 per thousands to 9 per thousand, he pointed out.

This is due to drab conditions, a low standard of living, poor housing, heavy work for women, etc.

The shortage of labor in some sectors is already acute, says the Russian demographer, in the Russian Soviet Republic. For instance, only 50 per cent of the jobs offered women in domestic work or on private agricultural plots were filled. In 52 towns studied, 24 had a shortage of men workers and 28 a shortage of women workers.

The 24th Communist Party Congress in 1971 took note of the situation with increased child allowances, increased leave pay to mothers to nurse sick children, full maternity benefits to working mothers, more nurseries and kindergartens, etc.

Such steps help, but there also is increasing knowledge of contraception in the U.S.S.R.

What worries the Kremlin most is farm population.

During the '60s the rural population of working age fell 21 per cent but the decline in the 20–34 age group was 41 per cent, and in the 20–29 group it was 52 per cent. In some Soviet republics the average farm age is already 50.

The swing away from the farms is noticed, too, in Western Europe and the United States, but the free enterprise countries have been able to streamline their agriculture and supplement manpower with machinery. This has not been the case in Communist countries.

Moscow faces the prospect of more food imports, rising consumer demands west of the Urals, unfilled resource goals, a prolonged border confrontation with China and an over-taxed heavy industrial complex.

ADVOCATES POLL FAVORS NATIONAL PRESIDENTIAL PRIMARY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BENNETT. Mr. Speaker, for some years now I have had legislation pending to provide for a national presidential primary. I believe that only through this system can we eliminate the high possibility for bloodshed and future assassination attempts on candidates for national office in the United States. In addition, a national presidential primary would force the candidates to make greater use of the television media, improve their rhetoric and bring campaigns up in the level of issues. The weekly public affairs program on the Public Broadcasting Service, "the Advocates," asked in a poll how people feel about a national presidential primary.

Forty-nine percent voted for adopting a national presidential primary, 40 percent were opposed, and 1 percent expressed other opinions. In my home State of Florida, 97 were for the national presidential primary and 35 were against it—almost three to one.

At the present time 22 States are holding separate presidential primaries which fact has greatly expanded the time that candidates are required to spend seeking nomination for the Nation's highest office. The current procedures forces candidates into close contact with thousands of individuals in potentially dangerous situations. The assassination attempt on Gov. George Wallace further points up the need to get presidential and vice presidential candidates off the streets and encourage them to use the media. A national primary should improve campaign rhetoric by bringing to the surface important national issues for serious consideration.

The convention system for electing presidential and vice presidential candidates has become antique. The people of the United States are fully able to directly elect their parties' candidates for President and Vice President. This should not be denied them in the future.

It is good that the Public Broadcasting Service has brought the urgent need for this legislation so clearly into focus.

AHEPA'S GOLDEN ANNIVERSARY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, The American Hellenic Educational Progressive Association—AHEPA—is celebrating its golden anniversary this week. I am proud to take this opportunity to remind my colleagues and the wide readership of the RECORD of the ideals and outstanding contributions of this organization.

AHEPA was founded in Atlanta, Ga., and has completed 50 years of service to the community and the country. The members of AHEPA are men from all walks of life; all must be men of high moral character, dedicated to the common goal of good fellowship and common understanding. Ahepans have joined for the improvement and betterment of our social, moral, and family life, and they are recognized as men devoted to civic responsibility—model family men and good neighbors.

The members of AHEPA should take justifiable pride in AHEPA's record of accomplishments—as champions in the cause of education through the granting of numerous scholarships; in their relations with less fortunate people, bringing them relief through their own "People to People" program; and as supporters of community undertakings, giving generously of their time, talents, and financial support for the purpose of civic improvement.

I commend the AHEPA family for carrying out the objects of their organization, which are:

1. To promote and encourage loyalty to the United States of America.

2. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

3. To instill in its membership a due appreciation of the privileges of citizenship.

4. To encourage its members to always be profoundly interested and actively participating in the political, civic, social and commercial fields of human endeavor.

5. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor and integrity of every nation.

6. To promote a better and more comprehensive understanding of the attributes and ideals of Hellensim and Hellenic Culture.

7. To promote good fellowship, and endow its members with the perfection of the moral sense.

8. To endow its members with a spirit of altruism, common understanding, mutual benevolence and helpfulness.

9. To champion the cause of Education, and to maintain new channels for facilitating the disseminattion of culture and learning.

I am proud to represent in the Congress such outstanding members of the local chapter of AHEPA as Dr. Christos A. Hasiotis, president; George A. Batsos, vice president; Peter E. Chaggaris, secretary; Michael J. Vrotsos, executive secretary; and Fred Vallakis, treasurer. Boston also takes special pride in Mr. Peter Agris, a current National Officer heading the AHEPA educational foundation, and Mr. George Demeter, a former supreme president of AHEPA.

I join with all the friends of AHEPA in the Ninth Congressional District and the world to pay tribute to such outstanding personalities and to wish AHEPA many more years of achievement as they make their contributions to the betterment of American life.

GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. GOLDWATER. Mr. Speaker, this month marks the golden anniversary of the Order of Ahepa. The word AHEPA is an acrostic, and is derived from the first letters of the American Hellenic Educational Progressive Association; the order is a fraternal organization, and is nonpolitical and nonsectarian.

During the past 50 years, the order has contributed to many worthy national and international causes, including AHEPA Hall for Boys at St. Basil's Academy and the AHEPA School, both in Garrison, N.Y., relief of Florida and Mississippi hurricane victims ,and earthquake victims throughout the world, to mention a few.

Under the leadership of Sam Nakis, the supreme president, the order extends to 49 States, Canada, and Australia, with 430 local chapters. The San Fernando Valley chapter, in my congressional district in California, is under the capable leadership of President Pete Liaros, Vice President Gus Lymberopoulos, Secretary John Gianakos, and Treasurer Pete Koustas.

I am particularly proud of the San Fernando Valley chapter, as they have clearly shown what an organization with a purpose can do. They have a loan scholarship program, with awards of up to $250 that go to deserving youth who would otherwise not be able to attend school. They have an ongoing book donation program with the California State University at Northridge, and recently, they have embarked on their most ambitious program to date. They are assisting the Guadalupe Home for Boys in Yucaipa, Calif.; the home attempts to give wayward boys a new start in life, and the Order of Ahepa, San Fernando Valley chapter, is helping to make that possibility a reality.

I urge my colleagues to join with me in hearty congratulations to the Order of Ahepa on their golden anniversary.

FORCED BUSING

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BROOMFIELD. Mr. Speaker, the problem of forced busing looms heavy over the Detroit metropolitan area. As September approaches, hundreds of thousands of Detroit area parents are anxiously awaiting the outcome of litigation which will decide whether or not their children will be bused across school district lines this fall.

As my colleagues will recall, Congress recently passed the so-called Broomfield amendment which delays court ordered busing pending the exhaustion of appeals, all the way to the Supreme Court if necessary. Despite some efforts to discredit the applicability of this legislation to the present Detroit case, the President, and more recently the Department of Justice, have given their full support to the Broomfield antibusing bill. David L. Norman, Assistant Attorney General of the Civil Rights Division has said that in short it is the position of the Justice Department that this law will affect the Detroit controversy.

Therefore, Mr. Speaker, in an attempt to clear the air, in an effort to clarify this crucial issue, I have sent the following Washington Report to the people of Oakland County. Its purpose and intent is to bring my constituents up to date on the status of the Detroit busing case. At a time when confusion and anxiety seems to be at a premium, I feel this report is of the utmost importance. The text of my statement follows:

WASHINGTON, D.C., *July 16, 1972.*

DEAR FRIEND: During my 16 years in Congress, I can recall no other issue that has touched the lives and emotions of the people I represent in Oakland County more deeply than the threat of forced school bussing.

Because of my involvement in the fight to halt forced bussing between Detroit and the suburbs this fall, I thought you would like to have this report on the progress of legislation and court actions aimed at preventing it.

Federal Judge Roth is acting in defiance of the President of the United States, the U.S. Congress and the majority of the American people and he ultimately will be halted by a higher court. I am confident of this because on June 8th the Congress approved my bill, the so-called Broomfield Amendment, to take away the power of Federal judges to implement bussing orders while the case is under appeal. This bill was designed specifically for the situation in Detroit and the debate recorded in the *Congressional Record* clearly indicates this. The Detroit case is being appealed and I am convinced the U.S. Supreme Court will rule Judge Roth's order unconstitutional. There will be ups and downs as the case progresses through the appeals courts and there is a good chance the Sixth U.S. District Court of Appeals in Cincinnati, because of its liberal make-up, will uphold Judge Roth. *But the only really important ruling is that which comes from the U.S. Supreme Court and that ruling, I believe, will halt bussing between Detroit and the suburbs once and for all.*

The appeal to the U.S. Supreme Court is now being pursued actively by the U.S. Department of Justice following President Nixon's order that the Department deploy its full resources to implement the Broomfield anti-bussing amendment. The Justice Department deserves our praise and full support in the case it is presenting.

While these efforts can provide relief for the Detroit area, we desperately need further action in Congress to approve President Nixon's proposal for an 18-month moratorium on all bussing orders and a $2 billion program of aid to the poorer school districts, both of which I fully support.

As one of the earliest signers of the discharge petition for approval of a Constitutional Amendment to halt forced bussing, I believe we must continue to press for its approval as a long-range guarantee against forced bussing of any sort.

There is, however, no way a Constitutional Amendment could be approved in time to affect the Detroit situation this fall. It probably would take a minimum of two or three years to get final approval since a Constitutional Amendment requires approval by two-thirds of both the House and the Senate and ratification by three-fourths of the state legislatures. That is why my amendment is so critical as a means of halting bussing this fall in Detroit.

Judge Roth's action points up the need for Congress to take a new look at the lack of restraint we now have on Federal judges who are appointed for life. The Constitution deliberately separated the branches of government and gave legislative powers *only* to the Congress. If judges want to be legislators they should be required to take off their robes and run for elected office. I have introduced legislation providing for mandatory retirement of Federal judges and Congressmen at age 65. In addition, Congress should give consideration to requiring Federal judges to be reconfirmed every 10 years by the U.S. Senate.

Steps like these would require Federal judges to stay more closely attuned to the will of the President, the Congress and the American people and would eliminate the arrogance of power that we are now witnessing. Congress is guilty of the same sort of arrogance when it talks about curtailing inflation but continues to amass a Federal deficit in the neighborhood of $30 billion a year. Already this year, with the fiscal year just two weeks old, Congress has exceeded the President's budget by almost $7 billion! We need legislation requiring that any new spending bill be accompanied by a revenue-raising measure to pay for it. That would enable the American people to know the price tag of every new program before it is approved and to judge for themselves whether it is worth the cost.

Thousands of Oakland County residents responded to my special Hotline Poll on Vietnam in May, and more than 84 percent said they favor a complete withdrawal of U.S. forces within four months of a ceasefire and agreement on return of U.S. war prisoners. As a ranking Member of the House Foreign Affairs Committee, your prompt response to this poll is most important and helpful. I assure you that I will continue to support that course of action in Vietnam. I am convinced we may even be able to advance that timetable and be out of Vietnam totally within 60 days of a ceasefire and agreement on return of our prisoners.

With best regards,

Sincerely,

William S. Broomfield,
Member of Congress.

THE ORDER OF AHEPA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. STOKES. Mr. Speaker, on July 26, 1972, the Order of Ahepa will celebrate its 50th anniversary. For Greek-Americans, this occasion is one of particular importance. As their native land continues to be ruled by a dictatorship, this group of citizens devotes itself to the principles of freedom, democracy, and the betterment of life.

Today, I would like to share the nine objectives of the American Hellenic Educational Progressive Association with the other Members of this Chamber.

First. To promote and encourage loyalty to the United States of America.

Second. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

Third. To instill in its membership a due appreciation of the privileges of citizenship.

Fourth. To encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor.

Fifth. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation.

Sixth. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture.

Seventh. To promote good fellowship, and endow its members with the perfection of the moral sense.

Eighth. To endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness.

Ninth. To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

The community spirit and devotion to one's fellow man, reflected in this creed, are commendable and worthy of note.

I salute the Order of Ahepa on its 50th birthday and wish it many more years of service to the community.

TO LIVE AND LET LIVE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. SCHMITZ. Mr. Speaker, the issue of the sanctity of human life which comes before this House in a variety of ways is one we are going to have to face in its fullest, broadest significance. I believe the following statement by Mike Tungsten, director of the Christian Culture Society organized in the State of Indiana, will help us to do this. It is entitled "To Live and Let Live."

We may think that abortion and contraception are new issues, but in truth they are as old or older than civilization, as "To Live and Let Live" clearly demonstrates. Even well-meaning people who oppose abortion often tend to think that the fight to preserve the life of the unborn child can and should be confined to legal action preventing his killing in the womb. Not so. For a society which does not accord rightful value to human life—particularly to the creation of new human life—will not grasp the full extent of the evil of abortion so long as its general perception of the value of human life is distorted. That is why the issue of government-assisted, government-encouraged artificial contraception cannot be so completely separated from abortion as many would have us believe. The contraceptive mentality engenders abortion as a "fallback position" when contraceptives fail. The pressure for abortion will continue so long as the contraceptive mentality is regarded as praiseworthy and fashionable.

"To Live and Let Live" is one of the most effective challenges to the antilife movement in our country today that I have seen. I urge your closest attention to it.

The statement follows:

To Live and Let Live

"Man is the most holy of God's creation, yet no beast surpasses his cruelty."

The birth of Christ is a perfect proof of man's value. There are thousands and more stories about man's greatness, and his heroic deeds. Unfortunately there are also too many that horrify.

In Dante's Purgatorio Canto 17 we read that Tereus had raped his wife's sister, Philomela. So Procne, his wife, revenged her sister and herself. She killed her six year old boy, Itys, and served him for dinner to her husband, Tereus, who didn't know that he was eating his own child. Ovid, who is telling this tale, shows us next to the reason for revenge, above all the heartless destruction of the child when we learn that the boy called out "mother, mother" and clung to her neck. In this story Procne does symbolize every woman who kills her own child. Infanticide is still a continued crime. Although Birth Control and Infanticide are in many cases closely related, it must be said that Infanticide is always murder, whereas Birth Control may in one case be wrong, and in another case may be right. Let us say the regulating—the spacing and numbering of children in the family—without violating our Christian morality, is a wise and good birth control; whereas harmful artificial birth prevention must be considered criminal.

Artificial birth control is not something new, it has and always will exist. It is morally wrong, and always will be wrong. In our modern day thinking, we often hear pseudo-intellectuals ask "what does determine wrong from right?" Such thought is plain stupid. Something is either right or wrong for the same reason three plus three is not seven.

Long before the Christian era, the Egyptians used among several other methods, honey and sodium carbonate to be placed in the vulva. In the Hippocratic writings we find mention of a certain drink that was used to prevent conception. In the earlier days of Christianity, Pope Calixtus had part in the first controversy over contraception. In medieval Europe information was gained on contraception from the Arabs, through the first European medical school funded in the eleventh century at Salerno.

You see, the birth of a child is rather an inconvenience, therefore, it is often out of zeal for wealth than for the discomfort of being poor that birth control is practiced.

We know God's will in this matter through the revelation which closed with the Apostles. Artificial contraception and infanticide are a direct offense to God. Procreation is a divine command. Therefore, the beautiful purpose of sex was given prudent laws to protect such a sacred gift. That is why this miracle of life demands a code of morals to respect the right and dignity of every individual.

Infanticide is a highly profitable business; often with many political gains. Most scandalous of all is the use of tax money to secure the murder of innocent babes, and the destruction of true morality by a society that advocates cultural progress. This falsified morality changes the instinct and desire for normal reproduction to lust, and the act of genuine sexuality is profaned. The marriage partner and unmarried alike, are degraded to prostitutes. Sex loses its divine notion, and its attitude of maturity, in exchange for a leisure activity. It is placed in the same category as other purely recreational things, and it fails to recognize other people as truly human persons. It sees them simply as objects of enjoyment such as boats, sports cars, etc.

Premarital and illicit intercourse is making demand from our modern society to be listed among the virtues of good morality, provided pregnancy is avoided. Chastity, the control of man's honor and self-respect; and, self-donation, the prerequisite of true love, are called out-dated and old-fashioned. Remember that whatever was immoral yesterday is not moral today.

The atrocious doctrine of Thomas Malthus, expounder of the theory of population, was the foundation of our unnatural methods for diminishing the population of the human family. The germs for this ugly disease are labeled today under attractive names through twisted philosophies. Here humans are reduced to a status of ordinary animals. Marital infidelity is promoted. Husband and wife lose the admiration and mutual respect for one another. The unmarried and young build characters most destructive to all future loyalty; and loyalty is so indispensable in marriage. All that is dignified and spiritual is placed beneath material and biological matters. It is a disease that influences, with all the horrible consequences, the social, family and religious life of every individual. Sex is a biological urge, not a necessity; and, although we may never suppress the desire of sex, we must always control it. We must always condemn the ways of the puritanical fanatic or the oversexed lunatic—both extremes cause destruction of peaceful living.

Eternal God was, is and always will be Creator and Master of everything, whether we mortals believe it or not. Man created nothing and never will, but by the grace of God he will continue to discover through the span of time, treasures hidden in the marvels of creation. In 1930 Prof. Ogino of Japan, and Dr. Kraus of Austria independently of one another, discovered the fertile and sterile days of a woman's menstrual cycle, called "the natural rhythm." Since that day other discoveries have been made, and it is positive that more will be in the future. Although the dogma of procreation will never bend to adjust to the discoveries, yet new ways may be utilized as long as they can fit in with the unchangeable Divine Plan. God is not a tyrant, but Love and all Goodness.

We hear the loud voices announce the holocaust of overpopulation. Lately, it is true, the historical balance between births and deaths has been drastically altered, but some are using that observation for their own advantage and often with ulterior motives. They are trying to push the people into fear and panic. Let us not be too worried even if this is an age of amateur prophets. Their constant predictions are so numerous that we do not have time to realize that their evaluation of yesterday did not come true today.

In 1948–1949 the Parliament in England sought immigrants from southern Europe, and tried to subsidize large families because the British Isles were underpopulated, and there was fear for a labor shortage. Without government meddling, the population has increased and there is, in fact, a labor surplus.

Nobody but God knows how many people will be alive about ten years from now—not any more than they know how many tornadoes or hurricanes there will be in that time. If we pay attention to the results of all those worthless and expensive surveys, we will find ourselves lost in a labyrinth of contradictions. The question about population is not that there are too many babies, but rather that there are not enough. Not the unborn children, but the living are the cause of our failures. For one thing, the matter of enough food production of the world's population is not as great a problem as in the uneven distribution. The poor themselves had never control over the factors causing their poverty. Besides, even today a great number of our people, under the banner of false charity, are making fortunes on the existence of the poor.

Elimination of babies to erase hunger will not solve the problem, but make the situation worse. The world itself can support ten times the number of people already here. If necessary, more discoveries would make it possible to take care of even larger numbers. Just because we cannot understand that, does not mean it is impossible. Everything in our temporal stay here on earth was not intended to be understood. We would not enjoy the great discoveries if the genius of the past had been listed among the unborn. If more people were born, perhaps some of them would be able to remedy our difficulties.

Of course, it is not wrong to have just a small family; sometimes it is advisable. But neither is it wrong to have a large family. The size of a family should be decided upon by each individual family and no one else. Every man receives his right to life from God and from God alone—not from man or society. The inviolability of innocent human life is a demand of Divine Law, never to be changed by the state—not even by the Church.

Great generations in the past have well managed their survival without scientific control. History also proves that large families were not always poor, and that small families were not always rich. Often sickly and poor people have accomplished most of our glorious past. Many times healthy and very wealthy persons have destroyed more than contributed to our future. Riches often hide much misery, and poverty has sometimes struggled to great success. Destitution is very deplorable, but it is caused by other reasons than numbers of people.

Artificial birth control leads to grave injustices, murder, and all the miseries of a decaying society. It is a danger to every freedom of our democratic institution. I am afraid that infanticide will be a death sentence for the undesirables, and a dictation of who will or will not have children, and it will be a shield to cover a multitude of crimes. Then again, who is the almighty person to play God and to say who will or will not live? Our new morality is not new at all, but is as old as man himself. If there is any doubt about this, just check the history of every generation or nation before its downfall. At one time, the state in Greece decided whether a child should live or die, and we find similar examples elsewhere. The wanton sacrifice of infant life is probably as general today in China and other countries as it was in ancient Greece and Rome. In the past our courts have several times ruled that the unborn child was a life where questions of compensation for accidents were brought to a legal test. Now the same authorities allow us to murder the unborn. The peace makers curse our brave soldiers, they show us the cruelty of killing and yet at the same time they demand laws to murder innocent life. This crime is more revolting than that of Herod because it is committed against our own flesh and blood.

Deep down man is always the same; he is inclined to the same old vices and as ever he has to struggle very hard to behave well. Everyone knows that the modern world searches for material pleasures and comforts. Wealth and fame are not in themselves evil, but sometimes they do strange things to people. The value of man is not what he has but what he is.

To think that the possession of beautiful cars and other luxuries always represent advanced culture, is as foolish as an illiterate who buys a pair of glasses and expects to be able to read then.

Of course, man is justified in striving for comfort, but he will never make a heaven out of this world. Every tomorrow depends on the today's decision between good and evil. Sometimes intelligent and educated people become so intoxicated with materialism and greed, that they become ignorant. There is no person more stupid than he who thinks to be everythnig—to be God.

"Man is born to serve God and to die—to pass for reward or punishment into Eternity."

SIMON BOLIVAR

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. DE LA GARZA. Mr. Speaker, today we celebrate the birthday of one of the world's great leaders—outstanding in his efforts to liberate Northern South America from Spanish imperial control.

Simon Bolivar, South American soldier and statesman, is honored in the minds of all who love freedom and seek to keep it. As a Venezuelan revolutionary he fought for independence—his first important essay on independence, the "Cartagena Memorial," is a clarion call to Venezuela to find her freedom—to fight for it until acquired.

Born 189 years ago in Venezuela, Simon Bolivar spent virtually his entire 47 years in the service of his fellowman—a life marked by the heights of success and the depths of despair, as Bolivar pursued his dream to realization.

Patriots like this deserve our attention and our salute on the day of their birth.

GOLDEN ANNIVERSARY OF ORDER OF AHEPA

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. WYATT. Mr. Speaker, on a percentage basis, there are probably a very small number of Americans of Greek ancestry in my congressional district. The numbers, however, are more than compensated by the quality. With no exceptions in my knowledge the children of Greece, whether naturalized in this country or second generation, have proved themselves to be U.S. citizens of uncommon patriotism and devotion to our country. They also are dedicated and contributing members to their own communities.

Fifty years ago, AHEPA, an acronym for American Hellenic Educational Progressive Association was founded in Atlanta. Although its membership is oriented to Americans of Greek ancestry, its rolls are open to all. Its many charitable, educational, civic, and athletic contributions are legend.

The official objects of AHEPA are as follows:

First, to promote and encourage loyalty to the United States of America.

Second, to instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

Third, to instill in its membership a due appreciation of the privileges of citizenship.

Fourth, to encourage its members to always be profoundly interested and actively participating in the political, civic, and social, and commercial field of human endeavor.

Fifth, to pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to life, property, prosperity, honor, and integrity of every nation.

Sixth, to promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture.

Seventh, to promote good fellowship, and endow its members with the perfection of the moral sense.

Eighth, to endow its members with a spirit of altruism, common understanding, and mutual benevolence and helpfulness.

Ninth, to champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

This month, on the 50th anniversary of the founding of AHEPA, we salute this excellent organization and its supreme president, Sam Nakis.

In Oregon, we have an active AHEPA chapter: Its officers are: William Skourtes, president; Nick Karafotias, vice president; Basic Gortisan, secretary; Costa Couris, treasurer; current district lodge, Bill V. Aspros, lieutenant governor; George Anasis, treasurer, and Dr. N. S. Checkos, past national supreme lodge.

To our Oregon members, I give my salutations and congratulations on this golden anniversary.

BEST WISHES TO AHEPA ON ITS GOLDEN ANNIVERSARY

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. ALBERT. Mr. Speaker, it is with great pleasure that I take this opportunity to extend best wishes to the American Hellenic Educational Progressive Association as it celebrates its golden anniversary.

This outstanding organization was founded in Atlanta, Ga., on July 26, 1922, and has grown until today it includes 430 chapters in 49 States, Canada, and Australia. During these 50 years, AHEPA has been outstandingly successful in its goals of promoting the highest qualities of good citizenship, loyalty to country, and respect for human rights. It has dedicated itself to many humanitarian causes and has shown its commitment to a better society through its financial contributions for disaster relief, war orphans, hospitals, educational institutions, and patriotic causes.

Five of our outstanding young Members of the House belong to the association, Representative JOHN BRADEMAS, Democrat, of Indiana; Representative NICK GALIFIANAKIS, Democrat, of North Carolina; Representative PETER N. KYROS, Democrat, of Maine; Representative GUS YATRON, Democrat, of Pennsylvania; and Representative PAUL S. SARBANES, Democrat, of Maryland; and they bring credit upon it.

In addition, I wish to pay tribute to the outstanding citizens of my State of Oklahoma who among their other civic activities are currently serving as officers of AHEPA:

LIST OF AHEPA OFFICERS

LOCAL CHAPTER OFFICERS

Chris T. Papahronis, President, Oklahoma City.

John T. Samaras, Vice President, Oklahoma City.

Vlassios A. Mihas, Secretary, Oklahoma City.

Pete Paschal, Treasurer, Oklahoma City.

Nick C. Costa, President, Tulsa.

George Thomas, Vice President, Tulsa.

Nicholas T. Kondos, Secretary, Tulsa.

George Hlepos, Treasurer, Tulsa.

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S. J. Sakelaris, Lt. Governor, Tulsa.

George Phillips, Advisor, Oklahoma City.

PRESS NATIONAL OFFICERS

C. R. Nixon, Past Supreme Lodge, Tulsa.

I am certain that these past 50 years of service to society and mankind are but a prolog to a future of even higher accomplishments for the American Hellenic Educational Progressive Association. To AHEPA's many fine members throughout the country, I extend my appreciation and thanks for their many good works.

CAREERS IN ECOLOGY

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. STEELE. Mr. Speaker, much attention has been given to the protection of our environment in Congress through the enactment of legislation and the efforts of all Americans, we have begun the fight against all forms of pollution and have begun to reorder our lives to live in accord with nature.

Since the inception of pollution control programs, the need for qualified specialists in the field of ecology has greatly increased. Men and women are needed to lead the new antipollution programs and to continue research into the control of pollution and the eventual elimination of it. The following article by Odom Fanning from Catalyst for Environmental Quality outlines the opportunities now available in the environmental fields.

Only through the continuing efforts of individuals, both specialists and laymen, will our goal of a clean, safe, and healthy environment be achieved.

The article follows:

BE AN ECOLOGIST AND PUT IT ALL TOGETHER

(By Odom Fanning)

Environmental management may be the the top growth industry by the end of this decade. If present trends continue, we will need, by 1980, more than half a million new scientists, engineers, social scientists, lawyers, technicians, and aides in such disciplines as geology, meteorology, oceanography, forestry, wildlife conservation, recreation, architecture, environmental engineering, industrial hygiene, and many more. A growth industry requires a pacesetting. In the case of environmental management, the pace is now being set by the ecologist.

Many young persons say they want to be ecologists. This is not surprising. It's the now thing. It's the future of their earth. It's meaningful; they can make a contribution to society today while helping to sharp the society they want for tomorrow. It's challenging; the ecologist must *find* answers and then apply them, his science deals with real-life problems—not in the old-fashioned piecemeal way but in an integrated way. It deals with the whole man in his whole environment.

Ecology is a small but rapidly growing field. Three years ago, the Ecological Society of America had only 3,200 members, Today it has 4,800. By 1980, its membership should be tripled, to at least 14,400.

WHAT AN ECOLOGIST DOES

The environment as a whole includes both living and non-living processes. The Ecological Society of America (ESA) says. "The field of ecology—involving the functioning organism on the one hand and influencing environment on the other—is often called the science of the interrelationship of nature."

Ecology deals with such matters as: changes in plants and animals, changes in relationships of plants and animals (including man), and structure and function of ecosystems.

ESA adds, "Ecologists are scientists who put together pieces in our jigsaw juzzle picture of the world."

As an ecologist you might be a university professor of biology, sociology, public health, economics, urban and regional planning, biostatistics. Or you might be in another of a wide range of fields. During the school year you might spend 70 per cent of your time teaching, 20 per cent on your own research projects. The remaining 10 per cent might be devoted to administering projects; writing proposals, papers, and reports; reading scientific literature; referring journal contributions by others; corresponding with other workers; or attending scientific meetings. In the summers you probably would be employed in some phase of the International Biological Program (IBP).

Launched in 1967, and originally scheduled to be concluded in 1972, the IBP has been extended until July 1974. The United States is one of 60 nations participating in coordinated activities under the theme, "Man's Survival in a Changing World." The National Science Foundation is the Federal lead agency. The National Academy of Sciences is the coordinating body.

In the U.S., IBP ecologists are pursuing two lines of inquiry. One is the IBP Environmental Program, based at the University of Texas, which involves cooperating scientists scattered throughout southwestern U.S., Hawaii, several Latin American countries, and elsewhere. They are working on such problems as airborne diseases and allergies, understanding ecosystems, and preserving the quality of the environment. The other part of the IBP is the Human Adaptability Program, based at Pennsylvania State University. Its works on the biology of human populations at high altitudes (above 10,000 feet) may eventually afford ways to protect all of us from degenerative cardiovascular diseases. Other ecologists in this program are comparing diets of different populations and studying the nutritional status of Eskimos in North America.

Ecologists with specific experience are sought by ACTION (the Peace Corps) and the Smithsonian Institution. As an ACTION volunteer you might be assigned to study the "Crown of Thorns Starfish" which are destroying the coral reefs of Western Samoa. If you're an entomologist you might be assigned to survey and control insects infesting tomatoes and watermelons in Tonga. If you're a mammalogist, you might help develop a preservation program for the Tamaraw—a work animal related to the Asiatic Water Buffalo, and an endangered species in the Philippines.

JOB PROSPECTS

Manpower authorities foresee an end to the current surplus of scientists and engineers, and predict more jobs in their fields than persons to fill them by 1975–80.

All disciplines in environmental management, including ecology, should benefit from this demand, already accelerated by the public interest in, and demand for, environmental improvement programs. Ecology, as the smallest of the fields of environmental management, should get concentrated attention. (The other fields are earth sciences, resources and recreation, environmental design, and environmental protection.) Ecology is neither cyclical nor overcrowded. Fundings for projects involving ecology should continue, if not under the IBP then under a successor program.

An ambitious new institution, which will provide direct employment for increasing numbers of ecologists and indirect stimulation of other employment, is The Institute of Ecology. TIE was launched in 1971 after several years of study by the Ecological Society of America. Fifty universities and other organizations of North, Central, and South America are TIE's founding members. Eventually the Institute will consist of a central headquarters research center with a network connecting it to universities which will cooperate in large-scale ecological studies.

Neither the U.S. government nor any scientific society, such as ESA, has published manpower projections for ecology. On the basis of my studies, I project a three-fold expansion of professionals in the field—from today's 4,800 to 14,400 or more by 1980.

One of the factors in my projection is the National Environmental Policy Act of 1969, particularly its Section 102(2)(C), which requires "108 statements." Such a statement provides a detailed analysis of environmental impacts of a proposed governmental step. The Federal government is required to prepare and use such statements in agency review processes before taking any major actions which "significantly affect the quality of the human environment." In the first two years the law has been in effect, Federal courts across the country have heard more than 60 cases and rendered decisions which prove that the "102" provisions are court enforceable. Ecologists filed many of those cases and acted as expert witnesses in others.

WOMEN WELCOME

Opportunities for women ecologists are almost unlimited.

Rachel Carson, who was an ecologist, is widely credited with having launched the contemporary environmental movement with her book *Silent Spring*, published in 1962.

Today one of the most distinguished American ecologists is Dr. Ruth Patrick. She is a member of the National Academy of Sciences, an authority on limnology (fresh water studies, and the director of the Department of Limnology at the Philadelphia Academy of Natural Sciences where she has a staff of 70 men and women. In addition, she is a consultant to Dupont, responsible for assessing the ecology at the sites of existing or proposed chemical plants, and for developing water treatment and waste disposal facilities.

Another woman ecologist, along with four women scientists, spent two weeks in a habitat at the bottom of the Caribbean Sea in the Tektite II experiments in 1970.

EDUCATION REQUIREMENTS

Many people think of ecology as a branch of biology. The classical ecologist always had biology at the core of his education and experience. But no more. Today sociology, anthropology, and economics are more important in the education of an ecologist than are the physical sciences.

If you were plotting an eco-education network, you would include biological sciences, of course, but you also would include environmental health, social sciences, and physical sciences, with intricate circuits connecting all points in the net. Not one of these is more important than the others.

Undergraduate training in ecology should include a balanced curriculum of biological social, and environmental health sciences. During the first two years you should take introductory courses in biology, chemistry, calculus, sociology, and physics. Major courses should include genetics, physiology, ecology, demography, economics, anthropology, epidemiology, limnology and water quality, and oceanography. Allied sciences should include a course in geology, one in biostatistics, and one in a computer science. Depending upon the individual student's interests, he undoubtedly will take additional courses in chemistry, sociology, health sciences, or biology.

Some graduate work is desirable, but not essential, to work in ecology. Study through the M.S. or M.A. degree is common. To be a leader, a Ph.D. is regarded as necessary.

There are many excellent universities and colleges which offer ecology as a major specialty. The outstanding ones are: California (Berkeley), Colorado State, Cornell, Duke, University of Georgia, Michigan, Michigan State, Minnesota, North Carolina (Chapel Hill), Oak Ridge National Laboratory, Oregon State, Tennessee, Washington, Wisconsin (Madison), Yale.

EARNING POWER

Universities are "home base" for at least 80 per cent of all ecologists today. As an instructor or assistant professor, with a B.S. or M.S. and having a contract with a large university, you might receive $7,000–$9,000 per nine-month year. As a Ph.D., you might be an associate or full professor at $10,000–$18,000; a rare few earn $22,000 or higher.

The estimated 5 per cent of ecologists who work for industry earn 30–60 per cent more at any level of education and experience.

Our most reliable salary figures are for the estimated 15 per cent of ecologists who work for the Federal government. At the starting point, with a B.S. and limited experience, you would be on a par with your colleagues at universities, earning $7,319–$9,053. With an M.S. and several years experience, your salary could be $11,046–$13,309, beginning to outdistance ecologists on campus. With a Ph.D. and a growing professional reputation, you could advance to a supervisory position commanding $15,866–$25,538.

While the prestige is greater in a full professorship, the salary is higher in industry or government.

HELP YOURSELF

The best-laid plans are those you make yourself. If you want a career in ecology, read everything about it you can find. Consult the quarterly indexes of *Science* magazine, the weekly journal of the American Association for the Advancement of Science, usually found in large school or public libraries. Ask your library to order the paperback "Concepts of Ecology," by Edward J. Kormondy, published by Prentice-Hall, 1968. Ask your guidance counselor or science teacher for other leads to self-education.

After you've done such "homework," write to several universities and request catalogs and bulletins about ecological studies. If one or more interest you, write to the appropriate department head and request an appointment to visit, see the facilities, and have an interview with him or some other faculty member.

Finally, you may address specific questions to, or request a vocational guidance publication from, the Ecological Society of America. Write its secretary, Dr. J. Frank McCormick, Professor Ecology and Botany, University of North Carolina, Chapel Hill, N.C. 27514.

By such steps you can be launched on an exciting career as an ecologist—the preeminent catalyst for environmental quality.

CAPTIVE NATIONS WEEK

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. MURPHY of Illinois. Mr. Speaker, summer is traditionally the season when many American families pack their campers and take to the roads and parks of this great land. Exploring from coast to coast, millions of Americans enjoy the great natural beauty of our bountiful country.

I bring this to the attention of my fellow Representatives, not to promote vacation travel, but to point out that we are not captives in this country as are millions of people now living under Communist domination. Last week as in past years we remembered these fellow human beings during "Captive Nations Week."

We often take our freedom for granted

in this country. From birth, we are free citizens, free to travel where we please, free to speak our minds about the operations of our government and free to worship as we desire. These, of course, are only a few of the many freedoms we enjoy each day.

From time to time, I think it is necessary to reflect on the opportunities we have in America and to sympathize with those in the captive nations who live under tyranny and enjoy no freedoms at all.

Life is a precious commodity and one of the values which makes it precious is the capability to make decisions, free and unencumbered by the political machinery of a dictatorial state.

But that is what the people in the captive nations are faced with each day. Their work, their recreation and their private lives are controlled in such a manner that they are restricted in all aspects of their lives. It is a way of life contrary to the natural freedom all human beings are guaranteed at birth. It is a way of life Americans have found intolerable since the beginning of this Nation almost 200 years ago. And it is a way of life all Americans should detest.

Today, millions of people, including the Soviet Jews, the Latvians, Lithuanians, Hungarians, Czechs, Poles, and others in the rollcall of captive nations, suffer each day under the unyielding grip of a few powerful men.

As Americans start out on their summer vacations, it would be well if they paused for a moment and remembered these captive people with the hope that some day all the peoples of the world shall be truly free to enjoy the fullest benefits of life.

We have remembered and honored the people in these captive nations for many years. Let us pray that in the near future we will be able to help them celebrate their freedom with the same respect and honor we have shown in commemorating their enslavement.

AHEPA'S GOLDEN ANNIVERSARY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BROWN of Ohio. Mr. Speaker, in Atlanta, Ga., on July 26, 1922, the Order of Ahepa was founded to promote an appreciation of the privileges of citizenship, and encourage active participation in the political, social, and civic fields of human endeavor. AHEPA, the American Hellenic Educational Progressive Association, is this year celebrating 50 years of service and accomplishment on the local, national, and international level. As a nonpolitical and nonsectarian organization, AHEPA has fought for the freedom and self-respect of minorities in Greece and Cyprus, and has always been willing to aid victims of disaster, both here and abroad. AHEPA also provides help to noncitizens in attaining full U.S. citizenship and in realizing the responsibilities and obligations that go with it.

As a member of the Springfield, Ohio, chapter of AHEPA, I have come to appreciate the contributions of this fraternity even more. The members include businessmen, educators, farmers, and laboring men—all with the common goal of helping others. More than that, though, the Order of Ahepa is a family fraternity, with numerous programs of fellowship and relaxation for all members of the family.

Education—by means of scholarship and donations—civic participation, fellowship, sports programs, disaster relief—these are all part of the work of AHEPA. On its golden anniversary, it is appropriate for many Americans to congratulate AHEPA on its 50 years of service and to wish it the best of luck and good wishes for the next 50 years.

RESEARCH NEEDED ON CRIB DEATH

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BRAY. Mr. Speaker, the following article appeared in the Indianapolis Star of July 21, 1972. Mrs. Choate has eloquently spelled out the need for further work to discover the cause of this overwhelming tragedy.

The article follows:

MEDICAL MYSTERY: RESEARCH NEEDED ON CRIB DEATH

(By Judith Choate)

There is no greater miracle than the birth of a perfect child. Cigars are passed out by proud papas; dreams bloom on mama's face. Life begins!

The trip home from the hospital sets the precedent for "firsts" entered in the baby book: first car ride, first bath, first smile, the longed-for first full night's sleep.

We had hit all these milestones, and more, when, on a March morning in 1965, my three-year-old son and I began our day with a quiet peek at "our baby." With three words—"Robbie looks funny"—I learned how abruptly this perfect miracle could end. My thriving, beautiful five-month-old son lay dead in his crib.

No warning sickness, no struggle, no cry; a quiet death had come.

A quiet death came in this country for Robbie and 10,000 other Robbies that year. And for 10,000 apparently healthy babies every year—before, since and to come—life is over before it has begun.

Robbie was a victim of the Sudden Infant Death Syndrome (SIDS or also called "crib death"); a disease neither predictable nor preventable that is, after the first two weeks of life, the No. 1 cause of infant death in the United States. A disease that in its silence and unpredictability takes an incredible toll on the lives of surviving family members.

The death of any child is heartbreaking but no other disease leaves, in its wake, such guilt, self-doubt, incrimination, psychosis and charges of criminal neglect. Yet, every day, 30 to 35 families in this country suffer not only the loss of a loved infant but agonize over their own feelings of responsibility for it, accusations of infanticide by neighbors and relatives, ignorance from their physicians, suspicion by legal authorities and, often, they are never told why their baby died.

With one exception, our cases was "classic." On March 15, Robbie was a gurgling, cheerful bright new member of our household; loved and cherished, put to bed with a full tummy and a comforting burp. His death came some time during his normal nighttime sleep, discovery at 6:30 in the morning. However, unlike most families who are faced with the death syndrome, we were aware of "crib death" and of a foundation begun by parents of a lost child.

We immediately called our pediatrician and the Fire and Police Departments' resuscitation units. We knew it was useless but felt we had to try to revive our son. And, indeed, he was pronounced dead by his pediatrician—the very same doctor who, the week before, had pronounced him "a perfect baby."

His body was left in our apartment, in a closed bedroom, with a policeman in attendance until the mid-afternoon at which time a medical investigator from the medical examiner's office observed the body and interviewed us. We were asked such questions as "How many times did you hit the baby?" "Did your other child choke or in any way abuse the baby?", "Did you let your dog bite the baby?" If we had not been aware of SIDS and confident that we had done absolutely nothing wrong, one can imagine the guilt and self-accusation such questions would have brought into our lives. In this way, our loss differed from that of thousands of other families across the country, families who live for months and, sometimes years, with torment over the death of their baby.

I began my work with the National Foundation for Sudden Infant Death, Inc., one week after the death of my son. In the seven years that I have been involved, national awareness about the magnitude of the problem has increased greatly; however, families are still sometimes faced with criminal charges, still faced with lack of autopsy and still faced with long months of waiting to be told why their baby died. We still do not know the cause of the Sudden Infant Death Syndrome but we do know that SIDS families are not criminals.

The National Foundation for Sudden Infant Death proposes a standardized procedure in every community in the United States for the humane handling of cases of infants who die suddenly and unexpectedly; a method that is both compassionate and medically sound. Autopsies must be performed and parents promptly informed of the results. The criteria for the diagnosis of SIDS should be disseminated to coroners and medical examiners throughout the country and the term, "Sudden Infant Death Syndrome," should be utilized. Every family should receive authoritative information about SIDS from a health professional who is both knowledgeable about the disease and skilled in dealing with characteristic grief reactions. These services should be available to every family regardless of financial status or type of medical care.

HEROIN TRAFFIC

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. WOLFF. Mr. Speaker, I rise again to call to the attention of my colleagues and the American public the growing threat of heroin traffic coming into this Nation from Southeast Asia.

Once again, Mr. Speaker, I renew my charge that the administration continues to give the public rosy reports of cooperation from foreign governments on this critical matter. Yet, when I and other of my colleagues have investigated the problem, we have discovered that the heroin traffic is increasing with, in numerous cases, the active protection of high officials in the nations involved.

Today's New York Times carries a story by Seymour Hersh, based on a report to a Cabinet-level task force, which substantiates the charges which I have been making.

I have formally requested that the Department of State make this report available to the Congress forthwith. If the report is not forthcoming, I shall introduce a resolution of inquiry which would require the Department of State to transmit this document to the appropriate committees of the Congress.

As my colleagues are aware, the Foreign Affairs Committee, based on information which I obtained, has already adopted a cutoff of aid to Thailand because of its major role in the international traffic in narcotics. I feel sure that the contents of this report will confirm the decision of the committee to pass my amendment.

At this point in the RECORD I should like to include the New York Times article:

NO HOPE OF HALTING ASIAN DRUG TRAFFIC

(By Seymour M. Hersh)

WASHINGTON, July 23.—A Cabinet-level report has concluded that contrary to the Nixon Administration's public optimism, "there is no prospect" of stemming the smuggling of narcotics by air and sea in Southeast Asia "under any conditions that can realistically be projected."

"This is so," the report, dated Feb. 21, 1972, said, "because the governments in the region are unable and, in some cases, unwilling to do those things that would have to be done by them if a truly effective effort were to be made."

The report, prepared by officials of the Central Intelligence Agency, the State Department and the Defense Department, noted that "the most basic problem, and the one that unfortunately appears least likely of any early solution, is the corruption, collusion and indifference at some places in some governments, particularly Thailand and South Vietnam, that precludes more effective suppression of traffic by the governments on whose territory it takes place.

The report sharply contradicted the official Administration position and Government intelligence sources say its conclusions are still valid today. In May, Secretary of State William P. Rogers told a Senate subcommittee that "we think all the countries are cooperating with us and we are quite satisfied with that cooperation."

Similarly, Nelson G. Gross, Senior Adviser to the Secretary of State and Coordinator for International Narcotics Matters, testified before Congress in June on the subject of narcotics smuggling that "the governments of Thailand, Laos and Vietnam have already joined us in the fight and, while we have a long way to go, we feel that during the past year some real progress has been achieved."

All officials concerned with the drug problem acknowledge that the United States agencies, under personal prodding from President Nixon, have begun an intensive effort to stem the international narcotics traffic. But critics contend that the effort is far less effective today than Administration officials say it is.

* * * flow of narcotics are Representative Robert H. Steele, Republican of Connecticut, and Alfred W. McCoy, a 26-year-old Yale graduate student who has written a book on narcotics in Southeast Asia. The New York Times reported Saturday that Mr. McCoy's allegations concerning the C.I.A. and the drug traffic had been the subject of an intense and unusually public rebuttal by the agency.

The Cabinet-level report, made available to The Times, buttressed many of the charges made by the two critics, particularly about the pivotal importance of Thailand to the international drug smugglers. Thailand is also a major Air Force staging area for the United States.

In a report on the world heroin problem last year, Mr. Steele wrote that "from the American viewpoint, Thailand is an important to the control of the illegal international traffic in narcotics as Turkey. While all of the opium produced in Southeast Asia is not grown in Thailand, most of it is smuggled through that country."

Mr. Steele's report, filed with the House Committee on Foreign Affairs, noted that many American citizens had established residence in Bangkok, and had moved into the narcotics trade. The report added that the inability of the United States to have a few notorious smugglers deported had led some intelligence officials to conclude that the men were paying Thai officials for protection.

Mr. McCoy said in testimony before Congressional committees last month that hundreds of tons of Burmese opium passed through Thailand every year to international markets in Europe and the United States and that 80 to 90 per cent of the opium was carried by Chinese Nationalist paramilitary teams that were at one time paid by the C.I.A.

There are a number of opium refineries along the northern Thai border, he said, and much of the processed high-quality heroin is shipped by trawler to Hong Kong.

"Even though they are heavily involved in the narcotics traffic," Mr. McCoy testified, "these Nationalist Chinese irregulars units are closely allied with the Thai Government." He said that Thai Government police units patrol the northern border area and collect an "import duty" of about $2.50 a pound of raw opium entering Thailand. All this activity, he said, is monitored by United States intelligence agencies.

THAI–U.S. AGREEMENTS CITED

Mr. Gross, the State Department's adviser on international narcotics, said in his Congressional testimony that "during the past year the Thais have increased their efforts in the drug field with United States and United Nations assistance." He cited two agreements, signed in late 1971, calling for more cooperation and more long-range planning between Thai and United States officials to stamp out the trade.

"Based on all intelligence information available," Mr. Gross testified, "the leaders of the Thai Government are not engaged in the opium or heroin traffic, nor are they extending protection to traffickers." He added that the top police official in Thailand had publicly stated that he would punish any corrupt official.

The cabinet-level report, submitted to the Cabinet Committee on International Narcotics Control, asked "highest priority" for suppression of the traffic by Thai trawlers, noting that each trawler "would represent something like 6 per cent of annual United States consumption of heroin."

The report said that the trawler traffic should have priority because "it is possible to attack the Thai trawler traffic without seeking the cooperation of Thai authorities and running the attendant risks of leaks, tip-offs and betrayals."

After such a seizure, the report said, the United States Embassy in Bangkok could "repeat with still greater force and insistence the representations it has already often made to the Government of Thailand" for more effective efforts "to interdict traffic from the north of Thailand to Bangkok and also the loading of narcotics on ships in Thai harbors."

At another point in the report, a general complaint was voiced. "It should surely be possible to convey to the right Thai or Vietnamese officials the mood of the Congress and the Administration on the subject of drugs," the report said. "No real progress can be made on the problem of illicit traffic until and unless the local governments concerned make it a matter of highest priority."

Representatives Steele, Lester L. Wolff, Democrat of Nassau County, and Morgan F. Murphy, Democrat of Illinois, have sponsored legislation that would cut off more than $100-million in foreign aid to Thailand unless she took more action to halt the production and traffic of heroin. Their measure cleared the House Foreign Affairs Committee on June 21 and is included in the Foreign Assistance Act, now pending.

During a Congressional hearing into drug traffic last month, Representative Wolff disputed the Administration's contention that it was making "real progress" in stemming the narcotics flow and said, "we think the trade has got so much protection in high places in Thailand that the Administration is afraid they'll tell us to take our air bases out if we put too much pressure on them."

A TRIBUTE TO AHEPA

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. WYDLER. Mr. Speaker, I would take the opportunity to pay my respects to the Order of Ahepa—a fraternal organization of the highest caliber—which this month celebrates its golden anniversary year.

The order represents the spirit and the wishes of the Greek-American community of North America, in matters concerning the welfare of all mankind.

Its purposes are in every respect beneficial to our national designs and deserving of our praise.

As a philanthropic body, AHEPA has contributed to the relief of victims of disaster—both natural and man-made—throughout the full course of its existence. Persons rendered homeless by flood, hurricane, and the blight of war, have turned for assistance to AHEPA, which has always responded with genuine concern.

Under the authority of AHEPA, schools have been constructed to further education in the United States and Greece as well and a program established providing for an educational journey to Greece by deserving American students.

Deeply patriotic, AHEPA was responsible, during World War II, as an official issuing agency of the U.S. Treasury, for the sale of $500 million worth of war bonds.

In the war against the ravages of disease, AHEPA has contributed to the construction and operation of hospitals, health centers, and medical research centers in both Greece and the United States.

It is a special pleasure for me to call to the attention of the Congress the services of one of my constituents, George L.

Bourney of West Hempstead, N.Y., as supreme trustee and second vice chairman of the order, as well as those of the president, secretary, and treasurer of the Hempstead chapter, Constantine Psillis, Chris Constantine, and John Piniat. All have worked hard in the interests of AHEPA and in so doing have served the interests of America as well.

It is a matter of the greatest pride on my part to recall my designation as the honor guest of the Theodore Roosevelt Chapter No. 170 of the Order of Ahepa, Hempstead, N.Y., at the 20th AHEPA national banquet held last March in Washington. The banquet was in honor of the U.S. Congress, and I was proud, indeed, to have represented my constituents on that occasion.

In all it has accomplished over the past 50 years, AHEPA has won the respect and good wishes of everyone familiar with the facts and concerned for the welfare of our country and the world.

ORDER OF AHEPA GOLDEN ANNIVERSARY

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. LLOYD. Mr. Speaker, the Order of Ahepa, the American Hellenic Educational Progressive Association, has a special anniversary this month and I wish to join with my colleagues in paying tribute to this fine organization and its membership as they mark their golden anniversary on July 26, 1972.

The members of the AHEPA are men in all walks of life. They may be businessmen, professional men, educators, laboring men—but all are men of good moral character with a common goal of good fellowship and common understanding.

The Order of Ahepa has contributed financially to many causes during its 50 years of existence, on both a national and international level. These contributions are in addition to the many local programs under the direction of the local chapters. Local AHEPA chapters have always given generously and vigorously supported local community undertakings in the fields of education, charity, and civic improvement.

Members of the AHEPA can take pride in their accomplishments during the past 50 years. They have championed the cause of education and have always been ready to aide victims of disaster both here and abroad.

I am especially proud of the active membership of AHEPA in the Second Congressional District of Utah, which I represent. Sam N. Anton is president of the Salt Lake City Chapter and Andrew L. Satupis, also of Salt Lake City, is the current lieutenant governor of the district lodge.

No organization or fraternity can claim any better ideals. The Order of Ahepa has made invaluable contributions in almost all phases of American life. I salute the members of this fine organization for their contributions during the past half century.

REACH—ANOTHER KIND OF GRADUATION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. McKINNEY. Mr. Speaker, I believe that community-level drug rehabilitation programs offer the best solution to one of our Nation's most urgent problems. One of the more effective of these has been the REACH program, organized 2 years ago in Fairfield, Conn. Following is an excellent article by Ruth McDermott, managing editor of the Fairfield Citizen, discussing REACH's activities:

REACH—ANOTHER KIND OF GRADUATION

(By Ruth McDermott)

In a week of graduations, of caps and gowns and citations, academic marches and recessionals, a quieter ceremony was held in Fairfield marking the successful completion of another kind of course of learning as six young men and women were graduated from the REACH program.

REACH differs from most of the academic institutions that had commencement exercises. What its class of '72 had learned didn't come primarily from books, it came from a living experience and essentially the lesson learned was that an alternative life-style existed to the one they had chosen before they came there; that it was a better life and that pursuit of it was worth giving up drug dependency and other self-destructive habits of body and mind they had settled on as a way of making it in what they pretty universally had considered a hostile environment.

REACH was started in Fairfield two years ago to meet a growing drug-abuse problem among young people and it had a tough time proving its worth. This was when the entire drug picture was newer and very confusing to most people. Why drug dependency habits arise in so many young people may be just as much as an enigma today but the fact that there is a problem has certainly become more accepted as has the fact that facilities like REACH are of value in combating the drug abuse. This is reflected concretely in the town of Fairfield's appropriating money for REACH in its budget.

REACH has had its moments of trial and error like all other agencies groping first to understand the anatomy of the drug abuse problem and then take steps to combat it. The fact that its staff had deemed this graduating class (actually the 2nd, one person graduated last year) ready to leave the facility demonstrates that, at least in its own eyes, it has evolved a course of action that has yielded results. Results to them meaning the young person has demonstrated his or her ability to assume a life-style that is interesting and challenging enough to pursue without the use of drugs as a crutch.

Two of the six of the '72 graduates are Brad Bratchell and Leslie Martin and we asked them what had brought them to REACH and why they thought they were ready to leave its protecting arms. Two of REACH's directors sat with us also and told us how the facility had changed from the days when it started and why the changes were significant. They are Ray Wilson, an ex-addict who is REACH's co-director and has been for two years and Diane Bluett, a trained social service worker who has been on the staff for one year.

Diane thinks that the problem is primarily psychological and that the drug abuse habit is merely a symptom; REACH obviously can do nothing about the availability of drugs, it can only treat people who avail themselves of it.

"Drugs aren't the real problem," she said. "It's what's under the surface of one's personality. Problems can show themselves in different forms but the result is a defect in attitude and that is really what REACH concerns itself with."

This appraisal gains credence when one considers that though Leslie was on drugs when she came to REACH; Brad wasn't. What they had in common was unhappiness and a feeling of alienation from family, friends and society.

"A friend brought me down here," Leslie said, "when I was a junior at Ludlowe. I started smoking marijuana in high school and at 16 I started on speed. I guess I got on it because I wanted to be part of something I never was before. I come from a big family but I was always really lonely.

"When I was a sophomore I found a circle of friends who were getting high and I wanted to be accepted by them so I started too. If they were doing anything else I probably would have done the same thing; but this is what they were doing.

"When I came here (to REACH) I didn't feel like I had a problem but just being here, I realized getting high wasn't the answer."

Brad was an only child and lonely too. "One day some friends said come down to REACH and meet some girls and I've been here since. That was in July of '70 when I was 17."

"The first day here." Leslie said, "I got the impression of a lot of people running around looking happy . . . there was a lot of talk among us about our feelings which was pretty new to me. Then we developed the core family idea and there was a lot of confrontation."

Ray Wilson explained the core family. "The program used to be rather loosely structured. But remember, REACH started as a Hot Line concept, a stop gap for kids who were desperate. This served the purpose then but as we developed we realized something more substantial, more structured was needed and we developed the 'Core Family' idea. The emphasis changed from people calling in and stopgap measures to people in our program and a permanent design for living.

"Once the structure came," Diane said, "goals came with it. The idea of the core family as Ray and John Foita developed it was to create a family environment, sort of a surrogate family here at REACH. The first 12 hours a day in fact, taking on responsibility here, both of physical work which was the building and maintaining the inside and outside of this building and the mental and emotional work of seminars, encounter groups, letting the meaning of being part of a family infiltrate, learning to set and meet goals both as individuals and as a part of the group, learning to be honest and open with oneself and with each other."

A crucial thing about the core family program was it was in effect a workshop. Leslie and Brad and all the other members of it lived at home, went to school and did all the other "outside" things with REACH being their base. They learned the crucial attitudes there and went into the outside world to practice them, for that is where they would have to live their lives.

And as Ray said, "just getting to be part of the core family was meeting a goal for you had to earn it. We used to say 'no free lunch'. That had to be earned. A theory being that learning to live within it, to develop mutual love and respect for fellow family members, to learn to do your share of a common purpose, a common job, was to learn how to live outside this family too."

"This isn't a residence," Ray said. "The idea was to spend a lot of time here at REACH at commitment without effort is impossible. We had to make life here desirable enough to give up drugs and apathy for."

Gradually the proportion of time changed; less time in REACH, more time outside. This is the essence of the core family program.

The success each one finds there is the measure of transference they can make to an independent life outside REACH. That is what Leslie and Brad achieved.

Some of the group projects during their time and continuing were managing hotdog stands such as they set up for the Outdoor Art Show recently, organizing Red Cross blood banks and now the coffee house that occupies a building of the Fairfield Railroad station. This coffee house as a matter of fact represents another step for REACH.

The program is now divided in two; to deal with heavy drug users and the more casual users. They feel they can have a more successful program separating the two. REACH will remain the structured core family and the coffee house the preventive and educational level. It will be open seven days a week and be self-supporting, "we hope" Diane said. "It won't be only a place you can always come to," she added. "We are working toward setting up workshops in arts and crafts, a photo shop, a leather shop, a drama group related to life today, we are even ambitious enough to be planning high school equivalency tutoring and hoping to get professional teacher volunteers to help us with this."

Graduates Leslie and Brad aren't leaving REACH entirely, they are moving to staff now and will both be working at the coffee house all summer. Brad is going to continue at the University of New Haven in the fall. He will be a sophomore and hopes to become a lawyer some day. "A storefront lawyer. I would like to work for a program such as REACH or any other social work agency."

Leslie has had one year at the University of Rochester and thinks another year out in the world working and being with people will help her figure out what she really wants to do before she goes back to school again. But she definitely intends to go back and get her degree and "work at something that has to do with people."

Both leave REACH with something they didn't have before. A feeling of love for the people they know and a feeling that they are stronger people than they were and more able to confront life on whatever terms it offers itself than before they found their way there.

LETTER TO CONSTITUENTS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. ESCH. Mr. Speaker, since I have no longer the honor of representing the people of Lenawee County, I have today sent the following letter to my constituents in that area:

DEAR FRIEND: Because of the recent Congressional redistricting, I will no longer have the honor and privilege of representing my friends in Lenawee County. During the past six years, my wife, Olga, and I have developed many warm friendships with our friends throughout Lenawee County and we will miss them. The new redistricting plan places the County of Lenawee in the 4th Congressional District which is represented by Congressman Edward Hutchinson.

Since 1967, I have had the honor of serving Michigan along side of the Honorable Ed Hutchinson of the 4th District. I know him as a man whose judgment and experience will serve Lenawee County well.

Ed Hutchinson came to Washington in 1963 after serving five terms in the Michigan State Senate and two terms in the State House of Representatives. He also was a vice-president of the 1961-1962 Michigan Constitutional Convention. He is a man who has served the public for more than a quarter of a century. Congressman Hutchinson and I have not always been in total agreement but I know that he has voted his political convictions only after the most careful study: in other words Ed Hutchinson does his homework.

When the 93rd Congress convenes, Ed Hutchinson will be the ranking Republican member of the Judiciary Committee and, if this body should be reorganized by the Republicans, will accede to the Chairmanship of that Committee. It is an interesting point of history to note that only one other member of Congress from Michigan has reached the top of the Judiciary Committee. He was the late Earl C. Michener, of Adrian in Lenawee County, who represented the 2nd District for 30 years until his retirement in 1950. Representative Michener was Chairman in the 80th Congress.

In the coming months I am sure you will get to know your new Congressman and hopefully will develop the same close relationship with him that we have had in the past.

With warmest regards, I am,

MARVIN L. ESCH.

ORDER OF AHEPA CELEBRATES GOLDEN ANNIVERSARY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BENNETT. Mr. Speaker, In Jacksonville, Fla., which I represent in the Congress, the Order of Ahepa is celebrating its golden anniversary during 1972. The organization was founded in Atlanta, Ga., on July 26, 1922. Nationally, the organization has made many contributions for the betterment of American life and certainly should be recognized at this time.

Our American democracy finds a natural kinship with those of Greek descent who founded the AHEPA fraternity, rooted in the spirit of the democracy of ancient Greece.

The organization promotes and encourages loyalty to the United States of America and instructs its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

The organization instills in its members a due appreciation of the privileges of citizenship and encourages them to be profoundly interested and actively participating in the political, civil, social, and commercial fields of human endeavor.

The organization has organized like-minded people to provide relief for Florida hurricane victims, flood victims in Mississippi, and, in general, needy persons around the world. Jerry Felos and Sam, his brother, both of Jacksonville, have been among my very closest friends throughout my life and I know how much AHEPA has meant to them as they work together for the betterment of mankind.

Several outstanding Americans have been members of this organization and the late Franklin Delano Roosevelt became a member while still Governor of New York and maintained his membership faithfully. Former President Harry S. Truman is a member of the AHEPA. U.S. Vice President SPIRO AGNEW is also a member.

The AHEPA chapter in Jacksonville and the other chapters around the country can be duly proud of their record in 1972, as they celebrate their 50th anniversary.

OUR NATIONAL ENERGY CRISIS

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. McCORMACK. Mr. Speaker, I am pleased to insert in the RECORD excerpts from a speech made by the president of the National Coal Association to the 20th Annual Conference of the Great Lakes States Industrial Development Council. In this speech, Mr. Bagge discussed our vulnerability to having petroleum imports cut off and the mounting trade deficit we are now experiencing from our current petroleum imports.

The excerpts of the speech follow:

EXCERPTS OF AN ADDRESS BY CARL E. BAGGE

A few years ago . . . it would have been a ridiculously simple question to ask, what are you going to do for energy? Today the answer is not quite so simple. Despite the fact that the U.S. was blessed with an abundance of all types of fuel including coal, oil, oil-shale, gas and uranium we have so mismanaged our fuel and energy utilization that only coal remains abundant. Its use in its natural state is being outlawed by environmental constraints, and technological developments to improve its usability have been thwarted by legislative neglect. As General George A. Lincoln, the head of our Office of Emergency Preparedness, said, "Coal has been our most ignored resources."

Today the nation is in what I fear are only the opening stages of an energy shortage and almost complete dependence on the use of foreign fuels. Already the United States imports about 8.5 pecent of its fuel requirements. Our nation imports a quarter of the petroleum it consumes, and both the total amount and the percentage of imports are increasing. This is, or should be, a matter of considerable national concern, because we are already running a sizable deficit in our balance of trade, and the continuing drain of dollars for imported fuel is one of our biggest expenditures.

Perhaps more critical is the fact that the friendly nations of the Caribbean which have been supplying most of our oil imports are now producing at or near their capacity, and in addition, their oil is high in sulfur. Today's demand is not only for more petroleum in all forms, but, under the strictures of air pollution control, for residual fuel oil which is low in sulfur—and that low-sulfur oil must come principally from the Middle East.

The nations of the Middle East are politically volatile, and their record of friendship for the United States in recent years does not give us much confidence. Moreover, they are already engaged in supplying oil to Europe and Japan so that we are truly buying oil in a seller's market—and any newspaper reader can find recurrent signs that the Middle East governments are missing no opportunity to increase prices and demands more control over oil production in their territory. . . . We are increasingly placing a vital part of our energy supply at hazard, in a position where we may no longer control our own destiny.

As in the case of oil the supplies of natural gas are critically short. Under a misguided policy we have for more than 17 years imposed stringent federal controls on the price which producers may be paid for natural gas in the field. Though the policy was intended to protect the consumer against unjustified price increases, it has had the effect of keeping prices artificially low, discouraging exploration and development of new gas fields, and encouraging the use of this premium fuel for inferior uses. Trillions of cubic feet of gas, for example, have been burned under utility boilers in lieu of coal, and that gas is not available now to the household consumers who need it. . . . Today in Washington and Pittsburgh plus many other great cities, gas distributors can accept no new customers, not even new homes.

In my six years as a member of the Federal Power Commission, I reluctantly enforced this irrational price policy while submitting and arguing for federal legislation which would decontrol the field price of new gas and thus encourage new discoveries. The self-defeating policy of field price regulation led to other complications for of course as federal law, it applied only to gas entering interstate commerce.

I recall that after the Permian Basin decision, which was the commission's first attempt to set field prices on an area basis, we had allowed a price of 16.5 cents per thousand cubic feet for gas from west Texas to supply a pipeline for the Chicago area. In short order, however, a competing pipeline was built entirely within the boundaries of Texas and hence not subject to the Permian Basin order which began siphoning off that gas for the chemical industry of the Texas Gulf Coast. Under the impetus of higher price, the producers found and sold more gas, but actually less and less gas was committed to the interstate market. The producers could sell it for use within the state for more than they could get from interstate pipelines.

Ultimately, a pipeline in dire need of gas for the Chicago market was forced to buy Permian Basin gas at a premium from the intrastate line—a price of 12 cents per thousand cubic feet over the maximum it could pay the original producers.

This is only one example of the irrationality of wellhead price control. . . . There are many other instances of how the forces of the marketplace ultimately overcame the strictures of price regulation—but forced the consumer to pay more than he likely would have without the misguided effort of price control.

* * * * *

The shortage of gas has, somewhat belatedly, launched a search for new or substitute supplies. The logical first place to inquire was Canada, which is already the source of about 4 percent of our gas supplies. However, Canada's National Energy Board has decided that Canada does not have a great deal of gas in excess of its own future needs, and the board has voted, at least for the time being, to allow no additional sales to the United States.

Another possibility is to import liquefied natural gas from abroad, principally from Algeria. Several proposals for large-scale LNG shipments are now being considered. The Federal Power Commission in a landmark ruling this month authorized long-term LNG imports but said it will not assume jurisdiction over them until they move in interstate commerce. These imports may be necessary for a time, but they give rise to the same dangers as do imports of petroleum—indeed, they compound the hazard, for they could multiply the drain on our balance of payments and make even more of our critically important energy supply subject to foreign cutoff.

Another alternative proposed by several major pipelines is to make synthetic gas from naphtha. But the logic of using one scarce fuel, oil, to produce another does not stand close examination and since either the naphtha or the crude oil from which it is derived would have to be imported, this seems a dubious expedient as a large-scale, long-term solution.

So we are in trouble with our energy-producing fuels. Some projections indicate that in a few years we will have to import more than half of the fuels we consume as liquid and gases to heat our homes, run our automobiles, and operate industrial processes for which fuel in these forms is so critical. We will, unless we take prompt action to prevent this situation by recognizing that our one remaining abundant fuel resource, coal, can be the source of all fuel forms necessary.

The best alternative source of gas is synthetic gas from coal. You have probably heard of this prospect, or more likely you have heard of only half of it.

The half that has received the most attention is the conversion of coal to pipeline-quality gas, comparable to natural gas. At least four processes to accomplish this are now in the pilot plant stage. Here in Chicago, the pilot plant of the Institute of Gas Technology has already been operating. In Rapid City, South Dakota, Consolidation Coal Company's SO2 acceptor process is expected to start up this spring, operating on lignite. The National Coal Association's research affiliate, Bituminous Coal Research, Inc., has signed a $24 million contract to build and operate a pilot plant near Homer City, Pennsylvania, under auspices of the Department of the Interior's Office of Coal Research, which is also sponsoring the two processes previously mentioned. In addition, the Bureau of Mines is building a pilot plant at its own research facility at Bruceton, Pennsylvania.

All four of these processes aim at a product comparable to natural gas, with a heat content of 900 or more Btu per cubic foot. The engineers and researchers tell us that if all goes well, commercial plants employing one or more of these processes will be ready about 1980. They will each produce at least 250 million cubic feet a day, and consume six million tons of coal a year To be commercially feasible they will probably be mine-mouth plants located in the West, where they can be supplied by large tracts of strippable coal.

However, the gas produced by these plants will not be inexpensive. Its cost is expected to be competitive with other substitutes for domestic natural gas—LNG, Alaskan gas, or synthetic gas from naphtha, but probably out of range for industrial and electric utility use so long as another energy source is available.

And in fact there is a likely substitute—another kind of gas from coal. This is low-Btu gas, with a heat content of about 200 Btu per cubic foot. A non-polluting low-Btu gas can, it appears, be produced in simpler and less expensive equipment than that required for the pipeline gas process. It would not be economical to move low-Btu gas by pipeline—you would have to move several times the volume for the same heat content as natural gas, and of course it could not be mingled with natural gas in the same line. So the logical way to use the process is to install the gasifier at an industrial or electric utility plant and haul the coal there by conventional means. This also eliminates the need for a large mine-mouth block of committed coal reserves, and would be a natural use for the substantial but scattered reserves of Appalachia and the Midwest.

Low-Btu gas can be used in conventional boiler equipment without air pollution. But more importantly, it seemingly opens the door to a new power generation process—the combined cycle system—which has an indicated efficiency of about 55 percent instead of the 38 percent which is a good rating for modern conventional generating stations. In the combined cycle system, low-Btu gas from the gasifier is burned in a gas turbine which spins a generator, and the exhaust gases are passed through a boiler where they make steam for a second turbine and generator.

Though it has been a long struggle, government and industry backing for research in pipeline-quality gas from coal has now reached a substantial level. However, there has been little funding for research in low-Btu gas until this year's budget included for the first time a $33 million item for a study of the process. We in the coal industry think this small beginning needs to be drastically increased, and we invite your support for the project.

It seems to me that the low-Btu gas process, with or without the combined cycle, has many attractions for industrial development in the Great Lakes states. Because sulfur and other impurities can be scrubbed from the gas as it is produced, and some recovered as salable products, it offers a fuel which can operate within the limits of air pollution control restrictions even in new plants. It thus could use the high-sulfur coals of the Midwest which are rapidly being regulated out of the market in many of our metropolitan areas.

* * * * *

In talking of the gasification prospects for coal, quite obviously I have been dealing in futures. There is a long lead time between having a process on the drawing board, or even at the pilot plant stage, and having gas in commercial quantities at the burner tip. Any realistic appraisal of the timetable shows that it will be about 1978 or 1980 before gas from coal, either low or high Btu, begins to make an appreciable impact on our national supply. For the next half-dozen years, that brings us back to our original question: What are we going to use for energy?

That is not just a rhetorical question. Air pollution control regulations in many states and cities are so stringent that the high-sulfur coals which make up most of the reserves in the East and Middle West are being squeezed out of the market. They cannot be used in existing plants in many areas. The federal air quality criteria for new plants now call for standards equivalent to the use of seven-tenths of one percent sulfur coal. That means nearly all steam coal east of the Mississippi is ruled out of new plants unless something is done to reduce the sulfur oxide emissions.

Fortunately, something is being done. Work on SO_2 removal equipment has gone forward for several years, and a number of processes are now in the full-scale demonstration plant stage. The manufacturers are willing to sell full-scale equipment now for later delivery—realizing the risks of any pioneering process. Although the technology is not fully proven, it is fair to say that if you are making the basic decisions now about your next electric generating station you can plan to include equipment for SO_2 emission control. Sulfur dioxide removal is probably not the ultimate answer to the need for both energy and clean air, but it promises to be one of the best answers available now.

* * * * *

We in the coal industry are in no position to gloat about the environmental problems of atomic reactors. We do think that if Congress grants atomic power a partial exemption from the National Environmental Protection Act, on the argument that electricity from nuclear plants is needed, at least an even break should be given to fossil-fuel plants also, since their environmental effects are known and any pollution damage they cause is not permanent.

However, there is a more serious question which utilities should weigh carefully before deciding to buy nuclear reactors. It is the same question which I posed several times in my remarks—What are you going to use for energy? Our supplies of low-cost uranium are critically low—so low that President Nixon has authorized accelerated research to develop a fast-breeder reactor which will make more efficient use of our limited fossil fuel supplies. However, the most optimistic target date for a breeder demonstration plant is 1980, and it will be at least 1990 before the fast breeder can begin a major contribution to the national supply of electricity. Commonwealth Edison and the Tennessee Valley Authority have been named as the agencies to build and operate the first pilot plant, but the history of the present light-water reactors demonstrates there can be many delays between the first pilot plant and commercial operation of a number of full-size installations.

So long as we are back at our original question—What are we going to use for energy?—let us reconsider the options available.

If you are counting on additional supplies of domestic natural gas, you are taking a long chance. It is time, as I as a FPC commissioner and the coal industry have advocated, to end wellhead price controls, at least for new gas, in order to encourage exploration and development of new gas reserves. However, I do not hold out this measure as a panacea. It will help, but it will not long allay the shortage of natural gas. While there is more gas to be discovered, given the proper incentives, the national demand for gas will absorb all the gas the industry can discover and produce.

If you plan to use imported oil, you will be relying on fairly unreliable sources, with the growing possibility that the United States for its own economic and political wellbeing must consider restricting those imports. The same considerations will apply in time, I believe, to imports of liquefied natural gas or imported feedstocks for synthetic gas.

If you are depending on atomic power keep in mind the inhibitions of fuel supply which cloud the future of atomic energy. I hope the United States can develop the fast breeder reactor to commercial scale and bring it into operation without undue delay, for in the long run this nation will need all the sources of energy it can get. But realistically, the time when the fast breeder will be available is a long way off, and prudent stewardship of our uranium resources should require that we slow down the wasteful use of our low-cost uranium in the present inefficient light-water reactors.

If there are supply problems with oil, gas and atomic energy, that leaves only coal. There are problems in using coal, too, but not the problem of adequate supply. The Nation has one and a half trillion tons of coal in reserves already mapped and explored, or nine times as much energy as in all other fuels combined. And geologists estimate that an equal amount remains to be discovered.

The main problem in using coal is how to burn its high-sulfur varieties within the increasingly strict air pollution control requirements. This was a major factor in reducing the amount of coal consumed in the United States last year. However, existing equipment can control dust and fly ash from coal combustion to an efficiency of more than 99 percent, and the technology to remove sulfur oxides from the stack gases of large industrial and electric utility plants can be ordered now.

Also in the offing is the technology for producing low-sulfur fuels from coal. These include the production of low-sulfur oils as in a process being researched by Consolidation Coal Company.

Still another method for producing a sulfur-free fuel from coal now entering the pilot plant stage is the solvent-refined coal process developed by the Pittsburgh and Midway Coal Mining Co. under Office of Coal Research contract. This process yields a fuel, free of ash and sulfur, which can be handled as a solid or a low-melting-point liquid.

And finally, if government and industry combine in pushing an expanded research and development program in low-Btu gas from coal, I am confident that process will be commercially available late in this decade, allowing high-sulfur coal to be converted at the plant site for use as a boiler fuel or in the combined cycle. In the same time frame, pipeline-quality gas from coal should become available in the Great Lakes states as residential fuel, though as I said, there will probably be little or none to spare for industrial accounts.

Thus, in relying on coal for industrial expansion in the Great Lakes states, you will have a steadily widening range of options—use of low-sulfur coal for the next few years, then use of any grade of coal processed to a low-sulfur fuel, stack gas SO_2 removal, and then clean synthetic gas from coal. The further you plan ahead, the wider will be your choice.

As more sophisticated and pollution-free methods are developed to produce energy from coal, the Great Lakes states will be in a favorable position to use them in industrial development. You are strategically located to tap the great coal reserves of your own region, of other Midwestern states, of Appalachia, and even the vast resources of the West.

But I would not mislead you into thinking that this devoutly-desired outcome of abundant clean energy from coal will arrive unbidden and unassisted. It will require an enlarged and diligently pursued research program, and then a very large investment in plant and equipment to bring these new processes to market.

But the effort will require even more than diligence and dollars. The investments in new processes will not be made, certainly not in the time and scale necessary, unless we have a firm national energy policy which declares that this Nation will place its prime reliance on domestic fuels.

GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BADILLO. Mr. Speaker, I am pleased and proud to join with our colleagues in paying tribute to one of this country's most distinguished and outstanding fraternal service organizations—the American Hellenic Educational Progressive Association, more commonly known as the Order of Ahepa.

Founded on July 26, 1922, AHEPA now has some 430 local chapters in 49 States, Canada, and Australia. A nonpolitical, nonsecterian fraternal organization, the Order of Ahepa has contributed to many worthy causes and has supported numerous vital projects during its 50-year history. It has provided relief and assistance to victims of natural disasters—hurricanes, floods, and earthquakes—not only in many locales in this country but in Greece, Turkey, and Ecuador as well. It supports a number of hospitals, health centers, and a shelter home in Greece and maintains an academy at Garrison, N.Y. The order's efforts in actively supporting education and cultural development and in promoting better international relations through a people-to-people program are particularly commendable.

AHEPA's public service, at home and overseas, has embodied the highest ideals of the Hellenic tradition. Furthermore, through countless ways the order has maintained the rich cultural heritage of the Greek people, at the same time, strengthening the bonds between the peoples, spirit, and traditions of Greece and America. Especially noteworthy is this organization's efforts to involve young people through the Son's of Pericles and Maids of Athena. In addition, the Order of Ahepa has given generously and energetically to local community undertakings in the area of education, civic improvement, and community service.

It is indeed appropriate that we pay this well-deserved tribute to this fine organization and its many members who are dedicated to good citizenship, public service, and compassion of the fellow man. The Order of Ahepa has achieved 50 years of solid accomplishments and exemplary contributions and we are certainly fortunate to have such an organization in this country. I commend it for its fine work and wish it continued success and growth.

NEWSMEN HIT GUILD'S McGOVERN STAND

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. SPRINGER. Mr. Speaker, the American Newspaper Guild's endorsement of GEORGE MCGOVERN for President has caused consternation among members of the Washington press corps. It is particularly noteworthy that around 300 of them have taken an ad in the Washington Post to protest their union's action. They said:

> The Guild has no business interjecting its members into a partisan political role. Its efforts to do so demean us as professionals whose hallmark is fairness.

For the convenience of my colleagues I include here the text of the advertisement, as it appeared in the Washington Post of Sunday, July 23, 1972, with the Post's excellent editorial of Monday, July 24, and an article on the Washington-Baltimore Guild local's formal censure of the way the endorsement was rushed through the Guild's international executive board:

[An advertisement from the Washington Post, July 23, 1972]

We the undersigned members of the working press hereby disavow and publicly disassociate ourselves from the endorsement by The Newspaper Guild (AFL–CIO) of any candidate for any office at any time or place.

We make this disavowal in response to the recent endorsement of the Democratic nominee for President of the United States by Charles A. Perlik Jr., the president of The Newspaper Guild.

We in the news business have an obligation to inform the public. The fulfillment of this obligation depends on maintaining credibility with the public.

The Guild has no business interjecting

its members into a partisan political role. Its efforts to do so demean us as professionals whose hallmark is fairness. It ties us to a political decision we personally may or may not favor.

Organization affiliations for identification only

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BALTIMORE SUN

Peter J. Kumpa, John Carroll, Paul W. Ward, Muriel Dobbin, Oswald Johnston, Bruce Winters, Adam Clymer, Albert Sehlstedt Jr., Art Pine, Charles W. Corddry Jr., Paul J. Jablow.

NEW YORK TIMES

Ben A. Franklin, Juan M. Vasquez, David E. Rosenbaum, Laura Waltz, William H. Robbins, John Hemphill, N. W. Keady, Warren Weaver Jr., Robert M. Smith, Edwin I. Dale Jr., Philip Shabecoff, Diane Henry.

Bernard Gwertzman, Jeffrey Sheppard, Jack Rosenthal, Barbara Dubivsky, John W. Finney, Ira Kalfus, John M. Crewdson, Michael B. Lien, Nan Robertson, William L. Brobst, E. W. Kenworthy.

Fannie Jo Hunter, Eileen Shanahan, John Herbers, Harold M. Schmeck Jr. Janet McLean, Dans Adams Schmidt, Francis J. Cunningham, Dana Little, Kathryn A. Wellde, Milly McDermott, Robert B. Sample Jr., Richard L. Madden, Judith Cummings, Marjorie Hunter.

WASHINGTON POST

J. Y. Smith, Haynes Johnson, Mary Russell, Eugene L. Meyer, Timothy S. Robinson, William Raspberry, Mike Causey, Jack Eisen. Stuart Auerbach, Victor Cohn, David R. Boldt.

Lakie L. South, J. Paul McCarthy Jr., Robert L. Asher, Don Oberdorfer, J. D. Alexander, Joe Mastrangelo, Roger Wilkins, Lawrence Laurent, Tom Allen, Jean R. Hailey, Hank Burchard.

Eric Wentworth, Alexander D. Horne, George W. Carter, William L. Claiborne, Elizabeth J. Knight, Claudia Levy, Carl Bernstein, Peter A. Masley, Ronald Koven, Norman Driscoll, Douglas B. Feaver, Tom Kelley, B. D. Colen.

Stephen Green, Sunday Orme, Patricia K. Godchaux, Herb Block, William H. Jones, Thomas A. Ginda, Robert J. Samuelson, Philip Greer, Elizabeth A. Williams, William Nye Curry, William B. Pollard III, Larry R. Fox, Joseph M. Boyle, Richard Pearson, Frank S. Joseph, Robert I. Price, Daniel M. McCoubrey, William E. Smart.

William H. Greider, Ron Shaffer, Linda Wheeler, William A. Elsen, Bill Gold, John F. Cullicott, Bob Woodward, Heidi K. Sinick, John Carmody, George A. Kessler, Matthew Lewis, Marilyn Berger, Bart Barnes, Jim Mann, Hal Willard, Walter B. Douglas.

Lawrence E. Tupper, Ben Cason, Andrew Barnes, Robert A. Webb, Lou Cannon, David S. Broder, George Lardner, Jr., Nicholas von Hoffman, Ken Feil, Donald Smith, Rudy Maxa, Peter H. Harris, Michael E. Hill.

Jeannette Smyth, Martin Weil, John P. MacKenzie, Ellsworth J. Davis, Nancy Scanneli, Barry Sussman, Richard R. Crocker, Jim Landers, Patrick J. DeCuzzi, Elsie Carper, Sally Quinn, Laura Quirk, Diana Maxwell, Carrie Johnson.

Leonard Shapiro, Tom Wilkinson, Helen Dewar, Herman Blackman, Thomas O'Toole, Wendy Sigal, Lawrence W. Feinberg, James L. Rowe, Jr., Carole A. Shifrin, Carroll Kilpartick, Allen Scott, Robert F. Levey, Jaehoon Ahn, Irna Moore.

Peter Osnos, George Solomon, Richard M. Cohen, Paul Hodge, Kenneth Weiss, Richard L. Coe, Bob Galano, Naomi S. Rovner, George C. Wilson, Henry Mitchell, John R. Allen, Jean M. White, Donnie Radcliffe.

Christian William, Louise H. Oettinger, William Niederkorn, Rob Marmet, Shelby Coffey III, Peter A. Jay, Mary Lou Beatty, Joan Spiegel, Kenneth Turan, Noel Epstein, Paul W. Valentine, Leon D. Dash.

Peter Milius, Donald A. Taylor, Douglas Watson, Kevin Klose, Franklin L. Offutt, John T. Allen, Helen Dewar, Karlyn Barker, Norman Driscoll, Myra MacPherson, Angela Terrell, Diana Maxwell, Richard L. Lyons, Dan Griffin.

WASHINGTON STAR-NEWS

James Doyle, Shirley Elder, Marvin E. Coble III, John Fialka, Timothy Hutchens, Jack Kneece, Roberta Hornig, Ruth Dean, Betty James, William R. Basham, Harold J. Flecknoe, Jackie Bolder, Ellen Perlmutter, Pat Lewis.

Ronald Sarro, Robert A. Berger, John Mathews, Patricia Simmons, Walter Oates, Norbert S. Olshefski, Woody West, Don Youngstrom, John M. Rosson, Oswald Moore, John Scholz, Charles A. McAleer, Lynn Dunson, Nancy H. Beckham, Lee Cohn.

OTHER ORGANIZATIONS

Don Larrabee, Griffin-Larrabee News Bureau.

Knight Kiplinger, Griffin-Larrabee News Bureau.

David Lynch, Griffin-Larrabee News Bureau.

Gene S. Goldenberg, Griffin-Larrabee News Bureau.

Richard L. Strout, Christian Science Monitor.

Warren Berry, Newsday.

Lester Bell, Copley News Service.

Pat Sloyan Hearst Newspapers.

Leland A. Bandy, The State (Columbia, S.C.)

Gerald Parshall, U.S. News & World Report.

Charles Osolin, Winston-Salem Journal.

Mary Paul, Reuters.

Ranjit de Silva, Reuters.

Fred Farris, International Herald Tribune.

Ida Kosciesza, International Herald Tribune.

Robert Siner, International Herald Tribune.

John S. Lang, New York Post.

Helene C. Monberg, Western Newspapers.

Roberts S. Allen.

Charmayne Narsh, Reuters.

Nina Totenberg, National Observer.

William McGaffin, Chicago Daily News.

This does not purport to be a full list of those in the news profession who agree with the principles set forth in this advertisement, which has been paid for by those who have signed it.

Most of the foregoing signatories are Guild members. Some are not.

(This ad was arranged by Haynes Johnson and J. Y. Smith of The Washington Post.)

[From the Washington Post, July 24, 1972]

F.Y.I.

The endorsement of Senator McGovern for President by the Newspaper Guild, which was announced at the Democratic Convention by Guild President Charles A. Perlik, has predictably stirred a lot of outcry among partisan Republicans (as well as among newspaper people in and out of the Guild). Senator Goldwater, for example, called it "one of the most interesting and least written about stories" of the Democratic Convention. Apparently sensing something furtive or clandestine, he went on to declare that "the public has a right to know a lot more about it."

Well, we woud agree with that—although the story was in fact fully covered by this newspaper and many others. Still, newspaper readers have a rightful interest in any open display of political partisanship by an organization composed in part of working reporters and editors and other newsroom employes who are supposed to be objective, fair, unprejudiced and non-partisan in their work. So we would like to talk about this issue today, strictly For Your Information, and also commend to you an article on the subject elsewhere on this page today in which Mr. Ben Bagdikian describes in some detail the process by which the Guild arrived at its decision to endorse a presidential candidate for the first time. You can judge for yourself whether that process was democracy in its purest form. The protest already mounted by scores of Guild members raises at least some doubt about that. But leaving that question aside as an internal problem for the Guild, the question remains whether it was a sensible, useful and—perhaps most important—*professional* thing to do, even assuming that it accurately reflected the sentiment of the Guild membership. The short answer, in our view, is that it was not.

We would not question the Guild's right, in theory, to endorse political candidates in the same way that other trade unions do. The issue is whether this particular union, representing this particular group of workers, is not obliged, almost by definition, to foreswear any participation in partisan political processes. We would think it is, and not for the reason that the Guild's endorsement of Mr. McGovern might somehow induce its members to slant their news reporting or editing in favor of the Democratic candidate. The flash flood of petitions signed by Guild reporters in protest of the action taken by their union leadership is eloquent testimony to the integrity of the great body of serious, professional reporters and editors—and especially of those dealing with national politics. As Mr. Bagdikian points out, it is no more reasonable to suspect that these Guild members will be influenced in their work by their union's endorsement of Senator McGovern than it is to suspect that they will be tilted towards President Nixon by the fact that the overwhelming majority of their publishers—the people they work for and who have quite a lot to say about the course of their careers—are generally conservative and, thus, more sympathetic to Republican candidates for President.

In short, it is not the professional news reporters and editors themselves who will be influenced adversely by the Guild's action, and neither is it their product—which can be regularly tested for tilt, in any case, because it is out there, all of it, on display every day. On the contrary, the problem is in the fact that for a newspaper to be effective, it must not merely be fair and nonpartisan in its handling of news; it must also *appear* to be fair. The problem is in the eye of the beholder and that is why anything which offers strong reason to suspect the objectivity of those who handle the news—anything which shakes the reader's trust and confidence—is that much more extra, unneeded freight for any working reporter or editor. It not only robs their work of believability but arouses the suspension of news sources as well. That is why the Guild's endorsement of Senator McGovern, as a practical matter, is so troublesome, not to say reprehensible. For them the Guild's endorsement is an encumbrance they neither need nor want and it is greatly to their credit that so many of them are moving—by petition or paid ads or local voting in repudiation of their leadership—to shake it off.

McGovern Endorsement by Guild Hit by Local

The executive board of the Washington-Baltimore Newspaper Guild yesterday formally censured International Guild president Charles A. Perlik Jr. for endorsing the candidacy of Sen. George McGovern (D-S.D.) before both major national parties held their presidential nominating conventions.

At last month's Newspaper Guild convention in San Juan, P. R., the International executive board was authorized to consider endorsing a presidential candidate after both party conventions. But Perlik announced the board's endorsement of McGovern at the Democratic Convention last week in Miami.

Yesterday's local statement, which was passed 9-to-2 after a five-hour afternoon meeting, said, ". . . Perlik ignored the clearly expressed will of the guild convention. . . . This local condemns President Perlik's appropriation of a right not granted by the guild convention."

Reached at his home last night, Perlik said the "technicality" of waiting until after both conventions was a "fairly weak reed" for the executive board to stand on. "There was simply nothing to wait for with the Republican; Nixon's nomination wasn't just conceded but was an actual fact for our purpose." Nixon campaign officials had announced earlier that the President had enough delegate votes to be renominated.

Perlik added that the McGovern endorsement was not made by him but by the entire International board by a vote of 14 to 0.

The Washington-Baltimore Guild, second largest in the country with 1,900 members, is the first local to have formally condemned Perlik. The local's statement supports the union's right to endorse candidates but says Perlik's actions are not binding on members or resources of the local.

MARITIME SHIPBUILDING PROGRAM

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. MURPHY of New York. Mr. Speaker, on July 1, the White House announced that on the previous day, June 30, five contracts had been signed for 16 vessels totaling $660 million and involving $284 million in Federal Government subsidies. This was represented as the largest group of peacetime contract awards since the inception of the Merchant Marine Act of 1936.

Until July 1, the administration's major shipbuilding program had all of the earmarks of being a dismal failure with very little new ship construction taking place under it.

The serious question that arises now is whether these new contracts are real and binding contracts, or are merely illusory promises which bind only the U.S. Government.

At the White House Press Conference, a Maritime Administration spokesman said, "I have no idea what we will do for an encore." The answer to that question will be intriguing.

There are several things that are most troublesome about the White House announcement, and I intend to ask the chairman of the House Merchant Marine and Fisheries Committee, of which I am a member, to hold special hearings concerning this matter. The points which trouble me include the following:

First. The fact, as I understand it, that none of these contracts is actually binding or enforceable. A substantial legal question exists as to whether the mad rush to obtain the extra 2 percent—or $13 million-plus—in subsidies has produced any binding contracts. It appears that these are one-sided agreements with only the Government being bound and with there being a loophole for the private parties to get out with no penalty. This is an extremely serious matter. I intend to ask the Assistant Secretary for Maritime Affairs to inform me as to whether they consider these contracts binding and enforceable against the parties, or merely illusory. I also intend to ask them to supply me with copies of all legal opinions and rulings the Maritime Administration has obtained from its general counsel relating to these contracts.

Second. The fact that six of the vessels totaling $382.1 million, and involving $164.5 million in Federal subsidies, will be too large to serve any American port and therefore will be unable to operate in the foreign commerce of the United States. It is highly questionable, to say the least, whether Congress in enacting and funding this maritime program had in mind the construction of vessels that would not only not promote our foreign or domestic commerce but would not even operate in such commerce.

Third. The fact that at least six of the vessels also apparently contemplate obtaining operating subsidies that would be paid to companies that have substantial foreign-flag operations. The Merchant Marine Act requires that waivers be given under such circumstances and public hearings have usually been accorded. It is my understanding that no hearings have been held and no waivers granted with respect to these contracts.

Fourth. The fact that the contracts for all 16 of these ships were signed on June 30. If they had been signed a few hours later on the following day, the subsidy would have been automatically reduced under the statute from 43 percent of the total cost to 41 percent. This would have saved the Federal Government, that is, the American taxpayer, over $13 million in subsidies.

Fifth. The fact that the real owner, as I understand the facts, of three 265,000-ton tankers to be constructed at a cost of $210.2 million with $90.6 million in Federal subsidies, is a company whose principal stockholders are not citizens of the United States. This raises serious questions as to whether the provisions of the law have been met and whether it is a purpose of our maritime program to give subsidy of this magnitude to non-American citizens.

Sixth. The fact that the contract for three vessels, totaling $114.1 million to be built by Bath Iron Works, was signed in a Senate office. Political dividends were obviously intended by the staging of this announcement in this fashion, and this compromises the integrity of the entire shipbuilding program.

To return to the Maritime Administration's question as to what can be done for an "encore," I hope to supply an opportunity to appear before the committee to answer these and other questions which I have concerning the shipbuilding program. On the facts available to me the program seems to create serious questions. The White House may be trying to perpetrate a hoax on the shipbuilding workers of our country and their families, and the administration should be given the opportunity to explain whether there is substance to this program or whether it is merely another political shell game.

MARVIN "LUCKY" MONDRES

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BURKE of Florida. Mr. Speaker, I was advised recently that Mr. Marvin "Lucky" Mondres, who has for the past several years served as congressional liaison officer in the U.S. Department of Commerce, is resigning his post to run for Congress from the newly created 13th Congressional District in the State of Florida.

I have known Mr. Mondres and his family for many years. He came to Washington in 1967, shortly after I was elected to Congress. He served most ably in my office as my administrative assistant, but left to accept the position as congressional liasion with the Department of Commerce, from which he is now resigning.

Mr. Mondres is married and has one son and one daughter. He was at one time a resident of north Dade County and also of South Brownard County, in the area which now encompasses Florida's new 13th Congressional District. Because of his familiarity with the north Dade and south Broward Counties, he felt disposed to offer himself for public service as a candidate for Congress from his district, despite the sacrifice he must make in resigning from his position with the Commerce Department.

During the many years I have known "Lucky" Mondres, I have watched him accept the various challenges that were from time to time presented to him. I know him for his dedication to his work, his dedication to his friends, I know him as a former Florida businessman, and as a former employee of my office. As a friend, I must recognize that the task he has cut out for himself in running for Congress will not be easy. I feel, however, that the experience as a businessman and that which he has gained while in Washington as well his desire to offer himself for public service, will serve as assets in his quest to represent the people from the new 13th Congressional District of the State of Florida.

I wish him well in whatever his future endeavors may be, and I am sure that there are many Members who serve with me in the House, on both sides of the aisle, who know Mr. Mondres and who have worked with him who feel the same.

HOUSE OF REPRESENTATIVES—*Tuesday, July 25, 1972*

The House met at 12 o'clock noon.

Chaplain John D. Vincer, center chaplain, National Naval Medical Center, Bethesda, Md., offered the following prayer:

Almighty God, who has given us this good land for our heritage, bless the people of these United States with Your abiding presence. Bless those assembled here in Congress who represent them. May they realize the strength of Your love and the support of their respective constituencies. Enliven them with Your eternal Spirit that awake to Your command they may be kept from complacency, self-concern, and fear of new ways. Inspire their minds with the vision of a nation made beautiful and righteous in service to one another and to You, our God. Renew in all our Nation's people a feeling for community, that every one of us may be a steward of the heritage of our common humanity and grow in the way which You have consecrated for us. It is with grateful hearts we pray our prayer this day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8708. An act to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3337. An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes; and

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai-Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1152. An act to facilitate the preservation of historic monuments, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1991. An act to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income; and

S. 2411. An act to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes.

MONETARY POLICY IS THE RESPONSIBILITY OF THE ADMINISTRATION

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the news has been filled with accounts of intervention by the Federal Reserve System in foreign exchange markets to help maintain the value of the dollar.

These news stories plainly indicate that the Federal Reserve has been operating in secrecy and that these accounts were more or less "leaked" to the press. No public announcement was made of the operation and, once again, the Federal Reserve System appears to be operating as if it were a "separate government."

Obviously, it is important that the Federal Reserve System participate in maintaining the value of the dollar, but it is equally essential that it be understood that monetary policy is the responsibility of the elected representatives of the people and that it cannot be carried on independent of the President. The responsibility and initiative on such matters must rest with the administration.

Because of space limitations, I will not be able to go into this question in detail at this point in the RECORD; however, I will extend my remarks later in today's RECORD and include newspaper clippings on this point.

SECRETARY GENERAL WALDHEIM'S COMMENTS ON BOMBING OF DIKES IN NORTH VIETNAM

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include an editorial.)

Mr. EDWARDS of Alabama. Mr. Speaker, yesterday the Secretary General of the United Nations, Kurt Waldheim, appealed to Washington to "stop bombing the dikes of North Vietnam." Later, perhaps after giving the statement the careful thought which should have preceded it, Secretary General Waldheim admitted that he could not verify the reports. His information, he said, came from "private channels to Hanoi."

One of the greatest inconsistencies in this inconsistent war has been the highly selective criticism engaged in by presumably intelligent, informed leaders. The well-documented, brutal invasion of South Vietnam and the daily shelling of civilians by the North Vietnamese did not bring imploring words to the North Vietnamese aggressors to halt their savage actions. But undocumented, rumor-inspired gossip generated by Hanoi produces indignant appeals to "stop bombing the dikes."

The United States cannot expect to escape criticism on every occasion. But certainly we can expect the leader of a world organization to avoid jumping to conclusions. We can expect him to be evenhanded and unselective in his criticism. We can expect, above all, that he have concrete evidence in hand before making serious charges from his international podium.

CALL OF THE HOUSE

Mr. BURTON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 280]

Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Baring
Biaggi
Blanton
Blatnik
Broomfield
Brown, Mich.
Caffery
Camp
Clark
Clay
Collins, Ill.
Collins, Tex.
Conyers
Culver
Davis, Ga.
Diggs
Dowdy
Dulski
Edmondson
Evins, Tenn.
Flynt
Fulton
Gallagher
Gettys
Gray
Griffiths
Hagan
Halpern
Hanna
Harrington
Hathaway
Landrum
Long, La.
Lujan
McClure
McDonald, Mich.
McEwen
McKay
McKinney
Mikva
Mollohan
Murphy, N.Y.
Nedzi
Nelsen
Patman
Pelly
Rarick
Robison, N.Y.
Rooney, N.Y.
Roybal
Runnels
Ryan
St Germain
Scheuer
Shipley
Springer
Stuckey
Teague, Calif.
Teague, Tex.
Terry
Udall
Ullman

The SPEAKER. On this rollcall 366 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE OMINOUS FISCAL SOUNDS

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, sounds emanating from the fiscal experts of the Government and from the press are ominous. And they are growing more ominous each week. It now appears that in Federal funds, this Government will go deeper in debt—during the 4-year period ending next June 30—by something in excess of $107 billion.

Based on figures announced yesterday, the Federal funds deficit for the fiscal year 1972 just closed on June 30 was about $26 billion. And the projected Federal funds deficit for the current fiscal year 1973 was estimated early last month at $37.8 billion, but in my judgment it may well exceed $40 billion.

These Federal funds deficits add up this way:

[In billions]

Fiscal 1973 (as recently projected)	$37.8
Fiscal 1972 (tentative actual)	26.0
Fiscal 1971	29.9
Fiscal 1970	13.1
Tentative total, the 4 years	106.8

The current fiscal year 1973 figure of $37.8 billion is subject to many uncertainties. As I indicated, in my judgment it may well exceed $40 billion.

Mr. Speaker, it is shocking to realize that almost one-fourth of the entire national debt will have accumulated during just the 4-year period, June 1969 to June 1973.

Of course, by whatever method of measurement, the budget is seriously out of balance. The Alice in Wonderland, so-called full-employment budget is in deficit. The unified budget which counts in the trust fund surpluses is in deficit. And of course the Federal funds budget is in deficit.

And every current sign points to a worsening situation.

CRITICISM OF U.N. MEMBERS OF CONDUCT OF WAR IN VIETNAM

(Mr. DICKINSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, last night and this morning the news media quoted the Secretary General of the United Nations as saying he had "private and unofficial information" that the United States is bombing the dikes in North Vietnam, and called on the United States to refrain from such bombing. Later, after the damage had been done, naturally, he conceded that he could not verify his earlier information.

It appears to me that the Secretary General, Kurt Waldheim, is being used as a tool by a carefully planned propaganda campaign by North Vietnam and its allies—including a small vocal minority in this Nation. The irony of the entire situation is that, while he castigates the United States for allegedly bombing dikes in North Vietnam, which our President says we are not doing, the Secretary General nowhere—I repeat, nowhere—mentions the fact that regular army troops of North Vietnam have invaded South Vietnam in direct contravention to existing treaties and international law in an effort to overrun the south. Is this an oversight by Mr. Waldheim?

Did the Secretary General call on North Vietnam to withdraw its invasion when its tanks crossed the DMZ? Were there any cries of outrage when An Loc was under seige for almost 2 months by the North Vietnamese, resulting in scores of deaths of civilians and noncombatants?

Was there a public statement by Mr. Waldheim when the refugees from An Loc—mostly women and children—were slaughtered by mortars and artillery as they were fleeing?

Who of all the member nations of the United Nations publicly comdemned North Vietnam for the 3,000 men, women and children killed and buried in common graves during the 1968 Tet offensive?

All that is necessary to stop all the bombing, not just allegedly bombing dikes, is for the North Vietnamese to stop invading and killing South Vietnamese.

In view of this failure of the United Nations in the past to assist in resisting Communist aggression and the attitude of the Secretary General, I think it is time to reassess our membership in the United Nations and our financial commitment to it.

LEGAL SERVICES ATTORNEYS SHOULD PAY THEIR OWN EXPENSES TO ATTEND BAR ASSOCIATION CONVENTIONS

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNT. Mr. Speaker, this year the National Bar Association, a fine professional organization is holding its annual convention in Miami Beach July 31 to August 6 and the American Bar Association will hold its convention in San Francisco for the inclusive dates of August 14 through 17.

Throughout the history of the OEO legal services program, both of these bar associations have consistently supported the realization that we need free legal services for the poor. However, I am today advised that our Office of Legal Services is now requesting that all the legal services attorneys, who have been milking the Federal Government and the taxpayers in many respects, have authorized free travel for the legal services attorneys out of the project funds and also have per diem paid while they attend both conventions.

Mr. Speaker, I think it is about time the Acting Associate Director of Legal Services Mr. Theodore Tetzlaff, of the Office of Legal Services, should begin to realize we pay our own way to conventions, and there is no reason why the men in OEO legal services cannot do likewise and stop milking the public.

PERSONAL EXPLANATION

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, on July 18, 1972, I was unable to be present on the House floor during consideration of the following proposals.

For the RECORD, had I been present, I would have enthusiastically voted in the following manner:

Rollcall No. 265, H.R. 14424, the rule under which the National Institute of Aging was considered, I would have voted "yea";

Rollcall No. 266, H.R. 14424, final passage of the bill which would amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, I would have voted "yea";

Rollcall No. 267, H.R. 14455, final passage of the bill which would amend the Public Health Service Act to extend and revise the program of assistance under that act for the control and prevention of communicable diseases, I would have voted "yea"; and

Rollcall No. 268, H.R. 15081, final passage of the bill which would amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against heart, blood vessel, lung, and blood diseases, I would have voted "yea."

ADJOURNMENT IN EXCESS OF 3 DAYS OR FOR ADJOURNMENT SINE DIE

Mr. BOGGS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 648) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 648

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the provisions of Sec. 132(a) of the Legislative Reorganization Act of 1946 (2 USC 198), as amended by Section 461 of the Legislative Reorganization Act of 1970 [Pub. Law 91–510; 84 Stat. 1193], the House of Representatives and the Senate shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Speaker, reserving the right to object—as I understand the Clerk's reading of this resolution, and from contact with the distinguished majority leader just prior to its presentation, this requested approval will for all intents and purposes obviate the intent of the Joint Commission on the Reorganization of Congress and indeed the statute evolving from the Reorganization Act of 1970.

It was the hope of that Commission, which held 3 years of hearings, and of the Committeee on Rules, which later submitted the bill that became the Reorganization Act of 1970, that the Congress could obviate the impasse between the legislative and/or authorizing committees vis-a-vis the operating or appropriations committees to the place where we could accomplish our work in a so-called constitutionally defined short session of any given Congress, and be out of here at least by the end of July.

I understand the need and the necessity for the House-Senate concurrent resolution as submitted by the gentleman from Louisiana. I do not understand why it needs to be open ended as to date.

I wonder if the distingushed majority leader can explain, Mr. Speaker, why it is until such time as subsequent concurrent action or joint action sets a date certain, or adjourns for over 3 days.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to my friend from Louisiana.

Mr. BOGGS. The gentleman is, of course, correct in his principal statement that under the terms of the so-called Reorganization Act passed several years ago, unless some action is taken, the Congress would be forced to adjourn by July 31. The gentleman, of course, is well aware of the fact that there are a number of very important authorization bills, and still a series of appropriation bills that have not cleared one body or the other.

The idea at this time of attempting to set a date certain for adjournment is something that is just without the knowledge either of the Speaker or of the majority leader. We just do not know.

As the gentleman has been informed heretofore, we do not expect to complete the work of this session prior to the Friday before the Republican National Convention, which convenes, I believe, on August 21.

So the best answer I can give the gentleman is we just do not have a date certain. Until such time as we were in a position to write a date certain, it would be a vain and useless thing to do so now.

Mr. HALL. Mr. Speaker, further reserving the right to object, I appreciate the gentleman's efforts, and those of the leadership, but I submit that this body, had we decided to work hard and schedule heavily last week and all of this week, could have certainly brought up our three remaining appropriation bills in the same manner they have been brought up in the past; that is by again fragmenting if not breaking the rules of the Reorganization Act which we adopted in full faith, without the necessary authorizing bills being enacted into law.

We have done that regularly all this year in order to expedite the work of the House, and the "debating society" on the other end of the Capitol could get down to work and accomplish the same thing on the necessary or requisite operating bills or appropriation bills, perhaps, if we held the whip hand over them as Representatives of the people, once and for all.

Mr. Speaker, I simply want to point out we could still have an increment of dates and thereby stick to the principles of the Reorganization Act we adopted, rather than make it open ended. That is what this concurrent resolution, the way it is worded, will do.

Second, I believe we all ought to realize in adopting this we are defying and flying right in the face of, and in fact going against, any attempt to complete the business of the Congress in due time.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, further reserving the right to object, could the House have any assurance, the slightest assurance, that having returned after Labor Day, following the Republican Convention, there will be a sine die adjournment of Congress sometime in September?

Mr. BOGGS. Will the gentleman yield?

Mr. GROSS. I am happy to yield to the gentleman.

Mr. BOGGS. The gentleman knows that the leadership prepared a schedule of days off for this session and, if the gentleman will refer to this, he will note that we expressed the hope then that we would have completed the business of this session by August 18, which is the Friday before the Republican National Convention.

Now, in truth and in fact, the House has done, in my judgment, quite well. But we still have the foreign aid bills, the foreign aid authorization and the foreign aid appropriation, the military construction appropriation bill, and the defense appropriation. These are very important matters, particularly the defense appropriation bill. There is also the Water Quality Act which is still in conference and there is the debt limit extension and a housing bill.

I will not seek to enumerate all of them, but there are matters of importance pending before this body. There is welfare reform. We passed welfare reform a year ago, and it is still pending in the other body. There is revenue sharing. We passed revenue sharing a month ago or 6 weeks ago, and it is still pending in the other body. I for one am not going to try to adjourn this session of Congress until those bills have been enacted into law. I hope that will happen before the end of September or the first week of October.

I trust that the main business of the House after we come back from the Republican convention will be conference reports, but it is our intention to see that these bills are presented to the President before we leave here.

Mr. GROSS. I take it I am not going to get any kind of assurance from the distinguished majority leader that we will not be here and in session on October 1 or even later while the procrastinating Members of the other body campaign the length and breadth of the country, seemingly, without any penalty except that imposed upon the House by forcing it to stay in session.

Mr. BOGGS. I am not in a position to criticize the other body. It has been my experience, having been here a long time, that many times this body is held up by the other body, but sometimes the other body does not get our bills until late in the session. I believe, however, if the measures I mentioned are acted on expeditiously by the other body, we could conclude the business of this session by the first of October.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. WAGGONNER. Mr. Speaker, reserving the right to object, I want to ask my distinguished colleague from Louisiana if he meant he was taking the position that as majority leader he was not going to allow this House to adjourn or this Congress to adjourn sine die until all of the legislative proposals he recommended had been signed into law.

Mr. BOGGS. No. Not at all. As a matter of fact, in answer to my good friend's inquiry, I named just a few bills, most of which the President has said he considered essential. There are many other bills pending. Whether or not we have time to consider them in this session I do not know, but what I am trying to say to the gentleman from Louisiana as well as the gentleman from Iowa is that except for those measures we have pretty generally completed the work of the House of Representatives.

Mr. WAGGONNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 14911, LEAVE FOR MEMBERS OF ARMED FORCES IN A MISSING STATUS

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1049 and ask for its immediate consideration:

The Clerk read the resolution, as follows:

H. Res. 1049

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14911) to amend titles 10 and 37, United States Code, to authorize members of the armed forces who are in a missing status to accumulate leave without limitation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Mississippi (Mr. COLMER) is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order H.R. 14911, a bill authorizing members of the Armed Forces who are in a missing status to accumulate leave without limitation. The rule provides for 1 hour of general debate on the bill and, of course, as an open rule it is open to amendment. This bill is very brief and so is its objective. The bill simply authorizes an amendment to the present law so as to give prisoners of war an extension of time for accumulated leave.

Under the present law a man in the service who is a prisoner of war can accumulate under certain conditions up to 90 days of leave. This would amend that law and extend the provisions of the law as long as these unfortunate people are prisoners of war.

Mr. Speaker, we hear a great deal about the prisoners of war. In fact, all of the arguments that are made for ending the war are based primarily upon the fact that we want to get our prisoners back home.

This is an unfortunate situation that we find ourselves in in dealing with this Communist country. It is very difficult even to find out how many of our boys they have there as prisoners.

This is the least that we can do for this military personnel. I do not anticipate one single vote against this bill. As one who is always concerned about the cost of every piece of legislation that comes before my committee and comes before this body, I want to say that I enthusiastically embrace this bill and its accompanying cost.

It is estimated it will cost somewhere between $13 million and $14 million, if the war is ended in 1973, if our prisoners are released at that time. If it goes as far as 1975, it would cost a little more than $15 million.

I say this is the least that we can do for those who are suffering over there in these prisons.

Mr. Speaker, I want to address myself very briefly to another phase of this unfortunate war—a war that we should never have gotten into to begin with—but a war that once we got into it, we never have attempted to win. Rather, we have followed the usual procedure of appeasement in dealing with the Communists.

I know that it is an unfortunate war. I know that every effort is being made by the President of the United States to end this war on some semblance of an honorable basis. But it is burning me up to see the tactics that some people in this country use to express their opposition to the war.

Now I am not going to go into any political or partisan discussion here. But whether it be a gracious thing to do or not, I am just going to pick out one individual who has aroused my particular ire in the last few weeks—and I refer to a certain actress by the name of Jane Fonda who has just visited Hanoi. I do not know how she got over there. I just wish she had never gotten there. I wish she had stayed at home to begin with. Nor do I know what her political philosophy is.

Now what good purpose could she have in going over there and making the utterances that she made? Did she go over there to try to end the war—which is the common goal that all of us seek? You and I and every Member of the Congress of the United States and the President of the United States—all patriotic Americans—some of whom may differ as to how the war might be ended, seek to achieve that simple goal of ending the war.

What purpose, I repeat, did she hope to achieve? Did she go over there to plead with Hanoi to end the war? Did she beseech Hanoi to release our boys imprisoned there? I have not seen anything in the printed word emanating from there that indicated that that was her purpose. On the contrary, the strong inference is that she went over there with pleasing platitudes to the common enemy; with assurances that this country was divided on the war.

I saw a picture of this misguided woman in the press the other day as she was leaving the hostile country with her clenched fist waving at the Hanoi soldiers; with they in turn having broad smiles upon their faces.

What—I repeat—what was the purpose? What did she hope to accomplish? The inevitable conclusion one must reach is that she went over there to encourage them in their fight; to hold on; to defeat the anti-Communists of South Vietnam and to wreak further injury, bodily harm, death, and bloodshed upon the Americans who remain over there.

I try to have sympathy with the other fellow's point of view. The most charitable thing that I can say about this woman is that she is misguided, she lives in a synthetic and unrealistic world; in a Hollywood atmosphere, as it were. Yes, Mr. Speaker, the actions of this, I repeat, misguided person is unpardonable. In previous wars she would have been charged with treason. Certainly if she were a citizen of North Vietnam and used the same tactics in this country she would have been so charged—and likely have faced a firing squad on her return to her homeland.

Will her actions hasten the release of these prisoners of war? Will they hasten the return of those of our men and women who still wear the uniform over there? I do not want to be too hard on people who differ with me, but I cannot arrive at any conclusion other than that this effort on her part and that of other similarly misguided people can result in the prolongation of the war.

I hope and I think most of the people of America share the views that I have tried so feebly to express.

I wish that I possessed the powers of speech to appropriately decry and deplore the actions and the utterances of this citizen of the United States. Miss Fonda, by virtue of her talents as an actress, has achieved considerable status in our great common country—a position which she would have found far more difficult to attain in a foreign and communist country. I can only repeat that I deplore this unfortunate incident. By contrast, I rather like the action of another American—Stephen Decatur who exclaimed when others were questioning another war, "Our country! In her intercourse with foreign nations, may she always be in the right; but our country, right or wrong."

Mr. Speaker, I now yield to the gentleman from Nebraska (Mr. Martin), and urge the adoption of the resolution.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support completely the remarks of the distinguished chairman of the Rules Committee, the gentleman from Mississippi (Mr. Colmer).

The purpose of H.R. 14911 is to permit members of the Armed Forces who are in a missing status, including prisoners of war, to accumulate leave at the normal rate without limitation as to the total amount of leave which may be so accumulated.

It is estimated that if all the uniformed services personnel now carried as missing in action or prisoners of war are removed from that status in fiscal year 1973, the cost would be $13,399,000. If this were to occur in fiscal year 1974, the cost would then be $15,837,000. These are nonrecurring costs which depend on when the prisoners and missing are removed from their missing status. Once these members of the uniformed services are removed from missing status, no further costs will be incurred under this bill.

The committee report contains a letter from the Department of Defense favoring this bill.

The Committee on Armed Services unanimously recommends enactment of this bill.

I urge the adoption of the rule.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 14542, AIR FORCE OFFICERS AUTHORIZED STRENGTH

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1048 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1048

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14542) to amend the Act of September 26, 1966, Public Law 89–606, to extend for four years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. Martin), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1048 provides an open rule with 1 hour of general debate for consideration of H.R. 14542, the purpose of which is to extend the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased.

The legislation would extend for 4 years—from June 30, 1972—the number of Air Force field grade officers authorized to serve on active duty. Failure to extend the authority would mean that the number of field grade officers allowed to serve as colonel or lieutenant colonel would be based upon the 1954 table.

It would continue for 4 years the authority for 1,000 additional lieutenant colonels and 1,500 majors.

The legislation would enable the Air Force to continue its current promotion program.

Mr. Speaker, I urge the adoption of the rule.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas has explained, House Resolution 1048 provides for an open rule and 1 hour of debate.

The purpose of H.R. 14542 is to extend for 4 additional years Public Law 89-606, which expired June 30, 1972. This law prescribes an increased number of Air Force field grade officers authorized to serve on active duty. This bill will enable the Air Force to continue its current promotion program.

The estimated cost of this bill is $4,100,000 for fiscal year 1973, $4,100,000 for fiscal year 1974, $4,300,000 for fiscal year 1975, and $4,300,000 for fiscal year 1976.

The committee report contains a letter from the Department of the Air Force favoring this bill.

Minority views were filed by Mr. PIKE opposing this bill on the ground that the Air Force rank structure is to heavy. He notes that the Air Force has more lieutenant colonels than second lieutenants, and almost twice as many majors as second lieutenants.

The Committee on Armed Services reported the bill by a vote of 31 to 5.

I urge the adoption of the rule.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 14538, AMENDING FEDERAL CIVIL DEFENSE ACT OF 1950

Mr. YOUNG of Texas. Mr. Speaker, on behalf of the distinguished gentleman from California (Mr. SISK) and by direction of the Committee on Rules, I call up House Resolution 1047 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1047

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14538) to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 14538, the Committee on Armed Services shall be discharged from the further consideration of the bill S. 3772, and it shall then be in order to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1047 provides an open rule with 1 hour of general debate for consideration of H.R. 14538, the purpose of which is to extend the expiration date of certain authorities under the Federal Civil Defense Act. After passage of H.R. 14538, the Committee on Armed Services shall be discharged from further consideration of S. 3772 and it shall be in order to consider the Senate bill in the House.

The programs involved are those to make payments for travel and per diem expenses of trainees at civil defense schools, to produce and maintain radiological equipment and to donate the same to States by loan or grant, and to provide financial assistance to States for necessary and essential State and local civil defense personnel and administrative expenses.

The legislation also increases the per annum authorization for financial assistance for personnel and administrative expenses from $25 million to $35 million.

Mr. Speaker, I urge the adoption of the rule.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

The purposes of these programs are: tend for 4 years the financial assistance programs currently authorized by the Federal Civil Defense Act of 1950. The present act expired on June 30, 1972.

The purpose of H.R. 14538 is to ex- First, to make payments for travel expenses of trainees at civil defense schools; second, to provide radiological equipment and donate the same to States by loan or grant; and third, to provide financial assistance to States for civil defense personnel and administrative expenses. The per annum authorization for fiscal assistance for personnel and administrative expenses is increased from $25,000,000 to $35,000,000.

In estimating costs the committee report provides projected appropriations and projected expenditures. Projected expenditures for these programs are $21,700,000 for fiscal year 1973, $30,500,000 for fiscal year 1974, $33,100,000 for fiscal year 1975 and $34,800,000 for fiscal year 1976.

The committee report contains a letter from the Department of Defense favoring this bill.

There are no minority views in the committee report.

The Committee on Armed Services unanimously approved the bill.

Chairman HÉBERT has requested a 1-hour open rule.

I urge the adoption of the rule.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3542, ARMED SERVICES LEAVE ALLOWANCES

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1046 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1046

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3542) to amend title 37, United States Code, to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute now printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1046 provides an open rule with 1 hour of general debate for consideration of H.R. 3542, the purpose of which is to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave.

The legislation would provide travel and transportation allowances between consecutive overseas assignments in order that servicemen could return home and assist their families in packing and moving. Bachelor personnel would be provided the same allowances.

The benefits would include transportation provided in kind aboard military, chartered, or commercial carriers, or reimbursement in lieu of such travel. While awaiting such transportation and while traveling overseas, a per diem allowance is authorized at the established rate for the particular location involved. Within the continental United States, reimbursement for actual costs of transportation via commercial carriers or a mileage allowance for privately provided transportation would be provided.

Approximately 8,000 servicemen would be eligible for the travel and transportation allowances at an estimated annual cost of $2,414,000.

Mr. Speaker, I urge the adoption of the rule.

Mr. MARTIN. Mr. Speaker, the purpose of H.R. 3542 is to provide travel allowances for members of the uniformed services between consecutive overseas assignments in order that they may return home to assist in the moving of their dependents or, in the case of bachelor personnel, to visit with family and friends.

The annual cost of this bill is estimated at $2,414,000, given present force levels. Future costs could fluctuate depending on force levels.

The committee report contains a letter from the Department of Defense favoring this legislation.

There are no minority views in the committee report.

The Committee on Armed Services unanimously recommended enactment of the bill.

I urge the adoption of the rule.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AIR FORCE OFFICERS AUTHORIZED STRENGTH

Mr. PRICE of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14542) to amend the act of September 26, 1966, Public Law 89-606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14542, with Mr. McFALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentleman from Wisconsin (Mr. O'KONSKI) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, H.R. 14542 is a bill which would permit the Air Force to continue for 4 years its current promotion program for majors, lieutenant colonels and colonels.

Before going into what the bill will provide, I think it is most essential to understand what the bill will not do.

First, it does not provide for any increase in grade authorizations for the Air Force.

Second, it does not accelerate the advancement of officers over that which has been maintained for the past 6 years.

Third, it does not give the Air Force officers an advantage over officers in the Army, Navy or Marine Corps—in fact, it will not even give to the Air Force officers the same promotion equity as enjoyed by the officers in the other services.

Now, what will the bill do.

It will continue the Air Force promotion program which has functioned over the last 6 years and provides for the flexibility necessary to maintain the current promotion phase points and opportunity. It provides promotion feasibility for Air Force officers to assure them that advancement opportunities will remain stable and that all year groups will be treated alike as they pass through the various promotion zones. It removes the doubt and concern over "promotion outlook" that now pervades the officer corps in the Air Force.

As you may be aware, the current officer-grade relief measure, Public Law 89-606, expired on June 30 of this year. This act, the fifth in a series of short-term relief measures which have been provided to the Air Force, was enacted by the Congress in 1966 for a period of 6 years. The expiration of Public Law 89-606 and without new legislation, the Air Force will revert to the field-grade limits imposed by the Officer-Grade Limitation Act of 1954.

When this act was passed in 1954, it provided for each separate service, tables, limiting by grade the number of majors and above. Numerical limits, for each grade, were based on the number and distribution of officers serving on active duty in each of the services at the time the legislation was enacted. The limits on the percentage of officers authorized to serve in the grade of colonel and lieutenant colonel were therefore lower for the Air Force because, at the time, they had a relatively junior officer force in terms of years on active duty. In 1953, just prior to the enactment of the Officer-Grade Limitation Act, only 18 percent of the Air Force officers had more than 12 years in service compared with 32 percent in the Army and the Navy. Today, the Air Force has about 34 percent in this category.

The object of restrictions on Air Force promotions in 1954 was to prevent too many young officers from progressing too rapidly to the senior grade. Within 5 years, however, the Air Force outgrew the permanent grade limitations contained in the act and, as a result, in 1959 relief was granted by the Congress. Subsequently, relief acts have been granted—the last being in 1966 for a period of 6 years.

When the House passed the 1966 Grade Relief Act, it did so in a form that would have given permanent relief to the Air Force. In the Senate, however, the bill was changed to provide only temporary relief. They, the Senate, reasoned that they did not consider it wise to meet the promotion problems of one service on a permanent basis without regard for a detailed examination of the needs of the other services. They then expressed the hope that the Department of Defense would conduct an examination of the officer structure in the various services which would result in uniform promotion legislation and equitable promotion opportunity among the services. The House conferees accepted the Senate version.

It is my duty to report that even though the Congress has been urging the Department of Defense to come forth with such uniform promotion legislation since 1959, no suitable legislation has been presented.

The grade relief in 1966 and which this bill seeks to continue, would permit the Air Force to promote to colonel at the 21st year, to lieutenant colonel at the 17th year, and to major at the 11th year.

The Army now promotes to colonel at the 21st year and the Navy to captain at the 20th to 21st year.

The Army and Navy promote to lieutenant colonel and commander by the 14th and 15th year, as compared to the Air Force at 17 years.

The Army promotes to major at the ninth year, the Navy to lieutenant commander at the eighth year while the Air Force promotes to major at the 11th year.

You will note that the Air Force in nearly all the areas referred to by this bill promotes at a later date than the other services. Failure to grant this relief would cause the Air Force to promote to colonel at the 22d year, to lieutenant colonel at the 18th to 19th year, and to major at the 12th year. It will be difficult to attract and retain qualified officers if we do not provide them promotion opportunities at least somewhat comparable to those in the other services. Now, what would be the consequences of our failure to enact this legislation.

First, it would place a moratorium on active duty field-grade promotion programs for at least 1 year. That is—the grade of major, lieutenant colonel and colonel.

Second, it would force the demotion and/or elimination from active duty of 3,000 field-grade officers. It should be pointed out here that by law, involuntary elimination would affect only reserve officers while demotions only regular officers. It is unlikely that either action could be instituted without causing considerable trauma and damage to the morale of all Air Force officer personnel.

Third, to the extent that elimination of officers would not be accompanied by reduced force levels, expensive pilot and navigator training rates would have to be increased in order to replace those officers forced to leave.

Fourth, the promotion points for Air Force officers would again slip up to 5 years behind the Army and Navy due to the lower percentile of field-grade officers authorized for the 1954 Officer-Grade Limitation Act.

Mr. Chairman, there are those who would suggest that we not pass this vitally needed act claiming that the grade structure of all of the services has become too high. I agree that this is a matter which needs thorough scrutiny by the Armed Services Committee, and I shall recommend to the chairman of that committee that this become our No. 1 project during the next session of the Congress. But at this stage when Air Force personnel are bearing the brunt of the activity in Southeast Asia, I can think of no worse act we can do than to fail to grant the relief provided in this bill. Some would advocate that we should make a beginning toward reducing the grade structure someplace and this bill is the place to start. I submit, however, that we should continue equality of opportunity to Air Force officers until we have had the opportunity to study the entire officer structure of all the services. To deny the Air Force this relief would, in my opinion, be catastrophic in our efforts to build an all-volunteer force. I can think of no greater priority legislation required than this piece of legislation currently before you.

I urge the support of every Member of this body.

Mr. HALL. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana, our colleague on the committee (Mr. BRAY).

Mr. BRAY. Mr. Chairman, with great reluctance I oppose this piece of legislation. I have a great admiration for the work that the Air Force is doing. I also realize that they have a very serious personnel problem. It is a problem that is not altogether of their making. However, our approach to this problem, that is handling this problem in a makeshift manner, is worsening and compounding the Air Force problem. Passage of this legislation today will only give the Air Force a temporary easing of this same problem and will make its ultimate situation even more difficult.

I believe it was 10 years ago when legislation very similar to this came before the committee. At that time I suggested that we work out legislation that would take care of the Air Force promotion problem on a permanent basis, instead of merely continuing and worsen a bad situation. I was assured that by the next time that this legislation came up that this would have a permanent situation; that they would bring out substantial legislation that would cure this personnel problem in the Air Force. That went on, I believe, for 6 years.

Four years ago, the matter again came up. At that time I said I did not intend to vote for that legislation which is very similar to this. I again asked the Air Force to work out a real system of promotion instead of merely continuing and aggravating an already bad situation.

At that time several of us, including myself, received a promise that there would be positive legislation coming up by the time that that 4-year extension was over. Instead of that, no tangible attempt has been made to suggest proper and permanent legislation. Today we have the same legislation, only worse.

Every time you continue this personnel mess, or whatever you want to call it, it is worse when it comes up again.

The problem that worries me is that of the junior officers of the Air Force, those that we must especially work to retain are being faced with a more uncertain future.

As long as we pass this type of legislation there will be no attempt by the Air Force, no attempt to work out a permanent solution. If this bill is passed—4 years from now they will come up with the same type of legislation to attempt to patch up a worsening situation.

I realize it is probably futile to attempt to defeat this bill, but at least we can send to the Air Force and Defense Department a message that we expect a real and sane piece of legislation, not a stopgap patch.

The more opposition that we can show to this legislation, it may encourage them, to come up with something tangible and real 4 years from now.

I believe that we are doing the Air Force a great disfavor to continue to put off the solution of this problem. I have nothing against the Air Force. They are doing a wonderful job. But they are not handling the personnel problems properly and many Air Force officers of all grades have told me that they are not handling these problems properly.

Mr. CHARLES H. WILSON. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from California.

Mr. CHARLES H. WILSON. Mr. Chairman, the gentleman has made a very valid argument, but I wonder if it is not the Department of Defense that the gentleman should be criticizing at this time rather than the Air Force.

The problem we have facing us is not the total fault of the Air Force—it is also the fault of the Defense Department itself and perhaps all of us. I think that is where we should lay the blame rather than to be critical of the Air Force in this particular instance.

Mr. BRAY. I think there is merit to the gentleman's statement. I am not trying to especially blame the Air Force. The officers of the Air Force are a fine group of men.

But all of us are partially responsible for putting something off, a sensible solution to the problem. It is the junior officers who are suffering.

I agree that the Department of Defense, and perhaps all of us, have been in some part responsible for this. But what worries me is that we are going to deteriorate the strength of the Air Force and lose some of the finest young officers that we have in the Air Force unless we approach this in the proper manner, which we are not doing.

I wish this was only a continuation for 1 year. But the trouble is that unless we get tough you will never get the Department of Defense and/or the Air Force to face up to this problem until they must do so.

Mr. PRICE of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding me so much time, he knowing full well that I am going to speak in opposition to this legislation.

I do not think there is much—or any question—in the minds of many people in America but that our entire military establishment is overloaded with chiefs and underloaded with Indians.

It is overloaded with fat and underloaded with muscle. We have too much logistic tail and not enough fighting power.

All that this bill does is put the congressional seal of approval on a military establishment which is all fat and not enough fight. This is a bill for the colonels and the lieutenant colonels and the majors. That is what it is for. We are aware of this problem. There are many epitaphs that you can say for any effort that anybody makes to reform this situation.

You have all heard all of your life all these reasons why we cannot do it. First, "We are studying it." Then, "We are appointing a Commission." Then, "The Pentagon is going to come up with a report." This has been going on for year after year after year after year.

Today we are in the situation where there are more than 12 officers in the Air Force for every airplane in the Air Force. The Air Force has less than 10,000 planes and has over 124,000 officers.

Forget the enlisted men. There are 124,000 officers for less than 10,000 planes. There are more lieutenant colonels and colonels than there are planes and missiles combined in the Air Force. In fact, there are more than twice as many lieutenant colonels and colonels as there are planes and missiles.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. PIKE. Yes, I yield to the gentleman.

Mr. LONG of Maryland. That is an impressive statistic, and I was very much taken with the gentleman's report. What would be a sound ratio in the view of the gentleman from New York?

Mr. PIKE. In my personal judgment, I would say that the Air Force, as far as officer structure, is a little high on overall structure, but where they are really high is in the realm of colonels and majors. They are low in second lieutenants; they are low in first lieutenants; they are low in captains. These are the people who fly the planes and do the fighting.

What we are after here in this legislation is not to benefit those who fly planes and push triggers; this is to benefit those who fly desks and push papers. This legislation is of great benefit to all kinds of people who are collecting flight pay and never fly an airplane.

We have in our hearings what, to me, is a very pathetic statement, and it came when the chairman of the subcommittee presented this bill to the full committee. He said:

> Even though the Congress has been urging since 1959 that the Department of Defense submit legislation which will produce a higher degree of similarity and equality of treatment for all officers throughout the Department of Defense, such legislation is not yet ready to be presented to the Congress.

We spend so much time complaining about how all the flow of power has gone from Congress to the executive branch, but here it is, 13 years that Congress—which, as I understand it, has the duty to raise and support armies—has been waiting for the Pentagon to tell them what the Pentagon wants them to do.

I submit to you ladies and gentlemen that this particular bill—which continues to endorse a bloated rank structure, which continues to support fat as opposed to muscle, which continues to say, we do not need the people who are flying the planes in combat; we need the desk jockeys—should be defeated. We passed similar legislation just 6 years ago. It was the same as this legislation. It was identical, and during the ensuing 6 years the Air Force cut down its total number of officers by 4,805. The entire Air Force got smaller.

The total number of officers went down 4,805 but they went up by 39 lieutenant colonels, 170 colonels, and 1,672 majors. They went up in all the grades but they went down in fighting power.

If we support this legislation and let them do it for 4 more years, I can tell the Members we are going to see nothing but more of the same.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Illinois. Mr. Chairman, I yield 1 minute to the distinguished chairman of the House Armed Services Committee, the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, I thank the chairman of the subcommittee for yielding. I also compliment the gentleman's subcommittee for the thoroughness of its hearings.

I too want to compliment my dear friend, the gentleman from New York (Mr. PIKE) for the great job he did in investigating this entire matter which is a subject that in itself needs investigation. I made the gentleman chairman of a special subcommittee, which held extensive hearings on the matter. In his usual, typically thorough manner the gentleman has made his report and I am anticipating he will prepare legislation to offer to the full committee in the next session of Congress so we can proceed from there.

I can understand my friend, the gentleman from Indiana (Mr. BRAY), also because I share somewhat his opinion. We sat on the same subcommittee together. This situation is somewhat unsatisfactory to me and members of the committee, but we are faced with a situation where we have to be practical people. This is a sort of interim arrangement until we can get the overall legislation which we need so badly, and I am depending greatly on the gentleman from New York (Mr. PIKE) to propose legislation which will take care of this entire problem for all the services.

However, now we are confronted with a legislative proposal to provide—for a short period of 4 years—the continuation of authority for officer grades within the Air Force.

The ability of the Air Force to carry out its assigned duties rests heavily upon its success in acquiring and retaining a quality officer force. The rapid advance of technology associated with the equipment which is in Air Force custody, emphasizes the urgent necessity of attracting young men with the requisite qualifications to serve in responsible leadership positions throughout the Air Force.

To be successful in this endeavor, the Air Force must be competitive with business, industry, government, and to a certain extent, with other services. In order to compete successfully with these people, the Air Force must be able to provide career opportunities at least comparable to those afforded officers in the other services. In this connection, grade advancement at regular and predictable intervals for qualified officers seems absolutely essential.

There are those who allege that there are too many senior officers in the Department of Defense. I would point out that we, the Congress, have provided the legislative authority for the current grade structure. The Air Force has conspicuously and continuously operated within the letter and intent of the guidance which has been provided by the Congress, even though there has been a growing disparity in the career progression patterns of the service—much to the distress of the Air Force officer.

It is evident that a permanent solution to the service inequities must be found, and I urge the Department of Defense to expedite its proposals for uniform legislation for all the services. However, until such time as new permanent legislation is enacted, we have a responsibility to the 115,000 Air Force officers to approve this bill.

To neglect this simple, although temporary remedy at a relatively modest cost would not only be shortsighted in the face of our efforts to establish an all-volunteer force, it would be simply unjust to the career Air Force officer.

I therefore join the distinguished chairman of the subcommittee in urging full support for H.R. 14542.

Mr. O'KONSKI. Mr. Chairman, I rise to give my strongest support possible to this legislation.

Since the distinguished chairman of the subcommittee has detailed the contents of the bill, I will not repeat.

As I view the bill before you, there is only one simple question—do we want to continue to provide Air Force officers approximately the same promotion opportunities as are provided to officers in the Army, Navy, and Marine Corps, then you should vote for this bill. On the other hand, if you want the Air Force officer to be promoted approximately 3 to 5 years later than his contemporaries in the other military services, you should cast a negative vote. That is the real question before us today.

Others here undoubtedly claim that we have too many officers—that is, 124—124 officers to fly 9,676 planes. But those who would challenge, ignore the basic facts that in addition to the aircraft, the Air Force officer must manage 1,054 ICBM's; 221 strategic, tactical, airlift, and general purpose squadrons; and 3,583 installations around the world.

For one moment, let us look at our rated officers in the Air Force which on June 30, 1972 had 55,685 pilots and navigators. Of this number, 4,274 were colonels and 371 were generals assigned to senior executive and command positions. Of the remaining 51,040 officers, 14,702 are navigators and 36,338 are pilots. These 36,338 are being used as follows:

There are 22,260 assigned aircrew or instructor duties or are engaged in advanced flying training. This equates to 2.24 pilots for each Air Force airplane. And, at this point, I would remind you that few of today's aircraft have a complement of only one pilot.

There are 8,539 assigned to oversee aircraft use, control flying and related activities and to do a wide variety of other command and staff jobs requiring rated expertise.

There are 5,539 broadening their management abilities in nonflying duties or attending broad advanced education programs. For example, not more than 10 percent of the officers in communications, missile operations, electronics, aircraft maintenance or logistics may be rated officers. Not more than 20 percent of the intelligence officers and 30 percent of the R. & D. officers may be rated, while up to one-half of the weapons controllers may be in this category. While a peacetime environment produces a career development opportunity for these officers, their reason for being in the force is to provide an active duty reserve of rated officers to meet the increased demands of a contingency or war, and fill the gap during the time it takes to realize production from increased flying training.

Now, let us look to the status of colonels, lieutenant colonels, and majors in the Air Force insofar as participation in Southeast Asia is concerned. I believe you will find these statistics of interest.

Ninety-seven percent of all Air Force colonels have been to Southeast Asia. All but 57 of 3,736 have served there. Of the 155 colonels in the war zone today, 62 are pilots while 52 others are in duties requiring rated skills and 41 are colonels in nonrated jobs. There are also 39 colonels in Southeast Asia now on temporary duty in flying jobs.

The statistics on lieutenant colonels are nearly as impressive. Ninety-seven percent of the lieutenant colonels in the Air Force have been to Southeast Asia, and 677 are there today. The 333 lieutenant colonels in Southeast Asia are filling 16 percent of the rated jobs for pilots of all grades.

Of the 23,545 Air Force majors, 89 percent have been to Southeast Asia, 39 percent have completed a full tour. There are 1,054 majors there today and 18 percent of the pilot jobs are being filled by the 389 pilots in this grade.

By comparison, 70 percent of the Air Force captains and 18 percent of the Air Force lieutenants have served in the combat zone.

I point these figures out to show who we would affect if we failed to pass this bill—primarily those who have given a career to the military forces and who may still be serving in the combat area.

But equally important if we do not extend the present authority, we would reduce Air Force colonel authorizations by 1,000 and lieutenant colonel authorizations by 4,500 while not changing total officer requirements for the Air Force. This would mean, even with a cessation of all field-grade promotions during fiscal year 1973, the Air Force would be over the statutory limitation by some 100 colonels and 3,000 lieutenant colonels on June 30, 1973.

To accomplish a reduction of 1,000 colonels and 4,500 lieutenant colonels in fiscal year 1973, about 200 Reserve lieutenant colonels would have to be RIFed. Approximately 1,600 regular lieutenant colonels would have to be demoted to their permanent grade, and this would create an overage of approximately 800 majors so approximately 800 Reserve majors would be forced out.

In addition to this, it is estimated that the threat of demotion would precipitate the "voluntary" retirement of 100 colonels and approximately 1,200 lieutenant colonels.

In toto, nearly 2,200 officers would leave the Air Force through unplanned early retirement or RIF actions during fiscal year 1973. Of these 2,200 officers who leave, it is expected that at least 1,100 would be pilots.

This would result in the need for the training of 1,100 new pilots and even at the rate of 220 additional pilots each year for 5 following years to build back the required inventory as determined by national security policy, the additional cost to the Air Force would be $26,000,000 annually for each of the next 5 years. The cost to train a pilot is approximately $120,000. And these figures do not take into account any additional unprogrammed losses which undoubtedly would result from reduced retention which would be encountered from the demotion or RIF actions.

I point this out to show that failure to enact this legislation would result in a much greater cost to the Air Force than its enactment—at a ratio of about 6½ to 1.

So since we have eliminated dollars as a reason to object to this bill, what is left is philosophy as to career patterns and oppotrunity vis-a-vis the desired shape of the military structure. We could pontificate on this subject for days and perhaps never reach agreement, but in my opinion, what the Armed Services Committee and the Department of Defense need to do is to reexamine the officer structure and come to grips with the many hard decisions that will have to be made in this area—designing a realistic program for the decade ahead. We have been assured that the Department of Defense is in the midst of such a study at this time and will have a program ready to unveil about the middle of next year.

In the meantime, we really have no practical alternative but to approve the legislation before you today not only because failure to do so would completely shatter Air Force morale but also it would practically destroy any hope of obtaining an all-volunteer Air Force.

Gentlemen, I urge your support.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I am sympathetic with these officers who would be passed over and will not get promoted, but when I was in the service a generation ago it was common knowledge that the Air Force was the best place to be if you wanted to get promoted fast. Nobody objected at that time in the Air Force to the fact that the officers were getting overpromoted, and were becoming majors and colonels and generals at a very early age.

Some of this represents just the hazards of the job.

I would like to ask the gentleman this question. We are not telling the Air Force which individuals to retire, we are merely saying that this is the largest number of officers it can have in the service. It is up to the Air Force to select out those colonels or those majors or captains that they do not believe are very good. Why then is it going to cost a lot to cut down on those promotions? It is up to the Air Force to let go the people who are not very promising officers. This could result in a very efficient operation.

Mr. O'KONSKI. I appreciate the remarks of the gentleman from Maryland. The only way I could answer his question is to simply say, as I said in the beginning, that I do not see why we should pick on the Air Force, and why we should not treat them in exactly the same fashion as we treat the Army, the Navy, and the Marine Corps. That is what this bill proposes to do. That is the best way that I can answer the gentleman's question.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I am very glad to yield to the able gentleman from New York (Mr. PIKE).

Mr. PIKE. On the business of treating them equally, is it not true that by and large the officers in the Army do not get flight pay, and by and large the officers in the Air Force do get flight pay? Have not the officers in the Air Force gotten a great big leg up right away?

Mr. O'KONSKI. Yes.

Mr. PIKE So right there the Air Force is already at an advantage; is it not?

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield so that I might answer that question?

Mr. O'KONSKI. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, I would say to the gentleman from New York that the ones who fly do get flight pay in the Army, the Air Force, or wherever they may be.

Mr. O'KONSKI. I would say that there is another difference, and that is out of the 1,500 or 1,600 prisoners that are being held by the North Vietnamese, that you should take a look at the rank of those individuals, take a look at who they are; they are majors, they are lieutenant colonels, and they are colonels. The casualties of officers in the type war we are fighting in southeast Asia is much different from that of any other war that we have engaged in in the past. There is a larger attrition than there has been in the average war among these ranks.

Mr. PIKE. Mr. Chairman, would the gentleman yield further?

Mr. O'KONSKI. I yield further to the gentleman from New York.

Mr. PIKE. Just as a statistic on that matter in the war in Vietnam, 15 percent of the Air Force casualties were majors, 3 percent were lieutenant colonels, less than 1 percent were colonels, 20 percent were enlisted men, and all the rest were lieutenants and captains.

Mr. CHARLES H. WILSON. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman.

Mr. CHARLES H. WILSON. Mr. Chairman, I am afraid that the comment by the gentleman from Maryland might unnecessarily mislead some people here. I do not think he intended to indicate that the job of the Air Force in Southeast Asia is not dangerous.

But to try to compare Members of Congress who are going to Southeast Asia on inspection tours with those pilots who are flying dangerous missions into North Vietnam and into the combat areas and who are actually fighting—I have seen them, I have talked to them—I have been at many Air Force bases in Southeast Asia and have seen them taking off and returning on various missions, and I do not think that is the sort of comment that should be left unchallenged.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield so I may reply to the gentleman.

Mr. O'KONSKI. I yield to the gentleman from Maryland for the purpose of a reply.

Mr. LONG of Maryland. I did not mean to imply that a Member of Congress visiting Southeast Asia could be compared with somebody who has been asked to fly over North Vietnam. That is a dangerous mission.

I am saying that I suspect that vast numbers of officers want to load their record with a visit to Vietnam—that is why you have the statistics approaching 100 percent. I would be very suspicious, that large numbers of those people who went to Vietnam were not in great danger and in no greater danger than I was as a visiting Congressman.

That is why I do not think those statistics are very valid. These people who fought over Vietnam and who were in danger of getting shot down did go on a very hazardous mission. I have enormous respect fo them.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman, the distinguished chairman of the subcommittee.

Mr. PRICE of Illinois. In commenting on the statistics quoted by the gentleman from New York on casualties, the overall statistics of all the services.

However, I would like to point out that eighty percent of the Air Force casualties were in the officers' rank.

Mr. O'KONSKI. That answers the question of the gentleman.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman.

Mr. PIKE. Eighty percent, as I said, were officers—but only 15 percent of them were colonels. Fifteen percent were majors and 3 percent were lieutenant colonels. Less than 1 percent were colonels and all the rest were second lieutenants or first lieutenants or captains.

This is not a bill for the benefit of combat pilots—this is a bill for the benefit of colonels and lieutenant colonels.

Mr. O'KONSKI. Mr. Chairman, I thank the gentleman for his contribution.

In closing, I just want to say that the committee is not happy with this situation. We know that we have a problem. We have been discussing this matter from every conceivable angle and we just came to the conclusion that in spite of the fact we are not satisfied with the conditions that exist among all the services, we reported this bill as a temporary measure to await broad recommendations for a remedy.

But, for the time being, because of the peculiar situation, we have a majority of the members of the subcommittee and of the whole committee, by a substantial majority, who are of the opinion that we have no alternative for the present except to go along with this bill.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Chairman, with regard to the statistics just quoted by my colleague, the gentleman from New York, which are also repeated in his minority views, I had already asked for time to point out something with regard to those statistics.

After all, this legislation is for lieutenants—it is for the captains. That is exactly whom it is for.

The statistics that are referred to here show—and I will add them up again—the statistics show that 54 percent of all the casualties—and this is on page 10 of the report, and were cited again by the gentleman from New York—54 percent of them are lieutenants and captains. That is what a military career is. Where are they going to go? This is a career. A man enters the Air Force to become a pilot or an Air Force officer, looking forward to some promotion or to some opportunity. So this is that opportunity.

This is not a thing for generals or lieutenant generals or something of that type. This bill is primarily to help these lieutenants and these captains who are seeking a career or who are willing to have a career in the armed services.

I would like to summarize by saying some of the things that have been said already here, but I would like to repeat them. I did not intend or expect to speak on this bill because I am not on the subcommittee, but I really do believe it is necessary for us to give at least the same opportunities to the people in the Air Force that we give in the Army, the Marine Corps, and the Navy—and that is all that this does—and, in fact, it falls a little short of that.

There is no magic to the 1954 law that this would put us back in. If that was a mistake, then perhaps this Congress has made the mistake, but the responsibility is on the shoulders of Congress. The responsibility is not on the Department of Defense or on the Air Force to provide for the laws of this country with regard to the defense of this country. The responsibility is on you from New York and me from Florida and other Members of Congress to come forth with good law in this field. We cannot say we have been waiting for 13 years for the Department to come up with a better answer. Perhaps they think the law we passed in 1954 was not a particularly good answer. That is what they were saying to us. It is not a good answer; the 1966 law was a better answer.

The law we have before us today is a continuation of that law. It is our fault here in Congress if we are not living up to our responsibility as outlined in the Constitution. We are the ones who ought to be doing that. We have a better suggestion that follows along with another comment made in the minority report. That is about the flight pay. Whose fault is flight pay? If there is something wrong about flight pay and the people sitting behind desks today are drawing flight pay, whose fault is it? It is the fault of the U.S. Congress of America. It is our fault if there is something wrong about it, and we ought to change it if there is something wrong. We ought to bring witnesses in to see why we have it.

Perhaps we have it because we want to continue a career for these men. Maybe it is necessary to do it. Maybe there is good logic behind it. Maybe it ought to be looked into. I thought the gentleman from New York was heading a committee to look into this. Perhaps he was not. But certainly it is the duty of Congress to look into the situation. If there is something wrong about flight pay, we should be doing something about it. We should do it ourselves. You should never ask anybody else to do something when you have the power to do it.

Are the military services overloaded with chiefs? Whose fault is that? That is not the fault of the Department of the Air Force and the Department of Defense, but again it is our fault.

In summary I will say this is the best law we have before us. If we repeal the law, if we do not pass the law that is before us, we will just be going back to our 1954 law that Congress was not very proud of, because it extended exceptions to it through the years. The Air Force is not very proud of it; the Department of Defense is not very proud of it; but it is not their repsonsibility; it is our responsibility.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. PIRNIE. I thank the gentleman for yielding. Would not the gentleman agree if this legislation is not enacted that the necessary personnel action will be forced upon the Air Force, which will be tragic with respect to the careers certainly of various officers we are here commending.

Mr. BENNETT. It certainly would. I would say it is a whole lot analogous to what we have in medical doctors in the Air Force. We have a group of men who have a specialty which is at a premium today in American society where they are getting good salaries for comparable work, and better pay than in the armed services. We ought to be glad we have these fine men who give that much time and effort and energy. They get more money by doing the same thing less dangerously outside.

Mr. PRICE of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Charles H. Wilson).

Mr. CHARLES H. WILSON. Mr. Chairman, I rise in strong support of this bill and would like to respond specifically to the views of the gentleman from New York which have been expressed on this floor today, and in his minority views in the committee report. I share his concern about the problem of utilization of manpower in the armed services. I served on the subcommittee he chaired which looked into that matter. Frankly, I was disappointed in the conclusions reached by that subcommittee and I filed my brief statement of additional views to that effect. I do not believe that a real effort was made to do an indepth study of the problem. To draw the drastic conclusions Mr. Pike did on the basis of this study, which touched only the surface of the problem, was unjustified.

I believe this same incomplete approach is reflected in Mr. Pike's minority views on the bill now under consideration. Look for a moment at some of what he says and what he does not say:

Mr. Pike talks about 124,124 officers to fly 9,676 planes, but he does not talk about the fact that most of today's aircraft require more than one pilot, or the fact that Air Force officers also manage 1,054 ICBMs, 221 strategic, tactical, airlift and general purpose squadrons and many hundreds of installations around the world.

Mr. Pike suggests that the Air Force has flight pay as an incentive for its officers and therefore does not need these additional authorizations. He does not tell you however, that over half of the Air Force officers draw precisely the same pay as the nonrated officers of the other services, nor does he tell you that officers of other services who fly also receive flight pay.

Mr. Pike asserts that the Air Force compares unfavorably to the Army in that the Air Force has 37 percent field grade officers versus 29 percent in the Army. However, he fails to tell you that 37 percent of the Navy officers are field grade also.

Mr. Pike also asserts that there has been an increase in the numbers of field grade officers since 1954. However, he ignores the fact that this was permitted by the five relief measures provided by the Congress and that they were designed to do precisely this as the Air Force officer force matured.

Mr. Pike talks about officer participation in Vietnam, but then reports casualty statistics. The facts on participation which he neglected to point out are that all but 57 of the 3,700 Air Force pilot colonels have served there, and that 97 percent of the lieutenant colonels and 89 percent of the majors have also been there.

Mr. Pike's discussion of "grade creep" is very interesting, but if we look at the percentages of general and field grade officers authorized under the 1947 Officer Personnel Act, and project that to the 125,000 officer force in today's Air Force, we would find an authorization for 937 generals rather than the 418 indicated in the minority views; 10,000 colonels instead of 6,307; 17,500 lieutenant colonels rather than the 15,228 on board; and 23,750 majors compared to the 23,962 reported in the minority views. Perhaps the "grade creep" we have been hearing about may not have developed to quite the "gallop" we have been led to believe. This comparison suggests that the creep has been downward, in contrast to what Mr. Pike has suggested.

I have had the benefit of the same look at the problem as the gentleman from New York. To the limited extent that we got into the problem, I believe that the Air Force grade structure was adequately justified, but I nevertheless share the view of many of you that further in-depth study needs to be done when the DOD proposal gets here. But let us not now reject this measure on the basis of hasty conclusions drawn from a shallow look at the problem. This would have a severely demoralizing impact on the Air Force which would be significant and long-lasting.

I join with the gentleman from Illinois (Mr. Price) in urging your support of H.R. 14542 and the temporary continuation of authority for Air Force officer grades.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Leggett).

Mr. LEGGETT. I thank the gentleman. I am not going to take 5 minutes. But I would add this: The gentleman from New York developed some very interesting figures that we have got 9,600 airplanes and 124,000 officers, and that is 12 officers for every airplane, and there must be something wrong with that. I think if you look over on page 4 of the report you will see we have got 68,000 officers in the Navy and 680 ships operative, and that means we have got 100 officers for every ship in the Navy; therefore, there must be something wrong with that.

I think this is an area that the chairman has said we are going to have to look at very carefully. I think part of our problems are being compounded due to the fact that we have had a million-men reduction in our military service over the past several years. We have indicated that we are going to study and revise this, but I think to capriciously play with a very, very large number of the careers of our Air Force personnel by rejecting this bill out of hand is not the way to fairly play with our national defense.

I urge passage of the bill.

Mr. Chairman, there is no doubt we have put ourselves in a box. Our armed services have too many high-ranking officers. We have more generals and admirals today than we had in World War II, when the size of our fighting force was several times larger.

We should not have let ourselves get into this condition. But now that we are in it, what is the best way out?

My good friend Otis Pike says we should get out by rejecting the bill before us, thus forcing the Air Force to reduce substantially its complement of majors, lieutenant colonels and colonels to 1954 levels.

Congressman Pike is one of our most distinguished Members. I do not doubt that, were he Secretary of Defense, we would have a tighter, cheaper, and more effective military establishment than we have today. But in this case, I must disagree with him.

The field grade officers in question here today include some of the Air Force's most capable men. The Air Force is a technological, sophisticated business. Almost all of its most critical jobs are performed sitting down and have not only relation to airplanes, but ICBMs intelligence training, R. & D. The Air Force does not need the lower level gunbearers that the Army requires.

The Air Force requires judgment that comes only with experience. Most of the most successful and highly regarded pilots in the world fall into this age group. Robin Olds was a full colonel at the time he shot down 4½ Mig fighters over North Vietnam.

The same practice is followed in civilian life. The men the airlines put in the driver's seats of their 747's and other large airplanes are in their very late thirties, forties, or early fifties—exactly the age group we are discussing.

If we turn these men out of the service, we will lose in more ways than one. Under the present administration, government support for economic conversion to peacetime purposes is zero. Unemployment is high and it is not going to get lower. It is particularly high among fortyish men with high technical training. If we throw these men out of the service, either they will join the ranks of the unemployed or they will force somebody else to do so. This is the last thing we need. We will also lose a critical part of our fighting force.

Moreover, we are going to have to pay them retirement benefits while receiving no services from them.

I believe that we must reduce the size of our military establishment. But this is not the way to do it.

Neither can we simply retain these senior men while reducing overall force strength. This would close off the possibility of promotion for lieutenants and captains for many years to come, which would be both unfair and a morale disaster.

So it seems to me our only course is to reduce the number of new junior officers we take in. We can become more selective, improving quality while decreasing quantity. If this means reduction of the ROTC program, so be it.

Congressman Pike points out that the majority of colonels are excused from flying but continue to draw flight pay. This is a ridiculous practice which should stop immediately.

But the bill itself is highly desirable, and required by the predicament in which we find ourselves. I urge its passage.

Mr. O'KONSKI. Mr. Chairman, I yield the balance of the time to our mutual friend and able colleague (Mr. Hall).

Mr. HALL. Mr. Chairman, I feel it is essential that we try to get the total concept of what this bill intends to do and put it into proper perspective. I think all of the discourse has been most interesting and indeed valuable and it has evolved the fact that certainly we have been errant in our responsibilities, as has the Department of Defense and the Air Force under the limitations with which they work.

Specifically, enactment of the bill before the House Committee today would increase for four additional years the Air Force limitations applying to and only to the grades of colonel and lieutenant colonel. The permanent limitations applying to major would not be changed.

Mr. Chairman, I submit that this bill is the only way that young field grade officers can survive in a competitive atmosphere.

Quite to the contrary to statements that have been made that this is a bill for colonels only or for nonrated officers only, the issue before us, as I view this bill, is very simple and is simply the question of: Do we want to continue to provide Air Force officers approximately the same promotion opportunities that are provided to other officers of the defense forces, namely the Army, the Navy, and the Marine Corps? That is what we should bear in mind when we vote on this bill.

Of course there are more field grade officers and officers of high rank than there are lieutenants and captains who have come into the service under the effect of the draft, and are trained expensively and go right out to take jobs with commercial aviation and others. This is a turnover factor vis-a-vis a career factor of dedicated officers. I think it is folly to pass it off as otherwise.

Mr. Chairman, I rise in support of H.R. 14542, a bill which is necessary to avoid severe turbulence in the Air Force officer structure, and to avoid greater inequities in the career progression patterns between the Air Force and the other services. And in rising in support I do so not only because I have been a close observer of the total military picture since I came to Congress but also because I was a personnel officer of the Army Medical Department during World War II, before the U.S. Air Force became a separate defense force. I know this bill is fair and just. It recognizes that the 1954 Officer Grade Limitation Act treated the Air Force differently than it treated the other services because it was then such a junior service, at that time just 12 years old. This bill is merely a recognition that as the officer force in the Air Force matured, the Air Force limitations would have to be increased accordingly, and in five separate congressional actions we have provided such relief. Now after these five congressional actions, some are suggesting we return to the 1954 law. I cannot comprehend this reasoning—particularly at a time when the Air Force is bearing the major brunt of the action in Southeast Asia.

This simply came about because the Army Air Corps was converted into the third armed services relatively a few years ago, at a time when the Officer Grade Limitation Act was applied, when they had only 1,200 officers in field grade at that time. Now they have the numbers we are considering today and they must be considered as a like service. This was not brought on by the Air Force or their lack of action.

We are not providing for any increase in promotional opportunities for Air Force officers. Rather we are merely extending the same promotional opportunities they have had for the past 6 years—less than other services, but livable.

Only 6 weeks ago was this committee advised and did the Defense Department advise the Air Force that for the first time they were not going to be coming up with the total overall solution we need. I think passage of this legislation is necessary in order to enable the Air Force to continue its long-term promotion program.

The bill represents a continuation of

the promotion program the Congress approved for the Air Force in Public Law 89-606—a program which has functioned over the last 6 years as it was designed to function: to meet the needs of the Air Force as it has matured from a young service and to keep officer career progression in the Air Force from falling further behind that of the Army and Navy. The bill provides authority necessary to maintain current promotion service points and opportunities for active duty field grade officers, both Regular and Reserve. In general, "promotion service points" may be defined as the year of promotion list service, or active commissioned service, in which the average officer in each grade category is promoted; while "promotion opportunity" is a percentage computed by dividing promotion selections in each grade category by the number of first-time eligibles.

As was pointed out by Mr. PRICE, field grade officers in the Air Force are promoted from 1 to 3 years later than their comrades in the other services. These Air Force officers understand this system and accept the promotion points now in being. If this bill is not passed, the disparity with the Army and Navy would increase, pushing the Air Force promotion from 3 to 5 years later than those of the sister services.

It is seen, therefore, that the effect of this legislation is an equitable one within our congressional concepts of dealing fairly with all branches of the service pending the eventual consideration of permanent legislation which would equalize career and promotion opportunities in all the services through a comprehensive officer management system.

Of equal importance at this time is the fact that company grade officers in the Air Force, as well as the other services, are making their decisions relating to our all-volunteer force, and by and large are basing their decisions on the stability, visibility, and equitable treatment offered by the Air Force promotion program.

Passage of this legislation is necessary to enable the Air Force to continue its long-term promotion program and to enable its officers to be promoted at approximately the same promotion points and with the same promotion opportunities as have been provided in the Air Force program for the past 6 years. Otherwise the "hump" will cause the greatest of all "RIF's" and rapid deterioration of a great and vital service.

I join with Mr. PRICE in support of this bill, H.R. 14542, and strongly recommend its approval by the Members of the House.

Mr. PRICE of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, we have heard all kinds of various comments as to whose fault it is that we are in the situation we are in. I want to subscribe fully to the sentiments expressed by the gentleman from Florida (Mr. BENNETT) that it is in fact our fault.

All I am suggesting is that right now is an opportunity for us to do something about it. Instead of that, we are not doing anything about it; we are doing, for the umpteenth time, precisely what the Pentagon asked us to do, which is to continue to have more colonels, more lieutenant colonels, and more majors.

We have heard the views from the official side of the Pentagon. I should like to read a letter which came absolutely unsolicited to my office yesterday from a lieutenant colonel serving overseas with the Air Force, a 30-year career man in the Air Force.

> DEAR MR. PIKE: I was glad to see you are against the "grade gallup" of the armed forces evident in the Air Force Grade Relief Bill now before Congress. We certainly have no need for 1000 extra Colonels or 4500 extra Lt. Colonels, or any other number asked for.
>
> In contrast, we could use *less* who would work harder and spend less time "working" for themselves on getting ahead. Most Colonel "Deputy" slots could be adequately covered by a Lt. Colonel.
>
> Our promotion system in the Air Force is completely idiotic.

This is not the party line coming out of the Air Force via the Pentagon. This is an unsolicited letter from an Air Force career colonel. I suggest that we pay a little bit of attention to some of the people who are overseas on the firing line.

I urge the defeat of this legislation.

Mr. PRICE of Illinois. Mr. Chairman, I yield myself 1 minute.

I am sure the gentleman from New York did not place too much reliance on the letter he just read a part of to the House, because his subcommittee has just completed a study on the manpower problems within the services, and after weeks of study his main recommendation on this particular phase of the manpower problem is that it should have further study.

I do not believe we should penalize the Air Force while we are continuing a further study. We all agree this whole problem needs study.

The letter the gentleman read indicated an increased number of officers. That is entirely nonfactual. There is no increase authorized in this pending legislation at all. It will merely hold the Air Force where it is at the present time.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas, Mr. Chairman, I rise in support of this bill for the continuation of the promotion program the Congress approved for the Air Force in 1966, by Public Law 89-606.

At a time when the brunt of the conduct of the war in Vietnam has been shifted so dramatically on the Air Force it would be less than reasonable to force a calamitous return to the field grade strengths established for a young Air Force as it existed in 1954.

These grade strength authorizations for Air Force colonels and lieutenant colonels provide not only the Air Force promotion program for these grades but also the existing promotion structure for the entire field grade range, and the career promotion program for company grade officers as well.

Field grade officers in the Air Force are promoted from 1 to 3 years later than their comrades in the other services. Air Force officers understand this system and accept the promotion points now in being. If this bill is not passed, however, the disparity with the Army and Navy would increase, pushing the Air Force promotion from 3 to 5 years later than those of the sister services.

Of equal importance at this time is the fact that company grade officers in the Air Force, as well as the other services, are making their decisions relating to our all-volunteer force, and by and large are basing their decisions on the stability, visibility, and equitable treatment offered by the Air Force promotion program. Passage of this legislation is necessary to enable the Air Force to continue its long-term promotion program and to enable officers in the Air Force to be promoted at approximately the same promotion points and to continue with the same promotion opportunities as have been provided in the Air Force program.

I urge the passage of this very necessary and very equitable legislation.

Mr. PRICE of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I rise in support of the bill. I believe we all recognize it has been well developed during the debate here today that this entire career promotion program, probably for all the services, needs overhauling. That is generally recognized by all, including those who have made special studies of it in committee work.

That should be forthcoming. It was indicated it will be studied further, and hopefully a package arrangement of legislation will be afforded on the subject that is comprehensive and permanent.

It is absolutely imperative under present conditions that this bill be enacted into law. Otherwise we would create a chaotic situation in the promotion ranks of the Air Force.

Mr. MAHON. Mr. Chairman, under permission granted by the House, let me state for the RECORD that I will vote with considerable reluctance for H.R. 14542 extending the period during which the Air Force would be authorized to exceed the 1954 Officer Grade Limitation Act. Failure to pass this legislation would place the Air Force officer in an unfair position with regard to promotions and time in grade when compared with officers in the other military services. However, the problem of "grade creep" or the increase in the average grade level is serious and must be dealt with on a permanent Department of Defense wide basis and our failure to do so at this time prompts the reluctance which I have toward this bill. With respect to grade creep in the Air Force, note this example. In fiscal year 1964 the Air Force had 5,350 colonels in a force of 130,626 officers. At the end of fiscal year 1973, the Air Force will have nearly 1,000 more colonels despite a reduction in the total officer force of over 10,000 personnel to 120,522.

I am concerned with this bill in that it would extend Public Law 89–606 for 4 years, which when originally passed in 1966 was supposed to be temporary legislation. An extension of another 4 years will serve as an excuse for further delaying a permanent revision to the Officer Grade Limitation Act when action should be taken within the next year to revise the officer grade structure.

The dramatic increase in the cost of military manpower is the most important factor in shaping the fiscal year 1973 defense budget, and probably will remain so for some time in the future. Permanent legislation is urgently needed. The Department of Defense and the Armed Services Committee should work diligently in the drafting of legislation that will provide reasonably equal promotion opportunities for officers in all the military services and address this problem of grade creep.

Mr. HENDERSON. Mr. Chairman, I rise in support of H.R. 14542, a bill which is necessary to avoid severe turbulence in the Air Force officer structure and to allow the Air Force to move into an all-volunteer environment.

The current draft authority expires in June of 1973. All of the ramifications of an all-volunteer force are therefore upon us. The decision that we make on this bill can have a drastic effect on the success or failure of achieving this goal. The foremost question is whether or not the services will be able to achieve not only sufficient quantity, but sufficient quality of men needed to sustain our current force capability. We cannot afford to lose quality; we cannot lower standards; we cannot accept anything but the best. The quality of today's officer force has never been higher. The potential being developed throughout all grades and in all services today is credible testimony of the intelligence, leadership, and judgment ability of today's officer. Failure to enact this measure would certainly not foster an all-volunteer force, and could seriously jeopardize the efforts of the Air Force to properly manage its officer force.

The dedicated men of the Air Force deserve equitable treatment with respect to the other services. Since 1959, this has required legislative relief for the Air Force from the restrictions of the Officer Grade Limitation Act of 1954. This body has repeatedly recognized the need to provide equitable treatment in the past. It is obvious that relief is just as urgently required at this time if we are to avoid unfair treatment of Air Force officers. Passage of this bill will simply assist the Air Force to continue its current officer programs without delay, prevent widening of interservice disparity, and avoid internal turbulence and disillusionment.

I share the view of many of you who believe that a comprehensive study of this problem of grade structure is required. We cannot allow the Air Force officer to fall further behind his fellow officers in the other services while we await this study. I therefore support this measure and urge each of you to join me in its passage.

Mr. PRICE of Illinois. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 14542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 26, 1966, Public Law 89–606 (80 Stat. 849), is amended as follows:

(1) Section 1 is amended by striking out "June 30, 1972," and inserting in place thereof "June 30, 1976,".

(2) Section 2 is amended to read as follows:

"SEC. 2. For the period specified in section 1 of this Act, the authorized strength prescribed by section 8202 of title 10, United States Code, as amended by section 1 of this Act, may be exceeded by 1,000 for the grade of lieutenant colonel, and 1,500 for the grade of major. However, the authority to exceed the authorized strengths by 1,000 for the grade of lieutenant colonel, and 1,500 for the grade of major authorized by this section may be used only in the event that reductions or increases in the authorized strength of the commissioned officers on active duty in the Air Force occur within a short period of time and that such changes impede promotions to the grades of major and lieutenant colonel as determined by the Secretary of the Air Force, who shall notify the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days following the utilization of any of the numbers covered in this section."

With the following committee amendments:

Page 2, line 8, add the word "drastic" before the word "reductions".

Page 2, line 10, add the word "seriously" after the word "changes".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. CONOVER

Mr. CONOVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONOVER: On page 1, line 6, strike "1976" and insert in lieu thereof "1974".

Mr. CONOVER. Mr. Chairman, I think we have heard all of the various explanations about the bill and the statement by the gentleman from New York (Mr. PIKE) and the pros and cons as to why this bill must be passed. I must say I think it has to be passed but with my amendment.

What has bothered me—and as many of you know, I am the newest member of this committee and therefore it is somewhat presumptuous on my part to offer an amendment, but what has bothered me is that we are giving the Air Force another 4-year period to come up with a plan.

All my amendment does, as I have indicated, is to let them know our displeasure and ask them to come up with a proposal in 1974 rather than 1976.

I think in some way we must get their attention. In some way the concern that has been expressed here on the floor must be expressed to them. I think cutting it down to a 2-year period, in my opinion, would accomplish this.

I ask for the adoption of my amendment.

Mr. DAVIS of Wisconsin. Will the gentleman yield?

Mr. CONOVER. Yes. I am glad to yield to the gentleman.

Mr. DAVIS of Wisconsin. I certainly am going to support the gentleman's amendment. I think it is entirely proper that he bring it here at this time. I do not think he needs to make any apology for doing so.

For the past 2 years now in the Defense Subcommittee of the Committee on Appropriations we have been pleading and urging and demanding that the Defense Department do something about the merging of the high-ranking officers, particularly many of them who have achieved that higher rank and are being paid at the higher rank on a temporary basis. I think to put this matter off for another 4 years would be failing in making known to the Defense Department the fact that we expect some action along this line. I think 2 years is going to be adequate, and my feelings are so strong in that regard that I will be willing to concede the 2 years, but I am not willing to concede the 4 years.

If this amendment is adopted, I can vote for this. If it is not adopted, I cannot vote for this legislation.

Mr. McCLORY. Mr. Chairman, will the gentleman yield to me?

Mr. CONOVER. I am glad to yield to the gentleman from Illinois.

Mr. McCLORY. I want to commend the gentleman on this very wise amendment that he is offering.

I am aware too of the dilemma which exists in the Air Force. It seems to me that the amendment offered by the gentleman in the well (Mr. CONOVER) can provide a solution and enable us to support this legislation, and have the dilemma overcome within a 2-year period.

Mr. Chairman, I commend the gentleman for offering his amendment.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered proposing a 2-year rather than a 4-year extension of this authority. This same question was raised during consideration by the Armed Services Committee and rejected.

The Office of the Secretary of Defense has been working with the services to develop a comprehensive officer management system which will produce a higher degree of similarity and equity of treatment for all officers throughout the Department of Defense. This system is designed to encompass all of the fundamental aspects of officer retention, promotion, tenure, separation, and retirement as well as the establishment of new grade structures for the services.

Even if the legislative proposal related to officer tenure and grade structure were to be enacted within the next year, it would still take several years for the officer grade mix to change sufficiently to permit the Air Force to operate without the continuation of relief granted by Public Law 89–606. Thus, a 4-year extension would preclude the need for another temporary extension. The Department of Defense assures me that their proposal on grade structure will be drafted so as to supersede H.R. 14542 or any other existing statute in conflict with it.

Because of the magnitude and complexity of making changes in all of these areas, the new system will permit an incremental and evolutionary shift from today's management practices so as to preclude breaking of faith with the officers on board today. The sequence of actions required by the Defense proposal involves changes in tenure concepts and transition to an all regular career force before the grade structure could be implemented to replace the 1954 Officer Grade Limitation Act. It is evident, then, that the transition will be somewhat time consuming—and I remind you that the proposal is not yet here for our consideration. By any realistic estimate of when the initial proposal could get to the Congress and be enacted, a 2-year extension of the law would mean that there would be litle time remaining—well less than a year—before the relief would again expire. A 4-year continuation of this authority, on the other hand, should provide the transition period needed to accomplish the changes I have just discussed and to achieve the new configuration of the career officer force.

We considered this matter carefully in committee and rejected it. For the reasons I have just stated, I urge you to vote against this amendment.

Mr. O'KONSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. CONOVER).

Mr. Chairman, as has been stated here, time and time again, we have examined this matter in committee very carefully, and we have found no other alternative other than to ask for the pending bill. To reduce it to 2 years would scuttle it. We are working toward the concept of a volunteer Army and a volunteer Air Force. If we reduce this to a period of 2 years rather than what is provided for in the bill before us, you are going to kill the concept of a Volunteer Air Force as far as the voluntary aspect is concerned.

They need more than 2 years to bring their house in order. Not only that, but here again we would be discriminating against the Air Force, and I, for the life of me, cannot understand why we are picking on the Air Force.

All we are asking for in this bill is that we have equity between all of the branches of our Armed Forces. Again I say why should we pick on the Air Force? Let us have the same standards for the Air Force as we have for the other branches of our armed services. That is all that we are asking for. As I said, and let me repeat, to reduce it to a 2-year period as provided in this amendment will mean scuttling the bill, and it will mean scuttling the program. As far as trying to achieve the volunteer aspect for the Air Force, you may as well forget about it.

Mr. Chairman, I urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CONOVER).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McFALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14542) to amend the act of September 26, 1966, Public Law 89-606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes, pursuant to House Resolution 1048, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced the ayes appeared to have it.

Mr. PIKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 268, nays 128, not voting 36, as follows:

[Roll No. 281]

YEAS—268

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Barrett
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Boggs
Boland
Bow
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carlson
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Colmer
Corman
Cotter
Crane
Curlin
Daniel, Va.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dent
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Dwyer
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Griffin
Gross
Gubser
Gude
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hays
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
McCloskey
McCollister
McCulloch
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mayne
Meeds
Melcher
Miller, Calif.
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Railsback
Randall
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Roncalio
Rooney, Pa.
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thone
Vander Jagt
Veysey
Waggonner
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—128

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Ashley
Aspin
Badillo
Begich
Bergland
Bingham
Bolling
Brademas
Brasco
Bray
Broyhill, N.C.
Burlison, Mo.
Burton
Carey, N.Y.
Carter
Chisholm
Collier
Collins, Ill.
Conable
Conover
Conte
Conyers
Coughlin
Culver
Daniels, N.J.
Davis, Wis.
Dellums
Dennis
Derwinski
Dingell
Dow
Drinan
Duncan
du Pont
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Findley
Ford, William D.
Fraser
Frenzel
Gibbons
Green, Pa.
Griffiths
Grover
Halpern
Hamilton
Hanley
Harrington
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hungate
Jacobs
Kastenmeier
Keating
Koch
Landgrebe
Long, Md.
Lujan
McClory
McCormack
McDade
Macdonald, Mass.
Madden
Mallary
Mathis, Ga.
Mazzoli
Metcalfe
Michel
Miller, Ohio
Minish
Mink
Mitchell
Monagan
Moorhead
Mosher
Myers
Nelsen
Nix
Obey
O'Hara
Patman
Pike
Poage
Quie
Rangel
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rosenthal
Rostenkowski
Roush
St Germain
Scheuer
Schneebeli
Schwengel
Seiberling
Snyder
Stokes
Stratton
Sullivan
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Wampler
Wyatt
Yates

NOT VOTING—36

Abernethy
Alexander
Anderson, Tenn.
Blanton
Blatnik
Broomfield
Camp
Clay
Collins, Tex.
Davis, Ga.
Dowdy
Dulski
Edmondson
Evins, Tenn.
Flynt
Fulton
Gallagher
Gettys
Gray
Hagan
Kee
Long, La.
McClure
McDonald, Mich.
McEwen

Matsunaga
Mikva
Nedzi
Rarick
Rooney, N.Y.
Roybal
Ryan
Sisk
Springer
Stuckey
Terry

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Broomfield.

Mr. Mikva with Mr. McClure.

Mr. Dulski with Mr. Springer.

Mr. Evins of Tennessee with Mr. Collins of Texas.

Mr. Matsunaga with Mr. Camp.

Mr. Sisk with Mr. Terry.

Mr. Blatnik with Mr. McDonald of Michigan.

Mr. Fulton with Mr. McEwen.

Mr. Gettys with Mr. Clay.

Mr. Gray with Mr. Kee.

Mr. Nedzi with Mr. Anderson of Tennessee.

Mr. Alexander with Mr. Abernethy.

Mr. Blanton with Mr. Long of Louisiana.

Mr. Edmondson with Mr. Gallagher.

Mr. Hagan with Mr. Rarick.

Mr. Flynt with Mr. Ryan.

Mr. Davis of Georgia with Mr. Roybal.

Messrs. ABOUREZK and VANIK changed their votes from "yea" to "nay."

Messrs. FOLEY and KEITH changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ARMED SERVICES LEAVE ALLOWANCES

Mr. BYRNE of Pennsylvania. Mr. Speaker, by direction of the Committee on Armed Services, I call up the bill (H.R. 3542), to amend title 37, United States Code, to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended:

(1) By inserting the following new section:

"§ 411b. Travel and transportation allowances: Travel performed in connection with certain leave

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member stationed outside the forty-eight contiguous States and the District of Columbia who is ordered to make a change of permanent station to another duty station outside the forty-eight contiguous States and the District of Columbia, may be paid travel and transportation allowances in connection with authorized leave from his last duty station to a point approved by the Secretary concerned or his designee and from that point to his designated post of duty.

"(b) The allowances prescribed under this section may not be at a rate more than the rate authorized under section 404(d) of this title. Authorized travel under this section is performed in a duty status."

(2) By inserting the following new item in the analysis:

"§ 411b. Travel and transportation allowances; travel performed in connection with certain leave."

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

That chapter 7 of title 37, United States Code, is amended:

(1) By inserting the following new section:

§ 411b. Travel and transportation allowances: travel performed in connection with certain leave

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member stationed outside the 48 contiguous States and the District of Columbia who is ordered to make a change of permanent station to another duty station outside the 48 contiguous States and the District of Columbia may be paid travel and transportation allowances in connection with authorized leave from his last duty station to a place approved by the Secretary concerned, or his designee, or to a place no further distant than his home of record if he is a member without dependents, and from that place to his designated post of duty; provided, however, that either his last duty station or his designated post of duty is a restricted area in which dependents are not authorized.

"(b) The allowances prescribed under this section may not exceed the rate authorized under section 404(d) of this title. Authorized travel under this section is performed in a duty status."

(2) By inserting the following new item in the analysis:

"§ 411b. Travel and transportation allowances: travel performed in connection with certain leave"

The committee amendment was agreed to.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of the bill, H.R. 3542, is to provide to members of the Armed Forces payment for travel and transportation back to the continental United States between consecutive overseas assignments. The great majority of military personnel who serve consecutive overseas assignments do so as volunteers. Exceptions occur when there are particular requirements for specific skills in specialties which are undermanned. In these cases it is necessary to direct consecutive overseas assignments. It was also necessary to do so in order to rectify imbalances in troop levels in Europe to meet requirements of multiple tours in Vietnam.

The benefits to which this bill refers include transportation provided in kind aboard military, chartered, or commercial carriers, or reimbursement in lieu of such travel. While awaiting such transportation and while traveling overseas, a per diem allowance is authorized at an amount dependent upon the established rate for the particular location involved. Within the continental United States the reimbursement policy provides either reimbursement for actual costs of transportation via commercial carriers or a mileage allowance if privately provided transportation is utilized. It is important to realize that this bill does not affect the existing transportation or travel allowances. It merely adds to the list of those eligible for such allowances, those service members who serve consecutive tours of duty overseas.

There is a committee amendment which limits the benefits only to those service members who are ordered to consecutive overseas assignments when at least one of those assignments is to a duty station where the member will not be accompanied by his dependents. In addition, the committee amendment limits the entitlements of bachelor personnel to an amount not to exceed the cost of such benefits had the single person returned to his or her home of record.

The obvious intent of the bill is to provide to service members the opportunity to return to the continental United States for the purpose of either relocating their families from an overseas duty station to the place of residence where the family will await the member's return from an accompanied tour, relocating a family from a Conus base to the overseas duty station, or visiting with the family between two unaccompanied tours overseas.

In the case of bachelor personnel, the bill provides an opportunity for the member to return to visit family and friends between consecutive overseas assignments. Since the family or friends may have moved from the entry point of the member onto active duty—that is, from the member's home of record—the bill, while not limiting the options of the member as to the location at which leave may be taken, does limit the Government's liability for the costs involved.

Existing travel and transportation entitlements between consecutive overseas assignments are computed on the basis of the most direct route between such duty stations. Thus, if a member desired to return to the 48 contiguous States or the District of Columbia for the purposes listed previously, he or she would have to do so at great personal expense. Your Committee on Armed Services feels that this is improper in these cases and seeks, through this bill, to correct that deficiency.

In addition, the bill provides that such time as is consumed in the actual travel to and from the continental United States, including any time consumed awaiting transportation, be considered as being in a duty status, thus insuring that the member's accrued annual leave is not wasted.

The Department of Defense estimates that the costs associated with this bill will approximate $2,414,000 per year. While it is not possible to accurately predict the situation over the next 5 years, it is fair to say that should present force levels and overseas obligations remain as they are now, the above figures should represent the maximum cost for each of the next 5 years. Should the number of overseas assignments be reduced, the costs associated with this bill will diminish accordingly.

In addition, since it is quite possible that this new benefit may induce more volunteers for consecutive overseas assignments, additional savings will accrue to the Defense budget in that fewer personnel relocations will be required to fill billet vacancies overseas from servicemen stationed within the continental United States.

Mr. Speaker, the Department of Defense supports this legislation and the Office of Management and Budget has interposed no objection to its consideration.

It is the opinion of your Armed Services Committee that this is a good bill and rectifies a deficiency in the personnel management capabilities of the Defense Department.

Mr. GUBSER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purpose of H.R. 3542 is to provide the means whereby a member of the armed services may assist his family in their relocation between overseas assignments or, if the member is without dependents, to return to the United States to visit with family and friends between consecutive overseas assignments.

I am certain that each of us is aware of the difficulties involved in moving a family and its household goods and personal effects. These problems are compounded when the movement involves transportation to or from foreign countries. It is made even further difficult when the movement must be made either without the service member himself, or with him but at personal expense. This bill would resolve these sorts of problems.

It also provides an additional benefit to the service as a whole. In the case of both bachelor and married personnel, the bill makes it economically feasible for the members to return to the United States for the purpose of taking annual leave between overseas assignments. The tremendous boost to the morale of those concerned can be easily imagined. As a matter of fact, although no firm estimates are possible, the Department of Defense believes that this legislation will provide a real inducement to military personnel to volunteer for consecutive overseas assignments. This will undoubtedly assist in maintaining a higher morale among military personnel overseas since they will be volunteers and the frequency of involuntary consecutive overseas tours can be reduced.

It will also effect certain cost savings, based upon the number who volunteer, since it will not be necessary to reassign other personnel to fill the vacancies these volunteers will be assigned to.

The benefit which this bill provides to military personnel is similar, though not quite as broad, as the benefits presently afforded to civil servants assigned overseas. Civilian employees are provided Government transportation and additional leave time in order to return to the United States every 2 years. The committee has amended the bill to limit the benefit to military personnel to those instances wherein at least one of the overseas assignments is without the family. We did so in recognition of the fact that most military personnel are aware of the fact that some portion of their career will be served unaccompanied and are thus better prepared, and indeed, in many cases, desirous of the more mobile life style. The nature of military service overseas and the remoteness of some of the bases makes unaccompanied service inevitable. The committee felt, however, that a return trip to the United States was desirable and fully justified when one of the consecutive overseas assignments was served without the member's family.

In addition, when a bachelor service member, male or female, is ordered to, or volunteers for, consecutive overseas assignments, the bill provides for Government transportation and travel allowances back to the States for the purpose of leave. Since we would not want to dictate to our service personnel where they might take their annual leave, the committee amended the bill to limit the Government's cost liabilities for the benefit. Thus, if a serviceman desires to take leave at some other place than his home of record, the Government's costs would be limited to only that amount which did not exceed what it would have cost to go to the home of record.

Mr. Speaker, I believe this is a good bill. I urge my colleagues to support it.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE FOR ARMED SERVICES MISSING PERSONNEL

Mr. BYRNE of Pennsylvania. Mr. Speaker, by direction of the Committee on Armed Services, I call up the bill (H.R. 14911), to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces who are in a missing status to accumulate leave without limitation, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 14911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 701 of title 10 United States Code, is amended—

(1) by inserting "and subsection (g)" after "subsection (f)" in subsection (b); and

(2) by adding the following new subsection:

"(g) A member who is in a missing status, as defined in section 551(2) of title 37, accumulates leave with regard to the sixty-day limitation in subsection (b) and the ninety-day limitation in subsection (f). Notwithstanding the death of a member while in a missing status, he continues to earn leave through the date—

"(1) the Secretary concerned receives evidence that the member is dead; or

"(2) that his death is prescribed or determined under section 555 of title 37.

Leave accumulated while in missing status shall be accounted for separately. It may not be taken, but shall be paid for under section 501(h) of title 37."

SEC. 2. Section 501 of title 37, United States Code, is amended—

(1) by striking out "section," in the first sentence of subsection (d) and inserting in place thereof "section and for accumulated leave under subsection (h) of this section,"; and

(2) by adding the following new subsection:

"(h) Payment shall be made for leave accumulated under section 701(g) of title 10 as soon as possible after the name of the person concerned is removed from a missing status, as defined in section 551(2) of this title."

SEC. 3. This Act becomes effective as of February 28, 1961.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I move to strike the last word.

Mr. Speaker, members of the Armed Forces are considered to be in a "missing" status when they are officially determined to be missing in action; interned in a foreign country; captured, beleagured, or beseiged by a hostile force; or detained in a foreign country against their will. H.R. 14911, therefore, applies to those servicemen who are missing in action as well as to those who are believed or known to be prisoners of war.

At the present time military personnel accumulates annual leave at the rate of 2½ days per month of active service. Such leave may be accumulated in amounts up to 60 days computed at the end of each fiscal year. There is, however, an exception to this policy. When a member has served in a hostile fire zone for a continuous period in excess of 120 days, or is hospitalized as a result of injuries received while in a hostile fire zone, the accumulated leave limitation is raised to 90 days in order to recognize the fact that the member has not been afforded an opportunity to utilize that leave which may have accumulated.

All military personnel, including those who are carried in a missing status, are subject to these limitations. As a result, those who are POW's or MIA's lose all entitlements to whatever leave they might have accumulated in excess of those limitations.

The problem we are faced with is that 90 days of accumulated leave represents that amount of leave to which the serviceman is entitled as a result of 3 years of active duty.

Unfortunately, and I know all Members of Congress share our concern in this matter, there are some military personnel who, as a result of actions in Vietnam, have been in a missing status for over 8 years.

The purpose of this bill is to recompense these men in but one small way for the leave which, because of their missing or prisoner status, they have not been able to enjoy. They have earned their leave just as much, if not more, than others who have been fortunate enough to serve without being subject to such cruel fate.

The bill provides that personnel in a missing status would be permitted to accrue annual leave at the normal rate, but without any limitation as to the amount which may be so accumulated. Then, when these soldiers, sailors, and airmen are removed from that missing status—hopefully through their return to the United States and to their families but possibly through a determination of death—they or their families would receive reimbursement for unused leave.

Your Armed Services Committee initially questioned the provision which provides for reimbursement for the unused leave as opposed to granting an opportunity to take such leave. It decided to agree with the proposal of the Department of Defense that provides reimbursement since that provision affords equal treatment to all those who return from a missing status.

According to the estimates provided by the Department of Defense, this bill will cost $13,399,000 provided that all those who are in a missing status are removed from that status in fiscal year 1973. If such is not to occur until fiscal year 1974, the estimate rises to $15,837,000 due to the additional leave time which would be accumulated during that period of time.

Mr. Speaker, the Department of Defense supports enactment of this bill and the Office of Management and Budget interposes no objection to its consideration. In addition, your Committee on Armed Services unanimously recommends enactment of the bill.

Mr. GUBSER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, as the ranking minority member of the subcommittee which initially considered this legislation and as a cosponsor of the bill, it is a pleasure for me to rise in support of H.R. 14911.

It is always both painful and frustrating to consider the plight of American military personnel who are known to be prisoners of war or who are listed as missing in action. I believe it is necessary, however, for us to consider how many soldiers, sailors, and airmen are carried on the rolls as missing—including the POW's as well as the MIA's.

In testimony received during the subcommittee hearing on this subject, we learned that the number of Americans listed as missing or as prisoners was 1,693.

Of that number, seven are in their 8th or 9th year in a missing status; 135 have been missing more than 7 years; 436 have been missing more than 6 years; 841 for more than 5 years; 1,230 for more than 4 years; and 1,419 have been either missing or captured for more than 3 years.

Under present law, a serviceman may accumulate up to 90 days of annual leave if he has served in a hostile fire zone in excess of 120 days. All of the 1,419 Americans I mentioned have far exceeded that requirement.

My point is that, under the existing laws, each of these 1,419 men have lost all entitlement to earned leave above the 90-day limit. We can correct this if the bill is favorably considered and enacted.

Indeed, there are many others who would benefit from the provisions of the bill. Since the bill provides that the effective date of the bill would be February 28, 1961, the date the first member entered a missing status since the commencement of the Vietnam conflict, there have been some personnel who were carried in a missing status for varying periods of time since then and have either been returned to military control or confirmed as being deceased. The exact number of such personnel cannot be confirmed and only by submission of claims by those members, former members or their survivors will an exact determination be possible.

In addition, as each long day, week, and month passes for the members who are lost or captured, and as each heartbreaking moment passes for their families, additional leave time accrues to the servicemen concerned.

The problem, Mr. Speaker, as Chairman BYRNE has clearly stated, is that without enactment of this bill any leave time accumulated in excess of 90 days is lost and cannot be repaid. I do not claim that by reimbursing those men who will eventually be returned to their families we will be totally repaying them for the misery they have each experienced. Nobody has the capability to do so, no matter how much we might wish we could.

What I do claim, however, is that by permitting the present law to stand without amendment, we are not even doing what little is within our power to accomplish toward repayment.

Mr. Speaker, this bill will permit the American people to provide to our POW's and MIA's some small repayment. It will provide reimbursement for something that each of these men has earned. It is no gratuitous contribution—it is a payment of a just and binding debt—and I urge that the Members recognize that debt and provide the means for its repayment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BYRNE of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDING FEDERAL CIVIL DEFENSE ACT OF 1950

Mr. BRINKLEY. Mr. Speaker, by direction of the Committee on Armed Services, I call up the bill (H.R. 14538), to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 14538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), is further amended—

(1) by striking the date "June 30, 1972" where such appears in the second proviso of subsection 201(e), the fourth proviso of subsection 201(h), and subsection 205(h) and substituting in lieu thereof the date June 30, 1976";

(2) by striking the figure "$25,000,000" in the second proviso of section 408 and substituting in lieu thereof "$35,000,000".

Mr. BRINKLEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, today we are presenting H.R. 14538, a bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder and for other purposes.

The purpose of the bill is to extend the expiration date for financial assistance programs currently authorized by the Federal Civil Defense Act of 1950, as amended. These are:

First, the program to make payments for travel and per diem expenses of trainees at civil defense schools;

Second, the program to produce and maintain radiological equipment and to donate the same to States by loan or grant; and

Third, the program to provide financial assistance to State for necessary and essential State and local civil defense personnel and administrative expenses.

Additionally, the bill increases the per annum authorization for financial assistance for personnel and administrative expenses from $25 to $35 million.

Financial assistance authorized by these programs expired on June 30, 1972. However, pending the passage of this legislation, the program is operating under the authority of the continuing resolution granted by Congress in Public Law 92–334.

Public Law 928, 84th Congress—1956—amended subsection 201(e) of the Federal Civil Defense Act to authorize payment of travel expenses and per diem of students attending the civil defense schools authorized by the subsection. Public Law 85–606—1958—limited these payments to one-half the cost thereof and limited the amount to be appropriated therefor to $300,000 annually, also this law limited the amount to be appropriated for personnel and administrative expenses to $25 million and for radiological equipment to be donated or loaned to States for civil defense use to the amount of $35 million. This bill will not increase the present limitation on appropirations for travel and per diem expense of trainees at civil defense schools or the limitation on appropriations for the procurement of radiological equipment, but only increase the authorization for personnel and administrative expenses.

The objective of the personnel and administrative expenses program conducted under section 205 of the act is to assist States and their political subdivisions to develop and maintain an emergency preparedness capacity to cope with enemy caused, manmade, and natural disasters. The Federal Government's program for providing funds on a 50–50 matching basis has led to the establishment of professionally staffed State and local organizations and provided thereby a nationally coordinated capability for conducting civil defense operations during an emergency. Specific actions undertaken by these trained State and local organizations include the development of operational plans for civil defense and natural disaster, marking and stocking shelters, the establishment of warning and communications systems, organizing and training disaster plans. The ability of local political subdivisions to deal with all types of disasters is significantly enhanced by these actions.

To receive Federal matching funds, applicants must submit a program paper which details the major activities and projects to be accomplished during the year. Each employee whose salary is matched by Federal funds is subject to appointment under an approved merit system established in conformance with Federal merit system standards.

The authority for this program was granted by Public Law 85–606 enacted in 1958. However, funds were not made available until January 1961. The number of participating municipalities has been increasing over the years, and it is anticipated will continue to increase.

I urge your unanimous support of this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1047, the Committee on Armed Services is discharged from the further consideration of the Senate bill (S. 3772) to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 3772

An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), is further amended—

(1) by striking the date "June 30, 1972" where such appears in the second proviso of subsection 201(e), the fourth proviso of subsection 201(h), and subsection 205(h) and substituting in lieu thereof the date "June 30, 1976";

(2) by striking the figure "$25,000,000" in the second proviso of section 408 and substituting in lieu thereof "$35,000,000".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14538) was laid on the table.

GENERAL LEAVE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include therewith extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMENDING STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT

(Mr. BOB WILSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BOB WILSON. Mr. Speaker, yesterday I introduced for appropriate reference a bill to amend the Strategic and Critical Materials Stock Piling Act.

This bill would remedy a major statutory deficiency to which Congress should carefully direct its attention in view of the pending expansion of trade with the Soviet Union and with other Communist nations. The central purpose and policy of the Strategic and Critical Materials Stock Piling Act is—in the words of the statute itself—to prevent a "dangerous and costly dependence" of the United States upon Communist dominated countries or areas for strategic and critical materials. In other words, as far as U.S. defense and mobilization capabilities are concerned, we not only want to have an adequate supply of strategic and critical materials on hand, but we also want to make certain that our sources of supply are maintained and not endangered.

The bulk of trade between the United States and Communist nations is normally conducted on a barter basis. Just last year a significant barter arrangement was made under which sizable amounts of Communist bloc nickel will be imported from Russia into the United States—some 55 million pounds of nickel over the next 3 years. These imports will have a substantial impact on established producers and suppliers of the U.S. nickel market.

I use this nickel barter transaction only as an illustration, Mr. Speaker, because it is just the kind of transaction—whether with nickel or any other stockpiled commodity—which carries the potential for serious damage to our defense and mobilization capabilities. The President does not now have sufficient authority to protect the United States against the "dangerous and costly dependence" upon Communist countries for strategic and critical materials, referred to in the Stock Piling Act. This legislation gives him that authority and the means to implement it. At the same time, I want to make clear, Mr. Speaker, it is not the purpose of this legislation to curtail to the point of closing off trade with Communist bloc nations in these strategic and critical materials. On the contrary, the legislation assumes there will be a fairly substantial growth in this trade, and is intended only to provide a mechanism by which the President can avert the "dangerous and costly dependence" with which the Stock Piling Act is concerned.

Mr. Speaker, the United States must have a prudent regard for its own defense and mobilization requirements. It must balance this consideration with its program for expanding trade with Communist bloc nations. This legislation gives the President important tools he does not now have. This bill will enable him to deal with a situation where imports of strategic or critical materials may reach levels that are likely to create the dependence the Stock Piling Act seeks to prevent. This legislation gives him the tools with which to act when in his judgment that point of dangerous dependence is at hand. At the same time, it permits him the flexibility to permit continued imports when in his judgment the overall interests of the United States commend that course of action.

In summary, Mr. Speaker, this legislation gives the President a flexible set of tools he does not now have. These are tools which will be very necessary to the United States as our trade with Communist bloc countries expands in the months and years immediately ahead of us.

I hope this legislation will be given early attention by the House. In the national interest it should be enacted into law with the least possible delay.

ONE VICTORY FOR SOBRIETY IN THE HOUSE

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I insert at this point in the Record an editorial from the Washington Post of July 25, 1972.

The editorial referred to follows:

One Victory for Sobriety in the House

Last week the House of Representatives, in a flash of good sense, voted down a bill to pump $5 billion into community water and sewer projects this year. While the decision of the House is heartening, the message for beleaguered taxpayers is somewhat ominous—first, because this unnecessary bill was considered seriously by the House at all, and second, because the margin of decision on the crucial amendment was a slim three votes.

The bill, with the beguiling title of "The Emergency Community Facilities and Public Investment Act of 1972," was devised by Chairman Wright Patman and the House Banking and Currency Committee, aided and abetted by the House Democratic leadership. The gist of the bill was simple: it authorized the Secretary of Housing and Urban Development to commit up to $5 billion for water and sewer projects in communities with substantial unemployment. This largesse, supporters of the measure claimed with appropriate earnestness, would at one swoop save the environment, put people back to work, give cities and towns essential public works, and lift financial burdens from the budgets of those struggling little town.

Aside from the detail that HUD's backlog of pending water and sewer grant requests is only about $2 billion, the major objection to the bill was that it seemed slightly redundant, since the House had already passed several other measures to meet the same needs—including the $18-billion, three-year water pollution control package now in conference, and the $29.5-billion revenue-sharing bill now in the Senate. Rep. George H. Mahon, Appropriations Committee chairman, and other procedural purists were also troubled because the bill had received only one short day of hearings, without any administration witnesses, and because the proposed $5 billion in building blocks was totally unbudgeted. Representative Patman's team seemed to consider these aspects mere technicalities.

After a typical House debate between the champions of generosity, mostly Democrats, and the watchdogs of the treasury, mostly Republicans, the House reached a rather surprising result: the treasury won. By a teller vote of 197 to 194, an amendment was added providing that grants could not be made in any year when the projected federal deficit exceeds $20 billion. That amendment, Representative Patman conceded, ensured that the program "would never be used," and indeed the House ended the day by killing the entire proposition, 206 to 189.

Reassuring as the ultimate outcome was, the episode shows that the silly season has opened once again on the Hill. Wildly inflationary and simplistic bills such as this, which would never reach the floor so quickly in March, are likely to pop up on the calendars of both houses quite frequently between now and adjournment. Those 197 members of the House should be commended for recognizing that the Patman ploy served no legitimate "emergency" at all. But as sessions lengthen, tempers shorten and partisan games increase, the cause of sobriety in government may be hard put to maintain its majority.

REMARKS OF MAYOR DALEY ON REBUILDING AND RENEWAL OF CITIES OF AMERICA

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, this morning, the Senate Finance Committee continued its hearing on H.R. 14370, the State and Local Assistance Act of 1972. This legislation, which passed the House on June 22, 1972, will hopefully provide much-needed financial assistance to many of our Nation's beleaguered metropolitan areas. One of today's scheduled witnesses was the mayor of my own city of Chicago, the Honorable Richard J. Daley.

In his remarks, the mayor strongly endorsed the regulation by stating that—

> There is nearly universal recognition that the central cities are vital to the future of our nation. With the passage of this long-needed legislation, a giant step will be taken toward the rebuilding and renewal of the cities of America.

Hopefully, strong support such as this from leaders of our Nation's key urban areas will encourage the Senate to act with all due speed on this legislation in order that it may be enacted in the upcoming months.

I would at this point in the Record, like to insert the mayor's remarks as I am sure they will be of considerable interest to all my colleagues:

TESTIMONY OF MAYOR RICHARD J. DALEY

Chairman Russell B. Long, I'd like to express my appreciation to the Senate Finance Committee for this opportunity to testify on behalf of H.R. 14370, the State and Local Assistance Act of 1972, and urge its expedient passage.

The recommendation of the U.S. Conference of Mayors and the National League of Cities to strengthen this bill have been submitted to this committee and they have my full support.

This legislation recognizes the tremendous changes and the increasingly growing responsibility of local government. Twenty-five years ago cities were primarily responsible for housekeeping services, for police, fire, water, prevention of contagious diseases, building codes and for those matters relating to them. Today, however, cities are faced with a complex range of problems of a different order of magnitude and of a different intensity directly involving the personal lives of people. Cities are concerned with health care, welfare, equal opportunity employment, manpower training, education, day-care services, poverty, family services and the like.

These services involve individuals, homes and neighborhoods all with a great variety of particular local needs which can not be administered by nationwide or statewide regulations or inflexible administration. Priorities differ from neighborhood to neighborhood and it is local government which, under the direct influence of its residents, can best evaluate and determine what programs should get the greatest emphasis. It is only local government which has the know-how, the coordination, and the understanding to meet these imperative needs.

Certainly the programs of public safety, environmental protection and public transportation given priority by the bill are of the greatest importance. But I urge the committee to give the deepest consideration to the recommendation to allow greater freedom to local communities to spend funds only limited by state law and municipal charter authority.

I also urge the committee to give favorable consideration to the other basis recommendations; that the amount of entitlement be related to the local tax effort as now is proposed for the states, the elimination of the provision which allows the state to augment its existing regional programs at the expense of the local government's share; and that there should be an effort to exempt from the provisions of this bill, municipalities which are now non-viable because of size. There also should be a three-year period before recognizing new incorporations.

These amendments are important and will make a good bill better. H.R. 14370 represents a significant break-through in financing state and local bodies in an effort to permit them to meet the challenges of our urban society.

Many new constitutions are being written across the country granting to municipalities broader home rule authority. This legislation is in keeping with that philosophy of home rule for municipalities and has the advantage of this legislation also is that it removes layers of bureaucracy and speeds up the entire process of getting programs into operation and carrying them out efficiently.

Similarly, the bill represents a tremendous contribution to continuity and planning for no longer will a city be dependent upon appropriations each year by Congress but will have the assurance of being able to carry out plans on a continuous basis.

There is nearly universal recognition that the central cities are vital to the future of our nation. With the passage of this long-needed legislation a giant step will be taken toward the rebuilding and renewal of the cities of America.

IT'S UP TO YOU

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker. I would like to bring to the attention of my colleagues an editorial which is particularly timely in this Presidential election year. The editorial, "It's Up to You," which was broadcast on KMOX radio, St. Louis, Mo., on December 29, 1971, follows:

Uncle Sam needs you. And he needs you in '72.

This may sound like an announcement urging enlistment in the Armed Forces. But we're asking you to serve your country in a different way.

The form of service we're talking about doesn't require the strength to undergo basic training. It doesn't take the endurance to march ten miles. It doesn't mean putting on a uniform and going to live on a military base.

But it's more vital to the strength of our nation than all the armies and all the military hardware in our arsenal.

For America needs the help of every qualified adult. It needs the honest, sincere effort of men and women to become informed citizens to take part in our democratic process. And it needs this participation more than ever in 1972 . . . a Presidential year.

Being an informed and active citizen takes some effort on your part. You will need to study the candidates and issues on the local, state and national level. You will need to learn about airports and wage rulings, school bonds and Supreme Court decisions. You'll need to be concerned about the Middle West . . . and the Middle East.

But being informed is much easier for today's Americans than ever before in history. You don't have to travel by horse to the county seat to get the news. The electronic media . . . radio and television . . . provide instant, immediate information at the touch of the dial. Newspapers, magazines and books are available at every public library and on every newsstand. Meetings, forums, discussion groups are all around . . . for those with the initiative to take part.

Democracy depends on education. But it also depends on action. It depends on your expressing your opinions at the ballot box.

Tragically, most Americans don't bother to be active citizens. Less than half the electorate turns out for the average election. This is the worst voting record of any major democracy. In fact, it's a real cop-out.

With our nation facing some of the most complex problems in its history, such apathy is a shocking act of disservice to America. But we can change this record. We can change it in '72. It's up to you.

EXPANDING DRUG TESTS TO MILITARY DEPENDENTS OVERSEAS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, a recent article in the Washington Post pointed out that a proposal is circulating in the Pentagon which would require the use of urine tests to detect heroin among children of military personnel overseas.

During the last several weeks, I have

released statistics showing that Army and commercial drug testing laboratories are doing a poor job in this program. The accuracy rates of almost all of the laboratories have been well below the 90 percent requirement established by the Department of Defense. In this regard, the commercial laboratories doing the Army's drug testing program in the United States were achieving only about a 71 percent accuracy rate while the military services' own laboratories were correctly identifying only about 62 percent of the urine samples. According to the statistics, the laboratories were having the greatest difficulty in detecting heroin and barbiturates in urine samples.

I believe it is patently ridiculous to extend the use of the drug tests until the accuracy of the tests has been vastly improved. So far, the Defense Department has failed to show that it has improved the accuracy of its drug detection program. Until it can prove that the laboratories are consistently meeting at least the 90 percent accuracy requirement, then any expansion of the drug testing program to children of military personnel overseas should not be considered. I also believe that forcing nonmilitary personnel to take urine tests raises very serious constitutional questions concerning self-incrimination.

A TRIBUTE TO PUERTO RICO ON THE OCCASION OF CONSTITUTION DAY 1972

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN. Mr. Speaker, I would like at this time to extend congratulations to the people of Puerto Rico and to the Puerto Ricans living on the American mainland, on the occasion of Puerto Rican Constitution Day.

Over 2 million of her people, by birth or parentage, are living on the mainland—which is more than one-third the number remaining on the island. Whenever Puerto Ricans have settled in American communities, Spanish language and culture has rapidly assumed a position of importance.

The significance of Puerto Rico and of her relationship to the United States is paramount on this occasion, calling to the attention of the world the progress of personal liberty, prosperity, and economic freedom in a land once plagued by the forces of tyranny and the horrors of poverty.

The Spanish-American War, and the consequent occupation of Puerto Rico by the U.S. Army in 1898, ended Spanish misrule but did not at once provide democracy. The first Organic Act created a civil government under the direction of American officials appointed by the Federal Government. However, remaining limitations on the exercise of self-government proved unsatisfactory. Congress therefore passed the second Organic Act of March 2, 1917, further extending the political power of the Puerto Rican people.

From the beginning there was a considerable amount of injustice, persecution, exploitation, and the like; but, to the same extent, the forces of justice organized and, as time has elapsed, the forces of justice in Puerto Rico have grown stronger.

If 1898 was a milestone in the history of Puerto Rico, 1940 proved to be a year of destiny. Throughout the 1930's, the Franklin D. Roosevelt New Deal administration had encouraged a mood of social change in Puerto Rico, and Rexford Tugwell, a leading New Dealer, had governed the Commonwealth with vigor and high resolve. In 1940, a liberal political organization—the Popular Party, secured its first limited success at the polls, campaigning on a reform ticket calling for bread, land, and liberty. Successful in its initial programs, under the impressive leadership of Luis Muñon-Marin, the Popular Party rose to a position of political dominance. In the first popular election of a Governor, in 1948, Marin was nominated by his party and overwhelmingly elected.

The reform policies of Luis Muñoz-Marin established a government dedicated to liberal reform and to the present status of Puerto Rico as a "free associated state" or Commonwealth, and led to the adoption of the Puerto Rican Constitution, on this day—July 25—20 years ago. Under the provisions of the constitution, an elected legislature now passes and provides for the enforcement of the laws of Puerto Rico, which in turn are subject to review by the Federal courts, in the manner of all State laws.

Significant advances have been made. The economy has been diversified and education and health care have been improved. In this world of torment and man-made catastrophe, the magnificent progress of the Puerto Rican people, since the adoption of their Constitution 20 years ago, is one of the brighter stories of our times.

The people of Puerto Rico are working hard, probably as hard as any people have ever worked, to improve their standard of living. But their primary goal is not merely material wealth. Rather it is a way of life with economic and social and political freedom combined.

Under the constitution of the Commonwealth, the government formally operates under these democratic principles, and constantly expounds them. People of all religions are free to worship as they choose. Racial discrimination is prohibited. The public schools are modeled primarily upon the North American pattern, and children are taught the rights and duties of citizens living in a democratic country. Finally, other instruments that shape the mind of citizens, such as newspapers, radio, and television, enunciate the democratic ideology as loudly as they repudiate the alternatives. Explicitly, the Puerto Rican culture is overwhelmingly devoted to the virtues, the slogans, and the spirit of democracy.

The value of our country to the Commonwealth of Puerto Rico can be measured not only in terms of enthusiastic response to our national principles, but in the effect of that response upon the peoples of Latin America, who sense in the satisfaction of the Puerto Rican experiment the success and glory of the American way of life.

Yet, important questions and problems remain to be solved. The future of the Commonwealth status is a subject of much discussion and controversy. It is an issue which the people of Puerto Rico should resolve themselves. Meanwhile, these people are valued citizens of the United States and the obstacles which they encounter daily must be removed.

While the cost of living is extremely high, it is reported that almost half of the families on the island earn less than $3,000 annually. The per capita income is far below that of any of our 50 States. Much remains to be done.

Residents of Puerto Rico not only suffer from low per capita incomes, but the island is also specifically excluded from a number of Federal programs such as the school milk program and some aspects of the social security program. It is the responsibility of this Congress and this Government to take steps to alleviate these problems.

All America hails the progress and achievement of the Puerto Rican people on the occasion of Constitution Day Day 1972, but we must also at this time affirm our determination that this Congress and Nation must strive to eliminate the inequities which still exist on this remarkable island.

INCREASING EMPLOYMENT OPPORTUNITIES FOR THE OLDER CITIZEN

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, today, I am introducing a bill to increase employment opportunities for a segment of our population faced with chronic unemployment—the older citizen. Even in times of relatively high employment, the older worker faces job hardships that the younger worker, merely because of his age, does not experience. Present social security payments, often the only means of support available to these people, are not sufficient to meet the financial demands of everyday life.

An increasing number of older citizens are living at the poverty level. An estimated 5 million persons 65 years of age and older live on incomes of less than $3,000, below the national poverty level. Over 2 million older Americans are forced to live on public assistance pensions under the Old Age Assistance Act and the increasing unemployment rate, presently at 3.6 percent, contributes to this already dismal picture.

In order to survive, the older citizen must either do without or seek additional revenue through employment. The Older Workers Community Service Act would provide the older worker with the opportunity to supplement his meager income. The act would authorize the Secretary of Labor to enter into agreements with private and public nonprofit agencies for the implementation of community service programs employing the older worker.

Recognizing the handicaps of the older worker, the act stipulates that community service employment must be in the worker's resident community; a worker employed under this program must be paid either the Federal minimum wage, the State minimum wage, or the prevailing wage for that occupation, whichever is the highest; necessary training must be afforded the older worker; and a safe and healthful working environment must be provided. Furthermore, Federal funding would cover 90 percent of the cost of development of any older worker program.

Discrimination in employment is not just confined to sex, race, or national origin. Often, the most subtle and yet most pernicious form of discrimination is based on age. The experience, maturity and skills of the older worker are wasted because he has, according to present definition, passed prime productivity. The tragedy of this situation is heightened when we realize that much-needed public services go unfilled because of a shortage of qualified personnel.

Possibly more important that an increase in income, employment beyond retirement offers new responsibilities, challenges and goals for those whose age limits alternatives. Old age is that arbitrary cutoff point which somehow separates the older citizen from the main stream of society. Such inflexible obstacles foster resentment, bitterness, and worse resignation. Human potential in a productive society cannot be measured in terms of age. Ability and willingness are the only necessary criteria.

As the author of the House version of the Emergency Employment Act, I have seen the double-edged benefits of public service employment programs. With the swift passage of the Older Workers Community Service Act, the Congress would again recognize its responsibility to the unemployed of this country and most especially the Congress would seek to remedy unemployment which will not improve with time and more favorable economic conditions.

LEAVE OF ABSENCE

Mr. KEE (at the request of Mr. Mazzoli), for today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous material:)

Mr. Aspin, for 5 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. Ryan, for 5 minutes, today.
Mr. Reuss, for 30 minutes, July 26.
Mr. Brademas, for 5 minutes, July 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dellums and to include extraneous matter, notwithstanding the fact that it exceeds five pages of the Congressional Record and is estimated by the Public Printer to cost $850.

Mr. Dellums and to include extraneous matter, notwithstanding the fact that it exceeds 3½ pages of the Congressional Record and is estimated by the Public Printer to cost $595.

(The following Members (at the request of Mr. Whitehurst) and to include extraneous material:)

Mr. Bow.
Mr. Mills of Maryland.
Mr. Pettis.
Mr. Hillis.
Mr. Eshleman.
Mr. Anderson of Illinois.
Mr. Wyman in two instances.
Mr. Chamberlain.
Mr. Hunt.
Mr. Conte.
Mr. Michel in five instances.
Mr. King.
Mr. Schwengel.
Mr. Grover.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mrs. Hicks of Massachusetts.
Mr. Jacobs in three instances.
Mr. Dow in four instances.
Mr. Annunzio in three instances.
Mr. Minish.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Baring.
Mr. Van Deerlin.
Mr. Downing.
Mr. Rangel in two instances.
Mr. James V. Stanton.
Mr. Patman.
Mrs. Andrews of Alabama.
Mr. Karth in two instances.
Mr. Roe in two instances.
Mr. Clark.
Mr. William D. Ford in two instances.
Mr. Long of Maryland.
Mr. McKay in two instances.
Mr. Danielson.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1991. An act to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income; to the Committee on Interstate and Foreign Commerce.

S. 2411. An act to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1152. An act to facilitate the preservation of historic monuments, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 8 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 26, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2193. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, covering the quarter ended June 30, 1972, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2194. A letter from the Chairman, Federal Trade Commission, transmitting the statistical supplement to the Commission's report on Cigarette Smoking Act; to the Committee cigarette labeling and advertising, pursuant to the Public Health Cigarette Smoking Act; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 13201. A bill to authorize the Secretary of the Interior, to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes; with amendment (Rept. No. 92–1237). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1037. Resolution to authorize the Committee on Banking and Currency to conduct an investigation and study of prices of lumber and plywood; with amendment (Rept. No. 92–1240). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1053. Resolution providing for the consideration of H.R. 12807, a bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government (Rept. No. 92–1241). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1054. Resolution providing for the consideration of H.R. 11128, a bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes (Rept. No. 92–1242). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 1055. Resolution providing for the consideration of H.R. 440, a bill to amend the Civil Service Retirement Act, as amended, to provide annuities for additional personnel engaged in hazardous occupations (Rept. No. 92–1243). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1056. Resolution providing for the consideration of H.R. 7060, a bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations (Rept. No. 92–1244). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. S. 2575. An act for the relief of William John West (Rept. No. 92–1238). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 2704. An act for the relief of Rita Rosella Valleriani (Rept. No. 92–1239). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 16009. A bill to amend Public Law 91–508 to prescribe procedures pertaining to the disclosure of certain financial information by financial institutions to State and Federal governmental departments and agencies, and for other purposes; to the Committee on Banking and Currency.

By Mr. ADDABBO:

H.R. 16010. A bill to establish National, Regional, and Local Awareness Advisory Councils in order to facilitate communication between the President and the people of the United States, and for other purposes; to the Committee on Government Operations.

By Mr. ARCHER:

H.R. 16011. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the U.S. Government by requiring financial disclosure by Members of Congress, candidates for Congress, and certain employees of the legislative branch; to the Committee on Standards of Official Conduct.

By Mr. ASPINALL (for himself, Mr. JOHNSON of California, Mr. HOSMER, Mr. MARTIN, Mr. EVANS of Colorado, Mr. McCLURE, Mr. HANSEN of Idaho, Mr. RUNNELS, and Mr. LUJAN):

H.R. 16012. A bill to authorize the Secretary of the Interior to construct, operate, and maintain various Federal Reclamation Projects and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 16013. A bill to amend section 13(c) of the Urban Mass Transportation Act of 1964 to provide that nothing in such act shall prevent States or local public bodies from prohibiting the right to strike; to the Committee on Banking and Currency.

By Mr. CHAMBERLAIN:

H.R. 16014. A bill to amend the Federal Meat Inspection Act to provide that certain meat food products are adulterated; to the Committee on Agriculture.

By Mr. CONABLE:

H.R. 16015. A bill to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONOVER:

H.R. 16016. A bill to provide for the establishment of safety standards for mobile homes in interstate commerce, and for other purposes; to the Committee on Banking and Currency.

By Mr. DANIELS of New Jersey:

H.R. 16017. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. DU PONT:

H.R. 16018. A bill to amend the Federal Water Pollution Control Act in order to require the approval of adjacent coastal States prior to the construction of certain offshore facilities; to the Committee on Public Works.

By Mr. KYL (for himself, Mr. GROSS, and Mr. SCHERLE):

H.R. 16019. A bill to require that before import quotas on meats may be suspended or increased under subsection (d) (1) and (2) of the act, the Secretary of Agriculture must estimate that the average price expected to be received by producers for beef cattle will equal or exceed parity during the period of the suspension or increased quotas; to the Committee on Ways and Means.

By Mr. McCOLLISTER:

H.R. 16020. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 16021. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails; to the Committee on Post Office and Civil Service.

By Mr. MILLS of Arkansas (for himself and Mr. BYRNES of Wisconsin):

H.R. 16022. A bill to amend the Internal Revenue Code of 1954 to permit the authorization of means other than stamps on containers of distilled spirits as evidence of tax payment; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 16023. A bill to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes; to the Committee on the Judiciary.

By Mr. STEPHENS (for himself and Mr. J. WILLIAM STANTON):

H.R. 16024. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

By Mr. ULLMAN:

H.R. 16025. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear mounted lighting systems; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO:

H.J. Res. 1263. Joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol USA Day"; to the Committee on the Judiciary.

By Mr. CONOVER:

H. Con. Res. 649. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. BRASCO, and Mr. ROBISON of New York):

H. Res. 1051. Resolution calling on the President to propose an expansion of the nuclear test ban treaty to include underground testing; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 16026. A bill for the relief of Vincenzo Taormina; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 16027. A bill for the relief of Yelena B. Markovic; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 16028. A bill for the relief of Guillermo Aguirre-Santini; to the Committee on the Judiciary.

By Mr. GROVER:

H. Res. 1052. Resolution commending the New York State Volunteer Firemen's Association for its 100th anniversary, commemorated in 1972; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

262. The SPEAKER presented petition of the annual conference, Church of the Brethren, Cincinnati, Ohio, relative to the war in Indochina; to the Committee on Foreign Affairs.

SENATE—*Tuesday, July 25, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou whose word bids us to lift up our eyes to the everlasting hills and assures us that our help comes from the Lord who made heaven and earth, we lift up the eyes of our faith to Thee, beseeching Thee to keep us strong and calm amid all change. In days of tension and contention help us to keep our direction sure and our purposes pure. Teach us the higher truth that all things work together for good to them that love the Lord and keep His laws. Give us the grace to hold fast that which is good, to strengthen the fainthearted, to support the weak, to encourage the strong, to follow the ways of peace, to honor all men, and in serving this Nation to serve Thee.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 25, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 24, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Public Welfare; the Subcommittee on National Penitentiaries of the Committee on the Judiciary; the Committee on Armed Services; the Committee on Banking, Housing and Urban Affairs; the Committee on Finance; the Committee on Commerce; and the Subcommittee on National Security of the Government Operations Committee be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield my 3 minutes to the distinguished senior Senator from Delaware (Mr. Boggs).

(The remarks Mr. Boggs made at this point on the introduction of S. 3844, relating to bulk cargo transfer stations, together with ensuing debate, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there morning business to be transacted?

Mr. MANSFIELD. Mr. President, I suggest the absence of of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Report of the Secretary of Health, Education, and Welfare

A letter from the Acting Secretary of Health, Education, and Welfare submitting, pursuant to law, a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes; to the Committee on Armed Services.

Contract Award Dates

A letter from the Assistant Secretary of Defense submitting, pursuant to law, a list of contract award dates for the period July 15–October 15, 1972 (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Strengthen the Motor Carrier Safety Regulations

A letter from the Secretary of Transportation submitting proposed legislation to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes (with accompanying papers); to the Committee on Commerce.

Proposed Amendment of Flammable Fabrics Act

A letter from the Assistant Secretary of Commerce submitting a proposed amendment of the Flammable Fabrics Act (with accompanying papers); to the Committee on Commerce.

Statistical Supplement to Federal Trade Commission Report

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a statistical supplement to the report of that Commission, relating to cigarette smoking (with an accompanying report); to the Committee on Commerce.

Report of the Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Examination of Financial Statements Pertaining to Insurance Operations of the Federal Housing Administration for the Fiscal Year 1971" (with accompanying report); to the Committee on Government Operations.

Report of U.S. Information Agency

A letter from the Director, U.S. Information Agency, transmitting, pursuant to law, a report of that Agency, for the period from July 1 to December 31, 1971 (with an accompanying report); to the Committee on Foreign Relations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Allen):

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on the Judiciary:

"Senate Concurrent Resolution No. 360

"A concurrent resolution memorializing Congress to pass its joint resolution No. 106 to require reconfirmation of federal judges each eight years after their appointment

"Whereas, The Judiciary Committee of the Senate of the United States has held hearings on qualifications for continuing service of federal judges; and

"Whereas, The Legislature of Michigan believes that periodic review of qualifications of federal judges is vital to the interests of the State in accordance with Senate Joint Resolution No. 106; and

"Whereas, The established principles of government require the appointment of persons having a popular and current influence on decisions affecting society; now therefore be it

"Resolved by the Senate (the House of Representatives concurring), That the Legislature of the State of Michigan urges the Congress to adopt its Joint Resolution No. 106, as originally drafted and to require such terms and conditions that will qualify federal judges before and after appointment; and be it further

"Resolved, That a copy of this resolution be transmitted to Michigan Senators and Representatives in Congress.

"Adopted by the Senate, June 27, 1972.

"Adopted by the House of Representatives, June 27, 1972."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 3474. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes (Rept. No. 92–985).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BOGGS (for himself, Mr. Beall, Mr. Case, Mr. Chiles, Mr. Mathias, Mr. Muskie, Mr. Packwood, Mr. Ribicoff, and Mr. Roth):

S. 3844. A bill to amend the Federal Water Pollution Control Act in order to require the approval of adjacent coastal States prior to the construction of certain offshore facilities. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOGGS (for himself, Mr. Beall, Mr. Case, Mr. Chiles, Mr. Mathias, Mr. Muskie, Mr. Packwood, Mr. Ribicoff, and Mr. Roth):

S. 3844. A bill to amend the Federal Water Pollution Control Act in order to require the approval of adjacent coastal States prior to the construction of certain offshore facilities. Referred to the Committee on Public Works.

Mr. BOGGS. Mr. President, I am today introducing legislation intended to assure our coastal States a meaningful role in the location and design of any offshore transfer station that might be constructed to handle the big cargoes carried by the so-called supertankers.

I am honored that this bill is sponsored by the two distinguished Senators from Maryland (Mr. Mathias and Mr. Beall), the distinguished Senator from New Jersey (Mr. Case), the distinguished Senator from Florida (Mr. Chiles), the distinguished Senator from Maine (Mr. Muskie), the distinguished Senator from Oregon (Mr. Packwood), the distinguished Senator from Connecticut (Mr. Ribicoff), and my own distinguished colleague from Delaware, Mr. Roth.

A number of Federal, State, and other studies are currently underway to evaluate the need and potential sites for one or more of these bulk-cargo transfer stations. Such stations appear to be needed if the United States is to receive the economies of scale offered by supertankers, whether transporting oil or other bulk commodities.

Present harbors cannot handle these vessels because the channels apparently cannot be economically dredged to the necessary depths. The solution appears to involve the construction of transfer facilities offshore, probably located within a manmade breakwater. Supertankers would dock at one of these giant platforms and pump their cargo into storage tanks. The oil or other cargo would be either piped ashore or transferred to barges or smaller vessels for shipment to refineries.

The Maritime Administration, through a contract with Soros Associates, is in the process of evaluating the feasibility of such offshore terminals, as well as possible sites for such terminals. The conclusions of part of that study was made public yesterday. It proposes construction of a major port facility some 8 miles off Cape Henlopen, Del.

At the same time, the Army Corps of Engineers is undertaking, under Senate resolution, similar studies, one of which covers the coast from Maine to Virginia.

While these studies may recommend sites beyond the jurisdiction of the States, the site could severely and adversely affect the coastal zones of adjacent States with pollution that might result from the location of such an offshore transfer facility.

While such a pollution discharge into the U.S. territorial waters or the contiguous zone would be subject to the cleanup provisions of the existing Federal Water Pollution Control Act, this would be insufficient protection for the coastal States. We, the sponsors of this bill, believe it is important that the States potentially affected play a meaningful role in any plan to build such a facility, not simply receive protection following an oil spill.

Such a facility, of course, will be of mammoth proportions. It will cover many acres of the ocean. It may permanently affect tidal currents and the quality of fisheries within the coastal zone of an adjacent State.

The bill I am offering today would require that any Federal agency constructing, leasing, or issuing a permit for the construction of such a facility must obtain the concurrence of the Governor or Governors of the adjacent States, if the facility poses a potentially adverse environmental impact.

The legislation would require that the Administrator of the Environmental Protection Agency study potential impact of any such proposed facility and report on such impact to any State potentially affected.

For example, a State would be affected if a discharge of oil or other pollutant from the facility could reasonably be expected to enter the waters of the State. Or the State would be affected if the facility could be seen from the coastal area or the waters of the State, and thus potentially damage recreational values.

In these cases, including the effect on currents or fisheries, or others that the administrator could determine, the Governor would be required to concur affirmatively in the location and construction of the facility within 90 days after receiving the EPA report. The Governor may report adversely. If he does, the facility could not be built, licensed, leased, or permitted. If the Governor did not report within the prescribed 90 days, it would be assumed that he had reported favorably.

Mr. President, consideration is also being given at this time to the possible construction at sea of electrical generating facilities. Such facilities may be a wise and necessary step, for location at sea would appear to overcome many of the problems associated with thermal pollution.

But I believe that such facilities should also be given the same consideration as an offshore bulk-cargo transfer station. Thus, this legislation includes power generating facilities under the same requirements of oil transfer stations.

It might be argued that this bill seeks to prevent any and all offshore development. That is not accurate. Such offshore development may be wise and necessary. Our intention is to give affected States a meaningful, constructive role in the planning of such facilities, a role that will enable them to lessen the danger of pollution if the facility is built.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD. I have received a number of letters from various Governors of coastal States offering their views on the concept of this legislation, and I also ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 3844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act is amended by redesignating sections 22 through 27 as sections 23 through 28, respectively, and by inserting after section 21 a new section as follows:

"STATE APPROVAL OF CERTAIN OCEAN FACILITIES

"SEC. 22. (a) The Congress finds that consideration is being given to the construction beyond the territorial sea off the coast of the United States of ship docking, electric generating, and other facilities. Since adjacent coastal States might be adversely affected by pollution from such facilities it is hereby established as Federal policy to require approval of any States which may be so affected before any such facilities are constructed.

"(b) No Federal department or agency shall construct, or license or approve in any way the construction of, any facility of any kind beyond the territorial sea off the coast of the United States until (1) such department or agency has filed with the Administrator of the Environmental Protection Administration a complete report with respect to the proposed facility; (2) the Administrator has forwarded such report to the Governor of each adjacent coastal State which might be adversely affected by pollution from such facility; and (3) each such Governor has filed an approval of such proposal with the Administrator. Any Governor who does not, within ninety days after receiving a report pursuant to this section, file an approval or disapproval of the proposal in such report shall be considered for the purpose of this section to have approved such proposal.

"(c) The provisions of this section shall not apply to facilities constructed under leases issued pursuant to the Outer Continental Shelf Lands Act."

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, May 11, 1972.

Hon. J. CALEB BOGGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your May 4, 1972 letter concerning your proposed bill which would give the Governors of affected States veto power over construction of deep-water oil transfer stations off the coast. It would seem to me that such specific authorization would be desirable.

I might point out, however, that there is a case pending before the United States Supreme Court, under the title *United States v. Maine, et als,* and another case involving Florida, in which the coastal States are asserting their rights to submerged lands and sub-surface waters out to the limits of the continental shelf. I would assume that your bill would not prejudice the claims of the State in this respect.

I appreciate your sending me the extract from the April 25, 1972 Congressional Record.

Best personal regards.

Sincerely,

WILLIAM T. CAHILL,
Governor.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Salem, May 12, 1972.

Hon. J. CALEB BOGGS,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BOGGS: I have sent your letter and the Congressional Record remarks concerning establishment of facilities for supertankers and other purposes beyond the territorial sea, to Oregon State University. The University has under consideration establishment of an Environmental Fluid Dynamics Laboratory. The proposal would construct the largest laboratory of its kind in the nation, and among other capabilities, would model the effect of wind and wave forces on offshore structures, oil spill recovery operations in the ocean and estimates of areas affected by such spills, diffusion of wastes, and many others.

I am suggesting the University Vice President, Dr. Roy Young, may wish to discuss your amendment and the research effort with you.

In regard to your amendment, I endorse the concept and hope for enactment of the basic legislation including your addition.

Best wishes.

Sincerely,

TOM MCCALL,
Governor.

STATE OF FLORIDA,
May 16, 1972.

Hon. J. CALEB BOGGS,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR BOGGS: Construction of any oil transfer stations off the coast of Florida to service supertankers should be subject to review by the Governor of Florida and a veto of such facilities if it were determined that there would be significant adverse effects on our marine environment and resources. Florida, with its many miles of white sandy beaches which are heavily used by residents, tourists and vacationers, is particularly vulnerable to oil slicks or spills that could damage or dirty these beaches.

Before any deep water oil transfer stations are authorized or constructed, complete environmental impact statements should be prepared to meet the requirements of the National Environmental Policy Act. The boundary of the State of Florida extends ten miles offshore in the Gulf of Mexico so any facilities six to eight miles offshore would still be within our territorial boundaries.

However, on the Atlantic coast, our offshore boundaries are only three miles offshore.

Your knowledge and interest in this matter are greatly appreciated. I certainly appreciate your writing to let me know of your concern.

With kindest regards,

Sincerely,

Reubin O'D. Askew,
Governor.

Executive Department,
Atlanta, May 19, 1972.

Hon. J. Caleb Boggs,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

Dear Senator Boggs: Thank you for your letter of May 4, indicating your intention to introduce a bill which would require State approval for deep-water oil transfer stations off the coast of the United States. I very strongly support such a bill.

Concern for the health and well-being of its citizens demands that the State protect its beaches, marsh lands, coastal properties, and non-navigable waters against the ravages of pollution emanating from oil spill and similar contaminating discharges. We have entered an amicus brief in the case of Askew v. America Waterways Operators, Inc., *et al.*, supporting Florida's right to enact the "Oil Spill Prevention and Pollution Control Act of 1970." In recognizing the legitimate interest of the State in safeguarding its coastal waters, your bill will help us meet our responsibilities to the people of this State.

I appreciate your efforts to this end and endorse the bill you propose. If I can be of any assistance, please do not hesitate to call upon me.

With best wishes, I am

Sincerely,

Jimmy Carter.

State of South Carolina,
Office of the Governor,
Columbia, May 19, 1972.

Hon. J. Caleb Boggs,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Boggs: Thank you very much for your letter enclosing copy of the amendment you introduced concerning off-shore facilities.

I appreciate your interest in this matter and quite agree with your thinking.

Best regards.

Sincerely,

John C. West.

The Resources Agency of California,
Sacramento, Calif., May 23, 1972.

Hon. J. Caleb Boggs,
Member of the U.S. Senate,
Washington, D.C.

Dear Senator Boggs: Governor Reagan has asked me to reply to your recent letter concerning your proposed bill related to construction of oil transfer stations in deep offshore marine waters beyond the territorial jurisdiction of adjacent States.

Our review of this matter is based on excerpts from the Congressional Record enclosed with your letter.

We concur with the concept of the bill for providing individual States an effective voice in the location of such facilities. Some important California marine fisheries depend upon a clean environment in offshore waters. Moreover, it is conceivable that oceanographic and meteorologic conditions could serve to transport spilled polluting materials from these installations into State waters and shoreline areas. Therefore, we believe it to be in the best interest of California to be included in the review and approval process for proposed oil transfer facilities.

Thank you for alerting us to this proposal and we are hopeful our comments are of some use to you.

Sincerely yours,

N. B. Livermore,
Secretary for Resources.

Executive Department,
Annapolis, Md., May 23, 1972.

Hon. J. Caleb Boggs,
U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Boggs: I was delighted to receive your letter of May 4, 1972 stating your intention to introduce a bill giving affected states a decisive role in the location of offshore industrial facilities beyond the territorial sea.

You may be sure that the bill will be enthusiastically supported by my office.

I am most appreciative for your interest in this critical matter which has given me much concern in recent months.

Sincerely,

Marvin Mandel,
Governor.

State of Delaware,
Executive Department,
Dover, May 24, 1972.

Hon. J. Caleb Boggs,
U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Cale, thanks for your letter of May 4. I certainly agree that coastal states affected by any off-shore oil transport facility should be involved in plans and decisions regarding such an installation. They should also have an opportunity to review any environmental impact studies done on a proposed project.

I strongly support the amendment you proposed and am glad to hear that you will be introducing it as a separate bill.

As I believe you know, I am encouraging the building of nuclear energy power plants on the Continental Shelf and think the movement of the lightering operations now taking place in the lower Delaware Bay to an unloading station on the Continental Shelf would be desirable.

Let me know what I can do to help with this legislation.

With warm regards.

Sincerely,

Russell W. Peterson,
Governor.

Office of the Governor,
Augusta, Maine, May 24, 1972.

Hon. J. Caleb Boggs,
U.S. Senator, Delaware, Senate Office Building, Washington, D.C.

Dear Senator Boggs: Thank you very much for your letter regarding supertanker facilities. The Army Corps of Engineers has just held a hearing on this subject in Maine, and I surely share your concern at the absence of meaningful state control over this process.

I strongly support your proposed amendment requiring the approval of the Governors of the affected states.

As you may remember from your participation in the hearings at Machiasport, Maine has a history of its own relating to deep water port development, and we have formed some strong opinions.

I appreciate your concern on this issue and gladly support your amendment.

Sincerely,

Kenneth M. Curtis,
Governor.

State of Hawaii,
Executive Chambers,
Honolulu, May 30, 1972.

Hon. J. Caleb Boggs,
U.S. Senate,
Washington, D.C.

Dear Senator Boggs: Thank you for your letter of May 4, 1972, telling me about the possible construction of one or more deep-water oil transfer stations off the coast of the United States. I agree that such stations can pose a serious pollution problem if they should fail in storms or for other reasons. We are aware that our territorial limits extend outward only three miles and we would be powerless to oversee or control the location and construction of such stations.

Your proposal that adjoining states be given a copy of the environmental report for such stations is a reasonable one. Giving states the veto power over such stations also seems to be reasonable. If many states were to use their veto power on such proposals, I am not sure what the final impact might be. It would probably result in some other storage, transfer, and distribution systems.

In Hawaii at present, we have two off-shore terminals for unloading tankers; there may be a third one in about two years. We would favor this system over a transfer or storage system. It appears to present less hazards.

Your proposal is a desirable one and I believe most coastal states will support it. Thank you for bringing it to my attention.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

John A. Burns,
Governor.

The Commonwealth
of Massachusetts,
Executive Department,
Boston, June 8, 1972.

Hon. J. Caleb Boggs,
New Senate Office Building,
Washington, D.C.

Dear Senator Boggs: I appreciate very much receiving your letter concerning your proposed bill requiring state involvement in the approval process for offshore super tanker facilities.

I support the concept of your bill and will be glad to testify in its behalf either in person or in writing when the legislation is formally introduced.

Secretary Morton has repeatedly assured the states that they will be involved in the decision-making process involving offshore facilities. However, I consider your proposed legislation advisable.

Sincerely,

Francis W. Sargent,
Governor.

Mr. ROTH. Mr. President, I want to commend Senator Boggs for his foresight in offering legislation which would guarantee any coastal State a strong voice in determining whether federally sponsored offshore facilities will be the best long-term interests of the State's citizens.

Too often we are inclined to forget that our country was founded on the precept that the Federal Government should exercise its authority only in areas which supersede the various States' jurisdictions. As the fiscal impact of our Federal Establishment has grown, the rights and privileges of our States to shape their own futures have sometimes been lost in the rush to "let Washington handle it." President Nixon has attempted to reverse this trend by returning some fiscal power to the States. We should use this as an example when considering any Federal project which might have an adverse impact on the States.

Delaware's water and shoreline resources stand out as precious natural treasures in the midst of a growing east coast megalopolis. Governor Peterson has led the fight to preserve our shores from heavy industrial development with model coastal zoning legislation, and it is entirely fitting that Senator BOGGS should extend this important State prerogative to the waters adjacent to any State's shoreline. The States must be able to protect themselves from the potential environmental damage offshore, should generating plants or bulk transshipment stations be built.

Mr. President, I applaud by able colleague's efforts and call for quick action by the Senate on this bill. I ask unanimous consent that an article by Donald Janson of the New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANTIPOLLUTION LAW SPREADS CONTROVERSY

(By Donald Janson)

WILMINGTON, DEL.—Landmark legislation to preserve the Delaware coast for recreation passed its first anniversary this month with a record of effectiveness that has attracted widespread interest among officials of other states but has stirred the animosity of heavy industry.

Oil refineries and other polluting industries have been blocked from building on their own land. Gov. Russell W. Peterson, a birdwatcher who insisted on an iron-clad ban despite the heated opposition of industrial giants and the United States Government, has won international acclaim from conservation groups for the Coastal Zoning Act. Every state with a coastline has sought details on how the law works. Israel recently asked for the same information.

"But we have only won a battle, not the war," the Governor said in his office in Dover on the anniversary of the pioneering legislation to guard the coast from oil spills and smokestacks.

The Shell Oil Company has added 200 acres, for access roads, to the 5,600 it held a year ago on the coast near Smyrna. It retains its interest in building a major refinery there.

"We will be around a lot longer than Peterson will," a spokesman for the Houston-based company has been quoted as saying.

Officially, John W. Sheehan, the company's vice president for manufacturing, said that "Shell believes an East Coast refinery is required for the best interests of all."

He added that the Delaware legislation was discriminatory in excluding specific industries but "under the circumstances we cannot carry out our plans."

Meanwhile, he denied that Shell had "injected ourselves in any way into the gubernatorial race in Delaware."

Mr. Peterson will seek his party's nomination for a second four-year term at the Republican state convention tomorrow. The Democratic nominee, Sherman W. Tribbett, favors a less restrictive law with greater appeal to industry.

Ross E. Anderson, Jr., executive vice president of the Delaware State Chamber of Commerce, said that industry would make no concerted drive to defeat Governor Peterson on the issue, but others saw a behind-the-scenes effort to do so. Mr. Anderson said that the law had hindered industrial growth in Delaware but that it was too early to measure the extent of losses in jobs and tax revenue.

He said that the state has had adequate controls on air and water pollution before the law was passed. The counties had been doing a fine job of zoning, he said, and there was no need for the state to take over zoning control on the coast.

Mr. Anderson said that the chamber, representing most Delaware industry, still felt that it was "extreme discrimination" to bar specific industries from the coast.

Public opinion helped the Governor's crusade last year and he will make coastal zoning a key part of his reelection campaign. He said that youths volunteering to help in the campaign invariably mentioned his stand on ecology.

No matter who is elected, he expects industry to seek to amend the Coastal Zoning Act, then to test it in court if legislative action fails.

The controversial law bars new oil refineries, steel and paper mills and offshore bulk transfer terminals on the 28-mile Delaware coastline. Industry and Mr. Tribbett, who is the state House minority leader, sought substitute legislation that would have imposed no flat ban on classes of industry but would have named a control board to rule on each application individually.

Other states have such legislation. Industry wanted it here as well, Governor Peterson said, because their representatives felt that their prospects for influencing a majority of members on a small board would be far easier than persuading a state legislature and administration to repeal or amend the statute once it was on the books.

No other state has a flat ban on specific heavy industries though with the active encouragement of Governor Peterson and his staff New Jersey has pending legislation that emulates the Delaware act.

A spokeman for E. I. du Pont de Nemours & Co., Delaware's largest corporation, said, "We doubt that the Delaware law is the best way" to protect the costal zone.

"We think Delaware should set standards that industry can have the opportunity of meeting," he added.

He objected to the "arbitrariness" of exclusions by types of industry, but declined to comment on the political ramifications for this election year, calling the legislation "a very hot issue."

In response to the chamber of commerce's charge of discrimination, the 55-year-old Governor responds, "To trade our beaches and wetlands for a steel jungle and refineries and tank farms would be discrimination against the people of Delaware."

"We have in Delaware a very valuable natural asset in our ocean and bayfronts and their accompanying wetlands, streams and open spaces," Mr. Peterson said. "It is a playground for millions of people from our neighboring states and provides us with one of our most profitable industries—tourism—and great enjoyment for our own people.

"We have been fortunate that man has seen fit, as he swarmed into this Eastern megalopolis, engulfing our neighboring areas in vast industrial complexes and honky-tonk tourist traps, to ignore most of our little peninsula, leaving it pretty much in its natural beauty."

Mr. Peterson, an executive at du Pont until he resigned to run for Governor four years ago, alarmed fellow industrialists by finding heavy industry incompatible with coastal beauty and opting for beauty.

When the chamber objected on the ground that this would do violence to economic growth, the Republican chief executive startled the chamber by questioning whether old yardsticks for progress were still valid in measuring enjoyment of life.

When the chamber wrote before adoption of the law that it would cost the state jobs and tax revenue, the Governor responded: "Jobs are very important to our people, but so is the quality of our environment."

Lobbying was intense. Shell took Delaware legislators to the Gulf Coast and Puget Sound to look at its "clean" refineries. The Commerce Department, which wanted an open option for an offshore port in Delaware Bay for transfer of oil from supertankers, questioned the Governor's patriotism. But the Governor took his case to the public.

"Legislators told me that never before had they encountered such a strong response," he said, "through calls, letters, cards and personal contacts from constituents."

Former Gov. David P. Buckson, who is also seeking the Republican nomination for Governor, said that 95 per cent of all Delaware voters supported the coastal zoning law, which has accomplished the following:

Kept industry from popular Atlantic beaches.

Prevented Shell from beginning its planned refinery on tne bay.

Kept Zapata-Nornes, Inc., from building a 300-acre island in the bay for storage of millions of tons of coal and mountains of iron ore for transshipment.

Barred a consortium of 14 of the largest oil companies in America, including Shell, from building another island in the bay and a tank storage farm on consortium land ashore for unloading oil to feed refineries in the Philadelphia area.

Forced the Federal Maritime Administration and shipping interests to look elsewhere than the natural shelter and deep water of the bay for a site for an offshore port for supertankers.

What the law apparently has not done, the Governor said, is cost the state jobs or tax revenue. "We are making coastal zoning one of our principal selling points in attracting selected industry," he said.

Delaware wants corporate headquarters and light industry. It already has a steel mill and a refinery on the Delaware River at its northern tip. For a small state—its area of 2,057 square miles ranks 49th—supporters feel, this is enough heavy coastal industry. Some 70,000 companies are incorporated in Delaware, which offers favorable corporate tax rates and no sales tax.

In announcing plans to build a light-manufacturing plant in Dover, the Scott Paper Company recently cited both the tax situation and coastal zoning as advantages for the company and employes in deciding to locate in Delaware.

"We can afford to be selective," said Governor Peterson, who has won awards from conservation groups for his efforts.

The magnitude of the pressure brought to bear against the legislation is illustrated by the Federal intervention.

Assistant Secretary of Commerce Andrew E. Gibson had testified that adoption would have "serious deleterious impact upon this nation's trading posture." He said that Delaware Bay was the best site for an offshore oil port that could handle superships to supply mounting East Coast fuel needs and save industry hundreds of thousands of dollars a year in shipping costs. The Treasury Department sent similar testimony.

When the Governor did not budge, Maurice H. Stans, then Secretary of Commerce, called him to Washington and told him in effect that he was interfering with the prosperity and security of the nation.

Mr. Peterson rejected the Secretary's plea to drop the bill but said he would consider the need for a deep-water port in the bay. Back home, he declared, "We have considered the request and decided not to grant it."

He said that Delaware's future should be in the hands of the state, not the Federal Government or oil and transportation interests. Federal attention has since shifted to a port site in the ocean on the Continental Shelf, with less protection that the bay offers but beyond state control.

Governor Peterson feels that barging oil up the bay to Delaware River refineries from an ocean terminal would significantly reduce oil spills in the bay caused by the present system of lightering, in which tankers enter the bay and unload some of their cargo onto

barges before both ships and barges proceed to shallower water off Marcus Hook and Philadelphia.

But he is sanguine about the heavy pressure for a proliferation of industry that a port off Delaware, with the possibility of pipelines through Delaware to existing refineries, would bring.

"The forces that want to repeal or amend our law have tremendous power and influence," he said. "It will require eternal vigilance on the part of the state. Our bay and coastal areas are precious assets that will grow in value with the years."

"We will be around a lot longer than Peterson will," a spokesman for Shell has been quoted as saying.

The Governor is seeking back-up ordinances at the county level to bar heavy industry from the coast even if the state law is breached by court or legislative action in the future.

He said that, as a scientist, he felt that it was unnecessary for industry to take "virgin land" for new refineries to supply the mounting demand for fuel and energy. Mr. Peterson is the son of immigrant Swedish parents. He came to du Pont with a Ph.D. in chemistry from the University of Wisconsin. He said that the capacities of existing refineries could be increased sufficiently to meet the demand.

For the long term, he said, nuclear power plants, situated at sea to diffuse thermal pollution, could supply energy needs by running nonpolluting electric cables to shore.

Last month, Governor Peterson named a committee to recommend legislation to limit such development as housing and motels in coastal areas.

Of Delaware's 106,000 acres of wetlands, 73,000 are privately owned. The Coastal Zoning Act has magnified their value and stimulated development.

"We must strike a balance between the right of the property owners and the right of the community," the Governor said. "The protection of our wetlands is a logical follow-up to our coastal zone act. If we can save our seashore playground, there is no greater legacy we can pass on to our children."

Mr. CASE. Mr. President, I am happy to join with the distinguished Senator from Delaware (Mr. BOGGS) as a cosponsor of this bill. And I thank him for yielding to me at this time for a question that I believe will clarify one point about the intent of this bill. I have a copy of a letter from Governor Cahill of my State of New Jersey in which the Governor raises an important point. He supports the intent of this bill, but expresses a concern about whether there might be some interpretation that it would prejudice the claims of the States in cases such as United States against Maine et al., which is pending before the U.S. Supreme Court. It is my understanding that this bill is not intended to prejudice the claims of either side in this case and I would like to verify this understanding.

Mr. BOGGS. The Senator is correct. This bill is intended to assure the States of a meaningful role in the location and design of facilities that may have an effect on the environment of the State, regardless of whether the facility is located in waters directly under the jurisdiction of the State or under the jurisdiction of the Federal Government. It does not seek to make a determination of where State jurisdiction ends and Federal jurisdiction begins. It is neutral on that question. It is intended to provide the States with a role in any construction licensed by the United States beyond the territorial sea, wherever the limits of the territorial sea may be established.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 5

At the request of Mr. MONDALE, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 5, a bill to promote the public welfare.

S. 2052

At the request of Mr. THURMOND, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2052, a bill to establish a national cemetery system within the Veterans' Administration.

S. 3449

At the request of Mr. HANSEN (for Mr. JACKSON) the Senator from Indiana (Mr. HARTKE), the Senator from New York (Mr. JAVITS), and the Senator from Kentucky (Mr. COOK) were added as cosponsors of S. 3449, a bill to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation thereof.

S. 3698

At the request of Mr. PEARSON, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 3698, a bill to promote the development of an export trade among small businesses not now engaged extensively in exporting.

S. 3792

At the request of Mr. HANSEN (for Mr. JACKSON) the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 3792, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System.

S. 3810

At the request of Mr. DOMINICK, the Senator from Colorado (Mr. ALLOTT) was added as a cosponsor of S. 3810, a bill to amend the Tariff Schedules of the United States with respect to the classification of certain ceramic articles.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—AMENDMENTS

AMENDMENT NO. 1348

(Ordered to be printed and to lie on the table.)

Mr. BENTSEN. Mr. President, today, along with two other members of the Armed Services Committee, Senators SAXBE and SYMINGTON, I submitted an amendment to delete $508.4 million for accelerated Trident development from H.R. 15495, the military authorization bill.

Mr. President, let me make clear the importance of this amendment. I am talking about a boat that is going to cost $1.3 billion per copy.

It is a critical issue involving a totally new weapons system that requires thorough research.

All options must be carefully weighed so that we can arrive at correct decisions on all aspects of developing this system. The administration has not balanced the priorities in its effort to hurry development of the Trident system.

Let me make clear at the outset that, in offering the amendment, I am not opposing the Trident program. I am convinced that we must have the next generation of nuclear submarines it will provide.

I am, however, opposed to accelerated development of the Trident system. This acceleration, sought by the administration earlier this year—in a request that superseded the original Trident request for fiscal 1973 made by Deputy Defense Secretary David Packard last fall—is simply not justified.

I have followed the administration argument for accelerated development very closely. I chaired hearings of the Armed Services Research and Development Subcommittee in which the administration presented its best, most forceful evidence—both classified and unclassified—in support of the accelerated Trident development.

I have also paid close attention to claims by the Defense Secretary that failure by Congress to accelerate Trident would endanger the SALT Offensive Weapons Agreement. I have attended two extensive White House briefings, but I do not believe that a refusal by Congress to accelerate the program would make SALT unworkable. In fact, there is strong argument that we should not lock in design at this time.

In short, I do not believe the administration has made its case for acceleration. I just do not feel that the Congress should commit that traditional $508.4 million of the taxpayers' money until we know what we are buying. And we cannot know what we are buying without another year of research and development on the Trident system.

Acceleration would lock us into production of the Trident even before design research is fully completed. And, I believe that our recent experiences with other programs and with huge cost overruns clearly demonstrate the importance of withholding production funds until satisfactory progress has been made on development.

These experiences have made us aware of the need to "fly before you buy" in development of airplanes. Well, in the case of Trident development, I advocate a policy of "try before you buy." And elimination of this proposed $508.4 million acceleration effort will allow us to do just that, without weakening our security or endangering the program. We will be able to keep our options open 1 more year. That will give us another full year of research and development before we decide precisely what form our next submarine system will take.

Evidence of the need for this additional year of evaluation is abundant. The Russians, for example, are going in the opposite direction from us in submarine development. They are building more submarines with fewer missiles per sub, while Trident would provide fewer subs with more missiles on each one. Which concept is better? I do not know. And I do not think our military people know at this point. But another year would provide them with much more time to weigh the choice and make a more rational, better calculated decision.

Again, I want to stress that I am a strong supporter of adequate defense programs. I will oppose any legislation, any suggestion that would cause the United States to become a second-rate world power. But this amendment, I believe, would provide for an orderly development of our next submarine system. And I am convinced that an orderly development is in the best interests of our national defense.

Though I support a strong national defense, I do not believe the admirals and generals who lead our military forces are right 100% of the time. I do not think they are any more capable than the next human being of achieving perfect accuracy in their decisions. And when I think they are wrong, I am going to say it. I think they are wrong in this instance.

Someone once noted that "war is too important a matter to be left to the military." I do not believe that is necessarily true. In fact, in the overwhelming majority of the cases, I believe our military does an excellent job of planning for our Nation's defense. And, an overwhelming majority of the time, I support their plans by casting solid votes in favor of their proposals.

However, our system of government does leave final decisions to civilians, in both the legislative and executive branches, in matters such as this. And in this particular case, I urge the Congress to exercise its perrogative. In this particular case, I believe our military planners are wrong.

I am firmly convinced that our present Polaris-Poseidon submarine force is adequate for our defense for this decade.

I believe that the responsive power of Poseidon; and the retaliatory power of Polaris are so strong that they provide plenty of deterrent for this decade.

In other words, I believe our present force provides us with a luxury that is not often available in development of weapons systems. We have the luxury of enough time to proceed with an orderly, carefully planned Trident program.

And I am convinced that we should take full advantage of this luxury by refusing to accelerate Trident, thereby keeping our options open for another year.

AMENDMENT NO. 1354

(Ordered to be printed and to lie on the table.)

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H.R. 15495), supra.

EQUAL EXPORT OPPORTUNITY ACT—AMENDMENTS

AMENDMENT NO. 1350

(Ordered to be printed and to lie on the table.)

Mr. McGEE. Mr. President, on July 15, the U.S. Department of Commerce announced it would take action limiting the exportation of cattlehides to last year's levels.

The reason for this action is related to the recent increase of 13 to 15 cents per pound in the prices of cattlehides over their 1953–70 composite average. The Commerce Department asserts that the action is being taken in the name of checking the "inflationary" impact these price rises are allegedly having on domestic shoe and other leather industries.

However, such action interferes with the normal market forces and also limits our exports at a time when the U.S. balance of trade still finds itself very much in the red.

Furthermore, cattle producers and hide sellers—packing houses—are opposed to this arbitrary action which they fear will adversely affect the prices they receive for hides and live cattle.

The significance of this action to Wyoming agriculture as a whole can be best appreciated by the importance of livestock production to the entire agricultural economy of my State. The market value of all agricultural products sold in Wyoming, according to the 1969 Agricultural Census, was $248,825,884.

In last Friday's—July 21—publication of the Casper, Wyo., Star-Tribune, there appeared an editorial commenting on the July 15 announcement by the Commerce Department. The editorial writer raises some very poignant questions relative to this issue. I ask unanimous consent that the editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHOSE HIDE?

It wasn't so long ago that a Wyoming rancher couldn't make low wages skinning a critter for its hide. He was lucky if he got $2 for a big steer hide, or even if he could find a hide buyer.

Consequently, a lot of calf and cow critters went unskinned on the range.

Most of the shoes, it seems, were being made out of ersatz leather and paper.

Unexpectedly, there came a turn for the better. Foreign shoe manufacturers discovered the bargain in American cattle hides, and began bidding up prices. An overseas market developed. Last year more than 15.5 million cattle hides were exported, bringing the American livestockman a bonus of $125.8 million (more than $8 a hide).

It seems most ironic that the Secretary of Commerce has placed restrictions on cattle hide sales abroad as a means of reducing the domestic price. Hides have little to do with the cost of shoes, any more than the price of wheat is reflected in a loaf of bread.

Fact is, 25 pairs of shoes can be made from one hide. The value of green hide in one pair of shoes is only $1. If the price of a hide should drop a quarter, the price of leather in a pair of shoes would go down about 25 cents. But don't expect the retail price of a $15 pair of shoes to be shaved to $14.75 because of lower hide prices.

Free trade in hides, as in any other commodity, promotes the greatest economic well being for the greatest number of people.

To illustrate, the market for wool spurted dramatically in the last nine months as a result of foreign buyers who took some 33 million pounds of domestic fleeces for export to Germany, Poland, Turkey and Japan. As a result, wool prices rebounded from 19.4 cents per pound in 1971—the lowest point since 1938—to around 40 cents on today's market.

It would be unfair to restrict the export of raw wool just when prices are reaching the cost of production, yet this is what has happened in hides.

Everybody benefits when higher prices are paid for hides on the world market and demand is increasing. The packer can pay the producer more for his cattle without passing the increase on to the housewife in the cost of meat.

Why take it out of the rancher's hide?

Mr. McGEE. Mr. President, in view of this announcement by the Commerce Department, and in view of the detrimental impact this action will have on the livestock industry in this Nation, I am offering an amendment to the Export Administration Act (S. 3726), which is up for renewal and is expected to be considered by this body shortly.

My amendment would strip the Commerce Department of any authority with respect to imposing any limits or embargo on the exportation of animal skins or hides.

In light of the economic consequences to the livestock industry should the Commerce Department be allowed to pursue its announced action to limit the exportation of cattlehides, I urge the Senate to approve my amendment to S. 3726.

I ask unanimous consent that my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1350

On page 2, line 14, after "Sec. 104." insert "(a)".

On page 4, after line 14, insert the following:

(b) Section 4(e) of such Act is amended by adding at the end thereof the following: "Notwithstanding the foregoing, the authority conferred by this section shall not be exercised at any time with respect to animal hides or skins."

AMENDMENT NO. 1356

(Ordered to be printed and to lie on the table.)

Mr. CURTIS. Mr. President, today I am introducing an amendment to S. 3726, a bill to extend the Export Administration Act of 1969.

Recently the Department of Commerce used the authority of the present act against the export of cattle hides from the United States. No doubt this action was well intentioned but it was most unwise. It will not reduce the price of shoes for the consumer. It will not accomplish anything worthwhile. It does create chaos in agriculture and agricultural processing. It was tried once before and it did not work.

The amendment that I am proposing provides that this authority shall not be exercised with respect to any agricultural commodity, including fats and oil or animal hides and skins without the approval of the Secretary of Agriculture.

In recent days the Senate Committee on Agriculture and Forestry voted to hold hearings concerning the problems involved in reference to the Department of Commerce's action concerning the export of hides. S. 3726 should not be considered on the floor of the Senate until the Agriculture Committee has completed their hearings and when it is considered, the amendment which I am introducing today should be adopted. Far reaching and drastic action along this line should not be imposed on agriculture by some other Department which does not have the information and the expertise in reference thereto.

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT—AMENDMENTS

AMENDMENTS NOS. 1351, 1352, AND 1353

(Ordered to be printed and to lie on the table.)

Mr. MONDALE. Mr. President, today I send to the desk three amendments which I intend to offer to S. 945, the National No-Fault Motor Vehicle Insurance Act.

The first of these amendments would change portions of section 104, 105, and 106 to offer greater protection to no-fault policyholders when pressing claims for payment against insurance companies. As currently written, the bill mandates interest payments by insurance companies at rates ranging from 12 to 24 percent if claims are unpaid after the company has reasonable proof of the fact and amount of the claim. However, these interest payments are only required for what the bill defines as "net basic economic loss"—which, in general, covers the area of medical bills, occupational therapy and wage loss payments.

The amendment which I intend to offer would require insurance companies to also make these interest payments for contested claims under optional coverages which, under this legislation, must be offered by these companies—generally, covering damage to the insured vehicle and tangible damage coverage in excess of net basic economic loss.

By so extending these payments, this amendment would attempt to insure prompt payment of legitimate claims by insurance companies, especially in the area of damage to the insured motor vehicle, where current insurance company policy often does not make payment to the insured as quickly as equity demands.

This amendment would also change section 105 in two significant ways. As currently written, this section permits courts to award attorneys fees and all reasonable costs to policyholders who sue to recover payments from insurance companies, where the insurance company denies the claim, unless the court adjudges such claims to be "fraudulent, excessive, or frivolous."

My amendment would require court award of these attorneys fees and costs and would change the word "excessive" to read "so excessive as to have no reasonable foundation." The latter change conforms to language contained in section 24 of the Uniform Motor Vehicle Accident Reparations Act, as drafted by the National Conference of Commissioners on Uniform State Laws.

These two changes, when taken in combination, will afford substantial additional protection to the consumer-policyholder. He will be assured of having the ability to press his claim without fear of having to absorb lawyers' costs out of his own pocket. This will in turn mean that claims made by policyholders are pursued with vigor by the injured or damaged party.

Most importantly, this amendment will substantially broaden access to lawyers under a no-fault system, and will insure that the legal profession will have a meaningful role to play in gaining just compensation for consumers under a no-fault system.

The second amendment which I intend to offer would change the current language of section 203(b) to insure meaningful wage loss payments under State no-fault plans.

As currently drafted, the bill sets no minimum or maximum for monthly payments for lost wages under State plans. My amendment would set effective maximums for these payments, using $1,000 per month as the base figure, and modifying this amount in accordance with the relationship between the per capita income in a particular State and the National per capita average income. States would still be able to set maximums above this figure.

This change will insure that States do not set maximums so low that effective wage loss protection is of little value to the majority of residents in the various States, while taking into account varying income levels in the 50 States.

This amendment would also insure that below the maximum so set, every wage earner will collect 100 percent of his lost wages on a weekly basis, a protection not currently offered by the bill.

The third amendment I intend to offer would provide that no State could set the minimum limit for no-fault protection for lost wage payments at a level less than two-thirds of the total minimum amount required for all amounts under section 203(b) (3), (4), and (5). This will afford an adequate level of protection for all seriously injured wage earners under plans adopted by the States under title II.

Mr. President, I ask unanimous consent that the text of these amendments be printed at the conclusion of my remarks.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1351

On page 35, on line 10, after "loss" insert the following: "and payments under optional coverages"

On page 39, line 1: strike out "may", and insert in lieu thereof, "shall".

On page 39, line 6: strike out "excessive," and insert in lieu thereof: "so excessive as to have no reasonable foundation,"

On page 39, line 14: strike out "excessive," and insert in lieu thereof: "so excessive as to have no reasonable foundation,"

AMENDMENT No. 1352

On page 58, strike out all on line 9 through 12 and insert in lieu thereof:

"(A) all monthly earnings, for the period during which the injury results in the inability to engage in available and appropriate gainful activity, up to at least a monthly amount equal to $1,000 times a fraction whose numerator is the average per capita income in the state and whose denominator is the average per capita income in the nation, according to the latest available Department of Commerce figures; or"

AMENDMENT No. 1353

On page 59, line 2: after "$75,000" insert a comma, and the following: "of which not less than ⅔ shall be allocated for monthly earnings provided for in Paragraph (3)(A),"

CERTAIN MARITIME PROGRAM AUTHORIZATIONS, 1973—AMENDMENT

AMENDMENT NO. 1355

(Ordered to be printed and to lie on the table.)

Mr. SPARKMAN (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

AMENDMENT NO. 1358

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON (for himself and Mr. TUNNEY) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 13324), supra.

FEDERAL REVENUE-SHARING—AMENDMENT

AMENDMENT NO. 1357

(Ordered to be printed and referred to the Committee on Finance.)

Mr. METCALF (for himself, Mr. MANSFIELD, Mr. JACKSON, Mr. BURDICK, Mr. HARRIS, Mr. HUMPHREY, Mr. GRAVEL, and Mr. KENNEDY) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

NATIONAL SCHOOL LUNCH ACT—AMENDMENT

AMENDMENT NO. 1359

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

1972 SCHOOL LUNCH AND INFANT FEEDING LEGISLATION

Mr. HUMPHREY. Mr. President, yesterday I indicated that I would be introducing an amended version of my bill, S. 3691 to provide for needed improvements in the House-passed school lunch bill sponsored by Congressman CARL D. PERKINS and ALBERT H. QUIE, H.R. 14896. Today I wish to offer that amendment, in the form of a substitute, to S. 3691.

This amended version of S. 3691 would provide for the following:

First, authorization for an additional $25 million for summer food service programs for children for fiscal years 1972 and 1973. This would increase the total authorization for these programs to $50 million, the amount requested by the President at the urging of our Nation's mayors and the Congress. This particular provision is the same as provided in S. 3691 as originally introduced and is the same as provided in H.R. 14896 as passed by the House;

Second, authorization of whatever funds may be necessary to financially assist States in carrying out school lunch programs for fiscal years 1972, 1973, and 1974. It also requires, to the extent feasible, that special summer child feeding programs utilize existing facilities of public and nonprofit private schools.

These provisions are the same as originally provided for in S. 3691 and the same as provided in H.R. 14896;

Third, authorization of whatever funds may be necessary to financially assist States to carry out and expand school breakfast programs for fiscal years 1972, 1973, and 1974. It also provides that all schools making application for such assistance, which agree to carry out the program in accordance with the act, will receive such financial assistance.

Currently only $25 million is authorized for school breakfast programs and USDA has been limiting the number of schools funded under the program. The President's proposal, S. 3661, offered earlier this year, would increase the funding authorization for this particular program by $20 million or to a level of $45 million. Provisions in my amended bill would provide for an open ended funding authorization which is the same as provided in H.R. 14896 and my original bill, with the exception of adding to the language of my original bill, that all schools making application for such assistance shall receive it upon agreeing that they will carry such programs in accordance with the act;

Fourth, authorization for a reimbursement rate of not less than 8 cents per meal for general financial assistance to each State for all school lunches served and authorization for temporary use of section 32 funds for such purposes when appropriated funds are exhausted in any given year. Any section 32 funds utilized for such purpose would be restored by supplemental appropriation actions.

The current reimbursement rate for section 4 purposes under the National School Lunch Act is 6 cents per meal, which is insufficient to meet increased food and other costs. If Congress fails to provide for this higher reimbursement rate of 8 cents, paid lunch prices would have to be increased and participation in the entire lunch program, including free and reduced-price lunches, would very likely drop substantially.

These provisions of my amended bill are similar to those contained in my original S. 3691 and are the same as provided in H.R. 14896.

I should like to point out at this point that action was taken by Congress last fall to provide for a reimbursement rate for free and reduced-price lunches of not less than 40 cents per meal, which was made a permanent provision of the National School Lunch Act. Therefore, due to this earlier action by Congress, no action in this regard is required at this time.

Fifth, the language of section 5 of S. 3691, in its newly amended form, has been changed to correspond to or is the same as, the language contained in section 5 of H.R. 14896, the House-passed bill. I have made this change in order to minimize differences between my bill and the House bill. The House bill language in this particular section, which establishes eligibility standards for these child feeding programs, is very similar, in intent, as that contained in my original version of S. 3691. However, the House bill language, which I have included in my new bill, does clarify and more clearly define what eligibility standards should be concerning these programs. Much of this new language is the same as provided in the President's bill, S. 3661, however does differ in some important respects. For instance, the eligibility standards prescribed in my new bill would prevent any child receiving a free or reduced-price lunch last year from being declared ineligible to participate in the future by reason of the new income eligibility standards. Also, while the President's bill provides that income guidelines prescribed by each State cannot exceed the income poverty guideline prescribed by the Secretary by not more than 15 percent for free lunches and 30 percent for reduced-price lunches, my new bill provides that such income poverty guidelines can be exceeded by as much as 25 percent and 50 percent respectively, amounts which I believe are more reflective of cost differentials which exist among the States.

Sixth, section 6 of my amended S. 3691 is the same as my original version of the bill and the same as the House-passed bill, H.R. 14896. This particular section provides for an increase in funding authorization under the Child Nutrition Act of 1966 for nonfood or equipment assistance for fiscal years 1973, 1974, 1975, and succeeding years. The current authorization is $15 million for this purpose in fiscal 1973 and $10 million for succeeding years. My bill—and the House-passed bill—provide an authorization level of $40 million for fiscal years 1973, 1974, 1975 and $20 million for succeeding years for this purpose. The President's bill, S. 3661, provides for an authorization of $20 million for these 3 fiscal years and $10 million thereafter. States have indicated a need for $80 million for this purpose in fiscal 1973, to make it possible to establish school feeding programs in schools not having them due to the lack of facilities or to improve and upgrade such facilities in schools now serving food to children; and

Seventh, I provide for a new section 7 in my amended version of S. 3691 which authorizes the establishment of a new $20 million national infant feeding program to provide supplemental foods for pregnant women and infants from birth through age 4 to prevent permanent physical and mental damage caused to such infants due to nutritional deficiencies.

The funds authorized for this new program, may be drawn from section 32 funds, which will be restored to that fund through supplemental appropriation actions.

As I indicated in yesterday's statement, I am convinced that existing evidence clearly establishes the urgent need for such a program. Both studies already conducted on this subject and pilot operational programs supplying formulated foods to infants have convinced me that it is in the national interest to begin attacking this problem now on a nationwide scale.

In addition to the studies I referred to yesterday I would like to call to the Senate's attention a study conducted by three Mexican researchers which indicates that malnutrition in children may lead to chromosome damage. The study by Salvador Armendares, Fabio Salamanca, and Silvestre Frenk recently appeared in the July 1971 issue of "Nature," a scientific periodical published in Great Britain.

These researchers studied cells taken from five infants and five preschool children hospitalized for severe malnutrition. These found significantly more abnormal chromosomes in the malnourished children than in a control group. Chromosome abnormalities appeared in 12.1 percent of the 2,124 cells analyzed from the malnourished subjects, but in only 2.2 percent of the 816 cells taken from control subjects. Half of the malnourished children had "dicentric chromosomes," an abnormality described as extremely rare in the general population. The researchers cite evidence from earlier studies that genetic damage occurs when animals are subjected to nutritional deficiency comparable to severe malnutrition in humans. They suggest that malnutrition may increase chances that normal cell division will fail, and that chromosomes will become abnormal either spontaneously or as an exaggerated response to other environmental factors.

The authors also state that the type of chromosome abnormalities they found are the same as those found in patients with three diseases that are prone to a particular form of malignancy. Noting that a high incidence of the same form of malignancy has been discovered among malnourished Bantu children, the researchers suggest further investigation of a possible relationship between malnutrition and malignancy.

In yet another study conducted on this subject by Dr. H. Peter Chase and Dr. Harold P. Martin the following was found: When 19 children who had been hospitalized with malnutrition in the first year of life were compared with a control group 3 to 4 years later, the test group was found to be lower in mental quotient.

Impairment of physical and mental development appeared to correlate with the duration of undernutrition in the first year of life. Nine children admitted to the hospital with undernutrition but treated in the first 4 months of life now have a mean developmental quotient of 95 which is similar to the mean of 99 for the control children. In 10 with undernutrition after 4 months of age low indexes for height, weight, and head circumference were more frequent, and the mean developmental quotient was 70. Social factors associated with undernutrition included paternal separation, alcohol-related problems, inadequate money and many young siblings.

An article entitled "Undernutrition and Child Development" written by Drs. Chase and Martin concerning these findings appeared in the April 23, 1970, issue of the New England Journal of Medicine. For anyone wishing to review these findings in more detail I would commend this particular article to their attention.

Several cities are now carrying on pilot infant feeding programs, Baltimore and St. Louis being among them. Reports from these cities indicate that their pilot programs have proven very successful in effectively combating malnutrition among pregnant women and infants with the accompanying benefits of preventing permanent physical and mental damage to the youngsters reached through these programs.

The new infant feeding program that my amended bill now provides would help these cities and hundreds of others around the Nation effectively attack this serious problem. It is time to act concerning this need now and I urge the Congress and others interested in improving the development of our Nation's very young to lend their support for this important new program.

Finally, Mr. President, I should like to point out that I have not included in my amended version of S. 3691 the section included in the House-passed bill, H.R. 14896, which authorizes dispensement of nutritious foods through vending machines.

Mr. President, I ask unanimous consent to have my amendment in the form of a substitute to S. 3691 printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1359

Strike out all after the enacting clause and insert in lieu thereof the following:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended by adding at the end thereof the following:

"(1) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to utilize, during the period May 15 to September 15, 1972, not to exceed $25,000,000 from refunds available during the fiscal years 1972 and 1973 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the purposes of this section. Funds expended under the provisions of this paragraph may be reimbursed out of any subsequent supplemental or regular appropriation hereafter enacted for the purpose of carrying out this section, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32. Funds made available under this subsection shall be in addition to direct appropriations or other funds available for the conduct of summer food service programs for children."

Sec. 2. (a) The first sentence of section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)), as amended, is amended to read as follows: "There are hereby authorized to be appropriated such sums as are necessary for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means to initiate, maintain, or expand nonprofit food service programs for children in service institutions."

(b) Section 13(a)(2) of such Act is amended by inserting a new sentence at the end thereof as follows: "To the maximum extent feasible, consistent with the purposes of this section, special summer programs shall utilize the existing food service facilities of public and nonprofit private schools."

Sec. 3. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C 1773(a)) is amended to read as follows: (a) "There are hereby authorized to be appropriated such sums as are necessary for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in all schools which make application for assistance and agree to carry out a nonprofit breakfast program in accordance with this Act."

Sec. 4. (a) Notwithstanding any other provision of law, the Secretary of Agriculture shall, until such time as a supplemental appropriation may provide additional funds for such purpose, use so much of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)), as may be necessary, in addition to the funds available therefor, to carry out the purposes of section 4 of the National School Lunch Act and provide an average rate of reimbursement of not less than 8 cents per meal within each State during the fiscal year 1973. Funds expended under the foregoing provisions of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 4 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

(b) Funds made available pursuant to this section shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced-price lunches and to meet the objective of this section with respect to providing a minimum rate of reimbursement under section 4 of the National School Lunch Act, and such funds shall be apportioned and paid as expeditiously as may be practicable.

Sec. 5. (a) The first sentence of section 9 of the National School Lunch Act is designated as subsection (a) of that section.

(b) The second through the seventh sentences of section 9 of the National School Lunch Act shall be designated as subsection (b) of that section and are amended to read as follows:

"(b) The Secretary, not later than May 15 of each fiscal year, shall prescribe an income poverty guideline setting forth income levels by family size for use in the subsequent fiscal year, and such guideline shall not subsequently be reduced to be effective in such subsequent fiscal year. Any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in the income poverty guideline prescribed by the Secretary shall be served a free lunch. Following the announcement by the Secretary of the income poverty guideline for each fiscal year, each State educational agency shall prescribe the income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a free lunch. The income guidelines for free lunches to be prescribed by each State educational agency shall not be less than the applicable family-size income levels in the income poverty guideline prescribed by the Secretary and shall not be more than 25 per centum above such family-size income levels. Each fiscal year, each State educational agency shall also prescribe income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a lunch at a reduced price, not to exceed 20 cents, if a school elects to serve reduced-price lunches. Such income guidelines for reduced-price lunches shall be prescribed at not more than 50 percentum above the applicable family-size income levels in the income poverty guideline prescribed by the Secretary. Local school authorities shall publicly announce such income guidelines on or about the opening of school each fiscal year and shall make determinations with respect to the annual income of any household solely on the basis of a statement executed in such form as the Secretary may prescribe by an adult member of such household. No physical segregation of or other discrimination against any child eligible for a free lunch or a reduced-price lunch shall be made by the school nor shall there by any overt identification of any such child by special tokens or tickets, announced or published lists of names, or by other means."

(c) The eighth through the thirteenth sentences of section 9 of the National School Lunch Act shall be designated as subsection (c) of that section and the last sentence of such subsection shall be amended by deleting the phrase "under the provisions of section 10 until such time as the Secretary" and inserting in lieu thereof the following phrase "under this Act until such time as the State educational agency, or in the case of such schools which participate under the provisions of section 10 of this Act the Secretary".

(d) Notwithstanding any other provision of law, the Secretary of Agriculture shall take no action which will cause any child eligible under rules, regulations or practices in his school for a free or reduced-price lunch in the 1971–72 school year to be made ineligible because of income guidelines prescribed under subsection (b).

(The purpose of this section is to insure that the schools which used an income eligibility scale more inclusive than the Federal minimum will not have to drop children from the free or reduced cost lunch program simply because of a change in the law.)

Sec. 6. The first sentence of section 5(a) of the Child Nutrition Act of 1966, as amended by section 2 of Public Law 91–248, is amended by deleting the phrase "for the fiscal year ending June 30, 1973, not to exceed $15,000,000 and for each succeeding fiscal year, not to exceed $10,000,000" and inserting in lieu thereof the following phrase: "for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, not to exceed $40,000,000 and for each succeeding fiscal year, not to exceed $20,000,000. To assist the Congress in determining the amounts needed annually, the Secretary is directed to conduct a survey among the States and school districts on unmet needs for equipment in schools eligible for assistance under section 5 of the Child Nutrition Act. The results of such survey shall be reported to the Congress by December 31, 1972."

Sec. 7. The following new section is added to the Child Nutrition Act of 1966: (a) Notwithstanding any other provision of law, the Secretary of Agriculture shall until such time as a supplemental appropriation may provide additional funds for such purpose use $20,000,000 of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)) to carry out in any area of the United States without regard to whether the area is under the food stamp program or a system of direct distribution a program either through a State or local welfare or health agency, or a private non-profit agency serving local health or welfare needs to make supplemental foods available for pregnant or lactating women and for infants from birth to an age of four years who are determined by competent professional authority to be at nutritional risk because of inadequate nutrition or inadequate income. Whenever any program is carried out by the Secretary under authority of the preceding sentence through any State or local or non-profit agency, he is authorized to pay administrative costs not to exceed 10 percent of the Federal funds provided under the authority of this subsection.

Amend the title so as to read: "A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs and the establishment of a national infant feeding program."

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1302

At the request of Mr. ROBERT C. BYRD (for Mr. HART), the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of amendment No. 1302 intended to be proposed to the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

NOTICE OF HEARINGS ON THE DECLINING TREND IN EXPLORATION FOR OIL AND GAS

Mr. MANSFIELD. Mr. President, yesterday Senator JACKSON announced hearings on August 8 and 9, 1972, by the Committee on Interior and Insular Affairs on the declining trend in exploration for oil and gas, and its causes, effects, and implications. Several supporting materials and specific questions were inserted in the record; however, there is an omission in the attachments as printed in the CONGRESSIONAL RECORD.

Therefore, I ask unanimous consent that the attachments be reprinted in the RECORD for the benefit of potential witnesses and those individuals desiring to submit statements for the hearing record in response to the detailed questions in attachment B. Such submissions will be due by September 15, 1972, and will be printed as an appendix to the hearing record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(ATTACHMENT A)

BACKGROUND PAPER AND QUESTIONS AND POLICY ISSUES—DECLINING EXPLORATION FOR OIL AND GAS

U.S. consumption of petroleum and petroleum products has increased in recent years (1966–71) at an annual rate of about 4.5 percent, and natural gas consumption has grown at about 6.5 percent per year. Domestic production of oil and gas, however, has not kept pace with the growth of consumption, and the deficiency is now being filled by imports. As a result, imports may account for about half of the total supply of petroleum products (including gas) by 1985.

Some indicators of the decline in domestic oil and gas exploration and development activity are the following:

1. Proved reserves of crude oil and natural gas liquids have been declining since 1967;

2. Domestic production of crude oil and natural gas liquids increased at only about 3.1 percent per year between 1966 and 1971 (1.4 percent less than consumption), and has actually declined since 1970;

3. Proved reserves of natural gas have been declining since 1967;

4. Domestic production of natural gas increased at only 5.4 percent per year between 1966 and 1971 (1.1 percent less than consumption), and is expected to decline after 1972.

The major factors contributing to this situation appear, on the basis of the Committee's hearing record, to be the following:

1. Resources of fossil fuel are finite, and many of the most easily discovered and most cheaply developed reserves have already been produced. Geologists agree that the volume of recoverable oil and gas still in the ground may be several times the amount that has already been removed, but the concern is how fast and at what price these reserves can be discovered and made available as energy resource supplies. Much of the remaining stock can be discovered and produced only at substantially higher cost than that of past supplies.

2. Increasing pressure upon the finite and nonrenewable resource base has been offset by improvements in exploration and production technology. As a result of these improvements, the constant dollar costs of finding and producing oil and gas have actually tended to fall. But this trend of falling costs clearly has come to an end with respect to onshore natural gas, and there is little confidence that it can be sustained for crude oil.

3. Some of the most promising acreage for oil and gas (particularly offshore) remains unexplored by industry, because it has not been made available for leasing. Other acreage remains out of production because of the lack of transport facilities (as on Alaska's North Slope.)

4. A number of economic factors have combined to reduce the expectations of profit from domestic oil and gas exploration:

a. Crude oil price rises have been restrained by federal action, particularly by increases in import quotas and by federal assumption of control over rates of OCS oil and gas production.

b. Price increases for natural gas sold in interstate commerce have been restrained by the Federal Power Commission (FPC). It is relevant here that low prices for both oil and gas not only discourage exploration but also encourage increased consumption. Moreover, uncertainty about future FPC gas price policy may have led to a postponing of the development of known or inferred gas resources under lease or private ownership.

c. High interest and capital costs generally have tilted investment incentives away from ventures, such as exploration for new oil and gas fields, that offer potential payoffs only in the distant future.

d. The Tax Reform Act of 1969 reduced the tax preferences applicable to oil and gas production.

There is little, if any, dispute that each of the foregoing factors is in some part responsible for the reduction in domestic exploration and development activity for oil and gas. However, the relative importance of each of these factors, in contributing to current supply constraints, and their policy implications, are not obvious or beyond debate. (For example, there is little dispute that the higher depletion allowance was an incentive to oil and gas exploration, but there is disagreement as to whether the allowance is a cost-effective or socially desirable form of incentive.

Additional factors which have been advanced by some parties as explanations of declining oil and gas exploration are disputed by others. These propositions include the following:

5. Large cash bonuses paid to the government in competitive oil and gas leasing are claimed to absorb investment funds that might otherwise be devoted to exploration.

6. Rapid increases in crude oil demand and in prices outside the United States are said to have combined with lower operating costs outside the United States and more favorable Federal tax treatment of foreign ventures, to encourage industry to shift its exploration emphasis abroad.

7. Natural gas producers may be delaying development of known resources, or delaying the sale and production of proved reserves, in anticipation that a growing gas shortage will result in much higher prices for gas in the future.

At the hearing the Committee will examine each of these accepted or argued factors contributing to the decline in domestic discovery and development, and explore their implications for formation of a national energy policy. The questions and isssues to be explored fall into the following general categories.

QUESTIONS AND POLICY ISSUES

A. National oil and gas resource base

1. What are the best estimates of the total volume of liquid and gaseous hydrocarbons in place in the United States? Separate estimates should be provided for the "lower 48" onshore, Alaska, and the Outer Continental Shelf. (Where this information has been furnished to the committee in connection with previous hearings in this Congress, it may be incorporated by reference to the earlier submissions.)

2. What are the best estimates of the total volume of liquid and gaseous hydrocarbons that can be found and produced with current or near-term technology (including secondary and tertiary recovery)?

3. What are the best estimates of the maximum rates of domestic production, and maximum rates of growth of production that could be sustained until 1980? . . . until 1990?

4. To what extend does an acceleration of domestic oil and gas discovery and production today imply a greater shortage in the future? In how many years in the future will production inevitably peak out under various assumptions about current rates of increase?

B. Economics of exploration and development

5. To what extent, if at all, has the recent decline in oil and gas exploration activity and in reserve additions reflected each of the following factors: (Wherever possible, quantitative relationships should be specified.)

a. Restraints on domestic crude oil prices?

b. FPC regulation of interstate gas prices?

c. Increases (or decreases) in the real cost of discovery and development per barrel or per daily barrel of producing capacity? (To what extent are these cost changes the effect of a declining resource base, to what extent are they offset by new technology, and to what extent are they a matter of changed labor and material costs?)

d. Unavailability of lease acreage (particularly on the OCS)?

e. Increases in interest rates and other capital costs?

f. Reduction of tax preferences for oil and gas production?

g. Elements of the mineral leasing system (such as cash bonus bidding)?

h. Incentives in favor of foreign investment in oil and gas exploration?

i. Witholding of gas development or sales in anticipation of higher prices?

j. Other significant factors.

6. How responsive are future domestic oil exploration activity, reserve additions, and productive capacity expected to be, to:

a. The amount of new acreage available for leasing and exploration (particularly on the OCS)?

b. The domestic price of crude oil (in 1972 constant dollars)?

c. The domestic price of natural gas (in 1972 constant dollars)?

d. The domestic prices of petroleum products (in 1972 constant dollars)?

e. The real cost of capital?

f. The rate of percentage depletion?

g. Overseas exploration expenditures?

(The foregoing relationships should be specified in quantitative terms to the extent possible. Also, the time period over which the relationships are expected to prevail should be specified.)

7. How responsive are future domestic gas exploration activity, reserve additions, and productive capacity expected to be, to each of the factors (a) through (g) listed in question 6?

C. Policy options

8. What package(s) of incentives and federal policies, if any, would be necessary and sufficient to:

a. Maintain current (1972) levels of domestic oil production until 1980? . . . until 1990?

b. Maintain historic (1960–70) rates of growth of domestic oil production until 1980? . . . until 1990?

c. Maintain current (1972) rates of domestic natural gas production until 1980? . . . until 1990?

d. Maintain historic (1960–70) rates of growth of domestic natural gas production until 1980? . . . until 1990?

9. What would be the consequences of each of the policy packages set out in response to question 8, for:

a. consumer costs of energy?

b. oil and gas import requirements?

c. capital requirements for exploration and development? And,

d. other significant aspects of the energy economy and the public interest (general efficiency of the economy, equity of the tax system, etc.)?

It is requested that witnesses at the hearings and persons submitting statements for the hearing record (100 copies are required) center their testimony on the questions and issues listed here. A more detailed list of questions and policy issues (Attachment B) follows, to be used as a basis for preparation of supporting materials and documentation which may be submitted by September 15, 1972, for inclusion in the Appendix to the Committee's hearing record of August 8 and 9. (Ten copies are required.)

(Attachment B)

Detailed List of Questions and Policy Issues—Declining Domestic Exploration for Oil and Gas, and other Problems in Development of Primary Energy Resources

The following questions are prepared as a guide to witnesses and persons submitting statements for the record at the hearings of August 8 and 9, in preparing supporting materials to be included in the Appendix to the hearing record. Witnesses should, however, direct their actual testimony to the questions in Attachment A.

I. THE RESOURCE BASE

A. Size of the resource base

Questions 1 through 4 should be answered for crude oil and natural gas liquids; natural gas; coal; oil shale, tar sands, heavy oils and other hydrocarbons; and uranium.

Answers may be grouped by resource or by questions as convenient. Where this information has been furnished to this Committee in connection with previous hearings in this Congress, it may be incorporated by reference to the earlier submissions.

1. What are the estimated volumes of proved domestic reserves and ultimate resources in place (Reserve and resource concepts used here and in subsequent questions should be defined and explained.)?

2. What are the estimated volumes that could ultimately be found and produced with current or near-term technology (including secondary and tertiary recovery)?

3. What are the best estimates of the maximum rates of domestic production and maximum rates of growth of production that could be sustained until 1980? . . . until 1985 or 1990? What are the factors limiting production or growth over these periods (e.g., the physical resource, demand, technology, government regulatory policy)?

4. To what extent will an acceleration of production in the short run reduce supplies in the foreseeable future? In how many years must production inevitably peak out under various assumptions about current rates of increase?

5. What is the approximate volume of sediments in the United States (including the OCS) as yet untested by exploratory drilling?

B. Technological problems

6. What relationship, if any, exists between the technological efficiency of the recovery of the resource and the rate of exploration and development?

7. In what areas will improvement in the technology of resource recovery improve the incentive to increase domestic exploration and development, and what, if any, obstacles are there to developing and using such new technology?

II. DOMESTIC EXPLORATION FOR OIL AND GAS

A. Indicators of oil supply and demand trends

8. What has been the trend in rates of U.S. oil consumption over the past fifteen years (bbl. per day) and what is the estimated future consumption of oil through the year 1985 or 1990?

9. What part of the demand for oil has been satisfied by domestic sources and what part of the estimated future demand through 1985 is expected to be satisfied by domestic sources?

a. From what sources, by country, has foreign oil been imported?

b. From what sources and in what quantities will foreign oil be imported in the future?

B. Gas supply and demand

10. What has been the trend in rates of U.S. gas consumption over the past fifteen years (MCF per year) and what is the estimated future demand for gas, through the year 1985 or 1990?

11. What part of the demand for gas has been satisfied by domestic sources and what part of the estimated future demand through 1985 or 1990 is expected to be satisfied by domestic sources?

a. What part of the estimated future supply of domestic gas will be in the form of conventional sources and what part will be synthetically derived?

b. What part of the gas and in what form, and what part of the synthetic gas feedstocks, are expected to be obtained from which foreign sources?

C. Indicators of exploration trends

What have been the trends over the past fifteen years in:

12. Days of geophysical crew time?

13. Acreage under lease (private, state, federal onshore and offshore)?

14. Number of wells drilled?

a. New field wildcats

b. Exploration in known fields

c. Development wells

(In each of the foregoing cases, indicate the number of oil well completions, gas well completions, and dry holes.)

15. Footgage of wells drilled?

a. New field wildcats

b. Exploration in known fields

c. Development wells

16. Number of rigs operating in the U.S.?

17. U.S. owned rigs operating abroad?

18. Additions to reserves of oil and natural gas liquids:

a. New field discoveries

b. Extensions

c. Revisions

19. Additions to reserves of natural gas:

a. New field discoveries

b. Extensions

c. Revisions

20. Additions to reserves of oil and natural gas liquids (barrels) and to producing capacity (daily barrels) per foot drilled?

21. Additions to reserves of natural gas (MCF) and to producing capacity (MCF/day) per foot drilled?

22. Cost in current and constant dollars (inclusive and exclusive of lease acquisition costs) per barrel of oil and natural gas liquids reserves and per new daily barrels of producing capacity?

23. Cost in current and constant dollars (inclusive and exclusive of lease acquisition costs) per new MCF of natural gas reserves and per new MCF per day producing capacity?

24. Number of persons employed in domestic exploration and development?

25. Proved reserves in relation to production and consumption?

26. Producing capacity

a. Reserve producing capacity?

b. Excess reserve producing capacity?

III. OTHER PRIMARY ENERGY RESOURCES

Where this information has been furnished to the Committee in connection with previous hearings in this Congress, it may be incorporated by reference to the earlier submissions.

A. Coal exploration and development

27. What has been the trend in coal consumption (tons per year) over the past fifteen years and what is the estimated future consumption of coal through the years 1985 or 1990?

28. How much new mine tonnage has been opened during the past fifteen years and how much will be needed to meet expected demands through the year 1985?

29. What factors explain any expected change in the trend of mine capacity?

30. What is the number and acreage of Federal coal leases and permits issued over each of the past fifteen years and how much *new* lease acreage is expected to be required through 1985?

B. Uranium exploration and development

31. What has been the tonnage of uranium concentrate (U_3O_8) produced during each of the past fifteen years and what is the future estimated production of U_3O_8 through the year 1985?

32. What has been the relationship of uranium ore reserves to production in each of the past fifteen years?

33. How many feet of exploration and development drilling have been recorded in each of the past fifteen years?

34. What has been the number of acres acquired for uranium exploration in each of the past fifteen years?

IV. ECONOMIC FACTORS

A. Historical statistics

35. What has been the annual level of investment in exploration and in development for each of the primary energy fuels over the past fifteen years?

36. What have been the price trends in current and constant dollars of oil and gas (wellhead prices), coal, and uranium concentrate during each of the past fifteen years?

37. a. What have been the average rates of return before and after taxes on investment in exploration and development for each primary energy fuel over the past fifteen years?

b. How does this trend compare with the rates of return in all manufacturing and with that of market rates of interest?

38. a. What has been the trend of cash flow, gross and net profits against sales and investment for each primary energy industry during each of the past fifteen years and what future trends are expected?

b. How do these profitability trends compare with all manufacturing and with market rates of interest?

39. What has been the relationships of costs for exploration, development and production of oil and gas (as shown by indicators like those of questions 20 and 21), to their prices during the past fifteen years?

40. What has been the trend during the past fifteen years regarding the relationship between the amount of investment in domestic exploration and development in each primary energy fuel and the size of enterprise involved?

B. Analysis

Questions 41–44 are a restatement of the issues raised in section B (questions 5–7) of Attachment A. Respondents may choose to respond here in detail to those questions in lieu of the following. In either case, however, the response here should be in quantitative terms, and should be accompanied with at least an abstract of the analyses, together with references to primary sources.

41. What is known about the relationships of investment in oil and gas exploration, development, additions to reserves (new field discoveries, revisions and extensions), increased producing capacity, and production, to:

a. the price of crude oil;

b. the price of natural gas;

c. new acreage available for lease (particularly on the OCS);

d. the cost of capital; and

e. the rate of percentage depletion?

(If possible, the foregoing relationships should be expressed in terms of elasticities or incremental rates of change.)

42. What are currently the relationships of domestic crude oil prices; to:

a. domestic crude oil supply and demand;

b. the price of competing fuels;

c. policies of the Price Commission;

d. the world market price of crude oil;

e. U.S. oil import policies; and

f. other factors?

43. What are currently the relationships of domestic natural gas prices in intrastate and interstate markets, to:

a. interstate and intrastate demand for natural gas;

b. the price of competing fuels;

c. policies of the Price Commission;

d. wellhead price regulation by the Federal Power Commission;

e. other policies of the FPC?

44. (This is an elaboration of 41e above.) What was the incidence in 1970 and/or 1971 of the Tax Reform Act of 1969 upon

a. oil and gas industry tax liabilities and government revenues (i.e., how much did it increase the industry's taxes);

b. investment in exploration, development, and secondary and tertiary recovery; and

c. additions to oil and gas reserves and to producing capacity (in daily barrels or MCF) attributable to investment in that year?

45. To what extent and how has Federal public land (including the OCS) leasing or mining policy affected investments in domestic exploration and development of primary energy fuels?

46. To what extent and how have health, safety and environmental laws and regulations affected investment in domestic exploration and development of primary energy fuels?

47. To what extent and how has Federal expenditures for energy related research and development affected investments in domestic explorations and development of primary energy fuels?

48. What evidence or analysis is there to indicate that funds that would otherwise be devoted to exploration and development of primary resources have been:

a. absorbed by high land acquisition costs;

b. diverted to investment in overseas energy ventures as a result of U.S. tax, trade, or monetary policies, or

c. diverted to other domestic investment?

V. POLICY OPTIONS

Questions 49 and 50 are identical with the issues raised in section C (questions 8 and 9) of Attachment A. Responses to these questions here should be accompanied by at least an abstract of the supporting evidence and analyses, and by references to primary sources.

49. What package(s) of incentives and federal policies, if any, would be necessary and sufficient to:

a. Maintain current (1972) levels of domestic oil production until 1980? . . . until 1990?

b. Maintain historic (1960–70) rates of growth of domestic oil production until 1980? . . . until 1990?

c. Maintain current (1972) rates of domestic natural gas production until 1980? . . . until 1990?

d. Maintain historic (1960–70) rates of growth of domestic natural gas production until 1980? . . . until 1990?

(Responses to this question should be as specific and quantitative as possible.)

50. What would be the consequences of each of the policy packages set out in response to question 50 for:

a. consumer costs of energy;

b. oil and gas import requirements;

c. capital requirements for exploration and development; and

d. other significant aspects of the energy economy and the public interest?

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, August 1, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Marshall A. Neill, of Washington, to be U.S. district judge for the eastern district of Washington, vice Charles L. Powell, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan); the Senator from Nebraska (Mr. Hruska); and myself as chairman.

NOTICE OF HEARING ON NOMINATION OF DR. DIXY LEE RAY TO BE A MEMBER OF THE ATOMIC ENERGY COMMISSION

Mr. PASTORE. Mr. President, the Senate section of the Joint Committee on Atomic Energy will hold a public hearing on Tuesday, August 1, 1972, at 2 p.m. in room S–407, U.S. Capitol, on the nomination of Dr. Dixy Lee Ray, of Washington, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1977. Dr. Ray will fill the term previously held by Wilfrid E. Johnson.

I ask unanimous consent to have printed in the Record the biography of Dr. Ray which was provided to the Joint Committee with the submission of her nomination to the Atomic Energy Commission.

There being no objection, the biography was ordered to be printed in the Record, as follows:

RÉSUMÉ

Born: September 3, 1914, Tacoma, Washington.

Education and Degrees: B.A., Zoology, Mills College, 1937; M.A., Zoology, Mills College, 1938; Ph. D., Biology, Stanford University, 1945.

Honors: LL.D., Mills College, 1967; Maritime Man of the Year Award, 1966; Foreign Member, Danish Royal Society for Natural History, 1963; Matrix Table, 1960; William Clapp Award; Marine Biology, 1959, Sigma Xi; Phi Beta Kappa; John Simon Guggenheim Fellow, 1952–53; Graduate Fellowships, 1938 and 1942–45.

Present Positions: Director, Pacific Science Center, and Associate Professor, Zoology, University of Washington.

Past Positions Held: 1964, Visiting Professor, Stanford University, Chief Scientist on ship TE VEGA, International Indian Ocean Expedition; 1962–63, Special Assistant to Office of the Director, National Science Foundation; 1960–62, Special Consultant, Biological Oceanography, National Science Foundation; 1945–60, Executive Committee, Friday Harbor Laboratories;[*] 1945—Present, Faculty, University of Washington; 1938–42, Teacher, Oakland Public Schools, California.

Present Board and Committee Memberships: 1965–1971, Smithsonian Research Awards Committee; 1968 to date, Member, Pacific Region, Marshall Scholarships Program; 1968 to date, Member, Washington State Oceanography Commission, and Treasurer, Oceanographic Institute; 1969 to date, Washington State International Trade Fair, Inc., Member of Board of Trustees; 1969 to date, Planetary Sciences Corp. Inc., Member of the Board; 1969 to date, INNOVA, Inc., Member of Board of Directors; 1969 to date, Member, North American Committee of the Commission on Education, International Union for Conservation of Nature; 1970 to date, Mayor's Aquarium Committee; 1970 to date, Advisory Committee on Ft. Lawton Park; 1970 to date, King County Economic Action Task Force; 1971 to date, Puget Sound Comprehensive Health Planning Board; 1971 to date, member of the Board of Trustees, Virginia Mason Research Center; 1971 to date, member of Committee of Corresponding Consultants for the World Report on the Environment; 1972 to 1975, Committee on Public Understanding of Science, American Association for the Advancement of Science.

Past Board and Committee Memberships: 1965–1966, Puget Sound Oceanographic Study Committee; 1966–1969, Board of Trustees, Seattle Chamber of Commerce; 1966–1970, Board of Regents, St. Martin's College, Olympia; 1967–1968, Chairman, Regional Panel, White House Fellows Selection Committee; 1967–1969, Consultant on Science Information and Communication, National Academy of Sciences; 1969, Member, Presidential Task Force on Oceanography.

Publications: 1959, *Marine Boring and Fouling Organisms*, University of Washington Press; 1950 to date. Numerous professional articles and scientific papers in marine biology.

Marital Status: Single; Home Address: 600 Third Avenue, Fox Island, Washington 98333.

ADDITIONAL STATEMENTS

DEATH OF HAROLD S. MAY, PUBLISHER OF FLORENCE, ALA., HERALD

Mr. ALLEN. Mr. President, one of the great pleasures of public life is meeting and establishing friendships with a vast number of wonderful people. And one of life's saddest moments is when we learn of the death of one of these friends.

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[*] 24 years in the Department of Zoology, University of Washington, teaching marine inverterate zoology.

Through the years I have enjoyed the friendship of Mr. Harold S. May, publisher of the Florence Herald, one of Alabama's finest weekly newspapers. It was with great grief and distress that I learned of the untimely death of this fine Alabamian, an outstanding community, county, and State leader, who passed away on Monday, July 17, 1972.

Here was a man whose judgment and word I respected, trusted, and valued. His loss is a blow to all Alabamians, and his wife and son, Hal, have my deepest and most sincere sympathy.

An article on Mr. May's death appeared in the Florence, Ala., Times-Tri-Cities of July 17. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Herald Publisher Dies After Illness

Harold Samuel May, outstanding community, county and state leader and editor and co-publisher of The Florence Herald, died this morning at 5:45 at ECM Hospital in Florence. He had been ill for several weeks.

Services will be conducted Tuesday at 4 p.m. from Morrison–Elkins Chapel in Florence by Rabbi J. S. Gallinger. Burial will be in Sheffield Oakwood Cemetery, Morrison–Elkins directing.

Surviving are the widow, Mrs. Lura Will Barksdale May, and a son, Hal J. May, Florence.

May had been associated with The Florence Herald since 1931. He had begun his business career as advertising manager for the May Company in Florence in 1920. He was in the automobile business for 10 years before joining The Herald.

Since 1958 he served on the ECM Hospital Board and was a member of the Lauderdale County Society of Crippled Children and Adults. He was also a member of the Northwest Alabama Rehabilitation Center, the Mental Health Association, and one of the founders of the Muscle Shoals Regional Library, Florence-Lauderdale Public Library, and was vice-chairman and a director of the library. He was also one of the organizers of the Lauderdale County Humane Society.

In 1960–61, May served as president of the Alabama Press Association and was co-chairman of the State USO. May attended Florence State University (then Florence State Normal) before receiving a B.A. degree from Vanderbilt University at Nashville, Tenn. He served on the Florence State faculty as a journalism teacher in 1957–58.

He was a former chairman and a member of the Lauderdale County Board of Education for 24 years, and was past president of the Tri-Cities Jewish Congregation and a member of the board of trustees of Temple B'Nai Israel.

In World War One, May served as a private and in World War Two, he helped organize and commanded Co. E., First Regiment, Alabama State Guard. He was past post, district, and area commander of the American Legion.

In 1971, May was presented the Florence Exchange Club's "Book of Golden Deeds" award.

He was a native of Petersburg, Tenn.

SOURCES OF FEDERAL ASSISTANCE FOR HIGHER EDUCATION

Mr. HART. Mr. President, with enactment of the Education Amendments of 1972, many persons have written requesting information as to what sources of Federal assistance are available for higher education.

The July 21 edition of Higher Education and National Affairs, published by the American Council on Education, effectively outlines the new regulations covering student loans.

I ask unanimous consent that the article, as a source of ready reference, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

USOE Issues Interim Regulations Covering Guaranteed Program

The U.S. Office of Education published interim regulations in the *Federal Register* July 18 requiring colleges and universities to begin processing student loan applications on the basis of need instead of adjusted family income. The new regulations covering student eligibility for Federal interests benefits under the Guaranteed Student Loan Program are retroactive to July 1, the date the new Education Amendments of 1972 became law.

Following the signing of the amendments in late June, USOE asked colleges and universities to stop processing loans until regulations could be developed (see Vol. XXI, No. 26).

Effective July 1, USOE pointed out in a statement, the Federal Government will pay interest only for those students whose educational institutions recommend loans.

The college or vocational school now will take into account the "expected contribution" (the amount the student, his parents, and spouse may be expected to contribute toward his education), along with other available resources, including financial aid in the form of grants, scholarships, and other loans. This amount will be subtracted from the estimated cost of education—which for this purpose includes tuition, fees, room and board, and reasonable commuting expense—to determine the amount of need and serve as a basis of a recommendation to the lender.

USOE explained that, when an institution recommends a loan, the Federal interest benefit will be paid. Where there is no recommendation, the student may still borrow, but will have to pay the interest himself.

"However," USOE said in a statement, "the U.S. Commissioner of Education intends to issue further regulations regarding both the acceptability of the various systems used in determining the expected family contribution and the basis on which benefits may be paid on loans in excess of the school's recommendation. Any future regulations will not be retroactive and loans made during the period covered by the interim regulation will be valid and not subject to the new rules."

Other major changes made in the program by the Education Amendments of 1972 include:

1. Establishment of the Student Loan Marketing Association ("Sallie Mae"), a Government-sponsored private corporation, which will be able to buy up, or accept a collateral, student loan notes from lenders desiring to liquefy their investment. It will be several months before Sallie Mae can become operational.

2. The annual loan amount per academic year has been increased to $2,500 from the previous $1,500. However, lenders making loans under state or private agency programs are subject to loan maximums established by those agencies.

3. The outstanding loan total for undergraduate and vocational students remains at $7,500, but may go as high as $10,000 if graduate or professional study is included.

4. The insurance on Federally insured loans now cover 100 percent of the interest as well as principal.

5. Federal credit unions are no longer limited to lending 15 percent of their assets under the program.

6. All lenders are required to allow deferment of payment of principal on Guaranteed Student Loans made under state and guarantee agency programs when the borrower returns to full-time study or for up to 3 years while he serves in the Armed Forces, Peace Corps, and VISTA. (All Federally insured lenders and many of the lenders guaranteed by state or private agencies allowed these deferments prior to the new law.)

Following is the text of USOE's formal notice:

Part 177 of Title 45 of the Code of Federal Regulations is hereby revised by amending § 177.2, *Student eligibility for interest benefits,* which deals with the conditions of eligibility for, and the procedures for obtaining, Federal interest benefits on loans covered by this part, to reflect certain provisions of the Education Amendments of 1972, Public Law 92–318. Since these statutory provisions become effective by operations of law on July 1, 1972, the regulatory amendment issued hereby must, of necessity, also become effective on July 1, 1972.

The central change in the law and the regulation is to shift the basis for the eligibility of a borrower for payment of Federal interest benefits on a loan issued after June 30, 1972, from the existing requirement that the borrower's adjusted family income be less than $15,000 to a standard involving a determination as to whether the borrower is in need of the loan. The revised section sets forth the basis on which the determination of need is to be made by the educational institution and a recommendation made to the lender for its consideration. However, the Commissioner intends to issue further regulations, as may be appropriate, setting forth further criteria regarding the acceptability of needs analysis systems utilized in the determination of the expected family contribution, and the basis on which the payment of interest benefits may be made on loans in excess of the recommendation of the educational insituation. As amended, § 177.2 reads as follows:

§ 177.2 Student eligibility for interest benefits

(a) A student (1) who has received a loan from an eligible lender under: (i) a student loan insurance program meeting the requirements of § 177.12 or § 177.13, (ii) a program meeting the requirements of § 177.14, or (iii) the program of Federal loan insurance provided for in Subpart E of this part, (2) who is enrolled or has been accepted for enrollment as at least a half-time student in an eligible institution, (3) who (i) with respect to a loan issued prior to July 1, 1972, has an adjusted family income of less than $15,000 or (ii) with respect to a loan issued after June 30, 1972, has had made on his behalf the determination and statement provided for in paragraph (b) of this section, and (4) who is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands, is eligible for payment on his behalf of a portion of the interest as determined under § 177.4.

(b) In connection with a loan issued after June 30, 1972, in order for a student to be eligible for payment on his behalf by the Commissioner of a portion of the interest on such loan as determined under § 177.4, the eligible institution at which the student has been accepted for enrollment or which he is attending (and in good standing as determined by the institution) must, prior to the making of such loan, (1) determine, pursuant to paragraph (c) of this section, the loan amount needed by the student, if any, and (2) recommend that the lender make a loan in the amount so determined.

(c)(1) The determination referred to in paragraph (b) of this section is to be made by a responsible officer of the eligible institution concerned by subtracting from the amount estimated by such institution to be the cost of tuition, fees, room and board, and reasonable commuting costs for the period for which the loan is to be made, the expected family contribution with respect to such student plus any other resources or student aid that such institution determines to be reasonably available to the student during such period.

(2) For the purpose of this paragraph "the expected family contribution" shall mean the amount which a student, his parents, and spouse may be reasonably expected to contribute toward his postsecondary education for the academic period to be covered by the loan. The determination of the expected family contribution must be made by an eligible institution in accordance with uniformly applicable standards and criteria which take into account the income, assets, and resources of the student and, except where the conditions set forth in § 177.3(c) are met, the income, assets, and resources of the student's parents and spouse. Determinations made pursuant to a method covered by an agreement between the eligible institution and the Commissioner in connection with the administration of any other program of Federal financial assistance, or determinations made under generally recognized needs analysis systems, such as the Alternate Income System, the American College Testing Program System, the College Scholarship Service System, or the Income Tax System, will meet the requirements of this paragraph. Information about these systems may be obtained from State or private nonprofit loan guarantee agencies, the Regional Offices of the U.S. Office of Education, and the Division of Insured Loans, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202.

(d) To have interest payments made on his behalf, a student shall submit to the lender a statement in such form as the Commissioner may prescribe, which shall include:

(1) A certification by an eligible institution that he is enrolled at the institution or has been accepted for enrollment;

(2) An assurance by the student that the loan on which interest payments are to be made has not been and will not be used for any purpose other than for the costs of education for the academic year covered by the application;

(3) Information necessary to determine, pursuant to § 177.3, whether his adjusted family income is less than $15,000 or, when paragraph (b) of this section is applicable to the loan, a statement from the eligible institution reflecting the basis for the determination and the recommendation provided for therein; and

(4) Information concerning other loans to him which have been made under programs covered by this part or Part 178.

(e) The lender, acting in good faith, may in the absence of information to the contrary rely upon statements submitted by the borrower, his family, or an eligible institution pursuant to paragraph (d) of this section.

(f) For the purposes of this section a loan will be considered issued after June 30, 1972, if application for an insurance commitment with respect to such loan is received after June 30, 1972, by a State or private nonprofit agency under a student loan insurance program or the appropriate Regional Office of the U.S. Office of Education under the program of Federal loan insurance, or if a note or written evidence of a loan commitment is executed after June 30, 1972, under a direct State student loan program.

M. ELDON COLBY RETIRES

Mr. DOLE. Mr. President, it seems that often we, in Congress, fail to take note of the faithful and dedicated services performed by men and women in the Government's many departments and agencies in Washington and throughout the Nation. Their work is often unsung and out of headlines, but they are vital to the efficient operation of our Government.

On June 30, 1972, one such servant retired after 37 years of conscientious service in the Department of Agriculture. He is M. Eldon Colby, who, I am pleased to add, is a native of Smith County, Kans. Mr. Colby for the past 3 years has served as a congressional liaison officer for the Federal Crop Insurance Corporation. In his contacts with Members of Congress and their staffs he was always most cordial, cooperative, and helpful. His many years of experience in the FCIC, where he "grew up," equipped him uniquely to assist Congressmen on legislation and on matters brought to them by their constituents.

Eldon takes justifiable pride in having been born a Kansas farm boy and learning some of the hard lessons of farming when there were few conveniences. He gained widespread attention for being elected mayor of Falls Church, Va., more than 10 years ago; and, during the time his son and three daughters were growing to adulthood, he served in various school and community offices. He is an active member of the Masonic Lodge and maintains his membership in Kansas.

Eldon's warmth and pleasant personality will be missed by all who have come to know him, but we wish him and Mrs. Colby a most rewarding retirement. It is my guess, however, he will turn up one day soon in some new occupation or activity to his liking, for it is not the nature of this man to be idle for long.

I ask unanimous consent that an article from the July 6, 1972, Smith County Pioneer, concerning Eldon Colby's retirement, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Eldon Colby Retires After 37 Years With USDA in District of Columbia

Eldon Colby, who was reared and educated here, retired in June after 37 years with the USDA. He says he went to Washington, D.C. in December 1934 as a correspondent for the Pioneer and a due bill from a bus company for which he paid $12.50. He sends regards to friends here and says he hopes to be out this way one of these days.

The Manager's letter (USDA Federal Crop Insurance Corp.) carries his picture and this article:

M. Eldon Colby, 63, FCIC's first employee, is retiring this month after 37 years with the U.S. Department of Agriculture. His last day on the job, as Crop Insurance Officer on the Manager's Staff, was Friday, June 9.

When Federal Crop Insurance started in 1938 through an Act of Congress, its first Manager was Roy Green (later to become President of Colorado State University at Fort Collins), and his first employee was Eldon Colby. Only the 16 months in 1943–'44 when Colby was an economist for AAA, kept him from being FCIC's oldest employee in length of service. Colby first came to Washington to work as a staff member for U.S. Sen. Geo. McGill of Kansas.

In recent years Colby has been FCIC's liaison man, working with Congressional liaison representatives of the Secretary's Office. Always in the thick of FCIC top-level activities, Colby traveled the "field" for many years before settling down to administrative jobs in Washington.

Eldon was born at Smith Center, Kansas, where he grew up on a farm and was graduated from high school in 1926. He got his A.B. degree from the University of Nebraska in 1931. Four years later he started work as an assistant clerk with USDA's AAA, where he worked up through a couple of promotions and on April 1, 1938, he came to Federal Crop Insurance as Asst. Marketing Specialist in Washington, D.C.

He was stationed successively in Chicago two years as Assoc. Statistician; in Spokane, Wash., 19 months ('41–'42) in Actuarial; then back to D.C. as Head Actuary in the Actuarial Div.—but worked 16 months for AAA (in '43–'44) while FCIC was inoperative) before returning to FCIC as an Actuary in Dec. 1944.

He continued in underwriting and writing Division in 1950. In 1961 he was transferred to the Manager's staff. He and Mrs. Colby (a Virginian) have a son, Eldon, with the Mormon church in Montana, and three daughters—Virgie, secretary to U.S. Rep. Ancher Nelsen of Minn.; Dr. Darilyn Colby with the State University of New York at Brockport, N.Y.; and Mrs. Jeanette Ott, whose husband is asst. prof. at Rutgers University, New Brunswick, New Jersey—and two grandchildren.

Some ten years ago Eldon was mayor of Falls Church, Va. He is a member of the National Press Club, and he and Mrs. Colby are active in the Episcopal church. They will continue to make their home at 3415 Blair Rd., Falls Church, Va. 22041.

CAPITAL PUNISHMENT

Mr. TALMADGE. Mr. President, we recently witnessed the handing down by the Supreme Court of a landmark decision concerning capital punishment. The decision in effect requires most State legislatures to draft new capital punishment laws. In the meantime, States desiring to continue that penalty are left with no law.

The question of capital punishment should be left to each individual State legislature. It is an emotional question, one of great controversy. We have seen strong and articulate support on both sides.

One of the most stirring and thought-provoking articles to come across my desk was written by Mr. Larry Young of the Athens, Ga., Daily News. Mr. Young addresses himself to the plight of the victims, rather than pitying criminals condemned to the electric chair. I commend the article to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Only God Can Now Protect Our Women

(By Larry Young)

Once again I am ashamed. Ashamed of my profession. I have bowed my head and almost wept at the so-called news coverage since the U.S. Supreme Court knocked down the death penalty.

I have been disgusted at television reporters who showed the joy of criminals. Who interviewed convicted rapists as if they were some kind of national martyr.

I have cringed at the sight of mug shot after mug shot of those who have escaped the death penalty.

Virtually everywhere I have looked I have seen crumbling decay. An Atlanta paper publishes the pictures of death row inmates at Reidsville. Sixteen assorted pictures and underneath—and this is what got to me—a head which reads "Not Pictured."

Indeed a lot has not been pictured by my profession. Who of you can see the woman who, while nursing her child in her own home, had a pair of scissors placed against her throat and was raped and left on the floor? Who of you can see the torn and bleeding bodies of women assaulted for no reason on earth except that there was a sick, criminally inclined man free to commit the act?

Not pictured is the family brutally slashed with a knife as a senseless murderer leaves scars that will never heal.

Not pictured are hundreds of thousands of women of this land who, without the threat of death hanging over the heads of would-be rapists, now will live in deeper fear.

Not pictured are the possibilities of killings which otherwise might not happen.

We have been shown the jubilation of men on death row. They have been interviewed and treated like some kind of special American. Yet none of the charges which they were convicted of have been detailed.

Naturally the mother in Savannah who was a rape victim would not want to be interviewed, but if she were, she could tell of the horror, the grief and the scars imposed upon her and her family. Of course "not pictured" also is the feelings of the husband of the rape victim, of the father of a 19-year-old girl who was killed and raped.

I could go on and on but in this day and age it would make very little difference.

I guess what really gets to me is the realization that America has gradually adopted an attitude which dictates that we will obey only those laws with which we agree.

Otherwise, explain the air hijackings. Isn't this taking from those rich, big corporate airlines?

And Robin Hood, outlaw that he was, has come out a hero as have others who have defied the establishment and the law.

After all, if you are a member of a minority, living in squalor, isn't it o.k. to rob and steal to get food? No one is inclined to get very up-tight about such things anymore. It all come about, I contend, when it became the thing years ago to get away with all one could on income tax forms. By this I mean take advantage of every deduction. This then has grown to include all laws, and the last and most deterrent has now been struck down.

I hope and pray that the fabric of our society will survive the practice of selective obedience to the law. The sadness I have experienced in these past few days is in fear that it will not.

I see no way to provide security to the good ladies of our land, the mothers, daughters and sweethearts of America. For the barrier to rape and murder is gone. After all, the news media of today is showing the criminal, not the victim, and our selective morality champions their "rights" while ignoring the rights of their victims.

Tis a sad day! Only God can now protect our women.

THE BIRTHDAY ANNIVERSARY OF HAILE SELASSIE I, EMPEROR OF ETHIOPIA

Mr. McGEE. Mr. President, as chairman of the Subcommittee on Africa of the Foreign Relations Committee, I am privileged to have the opportunity to express on behalf of the entire membership of the U.S. Senate the warmest felicitations to His Imperial Majesty, Haile Selassie I, Ethiopia's august Emperor, on the occasion of his 80th birthday.

His Majesty first became indelibly impressed on the minds of most Members of this body through his dramatic leadership of the Ethiopian people's heroic resistance to the fascist invasion and occupation of the 1930's. The voice that then called out for collective action against aggression has subsequently been among the most eloquent raised in support of peacekeeping efforts throughout the world.

Great statesman that he is, His Majesty has also been a tireless and skillful practitioner of the silent art of diplomacy. In addition to having contributed probably more than any other founder to the success of the Organization for African Unity, he has played a largely unpublicized role in the settlement of a number of serious disputes within and between African states. North, west, central and east Africa have all found during times of turmoil a friend and counselor in the Emperor and he has contributed outstandingly to the resolution of conflicts throughout the continent. He is held in highest esteem by leaders in Africa and throughout the world.

I think I express the views of all Members of the Senate when I say that the Government and people of the United States are grateful for the close friendship we have long enjoyed with the Government and people of Ethiopia. On his 80th birthday, we hail His Majesty's contribution to that friendship and to the excellent relations between our countries. In wishing him health and happiness, we join with the peoples of Africa and the entire world in saluting Ethiopia's great leader.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. MILLER. Mr. President, while necessarily absent on July 21, 1972, the Senate had two record votes in connection with S. 1991, the Housing Amendment to the Public Utility Holding Company Act. I ask that the permanent RECORD reflect my positions on these votes as follows:

First. No. 294 Leg.—Griffin amendment to require a utility which developed a housing project to retain full ownership thereof for a minimum of 20 years, except under certain circumstances. Aye.

Second. No. 295 Leg.—Final passage of S. 1991. Aye.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION AND THE HIGHWAY TRUST FUND

Mr. HART. Mr. President, on Friday, Senator KENNEDY and Senator WEIKER introduced the Highways and Related Transportation Systems Act of 1972. I am a cosponsor of the bill.

The bill would make the highway trust funds available for systems other than highways. While still authorizing $3 billion annually for interstate roads, it also would provide more than $2 billion a year for other transportation needs through fiscal year 1979. These authorization levels fall within projected revenues for the trust fund.

A detailed explanation of the bill is covered in a section-by-section analysis which I ask be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. As a Senator from Michigan, which has more than passing interest in motor vehicle transportation, and as a close working friend of the late Senator Patrick McNamara, a great champion of the interstate highway program, my decision to cosponsor this bill was not made lightly.

The goal of the Interstate System, established 16 years ago, was and is to connect by highway isolated population centers.

That goal remains valid and should be pursued.

However, we would be naive indeed to believe that conditions and knowledge have not changed since 1956, and we would be foolish indeed if we ignored the lessons of experience.

The fact is that as basic as motor vehicle transportation will continue to be to our transportation system, automobiles and highways alone cannot do the job.

There are those who cannot afford to buy automobiles.

Cars and roads extract major tolls from the environment.

Traffic congestion defeats the goal of speedy, convenient transportation.

New highways take needed land and houses, and affect local and State tax revenues.

For example, it was reported in 1969 that, of the 21 percent of American families not owning a car, most were concentrated among the elderly, the poor, and center-city residents.

Recent studies have found dangerously high levels of lead from car exhaust in dirt along highways; air pollution alerts become more frequent, and noise and other side effects from major highways affect the quality of life in nearby neighborhoods.

Commuters need no studies to prove that new highways generate traffic increases which add to congestion in cities and which too often too quickly exceed the capacity of the new road itself.

As a result, citizens are filing suits and taking other actions to stop construction of major highways, and cities seek ways to discourage the use of cars in downtown areas.

If we are to learn from these experiences, we should recognize that while the use of automobile, truck, and highway will remain basic to our transportation system—and indeed in some areas will have to be expanded—we need a national transportation policy, regional transportation planning, and adequate financing for balanced transportation systems.

To the extent S. 3825 moves us toward those goals, it deserves support.

Over the years, it has been argued that the highway trust fund should be reserved solely for the Interstate System. This argument is based, at least in part, on the contention that revenues for the trust fund come from taxes paid by the users of highways.

However, while indeed the highway trust fund may pay all construction costs for the Interstate System, it also is true that increasing amounts of general revenues from local, State, and Federal budgets are required to pay other costs generated by our motor vehicle transportation system, costs ranging from salaries for police traffic officers to road maintenance to antipollution programs.

And just as the effects of highway transportation cannot be isolated, neither should the Nation's approach to its transportation system be fragmented.

The time has come to recognize that the automobile and the highway cannot meet all transportation needs.

Indeed, it can be argued, I think, that the auto company and car owner should have a strong interest in building a balanced transportation system which will help increase the value of the car as a safe, convenient mode of transportation.

Continued traffic congestion and concern about air pollution can only work to the detriment of the automobile.

EXHIBIT 1

SECTION-BY-SECTION ANALYSIS OF HIGHWAY AND RELATED TRANSPORTATION SYSTEMS IMPROVEMENT ACT OF 1972

Sec. 1 cites this as the "Highway and Related Transportation Systems Improvement Act of 1972."

Sec. 2 sets forth findings that highway congestion, air pollution, and related safety problems are impairing the efficiency of the highway system; and declares that the level of efficiency can be improved by developing related systems, and that both highways and related systems can best be improved by giving States and local communities greater flexibility in the use of Federal highway funds.

Sec. 3 gives definitions including one for highway or related transportation service. It means (1) the acquisition, construction or reconstruction, improvement, operation or maintenance of highway, traffic control, or public transportation systems, including highway safety facilities; (2) planning, research, development, and demonstration of these functions, and (3) beautification, relocation, and environment of protection activities.

Sec. 4 reduces the present authorizations of $4 billion for the Interstate System of highways for fiscal years 1974, 1975 and 1976, to the sum of $3 billion for each of fiscal years 1974, 1975, 1976, 1977, 1978, and 1979 and the amount of $1,257 million for 1980.

Sec. 5 authorizes the Secretary of Transportation to make 1974 and 1975 Interstate System apportionments using the factors set forth in Table 5 of House Public Works Committee Print 92–29, A Revised Estimate of the Cost of Completing the National System of Interstate and Defense Highways.

Sec. 6 extends the time for completing the Interstate System by four years, moving the completion date forward from June 1976 to June 1980. The Secretary is required to continue to report to Congress the cost of completing the Interstate System every second year, using the estimate shown therein for making apportionments for the subsequent two-year period, upon approval of Congress.

Sec. 7 requires that segments of routes of the Interstate System approved before October 15, 1966 but on which construction of a significant proportion had not commenced as of July 1, 1972, be subject to review of the appropriateness and feasibility in the same manner as newly authorized routes. Where such a review results in failure to select a route, or segment, the Federal funds for such a project shall be reallocated to the particular State or metropolitan area concerned, on the prevailing ratio of 90 percent Federal to 10 percent State or local.

Sec. 8 extends the 10 percent penalty for failure to control outdoor advertising displays and devices for the period after January 1, 1973, and eliminates the restriction of 650 feet from the nearest right of way, and substitutes "which can be seen from the man traveled way."

The authorizations for carrying out outdoor advertising are extended as follows: $27 million for fiscal year 1971; $20.5 million for 1972; $50 million for each of 1973, 1974, and 1975.

For control of junkyards in areas adjacent to the Interstate System and Federal-aid primary system of highways, the authorizations are extended as follows: $3 million for each of fiscal years 1971 and 1972; $5 million for 1973; and $7 million for each of 1974 and 1975.

Sec. 9 adds a new Chapter 6 to Title 23, U.S. Code, bearing the title Highways and Related Transportation Services Improvement Program.

Sec. 601 authorizes the Secretary of Transportation to apportion money from the Highway Trust Fund to assist States and local governments to operate, maintain, and improve highways and other transportation services, including public transit, if sufficient funds are not available from other Federal sources.

Sec. 602 authorizes to be appropriated out of the Highway Trust Fund the following amounts: $2.3 billion for fiscal year 1974; $2.8 billion for each of years 1975, 1976, 1977, 1978, and 1979; and $4.5 billion for 1980. Ninety percent of these amounts are to be apportioned in accordance with a prescribed formula, and the remaining 10 percent shall be available to the Secretary as a discretionary fund.

The distribution formula contains three elements:

50 percent of the total in the ratio which metropolitan area populations of a State bear to the total population of all metropolitan areas in the United States;

25 percent of the total in the ratio of the State's population to the national population;

25 percent of the total in the ratio of the square root of area of each State to the sum of the square roots of all State areas, but with the provision that no State's share under this element shall be less than one-half of one percent of the allocation of this element.

The metropolitan population allocation funds are, in turn, to be reallocated by the States on a similar ratio of population of metropolitan areas within the respective State. Also, these funds are to be apportioned directly to the transportation agency established in each metropolitan area. Where such agencies do not have the authority to fulfill these purposes, the Secretary shall file interim measures until the agencies in question have been given that authority.

Beginning with fiscal year 1974, the Secretary shall publish in the Federal Register the amounts apportioned to the States or to local authorities under each of the three formula elements.

Unwarranted reductions of allocations by States to local governments for transportation purposes may result in a reduction of a like amount of Federal funds to the State concerned.

Sec. 604 requires each State to have a comprehensive State and local transportation plan, subject to approval by the Secretary of Transportation. Such a plan must reflect transportation needs of the State and its communities, and take into consideration the social and environmental impact of the alternate means available, while providing an adequate platform for public expression. It must be administered by a single State agency with full authority for executing the State's plan.

Local governments must develop an areawide plan incorporating long-range plans for highway and related transport systems, with a schedule of projects to be undertaken annually. The local plan is to be developed by the local transportation planning agency, and be submitted to the Governor of the State, and to the Secretary of Transportation for review.

A local transportation agency shall be considered in existence when an allocation for transportation planning has been created by the general local government in a metropolitan area which represents at least 75 percent of the total population of the metropolitan area and includes the largest city. Each such agency shall have:

A. Representation in management of the highest appropriate elected official of each participating unit of general government, or in the case of the District of Columbia, representation of the Commissioner;

B. A citizen advisory board composed of representatives of citizens' groups;

C. Planning authority for all urban surface modes of transportation;

D. Propotional voting based on population;

E. Authority to develop the program of transportation projects required under this section.

State and local plans must show how they comply with the Clean Air Act.

Where a State or metropolitan plan is rejected by the Secretary, the State or local unit shall be afforded an opportunity for hearing.

Planning and administrative costs of State or local units are not to exceed 3 percent of the respective allocation.

Sec. 605 provides for record keeping, audits, and reports.

Sec. 606 establishes legal machinery for the recovery of funds where a recipient has failed substantially to comply with the provisions provided herein.

Sec. 607 authorizes the Secretary of Transportation to prescribe rules, regulations, and standards to govern the conduct of implementation of this chapter.

Sec. 608 requires the Secretary to report annually to the President and Congress on the developments and effectiveness of these activities.

Sec. 609 applies the provisions of the Civil Rights Act of 1964 (42 U.S. Code 2000d) to this chapter.

Sec. 610 specifies that no Federal contribution in addition to funds herein allocated shall be provided for relocation payments and assistance for those replaced by transportation activities.

Sec. 611 provides that nothing in this chapter shall diminish the requirements respecting the establishment by States of highway safety programs approved by the Secretary of Transportation.

Sec. 612 requires action to insure that fair and equitable arrangements are made respecting labor.

MOMENTUM INCREASES FOR RATIFICATION OF THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, on June 16, 1949, the convention on the prevention and punishment of the crime of genocide was transmitted by President Truman to the Senate. Twenty-three years later the peoples of the world await Senate ratification.

In 1953, Secretary of State John Foster Dulles expressed "some doubt as to whether * * * the Genocide Treaty is going to accomplish the purposes which were in the minds of those who drafted it." Although Mr. Dulles opposed ratification, he acknowledged that the basis of the administration's opinion was subject to change:

> We do not ourselves look upon a treaty as the means which we would "now" select as the proper and most effective way to spread throughout the world the goals of human liberty to which this nation has been dedicated since its inception.

We can reasonably say that in using the word "now," Mr. Dulles anticipated that times might change and a different policy would be required. We need only look at present policies to see that the changes have come and the demands of our time differ.

In 1963, Secretary of State Dean Rusk said that the Kennedy administration would ratify the Genocide Convention if the Senate gave its advice and consent. This pledge was repeated on behalf of the Johnson administration in 1965.

On February 19, 1970, President Nixon urged the Senate "to consider anew this important convention and to grant its advice and consent to ratification." Such action, said the President, "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice."

It is evident that the momentum for ratification of the Genocide Convention has increased considerably since 1953. Daily events illustrate the need for a treaty to guarantee the peoples of the world the right to live.

The urgency for approval of the Genocide Convention is apparent. I ask the Senate, without further delay, to ratify this convention.

PUBLIC BROADCASTING

Mr. DOLE. Mr. President, there has been considerable debate both within the Congress and throughout the public broadcasting community on the appropriate role of the Corporation for Public Broadcasting, the national programing centers, and the local noncommercial broadcasting stations. There has been widespread concern that the Corporation for Public Broadcasting, originally created to serve the local stations, is becoming instead a focal point of control for a "fourth network."

President Nixon vetoed H.R. 13918, which would have provided $155 million for financing the Corporation for the next 2 years. He did so in order to demonstrate his belief that the questions regarding the structure of public broadcasting must be resolved before substantially increasing the Corporation's funding.

The Topeka Daily Capital supported the President's action in an editorial on this subject. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Topeka (Kans.) Daily Capital, July 21, 1972]

ETV STRAYS TO LEFT

The President showed great courage when he vetoed the bill which would have authorized $155 million over the next two years for the Corporation for Public Broadcasting. ETV has strayed a long way from its original purpose.

The original concept, as it was promoted in Kansas, was to improve the level of classroom instruction. We were told by ETV enthusiasts that ETV would make available the best teacher in a given subject in every classroom in the state.

To a limited degree, Kansas' two educational stations, KTWU-TV in Topeka and KPTS-TV in Wichita, have done inclassroom instruction. But the development of a National Public TV Network, through the Corporation for Public Broadcasting, has caused ETV to stray from home base.

Attracted by the glamor of sophisticated programs, produced in New York and Washington, ETV stations have been eager to "throw the switch" and turn their channels over to the programs underwritten by government and private foundation funds.

The network programing by Public Broadcasting Corporation has been titled to the left. Their documentaries and news programs seem to espouse liberal causes of all kinds. One observer, who was watching the PBS coverage of the California primary returns, remarked that it was "a two-hour campaign speech for George McGovern. Had I been Hubert Humphrey, I'd have really been upset."

A distinguished voice in ETV spoke up last week. The alleged "biased" and "prejudiced" programming and "stupidity" over the way CPB has represented industry to Congress caused Dr. John C. Schwarzwalder, executive vice president of KTCA-TV, St. Paul-Minneapolis to fire off a letter to industry demanding "immediate resignations" of CPB President John Macy and PBS President Hartford Gunn.

Discussing the letter, he told "Television Digest" and industry trade publications there was "a very wide spirit of disgust . . . enormous bitterness" within industry over the way CPB, PBS, EBC (WNET, N.Y.) and Ford Foundation have "manipulated" local stations, adding that most broadcasters agreed with the President's reason for vetoing the two-year $155 million authorization bill.

The veto, Schwarzwalder said, brought home the fact that "a particular political philosophy cannot be shoved down the throats of the American people. . . . What (Nixon) has done by vetoing this bill may yet save educational broadcasting from killing itself by its wild, irresponsible plunges into unbalanced programming and factually questionable documentaries . . . We simply cannot allow (public TV's future) to fail through the stupidity of a number of our PTV executives and a desire for power on the part of those who have cynically manipulated them."

Schwarzwalder, a pioneer in ETV, wrote the special report commissioned by the Kansas Legislature on ETV several years ago in which he recommended establishment of a statewide ETV Network. The establishment of Channel 11 in Topeka and Channel 8 in Wichita followed his general line of recommendations.

EIGHT MYTHS ABOUT GUN CONTROL

Mr . STEVENSON. Mr. President, since introducing my handgun control bill, S. 3528, on April 25 of this year, I have received hundreds of letters from citizens opposed to gun control legislation. The reasons they cite for their opposition seem valid to them, and, indeed, some of them are valid. Too often, however, these honest citizens have fallen prey to certain arguments—often initiated by the gun lobby—which have only the smallest grain of truth.

On the other hand, some citizens and even legislators who favor gun control legislation have also succumbed to certain illusions. They feel that strict national gun control legislation will be a costless panacea.

In the Christian Science Monitor of July 24, Franklin Zimring explores some of these arguments and illusions in an article entitled "Eight Myths about Gun Control in U.S." Four of these are myths propounded by those opposed to gun control; four are myths utilized by those who favor gun control legislation.

Mr. Zimring is one of our Nation's foremost experts on the gun problem. He presently teaches at the University of Chicago, and in the past he served as the director of research for the Eisenhower Commission's Staff Report on Firearms and Violence in American Life.

In reading Mr. Zimring's article, I was particularly struck by his characterization of the handgun:

> The handgun is a special problem. With the possible exception of heroin, never has a product cost so much and given so little to the quality of American urban life.

I have long maintained that the gun crime problem in the United States is the handgun crime problem. The handgun is the chief instrument of crime and violence in our society. My bill, S. 3528, deals only with handguns—licensing all handgun owners; registering all handguns; and banning all Saturday night specials.

Because of the emotion and volatility that the issue of gun control arouses, it is often hard to step back and view the cold facts—absent the myths—about proposed gun control legislation. I believe it would be useful for all of us—whatever our position—to read Mr. Zimring's informative article. I, for one, came away from reading the article more than ever conscious of the limits to the effectiveness of gun control legislation, but also more than ever committed to attaining those limits by securing the passage of adequate national handgun legislation.

I ask unanimous consent that Mr. Zimring's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EIGHT MYTHS ABOUT GUN CONTROL IN UNITED STATES

(By Franklin E. Zimring)

CHICAGO.—At times of violence or assassination, Americans tune in to the hopeful optimism of those who see the end of violence around the next corner of gun legislation. Even more regularly, gun-owning groups assure us that the 30 million handguns in the nation have nothing to do with violent crime in the United States. Each side is convinced that it is absolutely right, and nobody bothers to get his facts straight. Sadly, our national debate over gun control is often a battle of empty slogans.

Before we get suitably serious about the gun problem in this country, it will be necessary to clear away some of the rhetorical excesses that have marked the gun-control debate. The first step is a few basic facts.

There are about 100 million guns in this country — more than two-thirds of them shotguns and rifles, the traditional sporting weapons in American life. The other 30 million or so are handguns owned more in cities than in rural areas, rarely used in sport and nine times as likely as long guns to be involved in crime.

The vast majority of all guns are not violently misused, but guns are involved in a quarter of a million violent episodes each year, and our millions of guns—again particularly handguns—contribute to the crime problem by making robbery easy and serious assault more deadly. The real difficulty in the present debate over gun laws is that half of the participants underestimate the problem while the other half underestimate the time, money, and loss of liberty that will probably be necessary to solve it. The best way to illustrate this theme is by examining eight myths about guns—four from each side.

Myth No. 1: "We have a crime problem, not a gun problem."

This refrain, often heard from anti-gun control groups, is true to the extent that 100 million guns would pose no problem in this country if nobody fired one. The problem is that robbers, angry husbands, and barroom debaters use them hundreds of thousands of times each year.

And when guns are used, they increase the chance that death will result by a factor of four. We have both a crime problem and a gun problem, and each makes the other worse.

Myth No. 2: "The handgun is a useful tool of household self-defense."

Millions of Americans (myself included) live in some fear of robbers and burglars invading their homes. About 25 percent of all households have acquired handguns in the belief that they provide an effective defense against the criminal stranger, and this is why we have 30 million privately owned handguns.

Yet the homeowner's gun rarely protects him against burglars, who seek to elude him, or the occasional robber, who counts on surprise and a weapon of his own to render the homeowner helpless. The loaded handgun in your home is much more likely to accidentally kill someone in the family than to save his life.

Perhaps if this were fully understood, most domestic handguns, and most of our gun problems, would go away by themselves. But that is unlikely.

People seek guns for a sense of security and will resist heeding any information that undermines that sense of security.

Myth No. 3: "Legitimate citizens are not part of our gun problem."

Since crime is caused by criminals, many people argue that our many million gunowning families have nothing to do with the gun problem.

Yet the truth is that the majority of all gun homicides are committed by persons without serious prior criminal records. And even more important, without registration and license laws it is very difficult to keep 30 million handguns in legitimate hands while still preventing potential criminals from buying guns secondhand or stealing them.

Even registration of guns and licensing of their owners might not stem the flow from legitimate to illegitimate owners with so many millions of guns in circulation.

So it appears that we will have to bring many millions of guns under control to get at the violent quarter of a million gun episodes.

Myth No. 4: "Gun laws can't work since criminals don't obey laws."

There is a grain of truth to this argument, but it is nonetheless a dangerous oversimplification.

In fact, the argument proves a bit too much since it suggests that all criminal laws are futile, because all the people who violate them are, indeed, criminal. The more complicated truth is that laws do not work automatically. They must be enforced and they must deal with the reality of gun use in this country. But laws that cut down the transfer of guns from legitimate to illegitimate owners, or dramatically reduce our domestic handgun supply, can cut down on the role of guns in violence.

Myth No. 5: "Gun laws can reduce crime in the United States to the same levels experienced in countries like Britain and Japan."

If the anti-control partisans tend to forget the gun part of our crime problem, some of the pro-control people seem to forget that guns are only a part of the set of special problems that make violent-crime rates higher in this country than in the rest of modern Western society.

We often hear that the United States has a gun-kill rate 38 times as high as England, which presumably means that we could reduce killing to the English rate if we adopted stern gun controls. Unfortunately, our violent crime rate will remain much higher than that of other developed countries no matter how much we do about guns, because Americans rob and attack one another with all weapons at greater rates than do the English or Japanese.

Reducing the proportion of attacks by guns will reduce the death toll from attack because other weapons are less dangerous. But it is not a cure for crime, and those who oversell gun control in this way only add to our profound national confusion over guns and violence.

Myth No. 6: "Gun laws would not result in much cost or inconvenience to law-abiding citizens."

There are, to be sure, some gun-control laws that won't cost much—the problem is that they might not achieve much either.

If we really want to keep guns out of the hands of the irresponsible, we must put all owners to the inconvenience of getting licenses and registering guns. If we want to dramatically reduce handgun violence, we probably have to reduce the total number of such guns.

This is really a simple corollary to Myth No. 3, because if legitimate gun ownership is part of the problem. loss of freedom and inconvenience to legitimate gun owners is part of the solution.

Myth No. 7: "Only the National Rifle Association stands between this country and effective gun laws."

Just as gun-owning groups see the call for more controls as an evil conspiracy, many pro-control citizens think that the only real opposition to gun regulation is the National Rifle Association. But opposition to compulsory licensing and schemes to cut down on handgun ownership has its roots much deeper in American culture.

People in this country are afraid of crime, and having guns makes them feel better. It is also difficult for legitimate gun owners to see themselves as any part of the problem, since 99 percent of all our guns are used responsibly and everyone sees himself as part of that 99 percent. It is thus difficult to convince him that there should be gun laws that inconvenience him.

Myth No. 8: "All that is needed to solve our gun problem is strict legislation."

American experience with prohibition of alcoholic beverages suggests that new laws, alone, are not any guarantee of significant social change.

Public support for law must be high for if a law cuts against the grain of public sentiment, too many people will disobey it. Police and court support are necessary if legislation is to be more than a hollow shell. Also, it should be clear by now, with as many thousand gun laws scattered around this country as gun deaths, that passing the right laws under the right conditions is much more important than passing another law.

We need to know more than we do about guns and the effect of gun laws. We need to change attitudes and values.

Clearing away a few of the myths surrounding the gun debate is only a first step in choosing the appropriate national gun policy. Once it is known that gun controls will be expensive, might take many years to accomplish, and are not the final solution to the crime problem, we must address the question of whether various types of control are worth their costs.

In relation to mild steps such as firearm registration, the answer is easy to find. Even if the effect of such laws is modest, the failure to try them can only mean that we are not serious about curbing violence.

A campaign to remove the handgun from civilian ownership raises harder questions. In a nation dedicated to individual freedom, in an era when we are finding that the criminal prohibition of things like marijuana and abortion may not be worth the cost, there is a special irony in hearing liberal politicians urge a criminal prohibition of handguns.

Yet the handgun is a special problem.

With the possible exception of heroin, never has a product cost so much and given so little to the quality of American urban life.

A strategy as unstylish as prohibition may be the appropriate solution to the handgun problem. It may not. But before we can make intelligent choices in this area, we must face the real issues.

ORDER OF AHEPA'S 50TH ANNIVERSARY

Mr. CANNON. Mr. President, it gives me great pleasure to join in the national tribute being currently paid to the Order of Ahepa, the American Hellenic Educational Progressive Association.

The Order of Ahepa is celebrating its golden anniversary in July 1972, capping 50 years of contributions to the betterment of American life. Although mainly devoted to furthering progressive education, the Order of Ahepa has contributed financially to many worthy causes during its 50 years, on a national and international level.

Some examples of these members' generosity and community improvement undertakings include, relief of U.S. hurricane and flood victims across the Nation, relief for orphaned and dependent children of Greece, the Near East and other war ravaged areas, and national scholarships to worthy students.

Among those who are united in its bond of friendship and understanding, the Order of Ahepa numbers the late President Franklin D. Roosevelt, former President Harry S. Truman, Vice President Spiro Agnew, and many other Government officials.

In my home State of Nevada three chapters are actively involved in the purposes of AHEPA. In Reno, local chapter officers are: Angelo Georgeson, president; Dan Ahtipis, vice president; A. D. Demetras, secretary; and Charles F. Fell, treasurer.

Las Vegas officers are Louis Georgelas, president; Tom Darellos, vice president; Costas Skordoulis, secretary and Ted Johnson, treasurer.

In Ely, officers are Angelo Antonio, president; George Malaperdas, vice president; John S. Lampros, secretary, and Nick Patras, treasurer.

Mr. President, in extending my congratulations to this distinguished organization on its 50th anniversary, it is my hope that the Order of Ahepa will continue tc receive the encouraging support and involvement of all citizens dedicated to the goals of good fellowship and high moral purpose.

MORE AGENCY RESPONSES ON CONSUMER PROTECTION AGENCY INTERVENTION

Mr. ALLEN. Mr. President, on July 17 I placed in the RECORD for the benefit of the Senate the responses of various Federal agencies to my request for a listing of their proceedings or activities that would be subject to intervention, full participation and court appeal by the proposed new Consumer Protection Agency under a bill that I hope will be reported soon by the Government Operations Committee on which I serve.

On that date, I had accumulated responses from 24 agencies, listing 554 types of proceedings and activities. I therefore introduced an outline of these responses, rather than attempt to spread such voluminous correspondence through the RECORD.

I also promised to introduce for the benefit of the Senate the expected additional correspondence on this subject, because the bill is expected to come to the floor for action soon and one of the major questions will concern what Federal agencies should be subject to CPA intrusion.

As of July 21, I had received responses from four additional Federal agencies—Department of Justice, Department of Transportation, Securities and Exchange Commission, and the Social Security Administration.

The Department of Justice letter did not respond with the requested list of proceedings and activities subject to CPA intervention and court appeal.

Instead, the Justice Department issued an opinion stating total opposition to the bill as presently drafted, saying:

> The proposed (Consumer Protection) Agency's powers of advocacy and intervention in Federal administrative agencies decisionmaking are too broad, and pose a threat that the orderly and effective dispatch of the public business in the public interest might be significantly disrupted.

Counting these four letters, a total of 28 Federal agencies have responded to my inquiry, and many more are expected.

Not counting general responses such as those from the Justice Department, Federal Power Commission, and Federal Communications Commission, the 28 responding agencies have described a total of 1,003 proceedings or activities subject to CPA advocacy and court appeal under the present bill as it applies to the Federal Government.

No attempt will be made at this time to assess the number of proceedings and activities at the State and local levels subject to similar CPA powers. They are, however, numerous.

I ask unanimous consent to have printed in the RECORD the four Federal agency responses that have been received subsequent to the July 17 printing concerning similar responses from 24 agencies.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, D.C., July 20, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: This is in response to your letter to the Solicitor General concerning the activities of this Department which would be affected by S. 1177, the Consumer Protection Organization Act of 1972. At the request of Mr. Charles Mitchell of your staff, this letter expresses generally the views of the Department of Justice on S. 1177 (June 14, 1972, Committee Print).

In the Department's view, the proposed Agency's powers of advocacy and intervention in Federal administrative agencies' decision-making are too broad, and pose a threat that the orderly and effective dispatch of the public business in the public interest might be significantly disrupted. For this reason, the Department strongly prefers the more narrowly drawn provisions governing the proposed Agency's interventionary powers which are contained in H.R. 10835 as it passed the House of Representatives last year. A comparison of provisions of the Committee Print and H.R. 10835 in this important area may help illuminate some of our concerns.

Section 203(b) of the Committee Print gives the Administrator the power to participate in any "Federal agency activity" which may substantially affect the increases of consumers. The bill's definition of "agency activity" in Section 401(4) fails to set any reasonable limits on areas of possible intervention by the Administrator:

" 'Agency activity' means any agency process, or any phase thereof, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal, but does not mean any particular event within such process[.]"

In our view, this definition is at best imprecise, and implementation of Section 203(b)'s mandate under it would cause great problems for administrative agencies in general, and particularly for the Department of Justice in performing its prosecutorial functions. Since the Department would appear to be a "Federal agency" within the meaning of Section 401(9), the Committee Print would guarantee the Administrator the right to participate in decisions concerning whether or not particular cases should be filed, settled, or appealed. No other Government official has that right at present, and for good reasons. The exercise of prosecutorial discretion is a delicate and sensitive task, best left to the branch of government chosen by Congress to conduct litigation involving the interests of the Federal government. See 28 U.S.C. §516. This is not to say that the views of the Administrator should not be heard by those exercising this discretion. At present, the views of administrative agencies on matters involving the regulatory statutes they enforce are actively sought by the Department as a matter of course. There is no reason to think that the Department would not be equally eager to hear and consider the views of the Administrator when prosecutorial decisions are being made which appear to involve the interests of consumers. Section 204(D), however, would unnecessarily grant a statutory right to such participation, and, coupled with Section 204 (d)'s requirement that Federal agency's declinations to act in response to the Administrator's requests must be justified by a public written statement setting forth the reasons therefor, could require disclosure of the various sensitive matters, often told to the Department in confidence, underlying the decision. At the very least, therefore, the Department would urge that the provisions of the bill be made inapplicable to prosecutorial or appeals decisions made by appropriate officers of the Department.

The Department is also opposed to the broad reach of section 204(a) of the bill, which gives the Administrator "standing to obtain * * * judicial review of any Federal agency action reviewable under law and to intervene as of right as a party in any civil proceeding in a court of the United States involving the review or enforcement of a Federal agency action, if he intervened or participated in the Federal agency proceeding out of which the action arose or, if he did not so intervene or participate, the court finds that the result of such action may substantially affect the interests of consumers."

It is unclear whether this provision will permit the Administrator, without the authorization of the Solicitor General, to file a petition for a writ of certiorari in cases in which he has become a party. With certain narrow statutory exceptions (see 28 U.S.C. 2323, 2350), it is a well-settled practice of many years standing that only the Solicitor General appears for the federal government in the Supreme Court. One aspect of this practice is that agencies, including independent agencies, cannot seek Supreme Court review without the authorization of the Solicitor General. This practice, we believe, rests upon sound considerations of public policy. We think it would create serious problems for all government litigation before the Supreme Court if the Administrator were singled out to permit him to present his own cases to the Supreme Court without the authorization and supervision of the Solicitor General. The interests that the Administrator would represent, important as they are, seem no less important that the interests represented by many other government agencies and the policy considerations that require those agencies to appear in the Supreme Court through the Solicitor General are, in our judgment, equally applicable to the Administrator of the Consumer Protection Agency.

In contrast to the unfettered grant of authority to the Administrator to obtain judicial review and to intervene as a party in a court proceeding involving the review or enforcement of a Federal agency action, we note that there is no provision in the Committee Print comparable to H.R. 10835's Section 204(c)(2), which allows the Administrator to appear as *amicus curiae* in other actions to which the United States or any Federal agency is a party. We believe that the Administrator's authority (or lack of it) to participate in judicial proceedings not involving the review or enforcement of Federal agency action should be specifically set forth.

The Committee Print's grant of compulsory information gathering powers to the Administrator also seems excessively broad. Both the Committee Print and H.R. 10835 authorize the Administrator to use in any Federal agency proceeding to which the proposed Agency is a party all types of compulsory process and discovery devices available to any party to the proceeding under the terms of the statute governing the agency conducting the proceeding. There is no difficulty with this provision, for it only guarantees that the Administrator, after intervention, will have the same rights to discovery and to the use of the host agency's compulsory process as all other parties to the proceeding. But the Committee Print goes further, and extends in Section 203(e) these same rights to the Administrator whenever he is participating in any Federal agency "activity". Given the great latitude of the bill's definition of agency "activity", which has been previously noted, granting such rights to the use of compulsory process and other discovery devices in advance of any agency proceeding would give the Administrator an advantage not afforded any other person or official, and would jeopardize the host agency's ability to regulate effectively in the public interest. Moreover, such powers do not appear necessary for the new Agency to perform its advocacy function, since Section 207(c) would guarantee the Agency's access to all information in the hands of other Federal agencies, and since all the powers in question would become available to the Agency as soon as a formal proceeding had been commenced.

For similar reasons, the Department would recommend the deletion of Section 207(b) of the Committee Print in its entirety. In essence, Section 207(b) would give the Administrator the right to compel any person who is engaged in a trade, business or industry affecting commerce and whose activities substantially affect what the Administrator determines to be the interests of consumers to answer interrogatories under oath "concerning such activities and other related information." The Department regards this proposal as unsound and unnecessary. The proposal is unsound, because it is at odds with the basic premise of the legislation, which, as we understand it, is that the interests of consumers need more adequate representation in the processes of Federal administrative agency decision-making. To our knowledge, the proposed Agency has never been intended to be a wide-ranging investigative agency, empowered to scrutinize the business practices of any person or business entity whose activities might affect the interests of consumers. Section 207(b) would give to the Administrator, who would have no substantive regulatory responsibilities, interrogatory authority far in excess of that possessed by any other Federal official, department or agency similarly situated. The grant of such authority is also unnecessary, for by virtue of the discovery procedures made available to the Administrator in any agency proceeding by Section 203(e), and Section 207(c)'s guarantee of access to information already in the possession of other agencies, the Administrator already has all the information gathering powers he would reasonably need to give consumer interests the high quality of representation and advocacy that they deserve.

The Department of Justice is opposed to the enactment of S. 1177 in its present form.

Sincerely,

RALPH E. ERICKSON,
Deputy Attorney General.

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C., July 19, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: I am happy to provide you with a list of proceedings and activities of the Department of Transportation which might be subject to intervention by the Administrator of the proposed Consumer Protection Agency (CPA). I regret that we were unable to provide this information more expeditiously but we felt that it necessitated some communication with the various elements of the Department in order to provide you with a comprehensive answer. We have enclosed copies of the comments received from some of the administrations with lists of activities which might be covered by sections 203 and 204 of the bill.

As you know, the Department engages in a great deal of informal rule making under section 553 of title 5, U.S. Code. These rule-making proceedings are concerned primarily with safety in the various modes of transportation, i.e., aviation, rail, highway, motor vehicle, boating, shipping, and pipeline. All of these regulatory activities would affect consumer interests as defined in the bill. However, the degree to which they do so varies widely and, as a result, it is difficult to make a general statement as to when consumer interests would be affected so as to warrant intervention by the Administrator. In some areas, such as the motor vehicle safety standards, almost all of the regulatory proceedings could be considered to have a substantial effect on consumer interests, both from the standpoint of consumer safety and cost of consumer goods. On the other hand, some safety regulations are so narrow in scope or so indirect in their effect upon the consumer that they would rarely have more than a minimal effect upon consumer interests. Into this latter category might fall such activities as the FAA's airspace reservations and air traffic rules.

The Department conducts very few other activities which would be subject to the Administrative Procedure Act or which would constitute an agency proceeding conducted on the record after a hearing. It would be most unlikely that any of these other proceedings would be considered as substantially affecting consumer interests.

The other major category of activities which would be subject to intervention under section 203(b) of the legislation is also rather difficult to establish with any degree of certainty. The proposed definition of "agency activity" is so general as to encompass a wide range of activities under the many statutes which the Department administers.

The enclosed comments will provide you with examples of Department of Transportation proceedings and activities which might be subject to CPA intervention. If we can provide you any additional information or any amplification on what has been provided herein, we will be happy to do so.

Sincerely,

JOHN W. BARNUM.

FEDERAL AVIATION ADMINISTRATION

RULEMAKING

In general, all FAA rule-making functions are performed subject to the provisions of the Administrative Procedure Act. Those proceedings subject to 5 U.S.C. 553 include the promulgation, revision, and amendment of all rules, regulations, minimum standards and procedures governing the following:

General rule making and enforcement procedures.

Aircraft, including design, materials, workmanship, construction, and performance of aircraft, aircraft engines, propellers, appliances and parts. Also their maintenance and alteration, identification and registration.

The certification of airmen and certain non-airmen, to insure possession of minimum qualifications with regard to knowledge, experience, competency, medical, and various others as required.

Airspace, including the designation and use of Federal airways, controlled airspace, reporting points, special use airspace, the establishment of jet routes and area navigation routes, and control of objects affecting navigable airspace.

Air traffic and general operating rules.

The certification and operations of operators, including air carriers, air travel clubs, and operators for compensation or hire.

The certification and operations of ground instructors, schools, and other certificated agencies.

The certification, operation, and maintenance of non-Federal navigational facilities.

Airports.

The transportation of hazardous materials and other dangerous articles by air.

Aircraft noise abatement and sonic boom.

CERTIFICATION

The Federal Aviation Act requires the Administrator to issue airman (pilot, aviation mechanic and crewmember) certificates; type, production and airworthiness certificates for aircraft, aircraft engines, propellers, and appliances; air carrier operating certificates (including certificates for air carriers, air travel clubs, and certain other operators for compensation or hire); navigation facility certificates; school, repair station, and other air agency certificates; and airport operating certificates.

While, by definition, issuance, or denial of such certificates amounts to an "adjudication" within the definition thereof in the Administrative Procedure Act (see 5 U.S.C. 551 (6) (7) and (9)), such are not adjudications "subject to" the provision of 5 U.S.C. 554 which applies only where a determination is required by statute to be made "on the record after opportunity for an agency hearing." Since the FAAct does not require a hearing in the issuance or denial of certificates,[1] 5 U.S.C. 554 is inapplicable and the Administrator of CPA could not therefor intervene as a party in such agency proceedings under sec. 203(a) of the bill. Again, however, the broad language of sec. 203(b) of the bill appears to authorize his limited participation in the issuance or denial phase of any agency certification process if he determines it may substantially affect the interests of consumers.

CPA intervention under sec. 203(a) of the bill would apparently not be authorized with respect to proceedings to amend, suspend or revoke any of the above-mentioned certificates. Except in the case of an "emergency," section 609 of the FAAct does require that the holder of a certificate to be amended, suspended, or revoked be afforded "an opportunity to . . . be heard as to why such certificates should not be amended . . . etc."

However, this would not, in our opinion, bring such proceedings within the operation of sec. 203(a). CPA could participate therein to the extent provided in 203(b). Also, a decision adverse to the certificate holder may be appealed to the NTSB, whose proceeding (which requires a hearing) would apparently be subject to intervention by the CPA under sec. 203(a) of the bill.

Opportunity for a formal hearing is afforded in our enforcement proceedings involving certificates of aircraft registration issued under Title V of the Federal Aviation Act. See 14 CFR 13.31 *et seq.* Briefly, these proceedings involve the suspension or revocation of such certificates for any cause that renders the aircraft ineligible for registration. Although hearings in such cases are not required by statute, they are provided in accordance with the provisions of the Administrative Procedure Act. Such proceedings would not appear to be within the operation of sec. 203(a) of the bill, unless that section be interpreted as authorizing CPA intervention in any proceeding "conducted on the record after opportunity for hearing," whether or not such is required by statute. In any case, sec. 203(b) participation would be authorized with respect to these proceedings.

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[1] Under sec. 602(b) of the FAAct, an applicant for issuance or renewal of an airman certificate whose application is denied is entitled to a hearing upon review of the denial by the National Transportation Safety Board. Presumably, the Board's adjudication proceeding would thus be open to intervention by CPA under sec. 203(a) of the bill.

OTHER AGENCY ACTIVITIES

There are numerous functions of FAA which, although they do not fall into the class of formal proceedings in which the CPA might intervene under sec. 203(a) of the bill, nevertheless amount to "agency activities" in which the CPA may participate to the extent described in sec. 203(b) of the bill. By definition in sec. 401(4) of the bill, "agency activity" includes "any agency process, or any phase thereof, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal, but does not mean any particular event within such process."

The limiting effect of the last-mentioned definitional caveat regarding "any particular event" is entirely unclear. We find it conceptually difficult to separate any agency "process" from the particular events which it comprises. To cite only one example, how is it possible to isolate a single event in the process by which determinations are reached as to whether agency records will be released to the public under the Freedom of Information Act (5 U.S.C. 552)?

Applying to the proposed bill a literal construction, it appears to us that sec. 203(b) thereof cuts across virtually every activity of this agency, formal or informal, that does not fall within its formal rulemaking or adjudicative functions. Carrying sec. 203(b) to its logical conclusion, the Administrator of CPA might, assuming he makes the requisite determination that the interests of consumers may be substantially affected thereby, "participate" to the extent described in sec. 203(b) of the bill in any of the following FAA activities:

The administration of grants under the Airport and Airway Development Act of 1970.

Agency procurement in establishing air navigation facilities and for research and development.

Collection and publication of information relative to civil aeronautics, including advisory circulars, aeronautical maps and charts, and technical study guides for airmen.

Formal and informal proceedings wherein U.S. positions are developed for international meetings on civil aviation matters.

Activities of the National Airspace System Program Office (NASPO), which is responsible for comprehensive long-range planning and development with respect to airspace usage.

General policy-making decision processes.

LIST OF COAST GUARD PROCEEDINGS OF INTEREST TO THE CONSUMER PROTECTION AGENCY UNDER S. 1177, SECTION 203

I. Formalized Proceedings.

a. Proceedings subject to the Administrative Procedure Act, 5 U.S.C. 553, 554, 556 or 557.

Rule Making Procedures under the Boating Safety Act, 46 U.S.C. 1451 et seq., and under the Life Saving Equipment Program, 46 U.S.C. 481, 489 et al.

b. Proceedings other than those subject to the above A.P.A. sections, but conducted on the record after opportunity for hearing.

The Coast Guard conducts no such proceedings significantly affecting the consumer.

II. Informal Activities.

The Boating Safety challenges dispute procedures, 46 U.S.C. 1464.

Boating Safety Council proceedings, 46 U.S.C. 1482.

Marine Safety Council proceedings which affect regulations under either the Boating Safety or Life Saving Equipment Program.

Life Saving Equipment Approval proceedings, 46 U.S.C. 481, 489, et al., and 46 C.F.R. parts 160–164.

FEDERAL HIGHWAY ADMINISTRATION

Paragraph 1. a.

(1) *Proceeding, looking towards the issuance, revocation, or modification of provisions of the Motor Carrier Safety Regulations (49 CFR Parts 391–397)*. These proceedings constitute informal, legislative-type, rule making and are governed by the provisions of the Administrative Procedure Act, 5 U.S.C. 553. The FHWA Procedural Rules, 49 CFR Part 389, "Any interested person may participate in rulemaking proceedings by submitting comments in writing containing information, views, or arguments." 49 CFR 389.17(a). On rare occasions, the Director of the Bureau of Motor Carrier Safety (to whom rulemaking authority has been delegated) authorizes the holding of a legislative-type public hearing for the presentation of views by interested parties on a proposed rulemaking action. We frequently have the benefit of participation by interested Government agencies in these rulemaking proceedings. For example, the Department of the Army recently submitted comments to our Docket MC–12 upon a rule that affects the loading of commercial motor vehicles. We would welcome the participation of any other interested Government agency, including any new Consumer Protection Agency, if one were created.

(2) *Cease and desist proceedings against motor carriers*. In these proceedings, the Bureau of Motor Carrier Safety presents evidence relating to the compliance by a named motor carrier with the Motor Carrier Safety Regulations and the Hazardous Materials Regulations with the objectives of having the Federal Highway Administrator enter an order, under section 204(c) of the Interstate Commerce Act requiring the carrier to cease and desist from violations of the regulations. These proceedings are governed by the provisions of the Administrative Procedure Act relative to formal adjudications, 5 U.S.C. 554 and 556. Our Procedural Rules are found in 49 CFR Part 386. They provide that, "At any time before the date set for the hearing to begin, any person may petition the hearing examiner for leave to intervene. * * * Unless the hearing examiner's order states, otherwise, a party who has been granted leave to intervene is a party for the purpose of all subsequent proceedings." 49 CFR 386.14. Although it would be highly unusual for any party other than the carrier and the Bureau to participate in a cease and desist case, we see no reason why a Consumers Protection Agency with relevant evidence to submit could not do so.

(3) *Bridge toll review proceedings*. Under certain statutes, principally 33 U.S.C. 494 and 33 U.S.C. 526, the Federal Highway Administrator is authorized to determine whether tolls on certain Interstate bridges and bridges that span navigable waters of the United States are just and reasonable. The Administrator is authorized to prescribe just and reasonable rates of toll in those cases where he finds that the rates charged by the owner or operator of the bridge are either unjust or unreasonable. Procedures for review of toll rates are also governed by the provisions of the Administrative Procedure Act relating to formal adjudication, 5 U.S.C. 554, 556–558. Since the toll rates charged by bridge owners, principally those in major metropolitan areas, have an impact on commuter transportation costs, we normally find a great deal of consumer interest in these proceedings. Our Procedural Rules, 49 CFR Part 310, provide for the filing of a complaint by any interested person, 49 CFR 310.3 and for an unrestricted right of intervention by any interested person, 49 CFR 310.9. The Federal Highway Administration normally participates in these cases in the role of public counsel. However, there would appear to be no valid reasons why a Consumer Protection Agency could not also participate as an advocate for the consumer interest in these proceedings.

Paragraph 1. b.

Since the Secretary has to give his approval to them, the public hearings required by 23 U.S.C. 128, would fall under the description provided by Senator Allen's letter since they are of a quasi-legislative type. By virtue of PPM 20–8, the Federal Highway Administration provides in implementing that section, that both a location and design public hearing be held. The purpose of these hearings are "to give all interested persons an opportunity to become fully acquainted with highway proposals of concern to them and to express their views at those stages of a proposal's development when the flexibility to respond to these views still exists." Since the effects that a highway will have on the "social, economic, and environment" of a community are discussed at these hearings, they should afford the Consumer Protection Agency an opportunity to intervene as an advocate for the consumer at a point when it will be most significantly felt.

It is to be noted that any hearings or rulemaking decisions affecting the consumer that the Federal Highway Administration is interested in involving labor and civil rights are conducted by the Department of Labor, Equal Employment Opportunity Commission and other agencies.

Paragraph 2.

One type of "agency proceeding" in which this agency is involved which would be subject to the APA would be the FHWA rulemaking process—agency memoranda which as defined by 5 U.S.C. 551(4) are classed as rules. Such memoranda are "agency statement[s] of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy . . . or . . . procedure, or practice requirements of an agency."

However, 5 U.S.C. 553 specifically provides that the rulemaking section does not apply where there is involved:

"(2) A matter relating to agency management or personnel or to public property, loans, *grants*, benefits, or contracts."

5 U.S.C. 553(b), also provides that "Except when notice or hearing is required by statute, this subsection does not apply—(A) to interpretative rules of agency organization, procedure, or practice. . . ." Therefore, the vast majority of FHWA memoranda would be exempted from the rulemaking provisions because they are either "interpretative rules," "general statements of policy," and most especially, "rules of agency organization or procedure."

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

I. Statutorily-authorized proceedings subject to the Administrative Procedure Act

National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.)

Rulemaking—Standards and regulations relating to motor vehicles and motor vehicle equipment, importation, certification, defect reports, consumer information, tire identification and record keeping, tire uniform quality grading system, and tire retread limitation and such other rules and regulations as the Secretary deems necessary to carry out the Act

1. Petitions for rulemaking
2. Notices of proposed rulemaking
3. Petitions for extension of time for comment
4. Final rules
5. Petitions for reconsideration

II. Statutorily-authorized traffic activities other than those listed under I

A. National Traffic and Motor Vehicle Safety Act

1. Public meetings to assist rulemaking
2. Appointment of members of National Motor Vehicle Safety Advisory Council
3. Research and development
4. Decision to seek civil penalty or injunction
5. Decision to compromise civil penalty
6. Inspection, and investigation to enforce rules and regulations
7. Decision to disclose information relating to a safety defect
8. Determination of the existence of a defect related to motor vehicle safety
9. Issuance of a consumer protection bulletin
10. Planning, designing and constructing research and development and compliance facilities

B. Highway Safety Act of 1966 (23 U.S.C. 401 et seq.)

1. Promulgation of uniform highway safety programs standards
2. Waiver of standard to permit experimental, pilot or demonstration project
3. Waiver of requirement that 40 percentum of section 402 federal funds go to communities
4. Decision not to apportion section 402 federal funds to noncomplying States
5. Decision to make 10 percentum reduction in federal highway construction funds of noncomplying States
6. Suspension of highway construction fund penalty
7. Determination that provisions of chapter I of title 23, U.S.C., are inapplicable to chapter 4
8. Research and development
9. Appointment of members of National Highway Safety Advisory Committee

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URBAN MASS TRANSPORTATION ADMINISTRATION

The Urban Mass Transportation Administration (UMTA) administers the Federal program of grant and loan assistance to States and local public bodies desiring to acquire, construct, extend or improve publicly or privately owned urban mass transportation systems, as authorized by the Urban Mass Transportation Act of 1964 as amended (49 U.S.C. § 1601 et seq.). That program includes the following major activities:

Grants and loans for capital improvements to urban mass transportation systems.

Loans for the advance acquisition of land expected to be needed for such systems.

Research, development and demonstration projects in all phases of urban mass transportation.

Grants for planning of urban mass transportation systems and improvements thereto (technical studies).

Grants for university level research and training in urban transportation.

Grants to finance university fellowships for managerial, technical and professional personnel in the urban mass transportation field.

These activities are not subject to the formal "rule-making" requirements of the Administrative Procedure Act (5 U.S.C. § 553 (a)(2). UMTA does not engage in "adjudication" as described in 5 U.S.C. § 554, nor is there any requirement in the UMT Act that any determination be made on the record after opportunity for an agency hearing. Section 14(c) of the UMT Act (49 U.S.C. § 1610(c)) authorizes agency environmental hearings which would be subject to 5 U.S.C. § 555, but only if the Secretary finds that the record of environmental hearings required to be held at the local level is inadequate to permit him to make the requisite environmental findings. This has never happened and is not considered likely. Hence, the hearing and review procedures set forth in sections 556 and 557 do not apply to UMTA, and there would be no occasion for CPA to intervene or seek review under section 203(a) of S. 1177.

Section 203(b) of S. 1177 probably would authorize CPA to intervene in agency actions pursuant to the above-listed activities, such as, for example, approving or disapproving grant or loan applications, making planning and environmental findings, determining net project cost pursuant to section 4(a), determination by the Secretary of Labor of fair and equitable arrangements necessary for the protection of the interests of employees affected by a project, etc.

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,
Baltimore, Md., July 17, 1972.
Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: In replying to your letter of June 8, I am assuming that the interest of the Government Operations Committee in relation to Senate Bill S. 1177 is in those proceedings and activities of the Social Security Administration which relate to members of the public in a consumer capacity. Our proceedings and activities in administering the cash benefit programs, i.e., retirement, survivors and disability benefits, are based on individual earnings records and on ascertaining on an individual basis for each claimant compliance with the requirements for entitlement to benefits set forth in the Social Security Act. Viewed in this light these proceedings and activities can scarcely be of interest from a consumer standpoint.

Our proceedings and activities in administering the health insurance provisions of the Social Security Act, on the other hand, may be of some interest to your committee in its deliberations on S. 1177. Following is a brief description of those proceedings and activities.

1. FORMALIZED PROCEEDINGS

a. *Rule Making*—Pursuant to direction of the Secretary of Health, Education and Welfare all proposed rules and regulations are required to be published in accordance with the public participation provisions of 5 U.S.C. 553 and the relevant provisions of the Federal Register Act, 44 U.S.C. 1501 et seq. Moreover, the Secretary has directed that the exceptions provided in 5 U.S.C. 553 are to be used sparingly in emergencies or where proposed amendments cover only minor technical matters (38 Federal Register 2532).

Health insurance regulations are contained in Regulations No. 5 of the Social Security Administration (Title 20 Code of Federal Regulations, Chapter III, Part 405). These regulations are promulgated by the Secretary of Health, Education and Welfare under authority conferred by Section 1871 of the Social Security Act (42 U.S.C., 1395 hh) and specify the conditions and procedures for entitlement to and payment of health insurance benefits, conditions for participation by providers of health services, procedures for the collection of premiums for medical insurance benefits, procedures for appellate processes, conditions for agreements with carriers and intermediaries, etc.

b. *Hearings and Appeals*—Section 1869(b) of the Social Security Act (42 U.S.C. 1395 ff. (b)) provides for a hearing "to the same extent as is provided by section 205(b) of (the act)" in the case of determinations as to entitlement to health insurance benefits and as to the amount of hospital insurance benefits where the matter in controversy is $100 or more. (Section 205(b) of the act, (42 U.S.C. 405(b) provides that a claimant or a survivor or dependent upon rquest, and on showing in writing that a decision of the Secretary may prejudice a right, shall be given reasonable notice and opportunity for a hearing.)

Section 1869(c) of the act (42 U.S.C. 1395 ff. (c)) provides a hearing right for any institution or agency dissatisfied with the Secretary's determination that it is not a provider of services or to terminate his agreement with a provider to the same extent as is provided by section 205(b).

Hearings pursuant to Section 205(b) and Sections 1869 (b) or (c) of the Social Security Act are conducted under procedures which conform to the requirements of 5 U.S.C. 556, 557. Such hearings are presided over by a hearing examiner of the Bureau of Hearings and Appeals, who is appointed in accordance with 5 U.S.C. 3105.

By regulation provision has been made for review of a hearing examiner decision by the Appeals Council of the Bureau of Hearings and Appeals at the request of a party or at the motion of the Appeals Council. (Sections 404.945–404.947 of Regulations No. 4 of the Social Security Administration, 20 CFR 404.945–404.947.)

With respect to the Supplementary Medical Insurance Benefits Program, section 1842(b)(3)(C) (42 U.S.C. 1395u(b)(3)(C)) provides that the contract entered into between the carrier and the Secretary of Health, Education and Welfare must provide for "procedures pursuant to which an (enrolled) individual . . . will be granted an opportunity for a fair hearing by the carrier when requests for payment . . . . with respect to services furnished him are denied or are not acted upon with reasonable promptness or when the amount of such payment is in controversy."

A claimant may be represented by an attorney or other representative of his choice at all stages of formalized proceedings, as well as in all informal activities.

2. INFORMAL ACTIVITIES

These consist of the initial adjudication and reconsideration of claims for hospital and medical insurance benefits. Initial determinations in hospital insurance claims are generally made by intermediaries, who, under authority granted in contracts with the Secretary under Section 1816 of the Social Security Act (42 U.S.C. 1395(h)) and in compliance with pertinent regulations, receive claims executed by eligible individuals and forwarded by providers of services and make payment to the providers. Notice of the determinations made, including notice of the right to reconsideration, are sent to the recipients of the services.

An individual dissatisfied with the determination made on his hospital insurance benefit claim may have his claim reconsidered by personnel of the Administration's Bureau of Health Insurance and may subsequently have a hearing before a hearing examiner if the matter in dispute is $100 or more.

Determinations in claims for supplementary medical insurance benefits are made by carriers under agreements with the Secretary. These agencies are responsible also for any reconsideration of such determinations, and for granting fair hearings on request to which reference is made above.

I regret the delay in responding to your letter.

Sincerely yours,
ROBERT M. BALL,
Commissioner of Social Security.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., July 17, 1972.
Hon. JAMES B. ALLEN,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: This is in response to your letter of July 10, 1972, regarding S. 1177, a bill to establish a Council of Consumer Advisers and an independent Consumer Protection Agency (CPA), in which you requested a list of Commission formal proceedings and informal activities which would be subject to CPA intervention or participation.

I. FORMAL PROCEEDINGS

In administering the congressional mandate entrusted to the Commission under the federal securities law, the Commission is governed by the provisions of the Administrative Procedure Act (5 USC 551, *et seq.*) in its rulemaking and adjudicatory proceedings. For purposes of this letter, we have treated as rulemaking proceedings only those involving the adoption and promulgation of rules or statements of general applicability. We have treated as adjudications all proceedings which involve the determination of specific matters presented to the Commission relating to individual companies or applicants even though various of the proceedings may fall within the definition of "rulemaking" as contained in Section 2(c) of the Administrative Procedure Act.

A list of the Commission's rulemaking proceedings appears in attachment 1 to this letter. A list of the Commission's adjudicatory proceedings appears in attachment 2 to this letter.

II. INFORMAL ACTIVITIES

In addition to the proceedings discussed above, the Commission also engages in certain informal activities. A description of these informal activities is set out in Part 202 of Title 17 of the Code of Federal Regulations, a copy of which is attached (attachment 3).

If I can be of further assistance in this respect, please do not hesitate to let me know.

Sincerely,

WILLIAM J. CASEY,
Chairman.

SECURITIES ACT OF 1933

(15 U.S.C. secs., 77a–77aa)

1. Section 2(10): To designate information in a communication not deemed to be a prospectus in addition to that specifically required by statute.

2. Section 3(a)(2): To exempt from registration, securities involving a stock bonus, pension, profit-sharing or annuity plan which covers employees.

3. Section 3(b): To exempt securities from registration in addition to those specifically exempted by statute.

4. Section 3(c): To exempt from registration securities issued by a small business investment company under the Small Business Investment Act of 1958.

5. Section 6(d): To make required information in the registration statement available to the public and the prices to be charged therefor.

6. Section 7: To exempt classes of issuers of securities from including certain types of information in registration statements and generally to add to the requirements for information in registration statements.

7. Section 10(a)(4): To authorize omission from prospectuses of information otherwise required by statute.

8. Section 10(b): To authorize shortened prospectuses relating to securities as to which a registration statement is filed for use in connection with an offer and prior to the delivery of the security.

9. Section 10(c): To require information in prospectuses in addition to that specifically required by statute.

10. Section 10(d): To classify prospectuses and prescribe form and contents thereof.

11. Section 10(e): To prescribe size of type to be used in printing required portions of the prospectus.

12. Section 10(f): To prescribe filing of prospectuses consisting of radio and television broadcasts and forms and prospectuses used in offers and sales of registered securities.

13. Section 19(a): General rulemaking power—see question 2 infra.

Appendix, Schedule A.

14. Item 25. To prescribe details and form of balance sheet included in registration statement.

15. Item 26. To prescribe details and form of profit-and-loss statement in registration statement.

16. Final paragraph. To require information in the registration statements of certificates of deposit, etc., comparable to that required for other securities.

Appendix, Schedule B.

17. Item 5. To prescribe details and form as to receipts and expenditures in registration statements of securities issued by foreign governments or political subdivisions thereof.

SECURITIES EXCHANGE ACT OF 1934

(15 U.S.C. secs. 78a–78jj)

1. Section 3(a)(11): To add to the definition of equity securities.

2. Section 3(a)(12): To add to definition of exempted securities.

3. Section 3(b): To define technical trade and accounting terms.

4. Section 6(a): To prescribe the form of the registration statement.

5. Section 6(a)(2): To prescribe data to be included in an exchange registration statement.

6. Section 8(b): To provide for the net capital requirement of brokers or dealers.

7. Section 8(c): To provide conditions under which certain members, brokers, and dealers may hypothecate customers' securities.

8. Section 9(a)(6): To permit stabilization, etc., of securities prices.

9. Section 9(b): To permit puts, calls, or straddles, etc.

10. Section 9(c): To permit guaranties, etc., of puts, calls, straddles, etc., by exchange members.

11. Section 10(a): To prohibit stop-loss orders and short sales.

12. Section 10(b): To define manipulative or deceptive devices in connection with the purchases or sales of securities.

13. Section 11(a): To regulate floor trading and excessive trading by members of registered exchanges.

14. Section 11(b): To permit registered exchanges to make rules concerning odd-lot dealers and specialists and to require disclosure of orders placed with specialists.

15. Sections 12(b) and (c): To provide the form and contents of applications for registration of securities on national securities exchanges.

16. Section 12(d): To permit unissued securities to be registered.

17. Section 12(f): To suspend unlisted trading privileges for classes of securities, and to exempt securities which have unlisted trading privileges from provisions of sections 13, 14, or 16 of the act.

18. Section 12(g): To provide the form and contents of applications for registration of securities of unlisted, publicly-held issuers.

19. Section 12(g)(3): To exempt securities of foreign issuers from the registration requirements of section 12(g).

20. Section 12(g)(5): To define certain terms for purposes of section 12(g).

21. Section 12(h): To exempt any security or class of securities from section 12(g), or from section 13, 14, 15(d) or 16.

22. Section 13(a): To prescribe information in periodic reports and the copies which must be filed, and to require certification of financial statements contained therein.

23. Section 13(b): To prescribe the form of periodic reports.

24. Section 13(c): To require different types of reports for specified classes of issuers.

25. Section 13(d)(1): To prescribe the form for acquisition reports.

26. Section 13(d)(2): To prescribe the form of amendments to acquisition reports.

27. Section 13(d)(5): To prescribe instances in which a shortform notice may be filed in lieu of an acquisition report.

28. Section 13(d)(6)(D): To exempt certain acquisitions from the requirements of section 13(d).

29. Section 13(e)(1): To describe situations in which a registered closed-end investment company may purchase its own securities.

30. Section 13(e)(2): To describe situations in which persons controlling an issuer are subject to section 13(d).

31. Sections 14(a) and (b): To regulate the solicitation of proxies in respect of securities registered on a national securities exchange.

32. Section 14(e): To define means to prevent fraudulent, deceptive or manipulative actions.

33. Section 14(f): To prescribe information to be provided when a tender offer results in a new majority on the board of directors.

34. Section 15(b): To prescribe information in registration applications of brokers and dealers to prescribe specified and appropriate standards as to training experience and other necessary or desirable qualifications for persons associated with broker dealers who aren't members of a registered broker dealer association; to classify broker dealers and associated persons; to prescribe examinations for associated persons; to prescribe reasonable fees and charges in the administration of regulations governing associated persons.

35. Section 15(c)(1): To define fraudulent, manipulative, or deceptive devices by brokers and dealers.

36. Section 15(c)(2): To define and prescribe means designed to prevent fraudulent, manipulative, or deceptive practices and fictitious quotations by brokers and dealers.

37. Section 15(c)(3): To provide safeguards with respect to the financial responsibility of brokers and dealers.

38. Section 15(d): To provide for periodic reports by issuers under the Securities Act of 1933 who are required to undertake to file supplementary and periodic information and to exempt securities not comprehended within the purposes of this subsection.

39. Section 15A(a): To prescribe the form of registration statements for associations of brokers or dealers and data to be contained therein.

40. Section 15A(f): To prescribe forms of notice of withdrawal of registered associations of brokers or dealers.

41. Section 15A(j): To provide for filing of changes of the rules of registered associations of brokers or dealers.

42. Section 16(b): To exempt transactions of insiders from recovery of short-term profits where not comprehended within the purpose of the subsection.

43. Section 16(d): To subject foreign or domestic arbitrage transactions to provisions respecting short-term profits.

44. Section 17(a): To require the keeping of records and submission of reports by persons regulated.

45. Section 23(a): General rulemaking power.

46. Section 24(b): To make information available to the public and fix the price to be charged therefor.

47. Section 30(a): To permit brokers or dealers to effect transactions on foreign exchanges.

48. Section 30(b): To prohibit the transacting of business in securities outside the United States where it is conducted for the purposes of evasion of the act.

Public Utility Holding Company Act of 1935

(15 U.S.C., secs. 79–79z–6)

1. Section 2(a)(3): To exempt certain classes of companies from the provisions concerning electric-utility companies.

2. Section 2(a)(4): To exempt certain classes of companies from the provisions concerning gas-utility companies.

3. Section 3(a): To exempt certain holding companies and subsidiaries thereof from provisions of the act.

4. Section 3(b): To exempt certain subsidiary companies from provisions of the act.

5. Section 3(d): To exempt specific classes of subsidiaries or affiliates from provisions of the act.

6. Section 5(a): To prescribe the form of notification of registration for holding companies.

7. Section 5(b): To prescribe the form of registration statements for holding companies and the time for filing such statements; to prescribe the documents and information to be included therein; and to require certification of financial statements contained therein.

8. Section 5(c): To permit preliminary registrations and to set the time after which a complete statement must be filed.

9. Section 6(b): To exempt certain securities of subsidiaries of registered holding companies from the provisions of section 6(a) of the act, and to require information concerning transactions in these exempted securities.

10. Section 7(a): To prescribe the form of declaration for registered holding companies or subsidiaries as to transactions in their securities; to prescribe the information to be contained in such declarations, both that required to be filed under the Securities Act of 1933 and additional information.

11. Section 7(b): To fix the effective date of declarations under section 7(a).

12. Section 7(c)(1): To prescribe types of assets as security for bonds of registered holding companies and subsidiaries, the issuance and sale of which may be approved other than those specifically set forth in the act.

13. Section 7(c)(3): To authorize issue and sale of securities of registered holding companies or subsidiaries which had been authorized by the company prior to the passage of the act.

14. Section 9(c)(2): To prescribe certain marketable securities which registered holding companies or subsidiaries may acquire without approval of the Commission.

15. Section 9(c)(3): To prescribe types of commercial paper and securities, in addition to those specifically set forth in the act, which may be acquired by registered holding companies and subsidiaries without approval of the Commission.

16. Section 10(a): To prescribe the forms of applications by registered holding companies and subsidiaries for the acquisition of securities, utility assets, or any other interests in a business, and to prescribe the information to be contained therein.

17. Section 10(d): To provide for the time after which the Commission shall be ordered to approve an acquisition under section 9.

18. Section 11(d): To provide for the proposal of reorganization plans by persons having bona fide interests in the reorganization, and to define those persons, where the Commission has applied for court enforcement of section 11(b) orders.

19. Section 11(e): To provide for submission of plans for divestment or other steps looking toward compliance with the integration and simplification standards of the act.

20. Section 11(f): To provide for the proposal of reorganization plans by persons having bona fide interests in the reorganization and to define those persons in any court proceeding in which a receiver or trustee is appointed for a registered holding company or subsidiary, and to require approval by the Commission of fees, expenses, etc., in connection with any reorganization, dissolution, etc., of a registered holding company or subsidiary.

21. Section 11(g)(3): To prescribe requirements for solicitations in reorganizations.

22. Section 12(b): To permit intercompany loans, extensions of credit or indemnifications within a registered holding-company system.

23. Section 12(c): To permit the payment of dividends by registered holding companies and their subsidiaries, and to permit transactions in their own securities.

24. Section 12(e): To permit the sale of holdings of the securities of a public-utility company or of utility assets by a registered holding company.

25. Section 12(e): To permit solicitation of proxies regarding any security of a registered holding company or subsidiary.

26. Section 12(f): To prescribe reports, accounts, costs, maintenance of competitive conditions, disclosure of interest, duration of contracts, and similar matters in the performance of any transaction not otherwise unlawful by a registered holding company or subsidiary company with certain affiliated companies.

27. Section 12(g): To prescribe reports, accounts, costs, etc., of any affiliate of any public utility company in connection with any transaction not otherwise unlawful with any company of which it is an affiliate.

28. Section 12(i): To prescribe the form and information to be included in reports of employees engaged in lobbying of registered holding companies or subsidiary companies and to prescribe the form and details of monthly statements of compensation and expenses for these employees.

29. Section 13(a): To permit service, sales or construction contracts by registered holding companies with associated companies under special or unusual circumstances.

30. Section 13(b): To permit service, sales, or construction contracts by subsidiary or mutual service companies with associated companies and to exempt certain transactions from provisions of this subsection.

31. Section 13(c): To prescribe generally for purposes of section 13 terms and conditions regarding the determination of costs and allocations thereof among specified classes of companies and for specified classes of service, sales, and construction contracts for the duration of such contracts, the making and keeping of accounts and cost accounting procedures, etc.

32. Section 13(d): To prescribe terms and conditions regarding applications for approval as mutual service companies, etc.

33. Section 13(e): To provide for reports, accounts, etc., of companies affiliated with public utility companies in connection with the performance of service, sales, or construction contracts.

34. Section 13(f): To provide for reports, accounts, etc., of companies whose principal business is service, sales, or construction for public utilities and holding companies.

35. Section 13(g): To prescribe the form in which the Commission's recommendations for leigslation relating to service contracts, etc., shall be made available to the public and the charges for copies of such recommendations.

36. Section 14: To prescribe forms for and information to be continued in periodic reports of registered holding companies and mutual service companies.

37. Section 15(a): To prescribe the keeping of accounts, papers, records, correspondence, etc., for registered holding companies and subsidiary companies.

38. Section 15(b): To prescribe keeping of accounts, papers, records, correspondence, etc., for affiliates of registered holding companies or subsidiaries.

39. Section 15(c): To prescribe the keeping of accounts, papers, records, correspondence, etc., for mutual service companies and affiliates of mutual service companies.

40. Section 15(d): To prescribe the keeping of accounts, papers, records, correspondence, etc., for every person whose principal business is the performance of service, sales, or construction contracts for public utility or holding companies.

41. Section 15(i): To prescribe uniform methods of keeping accounts and of classifying or segregating accounts, etc., for any person subject to sections 15 (a), (b), (c), or (d).

42. Section 17(a): To prescribe the form of reports which officers or directors must file with the Commission as to their security holdings in registered holding companies.

43. Section 17(b): To exempt transactions by insiders in the securities of a registered holding company from the provisions concerning short-term profits.

44. Section 17(c): To exempt registered holding companies or subsidiary companies from the rules against interlocking directorates.

45. Section 19: To provide for the admission of States, State commissions, etc., as parties to hearings before the Commission.

46. Section 20: General rulemaking provision.

47. Section 22(a): To prescribe the information that shall be made available to the public under this act and the prices to be charged therefor.

Investment Company Act of 1940

(15 U.S.C., secs. 80a–1—80a–52)

1. Section 2(a)(20): To exempt persons from the definitions of investment adviser.

2. Section 2(a)(38): To designate other commercial types of securities which may be classified as short-term paper.

3. Section 2(a) (41)(b): To set dates for asset valuation of investment companies; to permit any security of a registered diversified company to be carried at cost when the assets thereof are not subject to the limitations provided for in section 5(b)(1); and to permit valuation of securities at cost or other basis for convenience and necessity in compling with other laws.

4. Section 6(c): To exempt persons, securities, or transactions from any provisions of the act.

5. Section 6(d): To exempt small intrastate closed-end companies from any provisions of the act.

6. Section 6(e): To condition exemptions so as to make certain provisions of the act applicable to nonregistered companies.

7. Section 8(a): To prescribe the form for notification of registration under the act.

8. Section 8(b): To fix the time for filing and to prescribe the form of and the information to be furnished in a registration statement.

9. Section 8(c): To permit the use of documents and information contained therein filed under other statutes in lieu of forms prescribed under the Investment Company Act.

10. Section 8(d): To prescribe for a unit investment trust, whose assets consist of securities of another registered company, a registration statement which eliminates duplication of information required of such other company.

11. Section 10(e): To prescribe periods in excess of 60 days during which the provisions concerning the eligibility of directors may be suspended.

12. Section 10(f): To exempt transactions from the prohibition that no registered in-

vestment company shall knowingly purchase or otherwise acquire certain securities during the existence of any underwriting or selling syndicate thereof.

13. Section 11(a): To prescribe the terms under which an offer of exchange may be made by a registered investment company or any principal underwriter of such a company to a holder of a security of such a company.

14. Section 12(a): To provide for the purchase of securities on margin; participation on a joint or a joint and several basis in any trading account in securities; and short sales of securities.

15. Section 12(b): To provide for the distribution by an open-end company of its securities other than through an underwriter.

16. Section 17(d): To provide for the limiting or preventing of participation by a registered company of any company controlled by such registered company on a basis different from or less advantageous than that of other participants, in connection with transactions involving affiliates of a principal underwriter for such registered investment company.

17. Section 17(e) (2): To permit commissions in excess of 1 percent for the purchase and sale of securities by an affiliate acting as a broker when the transaction is effected other than on a securities exchange or in connection with a secondary distribution.

18. Section 17(f): To provide for employment of members of a national securities exchange as custodians for securities and investments of registered management companies; to prescribe the safekeeping procedures for such custodians; to provide for the maintenance of portfolio securities in the custody of a registered management company; and if a qualified bank acts as custodian, to prescribe safekeeping procedures for the registered investment company's cash.

19. Section 17(g): To prescribe bonding requirement for officers and employees who have access to securities or funds of a registered investment company.

20. Section 17(j): To prevent fraudulent, deceptive or manipulative acts, practices or courses of business by principal underwriters and investment advisers of registered investment companies and affiliated persons of such principal underwriters and investment advisers.

21. Section 18(f) (1): To permit periods in excess of 3 days in which a registered open-end company must reduce its bank borrowings when the asset coverage of its bank borrowings fall below 300 percent.

22. Section 18(f) (2): To prescribe the percentage of outstanding voting securities of each class or series affected required for a matter to be effectively acted upon in connection with the definition of "senior security" for purpose of Section 18.

23. Section 18(i): To permit exceptions from the requirement that shares of stock issued by a registered management company must be voting stock.

24. Section 18(j) (1): To permit the issuance by a registered face-amount certificate company of securities other than the type prescribed in the statute.

25. Section 18(j) (2): To permit the declaration, distribution, or payment of dividends for a company which has securities outstanding other than in situations specified in section 18(j) (1).

26. Section 19(a): To prescribe the form of written disclosure where dividends are from sources other than income.

27. Section 19(b): To permit registered investments companies from distributing long term capital gains more often than once every twelve months.

28. Section 20(a): To provide for the solicitation of proxies, consents, or authorizations regarding securities of a registered investment company.

29. Section 22(b) (2): To adopt rules pursuant to section 15(b) (10) of the Securities Exchange Act to provide for sales of investment company shares by broker-dealers subject to regulation under section 15(b) (8) of that Act at a public offering price which shall not include an excessive sales load.

30. Section 22(b) (3): To alter or supplement rules of any securities association to effectuate the purpose of subsection (b) in the manner provided by section 15A(k) (2) of the Securities Exchange Act.

31. Section 22(c): To prescribe, as provided in subsection (a) with respect to a registered securities association, methods of computing minimum prices at which a dealer may purchase and sell a redeemable investment company security, minimum periods of time which must elapse between sale and resale of redemption of such a security by a dealer applicable to all registered investment companies, principal underwriters of and dealers in redeemable investment company securities, for the purpose of eliminating or reducing so far as practicable any dilution of the value of other outstanding shares of the investment company.

32. Section 22(e): To prescribe the conditions under which trading shall be deemed to be restricted or an emergency to exist for purposes of suspending the right of redemption or to postpone the date of redemption of redeemable securities for more than 7 days.

33. Section 22(f): To provide for the restriction by a registered open-end company of the transferability or negotiability of any security which it issues.

34. Section 23(b): To prescribe circumstances under which a closed-end company may sell its shares for less than the current net asset value of such stock.

35. Section 23(c) (1): To designate the open markets in which a closed-end company may repurchase its securities.

36. Section 23(c) (3): To prescribe the circumstances other than those specified in Section 23(c) (1) and (2) under which a closed-end company may repurchase its securities.

37. Section 24(a) (1): To prescribe the material filed under the Investment Company Act which a registered investment company may file in lieu of materials otherwise required when registering its securities under the Securities Act of 1933.

38. Section 24(a) (2): To prescribe additional information to be filed by registered investment companies for registration of their securities under the Securities Act of 1933.

39. Section 24(c): To prescribe the order, form, and presentation of information contained in any prospectus or summary thereof in respect to any periodic payment plan certificate or face-amount certificate registered under the Securities Act of 1933.

40. Section 24(d): To prescribe the extent and terms and conditions under which a transaction involving a security issued by a face-amount certificate company, open-end company, or unit investment trust may be exempt under the third clause of section 4(3) of the Securities Act of 1933.

41. Section 24(e) (3): To prescribe circumstances under which a prospectus relating to securities issued by face-amount certificate company, open-end company, or unit investment trust, which varies from section 10(a) (3) of the Securities Act of 1933 in respect of the latest prospectus filed under that act, may be deemed to meet the requirements of Section 10 of the Securities Act.

42. Section 24(f): To provide for registration of securities issued by face-amount certificate companies, redeemable securities issued by open-end investment companies or unit investment trusts which are sold in excess of the number of securities included in the effective registration statement of any such company.

43. Section 26(a) (2) (C): To prescribe reasonable fees for administrative services performed by a depositor or principal underwriter for a unit investment trust.

44. Section 27(a) (5): To prescribe reasonable management fees for a management company issuing periodic payment plans.

45. Section 27(a) (6): To prescribe reasonable fees for depositor or principal underwriter of a unit investment trust whose assets consist of securities of a management investment company. where such fees are payable by the management company.

46. Section 27(b): To grant exemption to smaller investment companies issuing periodic payment plan certificates from provisions of section 27(a) (1), (2) and (3) regulating sales loads on periodic payment play certificates.

47. Section 27(d): To specify reserve requirement applicable to underwriters and depositors for periodic payment plan certificates in order for such underwriters and depositors to refund sales charges required by this subsection.

48. Sectoin 27(e): To specify the method, form and contents of the notice required to be sent to each periodic payment plan certificate holder who has missed a specified number of payments of his right to surrender his certificate.

49. Section 27(f): To specify the method, form and contents of the notice which the custodian bank is required to send to certificate holders stating charges to be deducted from the projected payments; to specify reserve requirements applicable to underwriters and depositors of companies issuing periodic payment plan certificates necessary to carry out their obligation to refund sales charges.

50. Section 27(h) (6): To prescribe reasonable management fees for management face-amount certificate companies which invest in securities subject to management fees.

51. Section 27(h) (7): To prescribe reasonable fees to be paid to depositors for or principal underwriters of unit investment trusts or to affiliated persons of such depositors or underwriters.

52. Section 28(a) (2) (G): To prescribe appropriate contingency reserves for death and disability benefits and for reinstatement of rights of any face-amount certificate providing for such benefits or rights.

53. Section 28(b): To designate investments which are "qualified investments" for registered face-amount certificate companies.

54. Section 28(c): To provide for depositing and maintaining of the required reserves of a registered face-amount certificate company with a bank, and the terms and conditions of such arrangement.

55. Section 28(d): To provide deferments in addition to those described in section 28(d) for the payment of face-amount certificates prior to maturity and to prescribe terms and conditions in respect to such deferment.

56. Section 30(b) (1): To provide for the filing of information and documents on a quarterly or semiannual basis and to keep reasonably current the information and statement of subject companies.

57. Section 30(c): To permit filing with the Commission and securities exchanges copies of various reports required under the Investment Company Act in lieu of those required under the Securities Exchange Act of 1934.

58. Section 30(d): To prescribe the financial contents of the reports required to be transmitted, at least semiannually, to stockholders by registered investment companies; to permit inclusion of an item of comparable character in lieu of an item which is applicable or inappropriate to any specified type of investment company.

59. Section 30(e): To require certification by independent public accountants of financial statements filed pursuant to sections 30(a) and (d); to prescribe the information such statements are to contain with respect

to the nature and the scope of the audit and findings and opinion of the accountants; and to prescribe the type of statement required with respect to verification of portfolio securities by actual examination or certificate of the custodian.

60. Section 31(a): To prescribe accounts, books, and other documents to be maintained by every registered investment company and by every investment adviser, depositor of a registered investment company, and by a principal underwriter of a registered company other than a closed-end company, and to prescribe the period of time the same shall be preserved.

61. Section 31(c): To provide for uniformity in accounting principles and policies to be followed by registered investment companies.

62. Section 32(c): To require accountants and auditors to keep reports, worksheets, and other documents and papers relating to registered investment companies and to make the same available for inspection by the Commission and to prescribe the period or periods for the retention of such materials.

63. Section 34(a): To provide for the destruction of records required to be maintained under sections 31(a) or 32(c).

64. Section 38(a): General rulemaking power.

65. Section 38(b): To permit incorporation by reference of any information or documents required to be filed with the Commission under certain other statutes.

66. Section 40(b): To permit an application verified under oath to be admissible in evidence in a proceeding before the Commission and to provide that the record in such a proceeding may consist, in whole or in part, of such application.

67. Section 40(c): To provide for admission of parties in hearings before the Commission.

68. Section 45(a): To provide for exemptions from public disclosure of information filed with the Commission.

69. Section 45(b): To prescribe limitations and to fix fees respecting the furnishing of copies of documents and information contained in the Commission's public files.

TRUST INDENTURE ACT OF 1939

(15 U.S.C., secs. 77aaa–bbb)

1. Section 303(3)(B): To designate information in communications not deemed to be a prospectus in addition to that specifically required by statute.

2. Section 305(a)(1): To designate information and documents in registration statements.

3. Section 305(c): To designate contents of prospectus.

4. Section 306(b): To prescribe whether prospectus or security must be accompanied by analysis statement.

5. Sections 307(a) and (b): To prescribe the form for application for qualification under the act and to require information and documents in addition to that specifically required by the act. To provide for making information available to the public and the charges to be made therefor. To provide for the medium of payment of the $100 due under this section.

6. Section 308(a): To authorize incorporation by reference of documents filed under other acts administered by the Commission.

7. Section 308(b): To provide for consolidation of documents filed and proceeding initiated under other acts administered by the Commission.

8. Section 314(a): To provide for reports by the obligor to the trustee and to the Commission.

9. Section 319: General rulemaking power.

INVESTMENT ADVISERS ACT OF 1940

(15 U.S.C., secs. 80b1–21)

1. Section 202(a)(11): To exempt people not within the meaning of the act.

2. Section 203(c): To prescribe the form and content of applications for registration with certain limitations.

3. Section 204(a): To prescribe forms for annual and special reports by investment advisers.

4. Section 206(a): To exempt any person or transaction, or any class or classes of persons, or transactions, from any provision of this title or rule or regulation thereunder.

5. Section 210(a): To exempt from public disclosure information in applications for registration and in reports filed by investment advisers.

6. Section 211: General rulemaking power.

SECURITIES ACT OF 1933

(15 U.S.C., secs. 77a–77aa)

1. Section 7: To dispense with filing of written consents of experts in hardship cases.

2. Section 8(a): To accelerate effective date of registration statements.

3. Section 8(b): To refuse permission for a registration statement to become effective.

4. Section 8(c): To accelerate effective date of preeffective amendments to registration statements.

5. Section 8(d): To suspend the effectiveness of a registration statement.

6. Section 10(b): To prevent or suspend use of summary prospectuses.

Appendix, schedule A

7. Item 30.—To permit nondisclosure of any portion of a contract when such disclosure would impair its value and would not be necessary for protection of investors.

SECURITIES EXCHANGE ACT OF 1934

(15 U.S.C., secs. 78a–78jj)

1. Section 5: To exempt an exchange from registration where, because of the limited volume of transactions on such exchange, registration is not practicable.

2. Section 6(e): To grant or to deny registration of an exchange as a national securities exchange.

3. Section 6(f): To permit an exchange to withdraw its registration.

4. Section 11(c): To exempt an exchange and its members from the provisions of section 11(a) and (b) and the rules adopted thereunder when the limited volume of transactions on the exchange make application of such provisions impracticable and unnecessary.

5. Section 12(d): (1) To accelerate the effectiveness of the registration of a security on an exchange; and (2) to impose terms on the withdrawal of registration of a security.

6. Section 12(f): (1) To continue or extend unlisted trading privileges to a security; and (2) and (4) to terminate unlisted trading privileges.

7. Section 12(g)(1): To extend the date for a filing required under section 12(g).

8. Section 12(g)(4): To authorize the termination of a registration under section 12(g).

9. Section 13(d)(5): To permit the filing of a short notice rather than a section 13(d) acquisition statement.

10. Section 13(d)(6)(D): To exempt certain transactions from section 13(d).

11. Section 15(b): To accelerate effective date of application for registration as a broker-dealer—to defer the effective date of the registration of a broker-dealer until the 30th day after the filing of an amendment to the application for registration where the amendment is filed before registration becomes effective.

To censure, deny registration to, suspend for a period not exceeding 12 months, or revoke the registration of, any broker or dealer upon finding that such measures are in the public interest and that certain statutory disqualificatoins exist.

To postpone the effective date of broker-dealer registration not more than 15 days, pending final determination whether registration shall be denied.

To postpone the effective date of broker-dealer registration until final determination on the question of denial of registration.

To suspend broker-dealer registration if such suspension shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors, pending final determination whether any broker-dealer registration shall be revoked.

To impose such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors upon withdrawal of broker-dealer registration.

To cancel registration as a broker-dealer or of an application for registration as a broker-dealer if such broker-dealer is no longer in existence or has ceased to do business as a broker-dealer.

12. Section 15A(b)(4): To approve or direct the admission to or the continuance in membership of a member of a national securities association in certain cases where such member or any controlling or controlled person of such member is subject to certain disqualifications.

13. Section 15A(h)(1): To affirm to dismiss an order entered by a registered securities association in a disciplinary action by such association against a member thereof.

14. Section 15A(h)(2): To cancel, reduce, or require the remission of a penalty imposed upon a member by a national securities association.

15. Section 15A(h)(3): To review the denial of membership in a registered securities association.

16. Section 15A(k)(1): To abrogate any rule of a registered securities association, if it appears to the Commission such abrogation is necessary or appropriate to assure fair dealing by members and otherwise to protect investors.

17. Section 15A(k)(2): To alter or supplement the rules of a registered securities association as to certain specified matters.

18. Section 15A(*l*)(1): To suspend or revoke the registration of a registered securities association for violation of the act or rules thereunder, the failure to enforce compliance with its own rules, or other activity tending to defeat purposes of section 15A.

19. Section 15A(l)(2): To suspend or expel a member from a registered securities association upon finding that such member is subject to certain statutory disqualifications.

20. Section 15(A)(1)(3): To remove from office any disqualified officer or director of a registered securities association.

21. Section 19(a)(1): To suspend or withdraw the registration of a national securities exchange for violation of the act or the rules and regulations thereunder, or for failure to enforce compliance therewith by a member or an issuer of a security registered thereon.

22. Section 19(a)(2): To deny, suspend the effective date of, suspend, or withdraw the registration of a security if the issuer has failed to comply with the act or the rules and regulations thereunder.

23. Section 19(a)(3): To suspend or expel any officer or member of a national securities exchange who has violated any provision of the act or the rules and regulations thereunder, or who has effected any transaction for any person he has reason to believe is violating the act or the rules and regulations thereunder.

24. Section 19(a)(4): To suspend trading summarily for a period not exceeding 10 days in any security registered on a national securities exchange, or with the approval of

the President, to suspend summarily all trading for a period not exceeding 90 days on any national securities exchange.

25. Section 19(b): To alter or supplement the rules of a national securities exchange in respect of certain matters enumerated in this section.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

(15 U.S.C., secs., 79–79z6)

1. Section 2(a)(3): To declare that certain classes of companies shall not be deemed electric utility companies and to revoke any such declarations.

2. Section 2(a)(4): To declare that certain classes of companies shall not be deemed gas utility companies and to revoke any such declarations.

3. Section 2(a)(7)(B), first sentence: To declare a person to be a holding company irrespective of stock ownership.

4. Section 2(a)(7)(B), second sentence: To declare that a company holding stock in another company is not a holding company and to revoke or modify any such declarations.

5. Section 2(a)(8)(B), first sentence: To declare a person to be a subsidiary company irrespective of stock ownership.

6. Section 2(a)(8)(B), second sentence: To declare that a company whose stock is held by a specified company is not a subsidiary company of such specified company and to revoke or modify any such declarations.

7. Section 2(a)(11)(D): To declare that any person or class of persons are affiliates of a specified company.

8. Section 2(b): To revoke an order declaring a person to be a holding company, subsidiary company or affiliate upon a finding that the circumstances which gave rise to the issuance of such order no longer exist.

9. Section 3(a): To exempt certain holding companies and subsidiaries thereof from provisions of the act.

10. Section 3(b): To exempt certain subsidiary companies from provisions of the act.

11. Section 3(c): To revoke orders exempting holding companies and subsidiaries when the circumstances which gave rise to the issuance of such orders no longer exist.

12. Section 5(b): To prescribe the form of initial registration statements for holding companies and the time for filing such statements.

13. Section 5(b)(1): To prescribe certain corporate or partnership documents to be included in initial registration statements.

14. Section 5(b)(2): To prescribe the form and copies of documents to be included in initial registration statements of holding companies containing information relating to specific aspects of the business of registrants and associate companies.

15. Section 5(b)(3): To prescribe additional information or documents to be included in initial registration statements concerning the relations between registrant and associate companies.

16. Section 5(c): To permit preliminary registrations and to set the time after which a complete initial statement must be filed.

17. Section 5(d): To declare that a registered holding company has ceased to be a holding company and to deny requests for such declarations.

18. Section 6(b), first sentence: To permit a registered holding company or subsidiary to issue, renew, or guarantee certain short-term notes and drafts in excess of 5 percent of the principal amount and par value of the company's other outstanding securities.

19. Section 6(b), third sentence: To exempt securities of certain subsidiaries from the provisions of sections 6(a) and 7 of the act and to require information concerning transactions in these exempted securities.

20. Section 7(a)(1): To prescribe certain information and documents contained in registration statements under the Securities Act of 1933 to be included in declarations regarding transactions in securities of registered holding companies and subsidiaries.

21. Section 7(a)(2): To prescribe certain additional information and documents to be contained in declarations regarding transactions in the securities of registered holding companies and subsidiaries.

22. Section 7(b): To fix the effective date of declarations filed under section 7(a); to require declarants to show cause why declarations should become effective; and to permit or deny the effectiveness of such declarations.

23. Section 7(c)(1): To prescribe types of assets, other than those specifically set forth in the act, as security for bonds of registered holding companies and subsidiaries, the issuance and sale of which may be approved.

24. Section 7(c)(3): To authorize the issue and sale of securities of registered holding companies or subsidiaries which had been authorized by the company prior to the passing of the act.

25. Section 9(c)(3): To prescribe commercial paper and other securities, in addition to those specifically set forth in the act, which may be acquired by a registered holding company or subsidiary in the ordinary course of business without approval of the Commission.

26. Section 10(a)(1): To require information with respect to applications for approval of acquisitions of securities.

27. Section 10(a)(2): To require information with respect to applications for approval of acquisitions of utility assets.

28. Section 10(a)(3): To require information with respect to applications for the approval of acquisitions of interests in other businesses.

29. Section 10(b) 2d sentence: To impose conditions in approving acquisitions of the securities of another company.

30. Section 10(d): To provide for the time after which the Commission shall approve or deny an application for the acquisition of securities, utility assets, or interests in other businesses.

31. Section 10(e): To prescribe terms and conditions respecting authorizations to acquire securities or utility assets.

32. Section 11(b)(1): To require each registered holding company and each subsidiary thereof to take action to limit the operations of the holding company system of which such company is a part to a single integrated public utility system together with reasonably incidental business and to permit the retention of additional integrated systems under specified conditions.

33. Section 11(b)(2): To require each registered holding company and each subsidiary company thereof to take steps to insure that the corporate structure or continued existence of any company in the holding company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders of such holding company system.

34. Section 11(b) penultimate sentence: To revoke or modify any order previously made under section 11(b) upon a finding that the conditions upon which the order was predicated do not exist.

35. Section 11(c): To extend the period for compliance with an order under section 11(b).

36. Section 11(d): To approve plans of reorganizations for companies with respect to which a trustee has been appointed by an appropriate court.

37. Section 11(e): To provide for submission of and approval of plans filed by registered holding companies and subsidiaries thereof for divestment or other steps looking toward compliance with the integration and simplification standards of the act.

38. Section 11(f): To approve reorganization plans (prior to submission to a United States court) of registered holding companies or subsidiaries thereof with respect to which a trustee or receiver has been appointed and to require that any or all fees, expenses, and remuneration in connection with any reorganization, dissolution, liquidation, bankruptcy, or receivership of a registered holding company or subsidiary company in any such proceeding shall be subject to approval by the Commission.

39. Section 11(g)(3): To prescribe requirements for solicitations in reorganizations.

40. Section 12(b): To permit intercompany loans, extensions of credit or indemnifications with a registered holding company system.

41. Section 12(c): To permit the payment of dividends by registered holding companies and their subsidiaries and to permit transactions in their own securities.

42. Section 12(d): To permit the sale of holdings of the securities of a public utility company or of utility assets by a registered holding company.

43. Section 12(e): To permit the solicitation of proxies regarding any security or a registered holding company or subsidiary.

44. Section 12(f): To prescribe reports, accounts, costs, maintenance of competitive conditions, disclosure of inteerst, duration of contracts and similar matters in the performance of any transaction not otherwise unlawful by a registered holding company or subsidiary company with any company in the same holding company system or with any affiliate of a company in such holding company system.

45. Section 12(g): To prescribe reports, accounts, costs, maintenance of competitive conditions, disclosure of interest, duration of contracts and similar matters in respect of any affiliate of any public utility company, or of any registered holding company or subsidiary thereof in connection with any transaction not otherwise unlawful with any such company of which it is an affiliate.

46. Section 12(i): To prescribe the form and information to be included in reports of employees and representatives engaged in presenting, advocating, or opposing any matter affecting any registered holding company or subsidiary thereof before Congress and the SEC and FPC and to prescribe the form and details of periodic statements of compensation and expenses for such employees and representatives.

47. Section 13(a): To permit service, sales or construction contracts by registered holding companies with associated companies under special or unusual circumstances.

48. Section 13(b): To permit service, sales or construction contracts by subsidiary or mutual service companies with associated companies and to exempt certain transactions from provisions of this subsection.

49. Section 13(c): To prescribe for purposes of section 13 terms and conditions regarding the determination of costs and allocations thereof among specified classes of companies and for specified classes of service, sales and construction contracts, the duration of such contracts, the making and keeping of accounts and cost accounting procedures, etc.

50. Section 13(d): To prescribe terms and conditions regarding the manner in which application may be made for approval as a mutual service company; to grant and continue such approval; to require reallocation or reapportionment of costs and elimination of unnecessary services among member companies of a mutual service company; and to revoke, suspend, or modify the approval given any mutual service company for specified causes.

51. Section 13(e): To prescribe reports, accounts, maintenance of competitive conditions, disclosure of interest, duration of contracts and similar matters in respect of com-

panies which undertake to perform service, sales or construction contracts for public utility companies and for registered holding companies and subsidiaries.

52. Section 13(f): To prescribe reports, accounts, costs, maintenance of competitive conditions, disclosure of interest, and duration of contracts in respect of persons whose principal business is the performance of service, sales, or construction contracts for public utilities and holding companies.

53. Section 14: To prescribe information to be filed in periodic and other reports by registered holding companies and by mutual service companies.

54. Section 15(f): To prescribe the account or accounts in which particular outlays, receipts, and other transactions by persons subject to section 15 shall be entered, charged, or credited, and the manner in which such entry, charge, or credit shall be made, and require an entry to be modified or supplemented so as properly to show the cost of any asset or any other cost.

55. Section 20(a): To make, issue, amend, and rescind such orders as it may deem necessary or appropriate to carry out the provisions of the act.

56. Section 20(c): To classify persons and matters within the Commission's jurisdiction, and to prescribe different requirements for different classes of persons or matters.

57. Section 20(d): To permit the incorporation by reference of information and documents filed previous to or concurrently with other filings under the act or the Securities Act of 1933 and the Securities Exchange Act of 1934.

TRUST INDENTURE ACT OF 1939

(15 U.S.C., secs. 77aaa–77bbbb)

1. Section 304(c): To exempt certain securities where compliance with provisions of the act would require consent of security holders to amendment of indenture or impose undue burden.

2. Section 304(d): To exempt securities issued by foreign governments.

3. Section 305(b): To refuse effectiveness of registration statements.

4. Section 305(c): To include supplementary analysis in prospectuses.

5. Section 307(c): To accelerate effective date of applications for qualification of indentures where securities are not registered under the Securities Act of 1933.

6. Section 308(a): To authorize incorporation by reference of documents filed under other acts administered by the Commission.

7. Section 308(b): To consolidate applications, reports, and proceedings with those under other acts administered by the Commission.

8. Section 310(b)(1)(i): To disqualify trustee from acting as such under two or more indentures upon Commission initiative.

9. Section 310(b)(1)(ii): To permit trustee to act as such under two or more indentures upon application.

10. Section 312(b): To sustain or refuse to sustain objections to mailing by trustee of communications to security holders.

11. Section 319(a): To issue orders to carry out the provisions of the act.

INVESTMENT COMPANY ACT OF 1940

(15 U.S.C., secs. 80a–1, 80–52)

1. Section 2(a)(9): To determine whether a company or a natural person shall be presumed to be a controlled person within the meaning of the act, and to revoke or modify such order upon a finding that the determination embraced in the original order is no longer consistent with the facts.

2. Section 2(a)(19): To exempt persons from the definition of "investment adviser."

3. Section 2(a)(39): To permit certain securities of a registered diversified company to be carried at cost when the assets thereof are not subject to the limitation provided for in section 5(b)(1).

4. Section 3(b)(2): To exempt an issuer from the definition of "investment company" contained in section 3(a)(3); to extend the period of temporary exemption and to revoke exemption orders upon a finding that circumstances which gave rise to the issuance thereof no longer exist.

5. Section 6(b): To exempt employees' security companies from any provisions of the act.

6. Section 6(c): To exempt persons, securities, or transactions from any provisions of the act.

7. Section 6(d): To exempt small, intrastate, closed-end companies from any provisions of the act.

8. Section 6(e): To condition exemptions so as to make certain provisions of the act applicable to nonregistered companies.

9. Section 7(d): To permit investment companies organized or otherwise created under the laws of a foreign country to register under the act, and to permit such companies to make a public offering of their securities.

10. Section 8(c): To permit the use of documents and information contained therein filed under other statutes in lieu of forms prescribed under the Investment Company Act.

11. Section 8(d): To prescribe for a unit-investment trust, whose assets consist of securities of another registered company, a registration statement which eliminates duplication of information required of such other company.

12. Section 8(e): To suspend or revoke the registration of investment companies.

13. Section 8(f): To declare that the registration of an investment company has ceased to be in effect, and to deny such declarations.

14. Section 9(b): To permit otherwise ineligible persons by reason of section 9(a) to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit-investment trust, or registered face-amount-certificate company.

15. Section 10(e): To prescribe periods in excess of 60 days during which the provisions concerning the eligibility of directors may be suspended.

16. Section 10(f): To exempt transactions from the requirement that no registered investment company shall knowingly purchase or otherwise acquire certain securities during the existence of any underwriting or selling syndicate thereof.

17. Section 12(a): To regulate activities of any registered investment company relating to marginal purchases, joint trading accounts, and short sales.

18. Section 12(g): To permit the acquisition by any registered investment company and any company or companies controlled by such investment companies from another investment company or any company or companies controlled by such registered companies, more than 10 percent of the total outstanding voting stock of any insurance company owned by any such company or companies, or the acquisition of the securities of any insurance company upon a determination that such acquisition is in the public interest because the financial condition of such insurance company will be improved as a result of such acquisition or any plan contemplated as a result thereof.

19. Section 14(a): To suspend the effectiveness of registration statements under the Securities Act of 1933, and to suspend or revoke the registration of a company under the Investment Company Act for reasons specified in the latter act.

20. Section 16(a): To extend the 60-day period within which a meeting of stockholders shall be held for the purpose of electing directors to fill any existing vacancies in the board of directors of a registered investment company when at any time less than a majority of the directors are persons who were elected by the holders of the outstanding voting securities of such company.

21. Section 16(b): To sustain or refuse written statements of objections of trustees to material proposed to be communicated to other shareholders, and to declare that objections have been met.

22. Section 17(b): To exempt transactions of affiliated persons, promoters, and underwriters from the requirements of section 17(a) regarding the sale and purchase of securities and other properties to and from a registered investment and controlled companies and the borrowing of money or other property from such companies.

23. Section 17(e)(2): To permit commissions in excess of limitations specified for the purchase and sale of securities by an affiliate acting as a broker.

24. Section 17(f): To permit a registered company to be custodian for the securities and the investments in other companies, and to prescribe the safekeeping procedures for custodians.

25. Section 17(g): To prescribe bonding requirements for officers and employees who have access to securities or funds of a registered investment company.

26. Section 18(i): To permit exceptions from the requirement that shares of stock issued by a registered management company must be voting stock.

27. Section 18(j)(1): To permit the issuance by a registered face-amount certificate company of securities other than the type prescribed in the statute.

28. Section 18(j)(2): To permit the declaration, distribution, or payment of dividends for a company which has securities outstanding other than in situations specified in section 18(j)(1).

29. Section 22(e)(3): To permit periods in excess of 7 days in which the right to redeem or postpone the date of payment or satisfaction of any redeemable security may be suspended.

30. Section 23(b): To permit a closed-end company to sell its shares for less than the current net asset value of its stock.

31. Section 23(c)(1): To designate the open markets in which a closed-end company may repurchase its securities.

32. Section 23(c)(3): To prescribe the circumstances other than those specified in sections 23(c) (1) and (2) under which a closed-end company may repurchase its securities.

33. Section 24(c): To prescribe the order, form, and presentation of information contained in any prospectus or summary thereof in respect to any periodic payment plan certificate or face-amount certificate registered under the Securities Act of 1933.

34. Section 27(b): To grant exemptions to smaller investment companies issuing periodic payment plan certificates from provisions of section 27(a)(1), (2), and (3) regulating sales loan on periodic payment plan certificates.

35. Section 28(a)(2)(G): To prescribe appropriate contingency reserves for death and disability benefits and for reinstatement of rights on any face-amount certificate providing for such benefits or rights.

36. Section 28(b): To designate investments which are "qualified investments" for registered face-amount certificate companies and to provide the method for valuing such investments.

37. Section 28(c): To provide for depositing and maintaining of the required reserves of a registered face-amount certificate com-

pany with a bank, and the terms and conditions of such arrangement.

38. Section 28(d): To provide deferments in addition to those described in section 28 (d) for the payment of face-amount certificates prior to maturity and to prescribe terms and conditions in respect to such deferment.

39. Section 28(h): To forbid the declaration, distribution, or payment of any dividend by any registered face-amount certificate company for or during any calendar year when it appears to the Commission that such action might impair the financial integrity of such company or its ability to meet its liabilities under its outstanding face-amount certificates.

40. Section 30(b): To provide for the filing of information and documents on a quarterly or semiannual basis and to keep reasonably current the information and documents contained in the registration statement of subject companies.

41. Section 31(b): To require that persons designated in section 31(a) furnish the Commission with copies of or extracts from records required to be maintained by such persons.

42. Section 31(d): To permit exemptions from any rules or regulations promulgated pursuant to section 31(c) regarding uniformity in accounting policies and principles followed by registered investment companies.

43. Section 32(c): To require accountants and auditors to keep reports, work-sheets, and other documents and papers relating to registered investment companies and to make the same available for inspection by the Commission and to prescribe the period or periods for the retention of such materials.

44. Section 34(a): To provide for the destruction of records required to be maintained under sections 31(a) or 32(c).

45. Section 35(d): To declare that names of registered investment companies are deceptive and misleading.

46. Section 38(a): To make such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the act.

47. Section 38(b): To permit incorporation by reference of any information or documents required to be filed with the Commission under certain other statutes.

48. Section 45(a): To provide for exemptions from public disclosure of information filed with the Commission.

INVESTMENT ADVISERS ACT OF 1940

(15 U.S.C., sec. 80b-1-21)

1. Section 202(a)(11)(F): To exempt certain persons from inclusion in the definition of investment adviser.

2. Section 203(e): To deny, suspend, or revoke the registration of an investment adviser if subject to certain statutory disqualifications.

3. Section 203(g): To postpone the effective date of registration as an investment adviser for not more than 3 months.

4. Section 203(i): To impose terms and conditions upon withdrawal from registration as an investment adviser.

To cancel the registration or application for registration of an investment adviser who the Commission finds is no longer engaged in business as an investment adviser.

5. Section 211(a): To make such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission by the act.

[Chapter II—Securities and Exchange Commission, § 202.1]

PART 202—INFORMAL AND OTHER PROCEDURES

Sec.
202.1 General.
202.2 Pre-filing assistance and interpretative advice.
202.3 Processing of filings.
202.4 Facilitating administrative hearings.
202.5 Enforcement activities.
202.6 Adoption, revision and rescission of rules and regulations of general application.
202.7 Submittals.

AUTHORITY: The provisions of this Part 202 issued under secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11.

SOURCE: The provisions of this Part 202 appear at 25 F.R. 6736, July 15, 1960, unless otherwise noted.

§ 202.1 General.

(a) The statutes administered by the Commission provide generally (1) for the filing with it of certain statements, such as registration statements, periodic and ownership reports, and proxy solicitation material, and for the filing of certain plans of reorganization, applications and declarations seeking Commission approvals; (2) for Commission determination through formal procedures of matters initiated by private parties or by the Commission; (3) for the investigation and examination of persons and records where necessary to carry out the purposes of the statutes and for enforcement of statutory provisions; and (4) for the adoption of rules and regulations where necessary to effectuate the purposes of the statutes.

(b) In addition to the Commission's rules of practice set forth in Part 201 of this chapter, the Commission has promulgated rules and regulations pursuant to the several statutes it administers (Parts 230, 240, 250, 260, 270 and 275 of this chapter). These parts contain substantive provisions and include as well numerous provisions detailing the procedure for meeting specific standards embodied in the statutes. The Commission's rules and regulations under each of the statutes are available in pamphlet form upon request to the Superintendent of Documents, U.S. Governmnt Printing Office, Washington, D.C., 20402.

(c) The statutes and the published rules, regulations and forms thereunder prescribe the course and method of formal procedures to be followed in Commission proceedings. These are supplemented where feasible by certain informal procedures designed to aid the public and facilitate the execution of the Commission's functions. There follows a brief description of procedures generally followed by the Commission which have not been formalized in rules.

(d) The informal procedures of the Commission are largely concerned with the rendering of advice and assistance by the Commission's staff to members of the public dealing with the Commission. While opinions expressed by members of the staff do not constitute an official expression of the Commission's views, they represent the views of persons who are continuously working with the provisions of the statute involved. And any statement by the director, associate director, assistant director, chief accountant, chief counsel, or chief financial analyst of a division can be relied uopn as representing the views of that division. In certain instances an informal statement of the views of the Commission may be obtained. The staff, uopn request or on its own motion, will generally present questions to the Commission which involve matters of substantial importance and where the issues are novel or highly complex, although the granting of a request for an informal statement by the Commission is entirely within its discretion.

§ 202.2 Pre-filing assistance and interpretative advice

The staff of the Commission renders interpretative and advisory assistance to members of the general public, prospective registrants, applicants and declarants. For example, persons having a question regarding the availability of an exemption may secure informal administrative interpretations of the applicable statute or rule as they relate to the particular facts and circumstances presented. Similarly, persons contemplating filings with the Commission may receive advice of a general nature as to the preparation thereof, including information as to the forms to be used and the scope of the items contained in the forms. Inquiries may be directed to an appropriate officer of the Commission's staff. In addition, informal discussions with members of the staff may be arranged whenever feasible, at the Commission's central office or, except in connection with matters under the Public Utility Holding Company Act of 1935 and certain matters under the Investment Company Act of 1940, at one of its regional offices.

§ 202.3 Processing of filings.

(a) Registration statements, proxy statements, letters of notification, periodic reports, applications for qualification of indentures, and similar documents filed with the Commission under the Securities Act of 1933 and the Trust Indenture Act of 1939, and certain filings under the Securities Exchange Act of 1934 and the Investment Company Act of 1940 are routed to the Division of Corporation Finance, which passes initially on the adequacy of disclosure and recommends the initial action to be taken. If the filing appears to afford inadequate disclosure, as for example through omission of materiel information or through violation of accepted accounting principles and practices the usual practice is to bring the deficiency to the attention of the person who filed the document by a letter from the Assistant Director assigned supervision over the particular filing, and to afford a reasonable opportunity to discuss the matter and make the necessary corrections. This informal procedure is not generally employed where the deficiencies appear to stem from careless disregard of the statutes and rules or a deliberate attempt to conceal or mislead or where the Commission deems formal proceedings necessary in the public interest. Where it appears that the filing affords adequate disclosure, acceleration of its effectiveness when appropriate, normally will be granted.

A similar procedure is followed with respect to filings under the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940, which are routed to the Division of Corporate Regulation.

(b) Applications for registration as brokers, dealers and investment advisers are submitted to the Division of Trading and Markets where they are examined to determine whether all necessary information has been supplied and whether all required financial statements and other documents have been furnished in proper form. Defective applications may be returned with a request for correction or held until corrected before being accepted as a filing. The files of the Commission and other sources of information are considered to determine whether any person connected with the applicant appears to have engaged in activities which would warrant commencement of proceedings on the question of denial of registration. The staff confers with applicants and makes suggestions in appropriate cases for amendments and supplemental information. Where it appears appropriate in the public interest and where a basis therefor exists, denial proceedings may be instituted. Normally, absent indications of willful violations, the Commission will accelerate the effective date of registration upon request and after correction of all deficiencies.

[25 F.R. 6736, July 15, 1960, as amended at 27 F.R. 14493, Dec. 31. 1963]

§ 202.4 Facilitating administrative hearings.

(a) Applications, declarations, and other requests involving formal Commission action after opportunity for hearing are scrutinized by the appropriate division for conformance with applicable statutory standards and Commission rules and generally the filing party is advised of deficiencies. Prior to passing upon applications and declarations the Commission receives the views of all interested persons at public hearings whenever appropriate; hence, any applicant or declarant seeking Commission approval of proposed transactions by a particular time should file his application or declaration in time to allow for the presentation and consideration of such views.

* * * * *

(c) During the course of the hearings, the staff is generally available for internal discussions to reconcile bona fide divergent views not only between itself and other persons interested in the proceedings, but among all interested persons; and, when circumstances permit, an attempt is made to narrow, if possible, the issues to be considered at the formal hearing.

(d) In some instances the Commission in the order accompanying its finding and opinion reserves jurisdiction for certain matters relating to the proceeding, such as payment of fees and expenses, accounting entries, terms and conditions relating to securities to be issued, and other matters. In such cases after receipt of satisfactory information and data the Commission considers whether further hearing is required before releasing jurisdiction.

§ 202.5 Enforcement activities.

(a) Where, from complaints received from members of the public, communications from Federal or State agencies, examination of filings made with the Commission, or otherwise, it appears that there may be violation of the acts administered by the Commission or the rules or regulations thereunder, a preliminary investigation is generally made. In such preliminary investigation no process is issued or testimony compelled. When it appears from information obtained either with or without a preliminary investigation that there is a likelihood that a violation has been or is about to be committed and that the issuance of process may be necessary, the matter is reported to the Commission, which may then order a formal investigation or examination if it is deemed necessary. Unless otherwise ordered by the Commission, the investigation or examination is nonpublic and the reports thereon are for staff and Commission use only.

(b) Where it appears after investigation or otherwise that there has been a violation of any of the provisions of the acts administered by the Commission or the rules or regulations thereunder, the Commission may take one or more of the following actions: institution of administrative proceedings looking to the imposition of remedial sanctions, initiation of injunction proceedings in the courts, and, in the case of a willful violation, reference of the matter to the Department of Justice for criminal prosecution. The Commission may also on some occasions refer the matter to other Federal agencies, State authorities or organizations such as the stock exchanges or the National Association of Securities Dealers, Inc.

§ 202.6 Adoption, revision, and rescission of rules and regulations of general application.

(a) The procedure followed by the Commission in connection with the adoption, revision, and rescission of rules of general application necessarily varies in accordance with the nature of the rule, the extent of public interest therein, and the necessity for speed in its adoption. Rules relating to Commission organization, procedure and management, for example, are generally adopted by the Commission without affording public discussion thereof. On the other hand, in the adoption of substantive rules materially affecting an industry or a segment of the public, such as accounting rules, every feasible effort is made in advance of adoption to receive the views of persons to be affected. In such cases, proposals for the adoption, revision, or rescission of rules are initiated either by the Commission or by members of the public, and to the extent practicable, the practices set forth in paragraph (b) of this section are observed.

(b) After preliminary consideration by the Commission a draft of the proposed rule is published in the FEDERAL REGISTER and mailed to interested persons (e.g., other interested regulatory bodies, principal registrants or persons to be affected, stock exchanges, professional societies and leading authorities on the subject concerned, and other persons requesting such draft) for criticism and suggestions. Unless otherwise requested written comments and suggestions received become a part of the public record upon the proposed rule. Following analysis of comments and suggestions received, the rule may be adopted in the form published or in revised form in the light of such comments. In some cases a revised draft is prepared and published and, where appropriate, a public hearing may be held before final action upon the proposal. Any interested person may appear at the hearing or may submit written comment for consideration in accordance with the Commission's notice of the rule-making procedure to be followed. The rule in the form in which it is adopted by the Commission is publicly released and is published in the FEDERAL REGISTER.

§ 202.7 Submittals.

All required statements, reports, applications, etc., must be filed with the central office of the Commission, except that letters of notification filed pursuant to §§ 230.251 et seq. of this chapter, under the Securities Act of 1933 and reports of financial condition by exchange members, brokers, and dealers required by § 240.17a–5 of this chapter under the Securities Exchange Act of 1934 must be filed with the appropriate regional office as provided in § 230.255(a) of this chapter under the Securities Act of 1933 and § 240.17a–5(a) of this chapter under the Securities Exchange Act of 1934, respectively.

PRODUCTION OF ENZYME UROKINASE

Mr. ANDERSON. Mr. President, the U.S. space program has provided man with numerous benefits during its first 15 years, but outer space is still a resource whose full potential has only begun to be tapped. A forerunner of things to come from space is described in an article by Thomas O'Toole, published in the Washington Post of July 1. A team of scientists is recommending that the space environment be used in the production of the enzyme Urokinase, the drug so important in the treatment of blood clots but so expensive to produce that treatment of a single patient costs more than $1,000. The scientists believe that if the space method of electrophoresis can be used to produce Urokinase, then the treatment price would drop to $50 per dose. As one of the men put it, "What we have here is a method of producing this drug at a price man can afford."

Mr. President, we have only begun to reap the rewards of space; its potential will exceed man's most optimistic dreams; much of man's future rests with it.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCIENTISTS EYE SPACE PRODUCTION OF COSTLY ANTICLOTTING ENZYME

(By Thomas O'Toole)

A team of industry-university scientists believes it is possible to make a rare and costly enzyme that dissolves blood clots by producing it in the weightless conditions of outer space.

So convinced is the research team of the worth of making this enzyme in space that the team is about to submit a proposal to the space agency that the enzyme be produced aboard the Apollo spacecraft that will be flown in earth orbit in 1975 for the joint American-Russian docking mission.

The enzyme is named urokinase and has been successfully used in the last four years by the National Heart and Lung Institute to treat 236 victims of pulmonary embolisms, clots that block the flow of blood to the lungs. The body produces urokinase, but not enough to dissolve clots that cause embolisms.

The Heart and Lung Institute paid $50,000 for the urokinase it has used in treating embolisms, a price of more than $1,000 per patient. The urokinase was extracted from human male urine by an unwieldly process that produces only one dose of the enzyme from 1,500 quarts of urine.

A new method of making urokinase is what prompted the industry-university team to propose production of the enzyme in space. The team consists of scientists from Chicago's Abbott Laboritories, San Diego's Convair division of General Dynamics Corp. and the UCLA school of medicine.

The new method involves making the enzyme from the kidney cells of miscarried fetuses, which produce 50 times more urokinase than urine does. Kidney cells also turn out to be more manageable. A quart bottle of tiny but abundant kidney cells would be the equivalent of 50,000 quart bottles of urine.

A problem with kidney cells is that only one in 20 can be made to produce urokinase, which is where the Abbott-Convair-UCLA team came together to suggest that the enzyme be made in space. At the heart of their suggestion is the development by UCLA biophysicist Alexander Kolin of a machine that separates the one "active" kidney cell from the 19 inactive cells that don't make urokinase.

Kolin's device separates the cells by electrophoresis, using a moving electrical field to carry cells of different densities along at different rates of speed. Kolin has already shown that he can isolate the active kidney cells on earth, a procedure he and his colleagues believe can better be done in space where there is no gravity working against separation.

"Urokinase is a lifesaving drug that's unavailable to man because of its price," says Abbott Laboratories' Grant Barlow. "What we have here is a method of producing this drug at a price man can afford."

Barlow points out that the kidney cells would be separated aboard a spacecraft, then ampuled, frozen and brought back to earth where urokinase would be produced from the active cells in a pharmaceutical plant.

"Even allowing for this we could reduce the price by a factor of 20," Barlow said. "Our calculations show a price of $50 per dose for urokinase if we could use this method in space."

The Abbott-Convair-UCLA team has yet to propose their scheme to the space agency, but NASA officials say they have heard of it.

"It sounds like a bright and hopeful development," said the space agency's Dr. James Bredt, "but that's all we can say about it at this time."

CAPTIVE NATIONS WEEK

Mr. DOMINICK. Mr. President, again we should remember that the third week of July was designated by Congress of the United States in 1959 as Captive Nations Week.

Since the end of World War II, the Soviet Union has continued to maintain its military presence in Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, the Ukraine, Poland, and Rumania. We have seen how the stationing of large numbers of soldiers has inhibited and in cases quelled individuals from rationally expressing their religious and political convictions. The Hungarian Revolution of 1956, the 1968 invasion of Czechoslovakia, the worker's riots in Poland of 1970, and the revolt in Kaunas, Lithuania, in 1972 reveal the fact that many in Eastern Europe realize that the only avenue for serious political dissent is in the streets. Yet, in the streets they have been met by soldiers willing to commit violence on them.

During this week, we should remember the continuing struggle for liberation in Eastern Europe. I hope that the success of the recent SALT talks will lead to the demilitarization of Eastern Europe, and eventually permit the recall of Soviet troops and the rebirth of the right of self-determination for the people of the area. With such a rebirth, we hope that the present Soviet police campaigns against intellectuals, writers, and artists in the occupied satellites will cease.

DR. FRANK E. STINCHFIELD ELECTED PRESIDENT OF PRESBYTERIAN HOSPITAL MEDICAL BOARD AT COLUMBIA-PRESBYTERIAN MEDICAL CENTER, NEW YORK

Mrs. SMITH. Mr. President, a very great surgeon recently was elected president of the Presbyterian Hospital Medical Board at the Columbia-Presbyterian Medical Center in New York City—Dr. Frank E. Stinchfield, one of the greatest orthopedic surgeons in the entire world. He is internationally recognized and acclaimed for his preeminence in the field of orthopedic surgery.

However, his patients will tell you that he is also preeminent for his abundance of empathy, a gift far too rare these days among all of us whether we be doctors, lawyers, public officials or of any profession or activity. I know for I have been his patient since 1968 and he has performed three miraculous operations in hip surgery that have made me walk today even better than I did before I ever suffered hip ailments.

He is an outstanding American—and, as many of his patients say, he ought to be President of the United States.

I ask unanimous consent to have printed in the RECORD an article about him, appearing in this month's issue of the Stethscope, a publication of the Columbia-Presbyterian Medical Center.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. STINCHFIELD ELECTED PRESIDENT OF PRESBYTERIAN'S MEDICAL BOARD

Dr. Frank E. Stinchfield has been elected President of the Presbyterian Hospital Medical Board, replacing Dr. Hamilton Southworth, who served as President for the past two years.

For the past year, Dr. Stinchfield served on the Board of Trustees of the Presbyterian Hospital and now continues as an ex-officio member by virtue of his election as President of the Medical Board. These offices were assumed July 1st.

Dr. Stinchfield served his internship and surgical residency at the Wesley and Passavant Memorial Hospitals in Chicago. He then came to the Fracture Service of the Presbyterian Hospital as a resident in 1935 and has been continuously associated with our Medical Center since that time. He has served on numerous hospital committees as well as on national and international organizations. He has been an active and influential member of the post-war generation of orthopaedic surgeons and enjoys both a national and international reputation. In 1956 he was appointed Professor and Chairman of the Department of Orthopaedic Surgery, and Director of The New York Orthopaedia Hospital of the Columbia-Presbyterian Medical Center.

He is the founder and president of 'The Hip Society,' an association comprised of orthopaedic surgeons primarily interested in methods for the correction of hip joint problems. He is a member of the Board of Regents of The American College of Surgeans, and is the treasurer of The American Orthopaedic Association. He is a trustee of the publication *Surgery, Gynecology and Obstetrics*. Dr. Stinchfield is past-president of The American Academy of Orthopaedic Surgeons and of The American Board of Orthopaedic Surgery.

As President of the Medical Board of the Presbyterian Hospital, Dr. Stinchfield will be responsible for the introduction and promotion of policies related to professional services within the hospital, the care of patients, and the extension of health facilities. Dr. Stinchfield was Medical Director and Orthopaedic Surgeon-in-Chief of the Institute for the Crippled and Disabled from 1947 to 1951, along with his other duties at The New York Orthopaedic Hospital. Soon after The New York Orthopaedic Hospital moved to the Columbia Presbyterian Medical Center (in 1950) he was appointed Attending Orthopaedic Surgeon here and also was named as consultant in orthopaedics for many hospitals in the New York area.

He has been an active contributor to medical literature, publishing papers on such subjects as the arthritic hip, hip prosthesis, spine fusions, arthroplasty of the hip and low friction arthroplasty of the hip. One of his unforgettable publications was his Academy Presidential Address entitled, "Stand Up and Be Counted," which was an extremely strong and forthright presentation of the responsibilities of an orthopedic surgeon.

Dr. Stinchfield went overseas in 1942 with the Second General Hospital and served as an orthopaedic surgeon with this unit for one year. Following this he became the Commanding Officer of a group of hospitals in Coventry, England, where he served until 1945. He then transferred to the Surgeon General's office in Paris. During his army service he was promoted from 2nd Lieutenant to the rank of Colonel. He received the Legion of Merit, two Bronze stars, and the European Theater of Operations Unit Citation. He has continued his interest in military orthopaedics since the war and has given continuous post-war service to the Surgeon General's office, the Office of the Assistant Secretary of Defense, and is a senior orthopaedic consultant to the United States Air Force at this time. Early during the present conflict he toured Vietnam and Far East installations for the Office of Assistant Secretary of Defense.

Dr. Stinchfield was born in Warren, Minnesota. He received a B.S. degree in medicine from the University of North Dakota and in 1934 received his M.D. from Northwestern University Medical School. He received an honorary degree from Carleton College, where he did some of his undergraduate work, and was honored by receiving the Centennial Award from Northwestern University in 1959.

Dr. Stinchfield is married, has two children and lives in the Fieldston section of Riverdale. When asked about his hobbies, he replied, "My hobby is taking care of sick people." However, when not doing what he enjoys most (working long hours within the confines of the Medical Center), he occasionally finds time for horseback riding and fishing.

CONSUMER-PROTECTION LEGISLATION

Mr. FANNIN. Mr. President, in recent years, there has been growing concern over legislation to protect consumers. We have passed consumer protection laws, and we are being asked to enact even more stringent legislation.

It is obvious to me that legislation alone is an inadequate means of providing consumer protection. Proposals to build huge Federal bureaucracies to oversee consumer protection will compound rather than solve our problems.

The realistic approach is to revitalize our business enterprise system, to provide the marketplace where the best companies earn justifiable profits by providing the best in products and services to the public.

Mr. President, I am very proud of the fact that the business community in my hometown of Phoenix has long recognized its public responsibility. This fact was reemphasized this month when the Phoenix Chamber of Commerce Board of Directors endorsed a far-reaching Business Consumer Relations Code.

In announcing this action, Phoenix Chamber President Keith L. Turley said:

> Business must recognize the right of the consumer to be informed, to be heard, and to choose in the marketplace. Consumers have every right to expect safety, quality and integrity from those whose products or services they buy.
>
> By endorsing the code, we are doing more than signing a piece of paper setting forth high principles of business conduct. We are committing ourselves to take action to implement the principles contained in the code.

Mr. President, I ask unanimous consent that this code be printed in the RECORD.

There being no objection, the code was ordered to be printed in the RECORD, as follows:

BUSINESS CONSUMER RELATIONS CODE

The Business Consumer Relations Code states, "We affirm the responsibility of business to:

1. Protect the health and safety of consumers in the design and manufacture of products and the provision of consumer services. This includes action against harmful side effects on the quality of life and the environment arising from technological progress.

2. Utilize advancing technology to produce goods that meet high standards of quality at the lowest reasonable price.

3. Seek out the informed views of consumers and other groups to help assure customer satisfaction from the earliest stages of product planning.

4. Simplify, clarify, and honor product warranties and guarantees.

5. Maximize the quality of product servicing and repairs and encourage their fair pricing.

6. Eliminate frauds and deceptions from the marketplace, setting as our goal not strict legality but honesty in all transactions.

7. Ensure that sales personnel are familiar with product capabilities and limitations and that they fully respond to consumer needs for such information.

8. Provide consumers with objective information about products, services, and the workings of the marketplace by utilizing appropriate channels of communications, including programs of consumer education.

9. Facilitate sound value comparisons across the widest possible range and choice of products.

10. Provide effective channels for receiving and acting on consumer complaints and suggestions, utilizing the resources of associations, chambers of commerce, better business bureaus, recognized consumer groups, individual companies, and other appropriate bodies."

SIX-CENT U.S. POSTAL CARD TO COMMEMORATE JOHN HANSON, FIRST PRESIDENT OF THE UNITED STATES IN CONGRESS ASSEMBLED

Mr. BEALL. Mr. President, during the last session of Congress I introduced Senate Joint Resolution 85, a bill to proclaim April 14 as John Hanson Day, in honor the Nation's first President elected under the Articles of Confederation. We, as Marylanders, are very proud of John Hanson's role as one of America's great Founding Fathers. It is, therefore, most pleasing to note that the U.S. Postal Service will issue, on September 1, a new 6-cent postal card in tribute to this distinguished patriot.

Faced with what might appear to be insurmountable difficulties, the Continental Congress turned to John Hanson to provide the leadership needed to build a nation. This great son of Maryland was a man ideally suited, in both intellect and temperament, for the task.

Our first constitutionally elected Chief Executive was a strong man in a weak position. But his strength gave strength to the Confederation Government and enabled it to guide us through the transitional period from revolutionary struggle to constitutional federalism. During his tenure as "President of the Congress of the Confederacy," Hanson laid the groundwork for our Cabinet, our Consular Service, our postal system, and our national judiciary. Clearly, President Hanson was instrumental in the formulation of the system of government that we enjoy today.

I commend the U.S. Postal Service for marking the memory of this great American in such fine fashion, and ask unanimous consent that the article entitled "John Hanson—Patriot," published in the Washington Sunday Star and News of July 23, 1972, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Philatelic News: John Hanson—Patriot

(By Belmont Faries)

A 6-cent postal card honoring John Hanson of Maryland will be issued at Baltimore, Sept. 1, opening day of the BALPEX show of the Baltimore Philatelic Society.

The U.S. Postal Service identifies the card, which will replace the current 6-cent card picturing Paul Revere, as the second in a series honoring Colonial patriots as a part of the commemoration of the bicentennial of the American Revolution.

A small group of enthusiastic amateur historians have been campaigning since 1957 for a commemorative stamp for Hanson as first President of the United States, a title usually conceded to George Washington. The claim is made on the basis of Hanson's service as the presiding officer of the first session of the Continental Congress elected under the Articles of Confederation.

The official record on the subject, the "Biographical Directory of the American Congress, 1774–1949," lists the Continental Congress in sessions from Sept. 5, 1774, to March, 1789, with 16 "Presidents of the Congress," of whom John Hanson was the ninth.

The articles of Confederation were finally ratified on March 1, 1781, and on March 2 the Continental Congress formally assumed the title of "The United States in Congress Assembled," with the same presiding officer as the old Congress, Samuel Huntington of Connecticut. Huntington was the first "President of the United States in Congress Assembled."

On July 10, 1781, Thomas McKean of Delaware was elected president, the first elected under the Articles of Confederation.

On Nov. 5, 1781, the first new Congress elected under the Articles of Confederation met, and since it was Maryland's turn under the rotation system then in effect, unanimously chose John Hanson as its presiding officer. He was the first "President of the United States in Congress Assembled" elected by a Congress elected under the Articles of Confederation. It is difficult to equate a title requiring 13 qualifying words with "President of the United States."

Regardless of title, John Hanson, patriot, does deserve to be remembered.

Born April 14, 1715, at Mulberry Grove near Port Tobacco, Md., Hanson was a grandson of one of the original Swedish colonists on the Delaware. As a landed aristocrat he was elected repeatedly a delegate from Charles County to the Assembly, and early became a leader in the resistance to British authority.

It is unfortunate that the "first president" claim, advanced originally by two Connecticut newspapermen in a "Believe It or Not" type magazine feature, has been promoted by enthusiastic partisans to the point where the casual reader of news stories might well assume that Hanson was as phony as the claims made for him.

In 1765 he was a member of the committee which drafted the instructions for Maryland delegates to the Stamp Act Congress; in 1769 he signed the non-importation agreement protesting the Townshend Acts; as a member of the Maryland Convention, he signed in 1775 the call of the Maryland Association of Freemen for use of arms to repel British troops; he helped raise troops and money for Washington's army before Boston.

In 1773 Hanson moved from Charles County to Frederick, then so far in "the West" it was vulnerable to Indian attack. When the Articles of Confederation were proposed he favored approval, but only if the bigger colonies gave up their claims to the Western lands. When the Maryland Assembly chose him as a delegate to the Continental Congress in December of 1780, only Maryland was still balking at ratification.

Hanson and his colleague, Daniel Carroll, worked successfully with delegates from the remaining states with Western claims, and by early 1781, the way had been cleared for final approval of the Articles under which Hanson was to serve his one-year term as president.

Afterward he retired from public life, and died Nov. 15, 1783, at Oxon Hill Manor, the home of a nephew, where he is believed to have been buried. During the last year amateur archeologists have found what they believe to have been his tomb on the Oxon Hill estate owned in recent years by the late Sumner Welles and by Fred A. Maloof, who until his death was one of the most enthusiastic Hanson boosters.

The stamp design on the postal card is the work of Thomas Kronen, formerly with the Bureau of Engraving and Printing. The source of the portrait in the bronze statue of Hanson by Richard Edwin Brooks (1865–1919) placed in Statuary Hall in the Capitol by the state of Maryland on Jan. 31, 1903.

The master dies for the stamp were engraved by Albert W. Dintaman, who did the portrait, and Albert Saavedra, the lettering. The cards are being printed by letterpress in blue at the Government Printing Office.

Since the John Hanson card is a regular issue, it will come in both single and reply-paid double form.

Requests for cards with first day cancellation, with remittance at 6 cents for the single or 12 cents for the double card, may be addressed to "John Hanson Postal Card, Postmaster, Baltimore, Md. 21233."

TAXATION TO SUPPORT DRONES IS RESERVED

Mr. FANNIN. Mr. President, few if any people in our society resent having some of their tax money spent to help support people who cannot support themselves. But there is growing resentment over the expenditure of tax dollars to support people who simply will not support themselves because they do not wish to work.

This sentiment is obvious not only in the big cities where welfare has become a scandal. It also is of deep concern in the smaller cities and towns.

Mr. President, I ask unanimous consent to have an editorial from the Havre de Grace (Md.) Record printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Drones in U.S. Society

A "welfare lobby" turned up at the Democratic National Convention with the objective of inserting a plank in the party's platform calling for the payment of $6,500 to each welfare recipient. Fortunately, it was not adopted . . . fortunately for Senators McGovern and Eagleton who would have lost a chunk of votes right off before they even started to campaign.

Also fortunately, Senator McGovern abandoned an original pre-nomination promise to see that every man, woman and child in the U.S. receive $1,000 with no strings attached.

Americans who work for a living are getting fed up with having their pockets picked for welfare handouts. They are generous about it if the need is demonstrated. But they are also aware that for many recipients welfare is a racket operated by employable people who have become so used to doing nothing that they have no other ambition in life except to sit on their fannies, watch t.v., drink some booze and have more kids whom they can register as dependents in order to increase the size of their welfare checks.

Inflation and the high cost of keeping a family fed and clothed have made many Americans bitter with the realization that their hard earned dollars are going out to a segment of drones in our society.

Three years ago, President Nixon offered a program of welfare reform intended to relieve the states of part of the welfare burden. His program has been stalled in Congress. Consequently, states seeing the hope of federal assistance dwindling while welfare rolls continued to soar have been forced to take action on their own. Some of the measures they have adopted have been drastic—and not altogether successful.

Lois Wille of the Chicago Daily News Service has devoted a special feature to the attempt of the states to bring welfare under control. She tells how, "In California, prosecuting attorneys have started a drive to track down fathers of children on welfare rolls—and garnish their wages." She notes the widely publicized New York requirement that employable welfare recipients must pick up their checks at state employment offices and accept any available jobs. "In Pennsylvania", she says, "teams of investigators called 'Project Sweep' are methodically working their way through welfare records, visiting families and checking Social Security numbers to find cheaters. In Illinois, 4,000 welfare recipients are moving into public service jobs—and records of hospitalized recipients are being scrutinized to determine if there are any unnecessary charges." These are merely samples of countless state projects to hold the line on welfare costs. Currently, some 14.6 million persons in the United States are public aid recipients—twice the number of 1962. Fourteen billion dollars a year, mostly state and local tax money, is going for welfare.

Ms. Wille points out that some of the state "reform" measures produce either undesirable results or merely shift the cost to taxpayers from welfare to another form of public aid. New Jersey, for example, in a desperate move to counter a 150 percent rise in welfare rolls over a five-year period, stopped payments to all families with an unemployed father in the home. A likely result of this, Ms. Wille feels, is that the unemployed father will disappear so his family can eat. Perhaps the home is broken up permanently, and another costly social problem has been created in addition to welfare. On the other hand, the California drive to find absent fathers and garnish their wages, she writes, ". . . seems to have merit."

"MINI COURSES" AT MANKATO STATE COLLEGE

Mr. MONDALE. Mr. President, in the past few years, college enrollments in some institutions have declined to the point that funds must be cut from teachers' salaries to make up the deficit. At Mankato State College, in Minnesota, for example, a decline in student enrollment caused a projected 1972 deficit of over $500,000 which would have necessitated a reduction in faculty by 36 positions.

I recently received a letter from Larry Spencer, the student association president at the college. In it, he describes a solution to the problem that has important benefits beyond the saving of faculty positions. Since financial aid is awarded to the college on the basis of student "credit hours," students were encouraged to enroll in one extra course. To implement this, 500 "mini courses" were developed by faculty members who were willing to teach them, and enrollment was opened to anyone interested. The courses included such topics as the psychology of Indian life, and antique clock repair. There were 1,900 students and, surprisingly, 600 townspeople enrolled in these courses. In addition to raising money to cover the deficit the courses proved innovative and exciting, and increased the community involvement in college affairs.

I highly commend the purposes and results of this program. I ask unanimous consent that the materials sent to me by Mr. Spencer be printed in the Record.

There being no objection, the materials were ordered to be printed in the Record, as follows:

[From the New Ulm Sunday Journal]

Drive Begun To Keep Teachers

Mankato, Minn.—With the possibility that 36 faculty positions will be eliminated because of declining enrollments, Mankato State College students Saturday launched a drive to keep teachers in school.

The "Save the Faculty" campaign will aim at encouraging students to take more courses, and asking resident nonstudents to sign up for courses at MSC.

A student spokesman said that if each student took the equivalent of one more credit, the total would be enough to keep the 36 faculty busy and cutbacks would not have to be made.

Mankato State had a drop of 611 full-time students in its fall enrollment, resulting in a $580,000 lower operating budget for the state-supported school. There is a prospect of a further drop of 150 in the 1972 fall enrollment.

Dan Quillan, spokesman for the Crisis Campaign for Education Committee which announced plans at a news conference, said the group is suggesting the college introduce mini-courses in banking, cooking, family planning and other subjects which hopefully would be attractive to students and local residents alike.

The courses could be offered for as short a period as two weeks and taught by present faculty members, the committee suggests.

Dr. Kent Alm, college executive vice president, gave his backing to the idea, saying it could be made to work if there were a sufficient number of enrollees.

Students at Macalester College in St. Paul recently suggested a similar program for the private liberal arts school.

[From the Minneapolis Star, Dec. 20, 1971]

Mankato State Drive: Students Opposing Faculty Dropoff

Mankato, Minn.—With the possibility that 36 faculty positions will be eliminated because of declining enrollments, Mankato State College students have launched a drive to keep teachers in school.

The "Save the Faculty" campaign aims at encouraging students to take more courses, and asking resident nonstudents to sign up for courses at Mankato State.

A student spokesman said that if each student took the equivalent of one more credit, the total would be enough to keep the 36 faculty members busy and cutbacks would not have to be made.

Mankato State had a drop of 611 full-time students in its fall enrollment, resulting in a $580,000 lower operating budget for the state-supported school. There is a prospect of a further drop of 150 students in the 1972 fall enrollment.

Dan Quillan, a spokesman for the Crisis campaign for Education Committee, which announced plans at a press conference, said that the group is suggesting that the college introduce "mini-courses" in banking, cooking, family planning and other subjects which hopefully would be attractive to students and local residents alike.

The courses could be offered for as short a period as two weeks and taught by present faculty members, the committee suggests.

Dr. Kent Alm, college executive vice-president, backed the idea, saying it could be made to work if there were a sufficient number of enrollees.

Students at Macalester College in St. Paul recently suggested a similar program for the private liberal arts school.

[From the Chronicle of Higher Education, January, 1972]

AAUP Wins Close Vote at Rhode Island

STUDENTS CAMPAIGN FOR TEACHERS

Students at Mankato State College in Minnesota have organized a "crisis campaign for education committee" to save 36 faculty positions endangered because of falling enrollments. The campaign is encouraging students to sign up for more credit-hours and is asking non-students to register for courses in order to raise the "full-time equivalency" base for state aid.

[From the MSC Daily Reporter, Jan. 6, 1972]

Editorials and Opinions

What can you do about a college faced with a half million dollar deficit besides waving good-bye to 36 faculty members, support personnel and other services that are to be cut?

You can fight back and beat the bureaucratic system at its own game—that's what.

As our page one story points out, MSC stands to lose 36 faculty positions and support personnel because enrollment projections fell short of expected numbers.

This doesn't necessarily have to be so.

WILL YOU HELP?

A program initiated by student leaders with administrative and faculty support during the last week of fall quarter will expand and develop current curriculum through individual faculty or student course ideas. These courses which will be formulated by Jan. 12 will be available to students at a special registration at the end of January where any number of the proposed one or two credit classes can be taken.

With the help of the registrar's office previous course level requirements, and other red tape has been removed to provide students and townspeople with this exceptional opportunity.

In order for the plan set forth by the Crisis Campaign for Education committee to succeed, the entire college community must make a concerted effort to add one or more credits to their normal class load this quarter. These extra credits can be taken with the regular class schedule or added during a special registration.

The only important requirement is that the added course credit be at least one above your present credit load.

This opportunity to alleviate the budget cut rests with the faculty as well as the student body. For it is up to the faculty to formulate relevant and interesting mini-course offerings that will entice students to add credits.

This type of scheduling of one or two credit courses for brief periods of time provides a solution to the dwindling student credit load hours and adds new dimensions to education in the college community.

By providing these easily instituted courses which would undergo review and evaluation after completion, normal avenues that are often used to hold back change have been tossed aside.

The plan is being implemented by the registrar, administrators, faculty, and many interested students. What is left to do is up to all students, whether on-campus or in town, and the individual faculty members. Not only will you be helping to preserve our standard of education, but you will also add new dimensions to course offering and curriculum.

Take an extra credit to help yourself while helping others, and improving our educational institution.

[From the Mankato Free Press, Dec. 27, 1971]

CLASSIC CAMPUS HARMONY

An old, familiar proverb, especially pertinent and compelling during the Christmas season, concerns not so much the size of the gift, but the spirit in which the gift is offered.

It is persuasive enough when taken at full face value.

But it assumes additional, unique significance when the size of the gift happens to match the great dimensions of soul inherent in those who extended it.

Of course, today's case in point is not really a gift at all. Among other things it is a challenge—an all-out campaign led by students to "save the young faculty" in answer to a situation at Mankato State College whereby 36 teaching positions must be cut by the next academic year.

An anticipated drop in total enrollment means more than a half-million dollar reduction in the college's operation budget. And fewer available dollars means fewer available jobs.

An innovative and potentially workable answer to the problem came from the students, who would stand to gain education-wise as much as those faculty members whose positions they are seeking to preserve. By increasing the number of courses available—especially short-term courses—and by having the average student load increased from 15½ to 16½ credit hours per quarter, it is anticipated that all or most of the faculty slots could be retained

What it boils down to is that the student would have to slightly increase his or her financial investment in education, and the faculty in turn would have to respond in kind by programming attractive courses and perhaps schedule them at extraordinary times or days.

The key, naturally, is motivating the bulk of the student body to the cause; equally the tenured or otherwise "safe" faculty members.

We wish the whole idea full success.

It is the epitome of faculty-student cooperation and fellowship that is always talked about but not always achieved in this age of independent ways and, yes, suspicion bordering on distrust. It is a remarkable turn-around from only a year or two ago when college administrations, faculties and students seemed to be riding off in opposite, strident directions, amid the rolling issues of the era.

Thus, a gift?

Again, not in the strict, one-sided sense of the word, it is more of a mutual exchange—student and faculty each giving and receiving something tangible and intangible in return.

[From the Mankato State Reporter, Jan. 10, 1971]

MINI-COURSE, CRISIS CAMPAIGN EXPLANATORY SESSION TODAY

A special meeting designed to explain the new mini-course proposal and discuss the current Crisis Campaign for Education will be held today at 4 p.m. in the South Ballroom of Centennial Student Union. Faculty members are cordially invited to discuss with both student leaders and the administration topics of concern.

The following questions and answers have been designed to clarify some of the issues at hand.

Q: What is the Crisis Campaign for Education?

A: Grassroots movement by students to expand the quality of education at MSC by raising the current credit level for winter and spring quarters of every student on campus by one credit. This increase will raise the necessary funds to maintain present personnel levels that will otherwise be lost because the projected enrollment level for this year was not reached.

Q. Who is endorsing the program?

A: Student leaders, faculty associations, the graduate student association, the administration and community leaders including the Chamber of Commerce and the Mankato Free Press.

Q: What alternatives are being offered students?

A: Students may choose to add one credit to a class he has already registered, with permission from the instructor. The change can be made without going through any registration procedure after the student work out the special extra credit requirements with his instructor. A student may also add any number of mini-courses in a special registration being developed by various faculty members, or he may choose to pick up extra credits during the current drop-add period.

Q: How can this help?

A: For each dollar a student spends on tuition the state pays two, so it is hoped that if every student takes one more credit this quarter and spring most of the $580,000 deficit will be offset.

Q: What are mini-courses?

A: A short course worth from 1 to 3 credits that can deal with any academically sound topic. Topics will encompass a wide range of subjects, with faculty urged to solicit student input for course offerings.

Q. What can this mean?

A. If successful, the Crisis Campaign will shatter traditional college calendars, integrating the mini-course concept into the current curriculum scheme. The Campaign can also give faculty and students an opportunity to try out new and innovative types of curriculum without the usual time lag between course conceptualization and implementation.

Q. How can a student, faculty member, or interested community person register for these mini-courses?

A. A special registration will be held for students January 24–27 at the Centennial Student Union. Registration for parttime students and community persons will be held on Saturday January 22. Further information on courses and specific registration times will be printed in the Daily Reporter at a later date.

Q. How long will these mini-courses last?

A. The mini-courses have no standard meeting time schedule. The only requirement being that the classes can begin Saturday, February 5 and must be completed by Friday, March 3. Courses may also be held outside of the usual classroom in such places as homes, local churches. or business establishments, or outdoors.

STUDENT SAVE-THE-FACULTY EFFORT TURNS CRISIS CAMPAIGN FOR EDUCATION AT MSC

A student save-the faculty effort at Mankato State College has developed into a crisis Campaign for Education designed to significantly expand offerings of interest to persons both on and off campus.

The campaign—a student-based thrust with college administration operation—is intended to produce academically sound new courses exciting enough to encourage students to take more credits each quarter. It is also aimed at setting up courses to interest area residents in taking a few credit tours at the college—under arrangements emphasizing convenience to working adults in time and * * *.

While laying down a potential for broadening of college programs in the future, it could have the immediate benefit of generating enough credit hours to ease the staff reductions which appear necessary for next year because of a six percent drop in enrollment this fall quarter. Allocations to the state colleges are based on credit hours taken by students and the reduction projected for this school year is expected to result in about 36 less faculty positions for next year.

The student goal is to reverse the downward trend by upping credit hours enough so there will have to be no reduction of faculty. Quality of education factors are being considered as well as the human element. Reduction of faculty could harm the college program.

College officials estimate that if every fulltime student on campus took one more credit hour per quarter, the increased income would make it unnecessary to drop any faculty next school year. Average student load now is about 15½ credit hours per quarter.

After Christmas vacation, immediate efforts will be made for development of ideas such as mini-courses, simplifying entrance procedures into upper level courses, and more community-related offerings. They are to be ready for use in the winter quarter.

"Originally the crisis was the need to save faculty positions and services," said Student Senate President Larry Spencer, a member of the Crisis Campaign for Education coordinating group. "We wanted each student to help by taking at least one additional credit hour. However, it has now evolved into a program of fantastic educational opportunity and innovation for students and faculty."

Similar comments came from another committee member, Dan Quillen, Student Senate Speaker and president of the state-wide Minnesota State College Student Association.

"Because of the loss of more than a half million dollars in income, it seems shockingly apparent that we are going to lose 36 of our faculty, the vast majority of which will be those without tenure," he said. "These are our youngest, newest, and, in many cases, our best faculty. The student body cannot stand by and watch the loss of talented teachers. This is a crisis and we as a student body and college community must respond to it."

"If we can increase the student credit hour production by about 8,500 hours, roughly one credit hour per quarter per student, we will have averted the crisis."

Mini-courses are one of the means being planned to interest persons in taking more credits. A mini-course is a concentrated program dealing with a limited subject. Characterized with a maximum of flexibility and informality, it is generally compacted into a short time span—such as one solid all-day session, meeting every night for one or two weeks, or meetings for a few weekends. This allows it to be offered at a time when it is not as likely to conflict with another program of study or a fulltime job.

Dr. Carl Lofy, assistant vice president for academic affairs, can see almost limitless educational opportunities in mini-courses. He explained they have diversity in content, methodology, location and number of credits. They need not be offered only on campus, he said, and could be presented in local churches, downtown business places, private homes, the outdoors—at any location that is convenient for the persons for which they are intended, or pertinent to the subject being studied.

Mini-courses also give creative faculty members the chance to try out ideas immediately without being hampered by the procedures necessary to establish a regular full quarter course.

The short term course mini courses could, for instance, consist of a discussion in a private home on family development, a seminar on banking at a local bank, information on how to fill out income tax, a class in special effects photography at the studio of a local professional, a one-day Outward Bound experience, a class in gourmet cooking, a drug seminar, a two-week field trip to another part of the state or nation, a class on how to shop for a car, a weekend trip to a big ghetto—any educational need that is not otherwise provided for locally in such a concentrated manner.

Lofy pointed out that downtown persons in professional or occupational fields under study could be called in to team teach with regular faculty members—thereby giving students both the practical and theoretical sides of a subject.

Persons in the college service area interested in seeing mini-courses offered in certain subjects may call the MSC Student Senate Office, 389-2611, or Lofy at the MSC Academic Affairs Office, 389-1221.

The entire program arising out of the Crisis Campaign for Education will undergo a thorough evaluation at the end of the quarter, Lofy reported, and recommendations made as to whether it should continue.

He anticipates that some courses could develop out of it that could eventually be incorporated into the regular curriculum.

"Necessity is the mother of virtue," he said. "We first saw this as a means of meeting a crisis, but the more we go into it, the more we see it as an educational opportunity."

Members of the Crisis Campaign for Education Committee, in addition to Spencer and Quillin, are Joyce Stenzel of Wells, MSC Student Senate vice president; Pat McGregor of St. Paul, MSC Daily Reporter editor-in-chief; Greg Gackle, MSC Daily Reporter managing editor; Debbie Gage, student from Nankato; Dave Westphal, chairman of the MSC Graduate Student Association; and Ken Hartung of Cologne, student member of the MSC Task Force for Change.

"The proposed effort by the students at Mankato State to reverse a declining credit hour production and, thus, to reduce the necessity for releasing faculty must certainly earn for them the sincere respects of the community-at-large," said Dr. Kent Alm, vice president for academic affairs. "The manner in which the college will respond to this student effort, in my judgment, will reflect creditably on the faculty. I am certain that it will be an exciting, creative, and educationally sound experiment."

[From the Minneapolis Star, Dec. 25, 1971]

"ACTIVISM" FOR A COMMON CAUSE

Student skepticism about the establishmentarian world may very well be as strong as it was a few years back when it was fashionable to advocate violent change and sometimes to act on that advocacy.

But there is no doubt that, whatever reservations students may harbor about the system, they have a new attitude about their personal chances to survive it. The mood, reinforced by the dismal post-college employment prospects, is marked by a new seriousness about the value of learning. The battle cry is "save and improve," not "blow it up."

Two developments in Minnesota illustrate this. At Mankato State College, where declining enrollment threatens the loss of 36 faculty jobs, a "Save the Faculty" campaign has been launched. Because the size of the faculty is, by law, tied to a formula that reflects both the number of students and the credit hours they carry, students themselves can influence the allocation system.

This they propose to do by encouraging fulltime students to take one more credit, while expanding the part-time curriculum with on-campus "mini courses," open both to regular students and townspeople. The college administration is happily supporting this effort.

At Macalester, a "Save the Profs" campaign is going on against the background of that private college's financial quandary. There, the jobs of eight younger, nontenured faculty members are at stake as the result of a $300,000 budget cut that is part of a larger retrenchment. The students have staged events, such as an auction to raise symbolic funds, with the more serious goal of publicizing their dismay and of putting pressure on the trustees to reconsider. But this is far from "confrontation politics." Long range, trustees, students and administration must work together for increased alumni and other off-campus financial support.

While Macalester's situation is complicated by dispute over the faculty's own decision as to who was to go, there is a common and very constructive spirit among the "Mac" and Mankato students that deserves high praise and public support.

[From the Mankato Free Press, Jan. 11, 1972]

MINI COURSES KEY IN MSC "SAVE THE FACULTY" CAMPAIGN

(By Lynn Closway)

Faculty members at Mankato State College, on short notice, reacted openly Monday to the current "Crisis Campaign" which seeks to offer more courses for credit and ultimately retain faculty persons on campus.

A 6 per cent drop in enrollment that was not anticipated this past quarter and estimates that indicate a further enrollment drop for next year prompted the campaign which has been titled "Save the Faculty."

Faculty members have been asked to submit by Wednesday several outlines for "mini" courses that would be concentrated in a one-month period for credit.

It is hoped students will sign up for at least one more credit hour than they would have taken this quarter, and it is further anticipated community persons would take mini courses.

The campaign has received the sanction of the Minnesota State College Board inasmuch that the budget and finance committee has recommended the college be able to waive all but the normal tuition fee for the mini courses.

That means that the normal one-credit mini course would cost just $7.25, where it had a former minimum cost of $30. If a person were to take more than two credits in mini courses, however, he would then have to pay the normal fees because he would enter the category of a parttime student.

The mini courses will be offered from February to March and will have a diversity in content, methodology, location and number of credits.

They need not only be offered on campus, according to Dr. Carl Lofy, assistant vice president for academic affairs, but could be presented in homes, churches, downtown business places, or outdoors.

It has also been emphasized that the courses will be relevant and even applicable to a major field as well as general education—not of the "basket weaving" type.

Allocations to state colleges are based on credit hours taken by students.

Several faculty persons voiced reactions to the crisis campaign at the meeting:

Donald Glines, program leader at the Wilson Campus School, said mini courses are "long overdue" at the college and that such a plan should be a permanent part of the curriculum rather than "always a pilot."

Another faculty member asked that those who advocate mini courses as a permanent part of the program consider whether the faculty could continue teaching them for "no extra pay."

As it is, faculty members will be teaching the mini courses on a volunteer basis for no extra pay—in addition to their regular teaching load.

Because of that, still another faculty member said that if mini courses would continue as a contribution "over and above other professional projects," there would come a point when the extra courses could have detrimental effects.

[From the Mankato State Daily Reporter, Jan. 6, 1972]

EDUCATION CAMPAIGN SAVE THE FACULTY EFFORT

A student save-the-faculty effort at Mankato State College has developed into a Crisis Campaign for Education designed to significantly expand offerings of interest to persons both on and off campus.

The campaign—a student-based thrust with college administration cooperation—is intended to produce academically sound new courses exciting enough to encourage students to take more credits each quarter. It is also aimed at setting up courses unique enough to interest area residents in taking a few credit hours at the college—under arrangements emphasizing convenience to working adults in time and location.

While laying down a potential for broadening of college programs in the future, it could have the immediate benefit of generating enough credit hours to ease the staff reductions which appear necessary for next year because of a six per cent drop in enrollment this fall quarter. Allocations to the state colleges are based on credit hours taken by students and the reduction projected for this school year is expected to result in about 36 less faculty positions for next year.

The student goal is to reverse the downward trend by upping credit hours enough so there will have to be no reduction of faculty. Quality of education factors are being considered as well as the human element. Reduction of faculty could harm some college programs.

Mini courses are one of the means being planned to interest persons in taking more credits. A mini-course is a concentrated program dealing with a limited subject. Characterized with a maximum of flexibility and informality, it is generally compacted into a short time span—such as one solid all-day session, meeting every night for one or two weeks, or meetings for a few weekends. This allows it to be offered at a time when it is not as likely to conflict with another program of study or a full time job.

Dr. Carl Lofy, assistant vice president for academic affairs, can see almost limitless educational opportunities in mini-courses. He explained they have diversity in content, methodology, location and number of credits. They need not be offered only on campus, he said, and could be presented in local churches, downtown business places, private homes, the outdoors—at any location that is convenient for the persons for which they are intended, or pertinent to the subject being studied.

Mini courses also give creative faculty members the chances to try out ideas immediately without being hampered by the procedures necessary to establish a regular full quarter course.

The short term course could, for instance, consist of a discussion in a private home on family development, a seminar on banking at a local bank, information on how to fill our income tax, a class in special effects photography at the studio of a local professional, a one-day Outward Bound experience, a class in gourmet cooking, a drug seminar, a two-week field trip to another part of the state or nation, a class on how to shop for a car, a weekend trip to a big city ghetto—any educational need that is not otherwise provided for locally in such a concentrated manner.

Lofy pointed out that downtown persons in professional or occupational fields under study could be called in to team-teach with regular faculty members—thereby giving students both the practical and theoretical sides of a subject.

College officials estimate that if every fulltime student on campus took one more credit hour per quarter, the increased income would make it unnecessary to drop any faculty next school year. Average student load now is about 15.5 credit hours per quarter.

Immediate efforts are being made for development of ideas such as mini-courses, simplifying entrance procedures into upper level courses, and more community-related offerings. They are to be ready for use this quarter.

A goal of the campaign is to implement as many student suggestions for course content method and location as possible. Proposals must be submitted to department chairmen no latter than Jan. 11.

The courses will all be taught on pass-no-credit basis, and may be acceptable for meeting major and minor requirements. A schedule of the mini-classes will be published in the Daily Reporter, Jan. 20. First, classes may begin Saturday, Feb. 5 and are to be completed by Friday, March 3, three weeks before the end of the quarter.

All students will be permitted to register in the course of their choice. If a course has registration beyond the "maximum desired," plans will be made to assign adequate space and-or additional instructors within the department.

"Originally the crisis was the need to save faculty positions and services," said Student Senate President Larry Spencer, a member of the Crisis Campaign for Education coordinating group. "We wanted each student to help by taking at least one additional credit hour. However, it has now evolved into a program of fantastic educational opportunity and innovation for student and faculty."

Similar comments come from another committee member, Dan Quillin, Student Senate Speaker and president of the statewide Minnesota State College Student Association.

"Because of the loss of more than a half-million dollars income, it seems shockingly apparent that we are going to lose 36 of our faculty, the vast majority of which will be those without tenure," he said. "These are our youngest, newest, and, in many cases, our best faculty. The student body cannot stand by and watch the loss of talented teachers. This is a crisis and we as a student body and college community must respond to it."

"If we can increase the student credit hour production by about 8,500 hours, roughly one credit hour per quarter per student, we will have averted the crisis."

Persons in the college service area interested in seeing mini-courses offered in a certain subject may call the MSC Student Senate Office, 389-2611, or Lofy at the MSC Academic Affairs office, 389-1221.

The entire program arising out of the Crisis Campaign for Education will undergo a thorough review by existing evaluative processes (such as school curriculum committees) at the end of the quarter, Lofy reported, and recommendations made as to whether it should continue.

He anticipates that some courses could develop out of it that could eventually be incorporated into the regular curriculum.

"Necessity is the mother of virtue," he said. "We first saw this as a means of meeting a crisis, but the more we go into it, the more we see it as an educational opportunity."

James Andersen, associate professor of mathematics, suggested the idea for increasing credit hours which was developed by the student committee into the present plan.

Members of the Crisis Campaign for Education Committee, in addition to Spencer and Quillin, are Joyce Stenzel, MSC Student Senate vice president; Pat McGregor, MSC Daily Reporter editor-in-chief; Greg Gackle, MSC Daily Reporter managing editor; Debbie Gage, student from Mankato; Dave Westphal, chairman of the MSC Graduate Student Association; and Ken Hartung, student member of the MSC Task Force for Change.

The proposed effort by the students at Mankato State to reverse a declining credit hour production and, thus, to reduce the necessity for releasing faculty must certainly earn for them the sincere respects of the community-at-large, said Dr. Kent Alm, vice president for academic affairs. "The manner in which the college will respond to this student effort, in my judgment, will reflect creditably on the faculty. I am certain that it will be an exciting, creative, and educationally sound experiment."

[From Mankato (Minn.) Free Press, Dec. 18, 1971]

MSC DRIVE LAUNCHED TO SAVE FACULTY

(By Lynn Closway)

Mankato State College students today launched an all-out campaign to "save the faculty" in answer to a crisis situation at the college whereby 36 faculty positions must be cut by next year.

An unexpected drop in total enrollment projected for next year at the college has caused a reduction of $580,000 in the operating budget allocation and the need to reduce the number of faculty positions.

Now, in a move believed unprecedented anywhere in the country, students, faculty and administration will work to alleviate the crisis by creating more courses and credit hours.

Allocations are based on credit hours taken by students and this year the college showed a decline of about 611 full-time equivalent students, affecting the total credit hour production.

It is estimated that the college stands to suffer an additional decline of about 150 students next year.

The campaign basically is intended to produce academically-sound new courses on campus to stimulate students to take more credit hours each quarter—upping the total credit hour production and hopefully resulting in fewer staff reductions.

A "save the faculty" campaign recently was attempted at Macalester College when the college lost its chief endowment source last year and was forced to make faculty cuts.

* * * * *

Not enough money was raised, however, and sources reported that total amount raised was only enough to give those faculty persons "quite a going away party."

Executive vice President Kent Alm today lauded the efforts of the students and faculty and said the move is totally unprecedented—especially at an institution the size of Mankato State.

College officials estimate that if every full-time student on campus took just one more credit hour per quarter, the increased total production and income would make it unnecessary to drop any faculty next school year.

Average student load now is about 15½ credit hours per quarter.

Creation of more courses and credit hours will come when "mini courses" or short-term courses are offered for credit.

Efforts are underway to develop the mini courses, simplify entrance procedures into the upper level courses and offer more community-related courses.

Dan Quillin, student senate speaker at the college, said today that not every student could be inspired to take the additional credit or credits simply out of an altruistic attempt to "save faculty people."

But the whole idea has now evolved into a "fantastic educational opportunity and innovation for students and faculty," he said.

He added that the student body could not stand by and watch the loss of talented teachers. They would be the younger, newer and in many cases the "best" faculty without tenure, he said.

"This is a crisis and we as a student body and college community must respond to it."

The cooperative effort would mean that each student and faculty member would agree to taking the "additional step to contribute," according to Dr. Carl Lofy, assistant vice president for academic affairs.

MANKATO STATE COLLEGE,
Mankato, Minn., December 22, 1971.

DEAR FACULTY MEMBER: The college is presently faced with a projected deficit of over $500,000 which will have a disastrous effect on faculty jobs and college services. With this in mind, we have formed a committee to coordinate a "Crisis Campaign for Education", in an effort to seek and promote alternatives to this present cutback trend.

During the closing week of the fall quarter, we met with faculty members and administrators to enlist their aid and that of the entire campus and the community-at-large. The coordinating committee is encouraging every student to take one or more additional credits during the winter and spring quarters. In addition, we are proposing that the faculty aid us by developing a series of mini-courses which could be offered in February.

This program has fantastic educational opportunities for the entire community of Greater Mankato. Each faculty member has the opportunity to freely develop and offer experimental curriculum with other faculty, students, and townspeople. Development of proposed "mini-courses" may serve as a trial run for future courses, new teaching or learning styles, and interdisciplinary courses.

The college has been forced to recognize that education is a consumers market. The success of this approach will substantially rest on the creativeness of the individual faculty member. Any request to students to take additional credits must be supplemented by the offering of innovative teaching methods and interesting course material. Those departments and centers which utilize the abilities of its students in the development of curriculum will be best able to encourage students to make the extra effort.

In short, we are extending a challenge to the faculty and administration to join with us and the entire Greater Mankato community in an effort to revitalize our college.

Without your full support, the Crisis Campaign for Education will surely fail, and the projected cuts in faculty and services will be the price we will all pay. We urge you to join with us in this joint effort. Thank you.

THE CRISIS CAMPAIGN FOR EDUCATION COMMITTEE

Debbie Gage, Chairman.

Larry Spencer, Student Association President.

Pat McGregor, Editor-in-Chief Daily Reporter.

Dan Quillin, Student Senate Speaker.

Joyce Stenzel, Student Association Vice President.

Ken Hartung, Task Force for Change Member.

Mehr Shahidi, College Curriculum Committee Member.

Greg Gackle, Managing Editor Daily Reporter.

Dave Westphal, Chairman Association of Graduate Students.

MANKATO STATE COLLEGE,
Mankato, Minn., December 27, 1971.

To: Members of the Faculty.
From: Kent G. Alm, Vice President for Academic Affairs.
Re: Crisis Campaign for Education.

Students have initiated, in line with the suggestion of James Andersen, Associate Professor of Mathematics, a concentrated effort to reverse the projected declining credit hour production for Mankato State—a trend, which left unchecked, would result in the reduction of some 36.4 teaching and non-teaching faculty positions.

Student leaders, representing the Student Senate, Association of Graduate Students, and the Daily Reporter, have drawn up a proposal which may generate enough additional credit hours to offset proposed reductions in services and staff. They are requesting fellow students to take one or more additional credits. If successful, this would raise the average student credit load by as much as one credit hour per student, which would have a measured impact on our projected revenue loss.

In return, they ask that new and different courses be offered which represent a diversity in content, methodology, and location.

Following discussions with the Deans and Department Chairmen, our office has, in cooperation with the Registrar, streamlined the normal procedure for initiating course proposals.

In that regard, please note that as you review the attached mini-course proposal format, it is our understanding every effort will be made to insure that such course offerings are academically sound. Further, the existing machinery of the schools, as represented in the school curriculum committees, will be used as the evaluation vehicles with which students and faculty can analyze the effectiveness of a course following its completion.

We would encourage every faculty member and administrator to develop such mini-course proposals. Students have also urged that faculty families, administrators, and townspeople alike take advantage of these new course proposals—we endorse that approach.

PROCEDURES FOR SPECIAL REGISTRATION OF MINI-COURSES

1. Proposals should be submitted to department chairmen no later than January 11, 1972. Proposal forms accompany these guidelines. The proposed courses should maintain the same standards which we have for our regular courses, with special emphasis on interest and diversity of content, methodolgy, and location.

2. Department chairmen and deans are asked to exercise a minimum of prior "censorship". They should complete the add portion of "Request for Change in Class Schedule" form and forward them with the "Mini-Course Proposal Form" to the Dean's Office. The deans should in turn forward both forms to the Registrar's Office no later than January 12, 1972.

3. A mini-course is conceived, under this proposal, to be one (1) credit hour but someone may propose more. For guidance purposes a credit hour represents ten classroom hours or their equivalent. A mini-course could be added as an adjunct to existing courses now being taught.

4. Problem numbers will be used for the courses, beginning at 100. Admission to schools for taking advanced number courses will be waived. Courses should be available at the graduate, as well as undergraduate level. As much as possible, it is assumed that these courses will be acceptable for meeting major and minor requirements, unless otherwise specified. Mini-courses which satisfy general education requirements should be so identified.

5. All mini-courses should be set up on a P/N grading basis.

6. Proposals may be developed by one staff member or may represent a joint enterprise. Interdisciplinary efforts are encouraged and recommended. Townspeople may be invited to "team-teach" courses where appropriate.

7. To the extent time permits, suggestions as to course content, method and location should be solicited from students.

8. College administrators, as well as personnel from support areas such as Student Services, Library, and Audiovisual are encouraged to develop courses. Accreditation for such courses can be given through the Experimental Studies Program.

9. Faculty and administrators are encouraged, not only to develop mini-courses, but to register for such courses, along with their spouses. (Efforts are being undertaken to waive fees other than tuition.) Courses may be set up specifically for faculty and/or townspeople.

10. Courses may be held in homes, local churches or business establishments, outdoors, etc. Assignment of space will be made after registration, in the February 3 issue of the Daily Reporter.

11. An evaluation will be conducted by each school's curriculum committee, with assistance from the office of Institutional Research. If the evaluation indicates that this effort was successful, it will be repeated during the Spring Quarter.

12. All classes requested will be summarized by Registrar's Office and submitted to Data Processing no later than Friday, January 14.

13. Print out from Data Processing along with mini-class schedule data (meeting dates, time, etc. provided by Registrar's Office) available to Daily Reporter Monday, January 17.

14. Mini-Class Schedule published in Thursday, January 20 Daily Reporter.

15. Special Registration, Saturday, January 22, 9:30–11:30 at Student Union Ballroom. Scheduled for parttime students and interested community persons who are currently not enrolled winter quarter. No add fee will be charged. A drop-add form will be used for all currently enrolled students.

16. Special registration, Monday, January 24, between 12:00–4:00 p.m. Student Union Ballroom and Valley P.E. Building, Lobby and West Gym. Social Security #—— to ——. Six cash registers to be used on Highland Campus and three on Valley Campus. No limit will be established for any class. Additional sections or larger room assignments will be made to accommodate abnormally large registrations in a course.

17. Special Registration, Tuesday, January 25. (Same as #16) Soc. Sec. #—— to Soc. Sec. #——.

18. Special Registration, Wednesday, January 26. (Same as #16 & 17).

19. Special Registration, Thursday, January 27. (Same as #16, 17, & 18).

20. Registration studies by Schools, Departments and Staff with appropriate adjustments (i.e. adding sections, possibly combining some classes, final assignment of rooms and space needed.) Class schedule time and dates need to be kept constant per student registration.

21. Daily Reporter to receive information from #20 through Registrar's Office no later than Tuesday, February 1. Publication of revised schedule to be in Thursday, February 3 issue of Daily Reporter.

22. First classes may begin Saturday, February 5. All classes to be completed by Friday, March 3.

23. Grade Rosters to be completed along with regular class rosters at end of quarter. Grades for mini-courses to be sent to students at same time as other grades for winter quarter.

24. Any suggestions, reactions or questions to these guidelines are welcome. Call Dr. Alm (1312), Dr. Lofy (1221), Mr. Cowan (1926) or your dean.

[From Newsweek Magazine, Feb. 28, 1972]

The Mini-Courses

In an art classroom at Mankato State College in Minnesota, a professor points to a 5-gallon plastic jug and warns his attentive students: "Be sure you stir your wine once or twice a day to keep it from getting moldy." In a seminar room across the snow-blanketed campus, a middle-aged associate dean reads ballads to a class while his secretary softly strums her guitar. And in a large classroom, Nita Nickerson, whose husband is president of Mankato State, stands on her head to demonstrate a fine point of yoga.

If these courses in winemaking, folk singing and yoga give Mankato State an aura of radicalism, the image is misleading. For this erstwhile teachers' college, now a strapping institution of 12,000 students, still reflects the sober background of its rural setting in southern Minnesota. And the courses themselves, far from representing any attempt to turn Mankato State into a counterculture "free school," merely reflect an inventive brand of old-fashioned school spirit.

Mankato's mini-courses originated in reaction to a decline of some 600 students in the college's total enrollment. Because state-aid funds are based on the number of credit hours taken by students and the tuition fees they pay, it appeared that the reduced enrollment would cost 36 faculty members their jobs this year and next. Then a solution occurred to James Andersen, an associate professor of mathematics. "I knew we could not just go out in the street and pick up more student," he recalls. "So it seemed that the only way to save those faculty jobs was to have every student carry two or three more credits." The problem was handed over to a student "Crisis Campaign for Education Committee," which developed the mini-course concept. At the committee's urging, the 700 faculty members dreamed up no fewer than 744 one-credit courses, and a prospectus was circulated among the students and the 38,000 residents of the Mankato area itself. In addition, registration procedures were simplified and a token fee of $7.25 was established for each course. Ultimately, more than 2,500 prospective students signed up, including 600 from off-campus.

Although few of the mini-courses would ever see the light of day in a traditional curriculum, most of them have considerable practical value. A group of 51 students is studying "Gunsmithing Basics," while "Candle Making" has drawn 21 students and 28 more are engrossed in "Preventive Maintenance, Diagnosis and Tune-up of Volkswagens and Porsches." And even a course with the lighthearted title, "Everything You Wanted to Know About Personal Credit, Banking, the Police, City Hall, Owning Property and the Establishment But Were Afraid to Ask," may teach its 24 students something about survival in the twentieth century.

The mini-courses are proving so successful that a Mankato State faculty committee, which will evaluate all the courses at the end of the term, is expected to install many of them in the official curriculum. And more important, college officials now calculate that the increased number of credit hours resulting from the mini-courses will probably save at least fifteen faculty jobs. "Some people call this idea frivolous," student-association vice president Joyce Stenzel remarked. "But we think it is what learning is all about."

[Supplement to the MSC Daily Reporter]

Mini Course Proposals

MINI COURSE ROOM SCHEDULE ASSIGNMENTS

Mini course classes are listed with meeting places in the schedule. Unless otherwise specified the classes will meet beginning the week of February 7 and will continue through Friday, March 3.

Section 100 problems courses have been eliminated from each of the departments in this schedule since meetings places will be arranged directly with the instructor.

If, for some reason, the mini class for which you registered does not appear with an assigned classroom in this schedule, please contact the instructor for information.

All mini courses for which one or more students have registered will be taught this quarter. Staff members have the prerogative to make changes in the meeting place and time in the case of very small class registration after the initial class meeting.

The last registration date for mini courses was Friday, January 28. Students will not be allowed to register during the first meeting session.

ACCOUNTING

6001, 4911, Problems, 101, 3:00–5:00, Th, Coglitore, Dambrauskas, Granger, OM 210:

Practical case study approach involving the analysis and interpretation of financial statements.

6002, 4911, Problems, 102, 9:00–5:00, S, Daggett, Landas, OM 210 Feb. 26:

An introduction to the Securities and Exchange Commission. Restricted to accounting majors.

6003, 4911, Problems, 103, 7:00–9:00, W, Kind, OM 211:

Discussion of problems concerning the openings and operating a small business.

6004, 4911, Problems, 104, Arr, Berge Baird, Erickson 3:00–5:00 M OM 210:

To acquaint the student with information basic to personal financial accounting. Call Accounting office for class schedule information.

6006, 5911, Problems, 101, 3:00–5:00, Th, Coglitore, Dambraushas, Granger, OM 210:

Practical case study approach involving the analysis and interpretations or financial statements.

6007, 5911, Problems, 102, 9:00–5:00, S, Daggett, Landas, OM 210, Feb. 26:

An introduction to the Securities and Exchange Commission. Restricted to accounting majors.

ART

6439, 4911, Problems, 101, 6:00–8:00, W, Matterg, LH 315:

An introduction to the fun of creative pursuit. Open to non-art majors and minors. The course is designed to acquaint the student with his potential for creative expression in the art of painting. Call 389–6413 for enrollment permission.

6440, 4911, Problems, 102, 7:00–9:00 TWTh, Anderson, LH 304:

A series of illustrated lecture-discussions on selected examples of urban housing in Germany from the 1920's to the present to determine the extent to which these examples of housing from Germany might be followed in U.S.

6441, 4911, Problems, 103, 6:00–8:00, T, Schwan, LH 308:

Students will study and make linoleum block prints. Call 389–6413 for enrollment permission.

6442, 4911, Problems, 104, 10:00, S, Hapke, LH 210:

Mural painting techniques and materials. Brief historical survey. Treatment of the wall. Making the cartoon. The students in this class will be offered the option of a 3–6 hour problem course in which they will actually complete a mural on an available wall during Spring Quarter.

6443, 4911, Problems, 105, 7:30–9:30, M, Forman, LH 303:

An introductory investigation into the influence of social and cultural variables on contemporary art education and, conversely, the actual and potential impact of art education on modern "Life Styles."

6444, 4911, Problems, 106, 9:00–10:00, WF, Luomala, LH 211.

Lecture and demonstration on grass human anatomy designed for the practicing studio artist. Limited sketching ability recommended.

6445, 4911, Problems, 107, 7:30–9:30, Th, Friese, Gallery 500:

The Artist at work is a five week lecture-demonstration series organized by Gallery 500 and Fine Arts, Inc., in cooperation with the M.S.C. Department of Art. Those participating are David Anderson, Thomas Friese, Paul Hapke, Edgar Morey, William Richmond, Robert Finkler, John Spurgin, and Donald Donald Matting.

6446, 4911, Problems, 108, 7:00–9:00, M, Richmond, Ni, 14A:

An introduction to wood carving, stone carving, etc. Call 389–6413 for enrollment permission.

6447, 4911, Problems, 109, 7:00–9:30, W, Patterson, Ni 17E:

Handspinning and vegetable dyeing of yarns. Drop-spindle spinning of yarns from wool and the dyeing of wool with natural materials such as berries, leaves and bark. Call 389–6413 for enrollment permission.

6448, 4912, Problems, 101, 2:00–4:00, TTh, Artis, Ni 32B:

Ceramic Sculpture is the modeling of a portrait or figure or other subjects, animal, fowl, fish, vegetation. Water, cloud, fire, or a composition of two, three, four or more directly in wet clay and fired to a terracota finish. Call 389–6413 for enrollment permission.

6450, 5911, Problems, 101, 6:00–8:00, W, Matterg, LH 315:

An introduction to the fun of creative pursuit. Open to non art majors and minors. The course is designed to acquaint the student with his potential for creative expression in the art of painting. Call 389–6413 for enrollment permission.

6451, 5911, Problems, 102, 7:00–9:00, TWTh, Anderson, LH 304:

A series of illustrated lecture-discussion on selected examples of urban housing in Germany from the 1920's to the present to determine the extent to which these examples of housing from Germany might be followed in the U.S.

6456, 5911, Problems, 107, 7:30–9:30 Th, Friese, Gallery 500:

The Artist at Work is a five week lecture-demonstration series organized by Gallery 500 and Fine Arts, Inc. in cooperation with the M.S.C. Department of Art. Those participating are David Anderson, Thomas Friese, Paul Hapke, Edgar Morey, William Richmond, Robert Finkler, John Spurgin, and Donald Matting.

6457, 5911, Problems, 108, Arr, Gruter, CSU:

The Go'Miles culture circle. Visits to and brief description of permanent art or craft collections and temporary art shows in Minneapolis, St. Paul, and surrounding area. Call 389–6413 for information.

6459, 5912. Problems, 101, Arr, Gruter, CSU:

The Go'Miles culture circle. Visits to and brief description of permanent art or crafts collections and temporary art shows in Minneapolis, St. Paul, and surrounding area. Call 389–6413 for information.

6463, 6911. Problems, 101, 7:00–9:30, W, Patterson, NI 17E:

Handspinning and vegetable dyeing of yarns. Drop-spindle spinning of yarns from wool and the dyeing of wool with natural materials such as berries, leaves and bark. Call 389–6413 for enrollment permission.

6464, 6912, Problems, 102, 2:00–4:00, TTh, Artis, Ni 32B:

Ceramic sculpture is the modeling of a portrait, or figure or other subjects, animal, fowl, fish, vegetation. Water, cloud, fire or a composition of two, three, four, or more directly in wet clay and fired to a terracotta finish. Call 389–6413 for enrollment permission.

BIOLOGY

6469, 4911, Problems, 102, 7:00–9:00, T, Nielsen, Ni 50C:

A brief survey of structure and function in certain insects and the effects of current chemical and biological controls on the insect.

6470, 4911, Problems, 108, 12:00, Th, Gordon, Frydendall, Quade, Ni 38C:

Open discussion and evaluation of selected current readings in ecology.

6471, 4911, Problems, 104, 6:00–9:00, T Arr, Zell Ni 3D:

Minnesota's trees; deciduous and evergreens. Laboratory and field work. High school biology is desirable.

6472, 4911, Problems, 105, 7:00–9:30, W, Ballard, Hybertson, Lund, Ni 64D:

Principles of light microscopy and photomicrography. To be held February 9, 16, 12, and March 1.

6473, 4911, Problems, 106, 4:00–6:00, T, Frey, Bessler, No. 203:

Development of methods for culturing and maintaining living organisms for laboratory use and-or for keeping a terrarium or aquarium in the home.

6474, 4911, Problems, 107, 7:00, W, Sutter, Frey, Ne 203:

A look at elementary study (ESS) and science curriculum improvement study (SCIS) in action.

6475, 4911, Problems, 108, Arr, McEnery, Ni 36D:

A phylogenetic examination of the regenerative and reparative capabilities and mechanisms in animals including man. This course may be taken independently or as an adjunct to Biology 3344–5344–Vertebrate Embryology.

6476, 4911, Problems, 109, 7:00–9:00, M. Cutter, Molitor, Ni 64D:

An introduction to veterinary medicine and the science of animal technology.

6477, 4911, Problems, 110, 10:00–12:00, S, Choe, Ni 5D:

Discussion of the optimum growth requirements of plants and related environmental factors. Open to interested gardeners. No advanced chemistry is required.

6478, 4911, Problems, 111, 7:00–9:00, T. Molitor, Ni 12A:

An introduction to the chemistry of living organisms. Adjunct to Biology 1004, but enrollment in 1004 not required. Chapters 2, 4, and 15 of Keeton, Elements of Biological Science.

6479, 4911, Problems, 112, 6:30–9:00, W, Frydendall, Ni 13D:

Birds, their characteristics and habits, bird watching as a hobby.

6480, 4911, Problems, 113, 4:00, M, Ehrle, AH 319:

Origins and implications of evolutionary thought and its relationship to religion, ethics, politics, and social developments.

6481, 4911, Problems, 114, 6:00–8:00, Th, Bessler, Ni 77D:

Human reproduction, birth control, and abortion. The biological and physiological aspects of human reproduction and development.

6487, 6911, problems, 104, 6:00–9:000, T. Zell, Ni 3D;

Minnesota's trees; deciduos and evergreens. Laboratory and field work. High school biology is desirable.

6488, 6911, problems, 105, 7:00–9:30, W. Ballard, Hybertson, Lund, Ni 64D;

Principles of light microscopy and photomicrography. To be held February 9, 16, 12, and March 1.

6489, 6911, problems, 106, 4:00–6:00, T, Frey, Bessler, Ne 203:

Development of methods for culturing and maintaining living organisms for laboratory use and/or for keeping a terrarium or acquarium in the home.

6490, 6911, problems, 107, 7:00 W, Sutter, Frey, Ne 203:

BUSINESS ADMINISTRATION

6010, 4911, 101, Arr Arr, Bensch, OM 205:

The creation and sales of newspaper advertising for the Mankato State Daily Reporter. Call Bus. Ad. department for information.

6011, 4911, 102 Arr Arr, Meyer, 11:00, Th, OM 223:

Business Ethics—Call Bus. Ad. department for information.

6012, 4911, 103 Arr Arr, Scheuller, OM 205:

The course would be concerned with the letters a credit manager would be required to plan and write. An adjunct to Bus. Ad. 3663–5664.

6013, 4911, 104, 3:00 to 5:15 W, Schueller, OM 210:

Investment Companies: Selection of the proper type of investment company share for the individual investor.

6014, 4911, 105, Arr, Rotondi, OM 324:

Identification of critical issues relating to employment of minority people in industrial organizations. Enrollment restricted to members of Bus. Ad. 4444, 4464, 5444, 5464.

6015, 4911, 106, problems, 1:00 to 3:00 TH, Bigelow, OM 202.

A study of investment media suitable for the the average person. Emphasis will be placed on selecting media without a technical study.

6016, 4911, Problems, 107, 12:00, MTWTh, Lebsack, Ni 77F: Topics in Personal Finance. For students enrolled in Business Administration 2614.

6017, 4911, Problems, 108, 1:00 M, Swenson, OM 223: The purpose of this course is to develop an awareness of how communication can be used to change people and ultimately institutions. The thrust of the course is directed at understanding persuasion, manipulation and supportive communications from both the receiving and sending positions.

6018, 4911, Problems, 109, 7:00 TO 9:30, TH, Welty, Feb. 10, 216 Clark St.: This course is designed to stimulate thinking about long and short term personal goals and effective means of achieving them. For permission to register contact instructor at 387–2977.

6019, 4911, Problems, 110, Arr, Arr, Phillips, 6:00 W, OM, 207: Basic form and style in term papers for Business Students. Text: Form & Style in Thesis Writing by Wm. G. Campbell. Call Bus. Ad. department for class scheduling information.

6020, 4911, Problems, 111, Arr, Arr, Janavaras, 4:00–6:00, Th, OM, 223: The purpose of this course is to make students aware of the importance and ramifications of international marketing in a globally involved world. Call Bus. Adm. department for class schedule information.

6021, 4911, Problems, 112, 7:00 TO 9:00, W, Thomas, Northern States Power Co.: Everything you wanted to know about personal credit, banking, the police. City Hall, owning property and the Establishment but were afraid to ask. Community leaders will discuss the above areas (George Sugden, Paul Bell, Police Chief Alexander, Wm. Bassett and Paul Hadley to name a few.)

6024, 5911, Problems, 102, Arr, Arr, Meyer, 11:00, Th, OM, 223: Business Ethics—Call Bus. Ad. dept. for information.

6026, 5911, Problems, 104, 3:00 TO 5:15, W, Scheuller, OM, 210: Investment Companies: Selection of the proper type of investment company share for the individual investor.

6027, 5911, Problems, 105, Arr, Arr, Rotondi, Om, 324: Identification of critical issues relating to employment of minority people in industrial organizations. Enrollment limited to members of Bus. Ad. 4444, 4464, 5444, 5464.

6028, 5911, Problems, 106, 1:00 TO 3:00, TH, Bigelow, OM, 202: A study of investment media suitable for the average person. Emphasis will be placed on selecting media without a technical study.

BUSINESS EDUCATION

6150, 4911, Problems, 101, 2:00 to 5:00, F, Mayleben, NI 10E: A brief discussion of the psychology of utilizing projects. Specific methods and approaches shall be outlined. Material will be on display with their sources available. Limited to Distributive Education majors only.

6152, 4911, Problems, 103, 4:00 to 5:00, MTW, Stelter, Ni 84E: A ten hour introduction to an alternative shorthand system that uses a machine. Call 389-6116 for enrollment permission.

6153, 4911, Problems, 104, 6:30 to 7:45, MW, Kline, Ni 84E: How to compose a letter of application and resume with which to get the interview.

6154, 4911, Problems, 105, 4:00 to 6:00, T, Smale, Ni 85E: Development of Skill in the use of the proportional space typewriter. Call 389-6116 for enrollment information.

6155, 4911, Problems, 106, 1:00 to 3:00, TH, Krile, Ni 90E; Introduction to teaching in Business and Distributive Education and the role of the teacher.

6156 4911, Problems, 107, 7:00 to 9:00, Arr, Mickelson, Ni 86E: Development of a basic touch skill operation on the 10-key adding machine with primary emphasis on adding and listing. Call 389-6116 for enrollment permission.

6159, 6911, Problems, 101, 9:00 to 12:00, S, Mayleben: A brief discussion on the psychology of utilizing projects. Specific methods and approaches shall be outlines. Material will be on display with their sources available. Limited to Distributive Education majors only.

6160, 6911, Problems, 102, 2:00 to 3:00, S, Mayleben, Ni 10E: A brief discussion on the psychology of utilizing projects. Specific methods and approaches shall be outlined. Materials will be on display with their sources available. Limited to Distributive Education majors only.

CHEMISTRY

6493, 4911, Problems, 101, 7:00-9:00, Th, Weberg, Ni 81F: Chemistry for people who hate chemistry: opportunity for students to discuss topics of their interest from a chemical viewpoint with a chemist.

6494, 4911, Problems, 102, 3:00–5:15, T, Holden, Ni 23D: The course will study typical problems of equilibrium with emphasis on solving for equilibrium constants and concentrations of species involved in competitive equilibria.

6495, 4911, Problems, 103, 8:00 Th, Perisho, Ni 64D: Arithmetic for Chemistry: Ratio, proportion, percentage, linear equations as applied to chemistry problems—for students enrolled in Chemistry 1114.

6496, 4911, Problems, 104, 7:00–9:00, M, Perisho, AH 204: Arithmetic for Chemistry: Ratio, proportion, percentage, linear equations as applied to chemistry problems—for students enrolled in Chemistry 1114.

6497, 4911, Problems, 105, 7:00–9:30, W. Graham, Ni 83D: Practical Chemistry: Soaps and Detergents; Natural and Synthetic Fibers; Dyes and Hair Colors.

6498, 4911, Problems, 106, 7:00–9:00, T, Gulden, Ni 77F: Theory for Chemical Technicians: Explanation of what takes place in tests on fats, fibers, proteins, urease activity, urea and non protein nitrogen.

6501, 5911, Problems, 101, 7:00–9:00, Th, Weberg, Ni 81F: Chemistry for people who hate chemistry: opportunity for students to discuss topics of their interest from a chemical viewpoint with a chemist.

6502, 5911, Problems, 102, 3:00–5:15, T, Holden, Ni 23D: The course will study typical problems of equilibrium with emphasis on solving for equilibrium constants and concentration of species involved in competitive equilibria.

COMPUTER SCIENCE

6505, 4911, Problems, 101, 6:30–9:00, W, Wilson, Ni 65D: Stresses actual applications and solutions of Linear Programming Problems rather than the theory of Linear Programming. Applications will be taken from nutrition, business, transportation, and agriculture.

6506, 4911, Problems, 102, 3:00, T, Lewis, OM 210: Functional use of micro circuits and their impact on computers. Class schedule after initial meeting will be decided by students enrolled.

6507 4911, Problems, 103, 3:00–5:30, T, Klein, Trivedi, OM 211: Advanced assembler techniques emphasizing odular construction, multiple file processing, and other programming techniques.

6508, 4911, Problems, 104, 12:00–5:00, SSun, Klein, Lewis, OM 211: Systems development emphasizing pitfalls in systems analysis. Meeting Feb. 19 and 20.

6509, 4911, Problems, 105, 6:00–9:00, T, LeBeda, OM 211: Computer applications in chemistry.

6512: 4911, Problems, 108, 6:00, T, Odom, Hopkins, OM 112: Computer applications in social science curriculum. Meetings Feb. 1, 8, 15.

6513, 4911, Problems, 109, 6:00–8:00, Th, Prouse, Om 211: Computer applications in secondary school mathematics.

6514, 4911, Problems, 110, 6:00–9:00, Th, Odom, Hopkins, OM 210: Emphasis placed on commands and options of ED processor, ELT processor, EXEC 8 system commands and various options available.

6515, 4911, Problems, 111, 4:00–6:00, M, Klein, Trivedi, OM 211: Advanced COBOL techniques emphasing modular construction, multiple file processing, and other programming techniques.

6516, 4911, Problems, 112, 6:00–8:00, T, Hopkins, OM 210: Applications using the FORTRAN programming language. No previous programming experience required.

6517, 4911, Problems, 113, 3:00–5:00, W, Hopkins, OM 211: Discussion of methods and modes of Computer-Assisted instruction available.

6518, 4911, Problems, 114, 9:00–12:00, S, Hopkins, OM 223: Introduction and Applications using the BASIC Programming Language. Meetings Feb. 19, 26 and Mar. 4.

6519, 4911, Problems, 115, 6:00–9:30, M, Henderson, OM 210: Computers in Society. A general introductory course about computer development, usage, social implications, programming, and a review of the Mankato State Regional Computer Center.

6520, 4911, Problems, 116, 9:30–12:00, S, Gildemeister, Willson, OM 110: A brief introductory course covering the use of the UNIVAC 1106 Assembly Language.

6521, 4911, Problems, 117, Arr, Braaten, OM 112: The reliability of the random number generator subroutine included in the present operating system of the computer at Mankato State College will be tested by statistical inference. Call Computer Science Department for information.

6522, 4911, Problems, 118, 9:00–12:00, S, Braaten, OM 112: Packaged computer programs for descriptive statistics will be studied for their value to the researcher as a convenient and easy-to-use technique for describing and manipulating data. No prerequisite.

6523, 4911, Problems, 119, 1:00–4:00, S, Trivedi, OM 224: Packaged computer programs for descriptive statistics and tests of statistical inference will be studied for their value to the researcher as a convenient and easy-to-use technique for describing and manipulating data, and for making tests of statistical inference. Pre: Beginning Statistics Course. Meetings Feb. 12, 19, 26.

6524, 4911, Problems, 120, 6:30–9:00, M, Willson, Ni 66C: Stresses the additional features and advantages of programming with FORTRAN V instead of FORTRAN II and-or FORTRAN IV.

6525, 5911, Problems, 100, Arr, Staff, Om 211: Independent Study—Pink Special Permission card needed similar to problems courses in quarterly registrations.

6530, 6911, Problems, 104, 12:00–5:00, SSun, Klein, Lewis, OM 211: Systems development emphasizing pitfalls in systems analysis. Meeting Feb. 19 and 20.

6535, 6911, Problems, 109, 6:00–8:00, Th, Prouse, Om 211: Computer applications in secondary school mathematics.

6536, 6911, Problems, 110, 6:00–9:00, Th, Odom, Hopkins, OM 210: Emphasis placed on commands and options of ED processor, ELT processor, EXEC 8 system commands and various options available.

6537, 6911, Problems, 111, 4:00–6:00, M, Klein, Trivedi, OM 211: Advanced COBOL techniques emphasing modular construction, multiple file processing, and other programming techniques.

6538, 6911, Problems, 112, 6:00–8:00, T, Hopkins, OM 210: Applications using the FORTRAN programming language. No previous programming experience required.

6542, 6911, Problems, 116, 9:30–12:00, S, Gildemeister, Willson, OM 110: A brief introductory course covering the use of the UNIVAC 1106 Assembly Language.

6545, 6911, Problems, 119, 1:00–4:00, Trivedi, Sat, OM 224: Packaged computer programs for descriptive statistics and tests of statistical inference will be studied for their value to the researcher as a convenient and easy-to-use technique for describing and manipulating data, and for making tests of statistical inference. Pre: Beginning Statistics Course. Meetings Feb. 12, 19, 16.

6546, 6916, Problems, 120, 6:30–9:00, M, Willson, Ni 66C: Stresses the additional features and advantages of programming with FORTRAN V instead of FORTRAN II and-or FORTRAN IV.

DENTAL HYGIENE

6547, 4911, Problems, 101, 7:00–9:00, T, Fonda, MH 212: Teeth: facts and fiction for everyone.

EDUCATIONAL ADMINISTRATION

6162, 4911, Problems, 102, 7:00 to 9:00, W., Blum, AH 317: The content of the course includes: (a) a study of the elements of a valid teaching contract, (b) teacher tenure generally and the Minnesota teacher tenure laws, and (c) teacher duties and obligations under Minnesota tort liability statutes.

6168, 5911, Problems, 101, 3:30 to 5:30, MT, Salek, AH 114B: Students will evidence an understanding of and skill in the use of Flander's system of Interaction Analysis, the best known approach to the analytic study of teaching.

6169, 5911, Problems, 102, 7:00 to 9:00, W, Blum, AH 317: The content of the course includes (a) a study of the elements of a valid teaching contract, (b) teacher duties and obligations under Minnesota tort liability statutes.

6173, 6911, Problems, 102, 7:00 to 9:00 M, Brunsvold, AH 115: The Professional Negotiations in Education on Mini-Course will be organized as a bargaining game using simulation materials. Participants in the class will be exposed to the complexities and interrelationships found in an actual bargaining situation. Contact P. O. Brunvold 389–6218 for enrollment permission.

6175, 6911, Problems, 104, 6:30 to 9:30 M, Alm, McMahon, OM103: An examination of the relationship, in respect to decision making, between MSC and other units of state government.

6176, 6911, Problems, 105, 9:00 to 12:00 S, Miller, AH 115: This course will introduce the Delphi technique and develop its application to educational planning.

6178, 6911, Problems, 107, Arr, Lindsay, Feb. 5, AH 115: This course is to enhance the observation and conference skills of practicing elementary and secondary school principals. First meeting February 5. Contact Dr. Lindsay for course specifics.

EDUCATIONAL PSYCOLOGY

6181, 4911, Problems, 102, 7:00 to 9:00, Th, Auger, AH 325: Helping Adolescents Plan: course intended for parents, teachers, and counselors to help adolescents plan their post-high school education.

6183, 4911, Problems, 104, 7:00 to 9:00, W, Christensen, OM 316: Techniques of Grantsmanship: this course will present practical and realistic methods of obtaining private and federal funds, as well as identify sources of funds.

6184, 4911, Problems, 105, 7:00–9:30, T, Hatfield, Moosally, AH 318: Selection and use of Play Materials: concentration will be on the play needs of children and the value of various toys and play materials.

6185, 4911, Problems, 106, 2:00–4:30, M, Knauer, Counseling Center: Problems in Human Relationship Training: the course is designed to help participants gain greater insight into their own behaviors: develop a better understanding of their own and others' feelings, potentialities, and beliefs: and to develop skills necessary for more effective interpersonal relationships.

6187, 4911, Problems, 108, 11:00–1:00, M, Hyde, Harrar, Counseling Center: Designed to explore womanhood. For those interested in experimenting with creative participation in problem-solving situation and new forms of communication in understanding womanhood.

6188, 4911, Problems, 109, Arr, Brown, AH 318: Student Volunteer Services in Community Child and Youth Serving Organizations: student arranges with contact person in some one community organization with assistance and guidance of Dr. Kenneth Brown.

6189, 4911, Problems, 110, 3:00–5:00, TTh, Staff, AH 3181: A detailed study and construction of a unit test. Each student will be expected to select a unit of study in their major field and construct an achievement test measuring the mastery of selected behavioral objectives.

6191, 4911, Problems, 112, Arr, Hatfield, AH 324: Involvement Participation with Youth and Children: observing the behavior and obtaining a better understanding of growing children and youth and their needs. Student enrolling makes arrangements with Mrs. Evelyn Hatfield.

6192, 4911, Problems, 113, 6:00–11:00, WTh, Fuller, LeVake, AH 318N: Interpersonal Relationship Skills: structured participatory experiences designed to increase effectiveness in working with people through increased awareness and understanding of communication skills.

6193, 4911, Problems, 114, 5:50, Th, Draheim, Counseling Center: How to Study Effectively: a group centered, self-learning experience designed to help the individual become aware of different study techniques.

6194, 4911, Problems, 115, 3:00–5:00, MTWTh, Veronda, Griffiths, Hendel, AH 305: Career Opportunities for College Women: this class will endeavor to provide college women with the knowledge of job opportunities today with special emphasis on new job trends or new occupational trends. To be held February 21–24.

6200, 5911, Problems, 104, 7:00–9:00, W Christensen, OM 316: Techniques of Grantsmanship: This course will present practical and realistic methods of obtaining private and federal funds, as well as identify sources of funds.

6202, 5911, Problems, 106, 2:00–4:30, M, Knauer, Counseling Center: Problems in Human Relationship Training: the course is designed to help participants gain greater insight into their own behaviors: develop a better understanding of their own and others' feelings, potentialities, and beliefs: and to develop skills necessary for more effective interpersonal relationships.

6203 5911, Problems, 107, 4:00–8:00, Th, Warrington, Counseling Center: Communications Skills Training: a course designed to help participants become more aware of their communication patterns: to help them improve present communications skills: and to develop new and better skills in relating to others.

ECONOMICS

6031, 4911, Problems, 101, 4:00–5:00, M&Th, Pasanen, OM 324: Public Interest & Public Policy: Some Problems in Environmental Economics. A brief overview and interpretation of the economics of environmental challenges.

6032, 4911, Problems, 102 Arr. Abel OM 324: What economics has to say about certain real-world questions. If interested, contact the instructor at 389–2711.

6033, 4911, Problems, 103, Arr, Withouski, Om 324: An examination of the effects of a system of public higher education on the distribution of income in the U.S. Call Economics Department for information.

6035, 4911, Problems, 105 Arr., Witkowski, OM 324: An examination of the system of higher education as an industry and of colleges and universities as individual producers. Call Economics Department for information.

6036, 4911, Problems, 106, 3:15–5:15, T, Kaldenberg, OM 324: A survey course in the application of mathematics to economics.

6037, 4911, Problems, 107, 6:30–8:30, W, Kaldenberg, OM 223: A practical course covering the information needed for an appraisal, the methods of determining real estate value, and some local examples of real estate appraisal.

6039, 4911, Problems, 109, 7:00–9:15, W, Schwab, OM 324: A study of the methods, safety, and returns of investing money in bank and savings and loan deposits, government bonds, corporate bonds, mutual funds, and corporate stock.

6040, 4911, Problems, 110, 9:00, T, Abel, Galligan, Jones, OM 223: Everything you wanted to know about Gold, the Volkswagen and Phase III and were too busy to ask. A brief and hopefully lucid survey of the current U.S. balance of payments situation and what it means to the U.S. business community and consumers.

6041, 4911, Problems, 111, Arr, Lee, Brown, OM 324: An examination of various approaches to manpower projection. Students will be assigned to work on the Mankato State College Manpower project with pay. Call Economics Department for information.

6042, 4912, Problems, 101, 7:00–9:00, W&Th, Askalani, OM 222: A set of forecasting techniques will enable the student to describe quantitatively fluctuation occurring in time series, to isolate these variations and to eliminate their influence from the basic data when deemed desirable. The class is open for students in Business, Economics, Geography, Sociology, and Urban Studies.

6043, 4912, Problems, 102, Arr, Skorr, OM 324: Financing of Rural Development: To provide students with knowledge of the credit system affecting rural America. Call Economics Department for information.

6045, 5911, Problems, 101, 4:00–5:00, M&Th, Pasanen, OM 324: Public Interest & Public Policy: Some Problems in Environmental Economics. A brief overview and interpretation of the economics of environmental challenges.

6046, 5911, Problems, 102, Arr, Abel, OM 324: What economics has to say about certain real-world questions. If interested, contact the instructor at 389–2711.

6048, 5911, Problems, 104, Arr, Witkowski, OM 324: An examination of the application of operant conditioning to the economy as evidenced in Skinner's Walden II Utopia. Call Economics Department for information.

6051, 5911, Problems, 107, 6:30–8:30, W, Kaldenberg, OM 223: A practical course covering the information needed for an appraisal, the methods of determining real estate value, and some local examples of real estate appraisal.

6052, 5911, Problems, 108, Arr, Peterson, OM 324: Expiration of the cooperative structure and effectiveness as an economic and social institution. Call Economics Department for information.

6053, 5911, Problems, 101 7:00–9:00, W&Th, Askalani, OM 222: A set of forecasting techniques will enable the student to describe quantitatively fluctuation occurring in time series, to isolate these variations and to eliminate their influence from the basic data when deemed desirable. The class is open for students in Business, Economics, Geography, Sociology, and Urban Studies.

6054, 5912, Problems, 102, Arr, Skorr, OM 324: Financing of Rural Development: To provide students with knowledge of the credit system affecting rural America. Call Economics Department for information.

ELEMENTARY EDUCATION

6209, 4911, Problems, 101, 1:00–4:00, TWTh, Brown, Sinks, AH 306: Participants are engaged in a number of interesting inquiry exercises designed to increase their understanding of, and skill in using inquiry to teach social studies. Will be held February 8, 9, 10.

6211, 4911, Problems, 103, 6:30, M, Oelerich, Ah 232: Construction of teacher-made instructional materials for pre-reading experiences.

6213, 4911, Problems, 105, Arr, Zimmerman, AH 324: The student will learn the technique of interaction analysis and practice it in the classroom where he is teaching. Enrollment restricted to student teachers in Minneapolis, Edina, and Bloomington enrolled in Ed. El. 4724 and supervising teachers in those school districts.

6214, 4911, Problems, 106, 2:00–3:00, MW, Staff, AH 322: This course will help the student evaluate and improve his own reading and study skills. Contact Dr. Schiller at 389–1607 for enrollment permission.

6215, 4911, Problems, 107, 6:30–8:30, W, Staff, AH 322AH 322: This course will help the student evaluate and improve his own reading and study skills. Contact Dr. Schiller at 389–1607 for enrollment permission.

6216, 4911, Problems, 108, 8:00–9:00, TTh, Staff, AH 322: This course will help the student evaluate and improve his own reading and study skills. Contact Dr. Schiller at 389–1607 for enrollment permission.

6217, 4911, Problems, 109, 2:30–5:30, W, Nelson, Bloomington: Creating bulletin boards for classroom use. Enrollment restricted to MSC Bloomington student teachers. Meets at Central Adm. Bldg. Room 1.

6218, 4911, Problems, 110, 6:30, W, Oelerich, AH310: Construction teacher-made instructional materials for kindergarten language arts, mathematics, science and social studies.

6219, 4911, Problems, 111, 6:30, Th, Oelerich AH 310: Construction of teacher-made instructional materials for pre-kindergarten language arts, mathematics, science and social studies.

6220, 4911, Problems, 112, 7:00–9:30, W, McDiarmid, AH 339: History, background, philosophy and curriculum of the British Infant School, ages 5–7. Emphasis on the open school plan.

6221, 4911, Problems, 113, 7:00–9:00, TTh, Jenesn, CS 001: The Open School: a discussion of the rationale, facilities, staffing, and curriculum of the "open" elementary and secondary school using the Wilson Campus School as a working model.

6222, 4911, Problems, 114, 3:00, W-Arr, Staff, AH 3011: Teaching Techniques: Drug Abuse. Topics of study: drugs in the world of the elementary-secondary pupil; identification of teaching areas appropriate to the elementary secondary school area; instructional media; developmental activities.

6223, 4911, Problems, 115, 12:00, T–Arr, Staff, Th, AH 304: Teaching Techniques: Drug Abuse, Topics of Study: Drugs in the world of the elementary-secondary pupil; identification of teaching areas appropriate to the elementary-secondary school area; instructional media; developmental activities.

6227, 5911, Problems, 103, 6:30, M, Oelerich, AH 232: Construction of teacher-made instructional materials for pre-reading experiences.

6228, 5911, Problems, 104, Arr, Oelerich, AH 301: Investigation of recent research regarding development of cognition for the infant and toddler. Contact the instructor for arrangement regarding time and place of meeting.

ENGLISH

6550, 4911, Problems, 101, Arr., Lokensgard, AH 201: Introduction to study of the dictionary. Enrollment restricted to students in English 1123–5 and 1023–26.

6553, 4911, Problems, 104, 7:00–9:00, T, Wright, AH 226: Creative language activities for the Junior High. Preparation of resource units and specific activities.

6554, 4911, Problems, 105, 1:00, W, Earley, AH 218P: Selected novels. Consent of instructors required for admission to class.

6555, 4911, Problems, 106, 7:00–9:30, W, Linney, AH 212: Reading literature aloud and listening to records for pleasure. Call 389–2025 for enrollment permission.

6556, 4911, Problems, 107, 6:00–9:00, T, Fitterer, AH 319: The unrapable "Me" in me: an understanding of the unexplainable, systematic phenomenon of language which separates the human being from all other being in the universe.

6557, 4911, Problems, 108, 7:00, T, Wright, 224 Crocus Place: Creative Letter Writing: Discussion of ideas and events through a regular correspondence. The purpose of the course is to develop skill and pleasure in writing and thinking about vital issues. Call 389–2025 for enrollment permission.

6558, 4911, Problems, 109, 7:00, W, Fry, AH 222: The Road to Middle Earth: J. R. R. Tolkien and the Nature of Fantasy in Fiction.

6559, 4911, Problems, 110, 2:00, MWTh, Michael, AH 305: Independent project: Shakespeare.

6562, 4911, Problems, 113, 6:00–8:00, Th, Solensten, Bronson, Alcott, AH 201: Individualized study of the influence of Emerson and-or Thoreau on American Culture, including art, architecture, education, scientism, poetry, economics, and various aspects of contemporary thought.

6563, 4911, Problems, 114, 9:30, S, Wessman, Shrewsbury, Sponkberg, AH 302: This interdisciplinary course will consist of four sessions: (1) The Changing Nature of Women's Labor; (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women and Higher Education. A reading list will be made available a week in advance of the first session. To be held February 5, 12, 19, 26.

6565, 4911, Problems, 116, 5:50, M, Barger, AH 229: Students will add three novels to the required reading for English 1133-Section 7 and be examined on these novels. Enrollment restricted to English 1133-Section 7.

6566, 4911, Problems, 117, 9:00–12:00, S, Dornberg, Fry, Detter, Wright, AH 201: Classic films: Three films on Channel 2, KTCA–TV. Discussion of the films and a paper required.

6567, 4911, Problems, 118, 12:00, MWF, Waterman, AH 310: Contemporary Poetry.

6568, 4911, Problems, 119, 8:00–10:00, Th, Waterman, Cassell, Davidson, AH 310: Writers Workshop: Production and constructive criticism.

6570, 4911, Problems, 121, 7:00–9:00, W, Meyer, OM 212: Read and discuss Wright's Black Boy and Native Son and Baldwin's The Fire Next Time and Go Tell It on the Mountain.

6572, 4911, Problems, 123, 4:00–6:00, W, Otis, AH 212: Detective Fiction.

6573, 4911, Problems, 124, 5:50–8:40, Th, Maakestad, AH 201F: The evolution of literary humor since the Civil War.

6575, 4911, Problems, 126, 4:00, Th, Duane: A grammar laboratory where students can work at their own pace learning basic grammar. AH 210.

6579, 4911, Problems, 130, 9:00, S, Shively, Meisel, AH 212: Radio scripting from children's stories: select children's stories, transform them into radio scripts (English 4911) and-or produce these scripts (Speech 4911).

6580, 4911, Problems, 131, 7:00–9:00, T, Otis, AH 210; Introduction to Aviation.

6581, 4912, Problems, 101, 12:00, MWF, Waterman, AH 310: Contemporary Poetry.

6582, 4912, 102, 8:00–10:00, Th, Waterman, Cassell, Davidson, AH 310: Writers Workshop: Production and constructive criticism.

6587, 5911 Problems, 104, 7:00–9:00 T Karvonen, Wright, AH 226 Creative language activities for the Junior High. Preparation of resource units and specific activities.

6590, 5911, Problems, 107, 6:00–9:00, T, Fitterer, AH 319: The unrapable "Me" in me: and understanding of the unexplainable, systematic phenomenon of language which separates the human being from all other being in the universe.

6596, 5911, Problems, 113, 6:00–8:00, Th, Solensten, Bronson, Alcott Ah 201: Individualized study of influence of Emerson and-or Thoreau on American Culture, including art, architecture, education, scientism, poetry, economics, and various aspects of contemporary thought.

6597, 5911, Problems, 114, 9:30, S, Wessman, Shrewsbury, Sponberg, AH, 302: This interdisciplinary course will consist of four sessions: (1) The Changing Nature of Women's Labor; (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women in Higher Education. A reading list will be made available a week in advance of the first session.

6600, 5911, Problems, 117, 9:00–12:00, S, Doinberg, Fry, Detter, Wright, AH 201: Classic films: Three films on Channel 2, KTCA–TV. Discussion of the films and a paper required.

EXPERIMENTAL STUDIES

6057, 4911, Problems, 101, 1:00–5:00, FS, Sandersfeld, Cooper: Organizing, planning, and developing a conference.

6058, 4911, Problems, 102 4:00–5:30, T, Sandersfeld, Hess Housing Office, Preparation of the Residence newspaper. Responsibilities in writing a newspaper. Practical experience in the areas of news writing and newspaper makeup.

6059, 4911, Problems, 103, 7:00–9:00, W, Tim Ni 23E: Wines and spirits in meal preparation and serving. A quintet of cuisines and chinese. Call 389–6021 for class registration permission.

6060, 4911, Problems, 104, 3:00–5:00, D, Nickerson, OM 319: This course is designed to help the student to begin elementary yoga breathing, exercises leading to the postures, plus discussion of philosophical, psychological and physiological background. To be held February 7–11.

6061, 4911, Problems, 105, 4:00–5:30, TT, Hess, T, Th, McElroy-Crawford: A look at bureaucracies and bureaucrats using as a guide the very humorous book The Peter Principle.

6062, 4911, Problems, 106, 3:00-4:00, D, Hausker, Matuska, Ruble: The objective of the seminar will be to explore the financial concerns of present college students. To be held February 7-18. Student Financial Aids Office.

6063, 4911, Problems, 107, 6:00-9:00, Th, Olson, PA 101: Mini: Enlightenment. Music and the art of the 18th century, and the changing concept of man. Meeting Feb. 10, 24, and Mar. 2.

6064, 4911, Problems, 108, 8:30-4:30, S, Lofy, Mans, Feb. 5, OM 212: Parental concerns in raising a family: This is a one-day workshop in which the participants will discuss difficulties they encounter in relating to their children. We will attempt to isolate major areas of concern and discuss them in depth. To be held February 5.

6065, 4911, Problems, 109, 3:00-4:30 TTh, Webster, OM 118: Designed primarily for students and faculty currently serving or planning to serve on dorm, house, or college-wide judicial boards.

6066, 4911, Problems, 10, 7:30-9:30, T, Nickerson, Fitterer, AH 317: This course provides the opportunity for community members, faculty and students to discuss with the President and administrators of Mankato State the principles and factors which should guide the college as it looks to the future.

6067, 4911, Problems, 111, 4:00-8:00, Th, Warrington Counseling Center: A course designed to help participants become more aware of their communication patterns; to help them improve present communication skills; and to develop new and better skills in relating to others. It also focuses upon the significant dimensions of interpersonal relationships and the effect of these dimensions upon others behavior. Enrollment limited—for permission to register, contact instructor at 389–2212.

6068, 4911, Problems, 112, 7:00-9:00, T, Ehrle, 25 University County: Gourmet Cooking: Experiences in the purchase, preparation and serving of Gourmet foods. Call 389-1711 for enrollment permission.

6069, 4911, Problems, 113, 2:00-4:00, F, Heaney Student Service Ctr: Residence hall government and operations.

6070, 4911, Problems, 114, 7:00-10:00, T, Nigg, Lee Foreign Student Office: A comparative study for the understanding of foreign culture and social customs.

6071, 4911, Problems, 115, 6:30-9:30, W, Lee Foreign Student Off: Idiomatic Spanish for Mexican travelers and pronunciation help.

6072, 4911, Problems, 116, 7:00-10:00, W, Nigg, Lee Foreign Student Office: To study about foreign educational patterns and its implication to international education.

6073, 4911, Problems, 117, 7:00–10:00, T, Nigg, Lee Foreign Student Office: To train students who will be going into international student advision and programing.

6074, 4911, Problems, 118, 6:30–9:30, T. Lee Foreign Student Office: To teach the Chinese language.

6075, 4911, Problems, 119, 7:30–9:30, T, Olszewski, 1210 Corney, No. Mankato: Introduction to handwriting analysis (graphoanalysis). Special permission may be requested for enrollment by calling 389–1912.

6076, 4911, Problems, 120, 6:00–9:00, T, Nikkelsen AH 326: Designing your own Home: The court is designed to give guidance from a graduate architect to inividuals interested in planning their own home: basic planning, floor patterns, construction methods and aesthetic considerations.

6077, 4911, Problems, 121, 4:00–6:00, M, Hartzlee AH 310: Science and Christianity: A general survey of the relations between science and Christianity. Particular emphasis on astronomy.

6078, 4911, Problems, 122, 6:00–8:00, W, Lashway, Zwickey, Rosburg: CSU 220: Considerations of details in planning and organizing conferences and group meetings.

6081, 4911, Problems, 125, 4:00–6:00, M, Gappa, Halling, AH 225: Lessons on the guitar and folk song and ballad materials. A short background on the development of folk singing and balladry will be included.

6082, 4911, Problems, 126, 6:00–8:00, M, Schwan, LH 301: Winemaking: Introduction to home wine making: equipment needed, fermentation process and type of wines. Students must be over 21 and married. Call 389–6017 for enrollment permission.

FOREIGN LANGUAGE

6604, 4911, Problems, 102, 3:00–5:00, W, Esgate AH 218: Brecht's "3 Penny Opera". Primarily listening appreciation in German.

6605 4911, Problems, 103, 11:00, WF, Barson, AH 218: A comprehensive study of modern Romanian with emphasis on communication of ideas and exchanges of conversations.

6607, 4911, Problems, 105, 4:00, W, Ries, Siegler, AH 210: A cultural orientation to Mexico and conversational Spanish. Enrollment is limited only to prospective Mexican-bound student teachers.

6608, 4911, Problems, 106, Arr, Longwell, AH 2218: Readings, conversation, composition, culture for intermediate level Spanish students.

6609, 4911, 107, 1:00, W, Mayer, AH 302: Cuentos Americanos: A selection of short stories of Latin America. Open to the present Spanish 1024 classes and to former students of 1034.

6610, 4911, Problems, 108, 10:00, Th Waldorf, AH 234: A study of the Latin American peoples and the history of their countries. Pictures and movies of the various countries. Conducted in English.

6611, 4911, Problems, 109, 10:00, T, Lange, MH 112: Elementary German reading and translation, an adjunct to German 1024.

6612, 4911, Problems, 110, Arr, Lange, AH 218: German pronunciation and intonation. Call 389–2025 for information.

6613, 4911, Problems, 111, 2:40–6:00, W, X, Lang, H.S.: French gourmet cooking. Minimal lab fee. For permission to register, contact 389–6515.

6614, 4911, Problems, 112, 8:00–10:30, W, Ready, Lang H.S.: Contemporary French life: pop culture via the song. Open to anybody with a smattering of French.

6615, 4911, Problems, 113, Arr, Strachan, AH 218: German songs as reflection of social history. Cultural content rather than melody to be emphasized. Suggested as adjunct to any first or second year course. Non-German students accepted.

6616, 4911, Problems, 114, Arr, Strachan, AH 218: Readings in German history and culture. Suggested as adjunct to German 1024, 1034, 2104, 1014, etc.

6617, 4911, Problems, 115, 8:00, F, Posteuca, AH 205: Special Problems (Interm. German).

6618, 4911, Problems, 116, 10:00, F, Posteuca, AH 218: Special Problems (French).

6619, 4911, Problems, 117, Arr, Posteuca, AH 218: Beginners course in Latin. Call 389–2025 for information.

6620, 4911, Problems, 118, 3:00, Arr, Posteuca, AH 218: Yoga and Physical education. Call 389–2025 for information.

6621, 4911, Problems, 119, 4:00, T, Posteuca, AH 210: Seminar: Yoga and oriental philosophy.

6623, 4912, Problems, 101, Arr, Staff, AH 226: Accelerated practical readings in French. Call 389 for information.

6624, 4912, Problems, 102, Arr, Senner, AH 218G: Old Norse—Readings from Scandinavian history, Nordic mythology, and Viking adventure stories. Call 389–2025 for information.

6629, 5912, Problems, 102, Arr, Senner, AH 218g: Old Norse—Readings from Scandinavian history, Nordic mythology, and Viking adventure stories. Call 389–2025 for information.

GEOGRAPHY

6635, 4911, Problems, 101, 6:00–8:00, T, Grove, OM 305: Bangladesh: a study of the historical, cultural, geographical, and political situations of the new country. February 1, 8, 15, 11, 19.

6636, 4911, Problems, 102, 6:00–8:30, T, Jack, OM 310: The Salmon: A Continuation of Crisis & Resource Depletion.

6637, 4911, Problems, 103, 7:00–10:00, S, Anderson, Ostrem, AH 207: Settlement patterns of a communal group: The North American Hutterites. Includes a day field trip. Call 389–2617 for information.

6638, 4911, Problems, 104, 9:00–3:00, FS, Stoops, Thurston, OM 325: Field Trip: Mankato Area Urban Development, present and future. To be held February 12 and 18.

6639, 4911, Problems, 105, 3:00–5:00, TTh, Colakovic, OM 325: Yugoslovia: Key Nation in Europa's "Soft Underbelly" The cultural and historical background, economic and demographic development, and political-military situation.

5530, 4911, Problems, 106, 7:00–10:000, W, Burns, OM 310: Through the USSR by Aeroflot and Kodachrome; an armchair trip following the 10,000 mile route travelled by the instructor in the summer of 1971. Meetings Feb. 16, 23 and Mar. 1.

6641, 4911, Problems, 107, 7:00–9:00, TTh, Burns, Sletten, OM 311: This course will utilize short biographical sketches of the leading American geographers, together with selected readings from their publications with the intent of familiarizing geography students with the recent and contemporary leaders in that discipline. Feb. 15, 17, 22, 24, 29.

6642, 4911, Problems, 108, 6:00–9:00, M, Davenport, Jack, Ostrem, Thurston: Sewage. The generation of sewage, treatment costs and alternatives, impact on streams, and public policy issues. OM 310.

6643, 4911, Problems, 109, 7:00–9:00, W, Davenport, OM 323: Evaluate the potential agricultural production of undeveloped tropical and subtropical lands.

6644, 4911, Problems, 110, 6:00–9:30, Th, Groenhoff, Om 301: "The Landscape as Viewed by Hemmingway" in selected novels.

6645, 4911, Problems, 111, Arr, Smith, OM 308: Booze: Mixing and Consumption. An indepth consideration of the alcoholic beverage in our society with intensive field work, throughout southern Minn. and central Maine. Call 389–2617 for information.

6646, 4911, Problems, 112, 7:00–9:00, Th, Rankin, AH 207: This course is designed to further the student's knowledge and appreciation of the history, economy, culture, and physical setting of South-Central Minnesota.

6647, 4911, Problems, 113, 7:00–9:00, MT, Roscoe, OM 307: A layman's discussion of meteorological and atmospheric phenomenon associated with typical television weather program.

6648, 4911, Problems, 114, 7:00–9:30, Th, Morgan, OM 307: What's in a Place name? Determination of the origin and reasons for place name.

6649, 4911, Problems, 115, 7:00–9:00, T, Apitz, OM 223: Focus of the Minnesota: A Unique River—A Unique Valley.

6651, 5911, Problems, 101, 6:00–8:00, T, Grove, OM 305: Bangladesh: study of the historical, cultural, geographical, and political situations of the new country.

6653, 5911, Problems, 103, 7:00–10:00, S, Anderson, Ostrem, AH 207: Settlement patterns of a communal group: The North American Hutterites. Includes a day field trip. Call 389–2617 for information.

6657, 6911, Problems, 103, 7:00–10:00, W, Burns, OM 310: Through the USSR by Aeroflot and Kodachrome; an armchair trip following the 10,000 mile route travelled by the instructor in the summer of 1971. Meetings Feb. 16, 12 and Mar. 1.

6658, 6911, Problems, 104, 7:00–9:00, TTh, Burns, Sletten, OM 311: This course will utilize short biographical sketches of the leading American geographers, together with selected readings from their publications with the intent of familiarizing geography students with the recent and contemporary leaders in that discipline. Feb. 15, 17, 11, 13, 19.

6659, 6911, Problems, 105, 6:00–9:00, M, Davenport, Jack, Ostrem, Thurston: Sewage. The generation of sewage, treatment costs and alternatives, impact on streams, and public policy issues. OM 310.

GEOLOGY

6661, 5911, Problems, 101, 6:00–9:30, T, Zimmer, Ni 28C: A laboratory oriented course on the practical identification and recognition of minerals and rocks. Call 389–2815 for enrollment permission.

HEALTH

6092, 4911, Problems, 102, 5:50 to 8:00, TH, Cbb, VP 605: Health problems commonly found among Minority ethnic groups will be researched and discussed.

6093, 4911, Problems, 103, 9:00 to 11:30 FS, Hankerson, Health Center: Medicine for the Emerging Adult: Discussions of Venereal Disease, pregnancy problems, sexual identity problems, problems of stress, neurosis and psychosis, drugs, drinks and the devil, and skin problems pertaining to acne.

6094, 4911, Problems, 104, 10:00 to 11:00, TTH, Witham, VP 603: Health construction and analysis of achievement tests.

6095, 4911, Problems, 105, 3:15 to 5:45, W, Clarke, LH 223; Medical Terminology: An introduction to the understanding, utilization and significance of the nomenclature of the health sciences.

6103, 5911, Problems, 104, 10:00 to 11:00, TTH, Wiltham, Up 603: Health test construction and analysis of achievement tests.

6105, 5911, Problems, 106, 6.00 to 9:00, M, Schuster, UP 510: The Politics of Health: Explore the political structures of health delivery systems and the political process of the Minnesota State Legislature as it relates to health legislation.

HISTORY

6666, 4911, Problems, 101, 12:00, T, Allen, MH 213: The Naya of Mexico and Guatemala to 1600. Slides and lectures will show the achievements of this amazing culture group—achievements in architecture, in mathematics and astronomy, and in social and political relations.

6667, 4911, Problems, 102, 7:00–8:00, MT, Brennan, MH 109: Problems of the Soviet Union: Literature as a Means of Dissent: The Case of Alexander Solzhenitsyn. To be held February 1, 14, and 28. "The First Circle" by A. Solzhenitsyn will be the text.

6668, 4911, Problems, 103, 3:00–4:00, M, croce, MH 105: Discussion of five or six critical elections for the Office of President throughout United States history.

6670, 4911, Problems, 105, 7:00–9:30, M, Hevener, MH 109F: The class will read and discuss three urban novels, Dreiser's "Sister Carrie", O'Connor's "Last Hurrah", and Ellison's "Invisible Man".

6671, 3911, Problems, 106, Arr, Holzer, 3:00–5:00, M, AH 230: "The Third Reich" by Albert Speer. The class will learn why and how Hitler and the Nazis came to power, what life was like in the Third Reich, and be exposed to the two main views and interpretations of the German guilt. Call 389–2725 for information.

6672, 4911, Problems, 107, 10:00–11:00, M, Nicholls, AH 121: Lectures and discussion concentrating on the historical and intellectual origins of Marxism as well as the implementation of the theory of the Soviet Union.

6673, 4911, Problems, 108, 7:00, W, Nordstrom, MH 109F: The Nature of Man and the Historical Process: A Question of the Dynamics of History. What is it in man which moves history?

6674, 4911, Problems, 109, 8:00–10:00, T, Postma, 218 Iota Ave: Fictional Literature as History. The objectives of this course are (1) to build a repertoire of historical fiction, and (2) to illustrate the merits and pitfalls of the use of novels as historical source material. Call 389–1715 for registration permission.

6675, 4911, Problems, 1101, 3:00–5:00, F, Williams, 222 Clover Lance: The History of Nazism: Each student will read about and report on an aspect of Nazism that interests him and participate in free discussion of subjects reported on by his colleagues in the class.

6676, 4911, Problems, 111, 7:00–9:00, T, Zimmerman, MH 109F: Participants will examine public attitudes toward two American wars, the Philippine-American War of 1899–1902 and the current Vietnam War.

6677, 4911, Problems, 112, 1:00–2:00, Th, Abbott, MH 103: Our American Heritage: A series of slide lectures depicting our heritage. Enrollment restricted to those in Hist 1134–4.

6679, 4911, Problems, 114, Arr, Hench, Hevener, 931 Baker Ave: Writing Family History. Persons with prior knowledge of their own family history are invited to formalize their findings. For permission to register call Mr. Hench at 388–9234.

6680, 4911, Problems, 115, 1:00, T, Kress, Mh 222F: Technology and Civilization to 1600 A.D.: An examination of the proposition that civilizations are reflections of the technology of their time.

6681, 4911, Problems, 116, 2:00, T, Kress, Mh 222F: Discovery and Exploration from Aeneas to Columbus: Since discoveries and explorations seem to be non-constants, can we discover what inspires such enterprises?

6683, 4911, Problems, 118, 7:00–9:00, TTh, Taylor, 109½ Broad: An examination of the course of U.S.-Chinese relations in the 20th Century; discussion will concern itself with John K. Fairbanks, The United States and China. Call 389–1715 for enrollment permission.

6684, 4912, Problems, 101, 12:00, T, Allen, MH 213: The Maya of Mexico and Guatemala to 1600. Slides and lectures will show the achievements of this amazing culture group—achievements in architecture, in mathematics and astronomy, and in social and political relations.

6687, 6911, Problems, 101, 12:00 T, Allen, MH 213: The Maya of Mexico and Guatemala to 1600: Slides and lectures will show the achievements of this amazing culture group—achievements in architecture, in mathematics and astronomy, and in social and political relations.

6689, 6911, Problems, 103, 3:00–4:00, M, Croce, MH 105: Discussion of five or six critical elections for the Office of President throughout United States history.

6692, 6911, Problems, 106, Arr, Holzer, 3:00–5:00, M, AH 230: "Inside the Third Reich" by Albert Speer. The class will learn why and how Hitler and the Nazis came to power, what life was like in the Third Reich, and be exposed to the two main views and interpretations of the German guilt. Call 389–2725 for information.

6694, 6911. Problems, 108, 7:00, W, Nordstrom, MH 109F: The Nature of Man and the Historical Process: A Question of the Dynamics of History. What is it in man which moves history?

6695, 6911, Problems, 109, 8:00–10:00, T, Postma, 218 Iota Ave.: Fictional Literature as History. The objectives of this course are (1) to build a repertoire of historical fiction and (2) to illustrate the merits and pitfalls of the use of novels as historical source material. Call 389–2725 for enrollment permission.

HOME ECONOMICS

6251, 4911, Problems, 101, 7:00–9:30, W, Patterson, Ni 17E: Drop-spindle spinning of yarns from wool and the dyeing of wool with natural materials such as berries, leaves, and bark. For registration permission call 389–6021.

6252, 4911, Problems, 102, 10:00–10:00, Th, Hallett, Wyckoff, Ni 25E: Participation in a clothing botique, an educational program with the Extension Service sewing industry, and other educational units. To be held February 8 & March 23.

6253, 4911 Problems, 103, 4:00–10:00, T, Hallett, Wyckoff, Ni 25E: Participation in a clothing botique, an educational program with the Extension Service sewing industry, and other educational units. To be held February 8 & March 23.

6254, 4911, Problems, 104, 6:00–9:00, W, Widmer, Ni 24E: Lab experiences designed to develop observation, perception, and communication through varied techniques in rendering interiors. Techniques include pencil, ink, water color, floor plans, elevation, one-point perspective, and two-point perspective. For registration permission call 389–6021.

6255, 4911, Problems, 105, 4:00–600, MW, Widmer, Ni 10E: The evolution of interior Design from the Egyptian period to contemporary, with particular emphasis on furniture, domestic architecture and interiors.

6257, 4912, Problems, 101, 7:00–9:00, W, Hagan, Ni 15F: Factors involved in controlling weight at the different age levels, and suggestions for the overweight individual.

6260, 6911, Problems, 101, 7:00–9:30, W, Patterson, Ni 17E: Drop-spindle spinning of yarns from wool and the dyeing of wool with natural materials such as berries, leaves and bark. For registration permission call 389–6021.

6261, 6911, Problems, 102, 10:00–10:00, Th, Hallett, Wyckoff, Ni 25E: Participation in a clothing botique, an educational program with the Extension Service sewing industry, and other educational units. To be held February 8 & March 23.

6262, 6911, Problems, 103, 4:00–10:00, T, Hallett, Wyckoff, Ni 25E: Participation in a clothing botique, an educational program with the Extension Service sewing industry, and other educational units. To be held February 8 & March 23.

INDUSTRIAL AND TECHNICAL STUDIES

6232, 4911, Problems, 101, 3:00–5:00, W, Johnson, Ne 106: An opportunity to explore concepts and literature suggestive of future technology and related ramifications.

6235, 4911, Problems, 104, 6:30–10:00, M, Gavin, Ne 106: Self Expression and Design with Metals. Basic instruction in gas welding, brazing and cutting of metal and their application to freeform art. Enrollees will be responsible for material used.

6236, 4911, Problems, 105, 7:00–9:00, W, Johnson, Ne, 101: Molding and frame construction, matting and mounting prints, glazing and finishing. Enrollees will be responsible for material used.

6237, 4911, Problems, 106, 3:00–5:00, M, Brown, Ne, 108: Candle making: coloring, scenting, use of molds, freehand and mold casting, using ice and others. Enrollees will be responsible for materials used. For permission to register, contact the receptionist's office, Nelson Hall or call 389–6516.

6238, 4911, Problems, 107, 6:00–9:30, W, Ready, Ne, 105: Preventive maintenance, diagnosis, and tune-up of Volkswagons and Porsches. Student-owned vehicles optional. For permission to register, contact receptionist office, Nelson Hall or phone 389–6516.

6239, 4911, Problems, 108, 6:30–10:00, W, Gavin, Ne, 104: The exploration, evaluation and development of winter fish shelters designs which culminate in the production of selected designs. Enrollees will be responsible for materials used.

6240, 4911, Problems, 109, 7:00–9:00 Th, Brown, Ne, 107: Developing and mounting techniques of color (35 MM Etachrome) slides. Please Note: No kodachrome. (Enrollees will be responsible for material used.) For permission to register, contact receptionist's office, Nelson Hall or phone 389–6516.

6241, 4911, Problems, 110, 6:00–8:30, Th, Andersen, Ne, 1: Gunsmithing Basics. Lecture-demonstrations on such topics as bedding, trigger pull assemblies, scope mounting, and reloading.

6242, 4911, Problems, 111, 6:00–8:00, M, Seigler, Ne, 305: Introduction to Amateur Radio. This course should prepare a person to pass the Novice Class Amateur examination. Basic electronic theory and international morse code will be included. For permission to register contact the receptionist office, Nelson Hall or phone 389–6516. (Enrollees will be responsible for material used.)

6245, 5911, Problems, 102, 6:00–8:30, W. Seigler, Ne, 103: Basic foundry practices used a hot wire cutting machine in making styrofoam patterns. For permission to register contact the receptionist office, Nelson Hall or phone 389–6516. Misc. fee $2.00. Aluminum used $0.30-lb.

6248, 5911, Problems, 7:00–9:00, W, Johnson, 105, Ne, 101: Molding and frame construction, matting and mounting prints, glazing and finishing. Enrollees will be responsible for materials used.

INSTRUCTIONAL MEDIA AND TECHNOLOGY

6264, 4911, Problems, 101, 4:00–4:50, T, Johnson, LH 5: Photography: From Camera to Negative. Covers basics of camera operation, exposure determination and procedure for developing film. Students without a camera of their own available should check with the instructor of the course prior to registration to determine camera availability.

6265, 4911, Problems, 102, 10:00–12:00, S, Birmingham, ML 1023: A stüdy of Cable Television, its origins, present and future growth and potential.

6266, 4911, Problems, 103, 7:00–9:30 Th, Pagel, ML 1023: Comparative study of various encyclopedias, dictionaries and atlases frequently purchased by parents for use by school-age children.

6267, 4911, Problems, 104, Arr, Pengelly, Folkers, ML 1017: Evaluation and Selection. Enrollment limited to MT 4–5173 students.

6268, 4911, Problems, 105, Arr, Pagel, McDonald, ML 1019: Materials for Adolescents. Enrollment limited to MT 4–5133 students.

6269, 4911, Problems, 106, 6:00–8:30 Th, VanDyke, ML 1001: An introduction to folklore and picture books and to techniques of storytelling.

6270, 4911, Problems, 107, 3:00–4:00, T, Hughes, Folkers, ML 1024: Preparation of Overhead Transparencies. Production of thermofax, diazo, color life, photographic, and hand made transparencies.

6273, 4911, Problems, 110, Arr, McDonald, St. Peter: Preparation of transparencies, mounting pictures and instructional materials. Contact Memorial Library desk for time arrangements as well as location of class.

6274, 4911, Problems, 111, 8:30–11:30, S, Hitt, ML 106A: Using Abstracting for Educational Research: the course would be designed, 1) to give the student the specific "helpful hints" for initiating research projects in the field of education, 2) to help the student minimize problems with subject headings and systems, and 3) to acquaint the student with the use of available abstracting services.

6275, 4911, Problems, 112, Arr, Sarenpa, ML 106: A self-instructional course consisting of fifteen recorded lessons dealing with the principles and procedures used to analyze instruction, design instruction, instruct, and provide quality control. Arranged according to students schedule.

6276, 4911, Problems, 113, Arr, Sarenpa: Medical Dental Terminology: a full orientation and background course in word origin and word development. Much attention to scientific environment, as well as root word, prefix, and suffix relationships of words commonly used in the dental and medical fields. This course, consisting of 22 recorded lessons correlated with a student workbook is self instructional and arranged according to the students' schedule.

6277, 4911, Problems, 114, 3:00–5:00, M, Lester, ML 1032: Unit Record Equipment: Practical experience in writing and operation of data processing unit record equipment, including the collator, accounting machine, sorter, interpreter, and reproduce punch. For permission to register, obtain approval card at Memorial Library Main Office.

6279, 4911, Problems, 116, 4:00–4:50, Th, Johnson, Johnson LH7: Photography: Polaroid Prints and Portraits. Basics of various size camera operation including 4x5 and MP-3 copy. Includes black and white and color films, exposure calculation and use of the Polaroid as a basis for color exposure and to check lighting. For permission to register, obtain approval card at Memorial Library Main Office.

6281, 4911, Problems, 118, Arr, Johnson LH 7: Motion Picture. Enrollment limited to MT 4–5273 students.

6284, 4911, Problems, 121, Arr, Pagel, ML, 1019; Bibliography and Reference. Enrollment limited to MT 4–5113 students.

6289, 4911, Problems, 126, 6:00, Th, Sivertson, Feb. 3, LH 20: To enable the student to gain experience in selection, operation, and identification of camera, film, and lenses. The student will also learn the basic principles of pictorial composition. For permission to register, obtain approval card from Memorial Library.

6290, 4911, Problems, 127, 6:00, Arr, Sivertson, Feb. 22, LH 20: Decoupage: the purpose of this course is to enable the student to gain experience in the fundamental principles and processes of decoupaging. For permission to register, obtain approval card from Memorial Library.

6292, 4911, Problems, 129, 10:00, S, Sharits, Lundin, LH 5: Understanding Stereo Specs. Interpretations of various specifications as applied to stereo high fidelity equipment. Includes demonstrations of measurement techniques. For permission to register, obtain approval card from Memorial Library.

6293, 4911, Problems, 130, 7:00–8:00, MWF, Morgan A.M., ML 1015: The course will briefly survey the most controversial and provocative of Shakespeare criticism, Hamlet and Othello. For permission to register, obtain an approval card at Memorial Library, Main office.

6294, 4911, Problems, 131, 7:00–9:00, Th, Bull, Lester, ML 3115: Consumer Information: How to locate information through guides, regulations, laws; enforcement of consumer protection laws and regulations with emphasis on how you can be informed, active, and effective as a consumer.

6295, 4911, Problems, 132, 4:00–6:00, W, Bull: Government Publications and Information Sources. How to locate and utilize information sources published by the U.S. Government.

6297, 4911, Problems, 134, 2:30–4:30, T, Folkers, Hughes, ML 105: Interesting variations in the techniques of mounting and laminating. For permission to register, obtain approval card at Memorial Library Main Office.

6298, 4911, Problems, 135, Arr, Pengelly, ML 1017: Cataloging. Enrollment limited to MT 4–5413 students.

6300, 4911, Problems, 137, 9:00–9:50, M, Johnson, LH5: Bulletin Board: Design and Preparation. Involves all phases of production from layout to creative construction on celotex, cork, peg, magnetic Hook 'N Loop, and related boards.

6301, 4911, Problems, 138, 6:30–7:30, M, Troumbly, ML 101: Directed experience in planning a vacation systematically by examining road maps, hotel-motel literature, and scenic and historical monuments literature. For permission to register, obtain approval card at Memorial Library Main Office.

6302, 4911, Problems, 139, 1:30–3:00, F, Williamson, ML 1003: A capsule over view of MSC Media Resources and Services with emphasis on where located and how used.

6303, 4911, Problems, 140, Arr, Hughes, Folkers, ML 105: Enrollment limited to MT 3013 students.

6304, 4911, Problems, 141, 3:00–4:30, W, Montgomery, Willison, Pillepich ML 1008: An informal, painless course primarily intended for freshmen and sophomores who have limited library experience and want to know more about special sources, research strategy and "what the library can do for you." For permission to register, obtain approval card at Memorial Library Main office.

6306, 5911, Problems, 101, 4:00–4:50, T, Johnson, LH 5: Photography: From Camera to Negative. Covers basics of camera operation, exposure determination and procedure for developing film. Students without a camera of their own available should check with the instructor of the course prior to registration to determine camera availability.

6307, 5911, Problems, 102, 10:00–12:00, S, Birmingham, ML 1023: A study of Cable Television, its origins, present and future growth and potential.

6309, 5911, Problems, 104, Arr, Pengelly, Folkers, LM 1017: Evaluation and Selection. Enrollment limited to MT 4–5173 students.

6312, 5911, Problems, 107, 3:00–4:00, T, Hughes, Folkers, LM 1024: Preparation of Overhead Transparencies. Production of thermofax, diazo, color lift, photographic, and hand made transparencies.

6314, 5911, Problems, 109, Arr, McDonald, ML, 1001–A: Introduction to resources available to support learning and instruction in the public schools. Contact Memorial Library desk for time arrangements as well as location of class.

6316, 5911, Problems, 111, 8:30–11:30, S, Hitt, ML 106–A: Using Abstracting Services for Educational Research. The course would be designed, 1) to give the student special "helpful hints" for initiating research projects in the field of education, 2) to help the student minimize problems with subject headings and systems, and 3) to acquaint the student with the use of available abstracting services.

6318, 5911, Problems, 113, Arr, Sarenpa, ML 106: Medical Dental Terminology: a full orientation and background course in word origin and word development. Much attention to scientific environment, as well as root word, prefix, and suffix relationships of words commonly used in the dental and medical fields. This course, consisting of 22 recorded lessons correlated with a student workbook is self-instructional and arranged according to the student's schedule.

6319, 5911, Problems, 114, 3:00–5:00, M, Lester, ML 1032: Unit Record Equipment: Practical experience in wiring and operation of data processing unit record equipment, including the collator, accounting machine, sorter, interpreter, and reproduce punch. For permission to register, obtain approval card at Memorial Library Main Office.

6322, 5911, Problems, 117, Arr, McDonald, Helser, Pagel, ML 1019: Learning Resource Center. Enrollment limited to MT 4–5313 students.

6326, 5911, Problems, 121, Arr, Pagel, ML 1019: Bibliography and Reference. Enrollment limited to MT 4–5113.

6327, 5911, Problems, 122, 7:00, W. Thompson, ML 102: Basic principles of individualized instruction involving the development and application of these methods using cable TV.

6330, 5911, Problems, 125, 9:00–12:00, S, Troumbly, ML 101: Map Procedures: Cursory overview of evaluation and selection, order, processing, and storage of maps. For permission to register, obtain approval card at Memorial Library Main Office.

6331, 5911, Problems, 126, 6:00, Th, Sivertson, Feb. 3, LH 20: To enable the student to gain experience in selection, operation, and identification of camera, film, and lenses. The student will also learn the basic principles of pictorial composition. For permission to register, obtain approval card Memorial Library.

6337, 5911, Problems, 132, 4:00–6:00, W, Bull, ML 3115: Government Publication and Information Sources. How to locate and utilize information sources published by the U.S. Government.

6340, 5911, Problems, 135, Arr, Pengelly, ML 1017: Cataloging. Enrollment limited to MT 4–5413 students.

6344, 5911, Problems, 139, Arr, Pagel, Helser, ML 1019: Media Services. Enrollment limited to MT 4–5363 students.

JOURNALISM

6701, 4911, Problems, 101, 4:00–6:00, Th, Hodowanic, AH 209: A course designed to help the service club publicity chairman, the public school community relations officer, the public-minded businessman, the career-bound student and others in getting their particular message to the public.

6702, 4911 Problems, 102, 7:00–9:30, T, Bennett, AH 213: An examination of the growth of the underground press during the last decade as an answer to the lack of media responsibility and an opportunity to participate in planning and constructing an underground newspaper, based on sound journalistic principles.

6703, 4911, Problems, 103, 6:00–9:00 W, Edwards, AH 205: A study of practical public relations employing the combination of investigation and news media utilization to achieve such objectives as election (or defeat) of a councilman or congressman, passage of needed laws or regulations, and influencing community action generally.

6704, 4911, Problems, 104, 4:00–6:00, W, Stone, AH 113: News Photography. The course would cover photo-journalism relating to a community newspaper. Must have use of camera.

6705, 4911, Problems, 105, 7:00–9:00, W, 9:00–12:00, S, Levin, AH 223: Students will view original CBS news documentaries featuring Edward R. Murrow and Howard K. Smith including the CBS report on Senator Joseph McCarthy, which led to his censure in the Senate, Harvest of Shame, Carl Sandburg at Gettysburg, The Population Explosion, and Biography of a Cancer. Comparisons will be made to later day documentaries such as Selling of the Pentagon for technique, investigative skill, and courage. Class meets Feb. 9 and 12.

6706, 4911, Problems, 106, 7:00–9:00, Th, Levin, AH 211: A look at the problems the American Indian has faced to overcome the stereotypes developed through the media with particular emphasis on newspaper and film.

6707, 4911, Problems, 107, 9:00–1:00, S, Levin, Borchers, AH 113: A basic exposure to the fundamental of photography. Will include picture taking, developing, and composition. Students should have some type of camera.

6708, 4912, Problems, 101, 7:30, MWF, Levin, AH 213: "Practical Journalism" will entail 10 one-hour sessions covering a specific area in reporting, with each meeting led and instructed by a person versed in that particular subject matter.

MATHEMATICS

6710, 4911, Problems, 101, 10:00, F, Alders, Hatfield, Ne 120: Probability. Enrollment restricted to students currently enrolled in Math 3524 or 5524.

6711, 4911. Problems, 102, Arr, Arr, Formichella, Ne 302: Improper integrals are classified by types. A limit definition of convergence is prescribed for each type and various limits tests are derived. Also, the concept of uniform convergence of improper integrals and the Weirstrass M test are presented. Some theorems about proper integrals as a function of a parameter will be considered. Pre-requisite: Math 2235. Enrollment limited. For permission to register contact Mr. Formichalla in 302A.

6714, 4911, Problems, 105, 4:00–6:00, T, Lewis, OM 212: At the end of this course you will be able to write your own programs on the Mankato State College computer. Prerequisite: Sixth grade arithmetic.

6715, 4911, Problems, 106, 12:00, F, Turner, Prouse, Ne 306: The purpose of this course is to introduce students to some of the techniques of problem-solving in mathematics.

6716, 4911, Problems, 107, 9:00, W, Mattson, AH 201: This course will examine some geometries other than Euclidean Geometry. Attempts will be made to relate these geometries to our perception of the "real world."

6717, 4911, Problems, 108, 1:00 MTTh, Standeford, Ne 111: Purpose is to provide the student with some insight into man's continuing attempts to understand the universe.

6718, 4911, Problems, 109, 4:00 TTh, Hatfield, Ne 301: Derivation of equation from locus definitions. The general equation of second degree. Interesting properties of conic section curves. Pre-requisite: Math 1125 or equivalent.

6719, 4911, Problems, 110, 1:00, W, Olson, Ne 3: Problems from Math 1134 plus additional topics not presented in the course at present. For students currently enrolled in Math 1134, Math (BS teaching) students who are nearing graduation but feel they need a review of material that they may teach, and those students who desire a structured review of trigonometry.

6720, 4911, Problems, 111, 3:00–4:00, W, Fruit, Ne 306: The course will be present problems, applications, and–or extensions of topics covered in Math 2474. Limited to students enrolled in Math 2474.

6724, 4911, Problems, 115, 4:00, M, T, W, Th, Anderson, Lentz, Ne 118: Progressions, combinations, permutations as related to everyday problems found in most homes. Enrollment restricted to those with no college mathematics other than 1104, 2013, 2023, 1861.

6726, 4911, Problems, 117, 10:00, M, Anderson, Ne 118: Enrollment restricted to those in Math 2834 Winter Quarter.

6727, 4911, Problems, 118, 2:00, M, Anderson, Ne 118: Enrollment restricted to those in Math 2834 Winter Quarter.

6728, 4912, Problems, 101, 9:00–12:00, S, Alders Lentz, Ne 301: Calculus Refresher: a review of integration and differentiation, along with basic concepts, definitions and graphical application. For persons having completed a calculus sequence at least two years ago or admitted by consent.

6731, 6911, Problems, 101, 10:00, F, Alders Hatfield, Ne 120: Probability. Enrollment restricted to students currently enrolled in Math 3524 or 5524.

6732, 6911, Problems, 102 Arr, S, Formichella, Ne 302: Improper integrals are classified by types. A limit definition of convergence is prescribed for each type and various limits tests are derived. Also, the concept of uniform convergence of improper integrals and the Weirstrass M test are presented. Some theorems about proper integrals as a function of a parameter will be considered. Pre-requisite: Math 2235. Enrollment limited. For permission to register contact Mr. Formichella in NE 302A.

6735, 6912, Problems, 101, 9:00–12:00, S, Alders Lentz, Ne 301: Calculus Refresher: a review of integration and differentiation, along with basic concepts, definitions and graphical application. For persons having completed a calculus sequence at least two years ago or admitted by consent.

MINORITY GROUP STUDIES

6736, 4911, Problems, 101, 6:00–10:50, MT, Fagin, Block Cultural House: Guess who's coming to your Sorority Dance: the course will be designed to examine the myth and stereotypes of interracial relationships between blacks and whites in America. It will discuss social and related problems experienced by those who engage in interracial relationships. To be held February 28 and 29.

6737, 4911, Problems, 102, 6:00–9:00, W, Hampton, AH 313: Psychology of Indian Life: Students will construct and live in an Indian tipi. Readings and discussion will focus on the Indian's integrated life style.

6738, 4911, Problems, 103, 6:00-10:00, MT, Fagin, Block Cultural House: Black Power in America-Myths and Realities: Designed to examine the development of Black Nationalism by looking at the urban crisis and civil disorder in America. It will be structured to reduce myths and misunderstanding about what Nationalism means. To be held February 14 and 15.

MUSIC

6740, 4911, Problems, 101, 9:00-12:00, S, Hawkey, PA 227: Repair, maintenance and adjustment of stringed instruments used in standard school orchestras.

6741, 4911, Problems, 102, 7:00–9:00 p.m. Th-S. Kasling, PA 103: Survey of Argan Building 1890–1972: Brief history of pipe organ bldg. in state. Trips to see antique and most modern examples.

6743, 4911. Problems, 104, 7:30–9:30, T-W. Dunn, Pa 228: Attendance of 2 musical performances in February: Andre Watts, pianist and the Merry Widow opera.

6744, 4911. Problems, 105, Arr Arr Karvonen PA 203: Music Calligraphy: Practice in producing professional-looking music manuscripts.

6745, 4911. Problems 106, Arr Arr, MNadean PA 226: Survey of 20th Century Piano Music. A listening lab in which the various styles of piano music during this period will be analyzed and discussed. Call 389–2119 for meeting time information.

6746, 4911. Problems, 107, Arr, Arr Scheuren PA 214: Informal introduction through listening, discussion and analysis of the symphonic music of four 19th century masters (Schumann, Brahms, Tchaikovski Berlioz) in terms of their most representative work.

6747, 4911, Problems, 108, 7:00 p.m.–8:30 p.m., T-Th, Willison PA 102: Designed for musicians wanting to learn jazz improvisation in workshop setting. No jazz background is necessary but students should have some knowledge of reading music.

6748, 4911, Problems, 109, 8:00–10:00, W, 3:00–5:00 S, Bos, PA 232: Aural studies in jazz and classical music. Meetings Feb. 5, 12, 16, 23, and Mar. 1.

6749, 4911, Problems, 110, 4:00–6:00, T–Th, Elrey, PA 101: Music in early childhood: Development of musical concepts through musical experiences for children in 3 to 6 year age group.

6750, 4911, Problems, 111, 8:00 pm-10:00 pm, M, Epple, 225 So. Broad: The art and skill of listening to music. Call 389–2119 for enrollment permission.

6751, 4911, Problems, 112, 4:00–6:00, T-Th, Hoyem, PA 102: The sounds of music in various cultures. An introduction to the folk songs, dances and instruments in Japanese, Latin American, Slavic, African and American Indian cultures. Meetings Feb. 8, 10, 15, 22 & 24.

6752, 4911, Problems, 113, 1:00, T–Th, Reed PA 229: Effectiveness of today's popular music in the elementary listening programs: Choice and Presentation. Must have had music 3243 or 3254.

6753, 4911, Problems, 114, 5:00–6:30, T, Schreyer, OM 134: Rug Time Reading Lab: This class, open to reading musicians only, will concentrate on reading antique ragtime instrumental scores from the collections of the class leader and Max Morath, listening to early recorded ragtime and discussing the place of ragtime in American music

6754, 4911, Problems, 115, 4:00–6:00, M–4, Suyematsu, PA 101: Beginning piano for adults with little or no musical background. Basic fundamentals of music are combined with the principles of piano playing Electro-piano lab is used

6756, 5911, Problems 101, 9:00–12:00 S, Hawkey, PA227: Repair, maintenance and adjustment of stringed instruments used in standard school orchestras.

6757, 5911, Problems, 102, 7:00–900, ThS, Kasling, PA 103: Survey of organ building, 1890–1972: Brief history of pipe-organ building in state. Trips to see antique and most modern examples.

6761, 6911, Problems, 103, Arr Arr, Kavooxen, PA, 203: Music Calligraphy: Practice in producing professional-looking music manuscripts. Call 389–2119 for schedule information.

6762, 6911, Problems, 104 Arr Arr, Mcdeau, PA, 226: A listening lab in which the various styles of piano music during this period will be analyzed and discussed.

6763, 6911, Problems, 105, Arr Arr, Scheurer, PA, 214: Informal introduction through listening, discussion and analysis of the symphonic music of four 19th century masters

(Schumann, Brahms, Tchaikovsky, Berlioz) in terms of their most representative work. Call 389–2119 for meeting time information.

6764, 6911, Problems, 106, 7:00 pm–8:30 pm T-Th, Wilson, PA, 102: Designed for musicians wanting to learn jazz improvisation in a workshop setting. No jazz background is necessary but students should have some knowledge of reading music.

NURSING

6084, 4911, Problems, 101, 8:00–5:00, S&S, Staff Ni 9B: Reservation Field Trip: Nursing students will accompany nursing faculty to the White Earth Indian Reservation for the weekend and attend conferences and seminars. For permission to register, contact the nursing division at 389–1121. Enrollment restricted to nursing students.

6085, 4911, Problems, 102, 4:00–6:00, TTh, Coffney, Natvig, Tenoria, Ni 4B: Nursing II: Independent exploration of selected aspects related to Nursing II. Must be enrolled in Nursing II.

6086, 4911, Problems, 103, 8:00–5:00, F, Thayer, Feb. 18–Ni 9B: Professional Workshop: Minnesota Nursing Student Association Mid-Winter Workshop to be held Friday Feb. 18, St. Cloud, Minn. Limited to Nursing Students and R.N.'s.

6087, 4911, Problems, 104, 12:00–4:00, F, Thayer, Feb. 4 & 11 Ni 38: Nursing Principles of IV Therapy: Nursing principles of starting IV's as well as nursing care during IV therapy. Enrollment restricted to nursing students and R.N.'s.

6088, 4911, Problems, 105, 7:00–9:00, TTh, Kubichek, Ni 1B: Nursing Measures in the home. Knowledge which is basic to the care of the sick in the home is open to nonnurses.

6089, 4911, Problems, 106, 4:00–6:00, W, Staff, Ni 1B: Nursing Synthesis: To synthesize and apply learning from all nursing major courses, particularly in relation to preparing to write the licensing examination following graduation. Enrollment limited to nursing majors.

PHILOSOPHY

6766, 4911, Problems, 101, 10:00–11:00 MTWTh, Taylor, AH 310: This course will involve an extension of the reading assigned in Phil 4024 and open only to those students registered in Phil 4024.

6767, 4911 Problems, 102, 12:00–1:00 MTWTh, Taylor AH 222: This course will involve an extension of the readings assigned in Phil 1004 and is open only to those students registered in Phil 1004.

6768, 4911 Problems, 103, 7:00–9:00, W, Rikkers, Taylor AH 302: Starting with Leibniz's view that this is the best of all possible worlds and Voltaire's humorous reply in Candide, we will discuss whether or not this is the best of all possible worlds.

PHYSICS

6771, 4911, Problems, 101, 6:30–8:00, Th, Berggren Ni 92B: Lectures and lab basic theory, characteristics, and applications of lasers. Practical applications with special emphasis on holograms.

6772, 4911, Problems, 102, 7:00–9:30, T, Flinner, AH 209: A Study of the Crab: A nonmathematical introduction to the Crab nebula. A history of the observations of the Crab, and examination of the radio-activity processes involved in such supernova eruptions and a telescopic viewing session will be included. Reference material will be available in the library and a paper on the Crab will be expected.

6773, 4911, Problems, 103, 4:00–5:00, M, Glick, Ni 65D: The rudiments of programming the Hewlett-Packard 9100A programmable calculator system will be taught. The system consists of a programmable calculator with extended memory, marked-card reader, printer and x-y plotter.

6774, 4911, Problems, 104, 6:00–9:00, T, Marley, Ni 93B: The Coming Energy Crisis: Survey of future world demands for energy. Current energy sources. Limitations of current energy sources. Future sources of energy, etc.

6775, 4911, Problems, 105, 6:30–9:00, M, Raeside, Ni 91B: Radiation Ecology. Natural and man-made radioactivity in the earth and its atmosphere, and the risks arising from this radioactivity.

6776, 4911, Problems, 106, 6:00–9:00, Hendrickson Smith, Ni 66C: Interpreting Hi Fi specs. Specifications of turntables, tape decks, tuners, amplifiers, receivers and speakers will be compared and interpreted. Demonstrations will be given by Team Electronics and by Mr. Leon Tietz.

6777, 4911, Problems, 107, 7:00–9:00, MW, Rankin, Ni 87C: Cameras and Lens: This course will cover in depth the advantages and disadvantages of common type cameras, press cameras and the Polaroid. Class will meet Monday or Wednesday.

6779, 4911, Problems, 109, 6:30–9:00, Th, Mordue, Ni 81C: Household Electricity: The electrical distribution from the transformer to its uses in the home will be presented. Wiring in homes will be inspected and discussed.

PHYSICAL EDUCATION

6108, 4911, Problems, 101, 9:30–11:30, S, Graham, Brauer, Meredith, HA 136: Sports medicine for intramurals. Orientation for self care, medical referral, and rehabilitation for participants in intramural sports activities.

6109, 4911, Problems, 102, 5:50, W, Thompson, VP 509: Smoking and Physical Efficiency: A consideration of tobacco smoking from the point of view of the coach, physical educator and participant in physical activities.

6110, 4911, Problems, 103, 3:00–5:00, W, Novak, VP 603: Exercise and the Cardiovascular System: A course for graduate students with an evaluation of the presently known data about the effects of habitual physical activities on the cardiovascular systems of adolescents, adults and ages of both sexes.

6111, 5911, Problems, 104, 3:00–5:00, Arr, Amann, Feb. 28, VP 509: Golfsmanship: a course designed to bring golfers up to date on: golf-lore, golf terminology, playing rules, rules of etiquette, equipment appreciation. (No instruction on skills) Daily classes week of Feb. 28.

6112, 4911, Problems, 105, 9:00–9:00, F, Keogh, Feb. 18, NP, MG: Archery-Badminton-Lifetime sports for teachers and teacher candidates. Class meets all day and evening Friday, Feb. 18.

6113, 4911, Problems, 106, 3:00–4:00, D, Larsen HaFH: Training and conditioning: physical training class of running, weight training, agility and routine drills for quickness. Beginning Feb. 7 daily for two weeks.

6114, 4911, Problems, 107, 3:00–5:00, T, Stadulis College Bowl: Pocket Billiards: Basic instruction in techniques, rules and strategy of various pocket billiard games. For enrollment permission, contact instructor at 389–6312.

6115, 4911, Problems, 108, 3:00–5:00, W, Stadulis College Bowl: Pocket Billiards: Basic instruction in techniques, rules and strategy of various pocket billiard games. For enrollment permission, contact instructor at 389–6312.

6116, 4911, Problems, 109, 1:00, F, Graham, HA 154: Athletic training, must be enrolled in PEd 3403.

6117, 4911, Problems, 110, Arr, Holbrook, Feb. 12, NP EG: Rules, regulations and techniques of judging gymnastics for girls and women. First meeting Sat. Feb. 12, 9–12 and 1–4. Other meetings arranged.

6118, 4911, Problems, 111, 4:00–6:00, WTh, Roberts, Ski Haven: Beginning skiing for secondary education block students.

6119, 4911, Problems, 112, 6:00–8:30, W, Buck, HA Pool: Swimming for Non-Swimmers! Swimming skills and water safety techniques.

6120, 4911, Problems, 113, 6:00–8:00, WTh, Roberts Ski Haven: Beginning skiing for women physical education majors.

6121, 4911, Problems, 114, 12:00–5:00, Sun, Schellberg, Feb. 12 & 22, HA: Beginning cross-country skiing. Rental equipment available for 25. Meetings Feb. 13 & 27. Call 389–1917 for enrollment permission.

6122, 4911, Problems, 115, 1:00, F, Schelberg, VP Pool: Cross Country skiing an extension of PE 1361–11. Feb. 18–20 ski tour, winter overnite and mini loppet—must be currently enrolled in Cross Country skiing.

6123, 4911, Problems, 116, 9:00–5:00, FS, Murray, Feb. 11 & 12 Lake Crystal: Elementary P.Ed methods workshop extension of PEd 3233 Feb. 11–12.

6124, 4911, Problems, 117, 3:00–4:00, Th, Thompson VP WG: Aerobics: a new approach to physical activity based on a medical doctor's research. An individual approach to exercise with points given for a prescribed amount of exercise and activity. Individual exercise programs combined with the development of an understanding of the new exercise and activity approach.

6125, 4911, Problems, 118, Arr, Brock Feb. 2–5 Miami: Participation on the women's national volleyball tournament (Limited to team membership.).

6126, 4911, Problems, 119, 6:00–8:00, T, Cobb VP WG: Dance improvisation: an experience in the use of dance movement in continuous sequential growth patterns based on motivating ideas.

6127, 4911, Problems, 120, 6:00–8:00, TTh, Mussett Ha Pool: Annual water show choreography for Dolphin Club members.

6128, 4911, Problems, 121, 10:00–12:00, S, Staff HA: Opportunity to gain experience in teaching physical education skills to local children, ages 8–15. See Robert Clayton (MPE) for further details.

6129, 4911, Problems, 122, 6:00, W, McCarthy, Petersen, Robinsson, Mills Teaching sports with video tape.

6130, 4911, Problems, 123, 3:00–5:00, W, Kalakian, 2:30, N. Megg. Highland Arena, Beginning skiing. Call 389–6313 for enrollment permission.

6131, 4911, Problems, 124, 7:00–9:00, F & 1:00–3:00, Sun., Coatta Ski Haven: Beginning skiing. Meetings Feb. 4, 6, 11, & 13. Call 389–6216 for enrollment permission.

6132, 4911, Problems, 125, 4:00–6:00, TTh, Cobb, VP WG: To choreograph dance and publicly perform. Guidance and supervision in dance choreographic techniques.

6133, 4911, Problems, 126, 2:00–4:00, MTh, Mills, HA: PR in P.E. & Athletics: a course in public relations which directly concerns the physical education major or minor who is going into the coaching field.

6134, 4911, Problems, 127, Arr, Cobb, Concert Sites: Attendance at 3–4 dance concerts and visiting two dance studios in Minnesota area. Students must pay for concerts and transportation.

6135, 4912, Problems, 101, 4:00–6:00, TTh, Cobb, VP WG: To choreograph dance and publicly perform. Guidance and supervision in dance choreographic techniques.

6136, 4912, Problems, 102, 2:00–4:00, MTh, Mills, HA PR in P.E. & Athletics: a course in public relations which directly concerns the physical education major or minor who is going into the coaching field.

6137, 4912, Problems, 103, Arr, Cobb Concert Sites: Attendance at 3–4 dance concerts and visiting two dance studios in the Minnesota area. Students must pay for concerts and transportation.

6141, 5911, Problems, 103, 3:00–5:00, W Novak VP 603: Exercise and the Cardiovascular System: a course for graduate students with an evaluation of the presently known data about the effects of habitual physical activities on the cardiovascular systems of adolescents, adults and ages of both sexes.

6142, 5911, Problems, 104, 3:00–5:00, Arr, Amann, Feb. 28, VP 509, Golfsmanship: a course designed to bring golfers up to date on: golf-lore, golf terminology, playing rules, rules of etiquette, equipment appreciation.

(No instruction on skills) Daily classes week of Feb. 28.

6144, 5911, Problems, 106, 10:00–12:00, S, Clayton, HA 122, Organization and Administration of Sports Schools: Opportunity to organize and administer a sports program for children. Feb. 5-Mar. 11.

POLITICAL SCIENCE

6786, 4911, Problems, 101, 3:00–5:00, T, Barrett City Hall Council Chambers: A course which will "study the organization and dynamics of city councils through interpretation of information from a national survey of city councils and city council members as resource persons."

5787, 4911, Problems, 102, 6:00–9:00, T, Huyen, AH 216, Ho Chi Minh: an insight into the life of a revolutionary who has become one of history's greatest legends, and a critical analysis of the policies he adopted which have profoundly affected the course of international events since 1945.

6788, 4911, Problems, 103, 1:00–5:00, S, Karson, Feb. 12 & 19, 209 Sunset Blvd., Mankato. Music: Protest and Politics; An examination of the lyrics in modern American folk music to understand the social grievances expressed and to discuss the validity of the "message."

6789, 4911, Problems, 104, Arr, Kessel, 6:00–8:00 M, MH 221E: The Challenge of Poverty; To examine the scope, the ostensible sources and possible remedies of poverty, both at the national and world-wide levels. Course to meet either Mon. or Tues. evening for two hours.

6790, 4911, Problems, 105, 9:30 S, Shrewsburh, Sponberg, Wessman, AH 310: This interdisciplinary course will consist of four sessions: (1) The Changing Nature of Women's Labor; (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women and Higher Education Meeting Feb. 5, 12, 19, 26.

6791, 4911, Problems, 106, 6:30–9:00 M, Mundale: Contracts between village life and modern urban areas in contemporary Mexico.

6792, 4911, Problems, 107, 4:00–6:00 T, Hartzler, Ne 123: War, Peace, and Nonresistance, particular emphasis will be given to position of the conscientious objector to all wars.

6793, 4911, Problems, 108, 6:00–9:00 M, Coyer, MH 106: A description of the events leading to the formation of Bangla Desh with an emphasis on understanding the roles of India, China, the Soviet Union, and the United States in South Asia.

6794, 4911, Problems, 109, Arr, Coyer, AH 245: An analysis of the Selective Service System with an emphasis upon understanding how local draft boards operate; students will contact Board members and compile a project paper. For students currently enrolled in Pol. Sci. 2024.

6797, 4912, Problems, 101, Arr, Kisirwani, Historical roots of the Arab-Israeli conflict—AH 245: Arab-Israeli Conflict; Peace or War; 1. Historical of the Arab-Israeli conflict. 2. Palestinian refugees. 3. The current scene. Times arranged at convenience of students enrolled.

6798, 4912, Problems, 102, 9:00–4:00 S, Pflaum, 111 W. Wood Dr.: Seeing Beyond, One-Dimensional Society—Galloping Technology—Individual and the System-New Communities + Ways of Life.

6799, 4912, Problems, 103, 3:00–5:00 W, Pfaum, MH 221: The American Revolution—The new left—How democratic is America? Who rules? Revolutionary programs of the 70's.

6801, 5911, Problems, 101, 3:00–5:00 T, Barrett City Hall Council Chambers: A course which will "study the organization and dynamics of city councils through interpretation of information from a national survey of city councils and city council members as resource persons."

6803, 5911, Problems, 103, 1:00–5:00 S, Karson, Feb. 12 & 19, 209 Sunset Blvd., Mankato. Music: Protest and Politics; An examination of the lyrics in modern American folk music to understand the social grievances expressed and to discuss the validity of the "message."

6805, 5911, Problems, 105, 9:30 S, Shrewsbury, Sponberg, Wessman, AH 310: This interdisciplinary course will consist of four sessions: (1) The Changing Nature of Women's Labor, (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women and Higher Education. Meetings Feb. 5, 12, 19, 26.

PSYCHOLOGY

6350, 4911, Problems, 101, 6:00-9:00, Th, Phillip, AH 204: This course is designed to assist persons in learning the process of relating to other people with particular emphasis on the interaction between parents and children which will facilitate warm and close emotional relationships.

6351, 4911, Problems, 102, 2:00-5:00, Arr, Collins, AH 49: The course will consider the position of modern day woman in our society.

6352, 4911, Problems, 103, Arr, King, AH 32: Each student currently enrolled in Dr. King's classes wishing to enroll for an extra hour of credit in courses offered this quarter may do so by engaging in some service or on the job activity in the fields of Abnormal Psychology or mental health. Will be the equivalent of thirty hours work or more.

6353, 4911, Problems, 104, 3:00, W. Staff, AHH 234: Ten members of the psychology staff will make an hour presentation in some area of psychology from any perspective they choose.

6354, 4911, Problems, 105, 2:00-5:00, F, Rucker, AH 326: The course will consider clinical features classification theories and treatment depression with emphasis on social, cultural and biochemical aspects. Outside speakers will be invited to discuss suicide, drugs, and depression in students. Text: Mendel's Concepts of Depression (1970), 111 pages $5.00.

6355, 4911, Problems, 106, 7:00-10:00, F, Broadstreet, AH 40: The principles of psychology will be applied in developing skills for communicating acceptance both verbally and non-verbally. Psychology of Family Communication.

6358 5911, Problems, 102, 2:00-5:00, Arr, Collins, AH 49: Contemporary Feminism: the course will consider the position of modern day woman in our society. Class meetings Feb. 5, 11, 18, 25, and Mar. 3.

6360, 5911, Problems, 104, 3:00, W, Staff AH 234: Ten members of the psychology staff will make an hour presentation in some area of psychology from any perspective they choose.

RECREATION

6147, 4911, Problems, 101, 3:00 to 5:30, Arr, Buchanan, AH 223: Today's financial binds in providing recreation and park services. Off campus resource personnel as consultants. Class meets Feb. 9, 10, 17, and 23.

6148, 5911, Problems, 101, 3:00 to 5:30, Arr, Buchanan, AH 223: Today's financial binds in providing recreation and park services.

SECONDARY AND FOUNDATIONS OF EDUCATION

6366, 4911, Problems, 104, 7:00–10:30, T, Arr, Glines, Wilson Campus: This course will be designed to learn how to achieve alternative approaches to learning in each individual's community school system. 1st meeting February 8.

6367, 4911, Problems, 105, 7:00–3:00, FS, Coffey, White, Fagen: A brief exposure to the problems of Inter-City Education. To be held February 4–5 at Awareness House. All enrolled will meet on February 3rd, 3:00 p.m. Contact Dr. White 389–1608 for enrollment information, Mpls. Feb. 3 (3:00) AH 321.

6368, 4911, Problems, 106, 7:00–3:00, FS, Coffey, White, Fagen: A brief exposure to the problems of Inter-City Education. To be held February 11–12 at Awareness House. All enrolled will meet on February 3rd, 3:00 p.m. Contact Dr. White 389–1608 for enrollment information. Mpls. Feb. 3 (3:00) AH 321.

6371, 4911, Problems, 109, 8:00–12:00 M, Davis Brown, AH 306: Participant involvement in playing, analyzing, and developing educational games for classroom use. To be held February 7th and 14th.

6374, 4911, Problems, 112, 9:00–11:00, S, Twedt, OM 101: An analysis of some fundamental developing philosophical ideas implicit in four novels by Herman Hesse, with a focus on those legitimate inferences which can be drawn for educational philosophy. The following novels to be read: Demian, Siddhartha, Steppenwolf, and Magister Ludi.

6377, 4911, Problems, 115, Arr, Kline, AH 307: Alternative Schools: This course will provide the student with an opportunity to examine the school structures and teaching methods employed in the open school and semi open schools. Call 389–1164 for class meeting schedule.

6380, 4911, Problems, 118, 9:00–5:00, W, Feb. 16, 1405 Lor Raoy Dr., No Mkto: This course will consider the appropriate role of the individual teacher when negotiations between the teacher group and the school board break down and student unrest appears and the present status of educational negotiations in Minnesota as well as prospects for the future. Meeting Feb. 16.

6384, 4911, Problems, 122, 7:00–9:00, M, Dailing, Wilson Campus: Open School Teaching Strategies: This experience will provide students with an introduction to the types, rationale, and background of the teaching methods used in an open school.

6387, 4911, Problems, 125, 3:15–4:45, Th, Annis, Komaridis, Petersen, Dooley: Principles and procedures in writing and analyzing subjective evaluations. Includes survey work in classes, selection and testing of survey items. Restricted to Blue Book staff. AH 319.

6389, 4911, Problems, 127, 3:00, W, Arr, Staff, AH 304: Teaching Techniques: Drug Abuse Topics of Study: (1) Drugs in the world of the elementary-secondary pupil; (2) Identification of teaching areas appropriate to the elementary-secondary school area; (3) Instructional media; (4) Developmental activities.

6390, 4911, Problems, 128, 12:00, Th, Arr, Staff. Teaching Techniques: Drug Abuse. Topics of Study: (1) Drugs in the world of the elementary-secondary pupil; (2) Identification of teaching areas appropriate to the elementary-secondary school area; (3) Instructional media; (4) Developmental activities.

6398, 5911, Problems, 107, 7:00–3:00, FS, Coffey, Wite Fagen: A brief exposure to the problems of Inter-City Education. To be held February 18–19 at Awareness House. All enrolled will meet on February 3rd, 3:00 p.m. Contact Dr. White 389–1608 for enrollment information. Mpls Feb. 3 (3:00) AH 321.

6403, 5911, Problems, 112, 9:00–11:00, S, Twedt, OM 101. An analysis of some fundamental developing philosophical ideas implicit in four novels by Herman Hesse, with a focus on those legitimate inferences which can be drawn for educational philosophy. The following novels to be read: Demian Siddhartha, Steppenwolf, and Magister Ludi.

6404, 5911, Problems, 113, 1:00–3:00, T. Holden, Brown, AH, 306: Student dissent in Secondary Schools: A survey of the incidence of student unrest in the secondary schools with emphasis upon causative factors and possible solutions.

6412, 5911, Problems, 121, 3:30–5:30, T. Hagen, AH, 321: A review of the recent court decisions affecting the area of student rights and responsibilities.

6416, 6911, Problems, 101, 6:00, MW, Shubert, Hagen, AH, 312: Question and Discussion Technique in College Teaching.

SPECIAL EDUCATION

6421, 4911, Problems, 104, 12:00–5:00, Th, Birbeck, AH, 107: The purpose of this course will be to afford participants the opportunity to observe a variety of innovative programs throughout the state designed for serving the handicapped. For permission to register, contact the instructor at 389–1124.

6422, 4911, Problems, 105, 12:00–5:00, Th, Kudela, AH, 107: The purpose of this course will be to afford participants the opportunity to observe a variety of innovative programs throughout the state designed for serving the handicapped. For permission to register, contact the instructor at 389–124.

6423, 4911, Problems, 106, 3:00–6:00, W, Kudela, AH 107: Exploration of issues which relate to educational practices, philosophy, administration, and organization of special education provisions for the handicapped. For permission to register, contact the instructor at 389–1124.

6427, 5911, Problems, 101, 10:00–12:00, S, Bostic, AH 110–A: Introduction to group process and the application of group procedures with rehabilitation clients.

6430, 5911, Problems, 104, 12:00–5:00, Th, Birbeck, AH 107: The purpose of this course will be to afford participants the opportunity to observe a variety of innovative programs throughout the state designed for serving the handicapped. For permission to register, contact the instructor at 389–1124.

6431, 5911, Problems, 105, 4:00–8:00, Th, Warrington, Counseling Center: Communications Skills Training: a course designed to help participants become more aware of their communication patterns: to help them improve present communication skills; and to develop new and better skills in relating to others.

6432, 5912, Problems, 101, Arr, Reed, Warrington, Counseling Center: This course will be designed to help students in the field of counseling to gain greater insight into their own behaviors, develop a deeper understanding of their own and others' feelings, potentialities and beliefs; and become more aware of the processes which help or hinder group action. For permission to register, contact Dr. Walter Reed at 389–1819 or 389–2212; or Dr. Don Warrington at 389–2212.

SOCIOLOGY

6809, 4911, Problems, 101, 8:00–1:00 S, Clare, AH 203: Correctional Law: Analysis of court decisions that relate to the civil liberties of felons. For permission to register, contact Paul Clare at 389–1723. To be held February 19–26.

6810, 4911, Problems, 102, 6:00–9:00, W. Strachan, Vassar, AH 233: Development in the Third World: This course will cover the problems of developing nations in Africa, Asia and Latin America, focusing on peasant life, urban development, and the revolutionary potential inherent in these areas.

6811, 4911, Problems, 103, 7:00–10:00 T, Janovy, AH 113: Crisis in the Classroom? A critical review of American Education as seen through Charles Silberman's book: Crisis in the Classroom.

6812, 4911, Problems, 104, 5:30–8:30, TTh, Englund Ne 104: Primitive Religion: Origin and development of primitive magic and religion. The religious systems of primitive peoples are analyzed and compared with modern world religions.

6813, 4911, Problems, 105, 2:00–4:00, MTh, Braun, AH 113: Sociology of Conflict: Definition and discussion of conflict, its negative and positive functions, omnipresent nature. Special emphasis on class and elite mass antagonisms and tensions, particularly with regard to political activity. One field trip to city council meeting.

6814, 4911, Problems, 106, Arr, Kramer, Wessman, AH 223: The Sociology of Ice Fishing. Consists of a two-hour session in the library reviewing existing literature and developing a study design: six hours of participation observation and interviewing fishermen, conservation authorities, servicing businessmen, etc. and a two-hour session evaluating the experience and compiling findings. To be held February 11–14.

6815, 4911, Problems, 107, 9:30, S, Wessman, Shrewsbury, Sponberg, AH 113: Perspectives on Women: This interdisciplinary course will consist of four sessions: (1) the Changing Nature of Women's Labor; (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women and Higher Education. To be held February 5, 12, 19, and 26.

6818, 6911, Problems, 101, 8:00–1:00, S, Clare, AH 203: Analysis of court decisions that relate to the civil liberties of felons. Held Feb. 19, 26. For permission to register, contact Paul Clare at 389–1723.

6819, 6911, Problems, 102, 6:00–9:00, W, Strachan, Vassar, AH 233: Development in the Third World: This course will cover the problems of developing nations in Africa, Asia and Latin America, focusing on peasant life, urban development, and the revolutionary potential inherent in these areas.

6820, 6911, Problems, 103, 7:00–10:00, T, Janovy, AH 113: Crisis in the Classroom? A critical review of American Education as seen through Charles Silberman's book: Crisis in the Classroom.

6821, 6911, Probelms, 104, 5:30–8:30, TTh, England, Ne 104: Primitive Religion: Origin and development of primitive magic and religion. The religious systems of primitive peoples are analyzed and compared with modern world religions.

6822, 6911, Problems, 105, 2:00–4:00, MTh, Braun, AH 113: Sociology of Conflict: Definition and discussion of conflict is, its negative and positive functions, omni-present nature. Special emphasis on class and elite mass antagonisms and tensions, particularly with regard to political activity. One field trip to city council meeting.

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6824, 6911, Problems, 107, 9:30, S, Wessman, Shrewsbury, Sponberg, AH 113: Perspectives on Women: This interdisciplinary course will consist of four sessions: (1) The Changing Nature of Women's Labor; (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women and Higher Education. To be held February 5, 12, 19, and 26.

SPEECH

6829, 4911, Problems, 101, 6:00–8:50, T, Schooner, AH 207: Black Rhetoric: Exposure to the ideas, methods, and influence of 3 representative Black speakers: Frederick Douglas; Martin Luther King, Jr.; Malcolm X.

6830, 4911, Problems, 102, 5:50–8:50, M, Moffatt, OM 312: Seminar in non-verbal communication. A study of non-spoken "language."

6831, 4911, Problems 103, 7:00 T, Cohn PA 216: Shopping Minneapolis. An attempt to find out where it is at in Minneapolis. For permission to register, contact the instructor at 389-1419. First meeting to be held February 8.

6833, 4911, Problems 105, 7:00 T, Bachmann, Olauson PA 101: Weird Art and Exotic Eating in the Twin Cities. For permission to register, contact the instructor at 389-2014 or 389-1419. First meeting to be held February 8.

6834, 4911, Problems, 106, 7:00 T, Bachmann, PA, 111: Wok Cookery: And adventure in Chinese cuisine. For permission to register, contact the instructor at 389-2014. First meeting to be held February 8.

6835, 4911, Problems, 107, 7:00, T, Bachmann, PA, 111, Junk Jewelry: An attempt to make something out of nothing. For permission to register contact the instructor at 389-2014. First Meeting to be held February 8.

6837, 4911, Problems, 109, 7:00, T, Olauson, PA 218: Interior Decoration in the Victorian Style: An Experience in Fine Living. First meeting to be held February 8. Call 389-2025 for enrollment permission.

6838, 4911, Problems, 110, 7:00, T, Olauson PA 218: Antique Clock Repair and Restoration: First meeting to be held February 8. Call 389-2025 for enrollment permission.

6839, 4911, Problems, 111, 7:00, YT, Brockway PA 180: Promotional media for high school activities. May use as credit toward major. First meeting to be held February 8. Call 389-2025 for enrollment permission.

6840, 4911, Problems, 112, 7:00 T, Bock PA 104: Let's make a movie, may use as credit toward major. First meeting to be held February 8. Call 389-2025 for enrollment permission.

6841, 4911, Problems, 113, 5:00-9:00 W, Beckman AH 226: Critical review of collegiate oratory, preparation and delivery of a carefully written ten-minute speech. Acceptable as one activity credit toward a major or minor in Speech. To be held February 9 and 16.

6842, 4911, Problems, 114, 9:00 S, Meisel AH 212: Radio Scripting from Children's Stories. Select children's stories, transform them into radio scripts (English 4911) and/or produce these scripts (Speech 4911) Students may enroll in both courses.

6843, 4911, Problems, 115, 3:00-4:50, W, Nelson AH 301: The course is designed to improve study habits with emphasis on note taking as well as improving listening and reading skills.

6844, 4911, Problems, 116, Arr Alm, Painter KYSM Radio Studios: Role of Broadcaster in Mankato Community: To acquaint the Student with the cultural, social, legal and economic issues facing the radio and television broadcaster in operating his station in Mankato. Call 389–2025 for information.

[From the Greater Mankato Weekly Shopping Guide, Jan. 19, 1972]

MINI COURSE CLASSES THROUGH THE MANKATO STATE COLLEGE

The Mankato State Faculty has developed and is offering Experimental Curriculum to provide an exceptional opportunity for a challenging and stimulating educational experience.

For the Entire Mankato Community.

WHO MAY PARTICIPATE?

There will be No Admission requirements for participating in the Mini Course Program. This is an unusual and outstanding educational opportunity for the entire Mankato Community, and all are invited and encouraged to participate.

WHERE WILL THE CLASSES BE HELD?

In Homes, Local Churches, Business Establishments, at the College, and at various other locations. The program is in No Way confined to the College Campus.

HOW AND WHERE DO YOU REGISTER?

Special registration for those not presently enrolled at Mankato State College for Winter Quarter will be Saturday, January 22nd, from 9:30 A.M. to 2:00 P.M. at the Student Union on Upper Campus.

Those currently enrolled at Mankato State College for Winter Quarter will register for Mini Courses as "Additions" to their schedule on January 24th, 25th, 26th, 27th from 12:00 noon to 4:00 p.m. each day in the North Ballroom of the Student Union.

WHAT IS THE COST OF REGISTRATION?

Undergraduate Mini Course Tuition is $7.25 per quarter hour for Minnesota Residents and

$15.50 per quarter hour for Non-Residents. Graduate Mini Course Tuition is $9.50 per quarter hour for Minnesota Residents and $19.50 per quarter hour for Non-Residents.

For those NOT Enrolled, the Activity Fee normally required for all On-Campus Registrations Will Not Be Charged (For Up to Two (2) Classes.) during this Mini Course Registration. Payment Must be made at the time of Registration.

WHEN DO THE CLASSES BEGIN?

Unless stated otherwise in the Course Description, classes will meet on days listed during the weeks beginning February 7th and ending March 3rd.

All Mini Courses will be offered on the Pass/No Credit Basis Only—as many as will fit into your schedule. All credits earned through this Mini Course Program will apply toward the quarter hour requirement for graduation, generally as electives within a major or minor.

See the Enclosed Insert for Mini-Course Class Schedule.

MARSHALING CITIZEN POWER TO MODERNIZE CORRECTIONS

Mr. HRUSKA. Mr. President, I invite attention to a fine example of the kinds of contributions that the Chamber of Commerce of the United States has made time and again for the betterment of this entire Nation.

I refer to the Chamber's new booklet entitled "Marshaling Citizen Power To Modernize Corrections."

This 24-page analysis of key issues in the area of offender rehabilitation is typical of the Chamber's efforts to support good Government.

The brochure tells our citizens about the present problems in corrections in a frank, straight forward manner, and then proceeds to suggest what they can do about them.

The President's message to the National Conference on Corrections held last winter in Williamsburg, Va., is included, and in a very significant sense the booklet is a conference followup effort in that it points the way to the progressive and sensible reforms that this country so truly needs.

The brochure is being reprinted and distributed by the American Correctional Association under a grant from the Law Enforcement Assistance Administration which provides for 1 million copies. This will permit free distribution in bulk to any organization that can put them to good use.

The Chamber of Commerce of the United States has already distinguished itself through two other such projects. It has written and distributed 50,000 copies of a 76-page publication called "Deskbook on Organized Crime," which alerts businessmen and law enforcement personnel to the problems and symptoms of racketeering infiltration and outlines the proper countermeasures.

The Chamber has also written and printed 20,000 copies of a 133-page book on "Marshaling Citizen Power Against Crime." This publication reviews the interrelationships of the three segments of the criminal justice system—police, courts, and corrections—and indicates what businessmen can do to provide leadership and resources at the local level.

These publications can well be expected to prompt a powerful response among the millions of people who will read them, and I think that it is a wonderful achievement.

Mr. President, I am proud of the Chamber of Commerce for preparing the corrections booklet, and I am equally proud of the Law Enforcement Assistance Administration for making such a wide distribution possible.

This, Mr. President, is the type of enlightened cooperation between our Government and our citizens that I was sure the safe streets program would inspire.

This is exactly what could be expected of LEAA under this administration's forward-looking guidance. The programs to improve corrections institutions initiated by the Federal Government during the past 3½ years are unprecedented in our Nation's history.

A new partnership has been fashioned among the State, local, and Federal authorities which has begun to reduce crime and improve all aspects of the country's correctional process.

Shortly after taking office, President Nixon directed the Attorney General to begin a priority study on how to rehabilitate all corrections programs at the Federal, State, and local levels.

In a short time a plan was devised. It included a comprehensive program to turn the Federal prison system into a model for the Nation and to increase the LEAA funds for corrections improvements by State and local action.

In 1970, the President appointed a White House Task Force on Prisoner Rehabilitation, which has subsequently drafted blueprints for a number of important new approaches. At the same time, the President created an Inter-Agency Council on Corrections to better coordinate existing Federal programs and to develop new ones.

Since then, the Williamsburg conference has been held at the President's initiative; and many beneficial results are now being seen in the new programs to really rehabilitate the Nation's offenders.

Mr. President, because this new Chamber booklet is so impressive, and because its message is so crucial to the welfare of this Nation, I ask unanimous consent that its excerpted text be printed in the RECORD.

There being no objection, the booklet was ordered to be printed in the RECORD, as follows:

MARSHALING CITIZEN POWER TO MODERNIZE CORRECTIONS

THE PRESIDENTIAL CALL FOR ACTION TO MODERNIZE CORRECTIONS

"At long last, this nation is coming to realize that the process of justice cannot end with the slamming shut of prison gates.

"Ninety-eight out of every hundred criminals who are sent to prison come back out into society. That means that every American concerned with stopping crime must ask this question: Are we doing all we can to make certain that many more men and women who come out of prison will become law abiding citizens?

"The answer to that question today, after centuries of neglect, is no. We have made important strides in the past two years, but let us not deceive ourselves: Our prisons are still colleges of crime, and not what they should be—the beginning of a way back to a productive life within the law.

"To turn back the wave of crime, we must have more effective police work, and we must have court reform to ensure trials that are speedy and fair. But let us also remember that the *protection of society depends largely on the correction of the criminal.*"

President RICHARD M. NIXON,
First National Conference on Corrections, December 6, 1972.

FOREWORD

Of the three components of the criminal justice system (police, courts and corrections), corrections is perhaps the most critical. Yet it is often the least visible and least understood part of the system. Among other things, corrections involves detention, probation, prisons, jails, juvenile centers and both male and female. The correctional process is a massive operation, receiving more than 2.5 million new offenders a year at a cost of more than $1 billion dollars. It is burdened with a performance record which would plunge any business into bankruptcy.

Corrections today is plagued by an overlapping of jurisdictions, contradicting philosophies, and a hodge-podge of organizational structures. It has grown piecemeal—sometimes out of experience, sometimes out of necessity. Lacking consistent guidelines and the means to test program effectiveness, legislators continue to pass laws, officials make policies, and both cause large sums of money to be spent on ineffective corrective methods.

As is true with many problems that face our nation today, businessmen can play a significant role in upgrading the correctional system. This role includes counseling, employment of ex-offenders, supporting the changes that are needed in the correctional system, and leadership in gaining the support of other citizens for these vital programs. Some of the successful programs involving these and other areas are outlined on the following pages.

Marshaling Citizen Power to Modernize Corrections is the most recent in a series of National Chamber publications designed to stimulate business and other citizen action to improve the components of our criminal justice system. It is intended not only to inform, but to show what we can all do to facilitate correctional programs that really correct.

In developing this publication, the National Chamber received the excellent cooperation of the American Correctional Association.

ARCH N. BOOTH,
Executive Vice President, Chamber of Commerce of the United States.

CORRECTIONS TODAY: AN OVERVIEW

Although the nation has neglected its criminal justice system as a whole, there is growing evidence of a new interest on the part of the public to improve the entire system, especially corrections. For example, the Congress has begun to allocate additional monies for corrections through the Law Enforcement Assistance Administration of the Department of Justice.

The President has indicated a direct interest in the improvement of corrections and demonstrated this interest by convening the recent National Correctional Conference in Williamsburg, Virginia. Attorney General John Mitchell announced at that correctional conference that a federal program is being initiated to assist state and local governments in modernizing their correctional systems. The program calls for a National Corrections Academy to train federal, state and local corrections personnel, a National Clearinghouse for Criminal Justice Architecture and Design, and a National Clearinghouse for Correctional Education.

The Attorney General, Secretary of Labor, and Secretary of Health, Education and Welfare recently communicated with the 50 governors, emphasizing that the highest priority be placed on the importance of correctional reform and the key role to be played by the individual states.

All these efforts indicate that we can look forward to a better correctional system in the future. However, we must realize that much more needs to be done now for the following reasons:

Beyond any rational dispute, the Nation's correctional system is ineffective.

In reality it is a "non-system"—a potpourri of facilities and programs which handles about 1.3 million offenders on an average day.

Correctional operations are administratively fragmented among federal, state, county and local governments.

By any standard, correctional facilities, programs and personnel are badly overburdened.

Legacy of neglect

Correctional improvement efforts are mired in two centuries of neglect and, too often, face open hostility by the public and legislators.

Overloaded, antiquated, underfunded correctional institutions have created problems of near desperation for the administrators and personnel who man them. The degree of this desperation has been intensified by the recent wave of disturbances and inmate rebellions in institutions across the country. Of approximately 460 State and Federal institutions for offenders sentenced to long terms, there are 25 over 100 years and 61 that opened before 1900.

State institutions are often expected to be largely self-supporting through their farming and prison industries, most of which involve only repetitive and underproductive work with obsolete equipment. Few correctional industrial programs provide skill development opportunities or training experience relevant to the industrial requirements of the community. In many states, prisons are prohibited from training inmates or making products that will compete on the market with local industry.

Juvenile offenders

Most crime in the United States is committed by youth.

Over 350,000 children, or about 30% of all offenders, are under the custody and supervision of juvenile correctional institutions or agencies on any given day.

Although 70% of all funds spent on juvenile corrections now goes toward supporting juvenile institutions rather than juvenile probation, these institutions are still adequate. For example, standards recommended for the size of juvenile institutions call for facilities to accommodate 150 or less, with individual living units housing no more than 20 youngsters. Yet, according to survey data collected by the Task Force on Corrections of the President's Commission on Law Enforcement and the Administration of Justice, only 24% of all institutions meet this living unit standard, and the traditional feeling is toward building larger units.

Probation and parole—unfulfilled promises

A person who is fully guilty of a crime will often receive a suspended sentence, provided that he remain on good behavior and that he be placed under special supervision. Such a person is said to be on "probation."

A person who has served part of a given sentence in prison may be released under certain conditions, including special supervision. Such a person is termed to be on "parole".

Though the effectiveness of properly implemented parole and probation programs has been demonstrated many times, their full cost/benefit potential is yet to be achieved on a nationwide basis. A major weakness in probation and parole services is that they have never received adequate funds for the number of offenders under supervision. Two-thirds of all offenders are under probation or parole supervision, but these services receive less than one-third of the monies allocated for correctional efforts.

The President's Commission on Law Enforcement and the Administration of Justice notes that "probation and parole services are characteristically poorly staffed and often administered." Of the 250 counties surveyed by the Commission, one-third provided no probation services at all. Average probation and parole caseloads vastly exceed the recommended standards of 35 cases per officer. Over 76% of all persons convicted of a minor offense, and 67% of all those convicted of a major offense who are on probation are in caseloads of 100 or more. Less than 4% of the probation officers in the nation carry caseloads of 40 or less.

Despite the far-from-ideal conditions existing in the probation and parole fields, studies indicate that roughly 55–65% of parolees are not returned to prison during the period of their parole supervision. Of those that are, about two-thirds are returned for parole violations, not for new crimes. 60–90% of probationers complete their probation terms without revocations.

The jail mess

County and local jails are the first contact with the correctional world for most offenders. Most people in jails are awaiting trial and have not been sentenced or convicted of any crime. Some are serving short sentences for minor offenses. The need for the rights of inmates to be considered and protected in all levels of correctional facilities is evident, but the situation in jails is particularly poor. Yet, the initial and often lasting impressions toward corrections and our system of criminal justice are formed in these institutions.

In most city and county jail facilities for adult offenders (with a few outstanding exceptions) inmates are kept under maximum security, and general services and conditions are considered to be the worst of all penal institutions. The National Crime Commission's Task Force on Corrections states that: "In the vast majority of city and county jails . . . no significant progress has been made in the last fifty years."

CORRECTIONAL PLANNING: BY GUESS AND BY GOLLY

Corrections in the past has suffered from piecemeal and patchwork programming and crisis-oriented planning.

Plagued with a lack of resources and adequate planning for handling present and future problems, corrections has too often operated on the basis of coping with problems as they arise, reacting to situations rather than planning ahead for them.

New federal funding programs and the emerging emphasis on comprehensive criminal justice planning by the Law Enforcement Assistance Administration of the U.S. Department of Justice, should help improve the long-range planning and management of the nation's correctional system.

CORRECTIONAL PERSONNEL: MANPOWER DEVELOPMENT AND TRAINING PROBLEMS

Surveys conducted by the Joint Commission on Correctional Manpower and Training in 1967–68 revealed widespread personnel recruitment and retention problems created by low pay, heavy workloads, insufficient training and lack of merit system employment in the correctional field. These problems have deprived the system of essential professional services and have resulted in programs often manned by personnel with little or no educational preparation for correctional work.

The Joint Commission also revealed that minority groups, females, and young people are underrepresented in the nation's correctional work force. The Commission urged a comprehensive nationwide recruitment program with particular emphasis on enlisting more qualified young people, women, Blacks, Spanish-surnamed Americans, and other minority group members.

The recent availability of federal funds for college and university programs designed to prepare students for careers in corrections (and other areas of criminal justice) could help provide the kind of correctional personnel the country needs.

Contradictory goals and goals uncertainty

The average citizen does not know what is to be expected of correctional services. This attitude has created a paradox in handling offenders.

Confusion over whether corrections should be punishment-oriented, rehabilitation-oriented, or both, brings public accusations that the system brutalizes offenders, on the one hand and coddles them on the other. Manifestation of this confusion is the existence, side-by-side, of correctional facilities intended primarily for punishment and detention, and others designed to help rehabilitate offenders.

The conditions within many prisons achieve nothing but an increase in the number of recidivists (those released from institutions who commit additional crimes.) 80% of all felonies are committed by repeaters. These conditions may result also in the loss of self-respect and human dignity and lead to increased sophistication in criminal behavior through contact with hardened offenders.

The negative impact of imprisonment, coupled with the lack of acceptance by the community following release, often creates more bitterness and a desire to get back at society.

COMMUNITY CORRECTIONS: A CHEAPER AND MORE HUMANE APPROACH

There is growing evidence that new programs making use of community approaches to corrections as alternatives to incarceration, and also as a means of facilitating reintegration of the offender back into the community following release from an institution, can be more successful and less costly to society. Community-based corrections recognizes the failure of massive, impersonal institutions far removed from population centers. It recognizes the importance of working with the offender in his home community, or near it where his ties with family and friends can be used to advantage in his rehabilitation.

There are many types of community and transitional release programs that have demonstrated value in rehabilitating the offender and reducing the social costs of recidivism. Among these are:

Pre-trial intervention—a program designed to provide a rapid rehabilitation response for young first-offenders following arrest, but prior to trial, conviction and sentencing. The court suspends prosecution for a 90-day period and places young offenders into a program of counseling, training, and employment assistance. Successful participation results in dismissal of charges and thus avoids the stigma of a criminal record.

Probation—a court action which permits the convicted offender to retain his freedom in the community, subject to court control and the supervision and guidance of a probation officer. Probation sustains the offender's ability to continue working and to protect his family's welfare, while avoiding the stigma and possible damaging effects of imprisonment.

Halfway houses—small, homelike residential facilities located in the community for offenders who need more control than probation or other types of community supervision can provide. Halfway houses are used also for gradual readjustment to community life for those who have come out of institutions. Half-way house programs usually offer supervised living, counseling services, and draw upon the community for education, training, jobs and recreation to aid in the rehabilitation process.

Work-release—under this alternative, the offender is confined in an institution only at night or on weekends, but is permitted to pursue his normal life the remainder of the time. Such a program makes possible a greater degree of control than is possible under probation or other types of community supervision, but avoids total disruption of family life and employment.

Pre-release Centers—supervised programs designed to ease the transition from total confinement to freedom by involving people from the community who come to the prison to provide information in areas of vital interest to the inmate who is about to be released. Subjects covered include such topics as employment, finances, family life, community services and legal resources.

Parole—a procedure by which prisoners are selected for release and a service by which they are provided with the controls, assistance, and guidance they need as they serve the remainder of their sentences within the free community.

The report of the President's Task Force on Prisoner Rehabilitation concluded that "perhaps the greatest obstacle to improvement in the correctional system always has been the tendency of much of the public to regard it and treat it as a rug under which to sweep difficult and disagreeable people and problems . . . after all, the overwhelming majority of offenders do not stay under the correctional rug. . . . As a matter of fact, the two-thirds of the correctional population . . . on probation or parole are in the community right now. . . . 'Community based corrections' is no visionary slogan, but a hard contemporary fact."

With increasing funding available—about a quarter of a billion dollars for Fiscal 1972—the Law Enforcement Assistance Administration has set a number of goals for its expanded corrections program. They include: Community-based programs, with emphasis on youthful offenders; improvement of probation and parole; marshaling resources of the private sector; expanded use of halfway houses; replacement of outmoded jails with regional corrections facilities; new training centers for corrections personnel; more effective research.

Community corrections reduce the need for expensive facilities

The shift to community-based corrections will eventually reduce the need for maximum security institutions. Experts agree that only 20–30% of present inmates represent a danger to society and must be securely confined. If the remaining 70% can be rehabilitated in less restrictive local institutions, or under supervision in the communtiy, few facilities will be needed for those considered dangerous and least responsive to correctional treatment.

The cost of keeping an adult offender in a state institution is about six (6) times as great as that to keep him under parole supervision, and fourteen (14) times as great as that required to supervise him on probation. Based on current per capita cost, it is estimated that it takes $11,000 a year to keep a married man in prison. This figure includes the inmate's loss of earnings, the cost to taxpayers if his family has to go on relief, and the loss of taxes he would pay. Compare this to the national average cost of 38 cents and 88 cents per day for probation and parole supervision respectively, or an average of less than $365 a year, as reported by the President's Commission on Law Enforcement and the Administration of Justice.

In its 1967 *Task Force Report: Corrections*, the Commission projected that construction of institutions planned for completion by 1975 would cost more than a billion dollars, with construction estimated conservatively at $10,000 per bed. More recent data gathered by the Law Enforcement Assistance Administration indicate that institutional building costs currently average $15,000 to $20,000 per bed. When completed, the cost of the new space, based on 1969 estimates, would add over $200 million annually to the operating cost of the institutions. This amount would be considerably increased in the light of current costs.

Community corrections is more humane

Experience has shown that, as opposed to isolation and punishment, community-based corrections which permits a person to live in his own community and maintain normal social relationships, while providing control, guidance, and access to rehabilitative resources and services, is a more efficient, economic, and more humane approach to the treatment of the offender. A considerable and impressive body of evidence has been accumulated indicating that corrections in the community is more effective in reducing recidivism than severe forms of punishment.

Because the community-oriented approach is almost always more economical, it enjoys a substantial cost/benefit advantage. Experience has revealed that if one-third of the offenders currently held in institutions were transferred to probation along with their share of the correctional budget, they could be placed in caseloads of 10 or less. This would provide the opportunity for more individual attention and enhance chances for probation to succeed. Under present circumstances, however, judges face the dilemma of having to choose between the worst of two worlds; whether to utilize already overburdened probation services, or whether to commit the offender to an institution which is ill-equipped to rehabilitate at all.

Pre-trial intervention

Another low-cost high-yield program recently developed is that of pre-trial intervention, which was designed primarily through the leadership of the Manpower Administration, U.S. Department of Labor, to help break up the backlog in court processing and to offer the court yet another alternative to imprisonment.

The pre-trial program explores methods of diverting young first-offenders from prosecution and imprisonment. Following successful experiments with two demonstration programs, it is now being tested in Atlanta, Boston, Cleveland, Minneapolis, San Antonio, Baltimore, and San Francisco, and will eventually have an enrollment of over 4,000 participants.

In cooperation with the courts and police authorities, carefully selected persons, primarily younger offenders, are offered an opportunity to participate in a specifically designed manpower program after arrest but prior to trial, conviction and sentencing.

If a youth agrees to enter the program, a delay of generally three months is obtained before the case is processed by the courts. The youth is then directed to counseling, training and jobs. If the youth reacts positively, charges are dismissed. So far the results have been encouraging. The courts, after reviewing the progress of participants during a 90-day period, have dismissed charges in 70% of the cases.

This program, which is to be expanded to other cities in the near future, was built on two earlier efforts: The Manhattan Court Employment Project operated by the Vera Institute of Justice in New York, and Project Crossroads operated by the National Committee for Children and Youth in Washington, D.C.

The Washington project proved so successful that it has been incorporated into the court system as a continuing element of its practices with the enthusiastic endorsement of the U.S. Attorney General and the Chief Judge. The recidivism rate for adult participants in Project Crossroads over a 15-month period was 22.2%; that of the control group (not receiving project services) was 45.7%. Program costs totaled approximately $500.00 per enrollee and the project exhibited a benefit/cost ratio of at least 2 to 1.

EX-OFFENDERS AND EMPLOYMENT: THE HIGH COST OF THE REVOLVING DOOR

Most authorities agree that the lack of meaningful employment opportunities has been a major contributing cause to the rising crime rate and the high rate of recidivism, and, in turn, to the increasing cost of crime. Unless assimilation into communities is facilitated by the availability of suitable jobs, corrections will continue to be a wasteful and high cost "revolving door" system under which non-dangerous offenders serve what is virtually a life sentence on the installment plan—largely because of the obstacles in the way of stable, worthwhile employment.

Experience in vocational training and placement programs for public offenders (sponsored by the Manpower Administration, U.S. Department of Labor) since 1964 reveals that:

Ex-offenders can be trained and placed in employment, regardless of previous education or the nature of their crime;

When ex-offenders are placed in appropriate jobs, their rate of recidivism is two to three times less than that of ex-offenders who do not receive job assistance;

Ex-offenders with better paying jobs are much less likely to be recidivists than those with no jobs, part-time jobs or lower-paying jobs; and

Independent of work experience in prison, if the released offender gets a remunerative job on release and is able to keep it for at least six months, the probability of recidivism declines.

Bars to employment

Public and employer attitudes, laws, and licensing regulations bar ex-offenders from employment. Too often, the government which urges the ex-offender to pursue a normal law-abiding life is the same government that bars the way to that pursuit. By reason of various state statutes, certain manufacturers cannot employ convicted felons. An official of the Law Enforcement Assistance Administration testifying before the Senate Judiciary Penitentiaries Subcommittee told of a man with a misdemeanor record (for minor offenses) being denied a taxi driver's license, and of a federal court upholding a city's refusal to hire an ex-convict as a tree trimmer.

Employer attitudes toward ex-offenders remain the most difficult to counter because they are not written in any formal guidelines, such as those found in bonding, union or license requirements.* Since employment opportunities for the rehabilitated offender are an effective tool in the national effort to prevent crime, policies governing company employment practices should be reviewed and revised to encourage the hiring of such offenders, especially when they are qualified by education and training for the jobs available. For example, employers may want to consider eliminating questions regarding prior criminal records (particularly arrest records as contrasted to conviction records) from job applications.

If, upon examining this aspect of the job application, company policy dictates that such questions are necessary, confidentiality of the information should be assured in all cases, and the applicant should be informed that such information does not mean he will not be considered for the job if he is otherwise qualified. Probation and parole officers can be extremely helpful in discussing the background and overall adjustment needs of the ex-offender with the prospective employer. Maximum benefit from the work experience can be derived for both the employer and the employee when these things are taken into consideration.

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*The American Bar Association's Commission on Correctional Facilities and Services has established a national clearinghouse and educational program focusing on disseminating information regarding unreasonable employment restrictions which impair the ability of the rehabilitated offender to obtain suitable job opportunities and measures that have been taken to remove these obstacles. This project, conducted under contract with the Manpower Administration, U.S. Department of Labor, will ultimately attempt to use the resources and influence of the legal community to overcome legal and licensing restrictions that discriminate against the ex-offender.

Bonding assistance program

The experimental Bonding Assistance Program, administered by the U.S. Department of Labor, has done much to open new doors for employment and has also documented the low risk to business in hiring ex-offenders.

In this project, fidelity bonds were posted in order to protect the prospective employer from loss due to theft or acts of dishonesty. The Department of Labor provided bonding assistance to more than 3,400 persons, most of whom were ex-offenders. Included were inmates released after completing skill training programs conducted in correctional institutions under the Manpower Development and Training Act.

Less than 2% have defaulted over a 5-year period, and a state official administering this program declared that nationwide statistics regarding the programs' loss experience indicate that the average ex-offender is a better risk than some company employees. This program has motivated many employers to review their normal requirements for subsequent hiring, and in some cases drop the bonding requirement.

The program has been so successful that bonding assistance is now available to all institutions where skill training under the Manpower Development and Training Act is provided. In 1971, the experimental effort was expanded nationwide on a pilot basis. Through more than 2,200 local public employment service offices, special assistance is given to ex-offenders and others who apply and who can demonstrate that they are barred from a specific job offer solely because of the inability to secure a commercial bond.

HOW THE PUBLIC CAN HELP OR HINDER

Chief Justice Warren Burger, speaking before the National Conference on Corrections, stated: ". . . it is my deep conviction that when society places a person behind walls, we assume a collective moral responsibility to try to change and help that person. The law will define legal duties but I confess I have more faith in what a moral commitment of the American people can accomplish than I have in what can be done by the compulsion of judicial decrees."

Concerned citizens can do much to promote and support correctional programs that really correct. On the other hand, public uncertainty and lack of consensus on what constitutes an effective approach will result in weak and inconsistent legislative support for correctional programs. Citizen opposition through lack of understanding can also block implementation of desirable programs even with strong legislative backing.

Almost all studies and experts agree on the changes needed: more in-community facilities like halfway houses; more academic and vocational training in institutions; more work-release programs whereby local business and industry cooperate by providing job opportunities and follow-up counseling services; more separation of offenders not only by type of offenses but by amenability to rehabilitation; and more pooling of state and local facilities.

An informed and active citizenry can do much to bring these about.

BUSINESS LEADERSHIP ESSENTIAL

Training and employment

The importance of employment in the rehabilitation process puts a tremendous responsibility—and opportunity—in the laps of the business community. Businessmen should take the initiative in opening doors to jobs for ex-offenders by:

Providing post- and pre-release employment opportunities in meaningful positions;

Giving appropriate guidance to correctional administrators regarding job trends and anticipated employment openings;

Mobilizing business and public support for improved industrial and vocational training programs in institutions;

Providing volunteer management expertise to advise on curriculum and equipment needed for realistic training; and

Informing the memberships of business associations about the manpower resources available from correctional institutions.

An outstanding example of how businessmen can assist materially in reducing the chances of an ex-offender having to return to crime is Project Transition, a program conducted by the South Carolina Department of Corrections.

In June of 1971, this project began capitalizing on the excellent organizational structure of State and local Chambers of Commerce, the State Chamber, together with several of the local Chambers in Columbia, Spartanburg and Greenville, was actively interested and involved in exploring the possibility of sponsoring a "Safer Communities" project. The project draws upon existing programs, such as the National Alliance of Businessmen and the jobs in the Business Sector (JOBS) program, Project Transition representatives, in cooperation with a number of Chamber of Commerce committees, approached business leaders with the idea of employing ex-offenders under established contractual arrangements of the JOBS program. The proposal has been received with interest and encouragement. Several contracts have been entered into between Project Transition and JOBS to hire and train ex-offenders.

In another dimension to the cooperative efforts between the South Carolina Department of Corrections and the Chamber activities, the State Jaycees are assisting with the department's job development programs by surveying local job markets in many cities in the state on a monthly basis for the best opportunities available for placing ex-offenders.

A similar forward-looking program involving collaboration between the state corrections department, businessmen, and chambers of commerce has been developed in the State of Illinois, and is producing excellent results.

Advice and guidance in employee-management relations

Unions and employee associations are organizing growing numbers of people who work in the field of corrections. Business leaders experienced in collective bargaining negotiations with organized labor can provide helpful guidance and direction to correctional administrators who lack experience and sophistication in labor negotiations and employee-management relations.

Developing positive public attitudes

Citizen groups, with leadership from the business community, can become a powerful force in promoting public interest in, and support for, community-based correctional programs for non-dangerous offenders.

An active and involved citizens group can:

Mobilize public and legislative support for diversified treatment services and alternatives to incarceration;

Stimulate the development of detoxification centers to divert alcoholic offenders out of the correctional system and into facilities with medical services;

Support the establishment of halfway houses and undertake a program to educate the community to the need for these facilities;

Organize volunteers to participate in tutoring programs for offenders;

Initiate a volunteer probation aid program to provide troubled youth with adult guidance and assistance with school work and finding jobs.*

Initiate a similar program to provide persons in institutions periodic contacts with people from the community who can listen to their problems, advise them, and even develop special programs to take institutionalized offenders into their homes and into the community on a well-organized basis.

Support surveys of correctional facilities and services in terms of personnel requirements, standards for the buildings, food, sanitary conditions, treatment of prisoners, rehabilitation services, etc.**

Support improvement and innovation in existing local correctional services. Recommendations of the National Institute of Law Enforcement and Criminal Justice, (the research and development branch of the Law Enforcement Assistance Administration) to improve the quality of treatment and service in local jails and correctional agencies include the following:

1. effective screening and diagnosis of inmates to determine medical treatment needs, and the improvement of medical services to meet those needs;
2. classification of probationers in differentiated caseloads to meet special offender needs;
3. use of volunteers, ex-offenders, and low income persons as probation and parole staff assistants.
4. redefinition of the role of the probation and parole officer as community organizer and advocate for the offender as well as a link to the community service agencies which satisfy the offenders needs.

Encourage other community groups to become involved in corrections reform and to support new correctional programs. The imperfections in our knowledge of the causes of criminal behavior and methods of correcting that behavior will inevitably lead to mistakes and setbacks in our search for new ways to reclaim offenders. The goal must always be to develop or restore in the offender the capacity for lawful productive behavior in the community—a goal for which punishment alone, in our complex, fast moving society, is clearly an inadequate prescription for success.

IN CONCLUSION

Meaningful jobs must be available to the ex-offender to assure his rehabilitation, or the correctional system will fail. *Equal employment opportunities should be extended to all citizens.*

Crime prevention and criminal rehabilitation are economically advantageous to the businessman who hires an ex-offender, as well as to the public, which does not have to pay the high cost of building and operating more prisons, and which benefits from a reduction in recidivism.

Business and community leaders have a responsibility to learn about new correctional methods and to endorse and actively support correctional reform at all levels, state

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*The National Research Center of Volunteers in Courts in Boulder, Colorado has given national leadership to such programs.

**The American Correctional Association has developed a self-evaluation procedure for use by correctional agency personnel and is in the final stages of implementing an accreditation plan—based on the Association's *Manual of Correctional Standards*—for institutions and services. The voluntary accreditation program will be governed by an autonomous accrediting body and will field survey teams to make outside objective evaluations to see if facilities meet correctional standards.

and Federal, as well as in their own community.

All citizens, and particularly business leaders, should work toward a correctional system that really corrects. Such an effort can only serve to help make our communities safer and better places in which to live and work.

GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

Mr. HRUSKA. Mr. President, July 26 is a date worthy of note for many Americans. It is the date when the Order of Ahepa celebrates its golden anniversary.

The Order of Ahepa is a secret fraternal organization which is both nonpolitical and nonsectarian. The word AHEPA stands for American Hellenic Educational Progressive Association.

In the past half-century, the Order of Ahepa has made many contributions to the betterment of American life. Its list of national and international charities is both long and impressive. It includes generous contributions to victims of natural disasters in this country and others, victims of war, and to religious and educational institutions.

I am particularly impressed by the first object in the charter of the Order. That is to promote and encourage loyalty to the United States of America.

If similar organizations fail to do little else in this day and age, that function alone is of great value to our country and our society. It is apparent, however, that the Order of Ahepa does much more.

I am proud to say that Nebraska has four chapters of the Order of Ahepa in Omaha, Lincoln, Grand Island, and Bridgeport.

Other members of the "AHEPA family" are as follows: The Daughters of Penelope, senior women's auxiliary; the Sons of Pericles, junior young men's auxiliary; and Maids of Athena, junior young women's auxiliary.

All of these young organizations work in harmony on a local, district, and national level to attain the declared objectives of their fine fraternal order.

We also have three Nebraskans who have served as past national officers of the Order—Nick Jamson, of Grand Island; Chris J. Kallos, of Hastings; and William G. Nicas, of Omaha.

Congratulations are in order for the Order of Ahepa for the fine work it has done in the past 50 years. I offer the organization my best wishes for continued service to our Nation and to mankind.

A SENSE OF THE FUTURE

Mr. HARTKE. Mr. President, every Member of Congress is cognizant of the upcoming 200th birthday of the Nation. However, it is not enough merely to reflect on our past; we must also look to the future. We must look to the future by continuing to strive for our societal goals within the framework of the timeless ideals for which this Nation stands.

The Chairman of the American Revolution Bicentennial Commission recently made some salient remarks both on our past and future at a meeting of the Congressional Medal of Honor Society.

Mr. President, I ask unanimous consent that the text of those remarks by Mr. David J. Mahoney, chairman of the board and president of Norton Simon Inc., be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

A SENSE OF THE FUTURE

Distinguished members of the Congressional Medal of Honor Society, ladies and gentlemen:

I accept this Patriot's Award in all humility . . . coming, as it does, from men who have proved their patriotism by laying their own lives on the line when the chips were down.

We're honored to have so many ladies with us tonight. There will be those who wonder why no women are included among the fifty Medal of Honor winners on the dais. I have been assured that this group does not discriminate . . . that the Society will welcome its first woman member as soon as the first woman wins the Medal of Honor.

Tonight I'd like to talk with you about an intangible. Something that goes beyond the five senses. It is nothing that you can see, or hear, or feel, or smell, or taste, but it is a sense that makes this nation what it is. I speak of a "sense of the future." Let me get at it this way. One of the great coincidences of American history happened on the fourth of July, when the nation was fifty years old.

John Adams, the nation's second President, a man from Massachusetts who may have done more than anyone to bring about the ratification of the Declaration of Independence by the thirteen colonies, was on his deathbed.

His final thoughts were about the man from Virginia who wrote the Declaration, and who succeeded him as President of the United States. The last words of Adams were, "Thomas Jefferson still lives."

John Adams did not know that a few hours earlier on that fourth of July, Thomas Jefferson's life ended as well. These two founding fathers . . . the guiding spirit, and the author of the Declaration . . . both died on the fiftieth anniversary of its signing.

And yet, in their deepest sense, the last words of Adams were true . . . true then as they are true today . . . Thomas Jefferson still lives.

Jefferson lives in the immortal words of the Declaration he wrote.

He lives as the inspiration to the young people today who attend the university he founded, the University of Virginia, and to young people everywhere who enjoy the right of qualified students to become educated to their fullest potential. And he lives in the character of the American people, who he said always preferred hope to the gloom of despair. At a gathering of the most courageous Americans alive today, it is fitting that we summon up the memory of the men who had a sense of the future . . . men with the courage to believe in the American Dream.

In the words of Winston Churchill, addressing the United States Congress in the last days of World War II, "we have not journeyed all this way across the centuries, across the mountains, across the prairies because we are made of sugar candy."

The new Americans of two centuries ago were not three million strong, but three million weak . . . weak militarily, weak economically.

I ask you to imagine the plain, old-fashioned guts it required back in July of 1776 in the British colony of Pennsylvania for a man to sign a document which immediately upon signing made him a wanted criminal, subject to hanging if apprehended, and which placed in the most serious jeopardy his home, his family and his means of livelihood.

Signing the Declaration of Independence could have meant signing their own death warrants.

Yet, sign it they did, and a new nation was born.

What was it which these people had nearly two centuries ago which enabled them to chart a course which has brought us to the position of the most powerful and most generous nation in the world?

They had the most important force, the most vital presence, that any people can ever have. Not just a consciousness of the past or even a concern for the present. But a sense of the future.

The leaders were young. On Independence Day, Washington was 44, Adams 40, John Hancock 39, Jefferson 33, Madison was only 25, Hamilton 20. The average age of the signers of the Declaration was 43.

Imbued with their sense of the future, they could say, as Jefferson did, that Americans were not "acting for ourselves alone, but for the whole human race." This was an astonishing presumption, yet it turned out to be true.

Imbued with that sense of the future, these men could set down on paper a constitution to secure the blessings of liberty . . . as they put it . . . "to ourselves and our posterity." This, too, was an astonishing presumption for a nation with a ragtag army and an untried economy . . . yet they produced what is now the oldest continuing constitution in the history of the world.

And imbued with their sense of the future, these men were able to compromise their differences and overcome their irritations with each other in a way that established their unity while protecting their diversity.

The nation they created is now entering its Bicentennial era. In just a little over four years' time, we shall celebrate our 200th anniversary.

The task of our Bicentennial Commission is not solely to arrange a big birthday celebration or to set up an exposition displaying our wares.

Fireworks and trade fairs are not in the Spirit of '76. The American Bicentennial must make us conscious of our purpose, aware of our mission, thoughtful about our ideals.

We must call forth the spirit of America, with its reverence for our heritage, its message of today for people everywhere and . . . most of all . . . America's sense of the future.

Let us never forget that the nation and the world we build today are the place where our children's children must live . . . and to the Americans of a century from now, we are the founding fathers.

Let us be remembered by our posterity in the same way we remember our own founding fathers . . . not as men and women whose primary concern was to make their own lives comfortable but as people whose mission in life was to build a better world for generations to come.

In order to do this, we have to stop confusing our goals with our ideals. The goals of America are practical, concerned with solving the problems of today; the ideals of America are timeless, concerned with the human condition for centuries ahead. One goal is to raise our standard of living so that no American lives in poverty.

Another goal is to restore and renew our environment so that we can breathe more freely and live healthier lives. Another goal is to root out the causes of crime and violence in this country so that nobody need walk in fear. Other goals are to close the gap that separates races and generations, to take good care of the handicapped and the helpless, to open the doors of education and job training.

To many Americans, these specific goals present a full plate. But I would suggest that, even after we achieve all these goals, after we clean the plate, there will still be a hunger in all of us, because the essence of America is more than we have; it is what we are.

The American experience over two centuries has been far more than turning plenty of land into a land of plenty. The greatness of this nation has been shown in the meaning we have given to our ideals. There is no mystery about what those ideals are. They are so obvious they are taken for granted: Peace, Freedom, Justice, Opportunity, Individuality.

But when they are considered with a sense of the future, those ideals come alive. Peace in the world of the future has become a genuine possibility for the first time in this century . . . thanks largely to the strength and the courage and the character of people like the brave Americans here in this room tonight.

Freedom in our daily lives, and freedom abroad as well, is on the upswing after a period of eclipse . . . thanks to the determination of the American people and the example they have shown the world.

Justice is a living, growing ideal in this nation, stronger now because we have willingly exposed the injustices of the past and have moved to rectify them.

Opportunity is opening now as it never has before, on a new basis of equality, and tomorrow's technology must be harnessed to expand that opportunity for every working man and woman.

Finally individuality . . . the ability to be your own person . . . is being newly recognized as vitally important to the quality of life, and our children will have even more control of their own destinies than we do today. As Jefferson knew, no man is given an automatic right to happiness . . . but he is endowed with the right to pursue happiness in his own way.

Our goals are important but our ideals are all important; if we forget the ideals on which our future depends in our rush to satisfy the appetites and goals of the present, we shall achieve less, and . . . worse . . . we shall become less.

This nation gained its independence for a reason. The reason was not because we hated our parent country or because we wanted to be alone in the world. The reason we took up the cause then known as "independency" was that we identified ourselves with the deepest longings of mankind, aspirations that could not then be met under any known form of government.

Against all odds, the experiment worked. It is working now. The American Revolution is still underway, just as vibrant and dynamic as ever. And my friends, as long as we have men of courage to rally round America's flag, that Revolution will never end.

Living with a sense of the future, we are adding in the most profound way to the Bill of Rights drawn up by our forefathers. The right to live in peace. The right to more personal freedom. The right to social justice. The right to wider and more equal opportunity. And the right to be your own man or woman.

These are the rights of the Americans of tomorrow, secured by the "Founding Fathers of Today" . . . all of us who live with a challenging, uplifting sense of the future.

One final word, especially appropriate to this audience: our country is described as "the land of the free and the home of the brave." At a time when we hear all too much of the gospel of defeatism and despair, we would do well to remember this. We shall remain the land of the free only as long as we stay the home of the brave. Thank you, and God bless you and God bless America.

THE 50TH ANNIVERSARY OF THE ORDER OF AHEPA—AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

Mr. BUCKLEY. Mr. President, for half a century, the Order of Ahepa has instilled patriotism and the responsibility of citizenship in its members while promoting a more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture throughout this Nation and the world. This admirable fraternal organization has not relied on the resources of our Government, but independently has solicited the support of its members of voluntary and generous contributions toward relief funds for people here and abroad.

By providing for three auxiliary organizations—the Daughters of Penelope, senior women; the Sons of Pericles, junior young men; Maids of Athena, junior women—this group has established an "AHEPA Family" reinforcing the family unit as the backbone of our society. Education, a prime concern of the AHEPA, has been advanced through the awarding of scholarships and scholastic awards the establishment of schools and innovative programs, and the donation of Greek classics to libraries.

Vice President Spiro Agnew, an American citizen of Greek descent and a folk hero to millions, is a member of AHEPA, as are many other outstanding government leaders and men in all walks of life.

The Senate and the people of the Nation should take this opportunity, July 26, 1972, the 50th anniversary of the American Hellenic Educational Progressive Association, to congratulate this dedicated group on its outstanding accomplishments. New York State is proud to boast of the 36 chapters of the AHEPA which have been operating within its borders and contributing to the welfare of our citizens.

LATIN AMERICAN ECONOMIC INTEGRATION

Mr. JAVITS. Mr. President, I have just received a letter from Assistant Secretary of State Charles A. Meyer outlining the position of the administration in support of Latin American integration. This letter is in response to a speech that I made on May 16, entitled the "Crises Facing Regional Integration in the Americas" in which I criticized the lukewarm U.S. support for Latin American integration movements. I welcome Secretary Meyer's policy statement and recognize that with this policy the Department of State emphasizes our support for effective regional economic agencies in contrast with emphasizing strictly bilateral relations with selected Latin American countries to the neglect of policies which would help promote Latin American integration.

In light of events now taking place in the world with particular reference to the agreement signed between the European Economic Community countries and other European countries belonging to the European free trade area—EFTA—which will lead to an even broader industrial free trade zone in Europe, it would be my view that an accelerated integration movement in Latin America is now imperative if Latin America is to take its rightful position in the world. The success or failure of the Latin American integration movement will do much to determine whether Latin America truly will enter the mainstream of the world's future economic relations. In turn, it would be my hope that the administration through its bilateral and multilateral development assistance programs will give a renewed impetus to Latin American regional integration.

I ask unanimous consent that Assistant Secretary Meyer's letter of July 24 and the text of my speech of May 16 be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Department of State,
Washington, D.C., July 24, 1972.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: Recently you made a speech on Latin American economic integration which I found most interesting, and I would like to comment on it briefly. Let me say first of all that I am in full agreement with the main thrust of your speech and appreciate your calling attention to this topic; I would like in addition to comment on some of the specific points that you have made.

It is fair to say that for the past four or five years progress toward a continent-wide Latin American Common Market has not kept up with the goals set out at Punta del Este. Nevertheless, although target dates have been postponed and other slippages will doubtless occur, the older Latin American Free Trade Association continues to function and is making measured, if uneven, progress toward its objective of a regional free trade area. Generally this has been a period of increasing nationalism and self-assertion among Latin American nations. Nevertheless, President Nixon has reaffirmed U.S. support for Latin American economic integration in his policy address of October 31, 1969, as well as in his annual Foreign Policy Reports. Specifically, the Administration has continued to provide financial support to the Central American Bank for Economic Integration and the Caribbean Development Bank, and the United States has voted in favor of Inter-American Development Bank activities in this area. As the President pointed out in the policy address just mentioned, the decisions on the extent and pace of the integration movement are not ours to make, and our position has been that the United States is prepared to assist integration efforts if its help is requested and is needed.

Inasmuch as the most active aspect of Latin American economic integration in the current period is subregional integration, such as the Andean Group and the Central American Common Market, we offered them our support when they requested it. At present the Andean Group is the most dynamic Latin American integration movement. It has maintained its schedule of tariff reductions and other measures called for by the Treaty of Cartagena. As you may already know, following extensive discussions, negotiations concerning a loan to the Andean Development Corporation for subloans to private sector integration projects within the area are expected to begin soon.

With respect to the relationship between the Andean Group and other LAFTA countries, existing LAFTA and Andean arrangements provide a basis for cooperation between them short of adherence of new countries to the Andean Pact. As an example, agreements on industrial products requiring scales of inputs and outputs exceeding the capacity of the Andean subregion may be concluded in the form of LAFTA complementation agreements between LAFTA members adhering to the Andean Pact and other LAFTA members.

In conclusion, I wish to express my personal appreciation for your steadfast and statesmanlike approach to U.S. aid and trade policy toward Latin America. Your assistance has been extremely helpful. I hope that perhaps in the not too distant future we could discuss further these and other aspects of our relationships with Latin America.

With best regards,

Sincerely,

CHARLES A. MEYER,
Assistant Secretary.

THE CRISIS FACING REGIONAL INTEGRATION IN THE AMERICAS

(Address by Senator JACOB K. JAVITS)

I welcome this opportunity the U.S. Chamber of Commerce has provided me to talk about Western Hemisphere affairs. While the attention of our policy makers and the press is directed towards the more vivid threats to world peace, to our constitutional processes and to our system of checks and balances—it is nevertheless likely that the future shape of world society may be influenced as much by what happens in Latin America over the next decade.

The topic of my address is: The Crisis Facing Regional Integration in the Americas. I am aware that continent-wide regional economic integration for Latin America is a subject that is not being pursued actively at this time either by major Latin American governments or by the United States. By economic integration of Latin America, I mean significantly closer economic cooperation between the countries of Latin America leading to the establishment of a Latin American Common Market, actually a customs union with relatively free movement of labor and capital.

While Canada's decision of last week to join the Inter-American Development Bank (IDB) is welcome, Canada continues to tiptoe around the edges of a significant involvement in matters of the hemisphere. One must note that this decision took years and also that Canada still is not a member of the Organization of American States (OAS). Canada is a productive nation—a mature democracy—and needs to play a more significant role in inter-American affairs. With British Commonwealth ties loosening as Britain joins the European Common Market, Canada could play a major and vital role in the affairs of the Western Hemisphere aside from joining the Inter-American Development Bank. A Canadian commitment to the Western Hemisphere is now needed; in bilateral U.S.-Canadian relations, revision of the safeguards in the Automotive Products Agreement and other steps to achieve a proper balance in trade agreements and monetary matters between the two countries are increasingly urgent.

As to Latin American integration, my concern is that a mood may be growing that regards the solemn commitment that the Presidents of the Americas entered into at Punte Del Este in April, 1967, "to create progressively, beginning in 1970, the Latin American Common Market, which shall be substantially in operation in a period of no more than fifteen years" as somewhat of a dead letter.

If this were to happen, it would be a most regrettable development. If this regional integration goal is not pursued at the very time that Western Europe is moving toward a strengthened Common Market and Japan into economic super power status, it is my view that Latin America will have relegated itself to an almost permanent position of economic and political weakness.

In my mind, arguments for Latin American integration remain valid. These include:

1. Integration would make Latin American industry more competitive in relation to the rest of the world, thereby strengthening the Latin American export base for semi-manufactured and manufactured goods where world demand will be buoyant in the years ahead;

2. Integration would justify certain infrastructure projects in Latin America that otherwise would not be justified;

3. Integration would cause import substitution to be looked at on a regional basis and could lead to efficient continentwide industrial planning which would give a considerable impulse to industrialization;

4. Integration would strengthen Latin America's bargaining power re the rest of the world;

5. Integration would permit working toward a multilateral payments union in Latin America; and

6. Integration's above mentioned economic benefits could give an impulse to job creation, political stability and social justice—problems that have plagued Latin America in the modern era.

And, of course, the summation of these preceding benefits—if successfully nurtured—could provide a giant step for Latin America in approaching its century old dream of someday achieving a Latin American political union.

For those of us interested in a broader scheme of Latin American economic integration, the evolution of the Andean Pact grouping to date, while causing some disquiet, also gives grounds for hope. I realize that in Latin America, as well as in the United States, the Andean Pact is controversial, particularly as it relates to the "code of behavior" for private foreign investment. The Andean Pact is also controversial in terms of the effect it will have on the possibility of the broader economic integration of Latin America.

Regarding this latter point, one school of thought strongly questions the economic compatability of this grouping and is concerned that as the Pact grows and strengthens, it will be increasingly difficult to work out smooth relations between the Andean Pact countries and the rest of Latin America. Concern is expressed that industries may be established that—while being optimal in terms of the economic needs of this specific regional grouping—clearly are not optimal in terms of a broader Latin American integration. In other words, it is argued that if the Andean Pact gets in the way of economies of scale, this could be a disastrous development for Latin America.

The optimists—and I include myself as one—are hopeful that Venezuela soon will accede to the Pact and that this act will soften some of the Pact's present rigidities. The accession of Venezuela could help trigger the application of Argentina. As the Pact strengthens, negotiations with the "giants" of the area—Mexico and Brazil—would become mutually desirable and mutually profitable as would negotiations with the Central American Common Market. The evolution of the Andean Pact thus could become the linchpin of a broader integration plan which would replace the relatively defunct Latin America Free Trade Area (LAFTA). This optimistic assessment is clouded by the immense political diversity of the countries making up the Andean grouping. It cannot be doubted that Chile is the present weak link.

The self-made economic problems of Chile are staggering, and the deterioration of the economic situation unfortunately does not seem to have run its course. This rapid economic deterioration is characterized by persistent production problems in both the agricultural and manufacturing sector; accelerating inflationary pressures, mounting product scarcities including essential food items, and a serious foreign exchange crisis aggravated by continuing labor difficulties fomented by the Marxist unions in the major Chilean copper mines. These are the kinds of problems that have political consequences.

I realize that the alleged inappropriate behavior of one major American corporation in Chile—behavior which was not supported by other American corporations in Chile or by the U.S. Government as the Anderson papers made clear—makes it all too easy for political leaders facing a difficult situation to point the finger at a foreign scapegoat. This is a favorite political tactic the world over. But, the tactic must not be allowed to obscure the root causes of the present Chilean economic, social and political problems.

Leaving aside the unique problems Chile is causing the Andean grouping, the whole question of the relationship of the Andean Pact countries to the LAFTA and the Central American Common Market—which is recovering nicely from the disastrous war between Honduras and El Salvador—is an open question. The shape of future relations first with Venezuela and then with Argentina, Mexico and Brazil is also relatively undefined. Beyond this is the question of the future of the relations of the Andean Pact countries and/or a broader economic unit with the other nations and major trading blocs of the world.

Regarding the present role of the United States, in Latin America under President Nixon's "low profile" policy, we can no longer be seen as the colossus of the North, and paradoxically, this now seems to be causing some resentment.

Over the short-term, I share the view that Dr. Joseph Grunwald puts forward in his perceptive new book, *Latin American Economic Integration and U.S. Policy,* that "the United States, because of the Vietnam war and the Congress' attitude towards foreign aid, was in no position to make substantial and definite commitments in support of Latin American integration." I would add that these factors constraining U.S. policy are not likely to alter significantly over at least the short run. New bilateral and multilateral aid programs remain in deep trouble in the Congress, trade preferences remain down the road as long as the present protectionist mood persists and there is an emphasis in the Administration on bilateral relations rather than more ambitious integration plans. It would be my hope that the larger nations of Latin America—Brazil, Mexico and Argentina—would take up the slack and make a more definite commitment to a broader Latin American integration along with Canada and that these relative giants would make the concessions that would be necessary to get a broader integration movement back on the tracks.

Any speech on Latin American integration would be remiss if it did not mention the role of private foreign investment. The fear of foreign domination has had a deterrent effect on the forward movement of regional integration schemes. In my order of priorities, I feel that the protection of U.S. business interest should be subordinate to the U.S. broader economic objectives which hopefully again will include the promotion of Latin American integration as a priority objective.

In viewing the future role of private foreign investment, I think that there are some points on which almost everyone can agree. The first of these areas of agreement is that the developing world will require the transfers of technology that are an inherent element of private foreign investment for a long time to come. Increasingly, I feel the developing world is regarding such transfers of technology as being more important than transfers of capital.

Equally acceptable I hope is the fact that the developing world will have to pay for the technology and capital they receive as these transfers will not descend on the developing world as "manna from heaven." In turn, it is incumbent on the developing world to make a better definition of the areas in which they want technological transfers—and capital transfers.

In viewing new private foreign investment, acceptance also seems to be growing that a joint venture or multinational venture arrangement in many cases is preferable to a 100 percent ownership position. A joint venture immediately creates a vital interest by nationals of the country in the project. The idea of foreign ownership extending into perpetuity is also becoming a casualty of our age. I note that the ADELA and some U.S. corporations have adopted disinvestment policies. Also, it is clear that if takeover situations stir concern in Western Europe and Canada, this concern undoubtedly is heightened in the developing world including Latin America. The recent promulgation of Canadian policy concerning takeovers will not be lost on the nations of the developing world.

Heightened American business sensitivity on matters such as these could go a long way toward alleviating tension between the foreign investor and Latin American nations.

On the legislative front, I do not feel that the broad purposes of any group have been well served by Hickenlooper-type amendments—be they tacked on to our bilateral assistance or multilateral assistance programs.

In my view, just as the Hickenlooper amendment, which affects our bilateral aid has not been an effective policy instrument in our relations with Latin America, I cannot see why the Gonzales amendment affecting our multilateral lending programs should be any more effective.

Finally, in reviewing the foreign investment area, I remain concerned that there are still too many grey areas and a lack of definition continues to lead to unnecessary conflict and at times unnecessary legislation. There are intensive discussions going forward regarding the rules of the game as regards international trade and international monetary matters but, discussions of similar intensity are not going forward—and they should be—as regards private foreign investment with the exception of the Burke-Hartke bill, and this is solely a domestic battle which must be fought and won at home.

I reiterate the suggestion I made in Mexico City approximately one year ago that the United States and Latin America should convene a high-level meeting that would look toward the evolution of a continent-wide private foreign investment policy which would safeguard the sovereign rights of each country. Perhaps such a meeting could then commission a small group of men, representative of the Western Hemisphere, thoroughly to review this matter with a view toward defining the role of private foreign investment and foreign capital and technological and managerial inputs required by Latin America over the next decade. Review of the adequacy of present institutional structures in the private foreign investment area could also fall within their mandate.

It is my view that a multilateral mechanism—a GATT for private foreign investment—to set forth guidelines of behavior both as to obligations and rights by investor and host has never been more essential if the law of the jungle is not to take over in private foreign investment matters, with all the sad consequences this would entail for international and inter-American relations. I will continue working to promote these ideas.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time the time allotted for the transaction of routine morning business having expired, morning business is closed.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The ACTING PRESIDENT pro tempore. In accordance with the previous order the Chair lays before the Senate H.R. 15495, the military procurement bill, which the clerk will state.

The assistant legislative clerk read the bill by title as follows:

A bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, as floor manager of the bill I announce that we are ready to proceed on any amendments. We have finished opening statements on the bill. The Senator from Maine, the Senator from South Carolina, the Senator from Nevada, the Senator from New Hampshire, and I have spoken. We are ready to proceed with amendments. The parliamentary situation is that the mover has to call up his amendment. The manager of the bill, as an adverse step, could call up amendments, but I certainly would not consider anything like that now. I was hoping that the Senator from Iowa could be here and we could proceed to his amendment. I think I shall call him and suggest that.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I am sure that, having discussed this matter with the distinguished majority leader, the leadership joins the distinguished Senator from Mississippi in expressing the hope that Senators who have amendments will come to the floor and promptly call up their amendments and debate them so the Senate can act on them. We do have a busy day and a long day, and this is a difficult bill, and there are several amendments to it. In the interest of progress, I would hope that Senators may come to the floor and call up their amendments.

Mr. STENNIS. Mr. President, I appreciate the expression of sentiments on the part of the leadership. They certainly express the sentiments of those in management of the bill. We are not in the attitude of pressing anyone unduly, but this is the business of the Senate under special order. We are ready. These amendments are important and some of them involve complicated weaponry. So I hope that we can get into the weaponry part and the strictly military part of this bill before we take up matters that at least are semiextraneous. This bill has been under discussion for a year; that is, its broad outlines have been under extensive hearings since January 1 of this year and have received extensive consideration and reports and testimony. I hope we can settle the merits of the items that are in contest within the bill, and then we could go to any other matters that are semi-extraneous, like matters that concern general policy.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW, AND LAYING BEFORE THE SENATE OF H.R. 15495

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from Iowa (Mr. Hughes), there be a period for the transaction of routine morning business for not to exceed 15 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, the military procurement bill, H.R. 15495.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO CALL UP H.R. 13324, MARITIME BILL, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow it be in order, no later than 5 o'clock p.m., for the distinguished majority leader or his designee to be recognized to call up the maritime bill, H.R. 13324, making it the second track item, and that the unfinished business, H.R. 15495, the military procurement bill, be temporarily laid aside, and that it remain in a temporarily laid aside status until disposition of the maritime bill, H.R. 13324, or until the close of business tomorrow, whichever is the earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION OF STATEMENTS DURING MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

The ACTING PRESIDENT pro tempore. Before calling the roll to ascertain the presence of a quorum, did the distinguished Senator from West Virginia desire to place a limitation on the length of Senators' speeches during morning business tomorrow?

Mr. ROBERT C. BYRD. Yes. I thank the Chair.

Mr. President, I ask unanimous consent that there be a 3-minute limitation on statements during morning business tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 310 Leg.]

Allen
Beall
Bellmon
Byrd, Robert C.
Mansfield
Packwood
Saxbe
Smith
Spong
Stennis

The ACTING PRESIDENT pro tempore. A quorum of the Senate is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Chair directs the Sergeant at Arms to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Bayh
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. GRAVEL). A quorum is present.

The pending business is H.R. 15495.

The bill is open to amendment.

What is the will of the Senate?

ORDER FOR DIVISION AND CONTROL OF TIME ON S. 5

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 5, a bill to promote the public welfare, is called up and made the pending business, there be 1 hour on the bill to be equally divided between the manager of the bill and the distinguished Senator from New York (Mr. JAVITS), 1 hour on any amendment, with one-half hour on any amendment to an amendment, debatable motion or appeal, the time on each to be equally divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

THE F-14 AND F-15

Mr. INOUYE. Mr. President, last fall, I spoke to the Senate, expressing my concern over the confusing and contradictory information pertaining to our new advance technology fighter aircraft, the Navy F-14. At that time, I stressed very strongly the great problem of concurrency that existed between development and production. I further stated that the Defense Department, through some of its secretaries, had also strongly expressed that concern. The Grumman Corp. had many times during congressional testimony made reference to the concurrency of development and production as a major problem and the chairman of the House Appropriations Committee has written to the Secretary of Defense with reference to the concurrency problem stating:

> This (the concurrency problem) has been admitted by the Navy and by the Deputy Secretary of Defense.

In concluding my remarks, I strongly suggested that no further procurement money be made available for additional F-14's until the research and development program was further advanced.

Since that time, I have had occasion to learn of some of the many problems that have plagued the development of the Air Force F-15. As many of you know, this is an entirely new airframe; a new engine, a complete new avionic system, all to be developed and produced simultaneously. Results are proving this to be a completely ridiculous attempt. Only three of the 34 manned fighter bomber weapons systems developed in this country since the Korean war that had similar simultaneous developments ever reached full production without very major and significant problems. The F-15 progress to date completely substantiates all of this.

I am advised that the wind tunnel testing, conducted by NASA, shows that the aircraft is spin prone. For further information, actual flight test data must be made available. There is a speed brake, a very large door that raises vertically immediately behind the cockpit, and creates airflow disturbances over both vertical fins. I am told that the very narrow main landing gear has crosswind problems, requiring test pilots to obtain special training in similar landing gear aircraft. This, I am also advised, is highly unusual. I am further advised that because of the positioning of the M-61 gun, its firing will produce radical yawing of the aircraft. As you may be aware, the F-15 has not yet been flown, but since its initial tests, the F-15 has had considerable difficulty with stability and flutter problems and it is expected these will require a great deal of time to resolve. I am not, as all of you well know, an aeronautical engineer, competent of judging the effects of some of these problems; but in seeking advice from those who do seem to have competence, I am advised that these are of serious concern.

The advance technology engine—which, by the way, is also scheduled for the F-14-B, the aircraft the Navy really wants—was originally planned for production last year and only a limited quantity of this original design will be built, and then only to permit early flight tests of the F-15 to proceed. It is common knowledge that these engines have serious deficiencies in thrust and fuel economy and have been plagued with an unusually high number of failures—at least five since March of this year. I understand that an alternate design is being tested and, if successful, will go into production for the F-15. I am advised, however, that, at the very earliest, this engine will not be ready for production release until late spring or midsummer of 1973. Quite obviously then, no further production of F-15 aircraft should be permitted until the early flight tests have been conducted, including sufficient engine testing of the production versions, with sufficient justification in both categories that warrant the procurement of production aircraft.

Although this F-15 information is no great secret in the Pentagon, and I am sure within this administration, I was unable to understand why very little of this appeared in testimony before the Congress; nor do we read or hear through the news media of any of the F-15 problems. I listened to our Secretary of Defense, Mr. Laird, on the Today program last Thursday, July 20, and only at that time began to realize the full impact of intrigue that existed with respect to the F-15. Secretary Laird stated, in effect, that his chief interest lay with the F-15, because it was the first major, new procurement contract entered into while he was Secretary. He stated he inherited the F-14, the C5-A, and the F-111 contracts from Defense Secretaries McNamara and Clifford and Presidents Johnson and Kennedy. He further stated he was quite anxious for the F-15 to go forward and that his Department had better cost estimates on the F-15; and that the project was moving forward very well. I cannot believe that the Secretary can be all that poorly informed and if I can assume this to be true, I hesitate then to accept the alternative. I realize in our system of a democratic form of government, some decisions must of necessity be weighted by political considerations, but

I would hope this would not be true when matters of such great importance as the ability of this country to defend itself are involved.

The F-14 is considerably behind schedule, has lost two aircraft during flight testing, and has yet to have our military evaluate the complex avionics and fire control system. Quite obviously, here again we need research and development, not production. Nevertheless, the Navy is asking for 48 additional aircraft in fiscal year 1973, even though 86 aircraft have, as of now, been ordered and will be delivered. With the problems now known to exist with the advance technology engine, for both F-15 and F-14-B, there is even further justification to prevent additional procurement "buys" until more satisfactory answers are available.

I am strongly recommending that in fiscal year 1973, no money be provided by the Congress for procurement of F-14 and F-15 aircraft. I do not believe this will impose any significant delay upon the programs since the production scheduling for each aircraft is known to be considerably below target.

In brief, I am strongly recommending that no money be provided for production purposes of aircraft whose value is still a question mark. I am hopeful that further research and development will prove both aircraft to be highly satisfactory; but until we have that information, I would propose that research and development be the only avenues where money may be well spent at the present time with respect to these two programs. I believe we can reduce the defense budget by approximately $1 billion through this action. We will in no way have harmed the defense position of our country since the delays have already been imposed by unforeseen problems in attempts to produce both aircraft.

AMENDMENT NO. 1337

Mr. HUGHES. Mr. President, I have an amendment at the desk on the pending legislation which I would like to ask to have the clerk report.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1337) is as follows:

On page 23, after line 5 add the following new section:

SEC. 605. It is the sense of the Congress that the classification imposed on certain information reported to the Congress is unnecessary and that public disclosure thereof would not be harmful to the national defense or foreign relations of the United States. Accordingly, the President shall, within thirty days after the date of enactment of this Act, take such steps as may be necessary to remove the security classification from, and publicly disclose (1) the number of aerial attack sorties conducted each calendar month after December 31, 1964, through the end of the calendar month immediately prior to the month in which this Act is enacted by United States aircraft against targets in each of the following countries: the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, and Thailand, and (2) the tonnage of munitions expended in each such country in each such calendar month. Beginning on the tenth day of the calendar month following the month in which this Act is enacted, and not later than the tenth day of each calendar month thereafter, the President shall publicly disclose (1) the number of aerial attack sorties conducted by United States aircraft during the preceding calendar month in each of the countries named above, and (2) the tonnage of munitions expended in each such country in each such calendar month.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HUGHES. I am happy to yield.

Mr. ROBERT C. BYRD. Mr President, it is my understanding, after discussing the amendment with the distinguished mover thereof and the distinguished manager of the bill, that an agreement limiting time on this amendment to 1 hour would be agreeable.

I therefore ask unanimous consent that there be a time limitation on this amendment of 1 hour, to be equally divided between the distinguished mover of the amendment (Mr. HUGHES) and the distinguished manager of the bill (Mr. STENNIS).

The PRESIDING OFFICER. Is there objection? Without objection. it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield myself such time as I need for an opening statement.

Mr. President, several weeks ago I introduced as a separate bill S. 3729, the Air War Disclosure Act. Since the pending defense authorization bill deals directly with the subject matter of this legislation, I believe that now is an appropriate time to consider what information about our military activities should be made available to the American people. Therefore, I am offering the substance of that bill as an amendment.

Now that the major U.S. military activity in Indochina is an air war, I believe that the American people deserve to be fully informed as to its nature and extent. Instead of incomplete dribbles of data, they need regular reports.

The old yardstick of U.S. troop strength in Vietnam is no longer meaningful, for there are now nearly twice as many Americans fighting the war from outside Vietnam as from inside. The number of Americans launching attacks from offshore has been more than doubled since January; the number of Americans in Thailand has increased by 50 percent, including some units transferred directly from bases in Vietnam.

Nor is the weekly death toll any longer an appropriate measure of the severity of the air war, despite the fact that during the past 3 months one American has been killed each day, on the average, and one more American has been added to the list of those missing in action.

A better measure of the air war is that, during the same period, one American has been captured every 3 days. And the estimated cost of the planes and helicopters lost is $539 million.

These indicators are useful and already available, but I believe that we need a new, regular, and consistent yardstick in order to measure how much the war is escalating or, if we ever reverse the trend, how much it is winding down.

At the present time, the only unclassified information on the air war consists of monthly figures on U.S. air sorties inside South Vietnam. Monthly bomb tonnages for all of Indochina are available only after persistent calls to the Pentagon, rather than from periodic news releases.

These figures are hardly adequate. According to the recent "Staff Report on Vietnam," prepared for the Foreign Relations Committee, only 8 percent of U.S. air sorties are now flown in South Vietnam. In other words, the bulk of the air war—92 percent—is conducted within the shrouds of secrecy.

The American people do not know how often or how heavily we are bombing Laos, Cambodia, and North Vietnam. These sortie and tonnage figures are provided to the Armed Services Committee, but are labeled "secret." And despite the passage of time and the revelations of documents on the Vietnam war, we still have not been told the sortie and tonnage figures, by country, for the early years of this conflict.

I find it inconsistent and beyond explanation that the Defense Department can declassify the total sortie figures by country for 1970 and 1971 and yet refuse my requests to declassify the monthly and yearly figures for previous years. Yet that is what happened with another staff report for the Foreign Relations Committee, this one on Thailand, Laos, and Cambodia.

When I pointed out this inconsistency and repeated my request for declassification, Assistant Secretary Doolin wrote back:

> Unfortunately, there are no unclassified Department of Defense records of Southeast Asia tactical air sorties, other than those which were finally approved for publication in the Senate Foreign Relations Committee Report.

This was only the most recent exchange in a continuing effort I have made to get the facts about this war before the American people.

In hearings several months ago before the Armed Services Committee, I asked the Defense Department: Since enemy intelligence is assumed to know the level of bombing, what reason is there for continuing to keep these figures classified?

The official answer was:

> The enemy may be developing precise data concerning our air activity in SEA through his own system. But public release of such information would tend only to fill the gaps and eliminate errors in the enemy's system and we do not believe it prudent to provide confirmation and validation to the enemy. This policy applies as well to after-the-fact discussions of specific numbers of aircraft, sortie rates in specific target areas, and other specific or air tactics. The disclosure of this detailed information would enable the enemy to confirm trends, patterns and capabilities and would greatly aid enemy air defense planners.

I find that answer difficult to accept, Mr. President. Information on years prior to 1972 certainly can have no bearing on enemy air defense planners now. And as for current data I wonder if the daily announcements out of Saigon—such as "350 missions yesterday against targets in North Vietnam just above the DMZ" or "20 B-52 missions near Kontum"—might not be far more valuable to the other side than monthly figures for each country. The trouble with the daily figures is that they are not comprehensive or complete. Only monthly figures would provide the necessary yardstick without jeopardizing the men involved in these activities.

I would have preferred that this matter of declassification be settled without resort to legislation. But after weeks of letters, questions, and phone calls from my staff, the Defense Department remains unmoved.

No issue of executive privilege is involved here, since the information in question is already furnished to the Congress. But until we strip away the "secret" label, we cannot discuss the significance of these figures and what they reveal.

Both the Congress and the people need to know by how much the war is escalating or winding down. Monthly figures are necessary if we are to measure, for example, this year's response to the dry season offensive compared with previous years. The figures are also useful if we are to check the level of bombing along the trails against the level of infiltration. Breakdowns by country are necessary if we are to judge whether existing legislative restrictions on U.S. involvement and commitments are being observed.

What I propose, Mr. President, is an amendment declaring that certain information now given the Congress is unnecessarily classified and that public disclosure would not be harmful to the national defense or foreign relations of the United States. This measure would then direct the President to remove the security classification from this information back through 1965 and to begin regular monthly disclosure of the number of aerial combat sorties conducted by the U.S. aircraft against targets in North Vietnam, South Vietnam, Laos, Cambodia, and Thailand, as well as the tonnage of munitions expended in each country.

I include Thailand, Mr. President, so that we will not be guilty of an oversight—or kept in the dark about a new war—if the current insurgency in that nation should ever prompt combat air involvement by American forces.

In order to provide a time lag necessary to insure that no tactical benefit will accrue to our opponents, the law would provide that figures need not be released until 10 days following the end of each month.

I recognize, Mr. President, that the figures which would be required under this amendment would not tell us all we really want to know. They would not tell us whether some of the strikes are unauthorized, nor whether dams and dikes are actually being bombed, nor whether the targets struck are military rather than civilian.

But if we are to have a yardstick by which to measure this war, these figures must be open to public scrutiny and debate. Instead of partial leaks or unauthorized disclosures of such classified information, I believe that the Congress can legislate a determination that public disclosure of these facts is not harmful to—and on the contrary is necessary for—the American national interest and our involvement in Southeast Asia.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself such time as I may use in response to the remarks of the Senator from Iowa.

This amendment is based on the bill (S. 3729) introduced by the Senator from Iowa on June 20, 1972. We referred that bill to the Secretary of Defense and the Secretary of State for evaluation from their viewpoint, which is customarily one of the first steps we take, and we have not had a response from either of them yet.

Mr. President, this is an important matter. I have not made any final conclusion myself as to what should be done about the points the Senator has raised. I have not had a chance to go into his bill except through listening to his discussion here, and giving a little attention to the matter when it was filed as an amendment to the bill. It is highly important from this standpoint: There should be a report from time to time about these activities, and the committee does receive such reports for the benefit of the entire membership of Congress. The Senator's bill, however, goes further than that and makes it mandatory that we have periodic reports, which would considerably box in the Department of Defense and leave them little discretion within that field for making determinations as to what might be advantageous to the enemy.

That is a prerogative and a responsibility, of course, of the President of the United States, and I know that the Senator from Iowa wants to stay within bounds on that principle of government as well as the practical side, and everything that goes with it.

As I say, I have not reached any final conclusion of my own as to how much further we should go beyond the present situation, but I would like to see the matter explored further. We are dealing with matters now which are related in a degree, and a substantial degree, to the matter of these raids, and I think the development of those matters will shed additional light upon this subject. My idea would be that the best way to get at the matter is to see what additional light we may get from the related issues that the committee is now pursuing, and then, if the Senator from Iowa or the members of the committee thought that there should be further hearings to explore this question and how far we should go. As chairman of the committee I gladly state that we would provide such hearings within all reasonable bounds to further develop just what the facts are. It would be my purpose, then, for the committee to take those developed facts and try to make a sound judgment, whichever way it might go, which, of course, I do not know. Then we would have the whole matter developed for the information of the Senate.

I think that would be a better course. I think that would be the better course to pursue here to get to the real merits of the problem and offer better prospects for recommending sound legislation on the subject.

I know the Senator's great interest in the matter. Furthermore, he has made a great contribution in this field, and I commend him for it. I know him well enough to know he is going to pursue it further. I have stated my position as I see the matter, and would be glad to hear the Senator's reaction.

Mr. HUGHES. Mr. President, if the Senator will yield, I am happy to state that this particular amendment, as he has properly stated, is the essence of the bill, S. 3729, which, as the distinguished chairman of the Armed Services Committee indicated, I introduced on or about June 20.

I have been well aware of the burdens that the chairman, the committee, and its subcommittees have been undergoing, with hearings every day, still going on, in matters that it is essential to bring before the Senate as soon as possible.

In discussion with the chairman of the committee about this amendment, I indicated to him that my preference was to have hearings and have the matter considered as a bill, rather than take it up on the floor as an amendment to this particular piece of legislation. I agree that there are matters involved which should be heard clearly and fairly on both sides before any final conclusions are reached, and that the best way to make determination of the matter would be through the process of such hearings.

If the chairman of the Armed Services Committee is prepared to give me some assurance that as soon as it is reasonably possible to conduct such hearings—and I say reasonably possible because I have no intention of being unreasonable, with the schedule that I know the committee has ahead of it—then I would be willing to consider the possibility of withdrawing the amendment at this time, with those assurances.

Mr. STENNIS. The Senator is very reasonable, I think, in his position about this matter. I know he wants to get into it in depth and on the merits, which, I think, will certainly have to be done before the membership of the Senate could intelligently pass on the matter on the Senate floor.

I restate my intention, in connection with the matters now under consideration by the committee that do relate to the same general subject matter, with which the Senator is familiar, that when we get further along toward disposing of those, we will then move into this area of having such additional hearings on the subject matter he has in mind as may be considered desirable, reasonable, and necessary. Then the committee will have the facts and may proceed as it sees fit on prospective legislation.

I will go as far with that as I can, consistent with the circumstances the Senator has mentioned. I would not want to name a date now, but there will certainly be no dragging of the feet, as we use that term.

Mr. HUGHES. The Senator from Iowa, Mr. President, is not asking the distinguished chairman to name a date, and I am more than willing to accept, under the circumstances, his assurance that, as soon as it is reasonably feasible, this matter will be gone into; that is, the subject matter of S. 3729, which is still pending before the Committee on Armed Services.

I would like to point out, Mr. President, before withdrawing the amendment under these circumstances—and I am willing to withdraw it with these assurances of the chairman—that I do not believe this particular piece of legislation risks at all in any way the security of the United States of America; but these matters will be brought out fully in hearings before the committee, and those who oppose the legislation will then have the opportunity to state why in full hearings, as well as those who support it, and the reasons for it.

So, Mr. President, under those circumstances, I ask unanimous consent to withdraw the pending amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendment is withdrawn.

Mr. STENNIS. Mr. President, if I may say one additional word, I think the Senator has adopted the better course and the wiser course here with reference to this problem and this matter of legislation. I wanted to mention further that our committee does have briefings every Tuesday morning by competent military authorities with reference to the developments in the war during the preceding week.

Since we returned from the recess, we have had hearings each day, as the Senator pointed out, including Tuesday of last week and today, Tuesday of this week. But we will resume the weekly hearings next Tuesday morning, in the regular committee room. That is for the information of the Senator or anyone else who is interested.

Mr. HUGHES. Mr. President, I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, I state again the attitude of those who are handling the bill. We are ready to take amendments as they come. We urge Senators—and I state this for the RECORD—to get at the amendments now that go to the merits of the major items that are already in the bill and to defer extraneous matters to a later date. I am thinking in terms that perhaps we are going to get into some of these major matters—one tomorrow and one the next day, although there have been no final agreements so far. We are ready to consider any additional amendments, and I would appreciate a chance to confer with any Senator who wishes to bring up one.

The PRESIDING OFFICER. The Chair also is ready for additional amendments. Otherwise, we will go to third reading.

Mr. STENNIS. The time will come when we will have to ask for third reading, unless there is more willingness to present amendments.

With reference to the two major amendments I have mentioned, I asked that one of them be put off until tomorrow, anyway, and on the second one I have been negotiating for something on Thursday.

I appreciate the Senator from Iowa coming here and giving such complete attention to this amendment this morning. It helped the situation considerably.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHWAY EMERGENCY RELIEF

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on H.R. 15950, that the bill be read a first and second time and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The Chair has not received the bill from the House of Representatives.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair. I was under the misunderstanding that the bill was at the desk.

Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, would the Senator withdraw that?

Mr. ROBERT C. BYRD. Mr. President, I withdraw my suggestion of the absence of a quorum.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, may I inquire of the Presiding Officer if S. 2945 has been reported back from the House with an amendment thereto?

The PRESIDING OFFICER. The Senator is correct. The bill is at the desk.

Mr. STENNIS. Mr. President, I state to the leadership that that is a small bill. It is a Senate bill which went to the House and was amended. The amendment seems entirely satisfactory. The matter has been cleared with the leadership. If we take that measure up we might pass it.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

APPOINTMENT OF CERTAIN PERSONS TO THE SERVICE ACADEMIES

Mr. STENNIS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2945.

The PRESIDING OFFICER (Mr. BENTSEN) laid before the Senate the amendment of the House of Representatives to the bill (S. 2945) to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies which was to strike out all after the enacting clause, and insert:

That title 10 of the United States Code is amended as follows:

(1) Section 4342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

(2) Section 6954(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

(3) Section 9342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

Mr. STENNIS. Mr. President, on July 17, the House of Representatives passed the bill S. 2945, to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies, with an amendment in the nature of a substitute. The bill as originally passed by the Senate made eligible for competitive Presidential appointment to the three service academies the sons of members of the Armed Forces who are prisoners of war in Vietnam or who are otherwise in a missing status as presently defined by law. The amendment of the House includes for the purpose of the legislation, sons of civilian employees of the Federal Government who are in a missing status or prisoners of war.

For the information of the Senate, at the present time there are 10 full-time civilian employees of the Federal Government who are prisoners of war or who are otherwise in a missing status. I see no objection to their inclusion in this bill, and I have conferred with Senator SMITH, the ranking minority member, on this matter. The Department of Defense supports the purposes of the bill as amended.

I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT TO LIMIT TIME ON SAXBE AMENDMENT 1336 AND FOR THE AMENDMENT TO BE MADE THE PENDING QUESTION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as amendment No. 1336, to be proposed by Mr. SAXBE to H.R. 15495, is made the pending question before the Senate, there be a time limitation on that amendment of 5 hours, to be equally divided between the distinguished mover of the amendment (Mr. SAXBE), and the distinguished manager of the bill (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I wish to inquire of the distinguished manager of the bill and the distinguished mover of the amendment with respect to time on any amendment to the amendment. Would they be agreeable to limiting time on such to 30 minutes, to be divided between the mover and the author of the basic amendment?

Mr. STENNIS. Suppose we make that 1 hour.

Mr. ROBERT C. BYRD. Is that agreeable to the Senator from Ohio?

Mr. SAXBE. Yes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any amendment to the amendment by Mr. SAXBE, debatable motion, or appeal in relation thereto be limited to 1 hour, to be divided between the mover of such and the distinguished author of the amendment, unless the author of the amendment is in favor of such, in which event the time be under the control of Mr. STENNIS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of routine morning business, amendment No. 1336 by Mr. SAXBE be made the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, reserving the right to object, will the Senator withhold his request?

Mr. ROBERT C. BYRD. Mr. President, I withhold my request.

Mr. STENNIS. I was interrupted. As I understand under the unanimous-consent request 2½ hours was the time allotted to each side. Is that correct?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. STENNIS. On the amendment he gave by number.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. STENNIS. I thank the Senator. I thank the Senator from Ohio, if I may express thanks to the Senator from Ohio, for his fine attitude and his cooperation in getting ready and speeding along this bill.

Mr. ROBERT C. BYRD. I thank the able Senator from Mississippi and the able Senator from Ohio.

UNANIMOUS-CONSENT AGREEMENT ON H.R. 15690, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, with reference to the time agreement previously entered on the bill H.R. 15690, a bill making appropriations for the Department of Agriculture, the time on the bill be divided between and controlled by the distinguished Senator from Wyoming (Mr. McGEE), manager of the bill, and the distinguished ranking Republican member on the Subcommittee on Department of Agriculture Appropriations (Mr. HRUSKA); that time on any amendment be equally divided between the mover of such and Mr. McGEE; that time on any amendment to an amendment be divided between the mover of such and the author of the basic amendment, except in instances in which the author of the amendment favors it, in which case time in opposition thereto be in control of the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any debatable motion or appeal in relation to the bill be divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1 o'clock p.m. today.

The motion was agreed to; and at 12:39 p.m. the Senate took a recess until 1 p.m.

Whereupon, at 1 p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. BENTSON).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bill in which the concurrence of the Senate is requested:

H.R. 13366. An act to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates after extensive inventories containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes;

H.R. 15950. An act to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters; and

H.R. 15951. An act to authorize the Secretary of the Army to undertake a national program of inspection of dams.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the bill (S. 1152) to facilitate the preservation of historic monuments, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 13366) to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates after extensive inventories containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ORDER FOR LIMITATION AND CONTROL OF TIME ON AMENDMENT NO. 1348

Mr. ROBERT C. BYRD. Mr. President, at such time as amendment No. 1348, to be proposed by the distinguished Senator from Texas (Mr. BENTSEN) to the unfinished business H.R. 15495, is called up and made the pending question before the Senate, I ask unanimous consent that time thereon be limited to 7 hours, to be equally divided between and controlled by the distinguished mover of the amendment (Mr. BENTSEN) and the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS); provided further that time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such amendment and the distinguished author of the amendment in the first degree, the Senator from Texas (Mr. BENTSEN), except in any instance in which the Senator from Texas would favor such, in which case the time in opposition thereto be under the control of the distinguished manager of the bill; provided further, that time on any debatable motion or appeal in relation thereto be limited to 30 minutes, to be equally divided between and controlled by the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

ORDER TO LAY BEFORE THE SENATE ON THURSDAY NEXT THE UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Thursday next, at the conclusion of routine morning business, the Chair lay before the Senate the unfinished business, S. 15495.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection it is so ordered.

ORDER TO LAY BEFORE THE SENATE ON THURSDAY AMENDMENT 1348 BY THE SENATOR FROM TEXAS, MR. BENTSEN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday next, at the conclusion of morning business, when the unfinished business H.R. 15495 is laid before the Senate, the amendment by the Senator from Texas (Mr. BENTSEN) No. 1348 be laid before the Senate and made the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I want to commend and thank the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) for working on matters here and getting agreements with reference to votes today.

I have already referred to the distinguished Senator from Ohio who cooperated splendidly with us in discussions and debate and voting for Wednesday.

Now I want to express thanks to the distinguished Senator from Texas (Mr. BENTSEN) for his fine attitude and cooperation and pushing himself to get ready for his part in this debate. I do not welcome him as an adversary, but I do welcome him as a man to work with on matters here both in committee and in this Chamber. The same goes for the distinguished Senator from Ohio. They are both valuable members of the Armed Services Committee.

We are making real progress here, due to the work and efforts of the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) and the willingness of those who have these major amendments to come in and engage in debate thereon.

Mr. ROBERT C. BYRD. Mr. President, I share the expressions of appreciation of the distinguished Senator from Mississippi (Mr. STENNIS) regarding the distinguished Senator from Texas (Mr. BENTSEN).

I also wish to express appreciation to the distinguished Senator from Missouri (Mr. SYMINGTON), the distinguished Senator from California (Mr. CRANSTON), and other Senators, for the splendid cooperation they are rendering with respect to reaching agreements on these difficult amendments.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY PENDING BUSINESS TEMPORARILY ASIDE AND TO PROCEED TO THE CONSIDERATION OF FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the hour of 2 o'clock the pending business be laid aside temporarily and that during that time the Senate turn to the consideration of Calendar No. 827, S. 5, a bill to promote the general welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF MARINE MAMMAL PROTECTION ACT OF 1972 TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposition of S. 5, the Senate then turn to the consideration of Calendar No. 824, S. 2871, a bill to protect marine mammals, to establish a Marine Mammal Commission, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEE ON VETERANS' AFFAIRS TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORT ON S. 2161

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs have until midnight tonight to file its report on S. 2161, the Veterans' Education and Training Assistance Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR ADDITIONAL APPROPRIATIONS NECESSARY AS A RESULT OF RECENT FLOODS AND DISASTERS

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished senior Senator from West Virginia (Mr. RANDOLPH), and having cleared the request with the other side of the aisle, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on H.R. 15950, that the Senate proceed to first and second readings of the bill, and that the Senate then proceed to the immediate consideration and final passage thereof.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 15950, which will be read the first time by title.

The second assistant legislative clerk read as follows:

> A bill (H.R. 15950) to amend section 125 of title XXIII, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters.

The PRESIDING OFFICER. The Clerk will read the bill a second time by title.

The bill was read the second time by title.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 15950) was ordered to a third reading, was read the third time, and passed.

AUTHORIZATION FOR SECRETARY OF THE ARMY TO UNDERTAKE A NATIONAL PROGRAM OF INSPECTION OF DAMS

Mr. ROBERT C. BYRD. Mr. President, at the request of my distinguished senior colleague from West Virginia (Mr. RANDOLPH), and having cleared the matter with the leadership on the other side of the aisle, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 15951, that the Senate proceed to second and third readings of the bill, and that the Senate then proceed to the immediate consideration and final passage thereof.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 19591, which will be read a first time by title.

The legislative clerk read as follows:

A bill (H.R. 15951) to authorize the Secretary of the Army to undertake a national program of inspection of dams.

The PRESIDING OFFICER. The clerk will read the bill a second time by title.

The bill was read the second time by title.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 15951) was ordered to a third reading, was read the third time, and passed.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATION, 1973

AMENDMENT NO. 1349

Mr. CRANSTON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill, add a new section as follows:

SEC. — (a) Notwithstanding any provision of this or any other Act, all United States military forces, including combat and support forces, stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam no later than October 1, 1972. No funds shall be authorized, appropriated, or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam after October 1, 1972.

(b) The involvement of United States military forces, land, sea, or air for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after an agreement for (1) a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front, and

(2) the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government, and

(3) an accounting for all Americans missing in action who have been held by or known to such Government of such forces. An accounting for such American personnel referred to above shall be subject to verification by the International Red Cross or any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

Mr. CRANSTON. Mr. President, this amendment embodies the language of the original Mansfield language in the military assistance bill, with the exception that the date has been changed to October 1, 1972.

The Senator from Montana has provided great leadership to this body and to the country in seeking to legislate an end to the Vietnam war, and I am delighted to place before the Senate the exact language he originally submitted, with that one change.

Last night it became apparent that, in response to the tragedy of Vietnam, the demands of our people, and the need for peace, a strong majority of the Senate feels that the time has come for Congress to act to seek to end this war. There were some confusing aspects to some of the rollcall votes, but as many as 63 Senators voted at one point for an amendment relating to ending the war. It is evident that 49 or 50 were very solid in their views on this matter.

The whole matter fell by the wayside in another series of confusing votes when I think some Senators were not exactly aware of what would be the consequences of certain votes; and the final vote was taken after many Senators had left the Chamber, not knowing that there would be one more vote on this vital matter.

My submission of this amendment, in effect, reconstitutes the situation as it existed before and gives us now an opportunity, on the pending bill, once again, to work our will in seeking to use the authority vested in us by the Constitution to exercise a responsibility which I feel that we, as Senators, must exercise to seek to bring an end to this war.

We do not know who will be the President of the United States next year. One of the men seeking the Presidency states that he will end the war and will stop the bombing the day of inauguration and have all our troops out and our prisoners of war home within 90 days thereafter. The other man seeking the Presidency again offers an open-ended situation, one that leaves open the question as to when, if ever, the war will end.

I yield to the Senator from Massachusetts.

AMENDMENT NO. 1347, AS MODIFIED

Mr. BROOKE. Mr. President, I send to the desk an amendment and offer it as a substitute amendment to the Cranston amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

In lieu of the language proposed to be inserted by the amendment of the Senator from California (Mr. CRANSTON) No. 1349, insert the following:

"SEC. 13. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act: *Provided*, That there is a release within the four month period of all American prisoners of war held by the Government of North Vietnam and all forces allied with such Government."

Mr. BROOKE. I thank the distinguished Senator from California.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I should like 2 or 3 minutes before 2 o'clock. I understand that this bill will be temporarily laid aside and that we will go to another bill at 2 p.m. The Senator from California has the floor, and I should like him to save me about 2 minutes.

Mr. CRANSTON. I yield to the Senator whatever time he wishes.

Mr. STENNIS. I thank the Senator.

Mr. President, I do not have any special response now to these amendments. We launched on a good program here this morning, of trying to get before the Senate the military contents of this military weapons procurement and research and development bill. That is primarily what the bill it. It represents the effort of 6 to 8 months on the part of the committee. There is a tremendous amount of interest in the bill among Senators, and I think there is tremendous interest in this bill throughout the country, with respect to it being passed in some form we can agree upon and getting it to conference and back, so that the Nation's defenses can move forward.

I welcome debate on any phase of the bill. I hope the major contents of the bill can be disposed of first. I think that would be best for all parties and for the soundness of the bill. After that has been done, I would be willing for any Senator—of course, I could not be other than willing, but I actually am willing—to bring up any amendments that are partly extraneous matter, and we will have debates and pass on them. But I do continue my plea that we move forward now and dispose of the contested part of the bill.

We already have an agreement for a vote on the carrier tomorrow and for a vote Thursday on what is now known as the Trident. We are looking forward to that. I do not see why we cannot finish the military contents of this bill this week. Then we could go into this amendment, if it is agreeable with the Members, and other amendments on related matters next week. We will be prepared as best we can when this comes up.

I thank the Senator for yielding.

Mr. CRANSTON. I thank the Senator for his comments. I should like to ask the Senator one question:

We did debate this entire matter at great length. We debated the exact content of what is now before the Senate, both in the form in which I submitted an amendment just now and in the form in which a substitute has been presented by the Senator from Massachusetts. So that every Senator knows the substance. Every argument that could be thought of yesterday was stated at least once; some arguments were stated many times.

It seems to me that it might be well to

have a vote on this matter as soon as possible, while memories are fresh and while we know exactly what we are doing. If possible, I would like to see if we could work out an agreement to bring up this amendment, and I would be delighted with a time limit before all the other amendments that relate to military weapons, and so forth, have been brought up and considered. Would the Senator be willing to work out such an agreement?

Mr. STENNIS. I am always willing to consult with the Senator from California or anyone else on the business of the Senate. I have outlined briefly what to me seems to be the better course. But those things rest with the Senate, and I will confer about them. I believe that we can finish the military part this week and will have a better chance to debate the other part next week.

The Senator from California already has referred to the confusion here yesterday, to apparent inconsistencies in the shifting of the votes. Maybe we had better let the dust settle a little and get a chance to reconsider. I think we need some reconsideration of some of those votes. So, anyway, we will get at it and see what can be worked out.

I thank the Senator very much.

Mr. CRANSTON. I thank the Senator from Mississippi. We tried to get consideration last week and reconsideration last night and failed on a tabling motion.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The PRESIDING OFFICER (Mr. STAFFORD). The hour of 2 p.m. having arrived, under the previous order, the Senate will now proceed to the consideration of Calendar No. 827, S. 5, which the clerk will state.

The second assistant legislative clerk read as follows:

S. 5, to promote the public welfare.

The PRESIDING OFFICER. Under the agreement, there is a time limitation on this bill of 1 hour. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally out of both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time consumed under the quorum call just ended be charged against the time on the bill allotted to the distinguished Senator from Minnesota (Mr. MONDALE) rather than against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MONDALE. Mr. President, I yield myself such time as I may require in making an opening statement on the pending measure.

Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Texas (Mr. BENTSEN) be added as a cosponsor of the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, this bill was reported from the Committee on Labor and Public Welfare on June 15, 1972. I am proud to state that it has 24 cosponsors from both sides of the aisle. The Senator from New York (Mr. JAVITS), who is the principal cosponsor of the bill, has contributed very significantly to the bill, including the sponsorship of a most important amendment to it. This amendment appears as title II of the bill.

A predecessor bill was extensively considered by the Subcommittee on Government Research of the Government Operations Committee during the 90th Congress under the distinguished leadership of the Senator from Oklahoma (Mr. HARRIS). An identical bill was considered and passed by the Senate in the second session of the 90th Congress. We have now accumulated five volumes of hearings on this bill and a consensus in support of it has been growing throughout the Nation.

Testimony in support of the bill has been heard from a number of former Cabinet members and White House aides. Former HEW Secretaries John Gardner and Wilbur Cohen and former Treasury Secretary Barr have testified for the bill. Former Labor Secretary Wirtz has spoken publicly in favor of it. A number of thoughtful spokesmen in the field of public affairs have supported the bill. The late Whitney Young was among them. A special study for the National Academy of Science's National Research Council included a recommendation for enactment of this bill. The report of the Commission on Violence, headed by Dr. Milton Eisenhower, also recommended enactment.

Few objections have been raised to enactment of this measure and those have dealt principally with the organizational aspect. It has been claimed that existing elements in the Executive Office of the President can do the job. However, I would like to point out that former Budget Director Zwick and former Special Assistant to the President Califano have testified in support of the bill. They now agree that the development of an annual social report and of a social indicators system would make an important contribution to dealing effectively with social problems. A Council of Social Advisers in the Executive Office would assist the President in stimulating and guiding these developments and in preparing an annual social report to be submitted by the President to the Congress.

The bill is patterned generally after the Employment Act of 1946 which, for the first time, established as a national goal the achievement of maximum employment, production, and purchasing power. To assist in achieving that goal, the Employment Act established the Council of Economic Advisers, provided for the annual economic report of the President, and established a Joint Economic Committee in the Congress.

It is our belief that this legislation will accomplish for the broad range of social policies what the Employment Act has done so well in the economic sector. By declaring a new national objective and increasing the quantity, quality, and visibility of information needed to pursue that objective, we should markedly advance our prospects for effective social action.

Mr. President, by now we have had a series of studies by prestigious commissions which have told us about the gap which remains in our society between the promise of full opportunity and the realities of deprivation, powerlessness, and poor fortune into which millions of our citizens are born. The increasing affluence of great segments of our society has merely sharpened the division between them and those who have not yet benefited from the phenomenal growth in our economy, in our technological and scientific base, and in our educational systems.

As a result, the demands of the deprived for their fair share in the benefits of our society and the responsiveness of our political institutions have both increased dramatically. At the same time, however, we have also become acutely aware of the fundamental inadequacy of the information upon which social policies and programs are based.

We have seen this phenomenon pressed upon us repeatedly and often tragically. One result of our information gaps is that national problems go nearly unnoticed until they are forced upon us by some significant and shocking event. Suddenly, we learn of widespread hunger in America, of the rapid deterioration of our environment, of dangerous tensions and unrest in our great urban centers, of the shocking conditions under which migrant farmworkers live, and of the absence of decent medical care for tens of millions of our citizens.

We desperately need ways to monitor such problems before they destroy or seriously damage our society.

Another tremendously expensive consequence of our lack of adequate information is that we devise and operate programs based on myth and ignorance or guess and supposition. Congress is now groping with the problem of welfare reform, but it is painfully evident that we lack some of the basic information which we need in order to design a system in which we could all have confidence. Similar problems are presented with respect to urban renewal, mass transportation, air and water pollution, and health delivery systems. In practically every major social problem in this country, it is not only a question of resources; it is not only a question of will; often it is simply a question of the unavailability of the information we need with which to deal effectively with the problem.

After years of experimenting with such techniques as program planning and evaluation systems, we still are quite ill-equipped to measure what our existing programs do accomplish. And we have no adequate means to compare the costs and effectiveness of alternative programs.

A Council of Social Advisers, dedicated to developing indicators of our social problems and progress, could well be a source of enormous savings to the taxpayer as well as of more effective solutions to the problems we face. Such a council, taking full advantage of the latest developments in planning, programing, and budgeting systems, in computerized data collection and statistical methodology, in systems analysis and social accounting, could unlock the enormous potential of the social sciences to assist the Congress and the Executive in developing and administering public policy.

A Council of Social Advisers would not itself, be a new decisionmaking forum. Rather, as a social monitoring, data gathering, and program evaluation agency, it would provide the President and his staff agencies with much of the information needed to make policy and program judgments. The President has available the broad range of economic information now furnished by the Council of Economic Advisers. The Council of Social Advisers would fill a significant gap in the information system which is needed to buttress the policymaking apparatus under the President.

While title I of the bill, with its new Council of Social Advisers and its new social report, should greatly augment the capacity of the Congress to make intelligent policy decisions, title II of the bill is even more significant with respect to strengthening the Congress. I was delighted to cosponsor the amendment to the bill which was offered by the Senator from New York (Mr. JAVITS) to create a new congressional staff office of goals and priorities analysis.

Mr. President, the proposal embodied in title II, offered by the distinguished Senator from New York, (Mr. JAVITS) comes at a very propitious time. We now know, based upon studies of the Brookings Institution and upon other sources, that in terms of general resources generated under the existing tax rate, we are in the middle of one of the deepest budget deficits in history, and the deficit is back-to-back with another budget deficit — with predictions next year of a budget deficit up to $40 million.

Mr. President, the predictions based on economic growth and the existing tax rate show a budget thinly balanced for the first time only 3 years from now. So, whatever may have been the case in the past, this Congress and this Government must judge more wisely than we ever have before. This applies to social fields, as well as to other aspects of the budget.

We can no longer rely, as we have in the past, on good will alone. We need far more information—and far better analysis—and far better strategies for dealing with the human problems which face America than we have ever had before, if there is any hope of success in those fields.

That is what this bill is all about. One of our experts said that the Federal Government has been pursuing increasingly a strategy of suboptimization which he defined to be a strategy of doing better and better with little things and worse and worse with important things.

We lack a strategic approach to the solution of human problems. We have a tactical approach, a great deal of data, and a great deal of minute detail in small areas and a failure to develop a proper overall approach to dealing with our problems. Much of this stems from ignorance about basic facts which is found at the funding level.

Mr. President, I have now served in the Senate nearly 8 years. Along with many of my colleagues, I spend most of my time dealing with the human problems with which the average American is confronted.

I never cease to be amazed by the abundance of evidence concerning how little we seem to know at the Federal level about what is really going on.

Thus, something as elementary as decent nutrition—something so essential to a sound body and a sound mind—was something about which the Federal Government was almost totally ignorant in 1967. We knew how many soybeans were grown. We knew how much money was being spent on the direct commodity distribution program, the food program, and so on. But no one had the slightest idea whether there was widespread hunger and, if there was, where it was to be found and why, what the cost of feeding the hungry was, what the cost of not feeding them was, what the cost of the program was, or any of the other fundamental questions directly related to the issue of the most basic necessity of American life itself. The same was true with respect to decent housing.

In 1967, even though we should have been warned earlier, the major American cities began to explode in our faces. Newark, Detroit, and one community after another literally blew up in an astonishing and cataclysmic explosion causing the widespread loss of human life, and human injury, and millions of dollars in property damage, and an emotional and cultural shock to Americans which we are still in the throes of. None of this was anticipated by the Government.

When hearings were started, this Nation was thrashing around; Congress and the Senate were thrashing around; members of the Cabinet and leading members of the executive branch were thrashing around, all trying to find out what was causing such a fundamental occurrence as this outrageous, heartbreaking phenomenon in American life.

We could go from this example to other examples. We lack an institution which takes not a tactical approach but a strategic approach to human problems which this society faces. We need to chart the social health of this country and seek to go forward; not, as John Gardner said, stumbling into the future. Instead, we must try to come up with the analysis, facts, and figures, and, as someone said, the "hot data" to help us understand our society and what we must do to make it more effective than it is in meeting this Nation's human problems.

One of our most impressive witnesses was Mr. Joseph Califano who formerly served as adviser on domestic programs to President Johnson. More than any other man he was in the Nation's hot seat trying to develop a program to advise the righest official in the land on domestic programs.

He recounted several instances of the phenomena to which I have made reference. For example, on one occasion, the Secretary of Health, Education, and Welfare was in conference with Mr. Califano. He was asked how many people were on welfare, who they were, and all the rest. Since we are spending several billions of dollars one would have thought that information would be immediately available.

The Secretary thought the information would be available to him as soon as he returned to his office. He said that he would send it right back. As a matter of fact, it took HEW almost a year and a half to find out who was on welfare. Mr. Califano said this was a common experience with basic and fundamental human problems, to find that not even the President would have available to him the basic data necessary to make the choices upon which our very civilization depends.

He commented in this way about the issue of hunger:

> The even more shocking element to me is that no one in the federal government in 1965 knew how many people were hungry, where they were located geographically, and who they were. No one knew whether they were children, elderly Americans, pregnant mothers, black, white, or Indian.

Then Mr. Califano concluded with this statement:

> The disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate sophisticated data with which the Secretary of Defense supports a major new weapons system. When one recognizes how many and how costly are the honest mistakes that have been made in the Defense Department despite its sophisticated information systems, it becomes frightening to think of the mistakes which might be made on the domestic side of our Government because of lack of adequate data.

Mr. President, for 5 years the Congress has been considering its need for additional information about social programs so that it can properly discharge its obligations to the public. The "power of the purse" has little meaning if we do not have the data and analyses to exercise that power meaningfully. The present and last administrations have agreed that we need this kind of information. However, they have insisted that it could be provided without any organizational change. By now, it is clear that this is not so. We must have a governmental agency charged by law with developing a system of social indicators or we will never have such a system.

Mr. President, for that reason I am hopeful the Senate will approve the pending measure, that it will soon be adopted by the House and sent to the President for signature.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. I yield such time to the Senator from New York as he needs.

The PRESIDING OFFICER. The Senator from New York has his own time.

Mr. TAFT. Mr. President, if the Senator will yield, I would like to clarify something.

Mr. JAVITS. Mr. President, as I shall favor the bill, I would like to draw 10 minutes from the time of the Senator from Minnesota because I intend to yield as much time in opposition as is necessary to the Senator from Ohio.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York. The Senator from Minnesota has but 6 minutes remaining.

Mr. JAVITS. If the Senator will yield to me 5 minutes that is all right.

Mr. MONDALE. I yield the Senator 15 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 6 minutes.

Mr. JAVITS. Mr. President, as has been said I authorized title II of this bill. Before I go into that I would like to say I support strongly title I. As the ranking minority member of the Committee on Labor and Public Welfare and the ranking minority Senator of the Joint Economic Committee I have seen very clearly where the Council of Economic Advisers falls short. The fact is they are magnificent on the whole. We have had much fine experience with them on the country's economy but they tie into the country's social responsibilities only insofar as it bears on the economy. It does not always do that.

We need quite clearly to have a similar focus on the crucial matter of our social needs.

The same is true in the housing field where the matter of Government guarantees becomes more important than utilization of Government money. The same is true in the regulatory field where regulation of construction of atomic plants or transmission of natural gas becomes a critically important matter in the overall planning of our Government for utilization of resources.

The Senator from Minnesota mentioned, for example, the oil import quotas, which bear on soil exploration, and tax indulgences for oil exploration.

All these things are important to the social future of the country and we are doing so much in the social field that I consider the Council of Social Advisers important to the Council of Economic Advisers. I hope the Senate goes along with that view.

The minority views of Senator TAFT and Senator DOMINICK, each Republican members of the Committee on Labor and Public Welfare, of which I am the ranking minority member, describes this mechanism as "unnecessary."

They assert the administration's position that these functions are being carried out by the President's Domestic Council and the Office of Management and Budget and that the Council proposed in this bill "would certainly overlap and perhaps impede the mandate of the Domestic Council."

But in fact they are not. The Domestic Council remains principally concerned with the operation of the programs of the various agencies in an administrative sense, and cannot provide the kind of independent judgment and overview, questioning basic assumptions which the Council of Social Advisers could.

It cannot be expected to provide in the social field what the independent Council of Economic Advisers has offered in the economic field.

The administration is opposed to the title, but personally, it is my judgment that they are passing up a great opportunity to reach their own objectives by having a new suplementary source of information and perspective which could provide new input into the decisions of the Domestic Council, as well as the Office of Management and Budget, which are made in legion with administering agencies.

Title 2 represents an approach for Congress, and the effort is to give Congress an agency to deal with priorities and goals on its own; in other words, we wish to give it a total overview of the budgetary situation. In the first place, this is essential.

Mr. President, we learned that it is essential this morning from the new Secretary of the Treasury, George Shultz. That is only a confirmation of what we learned many times before. He testified before the Joint Economic Committee, so gracefully presided over by the Senator from Wisconsin (Mr. PROXMIRE). He said:

> You have to cut on spending; you are not going to increase taxes or run up productivity that quickly.

We said:

> What spending would we cut out?

He said:

> We do not have a mechanism to tell you but we think you ought to pass the appropriation figures at one time, give us a spending ceiling, and then the President will tell you how to apply that spending ceiling.

Then, I asked:

> Do you believe we should have our own office of goals and priorities analysis?

He said:

> Absolutely.

It was an interesting comment from the executive branch on this particular matter.

My colleagues have given much thought to this situation. My colleagues, the Senator from Ohio (Mr. TAFT) and the Senator from Colorado (Mr. DOMINICK), argue that this office is unnecessary but that the Comptroller's office could do the job. It seems to me this is irrefutably answered by the Comptroller himself. Last year the Comptroller himself said, and this seems to me to be absolutely incisive on this proposition:

> [T]he development of recommendations concerning spending priorities [is] a function for which the General Accounting Office does not have primary responsibility and one which it should not seek. In short, the General Accounting is an "after the fact" effort.

What I am saying in title II of the bill is "before the fact" control, and the Comptroller said he does not want it.

The chairman of the National Urban Coalition, Sol M. Linowitz, testifying on July 13, 1971, before the Subcommittee on Evaluation in support of S. 5, described the need for title II very accurately. He said:

> Enactment of S. 5, the Full Opportunity and National Goals and Priorities Act, would, I submit, provide many of these resources and the capacity to use them efficiently.
>
> At present, the Congress is forced by its fragmented committee system to pursue what we have called a 'let's see what we gave them last year and give them a little more this year' approach; an approach that precludes major resource reallocations by the legislative branch. The Congressional Office or Goals and Priorities created by S. 5 would provide Senators and Representatives with the means to analyze the budget as a whole for the first time.
>
> Congress also lacks the ability to generate alternative Federal budgets of its own; a condition which engenders congressional dependence on the executive branch with respect to the major contours of the budget, and hence, the shape of our priorities. The establishment of an Office of Goals and Priorities with the mandate and capacity to produce a variety of budgets from which to choose, would end this unhealthy dependence.
>
> Finally, Congress currently is compelled to operate without the social data required to choose rationally between alternative resource uses, to evaluate program effectiveness, and to formulate a comprehensive public policy. The Council of Social Advisers and the annual social report of the President authorized in title I of the act, would, we believe, help to fill this information vacuum.
>
> In other words, if Congress is serious about employing its constitutional power over the purse to reorder the Nation's priorities, I think it could begin at no better place than with the passage of the Full Opportunity and National Goals and Priorities Act. (Emphasis added.)

It is nothing short of a national scandal that Congress spends over $300 billion in direct outlays, loans and tax subsidies without taking a systematic, comprehensive view at what it is doing. Actions in this fiscal area affect not only the substantive programs for which the outlays are being spent; they also affect the economy as a whole in terms of employment, inflation, interest rates, and even our competitiveness in international trade. At the recent hearings of the Joint Economic Committee on how to improve national productivity, almost every witness agreed that some sort of office in the Congress to analyze spending priorities was an essential step in rationalizing governmental spending decisions. Economists writing for the Joint Economic Committee study on subsidies, which attracted considerable attention from the press and the economic community, have regularly recommended that Congress strengthen its ability to plan and review in this area.

Mr. President, as we have become recently aware, this country faces a major budget crisis brought about by the fact that we in Congress have been voting to spend money at a rate faster than our ability to gather revenues at full employment. No reasonable person could deny that one of the chief contributing factors to this deplorable situation has been the absence of anybody in the Congress responsible for informing the Congress about the hard facts of priorities planning.

Mr. President, title II would meet these needs by establishing an Office of National Goals and Priorities Analysis which would be responsible for submitting an annual report to the Congress—

parallel to the social report to be undertaken by the council under title I—which would include: An analysis of the social report; an examination of resources available to the Nation and recommendations concerning spending priorities.

Additionally, the office would be authorized to provide further information, data, or analysis relevant to an informed determination of national goals and priorities.

I have worked up with the Senator from Wisconsin (Mr. PROXMIRE), chairman of the Joint Economic Committee——

Mr. MONDALE. Mr. President, will the Senator yield at that point? The testimony by the Senator from Illinois (Mr. PERCY) was very important.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. JAVITS. Mr. President, will the Senate allow me to take 2 minutes, and, if necessary, I will put in an amendment so that he can take what time he needs?

Mr. TAFT. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. MONDALE. Mr. President, I do not have the exact phrasing of the point made by the Senator from Illinois (Mr. PERCY), but he pointed out that Congress has tragically denied itself the data, the computer technology, the capability to advise itself on complex and interrelated budgetary matters who could be met through the title II of the bill, which was offered by the Senator from New York.

Mr. JAVITS. Exactly.

Mr. MONDALE. I do not know why Congress inflicts upon itself this serious limitation this tremendous disadvantage that will continue unless we authorize something along the line the Senator suggests.

Mr. JAVITS. I am grateful to the Senator.

The Senator from Illinois (Mr. PERCY) said, on March 13, 1970, in testifying:

> Each bill and appropriation is handled separately with no real attention given as to how each piece of legislation fits into an overall framework of needs and resources available.

Other witnesses who testified were Mr. Zwick, former head of the Budget, Mr. Joseph Barr, former Secretary of the Treasury, and as I noted, Mr. Sol Linowitz, chairman of the Urban Coalition.

Mr. President, let me conclude by citing a situation in which both the council and the office proposed under this bill would have been useful. Since 1965, budget outlays on a unified basis have increased by $111 billion, approximately one-third of which can be characterized as "Great Society" programs. As a result, we are now in a budget crisis of major dimensions, wherein tax hikes or cutting back on established programs has to be seriously considered. Furthermore, many observers agree that the helter-skelter way in which these programs were enacted has vitiated their effectiveness. The authors of the recent Brookings study on national priorities have pointed out to us that some effective prior planning as to how we could best have spent this $111 billion would have prevented the budget crisis from occurring. That is what the office and the council could have done for us.

The Congress has the principal obligation with respect to the power of the purse and it is time that we reasserted that power, while giving the Executive its own vehicle, through passage of this bill.

Mr. President, as the principal joint sponsor, with Senator MONDALE of S. 5, I urge that the committee bill be adopted.

It is apparent that the American people—regardless of political persuasion—expect their Government to do better at establishing and reordering our national priorities.

Mr. PROXMIRE. Mr. President, will the Senator yield so I could call up my amendment, which would enable us to take time?

Mr. JAVITS. I yield for that purpose.

Mr. PROXMIRE. Mr. President, I call up my amendment, which is at the desk, and ask to have it read by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> On page 13, strike lines 17 through 20 and insert in lieu thereof the following:
>
> "The Joint Economic Committee of the Congress shall review the operations of the Office periodically, and hold hearings on the national goals and priorities report and on such other reports and duties of the Office as it deems advisable. The Office shall, to the maximum extent consistent with the provisions of this title, accord priority to requests made by the Joint Economic Committee and furnish that committee such information as it may request with respect to the operations of the Office."

Mr. PROXMIRE. Mr. President, we have worked carefully with the Senator from New York and the Senator from Minnesota in developing this amendment. I have been concerned with the bill over the years. It was offered last year, as I recall, by the Senator from New York and the Senator from Minnesota, and at that time I was concerned with possible duplication of work now done by the Joint Economic Committee.

If one examines the bill, he finds, on page 11, for example, that it requires—

> An analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President.

Then it goes on and says:

> An examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs.

And so forth.

That is work that the Joint Economic Subcommittee on Priorities and Economy in Government tries to do. I am chairman of that subcommittee, as well as being chairman of the Joint Economic Committee.

The reason I favor the bill is that it provides exactly the kind of office we need to give us the information we must have if we are going to do this in an orderly, informed, and effective way.

I believe this amendment is desirable, because it is important that we have a clear delineation of the Federal responsibility and to know exactly which committee is responsible for these functions and how Congress is going to be able to use this information.

I am delighted to say that, with the work of the distinguished Senator from New York, who has been very concerned with our social priorities, and of the Senator from Minnesota, we have worked something out that is acceptable and will give us the congressional coordination we must have.

Mr. JAVITS. Mr. President, if the Senator will yield to me, I think the amendment is splendid. I think we have worked out an excellent solution to the problem. It resolves the concern of the Senator from Wisconsin (Mr. PROXMIRE) about the role of congressional oversight. It resolves my concern that no committee in the Congress can have the kind of staff and the kind of professional performance which an office like this needs if it is truly to serve us all effectively.

Incidentally, this was the Senator from Wisconsin's way of working it out. I accept it fully. I appreciate his putting himself out to the point of making it possible for him to support the bill, and therefore have the bill have a broader base of Senate support.

So, as far as I am concerned, if the manager of the bill is willing, I would like very much to see us accept the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield whatever time may be required to the Senator from Minnesota.

The PRESIDING OFFICER. The Chair will say that the Senator from Minnesota has 30 minutes.

Mr. MONDALE Mr. President, I yield myself 2 minutes.

In my opinion, this is a good amendment. It seems to reconcile the differences that might have existed as between committees in the use of the work of this office, without giving absolute priority. In other words, all committees now have the possibility for getting its assistance, but it makes it clear that some priority will, where feasible, be given to the Joint Economic Committee. Because this committee is now charged with making recommendations in this area, I think it is a good amendment and I would like to accept it.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Colorado for a parliamentary inquiry?

Mr. PROXMIRE. Mr. President, even though the Senator may oppose the amendment, I am pleased to yield him time.

Mr. DOMINICK. Mr. President, a parliamentary inquiry. In the event someone should oppose this amendment—then who has control of the time?

The PRESIDING OFFICER. Under the agreement previously entered into, the Chair will say to the Senator from Colorado the time is evenly divided between the mover of the amendment (Mr. PROXMIRE) and the manager of the bill (Mr. MONDALE).

Mr. DOMINICK. If the Senator from Minnesota is in favor of the amendment, who gets the time?

The PRESIDING OFFICER. The Chair will say to the Senator from Colorado that in the unanimous-consent agreement there is no provision for delegation of time.

Mr. DOMINICK. I will say for the benefit of my colleagues that this is part of the problem of trying to run this body under unanimous consent when we do not look at the situation carefully. This is the second time it has happened to me. If it continues, I am going to have to object to any unanimous-consent agreement from now on.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. DOMINICK. I am glad to yield.

Mr. MONDALE. I think these unanimous-consent agreements assume good faith and accommodation on the part of Senators. Under these circumstances, I intend to yield most or all of my time to the Senator from Colorado if he opposes the amendment proposed by the Senator from Wisconsin. That is the proper way to do that.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, I really feel this point is somewhat unjustified. I told the Senator from Ohio that I would yield all the time to him, just in the regularization of yielding it to the ranking minority member who was handling the bill, and that I would yield that time in opposition to the bill. I know the Senator from Minnesota's intention on this amendment.

I would like to say, without arguing the point, the Senator is not caught short at all. It was fully contemplated that those opposed would be given every minute in opposition, so whatever the Senator wishes, I am sure the Senator from Minnesota will yield all of his time in opposition to the amendment. I will do the same thing right now to the Senator from Ohio, and I told him I would.

Mr. DOMINICK. Mr. President, a parliamentary inquiry, then. From whom do I get time?

Mr. MONDALE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 28 minutes remaining on this amendment.

Mr. MONDALE. Mr. President, I yield 28 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 28 minutes.

Mr. DOMINICK. The Senator from Colorado will take 5 minutes and reserve the remainder.

I want to say the Senator from Minnesota and the Senator from New York have always been most cooperative in this type of situation, but that does not stop the basic difficulty. The basic difficulty with the unanimous-consent situation is that the time is given to the one who is offering the amendment and the balance of the time is given to the manager of the bill. If he happens to be in favor of the amendment, there is no time for anyone who is against it except at their discretion. I want to say they have a pleasant disposition.

What I am trying to bring out about this amendment has not even been discussed. Let us take a look at the amendment. We will see that under title II, which is the Senator from New York's proposal originally, a commission is established under the control of Congress, something called the Office of Goals and Priorities Analysis.

Then you go over to page 13, section 205, which the amendment is concerned with, and as written now it simply says that the Joint Committee on Economics shall hold hearings on the national goals.

The Senator from Wisconsin (Mr. PROXMIRE) is striking that section, and his proposal says that the Joint Economic Committee shall review the operations of the office periodically, thereby giving the jurisdiction over this committee. This committee will hold hearings, which it is now doing, and to the maximum extent consistent with the provisions of this title, accord priorities to the requests made by the Joint Economic Committee, and furnish that committee such information as it may request with respect to the operations of the office.

So, to all intent and effect, Mr. President, what we are doing if this amendment is adopted is establishing a special office for the benefit of one committee, which I might add is not even a legislative committee. It would be exactly the same thing if we should establish the special Office of Small Business, and say that only to the Select Committee on Small Business will that one report, and it has to put them on a priority basis.

This reminds me—and I yield myself another 5 minutes, because I may not get through—of a newspaper man who came into my office one day and said, "Senator, do you know what is going on in Government?"

I said, "No. Do you?"

He said, "No."

I said, "I know what is going on in my committee, or I think I do, usually."

I might add that I did not know this amendment was coming up, so apparently I do not even know that.

He asked, "Do you think anyone in Government knows what is going on in Government?"

I said, "No."

He said, "Do you think the President does?"

I said, "No, not if you are dealing with an agency-by-agency responsibility in the day-to-day operations." I said. "There is no way; the Government is simply too big to be able to do that."

He said, "What you ought to do is establish as a congressional office a whole body of investigators who, on behalf of Congress, will then go down and study what the agencies are doing, and give you reports back and forth whenever you want them, and thereby you can follow what is going on in the agency."

My comment was, "Who is going to police the policemen?"

That is the same comment I would make here. What are we doing? We are creating another agency in Congress, for the specific benefit of the Joint Economic Committee under the able chairmanship of the Senator from Wisconsin. I believe the Senator from New York is the ranking Republican member.

I do not blame them for wanting to get another adjunct to help them out in their study, but if we are going to do that for one committee, why should we not do it for every committee? Why should we just put one committee in the position that we are establishing a special office for it. I do not know at how much expense this would entail. I have forgotten at this point, but it is going to be paid by the Secretary of the Senate, as far as the cost is concerned, on vouchers signed by the director or the acting director.

As I say, I do not see how much is the estimated cost but it does not make much difference. What we are saying here is that we would have another policeman to go over and determine not only what is going on, but what the policies and priorities ought to be insofar as they are concerned, and then to report the whole situation back insofar as the Joint Economic Committee is concerned.

What will happen to HEW? What will happen to the Committee on Labor and Public Welfare, on which I serve? What is going to happen if they suddenly say we should not have any help from Welfare, it all ought to be from Defense, that we do not have enough money to do both? What will happen then? The other committees do not get any reports, so I have got to go to the Joint Economic Committee.

I would say that this thing would be a mistake. What we are doing is setting a precedent from beginning to end, to say that one committee, on its own motion, shall have the right to have absolute priority on a group which is being established presumably for the benefit of all Senators.

Mr. CURTIS. Mr. President, will the Senator yield for a question or two?

Mr. DOMINICK. I am happy to yield.

Mr. CURTIS. If this measure is enacted, is it the Senator's opinion that this would be pretty largely a staff operation?

Mr. DOMINICK. I think it would be almost totally a staff operation. Certainly no Members of Congress are going to be on this committee. It is going to be a staff member and assistant staff members, I might say appointed by the majority leader of the Senate and the Speaker of the House of Representaitves. It does not even provide for minority representation in committee appointments.

Mr. CURTIS. It seems to me that would be the case. I know of no Senators who would have available time to operate this themselves.

I certainly would not want to downgrade the very efficient staffs that appear in many places in Congress. We have some devoted people.

On the other hand, I am thoroughly convinced that when we get too many layers of staff, too much staff and too many committees operating with large staffs, then we have to have more staff to read the staff reports, and pretty soon we have a government by staff that has never been elected by anyone, that is not answerable to the American people, not answerable to those who are greatly interested in social priorities and objectives, and not answerable to our people as taxpayers; and I view every one of these proposals to add to committees, commissions, and so on, the work of which I know will be conducted by staffs, as a most unliberal, backword, and reactionary step in the whole area of free government.

I, for one, do not view this proposal as something that will bring government closer to the people or more in line with the objectives of the people of the country, and after all, they should be masters of their own government.

Mr. DOMINICK. Mr. President, I share the concern expressed by the Senator from Nebraska. It is a part of what I am talking about; it just does not seem to me to make much sense to put up a new office in which the director is going to be paid the same amount as the Comptroller General of the United States, and then have him largely responsible to one committee in Congress.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. TAFT. I would like to point out another thing in regard to this committee setup that seems to me very disturbing and troubling.

A year ago we enacted a Legislative Reform Act, attempting to reaffirm once more the questionable principle—I say questionable de facto, because my own experience with Congress indicates it is questionable—that committee staffs should be nonpartisan, in effect. I would like to call attention to the provisions of title II with regard to this question.

There are no safeguards under the Legislative Reorganization Act, as far as I can see, that would apply as to whether or not this shall be a partisan operation. It is true, and I recognize and am fully aware, that section 202, subsection (f), provides that persons shall be selected without regard to political affiliation, but that does not detract from the fact that they are appointed, and appointed solely by the Speaker of the House of Representatives and the majority leader of the Senate, and that they are solely responsible to the majority and may be removed at any time at the behest of the majority.

So, in effect, there is absolutely no safeguard whatsoever for representation on the part of the minority in the staff of this group that is to be set up.

This goes farther, even, than the problems of partisanship that sometimes exist with regard to allocations of committee staffs, both in the House and the Senate. To me this is a fatal defect, expecting to get out of such a group any really objective consideration of the problems that they seek to attack in this regard.

I have to concur strongly with the opposition of the Senator to title II and also to the amendment. To me, it establishes a priority for a particular joint committee over and above the standing committees. It is even more objectionable because of the fact that it can operate wholly in a partisan way, without any real safeguard in this connection.

Mr. DOMINICK. The Senator is correct, in my opinion. It is one of the more important points I am glad he brought up and emphasized.

I had never seen this amendment until just this moment. I did not know it was going to be offered. It is probably my fault. It probably has been circulated.

It seems to me to be wrong to go forward with a bill of this kind, establishing a new office, with a director appointed by the majority only, and then have him reporting largely to the Joint Economic Committee—one committee. It does not seem right.

Mr. COOK. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from Kentucky.

Mr. COOK. What amazes me about this—and I am delighted that the Senator from Minnesota has returned—is, what do we have the committee system in Congress for now? Is this an oversight committee for all the committees that are presently in existence? If, in fact, it operates on the basis that the distinguished Senator from Ohio has just laid out, then it is as much a degree of frustration for those of us who sit here under the committee system now.

Here we are in the Committee on Commerce, with 18 members, 10 from the majority side and eight from the minority side; and the staff of the Commerce Committee, in violation of the Reorganization Act, has 58 members for the majority and nine members for the minority.

Now we are saying, "Let us have a great, big oversight committee that is going to be not only more overpowering than that but complete."

If, in fact, we have a committee system that deals with all national goals and priorities in relation to where a respective bill ought to go, how much more staff and how much more committee operation do we really need around here?

We get our copy of our schedule in the morning. It shows that we are due at five committees or subcommittees, all at 10 o'clock in the morning. That is a remarkable thing to do, and it is a remarkable opportunity when one can really be at all five at the same time.

So we now are spread so thin, it is almost like protecting the majority side. We do not want to spread them any thinner, because we now find that with respect to major pieces of legislation, the hearings are conducted by one Member of the Senate because we cannot get anybody else there, because 17 subcommittees and three major committees are all meeting at the same time. And here we go again.

It is amazing to me that Congress today is so completely and thoroughly out of balance in its committee lineups as to be ludicrous. Then we come in with an operation of this magnitude.

I can only say to the Senator that I had the opportunity to vote against this matter before, and I will have the opportunity to vote against it again.

Mr. DOMINICK. I am happy to hear the Senator from Kentucky reflect many of the viewpoints I have stated already.

There are a great number of sponsors of this proposal, so I suspect that the Senator from Kentucky and I will vote against it but it probably will go through.

The principal thing at the moment is this amendment. For the life of me, I cannot understand why we should go along with this amendment, with all due respect to the Senator from Wisconsin. It looks to me like a personal effort to fix up the Joint Economic Committee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield me 5 minutes?

Mr. PROXMIRE. I yield 5 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I have no objection to how Senators feel about particular things, but I hope they will indulge me and give me their close attention on the facts. A number of mistakes of fact have been uttered, quite inadvertently, which nonetheless are very pertinent.

In the first place, this office is attributable to the fact that Congress, in relation to the executive, is very inadequately staffed. The executive has, in the Office of Management and Budget, an enormous number of employees, and in the various Government departments, where they spend hundreds of millions. What we are proposing is an agency of Congress for exactly the same reason—in the same way that we set up the Comptroller General to check back on the actions which were taken under law.

In addition, the executive department itself—I cited Secretary Shultz this morning—agrees that this is a highly desirable activity on the part of Congress. The fact is, as Senator COOK properly says—and I perhaps am one of the most well-known victims of it—that we are tremendously overworked. Precisely. Every committee has its own jurisdiction in a very specialized way. We simply have no time for overviewing the whole thing, not as to what was done, which is what the Comptroller does, but prospectively, as to what we ought to be doing. I gave the example of the administration saying, "Put on a ceiling and within that ceiling you will have to decide what are your priorities." That relates to all committees, not just any one of the committees of a Senator who opposes this amendment, or my committee, but every committee.

So the idea is to have a highly professional agency which will give us guidance on that particular subject. That is the whole purpose we are laying out to the Senate. It is very urgently needed, as is clear from the demands upon us and the fact that we are so diversified. Second, does the agency stand up? Third, what is the role of the Joint Economic Committee with respect to it?

This agency has been patterned on the office of the Comptroller General, which has worked for years. The Comptroller and Assistant Comptroller, here called directors, would be appointed in a similar way as regards missions by party participation as provided by this bill.

I should like to point out something which was not mentioned by any of the speakers: The office shall be under the control and supervision of the director. And how would the director be secured? He would be appointed jointly by the majority leader of the Senate and the Speaker of the House and confirmed by a majority vote of each House. I repeat; and confirmed by a majority vote of each House.

I ask my colleagues: What is the prerogative of a chairman of any committee in the Senate? Does he not appoint the top people who serve the committee in the way of staff?

Finally, it has been said—and I know inadvertently—that the director can be fired any time the majority wants him to be fired. That is not completely true. The bill especially says that the terms of the director and the assistant director subsequently appointed—that is, after January 1, 1973—shall expire on January 31 every 4 years thereafter. As does the Comptroller General, he has a stated term, and so has his assistant.

Now, about the committee: We put these agencies under the jurisdiction of some committee for oversight, and this seemed a very logical one, because it fits into its work with the Joint Economic Committee. Let me give an example.

The Government Operations Committee, on which I have the honor to serve, is charged with the duty of supervision over the Comptroller General's Office, and the Standing Rules of the Senate so provide. They say, with respect to the Government Operations Committee:

> Such committee shall have the duty of receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports.

That is a pretty impressive Office. It has been going on for a long time. I never heard a Senator criticize the fact that the Committee on Government Operations had legislative oversight over the Comptroller General.

The amendment would do nothing more than that with respect to the Joint Economic Committee. There is no exclusivity about it. It would serve the whole Congress, as does the Comptroller General, at the request of any Member of Congress, except that legislative oversight would be vested in the one committee which is uniquely adapted, because of its broad coverage, to give it legislative oversight.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes to ask the Senator from New York some questions.

The Senator is a distinguished member of the Committee on Government Operations, and he has pointed out that the relationship between the Committee on Government Operations and the GAO is somewhat similar to the relationship the Joint Economic Committee would have with this new office.

Does the Senator from New York know of any instance in which any Member has charged that the Committee on Government Operations has a monopoly on the information from the General Accounting Office?

Mr. JAVITS. Not a single one.

Mr. PROXMIRE. Is it not true that any member of a congressional committee can rely on the GAO? Is it not true that the GAO has been tremendously useful because it is uninhibited by any restraints placed on it by the Government Operations Committee? It is tremendously useful also for other committees and for most Members of Congress.

Mr. JAVITS. I would answer that not only with an unqualified "Yes," and the Senator from Wisconsin is a prime example of it. He is not a member of the Government Operations Committee but I know of no one who has used that Office more or to greater effect than has the Senator from Wisconsin.

Mr. PROXMIRE. The point the Senator from New York makes is a good one, that when we create an office like this one, we have to have some relationship to some committee. We either give it to the Joint Economic Committee or we give it to the Appropriations Committee or to the Government Operations Committee. The Joint Economic Committee, with its weaknesses, not being a legislative committee, has established over the years an interest and some expertise and some staff capability and some membership capability in the area of priorities. It has worked hard on that. We have issued a number of reports on it and held many hearings. I would hope that, under those circumstances, my good friends in the Senate would recognize that this is a responsibility that we can discharge and would be happy to discharge and prevent what otherwise would be a duplication. If this is given to some other committee, then they have to establish a similar capability to what the Joint Economic Committee now has. Thus, this is the orderly, sensible, and logical way to handle congressional oversight with respect to that committee.

I can say, with respect to the office and to the chairman of this committee, that I will certainly have no interest in preventing any other committee from using the office being created. In fact, I would hope and urge Members of the Senate and Members of the House and the committees to use the office as much as they would like to. The more they use it, the more useful it will be.

Mr. JAVITS. I thoroughly agree with the Senator from Wisconsin. This is a bipartisan committee, representative of both House and Senate and, hence, uniquely adaptable as an instrument for precisely this legislative oversight.

Mr. PROXMIRE. I thank the Senator very much.

Mr. JAVITS. So I join the Senator in hoping that the Senate will approve this excellent amendment.

Mr. BROCK. Mr. President, will the Senator yield for some questions?

Mr. PROXMIRE. How much time remains to our two sides, Mr. President?

The PRESIDING OFFICER. The Senator from Wisconsin has 17 minutes remaining and the Senator from Colorado has 13 minutes remaining.

Mr. DOMINICK. I will be happy to yield 3 minutes to the Senator from Tennessee.

Mr. BROCK. I would like to inquire of the author of the amendment in particular——

Mr. DOMINICK. Mr. President, I yield 3 minutes to the Senator from Tennessee for questions.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 3 minutes.

Mr. BROCK. Mr. President, the Senator from Wisconsin knows that I am a longtime advocate of this kind of approach. As a member of his committee, when I was in the other body, I strongly urged that the Joint Economic Committee be given the opportunity to work in the area of national priorities. The Congress has been woefully inadequate in meeting its responsibilities to the American people in the studying, analyzing, and allocation of resources according to the national priorities that we established. So I do not come to this debate as an unsympathetic person in this particular matter.

I do have a couple of questions, though. The way this legislation is drawn, it is almost as a counterbalance or an offset to the Office of Management and Budget, almost a competitive or defensive device, creating our own office of management and budget here. I therefore wonder whether that is what we really intend.

For example, priorities are not established just downtown, they are also established by every committee of Congress. Will this director evaluate the activities of the Committee on Education and Labor to see whether they meet the standards of national priorities, or will it say that the bill being presented here to the Senate is consistent with national priorities, or is the money excessive, or is the program working or not working?

I am very much interested in the human audit but I do not see that we gain anything by auditing it in exactly this way. I would like to urge the auditing of Congress and am concerned as to whether this director is going to be doing anything about the abuses of the public priorities by this body and by its committees.

Mr. PROXMIRE. In response to the question by the Senator from Tennessee, let me say that, in the first place, the Senator knows that this is a bill which has two sections to it. The first section——

The PRESIDING OFFICER (Mr. STAFFORD). The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes on my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. The first section, of course, sets up the Council of Social Advisers to the President, which is appointed by the President and which would work at the direction of the President to establish the kind of priorities which would be desirable to him.

The second section would establish an office which would be the congressional office—on page 10, line 14—where it is spelled out how the office is intended to operate:

> Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

I think that the effort here—and it is a difficult thing to do—is not to intervene in any way, shape, or form with any committee. This is a staff office, not one made up of elected officials. The effort will be to establish priorities to work with the Appropriations Committee of the House and Senate, and to work with the various other committees, as requested, to try to respond to their requests for information on how priorities can be best coordinated among the various committees of the House and Senate. It is difficult. But this is going to be an office that will have to proceed and learn as it goes. The Congress will have to learn how to use it as it goes along. We should make a beginning, because unless we coordinate our efforts, we will be in great difficulty in the future.

Mr. BROCK. I do not disagree at all. I very much agree. What worries me is that by creating this at the outset we may not reach the ultimate objective we are seeking to achieve. I am wondering why the Senator from Wisconsin would not suggest that the Assistant Administrator be appointed by the minority.

Mr. PROXMIRE. May I yield to the Senator from Minnesota (Mr. Mondale) who is the author of the bill on that. I am concerned with my own amendment, which would not bear on that.

I yield 2 minutes to the Senator from Minnesota. The question as I understand it, asked by the Senator from Tennessee (Mr. Brock), is why the No. 2 man in the office should not be appointed by the minority in the House and Senate rather than by the majority?

Mr. MONDALE. Mr. President, I wish the Senator from Tennessee would withhold that question, because it deals with the provisions offered by the Senator from New York. I know there is no intention here to be partisan. I refer the Senator to page 10, subsection (f), in which we say:

> (f) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret public policies and programs.

So, with respect to that specific question, I wish the Senator from Tennessee would withhold it until the Senator from New York (Mr. Javits) is able to return to the Chamber.

Mr. TAFT. Mr. President, may I point out further, with reference to this, that even if the assistant director were appointed by the minority, he would still be subject to removal by the majority unless a further change remained to make the turnover of his office subject to a vote of the minority. I mean, there are all kinds of questions in here, with regard to the Reorganization Act particularly, which are simply unanswerable by the approach the pending bill is taking.

Mr. PROXMIRE. Let me say that the Senator from New York (Mr. Javits) tried to design this section to conform with the way the GAO works. This is a useful experience. We would like to pattern it after that.

Mr. BROCK. But Congress is a partisan office and the GAO is not. They do not have any members of a minority. The Members of the minority in Congress are woefully and inadequately staffed. There is a very great difficulty which Members of the minority have in trying to get adequate information. This is what distresses us in the continuation of this kind of enlargement of the staff role without the voice of the minority in it.

Mr. PROXMIRE. As the Senator from Minnesota has just pointed out, the Senator from New York (Mr. Javits), who is the author of this particular section, I am sure can respond more helpfully than I or the Senator from Minnesota or any other Member of the majority. I think it would be best to wait until the Senator from New York returns.

Mr. BROCK. Mr. President, I would be delighted to do so.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 10 minutes remaining, and the Senator from Wisconsin has 12 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself an additional 5 minutes to point out what I conceive as being some of the other problems. I call the attention of the Senator from Minnesota to some of the problems with this particular bill, without regard to the particular amendment we are considering.

For example, this office consists of a director and an assistant director with no limitation on the number of staff officers or staff members he might add. He is required to submit to Congress on March 1 a report, which I presume is their report, after some study and input of Members and agencies and people around the country, on national goals and priorities.

However, this also includes an analysis in terms of national goals and priorities of all programs submitted by the President, an analysis of the economic report of the President and an analysis of the social report of the President.

So what we are setting up here is a second-guessing organization. The President comes up with a budget which is already "yea" thick—and I am talking about 2 feet or more in terms of paperwork—and this group processes it in 15 days. The President does not have to submit his social report until February 15. It is a second guess on the social report and economic report and the annual budget report in terms of the national goals and priorities.

I ask the Senator whether this is what we want to send over to other outside agencies. Do we really want to say that these recommendations of the President, which are submitted to Congress in 15 days, are going to get a whiskbroom analysis by a group of people appointed by the majority party, with any number of staff members over whom we have little or no control. The Director would have control over them. They would give to us all of the papers they happen to think of concerning any particular President's budget or economic or social report.

I have always thought that if Senators had a reaction to a report of the President, it would be perfectly proper. And if a Member of the House did, it would be perfectly proper. But to have a group of people on the outside submit some facts and analysis—and obviously a critical analysis, because that is what it is supposed to be—of any President from now on as to the budget or economic or social reports and have that group paid by the Senate without having a right to oversee or supervise or determine what is in the report, to begin with, goes way beyond anything that I want to do.

It is my certain hope that we will not agree to this type of approach.

I understand the desire of the Senator from Wisconsin to have some more help on the very complicated problems of the Joint Economic Committee studies. However, it seems to me that if this is to be done, it ought to be done in a proper way, by having a legislative request for appropriations to have enough people for the Joint Economic Committee, rather than to set up a separate agency which is almost totally outside the scope of the ordinary legislative procedure.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator from Colorado has 5 minutes remaining. The Senator from Wisconsin has 12 minutes remaining.

Mr. MONDALE. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be taken from either side.

Mr. PASTORE. Mr. President, would the Senator withhold that request?

Mr. MONDALE. I would be glad to do so.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Rhode Island for a question.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, one thing that has bothered the Senator from Rhode Island for a long time—and I have been around here now for 22 years—is this lack of liaison between the legislative committee and the appropriation committee.

I think if we took everything authorized in the course of a year and funded it to the last dollar, we would have to double or even treble the taxes to be paid. There is no question about that in my mind.

It strikes me that there ought to be some coordination between the legislative process and the funding process.

I realize that any time a legislative committee meets, it considers in its own way the needs—and each committee, of course, acts independently of other committees—thus we find that there is a lack of coordination among all committees and a failure to give some thought to what we jointly do in the course of a year. Then we get on the floor of the Senate and we begin to talk about housing for this and urging housing for that program. They are all very desirable and very appealing. We then vote. Then we pick up the newspaper and are told by Mr. Shultz or somebody else that what we have to do is to stop spending so much money.

We have a budget. It shapes up to $250 billion annually. So we appropriate $250 billion each year. And that is contained in 12 or 13 different bills. Each subcommittee has its own individual responsibility. The several amounts are seldom added up to see where we are until the end of the year.

Then we also get the supplementals. The first thing we know, we end up with a deficit of about $40 billion or $50 billion at the close of the year. Sometimes it is because the income is underestimated. Many times it is because we appropriate more than was estimated.

The question I would like to ask is whether the function of this committee is advisory.

Mr. MONDALE. Mr. President, there are two titles. The first title creates a Council of Social Advisers which is located in the President's office. Its status would be almost identical with the Council of Economic Advisers. This Council is to be composed of top social scientists who would advise the President on social problems in the same way that the Council of Economic Advisers advises the President on economic programs and policies.

Mr. PASTORE. Mr. President, before the Senator goes to title II, there again, their function is only advisory. The President can take it or leave it.

Mr. MONDALE. Mr. President, that is correct. They also have another function. They will help the President prepare an annual social report which comes to Congress, and we can consider it in evaluating the efficacy of social programs.

Mr. PASTORE. Mr. President, I ask the Senator this question: Whom do we mean by "we?"

Mr. MONDALE. Mr. President, the report goes to every appropriate committee. The report would go to the Committee on Labor and Public Welfare and to any other committee that would be interested in the report of the Council of Social Advisers.

Mr. PASTORE. So we would have an idea at the very beginning not only of what the priorities should be, but also what the priorities might cost. Is that correct?

Mr. MONDALE. No. The Council of Social Advisers would not deal principally with costs or priorities. That would be title II of the bill. The Council of Social Advisers would seek to analyze the various social programs to find out what is working in education, what is working in welfare, what is working in mental health, and how we are doing in welfare reform. It would try to analyze existing programs and make recommendations to the President for other programs. In the social report, it would help Congress determine what things we would have to do to help improve the conditions of human beings in this country.

It is purely advisory to the President, but with the social report being sent to the Congress for our consideration.

In title II, there is created an Office of Goals and Priorities in Congress, which I would like the Senator from New York to describe since this is his measure and one for which he has fought for so long.

Mr. PASTORE. My categorical question is this: What relation does this have to the budget request or the request made by the President of the United States? Would we end up with a conflict?

Mr. JAVITS. The Office simply advises Congress and all committees thereof of the three things set forth. I would like to ask the Senator to read them. I am only relating to the Senator the provisions of the bill which begin on page 11. The key functions are as follows:

> (1) an analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;
>
> (2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resources and cost implications of alternative sets of national priorities; and
>
> (3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

In short, it is the overview or whole relationship between the executive branch and Congress. For example, I do not know whether the Senator was here when I said that Secretary of the Treasury George Shultz appeared before us this morning and said, "You should set in Congress a spending ceiling." He suggested $250 billion.

Then, he said that in that $250 billion ceiling you ought to determine your priorities, and "We will tell you what we think the priorities should be."

I said, "Is not Congress entitled to in some way take an overall view and say what it thinks should be done?" I said, "We have no machinery for that purpose. Would you agree we should have?" He said he thought we should.

Mr. PASTORE. I think the Senator has answered my question. We would know from the beginning what the priorities are within the gage of that money, which is something we do not know now.

Mr. JAVITS. The Senator is correct. The President's agency will tell us what it thinks. Secretary Shultz testified that we have to spend one-third of the $250 billion for defense. That is their view, but what will be our view?

But then they come along and say, "We have no room for any new program in the next year." Why? They assume the budget is so tight there is no money for it. That does not mean we have to do it that way.

But none of us here have the overall picture. This would porvide overall information for the Congress to proceed intelligently. The Executive has us outsmarted every time. They have the facts, the figures, and the expertise; and we simply cannot match it.

This is some effort to get abreast in terms of goals and priorities between Congress and the Executive.

Mr. PASTORE. I thank the Senator.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

I listened carefully to the questions of the Senator from Rhode Island. I would like to comment on them.

Keep in mind that this proposal under title II provides for a Director and Assistant Director, both appointed by the majority leader and the Speaker of the House. There would be no minority input, regardless of who the minority might be. It has no limit on staff members. That group is paid at the level of the Comptroller General and the Assistant Comptroller General, and all expenses of operation are paid by voucher. There is no appropriation process at all.

So at least theoretically, if it is not an actual danger, this thing, this body we are creating could use up practically all the money there is in the Treasury and we have no limit on it. There is nothing about "such sums as may be necessary."

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. The language on page 13, line 23, states:

> All expenses and salaries of the office shall be paid by the Secretary of the Senate from funds appropriated for the office.

Mr. DOMINICK. I am corrected. I apologize. I did not see that. I just saw the voucher reference and that sent me through the wall.

Mr. JAVITS. If the Senator will allow me, I stand corrected on how the Comptroller General is appointed. Our provision is different from the Comptroller General. What I had in mind was the analogy, and the President is a party man and appoints him. Here it is the Speaker and the majority leader.

The analogy is there, but specifically the President rather than these congressional people appoint the Comptroller General. My thought was that this was really our agency and we would really have our hands on it.

Mr. DOMINICK. I thank the Senator for making that correction. He is correct and I apologize to him, but it did concern me. There is no limit on the staff. I believe I am correct on that.

Mr. JAVITS. Again, it will be the appropriation process and sometimes my friends sit on it and keep a very close eye on it.

Mr. DOMINICK. In answer to the other question with respect to pages 10 and 11 of the bill, the office is required to submit by March 1 of each year a national goals and priorities report which shall include an analysis of the program. The social report of the President does not have to be submitted. It could be but it does not have to be, by February 15, so this group has to take in an analysis of the whole budget, the economic report, and the social report and give it to us. There is obviously going to be a conflict there. This is one of the questions brought up. I guess this is why it was created, to give us a view separate and apart from the other body.

My question is: Who or how is that going to happen?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. DOMINICK. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. DOMINICK. It is my understanding that the persons who were supposed to analyze this and deal with this are not from an outside agency but Members of the House and Senate itself. This is the problem I see in that section of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield 1 additional minute.

Mr. JAVITS. It would be a question of how to get the earliest date to be of use to Congress in the appropriation process and the authorization process, consistent with amassing the information and doing the job. March 1 is my best extrapolation. If the Senator felt that was very difficult for him I would be willing to adjust it. It is just a matter of picking some date early enough to be useful and late enough to capture such information as may be necessary and desirable.

Mr. DOMINICK. I yield myself 1 additional minute to ask a question of the Senator from New York.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Is it entirely probable that any bill proposed by any Senator or Member of the House by virtue of this legislation would be subject to the analysis of this group to determine whether or not they are in favor of it?

Mr. JAVITS. Not at all. That is a matter for the committee and the executive department. All this group would do would be to give Congress the overall view on what should be the priorities. This office will not act in a volunteer way.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. PASTORE. Would it be within the function of this agency or establishment, whatever you want to call it——

Mr. JAVITS. Office.

Mr. PASTORE. Office?

Mr. JAVITS. We call it an office.

Mr. PASTORE. Would it be within its jurisdiction in a training program, for instance, to put people to work to follow it through to see if the money was being wisely spent?

Mr. JAVITS. That is the jurisdiction of the Comptroller General, but when it comes to evaluating a program for next year or the next 5 years, they could take the information which was developed as to how it works in their calculations in recommending to Congress what ought to be the priorities. For example, suppose they said, "It now appears it is going to take 2 years before you can really crank it up to use the kind of money you asked for. In the meantime, we have another priority which could intervene." That would be the proper function. That is their evaluation. The post-audit is not what they are in business for except as an item in evaluating what ought to be the priorities.

Mr. PASTORE. Does not the Senator think it would be a good idea if they were given the authority to follow through? The trouble here is that we are told by the administration, whether it be a Democratic or Republican administration, that we need a certain kind of program. It sounds very good and beautiful. Then we appropriate money for it. However, we do not know what happens to the money, whether the money has been wasted or wisely spent or used in a proper way. I wonder if there should not be a follow through, because we do not have a staff at the present time to follow through, once we have made an appropriation, to find out just how wisely that money has been spent.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. TAFT. Mr. President, I have a substitute amendment, which I offer at this time.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, in the nature of a substitute, as follows:

On page 13, line 17, strike all through line 20 and insert in lieu thereof the following:

SEC. 205. The Appropriate Committees of Congress shall review the operations of the Office periodically and hold hearings on the national goals and priorities report and on such other reports and duties of the Office as they deem advisable. The Office shall, to the maximum extent consistent with the provisions of this title, accord priority to requests made by Committees of Congress and furnish those Committees such information as they may request with respect to the operations of the Office.

The PRESIDING OFFICER. The Chair will inform the Senator from Ohio that, under the unanimous-consent agreement, there are 30 minutes on this amendment, to be equally divided between the mover of the amendment (Mr. TAFT) and the manager of the bill (Mr. MONDALE).

Mr. TAFT. I thank the Chair.

Mr. President, the purpose of this amendment, very frankly, is to remove the priority that the Proxmire amendment would establish for the Joint Economic Committee. I believe the point has been pretty well covered here already that such a priority should not exist; that all committees of Congress, if we set up this instrumentality, should have an equal call upon the services of such a group.

I happen to be opposed to title II in any event, but I think if we move in this direction it should be with a degree of safeguards.

It also goes back to something I talked about a few minutes ago. If we want to get down to cases, I am not hesitant to discuss a particular situation which would arise. It is true that the Senator from Wisconsin is chairman of the Joint Economic Committee, and I have considerable respect for his fairness. I have worked with him on the Banking, Housing, and Urban Affairs and other Committees and have known him for a long time, and I do not believe he would be unfair in this situation.

I think, however, in the very nature of the political structure we have, there is a nature of partisanship that will get into this operation that is dangerous.

I have great respect for the present chairman of the Banking Committee of the House of Representatives as an able legislator. I served with him several years, and the Senator from Tennessee did as well. I point out that under the Legislative Reorganization Act, under which the staff was supposed to be nonpartisan, there was a division of 44 to 3. We are talking about the kind of situation that is possible without any safeguards being put into this bill. I feel we have a major issue here before us.

The Senator from Rhode Island very ably asked a question, and I thought raised the point, that in effect this committee will make a recommendation as to the expenditures or nature of the expenditures in contravention of the budget of the President, in all probability. Whether it will be a partisan one or not, I do not know, but I take it that where we would have a partisanship setup, in the appointment and professional staff of a committee, the proposal under title II involved here is very serious. I think it could paralyze the legislative process, and we could have the Appropriations Committee, which happily has tried to get away from partisan considerations in its staff makeup in its present tendencies, going in that direction. It could turn in the direction of partisanship again because they would have the right to refer to the recommendations made when, under circumstances as we presently have in the Senate, a majority of one party in the Senate and the House of Representatives and the Presidency in the hands of the other party, automatically we would have a built-in partisan political structure.

In any event, to give priority to one committee of Congress, that is not even a legislative committee, that the Proxmire amendment would give to no other committee is, in my opinion, not wise.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. PROXMIRE. I think the Senator from Ohio raises a good point. It was not the intention of the Senator from Wisconsin to provide that a committee of which he is chairman should be given priority. I think the precedent we have to work with is with respect to the GAO. Certainly the committee having responsibility in a particular field should have a free and open call on that service.

It would be perfectly acceptable to the Senator from Wisconsin to take out the express priority for the Joint Economic Committee, but leave in the fact that the Joint Economic Committee is the committee that will hold oversight hearings on the office. Otherwise we will have 16 committees in the Senate, and I do not know how many in the House, all of which have some kind of oversight, but none of which will have a focus. The Economic Committee is a joint committee with both House and Senate Members. It can be the logical focus.

Mr. TAFT. My question is, Under the jurisdictional rules we have in the Senate and the House, whether it would be appropriate in any event to give priorities to one committee for hearings in this field, the Joint Economic Committee. It seems to me the other committees, the Rules Committees, and possibly other organizational committees, as well as other committees, have authority under the rules of the respective bodies and have priority over certain jurisdiction.

Mr. PROXMIRE. Of course, but the Joint Economic Committee holds hearings on the economic report, because we are the committee which is designated and responsible to do that work. I suppose the Joint Economic Committee might have an implied priority as the one committee which has hearings on the economic report, but this seems to be a cleaner, crisper, and more orderly way—to give it to one committee. Perhaps for this new office it ought to be to the Appropriations Committee, or some other committee. But the Economic Committee is a joint committee that already has priorities experience. Going back to the bill's original language would be a compromise that would be acceptable to me so that we would delete priority reference to the committee.

Mr. TAFT. I think we have already done that. The language of the substitute starts out with the words, "appropriate committee of Congress." The appropriate committee would determine it, within the appropriate rules of Congress. To the extent that the Joint Economic Committee has authority to do it and has jurisdiction over particular matters, it would continue to have jurisdiction. Other committees would continue to have jurisdiction they presently have to review the operations of this committee to that extent. I am not saying what committee necessarily, under the ruling the Parliamentarian would make, would have jurisdiction over this particular committee setup. Perhaps it would be the Joint Economic Committee. I do not think so.

But I think the other committees of Congress certainly should not be brushed aside by this amendment, insofar as the concern for their overview of the operation of this particular office is concerned.

Mr. PROXMIRE. Mr. President, let me ask the Senator, suppose I withdraw my amendment, would the Senator from Ohio then withdraw his amendment, and go back to the original language in the bill? Let me read the original language. It is only a few words. It says:

> The Joint Economic Committee of the Congress shall hold hearings on the national goals and priorities report and on such other reports and duties of the Office as it deems advisable.

There is no priority expressed. Just that.

Mr. TAFT. I would say to the Senator from Wisconsin, in all honesty, I believe that would leave the situation in exactly the same status as if the amendment were passed, so I do not believe it really matters. If the Senator is willing to withdraw his amendment, I have no objection.

Mr. PROXMIRE. That is fine. Mr. President, I do not know what the parliamentary situation is. I would like to withdraw my amendment, although there is an amendment to it pending. Can I simply ask unanimous consent to withdraw my amendment?

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that he be permitted to withdraw his amendment?

Mr. PROXMIRE. Yes. I ask unanimous consent that I may be permitted to withdraw my pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Reserving the right to object, would my amendment remain pending under those circumstances, or would it die, if the unanimous-consent request were granted?

The PRESIDING OFFICER. If the Senator from Wisconsin withdraws his amendment, the amendment of the Senator from Ohio would go with it, but the Senator from Ohio could then offer his amendment in his own right.

Mr. PROXMIRE. May I say to the Senator from Ohio, the reason I would withdraw my amendment is with the understanding with the Senator from Ohio that he would withdraw his. He said there would not be any substantial difference, anyway, and would accept that.

Mr. TAFT. Mr. President, I am not trying to play games in this situation. I understand that my amendment would fail with the unanimous-consent request being granted.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the Senator from Wisconsin has a right to withdraw his amendment; that if he does so the amendment of the Senator from Ohio is withdrawn with it, but the Senator from Ohio then has the right to offer his amendment as a separate piece of legislation.

Mr. TAFT. I will say I have no intention of doing so, for the reasons just stated. I withdraw the objection.

The PRESIDING OFFICER. Then the amendment of the Senator from Wisconsin is withdrawn.

Mr. BROCK. Mr. President, I call up an amendment which I have at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 8, strike line 24 and all that follows through "House" on page 9 line 3, and insert in lieu thereof: "who shall be appointed jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House, and an Assistant Director of Goals and Priorities Analysis (hereinafter referred to as the 'Assistant Director') who shall be appointed jointly by the Minority Leader of the Senate and the Minority Leader of the House of Representatives and confirmed by a majority vote of each House."

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BROCK. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, as I understand it, though I have not gone to the desk to read it, that is exactly what we now have in the bill, except that the Assistant Director would then be appointed by the minority leaders of the House of Representatives and the Senate, and similarly confirmed by a majority vote of each House.

Mr. BROCK. The Senator is correct.

Mr. JAVITS. I think that is an excellent amendment. We have discussed it, and as far as I am concerned, subject to one minute to look at it to be sure it strikes the right thing, it is entirely satisfactory to me.

Mr. BROCK. Mr. President, who has the time?

The PRESIDING OFFICER. The Senator from Minnesota has 15 minutes.

Mr. MONDALE. Mr. President, I yield myself 5 minutes.

While the Senator from New York is examining the amendment, let me say that I think this would strengthen the bill. I do not think that this office can function unless it is bipartisan, or nonpartisan. If it acts in the role of advocate, its function is completely destroyed. To function properly, it must be established under the leadership of highly professional, highly skilled persons, who can give it the same kind of leadership and the same sort of distinction as the General Accounting Office. That is the quality and caliber of leadership we would hope would result in the effective functioning of the office, but also in receiving the bipartisan respect it must have.

Our objective here is to equip Congress, on a bipartisan basis, with the kind of skills and talents in analysis, statistics, and computer technology that I think we need to be able to meet the enormous distortions of the executive branch, no matter what party is in control. I have been involved in many legislative struggles here, and where I have been on the side of the Executive—and this has been true under both administrations since I came to Washington—I get all the computer printouts, data, and knowledge I could possibly want. But, strangely, when one finds himself in opposition to the Executive, under either political party, suddenly the computers go dead, they run backwards, the data they give you are somehow incomplete. Why Congress should voluntarily deny itself the information and data it needs to make intelligent choices under these circumstances, I do not know.

I think the amendment offered by the Senator from Tennessee will strengthen this office.

The PRESIDING OFFICER. Who yields time?

Mr. BROCK. Mr. President, I yield myself such time as I may require.

I would say very sincerely that I am deeply grateful for the support of the Senator from New York and the Senator from Minnesota. We share a common objective in seeking to strengthen the legislative branch, and not only strengthen it in a bipartisan sense.

No partisanship is intended in this measure, and I think this amendment will assure that that situation will obtain, and will maintain itself.

I am somewhat amused by the statement of the Senator from Minnesota, because I have felt the inadequacy of computer printouts and such things for my 10 years in Congress, and I am glad that it is recognized by others.

Mr. MONDALE. Yes. Sometimes I think we have a new axiom, that he who controls the computers wins the debate.

Mr. JAVITS. Mr. President, I have examined the amendment and I find it satisfactory.

Mr. BROCK. I yield back the remainder of my time.

Mr. MONDALE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Stafford). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. Who yields time?

Mr. TAFT. Mr. President, I yield myself 8 minutes on the bill.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield for a question?

Mr. TAFT. I yield.

Mr. ROBERT C. BYRD. May I ask the distinguished Senator from Tennessee or the distinguished manager of the bill whether it is the intention of either to ask for the yeas and nays on the bill? If it is, there are enough Senators now present to show a sufficient second.

Mr. TAFT. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, I would say at this time to the distinguished acting majority leader that it is possible that at the conclusion of my remarks I shall offer another amendment, on which I may or may not ask for the yeas and nays.

Mr. President, I oppose the enactment of S. 5, the Full Opportunity and National Goals and Priorities Act, for several reasons.

I share a deep concern for the problems and the goals mentioned by the sponsor of the bill, the distinguished Senator from Minnesota. It is an appealing bill in many ways. It puts one on the side of the angels, backed by many well-meaning groups, I am sure.

Let me say very emphatically that I believe that the formulation of national goals and priorities must be an integral part of policymaking in both the executive and legislative branches of Government, and I do not consider that we have done an adequate job in that regard in either branch of the Government, in recent years, at least. In my judgment, however, this bill will hamper rather than assist in achieving this objective. S. 5 creates unnecessary bureaucratic mechanisms which will duplicate existing efforts, with no provision for coordination with related structures already operative in both the executive and legislative branches of Government.

Title I of this bill establishes a Council of Social Advisers in the Executive Office of the President and requires an annual social report by the President to the Congress. The administration opposes the grafting of an additional bureaucratic layer onto the Executive Office, and I believe they are correct in taking that position. Two years ago, the President, through executive reorganization, established the Domestic Council to assist him in the coordination and overview of domestic policy. Department secretaries and heads of agencies in the domestic areas are members of the Domestic Council—giving it the advantage of meaningful inputs and suggestions from these very able people. Certainly, the President is in the best position to determine whether he needs an additional Council to assist him in establishing social goals and priorities. The Council which is proposed in this bill would overlap and perhaps impede the mandate of the Domestic Council.

It seems to me, and I think my colleagues will agree, that before concerning ourselves with the creation of additional councils and other administrative structures, this Congress would be better advised to spend its time and energy on the enactment of the many needed domestic reforms already proposed by the President and others. These include welfare reform, manpower training, the reform of our system of health care, revenue sharing, and the reorganization of the Federal Government.

Recognizing the need for more research in the development of reliable social indicators—there is a great need for this, and if we need give attention to this field by additional legislation, I think our attention ought to be directed in the area of research and development of reliable social indicators—the Office of Management and Budget has been working in this area for some time, compiling an extensive publication on social indicators. The Office of Statistical Policy in OMB has indicated to me that it hopes to publish its work on social indicators early in 1973. Drafts of most chapters are currently under review. The performance measurement system is now in the process of being applied in several areas, including drug abuse. The National Science Foundation has awarded grants to the University of Michigan Survey Research Center, the National Planning Association and the Urban Institute for study in this area. A progress report should be available shortly after January 1, 1973.

Before superimposing upon the President a staff to interpret social indicators leading to policy recommendations, much more research is needed in developing and refining such measures and in determining the relationship between social and economic indicators. During the committee hearings which were held on this bill in July of 1971, there seemed to be a consensus among the witnesses that meaningful social data is difficult to obtain, and perhaps in a premature stage of development. Dr. Raymond Bauer, professor of business administration at the Harvard Graduate School of Business Administration testified that:

> One of the biggest objections that wasn't raised here this morning to the council of social advisors but which has circulated in the science community, has been that sociology, anthropology, and similar disciplines aren't as far advanced as the economics were in 1945.

I suggest, Mr. President, that much more research is needed before the enactment of a bill such as S. 5. I believe the discussions we already have had on the floor this afternoon have indicated this very patently.

Title II of the bill establishes within Congress an Office of Goals and Priorities Analysis. This new Office would be required to submit to the Congress an annual report setting forth goals and priorities. This objective is commendable. I question, however, whether the addition of an office and staff, completely separated from all legislative and appropriations committees, would or could accomplish this purpose. In my judgment such an isolated office would be a tremendous waste of time, money, and staff. The distinguished Senator from Wisconsin, Mr. Proxmire, who testified on S. 5 in July 1971, in my opinion, was justified in opposing this measure "because it undertakes to establish an Office of Goals and Priorities on a basis that would separate it completely from the general economic analysis and formulation of economic policy in the Congress."

For these reasons, I urge my colleagues to join with me in opposing the passage of this unnecessary and ill-structured measure.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. Cook). Who yields time?

Mr. MONDALE. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. TAFT. I yield 5 minutes to the Senator.

Mr. MONDALE. I inquire from the Senator from Ohio whether he plans to offer an amendment.

Mr. TAFT. I do plan to offer an amendment very shortly. My amendment, I advise the Senator, will have the effect of striking title I only, leaving title II.

Mr. MONDALE. I do not wish to prejudice the course which the Senator from Ohio wishes to take, but it might be appropriate at this point, if he wishes, to offer his amendment, and we could go to the debate on it.

Mr. TAFT. I would be glad to do so, if there are no other requests for time.

Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

> On page 1, line 5, strike all through line 24 on page 7.

The PRESIDING OFFICER. There is a time limitation on the amendment of 30 minutes per side. The Senator from Ohio has 30 minutes, and the manager of the bill has 30 minutes. Who yields time?

Mr. TAFT. I yield myself such time as I may use.

Mr. President, I offer this amendment because I think the issues involved between title I and title II are quite different.

As I have indicated in my remarks on the bill, I feel that there is a very definite need in the legislative area, after adequate study, for setting up additional staff assistance, especially for the minority, in studying and analyzing various legislative proposals and getting an overview and overall concept of the national problems and priorities as we ought to see them in Congress.

I think the cause of Congress could benefit from having a body such as this to call upon. I do not think the bill as presently drafted, even with the improvements that have been suggested—and they are considerable improvements—and in at least one case adopted with regard to the selection of the director and the assistant director, completely correct this.

I do not want to give the impression that I am in favor of title II or that I expect to vote for the bill because of the present form of title II. I merely say that I feel that there is a real place in the future, both for the House of Representatives and the Senate, to have a body on which they may call for suggestions as to the specific priorities that might be undertaken to provide a little more cross reference, perhaps, on the specific problems considered by a particular committee, so that we can better establish the national priorities.

I do not think we can substitute the judgment of any such body or the recommendations of any such body for the determination ultimately of national priorities as determined by Congress. At the same time, I recognize that Congress could and well might benefit from having additional staff assistance and additional information and suggestions in this regard, aside and apart from the Executive. But for the reasons I have already indicated in my talk on the bill generally, I do not believe that this is true of the executive branch. How we can expect to impose an independent body of this sort upon the executive branch at this time, when we already have ongoing the current efforts of OMB to do just exactly this within the Office of the President, is hard for me to understand. It seems to me that an independent body is bound to run into conflict with the already existing structure and that, indeed, rather than helping or speeding up or clarifying an analysis of the national needs and priorities that would come from the staff of the President and the OMB and the various departments of the Government, this would only add another layer which would add to the complication of the overall picture involved.

For that reason, I oppose title I. I feel that the Senate ought to have a separate opportunity to vote for the elimination of title I before it undertakes to make a judgment on the question of title II, which seems to me to be an entirely separate question, and that is the only purpose for which I have offered the amendment at this time.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, the present proposal embodied in title I, which is now before us, would create a Council of Social Advisers, composed of three members selected by the President. It would assist him in preparing an annual social report, which the President would send to the Congress. In it, the Council would seek to evaluate ongoing social programs and make recommendations to Congress and the public as to what we need and what they would recommend that we do, or do better, to improve conditions in the lives of all Americans.

This bill arose out of a feeling I had, which was shared by almost everyone in Congress—and, as I went about my State and the country, which was shared by almost everyone in the country; namely, that there is something that has gone wrong with the way in which we make our choices and our judgments when we deal with human problems. Somehow, we back into the future; we guess, we have hunches, we operate on those hunches and those guesses and sometimes develop programs which are counterproductive. Sometimes we spend millions of dollars on programs that do not work at all. Sometimes we spend vasts amounts of money on programs which do very little good, and sometimes we fail to give resources to other programs which are helpful but which are not so successful as they could be because we simply are not acting on the best information that could be developed.

We have seen several examples, to which I have already referred, in which the Federal Government appears to be the last to know about profound human problems—problems as essential and elementary as basic nutrition, problems like the exploding American cities in the late 1960's, questions about welfare—who is on welfare, why are they there, what can we do to reduce, in a sensible and humane way, the cost of the welfare burden on how can we educate our children best.

For 2½ years, the Senator from New York and I, and many others, have been engaged in a deep and probing effort to determine how we can establish systems which will lead to equality of educational opportunity in this country.

What could be more basic, what could be more fundamental to the American creed than pursuing strategies on education which will permit every child in this country to have an opportunity? Yet I am sure that the distinguished Senator from New York will agree with me, that the value of the literature and the statistics in the field of education is appalling; it is abysmal. We spent months trying to find answers to elementary questions in the field of education alone, on which we spend, I think, about $50 million a year. It is enough to shatter anyone's confidence in the wisdom and ability with which this country conducts its public affairs, particularly in the field of human problems.

Mr. TAFT. If the Senator will yield, I should like to recall to the Senator, and I agree with him, that so far as research is concerned, I have emphasized that particularly, but especially with regard to the field of education, I thought it was pointed up in the President's message on education of 2 years ago and by his adviser at that time in this area, that this field was in dire need of assistance. Congress responded in part, but, in my opinion, not adequately.

Mr. MONDALE. I thank the Senator, but one of the things that has profoundly plagued progress in social fields has been that each agency has its own pet project and it is not about to put out information or data which casts doubt upon its programs.

If it is Headstart, they say what this Nation needs is Headstart. If they have any bad reports, they burn them at midnight, so that no one ever hears about those problems. Every department and agency and every suboffice puts out only one kind of information—and that is favorable information. Each looks at its own restricted field without looking, as much as it should, at the total field.

What the Council of Social Advisers seeks to do is to take a total look at human programs, because they are related. A human being is not a series of categories—health, education, and nutrition. A human being is a total product of humanity.

We should take the same kind of encompassing view, a critical view, an overall view, of social problems. That is what the Council of Social Advisers would do.

It is an agency that would be capable of being critical and skeptical of all programs. I do not know how many times during the course of a Representative's or a Senator's career, he has heard an agency come before the Congress to criticize itself. I have served here 8 years, and I have not heard it yet.

What we need to do in the social field is to get a high level, highly professional, highly skilled staff in the Council of Social Advisers, with the best minds we can find in the country, to start analyzing these programs and developing, at arm's length, so to speak, social data so that we can begin to look courageously and forthrightly at our social problems. This we do not do today. That is why I think this kind of agency is needed.

I agree that we already spend millions of dollars on data and on reports now, but so many of them are self-serving and limited. Many of them do not ask the right questions—deliberately. The result is what one statistician called "cold facts"—the kind of information that does not do us any good. They can tell us how many bricks are in some school building but if we want to know what the requirements are in order to learn anything, they do not have the slightest idea. They will tell us how many soybeans we planted last year, but when we ask how many people are hungry, they do not have the slightest idea.

We have to start getting answers to the "hot" facts of American life. Congress will have to face the future and develop strategies for progress in the human field, or we will see lots more of what we are already seeing today, a greater sense of depression and cynicism about the capacity of the American Government to deal with the problems of the people of this Nation.

I do not say that the Council of Social Advisers will answer all those questions, but I do say that it would be an important new asset in philosophy and direction. It will be the first time that we have tried to deal in a comprehensive, sophisticated, and strategic way with the human problems that face the people of this country today. I do not believe Congress can continue to back into the future the way it has been doing.

Mr. JAVITS. Mr. President, my backing for Senator MONDALE's idea contained in title I—and I think Senators have finally grasped the difference between the two responsibilities—is that we have at last focused debate where it needs to be focused in respect of this particular matter. But I would like my colleague from Ohio to understand my own experience which dictated the support of this particular title. It is related to the fact that I have served on the Joint Economic Committee for a long time and I have seen over the years the growing relationship between the economic and the social problems of the country, and the disparity in the amount of expertise which existed at the top level in determining that relationship and what it should be. This has been very marked to me, and it is today.

We had before us the three members of the Council of Economic Advisers only yesterday—Dr. Stein, Mrs. Whitman, and Mr. Solomon—very distinguished people, very able people, but economists and essentially able to give us the basic policy that our country should pursue respecting its economics at home and abroad.

But in humanistic terms, there was no expertise, at all, for example.

President Eisenhower was very proud of his Commission on National Goals that he established which was headed by a former president of Brown University. And we were very much taken, for example, with the work of the Haley Commission on the resources of the country and when those resources would be used up.

Many of us are deeply concerned now with the energy use in this country. Many of us are concerned with spot problems in the country, such as drug addiction, venereal disease, and all of the social trends having subsequent consequences which pipe into what we ought to be doing in terms of the Nation's society.

However, there is no group in the Nation such as a Council on Social Advisers which ties it together.

The fact is that the gifted idea of the Senator from Minnesota (Mr. MONDALE) to this bill represents an addition to the new world, call it the new politics, the new development needs, or the new development conscience which is perhaps best characterized by the environmentalists and population control people.

These are new problems which have hit us in life. Simply put, the Council would keep us abreast of the facts and remind us that our practices are no longer adequate.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I do not know of any person in the Senate who deals with more human problems than does the Senator from New York. He is the ranking member of the Committee on Labor and Public Welfare. He serves on the subcommittees on Labor, Education, Health, and Employment, Manpower, and Poverty. Perhaps there are several that I have forgotten.

During the Senator's career in the Senate, he has spent several man-years listening to human problems—the Senator can name the problem, whatever it is, and he has dealt with it.

What would the Senator say after his experience over the years of the condition of the data and information that is available to assist us in dealing with these problems?

Mr. JAVITS. It is woefully inadequate in how it relates to the future. How does hunger relate to education? How does venereal disease relate to school dropouts? How does drug addiction relate to the ability or desire to hold a job and the degree of antagonism and the ability to be rehabilitated so as to be able to hold a job?

Mr. MONDALE. Mr. President, does the Senator recall the hearings we held—and these are typical—on the question of the Job Corps?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. Mr. President, I yield the Senator from New York an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. MONDALE. Mr. President, the Senator will recall that we asked appropriate agencies to provide data to tell us which manpower program delivered the highest return in terms of the number of enrollees who found employment afterward; how many received a better opportunity to develop after than before; what was the dropout rate; what was the cost per enrollee; what in their opinion, based on the data, were the best manpower programs per dollar spent. These, it seems to me, would be commonplace and elementary questions, the kind of questions that any businessman must ask and answer if he has any hope of survival.

Can the Senator recall the questions and answers? They said: "Yes, we will submit a tabulation telling you those things." I still remember the tabulation. Footnote 2 said "not available." The tabulation was full of ditto marks for footnote 2. That was not something peculiar to this administration. It has been true of all previous administrations. We simply do not have the basic information to make a proper judgment.

Mr. JAVITS. The Senator is absolutely correct. It goes to demonstrate what I said a moment ago. The Employment Act was passed in 1946. That is a small matter. It was 26 years ago. It developed a human kind of consciousness on the part of our country, and the problems and the interest of our country have simply outrun it.

How do we modernize it and bring it up to date? We argued the question whether we should merge the Social Adviser group into the Council of Economic Advisers.

The Senator from Minnesota convinced me and convinced a majority of the committee that, considering our history, it could not be done as effectively there as by another body.

Mr. President, there was no other way considering the history of the Employment Act of 1946. I am convinced of that. And every aspect of my experience bears it out. I hope very much that the Senate will keep the integrity of this bill an important function for the executive department and an important resource for Congress.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. DOMINICK. Mr. President, I thank my very distinguished friend, the Senator from Ohio.

Mr. President, the thing that concerns me with title I of the bill—and before this we have been talking about title II—is that if we look at section 102, page 2 of the bill, it provides for a review by the President of the State, local, and private efforts designed to create the conditions expressed in section 101. The conditions specified in section 101 cover the whole range of social efforts.

So I would presume that under this the President would be required to deal with the Boy Scouts, the Red Cross, the Visiting Nurses Association, the Kennedy Center, the Arts and Humanities, and every single type of third group organization which we are unique for in this country where private people are trying to do something on their own.

We then have to fit that, or the President has to, into his so-called social report, not to speak of the number of efforts being made in local communities all over this country to try to upgrade their own conditions.

Then the President is required under this to ascertain the overall progress and effectiveness of Federal efforts designed to carry out the policies in section 102.

I recall that the President in his state of the Union message said that the categorical grant program had—and I am not quoting him but am paraphrasing him—resulted in an enormous increase of bureaucracy with very little increase in the solution of the problems which the categorical grants were designed to deal with and that we had not changed this in a long period of time. As a matter of fact, it had proliferated and resulted in a growth in both the problems and the bureaucracy.

He, therefore, suggested revenue sharing as a method of doing it.

This is an assessment of national goals and priorities. Yet in the 2 years since he announced this, we have yet to get a revenue sharing bill through Congress. We are holding hearings in the Senate now. However, the bill has gone nowhere in this Congress. So, although the President has done this and has suggested what some of the efforts might be, nothing has been forthcoming from Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TAFT. Mr. President, I yield the Senator from Colorado 2 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 additional minutes.

Mr. DOMINICK. Mr. President, this is what he has to transmit again. And I would presume that he could make almost the same budget speech or state of the Union message next year, assuming that he gets reelected. And if we have the same makeup in Congress, we will get nowhere. As I said before, I hope that we can change the makeup of Congress, but whether we can or not depends upon what happens this fall.

Mr. President, you can go down through title I of the bill. It imposes on the President a lot of work, part of which he is going to do in his state of the Union message, in the budget, and in connection with proposals on legislation. But then it creates within the White House, without his consent, a Council of Social Advisers, and they will be appointed by the President, but with advice of the Senate. That is improvement, at least, over what we had in other proposals. Presumably this is a group to be of assistance to the President but he already has his Council of Economic Advisers, and he already has his White House staff. Now, to add another one, it seems to me to be adding a large number of personnel at a great deal of expense without really accomplishing any objective which is different from that of the groups already established. For example, it is supposedly the duty and function of the Council to assist the President in the preparation of a social report. Well, that is just like the group he already has there.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. DOMINICK. I support the amendment of the Senator from Ohio.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I yield myself such time as I may consume.

I think the Senator from Colorado made the point very well in support of the amendment. I advise the Senate at this time I do not expect to ask for the yeas and nays on this amendment because it seems to me to express the very essence of the bill itself and Senators can vote one way or the other on the amendment and on the bill.

However, it seems to me that the Senator from Colorado made the real point that is involved here. I was interested to hear the Senator from New York discuss sound business administration, because that is what we are talking about here. It seems to me that the group that is going to have to determine in any industry what the national priorities are and how the various programs are working is the President, his Cabinet, and his staff, the people directly responsible to the President. They are the ones to make the assessment and that is the only way an effective administration can operate or that the Government can operate.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MONDALE. Does the Senator make the same statement with respect to the Council of Economic Advisers.

Mr. TAFT. I think the Council of Economic Advisers is basically responsible to the President.

Mr. MONDALE. That is an institution that is identical.

Mr. TAFT. I do not feel it is because they are dealing in a specialized field. Here they are dealing with the life of the Nation and the running of the Government. They are dealing with the Department of HEW and Labor, and an entire area of Government and setting up a conflicting report and a conflicting examining body which will report to the President, presumably, and presumably do his bidding, but I think it only adds confusion to a confusing situation already in Government today.

It would perpetuate the problems we have and it would add another layer of bureaucracy on top of these areas. It is unsound in concept and I believe that it should be defeated.

Mr. President, at this time I have no further requests for time. I am ready to yield back such time as I have on the amendment and on the bill.

Mr. MONDALE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was rejected.

Mr. HUMPHREY. Mr. President, I congratulate my colleague from Minnesota (Mr. MONDALE) on what I think is a valuable and important piece of legislation. I am honored to be a cosponsor of this program and have long urged its adoption.

The Full Opportunity and National Goals and Priorities Act of 1972 fills a critical policymaking void at the highest levels of our Government. This legislation establishes the opportunity for all Americans to live in decency and dignity as a national goal, and provides the mechanisms necessary for advancing this social goal.

Just as we have an Economic Report of the President on the economic condition of our Nation, this legislation would require the President and his newly created Council of Social Advisers to prepare and submit to the Congress a social report of the President. Such a report would add immeasurably to the debate over human progress, sketch the alternatives and sacrifices we as a nation must make if we are to achieve social justice for all our people, and provide a sound policy input of social factors into decisions over our national priorities and the allocation of our national resources. This council provides the vital information on a timely basis, needed for sound economic and social decisions.

This legislation also establishes in the Congress an Office of Goals and Priorities Analysis—to evaluate the data, the information, and the choices submitted by the President's Council of Social Advisers, and to independently analyze the direction and thrust of the social priorities of our Nation.

Mr. President, I am proud to have been a cosponsor of this legislation. I am proud to stand before the Senate today and speak on its behalf. And, I am proud to cast a vote for its enactment.

I have long thought that the truly great tragedies of our Federal Government are the lack of planning, and more specifically, the too often lack of any reliable social indicator and analysis into policy decisionmaking.

Mr. President, the social sciences of this Nation have made tremendous advances in recent years. New forms of data collection, new techniques of analysis, and new methods of inquiry have placed many of these sciences on a first foundation. I think that we in the Government must make the effort to bring this kind of knowledge into our policy thinking on a regularized basis.

I am the first to admit that social engineering is difficult and fraught with danger. Yet, I also state that to proceed from ignorance, to close out an important sector of our national knowledge is also fraught with danger.

That is why I have cosponsored and supported this bill, Mr. President. And, that is why I believe the Senate would do well to pass it today.

Mr. DOMINICK. Mr. President, I oppose the bill before the Senate, S. 5. Title I provides as a goal that all Americans live in decency and dignity and further defines this goal to be a continuing responsibility of the Federal Government. The goal is described as including such vast areas as educational and vocational opportunities, access to housing and health care and provisions for special assistance to the handicapped and other less fortunate members of society. To accomplish these goals a Council of Social Advisers in the Executive Office of the President is established and the President is required to submit an annual social report to the Congress. Salary expenditures for this Council are authorized and are not to exceed $900,000 annually.

Title II declares that Congress needs more information upon which to base decisions affecting national priorities and expenditures in these fields of social endeavor. Accordingly, a new Office of Goals and Priorities Analysis is created for the Congress. Reports from this office are to be submitted to various committees in Congress.

Mr. President, it is obvious that no Member of the Congress or any citizen would find the broad goals stated in this act to be objectionable. However, this bill is not the proper means to effectively accomplish the desired result, namely, to cure the social ills in our country. The bill sets up another council that would duplicate the functions of the Domestic Council which was established in the Executive Office of the President in July 1970. The Domestic Council assesses national needs and coordinates the establishment of national priorities concerning domestic issues and also maintains a continuous review of ongoing programs.

The Council of Social Advisors created by this bill was not requested by the President and is not necessary to achieve the stated objectives contained in the bill. The same bill was before the Senate in 1970. I spoke against the bill on September 10, 1970, for identical reasons.

We not only create a council in the executive branch which oversees and overlaps existing programs but we also create a new office in the Congress. Both the Council and congressional office are required to submit social reports. Rather than coordinate and simplify our communications with the White House, departments and agencies, I predict that all this bill will accomplish is to further confuse, duplicate and disrupt existing channels of communication. The various committees of the Congress are quite capable of assimilating the information and data that is required. The committee report which contains the minority views of Senator TAFT and myself states that we need more information concerning the great problems facing our Nation today, such as welfare, housing and urban renewal. We do need such information; however, we first need to develop more fully reliable social indicators in order to obtain accurate information. Why does the Senate continue to create new offices and increase bureaucratic confusion rather than coordinating these new offices or new programs within existing departments thereby saving some funds for the taxpayers of the country and assuring the orderly growth of government. Mr. President, I oppose the bill. It is another example of using money for administrative purposes instead of using it to assist those persons who are truly deserving.

Mr. KENNEDY. Mr. President, I want to express my strong support for S. 5, the Full Opportunity and National Goals and Priorities Act, which I was proud to cosponsor. This landmark bill recognizes the enormous changes in American society since World War II, and the need to accord the same national attention to social indicators that we do to economic indicators.

The bill is modeled on the Full Employment Act of 1946, which enunciated the national goal of full employment and which established the Joint Economic Committee, the Council of Economic Advisers, and the annual Economic Report of the President.

This bill attempts to provide similar mechanisms for gathering data on social indicators and for assessing their significance with respect to national policy on a host of social issues in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and providing special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal.

To carry out these goals, the bill establishes a Council of Economic Advisers in the Executive Office of the President, and a requirement for an annual social report by the President to the Congress. Title II of the bill establishes within the Congress an Office of Goals and Priorities Analysis. This office would review the annual social report submitted by the President; and drawing on that and other sources, would prepare an annual report to the Congress setting forth goals and priorities in the general context of needs, costs, available resources, and program effectiveness.

Mr. President, one of the criticisms which has been raised against the bill is that our knowledge of social indicators is not advanced enough to gather the relevant social information and analyze it effectively. It is pointed out that it is a lot simpler to measure the cost of living or the gross national product than it is to measure the Nation's accomplishments with respect to social issues. For example, how do we assess progress in meeting civil rights goals? By counting the number of minority group members in various kinds of employment? By counting the number of such people living in suburban communities? These are useful indicators, but they clearly are not adequate to indicate the full range of social values which must be taken into account to measure national progress in meeting these important goals.

Yet the fact that our knowledge and techniques for measuring social progress are not perfect does not constitute an argument for inaction in dealing with these problems. As imperfect as our information may be with respect to social factors, we need every bit of information we can collect, and all the skill we can muster to analyze this information and assess its impact with respect to national policies.

The very fact that we establish a Council of Social Advisers in the executive branch and an Office of Goals and Priorities Analysis in the Congress will serve to focus national talent and resources on improving our capability to study these problems. Thus, this bill is an essential step in providing for a continuing assessment of national progress on social issues. The President and the Congress need the information and policy analysis which this bill would provide. The better informed policies which would result would benefit all our people.

I urge each Senator to vote for this landmark legislation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Ohio has 16 minutes remaining on the bill. Does the Senator yield back his time?

Mr. TAFT. I yield back the remainder of my time.

Mr. MONDALE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on passage of the bill as amended. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from South Dakota (Mr. MCGOVERN). If present and voting, the Senator from Georgia would vote "nay" and the Senator from South Dakota would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 51, nays 40, as follows:

[No. 311 Leg.]

YEAS—51

Anderson
Bayh
Bentsen
Bible
Brock
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cranston
Fong
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stafford
Stevens
Stevenson
Symington
Tunney
Williams

NAYS—40

Aiken
Allen
Allott
Beall
Bellmon
Bennett
Boggs
Buckley
Byrd,
Harry F., Jr.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Long
McClellan
Miller
Packwood
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—9

Baker
Eagleton
Ellender
Gambrell
Jordan, N.C.
McGovern
Mundt
Pell
Percy

So the bill (S. 5) was passed, as follows:

S. 5

An act to promote the public welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Full Opportunity and National Goals and Priorities Act."

TITLE I—FULL OPPORTUNITY

DECLARATION OF POLICY

SEC. 101. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal and by measuring progress in meeting such needs.

SOCIAL REPORT OF THE PRESIDENT

SEC. 102. (a) The President shall transmit to the Congress not later than February 15 of each year a report to be known as the social report, setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 101 with particular emphasis upon the manner in which such efforts serve to meet national social needs in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local, and private efforts designed to create the conditions specified in section 101; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; and (4) programs and policies for carrying out the policy declared in section 101, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 101.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the Committee on Labor and Public Welfare of the Senate and the Committees on Education and Labor and Interstate and Foreign Commerce of the House of Representatives. Nothing in this subsection shall be construed to prohibit the consideration of the report by any other committee of the Senate or the House of Representatives with respect to any matter within the jurisdiction of any such committee.

COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 103. (a) There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 101, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for level II of such schedule.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statistical data concerning developments and programs designed to carry out the policy declared in section 101, both current and prospective, and to develop a series of social indicators to analyze and interpret such information and data in the light of the policy declared in section 101 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 101 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 101 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 101 as the President may request.

(6) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation as the President may request in appraising long-range aspects of social policy and programing consistent with the policy declared in section 101.

(d) Recognizing the predominance of State and local governments in the social area, the President shall, when appropriate, provide for the dissemination to such States and localities of information or data developed by the Council pursuant to subsection (c) of this section.

(e) The Council shall make an annual report to the President in January of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the direct participation in the Council's planning of such interested parties;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of Federal, State, and local government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided;

(3) the Council shall, to the fullest extent possible, insure that the individual's right to privacy is not infringed by its activities; and

(4)(A) the Council may enter into essential contractual relationships with educational institutions, private research organizations, and other organizations as needed; and

(B) any reports, studies, or analyses resulting from such contractual relationships shall be made available to any person for purposes of study.

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $900,000 in the aggregate for each fiscal year.

TITLE II—NATIONAL GOALS AND PRIORITIES

DECLARATION OF PURPOSES

SEC. 201. The Congress finds and declares that there is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of national priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national priorities, it is hereby declared to be the intent of Congress to establish an office within the Congress which will conduct a continuing analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

ESTABLISHMENT

SEC. 202. (a) There is established an Office of Goals and Priorities Analysis (hereafter referred to as the "Office") which shall be within the Congress.

(b) There shall be in the Office a Director of Goals and Priorities Analysis (hereafter referred to as the "Director") who shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House, and an Assistant Director of Goals and Priorities Analysis (hereinafter referred to as the "Assistant Director") who shall be appointed jointly by the minority leader of the Senate and the minority leader of the House of Representatives and confirmed by a majority vote of each House. The Office shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director. The Director shall designate an employee of the Office to act as Director during the absence or incapacity of the Director and the Assistant Director, or during a vacancy in both of such offices.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1973. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provisions of subsection (e), a Director or Assistant Director may serve until his successor is appointed.

(e) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by appointment, as provided in this section.

(f) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret public policies and programs.

FUNCTIONS

SEC. 203. (a) The Office shall make such studies as it deems necessary to carry out the purposes of section 201. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Office shall submit to the Congress on March 1 of each year a national goals and priorities report and copies of such report shall be furnished to the Committee on Appropriations of the Senate and of the House of Representatives, the Joint Economic Committee, and other interested committees. The report shall include, but not be limited to—

(1) an analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;

(2) an examination of resources available

to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resources and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the national goals and priorities report and other reports and studies which the Office submits to the Congress, the Office shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national goals and priorities.

POWERS OF THE OFFICE

SEC. 204. (a) In the performance of its functions under this title, the Office is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Office;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by the Congress;

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b) (1) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Office, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Office.

(2) The Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch.

(3) The Office of Management and Budget shall furnish to the Director copies of special analytic studies, program and financial plans, and such other reports of a similar nature as may be required under the planning-programing-budgeting system or any other law.

(c) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) the Director, Assistant Director, and employees of the Office of Goals and Priorities and Analysis.".

JOINT ECONOMIC COMMITTEE HEARINGS

SEC. 205. The Joint Economic Committee of the Congress shall hold hearings on the national goals and priorities report and on such other reports and duties of the Office as it deems advisable.

PAYMENT OF EXPENSES

SEC. 206. All expenses and salaries of the Office shall be paid by the Secretary of the Senate from funds appropriated for the Office upon vouchers signed by the Director or, in the event of a vacancy in that Office, the Acting Director.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MARINE MAMMAL PROTECTION ACT OF 1972

The PRESIDING OFFICER (Mr. STAFFORD). The Chair, pursuant to the previous order, lays before the Senate S. 2871, a bill to protect marine mammals, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Marine Mammal Protection Act of 1972".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further, measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;

(3) there is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken immediately to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and conservation of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to achieve an optimum sustainable population keeping in mind the optimum carrying capacity of the habitat and the health and stability of the marine ecosystem.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "depletion" or "depleted" means any case in which the number of individuals within a species or population stock—

(i) is at such a level that, in the determination of the Secretary, such species or stock is threatened with extinction,

(ii) has declined to a significant degree over a period of years, and the Secretary determines that such decline is continuing or is likely to resume, and that as a result such species or stock is likely to become threatened with extinction within the foreseeable future.

(2) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and, in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(3) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the mammal involved.

(4) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(5) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(6) The term "optimum sustainable population" means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

(7) The term "optimum carrying capacity" means the ability of a given habitat to support the optimum sustainable population of a species or population stock in a healthy state without diminishing the ability of the habitat to continue that function.

(8) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(9) The term "population stock" or "stock" means a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature.

(10) The term "Secretary" means—

(A) the Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, as to all responsibility, authority, funding, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, and duties under this Act with respect to all other marine mammals covered by the Act.

(11) The term "moratorium" means a complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products, except as provided in this Act.

(12) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(13) The term "United States" includes the several States, the District of Columbia,

the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(14) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091–1094).

(15) The terms "management" and "conservation" mean the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. They include the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within these terms, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

MORATORIUM

SEC. 101. (a) There shall be a fifteen-year moratorium on the taking and importation of marine mammals and marine mammal products, commencing on the effective date of this Act, during which time no permit may be issued for the taking of any marine mammal and no marine mammal or marine mammal product may be imported into the United States except in the following cases:

(1) Permits may be issued by the Secretary for taking and importation for purposes of scientific research and for public display if—

(A) the taking proposed in the application for any such permit, or

(B) the importation proposed to be made, is first reviewed by the Marine Mammal Commission established under title II of this Act. The Commission and Committee shall recommend any proposed taking or importation which is consistent with the purposes and policies of section 2 of this Act. The Secretary shall, if he grants approval for importation, issue to the importer concerned a certificate to that effect which shall be in such form as the Secretary of the Treasury prescribes and such importation may be made upon presentation of the certificate to the customs officer concerned.

(2) During the twenty-four calendar months initially following the effective date of this Act, the taking of marine mammals incidental to the course of commercial fishing operations shall be permitted, and shall not be subject to the provisions of sections 103 and 104 of this Act: *Provided,* That such taking conforms to such regulations as the Secretary is authorized and directed to impose pursuant to section 111 hereof to insure that those techniques and equipment are used which will produce the lowest feasible fatalities to marine mammals in such commercial fishing operations. Subsequent to such twenty-four months, marine mammals may be taken incidentally in the course of commercial fishing operations and permits may be issued therefor pursuant to section 104 of this Act, subject to regulations prescribed by the Secretary in accordance with section 103 hereof.

(3) (A) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammals Commission, is authorized and directed, from time to time, having due regard to the distribution, abundance, breeding habits, and times and lines of migratory movements of such marine mammals, to determine in accordance with the procedures in section 103 (d) of this Act when, to what extent, if at all, and by what means, it is compatible with this Act to waive the requirements of this section so as to allow taking, or importing of any marine mammals, or any marine mammal product, and then to adopt suitable regulations issue permits and make determinations in accordance with sections 102, 103, 104, and 110 of this Act permitting and governing such taking and importing, in accordance with such determinations: *Provided, however,* That the Secretary, in making such determinations, must be assured that the taking of such marine mammals is in accord with sound principles of resource protection and conservation as provided in the purpose and policies of this Act: *Provided further, however,* That no marine mammal or no marine mammal product may be imported into the United States unless the Secretary certifies that the program for taking marine mammals in the country of origin is consistent with the provisions and policies of this Act. Products of nations not so certified may not be imported into the United States for any purpose, including processing for exportation.

(B) Except for scientific research purposes as provided in paragraph (1) of this subsection, during the moratorium no permit may be issued for the taking of any marine mammal which is classified as belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969 (16 U.S.C. sec. 668aa to 668cc–6) or has been designated by the Secretary as depleted, and no importation may be made of any such mammal.

(b) The provisions of this Act shall not apply with respect to the taking of any marine mammal (other than a marine mammal, the taking of which has been prohibited as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969) by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes by Alaskan natives who reside in Alaska, or

(2) is done for purposes of creating and selling authentic native articles of handcrafts and clothing: *Provided,* That only authentic native articles of handicrafts and clothing may be sold in interstate commerce; And *provided further,* That any edible portion of marine mammals may be sold in native villages and towns in Alaska or for native consumption. For the purposes of this subsection, the term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Traditional native handicrafts include, but are not limited to weaving, carving, stitching, sewing, lacing, beading, drawing, and painting; and

(3) in each case, is not accomplished in a wasteful manner.

Notwithstanding the preceding provisions of this subsection, when, under this Act. the Secretary determines any species or stock of marine mammal subject to taking by Indians, Aleuts, or Eskimos to be depleted, he may prescribe regulations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in this subsection. Such regulations may be established with reference to species or stocks, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the purposes of this Act. Such regulations shall be prescribed after notice and hearing required by section 104 of this Act and shall be removed as soon as the Secretary determines that the need for their imposition has disappeared.

(c) In order to minimize undue economic hardship to persons subject to this Act, other than those engaged in commercial fishing operations referred to in section 101(a)(2), the Secretary, upon any such person filing an application with him and upon filing such information as the Secretary may require showing, to his satisfaction, such hardship, may exempt such person or class of persons from provisions of this Act for no more than one year from the effective date of this Act, as he determines to be appropriate.

PROHIBITIONS

SEC. 102. (a) Except as provided in sections 101, 103, 104, 111, and 113 of this Act, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States except as expressly provided for by an international treaty, convention, or agreement to which the United States is a party and which was entered into before the effective date of this title or in any statute implementing any such agreement;

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with the taking or importation of marine mammals or marine mammal products; and

(4) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammal; or

(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal; and

(5) for any person to use, in a commercial fishery, any means or methods of fishing in contravention of any regulations or limitations, issued by the Secretary for that fishery to achieve the purposes of this Act.

(b) Except pursuant to a permit for scientific research issued under section 104(c) of this Act, it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted species or stock or which has been listed as an endangered species under the Endangered Species Conservation Act of 1969; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—

(A) taken in violation of this title; or

(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—

(A) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection;

(B) the sale in commerce of such product in the country of origin of the product is illegal;

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner which the Secretary has proscribed for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

(d) Subsections (b) and (c) of this section shall not apply—

(1) with respect to any marine mammal or marine mammal product imported into the United States before the effective date of this title;

(2) in the case of marine mammals or marine mammal products, as the case may be, to which subsection (b)(3) of this section applies, to such items imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(3) in the case of marine mammals or marine mammal products to which subsection (c)(1)(B) or (c)(2)(B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

(e) This Act does not affect any marine mammal or marine mammal product taken prior to the effective date of this Act.

REGULATIONS ON TAKING OF MARINE MAMMALS

SEC. 103. (a) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, shall prescribe such regulations with respect to the taking and importing of animals from each species of marine mammal (including regulations on the taking and importing of individuals within population stocks) as he deems necessary and appropriate to insure that such taking will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such regulations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken or imported, including but not limited to the effect of such regulations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine ecosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The regulations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken or imported in any calendar year pursuant to permits issued under section 104 of this Act;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken or imported, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken or imported;

(4) the manner and locations in which animals may be taken or imported; and

(5) fishing techniques which have been found to cause undue fatalities to any species of marine mammal in a fishery.

(d) Regulations prescribed to carry out this section must be made on the record after opportunity for an agency hearing, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe regulations under this section—

(1) a statement of the estimated existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed regulations on the optimum sustainable population of such species or population stock;

(3) a statement describing the scientific evidence before the Secretary upon which he proposes to base such regulations; and

(4) any studies made by or for the Secretary or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations.

(e) Within six months from the effective date of this Act and every twelve months thereafter, the Secretary shall report to the public through publication in the Federal Register and to the Congress on the current status of all marine mammal species and population stocks subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the issuance of permits pursuant to this Act to assure the well-being of such marine mammals.

PERMITS

SEC. 104. (a) The Secretary may issue permits which authorize the taking or importation of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable regulation established by the Secretary under section 103 of this Act, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken or imported,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transplant a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) Any permit issued by the Secretary which authorizes the taking or importation of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking or importation. Any person authorized to take or import a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d)(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data or views, with respect to the taking or importation proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking or importation of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable regulations established under section 103 of this Act.

(4) Upon written request of any interested party, if such request is filed within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection, the Secretary may grant a hearing with respect to the application. If granted, such hearing shall be commenced within thirty days.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, or views, may be submitted pursuant to paragraph (2) of this subsection, the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant for a permit, or any party opposed to such permit, may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section or of his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the plaintiff resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e)(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable regulation prescribed under section 103 of this Act, or

(B) in any case in which a violation of the terms and conditions of the permit is found.

(2) whenever the Secretary shall propose any modification, suspension, or revocation of a permit under this subsection, the permittee shall be afforded opportunity, after due notice, for a hearing by the Secretary with respect to such proposed modification, suspension, or revocation. Such proposed action by the Secretary shall not take effect until a decision is issued by him after such hearing. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5) of subsection (d) of this section.

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized or taking importation;

(2) the period of any transit of such person or agent which is incident to such taking or importation; and

(3) any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(h) Consistent with the regulations prescribed pursuant to section 103 of this Act and to the requirements of section 101 of this Act, the Secretary may issue, to persons who are members of a class found by the Secretary to have common needs requiring them to take marine mammals, general permits for the taking of such marine mammals, together with regulations to cover the use of such general permits.

PENALTIES

Sec. 105. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each unlawful taking or importation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for each such violation, or imprisoned for not more than one year, or both.

CARGO FORFEITURE

Sec. 106. Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall have its entire cargo or the monetary value thereof subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws, the disposition of such cargo, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to the cargo of any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

ENFORCEMENT

Sec. 107. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States districts courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process, or without a warrant if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, search such vessel or conveyance and arrest such person;

(3) seize the cargo of any vessel or other conveyance subject to the jurisdiction of the United States used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

(e) (1) Whenever any cargo or marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 105 (a) or (b) of this Act. All marine mammals or marine mammal products or other cargo so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product or other cargo so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 105 (a) or (b) of this Act, in lieu of holding any marine, mammal or marine mammal product or other cargo, permit the person concerned to post or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3) (A) Upon the assessment of a penalty pursuant to section 105(a) of this Act, all marine mammals and marine mammal products or other cargo seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 105(b) of this Act, all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized may, at the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product or other cargo so seized—

(A) a civil penalty is assessed under section 105(a) of this Act and no judicial action is commenced to obtain the forfeiture of such mammal or product within thirty days after such assessment, such marine mammal or marine mammal product or other cargo shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 105(b) of this Act, such marine mammal or marine mammal product or other cargo shall immediately be returned to the owner or consignee if the Secretary does not, within thirty days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 105(a) of this Act.

INTERNATIONAL PROGRAM

Sec. 108. (a) The Secretary, through the Secretary of State, shall—

(1) immediately initiate negotiations for entering into of bilateral or multilateral agreements with other nations for the protection and conservation of all marine mammals covered by this Act;

(2) immediately initiate negotiations with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which are found by the Secretary to be unduly harmful to any species of marine mammal, for the purpose of entering into bilateral and multilateral treaties with such countries to protect marine mammals. The Secretary of State shall prepare a draft agenda relating to this matter for discussion at appropriate international meetings and forums;

(3) encourage such other agreements to promote the purposes of this Act with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(4) initiate the amendment of any existing international treaty for the protection and conservation of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this Act;

(5) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, for the purposes of (A) the negotiation of a binding international convention for the protection and conservation of all marine mammals, and (B) the implementation of paragraph (3) of this section; and

(6) provide to the Congress by not later than one year after the date of the enactment of this Act a full report on the results of his efforts under this section.

(b) In addition to the foregoing, the Secretary shall, in consultation with the Marine Mammal Commission defined in section 201 of this Act, initiate a study of the North Pacific fur seals to determine whether herds of such seals subject to the jurisdiction of the United States are presently at their optimum sustainable population and what population trends are evident. If the Secretary finds that such herds are below their optimum sustainable population and are not trending upward toward such level, or have reached their optimum sustainable population but are commencing a downward trend, and believes the herds to be in danger of depletion, he shall, through the Secretary of State, immediately initiate negotiations for the modification of the North Pacific Fur Seal Convention, signed on February 9, 1957, as extended, to reduce or halt the taking of seals to the extent required to assure that such herds attain and remain at their optimum sustainable population. Should such modification be deemed unnecessary or negotiations to achieve the same be unsuccessful, the Secretary shall, through the Secretary of State, take such steps as may be necessary to continue the existing North Pacific Fur Seal Convention beyond its present termination date so as to continue to protect and conserve the North Pacific fur seals and to prevent a return to pelagic sealing.

FEDERAL COOPERATION WITH STATES

Sec. 109. (a) Except as provided in this section, no State may adopt any law or regulation relating to the taking of marine mammals within its jurisdiction or attempt to enforce any State law or regulation relating to such taking: Provided, That (1) any State may adopt or enforce any law or regulation relating to the taking of marine mammals if such law or regulation is consistent with this Act or any rules or regulations issued hereunder; or (2), if, upon review, the Secretary determines that the laws and regulations of a State relating to a species of marine mammal are consistent with the policies and purposes of this Act, the provisions of this Act then relating to such marine mammals which are subject to such State's jurisdiction shall not apply except for this section, section 101, section 110, and section 111(b) (2)–(8): Provided further, however, Notwithstanding the provisions of subsections (a) and (c) of this section, the Secretary shall continue to monitor and review the laws and programs of the States which have assumed responsibility for marine mammals under this Act. Whenever the Secretary finds that a State is not in substantial compliance with either subsections (a) or (c), as the case may be, he may resume responsibilities under this Act for the marine mammals within such State's jurisdictions superseding such State laws to the extent which, after notice and opportunity for hearing, he deems necessary.

(b) The Secretary is authorized to make grants to each State whose laws and regulations relating to protection and management of marine mammals which primarily inhabit waters or lands within the boundaries of that State are found to be consistent with the purposes and policies of this Act. The purpose of such grants shall be to assist such States in developing and implementing State programs for the protection and management of such marine mammals. Such grants shall not exceed 50 per centum of the costs of a particular program's development and implementation. To be eligible for such grants, State programs shall include planning and such specific activities, including but not limited, to research, censusing, habitat acquisition and improvement, or law enforcement as the Secretary finds contribute to the purposes and policies of this Act. The Secretary may also, as a condition of any such grant, provide that State agencies report at regular intervals on the status of species and populations which are the subject of such grants.

(c) The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the delegation to such State of the administration and enforcement of this Act: *Provided*, That any such arrangement shall contain such provisions as the Secretary deems appropriate to insure that the purposes and policies of this Act will be carried out.

MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and conservation of marine mammals.

(b) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States and shall be made after review by the Marine Mammal Commission.

(c) There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed $3,000,000, one-third of such sum to be available to the Secretary of the Interior and two-thirds of such sum to be made available to the Administrator of the National Oceanic and Atmospheric Administration.

COMMERCIAL FISHERIES GEAR DEVELOPMENT AND FINANCIAL ASSISTANCE

SEC. 111. (a) (1) The Administrator of the National Oceanic and Atmospheric Administration is hereby authorized and directed to immediately undertake a program of research and development for the purpose of devising improved fishing methods and gear so as to reduce to the maximum extent practicable the incidental taking of marine mammals in connection with commercial fishing. At the end of the full twenty-four calendar month period following the effective date of the Act, said Administrator shall deliver his report in writing to the Congress with respect to the results of such research and development. For the purposes of this subsection, there is hereby authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1973, and the same amount for the next fiscal year. Funds appropriated for this section shall remain available until expended.

(2) The Administrator, after consultation with the Marine Mammal Commission, is authorized and directed to issue, as soon as practicable, such regulations, covering the twenty-four-month period referred to in section 101(a)(2) of this Act, as he deems necessary or advisable, to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations. Such regulations shall be adopted pursuant to section 553 of title 5, United States Code. In issuing such regulations, the Administrator shall take into account the results of any scientific research under section 111(a)(1) and, in each case, shall provide a reasonable time not exceeding four months for the persons affected to implement such regulations.

(3) Additionally, the Administrator and Secretary of State are directed to commence negotiations within the Inter-American Tropical Tuna Commission in order to effect essential compliance with the regulatory provisions of this Act so as to reduce to the maximum extent feasible the incidental taking of marine mammals by vessels involved in the tuna fishery. The Administrator and Secretary of State are further directed to request the Director of Investigations of the Inter-American Tropical Tuna Commission to make recommendations to all member nations of the Commission as soon as is practicable as to the utilization of said methods and gear.

(4) Furthermore, after timely notice and during the period of research provided in this section, duly authorized agents of the Administrator are hereby empowered to board and to accompany any commercial fishing vessel documented under the laws of the United States, there being space available, on a regular fishing trip for the purpose of conducting research or observing operations in regard to the development of improved fishing methods and gear as authorized by this subsection. Such research and observation shall be carried out in such manner as to minimize interference with fishing operations. The Administrator shall provide for the cost of quartering and maintaining such agents. No master, operator, or owner of such a vessel shall impair or in any way interfere with the research or observation being carried out by agents of the Administrator pursuant to this subsection.

(b) (1) The Administrator is hereby authorized under such rules and regulations and upon such terms and conditions as he may prescribe to guarantee loans made to private borrowers by private lending institutions for the cost of equipping, altering, modifying, or improving commercial fishing vessels in order to comply with any requirements imposed by this Act or any rules, regulations, limitations, or permits issued by the Administrator thereunder with respect to the reduction or elimination of the taking of marine mammals incidental to commercial fishing.

(2) Any loan guarantees made under the provisions hereof shall be on such terms, conditions, and criteria as the Administrator determines, subject, however, to the following minimum restrictions and limitations:

(A) Loans shall bear interest (exclusive of premium charges and service charges, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Administrator determines to be reasonable, taking into account the range of interest rates prevailing in the private credit markets.

(B) Loans shall mature in not more than ten years.

(C) The Administrator and the lender may require appropriate security or other reasonable assurance of repayment.

(D) No commitment to guarantee a loan shall be made by the Administrator unless he finds at or prior to the time such commitment is made, that the project with respect to which the loan is executed will be in his opinion (i) economically sound, and (ii) consistent with the efficient and wise use of the fishery resources.

(E) The Administrator is authorized to fix a premium charge for the guaranteeing of loans under this subsection. Such charge shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of the loan outstanding. Premium payments shall be made when moneys are first advanced under the loan and on each anniversary date thereafter. All such premium charges shall be computed and shall be payable to the Administrator under such regulations as he may prescribe.

(F) The Administrator shall charge and collect such amounts as he may deem reasonable for the investigation of applications for guarantees, for appraisal of properties for which a loan is requested, for the issuance of commitments, and for inspection of properties during the performance of any activities described in paragraph (1) of this subsection: *Provided*, That such charges shall not be more than one-half of 1 per centum of the original principal amount of the loan to be guaranteed. Unless otherwise agreed, the charge for such services shall be paid by the borrower.

(G) An applicant for a loan guarantee relating to a fishing vessel must be a citizen or national of the United States as defined in section 742 of title 16, United States Code.

(H) The Administrator must be satisfied that the applicant possess the ability, experience, resources, and other qualifications necessary to enable him to operate and maintain the fishing vessel for which he is applying for a loan and that the lender is responsible and able to service the loan properly.

(3) There is hereby created a Loan Guarantee Fund which shall be used by the Administrator as a revolving fund for the purpose of carrying out the provisions of this subsection. All moneys received under the provisions of paragraph (2) of this subsection shall be deposited in the fund. There is authorized to be appropriated for the Loan Guarantee Fund not to exceed $1,000,000 for the fiscal year ending June 30, 1973, and the next fiscal year.

(4) The full faith and credit of the United States is solemnly pledged to the payment of all guarantees made under this subsection with respect to both principal and interest.

(5) The Administrator shall upon payment of the guarantee to the lender be entitled to take on assignment from the lender any collateral or security given by the borrower or others in connection with the loan.

(6) Any amount paid by the Administrator pursuant to a loan guarantee authorized by this subsection shall be paid in cash. If at any time the money in the Loan Guarantee Fund authorized herein is not sufficient to pay any amount the Administrator is required to pay pursuant to a loan guarantee authorized by this subsection, the Administrator is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Administrator with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury which shall be not more than the higher of (1) 2½ per centum per annum, (2) the average annual interest rate on all interest-bearing obligations of the United States when forming a part of the public debt as computed at the end of the fiscal year preceding the issuance by the Administrator and adjusted to the nearest one-eighth of 1 per cen-

tum. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations of the Administrator to be issued hereunder and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(7) The aggregate unpaid principal amount of the loans guaranteed under this subsection and outstanding at any one time shall not exceed $20,000,000.

(8) There is hereby authorized to be appropriated for administrative expenses such sums as may be necessary to carry out the provisions of this subsection.

REGULATIONS AND ADMINISTRATION

SEC. 112. (a) The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest in a manner consistent with the purposes of policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 113. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty, convention, or agreement, or any statute implementing the same, which may otherwise apply to the taking of marine mammals. Upon a finding by the Secretary that the provisions of any international treaty, convention, or agreement, or any statute implementing the same has been made applicable to persons subject to the provisions of this title in order to effect essential compliance with the regulatory provisions of this Act so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations, section 105 of this Act may not apply to such persons.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska waters", approved June 16, 1934 (16 U.S.C. 659), is repealed.

AUTHORIZATIONS

SEC. 114. (a) There are authorized to be appropriated not to exceed $2,000,000 for the fiscal year ending June 30, 1973, and the four next following fiscal years to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated not to exceed $700,000 for the fiscal year ending June 30, 1973, and not to exceed $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) (1) The Commission shall be composed of five members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration and the heads of the National Science Foundation and the National Academy of Sciences, of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be five years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, the term of one member shall be for three years, the term of one member shall be for four years, and the term of one member shall be for five years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the International Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their protection and conservation, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this Act, and of all applications made pursuant to section 103 of this Act for permits for scientific research;

(3) review studies made or in progress and recommend to be undertaken such other studies as it deems necessary or desirable in connection with its assigned duties as to the protection and conservation of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and conservation of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the protection and conservation of marine mammals, and suggest appropriate international arrangements for the protection and conservation of marine mammals;

(6) recommend to the Secretary of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be referred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISERS ON MARINE MAMMALS

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisers on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in aspects of the marine sciences and the commercial fishing industry with particular emphasis on marine ecology and marine mammal affairs appointed by the Chairman after consultation with the Director of the National Science Foundation, the Chairman of the National Academy of Sciences, and the Secretary of the Smithsonian Institution, and the Chairman of the Council on Environmental Quality.

(b) Except for United States Government employees, members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee.

Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, and on all applications made pursuant to section 103 of this Act for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202 of this Act, together with the responses made to these recommendations.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed $100 per diem); and

(5) incur such necessary expenses and exercise such other powers,

as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

AUTHORIZATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such years shall not exceed $500,000.

EFFECTIVE DATE

SEC. 208. The provisions of this Act are to take effect upon the expiration of the sixty-day period following the date of its enactment.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, time for debate on this bill is limited to 1 hour, to be equally divided between and controlled by the manager of the bill (Mr. HOLLINGS) and the minority leader or his designee.

Time for debate on any amendment, debatable motion, or appeal, is limited to 1 hour, and time for debate on any amendment to an amendment, debatable motion, or appeal is limited to one-half hour.

Who yields time?

Mr. HOLLINGS. Mr. President, I ask unanimous consent that John Hussey and Mary Jo Manning of my staff and Len Bickwit and Lee Tyner of the staff of the Committee on Commerce be accorded the privilege of the floor during the debate on this measure.

Mr. GRAVEL. Mr. President, I ask unanimous consent to add the names of Doug Jones and Ray Paddock of my staff.

Mr. HARRIS. I ask unanimous consent that Alan Buckley and Bill Maynes of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that there be order in the Senate.

The PRESIDING OFFICER. The Senate is not in order. Senators will please take their seats.

Mr. GRIFFIN. Mr. President, in view of the fact that under the unanimous-consent agreement, half of the time is allocated to the minority leader or his designee, I allocate that time to the distinguished Senator from Alaska (Mr. STEVENS).

Mr. HARRIS. Mr. President, reserving the right to object, which time is this, the time in opposition to the bill?

The PRESIDING OFFICER. The Chair would say to the Senator from Oklahoma that there is no unanimous-consent request pending. Under the previous unanimous-consent agreement, the minority leader or his designee has the right to control half of the time, and the minority leader has made that designation.

Mr. HARRIS. Well, Mr. President, reserving the right to object to the request, it appears that that is a very unusual procedure, if time on both sides is to be handled by Senators in favor of the bill, rather than Senators opposed to it.

Mr. HOLLINGS. Mr. President, I would concur in the sentiments of the Senator from Oklahoma. I do not think we will have any great difference on this measure. There are amendments where my colleague from Alaska and I will be on opposite sides, but I would think that the time on the bill for those opposing should be on the opposite side. I would concur in that procedure.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, that is already the order.

Mr. HARRIS. Mr. President, reserving the right to object, that is already taken care of on amendments. Obviously, each side would have equal time. But I think either I or the distinguished Senator from New Jersey (Mr. WILLIAMS) or others opposed to this bill ought to have control of half the time. If I may have the attention of the distinguished majority whip, it was my understanding that that would be done, as is usually the case. I wonder if, on consultation with the others involved here, that might not be made the order, if it is not, indeed, now the order.

The PRESIDING OFFICER. The Chair is faced with a unanimous-consent agreement as the Senate agreed to it, and it is up to Senators to work out something else.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that this time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. This is a matter that can be worked out amicably, I am sure. The Senator from Michigan is prepared to yield time in opposition to the bill to a Senator on his side who is in opposition to the bill.

Mr. HARRIS. But, reserving the right to object, who on my side of the aisle would yield me time in opposition? Mr. President, I do not question that the Senator from Michigan would be fair, but my right to present my case should not depend on his indulgence.

Mr. ROBERT C. BYRD. Mr. President, ordinarily time on a bill is divided between the manager of the bill and the ranking minority member of the committee, whether or not both are for the bill. In this instance, it was thought that the manager was naturally going to be for the bill, and that the Republican leader would designate someone on the other side of the aisle who would oppose the bill, possibly the ranking minority member, or, if he was not in opposition, then his designee. It seems to me, this has been done.

Mr. GRIFFIN. In this case that is exactly what has been done. We have allocated the time to a Senator on this side who is opposed to the bill, the Senator from Alaska (Mr. STEVENS). The junior Senator from Michigan favors the bill.

Mr. HARRIS. That was my understanding. Reserving the right to object——

The PRESIDING OFFICER. There is nothing to object to.

Mr. HARRIS. I shall not object, because I can protect myself by making the necessary motions or offering amendments, if necessary.

Mr. GRIFFFIN. I also received the assurance of the Senator from Alaska (Mr. STEVENS) that he would be very reasonable in yielding time. I do not think there will be any difficulty.

Mr. HOLLINGS. Mr. President, I only hope we can protect the marine mammals as zealously as we have protected the political mammals here.

Today I call up for Senate consideration S. 2871, the bill to protect, conserve, and preserve the marine mammals of the world, specifically those under the jurisdiction of the United States as well as those which are now being taken by the citizens of other nations in international and territorial waters.

Public concern has led us to where we are today. Marine mammals for centuries were virtually undisturbed by man. Most of these animals lived in remote areas, and even through the great century of American whaling, only a slight impact was made upon the population of the great whales. During the past 100 years, however, that has broadened. Sealing, whaling, and the demands of the world fur and leather markets combined to put tremendous pressure on marine mammals. True conservationists, wildlife managers, marine scientists, and public officials share a deep feeling of concern about the future of these animals.

All of the great whales are now on the U.S. endangered species list.

Some of the huge seal are now believed extinct and several others have been reduced to small populations.

The 100,000 walruses left in the Bering Sea between Alaska and Russia seem to be holding their own.

And the porpoises, seldom ever utilized for commercial purposes, have now become hunted for human consumption as well as killed incidentally in tuna fishing operations in some areas of the Pacific.

Species such as manatees and sea lions are threatened by marine pollution and the inability to compete with man in their marine habitats.

On the other hand, species under careful wildlife management, such as the North Pacific fur seal and the sea otter have made dramatic comebacks from endangerment.

The debate faced by the Committee on Commerce did not concern itself with whether there should be legislation. Instead the question was what kind of legislation is needed. The committee was forced to make difficult decisions in the midst of emotional and sometimes unyielding pressure. The pressures on one side cried out for scientific management of living resources. The pressures on the other side were for total protection. On one side were the scientists and specialists who understand that man and animals must live together in the environment and that man's dealings with marine mammals must be based upon man's look at the whole of the environment rather than simply its parts or elements. On the other side were those who believed that the United States should create an immediate ban on the taking of any and all marine mammals and that products should be banned henceforth from the U.S. market.

In an attempt to create wise, rational legislation, the committee has reported out S. 2871, as amended. This bill, we believe, creates the best approach to solving the problems of marine mammals and at the same time recognizes that man cannot simply turn his back upon environmental conditions of his own creation.

Our bill establishes a 15-year moratorium on the taking and importation of marine mammals. This moratorium will state in simple and unequivocal terms the policy of the United States is that marine mammals should be protected and managed on a worldwide basis in the best interests of the animals and not simply for commercial purposes.

In creating this moratorium the committee recognized that we lack adequate scientific knowledge of many species. On the other hand, we cannot eliminate thousands of American jobs and millions of dollars worth of industrial investment by acting irrationally on the basis of emotional misinformation from persons who seek to paint over a complex issue with one broad sweep of the brush.

The legislation before the Senate today is virtually without precedent. The Endangered Species Conservation Act of 1969 grants authority to the Secretary of the Interior to place certain animals on the endangered species list so that, henceforth, such animals may not be killed by U.S. citizens or imported into the United States. The Marine Mammal Protection Act of 1972 goes much farther than this. It establishes that U.S. policy is protection and conservation of certain animals well before they are endangered or threatened with endangerment. This is a bold step and puts the United States well into the lead in wildlife conservation. The legislation directs not only that the United States shall protect and conserve marine mammals but requires international negotiations to extend this concept to the citizens of other nations as well.

It establishes standards which all concerned can look to with pride.

The bill as reported has several major provisions which will restrict the commercial taking of marine mammals. First and foremost, it creates a multimillion dollar, 2-year research program to help develop methods which will eliminate or reduce to the lowest practicable level the injuries and fatalities to porpoises and other marine mammals in commercial fishing operations. At present literally millions of porpoises inhabit the oceans of the world, but in the Southwest Pacific Ocean, off the coast of South America, there are three species of porpoises which share a unique relationship with the much-prized yellowfin tuna. Fishermen of 12 nations are now using purse-seine nets to catch the tuna. These fishermen set their nets around schools of porpoises to entrap the tuna which swim beneath the schools. This has resulted in hundreds of thousands of porpoises being drowned over the past decade.

The American tuna industry today is providing the leadership in developing, on its own, new methods of fishing to eliminate porpoise mortality. This legislation will greatly expand these efforts through federal funding of research and mandatory application of new methods.

At the same time, in a most commendable act, the Secretary of Commerce, Peter G. Peterson, on June 19, announced an immediate $250,000 program to protect porpoises. It was an excellent demonstration that the Department of Commerce and the National Oceanic and Atmospheric Administration are committed to end the accidental killing of porpoises during commercial fishing operations. At this point, I ask unanimous consent to insert the Department announcement in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Commerce Department Increases Efforts To Save Porpoises, June 19, 1972

Secretary of Commerce Peter G. Peterson today announced new steps that the Commerce Department is taking to protect porpoises from being accidentally destroyed during tuna fishing operations.

"The National Oceanic and Atmospheric Administration's National Marine Fisheries Service is launching an immediate $250,000 research program to augment existing efforts directed at ending the accidental killing of porpoises during commercial fishing operations," the Secretary said.

"We are greatly increasing our efforts to conserve and protect the marine environment from future abuse," he added. "Porpoises are among the highest forms of life in this ecosystem, and I view their preservation as absolutely necessary.

"Studies by NOAA show that improved fishing techniques and far more extensive knowledge of the habits of this remarkable sea mammal are needed for its protection."

Schools of porpoise and tuna feed together in certain ocean areas, Peterson said, and when tuna nets are hauled in, porpoises often become entangled in the nets and drown. "The tuna fishing industry in cooperation with the National Marine Fisheries Service, has developed modified purse seine nets that allow porpoises to escape. This represents progress. But we still need to develop techniques less dependent upon the skills of vessel captains, and we need to obtain much more knowledge of the feeding and travel habits of porpoises to guarantee their safe passage in the seas."

Peterson added: "The best course for us is to develop porpoise-saving techniques, urge their use on all U.S. tuna boats, and take all international action possible to encourage other tuna-fishing nations to adopt these techniques."

The action was the second taken recently by Secretary Peterson to conserve and protect marine mammals.

On June 7, the Secretary announced that the United States will press vigorously in the International North Pacific Fur Seal Commission for an experimental ban on all fur seal harvesting on St. George, one of the two main Pribilof Islands in the Bering Sea.

Mr. HOLLINGS. It is the goal of this legislation—and it should be the goal of this Nation as well as the goal of all nations—to reduce and eventually totally eliminate the taking of porpoises in tuna fishing. We recognize that tuna is now a worldwide commodity. Acting alone, the United States cannot control other nations. We have determined that the better course is to work with the American tuna industry, utilizing their vessels as our labs, applying the best of American technology to solve this problem. We have also empowered our Government to induce other nations to use these methods through import restrictions. We believe this is the way to protect porpoises. By placing an unrealistic deadline on the U.S. tuna fleet, we shall be participating still further in chasing away from our shores the remnants of the once great American fishing industry. Already America imports more than 70 percent of all fish products consumed in the United States. The jobs which were once American are now performed by the Japanese, Koreans, Russians, Norwegians, Latin Americans, and other seamen. Today, the U.S. tuna fishing industry is the most modern of its kind in the world, contributing millions of dollars, annually to our economy and providing thousands of jobs—we cannot participate in its collapse with vindictive legislation.

Unfortunately, there are some well-meaning zealots who would seek to impose such impossible restrictions on the industry that it would be forced to leave the United States. This would be a victory for these groups—but it would be a hollow one. I find it hard to believe that these groups could participate in closing down a viable industry, smugly believing they will "save the porpoise," when in reality such action will contribute to further killing of dolphins. It would be senseless to pass such legislation, then blindly turn our backs while fishermen continue killing porpoises while netting tuna to sell on the world market.

The committee considered the need for scientific wildlife management and determined that the Secretary of the Interior and Administrator of NOAA must have authority to act during the moratorium—but only in cases where it would best serve the interest of the animals involved. The report of our committee notes that "15 years is a long time and certainly there will be instances when the Secretary will find it necessary, even helpful, to issue permits for taking or importation" of marine animals. What is at issue here, Mr. President, is our intent to create a structure of legislation which will allow man to protect the animals within their ecosystem—but complete protection alone is certainly no cure-all.

Further, we will allow permits to be issued for scientific purposes and for display of marine mammals in approved federally regulated oceanriums. And finally,we have carefully and considerately exempted from the act the Alaskan Eskimos, Aleuts, and Indians who rely upon the marine mammals for food and clothing as well as their small limited cash economy. I shall defer to my colleague from Alaska, Senator STEVENS, for further elaboration on this point.

The Committee on Commerce was much impressed by the case made by the various States in behalf of their wildlife management programs. In fact, the committee is quite sure that some of the States possess far more expertise in dealing with marine mammals than does any specific agency of the Federal Government. The role of wildlife and game management has traditionally been borne by the States, often with Federal assistance. This legislation makes a deliberate attempt to preserve this cooperation and coordination between the States and Federal agencies. Authority is granted to the Secretary to determine if State laws are consistent with the bill. If so, then States could be delegated responsibilities to carry out marine mammal protection and conservation within their territorial waters. Florida is a good example of this in its laws on porpoises and manatees. Alaska, of course, has the most wide-ranging marine mammal program in the Nation.

The committee has examined very closely the situation regarding the treaty on the conservation of the North Pacific fur seal. The fur seal at the turn of the century had dwindled down to no more than 200,000 animals—only a vestige of the once great herd. In 1911, the nations which had been involved in the sealing which had practically destroyed the herd signed a treaty. This treaty ended open-ocean sealing, and set up a strict schedule of wildlife management of fur seals. Over the years, mistakes have been made. For example, in one experiment, a number of female seals were killed, probably too many. However, today, this treaty between the United States, Russia, Canada, and Japan is considered the world's most outstanding model of wildlife management. The herd now numbers about 1.5 million animals, and seems to be increasing. Because this herd is covered by an international treaty, and because it is successful, the committee has determined that the moratorium and permit system will not apply. The concept of the moratorium and permit system is to protect animals. The fur seal is already protected. The legislation, however, does call for a more extensive examination of the optimum population of the herd. And on this note, we were pleased that Secretary Petersen on June 7 announced plans to try to set aside St. George Island as a sanctuary.

I ask unanimous consent to have printed in the RECORD a news release from the U.S. Department of Commerce dated June 7, 1972, entitled "Secretary of Commerce Urges Pribilof Fur Seal Research Reserve."

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

SECRETARY OF COMMERCE URGES PRIBILOF FUR SEAL RESEARCH RESERVE

The United States will press vigorously for an experimental ban of all fur seal harvesting on St. George, one of the two main Pribilof Islands, Secretary of Commerce Peter G. Peterson announced today.

Secretary Peterson stated that such a ban would be a key element of a major research effort by the Department's National Oceanic and Atmospheric Administration (NOAA) to identify the principal factors governing the seal population level. During the research period, fur seal harvesting would continue from the rookeries of St. Paul, the other main Pribilof Island.

Comparisons of changes in the seal population of the harvested and unharvested rookeries should give a much better picture of the extent to which various factors—harvesting, the Bering Sea ecosystem, commercial fishing and possible marine contaminants—affect the seal population. The experiment should also afford data as to whether seal harvesting has any important impact on the level of fish stocks available for commercial fishing.

"The Pribilof fur seal operation has been widely recognized by governmental and conservation organizations as a conservation success story," the Secretary said. "Prior to the treaty in 1911, international hunting for fur seals in the open ocean substantially contributed to the decimation of the herds. Under Federal management, the population level has been raised well over fivefold—from a dangerously low 200,000 around the turn of the century to well over a million animals today.

"Nevertheless, we believe it is vital to obtain more information on what effect the cessation of harvesting will have, not only on the fur seal population, but also on the total ecosystem. We believe such knowledge is basic to achievement of the best possible conservation program, and we do not wish to settle for less.

"There will, of course, be some economic effects and, in particular, some employment effects on St. George Island. To keep any such effects to a minimum, I have instructed NOAA to take immediate and comprehensive steps to find other employment for any St. George residents affected by the decision. Thus, I believe we will achieve an appropriate balance between minimizing any economic dislocations while at the same time maximizing our understanding of the ecological implications, so that we will be able to make better, more balanced long-term decisions.

"The details of the proposed NOAA research program will be given to the International North Pacific Fur Seal Commission this year. This is ample time for complete discussions and action at its next scheduled meeting in March 1973. Indeed, the Commission may wish to call a special meeting earlier to consider the proposal," the Secretary said.

Agreement in the Commission is required for action in reducing the harvest and in establishing the research control area.

The proposal would not require changes in the Interim Convention on Conservation of the North Pacific Fur Seal Treaty, whose signatories are the United States, the USSR, Canada and Japan. Under the Convention's terms, the United States manages the herds on St. George and St. Paul, and the Soviet Union manages those on Robben and Commander Islands. Canada and Japan each receive 15 percent of the harvest from the U.S.-managed and Russian-managed operations.

"There is a great danger in making decisions in an area such as this one, where both ecological and economic considerations are involved," the Secretary added. "The danger is that we will know much too little about the total or systems effects of various alternatives, and will react emotionally on half truths, and thereby have unnecessarily large and often unintended ecological or economic effects. One way out of this dilemma is to set up research experiments that help us assess both ecological and economic effects so that our final decisions will be more rational and more balanced. This experiment is in the spirit of encouraging that kind of approach to the new ecological/economic decisions that we will be increasingly required to make."

Mr. HOLLINGS. Finally, we have created a Marine Mammal Commission to oversee Federal-State efforts and to assist in solving problems confronting marine mammal populations of the world.

The committee believes that this Commission will serve as a very valuable functioning element in our goal of preserving these animals. We know the pressure to act on the basis of emotion is strong. Many people are philosophically against the killing of any animal. There are persons who have suggested that all hunting in the United States be outlawed, and that if populations of animals get too large because natural predators have been removed, select teams of shooters be dispatched to cull out those surplus animals. However, I defend the right of any American citizen to participate in regulated sport and subsistence hunting. I think that if the Congress establishes precedents in this leglislation which will undermine the rights of hunters, then we will have taken a dangerous step in the wrong direction. I am equally distressed that certain organizations have portrayed this legislation as "weak," implying that something must be wrong with it because it has the support of certain other organizations.

I ask unanimous consent to insert in the RECORD at this time a list of distinguished conservation organizations which support the concepts of scientific wildlife management in this bill and a status report from them on various marine mammals.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

List of Distinguished Organizations to Support Wildlife Management

American Committee for International Wild Life Protection, Harold J. Coolidge, Honorary Chairman.

American Fisheries Society, Robert F. Hutton, Secretary.

American Forestry Association, William E. Towell, Executive Vice President.

Boone and Crockett Club, Frederick C. Pullman, President.

Citizens Committee on Natural Resources, Spencer M. Smith, Jr., Secretary.

International Association of Game, Fish and Conservation Commissioners, Chester F. Phelps, President.

Izaak Walton League of America, Joseph W. Penfold, Conservation Director.

National Wildlife Federation, Thomas L. Kimball, Executive Director.

North American Wildlife Foundation, C. R. Gutermuth, Secretary.

Sport Fishing Institute, Richard H. Stroud, Executive Vice President.

Trout Unlimited, Ray A. Kotrla, Washington Representative.

Wildlife Management Institute, Daniel A. Poole, President.

The Wildlife Society, Fred G. Evenden, Executive Director.

World Wildlife Fund, Ira N. Gabrielson, President.

Mr. HOLLINGS. The motives of some of the finest and most honored conservationists and environmentalists in the United States have been questioned—men and women who were in the forefront of this movement many, many years before it became popular. I, for one, am convinced that it would be a terrible disservice to the world's marine mammals if we were to abandon the sound principles of wildlife management. This is a profession whose members hold masters or doctorate degrees and who work many years to achieve expertise in their fields.

Man has complicated and disrupted the habitats of all marine mammals. What were once pristine wilderness conditions in the Bering Sea, for example, are now heavily fished by the Koreans, Japanese, Russians and others. Since the balance of nature has been shifted, simple protection of wildlife will no longer suffice. It is necessary to help keep wildlife populations at a level which can be supported by adequate food supplies and living and breeding spaces.

As one expert explained it:

> Recovery to a normal balanced population following a starvation die-off is a slow, inhumane and unnecessary process. The methods employed in removing surplus population should be left to regulation by professional wildlife management experts to be carried out in the most humane manner.

There are several examples of this kind of situation, not only among land-based animals, but for seals as well.

The most pitiful example among marine mammals is the condition of the grey seals of the Farne Islands off the coast of England. For a number of years this important herd has been given complete protection. The National Trust of Great Britain has purchased the islands as a seal sanctuary. Unfortunately, complete protection has been an utter failure for the seals. They have overpopulated their natural habitat to the point where both young and adult animals are sick, starving, or dead. The mortality rate among infant seals has risen to more than 21 percent—or more than one in five of all calves born. Because of overcrowding, mothers are losing contact with their young or simply abandoning them to die.

There are numerous cases where observers have seen starving calves attempting to nurse inanimate objects, or suffering wounds inflicted by other female seals, which refuse to nurse any pup other than their own. The animal lovers of Britain are just as strident, if not more so, than those in the United States. But even they have had to concede the error of total protection. My staff has been in recent contact with officials of the British Home Office and has been informed that the Government will have to grant permits to kill off large numbers of the seal population to return it to a balance with nature, and that a scientific management program must be started as soon as possible to maintain a healthy seal population.

Another expert, Dr. G. Carleton Ray one of the world's leading authorities on marine mammals, made this observation:

> A total moratorium on the taking of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future.

At this point, Mr. President, I ask unanimous consent to have printed in the Record three letters received by the Department of State from the Governments of Japan and Norway pertaining to this issue.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Embassy of Japan,
Washington, D.C., May 17, 1972.

The Embassy of Japan presents its compliments to the Department of State and has the honor to refer to H.R. 10420 which the House of Representatives of the United States passed on March 9, 1972 and has further the honor, under instructions from the home Government, to state as follows:

1. Section 2(6) of the said bill stipulates: "it is the sense of Congress that they (marine mammals) should be protected and encouraged to develop to the greatest possible extent commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem".

In view of the fact that the marine ecosystem referred to has never been the subject of truly comprehensive and scientific study, the Government of Japan must first of all, raise serious doubts as to the availability of adequate scientific data on the basis of which this proposed legislation is to be implemented.

2. Section 101 (b) and (c) of the said bill prohibits the importation of certain marine mammals, products thereof and fishes.

While fully respecting the humanitarian and conservatory purposes of the said provisions, it is the view of the Government of Japan, nevertheless, that the import prohibitions contained therein should be the subject of international agreement and not be determined by an unilateral governmental action. The latter course of action, it is respectfully submitted, would be both a detriment to the universal search for less encumbered world trade and a barrier to the desire of many nations, including Japan, for international cooperation in adopting effective and practical procedures for protecting the life of the seas.

3. Furthermore, the enormous impact of section 101 (b) and (c) is much more open to objection in that the prohibitions contained in the said section would be based on a finding by the Secretary that a marine mammal in question came from a species or population stock which the Secretary designated as a depleted or endangered species or stock, or which the Secretary deemed taken in an inhumane manner.

Based upon its experience in the case of the Secretary of the Interior's determination regarding the endangered species list, the Government of Japan cannot but be concerned that the determination called for in section 101 (b) and (c) might fall substantially short of universal acceptance by other interested nations.

4. Section 103 (g) (2) of the said bill prohibits the importation of any mammal products during the five-year moratorium period, except for purposes of display or scientific research, regardless of the provisions in Section 101 (b) and (c).

The Government of Japan regrets that it would be forced to regard this provision as a serious and unfortunate trade barrier. The Government of Japan further believes there is neither justification nor need for the total import restrictions called for in this section of the bill.

5. Section 103 (g) (2) (c) of the said bill urges the Secretary of Commerce to take such action as may be necessary to obtain the agreement of the parties to the Interim Convention on the Conservation of the North Pacific Fur Seals to stop or reduce the taking of fur seals under the Convention during a five year moratorium period.

In the view of the Government of Japan, this legislative recommendation may have the unfortunate consequence of directing the respected North Pacific Fur Seal Commission into a course where the sound scientific conservation program now in force under the terms of the Convention is replaced by an arbitrary limitation on the taking of fur seals without the benefit of supporting scientific findings.

6. As the Department of State is aware, the Governments of Japan and the United States on February 9, 1972, declared it to be their joint intention to undertake to initiate and actively support multilateral and comprehensive negotiations within the framework of GATT with a view to accelerating the expansion and liberalization of world trade, and improving the conduct of commercial relations in the international framework, as well as the standard of living of the people of the world. However, if the said bill is enacted in its present form, it is the position of the Government of Japan that the United States Government will appear to have deviated from a full participation in such a concerted international effort to liberalize world trade.

7. For all of these reasons the Government of Japan earnestly requests that the Government of the United States exert its utmost effort to avoid the enactment of the said bill, the coming into law of which would present a substantial set back to the progress that is currently being made toward better international cooperation with respect to both the conservation of sea mammals and the removal of trade barriers.

Royal Norwegian Embassy,
Washington, D.C., May 31, 1972.

Aide Mémoire

Recent developments in the United States in the direction of legislative measures for the protection of certain species of marine mammals—particularly the adoption by the House of Representatives of H.R. 10420—have been studied with close attention in Norway. It has been noted that the bill just mentioned proposes a total ban on the importation of any marine mammal which at the time of taking was less than 8 months old, and of any product derived from such a mammal.

The Norwegian Government welcomes the increasing international awareness of the need for effective protection of the living resources of the sea. It takes an active part—both on the national and on the international level—in efforts which are aimed at preservation of these resources and the protection of the marine environment as a whole. It is, however, the considered view of the Norwegian authorities that a specific ban on the taking of seal pups less than 8 months old would not be a meaningful measure. A rational policy of seal conservation should on the contrary concentrate on the protection of adult specimens, especially females. On this point of the opinion of Norweigian experts is in harmony with international scientific opinion.

In conformity with the conservation approach mentioned above, Norwegian sealing is to a considerable extent based on the taking of seal pups. It would in the view of the Norwegian Government be unfortunate if this policy, as a result of legislative measures out of tune with prevailing scientific opinion, would have to be changed.

In this connection it is recalled that for a number of years the conservation of marine mammal species have been the object of international collaboration, particularly within the International Commission for Northwest Atlantic Fisheries. The Governments of Norway and Canada have, in conjunction with ICNAF efforts, entered into a special agreement establishing a separate Norwegian-Canadian joint commission for the regulation of sealing in the Northwest Atlantic Area. Similarly, a joint commission established by Norway and the Union of Soviet Socialist Republics has functioned for a number of years, and has given practical results regarding sealing in Northeastern Areas. Most recently, a convention on Antarctic sealing was concluded in London on the 11th of February last.

Furthermore, it should be noted that pup sealing as practiced by Norwegian sealers conforms fully to humane requirements. Norway has promulgated precise regulations in respect of the slaughter of seals, and the regulations are strictly enforced. Norwegian authorities have collaborated closely with Norwegian humane societies and with the International Society for the Protection of Animals, which has been given opportunities for studying at close quarter the methods and procedures employed in pup sealing. The reports of this organisation clearly show that Norwegian techniques for pup sealing are regarded as humane, and that the slaughter procedure is rapid and effective.

Mr. HOLLINGS. I believe we can negotiate with these governments as S. 2871 is presently drafted. But with a total ban, without room for management decisions on taking and imports, these governments will not be interested in bargaining with us to protect marine mammals. A further case in point is the recent vote at the Stockholm Conference. A panel on whales headed by Dr. Robert M. White, Administrator of NOAA, produced a document proposing a 10-year moratorium on commercial whaling. It received a 53-to-0 vote, and Dr. White was given a standing ovation by the delegates present. This not only proves that other nations are willing to begin talking with us, if we are reasonable, but it shows the dedication of NOAA and its Administrator toward working to protect ocean mammals under that agency's jurisdiction.

During the committee consideration of the bill, some concern was expressed over the division of authority between the Department of the Interior and the National Oceanic and Atmospheric Administration in the Department of Commerce. The distinguished Senator from Michigan (Mr. HART) recommended that the complete authority for administering the bill be lodged with the Department of the Interior. After considerable study the committee rejected this suggestion and retained the existing division of authority under the Fish and Wildlife Act of 1956 as allocated by Reorganization Plan No. 4 of 1970.

To place the complete authority for administration of the bill in the Department of the Interior would divorce the responsibility for many of the mammals; namely, seals, sea lions and, cetaceans, other than walruses—from the agency possessing the necessary expertise, facilities, and personnel. This would result in inefficiencies in administration of the bill and would, in the long run, be harmful to the marine mammals we are trying to protect. There are five principal reasons for retaining NOAA as one of the two agencies responsible for the administration of the bill:

First, only NOAA has the necessary facilities and technical expertise to carry out the substantial programs of research which are either mandated by the bill or will be required to support the effective administration of the regulation and permit system which the bill envisions. Identification of "depleted" marine mammal population stocks, determination of the factors adversely affecting these stocks and development of effective countermeasures to conserve the animals will all require the extensive scientific capabilities which NOAA possesses;

Second, NOAA has the management capability to effectively administer a program for the conservation and protection of marine mammals within its jurisdiction;

Third, NOAA has an experienced cadre of international experts and negotiators—including individuals occupying key positions on international fisheries commissions. Such personnel are vital to the successful conservation of marine animals, since their habitat in almost every case crosses international boundaries or lies in the high seas;

Fourth, NOAA has an existing capability to enforce conservation regulations established to protect marines mammals under its jurisdiction; and

Fifth, finally, NOAA is strongly oriented toward the conservation and protection of marines mammals under its jurisdiction.

Dr. White, administrator of NOAA, and new Secretary of Commerce Peter G. Petersen, are compiling an admirable record on conservation. They head up a team of men who are dedicated to wildlife conservation, not commercial exploitation. Even the Washington Post has taken notice. These men include David Wallace, associate administrator of NOAA for Living Marine Resources, and formerly a conservation administrator for the State of New York; Dr. William Aaron, director, NOAA Office of Ecology, formerly a marine scientist at the Smithsonian; Dr. Roland Smith, formerly director of research, Bureau of Commercial Fisheries, Department of the Interior; Dr. Robert Edwards, director, Northeast Fisheries Research Center, National Marine Fisheries Service, NOAA; Dr. George Harry, director of marine mammal program, NOAA, and formerly with the Department of the Interior; and Dr. Dale Rice, staff scientist and marine biologist. This team is advised by a group of the Nation's outstanding marine mammalogists and scientists. In addition, Mr. Phillip M. Roedel, head of the National Marine Fisheries Service, spent more than 25 years with the California Department of Fish and Game as a fisheries scientist, as a conservationist—and he has no connection with commercial interests. His deputies include Dr. William Royce, formerly a professor at the University of Washington, and Walter Kirkness, the former author of "Year of the Whale" and "Year of the Seal"; Dr. Kenneth Norris, department of zoology, University of California at Los Angeles; Dr. G. Carlton Ray of the Smithsonian's marine mammal program and of Johns Hopkins University; and Dr. K. J. McHugh, professor of marine science at the University of New York at Stonybrook.

Even those who suggest that NOAA should not participate in administration of the bill must admit to NOAA's competence in the first four categories. Their principal argument is that NOAA may be too commercially oriented to administer the bill. Therefore, I will discuss this point first.

There are ample indications of the dedication of this new organization to the protection and conservation of ocean mammals. For example, the recent action of NOAA's Administrator, Dr. White, in proposing to the Stockholm Conference a 10-year moratorium on the taking of whales illustrates his personal concern for the future of these magnificent creatures. Prior to the conference, Dr. White personally strongly espoused this action within the councils of government. Similarly, NOAA's proposals for a moratorium on the taking of seals on the Pribilof Island of Saint George demonstrates its concern that the Pribilof fur seal conservation program be continuously evaluated and revised in the light of changing conditions in the Bering Sea ecosystem so as to promote the fur seal population. This action is consistent with the principle that conservation programs should be flexible and responsible to changing ecological conditions.

This vigorous spirit of conservation has also been evident in other areas of NOAA's activities. Thus, at the last two international meetings under the aegis of the International Commission for the Northwest Atlantic Fisheries, NOAA's personnel, representing the United States, have vigorously sought and obtained country by country annual catch limitations on 14 species of fish. This is a landmark on the road to successful conservation of our fisheries. It is the first time that such quotas have ever been developed under this Commission.

Those who oppose inclusion of NOAA in the bill point to NOAA's interest in promoting our fishery resources, presumably implying a conflict of interest with regard to conservation of marine mammals. This point is particularly ill-founded. To begin with, most marine mammals are not the subject of commercial exploitation. In the two instances where they are commercially exploited, namely the seals and the whales, NOAA has proven itself to be a vigorous supporter of conservation. For example, the North Pacific Seal Program has been eminently successful in retrieving a threatened species from extinction and, as I indicated before, NOAA is continuing to press for better conservation methods for these animals. In the case of the whales, NOAA not only urged the banning of all further taking of whales by American citizens but has also been instrumental in developing and urging the adoption of a whale moratorium at the Stockholm Conference.

With respect to the taking of porpoises incidental to the tuna fishery, which is the one situation in which marine mammals significantly interact with commercial fishing operations, NOAA has clearly demonstrated its concern and has actively taken such steps as it can under its current authority to attack this problem. Though numerous industry meetings it has pressed for industry cooperation and assistance in developing gear and methods to eliminate porpoise kills and has sought and obtained permission to accompany tuna boats on their expeditions so as to obtain scientific data. More recently it has been announced by Dr. White that NOAA is substantially increasing its own budget for ocean mammal research without waiting for the passage of this bill. However, until this bill is adopted, the Federal Government will be without authority to require specific measures to be taken by the tuna industry or others to reduce mammal mortality.

NOAA, under the Fish and Wildlife Act, already has responsibility for conservation and protection of certain marine mammals. The suggestion that NOAA should not continue to participate in the conservation of marine mammals because it also protects and conserves our fisheries is just as baseless as a suggestion that Interior should not remain in charge of its land-oriented conservation programs because it also administers the Predator Control Act designed to promulgate the best methods to erradicate and control wolves, mountain lions, and other animals, or because it obtains substantial revenues through the sale of fishing tackle and duck stamps and thus has an economic interest in killing these forms of wildlife.

With respect to NOAA's scientific and technical expertise, its capabilities are impressive. Presently it has 17 laboratories, 13 ships over 100 feet in length and approximately 900 personnel engaged in research on fish and marine mammals. The laboratory network covers the east, west, and gulf coasts, as well as Alaska and Hawaii. The scientific work carried on spans an immense range of subjects from shellfish to mammals.

In addition, NOAA has recently initiated two new projects of fundamental importance—MARMAP and MESA. MARMAP—Morris Resources Monitoring, Assessment, and Prediction—commenced in fiscal year 1970 and, to my knowledge, is the only program of its kind and scope in existence anywhere. It provides for the phased development of a comprehensive continuing investigation of the distribution and abundance of all types of marine creatures, together with an analysis of the factors controlling such distribution and abundance. This program will assist NOAA to identify depleted marine mammal species and to determine the cause for their decline. It will pinpoint mammal breeding areas and food supplies. It will also provide an indispensable data base for international negotiations aimed at conserving such species.

The MESA program—Marine Ecosystem Analysis—is a more specialized program, designed specifically to gather ecological baseline data on the marine organisms in the ecological chain of estuarine and nearshore waters and to determine the effects of such organisms of all forms of manmade and natural pollution. The obvious relevance of such a program to nearshore marine mammals needs no comment.

NOAA personnel have had considerable experience in applying management and conservation techniques to a variety of fish and marine mammal species, the North Pacific Fur Seal Program being an outstanding example.

As I have mentioned, NOAA proposes a reevaluation of the seal stocks on a scientific basis to ascertain what improvements in the conservation in the Pribilofs can be made.

Management experience of the foregoing kind is essential to devising adequate and enforceable programs to protect marine mammal species. Each category of species presents its own unique problems of management. Among all the Federal agencies, NOAA, alone, has developed this kind of expertise with respect to the species under its jurisdiction.

In order to provide for real protection to marine mammals found on the high seas and therefore subject to taking by citizens of any nation, international agreements providing for the protection of such species will be necessary. Reorganization Plan No. 4 transferred to NOAA most of the Government's personnel outside the Department of State who have had experience in the negotiation of international fishery agreements. Pursuant to the Fish and Wildlife Act, they often advise the Secretary of State on marine mammals, and in many instances serve on international commissions.

This international expertise is particularly significant because it has become obvious to the committee that the only way to protect and conserve marine mammals which spend any portion of their lives outside the territorial waters of the United States is to do so by international arrangement, involving all nations whose citizens have an impact on the particular stock.

In addition to its general international expertise, NOAA has immediate access to many international fisheries conservation groups through its own representatives and can more efficiently insure that policies aimed at protecting mammals which are affected by fishing will be carried out. Here again, Dr. White's initiative concerning the whales is an excellent example of the necessity for international cooperation in the protection of species on the high seas.

The National Marine Fisheries has a long history of effective enforcement of various international fisheries conventions and laws implementing these conventions.

This NOAA cadre can well be used to enforce marine mammal regulations. In addition to their direct responsibilities, they can, when backed by the scientific expertise of the NOAA researchers, significantly augment the enforcement activities of other arms of the Federal Government, such as Customs and the Coast Guard.

Placing this NOAA force at the disposal of Interior is unnecessary and inefficient, since the men should be kept in close contact with the NOAA scientific experts, and both groups should be under a single unified authority. Adding another layer of administrative direction from Interior can only lead to unnecessary complications.

Mr. President, our marine mammals must be conserved. The Department of the Interior and NOAA acting in concern have the ability to administer a scientifically sound program for the protection and conservation of all marine mammals. If we give them the legal tools, they have assured me that they can and will cooperate to get the job done.

Mr. President, the bill calls for a 15-year moratorium on the taking and importation of marine mammals. There are five exceptions. We have tried to approach this matter from a total moratorium aspect, and put in, in turn, realistic exceptions that all conservationists and those interested in the optimum sustainable population of the particular marine animals involved would help maintain.

The five exceptions are, one, for the Alaskan Fur Seal Treaty, which is deemed to be the best conservation and protection measure that we have for any animal. We have the overall discretion given to the Secretaries of the Interior and of Commerce, through the Office of NOAA, to make rational wildlife management decisions which would be in the interest of the animals involved. In other words, he would have to consult with the Marine Mammal Commission and promulgate regulations. After public hearings pursuant to those regulations, he could issue permits, which in and of themselves would also require hearings.

The third exception is for scientific research and public display. The fourth is for the tuna and salmon fishing industry which involves some 10,000 employees some 350 to 400 vessels, and amounts to an investment of more than $350 million—America's most modern fishing fleet.

In one of the very first amendments, we are going to get into the incidental taking of porpoises in the tuna fishing process, and this is as much opposed by the fishermen as by any conservationist or preservationist. The fact is that the dolphins or porpoises act very much like bird dogs to a hunter.

They are not in any way trying to destroy the dolphins, but are trying to save the mammals which get caught and inadvertently drown in the nets. We allow for a 2-year exception to the 15-year moratorium, wherein the Secretary, in consultation with the Marine Mammal Commission would, under the amounts authorized, launch a research program and promulgate improved methods to protect the porpoises.

Last, of course, we have the Aleuts themselves, or the Eskimos, Indians and Aleuts of Alaska, and the Fur Seal Treaty. After all, humans are a part of our ecology, and some 600 individual Aleuts are involved. These families have been living on the Pribilof Islands for 200 years and have been sustaining themselves there. We put in the exception for the Indians, the Aleuts, and the Eskimo and for fulfilling fur seal treaty obligations and for the making and selling of handicrafts.

We have in support of the bill many conservation and wildlife groups. Some of those which support the wildlife management concept included in this bill, although not each and every provision of the act, include the Wildlife Management Institute, the Sierra Club, the World Wildlife Fund, the American Humane Association, the Citizens Committee on Natural Resources, International Association of Game, Fish, and Conservation Commissioners, the Izaak Walton League of America, North American Wildlife Foundation, Sport Fishing Institute, Wildlife Society, Trout Unlimited, National Wildlife Federation, American Committee for International Wild Life Protection, and American Fisheries Society.

With those opening remarks, Mr. President, I think we would do better to proceed by calling up the various amendments at this time, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, S. 2871, the Ocean Mammal Protection Act, is a most important piece of legislation. It provides comprehensive protection and regulation for numerous species of ocean-dwelling mammals which reside off American shores. Some of these mammals are already in danger and others may become so if some protection is not provided to them. This is a worthy aim and one that is recognized by all of us.

This problem has caused considerable concern. Groups representing diverse points of view have been heard in extensive hearings, first by the House Merchant Marine and Fisheries Committee, and then by the Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee. They contributed a great deal of useful information. The Senate Commerce Committee has struggled with this bill for months in attempting to find a fair and rational solution to the problem. We have sought a solution that would protect the mammals, yet not wipe out the Eskimo culture and several important native handicraft activities in the process.

Numerous professional biologists and conservationists appeared before the committee and helped in the drafting of this legislation. State governments and several interstate commissions have been of assistance. Representatives of Alaskan Native groups have also been most active on this bill. Industry representatives have similarily sought to assist in drafting a good piece of legislation. To all of these groups we are most indebted. They have all provided a valuable service to this country and also to these animals.

Many of my colleagues in the Senate have been of great assistance. The chairman of the Subcommittee on Oceans and Atmosphere, Senator HOLLINGS of South Carolina, has provided wise leadership and has assumed a difficult role in attempting to reconcile often divergent points of view. Senator MAGNUSON, the chairman of the Commerce Committee, has also been most helpful. The distinguished ranking minority member, Senator COTTON, and other Republican members on the Commerce Committee have also been most interested. The committee's staff has worked long and hard on this bill and a great deal of credit goes to them. Mr. John Hussey of the Subcommittee on Oceans and Atmosphere and Mr. Dave Clanton of the minority committee staff deserve special credit.

As many of my colleagues already know, this bill is designed in recognition of the fact that certain species of ocean mammals are or may be near extinction or depletion. This bill is enacted to prevent these species from diminishing below their optimum sustainable population. They must be managed to achieve an optimum sustainable population keeping in mind the optimum carrying capacity of their habitat as well as the health and stability of the marine ecosystem.

Several provisions are of particular concern to me. The first is the concept "optimum sustainable population." This is defined in section 3(6) to mean with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem in which they form a constituent element. In turn, the term "optimum carrying capacity" is defined in section 3(7) to mean the ability of a given habitat to support the optimum sustainable population of a species or population stock in a healthy state without diminishing the ability of the habitat to continue that function. The well-being of the entire ecosystem must therefore be kept in mind. It also requires a judgment, not only on the maximum population of the species, but on the maximum total productivity of the environment including all constituent elements.

This concept embodies a continuing conservation effort. Measures should be taken for these animals to replenish themselves. Rookeries and mating grounds must be protected. Steps should be taken to reach international agreements for research and conservation of all marine mammals.

These animals affect the balance of the marine ecosystem. Many mammal products also move the interstate commerce.

The bill further provides for a rational management of ocean mammals. Not only does it impose a moratorium, but it also recognizes that the moratorium so imposed may not always be in the best interest of individual species or population. In fact, in some cases a moratorium may not only be unnecessary, but may also actually harm these animals by creating overpopulation beyond the ability of the environment to support. In such cases, the Secretary of Commerce or the Interior, may on the basis of the best scientific evidence available, in consultation with the Marine Mammal Commission, and after consideration of the needs of these animals, waive the moratorium and permit the taking or importation of marine mammals if he believes this to be in their best interest.

The bill further provides that Alaskan Indians, Aleuts, and Eskimos dwelling on the coasts of the North Pacific or Arctic Oceans are exempt from the act if they take these mammals for subsistence purposes or for the purpose of creating and selling authentic Native articles of handicrafts and clothing or for food sale to other villages or other Natives. In either case such taking cannot be accomplished in a wasteful manner. If the Secretary finds that the animals are depleted, he may limit their taking by Alaska Natives.

Mr. President, I believe that passing this bill without this exception would disastrously affect the Alaskan Natives. If this exception were not included, Alaskan Natives would lose their traditional way of life, the way they have lived for centuries, dependent upon seals, walruses, and whales. This way of life has not adversely affected the numbers of any of ocean mammals. As one Eskimo told me during Senate Commerce Committee hearings in Alaska last May our taking away the Natives' right to hunt these animals would be similar to taking away "beef from the non-native people." If we deprived non-native people of beef, pork, and chicken, this would be doing just what we would do to the Eskimos if we deprived them of seal, walrus, and whale.

In the back of the Senate Chamber today is an exhibit loaned by the University of Alaska and shipped from Nome, Alaska, where it was on display, depicting Native utilization of these animals. I recommend it to my colleagues and suggest that they step to the back of the Chamber for a moment to look at the exhibit. My staff is on hand and will be pleased to answer their questions. It is an exhibit that is well worth examining. Not only does it accurately portray the dependence of my people on these animals, but more importantly, it indicates to all of us the extent of their civilization and their present needs.

Mr. President, as you know, the problems of the Alaska Natives are great. I have spoken to this body at different times on Native housing, health, education, and Native claims. I have also many times spoken of their dependence of fishing and mammal hunting. From time to time I will continue to address myself to their particular problems.

Native Alaskans are proud. They do

not ask for special treatment from the Federal Government. But, nonetheless, they, too, have the right to be let alone, to follow their traditional way of life. It is this way of life I seek to protect in this bill.

For many of the Alaska Natives, the selling of their handicrafts, fashioned painstakingly and with great skill from ocean mammals is the sole basis of their cash economy. These include the carving of ivory, the sewing of fur parkas and mukluks, and the sale of mammal food to other Natives.

Mr. President, marine mammals have been the foundation of the Native Indian, Eskimo, and Aleut cultures and economy for as long as these people have occupied the northern and western coasts of Alaska. Even if their economic dependence on ocean mammals is removed, their cultural roots in them will remain and should be given protection.

Today, Americans are interested in conservation. The word "conservation" means to preserve and not to waste or destroy. We must conserve the Native culture, just as we must conserve the ocean mammals.

Alaskan Natives have been mindful of conservation for centuries. Hunting for sea mammals in the open sea is a highly skilled and dangerous occupation. Hunting on the ice pack is equally dangerous, but it is the only way that Native Alaskans have been able to survive. Taking away the Native Alaskans' livelihood will have the same effect as the innumerable cultural depredations of the American Indians by the white man in the lower 48.

If the Native people of my State are denied the right to carve, saw, and fully utilize the entire animal carcass, the after effects will be disastrous. Native Alaskan artifacts will be imported from other areas like Japan. The already marginal cash flow of the Alaska Natives would cease.

What will happen to all the Alaska Natives who have spent a lifetime learning how to carve and the native women who sew skins to support their children? As one elderly gentleman testified before me in Nome, this would be like taking away people's union cards, or their high school diplomas. This would be the same as disbarring lawyers, or cashiering officers in the armed services.

Enacting this bill without the protection of section 101(b) will exile 10,000 Alaskans from their homelands. It will force them to relocate or go on welfare. It will take away their pride as well as their livelihood.

Alaskan arts and crafts are an artistic and social heritage. This skill, handed down from generation to generation, reveals as much of their history as paintings Rembrandt and other famous European artists reveals of the white man's past history. Removing the privilege of passing this cultural legacy to future generations will sever children as yet unborn from the past. It will create a cultural diaspora.

Mr. President, Americans today are concerned about their health. Non-natives take vitamins and minerals to protect their health. Eskimos, Aleuts, and Indians obtain 50 percent of their protein from these marine mammals. Depriving them of this source will thus work a severe health hardship upon them. Extensive coastal bartering and sale of mammal foods takes place. Eskimos in the interior of Alaska and in coastal areas with lean harvests are as dependent upon these animals as are their more fortunate neighbors. Moreover, Natives who have moved to the cities of Alaska and elsewhere, still retain a craving for mammal foods. A small but vital marine food industry has been created in the Native community. Section 101(b) will also protect this.

If this provision is not inserted, many Alaskan Natives will be forced to rely on public assistance. This presents a particular problem because they are a proud people. It will destroy their spirit as well as their livelihood if they must be put on the public dole.

One further point deserves clarification. Because only authentic native articles of handicrafts and clothing may be sold in interstate commerce, native groups may find it desirable to affix tags or seals to these objects or to identify them in some other way. Identification of these items as authentic native Alaskan handicrafts or clothing will serve two purposes. First, it will indicate compliance with this act. Second, it will identify these objects to customers and the public generally. Both goals are worthy. The State of Alaska has permitted tagging under State law since 1961. See AS45.65010. An extensive tagging operation is presently being encouraged by the State of Alaska in conjunction with native cooperative associations such as the Alaska Native Arts and Crafts Cooperative Association—ANAC.

I fully support such procedures. They will undoubtedly assist in enforcing this provision of the act. They will also prove of great economic benefit to the native community. At this point I ask unanimous consent to have printed in the Record an article from the June 27, 1972, Anchorage Daily Times, page 5, describing the Alaska tagging operation.

There being no objection, the article was ordered to be printed in the Record, as follows:

To Begin Program To Sell Artifacts

A program to aid in the marketing of Alaska native hand-crafted artifacts is being launched jointly by the state of Alaska and the federal government, with the cornerstone of the program being a symbol which will be affixed to all genuine hand-crafted Alaska native items.

The symbol, a drawing of a hand on a metallic silver background with the words "Authentic Native Hanidcraft from Alaska," will be affixed by the artisan himself or the retailer who sells the articles.

The effort of the program is to help establish the authenticity of Alaskan handiwork as a basis for commanding higher prices than the inexpensive copies which are imported from other states and nations.

Items which are merely "finished" by Alaskans do not qualify, nor do items produced within the state by non-natives.

Lynn Chambers, coordinator for the program in the Economic Development Department, said a public educational program is planned to help introduce the seal. She said the effort came in part from a study conducted last year which showed that a strong identification program from Alaskan native arts and crafts would eventually become self-supporting, due to the higher prices which genuine Alaskan-made items would command.

"These items are a major source of income, in some cases virtually the only source, for many of Alaska's native people," she said.

Mr. STEVENS. Mr. President, I ask unanimous consent that my remarks of March 15, as reprinted in the Record of that date and as germane to this discussion, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks

Mr. Stevens. Mr. President, the Senate Subcommittee on Oceans and Atmosphere is presently holding hearings on ocean mammal legislation.

Many bills are being considered by the subcommittee as they attempt to find various solutions to the problem. Several of the bills, however, such as those introduced by the distinguished Senator from Oklahoma (Mr. Harris), take the approach that an outright ban on all ocean mammal harvesting is absolutely necessary.

This approach has caused me considerable concern. These bills will protect the ocean mammals, but in doing so will exterminate the culture and economy of the Alaskan Eskimos.

Many Alaska Natives, particularly Eskimos along the coast, depend upon ocean mammals for their existence. What little cash they are able to obtain in order to have even a marginal existence they are able to earn only through the sale of native crafts, clothing, and art works. These activities are vital for the social and economic welfare of the Alaska Native people.

Mr. President, the way of life of the Alaskan Native is threatened by the proposed legislation. If Congress enacts provisions outlawing all but subsistence hunting by Alaskan Natives, not only will this proud group of Americans have their economic livelihood stripped from them, but they will face the certain fate of cultural extinction.

The Alaska Native people of the coastal regions are the Eskimos. These people have achieved a unique pact with nature. They alone, of all mankind, have been able to survive in the harshest possible climatic conditions. Snow and ice cover the ground much of the year. Thus, travel across the ice is a necessity. Wood is scarce. Boats must be light and built with the materials at hand

Even with such limitations, the Eskimos have been able to invent the kayak and the umiak. These unique vessels utilize skin and bone rather than bark and wood. The single-seat kayak and the multi-seat umiak are sturdy enough to travel hundreds of miles across open water. Kayaks will right themselves if overturned in storms, while keeping the lower half of the occupant completely dry in the meantime. Single Eskimo hunters, riding kayaks and armed only with harpoons have, for centuries, successfully harvested whales, the mightest creatures on earth.

This is but a single example of the high level of culture reached by the Eskimos in the cruelest environment on the face of the earth. Anthropologists and scholars agree that there is much in the Eskimo culture that will greatly benefit white civilization. For example, the clothing worn by Eskimos out-of-doors and fashioned from ocean mammals is both cold-resistant and waterproof. It effectively seals the wearer from the elements, yet permits him freedom of movement. It is far superior to anything the white man has invented. Our copies are but poor imitations.

It is a well-known fact that the major market for such genuine Eskimo clothing—parkas, pants, and mukluks—native fur boots—is not the tourist, nor the exporter, but other Alaskans. We, white people, in Alaska appreciate these Eskimo improvements and depend upon them, especially in the far northern part of the State. We know that when we must travel to his part of the State, we cannot improve upon the artifacts it has taken the Eskimo centuries to perfect.

To deny the Eskimo the right to manufacture and sell these items will not only create a hardship upon him, but also upon the white people who must live and work in an equally cruel and hostile environment.

Because the land in the far north is frozen much of the year, agriculture is very limited. For this reason, the coastal Natives are very dependent upon sea mammals for much of their food. In fact, many of those Eskimos who now live in the cities have retained their taste for many of these foods. Thus, there is a small but thriving business of canning and preserving sea mammal meat for transshipment to natives throughout Alaska and the "lower 48."

But most Eskimos have not moved to the cities. They still live on the North Pacific and Arctic coastlines. They continue to live basically the same way they have lived for centuries. They have maintained a cherished tradition, a link with the past—a way of life, proud and unbent in the face of modern civilization.

Mr. President, the Alaskan Eskimos for many years prior to the coming of the airplane remained largely isolated from civilization as we know it. Only in the 20th century, particularly in the last several decades, have these people come into contact with modern civilization. To many of them English is still a second language.

But they are rapidly moving into the 20th century. Snowmobiles have largely replaced dog sleds. Air travel is used for long trips. Short-wave radios are now the primary communication link between villages. Canned goods, manufactured household items, and clothing are readily available. Education is available, as is better health care. Even housing is improving.

But to take advantage of all these modern conveniences, the Alaska Native needs cash. If he is to have the choice to live where his people have dwelt for centuries, he must be permitted to make a living there. He must have the right, not only to hunt for his native food, but to buy a balanced diet including milk and vegetables; clothing; medicine; and building materials for his house. It is, of course, true that eventually the benefits from the Alaska Native Claims Settlement Act (Public Law 92–203) will yield to each Native a certain amount of cash plus some land. However, the land and cash will not be enough to compensate him for the loss of his occupation; nor are they intended to do so. Neither will they give most Natives jobs; nor return to them their lost sense of dignity. Most importantly, any direct payments to individuals will be over 2 years in coming, due to the time it will take to complete the enrollment procedures.

The only industry that the Alaska Native can count on to support himself and his family is one based upon full utilization of the ocean mammals—the same animals which have been the basis of existence for his people for centuries. This is an industry of Native manufacture, handicrafts and carving—wonderfully intricate hand-carved bones and tusks, decorated parkas and boats, completely waterproof and ideally suited for the rugged outdoor life lived in that far part of the world.

Mr. President, if the Native people of my State are denied the right to carve, sew, and utilize fully the entire animal carcass, the result will be truly disastrous. Even marginal cash flow will cease. Their only means of earning a living will be foreclosed to them. They will be forced to remain idle, go on welfare, or relocate. Their priceless cultural heritage will become extinct.

Therefore, even today, the dependence of the Alaska native people upon ocean mammals is a real and continuing one. They are indeed learning the ways of the rest of the world quickly and coming into their own. But during this period of adjustment, it is doubtly important that they be able to continue as they wish and make their own determination of the kind of life they wish to lead.

Mr. President, the Alaskan Eskimo asks for himself no more than any other group in this country. He asks only the right to determine for himself his own destiny.

For this reason, I urge the Senate to reach a reasonable solution to the problem and to take into account not only the biological aspect, but also the sociological and anthropological effects of this legislation. We must not destroy a civilization in the process.

Mr. President, for this reason, I am today introducing an amendment to S. 3161. The purpose of this amendment is to preserve the priceless cultural heritage of the native Alaskans by permitting them to continue to produce handmade native arts and crafts as well as clothing manufactured from sea mammals. I intend that the effect of this amendment will be to permit the total utilization of the mammals and the wise management of these wonderful and irreplaceable ocean creatures.

Mr. STEVENS. Mr. President, I ask unanimous consent that the testimony of George Miller, president of the Cook Inlet Regional Native Association in Alaska, be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GEORGE MILLER

Mr. Chairman and members of the Subcommittee, my name is George Miller. I am president of Cook Inlet Region, which is one of the twelve regions designated in the Alaska Native Claims Settlement Act to receive a portion of the land and monetary benefits provided in this legislation. In submitting this testimony, I am speaking in behalf of the six constituent villages of Cook Inlet and the Native population which has enrolled in our region pursuant to Sec. 5 of the settlement legislation.

At the outset, I should state that the Natives whom I represent are virtually unanimous in their opposition to any legislation which would impose a ban in the taking of marine mammals or otherwise alter the present laws and regulations respecting the taking of such mammals. There are several reasons for the position that we have taken, and I believe that it would be helpful for me to state them briefly at this time.

As the hearings which the Subcommittee held in Nome and Bethel showed, a substantial portion of Alaska's Native population, including many Natives who reside along the shores of Cook Inlet and other bodies of water near our region, rely very heavily on marine mammals for subsistence purposes and as a source of income. Thus, the Natives of Cook Inlet traditionally have used the hair seal, which is found in the waters of Cook Inlet and other offshore areas, for food and to make clothing and footwear.

The liver of the seal has proved to be an especially nutritious food source, and seal oil has been used as one of the main ingredients in Native cooking. Similarly, the Beluga whale has traditionally been an important source of meat and of oil for heating and cooking. In addition, the whale's natural tallow makes an excellent detergent which is almost pollution free.

Marine mammals are also an important source of income for Alaska Natives. Thus, many natives who reside in the Cook Inlet Region sell seal hides for use in making coats and other garments. These hides are sold for both domestic and foreign use. Because of their unique ability to withstand the rigors of an Arctic climate, many of the hides are sold to Alaskans for use in making parkas and other garments. Since many seal hides are processed in Alaska by the Native population, income is earned not only from harvesting but also from tanning.

In addition to the income derived from marine mammals harvested in Cook Inlet and nearby offshore areas, the Natives of our region also share in the monies derived from marine mammal harvesting by Natives living elsewhere in Alaska. This is so because ivory and skins from the North are shipped to Cook Inlet for carving and sewing, respectively. Thus, while ocean mammal harvesting by the Natives of Cook Inlet is not as extensive as that conducted by Natives living further north, we nevertheless share in the rich bounty which they take from the sea. In addition, it is important to note that some of our people travel north to participate directly in the seasonal ocean mammal harvesting which takes places in the North Pacific and Bering Sea.

A graphic example of the economic importance of marine mammal harvesting is Aleskind, which is one of the most promising retail outlets for Native handicrafts and artifacts in Alaska. This organization, which is located in the Cook Inlet Region, was formed to market the handicrafts of all three segments of Alaska's Native population—Aleuts, Eskimos and Indians. If a ban on ocean mammal harvesting were to be imposed, Aleskind would immediately lose its economic viability, and many Natives would lose their jobs.

Mr. Chairman, as you know, the unemployment rate among Alaska Natives is extremely high, much higher than in the population as a whole. For many Natives hunting and fishing for commercial purposes are the sole sources of income. Although the twentieth century has affected Alaska's Native population in many ways, it has not altered the fact that hunting and fishing are vital to the very survival of many Native families. When viewed in this contest, the deleterious consequences which would result from enactment of the pending Ocean Mammal bills becomes alarmingly clear.

Some have argued that the Alaska Native Claims Settlement Act, which was enacted into law on December 18, 1971, will provide sufficient income for Alaska Natives, thus, supplanting the need to engage in the harvesting of marine mammals. This is simply not true. For one thing, monetary distributions to villages and to individuals will not take place until after the enrollment process is completed in late 1973. In the meantime, only regional corporations established pursuant to the settlement legislation will receive monies from the Alaska Native Fund, and it is likely that the use of these monies will be limited by the Department of the Interior until enrollment is completed. Even after the enrollment process is finished distributions to individuals will probably be quite small and will terminate after the first five years. The distributions to regional corporations and, through them, to village corporations will be for many purposes; thus, such distributions cannot reasonably be expected to supplant or even satisfactorily supplement income lost as a result of any ban or moratorium on ocean mammal harvesting.

We believe that the stated purpose of the various ocean mammal protection bills now pending before the Subcommittee is a laudatory one. Every right thinking person wants to preserve the natural flora and fauna of our world for the benefit of ourselves and future generations. A ban or other change in the present system of laws and regulation respecting ocean mammal harvesting by Alaska Natives would have virtually no effect on the continuing viability of the various species of ocean mammals. Alaska Natives have traditionally been good conservationists, taking only what they need for subsistance and reaonable commercial purposes in a manner which, by its very nature, could not result in the depletion of the marine mammal population. Rather, this depletion has been caused by foreign nationals using modern harvesting methods, such as the explosive harpoon. Only when this type of mass commercial harvesting is prohibited on a worldwide basis will ocean mammals increase in number. In the meantime, Alaska Natives should not be penalized for the actions of others.

An important ecological factor should be considered in connection with ocean mammal harvesting in Cook Inlet and adjacent waters. Three species of ocean mammals are found in some abundance in these areas: sea lions, hair seals, and Beluga whales. Each of these species preys on salmon, which is one of the staples of the Alaska Native diet and one of the most important components of the Alaskan economy as a whole. As an illustration of the dimensions of this problem, it is not uncommon for Beluga whales to eat twenty-five or more adult salmon during a single feeding. Sea lions pose a similar threat. Inhabiting such places in lower Cook Inlet as the Barren Islands, Pye Island, and Seal Rocks, the sea lion population, in the absence of harvesting, is growing at an alarming rate. If this growth is allowed to continue unchecked, the salmon population in the Inlet and adjacent waters will be seriously jeopardized. Thus, it can be seen that the continued harvesting of ocean mammals is necessary to preserve a proper balance between the various species of creatures which inhabit the marine areas of our region. In the absence of such harvesting, all those who depend on salmon and other fish as food or as a source of income will suffer.

Recognizing the nature of the ecosystems in Cook Inlet and other marine areas, many responsible conservation groups have opposed the imposition of a ban on ocean mammal harvesting. As one example, most knowledgeable conservation groups in the United States have opposed any change in the Pribiloff Island seal harvest, which is one of the best examples of scientific wild life management in the world. Under the administration of the Department of Commerce, the seal population on the Pribiloff has grown to an optimal level and is now in total balance with its environment. This could never have occurred without the harvesting of certain seals. Similarly, the limited type of harvesting conducted by Alaska Natives in lower Cook Inlet is necessary to preserve the health and vitality of the ocean mammals which inhabit this area and the fish which they eat.

Mr. Chairman, as time passes, we are evolving new ideas about the relationship between various cultures. We now recognize that it is harmful to both majority and minority cultures if the former tries to dominate or completely assimilate the latter. Rather, each has much to learn from the other. I believe that these hard learned principles are especially true in the relationships which exists between Natives and non-Natives. In recent times, it has been recognized that Natives should be able to choose freely between their traditional way of life and a non-Native life style or to pick elements of both. The enactment of any of the ocean mammal protection measures now pending before this Subcommittee would have the effect or potential effect of denying Alaska Natives this choice.

Perhaps, this could be tolerated if the circumstances were sufficiently compelling. However, as I have indicated in this testimony, there are no such circumstances. Rather, there are compelling reasons for permitting Alaska Natives to harvest ocean mammals for subsistence and commercial purposes as they have always done. This activity is so interwoven into the fabric of traditional Native life that it cannot be altered or terminated without seriously jeopardizing the culture of our people.

Given this fact and the other reasons for continuing to harvest ocean mammals which I have mentioned previously, we of the Cook Inlet Region are very hopeful that this Subcommittee will not recommend and the Congress will not enact legislation that impairs our traditional harvesting methods or compels us to seek a permit from the Federal Government to do something which we have done without interference for so many years.

In behalf of the Cook Inlet Region, I want to thank you for this opportunity to present our views on the legislation which you are now considering. We respectfully request that careful consideration be given to our position to the many similar expressions that you have received from Alaska Natives, many conservationists, and others familiar with this situation.

Mr. STEVENS. One animal of particular value to Alaskan Natives is the bowhead whale. Few of these animals are harvested, but each animal can feed an entire village for some time. Several experts testified before us on whales generally. When questioned concerning Natives taking of bowheads, they were nearly unanimous that the minor taking of these animals by Alaska Natives posed absolutely no danger to the species. Moreover, those experts on Native culture indicated the great dependence of a handful of Alaska villages on this. At this point I would like to insert in the CONGRESSIONAL RECORD an article entitled "Point Hope—A Workable Tradition," by Lael Morgan, an Alicia Patterson Fund Award winner and a writer for the Tundra Times in Fairbanks, Alaska. Excerpts from this article appeared in the Washington Post and have been inserted in the CONGRESSIONAL RECORD. However, the article itself is of such value that I ask unanimous consent to have it printed in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POINT HOPE—A WORKABLE TRADITION

(By Lael Morgan)

(NOTE.—Mrs. Morgan is an Alicia Patterson Fund Award winner on leave from the Tundra Times in Fairbanks, Alaska. This article may be published with credit to Mrs. Morgan, the Tundra Times and the Alicia Patterson Fund.)

Agvik . . .!

The Eskimo word for "whale" is a harsh whisper on the restless ice of the Chukchi Sea off Point Hope.

A light whale boat, umiak, fashioned from sealskin covered driftwood, slips into the gray water of a fog-shrouded lead.

Six men, moving as one, paddle soundlessly, cross-current; evading the sweep of jagged, fast-moving ice blocks.

Suddenly, squarely in their course, a bowhead surfaces. Its black hulk is three times the length of the boat but the Eskimos move without hesitation to attack with a hand thrust of an ancient harpoon fixed to a black powder charge.

They strike but the mammouth takes only a glancing blow, sounds and surfaces well beyond range.

The lead narrows. South wind pushes forward a crushing front of ice and the men retreat before it, dragging their umiak on a flat wooden sled.

We women of the crew watch from older, more stable ice. We have packed the food and cooking pots and are ready to break camp as we have many times. Packing, striking the tent, are habit, even to me, and I am new on the ice this season.

But my fear of the shifting floe is fresh and it is shared by the most experienced whalers. We follow an Eskimo tradition of more than 1,000 years and requirements are still primitive. We must stake our lives for our groceries.

WORKABLE ADJUSTMENT

Point Hope is an Arctic village of 400 Eskimos who have made a remarkably workable adjustment to the 20th Century while retaining the full flavor of a rich heritage.

Theirs is probably one of the oldest continuously inhabited sites in America, set on a finger of land ideal for hunting.

"It seemed as if nature had planned carefully at Point Hope and worked out a system of spacing the succession of animals to be hunted," marvels Howard Rock, Eskimo editor of the Tundra Times, who was raised there. "Blessed with this bounty—whale, seal, polar bear and caribou—Point Hope is a successful and prosperous village."

At one time its population was over 2,000, according to archeologist John Bockstoce. About 900 A.D., Siberian Eskimos introduced the seal carcass float and the inhabitants, bankrolled by an increasing herd of caribou, began to develop techniques for hunting the abundance of whale that migrate annually past the point.

The village flourished on this successful whaling industry with virtually no intrusion until 1886 when the first Yankee whaling station was established there.

Eskimo Chief Attungowruk imposed a demarcation line between Point Hope and Jabbertown, a colony of many races that grew around the American whaling camp. The line kept whites from whaling in Eskimo waters, but didn't stop a lively traffic in alcohol and women that grew up between the two settlements.

In 1889 Lieut. Commander C. H. Stockton of a U.S. revenue cutter found Point Hopers "in a most degraded state, physically, mentally and spiritually" as the result of contact with the white man.

"Each visit of a whaling ship was followed by riot and drunkenness; the women were carried off to serve the lusts of the sailors and officers," Stockton reported to the mission division of the Episcopal Church. "Although under the flag of the United States, there was nothing but chaos and paganism."

In response, the Episcopalians dispatched The Rev. Dr. John Driggs to the rescue. The Point Hope people, still very much in control of their boundaries, refused to let the missionary land in the village and suggested he camp a couple of miles up the beach until they decided whether to kill him or keep him.

Luckily, Dr. Driggs was an excellent physician who put medicine and education ahead of proselytising. He managed to cure a member of the chief's family after the local witch doctor had given up and soon enticed villagers to English classes by offering snacks.

Driggs ministered to the people of Point Hope until 1908 when the church wrote him off as "eccentric." He had moved from a frame house (advocated by the church as a needed trapping of civilization) to a native sod house which was warmer, decreed that no young Eskimo man could attend school in good hunting weather (he offered make-up classes at night) and traveled widely by dog team with Eskimo hunters.

Missionaries who followed denounced Eskimo traditions, forbade dancing, the hunting of whales on Sunday and carving of effigies, but the natives gave only token attention. They developed respect for higher education and became fervent church goers, but they clung stubbornly to the best of their old culture.

In 1932 the church helped the community experiment in self government and in 1940 Point Hope incorporated.

During World War II, some Point Hope men got jobs in defense construction and, in the 50s, on the Distant Early Warning System. (In 1951 Point Hopers brought home $30,000 from a single defense contract and last year, according to a man who helped figure income tax there, at least 10 families reported incomes of $18,000.)

Because of their job experience many Point Hope workers are union members, which has enabled them to solve the problems of job hunting that stymies natives in other isolated areas.

And, although gains from outside employment pour into Point Hope, the Eskimos continue to maintain themselves by subsistence hunting. A good hunter is still the most respected of men and, besides, wild, native food is preferred to white man's fare.

As a result, the skill of Point Hope's young hunters is as polished as that of their fathers and forefathers at a like age. In addition, these young people are bilingual and fit easily into the white culture, while retaining great pride in being Eskimo.

CONGRESS COULD DESTROY A LIFESTYLE

Currently Congress is considering legislation that could destroy the unique balance of cultures that Point Hope enjoys. The Sea Mammal Protection Act, which has already passed the U.S. House, would put a five to 15 year moratorium on hunting of sea mammals on which the village depends.

While the bill allows for subsistence hunting, it precludes the taking of endangered species and some scientists believe the bowhead whale, a mainstay of the village diet, should be included. Trading and interstate commerce in sea mammal products would not be allowed, either, which would be a serious blow to the economy.

To discover the impact of this legislation, I have been living with a Point Hope Eskimo family and serving as assistant cook and dishwasher on their whaling crew.

SUBURBIA MISPLACED

The village looks like a modest suburbia misplaced on the tundra some 140 miles north of the Arctic Circle. All the homes, with the exception of one sod dwelling, are frame construction, and even the sod house is wired with electricity.

There is a large school with a stout arsenal of progressive teaching aids including film clips of "Sesame Street." A modern cooperative store has just been built and there is a movie theater which shows a fairly good run of films.

There is no sewer or water system but plans are being made to move the village to an erosion free site and build a model city that would include plumbing. The Point Hope Council is far-sighted and progressive and has been unusually successful in securing government grants to meet the needs of the community.

Come whaling season, however, Point Hope reverts to its past.

THE HARD WAY TO CATCH A WHALE

The first water opened April 12 and the village became tense with the excitement of getting out there.

One week earlier the women had sewed new skin covers of oogruk, the bearded seal, over the boat frames. Now the preacher arrived by snow machine to bless our craft. The crew knelt for a prayer in terse Eskimo and we were away with "Amen." Two dog teams went first, followed by snow machines pulling our boat and grub box.

The ice is a harsh, ever changing world, bounded by towering pressure ridges of frozen blocks the size of deepfreezes. Our first lead was a narrow span of black water that spun off dark mists shot with sun.

The men quickly anchored the guy ropes of our tent to hefty ice blocks. Three plywood planks were laid as flooring over the "Windex" blue of our frozen perch and a stove, fashioned from an oil drum puffed smoke through a pipe bedded with a shield in the canvas roof.

Outside, a sharp wind tore from the northwest, adding sting to the sub-zero temperature. Inside, secure with a large dishpan of seal blubber chunks to feed the stove, we drank tea and waited for the wind to drop.

My captain, Bernard Nash, waited with apparent calm but he is tightly wound. This is his second year as a captain and he has yet to get his whale. He's an excellent hunter and was harpoon man on the crew that killed Point Hope's record whale, a 65 footer. But last year he left his crew part way through the season to take a construction job outside the village. This year's hunt has been outfitted at a cost of nearly $700 from his income tax refund, unemployment checks and food stamps. It's important that we score.

Our crew includes Gus Kowunna Sr., an ice expert of extraordinary toughness and excellent good humor; Sam Nash, the captain's son who is bookish but a fine oarsman; and Earl Kingik, veteran of Vietnam who is the son of a famous hunter and a credit to the tradition.

Isaac Killigvuk, Norman Omnik and Morris Oviok have also thrown in their lot with Nash for a second year. They have all lived outside Alaska but returned home to hunt. They are young, savvy and have been trained to the ice from childhood.

A 20th Century touch is our own "live-in" archaeologist, John Bockstoce, who claims to be along just for the fun of it. I tend to believe him because this is his second year as a crew member. He's a former Olypmic rower and he really enjoys the life on the ice.

And there is our "boy", Gussy Kowunna Jr., 13, who has the hardest lot. He fetches and carries, stays up all night to tend the stove, does all the dirty work. Yet, in reality, he is an apprentice whaler and will get a man-sized share of the kill. And he dares hope that next year he will take his place at a paddle.

His sister, Esther Kingik Bosta, wrote a note to his teacher that read simply, "Gussy is excused to go whaling." He will be on the ice six weeks.

Esther is head cook; well traveled, educated and currently a city dweller. But she came home for whaling because she likes the excitement of the hunt and is sought after as a cook.

On both sides of us white tents are strung out along the lead. They are headquarters for 11 more crews, all of similar composition.

THE MARK OF A MAN

Among Point Hopers it's the mark of a man to go without sleep for three days, and, even at the beginning of the season when the weather is savagely cold, the hunters shun the comfort of the tent to keep watch at the water's edge.

When the whales come through en masse, the men will not stop to eat and may spend five straight hours at their paddles. They return to us crusted with frozen brine and send the boy to the tent to exchange frozen gloves for dry.

Whales can appear just about any time there's open water. Sometimes they surface in a lead so small you wouldn't expect a duck to land there. Sometimes they steam past in the dark and sometimes in a blanket of fog when floating ice is unpredictable and dangerous.

The bowheads can travel about 50 miles an hour, Kowunna estimates. A boat will go 12 miles an hour or maybe faster if the crew is good.

"When you see a whale you gotta work, work, work. Work like hell to catch him . . . work until you sweat," he says.

You must strike from behind or directly in front, for a whale's eyes are on the sides and if he sees you, he'll move out. Our harpoon and darting guns with black powder bombs were patented in the 1800s and they are modest weapons. The crew needs the advantage of surprise.

Women's lot is less exciting than the men's, but we are an important support team. Cooking on the oil drum stove and a Coleman burner, we turn out endless meals of caribou stew, boiled polar bear, muktuk (edible skin of the whale which is delicious with mustard) and eider duck.

These meals are usually served only with pilot bread (a thick bland cracker) and yeast doughnuts which we make by the gross in a dishpan, fashioning them with our fingers without the aid of a cutter.

I'm a little leery of the native foods but find I like most of them. Despite the fact I have eaten only three helpings of vegetables in a month (none of them fresh) I never felt healthier.

I'm clumsy. My doughnuts come out lopsided. But Ruth, the captain's wife, and Esther are patient. Soon I'm skinning eider ducks.

It is also our job to cut blubber for the stove, babysit the dog teams and carry meals down to our men on watch. Often we walk five to 15 miles over rough ice. After a day like that we can sleep anywhere, and when the whales run thick, we sleep on the ice.

We were there for the first whale, watched the men go out and followed them with our eyes until they vanished on the horizon. For two hours we waited into darkness and finally, far off, we heard the echoing cheers of our crew and five others.

We cheered and yelled back; laughed and cried and hugged one another. The boys did a weird, happy combination of Eskimo and square dance, swinging each other around and singing.

The tension was gone at last. It was the first time in two weary weeks on the ice that the woman had really laughed. We knew now we would eat.

It was not our whale but we had helped. We got a share. Then we went back to our watch.

The wind shifted, threatened to push our camp to Siberia. An automatic vacation—and I used the time in the village to interview the old-timers.

EVEN AFTER ALL THESE YEARS

Nanny Ooyahtuonah, last resident of a sod house, can remember when women wore trading beads strung through the base of the nose and Dr. Driggs was still teaching.

Her long entry tunnel is shored up with mold greened whale ribs and filled with the flipper of a 57 foot whale killed by her son-in-law. She likes whale meat best, even after all these years, she tells me as she sits straight legged on the floor sewing waterproof boots from seal skin.

And there is Jimmy Killigivuk, 81, who still is captain of a whale boat although a stiff leg keeps him off the ice in bad weather. He's hunting with some of the whaling gear he bought second hand back in 1909.

Jimmy tells of the time he and three teenage girls went out and harpooned a whale and it's true. Just as Robert Tuckfield got one of his 23 whales almost single handed and Sammy's grandfather nearly drowned in the whaling accident that killed Sam's great-grandfather.

The whole village is whale happy. The children practice throwing broomstick harpoons into snowbanks. Conversations are all on the catch and near misses. Visitors who come to the village on business give up and go visit the ice camps. We're all back out there as soon as the south wind stops. There is little open water and it starts to freeze. Laboriously our men smash the ice away with their paddles but it defeats them, freezes thick enough in two days to support skilled walkers, and they move out cautiously to open water a mile beyond our tent.

One day we took food to them only to evacuate in mid-meal and watch our picnic site become open water. Two of our crew fell in, hauled themselves out, changed clothes and went back to hunt.

And we scored. A 38 foot bowhead shouldered in close to a neighboring crew who harpooned it from the ice. We got our harpoon in, too. Rope was fetched to secure the animal but it revived despite the fact it had taken six bombs, spouted blood all over Gus Kowunna Sr. who was standing on it and sounded to die alone.

We searched for it. Three days later it surfaced, a "stinker." The meat was fit only for dogs but the muktuk was good and we helped with the long, foul job of butchering. With nearly 70 men working it took over 12 hours. A whale weighs a ton a foot and is hard to handle, although the Japanese factory-type ships can butcher a whale an hour.

The weather turned warm. We took breakfast to the men one morning to find our boat out. Ruth, Esther and I waited by the lead, enjoying the sun and excitement as 20 bowheads and dozens of kittenish little beluga whales cruised by.

Our men came home happy, despite the fact it was late afternoon and they'd fasted 14 hours. They'd helped land three whales—one a 57 footer.

But the South wind came in while we were butchering, pushed in tons of ice that buried the big whale before we got to it. The crews escaped with no time to spare.

We regrouped, waited out the weather and went back to find old landmarks missing and our leads frozen. We busied ourselves shooting eider ducks and now the water is open again and we hope our luck will be better.

HOW MUCH IS IT WORTH?

"How much is a whale worth to you in groceries?" I asked the captain.

"Why, 30 to 60 tons," he said. "And we will use every bit of it, too. Everything but the liver and lungs which will go to the dogs."

"It is our tradition," Morris Oviok said. "The tradition of our forefathers." That's why he came back from school in California to hunt.

"We've got a lot of boys down on the ice," admitted Gussy's teacher. "Sure they miss a lot of classes, but really, I think they're better off than the kids who don't go and sit here thinking about it. A 'boy' learns a lot on the ice. It's a real education."

"Our very lives revolve around the migration cycle of oceanic mammals," Davis Stone testified for the Point Hope council at a Congressional hearing on the Sea Mammal Protection Act, last week.

"There are virtually no jobs available in Point Hope. The 1970 Manpower survey showed 64 percent of our people have an average income under $3,000.

"The cost of living at Point Hope is double that of Seattle. Obviously it is virtually impossible to meet the cost of oil, rent, lights and food without any monetary supply. Any money that can be gained from our limited use of the sea mammal products is sorely needed."

Although Point Hope is the second largest whaling community in Alaska, Stone said the native store purchased only 2,000 pounds of muktuk for resale last season. This averages $23.53 gain per person, less than the cost of a barrel of stove oil. He added that they utilize the whole animal except for the skull which they sink by tradition.

"We have always hunted only for our need. We have been wise enough not to overkill. Is it fair to destroy our cultural heritage and our lifestyle by stopping all utilization of these mammals?" he asked.

But it is summed up best, perhaps, by Thomas Robinson, the principal teacher at Point Hope.

"If you feel the need of being a Savior, this is not the place to come," he began cryptically. "This village takes care of its own problems. . . .

"I don't know what a village does when it doesn't have something as important as whaling."

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the Record a letter from Dr. Floyd E. Durham of the Department of Biological Sciences of the University of California. Dr. Durham is a research associate of the Natural History Museum of Los Angeles County and is one of the foremost recognized authorities on the bowhead whale and native whaling. While the particular program suggested by him may pose specific difficulties in enactment, I believe the record, to be complete, should reflect his point of view.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of So. California,
Los Angeles, Calif., June 26, 1972.

Senator Ted Stevens,
Old Senate Office Building,
Washington, D.C.

Dear Congressman: On the recommendation of Mr. Arthur Davidson, I am writing you relative to legislation being considered for the Bowhead Whale. Mr. Davidson, Alaskan Representative of Friends of the Earth, and also of the John Muir Institute for Environmental Studies (Anchorage), has just published an excellent 37-page booklet on Eskimo Hunting of Bowhead Whales. I was one of several cetologists who were privileged to express our opinions in the section (pp. 25–36) on "Toward a Meaningful Policy for Eskimo Whaling." This booklet should be made available through the Congressional Records.

With only snatches of news coming through from Washington and Stockholm, I am poorly informed relative to pending American and International rulings on whaling. It appears that the world (except for Japan and Russia) is in favor of a 10-year moratorium on the taking of great whales. This is probably the *biggest* conservation movement that has ever been considered. I am enthusiastic about it—with only slight reservations: i.e., relative to native whaling.

On native whaling I write with some confidence, since I speak from an intimate 11-year familiarity with the Bowhead Whales (*Balaena mysticetus*) and with the Eskimos of the Alaskan Arctic. In the course of having spent more time and written more pages on the Bowhead than all other combined authors of the last 100 years, I have been an acceptable, and lately a welcome, "intruder" into the Eskimo whaling program at Pt. Barrow. Very early in my research program I was given the name "Ahvik" (Eskimo for the Black Whale, synonymous with Bowhead), and have narrowly escaped becoming a "medicine man." I also have good relations with Eskimos in every coastal village from Bering Strait to Barter Island. And in the light of these experiences:

1. I think that any attempt to outlaw native whaling is doomed to fail. The Troopers attempted to stop the Eskimo at Pt. Barrow from shooting Eider Ducks in 1961, when I was there. The Eskimo response was the biggest "sit-in" ever proposed. The whole 2,000 Barrow Eskimos offered to go to jail for shooting ducks "illegally." Obviously, the Troopers "bowed out" and the Eider Duck hunting was resumed. I think that no law and no police force can stop the Alaskan Eskimo from hunting Bowhead Whales.

2. To shut down native whaling in Alaska would eliminate our last chance for obtaining additional scientific specimens of Bowheads and Gray Whales. Our opportunities for collecting the latter disappeared with the closing of Caito's Del Monte Fishing Company at Richmond, California, last December. I have made good use of my whaling opportunities at Barrow and have supplied the Museum of Natural History of Los Angeles County with hundreds of specimens and tons of Bowhead parts, so that this collection is greater than all other American collections combined and is perhaps the equivalent of all the Bowhead collections in all Europe. To shut down the native Alaskan whaling would be to destroy my (our) last opportunity to collect Bowhead specimens. The universal cry is for scientific information about this whale in order to form a sound management policy. Cutting off this source of scientific collecting is not the solution to saving the whale. If the Eskimo is allowed to hunt whales and is treated courteously, our friendly, cooperative relations should continue indefinitely; with the Eskimo getting whale meat and science getting specimens.

3. For years I have talked "bag limit" of Bowheads for each village to retard the tendency of Eskimos to "overkill." They are not in favor of *any* restrictions on their hunting; but I think that they would arbitrate the point rather than run the chances of "poaching" whales during a 10-year moratorium.

4. I have voiced my objections against the futility of firing on the Bowhead and Gray Whales with small caliber rifles, which is cruel harassment; and against the use of submachine guns, which is deadly to whales but which, to my knowledge, has never resulted in a single retrieved whale.

5. I think that the only deterrent which could be enforced would be to cut off the supply of bombs to all the merchants in the coastal villages. Such a "blockade" of Eskimo effort might be a blessing in disguise, in that the natives might of necessity return to prehistoric techniques. In times past they hunted whale effectively with only harpoons and lances.

6. Should it prove impossible for the Eskimo to return to his old ways of hunting, then I suggest that an honest effort be made to find a better way of taking Bowheads, with particular emphasis on retrieving a majority of whales mortally wounded.

7. The Bowhead stock has sufficiently recovered from the Yankee decimation of the late 19th Century to allow a reasonable "bag limit per village." This type of hunting would not hurt the whale but would supply a lot of needed human food for the natives. Furthermore, this seems to be part of the much needed welfare reform, and should tend to keep Eskimos "off" the relief program rather than putting more of them "on."

Many of the criticisms directed against the Eskimo whaler are true. He tends to overkill, as did white man with the buffalo and the pelagic whaling fleets in Antarctica. He wounds a lot of whales which are never retrieved, or are found as "stinkers" from which only 10% of the whale is usable. He is furthermore wasteful of "fresh" whale flesh—specifically blubber, for which he is losing his taste and which is almost completely discarded because he has few or no dogs to feed it to.

It is well known that the Bowhead is "a big prize easily taken." In spite of its "countless numbers" and circumpolar distribution in the early years, it was reduced to near extinction in 300 years (1610 to 1910) of open-boat commercial whaling. It is so timid and so slow that the remaining population in the western Arctic would last no more than three seasons if it were out in the open and exposed to modern commercial whaling techniques.

Because the western Arctic Bowhead stock is gradually recovering, and because the Eskimos take mostly young, non-breeding whales, it is assumed that the Eskimo hunting is no great deterrent to the Bowheads. However, needless loss of wounded animals and needless waste of whale blubber should be remedied. I continue my efforts, along with Sea Grant and Institute of Arctic Biology, to find a better way to kill Bowheads and to find acceptable uses for the whale fat. All this, plus continued scientific collecting, can be attained under the current system of native whaling. However, I do recommend the beginning of sound management; e.g., establishing a seasonal bag limit for each whaling village (i.e., Pt. Hope, Wainright, and Pt. Barrow) based on average catches for the 1960s, and for a limit on the number of bombs supplied to the local merchants. A "merit system" for the whaling captains, of rationing a higher percentage of bombs to the most efficient hunters, might improve whaling.

It is regrettable that the well-meaning public and political leaders are currently forced to make decisions on the Bowhead in lieu of sufficient data. I hope you can obtain a copy of Mr. Davidson's booklet. I am nearing completion on several manuscripts which are pertinent to the subject at hand, and hope that they can be published in time to be of use to you. They are:

The Catch of Bowhead Whales by Eskimos in the Western Arctic;

Eskimo Effort in Bowhead Whaling; and

Ancient and Modern Methods of Taking Bowhead Whales by Eskimos and Early Commercial Whalers.

I will be pleased if this information proves helpful to you.

Sincerely,

FLOYD E. DURHAM, Ph. D.,
Arctic Research, Dept. of Biol. Sci., University of Southern California.

P.S.—Dr. Floyd E. Durham is a Research Associate of the Natural History Museum of Los Angeles County and has been one of the big contributors to our collection of marine mammals. His extensive field operations in the Arctic and his scientific collecting of cetaceans are in line with our policies and with intelligent conservation, protection of endangered species, and consideration of the vanishing native whaling culture of Alaska.

DONALD R. PATTEN, Ph. D.,
LON LESTER,
Curator, and Curatorial Assistant, Mammalogy Section, Natural History Museum of Los Angeles County.

Mr. STEVENS. Mr. President, the bill sets forth in section 102 certain enumerated prohibitions. These include, with certain exceptions, taking mammals on the high seas by persons under the jurisdiction of the United States, taking mammals in waters and lands under American jurisdiction, or using any port, harbor or other area under the jurisdiction of the United States for the taking or importation of such animals. Strict fines and other penalties are prescribed for those persons violating the Act.

Section 108(b) concerns the Pribilof Islands. It is important to note that as a result of a committee amendment, the Secretary must believe the herds to be in danger of depletion as well as perceive an adverse population trend before he must immediately initiate negotiations to modify the North Pacific Fur Seal Convention.

Section 109, Federal cooperation with the State, has caused me considerable concern. This section is of great interest to many of the coastal States. They have great expertise in this field. A number of highly qualified biologists employed by the States have spent literally their entire professional lives studying a single marine mammal or several species. I believe that the States have the greatest expertise in the management of animals within their jurisdiction.

The committee has strengthened this section to insure the States' continued participation in this field. However, several sections continue to apply. Among them is section 101, the moratorium section. This could well hamstring the States in this field. It is most important, however, that Federal review processes and special requirements for prior Federal actions not circumscribe state authority or cripple the flexibility necessary to operate effectively to protect and manage these animals.

One additional area of particular concern is the relationship of these animals to our fish resources. Ocean mammals, Mr. President, eat vast quantities of fish. They are in direct competition with humans for the fish resources. Not only are they in competition with the ultimate consumers but also with fishermen who must depend upon the sea for a living. They compete for the fish themselves and they often destroy fishing gear.

Mr. President, I have had extensive correspondence on section 109 generally and specifically on the interrelationship of marine mammals and fish. I ask unanimous consent to have several items printed in the RECORD.

The first is a letter under date July 10 from Mr. John P. Harville, executive director of the Pacific Marine Fisheries Commission, the multistate advisory commission of the Western States on our fisheries. This sets forth the Commission's views on S. 2871, specifically section 109. Next are several letters from concerned Alaskans on the fishing situation. The first is by Mr. Lawrence Dalton, president of the Southeastern Alaska Gillnetters Association. The second is from Mrs. Diann Smith, executive secretary of the Cordova District Fisheries Union. The third is from Mr. Terry Gardiner, a commercial fisherman of Ketchikan, Alaska. Next is a statement by Mr. Philip Daniel, Secretary-Treasurer, of the United Fishermen of Alaska. This details Beluga whale depredation of the sockeye salmon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PACIFIC MARINE FISHERIES COMMISSION,
Portland, Oreg., July 10, 1972.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: As you know the Pacific Marine Fisheries Commission has strongly advocated an approach to national protection and management of marine mammals which will accord full recognition to States' rights and responsibilities for management of marine resources within the three-mile limits of State jurisdiction. We have cited as precedent the Submerged Lands Act of 1953, which confirmed State ownership of natural resources within State waters. We have stressed existing heavy State commitments to programs of research and protection for marine mammals, and have urged that these major investments in scientific manpower, local knowledge and material not be undermined by unnecessary federal pre-emption of jurisdiction.

Senator Ted Stevens of Alaska has championed States' jurisdiction throughout the extensive deliberations of the Senate Subcommittee on Oceans and Atmosphere. That Subcommittee, under Senator Ernest F. Hollings' astute and rational leadership, has developed compromise language which recognizes State jurisdiction over State waters, yet reserves to Federal authority final approval of State regulations on the basis of their consistency with the policies and purposes of the Marine Mammal Protection Act. The Senate Commerce Committee reported this bill on June 15 (S. 2871 as amended).

Since S. 2871 as amended appears to offer the best compromise achievable among the diverse interests concerned, the Pacific Marine Fisheries Commission requests your support of this measure. We recognize the difficulties facing the Senate in developing strong Federal management machinery which will not needlessly usurp and thus destroy already successful State protection and management programs. An even more difficult task is production of a marine mammal bill which will satisfy public insistence upon increased protection for these interesting animals, yet at the same time will permit their intelligent stewardship under a rational program of scientific management.

Despite our general support of S. 2871, as amended, we must stress two continuing concerns with this legislation. First, we accept the premise that State management programs should be consistent with the policies and purposes of the Act as expressed in the Findings and Declaration of Policy in Section 2. However, strict interpretation of the language in Section 109(a)(1) suggests that Federal review processes and special requirements for prior Federal actions may so circumscribe State authority as to cripple the flexibility necessary for operationally effective protection and management programs. Of particular concern, excepting the Moratorium (Section 101) from the provisions of Section 109 appears to place in jeopardy major ongoing State fisheries programs where these interface with marine mammal problems. It would appear that in any problem involving the moratorium, prior Federal action would be required in each specific instance as prerequisite for State actions.

If these restrictive interpretations of the present language are correct, we respectfully request consideration of possible clarifying language, preferably in the Act itself, and certainly in the Committee Report, which will assure that the Act does not unnecessarily infringe upon State jurisdiction over marine resources within the three-mile limit of State waters. It is particularly vital that strong ongoing scientific management programs not be hamstrung by complex Federal review procedures, or by requirements for highly specific prior Federal action.

Our second major concern is that the critically important rationale of Section 101 (a)(3)(A) must be retained as an integral component of the Marine Mammal Protection Act. This section authorizes the Secretary, in consultation with the Marine Mammal Commission, to waive the moratorium when justified by the best scientific evidence available (consistent with the purposes and policies of the Act). This provision appears to be the sole mechanism whereby the Secretary and the States can be responsive to rational ecological information and judgment in applying the imposed moratorium. Should total protectionist interest achieve removal or serious weakening of this provision through amendment, we see no alternative but total rejection of the Act as unworkable, irrational, and not in the best interest of either the American people or of the animals the people seek to protect.

In summary, we believe that S. 2871, as amended, merits your support as the best achievable compromise toward effective protection and management of marine mammals. We respectfully request incorporation of language which will more unequivocally delegate to the States jurisdiction over marine mammal management within State waters. Particularly we urge a no-compromise insistence upon retention of the intent spelled out in Section 101(a) (3) (A) that responsible authorities may waive the moratorium when the best scientific evidence available indicates this best serves the interests of the marine resources concerned.

Yours sincerely,

JOHN P. HARVILLE,
Executive Director.

SOUTHEASTERN ALASKA GILLNETTERS ASSOCIATION,
Ketchikan, Alaska, May 11, 1972.

DEAR MR. HANSEN: We gillnetters, and most of the trollers that we have talked to, are very much opposed to the bill on sea mammals.

We know that seals and sea lions are detrimental to the fishing industry. By this, we mean they tear up our gear and take our fish, and on the trollers side, the same problem exists. The trollers have to leave an area because sea lions.

We, as Alaskans, believe that we have a right to protect our property and our means of livelihood. And being more realistic, this law would be almost impossible or at the best, too costly to enforce. The way the regulation is set up now, they are protected with the exception the fishermen are allowed to kill seals and sea lions to protect their property. As stated before, the enforcement of this law is questionable. Most of the fishermen in the state would be arrested.

Fishing is a major industry in Alaska and competition with foreign countries for fish along our shores is bad enough without adding more problems for our Alaskan fishermen to contend with. What is more important a livelihood for fishermen or a bill preventing us from protecting our property? We believe it should be the other way around—some kind of controls of seals and sea lions because they are a menace to the fishing industry.

We think the people behind his bill do not know all the facts about sea mammals in Alaska, and by trying to put this bill through shows it.

We believe laws made in our own legislature are sufficient to the problems and well being of our state. It would be as foolish as say, our Congressmen and Senators in Washington D.C. to try and force a bill through regulating and restricting farming in Indiana, something they know little about.

We hope common sense will prevail and the senators and congressmen will not overreact as they are trying to do on ecology problems etc. because they weren't on the ball in the lower states for years. Now they are trying to make all kinds of laws etc. and Alaska will end up a great big Wilderness Area.

LARRY DALTON,
President.

CORDOVA DISTRICT FISHERIES UNION,
Cordova, Alaska, May 11, 1972.

Mr. HAROLD Z. HANSEN,
Director, International Fisheries Commission, Office of the Governor, Pouch A, Juneau, Alaska

DEAR HAROLD: The CDFU would like you to present this letter and material at the hearings to be held on Senate Bills 1315 and 2579 concerning restrictions on the taking of marine mammals.

This organization is opposed to both of the forementioned bills for a number of reasons. Foremost, of course for a fisheries organization, is the fact that in this area the hair seal and sea lion, two of the marine mammals to be protected, are predators of the salmon which is the mainstay of the local economy. The Alaska Department of Fish and Game allows fishermen to kill "nuisance" seal and sea lion which have become fouled in nets, etc. Seals and sea lions eat thousands of salmon a year. When the herds get too large, it is a very necessary measure to decrease the herds to preserve the salmon fishery. These bills would upset the normal ratio of the hair seal and sea lion populations to the salmon populations. The sea and sea lions would endanger the entire commercial fishery in this area and the livelihoods of hundreds of people. In previous years, it was even necessary to bomb seals to stabilize the size of the herds and protect the salmon industry.

At present, there are approximately 60,000 seal from Yakutat to the Barren Islands. Observers have seen huge rookeries of sea lion scattered over Prince William Sound. It is hard to understand why these mammals should be considered endangered species. Obviously what little "nuisance" killing and commercial hunting has been done has not threatened them with extinction.

Another reason the CDFU is opposed to this federal restriction is that the State of Alaska is already controlling seal and sea lion hunting and doing a good job. We feel that our state's Game Department is well qualified to handle any problems that might arise in the conservation of our marine mammals. Seasons are established, limits are set, and permits and licenses are provided Federal intervention in this matter in this state is needless.

We are also opposed to the passage of these bills on the grounds that the procuring and sale of marine mammal furs are a part of our economy. Many of our fishermen members supplement their income by trapping and hunting in the winter. It is a small but vital part of many people's livelihoods.

Conservation in our state, as you know, is a way of life for all of us. Conservation of the normal ecology of our area is necessary to the maintenance of the area's economy and life style. We need no further restrictions to preserve the marine mammals involved in this issue.

We respectfully request your help toward the defeat of these bills, or at least an exemption for Alaska.

Sincerely,

DIANN SMITH,
Executive Secretary.

KETCHIKAN, ALASKA,
May 10, 1972.

Hon. TED STEVENS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: I am a commercial fisherman and attempt to make my living at it. Seals and Sea Lions are one of the competing forces in the salmon fishery.

Seals and sea lions are intelligent enough to know that a gillnet or a trolling line is an easy place to get meals. In fact, seals and sea lions have a wasteful habit of biting only the soft underbellies of the salmon caught in a fisherman's net. These sea mammals are also very destructive to a fisherman's net.

Presently, fishermen are allowed to kill seals or sea lions if they are harassing them. Fishermen do not abuse this right. In fact, we usually try to scare the seals or sea lions away. There are plenty of fish in the sea besides the ones in our nets.

If sea mammals were protected "carte blanche", a fisherman would have to sit idly by while the seals and sea lions destroyed his fishing gear and ate or mutilated his catch. It is very unreasonable and unrealistic to expect a fisherman to calmly accept this. Blanket protection of sea mammals would probably be unenforceable with regard to commercial fishermen.

Like many fishermen, I recognize the importance of ecology because I'm physically close to it while fishing. Sea mammals may need protection in some instances, but not to such an extent that a fisherman's income is severely injured. A blanket protection policy, as now proposed, is unrealistic, unenforceable and fails to consider the economic impact on Alaska's commercial fishermen.

Sincerely,

TERRY GARDINER.

BELUGA WHALE PREDATION ON THE SOCKEYE SALMON

My name is Philip Daniel. I am secretary-treasurer of the United Fishermen of Alaska. I would like briefly to offer a critique of the available information on the predator/prey relationship of the beluga whale and sockeye salmon. In view of pending federal legislation that would preclude harvest and or control of all sea mammals this topic seems pertinent.

Unfortunately there is a severe dearth of information on the subject. Studies of the beluga were initiated in Alaska in 1954. The most striking information pertaining to the topic was gained from research carried out by James W. Brooks in 1954 and 1955 in Bristol Bay. (1955 Annual Report, Alaska Department of Fisheries)

Brooks examined the stomach contents of 30 beluga taken during the annual out migration of sockeye fingerlings on the Kvichak River. Smolt consumption averaged 685 per beluga. He further estimated that approximately 150 beluga entered the Kvichak per day during the study. He concluded on the basis of his data that 2,928,375 fingerlings were consumed in the course of a season. Brooks reasoned further that if five percent of these fish had returned as adults, 150,000 additional fish or more than half of the 1955 Kvichak escapement would have returned as adults had they not fallen prey to beluga predation.

Brooks concludes:

"Beluga predation on young red salmon migrating seaward in the Kvichak River is believed to be a serious mortality factor that is costly to the fishery while appreciably retarding the restoration of these depleted salmon stocks." (1955 Annual Report Alaska Department of Fisheries)

Brooks conclusion, albeit impressive, warrants examination. He used five percent as the estimated return rate for outmigrating fingerlings. The primary mortality for sockeye is considered to take place during the fresh water phase of its life cycle. An outmigrating fingerling has already survived from one to two years in fresh water when it enters the rivers in transit to the sea. The point is that the survival potential of the outmigrants may be much higher than that indicated.

Rounsefell in his investigation of Karluk River sockeye states that,

"Extensive marking experiments have shown that survival during their sojourn at sea, which may vary from less than 1 to 4 years, approaches 20 percent. Survival is higher for the older and slightly larger 4 year smolts than for the 3 year smolts." (Rounsefell 1958)

The Canadian fisheries magazine "Salmon, the Living Resource" indicates a similar finding:

"Constant danger is the rule of life for salmon. Attack by myriads of enemies is relentless and the death toll is staggering. Of the 3,000 eggs deposited by a sockeye, about 100 will become fingerlings and travel to the sea. Of these, 20 percent will return as adults under the best conditions. If ocean survival rates are poor, as few as two or three percent will return." (Salmon, the Living Resource, p. 14)

If, as indicated by these sources, the return rate is possibly 20 percent rather than the five percent stipulated by Brooks, beluga predation may play a much more significant role than previously anticipated. When we plug the 20 percent figure into Brooks formula, the results indicate that 600,000 adult sockeye might have returned to the Kvichak but for beluga predation. This return would have been 200 percent of the 1955 escapement.

Additional caution is warranted in that Brooks used rather gross means of estimating the numbers of beluga present in the river per day. His estimates were based on visual counts and may be in error, if the error were on the conservative side, he may have underestimated the predatory effect. Also Brooks did not address himself to the predation role of the beluga in salt water. If the outmigrating smolt travel in tight schools after they enter salt water, it is highly likely that significant additional mortality occurs. At the very least, more extensive studies should be conducted on this subject. Brooks correctly notes the increased significance of beluga predation especially during years when numbers of outmigrating sockeye are small.

Evaluation of losses of adult sockeye to beluga were less significant. Using essentially the same methods outlined above Brooks estimated an annual loss of 82,320 sockeye adults to beluga in the Kavichak.

We believe that the combined predation of beluga on adult and juvenile sockeye warrants attention. There are, of course, various methods of controlling beluga predation.

The Alaska Department of Fish and Game has enjoyed some success in efforts to frighten beluga out of rivers through the use of killer whale noises transmittted into water. (Vania 1968) While such a program may significantly lessen the effect of beluga as a predator, since the sockeye are more vulnerable in the rivers; it does not solve the problem so well as would a combination of programs. If the beluga whale population were reduced within reasonable bounds through harvest while at the same time harassment techniques such as sounding devices were used in the rivers, the combined effect could be much more successful than either alternative used singularly.

The federal legislation pertaining to sea mammals seems capable of being criticized in light of the above evidence. The UFA does not wish to see sea mammals go the way of the buffalo, nor do we wish to place ourselves or our biologist within the restraints of a general law that fails to acknowledge proper logical quantifiers. It is quite correct to offer the proposition that *some* sea mammals need protection; it is quite another matter to argue that *all* sea mammals need protection. There simply is no evidence that beluga are threatened, while there is evidence that indicates that the beluga is a significant sockeye predator. If and when it is demonstrated that the beluga is threatened the UFA will, I am sure, be willing to joint the efforts of those who wish to preserve the species.

Currently the beluga enjoys the protection of neglect. There is the occasional harvest of the Indian and the Eskimo for subsistence purposes. If a predator control program were initiated, it could likely be paid for out of receipts for the sale of the animal for food. We are informed that beluga meat brings a price comparable to that of beef in the northern villages.

We have addressed ourselves specifically to the predator/prey relationship of beluga and sockeye. It is likely, however, that some of the points raised in this paper pertain to other sea mammals as well. We strongly suspect that knowledge is generally lacking on the predator role of seal and sea lion. Again, let us say we are not opposed to the protection endangered species; we favor and strongly support such programs; but we await the evidence that this is, in fact, the case with beluga.

Thank you very much.

Mr. STEVENS. In closing, I ask unanimous consent to have printed in the Record a letter I recently received from L. Keith Miller, associate professor of zoophysiology at the University of Alaska. This letter well indicates the views of many State biologists on Section 109.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of Alaska,
College, Alaska, June 30, 1972.

Senator Ernest F. Hollings,
Senate Commerce Committee,
Washington, D.C.

Dear Senator Hollings: I understand that you are still soliciting last minute comments from marine mammalogists and people concerned with the future of marine mammals with respect to S. 2871.

I have been actively engaged in research on harbor seals, and more recently the beluga whale, in northern waters and have been involved in a number of field studies with marine mammals over the past ten years.

The proposed Marine Mammal Protection Act, although undoubtedly designed and promoted by well meaning individuals, represents to me a great lack of understanding concerning the overall status of marine mammal populations and their biology (including ecological relationships).

The coastal waters of Alaska and contiguous waters of the north Pacific, Bering Sea and Arctic Oceans support, as you well know, some of the world's largest populations of marine mammals. The Eskimos have successfully utilized a number of species of hair seals, the walrus, and a few polar bears and whales for many centuries without effecting the populations involved.

The over-exploitation of the sea otter, the fur seal and some of the great whales in the nineteenth and early twentieth centuries was a deplorable manifestation of greed and ignorance. However, the proposed total moratorium on the *use* of marine mammals is a prime example of emotional over-reaction and "overkill". It is unnecessary and will, in fact, undoubtedly be eventually harmful to the marine mammals themselves and also to the animals they feed upon. To use a popular phrase, the complete moratorium could drastically effect the ecosystem.

This situation obtains because man, on the one hand, is taking larger and larger quantities of major food sources of the marine mammals, i.e, salmon, herring, etc. (where is the badly needed international control of northern fisheries?). while, if the moratorium goes into effect, he will not be controlling the seal populations.

Certainly we need a moratorium on the taking of many species of great whales, and in fact this is sadly overdue, but to throw all of the marine mammals into the same bill and treat those species that are plentiful with the few that are endangered makes no sense. We have a number of knowledgable, intelligent, concerned people in the field of marine wildlife management at both the federal and state levels who have many lifetimes of accumulated experience in the *management* of the marine mammal resource, and in the past decade these people have done an excellent job.

The sea otter has made a terrific comeback in Alaskan waters, to the point where some areas might already be considered overpopulated from the standpoint of the available food supply. The polar bear, especially with recently increased efforts to cut down on illegal hunting and the (probably unnecessary) elimination of the airplane in any portion of the hunt, is doing fine. Our seal and walrus populations are all excellent, although international regulation of take should be instigated where not present.

Why the need to eliminate all *management* (which obviously must involve controlled hunting) of this *renewable* resource? A 15 year moratorium is so long that most of the people currently involved in state marine mammal management will either be dead or retired by the time the moratorium ends. In fact many will suddenly find their years of accumulated wisdom in marine mammal management suddenly useless if the moratorium becames a reality.

There is no need to remove the coastal marine mammals, notably the sea otter, fur seal, sea lions, harbor seal, etc. from the sphere of state management where these species have been very well cared for. Just the opposite is true—where they can be used as a valuable resource, whether it be for fur or meat, this *managed* utilization plays a valuable role in maintaining these species at proper levels, so that they do not become a danger to themselves or to the animals they prey upon. Let us keep the marine mammals in balanced perspective utilizing, *through proper management,* those species which are abundant, and protecting those species that have become truly endangered *due to lack of management,* but only until they have again increased their numbers to the point where they require control.

I urge that S. 2871 not be passed in its present form and that a substitute bill be proposed that will allow state management of coastal species and national or international *management* of all species.

Sincerely,

L. Keith Miller,
Associate Professor of Zoophysiology.

Mr. STEVENS. Mr. President, I have opposed sections of this bill which do not grant complete exemptions to Alaska Natives and which override State laws within State jurisdictions. It is most important that State fish and game laws govern fish and game resources within State jurisdiction unless the Federal Government makes an affirmative finding on a rational basis that a particular species is endangered.

Mr. President, I opposed this bill primarily because of two portions of it.

In the first instance, it deals with the Alaskan Native people who are the primary beneficiaries of the present system that does permit the harvesting of ocean mammals in our State.

As to those Natives, I should state that they seek a complete exemption from the act. The act does have a qualified exemption which has been worked out through the cooperation of the Senator from South Carolina (Mr. Hollings), and we are grateful to him for his consideration in that regard.

The second provision I opposed is section 109 which deals with the area of State law and the protection of State law within the jurisdiction of the States. This deals primarily with the same subject that was covered by S. 1232, a bill introduced in the last Congress by a number of distinguished Senators, and was passed by the Senate. Basically, this proposal is that the States must have the right to regulate and manage the fish and wildlife resources within their borders. That means to us out to the 3-mile limit, not just to the shores of the land. I have an amendment to offer in that regard which would eliminate my opposition to the bill with regard to State laws, if it is adopted.

Basically, I think the Senate should keep in mind that with regard to this bill we are primarily dealing with the

State of Alaska. There are ocean mammals in other portions of the United States, off our shores, but Alaska has 65 percent of the Outer Continental Shelf and almost 50 percent of the coastline of the United States. I would venture to say that at least 70 percent of the ocean mammals that are covered by this bill are within the waters off our State.

Alaskans have a strong history of conservation of our ocean mammals. It is a good one. Contrary to the articles we have read and the television programs we have seen, Alaska does not kill baby seals. Alaska has a very fine Department of Fish and Game. To refresh the memory of those who were here at the time Alaska received statehood, Congress provided that the State of Alaska could not have jurisdiction over its fish and wildlife resources until the Secretary of the Interior had certified that the State had established such a department and was capable of managing these resources.

That certification was made in 1960, and since that time we have restored our salmon runs and we have restored the otter to the American scene. That species of animal is now restored in Alaska waters to the extent that we are now exporting otters to other portions of the country. We have a very fine management program, based upon scientific principles, conducted by men who have spent their lifetimes in the study of the scientific habitat and the scientific aspects of ocean mammals.

I feel that in the consideration of this bill we should keep in mind the fact that ocean mammals are just part of the ocean ecosystem. We now have in the North Pacific the largest fishery in the world. Last year, for example, foreign fishermen took a billion pounds of one species of fish alone out of our waters.

This bill, if amended as suggested by some of our Members, would completely stop any scientific attempts at the management of ocean mammals is concerned, at a time when the fisheries resources are being reduced, and, to some extent, depleted. We want a total management of the marine ecosystem on a scientific basis. That is the principle for which we will argue here today.

Mr. President, I reserve the remainder of my time, unless my colleague or the Senator from Oklahoma (Mr. HARRIS) would like to make a statement at this time.

Mr. HARRIS. Mr. President, will the Senator yield me 5 minutes?

Mr. STEVENS. I yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I believe that this bill, as reported by the committee, despite some attractive features and the diligent effort by the committee which went into its development, is fatally deficient in several respects.

I think it is fatally deficient in that it allows the continued incidental killing of dolphins even after the initial 2-year transition period. It is fatally deficient in that it does not provide for a firm, 5-year moratorium on the killing of other ocean mammals. I will offer an amendment, cosponsored by a number of Senators, in regard to porpoises or dolphins.

I will join the distinguished Senator from New Jersey (Mr. WILLIAMS) who will offer an amendment to correct the deficiency in regard to a firm, 5-year moratorium on other ocean mammals.

The bill is also totally deficient in that it provides for the continuation of subsidization of a private company, the Fouke Fur Co., of South Carolina, for the killing of seals in the Pribilof Islands, a killing that ought to be stopped.

Finally, the bill is fatally deficient, I believe, in that it provides for administration by the Secretary of Commerce rather than by the Secretary of the Interior. An amendment will be offered principally by the distinguished Senator from Michigan (Mr. HART) in regard to that.

I hope, Mr. President, that we may further improve this bill and protect these great ocean mammals, and this will be the aim of my efforts here and the efforts of other Senators in offering amendments.

Mr. COTTON. Mr. President, as the ranking Republican member on our Committee on Commerce, I should like to make a few brief observations concerning the bill, S. 2871—the proposed Marine Mammal Protection Act of 1972.

On the other side of the aisle this bill is being managed by the able and distinguished Senator from South Carolina (Mr. HOLLINGS) who is the chairman of our Subcommittee on Oceans and Atmosphere; and on this side of the aisle by the distinguished Senator from Alaska (Mr. STEVENS), who is the senior Republican member of that subcommittee.

Mr. President, both the distinguished Senator from South Carolina (Mr. HOLLINGS) and the able Senator from Alaska (Mr. STEVENS) have put in long and arduous hours in developing the legislative product, S. 2871, now before this body for its consideration. Their subcommittee conducted very extensive hearings on S. 2871, and similar legislative proposals, including the House-passed bill, H.R. 10420. Not only did they conduct several days of hearings here in Washington, D.C., but at the expense of much time and effort this subcommittee held hearings in Nome and Bethel, Alaska, in order to ascertain first hand the probable impact of this legislation on those of our citizens who have perhaps the most immediate and vital interest in any such legislative measure, the Alaskan Natives. I, therefore, would like, Mr. President, to publicly commend the distinguished Senator from South Carolina (Mr. HOLLINGS) and the able Senator from Alaska (Mr. STEVENS) for their diligence and their dedication in bringing S. 2871 before this body for its consideration.

Now, Mr. President, I am well aware of the fact there are many both within and without this Chamber who are not wholly satisfied with this bill, S. 2871. As a matter of fact, I, myself, filed supplemental views in the committee report—(No. 92-863)—accompanying this bill in which I indicated that I shared the concern of my colleague from Alaska (Mr. STEVENS) that the bill does not do justice to the State fish and wildlife agencies which will be called upon to carry out the bulk of protection and management activities. Perhaps, Mr. President, the dissatisfaction registered by all of the various parties on this controversial—and yes, even at times, emotional—issue, is simply evidence of the merits of the final legislative product now before the Senate.

As a matter of fact, Mr. President, the controversy surrounding this legislation became so bitter at one point that the distinguished senior Republican member of the House Interior and Insular Affairs Committee, JOHN P. SAYLOR, characterized it as being "smothered by a type of gutter-sniping journalism," prompting him to insert in the CONGRESSIONAL RECORD under date of June 7 certain materials in an attempt to restore some degree of rationality to its consideration. I, too, would hope, Mr. President, that rational consideration not emotionalism will be afforded the consideration of S. 2871.

Mr. President, the heart of the issue at hand is well stated in the following manner in the committee report:

> The basic issue before the Committee was whether to ban outright the killing of any marine mammal under the jurisdiction of the United States, or whether the government should continue to allow supervised and restricted taking of certain mammals. No doubt, a sizeable segment of public opinion in the United States opposes the indiscriminate slaughter of marine mammals. But a strong body of evidence was presented to the committee that total and complete protection without scientific management is not necessarily the best answer to solving the problems of marine mammals. *The committee has determined that the best answer to questions on the conservation of marine mammals must be the application of scientific principles and knowledge separately for each species of marine mammals.*" (Emphasis supplied.) (Senate Report No. 92-863, page 5.)

Mr. President, along the same line of thought I would like to note the following from a letter of August 4, 1971, from Lee M. Talbot, senior scientist on the Council on Environmental Quality to the President of the Wildlife Management Institute:

> As an ecologist, I am particularly concerned over the principle of substituting protection for scientific management. Scientific management of a species may require protection at some time as one of its methods, but it also must rely on various other types of actions.

Again, Dr. G. Carleton Ray, program director of the Marine Mammal Council, which directs the U.S. International Biological Programs' Marine Mammal Program through financial support from the National Science Foundation, made the following observation concerning those who would urge a total moratorium on the taking of marine mammals:

> A total moratorium on the take of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future.

Mr. President, in conclusion I would simply urge my colleagues in the Senate to be mindful of the danger inherent in substituting protection or a total moratorium for the more rational approach through scientific management of species as they may require protection. Otherwise, I deeply and sincerely fear, Mr. President, that we may be throwing the proverbial baby out with the bath water.

I, therefore, respectfully commend to the favorable consideration of my colleagues in the Senate the bill, S. 2871, as reported by our Committee on Commerce, and urge its favorable consideration.

Mr. GRAVEL. Mr. President, I yield myself 5 minutes. I do not expect to use it all. I want to open with brief introductory remarks. There is no question that we need some control of marine mammals in this country and throughout the world. We must husband our resources so that they can be useful to us for a long time. Unfortunately, there has been an injustice which has occurred. It seems that many times when we want to change the water, we wind up throwing out the baby. That is what has occurred as a result of our lack of knowledge in this area. I am happy to see that money is being authorized to study this problem so that we can acquire some knowledge with respect to sea mammals.

However, some of the actions which have occurred and their impact on Alaska can or could be disastrous.

I would hope that my colleagues here, who certainly are aware of the problems as they affect their own States, would listen with an open ear to the problems as they affect Alaska. It is not the intent of anyone to place mammals above human beings but this could actually be the fact of what would result with legislation entered into with the best of intentions, where the impact would be deleterious to the people themselves. We can always come back with the knowledge acquired from the studies made and legislate precisely and more intelligently.

I oppose aspects of this bill because I believe we are putting the cart before the horse. We must equip ourselves so that we can legislate more precisely and intelligently on this matter.

Mr. President, I believe I have used just about 2 minutes and I reserve the remainder of my time so that I may address myself more pointedly to specific amendments that will be coming before the Senate.

Mr. INOUYE. Mr. President, will the manager of the bill yield for a question?

Mr. HOLLINGS. I am glad to yield to the Senator from Hawaii.

Mr. INOUYE. I should like to know if the laws of the State of Alaska permit the killing of baby seals. I have seen pictures in Life magazine and documentaries on television.

Mr. HOLLINGS. No. That is not permitted under the laws of Alaska. What the Senator was seeing is the harp or hair seal being taken by Canadians and Norwegians on the Gulf of St. Lawrence. The Senator from Alaska (Mr. STEVENS) can answer that better than I can.

Mr. STEVENS. The Senator is correct. The killing of seals on the Pribilof Islands is governed by international treaty. Those seals have been harvested for years in compliance with that treaty. They are 3-year-old males. We do not kill females. We do not kill baby seals. The young males are killed when they return to the islands. This maintains the balance. Almost all scientists today say that the fur seal herd is in good shape—in very good condition.

Mr. GRAVEL. May I ask my colleague from Alaska, does he have any new figures on that? At the turn of the century, the herd was around 100,000 and today I believe the herd is over 1,250,000. So that the management of this resource has been very productive from the point of view of the seal herd.

Mr. INOUYE. Am I correct, then, that the impression given by these pictures was false regarding the baby seals? They were not being killed in Alaska?

Mr. HOLLINGS. Exactly right. Those were the harp or hair seals. To remove any doubt of the controversy, in this bill, S. 2871, on page 34, we have a prohibiting section which absolutely bans the taking of any seal which is pregnant near term at the time of taking, or less than 8 months old, whichever occurs later.

Those pictures refer to the harp or hair seal. We had quite a flurry of objections received from businesses in New York regarding the total ban and embargo on that, that it would put them out of business. I do not want to mislead anyone. This is a complete prohibition against the killing of baby seals.

I have seen the pictures in Life magazine and in the newspapers.

Mr. INOUYE. Will the Senator yield for another question?

Mr. HOLLINGS. I yield.

Mr. INOUYE. I have seen pictures in magazines. In fact, I have viewed a documentary where men in aircraft were shown killing polar bears. Do the laws of Alaska permit the killing of polar bears from airplanes?

Mr. HOLLINGS. No, sir. The laws of Alaska prohibit that. There has been a prohibition for some time. It came out during the hearing record on that particular movie. I think I have seen that movie. It was staged. NBC made it appear that a routine tagging operation, wherein the female bear was drugged, actually was a shooting. It was completely staged. The Senator from Alaska can give you his view.

Mr. GRAVEL. It is against the law.

Mr. INOUYE. Is the Senator trying to advise the Senate, then, that that documentary was a fraud?

Mr. HOLLINGS. Yes, on that particular scene.

Mr. CRANSTON. Mr. President, I urge support for a series of amendments to be offered to the Marine Mammal Protection Act of 1972, S. 2871. I am convinced that only by strengthening certain key provisions in the bill can we effectively protect our marine mammals, many of which are in danger of being extinguished as creatures of the earth. Because I feel that the committee bill can—in the interests of all concerned—be strengthened, I am a cosponsor of five printed amendments. I understand that there is serious disagreement over several of these amendments and that others are in the process of being modified in order to eliminate the opposition to them. My interest is now, as it has been, in supporting reasonable strengthening amendments, and I hope that wherever possible, agreements can be reached that will satisfy opponents without compromising on the overall purpose of the bill: To protect marine mammals.

For too long we have exploited the creatures of the sea as though they were an unlimited resource. We have exploited them cruelly and relentlessly. I have been dismayed over the annual harrassment of the fur seals, and the brutality of the procedures used in the hunts in the St. Lawrence River and the Pribilof Islands. White-coated harp seal pups as little as 3 weeks old are brutally clubbed to death for their soft, supple skins. In 1970, it is estimated that 245,000 of the 300,000 harp seal pups born in the Lawrentian Island were slaughtered. How long can this practice continue before the harp seal joins the ranks of those irreplaceable wildlife species in danger of extinction? And the United States is one of the major importers of harp seal skins.

Three species of dolphins are now threatened with extinction, largely because of methods used by fishermen of the yellowfin tuna. Dolphins swim with the tuna because of the close biological affinity between the species. Only the dolphins, being air-breathing mammals, of necessity swim closer to the surface. This is a great help to the tuna fishermen and has been responsible for significantly increasing their harvest. When a tuna vessel sights a school of dolphins, it will follow them closely in order to ascertain whether a school of tuna is swimming with them. If so, the nets are spread and the harvest begins. Unfortunately, the dolphins are often taken inadvertently in the nets along with the tuna, where they are trapped and drowned. It is estimated that 250,000 dolphins are thus killed each year by U.S. fishermen.

In addition, most species of whales, the polar bear, and the manatee are also close to extinction. Mr. President, no advanced technology can ever replace an extinct species. These unique, intelligent, highly-evolved mammals form an important link in the chain of life, the intricacies of which we are only beginning to understand and appreciate.

The survival of man himself may ultimately depend on the survival of a diversity of flora and fauna. Realizing the multiplicity of ways in which species are interconnected with other life forms in the ecosystem leads to the conclusion that we may be risking a great deal if we permit a single species to disappear. Each species, in the words of one scientist, is an "irreplaceable genetic reservoir." If we fail to maintain our fish and wildlife as viable life forms, then we will close the door on the possibility of restoring the natural and complex ecosystems which future knowledge may dictate as essential for human survival.

The legislation before us today represents what may well be the last chance for adequate protection of our marine mammals; a last chance to legally halt the slaughter, suffering, and eventual extinction of these marvelous creatures of the sea. When we wait for a species to become so depleted as to qualify it for the endangered list before we take legislative action to protect it, it is simply too late. The marine mammal population is, by and large, rapidly decreasing. The time to afford protection is now. We must act unselfishly and with foresight; after all, marine mammals are held in trust by all peoples of the world. Protection of them benefits all of mankind and assures the retention of a vital link in the total world ecosystem.

As a Senator from the greatest tuna-fishing State in the Union, I would like to comment briefly on some misunderstandings that have arisen with respect to certain of the amendments being offered today. And I want to establish for the record, Mr. President, that neither this legislation nor the amendments being offered are intended to in any way harass the domestic tuna fishing industry. The tuna fishing industry is to be commended for the vital part it has been playing and is continuing to play in developing new techniques of harvesting tuna—techniques that will dramatically reduce the "incidental kill" of dolphins. One such device is the "medina" escape hatch which can reduce mortality to around 10 percent. It is expected that further research and development will lead to new techniques to reduce the mortality level even further. I am glad that S. 2871 provides Government funding and assistance for this further research and development. It is only fair that the Government do everything possible to assist the tuna industry in complying with the requirements of S. 2871.

One of the amendments which I cosponsored with Senators WILLIAMS and HARRIS would increase the penalty provision to include vessel seizure as well as forfeiture of the cargo. I have received numerous calls and telegrams protesting this amendment on the grounds that no bank will finance the construction of new tuna boats—which cost somewhere in the neighborhood of $2 million per boat—when the boat may at any time be seized for alleged violation of this proposed new law. This is a complete misunderstanding. The amendment and the legislative history of this bill makes it absolutely clear that a vessel will be forfeited only in the event of a conviction. Until that time, title remains with the owner.

I want to make it clear that the amendment providing for vessel forfeiture, which I am cosponsoring, does not, in any way, mandate that the vessel shall be seized even when a conviction is reached. The amendment merely raises the penalties for violation of the act—penalties which would be imposed by a judge based, presumably, on the individual case. Surely, a judge would not suggest vessel forfeiture for a first offense, and certainly not for a tuna fisherman who has inadvertently taken too many dolphins in a tuna net.

The way I read this amendment when I decided to cosponsor it, was that it provided a stricter penalty for violations of the act which could deter certain semilegitimate operators from continuing to take marine mammals for profit. Seen in this way, I am convinced that such an amendment will not be harmful to the domestic tuna industry.

I would also like to point out that the so-called reward provision included in one of these amendments has been modified to make it clear that the reward will be granted only for information which leads to a conviction. This is an important clarification and should help to ease the fears of the tuna industry that they might have been subject to constant harassment by individuals seeking the reward. That kind of harassment is completely at odds with the intent of this bill—which is protecting ocean mammals.

As an example of the great need for the adoption of these amendments and congressional enaction of strong ocean mammal protective legislation, let us consider the plight of the whales.

The decade of the 1970's may see the end of the world's whales and with it the industry which brought them to the brink of extinction. There is no mystery associated with the whale's demise: man is solely and totally responsible.

Our conquest of whales probably began with the bone and horn weapons of Stone Age savages. An Eskimo whale hunting settlement has been dated back to the second century A.D. European records begin with whaling enterprises in Norway and Flanders during the ninth century. At its height, the whaling industry annually slaughtered tens of thousands of these largest of all animals.

As the whales most susceptible to capture by the older techniques declined, newer methods such as the harpoon gun and the steam whaling ship made easier prey of the larger and faster whales. Today's helicopters, sonar devices, and factory ships have perfected the deadly efficiency of the whaler of the 1970's. So it is that man's technology has brought him to the zenith of whale-hunting perfection, only to find that the world has run out of whales. We are about to close another sad chapter of man's continuing folly of treating a limited resource as if it were unlimited.

The last decade tells the story. In the Antarctic summer of 1958–59, 20 factory ships and 235 catcher ships took 15,300 blue whale units. Ten years later in the summer of 1968–69, there were but six factory ships with 85 catchers taking 2,469 blue whale units. Where once all the seafaring nations of the world pursued the whale on the high seas, today only Japan and the Soviet Union still maintain the 12 remaining factory ships, each nation with three in the Antarctic and three in the North Pacific. Norway has one combined catcher-factory vessel.

The various right whales, once the prize of whaling enterprises, have been commercially extinct for decades. In more recent years the blue whale, the largest animal our world has ever produced, and the humpback whale have been practically exterminated. The Pacific grey whale, which annually migrates along the shores of California, has in recent years rallied in its fight for survival, but only because it is now protected.

Today the whaling nations who are members or supporters of the International Commission on Whaling have generally agreed to take only three whales commercially. Two are baleens, the fin and the sei, and on both the I.C.W. has promulgated annual quotas. The other whale being taken today is the sperm whale, and on it there is no present quota.

Dr. J. L. McHugh, the U.S. Commissioner on the International Commission on Whaling, in 1970 estimated the population of fin whales at 100,000, sei whales at 115,000 and sperm whales at 500,000. If other estimates differ, it is because of the exotic mathematics of cetacean demography. Various formulae have been developed using such factors as estimated natural mortality, estimated rates of reproduction, relationship of catch to unit of effort, number of sightings, and the ratio of males to females.

Another complication is that the traditional method of determining a whale's age has recently been found to be in error. A baleen whale's age is determined by the layers of wax in his ears. It has been assumed that two layers were laid down in the whale's earplug each year. Thus the whale's age could be determined by counting the earplug lamination and dividing by two.

A program of whale tagging during the last decade led whale demographers to question the two lamination per year rule. Discrepancies appeared between the number of laminations and the period of years between marking and recovery. In 1967 a new study indicated that one lamination, not two, was laid down each year.

Thus, a whale was approximately twice as old as scientists had previously advised us.

Consequently, all of the previously collected data about baleen whale population dynamics is in the process of reanalysis.

The end result of these complex mathematics is the sustainable yield, in other words, the number of whales which can be killed "safely," without endangering the total whale population.

But all the formulae and all the intensive theorizing have not saved the whales.

Whalers now hunt only the fin, the sei, and the sperm, not because it is "safe" for the whales, but because they are all that is left. To continue present methods of whaling among these three remaining species is surely to doom them, no matter how scientifically sophisticated are the estimates of sustainable yield.

Marine mammal survival is a difficult problem. We know too little about marine mammals and marine mammal ecology. We know too little about the oceans' total ecosystem. We know too little about the effects our pollution of air and water will have on the ocean and on all its living denizens. We need to know more and to be doing more.

In November of 1970, former Secretary of the Interior Walter J. Hickel stated:

> It is the clear intent of the Endangered Species Conservation Act, which took effect June 3, 1970, that we prevent conditions that lead to extinction.

Speaking directly to the problem of whales, Secretary Hickel went on to say:

> It is also clear that if the present rate of commercial exploitation continues unchecked, these three species [the fin, sei and sperm] will become as rare as the other five. We are not going to wait until all these species are on the brink of extinction before we take positive action.

Secretary Hickel then announced a ban on the importation of products from these whales.

I am firmly convinced, Mr. President, that it is time for the Senate to take positive action. We must protect our ocean mammals by strengthening certain key provisions of the bill before us today. It is only by doing so that we may prevent conditions leading to the extinction of these unique animal species.

Mr. HARRIS. Mr. President, there are times when an individual organization and person can make a difference. The reason the Senate is discussing this bill today is that a small number of people understood what we were doing to our national environment and set about to educate the Nation.

Foremost among these organizations was the Committee for Humane Legislation. Alice Harrington and Milton M. Kaufmann for many months have been extremely effective in convincing a large number of congressional offices that this was a piece of legislation which deserved their attention. I would like, therefore, to pay a tribute to their solid, impressive work over the past months.

Tax-exempt organizations which have not lobbied for stronger legislation but which have expressed public support for the strengthening amendments which a number of Senators are introducing today include:

Friends of Animals;

Sierra Club;

Fund for Animals;

National Audubon Society;

Humane Society of the United States; and

World Federation for the Protection of Animals.

I would also like to take the time today to express my appreciation for their expressions of support. These organizations have helped to alert the country to the consequences of man's foolish actions against his own environment.

Mr. TUNNEY. Mr. President, legislation to protect marine mammals is both badly needed and long overdue. I concur with the findings and intent of the legislation before us and will enthusiastically vote for S. 2871, the Marine Mammal Protection Act of 1972.

Unquestionably, legislation is needed to protect marine mammals. Man has for years exploited these animals in his quest for food, for pelts, and for sport. But we have at last realized that, in order for man to survive, he must be willing to modify his behavior to accommodate other species of life which are vital to a smooth continuity of the life cycle of his environment. The ocean mammals are no exception to this basic principle of maintaining an ecological equilibrium and since we have not voluntarily protected them, we must now legislate that protection.

It has already been established that porpoises, dolphins, and whales have highly developed and intricate nervous systems. In some cases their brains are more complex than humans. The sonar capability of the dolphin is considered by scientists to be more sophisticated than the Navy's most advanced systems. The point that needs to be made here, however, is that more research is needed in the fields of zoology, physiology, medicine, public health, and ecology, in order to better understand the importance of these ocean mammals. The alternative is a dangerous ignorance which can lead only to further senseless destruction.

There is also a need for comprehensive studies of the effectiveness of our mammal "management" policies. Years of ill-considered and poorly-coordinated policy actions have had a devastating effect on the marine mammal population; I am pleased that this legislation addresses this important question squarely.

There is an equal need to exert strict control over the marginal "roadside display shows" which exploit the creatures they purport to exhibit. The type of cruelty and carelessness which the Committee has documented is inexcusable, and the restrictions placed on these kinds of operations are both overdue and welcome. Although a number of very reputable and humane oceanaria, including Sea-World and Marineland of the Pacific in California, have expressed reservations regarding some language in the bill, I am assured by the committee staff that these difficulties are being resolved. On the basis of the excellent records of these institutions in the care and handling of their animals, I anticipate little difficulty arising as a result of this bill. Clarification of the term "class" as defined in the bill, along with elaboration on the permit procedure and judicial review system in the conference report and by the Secretary will presumably lay to rest some of the fears that have been articulated by representatives of these organizations.

For the reasons I have outlined, and because I consider this legislation to be a landmark in Congressional recognition of its responsibilities in the field of conservation, I will vote for passage of S. 2871, although, I would now like to address myself separately to the amendments which have been offered.

My staff and I have studied and considered the important amendments to this bill for some weeks. Obviously, the goal to which we are all committed, and which these amendments seek to guarantee, is preservation of all ocean mammals currently threatened by man, which is to say, all ocean mammals. We have been in contact with literally dozens of individuals and organizations concerned with this legislation, including representatives of environmental groups, commercial fishing companies, labor unions, and oceanaria. From the mass of data which has been collected I have attempted to determine the most effective and equitable course to achieve the goal of the legislation as introduced. After long hours of conferences and thought on this issue, I have come to the conclusion that the intent and provisions of the committee version of the bill can be significantly strengthened by adopting several of the excellent amendments which have been submitted by the Senator from Oklahoma (Mr. HARRIS), the Senator from New Jersey (Mr. WILLIAMS), my senior Senator from California (Mr. CRANSTON), and other distinguished colleagues.

Amendment 1276, which will prohibit importation of fish products which have been caught in such a way as to kill ocean mammals, is a reasonable provision since it is designed to protect the domestic fishing industry from unfair foreign competition which might otherwise result from passage of this strict bill. At the same time, the amendment sets a goal of "approaching zero mortality and serious injury" to marine mammals as the result of commercial fishing operations as the national policy in this regard.

There is an obvious and pressing need for an effective penalty to deal with violators of the act; if the goal of the legislation is ever to be realized, tough Federal enforcement provisions will be essential. The so-called cargo forfeiture provision in the committee version of the bill seems to me to be the most equitable means of guaranteeing this. The penalty is commensurate with the offenses itemized in the bill and at the same time provides a strong stimulus to the commercial fishing industry to continue their research in the field of mammal safety and escape. This provision should keep strong pressure on the industry to continue its efforts to develop technology which will allow safer fishing, consistent with the goals of the legislation. This formula seems to me to be tough enough to guarantee the goals, but fair and equitable in light of limitations on existing technology. If, in the future, industry efforts to comply prove unsatisfactory, stronger sanctions might then be appropriate. At present, however, I support the committee version of the bill with respect to penalties, and oppose amendment 1277.

Amendment 1278 provides an absolute ban on the taking of the American portion of the Pribilof seals allocated under the International Convention on the Conservation of North Pacific Fur Seals. In light of testimony gathered by the committee and reports that have received great public notoriety in recent months, I feel that this is an appropriate and humane measure; I will support this amendment.

Amendment 1302 is necessary to insure sane administrative management of the provisions of the bill. I believe it is logical that the policy decisions with regard to ocean mammal population management should be made by the Secretary of the Interior, to whom the Nation has traditionally entrusted the protection of its wildlife, and I will support this amendment.

AMENDMENT NO. 1276

Mr. HARRIS. Mr. President, I call up my amendment No. 1276 now at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARRIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with; and, without objection, it will be printed in the RECORD.

The text of the amendment is as follows:

On page 29, line 19, immediately after the period, add the following: "In any event the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations shall be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee of Scientific Advisories on Marine Mammals to prepare for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four-calendar-month period. The Secretary shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. The Secretary shall insist on reasonable proof from the government of any nation desiring to export fish or fish products to the United States of the effects on ocean mammals of the commercial fishing technology in use for products exported by such nation to the United States.".

Mr. HARRIS. Mr. President, this amendment has to do with the killing of porpoises. I want the Record to show that in addition to myself the amendment is cosponsored by Senators WILLIAMS, CASE, PERCY, STEVENSON, CRANSTON, STAFFORD, TAFT, CHURCH, NELSON, PELL, MCINTYRE, RIBICOFF, BAYH, and HUGHES.

I invite the attention of the Senate to an editorial which was published this very morning in the New York Times entitled "Dolphin Slaughter." It brings to the attention of the Senate very strongly the terrible nature of the unnecessary slaughter going on of thousands and thousands of dolphins which are annually entrapped by tuna fishnets and drowned.

Mr. President I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 25, 1972]

DOLPHIN SLAUGHTER

The Senate is expected to begin consideration today of a marine mammal protection bill which falls far short of what is required if dolphins and other ocean mammals are to receive the timely help they urgently need. As reported from the Senate Commerce Committee, the bill is weaker than the already unsatisfactory bill passed by the House.

The House approved a five-year moratorium on the commercial killing of marine mammals by United States citizens and on the import of marine mammal products, thus reducing the economic incentive for other countries to kill these animals. Although the House bill contained some exemptions from this moratorium, the Senate version goes even further in permitting exceptions. Far too much discretion is granted to the Commerce and Interior Departments to issue permits and waive restrictions.

The huge nets used by the tuna fishing industry annually entrap tens of thousands of dolphins. Instead of bringing this slaughter gradually to an end, the bill explicitly permits the continued killing of "marine mammals taken incidental to the course of commercial fishing operations."

A bipartisan bloc of eight Senators has prepared five amendments which would strengthen the bill in important ways. Senator Hart of Michigan also seeks to concentrate all authority under the bill in the more conservation-minded Interior Department rather than leaving much of the power with the Commerce Department. The passage of these amendments is essential if the Marine Mammal Protection Act is to be worthy of its name.

Mr. HARRIS. Mr. President, Jacques Cousteau has stated that, during the period of his life-long study of marine life, marine life has declined perhaps 40 percent because of pollution and other man-caused activities.

Mr. President, we all know that the dolphin is one of the most intelligent creatures in the sea. There is no commercial use for dolphins. But they are killed because, oddly enough, they are helpful to tuna fishermen.

It used to be that tuna were caught by long lines and then jerked out of the depths of the ocean. Then in the late fifties the American tuna industry developed what is called a purse seine net.

Mr. President, the fishermen look for schools of dolphins because where the dolphins are found, tuna are also often found. Then, with fast boats, they encircle the dolphins with the purse seine net; dolphins are rapidly carried into the ring of the net. There they become frightened, dive to the bottom, become entangled in the net, and drown.

Not only is that a strange way to repay dolphins for leading tuna fishermen to the tuna, but that kind of continued slaughter of these wonderful sea mammals in the long run will prove to be detrimental to the tuna industry.

What the bill does is to say that for 2 years we can pretty much go along the way we are and then during that time we will be doing research, trying to see if we cannot come up with better ways of catching tuna without this terrible killing of the dolphins.

This is not a satisfactory response.

Mr. President, what amendment 1276 would do is to add a provision on page 29 at the end of line 19. It would say in effect that at the end of the 2-year grace period allowed in the present bill, it is our purpose and the official policy of the Government, as expressed in this bill if the amendment is agreed to, that in any event the incidental killing and the incidental serious injury of marine mammals permitted through commercial fishing operations shall be reduced to an insignificant level approaching zero mortality and serious injury.

That is the goal and the purpose.

Mr. HOLLINGS. Mr. President, if the Senator will yield, I think that the Senator from Oklahoma and I both have the same purpose in mind. I am sure that our staffs have discussed the matter.

In the Senator's amendment No. 1345, he states that "it shall be the immediate goal" and I thought that was language that would make it practical and realistic in stating both the purpose and the goal of the Senator and the committee's purpose and goal. Whether or not it can be done is another question.

In discussing with the Senator and his staff amendment No. 1276, we were concerned about the purpose. One amendment said that in 2 years the take must be reduced to insignificant levels approaching zero mortality. The committee was not willing to accept that. However, I appreciate the goal of the Senator.

Mr. HARRIS. Mr. President, we think that is what we are saying in any event in the pending amendment. I think amendment No. 1276 is already flexible enough when it says "approaching a zero mortality and serious injury rate."

In any event, there is a 2-year period there and if the technology is not developed in that period to reach zero mortality, then the Secretary is not going to be able to carry it out. And Congress will have plenty of time to continue its oversight over this matter.

I would hope that the distinguished manager of the bill might be able to accept the language in the pending amendment, because I believe it provides the kind of flexibility which he desires.

Mr. HOLLINGS. Mr. President, the Senator's amendment No. 1345 is word for word with his amendment No. 1276 save an exception where the Senator states what he has said on the floor. He says that in the amendment. He says in amendment No. 1345, "In any event it shall be the immediate goal." However, the Senator's goal and our goal are the same. However, the lawyers tell us as to whether it can be obtained or not, that in the Commerce and Interior Departments that would be a total ban.

I think we have the same intent. I would be almost prepared to accept the Senator's amendment No. 1345. He says that both amendments have the same purpose.

Mr. HARRIS. Mr. President, I am reassured by what the Senator has said—particularly because the Senator has stated—as manager of the bill—that this will now be a part of the legislative history on this amendment.

Mr. HOLLINGS. The Senator is correct.

Mr. HARRIS. It would be the Senator's interpretation, as I take it, that if we said that it is our immediate goal to do so, that it would be binding upon the Secretary of Commerce to use every effort he could for the development of the technology and also by enforcement power and so forth so as to move us as rapidly as possible toward approaching a zero mortality rate and serious injury rate.

Mr. HOLLINGS. Mr. President, that is exactly the intent. We differ with the New York Times editorial. We think the Senate bill is far superior. We tie and bind him as to how he can do it. With regard to the Marine Mammal Commission, we provide that he must have consultation with a scientific board, the National Science Foundation, and all the rest.

We had hearings with the public informed and everything else. And if we knew how to legislate it so that there would be no taking of porpoises, we would legislate it. But we know that the porpoises are out in the South Pacific off the South American coast where the yellow fin tuna is caught and where 75 percent of the tuna is caught by the American fleet.

If we put the total in, they would go in there and all the good work and everything done by the Inter-American Tuna Fishing Association would go down the drain. These fellows take the fish and the vessels, make sure of that. There is no other way of enforcing this. We have real stringent enforcement measures. We did not want to give the Secretary too much elbow room. We want to make sure that he is conservation minded. We know that one minute he might be doing this and the next minute he might be collecting funds for the campaign for President. We want to tie him down.

Mr. HARRIS. I want to end his campaign funding activities too. However, I do not think we can make that germane to the bill. The balance of the amendment is equally important, if the Senator can accept it and I take it he can. First of all, there is a requirement in the amendment calling for detailed estimates to be prepared on the numbers of dolphins taken with existing and new technology. The Secretary would prepare these for public dissemination.

As the Senator knows, we are not as well informed on this as we ought to be, at least not with respect to the killings or injuries.

Mr. HOLLINGS. Mr. President, we would be prepared to accept the Senator's language on that.

Mr. HARRIS. Mr. President, I appreciate that. Second, with regard to the ban on the importation of fishing products which do not meet our standards, we ought not to allow fisheries or fishermen of other countries to take advantage of their weather restrictions in this regard.

I believe this is a very important part of this amendment, if the Secretary can say to other countries that if they do not abide at least by our standards, we will not allow them to bring these products into our country. And they will have to show affirmatively that they are abiding by standards that are at least as strict as ours.

Can the Senator accept that portion of the amendment as well?

Mr. HOLLINGS. We can accept that portion of the amendment.

Mr. HARRIS. Mr. President, I ask that the pending amendment be withdrawn and that in its place there be substituted Amendment No. 1345, which is in line with the colloquy just had.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator has the right to make that request. The clerk will report the amendment.

The legislative clerk read as follows:

On page 29, line 19, immediately after the period, add the following: "In any event it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations goal shall be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee on Scientific Advisories on Marine Mammals to prepare for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four-calendar-month period. The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. The Secretary shall insist on reasonable proof from the government of any nation desiring to export fish or fish products to the United States of the effects on ocean mammals of the commercial fishing technology in use for products exported by such nation to the United States.".

Mr. HARRIS. Mr. President, I thank the distinguished manager of the bill for his statements and for his willingness to accept the amendment not only in its letter but also in its spirit as has been confirmed here on the floor today.

Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, as manager of the bill and after consultation with the Senator from Alaska (Mr. STEVENS), who has worked diligently with this particular provision—and I understand that the overall objection comes from Alaska and we have tried to guide this thing along and make it a realistic provision—we are willing to accept the amendment.

Mr. STEVENS. The Senator is correct. We are willing to accept the amendment.

Mr. HOLLINGS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1345 of the Senator from Oklahoma. [Putting the question.]

The amendment was agreed to.

Mr. MATHIAS. Mr. President, it is a somber reflection of the estranged soul of man that it is necessary for this Government to enact a law prohibiting the cruel, unwarranted slaughter of any of God's creatures. Yet, we approach that duty today because we see that citizens of this Nation continue to condone, and even encourage, the mass destruction of ocean mammals. In its most blatant form, this conscious act of extermination continues because certain entrepreneurs know that there is money to be made in the selling of seal skins to persons who enjoy wearing expensive ornamental accoutrements. To supply this mercantile market, as many as 2,500 seals may be clubbed and skinned in a single day's outing on the northern Pacific Pribiloff Islands. At the same time the delicate ecological balance among the species has been seriously impaired. The harbor seal population has declined by four-fifths of its number, the blue whale by one-hundredth of its number, and the polar bear is almost extinct.

The brutality that is currently perpetrated against the mammals of the ocean is a rank violation of the covenant of preservation which exists between man and his surrounding world, his total environment. We have lately rediscovered that covenant because it has become apparent that, through our careless abrogation of this law of nature, we have allowed our land, our water, and our air to be poisoned. It is quite possible that had we been more aware of this natural responsibility in the past, we would not be so endangered at present by pervasive pollution.

That covenant and natural responsibility, however, exists fundamentally upon a moral basis, and it extends to all things and all living creatures. We step beyond our natural bounds if we kill for any other reason than to protect ourselves and to provide our sustenance.

This bill presents a challenge to all of us to preserve an essential part of our environment, a segment of the animal kingdom that is steadily disappearing. I urge Senators to act promptly and favorably in support of this legislation.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS. Mr. President, I call up amendment No. 1274.

The PRESIDING OFFICER. The clerk will report amendment No. 1274.

The legislative clerk proceeded to state the amendment.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 29, beginning with line 20, strike out all through line 23 and insert in lieu thereof the following:

"(3) (A) (i) On the date of expiration of the five-calendar-year period following the effective date of this Act, and at the end of each subsequent twenty-four-calendar-month period following such date of expiration, the Secretary is authorized and directed, on the basis of the best scientific evidence available and public recommendations from the Marine Mammal Commission, and having due regard to the dis-".

On page 30, line 1, immediately after "determine" insert a comma and the following: "subject to the provisions of subparagraph (ii) of this paragraph,".

On page 30, between lines 21 and 22, insert the following:

"(ii) Each determination by the Secretary pursuant to subparagraph (i) of this paragraph to waive the requirements of this section shall be published in the Federal Register and transmitted to the Congress. Such determination shall become effective upon the expiration of a period of ninety calendar days of continuous session of the Congress following the date of such publication and transmittal, unless during such period there is passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve such waiver, in which case such waiver shall be considered void and of no effect. For the purposes of this subparagraph, in the computation of the ninety-day period, there shall be excluded the days on which either the Senate or House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.".

Mr. WILLIAMS. Mr. President, I have called up amendment No. 1274 on behalf of myself and Senators CHURCH, NELSON, MCINTYRE, RIBICOFF, BAYH and HUGHES, as cosponsors of the amendment.

The PRESIDING OFFICER. The time

on the amendment is 30 minutes to each side.

Mr. WILLIAMS. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. WILLIAMS. Mr. President, let me say at the outset how deeply appreciative I am to the distinguished floor manager of the bill for his efforts in expediting consideration of this important legislation.

The Senator from South Carolina (Mr. HOLLINGS) has taken upon himself a most difficult task in a most controversial area of national concern.

He has held indepth hearings on the many complex aspects inherent in this legislation and I know that he has an abiding interest in assuring that our ocean mammals are well protected.

While we may disagree in our approach we are in complete agreement in our objective.

As reported by the Commerce Committee, S. 2871 purports to contain a 15-year moratorium on the taking and importation of marine mammals.

However, one exception to the moratorium would permit the Secretary of the Interior or the Administrator of the National Oceanic and Atmospheric Administration to waive the requirements of the moratorium, and to issue permits for the taking and importation of marine mammals.

This exception could completely nullify the moratorium.

In S. 2871, as originally introduced, it was my intention to protect ocean mammals for a period of 10 years with a moratorium which would enable them to rebuild population stocks and to permit the scientific community to gain a greater understanding of their characteristics for the purpose of maintaining a maximum variety and optimum number of ocean mammals.

After this moratorium of 10 years, it was my view that scientific wildlife management techniques could then be applied and those responsible for running the program would be authorized, based on a solid foundation of scientific knowledge, to issue permits for the taking of marine mammals after notice and opportunity for public hearings.

The committee report recognized the need to place a moratorium on the taking of marine mammals.

Based on its own extensive hearings the committee agreed to provide for a 15-year moratorium on the taking of marine mammals for commercial purposes.

The committee report recommended a moratorium for the following reasons: I quote excerpts from the report:

> Many of the great whales . . . have dwindled to extinction;
>
> As many as 100,000 to 300,000 porpoises may have been killed in U.S. tuna fishing operations (last year);
>
> The Canadian Committee on Seals and Sealing concluded that between 1950 and 1970 the stock of harp seals has been cut in half and that the trend toward decrease is continuing and recommended a moratorium;
>
> Attempts have been made to begin sport hunting of walrus;
>
> (Polar bears) are . . . considered closest to endangerment . . .;
>
> Southern sea otter faces definite threat to its health and safety from pollutants and increasing small craft traffic . . .;
>
> No more than 1,000 (manatee) in U.S. . . . jeopardized by development, pollution, and watercraft . . .;
>
> The U.S. needs increased knowledge of the distribution range, numbers and biology of marine mammals in low abundance . . .

These definitive and shocking findings which demand the immediate enactment of a moratorium are inconsistent with the bill as reported by the committee.

The bill provides for permits to be issued within 30 days of the signing of this legislation into law.

Recognizing the urgent need for marine mammal protection, it is inconceivable how we could provide for a permit program without a strong moratorium on most mammal killing and importing. Although the committee's version creates seemingly extensive procedures before a permit could be granted, we all know that commercial interests have a propensity to easily maneuver through the bureaucracy, and we know that the redtape can be cut if the program administrators wish.

Amendment No. 1274 will in effect restore the moratorium by assuring that during the first 5 years following enactment, permits may be issued only in the following cases:

First. For the importation or taking for purposes of scientific research and public display;

Second. The taking of marine mammals for 2 years incidental to the commercial fishing operations;

Third. Taking by Indians, Aleuts, and Eskimos for specific Native purposes.

Subsequent to the initial 5-year period and at the end of each 24-month period thereafter, the Secretary, in consultation with the Marine Mammal Commission and based upon the best scientific evidence available, may waive these requirements and issue permits for taking and importation.

However, each such determination must be published in the Federal Register and transmitted to the Congress and will become effective only upon the expiration of a period of 90 calendar days of continuous session of Congress unless either the Senate or House of Representatives passes a resolution disapproving the waiver. In this case the waiver would become void.

I believe that this amendment provides a sound approach to the scientific management of all species of marine mammals while at the same time providing maximum protection.

Although the committee's version of S. 2871 calls for a 15-year moratorium on the killing of ocean mammals, that moratorium is meaningless if a permit for killing certain marine mammals can be issued within 30 days of enactment.

Additionally, the judicial review called for in the bill would create an unreasonable burden for environmentalists who have legitimate reasons for objections to specific permits.

Litigation before the district court is expensive, time-consuming and the burden of proof in these cases would fall upon the environmentalist rather than the permit applicant seeking to slaughter the mammals.

Furthermore, because Congress intends to provide time for an accumulation of research on ocean mammals and an opportunity for the unhampered development of ocean mammal breeding stocks, it is inappropriate to provide for a permit program regulation taking until after the expiration of a reasonable moratorium period.

The Commerce Department has a less than responsive record on environmental protection at the expense of large private industry. The Department of Commerce sponsored "research" programs on whales, later placed on the endangered species list, was performed aboard the factory ships of a commercial whaling company.

Several hundred endangered whales were killed and "studied" in this way before being made into cat food and certain other products.

It seems foolhardy to permit this Department to issue permits under a moratorium which they oppose in the first place.

Mr. President, in recent years, millions of Americans have become more aware of the degradation of our environment and the potential for disaster to man and other mammals.

Industrial society has fouled the aid and stagnated large areas of our seas.

Extensive industrial agricultural land runoffs have poisoned rural streams and we are becoming increasingly aware of the havoc that man is reaping on his environment and the animals who inhabit the earth.

In response to public demands the Congress has taken major steps to improve the human environment in many areas.

We are attempting to control ocean dumping and other discharges into natural waters and the atmosphere.

We seek to have automobiles and other equipment of our industrial society designed for the goal of zero emissions.

The American people are recycling bottles and cans and paper and other products.

Some resources are renewable and can be recycled for the use of man to raise his standard of living and the quality of his life.

Some animals, in fact, can be bred for harvest and the most desirable characteristics of the species preserved and enhanced. Shellfish and fish such as trout and bass are easily reproduced under artificial, controlled environmental conditions for the replenishment of man's food supply.

Many questions can be answered if the different mammals remain in a stable population, enabled to propagate.

Mr. President, it was reported in June of this year to the American Society of Mammalogists that—

> Research programs on life history in general, life habits and behavior, population dynamics, abundance, seasonal distribution, and the effect of environmental pollution and disturbance on marine mammals are less than adequate . . .

Let us buy time with a 5-year moratorium on the commercial exploitation of ocean mammals before we completely and irreparably eliminate them from our evironment.

Funding for research and study of these mammals has been inadequate to complete our understanding of their function and role in the ecosystem.

Weather conditions hamper study of marine mammals, and seriously depleted stocks of mammals lengthen the time needed for honest scientific investigation.

For the sake of environmental protection, Congress should enable the scientist to observe the polar bear before it becomes the trophy of a hunter and the whale before it is processed into cat food.

Whales are being shot, bombed, harpooned, netted, and polluted to extinction by man. Eight species of whales are on our endangered species list and the list threatens to grow before we understand the place of the whale in the ecosystem.

In a November 1970 letter to former Secretary of the Interior Hickel, then Secretary of Commerce Stans said:

> Information available to us indicates that while certain species of whales may be classified as "endangered" the fin, sei, and sperm whales are not among them.
>
> Scientists presented figures to the International Whaling Commission (IWC) meeting in June 1970 which indicate that regulations established through the IWC in both the North Pacific and Antarctic Maintain catches of fin and sei whales at or below the level of maximum sustainable yield.
>
> They should, therefore, check any further decline in the size of fin and sei whale stocks.

I have referred to this important letter to indicate the inherent dangers of authorizing the bureaucracy to issue permits for the taking of scarce animals.

Despite evidence indicating a serious depletion of fin, sei, and sperm whales, Secretary Stans and the Commerce Department did not see a threat to their existence because so many were being caught and killed "at or below the level of maximum sustainable yield."

Shortly after receiving this letter and in a unique conservation gesture for this administration, Secretary Hickel placed eight species of whales including the fin, sei and sperm whales on the endangered species list and forbade import of all whale products into the United States.

As a U.S. delegate to the recent U.N. Environmental Conference in Stockholm, I was pleased by the nearly unanimous support for the U.S. proposal for a 10-year international moratorium on the killing of whales, and I deplore the decision by the International Whaling Commission not to accept this recommendation.

Let us not wait until other mammals are as gravely threatened with extinction as the great whales.

Let us enact a meaningful moratorium on their killing and on importation by American citizens.

Other ocean mammals are also in danger. They might all be placed on an endangered species list 5 or 10 years from now. How long must we wait before we ban the import of products derived from these mammals?

The mammals are killed because they get in the way of commercial fishing operations, motor boat operators, and land developers.

Such is the case of the manatee which inhabits marshland breeding areas and who now number only a thousand.

Although the numbers of porpoises are impossible to estimate, some say between 250,000 and 1,000,000 in each species are killed in U.S. tuna fishing operations alone each year.

With the exception of being a food source for the Japanese, their bodies are of no commercial value to our industrial society except as living cohabitants with man in the ecosystem.

The white-coated harp seal, victim of the gory and brutal Canadian kill, has also been diminishing in population.

According to the Commerce Committee's report on S. 2871, the Canadian Committee on Seals and Sealing concluded that between 1950 and 1970, the stock of harp seals has been cut in half and the trend toward declining population is continuing.

The Canadian Committee on Seals and Sealing, according to the report, has recommended a moratorium on the taking of the harp seal.

Only 100,000 walrus remain and attempts have been made according to the committee report to begin sport hunting of walrus.

And let us pay particular attention to the status of the polar bear.

It has been pointed out that approximately 5,000 to 20,000 polar bear remain in existence and that between 900 and 1,300 are killed annually.

In the United States alone, 300 permits were issued to American sportsmen to kill this beautiful species.

The bears taken in recent years are younger and smaller than those killed in previous times.

The trend is continuing year to year with the age of the bear declining.

It is my understanding that the nature of polar bear populations is self-regulatory as their density increases, their survival chances decrease.

Polar bears have an abundant natural food supply and would, in no way, be threatened with overpopulation by this amendment for a 5-year moratorium on their take.

Continuation of nonresident hunting threatens a dynamically stable population level.

Nonresident hunting of polar bears must be stopped to preserve the breeding stock and prevent possible disequilibria of age levels.

The sea otter is also imperiled.

Southern sea otters face almost insurmountable threats to their health and safety from pollutants and increasing small craft traffic off the coast of California.

Although, according to testimony before the Commerce Committee, the sea otter can improve our marine resources by reducing sea urchin populations, thereby enhancing kelp growth, which in turn supports rockfish nurseries, hundreds are killed each year by abalone fishermen.

The manatee, once a common mammal off our southeastern coast, is jeopardized by land development, pollution, and water craft.

The Congress should supplement the law of the State of Florida by prohibiting their wanton destruction for a least a 5-year period.

It is obvious that our marine mammals are being exterminated faster and in larger numbers than they are reproducing.

Senator HOLLINGS' subcommittee recognizes this hard fact.

The House of Representatives overwhelmingly passed a 5-year moratorium similar to the one being considered here.

That body recognized the plight of marine mammals in our environment.

Thousands of petitioners to the administration, Congress and the State legislatures, backed by highly motivated and reputable environmental protection and conservation organizations most rationally and articulately demand our action now.

Mr. President, America must provide immediate protection for ocean mammals.

They have served the needs of man well for centuries and now they are jeopardized.

Mr. President, S. 2871 as reported out of committee is full of loopholes.

It is contrary to the intent of a moratorium.

Former Secretary of the Interior Udall has said so eloquently:

> The demise of the great whales is virtually at hand, and evidence of the swift diminution of other sea mammals is grimly persuasive.
>
> Granting that more research is needed, the only sane policy is to halt the commercial killing until we know what we are doing.
>
> If we wait until all the facts are in, we will have achieved knowledge at the expense of life.

In the absence of adequate knowledge regarding ocean mammals, we must have the time to learn more.

We must establish our nation as a world leader in conservation and environmental protection.

We must let these precious creatures of the sea flourish once again.

We must pass this amendment.

Mr. HARRIS. Mr. President, will the Senator yield me 10 minutes?

Mr. WILLIAMS. I yield the Senator 10 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. HARRIS. Mr. President, I think this may be the most important amendment. It certainly goes to the heart of the question.

I am very pleased to be one of the cosponsors of this amendment, and I heartily endorse the strong statement in support of the amendment just made by the distinguished Senator from New Jersey.

There has rarely been a question which has so aroused the American people as the issue does which is now posed to us by the pending amendment. Twenty-six Members of the Senate and 100 Congressmen cosponsored the original Harris-Preyer bill which called for the total ban on killing of ocean mammals. In our office alone we have received over 15,000 pieces of mail in favor of such a ban.

With that kind of popular response, I do not believe that the Senate can lightly pass the bill before us without at least a clear, firm, 5-year moratorium on the unnecessary killing, which is what the pending amendment would provide.

The waiver provision that is in the committee bill—that is, allowing the Government to issue waivers to the moratorium—in effect makes it very uncertain whether we will not see the moratorium invalidated the day after the President signs this bill into law, since commercial concerns are going to come in looking for waivers.

I would not have very much of a feeling that we had done our duty on this issue if we simply delegated this issue to the Executive. I think what we must do is tie down the moratorium.

Look at the record of management in this field. Since 1930 blue whales, the largest and most intelligent mammals ever to inhabit the earth other than man, have decreased by a factor of about 99 percent. Finback whales have gone from 400,000 to 100,000. Gray whales are down to 100,000 and the worldwide total of right and bowhead whales is probably between 20 and 250 each. Polar bears are in imminent danger of extinction.

May I say, in regard to the colloquy we had on whether we could hunt polar bears from airplanes, that I think we ought not to hunt polar bears at all. Why should we use airplanes to hunt them? There is some question as to whether they are even being born in this hemisphere. They may be coming from Siberia or other parts of the Soviet Union. Why should we permit hunting of polar bears with all this modern equipment and sights in order to allow killing of the bears for a trophy? That is wrong. We ought to stop it.

The Alaskan fur seal is down to 1.2 million, or substantially below the 1.5 to 1.8 million level the Department of Commerce considers optimum, and only a small percentage of the 5 million seals, many outside experts believe, were inhabiting the coasts of Alaska at the end of World War II.

There is some disagreement about these figures. I take issue with the 1.5 million figure given by the manager of the bill in his opening statement. I believe I can support with the weight of authority, that the present number of seals on the Pribilof Island is around 12 million, not 1.5 million.

The harp seal over the past 25 years has been reduced about 80 percent. Man has limited the walrus down to the point where less than 100,000 are left, although the feeding habits of the walrus cause the Bering Sea to be one of the richest fisheries in the world. The Manatee is in danger of extinction despite a wise State law in Florida.

That is the record of managing, as it is called, these wonderful ocean mammals.

We need the moratorium because we need a breathing space, time to allow our scientists to determine what is really going on. For example, what is the impact of pollution on the sea? Scientists have found that large numbers of aborted California sea lions had two to eight times as much DDT in their organs as those that had not aborted. The jack mackerel fishery in southern California had to be condemned in 1969 because of high DDT levels. Islanders in Alaska have been unable to eat ocean mammals because of DDT and other poisons.

The distinguished Senator from Florida (Mr. CHILES) has pointed out that since 1900 an average of one species per year has become extinct.

I read not long ago a statement which I found to be awesome, and that is that, if a species of animal passes from existence on this earth, we will never see that species again unless there is another new creation of the universe. It is gone forever.

We do not need products of ocean mammals. Uses cover furs of luxury market; meat primarily as food for mink and cats; some food for native populations; products from the sperm whale, now banned in the United States, and the killing done for "sport." Of these uses, only the necessary taking for subsistence by the Native population should be provided for and continued, as this bill does.

The committee report itself concludes that our knowledge of marine mammals is "not nearly great enough for either proper conservation or commercial utilization as we have known it in the past."

Therefore, I think what we need is the kind of strict moratorium provided by the pending amendment, without all the loopholes and waivers which the present bill provides. We need breathing space, a span of time to get more knowledge. Hopefully we will not continue with our record of one species passing out of existence every year as has happened since 1900.

Mr. STEVENS. Mr. President, will the Senator yield me 10 minutes?

Mr. HOLLINGS. I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. Mr. President, amendment No. 1274 would permit the Secretary to exercise the waiver authority under section 103(a)(3)(A), thereby allowing the taking of marine mammals during the moratorium period, only after 5 calendar years have elapsed following enactment, and thereafter only at the end of each subsequent 24-month calendar period. The bill as previously drafted authorizes the Secretary to exercise this waiver of authority acting on the behalf of the best scientific evidence available, and in consultation with the Marine Mammal Commission. The bill requires the Secretary to have due regard to the disposition, abundance, breeding habits, and times and lines of the migratory movements of such marine mammals, and further permits waiver of the ban on taking only where it is compatible with the act. The bill as drafted provides adequate safeguards to assure that any waiver granted will not be detrimental to the marine mammal species involved. I cannot predict when situations justifying the waiver would arise. Therefore, I would oppose the proposed amendment which would curtail the times at which the secretarial waiver could be exercised by providing arbitrary time periods, not reasonably related to the necessity of protecting the marine mammals, during which waivers could be granted.

There are two reasons why a blanket moratorium of any length would have grave and unreconcilable consequences if imposed in this legislation.

First of all, it would defeat the purposes of protecting our valuable marine mammal resources which this body seeks to do. Such a policy would turn back the clock more than 50 years by shackling the arms of science and resource professionals who have struggled to free marine mammals from the bonds of abusive exploitation so prevalent at the turn of the century. It would hinder the restoration of various populations and species to their optimum levels.

This type of moratorium is opposed by most of the conservation organizations in this country concerned with the protection of marine mammals. Time and again the most knowledgeable marine mammal experts in the world have voiced their opposition to this approach and recommended that moratoria be administratively imposed by knowledgeable professionals.

These experts have testified that a legislatively imposed blanket moratorium on the taking of marine mammals would not truly protect them and could, in fact, be detrimental. Broad and all-encompassing statements in support of a blanket legislative moratorium do not stand up to close scrutiny.

In order to make a rational decision on this point we must take a much closer look and see exactly how such a moratorium would effect marine mammals.

SEA OTTERS

The sea otter is already under a complete moratorium against taking in all areas of the United States except at Amchitka Island in Alaska. At Amchitka, there is ample biological evidence of an over-abundance of these animals to the point where the animals themselves are being deleteriously effected and the habitat is being degraded which will cause even further population reductions if the excess animals are not harvested. In California, Oregon, and Washington, State law forbids the taking of any of these animals. State wildlife agencies and conservation groups as well as Federal agencies have been cooperating for several years in restoring this species to its original habitat along the North Pacific coastline.

It should be kept in mind that a management program is an absolute necessity for any species of animal that is in conflict with commercial interests. Sea otters feed on abalone and other items sometimes much in demand by the public and the commercial fishing industry. In the absence of the protection made possible only by management programs, the commercial fishermen will destroy the animals.

BELUGA WHALES

The beluga whale is another marine mammal in this category. A legislative moratorium against taking will not stop commercial fishermen from destroying the animal at every opportunity. Beluga feed on downstream migrating salmon. A specific management program which looks after the interest of both the beluga and the commercial fishermen can reduce this waste.

GREAT WHALES

Any blanket legislative moratorium on the part of the United States would have no effect whatsoever upon the take of the great whales. We already have an administrative moratorium which totally forbids any taking of this group of animals by any U.S. national. This moratorium includes the import of any products from these animals into the United States. It is interesting to note that many of the countries who still take whales lack the preservation interest of certain of our citizens, and the United States will lose considerable power at the bargaining table if it has to enter negotiations with other nations from a previously committed and unscientific position. These countries believe in resource use and while there is expected to be interest in rebuilding populations of the great whale species on an international basis, chances for cooperation will be lessened if the program is advanced on the basis of a total and irrevocable moratorium.

The attitude of other nations regarding oceans resources was vividly portrayed recently as the United States attempted to gain a complete 10-year moratorium on the taking of whale species within the International Whaling Commission. The move was soundly rejected and will be rejected in the future simply because the nations involved depend upon the resources from the oceans, including the great whales, to provide food for their people. The only practical solution to solving the problems of our whale populations is to enter into sensible scientific management programs whereby whale populations can be restored to optimum levels.

Ambassador Donald L. McKernan, Special Assistant to the Secretary of State for Fish and Wildlife, told the Senate subcommittee hearing that a "moratorium would reduce the Department of State's effectiveness in negotiating international programs." This, of course, would apply equally with respect to all marine mammals, not solely whales.

SEALS

The fur seal, of course, is exempt within this bill and is protected and managed under international treaty. Under scientific management the number of these animals have increased dramatically and are extending their range to the Northern Pacific from which they have been absent for more than 60 years. Other seals in this country including the ribbon, ringed, bearded, and harvest seals, all either have stable populations or are increasing. There is limited taking of these species by natives and for such limited commercial purposes as native arts and crafts. These animals are protected in Alaskan waters under the laws and regulations of the State. The Hawaiian Monk Seal, regarded as endangered, already has most of its habitat protected within the Hawaiian Islands National Wildlife Refuge. The taking of this animal is not permitted. In fact, the protection is extended to the point where visitors are not allowed to intrude upon the habitat to view the animal.

SEA LIONS

The California sea lion is protected by law in California, Oregon, and Washington. Recent evidence shows that their numbers are increasing steadily. In California limited taking of this species is allowed to prevent conflict with commercial fishermen in certain areas. Limited taking is also allowed in Alaska but is regulated on a day-to-day basis. These animals are totally protected in Oregon and Washington. The Steller sea lion is totally protected in all the States.

WALRUS

Walrus populations in the United States are slowly increasing. There is no commercial harvest of these animals and taking by native peoples is dwindling.

POLAR BEAR

The number of polar bears have not declined as many reports have indicated. There are problems with this species in that illegal hunting in violation of State law has lowered the average age of the polar bear. There are more younger and fewer older animals. The State of Alaska, however, is now processing regulations to help remedy this situation. The ultimate solution of course is to provide adequate personnel to enforce the law.

MANATEES

Manatees are and have been for many years completely protected under the laws of the State of Florida.

The scientific community urges Congress not to impose a blanket, legislative moratorium on the taking of marine mammals. It does not believe that Congress should put itself in the position of biological managers. The management of any living species is a highly technical undertaking. The scientific community urges Congress to give the Secretary adequate authority to impose—and lift—moratoria on a selective basis. In this way, total protection can be provided to a species or a population unit of that species, whenever it may be necessary.

Section 103(a)(3)(A) adopts the approach of the Migratory Bird Treaty Act of 1918. Subject to the purposes and policies set forth in the Marine Mammal Protection Act, however, the Secretary would be authorized to permit limited taxing. Although a moratorium would be in force, exceptions could be made based upon scientific evidence and recommendations from qualified resource professionals. The use of moratoria would continue to be used as a tool to benefit marine mammals instead of to ignore them.

This management system has worked well with migratory birds. Its adaptation to marine mammals also could provide the administrative leeway necessary to protect and enhance the public values of that important resource.

I would like to insert in the Record a portion of the statement of Dr. G. Carleton Ray, one of this country's foremost marine mammal experts, and Program Director of the Marine Mammal Council, at the hearing held by the House committee in September 1971. Dr. Ray was accompanied by Mr. William E. Schevill, long associated with Harvard University and the Woods Hole Oceanographic Institution, and Dr. Kenneth S. Norris, professor at the University of California and chief scientist, Marine Mammal Division of the Oceanic Institute of Hawaii. The Marine Mammal Council directs the U.S. international biological program's marine mammal program. It is financed through the National Science Foundation and is officed at the National Museum of Natural History in Washington.

In addition, the acceptance of a blanket moratorium instead of a more practical and flexible administrative moratorium, would be a direct and devastating invasion into the welfare of many citizens of Alaska. There are many people in our State who are solely dependent upon our abundant marine mammal resouces as their sole source of subsistence. Most of these people are Alaska Natives whose interests have been given special consideration in preparing this legislation. There are many others, however, who are not natives by strict definition, who also depend completely upon marine mammals for their livelihood. The welfare of these people is infringed upon by the practical and proven moratorium concept embodied in S. 2871, as reported by the committee. If, however, a blanket legislative moratorium were to be installed, these people would be without any means at all to survive in the traditional way to which they have become accustomed. They would be utterly without redress, and the animals themselves would, in many cases, overpopulate and starve themselves to death.

Mr. President, I oppose amendment No. 1274, and I do so on the basis of information that has been provided to us by highly respected conservation organizations throughout the country. The Senator from South Carolina and I have worked with a great many of these. The concepts that are involved in the bill before us represent the ideas of these highly respected conservation organizations. If any Senator so desires, we will be happy to put a list of them in the Record. But the basic problem with the amendment that is before us is that it provides a moratorium that is unrealistic.

To me the answer to the approach in this amendment is contained in a statement by Dr. G. Carlton Ray, one of this country's foremost marine mammal experts, and Program Director of the Marine Mammal Council of the Smithsonian, at the hearing held by the House committee in September 1971.

I ask unanimous consent that that statement be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

MARINE MAMMALS HEARINGS

Dr. G. Carleton Ray, Program Director, Marine Mammal Council, on subject of legislative moratorium on taking (page 401).

"The marine mammals are the Cetacea (whales, dolphins, and porpoises), the Pinnipedia (seals, sea lions, and walruses), the Sirenia (dugongs and manatees), the sea otter (a member of the weasel family, Mustelidae), and the polar bear (which is considered a marine mammal only because of its sea-ice habitat, not because of any anatomical adaptation to live in the sea). This is a diverse group, for which no sweeping statements can be made in terms of abundance, habits, or conservation. Together, they represent perhaps the least-known of the large mammals. As they represent several hundred thousand tons annual production, they assume vital resource importance. It is not true that most are in danger of extinction; two marine mammals have become extinct at the hand of man, some are now, seriously depleted, and some are in good condition. Many are already protected by international treaty, to the limits of the power of international law. Notably excepted are the small Cetacea. One, the fur seal of the North Pacific, is being managed in exemplary fashion; in fact, the treaty covering the fur seal represents exactly what is needed in international law of the high seas, namely, limitation of entry into a "fishery." A total moratorium on the take of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future."

Mr. STEVENS. Mr. President, let us not kid ourselves. This amendment is a total moratorium. It would not provide for the management that is necessary in circumstances where it is required to protect the mammals if there is to be a controlled harvest.

The Senator from South Carolina and I wrote a letter to the Star in response to a very derogatory article, which I ask unanimous consent be printed in the Record.

There being no objection, the letter ordered to be printed in the Record, as follows:

Editor,
The Evening Star and Daily News.

Dear ———: The debate over the Marine Mammal Protection Act of 1972 is underway in the Senate. We earnestly hope that our colleagues will consider this issue rationally and on its merits, not on the basis of the falsehoods, innuendoes and half-truths sprinkled so liberally throughout the article by Mr. Lewis Regenstein in the Sunday Star and Daily News of July 16 entitled "Deciding Fate of Sea Animals".

To put the article in proper perspective it is important to look at the credentials of the man who has so harshly criticized the mammal legislation and who has made such broad general statements as "practically all of the remaining species of ocean mammals are seriously depleted and some are threatened with extinction." Mr. Regenstein is the employed representative and publicist of Fund for Animals, a group established in 1967. Part of the creed of this organization is its opposition to hunting in the United States. It has refused to recognize any circumstances under which the killing of wild animals should be permitted. Mr. Regenstein is not a trained wildlife expert, professional biologist, zoologist or mammologist.

The members of the Senate Commerce Committee in extensive hearings, heard many opinions, then decided to follow the advice of trained scientists, wildlife management experts with years of field experience, and representatives of agencies, state and federal, who work year-round with wildlife on a professional basis. The present bill, S. 2871, reflects the very best legislative effort to apply scientific knowledge to this complex and emotional problem.

What are the facts?

1. It is charged by Mr. Regenstein that practically all species of marine mammals are seriously depleted and many face extinction. This is false. The truth, according to Dr. Karl W. Kenyon, Chairman of the Marine Mammal Committee of the American Society of Mammalogists, is that "most marine mammal populations that this proposed legislation would affect are in better condition today than they have been since the turn of the century and perhaps for many years before that when they were more heavily exploited than they are today." Only two species—the Hawaiian Monk Seal and the Florida Manatee—are endangered.

2. Mr. Regenstein charges that sea otters are harvested by the state of Alaska, just as the animals are beginning to make a comeback. The truth is that the sea otter, almost extinct in Alaska at one time, has already made a miraculous recovery under scientific management by the State of Alaska. They are now a totally restored population of Alaska coasts, so much so in fact that in certain parts of the Aleutian Chain, they threaten to overbreed their environment if they are not limited. Additionally, it is against California law for abalone fisherman to shoot sea otters.

3. Contrary to Mr. Regenstein's implication, no whales are harvested by the United States, and products from whales on the endangered species list are banned from the U.S. market. In Japan, the leading whaling nation, whale meat provides 10 percent of the animal protein consumed. Although this country supports the moratorium on whaling, Americans must recognize that many other nations, notably Japan and Russia, do not at this time agree with us, and will be swayed only by scientific evidence, not emotion.

4. Mr. Regenstein states that the Alaska fur seal herd "appears to be in serious trouble." This, too, is false. The herd is healthy and growing. In fact, the wildlife management program on the Pribilof Islands and the international treaty to conserve the fur seal are viewed by scientists throughout the world as the best in existence. The fur seal herd has recovered from a population of about 200,000 in 1911 to one in excess of 1.3 million today. Studies are continuing to determine if the herd can be enlarged within the available food supply and the size of the rookeries.

5. Polar bear populations, contrary to the Regenstein article, and popular opinion, are in good condition and are neither endangered nor depleted. Alaska has adopted tough regulations against illegal hunting from aircraft, and has been vigorously prosecuting violators. The legal hunt does not bring into Alaska "hundreds of thousands of dollars," as alleged. The major problem in curbing illegal polar bear hunting is in obtaining sufficient funds to provide adequate law enforcement. S. 2871 will make additional funds available for this purpose.

6. It is charged that seal herds of the northern hemisphere are depleted and because of this, sealers now look to the Antarctic. With the exception of portions of the Harp seal population and the hooded seal, other northern hemispheric seals are plentiful. These include the ribbon seal, ringed seal, bearded seal and harbor seal, as well as the fur seals.

7. The article inaccurately characterizes S. 2871 as a "killing" bill rather than a "protection" bill. This is grossly inaccurate. The whole concept of the bill is to provide international leadership in the preservation of marine mammals. "Management" is specifically defined in the bill as the collection and application of scientific information to increase and maintain animal populations—not to exploit them for profit or sport. The definition includes, where appropriate, complete protection as well as regulated taking.

8. The bill is not riddled with exemptions, as the article alleges. Under S. 2871 all marine mammals are protected. The exception to the moratorium permits continued operation of the Alaska fur seal management program, since the herd is under intense international scientific protection. The Commerce Department has undertaken a management moratorium program under which all seals on Saint George Island will be scientifically observed, with NO harvest, to determine if the herd will multiply under natural conditions. A second exception grants the U.S. tuna industry two years during which research will be conducted and new regulations adopted to reduce the killing of porpoises.

The bill clearly states that officials shall immediately impose restrictions upon tuna fishermen based upon presently available technology. Additionally, scientists are permitted to capture or take marine mammals for research, and for display in public oceanariums under strict regulation. Finally, the taking of marine mammals is permitted to continue for native Alaskan Indians, Eskimos and Aleuts.

There are many more inaccurate statements made by Mr. Regenstein—but as is always the case, it takes more space to refute an allegation than it does to make one.

The bill does allow states to have stronger laws consistent with federal policy. State expertise in this area is great. Coastal states' departments of fish and game enforce tough laws protecting ocean mammals. They expend a good deal of money and manpower, in many states far more than the federal government could afford to. Divesting the states of responsibility would destroy literally decades of scientific game management and strip from many animal species their major source of protection. The moratorium *may not* be lifted by any bureaucrat, but only through a tedious hearing and review process subject to judicial scrutiny. Hair seal products are effectively banned by language outlawing imports of seals or products made from seals below the age of eight months. No female seals are killed under the Alaska Pribilof fur seal program.

Lobbying on this legislation has indeed been intense, but it has all been highly ethical, above-board and strictly legal. Those seeking to protect their own interests, including the fur industry, have never resorted to false statements about draftors of the legislation in order to sway opinion to their cause. Intense public opinion has been generated. Persuasive arguments have been made by many groups. Moral, political, and logical pressures have naturally formed. But despite pressures the committee members have sought at all times to be fair and to enact legislation which has as its first consideration the conservation of the animals.

Mr. Regenstein also implied there was something sinister in the changes made in a series of staff working drafts. It has always been policy of our subcommittee to release staff working drafts to the public in the spirit of free access to information, rather than keeping them confidential. We believe that this provides the greatest possible input of ideas and is an example of committee operation at its best in our Democratic system.

The taking of marine mammals is not "big business" either in Alaska or in South Carolina. Ninety-five percent of the world's marine mammal products commercially taken are consumed in Japan, Russia, Western Europe and Canada. All money earned by NOAA from the sale of Alaska fur seals after payment to Fouke Fur Co. of Greenville, South Carolina, for processing, is spent on the Pribilof Islands for the benefit of the seal herds and the native Aleuts, who receive health care, housing and jobs.

It is important to recognize that the concept of rational wildlife management with the goal of benefiting animals, as embodied in this legislation, has widespread support from highly-respected conservation organiza-

> tions. Those which support this concept include the Wildlife Management Institute, the Sierra Club, the World Wildlife Fund, the American Humane Association, the Citizens Committee on Natural Resources, International Association of Game, Fish and Conservation Commissioners, the Izaak Walton League of America, North American Wildlife Foundation, Sport Fishing Institute, Wildlife Society, Trout Unlimited, National Wildlife Federation, American Committee for International Wild Life Protection and American Fisheries Society.
>
> Complete protection for all marine mammals, without considering the conditions of the individual species, can actually be highly detrimental to the animals themselves and to their entire marine ecosystems, which is always in delicate balance. A case in point is the pitiful condition of the grey seals of the Farne Islands of England. The animals have been completely protected for several years, and have multiplied to the point where numerous pups and adults are sick or starving to death. The natural habitat of these creatures has its breaking point with tragic results. The National Trust in England has been forced to make the decision, despite the opinion of the "protectionists," that the seal herd must be reduced in size and placed on a management program "if a healthy stock of seals is to be maintained."
>
> So that there is no misunderstanding, we would like to point out that one of the authors of this letter, Senator Stevens, opposed this bill because it does not grant a complete exception to Alaska Natives and because it overrides State laws within the area of State jurisdiction. He asserted in Committee and will on the Senate floor support of the proposition that State fish and game laws should govern State fish and game resources unless there is a determination *on a national basis*, that a particular species is endangered.
>
> We in the Senate recognize that an increasingly urban population in America has lost awareness of much of the reality involved in the killing of animals, either wild or domestic. A trip to a slaughterhouse is not pleasant for anyone. And yet this necessity to harvest animals for food does exist. It has become firm United States policy to protect wild animals, but we must not lose sight of the fact that man already is very much a part of the world ecosystem. The animals of our ecosystem, in fact all of the life of our planet, must be managed wisely to preserve our ecosystem for all generations.
>
> Ernest F. Hollings, U.S. Senator,
> *Chairman, Subcommittee on Oceans and Atmosphere.*
> Ted Stevens, U.S. Senator,
> *Ranking Republican, Subcommittee Oceans and Atmosphere.*

Mr. STEVENS. What we are talking about is a management program under this bill. Dr. Ray stated:

> A total moratorium on the take of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future."

I can only point out to the Senator from Oklahoma that I am sorry that he is, in my opinion, misinformed concerning the status of the Pribilof fur seal.

I have here a book entitled "Animals and Man, Past, Present, and Future," by Richard G. Van Gelder of the American Museum of Natural History——

Mr. HARRIS. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I am happy to yield.

Mr. HARRIS. Will the Senator state how the pending amendment applies to the Pribilof situation? Is it because of the necessity for the Fouke Fur Co. to seek waivers in order to continue importing seal hides from South Africa. Otherwise, how does this amendment apply to the Pribilof situation?

Mr. STEVENS. I understood the Senator from Oklahoma to state the Pribilof situation as an example of the necessity to support this amendment. Certainly that is not is not my opinion, and I would be pleased to inform the Senate of the actual facts concerning the Pribilof fur seal herd, which is managed under the ideal circumstance of an international agreement which, as Mr. Van Gelder pointed out, has used the idea of a maximum sustainable yield from the fur seals with much success.

Mr. GRAVEL. Mr. President, will my colleague permit me to join in the colloquy in response to the questions of the Senator from Oklahoma?

Mr. STEVENS. Let me finish my statement, unless the Senator from Oklahoma wishes to persist in his question. I understood him to use the statement concerning the fur seal herd as the justification for this amendment, and if that is true it is certainly off base.

Mr. HARRIS. Mr. President, I think this is important. It has to do with this whole business.

I ask the Senator if it is not true that the present moratorium amendment does not directly deal with the Pribilof seal kill. Rather, this is dealt with in a separate section of the bill. Or—and this is my question—does it in this regard: I have heard reports, Mr. President, that the Fouke Fur Co. would not be able to stay in business on the basis of the Pribilof kill alone, that it would and did intend to come in immediately and get waivers for South African seals to be imported—assuming the present waiver provision is left in the bill—and that this loophole is very important to the Fouke Fur Company. Is that correct, so far as the Senator knows? Is that why he is arguing the Pribilof matter?

Mr. STEVENS. Mr. President, I have no knowledge of the Fouke Fur Co.

Mr. GRAVEL. Mr. President, I can help the Senator.

That probably would be the case. I do not know the precise areas of the world, but the impact of the moratorium would be that the Fouke Fur Co. could process skins taken from the Pribilof Islands for certain members of the treaty and not for others. It would discriminate against American business, and not against foreign countries, and I cannot understand doing that. If we believe that certain techniques should be honored under the American flag, they should be honored under other flags. But the significance of the amendment also would be to discriminate against the ability of this American company to buy pelts from South Africa, Russia, or any other place. It is a guarantee that they can only receive those pelts if they follow the same rules and regulations that an American concern would use.

A further impact of the moratorium could be to completely stop the harvesting of pelts from the Pribilofs, because since 80 percent of Fouke's business comes from elsewhere than the Pribilofs, they would obviously have to go where their major economic interest would be, which would mean they would have to move to a foreign country. Then they would come into a vise with the Buy American Act, and would not be able to process the pelts. So what we would be doing is taking a legitimate American business, chasing them out of the country, and then they would not be able to do business here again.

That, to my mind, is the problem with imposing a moratorium where we do not understand the total economic impact, much less the environmental impact, because what we are doing is saying "We are stopping everything now, and going to go study something," with the moratorium. The continuing moratorium becomes an immediate obstruction, because we do not know what the effects of it are.

Mr. STEVENS. Mr. President, let me finish with my time; then I am sure the Senator from South Carolina will yield from his.

The statement is made, "We have to stop the needless killing." No one wants ocean mammals killed needlessly. I think all Americans would join the Senator in opposing needless killing. But I wish the Senator from Oklahoma would detail what he is talking about.

Mr. HARRIS. Will the Senator yield?

Mr. STEVENS. I am sure the Senator from Oklahoma has his time. Let me finish my statement here; then I will be happy to yield on the Senator's time.

Mr. HARRIS. I do not have any time. The Senator used my name, and asked me to detail what I mean.

Mr. STEVENS. The Senator has time; I will be happy to let him respond to it. The point is that we have management programs in California, Hawaii, Washington, and Alaska—all of the areas where there are ocean mammals where there is any taking permitted, and it is very limited taking that is permitted in any area. There are management programs that are on a scientific basis. The bill before us now is a bill drafted by the most knowledgeable conservationists in the field, to deal with the question of when a permit should be issued, if any should be issued, during the moratorium period. I think it is one that makes sense, and that the adoption of this amendment would inject upon this concept of scientific management an unworkable program, a totally unworkable program in terms of management of the resource.

If Senators want to abandon these mammals, and just say that man should do nothing more to protect them, just do what happened in the Farallon Islands, so completely neglect them that they destroy themselves, that is another matter. I point out to the Senator from New Jersey that the testimony before our committee was that 40 percent of the

Pribilof seals die of starvation. We have more sea mammals dying today in this country from starvation than have ever been harvested.

Mr. WILLIAMS. Mr. President, will the Senator yield for a question at that point?

Mr. STEVENS. I am happy to yield.

Mr. WILLIAMS. Is it the Senator's understanding that this amendment deals with the Pribilof seal?

Mr. STEVENS. This amendment deals with the total concept of the management of ocean mammals during the moratorium.

Mr. WILLIAMS. It is my understanding of my own amendment that it does not in any way deal with the situation presented by the Pribilof seals. That is a distinct issue, governed or controlled by treaty, and this legislation certainly cannot disturb that treaty. So let us deal with those mammals that it does deal with. It does not involve Pribilof seals.

Mr. STEVENS. What mammals is the Senator talking about, unless he is talking about mammals covered by this act? The Pribilof seals are just one of the mammals covered by this act. They are also covered by an international treaty.

Mr. WILLIAMS. Take the whale. Is the whale covered by a treaty, with equal dignity with the seals?

Mr. STEVENS. No.

Mr. WILLIAMS. That is the kind of mammal we are talking about. Is the sea otter covered by treaty? Are the polar bears? They are not.

Mr. STEVENS. The whale happens to be an endangered species. I think if the seals were in any danger today, they would be listed as an endangered species. As a practical matter, there are no whales involved; they are prohibited from being taken today under the Endangered Species Act. The people who are advocating this bill are talking about what is happening in the foreign country, to prohibit someone from taking whales abroad. When they speak of unnecessary killing, they are not talking about our people.

Mr. WILLIAMS. Unnecessary importing, where the killing is by other nationals.

Mr. STEVENS. If this amendment were limited to that, I would have no objection, but it is not limited to that.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has a generous 17 minutes left.

Mr. HOLLINGS. Let me hold forth for just a few minutes, Mr. President.

Mr. President, the trouble and the confusion stem from the fact that the distinguished Senator from New Jersey put in one amendment and then spoke generally about polar bears dropping dead and about whales and that it is terrible to kill seals. Anything he could think of to throw into the basket, this amendment was supposed to cover. That is No. 1.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. HOLLINGS. No.

Let us get to the point of whether or not the Senator knows better. On July 3, the Marine Mammal Committee, headed by the most distinguished Karl W. Kenyon, chairman of the Marine Mammal Committee, sent to Senator Fred Harris, Senator Harrison Williams, Senator Philip Hart, and myself the report that was submitted at the American Society of Mammalogists, dated June 10, in Seattle. I ask unanimous consent to have it printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Marine Mammal Committee,
Seattle, Wash., July 3, 1972.

Hon. Ernest F. Hollings,
Chairman, Senate Commerce Committee, Washington, D.C.

Dear Senator Hollings: Each year the Standing Committee on Marine Mammals of the American Society of Mammalogists attempts to summarize some of the activities, accomplishments, studies in progress, and degree of exploitation of marine mammal populations, particularly those related to North America. This review, of course, cannot be complete because many projects are scattered geographically in different private and public institutions. Also, members of the Marine Mammal Committee are busy on other tasks, since most are active in marine mammal work, including field work.

I feel, as Chairman of the Marine Mammal Committee, that even though our report is not a complete survey of all current data on marine mammals and work in progress, it might be helpful to your committee in formulating the "Marine Mammal Protection Act of 1972."

The enclosed copy of our ASM Committee report includes recent data on populations of certain species, as well as current legislation and certain propaganda related to it. I am sure I speak for the Committee when I say that we are anxious to see a Marine Mammal Protection Act that will provide for wise conservation practices that are tailored to the specific needs of each species. In order to accomplish this objective many more scientific basic life studies of marine mammals will be required. As mentioned in the report, most marine mammal populations that this proposed legislation would affect are in better condition today than they have been since the turn of the century and perhaps for many years before that when they were more heavily exploited than they are today.

Most marine mammalogists feel that the responsible Federal and State Governments have seriously underfinanced marine mammal studies which would reveal knowledge of each marine mammal species' place in the ecosystem, its life habits, conflicts with man, useful aspects of marine mammals to man, population dynamics, and general population abundance and distribution. Of course, such studies are expensive because professionally trained personnel (biologists, biometricians, pathologists, etc.) are required and boat and aircraft charters are often necessary to reach the remote areas where marine mammals live.

I hope that these remarks and the copy of our 1971–72 Committee report will be useful to you.

Sincerely,

Karl W. Kenyon,
Chairman,
Marine Mammal Committee.

Standing Committee, Marine Mammals
1971–72

(Submitted to the 52d annual meeting of the American Society of Mammalogists at Tampa, Fla., June 18–22, 1972)

INTRODUCTION

The past year was one of continued increase in public concern for marine mammals. As a result of widely published advertisements, by the Friends of Animals, Inc. and its "Legislative Arm," the Committee for Humane Legislation, Inc. and others, the U.S. Congress was and continues to be deluged with letters requesting the complete protection of all ocean mammals.

In 1971 a number of bills were placed before the Congress. Serial No. 92–10, "Hearings before the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries," House of Representatives (Sept. 1971) lists 36 marine mammal bills and consists of 584 pages.

On 13 March 1972, H.R. 10420 "An act to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes" was passed by the House of Representatives and referred to the Senate Committee on Commerce. Senate hearings were held in mid-May in Alaska where certain provisions of the bill, it was feared, would inflict severe hardship on certain native people. Many Eskimos and Aleuts are in a number of ways dependent on marine mammal products. It also appeared that under the "harassment" provision it would no longer be possible to use recorded killer whale sounds to inhibit the beluga or white whale from entering rivers to feed on young salmon migrating downstream. The bill is still (31 May) in the process of revision.

It is hoped that this bill will provide funding and other provisions for studies of marine mammals that should have been undertaken years ago.

In view of the increased interest in marine mammals and in the hope that research in this field may expand, the National Oceanographic and Atmospheric Administration (NOAA)—having primary federal responsibility for the majority of marine mammals in waters of concern to the U.S.—has formed a Marine Mammal Committee to study contemporary needs.

At the state level interest in marine mammals prompted the California Legislature to pass Assembly Bill No. 1162, which among other things provides: "Sec. 4. Section 653q is added to the Penal Code, to read: 653q. It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state the dead body, or any part or product thereof, of any seal." The bill does provide, however, "that any fisherman while engaged in fishing from a boat at sea may take any seal which is damaging his nets, tackle, or fish," and that "the department may reduce the sea lion herds by humane methods whenever such a course is deemed advisable."

Further legislation is pending in California that would prohibit the importation or sale of the parts of or products made from a number of marine species including porpoises and dolphins.

Statements, some of them of questionable veracity, such as the following have prompted this public attention: "Year round, the killing of seals, polar bears, whales, walruses and porpoises never ends. The brutality and needless slaughter must be stopped now. This spring may be the last chance. . . . Let us demand that it [the Congress] stop the slaughter of ocean mammals. If you are outraged by this brutality—if you are willing to join now in a fight that can be won within a few weeks in the Congress of the United States. . . ." "All ocean mammals need your help now. This spring may be their last hope," quoted from "Their last spring," an advertisement in the Washington Post, April 16, 1972, paid for by "Committee for Humane Legislation, Inc."

Paradoxically the majority of marine mammal populations that would be affected by the proposed U.S. legislation are in better condition today than they have been for at least 70 years, and those that face problems may not be helped by purely protective legislation. We hope that some sound legislation providing for in-depth studies and conservation may eventually emerge.

Those of us working with marine mammals have felt the effect of increased public interest in these mammals in the form of requests from school children, university students, writers, and legislators for "additional information." These requests have made us realize more than before that our research programs on life history in general, life habits and behavior, population dynamics, abundance, seasonal distribution, and the effect of environmental pollution and disturbance on marine mammals are far less than adequate at the present level of funding.

Although we know of no interest on the part of any U.S. national to go sealing in waters surrounding Antarctica, officials and biologists of the United States have been cooperating with those of other interested nations in formulating a proposed international agreement for the conservation of Antarctic seal stocks. The Antarctic Treaty protects wildlife on the Antarctic continent but there is no protective or conservation agreement to prevent unregulated sealing in the waters surrounding the Antarctic continent.

Some protectionists and conservationists have misunderstood the motives of the U.S. scientists in wishing to participate in an international agreement for regulating sealing in Antarctic waters and oppose U.S. participation in it. Our motive in participating is to encourage the preservation of seal stocks *if* other nations do go sealing. We have prepared a resolution on this subject.

Intensive studies of the biology, abundance, and distribution of Antarctic seals continue under the direction of Drs. A. W. Erickson (University of Idaho) and Don Siniff (University of Minnesota).

The effect of sonic boom (from supersonic flight) on all forms of life is being investigated by several governmental agencies. On San Miguel Island, Calif., we noted last August that nursing California sea lions and northern fur seals were disturbed and some stampeded by sonic booms. At other seasons these animals appeared relatively undisturbed by the booms. More observations should be gathered of the effect of sonic boom on breeding wildlife colonies on remote island rookeries where these booms are most likely to occur. Supersonic flight generally does not occur over populated areas.

An extensive long-term survey of the marine mammals, birds, and other life of the Aleutian Islands National Wildlife Refuge is being conducted by the Refuges Division of the Bureau of Sport Fisheries and Wildlife under the direction of Palmer Secora. Dory transportation, with attendant difficulties, was used during the past summer study period. This year the *Aleutian Tern*, a 65-foot metal-hulled, ex-army utility craft, purchased by the Bureau, will support the several scientists making wildlife inventories and other studies.

On 22 March 1972, a sculpture of a family group of California sea lions was dedicated to the memory of Richard S. Peterson (1937–1969) in the Natural Sciences Courtyard, University of California at Santa Cruz. Dick, a former Marine Mammal Committee member, will always be missed by those of us who knew him as a fine person of unusual energy, dedication, and brilliance.

This report is not a publication and the information in it is not for publication. Anyone wishing to use information from this report should correspond directly with the indicated source.

STANDING COMMITTEE, MARINE MAMMALS

J. J. Burns—ADF&G, Fairbanks, Alaska.
A. M. Johnson—MMD, Seattle, Wash.
A. W. Mansfield, FRBC, Ste. Anne de Bellevue, P.Q. Can.
E. D. Mitchell, FRBC, Ste. Anne de Bellevue, P.Q. Can.
C. Ray—IBP, Washington, D.C.
D. W. Rice—NMFS, La Jolla, Calif.
A. Roest—CPSC, San Luis Obispo, Calif.
W. E. Schevill—Woods Hole, Mass.
D. E. Sergeant—FRBC, Ste. Anne de Bellevue.
J. S. Vania—ADF&G, Anchorage, Alaska.
K. W. Kenyon (Chairman)—MMD, Seattle, Wash.

"URSUS MARITIMUS" POLAR BEAR

Illegal taking of polar bears [from Seattle Times, 24 May 1972, p. A11].

"Indicted by a federal grand jury in Anchorage were Gene, Chris and Bert Klineburger and the firm they operate at 1507 12th Ave. E. Gene Klineburger and the firm also were charged by a federal grand jury in California.

"The Alaska indictment accuses the brothers and the firm of conspiring to bring to Seattle hides and skulls of polar bears killed on "the ice pack on the high seas adjacent to . . . Point Barrow."

"A search-warrant affidavit, signed by an agent of the Federal Bureau of Fisheries and Wildlife, said Bert Klineburger advised the agent and another agent how to contact a guide who would help them kill polar bears without obtaining a permit required by the State of Alaska.

"Cost of the two-man hunt was $6,500, it said. The scheme involved paying two men who had legally obtained the permits from a total of 300 permits issued by Alaska, the affidavit said.

"Gene Klineburger then used the names of those men to transport and process the hides and skulls, the affidavit charges.

"Also indicted in Alaska were four guides and the two men who turned their permits over to the agents."

Alaska (from Jack Lentfer, ADF&G)

"On Barter Island . . . on the Niguanak River about 12 miles inland . . . I examined the first den I have seen. . . . The estimated Alaska harvest: hunters using aircraft—230, native hunters—40. Polar bear tagging continues: in 1971 Lentfer tagged 106 and J. W. Brooks (BSFW) 60. New regulations in Alaska: "Aircraft may not be used in any manner in taking polar bear. . . ."

"ENHYDRA LUTRIS" SEA OTTER

Alaska

Affect of ice on sea otters.—On Feb. 26th the Arctic ice pack moved ashore along the Bering Sea beach from Nelson Lagoon to Cape Mordvinof on Unimak Island causing all the sea otters in this over one hundred mile stretch to haul up on shore, where they were unable to obtain any food. The southern boundary of the ice pack extended from Unimak Island to the Kamchatka Peninsula on the coast of Russia.

"Hunger or some other instinct caused the otter to start dragging themselves across the low sand island that separates Izembek from the Bering Sea, across the ice of Izembek Bay thence across the Alaska Peninsula toward Cold Bay. Many live otters were captured. All but one were picked up on the ice of Izembek or on the land and lakes separating Izembek from Cold Bay. The animals were then placed in a truck and driven to the open waters of Cold Bay where they were very happy to be released!

"Without exception, the otters were very famished and would eat any type of fish or clams offered them, one ate four pounds of shelled clams and another ate a six pound salmon.

"A total of thirty four live otters were released. Several dead were observed, but most had been mutilated by birds of prey and scavengers such as eagles, raven, magpies and gulls.

"There is no way of estimating the number of otters forced on shore by the ice pack, however, one hundred twenty seven otter trails were counted in a three mile stretch where they had left the Bering Sea beach and headed across Izembek in the general direction of Cold Bay." (Excerpted from: Transporting the sea otters. The Williwa, Reeve Aleutian Airways, Inc. 6(4): 1–2, 1972.) By M. Uttecht.

Ice still covered the area described above when we made an aerial survey in this area on 14 April 1972. Near small open leads, about 20 miles north of Port Moller, on the Alaska Peninsula, we saw 8 active and apparently healthy sea otters. The water is shallow—about 180 feet—in this area, so apparently the otters were finding food.

Karl Schneider is preparing a paper on observations of the effect of ice on sea otters.

AMCHITKA

Post Cannikin blast studies continue to be financed by the AEC. Mr. James A. Estes (Arizona Cooperative Wildlife Research Unit, University of Arizona, Tucson, Az.) who is conducting field studies, writes (letter, 18 May 1972):

"My studies of the sea otter include benthic community interrelationships. To date I have comparative data from Shemya and Amchitka on sea urchin density, distribution, and population age structure. Also, we have information on vegetational communities from these two areas. This summer I wish to obtain additional sea urchin specimens from the two islands for a comparison of food habits, as well as making some biomass determinations on macrophytic algae.

"Last month we successfully completed a study on the sea otters' energy metabolism in cooperation with the Institute of Arctic Biology. The response of sea otters to cold and warm, in water and air was observed by measuring oxygen consumption. I think the sea otters' response to warm water is particularly interesting and important, considering the possibility of their reintroduction to more southern waters.

"I hope to be able to complete some census work on Amchitka during these next few weeks. We will have a helicopter on island and a number of personnel working on the problem. We plan on comparing aerial and shore counting techniques. I will send you any interesting information we obtain."

Harvest

No sea otters were taken for pelts in Alaska in 1971 or 1972. On 9 February 1972, what may have been the last sale of sea otter skins took place at the Seattle Fur Exchange. The State of Alaska put up for sale all pelts remaining in its possession—402. These sold for an average price of about $100 each.

State officials consider that the margin of profit in the sale of pelts is too small to continue this enterprise as a State managed project. There have been suggestions that individuals—other than State biologists who have managed all harvests in recent years—be licensed to take sea otters. No authorization for such a system has, however, been established.

Why has the often termed "most valuable fur in the world" failed to be in demand? Officials of the Seattle Fur Exchange consider that: (1) The fur was not widely enough advertised to create a sufficient demand. (2) The fur has been off the market for so long (60 years) that people don't know what it is. (3) The fur is too heavy for most modern uses. (4) Preservationists have encouraged the myth that the sea otter is still an endangered species. (5) There is a growing feeling among the increasingly urban population, encouraged by many moving pictures humanizing animals and wildlife in particular, that it is wrong to take wild animals for their skins.

Canada

The Alaska Department of Fish and Game has agreed to supply Canada with 60 sea otters in 1972 for transplanting the Checleset Bay near the nothern end of Vancouver Island. In order to keep handling time down as much as possible, the otters will be flown by Hercules from Cordova, Alaska, to Port Hardy on Vancouver Island, and then trans-shipped to large helicopters for the final short leg of the journey. The operation will take place in mid-July.

Oregon

Evidence that the sea otters brought to the Oregon coast in 1970 and 1971 from Amchitka Island, Alaska, are thriving comes from Ronald J. Jameson (Cooperative Wildlife Research Unit, Oregon State University, Corvallis, Ore.). In a letter of 29 February 1972 he says:

"On February 20 I saw 19 sea otters near Cape Arago (Simpson Reef). A week later I was able to count 21 otters in the same location. On both occasions I observed a pup about 1 month old I would guess. This is the first recorded sign of reproduction we have had, and we are quite excited about it."

Jameson is conducting a continuing study of this newly established population.

Transplant

On 24 June 1971, 64 sea otters were brought by direct flight to the Oregon coast from Amchitka Island. Forty were released near Simpson Reef and Cape Arago and 24 at Port Orford. The project was a cooperative venture of the Alaska Department of Fish and Game, AEC, and Oregon Game Commission (Federal Aid Project W–65–D).

Sea otters in captivity

The four sea otters brought to the Tacoma Aquarium in 1965 (adult male) and 1969 (3 females) continue to thrive.

The first young known to be bred and born in captivity were stillborn on 13 January and 29 February 1972. These were the firstborn young to each of the females that were large juveniles when obtained in July of 1969. The pups (a male and a female) were approximately one-half the normal birth weight of 5 lb. and otherwise normal in every respect.

It is not unusual that the firstborn young of marine mammals fail to survive. Mating activity has again been observed, so we hope that living young may be produced this time.

The Vancouver, B.C. Aquarium, under the direction of Dr. Murray Newman, has successfully maintained a young male sea otter that arrived in July 1969 with the three females. The older adult would not tolerate his presence at Tacoma.

A new pool complex specifically designed for a sea otter colony is in final stages of planning at the Vancouver Aquarium.

The New York Aquarium, under the direction of Dr. James Oliver, also is nearing construction of a new pool complex specifically designed for a sea otter colony.

California

A comprehensive observational study of maternal behavior in the sea otter has been made and prepared for publication by Finn E. Sandegren and Ellen W. Chu (University of California, Santa Cruz) and Judson E. Vandevere (The Owings Foundation).

The *Otter Raft*, published bi-annually by Friends of the Sea Otter, Margaret Owings, Editor, Big Sur, California 93920 continues to be the only publication devoted exclusively to the sea otter.

Judson Vandevere is continuing behavioral studies of sea otters in the Monterey area. The problem of heavy metals and pesticides in marine mammals is being investigated at several locations and by several individuals or agencies: Calif. Department of Fish and Game, Hopkins Marine Station, Univ. of Calif. at Santa Cruz, and probably others as well.

Additional, Alaska (from Karl B. Schneider, ADF&G)

In 1971 a total of 79 sea otters were removed from Amchitka during transplant activities and an additional 94 were taken for scientific studies. The number killed by the 6 November 1971 "Cannikin" detonation has been estimated at 1,000 to 1,350 on the basis of pre-test and post-test counts. . . . Two concentrations of transplanted sea otters are established on Chicagof and Yakobi Islands. Approximately 35 percent of the animals in each area were females with pups. . . . A total of 1,919 sea otters have been removed from Amchitka Island through harvests and transplants since 1962. Of these, 1,426 were removed between September 1967 and June 1971 . . . The only observable effects of removing these animals has been a slight reduction in number along six miles of shore where transplant captures have been concentrated.

"ZALOPHUS CALIFORNIANUS" CALIFORNIA SEA LION

Howard Braham is just finishing a report on the *Zalophus* populations on offshore rocks in the San Luis Obispo area. Concentrations in this area are the largest ones between the Channel Islands and the Monterey-Santa Cruz area.

Mr. Robert L. DeLong (NMFS, MMD, Seattle, WA.) is continuing studies of the amounts of various artificial environmental pollutants in the California sea lions of San Miguel Island. He is also conducting a continuing observational study of the mortality of young on that island. As yet there is no explanation why many young are born prematurely prior to the regular pupping season. Although some of these are born alive, they lack normal coordination and do not survive.

"EUMETOPIAS JUBATUS" STELLER SEA LION

Canada

In 1916 the estimated total population was 12,000–13,000 animals. A reliable census was made in 1956 when the total population was 11,000–12,000. In 1961 the numbers, excluding pups, had declined to 4,300 and in 1964 to 3,842.

Summer and winter censuses were made by the Fisheries Research Board in 1971. Counts, excluding pups, were 4,501 in June, 4,386 in December. In June the chief concentrations were found on the breeding grounds of Sartine, Beresford, and Triangle Islands (Scott Islands Group, Vancouver Island) and Cape St. James, Queen Charlottes. The count for the Scott Islands, excluding pups, was 1,647; for Cape St. James 631. By December the total population was widely dispersed along the coast, generally in groups of less than 300.

The entire coast was covered during both these aerial surveys and all rookeries and haul-out areas were photographed. It is apparent that between 1961 and 1971 the sea lion population has remained stable.

Alaska

In 1971, 3,314 sea lion pups were harvested by commercial operators from two rookeries in Game Management Unit 10. Hunters took 2,250 pups at Akutan Island and 1,064 at Ugamak Island. No animals were taken at either Sugarloaf Island or Marmot Island. No adult animals were reported taken for commercial purposes.

The Steller sea lion population in Alaska is probably at the carrying capacity of its habitat. Occasional surveys of various rookeries indicate little change in the general abundance and distribution of the animals.

In 1971, Sugarloaf Island was closed to harvesting to see how the population would respond to the lack of hunter disturbance during the pupping season (the pup estimate dropped from 6,000 in 1964 to 2,000 in 1970). A beach count of pups made on 15 July 1971 showed that the population responded favorably. Pup production had increased to an estimated 3,500–3,800 pups.

"ARCTOCEPHALUS AUSTRALIS" SOUTH AMERICAN FUR SEAL

Mr. Robert L. Brownell writes (letter, 24 April 1972): "I spent one week at Cabo Polonio, Uruguay where 12,875 fur seal were taken by the government organization Servicio Oceanografica y de Pesca, but I did not see any of the killing. I did however collect data on the food habits, and reproduction of 9 *Arctocephalus* taken in the shark gill nets in Punta del Diablo.

"I do not have information on the number of *Arctocephalus* and *Otaria* that will be taken this year in Uruguay, but I will provide you with the 1972 and 1973 numbers in spring 1973."

"CALLORHINUS URSINUS" NORTHERN FUR SEAL

Alaska

The Pribilof Islands research on the population in 1971 continued as in the past. The harvest of males was lower than expected, about 32,000 were taken and based on historic data the kill should have been in excess of 50,000. Several recent year classes have shown low survival through age 2. It is planned to select one or more rookery-hauling ground areas where males will not be harvested. Research will be intensified on these areas. Some very interesting information should develop from this research over a period of years. This will be the first such experiment on the Pribilof Islands.

California

The observational study of the small breeding colony of northern fur seals on San Miguel Island was continued in 1971 by Robert DeLong. Some of the more important observations for the period 1969 through 1971 are shown in table 1. The most interesting observation in 1971 was the increase of females in late August and September; the highest count was 274. Many of these females were young animals with dark whiskers (most or all females age 4 or younger have dark whiskers). Six of these seals, ages 3 to 7 years, had been tagged as pups on the Pribilof Islands. Why such a large increase should occur in one year is an interesting question.

Of 20 fur seals tagged elsewhere as pups and observed on San Miguel Island since 1968, 18 were from the Pribilof Islands (1–J, 1–M, 8–N, 1–O, 1–Q, 2–R 3–T, and 1–U) and 2 from the Commander Islands of the USSR (E 2818 and T 19022).

TABLE 1.—SUMMARY OF SOME OBSERVATIONS OF THE NORTHERN FUR SEAL COLONY ON SAN MIGUEL ISLAND, CALIF., 1969–71

Observation:	1969	1970	1971
1st male	May 16	May 29	May 24.
1st female	May 27	May 28	May 25.
1st birth	June 6	May 28	May 31.
Mean birth date	June 24	June 21	June 26.
Total births	28	33	45.
Total pup deaths	2	14	15.
Total males [1]	12	11	16.
Total females:			
Maximum counted	175	179	274.
Date	Aug. 23	Aug. 23	Sept. 2

[1] Includes 4 each, large adult, smaller but adult, and bachelor-size (about 104–127 cm. in body length, tip of nose to tip of tail) males, in 1969. In 1970, includes 2 large adult, 4 small adult, and 5 bachelor-size males. In 1971, includes 4 large adults 6 small adult, and 6 bachelor-size males. A few additional bachelor-size males may be in the population but not recognized as males.

Canada

Under the terms of the Interim Convention of the North Pacific Fur Seal Commission, Canada carried out further pelagic research in 1971 in the area between latitudes 46° and 49° N, and offshore to longitude 126° W. During the period 6 January to 3 April, 206 seals were collected for examination.

Analysis of tissue samples of 49 aged fur seals showed a marked accumulation of mercury in the liver with increasing age; from an average of 4 ppm at 1 year to 80 ppm at 19 years. There were large individual variations in content, as shown by a 17-year-old which had 151 ppm and an 18-year-old which had 5 ppm. Of the 3 remaining tissues, hair contained the highest level of mercury, average 2.7 ppm; kidney was intermediate, 0.7 ppm; and muscle was the lowest, 0.5 ppm.

Washington—Pelagic Studies

In accordance with the terms of the Interim Convention on Conservation of North Pacific Fur Seals, pelagic research was conducted off the Washington coast from 6 March to 26 May 1972 between the Columbia River and Cape Flattery and offshore as far as the Cobb Seamount (about 280 miles west of Grays Harbor). Two hundred fifty seven seals were collected. In March, seals were plentiful on the continental shelf and slope between the Columbia River and Grays Harbor. The continental slope and shelf were surveyed in April but seals were nowhere abundant. In May, seals were more abundant off shore. On 6 and 7 May, 60 seals were taken near the Cobb Seamount. (From Clifford H. Fiscus, Marine Mammal Division, National Marine Fisheries Service.)

"ODOBENUS ROSMARUS" PACIFIC WALRUS

Aerial Survey

Between 6 and 16 April 1972 the Bureau of Sport Fisheries and Wildlife, in cooperation with the Alaska Department of Fish and Game, undertook a survey of the Bering Sea ice sheet. Areas surveyed included the Bering Strait to the Alaska Peninsula and from the Alaska coast of the Bering Sea to the national boundary of the USSR. The primary objectives were to obtain data on the abundance and distribution of the Pacific walrus and secondarily to obtain similar information on other marine mammals.

A total of 40.9 hours were flown, of which 31.4 were in the survey areas. During the survey walruses were recorded in a 1-mile-wide strip. The total miles (nautical) surveyed was 4,279 (4,920 statute miles). A total of 9,300 walruses were recorded in the survey strip. The preliminary estimates of the total number of walruses based on walruses per square mile in areas of high and low walrus abundance are from about 74,000 (very conservative) to 132,000. Thus, I (KWK) consider that the walrus is certainly abundant and the population probably numbers more than 100,000 animals.

For further information on walrus studies see Appendix 2.

"PHOCA VITULINA" HARBOR SEAL

T. C. Newby (University of Washington, College of Fisheries) is continuing studies of abundance, distribution, and natural history of the harbor seal. Work is being done primarily in Willapa Bay, Grays Harbor, and Puget Sound.

These studies began in 1964 and have revealed three pupping periods for Washington's harbor seals: May—coast; July—North sound, San Juan Islands; August—southern Puget Sound. The most recent (1972) estimated population is 2,100–2,500 for the State. Most concentrations are in the coastal bays.

Currently, D. Arndt (University of Washington, College of Fisheries) is working in cooperation with Newby on studies of heavy metal and pesticide residue levels in the harbor seal. Arndt is comparing the coastal population with those of Puget Sound.

Under the 1971 marine mammal legislation of the State the harbor seal is no longer officially an unprotected predator. The State Department of Game is now responsible for managing the species and the animal may not be taken except under permit.

Alaska

Approximately 6,000 seal pups were killed by commercial hunters on the Alaska Peninsula, Kodiak Island area, and Kenai Peninsula. An additional 2,000 seals were killed in the Prince William Sound and Southeastern Alaska region. Harvest levels and hunting pressure have remained fairly constant since 1969 in the above mentioned areas . . . Observations by Department personnel indicate the seal populations in Southeast Alaska and Prince William Sound are increasing . . . The annual harvest of harbor seals for the past three years has been 8,000–10,000 animals . . . The seal populations in most areas of the state appear to be under harvested . . . Tugidak Island and the Alaska Peninsula should be monitored closely. The current season and bag limits should remain unchanged.

"PUSA HISPIDA" RINGED SEAL

Canada

A program of study in the eastern Canadian arctic has been completed by T. G. Smith and a bulletin on the population dynamics of this species is in preparation. A similar study was begun in 1971 at Holman Island (western Victoria Island) in the western Canadian arctic. In order to determine the movements of young seals in this area, a netting program was carried out at Herschel Island, close to the Alaskan-Canadian border. Altogether 124 live seals were removed from the nets and were branded before being released.

"HALICHOERUS GRYPUS" GRAY SEAL

Canada

Hot-iron branding of newly molted young was continued in 1971. At Sable Island 501 pups were branded with the mark "S1," and in the southern Gulf of St. Lawrence a further 312 pups were branded with the mark "G1." Several interesting recoveries of banded seals were recoded: an "S1" pup was taken from an otter trawl on Brown's Bank (43°32′ N, 65°31′W) on 20 July 1971; another "S1" pup was seen at Nantucket Island (U.S.A.) on 10 March, 4 to 6 weeks after being branded at Sable Island; seal No. 93, branded at Sable Island in 1969, was found drowned in a smelt trap at Ellerslie, Prince Edward Island, in mid-November 1971.

Over 800 specimens of grey seals have now been collected and their analysis is nearing completion.

"In October, Mobil completed a discovery at the western tip of Canada's Sable Island, a 20-mile sandbar in the Atlantic Ocean 175 miles east of Halifax, Nova Scotia" (from Mobil Oil Corporation annual report for 1971, p. 6). With reference to this oil drilling: All appears to be well on Sable Island. The drilling site has been kept meticulously clean and no molestation of seals appears to have occurred. The long-term inhabitants of the island (meteorological staff) have done more obvious damage to the island, though drifting sand has covered a multitude of past sins.

"PAGOPHILUS GROENLANDICUS" HARP SEAL

The harp seal research and management problems are too complex, and the present demands on my time too great, for me to do them justice for our committee's report. Suffice it to say that: "The Gulf of St. Lawrence population of harp seals now receives no hunting except from landsmen, while the herd of harp seals outside Newfoundland continues to receive heavy hunting pressure on the young from ships of both Canada and Norway. The quotas for ships are equal for the two nations and have been reduced stepwise over the two seasons 1971 and 1972 from 200,000 harp seals in all to 120,000 in all. Nearly all these are taken as young. Hood seals are taken only outside Newfoundland.

"Research at the Arctic Biological Station of the Fisheries Research Board of Canada naturally therefore includes population counts and estimates of both herds of harp seals and study of the degree of mixing between them.

"Considerable increase of the Gulf of St. Lawrence herd and decrease of the herd outside Newfoundland in 1972 over 1971 was demonstrated from catch figures and aerial photographic counts. While part of this change may have been due to the changed distribution of hunting effort, a severe spring with heavy ice in 1972 probably brought about a southward shift of seals into the Gulf of St. Lawrence.

"Study on mixing of populations has been aided by an explosive branding device originally devised at Stanford Research Institute. A description is being published in J. Wildl. Mgmt. for July, 1972. This has proved valuable for permanent marking of both adult harp seals and hood seals of all ages. Young harp seals, which remain more numerous on the ice than adults on human approach, are marked by the cheaper heat branding technique. Tagging, although still useful for rapid, massive capture-recapture estimate of the numbers of young, is being applied less for the study of population mixing since all our tags have proved to come off after three years."

"MONACHUS MONACHUS" MEDITERRANEAN MONK SEAL

I recently visited Dr. José A. Valverde, Estacion Biologica de Donana, Consejo Superior de Investigaciones Cientificas, Paraguay 1, Spain. Dr. Valverde with a young colleague is beginning a study of Mediterranean monk seals in the Spanish area, with the eventual aim, if feasible, of restoring the species of depleted areas.

"MONACHUS SCHAUINSLANDI" HAWAIIAN MONK SEAL

While stationed at Midway Atoll for two years ending in late 1971, Lt. Ken Balcomb, USNR, reports that the plight of the monk seal there is improving. Operations of Eastern Island (in years past an important pupping and haul-out area) have been sharply curtailed recently a few visitors from Sand Island (location of the U.S. Naval Station) go there.

Since leaving Midway, Balcomb has received reports from a friend still stationed there that in recent months he has seen seals on Eastern Island. Balcomb never saw any there during his tour of duty when there was considerable human activity on Eastern Island. Thus, it is hoped with a reduction of human disturbance that monk seals may return to this once abandoned breeding island.

In 1971, 3 pups were born and probably weaned on the small sandy islets in the Midway harbor mouth. These are the only young known to be born at Midway for many years. These small island pupping areas were put off limits to all military personnel after the pups were born to give the young seals the maximum opportunity to survive.

Circumstantial evidence indicates that continued disturbance, particularly on the pupping grounds, caused the Midway monk seal population to decline from about 70 animals in 1958 to a rare visiting seal by 1968.

"MIROUNGA ANGUSTIROSTRIS" NORTHERN ELEPHANT SEAL

San Miguel Island, Calif.

A complete count of the breeding population on San Miguel Island was made by Robert DeLong and A. M. Johnson on 26 February 1972. On land at that time were 531 adult males, 207 adult females, 2,392 pups, and 7 yearlings. In addition, 90 dead pups were found. This count would indicate that the total population of this colony, including immature animals and pups, is probably in excess of 8,000 animals.

The San Miguel colony was extirpated in the 19th century when this seal was subjected to unregulated exploitation. Today, a number of other island colonies off Mexico and California have recovered. The figures above are an indication of the remarkable recovery of this species, under a protective policy, from an estimated population of less than 100 animals extant in 1900 to an estimated 30,000 today.

Dr. Victor Morejohn is completing studies on aging of elephant seals, and has uncovered some interesting anatomical data which may help our understanding of the relationships of these pinnipeds. He is also studying aging techniques in sea otter.

WHALING

North Pacific

During the 1971 season, five floating factories (3 Japanese, 2 Soviet) and six shore stations (5 Japanese, 1 United States) operated with a total of 69 catcher boats.

The total catch was 15,603 whales, almost 5,000 fewer than in 1970. The catch by species was as follows (legal limit in parentheses): sperm whale—10,889 (13,551); fin whale—802 (1,308); sei whale—2,993, and Bryde's whale—919 (4,710 for both species).

One unexpected result of the past two seasons' pelagic operations was the taking of fair numbers of Bryde's whales (*Balaenoptera edeni*) far at sea in the western North Pacific, some even north of 40° N. lat. Previously they had been taken only in coastal waters.

At the 1971 meeting of the International Whaling Commission, catch limits of 1,046 fin whales, 3,768 sei whales, and 10,841 sperm whales were set for the 1972 North Pacific whaling season.

Antarctic

Catch statistics for the 1971/72 Antarctic whaling season have not yet been received. The limit was 2,300 blue-whale-units. For information on catches of minke whales, see account of that species in this report.

"ESCHRICHITIUS ROBUSTS" GRAY WHALE

The National Marine Fisheries Service's annual count of the southward-migrating gray whales was conducted from 18 December to 8 February at Yankee Point near Monterey, Calif. During this period 2,740 whales passed the point during daylight hours (0700 to 1700), and an additional 40 whales were seen which had already passed the point by 0700, or had not reached the point at night and whales which were missed by the observers during periods of poor visibility, is estimated to be about 9,000.

This year's count was about 15% less than those of previous 4 years, 1967–68 to 1970–71. The reason for the decrease is not known. Possibilities that require investigation are: (1) increased boat traffic in the Monterey Bay area may be causing a larger proportion of the whales to migrate farther offshore; (2) Eskimos in Siberia and Alaska may be killing more whales; and (3) increased tour-boat traffic in Laguna Ojo de Liebre (Scammon's Lagoon), one of the whale's major Mexican calving grounds, may be reducing the survival rate of calves.

In February 1972, L. Echeverria Alvarez, President of Mexico, declared Laguna Ojo de Liebre a whale refuge. This followed the ASM's resolution of 1971 which urged such action. In the future, vessels will be barred from the lagoon during the gray whale calving season.

Release of yearling captive female gray whale, "Gigi"

I arrived at Sea World, San Diego, Calif., at 0300 on 13 March 1972. At 0330 the 13,000-pound whale was picked up by a crane mounted on a truck by means of a heavy canvas sling. The whale and sling were placed on 2 feet of foam rubber and the truck proceeded with police escort to the NUC on San Diego Bay. At 0540 a seagoing tug with a huge seagoing barge and crane, USNYD159, hoisted the whale from the truck to the barge deck where the whale again was placed on 2 feet of foam rubber sheets. The tug and barge departed for the mouth of San Diego Bay at 0645.

En route to the release at 0915, and 4 miles due west of Point Loma, we saw several groups of three to five gray whales. The whale and sling were lifted over the side and lowered slowly into the water where three men in wet suits assisted the whale and released the sling fastenings on one side so that the whale slid easily from the sling. The whale milled about for a few seconds after being released, then disappeared for approximately 10 minutes. During this period there was considerable apprehension that perhaps the whale had simply sunk. However, it continued to surface at intervals of about 10 minutes and was tracked by Dr. William E. Evans from the vessel "Cape." The radio transmitting package fastened to the whale's back with stainless steel sutures gave the location transmission.

By 16 March the whale was about 600 yards north of the pier at San Clemente, Calif. She was tracked intermittently in various places along the southern California coast until 11 April and evidence was observed that she was feeding (defecation was seen).

When the signal was lost and tracking was discontinued, she was proceeding generally northward and it is presumed that she was following the ancestral migration route toward the Bering Sea.

This is the first baleen whale to be successfully maintained in captivity for a year and released.

"BALAENOPTERA ACUTOROSTRATA" MINKE WHALE

According to Seiji Ohsumi, who is in charge of whale research at the Far Seas Fisheries Research Laboratory, Shimizu, Japan, a Japanese whaling company sent one small factory ship (a modified freezer ship, with a slide slipway) and two catcher boats to the Antarctic during the 1971–72 season for the sole purpose of taking minke whales. During a 90-day period, exactly 3,000 minke whales were killed along the edge of the Antarctic pack ice. This was the first season that minke whales have been taken in significant numbers in the Antarctic. Dr. Ohsumi accompanied the expedition and collected biological material from all of the whales. This material should greatly increase our understanding of the biology and population dynamics of the minke whale. Preliminary estimates provided a year ago by the Scientific Committee of the International Whaling Commission indicated that the population of minke whales in the Antarctic stands at 150,000–200,000, and that its maximum sustainable yield is about 5,000.

During the past few seasons, increasing numbers of minke whales have been taken off Durban, South Africa, where Peter Best of the Division of Sea Fisheries is conducting biological studies on them. Dr. Best is also studying the taxonomic relationship of the Southern Hemisphere stocks (*"bonaerensis"*) to the Northern Hemisphere stocks (*acutorostrata*).

"PONTOPORIA BLAINVILLEI" FRANCISCANA OR LA PLATA DOLPHIN

While conducting studies on the life history and ecology of the Franciscana, *Pontoporia blainvillei*, between December 1970 and August 1971 biological data were collected from 207 dolphins caught in shark gill nets. This year these studies will be continued starting in late June or early July and continue into 1973, at the fishing village of Punta del Diablo, Dept. Rocha, Uruguay. I will also start experimental work on reducing the number of *Pontoporia* accidentally caught in shark gill nets (from Robert L. Brownell, Jr.)

"STENELLA" SPINNER AND SPOTTED DOLPHIN

The killing of large numbers of these dolphins in nets set for yellowfin tuna continues to be a serious problem. The number killed annually is estimated to be about 250,000 (range of estimates 125,000 to 500,000).

The dolphins are reluctant to leave the nets even when the float lines are pulled under water by a process known as "backing down." Biologists of the National Marine Fisheries Service and Naval Undersea Research and Development Center experimented with recorded killer whale sounds in an attempt to drive the dolphins from the nets. Some dolphins left the nets but the method was not found to be quantitatively successful. Also, a tuna boat Captain, Harold Medina, developed a net modification—the insertion of a small mesh strip in the back of the large net to prevent the dolphins' snouts and flippers from becoming entangled. In experiments it is said that this method lowered mortality by 75% (NOAA Week Vol. 3, No. 2, Jan. 14, 1972). The problem, however, is not solved and more research is being planned.

In 1971 five observer trips were made aboard fishing boats by NMFS employees. Their data indicated that 35 percent of netted dolphins died in unmodified nets and with modified nets mortality was reduced to 10 percent of those captured, or about one dolphin per ton of tuna. In 1972 there will be 12 observer trips. Statistical data, to be analyzed by William F. Perrin, NMFS, La Jolla, Calif., will help establish the level of mortality. Because of many variable factors, this is difficult. Behavior studies of the dolphins will be made in an attempt to discover a method of getting them safely out of nets.

"ORCINUS ORCA"—KILLER WHALE

For the 26 July 1971 census of killer whales in the eastern Pacific, the Fisheries Research Board distributed about 16,500 questionnaires to marine organizations and individuals in Canada, another 1,000 in Washington State, and a lesser number in Oregon, California, and Alaska.

On the basis of 538 returned questionnaires, approximately 550 different killer whales were seen on that day between Alaska and California. This estimate was derived by plotting on a map the location of each group of killer whales reported, the number of individuals in each group, the direction of group movement, and the time of sighting. Duplicate sightings of the same group of killer whales were then determined by assuming that each group did not travel faster than 7 knots and that group size did not change markedly during that day. The number of observers, their effort, and the number of killer whales seen in each region were as follows:

Region	Number killer whales	Number observers	Number hours observing
British Columbia	360	[1] 435+13	4,103
Washington	114	70	605
Oregon	0	10	120
California	[2] 13	2	22
Alaska	62	8+	68+
Total	549	538+	4,918+

[1] Observers watched in both British Columbia and Washington.

[2] Observed July 24, 1971.

About 60% of the killer whales were seen in two areas, southeastern Vancouver Island and northeastern Vancouver Island (Johnstone Strait). Whether this distribution reflects a greater number of killer whales in these regions than in others, or the fact that most (65%) of the observers were located here is not known at present. Groups of killer whales were composed mainly of 2–25 individuals.

Another coordinated international census of this species will be planned to take place at about the same time in 1972.

T. C. Newby (University of Washington, Seattle) who has observed killer whale captures in Puget Sound contributed the following: "During the first period of the Washington State Game Department's management control of killer whale captures in State waters (1 August 1971 to 31 March 1972) two capturing operations took place: (1) at Penn Cove, Whidbey Island, Wash. on 25 August 1971, and (2) at Henderson Inlet on 10 March 1972. The following data are available:

Penn Cove—16 captured; 14 outside of nets. Retained for sale 3 young (1 male, 2 female) ca. 13 feet in length.

Henderson Inlet—10 captured; 5 outside of nets. Retained for sale 1 young male, ca. 13 feet in length.

Total netted—26; total seen—45; total retained—4.

"Current status—on 23 May 1972, the State issued permits to Namu Inc. to take four killer whales with the agreement that one whale will be available to the State for research. Studies of physiology, freeze branding and laser marking techniques are planned. The whale is to be kept at the Seattle Marine Aquarium.

"The State has no immediate plans to census killer whale populations or to undertake population dynamics studies.

Captured and captive whales—historical

Total reported capture by Namu Inc. since 1966	192
Total reported retained by Namu Inc. since 1966	33
Total reported died during capture by Namu Inc. since 1966	9
Total reported surviving captives as of 11 May 1972 (3 of the 17 were not taken by Namu Inc.)	17

"Of the 33 whales retained for sale, all but 1 (a 17-foot female) were calves that were accompanied by females when captured.

"I feel that the trappers (Namu Inc.) may be placing undue pressure on the recruitment of the killer whale population in Puget Sound. The size of this population is not definitely known. Also, individual whales are not recognizable by marks and it is possible that all or most of the young are being "harvested" from the same groups each year."

Alan Baldridge is continuing his observations of marine mammals in the Monterey area. There seem to be more sightings of *Orca* this year than in previous years.

"PHYSETER CATODON" SPERM WHALE

The Scientific Committee of the International Whaling Commission held a special meeting on sperm whale stock assessment from 3 to 10 May 1972 at Parksville, Vancouver Island, British Columbia. Fourteen biologists representing seven nations and FAO participated. The committee reviewed mathematical population models, the relevant biological parameters, and the catch and effort statistics. Estimates were then made of past and present population sizes and sustainable yields of sperm whale stocks throughout the Southern Hemisphere.

Assessments of North Pacific stocks had been made previously. Insufficient data are available to assess North Atlantic stocks.

The results of the meeting will be made available at the June 1972 meeting of the International Whaling Commission.

APPENDIX I

International biological program (IBP)

The IBP Marine Mammal Program last month [May 1972] received a follow-on grant from the National Science Foundation for design of a research program in marine mammalogy. The Marine Mammal Council (Dr. G. Carleton Ray, Program Director, and Mrs. Suzanne M. Contos, Program Administrator) is now restructuring the program plan and reworking the research proposal for submission to the Foundation. The proposal, which involves 16 individual research projects and some 30 investigators, will be submitted this fall for possible funding in January 1973.

NSF's initial review of the Marine Mammal Program proposal this spring emphasized the need to tie all research closely to ecosystem goals and to the IBP theme: The biological basis of productivity and human welfare. To serve these goals, projects have been organized and integrated on a regional, ecosystem basis, with Sub-Programs on the Bering Sea, the California Current System, and Central Pacific, and Large Whales. Future sub-programs may be centered in Florida and the South Atlantic.

While the program's primary task has been the development of a national research effort in marine mammalogy, the Council has also been involved in other related activities. During its first year of existence, the Marine Mammal Program, through its 11-member Council, had a major role in the organization and management of the International Conference on the Biology of Whales. The three-day meeting, held in June 1971 near Washington, D.C., involved 34 participants from 10 countries. Major sponsors were the Department of the Interior, the Smithsonian Institution, the New York Zoological Society, and the International Biological Program. The conference resulted in a number of recommendations in the area of cetacean research and management which have been of use to many national and international groups concerned with these mammals. The proceedings and conclusions of this conference will be published this year by the Harvard University Press.

In 1971, the Council also took steps to reconstitute the International Marine Mammal Working Group. Fourteen marine mammalogists from 13 nations, in addition to the United States, have agreed to participate and a Working Group meeting is scheduled for September in Seattle, Washington.

APPENDIX 2

Bering Sea cruise, USCGC Burton Island, February/March 1972

For the second consecutive year, marine mammalogists and oceanographers have participated in a Coast Guard cruise in the Bering Sea to study the relationships between marine mammals and productivity in that ice-covered area. Scientists aboard the icebreaker *Burton Island* during its six-week cruise in February and March were: Dr. G. Carleton Ray and Steven D. Sult, the Johns Hopkins University; Dr. Francis H. Fay, Arctic Health Research Center; and Ted Miller, University of Alaska (all studying walrus behavior and ecology); Dr. Donald Barsdate and Richard Prentki, University of Alaska (studying oceanography and primary productivity); and Sam Stoker, University of Alaska (studying benthic ecology and productivity).

The scientists undertook a study of aspects of the food chain from phytoplankton to the Pacific walrus, *Odobenus rosmarus*, and an examination of the walrus population structure, social behavior, and reproductive biology. To assist in these investigations, the scientists took along an 18-ft.-long research submersible, owned and operated by Perry Oceanographics, Inc. The vehicle was selected primarily for use in a program of intensive benthic sampling and inspection and secondarily for observations of walrus feeding behavior.

Among the more important findings on the cruise was the dense growth of cryophilic algae in and on the underside of the ice and an abundance of planktonic forms in the semi-darkness of the winter sub-ice environment. This remarkably high sub-ice algal productivity, in addition to primary productivity in the water column, is reflected in the abundance of organisms at all higher levels in the food chain, up to and including marine mammals. The Pacific walrus, with a population of about 100,000 in the Bering Sea, is only one of 25 species of pinnipeds and cetaceans which finds this area particularly attractive as a feeding ground.

Some 3,000 walruses were sighted during the cruise, some of them engaged in the annual mating process when not diving to the bottom for food. Their movements, feeding and resting schedules, and the organization and activities of mating groups were studied intently in the few days available for this part of the program. The feeding process itself was not actually observed, but an abundance of broad furrows and pits, apparently made by feeding animals, was sighted on the bottom from the submersible.

The research program carried out during this cruise and to be pursued in the future has as its primary aim the development of a better understanding of the production processes in the Bering Sea related to marine mammals. The walrus food chain will continue to receive emphasis as a "process study." This study will not solely be directed towards production of walrus, but will also be concerned with the effect of walrus "grubbing" in the benthos upon nutrient recycling —which must be considerable. Such ecological information is essential in the preparation of a sound data base for conservative international management of this rich system and its renewable resources. For it is recognized that the marine mammals of the Bering Sea are not self-sustaining and autonomous, but are important parts of a complex web of life.

This research was carried out under the Marine Mammal Program, U.S. International Biological Program, with funding from the National Science Foundation. Support for submersible operations was provided by the National Oceanic and Atmospheric Administration (Dept. of Commerce) and the Office of Naval Research. In addition, individual scientists received support from a number of other sources.

RESOLUTION

Whereas, Laguna Ojo de Liebre (Scammon's Lagoon), Baja California, Mexico, is the major calving ground of the eastern Pacific stock of the gray whale (*Eschrichtius robustus*), which is a unique species of limited distribution with exceptional scientific, esthetic, and potential commercial values; and

Whereas, in the past few years a rapidly increasing number of boats, both commercial and private, have been entering Laguna Ojo de Liebre during the calving season for the purpose of following and watching the gray whales; and

Whereas, it was feared that this repeated disturbance of female whales with newborn calves may increase calf mortality or cause whales to abandon the lagoon; and

Whereas, the American Society of Mammalogists at its 1971 meeting passed a resolution urging the Government of Mexico to ban boats and ships from the lagoon during the whale calving season; and

Whereas, in February 1972, L. Echeverria Alvarez, President of Mexico, declared the lagoon a whale refuge;

Therefore be it resolved, that the American Society of Mammalogists highly commends President Echeverria and the Government of Mexico for their prompt, progressive, and exemplary action in declaring Laguna Ojo de Liebre a whale refuge.

RESOLUTION ON CONSERVATION OF ANTARCTIC SEALS

Whereas, those seals found in waters surrounding Antarctica (which include the South American fur seal (*Arctocephalus australis*), crabeater seal (*Lobodon carcinophagus*), Ross seal (*Ommatophoca rossi*), leopard seal (*Hydrurga leptonyx*), Weddell seal (*Leptonychotes weddeli*), and southern elephant seal (*Mirounga leonina*), inhabit the pack ice in international waters; and

Whereas, these seals are not protected from sealing operations in these waters by the Antarctic Treaty or any other agreement; and

Whereas, these stocks are an important biological resource, probably exceeding in the aggregate of their numbers all other seal stocks in the world; and

Whereas, nationals of Norway have already undertaken experimental sealing operations in Antarctic waters and other nations may in the not too distant future send sealing expeditions there; and

Whereas, the United States is interested in the preservation of marine mammal stocks at healthy and viable population levels; and

Whereas, we have not forgotten the disastrous results of unregulated sealing that

> occurred in the 18th and 19th centuries or the inadequately regulated whaling activities of recent years; and
>
> Whereas, the opportunity is before us to establish an international agreement for the rational conservation of Antarctic seal stocks prior to the commencement of regular Antarctic sealing operations; and
>
> Whereas, it will be more difficult to obtain such an agreement *after* exploitation begins;
>
> Therefore be it resolved, that the American Society of Mammalogists encourages the Congress and other appropriate officials of the United States to negotiate an international agreement which would establish quotas, sealing zones and seasons, and require all sealing expeditions to gather appropriate biological materials and information necessary to the understanding of the population dynamics of the exploited seal stocks; and
>
> Be it further resolved, that certain species (specifically the fur seal, Ross seal, and elephant seal) be given complete protection; and
>
> Be it further resolved, that a committee of scientists be established to study all biological and population information, and that all sealing activities will be regulated in accordance with the findings of the Committee so that no species numbers will at any time be reduced below the maximum sustainable yield.

Mr. HOLLINGS. This is what Mr. Kenyon tells the Senate. This is what he tells that Senator. This is what he tells this Senator, the manager of the bill. We have been through all kinds of scientists and all kinds of advertising agencies and lobbyists. I do not regret lobbyists. They have a valuable contribution to make to the legislative process. When you get to the scientific fact, let somebody refute this national report. He says:

> Paradoxically the majority of marine mammal populations that would be affected by the proposed U.S. legislation are in better condition today than they have been for at least 70 years, and those that face problems may not be helped by purely protective legislation. We hope that some sound legislation providing for in-depth studies and conservation may eventually emerge.

That is why we oppose this amendment.

Let us say that the Williams-Harris amendment was the law of the land. Where would we be? Would we be doing what they intended to do?

Here is a report of the scientists who measured the herd. I refer to the "Grey Seals at the Farne Islands" in England. This was made a part of the record when we made our original remarks.

"Total ban" were the words of the Senator from Oklahoma. This is what they said in the report:

> This mortality has increased at a faster rate than the numbers of calves born, so the percentage mortality on the islands has risen. In 1970 the mortality rate was 21.1 percent.

Then they show pictures, which I cannot reproduce for the RECORD. Under a picture is the caption:

> A starveling calf. This animal weighs about 25 lbs., is at least 3 weeks old and will die in a few days.

How will it die? By a total ban, exactly the amendment proposed by the Senator. Plate 3:

> An injured calf. This animal received its injury as a result of a bite from an adult, probably when seeking for food.

How did it get that way? Why was it chewed upon? It was looking for grass and food, and there was a total ban concept. That is why we oppose this amendment.

Go down the list and see exactly what it shows. Here is Plate 4:

> A starveling calf attempting to suck from another starveling.

They are starving, under total bans. This is proposed by the Senator from New Jersey and the Senator from Oklahoma. We can report exactly what scientists have found:

> Calves which are unsuccessful in finding a cow to suck from may spend hours sucking at other calves or even inanimate objects. An incident of a calf sucking at the empty eye socket of a dead companion has been described from the Farnes.

It shows a picture:

> As starving calves lose condition they become more susceptible to bacterial infection.

They go on to describe the general condition that results from a total ban:

> Evidence has been presented here that increasing numbers of seals at the Farne Islands have resulted in increased mortality rates of the calves and reduced growth rates of surviving young. The development of aggressive behaviour in the seals is also associated with increasing numbers and disturbance. The fragile areas of vegetation present on the tops of the breeding islands, originally harmed by the activities of birds, are being increasingly damaged by the presence of large numbers of seals.
>
> The general picture now presented by the breeding grounds on the Farne Islands at the height of the season is one of squalor.

I am not one to vote for squalor under the idea that whales are dying. This is not an endangered species act. This is the amendment of the Senator from New Jersey.

What we are saying to the American people and the international community of the world is that what we are trying to do is adopt the depletion approach rather than the endangered species approach. When they become depleted beyond the maximum sustainable population, then we say that society ought to step in.

This is the fine language that the Secretary is controlled by, and this is the language they want to knock out. There are amendments at the desk trying to give the States their authority to go forward with their particular programs.

In the State of Florida, where the manatee was on the endangered species list, there is a conservation program, and they are replenishing the manatee. The same is true with the polar bear.

The Senator wants to eliminate the authority by which the Secretary, "on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, is authorized and directed, having due regard to the distribution"—this is exactly what the Senator from Oklahoma and I discussed in colloquy with respect to the previous amendment, to get the Secretary tied down—"movements of such marine mammals to determine when and to what extent the waiver should be adopted." He wants us to have a total ban.

Then he goes on to the importation, the very same concept that the distinguished Senator from Oklahoma and I discussed in the previous amendment. He said:

> What we want to do is get out and extend these good conservation practices to other countries.

So what do we do in the language he would have eliminated in this amendment? I read from page 30, line 15:

> That no marine mammal or no marine mammal product may be imported into the United States unless the Secretary certifies that the program for taking marine mammals in the country of origin is consistent with the provisions and policies of this act.

So we put upon the Secretary the burden to look down in Uruguay and down in South Africa, where we are trying to protect animals and not a company, where we are trying to protect the seals, to extend these practices by this particular act on those two countries.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. CHURCH. I merely rise to ask one question concerning in the Farne Islands, to which the Senator alluded a few minutes ago, as an illustration of the disastrous consequences that can flow from a total ban due to overpopulation.

My question is this: How long did the ban last that produced the overpopulation that he described?

Mr. HOLLINGS. The ban was for 20 years, since 1950, when the herd was on the verge of extinction. But in the last 5 or 6 years they have seen the results of complete overpopulation.

Mr. CHURCH. The only point I wish to make is that I can fully appreciate that a 20-year ban might very well result in an overpopulation of the kind the Senator describes and would not be good management techniques. But I am wondering whether that is a fair example of what would happen if a 5-year moratorium were imposed.

It seems to me that it is highly unlikely that a 5-year moratorium would result in overpopulation of the kind that occurred on these British islands. Therefore, I wonder whether the illustration is really pertinent to the amendment offered, since it is limited to 5 years.

Mr. HOLLINGS. I think the illustration is pertinent and applicable. This is what they discussed and put in the House bill—the 5-year ban. They speak very candidly and say that the 15-year moratorium could be resolved in a permanent moratorium, so long as we have exceptions based on reason and the best of conservation practices. What are the exceptions? One is the Fur Seal Treaty in which I think the Senator from New Jersey is correct in using that argument, but I do not think his amendment relates to the Fur Seal Treaty. Then, too, we have to protect the Aleuts, Eskimos, and Indians, and they are protected. Then we have a third protection, which is scientific research and public display. The tuna exception is 2 years. And then this particular exception which allows the Secretary to waive the moratorium in particular cases and for certain types of importation. This is the one that you are trying to knock out.

Mr. HARRIS. I want to ask the Senator from South Carolina if he agrees with the Senator from Alaska (Mr. GRAVEL) who says that under this amendment, despite the fact that the Pribilofs are in another section of the bill, the proposed amendment, in effect, put the Fouke Fur Co. out of business, because it could not in that event get a waiver as under the committee bill and bring in South African sealskins. Would this mean an end for the sealing by U.S. interests in the Pribilofs? Does he agree that that is the effect of the amendment?

Mr. HOLLINGS. It could be one of the considerations. It certainly is, in my mind, for this reason, that from some of the best information I have been able to obtain, the amount of business on the Pribilof Islands, the North Pacific fur seal vis-a-vis South Atlantic, the fur seals from Uruguay and South Africa are about 40 percent North Pacific and 60 percent Uruguayan or South African. Obviously, this is no waiver for a particular company. The fact is, the Department of Commerce tried during the years 1961 to 1966 to get other companies to come in. They did not have it exclusively, but they have been doing it for 50 years and they do bring better processing. Let us take care of that business and help it over the period, because the facts show in the hearing record that in 2 of the 5 years they only broke just about even. So if they did not have that South Atlantic business to carry them over the top, they would be losing money and would, in turn, lose their business and have to cut back. What they would do, I am not in a position to say with respect to the Pribilof contract, but it could go against them and they would have to cut back and, in turn, that would mean that the Pribilof Aleuts would be living on food stamps after they have been working in business and enjoying a livelihood that they have had for the past 200 years.

Mr. HARRIS. I appreciate the Senator's answer. I find that encouraging insofar as this amendment is concerned. We should stop sealing in the Pribilofs. I believe the Fouke Fur Co. intends to come in immediately for a waiver for Uruguay and the South African seals, in order to stay in business, if the committee bill passes without this amendment providing for a firm 5-year moratorium.

I want to stop the Pribilof sealing. I believe it is a dying industry in any event. I hope that other Senators, concerned as we all are about the fate of the Aleuts, will join me in providing funds to set up additional or alternative methods of employment there which will be more secure, which will not involve so much subsidization of a single company by this Government, and which will end the unnecessary killing of seals.

If we are so interested——

Mr. GRAVEL. Mr. President, will the Senator from Oklahoma yield?

Mr. HARRIS. I do not have the time. If we are as interested in the Aleuts as we say we are—and I certainly am—let us move all processing up to the Pribilofs. Why have it in South Carolina? Let us not just use the Aleuts as pawns. Let us give them all the jobs. Let us give them all the subsidy. Let us give them all the profit—not just one company, Mr. President.

One other point, the Senator from Idaho (Mr. CHURCH) hit the nail on the head that the English case raised here is not pertinent. That involved a 20-year moratorium. We do not know a lot of things about the circumstances. We are talking about a 5-year moratorium. I am reminded by various arguments against the moratorium of the testimony by Cleveland Amory before the Subcommittee on Fisheries and Wildlife Conservation in the House of Representatives. He said:

> Mr. Chairman, we ask of our Government in this matter, as so many people are asking in so many other matters, that it be not on the side of the angles, but on the side of the angels. The Government has two arguments. It says it has to kill seals because of a treaty. That is one argument. The other is that it has to kill seals because it is good conservation.
>
> Mr. Chairman, I am always suspicious of someone who has two arguments. If one of the arguments was really good, why would two be necessary? Not long ago I asked an official in the Bureau of Commercial Fisheries if the seal killing would go on for conservation reasons if there were no end product involved. He looked shocked. "Why no," he said, "not if nobody makes a profit."

Mr. GRAVEL. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield 4 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 4 minutes.

Mr. GRAVEL. First off, regarding the 5-year and the 20-year situation, we could destroy the Pribilof Islands in 5 years as easily as in 20 years. Here we would be legislating prospectively without the facts. We are saying that this is wrong. We are appropriating money to go study it. So now let us go study it. We do not know exactly what will happen in 5 years. To do otherwise is unwise on our part and an unsophisticated approach.

With respect to my colleague from New Jersey, I want to say that apparently he misunderstood it. He did not recognize what would be the impact on the Fouke Fur Co. and the Pribilof islanders. That is precisely what would happen, because of the economic considerations that are involved, and with which the Senator from South Carolina has agreed.

I cannot understand my colleague from Oklahoma taking the position that he wants to stop all killing. I can only ask, does my colleague dispute the fact that, as I said a moment ago, the population at the turn of the century was around 100,000 and now it is over 1 million, under the harvesting practices we have developed? We have increased the herd population. What really is the purpose of the moratorium? Is it to understand what we are doing? Is it to effect intelligent management? Or is it willy-nilly solely to cry out and say that this is wrong?

Of course, in the same sense it is also wrong to kill cows and chickens.

Mr. HARRIS. The figures are given by Mr. Pollock, the man who should know, because he is head of the division of the Department of Commerce with responsibility for the Pribilofs. In response to detailed questioning on that subject from the distinguished Senator from South Carolina, he said that the size of the herd on the Pribilofs was not yet at the optimum figure of 1.5 to 1.8 million.

Mr. GRAVEL. What we are saying is that intelligent management is needed on this resource. We have not come up to the optimum yet; but before we came on the scene, there were 100,000 in existence and now the Senator is telling me that we have only 1,250,000. It should be 1,800,000, so that we have not succeeded enough. Is that logic? Would the Senator wipe out this management and go back to the 100,000 figure, crying out and saying, "Why does not something intelligent happen?" Because we do not have a 100,000 herd? I do not understand that logic.

Mr. HARRIS. To reply, if I may, we do not want to go back to the 100,000. We would go back to the optimum.

Mr. GRAVEL. How would we get to the optimum? What my colleague is saying is that the ideal is 1.8 million. We are already 1.25 million, with good management. With no management, there are 100,000. Would the Senator tell me how he is going to go from 1.25 to 1.8 million?

Mr. HARRIS. Stop the killing is what will do it.

Mr. GRAVEL. The killing will not do it. I do not see how my colleague can quarrel with the facts as presented. We had 100,000. We started good management at that point in time, and now we have 1,250,000.

Mr. HARRIS. Mr. President, did the Senator hear of the phrase "kill for peace"? That sounds like what the Senator is advocating here.

Mr. GRAVEL. No. We all are aware that they can be killed through starvation.

The PRESIDING OFFICER (Mr. CHILES). The Senator's time has expired.

Mr. GRAVEL. Mr. President, would the Senator from New Jersey yield me 2 or 3 minutes? I would like to make some other points.

Mr. WILLIAMS. Mr. President, let us find out what the time situation is. I am not getting enlightened here. And this is on my time.

Mr. GRAVEL. Mr. President, there may be a few other points I might have that may help to enlighten the Senator.

The PRESIDING OFFICER. Six minutes remain to the Senator from New Jersey. The Senator from South Carolina has 3 minutes remaining.

Mr. WILLIAMS. Mr. President, I yield 2 minutes to the Senator from Alaska if the Senator from South Carolina will yield 1.

Mr. HOLLINGS. Mr. President, I yield the Senator 1 minute. That will give him 3 additional minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 3 additional minutes.

Mr. GRAVEL. Mr. President, I thank the Senators.

I cannot understand the logic of my colleagues, who I deeply respect. It is unfortunate. The Senators are saying that they do not understand it and that they need to study it before we acquire knowledge that something might be wrong, and others say that we should stop everything. That is not logic. What the pending amendment would provide is that even if the Director finds that some interest could be served by better wisdom, he cannot do it because of our ignorance in passing a moratorium. It might require 4 years to gain that knowledge. So, it cannot be put into effect

It makes no sense at all to me that there may be cop-out to certain interests. That is the issue in this and we have to recognize it. Like it or not, we have an executive system to administer laws we pass. And we can only legislate from the knowledge we have.

In this case we can set up the provision for a study and lay the parameters and guidelines and let the executive function within them.

The Senators say that we should have a 5-year moratorium. We are subject to political pressures and regardless of the amount of knowledge, if there is knowledge developed that could help, it would be too late and would be harmful.

I do not understand the legislation that would punish human beings. We have stood together on the floor and have promoted programs to help people survive. The people are the ones who would be the most punished by this moratorium.

I could understand it if the Senator were specific and said that we should go after whales or something else. We could do that and do it intelligently. But we should not pick out people who can barely eke out an existence in the harshest climate that human nature has brought on mankind.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS. Mr. President, it seems to me that a great deal of time has been spent and, I think, wasted, on the discussion of the situation as it regards seals. It seems to me that we are well governed in terms of those mammals. The seals are covered under a treaty. And the Pribilof situation does not affect the seal situation. By this amendment we are dealing with the other mammals.

I will say that it has been almost suggested here that we have been living under the policies of intelligent management.

If that is so, this management has brought us up to the point where we know the whale is nearly extinct. We know that the polar bear and other mammals are moving in that direction. Or are we just saying that we should pause. There has not been any mercy killing. It has been needless killing. And that has brought us to the point where we should say, "Let us stop this needless killing and let us acknowledge that we do not have all of the answers about the lives and patterns of these mammals. Let them restock during this 5-year period with very limited waivers. Then, with the information we can gather through that period, let us then, with relaxed standards, permit waivers under certain circumstances."

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. HOLLINGS. Mr. President, the distinguished Senator from New Jersey says that this does not affect the seals and he goes into the waiver situation on the endangered species which, as well as we know, is being treated with already.

Then the Senator from Oklahoma whipsaws him and says, "That is what we are trying to get at, the seals." If he can do this with this amendment, as he sees it, it is fine business.

The whole point used in the argument of the Senator from New Jersey is that they are covered by the treaty. If this treaty were abrogated with a total ban, as recommended by the Senator from Oklahoma, they would be back to the killing on the high seas.

The Japanese suspended the treaty in 1941. They said that the seals were eating too many fish. The Japanese are interested in fishing. And it has been estimated that the Pribilof herd consumes as much fish as the Japanese take in the Bering Sea.

On the other hand, when we come to the actual ban, we are coming back to that little ditty, "Keep your eye on the doughnut and not on the hole." The Senator has not helped the seal situation.

If they are not able to catch the seals there, they will probably have to catch them off the coast of South Africa and Uruguay. And that will be done by the Soviet Union and the Japanese and all the rest of the countries around the world. They would like that.

I believe that if a man has two good arguments, he should use the two of them. If he has 10 arguments, like the Ten Commandments, he should use the 10.

I have never heard of the belief that if a man has two good arguments, he should only use one, and that one would be suspicious of the fellow who uses two. I think the fallacy of that argument has been proven on this floor.

Mr. WILLIAMS. Mr. President, in November of last year, I introduced the bill which is now before us, S. 2871, in order to provide an intelligent and workable program of conserving and protecting one of our most valuable natural resources—our ocean mammals.

This bill in its original form did not discriminate between the various species of ocean mammals as to the type or degree of protection which would be afforded. The evidence on record clearly shows that all species of ocean mammals whether they be whales, seals, walrus, sea otter, manatee, polar bear or porpoise, have suffered at man's hands. Unfortunately, the bill as reported by the Senate Commerce Committee is weaker than the one which I originally introduced and fails to provide adequate protection for porpoises and dolphins, which are being decimated—albeit inadvertently—by the hundreds of thousands by the commercial fishing industry.

As amended by the committee, the bill provides that during the 24 calendar months initially following its effective date, the taking of marine mammals incidental to the course of commercial fishing operations shall be permitted—provided that such taking conforms to regulations imposed by the Secretary of Commerce to insure that the industry uses those techniques and equipment which will produce the "lowest feasible fatalities" to marine mammals. It also provides that, subsequent to the initial 24-month period, permits may be issued to the commercial fishing industry to take marine mammals in the course of their operations.

As it now stands, S. 2871 fails to make clear that it is the urgent goal of the United States to reduce to the least possible extent the slaughter of porpoises and dolphins incidental to commercial fishing operations. Instead, it is left for the Secretary of Commerce to determine what is meant by the language "lowest feasible fatalities to marine mammals."

I wish to make clear that I realize there is no way to assure that not one single marine mammal will be killed during commercial fishing operations. However, I also believe that no matter what the odds against a zero mortality rate may be, we must nevertheless make that our primary objective.

Therefore, Senator HARRIS and I, together with 12 of our colleagues, have introduced amendment No. 1276, which is intended to correct this omission. It will do so in three ways:

First, by adding language to section 101 of the bill which will clearly state that the incidental killing or serious injury of marine mammals permitted in the course of commercial fishing operations shall be reduced to insignificant levels approaching a zero mortality and serious injury rate.

Second, it directs the Secretary to request the Committee of Scientific Advisers on Marine Mammals, created by the legislation, to prepare for public dissemination, detailed estimates on the numbers of marine mammals killed or seriously injured under existing technology and under the technology which shall be required subsequent to the 24-month period following enactment.

Third, it directs the Secretary to ban the importation of commercial fish or fish products which have been caught with commercial fishing technology which results in the incidental killing or injury of ocean mammals in excess of U.S. standards. In addition, it specifies that reasonable proof must be furnished from the government of any nation desiring to export fish or fish products to the United States of the effects on ocean mammals of the fishing technology used by such nations for capturing the fish.

As most of us are now aware, fishermen have long depended upon porpoises and dolphins to assist them in locating yellowfin tuna. These marine mammals, a species of whale, feed on the same kind of organisms that tuna eat and are found directly above tuna schools. Since they are air-breathing creatures and swim near the surface of the water, they are of invaluable aid to fishermen. Yet, due to the conversion by American fishing vessels in the last 15 years to purse seine net fishing, these ocean mammals are being decimated by the hundreds of thousands.

The purse seine net is a highly efficient instrument which can capture a hundred or more tons of tuna at once. Unfortunately, porpoises and dolphins are corralled within the net along with the fish, thus posing a very serious threat to the continued existence of these mammals which have long been recognized as being among the most intelligent and highly evolved of all the world's creatures.

The growing problem of porpoise mortality in relation to purse seine technology is discussed in the report of the working groups of the International Conference on the Biology of Whales, dated June 1971.

> Recent developments in the American tuna fishery (have) produced a problem of great economic and biological importance affecting delphinids of the genera Stenella and Delphinus. Tuna fishermen locate schools of tuna by watching for porpoise and sea bird activity. Having sighted a school, they enclose it in a long purse net which not only captures the tuna, but also the cetaceans. There is at present no practical method for effectively separating these delphinids from the tuna. As a result, the setting of one tuna net may result in the death of scores or even hundreds of porpoises.
>
> It has been estimated that in the eastern Pacific alone, as many as 250,000 porpoises are wasted annually as a result of this situation.

The effects of this mortality rate on the total population of porpoises and dolphins cannot be determined since there are no reliable estimates of total population size, and according to Dr. William F. Perrin, Fisheries Biologist, National Marine Fisheries Service, there are no immediate prospects of obtaining any.

Therefore, it is clear that we cannot afford to proceed on the assumption that the population levels of porpoises and dolphins are sufficiently abundant to sustain the continued loss of their numbers at the rate of 200,000 to 400,000 per year indefinitely. We do not know at what rate the populations are being decimated or to what extent. We must not permit the porpoise and dolphin to go the way of the sea otter, the manatee and eight species of whale, which were hunted to the brink of extinction before measures were taken to protect them.

It is imperative that the United States take the initiative in adopting reasonable and effective regulation of the methods used in commercial fishing operations so as to reduce to the least possible extent the number of porpoises and dolphins killed or injured.

The proposed amendment No. 1276 will issue a clear mandate to the Federal Government and the fishing industry to work together in order to accomplish this goal.

Added to the astronomical number of porpoises and dolphins which are being killed each year by American fishermen are those of other nations, such as Mexico, France and Spain, who also use the purse seine net. We have no figures on the numbers of these ocean mammals which are taken by foreign nations, but we must assume that they are as great or greater than those taken by our own fishermen.

In order to provide the impetus for other nations to adopt similar strict standards, amendment No. 1276 calls for a ban on the importation of commercial fish or fish products which have been caught by methods which do not meet the standards set for U.S. citizens. Reasonable proof must be furnished by governments desiring to export such products to the United States that they meet these strict standards.

Opponents of this amendment have stated that it would, if enacted, place an undue hardship on the U.S. fishing industry by imposing regulations which would prevent them from competing with foreign nations; and, as a result, U.S. fishing vessel owners would be forced to transfer to foreign flags and operate beyond the controls imposed. The disadvantages to converting to foreign flag would certainly seem to far outweigh any which could result by the enactment of this legislation. Vessels which convert to foreign flag would not only lose the privilege of landing their fish in the United States, but the vessel seizure protection which they are now afforded under the Fishermen's Protection Act, which provides for Government compensation for vessels seized by foreign countries, would also be lost.

S. 2871 will provide both financial aid and technical assistance to the commercial fishing industry in converting to methods of fishing which cause the least possible harm to ocean mammals, while enabling them to remain competitive with other nations. It authorizes the sum of $1,000,000 for each of the first 2 fiscal years following enactment in order to permit the Administrator of the National Oceanographic and Atmospheric Administration to undertake a program of research and development for devising new and improved methods and gear so as to reduce to the maximum extent possible the killing or injury of porpoises and dolphins. In addition, the Administrator is authorized to guarantee loans made by private lenders for the cost of equipping, altering, modifying or improving commercial fishing vessels in order to comply with the regulations imposed under the act.

The bill also directs the Administrator and the Secretary of State to begin negotiations with the Inter-American Tropical Tuna Commission in order to effect compliance with the regulatory provisions of the act and to request the Commission to make recommendations to all member nations as to the utilization of fishing methods and gear equivalent to those imposed on U.S. citizens. The ban on imports proposed in amendment No. 1276 would make it economically unfeasible for foreign nations not to adopt standards and regulations for their fishermen comparable to those of the United States. The U.S. tuna fleet provides over 40 percent of the tuna annually processed for the U.S. market. Therefore, other nations are sure to follow the lead established by the United States and work toward developing methods of catching fish which are safe for marine mammals if they wish to compete for the U.S. market. I see no problem in enforcing international controls since the vessels of various countries would police each other and report any violations observed.

There are also those who believe that passage of this legislation would restrict present Government-industry research programs which have already made progress toward a solution to the mortality problem. On the contrary, it would complement and intensify present Government-industry research efforts by recognizing the need for such programs and providing sufficient funding to carry them out on an expeditious basis. Dr. William Perrin testified before the Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee earlier this year that the budget for research on technology to solve this serious problem was only $65,000 for fiscal year 1972. This legislation authorizes over 15 times that amount during the first year.

The National Marine Fisheries Service has indicated that about 200,000 porpoises are killed per year in the course of purse seine fishing operations using conventional nets. On the average, about 40 percent of porpoises encircled in conventional purse seine nets are killed.

We are reminded that recent observations by the National Marine Fisheries Service of vessels equipped with the "Medina" escape panels realized an average survival of 93.8 percent. Based on 211 sets made in 1971–72, the indicated rate of mortality of porpoises per ton of tuna was 1.81 percent, a reduction of 53 percent. I am very pleased and heartened by the progress which has been made in the development of net modifications over the past few years which have resulted in a reduction of deaths and injury to porpoises and dolphins. This serves as proof of the progress that can be made if a concentrated effort is made by the fishing industry and the Federal Government to solve this problem. However, it is clear to me that a great deal of research remains to be done. Also, we must keep in mind that there are around 140 U.S. tuna clippers and only about one-third of these vessels are not using the "Medina" net with escape panel.

Mr. August Felando, general manager, American Tunaboat Association, in his testimony before the Subcommittee on Oceans and Atmosphere, stated that under the Tuna Convention Act as amended, the Secretary of Commerce has all the regulatory power that is necessary at the present time to implement recommendations concerning porpoise and tuna fishing. Mr. Felando explains his reason for this view by stating that under regulations imposed pursuant to the Tuna Convention Act, the open season on tuna has been reduced considerably in the regulatory area since 1966 and as a result, less porpoises are being killed. Thus, by having de jure regulation of tuna, we have de facto regulation of porpoises. The fact remains that at least 200,000 porpoises and dolphins are being killed each year by the fishing industry, reduced season or not.

Also, I think it should be pointed out that the Tuna Convention Act does not give the Administrator of NOAA, the Secretary of Commerce or any other Government agency the authority to regulate fishing in relation to porpoises and dolphins. This act applies only to those fish discussed in the Inter-American Tuna Convention and porpoises are not found within the context of the law. The proposed bill, S. 2871, and amendment No. 1276 will not in any way conflict with the regulatory program established under the Tuna Convention Act and in fact are necessary in order to invest the Federal Government with the authority to regulate the fishing industry as it relates to porpoises and dolphins.

Mr. President, it is neither the purpose nor the desire of my colleagues and I in introducing this amendment to deny the use of the purse seine net by the fishing industry or to contribute to the widespread unemployment which is already facing this Nation by forcing the fishing industry out of business. It is, rather, our intention to provide for a viable program under which the Federal Government and the commercial fishing industry can work together in solving the deficiencies in the present purse seine net which cause the death of hundreds of thousands of porpoises and dolphins each year. We believe that this amendment will accomplish this objective while permitting the U.S. fishing industry to remain competitive with other nations.

It is our sincere hope that our colleagues will join us in supporting this much-needed amendment to S. 2871.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from North Carolina (Mr. Jordan), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGovern) would vote "yea".

I further announce that if present and voting; the Senator from Georgia (Mr. Gambrell) would vote "nay".

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Arizona (Mr. Goldwater) and the Senator from New York (Mr. Javits) are necessarily absent.

If present and voting, the Senator from New York (Mr. Javits) and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 36, nays 52, as follows:

[No. 312 Leg.]

YEAS—36

Allen
Allott
Bayh
Boggs
Brooke
Case
Chiles
Church
Cooper
Cranston
Griffin
Harris
Hatfield
Hughes
Humphrey
Kennedy
Mansfield
Mathias
McIntyre
Mondale
Montoya
Muskie
Nelson
Packwood
Proxmire
Ribicoff
Roth
Schweiker
Smith
Sparkman
Spong
Stafford
Stevenson
Symington
Taft
Williams

NAYS—52

Aiken
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
McClellan
Metcalf
Miller
Moss
Pastore
Pearson
Randolph
Saxbe
Scott
Stennis
Stevens
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NOT VOTING—12

Baker
Eagleton
Ellender
Gambrell
Goldwater
Javits
Jordan, N.C.
McGee
McGovern
Mundt
Pell
Percy

So Mr. Williams' amendment was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAVEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILL SIGNED

The enrolled bill (S. 1152) to facilitate the preservation of historic monuments, and for other purposes, was signed today by the Acting President pro tempore (Mr. Allen).

MARINE MAMMAL PROTECTION ACT OF 1972

The Senate continued with the consideration of the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission, and for other purposes.

Mr. HARRIS. Mr. President, I send an amendment to the desk and ask that it may be stated by the clerk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARRIS. Mr. President, I ask unanimous consent that further reading of the amendment be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, offered by Mr. Harris (for himself and Mr. Williams) is as follows:

On page 45, line 13, insert the following new section 106 (a), (b), (c):

VESSEL FINE, CARGO FORFEITURE AND REWARDS

Sec. 106. (a) Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall have its entire cargo or the monetary value thereof subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws, the disposition of such cargo, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to the cargo of any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

(b) Any vessel subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be liable for a civil penalty of not more than $25,000. Such penalty shall be assessed by the Federal district court in the district having jurisdiction over the vessel. Clearance of a vessel against which a penalty has been assessed, from a port of the United States, may be withheld until such penalty is paid, or until a bond or otherwise satisfactory surety is posted. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the federal district court of the United States having jurisdiction over the vessel.

(c) The Secretary is authorized to pay an amount equal to one-half of the fine incurred but not to exceed $2,500 to any person who furnishes information which leads to a conviction for a violation of this Act. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

Mr. HARRIS. Mr. President, I yield myself 5 minutes, if I may have the attention of the distinguished manager of the bill.

I believe that this is an amendment which the distinguished Senator from South Carolina has indicated is acceptable to him and other Senators, and I offer it for myself and the Senator from New Jersey (Mr. Williams).

It is in three parts. The first would be section 109(a) in regard to the forfeiture of vehicles for which the present bill already provides.

Subsection (b) would provide for a fine against a vehicle, a lien on a ship or vessel that was engaged in violation of the law, with a $25,000 penalty.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. HOLLINGS. I think it is forfeiture of the cargo.

Mr. HARRIS. The Senator is correct. I am sorry. I misspoke.

The third provision has to do with the $2,500 fee that would be paid to a person who had helped the Secretary in bringing about a conviction under this act.

I believe we need this amendment to help enforce the provisions of this bill, and I appreciate very much the conversation I had with the distinguished Senator from South Carolina about it. I hope he will accept it.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. HOLLINGS. Is the $2,500 fee discretionary with the Secretary?

Mr. HARRIS. $25,000?

Mr. HOLLINGS. The $2,500 fee.

Mr. HARRIS. It is one-half of the penalty, but not to exceed $2,500, in the discretion of the Secretary.

Mr. HOLLINGS. Mr. President, I have discussed this amendment with my colleague from Alaska.

Does the Senator have an extra copy of the amendment?

Mr. HARRIS. I am trying to get the attention of the page to get a copy to the Senator.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. STEVENS. Do I understand that this amendment would mean that if there is a taking of marine mammals in violation of this act, the vessel and its entire cargo will be forfeited? Is that the intention of the distinguished Senator from Oklahoma?

Mr. HARRIS. I am sorry. I was discussing this with a staff member. Will the Senator restate his question?

Mr. STEVENS. Is it the intention of the Senator from Oklahoma that if there is a taking of a marine mammal, in violation of this act, the entire vessel, its cargo, and catch of fish would all be forfeited? Is that the idea?

Mr. HARRIS. Subsection (a) of this amendment, as the distinguished Senator from South Carolina has said, and as I understand it, relates to the cargo. Subsection (b) provides for a fine of up to $25,000, which can be a lien against the vessel itself.

Mr. GRAVEL. Mr. President, will the Senator yield me some time to respond to this amendment? Will the Senator yield me 5 minutes?

Mr. HARRIS. Mr. President, I yield 5 minutes to the Senator from Alaska.

Mr. GRAVEL. It does this. It permits the seizing of the cargo and vessel even though the person may not be guilty. After he gets to a trial, after the fishing season, and is declared innocent, he is free but he goes broke. That is much too harsh. The penalties in the bill itself are adequate.

That is aspect A. Aspect B is absolutely diabolical.

Mr. HARRIS. Mr. President, if the Senator will yield, subsection (a) is already in the bill. It is in the bill now.

Mr. STEVENS. That is what I am saying. We have not required a seizure of the vessel. The bill provides for the seizure of the cargo.

Mr. HOLLINGS. Section (a) has to do with the cargo only, and that is in the bill now.

Mr. GRAVEL. That is seizing the cargo. Under this amendment, it is seizing the vessel. If a person has only one means of employment, if he has a $30,000 vessel with a $2,000 cargo aboard, under the bill they can seize the cargo, but under the amendment they can seize the whole vessel.

It is like taking a cab driver who is stopped for speeding and not only fining him $25 for speeding, but taking his taxicab away from him, so that he cannot make a living. If, like the owner of the vessel, his living is made in only 30 days out of the year, he goes bankrupt. Moreover, faced with such a possibility, how can he get the financing to go out and do the job in the first place?

The second aspect is really diabolical, because you would be paying people to "rat" on other people. We are now going to pay penalties to people for having ratted on other people. I plead with the Senator, "Don't do that to us Alaskans." This is a diabolical thing to do to people who are on the edge of subsistence. I am sure that my colleague from Oklahoma does not want to do that.

Mr. HARRIS. Mr. President, I yield myself 2 minutes.

Mr. HOLLINGS. Mr. President, if the Senator will yield, I think the Senator from Oklahoma is about to point out the cargo seizure provision. I call the Senator's attention to the fact that he has "authorized and directed" rather than just "authorized." That section reads:

> The Secretary is authorized and directed to pay.

So it is not discretionary, as the Senator pointed out a moment ago, but mandatory.

Mr. HARRIS. Mr. President, if the Senator wants to suggest some other language, it is all right with me, but let me respond on my time to the Senator from Alaska.

If the Senator will turn to page 45 of the bill, section 106, under "Cargo forfeiture," and lay that right beside the amendment which I am offering, and read them word for word, he will find that subsection (a) of my amendment is exactly word for word what is in the bill. It is not a matter of ship or vessel forfeiture, it is cargo forfeiture.

Then what (b) provides is a $25,000 penalty, which can be a lien on the vessel, but not until, of course, it is an enforceable obligation, and that is something the distinguished Senator from South Carolina can agree to.

I thought it ought to be $50,000, but in order to try to get this adopted and be as cooperative as possible, I reduced it to $25,000.

As to subsection (c), whatever change in the wording the Senator from South Carolina suggests, if he will supply that, it is quite acceptable to me. This, by the way, is in line with what we are doing today under the tax laws.

Mr. GRAVEL. Mr. President, will the Senator yield to me?

Mr. HARRIS. I yield.

Mr. GRAVEL. I have compared precisely the Senator's language——

Mr. HARRIS. The Senator must have the wrong amendment. Here is the amendment.

Mr. GRAVEL. Is it 1277?

Mr. HARRIS. Here it is, No; it is not 1277.

Mr. GRAVEL. I apologize.

Mr. HARRIS. Does the Senator from South Carolina have some alternative language he would suggest?

Mr. HOLLINGS. Yes. I yield myself 2 or 3 minutes.

I concur with the analysis of the Senator from Oklahoma that it involves only cargo forfeiture. I do not believe it is a trick, or whatever the expression was. But under subsection (c), will the Senator delete the phrase "and directed," so that it reads "The Secretary is authorized to pay"?

Mr. HARRIS. Yes. Mr. President, I ask unanimous consent that the amendment be modified to that extent: Under subsection (c), that the words "and directed" be deleted from the amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. HARRIS. It is so modified, Mr. President. Do I understand that the Senator from Alaska (Mr. STEVENS) can, then, accept the amendment as so modified?

Mr. HOLLINGS. I am not sure that my colleague from Alaska listened to it, but I would be prepared to accept the amendment as amended.

Mr. STEVENS. As amended?

Mr. HOLLINGS. Yes.

Mr. STEVENS. I concur.

Mr. HOLLINGS. That particular section, as the Senator will see under section 106 on page 45, relates solely to cargo forfeiture. We did not go to the vessel because of the very reasons that the Senator from Alaska has pointed out. To take a $4 million vessel and tie it up, we thought, would be very harsh, and would really mitigate against the enforcement of the law, so we went against the cargo itself, which is the proper way to proceed under maritime law, and the amendment of the Senator from Oklahoma conforms to that language, dealing with the cargo of the vessel involved, but not the forfeiture of the vessel.

Mr. GRAVEL. Mr. President, many of my colleagues are attorneys, and I am not, but I would ask them this question about the point that still troubles me: If I have knowledge of a citizen killing another citizen, and I tell the district attorney about it, does anyone give me a prize for furnishing that vital information? Does anyone get a fee for reporting such a thing?

Mr. HOLLINGS. No; there is no fee for that, but there is a finder's fee in areas where the law is difficult to enforce. Under the income tax law, I get a finder's fee if I report that you have not paid your income tax, or if someone reports that I have not paid mine he gets a fee.

At first I opposed this particular proposition because I did not approve of ratting on a captain. But they tell me that a crewman on one of those vessels makes anywhere between $15,800 and $20,000 a year when he goes out on a particular trip. They are highly paid, talented, and know what they are doing, and they are not, just for an amount of $2,500, going to get mad at a sea captain and turn him in, and lose a $14,000 or $16,000 a year job.

I was concerned that maybe the captain could not manage his crew out there, 4,000 miles from shore, that a fellow might have an argument with him and say, "You do it my way, or when we get back I am going to turn you in, tie up your vessel and cargo, have you haled into court," and that sort of thing. But after having it explained to me by members of the fishing industry that that probably would not occur, particularly with the North Pacific Fleet there, out of Seattle, Wash., where our distinguished chairman hales from, as manager of the bill I would be willing to accept the amendment.

Mr. GRAVEL. Mr. President, on the basis of that, although I still feel very uncomfortable with that principle—when I use the word "ratting" on people, I think that is better terminology for it, whether it is under the income tax or any other area—because of the position the Senator from South Carolina takes, I will bow to his superior wisdom, since he has done such a brilliant job with this legislation.

Mr. WILLIAMS. Mr. President, I rise in support of this amendment which modifies our original amendment No. 1277. This amendment would significantly strengthen the penalties against those who violate the act and would establish a reward of not more than $2,500 to individuals who supply information leading to a conviction for a violation of this act.

These provisions apply only to the unlawful taking of marine mammals and are not applicable in those cases where a permit has been issued or an exception has been granted for a particular class of persons. When S. 2871 was reported by the Senate Commerce Committee, I was deeply concerned that the penalty provisions did not act as a strong enough deterrent to potential violators and that the penalties were insufficient against those who had been found to be in violation of the law. In my judgment, the provisions of this amendment would correct those defects. While I had originally supported an outright vessel forfeiture penalty, I understand the problems which such a provision would cause for those persons who owned commercial fishing boats and I am most agreeable to making these modifications. I think it would be most unwise for the Congress to insert language in this bill which would act to deny financing to those individuals who have contracted for the building of new fishing vessels and would also make it most difficult for these individuals to get insurance on their vessels.

The second provision of this amendment would establish a reward or "finder's fee" to those individuals who assisted the Government in securing a conviction for violation of this law. This language comports with the provisions in the House-passed bill and is vital if we are to insure that the act can be enforced with respect to the illegal taking of marine mammals.

Without this incentive, it will be difficult indeed to apprehend violators. Vessels several miles out to sea will be almost impossible to police and it is likely that the crew of these vessels will be the only source of information available on their activities. It will also encourage private citizens to be more observant of boaters and fishermen, in particular, who often injure or kill marine mammals when they interfere with their activities. We are all aware that the Florida manatee, which is already on the endangered species list, is threatened by motorboat operation, and sea otters are often shot by California fishermen who claim they are competing with them for abalone. And, unfortunately, there are those who kill only for the pleasure of it.

Most people are hesitant to report infractions of the law due to their unwillingness to become involved or because the crime does not appear to them to be severe enough to warrant the inconvenience to which they will be subjected. Therefore, the only way we can assure the type of personal involvement which is necessary in this instance is to provide a monetary reward; to make it worthwhile for a citizen to take the time to report violations to law enforcement officials.

I sincerely hope that my colleagues agree with me as to the importance of this amendment and will join in supporting it.

Mr. HOLLINGS. I thank the Senator. I yield back the remainder of my time.

Mr. HARRIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Chiles). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Oklahoma, as modified.

The amendment, as modified, was agreed to.

Mr. GURNEY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 52, line 14, insert the following: strike out "or (2)" and insert in lieu thereof "(2) nothing in this Act shall prevent a State or local government official or employee, in the course of his duties as such an official or employee from taking a marine mammal in a humane manner when such taking is (a) for the protection or welfare of such mammal or for the protection of the public health and welfare; and (b) does not involve the killing of such mammal, and (c) includes steps designed to assure the return of such mammal to its natural habitat; and (3)"

Mr. GURNEY. Mr. President, as the language of the amendment suggests, this amendment would give State and local officials the power to act quickly in the case of an ocean mammal emergency.

Ever since Moby Dick was immortalized by Herman Melville, Americans have been fascinated by ocean mammals. Their awe at the enormousness of the whale has remained constant, over the years, but recently it has been matched by admiration for the amazing intelligence of the porpoise and the flippant nature of the seal. Television has brought home to the American public, along with the advent of seaquariums and oceanariums, a much greater awareness of these, and other ocean mammals such as the manatee. What, unfortunately, has been overlooked is that the supply of these marine mammals is not inexhaustible. If future generations are going to be able to marvel over these creatures of the sea, then they must be given greater protection than they have enjoyed in the past.

In view of this need, I am submitting an amendment to the Marine Mammal Protection Act of 1972 which would give State and local officials the power to act quickly in case of an ocean mammal emergency. For a beached whale, the time lost getting the necessary permit, as required by this bill in its present form, may well be the difference between extinction and survival. If we are to be most effective in our efforts to preserve these species, we need to incorporate enough flexibility to enable us to rescue mammals in immediate danger as well as to protect those not immediately threatened.

To illustrate what I am talking about here let me give you a few examples. Last year, for instance, the Miami Seaquarium was called upon by the marine patrol of the Florida Department of Natural Resources to rescue a pigmy killer whale that had somehow beached itself in the Florida Keys. As a result of immediate action by seaquarium officials this whale, only the second of its kind to have been sighted in the Atlantic, was rescued, given medical treatment and later released.

Sometimes even the quickest possible action is not quick enough to save all the animals involved. This was true in December 1969 when seaquarium officials were called to Fort Pierce, Fla., to try and save some false killer whales that had beached themselves. The quick response did save some of the whales and blood tests were done on those that died to try and determine why they beached themselves.

Moving away from whales we have the story of the manatee that became stuck in a Miami Beach storm drain. A welder's torch had to be used in the rescue operations that finally freed "Sewer Sam" as the local press nicknamed him. The manatee, which was estimated to have been in the drain 30 days, was taken to the seaquarium, nursed back to health and then given to Jacques Cousteau who, as you may remember, was responsible for that splendid series of informative television specials shown last year.

Similar rescue and research operations are being conducted on a continuing basis at Marineland of the Pacific and at other seaquariums, oceanariums and marinelands around the Nation. However, unless State and local people are able to move quickly in an emergency situation these efforts will be curtailed in the future. This bill, as it is now written, does not provide for such action. My amendment does so provide and I therefore urge my colleagues to include it in the Marine Mammal Protection Act of 1972.

Mr. HOLLINGS. Mr. President, the amendment is merely to provide for emergency situations, as the distinguished Presiding Officer himself (Mr. Chiles) knows. It is a purely innocent amendment. With the concurrence of the distinguished senior Senator from Alaska (Mr. Stevens), I am glad to accept the amendment.

Mr. STEVENS. Mr. President, I am happy to accede to the suggestion of the Senator from South Carolina. I have an amendment which I shall offer to the same section. I think this amendment is a good amendment.

Mr. HOLLINGS. Mr. President, I yield back the remainder of my time.

Mr. GURNEY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Florida (Mr. Gurney).

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I offer the amendment which I send to the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 33, line 5, it is proposed to insert the following: place a colon after "appropriate" and *Provided, however*, that the provisions of this act shall not apply to coastal areas of States where average annual per capita income is below poverty standards established by the Office of Economic Opportunity for that State and the marine mammals to be taken are: (1) not classified as belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969 or (2) are defined as depleted pursuant to Section 3(1) of this Act.

Mr. GRAVEL. Mr. President, I yield myself 5 minutes to explain the purpose of the amendment.

It is a fundamental amendment. It provides that if one lives in such a poor area that he can barely survive, this act will not apply. It merely says that we are placing human beings above mammals. Poor areas are what are involved in most of Alaska. The people who live in such areas are living off a mere subsistence income. We are talking about poverty levels of income in Alaska as determined by OEO. We are talking about a family of four, having an income of $4,250. About half that amount is the amount of income that prevails generally in that area.

We are talking about the guy who goes out and pays $5 to $10 for a box of shells so that he can go hunting, or pays 75 cents for a gallon of gasoline for his outboard motor. That is the cost of living in those areas. The people can barely eke out an existence. That is the kind of area where we are saying that this act shall not apply. I think that is only fair.

The Natives of Alaska or any human being in such a severe area are for ecology, for preservation, for all these things, if they can survive and live themselves.

The basis that I am using for this living standard is certainly not a luxury one. It is the poverty base established by the Government in its calculations. It is something that will be easily enforceable and will not be cumbersome. All it says is that if the area is below the poverty level—the income of these people—they should at least be entitled to go out and do the best they can with what mother nature has provided, provided that the mammals are not on the endangered species list nor being unduly depleted.

Mr. HOLLINGS. I yield myself 5 minutes.

Mr. President, with respect to the thrust of the Senator's amendment, the bill on page 31, 101(d), applies an exception to the Indian, the Aleut, the Eskimo, the Native Alaskan. So what we have done is taken care of the Native Alaskan and particularly the poverty-stricken Native Alaskan.

But the language of the Senator's amendment says:

> Shall not apply to coastal areas of States where the average annual per capita income is below the poverty level.

That is South Carolina and that is Mississippi and that is Georgia. I do not know about rich Florida, but there is Alabama. It takes in about 15 or 20 coastal State areas below the poverty level, and we are dealing with marine mammals. I do not want any poverty-stricken people looking for a polar bear, a sea otter, a walrus, or any of the other marine mammals. If they are poverty stricken, they had better be doing something else. I have the greatest sympathy for those stricken with poverty.

I understand the thrust of the amendment, but this would gut the bill and would give a special standing to those people, which I do not believe would really halt the depletion of marine mammals as intended by the bill, so the committee will have to oppose this amendment.

We have taken care of the Alaskans, and I will credit the distinguished Senator from Alaska (Mr. GRAVEL) as well as his colleague, Senator STEVENS, for their leadership on this score. We had hearings in Alaska, and they attended the hearings.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. PASTORE. Mr. President, I merely want to say this: There has been a great deal of pressure on both sides with respect to this measure, and I think the Senator from South Carolina has done a magnificent job under very tiring and very hard circumstances.

I realize that we want to protect the mammals, and I realize that we want to protect the livelihood of the people who depend entirely upon this kind of fishing. The fact remains that the Senator from South Carolina has been a reasonable man, and he has brought forth a bill that I think makes some sense. We have had a great deal of extremism on one side, a great deal of emotion on one side; we have had a great deal of extremism and emotion on the other side.

I think that if we consider this bill very seriously and read it line for line, we will find that the Senator from South Carolina not only has put his heart into it but also his devotion and commonsense. I think that if we go along with him, we will resolve this problem. I realize that many people feel one way or the other, that we should go to the one extent or the other. That cannot be done when you handle a bill. You try to reach a common ground of commonsense, and I think the Senator from South Carolina has done exactly that.

I hope that we will go along with him in many of the recommendations he has made. I am going to support him on this bill, because I feel that, without any prejudice at all, he has done what he thinks is right, not only for the preservation of the wildlife, the sea life, and the maritime life, but also for the protection of the livelihood of human beings.

Mr. HOLLINGS. I thank the distinguished Senator from Rhode Island. He has been overly generous, but I need it.

Mr. GRAVEL. Mr. President, I should like to echo those statements and associate myself with the remarks of the Senator from Rhode Island with respect to the Senator from South Carolina. There is no one I hold in higher affection in this body. I know the effort that has gone into this matter, and I am grateful for the hearings that were held in Alaska at my colleague's insistence.

But this amendment would not gut the bill, because the language is very specific. It would not apply in the case of the Endangered Species Act, and it would not apply under the depletion section of this bill.

So if there is a severe situation with respect to whales, you will not get poor persons going out and shooting whales and taking them home to eat. This would be so under the law even with this amendment.

Time and time again, I have seen this body legislate great wealth on the part of the Government to help people and provide them with employment. All I am saying is that we should not be capricious in our regulatory activity when we are talking about people who can barely eke out an existence. I do not see how it would gut the bill. I have specifically placed two provisions in there so that it would not gut the bill.

When you have a poor area and you want the people to survive, why stop a person from at least availing himself of that opportunity? We are talking about jobs.

With respect to the natives, the Senator has protected the natives in most cases. But let me show him where he has not. If I am married to a native girl and we have 10 children and we live in Eek, I cannot go out and hunt for her because I am a white man. So my kids will starve, and I will have to beg from my neighbors. I will have to sit by when they come in with their kill and haul my meat back to the hut.

The Natives have been provided for, but I think it is unfortunate that it is racial. If we are going to have an exclusion, let us have one for the people who need it. It should not be a racial exclusion but an economic exclusion. My amendment does not make any racial connotations. If there is poverty in an area, then they are entitled to do certain things. That is not asking too much from the generous heart of this Senate which has time and again come forward with programs of employment and billions of dollars to do something for people.

Mr. HOLLINGS. Mr. President, I wish I could go along but I cannot.

Would my distinguished friend from Alaska agree to a showing of hands on this particular amendment? The hour is late.

Mr. GRAVEL. I have several amendments. I will not introduce any other amendment, but this one is absolutely vital to our position and I would like to have a rollcall vote on it. I will not propose any other amendment.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLINGS. Will the Senator from Alaska yield back his time?

Mr. GRAVEL. I have made my case and I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CHILES). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Alaska (Mr. GRAVEL).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce

that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL), are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 5, nays 81, as follows:

[No. 313 Leg.]

YEAS—5

Bellmon
Gravel
Mansfield
Metcalf
Stevens

NAYS—81

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams

NOT VOTING—14

Baker
Brock
Eagleton
Ellender
Fulbright
Gambrell
Goldwater
Jordan, N.C.
McGee
McGovern
Mundt
Pell
Percy
Young

So Mr. GRAVEL's amendment was rejected.

Mr. HOLLINGS. Mr. President, before we yield to the distinguished Senator from Michigan (Mr. HART), for the information of the Senators present there are three amendments that we hope to accept without debate on a rollcall vote. They will be considered after the amendment of the Senator from Michigan.

The Senator from Michigan and I have pared down our time to 5 or 10 minutes or whatever he wishes. Five minutes to a side would be all right.

There will be a rollcall vote on this amendment. It is then our intent to accept the amendment of the Senator from Florida relative to bringing a particular action where the petitioner resides; the amendment of the Senator from Virginia which would require the hearings to be mandatory rather than permissible on the part of the Secretary of Commerce; and the amendment of the Senator from Alaska relative to State jurisdiction that he pointed out in his remarks. I am willing to accept those amendments and not have a rollcall vote.

Mr. HART. Mr. President, I call up my amendment No. 1302.

The PRESIDING OFFICER (Mr. MCINTYRE). The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment is as follows:

On page 26, beginning with line 14, strike out all through line 23 and insert in lieu thereof the following:

"(10) The term 'Secretary' means the Secretary of the Interior.".

On page 28, between lines 2 and 3, insert the following:

"(16) The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.".

On page 54, beginning with line 24, strike out all through line 2 on page 55 and insert in lieu thereof "shall not exceed $3,000,000.".

On page 55, beginning with line 5, strike out all through line 6 and insert in lieu thereof the following:

"SEC. 111. (a)(1) The Administrator is hereby author-".

On page 55, strike out line 21 and insert in lieu thereof the following:

"(2) The Secretary, after consultation with the Administrator and with the Ma-".

On page 56, line 4, strike out "Administrator" and insert in lieu thereof "Secretary, after consultation with the Administrator,".

On page 56, line 9, strike out "Administrator" and insert in lieu thereof "Secretary, the Administrator,".

On page 56, line 15, strike out "Administrator" and insert in lieu thereof "Secretary the Administrator,".

On page 56, line 23, strike out "Administrator" and insert in lieu thereof "Secretary or the Administrator".

On page 57, line 6, strike out "Administrator" and insert in lieu thereof "Secretary or the Administrator".

On page 57, line 10, strike out "Administrator" and insert in lieu thereof "Secretary or the Administrator".

On page 63, line 24, beginning with the figure "$2,000,000", strike out all through line 9 on page 64 and insert in lieu thereof "$2,700,000 for the fiscal year ending June 30, 1973, and not to exceed $2,525,000 for each of the four next following fiscal years to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.".

On page 64, strike out lines 19 and 20 and insert in lieu thereof "Quality, the Secretary, the Administrator, and".

On page 67, line 20, strike out "of the Interior".

Mr. HART. Mr. President, length is not a necessary element in the discussion of this amendment. It is in truth a very simple proposition. The amendment would give to the Secretary of the Interior the authority over all species of marine mammals as described in the bill we are considering. As the bill comes to us from the committee, the jurisdiction is split between the Secretaries of Commerce and Interior.

Those of us who have joined in offering the pending amendment believe that the approach by the committee is wrong. I am joined in the offering of the amendment by Senators BAYH, CASE, CHURCH, CRANSTON, GRIFFIN, HUGHES, NELSON, SPONG, STEVENSON, JAVITS, HARRIS, and WILLIAMS.

What is the reason that we seek to persuade the Senate to put all of this authority in the Interior Department? It is because the Interior Department traditionally has been a wildlife-oriented department.

Commerce, naturally enough, has favored the development and enhancement of commerce.

What do we set in the pending bill to be our specific, primary purpose?

The bill states:

> It is the sense of the Congress that . . . [marine mammals] should be protected and encouraged to develop to the greatest extent feasible . . . [consistent] with sound policies of resource management and that *the primary objective of their management should be to achieve an optimum sustainable population* keeping in mind the optimum carrying capacity of the habitat and the health and stability of the marine ecosystem.

If that is not Interior, I should be surprised.

Commercial use of these animals is clearly not the primary goal of this legislation. If the populations can tolerate a harvest, fine, but that decision should be made by an agency which is wildlife oriented rather than one whose mission is to promote commerce.

The conflict is especially clear in the case of the porpoises taken in the course of tuna-fishing operations. It is generally acknowledged that the most efficient fishing methods are those which take porpoises with the desired catch. Will NOAA, which houses the old Bureau of Commercial Fisheries and is in turn housed by the Department of Commerce, feel responsible chiefly to the fishing industry or to the porpoises? While it may be that NOAA would perform its function without interference from the commercial interests within the department, why preserve the possibility of such interference?

It has been argued that placing all ocean mammals under Interior would result in a great duplication of effort. Since NOAA would retain its fleet to monitor fishery populations and carry out other duties, the prospect of duplicate fleets and personnel has been noted. Yet there would appear to be no obstacle to Interior's entering into agreements with NOAA for the use of its personnel, facilities and expertise. In light of this, I feel confident that Interior, with the addition of a few marine mammal scientists and the cooperation of NOAA, would be able to administer the act effectively.

Mr. President, that is the argument. What is the primary purpose of the bill? It is clearly to achieve an optimum sustainable population keeping in mind the optimum carrying capacity of the habitat and the health and stability of the marine ecosystem.

Is not this as clear an example of the purpose for which Interior was created and is this not clearly a function that should be assigned to Interior? That is the purpose of the amendment.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. SPONG. Mr. President, I briefly wish to concur in what the Senator has said. This is a position we took within the Committee on Commerce. It is covered in the additional remarks we made in the report on the bill.

Mr. President, it seems logical if we are going to enter on a conservation program for ocean mammals that the proper governmental agency to administer the program is the Department of Interior. Here we are with a new approach, with a moratorium, and with a responsibility divided, and this despite the fact that time and time again those who have been involved in conservation and environmental matters have said that all of this, where possible, should be under the control of one governmental agency. I have conveyed these views to the distinguished manager of the bill.

Mr. President, I would be remiss if I failed to recognize the fine contribution made by the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Alaska (Mr. STEVENS) in formulating this legislation. However, I believe the Senator from Michigan is 100 percent correct in his position. Jurisdiction under this bill—if it is to be a conservation bill—should be vested in the Department of the Interior.

I thank the Senator.

Mr. MAGNUSON. Mr. President, will the Senator yield to me for 1 minute?

Mr. HOLLINGS. I yield.

Mr. MAGNUSON. Mr. President, I have gone through these jurisdictional disputes for a long time in this body. Everyone wants to do a certain thing and wants to go back and say that one department would do a better job than another department.

We are trying to set up an agency under NOAA that can do a better job. I agree that the Department of Commerce at times has been derelict in doing things that we in the Committee on Commerce and the Committee on Interior and Insular Affairs would like them to do. But let us not jeopardize the purpose of this bill by having a jurisdictional fight. It does not seem right. We have done a great job on this bill. The Senator from South Carolina has leaned over backward to do the right thing. We are making progress and we are moving ahead. We have a good bill. Why clutter it up by saying somebody else should administer it? I do not know.

The Department of Interior has done a great job in the conservation field in many respects, but, when you reach the oceans beyond the State of Michigan you run into a little different problem, a practical problem, and who knows more about it, who can do more about it, where are the scientists, where are the marine biologists? We are trying to get them all down to NOAA and do this kind of a job and we will have no problem with jurisdiction of the Committee on Interior and Insular Affairs.

Mr. President, that is why they call it the Committee on Interior. That is why we call the agency NOAA. They deal with marine life. We have no problem there at all.

I hope the amendment is rejected. Let us get on with the business. Let us not lose sight of the job we are trying to do.

Mr. HART. Mr. President, I wish to join the chairman in commending the Senator from South Carolina. I supported the Senator from South Carolina on the first rollcall, with some concern. I would be infinitely more comfortable now that we have agreed with respect to the moratorium if that judgment were in the hands of Interior, where they still regard animals as animals whether they live in the ocean or on land. The pressures in Interior would be vastly different.

Mr. President, I close by reminding Senators that an earlier Secretary of Commerce, Mr. Stans, wrote to an earlier Secretary——

Mr. MAGNUSON. But we lost Mr. Stans and we are starting a new deal.

Mr. HART. And we lost the Secretary to whom he wrote the letter. But here he was writing to a former Secretary of the Interior named Hickel. Mr. Hickel was charged with deciding what animals should be put on the endangered species list. Mr. Stans said in his letter:

> As you know, I have a personal interest in the conservation of wildlife. What concerns me in this case, however, is that on the one hand there is little evidence that these three species of whales are endangered. On the other hand, the damage to industry from a ban on sperm oil would be severe.

Mr. Hickel said:

> I thank you for the note; I do not agree.

Mr. HOLLINGS. What is the date of that letter, please?

Mr. HART. Sometime in November, 1970.

Mr. HOLLINGS. I know a similar letter was written earlier that spring, and the distinguished Senator from Michigan voted in October 1970 for Reorganization Plan No. 4. What has happened since then that disappointed the Senator?

Mr. HART. The fact is that we now create an endangered mammal, animal, and say let the Interior Department worry about one-half of them and the other half let Commerce Department worry about. The Senator from Washington talks about voting ju-risdictional problems. Here we would pass a law that sort of invites that.

Mr. HOLLINGS. Did not the distinguished Senator and vote for that split of jurisdiction in October 1970?

Mr. HART. Yes.

Mr. HOLLINGS. Was not that the proposal of President Nixon, to take the Bureau of Commercial Fisheries? That was in October 1970 when the Senate voted for it by an overwhelming vote, with only five votes dissenting.

I would agree with the Senator if we at some time get to the Senator from Utah's proposal for a Department of Natural Resources. Then we could go along and put it all in that department. But this is a bill that has no relation to jurisdiction, unless the Senate raises the question. The House treated the bill with the species being given to each particular department, by the Senator from Michigan's vote, and by the Senator from South Carolina's vote in October 1970.

Mr. HART. The Senator from Michigan understood that the vote in 1970 to create Reorganization Plan No. 4——

Mr. HOLLINGS. National Marine Fisheries Services.

Mr. HART. As is acknowledged in my prepared statement, was not to regulate wildlife. That is what the Senator is proposing to do tonight.

Mr. HOLLINGS. Then, Mr. President, on my own time, the whole proposal of the reorganization plan was to take the regulation of marine wildlife, specifically the whales, porpoises, and seals, and put them under the ocean and fisheries program under NOAA.

What has occurred since that particular time? As a result of that designation, we have begun the MARMAP program, or the Marine Resources Monitoring, Assessment, and Prediction program, which commenced in fiscal 1970. It is the only program of its kind and scope that I know of, and it provides for the phased development of a comprehensive continuing investigation of the distribution and abundance of all types of marine creatures.

We also, under NOAA, started a Marine Ecosystem Analysis program. The very thing the Senator said we started in this bill was started 2 years ago by the Senator from Michigan's vote in October 1970 when he voted for the Marine Ecosystem Analysis program.

No, we are not doing it for the first time. The Senator set that precedent when he voted for Reorganization Plan No. 4.

I put into the record the statement that, under the direction of Dr. White—who is a scientist, not a commercial man—Administrator of NOAA, and new Secretary of Commerce Peterson, an admirable record on conservation is being compiled.

I put into the record that, under Mr. Peterson, they set aside St. George Island as a sanctuary for the fur seal, a total moratorium on that little island area to see what would happen. NOAA also took $250,000 and put it into the porpoise program.

In addition to Dr. White, they have the talent of such men as David Wallace, Associate Administrator of NOAA for Living Marine Resources; Dr. William Aaron, Director, NOAA Office of Ecology, formerly a marine scientist at the Smithsonian, an outstanding man there; Dr. Roland Smith, formerly Director of Research, Bureau of Commercial Fisheries, Department of the Interior.

All of that talent has come over and started these particular programs that the Senator voted for as Reorganization Plan No. 4.

In addition we have Dr. Dale Rice, staff scientist and marine biologist; Dr. George Harry, director of marine mammal program. All of them were brought over and put in that top flight group of men.

In addition, we had Dr. William Royce and Dr. Victor Scheffer, retired marine mammalogist and authority of "Year of the Whale" and "Year of the Seal." We had Dr. Kenneth Norris, department of zoology, University of California. We had Mr. Phillip Roedel, who was head of the National Marine Fisheries Service, and spent more than 25 years with the California Department of Fish and Game.

All of this talent has been put into one department. That is what we are going into. Some day, if we get our Department of Natural Resources, fine, but this is not a jurisdictional fight. This is not a Government reorganization plan. If the amendment is passed, the department will be denuded and all this talent will go elsewhere.

As a result, the administration opposes this amendment and prefers the assignment of responsibility as set forth in this bill.

I am going to yield to my distinguished colleague, who is going to put that in, but let me say that the Department of the Interior, on the House side, in a letter by the Assistant Secretary of the Interior said, it opposed tampering with Reorganization Plan No. 4, and added, and I read from page 35 of the hearings:

> . . . our Bureau of Sports Fisheries and Wildlife has retained primary Federal responsibility for the polar bear, walrus and sea otter.

The Department of Interior is against it. The administration is against it. But the Senator from South Carolina would join the Senator from Utah and the Senator from Michigan and other Senators if one day we resolve this into a Department of Natural Resources and Conservation. Then we could go ahead with this particular program, but I advise anyone against ridding ourselves of the leadership of men like Dr. White and men under him, like Dr. Aaron. Do not in a misguided amendment try to do that in behalf of mammal protection, and tear down the temple as Samson did. Let us do that under another government reorganization plan. The proper place for the amendment is under a proposal for a new department.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I join my chairman in opposition to the amendment.

I oppose this amendment because I believe that to place the entire authority for administration of the bill in the Department of the Interior would divorce the responsibility for many of the mammals—specifically seals, sea lions, and cetaceans other than walruses—from the agency possessing the necessary expertise, facilities, and personnel to administer the act. I urge that the existing division of authority between the Departments of Commerce and Interior under the Fish and Wildlife Act of 1956, as allocated by Reorganization Plan No. 4 of 1970, be retained. I cannot agree that placing the NOAA capabilities at the disposal of the Department of the Interior while retaining the overall responsibility for administration in the Department of the Interior would be a viable solution, since the enforcement agents should be in close contact with the scientific experts and both groups should be under a single unified authority. Adding another layer of administrative direction from Interior could only lead to unnecessary complications in administration.

During the committee consideration of the bill, some concern was expressed over the division of authority between the Department of the Interior and the National Oceanic and Atmospheric Administration in the Department of Commerce. Senator HART recommended that the complete authority for administering the bill be lodged with the Department of the Interior. After considerable study the committee rejected this suggestion and retained the existing division of authority under the Fish and Wildlife Act of 1956 as allocated by Reorganization Plan No. 4 of 1970.

To place the complete authority for administration of the bill in the Department of the Interior would divorce the responsibility for many of the mammals—namely, seals, sea lions and cetaceans, other than walruses—from the agency possessing the necessary expertise, facilities and personnel. This would result in inefficiences in administration of the bill and would, in the long run, be harmful to the marine mammals we are trying to protect. There are five principal reasons for retaining NOAA as one of the two agencies responsible for the administration of the bill:

First. Only NOAA has the necessary scientific facilities and technical expertise to carry out the substantial programs of research which are either mandated by the bill or will be required to support the effective administration of the regulation and permit system which the bill envisions. Identification of "depleted" marine mammal-population stocks, determination of the factors adversely affecting these stocks and development of effective countermeasures to conserve the animals will all require the extensive scientific capabilities which NOAA possesses.

Second. NOAA has the management capability to effectively administer a program for the conservation and protection of marine mammals within its jurisdiction.

Third. NOAA has an experienced cadre of international experts and negotiators—including individuals occupying key positions on international fisheries commissions. Such personnel are vital to the successful conservation of marine mammals, since their habitat in almost every case crosses international boundaries or lies in the high seas.

Fourth. NOAA has an existing capability to enforce conservation regulations established to protect marine mammals under its jurisdiction.

Fifth. Finally, NOAA is strongly oriented toward the conservation and protection of marine mammals under its jurisdiction.

Even those who suggest that NOAA should not participate in administration of the bill must admit to NOAA's competence in the first four categories. Their principal argument is that NOAA may be too commercially oriented to administer the bill. They do not contend that this in fact is the case, only that there is a danger.

There are ample indications of the dedication of this new organization to the protection and conservation of ocean mammals. For example, the recent action of NOAA's Administrator, Dr. Robert White, in proposing to the Stockholm Conference a 10-year moratorium on the taking of whales illustrates his personal concern for the future of these magnificent creatures. Prior to the conference, Dr. White personally strongly espoused this action within the councils of government. Similarly, NOAA's proposals on the Pribilof Island of St. George demonstrates its concern that the Pribilof fur seal conservation program be continuously evaluated and revised in the light of changing conditions in the Bering Sea ecosystem so as to promote the fur seal population. This action is consistent with the principle that conservation programs should be flexible and responsive to changing ecological conditions. This vigorous spirit of conservation has also been evident in other areas of NOAA's activities. Thus, at the last two international meetings under the aegis of the International Commission for the Northwest Atlantic Fisheries, NOAA's personnel, representing the United States, have vigorously sought and obtained, country by country, annual catch limitations on 14 species of fish. This is a landmark on the road to successful conservation of our fisheries. It is the first time that such quotas have ever been developed under this Commission.

Those who oppose inclusion of NOAA in the bill point to NOAA's interest in promoting our fishery resources, presumably implying a conflict of interest with regard to conservation of marine mammals. This point is particularly ill-founded. To begin with, most marine mammals are not the subject of commercial exploitation. In the two instances where they are commercially exploited; namely the seals and the whales, NOAA has proven itself to be a vigorous supporter of conservation. For example, the North Pacific seal program has been eminently successful in retrieving a threatened species from extinction and, as I indicated before, NOAA is continuing to press for better conservation methods for these animals. In the case of the whales, NOAA not only urged the banning of all further taking of whales by American citizens but has also been instrumental in developing and urging the adoption of a whale moratorium at the Stockholm Conference.

With respect to the taking of porpoises incidental to the tuna fishery, which is the one situation in which marine mammals significantly interact with commercial fishing operations, NOAA has clearly demonstrated its concern and has actively taken such steps as it can under its current authority to attack this problem. Through numerous industry meetings it has pressed for industry cooperation and assistance in developing gear and methods to eliminate porpoise kills and has sought and obtained permission to accompany tuna boats on their expeditions so as to obtain scientific data. More recently it has been announced by Dr. White that NOAA is substantially increasing its own budget for ocean mammal research without waiting for the passage of this bill. However, until this bill is adopted, the Federal Government will be without authority to require specific measures to be taken by the tuna industry or others to reduce mammal mortality.

NOAA, under the Fish and Wildlife Act, already has responsibility for conservation and protection of certain marine mammals. The suggestion that NOAA should not continue to participate in the conservation of marine mammals because it also protects and conserves our fisheries is as baseless as would be a suggestion that Interior should not remain in charge of its land-oriented conservation programs because it also administers the Predator Control Act designed to promulgate the best methods to eradicate and control wolves, mountain lions, and other animals, or because it obtains substantial revenues through the sale of fishing tackle and duck stamps and thus has an economic interest in killing these forms of wildlife.

SCIENTIFIC CAPABILITIES

With respect to NOAA's scientific and technical expertise, its capabilities are impressive. Presently it has 17 laboratories, 13 ships over 100 feet in length and approximately 900 personnel engaged in research on fish and marine mammals. The laboratory network covers the east, west and gulf coasts, as well as Alaska and Hawaii. The scientific work carried on spans an immense range of subjects from shellfish to mammals.

In addition, NOAA has recently initiated two new projects of fundamental importance—MARMAP and MESA. MARMAP—marine resources monitoring, assessment, and prediction—commenced in fiscal year 1970 and, to my knowledge, is the only program of its kind and scope in existence anywhere. It provides for the phased development of a comprehensive continuing investigation of the distribution and abundance of all types of marine creatures, together with an analysis of the factors controlling such distribution and abundance. This program will assist NOAA to identify depleted marine mammal species and to determine the cause for their decline. It will pinpoint mammal breeding areas and food supplies. It will also provide an indispensable data base for international negotiations aimed at conserving such species.

The MESA program—marine ecosystem analysis—is a more specialized program, designed specifically to gather ecological baseline data on the marine organisms in the ecological chain of estuarine and nearshore waters and to determine the effects on such organisms of all forms of manmade and natural pollution. The obvious relevance of such a program to nearshore marine mammals needs no comment.

MANAGEMENT CAPABILITIES

NOAA personnel have had considerable experience in applying management and conservation techniques to a variety of fish and marine mammal species, the North Pacific fur seal program being an outstanding example.

NOAA proposes a reevaluation of the seal stocks on a scientific basis to ascertain what improvements in the conservation in the Pribilofs can be made.

Management experience of the foregoing kind is essential to devising adequate and enforceable programs to protect marine mammal species. Each category of species presents its own unique problems of management. Among all the Federal agencies, NOAA, alone, has developed this kind of expertise with respect to the species under its jurisdiction.

INTERNATIONAL EXPERTISE

In order to provide for real protection to marine mammals on the high seas and therefore subject to taking by citizens of any nation international agreements providing for the protection of such species will be necessary. Reorganization Plan No. 4 transferred to NOAA most of the Government's personnel outside the Department of State who have had experience in the negotiation of international fishery agreements. Pursuant to the Fish and Wildlife Act, they often advise the Secretary of State on marine mammals, and in many instances serve on international commissions.

This international expertise is particularly significant because it has become obvious to the committee that the only way to protect and conserve marine mammals which spend any portions of their lives outside the territorial waters of the United States is to do so by international arrangement, involving all nations whose citizens have an impact on the particular stock.

In addition to its general international expertise, NOAA has immediate access to many international fisheries conservation groups through its own representatives and can more efficiently insure that policies aimed at protecting mammals which are affected by fishing will be carried out. Here again, Dr. White's initiative concerning the whales is an excellent example of the necessity for international cooperation in the protection of species on the high seas.

ENFORCEMENT EXPERIENCE

The National Marine Fisheries Service has a long history of effective enforcement of various international fisheries conventions and laws implementing these conventions.

This NOAA cadre can well be used to enforce marine mammal regulations. In addition to their direct responsibilities, they can, when backed by the scientific expertise of the NOAA researchers, significantly augment the enforcement activities of other arms of the Federal Government, such as Customs and the Coast Guard.

Placing this NOAA force at the disposal of Interior is unnecessary and inefficient, since the men should be kept in close contact with the NOAA scientific experts, and both groups should be under a single unified authority. Adding another layer of administrative direction from Interior can only lead to unnecessary complications.

I ask unanimous consent to insert it in its entirety into the Record, NOAA's official position on the amendment.

There being no objection, the letter was ordered to be printed in the Record, as follows:

General Counsel of the
Department of Commerce,
Washington, D.C., July 24, 1972.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is in response to an informal request for the position of the Administration on Amendments 1275 and 1302 which have been proposed to S. 2871, the Marine Mammal Protection Act of 1972.

Amendment No. 1275 (Harris) would place all responsibility for the administration of the Act in the Secretary of the Interior. Amendment No. 1302 (Hart) would also place responsibility for administration of the Act in that Department. In addition, Amendment No. 1302 would vest responsibility for issuance of regulations regarding fishing gear under section 111 of S. 2871 jointly in the Secretary of the Interior and the Administrator of the National Oceanic and Atmospheric Administration (NOAA). Under the bill as reported, this function would reside with the Administrator of NOAA.

The Administration opposes both of these amendments and prefers the assignment of responsibilities as set forth in the bill as reported. This position has been cleared through the Office of Management and Budget.

We believe that to place the entire authority for administration of the bill in the Department of the Interior would divorce the responsibility for many of the mammals (specifically seals, sea lions and cetaceans other than walruses) from the agency possessing the necessary expertise, facilities and personnel to administer the Act. We urge that the existing division of authority between the Departments of Commerce and Interior under the Fish and Wildlife Act of 1956, as allocated by Reorganization Plan No. 4 of 1970, be retained. We cannot agree that placing the NOAA capabilities at the disposal of the Department of the Interior while retaining the overall responsibility for administration in the Department of the Interior would be a viable solution, since the enforcement agents should be in close contact with the scientific experts and both groups should be under a single unified authority. Adding another layer of administrative direction from Interior could only lead to unnecessary complications.

The Office of Management and Budget has approved the submission of this letter to the Congress.

Sincerely,

William N. Letson,
General Counsel.

Mr. STEVENS. I also ask unanimous consent to place in the Record a letter I recently received from John Burns, an Alaska Department of Fish and Game biologist and an internationally known authority on the North Pacific walrus.

There being no objection, the letter was ordered to be printed in the Record, as follows:

College, Alaska,
July 6, 1972.

Senator Ted Stevens,
U.S. Senate,
Washington, D.C.

Dear Senator Stevens: Please excuse the informality of a hand-written personal letter. Time is short and there is no typewriter where I am at present.

This letter is in relation to amendments to S. 2871. I would urge you to oppose the amendment which would vest all responsibility and authority for marine mammals in the Secretary of Interior. If responsibility must be changed from the state to the federal government (which I am opposed to), the Interior Dept. is a very poor choice from the standpoint of rational utilization of species which can withstand harvesting. NOAA, in my opinion, has a much better background in resource management including wise utilization. The trend in Interior is for ever increasing protectionism, which is evident in their requests for ever increasing wilderness areas, endangered species status (even on the Pacific walrus), etc.

Interior would be a much more pliable tool in the hands of arch-protectionists, than would NOAA.

Alaska can not afford to go backwards or to degenerate. We are still in our vigorous youth, striving for the most favorable growth and development for the benefit of both our environment and the people that live in it. In this region, which depends greatly upon the wise use and management of its various resources it is necessary to insure that the right to continue wise utilization, is considered.

Somehow, in the great struggle for control and jurisdiction of resources within the federal system, the little guy is being overlooked, especially if he is neither Eskimo, Indian or Aleut.

Sincerely,

JOHN J. BURNS.

Mr. GRIFFIN. Mr. President, the pending amendment offered by my distinguished colleague from Michigan (Mr. HART) which I have cosponsored, would give the Secretary of the Interior complete jurisdiction under this legislation over the taking of marine mammals.

It does not make sense to me, on the one hand, to have the Department of the Interior regulate the taking of walruses, sea otters and polar bears and, on the other hand, to have the Department of Commerce exercise similar authority over whales, dolphins and seals as S. 2871 is now written. It would make as much sense to give NASA control over space satellites while at the same time having the Federal Aviation Administration operate the rockets to power satellites.

Although Federal Reorganization Plan No. 4 of 1970 transferred responsibilities over certain marine mammals from Interior to the National Oceanic and Atmospheric Administration, this was incidental to the main transfer of authority over the development and conservation of our Nation's fisheries resources. I see no logical reason why some marine mammals should be under the jurisdiction of Interior while others are under the authority of NOAA. Seals, for example, which would be under Commerce are no more ocean oriented than are walruses which would be under the jurisdiction of Interior as S. 2871 is written.

Although NOAA has a sizable research program and a number of ocean research vessels, that agency was still required to contract with the Department of the Navy for research concerning ways to eliminate the incidental killing of dolphins by the tuna fishing industry.

If this amendment were passed NOAA could still provide scientific and technical assistance to the Department of the Interior with respect to marine mammals. However, cooperation between NOAA and Interior where Interior has sole jurisdiction would not appear to lead to any greater administrative burdens than where each agency has divided jurisdiction for mammals living in similar habitats. Moreover, with all authority in Interior, there is the advantage of having a uniform conservation program where responsibility can be pinned down.

The proposal to give Interior complete jurisdiction to administer the provisions of S. 2871 has been endorsed by respected conservation organizations such as the Sierra Club. Even the House Merchant Marine and Fisheries Committee which approved the division of jurisdiction indicated in its committee report that—

> The Committee is not satisfied that the jurisdictional split between agencies is helpful or useful; it retained the status quo largely upon the hope and expectations that a Department of Natural Resources would be shortly forthcoming, at which point the two programs would be merged into one.

Mr. President, the proposal for a Department of Natural Resources by the administration would undoubtedly resolve the problem before us. Although the possibility of such a Department being created in the near future is not great, it should be pointed out that it would largely encompass existing programs within the Department of the Interior as well as other natural resource functions in agencies such as NOAA. In the interim, marine mammal protection should be centered in the Department of the Interior.

Mr. President, as the senior Senator from Michigan (Mr. HART) and I pointed out in our additional views in the committee report on S. 2871—

> We have traditionally entrusted the protection of wildlife to the Department of the Interior. We see no reason to break from that tradition in this area.

I hope that this amendment will be adopted so that the principal Federal conservation agency can be entrusted with the task of protecting all of our animal wildlife, both on the land and in the water.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HOLLINGS. Mr. President, I yield back my time.

Mr. HART. Mr. President, I yield back my time.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the rollcall vote be limited to 10 minutes, with the warning bell sounded in 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), would vote "yea."

I further announce that if present and voting; the Senator from Georgia (Mr. GAMBRELL) would vote "nay".

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER) and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 38, nays 48, as follows:

[No. 314 Leg.]

YEAS—38

Allen
Allott
Bayh
Bellmon
Buckley
Burdick
Byrd,
  Harry F., Jr.
Case
Chiles
Church
Cranston
Dole
Dominick
Ervin
Fannin
Griffin
Hansen
Harris
Hart
Hughes
Humphrey
Javits
Kennedy
Mansfield
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Proxmire
Ribicoff
Schweiker
Spong
Stevenson
Tunney
Williams

NAYS—48

Aiken
Anderson
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Byrd, Robert C.
Cannon
Cook
Cooper
Cotton
Curtis
Eastland
Fong
Gravel
Gurney
Hartke
Hatfield
Hollings
Hruska
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
Montoya
Packwood
Pastore
Pearson
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—14

Baker
Brock
Eagleton
Ellender
Fulbright
Gambrell
Goldwater
Jordan, N.C.
McGee
McGovern
Mundt
Pell
Percy
Young

So Mr. HART's amendment was rejected.

AMENDMENT NO. 1330

Mr. SPONG. Mr. President, I call up my amendment No. 1330.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. SPONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> On page 41, beginning with line 19, strike out all through line 24 and insert in lieu thereof the following:
>
> (4) If within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection with respect to any application for a permit any interested party or parties request a hearing in connection therewith, the Secretary shall, within sixty days following such date of publication, afford to such party or parties an opportunity for such a hearing.

Mr. SPONG. Mr. President, this amendment would correct an inequity in the bill as reported, and I am pleased that the distinguished Senator from

South Carolina has indicated that he will accept it.

Under the committee bill, a person having a permit to take marine mammals must be afforded an opportunity for a hearing whenever the Secretary proposes to modify, suspend or revoke such permit. In other words, if a permittee wants a hearing, he must be given one.

On the other hand, there is no requirement in the committee bill for a hearing which may be requested by parties interested in the original issuance of a permit to take marine mammals. This discrepancy seems to me to be inconsistent, and unfair.

Mr. President, my amendment would correct the inequity by giving persons interested in the original permit the same rights as holders of permits who stand to be affected by modifications proposed by the Secretary.

In other words, Mr. President, the Secretary would be required under my amendment to afford an opportunity for a hearing both in the case of the original issuance of a permit, and in the case of a proposed modification to a permit.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Virginia is correct. We want to make certain that the hearing process would be required and would not be optional. We join in the amendment.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. HOLLINGS. I yield.

Mr. LONG. Some concern has been expressed by some people in Louisiana that perhaps the term "marine mammal" might be construed to include the nutria and the muskrat, which we have in Louisiana. We have the nutria in great abundance. If anyone could reduce their number, it would be a great asset to us. A while back, we had a few, and someone brought some in for experimental purposes and they have multiplied, and they have virtually eaten up the whole southern end of the State.

In any event, it is my understanding that it is not intended that this include the nutria and the muskrat and that we would continue to struggle with the problem of regulating these matters as we have in the past. Is that correct?

Mr. HOLLINGS. That is correct. The understanding of the Senator from Louisiana is also the understanding of the manager of the bill and the understanding of the committee. The term is defined on page 25, section 4, as follows:

(4) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

I have asked about that, and the nutria and the muskrat are not included in "marine mammals."

Mr. LONG. I thank the Senator.

Mr. SPONG. Mr. President, I yield back the remainder of my time.

Mr. HOLLINGS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CHILES. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

On page 42, line 17 strike "plaintiff" and insert the following: "applicant for a permit"

Mr. CHILES. Mr. President, this amendment would simply change several words. When a person has made application for a permit, the bill, on page 42, subsection 6, allows a hearing by the person seeking the permit or someone opposed to the permit. Presently, it allows whoever is seeking that hearing to hold the hearing in his place of residence or the District of Columbia. This amendment would simply change that to say that the hearing would be held at the place of the petitioner, the person seeking the permit, or at the District of Columbia, rather than at the place of someone opposing the permit, who is perhaps in Alaska and is opposing some permit in Florida, and requiring that the hearing be held in Alaska.

I think the chairman of the subcommittee will accept the amendment. That is the purpose of the language change.

Mr. HOLLINGS. Mr. President, I accept the amendment of the Senator from Florida.

I yield back the remainder of my time.

Mr. CHILES. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment on behalf of the Senator from Washington (Mr. MAGNUSON).

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 28, line 6, strike out "fifteen-year".

Mr. MANSFIELD. Mr. President, the amendment speaks for itself. I yield back the remainder of my time.

Mr. HOLLINGS. Mr. President, we accept the amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1360

Mr. STEVENS. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 52 line 7 to page 53 line 6 strike section 109(a) and substitute a new subsection 109(a) as follows:

(a) (1) As authorized under this Act and other applicable law or as necessary to comply with the purposes and policies of this Act the Secretary shall conduct periodic scientific studies, including, but not limited to, research, censusing, habitat acquisition and improvement, death rates and causes, birth rates, food supply, pollution effects, and the relationship of each mammal species and stock to the ecosystem, concerning the marine mammals living natural within the limits of the jurisdiction of the states.

(2) (A) The exclusive right and power of the States to conserve, control, and manage marine mammals in or on lands and water within their jurisdictions for public use and benefit in accordance with applicable State law, are subject to the provisions hereof, recognized, confirmed, and established, in the respective States.

(B) This subsection shall not be construed as affected the responsibilities and rights of departments or agencies of the United States to conserve and develop, subject to the provisions of this subsection, the natural resources, including fish and wildlife, on lands owned or controlled by the United States within the territorial boundaries of any States or as depriving the United States of the right to protect and preserve its lands from destruction or depredation by wildlife to the same extent and in the same manner permitted to any owner of land by the laws of the State in which such land or waters are located. There are hereby specifically reserved and excepted from the operation of this subsection:

(i) All rights and powers of the Congress of the United States to control and regulate the taking of fish and wildlife under any international treaty or convention to which the United States is a party but only with respect to those species of fish or wildlife expressly named in said treaties or conventions.

(ii) All rights and powers of the United States in and on areas over which the States have ceded exclusive jurisdiction to the United States.

(iii) All rights and powers over any species of marine mammal ceded or granted to the United States by any State.

(D) Notwithstanding anything contained in any Act of the Congress or in any rule or regulation promulgated by any Federal department or agency it is hereby declared to be the intent of the Congress that no provision of any Act shall be construed or implemented in any manner as to displace, preempt, or deprive the several States of their primary and historically recognized authority to control, regulate, and manage marine mammals in or on any lands or waters under State jurisdiction, including all lands and waters owned by the United States or in which the United States Government has an interest.

(3) The Secretary may make findings based upon scientific studies that a particular marine mammal species within State jurisdiction may become endangered unless Federal regulations are imposed, in which case State laws and regulations shall cease to apply to that species and this Act and other Federal laws and regulations promulgated pursuant thereto shall apply.

Mr. STEVENS. Mr. President, this amendment, in principle, is identical to that contained in S. 1232, which was introduced in the 91st Congress by Senators MORSE, BIBLE, CANNON, and CHURCH. It is a bill that has passed the Senate repeatedly.

As pointed out in Senate Report 91–151 which accompanied S. 1232, States must have the right to regulate and manage all fish and wildlife within their borders.

We recognize that there are circumstances when this must change, and this act recognizes that. I point out that the Wilderness Act states:

> Nothing in this chapter shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the National Forests.

We have similar language in other bills that have been passed by Congress.

The basic concept is that within the State's jurisdiction, State laws prevail, and, as I said earlier, this means out to the 3-mile limit.

This amendment says that the Secretary—that means the Secretary of the Interior or the Secretary of Commerce, depending on the jurisdiction involved—shall make a study of all the species of ocean mammals within the respective State jurisdictions. On the basis of these studies, if he makes a finding that a particular marine mammal species within a State jurisdiction will become endangered unless Federal regulations are imposed, then the State law as applicable to that marine mammal would cease to apply, and it would be a matter of Federal jurisdiction.

This is a matter of conforming what exists today, in my understanding of the State laws which apply within State jurisdiction on the land and within the 3-mile limit.

We are prepared to accept the fact that some marine mammals are in danger of becoming endangered species and may become depleted, which may need special Federal attention, and we accept that fact. As a matter of fact, it could happen to all the species in any particular State. I think we all should accept the fact that the overriding national interest may govern at times with regard to all wildlife species; but until that happens, until the Secretary makes that finding, we think that within the 3-mile limit we should have the rights we have now.

I pointed out earlier that at the time Alaska received statehood, there was a provision in the Alaska Statehood Act that Alaskans could not have jurisdiction over their fish and wildlife until the Secretary had made such a study. He made the study in 1959, and the Secretary did certify that the State of Alaska had established a management system. The State of Alaska did establish a definite management system which received approval of the Federal Government as to its ability to manage the total fish and wildlife within its jurisdiction.

All this amendment would do would be to confirm that circumstance, that we have the right to manage the ocean mammals as well as the rest of the fish and wildlife within our jurisdiction until there is a finding that some species may become endangered—not that it has to be endangered at the time. The Endangered Species Act would cover that right now. We are recognizing that there is a prior category of these species that may become an endangered species. Under this amendment the Secretary could assert Federal jurisdiction over these mammals or any number of species. I am hopeful that this concept which I consider to be a concept which is basic, absolutely basic to public land States and those coastal States that have the 3-mile limit, and will be included in the bill, and that those Members of this body who represent States form coastal areas will accept the fact that there may come a time when the overriding national interest of the Government over State laws would yield, in the event the species needed protection envisioned in the bill.

I close my comments on my amendment by stating that I have worked with a great many people in my life, but I really do congratulate the Senator from South Carolina (Mr. HOLLINGS) because he has turned this bill around so that it is a livable bill, and so that it is a bill the Native people of Alaska can survive with. He authorized us to hold hearings in Alaska and we held many. We consulted with the Alaskan Natives in terms of the amendments in the bill. I think he is really to be congratulated by every Member of this body for the work that he and John Hussey of the Commerce Committee staff have done. It is a bill that is a livable bill. It will be a livable bill, particularly if this amendment is adopted. [Laughter.]

Mr. HOLLINGS. Mr. President, therein the Senator from Alaska has overspoken. I believe that I have overspoken a little in saying that we would be able to accept the amendment. It is a three-page amendment. The Senator from Alaska worked intimately with me. The kudos really are his, because coming from a State which is 50 percent involved in all this marine mammal problem, conservation, and otherwise, he has been of invaluable guidance to us. We have differed, however, with respect to the actual authority and jurisdiction.

I have always felt that the U.S. Government had jurisdiction over the fisheries and over these particular marine mammals. Neither of us, in the couple of conferences with attorneys from the Department of Commerce, want to pass a bill and then have someone question the legality of the bill, and find by some decision, that the bill is unconstitutional and that the State would be preempted unconstitutionally. As a result, I have received one opinion talking about this section 109 of the bill, S. 2871.

Section 109 of the marine mammal bill (S. 2871) preempts State authority over marine mammals within the territorial sea. A question has been raised whether the Congress may constitutionally legislate in this area and, if it has the constitutional power to do so, whether it has voluntarily given up that power. The leading case on the congressional authority to regulate an activity is *Wickard* v. *Filburn*, 1942, 317 U.S. 111. That case held that Congress has the power to legislate where the activity regulated has a substantial effect on interstate commerce.

The U.S. Court of Appeals for the Fifth Circuit in *Zabel* v. *Tabb*, 430 F.2d 199 (1970) held:

> The destruction of fish and wildlife in our estuarine waters does have a substantial, and in some areas a devastating, effect on interstate commerce (1 ER 1449, 1451).

This characterization would appear to be equally true of marine mammals in the territorial sea and, in fact, S. 2871 provides a specific finding that marine mammals either move in interstate commerce or affect interstate commerce—see section 2(5). Thus, it seems clear that there is no constitutional bar to regulation of marine mammals within coastal waters.

The effect of the Submerged Lands Act as a divestiture of the power to regulate was also examined in the case of Zabel against Tabb. The Submerged Lands Act confirmed in the States the right and power to manage, administer, lease, develop, and use the lands and natural resources within the 3-mile territorial sea in accordance with applicable State law. However, section 6(a) of the act reserved to the United States—

> All its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce.
>
> The statute specifically provides that these Federal rights are paramount to the proprietary rights of ownership, or the rights of management, administration, leasing, use, and development retention by the States.

The court of appeals held, after considering this statute in some detail, that Congress intended and did retain all its constitutional powers over commerce in the territorial sea and did not relinquish certain portions of that power by specifically reserving others.

In the Zabel case the court was concerned with a Corps of Engineers' regulation and found that sufficient authority existed for that regulation. In the present situation we are concerned with legislation, and we would therefore be inclined to the view that the Congress may exercise the retained right to enact the conservation measures proposed under the authority of the Zabel case.

We should also point out that the States appear to have jurisdiction in this area in the absence of conflicting legislation under the commerce clause. The case of *Corsa* v. *Tawes*—149 F. Supp. 771 D.C. Md. 1957, affd. 355 U.S. 37—is interesting. Note that this case, decided after the enactment of the Submerged Lands Act, cited that act in support of its conclusion that there was no conflicting congressional legislation.

Mr. President, in colloquy with the Senator from Alaska, he and I both have been trying to get final passage on this bill because we have been working on it for several months now, constantly, in hearings in Alaska and around the country. We cannot keep up with the mail.

Mr. President, I cannot go along with this fundamental change the Senator from Alaska has outlined in 2a, and section c, on the second page, which reads:

> (C) No department or agency of the United States shall promulgate or enforce any rule or regulation with respect to the taking of marine mammals within the several States

unless such rule or regulation is in compliance with, and under authority of, the laws and regulations of the State wherein such rule or regulation is applicable.

What we have done, if we accept his change, is to change the whole concept, and the Federal Government would be playing catchup football with the several States. We would not have a national policy. We would not have a marine mammal protection bill, as this has been represented to be, in my judgment, to the Senate and to the public.

Accordingly, in fairness, what we should do is to go ahead over and let us debate it 10 minutes to a side, and let us do this tomorrow and then get a rollcall vote on it and have final passage. I should like to facilitate things and accept it tonight, but I am not in a position to do so.

UNANIMOUS-CONSENT AGREEMENTS

Mr. MANSFIELD. Mr. President, in view of the situation which has developed, I should like to propound a unanimous-consent request:

I ask unanimous consent that when the pending business is laid before the Senate on the second track tomorrow, after we finish with the temporary consideration of the military procurement bill, there be a time limitation of 20 minutes on the pending amendment, the time to be equally divided between the manager of the bill, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Alaska (Mr. STEVENS), and that immediately upon completion of that time, there be a vote and that we then proceed to third reading and a final vote.

Mr. HARRIS. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I wish to waive rule XII.

Mr. HARRIS. I would like to speak for 10 minutes against the bill, particularly if this amendment is in it.

Mr. MANSFIELD. I change the time then, to 30 minutes, with the time to be equally divided, with 15 minutes to the Senator from Alaska (Mr. STEVENS), 5 minutes to the Senator from South Carolina (Mr. HOLLINGS), and 10 minutes to the Senator from Oklahoma.

Mr. HARRIS. But I was speaking of the bill itself. In addition, I should like to speak against the amendment but I would also like to be heard against the bill prior to final passage

Mr. MANSFIELD. Does the Senator want to speak 10 minutes on the amendment also?

Mr. HARRIS. I should like to speak 10 minutes against the bill and 10 minutes against the amendment.

Mr. MANSFIELD. Would the Chair entertain that request?

Mr. SPONG. Mr. President, reserving the right to object and I shall not object, but may I ask the leadership, if there is an agreement on this unanimous consent request, what the leadership contemplates insofar as the Maritime bill is concerned?

Mr. MANSFIELD. Immediately following?

Mr. SPONG. Immediately following. May I ask if a later session contemplates that we would try to finish that bill tomorrow?

Mr. MANSFIELD. If we can, we certainly will, but I am not certain we can, although we will make every effort to do so. We did not think that we could finish this bill as quickly as we seem to be.

The PRESIDING OFFICER (Mr. MONTOYA). Will the Senator from Montana state his unanimous consent request again?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 35 minutes on the pending amendment, and that the time be allocated as follows: 15 minutes to the Senator from Alaska (Mr. STEVENS); 10 minutes to the Senator from South Carolina, the manager of the bill; 10 minutes to the Senator from Oklahoma (Mr. HARRIS); at the conclusion of which a vote will be taken—the type of vote to be determined by the Senate at that time. Then, at the conclusion of that vote, the Senate immediately go to third reading, and that after third reading the distinguished Senator from Oklahoma (Mr. HARRIS) may have 10 minutes before the final vote is taken on the bill.

Also, that the Senator from South Carolina (Mr. HOLLINGS) have 10 minutes on the bill. That means 20 minutes after third reading, to be divided between the two Senators before the final vote.

The PRESIDING OFFICER (Mr. MONTOYA). Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that once the final vote is completed on the pending bill, the Senate then proceed——

The PRESIDING OFFICER. Would the Senator entertain a request from the Chair that he ask for the waiving of rule XII?

Mr. MANSFIELD. I thought I already did that.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the vote on the pending bill tomorrow, the Senate proceed to the consideration of Calendar No. 804, H.R. 13324, an act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce and that it be laid before the Senate as second track business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The amendment is still pending.

Mr. STEVENS. Mr. President, this is subject to unanimous-consent request, but I ask unanimous consent that the amendment be printed so that it will be available and distributed to Senators for tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I should have made it plain that the unanimous-consent request does not start until tomorrow, so that if Senators wish to speak further tonight on the pending bill or the pending amendment, they are entitled to do so.

The PRESIDING OFFICER. The Senate is still on controlled time.

Mr. HOLLINGS. Mr. President, we have a unanimous consent on behalf of the Senator from Missouri from the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Missouri (Mr. EAGLETON) be printed in the RECORD at an appropriate time on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR EAGLETON

Men and women in public life are often faced with difficult choices between competing—and often conflicting—public policy objectives. Amendment 1278 which may be offered to S. 2871 presents such a difficult choice. I will not be present to vote, but I would like to state my position for the record on that amendment.

The need for increased protection of marine mammals, seals, otters, walruses, whales, polar bears, porpoises, and others—is clear, and S. 2871 accomplishes that end. At the same time, we must recognize that the people most affected by this bill are the Eskimos, Indians, and Aleuts living in the vast coastal regions of Alaska. I believe that the interests of these citizens are preserved by this legislation, and I would be reluctant to amend it in ways which would unfairly encroach on their lives, culture, and livelihood.

Amendment 1278 to S. 2871 would possibly abrogate the fur seal treaty and, in effect, deprive Native Alaskans of their livelihood and impinge seriously on their cultural and artistic traditions. So far as I have been able to determine, this amendment to the moratorium provisions of the bill offer Alaskan Natives nothing in return. The Pribilof Islands are not—and indeed likely never will become—centers of tourism, and recreation which would provide alternative economic opportunities to the Islanders.

Relegating these proud people to the status of unwilling welfare recipients is not the answer, either.

For these reasons, I would oppose amendment 1278 to the moratorium provision of the bill because it would jeopardize the native culture and livelihood of the Pribilof Islanders and other Native Alaskans. I had hoped that some provision could have been made to protect both the interests of Native Alaskans and marine mammals species. But, if no such accommodation can be reached, there is time enough to try the moratorium provision in S. 2871 and to amend it in the future if it proves unsatisfactory in practice. If amendments are required in the future, provision must be made in those amendments to protect the native culture, livelihood, and self-respect of the Pribilof Islanders and other Native Alaskans.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, under the unanimous-consent agreement I yield back the time I have tonight.

Mr. HOLLINGS. Mr. President, I yield back the time that I have tonight.

The PRESIDING OFFICER. All time has been yielded back.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that my staff may come on the floor to move this exhibit which was so generously loaned to us by the University of Alaska concerning marine mammals.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT ON VOTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the permanent Record of Monday, July 24, show that if present and voting on final passage of S. 3390, the Senator from Georgia (Mr. Gambrell) would have voted "nay."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I further ask unanimous consent that the permanent Record of Monday, July 24, show that if present and voting on the motion to table the motion to reconsider S. 3390, the Senator from Georgia (Mr. Gambrell) would have voted "yea."

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON THE MARITIME BILL

Mr. ROBERT C. BYRD. Mr. President, at the direction of the distinguished majority leader—and after having cleared the proposed request with the distinguished Senator from New Hampshire (Mr. Cotton), the distinguished Senator from Louisiana (Mr. Long), the distinguished Senator from Maine (Mr. Muskie), the distinguished assistant Republican leader, and other Senators on both sides of the aisle—I propose a unanimous-consent request as follows:

Mr. President, I ask unanimous consent that with respect to H.R. 13324, an act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, the time on the bill be limited to 3 hours, the time to be equally divided between the distinguished Senator from Louisiana (Mr. Long) and the distinguished Senator from New Hampshire (Mr. Cotton); that the time on section 3 of the third committee amendment be limited to 2 hours, the time to be divided between and controlled by the distinguished Senator from Louisiana (Mr. Long) and the distinguished Senator from New Hampshire (Mr. Cotton); that time on any other amendment be limited to 1 hour, the time to be divided between the mover of such and the manager of the bill, except in any instance in which the manager of the bill would favor such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee; that time on any debatable motion or appeal in relation thereto be limited to one-half hour, the time to be equally divided between and controlled by the mover of such and the distinguished manager of the bill; provided further that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion or appeal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I want to be very sure I have stated the request as correctly as I possibly can.

Am I correct in inquiring of the Chair as to whether or not under the request agreed to, time on section 3 of committee amendment No. 3 would be limited to 3 hours equally divided?

The PRESIDING OFFICER. Is it committee amendment No. 3 or 2?

Mr. ROBERT C. BYRD. I understood it was committee amendment No. 3.

Mr. President, I am in error. It is section 3 of committee amendment No. 2.

The PRESIDING OFFICER. The correction in the request will be made accordingly.

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Chair.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Iowa (Mr. Hughes) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine business for not to exceed 15 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, H.R. 15495. The pending question at that time will be on the adoption of the amendment by Mr. Saxbe, amendment No. 1336, which deals with the carrier. There is a time limitation of 5 hours on the amendment and a yea-and-nay vote will occur on the amendment.

It is my understanding in talking to the Senator from Ohio (Mr. Saxbe) and the manager of the bill, the Senator from Mississippi (Mr. Stennis), that it is not anticipated that the full 5 hours will be utilized. In any event, the maximum would be 5 hours, with the understanding of course, that additional time is allotted on any amendment to the amendment.

Upon disposition of the amendment by Mr. Saxbe, it is the intention of the leadership to lay aside temporarily, for the remainder of the day, the unfinished business, the military procurement authorization bill, and resume the consideration of the marine mammals bill.

Under the agreement, there is a time limitation of 35 minutes on the amendment by Mr. Stevens of Alaska. Upon the disposition of that amendment, which will require a yea-and-nay vote, there is a 20-minute limitation on debate before final passage, and undoubtedly there will be a yea-and-nay vote on final passage.

Mr. President, upon the disposition of the Marine Mammals bill the Senate will proceed to the consideration of the second track item, the maritime authorization bill, H.R. 13324, under a time limitation. Yea and nay votes can be expected on amendments thereto and on final passage of the bill. It is hoped that the Senate will dispose of that bill tomorrow at an hour that is not unreasonably late.

The PRESIDING OFFICER. Is a vote expected on the committee amendment as amended on S. 2871?

Mr. ROBERT C. BYRD. A yea-and-nay vote is anticipated on the amendment by Mr. Stevens.

The PRESIDING OFFICER. On the committee amendment as amended on S. 2871?

Mr. ROBERT C. BYRD. I would doubt it. Ordinarily a rollcall vote is not requested on adoption of the committee amendment as amended, but on final passage, after third reading, there would be.

The PRESIDING OFFICER. There would, therefore, be no time for debate thereon.

Mr. ROBERT C. BYRD. It is my understanding, in listening to the request of the distinguished majority leader, that upon disposition of the amendment by Mr. Stevens the Senate then would proceed to third reading of the bill, which would first encompass adoption of the committee substitute, and after third reading there would be 20 minutes for debate on the bill.

The PRESIDING OFFICER. The Senator is correct.

ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 8:26 p.m. the Senate adjourned until tomorrow, Wednesday, July 26, 1972, at 10 a.m.

EXTENSIONS OF REMARKS

WITH A LITTLE HELP FROM OUR FRIENDS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. BRASCO. Mr. Speaker, recently, the Nation once again received a further shove in the direction of enlightenment regarding the sources of hard drugs entering this country and destroying American society.

I have long held that that U.S. Government and its agents abroad are largely conversant with who is pouring hard drugs into this country, how they are doing it and along what routes the poison moves.

In testimony before the Senate Foreign Operations Subcommittee, Alfred W. McCoy, author of a book entitled "The Politics of Heroin in Southeast Asia," detailed how our own allies are dealing in this poison at our expense.

He claimed and showed documentation to back up that claim, that we know all about highly placed South Vietnamese political and military figures are trafficking in heroin. Also, he states, the American command and embassy are aware of this state of affairs, and have been for months.

He offered a confidential memo from high U.S. military sources in Vietnam plus reports from the Army's Criminal Intelligence Division. Both raise fresh challenges to previous U.S. Government denials about drug dealing by Thieu regime officials.

General Ngo Dzu is singled out as one of the chief culprits, and this is the second time he has been accused publicly. No investigation has been made, or if it has, the Congress has not been made aware of it.

This same General Dzu has been relieved of command of the military regime around Kontum because of Communist advances there. Undoubtedly, one day, he shall be found among those reclining on the Riviera, living luxuriously off of American taxpayers' money. We have succeeded in creating an entire class of parasites like this man, who take their cue from the example set by Bao Dai, former Vietnamese ruler who has been living in this manner on the Cote d'Azur for more than a decade.

The testimony given by Mr. McCoy, complete with copies of signed memos from our military command's assistant chief of staff for civil operations and rural development, is utterly damning. Yet, as usual, such revelations only bring forth frantic, blanket denials by our higher-ups.

Ordinarily, I would turn in disgust from this degraded sight as I would from so many other revelations emerging from this discredited adventure. In this case, however, I cannot, because it only further fleshes out an emerging picture that shows direct links between such operations and our domestic difficulties at home.

What emerges is a plainly defined pattern. Presently, there are at least half a million heroin addicts in the United States, and their numbers grow daily with a frightening rapidity. Every day, these people have relatively easy access to large quantities of heroin, all of it brought into this country from abroad. None or little of this poison arrives from Communist nations. In fact, just the opposite is true.

Two flows of heroin have been identified. There is Turkish opium flowing to Marseilles in southern France, where it is turned into heroin and sent to the United States. And there is Southeast Asian opium, coming through Thailand and South Vietnam to either this Nation via the Pacific coast or to America through the addiction of our Asian service personnel.

In each case, governments supposedly closely allied with us are intimately and profitably involved in this traffic, either participating in it directly or looking the other way as it is conducted in front of their eyes.

What is most outrageous is that still another part of the pattern clearly emerges in the form of official American knowledge of these situations. We know what the French are doing. We know what the Thais and the Thieu regime are doing—to Americans and to America.

Yet we do nothing about it. In fact, we seem to be in the business of protecting those involved. When any criticism is raised of this atrocious and debased state of affairs, U.S. authorities on the highest level are the first to leap to the defense of our friendly little heroin traffickers.

Newspaper articles have been written here and abroad exposing the "French Connection." John Cusack was removed from his job in France because he was too honest and too determined to do his job. Now we see a young American who has spent months verifying what were thought to have been accusations, for all these fingers have been pointed at the same people before.

The truth is there for us to see. What absolutely astonishes me is that the U.S. Government has become a party to aiding and abetting the international heroin traffic. It is the only conclusion that can be drawn.

American G.I.'s have been known by various names throughout the history of our wars. In this abysmal venture they have become known as "grunts." As far as the latest revelation of the Thieu bigwigs being involved in peddling heroin to the average American soldier, I can only say that: "The grunts knew it all the time."

The U.S. Congress should not vote a single penny in foreign aid to Asian nations which refuse to crack down on the illegal drug trade. Last year there were narcotics control amendments to the Foreign Assistance Act. Similar amendments are awaiting this year's measure.

As for France, I shall reserve a special response for that dear foreign friend in another presentation.

IN SUPPORT OF FLOOD CONTROL

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. THOMPSON of New Jersey. Mr. Speaker, we shall soon be voting on an administration request for emergency flood relief funds to aid those towns and cities recently devastated by Hurricane Agnes. I think it vitally important that those of us in positions of public responsibility bring home to our constituencies the need to effect policies that will to the extent possible prevent a repetition of that disaster. Although my constituency was mercifully spared the flood waters launched by Hurricane Agnes, only a freak of nature spared the Delaware Valley from frightful destruction. Congress has authorized a comprehensive flood control program for the Delaware River Valley, and although it has languished of late, I am hopeful that the administration will do all in its power to support construction of the principal facility contemplated in that flood control program—the Tocks Island Dam. A similar view has been expressed by Mr. James Kerney, Jr., editor and publisher of the Evening Times, a distinguished newspaper in my home city of Trenton. Mr. Kerney and I share similar backgrounds in that we were both born and nurtured on the banks of the Delaware River. Those who have been prone to criticize the Tocks Island Dam project would do well to hearken to the article which Mr. Kerney wrote for the July 21 edition of the Evening Times. I am pleased to present it herewith:

NEED FOR TOCKS ISLAND DAM IS GROWING

(By James Kerney, Jr.)

The work on Tocks Island dam on the upper Delaware River is stopped. Perhaps the main reason for the delay is the fact that the four governors who are members of the Delaware River Basin Commission are not pushing for it. The reason given is the problems the dam would raise with the quality of water in the lake that would be created.

The Delaware River Basin Commission has a staff of the finest water experts in the United States. They can answer the environmental problems. The answers may cost money, but they are available. In the meanwhile, the need for the Tocks Island dam grows greater, not less.

The primary purposes of the Tocks Island dam were and are to create flood control and water supply. If Hurricane Agnes had hit the upper Delaware instead of further west in Pennsylvania, the damage to our valley in lives and property would have been enormous. A Tocks Island dam would have saved both lives and property.

There are 10,000,000 people directly dependent on the Delaware River for their drinking water, and there are billions of dollars of business and industry dependent on the water of the Delaware to stay in business. Not just Trenton and Camden and Philadelphia are dependent on the Delaware. The future demand for water in New Jersey requires the prudent development of the Delaware's water. New York City now draws 800,000,000 gallons of water a day from the upper Delaware by order of the Supreme Court. There will be a demand for more in the future.

The use of the Tocks Island site for a public recreation area is an added advantage, but not part of the basic need for the dam. It is all very well for the Sierra Club and the New York Times to demand that Tocks Island be condemned as a dam and kept as a simple recreation area. What comes first, the aesthetic desire of a thousand hikers in the Sierra Club or the drinking water needs of 10 million people in the Delaware Valley? As for the New York Times, they have their dams in the upper Delaware. They flush their toilets with Delaware River water. But they want the people of the Delaware Valley to forego protecting our future water supply so that the river can be left in its natural condition for their enjoyment.

I was born on the banks of the Delaware and learned to swim and canoe in it. I also learned to fear its floods, and to respect it. The Delaware of my boyhood is no longer. There are five million more people in the Delaware Valley since I was born who need the river's water. The river can be returned to its old natural condition only by getting those five million people to move out.

In the meanwhile, modern planning and skillful engineering can keep the Delaware clean and safe, while developing the water for all of us. Good planning, of which the Delaware River Basin Commission staff is fully capable, can make a delightful recreation area for millions, while accomplishing the prime purposes of flood control and water supply.

Governor Cahill has said that he wanted to rethink the whole problem of Tocks Island and the Delaware River development. I hope he will do so for the sake of us millions who are dependent on the Delaware for our lives and our livelihood.

PRESIDENTIAL DEBATE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. JACOBS. Mr. Speaker, President Nixon's apparent decision to avoid debate with his opponent this fall is bad news for the American political process, which cries out for candor from politicians which only the give-and-take from face-to-face debate can insure.

Everybody knows incumbents gain no political advantage from face-to-face debate with their opponents—but the voters do. And that means duty—the duty of candidates, whether they are privileged by incumbency or not, to appear together before the public and honor the hallmark of our American political system, specific debate, where neither participant can dodge the hard questions and specific answers to which the voters are entitled.

Should an incumbent find that his official duties preclude performance of his duties as a candidate—that he cannot do justice to both—then he should follow the example of President Johnson and not take on the candidates' responsibilities which he judges he cannot perform.

Mr. Speaker, the House may soon consider Senate-passed legislation to amend the equal time law and permit televised debate between major presidential candidates.

It is to be hoped that the 1968 spectacle of an all night congressional filibuster to avoid presidential debate will not again mar the American political process.

ORDER OF AHEPA CELEBRATES ITS GOLDEN ANNIVERSARY

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. BARING. Mr. Speaker, I would like to take this opportunity to join with many of my colleagues in honoring the Order of Ahepa, the American Hellenic Educational Progressive Association, during its celebration of its golden anniversary during the year of 1972.

The Order of Ahepa follows a nine-point program which I would like to point out to the American people:

First. To promote and encourage loyalty to the United States of America.

Second. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

Third. To instill in its membership a due appreciation of the privileges of citizenship.

Fourth. To encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor.

Fifth. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation.

Sixth. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture.

Seventh. To promote good fellowship, and endow its members with the perfection of the moral sense.

Eighth. To endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness.

Ninth. To champion the cause of education and to maintain new channels for facilitating the dissemination of culture and learning.

In particular, I commend the Order of Ahepa for its continuing contributions to numerous worthy causes both here in the United States and throughout the world. The generosity and spirit of this association has earned it a fine reputation in the areas of citizenship, education, civic participation, sports, and international relations.

My sincere congratulations and best wishes to all of the Nevada members of the Order of Ahepa and their local chapter officers.

The list of local chapter officers follows:

LIST

Angelo Georgeson, President, Reno; Dan Athipis, Vice President, Reno; A. D. Demetras, Secretary, Reno; Charles F. Fell, Treasurer, Reno.

Louis Georgelas, President, Las Vegas; Tom Karellos, Vice President, Las Vegas; Costas Skordoulis, Secretary, Las Vegas; Ted Johnson, Treasurer, Las Vegas.

Angelo Antonio, President, Ely; George Malaperdas, Vice President, Ely; John S. Lampros, Secretary, Ely; Nick Patras, Treasurer, Ely.

LEGISLATIVE PROGRAM

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. DELLUMS. Mr. Speaker, last year, at the request of many of my constituents in the Seventh Congressional District, I printed in the RECORD a compilation of the major bills I have sponsored in the 92d Congress.

Today, I want to insert in the RECORD an updated version of that compilation, along with status reports on those legislative proposals which have been acted upon by the Congress.

The compilation follows:

COMPILATION OF MAJOR BILLS SPONSORED

NUMBER, AUTHORS, AND SUBJECT

Agriculture

H.R. 3579 (Mr. Burton): To limit procurement of lettuce by the Department of Defense.

H.R. 9776 (Mr. Dellums): To terminate price support and export subsidies for tobacco producers after 1972 crop.

H.R. 10444 (Mr. Roy): To provide for the establishment of a National Rural Development Center (Status: passed the House February 23, 1972 as HR 12931, and passed the Senate April 30, 1972—now in conference).

H.R. 14941 (Mr. Koch): To insure reliability in the advertising and distribution of organically grown and processed foods.

Antitrust

H.R. 6603 (Mr. Dellums): Prohibits oil companies from buying and monopolizing energy sources.

H.R. 6604 (Mr. Dellums): Make public evidence gathered in antitrust suits.

H.R. 11051 (Mr. Dellums): Makes it the duty of Attorney General to investigate structure of markets which appear to be dominated by a very small number of companies.

Asian-American affairs

H.R. 12208 (Mr. Anderson of California): To create a Cabinet committee on Asian-American affairs.

Child welfare

H.R. 7336 (Mr. Dellenback): Comprehensive Child Development Act: (Status: Contained in H.R. 10351, passed House September 30, 1971, vetoed by the President December 9, 1971).

H.R. 9731 (Mr. Dellums): Requires child care facilities in low rent public housing.

H.R. 14000 (Mr. Badillo): To establish comprehensive developmental child care services in the Department of Health, Education, and Welfare.

H.R. 8051 (Mr. Koch): Extension of children and youth and maternal and infant care programs. (Status: Passed House and Senate, June 30, 1972.)

H. Res. 340 (Mr. Dellums): To abolish Internal Security Committee.

H. Res. 410 (Mrs. Abzug): Formal investigation of FBI by congressional committee.

H.R. 4241 (Mr. Matsunaga): Banning establishment of emergency detention camps (Status: passed House as H.R. 234 on September 14, 1971; passed Senate September 16, 1971; now Public Law 92–128.)

H.R. 5640 (Mr. Mikva): Freedom from Surveillance Act: Protects political rights and privacy of individuals and organizations and defines authority of Armed Forces to collect, distribute, and store information on civilian political action.

H.R. 7617 (Mr. Dellums): Government must notify individuals of records concerning them kept by government Agencies.

H.R. 9738 (Mr. Horton): To limit sales or distribution of mailing lists by federal agencies.

H.R. 9893 (Mr. Fauntroy): Gives voting privileges to ex-convicts in Washington, D.C. (Status: as part of H.R. 11992, passed House December 13, 1971—now Public Law 92–220.)

H.R. 10591 (Mr. Fauntroy): To establish an equal opportunity program for Library of Congress employees.

H.R. 10862 (Mr. Mikva): to amend the Voting Rights Act of 1965 so that federal voter registration should not be a hindrance to voter.

H.R. 11104 (Mr. Dellums): To Amend Voting Rights Act of 1965—to allow registration of students at the place of the institution of higher education that they attend.

H.R. 11415 (Mr. Mikva): To change the minimum age qualification for serving as a juror in Federal Courts from 21 years of age to 18 years of age. (Status: Judiciary Committee Hearings held, November 1971: still in subcommittee.)

H.R. 11659 (Mr. Dellums): To amend the Hatch Act so that federal employees can have wider participation in political activities and to protect federal civil servants from improper political solicitations. (Status: Hearing held by House Administration Committee.)

H.R. 12318 (Mr. Biaggi): To establish procedures providing members of the Armed Forces redress of grievances.

H.R. 12331 (Mr. Dellums): Provides for posting of information in post offices with respect to registration, voting and communication with lawmakers.

H.R. 12708 (Mr. McClory): Establishes a Commission on Penal Reform.

H.R. 13319 (Mr. Dellums): To provide for an independent Federal Board of Parole. (Status: Judiciary Committee Hearings Completed; no floor action.)

H.R. 13515 (Mr. Rangel): To give voting privileges to ex-convicts.

H.R. 13549 (Mr. Koch): To provide for family visitation furloughs for federal prisoners.

H.R. 1437 (Mr. Dellums): The Omnibus Penal Reform Act.

H.J. Res. 961 (Mr. Drinan): Proposing an amendment to the Constitution lowering the age requirements for membership in the Houses of Congress, from 25 to 22 years for Representatives and 30 to 27 years for Senators.

H.R. 14097 (Mr. Aspin): Prohibits unsolicited commercial telephone calls.

H.R. 14175 (Mrs. Abzug): To exonerate and provide for general and unconditional amnesty for war resisters.

H. Res. 976 (Mr. Conyers): Impeachment of the President for high crimes and misdemeanors.

H.R. 14924 (Mr. Badillo): To prohibit States and political subdivisions from discriminating against low- and moderate-income housing.

Civil service

H.R. 11658 (Mr. Dellums): To increase benefits and coverage under workmen's compensation programs for Federal employees.

H.R. 11660 (Mr. Dellums): Lowers age and service requirements for the Federal retirement program.

H.R. 11661 (Mr. Dellums): Eliminates restrictions on the rights of officers and employees of the Postal Service.

Consumer affairs

H.R. 4430 (Mr. Rosenthal): To establish Office of Consumer Affairs and Agency. (Status: passed House as H.R. 10835 on October 14, 1971, in weakened form—no Senate action to date.)

H.R. 5631 (Mr. Eckhardt): Consumer Class Action Act. Increases legal protection for consumers.

H.R. 11106 (Mr. Dellums): Bans war toys.

H.R. 12329 (Mr. Dellums): Amends the Vocational Education Act to utilize a portion of the funds for homemaking and consumer education programs for the elderly.

H.R. 13531 (Mr. Dellums): To amend the Federal Food, Drug, and Cosmetics Act to provide for the registration and licensing of food manufacturers and processors.

H.R. 14034 (Mr. Dellums): To repeal meat import quotas for the purpose of lowering meat prices.

H.R. 11219 (Mr. Ryan): Prohibits commercial use of PCB.

H.R. 13531 (Mr. Bingham): Pure Food Act. Requires registration and inspection for all food manufacturers and processors.

Commerce

H.R. 9029 (Mr. Sisk): Prohibits imposition of discriminatory State legislative barriers on interstate shipment of California wines.

District of Columbia

H.R. 9599 (Mr. Dellums): Proposes a referendum on District of Columbia statehood. (Status: District of Columbia Committee hearings completed.)

H.R. 10197 (Mr. Fauntroy): Home rule for District of Columbia. (Status: District of Columbia Committee hearings completed.)

H.R. 13340 (Mr. McMillan): To extend District of Columbia Medical and Dental Manpower Act.

H.R. 15612 (Mr. Hogan): Requires inclusion of rail communter service in Washington mass transit planning.

H.R. 11501 (Mr. Fauntroy): To establish a District of Columbia Development Bank.

H.R. 11628 (Mr. Stuckey): To authorize grants and loans guarantees for construction and modernization of hospitals in the District of Columbia. (Status: reported favorably by District of Columbia Committee; defeated on the floor of the House.)

Draft

H. Res. 379 (Mr. Mitchell): Repeals Selective Service System.

H.R. 6592 (Mr. Dellums): To provide legal counseling to draft registrants.

Drugs

H.R. 6607 (Mr. Dellums): Prohibits unsolicited mailing of drug samples.

H.R. 7822 (Mr. Dellums): To prohibit foreign assistance to countries not preventing narcotic drugs from entering the U.S.

H.R. 12756 (Mr. Pepper): Promote research and development of drugs or chemical compounds for use in the cure, prevention or treatment of heroin addiction.

H.R. 13340 (Mr. Rangel): To regulate the interstate traffic and sale of hypodermic needles and syringes.

H.R. 14741 (Mr. Koch): Decriminalization of marijuana.

Economy

H.R. 10189 (Mr. Adams): To establish an emergency federal economic assistance program for areas with severe economic problems.

H.R. 10321 (Mr. Monagan): To establish price and wage guidelines.

H.R. 12882 (Mr. Anderson of Tennessee): To require the President to notify the Congress whenever he impounds funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action.

H.R. 10349 (Mr. Mikva): Establishes and protects rights of day laborers.

H.R. 15740 (Mr. Rosenthal): To freeze retail prices of meat.

H.R. 15745 (Mr. Abourezk): To liberalize provisions of the Disaster Relief Act.

Education

H.R. 9383 (Mr. Dow): Elementary and Secondary Education Act direct assistance: To encourage States to increase the proportion of the expenditures in State for public education which is derived from State rather than local revenue sources.

H.R. 10044 (Mr. Esch): To provide for educational assistance on behalf of or to certain eligible veterans pursuing programs of education. (Status: Hearings held November and December 1971, no committee action.)

H.R. 12929 (Mr. Peyser): Expands membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

H.R. 13621 (Mr. Badillo): To amend the Education of the Handicapped Act to provide tutorial and related instructional services for hometown children through employment of college students—particularly veterans and other students who themselves are handicapped.

H.R. 12623 (Mr. Riegle): Promotes development and expansion of community schools throughout the United States.

H.R. 12801 (Mr. Biaggi): To amend the Maritime Academy Act in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy.

H.R. 12803 (Mr. Biaggi): To amend the Military Selective Service Act in order to provide for the deferment thereafter of students appointed to maritime academies and colleges.

Electric utilities

H.R. 10228 (Mr. Tiernan): National power grid system: For the purpose of assuring adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry.

Employment

H.R. 1746 (Mr. Hawkins): Equal Employment Opportunity Enforcement Act: (Status: Passed House September 16, 1971; passed Senate February 22, 1972; now Public Law 92–261).

H.R. 6608 (Mr. Dellums): Extends unemployment insurance to agriculture workers.

H.R. 6876 (Mr. O'Neill): Permits federal sharing of cost of unemployment benefits which extend 52 weeks.

H.R. 7685 (Mr. Clay): National Public Employee Relations Act.

H.R. 9104 (Mr. Riegle): To provide assistance to institutions providing public service employment to veterans of the Vietnam era.

H.R. 12011 (Mr. Reuss): Expands the Emergency Employment Act.

H.R. 14298 (Mr. Dellums): To provide for the assignment of unused laboratory space and facilities to unemployed scientists.

H.R. 14299 (Mr. Dellums): To assure a more adequate retirement income for employees by requiring the establishment of employee pension and profit-sharing-retirement plans and providing additional protection for the rights of participants in such plans. (Status: Hearings held by Ways and Means Committee).

H.R. 15607 (Mr. Burke): State Unemployment Compensation.

H.R. 15608 (Mr. Burke): Extending Emergency Unemployment Compensation Program. (Status: passed House and Senate June 29, 1972: P.L. 92–329.)

Environment

H. Res. 279 (Mr. McCloskey): Designates third week in April each year as "Earth Week."

H. Con. Res. 387 (Mr. Bingham): Requests Secretary of State to call for 10-year halt to killing of whales, porpoises, and dolphins. (Status: passed House November 1, 1971.)

H.R. 4556 (Mr. Hechler): Environmental Protection Enhancement Act; Control of surface and underground coal mining operations which adversely affect environment. (Status: Hearings Held by Interior Committee; Weak version reported out to floor.)

H.R. 4911 (Mr. Bell): States can have tougher pollution laws against polluters.

H.R. 5074 (Mr. Udall): Authorizes class action suits against polluters:

H.R. 5223 (Mr. Halpern): Detergent Pollution Control Act: To ban from detergents all phosphate and those synthetics which fail to meet standards by June 30, 1973.

H.R. 5438 (Mr. Anderson of California): Amend National Flood Insurance Act of 1968 to provide insurance protection against loss and damage resulting from earthquakes and earthslides.

H.R. 5684 (Mr. Gude): To protect wild horses on public land. (Status: passed House as HR 9890 on October 4, 1971.)

H.R. 6590 (Mr. Dellums): Safe Pesticides Act: To conduct study and investigation of effects of use of pesticides and ban certain pesticides.

H.R. 6591 (Mr. Dellums): Requires Defense Department to study environmental impact of waste disposal procedures in waters.

H.R. 6599 (Mr. Dellums): Bans Internal combustion engines after January 1, 1975.

H.R. 7618 (Mr. Dellums): Clean air amendment controls emissions from motor vehicles.

H.R. 7619 (Mr. Dellums): Protection of marine wildlife through regulation of disposal in waters.

H.R. 7845 (Mr. Dingell): Amend Federal Water Pollution Act: Uniform application and dollars for States and municipalities for quality water.

H.R. 9680 (Mr. Harrington): To increase penalties under 1899 Refuse Act to punitive Levels.

H.R. 9685 (Mr. Koch): Empowers the Administrator of the Environmental Protection Agency to issue permits under 1899 Refuse Act.

H.R. 9796 (Mr. Dellums): National Environmental Bank to authorize the issuance of U.S. Environmental Savings Bonds and to establish an Environmental Trust Fund.

H.R. 10032 (Mr. Dow): Requires the Congressional Record to be printed with recycled paper.

H.R. 10098 (Mr. Dow): To authorize the General Services Administration to set regulations for recycled materials.

H.R. 10099 (Mr. Dow): Insures use by Federal Government of recycled materials.

H.R. 10214 (Mr. Anderson of California): Establishes conservation policies for wild predatory mammals, including prohibition of the use of poison on public lands.

H.R. 10291 (Mr. Mitchell): To reduce pollution which is caused by litter composed of soft drink and beer containers, especially when sold on a no-deposit, no-return basis.

H.R. 6600 (Mr. Dellums): Amends the National Emission Standards Act to require standards be set at most stringent possible level.

H.R. 6601 (Mr. Dellums): Smogless Vehicle Development Act; Research development, demonstration project for non-air-polluting vehicles.

H.R. 6602 (Mr. Dellums): Prohibits SST flights until environmental studies made.

H.R. 6606 (Mr. Dellums): Federal Procurement Environmental Enhancement Act: Amends Federal Water Pollution Control Act and Clean Air Act and provide assistance in enforcing acts.

H.R. 6984 (Mr. Ryan): Appropriations for Noise Control Program.

H.R. 6986 (Mr. Ryan): Noise Abatement and Control Act: To expand the functions and responsibilities of Office of Noise Abatement and Control; to establish means for effective coordination of Federal research and activities relating to noise and control; to establish standards in regard to noise. (Status: passed House as H.R. 11021 on February 29, 1972; still in Senate.)

H.R. 6988 (Mr. Ryan): Noise Disclosure Act.

H.R. 6990 (Mr. Ryan): Occupational Noise Control Act: Requires adoption of standards which will provide against the deleterious effects of excessive noise.

H.R. 7285 (Mr. Goldwater): To provide the Bureau of Land Management the power to arrest violators of anti-pollution and land use regulations on public lands.

H.R. 7555 (Mr. Pryor): Ocean Mammals Protection Act: To protect ocean mammal from being pursued, harassed or killed. (Status: passed the House as H.R. 10420 on March 9, 1972; still in Senate.)

H.R. 10354 (Mr. Veysey): Amends the Clean Air Act to clarify California's right to enforce its own stringent motor vehicle emission standards.

H.R. 10890 (Mr. Aspin): Imposes an excise tax on fuels containing sulfide.

H.R. 11102 (Mr. Dellums): Bans manufacture, military use and procurement of napalm and other incendiary weapons.

H.R. 13812 (Mr. Halpern): To promote international cooperation in United Nations efforts to protect the world's oceans and atmosphere.

H.R. 13884 (Mr. Roncalio): To establish a commission to investigate and study the practice of clear-cutting of timber resources of the United States on Federal lands.

Equal rights

H. Res. 489 (Mr. Dellums): Amends the Constitution so that "Equality of rights under the law shall not be denied or abridged by the U.S. or by any State on account of sex * * *" (Status: passed House as H.J. Res. 208 on November 12, 1971; passed Senate March 22, 1972.)

Food stamps

H.J. Res. 1014 (Mr. Dellums): Assures continued eligibility of recipients of food stamp benefits, so that new Department of Agriculture standards will not make ineligible anyone eligible by State standards under previously existing programs.

H.R. 9596 (Mrs. Abzug): To amend the Food Stamp Act for the insuring of adequate nutrition and the broadening of eligibility standards.

H.R. 11466 (Mr. Badillo): To amend Food Stamp Act to extend benefits to narcotics addicts participating in drug treatment and rehabilitation.

Foreign policy

H. Res. 54 (Mrs. Abzug): Set withdrawal date from Indochina for July 4, 1971.

H. Con. Res. 133 (Mr. Ryan): Total withdrawal of U.S. forces from Vietnam by June 30, 1971.

H. Con. Res. 193 (Mr. Wolff): Study team to observe Vietnamese presidential elections.

H.J. Res. 296 (Mr. Dellums): Calling for war crimes inquiry by Congress.

H. Con. Res. 304 (Mr. Halpern): Cease all military aid to Pakistan.

H. Con. Res. 317 (Mr. Leggett): Withdrawal from Indochina contingent only upon release of prisoners of war.

H. Res. 392 (Mr. Anderson of Tennessee): To relieve suppression of Soviet Jewry. (Status: passed House as H. Con. Res. 471 on April 17, 1972.)

H. Res. 490 (Mrs. Abzug): President must supply Congress with full and complete information on Vietnam. (Status: defeated June 30, 1971.)

H. Res. 638 (Mr. Wolff): Directs Secretary of State to furnish information about the role of U.S. Government leading to uncontested Vietnamese presidential election.

H.J. Res. 900 (Mr. Findley): To create an Atlantic Union Delegation: to promote a more perfect union of the Atlantic Community. (Status: Foreign Affairs Committee Hearings Completed—No Floor Action.)

H.R. 4100 (Mr. Bingham): Vietnam Disengagement: To bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American Armed Forces by December 31, 1971.

H.R. 5228 (Mr. Harrington): Prohibits use of U.S. Forces in an invasion of North Vietnam.

H.R. 8603 (Mr. Koch): Soviet Jews Relief Act: authorizes 30,000 special immigrant visas.

H.R. 8955 (Mr. Dow): Declares that 48 hours after enactment all U.S. Armed Forces shall cease all military combat and military support missions in Cambodia, Laos, Vietnam and Thailand.

H.R. 9964 (Mr. Ryan): Makes appropriations for development of a prototype desalting plant in Israel.

H.R. 11103 (Mr. Dellums): To suspend the production and deployment of MIRV's, ABM's and site construction until conclusion of the Strategic Arms Limitation Talks.

H.R. 13147 (Mr. Dellums): Terminates the exploitative activities of United States business concerns in South Africa, Rhodesia, and Portuguese Africa.

H.J. Res. 1067 (Mr. Dellums): To prohibit Presidential nuclear first-strikes without prior authorization by Congress.

H.R. 13030 (Mr. Halpern): Furnish assistance for the resettlement of Soviet Jewish refugees in Israel.

H.R. 14055 (Mr. Drinan): To provide for the cessation of bombing in Indochina and for withdrawal of U.S. military personnel.

H.J. Res. 1139 (Mr. Diggs): Making Fair Employment Practices in South Africa a criterion for eligibility for U.S. government Contracts.

H.J. Res. 1143 (Mr. Mailliard): Establishes a Commission on U.S. Participation in the United Nations.

H. Con. Res. 522 (Mrs. Abzug): To initiate negotiations seeking a comprehensive ban on all nuclear test explosions.

H. Con. Res. 537 (Mr. Helstoski): Providing for the recognition of Bangladesh.

H. Con. Res. 546 (Mr. Culver): Regarding steps to strengthen the foreign policy of the United States through measures relating to the domestic economy.

H. Con. Res. 607 (Mr. Stokes): Asserts that the blockade of North Vietnamese ports constitutes an overt act of war.

H. Res. 887 (Mr. Wolff): Suspends aid to Thailand for its failure to control the illegal traffic of opium.

Health

H. Res. 108 (Mr. Long of Maryland): To keep open Public Health Service hospitals.

H. Res. 512 (Mr. Seiberling): Calls for comprehensive survey of incidence of serious hunger and malnutrition in America.

H.R. 2626 (Mr. Ryan): Makes appropriations for lead paint poisoning program.

H.R. 3124 (Mrs. Griffiths): The Health Security Act: To institute a national health insurance system to insure comprehensive health services for all residents of the United States.

H.R. 3282 (Mr. Galifianakis): Amends Public Health Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist.

H.R. 11171 (Mr. Fauntroy): To provide for the prevention of sickle cell anemia: Attainment of better methods of prevention diagnosis and treatment of sickle cell anemia deserve the highest priority. (Status: Passed House and Senate, approved May 16, 1972; Public Law 92-294.)

Holidays and memorials

H.R. 4097 (Mr. Conyers): Establish Martin Luther King Birthday Holiday.

H.R. 7114 (Mr. Nix): Martin Luther King commemorative stamp.

H. Con. Res. 312 (Mr. Bingham): Authorize placing of bust of Martin Luther King in Capitol.

Legal services

H.R. 6360 (Mr. Meeds): National Legal Services Corporation Act. A private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the U.S., free from extraneous interference and control. (Status: part of HR 10351, Economic Opportunities Act, passed House September 30, 1971, vetoed by the President December 9, 1971).

H.R. 13205 (Mr. Bingham): To provide federal citizen-anticrime-patrol assistance grant to residents' organizations.

H.R. 15497 (Mr. Mikva): Provides compensation for crime victims.

Motor vehicles

H.R. 11105 (Mr. Dellums): Amends the National Traffic and Motor Vehicle Safety Act to require establishment of certain standards with respect to light banks, governors, and speed control panels.

H.R. 11107 (Mr. Dellums): Amends Section 402 of Title 23 of U.S. Code relating to informational regulator and warning signs, markings and signals.

Native Americans

H. Res. 181 (Mr. Meeds): The termination policy declared by 83d Congress is no longer the policy of Congress, and termination is not a Congressional objective in legislating Indian affairs.

H.R. 7039 (Mr. Meeds): Alaska Native Claims Settlement Act: Recognizes claims of Natives and Native villages based upon aboriginal occupancy and use of lands within the State of Alaska (Status: passed House on December 14, 1971, without strengthening amendments; now Public Law 92-203).

H.R. 8937 (Mr. Meeds): Amends the Elementary and Secondary Education Act of 1965, to provide for administration of programs of Indian education by a National Board of Indian Education in the Office of Education, and to promote research into methods of improving Indian education.

H.R. 9777 (Mr. Dellums): To enforce the Treaty of Guadalupe-Hidalgo as a treaty made pursuant to article VI of the Constitution in regard to lands rightfully belonging to descendants of former Mexican citizens, and to recognize the municipal status of community land grants.

Public lands, parks

H. Res. 111 (Mr. Edwards of California): To establish San Francisco Bay Wildlife Refuge Status (Passed Congress, P.L. 92-230.)

H. Res. 547 (Mr. Dellums): Establishes Tule Elk National Wildlife Refuge.

H.R. 3228 (Mr. Burton): To establish Juan Manuel De Ayala Recreation Area (the Golden Gate Recreation Area). (Status: favorably reported by Interior Committee.)

H.R. 4270 (Mr. Waldie): Designates San Joaquin Wilderness.

H.R. 6595 (Mr. Dellums): Declares public interest in open beaches of the Nation and for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof.

Oil industry

H.R. 4930 (Mr. Conte): Repeals the Connally Hot Oil Act.

H.R. 4933 (Mr. Conte): Terminates the oil import control program.

Public lands and parks

H.R. 6596 (Mr. Dellums): To enlarge Sequoia National Park to include the Mineral King area.

H.R. 6597 (Mr. Dellums): To enforce the 160-acre limitation on private ownership of land benefiting from federal water projects by authorizing federal purchase of excess land at preproject prices.

H.R. 6598 (Mr. Dellums): Requires congressional authorization of Alaska Pipeline.

H.R. 6605 (Mr. Dellums): Creates National Coastline Conservation Commission.

H.R. 7238 (Mr. Waldie): To include Eel, Klamath, and Trinity Rivers as components of National Wildlife and Scenic Rivers.

H.R. 9498 (Mr. Burton): To establish a National Recreation Area in San Francisco and Marin Counties.

H.R. 10155 (Mr. Mathias): To provide for the establishment of the California Desert National Conservation Area.

H.R. 13728 (Mr. Leggett): Creates Snow Mountain Wilderness Area.

Senior citizens

H. Res. 254 (Mr. Pryor of Arkansas): Creates a full-time select committee to investigate all problems concerning America's senior citizens.

H.R. 9105 (Mr. Rosenthal): Reduced transportation rates for older Americans.

H.R. 11259 (Mrs. Abzug): Amends the Urban Mass Transportation Act to authorize grants and loans to private non-profit organizations to assist them in providing transportation meeting the special needs of elderly and handicapped persons.

H.R. 14118 (Mr. Koch): To authorize the establishment of an older worker community service program.

H.R. 12328 (Mr. Dellums): Strengthens and improves Older Americans Act. (Status: passed House July 17, 1972, as H.R. 15657.)

H.R. 13835 (Mr. Harrington): To provide for the establishment of an Office for the Aging in the Executive Office of the President, for the fulfillment of the purposes of the Older Americans Act, and for the enlarging the scope of that act.

H.R. 14607 (Mr. Pryor of Arkansas): Establishes an Older Workers Conservation Corps.

Social security

H.R. 5991 (Mr. St Germain): Amends Title II to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage.

H.R. 6243 (Mr. Obey): Amends Titles II and XVIII to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program. (Status: Included as an amendment to H.R. 1.)

H.R. 7372 (Mr. Burke): Provides a 50% across-the-board increase in benefits, raises the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits. (Status: Hearings held on all Social Security Act amendments by Ways and Means Committee; a 20% increase passed July 1, 1972; P.L. 92-336.)

H.R. 7620 (Mr. Dellums): Liberalizes conditions of eligibility of blind to receive disability insurance benefits.

H.R. 10500 (Mr. Pepper): Allows police a tax cut.

H.R. 13869 (Mr. Koch): Amends Social Security Act to allow remarriage without loss of benefits.

H.R. 13932 (Mr. Stokes): Eliminates "recency of work" requirement for social security disability benefits.

Taxes

H.R. 5082 (Mr. Wylie): Excludes first $3,000 of Retirement Income from taxes.

H.R. 7621 (Mr. Dellums): To extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. (Status: Ways and Means Committee Hearings Completed, No Floor Action.)

H.R. 7622 (Mr. Dellums): Increases allowed exemptions to $1,000.

H.R. 9187 (Mr. Halpern): To amend the Internal Revenue Code to allow deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence.

H.R. 9297 (Mr. Aspin): Excise Tax on nonreturnable bottles and cans.

H.R. 9298 (Mr. Aspin): Excise Tax on phosphate content of cleaning agents.

H.R. 10013 (Mr. Aspin): To increase exemptions by tying to cost of living.

H.R. 10435 (Mr. Koch): Blood donations are deductible from gross income.

H.R. 11396 (Mr. Danielson): To amend Internal Revenue Code to disallow deductions from gross income for salary paid to aliens illegally employed in the United States.

H.R. 14414 (Mr. Dellums): Provides that taxpayers conscientiously opposed to participation in war may elect to have tax payment spent for nonmilitary purposes.

H.R. 12332 (Mr. Dellums): To allow a credit against Federal income tax for State and local real property taxes or an equivalent portion of rent by individuals age 65 and over.

H.R. 13857 (Mr. Corman): To gear the income tax more closely to an individual's ability to pay.

H.R. 13879 (Mr. Reuss): Raises needed additional revenues by tax reform.

Urban Affairs

H. Res. 252 (Mr. Morse): Creates a Committee on Urban Affairs.

H.R. 4001 (Mr. Ryan): To provide supplemental appropriations and increased contract authority to fully fund the urban renewal, model cities, and rent supplement programs and the low-income homeownership and rental housing programs for fiscal 1971.

H.R. 6593 (Mr. Dellums): To provide that certain expenses incurred in the construction of the Twelfth Street Bay Area Rapid Transit Station in Oakland, California, shall, to the extent otherwise eligible, be counted as local grants-in-aid toward the Chinatown Urban Renewal Project.

H.R. 6594 (Mr. Dellums): The Urban Mass Transit Act.

H.R. 11146 (Mr. Dellums): Amends the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed.

H.R. 11181 (Mr. Koch): To amend the U.S. Code to authorize construction of bicycle lanes.

H.R. 12862 (Mr. Ryan): To provide supplemental appropriations and increased contract authority to fully fund the urban renewal, model cities, and rent supplement programs, and the low-income homeownership and rental housing programs for fiscal 1972.

H.R. 13701 (Mr. McFall): Increases funding for fiscal 1973 public works and development facilities grants, and requires that a larger percentage of such appropriations be expended in certain redevelopment areas. (Status: Hearings held by Public Works Committee.)

Veterans

H.R. 11089 (Mr. Edwards of California): Authorizing the Secretary of the Army to establish a National Cemetery at Camp Parks, Calif.

H.R. 11108 (Mr. Dellums): To increase servicemen's group life insurance coverage to a maximum of $50,000, to liberalize coverage under GI life insurance program and for other purposes.

H.R. 13127 (Mr. Scott): Educational assistance to veterans pursuing refresher courses.

Welfare Reform

H.R. 7257 (Mr. Rangel): The Adequate Income Act.

H.R. 11096 (Mr. Pepper): Calls for annual social report from the President.

H. Res. 423 (Mr. Ryan): Expresses the sense of Congress that any individual whose earnings are substandard or who is amongst the working poor should be exempt from any wage freeze under the Economic Stabilization Act of 1971.

H.R. 13214 (Mr. Fraser): Across-the-board $4 increase per month for public assistance recipients.

TRIBUTE TO MRS. ARLISHER W. JOHNSON AND MR. FREDERICK J. WOUSTER

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. HILLIS. Mr. Speaker, I would like at this time to call to the attention of Congress the names of two outstanding citizens who reside in the district I represent. Mrs. Arlisher W. Johnson of Indianapolis, Ind., and Mr. Frederick J. Wouster of Swayzee, Ind., have been named as recipients of the General Motors Gold Medal Award for excellence in community activities. Only 20 other General Motors employees across the United States were so honored this year and they were chosen from among 247,000 employees.

In order to be eligible for this outstanding award, an employee must demonstrate a sincere concern for the welfare of his community and its citizenry. Consideration is based upon the amount of personal involvement in service activities, the results of those activities, motivation, and the amount of personal sacrifice on the part of the employee. The award for excellence program is designed to recognize and honor those General Motors employees who perform outstanding service for the betterment of their communities through voluntary participation in civic, charitable, and other activities.

Mr. Speaker, nominations for this award are made by fellow employees, members of service organizations, and the general public. Preliminary judging is handled by a committee named by the local plant management and the final selection is made by a committee composed of community leaders.

Mr. Wouster is a diemaker at the Fisher Body Division at Marion, Ind., where he has been employed for 14 years. Among his many outstanding achievements are: Past president of the Visiting Nurse Association, past vice president and chairman of the admissions and review committee of the Grant County United Fund, and past board member of the Marion Easter Pageant. Mr. Wouster is currently a member of the board of directors of the Indiana State Mental Health Association and the Marion General Hospital as well as serving on the Grant County community development study committee. He is married and has four daughters and one son.

Mrs. Johnson, who is employed in the maintenance department of Detroit Diesel Allison Division in Indianapolis has, for the past 22 years, been a member of the Women's Auxiliary of the Tillman Harpole Post 249 of the American Legion. During that time she has held all offices in the organization including 15 years as chairman of the child welfare and music committee. Her activities in the 11th district of the American Legion as an officer and committee chairman include civil defense, Boy Scouts, and Girl Scouts. She has donated over 1,000 hours of her time to volunteer work at Veterans' Administration hospitals in Indianapolis. She also has the distinction of being the first black to become second vice president of the 11th district, American Legion and is responsible for several scholarship programs. Mrs. Johnson resides with her husband in Indianapolis.

Mr. Speaker, these two people represent the type of unselfish and involved citizenship that is desperately needed in a democracy which, in order to function properly, requires citizen participation. In my judgment they have earned a distinction worthy of our recognition.

ORDER OF AHEPA—50 YEARS OF SERVICE AND ACCOMPLISHMENT

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. CLARK. Mr. Speaker, the Order of Ahepa was founded 50 years ago today in the United States. The order deserves recognition for its extensive and unselfish contributions to so many worthy causes during its 50 years of existence. To name the national and international contributions made by the order would be too numerous. There are local AHEPA chapters in Ambridge and New Castle, Pa., in my congressional district and I am personally familiar with their undertakings in the fields of education, charity and civic improvement. In particular, AHEPA has always championed the cause of education. So many of us ask what we can do to contribute to the betterment of American life. I say look to the Order of Ahepa as an example. The objects of AHEPA are:

First. To promote and encourage loyalty to the United States of America;

Second. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind;

Third. To instill in its membership a due appreciation of the privileges of citizenship;

Fourth. To encourage its members to always be profoundly interested and actively participating in the political, civic, social and commercial fields of human endeavor;

Fifth. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor and integrity of every nation;

Sixth. To promote a better and more comprehensive understanding of the attributes and ideas of Hellenism and Hellenic culture;

Seventh. To promote good fellowship, and endow its members with the perfection of the moral sense;

Eighth. To endow its members with a spirit of altruism, common understanding, mutual benevolence and helpfulness; and

Ninth. To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

A TRIBUTE TO VOLUNTEER FIREMEN

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. GROVER. Mr Speaker, if there is one thing that distinguishes America and Americans, it is the concept of service to one's fellow man, an idea that has been central to our Republic from the beginning. The tremendous growth of all types of volunteer service in the United States is no accident. It is a result of our background and our way of life. Volunteer service has become a part of an established economic and social pattern which is one of the strengths of our great Nation, a brotherhood of free men who care.

Of all our volunteers, none exceeds in courage and devotion the volunteer firemen upon whom our country depends, to a large extent, for the protection and preservation of property and life itself against the ravaging assault of fire, the oldest enemy, as well as the oldest friend, of man. Throughout our history, the volunteer firemen of America have served the country with a zeal akin to that of our fighting men—our soldiers, sailors, and marines—under conditions posing very similar dangers. Fire fighting is difficult and hazardous. It must often be carried on under severe weather conditions. The hours are unpredictable and often unusually long compared to those of many other paid workers. The fireman must have steady nerves, considerable physical strength, and enough stamina to enable him to maintain an intense degree of effort, over long periods, under almost unbearable conditions. A fireman has to be ready for anything, because he never knows what he may encounter next.

The volunteer firemen of America deserve our heartfelt gratitude, admiration, and respect. They have saved countless lives and millions of dollars worth of property, often at great personal sacrifice and at the risk of injury or death. A volunteer fire department is more than a group of men with shining red equipment; it is an example of two qualities that have made America great—individual initiative and concern for the welfare of others.

Mr. Speaker, I have this date introduced a House resolution to honor and commend the volunteer firemen of New York State on the occasion of the 100th anniversary of their volunteer service, a century of dedication, heroism, and self-sacrifice in the interest of others.

TAXES SHOULD NOT SUPPORT STRIKERS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. CHAMBERLAIN. Mr. Speaker, on June 29, the House, during consideration of the Department of Agriculture appropriations bill, narrowly defeated an amendment which would have prohibited food stamps to those who would qualify solely, because they are on strike. This amendment had my support and, I believe, that of a majority of Americans. The Citizen Patriot of Jackson, Mich., in its editorial of July 13 set forth in persuasive language the reasons why, "Taxes Should Not Support Strikers" and I commend it to the attention of my colleagues:

TAXES SHOULD NOT SUPPORT STRIKERS

Should workers who voluntarily walk off the job in a strike be eligible for government food stamps?

Congress voted yes in the past session by the narrow margin of 19 votes after heavy union lobbying. The question may rise again in the next session.

Making strikers eligible for food stamps is nothing more than taxpayer subsidy of the strike.

The food stamp program originally was aimed at the poor who could not purchase their nutritional needs. In the past 18 months, strikers and some college students were ruled eligible for food stamps because they met the program's income requirements, even though their circumstances did not fit what the program designers had in mind.

Labor's argument is that striking workers are taxpayers and their temporary loss of work, though voluntary, should not deny them the fruits of their tax dollars.

But workers on strike are in a particular category that makes them distinct from most of the other persons who are eligible for food stamps.

They are able-bodied, often have skills, and have a job if they want it. Workers voluntarily decide not to work when they approve walking off the job with a strike vote.

The elderly, unemployed, and those on welfare have no jobs or have an income so low that food purchases at prevailing prices would not leave them enough money for the other necessities of life.

The only reason that Congress upheld the decision to continue strikers as eligible for food stamps is that labor unions have a powerful clout in the House of Representatives.

Nevertheless, the 199–180 defeat of a recent motion to deny strikers the food stamps is an indication that the public sentiment may be swinging against strikers. Fifty-four members of the House failed to vote on the motion.

The Department of Agriculture recently tightened the eligibility requirements for food stamps, probably because of public pressure.

The department now requires all food stamp recipients to be registered for employment with an appropriate agency. In addition such physical assets as snowmobiles, trailers, campers, cottages, etc., will be considered for eligibility. If the assets are too high, the applicant will be ineligible.

College students who are still claimed by their parents as dependents on federal income tax forms are also ineligible. If an applicant has access to credit cards within the family, the cards are considered unlimited income and make him ineligible.

These new guidelines will make it tougher for strikers and college students living away from home to receive food stamps.

Yet food stamps should not be one of the weapons available to organized labor when it is negotiating with an employer at the bargaining table. This gives strikers a government assist they should not rightly have in a free enterprise system.

Congress will get another chance to deny strikers food stamps in the next session on the strength of the narrow margin in the last session. If the 54 congressmen who did not vote the last time cast a ballot the next time around, the food stamp program may be protected for those with genuine needs.

RESULTS OF PUBLIC OPINION POLL

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. COLLIER. Mr. Speaker, I recently released the results of my 1972 public opinion poll which reflect the views of more than 16,000 residents of the 10th Congressional District of Illinois on 10 questions of vital national concern.

Results of the poll are as follows:

PUBLIC OPINION POLL RESULTS

(Answers in percent)

1. Do you think the emergency powers of the President should be expanded to deal with strikes seriously affecting the public interest on a regional as well as a national basis? Yes—75.5; No—20.4; No Response—4.1.

2. Do you favor busing to achieve racial balance in public schools? Yes—5.8; No—91.2; No Response—3.0.

3. Do you favor a National Health Insurance Program to cover catastrophic or prolonged illnesses? Yes—71.5; No—23.9; No Response—4.6.

4. Would you favor legislation providing for no-fault automobile insurance on a national basis? Yes—67.7; No—23.5; No Response—8.8.

5. Do you favor the President's proposal for an all-volunteer military system to replace the draft? Yes—67.8; No—27.4; No Response—4.7.

6. Do you favor automatic adjustments in Social Security benefits to cover cost of living increases in preference to general increases voted periodically by Congress? Yes—76.2; No—18.6; No Response—5.2.

7. Do you favor the President's nine-point proposal for ending U.S. involvement in Vietnam? Yes—70.3; No—21.6; No Response—8.2.

8. Do you favor continued reduction of funds for foreign aid? Yes—86.9; No—9.5; No Response—3.6.

9. Do you favor a tax credit for parents with children attending accredited nonpublic schools? Yes—46.4; No—50.0; No Response—3.6.

10. Do you favor the welfare reform bill now pending before the Senate? Yes—53.4; No—26.5; No Response—20.0.

THE NEED FOR CONGRESSIONAL ACTION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, if we are to believe the vast promises made by the other party at its recent convention in Miami, we should be witnessing now in Congress a substantial push for concrete action on pending reform legislation in a number of key areas. Unfortunately, the opposite is true. The Water Pollution Control Act Amendments of 1972 are still being held up in conference; the historic revenue sharing plan approved by this body in June is making deplorably slow progress in the Senate; the President's comprehensive welfare reform proposal submitted in 1969 is still pending; and Congress has failed to bring to a vote the executive reorganization proposals made by the President more than 18 months ago. If its current sluggish posture in Congress is any indication of the energy with which the other party intends to pursue the plans they have been voicing this election year, we have good reason to fear that all its grandiose promises are just that: pie-in-the-sky panaceas designed more for partisan gain than out of real commitment to solving the great problems facing the Nation.

My colleague and good friend from Michigan, Congressman GUY VANDER JAGT, also exasperated by this costly procrastination, called upon Congress in a statement to his constituents of July 24 to expedite action on water pollution legislation in conference and other important administration proposals. I would like to bring this article to the attention of the entire House because it pinpoints just exactly what has not been done by the majority in Congress despite its loud claims about having a corner on the market of reform.

I agree with my colleague from Michigan that we have heard enough empty rhetoric from the other party and have seen far too little realistic effort to back it up. Now is the time for concrete action on proposals that are imperative if pollution, welfare, and other pressing national problems are to be solved.

The newsletter follows:

THE NEED FOR CONGRESSIONAL ACTION

As politics intensifies in anticipation of the presidential campaign, the frequency of "finger-pointing" also expands. Everyone can find someone to blame for what he thinks is wrong with the country or its policies. At the risk of appearing to join in that game, I think it is appropriate that Congress take stock of its performance, for I observe that the political stakes of 1972 are beginning to interfere with legislators' response to the Nation's needs.

The water pollution legislation, which I believe is absolutely fundamental to the Nation's efforts to protect the natural environment, remains stalled in negotiations that are closed to all but the participants. Nearly four months after House passage of this bill, which incorporated my amendment on waste water recycling, conferees of the House and

Senate Public Works Committees have been unable to reach accord. The failures to reconcile differences between the House and Senate bills threatens to kill the legislation for the year, and to severely impair progress in restoring the quality of our surface waters. There is no more vital environmental need before America, and this delay is costly.

The plight of the water pollution legislation is only one indication of Congress' lack of commitment to bring to fruition other pieces of legislation which are essential to the country and basic to the President's program. For example, revenue sharing, having been debated in and out of Congress since the administration of John Kennedy and finally passed by the House earlier this summer, is now making only slow progress in the Senate. Here is a concept which promises to disperse power and resources away from Washington, toward the States and localities of America, enabling them to innovate and adapt policies to suit their varying needs. Now is the time for Congress to act.

A comprehensive welfare reform proposal was first presented to Congress by President Nixon in August of 1969. Since that time over 4 million persons have been added to the welfare rolls, and the cost of the welfare system has grown by more than $4 billion. In his State of the Union speech this January, the President stated, "Today, more than ever, we need a new program which is based on the dignity of work, which provides strong incentives for work, and which includes for those who are able to work an effective work requirement." That need, together with the necessity of relieving an intolerable financial strain upon State and local governments, is greater today, yet the legislation lies ignored in the Senate Finance Committee. Now is the time for Congress to act.

Similarly, the President for several years has actively advocated an overhauling of the executive branch of the government. The need to consolidate and rationalize the piecemeal, fragmented structure in Washington today is obvious. Yet, Congress has failed to bring to a vote those elements of reorganization which require its approval. With the first of four major reorganization bills now expected to come before the house soon, the chairman of the House Government Operations Committee recently wrote that, "With all the programs we have created and the many billions of dollars we have spent on community development assistance we still find the Federal government more often being the cause of confusion and delay rather than the efficient assistant we wish it to be." I agree, and I urge my colleagues in Congress once again that this is the time to act.

I call upon the committee chairmen and leaders of the congressional majority to meet the challenge of this political year and help the Congress to go before the country with a record of accomplishment. We need less talk and more action.

AHEPA CELEBRATES ITS GOLDEN ANNIVERSARY

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. BOW. Mr. Speaker, the Order of Ahepa is celebrating its golden anniversary this year and I have been pleased to note that many Members are taking the floor to pay tribute to this outstanding and unusual organization.

It was a rare privilege for me many years ago, when I was invited to become a member of the Canton Chapter of Ahepa. As the decendant of English and Scottish families who came to this country generations ago, I was deeply honored to be asked to affiliate with the order and have maintained that membership over the years.

Some of my closest friends in Ohio are Ahepans, and some of the community's most successful business, professional, and civic leaders.

Canton is proud that one of our members, the late Andrew Nickas, was elected to the office of supreme secretary and served two terms, from 1925 through 1927.

This year, Kelly Esber is president of the Canton local chapter, with Chris Diamant as vice president and Harry Biris as treasurer. Gregory Pelay continues to serve as secretary, as he has done for many years.

The Order of Ahepa is a strong force of good government and good community life in America, and it has made a great contribution to the historic friendship between our Nation and the Kingdom of Greece. I hope that the order and its good works will continue to flourish for many years. My congratulations to the farsighted men who founded the order 50 years ago and to their successors in leadership today.

THE LATE HONORABLE JAMES GORDON CANFIELD

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. HUNT. Mr. Speaker, most of the Members of this body still remember the late Honorable James Gordon Canfield who served in the House with distinction from New Jersey's Eighth Congressional District for 20 years before retiring in 1961.

Gordon Canfield passed away last month and the reminiscence of his career inspired those who were closest to him to remember him in words that reflect upon the kind of man he was. A longtime associate and at one time a member of his staff, Mrs. Dorothy W. Patterson observed:

> He was a great guy and when you think back, truly a man before his time; flammable fabrics before Ralph Nader . . . support for space program before Sputnik . . . alert to the Red menace before the deluge and all the rest. We can all be proud and grateful we were a part of his team.

Mayor Gerald Goldman of Passaic, N.J., issued a proclamation, setting aside Sunday, June 25, as a citywide day of mourning in memory of the late Congressman, declaring that Mr. Canfield "served his constituents in the Nation with honor and distinction."

Rev. Robert P. Kirchgessner, who officiated at the funeral services, portrayed Gordon Canfield as "a friend of both the humble and the influential." He continued:

> Each man writes his own eulogy and the one our Congressman wrote for himself cannot be improved upon . . . He had a deep abiding faith in God, in his family, and in his country. Most of all, he had a deep abiding faith in people and this added to his stature . . . He was the kind of man that made you feel 10 feet tall in his presence . . . He was a good and faithful servant and to have known him was to our benefit.

Of his career as a public servant, former State Senator Ira Schoem recalled:

> [Gordon Canfield] did a million little things for little people. He never said "no" to anybody, and even his political critics complimented him.

An editorial in the Herald-News of Passaic, N.J., remembered Gordon Canfield as "one of those unusual politicians whose appeal transcends partisan lines."

Mr. Speaker, I conclude my remarks with the inclusion of the full text of the Herald-News editorial:

EDITORIAL

Former Rep. Gordon Canfield, who died yesterday at his home in Hawthorne at 73, was one of those unusual politicians whose appeal transcends partisan lines. He was a loyal Republican during his years in the House of Representatives, but Democrats and independents as well as Republicans voted for him.

There was a reason. When someone needed help, Gordon Canfield did not ask what the individual's party affiliation was. Everyone was his constituent. The friendliness and helpfulness, the genuine liking for people, made him virtually unbeatable even though he merged into the crowd in the House and erected no legislative monuments.

Gordon Canfield was a star on the news staff of the old Passaic Daily News when Mayor George N. Seger of Passaic was elected to the House. The young reporter went to Washington in 1923 with Congressman Seger as his secretary. Before he died in 1940, Rep. Seger had announced his retirement and had expressed the hope that Mr. Canfield would succeed him, saying: "He loves the district just as much as I do." Congressman Seger's hope was more than fulfilled Mr. Canfield did succeed him, being elected in 1940. He remained in the House until his retirement in 1960.

Rep. Canfield's life spanned one of the truly eventful periods of history. As a reporter, he knew the thrill of flying when it was great adventure. He was old enough to enlist and get into uniform in World War I. In World War II he and Rep. Hugh Scott, now a senator, shipped incognito as seamen on an oil tanker to Europe. In 1950 he was in Korea at the height of that conflict. The automobile was a rarity when he grew up. He was a man when radio broadcasting was born. In his congressional district, television pioneers experimented with mechanical and then electronic devices to produce images. The noble experiment of Prohibition, the great depression, the advent of Communism, Adolf Hitler and the atom bomb were part of the history of his lifetime.

Throughout his working career, Mr. Canfield concentrated his attention on people. A line in an editorial in The Herald-News on his retirement from the Congress summed him up. It said that in one campaign his Democratic opponent helped to re-elect him by charging that all Gordon Canfield ever did was little things for little people.

SOUTH EL MONTE, CALIF., CELEBRATES ITS 14TH BIRTHDAY

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. DANIELSON. Mr. Speaker, the city of South El Monte, Calif., was incorporated on July 30, 1958, and will be celebrating its 14th year as a city this coming Friday evening, July 28, with special festivities. I would like to take a moment to pay tribute to the city of South El Monte and its people for their achievements during the past 14 years, and to commend them on their planning for the future.

South El Monte is one of the newest cities in the State of California, and has grown dramatically in its short history. In the past decade, the city's population has increased from 4,850 to 13,443. Twenty-eight successful annexations have been responsible for some of this growth. More than 50 percent of the population increase is young, with the number of 19-years-olds and younger growing from 1,952 to 6,315 persons in the 10-year span. Persons 20 years of age and older number 7,128, according to the last census, in contrast to 2,898 a decade ago. The number of persons 65 years of age and over increased from 331 to 682. At incorporation in 1958, South El Monte consisted of 3,900 residents.

South El Monte has competed nationally with other municipalities and has won several awards, earning for itself the title "Achievement City, U.S.A." This is a fine testimonial to South El Monte's community leadership and active citizen participation in community improvement and growth.

South El Monte is governed by five elected councilmen with the membership electing one of its members as mayor each April. The council selects and appoints the city administrator, the city attorney and the city clerk. Local government services are provided from a new $671,000 civic center composed of the city hall, city council chambers, civil defense emergency operating center and regional library. Development of the civic center was made possible through a nonprofit civic corporation composed of leading citizens under the lease-back municipal improvement financing method.

The South El Monte library, part of the Los Angeles County Public Library System, was completed in 1967 and occupies a beautiful, modern 6.144 square foot building, with free parking available in the civic center lot. The library is within walking distance of four elementary schools and the Valle Lindo Adult High School. A unique service to businessmen of the South El Monte library is the rotating business collection, composed of approximately 400 volumes of special interest to businessmen and industrialists, which is changed biannually.

South El Monte's fire and police protection, traffic control, street maintenance and building and safety services are contracted for from Los Angeles County, and are the finest available anywhere. The city's Recreation Department has undertaken a total community recreation program. South El Monte covers an area of 2.6 square miles, yet it has 1,204 industrial firms and 167 retail outlets. The assessed property value is about $40 million, and the taxable retail sales amount to $60 million.

South El Monte has developed a general plan which will carry the city through 1985 in a carefully controlled growth curve, designed to assure orderly development of residential areas, industrial parks, commercial areas, recreational facilities, schools, streets, and highways. The projected population for the city in 1985 is 21,627 persons.

I am happy to take this occasion to congratulate the people of the city of South El Monte, its city council, and community leaders for their accomplishments of the past 14 years, and to wish them every success in their plans and goals and the development of their community in the future.

CAPTIVE NATIONS WEEK

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, once again Congress and the Nation are observing Captive Nations Week, marked each year, since 1959, as a commitment to the millions of people held in Communist captivity that their plight will never be forgotten or accepted by Americans. We in this country who hold the traditions of freedom and democracy sacred will never consent to the cultural, religious, and political enslavement of fellow human beings behind the Iron Curtain.

The years have been long ones for the people of Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, and the Ukraine, who were victims of Soviet aggression and expansion after World War I and after World War II. A hundred million people of East and Central Europe have been shackled to the yoke of the Russian bear.

The East Europeans have not resigned themselves to their plight. The courage and perseverance they have displayed in their struggle to regain their freedom has aroused our deepest admiration, sympathy, and respect. We have not forgotten the uprising of the East German workers in 1953. We will never forget the Polish workers of Poznan, who were so brutally suppressed when they revolted against their Communist puppet rulers in 1956, and made a sham of the Communist pretense of popular support. Nor can we forget the heroic uprising of the Hungarians, in October of that year, which was quelled only with the help of Soviet tanks and troops who fired mercilessly into the crowds. We still remember with great sorrow the Warsaw Pact invasion of Czechoslovakia in the summer of 1968, which crushed the just aspirations of freedom of the Czechs and Slovaks.

The struggle goes on. It is an ever-present reality. In the past few months we have again witnessed the invincible drive for freedom rocking Eastern Europe and the Soviet Union. In Lithuania, violent riots broke out in the city of Kaunas this past May, after a young Lithuanian factory worker set himself afire in protest against repressing policies. The several thousand rioters of Kaunas shouting "freedom for Lithuania" were denouncing Russian domination of their country, which was annexed to the Soviet Union, along with Latvia and Estonia in 1940. They were also calling for freedom to practice the Roman Catholic religion, the dominant religion of Lithuania. Paratroopers were called in to help the local police quell the riots. Some 200 demonstrators were reportedly arrested. Once more, we are witness to the truth that the spirit of freedom cannot be extinguished. Thirty-two years after Stalin's seizure of Lithuania, nationalist aspirations are seething just below the surface, ever ready to flare with a vengeance.

Reports of forced Russification, arbitrary arrests, and trials have also reached us, in recent months, from the Ukraine. Intellectuals—teachers, writers, scientists, actors, musicians, literary critics—who have attempted to assert their ethnic individualism and national pride have been harassed and placed under arrest. The list of prominent Ukrainian intellectuals who have been sentenced to long years in prison and to forced labor grows longer by the month. Their voices are methodically being stilled.

The Jews of the U.S.S.R. are another nationality group which has become increasingly uncomfortable in the Soviet Union and has been clamoring to emigrate to Israel. Since the Arab-Israeli war of June 1967, the Soviet Union has intensified its anti-Jewish campaign. A series of unfair and biased trials involving largely Jewish elements has been held; an increasing number of Jews have been fired from their jobs; many synagogues have been closed, while Jewish cultural life in the form of theater, newspapers or Jewish language schools has been repressed.

Consequently more than 80,000 Russian Jews applied for exit visas by the beginning of 1972, and it is estimated by world Jewish organizations that up to half a million Jews would be ready to leave the Soviet Union the moment official barriers were dropped.

On this Captive Nations Week we appeal to the American people to support the aspirations of the millions of people who are attempting, by all means, to break out of the stranglehold exerted over them by the Soviet dictatorship.

AHEPA'S GOLDEN ANNIVERSARY

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. KING. Mr. Speaker, the Order of Ahepa, the international organization for people of Greek descent, is celebrating its golden anniversary during the year of 1972. Founded July 26, 1922, in Atlanta, Ga., AHEPA—American Hellenic Educational Progressive Association—has always displayed the highest qualities of open-mindedness, intellectual honesty, and commitment to responsible social progress which has made this country great.

Members of AHEPA can take justifiable pride in the many contributions they have made toward education, charity and civic improvement over the years. While the first objective of AHEPA is to promote and encourage loyalty to the United States of America, its fundamental aims are the improvement and betterment of the social, moral, and family life of all Americans.

Mr. Speaker, I am proud and pleased to have many personal friends as members of the AHEPA. To these friends and to all the patriotic Greek Americans who are members of this outstanding organization, I take pleasure in extending my warm congratulations and best wishes on the occasion of their golden anniversary.

REMARKS OF SENATOR STROM THURMOND AT THE LAUNCHING OF U.S.S. "SOUTH CAROLINA"

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. DOWNING. Mr. Speaker, the strategic defense forces of our country have been under discussion frequently in the last several months. A timely view on the need for national defense preparedness was presented by my distinguished colleague Senator Strom Thurmond in his remarks at the launching of the U.S.S. *South Carolina* in Newport News, Va. I am pleased to include these in the Record so that we may all have the benefit of his views:

Address by Senator Strom Thurmond

Master of Ceremonies Mr. L. C. Ackerman, Congressman Floyd Spence, Congressman and Mrs. James Mann, Congressman and Mrs. Tom Downing, Congressman and Mrs. William Whitehurst, Admiral Rickover, Asst. Secretary Charles L. Ill of the Navy, Dr. James R. Schlesinger, Chairman of the AEC; Mrs. Mendel Rivers, Mr. and Mrs. Fred Buzhardt and their daughter Jill; and my fellow Americans: It is indeed an honor to be introduced by Admiral Rickover, the true father of our nuclear Navy. Every American should be glad for the past quarter century the Congress has heeded the advice of Admiral Rickover to provide nuclear propulsion for our submarine and surface striking forces and that Congress has seen to it that he has been allowed to carry on this vital work.

Ladies and Gentlemen, I want you to know that there is no man in the military service I admire more than this great scientist, engineer, educator and leader. In the half century he has served as an officer in the United States Navy, no military man has contributed more to our country. I salute him on this occasion for his great achievements for our Navy and Nation.

Also, I would like to express my appreciation to Mr. L. C. Ackerman, Chairman of the Board and Chief Executive Officer of the Newport News Shipbuilding and Dry Dock Company for his many courtesies and hospitality in connection with this launching. All of us, and particularly our guests from South Carolina, are in his debt. In addition, let me say, Mr. Ackerman, that the entire country owes you and all the employees of the Newport News Shipbuilding and Dry Dock Company our lasting gratitude for building such fine ships as the *South Carolina* for the U.S. Navy.

The launching of the *South Carolina* is a great event for South Carolinians and for all Americans. It represents a strengthening of the forces whose goal is peace in our world. I am proud to be a part of this occasion, and I am especially proud of the one who was chosen to sponsor this ship.

Mrs. Gene Buzhardt is one of South Carolina's finest and most charming ladies. I have known her for a long time, and I know her to reflect the patriotism and love of country that characterizes all freedom-loving Americans.

Gene Buzhardt is the wife of the Honorable J. Fred Buzhardt, General Counsel for the Department of Defense, where he is serving his country with great ability and distinction. Mr. Buzhardt was once my Administrative Assistant, and has become one of my most trusted friends. He and Gene have contributed much to the welfare of their State and Nation. I am pleased that she has been selected to sponsor a ship named for the State of South Carolina.

A year of a half ago, it was my signal honor to be present at the laying of the keel of the *South Carolina*. The keel was authenticated by my good friend the late L. Mendel Rivers and his lovely wife Margaret, who is here today. This great ship was then, and is now, the fruit of the labors of many Members of the Congress and other distinguished members of our Government who are working to ensure that our nuclear powered Navy is strengthened. While they are far too many to name, it is incumbent upon me to mention at least four—Richard Russell, Glenard Lipscomb, Bill Bates and L. Mendel Rivers. All four of these great public servants are no longer with us. However, the magnificent achievements of those four statesmen live on in the nuclear powered submarines named for them.

In my address at the Keel-Laying of the *Scuth Carolina* on December 1, 1970, I discussed the leadership of our great State in the history of our country, and I also described the previous war ships that had borne the name of South Carolina. On this occasion, it is my intention to relate this Nuclear-Powered Guided-Missile Frigate to its role in the defense of our Nation. I shall also discuss certain other military matters dealing with the security of the country.

The basic purpose of this ship and other nuclear-powered frigates will be to provide screening support to fast attack carriers—ships such as *Enterprise, Eisenhower* and *Nimitz*. Because these ships have no need for conventional fuel, their range is virtually unlimited. While their primary purpose is tactical—the conduct of limited war—these ships and their associated carrier aircraft will also contribute to the deterrence of nuclear war.

Today, our strategic deterrent consists of a triad of weaponry, made up of land-based strategic missiles, sea-based strategic missiles and long-range bomber aircraft. Of these systems, the Polaris/Poseidon force is currently considered invulnerable to any known means of attack. Furthermore, it is doubtful that either of the other two strategic systems could be completely destroyed in a first strike.

These systems, of course, age and have to be replaced eventually. Our fleet of B-52 strategic aircraft is now nearing the end of its life expectancy. The youngest of these aircraft is ten years old. The older B-52s are twice that age. While an interim aircraft, the FB-111, has been procured, it has neither the range nor the payload capacity of the B-52. Therefore, a new system, the B-1 bomber, is now under development.

We have 41 nuclear-powered submarines capable of launching strategic missiles. Of these, a total of 31 are to be converted to carry Poseidon missiles. This conversion will be completed about 1977. Poseidon differs from Polaris in that it has multiple independently-targetable re-entry vehicles (MIRVs). Simply stated, a MIRV missile allows it to carry several warheads and thus to strike several targets. The remaining ten Polaris submarines will be armed with Polaris A-3 missiles, which have three nuclear warheads per missile. Just as bombers, however, these magnificent submarines get older, and one day they must be replaced. The oldest Polaris submarine, the *George Washington*, was launched 13 years ago. Thus, if its life expectancy is twenty years, it must be replaced in this decade.

Accordingly, a new system, called Trident, is undergoing development. As currently planned, the Trident submarine will be armed with 24 missiles—each with a range of about 5,000 miles. In effect, a Trident submarine could launch its attack from virtually any point on earth. Such a long-range capability is lacking in our Polaris/Poseidon force. These missiles have a maximum range of only about 2,500 nautical miles which limits somewhat the areas in which the submarines can operate successfully and therefore could make them vulnerable to detection and attack.

The United States has 1,000 Minuteman missiles and 54 Titan II land-based missiles. The Titan II missiles are quite old, and as they age they decline in reliability and capability. The Minuteman force is being upgraded by the introduction of the Minuteman III missile, which, like Poseidon, is armed with a MIRV, although carrying three rather than ten re-entry warheads. A total of 550 Minuteman III missiles are planned for procurement.

These three programs constitute the Triad of strategic weapons. Of course, the United States also has other means of nuclear weapons delivery—tactical aircraft based in Europe and aboard aircraft carriers are two examples—but such aircraft are still considered largely tactical and of only limited strategic capability.

There is a truism about military weaponry which has become a cliche—and it applies with special emphasis to nuclear strategic weapons systems. That truism is expressed in the hope that such weapons will never be employed. Indeed, this is the essence of the concept of deterrence, as opposed to retaliation or destruction. So long as the delicate balance of terror is maintained, our strategic forces will accomplish this passive mission of deterrence. This is our devout hope and prayer.

With regard to our hopes for limiting the use of nuclear strategic weapons, an historic first step was taken last May with the SALT agreements in Moscow.

The Strategic Arms Limitation Pacts signed by the President must be considered in every aspect against the situation of the present and the realistic probabilities of the future. By the time the talks were finished, the Soviets had 1,618 ICBM's deployed or under construction. The agreements, if accepted by the Senate, will put a halt to a new Soviet construction. The agreements accept a basic 3:2 numerical superiority over us, but when the competition is shifted from quantity to quality, we believe we have the edge.

Under the agreement, the U.S. is allowed 44 missile launching nuclear submarines with 710 missiles, while the Soviets are permitted 62 modern nuclear submarines with 950 missiles. In addition the Soviets are allowed to keep their present missile launching submarine fleet, which consists of 10 nuclear powered and 20 diesel submarines, carrying a total of 90 missiles. Consequently, the U.S. is betting heavily on maintaining technological superiority.

The SALT agreements were negotiated upon the assumption that Congress would move forward with a number of vital military programs. A highly dangerous situation could be created if Congress slashed defense efforts, particularly in such areas as the B-1 bomber or the Trident long-range missile system. Unless the Administration's current military authorization requests in these areas are accepted, approval of the pacts will be a dubious gamble.

The best that can be said for the Interim Agreement on ICBMs is that it slows the rate at which the Soviets gain total nuclear preponderance, as opposed to mere superiority in numbers. The Treaty on ABMs leaves us with two ABM sites. This is far short of the total defense system necessary to discourage a pre-emptive first strike, but it also limits the Soviet Union to a similar number.

We must recognize that despite all the destructive and awesome power in the U.S. defense arsenal, new techniques and systems are necessary to assure our survival. Only through such continued research and development would an agreement such as SALT be worthwhile.

But history has a funny way of playing tricks. The advent of nuclear weapons has, so far, prevented the outbreak of strategic warfare between nuclear powers. It has not, as many predicted it would some years ago, either outlawed war itself or brought about a cataclysmic holocaust. The result has been a kind of compromise in human conflict which, though lacking the awesomeness of nuclear warfare, has given new emphasis to smaller wars and so-called proxy wars of a conventional and rather limited nature.

The fact that such smaller, more protracted wars are neither less costly nor less threatening to our national welfare has been amply borne out in Vietnam and, to a lesser extent, in the unsettled disputes still smouldering in the Middle East and the Indian subcontinent. The challenge and the threats inherent in these situations are of such a nature that we can neither ignore them nor escape the need to be prepared to meet them head on, if need be.

The addition to our fleet of the *South Carolina* is part of our response to such challenges. Fast, tough, reliable and bearing a proud name, the *South Carolina* is the latest addition to our modernized and constantly modernizing fleet. It exemplifies our determination to maintain the kind of flexibility which alone can cope with foreseeable military emergencies below the nuclear threshold. The construction of the *South Carolina* and her sister ships is an important part of our program to maintain adequate conventional forces—forces which consume by far the greater part of our defense expenditures. Like their strategic counterparts, these conventional ships and other systems do age and have to be replaced.

For this reason, we are building a number of new ships. Thirty new destroyers of the Spruance class are planned to replace World War II era destroyers. A total of 46 Knox class destroyer escorts are planned. Three nuclear-powered frigates (Virginia class) have been authorized, and more are planned. After considerable debate, both in Congress and in the executive branch, funds are being requested for a fourth nuclear-powered carrier. It should be noted that this carrier, should it be approved, will not increase the total number of carriers in active service. Indeed, because of the aging of the carrier fleet, it is quite possible that the number of carriers may drop from 15 to 12 during this decade. Furthermore, because of the high cost of these systems, the Navy is considering other means of providing air cover. A new ship, called the sea control ship, has been proposed. This vessel will not replace the aircraft carrier—it will not have the capacity to carry as many airplanes as a modern carrier—but it will provide limited air support where it would not otherwise be available.

We are also procuring a number of new aircraft for the armed forces. These include the F-14 Tomcat as a follow-on aircraft for the F-4 Phantom II, the S-3A Viking as a replacement for the S-2 Tracker, and, looking to the future, the F-15 as a new air superiority fighter for the Air Force.

We would do well to remember, however, that the armed forces consist of much more than ships and other military hardware. The fundamental component remains people. Thus, a major problem remains with us, the procurement and retention of good men and women. As you are well aware, there has been considerable support for the idea of an all-volunteer armed force. There is an erroneous belief that only the Army has a stake in this issue. In fact, the other military services have freely admitted that they have profited from the Army's use of the draft. We in Congress have wrestled with the problems arising from the all-volunteer concept. We have passed legislation designed to test whether it will work in this country. When the Selective Service Act of 1967 expired in July of last year, Congress had a number of options. We could have done nothing—thus letting the system of conscription expire completely; or we could have simply extended the terminal date of the act; or we could have revised the law and extended it for a period of time. In effect we followed the last option. We wrote a number of amendments into law which might be considered a test of the volunteer army concept. We sought to strengthen recruiting into the services. We established an enlistment bonus for men who enlist in the combat branches. We provided better compensation for the lower ranks of enlisted men and junior officers.

I don't know if this experiment will work, and I have some reservations about the overall cost of an all-volunteer army, but we in Congress believe that the concept must be tested. I must add that I shall watch the testing of this concept with great interest and concern, for the need to attract high caliber men and women to the Nation's defenses is of overriding importance.

Today, manpower expenses take up approximately half of the military budget. As a result, the dollars left over for other uses, including military hardware, must be stretched to quite a degree. Nonetheless, we can never allow budgetary restraints to jeopardize our basic national security. It is precisely for this reason that we in Congress have fought so hard for nuclear power in many of our fighting ships. Basically, this is the reason that we are here today. In launching the *South Carolina*, we reaffirm our promise to defend the Republic and the freedoms that we have cherished and fought for since the founding of this country almost two hundred years ago.

In closing, I would like to cite for you briefly the previous ships that were named *South Carolina*:

1670—The leading ship of the expedition that settled South Carolina was named the *Carolina*. Although she was not a Man of War, she was certainly a fighting ship because of the dangers she faced and overcame.

1779–1782—a frigate named *South Carolina* was rented by the State from France. It was captured by the British in 1782.

1797–1803—a schooner revenue vessel was acquired by the State from the Revenue Service and called the *South Carolina*.

1798–1802—a coastal defense gunboat was named *South Carolina* and fought in the quasi-war with France. It was sold in 1802.

1860–1865—a propeller cruiser of the Union Navy was named *South Carolina* and saw action during the Civil War and was sold in March, 1865.

The battleship USS *South Carolina* was commissioned in 1910 and sold for scrap in 1924.

The Palmetto State is proud of this sixth vessel to bear its name. The USS *South Carolina*, DLGN 37, is a symbol of strength, of security and of leadership in the world's hope for peace. South Carolinians identify with these causes; we have fought and died for them in the past; and we stand proudly today as we witness the launching of this great ship which bears the name of our State.

With frigates like this, we assure that no American President will ever have to crawl to a negotiating table on his knees, or beg before a foreign potentate from a position of weakness.

Telegram From Adm. E. R. Zumwalt, Jr., Chief of Naval Operations

Please convey to your distinguished participants and guests my regret that other duties prevent me from being with you today for the launching of the frigate, *South Carolina*, the second in a proud new breed of fighting ships to join our small but growing nuclear-powered surface fleet.

South Carolina comes from a long and distinguished line of American men of war whose service spanned our Nation's formative years from the American Revolution through World War I. The first skipper of the battleship *South Carolina*, Captain Augustus Fechtler, fathered another naval officer who, as Chief of Naval Operations during the Korean War, introduced guided missiles to our fleet.

So, too, will many of the officers and men here today—and this guided missile nuclear frigate they are the first to man—write other new chapters in the history of our great Navy. To each of you go my best wishes for performance and achievement worthy of the heritage which is continued here today.

Telegram From Adm. Thomas H. Moorer, Chairman, Joint Chiefs of Staff

I wish to extend my appreciation to each and every individual who has worked long and hard to achieve this significant milestone in the production of our seventh nuclear power surface ship. I am disappointed that I will not personally be able to point with pride and view with you the *South Carolina* as she slides down the ways. The addition of this guided missile frigate is essential to our country's arsenal of Navy vessels. Nuclear propulsion, combined with a formidable array of defensive and offensive armaments, make the *South Carolina* a key element in the maintenance of the security that is unequivocally vital and sacred to this Nation.

My sincere congratulations to all of you who have made this memorable occasion possible.

Message From John W. Warner, Secretary of the Navy

I wish it were possible to be with you on this proud and historic day, both for our nuclear Navy and for the people of the great state of South Carolina for which this ship is named. We look forward to the day when USS *South Carolina* joins the vanguard of our naval forces, for she most certainly is destined to earn an honored place in that long line of ships stretching back to the earliest days of our republic.

It is most appropriate on this occasion to honor the memory of the late L. Mendel Rivers of South Carolina, whose vision and leadership was in large measure responsible for the existence of not only this great ship, but a stronger national defense in general. I know Congressman Rivers would be pleased with this living testimony to his efforts.

Best wishes to all present for a festive and successful ceremony. My special congratulations and a Navy "well done" to all the employees of the Newport News Shipbuilding and Dry Dock Company as yet another example of their superb craftsmanship come to life.

MESSAGE FROM MELVIN R. LAIRD, SECRETARY OF DEFENSE

Please convey to Senator and Mrs. Thurmond, Mrs. Rivers, Mr. and Mrs. Buzhardt, and the many distinguished guests present at the launching of the *South Carolina* my regret that duties prevent me from joining them on this historic occasion. I look back with pride on my participation in Congress with Senator Thurmond, Congressman Rivers and other congressional leaders in helping to establish the nuclear submarine, carrier and frigate building programs. As Secretary of Defense, I have strongly supported a modern and capable Navy, including nuclear submarines and surface warships. A strong Navy is essential to provide adequate security for our Nation, in keeping with its continued responsibilities as a maritme power. Nuclear powered warships such as the *South Carolina* are vital elements of this naval strength.

THE SPIRIT OF '76: THE ELECTION OF '72

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. ROE. Mr. Speaker, I was pleased to note that under date of July 13, 1972 the President signed the proclamation we sought in our House joint resolution—my bill House Joint Resolution 1231—declaring September 1972 as National Voter Registration Month, urging the Governors, elected officials, candidates for public office, political parties and organizations to institute nonpartisan campaigns designed to achieve the registration of as many qualified citizens as possible prior to the forthcoming election as well as urging all interested citizens, civic and educational organizations to participate in voter registration campaigns to assure maximum registration of qualified voters.

In reflecting on our Nation's Constitution and the people's foundation that our United States of America has been built upon—freedom of choice: a government of the people, by the people and for the people, it gives me great pleasure to call your attention to the following July 4th commentary that appeared in the headquarters newsletter published for the personnel of the American Cyanamid Co. of my hometown of Wayne, N.J.

The preamble to this article, is written by the editorial staff of American Cyanamid, alludes to the events that inspired these writings by the author Mrs. Isabel de Garcia, who is an employee of the International Division of American Cyanamid Co., Wayne, N.J. It is also significant to note that although Mrs. de Garcia is not a native-born American, her lifetime here in the United States has instilled in her a deep interest, personal dedication, and concern for the heritage of our American representative democracy.

This excerpt from the American Cyanamid Newsletter is as follows:

THE SPIRIT OF '76: THE ELECTION OF '72

The Fourth of July is nearly upon us and the history and meaning of this special holiday is sometimes overlooked by many of us. Isabel de Garcia, International Division, felt concerned enough about the forthcoming holiday to pause and put her thoughts on paper.

The following passage was first inspired when Isabel saw the Broadway play "1776". Isabel's thoughts, and later careful research, took her back almost 200 years to the place and the men who shaped our country and our freedom.

"But", she pondered "what does freedom mean to us today?" Isabel feels that some use it honestly and rightfully, many abuse it, a greater number shout it whenever convenient ("this is a free country"), most of us just simply take it for granted. In our time, July 4th usually means only a day off from work, firecrackers, a barbecue with family or friends; little remembering the precious cost of that freedom.

As you read what Isabel managed to profoundly put in words, perhaps it would be wise to take the time to absorb and reflect the meaning of her message . . .

1776–1972

"This year is again a key election year—a year of destiny for the men who will be chosen for the highest public offices in the land.

"With our votes we will make our selections of these leaders, based upon faith that they will represent us—wisely and well, honestly and unselfishly. Therefore, when we read in the newspapers of an elected official betraying our trust by sacrificing honor for greed, we are profoundly shocked.

"During the past 196 years we have had many greats among our elected leaders, but few who have made the sacrifices which were made by the signers of the Declaration of Independence. Their absolute faith in their cause, their honesty, courage and adherence to principle, will remain as perpetual example to all who hold public office.

"On July 4, 1776, the Continental Congress of the United States approved Thomas Jefferson's draft of the Declaration of Independence. It was signed by 56 members. These 56 came from all walks of life—scholars and farmers, the patrician and the plain, the rich and those we would now classify as middle-class. And as these members penned their signatures—some carefully and methodically, some strong and bold, some with graceful flourishes, many thoughts must have run through their minds. They well knew that this was no idle declaration—that in the eyes of the Crown it was a direct act of treason and would be dealt with as such.

"Each man knew that he was signing away the safety and security of his family, all of his possessions, and possibly, his life. Yet each man signed without hesitation.

"British retaliation came—swifty, as they knew it would. The Interior of George Clymer's spacious house was literally ripped apart by Hessian troops . . . Francis Hopkinson and his family were forced from their home at bayonet point . . . Thomas McKean and his family moved five times to escape persecution . . . Lewis Morris had a 3,000-acre estate. The British set fire to 1,000 acres of woods around it and then destroyed everything in the fine manor house . . . John Hart (Honest John) saw his grist mill and his sawmill burned, along with his 400-acre farm. He and his 13 children were forced to run for their lives.

"Nine signers of the Declaration died of wounds or hardships; another five were imprisoned and in some cases, given unbelievably brutal treatment. Many wives, sons and daughters of the signers were either killed, jailed or persecuted. The homes of 12 of the signers were burned to the ground. And yet—any one of these men could have turned back at any time he chose. Each of them was offered immunity, rewards of money, restoration of their homes, release of their loved ones and a position with the Crown if they would but switch their allegiance. History records with pride that not a single man did. Their individual honor, like their new nation, remained intact.

"The people of this new United States of America watched these men—their leaders. They drew courage from their courage and faith from their faith. Had any of these signers been less courageous, less honest or less principled, the whole cause of freedom might have been lost.

"These 56 men are long dead, but this is not important, for all men die. What is important is that they were willing to give up everything precious to them for the sake of their people and their country. And for this, these men will be remembered as long as there is a United States of America.

"Every man must fulfill his destiny in his own particular world of action, be it humble or exalted, according to the capabilities allowed him. What he does with these elements is most significant to himself, his fellow-men and his country.

The men in public office today may or may not be of the same caliber as those 56 signers of the Declaration of Independence. The problems we face today as a progressive, ambitious nation in the 20th Century are far removed from those encountered in 1776. What is important is that these men we shall elect, who will guide our nation in the years to come, have the same dedication, honesty and courage, and the same faith in our freedoms so bitterly fought and won."

THE WOLF BOOK

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. KARTH. Mr. Speaker, conservation shares a common ground with many of our country's perplexing problems. Just like mother and apple pie, everyone is in favor of it, but we often disagree on how to best attain it. For that matter, while we may believe in conservation in principle, we disagree in defining our goals.

One such area in the field of conservation is the growth and continuation of various species of wildlife. Most often this concerns the way to encourage the growth of our deer herds.

This too is an area rife with controversy.

We are beginning to recognize that this is a multifaceted problem that involves, among other things, the mystical balance of nature. I have visited many of the areas where the deer population has diminished over the years and am convinced that there is no one solution to replenishing our herds.

I found forests that were overgrown and stunted second growth that put the browse so necessary to sustain deer herds, far out of the reach of the deer. It is during the long winter months then, that the deer "yard-up" and starve by the thousands.

It occurred to me that all too often our conservation policy has been based on saving timber and huge trees, which unless harvested, has an adverse affect upon the growth and reproduction of wildlife.

It is significant that for the first time in years people are discussing the virtues of burning off selected and unproductive areas of land in order to stimulate the natural growth of browse and to unclog overgrown forests. To some the idea of purposely setting a fire, even on a controlled basis, to a forest is heresy. But at least we have begun to consider alternatives to a policy that which it has saved some scenery, it has not saved the wildlife.

An equally controversial issue is the role of the predator in the conservation and growth of deer herds. There are those who say that the predator encourages and maintains a natural balance of wildlife in our forests. They blame the reduction of our deer herds on unsound forest management.

On the other hand there are those who maintain that the predator is the greatest threat to the continuation of wildlife such as deer.

One such advocate is Lester J. McCann, professor of biology at the College of St. Thomas, St. Paul.

Believing that the various viewpoints on this topic deserve discussion I place in the RECORD several excerpts from Professor McCann's book, "Time To Cry Wolf." I place these on the RECORD to encourage among our colleagues and conservationists continued discussion of the various ways and means to achieve common goals:

EXCERPTS FROM "TIME TO CRY WOLF!"

(By Lester J. McCann)

Page 26. ". . . to steadfastly oppose predator control as a matter of policy is tantamount to preferring predators over other forms of wildlife."

Page 48. "In terms of its effect, this tremendous increase in predators is likely the most widespread and important change in our wildlife environments since original conditions were disturbed by settlement."

Page 65. "Predators have to be effectively *reduced* to get results. Any kind of half-hearted, token control that doesn't significantly cut down on predator numbers is a waste of time and money."

Page 69. "When abundant, broadly distributed numbers of predators are keeping game populations down, it is useless to set aside additional protective refuges. (predators) make game scarce on both sides of areas—hunted as well as protected."

Page 74. ". . . this is a broad and bountiful land, and . . . it can provide us with a great deal of good hunting. But . . . hunters themselves will have to be more concerned. . . ."

Page 76. "Trying to cope with the depredations resulting from a high predator population adds just one more worrisome problem for the agriculturist. ". . . oftentimes (predators) slaughter valuable animals in numbers far beyond their needs. . . ."

Page 87. "To ask rural residents to put up with such a threat (rabies carried by the canine species of predators) to satisfy the feelings of a minority who for some reason are fascinated by predators, is asking a great deal."

Page 90. ". . . a degree of apparent idealism may be on the side of the nature lovers when it comes to predators. It doesn't follow that something expressed in idealistic terms is necessarily correct. Mistaken idealism can sometimes be as harmful as evil-by-design."

Page 121. "The fact is, one is hard put to find a single instance in which effective predator control has not produced good wildlife increases."

Page 123. "Very few people, particularly among our younger set, realize how wonderfully productive our wildlife habitats could be if we would only control these predatory destroyers. . . ."

Page 116. ". . . . aesthetically valuable wildlife cannot prosper in the presence of large numbers of predators. (Predators) tend to be furtive, inconspicuous, usually nocturnal creatures, and themselves add very little if anything to the attractiveness of the surroundings."

Page 116. "It is unconscionable to saddle landowners with economic losses resulting from swollen predator numbers, as long as predators can be controlled."

Page 116. "It is biologically impossible to produce . . . (sufficient) game commensurate with good hunting while maintaining unrestricted numbers of predators."

FEDERAL RESERVE INTERVENTION IN FOREIGN EXCHANGE MARKETS

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. PATMAN. Mr. Speaker, in a 1-minute speech earlier today I called attention to recent reports of intervention by the Federal Reserve System in foreign exchange markets to help maintain the value of the dollar.

Two accounts of this intervention, from the Washington Post and the Wall Street Journal, make an important point concerning how the Fed operates and the implications of its behavior. The Journal article describes the way in which the Fed's intervention became known to the world; namely, through the suspicions, surmises, and guesses of the relatively few people who are themselves involved in the market. No public announcement was made. Instead, a reporter for the Washington Post called Chairman Burns of the Federal Reserve Board and obtained a confirmation of the operation and answers to some of the important questions which had been raised as detailed in the Journal's account. However, the crucial question—how many dollars were bought with how many German deutsche marks and Dutch guilders—remained unanswered. The Post account states that Chairman Burns "refused" to answer that question.

Meanwhile, the answer to the question of how many dollars have been bought by European central banks during the current crisis appears to be readily available. The Wall Street Journal reported on July 17 that $1.5 billion had been absorbed on Friday, July 14, and $850 million the day before. In view of the magnitude of these purchases and their obvious economic and political implications, it seems remarkable that we have so little information about the action of our own central bank.

These accounts raise another issue as well, having to do with the question of who is responsible for monetary policy, either domestic or international. The Post story states that the Fed resumed active intervention in the foreign exchange markets for the first time since August 15, 1971—"acting with the approval of President Nixon and Secretary George Shultz." Such a statement seems to say that the old American myth that monetary policy is not a direct responsibility of the administration in office is still in effect. Americans have gotten used to this fiction over the years since the Eisenhower administration but it may not be so easily accepted by foreign governments, particularly in view of the recent changes in the West German Cabinet precipitated by the current pound-and-dollar crisis.

It is clear that our international financial problems cannot be dealt with without the cooperation and active support of the monetary authority. However, it is equally clear and more important that we recognize that these problems are the responsibility of the Federal Government and not the monetary authorities alone. The administration must take the responsibility and the initiative in dealing with our international financial problems.

I am including in my remarks copies of the articles referred to above.

The articles follow:

[From the Washington Post, July 20, 1972]

UNITED STATES SELLS OTHER CURRENCIES TO HELP PROF UP THE DOLLAR

(By Hobart Rowen)

The United States took a dramatic step yesterday to prop up the dollar in world markets and to assure other nations that it would assume a share of the responsibility for maintaining current exchange rates.

For the first time since Aug. 15—acting with the approval of President Nixon and Treasury Secretary George Shultz—the New York Federal Reserve intervened aggressively in foreign exchange markets by selling German d-marks, Dutch guilders and other currencies.

As a result, the price of the foreign currencies declined, while the price of the dollar—which had been under pressure—increased to its best levels in weeks.

There was no formal announcement of the Federal Reserve intervention, but it was confirmed to The Washington Post by Chairman Arthur F. Burns.

"We want to indicate to the world that we want to do our part to maintain the (December) Smithsonian agreement," Burns said. That agreement created a new set of exchange rates that resulted in an average devaluation of the dollar by 12 per cent against major world currencies.

But recently the British government allowed the pound to "float" downward from the $2.60 rate set at the Smithsonian, and the question has been raised whether the entire agreement might fall apart.

One consequence has been that other central banks—notably the West German Bundesbank—have had to support the Smithsonian system by selling their own currencies in exchange for dollars. They have thus been accumulating hundreds of millions of unwanted dollars, which constitute an inflationary threat to their own banking systems.

European nations have bitterly suggested that the United States is acting as though the defense of the Smithsonian system is the responsibility of everybody except the United States.

The Fed intervention yesterday is a step to counter that mood, and to encourage a hope for eventual long-range reform of the international monetary system—a reform in which the Smithsonian agreement was to be but an interim step.

A New York market source said, "The Fed didn't passively absorb dollars that were offered for sale. They went in there and aggressively sold marks and other currencies, driving them down.

"What's more, they did it in a way that would assure that everyone in the market would hear about it."

Burns refused to say how many dollars the New York Fed had acquired yesterday in the price-propping, confidence-boosting maneuver. But he said that "we are poised to continue (intervening) if and when we deem it advisable and on whatever scale we deem advisable."

The United States has two potential resources for foreign exchange operations: the Treasury owns a limited supply of foreign currencies that can be loaned to the Fed; and "swap lines" with other central banks can be activated.

"Swaps" are short-term renewable loans of one nation's currencies for another, and were used widely before last Aug. 15, when the President cut the link between the dollar and gold.

The swap system was suspended then, but the authority for the New York Fed to enter into such arrangements was restored yesterday, according to Burns.

The New York Federal Reserve bank acts as agent for the whole Federal Reserve system in international monetary transactions.

American officials were not unanimous on the wisdom of or need for re-instituting swap arrangements. In fact, other major nations had no choice except to absorb a large volume of dollars, unless they chose to let the dollar depreciate even further, thus widening the trade advantage the U.S. achieved at the Smithsonian conference.

But officials apparently are anxious to maintain cordial relations with other major Western powers, and to take at least one step that would help discourage speculators betting on a new dollar devaluation.

They hope, as well, that the American initiative will discourage any prospect that the Common Market countries might resort to a joint "float" to stop the inflow of dollars.

Ultimately, the United States, Japan and the European nations will try to agree on a system of phasing the dollar out as a reserve asset to be held by others.

The Smithsonian compact set new "central rates" for major currencies, still using the dollar as a measuring yardstick, with a permissible band of fluctuation ranging from 2¼ per cent either side of the central rate.

Thus, the lowest trading limit of the dollar against, say, the German mark was 3.1500 marks to the dollar. To prevent the dollar from falling below that floor, the German Bundesbank would have to step in and buy dollars, bidding for them with D-marks.

In the past few days, the dollar had become a bit stronger, and yesterday—presumably in response to the Fed intervention—closed at 3.1645 marks in Frankfurt, compared with 3.1557 Tuesday.

[From the Wall Street Journal, July 1, 1972]

EUROPE'S CENTRAL BANKS BUY $1.5 BILLION; MINISTERS MEET ON MONETARY REFORMS TODAY

European central banks again intervened massively in foreign exchange markets Friday to try to bolster the sagging U.S. dollar.

Central banks in West Germany, Switzerland, the Netherlands, Belgium and Norway bought more than $1.5 billion of U.S. greenbacks, sources said. This was nearly twice the $850 million that was believed to have been absorbed Thursday.

Mounting pressure on the dollar, analysts said, reflected a combination of factors. European finance ministers and central bankers are scheduled to meet in London today to discuss long-term reform of the international monetary system. Although it has been firmly denied, the rumor persists that a joint float of European currencies against the dollar could come out of the meeting. If such a float should occur, the presumption is that the dollar's value in terms of the European currencies would drop, at least initially.

Some analysts also thought the growing pressure on the dollar reflected a sort of delayed reaction to the recent British decision to float the pound. They suggested that the floating of the pound left the dollar as the only major currency for speculators to attack.

Other concerns mentioned ranged from a long-range worry about slowly rekindling inflation in the U.S. to a conviction that the dollar's usefulness in international monetary dealings will continue to deteriorate.

SDRS URGED

In this connection, Belgian Finance Minister Andre Vlerick Friday urged that any reform of the monetary system contain provisions whereby Special Drawing Rights created by the International Monetary Fund would replace the dollar as the main means of creating new international liquidity. The dollar, he said, shouldn't any longer have a central role but should be as any other major currency within the system.

Among other things, he said, this would mean that the dollar's value in terms of other currencies might be subject to more frequent changes. Indeed, the official urged that all currency values become more flexible, possibly with the IMF playing a decisive role in advising countries when a change in parity seems appropriate.

The biggest buying of dollars Friday came from the West German central bank which is understood to have acquired about $800 million, roughly double what it purchased Thursday.

Sources also said the Swiss National Bank bought $400 million Friday, twice the Thursday estimate.

OTHER PURCHASES

Other large purchases Friday, according to sources, included $225 million by Dutch central banks, up from $78 million Thursday, and $20 million each by the Belgian and Norwegian central banks.

A report from Basel, Switzerland, hinted that the Bank for International Settlements intervened on behalf of the Bank of France to support the dollar against the French franc to the tune of about $20 million to $25 million. French currency exchanges were closed Friday for Bastille Day, a national holiday in France.

Foreign exchange dealers said most of the dollars flowing into West Germany, came from Italy, where there hasn't been any central-bank intervention, and Britain, Belgium, Holland and Switzerlnd.

Dealers said that the dollar flow was light at the start of the day but accelerated during the afternoon. There were indications, however, that central bankers hope for an easing of the pressure today. They apparently believe that many speculators may have sold borrowed dollars and will have to buy back the dollars to repay the loans today.

Pushed by speculation against the dollar, the pound rose to $2.4670 at one point Friday morning. But then the pound gradually declined in the afternoon to about $2.4470.

In Germany, despite the huge intervention, the dollar failed to get off the official floor of 3.15 marks.

[From the Wall Street Journal,
July 20, 1972]

SIGNS OF INTERVENTION BY FEDERAL RESERVE IN MARKETS SEEN AS DOLLAR GAINS ON MARK

(By Charles N. Stabler)

NEW YORK.—Foreign exchange dealers here said they detected signs yesterday of Federal Reserve intervention in the markets, bolstering the dollar against the West German mark.

Although the evidence was far from clear in the secretive world of foreign exchange dealings, one exchange trader said, "there was some type of assistance in the market." The Federal Reserve itself, following established policy against disclosing its current activities, declined to confirm or deny the reports of intervention.

The maneuver could be significant as an effort by the central bank to reinforce recent market trends that have shown some slight weakening of the strong German currency, market analysts said. They reasoned that the Reserve might be seeking to reinforce these trends, without making its activities apparent, in an effort to convince money speculators that the most recent monetary crisis was over.

Recent market trends provide some evidence of unusual activity. Yesterday, for example, the dollar strengthened in terms of its price in marks while remaining essentially unchanged against other closely linked currencies.

One major New York bank quoted the selling rate on the mark at the close of trading Monday at 31.75 cents and reported a decline to 31.68 cents on Tuesday and 31.58 cents at the close yesterday. The Dutch guilder, which usually moves closely with the mark, was 31.53 cents at the close Monday, dipped to 31.46 cents Tuesday and was unchanged at the close yesterday.

OTHER FACTORS IN MARKET

There are a variety of forces in the market that could explain an increase in dollar prices after weeks of softness, even without central bank intervention: signs of a possible break in the impasse in the Near East, the Vietnam peace talks in Paris or conclusion of the London talks by financial officials of the major European countries without major new uncertainties. At least partly in response to these currents, the dollar strengthened in European markets yesterday, against not only the mark but also the French franc. It closed in Paris at 4.72 francs to the dollar, compared with 4.7025 francs Tuesday. The dollar weakened a bit against the British pound, raising the pound's price to $2.446 in London, against $2.4446 Tuesday.

However, New York dealers said the market yesterday seemed to be reacting to more than those forces. "It's a strange feeling," one dealer said. "It looks as if she (the Reserve) is there."

Another dealer noted that if the Reserve was indeed maneuvering in the market, it was on a small scale and therefore difficult to detect. However, even small sales of marks and purchases of dollars or other currencies could have a strategic impact, he said, weakening the mark and strengthening the dollar.

"The timing would be excellent," said this dealer. "Some demand for dollars has been developing anyhow and they wouldn't need to do much to reinforce it."

NEW CONTROLS IMPOSED

The move also comes on the heels of a restatement by European finance ministers of their commitment to fixed exchange rates. The fixed-rate system has been racked by market pressures in recent weeks, following the decision by British authorities to let the pound float without central bank intervention to hold it within agreed trading ranges. The dollar has been under attack, forcing its price downward and ballooning prices of strong currencies to and beyond agreed ceilings. This has forced heavy buying of dollars by the German central bank and others and the imposition of new controls over the flow of money across international boundaries.

Traders said the hints of Federal Reserve action now to strengthen the dollar and thus calm the crisis were all but impossible to confirm. For one reason, the Reserve is frequently a buyer or seller of foreign currencies in the open market as an agent for other central banks. Thus, Reserve activity on a single day mightn't indicate a policy change.

One dealer said he saw a selling order for $40 million to $50 million worth of marks, apparently by the Reserve, "come through the market" yesterday. However, this wouldn't be an unusually large order in the foreign exchange markets and could have been done for the account of another central bank that wanted to exchange marks for other currencies.

Also adding mystery to the activity was the question where the Reserve would get foreign currencies to sell, should it be acting for its own account. A source of foreign currencies in large amounts, the so-called "swap" agreements with other central banks, was suspended last year when the U.S. ended the dollar's convertibility into gold. It would take a presidential order to revive the swap lines, a Federal Reserve official said, and this hasn't been issued.

U.S. government holdings of foreign currencies are small, judging from available reports. For example, the U.S. Treasury held only $469 million in foreign exchange in its special stabilization funds as of last May. As of Dec. 31, the latest report, the Federal Reserve System had only $17 million in foreign currencies. This is peanuts in the foreign exchange markets.

However, exchange dealers didn't rule out the possibility that the Reserve might have been able to arrange some other source of borrowed currencies without publicizing it.

REPORT FROM YOUR CONGRESSMAN ED ESHLEMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. ESHLEMAN. Mr. Speaker, I am today sending to my constituents a newsletter. I am including the contents of that newsletter in the RECORD at this point:

REPORT FROM YOUR CONGRESSMAN ED ESHLEMAN

FLOOD OF '72

Out of crisis, cooperation. That's how I would sum up the way people reacted to the flood disaster that struck Pennsylvania.

To see the raging waters during the flood and then the death, dirt, and destruction that were its aftermath could discourage its victims to the point of inaction. How does one pick up the pieces and begin all over again?

But that question, if ever asked, did not linger for long. Governments, businesses, churches, charitable organizations, but, above all, individual citizens pitched in and began the clean-up and the rebuilding.

Neighbors helping neighbors; strangers working along side one another; businessmen donating time, goods and money; church groups contributing manpower and financial assistance; public and private agencies establishing centers where victims could turn for everyday needs and information; and the victims, themselves, who faced the crisis with a firm determination to go on.

All of these people working together assured that the disaster was not an end of homes and communities, but a new beginning. It seems to me that this kind of cooperation is something to be recalled the next time you hear someone berating the American spirit.

SPECIAL BONUS

Enclosed with this newsletter is a checklist that makes it possible for you to order a wide variety of government publications. I think the information on the front of the checklist adequately explains how to go about having me get the pamphlets you desire. If you see something that looks interesting, let me hear from you.

HOT TIP?

The hottest rumor on Capitol Hill these days is that there will be some significant development toward a settlement of the Vietnam conflict (maybe even an end to it) within sixty days. It's only a rumor, but I think nearly everyone will join me in hoping and praying that it's a rumor with some basis in fact.

QUOTE TO NOTE

From Salvation Army Headquarters: "Prayer should not be taken out of schools since that's the way most of us got through."

JUST A THOUGHT

I cannot go along with Welfare Schemes that promise everyone something for nothing. It would be economic and social suicide for us to guarantee each person in this country some fixed sum of cash from the treasury. Next thing you know someone will be coming up with a plan to give each individual 3.14 thousand dollars—or *PI* in the sky.

REFORMING UNCLE

The President has asked that the operations of Government be streamlined, but there has been little action in this direction on Capitol Hill. Should it be done? Does the public have a stake in reforming Uncle Sam?

During the initial stages of the flood relief efforts, there was a lot of talk about the need for eliminating Government red tape. That's what the streamlining proposal is all about, except not for just one crisis, but permanently.

There are numerous complaints that our national problems have grown worse over the past 25 years. Yet, in that quarter of a century, we have spent one trillion dollars on domestic programs. By streamlining the work of Government, maybe we can move toward programs that work rather than programs that only spend.

A good deal of our problem is that Government has been hit by a fragmentation bomb. There are 9 Federal Departments and 20 agencies handling education matters, 6 agencies handling Federal Recreation Areas and 7 agencies assisting in water and sewage treatment programs. In our cities, 20 to 30 manpower training programs, each separately funded by a different Federal Office, do more confusing than training of workers.

It's time for a change. Similar Government functions should be brought under the same roof. That's the one real hope of slimming down Uncle Sam and making him more vigorous. It's also the only way we will ever be able to know specifically where tax dollars are going, who is in charge of spending them and measure what they are doing for the taxpayers.

Because, as California Governor Ronald Reagon has stated, "Federal Bureaucracy is perhaps the nearest thing to eternal life we will see here on earth," the streamlining job will be big and unpopular. But every day it looks more necessary.

GENERATION GAP

Rogers C. B. Morton, Secretary of the Interior, said of the generation gap: "A nation that listens only to its youth is decaying. A nation that doesn't listen to its youth has decayed. And a nation that doesn't make its youth listen will decay."

LES ARENDS

The Republican whip of the U.S. House of Representatives, Leslie C. Arends, is the author of the guest editorial in this newsletter. As the ranking Republican on the House Armed Services Committee, Les is particularly qualified to speak out on the question of national defense.

GUEST EDITORIAL

By a vote of 334 to 59 the House passed what is known as the military procurement bill. This measure authorizes appropriations for the fiscal year 1973 in the amount of $21.3 billion for the procurement of various military weapons and for research and development in the field of weaponry.

Our armed services committee spent over five months preparing this measure. Our objective is to make certain that we have a well-balanced defense, no more and no less than is sufficient to deter aggression and to ensure our national security. As in all defense planning we must look to the future. What is sufficient today may not be sufficient tomorrow. A defense cannot be built overnight.

Our defense budget is admittedly large. But it is utter nonsense to contend it could be reduced by $30 billion or more. We ask where and how, when 57 percent of our defense budget is for personnel and personnel-related costs. President Nixon has already reduced the Armed Forces by a million men and defense civilian employment by several hundred thousand. But the program for an all-volunteer force has substantially raised personnel costs.

Spending for weapons procurement has been steadily declining in terms of our gross national product and in terms of constant dollars; that is, taking inflation into account. In 1971 weapons procurement expenditures were only 70 percent of the 1967 level. As a matter of fact, the budget allocates more money for the Department of Health, Education and Welfare than to the Department of Defense. We do not deplore this fact but we do deplore the fact that some of our political aspirants choose to ignore it.

In our considered judgment the voting in the House reflects the attitude of the vast majority of the American people. They want to be certain that we at all times, now and in the future, have a sound national defense as a deterrent to aggression and as an assurance of our security.

ODDITY WITHOUT COMMENT

The day after Congress returned from the recess taken for the Democratic Party convention, there was not one line of mention in the proceedings of the U.S. Senate about the new presidential nominee, even though he is a colleague.

SEASONAL REMINDER

Hal Chadwick has said that "A vacation is a sunburn at premium prices."

YOUNG GUESTS

Several weeks ago a group of young people from the 16th District were my special guests in Washington. The group was made up of high school seniors who had competed for my congressional internship award and some outstanding boys' club representatives. They had special tours of places like the White House and the Capitol. At the left, several members of the group are shown outside the White House with Presidential Assistant John Nidecker and my Legislative Assistant Bob Walker.

NEW POST

When I accepted the leadership job of ranking member of the Select Subcommittee on Education, I was warned that it was one of the busiest committees in the House. The warning was valid.

At this writing Congress has been back from its July recess for one week. In that time, my committee has handled the House floor debate on amendments to the Older Americans Act, held oversight hearings on the Drug Abuse Education Act, and is in the process of preparing for a legislative battle over the Child Development Act.

For a new man on the job, all of this activity has demanded that I be a "quick study" as well as a legislator. But I decided long ago that anyone who is going to be a legislator had better be ready to accept challenge as an everyday part of the work.

PLIGHT OF THE VIETNAM VETERAN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. JACOBS. Mr. Speaker, many are the brave speeches about sending boys off to war. Few are the voices calling for a decent life when those boys return.

Seldom has the plight of the Vietnam veteran been stated in such a clear and forceful manner as when Senator BIRCH BAYH addressed the Indiana State Disabled American Veterans' Convention on June 23 of this year:

SPEECH OF SENATOR BIRCH BAYH

There are more than four million Vietnam era veterans in the U.S. today. More of them are returning every week and in my judgment they are the most shabbily treated veterans in our history.

There are men coming home from war needing skilled medical care.

There are thousands of men who have been disabled fighting under the flag of our country. They need the kind of rehabilitation service to put them back on their feet.

There are men looking to resume their interrupted education.

There are veterans, anxious to work, who find themselves facing a hopeless job market.

These men must have their needs met.

It doesn't matter whether a veteran volunteered for duty or was drafted.

It shouldn't matter what he happens to think about the wisdom of U.S. policy in Vietnam.

It shouldn't matter whether or not the war in which his sacrifice was made is a popular or unpopular war.

There are a lot of things you can say about the history of the Vietnam conflict. The fact is regardless of all of these circumstances a veteran deserves to be treated fairly by the countrymen for whom he made great sacrifice.

Its only fair to say that a veteran who put his life on the line in battle has every right to expect a fair deal when he comes home.

I shouldn't have to stress the fact that our nation should have the fortitude, conviction and fundamental decency to provide every veteran with his deserved benefits.

But the sad truth is that this nation hasn't delivered in the case of Vietnam era veterans. We have backed-off by not providing today's veteran with the same compassion, appreciation and tangible benefits which we provided to his father after World War II and to his older brother after Korea.

There may be some disagreement about certain aspects of United States policy in Vietnam. That's what a free society is all about—to air our differences. There should be no disagreement about the need to deal fairly and adequately with the needs of every veteran who has worn the uniform of his country.

Let me ask you to take a moment or two to look very briefly at the sorry record to date. Most of you are aware of some of these things but I want to put the whole sorry record before you with the hope that the kind of attention we can bring by discussing this problem can cause it to be solved.

The official figures say that veteran unemployment is 8.1 percent. It's bad enough to say that is ⅓ higher than the unemployment rate throughout the country. But in the next breath we are told that 45 percent of jobless Vietnam era veterans are not collecting unemployment compensation and therefore do not turn up on the unemployment rolls. Clearly the situation among young veterans is far greater than the official statistics indicate.

This same survey showed, quite correctly I believe, that 90 percent of all Americans interviewed felt the Federal government and private employers should make a special effort to aid veterans in securing jobs after they are discharged. Yet only about half of the veterans felt that such a special effort was being expended.

The job situation is made even harder by the disappointing record of the armed forces in providing useful job training for men in the service. While recruiting posters make much of the skills which can be gained through military training programs—all of us had some of the experience when we were in the service—the fact is that less than a third of all veterans are able to make use of military-provided occupational training in their civilian jobs.

When a fellow is discharged from the service and comes home able and anxious to go to work we have the responsibility to see that he has a job. Jobs. That is what the whole free enterprise system is all about.

The record of broken promises and inadequate attention to the needs of veterans who want to continue their education is a remarkable case in point.

The veteran of World War II who went to school under the GI bill received residual benefits totalling about $675 a month, including living expenses and educational costs. I benefitted from that G.I. bill. I imagine many of you did also. It has been described by some, I think accurately, as the greatest program in the history of our country to upgrade the average ex-serviceman or woman, and has done more to increase the standard of living in America than any other similar program. When we take this $75 a month figure that was the average G.I. bill benefit for World War II veterans and we consider the inflation of the last 25 years that would be equivalent to receiving benefits of $1,200 today.

The Korean war veteran was eligible for benefits with a residual value of $455 at the time, which would figure out to about $705 in 1972 dollars.

Yet the Vietnam veteran going to school receives benefits worth $422 today.

Let me repeat these figures. The value of benefits available to veterans going to school, with appropriate allowances for the shrinking dollar, are:

World War II—$1,200; Korea—$705; Vietnam—$422.

Today's veterans are receiving about one-third of the help from Uncle Sam while going to school as their fathers received under similar conditions in the 1940's.

When a GI gets out of the service and plans to return to school he should not find the classroom shut because he cannot afford the price tag of a good education.

There is nothing, nothing at all, which can justify this kind of shortchanging of today's veteran. Is his sacrifice worth less than the sacrifice of the brave Americans who fought in World War I, World War II or in Korea? Are we so hardened to war that we take our veterans for granted? It hurts just as much to lose a leg or an eye or if you're away from home today as it did for past generations.

The area of mustering out pay is another area where today's veteran suffers. After both World War II and Korea men who had served overseas, as many of you will recall, received $300 mustering out pay. The men who stayed in the States got $200 when discharged. Today the Vietnam area veteran, whether he serves in combat or not, receives no mustering out pay. Perhaps our policy makers feel that such a payment to get the veteran back on his feet would be inflationary. But in my judgment economy at the expense of our veterans is no economy at all.

The quality of care in VA hospitals today is perhaps the saddest case of all. There was a time when the VA hospitals were the paragon of the finest possible medical care. Equipment was the best available. Staffs were well-trained and the patient-staff ratio were the lowest of all hospitals.

How this has changed!

Today VA hospitals have an average of 1.3 staff members for each patient. This is less than half of the staff members available per patient in private hospitals and compares even worse with the staff ratio in University hospitals.

It is truly disappointing that the situation in VA hospitals has so deteriorated. Even today there are many fine dedicated individuals working in these hospitals. Doctors, nurses, technicians and the other personnel are doing their best to provide top medical care, but they are not getting the support they need in terms of staff assistance, modern equipment, and other resources necessary to do a first class job.

Because of the lack of physical facilities and inadequate staffiing, VA hospitals are rejecting four out of every ten applicants for admission. Now of course, the VA will tell you that those rejected did not require hospitalization. But in all too many cases this is just a lame excuse for the fact that we just don't have the bucks to do what needs to be done.

Budget limitations are so unreasonable that a new, modern VA hospital opened five years ago in Atlanta with room for 588 patients is only authorized to maintain a patient census of 410 because of the lack of funds for the equipment and staff to make full use of the facility. This leaves the hospital with a waiting list of more than 100 needy veterans, several of whom are acknowledged by the VA to be urgent cases. This callous treatment of our veterans cannot be justified under any circumstances. Whether they be veterans of one of the World Wars or Korea or Vietnam, they deserve first class medical attention.

A report I studied the other day estimated that slightly more than $200 million will restore VA hospitals to their preeminent position in the world of medicine. This is one-tenth of one percent of the Federal budget. To save a few million dollars by scrimping on veteran care while we waste billions on various boondoggles is a shameful abuse of our resources and should not be tolerated.

For older veterans who are bed-ridden, or for younger veterans who were among the more seriously injured in Vietnam, one of the most important needs they have is for ongoing attention and treatment. Yet the Office of Management and Budget has blocked more than $8 million earmarked by the Congress for grants to the states for extended care service for veterans.

In other words, not only are inadequate funds being set aside for veteran care; even some of that meager allotment which is being set aside is being withheld by the penny-pinchers in the Budget Bureau.

When a veteran returns from war needing medical attention and extended care, not to be provided that attention nor to have that care is one of the gravest shames in the history of this great country of ours.

The neglect of veterans' benefits reaches into still another area—our national cemeteries. The Department of Defense, which is responsible for administering our national cemetery system, has failed to increase its size in proportion to the need. The tragic reality is that many cemeteries are already full and won't accept any new applicants, others will soon be in the same situation and many veterans will be denied the honor they have long anticipated and long deserved after serving their country—to rest finally in a national cemetery.

The failure to exand the cemetery system is blamed on budget limitations. But reneging on a long-standing promise to our veterans is not the kind of economy which we should be proud of nor forced to accept. This is why I also question the economy move of reducing support services for veteran burials. It seems to me when a veteran is finally laid to rest there should be no scrimping on the manner of his burial and his family should be assured of a proper and respectful ceremony. Isn't that the very least we can do for him and for them?

When a veteran leaves us it is a time to pause with proper respect and appreciation.

There was a time when this nation recognized and appreciated the service of the men who served in the armed forces, during war and during peace. Veterans could hold up their heads with pride; employers gave them a deserved break; the chance to go back to school was made easier. I was proud to be a veteran and still am.

This has all changed. There are veterans today who actually hide the fact that they served their country when applying for some jobs. Others try quickly to put their service experience behind them. What a sad tribute for service to one's country.

As I said at the outset, the attitude with which we approach the legitimate needs of our veterans must not be dependent on what any individual thinks about American policy; the needs of veterans must be met as a matter of national responsibility and basic integrity. For if we renege on this commitment we have belied the very principles for which these brave young men have made great personal sacrifice. I don't suppose anybody really wants to go into battle. Certainly no one wants to be injured. No one wants to make the supreme sacrifice and give his life for his country. Many have and fortunately most of us are prepared to make this sacrifice if duty calls, but when we short change today's veteran we not only deny him his just benefits, we denigrate our entire political process.

Remember the theme of the World War I song, "When Johnny comes marching home again"? I'm sure you all recall the second line of that song which should be as true today as it was 50 years ago—"They'll give him a hearty welcome then." All too often they are not doing that today, my friends, and I hope you'll join me in accepting the responsibility that together we can see that we renew that welcome and that we'll do so before it's too late.

WORLD PEACE TAX FUND ACT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. DELLUMS. Mr. Speaker, my colleague from New York (Mr. ROSENTHAL) and I, along with eight of our colleagues, are taking this opportunity to introduce legislation which we believe is essential to the integrity of this Nation's tax system.

The World Peace Tax Fund Act, as our bill is called, would amend the Internal Revenue Code to establish conscientious objector status for taxpayers identical to that established presently under our Selective Service laws. Under this act, any man or woman in the country who felt he or she could not, in good conscience, contribute to military expenditures would have the option of having their tax dollars routed instead to peace-related activities.

It has long been recognized in this body and throughout the Nation that thousands, perhaps millions, of our citizens are so strongly compelled to resist violence that participation in war in any form is morally and religiously intolerable. What our laws have not yet recognized is that many of these citizens are equally opposed to seeing their tax dollars spent on implements of death and destruction.

The World Peace Tax Fund Act recognizes this moral conviction and, without lowering anyone's total tax bill, removes the great dilemma now facing conscientious objectors—to disobey their own beliefs or to disobey the laws of their country?

The original authors of this measure are to be highly praised for their contribution to this very important effort. Among those responsible for the drafting of this legislation were David R. Bassett, M.D., of Ann Arbor, Mich., Joseph L. Sax and G. Joseph Vining, members of the University of Michigan Law School faculty, Michael P. Hall, a law student there, and Richard Sandler.

Joining Mr. ROSENTHAL and me in sponsoring this bill are Mr. KASTENMEIER, Mr. RANGEL, Mrs. ABZUG, Mr. BINGHAM, Mr. CONYERS, Mr. DIGGS, Mr. MITCHELL, and Mr. RYAN.

At this time I would like to insert into the RECORD a summary of the legislation, followed by the text of the bill and other related material:

SUMMARY

The World Peace Tax Fund Act proposes that the Internal Revenue Code of 1954 be amended to provide an alternative to contribution to military spending for Federal taxpayers who are conscientiously opposed to participation in war, and that a Fund be established to receive and distribute to qualified peace-related activities the portion of such individuals' tax payments that would otherwise go to military spending. The remainder of qualifying individuals' income, estate, and gift taxes would be transferred to the general fund of the U.S. Treasury, to be spent only for non-military purposes.

The Act gives relief to those citizens conscientiously opposed to participation in war, who are presently forced to violate their beliefs by participating in war through tax payments. There is considerable precedent for such relief. The Selective Service System has long recognized and accommodated the beliefs of conscientious objectors. Tax exemptions have been provided for certain religious groups to avoid violation of their religious and conscientious beliefs.

The requested tax relief for conscientious objectors will not open the "floodgates" to similar relief for other groups. The conscientious objector's request for tax relief is exceptionally compelling because it is motivated by the widely-held and long-established fundamental religious and moral mandate—"Thou shalt not kill."

The Act provides taxpayers, who are conscientiously opposed to war and who might otherwise feel compelled to undertake illegal tax resistance, with a means of making a meaningful contribution to world peace consistent with their obligations of citizenship. It is particularly important that the Act extends the opportunity for conscientious objection to women and to men not eligible for conscientious objector status under the Selective Service System.

The amendments to the Internal Revenue Code of 1954 provide that a qualified taxpayer may elect to have his or her Federal income, estate, or gift tax payment transferred to a special trust fund, the World Peace Tax Fund. The amendments also explain how a taxpayer qualifies to have his or her tax paid to the Fund. Other sections of the Act provide for the creation of the World Peace Tax Fund, and for the appointment of a Board of eleven Trustees to administer the Fund. The Fund is modeled after the National Highway Trust Fund and the National Airport and Airway Trust Fund. The Act provides that the General Accounting Office shall annually determine and publish the percentage of the Budget of the United States which was spent for military purposes in the fiscal year just ended. This percentage will be used to determine the portion of the qualifying taxpayer's tax which shall be received by the Board; the Board shall submit a budget to Congress for approval and appropriation, providing for channeling of these monies to specified peace-related activities. Monies not appropriated from the Fund for expenditures budgeted by the Board shall remain available for use in subsequent years by the Board, subject to Congressional appropriation.

H.R. 14414

A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer conscientiously opposed to participation in war may elect to have his income, estate, or gift tax payments spent for non-military World Peace Tax Fund, to receive these tax payments; to establish a World Peace Tax Fund Board of Trustees; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "World Peace Tax Fund Act".

Sec. 2. World Peace Tax Fund.

(a) Operation of trust fund.—There is hereby established within the Treasury of the United States a special trust fund to be known as the 'World Peace Tax Fund" (hereinafter referred to as the "Fund"). The Fund shall consist of such amounts as may be transferred to the Fund as provided in this section.

(b) Transfer to Fund of Amounts Equivalent to Certain Taxes.—

(1) In general.—There is hereby transferred to the Fund amounts equivalent to the sum of the amounts designated during the fiscal year by individuals under Section 6099 of the Internal Revenue Code of 1954 for payment into the Fund, and amounts during the fiscal year as estate tax payments designated for payment into the Fund under Section 2210 of such Code, and amounts received during the year as gift tax payments designated for payment into the Fund under section 2505 of such Code. Such amounts shall be deposited into the Fund, and shall be available only for the purposes provided in section 8 of this Act.

(2) Method of Transfer.—The amounts transferred by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates by the Secretary of the Treasury of the amounts, referred to in paragraph (1), received in the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

Sec. 3. Income Tax Payments to World Peace Tax Fund

(a) Subchapter A of Chapter 61 of the Internal Revenue Code of 1954 (relating to returns and records) is amended by adding at the end thereof the following new part:

"Part IX—Designation of Income Tax Payments for Transfer to World Peace Tax Fund

Sec. 6098. Qualification for Participation in the Fund.

(1) Any taxpayer who has actually qualified as a conscientious objector for Selective Service or Immigration purposes shall be entitled to participate in the Fund.

(2) Any taxpayer not covered by Subsection 1 of this Section, who declares that he or she is conscientiously opposed to participation in war, within the meaning of the Military Selective Service Act, as amended, shall qualify to designate payment of his or

her income taxes to the Fund, as provided in Sec. 6099.

(a) Qualification for participation in the Fund shall be demonstrated by an affirmative response to the following question, which shall appear on all personal income, estate, and gift tax forms: "Do you believe that you are conscientiously opposed to participation in war, within the meaning of the Military Selective Service Act as amended?"

(b) Instructions provided to taxpayers by the Secretary to assist them in filing tax returns shall include an explanation of the purpose of the Fund; the essential features of the Military Selective Service Act, as amended, pertaining to conscientious objection to war.

(3) Persons shall acquire the status of conscientious objector by their affirmative declaration to the question specified in paragraph (2a) above, provided, however, that the Secretary may initiate an action in the U.S. District Court of the district in which the declaring taxpayer has his residence, to challenge his status as a conscientious objector.

"Sec. 6099. Designation by Individuals.

"(a) In General.—Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that his income tax payment for that year shall be paid into the World Peace Tax Fund established by section 2 of the World Peace Tax Fund Act.

"(b) Definitions.—As used in this section—

"(1) Income tax liability.—The term 'income tax liability' means the amount of the tax imposed by chapter 1 on an individual for any taxable year (as shown on his return) reduced by the sum of the credits (as shown on his return) allowable under section 33 (relating to foreign tax credit), section 35 (relating to retirement income), section 38 (relating to certain depreciable property), section 40 (relating to work incentive program credit), and section 41 (relating to political contributions).

"(2) Income tax payment.—The term 'income tax payment' means the amount of taxes imposed by chapter 1 paid by or withheld from an individual for any taxable year not in excess of his income tax liability.

"(c) Manner and time of designation.—A designation under subsection (a) may be made with respect to any taxable year.

"(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, and

(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary or his delegate."

(b) (1) The table of contents of such Code is amended by inserting after the item relating to part VIII of subchapter A of chapter 61 the following:

"Part IX. Designation of Income Tax Payments for Transfer to World Peace Tax Fund."

(2) The table of contents of subtitle F of such Code is amended by inserting after the item relating to section 6096 the following:

"Part IX. Designation of Income Tax Payments for Transfer to World Peace Tax Fund."

"Sec. 6099. Designation by Individuals.

(3) The table of parts of subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following:

"Part IX. Designation of Income Tax Payments for Transfer to World Peace Tax Fund."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

Sec. 4. Estate Tax Payments to World Peace Tax Fund.

(a) Subchapter C of Chapter 11 of the Internal Revenue Code of 1964 is amended by adding at the end thereof the following new section:

"Sec. 2210. Designation of Estate Tax Payments for Transfer to World Peace Tax Fund.

(a) In General.—An individual may elect that the tax imposed by section 2001 on his taxable estate shall be transferred when paid to the World Peace Tax Fund established under section 2 of the World Peace Tax Fund Act.

(b) The table of contents for subchapter C of Chapter 11 of such Code is amended by adding at the end thereof the following:

"Sec. 2210. Designation of Estate Tax Payments for Transfer to World Peace Tax Fund."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

Sec. 5. Gift Tax Payments to World Peace Tax Fund.

(a) Subchapter B of Chapter 12 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"Sec. 2505. Designation of Gift Tax Payments for Transfer to World Peace Tax Fund.

"(a) In General.—An individual may elect that the tax imposed by section 2501 shall be transferred when paid to the World Peace Tax Fund established under section 2 of the World Peace Tax Fund Act.

(b) The table of contents for subchapter B of Chapter 12 of each Code is amended by adding at the end thereof the following:

"Sec. 2505. Designation of Gift Tax Payments for Transfer to World Peace Tax Fund."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

Sec. 6. Authorization of Appropriations.

(a) As soon after the close of each fiscal year as may be practicable, the Comptroller General shall determine and certify to the Congress and to the President the percentage of all expenditures made by the United States during the preceding fiscal year which were made for a military purpose (see "Definitions", below). The certification shall be published in the Congressional Record upon receipt by the Congress.

(b) There is hereby authorized to be appropriated each year a certain portion of the Fund to the World Peace Tax Fund Board of Trustees (established by Sec. 7) for obligation and expenditure in accordance with the provisions of this Act. This portion is determined by applying the percentage figure derived in subsection (a) above to the monies transferred to the Fund in each fiscal year, and adding to that sum all monies in the Fund previously authorized to be appropriated to the Board of Trustees but not yet appropriated. Monies remaining in the Fund shall accrue interest according to the prevailing rate in long-term government bonds.

(c) The remaining portion of the Fund is authorized to be appropriated to the general fund of the Treasury of the United States. No part of the money transferred to the general fund under this subsection shall be appropriated for any expenditures, or otherwise obligated, for military purposes.

Sec. 7. Board of Trustees.

(a) There is established a World Peace Tax Fund Board of Trustees (hereinafter referred to as the "Board") which shall be composed of 11 members appointed as follows:

(1) nine members, not more than five from the same political party, appointed by the President, by and with the advice and consent of the Senate, from among individuals who have demonstrated a consistent commitment to world peace and international friendship and who have had experience with the peaceful resolution of international conflict; and

(2) two members, who shall also meet the above criteria, one of whom shall be appointed by the President pro tempore of the Senate from among the Members of the Senate, and one of whom shall be appointed by the Speaker of the House of Representatives from among the Members of the House. Members appointed under this paragraph shall serve ex officio.

(b) The term of office of each member of the Board shall be six years except that the term of office for four of the members initially appointed under subsection (a) (1) shall be three years. Members may serve until their successors are appointed, except that if any member appointed under subsection (a) (2) ceases to serve as a member of Congress, his term of office on the Board shall terminate at the time he ceases to serve as a Member of Congress. Each member shall be eligible for reappointment for one additional term, but no person shall serve for more than 12 years as a member of the Board. Six Trustees shall constitute a quorum.

(c) Any vacancy in the membership of the Board shall not affect its powers and shall be filled in the same manner in which the original appointment was made. The term of office of any person appointed to fulfill the unexpired term of a member shall consist of the unexpired portion of such member's term.

(d) The Board shall elect a Chairman from among its members.

Sec. 8. Duties of the Board.

(a) The Board may make payments as authorized by Appropriation Acts, by way of grant, loan, or other arrangement, under such conditions and upon such terms as it considers necessary.

(b) Funds designated for the purpose of research may be directed to governmental or nongovernmental, national or international organizations. Funds for nondomestic programs involving the providing of goods and services shall be restricted in distribution to the United Nations and associated agencies.

(c) Activities eligible to receive money from the Board shall include but not be limited to:

(1) Research directed toward developing and evaluating non-military and non-violent solutions to international conflict;

(2) Disarmament efforts;

(3) International exchanges for peaceful purposes;

(4) Improvement of international health, education, and welfare; and

(5) Programs for providing information to the public about the above activities.

(d) The Board shall publish regulations for the submission of applications for funds by persons and agencies, and shall determine the eligibility of such persons and agencies to receive payments or loans. Before approving the application of any such person or agency the Board shall determine, after a comprehensive review of all the functions and activities of the person or agency requesting approval, that such functions and activities have a non-military purpose.

(e) The Board shall submit its budget to Congress as stipulated in Sec. 9, shall report to the President and to the Congress annually on its activities, and shall provide a complete accounting of all funds received and disbursed pursuant to this Act.

(f) It is the intent of this Act that the Fund shall not operate to release money for military expenditures which, were it not for the existence of the Fund, would otherwise have been appropriated for non-military expenditures.

Sec. 9. Submission of Budget.

Notwithstanding any other provision of law, the Comptroller General shall carry out the activities and review of the Board which would be carried out by the Office of Management and Budget if the Board were an agency within the executive branch of the Government; and may establish such requirements as he deems necessary to carry out his authority under this section. The Office of Management and Budget shall not have jurisdiction over the Board. The Board shall submit its budget, requests for appropriations and related reports to the Congress in accordance with such requirements and procedures as the Comptroller General may establish.

SEC. 10. POWERS AND ADMINISTRATIVE PROVISIONS.

(a) Each department, agency, and instrumentality of the Federal Government, including independent agencies, is authorized and directed to cooperate with and furnish to the Board, to the extent permitted by law, upon request made by the Chairman, such informaton as the Board may require to fulfill its duties under this Act.

(b) Subject to such regulations as the Board may adopt, the Chairman may—

(1) appoint and fix the compensation of an Executive Director and such additional staff personnel as he deems necessary; and

(2) procure temporary and intermittent services to the same extent as authorized by section 3109 of title 5, United States Code.

(c) Members of the Board shall be compensated at the maximum rate permitted by law for government employees or consultants, on a per diem basis, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

SEC. 11. AMNESTY.

(a) Any individual who incurs or has incurred a civil or criminal penalty for failing or refusing to pay all or a part of the tax imposed on him by chapter 1 of the Internal Revenue Code of 1954 (relating to income tax) for any taxable period with respect to which the time for filing a claim for credit or refund of overpayment has not expired on the date of enactment of this Act is granted amnesty if he—

(1) pays any tax due (with interest) which he failed or refused to pay (on the grounds set forth in paragraph (2)(A)), and

(2) establishes, to the satisfaction of the Secretary of the Treasury, that—

(A) his failure or refusal to pay was on the grounds that all or a part of his tax payment would be used by the United States for carrying out military activities, and

(B) he would have made timely payment of such tax and designated his tax payment for payment into the World Peace Tax Fund (established under section 2 of this Act) if this Act had been in effect at the time of his failure or refusal to pay the tax.

(b) Whenever any individual is granted amnesty under subsection (a), the Secretary of the Treasury shall transfer to the World Peace Tax Fund the amount of any tax payment made under subsection (a) by such individual, and remit to that individual the amount of any civil penalty (other than interest) for which amnesty was granted.

SEC. 12. DEFINITIONS.

For the purposes of this act—

(1) "Military purpose" means any activity or program conducted, administered, or sponsored by an agency of the Government which effects an augmentation of military forces, defensive and offensive intelligence activities, or enhances the capability of any person or nation to wage war, and

"Expenditures for a military purpose" includes but is not limited to amounts expended by the United States in connection with—

(A) the Department of Defense;

(B) the Central Intelligence Agency;

(C) the National Security Council;

(D) the Selective Service System;

(E) activities of the Atomic Energy Commission that have a military purpose;

(F) activities of the National Aeronautics and Space Administration that have a military purpose;

(G) foreign military aid, and foreign economic aid made available to any country for the purpose of releasing local funds for military activities; and

(H) the training, supplying, or maintaining of military personnel, or the manufacture, construction, maintenance, or development of military weapons, installations, or strategies;

(2) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress; or

(B) the courts of the United States; and

(3) "person" includes an individual, partnership, corporation, association, or public or private organization other than an agency.

SEC. 13. SEPARABILITY.

If any section, subsection, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

MEMORANDUM IN SUPPORT OF THE WORLD PEACE TAX FUND ACT

Many persons in this country are conscientiously opposed to participation of any kind of nature in war. For some religious denominations this is a fundamental part of the religious beliefs of the members. For example, the Handbook of the Pacific Yearly Meeting of the Religious Society of Friends urges its members:

"To recognize that the military system is not consistent with Christ's example of redemptive love . . . (and) to consider carefully the implication of paying those taxes, a major portion of which goes for military purposes."—page 28 of 1962 Rev. Ed.

The World Peace Tax Fund Act is designed to relieve individuals conscientiously opposed to participation in war from the obligation to participate in war through the payment of taxes for military spending. Also it frees them from the weight of conscience which comes from breaking the law, when they hold law and society important.

Freedom of conscience, whatever that conscience might be, is an integral part of our scheme of government. The Supreme Court of the United States, in March of 1965, quoted a statement made in 1919 by Harlan Fiske Stone, who later became Chief Justice of the Court:

"Both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep is its significance and vital, indeed, is it to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a settled policy of violation of the conscience of the individual will not in fact ultimately lose it by the process,"—Stone, The Conscientious Objector, 21 Col. U.Q. 253, 269 (1919).

Although not all persons who are conscientiously opposed to participation of any kind in war base their convictions on religious training and belief, conscientious objection to war appears to be well recognized as an integral part of the religious beliefs of many people. Speaking of the struggle for religious liberty in this country, Chief Justice Hughes referred to:

"The large number of citizens of our country, from the very beginning, who have been unwilling to sacrifice their religious convictions, and in particular, those who have been conscientiously opposed to war and who would not yield what they sincerely believed to be their allegiance to the will of God . . ." *United States* v. *Macintosh,* 283 U.S. 605, 631 (1931).

Certainly to require significant participation in war, against the religious conscience of these people, would violate the spirit of the first amendment protection for the free exercise of religion. (See *West Virginia State Board of Education* v. *Barnett,* 319 U.S. 624 (1943); *School District of Abington Township* v. *Schempp,* 374 U.S. 203 (1963); *Contran, Tyrell* v. *United States,* 200 F. 2d 8 (9th Cir. 1953), *cert. denied* 345 U.S. 910.

Conscientious objection to war and military training is deeply imbedded in the traditions of this country. For example, the ratifying conventions of each of the six states that recommended the adoption of a Bill of Rights in ratifying the new Constitution approved specific amendments as a part of their recommendation; Virginia, North Carolina, and Rhode Island included a provision guaranteeing the right of conscientious objection. (See Elliot, *Debates on the Adoption of the Federal Constitution,* Vol. 3, p. 659, Vol. 4, p. 244, Vol. 1, p. 334–36 (reprint of 2nd ed. 1937).

A similar provision was suggested but rejected by the Maryland convention. (See Elliot at 553.) It is not surprising, therefore, that one of James Madison's proposed amendments presented to the first session of the first Congress included the following language: "but no person religiously scrupulous of bearing arms shall be compelled to render military service in person." *Annals of the Congress of the United States,* 434 (Gales and Seaton, 1934).

During the debates on the proposed amendment, it was suggested that the right be conditioned "upon paying an equivalent." To this suggestion Mr. Sherman of Connecticut remarked:

"It is well known that those who are religiously scrupulous of bearing arms are equally scrupulous of getting substitutes or paying an equivalent. Many of them would rather die than do either one or the other." *Annals* at 750.

A motion was then made to drop this clause altogether; the motion failed and the clause was included in the list of proposed amendments sent to the Senate for approval. The Senate omitted this provision and it never became a part of our Bill of Rights. Although no record of the Senate debates was taken at the time, the opposition to the proposal in the House would indicate that the Senate preferred to leave the matter to legislation instead of a Constitutional Amendment, *Annals* at 751.

Although Congress has recognized the right of conscientious objectors to refrain from participation in war and has enacted legislation to protect that right, conscientious objectors are still forced to participate in war through the payment of taxes, a substantial portion of which goes to military spending. Every person in this country who pays Federal income, estate, or gift taxes is forced to participate in war in this manner. They are forced to aid in the equipping and training of armies and in the purchase of bombs, ammunition, missiles, napalm and other instruments of destruction. This is a significant form of participation in war.

Tax refusal—refusal to pay taxes because the money was to be spent for things to which the taxpayers were conscientiously opposed—has a long history. Early Christians refused to pay taxes to Caesar's pagan temple in Rome. Quakers and Mennonites refused to pay taxes to pay for the war effort during the French and Indian Wars, the Revolutionary War, and the Civil War. Under Gandhi's influence, strugglers for independence in India refused to pay taxes to the British Empire. In many ways the Boston Tea Party and other attempts of the colonists to prevent the British from collecting taxes to pay for the French and Indian War and for the stationing of British troops in the colonies represent similar protests. (See 1 Malone, & Rauch, *Empire for Liberty* 126–36 (1960)). Just as pacifists are opposed as a matter of conscience to paying taxes that are used for military purposes, so were the colonists opposed as a matter of consicence to paying taxes without representation.

At the present time those who are conscientiously opposed to any form of participation in war can avoid violating their conscience in the matter of federal income taxation in only two ways. First, they can carefully avoid earning more than the minimum income required by federal law upon which income taxes must be paid. Second, they can simply refuse to pay the taxes due, or a certain percentage of them; this amounts to a criminal offense which could result in a maximum sentence of $10,000 fine and one year in prison. See Internal Revenue Code, Section 6502. Such a penalty could conceivably be imposed every year if the individual refused to pay the taxes due every year. In spite of the possibility of these extreme consequences, many people take this route because they feel it is a lesser evil than to violate their conscience.

To most American citizens who wish to make substantial contribution to the life of their community and who want to be law-abiding citizens these are not feasible alternatives. The liberty of conscience that Chief Justice Stone spoke about is not being preserved in the area of conscientious opposition to participation in war. In order to preserve this liberty of conscience and to preserve both the dignity and the fairness of law—to preserve it in a spirit intended by the founding fathers and the drafters of the Bill of Rights—legislation should be enacted to provide a legal and realistic alternative to participation in war through the payment of federal income, estate, and gift taxes.

PRECEDENT

There is sound precedent for such legislation giving tax relief to protect religious and conscientious beliefs. Section 1402(e) of the Internal Revenue Code provides an exemption from payment of self-employment taxes for duly ordained, licensed or commissioned ministers and members of religious orders, or for Christian Science Practitioners upon their filing an application for exemption together with a statement that they are conscientiously opposed to, or because of religious principles, they are opposed to participation in an insurance plan like that provided by the Social Security Act. Section 1402(h) of the Internal Revenue Code similarly relieves members of qualified religious faiths, primarily the Amish, of the duty to pay the Social Security tax. By this Code provision, enacted in 1965, Congress acknowledged and accommodated the conscientious objection of the Amish to participation in insurance plans. The tax exemptions provided by sections 1402(e) and 1402(h) of the Internal Revenue Code were modeled after the exemption of conscientious objectors from the draft.

By exempting individuals conscientiously opposed to participation in insurance plans from payment of Social Security taxes, Congress clearly extended the principle of Congressional accommodation of conscientious beliefs from the area of the draft to the area of taxation. Thus Congressional precedent for tax relief to accommodate the beliefs of conscientious objectors to war is firmly established. Congress has recognized both the right not to participate in war and the right of a tax exemption to avoid participation in a program to which the tax-payer is conscientiously opposed.

The proposed tax accommodation for conscientious objectors to war recognizes the unique and long-acknowledged right of an individual to refrain from participation in war. It reflects an honest acknowledgment that payment of taxes for military spending is a significant and, for conscientious objectors, intolerable form of participation in war. The proposed special tax status for conscientious objectors is a necessary device to avoid forcing their participation in war.

The tax treatment asked for conscientious objectors is less exceptional than that presently granted by sections 1402(e) and 1402(h) of the Internal Revenue Code. Those sections allow individuals "conscientiously opposed" to Social Security insurance to be entirely exempted from payment of a portion of their tax. In contrast, the World Peace Tax Fund Act does not propose exemptions from payment of a portion of the conscientious objector's tax. Under the Act, a conscientious objector is still required to pay his entire tax. The Act merely provides that an appropriate portion of the tax may be diverted from military spending to non-military peace-related activities.

Like the exemption from payment of the Social Security tax, the proposed tax accommodation for conscientious objectors is based on religious and conscientious belief. The conscientious objector to war has a compelling justification for the special tax status he seeks. His concern is fundamental. He asks not to be forced to join in the deliberate killing of his fellow men. His desire not to participate in war and killing through any means, including taxation, is based upon a widely acknowledged religious and moral principal. Observance of the principle is essential to the integrity of the individual. By forcing the conscientious objector to war to contribute to military spending, Congress presently forces him to violate his conscience and severely denies his right of religious freedom.

The tax accommodation of conscientious objectors would be an affirmative gesture which would benefit society as well as the individual taxpayer. Especially today, when a faint hope of world peace precariously counterbalances the threat of unspeakably destructive war, it is important to society that the moral principle, "Thou shalt not kill," which underlies the conscientious objector's attitude towards war, be firmly and repeatedly asserted.

Fundamental fairness requires that the opportunity for making this affirmative gesture for world peace and against killing be extended to all people—not just those draft-age males who qualify for conscientious objector status under the Selective Service laws. Therefore another important aspect of this act is that it offers women and children an opportunity constructively to demonstrate their opposition to war through formal conscientious objection—an opportunity which at present is open only to draft-age men.

The proposed tax accommodation for conscientious objectors is required by uniquely compelling justifications. Granting this special tax status to conscientious objectors will not open the floodgates to other groups who claim to be "conscientiously opposed" to various uses of their tax dollars, because the concern of the conscientious objector is so fundamental, so widely acknowelged, and so essential to the integrity of individuals and our society.

The contemplated tax treatment of conscientious objectors does not establish a precedent for individual earmarking of tax dollars. Trustees appointed by the President with the advice and consent of the Senate will receive, for subsequent channeling to appropriate peace-related activities, a portion of the Fund's monies. This portion represents the sum of all qualifying individuals' income, estate, or gift tax payments, multiplied by the percentage of last year's Federal budget devoted to military spending. The spending decisions of the Trustees require Congressional approval and appropriation. Congress retains power over spending of the conscientious objector's taxes. The taxpayer who qualifies as a conscientious objector can only decide that his tax dollars will not be spent for one specific purpose—military spending. Distribution of monies by the Board to qualified peace-related organizations finds precedent in the qualified distribution requirements for private foundations under Section 4942 of the Code.

In summary, the conscientious objector's uniqueness rests first, in the long tradition of Congressional respect for and accommodation of conscientious objectors to war. Second, the standards for determination of conscientious objector status have been tried, proven, and refined by the Selective Service System and conveniently provide stringent and reliable requirements for determining conscientious objector status for tax purposes. Third, the conscientious objector to war bases his request for special tax treatment on a widely-held long-established fundamental religious and moral belief. Fourth, the declaration of conscientious objection for tax purposes is an affirmative and constructive act which could make a substantial contribution to world peace.

The great interest of individuals in the free exercise of their fundamental religious beliefs should weigh most heavily against the public interest in minimizing exceptions to the general tax laws. If the interest of the Amish in not participating in Social Security insurance was insufficient to outweigh this public interest, the compelling interest of the conscientious objector to war should also outweigh it.

EFFECTIVENESS

Individuals conscientiously opposed to war will be excused from tax contribution to military spending and thereby from a significant form of participation in war. The tax dollars diverted from military spending will be used to promote world peace. It is recognized that because of the nation's tax collection and budgeting process, the creation of the World Peace Tax Fund may not markedly reduce the money available for military spending. A serious curtailment of military spending would result only if a great many taxpayers participated in the Fund, thereby calling for a major shift in national priorities. The military will get the funding it requests until the success of the Fund helps persuade taxpayers and Congress to reduce the priority of military spending.

At present, many conscientious objectors are so determined to change this country's priorities that they have refused to pay their taxes. As an alternative to forcing conscientious objectors to pursue this difficult and unpopular course, this bill offers the conscientious objector a way of making a positive contribution to world peace in place of contributing to military spending. The Fund will provide a constructive means of citizen's protest for its contributors. The Fund will draw the attention of every taxpayer to the percentage of American tax dollars going to military spending. It will encourage Congress to recognize this percentage by publication of the Fund's annual reports. At present, for the most part, no effort is being made by the government to separate military spending from other spending. Individual taxpayers, in making out their annual returns, will be forced to decide whether or not they can conscientiously contribute to military spending. Those who become conscientious objectors for tax purposes will be voicing a significant vote against military policy. The bill provides that the number of contributors to the Fund, the amount of money contributed, and the expenditures of the Fund shall be published and reported to Congress each year.

Many conscientious objectors would like to take a firmer stand than that provided by this Act in opposition to their country's military operations, but in view of the political constraints imposed on them as a minority, they support the Fund as a meaningful, though not entirely satisfactory means of working for world peace.

The Internal Revenue Code amendments

and the organization of the Fund are designed to accomplish their goals with a minimum of administrative effort. The individual taxpayer is given the initial responsibility for determining whether he or she is eligible for conscientious objector status. A taxpayer who is already classified as a conscientious objector for Selective Service or Immigration purposes is automatically eligible. A taxpayer, regardless of age or sex, who files a declaration of conscientious opposition to war, is eligible. False statements knowingly made in declaring conscientious objector status are grounds for prosecution for perjury. Willful abuse of this claim of eligibility will therefore be discouraged. The Internal Revenue Service may conduct an examination, "For the purpose of ascertaining the correctness of any return," according to Section 7602 of the Code. Language in that section is broad enough to allow review of a declaration of conscientious objection to war. In formulating requirements for conscientious objector status and in reviewing returns of conscientious objectors, it is expected that the Secretary or his delegate will rely primarily on 50 U.S.C. App. 456(j), which exempts conscientious objectors from military service, and judicial interpretations thereof. Final rulings by the IRS against the taxpayer's status as a conscientious objector are appealable to the United States District Court.

The Fund itself will be self-sufficient. It is expected that the commitment of the Fund's Trustees to world peace and their appointment by the President with the advice and consent of the Senate will make the Fund self-policing so that contributors and other taxpayers and Congress will have faith in it, and it will accomplish the goals set for it. The operating expenses of the Fund will be paid out of the money the Fund receives from taxpayers. Because the Fund will encourage people who presently refuse to pay their taxes, to pay these taxes, the administrative costs of the Fund will be offset by the additional tax payments which the Fund is expected to generate.

A final point is that legislative relief is the only legal avenue available for resolving the conscientious objector's dilemma between his beliefs and his obligations of citizenship. Conscientious objectors have repeatedly lost their battle against war taxes in the courts. Despite the strong constitutional arguments which can be made in their defense, in deference to Congress the courts have repeatedly held against conscientious objectors who have refused to pay their taxes to military spending.

CONSTITUTIONALITY

(1) *Uniformity*. The proposed legislation conforms with the requirement of Article I, Section 8, Clause 1 of the Constitution which provides "All duties, imports and excises shall be uniform throughout the United States." The requirement of uniformity has been read to require geographical uniformity. *Knowlton v. Moore*, 178 U.S. 41 (1900); *Brushaber v. Union P. R. Co.*—US. 1 (1916); *Fernandez v. Wiener*, 326 U.S. 340 (1945).

(2) *First Amendment*. The first amendment provides "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." The proposed tax payment accommodation of the religious beliefs of conscientious objectors is a mitigation of a general requirement for the purpose of allowing the free exercise of religion. This is not an establishment of religion.

According to the General Counsel of the Treasury, "The classic example of the application of the free exercise clause is the series of cases which have upheld Congressional exemption of conscientious objectors from military service. The validity of this exemption was first established by the *Selective Draft Law Cases*, 245 U.S. 366 (1918), upholding the exemption in the draft law of members of religious sects whose tenets prohibited the man's right to engage in war." The Solicitor General had argued (p. 374) that the exemption did not establish such religions but simply aided their free exercise. The court considered that the Congressional authority to provide such exemption was so obvious that it need not argue the point (pp. 389–390).

The present Universal Military Training and Service Act (50 U.S.C. app. 456(j)) provides, "(j) Nothing contained in this title (sections 451, 453, 454, 455, 456 and 458–471 of this Appendix) shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form." "Participation in war in any form" has been read by the courts to mean "participation in any form in war." *Taffr v. U.S.*, 208 F. 2d 329 (CA 8 (1953), *cert. denied* 347 U.S. 928 (1954)). In *U.S. v. Seeger*, 380 U.S. 163, 13 L. Ed. 2d 733 (1965) the court broadly interpreted "by reason of religious training and belief" to require no formal religious training, and suggested that a personal moral code would be sufficient grounds for conscientious objection if there were some other basis for the registrant's belief. The *Seeger* case did not reach the constitutional question of whether the state might require a belief in God as a condition for exemption. *Torcaso v. Walkins*, 367 U.S. 488 (1961) did hold that Maryland, could not require an oath attesting to a belief in God as a requirement for becoming a notary public, because such a requirement would constitute an establishment of religion.

Another example of the use of Congressional authority to make exemptions from general laws to permit the free exercise of religion is the exemption from taxation of religious organizations, property and activities. These exemptions continue to be upheld against claims that they have the effect of establishing the religions benefited. *Swallow v. U.S.*, 325 F. 2d 97 (10th Cir. 1963).

Zorach v. Clauson, 343 U.S. 306 (1952) is another case affirming the validity of accommodations made by the state to allow the free exercise of religion. There the Court upheld New York legislation authorizing public schools to release children one hour early every week for religious instruction off school grounds.

That allowing conscientious objectors to pay a portion of their taxes into a non-military tax fund is an accommodation for the free exercise and not an establishment of religion is made clear by *Sherbert v. Verner*, 374 U.S. 398 (1963). The Court held there that Maryland could not deny unemployment benefits to a Seventh-Day Adventist who refused to take a job requiring work on Saturday, the Adventists' Sabbath. The Court held this conditioning of welfare benefits on compromise of individuals' religious beliefs was an unconstitutional restriction on the free exercise of religion. Therefore, the court ordered Maryland to make accommodation within its general unemployment law. A conscientious objector who is forced to pay taxes which help finance military spending, is being denied the right of free exercise of his religious beliefs. The conscientious objector's plight is worse than the Adventist's in *Sherbert* who paid a lesser price for free exercise of religion. In *Sherbert* the price exacted by the state for religious freedom was loss of unemployment benefits. The conscientious objector who refuses to pay taxes is not only fined but is forced to break the law and is liable to criminal prosecution. Contribution to military spending is a significant form of participation in war. It may be as offensive to religious beliefs as service in the Armed Forces. Congress has accommodated religious beliefs by exempting from military service those conscientiously opposed to participation in war. It is a small step for Congress to allow the conscientious objector not to participate in war through taxes. Clearly, such an accommodation is to aid the free exercise of religion and is permitted, if not required, by the first amendment.

The effect of the proposed accommodation for conscientious objectors would not be discrimination in favor of some religions at the expense of others. Rather, the present discrimination against those who are forced to pay taxes (a portion of which goes to military spending in violation of their religious beliefs), would be removed. See *Sherbert*, p. 406. Nor are the problems of administration and the possibility of spurious claims under the proposed accommodation justification for continuing the present burdens on the free exercise of religion. See *Sherbert*, p. 407.

Despite the constitutionality of the proposed amendments, it might be argued there is an overriding public interest which forbids accommodation. But in *In Re Jenison*, 375 U.S. 14 (1963) the Court relying on *Sherbert* v. *Verner* vacated a ruling of the Minnesota Supreme Court, which held that jury duty, a primary duty of all citizens, was superior to a religious belief which forbade judging others and therefore forbade jury duty. After *Jenison* it is possible to argue that it is unnecessary to balance the public interest against the individuals' interest to determine whether an exception to the general law should be made to accommodate the free exercise of religion. Rather Congress or the courts could simply determine if an accommodation is necessary to allow free exercise of religion and if so, grant it.

(3) *The due process clause*. The due process clause of the fifth amendment requires that tax statutes be reasonable and apply to a reasonable class. However, the standards of reasonableness applied to tax statutes are more lenient than those applied generally; only clearly arbitrary tax classifications will be struck down. *Fleming v. Nestor*, 363 U.S. 603 (1960); *Smart v. U.S.*, 222 F. Supp. 65 (1963); *Leeson v. Celebrezze*, 225 F. Supp. 527 (1963). Therefore it is unlikely that the classification proposed by these amendments would be found unreasonable, especially since the classification is the same which has long been accepted as reasonable for draft exemption purposes.

FREEDOM FOR CAPTIVE NATIONS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1972

Mr. YATRON. Mr. Speaker, the months of June and July are extremely important months for the peoples of the Soviet-occupied Baltic States of Lithuania, Latvia, and Estonia and, also, to other captive nations throughout the world. Despite the concerns of our people for the solution of internal problems, it is remarkable that a substantial cross-section of our citizenry is also concerned with the captivity of 27 nations under totalitarian tyranny. In all sections of our country, citizens are observing Captive Nations Week as provided by the U.S. Congress in 1959. The validity and full realistic significance of this annual observance are securely founded on the basic reality of 27 captive nations in the Red empire. It is comforting and reassuring in these uncertain times that our leaders and broad segments of our citizenry remain fully aware of these numerous captive nations, not only for humanitarian reasons, but fundamental strategic ones as well.

The recent riots in Lithuania, the massive cultural repressions in Ukraine, the Jewish demands for emigration from the U.S.S.R. and other cases fully indicate the invincible drive for freedom within the captive nations themselves. As we observe Captive Nations Week, we must remembers that this third of humanity has been living in slavery since the early years of this century. The events in Eastern Europe, especially since World War II, have shown us that the yearning for freedom is not dead. Americans need not be reminded of the millions of people who have been imprisoned since the enslavement of their countries, or of the continuing manifestations of their desire for freedom, whether that desire is expressed by passive resistance, workers' strikes, riots, or outright rebellion.

During Captive Nations Week of 1972, we should remember the demonstrations which have taken place in these enslaved states in the past. They are the latest in a continuing series of examples of this type of action that proves to us that the torch of freedom still burns in the hearts of these captive peoples. We should also realize that it is important to eulogize these courageous men and women as they fight in their own ways to regain the liberty, respect, and dignity they once enjoyed as free peoples.

Our reminder comes to us in part through Captive Nations Week, in part through our refusal to recognize Soviet sovereignty over these states, and through the constant pressures of the U.S. Congress to urge the President to implement the directives embodied in House Concurrent Resolution 416 by bringing the question of freedom for the Baltic States of Lithuania, Latvia, and Estonia before the United Nations for consideration.

Mr. Speaker, I wish to commend all those who are taking this opportunity to observe Captive Nations Week, and to ask that everyone rededicate himself to the achievement of freedom for the victims of Communist oppression.

MARYLAND'S POLICE PRAISED

HON. WILLIAM O. MILLS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. MILLS of Maryland. Mr. Speaker, it is appropriate, I believe, that recognition be given to citizens and police alike who assisted in the capture of two bank robbery suspects on Maryland's Eastern Shore last week.

In a time when the general public tends to shy away in the face of danger to their peers, two Eastern Shore residents made it a point to go out of their way to help police apprehend the criminals. In doing so, they exposed themselves to possible bodily harm, and exhibited the kind of thoughtfulness and courage which is unfortunately so rare in today's modern world. One of these public servants must go unnamed since it is not known who she is, and that is quite unfortunate, for in a case such as this, I believe credit should be given where it is due. The other private citizen is Mr. Henry Troyer, who is not even a resident of the town in which the crime took place. He spotted the suspects leaving the bank and followed them, subsequently being able to identify their automobile for police.

Also to be commended are members of the Easton town police and the local contingent of Maryand State Police who ultimately captured the suspects. To be singled out for special praise are Det. Sgt. Edward Blessing of the Easton town police, Cpl. Gary C. Royer, and Trooper First Class Edgar Harrison of the Maryland State Police.

Not the least of those to be mentioned is William J. Holsten, a bank employee taken hostage by the robbers. He conducted himself in the highest manner possible despite the grave personal danger to himself.

I would like to add my congratulations to these citizens and police for the exemplary manner in which they behaved during this crisis and I hereby respectfully submit the following editorial written by J. David Thackery for the Easton Star Democrat of July 19, 1972, as further testimony to this fact.

HEROES APLENTY

Talbot Countians can be proud they don't share the apathy toward crime that plagues the big cities.

Yesterday's capture of the St. Michaels Bank robbery suspects was an expert example of top-notch police work. But two private citizens were greatly responsible for the swift capture of the alleged robbers and the recovery of the stolen money.

An unidentified woman walked into the bank as the robbery was taking place. One of the hold-up men told her to come in and not to scream. Instead she slammed the door and ran to call the police.

Another private citizen, Henry Troyer, was across the street when the two bandits and their hostage came out of the bank. Troyer followed the trio and was able to give the police a description of the getaway car.

These two people weren't the only heroes, but they are certainly the two most responsible for swift apprehension of the suspects.

As for the physical arrest of the suspects, State Police Cpl. Gary C. Royer should get high praise for his outstanding performance. As the suspects raced toward Easton, Royer parked his police car across Route 33 in an attempt to block their escape. Even though he was rammed by the getaway car, he was able to give chase and immobilized the bandits' vehicle by purposely crashing into it in downtown Easton.

When the robbery suspects were finally cornered, there was every reason to fear the hostage might be killed. In the few seconds that followed, anything less than a firm show of force might well have resulted in tragedy.

Det. Sgt. Edward Blessing of the Easton Police and State Police TFC Edgar Harrison faced down the suspects and convinced them to surrender.

It's this kind of quick action and courage on the part of police and civilians which has prevented any successful bank robbery on Maryland's Eastern Shore for the past 40 years.

AN EXTRAORDINARY ACT OF KINDNESS AND CONCERN

HON. MRS. GEORGE ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mrs. ANDREWS of Alabama. Mr. Speaker, in the wake of the terrible destruction visited by Hurricane Agnes on the eastern seaboard, Americans throughout our country have responded with compassion and generosity to aid victims of this disaster.

One of the earliest and most generous responses was made by the Paulk family, owners of Bonnie Plant Farm in Union Springs, Ala., in my district.

Bonnie Plant Farm sent three trucks, loaded with garden vegetable plants, 1,100 miles nonstop to Harrisburg, Pa., to replace gardens destroyed by the floods.

Having known the members of this fine family as friends and neighbors in my hometown for many years, I was not surprised by this act of humanity during a time of crisis far from their farm in Alabama.

Their deep concern about inflation led them to focus national attention on the need for growing family vegetable gardens, when they recently brought vegetable plants to Washington, D.C., and gave them away to interested citizens.

They gave the impetus to the resolution which Representative W. J. BRYAN DORN and I sponsored in the House and Senator JAMES ALLEN introduced in the Senate, urging every American family to plant a vegetable garden. The resolution was adopted by both bodies.

The account of Bonnie Plant Farm's efforts to assist the stricken city of Harrisburg was recounted fully by Birmingham News correspondent Boone Aiken.

I am placing the News article in the CONGRESSIONAL RECORD, so that my colleagues can read of this extraordinary act of kindness and concern in time of trouble.

FARM DONATION—BULLOCK PLANTS AID FLOOD-RAVAGED AREA

(By Boone Aiken)

UNION SPRINGS.—One million vegetable plants, donated by Union Springs brothers, are growing in makeshift gardens of victims of Hurricane Agnes.

In a few weeks, flood victims in Harrisburg, Pa., will gather vegetables with an estimated potential yield of $8 million, grown from three truckloads of plants donated by the Paulk brothers of Bonnie Plant Farm.

Tomato, cabbage, eggplant, pepper and collard plants were donated by the brothers to replace gardens destroyed by the floods, and to start gardens in city parks and living areas.

It took more than 80 field hands to pull, wrap and crate the plants donated by Jim, Fred, Thomas, and Glenn Paulk.

Tomato plants were packed in sawdust and moisture-proof paper, while cabbage plants, in family-size bundles, were placed in crates with the bottoms lined with wet sacks for the long trip.

The trucks left Union Spring with Mack Paulk, Melvin Roten, June Paulk, Lamon Mills, and John Adams taking turns driving the 1,100 miles non-stop.

They were met in Harrisburg by Mr. and Mrs. Jim Paulk, Mr. and Mrs. Fred Paulk, Commissioner of Agriculture Richard Beard and Bill Nettles.

Jim Paulk, spokesman and former state legislator, said Harrisburg radio stations and newspapers had notified the public that the free plants would be available on Friday, and that a steady stream of potential gardeners came to the parked trucks at the agricultural center.

High school students helped bag the plants and pass out 60 pounds of seeds donated by of the plant farm's plans from Jim Paulk.
a seed company after the company learned

Paulk said many of the recipients did not know what collards were, but agreed to try them.

He knows for sure that at least one flood victim was happy with his collards. He said a former Georgia resident was so excited at seeing the collard plants that he was given an entire crate.

While on his goodwill tour, Paulk realized one of his life-long ambitions—to appear on television and tell people how to plant a tomato properly.

He was invited to participate in the agriculture program and talk about the proper planting of garden vegetables, thus getting a chance to air his pet peeve of home gardeners and their shallow tomato plants.

"Plant the stem two-thirds in the ground so the tap root will be deep and can pick up moisture during a dry spell, and the little roots have room to spread out," he urged.

The Alabama plants were also made available for a garden for occupants of a 220-trailer home park that the government had set up to care for the homeless.

The three acres nearby will be planted, hoed and watered by volunteer high school students.

GRAND JURY CIRCUMVENTS CONSTITUTIONAL FREEDOMS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. DOW. Mr. Speaker, it is disheartening to think that American citizens, who have been accused or convicted of no crime, can be sentenced to a prison term of indefinite length without benefit of bail. Yet, a person who is subpenaed to appear before a Federal grand jury and who attempts to use his fifth amendment right not to be a witness against himself, will receive worse treatment in our society than a man who is accused of a major crime of violence.

On June 12 through 15, blank subpenas were issued to 12 residents of the New York area, and one man from Dallas, returnable on June 19 and several following days before a grand jury conducting a secret investigation in Fort Worth, Tex.

These men, summoned half way across the continent from New York, had one thing in common: they were all Catholics born in Ireland, and most were naturalized citizens of the United States. They all had been active in one way or another in protesting the situation in Northern Ireland.

Mr. Frank Durkan of the law firm of O'Dwyer and Bernstien was retained by the subpenaed individuals. Mr. Durkan immediately inquired of Frank McCowan, head of the Criminal Division of the U.S. attorney's office in Fort Worth to find out the purpose of the subpenas and to see if the proceedings could be delayed because of the short notice and long distances involved. Mr. McCowan refused to consider delaying the proceedings and stated that he was not at liberty to disclose the nature of the investigation.

In the days before the proceedings were to begin, four subpenas were cancelled. Treasury agents telephoned two of the men, informing them that the subpenas were cancelled, and that it would not be necessary for them to go to Fort Worth. Mr. Durkan protested the method of cancellation because, as the attorney for the subpenaed individuals, he should have been notified directly. Mr. Durkan was given to understand that this irregularity would not recur, but on the following day, Treasury agents again called two more persons informing them that their subpenas had been cancelled. This typifies the role of counsel in a grand jury proceeding.

It was not until June 19 that the nature of the investigation was made known when two oaths of office were filed by Mr. Brandon Alvey and Mr. Robert Merkle, both of the Internal Security Division of the U.S. Department of Justice. These two representatives were sent to assist the grand jury in the investigation of, according to the oaths:

> Alleged violations of the Gun Control Act of 1968, Titles I and II; violations of the Organized Crime Activities Act; violations of the Foreign Agents Registration Act; conspiracy; *and other Federal crimes.*" (emphasis added)

Further information about the purpose of the investigation came to light on Tuesday, June 20, when the Dallas Morning News ran an article by Karl Freund, which reported that the investigation had been instigated by the British who had contacted high-ranking members of the Nixon administration. The article also indicated that Fort Worth had been selected, even though 12 of the 13 witnesses resided over a thousand miles away, because there would be no sympathy in the locale for Irish-Americans and because the judge, Leo Brewster, had a reputation for using all of his powers to compel reluctant witnesses to testify. The sole link between the crimes to be investigated and the locality selected was that purchase of guns for the Irish Republican Army could conceivably have been in the Dallas-Fort Worth area.

The grand jury investigation is still being conducted in secret, and no official announcement has been made by the U.S. attorney's office.

There remained eight subpenas after the first four were cancelled. Of these eight, one witness, Mr. Jim McKeon of Blauvelt, N.Y., who was 40 percent disabled from wounds received in Korea, had a known heart condition. Through his lawyer, Mr. Manning, he explained that he was quite ill and should not be forced to travel to Fort Worth. Mr. McCowan, according to my information, advised that he must have verification of his illness, and without that he must come to Fort Worth "even if he drops dead on the way."

It was at this point that McKeon retained Mr. Durkan as his counsel, and on June 20, McKeon went to Fort Worth with his wife. Durkan was concerned for Mr. McKeon's health because he was apparently very ill. Mr. Durkan advised Mr. Alvey at the U.S. attorney's office who said that, had he known of Mr. McKeon's condition, he would not have required him to come. Mr. McKeon, in the meantime, had been waiting all day June 21 to testify. When Mr. Durkan went to the corridor to advise him that he was free to go, Mr. McKeon collapsed. He was rushed to a hospital in an ambulance. but returned home the next morning. Despite the fact that McKeon had been dismissed as a witness, a Federal agent insisted on accompanying him throughout.

After Mr. McKeon's dismissal, seven remained. Mr. Peter Finnegan was kept from June 19 to June 29, and Miss Mary Kennedy was kept from June 21 to June 29. During this time they were asked no question, and they were kept away from their homes, families, and jobs.

The five remaining witnesses were: Kenneth Tierney, a physiotherapist from Yonkers, N.Y.; Matthias Reilly, a bus mechanic from Blauvelt, N.Y.; Paschal Morahan, a carpenter from the Bronx; Daniel Crawford, an apartment building engineer from New York City; and Thomas Laffey a real estate salesman from Williston Park, N.Y.

These persons are all responsible members of the community with wives and children and without criminal records.

On June 19, Kenneth Tierney appeared before the grand jury and pleaded the fifth amendment. The U.S. attorney petitioned the court to grant Tierney immunity, which was given.

This immunity was granted under 18 U.S.C. 6002–3 which was recently amended by Congress to provide that testimony given under immunity cannot be used against the witness in any criminal case. The problem, however, is that there is no guarantee that the testimony will not serve as a basis for gathering other evidence to incriminate the witness, and that a conviction could subsequently be obtained without ever using the grand jury testimony in a court. The law does provide that no information directly or indirectly derived from such testimony may be used against the individual in court, but as Congressman RYAN pointed out in his minority views on this legislation:

> The bill fails to take any cognizance of the fact that it is virtually impossible to establish tainted evidence—that is, evidence that has been developed from leads which appeared from the compelled testimony or information of an immunized person. . . . It is not difficult to mask evidence so that it appears to have been developed independ-

ently of the immunized witness' testimony or information.

The Supreme Court has held that the right against self-incrimination is protected by the grant of immunity, and that if the Government ever prosecutes for a crime admitted to by an immune witness, heavy burden of proof rests on the Government to show that its evidence was derived from sources wholly independent of the incriminating testimony. It must be noted, however, that if the accused under such circumstances is unable to produce any evidence contrary to the Government's assertion, the Government will be deemed to have met its burden of proof.

Also, there is a serious unresolved question of law as to whether court-granted immunity will protect an individual from prosecution by a foreign power. There is no guarantee that testimony given to the grand jury could not be used in a British court should the witnesses ever be extradited to Great Britain.

Kenneth Tierney continued to plead the fifth amendment after he was granted immunity, and was found in contempt of court on June 20 and imprisoned without bail for the life of the grand jury.

Shortly thereafter, Tierney was fired from his job at Columbia Presbyterian Hospital on grounds that he was absent without leave. It was at this point that I contacted officials at the hospital in an effort to have Tierney reinstated. I am gratified that, once the hospital officials understood the situation Tierney was in, they placed him on an indefinite leave of absence, although without pay.

The four other individuals also refused to answer questions posed by the prosecutor after they had been granted immunity, and were found in mass contempt on June 29. All were imprisoned without bail for the life of the grand jury which is 18 months, or in this case, until November 1973.

It should be emphasized that the potential length of imprisonment under the law is actually much longer than 18 months. A new grand jury can be called at the end of the 18-month period, new subpenas issued, and the entire cycle repeated, including imprisonment. This is not idle speculation. Five witnesses who refused to testify at a grand jury investigation in Tucson, Ariz., in October and November 1970 were jailed for contempt until late in March 1971. When they were released, each was greeted at the cell door with a subpena to appear before a new grand jury on April 7, 1971.

The witnesses in the present case applied for parole or reasonable bail, but were denied in the circuit court of appeals, and the decision was affirmed without opinion by Justice Powell on July 25.

We are confronted here with a situation where: First, a person may be subpenaed to appear before a grand jury virtually anywhere in the country where the Government feels it will have an advantage; second, the subpenaed individual does not have to know the subject of the investigation or even whether he himself is considered a de jure, de facto, or merely a potential defendant; third, the witness may be called to a far place and never even be asked any questions, such as was the case with Miss Kennedy and Mr. Finnegan; and fourth, the witness may be called upon to incriminate himself or be in contempt of court, but the protection against use of his testimony as a springboard for some future criminal action is imperfect.

The potential for abuse of the grand jury system is great indeed. To begin with, the ability of the Justice Department to hastily assemble grand juries anywhere at anytime with wide-open investigatory grants can obviously be used to intimidate and harass anyone who incurs the Government's displeasure, or even deprive a person of his right to "petition the Government for redress of grievances." For example, 40 Vietnam veterans who were in Miami to make their views known to the recent Democratic National Convention were served with blank subpenas returnable on July 10, the first day of the convention. Obviously, any plan they had to make their views known were foiled by the Government, and there is no reason why this could not be done prior to any demonstration.

Second, the wide-open investigatory grants given to grand juries make it very easy for the Government to conduct "fishing expeditions" into the personal and private affairs of witnesses. Prosecutors can ask people where they work, what they earn, or even whom they slept with. It is not surprising that some witnesses, even if they have nothing to hide, would object to giving testimony on general principles. Certainly the mere potential of being called by a grand jury and asked such personal questions is enough to make any person think twice before he becomes actively involved in advocating policies which are contrary to Government policy.

Third, because a person is not allowed the benefit of counsel in grand jury proceedings, it is possible that he may inadvertently waive his rights. For example, if a person begins to answer questions about his activities, he may later find that because he started to testify on matters remotely or indirectly related to criminal activity, he is now deemed to have waived his fifth amendment rights.

Finally, as already pointed out, the law does not seem to provide the witness who is granted immunity with protection equal to that granted by the fifth amendment. The law now says that information or testimony given by a witness to a grand jury cannot be used against him in criminal proceedings, and no information directly or indirectly derived from his presentation can be used. Who can say, however, that evidence eventually produced by the Government at a criminal proceedings is not "fruit of the poisoned tree?" His only safeguard is the good faith of the Government prosecutors. This is far from a guarantee. Moreover, the Government prosecutor, even if acting in good faith, cannot be sure that the hundreds of investigators and lawyers working under him have not used the immune testimony as a link to their own evidence.

We clearly need to take a new, hard look at our grand jury system. It was once the barrier between the unpopular advocate and the zealous prosecutor. Today, it seems to be something much different, usually doing whatever the prosecutor wants done. The existing immunity statute was passed at the request of the administration which expressed great concern about the evils of organized crime, but to my knowledge the new statute has yet to be used against organized crime. Rather, it seems to be the means through which the administration harasses and intimidates those who are advocating policies different from its own.

The continued abuse of this law, in my mind, amply justifies Congress in reducing the scope of the Government's power. What action should be taken is a matter of judgment, but it is beyond question that some action is necessary.

I am appending below two letters I wrote to Attorney General Kliendienst protesting the Justice Department's tactics in this affair, as well as a telegram I and other Congressmen sent to Kliendienst. To date I have received a reply to neither communication.

JUNE 27, 1972.

Hon. RICHARD G. KLEINDIENST,
Attorney General, Justice Department,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Large numbers of constituents in my District are alarmed to learn that a Federal Grand Jury investigation of alleged smuggling of arms to Northern Ireland is being conducted in Texas. The principle witnesses, according to news accounts, are residents of the metropolitan New York area which is certainly a more likely site for the trial than the one the government has chosen.

Two witnesses, a Mr. James McKeen of New York and a Mr. Kenneth Tierney, also of New York, are reported as either mailed or under stress applied by the Federal investigation.

Since there is much sensitivity in the United States to problems of the Catholic minority in Northern Ireland, it seems highly unwise for our government to resort to unusual practices in conducting an investigation of this type. Of course, suspected illegal actions always deserve to be investigated, but to do it in a way that seems highhanded and requires witnesses to travel 1500 miles relating to such a sensitive issue appears unwise to say the least. It would seem that if an investigation is called for in this instance that unusual methods would not be necessary.

May I have your assurance that our government will handle this problem in some other way so that the procedures used are above reproach.

Awaiting your reply, I am
Sincerely,

JOHN G. DOW,
Member of Congress.

JULY 19, 1972.

Hon. RICHARD G. KLEINDIENST,
Attorney General,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: This is in reference to my letter to you of June 27, 1972, concerning a Federal Grand Jury investigation being held in Fort Worth, Texas, to which your department subpoened New York residents to serve as witnesses regarding alleged smuggling of guns to Northern Ireland.

In my letter I questioned a change of venue, and also the unusual practices being applied by the Justice Department in conducting the investigation. I have not received a reply to my letter, and would very much appreciate your looking into the matter.

Thank you for your cooperation.

With all best wishes, I am

Sincerely,

JOHN G. DOW,
Member of Congress.

[Telegram]

Text of the telegram and list of signators follows:

"We are dismayed to learn that seven witnesses from the New York area interested in the cause of Irish freedom have been subjected to harassment by your department in connection with a grand jury investigation of alleged violations of the 1968 Firearms Control Act in Ft. Worth, Texas. None of these witnesses who already have been required to attend two weeks of hearings in Ft. Worth have previously been in Texas. The choice of locale for the investigation and the manner in which the proceedings have been conducted and dragged out suggest a political motive behind the entire proceeding. The hostile atmosphere in Ft. Worth is indicated by the fact that several nurses who were peacefully picketing in sympathy with the detained witnesses have been suspended from the Harris Hospital and threatened with loss of their jobs unless they refrain from picketing. We urge you to wind up this apparently trumped up proceeding promptly and allow these witnesses to return to their homes and families."

Jonathan B. Bingham, William F. Ryan, Hugh L. Carey, Bertram L. Podell, Benjamin S. Rosenthal, John G. Dow, Edward I. Koch, Mario Biaggi.

SOKOL U.S.A.

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. ANNUNZIO. Mr. Speaker, this year the 20th Olympiad will be held in Munich, Germany. The opening ceremony will take place on August 26 and the closing ceremony on September 10. Since 1896, the Olympics have been held every 4 years, except for 1916, 1940, and 1944, when the games were canceled due to World Wars I and II. This year 115 nations will be competing, represented by approximately 7,000 athletes.

Besides track and field contests, competition will be held in basketball, boxing, weightlifting, rowing, field hockey, shooting, swimming, volleyball, wrestling, canoeing, soccer, cycling, equestrian sports, team handball, archery, judo, fencing, yachting, water polo, and gymnastics.

Many of us are not familiar with the popularity of gymnastics in the United States, but recently, the national Sokol Meet in St. Louis, Mo., came to my attention, and I was delighted to learn that Sokol U.S.A. is one of the few organizations in our country that is instrumental in encouraging young people to take up the sport of gymnastics. There are many Sokol Lodges across the United States, and I am particularly pleased that my own city of Chicago has two lodges—active in gymnastics—the Northside Lodge at 4855 North Elston Avenue and the Southside Lodge at 2448 South Pulaski. At the meet in St. Louis, the members of the Sokols in Chicago won several team and individual trophies, and I have learned that not only does Sokol train our youth in this most challenging sport, but this year Sokol has awarded gymnastic camp scholarships to provide extra training for some of our potential Olympians.

The pride of our Nation rests on the many fine athletes from the United States who will be competing in the Olympics, but I believe that we have fallen short in our responsibility to provide the best background training for our gymnasts. That is to say, few colleges emphasize gymnastics and fewer yet provide any kind of financial aid for even the most talented. Up to now we have relied on groups and organizations such as Sokol to carry almost the entire responsibility of encouraging gymnasts to compete; but when these young people go on to college they must participate at their own expense and many of the best ones drop out.

What I sincerely hope is that the people of the United States will begin to view with more enthusiasm the gymnastic competitions at the Olympics—which will receive live TV coverage and most of it via satellite—and the gymnastic competitions in their communities as well. Certainly there is nothing more artistic than a performer on the balance beam or no greater show of strength than a gymnast on the rings.

We rely on the young people who receive training in gymnastics, much of it through Sokol U.S.A., to take us into world competition. Colleges must begin to provide assistance in this field so that the greatest Nation in the world can bring forth a gymnastic team second to none.

Mr. Speaker, I include at this point in the CONGRESSIONAL RECORD a brief history of Sokol U.S.A. I note with pride that the first Slovak Sokol Society was organized in Chicago, Ill., on October 30, 1892, and from this modest beginning grew the wonderful organization we have today. During a period of 80 years, one small group has grown into Sokol U.S.A. with more than 23,000 members making up hundreds of lodges, which in turn, are divided into 16 districts across our Nation.

Mr. Speaker, in honor of the 80th anniversary of establishment of the first Sokol Society in Chicago, I am today introducing a resolution authorizing and requesting the President of the United States to proclaim October 30, 1972 as "National Sokol U.S.A. Day" in order that my fellow Americans will focus their attention on that day to a sport that is synonymous with our Nation's image, beauty, and strength. The text of my resolution and a brief résumé about Sokol U.S.A. follows:

H.J. RES. 1263

Resolved by the Senate and the House of Representatives of the United States of America in Congress Assembled,

Whereas the Sokol gymnasium and Sokol activities provide a training ground for improving individual strength and skill through gymnastics and encouraging development of the ultimate peak of physical fitness; and

Whereas the first Slovak Sokol Society was organized in Chicago, Illinois eighty years ago on October 30, 1892 and from this modest beginning grew an organization of more than 23,000 members across our nation; and

Whereas Sokol U.S.A. during this span of eighty years has made an invaluable contribution to the health and vitality of our citizens by encouraging young people to take up the sport of gymnastics and by fostering the development of physical strength and fitness through gymnastics; now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating October 30, 1972 as "National Sokol U.S.A. Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

A BRIEF RESUMÉ OF SOKOL USA

SOKOL.—A Czechoslovak word meaning falcon—a bird that has strength, courage, agility, and a love of freedom. The Sokol organization was founded in Czechoslovakia (then part of the Austro-Hungarian empire) in 1862, by Dr. Miroslav Tyrs (1832–1884), Professor of History and Aesthetics at Charles University, Prague, and by Jindrich Fuegner (1822–1865), businessman and lover of arts and music. These two men perfected a system of physical fitness through a series of calesthenics and activities which was all encompassing, with the realization that to achieve a free nation, its people must be physically and morally strong. Their theory was based on the idea that each individual was important and could and should progress to the ultimate peak of physical fitness. Their motto was "a Sound Mind in a Healthy Body".

The Sokol idealogy was brought to this country by our forefathers over 100 years ago. The first Slovak Sokol Society was organized in Chicago, Illinois on October 30, 1892, and from this outgrowth we have Sokol USA. Our goal is a perpetuation of the belief of Dr. Tyres. . . . "before all others we are called upon to preserve our nation through our youth, and preserve it against all other nations by strength and bodily health". Sokol physical education stresses individual initiative and creativeness and provides conditions for the development of the inividual. Sokol gymnasiums and Sokol activities provide a training ground where each one can according to individual strength and skill, develop oneself to higher standards of achievement in physical fitness. Self discpline, a basic requirement for personal achievement enables the gymnast to become a cohesive and cooperative member of the American society.

America's future depends upon its youth . . . nurtured, guided and supported by experienced adult leadership. Sokol is a fraternal boy for the development of physical, spiritual, moral and cultural enlightenment among its members, who vary in age from the tiny tot, the adolescent, the middle-ager, to the senior citizen.

Sokol USA is composed of hundreds of lodges in the United States, which are divided into 16 districts. Administrative and gymnastic activities are directed by officers who are elected on a local lodge, district, and national level. The culmination of our physical fitness program is the National Gymnastic Sokol Festival (Sokol Slet) which takes place every four years . . . usually in conjunction with the National Sokol Convention. The Festival (Slet) consists of competitions in gymnastics, sports and calesthenics, with mass exhibitions of rhythmic calesthenics, apparatus, games and national dances, performed by gymnasts from all the Sokol USA lodges. The mass calesthenics, which are a major part of the Sokol physical fitness programs, are performed to music, and are a beautiful part of the Slet program. Participants are children, junior boys and girls, and senior men and women. The age span is great, from three years of age thru the sixties, and even beyond.

Annually, each district of Sokol USA holds its local slet and competitions, where even our youngest gymnasts, called Sokolettes and Sokolads, compete as individuals and team members, and demonstrate what they have learned and accomplished throughout the gymnastic season. Gymnastic exhibitions are also held yearly at each local lodge.

The National, or Chief Physical Director and Directress of the Gymnastic Department are responsible for writing the prescribed rhyhmic calisthenics and gymnastic exercises performed by all Sokol lodges. These exercises are structured so that the degree of difficulty in the exercises can slowly and methodically increase an individual's coordination, strength and endurance, many times without his awareness.

The devoted men and women who instruct the classes are products of Sokol gymnastic schools, and donate countless hours of time and effort in the cause of Sokol culture. The Junior boys and girls who are interested in eventually teaching are used as assistant instructors in the Sokolette and Sokolad classes, and in turn, are sent to our Sokol Instructor Schools, where they are prepared to continue the progressive methods of physical fitness and Sokol training. Sokol USA has developed and made a permanent record of the Tyrs Sokol Gymnastic System terminology in English, by publishing the Sokol Gymnastic Manual, which has been distributed to many universities and libraries throughout the United States.

Our membership enjoys the facilities of our many Sokol summer camps in various parts of the country, which are used for our gymnastic schools, clinics, summer youth activities, and other year-round functions. The camps are primarily financed, operated, and maintained through the voluntary services of our dedicated members. Our camps are an ideal place where the training and development of our youth can be fulfilled to the greatest extent.

Social functions such as golf, bowling and volleyball tournaments, as well as dances, parties, picnics, winter carnivals, and other events of interest to our membership, both young and old, are held on national, district and lodge levels throughout the year. Sokol potential class leaders are offered the opportunity to plan their own social functions, and also to assist in all organizational activities. This enables our youth to learn leadership, responsibility, cooperation, and organization. We have found that throughout Sokol, our young members, through interested participation in these programs and through involvement in them, find a satisfying direction for high-spirited energies.

In uniting the Czechoslovak culture, the American heritage, and the Sokol ideals, in the hearts and minds of our membership, we feel the Sokol USA contributes greatly to the welfare, safety, and freedom of the United States.

Mickie Chilla, Assistant Chief Physical Directress.

Adolph Cierny, Supreme Court President.

Bob Chilla, District L. Stur Physical Director.

Mickey Schramek, Dist. L. Stur Physical Directress.

PITTSBURGH HUMANITARIAN PASSES AWAY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. MOORHEAD. Mr. Speaker, one of the most respected citizens of Pittsburgh, a lifelong advocate of equal rights, prayer, and the golden rule, passed away recently in our city.

Dr. Alma Illery was one of the finest women I have ever met. She singlehandedly lobbied Congress successfully to establish a national George Washington Carver Day.

Her perseverance was matched only by her love of her fellow man and her faith in human nature. She never took "no" for an answer and her intensity and flair cowed more than one big business executive into making large contributions to her pet project, Camp Achievement, a summer camp for white and black children in nearby Fayette County.

She never left God out of here requests and always believed that "the Good Lord" would come to her assistance.

Those who encountered Alma Illery were richer for the experience and our city and its citizens have suffered in her passing.

I introduce in the RECORD at this time an article and an editorial about Dr. Illery from the Pittsburgh Press:

DR. A. ILLERY DIES; AIDED HILL CHILDREN—ACHIEVEMENT CLUBS FOUNDER BOOSTED CAMP FOR POOR

Dr. Alma Illery, founder of the National Achievement Clubs, Inc., which supports Camp Achievement for underprivileged children near Connellsville, died today in Presbyterian-University Hospital.

Hospital spokesmen said Dr. Illery, 72, of 2839½ Wylie Ave., Hill District, was admitted yesterday after suffering a heart attack.

CARVER BOOSTER

More than 25 years ago, Dr. Illery managed to convice Congress it should pass a bill establishing George Washington Carver Day in memory of the famed black scientist.

She wasn't a medical doctor—the title was conferred on her by the Tuskegee Institute in the field of humanities.

Camp Achievement began 30 years ago as a run-down farmhouse where 25 lucky children from the Hill District spent summer vacations.

A haven for children from poor black families, long before civil rights, it was headline news when it was integrated to include needy white children.

Now hundreds of Hill District children reap Camp Achievement benefits from July 1 to Aug. 31 each summer.

CHICKEN AND EGGS

During the early years, she would scrape up enough dimes to buy chicks every spring and nurse them along in her cellar so that when camp time came there would be eggs for breakfast and chicken for dinner.

Many persons donated bulldozers and hauling equipment to clear some of the 40 acres and build roads into the camp.

Dr. Illery and six other women, who formed the Achievement Club to help old Passavant Hospital in its charity work in the surrounding black community, were the first of many such groups throughout the United States.

There are now more than 50 National Achievement chapters in several states.

Dr. Illery helped to promote integration in area hospitals years ago.

One day, a hospital superintendent called an organization which had assisted on other occasions to ask if it would pay for a nurse to take care of a girl who had a kidney infection and needed constant attention.

"We didn't have the money, but said to the superintendent: 'If we found a Negro nurse, would you have her?' " Dr. Illery once recalled.

ON WAY OUT

The superintendent agreed, and segregation in hospitals was on its way out.

"God made all men equal," she said. "People are prejudiced because this is instilled in them as children. No child is prejudiced. It's the prejudiced parent.

"You get over prejudice by working with people, inviting them to your home, and in turn, they invited you to their homes."

She is survived by a son, Sturgeon.

Funeral arrangements are incomplete.

DR. ALMA ILLERY

One of Pittsburgh's foremost practitioners of the Golden Rule died the other day, and the city is poorer for her passing.

Dr. Alma Illery began laying a soothing hand on the troubled brow of race relations here more than 30 years ago, and her works have rippled out far beyond her Hill District home.

It is impossible to measure the fun and expanded horizons she gave to thousands of poor youngsters each summer at Camp Achievement, a project which she started on a prayer at a rundown farm in Fayette County.

She always used prayer—along with hard work and practicality—and once suggested that a newspaper story would help get answered her prayer for a camp station wagon. The story was printed, and she got the station wagon.

The Achievement Club which she began for charitable purposes now has grown to more than 50 national chapters.

She helped end the barrier to Negro nurses long before any equal opportunity law, and her establishment of George Washington Carver Day in honor of the black scientist helped bring together people of all races.

Her philosophy was simple. "You get over prejudice by working with people, inviting them to your home," she said.

This gentle black woman practiced what she preached, and she preached and prayed constantly for universal goodwill. It is hoped that this prayer of hers also will be answered.

THE NORMALIZATION OF SINO-AMERICAN RELATIONS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. LEGGETT. Mr. Speaker, in order to obtain normal diplomatic relations with the People's Republic of China, the United States has been told that a complete break with Taiwan is necessary. Peking views the island of Taiwan as a province of Mainland China and feels that the United States should adopt the same point of view in order to establish the normalization of Sino-American relations. The obvious means to achieving this end immediately would be to sever diplomatic ties, to cut off economic aid, and to remove military forces from Nationalist China.

Taiwan has proven itself to be a mature nation in the face of crisis. Even after the embarrassment of having to leave the United Nations, the Nationalist Chinese have continued to build upon their tradition of economic stability and progress. As the third largest economic trader on the Pacific Ocean, the tiny island of Formosa should be recognized individually apart from the People's Republic.

The economic solidarity which the Taiwanese have gained for themselves should be viewed as the force most likely to insure their national security. It is difficult to argue with governmental policies which produce a $400 per capita GNP.

With this in mind, it appears feasible to suggest that the United States might consider decreasing the amount of economic aid and the number of troops made available to Nationalist China. These reductions would serve a dual purpose. It would enable Taiwan to continue to progress independently and secondly, would aid in developing our diplomatic relations with mainland China. Both are goals which have been recognized as viable and necessary.

It should not be inferred that the severance of diplomatic ties with the Taiwan Government is being promulgated. Even with our formal agreements, the friendship between the United States and Nationalist China has endured too long to even consider this as a possibility. Our course of action should be to progress instead, in a direction which would insure both the normalization of our Sino-American relations and the independence of Taiwan. It is possible to move toward both goals at the same time. We must realize we are unable to reckon with one while losing sight of the other.

At this point in the RECORD I insert an article entitled "China's New and Tougher Line on United States-Taiwan Ties," from a recent issue of the Los Angeles Times:

CHINA'S NEW AND TOUGHER LINE ON UNITED STATES-TAIWAN TIES

(By Selig S. Harrison)

PEKING.—After an interval of polite silence following the Nixon visit, China is now saying bluntly that a complete American break with Taiwan must precede the normalization of Sino-American relations.

Chinese officials have a message for American visitors in July going far beyond the careful ambiguities of the Feb. 28 communique signed at Shanghai by President Nixon and Premier Chou En-lai.

The only specific U.S. commitment on Taiwan in the Shanghai communique was a pledge to "progressively reduce" military forces and installations on the island "as the tension in the area diminishes" with the ultimate objective of a total military withdrawal.

In broad, general terms, the President linked this pledge with the prospect of a peaceful accommodation between Peking and Taipei. He acknowledged the belief of "all Chinese" on both sides of the Taiwan strait that "there is but one China and that Taiwan is a part of China."

He declared that the United States "does not challenge" this position. But there was nothing in the communique defininning how far and how fast the United States would have to go in severing its ties with Taiwan as the price for progress toward normalization.

While Premier Chou also spoke of a U.S. military withdrawal, he pointedly avoided explicit demands for the abrogation of the Taiwan-U.S. security treaty or the termination of U.S. diplomatic ties with Taipei in his pro-forma statement of Chinese claims to the island.

Seeking to reassure the Chiang Kai-shek regime in the months since Shanghai, the United States has gone out of its way to strike a business-as-usual pose, promising stepped up Export-Import Bank loans for Taiwan, encouraging U.S. business investment and scheduling $50 million in new military aid loans, a slight increase over the amount requested last year.

The comments on Taiwan volunteered by Chinese officials and scholars in informal conversation here have been generally moderate in tone but sharp and categorical. Since Taiwan has been implicitly treated as a province of China in the Shanghai declaration, it is argued, Washington should stop "all interference in the affairs of the island, diplomatically, militarily and financially" in order to live up to its commitment and prepare the way for the establishment of diplomatic ties with Peking.

This means gradually phasing out military aid loans and economic support to the Nationalist regime in addition to a withdrawal of U.S. forces, officials state, followed by a cancellation of diplomatic relations with Taipei and the expulsion of Taiwan newsmen from the United States.

One of the factors prompting the return to a hard line on Taiwan appears to be the fact that several visiting American scholars here during the summer vacation period have pressed for a two-way flow of contacts in the academic world and have offered facilities for U.S. visits by Chinese scholars. This called for an answer of some sort and provoked a more explicit stand on Taiwan than had been voiced at Peking's own initiative since Shanghai.

While not ruling out Chinese scholarly delegations to American campuses, Peking stresses that it would be "embarrassing" and even dangerous to encounter Nationalist representatives in American cities.

Another recent development believed to have spurred a rethinking of Peking's tactics on the Taiwan issue is the mid-June cabinet reshuffle in Taipei by Nationalist Premier-designate Chiang Ching-kuo. The Nationalist regime is dominated by mainland Chinese refugees, and the new cabinet lineup marks an unprecedented attempt to stabilize politics on the island by giving a voice to politicians drawn from the native Taiwanese majority.

Peking views this move as a possible step toward formalizing the idea of an independent Taiwan or, at any rate, as an expedient designed to prolong the separation of the island from the mainland.

Suspicions here concerning the new cabinet coincide with increasing reports that Soviet shipping officials have recently sounded out the possibility of using repair facilities in the big Taiwan port of Kaohsiung. This was not directly mentioned in my conversations, but a leading Chinese official reportedly told a group of Japanese bankers to beware of Soviet designs on Taiwan in a private meeting recently.

Peking frankly fears Soviet expansionism and wants to see the United States hold its own in the overall strategic balance with the Russians.

At the same time, the main theme running through all of my conversations here is that inept U.S. military intervention, especially in Vietnam, has actually given the Russians their pretext for an activist policy in Asia.

Peking explicitly calls for the complete withdrawal of U.S. bases from Thailand, Vietnam, Taiwan, and South Korea. Indirectly, one gets the impression that a continuing role for the 7th Fleet is taken for granted, which means some form of access to port facilities in Japan, Singapore and the Philippines. But this would be a limited role, in the Chinese conception, and it would not require an alliance structure supporting a large-scale permanent U.S. presence.

VILLAGE OF CARLETON CELEBRATED 100TH BIRTHDAY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, during the first 9 days of July, the citizens of the Carleton area, in my 15th Congressional District of Michigan, celebrated the 100th birthday of the village of Carleton.

I would like to take this opportunity to give public recognition to the village and people of Carleton, which is located in Ash Township, in the county of Monroe.

The village of Carleton was laid out in April 1872, by Daniel A. Matthews, a native of New York, who purchased 1,000 acres of land in Ash Township, erected a $7,000 hotel, and called the area Carleton, after Michigan's famed poet, Will Carleton.

Will Carleton's poem, "Over the Hill to the Poorhouse," was popular at the time, and Matthews was a strong admirer of the poet.

Although located only a few miles from the bustling Detroit metropolitan area, Carleton and the surrounding Ash Township area have retained the quiet charm of earlier days.

In planning the centennial celebration, Carleton's residents set as their goals—"to honor our forefathers, create public awareness of the present, and to generate enthusiasm for the future."

Having had the privilege of participating in the celebration, I am pleased to report that they have accomplished each goal.

Coordinator for the centennial observance was Jonathan S. Reeves, assisted by K. Bob Swick, headquarters chairman; Janice Bondy, secretary, and Bill Witt, treasurer. Aiding them as members of the executive committee, were Rick Swick, Barbara Grimm, Jo McEwan, Mildren Breitner, Monte Kahlbaum, James Duffy, Bruce McEwan, Fred Granger, and Stanley Albright.

This group of hard-working men and women, assisted by scores of civic-minded citizens, planned and carried out a 9-day program that included the coronation of a queen, sports events, historical tours, concerts, picnics, contests, games, and a historical spectacular entitled "Where the Rails Cross," which listed a cast of some 250 local people.

I am pleased, Mr. Speaker, to bring the Carleton area centennial to the attention of my colleagues, as an example of how one typical American community has remembered its past, saluted the present, and looks forward with confidence to the future.

EROSION FROM ROADSIDES AND RIGHTS-OF-WAY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. SCHWENGEL. Mr. Speaker, there are over 3.5 million miles of roads in the United States. Of this, 2.1 million miles are contributing to some degree to the problems of erosion, sedimentation, and the resulting clogging and pollution of our Nation's waterways. Roughly half a million miles of roads are now past the stage where normal treatment and maintenance methods will save them.

Secondary roadside erosion poses special dangers as well as contributing to the overall problem of nonpoint source pollution. Badly eroded roadsides, in addition to destroying the natural beauty of the land and clogging drainage structures, can cause flood control problems, pose serious safety hazards to motorists on road shoulders, and erode the supporting roadbed to the point where sides of roads crumble away. In addition, the silt from roadsides can carry a dangerous assortment of auto-related pollutants, including lead from gasoline exhaust and cadmium from tires.

Roadside pollution or erosion also poses special problems of control because of the sharp slope of many road ditches. Erosion rates also vary according to topography of the land, amounts of rainfall, and direction of the bank exposed. According to these factors, a newly constructed road may begin to erode as soon as the earth is bulldozed, exposed, and so forth, and road builders may be confronted with a need for remedial measures from the very start. Erosion can rapidly get out of hand, and the problem can become aggravated and widespread, affecting large areas, which local authorities are powerless to control. Secondary roads, ordinarily under county jurisdiction, or in some cases, State jurisdiction, pose the greatest problems even now losing some 56 million tons of sediment each year. The seriousness of the problem has been documented. In Georgia, the Agricultural Research Service, recorded soil loss on unprotected roads as high as 356 tons per acre per year, or 16 pounds of soil loss per square foot. The Southeast River Basins Commission, in its report, pointed out that over 20 percent of all roads in a five-State study area eroded at rates of over 130 tons per mile annually. In some portions of individual rivers, roadsides, and rights-of-way were responsible for as much as 55 percent of the sediment entering the water.

The Soil Conservation Service, through existing programs, provides some limited cost-sharing for treating high sediment source areas or local roads within the confines of local projects. However, existing programs will reach only about 25,000 miles of the roughly half million miles needing treatment.

The bill I have introduced, H.R. 15596, will authorize the Secretary of Agriculture to make binding agreements for up to 10 years with States, countries, and local public agencies for the prevention and control of erosion and sedimentation on roadsides, rights-of-way, and related problem areas. The intent of the bill is to provide a direct link from the Secretary to the areas where problems exist, and to insure that resources are channeled directly to where they will do the most good.

Public Law 566 should have been instrumental in reaching these goals, but it has been plagued with delays and unfulfilled promises since its inception in 1954.

To insure that my program will not simply become another monument to poor planning, H.R. 15596 includes the following:

In each agreement concerning roadsides and rights-of-way, the Secretary must require that the local agency:

First, bear at least 25 percent of the construction costs;

Second, acquire or provide adequate assurances that it will acquire the needed land rights;

Third, make arrangements for defraying costs; and

Fourth, bear equitable proportions of engineering costs.

Erosion from roadsides and rights-of-way is but one of a wide range of problems which are involved in nonpoint source pollution, the most pervasive by far of all our water pollution problems. Nonpoint source pollution is now a serious problem and is rapidly growing worse. The time we have left must not be squandered in idle speculation. If we will simply use the means available, as provided in my bill, we can turn the failures of our water management programs into success.

NUTLEY SUN HONORS DR. VIRGINIUS D. MATTIA

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. MINISH. Mr. Speaker, last year at this time one of our Nation's great humanitarians and a close friend of mine passed away. Dr. Virginius D. Mattia succumbed to a heart attack in the prime of his productive life. Dr. Mattia's notable contributions to our society, however, live on in the spirit of idealism and selflessness to which he devoted himself.

Recently, the Nutley Sun, an outstanding weekly newspaper located in my congressional district, announced plans to honor Dr. Mattia's memory through the establishment of a scholarship fund and an annual public service award.

I commend the Nutley Sun and its public spirited publisher, Mr. Frank Orechio, for their leadership in honoring a great American, Dr. Virginius D. Mattia.

An editorial from the July 6 Nutley Sun follows:

Dr. Virginius Dante Mattia

A year ago this week death claimed one of America's brilliant industrial leaders, Dr. Virginius Dante Mattia, the late president of Hoffmann-LaRoche.

Dr. Mattia's rise to the summit was a Horatio Alger episode. A little known fact about Dr. Mattia was his eminence in the scientific world. Among his contemporaries he was considered one of the leading scientists of our day.

His life's accomplishments—his demands for perfection—influenced every person whose good fortune it was to claim Dr. Mattia's friendship or share his labors.

The Nutley Sun believes Dr. Mattia's contributions to the world he left behind on July 4, 1971, were of such a magnitude that a memorial should be established to inspire others to follow in his footsteps.

Accordingly, The Sun is privileged to announce plans to carry out this objective by:

(a) Establishing a Dr. V. D. Mattia Memorial Scholarship to be awarded annually to a Nutley High School graduate possessing outstanding credentials in Social Studies and the Humanities.

(b) Presenting an annual Dr. V. D. Mattia Public Service Award to a person, persons, or a group which has made outstanding and unselfish contributions to the cause of a better Nutley and/or contributing to the welfare of its people.

The first annual Dr. V. D. Mattia Memorial Scholarship will be awarded to a 1973 Nutley High School graduate upon the recommendation of The Sun Editorial staff.

The first Dr. V. D. Mattia Public Service Award will be made in the spring of 1973 based upon an evaluation of community activities or people contributions during the 1972 period. Selection of a jury to determine the recipient or recipients of the Dr. V. D. Mattia Public Service Award will be announced during the winter months.

The undersigned's most vivid remembrance of Dr. Mattia lies in his life-long dedication to better the life of his fellow man, hence the emphasis of the Dr. Mattia Memorial in the field of Social Studies and the Humanities.

FRANK A. ORECHIO.

A FUTURE VOTER EXPRESSES HIS FEELINGS ON PREPARING FOR THE RESPONSIBILITY OF VOTING

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. ROGERS. Mr. Speaker, I recently read a paper by a future voter from my congressional district. In this paper 15-year-old Kevin Richardson of West Palm Beach, Fla., expresses his thoughts on the role of the educational system in preparing young citizens for their new responsibilities as 18-year-old voters.

This is a very well written paper and I would like to share this young man's thoughts with my colleagues in the Congress:

EVALUATION OF EDUCATIONAL OBJECTIVES TO QUALIFY 15- TO 18-YEAR-OLDS TO GIVE THEM AN OBJECTIVE BASE FOR EXERCISING THE 18-YEAR-OLD VOTING PRIVILEGE

(By Kevin Richardson)

INTRODUCTION

This "report" contains the thoughts of a young person on what could be done in the educational system to help prepare the coming of voting age person on what Government is about and how it operates. Also, what may be done to have the major issues of the time shown and presented to the young people.

The first objective I will present is one which I would like to attend and one which my brother has participated in and enjoyed.

In most states there is an institution called Boy's State or Girl's State for each sex. It is a learning experience in the summer for a period of time which tries to orient a student on the fundamentals of Government. Only students with good educational aptitude are considered to go. They must get a sponsor who will pay for their week's stay at the school. Once there they will participate in many activities with the primary influence on the study of government. The students choose their own party and meet like a Congress. Under the supervision of instructors they go about deciding the business at hand. They will debate, vote, and decide on these matters in a democratic way. In this way they will become familiar with how the government operates. In that aspect, going to this institute is very beneficial to the coming of voting age student. But, I would like to comment on a couple of unfavorable aspects of going there.

Firstly, only good grade students are allowed to go, not the average student who has just or even more interest in going but may not have good enough grades. If these people were allowed to attend maybe too many people for the facilities will go, and this brings up my next point.

If there was any way possible to have something like this in every county, instead of just one in the whole state, it would be much more beneficial to all concerned. This would eliminate much of the cost of accomodations as most of the students who go will probably have their own transportation and will be able to sleep and eat at home just like during regular school days.

The "school" could be held at one of the area's schools and there would be no use for finding a place big enough to accomodate kids from all over the state.

About the only cost involved would be for materials and the payroll of qualified instructors to assist the students in whatever help they may need.[1] These contributions could be made by the former sponsors who had to pay a lump sum before. I'm sure that they cooperate fully.

If what I just proposed could become a reality, it would most likely increase the number of students who attend. It would also help them in making a thoughtful decision when they step into that voter's booth to cast their vote.

The second objective I will propose should be easier accomplished than the first.

Courses may be offered at schools that would deal in modern "history" with qualified personnel to teach them. The history of 100 years ago is helpful to us in learning how our ancestors dealt with their problems, but the issues of now and then are very different. I think that it is more important to understand the politics of 10 years ago or even 25 years ago than those of 100. These classes would show the student some of the major problems that are important to the world of today.[2] It could also explain how a politician operates—how to look behind the TV ads, etc. You could learn how to know about all the issues objectively, without taking someone else's word for it.

Students could do projects on what the issues are and what the candidates have to say about the issue. Then the class may have a mock election to see who they would vote for.

Again, the importance of having a qualified instructor is great as you would want the students to know how to interpret everything right.

The third objective I will propose is similar to the second but could be accomplished in a shorter amount of time.

Seminars or "mini" classes could be offered to the student at school so he could understand what the issues are and understand the candidates better.

The "Teacher" may vary from week to week so as to give the student all aspects of the government. These people may vary from people representing a candidate to a real teacher who may explain how the government operates. The students should ask questions when they don't understand something because they will use this information whenever they vote.

The next statement I will make has two ways of looking at it, which I will present the best way I can. It seems a little paradoxical, and in a way it is.

The person who "teaches" the students should be interested in helping the students so they will get the impression that the system really does care about how they feel about things that are happening in the world today. This kind of teacher would probably increase the number of students who would sign up to vote.

Now for the other part of the statement.

If the "teacher" were just someone who doesn't really care at all about how the students feel and is just there because someone asked him a special favor to do it might dim the student's feeling about the government. They might get to feeling that this is what the government is like—just a bunch of people in for the glory of it. But on the other hand some of the more astute students might get alienated by this person and realize that this is what the government feels about us and decide to register to vote when they were on the borderline before. They would realize that there are a great many people whom, if they got together, could dispose of these people and vote into office someone who feels for their cause. So, if you had this kind of person talk to you, there would be two kinds of reactions come out of it. I just hope that the students take the latter course of action.

SUMMARY

In this report I think that I achieved my objectives even though I may not have put them in the clearest sense. I hope that the reader will try to understand my thoughts from the way I have written them.

I hope that you enjoy this report as much as I did in preparing it. The work is entirely mine, with help from no one.

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[1] Instructors might also want to work for free, as a community minded service. Instructors should be interested, not just doing it for the money. They need to be qualified and know what they are doing and talking about. They should supervise the "meetings" and suggest on things to be done and show students what to do.

[2] These courses should be given credit like regular courses. The knowledge you receive in these courses will stay with you as long as you exercise your right to vote. Some other course, like Geometry or Chemistry may not stay with you, as you may take an occupation that does not deal with these subjects at all.

GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. HAGAN. Mr. Speaker, the Order of Ahepa, the American Hellenic Educational Progressive Association, founded on July 26, 1922, in Atlanta, Ga., is celebrating its golden anniversary during 1972.

AHEPA has eight primary objectives including the promotion and encouragement of loyalty to the United States of America. This long-established and renowned organization has, during its 50 years, contributed financially to numerous worthwhile endeavors, assisting in times of disaster to persons around the world. They have helped individual victims of floods, hurricanes, earthquakes, and wars. In addition, they have provided national scholarships for worthy students, given aid to AHEPA Franklin D. Roosevelt Memorial at Hyde Park, AHEPA hospitals in Athens and Thessaloniki plus seven health centers in Greece, sold $500 million in U.S. war bonds during World War II as an issuing agency of the U.S. Treasury, and have given aid to the Truman Library and the AHEPA Truman Memorial in Athens.

The Order of Ahepa deserves the respect and recognition being paid to them on the occasion of their 50th anniversary. I am especially proud for on March 18, 1968, this fine association gave me a handsome plaque with the inscription reading as follows:

> Presented to U.S. Representative G. Elliott Hagan, First District, Georgia, for dedicated public service, nobility of purpose, and steadfast pursuit of legislative excellence in promoting the enduring interest of nation and state, and devotion to the dignity and rights of all men. Bestowed in sincere admiration for consistent concern and friendship. For the Supreme Lodge, Order of Ahepa, Washington, D.C.—Andrew Fasseas, Supreme President—Attest—Alfred G. Vonetes, Supreme Secretary.

In my own congressional district of Georgia, the Solon Chapter No. 5 at Savannah, whose president is my good friend Charles Masterpolis, carries forward their good work. To the distinguished members of AHEPA in Savannah, the State of Georgia and all across this great Nation I extend my heartiest congratulations on the 50th birthday celebration of the Order of Ahepa and wish them continued success in all of their wonderful undertakings. I am personally pleased and proud to count among my friends many of the members of this outstanding organization.

NINETY PERCENT FORGIVENESS ON DISASTER LOANS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. ABOUREZK. Mr. Speaker, these past weeks I have been talking to many Members and committees, asking their support for disaster relief legislation.

The bills I propose would lower the interest rates on SBA loans to 1 percent, and would forgive up to 90 percent of those loans.

With thousands of home completely gone or severely damaged, with loss to business, residential and public property running in the neighborhood of $150 million, not to mention the loss of 240 lives, it is imperative that we prove that this Congress can act responsively.

At first, I know, 90 percent sounds like giving away the keys to the Treasury.

But the money is not going to some waste-ridden boondoggle. It would go to homeowners and businesses who make up the backbone of a typical American community, to put that community back on its feet.

Mr. Speaker, the flood that hit my hometown of Rapid City cut right across town—it cut right into every kind of neighborhood—rich, poor, business.

A typical case is Mr. and Mrs. Curtis Johnson, who lived in one of the nicer residential neighborhoods in Rapid City. They lost a very nice home. Now witness their letter to me, with the arithmetic of what it will take them to get back on their feet:

RAPID CITY, S. DAK.,
July 20, 1972.

Hon. JAMES ABOUREZK,
Washington, D.C.

DEAR MR. ABOUREZK: Approximately 6 weeks ago, the night of June 9, 1972, a disaster struck our small city. Some 240 lives were lost, 2,000 families left homeless, 150 businesses destroyed or heavily damaged, and our city parks and public areas and streets received millions of dollars of damage. Thanks to the great Americans and our systems and willingness to help others in trouble, Rapid City has recovered from this tragedy very rapidly.

I believe every citizen of our area is humble to the assistance of the Red Cross, our churches, youth groups, the O.E.P., the individuals and organizations from all parts of these United States for the immediate assistance given openly and freely from kind, unselfish hearts of Americans.

We, in Rapid City, South Dakota, are now ready to rebuild our city, our homes, and our material possessions. Now we need to look for the economic avenues available from our Nation's Capitol, the central clearing house established by Americans for its leaders.

My wife and I are ready, willing, and able to rebuild another home for our family of four sons. Within reason, we can meet obligations and repay any loan or loans required to accomplish this goal. However, under the present S.B.A. loan law, we would be unable to replace our material possessions of clothing, furniture, etc. and return to our preflood position.

EXAMPLE

Replace home, $28,000; monthly obligation $313.00.

Replace home, $40,000; monthly obligation $218.00.

Replace personal property, $15,000; monthly obligation $81.75.

This makes a total monthly obligation of $612.75.

The above example represents our present mortgage which we are responsible for; an SBA loan of $55,000 at 5⅛% interest for 30 years to replace our home and personal property. Well, this is not what we consider within reason. Therefore, we certainly would urge the leaders of this Nation to approve posthaste the measures now before them to reduce the interest rate on SBA loans to 1% and allow as large a forgiveness as possible to enable our family and thousands of others to recover from this natural disaster.

EXAMPLE

Present Mortgage $28,000 Monthly Obligation $313.00. (Above will have to be carried by us until a decision is made on land usage by our city, State and Federal Governments).

Replace home $40,000; monthly obligation $128.80 at 1% for 30 years.

Replace personal property $10,000; monthly obligation $32.20 (with $5000.00 forgiveness)—Total monthly obligation of $437.00.

The preceding example would represent a net difference of over $50,000 if you and our fellow American leaders pass onto us this "Special Assistance" Agnes proposal. Further, if we can arrange to reduce our present mortgage in a manner fair and equitable to everyone concerned, we can rebuild, we will rebuild and continue to be proud, average, taxpaying, income-earning Americans. This I believe, is the goal of every family unit and business unit not only in our area, but in every area affected by such disasters past, present, and future.

We thank you, Mr. Abourezk, for your untiring efforts in this matter and would ask that this letter be entered into your Record of proceedings.

Respectfully submitted.

CURTIS G. JOHNSON.
JUDY A. JOHNSON.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

ORDER OF AHEPA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. MIKVA. Mr. Speaker, today marks the 50th anniversary of the Order of Ahepa, the American Hellenic Educational Progressive Association. The Order of Ahepa was founded in Atlanta, Ga., on July 26, 1922, and has grown to a position of national esteem.

The Order of Ahepa has contributed financially to many causes during its 50 years of existence, on a national and international level. The order has distinguished itself by such activities as relief work for victims of natural disasters in Turkey, Greece, Ecuador, and Corinth. The order's aid to Greece is the most outstanding example of AHEPA's "people-to-people" program.

In America, AHEPA has been participating in the awarding of scholarships to worthy students for the past 41 years. The local chapters of the AHEPA are active in their own civic affairs and projects, all of which conforms to AHEPA's program of urging its members to be model citizens through planned civic activity.

Mr. Speaker, I am pleased to take this opportunity to congratulate the Order of Ahepa on its outstanding achievements over the past 50 years and wish its members the best of luck for the future. In particular I would like to congratulate the many outstanding members of the Order of Ahepa in Illinois including the following officers:

OFFICERS

LOCAL CHAPTER OFFICERS

Steve Pappanduros, President, Des Plaines.
Tom Govostis, Vice President, Des Plaines.
George Bacos, Secretary, Des Plaines.
George Zacos, Treasurer, Des Plaines.
Peter Tomaras, President, Champaign.
John Lessaris, Vice President. Champaign.
Leonidas G. Furla, Secretary, Champaign.
Gus Leo Furla, Treasurer, Champaign.
Anthony Poulos, President, Chicago.
Steve Choporis, Vice President, Chicago.
Peter Spyropoulos, Secretary, Chicago.
George C. Ganas, Treasurer, Chicago.
Peter A. Anast, President, Evanston.
Tom Ferguson, Vice President, Evanston.
Thomas G. Anton, Vice President, Evanston.
James Poulos, Treasurer, Evanston.
Gust Mantis, President, DeKalb.
Harold N. Andrews, Vice President, DeKalb.
A. M. Gremperis, Secretary, DeKalb.
John P. Petropoulos, Treasurer, DeKalb.
Gus Korkolis, President, DeKalb.
Chris Boulos, Vice President, DeKalb.
John A. Cacavas, Secretary, DeKalb.
John Arhos, Treasurer, DeKalb.

Michael Georgeikes, President, Peoria.
Gus Kontos, Vice President, Peoria.
Ted Xanos, Secretary, Peoria.
Pete Tirilikis, Treasurer, Peoria.
Anthony S. Kouzoukas, President, Chicago.
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James E. Coines, Treasurer, Chicago.
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Alexander A. Spyros, Secretary, Chicago.
Angelo G. Polous, Treasurer, Chicago.
John Boukas, President, Alton.
John Siampos, Vice President, Alton.
James Gramates, Secretary, Alton.
William Tsimpris, Treasurer, Alton.
George Miller, President, Harvey.
Gust Melonas, Vice President, Harvey.
George Callas, Secretary, Harvey.
Nick Boutlas, Treasurer, Harvey.
Nicholas Macris, President, Quincy.
Andrew Aspiotis, Vice President, Quincy.
James Doumis, Secretary, Quincy.
George Palos, Treasurer, Quincy.
James C. Malevitis, President, Chicago.
Michael Varon, Vice President, Chicago.
Nicholas Lembares, Secretary, Chicago.
Louis Katsivalis, Treasurer, Chicago.
Peter C. Kostantacos, President, Rockford.
James P. Peplos, Vice President, Rockford.
Sam A. Chakeris, Secretary, Rockford.
George Peplos, Treasurer, Rockford.
Harry Koulos, President, Aurora.
George T. Chioles, Vice President, Aurora.
Thomas G. Magin, Secretary, Aurora.
James Lesiotes, Treasurer, Aurora.
Gus Chaovsi, President, Argo.
Mike Dimitriu, Vice President, Argo.
Daniel Stratis, Secretary, Argo.
Chris Nickolaou, Treasurer, Argo.
Nick Colevris, President, Kankakee.
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Nick L. Gineris, Secretary, Kankakee.
Chris Economos, Treasurer, Kankakee.
Leo J. Manta, Vice President and Treasurer, Chicago.
Mark F. Manta, President, Chicago.
Steve A. Manta, Secretary, Chicago.
George J. Pappas, Sr., President, Chicago.
George J. Pappas, Jr., Secretary, Chicago.
P. Phillip Malevitis, President, Chicago.
John Vusikas, Vice President, Chicago.
Stratis B. Bahaveolos, Secretary, Chicago.
Angelo Vassy, Treasurer, Chicago.
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George Spurgetis, Treasurer, Moline.
George E. Hondros, President, Joliet.
Nick G. Nicholas, Secretary, Joliet.
Bill A. Michas, Treasurer, Joliet.
Alex Karon, President, Springfield.
Tom Bartsokas, Vice President, Springfield.
Rev. Basil Apostolos, Secretary, Springfield.
Tom Covlamas, Treasurer, Springfield.

CURRENT NATIONAL OFFICERS

A. Steve Betzelos, Supreme Governor, Chicago.
Theodore N. Vombrack, Supreme Trustee, Treasurer, Chicago.
Sam Karakostas, Supreme Trustee, Chicago.

CURRENT DISTRICT LODGE OFFICERS

Nicholas P. Bell, District Governor, Chicago.
Gregory Toulon, Lt. Governor, Elmwood Park.
John Z. Argoudelis, Secretary, Joliet.
Nicholas Mannos, Treasurer, Wilmette.
Peter L. Patras, Marshall, Chicago.
Dean Stavrakas, Advisor, Chicago.
Constantine J. Harvalis, Athletic Director, Berwyn.

ROADSIDE CAMPERS WATCH OUT!

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. WYMAN. Mr. Speaker, indicative, perhaps, of public attention, or the lack thereof, in the opinion of the media, is the rather appalling fact that the news item following these remarks appeared somewhere on the inside pages of this mornings Washington Post. A more needless and horrible act of depravity would be difficult to imagine.

Hopefully the murderers will be apprehended. Even more hopefully the punishment will be certain and capital, but this is in doubt after the recent batch of separate opinions from the Supreme Court on the subject of capital punishment.

In the meantime those who would sleep by the roadside would be well advised to take care, for apparently there are people at large in this country who murder without even provocation.

FORMER AREA COUPLE SLAIN

A young couple formerly from Silver Spring were murdered late last week by two men who attacked them as they lay sleeping just off a New Mexico freeway, state police there reported yesterday.

Thomas A. Markle, 21, and his wife Kathleen reportedly were traveling from California to a new home in Colorado when they were attacked in their sleeping bags about 40 miles north of Albuquerque at about 4 a.m. Friday.

A young woman who was traveling with the Markles told police that she was sleeping in the car and the Markles outside. She said she was awakened by gunshots and watched as two men in their 20s killed Mr. Markle and kidnaped his wife.

Mrs. Markle's body was found by a rancher along a dirt road about 30 miles away on Saturday.

Mr. Markle was the son of Mr. and Mrs. Richard Markle of Silver Spring.

NAVY SUPERIOR CIVILIAN SERVICE AWARD

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. HOGAN. Mr. Speaker, it gives me great pleasure to pay tribute to a man who has given nearly 32 years of his life to the U.S. Navy. Mr. C. William McPherson recently retired from his position as head of the Aircraft Carrier Section at the Naval Ship Engineering Center in Hyattsville, Md. At that time he received the Navy Superior Civilian Service Award in recognition of his outstanding achievements in aircraft carrier design, and I now request permission to insert a copy of that award into the RECORD at this point.

The copy of the award follows:

COMMANDER NAVAL SHIP
SYSTEMS COMMAND,
Washington, D.C., June 16, 1972.

From: Commander, Naval Ship Systems Command
To: Mr. Charles W. McPherson, SEC 6131
Subject: Navy Superior Civilian Service Award
Enclosed: (1) Certificate, Medal and Lapel Rosette

1. It is a pleasure to approve the Navy Superior Civilian Service Award for you in recognition of your significant contributions to the U.S. Navy in the area of aircraft carrier design.

2. In your position as Head of the Aircraft Carrier Section, you have been responsible for developing the arrangement design for all of the aircraft carriers from the CVA 59 to CVAN 68, starting with the CV 27C (ANTIETAM), which incorporated, for the first time, the canted deck, steam catapult, and hurricane bow. Due to your expertise in the area of aircraft carrier design, your advice is frequently sought by field activities, Systems Commands, and higher authority. You have displayed outstanding leadership and exceptional technical knowledge, thereby giving the U.S. Navy a superb fleet of aircraft carriers. It is significant to mention that you have personally directed the design of all of the modern carriers in the Fleet today and your engineering achievements will influence future aircraft carriers in the Navy. By your conscientious performance, you have pioneered the adaptation of developments such as the canted deck, steam catapults, nuclear power plants, high speed aircraft, and improved habitability into aircraft carriers. Most recently, you significantly contributed to improved aircraft maintenance facilities and to the formulation design criteria for the sea control ship design.

3. In August 1970, because of serious shipboard aviation maintenance problems, the Naval Ship Systems Command established a project to improve and correct these deficiencies in all active carriers in the Fleet. A Shipboard Aviation Maintenance and Support Facility Survey Team was established, and you were assigned to the team. In conducting this study, members of the team traveled to all parts of the world, including five trips to the combat zone in Vietnam, in order to witness actual operating conditions. You served with distinction in this effort. As a result of the team's findings, drawings for improved aviation and supply features for each carrier are now being prepared under your direction. These changes

will serve to facilitate the maintenance and increase the effectiveness of U.S. Naval air forces.

4. Your highly professional manner and dedicated service to the Navy are most commendable and very much appreciated. "Well Done!"

N. SONENSHEIN,
Rear Admiral, USN.

FULL FUNDING FOR ETHNIC STUDIES URGED IN LETTER TO PRESIDENT NIXON; PLAN SUGGESTED FOR CLEVELAND, OHIO

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. JAMES V. STANTON. Mr. Speaker, the following letters to President Nixon and Hon. Elliot Richardson, Secretary of Health, Education, and Welfare, are self-explanatory. I insert the letters in the RECORD as a matter of information to my colleagues and to the public. The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 19, 1972.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to you in connection with the Ethnic Heritage Program—Title IX of the Higher Education Amendments of 1972 (Public Law 92–318), to which you recently affixed your signature.

As you know, this is a matter that received scant attention in the press, having been eclipsed by other provisions of this mammoth bill, but the Ethnic Heritage Program is of vital concern to Greater Cleveland and similar metropolitan centers around the country.

I submit to you, Mr. President, that this piece of legislation might very well be accorded recognition one day as one of the outstanding achievements of the Ninety-Second Congress. The role played by officials of your Administration in assisting Congress in this endeavor will be remembered favorably.

To a city such as Cleveland, troubled in recent years by intergroup conflicts, the Ethnic Heritage Program offers an opportunity for starting people on the road back to mutual understanding. This would occur in a setting where each individual learns about his origins and how his people have helped build the United States, while at the same time acquiring knowledge and respect for the different backgrounds and contributions made by his neighbors.

Because our country's population is 100% "ethnic"—everybody, including even the American Indians, having roots on some other continent—the Ethnic Heritage Program is one that could serve, directly or indirectly, all the people of Cleveland, and of course the United States. Therefore I suggest that it most certainly merits the attention of the President of the United States.

In my own capacity as the Representative in Congress of a multi-ethnic District, I have been working closely with the distinguished Mayor of Cleveland, the Honorable Ralph J. Perk, to convene all the ethnic groups in our community with a view toward presenting to the U.S. Office of Education a single, coordinated and comprehensive proposal for funding a program in Cleveland pursuant to the legislation.

I am happy to report to you that on July 7 an excellent meeting was held in Cleveland along these lines, and a fine start has been made on constructing a communitywide coalition. Your Office of Education will be hearing more about this, both from Mayor Perk and me, as details of the plan are developed.

In the meantime, however, on behalf of the Mayor and myself, I feel it is important to urge you at this time to submit to Congress, through the Department of Health, Education and Welfare and your Office of Management and Budget, a request for full funding of the Ethnic Heritage Program.

Total expenditures of $15 million are authorized by the legislation, and we sincerely believe that no significant projects can be developed in Cleveland or any place else unless the appropriation fully equals the authorization. A recommendation by you to Congress will, as you know, prove very influential.

Relatively speaking, this is to be one of the smallest of the government programs. Considering what is at stake and the prospects for accomplishing so much that is good, I submit, however, that we are speaking here of a sum that is not too much to ask.

I would be pleased to discuss this with officials at HEW and OMB if you think I might be able to answer any questions for them about the situation in Cleveland.

Respectfully yours,

JAMES V. STANTON,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 19, 1972.

Hon. ELLIOTT RICHARDSON,
Secretary, Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to you in connection with the Ethnic Heritage Program—Title IX of the Higher Education Amendments of 1972 (Public Law 92–318), and am enclosing with this letter a copy of a communication I am sending today on the same subject to President Nixon.

In addition to apprising you of what I am asking of the President, both on behalf of myself and on behalf of the distinguished Mayor of Cleveland, the Honorable Ralph J. Perk, I would like to make the following request of you.

In the Office of Education, officials now are in the process of drafting regulations pursuant to the new legislation, and these guidelines will of course determine the kind of programs that will receive funding and how much will be received.

In this connection, I submit to you that I would hope you give special attention to Section 903 of the Act. It prescribes four components for "each program."

I trust that the regulations being written by your people will follow the legislation strictly. That is, no application for funding ought to, in my opinion, be considered favorably by you and the Commissioner of Education unless it includes all four components.

I understand that you are getting conflicting advice on this score. Therefore, I would like it to be understood that Cleveland had an ambitious program in mind which would stand a better chance of being funded if you were to require comprehensiveness in the applications. My fear is that, if Section 903 is interpreted so as to allow for a scattering of small programs around the country, there would be no opportunity, in view of the limited funds that are to be available, for demonstrating convincingly the great good that could come out of this legislation.

I am attaching, for your information, a copy of an article that appears in my current newsletter to my constituents. It will give you an idea of the interest I personally am taking in this program, and some feeling, perhaps, for the kind of innovative thinking that abounds in Cleveland because of excitement over the Ethnic Heritage Program.

I would like to add that, at the July 7 meeting referred to in my letter to the President, Miss Carol Smith of the Office of Education appeared at my request and answered questions put to her by those in attendance. She made an excellent impression; she is well versed in the goals of the legislation, and she was very helpful to all concerned. I want to thank you and the Commissioner for making her available to us.

I would be happy to meet with officials of your department if you think I can be of assistance.

Kindest regards.

Sincerely,

JAMES V. STANTON,
Member of Congress.

ETHNIC STUDY ACT ADOPTED

I am happy to report that Congress has finally passed the Ethnic Heritage Studies bill—a brand-new Act that can have great meaning for our nationality groups and their children.

I worked hard in Washington to achieve this favorable result, and I have since contacted Mayor Perk at City Hall. We agreed we must work together—he as a Republican Mayor and I as a Democratic Congressman—in a bipartisan effort to win a federal grant for a program in Cleveland.

I have made some suggestions as to what Cleveland ought to propose. In my opinion, we should try to build a program that takes advantage of the unique talents and experience of our older generation, while those people are still with us.

Since our objective is to teach our children about their origins, so that they will take pride in who they are, and learn to honor the different backgrounds of other families, it seems to me that we can reach our students best through a human approach. History and language books are good, but they should be supplemented by something new in the classroom.

I am speaking of a resource right in our midst—our grandparents—immigrants from Ireland, Poland, Italy, Germany, Hungary, Yugoslavia, Czechoslovakia, Puerto Rico, (to give a few examples), and their contemporaries with roots in an earlier America—the hills of Appalachia and the Old South, with its slave heritage.

A few of these older people from each group—selected persons who have special knowledge and relate well to children—could be brought into classrooms as teachers' aides in conjunction with an Ethnic Studies program in Cleveland.

They could demonstrate old-country cooking in home economics classes, sing or play folk tunes in music classes, relate personal experiences and Old World lore in world history classes, tell of achievements of immigrants in American history classes and impart the flavor of their languages in English and foreign language classes. These are among many possibilities.

I have conferred with nationality advisers to Mayor Perk and with School Supt. Briggs about this proposal, and they are heartily in accord. I have also received encouragement from the U.S. Office of Education.

I feel that a Cleveland program containing such a component would attract funds from Washington. The money would be used to pay the older persons for their part-time services and to finance coordinating activities at the Board of Education.

However, this is only a suggestion. The ultimate shape of a program in Cleveland is something to be decided by the people themselves. I would hope that their organizations could agree on a single Cleveland proposal covering all the ethnic groups. Any such proposal would have my support.

In the meantime, while Mayor Perk tries to put this together in Cleveland, I will work on getting Congress to appropriate funds this year. Although expenditure of $15 million is authorized, President Nixon has not requested any money for the program in his proposed budget. I am assuming he will send a supplemental appropriation request to Congress.

This is the kind of program that could start the people of Cleveland on the road back to mutual understanding—to pride in the pluralism that once made our city great. It is time to recapture that spirit.

TELEPHONE PRIVACY—XXVII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. ASPIN. Mr. Speaker, I reintroduced the telephone privacy bill on May 10, 1972, with a total of 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 25th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could, the need for this legislation.

These letters follow—the names have been omitted:

GLEN ELLYN, ILL.,
July 19, 1972.

U.S. Representative LES ASPIN,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I would like to go on record as being very much in support of the bill H.R. 14884 to regulate telephone solicitors.

I appreciate your introduction and support of this bill. Personal privacy is becoming a scarce commodity, and what few vestiges of it remain must be jealously protected.

Thank you for whatever you can do to encourage passage of this bill.

Very truly yours,
G. M. CROWE.

BARTLETT, ILL.,
July 19, 1972.

U.S. Representative HARYEY STAGGERS
Chairman, House Committee on Interstate and Foreign Commerce, House Office Building, Washington, D.C.

DEAR SIR: Regarding Bill HR–14884, my husband and I would be eternally grateful if sales people were somehow stopped from calling us on the telephone.

We both work and resent having our evenings interrupted by one call after another, from someone wanting to sell us land a thousand miles away to someone wanting us to buy drapes or use the services of their cleaning establishment—I could go on and on.

It is also very annoying to be awakened on a Saturday morning by these people, like this past Saturday at 9:00 a.m. a woman called wanting us to contribute to their cause via subscribing to a newspaper which would then make a contribution in our name.

Everyone has an angle.

I do hope Bill HR–14884 is passed and thank you for your efforts.

Sincerely,
——— ———.

GLEN ELLYN, ILL.,
July 18, 1972.

Hon. LES ASPIN,
House Office Building,
Washington, D.C.

DEAR SIR: Thank you for HR–14884 which will curtail telephone solicitors. I have not read the contents of the Bill, but I hope that it carries some provision for those who start dialing 0001 in each prefix without caring about names. Please continue in your efforts to stop these invaders of our privacy.

Sincerely,
——— ———.

WESTERN SPRINGS, ILL., *July 18, 1972.*

U.S. Representative LES ASPIN,
House Office Building,
Washington, D.C.

DEAR SIR: Please continue your interest in adoption of H.R. 14884. I am very tired of having my privacy destroyed by solicitors.

Sincerely yours,
——— ———.

WHEATON, ILL.

DEAR MR. ASPIN: A recent article was in the Chicago Tribune listing you as a sponsor of bill H.R. 14884.

I have been pestered at least 2 or 3 times a week, with calls from various salesmen offering me many free gifts, dinners, etc. if I will come see a movie about the property they are trying to sell. I am not in the market for any property and if I was, would deal with a local reputable dealer. All my neighbors have the same problem, and would like to know what we can do to put a stop to this practice. They even manage to call people who have unlisted phone numbers. Could it be that Ma Bell is supplying these obnoxious peddlers with lists of their customers?

If there is anything that we can do to help, please let me know and I will be more than willing to have my neighbors do the same.

Yours truly,
——— ———.

BUGS VERSUS BUGS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. OBEY. Mr. Speaker, for over 20 years the American farmer has been combating insect pests with chemical insecticides. However, in recent years we have come to learn that chemical insecticides are not the solution to all pest problems. In fact, the heavy use of pesticides has caused new problems to arise.

The most serious new danger is that insect pests themselves are growing resistant to poisoning, while the increased use of chemicals is killing off large numbers of harmless insects, many of which serve useful purposes as predators of the more harmful species. In the case of cotton, heavy uses of pesticides have often resulted in increased crop damage, because cotton pests such as the tobacco budworm build up immunity to insecticides, while their natural enemies are unwittingly killed off.

An excellent article which discusses the matter appeared last week in the Wall Street Journal. In an article entitled "Bugs Versus Bugs" the author points out the need for new approaches in pest control:

> After more than 20 euphoric years of almost insect-free farming, many entomologists believe the heyday of chemical insecticides has passed.
>
> The budworm, they say, is only one of 230 insect species that have already developed a resistance to at least one pesticide—and it's only a matter of time before others follow. Because of their abundance, diversity, and adaptability, insects have always held their own against their brainier competitor, man. Through natural selection, an insect can eventually evolve strains resistant to each of the chemicals man devises to kill it—sometimes in the space of only a few years.

What is needed now is intensive research and active pilot programs to determine the best approaches against each pest which threatens crops. Integrated control is needed, controls which combine the use of insect predators and new strains of resistant crops with very limited and closely supervised applications of pesticides.

The article emphasizes the relatively low costs of integrated controls compared with the use of chemical pesticides:

> Using integrated control, farmers in the Valley have kept cotton pests at bay, while cutting their use of insecticides in half.

This type of program has shown its worth in limited areas. It is less costly and more efficient. I would hope the Congress would make a major commitment to encourage integrated control and deemphasize the use of chemical poisons.

Mr. Speaker, I include the Wall Street Journal article at this point in the RECORD:

Bugs Versus Bugs: Farmers Cut Spraying To Encourage Enemies of Crop-Eating Pests—High Cotton Yields Restored in the Rio Grande Valley Despite Pesticide Immunity—But "Selective" Poisons Help

(By Ellen Graham)

WESLACO, TEX.—Thousands of tobacco budworms, each about two inches long, make their way through the lush foliage of the cotton field, feeding on cotton bolls. Every few days, a torrent of pesticide saturates the field, wiping out entire populations of some insect species, including the budworm's predators. But unlike its enemies, the budworm is strangely impervious to the poison.

In a field free of predators, the budworm flourishes, feeding until nature signals it to reproduce. Soon the field teems with a new generation of the pest, 10 times as plentiful, even more resistant to pesticides, and just as hungry as the last generation.

The budworm will repeat this cycle at least two more times before the cotton growing season is over. In just a few months, it will have devastated the entire cotton crop.

To cotton growers here in the lower Rio Grande Valley, such an invasion by the insecticide-resistant budworm is frighteningly familiar. Since 1968, this cotton and tobacco pest has repeatedly fought off some of the heaviest and costliest chemical attacks farmers have ever mounted against an insect. The worm still has damaged hundreds of thousands of acres of cotton in Texas and destroyed the cotton industry in northeastern Mexico, just south of here.

BUDWORM'S NEMESIS

When a pest like the budworm is immune to all known poisons, "about the only way to kill him is to run over him with your truck," says Jerry Young, who has grown cotton in the Valley for the past 22 years.

But now the budworm may have met its match. For the past few seasons, growers and agricultural scientists in the Valley have been wielding a new weapon against the insect. It promises to control the budworm and other pests far more cheaply than the drenching pesticide attacks. To the delight of environmentalists, it involves the use of only a fraction of the poisonous chemicals ordinarily used on cotton.

Known as "integrated control," the new approach involves carefully scheduled and limited applications of insecticides. Sprayings are timed with high precision in order to leave friendly bugs alive and free to combat damaging pests like the budworm.

The effort has implications beyond the Rio Grande Valley and beyond the cotton industry. After more than 20 euphoric years of almost insect-free farming, many entomologists believe the heyday of chemical insecticides has passed.

The budworm, they say, is only one of 230 insect species that have already developed a resistance to at least one pesticide—and it's only a matter of time before others follow. Because of their abundance, diversity, and adaptability, insects have always held their own against their brainier competitor, man. Through natural selection, an insect can eventually evolve strains resistant to each of the chemicals man devises to kill it—sometimes in the space of only a few years.

INSECT OVERKILL

To a large extent, the problem of insect resistance has been obscured by public concern over the hazards of pesticides persisting in the environment. Yet, according to some entomologists, the growing ineffectiveness of chemical weapons in controlling insects may prove even more disastrous for a world trying to feed and clothe an exploding population.

"The continued development of insecticide-resistant strains of insects threatens to render obsolete much of our present pest-control technology," warns Perry L. Adkisson, chairman of the entomology department at Texas A&M University at College Station, Texas.

Farmers unwittingly played into their enemy's hand when, in desperation, they poured excessive quantities of chemicals onto their fields to attack invading swarms of pests. At one time, insect control in the Valley could be managed with less than five pounds of chemicals per acre. Then it jumped to more than 20 pounds an acre as the budworm became more resistant. Such insecticidal "overkill" disturbed the delicate ecological balance between insects and their predators and allowed pesticide-resistant strains to multiply.

"It's a battle as frustrating as the Vietnam war," says Mr. Adkisson, who has studied the Valley's problems for a number of years. "The insects are using guerrilla tactics, and we're using bomb-busters on them—and it simply isn't working."

GREEN MANSIONS—FOR BUGS

During the peak years of pesticide production, farmers simply switched to a new poison when resistance problems popped up. But now, the high cost and time involved in developing a new product have caused many chemical concerns to discontinue or cut back pesticide operations in search of a faster return on their research dollar. It's estimated that it now takes about seven years and $5 million to $10 million to put a new pesticide on the market. The result: Few new products are finding their way onto insect-ridden fields.

At the same time, the "Green Revolution" and other advances in agricultural science have helped create a brand new set of pest-control problems. By and large, plant varieties have been bred for high yields, with pest resistance characteristics minimized or ignored. Agricultural monoculture, the planting of vast acreages with a single variety of crop, has removed the ecological diversity necessary to hold nature in balance. And advanced methods of fertilization and irrigation have produced larger, healthier plants, which are more susceptible to rapid buildups of insect populations.

The Rio Grande Valley's troubles began in the late 1950s, when the destructive boll weevil began to develop resistance to the DDT-like pesticides that long had kept it under control. To attack the weevil, farmers switched to the organophosphorus pesticide, methyl parathion. Since parathion isn't persistent, the farmers had to apply it more often. Moreover, since it's a "broad-spectrum" insecticide, it isn't selective, and it killed pest predators and parasites.

As a result, by 1962, cotton growers were confronted with an outbreak of two "secondary pests," the bollworm and the tobacco budworm. Unchecked by natural enemies, these pests proved even more damaging to cotton crops than the weevil.

Disaster struck in 1968, when the tobacco budworm showed the first signs of resistance to parathion. Many cotton growers treated their fields 15 to 20 times and still suffered severe losses in yield. (In 1967, Valley farms produced an average of 601 pounds of cotton an acre; in 1968 yields dropped to 420 pounds an acre.) Some growers were able to salvage their crops, but the cost of repeated insecticidal applications—which sometimes ran as high as $70 an acre—wiped out their profits. By 1970, the budworm had grown so resistant that the Valley suffered the lowest yields recorded there in 25 years, with barely 300 pounds of cotton produced per acre.

Two hundred miles south of the border in northeastern Mexico, severe outbreaks of resistant budworms destroyed the entire cotton industry in just three seasons. Planted acreage in the Tampico-Mante region shrunk from some 500,000 acres in 1966 to only 1,000 acres by 1970.

During the boom years, most of the world's major cotton companies were represented in the area, and 42 cotton gins operated there. Now the gins are boarded up, and 250,000 laborers are without work. Growers financed by cotton companies lost their land through foreclosure; fields that once produced $100 million of cotton each year now lie barren and idle.

"Modern cotton production has been based on an insecticidal crutch," says Perry Adkisson. "When that crutch breaks, the industry is in trouble."

As an alternative to that crutch, entomologists working in the Valley are introducing integrated control. This approach, which is gaining wider favor in areas where chemical control has failed, calls for the combined use of insecticides, beneficial insects, and insect-resistant crops. In essence, it restores the balance of nature to areas of ecological anarchy.

Using integrated control, farmers in the Valley have kept cotton pests at bay, while cutting their use of insecticides in half. Conly and Gus Bell, for example, who grow 1,200 acres of cotton, averaged only seven applications of chemicals last season. Before they had sprayed as often as 16 or 17 times. "Our costs were down about a third last season," says Conly. "In one field last year, we didn't use any insecticides—and it was the best cotton we had." Even with fewer sprayings, average yields in the Valley last year reached 530 pounds an acre—among the highest in years.

BOLL WEEVILS AND FLEAHOPPERS

Entomologists at Texas A&M estimate that insecticide use on cotton in most areas of the U.S. could be cut in half without reducing yields. Their projections are especially significant, since nearly half the 138 million pounds of insecticides applied to U.S. crops each year are dumped on cotton. What's more, integrated-control methods in other regions have helped reduced insectidical use on a number of other crops, including peanuts, grain sorghum and certain fruits.

During the early part of the growing season, the control program carried out by the Bell brothers and other cotton farmers sounds deceptively simple: They abstain from spraying as long as possible, to keep "friendlies" alive to attack the budworm and other pests.

Unfortunately, the ecosystem of the cottonfield contains several other insect pests that complicate natural control of the budworm. If, for example, the boll weevil or fleahopper invades their fields early in the season, the Bell brothers have a painful choice: They can either refrain from spraying and suffer crop losses from the weevil and fleahopper; or they can attack the pests with insecticdes, knowing at the same time they are killing the "friendlies" that keep the budworm under control. Under these conditions, the Bells spray only if fleahoppers reach hazardous levels, and with insecticides that are least deadly to the beneficial insects.

Boll weevils, on the other hand, can usually be managed with a minimum of pesticides if a farmer does his homework. After harvest, the Bells are required by state law to spray, defoliate and cut down the remaining stalks of their cotton plants. If this is done, weevil populations are deprived of food and are unable to go into diapause—a type of hibernation that allows insects to survive the winter. If stalks are destroyed on schedule, few weevils should appear the following season.

THE BUG'S FOUNTAIN OF YOUTH

Despite its success so far in the Valley, integrated control isn't foolproof. "Weather is the one factor we haven't any control over," says James A. Deer, area entomologist at the Texas A&M research and extension center at Weslaco. "Harvest time is normally our rainy season," he explains, "and when it rains we can't destroy the crops in time to prevent diapause."

Moreover, integrated control is a complicated approach, requiring the supervision of trained entomologists who dispense their advice with the precision of a physician making a diagnosis.

But the biggest hurdle, entomologists agree, has been persuading farmers to gamble with natural controls. "We're concerned about the balance of nature, but the farmer is concerned about the balance of his checkbook," says J. W. Smith, Jr., assistant professor of entomology at Texas A&M. Adds Mr. Adkisson: "Farmers are fearful—if they can protect their investment with a few dollars worth of insecticides, they tend to look at the short-term advantages and ignore the long-term risks."

Actually, the integrated controls being used by most Valley farmers are similar to pest-management techniques practiced by their fathers, before the boom in chemical pesticides.

Just around the corner, however, is an arsenal of exotic new weapons, such as synthetic sex attractants to lure boll weevils into traps, and juvenile hormones that prevent pests from maturing.

RESISTANT PLANTS

By far the most promising developments coming out of research laboratories are new cotton varieties being bred for resistance to insects. Texas A&M scientists have developed new "short-season" cottons that can be harvested and ploughed under early enough to prevent insects from diapausing, so that they can't survive the winter.

Some new strains of cotton are actually toxic to insects. Scientists discovered that certain wild cottons that had grown in Central America for centuries without the aid of man had developed built-in insect resistance. M. J. Lukefahr, research entomologist at the Department of Agriculture laboratory in Brownsville, Texas, has been cross-breeding these wild varieties to transmit their resistance characteristics to commercial cotton.

He has come up with new varieties that produce a 75% reduction in each generation of pest—close to the kill rate offered by insecticides. Under ordinary conditions, yields are somewhat lower than commercially grown cotton, he says, but in areas where the budworm is out of control, the new strains "significantly outyield" nonresistant commercial varieties.

His new cotton won't be available commercially for several years, Mr. Lukefahr says, because of the painstaking process of developing resistant varieties that also have suitable fiber properties. However, he says, "There's no reason to think that eventually the new resistant strains won't be completely comparable."

Once these cottons are available, new varieties will have to be developed constantly, he says, if man is to outwit the insect. "Pests develop resistance to plants, too," he sighs. "We'd be naive to think any single variety will offer permanent insect resistance."

REPUBLICAN PLATFORM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. RHODES. Mr. Speaker, the 1972 Republican platform will, of course, in large part mirror the outstanding accomplishments of the first Nixon administration. But in addition, it will reflect the hopes and aspirations of the second Nixon administration in terms of its response to the deeply felt needs of the citizens and the consequent Republican Party pledges for a better future for all.

The story of the development of those pledges is the story of the writing of the 1972 Republican platform.

First, as chairman of the resolutions—platform—committee, I felt it essential to feel the public pulse—to probe with some sensitivity the major hopes and fears of the American people. It is true that there are many "public" opinion polls and many "private" opinion polls but it was my contention a new and massive effort in this direction was needed to assure those of us on the platform committee that the platform document was indeed in tune with the times.

Hence, it was that two polls were developed and distributed in late May of this year, both measuring direction and intensity but with one stressing the former and one emphasizing the latter.

Before I detail the results of those polls, let me describe briefly the sample and the methodolgy.

The sample for poll No. 1 was 40,249 individuals whose names appear in 20 different mailing lists developed over the years by the Republican National Committee. Included in this list are such groups as academicians, minority group leaders, large city and small town opinion molders, Republican Party officeholders and elected officials, and leaders of such groups as private associations and senior citizen clubs.

This poll, as is readily apparent, stresses public opinion dimension of intensity of attitude.

From this mailing of 40,249, a 19.5-percent return was realized which is considered by the experts to be very good for a mail poll.

The results were carefully, and I might say tediously, tabulated by a willing group of college interns. Nixon administrators' wives, and other volunteers.

The results are most interesting. The 7,850 persons who responded to this poll listed as the five major issues they considered as very important: Crime, drugs, inflation, reform of the welfare programs, and curbing Federal spending.

It is significant to note that the Nixon administration has addressed itself to each of these issues during the past 4 years with such programs as its welfare reform bill, the Cost of Living Council, the mandatory reduction in governmental employees, and various intensive efforts in the drug and crime area. It is worth noting that the one area in which the most dramatic decrease in crime took place was here in the District of Columbia itself where the Nixon administration was able to have a direct and immediate impact in reducing crime.

The specific respondent percentages indicating these concerns to be very important are as follows: Reduction in crime 75 percent, curbing distribution and use of harmful drugs 74 percent, curbing inflation 74 percent, reform of welfare programs 72 percent, curbing Federal spending 68 percent.

Those matters which elicited the lowest percentage of deep concern—rated very important—on the other hand, were providing more middle-income housing 7 percent, achieving racial balance in housing 8 percent, amnesty for military service deserters and draft evaders 9 percent, providing more low-income housing 11 percent, and busing children to achieve racial balance in public schools 13 percent.

Although no space was provided to comment directly after any of these questions, 20.3 percent registered strong negative comments on granting amnesty and 17.6 percent indicated in extended comments criticism of busing.

The registration of extended negative comments on the amnesty and busing questions is a significant indicator of what the pollsters call the high salience of these issues. In other words, the intensity of feeling on these two issues is an important finding in this study.

These findings for the total respondent group were typical of each group in the sample—academicians, businessmen, senior citizens, and so forth—even though there are, of course, variations in percentage between any two groups.

The second poll approached contemporary issues in a somewhat different way. The first series of questions asked the respondent if they favored more, less, or the present level of expenditures in a variety of government programs. Thus, through a registration of expenditure priorities, the respondent indicated his attitudes on a number of significant contemporary issues.

Following this series of questions came an additional 29 questions offering a multiple choice or a "yes" and "no" response basically on the respondent's attitude—direction—rather than the intensity of his feeling as in poll No. 1.

The sample in poll No. 2 included 15,038 individuals representing 11 different mailing lists of newspaper, television, and radio newsmen, labor leaders, ministers, mayors, and community leaders. The return here was 1,548 responses for a fairly normal 10.3-percent return.

The results of poll No. 2 in part reinforce the findings of poll No. 1 and in part introduce additional information for use by the members of the platform committee.

For example, answers to question No. 1 indicate that the respondents here, too, view crime control and drug abuse as prime concerns. In terms of Federal expenditures, crime control attracts 65.4 affirmative votes while 52.8 percent would spend more on drug abuse. In third place is aid to the elderly, 52.4 percent; fourth place, environmental cleanup, 47 percent; and in fifth place, aid to cities, 41.1 percent.

Those Government programs which attracted negative responses, less expenditures, were: first, foreign aid, 77.3 percent voted to reduce expenditures in this field; second, welfare, 66.9 percent negative votes; third, space exploration, 44.7 percent; fourth, agriculture, 41.5 percent; fifth, housing, 34.9 percent.

As in poll No. 1, the individual group responses varied, of course—for example, mayors placed aid to cities in first place while labor leaders placed consumer protection in first place in terms of desired expenditure level—but in the main, the individual groups followed the general pattern of response in both support for higher and lower Federal expenditures.

Question No. 2 asked for a ranking of national problems. The respondents here indicated the top three to be: First, law and order; second, taxes; and third, Vietnam.

Additional questions concerned farm price support, 44.9 percent desired a continuation but with limits on supports any one farm could receive; methods to reduce crime the largest number preferred: First, reform of court and penal system; second, tougher sentences by judges; and third, crackdown on organized crime.

Regarding the possession and use of marihuana, respondents were evenly divided among three alternatives: First, reducing present penalties; second, increasing penalties; and third, retaining present penalties. Concerning hard drugs, however, 77 percent indicated involuntary civil commitment for treatment versus 17.9 who were against such Government action.

Revenue sharing, direct Federal funds to State and local government received 65.9 percent "yes" and 30.9 percent "no" while a question on changing the tax exemption for religious and charitable institutions elicited a similar 2 to 1 "yes" vote, 61 to 34.2.

The "value added" tax brought a heavy 68 percent "no" vote, while 18.1 percent voted "yes" and a sizable 13.9 percent "no response" on this question was a probable indicator of the lack of understanding of the "value-added" tax concept itself.

On the general question of taxes, 82.8 percent of the respondents were in favor of the restructuring of the tax system while only 11.6 percent replied in the negative.

Reduction of Federal expenditures received 85.8 percent support with the sample also giving substantial preference to more Federal aid to career and job training and public elementary and secondary schools over college and universities and private and parochial schools.

On international trade, the respondents favored no "Federal aid", 41.6 percent, to 4.2 percent in support of direct Federal aid to industries hurt by import competition and also gave some positive response to Federal quotas on imports, 25.3 percent, and import taxes, 25.6 percent.

Government financing of educational television programs received only a 29.8-percent affirmative vote against 64.7 percent negative response while a question on a national health insurance program had a fairly balanced response with 44.3 percent "yes" and 47.3 percent "no." Concerning health care generally, the respondents indicated their health concerns in the following order: First, quality of health care; second, inadequate health insurance coverage; third, accessibility of doctors; and fourth, cost of health care.

On foreign aid programs, 80 percent favored a reduction in military aid and 63.5 percent a reduction in economic aid with only 10 percent indicating a preference for more military aid and 25.6 percent for more economic aid. Regarding aid to Israel, 44.4 percent favored continuing aid at the present level while 23.3 percent favored reduction, 15.4 percent withdrawal of all aid and 11.6 percent supported increased aid.

The sample in this poll register a belief that both big labor and big business are too powerful although there is a wide variance in the percentages here with 90.1 percent believing big labor is too powerful while only 55 percent feel big business is too powerful; 7.2 percent feel labor unions are not too powerful and 41.3 percent hold their positions with respect to business.

Additional findings of the poll are as follows:

Should Federal and/or public employees have the right to strike? Yes, 24.5 percent. No, 73.1 percent.

Compulsory arbitration of work stoppage adversely affecting national health and safety. Yes, 84.2 percent. No, 12.3 percent.

Is the Federal Government doing enough to protect the environment? Yes, 39.3 percent. No, 56.9 percent.

On the Federal antipollution program 57.1 percent more stringent controls, 32 percent same controls as at present and 7.1 percent less stringent controls; 52 percent of the polled were willing to pay increased taxes to support a stronger antipollution program while 44.5 percent were not.

Favored a stronger consumer protection program by 57.1 to 37.8 percent;

Were split about evenly on the effectiveness of the economic stabilization program; and

Favored by an 82 to 11.7 percent vote, the Nixon family assistance plan to replace the present welfare system.

As in poll No. 1, there was little support for unconditional amnesty, 10.7 percent, while no amnesty under any condition received a 48.2-percent vote and 37.5 percent would agree to amnesty if the individual involved would agree to 3 years of some sort of Federal service.

In addition to our polls, we are in the process of reviewing issue oriented polls taken by my colleagues in the Congress and in comparing our results with public opinion polls on related issues taken by the major public opinion polling organizations such as Gallup, Roper, and so forth.

It was manifestly clear from the television and newspaper coverage of the 1972 Democratic National Convention that their delegates and their deliberations did not mirror the United States, 1972. It is our purpose through our questionnaire response, and our public hearings to involve a sample of all types of Americans and, in doing so, to provide in our platform a plan for a better future for all Americans.

1972 REPUBLICAN NATIONAL CONVENTION—TEMPORARY COMMITTEE ON RESOLUTIONS (PLATFORM), QUESTIONNAIRE

Poll No. 1.—7850/40,249—19.5 percent

A. What are the 3 most urgent problems facing the Nation today on which you would like to see Federal action taken?

1. --
2. --
3. --

B. The following is a list of domestic and foreign policy issues. How important do you find each to be?

	Very important	Somewhat important	Not very important	Not a problem
1. Reduction of unemployment	42	40	9	5
2. Curbing distribution and use of harmful drugs	74	17	3	1
3. Limitation of nuclear weapons	41	34	11	7
4. Improved public and private education	33	36	13	10
5. Increased Federal aid to education	19	28	25	18
6. Reform of welfare programs	72	18	3	2
7. Elimination of environmental pollution	41	42	9	3
8. Improving public transportation	27	41	19	7
9. Reduction of crime	75	17	3	1
10. Providing more low-income housing	11	36	30	15
11. Achieving racial balance in housing	8	23	35	26
12. Providing more middle-income housing	7	27	34	23
13. Increased health care	20	34	23	14
14. Curbing inflation	74	17	3	1
15. Improving relations with the People's Republic of China	25	44	17	8
16. Improving relations with the Soviet Union	27	44	13	7
17. Increased rural opportunity and farm income	28	37	19	8
18. Cutting Federal taxes	49	29	11	5
19. Curbing Federal spending	68	18	5	2
20. Maintaining a balanced budget	59	23	8	3
21. Sharing more Federal revenues with States and cities	29	35	16	10
22. Controlling population	27	30	18	17
23. Amnesty for military service deserters and draft evaders	9	8	20	46
24. Preventing work stoppages in critical industries	53	28	8	4
25. Curbing power of labor unions	64	22	6	2
26. Curbing power of big business	34	39	14	7
27. Providing increased assistance to senior citizens	24	45	16	6
28. Easing racial tensions	30	37	14	8
29. Busing children to achieve racial balance in public schools	13	12	28	30
30. Increasing assistance to poverty-stricken people	17	38	20	12
31. Ending U.S. military participation in Southeast Asia	54	20	6	8

POLL NO. 2.—1548/15,038—10.3 PERCENT RETURN

1972 REPUBLICAN NATIONAL CONVENTION TEMPORARY COMMITTEE ON RESOLUTIONS (PLATFORM) QUESTIONNAIRE

1. Do you favor more, less, or continuing the present level of Federal expenditures for the following:

	More	Less	Same
Agriculture	14.8	41.5	35.6
Aid to cities	41.1	26.0	26.4
Aid to elderly	52.4	7.0	34.7
Crime control	65.4	6.6	21.4
Consumer protection	34.0	28.9	31.0
National defense	23.7	33.8	34.0
Drug abuse	52.8	10.0	31.9
Education	39.0	19.0	35.6
Environmental cleanup	47.0	17.0	29.4
Foreign aid	3.0	77.3	11.9
Housing	22.9	34.9	35.6
Job training	37.0	19.3	37.0
Transportation	30.9	28.9	35.3
Space exploration	16.9	44.7	32.6
Welfare	8.3	66.9	17.1
Other (please specify)			

(Rankings in parentheses)

2. Of the national problems listed below, which *three* do you consider most important?

(1) Law and order, 806.
(3) Vietnam, 548.
(4) Economy, 439.
(7) Drugs, 260.
(2) Taxes, 633.
(10) Urban problems, 203.
(9) Communist threat, 215.
(5) Moral decay, 422.
(12) Population, 135.
(8) Education, 258.
(6) Environment, 328.
(11) Racial problems, 177.

3. Federal farm controls and supports should be:

Phased out within five years, 12.5.
Continued substantially as they are, 8.9.
Made permanent with increased supports, 3.4.
Made permanent with supports reduced, 4.3.
Continued with a limit on supports any one farm could receive, 44.9.

(Rankings in parentheses)

4. Which *three* do you think the federal government could most effectively pursue to reduce crime?

(4) More effort to reduce social causes of crime through programs to improve cities and slums, 633.
(7) More federal funds for law enforcement to cities and states, 281.
(1) Reform of the court and penal systems, 953.
(6) Strict gun control legislation, 292.
(8) Preventive detention at the court's discretion, 133.
(3) Crackdown on organized crime, 655.
(5) More authority to police, 473.
(2) Tougher sentences by judges, 810.

(Rankings in parentheses)

5. Regarding the possession and use of marijuana, the federal government should:

(4) Legalize its possession and use, 263.
(1) Reduce present penalties, 412.
(3) Retain present penalties, 405.
(2) Increase present penalties, 409.

6. Do you favor the involuntary civil commitment of hard drug addicts for treatment and rehabilitation in a community-based program?

Yes, 77. No 17.9.

7. Do you support the President's proposal for revenue sharing of federal funds by direct payment to the state and local governments without federal specifications as to the use of these funds?

Yes, 65.9. No, 30.9.

8. Do you believe that changes should be made in tax exemptions for religious and charitable institutions?

Yes, 61. No, 34.2.

9. Do you favor the value-added tax?

Yes, 18.1. No, 68.

10. Do you believe the tax system needs to be restructured?

Yes, 82.8. No 11.6.

11. The federal government's fiscal policy should be to:

Curb federal expenditures, 85.8.
Continue present spending, regardless of deficits, 4.2.
Increase taxes to balance budget, 7.9.

12. Regarding imports, which do you favor?

Federal quotas to limit imports, 25.3.
Import taxes to discourage importation of foreign goods, 25.6.
Direct federal aid to industries hurt by import competition, 4.2.
No federal aid; let industry be responsible for its own well-being, 41.6.

13. Would you (a) increase, (b) cut, or (c) leave the same, federal aid for:

Public elementary and secondary schools, 2.
Private and parochial schools, 4.
Colleges and universities, 3.
Career and job training, 1.
Early childhood/daycare programs, 5.

14. Do you favor government financing of educational television programs?

Yes, 29.8. No, 64.7.

15. Regarding aid to Israel, which do you favor?

Maintenance of present level of U.S. aid, 44.4.
Increase U.S. aid, 11.6.
Reduce U.S. aid, 23.3.
Withdraw all U.S. aid, 15.4.

16. The U.S. foreign aid program should be changed to allow for:

A. military aid: More, 10. Less, 80.3.
B. economic aid: More 25.6. Less 80.3.

17. Do you feel that a national health insurance program is needed?

Yes, 44.3. No, 47.3.

18. Rank the following health problems in their order of seriousness: Ranking:

(3) Accessibility of doctors.
(1) Quality of health care.
(4) Cost of health care.
(2) Inadequate health insurance coverage.

19. Do you believe big business has become too powerful?

Yes, 55. No, 41.3.

20. Do you believe that labor unions have become too powerful?

Yes, 90.1. No, 7.2.

21. Should federal and/or public employees have the right to strike?

Yes, 24.5. No, 73.1.

22. Do you believe in compulsory arbitration of work stoppages adversely affecting national health and safety?

Yes, 84.2.
No, 12.3.

23. Do you favor amnesty for men who left the U.S. to avoid the draft?

Not under any circumstances, 48.2.
If they agree to three years of some sort of federal service, 37.5.
Unconditional amnesty, 10.7.

24. Do you feel the federal government is doing enough to protect the environment?

Yes, 39.3.
No, 56.9.

25. Do you think federal anti-pollution programs should provide:

More stringent controls, 57.1.
Less stringent controls, 7.1.
About the same level of controls as at present, 32.

26. Would you be willing to pay increased taxes and higher prices to support anti-pollution programs?

Yes, 52.
No, 44.5.

27. To protect the consumer, should the federal government pass legislation with more stringent controls on manufacturers and processors?

Yes, 57.1.
No, 37.8.

28. Do you believe that the Administration's Economic Stabilization Program has been effective in controlling inflation?

Yes, 44.6.
No, 48.4.

29. Do you favor the Family Assistance Plan which assists the working poor and provides work incentives to replace the present welfare system?

Yes, 82.
No, 11.7.

THE NRA: CHICAGO TRIBUNE TASK FORCE REPORT PART VI

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. MIKVA. Mr. Speaker, the National Rifle Association was founded in 1871 by a few National Guard officers interested in improving marksmanship. Today it is the most active opponent of gun control legislation.

Guns kill 10,000 Americans a year. The Chicago Tribune recently created a task force to study this epidemic of violence. This is the sixth in a series of 10 task force reports.

Today's article examines the NRA—its composition, ideology, and power.

The article follows:

[From the Chicago Tribune, June 30, 1972]

HOW NRA DISARMS GUN CONTROL EFFORTS

A leather-tooled western holster and gun hang on the wall beneath a picture of their owner shaking hands with the President of the United States.

On the desk sits a bronze trophy awarded to Gen. Maxwell Rich: "Dedicated to Americanism."

The memorabilia scattered about the plush, wood paneled office atop the $2.7-million headquarters of the National Rifle Association [NRA] reveals a lot about the man and the organization he helps run.

With a triumvirate of clout, money, and the mystique of guns, the century-old NRA is the most potent political force against further gun control legislation.

FIGHTS GUN CONTROL

As the self-proclaimed "foremost guardian of the right to keep and bear arms," it has fiercely and successfully fought against nearly all federal and local gun control proposals, save those that would require mandatory prison sentences for gun-wielding criminals.

Their argument is that these measures will not curb crime and will only harass honest citizens.

Organized in 1871 by a few National Guard officers interested in improving marksmanship, the NRA last year boasted a membership of 1,101,652. Its assets were $19,387,324.

"The strength of the NRA and, therefore, its ability to accomplish its purposes, depends upon the support of loyal Americans who believe in the right to keep and bear arms," said the association's 1971 annual report.

TWENTY-SIX CONGRESSMEN BELONG

Its ranks contain 26 congressmen, hundreds of state and local political leaders, the firearms and munitions industry, thousands of target shooters, hunters, conservationists, and ordinary citizens who for one reason or another own guns.

It also gathers force from outside the membership, from those thousands who buy guns for protection and from the country's 16 million licensed hunters.

"Your future hunting rights are in jeopardy," warns one NRA poster soliciting new members. "Let the NRA help you protect them."

As NRA executive vice president and lobbyist, Rich is the highest paid full-time employe of the staff of 266.

UNLIKELY LEADER

Soft-spoken and mild-mannered, the former Utah National Guard officer seems an unlikely candidate to sit at the top of this pinnacle of power.

He smiled and shook his head when asked about his organization's political influence.

"When they say the 'powerful gun lobby,' they give the impression there are lots of people [lobbyists] crawling all over Congress. I'm it, and I only spent $400 of my $2,500 lobbying budget last year."

The NRA's vigorous opposition to most gun control proposals reflects the membership's attitude, he said, recalling one member writing: "You guys have to stand fast. Don't let anything thru."

FEARFUL OF RIGHTS

He explained: "Our people have a real fear—and I know they say it can't happen here—but they fear a move will come along to take all the guns away and disarm the country. I'm not worried about it personally, but I've seen too much of it where they say, 'This is as far as it goes,' and then it goes farther."

Rich claims the NRA's legislative work is secondary to its activities in conservation, organizing pistol matches, and firearms safety programs. Only $100,000 of their annual $7.7-million budget goes to legislative activities.

However, a November, 1971, editorial in the NRA's official magazine, the American Rifleman, commemorating the organization's accomplishments in its first 100 years, devotes only one paragraph to these other activities. The 18 remaining paragraphs discuss the association's past and continuing gun control fight, concluding:

"With more than a dozen antigun bills pending in Congress, there is little chance of any passing as long as NRA members and other gun owners stand firm and express themselves. . . . we still face a noisy opposition that would disarm private citizens in the name of crime control or wildlife preservation if given the chance. They must never be given the chance."

ACT AS MIDDLEMEN

The thrust of their legislative work, Rich said, is to keep Congress informed of NRA membership opinions and to keep members informed on the actions of Congress.

Thru the American Rifleman and letters to members, the NRA organizes massive mail campaigns urging people to write their congressman expressing their views against gun control measures. Congressional leaders estimate the NRA can generate 500,000 letters in 72 hours."

Some of them are venomous and are relegated to what some legislators jokingly refer to as their "commie-bastard-jew-file."

One recent writer called U.S. Rep. Abner J. Mikva [D., Ill.] a "communist admirer . . . You want to take away all American arms [his pending gun control bill does not propose confiscation] and I suppose then we would have the usual deal. We would be on a future national murder list. Well damn if we won't fight you and your kind . . . We will win or America will be lost to the free world."

As a tax-exempt organization, the NRA cannot, and does not, get actively involved in political campaigns, said Rich, but it "acts as a catalyst for grass roots organizations."

Its effectiveness as a catalyst makes the NRA one of the most feared groups in Washington today. Legislators on both sides of the gun control controversy agree with U.S. Rep. John D. Dingell [D., Mich.], an NRA board member, that "the gun control issue is the most important thing in the country today."

The American Rifleman regularly emphasizes this point with articles designed to encourage subscribers to political activism by detailing the impact made by antigun control forces on various elections.

A December, 1970, article entitled "Anti-Gun Leaders Toppled" gives the latest scorecard for firearms advocates detailing those who supposedly won or lost their last election battle because of their gun control stance.

DODD, TYDINGS, LOSE

The article claims the greatest victory in the defeat of Joseph Tydings [D., Md.] and Thomas Dodd [D., Conn.], two senators who fought vigorously for gun control. The article carefully notes that it was citizens' groups unaffiliated with the NRA who worked to defeat the two men and elect opponents of gun registration.

Three other U.S. Senate candidates reversed earlier stands favoring the 1968 Gun Control Act and, as a result, "won with some support from firearms owners," the article claims.

These men were Senate Minority Leader Hugh Scott [R., Pa.], Sen. William Proxmire [D., Wis.], and Sen. Hubert Humphrey [D., Minn.].

Bob Heatherington, an aide to Scott, said Scott changed his stance after Sen. Joseph Clark [D., Pa.], a hard-line gun control advocate, was defeated. "Sports groups got together and campaigned heavily against Clark, and Scott got the readings back home. He changed his mind because he was in tune with his constituency," Heatherington said.

The article notes that former Sen. Albert Gore, a supporter of gun control, lost to Congressman William E. Brock, an opponent of the 1968 act, in their battle for a Senate seat. A Citizens for Brock Committee distributed fliers with the message "on gun registration Tennesseans said 'no' and Albert Gore said 'yes'." A Brock commercial pictured the aspiring senator walking with three hunters saying, "It doesn't solve crime to take guns away from decent people."

The article observes that gun owners lost one race to New York Gov. Nelson Rockefeller, "no friend of firearms," but won another with reelection of California Gov. Ronald Reagan, a staunch opponent of gun control.

It credits Reagan with enacting the "most advanced piece of state legislation protecting firearms ownership . . . recommended as a model for other states." The legislation wiped out existing local gun control measures and preempted for state government the entire field of fire-arms regulation.

The NRA opposes gun registration and licensing, "because it's harassment of law-abiding citizens to get at the criminal element," Rich said. "And those laws won't curb crime."

It opposes gun confiscation because it would be impossible to take all the guns away and would stimulate a tremendous black market, he said, adding:

"Besides, I don't think anyone is naive enough to think we'll confiscate all the handguns and everyone will live happily ever after."

It claims to support a bill that would rid the market of cheap handguns commonly used in crime, but has opposed all pending proposals to deal with this problem, claiming they are too vague.

"That Saturday Night Special is a magic phrase, but I don't know what it means," complained Rich. "Is it a $9.95 gun? You ought to have a reliable firearm, but how do you define it? The proposals don't do it adequately. And if we ban unreliable guns, will that reduce crime?"

NRA BURGLARIZED

The NRA bases its antigun control stance on its oft-quoted version of the Second Amendment that "the right of the people to keep the bear arms shall not be infringed."

In rallying around this "Constitutional right," it conveniently drops the first phase of the amendment, which explicitly states the right is associated with the need to keep "a well-regulated militia."

The United States Supreme Court has ruled several times that the amendment must be interpreted and applied with a view of "maintaining a militia." Hence there is no flat right to own and transport certain weapons, such as sawed-off shotguns, that could not be used by a well-regulated militia, the court held.

"We think the Constitution is broad enough," argued Rich. "You can analyze and analyze a statement and we think the amendment refers to the people."

"WAVE OF HYSTERIA"

Rich denies charges from gun control advocates that the NRA is systematically attempting to dismantle the 1968 Gun Control Act. But the organization's opposition to the law from beginning to end belies that claim.

Faced with what he called "a new wave of hysteria by the ragged fringe," U.S. Rep. Robert Sikes (D., Fla.), former board member and chief NRA spokesman in the House, found he could no longer fight passage of the act after Robert Kennedy's assassination.

"I have discussed this with the NRA and other organizations dedicated to the proper interests of law abiding sportsmen," he said. Because of recent events, "they interpose no objection under present circumstances to the adoption of this language by the House."

HUSBAND OR GUNS?

The American Rifleman has urged repeal of the act repeatedly, most recently calling it a "legal failure and a social indecency . . . diabolically designed to befuddle and entrap everyday citizens."

The magazine regularly includes articles by members describing how they have unjustly suffered under the act.

One of the contributors, Alicia K. Oprean, complained the law has forced her to choose between her husband and her guns. John Oprean was given probation on an illegal gun sales charge on the condition that he never touch guns again. In confiscating 12 weapons from the couple's home, the government took three of her guns, refusing to believe they weren't his.

"I can keep my husband or I can keep my guns. Unfortunately, I can't have both under the same roof. Is there anything in the 1968 act that says a wife must make such a choice?" she asks.

THE SEARCH FOR HIGH-TEMPERATURE SUPERCONDUCTORS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. VAN DEERLIN. Mr. Speaker, much has been written in recent months concerning the acute need for more electrical power and improved delivery systems. Great emphasis has been given to developmental aspects of this problem. Unfortunately, little has been said about the basic research which makes technological advances possible.

Prof. Bernd T. Matthias, of the University of California at San Diego, has devoted years to the study of superconductivity, a phenomenon of science with enormous practical potential. Dr. Matthias recognized this fact with a foresight worthy of our praise, and has taken the time to prepare and publish an article of considerable interest to the layman.

Basic research is the foundation of technology, and should be afforded the strong future support it clearly deserves. I appreciate the opportunity to submit the following reprint, which outlines the broad application and potential of the subject:

THE SEARCH FOR HIGH-TEMPERATURE SUPERCONDUCTORS

(Although superconductivity at room temperature will always remain a pipedream, temperatures as high as 25–30 K are a realistic possibility and will trigger a technological revolution)

(By Bernd T. Matthias)

Since 1911 superconductivity at room temperature has been the dream of scientists and science-fiction writers alike. Unfortunately for superconductivity, the boundary between these two dream worlds has become totally blurred during the last decade. Still, today, superconductivity at room temperature together with controlled thermonuclear fusion are often mentioned as the two most important and crucial problems in physics relevant to the needs of society. Controlled fusion has now become a distinct possibility, and its progress over the last twenty years has covered many orders of magnitude. During this same time, superconducting transition temperatures have expanded from a range of 0.4 K to 16 K to a range stretching from 0.0002 K to 21 K.[1,2] If this upper limit could be further increased, not by another order of magnitude, but by a factor of as little as 1.2, or as large as 1.5, superconductivity, while still far from room temperature, would revolutionize our technology. This revolution would encompass electric power transmission, electric motors, high-field electromagnets, and the metallurgy of magnetic suspensions as a whole. In this article I will explain why I believe that this factor of 1.5 is a distinct possibility. I will also explain why room-temperature superconductivity (regardless of a thousand statements by theorists and an equal number of theories) is—in my opinion—pure science fiction.

During the past twenty years a great many superconductors, both elements and compounds, have been discovered. They are all accounted for and classified in Ben Roberts's excellent compilations.[3] Superconductivity was first observed in elements, and this experience led the way to higher transition temperatures in binary intermetallics. Our work with these systems leads us to conclude that the only genuine hope of going to even higher temperatures lies in turning our attention to ternary systems.

Here we will limit the discussion to two groups of superconductors: The elements and the (relatively) high-transition-temperature compounds. Elements are essential to a conceptual understanding of the occurrence of superconductivity, while only those compounds with high transition temperatures and therefore high critical fields are of interest for technological applications like magnets, motors, and transmission lines.

SUPERCONDUCTING ELEMENTS

Until the early 1960's the superconducting elements were a minority among all metallic elements. Consequently, superconductivity was considered to be an anomalous property. Since then so many new elements have become superconducting, at lower temperatures or higher pressures, that by now most metallic elements are superconducting. Thus the question has reversed from, "Why do some metallic elements become superconducting?" to "Why do not *all* of them become superconducting?" In figure 1, the superconducting elements are shown by the colored squares. When the square is half filled, the element becomes superconducting only under pressure, or in thin films condensed at liquid-helium temperatures or at temperatures so low (as in the care of rhodium, 0.2 millidegrees Kelvin) that at present the critical temperature can be determined by extrapolation only. When it became evident that in addition to bismuth, tellurium also became superconducting under pressure,[4] it was suddenly apparent that all nontransition elements in this part of the periodic system, once they because good metals under pressure, would also become superconducting. Soon afterwards the superconductivity of antimony was also discovered.[5] Thus, as early as 1965, the superconductivity of selenium, germanium, arsenic and phosphorus were predicted.[6] Since then, all these elements have been found to be superconducting.[7-10] J. Wittig, who discovered most of the superconducting elements under pressure, has recently found superconductivity in cerium, barium, yttrium and cesium.[11-13] The superconductivity of cesium dispels for the first time in a decisive way the theoretically derived myth that the alkali elements could show the effect only in the microdegree range. Thus, generally speaking, most metallic elements will become superconducting except when magnetic ordering interferes. When I first expressed this opinion, at the Colgate Conference, it was met with laughter and assurances that alkali metals would never become superconducting.[14] Since Wittig's recent discovery much of this laughter can no longer be heard.

Recently, in a review article of our high-pressure data,[15] the conclusion was reached that in elements such as zinc and cadmium superconductivity would eventually disappear at very high pressures. In my opinion, this is a rather naive conclusion based on data below 30 kbar that were then extrapolated to 200 kbar. There will always be new modifications at higher pressures with higher transition temperatures, just as the temperatures for tin and bismuth initially decrease with pressure but eventually rise again to 7 K and above. After all, 25% of the superconducting elements are superconducting above 10^{-3} K *only* under pressure. Many elements have become superconducting under pressure, but none has ever lost this property yet!

For the nontransition elements the transition temperature never exceeds 7 K and is fairly independent of the specific electron configuration. Among the transition elements, the maximum transition temperature occurs for niobium at 9.5 K, and technetium at 8 K. Aside from a few exceptions, maximum transition temperatures for the transition elements and their solid solutions always occur when the average number of valence electrons per atom (e/a) is near 5 or 7. For Lanthanum, which has only three electrons but has a virtual or low-lying 4f configuration, the transition temperature can be raised from 6 K to above 12 K by the application of 140 kbar of pressure.[16] Thus lanthanum (along with uranium, which has an equivalent 5f situation) is exceptional.

SOLID SOLUTIONS

The precise locations of highest transition temperatures in solid solutions vary somewhat from one crystal structure to the next, because the maxima and minima generally do not coincide with a specific element. Instead, solid solutions with neighboring elements determine much more precisely the exact locations as well as the maximum obtainable transition temperatures in these regions. The maxima as a function of e/a are somewhere between 4.6 and 4.8, and then again between 6.4 and 6.7. Nb–Zr with a transition temperature close to 12 K and Nb–Ti with a transition temperature slightly above 10 K are the best examples for the low e/a side. Mo–Tc compounds with transition temperatures near 14 K are the optimum situation for the high e/a ratio. However technetium still costs about $100 per gram, and while cubic Mo–Re with a transition temperature exceeding 11 K is one of the most ductile materials known, it is not superconducting in fields above 20 kilogauss. Consequently, Nb–Zr and Nb–Ti have become technologically the most important superconducting materials when one is limited to only the ductile solid solutions. They are, in contrast to intermetallic compounds, quite ductile, and wire made from them is therefore much easier to use. While the critical current densities are between 10^5 and 10^6 amp/cm^2, the critical fields hardly ever exceed 180–190 kilogauss. Nb–Ti is advantageous for high current densities, while Nb–Zr will withstand higher critical fields.

In superconductivity, just as in ordinary metallurgy, alloys consisting of several elements are generally better suited for specific applications than alloys composed of only two elements. For wires made of ductile alloys, solid solutions of elements with an average valence-electron concentration per atom of between 4–5 or 6–7 are the only choice we have at present. The most perfect solid solutions are of course usually formed by neighboring elements. Throughout the whole range of the transition elements, with one exception, solid solutions are the only stable combinations ever formed by neighboring elements. The one glaring exception of this rule is the relation between the elements of the sixth and seventh columns. Here neighboring elements, besides forming extensive solid solutions with one another, do combine in several well defined intermetallic compounds, the crystal structures of which are quite different from those of their constituent elements. They belong to three different structure types: the α-Mn, β-W, and σ structures. Nearly all compounds in these structure classes whose e/a ratios are between 6 and 7 do become superconducting. The formation of these compounds between neighboring elements, for example, Mo–Tc and W–Re and the nonsuperconducting Cr–Mn is, as pointed out before, restricted to

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Footnotes at end of article.

these two columns and cannot be found anywhere else among the transition elements. This unique and intriguing feature indicates immediately the crucial role of d-electrons for high superconducting transition temperatures.

While the current band picture is unable to explain this behavior, one can readily understand it on the basis of a bond picture. In the sixth column, the d-shell is half filled and hence quite stable. It is the most stable configuration after a filled shell. Any increase in the number of d-electrons will considerably disturb the stability of this half-filled configuration. It is now easy to see why there are two maxima for the superconducting transition temperature (see figure 2). The more d-electrons or holes, the higher the transition temperature, and if the half-filled shell would not intervene, the sixth column would have had the only (and probably much higher) maximum in transition temperature. But instead, the semistability of the half-filled shell appears as the decisively interfering factor.

INTERMETALLIC COMPOUNDS

While the formation of compounds between neighboring elements is thus severely limited, large numbers of intermetallic compounds are formed once the elements are no longer nearest neighbors in the periodic system. The number of intermetallic compounds that are combinations between metals and metals, or between metals and nonmetals, is very large. They crystallize in many different crystal structures, and a great many of them are superconducting. The variation of transition temperature with the average number of electrons per atom is again very pronounced, but no longer as clear cut as for the elements and their solid solutions. In particular, for different structures the maximum transition temperatures now occur at quite different electron concentrations. However, high temperatures are again limited to a few crystal structures, almost all of which are cubic.

The prototypes of these structures are:

α-Mn
NaCl
β-Mn
σ-phase
β-W
Pu_2C_3
$MgCu_2$

The superconducting behavior as a function of electron concentration throughout these crystal systems is extremely well described in Ben Robert's compilations [3] and other recent accounts.

Just as for the elements, the transition temperature is determined essentially by the average number of valence electrons per atom. However, the actual curves are now quite different. In β-W there are still two maxima, (see figure 3), but at electron concentrations different from those in the elements. In the face-centered cubic NaCl structure (see figure 4), only one maximum exists, and the variation of transition temperature is the same as that of the face-centered cubic elements.[17] The e/a ratio for maximum transition temperatures in the latter two structures is still near 5. In the Pu_2C_3 structure, there is again only one maximum, but e/a is now slightly below 4.[18] Other structure types such as the MoB_2 or $ThSi_2$ show this same behavior of a peak for the transition temperature at e/a slightly below 4, but their transition temperatures never exceed 13 K.[19]

HIGH TRANSITION TEMPERATURES

Transition temperatures above 12 K are found only in the β-W, NaCl and Pu_2C_3 structures. At present it is impossible to find any common feature between these different structures, except for two facts: They are all cubic, and their lattice constants are not too large, that is, not above 10 Å. At present, of all three groups, only one compound in the β-W is of importance in its technological applications. It is Nb_3Sn (18 K) discovered in 1954 at Bell Telephone Laboratories. While this compound is intrinsically a very brittle substance, research on varied methods has succeeded in combining it with a ductile base of niobium metal. Magnets wound with these Nb_3Sn composite ribbons easily reach fields in the vicinity of 150 kilogauss.

For many years, Nb_3Sn was also the superconductor with the highest known transition temperature. During the last few years, however, this temperature was raised to 21 K by the formation of the pseudobinary β-W compound; [2,20]

$$Nb_3(Al_{0.75}Ge_{0.25})$$

The critical field of this compound is above 400 kilogauss at liquid-helium temperatures.[21] No magnets have yet been built with it, but it is already clear that magnets of 200 kilogauss and above will eventually be available in the same way that 100 kilogauss magnets can be easily bought today, though they are still rather expensive. Raising the transition temperature of a binary compound by adding a third element has been achieved earlier in the other two structures: NbN at 16 K was raised to 17.8 K by forming Nb(N,C), and Y_2C_3 at 14 K was increased to 17 K in the ternary compound $(Y, Th)_2C_3$.[18]

The increase of the superconducting transition temperature and the discovery of new superconductors in the range above 12 K has been a very slow process, and has so far occurred in only three places: Bell Telephone Laboratories, Los Alamos Scientific Laboratories, and the University of California in La Jolla. This is rather surprising in view of the ever increasingly important role superconductivity plays in the field of electric technology. What are the factors responsible for this slow progress? First, it is not easy to raise the superconducting transition temperature because the metallurgy involved gets increasingly complicated. Furthermore, there seem to be intrinsic obstacles to high transition superconductors. And last, but not least, the theory has failed to show us what direction to follow. To date, it has only succeeded in leading the experimentalists astray.

Experimentally we have found that with elements alone, a maximum transition temperature somewhat above 12 K can be reached. With binary compounds, the vicinity of 18 K seems to be the current limit. And through the formation of pseudobinaries with a third element, another increase of 3 K seems to be all we can reach at present in the three favorable groups. Undoubtedly, the transition temperature of Nb_3AlGe will eventually be raised by the addition of more elements, but I don't think that the increase will be more than a degree or two.

Soon after the empiricism for high transition temperatures had been formulated in 1954, it became evident that there is a distinct aversion in nature to form intermetallic combinations with elevated superconducting transition temperatures. If any did form, they were not very stable. For example the highest transition temperature of lanthanum and V_3Si above 12 K and 18 K respectively, were found only under pressure. Nature's aversion to high transition temperatures, as displayed by instabilities, can take on many forms. Only by avoiding them through relying on the metastability of high-temperature phases will we be able to raise transition temperatures in the future. Let me illustrate this thesis for the three best known crystal structures: β-W, NaCl and Pu_2C_3.

β-W: If we could synthesize Nb_3Si or Zr_3Sb in the β-W form their transition temperatures might be higher than any known at present. These compounds crystallize instead with an a-axis of the correct dimensions for the cubic symmetry but a c-axis that is almost exactly twice the value of the a-axis. This structure is now tetragonal and no longer superconducting above 1 K. When high transition-temperature compounds do form in the β-W structure, such as Nb_3Sn, Nb_3Al or V_3Si, they are no longer stable at the superconducting transition temperature. They usually undergo a martensitic transformation at temperatures above the superconducting transition. The structure is again now tetragonal, but with a c/a ratio very close to unity. Consequently, the superconducting transition no longer disappears entirely but is lower by 6–10 K than for the cubic modification.[22]

In the Pu_2C_3 structure a combination of high pressures and high temperatures is required even to form most of the compounds.

And in the NaCl lattices in the interstitial compounds hardly ever occur in the correct, or stoichiometric 1:1, ratio; any deviation from this ratio results in a precipitous drop of transition temperature.[23]

New methods of low-temperature synthesis, improved annealing techniques for increasing the ordered arrangement, and a continued emphasis on the discovery of cubic structures following the e/a conditions outlined above will definitely raise the superconducting transition temperatures further. At the same time, the instabilities will increase further and will have to be overcome by relying on the metastability of the high-temperature phase.

Those who have been unwilling to accept the necessity of dealing with these instabilities have had problems of their own. Organic structures with preferred directions have been advertised as possibly superconducting at room temperatures.[24] Here the stumbling blocks have become now clear and evident. The compounds, instead of becoming superconducting metals, turned into ferroelectric semiconductors [25] as had to be expected for arrays with a single preferred direction. Once upon a time, high-temperature superconductivity was also anticipated in hot, dense plasmas.[26] However, long before these hypothetical states had been achieved, the systems had ceased to be stable. Then it was found that aluminum films became superconducting somewhat above 5 K compared to the bulk temperature of near 1 K. Eventually the theory [27] predicted much higher transition temperatures, ranging from 28 K to 40 K for thin films of different elements. Yet none has yet approached the aluminum enhancement of even 6 K.

So much for the experiments that failed. The exciton theory, appearing in annual installments [28] seems to have already been disproved theoretically.[29] So far there hasn't even been an experiment. It is all really quite distressing!

The essence always remains the same: As had been anticipated more than 20 years ago,[30] the lattices of high-transition-temperature superconductors are unstable. This was one of the conclusions reached soon after John Bardeen and H. Frohlich had discovered the electron-phonon interaction as one of the mechanisms causing superconductivity, and many experiments have since confirmed this apprehension. We might expect that, given such initially successful theoretical prediction, the theories of these last 21 years should have also been able to show a way (if one exists) to increase the critical temperature. But until this day there has not been a shred of evidence for this expectation. I can think of no other field in mod-

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Footnotes at end of article.

ern physics in which so much has been predicted without producing a single experimental success. Especially since 1957, with the advent of the Bardeen-Cooper-Schrieffer (BCS) theory many hundreds of papers and learned treatises have appeared, describing and predicting superconductivity at elevated temperatures, at room temperature, and even above. And yet, these papers have not led to a single success in raising the transition temperature. The deluge of idle speculations coming to us these days from all sides just won't do it—all it will manage to do is to widen the credibility gap instead of the energy gap. In the spirit of our times, there is an increasing tendency to substitute for nonexistent results many words of great expectations.

Descriptions and explanations of superconductivity in the framework of BCS theory is a beautiful approach in the right hands. Gradually, however, the development has acquired features strongly reminiscent of Goethe's Sorcerer's Apprentice:

> Herr, die Not ist gross
> Die ich rief, die Geister
> Werd ich nun nicht los.
>
> [or]
>
> Master,
> Great is my distress today
> The ghosts that I have summoned
> Just will not go away.

FOOTNOTES

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CAPTIVE NATIONS WEEK

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. PEYSER. Mr. Speaker, I am pleased to have this opportunity to add my voice to the many that have been raised in recent weeks in recognition of the annual observance of Captive Nations Week. It is on this occasion that we stop to ponder the conditions of the people of the 27 nations that have been subjugated by world communism.

Freedom and liberty continue to be among mankind's greatest aspirations, and no political regime can choke them off. Uprisings in Lithuania, the struggle for individual liberties by the Czechoslovakian people, the continued efforts to assert Ukrainian nationalism have all been brutally crushed by the totalitarian regime in Russia. However, all these struggles should indicate to us that no matter how long men are denied the fruits of freedom, they will not give up their desire for liberty. The need for constant suppression proves that communism is not a free choice of these oppressed people.

It is our obligation to pursue international justice. To do so requires our continued advancement of the cause of freedom for the people of the captive nations; not just this week but every week of the year.

THE REPORTER SALUTES THE HONORABLE JUSTICE WILLIAM J. BRENNAN, JR., OF NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. ROE. Mr. Speaker, the Reporter newsletter published by the Passaic County Bar Association of my congressional district of New Jersey, has been providing an outstanding public service in their publication which they distribute with the slogan of "An Antidote to Law Reviews" under the able direction of their distinguished editor in chief, Counsellor Newton M. Roemer. Their May 1972 issue featured "The Human Side of the Supreme Court," and carried several excellent articles on the Honorable Justice William J. Brennan, Jr. of the Supreme Court of the United States.

Mr. Speaker, Justice Brennan, as you know, is a prestigious citizen of our State of New Jersey and at one time was a judge of the Superior Court of New Jersey assigned to my congressional district. I would like to join the Passaic County Bar Association in their tribute to this great American by calling your attention to the following poignant excerpts from a series of articles that appeared in their May 1972 journal in testimony to all of his good works under the captioned quotation of Chief Justice Earl Warren who made these most appropriate comments on Mr. Justice Brennan:

> He administers the Constitution as a sacred trust and interprets the Bill of Rights as the heart and the blood of that great charter of freedom.
>
> In the sixteen years Mr. Justice Brennan has been an Associate Justice of the United States Supreme Court, he has added greatly to its jurisprudence. His major contributions have stemmed from his dedication to the maintenance of the integrity of the Bill of Rights and to the other freedoms guaranteed by our Constitution.
>
> His years of service with the State Courts of New Jersey and his sensitivity to the rights of all people have fitted him admirably for the great public questions with which the Supreme Court is confronted. A prodigious worker, a cheerful and delightful colleague, and with a vision for "Equal Justice Under Law," I am sure he is destined to be recorded as one of the great Justices in the history of the Court.

The following excerpt, entitled "Mr. Justice Brennan: Freedom's Advocate," reads in part as follows:

> WILLIAM J. BRENNAN APPOINTED
>
> Everyone associated with the profession of law in New Jersey can take justified pride in the fact that one of our own—Mr. Justice

William J. Brennan, Jr.—sits on the Supreme Court of the United States.

The appointment of Justice Brennan to the Court in 1956 was, of course, a matter of great honor and satisfaction to the entire bench and bar here. There was surprise and gratification, both for those of us here in Justice Brennan's home state and for the nominee himself. With the enthusiastic approval of Justice Brennan's nomination to the High Bench went a profound feeling that an excellent choice had been made.

Almost two decades after it was written, the accuracy of Jack Bernstein's assessment of Justice Brennan's position as a jurist is still startling. Here are some of his observations:

Justice Brennan, it would appear, has broad, liberal, humane views. Implicit in his writings one discerns a 'great sense of fairness', indeed sometimes to the point of being unrealistic—judged say, by the standard of "realism" of Chief Justice Vanderbilt, for example. But he can also be very realistic as well as being idealistic, giving the impression at all times of seeking to be scrupulously fair and objective. It was not surprising, thus, to those familiar with his writings, that one of his first actions in his new post was to supply the necessary vote to make a majority in a workmen's compensation case, upholding the worker; nor was it at all surprising that he helped make a solid majority of six with the liberal members of the Court to reverse a previous holding on the court-martial of civilians overseas. We have a "hunch" that Justice Brennan will be heard from more and more in a way to gratify liberal sentiment in the country.

Then Bernstein made this brilliant prediction:

The first State judge to come to the Supreme Court since Benjamin Cardozo, as has been pointed out, and the first non-partisan appointment since then at that, Brennan has youth, learning, and native ability in his favor. He has a fine opportunity to become a co-architect with other great judges of the constitutional structure of civil liberties. The cause of freedom is largely in the custody of the courts today, if they will not have a cavalier disregard of the facts of life. But Justice William J. Brennan, Jr. is hardly one to have obtuse indifference to the vital issues at stake in the middle-twentieth century.

SUPPORT FOR ISRAEL

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. PEYSER. Mr. Speaker, I am most encouraged by recent reports that Egyptian President Sadat has asked the Soviets to withdraw their military advisers in Egypt and I certainly hope that this development will lead to a lasting peace in the Middle East.

However, recent statements by President Sadat, have also demonstrated that this is also an appropriate time for the United States to reaffirm its commitment to support the State of Israel. I am pleased that our President has taken so strong a position on this matter and I certainly feel secure that under his leadership the United States will continue to support this democracy in the Middle East.

SALE OF U.S. GOLD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. RARICK. Mr. Speaker, on May 2, 1972, I inserted into the RECORD on page E4572 a most interesting article about the sale of U.S. gold which was written and copyrighted by Mr. Franz Pick. In mounting Mr. Pick's article, as contained in the Northern Miner of April 20, 1972, the copyright notation was inadvertently clipped off.

Since I feel Mr. Pick's article would be of interest to the Members of this body, and in order to give the proper credit to Mr. Pick, I insert his article following my remarks:

[From the Northern Miner, Apr. 20, 1972]

SALE OF U.S. GOLD PILE WOULD SURELY BACKFIRE

(By A Special Correspondent)

NEW YORK.—March, one of the most quiet months of international gold trading, witnessed a minor sensation towards its end when the U.S. Treasury revealed that it was considering the possibility of selling some of the nation's gold in free markets. Except for a fleeting weakness, the rather dramatic announcement had no major influence on the price of the metal, which closed practically unchanged from a month ago. The move, nevertheless, provoked substantial interest in British as well as Swiss gold trading circles—and in Russia.

The Soviet Union had not sold any large quantity of the metal since 1967. Sitting on a bigger unmortgaged stock than the U.S., they apparently were not impressed by the American statement, which they considered an awkward move without a chance of success. In the meantime, some minor downtrends of a psychological nature may temporarily lead to small reductions of the gold prices in London and Zurich.

Gold futures, in small volume, had a stable market with practically unchanged quotations. One-year gold delivery listed in London at $51.25 to $51.50 per ounce against $51.50 to $51.70 a month ago. Singapore reported April 1972 delivery of the metal at $54.40 to $54.90 per ounce against $54.65 to $55.15 per ounce four weeks ago.

Approximate gold sales

March	$395,000,000
February	415,000,000
January 1972	525,000,000
December 1971	560,000,000
November	510,000,000
October	480,000,000

Trading volume for the first quarter of the year rose to $1,335,000,000 some 4¼% over the $1,280,000,000 in the corresponding period of last year.

America's plan to sell gold in the free markets of Europe, a rather bold decision by politicians who lack monetary knowledge, will impress other people and governments and may—temporarily at least—create some satisfaction among the currency amateurs of Washington. But in the very short run it will, if implemented, end in some sort of debacle, just like the silly efforts to master the cost-of-living increase in the U.S.

The record of the U.S. Treasury, already a chronicle of shame and expropriation of the law-abiding citizen, will grow much worse when, for example, some of the Eurodollars held by European governments are used to buy the American metal. Unfortunately, of the $80 billion or so Eurodollars, about $40 billion are owned by gold-minded governments, and only about $9.7 billion of U.S. gold can be sold. The entire project, the brainstorm of an intellectually underprivileged politician and his even more unintelligent advisors, could do more harm to the U.S. than the already-dying dollar could endure. Should the remnants of the dollar be deprived of their metallic "mini-reserve" which would shift into the tills of European central banks, Washington's poor paper unit would float in some hostile currency "no-man's land". Psychological reactions, domestic as well as foreign, would be disastrous.

GOLD TRANQUILIZER

As the free gold price, following a short decline, would go up everywhere including the U.S., some signs of severe capital flight would develop. The present "tame" inflation of about 6%-9% a year (unofficial) would be converted into a 10%-15% increase of living costs, and all "mini-deflations", such as "Phase Two", would simply cease to exist. During such a rather chaotic period the opposite of the planned result would happen. Instead of eliminating gold from its monetary function, the "auri sacra fames"—the holy hunger for gold—would again be satisfied by an increased hoarding volume of both the central banks and the public. In all these events the so-called backbone of saving, namely government bonds, would be degraded to documents of shame, just as the Continental Dollars were earlier in American history. People would simply turn to gold, the only substance which has never been conquered or defeated by governments and which over 6,000 years, has radiated confidence and enabled the hoarder to sleep without tranquilizers in a world of crumbling paper values.

The really funny aspect of the U.S. Treasury proposal is the inevitable increase in the popularity of the metal. Should Washington's or Fort Knox's metal stock finally wind up in the vaults of a dozen well-managed central banks, a monetary plebiscite would be won.

The conclusion of this proposed adventure of the dollar, stated even before it has really started, is rather simple. Planned as an electoral maneuver, it would, if executed, reduce American power further, ruin part of the country's industry, make Eurodollars valueless, and bring about sharp retaliations from other countries, especially from the Common Market which, according to many official statements, will base its ultimate currency on gold. It would have been much wiser if the dilettantes of the U.S. Treasury would have planned to reduce the power of the ever-increasing corruption which celebrates monetary orgies in election periods.

"Quo usque tandem America?"—is a question without answer.

(Copyright 1972, Franz Pick, N.Y.)

ORDER OF AHEPA MARKS GOLDEN ANNIVERSARY

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. PETTIS. Mr. Speaker, it has come to my attention that July 26 will mark the 50th anniversary of the founding of the American Hellenic Progressive Association—a service organization better known as the Order of Ahepa.

During AHEPA's first half century of existence, its membership has compiled an enviable record of accomplishments, through programs emphasizing citizenship, education and service to the family, the community, the Nation, and the world.

The excellence of service which the Order of Ahepa performs is a tribute to the Hellenic tradition which earned Greece renown as "the cradle of civilization."

I want to extend my special good wishes and congratulations to Mr. Nick Corcovilos, Mr. Chris Laskaris, Mr. Peter Theodosiou and Mr. Louis Amirson, the elected officers of the San Bernardino, Calif., chapter of the Order of Ahepa, and to the membership throughout the United States and Canada who will be celebrating AHEPA's golden anniversary.

To you all I say, "ΖΗΤΩ Η ΑΧΕΠΑ!"

WILL SOMEBODY PLEASE TELL THE CONGRESS WHAT THE ADMINISTRATION IS DOING? BECAUSE WE CANNOT FIND OUT ON OUR OWN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. MOORHEAD. Mr. Speaker, last week I introduced into the RECORD an editorial from a large midwestern newspaper which scored the Congress for not acting to limit the size of the growing White House staff and the abuse, by same ,of the doctrine of "Executive Privilege."

Syndicated columnist Edith Kermit Roosevelt, in a recent column, took the Congress to task for its refusal to halt the growing takeover of congressional prerogatives by the Executive and the general disregard for Congress exhibited by those individuals who refuse to testify before us under the guise of being "personal staff to the President."

If we do not act quickly to stop this process, the result is very apparent. We can expect more and more decisionmaking by those who are free from congressional scrutiny.

Instead of being the people's representatives, sent to Washington to exercise soon become a beloved anachronism, harmless changing its cast of characters every 2 years.

I would like to put the Roosevelt column into the RECORD at this time for the information of my colleagues:

WHITE HOUSE USURPS POWER

(By Edith Kermit Roosevelt)

WASHINGTON.—Our most important domestic and international policies today are largely developed in the White House instead of the appropriate federal agency where they are more clearly subject to Congressional scrutiny.

The most publicized example of these elite policymakers is White House Advisor Dr. Henry Kissinger and his National Security Council staff which to a great extent have taken over the field of American diplomatic affairs from the State Department.

Not only have Kissinger and his staff undermined the State Department in the foreign policy sphere but Congress cannot compel him or any NSC member to provide an account of any aspect of their activities.

As Sen. J. W. Fulbright (D-Ark.), Chairman of the Senate Foreign Relations Committee, said recently:

"Mr. Kissinger and his entire staff have taken the position of executive privilege."

The same situation exists as far as domestic policy is concerned. In a speech last May in San Jose, Calif., Sen. Ernest F. Hollings (D-S.C.) observed:

"It used to be that if I had a problem with food stamps, I went to see the Secretary of Agriculture, whose Department had jurisdiction over that problem. Not any more. Now, if I want to learn the policy, I must go to the White House and consult John Price.

"If I want the latest on textiles, I won't get it from the Secretary of Commerce (Maurice Stans) who has the authority and responsibility. No, I am forced to go to the White House and see Mr. Peter Flanigan. I shouldn't feel too badly. Stans has to do the same thing."

Price was a Special Assistant to the President and a staff member of the Domestic Council. Flanigan is simply designated as "an Assistant to the President" but he is to the Commerce Department what Kissinger is to the Department of State. A claim of executive privilege was extended to Flanigan recently by John W. Dean III, the counsel for the President, in order to shut off Congressional inquiry.

The shift of Federal operating agencies into the White House did not begin with the Nixon administration. The arrangements for an enlarged White House staff can be credited to a report by the President's Committee on Administrative Management in 1937.

This very modest plan simply called for Presidential assistants "probably not exceeding six in number" who were simply to provide the Chief Executive with information from the various government agencies. No authority was delegated to them and the report stressed that "they would not be assistant Presidents in any sense."

However, the outbreak of World War II started a pronounced trend toward centralization of power with the setting up of various emergency panels, agencies and policy councils. As of this year these units include:

The White House Office, created in 1939; the Bureau of the Budget transferred from the Treasury Department in 1939; the Council of Economic Advisers (1946); the National Security Council (1947); the National Aeronautics and Space Council (1958); the Office of Emergency Preparedness (1961); the Office of Science and Technology (1962).

The Office of Special Representative for Trade Negotiations (1963); the Office of Economic Opportunity (1964); the Office of Intergovernmental Relations (1969); the Domestic Council (1970); the Council on Environmental Quality and the Office of Environmental Quality (1970);

The Office of Telecommunications Policy (1970); the Council on International Economic Policy and the Office of Consumer Affairs, both created last year; and the Special Action Office for Drug Abuse, also a 1971 addition to the Executive Office.

Since 1954 when the Civil Service Commission began reporting figures, the President's Executive Office staff has from 1,446 to 6,040 (exclusive of clerical employes). The breakdown of these totals is as follows:

The number of Presidential advisors has grown from 25 to 45; the number on the White House staff has grown from 266 to 600 and the number of Executive Office employes, other than Presidential advisors and White House staff, has grown from 1,175 to 5,395.

Expenditures by the Executive Office of the President for fiscal 1972 are listed as $56,922 and will be increased to $64,044 in fiscal 1973. Indeed, the Executive Office of the President has a larger budget than such important federal agencies as the Federal Communications Commission, the Federal Power Commission and the Federal Trade Commission.

The danger to our check and balanced system by the growth of these exclusive White House decisionmakers is not merely one of obtaining information from the Executive. More importantly, it is a matter of accountability by senior policymakers for decisions and policy priorities.

Rep. William S. Moorhead, whose House Foreign Operations and Government Operations Subcommittee is holding hearings on government information policies and procedures, said in a House speech June 20:

"The Congress should not, and cannot allow our senior policymakers total insulation from legislative scrutiny. To do so, would be to abdicate those responsibilities which we have to the citizens of this country."

JUDGE THEM BY WHAT THEY DO: AN ANALYSIS OF ADMINISTRATION FARM POLICIES

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. ABOUREZK. Mr. Speaker, nearly 4 years ago when the present administration was just getting started, it was reputed that a high member of the administration said, "Judge us by what we do, not what we say." Mr. Speaker, I think that is a pretty good standard especially when you apply it to agriculture. I hope that the Nation's farmers will judge the administration by its actions and not its rhetoric. These excerpts show why:

I. Butz Opposes Increased Beef Imports (March 14, 1972): As a consumer, I can see that the American beef industry would be seriously affected, with its confidence in the future badly undermined, if the market you have worked so hard to build were thrown wide open to meat imports from abroad. Any industry that operates on a long-term basis as you do, must know what it can count on—what its markets will be. To do this, it is imperative that you have the safeguards set up by the Meat Import Act and the voluntary import restraints agreed to by other countries. (Secretary Butz before the Texas and Southwest Cattle Raisers Association, Houston, Texas, March 14, 1972.)

Butz Announces Unlimited Beef Imports (June 14, 1972): The President announced on Monday a removal of our voluntary meat import restrictions for the remainder of 1972. (Butz, before the Wyoming Stock Growers Association, Cheyenne, Wyoming, June 29, 1972.)

II. Administration Opposes Food Price Controls (February 16, 1972): I intend to fight for farmers and resist every move to impose controls that in the end would do more harm than good. Controls would merely put a ceiling on farm prices that are still too low—and just at a time when they are getting nearer to what they ought to be. (Butz, before the Tennessee Livestock Association, Nashville, Tennessee, February 16, 1972.)

Administration Clamps Price Controls on Food After 1st Sale (June 29, 1972): Following the decision to suspend meat import quotas, the President today has amended Executive Order 11640 to permit the Cost of Living Council to impose controls on unprocessed agricultural products after the first sale. (Donald Rumsfeld, Counselor to the President and Director, Cost of Living Council, Washington, D.C., June 29, 1972)

(Note: a ceiling on prices the processor can charge will ultimately result in a ceiling on prices the processor will pay.)

III. Administration opposes limit on export of hides (June 8, 1972): But, figured on any realistic basis, the increase in hides for such a brief period should not have added appreciably to shoe costs. They were certainly not great enough to warrant attacking the exportation of hides, which is so important to our U.S. balance-of-payments and balance-of-trade situation . . . This (the price increase granted shoe manufacturers by the Price Commission) should remove any need for hide export restrictions which would cause irreparable damage to the domestic beef cattle industry and possible loss of export markets that have been built up over the years. (Butz, before the Joint Convention of Nebraska Stock Growers Association and Sandhill Cattle Association, Chadron, Nebraska, June 8, 1972.)

Administration Slaps Limit on Export of Hides (July 16, 1972): In a move designed to hold down the cost of American shoes, the Administration yesterday slapped export controls on domestically produced cattle hides. (News report, July 16, 1972.)

IV. *President Seeks Laws to Halt Transportation Strikes* (February 29, 1972): The Administration eventually forced a settlement of the West Coast strike. That was the first round. But Round Two remains—to get permanent legislation empowering the President to deal sensibly with transportation strikes. (Butz, before the Pacific North West Farm Forum, Spokane, Washington, February 29, 1972.)

President Withdraws Backing For Bill to Limit Transportation Strikes (July 21, 1972): President Nixon has withdrawn his support of emergency antistrike legislation for the transportation industry which he has strongly advocated for the last 2½ years, the White House said yesterday. The surprise action was widely interpreted as a major new bid to organize labor at a time when its leaders are divided over what position to take in the presidential campaign. (News report, July 21, 1972.)

VILLAGE OF WALTZ CENTENNIAL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to call the attention of my colleagues in Congress to the recent centennial celebration of the village of Waltz, in Huron Township, in my 15th Congressional District of Michigan.

The village of Waltz was officially founded in 1872, and named for Joseph Waltz, Sr., one of its earliest and most prominent residents. It is now one of three unincorporated villages in Huron Township, the other two being New Boston and Willow.

Huron Township, an area just under 36 square miles, was created by the Michigan Territorial Legislature in 1827. Originally much larger, it was reduced by the later creation of Romulus Township—now Romulus City—and Van Buren Township.

The township of Huron was named for the lovely Huron River, which flows diagonally through the area, and provides a scenic backdrop for an area which is largely rural. The villages of Waltz, Willow, and New Boston provide shopping districts for the surrounding areas.

The citizens of the Waltz area marked their 100th birthday with a 5-day celebration from July 12 to July 16. Highlights of the program were a colorful parade, and the public opening of a reconstructed log cabin, dating to 1840, which was completely furnished with 19th century items.

Many of the male residents grew beards, moustaches, and sideburns, and women made and wore clothing of the era, to help set a nostalgic mood for the 5-day celebration.

I had the privilege of participating in the centennial, and I was greatly impressed with the hard work and civic spirit displayed by the citizens who planned and carried out the program.

I would like to take this opportunity to pay public tribute to the Waltz Centennial Committee for a truly outstanding job. General chairman of the committee was Elwood Krzyske, aided by Paul Moore, parade chairman, and Alvin Lyons, assistant parade chairman.

They were ably assisted by officers of the Waltz Improvement Association—Marlin Milliman, president; Frank Adkins, vice-president; Joe McLeod, secretary; and Jim Holt and Ed Waldo, trustees. Others who helped in the centennial were Joe Carney, Charles Inman, Edward Budek, Butch Littler, Don Littler, Taras Trush, John Uhlik, and Dave Krause. Scores of other citizens devoted time and energy to the program.

Emil Gumtow, whose 100th birthday also fell this year, was named as centennial king. Mrs. Bertha Staschke, 87-year-old widow and lifelong resident of the Waltz area, was centennial queen.

I am pleased, Mr. Speaker, to bring the Waltz centennial to the attention of my colleagues here in Congress as an example of how one typical American community honors its past, works for the present, and looks forward with confidence to the future.

RETIREES ARE HONORED

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1972

Mr. LONG of Maryland. Mr. Speaker, Mr. Leo J. Lamont and Mr. Kenneth W. Rosier were recently honored for their many years of dedicated service at the Sparrows Point, Md., Bethlehem Steel plant. Mr. Leo J. Lamont, the stockyard foreman, has worked at Bethlehem Steel for 30 years and Mr. Kenneth Rosier, the general labor foreman, has worked at Bethlehem Steel for 32 years. I would like to commend these two fine men by including the following article in the RECORD:

LEO J. "JIM" LAMONT

Jim was born in the small coal mining camp of Nanty-Glo, Pa., located just north of Johnstown, on August 27, 1914. His family consisted of his father, a hotel keeper, his mother, and his sister, Bernardine. Jim first attended school in a one room schoolhouse which housed grades one through eight.

In 1927 the Lamont family moved to Altoona, where Jim attended Our Lady of Lourdes school and then Altoona High. At Altoona High Jim claimed three major accomplishments—he played end on the football team, met the future Mrs. Lamont, and succeeded in graduating in 1932. Mary Catherine Becher was the apple of Jim's eye throughout high school. Jim likes to remember that when they first started dating, they were both about the same size. They were married in 1934 and their beautiful family now consists of nine children (six boys and three girls), and, at last count, eleven grandchildren.

Following graduation from high school, Jim worked for a short time for Dean Phipps Auto Parts in Altoona and then as a water boy on a local WPA project in Altoona. He then went to work as a salesman for Consolidated Home Furnishings, was promoted to crew manager, and then to promotional manager. In 1942 the Lamonts moved to Woodlawn, Md., and Jim went to work in the Open Hearth and Bessemer department as an assistant "scrap chaser." After a short period of time he became a "scrap chaser" and worked that job for about two years. He then became clerk for Mr. Melvin Gwynn, General Stock Yard Foreman. Jim became an Assistant Stock Yard Foreman at old #1 Yard several years later, was promoted to Stock Yard Foreman at #1 Yard, and then moved to #3 and #4 Stock Yards when the new yards opened up. Jim remembers Bethlehem Steel as "The Finest Organization That Ever Existed." He claims that he would not retire until he was 100 if he could only work all 7 to 3 turns.

Jim will be quite busy during his retirement years. After a brief one month vacation, he will start to work as a salesman for the Texas Refinery Corporation. He is also a member of the Knights of St. George, Dundalk Moose, and Novi Democratic Club. In his spare time, Jim likes to relax, read editorials and autobiographies, and has been known to take a few nips of something stronger than soda pop.

KENNETH W. "KEN" ROSIER

Ken was born in Kingswood, West Virginia near Morgantown, on June 25, 1915. His father worked in a machine shop for the Baltimore and Ohio Railroad and the family moved to Grafton, West Virginia so that his father could be near the railroad terminal. Ken attended Grafton High School, where he sang in the Glee Club and participated in dramatic productions, and graduated in 1933.

Following graduation, Ken and a boyfriend hitch-hiked to the Chicago World's Fair to see Sally Rand. Ken was bitten by the travel bug and continued westward, stopping in Nebraska and Kansas to work in the wheat fields for room, board, and golden grain smoking tobacco. He then travelled to Boulder, Arizona, where he worked for a period of time on the Boulder Dam, now called Hoover Dam. Ken would be lowered in a bosun chair to a level where he would operate an 80 pound jackhammer to drill holes for blasting operations—all of this for sixty cents an hour.

Ken returned to West Virginia for about one year and then traveled to Knoxville, Tennessee to work on a TVA project there. He then went to Pittsburgh, Pa. to work on the construction of the Irvin Steel Plant. Next it was back to Grafton to work on the Tygart Valley Dam, and then to Mansfield, Ohio, working this time for a company which built vaults for cemeteries.

In 1939, Ken visited a cousin in Dundalk. His cousin worked for the Patapsco and Back Rivers Railroad and introduced Ken to Mr. Ezra Wheaton, Superintendent of the

Open Hearth and Bessemer department. Mr. Wheaton hired Ken as a third helper, but when Mr. Melvin Gwynn, General Stock Yard Foreman, looked at him, he told Ken that he was too light (155–160 pounds) to work as third helper. Mr. Gwynn made Ken an assistant "scrap chaser" instead. After a short break-in period Ken was promoted to "scrap chaser" at #2 Open Hearth, whose superintendent at the time was Mr. C. O. McShane. Ken recalls that he was fired by "Mac" each time that "Mac" tripped over one of Ken's drag cables. Each time that he was fired, Ken was immediately rehired by Mr. Gwynn.

During the war years he was drafted four or five times and each time was deferred as a steelworker. He was promoted to "scrap chaser" at #1 Open Hearth, assistant to the superintendent of #1 Open Hearth, returned to "scrap chaser" at #1 Open Hearth, and, in January, 1960, began as Assistant General Labor Foreman. He served in this capacity until October, 1961, when, upon the death of the General Labor Foreman, Mr. Wallace Brooks, Ken was promoted again. He then remained as General Labor Foreman until his retirement.

Ken's family consists of his wife, the former Eileen Weaver, whom he met in Philippi, West Virginia in 1936, four children (three girls and one boy), and, at last count, five grandchildren.

Ken is currently employed as a supervisor on a seasonal basis with Humble Oil Company. He is active in the Dundalk Moose, Dundalk American Legion, and was a charter member of the Pioneer Democratic Club of Dundalk. Ken likes to spend his spare time in gardening, home maintenance, travelling (short trips only), and participating in as many civic activities in the Dundalk area as his busy schedule will allow.